JOURNAL

OF THE

HOUSE OF REPRESENTATIVES OF THE UNITED STATES

ONE HUNDRED EIGHTH CONGRESS
SECOND SESSION

BEGUN AND HELD AT THE CITY OF WASHINGTON : : : JANUARY 20, 2004

IN THE TWO HUNDRED AND TWENTY EIGHTH YEAR OF THE INDEPENDENCE OF THE UNITED STATES

Published pursuant to the Constitution of the United States (Art. I, Sec. 5)

PART 1

Journal of the House of Representatives
Pages 1 to 1435

Prepared under the direction of Jeff Trandahl, Clerk of the House of Representatives

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 2006

29–065–HJ–108–2, Pt. 1–2

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

[ERRATA]

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES OF THE UNITED STATES

ONE HUNDRED EIGHTH CONGRESS SECOND SESSION

BEGUN AND HELD AT THE CITY OF WASHINGTON : : : JANUARY 20, 2004

IN THE TWO HUNDRED AND TWENTY EIGHTH YEAR OF THE INDEPENDENCE OF THE UNITED STATES

Published pursuant to the Constitution of the United States (Art. I, Sec. 5)

PART 1

Journal of the House of Representatives
Pages 1 to 1435

Prepared under the direction of Jeff Trandahl, Clerk of the House of Representatives

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 2006

29–065–HJ–108–2, Pt. 1–2

[ERRATA]

The 2004 Journal was printed without the Members' names on Roll No. 146 on page 623 of May 25, 2004. The Roll reads as follows:

¶45.13 [Roll No. 146]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—12

Bereuter
Bono
Boyd
DeMint
Emerson
Filner
Greenwood
Kilpatrick
Meek (FL)
Ryan (WI)
Solis
Tauzin

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

CONGRESS OF THE UNITED STATES

Begun and held at the Capitol, in the City of Washington, in the District of Columbia, on Tuesday, the twentieth day of January, in the year of our Lord two thousand and four, being the *second session* of the ONE HUNDRED EIGHTH CONGRESS, held under the Constitution of the United States, and in the two hundred and twenty-eighth year of the independence of the United States.

TUESDAY, JANUARY 20, 2004 (1)

The SPEAKER announced that this was the day fixed by Public Law 108–181, enacted pursuant to the 20th amendment to the Constitution, for the meeting of the Second Session of the 108th Congress, and called the House to order.

¶1.1 WHOLE NUMBER OF THE HOUSE OF REPRESENTATIVES ADJUSTED

Under clause 5(c) of rule XX, the SPEAKER announced to the House that, in light of the resignation of the gentleman from Kentucky, [Mr Fletcher], as indicated in the RECORD of December 15, 2003, the whole number of the House is adjusted to 434.

¶1.2 CALL OF THE HOUSE

The SPEAKER ordered that the Clerk utilize the electronic system to ascertain the presence of a quorum, and the following-named Members responded.

¶1.3 [Roll No. 1]

Ackerman
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Ballance
Ballenger
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Dreier
Duncan
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Flake
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Goss
Graves
Green (WI)
Greenwood
Grijalva
Hall
Harman
Harris
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Keller
Kelly
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Majette
Manzullo
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Mollohan
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Norwood
Nunes
Obey
Ortiz
Osborne
Ose
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shays
Sherwood
Shimkus
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Wamp
Watt
Weiner
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)

Thereupon, the SPEAKER announced that 321 Members had been recorded, a quorum.

Further proceedings under the call were dispensed with.

¶1.4 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5945. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Ports of Entry for Certain Plants and Plants Products [Docket No. 03–067–1] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5946. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Pine Shoot Beetle; Additions to Quarantined Areas [Docket No. 03–120–1] received January 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5947. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Golden Nematode; Regulated Areas [Docket No. 03–082–1] received January 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5948. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Karnal Bunt; Regulated Areas

[Docket No. 03–047–1] received January 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5949. A letter from the Administrator, Agricultural Marketing Service, Science & Technology, Department of Agriculture, transmitting the Department's final rule—Removal of Cottonseed Chemist Licensing Program, Updating of Commodity Laboratory and Office Addresses, and Adoption of Information Symbols [Docket Number ST02–03] (RIN: 0581–AC18) received January 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5950. A letter from the Administrator, Agriculture Marketing Service, Department of Agriculture, transmitting the Department's final rule—Tomatoes Grown in Florida; Increased Assessment Rate [Docket No. FV03–966–4 FR] received January 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5951. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Fluroxypyr; Pesticide Tolerance [OPP–2003–0377; FRL–7340–5] received December 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5952. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Cyprodinil; Time-Limited Pesticide Tolerance [OPP–2003–0394; FRL–7337–5] received December 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5953. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Vinclozolin; Time-Limited Pesticide Tolerances Technical Correction [OPP–2003–0311; FRL–7337–7] received December 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5954. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Extension of Tolerances for Emergency Exemptions Multiple Chemicals [OPP–2003–0402; FRL–7339–8] received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5955. A communication from the President of the United States, transmitting the request and availability of funds for the Department of the Treasury's Counterterrorism Fund, pursuant to Public Law 106—554; (H. Doc. No. 108—148); to the Committee on Appropriations and ordered to be printed.

5956. A communication from the President of the United States, transmitting a request to make the subsidy budget authority necessary to support a $30 million Federal credit instrument for World Airways, Inc.; (H. Doc. No. 108—150); to the Committee on Appropriations and ordered to be printed.

5957. A communication from the President of the United States, transmitting in accordance with provisions of the ''1997 Emergency Supplemental Appropriations Act for Recovery from Natural Disasters, and for Overseas Peacekeeping Efforts, Including those in Bosnia'' (Public Law 105–18), a request to make available emergency funding for the Department of the Interior's National Park Service; (H. Doc. No. 108—151); to the Committee on Appropriations and ordered to be printed.

5958. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 02–11, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

5959. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 02–10, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

5960. A letter from the Chairman, National Transportation Safety Board, transmitting a report of a violation of the Antideficiency Act, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

5961. A letter from the Acting Under Secretary of Defense, Department of Defense, transmitting a report on the Evaluation of Training, Knowledge, and Resources Regarding Negotiation of Intellectual Property Arrangements, pursuant to Section 821 of the Bob Stump National Defense Authorization Act for FY 2003 (Pub. L. 107–314); to the Committee on Armed Services.

5962. A letter from the Deputy Secretary, Department of Defense, transmitting as required by 41 U.S.C. 253(c)(7) and 10 U.S.C. 2304(c)(7), notice of determination that it is in the public interest that only firms from the United States, Iraq, and Coalition partners and force contributing nations should be eligible to compete for prime contracts for Iraq relief and reconstruction; to the Committee on Armed Services.

5963. A letter from the Comptroller, Department of Defense, transmitting a notice that the Department of the Navy is pursing a multiyear procurement (MYP) for the fiscal year 2004 through fiscal year 2007; to the Committee on Armed Services.

5964. A letter from the Comptroller, Department of Defense, transmitting the Department's quarterly report as of September 30, 2003, entitled, ''Acceptance of contributions for defense programs, projects and activities; Defense Cooperation Account,'' pursuant to 10 U.S.C. 2608; to the Committee on Armed Services.

5965. A letter from the Comptroller, Department of Defense, transmitting a notice that the Department of the Navy is pursing a multiyear procurement(MYP) for the fiscal year 2005 through fiscal year 2009 with advance procurement in FY 2004; to the Committee on Armed Services.

5966. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2004–10 on Waiver of Conditions on Obligation and Expenditure of Funds for Planning, Design, and Construction of a Chemical Weapons Destruction Facility in Russia; to the Committee on Armed Services.

5967. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Home Mortgage Disclosure [Regulation C; Docket No. R–1178] received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5968. A letter from the Assistant Director, Legislative and Regulatory Activities Division, Comptroller of the Currency, Department of the Treasury, transmitting the Department's final rule—Reporting and Disclosure Requirements for National Banks with Securities Registered Under the Securities Exchange Act of 1934; Securities Offering Disclosure Rules [Docket No. 03–25] (RIN: 1557–AC12) received December 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5969. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule—Suspension of Community Eligibility [Docket No. FEMA–7823] received Janaury 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5970. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule—Changes in Flood Elevation Determinations—received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5971. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA–D–7549] received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5972. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule—Final Flood Elevation Determinations—received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5973. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule—Final Flood Elevation Determinations—received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5974. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule—Final Flood Elevation Determinations—received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5975. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule—Changes in Flood Elevation Determinations—received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5976. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA–P–7630] received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5977. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule—Changes in Flood Elevation Determinations—received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5978. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule—Final Flood Elevation Determinations—received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5979. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—FHA TOTAL Mortgage Scorecard [Docket No. FR–4835–C–02] (RIN: 2502–AI00) received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5980. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Thailand, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

5981. A letter from the Secretary, Department of Education, transmitting the Department's final rule—Title I—Improving the Academic Achievement of the Disadvantaged (RIN: 1810–AA95) received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5982. A letter from the Administrator, Energy Information Administration, transmitting a copy of the Executive Summary to the Energy Information Administration's (EIA) eleventh annual report, entitled ''Emissions of Greenhouse Gasses in the United States 2002,'' pursuant to 15 U.S.C. 790f(a)(2); to the Committee on Energy and Commerce.

5983. A letter from the General Counsel, Consumer Product Safety Commission,

transmitting the Commission's final rule—Confirmation of Effective Date of Rules Declaring Metal-Cored Candlewicks Containing Lead and Candles With Such Wicks To Be Hazardous Substances and Banning Them—received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5984. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Acquisition Regulations; Conditional Payment of Fee, Profit, and Other Incentives (RIN: 1991–AB54) received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5985. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule—Skin Protectant Drug Products for Over-the-Counter Human Use; Final Monograph; Technical Amendment [Docket Nos. 78N–0021 and 78N–021P] (RIN: 0910–AA01) received December 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5986. A letter from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting the Department's final rule—Medicaid Program; Time Limitation on Recordkeeping Requirements Under the Drug Rebate Program [CMS–2175–IFC] (RIN: 0938–AM20) received December 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5987. A letter from the Secretary, Department of Health and Human Services, transmitting the report entitled ''Increasing Access to Health Care for Certain Non-elderly, Low-Income Populations Who Were Not Otherwise Qualified to Receive Medicaid Benefits,'' submitted in response to section 4745 of the Omnibus Budget Reconciliation Act (OBRA) of 1990, Public Law 101–508; to the Committee on Energy and Commerce.

5988. A letter from the Secretary, Department of Health and Human Services, transmitting the report entitled ''Study of the Impact of Boren Amendment Repeal,'' in response to the requirements of Public Law 105–33, the Balanced Budget Act of 1997; to the Committee on Energy and Commerce.

5989. A letter from the Secretary, Department of Health and Human Services, transmitting as required by Sections 913(b)(2) and Section 902(g) of the Healthcare Research and Quality Act of 1999 (Pub. L. 1066–129), reports entitled ''The National Healthcare Quality Report'' (NHQR) and ''The National Healthcare Disparities Report'' (NHDR); to the Committee on Energy and Commerce.

5990. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, San Joaquin Valley Unified, Ventura County, Santa Barbara County, and Monteray Bay Unified Air Pollution Control Districts and Yolo Solano, Bay Area, and Mojave Desert Air Quality Management Districts [CA 259–0425; FRL–7598–1] received December 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5991. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Control of Emissions from Highway Motorcycles [AMS–FRL–7604–8] received December 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5992. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Operating Permits Program; San Diego County Air Pollution Control District [CA 110–OPPa; FRL–7603–1] received December 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5993. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Amendments to Standards of Performance for New Stationary Sources; Monitoring Requirements [OAR–2003–0009; FRL–7604–9] received Decemeber 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5994. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Delaware; MOBILE6-Based Motor Vehicle Emission Budgets for the Delaware Portion of the Philadelphia-Wilmington-Trenton 1-Hour Ozone Nonattainment Area [DE072–1042a; FRL–7593–5] received December 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5995. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Indiana; Oxides of Nitrogen Regulations [IN159–1a; FRL–7598–6] received December 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5996. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; State of Utah; State Implementation Plan Corrections [SIP NO. UT–001–0048, UT–001–0049, FRL–7593–2] received December 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5997. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plas; Maryland; Control of Emissions of Volatile Organic Compounds from Consumer Products [MD152–3105a; FRL–7596–4] received December 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5998. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Control of Emissions From Existing Commercial/Industrial Solid Waste Incinerator Units; Nevada [NV108–SWIa; FRL–7595–5] received December 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5999. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Final Approval of Revision of 34 Clean Air Act Title V Operating Permits Programs [CA107–OPP—FRL–7589–8] received December 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6000. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Interim Final Determination to Stay and Defer Sanctions, South Coast Air Quality Management District [CA 296–0427; FRL–7594–2] received December 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6001. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Louisiana: Final Authorization of State Hazardous Waste Management Program Revisions [FRL–7597–5] received December 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6002. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants; Delegation of Authority to New Mexico [NM–40–2–744a; FRL–7598–8] received December 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6003. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [CA255–0426; FRL–7597–4] received December 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6004. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, South Coast Air Quality Management District [CA 259–0421; FRL–7588–7] received December 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6005. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, South Coast Air Quality Management District [CA 296–0427a; FRL–7593–9] received December 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6006. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District [CA 291–0424a; FRL–7590–7] received December 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6007. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Connecticut; Motor Vehicle Emissions Budgets for 2005 and 2007 using MOBILE6.2 for the Connecticut portion of the New York-New Jersey-Long Island nonattainment area and for 2007 for the Greater Connecticut nonattainment area [CT–057–7216e; A–1–FRL–7600–2] received December 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6008. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Significant New Uses of Certain Chemical Substances [OPPT–2002–0078; FRL–7307–3] (RIN: 2070–AB27) received December 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6009. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations) [OAR–2002–0029, FRL–7599–9] (RIN: 2060–AJ42) received December 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6010. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Memphis-Shelby County; Revised Format for Materials Being Incorporated by Reference [TN–200328; FRL–7596–6] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6011. A letter from the Deputy Associate Administrator, Environmental Protection

Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans for Kentucky: Permit Provisions for Jefferson County, Kentucky; Partial Withdrawl of Direct Final Rule [KY–145–200339(w); FRL–7600–4] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6012. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Prevention of Significant Deterioration (PSD) [AD–FRL–7601–5] (RIN: 2050–AK28) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6013. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; State of California [CARB–106–DELa; FRL–7600–5] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6014. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the Regional Haze Rule to Correct Mobile Source Provisions in Optional Program for Nine Western States and Eligible Indian Tribes Within that Geographic Area [FRL–7601–4] (RIN: 2060–AL80) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6015. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Amendments to the Phase 2 Requirements for Spark-Ignition Nonroad Engines at or below 19 Kilowatts [AMS–FRL–7606–1] (RIN: 2060–AL80) received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6016. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Kentucky Update to Materials Incorporated by Reference [KY–200404; FRL–7601–2] received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6017. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Iowa; Correction [IA 200–1200; FRL–7608–3] received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6018. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Kansas [KS 202–1202; FRL–7608–9] received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6019. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri [Mo 201–1201; FRL–7608–8] received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6020. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Disapproval of State Implementation Plan Revisions, San Joaquin Valley Unified Air Pollution Control District [CA255–0431; FRL–7607–6] received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6021. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Monterey Bay Unified Air Pollution Control District [CA 289–0418a; FRL–7600–9] received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6022. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—State Implementation Plans; States of Arizona, California, and Nevada; Correction [CA 105–CORR FRL–7609–4] received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6023. A letter from the Chief, Policy and Rules Division, OET, Federal Communication Commission, transmitting the Commission's final rule—Revision of Part 2 and 15 of the Commission's Rules to Permit Unlicensed National Information Infrastructure (U–NII) devices in the 5 GHz Band [ET Docket No. 03–122; RM–10371] received January 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6024. A letter from the Legal Advisor, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule—Elimination of Experimental Broadcast Ownership Restrictions [MM Docket No. 00–105] received January 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6025. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Springfield, Tennessee, Oak Grove and Trenton, Kentucky) [MB Docket No. 03–132; RM–10709] received January 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6026. A letter from the Senior Legal Advisor to Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Corpus Christi, Texas) [MM Docket No. 00–198; RM–9980] received January 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6027. A letter from the Senior Legal Advisor to Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Juneau, Alaska) [MB Docket No. 03–97; RM–10683] received January 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6028. A letter from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Marble Falls and Dripping Springs, Texas) [MB Docket No. 03–195; RM–10745] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6029. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Worchester and Westborough, Massachusetts) [MM Docket No. 02–49; RM–10220] received January 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6030. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Conway and Vilonia, Arkansas) [MB Docket No. 03–23; RM–10633] received January 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6031. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Ravenwood, West Virginia and Racine, Ohio) [MB Docket No. 03–22; RM–10597] received January 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6032. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Ash Fork, Chino Valley, Dolan Springs, Fredonia, Gilbert, Peach Springs, Seligman, and Tusayan, Arizona; Moapa Valley, Nevada; Beaver and Cedar City Utah) [MM Docket No. 02–12; RM–10356; RM–10551; RM–10553; RM–10554] received January 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6033. A letter from the Deputy Division Chief, WTB/Broadband Div., Federal Communications Commission, transmitting the Commission's final rule—Service Rules for Advanced Wireless Services in the 1.7 GHz and 2.1 GHz Bands [WT Docket No. 02–353] received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6034. A letter from the Deputy Division Chief, Competition Policy Div., Federal Communications Commission, transmitting the Commission's final rule—Revision of the Commission's Rules to Ensure Compatibility With Enhanced 911 Emergency Calling Systems [CC Docket No. 94–102]; Amendment of Parts 2 and 25 to Implement the Global Mobile Personal Communications by Satellite (GMPCS) Memorandum of Understanding and Arrangements; Petition of the National Telecommunications and Information Administration to Amend Parts 25 of the Commission's Rules to Establish Emissions Limits for Mobile and Portable Earth Stations Operating in the 1610–1660.5 MHz Band [IB Docket No. 99–67] Received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6035. A letter from the Chief, WTB/Broadband Division, Federal Communications Commission, transmitting the Commission's final rule—Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems Non-Initialized Phones [CC Docket No. 94–102; RM–8143] received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6036. A letter from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule—Allocation and Designation of Spectrum for Fixed-Satellite Services in the 37.5–38.5 GHz, 40.5–41.5 GHz and 48.2–50.2 Ghz Frequency Bands; Allocation of Spectrum to Upgrade Fixed and Mobile Allocation in the 40.5–42.5 GHz Frequency Band; Allocation of Spectrum in the 46.9–47.0 GHz Frequency Band for Wireless Services; and Allocation of Spectrum in the 37.0–38.0 GHz and 40.0–40.5 GHz for Government Operations [IB Docket No. 97–95] received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6037. A letter from the Deputy Chief, WCB/TAPD, Federal Communications Commission, transmitting the Commission's final rule—Schools and Libraries Universal Service Support Mechanism [CC Docket No. 02–6]

received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6038. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Station. (Carrizozo, New Mexico) [MB Docket No. 03–69; RM–10664] received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6039. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Salina, Utah) [MB Docket No. 02–166; RM–10478] received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6040. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Centerville, Texas) [MB Docket No. 02–128; RM–10450] received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6041. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Hartigton, Nebraska) [MB Docket No. 02–121; RM–10443; RM–10665] received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6042. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Alpine and Presidio, Texas) [MB Docket No. 02–239; RM–10529; RM–10711] received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6043. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Silverton, Texas) [MB Docket No. 03–72; RM–10674]; (Leedey, Oklahoma) [MB Docket No. 03–73; RM–10675]; (Memphis, Texas) [MB Docket No. 03–75; RM–10677] received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6044. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Meridianville, Tuscumbia, Carrolton, and Gurley, Alabama) [MB Docket No. 02–114; RM–10426] received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6045. A letter from the Senior Legal Advisor, Chief Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Implementation of Section 304 of the Telecommunications Act of 1996 [CS Docket No. 97–80]; Commercial Availability of Navigation Devices; Compatibility Between Cable Systems and Consumer Electronics Equipment [PP Docket No. 00–67] received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6046. A letter from the Sr. Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Reexamination of the Comparative Standard for Noncommercial Educational Applicants; Association of America's Public Television Stations' Motion for Stay of Low Power Television Auction (No.81) [MM Docket No. 95–31] received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6047. A letter from the Chairman, Nuclear Waste Technical Review Board, transmitting the second report of 2003 as required by the Nuclear Waste Policy Amendments Act of 1987, Public Law 100–203, pursuant to 42 U.S.C. 10268; to the Committee on Energy and Commerce.

6048. A communication from the President of the United States, transmitting notification that the Libya emergency is to continue in effect beyond January 7, 2004, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 108—147); to the Committee on International Relations and ordered to be printed.

6049. A communication from the President of the United States, transmitting notification stating that the emergency declared with respect to foreign terrorists who threaten to disrupt the Middle East peace process is to continue in effect beyond January 23, 2004, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 108—152); to the Committee on International Relations and ordered to be printed.

6050. A communication from the President of the United States, transmitting notification to terminate the national emergency with respect to Sierra Leone in Executive Order 13194 of January 18, 2001, and expanded in scope with respect to Liberia by Executive Order 13213 of May 22, 2001, pursuant to 50 U.S.C. 1622(a); (H. Doc. No. 108—153); to the Committee on International Relations and ordered to be printed.

6051. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting the Department of the Defense's proposed lease of defense articles to the Government of Tajikistan (Transmittal No. 01–04), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

6052. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 27–03 which informs you of our intent to sign a Memorandum of Understanding (MOU) for Maritime Missile Defense Projects between the United States, Australia, Canada, Germany, Italy, Spain, The Netherlands, and the United Kingdom, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

6053. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 25–03 which informs you of our intent to sign a Memorandum of Understanding (MOU) concerning Standard Missile Upgrades and Improvements between the United States, Canada, Germany, and The Netherlands, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

6054. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 24–03 which informs you of our intent to sign a Memorandum of Understanding (MOU) between the United States and The Netherlands Concerning Test and Evaluation Program Cooperation (TEP MOU), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

6055. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 26–03 which informs of an intent to sign a Project Agreement concerning Nonacoustic Sensing Aid and Nonlinear Dynamics between the United States and Sweden, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

6056. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

6057. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

6058. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

6059. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification for FY 2003 that no United Nations organization or United Nations affiliated agency grants and official status, accreditation, or recognition to any organization which promotes, condones, or seeks the legalization of pedophilia, or which includes as a subsidiary or member anysuch organization, pursuant to Public Law 103—236, section 565(b) (108 Stat. 845); to the Committee on International Relations.

6060. A communication from the President of the United States, transmitting a report on additional steps taken with respect to the national emergency declared in Proclamation 7463 of September 14, 2001 and consistent with Executive Order 12396 of December 9, 1982, pursuant to 50 U.S.C. 1631 10 U.S.C. 603; (H. Doc. No. 108—149); to the Committee on International Relations and ordered to be printed.

6061. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report of the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on International Relations.

6062. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000; to the Committee on International Relations.

6063. A letter from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting Pursuant to the Vietnam Education Foundation Act of 2000 (title II of division B of H.R. 5666, as enacted by section 1(a)(4) of Public Law 106–554 and contained in appendix D of that Act; 114 Stat. 2763A–255) as amended, a report on the financial balances of the Vietnam Education Foundation for 2003; to the Committee on International Relations.

6064. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting Report on Withdrawl of Russian Armed Forces and Military Equipment, pursuant to paragraph 5(D) of the Senate's resolution of advice and consent of the ratification of the CFE Flank Document; to the Committee on International Relations.

6065. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to Section 620C(c) of the Foreign Assistance Act of 1961, as amended, and in accordance with section 1(a)(6) of Executive Order 13313, a report prepared by the Department of State and the National Security Council on the progress toward a negotiated solution of the Cyprus question covering the period October 1 through November 30, 2003; to the Committee on International Relations.

6066. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Amendment to the International Traffic in Arms Regulations: United States Munitions List—received December 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

6067. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of intent to obligate funds for purposes of Nonproliferation and Disarmament Fund (NDF) activities, pursuant to Public Law 102—511, section 508(a) Public Law 108—7, section 515; to the Committee on International Relations.

6068. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of export of Items to Iraq in the National Interest of the United States pursuant to section 1504 of the Emergency Wartime Supplemental Appropriation Act, 2003 (Transmittal No. DTC 04IZ–03); to the Committee on International Relations.

6069. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2004–09 on Waiving Prohibition on United States Military Assistance to Parties to the Rome Statute Establishing the International Criminal Court, pursuant to Public Law 107—206; to the Committee on International Relations.

6070. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Presidential Determination No. 2004–14, Imposition and Waiver of Sanctions Under Section 604 of the Foreign Relations Authorization Act, Fiscal Year 2003; to the Committee on International Relations.

6071. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of intent to obligate funds for purposes of Nonproliferation and Disarmament Fund (NDF) activities; to the Committee on International Relations.

6072. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to the Cooperative Threat Reduction Act of 1993 and the FREEDOM Support Act; to the Committee on International Relations.

6073. A letter from the Director, Office of Personnel Management, President's Pay Agent, transmitting a report justifying the reasons for the extension of locality-based comparability payments to categories of positions that are in more than one executive agency, pursuant to 5 U.S.C. 5304(h)(2)(C); to the Committee on Government Reform.

6074. A letter from the Secretary, Department of Education, transmitting the semiannual report of the activities of the Office of Inspector General during the six month period ending September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6075. A letter from the Inspector General, Department of Education, transmitting a corrected semiannual report of the activities of the Office of Inspector General during the six month period ending September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6076. A letter from the Secretary, Department of Health and Human Services, transmitting a report of surplus real property transferred for public health purposes for October 1, 2002, through September 30, 2003, pursuant to Public Law 100—77, section 601 (101 Stat. 515); to the Committee on Government Reform.

6077. A letter from the Inspector General, Department of the Interior, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2003, through September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6078. A letter from the Chairman of the Board, Pension Benefit Guaranty Corporation, transmitting the semiannual report on activities of the Inspector General of the Pension Benefit Guaranty Corporation for the period April 1, 2003 through September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

6079. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–255, ''Elimination of Outdated Crimes Amendment Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6080. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–256, ''Marriage and Family Therapy Amendment Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6081. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–251, ''Income From Discrimination Exclusion Temporary Amendment Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6082. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–254, ''Certified Capital Companies Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6083. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–250, ''Charity Auction Sales Tax Exemption Temporary Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6084. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–249, ''Medical Support Establishment and Enforcement Temporary Amendment Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6085. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–247, ''Eastern Avenue Tour Bus Parking Temporary Amendment Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6086. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–248, ''Freedom of Information Legislative Records Clarification Temporary Amendment Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6087. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–246, ''Unemployment Compensation Funds Appropriation Authorization Temporary Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6088. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–245, ''Presidential Primary Petition and Filing Waiver Temporary Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6089. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–244, ''PSA Restructuring Council Review Temporary Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6090. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–243, ''Emmaus Rehabilitation Project Real Property Exemption Temporary Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6091. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–242, ''Tax Increment Financing Reauthorization Date Temporary Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6092. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–241, ''Freedom Forum Newseum Real Property Tax Exemption and Equitable Real Property Tax Relief Temporary Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6093. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–240, ''Authorization of the Spending of the Commerical Trust Fund Temporary Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6094. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–239, ''Nurse Staffing Agency Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6095. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–238, ''Comprehensive Housing Strategy Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6096. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–259, ''Utility Rate Payers Amendment Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6097. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–260, ''Closing of a Portion of a Public Alley in Square 2677, S.O. 03–0208, Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6098. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–261, ''Housing and Community Development Reform Advisory Commission Temporary Amendment Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6099. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–262, ''Washington Convention Center Authority Term Limit Temporary Amendment Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6100. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–263, ''Towing Regulation and Enforcement Authority Temporary Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6101. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–264, ''Parking Meter Fee Moratorium Temporary Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6102. A letter from the Chairman, Council of the District of Columbia, transmitting a

copy of D.C. ACT 15–265, ''Real Property Classification Clarification Temporary Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6103. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–266, ''National Capital Medical Center Negotiation Temporary Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6104. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–267, ''Presidential Primary State Committee Elections Temporary Amendment Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6105. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–268, ''Citizens with Mental Retardation Substituted Consent for Health Care Decisions Temporary Amendment Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6106. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–269, ''Rehabilitation Services Program Establishment Temporary Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6107. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–270, ''Procurement Practices Vendor Payment Revised Approval Authorization Temporary Amendment Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6108. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–271, ''Inspector General Appointment and Term Clarification Temporary Amendment Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6109. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–272, ''Board of Education Campaign Contribution Clarification Temporary Amendment Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6110. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–274, ''Automated Traffic Enforcement Fund Temporary Amendment Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6111. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-286, ''Uniform Trust Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6112. A letter from the Federal Co-Chair, Appalachian Regional Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2003, through September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

6113. A letter from the Chairman, Broadcasting Board of Governors, transmitting the semiannual report on the activities of the Office of Inspector General for the period from April 1, 2003 to September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6114. A letter from the Chairman, Consumer Product Safety Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2003 through September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6115. A letter from the Acting Chief Executive Officer, Corporation for National and Community Service, transmitting the semiannual report of the Office of the Inspector General for the period from April 1, 2003 through October 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6116. A letter from the Acting Chief Executive Officer, Corporation for National and Community Service, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6117. A letter from the Acting Chief Executive Officer, Corporation for National and Community Service, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6118. A letter from the Chair, CPB Board of Directors, Corporation for Public Broadcasting, transmitting the semiannual report of the Office of the Inspector General for the period ending September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6119. A letter from the Assistant Director, Executive & Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6120. A letter from the Secretary, Mississippi River Commission, Department of the Army, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act covering the calendar year 2003, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

6121. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6122. A letter from the Secretary, Department of Education, transmitting the twenty-ninth Semiannual Report to Congress on Audit Follow-Up, covering the period April 1, 2003 through September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6123. A letter from the Secretary, Department of Education, transmitting the annual report concerning surplus Federal real property disposed of to educational institutions, pursuant to 40 U.S.C. 484(o); to the Committee on Government Reform.

6124. A letter from the Secretary, Department of Homeland Security, transmitting the semiannual report of the Inspector General for the period April 1, 2003 through September 30, 2003, pursuant to Public Law 95—452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform.

6125. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6126. A letter from the Inspector General, Department of Justice, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2003 through September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6127. A letter from the Human Resources Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6128. A letter from the Human Resources Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6129. A letter from the Human Resources Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6130. A letter from the Human Resources Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6131. A letter from the Human Resources Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6132. A letter from the Human Resources Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6133. A letter from the Human Resources Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6134. A letter from the Human Resources Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6135. A letter from the Human Resources Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6136. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6137. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6138. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6139. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6140. A letter from the Administrator, Environmental Protection Agency, transmitting the Fiscal Year 2003 Annual Report; to the Committee on Government Reform.

6141. A letter from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Office of Management and Budget's (OMB's) review of the Equal Employment Opportunity Commission's (EEOC's) Year 2003 Inventories of Commercial and Inherently Governmental Activities in accordance with the Federal Activities Inventory Reform (FAIR) Act of 1998; to the Committee on Government Reform.

6142. A letter from the Chair, Equal Employment Opportunity Commission, transmitting the semiannual report on the activities of the Inspector General and management's report for the period ending September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6143. A letter from the Chief of Staff, Federal Mediation and Conciliation Service, transmitting the FY 2003 annual report under the Federal Managers' Financial Integrity Act (FMFIA) of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

6144. A letter from the Director, Financial Management, General Accounting Office,

transmitting the FY 2003 annual report of the Comptroller General's Retirement System, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform.

6145. A letter from the Comptroller General, General Accounting Office, transmitting information concerning GAO employees who were assigned to congressional committees during fiscal year 2003, pursuant to 31 U.S.C. 719(b)(1)(C); to the Committee on Government Reform.

6146. A letter from the Administrator, General Services Administration, transmitting the FY 2003 Annual Performance and Accountability Report in accordance with the Report Consolidation Act of 2000; to the Committee on Government Reform.

6147. A letter from the Administrator, General Services Administration, transmitting notification of the new mileage reimbursement rates for Federal employees who use privately owned vehicles while on official travel, pursuant to 5 U.S.C. 5707(b)(1)(A); to the Committee on Government Reform.

6148. A letter from the President, James Madison Memorial Fellowship Foundation, transmitting the consolidated annual reports under the Federal Managers Financial Integrity Act of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

6149. A letter from the Chairman, National Credit Union Administration, transmitting the semiannual report on the activities of the Inspector General for April 1, 2003, through September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

6150. A letter from the Chairman and General Counsel, National Labor Relations Board, transmitting the semiannual report on the activities of the Office of Inspector General of the National Labor Relations Board for the period April 1, 2003 through September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

6151. A letter from the Chairman, National Mediation Board, transmitting the FY 2003 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

6152. A letter from the Chairman, National Science Board, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2003 through September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6153. A letter from the Chairman, National Science Board, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2003 through September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6154. A letter from the Chairman, National Transportation Safety Board, transmitting the FY 2003 annual report under the Federal Managers' Financial Integrity Act (FMFIA) of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

6155. A letter from the Deputy Director for Admin. & Info. Mgmt., Office of Government Ethics, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6156. A letter from the Director, Office of Transition Administration, Panama Canal Commission, transmitting the FY 2003 annual report under the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

6157. A letter from the Director, Peace Corps, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2003 through September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6158. A letter from the Inspector General, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period April 1, 2003, through September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Government Reform.

6159. A letter from the Chairman, Securities and Exchange Commission, transmitting a report on the management controls of the Commission for the fiscal year ending September 30, 2003, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

6160. A letter from the Administrator, Small Business Administration, transmitting the semiannual report of the Office of Inspector General for the period April 1, through September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6161. A letter from the Chairman, U.S. International Trade Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2003 through September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

6162. A letter from the Chair, United States Access Board, transmitting the Board's consolidated report for the Inspector General Act and the Federal Financial Manager's Integrity Act, pursuant to 31 U.S.C. 3512(c)(3) 5 app. #Public Law 100—504, section 104(a) (102 Stat. 2525); to the Committee on Government Reform.

6163. A letter from the Chairman, Board of Governors, United States Postal Service, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2003, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

6164. A letter from the Chair, Office of the General Counsel, Federal Election Commission, transmitting the Commission's final rule—Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files [Notice 2003–25] received December 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

6165. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the 1998, 1999, and 2000 annual reports of the Fish and Wildlife Service on the reasonably identifiable expenditures for the conservation of endangered or threatened species by Federal and State agencies, pursuant to 16 U.S.C. 1544; to the Committee on Resources.

6166. A letter from the Secretary, Department of the Interior, transmitting the Final Engineering Report (FER) and incorporated Water Conservation Plan for the Perkins County Rural Water System, pursuant to Public Law 106—136, section 4(b)(2); to the Committee on Resources.

6167. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Kentucky Regulatory Program [KY–245–FOR] received December 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6168. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Indiana Regulatory Program [IN–153–FOR; Administrative Cause No. 02–034R] received December 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6169. A letter from the Principal Deputy Assistant Secretary for Indian Affairs, Department of the Interior, transmitting a proposed plan under the Indian Tribal Judgment Funds Act, 25 U.S.C. 1401 et seq., as amended, for the use and distribution of the Mescalero Apache Tribe judgment funds in Docket 92–403L; to the Committee on Resources.

6170. A letter from the Director, Office of Hearings and Appeals, Department of the Interior, transmitting the Department's final rule—Special Rules Applicable to Public Land Hearings and Appeals (RIN: 1090–AA84) received December 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6171. A letter from the Chairman, National Indian Gaming Commission, transmitting the Commission's final rule—Amendment of fee regulations (RIN: 3141–AA16) received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6172. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Transfer [Docket No. 021122284–2323–02; I.D. 121803C] received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6173. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for New Jersey [Docket No. 021122284–2323–02; I.D. 121803A] received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6174. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone off Alaska; Shortraker/Rougheye and Northern Rockfish in the Bering Sea Subarea and ''Other Species'' in the Bering Sea and Aleutian Islands Management Area [Docket No. 031126295–3295–01; I.D. 121703A] received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6175. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone off Alaska; North Pacific Halibut and Sablefish IFQ Coast Recovery Program [Docket No. 991207325–0063–02; I.D. 100699A] received January 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6176. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea subarea [Docket No. 021212307–3037–02; I.D.092603C] received December 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6177. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species; Bluefin Tuna Fisheries [I.D. 120903A] received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6178. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species; Bluefin Tuna Fisheries [I.D. 122303H] received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6179. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final

rule—Fisheries of the Exclusive Economic Zone off Alaska; Groundfish of the Bering Sea and Aleutian Islands Area [Docket No. 021212307–3037–02; I.D. 120303A] received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6180. A letter from the Assistant Administrator, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species; Atlantic Shark Management Measures [Docket No. 030721180–3315–02; I.D. 010903D] received January 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6181. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Area; Interim 2004 Harvest Specifications for Groundfish [Docket No. 031126295–3295–01; I.D. 111703B] received December 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6182. A letter from the Assistant Administrator for Regulatory Programs, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Taking of Threatened or Endangered Species Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan [Docket No. 030221039–3309–04; I.D. 120903E] (RIN: 0648–AQ04) received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6183. A letter from the Deputy Assistant Administrator for Regulatory Programs, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico; Amendment 10 [Docket No. 030908224–3325–02; I.D. 080403B] (RIN: 0648–AM23) received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6184. A letter from the Deputy Assistant Administrator for Regulatory Programs, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone (EEZ) Off Alaska; Salmon Fisheries off the Coast of Alaska [Docket No. 030314059–3326–03; I.D. 062003A] (RIN: 0648–AQ48) received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6185. A letter from the Deputy Assistant Administrator for Regulatory Programs, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; 2004 Fishing Quotas for Atlantic Surfclams, Ocean Quahogs, and Maine Mahogany Ocean Quahogs [Docket No. 031015257–3308–02; I.D. 101603A] (RIN: 0648–AQ79) received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6186. A letter from the Deputy Assistant Administrator for Regulatory Programs, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—International Fisheries; Pacific Tuna Fisheries [Docket No.; 031022265–3298–02; I.D. 092203E] (RIN: 0648–AQ93) received December 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6187. A letter from the Solicitor General, Department of Justice, transmitting Notice that the government will not intervene in Tennessee Student Assistance Corp. v. Hood, S. Ct. No. 02–1606; to the Committee on the Judiciary.

6188. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting the 2002 Annual Report of the National Institute of Justice (NIJ); to the Committee on the Judiciary.

6189. A letter from the Assistant Secretary of Legislative Affairs, Department of State, transmitting the redesignation as ''foreign terrorist organizations'' pursuant to Section 219 of the Immigration and Nationality Act, as added by the Antiterrorism and Effective Death Penalty Act of 1996, and amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and by the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) of 2001; to the Committee on the Judiciary.

6190. A letter from the Acting President and Chief of Sport Performance, Olympic Committee, transmitting the 2002 Annual Report of the United States Olympic Committee; to the Committee on the Judiciary.

6191. A letter from the Chair, Sentencing Commission, transmitting a report responding to the congressional directive on downwards departures in the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003, Pub. L. 108–21 (the PROTECT Act); to the Committee on the Judiciary.

6192. A letter from the Architect of the Capitol, transmitting In accordance with Conference Report, H. Rpt. 108–279, ''Making Appropriations for the Legislative Branch for the fiscal year 2004, and for other purposes,'' notification of intent (30 days in advance) to start the eastern portion of the Library of Congress (LOC) tunnel excavation; to the Committee on Transportation and Infrastructure.

6193. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulation Change, St. Croix River, Minnesota and Wisconsin [CGD08–02–035] (RIN: 1626–AA09) received January 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6194. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulation; Biscayne Bay, Atlantic Intracoastal Waterway, Miami River, Miami-Dade County, Florida [CGD07–03–141] (RIN: 1625–AA09) received January 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6195. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Rice Creek, Putnam County, FL [CGD07–03–094] (RIN: 1625–AA09) received January 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6196. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Port Hueneme Harbor, Ventura County, CA [COTP Los Angeles-Long Beach 01–013] (RIN: 1625–AA00) received January 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6197. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety and Security Zone; Cove Point Liquefied Natural Gas Terminal, Chesapeake Bay, MD [CGD05–03–023] (RIN: 1625–AA00) received January 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6198. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety/Security Zone; Cove Point Liquefied Natural Gas Terminal, Chesapeake Bay, Maryland [CGD05–03–204] (RIN: 1625–AA00) received January 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6199. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Suisan Bay, Concord, California [COTP San Francisco Bay 03–027] (RIN: 1625–AA00) received January 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6200. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Lockwood Folly Inlet, NC [CGD05–03–199] (RIN: 1625–AA00) received January 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6201. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Gulf Intracoastal Waterway, Mile 134 West of the Harvey Locks, Louisa, LA [COTP Morgan City–03–011] (RIN: 1625–AA00) received January 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6202. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Suisan Bay, Concord, California [COTP San Francisco Bay 03–030] (RIN: 1625–AA00) received January 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6203. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zones; Charleston Harbor, Cooper River, SC [COTP Charleston–03–171] (RIN: 1625–AA00) received January 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6204. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Renaissance Center, Cobo Hall, North American International Auto Show, Detroit River, Detroit, MI [CGD09–03–289] (RIN: 2115–AA00) received January 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6205. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Rates for Pilotage on the Great Lakes [USCG–2002–11288] (RIN: 1625–AA38) received December 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6206. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Anchorage Grounds; Delaware Bay and River [CGD05–03–195] (RIN: 1625–AA01) received December 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6207. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operations; Inner Harbor Navigation Canal, New Orleans, LA [CGD08–03–030] (RIN: 1625–AA09) received December 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6208. A letter from the Chief, Regulations and Administrative Law, USCG, Department

of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulation; Mississippi River, Dubuque, Iowa [CGD08–03–048] (RIN: 1625–AA09) received January 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6209. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Validation of merchant mariners' vital information and issuance of Coast Guard Merchant Mariner's Documents (MMDs) [USCG–2003–14500] (RIN: 1625–AA81) received January 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6210. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Deepwater Ports [USCG–1998–3884] (RIN: 1625–AA20) received January 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6211. A letter from the Secretary, Department of Transportation, transmitting a report on the results of a study on the effects of Motor Carrier Safety Assistance Program (MCSAP) grant reductions, pursuant to Public Law 105—178, section 4032; to the Committee on Transportation and Infrastructure.

6212. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330–301, –321, –322, –341, and –342 Airplanes [Docket No. 2001–NM–353–AD; Amendment 39–13341; AD 2003–21–06] (RIN: 2120–AA64) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6213. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Manokotak, AK [Docket No. FAA–2003–16083; Airspace Docket No. 03–AAL–19] received December 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6214. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model AS332C, C1, L, L1, AS350B, BA, B1, B2, B3 and D, and AS355E, F, F1, F2 and N Helicopters [Docket No. 2003–SW–15–AD; Amendment 39–13384; AD 2003–25–01] (RIN: 2120–AA64) received December 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6215. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce Corporation (Formerly Allison Engine Company) AE 3007A1, AE 3007A1/1, AE 3007A1/3, AE 3007A3, AE 3007 A1E, and AE 3007A1P Turbofan Engines [Docket No. 2003–NE–19–AD; Amendment 39–13391; AD 2003–25–08] (RIN: 2120–AA64) received December 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6216. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; York, PA; Correction [Docket No. FAA–2003–16291; Airspace Docket No. 03–AEA–08] received December 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6217. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Gettysburg, PA; Correction [Docket No. FAA–2003–15228; Airspace Docket No. 03–AEA–04] received December 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6218. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Charlottesville, VA; Correction [Docket No. FAA–2003–15789; Airspace Docket No. 03–AEA–09] received December 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6219. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; New York, NY [Docket No. FAA–2003–16180; Airspace Docket No. 03–AEA–14] received December 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6220. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; New York, and New Jersey [Docket No. FAA–2003–16614; Airspace Docket No. 03–AEA–17] received December 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6221. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Mentasta Lake/Mountains Area, AK [Docket No. FAA–2003–16075; Airspace Docket No. 03–AAL–18] received December 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6222. A letter from the Secretary, Department of Transportation, transmitting the Federal Transit Administration's Study and Report to Congress: Applicability of Maximum Axle Weight Limitations to Over-the-Road and Public Transit Buses, submitted pursuant to Section 339 of Senate Report No. 107–38 regarding the Department of Transportation's appropriations for FY 2002; to the Committee on Transportation and Infrastructure.

6223. A letter from the Senior Attorney, RSPA, Department of Transportation, transmitting the Department's final rule—Pipeline Safety: Hazardous Liquid Pipeline Operator Annual Reports [Docket No. RSPA–01–9832; Amdt. 195–80] (RIN: 2137–AD59) received January 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6224. A letter from the Trial Attorney, Department of Transportation, transmitting the Department's final rule—Computer Reservations System (CRS) Regulations [Dockets Nos. OST–97–2881, OST–97–3014, OST–98–4775, and OST–99–5888] (RIN: 2105–AC65) received January 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6225. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Greenfield, IA [Docket No. FAA–2003–16504; Airspace Docket No. 03–ACE–88] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6226. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace, Kingman, KS [Docket No. FAA–2003–16081–; Airspace Docket No. 03–ACE–73] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6227. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Great Bend, KS [Docket No. FAA–2003–16080; Airspace Docket No. 03–ACE–72] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6228. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class D and E Airpsace; Ormond Beach, FL [Docket No. FAA–2003–15466; Airpsace Docket No. 03–ASO–9] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6229. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Cherokee, IA [Docket No. FAA–2003–16505; Airspace Docket No. 03–ACE–89] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6230. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Aging Airplane Safety [Docket No. 1999–5401; Amendment No. 135–92] (RIN: 2120–AE42) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6231. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Winterset, IA [Docket No. FAA–2003–16503; Airspace Docket No. 03–ACE–87] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6232. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Gettysburg, PA [Docket No. FAA–2003–15228; Airspace Docket No. 03–AEA–04] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6233. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class D Airspace; Minot, ND [Docket No. FAA–2003–16057; Airspace Docket No. 03–AGL–07] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6234. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; New Richmond, WI [Docket No. FAA–2003–16056; Airspace Docket No. 03–AGL–08] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6235. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT9D–3A, –7, –7A, –7F, –7H, –7AH, and –7J Turbofan Engines [Docket No. 2003–NE–52–AD; Amendment 39–13381; AD 2003–24–12] (RIN: 2120–AA64) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6236. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; The New Piper Aircraft, Inc. Models PA–31, PA–31–300, PA–31–325, PA–31–350, PA–31P, PA–31T, PA–31T1, PA–31T2, PA–31T3, and PA–31P–350 Airplanes [Docket No. 2003–CE–03–AD; Amendment 39–13376; AD 2003–24–07] (RIN: 2120–AA64) received December 19, 2003, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6237. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model EC120B Helicopters [Docket No. 2003–SW–07–AD; Amendment 39–13358; AD 2003–22–10] (RIN: 2120–AA64) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6238. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; MD Helicopters, Inc. Model 369A, H, HE, HM, HS, D, and E Helicopters [Docket No. 2003–SW–16–AD; Amendment 39–13370; AD 2003–24–01] (RIN: 2120–AA64) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6239. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney PW4074, PW4074D, PW4077, PW4077D, PW4084, PW4084D, PW4090, PW4090D, PW4090–3, and PW4098 Turbofan Engines [Docket No. 2003–NE–40–AD; Amendment 39–13357; AD 2003–22–09] (RIN: 2120–AA64) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6240. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce plc Trent 556–61 Turbofan Engines [Docket No. 2003–NE–42–AD; Amendment 39–13349; AD 2003–22–02] (RIN: 2120–AA64) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6241. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model AS350B, B1, B2, B3, BA, C, D, D1, and AS355E, F, F1, F2, and N Helicopters [Docket No. 2003–SW–18–AD; Amendment 39–13359; AD 2003–22–11] (RIN: 1220–AA64) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6242. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce plc Trent 768–60 and Trent 772–60 Turbofan Engines [Docket No. 2003–NE–37–AD; Amendment 39–13350; AD 2003–22–03] (RIN: 2120–AA64) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6243. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model AS350B, B1, B2, B3, BA, C, D, D1, and AS355E, F, F1, F2, and N Helicopters [Docket No. 2000–SW–12–AD; Amendment 39–13354; AD 2003–22–06] (RIN: 2120–AA64) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6244. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Hartzell Propeller Inc. Model HC–A6A–3 Series Propellers. [Docket No. 2003–NE–47–AD; Amendment 39–13352; AD 2003–22–05] (RIN: 2120–AA64) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6245. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Mitsubishi Heavy Industries, Ltd., MU–2B Series Airplanes [Docket No. 2003–CE–22–AD; Amendment 39–13355; AD 2003–22–07] (RIN: 2120–AA64) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6246. A letter from the Senior Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule—Hazardous Materials Regulations; Compatibility with the Regulations of the International Atomic Energy Agency [Docket No. RSPA–99–6283(HM–230)] (RIN: 2137–AD40) received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6247. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Notice of Request for Initial Proposals (IPs) for Projects to be Funded from the Water Quality Cooperative Agreement Allocation (CFDA 66.463—Water Quality Cooperative Agreements)—received December 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6248. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Effluent Limitations Guidelines, Pretreatment Standards, and New Sources Performance Standards for the Centralized Waste Treatment Point Source Category [FRL–7601–3] (RIN: 2040–AD95) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6249. A letter from the Chair, Barry Goldwater Scholarship and Excellence in Education Foundation, transmitting the annual report of the activities of the Goldwater Foundation, pursuant to 20 U.S.C. 4710(b); to the Committee on Science.

6250. A letter from the Secretary, Department of Health and Human Services, transmitting the interim report on the Implementation of the Performance-Based Incentive System, submitted in compliance with Section 201 of the Child Support Performance and Incentive Act of 1998 (CSPIA); to the Committee on Ways and Means.

6251. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a semi-annual report concerning emigration laws and policies of Armenia, Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, Ukraine, and Uzbekistan, as required by Sections 402 and 409 of the 1974 Trade Act, as amended; to the Committee on Ways and Means.

6252. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 2004–3] received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6253. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Guidance Under Section 1502; Application of Section 108 to Members of a Consolidated Group [TD 9098] (RIN: 1545–BC77) received December 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6254. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Hedging Transactions—received December 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6255. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Disclosure of Relative Values of Optional Forms of Benefit [TD 9099] (RIN: 1545–BA78) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6256. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2004–2) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6257. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters (Rev. Proc. 2004–9) received December 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6258. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters (Rev. Proc. 2004–10) received December 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6259. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Guidance Necessary to Facilitate Business Electronic Filing [TD 9100] (RIN: 154–BC62) received December 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6260. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Interpretation of Section 301.6109(d)(3)(ii) of the Procedures and Administration Regulations [Notice 2004–1] received December 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6261. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Information Statements for Certain Substitute Payments [TD 9103] (RIN: 1545–BC97) received January 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6262. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Awards of attorney's fees and other costs based upon qualified offers [TD 9106] (RIN: 1545–AW99) received January 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6263. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Confidential Transactions [TD 9108] (RIN: 1545–BC76) received January 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6264. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Information Reporting Relating to Taxable Stock Transactions [TD 9101] (RIN: 1545–BC79) received January 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6265. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Establishing Defenses to the Imposition of the Accuracy-Related Penalty [TD 9109] (RIN: 1545–AY97) received January 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6266. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Political Organizations (Rev. Rul. 2004–6) received January 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6267. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural, and Miscellaneous [Notice 2004–2] received January 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6268. A letter from the SSA Regulations Officer, Social Security Administration, transmitting the Administration's final rule—Federal Old-Age, Survivors, and Disability Insurance and Supplemental Security Income; Collection of Overdue Program and Administrative Debts Using Administrative Wage Garnishment (RIN: 0960–AE92) received December 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6269. A letter from the Chairman, Advisory Panel to Assess Domestic Response Capabilities For Terrorism Involving Weapons of Mass Destruction, transmitting the Panel's fifth annual report entitled, ''America's New Normalcy''; jointly to the Committees on Armed Services and Transportation and Infrastructure.

6270. A letter from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting the Department's ''Major'' final rule—Medicare Program; Changes to Medicare Payment for Drugs and Physician Fee Schedule Payments for Calendar Year 2004 [CMS–1372–IFC] (RIN: 0938–AM97) received December 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

6271. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report entitled, ''Suspension of Limitations Under the Jerusalem Embassy Act'' (Presidential Determination No. 2004–12), pursuant to Public Law 104—45, section 6 (109 Stat. 400); jointly to the Committees on International Relations and Appropriations.

6272. A letter from the Chair, Office of Compliance, transmitting a Notice for publication in the Congressional Record withdrawing notice of proposed substantive rule making, and advance notice of proposed rule making, pursuant to 2 U.S.C. 1384(b), 2 U.S.C. 1316a(4); jointly to the Committees on House Administration and Education and the Workforce.

6273. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Pursuant to Section 428 of the Homeland Security Act of 2002, a report of the status of implementation of that section of the law, which related to the Department of State and Department of Homeland Security's joint role in the visa process; jointly to the Committees on the Judiciary and Homeland Security (Select).

6274. A letter from the Chairman, National Transportation Safety Board, transmitting a copy of the Board's appeal letter to OMB regarding the initial determination of the FY 2005 budget request, pursuant to 49 U.S.C. 1113; jointly to the Committees on Transportation and Infrastructure and Appropriations.

¶1.5 RESIGNATION AS MEMBER OF HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 14, 2004.

Hon. DENNIS HASTERT,
Speaker, House of Representatives,
Capitol Building, Washington, DC.

DEAR MR. SPEAKER: Enclosed is a copy of my official resignation letter that was sent to the Governor of South Dakota and the SD Secretary of State.

I will be resigning from the House of Representatives effective 11:59 p.m. on January 20, 2004.

Please let me know if there are any further formalities which I must perform or accomplish to effectuate this resignation.

Thank you for all the courtesies you have extended to me and the people of South Dakota.

Sincerely,

WILLIAM J. JANKLOW.

Enclosure.

¶1.6 PARTY AFFILIATION

The SPEAKER laid before the House the following communication, which was read as follows:

DEMOCRATIC CAUCUS,
HOUSE OF REPRESENTATIVES,
January 5, 2004.

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

DEAR MR. SPEAKER: This is to notify you that the Honorable Ralph Hall of Texas has resigned as a Member of the Democratic Caucus effective immediately.

Sincerely,

ROBERT MENENDEZ,
Chairman.

¶1.7 COMMITTEE MEMBERSHIP

The SPEAKER laid before the House the following communication, which was read as follows:

OFFICE OF THE SPEAKER,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 20, 2004.

Hon. SHERWOOD BOEHLERT,
Chairman, Committee on Science, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: This is to advise you that Representative Ralph M. Hall's election to the Committee on Science has been automatically vacated pursuant to clause 5(b) of rule X effective January 5, 2004.

Sincerely,

J. DENNIS HASTERT,
Speaker of the House.

¶1.8 COMMITTEE MEMBERSHIP

The SPEAKER laid before the House the following communication, which was read as follows:

OFFICE OF THE SPEAKER,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 20, 2004.

Hon. W.J. (BILLY) TAUZIN,
Chairman, Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: This is to advise you that Representative Ralph M. Hall's election to the Committee on Energy and Commerce has been automatically vacated pursuant to clause 5(b) of rule X effective January 5, 2004.

Sincerely,

J. DENNIS HASTERT,
Speaker of the House.

¶1.9 COMMITTEE TO NOTIFY THE PRESIDENT

Mr. DELAY submitted the following privileged resolution (H. Res. 486):

Resolved, That a committee of two Members be appointed by the Speaker on the part of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶1.10 APPOINTMENT OF COMMITTEE TO NOTIFY THE PRESIDENT

The SPEAKER, pursuant to House Resolution 486, and the order of the House of December 8, 2003, announced his appointment of the following Members to the Committee on the part of the House to join a Committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled and that Congress is ready to receive any communication that he may be pleased to make: Mr. DELAY, and Ms. PELOSI.

¶1.11 CLERK TO NOTIFY SENATE OF A QUORUM

Mr. DELAY submitted the following privileged resolution (H. Res. 487):

Resolved, That the Clerk of the House inform the Senate that a quorum of the House is present and that the House is ready to proceed with business.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶1.12 HOUR OF MEETING

Mr. DELAY submitted the following privileged resolution (H. Res. 488):

Resolved, That unless otherwise ordered, before Monday, May 31, 2004, the hour of daily meeting of the House shall be 2 p.m. on Mondays; noon on Tuesdays; and 10 a.m. on all other days of the week; and from Monday, May 31, 2004, and for the remainder of the 108th Congress, the hour of daily meeting of the House shall be noon on Mondays, 10 a.m. on Tuesdays, Wednesdays and Thursdays; and 9 a.m. on all other days of the week.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶1.13 PROVIDING FOR A JOINT SESSION-STATE OF THE UNION

Mr. DELAY submitted the following privileged concurrent resolution (H. Con. Res. 349):

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, January 20, 2004, at 9 p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶1.14 ORDER OF BUSINESS—HOUR OF MEETING

On motion of Mr. DELAY, by unanimous consent,

Ordered, That during the remainder of the 108th Congress: (1) on legislative days of Monday when the House convenes pursuant to House Resolution 488, the House shall convene 90 minutes earlier than the time otherwise established by that resolution solely for the purpose of conducting morning-hour debate; (2) on legislative days of Tuesday when the House convenes pursuant to House Resolution 488: (a) before May 31, 2004, the House shall convene for morning-hour debate 90 minutes earlier than the time otherwise established by that resolution; and (b) after May 31, 2004, the House shall convene for morning-hour debate one hour earlier than the time otherwise established by that resolution; (3) on legislative days of Tuesday after May 31, 2004 when the House convenes for morning-hour debate pursuant to a separate order of the House, the House shall resume its session 90 minutes after such convening; (4) the time for morning-hour debate shall be limited to 30 minutes allocated to each party (except that on Tuesdays after May 31, 2004, a one-hour period shall be limited to 25 minutes allocated to each party and may not continue beyond 10 minutes before the hour appointed for the resumption of the session of the House); and (5) the form of proceeding to morning-hour debate shall be as follows: the prayer by the Chaplain, the approval of the Journal, and the Pledge of Allegiance to the Flag shall be postponed until resumption of the session of the House; initial and subsequent recognitions for debate shall alternate between the parties; recognition shall be conferred by the Speaker only pursuant to lists submitted by the Majority Leader and by the Minority Leader; no Member may address the House for longer than 5 minutes except the Majority Leader, the Minority Leader, or the Minority Whip; and following morning-hour debate, the Chair shall declare the House in recess pursuant to clause 12(a) of rule I until the time appointed for the resumption of the session of the House.

¶1.15 EXTENSION OF REMARKS

On motion of Mr. DELAY, by unanimous consent,

Ordered, That it may be in order for the remainder of the 108th Congress, all Members be permitted to extend their remarks and to include extraneous material within the permitted limit in that section of the record entitled ''Extensions of Remarks.''

¶1.16 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. DELAY, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, January 21, 2004, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶1.17 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 743. An Act to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes.

H.R. 2264. An Act to authorize appropriations for fiscal years 2004 and 2005 to carry out the Congo Basin Forest Partnership (CBFP) program, and for other purposes.

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

S. 1172. An Act to establish grants to provide health services for improved nutrition, increased physical activity, obesity prevention, and for other purposes.

S. 1177. An Act to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes.

S. 1267. An Act to amend the District of Columbia Home Rule Act to provide the District of Columbia with autonomy over its budgets, and for other purposes.

S. 2000. An Act to extend the special postage stamp for breast cancer research for 2 years.

The message also announced that pursuant to Public Law 108–132, the Chair, on behalf of the Democratic Leader, appoints the following individuals to the Commission on Review of Overseas Military Facility Structure of the United States: Al Cornella, of South Dakota, andJames A. Thompson, of California.

The message also announced that pursuant to Public Law 108–79, the Chair, on behalf of the Majority Leader, in consultation with the Democratic Leader, appoints Gustavus Aldolphus Puryear, IV, of Tennessee to the National Prison Rape Reduction Commission for a term of two years.

The message also announced that pursuant to Public Law 108–79, the Chair, on behalf of the Democratic Leader, after consultation with the Majority Leader, appoints the following individuals to the National Prison Rape Reduction Commission: James Evan Aiken, of North Carolina, and Cindy Struckman-Johnson, of South Dakota.

¶1.18 COMMUNICATION FROM THE MINORITY LEADER DURING SINE DIE ADJOURNMENT-APPOINTMENT TO THE UNITED STATES-CHINA COMMISSION

The SPEAKER laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, December 16, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House,
House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act of Fiscal Year 2001 (P.L. 106–398), I hereby reappoint Ms. Carolyn Bartholomew of the District of Columbia, for a two-year term that expires December 31, 2005, to the United States-China Review Commission. Her current one-year term expires December 31, 2003.

Best regards,

NANCY PELOSI.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶1.19 COMMUNICATION FROM THE MINORITY LEADER DURING SINE DIE ADJOURNMENT-APPOINTMENT TO THE ELECTION ASSISTANCE COMMISSION BOARD OF ADVISORS

The SPEAKER laid before the House the following communication, which was read as follows:

U.S. HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
December 16, 2003.

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

DEAR MR. SPEAKER: Pursuant to section 214(a) of the Help America Vote Act of 2002 (42 U.S.C. 15344), I hereby appoint Willie L. Brown, Jr. of San Francisco, California to the Election Assistance Commission Board of Advisors. Mr. Brown is appointed for a 2 year term.

Best Regards,

NANCY PELOSI.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶1.20 COMMUNICATION REGARDING SUBPOENA

The SPEAKER laid before the House the following communication from Jacqueline Potter, Chief of Staff, office of the Honorable Thomas H. Allen:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 11, 2003.

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

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena for deposition testimony issued by the Superior Court for Cumberland County, Maine.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

JACQUELINE POTTER,
Chief of Staff.

¶1.21 COMMUNICATION REGARDING SUBPOENA

The SPEAKER laid before the House the following communication from John McLaughlin, Senior Field Representative, office of the Honorable Thomas H. Allen:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 11, 2003.

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

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena for deposition testimony issued by the Superior Court for Cumberland County, Maine.

After consulting with the Office of General Counsel, I have determined that compliance

with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

JOHN MCLAUGHLIN,
Senior Field Representative.

¶1.22 COMMUNICATION REGARDING SUBPOENA

The SPEAKER laid before the House the following communication from Jacqueline Potter, Chief of Staff, office of the Honorable Thomas H. Allen:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 17, 2003.

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

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena for documents issued by the Superior Court for Cumberland County, Maine.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

JACQUELINE POTTER,
Chief of Staff.

¶1.23 COMMUNICATION REGARDING SUBPOENA

The SPEAKER laid before the House the following communication from Ron Wright, District Director, office of the Honorable Joe Barton:

HOUSE OF REPRESENTATIVES,
Washington, DC, December 31, 2003.

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

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the U.S. District Court for the Northern District of Texas.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely yours,

RON WRIGHT,
District Director.

¶1.24 COMMUNICATION REGARDING SUBPOENA

The SPEAKER laid before the House the following communication from Anthony Reed, Legislative Director, office of the Honorable J. Dennis Hastert:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 9, 2004.

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

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the Superior Court of the District of Columbia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

ANTHONY REED,
Legislative Director.

¶1.25 REPORT OF COMMITTEE TO NOTIFY THE PRESIDENT

Mr. DELAY addressed the Chair and said:

''Your committee on the part of the House to join a like committee on the part of the Senate to notify the President of the United States that a quorum of each house has been assembled and is ready to receive any communication that he may be pleased to make has performed that duty.

''The President asked us to report that he will be pleased to deliver his message at 9 p.m. tonight to a joint session of the two houses.''

¶1.26 RECESS—2:56 P.M.

The SPEAKER pro tempore, Mr. TURNER of Ohio, pursuant to clause 12(a) of rule I, declared the House in recess at 2 o'clock and 56 minutes p.m., until approximately 8:40 p.m. for the purpose of receiving in joint session the President of the United States.

¶1.27 AFTER RECESS—8:44 P.M.

The SPEAKER called the House to order.

¶1.28 JOINT SESSION TO RECEIVE A MESSAGE FROM THE PRESIDENT

The Assistant Sergeant-at-Arms announced the Vice President and Members of the Senate, who entered the Hall of the House and took seats assigned to them, the Vice President taking the Chair to the right of the Speaker.

Whereupon, pursuant to House Concurrent Resolution 349, the SPEAKER called the joint session of the two Houses to order.

The SPEAKER announced the appointment of Messrs. DELAY, BLUNT, Ms. PRYCE of Ohio, Mr. KINGSTON, Ms. PELOSI, Messrs. HOYER, MENENDEZ, and CLYBURN as members of the committee on the part of the House to escort the President into the Hall of the House.

The Vice President announced the appointment of Messrs. FRIST, MCCONNELL, SANTORUM, Mrs. HUTCHISON, Messrs. KYL, ALLEN, SPECTER, Ms. MURKOWSKI, Mr. DASCHLE, Ms. MIKULSKI as members of the committee on the part of the Senate to escort the President into the Hall of the House.

The Assistant Sergeant-at-Arms announced the Acting Dean of the Diplomatic Corps, who entered the Hall of the House and took the seat assigned to him.

The Assistant Sergeant-at-Arms announced the Associate Justice of the Supreme Court, who entered the Hall of the House and took seats assigned to them.

The Assistant Sergeant-at-Arms announced the Members of the President's Cabinet, who entered the Hall of the House and took seats assigned to them.

The Sergeant-at-Arms announced the President of the United States at 9 o'clock and 7 minutes p.m., who, escorted by the committees of the two Houses, entered the Hall of the House and, at the Clerk's desk, delivered the following message:

America this evening is a Nation called to great responsibilities. And we are rising to meet them.

As we gather tonight, hundreds of thousands of American servicemen and women are deployed across the world in the war on terror. By bringing hope to the oppressed and delivering justice to the violent, they are making America more secure.

Each day, law enforcement personnel and intelligence officers are tracking terrorist threats; analysts are examining airline passenger lists; the men and women of our new Department of Homeland Security are patrolling our coasts and borders. And their vigilance is protecting America.

Americans are proving once again to be the hardest working people in the world. The American economy is growing stronger. The tax relief you passed is working.

Tonight, Members of Congress can take pride in the great works of compassion and reform that skeptics had thought impossible. You are raising the standards for our public schools; and you are giving our senior citizens prescription drug coverage under Medicare.

We have faced serious challenges together, and now we face a choice. We can go forward with confidence and resolve, or we can turn back to the dangerous illusion that terrorists are not plotting and outlaw regimes are no threat to us. We can press on with economic growth and reforms in education and Medicare, or we can turn back to old policies and old divisions.

We have not come all this way, through tragedy and trial and war, only to falter and leave our work unfinished. Americans are rising to the tasks of history, and they expect the same from us. In their efforts, their enterprise, and their character, the American people are showing that the state of our Union is confident and strong.

Our greatest responsibility is the active defense of the American people. Twenty-eight months have passed since September 11, 2001, over 2 years without an attack on American soil, and it is tempting to believe that the danger is behind us. That hope is understandable, comforting, and false. The killing has continued in Bali, Jakarta, Casablanca, Riyadh, Mombasa, Jerusalem, Istanbul, and Baghdad. The terrorists continue to plot against America and the civilized world. And by our will and courage, this danger will be defeated.

Inside the United States, where the war began, we must continue to give our homeland security and law enforcement personnel every tool they need to defend us. And one of those essential tools is the PATRIOT Act, which allows Federal law enforcement to better share information, to track terrorists, to disrupt their cells, and to seize their assets. For years, we have used similar provisions to catch embezzlers and drug traffickers. If these methods are

good for hunting criminals, they are even more important for hunting terrorists. Key provisions of the PATRIOT Act are set to expire next year. The terrorist threat will not expire on that schedule. Our law enforcement needs this vital legislation to protect our citizens. You need to renew the PATRIOT Act.

America is on the offensive against the terrorists who started this war. Last March, Khalid Shaikh Mohammed, a mastermind of September 11, awoke to find himself in the custody of U.S. and Pakistani authorities. Last August 11 brought the capture of the terrorist Hambali, who was a key player in the attack in Indonesia that killed over 200 people. We are tracking al Qaeda around the world, and nearly two-thirds of their known leaders have now been captured or killed. Thousands of very skilled and determined military personnel are on a manhunt, going after the remaining killers who hide in cities and caves; and one by one, we will bring these terrorists to justice.

As part of the offensive against terror, we are also confronting the regimes that harbor and support terrorists and could supply them with nuclear, chemical or biological weapons. The United States and our allies are determined: we refuse to live in the shadow of this ultimate danger.

The first to see our determination were the Taliban, who made Afghanistan the primary training base of al Qaeda killers. As of this month, that country has a new constitution, guaranteeing free elections and full participation by women. Businesses are opening, health care centers are being established, and the boys and girls of Afghanistan are back in school. With help from the new Afghan army, our coalition is leading aggressive raids against surviving members of the Taliban and al Qaeda. The men and women of Afghanistan are building a nation that is free and proud and fighting terror, and America is honored to be their friend.

Since we last met in this Chamber, combat forces of the United States, Great Britain, Australia, Poland and other countries enforced the demands of the United Nations, ended the rule of Saddam Hussein; and the people of Iraq are free. Having broken the Baathist regime, we face a remnant of violent Saddam supporters. Men who ran away from our troops in battle are now dispersed and attack from the shadows.

These killers, joined by foreign terrorists, are a serious, continuing danger. Yet we are making progress against them. The once all-powerful ruler of Iraq was found in a hole and now sits in a prison cell. Of the top 55 officials of the former regime, we have captured or killed 45. Our forces are on the offensive, leading over 1,600 patrols a day and conducting an average of 180 raids every week. We are dealing with these thugs in Iraq, just as surely as we dealt with Saddam Hussein's evil regime.

The work of building a new Iraq is hard, and it is right. And America has always been willing to do what it takes for what is right. Last January, Iraq's only law was the whim of one brutal man. Today our coalition is working with the Iraqi Governing Council to draft a basic law with a bill of rights. We are working with Iraqis and the United Nations to prepare for a transition to full Iraqi sovereignty by the end of June. As democracy takes hold in Iraq, the enemies of freedom will do all in their power to spread violence and fear. They are trying to shake the will of our country and our friends, but the United States of America will never be intimidated by thugs and assassins. The killers will fail, and the Iraqi people will live in freedom.

Month by month, Iraqis are assuming more responsibility for their own security and their own future. And tonight we are honored to welcome one of Iraq's most respected leaders, the current president of the Iraqi Governing Council, Adnan Pachachi. Sir, America stands with you and the Iraqi people as you build a free and peaceful nation.

Because of American leadership and resolve, the world is changing for the better. Last month, the leader of Libya voluntarily pledged to disclose and dismantle all of his regime's weapons of mass destruction programs, including a uranium enrichment project for nuclear weapons. Colonel Qadhafi correctly judged that his country would be better off, and far more secure, without weapons of mass murder. Nine months of intense negotiations involving the United States and Great Britain succeeded with Libya, while 12 years of diplomacy with Iraq did not. And one reason is clear: for diplomacy to be effective, words must be credible, and no one can now doubt the word of America.

Different threats require different strategies. Along with nations in the region, we are insisting that North Korea eliminate its nuclear program. America and the international community are demanding that Iran meet its commitments and not develop nuclear weapons. America is committed to keeping the world's most dangerous weapons out of the hands of the world's most dangerous regimes.

When I came to this rostrum on September 20, 2001, I brought the police shield of a fallen officer, my reminder of lives that ended and a task that does not end. I gave to you and to all Americans my complete commitment to securing our country and defeating our enemies. And this pledge, given by one, has been kept by many. You in the Congress have provided the resources for our defense and cast the difficult votes of war and peace. Our closest allies have been unwavering. America's intelligence personnel and diplomats have been skilled and tireless.

And the men and women of the American military, they have taken the hardest duty. We have seen their skill and courage in armored charges and midnight raids and lonely hours on faithful watch. We have seen the joy when they return, and felt the sorrow when one is lost. I have had the honor of meeting our service men and women at many posts, from the deck of a carrier in the Pacific, to a mess hall in Baghdad. Many of our troops are listening tonight. And I want you and your families to know: America is proud of you. And my administration, and this Congress, will give you the resources you need to fight and win the war on terror.

I know that some people question if America is really in a war at all. They view terrorism more as a crime, a problem to be solved mainly with law enforcement and indictments. After the World Trade Center was first attacked in 1993, some of the guilty were indicted, tried, convicted, and sent to prison. But the matter was not settled. The terrorists were still training and plotting in other nations and drawing up more ambitious plans. After the chaos and carnage of September 11, it is not enough to serve our enemies with legal papers. The terrorists and their supporters declared war on the United States, and war is what they got.

Some in this Chamber, and in our country, did not support the liberation of Iraq. Objections to war often come from principled motives. But let us be candid about the consequences of leaving Saddam Hussein in power. We are seeking all the facts. Already the Kay Report identified dozens of weapons of mass destruction-related program activities and significant amounts of equipment that Iraq concealed from the United Nations. Had we failed to act, the dictator's weapons of mass destruction programs would continue to this day. Had we failed to act, Security Council resolutions on Iraq would have been revealed as empty threats, weakening the United Nations and encouraging defiance by dictators around the world. Iraq's torture chambers would still be filled with victims, terrified and innocent. The killing fields of Iraq, where hundreds of thousands of men and women and children vanished into the sands, would still be known only to the killers. For all who love freedom and peace, the world without Saddam Hussein's regime is a better and safer place.

Some critics have said our duties in Iraq must be internationalized. This particular criticism is hard to explain to our partners in Britain, Australia, Japan, South Korea, the Philippines, Thailand, Italy, Spain, Poland, Denmark, Hungary, Bulgaria, Ukraine, Romania, the Netherlands, Norway, El Salvador, and 17 other countries that have committed troops to Iraq. As we debate at home, we must never ignore the vital contributions of our international partners or dismiss their sacrifices. From the beginning, America has sought international support for operations in Afghanistan and Iraq, and we have gained much support. There is a difference, however, between leading a coalition of many nations and submitting to the objections of a

few. America will never seek a permission slip to defend the security of our country.

We also hear doubts that democracy is a realistic goal for the greater Middle East, where freedom is rare. Yet it is mistaken and condescending to assume that whole cultures and great religions are incompatible with liberty and self-government. I believe that God has planted in every human heart the desire to live in freedom; and even when that desire is crushed by tyranny for decades, it will rise again.

As long as the Middle East remains a place of tyranny and despair and anger, it will continue to produce men and movements that threaten the safety of America and our friends. So America is pursuing a forward strategy of freedom in the greater Middle East. We will challenge the enemies of reform, confront the allies of terror, and expect a higher standard from our friends. To cut through the barriers of hateful propaganda, the Voice of America and other broadcast services are expanding their programming in Arabic and Persian, and soon a new television service will begin providing reliable news and information across the region. I will send you a proposal to double the budget of the National Endowment for Democracy, and to focus its new work on the development of free elections and free markets, free press, and free labor unions in the Middle East. And above all, we will finish the historic work of democracy in Afghanistan and Iraq so those nations can light the way for others and help transform a troubled part of the world.

America is a Nation with a mission, and that mission comes from our most basic beliefs. We have no desire to dominate, no ambitions of empire. Our aim is a democratic peace, a peace founded upon the dignity and rights of every man and woman. America acts in this cause with friends and allies at our side; yet we understand our special calling: this great Republic will lead the cause of freedom.

In these last 3 years, adversity has also revealed the fundamental strengths of the American economy. We have come through recession and terrorist attack and corporate scandals and the uncertainties of war. And because you acted to stimulate our economy with tax relief, this economy is strong and growing stronger.

You have doubled the child tax credit from $500 to $1,000, reduced the marriage penalty, begun to phase out the death tax, reduced taxes on capital gains and stock dividends, cut taxes on small businesses, and you have lowered taxes for every American who pays income taxes.

Americans took those dollars and put them to work, driving this economy forward. The pace of economic growth in the third quarter of 2003 was the fastest in nearly 20 years. New home construction: the highest in almost 20 years. Home ownership rates: the highest ever. Manufacturing activity is increasing. Inflation is low. Interest rates are low. Exports are growing. Productivity is high, and jobs are on the rise.

These numbers confirm that the American people are using their money far better than government would have, and you were right to return it.

America's growing economy is also a changing economy. As technology transforms the way almost every job is done, America becomes more productive, and workers need new skills. Much of our job growth will be found in high-skilled fields like health care and biotechnology. So we must respond by helping more Americans gain the skills to find good jobs in our new economy.

All skills begin with the basics of reading and math, which are supposed to be learned in the early grades of our schools. Yet for too long, for too many children, those skills were never mastered. By passing the No Child Left Behind Act, you have made the expectation of literacy the law of our country. We are providing more funding for our schools, a 36 percent increase since 2001. We are requiring higher standards. We are regularly testing every child on the fundamentals. We are reporting results to parents and making sure they have better options when schools are not performing. We are making progress toward excellence for every child in America.

But the status quo always has defenders. Some want to undermine the No Child Left Behind Act by weakening standards and accountability. Yet the results we require are really a matter of common sense: we expect third graders to read and do math at the third grade level. That is not asking too much. Testing is the only way to identify and help students who are falling behind.

This Nation will not go back to the days of simply shuffling children along from grade to grade without them learning the basics. I refuse to give up on any child, and the No Child Left Behind Act is opening the door of opportunity to all of America's children.

At the same time, we must ensure that older students and adults can gain the skills they need to find work now. Many of the fastest-growing occupations require strong math and science preparation and training beyond the high school level. So tonight I propose a series of measures called Jobs for the 21st Century. This program will provide extra help to middle- and high school students who fall behind in reading and math, expand Advanced Placement programs in low-income schools, invite math and science professionals from the private sector to teach part time in our high schools. I propose larger Pell grants for students who prepare for college with demanding courses in high school. I propose increasing our support for America's fine community colleges. I do so so they can train workers for industries that are creating the most new jobs. By all these actions, we will help more and more Americans to join in the growing prosperity of our country.

Job training is important, and so is job creation. We must continue to pursue an aggressive, pro-growth economic agenda.

Congress has some unfinished business on the issue of taxes. The tax reductions you passed are set to expire. Unless you act, the unfair tax on marriage will go back up. Unless you act, millions of families will be charged $300 more in Federal taxes for every child. Unless you act, small businesses will pay higher taxes. Unless you act, the death tax will eventually come back to life. Unless you act, Americans face a tax increase. What Congress has given, the Congress should not take away. For the sake of job growth, the tax cuts you passed should be permanent.

Our agenda for jobs and growth must help small business owners and employees with relief from needless Federal regulation and protect them from junk and frivolous lawsuits. Consumers and businesses need reliable supplies of energy to make our economy run, so I urge you to pass legislation to modernize our electricity system, promote conservation, and make America less dependent on foreign sources of energy. My administration is promoting free and fair trade to open up new markets for America's entrepreneurs and manufacturers and farmers, and to create jobs for America's workers. Younger workers should have the opportunity to build a nest egg by saving part of their Social Security taxes in a personal retirement account. We should make the Social Security System a source of ownership for the American people.

And we should limit the burden of government on this economy by acting as good stewards of taxpayer dollars. In 2 weeks I will send you a budget that funds the war, protects the homeland and meets important domestic needs by limiting the growth in discretionary spending to less than 4 percent. This will require that Congress focus on priorities, cut wasteful spending, and be wise with the people's money. By doing so, we can cut the deficit in half over the next 5 years.

Tonight, I also ask you to reform our immigration laws so they reflect our values and benefit our economy. I propose a new temporary worker program to match willing foreign workers with willing employers when no Americans can be found to fill the job. This reform will be good for our economy because employers will find needed workers in an honest and orderly system. A temporary worker program will help protect our homeland, allowing Border Patrol and law enforcement to focus on true threats to our national security. I oppose amnesty, because it would encourage further illegal immigration and unfairly reward those who break our laws. My temporary worker program will preserve the citizenship path for those who respect the law, while bringing millions of hard-working men and women out from the shadows of American life.

Our Nation's health care system, like our economy, is also in a time of

change. Amazing medical technologies are improving and saving lives. This dramatic progress has brought its own challenge, in the rising costs of medical care and health insurance. Members of Congress, we must work together to help control those costs and extend the benefits of modern medicine throughout our country.

Meeting these goals requires bipartisan effort, and 2 months ago you showed the way. By strengthening Medicare and adding a prescription drug benefit, you kept a basic commitment to our seniors. You are giving them the modern medicine they deserve.

Starting this year, under the law you passed, seniors can choose to receive a drug discount card, saving them 10 to 25 percent off the retail price of most prescription drugs, and millions of low-income seniors can get an additional $600 to buy medicine. Beginning next year, seniors will have new coverage for preventive screenings against diabetes and heart disease, and seniors just entering Medicare can receive wellness exams.

In January of 2006, seniors can get prescription drug coverage under Medicare. For a monthly premium of about $35, most seniors who do not have that coverage today can expect to see their drug bills cut roughly in half. Under this reform, senior citizens will be able to keep their Medicare just as it is, or they can choose a Medicare plan that fits them best, just as you, as Members of Congress, can choose an insurance plan that meets your needs. And starting this year, millions of Americans will be able to save money tax-free for their medical expenses in a health savings account.

I signed this measure proudly, and any attempt to limit the choices of our seniors or to take away their prescription drug coverage under Medicare will meet my veto.

On the critical issue of health care, our goal is to ensure that Americans can choose and afford private health care coverage that best fits their individual needs. To make insurance more affordable, Congress must act to address rapidly rising health care costs. Small businesses should be able to band together and negotiate for lower insurance rates so they can cover more workers with health insurance.

I urge you to pass Association Health Plans. I ask you to give lower-income Americans a refundable tax credit that would allow millions to buy their own basic health insurance. By computerizing health records, we can avoid dangerous medical mistakes, reduce costs, and improve care. To protect the doctor-patient relationship and keep good doctors doing good work, we must eliminate wasteful and frivolous medical lawsuits. And tonight I propose that individuals who buy catastrophic health care coverage as part of our new health savings accounts be allowed to deduct 100 percent of the premiums from their taxes.

A government-run health care system is the wrong prescription. By keeping costs under control, expanding access and helping more Americans afford coverage, we will preserve the system of private medicine that makes America's health care the best in the world.

We are living in a time of great change in our world, in our economy, and in science and medicine. Yet some things endure: courage and compassion, reverence and integrity, respect for differences of faith and race. The values we try to live by never change; and they are instilled in us by fundamental institutions, such as families and schools and religious congregations. These institutions, the unseen pillars of civilization, must remain strong in America, and we will defend them.

We must stand with our families to help them raise healthy, responsible children. When it comes to helping children make right choices, there is work for all of us to do.

One of the worst decisions our children can make is to gamble their lives and futures on drugs. Our government is helping parents confront this problem with aggressive education, treatment, and law enforcement. Drug use in high school has declined by 11 percent over the past 2 years. 400,000 fewer young people are using illegal drugs than in the year 2001.

In my budget, I have proposed new funding to continue our aggressive community-based strategy to reduce demand for illegal drugs. Drug testing in our schools has proven to be an effective part of this effort. So tonight I propose an additional $23 million for schools that want to use drug testing as a tool to save children's lives. The aim here is not to punish children, but to send them this message: we love you, and we do not want to lose you.

To help children make right choices, they need good examples. Athletics play such an important role in our society; but, unfortunately, some in professional sports are not setting much of an example. The use of performance-enhancing drugs like steroids in baseball, football and other sports, is dangerous; and it sends the wrong message, that there are shortcuts to accomplishment and that performance is more important than character.

So tonight I call on team owners, union representatives, coaches and players to take the lead, to send the right signal, to get tough, and to get rid of steroids now.

To encourage right choices, we must be willing to confront the dangers young people face, even when they are difficult to talk about. Each year, about 3 million teenagers contract sexually transmitted diseases that can harm them or kill them or prevent them from ever becoming parents. In my budget, I propose a grassroots campaign to help inform families about these medical risks. We will double Federal funding for abstinence programs so schools can teach this fact of life: abstinence for young people is the only certain way to avoid sexually transmitted diseases. Decisions children now make can affect their health and character for the rest of their lives. All of us, parents, schools and government, must work together to counter the negative influence of the culture and to send the right messages to our children.

A strong America must also value the institution of marriage. I believe we should respect individuals as we take a principled stand for one of the most fundamental, enduring institutions of our civilization. Congress has already taken a stand on this issue by passing the Defense of Marriage Act, signed in 1996 by President Clinton. That statute protects marriage under Federal law as the union of a man and a woman, and declares that one State may not redefine marriage for other States. Activist judges, however, have begun redefining marriage by court order, without regard for the will of the people and their elected representatives. On an issue of such great consequence, the people's voice must be heard. If judges insist on forcing their arbitrary will upon the people, the only alternative left to the people would be the constitutional process. Our Nation must defend the sanctity of marriage.

The outcome of this debate is important, and so is the way we conduct it. The same moral tradition that defines marriage also teaches that each individual has dignity and value in God's sight.

It is also important to strengthen our communities by unleashing the compassion of America's religious institutions. Religious charities of every creed are doing some of the most vital work in our country: mentoring children, feeding the hungry, taking the hand of the lonely. Yet government has often denied social service grants and contracts to these groups, just because they have a cross or a star of David or a crescent on the wall. By executive order, I have opened billions of dollars in grant money to competition that includes faith-based charities. Tonight I ask you to codify this into law, so people of faith can know that the law will never discriminate against them again.

In the past, we have worked together to bring mentors to children of prisoners and provide treatment for the addicted and help for the homeless. Tonight I ask you to consider another group of Americans in need of help. This year, some 600,000 inmates will be released from prison back into society. We know from long experience that if they cannot find work or a home or help, they are much more likely to commit more crimes and return to prison. So tonight, I propose a 4-year, $300 million Prisoner Re-Entry Initiative to expand job training and placement services, to provide transitional housing, and to help newly released prisoners get mentoring, including from faith-based groups. America is the land of second chance; and when the gates of the prison open, the path ahead should lead to a better life.

For all Americans, the last 3 years have brought tests we did not ask for

and achievements shared by all. By our actions, we have shown what kind of Nation we are. In grief, we have found the grace to go on. In challenge, we rediscovered the courage and daring of a free people. In victory, we have shown the noble aims and good heart of America. And having come this far, we sense that we live in a time set apart.

I have been a witness to the character of the people of America, who have shown calm in times of danger, compassion for one another, and toughness for the long haul. All of us have been partners in a great enterprise. And even some of the youngest understand that we are living in historic times. Last month a girl in Lincoln, Rhode Island, sent me a letter. It began, ''Dear George W. Bush. If there is anything you know I, Ashley Pearson, age 10 can do to help anyone, please send me a letter and tell me what I can do to save our country.'' She added this P.S.: ''If you can send a letter to the troops, please put, 'Ashley Pearson believes in you.' ''

Tonight, Ashley, your message to our troops has just been conveyed. And, yes, you have some duties yourself. Study hard in school, listen to your mom and dad, help someone in need, and when you and your friends see a man or woman in uniform, say ''thank you.'' And, Ashley, while you do your part, all of us here in this great Chamber will do our best to keep you and the rest of America safe and free.

My fellow citizens, we now move forward with courage and faith. Our Nation is strong and steadfast. The cause we serve is right because it is the cause of all mankind. The momentum of freedom in our world is unmistakable, and it is not carried forward by our power alone. We can trust in that greater power Who guides the unfolding of the years. And in all that is to come, we can know that His purposes are just and true.

May God continue to bless America.

At 10 o'clock and 6 minutes p.m., the President of the United States retired from the Hall of the House, followed by his Cabinet.

The Associate Justices of the Supreme Court retired from the Hall of the House.

The SPEAKER, at 10 o'clock and 12 minutes p.m., then declared the joint session of the two Houses dissolved.

The Vice President and Members of the Senate retired from the Hall of the House.

¶1.29 REFERENCE OF THE PRESIDENT'S MESSAGE

On motion of Mr. WILSON of South Carolina, the message of the President, as delivered, together with the accompanying documents, was referred to the Committee of the Whole House on the state of the Union and ordered to be printed (H. Doc. 108–144).

¶1.30 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1172. An Act to establish grants to provide health services for improved nutrition, increased physical activity, obesity prevention, and for other purposes; to the Committee on Energy and Commerce.

S. 1177. An Act to prevent tobacco snuggling, to ensure the collection of all tobacco taxes, and for other purposes; to the Committee on Energy and Commerce.

S. 1267. An Act to amend the District of Columbia Home Rule Act to provide the District of Columbia with autonomy over its budgets, and for other purposes; to the Committee on Government Reform; in addition to the Committee on Rules for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned; and in addition to the Committee on Appropriations for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 2000. An Act to extend the special postage stamp for breast cancer research for 2 years; to the Committee on Government Reform; in addition to the Committee on Energy and Commerce for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned; and in addition to the Committee on Armed Services for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶1.31 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. ABERCROMBIE, for today and the balance of the week;

To Ms. BALDWIN, for today;

To Mr. CRAMER, for today;

To Mr. REYES, for today and the balance of the week;

To Mr. NADLER, for today;

To Ms. CARSON of Indiana, for today and January 21;

To Ms. DUNN, for today;

To Mr. BURTON, for today;

To Mrs. JONES of Ohio, for today; and

To Mr. EVERETT, for today and January 21.

And then,

¶1.32 ADJOURNMENT

On motion of Mr. WILSON of South Carolina, at 10 o'clock and 13 minutes p.m., the House adjourned until 10 o'clock a.m. on Wednesday, January 21, 2004.

¶1.33 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ANDREWS (for himself and Ms. JACKSON-LEE of Texas):

H.R. 3701. A bill to amend the Immigration and Nationality Act to extend the provisions governing nonimmigrant status for spouses and children of permanent resident aliens awaiting the availability of an immigrant visa, and for other purposes; to the Committee on the Judiciary.

By Mr. CARDIN:

H.R. 3702. A bill to amend title XVIII of the Social Security Act, as amended by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, to provide additional beneficiary protections; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY:

H.R. 3703. A bill to protect the civil rights of victims of gender-motivated violence and to promote public safety, health, and regulate activities affecting interstate commerce by creating employer liability for negligent conduct that results in an individual's committing a gender-motivated crime of violence against another individual on premises controlled by the employer; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCMINNIS:

H.R. 3704. A bill to amend the Internal Revenue Code of 1986 to repeal the 7.5 percent threshold on the deduction for medical expenses and to allow that deduction to taxpayers whether or not they itemize deductions; to the Committee on Ways and Means.

By Mr. GEORGE MILLER of California:

H.R. 3705. A bill to amend the Federal Meat Inspection Act to enhance the safety of beef and beef food products originating in the United States by requiring the testing of cattle for bovine spongiform encephalopathy (commonly known as mad cow disease) at the time of slaughter, and for other purposes; to the Committee on Agriculture.

By Mr. GEORGE MILLER of California:

H.R. 3706. A bill to adjust the boundary of the John Muir National Historic Site, and for other purposes; to the Committee on Resources.

By Mr. MOORE (for himself, Mrs. EMERSON, Mr. DAVIS of Florida, Mr. BURTON of Indiana, Mr. EMANUEL, and Mr. WAMP):

H.R. 3707. A bill to amend title XVIII of the Social Security Act to authorize the Secretary of Health and Human Services to negotiate fair prices for Medicare prescription drugs on behalf of Medicare beneficiaries; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PITTS (for himself, Mr. ENGLISH, Mr. PAUL, Mr. TANCREDO, and Mr. CROWLEY):

H.R. 3708. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Kazakhstan; to the Committee on Ways and Means.

By Mr. ROHRABACHER:

H.R. 3709. A bill to restore the Federal electoral rights of the residents of the District of Columbia, and for other purposes; to the Committee on House Administration, and in addition to the Committees on Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEXLER:

H.R. 3710. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect

to the importation of prescription drugs; to the Committee on Energy and Commerce.

By Mr. WEXLER (for himself, Mr. FRANK of Massachusetts, Mr. OWENS, and Mr. JEFFERSON):

H.R. 3711. A bill to amend the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173) to eliminate the comparative cost adjustment program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GIBBONS (for himself, Mr. MCCOTTER, Mr. COX, Mr. CRANE, Mr. TANCREDO, Mr. PICKERING, Mr. GALLEGLY, Mr. CANNON, Mr. PENCE, Mr. DOOLITTLE, Mr. DREIER, Mr. FOLEY, Mr. REHBERG, Mr. MANZULLO, Mr. ROHRABACHER, Mr. BONNER, Mr. WAMP, Mr. OXLEY, Mr. MILLER of Florida, Mr. ROGERS of Michigan, Mr. WELDON of Pennsylvania, Mr. COLE, Mr. WILSON of South Carolina, Mr. SOUDER, Mr. CALVERT, Mr. OTTER, Mr. REYNOLDS, Ms. ROS-LEHTINEN, Mr. TOOMEY, Mr. KINGSTON, Mr. LEWIS of California, Mrs. BLACKBURN, Mr. SIMPSON, Mr. PETERSON of Pennsylvania, Mr. SENSENBRENNER, Mr. GUTKNECHT, Mr. AKIN, Mr. DEMINT, Mr. KING of Iowa, Ms. HART, Mr. PORTER, Mr. CANTOR, Mr. BARTLETT of Maryland, Mr. JOHNSON of Illinois, Mr. POMBO, Mr. ROGERS of Alabama, Mr. CHOCOLA, Mr. BACHUS, Mrs. MYRICK, Mr. GARY G. MILLER of California, Mr. TURNER of Ohio, Mrs. CUBIN, Mr. HERGER, Mr. VITTER, Mr. CARTER, Mr. ISSA, Mr. NORWOOD, Mr. TERRY, Mr. BOEHNER, Mr. GREEN of Wisconsin, Mr. FOSSELLA, Mr. WELDON of Florida, Mr. BROWN of South Carolina, Mr. HAYWORTH, Mr. COLLINS, Mr. SWEENEY, Mr. GRAVES, Mr. BEAUPREZ, Mr. BALLENGER, and Mr. WOLF):

H.J. Res. 84. A joint resolution recognizing the 93d birthday of Ronald Reagan; to the Committee on Government Reform.

By Mr. MICHAUD:

H.J. Res. 85. A joint resolution proposing an amendment to the Constitution of the United States relating to the maintenance of a system of social insurance that provides Social Security for its citizens; to the Committee on the Judiciary.

By Mr. COSTELLO (for himself, Mr. HASTERT, Ms. SCHAKOWSKY, Mr. SHIMKUS, Mr. MANZULLO, Mr. JACKSON of Illinois, Mr. JOHNSON of Illinois, Mr. EVANS, Mr. EMANUEL, Mr. CRANE, Mr. KIRK, Mr. LAHOOD, Mr. LIPINSKI, Mr. DAVIS of Illinois, Mr. GUTIERREZ, Mr. STENHOLM, Mr. DAVIS of Alabama, Mr. ACEVEDO-VILA, Mrs. CHRISTENSEN, Mr. WAXMAN, Mr. LEVIN, Ms. DELAURO, Mr. PAYNE, Mr. NORWOOD, Mr. KUCINICH, Mr. HASTINGS of Florida, Mr. MCGOVERN, Mr. FOLEY, Mr. SNYDER, Mr. CLAY, Ms. KILPATRICK, Mr. SKELTON, Ms. MCCARTHY of Missouri, Mr. HINCHEY, Ms. BORDALLO, Mr. SERRANO, Ms. CARSON of Indiana, Mr. TOWNS, Mr. FARR, Mr. LANTOS, Ms. KAPTUR, Mr. GALLEGLY, Mr. FROST, Mr. UDALL of Colorado, Mr. TANNER, Mr. PETRI, Mr. HOUGHTON, Mr. WOLF, and Mr. OBERSTAR):

H. Res. 489. A resolution stating the agreement of the House of Representatives with the sentiment expressed by the Senate in Senate Resolution 281; to the Committee on House Administration.

By Mr. DREIER (for himself, Mr. SCHIFF, Mr. ROHRABACHER, Mr. GORDON, Mr. BOEHLERT, Mr. LAMPSON, Mr. WALSH, Mr. MOLLOHAN, Mr. FEENEY, Mr. MCDERMOTT, Ms. JACKSON-LEE of Texas, Mr. COSTELLO, Ms. LOFGREN, Mr. MORAN of Virginia, Mr. EHLERS, Mr. HOLT, Mr. CULBERSON, Mr. ALEXANDER, Mr. CALVERT, Mr. BERMAN, Mrs. CAPPS, Mr. UDALL of Colorado, Mrs. JONES of Ohio, Mrs. TAUSCHER, Ms. HARMAN, Mr. HINCHEY, Mr. SHERMAN, Mr. BILIRAKIS, and Ms. ROYBAL-ALLARD):

H. Res. 490. A resolution recognizing and commending the achievements of the National Aeronautics and Space Administration, the Jet Propulsion Laboratory, and Cornell University in conducting the Mars Exploration Rover mission, and recognizing the importance of space exploration; to the Committee on Science.

By Mr. OSBORNE (for himself, Mr. BOEHNER, Mr. PETRI, Mr. MCKEON, Mr. PLATTS, Mr. KELLER, Mrs. DAVIS of California, Ms. MCCOLLUM, Mr. OWENS, Mr. SCHIFF, Mr. BEREUTER, Mr. WAXMAN, Mrs. JONES of Ohio, Mr. CRENSHAW, Mr. CARSON of Oklahoma, Mr. LAHOOD, Mr. TERRY, and Mr. KING of Iowa):

H. Res. 491. A resolution honoring individuals who are mentors and supporting efforts to recruit more mentors; to the Committee on Education and the Workforce.

By Mr. VITTER (for himself, Mr. BOEHNER, Mr. HOEKSTRA, Mr. CASTLE, Mr. TIBERI, Mr. GINGREY, Mr. FOLEY, Mr. KING of New York, Mr. HAYWORTH, Mr. KENNEDY of Minnesota, Mr. BAKER, Ms. ESHOO, Mr. LANTOS, Mr. BACHUS, Mr. MCCOTTER, Mr. MURPHY, Ms. KAPTUR, Mr. PASCRELL, Mr. NUSSLE, and Mr. BISHOP of New York):

H. Res. 492. A resolution honoring the contributions of Catholic schools; to the Committee on Education and the Workforce.

By Mr. KENNEDY of Minnesota (for himself, Mr. KLINE, Mr. SABO, Mr. GUTKNECHT, Mr. OBERSTAR, Mr. RAMSTAD, and Mr. PETERSON of Minnesota):

H. Res. 493. A resolution congratulating the St. John's University, Collegeville, Minnesota, football team on winning the 2003 NCAA Division III Football National Championship; to the Committee on Education and the Workforce.

By Mr. LEACH:

H. Res. 494. A resolution to create a select committee to investigate the awarding and carrying out of contracts to conduct activities in Afghanistan and Iraq and to fight the war on terrorism; to the Committee on Rules.

¶1.34 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

240. The SPEAKER presented a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 103 memorializing the United States Congress to improve the enforcement of food import restrictions on seafood imports; to the Committee on Agriculture.

241. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 520 expressing its support for the National Defense Authorization Act for FY 2004 (H.R. 1588) and the protections it confers on certain noncitizen military personnel; to the Committee on Armed Services.

242. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 183 memorializing the United States Congress to amend the Fair Credit Reporting Act to provide that the statute of limitations for an identity theft suit is two years from the time the fraud was discovered; to the Committee on Financial Services.

243. Also, a memorial of the General Assembly of the State of Ohio, relative to Senate Concurrent Resolution No. 8 encouraging the International Joint Commission to maintain its participation in developing feasible and defensible strategies and policies that protect the Great Lakes waters from out-of-basin diversions and to continue to support the Annex 2001 process; to the Committee on International Relations.

244. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 510 the House of Representative of the Commonwealth of Pennsylvania urging the President and Congress of the United States to enact legislation reenacting the Abandoned Mine Reclamation Fund; to the Committee on Resources.

245. Also, a memorial of the General Assembly of the State of Ohio, relative to Senate Joint Resolution 2 memorializing the Congress of the United States to provide for the ratification of the Fourteenth Amendment to the United States Constitution to guarantee equal protection and due process to all persons born or naturalized in the United States; to the Committee on the Judiciary.

246. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 136 memorializing the United States Congress to enact legislation to grant a federal charter to the Korean War Veterans Association; to the Committee on the Judiciary.

247. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 187 memorializing the United States Congress to enact legislation to grant a federal charter to the Korean War Veterans Association; to the Committee on the Judiciary.

248. Also, a memorial of the Legislature of the State of New Jersey, relative to Senate Joint Resolution No. 16 revoking Joint Resolution No. IV of 1868 which attempted to withdraw New Jersey's ratification of the Fourteenth Amendment; to the Committee on the Judiciary.

249. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 186 memorializing the United States Congress to enact legislation to prohibit the use of a person's Social Security number as an identification number beyond its original purpose; to the Committee on Ways and Means.

250. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 514 the House of Representative of the Commonwealth of Pennsylvania urging the President and the Congress of the United States to continue to support the revitalization of the American steel industry by reinstating the steel tariffs under Section 201 of the Trade act of 1974 or providing support to the steel industry for the entire three-year duration regardless of the World Trade Organization's November 10, 2003 ruling; to the Committee on Ways and Means.

251. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 486 of the House of Representatives of the Commonwealth of Pennsylvania memorializing the President and the Congress of the United States to support efforts to increase LIHEAP funding over last year's funding; jointly to the Committees on Energy and Commerce and Education and the Workforce.

252. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 141 memorializing the United

States Congress to enact the Great Lakes environmental restoration act; jointly to the Committees on Transportation and Infrastructure and Resources.

253. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 182 memorializing the United States Congress to enact legislation to provide greater protections against identity theft; jointly to the Committees on Ways and Means and Financial Services.

254. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 182 memorializing the United States Congress to enact measures that support venture capital activities in Michigan; jointly to the Committees on Ways and Means and Small Business.

¶1.35 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 80: Mr. CUMMINGS.
H.R. 218: Mr. DAVIS of Alabama, Mr. JEFFERSON, and Mr. KLINE.
H.R. 284: Mr. GILLMOR, Mrs. NAPOLITANO, and Mr. CANNON.
H.R. 299: Mr. REYNOLDS.
H.R. 328: Mr. CUMMINGS.
H.R. 378: Mr. LUCAS of Kentucky.
H.R. 527: Mr. SOUDER.
H.R. 548: Mr. CLYBURN.
H.R. 583: Mrs. MILLER of Michigan.
H.R. 594: Mr. LEWIS of Georgia, Mr. KIRK, Mr. YOUNG of Florida, Mr. MEEK of Florida, Mr. GOODLATTE, Mr. WEINER, and Mr. FATTAH.
H.R. 623: Mr. CUMMINGS.
H.R. 645: Mr. SIMMONS.
H.R. 677: Mr. STARK.
H.R. 687: Mr. GERLACH and Mr. FOSSELLA.
H.R. 713: Mr. BELL, Mrs. MILLER of Michigan, Mr. TURNER of Texas, Mr. INSLEE, and Mr. LAHOOD.
H.R. 716: Mr. HOLT.
H.R. 717: Mr. GRIJALVA.
H.R. 745: Mr. RAHALL.
H.R. 776: Mr. SHAYS and Mr. OWENS.
H.R. 886: Mr. LEVIN.
H.R. 898: Mr. LINCOLN DIAZ-BALART of Florida and Mr. MARIO DIAZ-BALART of Florida.
H.R. 970: Mr. MCINTYRE and Mr. KENNEDY of Minnesota.
H.R. 972: Mr. MCHUGH.
H.R. 1029: Mr. MEEHAN, Mr. OWENS, and Mr. STARK.
H.R. 1043: Mr. GILCHREST and Mr. BARTLETT of Maryland.
H.R. 1061: Mr. DOOLEY of California.
H.R. 1111: Mr. SIMPSON.
H.R. 1117: Mr. HEFLEY and Mr. PITTS.
H.R. 1160: Mr. THOMPSON of Mississippi and Mr. HOEFFEL.
H.R. 1179: Mr. SMITH of Washington.
H.R. 1191: Mr. LYNCH.
H.R. 1196: Ms. HOOLEY of Oregon.
H.R. 1205: Mr. MCGOVERN and Ms. BORDALLO.
H.R. 1206: Mr. OTTER.
H.R. 1214: Ms. MCCARTHY of Missouri and Mr. QUINN.
H.R. 1258: Mrs. MALONEY, Mr. WEINER, and Mr. MEEHAN.
H.R. 1268: Mr. MCINTYRE and Mr. SHAYS.
H.R. 1285: Mr. SMITH of Washington, Mr. ABERCROMBIE, Mr. BROWN of Ohio, Ms. DELAURO, Mr. LARSON of Connecticut, Mr. MENENDEZ, Mr. PALLONE, and Mr. SPRATT.
H.R. 1321: Mr. FILNER.
H.R. 1345: Mr. GEORGE MILLER of California, Mr. BLUMENAUER, Mr. MARKEY, and Mr. HOLDEN.
H.R. 1349: Mr. LANTOS.
H.R. 1359: Mr. MURPHY, Mr. CUMMINGS, and Mr. RAMSTAD.
H.R. 1385: Mr. LOBIONDO and Mr. TAYLOR of North Carolina.
H.R. 1414: Mr. ALLEN.
H.R. 1434: Mr. WYNN, Mr. BLUMENAUER, and Mr. ABERCROMBIE.
H.R. 1472: Mr. VISCLOSKY.
H.R. 1508: Mr. MOORE.
H.R. 1626: Mr. HERGER.
H.R. 1628: Mr. KIND.
H.R. 1695: Ms. SCHAKOWSKY.
H.R. 1700: Mr. HASTINGS of Florida, Mr. WEINER, Mr. CUMMINGS, Mr. OWENS, and Ms. BORDALLO.
H.R. 1708: Mr. SCHROCK.
H.R. 1713: Mr. HINOJOSA.
H.R. 1863: Ms. KAPTUR and Mr. NORWOOD.
H.R. 1873: Mr. SHUSTER, Mr. SULLIVAN, and Mr. TURNER of Ohio.
H.R. 1874: Ms. HOOLEY of Oregon.
H.R. 1943: Mr. WAMP.
H.R. 2038: Mr. RUPPERSBERGER.
H.R. 2079: Mr. GUTKNECHT.
H.R. 2192: Mr. ANDREWS.
H.R. 2213: Ms. ESHOO.
H.R. 2217: Mr. STUPAK and Mr. CUMMINGS.
H.R. 2239: Mr. TURNER of Texas, Mr. WAXMAN, Ms. NORTON, Mr. RYAN of Ohio, Mr. PETRI, Mr. MCNULTY, Mr. CARDOZA, Mr. STENHOLM, Mr. WILSON of South Carolina, Mr. RANGEL, Mr. SHERMAN, Mr. PASCRELL, and Mr. SABO.
H.R. 2295: Ms. MILLENDER-MCDONALD.
H.R. 2318: Mr. SCHIFF and Ms. KILPATRICK.
H.R. 2323: Mr. FROST and Mr. PAYNE.
H.R. 2379: Mr. KIND.
H.R. 2391: Mr. HYDE.
H.R. 2404: Mr. MEEHAN, Mr. ENGEL, Mr. OWENS, Mr. HERGER, and Mr. ENGLISH.
H.R. 2440: Mr. SULLIVAN.
H.R. 2527: Mr. HOLT and Mr. SIMMONS.
H.R. 2626: Mr. SPRATT.
H.R. 2664: Mr. ANDREWS.
H.R. 2665: Mrs. MILLER of Michigan and Mr. DEFAZIO.
H.R. 2727: Mr. WEINER.
H.R. 2759: Ms. BALDWIN.
H.R. 2768: Mr. WAMP, Mr. MILLER of North Carolina, Mr. SANDLIN, Mr. EDWARDS, Mr. ETHERIDGE, Mr. HAYES, Mr. HOLDEN, Mr. GUTIERREZ, Mr. CRAMER, Mr. ABERCROMBIE, Mr. CASTLE, Mr. DAVIS of Illinois, Mr. EVANS, Mr. HILL, Mr. JACKSON of Illinois, Mr. JEFFERSON, Ms. KAPTUR, Ms. LEE, Mr. SHERMAN, Ms. MILLENDER-MCDONALD, Mr. BRADLEY of New Hampshire, Mr. OWENS, Mr. KLECZKA, Mr. PRICE of North Carolina, Mr. RUSH, Mr. GRIJALVA, Mr. HASTINGS of Florida, Ms. CORRINE BROWN of Florida, Mr. YOUNG of Alaska, and Mr. CARDOZA.
H.R. 2823: Mr. MATHESON, Mr. PLATTS, Mr. GORDON, Mr. WEINER, Mr. RUPPERSBERGER, Mr. HERGER, and Mr. MCDERMOTT.
H.R. 2832: Mr. HILL.
H.R. 2853: Mr. MARKEY.
H.R. 2945: Ms. SCHAKOWSKY, Mr. FARR, and Mr. MCGOVERN.
H.R. 3015: Mrs. BIGGERT.
H.R. 3048: Mr. WEINER.
H.R. 3069: Mrs. MUSGRAVE and Mr. LAHOOD.
H.R. 3085: Mr. FATTAH, Mr. ANDREWS, and Mr. DAVIS of Illinois.
H.R. 3111: Mr. ALLEN, Mr. LANTOS, Mr. BERMAN, Mr. SCHIFF, Mr. WAXMAN, Mr. MATSUI, Mr. SHERMAN, and Mr. TERRY.
H.R. 3139: Mr. BELL and Mrs. JONES of Ohio.
H.R. 3178: Mr. WEINER, Mr. MCCOTTER, and Mr. HINCHEY.
H.R. 3184: Mr. VAN HOLLEN.
H.R. 3190: Mr. JONES of North Carolina, Mr. TIBERI, Mr. DEAL of Georgia, Mr. OTTER, Mrs. BLACKBURN, Mr. VITTER, Mr. RAHALL, Mr. CARTER, and Mr. PLATTS.
H.R. 3194: Mr. GRIJALVA and Mr. TERRY.
H.R. 3204: Mr. FATTAH, Mr. OLVER, Mr. GUTIERREZ, Mr. CROWLEY, Ms. HOOLEY of Oregon, and Mrs. MALONEY.
H.R. 3270: Mr. SIMMONS.
H.R. 3352: Mr. DEFAZIO and Mr. STARK.
H.R. 3359: Mr. VISCLOSKY.
H.R. 3362: Mr. CUMMINGS.
H.R. 3416: Mr. FROST and Mr. BROWN of Ohio.
H.R. 3424: Mr. FROST, Mr. ACEVEDO-VILA, Mr. MICHAUD, Mr. SNYDER, and Mr. GUTIERREZ.
H.R. 3425: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FROST, Mr. ACEVEDO-VILA, Ms. MCCOLLUM, Mr. MICHAUD, and Mr. OWENS.
H.R. 3429: Mr. SIMMONS, Mr. ROGERS of Michigan, Mr. CRANE, and Mr. MANZULLO.
H.R. 3432: Ms. LINDA T. SANCHEZ of California.
H.R. 3473: Mrs. NAPOLITANO, Mrs. BIGGERT, Mr. TURNER of Ohio, Mr. GILCHREST, Mr. COBLE, Mr. ALLEN, Mr. KIND, Mr. EVERETT, and Mr. MEEKS of New York.
H.R. 3474: Mr. TURNER of Ohio, Mr. CONYERS, Mr. MCINTYRE, Mr. BALLANCE, Mr. SMITH of Washington, Mrs. EMERSON, Mr. TOWNS, Mr. LUCAS of Kentucky, Mr. GOODE, Mr. WAMP, Mr. OWENS, Mr. PRICE of North Carolina, Mr. EMANUEL, Mr. DEUTSCH, Mr. WU, Mr. THOMPSON of California, Mr. KIND, Mr. ROSS, Mr. HAYES, Mr. PICKERING, Mr. WEXLER, Mr. WICKER, Mr. BACA, Mrs. WILSON of New Mexico, Mr. HASTINGS of Florida, Mr. WEINER, Mr. SERRANO, Mrs. CAPITO, Mr. MICHAUD, Ms. KILPATRICK, Mr. MEEKS of New York, Ms. KAPTUR, Ms. SLAUGHTER, Ms. SCHAKOWSKY, Mr. PEARCE, Mr. FRANKS of Arizona, and Mr. OBERSTAR.
H.R. 3484: Ms. SCHAKOWSKY.
H.R. 3488: Mr. FILNER.
H.R. 3492: Mrs. MUSGRAVE.
H.R. 3539: Mr. OWENS.
H.R. 3550: Mr. RUSH, Mr. ENGEL, Mr. RANGEL, Ms. SCHAKOWSKY, Mr. WU, Mr. GRIJALVA, Mr. ALEXANDER, Mr. EMANUEL, and Mr. FRANK of Massachusetts.
H.R. 3582: Mr. SMITH of Washington and Mr. OWENS.
H.R. 3632: Mrs. BLACKBURN.
H.R. 3643: Mr. ROTHMAN.
H.R. 3676: Mr. SPRATT, Mr. MARKEY, Mr. BAIRD, and Mr. WEXLER.
H.R. 3677: Mr. BROWN of Ohio, Mr. CASE, and Mr. FROST.
H.R. 3688: Mr. TURNER of Texas.
H.J. Res. 22: Mr. RUPPERSBERGER.
H.J. Res. 38: Mr. BROWN of South Carolina.
H.J. Res. 62: Ms. ROS-LEHTINEN.
H. Con. Res. 3: Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. SNYDER, Mr. FROST, Mr. GRIJALVA, Mr. BISHOP of Georgia, Mr. SANDERS, Ms. KILPATRICK, Mr. CUMMINGS, Mr. RANGEL, Mrs. EMERSON, and Mr. OWENS.
H. Con. Res. 87: Mr. RADANOVICH.
H. Con. Res. 182: Ms. LINDA T. SANCHEZ of California.
H. Con. Res. 218: Mr. WELDON of Florida, Mr. ROTHMAN, and Mr. PALLONE.
H. Con. Res. 226: Mr. GEORGE MILLER of California, Ms. NORTON, and Mrs. NAPOLITANO.
H. Con. Res. 247: Mr. CALVERT, Mr. PAYNE, Mr. GRIJALVA, Mr. WEINER, and Mr. ALLEN.
H. Con. Res. 275: Mr. WEINER.
H. Con. Res. 298: Mr. DEAL of Georgia, Mr. PETRI, Mr. MANZULLO, Mr. DAVIS of Tennessee, Mr. JENKINS, and Mr. HAYWORTH.
H. Con. Res. 332: Mr. WEXLER, Mr. FROST, Mr. BRADLEY of New Hampshire, Mr. GORDON, and Mr. WEINER.
H. Con. Res. 343: Mr. MEEHAN, Mr. WEINER, Mr. COSTELLO, Mr. KLECZKA, Mr. SABO, Mr. DOOLEY of California, Mr. SCHIFF, Mr. STUPAK, Mr. PALLONE, Mr. GREEN of Texas, Mr. ROTHMAN, Ms. BERKLEY, Mr. WAXMAN, Mr. INSLEE, Mr. CUMMINGS, Mr. SPRATT, and Mr. BERMAN.
H. Res. 38: Ms. SCHAKOWSKY.
H. Res. 103: Mr. ANDREWS, Mr. OLVER, and Mr. DAVIS of Tennessee.
H. Res. 320: Ms. WATERS.
H. Res. 363: Ms. PELOSI.
H. Res. 419: Mr. RYAN of Ohio.
H. Res. 461: Mr. HOEFFEL.
H. Res. 466: Mr. SMITH of New Jersey, Mr. CARDOZA, Mr. GRIJALVA, Ms. SCHAKOWSKY, Mr. SHIMKUS, Mr. PAYNE, Mr. FARR, and Mr. OWENS.

¶1.36 PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

51. The SPEAKER presented a petition of the Common Council of the City of Buffalo, New York, relative to resolution No. 3 petitioning the Department of Strategic Planning to release all Year 29 Community Development Block Grant funds; to the Committee on Financial Services.

52. Also, a petition of James J. Kearney, Plantation, Florida, relative to a notice of fraud and demand for redress; to the Committee on Ways and Means.

WEDNESDAY, JANUARY 21, 2004 (2)

¶2.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. SIMMONS, who laid before the House the following communication:

WASHINGTON, DC,
January 21, 2004.

I hereby appoint the Honorable ROB SIMMONS to act as Speaker pro tempore on this day.

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

¶2.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. SIMMONS, announced he had examined and approved the Journal of the proceedings of Tuesday, January 20, 2004.

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

¶2.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

6275. A letter from the Secretary, Department of Education, transmitting the annual report of the National Advisory Committee on Institutional Quality and Integrity for Fiscal Year 2003, pursuant to 20 U.S.C. 1145(e); to the Committee on Education and the Workforce.

6276. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of January 23, 1995; to the Committee on International Relations.

6277. A letter from the Under Secretary of State for Political Affairs, Department of State, transmitting a year-end report on efforts in implementing Plan Colombia; to the Committee on International Relations.

6278. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2004–19 on Waiver of Restrictions on Assistance to the Republic of Uzbekistan under the Cooperative Threat Reduction Act of 1993, and Title V of the FREEDOM Support Act; to the Committee on International Relations.

6279. A letter from the Deputy Secretary of Defense, Department of Defense, transmitting the Department's FY 2003 Performance and Accountability Report; to the Committee on Government Reform.

6280. A letter from the Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting the Office's final rule—Governmentwide Debarment and Suspension (Nonprocurement) (RIN: 3206–AK30) received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6281. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 30397; Amdt. No. 445] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6282. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30392; Amdt. No. 3079] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6283. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30394; Amdt. No. 3081] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6284. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Clarion, IA [Docket No. FAA–2003–15726; Airspace Docket No. 03–ACE–68] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6285. A letter from the Secretary of Labor and Chairman of the Board, Pension Benefit Guaranty Corporation, transmitting the Corporation's 2003 Annual Report, pursuant to 29 U.S.C. 1308; jointly to the Committees on Education and the Workforce, Government Reform, and Ways and Means.

¶2.4 HONORING THE CONTRIBUTIONS OF CATHOLIC SCHOOLS

Mr. BOEHNER moved to suspend the rules and agree to the following resolution (H. Res. 492):

Whereas America's Catholic schools are internationally acclaimed for their academic excellence, but provide students more than a superior scholastic education;

Whereas Catholic schools ensure a broad, values-added education emphasizing the lifelong development of moral, intellectual, physical, and social values in America's young people;

Whereas the total Catholic school student enrollment for the 2003–2004 academic year is 2,600,000 and the student-teacher ratio is 17 to 1;

Whereas Catholic schools teach a diverse group of students;

Whereas more than 26 percent of school children enrolled in Catholic schools are from minority backgrounds, and more than 14 percent are non-Catholics;

Whereas Catholic schools produce students strongly dedicated to their faith, values, families, and communities by providing an intellectually stimulating environment rich in spiritual, character, and moral development;

Whereas in the 1972 pastoral message concerning Catholic education, the National Conference of Catholic Bishops stated: ''Education is one of the most important ways by which the Church fulfills its commitment to the dignity of the person and building of community. Community is central to education ministry, both as a necessary condition and an ardently desired goal. The educational efforts of the Church, therefore, must be directed to forming persons-in-community; for the education of the individual Christian is important not only to his solitary destiny, but also the destinies of the many communities in which he lives.''; and

Whereas January 25–31, 2004, has been designated as Catholic Schools Week by the National Catholic Educational Association and the United States Conference of Catholic Bishops, an event celebrating its 30th year: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals of Catholic Schools Week, an event co-sponsored by the National Catholic Educational Association and the United States Conference of Catholic Bishops and established to recognize the vital contributions of America's thousands of Catholic elementary and secondary schools; and

(2) congratulates Catholic schools, students, parents, and teachers across the Nation for their ongoing contributions to education, and for the key role they play in promoting and ensuring a brighter, stronger future for this Nation.

The SPEAKER pro tempore, Mr. SIMMONS, recognized Mr. BOEHNER and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SIMMONS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BOEHNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SIMMONS, pursuant to clause 8, rule XX, announced that the further proceedings on the motion were postponed.

¶2.5 HONORING MENTORS AND SUPPORTING EFFORTS TO RECRUIT MORE MENTORS

Mr. OSBORNE moved to suspend the rules and agree to the following resolution (H. Res. 491):

Whereas mentoring is a strategy for motivating and helping young people succeed in life by bringing them together in structured and trusting relationships with caring adults who provide guidance, support, and encouragement;

Whereas mentoring offers a supportive environment in which young people can grow, expand their vision, learn necessary skills, and achieve a future that they may never have thought possible;

Whereas a growing body of research shows that mentoring benefits young people in numerous ways, including improvements in school performance and attendance, self-confidence, attitudes toward and relationships with adults, and motivation to reach their potential;

Whereas mentoring is an adaptable, flexible approach that can be tailored to help children with academics, social support, career preparation, or leadership development;

Whereas there is in this Nation a mentoring gap, consisting of over 15,000,000 young people who need mentors but do not have them;

Whereas, in an effort to begin closing the mentoring gap, the House of Representatives on December 8, 2003, approved a measure to significantly increase Federal grant funding for local mentoring organizations to $100,000,000 for fiscal year 2004;

Whereas the recipients of those grants and other mentoring programs all across the country rely principally on volunteer mentors and will need an influx of volunteers to meet the growing demand for mentoring;

Whereas nonprofit groups and leading media companies have joined together to designate January 2004 as National Mentoring Month in an effort to recruit more mentors for young people;

Whereas the monthlong celebration of mentoring will encourage more adults to volunteer their time as mentors for young people and will enlist the involvement of nonprofit organizations, schools, businesses, faith communities, and government agencies in the mentoring movement; and

Whereas on January 9, 2004, President George W. Bush signed a proclamation designating January 2004 as National Mentoring Month and called upon the people of the United States to recognize the importance of being role models for youth, to look for mentoring opportunities in their communities, and to celebrate this month with appropriate ceremonies, activities, and programs: Now, therefore, be it

Resolved, That the House of Representatives—

(1) praises those individuals who have already given their time to mentor a child; and

(2) supports efforts to recruit more mentors in the United States.

The SPEAKER pro tempore, Mr. SIMMONS, recognized Mr. OSBORNE and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SIMMONS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. OSBORNE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SIMMONS, pursuant to clause 8, rule XX, announced that the further proceedings on the motion were postponed.

¶2.6 COMMENDING THE JET PROPULSION LAB FOR THE SUCCESSFUL LANDING OF THE MARS SPACE PROBE

Mr. ROHRABACHER moved to suspend the rules and agree to the following resolution (H. Res. 490):

Whereas since its inception in 1958 the National Aeronautics and Space Administration has achieved extraordinary scientific and technological feats;

Whereas the National Aeronautics and Space Administration's exploration of space has taught us to view Earth, ourselves, and the universe in a new way, opening our eyes and minds to great and new possibilities;

Whereas for over 40 years the National Aeronautics and Space Administration's Jet Propulsion Laboratory has led the world in the robotic exploration of the solar system, commanding the first United States unmanned missions to the Moon, Venus, Mars, Mercury, Jupiter, Saturn, Uranus, Neptune, and most recently, the edge of our solar system;

Whereas the Jet Propulsion Laboratory began the space age for the United States in 1958 with the successful development and launch of the Explorer 1, the first United States satellite;

Whereas the Jet Propulsion Laboratory conducted the first interplanetary mission, in which the Mariner 2 spacecraft arrived at Venus in December 1962;

Whereas over 100 years ago Russian astrophysicist Konstantin Tsiolkovsky asked, ''to observe Mars from a distance of several tens of kilometers, to land on its satellite or even on its surface, what could be more fantastic?'';

Whereas the Jet Propulsion Laboratory fulfilled Konstantin Tsiolkovsky's vision when it navigated the Viking mission, developed the Viking Orbiter, and in 1976 successfully operated the Viking 1 and 2 robot landers on Mars, the first missions to land a spacecraft safely on the surface of another planet;

Whereas more than 26 years after its launch in 1977, the Jet Propulsion Laboratory's Voyager 1, which unlocked the mysteries of the outer planets of our solar system, continues to expand our understanding of the farthest reaches of our solar system;

Whereas the Jet Propulsion Laboratory's Mars Pathfinder successfully landed on the Martian surface on July 4, 1997, launching the first United States free-roving exploration of another planet and inspiring a new generation of children to dream of the heavens;

Whereas after a journey of nearly seven years the Jet Propulsion Laboratory's Cassini-Huygens spacecraft will enter Saturn's orbit and begin to explore the solar system's second largest planet on July 1, 2004, and subsequently dispatch Huygens, a European-built probe, to the surface of Titan, Saturn's largest moon;

Whereas the Jet Propulsion Laboratory's Stardust spacecraft, having traveled more than 3,000,000,000 miles, will return to Earth on January 15, 2006, with the first extraterrestrial materials from beyond the orbit of the Moon;

Whereas the Mars Exploration Rovers Spirit and Opportunity were launched on June 10, 2003, and July 7, 2003, respectively, on missions to search for evidence indicating that Mars once held conditions hospitable to life;

Whereas Cornell University has led the development of the five science instruments carried by the two Rovers, is leading a science team consisting of 150 preeminent astronomers and engineers in the science investigation for the Mars mission, and is playing a leading role in both the operation of the two Rovers and the processing and analysis of the images and other data sent back to Earth;

Whereas the Rovers' landing sites were selected on the basis of intensive study of orbital data collected by the Mars Global Surveyor and Mars Pathfinder missions;

Whereas Spirit's landing site, formerly known as Gusev Crater and renamed Columbia Memorial Station, is thought to have once contained a large lake and may hold water-laid sediments that preserve important records of the lake environment, the sediments' highlands origins, and the sediments' river trip;

Whereas Opportunity's landing site, the Meridiani Planum, contains exposed deposits of a mineral that usually forms under watery conditions;

Whereas each Rover will conduct a three-month scientific study of the geologic records at the sites and evaluate whether those conditions would have been suitable for life;

Whereas each 384-pound Rover, roughly the size of a golf cart, traveled approximately 300,000,000 miles to reach Mars;

Whereas the craft carrying each Rover reaches speeds nearing 12,000 miles per hour when entering the Mars atmosphere before decelerating to a vertical stop in just over six minutes;

Whereas, during the period between entry into the Mars atmosphere and the Rovers' landing, over one dozen intricate operations need to be performed perfectly at just the right point for the Rovers to survive;

Whereas Spirit successfully completed entry, descent, and landing on January 3, 2004, at 11:35 p.m. eastern standard time, and within hours was beaming photographs of the Martian surface back to Earth;

Whereas Spirit is to be joined on the surface of Mars by its twin, Opportunity, on January 24, 2004; and

Whereas the engineers, scientists, and technicians of the Jet Propulsion Laboratory have played a vital role in the Nation's space program and set an example for the rest of us to follow: Now therefore be it

Resolved, That the House of Representatives—

(1) commends the engineers, scientists, and technicians of the Jet Propulsion Laboratory and Cornell University for their years of effort leading up to the successful entry, descent, landing, and operation of the Mars Exploration Rover Spirit on the Martian surface on January 3, 2004;

(2) recognizes the importance to the Nation and to humanity of the exploration of space; and

(3) honors the achievements of the National Aeronautics and Space Administration, the Jet Propulsion Laboratory, and Cornell University in expanding our comprehension of the universe and fulfilling the human need to explore and understand.

The SPEAKER pro tempore, Mr. SIMMONS, recognized Mr. ROHRABACHER and Mr. GORDON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. BASS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ROHRABACHER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 8, rule XX, announced that the further proceedings on the motion were postponed.

¶2.7 THE LATE HONORABLE PAUL SIMON

Mr. DOOLITTLE moved to suspend the rules and agree to the following resolution (H. Res. 489):

Whereas the Honorable Paul Simon became, at the age of 19, the Nation's youngest editor-publisher when he accepted a Lion's Club challenge to save the Troy Tribune in Troy, Illinois, and subsequently built a chain of 13 newspapers in southern and central Illinois;

Whereas the Honorable Paul Simon used the Troy Tribune to expose criminal activities and in 1951, at age 22, was called as a key witness to testify before the United States Senate's Crime Investigating Committee;

Whereas the Honorable Paul Simon served in the Illinois legislature for 14 years, winning the Independent Voters of Illinois ''Best Legislator Award'' every session;

Whereas the Honorable Paul Simon was elected Lieutenant Governor in 1968 and was the first in Illinois history to be elected to that post with a Governor of another party;

Whereas the Honorable Paul Simon served Illinois in the United States House of Representatives and the United States Senate with devotion and distinction;

Whereas the Honorable Paul Simon is the only individual to have served in the Illinois House of Representatives, the Illinois Senate, the United States House of Representatives, and the United States Senate.

Whereas the Honorable Paul Simon was the founder and director of the Public Policy Institute at Southern Illinois University in Carbondale, Illinois, and taught there for more than six years in the service of the youth of our Nation;

Whereas the Honorable Paul Simon wrote over 20 books and held over 50 honorary degrees;

Whereas the Honorable Paul Simon was an unapologetic champion of the less fortunate and a constant example of caring and honesty in public service;

Whereas his efforts on behalf of Illinoisans and all Americans earned him the esteem and high regard of his colleagues; and

Whereas his tragic death has deprived his State and the Nation of an outstanding lawmaker and public servant: Now, therefore, be it

Resolved, That the House of Representatives agrees with the sentiment expressed by the Senate in Senate Resolution 281.

The SPEAKER pro tempore, Mr. BASS, recognized Mr. DOOLITTLE and Mr. LARSON of Connecticut, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. KLINE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. DOOLITTLE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. KLINE, pursuant to clause 8, rule XX, announced that the further proceedings on the motion were postponed.

¶2.8 WHOLE NUMBER OF THE HOUSE OF REPRESENTATIVES ADJUSTED

Under clause 5(c) of rule XX, the Speaker pro tempore, Mr. KLINE, by unanimous consent, announced to the House that, in light of the resignation of the gentleman from South Dakota [MR. JANKLOW], the whole number of the House is adjusted to 433.

¶2.9 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. KLINE, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 20, 2004.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 20, 2004 at 5:55 p.m.

That the Senate passed without amendment H. Con. Res. 349.

That the Senate passed S. Res. 284.

Appointments:

Board of Visitors of the United States Military Academy;

Board of Visitors of the United States Naval Academy;

Board of Visitors of the United States Air Force Academy;

United States-China Economic Security Review Commission.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶2.10 H. RES. 492—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. KLINE, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 492) honoring the contributions of Catholic schools.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 398; Nays ..... 1 }

¶2.11 [Roll No. 2]

YEAS—398

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Dreier
Duncan
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Hinchey

NOT VOTING—33

Abercrombie
Berman
Burr
Burton (IN)
Carson (IN)
Davis (CA)
DeGette
Delahunt
Doggett
Doyle
Dunn
Edwards
Everett
Flake
Frank (MA)
Franks (AZ)
Gephardt
Gillmor
Hayworth
Hoyer
Istook
Kucinich
Marshall
Miller, George
Nadler
Platts
Rahall
Reyes
Serrano
Sherman
Tauzin
Watson
Waxman

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, was laid on the table.

¶2.12 H. RES. 491—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. KLINE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 491) honoring individuals who are mentors and supporting efforts to recruit more mentors.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 397 / Nays 0

¶2.13 [Roll No. 3]

YEAS—397

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Buyer
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Davis (AL)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Dreier
Duncan
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—35

Abercrombie
Berman
Burr
Burton (IN)
Calvert
Carson (IN)
Cunningham
Davis (CA)
DeGette
Delahunt
Doggett
Doyle
Dunn
Edwards
Everett
Flake
Frank (MA)
Franks (AZ)
Gephardt
Gillmor
Hayworth
Hoyer
Istook
Kucinich
Marshall
Miller, George
Nadler
Platts
Rahall
Reyes
Serrano
Sherman
Tauzin
Watson
Waxman

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, was laid on the table.

¶2.14 H. RES. 490—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. KLINE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 490) recognizing and commending the achievements of the National Aeronautics and Space Administration, the Jet Propulsion Laboratory, and Cornell University in conducting the Mars Exploration Rover mission, and recognizing the importance of space exploration.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 389 / Nays 0

¶2.15 [Roll No. 4]

YEAS—389

Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Davis (AL)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Dreier
Ehlers
Emanuel
Emerson
Engel
English
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gonzalez
Goodlatte
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hensarling
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan

Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—43

Abercrombie
Akin
Berman
Burr
Burton (IN)
Carson (IN)
Cunningham
Davis (CA)
DeGette
Delahunt
Doggett
Doyle
Duncan
Dunn
Edwards
Eshoo
Everett
Flake
Frank (MA)
Franks (AZ)
Gephardt
Gillmor
Goode
Graves
Gutierrez
Hayworth
Herger
Hoyer
Istook
Kucinich
Lucas (KY)
Marshall
Miller, George
Nadler
Platts
Rahall
Reyes
Reynolds
Serrano
Sherman
Tauzin
Watson
Waxman

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, was laid on the table.

¶2.16 H. RES. 489—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. KLINE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 489) stating the agreement of the House of Representatives with the sentiment expressed by the Senate in Senate Resolution 281.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 394 / Nays 0

¶2.17 [Roll No. 5]

YEAS—394

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Davis (AL)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Dreier
Duncan
Ehlers
Emanuel
Emerson
Engel
English
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walsh
Wamp
Waters
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—39

Abercrombie
Berman
Burr
Burton (IN)
Carson (IN)
Cunningham
Davis (CA)
DeGette
Delahunt
Doggett
Doyle
Dunn
Edwards
Eshoo
Everett
Flake
Frank (MA)
Franks (AZ)
Gephardt
Gillmor
Harris
Hayworth
Houghton
Hoyer
Istook
Jefferson
Kucinich
Marshall
Miller, George
Nadler
Platts
Rahall
Reyes
Serrano
Sherman
Tauzin
Walden (OR)
Watson
Waxman

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, was laid on the table.

¶2.18 COMMITTEE RESIGNATION—MINORITY

The SPEAKER pro tempore, Mr. CULBERSON, laid before the House the following communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 20, 2004.

Hon. DENNIS HASTERT,
Speaker of the House, of Representatives, Washington, DC.

DEAR MR. SPEAKER: Effective January 20, 2004, I hereby resign from the Committee on Financial Services, the Select Committee on Homeland Security, and the Committee on Small Business due to my pending appointment to the Committee on Energy and Commerce.

Sincerely,

CHARLES A. GONZALEZ,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶2.19 COMMITTEE ELECTION—MINORITY

Mr. MENENDEZ, by direction of the Democratic Caucus, submitted the following privileged resolution (H. Res. 495):

Resolved, That the following named Member be and is hereby elected to the following standing committee of the House of Representatives:

COMMITTEE ON ENERGY AND COMMERCE: Mr. Gonzalez.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶2.20 ADJOURNMENT OVER

On motion of Mr. DELAY, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 10 a.m. on Friday, January 23, 2004; and further, that when the House adjourns on Friday, January 23, 2004, it adjourn to meet at 12:30 p.m. on Tuesday, January 27, 2004, for morning-hour debate.

¶2.21 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. DELAY, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, January 28, 2004, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶2.22 APPOINTMENT OF SPEAKER PRO TEMPORE TO SIGN ENROLLMENTS

The SPEAKER pro tempore, Mr. CULBERSON, laid before the House a communication, which was read as follows:

WASHINGTON, DC,
January 21, 2004.

I hereby appoint the Honorable MAC THORNBERRY to act as Speaker pro tempore to sign enrolled bills and joint resolutions through January 27, 2004.

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

By unanimous consent, the appointment was approved.

¶2.23 ADVISORY COMMITTEE ON STUDENT FINANCIAL ASSISTANCE

The SPEAKER pro tempore, Mr. BISHOP of Utah, announced that the Speaker, pursuant to section 491 of the Higher Education Act (20 United States Code 1098 (c)), the order of the House of December 8, 2003, and upon the recommendation of the Minority Leader, appointed the following member on the part of the House to the Advisory Committee on Student Financial Assistance for a three-year term: Mr. Robert Shireman, Oakland, California.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶2.24 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Ms. DUNN, for today;

To Mr. HAYWORTH, for today; and

To Mr. PLATTS, for today.

And then,

¶2.25 ADJOURNMENT

On motion of Mr. ROHRABACHER, pursuant to the previous order heretofore agreed to, at 4 o'clock and 44 minutes p.m., the House adjourned until 10 o'clock a.m. on Friday, January 23, 2004.

¶2.26 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. MILLENDER-MCDONALD:

H.R. 3712. A bill to improve seaport security; to the Committee on Transportation and Infrastructure.

By Mr. COSTELLO (for himself, Mr. SHIMKUS, Mr. JOHNSON of Illinois, Mr. JACKSON of Illinois, Mr. DAVIS of Illinois, Mr. GUTIERREZ, Mr. EMANUEL, and Mr. KIRK):

H.R. 3713. A bill to designate the Federal building located at 250 West Cherry Street in Carbondale, Illinois the ''Senator Paul Simon Federal Building''; to the Committee on Transportation and Infrastructure.

By Ms. DELAURO (for herself and Ms. LEE):

H.R. 3714. A bill to provide better protection against bovine spongiform encephalopathy and other prion diseases; to the Committee on Agriculture, and in addition to the Committees on Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO (for herself, Mr. FROST, and Mr. OWENS):

H.R. 3715. A bill to facilitate efficient investments and financing of infrastructure projects and new job creation through the establishment of a National Infrastructure Development Corporation, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Financial Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH (for himself, Mr. DAVIS of Alabama, and Ms. HART):

H.R. 3716. A bill to amend title VII of the Tariff Act of 1930 to provide that the provisions relating to countervailing duties apply to nonmarket economy countries; to the Committee on Ways and Means.

By Mr. UPTON (for himself, Mr. MARKEY, Mr. TAUZIN, Mr. DINGELL, Mr. BILIRAKIS, Mr. BARTON of Texas, Mr. STEARNS, Mr. GILLMOR, Mr. BASS, Mr. GREENWOOD, Mr. BURR, Mr. BLUNT, Mr. SHIMKUS, Mr. TERRY, Mr. WELDON of Pennsylvania, Mr. WOLF, Mr. SMITH of Texas, Mr. GREEN of Texas, Mrs. WILSON of New Mexico, Mr. GORDON, Mr. WHITFIELD, Mrs. BONO, Ms. MCCARTHY of Missouri, Mr. WYNN, Mrs. CUBIN, and Mr. PITTS):

H.R. 3717. A bill to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language; to the Committee on Energy and Commerce.

By Mr. GOODE:

H.R. 3718. A bill to amend the Internal Revenue Code of 1986 to allow State government employers to contribute to section 403(b) pension plans; to the Committee on Ways and Means.

By Mr. NADLER (for himself, Mr. GREENWOOD, Ms. SLAUGHTER, and Ms. DEGETTE):

H.R. 3719. A bill to prohibit, consistent with Roe v. Wade, the interference by the government with a woman's right to choose to bear a child or terminate a pregnancy, and for other purposes; to the Committee on the Judiciary.

By Mr. PETERSON of Pennsylvania (for himself, Mr. OSBORNE, and Mr. SOUDER):

H.R. 3720. A bill to authorize the Secretary of Education to make grants to local educational agencies and private schools to establish drug-free school demonstration programs, and for other purposes; to the Committee on Education and the Workforce.

By Mr. PETERSON of Pennsylvania (for himself, Mr. BERRY, Mr. SANDERS, Mr. ACEVEDO-VILA, Mr. PAUL, Mr. MCHUGH, Mr. SHUSTER, Mr. CASE, Mr. HOEFFEL, Mr. PEARCE, Mr. MICHAUD, Mr. RENZI, Mr. BOYD, Mr. LATHAM, Mr. BOOZMAN, Mr. MORAN of Kansas, Mr. CANNON, Mrs. EMERSON, Mr. SWEENEY, Mr. QUINN, Mr. DAVIS of Tennessee, Mr. ROSS, Mrs. CAPITO, and Mrs. CUBIN):

H.R. 3721. A bill to amend title 49, United States Code, to repeal the essential air service local participation program; to the Committee on Transportation and Infrastructure.

By Mr. ROHRABACHER:

H.R. 3722. A bill to amend section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to impose conditions on Federal reimbursement of emergency health services furnished to undocumented aliens; to the Committee on Energy and Commerce.

By Mr. SESSIONS:

H.R. 3723. A bill to designate the facility of the United States Postal Service located at 8135 Forest Lane in Dallas, Texas, as the ''Vaughn Gross Post Office Building''; to the Committee on Government Reform.

By Mr. SHAYS (for himself, Mrs. MALONEY, and Mr. SIMMONS):

H.R. 3724. A bill to amend section 220 of the National Housing Act to make a technical correction to restore allowable increases in the maximum mortgage limits for FHA-insured mortgages for multifamily housing projects to cover increased costs of installing a solar energy system or residential energy conservation measures; to the Committee on Financial Services.

By Mr. WEINER:

H.R. 3725. A bill to prohibit United States military assistance for Egypt and to express the sense of Congress that the amount of military assistance that would have been provided for Egypt for a fiscal year should be provided in the form of economic support fund assistance; to the Committee on International Relations.

By Mr. WEINER:

H.R. 3726. A bill to authorize the grant program under which the Secretary of Homeland Security makes discretionary grants for use in high-threat, high-density urban areas, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JENKINS:

H.J. Res. 86. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. MENENDEZ:

H. Res. 495. A resolution electing a Member to a certain standing committee of the

House of Representatives; considered and agreed to.

By Mr. BAKER (for himself, Mr. TAUZIN, Mr. MCCRERY, Mr. JOHN, Mr. JEFFERSON, Mr. ALEXANDER, and Mr. VITTER):

H. Res. 496. A resolution commending the Louisiana State University Tigers football team for winning the 2003 Bowl Championship Series national championship game, and commending the Southern University Jaguars football team for winning the 2003 SBN Black College National Football Championship; to the Committee on Education and the Workforce.

By Mr. BURR (for himself and Mr. TAYLOR of North Carolina):

H. Res. 497. A resolution commending the Wake Forest University Demon Deacons field hockey team for winning the 2003 National Collegiate Athletic Association Division I Field Hockey Championship; to the Committee on Education and the Workforce.

By Mr. HOEKSTRA (for himself, Mr. EHLERS, Mr. UPTON, Mr. DINGELL, Mr. CAMP, Mr. CONYERS, Mr. KNOLLENBERG, Mr. KILDEE, Mr. SMITH of Michigan, Mr. LEVIN, Mr. ROGERS of Michigan, Ms. KILPATRICK, and Mr. MCCOTTER):

H. Res. 498. A resolution congratulating the Grand Valley State University Lakers football team for winning the 2003 National Collegiate Athletic Association Division II Football National Championship; to the Committee on Education and the Workforce.

By Mr. HOLT (for himself, Ms. ESHOO, Mr. REYES, Mrs. TAUSCHER, Mr. LARSON of Connecticut, Mr. WAXMAN, Mr. LANTOS, Mr. CONYERS, Mr. SPRATT, Mr. TURNER of Texas, and Mr. MORAN of Virginia):

H. Res. 499. A resolution requesting the President and directing the Secretary of State, the Secretary of Defense, and the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the President and those officials relating to the disclosure of the identity and employment of Ms. Valerie Plame; to the Committee on Intelligence (Permanent Select), and in addition to the Committees on Armed Services, International Relations, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PICKERING (for himself, Mr. PITTS, Mrs. WILSON of New Mexico, Mr. TERRY, Mrs. JO ANN DAVIS of Virginia, Mrs. CUBIN, Mr. ISTOOK, Mr. BURGESS, Mr. WHITFIELD, Mr. SULLIVAN, Mr. AKIN, and Mrs. BONO):

H. Res. 500. A resolution expressing the sense of the House of Representatives that the Federal Communications Commission should vigorously enforce indecency and profanity laws pursuant to the intent of Congress in order to protect children in the United States from indecent and profane programming on broadcast television and radio; to the Committee on Energy and Commerce.

¶2.27 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. LANTOS introduced a bill (H.R. 3727) for the relief of Maria Del Refugio Plascencia and Alfredo Plascencia-Lopez; which was referred to the Committee on the Judiciary.

¶2.28 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 31: Mr. GOODLATTE.
H.R. 58: Mr. PAYNE and Mrs. CAPITO.
H.R. 290: Ms. WATERS, Mrs. JONES of Ohio, and Mr. FARR.
H.R. 327: Mr. PAUL.
H.R. 331: Mr. GRIJALVA.
H.R. 375: Mr. PETERSON of Pennsylvania.
H.R. 394: Mr. JACKSON of Illinois.
H.R. 434: Mrs. BIGGERT, Mr. KELLER, and Mr. GIBBONS.
H.R. 466: Mr. VISCLOSKY.
H.R. 476: Mr. LYNCH and Ms. NORTON.
H.R. 502: Mr. TOOMEY.
H.R. 527: Mr. GORDON.
H.R. 832: Mr. DEUTSCH.
H.R. 839: Mr. PITTS, Mr. CHABOT, and Ms. MILLENDER-MCDONALD.
H.R. 852: Mr. HOLT, Mr. STUPAK, Mr. ANDREWS, and Mr. KIND.
H.R. 857: Mrs. JONES of Ohio.
H.R. 876: Mr. CUMMINGS, Mr. MEEK of Florida, Mr. JOHN, Mr. CASTLE, Mr. SMITH of Washington, Mr. DELAHUNT, Mr. WALSH, Mr. FATTAH, Mr. GREENWOOD, Mr. HOEFFEL, Mr. WELLER, Mr. OWENS, and Mr. DAVIS of Tennessee.
H.R. 883: Mr. CUMMINGS.
H.R. 885: Mr. FLAKE.
H.R. 920: Mr. CUMMINGS.
H.R. 936: Mr. DOGGETT.
H.R. 962: Mr. LANTOS and Mr. MCGOVERN.
H.R. 965: Ms. CARSON of Indiana and Mrs. JONES of Ohio.
H.R. 972: Mr. ENGEL.
H.R. 1154: Mr. SIMPSON.
H.R. 1225: Mr. CUMMINGS.
H.R. 1264: Mr. FOLEY.
H.R. 1268: Mr. WEINER.
H.R. 1322: Mr. WEINER and Mr. UDALL of New Mexico.
H.R. 1336: Mr. CLAY, Mr. GREENWOOD, Mr. MCHUGH, Mr. SHIMKUS, and Mr. LAHOOD.
H.R. 1426: Mr. COLE.
H.R. 1499: Mr. MILLER of North Carolina.
H.R. 1532: Mr. LATOURETTE, Mr. PETRI, Mr. EHLERS, and Mr. SIMMONS.
H.R. 1546: Mr. KINGSTON.
H.R. 1563: Ms. BORDALLO, Mr. MARKEY, Mr. KIND, and Mrs. WILSON of New Mexico.
H.R. 1582: Mr. RYAN of Ohio.
H.R. 1608: Mr. BOUCHER, Mr. KING of New York, Mr. LAHOOD, and Mrs. CHRISTENSEN.
H.R. 1639: Mr. OLVER, Mrs. DAVIS of California, and Mr. OWENS.
H.R. 1746: Mr. SHERMAN and Mrs. WILSON of New Mexico.
H.R. 1776: Mr. ANDREWS.
H.R. 1811: Mr. KIND, Mrs. KELLY, Mr. DEFAZIO, and Mr. VISCLOSKY.
H.R. 1824: Mr. NEAL of Massachusetts, Mr. UDALL of Colorado, and Mr. MCHUGH.
H.R. 1956: Mr. JACKSON of Illinois and Mr. WEINER.
H.R. 1997: Mr. BALLENGER.
H.R. 2053: Mr. LAMPSON.
H.R. 2060: Mr. VAN HOLLEN.
H.R. 2133: Mr. SCHROCK and Mr. TIBERI.
H.R. 2173: Mr. LANTOS, Ms. NORTON, Mr. WATT, Mr. WEINER, Mr. RYAN of Ohio, Mr. VAN HOLLEN, Mr. WEXLER, Mr. HOLT, Mr. CLYBURN, Mr. JEFFERSON, Mr. RAHALL, Mr. HOEFFEL, and Mr. PLATTS.
H.R. 2176: Mr. FOLEY.
H.R. 2263: Mr. HENSARLING.
H.R. 2318: Mr. MATHESON.
H.R. 2323: Mr. GORDON.
H.R. 2403: Mrs. MCCARTHY of New York.
H.R. 2404: Mr. GOODE, Mr. GILLMOR, and Mr. ROTHMAN.
H.R. 2490: Mr. SWEENEY and Mr. LANGEVIN.
H.R. 2509: Mr. HAYWORTH.
H.R. 2519: Mr. CASE, Mrs. CAPITO, Mr. TURNER of Ohio, and Mr. CASTLE.
H.R. 2527: Mr. WEINER and Mr. UDALL of Colorado.
H.R. 2568: Mr. MCINTYRE and Mr. PAYNE.
H.R. 2625: Mr. ANDREWS and Mr. DICKS.
H.R. 2699: Mr. MOORE and Mr. GREEN of Wisconsin.
H.R. 2760: Mr. FRANK of Massachusetts.
H.R. 2768: Ms. MCCARTHY of Missouri, Mr. KANJORSKI, Ms. LOFGREN, Mr. REYES, Mr. YOUNG of Florida, Mr. GEORGE MILLER of California, Mr. BILIRAKIS, Mr. OBEY, Mr. DICKS, and Mr. ROTHMAN.
H.R. 2797: Mr. GOODE.
H.R. 2809: Mr. PRICE of North Carolina.
H.R. 2810: Mr. PRICE of North Carolina.
H.R. 2900: Mr. WELDON of Pennsylvania and Mr. CRANE.
H.R. 2959: Mr. BISHOP of Utah, Mr. LAHOOD, and Mr. PLATTS.
H.R. 3058: Mr. TURNER of Ohio and Mr. NEUGEBAUER.
H.R. 3092: Mr. ABERCROMBIE.
H.R. 3104: Mr. WOLF and Mr. EMANUEL.
H.R. 3125: Mr. BURTON of Indiana.
H.R. 3139: Mr. GREEN of Texas and Mr. MEEHAN.
H.R. 3190: Mr. GINGREY and Mr. RYUN of Kansas.
H.R. 3193: Mr. KELLER.
H.R. 3213: Mr. HENSARLING.
H.R. 3225: Mrs. CUBIN and Mr. ENGLISH.
H.R. 3242: Mr. HINCHEY, Mrs. MILLER of Michigan, and Mr. ABERCROMBIE.
H.R. 3246: Mr. ENGEL.
H.R. 3247: Mr. STUPAK.
H.R. 3277: Mr. SOUDER, Mr. NEUGEBAUER, Mrs. BLACKBURN, Mr. PETERSON of Minnesota, Mr. RUPPERSBERGER, Mr. BILIRAKIS, and Mr. CULBERSON.
H.R. 3281: Mrs. JONES of Ohio.
H.R. 3306: Mr. VAN HOLLEN.
H.R. 3313: Mr. HENSARLING.
H.R. 3329: Mr. PITTS.
H.R. 3350: Ms. ROS-LEHTINEN, Mrs. JONES of Ohio, Mr. ROTHMAN, Mr. SNYDER, and Mr. HOLT.
H.R. 3352: Mr. JACKSON of Illinois.
H.R. 3389: Mr. MOORE.
H.R. 3412: Mr. GOODE, Mr. GREEN of Wisconsin, and Mr. PALLONE.
H.R. 3425: Mr. SERRANO and Mr. MORAN of Virginia.
H.R. 3438: Mr. LANTOS, Mr. MCINTYRE, Mr. ISAKSON, Mr. HOLT, Mr. WEINER, Ms. JACKSON-LEE of Texas, and Mr. UPTON.
H.R. 3446: Mr. MCNULTY, Mr. MCDERMOTT, Mr. BAIRD, Mr. MOORE, Mr. HOEFFEL, Mr. WEINER, Ms. MCCOLLUM, Mr. WEXLER, Mr. WAXMAN, Mr. SHAYS, Mr. WU, Mr. FATTAH, Mr. HOLT, Mrs. NAPOLITANO, Ms. NORTON, Ms. JACKSON-LEE of Texas, Mrs. JONES of Ohio, Mr. KIRK, Mr. OWENS, and Mr. NEAL of Massachusetts.
H.R. 3473: Mr. CAMP, Mr. WICKER, Mr. PLATTS, Mr. NEUGEBAUER, and Mr. PASTOR.
H.R. 3484: Mr. TIBERI.
H.R. 3527: Mr. SHAW.
H.R. 3545: Ms. ESHOO, Mr. CASE, Mr. GEORGE MILLER of California, and Mr. OWENS.
H.R. 3550: Mr. DELAHUNT, Mr. MCNULTY, Mr. NEAL of Massachusetts, Mr. DAVIS of Alabama, Mrs. MCCARTHY of New York, Mr. BRADY of Pennsylvania, and Mr. SMITH of Washington.
H.R. 3561: Mr. RAMSTAD.
H.R. 3574: Mr. BURR, Mr. HAYWORTH, Mr. JOHN, Mr. BRADY of Texas, Mr. SHADEGG, and Ms. HOOLEY of Oregon.
H.R. 3591: Mr. TERRY.
H.R. 3599: Mr. OWENS.
H.R. 3605: Mr. KILDEE and Mr. COLE.
H.R. 3619: Mr. BECERRA, Mr. INSLEE, Mr. FRANK of Massachusetts, Mr. BERRY, Mr. EMANUEL, Mr. CROWLEY, Ms. ESHOO, Mr. ENGEL, Ms. ROYBAL-ALLARD, Mr. STUPAK, Mr. FILNER, Ms. KAPTUR, Ms. MCCARTHY of Missouri, Mr. STRICKLAND, Mr. ROSS, Mr. CUMMINGS, Mr. MCDERMOTT, Mr. LIPINSKI, Mr. LARSEN of Washington, Mr. NEAL of Massachusetts, and Mr. MORAN of Virginia.
H.R. 3642: Mrs. NAPOLITANO, Mr. WEXLER, Mr. RANGEL, Ms. NORTON, and Mr. OWENS.
H.R. 3673: Mr. FRANK of Massachusetts, Mr. FARR, Mr. WAXMAN, Mr. SERRANO, Mr.

WEXLER, Mr. PAYNE, Mr. CLAY, Mr. VISCLOSKY, Mr. MCDERMOTT, Mr. UDALL of New Mexico, Ms. WOOLSEY, Mr. LARSEN of Washington, Mr. SMITH of Washington, Mr. PRICE of North Carolina, Mr. TIERNEY, Ms. ESHOO, Mr. BOYD, and Mr. HOLT.

H.R. 3676: Mr. OWENS and Ms. WOOLSEY.

H.R. 3684: Mr. FROST, Mr. HOLT, Ms. MCCOLLUM, Mr. WEXLER, Mr. OWENS, Mr. FRANK of Massachusetts, and Mr. KILDEE.

H.R. 3687: Mr. TAYLOR of Mississippi, Mr. BARTLETT of Maryland, Mr. MCCOTTER, Mr. OSBORNE, Mr. BALLENGER, Mr. WALSH, Mr. NORWOOD, Mr. BOOZMAN, Mr. COLLINS, Mr. FORD, Mr. AKIN, Mr. PEARCE, Mr. BURR, Mr. BROWN of South Carolina, and Mr. WICKER.

H. Con. Res. 9: Mr. BARTLETT of Maryland.

H. Con. Res. 15: Mr. SOUDER.

H. Con. Res. 99: Mr. JACKSON of Illinois and Mr. KILDEE.

H. Con. Res. 226: Mr. MCNULTY.

H. Con. Res. 269: Ms. MCCOLLUM.

H. Con. Res. 285: Mr. KINGSTON.

H. Con. Res. 324: Mr. MATHESON and Ms. HOOLEY of Oregon.

H. Con. Res. 326: Ms. WOOLSEY and Mr. TANCREDO.

H. Con. Res. 332: Mr. MICHAUD.

H. Con. Res. 344: Mr. OWENS and Mr. WEXLER.

H. Con. Res. 348: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MEEKS of New York, Mr. FROST, Ms. BORDALLO, Mr. CANNON, Mr. MCNULTY, Mr. KILDEE, Mr. SHIMKUS, Mr. PEARCE, Mr. FRANK of Massachusetts, Mrs. MUSGRAVE, Mr. OWENS, and Ms. GINNY BROWN-WAITE of Florida.

H. Res. 157: Mr. ALLEN.

H. Res. 313: Mr. SHAYS and Mr. NADLER.

H. Res. 402: Mr. LUCAS of Kentucky.

H. Res. 466: Mr. PRICE of North Carolina, Mr. ENGEL, Mr. WEINER, Mr. ACEVEDO-VILA, Mrs. NAPOLITANO, and Mr. EHLERS.

H. Res. 479: Ms. MCCARTHY of Missouri, Mr. UDALL of New Mexico, Ms. SOLIS, Ms. NORTON, Mr. OLVER, Mr. DAVIS of Illinois, Ms. WOOLSEY, Mr. OWENS, Ms. CARSON of Indiana, Mrs. KELLY, and Mr. CLAY.

H. Res. 481: Mr. BURNS, Mr. DAVIS of Tennessee, Mr. ROSS, Mr. GOODE, Mr. SOUDER, Mr. BEAUPREZ, Mr. WICKER, Mr. SESSIONS, Mr. BOEHLERT, Mr. LATOURETTE, and Mrs. MUSGRAVE.

H. Res. 482: Mr. GREEN of Wisconsin, Mr. RYUN of Kansas, Mr. BONNER, Mr. BRADY of Texas, Mr. BAKER, Mr. GUTKNECHT, Mr. CALVERT, Mr. KELLER, Mr. WALSH, Mr. BOOZMAN, Mr. KINGSTON, Mr. GOODE, Mr. MILLER of Florida, Mr. DEMINT, Mr. TURNER of Texas, Mr. EVERETT, Mr. FORD, Mr. MATHESON, Mr. HAYWORTH, Mr. RAMSTAD, Mr. DAVIS of Tennessee, Ms. BORDALLO, Mr. DEAL of Georgia, Mr. BARRETT of South Carolina, Mr. COLLINS, Mr. MCHUGH, Mr. HILL, Mr. PETRI, Mr. LINDER, Mr. PLATTS, Mr. GOODLATTE, Mr. AKIN, Mr. KLINE, Ms. GINNY BROWN-WAITE of Florida, and Mr. TIBERI.

H. Res. 489: Mr. HYDE, Mrs. BIGGERT, Mr. GRIJALVA, and Mr. STARK.

H. Res. 490: Mr. MILLER of North Carolina, Mr. SMITH of Texas, and Mr. WU.

H. Res. 492: Mr. RENZI, Mr. ENGLISH, Mr. GUTKNECHT, and Mr. TOOMEY.

FRIDAY, JANUARY 23, 2004 (3)

¶3.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. PETRI, who laid before the House the following communication:

WASHINGTON, DC,
January 23, 2004.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

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

¶3.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. PETRI, announced he had examined and approved the Journal of the proceedings of Wednesday, January 21, 2004.

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

¶3.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

6286. A letter from the Regulatory Officer, Forest Service, Department of Agriculture, transmitting the Department's final rule — Predecisional Administrative Review Process for Hazardous Fuel Reduction Projects Authorized Under the Healthy Forests Restoration Act of 2003 (RIN: 0596-AC15) received January 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6287. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Oriental Fruit Fly; Designation of Quarantined Area [Docket No. 02-096-2] received January 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6288. A letter from the Program Manager, OPPM, Department of Agriculture, transmitting the Department's final rule — Office of Procurement and Property Management (OPPM); Uniform Procedures for the Acquisition and Transfer of Excess Personal Property (RIN: 0599-AA10) received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6289. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Copper (II) Hydroxide; Exemption from the Requirement of a Tolerance [OPP-2003-0356; FRL-7341-1] received January 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6290. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Formaldehyde, polymer with a-[bis(1-phenylethyl)phenyl]-w-hydroxypoly (oxy-1,2-ethanedil); Tolerance Exemption [OPP-2003-0392; FRL-7340-9] received January 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6291. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Annual Adjustment of Ceiling on Allowable Charge for Certain Disclosures under the Fair Credit Reporting Act, Section 612(f), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6292. A letter from the Chairman, Securities and Exchange Commission, transmitting in accordance with Section 9(c) of the Investor and Capital Markets Fee Relief Act of 2002 (Pub. L. 107-123), a report on the "Extent to Which the Benefits of Fee Reductions Effected as a Result of the Act are Passed on to Investors" as prepared by the Office of Economic Analysis; to the Committee on Financial Services.

6293. A letter from the Director, Office of Exemption Determinations, Employee Benefits Security Administration, Department of Labor, transmitting the Department's final rule — Class Exemption for the Release of Claims and Extensions of Credit in Connection With Litigation [Prohibited Transaction Exemption 2003-39; Application No. D-11100] received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6294. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Neurological Devices; Classification of Human Dura Matter [Docket No. 2002N-0370] received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6295. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's "Major" final rule -HIPAA Administrative Simplification: Standard Unique Health Identifier for Health Care Providers [CMS-0045-F] (RIN: 0938-AH99) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6296. A letter from the Administrator, Environmental Protection Agency, transmitting the Superfund Five-Year Review Report to Congress-FY 2002, in accordance with the requirements in Section 121(c) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended by the Superfund Amendments and Reauthorization Act of 1986; to the Committee on Energy and Commerce.

6297. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Sate of South Dakota; Regulations for State Facilities in Rapid City [SIP NO. SD-001-0016a; FRL-7606-6] received January 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6298. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans: Tennessee: Nitrogen Oxides Budget and Allowance Trading Program [TN-238, 255-200406; FRL-7612-2] received January 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6299. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plans for Designated Facilities; New York [Region 2 Docket No. NY66-271a, FRL-7610-5] received January 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6300. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Clean Air Act Full Approval of the Title V Operating Permit Program for Antelope Valley Air Pollution Control District in California [CA 111-OPPa; FRL-7611-2] received January 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6301. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pennsylvania: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7609-6] received January 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6302. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revision to the California State Implementation Plan, Monterey Bay Unified Air Pollution Control District [CA 289-0417a; FRL-7600-7] received January 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6303. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to Clarify the Scope of Certain Monitoring Requirements for Federal and State Operating Permits Programs [FRL-

7612-5, E-Docket ID. No. OAR-2003-0179 (Legacy Docket ID No. A-90-50)] (RIN: 2060-AK29) received January 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6304. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District, Yolo-Solano Air Quality Management District [CA264-0430; FRL-7607-5] received January 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6305. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District [CA275-0423a; FRL-7609-2] received January 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6306. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revocation of Significant New Uses of Certain Chemical Substances [OPPT-2003-0031; FRL-7320-1] (RIN: 2070-AB27) received January 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6307. A communication from the President of the United States, transmitting a report including matters relating to post-liberation Iraq as consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243); (H. Doc. No. 108—155); to the Committee on International Relations and ordered to be printed.

6308. A communication from the President of the United States, transmitting a supplemental report, consistent with the War Powers Resolution (Pub. L. 93-148), to help ensure that the Congress is kept fully informed on continued U.S. contributions in support of peacekeeping efforts in the former Yugoslavia; (H. Doc. No. 108—156); to the Committee on International Relations and ordered to be printed.

6309. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Libya that was declared in Executive Order 12543 of January 7, 1986; to the Committee on International Relations.

6310. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2004-17 on Waiving Prohibition on United States Military Assistance to Parties to the Rome Statute Establishing the International Criminal Court, pursuant to 22 U.S.C. 7421 et. seq; to the Committee on International Relations.

6311. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-291, ''Technical Amendments Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6312. A letter from the Acting Secretary, Department of Housing and Urban Development, transmitting the Department's FY 2003 Report on Performance and Accountability; to the Committee on Government Reform.

6313. A letter from the Secretary, Department of Labor, transmitting the FY 2003 Annual Report on Performance and Accountability; to the Committee on Government Reform.

6314. A letter from the Inspector General, General Services Administration, transmitting the Office's Audit Report Register for the six-month periods ending March 31, 2003 and September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6315. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the FY 2003 Performance and Accountability Report, prepared in accordance with the Reports Consolidation Act of 2000 and the Government Performance and Results Act of 1993; to the Committee on Government Reform.

6316. A letter from the Acting Director, Selective Service System, transmitting the FY 2003 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

6317. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period October 1, 2003 through December 31, 2003 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a; (H. Doc. No. 108—154); to the Committee on House Administration and ordered to be printed.

6318. A letter from the Secretary, Department of Interior, transmitting Final Engineering Report and Water Conservation Plan (Report and Plan) for the Lewis and Clark Rural Water System, pursuant to Public Law 106—246, section 4103(d)(2) (114 Stat. 580); to the Committee on Resources.

6319. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — North Dakota Regulatory Program [ND-047-FOR, Amendment No. XXXIV] received January 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6320. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Groundfish Fishery Management Measures [Docket No. 0312126315-3315-01; I.D. 112803A] (RIN: 0648-AR68) received January 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6321. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Surfclam and Ocean Quahog Fishery; Amendment 13 to the Surfclam and Ocean Quahog Fishery Management Plan [Docket No. 030908223-3289-02; I.D. 081403B] (RIN: 0648-AP57) received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6322. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney JT9D-7R4 Series Turbofan Engines [Docket No. 2003-NE-01-AD; Amendment 39-13422; AD 2004-01-08] (RIN: 2120-AA64) received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6323. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319 and A320 Series Airplanes Equipped With Elevator and Aileron Computer (ELAC) L80 Standard [Docket No. 2002-NM-57-AD; Amendment 39-13390; AD 2003-25-07] (RIN: 2120-AA64) received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6324. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-622R and A300 F4-622R Airplanes, and Model A310-324 and -325 Series Airplanes [Docket No. 2002-NM-137-AD; Amendment 39-13389; AD 2003-25-06] (RIN: 2120-AA64) received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6325. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777-200 and 777-300 Series Airplanes [Docket No. 2001-NM-295-AD; Amendment 39-13385; AD 2003-25-02] (RIN: 2120-AA64) received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6326. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-102, -103, -106, -201, -202, -301, -311, and -315 Airplanes [Docket No. 2001-NM-266-ad; Amendment 39-13388; AD 2003-25-05] (RIN: 2120-AA64) received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6327. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-400, -401, and -402 Airplanes [Docket No. 2002-NM-78-AD; Amendment 39-13386; AD 2003-25-03] (RIN: 2120-AA64) received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6328. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-90-30 Airplanes [Docket No. 2003-NM-169-AD; Amendment 39-13400; AD 2003-11-15 R1] (RIN: 2120-AA64) received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6329. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and -11F Airplanes [Docket No. 2001-NM-163-AD; Amendment 39-13393; AD 2003-25-10] (RIN: 2120-AA64) received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6330. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Models 172R, 172S, 182S, 182T, T182T, 206H, and T206H Airplanes [Docket No. 2003-CE-28-AD; Amendment 39-13382; AD 2003-24-13] (RIN: 2120-AA64) received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6331. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-10-10, DC-10-10F, DC-10-15, DC-10-30, DC-10-30F, DC-10-30F (KC-10A and KDC-10), DC-10-40, and DC-10-40F Airplanes [Docket No. 2002-NM-08-AD; Amendment 39-13396; AD 2006-25-13] (RIN: 2120-AA64) received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6332. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Falcon 900 EX and Mystere-Falcon 900 Series Airplanes [Docket No. 2001-NM-269-AD; Amendment 39-13395; AD 2003-25-12] (RIN: 2120-AA64) received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6333. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No. 2003-NM-243-AD; Amendment 39-13397; AD 2003-26-01] (RIN: 2120-AA64) received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6334. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747SR, and 747SP Series Airplanes [Docket No. 2001-NM-180-AD; Amendment 39-13394; AD 2003-25-11] (RIN: 2120-AA64) received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6335. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319-113 and -114 Series Airplanes; and Model A320-111, -211, and -212 Series Airplanes [Docket No. 2002-NM-61-AD; Amendment 39-13398; AD 2003-26-02] (RIN: 2120-AA64) received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6336. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No. 2002-NM-125-AD; Amendment 39-13387; AD 2003-25-04] (RIN:2120-AA64) received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6337. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Zanesville, OH [Docket No. FAA-2003-15876; Airspace Docket No. 03-AGL-14] received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6338. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney PW4074, PW4074D, PW4077, PW4077D, PW4084, PW4084D, PW4090, PW4090D, PW4090-3, and PW4098 Turbofan Engines [Docket No. 2003-NE-40-AD; Amendment 39-13407; AD 2003-26-09] (RIN: 2120-AA64) received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6339. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600 Series Airplanes; Model A300 B4-600R Series Airplanes, Model A300 C4-605R Variant F Airplanes, and Model A300 F4-605R Airplanes [Docket No. 2002-NM-119-AD; Amendment 39-13392; AD 2003-25-09] (RIN: 2120-AA64) received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6340. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes Equipped With Certain Litton Air Data Inertial Reference Units [Docket No. 2002-NM-92-AD; Amendment 39-13399; AD 2003-26-03] (RIN: 2120-AA63) received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6341. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Titeflex Corporation; Correction [Docket No. 2002-NE-22-AD; Amendment 39-13369; AD 2003-23-05] (RIN: 2120-AA63) received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6342. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Agusta S.p.A Model A109E Helicopters [Docket No. 2003-SW-36-AD; Amendment 39-13401; AD 2003-26-04] (RIN: 1220-AA64) received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6343. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Models 172R, 172S, 182S, 182T, T182T, 206H, and T206H Airplanes [Docket No. 2003-CE-28-AD; Amendment 39-13382; AD 2003-24-13] (RIN: 2120-AA64) received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6344. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas MD-90-30 Airplanes [Docket No. 2002-NM-103-AD; Amendment 39-13404; AD 2003-26-07] (RIN: 2120-AA64) received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6345. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney JT9D-3A, -7, -7A, -7F, -7H, -7AH, and -7J Turbofan Engines [Docket No. 2003-NE-52-AD; Amendment 39-13410; AD 2003-24-12R1] (RIN: 2120-AA64) received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6346. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Anjou Aeronautique Safety Belts and Restraint Systems [Docket No. 2003-CE-31-AD; Amendment 39-13403; AD 2003-26-06] (RIN: 2120-AA64) received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6347. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF34-8C1 Series and CF34-8C5 Series Turbofan Engines [Docket No. 2003-NE-58-AD; Amendment 39-13402; AD 2003-26-05] (RIN: 2120-AA64) received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6348. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company (GE) CF6-80E1A2 and -80E1A4 Turbofan Engines [Docket No. 2003-NE-26-AD; Amendment 39-13409; AD 2003-26-11] (RIN: 2120-AA64) received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6349. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Credit for Increasing Research Activities [TD 9104] (RIN: 1545-AY82) received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6350. A letter from the Director, Office of Personnel Management, transmitting the Office's Fiscal Year 2002 annual report on Veteran's Employment in the Federal Government, pursuant to 38 U.S.C. 4214(e)(1); to the Committee on Veterans' Affairs.

6351. A letter from the Regulations Coordinator, CMMS, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Notice of One-Time Appeal Process for Hospital Wage Index Classification [CMS-1373-N] (RIN: 0938-AN00) received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6352. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Charitable Contributions of Patents and Other Intellectual Property [Notice 2004-7] received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6353. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Guidance Regarding Deduction and Capitalization of Expenditures [TD 9107] (RIN: 1545-BA00) received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6354. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Section 42 Carryover and Stacking Rule Amendments [TD 9110] (RIN: 1545-BA85) received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6355. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2004-4) received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6356. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2004-5) received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6357. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Changes in accounting periods and in methods of accounting (Rev. Proc. 2004-11) received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6358. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Information Reporting With Respect to Foreign Disregarded Entities — received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6359. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Abusive Roth IRA Transactions [Notice 2004-8] received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6360. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2004-6) received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6361. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's

final rule — Rulings and determination letters (Rev. Proc. 2004-8) received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6362. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Changes in Computing Depreciation [TD 9105] (RIN: 1545-BC17) received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6363. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Ruling and determination letters (Rev. Proc. 2004-7) received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6364. A letter from the General Counsel, Department of Energy, transmitting a report to Congress implementing a requirement of section 121(c) of the Comprehensive Environment Response, Compensation and Liability Act (CERCLA), providing the status of CERCLA five year reviews, including the facilities for which such reviews are required, results of all such reviews, and any actions taken as a result of such reviews, pursuant to 42 U.S.C. 9621(c); jointly to the Committees on Energy and Commerce and Transportation and Infrastructure.

6365. A letter from the Administrator, FAA and Director, Nat'l Park Service, Department of Transportation, Department of the Interior, transmitting A report on the effectiveness of this title in providing incentives for the development and use of quiet aircraft technology, pursuant to 49 U.S.C. 40128 Public Law 106—181, section 807 (b); jointly to the Committees on Transportation and Infrastructure and Resources.

¶3.4 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. PETRI, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 22, 2004.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 22, 2004 at 10:55 a.m.

That the Senate passed without amendment H. Con. Res. 273.

Appointments: Veterans' Disability Benefits Commission.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶3.5 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. PETRI, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 22, 2004.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 22, 2004 at 2:50 p.m.

That the Senate agreed to conference report H.R. 2673.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶3.6 UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

The SPEAKER pro tempore, Mr. PETRI, pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for the fiscal year 2001 (22 United States Code 7002), amended by division P of the Consolidated Appropriations Resolution, 2003, and the order of the House of December 8, 2003, announced the Speaker reappointed the following member on the part of the House, to the United States-China Economic and Security Review Commission: Ms. June Teufel Dreyer, Coral Gables, Florida, for a term to expire December 31, 2005.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶3.7 ENROLLED BILL SIGNED

The SPEAKER pro tempore, Mr. PETRI, announced that pursuant to clause 4, rule I, the Speaker pro tempore signed the following enrolled bill on Thursday, January 22, 2004:

H.R. 2673. An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes.

¶3.8 BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House, reports that on January 23, 2004, he presented to the President of the United States, for his approval, the following bill.

H.R. 2673. An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes.

And then,

¶3.9 ADJOURNMENT

On motion of the SPEAKER pro tempore, Mr. PETRI, by unanimous consent and pursuant to the special order agreed to on January 21, 2004, at 10 o'clock and 5 minutes a.m., declared the House adjourned until 12:30 p.m. on Tuesday, January 27, 2004.

¶3.10 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. PITTS (for himself, Mr. BURGESS, and Mr. TAYLOR of Mississippi):

H.R. 3728. A bill to amend title 49, United States Code, to allow additional transit systems greater flexibility with certain mass transportation projects; to the Committee on Transportation and Infrastructure.

By Mr. TANCREDO:

H. Res. 501. A resolution recognizing and supporting Iranians in their daily struggle for democracy and reform, encouraging the Islamic Republic of Iran to conduct open and fair elections, and urging the President of the United States to engage with and support Iranians in their struggle for freedom and democracy; to the Committee on International Relations.

¶3.11 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

255. The SPEAKER presented a memorial of the Legislature of the State of New Jersey, relative to Senate Joint Resolution No. 16 revoking Joint Resolution No. IV of 1868 which attempted to withdraw New Jersey's ratification of the Fourteenth Amendment; to the Committee on the Judiciary.

256. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 161 memorializing the President of the United States and Congress to not reduce veterans' benefits in the national budget; to the Committee on Veterans' Affairs.

¶3.12 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 218: Mr. KIND.
H.R. 717: Mr. WEXLER.
H.R. 857: Mr. OXLEY and Mr. REGULA.
H.R. 1043: Mr. CARDIN.
H.R. 1532: Mr. REGULA.
H.R. 1582: Mr. SHADEGG.
H.R. 2823: Mr. PASTOR.
H.R. 3190: Mr. CULBERSON.
H.R. 3266: Mr. CAMP, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. THORNBERRY.
H.R. 3338: Mr. BEREUTER.
H.R. 3509: Mr. KILDEE.
H.R. 3550: Mr. ALLEN, Mr. ABERCROMBIE, Ms. LORETTA SANCHEZ of California, Mr. LUCAS of Kentucky, Mr. INSLEE, Mr. SANDLIN, Mr. TAUZIN, Mr. MCGOVERN, and Mr. UPTON.
H.J. Res. 56: Mr. BLUNT.
H. Con. Res. 311: Mr. WEXLER, Mr. OWENS, Mr. ANDREWS, and Mr. BEAUPREZ.
H. Res. 500: Mr. MILLER of Florida, Mr. BISHOP of Utah, Mr. SOUDER, and Mr. BARTON of Texas.

TUESDAY, JANUARY 27, 2004 (4)

¶4.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. BONNER, who laid before the House the following communication:

WASHINGTON, DC,
January 27, 2004.

I hereby appoint the Honorable JO BONNER to act as Speaker pro tempore on this day.

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

¶4.2 MORNING-HOUR DEBATE

The SPEAKER pro tempore, Mr. BONNER, pursuant to the order of the House of Tuesday, January 20, 2004, recognized Members for morning-hour debate.

¶4.3 RECESS—12:44 P.M.

The SPEAKER pro tempore, Mr. BONNER, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 44 minutes p.m., until 2 p.m.

¶4.4 AFTER RECESS—2 P.M.

The SPEAKER called the House to order.

¶4.5 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of

the proceedings of Friday, January 23, 2004.

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

¶4.6 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

6366. A letter from the Administrator, Foreign Agricultural Service, Department of Agriculture, transmitting the Department's final rule—Export Sales Reporting Requirements—received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6367. A letter from the Administrator, Rural Housing Service, Department of Agriculture, transmitting the Department's final rule—Fire and Rescue and Other Community Facilities Projects (RIN: 0575-AC53) received December 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6368. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Importation of Artificially Dwarfed Plants in Growing Media from the People's Republic of China [Docket No. 98-103-5] received January 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6369. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Importation of Eucalyptus Logs, Lumber, and Wood Chips From South America [Docket No. 02-097-2] received January 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6370. A letter from the Assistant Director, Legislative and Regulatory Activities Division, Comptroller of the Currency, Department of the Treasury, transmitting the Department's final rule—Rules, Policies, and Procedures for Corporate Activities; Bank Activities and Operations; Real Estate Lending and Appraisals [Docket No. 03-24] (RIN: 1557-AB97) received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6371. A letter from the Assistant Director, Legislative and Regulatory Activities Division, Comptroller of the Currency, Department of the Treasury, transmitting the Department's final rule—Electronic Filings [Docket No. 04-01] (RIN: 1557-AC13) received January 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6372. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Commission Guidance Regarding Management's Discussion and Analysis of Financial Condition and Results of Operations [Release Nos. 33-8350; 34-48960; FR-72] received December 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6373. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Processing Requirements for Canceled Security Certificates [Release No. 34-48931; File No. S7-18-00] (RIN: 3235-AH94) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6374. A letter from the Assistant General Counsel, Regulatory Services Division, Department of Education, transmitting the Department's final rule—Title I—Improving the Academic Achievement of the Disadvantaged (RIN: 1810-AA95) received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6375. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Head Start Program (RIN: 0970-AC16) received January 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6376. A letter from the Director, Corporate Policy and Research Dept., Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits—received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6377. A letter from the Director, Corporate Policy and Research Dept., Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Disclosure to Participants; Beneifts Payable in Terminated Single-employer Plans—received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6378. A letter from the Director, Corporate Policy and Research Dept., Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Valuation of Benefits and Assets; Expected Retirement Age—received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6379. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants) (RIN: 1991-AB56) received December 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6380. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Food Additives Permitted for Direct Addition to Food for Human Consumption; Acesulfame Potassium [Docket No. 2002F-0220] received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6381. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Scientific Peer Review of Research Grant Applications and Research and Development Contract Projects (RIN: 0925-AA) received December 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6382. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—List of Approved Spent Fuel Storage Casks: NAC-UMS Revision (RIN: 3150-AH25) received January 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6383. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting The Department's final rule—December 2002 Wassenaar Arrangement Plenary Agreement Implementation: Categories 1, 2, 3, 4, 5, 6, and 7 of the Commerce Control List, and Reporting Requirements [Docket No. 031017263-3263-01] (RIN: 0694-AC85) received December 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

6384. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Chemical Weapons Convention Regulations: Electronic Submission of Declarations and Reports through the Web-Data Entry System for Industry (Web-DESI) [Docket No. 0312113311-3311-01] (RIN: 0694-AC97) received January 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

6385. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule—Federal Acquisition Circular 2001-18; Introduction—received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6386. A letter from the Assistant Administrator, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species; Bluefin Tuna Season and Size Limit Adjustments [Docket No. 031028268-3321-02; I.D. 091603F] (RIN: 0648-AR12) received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6387. A letter from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department's final rule—Debt Collection Improvement Act—Treasury Offset and Cross Servicing (RIN: 0570-AA52) received January 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6388. A letter from the Under Secretary and Director, USPTO, Department of Commerce, transmitting the Department's final rule—Changes to Implement the 2002 Inter Partes Reexamination and other Technical Amendments to the Patent Statute [Docket No.: 2003-P-001] (RIN: 0651-AB57) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6389. A letter from the Director, Torts Branch, Civil Division, Department of Justice, transmitting the Department's final rule—Certification and Decertification in Connection With Certain Suits Based Upon Acts or Omissions of Federal Employees and Other Persons [CIV 102F; AG Order No. 2697-2003] (RIN: 1105-AA62) received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6390. A letter from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting the Department's final rule—Use of Locomotive Horns at Highway-Rail Grade Crossings [Docket No. FRA-1999-6439, Notice No. 8] (RIN: 2130-AA71) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6391. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30399; Amdt. No. 3085] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6392. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30398; Amdt. No. 3084] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6393. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Waverly, IA [Docket No. FAA-2003-16502; Airspace Docket No. 03-ACE-86] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6394. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Oskaloosa, IA [Docket No. FAA-2003-16500; Airspace Docket No. 03-ACE-84] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6395. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Osceola, IA [Docket No. FAA-2003-16499; Airspace Docket No. 03-ACE-83] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6396. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Tipton, IA [Docket No. FAA-2003-16501; Airspace Docket No. 03-ACE-85] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6397. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Mount Pleasant, IA [Docket No. FAA-2003-16498; Airspace Docket No. 03-ACE-82] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6398. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E4 Airspace; and Modification of Class E5 Airspace; Goodland, KS [Docket No. 2003-16079; Airspace Docket No. 03-ACE-71] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6399. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Buckhannon, WV [Docket No. FAA-2003-15229; Airspace Docket No. 03-ACE-05] received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6400. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Aircraft Company Models 172R, 172S, 182S, 182T, T182T, 206H, and T206H Airplanes [Docket No. 2003-CE-28-AD; Amendment 39-13382; AD 2003-24-13] (RIN: 2120-AA64) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6401. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-10-10, DC-10-10F, DC-10-15, DC-10-30, DC-10-30F, DC-10-30F (KC10A and KDC-10), DC-10-40, DC-10-40F, MD-10-10F, MD-10-30F, MD-11, and MD-11F Airplanes [Docket No. 2001-NM-207-AD; Amendment 39-13379; AD 2003-24-10] (RIN: 2120-AA64) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6402. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD-11 Airplanes [Docket No. 2003-NM-68-AD; Amendment 39-13380; AD 2003-24-11] (RIN: 2120-AA64) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6403. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), DC-9-87 (MD-87), and MD-88 Airplanes [Docket No. 2000-NM-150-AD; Amendment 39-13383; AD 2003-24-14] (RIN: 2120-AA64) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6404. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD-11 and -11F Airplanes [Docket No. 2003-NM-70-AD; Amendment 39-13378; AD 2003-24-09] (RIN: 1220-AA64) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6405. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Sidney, NE. [Docket No. FAA-2003-16409; Airspace Docket No. 03-ACE-78] received January 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6406. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Plattsmouth, NE. [Docket No. FAA-2003-16408; Airspace Docket No. 03-ACE-76] received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6407. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class D Airspace; and Modification of Class E Airspace; Topeka, Philip Billard Municipal Airport, KS. [Docket No. FAA-2003-16407; Airspace Docket No. 03-ACE-75] received Janaury 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6408. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Johnson, KS. [Docket No. FAA-2003-16411; Airspace Docket No. 03-ACE-77] received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6409. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class D Airspace; Hilton Head Island, SC [Docket No. FAA-2003-16359; Airspace Docket No. 03-ASO-18] received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6410. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Erie, PA [Docket No. FAA-2003-16119; Airspace Docket No. 03-AEA-13] received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6411. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Jamestown, NY [Docket No. FAA-2003-16120; Airspace Docket No. 03-AEA-12] received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6412. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Honesdale, PA [Docket No. FAA-2003-16220; Airspace Docket No. 03-AEA-15] received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6413. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Canby, MN [Docket No. FAA-2003-15877; Airspace Docket No. 03-AGL-15] received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6414. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Wilmington Clinton Field, OH [Docket No. FAA-2003-15834; Airspace Docket No. 03-AGL-13] received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6415. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Chicago, IL [Docket No. FAA-2003-15465; Airspace Docket No. 03-AGL-11] received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6416. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30400; Amdt. No. 3086] received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6417. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Service Difficulty Reports [Docket No. FAA-2000-7952] (RIN: 2120-AI13) received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6418. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Reasonable Charges for Medical Care or Services; 2003 Methodology Changes (RIN: 2900-AL06) received December 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6419. A letter from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting the Department's final rule— Regulations Governing New Treasury Direct System—received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6420. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Request for Comments Concerning the Application of Section 162 and 263 to Tangible Property [Notice 2004-6] received January 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6421. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Section 165 Worthless Stock Deduction of a Subsidiary (Rev. Rul. 2003-125) received December 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6422. A letter from the Chief, Publications and Regulations Branch (Legal Processing Division), Internal Revenue Service, transmitting the Service's final rule—Arbitrage restrictions applicable to tax-exempt bonds issued by state and local governments [TD 9097] (RIN: 1545-AX22) received December 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6423. A letter from the Regulations Officer, Social Security Administration, transmitting the Administration's final rule—Filing of Applications and Related Forms (Regulations No. 4 and 22) (RIN: 0960-AF52) received January 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6424. A letter from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting the Department's final rule—Medicare Programs; Rural Health Clinics: Amendments to Participation Requirements and Payment Provisions; and Establishment of a Quality Assessment and Performance Improvement Program [CMS-1910-F] (RIN: 0938-AJ17) received December 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

6425. A letter from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting the Department's ''Major'' final rule—Medicare Program; Hospital Outpatient Prospective Payment System Payment Reform for Calendar Year 2004 [CMS-1371-IFC] (RIN: 0938-AM96) received December 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

6426. A letter from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting the Department's ''Major'' final rule—Medicare Program; Medicare Prescription Drug Discount Card (RIN: 0938-AM71) received December 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

¶4.7 BREAST CANCER STAMP EXTENSION

Mr. OSE moved to suspend the rules and pass the bill (H.R. 1385) to extend the provision of title 39, United States Code, under which the United States Postal Service is authorized to issue a special postage stamp to benefit breast cancer research; as amended.

The SPEAKER pro tempore, Mr. SIMPSON, recognized Mr. OSE and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SIMPSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. OSE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶4.8 MEDICAL DEVICES TECHNICAL CORRECTIONS

Mr. GREENWOOD moved to suspend the rules and pass the bill (H.R. 3493) to amend the Federal Food, Drug, and Cosmetic Act to make technical corrections relating to the amendments made by the Medical Device User Fee and Modernization Act of 2002, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. SIMPSON, recognized Mr. GREENWOOD and Mr. BROWN of Ohio, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SIMPSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. GREENWOOD demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶4.9 ORDER OF BUSINESS—JOINT MEETING TO RECEIVE HIS EXCELLENCY JOSE MARIA AZNAR

On motion of Mr. GREENWOOD, by unanimous consent,

Ordered, That it may be in order at any time on Wednesday, February 4, 2004, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting His Excellency Jose Maria Aznar, President of the Government of Spain.

¶4.10 RECESS—2:54 P.M.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 12(a) of rule I, declared the House in recess at 2 o'clock and 54 minutes p.m., subject to the call of the Chair.

¶4.11 AFTER RECESS—6:31 P.M.

The SPEAKER pro tempore, Mrs. BIGGERT, called the House to order.

¶4.12 PROVIDING FOR THE CONSIDERATION OF S. 610

Mr. Lincoln DIAZ-BALART of Florida, by direction of the Committee on Rules, reported (Rept. No. 108–406) the resolution (H. Res. 502) providing for consideration of the bill of the Senate (S. 610) to amend the provisions of title 5, United States Code, to provide for workforce flexibilities and certain Federal personnel provisions relating to the National Aeronautics and Space Administration, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶4.13 PROVIDING FOR THE CONSIDERATION OF S. 1920

Mr. Lincoln DIAZ-BALART of Florida, by direction of the Committee on Rules, reported (Rept. No. 108–407) the resolution (H. Res. 503) providing for consideration of the bill of the Senate (S. 1920) to extend for 6 months the period for which chapter 12 of title 11 of the United States Code is reenacted.

When said resolution and report were referred to the House Calendar and ordered printed.

¶4.14 H.R. 1385—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1385) to extend the provision of title 39, United States Code, under which the United States Postal Service is authorized to issue a special postage stamp to benefit breast cancer research; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 331 / Nays 1

¶4.15 [Roll No. 6]

YEAS—331

Aderholt
Akin
Allen
Andrews
Baca
Baird
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Case
Castle
Chabot
Chocola
Clay
Coble
Cole
Collins
Conyers
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
Deal (GA)
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Foley
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Inslee
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts

Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Ross
Ruppersberger
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schrock
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Watt
Waxman
Weiner
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Woolsey
Wu
Wynn
Young (AK)

NAYS—1

Paul

NOT VOTING—100

Abercrombie
Ackerman
Alexander
Bachus
Ballance
Ballenger
Bono
Boozman
Boucher
Brady (PA)
Brown, Corrine
Burr
Buyer
Calvert
Camp
Capuano
Carson (OK)
Carter
Clyburn
Costello
Culberson
Cummings
Cunningham
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeMint
Dingell
Doggett
Doolittle
Duncan
English
Fattah
Forbes
Ford
Frost
Gallegly
Gephardt
Gutknecht
Hastings (FL)
Hobson
Honda
Hunter
Hyde
Israel
Jenkins
Johnson (IL)
Jones (NC)
Kingston
Kleczka
Kucinich
Lantos
LaTourette
Leach
Lewis (CA)
Lipinski
McIntyre
Meeks (NY)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Murtha
Nadler
Northup
Ortiz
Owens
Payne
Pombo
Price (NC)
Reyes
Rodriguez
Rogers (KY)
Rohrabacher
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sandlin
Scott (GA)
Serrano
Slaughter
Souder
Stark
Sullivan
Tauscher
Tauzin
Tiberi
Wamp
Waters
Watson
Weldon (PA)
Wexler
Wilson (SC)
Wolf
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶4.16 H.R. 3493—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3493) to amend the Federal Food, Drug, and Cosmetic Act to make technical corrections relating to the amendments made by the Medical Device User Fee and Modernization Act of 2002, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 333 / Nays 0

¶4.17 [Roll No. 7]

YEAS—333

Aderholt
Akin
Allen
Andrews
Baca
Baird
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chocola
Clay
Coble
Cole
Collins
Conyers
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
Deal (GA)
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Foley
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Hoyer
Hulshof
Inslee
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Ross
Ruppersberger
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schrock
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velezquez
Visclosky
Vitter
Walden (OR)
Walsh
Watt
Waxman
Weiner
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—99

Abercrombie
Ackerman
Alexander
Bachus
Ballance
Ballenger
Bono
Boozman
Boucher
Brady (PA)
Brown, Corrine
Burr
Buyer
Calvert
Camp
Capuano
Carson (OK)
Clyburn
Costello
Culberson
Cunningham
Davis, Jo Ann
DeFazio
DeGette
Delahunt
Dingell
Doggett
Doolittle
Duncan
English
Fattah
Forbes
Ford
Frost
Gallegly
Gephardt
Gutknecht
Hastings (FL)
Hobson
Honda
Houghton
Hunter
Hyde
Israel
Jenkins
Johnson (IL)
Jones (NC)
Kingston
Kleczka
Kucinich
Lantos
LaTourette
Leach
Lewis (CA)
Lipinski
McIntyre
Meeks (NY)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Murtha
Nadler
Northup
Ortiz
Owens
Payne
Pombo
Price (NC)
Reyes
Rodriguez
Rogers (KY)
Rohrabacher
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sandlin
Scott (GA)
Serrano
Simmons
Slaughter
Souder
Stark
Sullivan
Tauscher
Tauzin
Tiberi
Wamp
Waters
Watson
Weldon (PA)
Wexler
Wilson (SC)
Wolf
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶4.18 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. ALEXANDER, for today and balance of the week;

To Mrs. BONO, for today and balance of the week;

To Mr. FROST, for today;

To Mr. HASTINGS of Florida, for today;

To Mr. HONDA, for today and balance of the week;

To Mrs. MILLER of Michigan, for today and balance of the week;

To Mr. MILLER of North Carolina, for today;

To Mr. ORTIZ, for today and balance of the week;

To Mr. REYES, for today and balance of the week;

To Ms. ROYBAL-ALLARD, for today and balance of the week;

To Mr. ROYCE, for today and balance of the week;

To Ms. SLAUGHTER, for today;

To Mr. WAMP, for today; and

To Ms. WATERS, for today and balance of the week.

And then,

¶4.19 ADJOURNMENT

On motion of Mr. PALLONE, at 8 o'clock and 40 minutes p.m., the House adjourned.

¶4.20 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 502. Resolution providing for consideration of the bill (S. 610) to amend the provisions of title 5, United States Code, to provide for workforce flexibilities and certain Federal personnel provisions relating to the National Aeronautics and Space Administration, and for other purposes (Rept. 108–406). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 503. Resolution providing for consideration of the bill (S. 1920) to extend for 6 months the period for which chapter 12 of title 11 of the United States Code is reenacted (Rept. 108–407). Referred to the House Calendar.

¶4.21 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FILNER:

H.R. 3729. A bill to amend title 46, United States Code, to provide a monthly monetary benefit to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II; to the Committee on Veterans' Affairs, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 3730. A bill to amend title 10, United States Code, to provide for immediate implementation of full concurrent receipt for retired members of the Armed Forces who have a service-connected disability of both military retired pay paid by reason of their years of military service and disability compensation from the Department of Veterans Affairs paid by reason of their disability; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAMSTAD (for himself, Mr. MOORE, Mr. MORAN of Kansas, and Mr. POMEROY):

H.R. 3731. A bill to require the Secretary of Defense to reimburse members of the Armed Forces who participated in the Department of Defense Rest and Recuperation Leave program for travel expenses incurred by or on behalf of such members before the program was expanded to include domestic travel; to the Committee on Armed Services.

By Mr. REHBERG (for himself and Mr. PETERSON of Minnesota):

H.R. 3732. A bill to amend the Agricultural Marketing Act of 1946 to repeal the recently enacted two-year delay in the implementation of the country of origin labeling requirements of such Act for certain agricultural commodities; to the Committee on Agriculture.

By Mr. RYUN of Kansas (for himself, Mr. MORAN of Kansas, Mr. MOORE, and Mr. TIAHRT):

H.R. 3733. A bill to designate the facility of the United States Postal Service located at 410 Huston Street in Altamont, Kansas, as the "Myron V. George Post Office"; to the Committee on Government Reform.

By Mrs. WILSON of New Mexico (for herself, Mr. UDALL of New Mexico, Mr. PEARCE, Mr. SULLIVAN, Mr. BRADY of Texas, Ms. HART, Mr. TIBERI, Mr. ISSA, Mrs. CAPITO, Mr. HERGER, Mr. DOOLITTLE, Mr. WICKER, Mr. FATTAH, Mr. NUNES, Mr. EHLERS, Mr. NEY, Mr. HEFLEY, Mr. UPTON, Mr. HOEKSTRA, Mr. FRANKS of Arizona, Mr. SHAYS, Mr. LEWIS of California, Mr. TOM DAVIS of Virginia, Ms. PRYCE of Ohio, Mr. SAM JOHNSON of Texas, Mr. SHAW, Mrs. BIGGERT, Mr. HAYES, Mr. BLUNT, Mr. TAUZIN, Mr. CUNNINGHAM, Ms. KAPTUR, Mrs. JOHNSON of Connecticut, Mr. MANZULLO, Mr. SIMPSON, Mr. ROGERS of Michigan, Mr. REHBERG, Mr. MILLER of Florida, Mr. BOOZMAN, Mr. WILSON of South Carolina, Mr. PLATTS, Mr. AKIN, Mr. BONILLA, Mr. RYAN of Wisconsin, Mr. THORNBERRY, Mr. HASTINGS of Washington, Mr. NEUGEBAUER, Mrs. MUSGRAVE, Mr. SHIMKUS, Mr. BURR, Mr. WALDEN of Oregon, Mr. KLINE, Ms. HARRIS, Mr. CARTER, Ms. ROS-LEHTINEN, Mr. BUYER, Mr. GOSS, Mr. KIRK, Mr. COLLINS, Mr. KINGSTON, Mr. WHITFIELD, Mr. SPRATT, Mr. SKELTON, Mr. FRANK of Massachusetts, Ms. HARMAN, Ms. LOFGREN, Mr. REGULA, Mr. GRAVES, Mr. THOMAS, Mr. MCKEON, Mr. RENZI, and Mr. HAYWORTH):

H.R. 3734. A bill to designate the Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, as the "Joe Skeen Federal Building"; to the Committee on Transportation and Infrastructure.

By Mrs. MYRICK:

H. Con. Res. 350. Concurrent resolution supporting the goals and ideals of National Transparency Day, which promotes the financial transparency of charitable organizations; to the Committee on Ways and Means.

¶4.22 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. RANGEL introduced a bill (H.R. 3735) for the relief of Kadiatou Diallo, Laouratou Diallo, Ibrahima Diallo, Abdoul Diallo, Mamadou Bobo Diallo, Mamadou Pathe Diallo, Fatoumata Traore Diallo, Sankarela Diallo, and Marliatou Bah; which was referred to the Committee on the Judiciary.

¶4.23 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. VITTER.
H.R. 63: Mr. GIBBONS.
H.R. 120: Mr. VITTER.
H.R. 198: Mr. VITTER.
H.R. 282: Mr. VITTER.
H.R. 380: Mr. LEWIS of California.
H.R. 584: Mr. VITTER.
H.R. 716: Mrs. NAPOLITANO.
H.R. 738: Mr. MCGOVERN.
H.R. 742: Mr. SCHROCK and Mr. VAN HOLLEN.
H.R. 785: Ms. MAJETTE, Mr. LAMPSON, Mr. RYAN of Ohio, and Mr. ANDREWS.
H.R. 847: Mrs. MCCARTHY of New York.
H.R. 857: Mr. NEY.
H.R. 931: Mr. CULBERSON.
H.R. 1083: Mr. OLVER, Ms. SCHAKOWSKY, and Mr. WEINER.
H.R. 1157: Mr. ROTHMAN.
H.R. 1160: Mrs. WILSON of New Mexico.
H.R. 1321: Mr. LARSEN of Washington.
H.R. 1385: Mr. CARDOZA, Mr. GONZALEZ, Mr. MCCOTTER, Mr. PORTER, and Mr. VITTER.
H.R. 1430: Ms. LEE, Mrs. TAUSCHER, Mr. EVANS, Mr. EMANUEL, and Mr. WU.
H.R. 1434: Ms. LEE, Ms. KILPATRICK, Ms. CORRINE BROWN of Florida, and Ms. WATERS.
H.R. 1634: Mr. LARSEN of Washington.
H.R. 1653: Mr. SCHROCK and Mr. SANDERS.
H.R. 1730: Mr. MORAN of Virginia.
H.R. 1731: Ms. WATSON and Mrs. MCCARTHY of New York.
H.R. 1919: Mr. MEEKS of New York, Mr. FRANK of Massachusetts, and Mr. UDALL of New Mexico.
H.R. 1924: Ms. WATERS.
H.R. 1930: Mr. CUMMINGS and Mr. PAYNE.
H.R. 1998: Ms. LOFGREN, Mr. PRICE of North Carolina, Mr. JOHN, Mr. LAMPSON, Mr. WEINER, Ms. KAPTUR, and Mr. TURNER of Ohio.
H.R. 2020: Mr. STENHOLM.
H.R. 2023: Mr. WALSH.
H.R. 2096: Mr. BASS, Mr. LARSEN of Washington, and Mr. VITTER.
H.R. 2194: Mr. KIND.
H.R. 2233: Ms. LORETTA SANCHEZ of California.
H.R. 2239: Mr. DELAHUNT.
H.R. 2246: Ms. LOFGREN, Mr. ETHERIDGE, Mr. RAHALL, and Mrs. MCCARTHY of New York.
H.R. 2247: Mr. FARR and Mrs. MCCARTHY of New York.
H.R. 2256: Ms. SCHAKOWSKY.
H.R. 2260: Mr. MANZULLO, Mr. CUNNINGHAM, Mr. LAHOOD, and Mr. MILLER of North Carolina.
H.R. 2394: Mr. COSTELLO, Mr. PALLONE, Ms. ESHOO, Mr. ANDREWS, Mr. KUCINICH, and Mr. DEUTSCH.
H.R. 2404: Mr. MORAN of Virginia.
H.R. 2527: Ms. JACKSON-LEE of Texas.
H.R. 2568: Mr. MCNULTY.
H.R. 2585: Mr. GEORGE MILLER of California.
H.R. 2625: Mr. MEEKS of New York.
H.R. 2711: Mr. CARDIN.
H.R. 2719: Mr. GIBBONS and Mr. MILLER of Florida.
H.R. 2787: Mrs. KELLY.
H.R. 2808: Mr. DEFAZIO.
H.R. 2821: Mr. REYNOLDS, Mr. KILDEE, Mr. FROST, and Mr. MORAN of Virginia.
H.R. 2823: Mr. KENNEDY of Minnesota and Mr. PORTER.
H.R. 2839: Mr. ALLEN.
H.R. 2844: Mr. BERMAN.
H.R. 2906: Mr. CULBERSON.
H.R. 2934: Mr. CULBERSON.
H.R. 2945: Mr. OWENS and Ms. LORETTA SANCHEZ of California.
H.R. 3103: Mr. GORDON, Mr. EHLERS, Mr. MCCOTTER, MR. WEINER, Mr. MARIO DIAZ-BALART of Florida, Mr. REYNOLDS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. HOEKSTRA, Mr. CUMMINGS, Mr. JOHNSON of Illinois, Mr. LAMPSON, Mr. TERRY, and Mrs. NAPOLITANO.
H.R. 3104: Mr. SHAYS and Mr. ALLEN.
H.R. 3120: Mr. KILDEE.
H.R. 3180: Mr. MCDERMOTT.
H.R. 3191: Mr. DEAL of Georgia and Mr. GALLEGLY.
H.R. 3192: Mr. CUMMINGS, Mr. VAN HOLLEN, Ms. DELAURO, Ms. JACKSON-LEE of Texas, Mr. HOEFFEL, Mr. LANTOS, and Mr. SCHIFF.

H.R. 3242: Mr. BILIRAKIS.
H.R. 3243: Mr. RYUN of Kansas, Ms. SCHAKOWSKY, Mr. SHAW, and Mr. RANGEL.
H.R. 3271: Mr. KENNEDY of Rhode Island.
H.R. 3275: Mr. INSLEE.
H.R. 3299: Mr. HALL, Mr. CUMMINGS, Ms. DELAURO, and Mr. FILNER.
H.R. 3307: Mr. SESSIONS.
H.R. 3311: Mr. KINGSTON.
H.R. 3324: Ms. LEE.
H.R. 3337: Mr. MCDERMOTT.
H.R. 3355: Mr. DAVIS of Tennessee and Mrs. NAPOLITANO.
H.R. 3360: Ms. LORETTA SANCHEZ of California.
H.R. 3361: Mr. GRIJALVA, Mr. ABERCROMBIE, Mr. FILNER, Mr. BROWN of Ohio, Mr. PRICE of North Carolina, Ms. KAPTUR, Mr. SCHIFF, and Mr. SABO.
H.R. 3403: Mr. BISHOP of Georgia, Mr. NORWOOD, and Mr. COLLINS.
H.R. 3424: Mr. OWENS, Ms. LEE, Mr. SERRANO, Mr. MORAN of Virginia, Ms. KAPTUR, and Mr. FILNER.
H.R. 3425: Mr. DAVIS of Illinois.
H.R. 3440: Mr. MEEHAN.
H.R. 3450: Mrs. JONES of Ohio.
H.R. 3453: Mr. DAVIS of Tennessee, Mr. LAHOOD, Mr. LUCAS of Kentucky, Mr. REYNOLDS, and Mr. WAMP.
H.R. 3458: Mr. CUMMINGS, Mr. LAMPSON, Mr. TOWNS, Mr. HOEFFEL, Mr. OWENS, Ms. LEE, Mr. FROST, and Mr. SERRANO.
H.R. 3473: Mr. ISAKSON, Mrs. MCCARTHY of New York, and Mr. PETERSON of Minnesota.
H.R. 3474: Mr. GORDON, Ms. GINNY BROWN-WAITE of Florida, Mr. ISAKSON, Mr. GONZALEZ, Mr. LARSEN of Washington, Mr. LAMPSON, Mr. WHITFIELD, Mr. SANDLIN, Mrs. LOWEY, Mr. REYES, Mrs. MALONEY, Ms. JACKSON-LEE of Texas, Mr. KELLER, Mr. OLVER, Mr. ROGERS of Alabama, Mr. PAYNE, Mr. MATHESON, Mr. JOHN, Mr. DUNCAN, Mr. NORWOOD, Mr. VITTER, Mr. WILSON of South Carolina, and Ms. WATERS.
H.R. 3480: Mr. DOOLEY of California, Mr. GREEN of Wisconsin, Ms. JACKSON-LEE of Texas, Mrs. MCCARTHY of New York, Mr. RUPPERSBERGER, and Ms. SOLIS.
H.R. 3482: Mr. TERRY.
H.R. 3484: Mr. SABO.
H.R. 3513: Mr. JACKSON of Illinois.
H.R. 3574: Mr. BLUMENAUER, Mr. INSLEE, Mr. MCGOVERN, Mr. HOUGHTON, Mr. DOOLITTLE, Mr. DOOLEY of California, and Mr. CROWLEY.
H.R. 3611: Mr. BLUMENAUER and Mrs. TAUSCHER.
H.R. 3615: Mr. SANDERS.
H.R. 3618: Mr. SERRANO.
H.R. 3658: Mr. NORWOOD, Mr. DAVIS of Florida, Mr. YOUNG of Florida, Mr. TOWNS, Mr. ISAKSON, Mr. DAVIS of Illinois, Ms. ESHOO, Mr. LEACH, Mr. STARK, Mr. JOHN, Mr. KENNEDY of Rhode Island, Mr. FORD, Mr. MCNULTY, Mr. GRIJALVA, Mr. ACEVEDO-VILA, Ms. KAPTUR, Mr. LANTOS, Mr. UDALL of New Mexico, Mr. SNYDER, Mr. KIND, Mr. CUMMINGS, Mr. HALL, Mr. WALSH, Mr. TANNER, Mr. WEXLER, Mr. TURNER of Texas, Mr. LUCAS of Kentucky, Mr. SMITH of New Jersey, Mr. FROST, Mr. TERRY, Mr. LYNCH, Mr. STRICKLAND, Mr. PRICE of North Carolina, Mr. MOORE, Mr. SANDLIN, Mr. SCHIFF, Ms. BALDWIN, Mr. BURR, Mr. FOSSELLA, Mr. STENHOLM, Mr. LAHOOD, Mr. VAN HOLLEN, Mr. RAMSTAD, Mr. NETHERCUTT, Mrs. CHRISTENSEN, Mr. QUINN, Mr. FRANK of Massachusetts, Mr. ROTHMAN, Mr. JACKSON of Illinois, Mr. BALLANCE, Mr. MATHESON, Ms. MCCOLLUM, Mr. HULSHOF, Mr. MEEHAN, Mr. HOLDEN, Mr. WU, Mr. TAYLOR of Mississippi, Mr. HINCHEY, Mr. GEORGE MILLER of California, Mr. LINDER, Mr. KILDEE, Mr. SERRANO, Mrs. NAPOLITANO, and Mr. LANGEVIN.
H.R. 3678: Mr. WALSH, Mr. MCINTYRE, and Mr. PAUL.
H.R. 3688: Mr. GOODE.
H.R. 3690: Mr. HOUGHTON, Mr. WALSH, Mr. QUINN, Ms. SLAUGHTER, Mr. ACKERMAN, Mr. BISHOP of New York, Mr. BOEHLERT, Mr. CROWLEY, Mr. ENGEL, Mr. FOSSELLA, Mr. HINCHEY, Mr. ISRAEL, Mrs. KELLY, Mr. KING of New York, Mrs. LOWEY, Mrs. MCCARTHY of New York, Mr. MCHUGH, Mr. MCNULTY, Mrs. MALONEY, Mr. MEEKS of New York, Mr. NADLER, Mr. OWENS, Mr. RANGEL, Mr. SERRANO, Mr. SWEENEY, Mr. TOWNS, Ms. VELAZQUEZ, and Mr. WEINER.
H.R. 3695: Mr. ANDREWS.
H.R. 3696: Ms. MILLENDER-MCDONALD, Mr. BISHOP of Georgia, and Mr. ETHERIDGE.
H.R. 3707: Mr. JONES of North Carolina.
H.R. 3708: Mr. WEXLER.
H.R. 3717: Mr. EHLERS, Mr. MATHESON, Mr. JONES of North Carolina, Mr. EVERETT, Mr. ROGERS of Michigan, Mrs. NORTHUP, Mr. OSBORNE, and Mr. LEWIS of Kentucky.
H. Con. Res. 78: Ms. SOLIS.
H. Con. Res. 111: Ms. MCCARTHY of Missouri.
H. Con. Res. 165: Ms. LORETTA SANCHEZ of California and Mr. RADANOVICH.
H. Con. Res. 178: Mr. BISHOP of Georgia.
H. Con. Res. 218: Ms. GINNEY BROWN-WAITE of Florida.
H. Con. Res. 247: Mr. STUPAK.
H. Con. Res. 267: Mr. KING of New York.
H. Con. Res. 276: Mr. WEXLER, Ms. KAPTUR, Ms. WOOLSEY, and Mr. OWENS.
H. Con. Res. 298: Mr. BEREUTER, Mr. CUNNINGHAM, and Mr. BEAUPREZ.
H. Con. Res. 311: Mr. FROST.
H. Con. Res. 335: Mr. POMEROY.
H. Res. 60: Mr. TURNER of Texas, Mr. ABERCROMBIE, Mr. GRIJALVA, and Ms. LORETTA SANCHEZ of California.
H. Res. 103: Mr. DUNCAN
H. Res. 133: Mr. COLE.
H. Res. 268: Mr. PAYNE and Mr. CASE.
H. Res. 302: Mrs. BLACKBURN.
H. Res. 387: Mr. UDALL of Colorado and Mr. CUMMINGS.
H. Res. 402: Mr. SIMMONS.
H. Res. 410: Mr. WEXLER.
H. Res. 446: Mr. BACHUS, Mr. BURR, Mr. CULBERSON, Mr. KENNEDY of Minnesota, Mr. GOODE, and Mr. PITTS.
H. Res. 466: Mr. FRANK of Massachusetts, Mr. EVANS, Mr. MCGOVERN, Mr. ALLEN, Mr. SCHIFF, Mrs. JONES of Ohio, Mr. KIND, and Mr. PORTER.
H. Res. 477: Ms. LOFGREN.
H. Res. 485: Mrs. NAPOLITANO and Ms. GINNY BROWN-WAITE of Florida.
H. Res. 499: Mr. SABO, Mr. STARK, Mr. COOPER, Mr. BELL, Ms. KILPATRICK, Ms. SLAUGHTER, Ms. DEGETTE, Mr. MARKEY, Ms. LEE, Mr. MCGOVERN, Mr. HINCHEY, Mr. MCDERMOTT, Mr. TOWNS, Ms. SCHAKOWSKY, Mr. ABERCROMBIE, Mr. FRANK of Massachusetts, Ms. ROYBAL-ALLARD, Mr. ETHERIDGE, Mr. ALLEN, and Mrs. MALONEY.
H. Res. 500: Mr. CASE, Mr. HAYES, and Mr. JOHNSON of Illinois.

¶4.24 DELETIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2682: Mr. DEUTSCH, Ms. MILLENDER-MCDONALD, Mrs. TAUSCHER, Mr. WALSH, and Mr. BLUMENAUER.

WEDNESDAY, JANUARY 28, 2004 (5)

¶5.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. TERRY, who laid before the House the following communication:

WASHINGTON, DC,
January 28, 2004.

I hereby appoint the Honorable LEE TERRY to act as Speaker pro tempore on this day.

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

¶5.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. TERRY, announced he had examined and approved the Journal of the proceedings of Tuesday, January 27, 2004.

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

¶5.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

6427. A letter from the Administrator, Agriculture Marketing Service, Poultry Programs, Department of Agriculture, transmitting the Department's final rule — Increase in Fees and Charges for Egg, Poultry, and Rabbit Grading [Docket No. PY-03-001] received December 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6428. A letter from the Administrator, Agriculture Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule — Oranges and Grapefruit Grown in Lower Rio Grande Valley in Texas; Increased Assessment Rate [Docket No. FV-906-1 IFR] received December 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6429. A letter from the Administrator, Agriculture Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule — Walnuts Grown in California; Decreased Assessment Rate [Docket No. FV04-984-1IFR] received December 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6430. A letter from the Administrator, Agriculture Marketing Service, Transportation and Marketing Programs, Department of Agriculture, transmitting the Department's final rule — National Organic Program; Amendments to the National List of Allowed and Prohibited Substances [Docket Number TM-03-02] (RIN: 0581-AC27) received December 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6431. A letter from the Administrator, Agriculture Marketing Service, Fruit and Vegetable Division, Department of Agriculture, transmitting the Department's final rule — Revision of Fees for the Fresh Fruit and Vegetable Terminal Market Inspection Services [Docket Number FV-03-301] (RIN: 0581-AB63) received January 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6432. A letter from the Administrator, Agriculture Marketing Service, Livestock and Seed Program, Department of Agriculture, transmitting the Department's final rule — Amendment to the Soybean Promotion and Research Rules and Regulations [Doc. No. LS-02-14] received January 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6433. A letter from the Regulatory Contact, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting the Department's final rule — Fees for Processed Commodity Analytical Services (RIN: 0580-AA84) received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6434. A letter from the Acting Staff Director, Office of Regulatory and Management Services, Department of Agriculture, transmitting the Department's final rule — Sale and Disposal of National Forest System Timber; Extension of Timber Sale Contracts To Facilitate Urgent Timber Removal From Other Lands (RIN: 0596-AB48) received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6435. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Electronic Submission and Processing of Payment Requests [DFARS Case 2002-D001] received December 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6436. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Payment Withholding [DFARS Case 2002-D017] received December 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6437. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Unique Item Identification and Valuation [DFARS Case 2003-D081] received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6438. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Bank Holding Companies and Change in Bank Control [Regulation Y; Docket No. R-1092] received December 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6439. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7821] received December 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6440. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-D-7547] received December 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6441. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received December 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6442. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants) (RIN: 2501-AC81) received December 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6443. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Modification of the Community Development Block Grant Definition for Metropolitan City and Other Conforming Amendments [Docket No. FR-4872-I-01] (RIN: 2506-AC15) received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6444. A letter from the Deputy Secretary, Securities & Exchange Commission, transmitting the Commission's final rule — Recordkeeping Requirements for Registered Transfer Agents [Release No. 34-48949; File No. S7-13-03] (RIN: 3235-AI87) received December 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6445. A letter from the Deputy Secretary, Securities & Exchange Commission, transmitting the Commission's final rule — Compliance Programs of Investment Companies and Investment Advisers [Release Nos. IA-2204; IC-26299; File No. S7-03-03] (RIN: 3235-AI77) received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6446. A letter from the Director, Office of Workers' Compensation Programs, Department of Labor, transmitting the Department's final rule — Regulations Implementing the Federal Coal Mine Health and Safety Act of 1969, as Amended (RIN: 1215-AB40) received December 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6447. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Conservation Program for Consumer Products; Test Procedure for Clothes Washers [Docket No. EE-RM/TP-03-100] (RIN: 1904-AB43) received December 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6448. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — National Institutes of Health Center Grants (RIN: 0925-AA24) received December 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6449. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Requirements for Submission of Labeling for Human Prescription Drugs and Biologics in Electronic Format [Docket No. 2000N-1652] (RIN: 0910-AB91) received January 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6450. A letter from the Regulations Coordinator, Office of Special Programs, Department of Health and Human Services, transmitting the Department's final rule — Smallpox Vaccine Injury Compensation Program: Administrative Implementation (RIN: 0906-AA60) received December 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6451. A letter from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Glazing Materials; Low Speed Vehicles [Docket No. 03-15712; Notice 2] (RIN: 2127-AJ52) received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6452. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Compatibility With IAEA Transportation Safety Standards (TS-R-1) and Other Transportation Safety Amendments (RIN: 3150-AG71) received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6453. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — List of Approval Spent Fuel Storage Casks: Standardized NUHOMS -24P, -52B, -61BT, -24PHB, and -32PT Revision (RIN: 3150-AH36) received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6454. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Changes to the Adjudicatory Process (RIN: 3150-AG49) received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6455. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — List of Approved Spent Fuel Storage Casks: Standardized NUHOMS -24P, -52B, -61BT, -32PT, and 24PHB Revision (RIN: 3150-AH28) received December 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6456. A letter from the Deputy Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the Dugong (Dugong dugon) in the Republic of Palau (RIN: 1018-AI81) received December 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6457. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone off Alaska; Recision and Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No. 021212307-3037-02; I.D. 120503A] received December 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6458. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone off Alaska; Pacific Cod by Catcher Vessels Using Hook-and-Line Gear in the Bering Sea and Aleutian Islands [Docket No. 021212307-3037-02; I.D. 120403A] received December 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6459. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone off Alaska; Pacific Cod by Vessels Using Pot Gear in the Bering Sea and Aleutian Islands [Docket No. 021212307-3037-02; I.D. 120403C] received December 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6460. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the Fall Commercial Red Snapper Component [I.D. 120103F] received December 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6461. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Tax Refund Offset — received December 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6462. A letter from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting the Department's final rule — Religious Beliefs and Practices: Nomenclature Change [BOP-1105-F] (RIN: 1120-AB04) received January 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6463. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule — Public Participation in Railroad Abandonment Proceedings [STB Ex Parte No. 537 (Sub-No. 1)] received December 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6464. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's

final rule — Definition of Income for Trust Purposes [TD 9102] (RIN: 1545-AX96) received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6465. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Determination of Interest Rates (Rev. Rul. 2003-126) received December 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶5.4 PROVIDING FOR THE CONSIDERATION OF S. 610

Mr. Lincoln DIAZ-BALART of Florida, by direction of the Committee on Rules, called up the following resolution (H. Res. 502):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (S. 610) to amend the provisions of title 5, United States Code, to provide for workforce flexibilities and certain Federal personnel provisions relating to the National Aeronautics and Space Administration, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Science and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Mr. Lincoln DIAZ-BALART of Florida, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶5.5 RECESS—10:36 A.M.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 12(a) of rule I, declared the House in recess at 10 o'clock and 36 minutes a.m. subject to the call of the Chair.

¶5.6 AFTER RECESS—10:55 A.M.

The SPEAKER pro tempore, Mr. Lincoln DIAZ-BALART of Florida, called the House to order.

¶5.7 NASA WORKFORCE FLEXIBILITY

The SPEAKER pro tempore, Mr. Lincoln DIAZ-BALART of Florida, pursuant to House Resolution 502 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill of the Senate (S. 610) to amend the provisions of title 5, United States Code, to provide for workforce flexibilities and certain Federal personnel provisions relating to the National Aeronautics and Space Administration, and for other purposes.

The SPEAKER pro tempore, Mr. Lincoln DIAZ-BALART of Florida, by unanimous consent, designated Mr. ISAKSON as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. FLAKE, assumed the Chair.

When Mr. ISAKSON, Chairman, pursuant to House Resolution 502, reported the bill back to the House.

The previous question having been ordered by said resolution.

The bill was ordered to be read a third time, and was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. FLAKE, announced that the yeas had it.

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶5.8 RECESS—11:49 A.M.

The SPEAKER pro tempore, Mr. FLAKE, pursuant to clause 12(a) of rule I, declared the House in recess at 11 o'clock and 49 minutes a.m., subject to the call of the Chair.

¶5.9 AFTER RECESS—1 P.M.

The SPEAKER pro tempore, Mr. LAHOOD, called the House to order.

¶5.10 MESSAGES FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

¶5.11 PROVIDING FOR THE CONSIDERATION OF S. 1920

Mr. SESSIONS, by direction of the Committee on Rules, called up the following resolution (H. Res. 503):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (S. 1920) to extend for 6 months the period for which chapter 12 of title 11 of the United States Code is reenacted. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of H.R. 975 as passed by the House. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Mr. SESSIONS, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶5.12 BANKRUPTCY REFORM

The SPEAKER pro tempore, Mr. SESSIONS, pursuant to House Resolution 503 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill of the Senate (S. 1920) to extend for 6 months the period for which chapter 12 of title 11 of the United States Code is reenacted.

The SPEAKER pro tempore, Mr. SESSIONS, by unanimous consent, designated Mr. LAHOOD as Chairman of the Committee of the Whole; and after some time spent therein,

¶5.13 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment in the nature of a substitute submitted by Ms. BALDWIN:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Protection of Family Farmers and Family Fishermen Act of 2004''.

SEC. 2. PERMANENT REENACTMENT OF CHAPTER 12.

(a) PERMANENT REENACTMENT.—

(1) REENACTMENT.—Chapter 12 of title 11, United States Code, as reenacted by section 149 of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), and as in effect on December 31, 2003, is hereby reenacted.

(2) CONFORMING AMENDMENT.—Section 302 of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note) is amended by striking subsection (f).

(b) EFFECTIVE DATE OF REENACTMENT.—Subsection (a) shall take effect on January 1, 2004.

SEC. 3. DEBT LIMIT INCREASE.

Section 104(b) of title 11, United States Code, as amended by section 226, is amended by inserting ''101(18),'' after ''101(3),'' each place it appears.

SEC. 4. CERTAIN CLAIMS OWED TO GOVERNMENTAL UNITS.

(a) CONTENTS OF PLAN.—Section 1222(a)(2) of title 11, United States Code, is amended to read as follows:

''(2) provide for the full payment, in deferred cash payments, of all claims entitled to priority under section 507, unless—

''(A) the claim is a claim owed to a governmental unit that arises as a result of the sale, transfer, exchange, or other disposition of any farm asset used in the debtor's farming operation, in which case the claim shall be treated as an unsecured claim that is not entitled to priority under section 507, but the debt shall be treated in such manner only if the debtor receives a discharge; or

''(B) the holder of a particular claim agrees to a different treatment of that claim;''.

(b) SPECIAL NOTICE PROVISIONS.—Section 1231(b) of title 11, United States Code, as so designated by section 719, is amended by striking ''a State or local governmental unit'' and inserting ''any governmental unit''.

(c) EFFECTIVE DATE; APPLICATION OF AMENDMENTS.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act and shall not apply with respect to cases commenced under title 11 of the United States Code before such date.

SEC. 5. DEFINITION OF FAMILY FARMER.

Section 101(18) of title 11, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking ''$1,500,000'' and inserting ''$3,237,000''; and

(B) by striking ''80'' and inserting ''50''; and

(2) in subparagraph (B)(ii)—

(A) by striking ''$1,500,000'' and inserting ''$3,237,000''; and

(B) by striking ''80'' and inserting ''50''.

SEC. 6. ELIMINATION OF REQUIREMENT THAT FAMILY FARMER AND SPOUSE RECEIVE OVER 50 PERCENT OF INCOME FROM FARMING OPERATION IN YEAR PRIOR TO BANKRUPTCY.

Section 101(18)(A) of title 11, United States Code, is amended by striking ''for the taxable year preceding the taxable year'' and inserting the following:

''for—

''(i) the taxable year preceding; or

''(ii) each of the 2d and 3d taxable years preceding;

the taxable year''.

SEC. 7. PROHIBITION OF RETROACTIVE ASSESSMENT OF DISPOSABLE INCOME.

(a) CONFIRMATION OF PLAN.—Section 1225(b)(1) of title 11, United States Code, is amended—

(1) in subparagraph (A) by striking ''or'' at the end;

(2) in subparagraph (B) by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(C) the value of the property to be distributed under the plan in the 3-year period, or such longer period as the court may approve under section 1222(c), beginning on the date that the first distribution is due under the plan is not less than the debtor's projected disposable income for such period.''.

(b) MODIFICATION OF PLAN.—Section 1229 of title 11, United States Code, is amended by adding at the end the following:

''(d) A plan may not be modified under this section—

''(1) to increase the amount of any payment due before the plan as modified becomes the plan;

''(2) by anyone except the debtor, based on an increase in the debtor's disposable income, to increase the amount of payments to unsecured creditors required for a particular month so that the aggregate of such payments exceeds the debtor's disposable income for such month; or

''(3) in the last year of the plan by anyone except the debtor, to require payments that would leave the debtor with insufficient funds to carry on the farming operation after the plan is completed.''.

SEC. 8. FAMILY FISHERMEN.

(a) DEFINITIONS.—Section 101 of title 11, United States Code, is amended—

(1) by inserting after paragraph (7) the following:

''(7A) 'commercial fishing operation' means—

''(A) the catching or harvesting of fish, shrimp, lobsters, urchins, seaweed, shellfish, or other aquatic species or products of such species; or

''(B) for purposes of section 109 and chapter 12, aquaculture activities consisting of raising for market any species or product described in subparagraph (A);

''(7B) 'commercial fishing vessel' means a vessel used by a family fisherman to carry out a commercial fishing operation;''; and

(2) by inserting after paragraph (19) the following:

''(19A) 'family fisherman' means—

''(A) an individual or individual and spouse engaged in a commercial fishing operation—

''(i) whose aggregate debts do not exceed $1,500,000 and not less than 80 percent of whose aggregate noncontingent, liquidated debts (excluding a debt for the principal residence of such individual or such individual and spouse, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such individual or such individual and spouse; and

''(ii) who receive from such commercial fishing operation more than 50 percent of such individual's or such individual's and spouse's gross income for the taxable year preceding the taxable year in which the case concerning such individual or such individual and spouse was filed; or

''(B) a corporation or partnership—

''(i) in which more than 50 percent of the outstanding stock or equity is held by—

''(I) 1 family that conducts the commercial fishing operation; or

''(II) 1 family and the relatives of the members of such family, and such family or such relatives conduct the commercial fishing operation; and

''(ii)(I) more than 80 percent of the value of its assets consists of assets related to the commercial fishing operation;

''(II) its aggregate debts do not exceed $1,500,000 and not less than 80 percent of its aggregate noncontingent, liquidated debts (excluding a debt for 1 dwelling which is owned by such corporation or partnership and which a shareholder or partner maintains as a principal residence, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such corporation or such partnership; and

''(III) if such corporation issues stock, such stock is not publicly traded;

''(19B) 'family fisherman with regular annual income' means a family fisherman whose annual income is sufficiently stable and regular to enable such family fisherman to make payments under a plan under chapter 12 of this title;''.

(b) WHO MAY BE A DEBTOR.—Section 109(f) of title 11, United States Code, is amended by inserting ''or family fisherman'' after ''family farmer''.

(c) CHAPTER 12.—Chapter 12 of title 11, United States Code, is amended—

(1) in the chapter heading, by inserting ''**OR FISHERMAN**'' after ''**FAMILY FARMER**'';

(2) in section 1203, by inserting ''or commercial fishing operation'' after ''farm''; and

(3) in section 1206, by striking ''if the property is farmland or farm equipment'' and inserting ''if the property is farmland, farm equipment, or property used to carry out a commercial fishing operation (including a commercial fishing vessel)''.

(d) CLERICAL AMENDMENT.—In the table of chapters for title 11, United States Code, the item relating to chapter 12, is amended to read as follows:

''12. Adjustments of Debts of a Family Farmer or Family Fisherman with Regular Annual Income ..... 1201''.

(e) APPLICABILITY.—Nothing in this section shall change, affect, or amend the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801, et seq.).

It was decided in the negative ..... { Yeas ..... 158; Nays ..... 204; Answered present 1

¶5.14 [Roll No. 8]

AYES—158

Allen	Frank (MA)	McGovern
Andrews	Frost	McNulty
Baird	Gonzalez	Meehan
Baldwin	Green (TX)	Menendez
Ballance	Grijalva	Michaud
Becerra	Harman	Millender-McDonald
Berkley	Hill	Miller (NC)
Berman	Hinchey	Moore
Berry	Hinojosa	Moran (VA)
Bishop (NY)	Hoeffel	Murtha
Blumenauer	Holden	Nadler
Boswell	Holt	Napolitano
Brady (PA)	Hooley (OR)	Neal (MA)
Brown (OH)	Hoyer	Oberstar
Capps	Inslee	Obey
Capuano	Jackson (IL)	Olver
Cardin	Jefferson	Owens
Cardoza	John	Pallone
Carson (IN)	Jones (OH)	Pascrell
Case	Kanjorski	Pastor
Clay	Kaptur	Payne
Clyburn	Kennedy (RI)	Pelosi
Conyers	Kildee	Pomeroy
Cooper	Kilpatrick	Price (NC)
Costello	Kind	Rahall
Crowley	Kleczka	Rangel
Cummings	Lampson	Ross
Davis (AL)	Langevin	Rothman
Davis (CA)	Lantos	Rush
Davis (IL)	Larsen (WA)	Ryan (OH)
Davis (TN)	Larson (CT)	Sabo
DeFazio	Lee	Sánchez, Linda T.
DeLauro	Levin	Sanchez, Loretta
Deutsch	Lewis (GA)	Sanders
Dicks	Lofgren	Schakowsky
Dingell	Lowey	Schiff
Dooley (CA)	Lynch	Scott (GA)
Doyle	Majette	Scott (VA)
Emanuel	Maloney	Sherman
Engel	Markey	Skelton
Eshoo	Marshall	Smith (WA)
Etheridge	Matsui	Snyder
Evans	McCarthy (MO)	Solis
Farr	McCarthy (NY)	Spratt
Filner	McCollum	
Ford	McDermott	

Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—204

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

ANSWERED ''PRESENT''—1

Ruppersberger

NOT VOTING—70

Abercrombie
Ackerman
Alexander
Bachus
Ballenger
Bell
Bereuter
Bishop (GA)
Bono
Brown, Corrine
Brown-Waite, Ginny
Buyer
Camp
Carson (OK)
Crane
Cunningham
DeGette
Delahunt
Doggett
Everett
Fattah
Forbes
Gallegly
Gephardt
Gerlach
Gutierrez
Hastings (FL)
Hefley
Honda
Houghton
Hunter
Hyde
Israel
Jackson-Lee (TX)
Jenkins
Johnson, E. B.
Jones (NC)
Kolbe
Kucinich
Leach
Lewis (CA)
Lipinski
McInnis
McIntyre
Meeks (NY)
Miller (MI)
Miller, George
Mollohan
Ortiz
Petri
Pombo
Reyes
Reynolds
Rodriguez
Rogers (KY)
Roybal-Allard
Royce
Ryun (KS)
Sandlin
Serrano
Shimkus
Slaughter
Souder
Tanner
Thomas
Turner (TX)
Waters
Watson
Weldon (PA)
Young (AK)

So the amendment in the nature of a substitute was not agreed to.

The SPEAKER pro tempore, Mr. SIMPSON, assumed the Chair.

When Mr. LAHOOD, Chairman, pursuant to House Resolution 503, reported the bill back to the House with an amendment in the nature of a substitute adopted by the Committee.

The previous question having been ordered by said resolution.

Pursuant to House Resolution 503, the following amendment in the nature of a substitute, consisting of the text of H.R. 975 as passed by the House, was considered as adopted:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Bankruptcy Abuse Prevention and Consumer Protection Act of 2003''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; references; table of contents.

TITLE I—NEEDS-BASED BANKRUPTCY

Sec. 101. Conversion.
Sec. 102. Dismissal or conversion.
Sec. 103. Sense of Congress and study.
Sec. 104. Notice of alternatives.
Sec. 105. Debtor financial management training test program.
Sec. 106. Credit counseling.
Sec. 107. Schedules of reasonable and necessary expenses.

TITLE II—ENHANCED CONSUMER PROTECTION

Subtitle A—Penalties for Abusive Creditor Practices

Sec. 201. Promotion of alternative dispute resolution.
Sec. 202. Effect of discharge.
Sec. 203. Discouraging abuse of reaffirmation agreement practices.
Sec. 204. Preservation of claims and defenses upon sale of predatory loans.
Sec. 205. GAO study and report on reaffirmation agreement process.

Subtitle B—Priority Child Support

Sec. 211. Definition of domestic support obligation.
Sec. 212. Priorities for claims for domestic support obligations.
Sec. 213. Requirements to obtain confirmation and discharge in cases involving domestic support obligations.
Sec. 214. Exceptions to automatic stay in domestic support obligation proceedings.
Sec. 215. Nondischargeability of certain debts for alimony, maintenance, and support.
Sec. 216. Continued liability of property.
Sec. 217. Protection of domestic support claims against preferential transfer motions.
Sec. 218. Disposable income defined.
Sec. 219. Collection of child support.
Sec. 220. Nondischargeability of certain educational benefits and loans.

Subtitle C—Other Consumer Protections

Sec. 221. Amendments to discourage abusive bankruptcy filings.
Sec. 222. Sense of Congress.
Sec. 223. Additional amendments to title 11, United States Code.
Sec. 224. Protection of retirement savings in bankruptcy.
Sec. 225. Protection of education savings in bankruptcy.
Sec. 226. Definitions.
Sec. 227. Restrictions on debt relief agencies.
Sec. 228. Disclosures.
Sec. 229. Requirements for debt relief agencies.
Sec. 230. GAO study.
Sec. 231. Protection of personally identifiable information.
Sec. 232. Consumer privacy ombudsman.
Sec. 233. Prohibition on disclosure of name of minor children.

TITLE III—DISCOURAGING BANKRUPTCY ABUSE

Sec. 301. Reinforcement of the fresh start.
Sec. 302. Discouraging bad faith repeat filings.
Sec. 303. Curbing abusive filings.
Sec. 304. Debtor retention of personal property security.
Sec. 305. Relief from the automatic stay when the debtor does not complete intended surrender of consumer debt collateral.
Sec. 306. Giving secured creditors fair treatment in chapter 13.
Sec. 307. Domiciliary requirements for exemptions.
Sec. 308. Reduction of homestead exemption for fraud.
Sec. 309. Protecting secured creditors in chapter 13 cases.
Sec. 310. Limitation on luxury goods.
Sec. 311. Automatic stay.
Sec. 312. Extension of period between bankruptcy discharges.
Sec. 313. Definition of household goods and antiques.
Sec. 314. Debt incurred to pay nondischargeable debts.
Sec. 315. Giving creditors fair notice in chapters 7 and 13 cases.
Sec. 316. Dismissal for failure to timely file schedules or provide required information.
Sec. 317. Adequate time to prepare for hearing on confirmation of the plan.
Sec. 318. Chapter 13 plans to have a 5-year duration in certain cases.
Sec. 319. Sense of Congress regarding expansion of rule 9011 of the Federal Rules of Bankruptcy Procedure.
Sec. 320. Prompt relief from stay in individual cases.
Sec. 321. Chapter 11 cases filed by individuals.
Sec. 322. Limitations on homestead exemption.
Sec. 323. Excluding employee benefit plan participant contributions and other property from the estate.
Sec. 324. Exclusive jurisdiction in matters involving bankruptcy professionals.
Sec. 325. United States trustee program filing fee increase.
Sec. 326. Sharing of compensation.
Sec. 327. Fair valuation of collateral.
Sec. 328. Defaults based on nonmonetary obligations.
Sec. 329. Clarification of postpetition wages and benefits.
Sec. 330. Delay of discharge during pendency of certain proceedings.

TITLE IV—GENERAL AND SMALL BUSINESS BANKRUPTCY PROVISIONS

Subtitle A—General Business Bankruptcy Provisions

Sec. 401. Adequate protection for investors.
Sec. 402. Meetings of creditors and equity security holders.

Sec. 403. Protection of refinance of security interest.
Sec. 404. Executory contracts and unexpired leases.
Sec. 405. Creditors and equity security holders committees.
Sec. 406. Amendment to section 546 of title 11, United States Code.
Sec. 407. Amendments to section 330(a) of title 11, United States Code.
Sec. 408. Postpetition disclosure and solicitation.
Sec. 409. Preferences.
Sec. 410. Venue of certain proceedings.
Sec. 411. Period for filing plan under chapter 11.
Sec. 412. Fees arising from certain ownership interests.
Sec. 413. Creditor representation at first meeting of creditors.
Sec. 414. Definition of disinterested person.
Sec. 415. Factors for compensation of professional persons.
Sec. 416. Appointment of elected trustee.
Sec. 417. Utility service.
Sec. 418. Bankruptcy fees.
Sec. 419. More complete information regarding assets of the estate.

Subtitle B—Small Business Bankruptcy Provisions

Sec. 431. Flexible rules for disclosure statement and plan.
Sec. 432. Definitions.
Sec. 433. Standard form disclosure statement and plan.
Sec. 434. Uniform national reporting requirements.
Sec. 435. Uniform reporting rules and forms for small business cases.
Sec. 436. Duties in small business cases.
Sec. 437. Plan filing and confirmation deadlines.
Sec. 438. Plan confirmation deadline.
Sec. 439. Duties of the United States trustee.
Sec. 440. Scheduling conferences.
Sec. 441. Serial filer provisions.
Sec. 442. Expanded grounds for dismissal or conversion and appointment of trustee.
Sec. 443. Study of operation of title 11, United States Code, with respect to small businesses.
Sec. 444. Payment of interest.
Sec. 445. Priority for administrative expenses.
Sec. 446. Duties with respect to a debtor who is a plan administrator of an employee benefit plan.
Sec. 447. Appointment of committee of retired employees.

TITLE V—MUNICIPAL BANKRUPTCY PROVISIONS

Sec. 501. Petition and proceedings related to petition.
Sec. 502. Applicability of other sections to chapter 9.

TITLE VI—BANKRUPTCY DATA

Sec. 601. Improved bankruptcy statistics.
Sec. 602. Uniform rules for the collection of bankruptcy data.
Sec. 603. Audit procedures.
Sec. 604. Sense of Congress regarding availability of bankruptcy data.

TITLE VII—BANKRUPTCY TAX PROVISIONS

Sec. 701. Treatment of certain liens.
Sec. 702. Treatment of fuel tax claims.
Sec. 703. Notice of request for a determination of taxes.
Sec. 704. Rate of interest on tax claims.
Sec. 705. Priority of tax claims.
Sec. 706. Priority property taxes incurred.
Sec. 707. No discharge of fraudulent taxes in chapter 13.
Sec. 708. No discharge of fraudulent taxes in chapter 11.
Sec. 709. Stay of tax proceedings limited to prepetition taxes.
Sec. 710. Periodic payment of taxes in chapter 11 cases.
Sec. 711. Avoidance of statutory tax liens prohibited.
Sec. 712. Payment of taxes in the conduct of business.
Sec. 713. Tardily filed priority tax claims.
Sec. 714. Income tax returns prepared by tax authorities.
Sec. 715. Discharge of the estate's liability for unpaid taxes.
Sec. 716. Requirement to file tax returns to confirm chapter 13 plans.
Sec. 717. Standards for tax disclosure.
Sec. 718. Setoff of tax refunds.
Sec. 719. Special provisions related to the treatment of State and local taxes.
Sec. 720. Dismissal for failure to timely file tax returns.

TITLE VIII—ANCILLARY AND OTHER CROSS-BORDER CASES

Sec. 801. Amendment to add chapter 15 to title 11, United States Code.
Sec. 802. Other amendments to titles 11 and 28, United States Code.

TITLE IX—FINANCIAL CONTRACT PROVISIONS

Sec. 901. Treatment of certain agreements by conservators or receivers of insured depository institutions.
Sec. 902. Authority of the FDIC and NCUAB with respect to failed and failing institutions.
Sec. 903. Amendments relating to transfers of qualified financial contracts.
Sec. 904. Amendments relating to disaffirmance or repudiation of qualified financial contracts.
Sec. 905. Clarifying amendment relating to master agreements.
Sec. 906. Federal Deposit Insurance Corporation Improvement Act of 1991.
Sec. 907. Bankruptcy law amendments.
Sec. 908. Recordkeeping requirements.
Sec. 909. Exemptions from contemporaneous execution requirement.
Sec. 910. Damage measure.
Sec. 911. SIPC stay.

TITLE X—PROTECTION OF FAMILY FARMERS AND FAMILY FISHERMEN

Sec. 1001. Permanent reenactment of chapter 12.
Sec. 1002. Debt limit increase.
Sec. 1003. Certain claims owed to governmental units.
Sec. 1004. Definition of family farmer.
Sec. 1005. Elimination of requirement that family farmer and spouse receive over 50 percent of income from farming operation in year prior to bankruptcy.
Sec. 1006. Prohibition of retroactive assessment of disposable income.
Sec. 1007. Family fishermen.

TITLE XI—HEALTH CARE AND EMPLOYEE BENEFITS

Sec. 1101. Definitions.
Sec. 1102. Disposal of patient records.
Sec. 1103. Administrative expense claim for costs of closing a health care business and other administrative expenses.
Sec. 1104. Appointment of ombudsman to act as patient advocate.
Sec. 1105. Debtor in possession; duty of trustee to transfer patients.
Sec. 1106. Exclusion from program participation not subject to automatic stay.

TITLE XII—TECHNICAL AMENDMENTS

Sec. 1201. Definitions.
Sec. 1202. Adjustment of dollar amounts.
Sec. 1203. Extension of time.
Sec. 1204. Technical amendments.
Sec. 1205. Penalty for persons who negligently or fraudulently prepare bankruptcy petitions.
Sec. 1206. Limitation on compensation of professional persons.
Sec. 1207. Effect of conversion.
Sec. 1208. Allowance of administrative expenses.
Sec. 1209. Exceptions to discharge.
Sec. 1210. Effect of discharge.
Sec. 1211. Protection against discriminatory treatment.
Sec. 1212. Property of the estate.
Sec. 1213. Preferences.
Sec. 1214. Postpetition transactions.
Sec. 1215. Disposition of property of the estate.
Sec. 1216. General provisions.
Sec. 1217. Abandonment of railroad line.
Sec. 1218. Contents of plan.
Sec. 1219. Bankruptcy cases and proceedings.
Sec. 1220. Knowing disregard of bankruptcy law or rule.
Sec. 1221. Transfers made by nonprofit charitable corporations.
Sec. 1222. Protection of valid purchase money security interests.
Sec. 1223. Bankruptcy Judgeships.
Sec. 1224. Compensating trustees.
Sec. 1225. Amendment to section 362 of title 11, United States Code.
Sec. 1226. Judicial education.
Sec. 1227. Reclamation.
Sec. 1228. Providing requested tax documents to the court.
Sec. 1229. Encouraging creditworthiness.
Sec. 1230. Property no longer subject to redemption.
Sec. 1231. Trustees.
Sec. 1232. Bankruptcy forms.
Sec. 1233. Direct appeals of bankruptcy matters to courts of appeals.
Sec. 1234. Involuntary cases.
Sec. 1235. Federal election law fines and penalties as nondischargeable debt.

TITLE XIII—CONSUMER CREDIT DISCLOSURE

Sec. 1301. Enhanced disclosures under an open end credit plan.
Sec. 1302. Enhanced disclosure for credit extensions secured by a dwelling.
Sec. 1303. Disclosures related to ''introductory rates''.
Sec. 1304. Internet-based credit card solicitations.
Sec. 1305. Disclosures related to late payment deadlines and penalties.
Sec. 1306. Prohibition on certain actions for failure to incur finance charges.
Sec. 1307. Dual use debit card.
Sec. 1308. Study of bankruptcy impact of credit extended to dependent students.
Sec. 1309. Clarification of clear and conspicuous.

TITLE XIV—GENERAL EFFECTIVE DATE; APPLICATION OF AMENDMENTS

Sec. 1401. Effective date; application of amendments.

TITLE XV—PREVENTING CORPORATE BANKRUPTCY ABUSE

Sec. 1501. Employee wage and benefit priorities.
Sec. 1502. Fraudulent transfers and obligations.
Sec. 1503. Payment of insurance benefits to retired employees.
Sec. 1504. Effective date; application of amendments.

TITLE I—NEEDS-BASED BANKRUPTCY

SEC. 101. CONVERSION.

Section 706(c) of title 11, United States Code, is amended by inserting ''or consents to'' after ''requests''.

SEC. 102. DISMISSAL OR CONVERSION.

(a) IN GENERAL.—Section 707 of title 11, United States Code, is amended—

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

"§ 707. Dismissal of a case or conversion to a case under chapter 11 or 13";

and

(2) in subsection (b)—

(A) by inserting ''(1)'' after ''(b)'';

(B) in paragraph (1), as so redesignated by subparagraph (A) of this paragraph—

(i) in the first sentence—

(I) by striking ''but not at the request or suggestion of'' and inserting ''trustee (or bankruptcy administrator, if any), or'';

(II) by inserting '', or, with the debtor's consent, convert such a case to a case under chapter 11 or 13 of this title,'' after ''consumer debts''; and

(III) by striking ''a substantial abuse'' and inserting ''an abuse''; and

(ii) by striking the next to last sentence; and

(C) by adding at the end the following:

''(2)(A)(i) In considering under paragraph (1) whether the granting of relief would be an abuse of the provisions of this chapter, the court shall presume abuse exists if the debtor's current monthly income reduced by the amounts determined under clauses (ii), (iii), and (iv), and multiplied by 60 is not less than the lesser of—

''(I) 25 percent of the debtor's nonpriority unsecured claims in the case, or $6,000, whichever is greater; or

''(II) $10,000.

''(ii)(I) The debtor's monthly expenses shall be the debtor's applicable monthly expense amounts specified under the National Standards and Local Standards, and the debtor's actual monthly expenses for the categories specified as Other Necessary Expenses issued by the Internal Revenue Service for the area in which the debtor resides, as in effect on the date of the order for relief, for the debtor, the dependents of the debtor, and the spouse of the debtor in a joint case, if the spouse is not otherwise a dependent. Notwithstanding any other provision of this clause, the monthly expenses of the debtor shall not include any payments for debts. In addition, the debtor's monthly expenses shall include the debtor's reasonably necessary expenses incurred to maintain the safety of the debtor and the family of the debtor from family violence as identified under section 309 of the Family Violence Prevention and Services Act, or other applicable Federal law. The expenses included in the debtor's monthly expenses described in the preceding sentence shall be kept confidential by the court. In addition, if it is demonstrated that it is reasonable and necessary, the debtor's monthly expenses may also include an additional allowance for food and clothing of up to 5 percent of the food and clothing categories as specified by the National Standards issued by the Internal Revenue Service.

''(II) In addition, the debtor's monthly expenses may include, if applicable, the continuation of actual expenses paid by the debtor that are reasonable and necessary for care and support of an elderly, chronically ill, or disabled household member or member of the debtor's immediate family (including parents, grandparents, siblings, children, and grandchildren of the debtor, the dependents of the debtor, and the spouse of the debtor in a joint case who is not a dependent) and who is unable to pay for such reasonable and necessary expenses.

''(III) In addition, for a debtor eligible for chapter 13, the debtor's monthly expenses may include the actual administrative expenses of administering a chapter 13 plan for the district in which the debtor resides, up to an amount of 10 percent of the projected plan payments, as determined under schedules issued by the Executive Office for United States Trustees.

''(IV) In addition, the debtor's monthly expenses may include the actual expenses for each dependent child less than 18 years of age, not to exceed $1,500 per year per child, to attend a private or public elementary or secondary school if the debtor provides documentation of such expenses and a detailed explanation of why such expenses are reasonable and necessary, and why such expenses are not already accounted for in the National Standards, Local Standards, or Other Necessary Expenses referred to in subclause (I).

''(V) In addition, the debtor's monthly expenses may include an allowance for housing and utilities, in excess of the allowance specified by the Local Standards for housing and utilities issued by the Internal Revenue Service, based on the actual expenses for home energy costs if the debtor provides documentation of such actual expenses and demonstrates that such actual expenses are reasonable and necessary.

''(iii) The debtor's average monthly payments on account of secured debts shall be calculated as the sum of—

''(I) the total of all amounts scheduled as contractually due to secured creditors in each month of the 60 months following the date of the petition; and

''(II) any additional payments to secured creditors necessary for the debtor, in filing a plan under chapter 13 of this title, to maintain possession of the debtor's primary residence, motor vehicle, or other property necessary for the support of the debtor and the debtor's dependents, that serves as collateral for secured debts;

divided by 60.

''(iv) The debtor's expenses for payment of all priority claims (including priority child support and alimony claims) shall be calculated as the total amount of debts entitled to priority, divided by 60.

''(B)(i) In any proceeding brought under this subsection, the presumption of abuse may only be rebutted by demonstrating special circumstances that justify additional expenses or adjustments of current monthly income for which there is no reasonable alternative.

''(ii) In order to establish special circumstances, the debtor shall be required to itemize each additional expense or adjustment of income and to provide—

''(I) documentation for such expense or adjustment to income; and

''(II) a detailed explanation of the special circumstances that make such expenses or adjustment to income necessary and reasonable.

''(iii) The debtor shall attest under oath to the accuracy of any information provided to demonstrate that additional expenses or adjustments to income are required.

''(iv) The presumption of abuse may only be rebutted if the additional expenses or adjustments to income referred to in clause (i) cause the product of the debtor's current monthly income reduced by the amounts determined under clauses (ii), (iii), and (iv) of subparagraph (A) when multiplied by 60 to be less than the lesser of—

''(I) 25 percent of the debtor's nonpriority unsecured claims, or $6,000, whichever is greater; or

''(II) $10,000.

''(C) As part of the schedule of current income and expenditures required under section 521, the debtor shall include a statement of the debtor's current monthly income, and the calculations that determine whether a presumption arises under subparagraph (A)(i), that show how each such amount is calculated.

''(3) In considering under paragraph (1) whether the granting of relief would be an abuse of the provisions of this chapter in a case in which the presumption in subparagraph (A)(i) of such paragraph does not arise or is rebutted, the court shall consider—

''(A) whether the debtor filed the petition in bad faith; or

''(B) the totality of the circumstances (including whether the debtor seeks to reject a personal services contract and the financial need for such rejection as sought by the debtor) of the debtor's financial situation demonstrates abuse.

''(4)(A) The court, on its own initiative or on the motion of a party in interest, in accordance with the procedures described in rule 9011 of the Federal Rules of Bankruptcy Procedure, may order the attorney for the debtor to reimburse the trustee for all reasonable costs in prosecuting a motion filed under section 707(b), including reasonable attorneys' fees, if—

''(i) a trustee files a motion for dismissal or conversion under this subsection; and

''(ii) the court—

''(I) grants such motion; and

''(II) finds that the action of the attorney for the debtor in filing under this chapter violated rule 9011 of the Federal Rules of Bankruptcy Procedure.

''(B) If the court finds that the attorney for the debtor violated rule 9011 of the Federal Rules of Bankruptcy Procedure, the court, on its own initiative or on the motion of a party in interest, in accordance with such procedures, may order—

''(i) the assessment of an appropriate civil penalty against the attorney for the debtor; and

''(ii) the payment of such civil penalty to the trustee, the United States trustee (or the bankruptcy administrator, if any).

''(C) The signature of an attorney on a petition, pleading, or written motion shall constitute a certification that the attorney has—

''(i) performed a reasonable investigation into the circumstances that gave rise to the petition, pleading, or written motion; and

''(ii) determined that the petition, pleading, or written motion—

''(I) is well grounded in fact; and

''(II) is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law and does not constitute an abuse under paragraph (1).

''(D) The signature of an attorney on the petition shall constitute a certification that the attorney has no knowledge after an inquiry that the information in the schedules filed with such petition is incorrect.

''(5)(A) Except as provided in subparagraph (B) and subject to paragraph (6), the court, on its own initiative or on the motion of a party in interest, in accordance with the procedures described in rule 9011 of the Federal Rules of Bankruptcy Procedure, may award a debtor all reasonable costs (including reasonable attorneys' fees) in contesting a motion filed by a party in interest (other than a trustee or United States trustee (or bankruptcy administrator, if any)) under this subsection if—

''(i) the court does not grant the motion; and

''(ii) the court finds that—

''(I) the position of the party that filed the motion violated rule 9011 of the Federal Rules of Bankruptcy Procedure; or

''(II) the attorney (if any) who filed the motion did not comply with the requirements of clauses (i) and (ii) of paragraph (4)(C), and the motion was made solely for the purpose of coercing a debtor into waiving a right guaranteed to the debtor under this title.

''(B) A small business that has a claim of an aggregate amount less than $1,000 shall not be subject to subparagraph (A)(ii)(I).

''(C) For purposes of this paragraph—

''(i) the term 'small business' means an unincorporated business, partnership, corporation, association, or organization that—

''(I) has fewer than 25 full-time employees as determined on the date on which the motion is filed; and

''(II) is engaged in commercial or business activity; and

''(ii) the number of employees of a wholly owned subsidiary of a corporation includes the employees of—

''(I) a parent corporation; and

''(II) any other subsidiary corporation of the parent corporation.

''(6) Only the judge or United States trustee (or bankruptcy administrator, if any) may file a motion under section 707(b), if the current monthly income of the debtor, or in a joint case, the debtor and the debtor's spouse, as of the date of the order for relief, when multiplied by 12, is equal to or less than—

''(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner;

''(B) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals; or

''(C) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals, plus $525 per month for each individual in excess of 4.

''(7)(A) No judge, United States trustee (or bankruptcy administrator, if any), trustee, or other party in interest may file a motion under paragraph (2) if the current monthly income of the debtor and the debtor's spouse combined, as of the date of the order for relief when multiplied by 12, is equal to or less than—

''(i) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner;

''(ii) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals; or

''(iii) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals, plus $525 per month for each individual in excess of 4.

''(B) In a case that is not a joint case, current monthly income of the debtor's spouse shall not be considered for purposes of subparagraph (A) if—

''(i)(I) the debtor and the debtor's spouse are separated under applicable nonbankruptcy law; or

''(II) the debtor and the debtor's spouse are living separate and apart, other than for the purpose of evading subparagraph (A); and

''(ii) the debtor files a statement under penalty of perjury—

''(I) specifying that the debtor meets the requirement of subclause (I) or (II) of clause (i); and

''(II) disclosing the aggregate, or best estimate of the aggregate, amount of any cash or money payments received from the debtor's spouse attributed to the debtor's current monthly income.''.

(b) DEFINITION.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (10) the following:

''(10A) 'current monthly income'—

''(A) means the average monthly income from all sources that the debtor receives (or in a joint case the debtor and the debtor's spouse receive) without regard to whether such income is taxable income, derived during the 6-month period ending on—

''(i) the last day of the calendar month immediately preceding the date of the commencement of the case if the debtor files the schedule of current income required by section 521(a)(1)(B)(ii); or

''(ii) the date on which current income is determined by the court for purposes of this title if the debtor does not file the schedule of current income required by section 521(a)(1)(B)(ii); and

''(B) includes any amount paid by any entity other than the debtor (or in a joint case the debtor and the debtor's spouse), on a regular basis for the household expenses of the debtor or the debtor's dependents (and in a joint case the debtor's spouse if not otherwise a dependent), but excludes benefits received under the Social Security Act, payments to victims of war crimes or crimes against humanity on account of their status as victims of such crimes, and payments to victims of international terrorism (as defined in section 2331 of title 18) or domestic terrorism (as defined in section 2331 of title 18) on account of their status as victims of such terrorism;''.

(c) UNITED STATES TRUSTEE AND BANKRUPTCY ADMINISTRATOR DUTIES.—Section 704 of title 11, United States Code, is amended—

(1) by inserting ''(a)'' before ''The trustee shall—''; and

(2) by adding at the end the following:

''(b)(1) With respect to a debtor who is an individual in a case under this chapter—

''(A) the United States trustee (or the bankruptcy administrator, if any) shall review all materials filed by the debtor and, not later than 10 days after the date of the first meeting of creditors, file with the court a statement as to whether the debtor's case would be presumed to be an abuse under section 707(b); and

''(B) not later than 5 days after receiving a statement under subparagraph (A), the court shall provide a copy of the statement to all creditors.

''(2) The United States trustee (or bankruptcy administrator, if any) shall, not later than 30 days after the date of filing a statement under paragraph (1), either file a motion to dismiss or convert under section 707(b) or file a statement setting forth the reasons the United States trustee (or the bankruptcy administrator, if any) does not consider such a motion to be appropriate, if the United States trustee (or the bankruptcy administrator, if any) determines that the debtor's case should be presumed to be an abuse under section 707(b) and the product of the debtor's current monthly income, multiplied by 12 is not less than—

''(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner; or

''(B) in the case of a debtor in a household of 2 or more individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals.''.

(d) NOTICE.—Section 342 of title 11, United States Code, is amended by adding at the end the following:

''(d) In a case under chapter 7 of this title in which the debtor is an individual and in which the presumption of abuse arises under section 707(b), the clerk shall give written notice to all creditors not later than 10 days after the date of the filing of the petition that the presumption of abuse has arisen.''.

(e) NONLIMITATION OF INFORMATION.—Nothing in this title shall limit the ability of a creditor to provide information to a judge (except for information communicated ex parte, unless otherwise permitted by applicable law), United States trustee (or bankruptcy administrator, if any), or trustee.

(f) DISMISSAL FOR CERTAIN CRIMES.—Section 707 of title 11, United States Code, is amended by adding at the end the following:

''(c)(1) In this subsection—

''(A) the term 'crime of violence' has the meaning given such term in section 16 of title 18; and

''(B) the term 'drug trafficking crime' has the meaning given such term in section 924(c)(2) of title 18.

''(2) Except as provided in paragraph (3), after notice and a hearing, the court, on a motion by the victim of a crime of violence or a drug trafficking crime, may when it is in the best interest of the victim dismiss a voluntary case filed under this chapter by a debtor who is an individual if such individual was convicted of such crime.

''(3) The court may not dismiss a case under paragraph (2) if the debtor establishes by a preponderance of the evidence that the filing of a case under this chapter is necessary to satisfy a claim for a domestic support obligation.''.

(g) CONFIRMATION OF PLAN.—Section 1325(a) of title 11, United States Code, is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period and inserting a semicolon; and

(3) by inserting after paragraph (6) the following:

''(7) the action of the debtor in filing the petition was in good faith;''.

(h) APPLICABILITY OF MEANS TEST TO CHAPTER 13.—Section 1325(b) of title 11, United States Code, is amended—

(1) in paragraph (1)(B), by inserting ''to unsecured creditors'' after ''to make payments''; and

(2) by striking paragraph (2) and inserting the following:

''(2) For purposes of this subsection, the term 'disposable income' means current monthly income received by the debtor (other than child support payments, foster care payments, or disability payments for a dependent child made in accordance with applicable nonbankruptcy law to the extent reasonably necessary to be expended for such child) less amounts reasonably necessary to be expended—

''(A)(i) for the maintenance or support of the debtor or a dependent of the debtor, or for a domestic support obligation, that first becomes payable after the date the petition is filed; and

''(ii) for charitable contributions (that meet the definition of 'charitable contribution' under section 548(d)(3) to a qualified religious or charitable entity or organization (as defined in section 548(d)(4)) in an amount not to exceed 15 percent of gross income of the debtor for the year in which the contributions are made; and

''(B) if the debtor is engaged in business, for the payment of expenditures necessary for the continuation, preservation, and operation of such business.

''(3) Amounts reasonably necessary to be expended under paragraph (2) shall be determined in accordance with subparagraphs (A) and (B) of section 707(b)(2), if the debtor has current monthly income, when multiplied by 12, greater than—

''(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner;

''(B) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals; or

''(C) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals, plus $525 per month for each individual in excess of 4.''.

(i) SPECIAL ALLOWANCE FOR HEALTH INSURANCE.—Section 1329(a) of title 11, United States Code, is amended—

(1) in paragraph (2) by striking ''or'' at the end;

(2) in paragraph (3) by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(4) reduce amounts to be paid under the plan by the actual amount expended by the debtor to purchase health insurance for the debtor (and for any dependent of the debtor if such dependent does not otherwise have health insurance coverage) if the debtor documents the cost of such insurance and demonstrates that—

''(A) such expenses are reasonable and necessary;

''(B)(i) if the debtor previously paid for health insurance, the amount is not materially larger than the cost the debtor previously paid or the cost necessary to maintain the lapsed policy; or

''(ii) if the debtor did not have health insurance, the amount is not materially larger than the reasonable cost that would be incurred by a debtor who purchases health insurance, who has similar income, expenses, age, and health status, and who lives in the same geographical location with the same number of dependents who do not otherwise have health insurance coverage; and

''(C) the amount is not otherwise allowed for purposes of determining disposable income under section 1325(b) of this title;

and upon request of any party in interest, files proof that a health insurance policy was purchased.''.

(j) ADJUSTMENT OF DOLLAR AMOUNTS.—Section 104(b) of title 11, United States Code, is amended by striking ''and 523(a)(2)(C)'' each place it appears and inserting ''523(a)(2)(C), 707(b), and 1325(b)(3)''.

(k) DEFINITION OF 'MEDIAN FAMILY INCOME'.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (39) the following:

''(39A) 'median family income' means for any year—

''(A) the median family income both calculated and reported by the Bureau of the Census in the then most recent year; and

''(B) if not so calculated and reported in the then current year, adjusted annually after such most recent year until the next year in which median family income is both calculated and reported by the Bureau of the Census, to reflect the percentage change in the Consumer Price Index for All Urban Consumers during the period of years occurring after such most recent year and before such current year;''.

(k) CLERICAL AMENDMENT.—The table of sections for chapter 7 of title 11, United States Code, is amended by striking the item relating to section 707 and inserting the following:

''707. Dismissal of a case or conversion to a case under chapter 11 or 13.''.

SEC. 103. SENSE OF CONGRESS AND STUDY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Treasury has the authority to alter the Internal Revenue Service standards established to set guidelines for repayment plans as needed to accommodate their use under section 707(b) of title 11, United States Code.

(b) STUDY.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Director of the Executive Office for United States Trustees shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives containing the findings of the Director regarding the utilization of Internal Revenue Service standards for determining—

(A) the current monthly expenses of a debtor under section 707(b) of title 11, United States Code; and

(B) the impact that the application of such standards has had on debtors and on the bankruptcy courts.

(2) RECOMMENDATION.—The report under paragraph (1) may include recommendations for amendments to title 11, United States Code, that are consistent with the findings of the Director under paragraph (1).

SEC. 104. NOTICE OF ALTERNATIVES.

Section 342(b) of title 11, United States Code, is amended to read as follows:

''(b) Before the commencement of a case under this title by an individual whose debts are primarily consumer debts, the clerk shall give to such individual written notice containing—

''(1) a brief description of—

''(A) chapters 7, 11, 12, and 13 and the general purpose, benefits, and costs of proceeding under each of those chapters; and

''(B) the types of services available from credit counseling agencies; and

''(2) statements specifying that—

''(A) a person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury in connection with a case under this title shall be subject to fine, imprisonment, or both; and

''(B) all information supplied by a debtor in connection with a case under this title is subject to examination by the Attorney General.''.

SEC. 105. DEBTOR FINANCIAL MANAGEMENT TRAINING TEST PROGRAM.

(a) DEVELOPMENT OF FINANCIAL MANAGEMENT AND TRAINING CURRICULUM AND MATERIALS.—The Director of the Executive Office for United States Trustees (in this section referred to as the ''Director'') shall consult with a wide range of individuals who are experts in the field of debtor education, including trustees who serve in cases under chapter 13 of title 11, United States Code, and who operate financial management education programs for debtors, and shall develop a financial management training curriculum and materials that can be used to educate debtors who are individuals on how to better manage their finances.

(b) TEST.—

(1) SELECTION OF DISTRICTS.—The Director shall select 6 judicial districts of the United States in which to test the effectiveness of the financial management training curriculum and materials developed under subsection (a).

(2) USE.—For an 18-month period beginning not later than 270 days after the date of the enactment of this Act, such curriculum and materials shall be, for the 6 judicial districts selected under paragraph (1), used as the instructional course concerning personal financial management for purposes of section 111 of title 11, United States Code.

(c) EVALUATION.—

(1) IN GENERAL.—During the 18-month period referred to in subsection (b), the Director shall evaluate the effectiveness of—

(A) the financial management training curriculum and materials developed under subsection (a); and

(B) a sample of existing consumer education programs such as those described in the Report of the National Bankruptcy Review Commission (October 20, 1997) that are representative of consumer education programs carried out by the credit industry, by trustees serving under chapter 13 of title 11, United States Code, and by consumer counseling groups.

(2) REPORT.—Not later than 3 months after concluding such evaluation, the Director shall submit a report to the Speaker of the House of Representatives and the President pro tempore of the Senate, for referral to the appropriate committees of the Congress, containing the findings of the Director regarding the effectiveness of such curriculum, such materials, and such programs and their costs.

SEC. 106. CREDIT COUNSELING.

(a) WHO MAY BE A DEBTOR.—Section 109 of title 11, United States Code, is amended by adding at the end the following:

''(h)(1) Subject to paragraphs (2) and (3), and notwithstanding any other provision of this section, an individual may not be a debtor under this title unless such individual has, during the 180-day period preceding the date of filing of the petition by such individual, received from an approved nonprofit budget and credit counseling agency described in section 111(a) an individual or group briefing (including a briefing conducted by telephone or on the Internet) that outlined the opportunities for available credit counseling and assisted such individual in performing a related budget analysis.

''(2)(A) Paragraph (1) shall not apply with respect to a debtor who resides in a district for which the United States trustee (or the bankruptcy administrator, if any) determines that the approved nonprofit budget and credit counseling agencies for such district are not reasonably able to provide adequate services to the additional individuals who would otherwise seek credit counseling from such agencies by reason of the requirements of paragraph (1).

''(B) The United States trustee (or the bankruptcy administrator, if any) who makes a determination described in subparagraph (A) shall review such determination not later than 1 year after the date of such determination, and not less frequently than annually thereafter. Notwithstanding the preceding sentence, a nonprofit budget and credit counseling agency may be disapproved by the United States trustee (or the bankruptcy administrator, if any) at any time.

''(3)(A) Subject to subparagraph (B), the requirements of paragraph (1) shall not apply with respect to a debtor who submits to the court a certification that—

''(i) describes exigent circumstances that merit a waiver of the requirements of paragraph (1);

''(ii) states that the debtor requested credit counseling services from an approved nonprofit budget and credit counseling agency, but was unable to obtain the services referred to in paragraph (1) during the 5-day period beginning on the date on which the debtor made that request; and

''(iii) is satisfactory to the court.

''(B) With respect to a debtor, an exemption under subparagraph (A) shall cease to apply to that debtor on the date on which the debtor meets the requirements of paragraph (1), but in no case may the exemption apply to that debtor after the date that is 30 days after the debtor files a petition, except that the court, for cause, may order an additional 15 days.''.

(b) CHAPTER 7 DISCHARGE.—Section 727(a) of title 11, United States Code, is amended—

(1) in paragraph (9), by striking ''or'' at the end;

(2) in paragraph (10), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(11) after filing the petition, the debtor failed to complete an instructional course concerning personal financial management described in section 111, except that this paragraph shall not apply with respect to a debtor who resides in a district for which the United States trustee (or the bankruptcy administrator, if any) determines that the approved instructional courses are not adequate to service the additional individuals who would otherwise be required to complete such instructional courses under this section (The United States trustee (or the bankruptcy administrator, if any) who makes a determination described in this paragraph shall review such determination not later than 1 year after the date of such determination, and not less frequently than annually thereafter.).''.

(c) CHAPTER 13 DISCHARGE.—Section 1328 of title 11, United States Code, is amended by adding at the end the following:

''(g)(1) The court shall not grant a discharge under this section to a debtor unless after filing a petition the debtor has completed an instructional course concerning personal financial management described in section 111.

''(2) Paragraph (1) shall not apply with respect to a debtor who resides in a district for which the United States trustee (or the bankruptcy administrator, if any) determines that the approved instructional courses are not adequate to service the additional individuals who would otherwise be required to complete such instructional course by reason of the requirements of paragraph (1).

''(3) The United States trustee (or the bankruptcy administrator, if any) who makes a determination described in paragraph (2) shall review such determination not later than 1 year after the date of such determination, and not less frequently than annually thereafter.''.

(d) DEBTOR'S DUTIES.—Section 521 of title 11, United States Code, is amended—

(1) by inserting ''(a)'' before ''The debtor shall—''; and

(2) by adding at the end the following:

''(b) In addition to the requirements under subsection (a), a debtor who is an individual shall file with the court—

''(1) a certificate from the approved nonprofit budget and credit counseling agency that provided the debtor services under section 109(h) describing the services provided to the debtor; and

''(2) a copy of the debt repayment plan, if any, developed under section 109(h) through the approved nonprofit budget and credit counseling agency referred to in paragraph (1).''.

(e) GENERAL PROVISIONS.—

(1) IN GENERAL.—Chapter 1 of title 11, United States Code, is amended by adding at the end the following:

''§ 111. Nonprofit budget and credit counseling agencies; financial management instructional courses

''(a) The clerk shall maintain a publicly available list of—

''(1) nonprofit budget and credit counseling agencies that provide 1 or more services described in section 109(h) currently approved by the United States trustee (or the bankruptcy administrator, if any); and

''(2) instructional courses concerning personal financial management currently approved by the United States trustee (or the bankruptcy administrator, if any), as applicable.

''(b) The United States trustee (or bankruptcy administrator, if any) shall only approve a nonprofit budget and credit counseling agency or an instructional course concerning personal financial management as follows:

''(1) The United States trustee (or bankruptcy administrator, if any) shall have thoroughly reviewed the qualifications of the nonprofit budget and credit counseling agency or of the provider of the instructional course under the standards set forth in this section, and the services or instructional courses that will be offered by such agency or such provider, and may require such agency or such provider that has sought approval to provide information with respect to such review.

''(2) The United States trustee (or bankruptcy administrator, if any) shall have determined that such agency or such instructional course fully satisfies the applicable standards set forth in this section.

''(3) If a nonprofit budget and credit counseling agency or instructional course did not appear on the approved list for the district under subsection (a) immediately before approval under this section, approval under this subsection of such agency or such instructional course shall be for a probationary period not to exceed 6 months.

''(4) At the conclusion of the applicable probationary period under paragraph (3), the United States trustee (or bankruptcy administrator, if any) may only approve for an additional 1-year period, and for successive 1-year periods thereafter, an agency or instructional course that has demonstrated during the probationary or applicable subsequent period of approval that such agency or instructional course—

''(A) has met the standards set forth under this section during such period; and

''(B) can satisfy such standards in the future.

''(5) Not later than 30 days after any final decision under paragraph (4), an interested person may seek judicial review of such decision in the appropriate district court of the United States.

''(c)(1) The United States trustee (or the bankruptcy administrator, if any) shall only approve a nonprofit budget and credit counseling agency that demonstrates that it will provide qualified counselors, maintain adequate provision for safekeeping and payment of client funds, provide adequate counseling with respect to client credit problems, and deal responsibly and effectively with other matters relating to the quality, effectiveness, and financial security of the services it provides.

''(2) To be approved by the United States trustee (or the bankruptcy administrator, if any), a nonprofit budget and credit counseling agency shall, at a minimum—

''(A) have a board of directors the majority of which—

''(i) are not employed by such agency; and

''(ii) will not directly or indirectly benefit financially from the outcome of the counseling services provided by such agency;

''(B) if a fee is charged for counseling services, charge a reasonable fee, and provide services without regard to ability to pay the fee;

''(C) provide for safekeeping and payment of client funds, including an annual audit of the trust accounts and appropriate employee bonding;

''(D) provide full disclosures to a client, including funding sources, counselor qualifications, possible impact on credit reports, and any costs of such program that will be paid by such client and how such costs will be paid;

''(E) provide adequate counseling with respect to a client's credit problems that includes an analysis of such client's current financial condition, factors that caused such financial condition, and how such client can develop a plan to respond to the problems without incurring negative amortization of debt;

''(F) provide trained counselors who receive no commissions or bonuses based on the outcome of the counseling services provided by such agency, and who have adequate experience, and have been adequately trained to provide counseling services to individuals in financial difficulty, including the matters described in subparagraph (E);

''(G) demonstrate adequate experience and background in providing credit counseling; and

''(H) have adequate financial resources to provide continuing support services for budgeting plans over the life of any repayment plan.

''(d) The United States trustee (or the bankruptcy administrator, if any) shall only approve an instructional course concerning personal financial management—

''(1) for an initial probationary period under subsection (b)(3) if the course will provide at a minimum—

''(A) trained personnel with adequate experience and training in providing effective instruction and services;

''(B) learning materials and teaching methodologies designed to assist debtors in understanding personal financial management and that are consistent with stated objectives directly related to the goals of such instructional course;

''(C) adequate facilities situated in reasonably convenient locations at which such instructional course is offered, except that such facilities may include the provision of such instructional course by telephone or through the Internet, if such instructional course is effective; and

''(D) the preparation and retention of reasonable records (which shall include the debtor's bankruptcy case number) to permit evaluation of the effectiveness of such instructional course, including any evaluation of satisfaction of instructional course requirements for each debtor attending such instructional course, which shall be available for inspection and evaluation by the Executive Office for United States Trustees, the United States trustee (or the bankruptcy administrator, if any), or the chief bankruptcy judge for the district in which such instructional course is offered; and

''(2) for any 1-year period if the provider thereof has demonstrated that the course meets the standards of paragraph (1) and, in addition—

''(A) has been effective in assisting a substantial number of debtors to understand personal financial management; and

''(B) is otherwise likely to increase substantially the debtor's understanding of personal financial management.

''(e) The district court may, at any time, investigate the qualifications of a nonprofit budget and credit counseling agency referred to in subsection (a), and request production of documents to ensure the integrity and effectiveness of such agency. The district court may, at any time, remove from the approved list under subsection (a) a nonprofit budget and credit counseling agency upon finding such agency does not meet the qualifications of subsection (b).

''(f) The United States trustee (or the bankruptcy administrator, if any) shall notify the clerk that a nonprofit budget and credit counseling agency or an instructional course is no longer approved, in which case the clerk shall remove it from the list maintained under subsection (a).

''(g)(1) No nonprofit budget and credit counseling agency may provide to a credit reporting agency information concerning whether a debtor has received or sought instruction concerning personal financial management from such agency.

''(2) A nonprofit budget and credit counseling agency that willfully or negligently fails to comply with any requirement under this title with respect to a debtor shall be liable for damages in an amount equal to the sum of—

''(A) any actual damages sustained by the debtor as a result of the violation; and

''(B) any court costs or reasonable attorneys' fees (as determined by the court) incurred in an action to recover those damages.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 1 of title 11, United States Code, is amended by adding at the end the following:

''111. Nonprofit budget and credit counseling agencies; financial management instructional courses.''.

(f) LIMITATION.—Section 362 of title 11, United States Code, is amended by adding at the end the following:

''(i) If a case commenced under chapter 7, 11, or 13 is dismissed due to the creation of a debt repayment plan, for purposes of subsection (c)(3), any subsequent case commenced by the debtor under any such chapter shall not be presumed to be filed not in good faith.

''(j) On request of a party in interest, the court shall issue an order under subsection (c) confirming that the automatic stay has been terminated.''.

SEC. 107. SCHEDULES OF REASONABLE AND NECESSARY EXPENSES.

For purposes of section 707(b) of title 11, United States Code, as amended by this Act, the Director of the Executive Office for United States Trustees shall, not later than 180 days after the date of enactment of this Act, issue schedules of reasonable and necessary administrative expenses of administering a chapter 13 plan for each judicial district of the United States.

TITLE II—ENHANCED CONSUMER PROTECTION

Subtitle A—Penalties for Abusive Creditor Practices

SEC. 201. PROMOTION OF ALTERNATIVE DISPUTE RESOLUTION.

(a) REDUCTION OF CLAIM.—Section 502 of title 11, United States Code, is amended by adding at the end the following:

''(k)(1) The court, on the motion of the debtor and after a hearing, may reduce a claim filed under this section based in whole on an unsecured consumer debt by not more than 20 percent of the claim, if—

''(A) the claim was filed by a creditor who unreasonably refused to negotiate a reasonable alternative repayment schedule proposed on behalf of the debtor by an approved nonprofit budget and credit counseling agency described in section 111;

''(B) the offer of the debtor under subparagraph (A)—

''(i) was made at least 60 days before the date of the filing of the petition; and

''(ii) provided for payment of at least 60 percent of the amount of the debt over a period not to exceed the repayment period of the loan, or a reasonable extension thereof; and

''(C) no part of the debt under the alternative repayment schedule is nondischargeable.

''(2) The debtor shall have the burden of proving, by clear and convincing evidence, that—

''(A) the creditor unreasonably refused to consider the debtor's proposal; and

''(B) the proposed alternative repayment schedule was made prior to expiration of the 60-day period specified in paragraph (1)(B)(i).''.

(b) LIMITATION ON AVOIDABILITY.—Section 547 of title 11, United States Code, is amended by adding at the end the following:

''(h) The trustee may not avoid a transfer if such transfer was made as a part of an alternative repayment schedule between the debtor and any creditor of the debtor created by an approved nonprofit budget and credit counseling agency.''.

SEC. 202. EFFECT OF DISCHARGE.

Section 524 of title 11, United States Code, is amended by adding at the end the following:

''(i) The willful failure of a creditor to credit payments received under a plan confirmed under this title, unless the order confirming the plan is revoked, the plan is in default, or the creditor has not received payments required to be made under the plan in the manner required by the plan (including crediting the amounts required under the plan), shall constitute a violation of an injunction under subsection (a)(2) if the act of the creditor to collect and failure to credit payments in the manner required by the plan caused material injury to the debtor.

''(j) Subsection (a)(2) does not operate as an injunction against an act by a creditor that is the holder of a secured claim, if—

''(1) such creditor retains a security interest in real property that is the principal residence of the debtor;

''(2) such act is in the ordinary course of business between the creditor and the debtor; and

''(3) such act is limited to seeking or obtaining periodic payments associated with a valid security interest in lieu of pursuit of in rem relief to enforce the lien.''.

SEC. 203. DISCOURAGING ABUSE OF REAFFIRMATION AGREEMENT PRACTICES.

(a) IN GENERAL.—Section 524 of title 11, United States Code, as amended section 202, is amended—

(1) in subsection (c), by striking paragraph (2) and inserting the following:

''(2) the debtor received the disclosures described in subsection (k) at or before the time at which the debtor signed the agreement;''; and

(2) by adding at the end the following:

''(k)(1) The disclosures required under subsection (c)(2) shall consist of the disclosure statement described in paragraph (3), completed as required in that paragraph, together with the agreement specified in subsection (c), statement, declaration, motion and order described, respectively, in paragraphs (4) through (8), and shall be the only disclosures required in connection with entering into such agreement.

''(2) Disclosures made under paragraph (1) shall be made clearly and conspicuously and in writing. The terms 'Amount Reaffirmed' and 'Annual Percentage Rate' shall be disclosed more conspicuously than other terms, data or information provided in connection with this disclosure, except that the phrases 'Before agreeing to reaffirm a debt, review these important disclosures' and 'Summary of Reaffirmation Agreement' may be equally conspicuous. Disclosures may be made in a different order and may use terminology different from that set forth in paragraphs (2) through (8), except that the terms 'Amount Reaffirmed' and 'Annual Percentage Rate' must be used where indicated.

''(3) The disclosure statement required under this paragraph shall consist of the following:

''(A) The statement: 'Part A: Before agreeing to reaffirm a debt, review these important disclosures:';

''(B) Under the heading 'Summary of Reaffirmation Agreement', the statement: 'This Summary is made pursuant to the requirements of the Bankruptcy Code';

''(C) The 'Amount Reaffirmed', using that term, which shall be—

''(i) the total amount of debt that the debtor agrees to reaffirm by entering into an agreement of the kind specified in subsection (c), and

''(ii) the total of any fees and costs accrued as of the date of the disclosure statement, related to such total amount.

''(D) In conjunction with the disclosure of the 'Amount Reaffirmed', the statements—

''(i) 'The amount of debt you have agreed to reaffirm'; and

''(ii) 'Your credit agreement may obligate you to pay additional amounts which may come due after the date of this disclosure. Consult your credit agreement.'.

''(E) The 'Annual Percentage Rate', using that term, which shall be disclosed as—

''(i) if, at the time the petition is filed, the debt is an extension of credit under an open end credit plan, as the terms 'credit' and 'open end credit plan' are defined in section 103 of the Truth in Lending Act, then—

''(I) the annual percentage rate determined under paragraphs (5) and (6) of section 127(b) of the Truth in Lending Act, as applicable, as disclosed to the debtor in the most recent periodic statement prior to entering into an agreement of the kind specified in subsection (c) or, if no such periodic statement has been given to the debtor during the prior 6 months, the annual percentage rate as it would have been so disclosed at the time the disclosure statement is given to the debtor, or to the extent this annual percentage rate is not readily available or not applicable, then

''(II) the simple interest rate applicable to the amount reaffirmed as of the date the disclosure statement is given to the debtor, or if different simple interest rates apply to different balances, the simple interest rate applicable to each such balance, identifying the amount of each such balance included in the amount reaffirmed, or

''(III) if the entity making the disclosure elects, to disclose the annual percentage rate under subclause (I) and the simple interest rate under subclause (II);

''(ii) if, at the time the petition is filed, the debt is an extension of credit other than under an open end credit plan, as the terms 'credit' and 'open end credit plan' are defined in section 103 of the Truth in Lending Act, then—

''(I) the annual percentage rate under section 128(a)(4) of the Truth in Lending Act, as disclosed to the debtor in the most recent disclosure statement given to the debtor prior to the entering into an agreement of the kind specified in subsection (c) with respect to the debt, or, if no such disclosure statement was given to the debtor, the annual percentage rate as it would have been so disclosed at the time the disclosure statement is given to the debtor, or to the extent this annual percentage rate is not readily available or not applicable, then

''(II) the simple interest rate applicable to the amount reaffirmed as of the date the disclosure statement is given to the debtor, or if different simple interest rates apply to different balances, the simple interest rate applicable to each such balance, identifying the amount of such balance included in the amount reaffirmed, or

''(III) if the entity making the disclosure elects, to disclose the annual percentage rate under (I) and the simple interest rate under (II).

''(F) If the underlying debt transaction was disclosed as a variable rate transaction on the most recent disclosure given under the Truth in Lending Act, by stating 'The interest rate on your loan may be a variable interest rate which changes from time to time, so that the annual percentage rate disclosed here may be higher or lower.'.

''(G) If the debt is secured by a security interest which has not been waived in whole or in part or determined to be void by a final order of the court at the time of the disclosure, by disclosing that a security interest or lien in goods or property is asserted over some or all of the debts the debtor is reaffirming and listing the items and their original purchase price that are subject to the asserted security interest, or if not a purchase-money security interest then listing by items or types and the original amount of the loan.

''(H) At the election of the creditor, a statement of the repayment schedule using 1 or a combination of the following—

''(i) by making the statement: 'Your first payment in the amount of $_____ is due on _____ but the future payment amount may be different. Consult your reaffirmation agreement or credit agreement, as applicable.', and stating the amount of the first payment and the due date of that payment in the places provided;

''(ii) by making the statement: 'Your payment schedule will be:', and describing the

repayment schedule with the number, amount, and due dates or period of payments scheduled to repay the debts reaffirmed to the extent then known by the disclosing party; or

''(iii) by describing the debtor's repayment obligations with reasonable specificity to the extent then known by the disclosing party.

''(I) The following statement: 'Note: When this disclosure refers to what a creditor ''may'' do, it does not use the word ''may'' to give the creditor specific permission. The word ''may'' is used to tell you what might occur if the law permits the creditor to take the action. If you have questions about your reaffirming a debt or what the law requires, consult with the attorney who helped you negotiate this agreement reaffirming a debt. If you don't have an attorney helping you, the judge will explain the effect of your reaffirming a debt when the hearing on the reaffirmation agreement is held.'.

''(J)(i) The following additional statements:

'' 'Reaffirming a debt is a serious financial decision. The law requires you to take certain steps to make sure the decision is in your best interest. If these steps are not completed, the reaffirmation agreement is not effective, even though you have signed it.

'' '1. Read the disclosures in this Part A carefully. Consider the decision to reaffirm carefully. Then, if you want to reaffirm, sign the reaffirmation agreement in Part B (or you may use a separate agreement you and your creditor agree on).

'' '2. Complete and sign Part D and be sure you can afford to make the payments you are agreeing to make and have received a copy of the disclosure statement and a completed and signed reaffirmation agreement.

'' '3. If you were represented by an attorney during the negotiation of your reaffirmation agreement, the attorney must have signed the certification in Part C.

'' '4. If you were not represented by an attorney during the negotiation of your reaffirmation agreement, you must have completed and signed Part E.

'' '5. The original of this disclosure must be filed with the court by you or your creditor. If a separate reaffirmation agreement (other than the one in Part B) has been signed, it must be attached.

'' '6. If you were represented by an attorney during the negotiation of your reaffirmation agreement, your reaffirmation agreement becomes effective upon filing with the court unless the reaffirmation is presumed to be an undue hardship as explained in Part D.

'' '7. If you were not represented by an attorney during the negotiation of your reaffirmation agreement, it will not be effective unless the court approves it. The court will notify you of the hearing on your reaffirmation agreement. You must attend this hearing in bankruptcy court where the judge will review your reaffirmation agreement. The bankruptcy court must approve your reaffirmation agreement as consistent with your best interests, except that no court approval is required if your reaffirmation agreement is for a consumer debt secured by a mortgage, deed of trust, security deed, or other lien on your real property, like your home.

'' 'Your right to rescind (cancel) your reaffirmation agreement. You may rescind (cancel) your reaffirmation agreement at any time before the bankruptcy court enters a discharge order, or before the expiration of the 60-day period that begins on the date your reaffirmation agreement is filed with the court, whichever occurs later. To rescind (cancel) your reaffirmation agreement, you must notify the creditor that your reaffirmation agreement is rescinded (or canceled).

'' 'What are your obligations if you reaffirm the debt? A reaffirmed debt remains your personal legal obligation. It is not discharged in your bankruptcy case. That means that if you default on your reaffirmed debt after your bankruptcy case is over, your creditor may be able to take your property or your wages. Otherwise, your obligations will be determined by the reaffirmation agreement which may have changed the terms of the original agreement. For example, if you are reaffirming an open end credit agreement, the creditor may be permitted by that agreement or applicable law to change the terms of that agreement in the future under certain conditions.

'' 'Are you required to enter into a reaffirmation agreement by any law? No, you are not required to reaffirm a debt by any law. Only agree to reaffirm a debt if it is in your best interest. Be sure you can afford the payments you agree to make.

'' 'What if your creditor has a security interest or lien? Your bankruptcy discharge does not eliminate any lien on your property. A ''lien'' is often referred to as a security interest, deed of trust, mortgage or security deed. Even if you do not reaffirm and your personal liability on the debt is discharged, because of the lien your creditor may still have the right to take the security property if you do not pay the debt or default on it. If the lien is on an item of personal property that is exempt under your State's law or that the trustee has abandoned, you may be able to redeem the item rather than reaffirm the debt. To redeem, you make a single payment to the creditor equal to the current value of the security property, as agreed by the parties or determined by the court.'.

''(ii) In the case of a reaffirmation under subsection (m)(2), numbered paragraph 6 in the disclosures required by clause (i) of this subparagraph shall read as follows:

'' '6. If you were represented by an attorney during the negotiation of your reaffirmation agreement, your reaffirmation agreement becomes effective upon filing with the court.'.

''(4) The form of such agreement required under this paragraph shall consist of the following:

'' 'Part B: Reaffirmation Agreement. I (we) agree to reaffirm the debts arising under the credit agreement described below.

'' 'Brief description of credit agreement:

'' 'Description of any changes to the credit agreement made as part of this reaffirmation agreement:

'' 'Signature: Date:

'' 'Borrower:

'' 'Co-borrower, if also reaffirming these debts:

'' 'Accepted by creditor:

'' 'Date of creditor acceptance:'.

''(5) The declaration shall consist of the following:

''(A) The following certification:

'' 'Part C: Certification by Debtor's Attorney (If Any).

'' 'I hereby certify that (1) this agreement represents a fully informed and voluntary agreement by the debtor; (2) this agreement does not impose an undue hardship on the debtor or any dependent of the debtor; and (3) I have fully advised the debtor of the legal effect and consequences of this agreement and any default under this agreement.

'' 'Signature of Debtor's Attorney: Date:'.

''(B) If a presumption of undue hardship has been established with respect to such agreement, such certification shall state that in the opinion of the attorney, the debtor is able to make the payment.

''(C) In the case of a reaffirmation agreement under subsection (m)(2), subparagraph (B) is not applicable.

''(6)(A) The statement in support of such agreement, which the debtor shall sign and date prior to filing with the court, shall consist of the following:

'' 'Part D: Debtor's Statement in Support of Reaffirmation Agreement.

'' '1. I believe this reaffirmation agreement will not impose an undue hardship on my dependents or me. I can afford to make the payments on the reaffirmed debt because my monthly income (take home pay plus any other income received) is $_____, and my actual current monthly expenses including monthly payments on post-bankruptcy debt and other reaffirmation agreements total $_____, leaving $_____ to make the required payments on this reaffirmed debt. I understand that if my income less my monthly expenses does not leave enough to make the payments, this reaffirmation agreement is presumed to be an undue hardship on me and must be reviewed by the court. However, this presumption may be overcome if I explain to the satisfaction of the court how I can afford to make the payments here: _____.

'' '2. I received a copy of the Reaffirmation Disclosure Statement in Part A and a completed and signed reaffirmation agreement.'.

''(B) Where the debtor is represented by an attorney and is reaffirming a debt owed to a creditor defined in section 19(b)(1)(A)(iv) of the Federal Reserve Act, the statement of support of the reaffirmation agreement, which the debtor shall sign and date prior to filing with the court, shall consist of the following:

'' 'I believe this reaffirmation agreement is in my financial interest. I can afford to make the payments on the reaffirmed debt. I received a copy of the Reaffirmation Disclosure Statement in Part A and a completed and signed reaffirmation agreement.'.

''(7) The motion that may be used if approval of such agreement by the court is required in order for it to be effective, shall be signed and dated by the movant and shall consist of the following:

'' 'Part E: Motion for Court Approval (To be completed only if the debtor is not represented by an attorney.). I (we), the debtor(s), affirm the following to be true and correct:

'' 'I am not represented by an attorney in connection with this reaffirmation agreement.

'' 'I believe this reaffirmation agreement is in my best interest based on the income and expenses I have disclosed in my Statement in Support of this reaffirmation agreement, and because (provide any additional relevant reasons the court should consider):

'' 'Therefore, I ask the court for an order approving this reaffirmation agreement.'.

''(8) The court order, which may be used to approve such agreement, shall consist of the following:

'' 'Court Order: The court grants the debtor's motion and approves the reaffirmation agreement described above.'.

''(l) Notwithstanding any other provision of this title the following shall apply:

''(1) A creditor may accept payments from a debtor before and after the filing of an agreement of the kind specified in subsection (c) with the court.

''(2) A creditor may accept payments from a debtor under such agreement that the creditor believes in good faith to be effective.

''(3) The requirements of subsections (c)(2) and (k) shall be satisfied if disclosures required under those subsections are given in good faith.

''(m)(1) Until 60 days after an agreement of the kind specified in subsection (c) is filed with the court (or such additional period as the court, after notice and a hearing and for cause, orders before the expiration of such period), it shall be presumed that such agreement is an undue hardship on the debtor if

the debtor's monthly income less the debtor's monthly expenses as shown on the debtor's completed and signed statement in support of such agreement required under subsection (k)(6)(A) is less than the scheduled payments on the reaffirmed debt. This presumption shall be reviewed by the court. The presumption may be rebutted in writing by the debtor if the statement includes an explanation that identifies additional sources of funds to make the payments as agreed upon under the terms of such agreement. If the presumption is not rebutted to the satisfaction of the court, the court may disapprove such agreement. No agreement shall be disapproved without notice and a hearing to the debtor and creditor, and such hearing shall be concluded before the entry of the debtor's discharge.

''(2) This subsection does not apply to reaffirmation agreements where the creditor is a credit union, as defined in section 19(b)(1)(A)(iv) of the Federal Reserve Act.''.

(b) LAW ENFORCEMENT.—

(1) IN GENERAL.—Chapter 9 of title 18, United States Code, is amended by adding at the end the following:

"§ 158. Designation of United States attorneys and agents of the Federal Bureau of Investigation to address abusive reaffirmations of debt and materially fraudulent statements in bankruptcy schedules

''(a) IN GENERAL.—The Attorney General of the United States shall designate the individuals described in subsection (b) to have primary responsibility in carrying out enforcement activities in addressing violations of section 152 or 157 relating to abusive reaffirmations of debt. In addition to addressing the violations referred to in the preceding sentence, the individuals described under subsection (b) shall address violations of section 152 or 157 relating to materially fraudulent statements in bankruptcy schedules that are intentionally false or intentionally misleading.

''(b) UNITED STATES ATTORNEYS AND AGENTS OF THE FEDERAL BUREAU OF INVESTIGATION.—The individuals referred to in subsection (a) are—

''(1) the United States attorney for each judicial district of the United States; and

''(2) an agent of the Federal Bureau of Investigation for each field office of the Federal Bureau of Investigation.

''(c) BANKRUPTCY INVESTIGATIONS.—Each United States attorney designated under this section shall, in addition to any other responsibilities, have primary responsibility for carrying out the duties of a United States attorney under section 3057.

''(d) BANKRUPTCY PROCEDURES.—The bankruptcy courts shall establish procedures for referring any case that may contain a materially fraudulent statement in a bankruptcy schedule to the individuals designated under this section.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 9 of title 18, United States Code, is amended by adding at the end the following:

''158. Designation of United States attorneys and agents of the Federal Bureau of Investigation to address abusive reaffirmations of debt and materially fraudulent statements in bankruptcy schedules.''.

SEC. 204. PRESERVATION OF CLAIMS AND DEFENSES UPON SALE OF PREDATORY LOANS.

Section 363 of title 11, United States Code, is amended—

(1) by redesignating subsection (o) as subsection (p), and

(2) by inserting after subsection (n) the following:

''(o) Notwithstanding subsection (f), if a person purchases any interest in a consumer credit transaction that is subject to the Truth in Lending Act or any interest in a consumer credit contract (as defined in section 433.1 of title 16 of the Code of Federal Regulations (January 1, 2002), as amended from time to time), and if such interest is purchased through a sale under this section, then such person shall remain subject to all claims and defenses that are related to such consumer credit transaction or such consumer credit contract, to the same extent as such person would be subject to such claims and defenses of the consumer had such interest been purchased at a sale not under this section.''.

SEC. 205. GAO STUDY AND REPORT ON REAFFIRMATION AGREEMENT PROCESS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of the reaffirmation agreement process that occurs under title 11 of the United States Code, to determine the overall treatment of consumers within the context of such process, and shall include in such study consideration of—

(1) the policies and activities of creditors with respect to reaffirmation agreements; and

(2) whether consumers are fully, fairly, and consistently informed of their rights pursuant to such title.

(b) REPORT TO THE CONGRESS.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to the President pro tempore of the Senate and the Speaker of the House of Representatives a report on the results of the study conducted under subsection (a), together with recommendations for legislation (if any) to address any abusive or coercive tactics found in connection with the reaffirmation agreement process that occurs under title 11 of the United States Code.

Subtitle B—Priority Child Support

SEC. 211. DEFINITION OF DOMESTIC SUPPORT OBLIGATION.

Section 101 of title 11, United States Code, is amended—

(1) by striking paragraph (12A); and

(2) by inserting after paragraph (14) the following:

''(14A) 'domestic support obligation' means a debt that accrues before or after the date of the order for relief in a case under this title, including interest that accrues on that debt as provided under applicable nonbankruptcy law notwithstanding any other provision of this title, that is—

''(A) owed to or recoverable by—

''(i) a spouse, former spouse, or child of the debtor or such child's parent, legal guardian, or responsible relative; or

''(ii) a governmental unit;

''(B) in the nature of alimony, maintenance, or support (including assistance provided by a governmental unit) of such spouse, former spouse, or child of the debtor or such child's parent, without regard to whether such debt is expressly so designated;

''(C) established or subject to establishment before or after the date of the order for relief in a case under this title, by reason of applicable provisions of—

''(i) a separation agreement, divorce decree, or property settlement agreement;

''(ii) an order of a court of record; or

''(iii) a determination made in accordance with applicable nonbankruptcy law by a governmental unit; and

''(D) not assigned to a nongovernmental entity, unless that obligation is assigned voluntarily by the spouse, former spouse, child of the debtor, or such child's parent, legal guardian, or responsible relative for the purpose of collecting the debt;''.

SEC. 212. PRIORITIES FOR CLAIMS FOR DOMESTIC SUPPORT OBLIGATIONS.

Section 507(a) of title 11, United States Code, is amended—

(1) by striking paragraph (7);

(2) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively;

(3) in paragraph (2), as so redesignated, by striking ''First'' and inserting ''Second'';

(4) in paragraph (3), as so redesignated, by striking ''Second'' and inserting ''Third'';

(5) in paragraph (4), as so redesignated—

(A) by striking ''Third'' and inserting ''Fourth''; and

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

(6) in paragraph (5), as so redesignated, by striking ''Fourth'' and inserting ''Fifth'';

(7) in paragraph (6), as so redesignated, by striking ''Fifth'' and inserting ''Sixth'';

(8) in paragraph (7), as so redesignated, by striking ''Sixth'' and inserting ''Seventh''; and

(9) by inserting before paragraph (2), as so redesignated, the following:

''(1) First:

''(A) Allowed unsecured claims for domestic support obligations that, as of the date of the filing of the petition in a case under this title, are owed to or recoverable by a spouse, former spouse, or child of the debtor, or such child's parent, legal guardian, or responsible relative, without regard to whether the claim is filed by such person or is filed by a governmental unit on behalf of such person, on the condition that funds received under this paragraph by a governmental unit under this title after the date of the filing of the petition shall be applied and distributed in accordance with applicable nonbankruptcy law.

''(B) Subject to claims under subparagraph (A), allowed unsecured claims for domestic support obligations that, as of the date of the filing of the petition, are assigned by a spouse, former spouse, child of the debtor, or such child's parent, legal guardian, or responsible relative to a governmental unit (unless such obligation is assigned voluntarily by the spouse, former spouse, child, parent, legal guardian, or responsible relative of the child for the purpose of collecting the debt) or are owed directly to or recoverable by a governmental unit under applicable nonbankruptcy law, on the condition that funds received under this paragraph by a governmental unit under this title after the date of the filing of the petition be applied and distributed in accordance with applicable nonbankruptcy law.

''(C) If a trustee is appointed or elected under section 701, 702, 703, 1104, 1202, or 1302, the administrative expenses of the trustee allowed under paragraphs (1)(A), (2), and (6) of section 503(b) shall be paid before payment of claims under subparagraphs (A) and (B), to the extent that the trustee administers assets that are otherwise available for the payment of such claims.''.

SEC. 213. REQUIREMENTS TO OBTAIN CONFIRMATION AND DISCHARGE IN CASES INVOLVING DOMESTIC SUPPORT OBLIGATIONS.

Title 11, United States Code, is amended—

(1) in section 1129(a), by adding at the end the following:

''(14) If the debtor is required by a judicial or administrative order, or by statute, to pay a domestic support obligation, the debtor has paid all amounts payable under such order or such statute for such obligation that first become payable after the date of the filing of the petition.'';

(2) in section 1208(c)—

(A) in paragraph (8), by striking ''or'' at the end;

(B) in paragraph (9), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(10) failure of the debtor to pay any domestic support obligation that first becomes

payable after the date of the filing of the petition.'';

(3) in section 1222(a)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(4) notwithstanding any other provision of this section, a plan may provide for less than full payment of all amounts owed for a claim entitled to priority under section 507(a)(1)(B) only if the plan provides that all of the debtor's projected disposable income for a 5-year period beginning on the date that the first payment is due under the plan will be applied to make payments under the plan.'';

(4) in section 1222(b)—

(A) by redesignating paragraph (11) as paragraph (12); and

(B) by inserting after paragraph (10) the following:

''(11) provide for the payment of interest accruing after the date of the filing of the petition on unsecured claims that are nondischargeable under section 1228(a), except that such interest may be paid only to the extent that the debtor has disposable income available to pay such interest after making provision for full payment of all allowed claims;'';

(5) in section 1225(a)—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(7) the debtor has paid all amounts that are required to be paid under a domestic support obligation and that first become payable after the date of the filing of the petition if the debtor is required by a judicial or administrative order, or by statute, to pay such domestic support obligation.'';

(6) in section 1228(a), in the matter preceding paragraph (1), by inserting '', and in the case of a debtor who is required by a judicial or administrative order, or by statute, to pay a domestic support obligation, after such debtor certifies that all amounts payable under such order or such statute that are due on or before the date of the certification (including amounts due before the petition was filed, but only to the extent provided for by the plan) have been paid'' after ''completion by the debtor of all payments under the plan'';

(7) in section 1307(c)—

(A) in paragraph (9), by striking ''or'' at the end;

(B) in paragraph (10), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(11) failure of the debtor to pay any domestic support obligation that first becomes payable after the date of the filing of the petition.'';

(8) in section 1322(a)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(4) notwithstanding any other provision of this section, a plan may provide for less than full payment of all amounts owed for a claim entitled to priority under section 507(a)(1)(B) only if the plan provides that all of the debtor's projected disposable income for a 5-year period beginning on the date that the first payment is due under the plan will be applied to make payments under the plan.'';

(9) in section 1322(b)—

(A) in paragraph (9), by striking ''; and'' and inserting a semicolon;

(B) by redesignating paragraph (10) as paragraph (11); and

(C) inserting after paragraph (9) the following:

''(10) provide for the payment of interest accruing after the date of the filing of the petition on unsecured claims that are nondischargeable under section 1328(a), except that such interest may be paid only to the extent that the debtor has disposable income available to pay such interest after making provision for full payment of all allowed claims; and'';

(10) in section 1325(a), as amended by section 102, by inserting after paragraph (7) the following:

''(8) the debtor has paid all amounts that are required to be paid under a domestic support obligation and that first become payable after the date of the filing of the petition if the debtor is required by a judicial or administrative order, or by statute, to pay such domestic support obligation; and'';

(11) in section 1328(a), in the matter preceding paragraph (1), by inserting '', and in the case of a debtor who is required by a judicial or administrative order, or by statute, to pay a domestic support obligation, after such debtor certifies that all amounts payable under such order or such statute that are due on or before the date of the certification (including amounts due before the petition was filed, but only to the extent provided for by the plan) have been paid'' after ''completion by the debtor of all payments under the plan''.

SEC. 214. EXCEPTIONS TO AUTOMATIC STAY IN DOMESTIC SUPPORT OBLIGATION PROCEEDINGS.

Section 362(b) of title 11, United States Code, is amended by striking paragraph (2) and inserting the following:

''(2) under subsection (a)—

''(A) of the commencement or continuation of a civil action or proceeding—

''(i) for the establishment of paternity;

''(ii) for the establishment or modification of an order for domestic support obligations;

''(iii) concerning child custody or visitation;

''(iv) for the dissolution of a marriage, except to the extent that such proceeding seeks to determine the division of property that is property of the estate; or

''(v) regarding domestic violence;

''(B) of the collection of a domestic support obligation from property that is not property of the estate;

''(C) with respect to the withholding of income that is property of the estate or property of the debtor for payment of a domestic support obligation under a judicial or administrative order or a statute;

''(D) of the withholding, suspension, or restriction of a driver's license, a professional or occupational license, or a recreational license, under State law, as specified in section 466(a)(16) of the Social Security Act;

''(E) of the reporting of overdue support owed by a parent to any consumer reporting agency as specified in section 466(a)(7) of the Social Security Act;

''(F) of the interception of a tax refund, as specified in sections 464 and 466(a)(3) of the Social Security Act or under an analogous State law; or

''(G) of the enforcement of a medical obligation, as specified under title IV of the Social Security Act;''.

SEC. 215. NONDISCHARGEABILITY OF CERTAIN DEBTS FOR ALIMONY, MAINTENANCE, AND SUPPORT.

Section 523 of title 11, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraph (5) and inserting the following:

''(5) for a domestic support obligation;''; and

(B) by striking paragraph (18);

(2) in subsection (c), by striking ''(6), or (15)'' each place it appears and inserting ''or (6)''; and

(3) in paragraph (15), as added by Public Law 103–394 (108 Stat. 4133)—

(A) by inserting ''to a spouse, former spouse, or child of the debtor and'' before ''not of the kind'';

(B) by inserting ''or'' after ''court of record,''; and

(C) by striking ''unless—'' and all that follows through the end of the paragraph and inserting a semicolon.

SEC. 216. CONTINUED LIABILITY OF PROPERTY.

Section 522 of title 11, United States Code, is amended—

(1) in subsection (c), by striking paragraph (1) and inserting the following:

''(1) a debt of a kind specified in paragraph (1) or (5) of section 523(a) (in which case, notwithstanding any provision of applicable nonbankruptcy law to the contrary, such property shall be liable for a debt of a kind specified in section 523(a)(5));'';

(2) in subsection (f)(1)(A), by striking the dash and all that follows through the end of the subparagraph and inserting ''of a kind that is specified in section 523(a)(5); or''; and

(3) in subsection (g)(2), by striking ''subsection (f)(2)'' and inserting ''subsection (f)(1)(B)''.

SEC. 217. PROTECTION OF DOMESTIC SUPPORT CLAIMS AGAINST PREFERENTIAL TRANSFER MOTIONS.

Section 547(c)(7) of title 11, United States Code, is amended to read as follows:

''(7) to the extent such transfer was a bona fide payment of a debt for a domestic support obligation;''.

SEC. 218. DISPOSABLE INCOME DEFINED.

Section 1225(b)(2)(A) of title 11, United States Code, is amended by inserting ''or for a domestic support obligation that first becomes payable after the date of the filing of the petition'' after ''dependent of the debtor''.

SEC. 219. COLLECTION OF CHILD SUPPORT.

(a) DUTIES OF TRUSTEE UNDER CHAPTER 7.—Section 704 of title 11, United States Code, as amended by section 102, is amended—

(1) in subsection (a)—

(A) in paragraph (8), by striking ''and'' at the end;

(B) in paragraph (9), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(10) if with respect to the debtor there is a claim for a domestic support obligation, provide the applicable notice specified in subsection (c); and''; and

(2) by adding at the end the following:

''(c)(1) In a case described in subsection (a)(10) to which subsection (a)(10) applies, the trustee shall—

''(A)(i) provide written notice to the holder of the claim described in subsection (a)(10) of such claim and of the right of such holder to use the services of the State child support enforcement agency established under sections 464 and 466 of the Social Security Act for the State in which such holder resides, for assistance in collecting child support during and after the case under this title;

''(ii) include in the notice provided under clause (i) the address and telephone number of such State child support enforcement agency; and

''(iii) include in the notice provided under clause (i) an explanation of the rights of such holder to payment of such claim under this chapter;

''(B)(i) provide written notice to such State child support enforcement agency of such claim; and

''(ii) include in the notice provided under clause (i) the name, address, and telephone number of such holder; and

''(C) at such time as the debtor is granted a discharge under section 727, provide written notice to such holder and to such State child support enforcement agency of—

''(i) the granting of the discharge;

''(ii) the last recent known address of the debtor;

''(iii) the last recent known name and address of the debtor's employer; and

''(iv) the name of each creditor that holds a claim that—

''(I) is not discharged under paragraph (2), (4), or (14A) of section 523(a); or

''(II) was reaffirmed by the debtor under section 524(c).

''(2)(A) The holder of a claim described in subsection (a)(10) or the State child support enforcement agency of the State in which such holder resides may request from a creditor described in paragraph (1)(C)(iv) the last known address of the debtor.

''(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable by reason of making such disclosure.''.

(b) DUTIES OF TRUSTEE UNDER CHAPTER 11.—Section 1106 of title 11, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (6), by striking ''and'' at the end;

(B) in paragraph (7), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(8) if with respect to the debtor there is a claim for a domestic support obligation, provide the applicable notice specified in subsection (c).''; and

(2) by adding at the end the following:

''(c)(1) In a case described in subsection (a)(8) to which subsection (a)(8) applies, the trustee shall—

''(A)(i) provide written notice to the holder of the claim described in subsection (a)(8) of such claim and of the right of such holder to use the services of the State child support enforcement agency established under sections 464 and 466 of the Social Security Act for the State in which such holder resides, for assistance in collecting child support during and after the case under this title; and

''(ii) include in the notice required by clause (i) the address and telephone number of such State child support enforcement agency;

''(B)(i) provide written notice to such State child support enforcement agency of such claim; and

''(ii) include in the notice required by clause (i) the name, address, and telephone number of such holder; and

''(C) at such time as the debtor is granted a discharge under section 1141, provide written notice to such holder and to such State child support enforcement agency of—

''(i) the granting of the discharge;

''(ii) the last recent known address of the debtor;

''(iii) the last recent known name and address of the debtor's employer; and

''(iv) the name of each creditor that holds a claim that—

''(I) is not discharged under paragraph (2), (4), or (14A) of section 523(a); or

''(II) was reaffirmed by the debtor under section 524(c).

''(2)(A) The holder of a claim described in subsection (a)(8) or the State child enforcement support agency of the State in which such holder resides may request from a creditor described in paragraph (1)(C)(iv) the last known address of the debtor.

''(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable by reason of making such disclosure.''.

(c) DUTIES OF TRUSTEE UNDER CHAPTER 12.—Section 1202 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking ''and'' at the end;

(B) in paragraph (5), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(6) if with respect to the debtor there is a claim for a domestic support obligation, provide the applicable notice specified in subsection (c).''; and

(2) by adding at the end the following:

''(c)(1) In a case described in subsection (b)(6) to which subsection (b)(6) applies, the trustee shall—

''(A)(i) provide written notice to the holder of the claim described in subsection (b)(6) of such claim and of the right of such holder to use the services of the State child support enforcement agency established under sections 464 and 466 of the Social Security Act for the State in which such holder resides, for assistance in collecting child support during and after the case under this title; and

''(ii) include in the notice provided under clause (i) the address and telephone number of such State child support enforcement agency;

''(B)(i) provide written notice to such State child support enforcement agency of such claim; and

''(ii) include in the notice provided under clause (i) the name, address, and telephone number of such holder; and

''(C) at such time as the debtor is granted a discharge under section 1228, provide written notice to such holder and to such State child support enforcement agency of—

''(i) the granting of the discharge;

''(ii) the last recent known address of the debtor;

''(iii) the last recent known name and address of the debtor's employer; and

''(iv) the name of each creditor that holds a claim that—

''(I) is not discharged under paragraph (2), (4), or (14A) of section 523(a); or

''(II) was reaffirmed by the debtor under section 524(c).

''(2)(A) The holder of a claim described in subsection (b)(6) or the State child support enforcement agency of the State in which such holder resides may request from a creditor described in paragraph (1)(C)(iv) the last known address of the debtor.

''(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable by reason of making that disclosure.''.

(d) DUTIES OF TRUSTEE UNDER CHAPTER 13.—Section 1302 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking ''and'' at the end;

(B) in paragraph (5), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(6) if with respect to the debtor there is a claim for a domestic support obligation, provide the applicable notice specified in subsection (d).''; and

(2) by adding at the end the following:

''(d)(1) In a case described in subsection (b)(6) to which subsection (b)(6) applies, the trustee shall—

''(A)(i) provide written notice to the holder of the claim described in subsection (b)(6) of such claim and of the right of such holder to use the services of the State child support enforcement agency established under sections 464 and 466 of the Social Security Act for the State in which such holder resides, for assistance in collecting child support during and after the case under this title; and

''(ii) include in the notice provided under clause (i) the address and telephone number of such State child support enforcement agency;

''(B)(i) provide written notice to such State child support enforcement agency of such claim; and

''(ii) include in the notice provided under clause (i) the name, address, and telephone number of such holder; and

''(C) at such time as the debtor is granted a discharge under section 1328, provide written notice to such holder and to such State child support enforcement agency of—

''(i) the granting of the discharge;

''(ii) the last recent known address of the debtor;

''(iii) the last recent known name and address of the debtor's employer; and

''(iv) the name of each creditor that holds a claim that—

''(I) is not discharged under paragraph (2) or (4) of section 523(a); or

''(II) was reaffirmed by the debtor under section 524(c).

''(2)(A) The holder of a claim described in subsection (b)(6) or the State child support enforcement agency of the State in which such holder resides may request from a creditor described in paragraph (1)(C)(iv) the last known address of the debtor.

''(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable by reason of making that disclosure.''.

SEC. 220. NONDISCHARGEABILITY OF CERTAIN EDUCATIONAL BENEFITS AND LOANS.

Section 523(a) of title 11, United States Code, is amended by striking paragraph (8) and inserting the following:

''(8) unless excepting such debt from discharge under this paragraph would impose an undue hardship on the debtor and the debtor's dependents, for—

''(A)(i) an educational benefit overpayment or loan made, insured, or guaranteed by a governmental unit, or made under any program funded in whole or in part by a governmental unit or nonprofit institution; or

''(ii) an obligation to repay funds received as an educational benefit, scholarship, or stipend; or

''(B) any other educational loan that is a qualified education loan, as defined in section 221(d)(1) of the Internal Revenue Code of 1986, incurred by a debtor who is an individual;''.

Subtitle C—Other Consumer Protections

SEC. 221. AMENDMENTS TO DISCOURAGE ABUSIVE BANKRUPTCY FILINGS.

Section 110 of title 11, United States Code, is amended—

(1) in subsection (a)(1), by striking ''or an employee of an attorney'' and inserting ''for the debtor or an employee of such attorney under the direct supervision of such attorney'';

(2) in subsection (b)—

(A) in paragraph (1), by adding at the end the following: ''If a bankruptcy petition preparer is not an individual, then an officer, principal, responsible person, or partner of the bankruptcy petition preparer shall be required to—

''(A) sign the document for filing; and

''(B) print on the document the name and address of that officer, principal, responsible person, or partner.''; and

(B) by striking paragraph (2) and inserting the following:

''(2)(A) Before preparing any document for filing or accepting any fees from a debtor,

the bankruptcy petition preparer shall provide to the debtor a written notice which shall be on an official form prescribed by the Judicial Conference of the United States in accordance with rule 9009 of the Federal Rules of Bankruptcy Procedure.

''(B) The notice under subparagraph (A)—

''(i) shall inform the debtor in simple language that a bankruptcy petition preparer is not an attorney and may not practice law or give legal advice;

''(ii) may contain a description of examples of legal advice that a bankruptcy petition preparer is not authorized to give, in addition to any advice that the preparer may not give by reason of subsection (e)(2); and

''(iii) shall—

''(I) be signed by the debtor and, under penalty of perjury, by the bankruptcy petition preparer; and

''(II) be filed with any document for filing.'';

(3) in subsection (c)—

(A) in paragraph (2)—

(i) by striking ''(2) For purposes'' and inserting ''(2)(A) Subject to subparagraph (B), for purposes''; and

(ii) by adding at the end the following:

''(B) If a bankruptcy petition preparer is not an individual, the identifying number of the bankruptcy petition preparer shall be the Social Security account number of the officer, principal, responsible person, or partner of the bankruptcy petition preparer.''; and

(B) by striking paragraph (3);

(4) in subsection (d)—

(A) by striking ''(d)(1)'' and inserting ''(d)''; and

(B) by striking paragraph (2);

(5) in subsection (e)—

(A) by striking paragraph (2); and

(B) by adding at the end the following:

''(2)(A) A bankruptcy petition preparer may not offer a potential bankruptcy debtor any legal advice, including any legal advice described in subparagraph (B).

''(B) The legal advice referred to in subparagraph (A) includes advising the debtor—

''(i) whether—

''(I) to file a petition under this title; or

''(II) commencing a case under chapter 7, 11, 12, or 13 is appropriate;

''(ii) whether the debtor's debts will be discharged in a case under this title;

''(iii) whether the debtor will be able to retain the debtor's home, car, or other property after commencing a case under this title;

''(iv) concerning—

''(I) the tax consequences of a case brought under this title; or

''(II) the dischargeability of tax claims;

''(v) whether the debtor may or should promise to repay debts to a creditor or enter into a reaffirmation agreement with a creditor to reaffirm a debt;

''(vi) concerning how to characterize the nature of the debtor's interests in property or the debtor's debts; or

''(vii) concerning bankruptcy procedures and rights.'';

(6) in subsection (f)—

(A) by striking ''(f)(1)'' and inserting ''(f)''; and

(B) by striking paragraph (2);

(7) in subsection (g)—

(A) by striking ''(g)(1)'' and inserting ''(g)''; and

(B) by striking paragraph (2);

(8) in subsection (h)—

(A) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(B) by inserting before paragraph (2), as so redesignated, the following:

''(1) The Supreme Court may promulgate rules under section 2075 of title 28, or the Judicial Conference of the United States may prescribe guidelines, for setting a maximum allowable fee chargeable by a bankruptcy petition preparer. A bankruptcy petition preparer shall notify the debtor of any such maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor.'';

(C) in paragraph (2), as so redesignated—

(i) by striking ''Within 10 days after the date of the filing of a petition, a bankruptcy petition preparer shall file a'' and inserting ''A'';

(ii) by inserting ''by the bankruptcy petition preparer shall be filed together with the petition,'' after ''perjury''; and

(iii) by adding at the end the following: ''If rules or guidelines setting a maximum fee for services have been promulgated or prescribed under paragraph (1), the declaration under this paragraph shall include a certification that the bankruptcy petition preparer complied with the notification requirement under paragraph (1).'';

(D) by striking paragraph (3), as so redesignated, and inserting the following:

''(3)(A) The court shall disallow and order the immediate turnover to the bankruptcy trustee any fee referred to in paragraph (2) found to be in excess of the value of any services—

''(i) rendered by the bankruptcy petition preparer during the 12-month period immediately preceding the date of the filing of the petition; or

''(ii) found to be in violation of any rule or guideline promulgated or prescribed under paragraph (1).

''(B) All fees charged by a bankruptcy petition preparer may be forfeited in any case in which the bankruptcy petition preparer fails to comply with this subsection or subsection (b), (c), (d), (e), (f), or (g).

''(C) An individual may exempt any funds recovered under this paragraph under section 522(b).''; and

(E) in paragraph (4), as so redesignated, by striking ''or the United States trustee'' and inserting ''the United States trustee (or the bankruptcy administrator, if any) or the court, on the initiative of the court,'';

(9) in subsection (i)(1), by striking the matter preceding subparagraph (A) and inserting the following:

''(i)(1) If a bankruptcy petition preparer violates this section or commits any act that the court finds to be fraudulent, unfair, or deceptive, on the motion of the debtor, trustee, United States trustee (or the bankruptcy administrator, if any), and after notice and a hearing, the court shall order the bankruptcy petition preparer to pay to the debtor—'';

(10) in subsection (j)—

(A) in paragraph (2)—

(i) in subparagraph (A)(i)(I), by striking ''a violation of which subjects a person to criminal penalty'';

(ii) in subparagraph (B)—

(I) by striking ''or has not paid a penalty'' and inserting ''has not paid a penalty''; and

(II) by inserting ''or failed to disgorge all fees ordered by the court'' after ''a penalty imposed under this section,'';

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

''(3) The court, as part of its contempt power, may enjoin a bankruptcy petition preparer that has failed to comply with a previous order issued under this section. The injunction under this paragraph may be issued on the motion of the court, the trustee, or the United States trustee (or the bankruptcy administrator, if any).''; and

(11) by adding at the end the following:

''(l)(1) A bankruptcy petition preparer who fails to comply with any provision of subsection (b), (c), (d), (e), (f), (g), or (h) may be fined not more than $500 for each such failure.

''(2) The court shall triple the amount of a fine assessed under paragraph (1) in any case in which the court finds that a bankruptcy petition preparer—

''(A) advised the debtor to exclude assets or income that should have been included on applicable schedules;

''(B) advised the debtor to use a false Social Security account number;

''(C) failed to inform the debtor that the debtor was filing for relief under this title; or

''(D) prepared a document for filing in a manner that failed to disclose the identity of the bankruptcy petition preparer.

''(3) A debtor, trustee, creditor, or United States trustee (or the bankruptcy administrator, if any) may file a motion for an order imposing a fine on the bankruptcy petition preparer for any violation of this section.

''(4)(A) Fines imposed under this subsection in judicial districts served by United States trustees shall be paid to the United States trustee, who shall deposit an amount equal to such fines in a special account of the United States Trustee System Fund referred to in section 586(e)(2) of title 28. Amounts deposited under this subparagraph shall be available to fund the enforcement of this section on a national basis.

''(B) Fines imposed under this subsection in judicial districts served by bankruptcy administrators shall be deposited as offsetting receipts to the fund established under section 1931 of title 28, and shall remain available until expended to reimburse any appropriation for the amount paid out of such appropriation for expenses of the operation and maintenance of the courts of the United States.''.

SEC. 222. SENSE OF CONGRESS.

It is the sense of Congress that States should develop curricula relating to the subject of personal finance, designed for use in elementary and secondary schools.

SEC. 223. ADDITIONAL AMENDMENTS TO TITLE 11, UNITED STATES CODE.

Section 507(a) of title 11, United States Code, as amended by section 212, is amended by inserting after paragraph (9) the following:

''(10) Tenth, allowed claims for death or personal injury resulting from the operation of a motor vehicle or vessel if such operation was unlawful because the debtor was intoxicated from using alcohol, a drug, or another substance.''.

SEC. 224. PROTECTION OF RETIREMENT SAVINGS IN BANKRUPTCY.

(a) IN GENERAL.—Section 522 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking ''and'' at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting ''; and'';

(iii) by adding at the end the following:

''(C) retirement funds to the extent that those funds are in a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986.''; and

(iv) by striking ''(2)(A) any property'' and inserting:

''(3) Property listed in this paragraph is—

''(A) any property'';

(B) by striking paragraph (1) and inserting:

''(2) Property listed in this paragraph is property that is specified under subsection (d), unless the State law that is applicable to the debtor under paragraph (3)(A) specifically does not so authorize.'';

(C) by striking ''(b) Notwithstanding'' and inserting ''(b)(1) Notwithstanding'';

(D) by striking ''paragraph (2)'' each place it appears and inserting ''paragraph (3)'';

(E) by striking ''paragraph (1)'' each place it appears and inserting ''paragraph (2)'';

(F) by striking ''Such property is—''; and

(G) by adding at the end the following:

''(4) For purposes of paragraph (3)(C) and subsection (d)(12), the following shall apply:

''(A) If the retirement funds are in a retirement fund that has received a favorable determination under section 7805 of the Internal Revenue Code of 1986, and that determination is in effect as of the date of the filing of the petition in a case under this title, those funds shall be presumed to be exempt from the estate.

''(B) If the retirement funds are in a retirement fund that has not received a favorable determination under such section 7805, those funds are exempt from the estate if the debtor demonstrates that—

''(i) no prior determination to the contrary has been made by a court or the Internal Revenue Service; and

''(ii)(I) the retirement fund is in substantial compliance with the applicable requirements of the Internal Revenue Code of 1986; or

''(II) the retirement fund fails to be in substantial compliance with the applicable requirements of the Internal Revenue Code of 1986 and the debtor is not materially responsible for that failure.

''(C) A direct transfer of retirement funds from 1 fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986, under section 401(a)(31) of the Internal Revenue Code of 1986, or otherwise, shall not cease to qualify for exemption under paragraph (3)(C) or subsection (d)(12) by reason of such direct transfer.

''(D)(i) Any distribution that qualifies as an eligible rollover distribution within the meaning of section 402(c) of the Internal Revenue Code of 1986 or that is described in clause (ii) shall not cease to qualify for exemption under paragraph (3)(C) or subsection (d)(12) by reason of such distribution.

''(ii) A distribution described in this clause is an amount that—

''(I) has been distributed from a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986; and

''(II) to the extent allowed by law, is deposited in such a fund or account not later than 60 days after the distribution of such amount.''; and

(2) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking ''subsection (b)(1)'' and inserting ''subsection (b)(2)''; and

(B) by adding at the end the following:

''(12) Retirement funds to the extent that those funds are in a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986.''.

(b) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, is amended—

(1) in paragraph (17), by striking ''or'' at the end;

(2) in paragraph (18), by striking the period and inserting a semicolon; and

(3) by inserting after paragraph (18) the following:

''(19) under subsection (a), of withholding of income from a debtor's wages and collection of amounts withheld, under the debtor's agreement authorizing that withholding and collection for the benefit of a pension, profit-sharing, stock bonus, or other plan established under section 401, 403, 408, 408A, 414, 457, or 501(c) of the Internal Revenue Code of 1986, that is sponsored by the employer of the debtor, or an affiliate, successor, or predecessor of such employer—

''(A) to the extent that the amounts withheld and collected are used solely for payments relating to a loan from a plan under section 408(b)(1) of the Employee Retirement Income Security Act of 1974 or is subject to section 72(p) of the Internal Revenue Code of 1986; or

''(B) a loan from a thrift savings plan permitted under subchapter III of chapter 84 of title 5, that satisfies the requirements of section 8433(g) of such title;

but nothing in this paragraph may be construed to provide that any loan made under a governmental plan under section 414(d), or a contract or account under section 403(b), of the Internal Revenue Code of 1986 constitutes a claim or a debt under this title;''.

(c) EXCEPTIONS TO DISCHARGE.—Section 523(a) of title 11, United States Code, as amended by section 215, is amended by inserting after paragraph (17) the following:

''(18) owed to a pension, profit-sharing, stock bonus, or other plan established under section 401, 403, 408, 408A, 414, 457, or 501(c) of the Internal Revenue Code of 1986, under—

''(A) a loan permitted under section 408(b)(1) of the Employee Retirement Income Security Act of 1974, or subject to section 72(p) of the Internal Revenue Code of 1986; or

''(B) a loan from a thrift savings plan permitted under subchapter III of chapter 84 of title 5, that satisfies the requirements of section 8433(g) of such title;

but nothing in this paragraph may be construed to provide that any loan made under a governmental plan under section 414(d), or a contract or account under section 403(b), of the Internal Revenue Code of 1986 constitutes a claim or a debt under this title; or''.

(d) PLAN CONTENTS.—Section 1322 of title 11, United States Code, is amended by adding at the end the following:

''(f) A plan may not materially alter the terms of a loan described in section 362(b)(19) and any amounts required to repay such loan shall not constitute 'disposable income' under section 1325.''.

(e) ASSET LIMITATION.—

(1) LIMITATION.—Section 522 of title 11, United States Code, is amended by adding at the end the following:

''(n) For assets in individual retirement accounts described in section 408 or 408A of the Internal Revenue Code of 1986, other than a simplified employee pension under section 408(k) of such Code or a simple retirement account under section 408(p) of such Code, the aggregate value of such assets exempted under this section, without regard to amounts attributable to rollover contributions under section 402(c), 402(e)(6), 403(a)(4), 403(a)(5), and 403(b)(8) of the Internal Revenue Code of 1986, and earnings thereon, shall not exceed $1,000,000 in a case filed by a debtor who is an individual, except that such amount may be increased if the interests of justice so require.''.

(2) ADJUSTMENT OF DOLLAR AMOUNTS.—Paragraphs (1) and (2) of section 104(b) of title 11, United States Code, are amended by inserting ''522(n),'' after ''522(d),''.

SEC. 225. PROTECTION OF EDUCATION SAVINGS IN BANKRUPTCY.

(a) EXCLUSIONS.—Section 541 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking ''or'' at the end;

(B) by redesignating paragraph (5) as paragraph (9); and

(C) by inserting after paragraph (4) the following:

''(5) funds placed in an education individual retirement account (as defined in section 530(b)(1) of the Internal Revenue Code of 1986) not later than 365 days before the date of the filing of the petition in a case under this title, but—

''(A) only if the designated beneficiary of such account was a child, stepchild, grandchild, or stepgrandchild of the debtor for the taxable year for which funds were placed in such account;

''(B) only to the extent that such funds—

''(i) are not pledged or promised to any entity in connection with any extension of credit; and

''(ii) are not excess contributions (as described in section 4973(e) of the Internal Revenue Code of 1986); and

''(C) in the case of funds placed in all such accounts having the same designated beneficiary not earlier than 720 days nor later than 365 days before such date, only so much of such funds as does not exceed $5,000;

''(6) funds used to purchase a tuition credit or certificate or contributed to an account in accordance with section 529(b)(1)(A) of the Internal Revenue Code of 1986 under a qualified State tuition program (as defined in section 529(b)(1) of such Code) not later than 365 days before the date of the filing of the petition in a case under this title, but—

''(A) only if the designated beneficiary of the amounts paid or contributed to such tuition program was a child, stepchild, grandchild, or stepgrandchild of the debtor for the taxable year for which funds were paid or contributed;

''(B) with respect to the aggregate amount paid or contributed to such program having the same designated beneficiary, only so much of such amount as does not exceed the total contributions permitted under section 529(b)(7) of such Code with respect to such beneficiary, as adjusted beginning on the date of the filing of the petition in a case under this title by the annual increase or decrease (rounded to the nearest tenth of 1 percent) in the education expenditure category of the Consumer Price Index prepared by the Department of Labor; and

''(C) in the case of funds paid or contributed to such program having the same designated beneficiary not earlier than 720 days nor later than 365 days before such date, only so much of such funds as does not exceed $5,000;''; and

(2) by adding at the end the following:

''(e) In determining whether any of the relationships specified in paragraph (5)(A) or (6)(A) of subsection (b) exists, a legally adopted child of an individual (and a child who is a member of an individual's household, if placed with such individual by an authorized placement agency for legal adoption by such individual), or a foster child of an individual (if such child has as the child's principal place of abode the home of the debtor and is a member of the debtor's household) shall be treated as a child of such individual by blood.''.

(b) DEBTOR'S DUTIES.—Section 521 of title 11, United States Code, as amended by section 106, is amended by adding at the end the following:

''(c) In addition to meeting the requirements under subsection (a), a debtor shall file with the court a record of any interest that a debtor has in an education individual retirement account (as defined in section 530(b)(1) of the Internal Revenue Code of 1986) or under a qualified State tuition program (as defined in section 529(b)(1) of such Code).''.

SEC. 226. DEFINITIONS.

(a) DEFINITIONS.—Section 101 of title 11, United States Code, is amended—

(1) by inserting after paragraph (2) the following:

''(3) 'assisted person' means any person whose debts consist primarily of consumer debts and the value of whose nonexempt property is less than $150,000;'';

(2) by inserting after paragraph (4) the following:

''(4A) 'bankruptcy assistance' means any goods or services sold or otherwise provided

to an assisted person with the express or implied purpose of providing information, advice, counsel, document preparation, or filing, or attendance at a creditors' meeting or appearing in a proceeding on behalf of another or providing legal representation with respect to a case or proceeding under this title;''; and

(3) by inserting after paragraph (12) the following:

''(12A) 'debt relief agency' means any person who provides any bankruptcy assistance to an assisted person in return for the payment of money or other valuable consideration, or who is a bankruptcy petition preparer under section 110, but does not include—

''(A) any person who is an officer, director, employee, or agent of a person who provides such assistance or of the bankruptcy petition preparer;

''(B) a nonprofit organization that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986;

''(C) a creditor of such assisted person, to the extent that the creditor is assisting such assisted person to restructure any debt owed by such assisted person to the creditor;

''(D) a depository institution (as defined in section 3 of the Federal Deposit Insurance Act) or any Federal credit union or State credit union (as those terms are defined in section 101 of the Federal Credit Union Act), or any affiliate or subsidiary of such depository institution or credit union; or

''(E) an author, publisher, distributor, or seller of works subject to copyright protection under title 17, when acting in such capacity.''.

(b) CONFORMING AMENDMENT.—Section 104(b) of title 11, United States Code, is amended by inserting ''101(3),'' after ''sections'' each place it appears.

SEC. 227. RESTRICTIONS ON DEBT RELIEF AGENCIES.

(a) ENFORCEMENT.—Subchapter II of chapter 5 of title 11, United States Code, is amended by adding at the end the following:

''§ 526. Restrictions on debt relief agencies

''(a) A debt relief agency shall not—

''(1) fail to perform any service that such agency informed an assisted person or prospective assisted person it would provide in connection with a case or proceeding under this title;

''(2) make any statement, or counsel or advise any assisted person or prospective assisted person to make a statement in a document filed in a case or proceeding under this title, that is untrue and misleading, or that upon the exercise of reasonable care, should have been known by such agency to be untrue or misleading;

''(3) misrepresent to any assisted person or prospective assisted person, directly or indirectly, affirmatively or by material omission, with respect to—

''(A) the services that such agency will provide to such person; or

''(B) the benefits and risks that may result if such person becomes a debtor in a case under this title; or

''(4) advise an assisted person or prospective assisted person to incur more debt in contemplation of such person filing a case under this title or to pay an attorney or bankruptcy petition preparer fee or charge for services performed as part of preparing for or representing a debtor in a case under this title.

''(b) Any waiver by any assisted person of any protection or right provided under this section shall not be enforceable against the debtor by any Federal or State court or any other person, but may be enforced against a debt relief agency.

''(c)(1) Any contract for bankruptcy assistance between a debt relief agency and an assisted person that does not comply with the material requirements of this section, section 527, or section 528 shall be void and may not be enforced by any Federal or State court or by any other person, other than such assisted person.

''(2) Any debt relief agency shall be liable to an assisted person in the amount of any fees or charges in connection with providing bankruptcy assistance to such person that such debt relief agency has received, for actual damages, and for reasonable attorneys' fees and costs if such agency is found, after notice and a hearing, to have—

''(A) intentionally or negligently failed to comply with any provision of this section, section 527, or section 528 with respect to a case or proceeding under this title for such assisted person;

''(B) provided bankruptcy assistance to an assisted person in a case or proceeding under this title that is dismissed or converted to a case under another chapter of this title because of such agency's intentional or negligent failure to file any required document including those specified in section 521; or

''(C) intentionally or negligently disregarded the material requirements of this title or the Federal Rules of Bankruptcy Procedure applicable to such agency.

''(3) In addition to such other remedies as are provided under State law, whenever the chief law enforcement officer of a State, or an official or agency designated by a State, has reason to believe that any person has violated or is violating this section, the State—

''(A) may bring an action to enjoin such violation;

''(B) may bring an action on behalf of its residents to recover the actual damages of assisted persons arising from such violation, including any liability under paragraph (2); and

''(C) in the case of any successful action under subparagraph (A) or (B), shall be awarded the costs of the action and reasonable attorneys' fees as determined by the court.

''(4) The district courts of the United States for districts located in the State shall have concurrent jurisdiction of any action under subparagraph (A) or (B) of paragraph (3).

''(5) Notwithstanding any other provision of Federal law and in addition to any other remedy provided under Federal or State law, if the court, on its own motion or on the motion of the United States trustee or the debtor, finds that a person intentionally violated this section, or engaged in a clear and consistent pattern or practice of violating this section, the court may—

''(A) enjoin the violation of such section; or

''(B) impose an appropriate civil penalty against such person.

''(d) No provision of this section, section 527, or section 528 shall—

''(1) annul, alter, affect, or exempt any person subject to such sections from complying with any law of any State except to the extent that such law is inconsistent with those sections, and then only to the extent of the inconsistency; or

''(2) be deemed to limit or curtail the authority or ability—

''(A) of a State or subdivision or instrumentality thereof, to determine and enforce qualifications for the practice of law under the laws of that State; or

''(B) of a Federal court to determine and enforce the qualifications for the practice of law before that court.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, is amended by inserting after the item relating to section 525, the following:

''526. Restrictions on debt relief agencies.''.

SEC. 228. DISCLOSURES.

(a) DISCLOSURES.—Subchapter II of chapter 5 of title 11, United States Code, as amended by section 227, is amended by adding at the end the following:

''§ 527. Disclosures

''(a) A debt relief agency providing bankruptcy assistance to an assisted person shall provide—

''(1) the written notice required under section 342(b)(1); and

''(2) to the extent not covered in the written notice described in paragraph (1), and not later than 3 business days after the first date on which a debt relief agency first offers to provide any bankruptcy assistance services to an assisted person, a clear and conspicuous written notice advising assisted persons that—

''(A) all information that the assisted person is required to provide with a petition and thereafter during a case under this title is required to be complete, accurate, and truthful;

''(B) all assets and all liabilities are required to be completely and accurately disclosed in the documents filed to commence the case, and the replacement value of each asset as defined in section 506 must be stated in those documents where requested after reasonable inquiry to establish such value;

''(C) current monthly income, the amounts specified in section 707(b)(2), and, in a case under chapter 13 of this title, disposable income (determined in accordance with section 707(b)(2)), are required to be stated after reasonable inquiry; and

''(D) information that an assisted person provides during their case may be audited pursuant to this title, and that failure to provide such information may result in dismissal of the case under this title or other sanction, including a criminal sanction.

''(b) A debt relief agency providing bankruptcy assistance to an assisted person shall provide each assisted person at the same time as the notices required under subsection (a)(1) the following statement, to the extent applicable, or one substantially similar. The statement shall be clear and conspicuous and shall be in a single document separate from other documents or notices provided to the assisted person:

''IMPORTANT INFORMATION ABOUT BANKRUPTCY ASSISTANCE SERVICES FROM AN ATTORNEY OR BANKRUPTCY PETITION PREPARER.

''If you decide to seek bankruptcy relief, you can represent yourself, you can hire an attorney to represent you, or you can get help in some localities from a bankruptcy petition preparer who is not an attorney. THE LAW REQUIRES AN ATTORNEY OR BANKRUPTCY PETITION PREPARER TO GIVE YOU A WRITTEN CONTRACT SPECIFYING WHAT THE ATTORNEY OR BANKRUPTCY PETITION PREPARER WILL DO FOR YOU AND HOW MUCH IT WILL COST. Ask to see the contract before you hire anyone.

''The following information helps you understand what must be done in a routine bankruptcy case to help you evaluate how much service you need. Although bankruptcy can be complex, many cases are routine.

''Before filing a bankruptcy case, either you or your attorney should analyze your eligibility for different forms of debt relief available under the Bankruptcy Code and which form of relief is most likely to be beneficial for you. Be sure you understand the relief you can obtain and its limitations. To file a bankruptcy case, documents called a Petition, Schedules and Statement of Financial Affairs, as well as in some cases a Statement of Intention need to be prepared correctly and filed with the bankruptcy court.

You will have to pay a filing fee to the bankruptcy court. Once your case starts, you will have to attend the required first meeting of creditors where you may be questioned by a court official called a 'trustee' and by creditors.

''If you choose to file a chapter 7 case, you may be asked by a creditor to reaffirm a debt. You may want help deciding whether to do so. A creditor is not permitted to coerce you into reaffirming your debts.

''If you choose to file a chapter 13 case in which you repay your creditors what you can afford over 3 to 5 years, you may also want help with preparing your chapter 13 plan and with the confirmation hearing on your plan which will be before a bankruptcy judge.

''If you select another type of relief under the Bankruptcy Code other than chapter 7 or chapter 13, you will want to find out what should be done from someone familiar with that type of relief.

''Your bankruptcy case may also involve litigation. You are generally permitted to represent yourself in litigation in bankruptcy court, but only attorneys, not bankruptcy petition preparers, can give you legal advice.'.

''(c) Except to the extent the debt relief agency provides the required information itself after reasonably diligent inquiry of the assisted person or others so as to obtain such information reasonably accurately for inclusion on the petition, schedules or statement of financial affairs, a debt relief agency providing bankruptcy assistance to an assisted person, to the extent permitted by nonbankruptcy law, shall provide each assisted person at the time required for the notice required under subsection (a)(1) reasonably sufficient information (which shall be provided in a clear and conspicuous writing) to the assisted person on how to provide all the information the assisted person is required to provide under this title pursuant to section 521, including—

''(1) how to value assets at replacement value, determine current monthly income, the amounts specified in section 707(b)(2) and, in a chapter 13 case, how to determine disposable income in accordance with section 707(b)(2) and related calculations;

''(2) how to complete the list of creditors, including how to determine what amount is owed and what address for the creditor should be shown; and

''(3) how to determine what property is exempt and how to value exempt property at replacement value as defined in section 506.

''(d) A debt relief agency shall maintain a copy of the notices required under subsection (a) of this section for 2 years after the date on which the notice is given the assisted person.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, as amended by section 227, is amended by inserting after the item relating to section 526 the following:

''527. Disclosures.''.

SEC. 229. REQUIREMENTS FOR DEBT RELIEF AGENCIES.

(a) ENFORCEMENT.—Subchapter II of chapter 5 of title 11, United States Code, as amended by sections 227 and 228, is amended by adding at the end the following:

"§ 528. Requirements for debt relief agencies

''(a) A debt relief agency shall—

''(1) not later than 5 business days after the first date on which such agency provides any bankruptcy assistance services to an assisted person, but prior to such assisted person's petition under this title being filed, execute a written contract with such assisted person that explains clearly and conspicuously—

''(A) the services such agency will provide to such assisted person; and

''(B) the fees or charges for such services, and the terms of payment;

''(2) provide the assisted person with a copy of the fully executed and completed contract;

''(3) clearly and conspicuously disclose in any advertisement of bankruptcy assistance services or of the benefits of bankruptcy directed to the general public (whether in general media, seminars or specific mailings, telephonic or electronic messages, or otherwise) that the services or benefits are with respect to bankruptcy relief under this title; and

''(4) clearly and conspicuously use the following statement in such advertisement: 'We are a debt relief agency. We help people file for bankruptcy relief under the Bankruptcy Code.' or a substantially similar statement.

''(b)(1) An advertisement of bankruptcy assistance services or of the benefits of bankruptcy directed to the general public includes—

''(A) descriptions of bankruptcy assistance in connection with a chapter 13 plan whether or not chapter 13 is specifically mentioned in such advertisement; and

''(B) statements such as 'federally supervised repayment plan' or 'Federal debt restructuring help' or other similar statements that could lead a reasonable consumer to believe that debt counseling was being offered when in fact the services were directed to providing bankruptcy assistance with a chapter 13 plan or other form of bankruptcy relief under this title.

''(2) An advertisement, directed to the general public, indicating that the debt relief agency provides assistance with respect to credit defaults, mortgage foreclosures, eviction proceedings, excessive debt, debt collection pressure, or inability to pay any consumer debt shall—

''(A) disclose clearly and conspicuously in such advertisement that the assistance may involve bankruptcy relief under this title; and

''(B) include the following statement: 'We are a debt relief agency. We help people file for bankruptcy relief under the Bankruptcy Code.' or a substantially similar statement.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, as amended by section 227 and 228, is amended by inserting after the item relating to section 527, the following:

''528. Requirements for debt relief agencies.''.

SEC. 230. GAO STUDY.

(a) STUDY.—Not later than 270 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study of the feasibility, effectiveness, and cost of requiring trustees appointed under title 11, United States Code, or the bankruptcy courts, to provide to the Office of Child Support Enforcement promptly after the commencement of cases by debtors who are individuals under such title, the names and social security account numbers of such debtors for the purposes of allowing such Office to determine whether such debtors have outstanding obligations for child support (as determined on the basis of information in the Federal Case Registry or other national database).

(b) REPORT.—Not later than 300 days after the date of enactment of this Act, the Comptroller General shall submit to the President pro tempore of the Senate and the Speaker of the House of Representatives a report containing the results of the study required by subsection (a).

SEC. 231. PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION.

(a) LIMITATION.—Section 363(b)(1) of title 11, United States Code, is amended by striking the period at the end and inserting the following:

'', except that if the debtor in connection with offering a product or a service discloses to an individual a policy prohibiting the transfer of personally identifiable information about individuals to persons that are not affiliated with the debtor and if such policy is in effect on the date of the commencement of the case, then the trustee may not sell or lease personally identifiable information to any person unless—

''(A) such sale or such lease is consistent with such policy; or

''(B) after appointment of a consumer privacy ombudsman in accordance with section 332, and after notice and a hearing, the court approves such sale or such lease—

''(i) giving due consideration to the facts, circumstances, and conditions of such sale or such lease; and

''(ii) finding that no showing was made that such sale or such lease would violate applicable nonbankruptcy law.''.

(b) DEFINITION.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (41) the following:

''(41A) 'personally identifiable information' means—

''(A) if provided by an individual to the debtor in connection with obtaining a product or a service from the debtor primarily for personal, family, or household purposes—

''(i) the first name (or initial) and last name of such individual, whether given at birth or time of adoption, or resulting from a lawful change of name;

''(ii) the geographical address of a physical place of residence of such individual;

''(iii) an electronic address (including an e-mail address) of such individual;

''(iv) a telephone number dedicated to contacting such individual at such physical place of residence;

''(v) a social security account number issued to such individual; or

''(vi) the account number of a credit card issued to such individual; or

''(B) if identified in connection with 1 or more of the items of information specified in subparagraph (A)—

''(i) a birth date, the number of a certificate of birth or adoption, or a place of birth; or

''(ii) any other information concerning an identified individual that, if disclosed, will result in contacting or identifying such individual physically or electronically;''.

SEC. 232. CONSUMER PRIVACY OMBUDSMAN.

(a) CONSUMER PRIVACY OMBUDSMAN.—Title 11 of the United States Code is amended by inserting after section 331 the following:

"§ 332. Consumer privacy ombudsman

''(a) If a hearing is required under section 363(b)(1)(B), the court shall order the United States trustee to appoint, not later than 5 days before the commencement of the hearing, 1 disinterested person (other than the United States trustee) to serve as the consumer privacy ombudsman in the case and shall require that notice of such hearing be timely given to such ombudsman.

''(b) The consumer privacy ombudsman may appear and be heard at such hearing and shall provide to the court information to assist the court in its consideration of the facts, circumstances, and conditions of the proposed sale or lease of personally identifiable information under section 363(b)(1)(B). Such information may include presentation of—

''(1) the debtor's privacy policy;

''(2) the potential losses or gains of privacy to consumers if such sale or such lease is approved by the court;

''(3) the potential costs or benefits to consumers if such sale or such lease is approved by the court; and

''(4) the potential alternatives that would mitigate potential privacy losses or potential costs to consumers.

''(c) A consumer privacy ombudsman shall not disclose any personally identifiable information obtained by the ombudsman under this title.''.

(b) COMPENSATION OF CONSUMER PRIVACY OMBUDSMAN.—Section 330(a)(1) of title 11, United States Code, is amended in the matter preceding subparagraph (A), by inserting ''a consumer privacy ombudsman appointed under section 332,'' before ''an examiner''.

(c) CONFORMING AMENDMENT.—The table of sections for subchapter II of chapter 3 of title 11, United States Code, is amended by adding at the end the following:

''332. Consumer privacy ombudsman.''.

SEC. 233. PROHIBITION ON DISCLOSURE OF NAME OF MINOR CHILDREN.

(a) PROHIBITION.—Title 11 of the United States Code, as amended by section 106, is amended by inserting after section 111 the following:

''§ 112. Prohibition on disclosure of name of minor children

''The debtor may be required to provide information regarding a minor child involved in matters under this title but may not be required to disclose in the public records in the case the name of such minor child. The debtor may be required to disclose the name of such minor child in a nonpublic record that is maintained by the court and made available by the court for examination by the United States trustee, the trustee, and the auditor (if any) serving under section 586(f) of title 28, in the case. The court, the United States trustee, the trustee, and such auditor shall not disclose the name of such minor child maintained in such nonpublic record.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 1 of title 11, United States Code, as amended by section 106, is amended by inserting after the item relating to section 111 the following:

''112. Prohibition on disclosure of name of minor children.''.

(c) CONFORMING AMENDMENT.—Section 107(a) of title 11, United States Code, is amended by inserting ''and subject to section 112'' after ''section''.

TITLE III —DISCOURAGING BANKRUPTCY ABUSE

SEC. 301. TECHNICAL AMENDMENTS.

Section 523(a)(17) of title 11, United States Code, is amended—

(1) by striking ''by a court'' and inserting ''on a prisoner by any court'';

(2) by striking ''section 1915(b) or (f)'' and inserting ''subsection (b) or (f)(2) of section 1915''; and

(3) by inserting ''(or a similar non-Federal law)'' after ''title 28'' each place it appears.

SEC. 302. DISCOURAGING BAD FAITH REPEAT FILINGS.

Section 362(c) of title 11, United States Code, is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(3) if a single or joint case is filed by or against debtor who is an individual in a case under chapter 7, 11, or 13, and if a single or joint case of the debtor was pending within the preceding 1-year period but was dismissed, other than a case refiled under a chapter other than chapter 7 after dismissal under section 707(b)—

''(A) the stay under subsection (a) with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease shall terminate with respect to the debtor on the 30th day after the filing of the later case;

''(B) on the motion of a party in interest for continuation of the automatic stay and upon notice and a hearing, the court may extend the stay in particular cases as to any or all creditors (subject to such conditions or limitations as the court may then impose) after notice and a hearing completed before the expiration of the 30-day period only if the party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed; and

''(C) for purposes of subparagraph (B), a case is presumptively filed not in good faith (but such presumption may be rebutted by clear and convincing evidence to the contrary)—

''(i) as to all creditors, if—

''(I) more than 1 previous case under any of chapters 7, 11, and 13 in which the individual was a debtor was pending within the preceding 1-year period;

''(II) a previous case under any of chapters 7, 11, and 13 in which the individual was a debtor was dismissed within such 1-year period, after the debtor failed to—

''(aa) file or amend the petition or other documents as required by this title or the court without substantial excuse (but mere inadvertence or negligence shall not be a substantial excuse unless the dismissal was caused by the negligence of the debtor's attorney);

''(bb) provide adequate protection as ordered by the court; or

''(cc) perform the terms of a plan confirmed by the court; or

''(III) there has not been a substantial change in the financial or personal affairs of the debtor since the dismissal of the next most previous case under chapter 7, 11, or 13 or any other reason to conclude that the later case will be concluded—

''(aa) if a case under chapter 7, with a discharge; or

''(bb) if a case under chapter 11 or 13, with a confirmed plan that will be fully performed; and

''(ii) as to any creditor that commenced an action under subsection (d) in a previous case in which the individual was a debtor if, as of the date of dismissal of such case, that action was still pending or had been resolved by terminating, conditioning, or limiting the stay as to actions of such creditor; and

''(4)(A)(i) if a single or joint case is filed by or against a debtor who is an individual under this title, and if 2 or more single or joint cases of the debtor were pending within the previous year but were dismissed, other than a case refiled under section 707(b), the stay under subsection (a) shall not go into effect upon the filing of the later case; and

''(ii) on request of a party in interest, the court shall promptly enter an order confirming that no stay is in effect;

''(B) if, within 30 days after the filing of the later case, a party in interest requests the court may order the stay to take effect in the case as to any or all creditors (subject to such conditions or limitations as the court may impose), after notice and a hearing, only if the party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed;

''(C) a stay imposed under subparagraph (B) shall be effective on the date of the entry of the order allowing the stay to go into effect; and

''(D) for purposes of subparagraph (B), a case is presumptively filed not in good faith (but such presumption may be rebutted by clear and convincing evidence to the contrary)—

''(i) as to all creditors if—

''(I) 2 or more previous cases under this title in which the individual was a debtor were pending within the 1-year period;

''(II) a previous case under this title in which the individual was a debtor was dismissed within the time period stated in this paragraph after the debtor failed to file or amend the petition or other documents as required by this title or the court without substantial excuse (but mere inadvertence or negligence shall not be substantial excuse unless the dismissal was caused by the negligence of the debtor's attorney), failed to provide adequate protection as ordered by the court, or failed to perform the terms of a plan confirmed by the court; or

''(III) there has not been a substantial change in the financial or personal affairs of the debtor since the dismissal of the next most previous case under this title, or any other reason to conclude that the later case will not be concluded, if a case under chapter 7, with a discharge, and if a case under chapter 11 or 13, with a confirmed plan that will be fully performed; or

''(ii) as to any creditor that commenced an action under subsection (d) in a previous case in which the individual was a debtor if, as of the date of dismissal of such case, such action was still pending or had been resolved by terminating, conditioning, or limiting the stay as to such action of such creditor.''.

SEC. 303. CURBING ABUSIVE FILINGS.

(a) IN GENERAL.—Section 362(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking ''or'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(4) with respect to a stay of an act against real property under subsection (a), by a creditor whose claim is secured by an interest in such real property, if the court finds that the filing of the petition was part of a scheme to delay, hinder, and defraud creditors that involved either—

''(A) transfer of all or part ownership of, or other interest in, such real property without the consent of the secured creditor or court approval; or

''(B) multiple bankruptcy filings affecting such real property.

If recorded in compliance with applicable State laws governing notices of interests or liens in real property, an order entered under paragraph (4) shall be binding in any other case under this title purporting to affect such real property filed not later than 2 years after the date of the entry of such order by the court, except that a debtor in a subsequent case under this title may move for relief from such order based upon changed circumstances or for good cause shown, after notice and a hearing. Any Federal, State, or local governmental unit that accepts notices of interests or liens in real property shall accept any certified copy of an order described in this subsection for indexing and recording.''.

(b) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, as amended by section 224, is amended by inserting after paragraph (19), the following:

''(20) under subsection (a), of any act to enforce any lien against or security interest in real property following entry of the order under subsection (d)(4) as to such real property in any prior case under this title, for a period of 2 years after the date of the entry of such an order, except that the debtor, in a subsequent case under this title, may move for relief from such order based upon changed circumstances or for other good cause shown, after notice and a hearing;

''(21) under subsection (a), of any act to enforce any lien against or security interest in real property—

''(A) if the debtor is ineligible under section 109(g) to be a debtor in a case under this title; or

''(B) if the case under this title was filed in violation of a bankruptcy court order in a prior case under this title prohibiting the debtor from being a debtor in another case under this title;''.

SEC. 304. DEBTOR RETENTION OF PERSONAL PROPERTY SECURITY.

Title 11, United States Code, is amended—

(1) in section 521(a), as so designated by section 106—

(A) in paragraph (4), by striking ''; and'' at the end and inserting a semicolon;

(B) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(6) in a case under chapter 7 of this title in which the debtor is an individual, not retain possession of personal property as to which a creditor has an allowed claim for the purchase price secured in whole or in part by an interest in such personal property unless the debtor, not later than 45 days after the first meeting of creditors under section 341(a), either—

''(A) enters into an agreement with the creditor pursuant to section 524(c) with respect to the claim secured by such property; or

''(B) redeems such property from the security interest pursuant to section 722.

If the debtor fails to so act within the 45-day period referred to in paragraph (6), the stay under section 362(a) is terminated with respect to the personal property of the estate or of the debtor which is affected, such property shall no longer be property of the estate, and the creditor may take whatever action as to such property as is permitted by applicable nonbankruptcy law, unless the court determines on the motion of the trustee filed before the expiration of such 45-day period, and after notice and a hearing, that such property is of consequential value or benefit to the estate, orders appropriate adequate protection of the creditor's interest, and orders the debtor to deliver any collateral in the debtor's possession to the trustee.''; and

(2) in section 722, by inserting ''in full at the time of redemption'' before the period at the end.

SEC. 305. RELIEF FROM THE AUTOMATIC STAY WHEN THE DEBTOR DOES NOT COMPLETE INTENDED SURRENDER OF CONSUMER DEBT COLLATERAL.

Title 11, United States Code, is amended—

(1) in section 362, as amended by section 106—

(A) in subsection (c), by striking ''(e), and (f)'' and inserting ''(e), (f), and (h)'';

(B) by redesignating subsection (h) as subsection (k) and transferring such subsection so as to insert it after subjection (j) as added by section 106; and

(C) by inserting after subsection (g) the following:

''(h)(1) In a case in which the debtor is an individual, the stay provided by subsection (a) is terminated with respect to personal property of the estate or of the debtor securing in whole or in part a claim, or subject to an unexpired lease, and such personal property shall no longer be property of the estate if the debtor fails within the applicable time set by section 521(a)(2)—

''(A) to file timely any statement of intention required under section 521(a)(2) with respect to such personal property or to indicate in such statement that the debtor will either surrender such personal property or retain it and, if retaining such personal property, either redeem such personal property pursuant to section 722, enter into an agreement of the kind specified in section 524(c) applicable to the debt secured by such personal property, or assume such unexpired lease pursuant to section 365(p) if the trustee does not do so, as applicable; and

''(B) to take timely the action specified in such statement, as it may be amended before expiration of the period for taking action, unless such statement specifies the debtor's intention to reaffirm such debt on the original contract terms and the creditor refuses to agree to the reaffirmation on such terms.

''(2) Paragraph (1) does not apply if the court determines, on the motion of the trustee filed before the expiration of the applicable time set by section 521(a)(2), after notice and a hearing, that such personal property is of consequential value or benefit to the estate, and orders appropriate adequate protection of the creditor's interest, and orders the debtor to deliver any collateral in the debtor's possession to the trustee. If the court does not so determine, the stay provided by subsection (a) shall terminate upon the conclusion of the hearing on the motion.''; and

(2) in section 521, as amended by sections 106 and 225—

(A) in subsection (a)(2) by striking ''consumer'';

(B) in subsection (a)(2)(B)—

(i) by striking ''forty-five days after the filing of a notice of intent under this section'' and inserting ''30 days after the first date set for the meeting of creditors under section 341(a)''; and

(ii) by striking ''forty-five day'' and inserting ''30-day'';

(C) in subsection (a)(2)(C) by inserting '', except as provided in section 362(h)'' before the semicolon; and

(D) by adding at the end the following:

''(d) If the debtor fails timely to take the action specified in subsection (a)(6) of this section, or in paragraphs (1) and (2) of section 362(h), with respect to property which a lessor or bailor owns and has leased, rented, or bailed to the debtor or as to which a creditor holds a security interest not otherwise voidable under section 522(f), 544, 545, 547, 548, or 549, nothing in this title shall prevent or limit the operation of a provision in the underlying lease or agreement that has the effect of placing the debtor in default under such lease or agreement by reason of the occurrence, pendency, or existence of a proceeding under this title or the insolvency of the debtor. Nothing in this subsection shall be deemed to justify limiting such a provision in any other circumstance.''.

SEC. 306. GIVING SECURED CREDITORS FAIR TREATMENT IN CHAPTER 13.

(a) IN GENERAL.—Section 1325(a)(5)(B)(i) of title 11, United States Code, is amended to read as follows:

''(i) the plan provides that—

''(I) the holder of such claim retain the lien securing such claim until the earlier of—

''(aa) the payment of the underlying debt determined under nonbankruptcy law; or

''(bb) discharge under section 1328; and

''(II) if the case under this chapter is dismissed or converted without completion of the plan, such lien shall also be retained by such holder to the extent recognized by applicable nonbankruptcy law; and''.

(b) RESTORING THE FOUNDATION FOR SECURED CREDIT.—Section 1325(a) of title 11, United States Code, is amended by adding at the end the following:

''For purposes of paragraph (5), section 506 shall not apply to a claim described in that paragraph if the creditor has a purchase money security interest securing the debt that is the subject of the claim, the debt was incurred within the 910-day preceding the date of the filing of the petition, and the collateral for that debt consists of a motor vehicle (as defined in section 30102 of title 49) acquired for the personal use of the debtor, or if collateral for that debt consists of any other thing of value, if the debt was incurred during the 1-year period preceding that filing.''.

(c) DEFINITIONS.—Section 101 of title 11, United States Code, is amended—

(1) by inserting after paragraph (13) the following:

''(13A) 'debtor's principal residence'—

''(A) means a residential structure, including incidental property, without regard to whether that structure is attached to real property; and

''(B) includes an individual condominium or cooperative unit, a mobile or manufactured home, or trailer;''; and

(2) by inserting after paragraph (27), the following:

''(27A) 'incidental property' means, with respect to a debtor's principal residence—

''(A) property commonly conveyed with a principal residence in the area where the real property is located;

''(B) all easements, rights, appurtenances, fixtures, rents, royalties, mineral rights, oil or gas rights or profits, water rights, escrow funds, or insurance proceeds; and

''(C) all replacements or additions;''.

SEC. 307. DOMICILIARY REQUIREMENTS FOR EXEMPTIONS.

Section 522(b)(3) of title 11, United States Code, as so designated by section 106, is amended—

(1) in subparagraph (A)—

(A) by striking ''180 days'' and inserting ''730 days''; and

(B) by striking '', or for a longer portion of such 180-day period than in any other place'' and inserting ''or if the debtor's domicile has not been located at a single State for such 730-day period, the place in which the debtor's domicile was located for 180 days immediately preceding the 730-day period or for a longer portion of such 180-day period than in any other place''; and

(2) by adding at the end the following:

''If the effect of the domiciliary requirement under subparagraph (A) is to render the debtor ineligible for any exemption, the debtor may elect to exempt property that is specified under subsection (d).''.

SEC. 308. REDUCTION OF HOMESTEAD EXEMPTION FOR FRAUD.

Section 522 of title 11, United States Code, as amended by section 224, is amended—

(1) in subsection (b)(3)(A), as so designated by this Act, by inserting ''subject to subsections (o) and (p),'' before ''any property''; and

(2) by adding at the end the following:

''(o) For purposes of subsection (b)(3)(A), and notwithstanding subsection (a), the value of an interest in—

''(1) real or personal property that the debtor or a dependent of the debtor uses as a residence;

''(2) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence;

''(3) a burial plot for the debtor or a dependent of the debtor; or

''(4) real or personal property that the debtor or a dependent of the debtor claims as a homestead;

shall be reduced to the extent that such value is attributable to any portion of any property that the debtor disposed of in the 10-year period ending on the date of the filing of the petition with the intent to hinder, delay, or defraud a creditor and that the debtor could not exempt, or that portion that the debtor could not exempt, under subsection (b), if on such date the debtor had held the property so disposed of.''.

SEC. 309. PROTECTING SECURED CREDITORS IN CHAPTER 13 CASES.

(a) STOPPING ABUSIVE CONVERSIONS FROM CHAPTER 13.—Section 348(f)(1) of title 11, United States Code, is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) in subparagraph (B)—

(A) by striking ''in the converted case, with allowed secured claims'' and inserting ''only in a case converted to a case under chapter 11 or 12, but not in a case converted to a case under chapter 7, with allowed secured claims in cases under chapters 11 and 12''; and

(B) by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(C) with respect to cases converted from chapter 13—

''(i) the claim of any creditor holding security as of the date of the petition shall continue to be secured by that security unless the full amount of such claim determined under applicable nonbankruptcy law has been paid in full as of the date of conversion, notwithstanding any valuation or determination of the amount of an allowed secured claim made for the purposes of the case under chapter 13; and

''(ii) unless a prebankruptcy default has been fully cured under the plan at the time of conversion, in any proceeding under this title or otherwise, the default shall have the effect given under applicable nonbankruptcy law.''.

(b) GIVING DEBTORS THE ABILITY TO KEEP LEASED PERSONAL PROPERTY BY ASSUMPTION.—Section 365 of title 11, United States Code, is amended by adding at the end the following:

''(p)(1) If a lease of personal property is rejected or not timely assumed by the trustee under subsection (d), the leased property is no longer property of the estate and the stay under section 362(a) is automatically terminated.

''(2)(A) If the debtor in a case under chapter 7 is an individual, the debtor may notify the creditor in writing that the debtor desires to assume the lease. Upon being so notified, the creditor may, at its option, notify the debtor that it is willing to have the lease assumed by the debtor and may condition such assumption on cure of any outstanding default on terms set by the contract.

''(B) If, not later than 30 days after notice is provided under subparagraph (A), the debtor notifies the lessor in writing that the lease is assumed, the liability under the lease will be assumed by the debtor and not by the estate.

''(C) The stay under section 362 and the injunction under section 524(a)(2) shall not be violated by notification of the debtor and negotiation of cure under this subsection.

''(3) In a case under chapter 11 in which the debtor is an individual and in a case under chapter 13, if the debtor is the lessee with respect to personal property and the lease is not assumed in the plan confirmed by the court, the lease is deemed rejected as of the conclusion of the hearing on confirmation. If the lease is rejected, the stay under section 362 and any stay under section 1301 is automatically terminated with respect to the property subject to the lease.''.

(c) ADEQUATE PROTECTION OF LESSORS AND PURCHASE MONEY SECURED CREDITORS.—

(1) CONFIRMATION OF PLAN.—Section 1325(a)(5)(B) of title 11, United States Code, as amended by section 306, is amended—

(A) in clause (i), by striking ''and'' at the end;

(B) in clause (ii), by striking ''or'' at the end and inserting ''and''; and

(C) by adding at the end the following:

''(iii) if—

''(I) property to be distributed pursuant to this subsection is in the form of periodic payments, such payments shall be in equal monthly amounts; and

''(II) the holder of the claim is secured by personal property, the amount of such payments shall not be less than an amount sufficient to provide to the holder of such claim adequate protection during the period of the plan; or''.

(2) PAYMENTS.—Section 1326(a) of title 11, United States Code, is amended to read as follows:

''(a)(1) Unless the court orders otherwise, the debtor shall commence making payments not later than 30 days after the date of the filing of the plan or the order for relief, whichever is earlier, in the amount—

''(A) proposed by the plan to the trustee;

''(B) scheduled in a lease of personal property directly to the lessor for that portion of the obligation that becomes due after the order for relief, reducing the payments under subparagraph (A) by the amount so paid and providing the trustee with evidence of such payment, including the amount and date of payment; and

''(C) that provides adequate protection directly to a creditor holding an allowed claim secured by personal property to the extent the claim is attributable to the purchase of such property by the debtor for that portion of the obligation that becomes due after the order for relief, reducing the payments under subparagraph (A) by the amount so paid and providing the trustee with evidence of such payment, including the amount and date of payment.

''(2) A payment made under paragraph (1)(A) shall be retained by the trustee until confirmation or denial of confirmation. If a plan is confirmed, the trustee shall distribute any such payment in accordance with the plan as soon as is practicable. If a plan is not confirmed, the trustee shall return any such payments not previously paid and not yet due and owing to creditors pursuant to paragraph (3) to the debtor, after deducting any unpaid claim allowed under section 503(b).

''(3) Subject to section 363, the court may, upon notice and a hearing, modify, increase, or reduce the payments required under this subsection pending confirmation of a plan.

''(4) Not later than 60 days after the date of filing of a case under this chapter, a debtor retaining possession of personal property subject to a lease or securing a claim attributable in whole or in part to the purchase price of such property shall provide the lessor or secured creditor reasonable evidence of the maintenance of any required insurance coverage with respect to the use or ownership of such property and continue to do so for so long as the debtor retains possession of such property.''.

SEC. 310. LIMITATION ON LUXURY GOODS.

Section 523(a)(2)(C) of title 11, United States Code, is amended to read as follows:

''(C)(i) for purposes of subparagraph (A)—

''(I) consumer debts owed to a single creditor and aggregating more than $500 for luxury goods or services incurred by an individual debtor on or within 90 days before the order for relief under this title are presumed to be nondischargeable; and

''(II) cash advances aggregating more than $750 that are extensions of consumer credit under an open end credit plan obtained by an individual debtor on or within 70 days before the order for relief under this title, are presumed to be nondischargeable; and

''(ii) for purposes of this subparagraph—

''(I) the terms 'consumer', 'credit', and 'open end credit plan' have the same meanings as in section 103 of the Truth in Lending Act; and

''(II) the term 'luxury goods or services' does not include goods or services reasonably necessary for the support or maintenance of the debtor or a dependent of the debtor.''.

SEC. 311. AUTOMATIC STAY.

(a) IN GENERAL.—Section 362(b) of title 11, United States Code, as amended by sections 224 and 303, is amended by inserting after paragraph (21), the following:

''(22) subject to subsection (n), under subsection (a)(3), of the continuation of any eviction, unlawful detainer action, or similar proceeding by a lessor against a debtor involving residential property in which the debtor resides as a tenant under a lease or rental agreement and with respect to which the lessor has obtained before the date of the filing of the bankruptcy petition, a judgment for possession of such property against the debtor;

''(23) subject to subsection (o), under subsection (a)(3), of an eviction action that seeks possession of the residential property in which the debtor resides as a tenant under a lease or rental agreement based on endangerment of such property or the illegal use of controlled substances on such property, but only if the lessor files with the court, and serves upon the debtor, a certification under penalty of perjury that such an eviction action has been filed, or that the debtor, during the 30-day period preceding the date of the filing of the certification, has endangered property or illegally used or allowed to be used a controlled substance on the property;

''(24) under subsection (a), of any transfer that is not avoidable under section 544 and that is not avoidable under section 549;''.

(b) LIMITATIONS.—Section 362 of title 11, United States Code, as amended by sections 106 and 305, is amended by adding at the end the following:

''(l)(1) Except as otherwise provided in this subsection, subsection (b)(22) shall apply on the date that is 30 days after the date on which the bankruptcy petition is filed, if the debtor files with the petition and serves upon the lessor a certification under penalty of perjury that—

''(A) under nonbankruptcy law applicable in the jurisdiction, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after that judgment for possession was entered; and

''(B) the debtor (or an adult dependent of the debtor) has deposited with the clerk of the court, any rent that would become due during the 30-day period after the filing of the bankruptcy petition.

''(2) If, within the 30-day period after the filing of the bankruptcy petition, the debtor (or an adult dependent of the debtor) complies with paragraph (1) and files with the court and serves upon the lessor a further certification under penalty of perjury that the debtor (or an adult dependent of the debtor) has cured, under nonbankrupcty law applicable in the jurisdiction, the entire monetary default that gave rise to the judgment under which possession is sought by the lessor, subsection (b)(22) shall not apply, unless ordered to apply by the court under paragraph (3).

''(3)(A) If the lessor files an objection to any certification filed by the debtor under paragraph (1) or (2), and serves such objection upon the debtor, the court shall hold a hearing within 10 days after the filing and service of such objection to determine if the certification filed by the debtor under paragraph (1) or (2) is true.

''(B) If the court upholds the objection of the lessor filed under subparagraph (A)—

''(i) subsection (b)(22) shall apply immediately and relief from the stay provided under subsection (a)(3) shall not be required to enable the lessor to complete the process to recover full possession of the property; and

''(ii) the clerk of the court shall immediately serve upon the lessor and the debtor a certified copy of the court's order upholding the lessor's objection.

''(4) If a debtor, in accordance with paragraph (5), indicates on the petition that there was a judgment for possession of the residential rental property in which the debtor resides and does not file a certification under paragraph (1) or (2)—

''(A) subsection (b)(22) shall apply immediately upon failure to file such certification, and relief from the stay provided under subsection (a)(3) shall not be required

to enable the lessor to complete the process to recover full possession of the property; and

''(B) the clerk of the court shall immediately serve upon the lessor and the debtor a certified copy of the docket indicating the absence of a filed certification and the applicability of the exception to the stay under subsection (b)(22).

''(5)(A) Where a judgment for possession of residential property in which the debtor resides as a tenant under a lease or rental agreement has been obtained by the lessor, the debtor shall so indicate on the bankruptcy petition and shall provide the name and address of the lessor that obtained that pre-petition judgment on the petition and on any certification filed under this subsection.

''(B) The form of certification filed with the petition, as specified in this subsection, shall provide for the debtor to certify, and the debtor shall certify—

''(i) whether a judgment for possession of residential rental housing in which the debtor resides has been obtained against the debtor before the date of the filing of the petition; and

''(ii) whether the debtor is claiming under paragraph (1) that under nonbankruptcy law applicable in the jurisdiction, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after that judgment of possession was entered, and has made the appropriate deposit with the court.

''(C) The standard forms (electronic and otherwise) used in a bankruptcy proceeding shall be amended to reflect the requirements of this subsection.

''(D) The clerk of the court shall arrange for the prompt transmittal of the rent deposited in accordance with paragraph (1)(B) to the lessor.

''(m)(1) Except as otherwise provided in this subsection, subsection (b)(23) shall apply on the date that is 15 days after the date on which the lessor files and serves a certification described in subsection (b)(23).

''(2)(A) If the debtor files with the court an objection to the truth or legal sufficiency of the certification described in subsection (b)(23) and serves such objection upon the lessor, subsection (b)(23) shall not apply, unless ordered to apply by the court under this subsection.

''(B) If the debtor files and serves the objection under subparagraph (A), the court shall hold a hearing within 10 days after the filing and service of such objection to determine if the situation giving rise to the lessor's certification under paragraph (1) existed or has been remedied.

''(C) If the debtor can demonstrate to the satisfaction of the court that the situation giving rise to the lessor's certification under paragraph (1) did not exist or has been remedied, the stay provided under subsection (a)(3) shall remain in effect until the termination of the stay under this section.

''(D) If the debtor cannot demonstrate to the satisfaction of the court that the situation giving rise to the lessor's certification under paragraph (1) did not exist or has been remedied—

''(i) relief from the stay provided under subsection (a)(3) shall not be required to enable the lessor to proceed with the eviction; and

''(ii) the clerk of the court shall immediately serve upon the lessor and the debtor a certified copy of the court's order upholding the lessor's certification.

''(3) If the debtor fails to file, within 15 days, an objection under paragraph (2)(A)—

''(A) subsection (b)(23) shall apply immediately upon such failure and relief from the stay provided under subsection (a)(3) shall not be required to enable the lessor to complete the process to recover full possession of the property; and

''(B) the clerk of the court shall immediately serve upon the lessor and the debtor a certified copy of the docket indicating such failure.''.

SEC. 312. EXTENSION OF PERIOD BETWEEN BANKRUPTCY DISCHARGES.

Title 11, United States Code, is amended—

(1) in section 727(a)(8), by striking ''six'' and inserting ''8''; and

(2) in section 1328, by inserting after subsection (e) the following:

''(f) Notwithstanding subsections (a) and (b), the court shall not grant a discharge of all debts provided for in the plan or disallowed under section 502, if the debtor has received a discharge—

''(1) in a case filed under chapter 7, 11, or 12 of this title during the 4-year period preceding the date of the order for relief under this chapter, or

''(2) in a case filed under chapter 13 of this title during the 2-year period preceding the date of such order.''.

SEC. 313. DEFINITION OF HOUSEHOLD GOODS AND ANTIQUES.

(a) DEFINITION.—Section 522(f) of title 11, United States Code, is amended by adding at the end the following:

''(4)(A) Subject to subparagraph (B), for purposes of paragraph (1)(B), the term 'household goods' means—

''(i) clothing;

''(ii) furniture;

''(iii) appliances;

''(iv) 1 radio;

''(v) 1 television;

''(vi) 1 VCR;

''(vii) linens;

''(viii) china;

''(ix) crockery;

''(x) kitchenware;

''(xi) educational materials and educational equipment primarily for the use of minor dependent children of the debtor;

(xii) medical equipment and supplies;

''(xiii) furniture exclusively for the use of minor children, or elderly or disabled dependents of the debtor;

''(xiv) personal effects (including the toys and hobby equipment of minor dependent children and wedding rings) of the debtor and the dependents of the debtor; and

''(xv) 1 personal computer and related equipment.

''(B) The term 'household goods' does not include—

''(i) works of art (unless by or of the debtor, or any relative of the debtor);

''(ii) electronic entertainment equipment with a fair market value of more than $500 in the aggregate (except 1 television, 1 radio, and 1 VCR);

''(iii) items acquired as antiques with a fair market value of more than $500 in the aggregate;

''(iv) jewelry with a fair market value of more than $500 in the aggregate (except wedding rings); and

''(v) a computer (except as otherwise provided for in this section), motor vehicle (including a tractor or lawn tractor), boat, or a motorized recreational device, conveyance, vehicle, watercraft, or aircraft.''.

(b) STUDY.—Not later than 2 years after the date of enactment of this Act, the Director of the Executive Office for United States Trustees shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives containing its findings regarding utilization of the definition of household goods, as defined in section 522(f)(4) of title 11, United States Code, as added by subsection (a), with respect to the avoidance of nonpossessory, nonpurchase money security interests in household goods under section 522(f)(1)(B) of title 11, United States Code, and the impact such section 522(f)(4) has had on debtors and on the bankruptcy courts. Such report may include recommendations for amendments to such section 522(f)(4) consistent with the Director's findings.

SEC. 314. DEBT INCURRED TO PAY NONDISCHARGEABLE DEBTS.

(a) IN GENERAL.—Section 523(a) of title 11, United States Code, is amended by inserting after paragraph (14) the following:

''(14A) incurred to pay a tax to a governmental unit, other than the United States, that would be nondischargeable under paragraph (1);''.

(b) DISCHARGE UNDER CHAPTER 13.—Section 1328(a) of title 11, United States Code, is amended by striking paragraphs (1) through (3) and inserting the following:

''(1) provided for under section 1322(b)(5);

''(2) of the kind specified in paragraph (2), (3), (4), (5), (8), or (9) of section 523(a);

''(3) for restitution, or a criminal fine, included in a sentence on the debtor's conviction of a crime; or

''(4) for restitution, or damages, awarded in a civil action against the debtor as a result of willful or malicious injury by the debtor that caused personal injury to an individual or the death of an individual.''.

SEC. 315. GIVING CREDITORS FAIR NOTICE IN CHAPTERS 7 AND 13 CASES.

(a) NOTICE.—Section 342 of title 11, United States Code, as amended by section 102, is amended—

(1) in subsection (c)—

(A) by inserting ''(1)'' after ''(c)'';

(B) by striking '', but the failure of such notice to contain such information shall not invalidate the legal effect of such notice''; and

(C) by adding at the end the following:

''(2)(A) If, within the 90 days before the commencement of a voluntary case, a creditor supplies the debtor in at least 2 communications sent to the debtor with the current account number of the debtor and the address at which such creditor requests to receive correspondence, then any notice required by this title to be sent by the debtor to such creditor shall be sent to such address and shall include such account number.

''(B) If a creditor would be in violation of applicable nonbankruptcy law by sending any such communication within such 90-day period and if such creditor supplies the debtor in the last 2 communications with the current account number of the debtor and the address at which such creditor requests to receive correspondence, then any notice required by this title to be sent by the debtor to such creditor shall be sent to such address and shall include such account number.''; and

(2) by adding at the end the following:

''(e)(1) In a case under chapter 7 or 13 of this title of a debtor who is an individual, a creditor at any time may both file with the court and serve on the debtor a notice of address to be used to provide notice in such case to such creditor.

''(2) Any notice in such case required to be provided to such creditor by the debtor or the court later than 5 days after the court and the debtor receive such creditor's notice of address, shall be provided to such address.

''(f)(1) An entity may file with any bankruptcy court a notice of address to be used by all the bankruptcy courts or by particular bankruptcy courts, as so specified by such entity at the time such notice is filed, to provide notice to such entity in all cases under chapters 7 and 13 pending in the courts with respect to which such notice is filed, in which such entity is a creditor.

''(2) In any case filed under chapter 7 or 13, any notice required to be provided by a court with respect to which a notice is filed under

paragraph (1), to such entity later than 30 days after the filing of such notice under paragraph (1) shall be provided to such address unless with respect to a particular case a different address is specified in a notice filed and served in accordance with subsection (e).

''(3) A notice filed under paragraph (1) may be withdrawn by such entity.

''(g)(1) Notice provided to a creditor by the debtor or the court other than in accordance with this section (excluding this subsection) shall not be effective notice until such notice is brought to the attention of such creditor. If such creditor designates a person or an organizational subdivision of such creditor to be responsible for receiving notices under this title and establishes reasonable procedures so that such notices receivable by such creditor are to be delivered to such person or such subdivision, then a notice provided to such creditor other than in accordance with this section (excluding this subsection) shall not be considered to have been brought to the attention of such creditor until such notice is received by such person or such subdivision.

''(2) A monetary penalty may not be imposed on a creditor for a violation of a stay in effect under section 362(a) (including a monetary penalty imposed under section 362(k)) or for failure to comply with section 542 or 543 unless the conduct that is the basis of such violation or of such failure occurs after such creditor receives notice effective under this section of the order for relief.''.

(b) DEBTOR'S DUTIES.—Section 521 of title 11, United States Code, as amended by sections 106, 225, and 305, is amended—

(1) in subsection (a), as so designated by section 106, by amending paragraph (1) to read as follows:

''(1) file—

''(A) a list of creditors; and

''(B) unless the court orders otherwise—

''(i) a schedule of assets and liabilities;

''(ii) a schedule of current income and current expenditures;

''(iii) a statement of the debtor's financial affairs and, if section 342(b) applies, a certificate—

''(I) of an attorney whose name is indicated on the petition as the attorney for the debtor, or a bankruptcy petition preparer signing the petition under section 110(b)(1), indicating that such attorney or the bankruptcy petition preparer delivered to the debtor the notice required by section 342(b); or

''(II) if no attorney is so indicated, and no bankruptcy petition preparer signed the petition, of the debtor that such notice was received and read by the debtor;

''(iv) copies of all payment advices or other evidence of payment received within 60 days before the date of the filing of the petition, by the debtor from any employer of the debtor;

''(v) a statement of the amount of monthly net income, itemized to show how the amount is calculated; and

''(vi) a statement disclosing any reasonably anticipated increase in income or expenditures over the 12-month period following the date of the filing of the petition;''; and

(2) by adding at the end the following:

''(e)(1) If the debtor in a case under chapter 7 or 13 is an individual and if a creditor files with the court at any time a request to receive a copy of the petition, schedules, and statement of financial affairs filed by the debtor, then the court shall make such petition, such schedules, and such statement available to such creditor.

''(2)(A) The debtor shall provide—

''(i) not later than 7 days before the date first set for the first meeting of creditors, to the trustee a copy of the Federal income tax return required under applicable law (or at the election of the debtor, a transcript of such return) for the most recent tax year ending immediately before the commencement of the case and for which a Federal income tax return was filed; and

''(ii) at the same time the debtor complies with clause (i), a copy of such return (or if elected under clause (i), such transcript) to any creditor that timely requests such copy.

''(B) If the debtor fails to comply with clause (i) or (ii) of subparagraph (A), the court shall dismiss the case unless the debtor demonstrates that the failure to so comply is due to circumstances beyond the control of the debtor.

''(C) If a creditor requests a copy of such tax return or such transcript and if the debtor fails to provide a copy of such tax return or such transcript to such creditor at the time the debtor provides such tax return or such transcript to the trustee, then the court shall dismiss the case unless the debtor demonstrates that the failure to provide a copy of such tax return or such transcript is due to circumstances beyond the control of the debtor.

''(3) If a creditor in a case under chapter 13 files with the court at any time a request to receive a copy of the plan filed by the debtor, then the court shall make available to such creditor a copy of the plan—

''(A) at a reasonable cost; and

''(B) not later than 5 days after such request is filed.

''(f) At the request of the court, the United States trustee, or any party in interest in a case under chapter 7, 11, or 13, a debtor who is an individual shall file with the court—

''(1) at the same time filed with the taxing authority, a copy of each Federal income tax return required under applicable law (or at the election of the debtor, a transcript of such tax return) with respect to each tax year of the debtor ending while the case is pending under such chapter;

''(2) at the same time filed with the taxing authority, each Federal income tax return required under applicable law (or at the election of the debtor, a transcript of such tax return) that had not been filed with such authority as of the date of the commencement of the case and that was subsequently filed for any tax year of the debtor ending in the 3-year period ending on the date of the commencement of the case;

''(3) a copy of each amendment to any Federal income tax return or transcript filed with the court under paragraph (1) or (2); and

''(4) in a case under chapter 13—

''(A) on the date that is either 90 days after the end of such tax year or 1 year after the date of the commencement of the case, whichever is later, if a plan is not confirmed before such later date; and

''(B) annually after the plan is confirmed and until the case is closed, not later than the date that is 45 days before the anniversary of the confirmation of the plan;

a statement, under penalty of perjury, of the income and expenditures of the debtor during the tax year of the debtor most recently concluded before such statement is filed under this paragraph, and of the monthly income of the debtor, that shows how income, expenditures, and monthly income are calculated.

''(g)(1) A statement referred to in subsection (f)(4) shall disclose—

''(A) the amount and sources of the income of the debtor;

''(B) the identity of any person responsible with the debtor for the support of any dependent of the debtor; and

''(C) the identity of any person who contributed, and the amount contributed, to the household in which the debtor resides.

''(2) The tax returns, amendments, and statement of income and expenditures described in subsections (e)(2)(A) and (f) shall be available to the United States trustee (or the bankruptcy administrator, if any), the trustee, and any party in interest for inspection and copying, subject to the requirements of section 315(c) of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2003.

''(h) If requested by the United States trustee or by the trustee, the debtor shall provide—

''(1) a document that establishes the identity of the debtor, including a driver's license, passport, or other document that contains a photograph of the debtor; or

''(2) such other personal identifying information relating to the debtor that establishes the identity of the debtor.''.

(c)(1) Not later than 180 days after the date of the enactment of this Act, the Director of the Administrative Office of the United States Courts shall establish procedures for safeguarding the confidentiality of any tax information required to be provided under this section.

(2) The procedures under paragraph (1) shall include restrictions on creditor access to tax information that is required to be provided under this section.

(3) Not later than 540 days after the date of enactment of this Act, the Director of the Administrative Office of the United States Courts shall prepare and submit to the President pro tempore of the Senate and the Speaker of the House of Representatives a report that—

(A) assesses the effectiveness of the procedures established under paragraph (1); and

(B) if appropriate, includes proposed legislation to—

(i) further protect the confidentiality of tax information; and

(ii) provide penalties for the improper use by any person of the tax information required to be provided under this section.

SEC. 316. DISMISSAL FOR FAILURE TO TIMELY FILE SCHEDULES OR PROVIDE REQUIRED INFORMATION.

Section 521 of title 11, United States Code, as amended by sections 106, 225, 305, and 315, is amended by adding at the end the following:

''(i)(1) Subject to paragraphs (2) and (4) and notwithstanding section 707(a), if an individual debtor in a voluntary case under chapter 7 or 13 fails to file all of the information required under subsection (a)(1) within 45 days after the date of the filing of the petition, the case shall be automatically dismissed effective on the 46th day after the date of the filing of the petition.

''(2) Subject to paragraph (4) and with respect to a case described in paragraph (1), any party in interest may request the court to enter an order dismissing the case. If requested, the court shall enter an order of dismissal not later than 5 days after such request.

''(3) Subject to paragraph (4) and upon request of the debtor made within 45 days after the date of the filing of the petition described in paragraph (1), the court may allow the debtor an additional period of not to exceed 45 days to file the information required under subsection (a)(1) if the court finds justification for extending the period for the filing.

''(4) Notwithstanding any other provision of this subsection, on the motion of the trustee filed before the expiration of the applicable period of time specified in paragraph (1), (2), or (3), and after notice and a hearing, the court may decline to dismiss the case if the court finds that the debtor attempted in good faith to file all the information required by subsection (a)(1)(B)(iv) and that the best interests of creditors would be served by administration of the case.''.

SEC. 317. ADEQUATE TIME TO PREPARE FOR HEARING ON CONFIRMATION OF THE PLAN.

Section 1324 of title 11, United States Code, is amended—

(1) by striking ''After'' and inserting the following:

''(a) Except as provided in subsection (b) and after''; and

(2) by adding at the end the following:

''(b) The hearing on confirmation of the plan may be held not earlier than 20 days and not later than 45 days after the date of the meeting of creditors under section 341(a), unless the court determines that it would be in the best interests of the creditors and the estate to hold such hearing at an earlier date and there is no objection to such earlier date.''.

SEC. 318. CHAPTER 13 PLANS TO HAVE A 5-YEAR DURATION IN CERTAIN CASES.

Title 11, United States Code, is amended—

(1) by amending section 1322(d) to read as follows:

''(d)(1) If the current monthly income of the debtor and the debtor's spouse combined, when multiplied by 12, is not less than—

''(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner;

''(B) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals; or

''(C) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals, plus $525 per month for each individual in excess of 4,

the plan may not provide for payments over a period that is longer than 5 years.

''(2) If the current monthly income of the debtor and the debtor's spouse combined, when multiplied by 12, is less than—

''(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner;

''(B) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals; or

''(C) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals, plus $525 per month for each individual in excess of 4,

the plan may not provide for payments over a period that is longer than 3 years, unless the court, for cause, approves a longer period, but the court may not approve a period that is longer than 5 years.'';

(2) in section 1325(b)(1)(B), by striking ''three-year period'' and inserting ''applicable commitment period''; and

(3) in section 1325(b), as amended by section 102, by adding at the end the following:

''(4) For purposes of this subsection, the 'applicable commitment period'—

''(A) subject to subparagraph (B), shall be—

''(i) 3 years; or

''(ii) not less than 5 years, if the current monthly income of the debtor and the debtor's spouse combined, when multiplied by 12, is not less than—

''(I) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner;

''(II) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals; or

''(III) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals, plus $525 per month for each individual in excess of 4; and

''(B) may be less than 3 or 5 years, whichever is applicable under subparagraph (A), but only if the plan provides for payment in full of all allowed unsecured claims over a shorter period.''; and

(4) in section 1329(c), by striking ''three years'' and inserting ''the applicable commitment period under section 1325(b)(1)(B)''.

SEC. 319. SENSE OF CONGRESS REGARDING EXPANSION OF RULE 9011 OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE.

It is the sense of Congress that rule 9011 of the Federal Rules of Bankruptcy Procedure (11 U.S.C. App.) should be modified to include a requirement that all documents (including schedules), signed and unsigned, submitted to the court or to a trustee by debtors who represent themselves and debtors who are represented by attorneys be submitted only after the debtors or the debtors' attorneys have made reasonable inquiry to verify that the information contained in such documents is—

(1) well grounded in fact; and

(2) warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law.

SEC. 320. PROMPT RELIEF FROM STAY IN INDIVIDUAL CASES.

Section 362(e) of title 11, United States Code, is amended—

(1) by inserting ''(1)'' after ''(e)''; and

(2) by adding at the end the following:

''(2) Notwithstanding paragraph (1), in a case under chapter 7, 11, or 13 in which the debtor is an individual, the stay under subsection (a) shall terminate on the date that is 60 days after a request is made by a party in interest under subsection (d), unless—

''(A) a final decision is rendered by the court during the 60-day period beginning on the date of the request; or

''(B) such 60-day period is extended—

''(i) by agreement of all parties in interest; or

''(ii) by the court for such specific period of time as the court finds is required for good cause, as described in findings made by the court.''.

SEC. 321. CHAPTER 11 CASES FILED BY INDIVIDUALS.

(a) PROPERTY OF THE ESTATE.—

(1) IN GENERAL.—Subchapter I of chapter 11 of title 11, United States Code, is amended by adding at the end the following:

''§ 1115. Property of the estate

''(a) In a case in which the debtor is an individual, property of the estate includes, in addition to the property specified in section 541—

''(1) all property of the kind specified in section 541 that the debtor acquires after the commencement of the case but before the case is closed, dismissed, or converted to a case under chapter 7, 12, or 13, whichever occurs first; and

''(2) earnings from services performed by the debtor after the commencement of the case but before the case is closed, dismissed, or converted to a case under chapter 7, 12, or 13, whichever occurs first.

''(b) Except as provided in section 1104 or a confirmed plan or order confirming a plan, the debtor shall remain in possession of all property of the estate.''.

(2) CLERICAL AMENDMENT.—The table of sections for subchapter I of chapter 11 of title 11, United States Code, is amended by adding at the end the following:

''1115. Property of the estate.''.

(b) CONTENTS OF PLAN.—Section 1123(a) of title 11, United States Code, is amended—

(1) in paragraph (6), by striking ''and'' at the end;

(2) in paragraph (7), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(8) in a case in which the debtor is an individual, provide for the payment to creditors under the plan of all or such portion of earnings from personal services performed by the debtor after the commencement of the case or other future income of the debtor as is necessary for the execution of the plan.''.

(c) CONFIRMATION OF PLAN.—

(1) REQUIREMENTS RELATING TO VALUE OF PROPERTY.—Section 1129(a) of title 11, United States Code, as amended by section 213, is amended by adding at the end the following:

''(15) In a case in which the debtor is an individual and in which the holder of an allowed unsecured claim objects to the confirmation of the plan—

''(A) the value, as of the effective date of the plan, of the property to be distributed under the plan on account of such claim is not less than the amount of such claim; or

''(B) the value of the property to be distributed under the plan is not less than the projected disposable income of the debtor (as defined in section 1325(b)(2)) to be received during the 5-year period beginning on the date that the first payment is due under the plan, or during the period for which the plan provides payments, whichever is longer.''.

(2) REQUIREMENT RELATING TO INTERESTS IN PROPERTY.—Section 1129(b)(2)(B)(ii) of title 11, United States Code, is amended by inserting before the period at the end the following: '', except that in a case in which the debtor is an individual, the debtor may retain property included in the estate under section 1115, subject to the requirements of subsection (a)(14) of this section''.

(d) EFFECT OF CONFIRMATION.—Section 1141(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking ''The confirmation of a plan does not discharge an individual debtor'' and inserting ''A discharge under this chapter does not discharge a debtor who is an individual''; and

(2) by adding at the end the following:

''(5) In a case in which the debtor is an individual—

''(A) unless after notice and a hearing the court orders otherwise for cause, confirmation of the plan does not discharge any debt provided for in the plan until the court grants a discharge on completion of all payments under the plan;

''(B) at any time after the confirmation of the plan, and after notice and a hearing, the court may grant a discharge to the debtor who has not completed payments under the plan if—

''(i) the value, as of the effective date of the plan, of property actually distributed under the plan on account of each allowed unsecured claim is not less than the amount that would have been paid on such claim if the estate of the debtor had been liquidated under chapter 7 on such date; and

''(ii) modification of the plan under section 1127 is not practicable; and''.

(e) MODIFICATION OF PLAN.—Section 1127 of title 11, United States Code, is amended by adding at the end the following:

''(e) If the debtor is an individual, the plan may be modified at any time after confirmation of the plan but before the completion of payments under the plan, whether or not the plan has been substantially consummated, upon request of the debtor, the trustee, the United States trustee, or the holder of an allowed unsecured claim, to—

''(1) increase or reduce the amount of payments on claims of a particular class provided for by the plan;

''(2) extend or reduce the time period for such payments; or

''(3) alter the amount of the distribution to a creditor whose claim is provided for by the plan to the extent necessary to take account

of any payment of such claim made other than under the plan.

''(f)(1) Sections 1121 through 1128 and the requirements of section 1129 apply to any modification under subsection (a).

''(2) The plan, as modified, shall become the plan only after there has been disclosure under section 1125 as the court may direct, notice and a hearing, and such modification is approved.''.

SEC. 322. LIMITATIONS ON HOMESTEAD EXEMPTION.

(a) EXEMPTIONS.—Section 522 of title 11, United States Code, as amended by sections 224 and 308, is amended by adding at the end the following:

''(p)(1) Except as provided in paragraph (2) of this subsection and sections 544 and 548, as a result of electing under subsection (b)(3)(A) to exempt property under State or local law, a debtor may not exempt any amount of interest that was acquired by the debtor during the 1215-day period preceding the date of the filing of the petition that exceeds in the aggregate $125,000 in value in—

''(A) real or personal property that the debtor or a dependent of the debtor uses as a residence;

''(B) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence;

''(C) a burial plot for the debtor or a dependent of the debtor; or

''(D) real or personal property that the debtor or dependent of the debtor claims as a homestead.

''(2)(A) The limitation under paragraph (1) shall not apply to an exemption claimed under subsection (b)(3)(A) by a family farmer for the principal residence of such farmer.

''(B) For purposes of paragraph (1), any amount of such interest does not include any interest transferred from a debtor's previous principal residence (which was acquired prior to the beginning of such 1215-day period) into the debtor's current principal residence, if the debtor's previous and current residences are located in the same State.

''(q)(1) As a result of electing under subsection (b)(3)(A) to exempt property under State or local law, a debtor may not exempt any amount of an interest in property described in subparagraphs (A), (B), (C), and (D) of subsection (p)(1) which exceeds in the aggregate $125,000 if—

''(A) the court determines, after notice and a hearing, that the debtor has been convicted of a felony (as defined in section 3156 of title 18), which under the circumstances, demonstrates that the filing of the case was an abuse of the provisions of this title; or

''(B) the debtor owes a debt arising from—

''(i) any violation of the Federal securities laws (as defined in section 3(a)(47) of the Securities Exchange Act of 1934), any State securities laws, or any regulation or order issued under Federal securities laws or State securities laws;

''(ii) fraud, deceit, or manipulation in a fiduciary capacity or in connection with the purchase or sale of any security registered under section 12 or 15(d) of the Securities Exchange Act of 1934 or under section 6 of the Securities Act of 1933;

''(iii) any civil remedy under section 1964 of title 18; or

''(iv) any criminal act, intentional tort, or willful or reckless misconduct that caused serious physical injury or death to another individual in the preceding 5 years.

''(2) Paragraph (1) shall not apply to the extent the amount of an interest in property described in subparagraphs (A), (B), (C), and (D) of subsection (p)(1) is reasonably necessary for the support of the debtor and any dependent of the debtor.''.

(b) ADJUSTMENT OF DOLLAR AMOUNTS.—Paragraphs (1) and (2) of section 104(b) of title 11, United States Code, as amended by section 224, are amended by inserting ''522(p), 522(q),'' after ''522(n),''.

SEC. 323. EXCLUDING EMPLOYEE BENEFIT PLAN PARTICIPANT CONTRIBUTIONS AND OTHER PROPERTY FROM THE ESTATE.

Section 541(b) of title 11, United States Code, as amended by section 225, is amended by adding after paragraph (6), as added by section 225(a)(1)(C), the following:

''(7) any amount—

''(A) withheld by an employer from the wages of employees for payment as contributions—

''(i) to—

''(I) an employee benefit plan that is subject to title I of the Employee Retirement Income Security Act of 1974 or under an employee benefit plan which is a governmental plan under section 414(d) of the Internal Revenue Code of 1986;

''(II) a deferred compensation plan under section 457 of the Internal Revenue Code of 1986; or

''(III) a tax-deferred annuity under section 403(b) of the Internal Revenue Code of 1986;

except that such amount under this subparagraph shall not constitute disposable income as defined in section 1325(b)(2); or

''(ii) to a health insurance plan regulated by State law whether or not subject to such title; or

''(B) received by an employer from employees for payment as contributions—

''(i) to—

''(I) an employee benefit plan that is subject to title I of the Employee Retirement Income Security Act of 1974 or under an employee benefit plan which is a governmental plan under section 414(d) of the Internal Revenue Code of 1986;

''(II) a deferred compensation plan under section 457 of the Internal Revenue Code of 1986; or

''(III) a tax-deferred annuity under section 403(b) of the Internal Revenue Code of 1986;

except that such amount under this subparagraph shall not constitute disposable income, as defined in section 1325(b)(2); or

''(ii) to a health insurance plan regulated by State law whether or not subject to such title;''.

SEC. 324. EXCLUSIVE JURISDICTION IN MATTERS INVOLVING BANKRUPTCY PROFESSIONALS.

(a) IN GENERAL.—Section 1334 of title 28, United States Code, is amended—

(1) in subsection (b), by striking ''Notwithstanding'' and inserting ''Except as provided in subsection (e)(2), and notwithstanding''; and

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

''(e) The district court in which a case under title 11 is commenced or is pending shall have exclusive jurisdiction—

''(1) of all the property, wherever located, of the debtor as of the commencement of such case, and of property of the estate; and

''(2) over all claims or causes of action that involve construction of section 327 of title 11, United States Code, or rules relating to disclosure requirements under section 327.''.

(b) APPLICABILITY.—This section shall only apply to cases filed after the date of enactment of this Act.

SEC. 325. UNITED STATES TRUSTEE PROGRAM FILING FEE INCREASE.

(a) ACTIONS UNDER CHAPTER 7 OR 13 OF TITLE 11, UNITED STATES CODE.—Section 1930(a) of title 28, United States Code, is amended by striking paragraph (1) and inserting the following:

''(1) For a case commenced—

''(A) under chapter 7 of title 11, $160; or

''(B) under chapter 13 of title 11, $150.''.

(b) UNITED STATES TRUSTEE SYSTEM FUND.—Section 589a(b) of title 28, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

''(1)(A) 40.63 percent of the fees collected under section 1930(a)(1)(A) of this title in cases commenced under chapter 7 of title 11; and

''(B) 70.00 percent of the fees collected under section 1930(a)(1)(B) of this title in cases commenced under chapter 13 of title 11;'';

(2) in paragraph (2), by striking ''one-half'' and inserting ''three-fourths''; and

(3) in paragraph (4), by striking ''one-half'' and inserting ''100 percent''.

(c) COLLECTION AND DEPOSIT OF MISCELLANEOUS BANKRUPTCY FEES.—Section 406(b) of the Judiciary Appropriations Act, 1990 (28 U.S.C. 1931 note) is amended by striking ''pursuant to 28 U.S.C. section 1930(b)'' and all that follows through ''28 U.S.C. section 1931'' and inserting ''under section 1930(b) of title 28, United States Code, and 31.25 percent of the fees collected under section 1930(a)(1)(A) of that title, 30.00 percent of the fees collected under section 1930(a)(1)(B) of that title, and 25 percent of the fees collected under section 1930(a)(3) of that title shall be deposited as offsetting receipts to the fund established under section 1931 of that title''.

SEC. 326. SHARING OF COMPENSATION.

Section 504 of title 11, United States Code, is amended by adding at the end the following:

''(c) This section shall not apply with respect to sharing, or agreeing to share, compensation with a bona fide public service attorney referral program that operates in accordance with non-Federal law regulating attorney referral services and with rules of professional responsibility applicable to attorney acceptance of referrals.''.

SEC. 327. FAIR VALUATION OF COLLATERAL.

Section 506(a) of title 11, United States Code, is amended by—

(1) inserting ''(1)'' after ''(a)''; and

(2) by adding at the end the following:

''(2) If the debtor is an individual in a case under chapter 7 or 13, such value with respect to personal property securing an allowed claim shall be determined based on the replacement value of such property as of the date of the filing of the petition without deduction for costs of sale or marketing. With respect to property acquired for personal, family, or household purposes, replacement value shall mean the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value is determined.''.

SEC. 328. DEFAULTS BASED ON NONMONETARY OBLIGATIONS.

(a) EXECUTORY CONTRACTS AND UNEXPIRED LEASES.—Section 365 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A), by striking the semicolon at the end and inserting the following: ''other than a default that is a breach of a provision relating to the satisfaction of any provision (other than a penalty rate or penalty provision) relating to a default arising from any failure to perform nonmonetary obligations under an unexpired lease of real property, if it is impossible for the trustee to cure such default by performing nonmonetary acts at and after the time of assumption, except that if such default arises from a failure to operate in accordance with a nonresidential real property lease, then such default shall be cured by performance at and after the time of assumption in accordance with such lease, and pecuniary losses resulting from such default shall be compensated in accordance with the provisions of this paragraph;''; and

(B) in paragraph (2)(D), by striking ''penalty rate or provision'' and inserting ''penalty rate or penalty provision'';

(2) in subsection (c)—

(A) in paragraph (2), by inserting ''or'' at the end;

(B) in paragraph (3), by striking ''; or'' at the end and inserting a period; and

(C) by striking paragraph (4);

(3) in subsection (d)—

(A) by striking paragraphs (5) through (9); and

(B) by redesignating paragraph (10) as paragraph (5); and

(4) in subsection (f)(1) by striking ''; except that'' and all that follows through the end of the paragraph and inserting a period.

(b) IMPAIRMENT OF CLAIMS OR INTERESTS.—Section 1124(2) of title 11, United States Code, is amended—

(1) in subparagraph (A), by inserting ''or of a kind that section 365(b)(2) expressly does not require to be cured'' before the semicolon at the end;

(2) in subparagraph (C), by striking ''and'' at the end;

(3) by redesignating subparagraph (D) as subparagraph (E); and

(4) by inserting after subparagraph (C) the following:

''(D) if such claim or such interest arises from any failure to perform a nonmonetary obligation, other than a default arising from failure to operate a nonresidential real property lease subject to section 365(b)(1)(A), compensates the holder of such claim or such interest (other than the debtor or an insider) for any actual pecuniary loss incurred by such holder as a result of such failure; and''.

SEC. 329. CLARIFICATION OF POSTPETITION WAGES AND BENEFITS.

Section 503(b)(1)(A) of title 11, United States Code, is amended to read as follows:

''(A) the actual, necessary costs and expenses of preserving the estate including—

''(i) wages, salaries, and commissions for services rendered after the commencement of the case; and

''(ii) wages and benefits awarded pursuant to a judicial proceeding or a proceeding of the National Labor Relations Board as back pay attributable to any period of time occurring after commencement of the case under this title, as a result of a violation of Federal or State law by the debtor, without regard to the time of the occurrence of unlawful conduct on which such award is based or to whether any services were rendered, if the court determines that payment of wages and benefits by reason of the operation of this clause will not substantially increase the probability of layoff or termination of current employees, or of nonpayment of domestic support obligations, during the case under this title;''.

SEC. 330. DELAY OF DISCHARGE DURING PENDENCY OF CERTAIN PROCEEDINGS.

(a) CHAPTER 7.—Section 727(a) of title 11, United States Code, as amended by section 106, is amended—

(1) in paragraph (10), by striking ''or'' at the end;

(2) in paragraph (11) by striking the period at the end and inserting ''; or''; and

(3) by inserting after paragraph (11) the following:

''(12) the court after notice and a hearing held not more than 10 days before the date of the entry of the order granting the discharge finds that there is reasonable cause to believe that—

''(A) section 522(q)(1) may be applicable to the debtor; and

''(B) there is pending any proceeding in which the debtor may be found guilty of a felony of the kind described in section 522(q)(1)(A) or liable for a debt of the kind described in section 522(q)(1)(B).''.

(b) CHAPTER 11.—Section 1141(d) of title 11, United States Code, as amended by section 321, is amended by adding at the end the following:

''(C) unless after notice and a hearing held not more than 10 days before the date of the entry of the order granting the discharge, the court finds that there is no reasonable cause to believe that—

''(i) section 522(q)(1) may be applicable to the debtor; and

''(ii) there is pending any proceeding in which the debtor may be found guilty of a felony of the kind described in section 522(q)(1)(A) or liable for a debt of the kind described in section 522(q)(1)(B).''.

(c) CHAPTER 12.—Section 1228 of title 11, United States Code, is amended—

(1) in subsection (a) by striking ''As'' and inserting ''Subject to subsection (d), as'',

(2) in subsection (b) by striking ''At'' and inserting ''Subject to subsection (d), at'', and

(3) by adding at the end the following:

''(f) The court may not grant a discharge under this chapter unless the court after notice and a hearing held not more than 10 days before the date of the entry of the order granting the discharge finds that there is no reasonable cause to believe that—

''(1) section 522(q)(1) may be applicable to the debtor; and

''(2) there is pending any proceeding in which the debtor may be found guilty of a felony of the kind described in section 522(q)(1)(A) or liable for a debt of the kind described in section 522(q)(1)(B).''.

(d) CHAPTER 13.—Section 1328 of title 11, United States Code, as amended by section 106, is amended—

(1) in subsection (a) by striking ''As'' and inserting ''Subject to subsection (d), as'',

(2) in subsection (b) by striking ''At'' and inserting ''Subject to subsection (d), at'', and

(3) by adding at the end the following:

''(h) The court may not grant a discharge under this chapter unless the court after notice and a hearing held not more than 10 days before the date of the entry of the order granting the discharge finds that there is no reasonable cause to believe that—

''(1) section 522(q)(1) may be applicable to the debtor; and

''(2) there is pending any proceeding in which the debtor may be found guilty of a felony of the kind described in section 522(q)(1)(A) or liable for a debt of the kind described in section 522(q)(1)(B).''.

TITLE IV—GENERAL AND SMALL BUSINESS BANKRUPTCY PROVISIONS

Subtitle A—General Business Bankruptcy Provisions

SEC. 401. ADEQUATE PROTECTION FOR INVESTORS.

(a) DEFINITION.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (48) the following:

''(48A) 'securities self regulatory organization' means either a securities association registered with the Securities and Exchange Commission under section 15A of the Securities Exchange Act of 1934 or a national securities exchange registered with the Securities and Exchange Commission under section 6 of the Securities Exchange Act of 1934;''.

(b) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, as amended by sections 224, 303, and 311, is amended by inserting after paragraph (24) the following:

''(25) under subsection (a), of—

''(A) the commencement or continuation of an investigation or action by a securities self regulatory organization to enforce such organization's regulatory power;

''(B) the enforcement of an order or decision, other than for monetary sanctions, obtained in an action by such securities self regulatory organization to enforce such organization's regulatory power; or

''(C) any act taken by such securities self regulatory organization to delist, delete, or refuse to permit quotation of any stock that does not meet applicable regulatory requirements;''.

SEC. 402. MEETINGS OF CREDITORS AND EQUITY SECURITY HOLDERS.

Section 341 of title 11, United States Code, is amended by adding at the end the following:

''(e) Notwithstanding subsections (a) and (b), the court, on the request of a party in interest and after notice and a hearing, for cause may order that the United States trustee not convene a meeting of creditors or equity security holders if the debtor has filed a plan as to which the debtor solicited acceptances prior to the commencement of the case.''.

SEC. 403. PROTECTION OF REFINANCE OF SECURITY INTEREST.

Subparagraphs (A), (B), and (C) of section 547(e)(2) of title 11, United States Code, are each amended by striking ''10'' each place it appears and inserting ''30''.

SEC. 404. EXECUTORY CONTRACTS AND UNEXPIRED LEASES.

(a) IN GENERAL.—Section 365(d)(4) of title 11, United States Code, is amended to read as follows:

''(4)(A) Subject to subparagraph (B), an unexpired lease of nonresidential real property under which the debtor is the lessee shall be deemed rejected, and the trustee shall immediately surrender that nonresidential real property to the lessor, if the trustee does not assume or reject the unexpired lease by the earlier of—

''(i) the date that is 120 days after the date of the order for relief; or

''(ii) the date of the entry of an order confirming a plan.

''(B)(i) The court may extend the period determined under subparagraph (A), prior to the expiration of the 120-day period, for 90 days on the motion of the trustee or lessor for cause.

''(ii) If the court grants an extension under clause (i), the court may grant a subsequent extension only upon prior written consent of the lessor in each instance.''.

(b) EXCEPTION.—Section 365(f)(1) of title 11, United States Code, is amended by striking ''subsection'' the first place it appears and inserting ''subsections (b) and''.

SEC. 405. CREDITORS AND EQUITY SECURITY HOLDERS COMMITTEES.

(a) APPOINTMENT.—Section 1102(a) of title 11, United States Code, is amended by adding at the end the following:

''(4) On request of a party in interest and after notice and a hearing, the court may order the United States trustee to change the membership of a committee appointed under this subsection, if the court determines that the change is necessary to ensure adequate representation of creditors or equity security holders. The court may order the United States trustee to increase the number of members of a committee to include a creditor that is a small business concern (as described in section 3(a)(1) of the Small Business Act), if the court determines that the creditor holds claims (of the kind represented by the committee) the aggregate amount of which, in comparison to the annual gross revenue of that creditor, is disproportionately large.''.

(b) INFORMATION.—Section 1102(b) of title 11, United States Code, is amended by adding at the end the following:

''(3) A committee appointed under subsection (a) shall—

''(A) provide access to information for creditors who—

''(i) hold claims of the kind represented by that committee; and

''(ii) are not appointed to the committee;

''(B) solicit and receive comments from the creditors described in subparagraph (A); and

''(C) be subject to a court order that compels any additional report or disclosure to be made to the creditors described in subparagraph (A).''.

SEC. 406. AMENDMENT TO SECTION 546 OF TITLE 11, UNITED STATES CODE.

Section 546 of title 11, United States Code, is amended—

(1) by redesignating the second subsection (g) (as added by section 222(a) of Public Law 103–394) as subsection (h);

(2) in subsection (h), as so redesignated, by inserting ''and subject to the prior rights of holders of security interests in such goods or the proceeds of such goods'' after ''consent of a creditor''; and

(3) by adding at the end the following:

''(i)(1) Notwithstanding paragraphs (2) and (3) of section 545, the trustee may not avoid a warehouseman's lien for storage, transportation, or other costs incidental to the storage and handling of goods.

''(2) The prohibition under paragraph (1) shall be applied in a manner consistent with any State statute applicable to such lien that is similar to section 7–209 of the Uniform Commercial Code, as in effect on the date of enactment of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2003, or any successor to such section 7–209.''.

SEC. 407. AMENDMENTS TO SECTION 330(a) OF TITLE 11, UNITED STATES CODE.

Section 330(a) of title 11, United States Code, is amended—

(1) in paragraph (3)—

(A) by striking ''(A) In'' and inserting ''In''; and

(B) by inserting ''to an examiner, trustee under chapter 11, or professional person'' after ''awarded''; and

(2) by adding at the end the following:

''(7) In determining the amount of reasonable compensation to be awarded to a trustee, the court shall treat such compensation as a commission, based on section 326.''.

SEC. 408. POSTPETITION DISCLOSURE AND SOLICITATION.

Section 1125 of title 11, United States Code, is amended by adding at the end the following:

''(g) Notwithstanding subsection (b), an acceptance or rejection of the plan may be solicited from a holder of a claim or interest if such solicitation complies with applicable nonbankruptcy law and if such holder was solicited before the commencement of the case in a manner complying with applicable nonbankruptcy law.''.

SEC. 409. PREFERENCES.

Section 547(c) of title 11, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) to the extent that such transfer was in payment of a debt incurred by the debtor in the ordinary course of business or financial affairs of the debtor and the transferee, and such transfer was—

''(A) made in the ordinary course of business or financial affairs of the debtor and the transferee; or

''(B) made according to ordinary business terms;'';

(2) in paragraph (8), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(9) if, in a case filed by a debtor whose debts are not primarily consumer debts, the aggregate value of all property that constitutes or is affected by such transfer is less than $5,000.''.

SEC. 410. VENUE OF CERTAIN PROCEEDINGS.

Section 1409(b) of title 28, United States Code, is amended by inserting '', or a debt (excluding a consumer debt) against a non-insider of less than $10,000,'' after ''$5,000''.

SEC. 411. PERIOD FOR FILING PLAN UNDER CHAPTER 11.

Section 1121(d) of title 11, United States Code, is amended—

(1) by striking ''On'' and inserting ''(1) Subject to paragraph (2), on''; and

(2) by adding at the end the following:

''(2)(A) The 120-day period specified in paragraph (1) may not be extended beyond a date that is 18 months after the date of the order for relief under this chapter.

''(B) The 180-day period specified in paragraph (1) may not be extended beyond a date that is 20 months after the date of the order for relief under this chapter.''.

SEC. 412. FEES ARISING FROM CERTAIN OWNERSHIP INTERESTS.

Section 523(a)(16) of title 11, United States Code, is amended—

(1) by striking ''dwelling'' the first place it appears;

(2) by striking ''ownership or'' and inserting ''ownership,'';

(3) by striking ''housing'' the first place it appears; and

(4) by striking ''but only'' and all that follows through ''such period,'' and inserting ''or a lot in a homeowners association, for as long as the debtor or the trustee has a legal, equitable, or possessory ownership interest in such unit, such corporation, or such lot,''.

SEC. 413. CREDITOR REPRESENTATION AT FIRST MEETING OF CREDITORS.

Section 341(c) of title 11, United States Code, is amended by inserting at the end the following: ''Notwithstanding any local court rule, provision of a State constitution, any other Federal or State law that is not a bankruptcy law, or other requirement that representation at the meeting of creditors under subsection (a) be by an attorney, a creditor holding a consumer debt or any representative of the creditor (which may include an entity or an employee of an entity and may be a representative for more than 1 creditor) shall be permitted to appear at and participate in the meeting of creditors in a case under chapter 7 or 13, either alone or in conjunction with an attorney for the creditor. Nothing in this subsection shall be construed to require any creditor to be represented by an attorney at any meeting of creditors.''.

SEC. 414. DEFINITION OF DISINTERESTED PERSON.

Section 101(14) of title 11, United States Code, is amended to read as follows:

''(14) 'disinterested person' means a person that—

''(A) is not a creditor, an equity security holder, or an insider;

''(B) is not and was not, within 2 years before the date of the filing of the petition, a director, officer, or employee of the debtor; and

''(C) does not have an interest materially adverse to the interest of the estate or of any class of creditors or equity security holders, by reason of any direct or indirect relationship to, connection with, or interest in, the debtor, or for any other reason;''.

SEC. 415. FACTORS FOR COMPENSATION OF PROFESSIONAL PERSONS.

Section 330(a)(3) of title 11, United States Code, is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D) the following:

''(E) with respect to a professional person, whether the person is board certified or otherwise has demonstrated skill and experience in the bankruptcy field; and''.

SEC. 416. APPOINTMENT OF ELECTED TRUSTEE.

Section 1104(b) of title 11, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b)''; and

(2) by adding at the end the following:

''(2)(A) If an eligible, disinterested trustee is elected at a meeting of creditors under paragraph (1), the United States trustee shall file a report certifying that election.

''(B) Upon the filing of a report under subparagraph (A)—

''(i) the trustee elected under paragraph (1) shall be considered to have been selected and appointed for purposes of this section; and

''(ii) the service of any trustee appointed under subsection (d) shall terminate.

''(C) The court shall resolve any dispute arising out of an election described in subparagraph (A).''.

SEC. 417. UTILITY SERVICE.

Section 366 of title 11, United States Code, is amended—

(1) in subsection (a), by striking ''subsection (b)'' and inserting ''subsections (b) and (c)''; and

(2) by adding at the end the following:

''(c)(1)(A) For purposes of this subsection, the term 'assurance of payment' means—

''(i) a cash deposit;

''(ii) a letter of credit;

''(iii) a certificate of deposit;

''(iv) a surety bond;

''(v) a prepayment of utility consumption; or

''(vi) another form of security that is mutually agreed on between the utility and the debtor or the trustee.

''(B) For purposes of this subsection an administrative expense priority shall not constitute an assurance of payment.

''(2) Subject to paragraphs (3) and (4), with respect to a case filed under chapter 11, a utility referred to in subsection (a) may alter, refuse, or discontinue utility service, if during the 30-day period beginning on the date of the filing of the petition, the utility does not receive from the debtor or the trustee adequate assurance of payment for utility service that is satisfactory to the utility.

''(3)(A) On request of a party in interest and after notice and a hearing, the court may order modification of the amount of an assurance of payment under paragraph (2).

''(B) In making a determination under this paragraph whether an assurance of payment is adequate, the court may not consider—

''(i) the absence of security before the date of the filing of the petition;

''(ii) the payment by the debtor of charges for utility service in a timely manner before the date of the filing of the petition; or

''(iii) the availability of an administrative expense priority.

''(4) Notwithstanding any other provision of law, with respect to a case subject to this subsection, a utility may recover or set off against a security deposit provided to the utility by the debtor before the date of the filing of the petition without notice or order of the court.''.

SEC. 418. BANKRUPTCY FEES.

Section 1930 of title 28, United States Code, is amended—

(1) in subsection (a), by striking ''Notwithstanding section 1915 of this title, the'' and inserting ''The''; and

(2) by adding at the end the following:

''(f)(1) Under the procedures prescribed by the Judicial Conference of the United States, the district court or the bankruptcy court may waive the filing fee in a case under chapter 7 of title 11 for an individual if the court determines that such individual has income less than 150 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved and is unable to pay that fee in installments.

For purposes of this paragraph, the term 'filing fee' means the filing required by subsection (a), or any other fee prescribed by the Judicial Conference under subsections (b) and (c) that is payable to the clerk upon the commencement of a case under chapter 7.

''(2) The district court or the bankruptcy court may waive for such debtors other fees prescribed under subsections (b) and (c).

''(3) This subsection does not restrict the district court or the bankruptcy court from waiving, in accordance with Judicial Conference policy, fees prescribed under this section for other debtors and creditors.''.

SEC. 419. MORE COMPLETE INFORMATION REGARDING ASSETS OF THE ESTATE.

(a) IN GENERAL.—

(1) DISCLOSURE.—The Judicial Conference of the United States, in accordance with section 2075 of title 28 of the United States Code and after consideration of the views of the Director of the Executive Office for United States Trustees, shall propose amended Federal Rules of Bankruptcy Procedure and in accordance with rule 9009 of the Federal Rules of Bankruptcy Procedure shall prescribe official bankruptcy forms directing debtors under chapter 11 of title 11 of United States Code, to disclose the information described in paragraph (2) by filing and serving periodic financial and other reports designed to provide such information.

(2) INFORMATION.—The information referred to in paragraph (1) is the value, operations, and profitability of any closely held corporation, partnership, or of any other entity in which the debtor holds a substantial or controlling interest.

(b) PURPOSE.—The purpose of the rules and reports under subsection (a) shall be to assist parties in interest taking steps to ensure that the debtor's interest in any entity referred to in subsection (a)(2) is used for the payment of allowed claims against debtor.

Subtitle B—Small Business Bankruptcy Provisions

SEC. 431. FLEXIBLE RULES FOR DISCLOSURE STATEMENT AND PLAN.

Section 1125 of title 11, United States Code, is amended—

(1) in subsection (a)(1), by inserting before the semicolon ''and in determining whether a disclosure statement provides adequate information, the court shall consider the complexity of the case, the benefit of additional information to creditors and other parties in interest, and the cost of providing additional information''; and

(2) by striking subsection (f), and inserting the following:

''(f) Notwithstanding subsection (b), in a small business case—

''(1) the court may determine that the plan itself provides adequate information and that a separate disclosure statement is not necessary;

''(2) the court may approve a disclosure statement submitted on standard forms approved by the court or adopted under section 2075 of title 28; and

''(3)(A) the court may conditionally approve a disclosure statement subject to final approval after notice and a hearing;

''(B) acceptances and rejections of a plan may be solicited based on a conditionally approved disclosure statement if the debtor provides adequate information to each holder of a claim or interest that is solicited, but a conditionally approved disclosure statement shall be mailed not later than 25 days before the date of the hearing on confirmation of the plan; and

''(C) the hearing on the disclosure statement may be combined with the hearing on confirmation of a plan.''.

SEC. 432. DEFINITIONS.

(a) DEFINITIONS.—Section 101 of title 11, United States Code, is amended by striking paragraph (51C) and inserting the following:

''(51C) 'small business case' means a case filed under chapter 11 of this title in which the debtor is a small business debtor;

''(51D) 'small business debtor'—

''(A) subject to subparagraph (B), means a person engaged in commercial or business activities (including any affiliate of such person that is also a debtor under this title and excluding a person whose primary activity is the business of owning or operating real property or activities incidental thereto) that has aggregate noncontingent liquidated secured and unsecured debts as of the date of the petition or the date of the order for relief in an amount not more than $2,000,000 (excluding debts owed to 1 or more affiliates or insiders) for a case in which the United States trustee has not appointed under section 1102(a)(1) a committee of unsecured creditors or where the court has determined that the committee of unsecured creditors is not sufficiently active and representative to provide effective oversight of the debtor; and

''(B) does not include any member of a group of affiliated debtors that has aggregate noncontingent liquidated secured and unsecured debts in an amount greater than $2,000,000 (excluding debt owed to 1 or more affiliates or insiders);''.

(b) CONFORMING AMENDMENT.—Section 1102(a)(3) of title 11, United States Code, is amended by inserting ''debtor'' after ''small business''.

(c) ADJUSTMENT OF DOLLAR AMOUNTS.—Section 104(b) of title 11, United States Code, as amended by section 226, is amended by inserting ''101(51D),'' after ''101(3),'' each place it appears.

SEC. 433. STANDARD FORM DISCLOSURE STATEMENT AND PLAN.

Within a reasonable period of time after the date of enactment of this Act, the Judicial Conference of the United States shall prescribe in accordance with rule 9009 of the Federal Rules of Bankruptcy Procedure official standard form disclosure statements and plans of reorganization for small business debtors (as defined in section 101 of title 11, United States Code, as amended by this Act), designed to achieve a practical balance between—

(1) the reasonable needs of the courts, the United States trustee, creditors, and other parties in interest for reasonably complete information; and

(2) economy and simplicity for debtors.

SEC. 434. UNIFORM NATIONAL REPORTING REQUIREMENTS.

(a) REPORTING REQUIRED.—

(1) IN GENERAL.—Chapter 3 of title 11, United States Code, is amended by inserting after section 307 the following:

''§ 308. Debtor reporting requirements

''(a) For purposes of this section, the term 'profitability' means, with respect to a debtor, the amount of money that the debtor has earned or lost during current and recent fiscal periods.

''(b) A small business debtor shall file periodic financial and other reports containing information including—

''(1) the debtor's profitability;

''(2) reasonable approximations of the debtor's projected cash receipts and cash disbursements over a reasonable period;

''(3) comparisons of actual cash receipts and disbursements with projections in prior reports;

''(4)(A) whether the debtor is—

''(i) in compliance in all material respects with postpetition requirements imposed by this title and the Federal Rules of Bankruptcy Procedure; and

''(ii) timely filing tax returns and other required government filings and paying taxes and other administrative expenses when due;

''(B) if the debtor is not in compliance with the requirements referred to in subparagraph (A)(i) or filing tax returns and other required government filings and making the payments referred to in subparagraph (A)(ii), what the failures are and how, at what cost, and when the debtor intends to remedy such failures; and

''(C) such other matters as are in the best interests of the debtor and creditors, and in the public interest in fair and efficient procedures under chapter 11 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 3 of title 11, United States Code, is amended by inserting after the item relating to section 307 the following:

''308. Debtor reporting requirements.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect 60 days after the date on which rules are prescribed under section 2075 of title 28, United States Code, to establish forms to be used to comply with section 308 of title 11, United States Code, as added by subsection (a).

SEC. 435. UNIFORM REPORTING RULES AND FORMS FOR SMALL BUSINESS CASES.

(a) PROPOSAL OF RULES AND FORMS.—The Judicial Conference of the United States shall propose in accordance with section 2073 of title 28 of the United States Code amended Federal Rules of Bankruptcy Procedure, and shall prescribe in accordance with rule 9009 of the Federal Rules of Bankruptcy Procedure official bankruptcy forms, directing small business debtors to file periodic financial and other reports containing information, including information relating to—

(1) the debtor's profitability;

(2) the debtor's cash receipts and disbursements; and

(3) whether the debtor is timely filing tax returns and paying taxes and other administrative expenses when due.

(b) PURPOSE.—The rules and forms proposed under subsection (a) shall be designed to achieve a practical balance among—

(1) the reasonable needs of the bankruptcy court, the United States trustee, creditors, and other parties in interest for reasonably complete information;

(2) a small business debtor's interest that required reports be easy and inexpensive to complete; and

(3) the interest of all parties that the required reports help such debtor to understand such debtor's financial condition and plan the such debtor's future.

SEC. 436. DUTIES IN SMALL BUSINESS CASES.

(a) DUTIES IN CHAPTER 11 CASES.—Subchapter I of chapter 11 of title 11, United States Code, as amended by section 321, is amended by adding at the end the following:

''§ 1116. Duties of trustee or debtor in possession in small business cases

''In a small business case, a trustee or the debtor in possession, in addition to the duties provided in this title and as otherwise required by law, shall—

''(1) append to the voluntary petition or, in an involuntary case, file not later than 7 days after the date of the order for relief—

''(A) its most recent balance sheet, statement of operations, cash-flow statement, Federal income tax return; or

''(B) a statement made under penalty of perjury that no balance sheet, statement of operations, or cash-flow statement has been prepared and no Federal tax return has been filed;

''(2) attend, through its senior management personnel and counsel, meetings scheduled by the court or the United States trustee, including initial debtor interviews,

scheduling conferences, and meetings of creditors convened under section 341 unless the court, after notice and a hearing, waives that requirement upon a finding of extraordinary and compelling circumstances;

''(3) timely file all schedules and statements of financial affairs, unless the court, after notice and a hearing, grants an extension, which shall not extend such time period to a date later than 30 days after the date of the order for relief, absent extraordinary and compelling circumstances;

''(4) file all postpetition financial and other reports required by the Federal Rules of Bankruptcy Procedure or by local rule of the district court;

''(5) subject to section 363(c)(2), maintain insurance customary and appropriate to the industry;

''(6)(A) timely file tax returns and other required government filings; and

''(B) subject to section 363(c)(2), timely pay all taxes entitled to administrative expense priority except those being contested by appropriate proceedings being diligently prosecuted; and

''(7) allow the United States trustee, or a designated representative of the United States trustee, to inspect the debtor's business premises, books, and records at reasonable times, after reasonable prior written notice, unless notice is waived by the debtor.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 11 of title 11, United States Code, as amended by section 321, is amended by inserting after the item relating to section 1115 the following:

''1116. Duties of trustee or debtor in possession in small business cases.''.

SEC. 437. PLAN FILING AND CONFIRMATION DEADLINES.

Section 1121 of title 11, United States Code, is amended by striking subsection (e) and inserting the following:

''(e) In a small business case—

''(1) only the debtor may file a plan until after 180 days after the date of the order for relief, unless that period is—

''(A) extended as provided by this subsection, after notice and a hearing; or

''(B) the court, for cause, orders otherwise;

''(2) the plan and a disclosure statement (if any) shall be filed not later than 300 days after the date of the order for relief; and

''(3) the time periods specified in paragraphs (1) and (2), and the time fixed in section 1129(e) within which the plan shall be confirmed, may be extended only if—

''(A) the debtor, after providing notice to parties in interest (including the United States trustee), demonstrates by a preponderance of the evidence that it is more likely than not that the court will confirm a plan within a reasonable period of time;

''(B) a new deadline is imposed at the time the extension is granted; and

''(C) the order extending time is signed before the existing deadline has expired.''.

SEC. 438. PLAN CONFIRMATION DEADLINE.

Section 1129 of title 11, United States Code, is amended by adding at the end the following:

''(e) In a small business case, the court shall confirm a plan that complies with the applicable provisions of this title and that is filed in accordance with section 1121(e) not later than 45 days after the plan is filed unless the time for confirmation is extended in accordance with section 1121(e)(3).''.

SEC. 439. DUTIES OF THE UNITED STATES TRUSTEE.

Section 586(a) of title 28, United States Code, is amended—

(1) in paragraph (3)—

(A) in subparagraph (G), by striking ''and'' at the end;

(B) by redesignating subparagraph (H) as subparagraph (I); and

(C) by inserting after subparagraph (G) the following:

''(H) in small business cases (as defined in section 101 of title 11), performing the additional duties specified in title 11 pertaining to such cases; and'';

(2) in paragraph (5), by striking ''and'' at the end;

(3) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(7) in each of such small business cases—

''(A) conduct an initial debtor interview as soon as practicable after the date of the order for relief but before the first meeting scheduled under section 341(a) of title 11, at which time the United States trustee shall—

''(i) begin to investigate the debtor's viability;

''(ii) inquire about the debtor's business plan;

''(iii) explain the debtor's obligations to file monthly operating reports and other required reports;

''(iv) attempt to develop an agreed scheduling order; and

''(v) inform the debtor of other obligations;

''(B) if determined to be appropriate and advisable, visit the appropriate business premises of the debtor, ascertain the state of the debtor's books and records, and verify that the debtor has filed its tax returns; and

''(C) review and monitor diligently the debtor's activities, to identify as promptly as possible whether the debtor will be unable to confirm a plan; and

''(8) in any case in which the United States trustee finds material grounds for any relief under section 1112 of title 11, the United States trustee shall apply promptly after making that finding to the court for relief.''.

SEC. 440. SCHEDULING CONFERENCES.

Section 105(d) of title 11, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking '', may''; and

(2) by striking paragraph (1) and inserting the following:

''(1) shall hold such status conferences as are necessary to further the expeditious and economical resolution of the case; and''.

SEC. 441. SERIAL FILER PROVISIONS.

Section 362 of title 11, United States Code, as amended by sections 106, 305, and 311, is amended—

(1) in subsection (k), as so redesignated by section 305—

(A) by striking ''An'' and inserting ''(1) Except as provided in paragraph (2), an''; and

(B) by adding at the end the following:

''(2) If such violation is based on an action taken by an entity in the good faith belief that subsection (h) applies to the debtor, the recovery under paragraph (1) of this subsection against such entity shall be limited to actual damages.''; and

(2) by adding at the end the following:

''(n)(1) Except as provided in paragraph (2), subsection (a) does not apply in a case in which the debtor—

''(A) is a debtor in a small business case pending at the time the petition is filed;

''(B) was a debtor in a small business case that was dismissed for any reason by an order that became final in the 2-year period ending on the date of the order for relief entered with respect to the petition;

''(C) was a debtor in a small business case in which a plan was confirmed in the 2-year period ending on the date of the order for relief entered with respect to the petition; or

''(D) is an entity that has acquired substantially all of the assets or business of a small business debtor described in subparagraph (A), (B), or (C), unless such entity establishes by a preponderance of the evidence that such entity acquired substantially all of the assets or business of such small business debtor in good faith and not for the purpose of evading this paragraph.

''(2) Paragraph (1) does not apply—

''(A) to an involuntary case involving no collusion by the debtor with creditors; or

''(B) to the filing of a petition if—

''(i) the debtor proves by a preponderance of the evidence that the filing of the petition resulted from circumstances beyond the control of the debtor not foreseeable at the time the case then pending was filed; and

''(ii) it is more likely than not that the court will confirm a feasible plan, but not a liquidating plan, within a reasonable period of time.''.

SEC. 442. EXPANDED GROUNDS FOR DISMISSAL OR CONVERSION AND APPOINTMENT OF TRUSTEE.

(a) EXPANDED GROUNDS FOR DISMISSAL OR CONVERSION.—Section 1112 of title 11, United States Code, is amended by striking subsection (b) and inserting the following:

''(b)(1) Except as provided in paragraph (2) of this subsection, subsection (c) of this section, and section 1104(a)(3), on request of a party in interest, and after notice and a hearing, absent unusual circumstances specifically identified by the court that establish that the requested conversion or dismissal is not in the best interests of creditors and the estate, the court shall convert a case under this chapter to a case under chapter 7 or dismiss a case under this chapter, whichever is in the best interests of creditors and the estate, if the movant establishes cause.

''(2) The relief provided in paragraph (1) shall not be granted absent unusual circumstances specifically identified by the court that establish that such relief is not in the best interests of creditors and the estate, if the debtor or another party in interest objects and establishes that—

''(A) there is a reasonable likelihood that a plan will be confirmed within the timeframes established in sections 1121(e) and 1129(e) of this title, or if such sections do not apply, within a reasonable period of time; and

''(B) the grounds for granting such relief include an act or omission of the debtor other than under paragraph (4)(A)—

''(i) for which there exists a reasonable justification for the act or omission; and

''(ii) that will be cured within a reasonable period of time fixed by the court.

''(3) The court shall commence the hearing on a motion under this subsection not later than 30 days after filing of the motion, and shall decide the motion not later than 15 days after commencement of such hearing, unless the movant expressly consents to a continuance for a specific period of time or compelling circumstances prevent the court from meeting the time limits established by this paragraph.

''(4) For purposes of this subsection, the term 'cause' includes—

''(A) substantial or continuing loss to or diminution of the estate and the absence of a reasonable likelihood of rehabilitation;

''(B) gross mismanagement of the estate;

''(C) failure to maintain appropriate insurance that poses a risk to the estate or to the public;

''(D) unauthorized use of cash collateral substantially harmful to 1 or more creditors;

''(E) failure to comply with an order of the court;

''(F) unexcused failure to satisfy timely any filing or reporting requirement established by this title or by any rule applicable to a case under this chapter;

''(G) failure to attend the meeting of creditors convened under section 341(a) or an examination ordered under rule 2004 of the Federal Rules of Bankruptcy Procedure without good cause shown by the debtor;

''(H) failure timely to provide information or attend meetings reasonably requested by

the United States trustee (or the bankruptcy administrator, if any);

''(I) failure timely to pay taxes owed after the date of the order for relief or to file tax returns due after the date of the order for relief;

''(J) failure to file a disclosure statement, or to file or confirm a plan, within the time fixed by this title or by order of the court;

''(K) failure to pay any fees or charges required under chapter 123 of title 28;

''(L) revocation of an order of confirmation under section 1144;

''(M) inability to effectuate substantial consummation of a confirmed plan;

''(N) material default by the debtor with respect to a confirmed plan;

''(O) termination of a confirmed plan by reason of the occurrence of a condition specified in the plan; and

''(P) failure of the debtor to pay any domestic support obligation that first becomes payable after the date of the filing of the petition.

''(5) The court shall commence the hearing on a motion under this subsection not later than 30 days after filing of the motion, and shall decide the motion not later than 15 days after commencement of such hearing, unless the movant expressly consents to a continuance for a specific period of time or compelling circumstances prevent the court from meeting the time limits established by this paragraph.''.

(b) ADDITIONAL GROUNDS FOR APPOINTMENT OF TRUSTEE.—Section 1104(a) of title 11, United States Code, is amended—

(1) in paragraph (1), by striking ''or'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(3) if grounds exist to convert or dismiss the case under section 1112, but the court determines that the appointment of a trustee or an examiner is in the best interests of creditors and the estate.''.

SEC. 443. STUDY OF OPERATION OF TITLE 11, UNITED STATES CODE, WITH RESPECT TO SMALL BUSINESSES.

Not later than 2 years after the date of enactment of this Act, the Administrator of the Small Business Administration, in consultation with the Attorney General, the Director of the Executive Office for United States Trustees, and the Director of the Administrative Office of the United States Courts, shall—

(1) conduct a study to determine—

(A) the internal and external factors that cause small businesses, especially sole proprietorships, to become debtors in cases under title 11, United States Code, and that cause certain small businesses to successfully complete cases under chapter 11 of such title; and

(B) how Federal laws relating to bankruptcy may be made more effective and efficient in assisting small businesses to remain viable; and

(2) submit to the President pro tempore of the Senate and the Speaker of the House of Representatives a report summarizing that study.

SEC. 444. PAYMENT OF INTEREST.

Section 362(d)(3) of title 11, United States Code, is amended—

(1) by inserting ''or 30 days after the court determines that the debtor is subject to this paragraph, whichever is later'' after ''90-day period)''; and

(2) by striking subparagraph (B) and inserting the following:

''(B) the debtor has commenced monthly payments that—

''(i) may, in the debtor's sole discretion, notwithstanding section 363(c)(2), be made from rents or other income generated before or after the commencement of the case by or from the property to each creditor whose claim is secured by such real estate (other than a claim secured by a judgment lien or by an unmatured statutory lien); and

''(ii) are in an amount equal to interest at the then applicable nondefault contract rate of interest on the value of the creditor's interest in the real estate; or''.

SEC. 445. PRIORITY FOR ADMINISTRATIVE EXPENSES.

Section 503(b) of title 11, United States Code, is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(7) with respect to a nonresidential real property lease previously assumed under section 365, and subsequently rejected, a sum equal to all monetary obligations due, excluding those arising from or relating to a failure to operate or a penalty provision, for the period of 2 years following the later of the rejection date or the date of actual turnover of the premises, without reduction or setoff for any reason whatsoever except for sums actually received or to be received from an entity other than the debtor, and the claim for remaining sums due for the balance of the term of the lease shall be a claim under section 502(b)(6);''.

SEC. 446. DUTIES WITH RESPECT TO A DEBTOR WHO IS A PLAN ADMINISTRATOR OF AN EMPLOYEE BENEFIT PLAN.

(a) IN GENERAL.—Section 521(a) of title 11, United States Code, as amended by sections 106 and 304, is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(3) by adding after paragraph (6) the following:

''(7) unless a trustee is serving in the case, continue to perform the obligations required of the administrator (as defined in section 3 of the Employee Retirement Income Security Act of 1974) of an employee benefit plan if at the time of the commencement of the case the debtor (or any entity designated by the debtor) served as such administrator.''.

(b) DUTIES OF TRUSTEES.—Section 704(a) of title 11, United States Code, as amended by sections 102 and 219, is amended—

(1) in paragraph (10), by striking ''and'' at the end; and

(2) by adding at the end the following:

''(11) if, at the time of the commencement of the case, the debtor (or any entity designated by the debtor) served as the administrator (as defined in section 3 of the Employee Retirement Income Security Act of 1974) of an employee benefit plan, continue to perform the obligations required of the administrator; and''.

(c) CONFORMING AMENDMENT.—Section 1106(a)(1) of title 11, United States Code, is amended to read as follows:

''(1) perform the duties of the trustee, as specified in paragraphs (2), (5), (7), (8), (9), (10), and (11) of section 704;''.

SEC. 447. APPOINTMENT OF COMMITTEE OF RETIRED EMPLOYEES.

Section 1114(d) of title 11, United States Code, is amended—

(1) by striking ''appoint'' and inserting ''order the appointment of'', and

(2) by adding at the end the following: ''The United States trustee shall appoint any such committee.''.

TITLE V—MUNICIPAL BANKRUPTCY PROVISIONS

SEC. 501. PETITION AND PROCEEDINGS RELATED TO PETITION.

(a) TECHNICAL AMENDMENT RELATING TO MUNICIPALITIES.—Section 921(d) of title 11, United States Code, is amended by inserting ''notwithstanding section 301(b)'' before the period at the end.

(b) CONFORMING AMENDMENT.—Section 301 of title 11, United States Code, is amended—

(1) by inserting ''(a)'' before ''A voluntary''; and

(2) by striking the last sentence and inserting the following:

''(b) The commencement of a voluntary case under a chapter of this title constitutes an order for relief under such chapter.''.

SEC. 502. APPLICABILITY OF OTHER SECTIONS TO CHAPTER 9.

Section 901(a) of title 11, United States Code, is amended—

(1) by inserting ''555, 556,'' after ''553,''; and

(2) by inserting ''559, 560, 561, 562,'' after ''557,''.

TITLE VI—BANKRUPTCY DATA

SEC. 601. IMPROVED BANKRUPTCY STATISTICS.

(a) IN GENERAL.—Chapter 6 of title 28, United States Code, is amended by adding at the end the following:

''§ 159. Bankruptcy statistics

''(a) The clerk of the district court, or the clerk of the bankruptcy court if one is certified pursuant to section 156(b) of this title, shall collect statistics regarding debtors who are individuals with primarily consumer debts seeking relief under chapters 7, 11, and 13 of title 11. Those statistics shall be in a standardized format prescribed by the Director of the Administrative Office of the United States Courts (referred to in this section as the 'Director').

''(b) The Director shall—

''(1) compile the statistics referred to in subsection (a);

''(2) make the statistics available to the public; and

''(3) not later than July 1, 2006, and annually thereafter, prepare, and submit to Congress a report concerning the information collected under subsection (a) that contains an analysis of the information.

''(c) The compilation required under subsection (b) shall—

''(1) be itemized, by chapter, with respect to title 11;

''(2) be presented in the aggregate and for each district; and

''(3) include information concerning—

''(A) the total assets and total liabilities of the debtors described in subsection (a), and in each category of assets and liabilities, as reported in the schedules prescribed pursuant to section 2075 of this title and filed by debtors;

''(B) the current monthly income, average income, and average expenses of debtors as reported on the schedules and statements that each such debtor files under sections 521 and 1322 of title 11;

''(C) the aggregate amount of debt discharged in cases filed during the reporting period, determined as the difference between the total amount of debt and obligations of a debtor reported on the schedules and the amount of such debt reported in categories which are predominantly nondischargeable;

''(D) the average period of time between the date of the filing of the petition and the closing of the case for cases closed during the reporting period;

''(E) for cases closed during the reporting period—

''(i) the number of cases in which a reaffirmation agreement was filed; and

''(ii)(I) the total number of reaffirmation agreements filed;

''(II) of those cases in which a reaffirmation agreement was filed, the number of cases in which the debtor was not represented by an attorney; and

''(III) of those cases in which a reaffirmation agreement was filed, the number of

cases in which the reaffirmation agreement was approved by the court;

''(F) with respect to cases filed under chapter 13 of title 11, for the reporting period—

''(i)(I) the number of cases in which a final order was entered determining the value of property securing a claim in an amount less than the amount of the claim; and

''(II) the number of final orders entered determining the value of property securing a claim;

''(ii) the number of cases dismissed, the number of cases dismissed for failure to make payments under the plan, the number of cases refiled after dismissal, and the number of cases in which the plan was completed, separately itemized with respect to the number of modifications made before completion of the plan, if any; and

''(iii) the number of cases in which the debtor filed another case during the 6-year period preceding the filing;

''(G) the number of cases in which creditors were fined for misconduct and any amount of punitive damages awarded by the court for creditor misconduct; and

''(H) the number of cases in which sanctions under rule 9011 of the Federal Rules of Bankruptcy Procedure were imposed against debtor's attorney or damages awarded under such Rule.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 6 of title 28, United States Code, is amended by adding at the end the following:

''159. Bankruptcy statistics.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

SEC. 602. UNIFORM RULES FOR THE COLLECTION OF BANKRUPTCY DATA.

(a) AMENDMENT.—Chapter 39 of title 28, United States Code, is amended by adding at the end the following:

''§ 589b. Bankruptcy data

''(a) RULES.—The Attorney General shall, within a reasonable time after the effective date of this section, issue rules requiring uniform forms for (and from time to time thereafter to appropriately modify and approve)—

''(1) final reports by trustees in cases under chapters 7, 12, and 13 of title 11; and

''(2) periodic reports by debtors in possession or trustees in cases under chapter 11 of title 11.

''(b) REPORTS.—Each report referred to in subsection (a) shall be designed (and the requirements as to place and manner of filing shall be established) so as to facilitate compilation of data and maximum possible access of the public, both by physical inspection at one or more central filing locations, and by electronic access through the Internet or other appropriate media.

''(c) REQUIRED INFORMATION.—The information required to be filed in the reports referred to in subsection (b) shall be that which is in the best interests of debtors and creditors, and in the public interest in reasonable and adequate information to evaluate the efficiency and practicality of the Federal bankruptcy system. In issuing rules proposing the forms referred to in subsection (a), the Attorney General shall strike the best achievable practical balance between—

''(1) the reasonable needs of the public for information about the operational results of the Federal bankruptcy system;

''(2) economy, simplicity, and lack of undue burden on persons with a duty to file reports; and

''(3) appropriate privacy concerns and safeguards.

''(d) FINAL REPORTS.—The uniform forms for final reports required under subsection (a) for use by trustees under chapters 7, 12, and 13 of title 11 shall, in addition to such other matters as are required by law or as the Attorney General in the discretion of the Attorney General shall propose, include with respect to a case under such title—

''(1) information about the length of time the case was pending;

''(2) assets abandoned;

''(3) assets exempted;

''(4) receipts and disbursements of the estate;

''(5) expenses of administration, including for use under section 707(b), actual costs of administering cases under chapter 13 of title 11;

''(6) claims asserted;

''(7) claims allowed; and

''(8) distributions to claimants and claims discharged without payment,

in each case by appropriate category and, in cases under chapters 12 and 13 of title 11, date of confirmation of the plan, each modification thereto, and defaults by the debtor in performance under the plan.

''(e) PERIODIC REPORTS.—The uniform forms for periodic reports required under subsection (a) for use by trustees or debtors in possession under chapter 11 of title 11 shall, in addition to such other matters as are required by law or as the Attorney General in the discretion of the Attorney General shall propose, include—

''(1) information about the industry classification, published by the Department of Commerce, for the businesses conducted by the debtor;

''(2) length of time the case has been pending;

''(3) number of full-time employees as of the date of the order for relief and at the end of each reporting period since the case was filed;

''(4) cash receipts, cash disbursements and profitability of the debtor for the most recent period and cumulatively since the date of the order for relief;

''(5) compliance with title 11, whether or not tax returns and tax payments since the date of the order for relief have been timely filed and made;

''(6) all professional fees approved by the court in the case for the most recent period and cumulatively since the date of the order for relief (separately reported, for the professional fees incurred by or on behalf of the debtor, between those that would have been incurred absent a bankruptcy case and those not); and

''(7) plans of reorganization filed and confirmed and, with respect thereto, by class, the recoveries of the holders, expressed in aggregate dollar values and, in the case of claims, as a percentage of total claims of the class allowed.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 39 of title 28, United States Code, is amended by adding at the end the following:

''589b. Bankruptcy data.''.

SEC. 603. AUDIT PROCEDURES.

(a) IN GENERAL.—

(1) ESTABLISHMENT OF PROCEDURES.—The Attorney General (in judicial districts served by United States trustees) and the Judicial Conference of the United States (in judicial districts served by bankruptcy administrators) shall establish procedures to determine the accuracy, veracity, and completeness of petitions, schedules, and other information that the debtor is required to provide under sections 521 and 1322 of title 11, United States Code, and, if applicable, section 111 of such title, in cases filed under chapter 7 or 13 of such title in which the debtor is an individual. Such audits shall be in accordance with generally accepted auditing standards and performed by independent certified public accountants or independent licensed public accountants, provided that the Attorney General and the Judicial Conference, as appropriate, may develop alternative auditing standards not later than 2 years after the date of enactment of this Act.

(2) PROCEDURES.—Those procedures required by paragraph (1) shall—

(A) establish a method of selecting appropriate qualified persons to contract to perform those audits;

(B) establish a method of randomly selecting cases to be audited, except that not less than 1 out of every 250 cases in each Federal judicial district shall be selected for audit;

(C) require audits of schedules of income and expenses that reflect greater than average variances from the statistical norm of the district in which the schedules were filed if those variances occur by reason of higher income or higher expenses than the statistical norm of the district in which the schedules were filed; and

(D) establish procedures for providing, not less frequently than annually, public information concerning the aggregate results of such audits including the percentage of cases, by district, in which a material misstatement of income or expenditures is reported.

(b) AMENDMENTS.—Section 586 of title 28, United States Code, is amended—

(1) in subsection (a), by striking paragraph (6) and inserting the following:

''(6) make such reports as the Attorney General directs, including the results of audits performed under section 603(a) of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2003;''; and

(2) by adding at the end the following:

''(f)(1) The United States trustee for each district is authorized to contract with auditors to perform audits in cases designated by the United States trustee, in accordance with the procedures established under section 603(a) of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2003.

''(2)(A) The report of each audit referred to in paragraph (1) shall be filed with the court and transmitted to the United States trustee. Each report shall clearly and conspicuously specify any material misstatement of income or expenditures or of assets identified by the person performing the audit. In any case in which a material misstatement of income or expenditures or of assets has been reported, the clerk of the district court (or the clerk of the bankruptcy court if one is certified under section 156(b) of this title) shall give notice of the misstatement to the creditors in the case.

''(B) If a material misstatement of income or expenditures or of assets is reported, the United States trustee shall—

''(i) report the material misstatement, if appropriate, to the United States Attorney pursuant to section 3057 of title 18; and

''(ii) if advisable, take appropriate action, including but not limited to commencing an adversary proceeding to revoke the debtor's discharge pursuant to section 727(d) of title 11.''.

(c) AMENDMENTS TO SECTION 521 OF TITLE 11, U.S.C.—Section 521(a) of title 11, United States Code, as so designated by section 106, is amended in each of paragraphs (3) and (4) by inserting ''or an auditor serving under section 586(f) of title 28'' after ''serving in the case''.

(d) AMENDMENTS TO SECTION 727 OF TITLE 11, U.S.C.—Section 727(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking ''or'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(4) the debtor has failed to explain satisfactorily—

''(A) a material misstatement in an audit referred to in section 586(f) of title 28; or

''(B) a failure to make available for inspection all necessary accounts, papers, documents, financial records, files, and all other papers, things, or property belonging to the debtor that are requested for an audit referred to in section 586(f) of title 28.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

SEC. 604. SENSE OF CONGRESS REGARDING AVAILABILITY OF BANKRUPTCY DATA.

It is the sense of Congress that—

(1) the national policy of the United States should be that all data held by bankruptcy clerks in electronic form, to the extent such data reflects only public records (as defined in section 107 of title 11, United States Code), should be released in a usable electronic form in bulk to the public, subject to such appropriate privacy concerns and safeguards as Congress and the Judicial Conference of the United States may determine; and

(2) there should be established a bankruptcy data system in which—

(A) a single set of data definitions and forms are used to collect data nationwide; and

(B) data for any particular bankruptcy case are aggregated in the same electronic record.

TITLE VII—BANKRUPTCY TAX PROVISIONS

SEC. 701. TREATMENT OF CERTAIN LIENS.

(a) TREATMENT OF CERTAIN LIENS.—Section 724 of title 11, United States Code, is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by inserting ''(other than to the extent that there is a properly perfected unavoidable tax lien arising in connection with an ad valorem tax on real or personal property of the estate)'' after ''under this title'';

(2) in subsection (b)(2), by inserting ''(except that such expenses, other than claims for wages, salaries, or commissions that arise after the date of the filing of the petition, shall be limited to expenses incurred under chapter 7 of this title and shall not include expenses incurred under chapter 11 of this title)'' after ''507(a)(1)''; and

(3) by adding at the end the following:

''(e) Before subordinating a tax lien on real or personal property of the estate, the trustee shall—

''(1) exhaust the unencumbered assets of the estate; and

''(2) in a manner consistent with section 506(c), recover from property securing an allowed secured claim the reasonable, necessary costs and expenses of preserving or disposing of such property.

''(f) Notwithstanding the exclusion of ad valorem tax liens under this section and subject to the requirements of subsection (e), the following may be paid from property of the estate which secures a tax lien, or the proceeds of such property:

''(1) Claims for wages, salaries, and commissions that are entitled to priority under section 507(a)(4).

''(2) Claims for contributions to an employee benefit plan entitled to priority under section 507(a)(5).''.

(b) DETERMINATION OF TAX LIABILITY.—Section 505(a)(2) of title 11, United States Code, is amended—

(1) in subparagraph (A), by striking ''or'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(C) the amount or legality of any amount arising in connection with an ad valorem tax on real or personal property of the estate, if the applicable period for contesting or redetermining that amount under any law (other than a bankruptcy law) has expired.''.

SEC. 702. TREATMENT OF FUEL TAX CLAIMS.

Section 501 of title 11, United States Code, is amended by adding at the end the following:

''(e) A claim arising from the liability of a debtor for fuel use tax assessed consistent with the requirements of section 31705 of title 49 may be filed by the base jurisdiction designated pursuant to the International Fuel Tax Agreement (as defined in section 31701 of title 49) and, if so filed, shall be allowed as a single claim.''.

SEC. 703. NOTICE OF REQUEST FOR A DETERMINATION OF TAXES.

Section 505(b) of title 11, United States Code, is amended—

(1) in the first sentence, by inserting ''at the address and in the manner designated in paragraph (1)'' after ''determination of such tax'';

(2) by striking ''(1) upon payment'' and inserting ''(A) upon payment'';

(3) by striking ''(A) such governmental unit'' and inserting ''(i) such governmental unit'';

(4) by striking ''(B) such governmental unit'' and inserting ''(ii) such governmental unit'';

(5) by striking ''(2) upon payment'' and inserting ''(B) upon payment'';

(6) by striking ''(3) upon payment'' and inserting ''(C) upon payment'';

(7) by striking ''(b)'' and inserting ''(2)''; and

(8) by inserting before paragraph (2), as so designated, the following:

''(b)(1)(A) The clerk shall maintain a list under which a Federal, State, or local governmental unit responsible for the collection of taxes within the district may—

''(i) designate an address for service of requests under this subsection; and

''(ii) describe where further information concerning additional requirements for filing such requests may be found.

''(B) If such governmental unit does not designate an address and provide such address to the clerk under subparagraph (A), any request made under this subsection may be served at the address for the filing of a tax return or protest with the appropriate taxing authority of such governmental unit.''.

SEC. 704. RATE OF INTEREST ON TAX CLAIMS.

(a) IN GENERAL.—Subchapter I of chapter 5 of title 11, United States Code, is amended by adding at the end the following:

''§ 511. Rate of interest on tax claims

''(a) If any provision of this title requires the payment of interest on a tax claim or on an administrative expense tax, or the payment of interest to enable a creditor to receive the present value of the allowed amount of a tax claim, the rate of interest shall be the rate determined under applicable nonbankruptcy law.

''(b) In the case of taxes paid under a confirmed plan under this title, the rate of interest shall be determined as of the calendar month in which the plan is confirmed.''.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter I of chapter 5 of title 11, United States Code, is amended by adding at the end the following:

''511. Rate of interest on tax claims.''.

SEC. 705. PRIORITY OF TAX CLAIMS.

Section 507(a)(8) of title 11, United States Code, is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by inserting ''for a taxable year ending on or before the date of the filing of the petition'' after ''gross receipts'';

(B) in clause (i), by striking ''for a taxable year ending on or before the date of the filing of the petition''; and

(C) by striking clause (ii) and inserting the following:

''(ii) assessed within 240 days before the date of the filing of the petition, exclusive of—

''(I) any time during which an offer in compromise with respect to that tax was pending or in effect during that 240-day period, plus 30 days; and

''(II) any time during which a stay of proceedings against collections was in effect in a prior case under this title during that 240-day period, plus 90 days.''; and

(2) by adding at the end the following:

''An otherwise applicable time period specified in this paragraph shall be suspended for any period during which a governmental unit is prohibited under applicable nonbankruptcy law from collecting a tax as a result of a request by the debtor for a hearing and an appeal of any collection action taken or proposed against the debtor, plus 90 days; plus any time during which the stay of proceedings was in effect in a prior case under this title or during which collection was precluded by the existence of 1 or more confirmed plans under this title, plus 90 days.''.

SEC. 706. PRIORITY PROPERTY TAXES INCURRED.

Section 507(a)(8)(B) of title 11, United States Code, is amended by striking ''assessed'' and inserting ''incurred''.

SEC. 707. NO DISCHARGE OF FRAUDULENT TAXES IN CHAPTER 13.

Section 1328(a)(2) of title 11, United States Code, as amended by section 314, is amended by striking ''paragraph'' and inserting ''section 507(a)(8)(C) or in paragraph (1)(B), (1)(C),''.

SEC. 708. NO DISCHARGE OF FRAUDULENT TAXES IN CHAPTER 11.

Section 1141(d) of title 11, United States Code, as amended by sections 321 and 330, is amended by adding at the end the following:

''(6) Notwithstanding paragraph (1), the confirmation of a plan does not discharge a debtor that is a corporation from any debt—

''(A) of a kind specified in paragraph (2)(A) or (2)(B) of section 523(a) that is owed to a domestic governmental unit, or owed to a person as the result of an action filed under subchapter III of chapter 37 of title 31 or any similar State statute; or

''(B) for a tax or customs duty with respect to which the debtor—

''(i) made a fraudulent return; or

''(ii) willfully attempted in any manner to evade or to defeat such tax or such customs duty.''.

SEC. 709. STAY OF TAX PROCEEDINGS LIMITED TO PREPETITION TAXES.

Section 362(a)(8) of title 11, United States Code, is amended by striking ''the debtor'' and inserting ''a corporate debtor's tax liability for a taxable period the bankruptcy court may determine or concerning the tax liability of a debtor who is an individual for a taxable period ending before the date of the order for relief under this title''.

SEC. 710. PERIODIC PAYMENT OF TAXES IN CHAPTER 11 CASES.

Section 1129(a)(9) of title 11, United States Code, is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by striking ''deferred cash payments,'' and all that follows through the end of the subparagraph, and inserting ''regular installment payments in cash—

''(i) of a total value, as of the effective date of the plan, equal to the allowed amount of such claim;

''(ii) over a period ending not later than 5 years after the date of the order for relief under section 301, 302, or 303; and

''(iii) in a manner not less favorable than the most favored nonpriority unsecured claim provided for by the plan (other than cash payments made to a class of creditors under section 1122(b)); and''; and

(3) by adding at the end the following:

''(D) with respect to a secured claim which would otherwise meet the description of an unsecured claim of a governmental unit under section 507(a)(8), but for the secured status of that claim, the holder of that claim will receive on account of that claim, cash payments, in the same manner and over the same period, as prescribed in subparagraph (C).''.

SEC. 711. AVOIDANCE OF STATUTORY TAX LIENS PROHIBITED.

Section 545(2) of title 11, United States Code, is amended by inserting before the semicolon at the end the following: '', except in any case in which a purchaser is a purchaser described in section 6323 of the Internal Revenue Code of 1986, or in any other similar provision of State or local law''.

SEC. 712. PAYMENT OF TAXES IN THE CONDUCT OF BUSINESS.

(a) PAYMENT OF TAXES REQUIRED.—Section 960 of title 28, United States Code, is amended—

(1) by inserting ''(a)'' before ''Any''; and

(2) by adding at the end the following:

''(b) A tax under subsection (a) shall be paid on or before the due date of the tax under applicable nonbankruptcy law, unless—

''(1) the tax is a property tax secured by a lien against property that is abandoned under section 554 of title 11, within a reasonable period of time after the lien attaches, by the trustee in a case under title 11; or

''(2) payment of the tax is excused under a specific provision of title 11.

''(c) In a case pending under chapter 7 of title 11, payment of a tax may be deferred until final distribution is made under section 726 of title 11, if—

''(1) the tax was not incurred by a trustee duly appointed under chapter 7 of title 11; or

''(2) before the due date of the tax, an order of the court makes a finding of probable insufficiency of funds of the estate to pay in full the administrative expenses allowed under section 503(b) of title 11 that have the same priority in distribution under section 726(b) of title 11 as the priority of that tax.''.

(b) PAYMENT OF AD VALOREM TAXES REQUIRED.—Section 503(b)(1)(B)(i) of title 11, United States Code, is amended by inserting ''whether secured or unsecured, including property taxes for which liability is in rem, in personam, or both,'' before ''except''.

(c) REQUEST FOR PAYMENT OF ADMINISTRATIVE EXPENSE TAXES ELIMINATED.—Section 503(b)(1) of title 11, United States Code, is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by adding ''and'' at the end; and

(3) by adding at the end the following:

''(D) notwithstanding the requirements of subsection (a), a governmental unit shall not be required to file a request for the payment of an expense described in subparagraph (B) or (C), as a condition of its being an allowed administrative expense;''.

(d) PAYMENT OF TAXES AND FEES AS SECURED CLAIMS.—Section 506 of title 11, United States Code, is amended—

(1) in subsection (b), by inserting ''or State statute'' after ''agreement''; and

(2) in subsection (c), by inserting '', including the payment of all ad valorem property taxes with respect to the property'' before the period at the end.

SEC. 713. TARDILY FILED PRIORITY TAX CLAIMS.

Section 726(a)(1) of title 11, United States Code, is amended by striking ''before the date on which the trustee commences distribution under this section;'' and inserting the following: ''on or before the earlier of—

''(A) the date that is 10 days after the mailing to creditors of the summary of the trustee's final report; or

''(B) the date on which the trustee commences final distribution under this section;''.

SEC. 714. INCOME TAX RETURNS PREPARED BY TAX AUTHORITIES.

Section 523(a) of title 11, United States Code, as amended by sections 215 and 224, is amended—

(1) in paragraph (1)(B)—

(A) in the matter preceding clause (i), by inserting ''or equivalent report or notice,'' after ''a return,'';

(B) in clause (i), by inserting ''or given'' after ''filed''; and

(C) in clause (ii)—

(i) by inserting ''or given'' after ''filed''; and

(ii) by inserting '', report, or notice'' after ''return''; and

(2) by adding at the end the following:

''For purposes of this subsection, the term 'return' means a return that satisfies the requirements of applicable nonbankruptcy law (including applicable filing requirements). Such term includes a return prepared pursuant to section 6020(a) of the Internal Revenue Code of 1986, or similar State or local law, or a written stipulation to a judgment or a final order entered by a nonbankruptcy tribunal, but does not include a return made pursuant to section 6020(b) of the Internal Revenue Code of 1986, or a similar State or local law.''.

SEC. 715. DISCHARGE OF THE ESTATE'S LIABILITY FOR UNPAID TAXES.

Section 505(b)(2) of title 11, United States Code, as amended by section 703, is amended by inserting ''the estate,'' after ''misrepresentation,''.

SEC. 716. REQUIREMENT TO FILE TAX RETURNS TO CONFIRM CHAPTER 13 PLANS.

(a) FILING OF PREPETITION TAX RETURNS REQUIRED FOR PLAN CONFIRMATION.—Section 1325(a) of title 11, United States Code, as amended by sections 102, 213, and 306, is amended by inserting after paragraph (8) the following:

''(9) the debtor has filed all applicable Federal, State, and local tax returns as required by section 1308.''.

(b) ADDITIONAL TIME PERMITTED FOR FILING TAX RETURNS.—

(1) IN GENERAL.—Subchapter I of chapter 13 of title 11, United States Code, is amended by adding at the end the following:

''§ 1308. Filing of prepetition tax returns

''(a) Not later than the day before the date on which the meeting of the creditors is first scheduled to be held under section 341(a), if the debtor was required to file a tax return under applicable nonbankruptcy law, the debtor shall file with appropriate tax authorities all tax returns for all taxable periods ending during the 4-year period ending on the date of the filing of the petition.

''(b)(1) Subject to paragraph (2), if the tax returns required by subsection (a) have not been filed by the date on which the meeting of creditors is first scheduled to be held under section 341(a), the trustee may hold open that meeting for a reasonable period of time to allow the debtor an additional period of time to file any unfiled returns, but such additional period of time shall not extend beyond—

''(A) for any return that is past due as of the date of the filing of the petition, the date that is 120 days after the date of that meeting; or

''(B) for any return that is not past due as of the date of the filing of the petition, the later of—

''(i) the date that is 120 days after the date of that meeting; or

''(ii) the date on which the return is due under the last automatic extension of time for filing that return to which the debtor is entitled, and for which request is timely made, in accordance with applicable nonbankruptcy law.

''(2) After notice and a hearing, and order entered before the tolling of any applicable filing period determined under this subsection, if the debtor demonstrates by a preponderance of the evidence that the failure to file a return as required under this subsection is attributable to circumstances beyond the control of the debtor, the court may extend the filing period established by the trustee under this subsection for—

''(A) a period of not more than 30 days for returns described in paragraph (1); and

''(B) a period not to extend after the applicable extended due date for a return described in paragraph (2).

''(c) For purposes of this section, the term 'return' includes a return prepared pursuant to subsection (a) or (b) of section 6020 of the Internal Revenue Code of 1986, or a similar State or local law, or a written stipulation to a judgment or a final order entered by a nonbankruptcy tribunal.''.

(2) CONFORMING AMENDMENT.—The table of sections for subchapter I of chapter 13 of title 11, United States Code, is amended by adding at the end the following:

''1308. Filing of prepetition tax returns.''.

(c) DISMISSAL OR CONVERSION ON FAILURE TO COMPLY.—Section 1307 of title 11, United States Code, is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following:

''(e) Upon the failure of the debtor to file a tax return under section 1308, on request of a party in interest or the United States trustee and after notice and a hearing, the court shall dismiss a case or convert a case under this chapter to a case under chapter 7 of this title, whichever is in the best interest of the creditors and the estate.''.

(d) TIMELY FILED CLAIMS.—Section 502(b)(9) of title 11, United States Code, is amended by inserting before the period at the end the following: '', and except that in a case under chapter 13, a claim of a governmental unit for a tax with respect to a return filed under section 1308 shall be timely if the claim is filed on or before the date that is 60 days after the date on which such return was filed as required''.

(e) RULES FOR OBJECTIONS TO CLAIMS AND TO CONFIRMATION.—It is the sense of Congress that the Judicial Conference of the United States should, as soon as practicable after the date of enactment of this Act, propose amended Federal Rules of Bankruptcy Procedure that provide—

(1) notwithstanding the provisions of Rule 3015(f), in cases under chapter 13 of title 11, United States Code, that an objection to the confirmation of a plan filed by a governmental unit on or before the date that is 60 days after the date on which the debtor files all tax returns required under sections 1308 and 1325(a)(7) of title 11, United States Code, shall be treated for all purposes as if such objection had been timely filed before such confirmation; and

(2) in addition to the provisions of Rule 3007, in a case under chapter 13 of title 11, United States Code, that no objection to a claim for a tax with respect to which a return is required to be filed under section 1308 of title 11, United States Code, shall be filed until such return has been filed as required.

SEC. 717. STANDARDS FOR TAX DISCLOSURE.

Section 1125(a)(1) of title 11, United States Code, is amended—

(1) by inserting ''including a discussion of the potential material Federal tax consequences of the plan to the debtor, any successor to the debtor, and a hypothetical investor typical of the holders of claims or interests in the case,'' after ''records,''; and

(2) by striking ''a hypothetical reasonable investor typical of holders of claims or interests'' and inserting ''such a hypothetical investor''.

SEC. 718. SETOFF OF TAX REFUNDS.

Section 362(b) of title 11, United States Code, as amended by sections 224, 303, 311, and 401, is amended by inserting after paragraph (25) the following:

''(26) under subsection (a), of the setoff under applicable nonbankruptcy law of an income tax refund, by a governmental unit, with respect to a taxable period that ended before the date of the order for relief against an income tax liability for a taxable period that also ended before the date of the order for relief, except that in any case in which the setoff of an income tax refund is not permitted under applicable nonbankruptcy law because of a pending action to determine the amount or legality of a tax liability, the governmental unit may hold the refund pending the resolution of the action, unless the court, on the motion of the trustee and after notice and a hearing, grants the taxing authority adequate protection (within the meaning of section 361) for the secured claim of such authority in the setoff under section 506(a);''.

SEC. 719. SPECIAL PROVISIONS RELATED TO THE TREATMENT OF STATE AND LOCAL TAXES.

(a) IN GENERAL.—

(1) SPECIAL PROVISIONS.—Section 346 of title 11, United States Code, is amended to read as follows:

''§ 346. Special provisions related to the treatment of State and local taxes

''(a) Whenever the Internal Revenue Code of 1986 provides that a separate taxable estate or entity is created in a case concerning a debtor under this title, and the income, gain, loss, deductions, and credits of such estate shall be taxed to or claimed by the estate, a separate taxable estate is also created for purposes of any State and local law imposing a tax on or measured by income and such income, gain, loss, deductions, and credits shall be taxed to or claimed by the estate and may not be taxed to or claimed by the debtor. The preceding sentence shall not apply if the case is dismissed. The trustee shall make tax returns of income required under any such State or local law.

''(b) Whenever the Internal Revenue Code of 1986 provides that no separate taxable estate shall be created in a case concerning a debtor under this title, and the income, gain, loss, deductions, and credits of an estate shall be taxed to or claimed by the debtor, such income, gain, loss, deductions, and credits shall be taxed to or claimed by the debtor under a State or local law imposing a tax on or measured by income and may not be taxed to or claimed by the estate. The trustee shall make such tax returns of income of corporations and of partnerships as are required under any State or local law, but with respect to partnerships, shall make such returns only to the extent such returns are also required to be made under such Code. The estate shall be liable for any tax imposed on such corporation or partnership, but not for any tax imposed on partners or members.

''(c) With respect to a partnership or any entity treated as a partnership under a State or local law imposing a tax on or measured by income that is a debtor in a case under this title, any gain or loss resulting from a distribution of property from such partnership, or any distributive share of any income, gain, loss, deduction, or credit of a partner or member that is distributed, or considered distributed, from such partnership, after the commencement of the case, is gain, loss, income, deduction, or credit, as the case may be, of the partner or member, and if such partner or member is a debtor in a case under this title, shall be subject to tax in accordance with subsection (a) or (b).

''(d) For purposes of any State or local law imposing a tax on or measured by income, the taxable period of a debtor in a case under this title shall terminate only if and to the extent that the taxable period of such debtor terminates under the Internal Revenue Code of 1986.

''(e) The estate in any case described in subsection (a) shall use the same accounting method as the debtor used immediately before the commencement of the case, if such method of accounting complies with applicable nonbankruptcy tax law.

''(f) For purposes of any State or local law imposing a tax on or measured by income, a transfer of property from the debtor to the estate or from the estate to the debtor shall not be treated as a disposition for purposes of any provision assigning tax consequences to a disposition, except to the extent that such transfer is treated as a disposition under the Internal Revenue Code of 1986.

''(g) Whenever a tax is imposed pursuant to a State or local law imposing a tax on or measured by income pursuant to subsection (a) or (b), such tax shall be imposed at rates generally applicable to the same types of entities under such State or local law.

''(h) The trustee shall withhold from any payment of claims for wages, salaries, commissions, dividends, interest, or other payments, or collect, any amount required to be withheld or collected under applicable State or local tax law, and shall pay such withheld or collected amount to the appropriate governmental unit at the time and in the manner required by such tax law, and with the same priority as the claim from which such amount was withheld or collected was paid.

''(i)(1) To the extent that any State or local law imposing a tax on or measured by income provides for the carryover of any tax attribute from one taxable period to a subsequent taxable period, the estate shall succeed to such tax attribute in any case in which such estate is subject to tax under subsection (a).

''(2) After such a case is closed or dismissed, the debtor shall succeed to any tax attribute to which the estate succeeded under paragraph (1) to the extent consistent with the Internal Revenue Code of 1986.

''(3) The estate may carry back any loss or tax attribute to a taxable period of the debtor that ended before the date of the order for relief under this title to the extent that—

''(A) applicable State or local tax law provides for a carryback in the case of the debtor; and

''(B) the same or a similar tax attribute may be carried back by the estate to such a taxable period of the debtor under the Internal Revenue Code of 1986.

''(j)(1) For purposes of any State or local law imposing a tax on or measured by income, income is not realized by the estate, the debtor, or a successor to the debtor by reason of discharge of indebtedness in a case under this title, except to the extent, if any, that such income is subject to tax under the Internal Revenue Code of 1986.

''(2) Whenever the Internal Revenue Code of 1986 provides that the amount excluded from gross income in respect of the discharge of indebtedness in a case under this title shall be applied to reduce the tax attributes of the debtor or the estate, a similar reduction shall be made under any State or local law imposing a tax on or measured by income to the extent such State or local law recognizes such attributes. Such State or local law may also provide for the reduction of other attributes to the extent that the full amount of income from the discharge of indebtedness has not been applied.

''(k)(1) Except as provided in this section and section 505, the time and manner of filing tax returns and the items of income, gain, loss, deduction, and credit of any taxpayer shall be determined under applicable nonbankruptcy law.

''(2) For Federal tax purposes, the provisions of this section are subject to the Internal Revenue Code of 1986 and other applicable Federal nonbankruptcy law.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 3 of title 11, United States Code, is amended by striking the item relating to section 346 and inserting the following:

''346. Special provisions related to the treatment of State and local taxes.''.

(b) CONFORMING AMENDMENTS.—Title 11 of the United States Code is amended—

(1) by striking section 728;

(2) in the table of sections for chapter 7 by striking the item relating to section 728;

(3) in section 1146—

(A) by striking subsections (a) and (b); and

(B) by redesignating subsections (c) and (d) as subsections (a) and (b), respectively; and

(4) in section 1231—

(A) by striking subsections (a) and (b); and

(B) by redesignating subsections (c) and (d) as subsections (a) and (b), respectively.

SEC. 720. DISMISSAL FOR FAILURE TO TIMELY FILE TAX RETURNS.

Section 521 of title 11, United States Code, as amended by sections 106, 225, 305, 315, and 316, is amended by adding at the end the following:

''(j)(1) Notwithstanding any other provision of this title, if the debtor fails to file a tax return that becomes due after the commencement of the case or to properly obtain an extension of the due date for filing such return, the taxing authority may request that the court enter an order converting or dismissing the case.

''(2) If the debtor does not file the required return or obtain the extension referred to in paragraph (1) within 90 days after a request is filed by the taxing authority under that paragraph, the court shall convert or dismiss the case, whichever is in the best interests of creditors and the estate.''.

TITLE VIII—ANCILLARY AND OTHER CROSS-BORDER CASES

SEC. 801. AMENDMENT TO ADD CHAPTER 15 TO TITLE 11, UNITED STATES CODE.

(a) IN GENERAL.—Title 11, United States Code, is amended by inserting after chapter 13 the following:

''CHAPTER 15—ANCILLARY AND OTHER CROSS-BORDER CASES

''Sec.
''1501. Purpose and scope of application.
''SUBCHAPTER I—GENERAL PROVISIONS
''1502. Definitions.
''1503. International obligations of the United States.
''1504. Commencement of ancillary case.
''1505. Authorization to act in a foreign country.
''1506. Public policy exception.
''1507. Additional assistance.
''1508. Interpretation.
''SUBCHAPTER II—ACCESS OF FOREIGN REPRESENTATIVES AND CREDITORS TO THE COURT
''1509. Right of direct access.
''1510. Limited jurisdiction.
''1511. Commencement of case under section 301 or 303.
''1512. Participation of a foreign representative in a case under this title.

''1513. Access of foreign creditors to a case under this title.
''1514. Notification to foreign creditors concerning a case under this title.
''SUBCHAPTER III—RECOGNITION OF A FOREIGN PROCEEDING AND RELIEF
''1515. Application for recognition.
''1516. Presumptions concerning recognition.
''1517. Order granting recognition.
''1518. Subsequent information.
''1519. Relief that may be granted upon filing petition for recognition.
''1520. Effects of recognition of a foreign main proceeding.
''1521. Relief that may be granted upon recognition.
''1522. Protection of creditors and other interested persons.
''1523. Actions to avoid acts detrimental to creditors.
''1524. Intervention by a foreign representative.
''SUBCHAPTER IV—COOPERATION WITH FOREIGN COURTS AND FOREIGN REPRESENTATIVES
''1525. Cooperation and direct communication between the court and foreign courts or foreign representatives.
''1526. Cooperation and direct communication between the trustee and foreign courts or foreign representatives.
''1527. Forms of cooperation.
''SUBCHAPTER V—CONCURRENT PROCEEDINGS
''1528. Commencement of a case under this title after recognition of a foreign main proceeding.
''1529. Coordination of a case under this title and a foreign proceeding.
''1530. Coordination of more than 1 foreign proceeding.
''1531. Presumption of insolvency based on recognition of a foreign main proceeding.
''1532. Rule of payment in concurrent proceedings.

''§ 1501. Purpose and scope of application

''(a) The purpose of this chapter is to incorporate the Model Law on Cross-Border Insolvency so as to provide effective mechanisms for dealing with cases of cross-border insolvency with the objectives of—

''(1) cooperation between—

''(A) courts of the United States, United States trustees, trustees, examiners, debtors, and debtors in possession; and

''(B) the courts and other competent authorities of foreign countries involved in cross-border insolvency cases;

''(2) greater legal certainty for trade and investment;

''(3) fair and efficient administration of cross-border insolvencies that protects the interests of all creditors, and other interested entities, including the debtor;

''(4) protection and maximization of the value of the debtor's assets; and

''(5) facilitation of the rescue of financially troubled businesses, thereby protecting investment and preserving employment.

''(b) This chapter applies where—

''(1) assistance is sought in the United States by a foreign court or a foreign representative in connection with a foreign proceeding;

''(2) assistance is sought in a foreign country in connection with a case under this title;

''(3) a foreign proceeding and a case under this title with respect to the same debtor are pending concurrently; or

''(4) creditors or other interested persons in a foreign country have an interest in requesting the commencement of, or participating in, a case or proceeding under this title.

''(c) This chapter does not apply to—

''(1) a proceeding concerning an entity, other than a foreign insurance company, identified by exclusion in section 109(b);

''(2) an individual, or to an individual and such individual's spouse, who have debts within the limits specified in section 109(e) and who are citizens of the United States or aliens lawfully admitted for permanent residence in the United States; or

''(3) an entity subject to a proceeding under the Securities Investor Protection Act of 1970, a stockbroker subject to subchapter III of chapter 7 of this title, or a commodity broker subject to subchapter IV of chapter 7 of this title.

''(d) The court may not grant relief under this chapter with respect to any deposit, escrow, trust fund, or other security required or permitted under any applicable State insurance law or regulation for the benefit of claim holders in the United States.

''SUBCHAPTER I—GENERAL PROVISIONS

''§ 1502. Definitions

''For the purposes of this chapter, the term—

''(1) 'debtor' means an entity that is the subject of a foreign proceeding;

''(2) 'establishment' means any place of operations where the debtor carries out a nontransitory economic activity;

''(3) 'foreign court' means a judicial or other authority competent to control or supervise a foreign proceeding;

''(4) 'foreign main proceeding' means a foreign proceeding pending in the country where the debtor has the center of its main interests;

''(5) 'foreign nonmain proceeding' means a foreign proceeding, other than a foreign main proceeding, pending in a country where the debtor has an establishment;

''(6) 'trustee' includes a trustee, a debtor in possession in a case under any chapter of this title, or a debtor under chapter 9 of this title;

''(7) 'recognition' means the entry of an order granting recognition of a foreign main proceeding or foreign nonmain proceeding under this chapter; and

''(8) 'within the territorial jurisdiction of the United States', when used with reference to property of a debtor, refers to tangible property located within the territory of the United States and intangible property deemed under applicable nonbankruptcy law to be located within that territory, including any property subject to attachment or garnishment that may properly be seized or garnished by an action in a Federal or State court in the United States.

''§ 1503. International obligations of the United States

''To the extent that this chapter conflicts with an obligation of the United States arising out of any treaty or other form of agreement to which it is a party with one or more other countries, the requirements of the treaty or agreement prevail.

''§ 1504. Commencement of ancillary case

''A case under this chapter is commenced by the filing of a petition for recognition of a foreign proceeding under section 1515.

''§ 1505. Authorization to act in a foreign country

''A trustee or another entity (including an examiner) may be authorized by the court to act in a foreign country on behalf of an estate created under section 541. An entity authorized to act under this section may act in any way permitted by the applicable foreign law.

''§ 1506. Public policy exception

''Nothing in this chapter prevents the court from refusing to take an action governed by this chapter if the action would be manifestly contrary to the public policy of the United States.

''§ 1507. Additional assistance

''(a) Subject to the specific limitations stated elsewhere in this chapter the court, if recognition is granted, may provide additional assistance to a foreign representative under this title or under other laws of the United States.

''(b) In determining whether to provide additional assistance under this title or under other laws of the United States, the court shall consider whether such additional assistance, consistent with the principles of comity, will reasonably assure—

''(1) just treatment of all holders of claims against or interests in the debtor's property;

''(2) protection of claim holders in the United States against prejudice and inconvenience in the processing of claims in such foreign proceeding;

''(3) prevention of preferential or fraudulent dispositions of property of the debtor;

''(4) distribution of proceeds of the debtor's property substantially in accordance with the order prescribed by this title; and

''(5) if appropriate, the provision of an opportunity for a fresh start for the individual that such foreign proceeding concerns.

''§ 1508. Interpretation

''In interpreting this chapter, the court shall consider its international origin, and the need to promote an application of this chapter that is consistent with the application of similar statutes adopted by foreign jurisdictions.

''SUBCHAPTER II—ACCESS OF FOREIGN REPRESENTATIVES AND CREDITORS TO THE COURT

''§ 1509. Right of direct access

''(a) A foreign representative may commence a case under section 1504 by filing directly with the court a petition for recognition of a foreign proceeding under section 1515.

''(b) If the court grants recognition under section 1515, and subject to any limitations that the court may impose consistent with the policy of this chapter—

''(1) the foreign representative has the capacity to sue and be sued in a court in the United States;

''(2) the foreign representative may apply directly to a court in the United States for appropriate relief in that court; and

''(3) a court in the United States shall grant comity or cooperation to the foreign representative.

''(c) A request for comity or cooperation by a foreign representative in a court in the United States other than the court which granted recognition shall be accompanied by a certified copy of an order granting recognition under section 1517.

''(d) If the court denies recognition under this chapter, the court may issue any appropriate order necessary to prevent the foreign representative from obtaining comity or cooperation from courts in the United States.

''(e) Whether or not the court grants recognition, and subject to sections 306 and 1510, a foreign representative is subject to applicable nonbankruptcy law.

''(f) Notwithstanding any other provision of this section, the failure of a foreign representative to commence a case or to obtain recognition under this chapter does not affect any right the foreign representative may have to sue in a court in the United States to collect or recover a claim which is the property of the debtor.

''§ 1510. Limited jurisdiction

''The sole fact that a foreign representative files a petition under section 1515 does not subject the foreign representative to the jurisdiction of any court in the United States for any other purpose.

"§ 1511. Commencement of case under section 301 or 303

''(a) Upon recognition, a foreign representative may commence—

''(1) an involuntary case under section 303; or

''(2) a voluntary case under section 301 or 302, if the foreign proceeding is a foreign main proceeding.

''(b) The petition commencing a case under subsection (a) must be accompanied by a certified copy of an order granting recognition. The court where the petition for recognition has been filed must be advised of the foreign representative's intent to commence a case under subsection (a) prior to such commencement.

"§ 1512. Participation of a foreign representative in a case under this title

''Upon recognition of a foreign proceeding, the foreign representative in the recognized proceeding is entitled to participate as a party in interest in a case regarding the debtor under this title.

"§ 1513. Access of foreign creditors to a case under this title

''(a) Foreign creditors have the same rights regarding the commencement of, and participation in, a case under this title as domestic creditors.

''(b)(1) Subsection (a) does not change or codify present law as to the priority of claims under section 507 or 726, except that the claim of a foreign creditor under those sections shall not be given a lower priority than that of general unsecured claims without priority solely because the holder of such claim is a foreign creditor.

''(2)(A) Subsection (a) and paragraph (1) do not change or codify present law as to the allowability of foreign revenue claims or other foreign public law claims in a proceeding under this title.

''(B) Allowance and priority as to a foreign tax claim or other foreign public law claim shall be governed by any applicable tax treaty of the United States, under the conditions and circumstances specified therein.

"§ 1514. Notification to foreign creditors concerning a case under this title

''(a) Whenever in a case under this title notice is to be given to creditors generally or to any class or category of creditors, such notice shall also be given to the known creditors generally, or to creditors in the notified class or category, that do not have addresses in the United States. The court may order that appropriate steps be taken with a view to notifying any creditor whose address is not yet known.

''(b) Such notification to creditors with foreign addresses described in subsection (a) shall be given individually, unless the court considers that, under the circumstances, some other form of notification would be more appropriate. No letter or other formality is required.

''(c) When a notification of commencement of a case is to be given to foreign creditors, such notification shall—

''(1) indicate the time period for filing proofs of claim and specify the place for filing such proofs of claim;

''(2) indicate whether secured creditors need to file proofs of claim; and

''(3) contain any other information required to be included in such notification to creditors under this title and the orders of the court.

''(d) Any rule of procedure or order of the court as to notice or the filing of a proof of claim shall provide such additional time to creditors with foreign addresses as is reasonable under the circumstances.

''SUBCHAPTER III—RECOGNITION OF A FOREIGN PROCEEDING AND RELIEF

"§ 1515. Application for recognition

''(a) A foreign representative applies to the court for recognition of a foreign proceeding in which the foreign representative has been appointed by filing a petition for recognition.

''(b) A petition for recognition shall be accompanied by—

''(1) a certified copy of the decision commencing such foreign proceeding and appointing the foreign representative;

''(2) a certificate from the foreign court affirming the existence of such foreign proceeding and of the appointment of the foreign representative; or

''(3) in the absence of evidence referred to in paragraphs (1) and (2), any other evidence acceptable to the court of the existence of such foreign proceeding and of the appointment of the foreign representative.

''(c) A petition for recognition shall also be accompanied by a statement identifying all foreign proceedings with respect to the debtor that are known to the foreign representative.

''(d) The documents referred to in paragraphs (1) and (2) of subsection (b) shall be translated into English. The court may require a translation into English of additional documents.

"§ 1516. Presumptions concerning recognition

''(a) If the decision or certificate referred to in section 1515(b) indicates that the foreign proceeding is a foreign proceeding and that the person or body is a foreign representative, the court is entitled to so presume.

''(b) The court is entitled to presume that documents submitted in support of the petition for recognition are authentic, whether or not they have been legalized.

''(c) In the absence of evidence to the contrary, the debtor's registered office, or habitual residence in the case of an individual, is presumed to be the center of the debtor's main interests.

"§ 1517. Order granting recognition

''(a) Subject to section 1506, after notice and a hearing, an order recognizing a foreign proceeding shall be entered if—

''(1) such foreign proceeding for which recognition is sought is a foreign main proceeding or foreign nonmain proceeding within the meaning of section 1502;

''(2) the foreign representative applying for recognition is a person or body; and

''(3) the petition meets the requirements of section 1515.

''(b) Such foreign proceeding shall be recognized—

''(1) as a foreign main proceeding if it is pending in the country where the debtor has the center of its main interests; or

''(2) as a foreign nonmain proceeding if the debtor has an establishment within the meaning of section 1502 in the foreign country where the proceeding is pending.

''(c) A petition for recognition of a foreign proceeding shall be decided upon at the earliest possible time. Entry of an order recognizing a foreign proceeding constitutes recognition under this chapter.

''(d) The provisions of this subchapter do not prevent modification or termination of recognition if it is shown that the grounds for granting it were fully or partially lacking or have ceased to exist, but in considering such action the court shall give due weight to possible prejudice to parties that have relied upon the order granting recognition. A case under this chapter may be closed in the manner prescribed under section 350.

"§ 1518. Subsequent information

''From the time of filing the petition for recognition of a foreign proceeding, the foreign representative shall file with the court promptly a notice of change of status concerning—

''(1) any substantial change in the status of such foreign proceeding or the status of the foreign representative's appointment; and

''(2) any other foreign proceeding regarding the debtor that becomes known to the foreign representative.

"§ 1519. Relief that may be granted upon filing petition for recognition

''(a) From the time of filing a petition for recognition until the court rules on the petition, the court may, at the request of the foreign representative, where relief is urgently needed to protect the assets of the debtor or the interests of the creditors, grant relief of a provisional nature, including—

''(1) staying execution against the debtor's assets;

''(2) entrusting the administration or realization of all or part of the debtor's assets located in the United States to the foreign representative or another person authorized by the court, including an examiner, in order to protect and preserve the value of assets that, by their nature or because of other circumstances, are perishable, susceptible to devaluation or otherwise in jeopardy; and

''(3) any relief referred to in paragraph (3), (4), or (7) of section 1521(a).

''(b) Unless extended under section 1521(a)(6), the relief granted under this section terminates when the petition for recognition is granted.

''(c) It is a ground for denial of relief under this section that such relief would interfere with the administration of a foreign main proceeding.

''(d) The court may not enjoin a police or regulatory act of a governmental unit, including a criminal action or proceeding, under this section.

''(e) The standards, procedures, and limitations applicable to an injunction shall apply to relief under this section.

''(f) The exercise of rights not subject to the stay arising under section 362(a) pursuant to paragraph (6), (7), (17), or (27) of section 362(b) or pursuant to section 362(n) shall not be stayed by any order of a court or administrative agency in any proceeding under this chapter.

"§ 1520. Effects of recognition of a foreign main proceeding

''(a) Upon recognition of a foreign proceeding that is a foreign main proceeding—

''(1) sections 361 and 362 apply with respect to the debtor and the property of the debtor that is within the territorial jurisdiction of the United States;

''(2) sections 363, 549, and 552 apply to a transfer of an interest of the debtor in property that is within the territorial jurisdiction of the United States to the same extent that the sections would apply to property of an estate;

''(3) unless the court orders otherwise, the foreign representative may operate the debtor's business and may exercise the rights and powers of a trustee under and to the extent provided by sections 363 and 552; and

''(4) section 552 applies to property of the debtor that is within the territorial jurisdiction of the United States.

''(b) Subsection (a) does not affect the right to commence an individual action or proceeding in a foreign country to the extent necessary to preserve a claim against the debtor.

''(c) Subsection (a) does not affect the right of a foreign representative or an entity to file a petition commencing a case under this title or the right of any party to file claims or take other proper actions in such a case.

"§ 1521. Relief that may be granted upon recognition

''(a) Upon recognition of a foreign proceeding, whether main or nonmain, where necessary to effectuate the purpose of this chapter and to protect the assets of the debtor or the interests of the creditors, the court may, at the request of the foreign representative, grant any appropriate relief, including—

''(1) staying the commencement or continuation of an individual action or proceeding concerning the debtor's assets, rights, obligations or liabilities to the extent they have not been stayed under section 1520(a);

''(2) staying execution against the debtor's assets to the extent it has not been stayed under section 1520(a);

''(3) suspending the right to transfer, encumber or otherwise dispose of any assets of the debtor to the extent this right has not been suspended under section 1520(a);

''(4) providing for the examination of witnesses, the taking of evidence or the delivery of information concerning the debtor's assets, affairs, rights, obligations or liabilities;

''(5) entrusting the administration or realization of all or part of the debtor's assets within the territorial jurisdiction of the United States to the foreign representative or another person, including an examiner, authorized by the court;

''(6) extending relief granted under section 1519(a); and

''(7) granting any additional relief that may be available to a trustee, except for relief available under sections 522, 544, 545, 547, 548, 550, and 724(a).

''(b) Upon recognition of a foreign proceeding, whether main or nonmain, the court may, at the request of the foreign representative, entrust the distribution of all or part of the debtor's assets located in the United States to the foreign representative or another person, including an examiner, authorized by the court, provided that the court is satisfied that the interests of creditors in the United States are sufficiently protected.

''(c) In granting relief under this section to a representative of a foreign nonmain proceeding, the court must be satisfied that the relief relates to assets that, under the law of the United States, should be administered in the foreign nonmain proceeding or concerns information required in that proceeding.

''(d) The court may not enjoin a police or regulatory act of a governmental unit, including a criminal action or proceeding, under this section.

''(e) The standards, procedures, and limitations applicable to an injunction shall apply to relief under paragraphs (1), (2), (3), and (6) of subsection (a).

''(f) The exercise of rights not subject to the stay arising under section 362(a) pursuant to paragraph (6), (7), (17), or (27) of section 362(b) or pursuant to section 362(n) shall not be stayed by any order of a court or administrative agency in any proceeding under this chapter.

"§ 1522. Protection of creditors and other interested persons

''(a) The court may grant relief under section 1519 or 1521, or may modify or terminate relief under subsection (c), only if the interests of the creditors and other interested entities, including the debtor, are sufficiently protected.

''(b) The court may subject relief granted under section 1519 or 1521, or the operation of the debtor's business under section 1520(a)(3), to conditions it considers appropriate, including the giving of security or the filing of a bond.

''(c) The court may, at the request of the foreign representative or an entity affected by relief granted under section 1519 or 1521, or at its own motion, modify or terminate such relief.

''(d) Section 1104(d) shall apply to the appointment of an examiner under this chapter. Any examiner shall comply with the qualification requirements imposed on a trustee by section 322.

"§ 1523. Actions to avoid acts detrimental to creditors

''(a) Upon recognition of a foreign proceeding, the foreign representative has standing in a case concerning the debtor pending under another chapter of this title to initiate actions under sections 522, 544, 545, 547, 548, 550, 553, and 724(a).

''(b) When a foreign proceeding is a foreign nonmain proceeding, the court must be satisfied that an action under subsection (a) relates to assets that, under United States law, should be administered in the foreign nonmain proceeding.

"§ 1524. Intervention by a foreign representative

''Upon recognition of a foreign proceeding, the foreign representative may intervene in any proceedings in a State or Federal court in the United States in which the debtor is a party.

''SUBCHAPTER IV—COOPERATION WITH FOREIGN COURTS AND FOREIGN REPRESENTATIVES

"§ 1525. Cooperation and direct communication between the court and foreign courts or foreign representatives

''(a) Consistent with section 1501, the court shall cooperate to the maximum extent possible with a foreign court or a foreign representative, either directly or through the trustee.

''(b) The court is entitled to communicate directly with, or to request information or assistance directly from, a foreign court or a foreign representative, subject to the rights of a party in interest to notice and participation.

"§ 1526. Cooperation and direct communication between the trustee and foreign courts or foreign representatives

''(a) Consistent with section 1501, the trustee or other person, including an examiner, authorized by the court, shall, subject to the supervision of the court, cooperate to the maximum extent possible with a foreign court or a foreign representative.

''(b) The trustee or other person, including an examiner, authorized by the court is entitled, subject to the supervision of the court, to communicate directly with a foreign court or a foreign representative.

"§ 1527. Forms of cooperation

''Cooperation referred to in sections 1525 and 1526 may be implemented by any appropriate means, including—

''(1) appointment of a person or body, including an examiner, to act at the direction of the court;

''(2) communication of information by any means considered appropriate by the court;

''(3) coordination of the administration and supervision of the debtor's assets and affairs;

''(4) approval or implementation of agreements concerning the coordination of proceedings; and

''(5) coordination of concurrent proceedings regarding the same debtor.

''SUBCHAPTER V—CONCURRENT PROCEEDINGS

"§ 1528. Commencement of a case under this title after recognition of a foreign main proceeding

''After recognition of a foreign main proceeding, a case under another chapter of this title may be commenced only if the debtor has assets in the United States. The effects of such case shall be restricted to the assets of the debtor that are within the territorial jurisdiction of the United States and, to the extent necessary to implement cooperation and coordination under sections 1525, 1526, and 1527, to other assets of the debtor that are within the jurisdiction of the court under sections 541(a) of this title, and 1334(e) of title 28, to the extent that such other assets are not subject to the jurisdiction and control of a foreign proceeding that has been recognized under this chapter.

"§ 1529. Coordination of a case under this title and a foreign proceeding

''If a foreign proceeding and a case under another chapter of this title are pending concurrently regarding the same debtor, the court shall seek cooperation and coordination under sections 1525, 1526, and 1527, and the following shall apply:

''(1) If the case in the United States pending at the time the petition for recognition of such foreign proceeding is filed—

''(A) any relief granted under section 1519 or 1521 must be consistent with the relief granted in the case in the United States; and

''(B) section 1520 does not apply even if such foreign proceeding is recognized as a foreign main proceeding.

''(2) If a case in the United States under this title commences after recognition, or after the date of the filing of the petition for recognition, of such foreign proceeding—

''(A) any relief in effect under section 1519 or 1521 shall be reviewed by the court and shall be modified or terminated if inconsistent with the case in the United States; and

''(B) if such foreign proceeding is a foreign main proceeding, the stay and suspension referred to in section 1520(a) shall be modified or terminated if inconsistent with the relief granted in the case in the United States.

''(3) In granting, extending, or modifying relief granted to a representative of a foreign nonmain proceeding, the court must be satisfied that the relief relates to assets that, under the laws of the United States, should be administered in the foreign nonmain proceeding or concerns information required in that proceeding.

''(4) In achieving cooperation and coordination under sections 1528 and 1529, the court may grant any of the relief authorized under section 305.

"§ 1530. Coordination of more than 1 foreign proceeding

''In matters referred to in section 1501, with respect to more than 1 foreign proceeding regarding the debtor, the court shall seek cooperation and coordination under sections 1525, 1526, and 1527, and the following shall apply:

''(1) Any relief granted under section 1519 or 1521 to a representative of a foreign nonmain proceeding after recognition of a foreign main proceeding must be consistent with the foreign main proceeding.

''(2) If a foreign main proceeding is recognized after recognition, or after the filing of a petition for recognition, of a foreign nonmain proceeding, any relief in effect under section 1519 or 1521 shall be reviewed by the court and shall be modified or terminated if inconsistent with the foreign main proceeding.

''(3) If, after recognition of a foreign nonmain proceeding, another foreign nonmain proceeding is recognized, the court shall grant, modify, or terminate relief for the purpose of facilitating coordination of the proceedings.

"§ 1531. Presumption of insolvency based on recognition of a foreign main proceeding

''In the absence of evidence to the contrary, recognition of a foreign main proceeding is, for the purpose of commencing a proceeding under section 303, proof that the

debtor is generally not paying its debts as such debts become due.

"§ 1532. Rule of payment in concurrent proceedings

''Without prejudice to secured claims or rights in rem, a creditor who has received payment with respect to its claim in a foreign proceeding pursuant to a law relating to insolvency may not receive a payment for the same claim in a case under any other chapter of this title regarding the debtor, so long as the payment to other creditors of the same class is proportionately less than the payment the creditor has already received.''.

(b) CLERICAL AMENDMENT.—The table of chapters for title 11, United States Code, is amended by inserting after the item relating to chapter 13 the following:

"15. Ancillary and Other Cross-Border Cases ..... 1501".

SEC. 802. OTHER AMENDMENTS TO TITLES 11 AND 28, UNITED STATES CODE.

(a) APPLICABILITY OF CHAPTERS.—Section 103 of title 11, United States Code, is amended—

(1) in subsection (a), by inserting before the period the following: '', and this chapter, sections 307, 362(n), 555 through 557, and 559 through 562 apply in a case under chapter 15''; and

(2) by adding at the end the following:

''(k) Chapter 15 applies only in a case under such chapter, except that—

''(1) sections 1505, 1513, and 1514 apply in all cases under this title; and

''(2) section 1509 applies whether or not a case under this title is pending.''.

(b) DEFINITIONS.—Section 101 of title 11, United States Code, is amended by striking paragraphs (23) and (24) and inserting the following:

''(23) 'foreign proceeding' means a collective judicial or administrative proceeding in a foreign country, including an interim proceeding, under a law relating to insolvency or adjustment of debt in which proceeding the assets and affairs of the debtor are subject to control or supervision by a foreign court, for the purpose of reorganization or liquidation;

''(24) 'foreign representative' means a person or body, including a person or body appointed on an interim basis, authorized in a foreign proceeding to administer the reorganization or the liquidation of the debtor's assets or affairs or to act as a representative of such foreign proceeding;''.

(c) AMENDMENTS TO TITLE 28, UNITED STATES CODE.—

(1) PROCEDURES.—Section 157(b)(2) of title 28, United States Code, is amended—

(A) in subparagraph (N), by striking ''and'' at the end;

(B) in subparagraph (O), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(P) recognition of foreign proceedings and other matters under chapter 15 of title 11.''.

(2) BANKRUPTCY CASES AND PROCEEDINGS.—Section 1334(c) of title 28, United States Code, is amended by striking ''Nothing in'' and inserting ''Except with respect to a case under chapter 15 of title 11, nothing in''.

(3) DUTIES OF TRUSTEES.—Section 586(a)(3) of title 28, United States Code, is amended by striking ''or 13'' and inserting ''13, or 15''.

(4) VENUE OF CASES ANCILLARY TO FOREIGN PROCEEDINGS.—Section 1410 of title 28, United States Code, is amended to read as follows:

"§ 1410. Venue of cases ancillary to foreign proceedings

''A case under chapter 15 of title 11 may be commenced in the district court of the United States for the district—

''(1) in which the debtor has its principal place of business or principal assets in the United States;

''(2) if the debtor does not have a place of business or assets in the United States, in which there is pending against the debtor an action or proceeding in a Federal or State court; or

''(3) in a case other than those specified in paragraph (1) or (2), in which venue will be consistent with the interests of justice and the convenience of the parties, having regard to the relief sought by the foreign representative.''.

(d) OTHER SECTIONS OF TITLE 11.—Title 11 of the United States Code is amended—

(1) in section 109(b), by striking paragraph (3) and inserting the following:

''(3)(A) a foreign insurance company, engaged in such business in the United States; or

''(B) a foreign bank, savings bank, cooperative bank, savings and loan association, building and loan association, or credit union, that has a branch or agency (as defined in section 1(b) of the International Banking Act of 1978 in the United States.'';

(2) in section 303, by striking subsection (k);

(3) by striking section 304;

(4) in the table of sections for chapter 3 by striking the item relating to section 304;

(5) in section 306 by striking '', 304,'' each place it appears;

(6) in section 305(a) by striking paragraph (2) and inserting the following:

''(2)(A) a petition under section 1515 for recognition of a foreign proceeding has been granted; and

''(B) the purposes of chapter 15 of this title would be best served by such dismissal or suspension.''; and

(7) in section 508—

(A) by striking subsection (a); and

(B) in subsection (b), by striking ''(b)''.

TITLE IX—FINANCIAL CONTRACT PROVISIONS

SEC. 901. TREATMENT OF CERTAIN AGREEMENTS BY CONSERVATORS OR RECEIVERS OF INSURED DEPOSITORY INSTITUTIONS.

(a) DEFINITION OF QUALIFIED FINANCIAL CONTRACT.—

(1) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(8)(D) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)) is amended—

(A) by striking ''subsection—'' and inserting ''subsection, the following definitions shall apply:''; and

(B) in clause (i), by inserting '', resolution, or order'' after ''any similar agreement that the Corporation determines by regulation''.

(2) INSURED CREDIT UNIONS.—Section 207(c)(8)(D) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)(D)) is amended—

(A) by striking ''subsection—'' and inserting ''subsection, the following definitions shall apply:''; and

(B) in clause (i), by inserting '', resolution, or order'' after ''any similar agreement that the Board determines by regulation''.

(b) DEFINITION OF SECURITIES CONTRACT.—

(1) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(8)(D)(ii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(ii)) is amended to read as follows:

''(ii) SECURITIES CONTRACT.—The term 'securities contract'—

''(I) means a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan, or any interest in a mortgage loan, a group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or any option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option, and including any repurchase or reverse repurchase transaction on any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

''(II) does not include any purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan unless the Corporation determines by regulation, resolution, or order to include any such agreement within the meaning of such term;

''(III) means any option entered into on a national securities exchange relating to foreign currencies;

''(IV) means the guarantee by or to any securities clearing agency of any settlement of cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

''(V) means any margin loan;

''(VI) means any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

''(VII) means any combination of the agreements or transactions referred to in this clause;

''(VIII) means any option to enter into any agreement or transaction referred to in this clause;

''(IX) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a securities contract under this clause, except that the master agreement shall be considered to be a securities contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII); and

''(X) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.''.

(2) INSURED CREDIT UNIONS.—Section 207(c)(8)(D)(ii) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)(D)(ii)) is amended to read as follows:

''(ii) SECURITIES CONTRACT.—The term 'securities contract'—

''(I) means a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan, or any interest in a mortgage loan, a group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or any option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option, and including any repurchase or reverse repurchase transaction on any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

''(II) does not include any purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan unless the Board determines by regulation, resolution, or order to include any such agreement within the meaning of such term;

''(III) means any option entered into on a national securities exchange relating to foreign currencies;

''(IV) means the guarantee by or to any securities clearing agency of any settlement of

cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

''(V) means any margin loan;

''(VI) means any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

''(VII) means any combination of the agreements or transactions referred to in this clause;

''(VIII) means any option to enter into any agreement or transaction referred to in this clause;

''(IX) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a securities contract under this clause, except that the master agreement shall be considered to be a securities contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII); and

''(X) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.''.

(c) DEFINITION OF COMMODITY CONTRACT.—

(1) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(8)(D)(iii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(iii)) is amended to read as follows:

''(iii) COMMODITY CONTRACT.—The term 'commodity contract' means—

''(I) with respect to a futures commission merchant, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade;

''(II) with respect to a foreign futures commission merchant, a foreign future;

''(III) with respect to a leverage transaction merchant, a leverage transaction;

''(IV) with respect to a clearing organization, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization, or commodity option traded on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization;

''(V) with respect to a commodity options dealer, a commodity option;

''(VI) any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

''(VII) any combination of the agreements or transactions referred to in this clause;

''(VIII) any option to enter into any agreement or transaction referred to in this clause;

''(IX) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a commodity contract under this clause, except that the master agreement shall be considered to be a commodity contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII); or

''(X) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.''.

(2) INSURED CREDIT UNIONS.—Section 207(c)(8)(D)(iii) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)(D)(iii)) is amended to read as follows:

''(iii) COMMODITY CONTRACT.—The term 'commodity contract' means—

''(I) with respect to a futures commission merchant, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade;

''(II) with respect to a foreign futures commission merchant, a foreign future;

''(III) with respect to a leverage transaction merchant, a leverage transaction;

''(IV) with respect to a clearing organization, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization, or commodity option traded on, or subject to the rules of, a contract market or board of trade that is cleared by suchclearing organization;

''(V) with respect to a commodity options dealer, a commodity option;

''(VI) any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

''(VII) any combination of the agreements or transactions referred to in this clause;

''(VIII) any option to enter into any agreement or transaction referred to in this clause;

''(IX) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a commodity contract under this clause, except that the master agreement shall be considered to be a commodity contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII); or

''(X) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.''.

(d) DEFINITION OF FORWARD CONTRACT.—

(1) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(8)(D)(iv) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(iv)) is amended to read as follows:

''(iv) FORWARD CONTRACT.—The term 'forward contract' means—

''(I) a contract (other than a commodity contract) for the purchase, sale, or transfer of a commodity or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing in the forward contract trade, or product or byproduct thereof, with a maturity date more than 2 days after the date the contract is entered into, including, a repurchase transaction, reverse repurchase transaction, consignment, lease, swap, hedge transaction, deposit, loan, option, allocated transaction, unallocated transaction, or any other similar agreement;

''(II) any combination of agreements or transactions referred to in subclauses (I) and (III);

''(III) any option to enter into any agreement or transaction referred to in subclause (I) or (II);

''(IV) a master agreement that provides for an agreement or transaction referred to in subclauses (I), (II), or (III), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a forward contract under this clause, except that the master agreement shall be considered to be a forward contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), or (III); or

''(V) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (II), (III), or (IV), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.''.

(2) INSURED CREDIT UNIONS.—Section 207(c)(8)(D)(iv) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)(D)(iv)) is amended to read as follows:

''(iv) FORWARD CONTRACT.—The term 'forward contract' means—

''(I) a contract (other than a commodity contract) for the purchase, sale, or transfer of a commodity or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing in the forward contract trade, or product or byproduct thereof, with a maturity date more than 2 days after the date the contract is entered into, including, a repurchase transaction, reverse repurchase transaction, consignment, lease, swap, hedge transaction, deposit, loan, option, allocated transaction, unallocated transaction, or any other similar agreement;

''(II) any combination of agreements or transactions referred to in subclauses (I) and (III);

''(III) any option to enter into any agreement or transaction referred to in subclause (I) or (II);

''(IV) a master agreement that provides for an agreement or transaction referred to in subclauses (I), (II), or (III), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a forward contract under this clause, except that the master agreement shall be considered to be a forward contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), or (III); or

''(V) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (II), (III), or (IV), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.''.

(e) DEFINITION OF REPURCHASE AGREEMENT.—

(1) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(8)(D)(v) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(v)) is amended to read as follows:

''(v) REPURCHASE AGREEMENT.—The term 'repurchase agreement' (which definition also applies to a reverse repurchase agreement)—

''(I) means an agreement, including related terms, which provides for the transfer of one or more certificates of deposit, mortgage-related securities (as such term is defined in

the Securities Exchange Act of 1934), mortgage loans, interests in mortgage-related securities or mortgage loans, eligible bankers' acceptances, qualified foreign government securities or securities that are direct obligations of, or that are fully guaranteed by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests as described above, at a date certain not later than 1 year after such transfers or on demand, against the transfer of funds, or any other similar agreement;

''(II) does not include any repurchase obligation under a participation in a commercial mortgage loan unless the Corporation determines by regulation, resolution, or order to include any such participation within the meaning of such term;

''(III) means any combination of agreements or transactions referred to in subclauses (I) and (IV);

''(IV) means any option to enter into any agreement or transaction referred to in subclause (I) or (III);

''(V) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a repurchase agreement under this clause, except that the master agreement shall be considered to be a repurchase agreement under this subclause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), or (IV); and

''(VI) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

For purposes of this clause, the term 'qualified foreign government security' means a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development (as determined by regulation or order adopted by the appropriate Federal banking authority).''.

(2) INSURED CREDIT UNIONS.—Section 207(c)(8)(D)(v) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)(D)(v)) is amended to read as follows:

''(v) REPURCHASE AGREEMENT.—The term 'repurchase agreement' (which definition also applies to a reverse repurchase agreement)—

''(I) means an agreement, including related terms, which provides for the transfer of one or more certificates of deposit, mortgage-related securities (as such term is defined in the Securities Exchange Act of 1934), mortgage loans, interests in mortgage-related securities or mortgage loans, eligible bankers' acceptances, qualified foreign government securities or securities that are direct obligations of, or that are fully guaranteed by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests as described above, at a date certain not later than 1 year after such transfers or on demand, against the transfer of funds, or any other similar agreement;

''(II) does not include any repurchase obligation under a participation in a commercial mortgage loan unless the Board determines by regulation, resolution, or order to include any such participation within the meaning of such term;

''(III) means any combination of agreements or transactions referred to in subclauses (I) and (IV);

''(IV) means any option to enter into any agreement or transaction referred to in subclause (I) or (III);

''(V) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a repurchase agreement under this clause, except that the master agreement shall be considered to be a repurchase agreement under this subclause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), or (IV); and

''(VI) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

For purposes of this clause, the term 'qualified foreign government security' means a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development (as determined by regulation or order adopted by the appropriate Federal banking authority).''.

(f) DEFINITION OF SWAP AGREEMENT.—

(1) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(8)(D)(vi) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(vi)) is amended to read as follows:

''(vi) SWAP AGREEMENT.—The term 'swap agreement' means—

''(I) any agreement, including the terms and conditions incorporated by reference in any such agreement, which is an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap; a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement; a currency swap, option, future, or forward agreement; an equity index or equity swap, option, future, or forward agreement; a debt index or debt swap, option, future, or forward agreement; a total return, credit spread or credit swap, option, future, or forward agreement; a commodity index or commodity swap, option, future, or forward agreement; or a weather swap, weather derivative, or weather option;

''(II) any agreement or transaction that is similar to any other agreement or transaction referred to in this clause and that is of a type that has been, is presently, or in the future becomes, the subject of recurrent dealings in the swap markets (including terms and conditions incorporated by reference in such agreement) and that is a forward, swap, future, or option on one or more rates, currencies, commodities, equity securities or other equity instruments, debt securities or other debt instruments, quantitative measures associated with an occurrence, extent of an occurrence, or contingency associated with a financial, commercial, or economic consequence, or economic or financial indices or measures of economic or financial risk or value;

''(III) any combination of agreements or transactions referred to in this clause;

''(IV) any option to enter into any agreement or transaction referred to in this clause;

''(V) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement or transaction that is not a swap agreement under this clause, except that the master agreement shall be considered to be a swap agreement under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), or (IV); and

''(VI) any security agreement or arrangement or other credit enhancement related to any agreements or transactions referred to in subclause (I), (II), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

Such term is applicable for purposes of this subsection only and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any swap agreement under any other statute, regulation, or rule, including the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, the Gramm-Leach-Bliley Act, and the Legal Certainty for Bank Products Act of 2000.''.

(2) INSURED CREDIT UNIONS.—Section 207(c)(8)(D) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)(D)) is amended by adding at the end the following new clause:

''(vi) SWAP AGREEMENT.—The term 'swap agreement' means—

''(I) any agreement, including the terms and conditions incorporated by reference in any such agreement, which is an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap; a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement; a currency swap, option, future, or forward agreement; an equity index or equity swap, option, future, or forward agreement; a debt index or debt swap, option, future, or forward agreement; a total return, credit spread or credit swap, option, future, or forward agreement; a commodity index or commodity swap, option, future, or forward agreement; or a weather swap, weather derivative, or weather option;

''(II) any agreement or transaction that is similar to any other agreement or transaction referred to in this clause and that is of a type that has been, is presently, or in the future becomes, the subject of recurrent dealings in the swap markets (including terms and conditions incorporated by reference in such agreement) and that is a forward, swap, future, or option on one or more rates, currencies, commodities, equity securities or other equity instruments, debt securities or other debt instruments, quantitative measures associated with an occurrence, extent of an occurrence, or contingency associated with a financial, commercial, or economic consequence, or economic or financial indices or measures of economic or financial risk or value;

''(III) any combination of agreements or transactions referred to in this clause;

''(IV) any option to enter into any agreement or transaction referred to in this clause;

''(V) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement or transaction that is not a swap agreement under this clause, except that the master agreement shall be considered to be a swap agreement under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), or (IV); and

''(VI) any security agreement or arrangement or other credit enhancement related to any agreements or transactions referred to in subclause (I), (II), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

Such term is applicable for purposes of this subsection only and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any swap agreement under any other statute, regulation, or rule, including the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, the Gramm-Leach-Bliley Act, and the Legal Certainty for Bank Products Act of 2000.''.

(g) DEFINITION OF TRANSFER.—

(1) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(8)(D)(viii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(viii)) is amended to read as follows:

''(viii) TRANSFER.—The term 'transfer' means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with property or with an interest in property, including retention of title as a security interest and foreclosure of the depository institution's equity of redemption.''.

(2) INSURED CREDIT UNIONS.—Section 207(c)(8)(D) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)(D)) (as amended by subsection (f) of this section) is amended by adding at the end the following new clause:

''(viii) TRANSFER.—The term 'transfer' means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with property or with an interest in property, including retention of title as a security interest and foreclosure of the depository institution's equity of redemption.''.

(h) TREATMENT OF QUALIFIED FINANCIAL CONTRACTS.—

(1) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(8) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)) is amended—

(A) in subparagraph (A)—

(i) by striking ''paragraph (10)'' and inserting ''paragraphs (9) and (10)'';

(ii) in clause (i), by striking ''to cause the termination or liquidation'' and inserting ''such person has to cause the termination, liquidation, or acceleration''; and

(iii) by striking clause (ii) and inserting the following new clause:

''(ii) any right under any security agreement or arrangement or other credit enhancement related to one or more qualified financial contracts described in clause (i);''; and

(B) in subparagraph (E), by striking clause (ii) and inserting the following:

''(ii) any right under any security agreement or arrangement or other credit enhancement related to one or more qualified financial contracts described in clause (i);''.

(2) INSURED CREDIT UNIONS.—Section 207(c)(8) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)) is amended—

(A) in subparagraph (A)—

(i) by striking ''paragraph (12)'' and inserting ''paragraphs (9) and (10)'';

(ii) in clause (i), by striking ''to cause the termination or liquidation'' and inserting ''such person has to cause the termination, liquidation, or acceleration''; and

(iii) by striking clause (ii) and inserting the following new clause:

''(ii) any right under any security agreement or arrangement or other credit enhancement related to 1 or more qualified financial contracts described in clause (i);''; and

(B) in subparagraph (E), by striking clause (ii) and inserting the following new clause:

''(ii) any right under any security agreement or arrangement or other credit enhancement related to 1 or more qualified financial contracts described in clause (i);''.

(i) AVOIDANCE OF TRANSFERS.—

(1) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(8)(C)(i) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(C)(i)) is amended by inserting ''section 5242 of the Revised Statutes of the United States or any other Federal or State law relating to the avoidance of preferential or fraudulent transfers,'' before ''the Corporation''.

(2) INSURED CREDIT UNIONS.—Section 207(c)(8)(C)(i) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)(C)(i)) is amended by inserting ''section 5242 of the Revised Statutes of the United States or any other Federal or State law relating to the avoidance of preferential or fraudulent transfers,'' before ''the Board''.

SEC. 902. AUTHORITY OF THE FDIC AND NCUAB WITH RESPECT TO FAILED AND FAILING INSTITUTIONS.

(a) FEDERAL DEPOSIT INSURANCE CORPORATION.—

(1) IN GENERAL.—Section 11(e)(8) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)) is amended—

(A) in subparagraph (E), by striking ''other than paragraph (12) of this subsection, subsection (d)(9)'' and inserting ''other than subsections (d)(9) and (e)(10)''; and

(B) by adding at the end the following new subparagraphs:

''(F) CLARIFICATION.—No provision of law shall be construed as limiting the right or power of the Corporation, or authorizing any court or agency to limit or delay, in any manner, the right or power of the Corporation to transfer any qualified financial contract in accordance with paragraphs (9) and (10) of this subsection or to disaffirm or repudiate any such contract in accordance with subsection (e)(1) of this section.

''(G) WALKAWAY CLAUSES NOT EFFECTIVE.—

''(i) IN GENERAL.—Notwithstanding the provisions of subparagraphs (A) and (E), and sections 403 and 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, no walkaway clause shall be enforceable in a qualified financial contract of an insured depository institution in default.

''(ii) WALKAWAY CLAUSE DEFINED.—For purposes of this subparagraph, the term 'walkaway clause' means a provision in a qualified financial contract that, after calculation of a value of a party's position or an amount due to or from 1 of the parties in accordance with its terms upon termination, liquidation, or acceleration of the qualified financial contract, either does not create a payment obligation of a party or extinguishes a payment obligation of a party in whole or in part solely because of such party's status as a nondefaulting party.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 11(e)(12)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(12)(A)) is amended by inserting ''or the exercise of rights or powers by'' after ''the appointment of''.

(b) NATIONAL CREDIT UNION ADMINISTRATION BOARD.—

(1) IN GENERAL.—Section 207(c)(8) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)) is amended—

(A) in subparagraph (E) (as amended by section 901(h)), by striking ''other than paragraph (12) of this subsection, subsection (b)(9)'' and inserting ''other than subsections (b)(9) and (c)(10)''; and

(B) by adding at the end the following new subparagraphs:

''(F) CLARIFICATION.—No provision of law shall be construed as limiting the right or power of the Board, or authorizing any court or agency to limit or delay, in any manner, the right or power of the Board to transfer any qualified financial contract in accordance with paragraphs (9) and (10) of this subsection or to disaffirm or repudiate any such contract in accordance with subsection (c)(1) of this section.

''(G) WALKAWAY CLAUSES NOT EFFECTIVE.—

''(i) IN GENERAL.—Notwithstanding the provisions of subparagraphs (A) and (E), and sections 403 and 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, no walkaway clause shall be enforceable in a qualified financial contract of an insured credit union in default.

''(ii) WALKAWAY CLAUSE DEFINED.—For purposes of this subparagraph, the term 'walkaway clause' means a provision in a qualified financial contract that, after calculation of a value of a party's position or an amount due to or from 1 of the parties in accordance with its terms upon termination, liquidation, or acceleration of the qualified financial contract, either does not create a payment obligation of a party or extinguishes a payment obligation of a party in whole or in part solely because of such party's status as a nondefaulting party.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 207(c)(12)(A) of the Federal Credit Union Act (12 U.S.C. 1787(c)(12)(A)) is amended by inserting ''or the exercise of rights or powers by'' after ''the appointment of''.

SEC. 903. AMENDMENTS RELATING TO TRANSFERS OF QUALIFIED FINANCIAL CONTRACTS.

(a) FDIC-INSURED DEPOSITORY INSTITUTIONS.—

(1) TRANSFERS OF QUALIFIED FINANCIAL CONTRACTS TO FINANCIAL INSTITUTIONS.—Section 11(e)(9) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(9)) is amended to read as follows:

''(9) TRANSFER OF QUALIFIED FINANCIAL CONTRACTS.—

''(A) IN GENERAL.—In making any transfer of assets or liabilities of a depository institution in default which includes any qualified financial contract, the conservator or receiver for such depository institution shall either—

''(i) transfer to one financial institution, other than a financial institution for which a conservator, receiver, trustee in bankruptcy, or other legal custodian has been appointed or which is otherwise the subject of a bankruptcy or insolvency proceeding—

''(I) all qualified financial contracts between any person or any affiliate of such person and the depository institution in default;

''(II) all claims of such person or any affiliate of such person against such depository institution under any such contract (other than any claim which, under the terms of any such contract, is subordinated to the

claims of general unsecured creditors of such institution);

''(III) all claims of such depository institution against such person or any affiliate of such person under any such contract; and

''(IV) all property securing or any other credit enhancement for any contract described in subclause (I) or any claim described in subclause (II) or (III) under any such contract; or

''(ii) transfer none of the qualified financial contracts, claims, property or other credit enhancement referred to in clause (i) (with respect to such person and any affiliate of such person).

''(B) TRANSFER TO FOREIGN BANK, FOREIGN FINANCIAL INSTITUTION, OR BRANCH OR AGENCY OF A FOREIGN BANK OR FINANCIAL INSTITUTION.—In transferring any qualified financial contracts and related claims and property under subparagraph (A)(i), the conservator or receiver for the depository institution shall not make such transfer to a foreign bank, financial institution organized under the laws of a foreign country, or a branch or agency of a foreign bank or financial institution unless, under the law applicable to such bank, financial institution, branch or agency, to the qualified financial contracts, and to any netting contract, any security agreement or arrangement or other credit enhancement related to one or more qualified financial contracts, the contractual rights of the parties to such qualified financial contracts, netting contracts, security agreements or arrangements, or other credit enhancements are enforceable substantially to the same extent as permitted under this section.

''(C) TRANSFER OF CONTRACTS SUBJECT TO THE RULES OF A CLEARING ORGANIZATION.—In the event that a conservator or receiver transfers any qualified financial contract and related claims, property, and credit enhancements pursuant to subparagraph (A)(i) and such contract is cleared by or subject to the rules of a clearing organization, the clearing organization shall not be required to accept the transferee as a member by virtue of the transfer.

''(D) DEFINITIONS.—For purposes of this paragraph, the term 'financial institution' means a broker or dealer, a depository institution, a futures commission merchant, or any other institution, as determined by the Corporation by regulation to be a financial institution, and the term 'clearing organization' has the same meaning as in section 402 of the Federal Deposit Insurance Corporation Improvement Act of 1991.''.

(2) NOTICE TO QUALIFIED FINANCIAL CONTRACT COUNTERPARTIES.—Section 11(e)(10)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(10)(A)) is amended in the material immediately following clause (ii) by striking ''the conservator'' and all that follows through the period and inserting the following: ''the conservator or receiver shall notify any person who is a party to any such contract of such transfer by 5:00 p.m. (eastern time) on the business day following the date of the appointment of the receiver in the case of a receivership, or the business day following such transfer in the case of a conservatorship.''.

(3) RIGHTS AGAINST RECEIVER AND CONSERVATOR AND TREATMENT OF BRIDGE BANKS.—Section 11(e)(10) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(10)) is amended—

(A) by redesignating subparagraph (B) as subparagraph (D); and

(B) by inserting after subparagraph (A) the following new subparagraphs:

''(B) CERTAIN RIGHTS NOT ENFORCEABLE.—

''(i) RECEIVERSHIP.—A person who is a party to a qualified financial contract with an insured depository institution may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(A) of this subsection or section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a receiver for the depository institution (or the insolvency or financial condition of the depository institution for which the receiver has been appointed)—

''(I) until 5:00 p.m. (eastern time) on the business day following the date of the appointment of the receiver; or

''(II) after the person has received notice that the contract has been transferred pursuant to paragraph (9)(A).

''(ii) CONSERVATORSHIP.—A person who is a party to a qualified financial contract with an insured depository institution may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(E) of this subsection or section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a conservator for the depository institution (or the insolvency or financial condition of the depository institution for which the conservator has been appointed).

''(iii) NOTICE.—For purposes of this paragraph, the Corporation as receiver or conservator of an insured depository institution shall be deemed to have notified a person who is a party to a qualified financial contract with such depository institution if the Corporation has taken steps reasonably calculated to provide notice to such person by the time specified in subparagraph (A).

''(C) TREATMENT OF BRIDGE BANKS.—The following institutions shall not be considered to be a financial institution for which a conservator, receiver, trustee in bankruptcy, or other legal custodian has been appointed or which is otherwise the subject of a bankruptcy or insolvency proceeding for purposes of paragraph (9):

''(i) A bridge bank.

''(ii) A depository institution organized by the Corporation, for which a conservator is appointed either—

''(I) immediately upon the organization of the institution; or

''(II) at the time of a purchase and assumption transaction between the depository institution and the Corporation as receiver for a depository institution in default.''.

(b) INSURED CREDIT UNIONS.—

(1) TRANSFERS OF QUALIFIED FINANCIAL CONTRACTS TO FINANCIAL INSTITUTIONS.—Section 207(c)(9) of the Federal Credit Union Act (12 U.S.C. 1787(c)(9)) is amended to read as follows:

''(9) TRANSFER OF QUALIFIED FINANCIAL CONTRACTS.—

''(A) IN GENERAL.—In making any transfer of assets or liabilities of a credit union in default which includes any qualified financial contract, the conservator or liquidating agent for such credit union shall either—

''(i) transfer to 1 financial institution, other than a financial institution for which a conservator, receiver, trustee in bankruptcy, or other legal custodian has been appointed or which is otherwise the subject of a bankruptcy or insolvency proceeding—

''(I) all qualified financial contracts between any person or any affiliate of such person and the credit union in default;

''(II) all claims of such person or any affiliate of such person against such credit union under any such contract (other than any claim which, under the terms of any such contract, is subordinated to the claims of general unsecured creditors of such credit union);

''(III) all claims of such credit union against such person or any affiliate of such person under any such contract; and

''(IV) all property securing or any other credit enhancement for any contract described in subclause (I) or any claim described in subclause (II) or (III) under any such contract; or

''(ii) transfer none of the qualified financial contracts, claims, property or other credit enhancement referred to in clause (i) (with respect to such person and any affiliate of such person).

''(B) TRANSFER TO FOREIGN BANK, FOREIGN FINANCIAL INSTITUTION, OR BRANCH OR AGENCY OF A FOREIGN BANK OR FINANCIAL INSTITUTION.—In transferring any qualified financial contracts and related claims and property under subparagraph (A)(i), the conservator or liquidating agent for the credit union shall not make such transfer to a foreign bank, financial institution organized under the laws of a foreign country, or a branch or agency of a foreign bank or financial institution unless, under the law applicable to such bank, financial institution, branch or agency, to the qualified financial contracts, and to any netting contract, any security agreement or arrangement or other credit enhancement related to 1 or more qualified financial contracts, the contractual rights of the parties to such qualified financial contracts, netting contracts, security agreements or arrangements, or other credit enhancements are enforceable substantially to the same extent as permitted under this section.

''(C) TRANSFER OF CONTRACTS SUBJECT TO THE RULES OF A CLEARING ORGANIZATION.—In the event that a conservator or liquidating agent transfers any qualified financial contract and related claims, property, and credit enhancements pursuant to subparagraph (A)(i) and such contract is cleared by or subject to the rules of a clearing organization, the clearing organization shall not be required to accept the transferee as a member by virtue of the transfer.

''(D) DEFINITIONS.—For purposes of this paragraph—

''(i) the term 'financial institution' means a broker or dealer, a depository institution, a futures commission merchant, a credit union, or any other institution, as determined by the Board by regulation to be a financial institution; and

''(ii) the term 'clearing organization' has the same meaning as in section 402 of the Federal Deposit Insurance Corporation Improvement Act of 1991.''.

(2) NOTICE TO QUALIFIED FINANCIAL CONTRACT COUNTERPARTIES.—Section 207(c)(10)(A) of the Federal Credit Union Act (12 U.S.C. 1787(c)(10)(A)) is amended in the material immediately following clause (ii) by striking ''the conservator'' and all that follows through the period and inserting the following: ''the conservator or liquidating agent shall notify any person who is a party to any such contract of such transfer by 5:00 p.m. (eastern time) on the business day following the date of the appointment of the liquidating agent in the case of a liquidation, or the business day following such transfer in the case of a conservatorship.''.

(3) RIGHTS AGAINST LIQUIDATING AGENT AND CONSERVATOR AND TREATMENT OF BRIDGE BANKS.—Section 207(c)(10) of the Federal Credit Union Act (12 U.S.C. 1787(c)(10)) is amended—

(A) by redesignating subparagraph (B) as subparagraph (D); and

(B) by inserting after subparagraph (A) the following new subparagraphs:

''(B) CERTAIN RIGHTS NOT ENFORCEABLE.—

''(i) LIQUIDATION.—A person who is a party to a qualified financial contract with an insured credit union may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(A) of this subsection or section 403 or 404 of the Federal Deposit Insurance Corporation

Improvement Act of 1991, solely by reason of or incidental to the appointment of a liquidating agent for the credit union institution (or the insolvency or financial condition of the credit union for which the liquidating agent has been appointed)—

''(I) until 5:00 p.m. (eastern time) on the business day following the date of the appointment of the liquidating agent; or

''(II) after the person has received notice that the contract has been transferred pursuant to paragraph (9)(A).

''(ii) CONSERVATORSHIP.—A person who is a party to a qualified financial contract with an insured credit union may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(E) of this subsection or section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a conservator for the credit union or the insolvency or financial condition of the credit union for which the conservator has been appointed).

''(iii) NOTICE.—For purposes of this paragraph, the Board as conservator or liquidating agent of an insured credit union shall be deemed to have notified a person who is a party to a qualified financial contract with such credit union if the Board has taken steps reasonably calculated to provide notice to such person by the time specified in subparagraph (A).

''(C) TREATMENT OF BRIDGE BANKS.—The following institutions shall not be considered to be a financial institution for which a conservator, receiver, trustee in bankruptcy, or other legal custodian has been appointed or which is otherwise the subject of a bankruptcy or insolvency proceeding for purposes of paragraph (9):

''(i) A bridge bank.

''(ii) A credit union organized by the Board, for which a conservator is appointed either—

''(I) immediately upon the organization of the credit union; or

''(II) at the time of a purchase and assumption transaction between the credit union and the Board as receiver for a credit union in default.''.

SEC. 904. AMENDMENTS RELATING TO DISAFFIRMANCE OR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.

(a) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)) is amended—

(1) by redesignating paragraphs (11) through (15) as paragraphs (12) through (16), respectively;

(2) by inserting after paragraph (10) the following new paragraph:

''(11) DISAFFIRMANCE OR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.—In exercising the rights of disaffirmance or repudiation of a conservator or receiver with respect to any qualified financial contract to which an insured depository institution is a party, the conservator or receiver for such institution shall either—

''(A) disaffirm or repudiate all qualified financial contracts between—

''(i) any person or any affiliate of such person; and

''(ii) the depository institution in default; or

''(B) disaffirm or repudiate none of the qualified financial contracts referred to in subparagraph (A) (with respect to such person or any affiliate of such person).''; and

(3) by adding at the end the following new paragraph:

''(17) SAVINGS CLAUSE.—The meanings of terms used in this subsection are applicable for purposes of this subsection only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any similar terms under any other statute, regulation, or rule, including the Gramm-Leach-Bliley Act, the Legal Certainty for Bank Products Act of 2000, the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934), and the Commodity Exchange Act.''.

(b) INSURED CREDIT UNIONS.—Section 207(c) of the Federal Credit Union Act (12 U.S.C. 1787(c)) is amended—

(1) by redesignating paragraphs (11), (12), and (13) as paragraphs (12), (13), and (14), respectively;

(2) by inserting after paragraph (10) the following new paragraph:

''(11) DISAFFIRMANCE OR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.—In exercising the rights of disaffirmance or repudiation of a conservator or liquidating agent with respect to any qualified financial contract to which an insured credit union is a party, the conservator or liquidating agent for such credit union shall either—

''(A) disaffirm or repudiate all qualified financial contracts between—

''(i) any person or any affiliate of such person; and

''(ii) the credit union in default; or

''(B) disaffirm or repudiate none of the qualified financial contracts referred to in subparagraph (A) (with respect to such person or any affiliate of such person).''; and

(3) by adding at the end the following new paragraph:

''(15) SAVINGS CLAUSE.—The meanings of terms used in this subsection are applicable for purposes of this subsection only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any similar terms under any other statute, regulation, or rule, including the Gramm-Leach-Bliley Act, the Legal Certainty for Bank Products Act of 2000, the securities laws (as that term is defined in section (a)(47) of the Securities Exchange Act of 1934), and the Commodity Exchange Act.''.

SEC. 905. CLARIFYING AMENDMENT RELATING TO MASTER AGREEMENTS.

(a) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(8)(D)(vii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(vii)) is amended to read as follows:

''(vii) TREATMENT OF MASTER AGREEMENT AS ONE AGREEMENT.—Any master agreement for any contract or agreement described in any preceding clause of this subparagraph (or any master agreement for such master agreement or agreements), together with all supplements to such master agreement, shall be treated as a single agreement and a single qualified financial contract. If a master agreement contains provisions relating to agreements or transactions that are not themselves qualified financial contracts, the master agreement shall be deemed to be a qualified financial contract only with respect to those transactions that are themselves qualified financial contracts.''.

(b) INSURED CREDIT UNIONS.—Section 207(c)(8)(D) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)(D)) is amended by inserting after clause (vi) (as added by section 901(f)) the following new clause:

''(vii) TREATMENT OF MASTER AGREEMENT AS ONE AGREEMENT.—Any master agreement for any contract or agreement described in any preceding clause of this subparagraph (or any master agreement for such master agreement or agreements), together with all supplements to such master agreement, shall be treated as a single agreement and a single qualified financial contract. If a master agreement contains provisions relating to agreements or transactions that are not themselves qualified financial contracts, the master agreement shall be deemed to be a qualified financial contract only with respect to those transactions that are themselves qualified financial contracts.''.

SEC. 906. FEDERAL DEPOSIT INSURANCE CORPORATION IMPROVEMENT ACT OF 1991.

(a) DEFINITIONS.—Section 402 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4402) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)(ii), by inserting before the semicolon '', or is exempt from such registration by order of the Securities and Exchange Commission''; and

(B) in subparagraph (B), by inserting before the period '', that has been granted an exemption under section 4(c)(1) of the Commodity Exchange Act, or that is a multilateral clearing organization (as defined in section 408 of this Act)'';

(2) in paragraph (6)—

(A) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively;

(B) by inserting after subparagraph (A) the following new subparagraph:

''(B) an uninsured national bank or an uninsured State bank that is a member of the Federal Reserve System, if the national bank or State member bank is not eligible to make application to become an insured bank under section 5 of the Federal Deposit Insurance Act;''; and

(C) by amending subparagraph (C), so redesignated, to read as follows:

''(C) a branch or agency of a foreign bank, a foreign bank and any branch or agency of the foreign bank, or the foreign bank that established the branch or agency, as those terms are defined in section 1(b) of the International Banking Act of 1978;'';

(3) in paragraph (11), by inserting before the period ''and any other clearing organization with which such clearing organization has a netting contract'';

(4) by amending paragraph (14)(A)(i) to read as follows:

''(i) means a contract or agreement between 2 or more financial institutions, clearing organizations, or members that provides for netting present or future payment obligations or payment entitlements (including liquidation or close out values relating to such obligations or entitlements) among the parties to the agreement; and''; and

(5) by adding at the end the following new paragraph:

''(15) PAYMENT.—The term 'payment' means a payment of United States dollars, another currency, or a composite currency, and a noncash delivery, including a payment or delivery to liquidate an unmatured obligation.''.

(b) ENFORCEABILITY OF BILATERAL NETTING CONTRACTS.—Section 403 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4403) is amended—

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

''(a) GENERAL RULE.—Notwithstanding any other provision of State or Federal law (other than paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act, paragraphs (8)(E), (8)(F), and (10)(B) of section 207(c) of the Federal Credit Union Act, or any order authorized under section 5(b)(2) of the Securities Investor Protection Act of 1970), the covered contractual payment obligations and the covered contractual payment entitlements between any 2 financial institutions shall be netted in accordance with, and subject to the conditions of, the terms of any applicable netting contract (except as provided in section 561(b)(2) of title 11, United States Code).''; and

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

''(f) ENFORCEABILITY OF SECURITY AGREEMENTS.—The provisions of any security agreement or arrangement or other credit enhancement related to one or more netting contracts between any 2 financial institutions shall be enforceable in accordance with their terms (except as provided in section 561(b)(2) of title 11, United States Code), and shall not be stayed, avoided, or otherwise limited by any State or Federal law (other than paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act, paragraphs (8)(E), (8)(F), and (10)(B) of section 207(c) of the Federal Credit Union Act, and section 5(b)(2) of the Securities Investor Protection Act of 1970).''.

(c) ENFORCEABILITY OF CLEARING ORGANIZATION NETTING CONTRACTS.—Section 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4404) is amended—

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

''(a) GENERAL RULE.—Notwithstanding any other provision of State or Federal law (other than paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act, paragraphs (8)(E), (8)(F), and (10)(B) of section 207(c) of the Federal Credit Union Act, and any order authorized under section 5(b)(2) of the Securities Investor Protection Act of 1970), the covered contractual payment obligations and the covered contractual payment entitlements of a member of a clearing organization to and from all other members of a clearing organization shall be netted in accordance with and subject to the conditions of any applicable netting contract (except as provided in section 561(b)(2) of title 11, United States Code).''; and

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

''(h) ENFORCEABILITY OF SECURITY AGREEMENTS.—The provisions of any security agreement or arrangement or other credit enhancement related to one or more netting contracts between any 2 members of a clearing organization shall be enforceable in accordance with their terms (except as provided in section 561(b)(2) of title 11, United States Code), and shall not be stayed, avoided, or otherwise limited by any State or Federal law (other than paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act, paragraphs (8)(E), (8)(F), and (10)(B) of section 207(c) of the Federal Credit Union Act, and section 5(b)(2) of the Securities Investor Protection Act of 1970).''.

(d) ENFORCEABILITY OF CONTRACTS WITH UNINSURED NATIONAL BANKS, UNINSURED FEDERAL BRANCHES AND AGENCIES, CERTAIN UNINSURED STATE MEMBER BANKS, AND EDGE ACT CORPORATIONS.—The Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4401 et seq.) is amended—

(1) by redesignating section 407 as section 407A; and

(2) by inserting after section 406 the following new section:

''SEC. 407. TREATMENT OF CONTRACTS WITH UNINSURED NATIONAL BANKS, UNINSURED FEDERAL BRANCHES AND AGENCIES, CERTAIN UNINSURED STATE MEMBER BANKS, AND EDGE ACT CORPORATIONS.

''(a) IN GENERAL.—Notwithstanding any other provision of law, paragraphs (8), (9), (10), and (11) of section 11(e) of the Federal Deposit Insurance Act shall apply to an uninsured national bank or uninsured Federal branch or Federal agency, a corporation chartered under section 25A of the Federal Reserve Act, or an uninsured State member bank which operates, or operates as, a multilateral clearing organization pursuant to section 409 of this Act, except that for such purpose—

''(1) any reference to the 'Corporation as receiver' or 'the receiver or the Corporation' shall refer to the receiver appointed by the Comptroller of the Currency in the case of an uninsured national bank or uninsured Federal branch or agency, or to the receiver appointed by the Board of Governors of the Federal Reserve System in the case of a corporation chartered under section 25A of the Federal Reserve Act or an uninsured State member bank;

''(2) any reference to the 'Corporation' (other than in section 11(e)(8)(D) of such Act), the 'Corporation, whether acting as such or as conservator or receiver', a 'receiver', or a 'conservator' shall refer to the receiver or conservator appointed by the Comptroller of the Currency in the case of an uninsured national bank or uninsured Federal branch or agency, or to the receiver or conservator appointed by the Board of Governors of the Federal Reserve System in the case of a corporation chartered under section 25A of the Federal Reserve Act or an uninsured State member bank; and

''(3) any reference to an 'insured depository institution' or 'depository institution' shall refer to an uninsured national bank, an uninsured Federal branch or Federal agency, a corporation chartered under section 25A of the Federal Reserve Act, or an uninsured State member bank which operates, or operates as, a multilateral clearing organization pursuant to section 409 of this Act.

''(b) LIABILITY.—The liability of a receiver or conservator of an uninsured national bank, uninsured Federal branch or agency, a corporation chartered under section 25A of the Federal Reserve Act, or an uninsured State member bank which operates, or operates as, a multilateral clearing organization pursuant to section 409 of this Act, shall be determined in the same manner and subject to the same limitations that apply to receivers and conservators of insured depository institutions under section 11(e) of the Federal Deposit Insurance Act.

''(c) REGULATORY AUTHORITY.—

''(1) IN GENERAL.—The Comptroller of the Currency in the case of an uninsured national bank or uninsured Federal branch or agency and the Board of Governors of the Federal Reserve System in the case of a corporation chartered under section 25A of the Federal Reserve Act, or an uninsured State member bank that operates, or operates as, a multilateral clearing organization pursuant to section 409 of this Act, in consultation with the Federal Deposit Insurance Corporation, may each promulgate regulations solely to implement this section.

''(2) SPECIFIC REQUIREMENT.—In promulgating regulations, limited solely to implementing paragraphs (8), (9), (10), and (11) of section 11(e) of the Federal Deposit Insurance Act, the Comptroller of the Currency and the Board of Governors of the Federal Reserve System each shall ensure that the regulations generally are consistent with the regulations and policies of the Federal Deposit Insurance Corporation adopted pursuant to the Federal Deposit Insurance Act.

''(d) DEFINITIONS.—For purposes of this section, the terms 'Federal branch', 'Federal agency', and 'foreign bank' have the same meanings as in section 1(b) of the International Banking Act of 1978.''.

SEC. 907. BANKRUPTCY LAW AMENDMENTS.

(a) DEFINITIONS OF FORWARD CONTRACT, REPURCHASE AGREEMENT, SECURITIES CLEARING AGENCY, SWAP AGREEMENT, COMMODITY CONTRACT, AND SECURITIES CONTRACT.—Title 11, United States Code, is amended—

(1) in section 101—

(A) in paragraph (25)—

(i) by striking ''means a contract'' and inserting ''means—

''(A) a contract'';

(ii) by striking '', or any combination thereof or option thereon;'' and inserting '', or any other similar agreement;''; and

(iii) by adding at the end the following:

''(B) any combination of agreements or transactions referred to in subparagraphs (A) and (C);

''(C) any option to enter into an agreement or transaction referred to in subparagraph (A) or (B);

''(D) a master agreement that provides for an agreement or transaction referred to in subparagraph (A), (B), or (C), together with all supplements to any such master agreement, without regard to whether such master agreement provides for an agreement or transaction that is not a forward contract under this paragraph, except that such master agreement shall be considered to be a forward contract under this paragraph only with respect to each agreement or transaction under such master agreement that is referred to in subparagraph (A), (B), or (C); or

''(E) any security agreement or arrangement, or other credit enhancement related to any agreement or transaction referred to in subparagraph (A), (B), (C), or (D), including any guarantee or reimbursement obligation by or to a forward contract merchant or financial participant in connection with any agreement or transaction referred to in any such subparagraph, but not to exceed the damages in connection with any such agreement or transaction, measured in accordance with section 562;'';

(B) in paragraph (46), by striking ''on any day during the period beginning 90 days before the date of'' and inserting ''at any time before'';

(C) by amending paragraph (47) to read as follows:

''(47) 'repurchase agreement' (which definition also applies to a reverse repurchase agreement)—

''(A) means—

''(i) an agreement, including related terms, which provides for the transfer of one or more certificates of deposit, mortgage related securities (as defined in section 3 of the Securities Exchange Act of 1934), mortgage loans, interests in mortgage related securities or mortgage loans, eligible bankers' acceptances, qualified foreign government securities (defined as a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development), or securities that are direct obligations of, or that are fully guaranteed by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests, with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptance, securities, mortgage loans, or interests of the kind described in this clause, at a date certain not later than 1 year after such transfer or on demand, against the transfer of funds;

''(ii) any combination of agreements or transactions referred to in clauses (i) and (iii);

''(iii) an option to enter into an agreement or transaction referred to in clause (i) or (ii);

''(iv) a master agreement that provides for an agreement or transaction referred to in clause (i), (ii), or (iii), together with all supplements to any such master agreement, without regard to whether such master agreement provides for an agreement or transaction that is not a repurchase agreement under this paragraph, except that such master agreement shall be considered to be a repurchase agreement under this paragraph only with respect to each agreement or transaction under the master agreement that is referred to in clause (i), (ii), or (iii); or

''(v) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in clause (i), (ii), (iii), or (iv), including any guarantee or reimbursement obligation by or to a repo participant or financial participant in connection with any agreement or transaction referred to in any such clause, but not to exceed the damages in connection with any such agreement or transaction, measured in accordance with section 562 of this title; and

''(B) does not include a repurchase obligation under a participation in a commercial mortgage loan;'';

(D) in paragraph (48), by inserting '', or exempt from such registration under such section pursuant to an order of the Securities and Exchange Commission,'' after ''1934''; and

(E) by amending paragraph (53B) to read as follows:

''(53B) 'swap agreement'—

''(A) means—

''(i) any agreement, including the terms and conditions incorporated by reference in such agreement, which is—

''(I) an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap;

''(II) a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement;

''(III) a currency swap, option, future, or forward agreement;

''(IV) an equity index or equity swap, option, future, or forward agreement;

''(V) a debt index or debt swap, option, future, or forward agreement;

''(VI) a total return, credit spread or credit swap, option, future, or forward agreement;

''(VII) a commodity index or a commodity swap, option, future, or forward agreement; or

''(VIII) a weather swap, weather derivative, or weather option;

''(ii) any agreement or transaction that is similar to any other agreement or transaction referred to in this paragraph and that—

''(I) is of a type that has been, is presently, or in the future becomes, the subject of recurrent dealings in the swap markets (including terms and conditions incorporated by reference therein); and

''(II) is a forward, swap, future, or option on one or more rates, currencies, commodities, equity securities, or other equity instruments, debt securities or other debt instruments, quantitative measures associated with an occurrence, extent of an occurrence, or contingency associated with a financial, commercial, or economic consequence, or economic or financial indices or measures of economic or financial risk or value;

''(iii) any combination of agreements or transactions referred to in this subparagraph;

''(iv) any option to enter into an agreement or transaction referred to in this subparagraph;

''(v) a master agreement that provides for an agreement or transaction referred to in clause (i), (ii), (iii), or (iv), together with all supplements to any such master agreement, and without regard to whether the master agreement contains an agreement or transaction that is not a swap agreement under this paragraph, except that the master agreement shall be considered to be a swap agreement under this paragraph only with respect to each agreement or transaction under the master agreement that is referred to in clause (i), (ii), (iii), or (iv); or

''(vi) any security agreement or arrangement or other credit enhancement related to any agreements or transactions referred to in clause (i) through (v), including any guarantee or reimbursement obligation by or to a swap participant or financial participant in connection with any agreement or transaction referred to in any such clause, but not to exceed the damages in connection with any such agreement or transaction, measured in accordance with section 562; and

''(B) is applicable for purposes of this title only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any swap agreement under any other statute, regulation, or rule, including the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, the Gramm-Leach-Bliley Act, and the Legal Certainty for Bank Products Act of 2000;'';

(2) in section 741(7), by striking paragraph (7) and inserting the following:

''(7) 'securities contract'—

''(A) means—

''(i) a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan or any interest in a mortgage loan, a group or index of securities, certificates of deposit, or mortgage loans or interests therein (including an interest therein or based on the value thereof), or option on any of the foregoing, including an option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option, and including any repurchase or reverse repurchase transaction on any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

''(ii) any option entered into on a national securities exchange relating to foreign currencies;

''(iii) the guarantee by or to any securities clearing agency of a settlement of cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, or mortgage loans or interests therein (including any interest therein or based on the value thereof), or option on any of the foregoing, including an option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

''(iv) any margin loan;

''(v) any other agreement or transaction that is similar to an agreement or transaction referred to in this subparagraph;

''(vi) any combination of the agreements or transactions referred to in this subparagraph;

''(vii) any option to enter into any agreement or transaction referred to in this subparagraph;

''(viii) a master agreement that provides for an agreement or transaction referred to in clause (i), (ii), (iii), (iv), (v), (vi), or (vii), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a securities contract under this subparagraph, except that such master agreement shall be considered to be a securities contract under this subparagraph only with respect to each agreement or transaction under such master agreement that is referred to in clause (i), (ii), (iii), (iv), (v), (vi), or (vii); or

''(ix) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this subparagraph, including any guarantee or reimbursement obligation by or to a stockbroker, securities clearing agency, financial institution, or financial participant in connection with any agreement or transaction referred to in this subparagraph, but not to exceed the damages in connection with any such agreement or transaction, measured in accordance with section 562; and

''(B) does not include any purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan;''; and

(3) in section 761(4)—

(A) by striking ''or'' at the end of subparagraph (D); and

(B) by adding at the end the following:

''(F) any other agreement or transaction that is similar to an agreement or transaction referred to in this paragraph;

''(G) any combination of the agreements or transactions referred to in this paragraph;

''(H) any option to enter into an agreement or transaction referred to in this paragraph;

''(I) a master agreement that provides for an agreement or transaction referred to in subparagraph (A), (B), (C), (D), (E), (F), (G), or (H), together with all supplements to such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a commodity contract under this paragraph, except that the master agreement shall be considered to be a commodity contract under this paragraph only with respect to each agreement or transaction under the master agreement that is referred to in subparagraph (A), (B), (C), (D), (E), (F), (G), or (H); or

''(J) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this paragraph, including any guarantee or reimbursement obligation by or to a commodity broker or financial participant in connection with any agreement or transaction referred to in this paragraph, but not to exceed the damages in connection with any such agreement or transaction, measured in accordance with section 562;''.

(b) DEFINITIONS OF FINANCIAL INSTITUTION, FINANCIAL PARTICIPANT, AND FORWARD CONTRACT MERCHANT.—Section 101 of title 11, United States Code, is amended—

(1) by striking paragraph (22) and inserting the following:

''(22) 'financial institution' means—

''(A) a Federal reserve bank, or an entity (domestic or foreign) that is a commercial or savings bank, industrial savings bank, savings and loan association, trust company, federally-insured credit union, or receiver, liquidating agent, or conservator for such entity and, when any such Federal reserve bank, receiver, liquidating agent, conservator or entity is acting as agent or custodian for a customer in connection with a securities contract (as defined in section 741) such customer; or

''(B) in connection with a securities contract (as defined in section 741) an investment company registered under the Investment Company Act of 1940;'';

(2) by inserting after paragraph (22) the following:

''(22A) 'financial participant' means—

''(A) an entity that, at the time it enters into a securities contract, commodity contract, swap agreement, repurchase agreement, or forward contract, or at the time of the date of the filing of the petition, has one or more agreements or transactions described in paragraph (1), (2), (3), (4), (5), or (6) of section 561(a) with the debtor or any other entity (other than an affiliate) of a total gross dollar value of not less than $1,000,000,000 in notional or actual principal amount outstanding on any day during the previous 15-month period, or has gross mark-to-market positions of not less than $100,000,000 (aggregated across counterparties) in one or more such agreements or transactions with the debtor or any other entity (other than an affiliate) on any day during the previous 15-month period; or

''(B) a clearing organization (as defined in section 402 of the Federal Deposit Insurance Corporation Improvement Act of 1991);''; and

(3) by striking paragraph (26) and inserting the following:

''(26) 'forward contract merchant' means a Federal reserve bank, or an entity the business of which consists in whole or in part of entering into forward contracts as or with merchants in a commodity (as defined in section 761) or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing in the forward contract trade;''.

(c) DEFINITION OF MASTER NETTING AGREEMENT AND MASTER NETTING AGREEMENT PARTICIPANT.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (38) the following new paragraphs:

''(38A) 'master netting agreement'—

''(A) means an agreement providing for the exercise of rights, including rights of netting, setoff, liquidation, termination, acceleration, or close out, under or in connection with one or more contracts that are described in any one or more of paragraphs (1) through (5) of section 561(a), or any security agreement or arrangement or other credit enhancement related to one or more of the foregoing, including any guarantee or reimbursement obligation related to 1 or more of the foregoing; and

''(B) if the agreement contains provisions relating to agreements or transactions that are not contracts described in paragraphs (1) through (5) of section 561(a), shall be deemed to be a master netting agreement only with respect to those agreements or transactions that are described in any one or more of paragraphs (1) through (5) of section 561(a);

''(38B) 'master netting agreement participant' means an entity that, at any time before the date of the filing of the petition, is a party to an outstanding master netting agreement with the debtor;''.

(d) SWAP AGREEMENTS, SECURITIES CONTRACTS, COMMODITY CONTRACTS, FORWARD CONTRACTS, REPURCHASE AGREEMENTS, AND MASTER NETTING AGREEMENTS UNDER THE AUTOMATIC-STAY.—

(1) IN GENERAL.—Section 362(b) of title 11, United States Code, as amended by sections 224, 303, 311, 401, and 718, is amended—

(A) in paragraph (6), by inserting '', pledged to, under the control of,'' after ''held by'';

(B) in paragraph (7), by inserting '', pledged to, under the control of,'' after ''held by'';

(C) by striking paragraph (17) and inserting the following:

''(17) under subsection (a), of the setoff by a swap participant or financial participant of a mutual debt and claim under or in connection with one or more swap agreements that constitutes the setoff of a claim against the debtor for any payment or other transfer of property due from the debtor under or in connection with any swap agreement against any payment due to the debtor from the swap participant or financial participant under or in connection with any swap agreement or against cash, securities, or other property held by, pledged to, under the control of, or due from such swap participant or financial participant to margin, guarantee, secure, or settle any swap agreement;''; and

(D) by inserting after paragraph (26) the following:

''(27) under subsection (a), of the setoff by a master netting agreement participant of a mutual debt and claim under or in connection with one or more master netting agreements or any contract or agreement subject to such agreements that constitutes the setoff of a claim against the debtor for any payment or other transfer of property due from the debtor under or in connection with such agreements or any contract or agreement subject to such agreements against any payment due to the debtor from such master netting agreement participant under or in connection with such agreements or any contract or agreement subject to such agreements or against cash, securities, or other property held by, pledged to, under the control of, or due from such master netting agreement participant to margin, guarantee, secure, or settle such agreements or any contract or agreement subject to such agreements, to the extent that such participant is eligible to exercise such offset rights under paragraph (6), (7), or (17) for each individual contract covered by the master netting agreement in issue; and''.

(2) LIMITATION.—Section 362 of title 11, United States Code, as amended by sections 106, 305, 311, and 441, is amended by adding at the end the following:

''(o) The exercise of rights not subject to the stay arising under subsection (a) pursuant to paragraph (6), (7), (17), or (27) of subsection (b) shall not be stayed by any order of a court or administrative agency in any proceeding under this title.''.

(e) LIMITATION OF AVOIDANCE POWERS UNDER MASTER NETTING AGREEMENT.—Section 546 of title 11, United States Code, is amended—

(1) in subsection (g) (as added by section 103 of Public Law 101–311)—

(A) by striking ''under a swap agreement'';

(B) by striking ''in connection with a swap agreement'' and inserting ''under or in connection with any swap agreement''; and

(C) by inserting ''or financial participant'' after ''swap participant''; and

(2) by adding at the end the following:

''(j) Notwithstanding sections 544, 545, 547, 548(a)(1)(B), and 548(b) the trustee may not avoid a transfer made by or to a master netting agreement participant under or in connection with any master netting agreement or any individual contract covered thereby that is made before the commencement of the case, except under section 548(a)(1)(A) and except to the extent that the trustee could otherwise avoid such a transfer made under an individual contract covered by such master netting agreement.''.

(f) FRAUDULENT TRANSFERS OF MASTER NETTING AGREEMENTS.—Section 548(d)(2) of title 11, United States Code, is amended—

(1) in subparagraph (C), by striking ''and'' at the end;

(2) in subparagraph (D), by striking the period and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(E) a master netting agreement participant that receives a transfer in connection with a master netting agreement or any individual contract covered thereby takes for value to the extent of such transfer, except that, with respect to a transfer under any individual contract covered thereby, to the extent that such master netting agreement participant otherwise did not take (or is otherwise not deemed to have taken) such transfer for value.''.

(g) TERMINATION OR ACCELERATION OF SECURITIES CONTRACTS.—Section 555 of title 11, United States Code, is amended—

(1) by amending the section heading to read as follows:

''§ 555. Contractual right to liquidate, terminate, or accelerate a securities contract'';

and

(2) in the first sentence, by striking ''liquidation'' and inserting ''liquidation, termination, or acceleration''.

(h) TERMINATION OR ACCELERATION OF COMMODITIES OR FORWARD CONTRACTS.—Section 556 of title 11, United States Code, is amended—

(1) by amending the section heading to read as follows:

''§ 556. Contractual right to liquidate, terminate, or accelerate a commodities contract or forward contract'';

(2) in the first sentence, by striking ''liquidation'' and inserting ''liquidation, termination, or acceleration''; and

(3) in the second sentence, by striking ''As used'' and all that follows through ''right,'' and inserting ''As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw of a derivatives clearing organization (as defined in the Commodity Exchange Act), a multilateral clearing organization (as defined in the Federal Deposit Insurance Corporation Improvement Act of 1991), a national securities exchange, a national securities association, a securities clearing agency, a contract market designated under the Commodity Exchange Act, a derivatives transaction execution facility registered under the Commodity Exchange Act, or a board of trade (as defined in the Commodity Exchange Act) or in a resolution of the governing board thereof and a right,''.

(i) TERMINATION OR ACCELERATION OF REPURCHASE AGREEMENTS.—Section 559 of title 11, United States Code, is amended—

(1) by amending the section heading to read as follows:

''§ 559. Contractual right to liquidate, terminate, or accelerate a repurchase agreement'';

(2) in the first sentence, by striking ''liquidation'' and inserting ''liquidation, termination, or acceleration''; and

(3) in the third sentence, by striking ''As used'' and all that follows through ''right,'' and inserting ''As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw of a derivatives clearing organization (as defined in the Commodity Exchange Act), a multilateral clearing organization (as defined in the Federal Deposit Insurance Corporation Improvement Act of 1991), a national securities exchange, a national securities association, a securities clearing agency, a contract market designated under the Commodity Exchange Act, a derivatives transaction execution facility registered under the Commodity Exchange Act, or a board of trade (as defined in the Commodity Exchange Act) or in a resolution of the governing board thereof and a right,''.

(j) LIQUIDATION, TERMINATION, OR ACCELERATION OF SWAP AGREEMENTS.—Section 560 of title 11, United States Code, is amended—

(1) by amending the section heading to read as follows:

''§ 560. Contractual right to liquidate, terminate, or accelerate a swap agreement'';

(2) in the first sentence, by striking ''termination of a swap agreement'' and inserting ''liquidation, termination, or acceleration of one or more swap agreements'';

(3) by striking ''in connection with any swap agreement'' and inserting ''in connection with the termination, liquidation, or acceleration of one or more swap agreements''; and

(4) in the second sentence, by striking ''As used'' and all that follows through ''right,'' and inserting ''As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw of a derivatives clearing organization (as defined in the Commodity Exchange Act), a multilateral clearing organization (as defined in the Federal Deposit Insurance Corporation Improvement Act of 1991), a national securities exchange, a national securities association, a securities clearing agency, a contract market designated under the Commodity Exchange Act, a derivatives transaction execution facility registered under the Commodity Exchange Act, or a board of trade (as defined in the Commodity Exchange Act) or in a resolution of the governing board thereof and a right,''.

(k) LIQUIDATION, TERMINATION, ACCELERATION, OR OFFSET UNDER A MASTER NETTING AGREEMENT AND ACROSS CONTRACTS.—

(1) IN GENERAL.—Title 11, United States Code, is amended by inserting after section 560 the following:

"§ 561. Contractual right to terminate, liquidate, accelerate, or offset under a master netting agreement and across contracts; proceedings under chapter 15

''(a) Subject to subsection (b), the exercise of any contractual right, because of a condition of the kind specified in section 365(e)(1), to cause the termination, liquidation, or acceleration of or to offset or net termination values, payment amounts, or other transfer obligations arising under or in connection with one or more (or the termination, liquidation, or acceleration of one or more)—

''(1) securities contracts, as defined in section 741(7);

''(2) commodity contracts, as defined in section 761(4);

''(3) forward contracts;

''(4) repurchase agreements;

''(5) swap agreements; or

''(6) master netting agreements,

shall not be stayed, avoided, or otherwise limited by operation of any provision of this title or by any order of a court or administrative agency in any proceeding under this title.

''(b)(1) A party may exercise a contractual right described in subsection (a) to terminate, liquidate, or accelerate only to the extent that such party could exercise such a right under section 555, 556, 559, or 560 for each individual contract covered by the master netting agreement in issue.

''(2) If a debtor is a commodity broker subject to subchapter IV of chapter 7—

''(A) a party may not net or offset an obligation to the debtor arising under, or in connection with, a commodity contract traded on or subject to the rules of a contract market designated under the Commodity Exchange Act or a derivatives transaction execution facility registered under the Commodity Exchange Act against any claim arising under, or in connection with, other instruments, contracts, or agreements listed in subsection (a) except to the extent that the party has positive net equity in the commodity accounts at the debtor, as calculated under such subchapter; and

''(B) another commodity broker may not net or offset an obligation to the debtor arising under, or in connection with, a commodity contract entered into or held on behalf of a customer of the debtor and traded on or subject to the rules of a contract market designated under the Commodity Exchange Act or a derivatives transaction execution facility registered under the Commodity Exchange Act against any claim arising under, or in connection with, other instruments, contracts, or agreements listed in subsection (a).

''(3) No provision of subparagraph (A) or (B) of paragraph (2) shall prohibit the offset of claims and obligations that arise under—

''(A) a cross-margining agreement or similar arrangement that has been approved by the Commodity Futures Trading Commission or submitted to the Commodity Futures Trading Commission under paragraph (1) or (2) of section 5c(c) of the Commodity Exchange Act and has not been abrogated or rendered ineffective by the Commodity Futures Trading Commission; or

''(B) any other netting agreement between a clearing organization (as defined in section 761) and another entity that has been approved by the Commodity Futures Trading Commission.

''(c) As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw of a derivatives clearing organization (as defined in the Commodity Exchange Act), a multilateral clearing organization (as defined in the Federal Deposit Insurance Corporation Improvement Act of 1991), a national securities exchange, a national securities association, a securities clearing agency, a contract market designated under the Commodity Exchange Act, a derivatives transaction execution facility registered under the Commodity Exchange Act, or a board of trade (as defined in the Commodity Exchange Act) or in a resolution of the governing board thereof, and a right, whether or not evidenced in writing, arising under common law, under law merchant, or by reason of normal business practice.

''(d) Any provisions of this title relating to securities contracts, commodity contracts, forward contracts, repurchase agreements, swap agreements, or master netting agreements shall apply in a case under chapter 15, so that enforcement of contractual provisions of such contracts and agreements in accordance with their terms will not be stayed or otherwise limited by operation of any provision of this title or by order of a court in any case under this title, and to limit avoidance powers to the same extent as in a proceeding under chapter 7 or 11 of this title (such enforcement not to be limited based on the presence or absence of assets of the debtor in the United States).''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, is amended by inserting after the item relating to section 560 the following:

''561. Contractual right to terminate, liquidate, accelerate, or offset under a master netting agreement and across contracts; proceedings under chapter 15.''.

(l) COMMODITY BROKER LIQUIDATIONS.—Title 11, United States Code, is amended by inserting after section 766 the following:

"§ 767. Commodity broker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, financial participants, securities clearing agencies, swap participants, repo participants, and master netting agreement participants

''Notwithstanding any other provision of this title, the exercise of rights by a forward contract merchant, commodity broker, stockbroker, financial institution, financial participant, securities clearing agency, swap participant, repo participant, or master netting agreement participant under this title shall not affect the priority of any unsecured claim it may have after the exercise of such rights.''.

(m) STOCKBROKER LIQUIDATIONS.—Title 11, United States Code, is amended by inserting after section 752 the following:

"§ 753. Stockbroker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, financial participants, securities clearing agencies, swap participants, repo participants, and master netting agreement participants

''Notwithstanding any other provision of this title, the exercise of rights by a forward contract merchant, commodity broker, stockbroker, financial institution, financial participant, securities clearing agency, swap participant, repo participant, or master netting agreement participant under this title shall not affect the priority of any unsecured claim it may have after the exercise of such rights.''.

(n) SETOFF.—Section 553 of title 11, United States Code, is amended—

(1) in subsection (a)(2)(B)(ii), by inserting before the semicolon the following: ''(except for a setoff of a kind described in section 362(b)(6), 362(b)(7), 362(b)(17), 362(b)(27), 555, 556, 559, 560, or 561)'';

(2) in subsection (a)(3)(C), by inserting before the period the following: ''(except for a setoff of a kind described in section 362(b)(6), 362(b)(7), 362(b)(17), 362(b)(27), 555, 556, 559, 560, or 561)''; and

(3) in subsection (b)(1), by striking ''362(b)(14),'' and inserting ''362(b)(17), 362(b)(27), 555, 556, 559, 560, 561,''.

(o) SECURITIES CONTRACTS, COMMODITY CONTRACTS, AND FORWARD CONTRACTS.—Title 11, United States Code, is amended—

(1) in section 362(b)(6), by striking ''financial institutions,'' each place such term appears and inserting ''financial institution, financial participant,'';

(2) in sections 362(b)(7) and 546(f), by inserting ''or financial participant'' after ''repo participant'' each place such term appears;

(3) in section 546(e), by inserting ''financial participant,'' after ''financial institution,'';

(4) in section 548(d)(2)(B), by inserting ''financial participant,'' after ''financial institution,'';

(5) in section 548(d)(2)(C), by inserting ''or financial participant'' after ''repo participant'';

(6) in section 548(d)(2)(D), by inserting ''or financial participant'' after ''swap participant'';

(7) in section 555—

(A) by inserting ''financial participant,'' after ''financial institution,''; and

(B) by striking the second sentence and inserting the following: ''As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw of a derivatives clearing organization (as defined in the Commodity Exchange Act), a multilateral clearing organization (as defined in the Federal Deposit Insurance Corporation Improvement Act of 1991), a national securities exchange, a national securities association, a securities clearing agency, a contract market designated under the Commodity Exchange Act, a derivatives transaction execution facility registered under the Commodity Exchange Act, or a board of trade (as defined in the Commodity Exchange Act), or in a resolution of the governing board thereof, and a right, whether or not in writing, arising under common law, under law merchant, or by reason of normal business practice.'';

(8) in section 556, by inserting '', financial participant,'' after ''commodity broker'';

(9) in section 559, by inserting ''or financial participant'' after ''repo participant'' each place such term appears; and

(10) in section 560, by inserting ''or financial participant'' after ''swap participant''.

(p) CONFORMING AMENDMENTS.—Title 11, United States Code, is amended—

(1) in the table of sections for chapter 5—

(A) by amending the items relating to sections 555 and 556 to read as follows:

''555. Contractual right to liquidate, terminate, or accelerate a securities contract.

''556. Contractual right to liquidate, terminate, or accelerate a commodities contract or forward contract.'';

and

(B) by amending the items relating to sections 559 and 560 to read as follows:

''559. Contractual right to liquidate, terminate, or accelerate a repurchase agreement.

''560. Contractual right to liquidate, terminate, or accelerate a swap agreement.'';

and

(2) in the table of sections for chapter 7—

(A) by inserting after the item relating to section 766 the following:

''767. Commodity broker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, financial participants, securities clearing agencies, swap participants, repo participants, and master netting agreement participants.'';

and

(B) by inserting after the item relating to section 752 the following:

''753. Stockbroker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, financial participants, securities clearing agencies, swap participants, repo participants, and master netting agreement participants.''.

SEC. 908. RECORDKEEPING REQUIREMENTS.

(a) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(8) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)) is amended by adding at the end the following new subparagraph:

''(H) RECORDKEEPING REQUIREMENTS.—The Corporation, in consultation with the appropriate Federal banking agencies, may prescribe regulations requiring more detailed recordkeeping by any insured depository institution with respect to qualified financial contracts (including market valuations) only if such insured depository institution is in a troubled condition (as such term is defined by the Corporation pursuant to section 32).''.

(b) INSURED CREDIT UNIONS.—Section 207(c)(8) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)) is amended by adding at the end the following new subparagraph:

''(H) RECORDKEEPING REQUIREMENTS.—The Board, in consultation with the appropriate Federal banking agencies, may prescribe regulations requiring more detailed recordkeeping by any insured credit union with respect to qualified financial contracts (including market valuations) only if such insured credit union is in a troubled condition (as such term is defined by the Board pursuant to section 212).''.

SEC. 909. EXEMPTIONS FROM CONTEMPORANEOUS EXECUTION REQUIREMENT.

Section 13(e)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(e)(2)) is amended to read as follows:

''(2) EXEMPTIONS FROM CONTEMPORANEOUS EXECUTION REQUIREMENT.—An agreement to provide for the lawful collateralization of—

''(A) deposits of, or other credit extension by, a Federal, State, or local governmental entity, or of any depositor referred to in section 11(a)(2), including an agreement to provide collateral in lieu of a surety bond;

''(B) bankruptcy estate funds pursuant to section 345(b)(2) of title 11, United States Code;

''(C) extensions of credit, including any overdraft, from a Federal reserve bank or Federal home loan bank; or

''(D) one or more qualified financial contracts, as defined in section 11(e)(8)(D),

shall not be deemed invalid pursuant to paragraph (1)(B) solely because such agreement was not executed contemporaneously with the acquisition of the collateral or because of pledges, delivery, or substitution of the collateral made in accordance with such agreement.''.

SEC. 910. DAMAGE MEASURE.

(a) IN GENERAL.—Title 11, United States Code, is amended—

(1) by inserting after section 561, as added by section 907, the following:

''§ 562. Timing of damage measurement in connection with swap agreements, securities contracts, forward contracts, commodity contracts, repurchase agreements, and master netting agreements

''(a) If the trustee rejects a swap agreement, securities contract (as defined in section 741), forward contract, commodity contract (as defined in section 761), repurchase agreement, or master netting agreement pursuant to section 365(a), or if a forward contract merchant, stockbroker, financial institution, securities clearing agency, repo participant, financial participant, master netting agreement participant, or swap participant liquidates, terminates, or accelerates such contract or agreement, damages shall be measured as of the earlier of—

''(1) the date of such rejection; or

''(2) the date or dates of such liquidation, termination, or acceleration.

''(b) If there are not any commercially reasonable determinants of value as of any date referred to in paragraph (1) or (2) of subsection (a), damages shall be measured as of the earliest subsequent date or dates on which there are commercially reasonable determinants of value.

''(c) For the purposes of subsection (b), if damages are not measured as of the date or dates of rejection, liquidation, termination, or acceleration, and the forward contract merchant, stockbroker, financial institution, securities clearing agency, repo participant, financial participant, master netting agreement participant, or swap participant or the trustee objects to the timing of the measurement of damages—

''(1) the trustee, in the case of an objection by a forward contract merchant, stockbroker, financial institution, securities clearing agency, repo participant, financial participant, master netting agreement participant, or swap participant; or

''(2) the forward contract merchant, stockbroker, financial institution, securities clearing agency, repo participant, financial participant, master netting agreement participant, or swap participant, in the case of an objection by the trustee,

has the burden of proving that there were no commercially reasonable determinants of value as of such date or dates.''; and

(2) in the table of sections for chapter 5, by inserting after the item relating to section 561 (as added by section 907) the following new item:

''562. Timing of damage measure in connection with swap agreements, securities contracts, forward contracts, commodity contracts, repurchase agreements, or master netting agreements.''.

(b) CLAIMS ARISING FROM REJECTION.—Section 502(g) of title 11, United States Code, is amended—

(1) by inserting ''(1)'' after ''(g)''; and

(2) by adding at the end the following:

''(2) A claim for damages calculated in accordance with section 562 shall be allowed under subsection (a), (b), or (c), or disallowed under subsection (d) or (e), as if such claim had arisen before the date of the filing of the petition.''.

SEC. 911. SIPC STAY.

Section 5(b)(2) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78eee(b)(2)) is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION FROM STAY.—

''(i) Notwithstanding section 362 of title 11, United States Code, neither the filing of an application under subsection (a)(3) nor any order or decree obtained by SIPC from the court shall operate as a stay of any contractual rights of a creditor to liquidate, terminate, or accelerate a securities contract, commodity contract, forward contract, repurchase agreement, swap agreement, or master netting agreement, as those terms are defined in sections 101, 741, and 761 of title 11, United States Code, to offset or net termination values, payment amounts, or other transfer obligations arising under or in connection with one or more of such contracts or agreements, or to foreclose on any cash collateral pledged by the debtor, whether or not with respect to one or more of such contracts or agreements.

''(ii) Notwithstanding clause (i), such application, order, or decree may operate as a stay of the foreclosure on, or disposition of, securities collateral pledged by the debtor, whether or not with respect to one or more of such contracts or agreements, securities sold by the debtor under a repurchase agreement, or securities lent under a securities lending agreement.

''(iii) As used in this subparagraph, the term 'contractual right' includes a right set forth in a rule or bylaw of a national securities exchange, a national securities association, or a securities clearing agency, a right set forth in a bylaw of a clearing organization or contract market or in a resolution of the governing board thereof, and a right, whether or not in writing, arising under common law, under law merchant, or by reason of normal business practice.''.

TITLE X—PROTECTION OF FAMILY FARMERS AND FAMILY FISHERMEN

SEC. 1001. PERMANENT REENACTMENT OF CHAPTER 12.

(a) REENACTMENT.—

(1) IN GENERAL.—Chapter 12 of title 11, United States Code, as reenacted by section 149 of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), is hereby reenacted, and as here reenacted is amended by this Act.

(2) EFFECTIVE DATE.—Subsection (a) shall take effect on the date of the enactment of this Act.

(b) CONFORMING AMENDMENT.—Section 302 of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note) is amended by striking subsection (f).

SEC. 1002. DEBT LIMIT INCREASE.

Section 104(b) of title 11, United States Code, as amended by section 226, is amended by inserting ''101(18),'' after ''101(3),'' each place it appears.

SEC. 1003. CERTAIN CLAIMS OWED TO GOVERNMENTAL UNITS.

(a) CONTENTS OF PLAN.—Section 1222(a)(2) of title 11, United States Code, as amended by section 213, is amended to read as follows:

''(2) provide for the full payment, in deferred cash payments, of all claims entitled to priority under section 507, unless—

''(A) the claim is a claim owed to a governmental unit that arises as a result of the sale, transfer, exchange, or other disposition of any farm asset used in the debtor's farming operation, in which case the claim shall be treated as an unsecured claim that is not entitled to priority under section 507, but the debt shall be treated in such manner only if the debtor receives a discharge; or

''(B) the holder of a particular claim agrees to a different treatment of that claim;''.

(b) SPECIAL NOTICE PROVISIONS.—Section 1231(b) of title 11, United States Code, as so designated by section 719, is amended by striking ''a State or local governmental unit'' and inserting ''any governmental unit''.

(c) EFFECTIVE DATE; APPLICATION OF AMENDMENTS.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act and shall not apply with respect to cases commenced under title 11 of the United States Code before such date.

SEC. 1004. DEFINITION OF FAMILY FARMER.

Section 101(18) of title 11, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking ''$1,500,000'' and inserting ''$3,237,000''; and

(B) by striking ''80'' and inserting ''50''; and

(2) in subparagraph (B)(ii)—

(A) by striking ''$1,500,000'' and inserting ''$3,237,000''; and

(B) by striking ''80'' and inserting ''50''.

SEC. 1005. ELIMINATION OF REQUIREMENT THAT FAMILY FARMER AND SPOUSE RECEIVE OVER 50 PERCENT OF INCOME FROM FARMING OPERATION IN YEAR PRIOR TO BANKRUPTCY.

Section 101(18)(A) of title 11, United States Code, is amended by striking ''for the taxable year preceding the taxable year'' and inserting the following:

''for—

''(i) the taxable year preceding; or

''(ii) each of the 2d and 3d taxable years preceding;

the taxable year''.

SEC. 1006. PROHIBITION OF RETROACTIVE ASSESSMENT OF DISPOSABLE INCOME.

(a) CONFIRMATION OF PLAN.—Section 1225(b)(1) of title 11, United States Code, is amended—

(1) in subparagraph (A) by striking ''or'' at the end;

(2) in subparagraph (B) by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(C) the value of the property to be distributed under the plan in the 3-year period, or such longer period as the court may approve under section 1222(c), beginning on the date that the first distribution is due under the plan is not less than the debtor's projected disposable income for such period.''.

(b) MODIFICATION OF PLAN.—Section 1229 of title 11, United States Code, is amended by adding at the end the following:

''(d) A plan may not be modified under this section—

''(1) to increase the amount of any payment due before the plan as modified becomes the plan;

''(2) by anyone except the debtor, based on an increase in the debtor's disposable income, to increase the amount of payments to unsecured creditors required for a particular month so that the aggregate of such payments exceeds the debtor's disposable income for such month; or

''(3) in the last year of the plan by anyone except the debtor, to require payments that would leave the debtor with insufficient funds to carry on the farming operation after the plan is completed.''.

SEC. 1007. FAMILY FISHERMEN.

(a) DEFINITIONS.—Section 101 of title 11, United States Code, is amended—

(1) by inserting after paragraph (7) the following:

''(7A) 'commercial fishing operation' means—

''(A) the catching or harvesting of fish, shrimp, lobsters, urchins, seaweed, shellfish, or other aquatic species or products of such species; or

''(B) for purposes of section 109 and chapter 12, aquaculture activities consisting of raising for market any species or product described in subparagraph (A);

''(7B) 'commercial fishing vessel' means a vessel used by a family fisherman to carry out a commercial fishing operation;''; and

(2) by inserting after paragraph (19) the following:

''(19A) 'family fisherman' means—

''(A) an individual or individual and spouse engaged in a commercial fishing operation—

''(i) whose aggregate debts do not exceed $1,500,000 and not less than 80 percent of whose aggregate noncontingent, liquidated debts (excluding a debt for the principal residence of such individual or such individual and spouse, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such individual or such individual and spouse; and

''(ii) who receive from such commercial fishing operation more than 50 percent of such individual's or such individual's and spouse's gross income for the taxable year preceding the taxable year in which the case concerning such individual or such individual and spouse was filed; or

''(B) a corporation or partnership—

''(i) in which more than 50 percent of the outstanding stock or equity is held by—

''(I) 1 family that conducts the commercial fishing operation; or

''(II) 1 family and the relatives of the members of such family, and such family or such relatives conduct the commercial fishing operation; and

''(ii)(I) more than 80 percent of the value of its assets consists of assets related to the commercial fishing operation;

''(II) its aggregate debts do not exceed $1,500,000 and not less than 80 percent of its aggregate noncontingent, liquidated debts (excluding a debt for 1 dwelling which is owned by such corporation or partnership and which a shareholder or partner maintains as a principal residence, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such corporation or such partnership; and

''(III) if such corporation issues stock, such stock is not publicly traded;

''(19B) 'family fisherman with regular annual income' means a family fisherman whose annual income is sufficiently stable and regular to enable such family fisherman to make payments under a plan under chapter 12 of this title;''.

(b) WHO MAY BE A DEBTOR.—Section 109(f) of title 11, United States Code, is amended by inserting ''or family fisherman'' after ''family farmer''.

(c) CHAPTER 12.—Chapter 12 of title 11, United States Code, is amended—

(1) in the chapter heading, by inserting ''**OR FISHERMAN**'' after ''**FAMILY FARMER**'';

(2) in section 1203, by inserting ''or commercial fishing operation'' after ''farm''; and

(3) in section 1206, by striking ''if the property is farmland or farm equipment'' and inserting ''if the property is farmland, farm equipment, or property used to carry out a commercial fishing operation (including a commercial fishing vessel)''.

(d) CLERICAL AMENDMENT.—In the table of chapters for title 11, United States Code, the item relating to chapter 12, is amended to read as follows:

"12. Adjustments of Debts of a Family Farmer or Family Fisherman with Regular Annual Income ..... 1201".

(e) APPLICABILITY.—Nothing in this section shall change, affect, or amend the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.).

TITLE XI—HEALTH CARE AND EMPLOYEE BENEFITS

SEC. 1101. DEFINITIONS.

(a) HEALTH CARE BUSINESS DEFINED.—Section 101 of title 11, United States Code, as amended by section 306, is amended—

(1) by redesignating paragraph (27A) as paragraph (27B); and

(2) by inserting after paragraph (27) the following:

''(27A) 'health care business'—

''(A) means any public or private entity (without regard to whether that entity is organized for profit or not for profit) that is primarily engaged in offering to the general public facilities and services for—

''(i) the diagnosis or treatment of injury, deformity, or disease; and

''(ii) surgical, drug treatment, psychiatric, or obstetric care; and

''(B) includes—

''(i) any—

''(I) general or specialized hospital;

''(II) ancillary ambulatory, emergency, or surgical treatment facility;

''(III) hospice;

''(IV) home health agency; and

''(V) other health care institution that is similar to an entity referred to in subclause (I), (II), (III), or (IV); and

''(ii) any long-term care facility, including any—

''(I) skilled nursing facility;

''(II) intermediate care facility;

''(III) assisted living facility;

''(IV) home for the aged;

''(V) domiciliary care facility; and

''(VI) health care institution that is related to a facility referred to in subclause (I), (II), (III), (IV), or (V), if that institution is primarily engaged in offering room, board, laundry, or personal assistance with activities of daily living and incidentals to activities of daily living;''.

(b) PATIENT AND PATIENT RECORDS DEFINED.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (40) the following:

''(40A) 'patient' means any individual who obtains or receives services from a health care business;

''(40B) 'patient records' means any written document relating to a patient or a record recorded in a magnetic, optical, or other form of electronic medium;''.

(c) RULE OF CONSTRUCTION.—The amendments made by subsection (a) of this section shall not affect the interpretation of section 109(b) of title 11, United States Code.

SEC. 1102. DISPOSAL OF PATIENT RECORDS.

(a) IN GENERAL.—Subchapter III of chapter 3 of title 11, United States Code, is amended by adding at the end the following:

"§ 351. Disposal of patient records

''If a health care business commences a case under chapter 7, 9, or 11, and the trustee does not have a sufficient amount of funds to pay for the storage of patient records in the manner required under applicable Federal or State law, the following requirements shall apply:

''(1) The trustee shall—

''(A) promptly publish notice, in 1 or more appropriate newspapers, that if patient records are not claimed by the patient or an insurance provider (if applicable law permits the insurance provider to make that claim) by the date that is 365 days after the date of that notification, the trustee will destroy the patient records; and

''(B) during the first 180 days of the 365-day period described in subparagraph (A), promptly attempt to notify directly each patient that is the subject of the patient records and appropriate insurance carrier concerning the patient records by mailing to the most recent known address of that patient, or a family member or contact person for that patient, and to the appropriate insurance carrier an appropriate notice regarding the claiming or disposing of patient records.

''(2) If, after providing the notification under paragraph (1), patient records are not claimed during the 365-day period described under that paragraph, the trustee shall mail, by certified mail, at the end of such 365-day period a written request to each appropriate Federal agency to request permission from that agency to deposit the patient records with that agency, except that no Federal

agency is required to accept patient records under this paragraph.

''(3) If, following the 365-day period described in paragraph (2) and after providing the notification under paragraph (1), patient records are not claimed by a patient or insurance provider, or request is not granted by a Federal agency to deposit such records with that agency, the trustee shall destroy those records by—

''(A) if the records are written, shredding or burning the records; or

''(B) if the records are magnetic, optical, or other electronic records, by otherwise destroying those records so that those records cannot be retrieved.''.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter III of chapter 3 of title 11, United States Code, is amended by adding at the end the following:

''351. Disposal of patient records.''.

SEC. 1103. ADMINISTRATIVE EXPENSE CLAIM FOR COSTS OF CLOSING A HEALTH CARE BUSINESS AND OTHER ADMINISTRATIVE EXPENSES.

Section 503(b) of title 11, United States Code, as amended by section 445, is amended by adding at the end the following:

''(8) the actual, necessary costs and expenses of closing a health care business incurred by a trustee or by a Federal agency (as defined in section 551(1) of title 5) or a department or agency of a State or political subdivision thereof, including any cost or expense incurred—

''(A) in disposing of patient records in accordance with section 351; or

''(B) in connection with transferring patients from the health care business that is in the process of being closed to another health care business; and''.

SEC. 1104. APPOINTMENT OF OMBUDSMAN TO ACT AS PATIENT ADVOCATE.

(a) OMBUDSMAN TO ACT AS PATIENT ADVOCATE.—

(1) APPOINTMENT OF OMBUDSMAN.—Title 11, United States Code, as amended by section 232, is amended by inserting after section 332 the following:

''§ 333. Appointment of patient care ombudsman

''(a)(1) If the debtor in a case under chapter 7, 9, or 11 is a health care business, the court shall order, not later than 30 days after the commencement of the case, the appointment of an ombudsman to monitor the quality of patient care and to represent the interests of the patients of the health care business unless the court finds that the appointment of such ombudsman is not necessary for the protection of patients under the specific facts of the case.

''(2)(A) If the court orders the appointment of an ombudsman under paragraph (1), the United States trustee shall appoint 1 disinterested person (other than the United States trustee) to serve as such ombudsman.

''(B) If the debtor is a health care business that provides long-term care, then the United States trustee may appoint the State Long-Term Care Ombudsman appointed under the Older Americans Act of 1965 for the State in which the case is pending to serve as the ombudsman required by paragraph (1).

''(C) If the United States trustee does not appoint a State Long-Term Care Ombudsman under subparagraph (B), the court shall notify the State Long-Term Care Ombudsman appointed under the Older Americans Act of 1965 for the State in which the case is pending, of the name and address of the person who is appointed under subparagraph (A).

''(b) An ombudsman appointed under subsection (a) shall—

''(1) monitor the quality of patient care provided to patients of the debtor, to the extent necessary under the circumstances, including interviewing patients and physicians;

''(2) not later than 60 days after the date of appointment, and not less frequently than at 60-day intervals thereafter, report to the court after notice to the parties in interest, at a hearing or in writing, regarding the quality of patient care provided to patients of the debtor; and

''(3) if such ombudsman determines that the quality of patient care provided to patients of the debtor is declining significantly or is otherwise being materially compromised, file with the court a motion or a written report, with notice to the parties in interest immediately upon making such determination.

''(c)(1) An ombudsman appointed under subsection (a) shall maintain any information obtained by such ombudsman under this section that relates to patients (including information relating to patient records) as confidential information. Such ombudsman may not review confidential patient records unless the court approves such review in advance and imposes restrictions on such ombudsman to protect the confidentiality of such records.

''(2) An ombudsman appointed under subsection (a)(2)(B) shall have access to patient records consistent with authority of such ombudsman under the Older Americans Act of 1965 and under non-Federal laws governing the State Long-Term Care Ombudsman program.''.

(2) CLERICAL AMENDMENT.—The table of sections for subchapter II of chapter 3 of title 11, United States Code, as amended by section 232, is amended by adding at the end the following:

''333. Appointment of ombudsman.''.

(b) COMPENSATION OF OMBUDSMAN.—Section 330(a)(1) of title 11, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by inserting ''an ombudsman appointed under section 333, or'' before ''a professional person''; and

(2) in subparagraph (A), by inserting ''ombudsman,'' before ''professional person''.

SEC. 1105. DEBTOR IN POSSESSION; DUTY OF TRUSTEE TO TRANSFER PATIENTS.

(a) IN GENERAL.—Section 704(a) of title 11, United States Code, as amended by sections 102, 219, and 446, is amended by adding at the end the following:

''(12) use all reasonable and best efforts to transfer patients from a health care business that is in the process of being closed to an appropriate health care business that—

''(A) is in the vicinity of the health care business that is closing;

''(B) provides the patient with services that are substantially similar to those provided by the health care business that is in the process of being closed; and

''(C) maintains a reasonable quality of care.''.

(b) CONFORMING AMENDMENT.—Section 1106(a)(1) of title 11, United States Code, as amended by section 446, is amended by striking ''and (11)'' and inserting ''(11), and (12)''.

SEC. 1106. EXCLUSION FROM PROGRAM PARTICIPATION NOT SUBJECT TO AUTOMATIC STAY.

Section 362(b) of title 11, United States Code, is amended by inserting after paragraph (27), as amended by sections 224, 303, 311, 401, 718, and 907, the following:

''(28) under subsection (a), of the exclusion by the Secretary of Health and Human Services of the debtor from participation in the medicare program or any other Federal health care program (as defined in section 1128B(f) of the Social Security Act pursuant to title XI or XVIII of such Act).''.

TITLE XII—TECHNICAL AMENDMENTS

SEC. 1201. DEFINITIONS.

Section 101 of title 11, United States Code, as hereinbefore amended by this Act, is amended—

(1) by striking ''In this title—'' and inserting ''In this title the following definitions shall apply:'';

(2) in each paragraph, by inserting ''The term'' after the paragraph designation;

(3) in paragraph (35)(B), by striking ''paragraphs (21B) and (33)(A)'' and inserting ''paragraphs (23) and (35)'';

(4) in each of paragraphs (35A), (38), and (54A), by striking ''; and'' at the end and inserting a period;

(5) in paragraph (51B)—

(A) by inserting ''who is not a family farmer'' after ''debtor'' the first place it appears; and

(B) by striking ''thereto having aggregate'' and all that follows through the end of the paragraph and inserting a semicolon;

(6) by striking paragraph (54) and inserting the following:

''(54) The term 'transfer' means—

''(A) the creation of a lien;

''(B) the retention of title as a security interest;

''(C) the foreclosure of a debtor's equity of redemption; or

''(D) each mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with—

''(i) property; or

''(ii) an interest in property;'';

(7) by indenting the left margin of paragraph (54A) 2 ems to the right; and

(8) in each of paragraphs (1) through (35), in each of paragraphs (36), (37), (38A), (38B) and (39A), and in each of paragraphs (40) through (55), by striking the semicolon at the end and inserting a period.

SEC. 1202. ADJUSTMENT OF DOLLAR AMOUNTS.

Section 104 of title 11, United States Code, is amended by inserting ''522(f)(3),'' after ''522(d),'' each place it appears.

SEC. 1203. EXTENSION OF TIME.

Section 108(c)(2) of title 11, United States Code, is amended by striking ''922'' and all that follows through ''or'', and inserting ''922, 1201, or''.

SEC. 1204. TECHNICAL AMENDMENTS.

Title 11, United States Code, is amended—

(1) in section 109(b)(2), by striking ''subsection (c) or (d) of''; and

(2) in section 552(b)(1), by striking ''product'' each place it appears and inserting ''products''.

SEC. 1205. PENALTY FOR PERSONS WHO NEGLIGENTLY OR FRAUDULENTLY PREPARE BANKRUPTCY PETITIONS.

Section 110(j)(4) of title 11, United States Code, as so redesignated by section 221, is amended by striking ''attorney's'' and inserting ''attorneys'''.

SEC. 1206. LIMITATION ON COMPENSATION OF PROFESSIONAL PERSONS.

Section 328(a) of title 11, United States Code, is amended by inserting ''on a fixed or percentage fee basis,'' after ''hourly basis,''.

SEC. 1207. EFFECT OF CONVERSION.

Section 348(f)(2) of title 11, United States Code, is amended by inserting ''of the estate'' after ''property'' the first place it appears.

SEC. 1208. ALLOWANCE OF ADMINISTRATIVE EXPENSES.

Section 503(b)(4) of title 11, United States Code, is amended by inserting ''subparagraph (A), (B), (C), (D), or (E) of'' before ''paragraph (3)''.

SEC. 1209. EXCEPTIONS TO DISCHARGE.

Section 523 of title 11, United States Code, as amended by sections 215 and 314, is amended—

(1) by transferring paragraph (15), as added by section 304(e) of Public Law 103–394 (108

Stat. 4133), so as to insert such paragraph after subsection (a)(14A);

(2) in subsection (a)(9), by striking ''motor vehicle'' and inserting ''motor vehicle, vessel, or aircraft''; and

(3) in subsection (e), by striking ''a insured'' and inserting ''an insured''.

SEC. 1210. EFFECT OF DISCHARGE.

Section 524(a)(3) of title 11, United States Code, is amended by striking ''section 523'' and all that follows through ''or that'' and inserting ''section 523, 1228(a)(1), or 1328(a)(1), or that''.

SEC. 1211. PROTECTION AGAINST DISCRIMINATORY TREATMENT.

Section 525(c) of title 11, United States Code, is amended—

(1) in paragraph (1), by inserting ''student'' before ''grant'' the second place it appears; and

(2) in paragraph (2), by striking ''the program operated under part B, D, or E of'' and inserting ''any program operated under''.

SEC. 1212. PROPERTY OF THE ESTATE.

Section 541(b)(4)(B)(ii) of title 11, United States Code, is amended by inserting ''365 or'' before ''542''.

SEC. 1213. PREFERENCES.

(a) IN GENERAL.—Section 547 of title 11, United States Code, as amended by section 201, is amended—

(1) in subsection (b), by striking ''subsection (c)'' and inserting ''subsections (c) and (i)''; and

(2) by adding at the end the following:

''(i) If the trustee avoids under subsection (b) a transfer made between 90 days and 1 year before the date of the filing of the petition, by the debtor to an entity that is not an insider for the benefit of a creditor that is an insider, such transfer shall be considered to be avoided under this section only with respect to the creditor that is an insider.''.

(b) APPLICABILITY.—The amendments made by this section shall apply to any case that is pending or commenced on or after the date of enactment of this Act.

SEC. 1214. POSTPETITION TRANSACTIONS.

Section 549(c) of title 11, United States Code, is amended—

(1) by inserting ''an interest in'' after ''transfer of'' each place it appears;

(2) by striking ''such property'' and inserting ''such real property''; and

(3) by striking ''the interest'' and inserting ''such interest''.

SEC. 1215. DISPOSITION OF PROPERTY OF THE ESTATE.

Section 726(b) of title 11, United States Code, is amended by striking ''1009,''.

SEC. 1216. GENERAL PROVISIONS.

Section 901(a) of title 11, United States Code, is amended by inserting ''1123(d),'' after ''1123(b),''.

SEC. 1217. ABANDONMENT OF RAILROAD LINE.

Section 1170(e)(1) of title 11, United States Code, is amended by striking ''section 11347'' and inserting ''section 11326(a)''.

SEC. 1218. CONTENTS OF PLAN.

Section 1172(c)(1) of title 11, United States Code, is amended by striking ''section 11347'' and inserting ''section 11326(a)''.

SEC. 1219. BANKRUPTCY CASES AND PROCEEDINGS.

Section 1334(d) of title 28, United States Code, is amended—

(1) by striking ''made under this subsection'' and inserting ''made under subsection (c)''; and

(2) by striking ''This subsection'' and inserting ''Subsection (c) and this subsection''.

SEC. 1220. KNOWING DISREGARD OF BANKRUPTCY LAW OR RULE.

Section 156(a) of title 18, United States Code, is amended—

(1) in the first undesignated paragraph—

(A) by inserting ''(1) the term'' before ''bankruptcy''; and

(B) by striking the period at the end and inserting ''; and''; and

(2) in the second undesignated paragraph—

(A) by inserting ''(2) the term'' before ''document''; and

(B) by striking ''this title'' and inserting ''title 11''.

SEC. 1221. TRANSFERS MADE BY NONPROFIT CHARITABLE CORPORATIONS.

(a) SALE OF PROPERTY OF ESTATE.—Section 363(d) of title 11, United States Code, is amended by striking ''only'' and all that follows through the end of the subsection and inserting ''only—

''(1) in accordance with applicable nonbankruptcy law that governs the transfer of property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust; and

''(2) to the extent not inconsistent with any relief granted under subsection (c), (d), (e), or (f) of section 362.''.

(b) CONFIRMATION OF PLAN OF REORGANIZATION.—Section 1129(a) of title 11, United States Code, as amended by sections 213 and 321, is amended by adding at the end the following:

''(16) All transfers of property of the plan shall be made in accordance with any applicable provisions of nonbankruptcy law that govern the transfer of property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust.''.

(c) TRANSFER OF PROPERTY.—Section 541 of title 11, United States Code, as amended by section 225, is amended by adding at the end the following:

''(f) Notwithstanding any other provision of this title, property that is held by a debtor that is a corporation described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code may be transferred to an entity that is not such a corporation, but only under the same conditions as would apply if the debtor had not filed a case under this title.''.

(d) APPLICABILITY.—The amendments made by this section shall apply to a case pending under title 11, United States Code, on the date of enactment of this Act, or filed under that title on or after that date of enactment, except that the court shall not confirm a plan under chapter 11 of title 11, United States Code, without considering whether this section would substantially affect the rights of a party in interest who first acquired rights with respect to the debtor after the date of the filing of the petition. The parties who may appear and be heard in a proceeding under this section include the attorney general of the State in which the debtor is incorporated, was formed, or does business.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the court in which a case under chapter 11 of title 11, United States Code, is pending to remand or refer any proceeding, issue, or controversy to any other court or to require the approval of any other court for the transfer of property.

SEC. 1222. PROTECTION OF VALID PURCHASE MONEY SECURITY INTERESTS.

Section 547(c)(3)(B) of title 11, United States Code, is amended by striking ''20'' and inserting ''30''.

SEC. 1223. BANKRUPTCY JUDGESHIPS.

(a) SHORT TITLE.—This section may be cited as the ''Bankruptcy Judgeship Act of 2003''.

(b) TEMPORARY JUDGESHIPS.—

(1) APPOINTMENTS.—The following bankruptcy judges shall be appointed in the manner prescribed in section 152(a)(1) of title 28, United States Code, for the appointment of bankruptcy judges provided for in section 152(a)(2) of such title:

(A) One additional bankruptcy judge for the eastern district of California.

(B) Three additional bankruptcy judges for the central district of California.

(C) Four additional bankruptcy judges for the district of Delaware.

(D) Two additional bankruptcy judges for the southern district of Florida.

(E) One additional bankruptcy judge for the southern district of Georgia.

(F) Three additional bankruptcy judges for the district of Maryland.

(G) One additional bankruptcy judge for the eastern district of Michigan.

(H) One additional bankruptcy judge for the southern district of Mississippi.

(I) One additional bankruptcy judge for the district of New Jersey.

(J) One additional bankruptcy judge for the eastern district of New York.

(K) One additional bankruptcy judge for the northern district of New York.

(L) One additional bankruptcy judge for the southern district of New York.

(M) One additional bankruptcy judge for the eastern district of North Carolina.

(N) One additional bankruptcy judge for the eastern district of Pennsylvania.

(O) One additional bankruptcy judge for the middle district of Pennsylvania.

(P) One additional bankruptcy judge for the district of Puerto Rico.

(Q) One additional bankruptcy judge for the western district of Tennessee.

(R) One additional bankruptcy judge for the eastern district of Virginia.

(S) One additional bankruptcy judge for the district of South Carolina.

(T) One additional bankruptcy judge for the district of Nevada.

(2) VACANCIES.—

(A) DISTRICTS WITH SINGLE APPOINTMENTS.—Except as provided in subparagraphs (B), (C), (D), and (E), the first vacancy occurring in the office of bankruptcy judge in each of the judicial districts set forth in paragraph (1)—

(i) occurring 5 years or more after the appointment date of the bankruptcy judge appointed under paragraph (1) to such office; and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge;

shall not be filled.

(B) CENTRAL DISTRICT OF CALIFORNIA.—The 1st, 2d, and 3d vacancies in the office of bankruptcy judge in the central district of California—

(i) occurring 5 years or more after the respective 1st, 2d, and 3d appointment dates of the bankruptcy judges appointed under paragraph (1)(B); and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge;

shall not be filled.

(C) DISTRICT OF DELAWARE.—The 1st, 2d, 3d, and 4th vacancies in the office of bankruptcy judge in the district of Delaware—

(i) occurring 5 years or more after the respective 1st, 2d, 3d, and 4th appointment dates of the bankruptcy judges appointed under paragraph (1)(F); and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge;

shall not be filled.

(D) SOUTHERN DISTRICT OF FLORIDA.—The 1st and 2d vacancies in the office of bankruptcy judge in the southern district of Florida—

(i) occurring 5 years or more after the respective 1st and 2d appointment dates of the bankruptcy judges appointed under paragraph (1)(D); and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge;
shall not be filled.

(E) DISTRICT OF MARYLAND.—The 1st, 2d, and 3d vacancies in the office of bankruptcy judge in the district of Maryland—

(i) occurring 5 years or more after the respective 1st, 2d, and 3d appointment dates of the bankruptcy judges appointed under paragraph (1)(F); and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge;
shall not be filled.

(c) EXTENSIONS.—

(1) IN GENERAL.—The temporary office of bankruptcy judges authorized for the northern district of Alabama, the district of Delaware, the district of Puerto Rico, and the eastern district of Tennessee under paragraphs (1), (3), (7), and (9) of section 3(a) of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) are extended until the first vacancy occurring in the office of a bankruptcy judge in the applicable district resulting from the death, retirement, resignation, or removal of a bankruptcy judge and occurring 5 years after the date of the enactment of this Act.

(2) APPLICABILITY OF OTHER PROVISIONS.—All other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) remain applicable to the temporary office of bankruptcy judges referred to in this subsection.

(d) TECHNICAL AMENDMENTS.—Section 152(a) of title 28, United States Code, is amended—

(1) in paragraph (1), by striking the first sentence and inserting the following: ''Each bankruptcy judge to be appointed for a judicial district, as provided in paragraph (2), shall be appointed by the court of appeals of the United States for the circuit in which such district is located.''; and

(2) in paragraph (2)—

(A) in the item relating to the middle district of Georgia, by striking ''2'' and inserting ''3''; and

(B) in the collective item relating to the middle and southern districts of Georgia, by striking ''Middle and Southern . . . . . 1''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 1224. COMPENSATING TRUSTEES.

Section 1326 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''and'';

(B) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(3) if a chapter 7 trustee has been allowed compensation due to the conversion or dismissal of the debtor's prior case pursuant to section 707(b), and some portion of that compensation remains unpaid in a case converted to this chapter or in the case dismissed under section 707(b) and refiled under this chapter, the amount of any such unpaid compensation, which shall be paid monthly—

''(A) by prorating such amount over the remaining duration of the plan; and

''(B) by monthly payments not to exceed the greater of—

''(i) $25; or

''(ii) the amount payable to unsecured nonpriority creditors, as provided by the plan, multiplied by 5 percent, and the result divided by the number of months in the plan.''; and

(2) by adding at the end the following:

''(d) Notwithstanding any other provision of this title—

''(1) compensation referred to in subsection (b)(3) is payable and may be collected by the trustee under that paragraph, even if such amount has been discharged in a prior case under this title; and

''(2) such compensation is payable in a case under this chapter only to the extent permitted by subsection (b)(3).''.

SEC. 1225. AMENDMENT TO SECTION 362 OF TITLE 11, UNITED STATES CODE.

Section 362(b)(18) of title 11, United States Code, is amended to read as follows:

''(18) under subsection (a) of the creation or perfection of a statutory lien for an ad valorem property tax, or a special tax or special assessment on real property whether or not ad valorem, imposed by a governmental unit, if such tax or assessment comes due after the date of the filing of the petition;''.

SEC. 1226. JUDICIAL EDUCATION.

The Director of the Federal Judicial Center, in consultation with the Director of the Executive Office for United States Trustees, shall develop materials and conduct such training as may be useful to courts in implementing this Act and the amendments made by this Act, including the requirements relating to the means test under section 707(b), and reaffirmation agreements under section 524, of title 11 of the United States Code, as amended by this Act.

SEC. 1227. RECLAMATION.

(a) RIGHTS AND POWERS OF THE TRUSTEE.—Section 546(c) of title 11, United States Code, is amended to read as follows:

''(c)(1) Except as provided in subsection (d) of this section and in section 507(c), and subject to the prior rights of a holder of a security interest in such goods or the proceeds thereof, the rights and powers of the trustee under sections 544(a), 545, 547, and 549 are subject to the right of a seller of goods that has sold goods to the debtor, in the ordinary course of such seller's business, to reclaim such goods if the debtor has received such goods while insolvent, within 45 days before the date of the commencement of a case under this title, but such seller may not reclaim such goods unless such seller demands in writing reclamation of such goods—

''(A) not later than 45 days after the date of receipt of such goods by the debtor; or

''(B) not later than 20 days after the date of commencement of the case, if the 45-day period expires after the commencement of the case.

''(2) If a seller of goods fails to provide notice in the manner described in paragraph (1), the seller still may assert the rights contained in section 503(b)(9).''.

(b) ADMINISTRATIVE EXPENSES.—Section 503(b) of title 11, United States Code, as amended by sections 445 and 1103, is amended by adding at the end the following:

''(9) the value of any goods received by the debtor within 20 days before the date of commencement of a case under this title in which the goods have been sold to the debtor in the ordinary course of such debtor's business.''.

SEC. 1228. PROVIDING REQUESTED TAX DOCUMENTS TO THE COURT.

(a) CHAPTER 7 CASES.—The court shall not grant a discharge in the case of an individual who is a debtor in a case under chapter 7 of title 11, United States Code, unless requested tax documents have been provided to the court.

(b) CHAPTER 11 AND CHAPTER 13 CASES.—The court shall not confirm a plan of reorganization in the case of an individual under chapter 11 or 13 of title 11, United States Code, unless requested tax documents have been filed with the court.

(c) DOCUMENT RETENTION.—The court shall destroy documents submitted in support of a bankruptcy claim not sooner than 3 years after the date of the conclusion of a case filed by an individual under chapter 7, 11, or 13 of title 11, United States Code. In the event of a pending audit or enforcement action, the court may extend the time for destruction of such requested tax documents.

SEC. 1229. ENCOURAGING CREDITWORTHINESS.

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

(1) certain lenders may sometimes offer credit to consumers indiscriminately, without taking steps to ensure that consumers are capable of repaying the resulting debt, and in a manner which may encourage certain consumers to accumulate additional debt; and

(2) resulting consumer debt may increasingly be a major contributing factor to consumer insolvency.

(b) STUDY REQUIRED.—The Board of Governors of the Federal Reserve System (hereafter in this section referred to as the ''Board'') shall conduct a study of—

(1) consumer credit industry practices of soliciting and extending credit—

(A) indiscriminately;

(B) without taking steps to ensure that consumers are capable of repaying the resulting debt; and

(C) in a manner that encourages consumers to accumulate additional debt; and

(2) the effects of such practices on consumer debt and insolvency.

(c) REPORT AND REGULATIONS.—Not later than 12 months after the date of enactment of this Act, the Board—

(1) shall make public a report on its findings with respect to the indiscriminate solicitation and extension of credit by the credit industry;

(2) may issue regulations that would require additional disclosures to consumers; and

(3) may take any other actions, consistent with its existing statutory authority, that the Board finds necessary to ensure responsible industrywide practices and to prevent resulting consumer debt and insolvency.

SEC. 1230. PROPERTY NO LONGER SUBJECT TO REDEMPTION.

Section 541(b) of title 11, United States Code, as amended by sections 225 and 323, is amended by adding after paragraph (7), as added by section 323, the following:

''(8) subject to subchapter III of chapter 5, any interest of the debtor in property where the debtor pledged or sold tangible personal property (other than securities or written or printed evidences of indebtedness or title) as collateral for a loan or advance of money given by a person licensed under law to make such loans or advances, where—

''(A) the tangible personal property is in the possession of the pledgee or transferee;

''(B) the debtor has no obligation to repay the money, redeem the collateral, or buy back the property at a stipulated price; and

''(C) neither the debtor nor the trustee have exercised any right to redeem provided under the contract or State law, in a timely manner as provided under State law and section 108(b); or''.

SEC. 1231. TRUSTEES.

(a) SUSPENSION AND TERMINATION OF PANEL TRUSTEES AND STANDING TRUSTEES.—Section 586(d) of title 28, United States Code, is amended—

(1) by inserting ''(1)'' after ''(d)''; and

(2) by adding at the end the following:

''(2) A trustee whose appointment under subsection (a)(1) or under subsection (b) is terminated or who ceases to be assigned to cases filed under title 11, United States Code, may obtain judicial review of the final agency decision by commencing an action in the district court of the United States for the district for which the panel to which the trustee is appointed under subsection (a)(1), or in the district court of the United States for the district in which the trustee is appointed under subsection (b) resides, after

first exhausting all available administrative remedies, which if the trustee so elects, shall also include an administrative hearing on the record. Unless the trustee elects to have an administrative hearing on the record, the trustee shall be deemed to have exhausted all administrative remedies for purposes of this paragraph if the agency fails to make a final agency decision within 90 days after the trustee requests administrative remedies. The Attorney General shall prescribe procedures to implement this paragraph. The decision of the agency shall be affirmed by the district court unless it is unreasonable and without cause based on the administrative record before the agency.''.

(b) EXPENSES OF STANDING TRUSTEES.—Section 586(e) of title 28, United States Code, is amended by adding at the end the following:

''(3) After first exhausting all available administrative remedies, an individual appointed under subsection (b) may obtain judicial review of final agency action to deny a claim of actual, necessary expenses under this subsection by commencing an action in the district court of the United States for the district where the individual resides. The decision of the agency shall be affirmed by the district court unless it is unreasonable and without cause based upon the administrative record before the agency.

''(4) The Attorney General shall prescribe procedures to implement this subsection.''.

SEC. 1232. BANKRUPTCY FORMS.

Section 2075 of title 28, United States Code, is amended by adding at the end the following:

''The bankruptcy rules promulgated under this section shall prescribe a form for the statement required under section 707(b)(2)(C) of title 11 and may provide general rules on the content of such statement.''.

SEC. 1233. DIRECT APPEALS OF BANKRUPTCY MATTERS TO COURTS OF APPEALS.

(a) APPEALS.—Section 158 of title 28, United States Code, is amended—

(1) in subsection (c)(1), by striking ''Subject to subsection (b),'' and inserting ''Subject to subsections (b) and (d)(2),''; and

(2) in subsection (d)—

(A) by inserting ''(1)'' after ''(d)''; and

(B) by adding at the end the following:

''(2)(A) The appropriate court of appeals shall have jurisdiction of appeals described in the first sentence of subsection (a) if the bankruptcy court, the district court, or the bankruptcy appellate panel involved, acting on its own motion or on the request of a party to the judgment, order, or decree described in such first sentence, or all the appellants and appellees (if any) acting jointly, certify that—

''(i) the judgment, order, or decree involves a question of law as to which there is no controlling decision of the court of appeals for the circuit or of the Supreme Court of the United States, or involves a matter of public importance;

''(ii) the judgment, order, or decree involves a question of law requiring resolution of conflicting decisions; or

''(iii) an immediate appeal from the judgment, order, or decree may materially advance the progress of the case or proceeding in which the appeal is taken;

and if the court of appeals authorizes the direct appeal of the judgment, order, or decree.

''(B) If the bankruptcy court, the district court, or the bankruptcy appellate panel—

''(i) on its own motion or on the request of a party, determines that a circumstance specified in clause (i), (ii), or (iii) of subparagraph (A) exists; or

''(ii) receives a request made by a majority of the appellants and a majority of appellees (if any) to make the certification described in subparagraph (A);

then the bankruptcy court, the district court, or the bankruptcy appellate panel shall make the certification described in subparagraph (A).

''(C) The parties may supplement the certification with a short statement of the basis for the certification.

''(D) An appeal under this paragraph does not stay any proceeding of the bankruptcy court, the district court, or the bankruptcy appellate panel from which the appeal is taken, unless the respective bankruptcy court, district court, or bankruptcy appellate panel, or the court of appeals in which the appeal in pending, issues a stay of such proceeding pending the appeal.

''(E) Any request under subparagraph (B) for certification shall be made not later than 60 days after the entry of the judgment, order, or decree.''.

(b) PROCEDURAL RULES.—

(1) TEMPORARY APPLICATION.—A provision of this subsection shall apply to appeals under section 158(d)(2) of title 28, United States Code, until a rule of practice and procedure relating to such provision and such appeals is promulgated or amended under chapter 131 of such title.

(2) CERTIFICATION.—A district court, a bankruptcy court, or a bankruptcy appellate panel may make a certification under section 158(d)(2) of title 28, United States Code, only with respect to matters pending in the respective bankruptcy court, district court, or bankruptcy appellate panel.

(3) PROCEDURE.—Subject to any other provision of this subsection, an appeal authorized by the court of appeals under section 158(d)(2)(A) of title 28, United States Code, shall be taken in the manner prescribed in subdivisions (a)(1), (b), (c), and (d) of rule 5 of the Federal Rules of Appellate Procedure. For purposes of subdivision (a)(1) of rule 5—

(A) a reference in such subdivision to a district court shall be deemed to include a reference to a bankruptcy court and a bankruptcy appellate panel, as appropriate; and

(B) a reference in such subdivision to the parties requesting permission to appeal to be served with the petition shall be deemed to include a reference to the parties to the judgment, order, or decree from which the appeal is taken.

(4) FILING OF PETITION WITH ATTACHMENT.—A petition requesting permission to appeal, that is based on a certification made under subparagraph (A) or (B) of section 158(d)(2) shall—

(A) be filed with the circuit clerk not later than 10 days after the certification is entered on the docket of the bankruptcy court, the district court, or the bankruptcy appellate panel from which the appeal is taken; and

(B) have attached a copy of such certification.

(5) REFERENCES IN RULE 5.—For purposes of rule 5 of the Federal Rules of Appellate Procedure—

(A) a reference in such rule to a district court shall be deemed to include a reference to a bankruptcy court and to a bankruptcy appellate panel; and

(B) a reference in such rule to a district clerk shall be deemed to include a reference to a clerk of a bankruptcy court and to a clerk of a bankruptcy appellate panel.

(6) APPLICATION OF RULES.—The Federal Rules of Appellate Procedure shall apply in the courts of appeals with respect to appeals authorized under section 158(d)(2)(A), to the extent relevant and as if such appeals were taken from final judgments, orders, or decrees of the district courts or bankruptcy appellate panels exercising appellate jurisdiction under subsection (a) or (b) of section 158 of title 28, United States Code.

SEC. 1234. INVOLUNTARY CASES.

(a) AMENDMENTS.—Section 303 of title 11, United States Code, is amended—

(1) in subsection (b)(1), by—

(A) inserting ''as to liability or amount'' after ''bona fide dispute''; and

(B) striking ''if such claims'' and inserting ''if such noncontingent, undisputed claims''; and

(2) in subsection (h)(1), by inserting ''as to liability or amount'' before the semicolon at the end.

(b) EFFECTIVE DATE; APPLICATION OF AMENDMENTS.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act and shall apply with respect to cases commenced under title 11 of the United States Code before, on, and after such date.

SEC. 1235. FEDERAL ELECTION LAW FINES AND PENALTIES AS NONDISCHARGEABLE DEBT.

Section 523(a) of title 11, United States Code, as amended by section 314, is amended by inserting after paragraph (14A) the following:

''(14B) incurred to pay fines or penalties imposed under Federal election law;''.

TITLE XIII—CONSUMER CREDIT DISCLOSURE

SEC. 1301. ENHANCED DISCLOSURES UNDER AN OPEN END CREDIT PLAN.

(a) MINIMUM PAYMENT DISCLOSURES.—Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

''(11)(A) In the case of an open end credit plan that requires a minimum monthly payment of not more than 4 percent of the balance on which finance charges are accruing, the following statement, located on the front of the billing statement, disclosed clearly and conspicuously: 'Minimum Payment Warning: Making only the minimum payment will increase the interest you pay and the time it takes to repay your balance. For example, making only the typical 2% minimum monthly payment on a balance of $1,000 at an interest rate of 17% would take 88 months to repay the balance in full. For an estimate of the time it would take to repay your balance, making only minimum payments, call this toll-free number: _____.' (the blank space to be filled in by the creditor).

''(B) In the case of an open end credit plan that requires a minimum monthly payment of more than 4 percent of the balance on which finance charges are accruing, the following statement, in a prominent location on the front of the billing statement, disclosed clearly and conspicuously: 'Minimum Payment Warning: Making only the required minimum payment will increase the interest you pay and the time it takes to repay your balance. Making a typical 5% minimum monthly payment on a balance of $300 at an interest rate of 17% would take 24 months to repay the balance in full. For an estimate of the time it would take to repay your balance, making only minimum monthly payments, call this toll-free number: _____.' (the blank space to be filled in by the creditor).

''(C) Notwithstanding subparagraphs (A) and (B), in the case of a creditor with respect to which compliance with this title is enforced by the Federal Trade Commission, the following statement, in a prominent location on the front of the billing statement, disclosed clearly and conspicuously: 'Minimum Payment Warning: Making only the required minimum payment will increase the interest you pay and the time it takes to repay your balance. For example, making only the typical 5% minimum monthly payment on a balance of $300 at an interest rate of 17% would take 24 months to repay the balance in full. For an estimate of the time it would take to repay your balance, making only minimum monthly payments, call the Federal Trade Commission at this toll-free number:

_____.' (the blank space to be filled in by the creditor). A creditor who is subject to this subparagraph shall not be subject to subparagraph (A) or (B).

''(D) Notwithstanding subparagraph (A), (B), or (C), in complying with any such subparagraph, a creditor may substitute an example based on an interest rate that is greater than 17 percent. Any creditor that is subject to subparagraph (B) may elect to provide the disclosure required under subparagraph (A) in lieu of the disclosure required under subparagraph (B).

''(E) The Board shall, by rule, periodically recalculate, as necessary, the interest rate and repayment period under subparagraphs (A), (B), and (C).

''(F)(i) The toll-free telephone number disclosed by a creditor or the Federal Trade Commission under subparagraph (A), (B), or (G), as appropriate, may be a toll-free telephone number established and maintained by the creditor or the Federal Trade Commission, as appropriate, or may be a toll-free telephone number established and maintained by a third party for use by the creditor or multiple creditors or the Federal Trade Commission, as appropriate. The toll-free telephone number may connect consumers to an automated device through which consumers may obtain information described in subparagraph (A), (B), or (C), by inputting information using a touch-tone telephone or similar device, if consumers whose telephones are not equipped to use such automated device are provided the opportunity to be connected to an individual from whom the information described in subparagraph (A), (B), or (C), as applicable, may be obtained. A person that receives a request for information described in subparagraph (A), (B), or (C) from an obligor through the toll-free telephone number disclosed under subparagraph (A), (B), or (C), as applicable, shall disclose in response to such request only the information set forth in the table promulgated by the Board under subparagraph (H)(i).

''(ii)(I) The Board shall establish and maintain for a period not to exceed 24 months following the effective date of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2003, a toll-free telephone number, or provide a toll-free telephone number established and maintained by a third party, for use by creditors that are depository institutions (as defined in section 3 of the Federal Deposit Insurance Act), including a Federal credit union or State credit union (as defined in section 101 of the Federal Credit Union Act), with total assets not exceeding $250,000,000. The toll-free telephone number may connect consumers to an automated device through which consumers may obtain information described in subparagraph (A) or (B), as applicable, by inputting information using a touch-tone telephone or similar device, if consumers whose telephones are not equipped to use such automated device are provided the opportunity to be connected to an individual from whom the information described in subparagraph (A) or (B), as applicable, may be obtained. A person that receives a request for information described in subparagraph (A) or (B) from an obligor through the toll-free telephone number disclosed under subparagraph (A) or (B), as applicable, shall disclose in response to such request only the information set forth in the table promulgated by the Board under subparagraph (H)(i). The dollar amount contained in this subclause shall be adjusted according to an indexing mechanism established by the Board.

''(II) Not later than 6 months prior to the expiration of the 24-month period referenced in subclause (I), the Board shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the program described in subclause (I).

''(G) The Federal Trade Commission shall establish and maintain a toll-free number for the purpose of providing to consumers the information required to be disclosed under subparagraph (C).

''(H) The Board shall—

''(i) establish a detailed table illustrating the approximate number of months that it would take to repay an outstanding balance if a consumer pays only the required minimum monthly payments and if no other advances are made, which table shall clearly present standardized information to be used to disclose the information required to be disclosed under subparagraph (A), (B), or (C), as applicable;

''(ii) establish the table required under clause (i) by assuming—

''(I) a significant number of different annual percentage rates;

''(II) a significant number of different account balances;

''(III) a significant number of different minimum payment amounts; and

''(IV) that only minimum monthly payments are made and no additional extensions of credit are obtained; and

''(iii) promulgate regulations that provide instructional guidance regarding the manner in which the information contained in the table established under clause (i) should be used in responding to the request of an obligor for any information required to be disclosed under subparagraph (A), (B), or (C).

''(I) The disclosure requirements of this paragraph do not apply to any charge card account, the primary purpose of which is to require payment of charges in full each month.

''(J) A creditor that maintains a toll-free telephone number for the purpose of providing customers with the actual number of months that it will take to repay the customer's outstanding balance is not subject to the requirements of subparagraph (A) or (B).

''(K) A creditor that maintains a toll-free telephone number for the purpose of providing customers with the actual number of months that it will take to repay an outstanding balance shall include the following statement on each billing statement: 'Making only the minimum payment will increase the interest you pay and the time it takes to repay your balance. For more information, call this toll-free number: _____.' (the blank space to be filled in by the creditor).''.

(b) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board of Governors of the Federal Reserve System (hereafter in this title referred to as the ''Board'') shall promulgate regulations implementing the requirements of section 127(b)(11) of the Truth in Lending Act, as added by subsection (a) of this section.

(2) EFFECTIVE DATE.—Section 127(b)(11) of the Truth in Lending Act, as added by subsection (a) of this section, and the regulations issued under paragraph (1) of this subsection shall not take effect until the later of—

(A) 18 months after the date of enactment of this Act; or

(B) 12 months after the publication of such final regulations by the Board.

(c) STUDY OF FINANCIAL DISCLOSURES.—

(1) IN GENERAL.—The Board may conduct a study to determine the types of information available to potential borrowers from consumer credit lending institutions regarding factors qualifying potential borrowers for credit, repayment requirements, and the consequences of default.

(2) FACTORS FOR CONSIDERATION.—In conducting a study under paragraph (1), the Board should, in consultation with the other Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), the National Credit Union Administration, and the Federal Trade Commission, consider the extent to which—

(A) consumers, in establishing new credit arrangements, are aware of their existing payment obligations, the need to consider those obligations in deciding to take on new credit, and how taking on excessive credit can result in financial difficulty;

(B) minimum periodic payment features offered in connection with open end credit plans impact consumer default rates;

(C) consumers make only the required minimum payment under open end credit plans;

(D) consumers are aware that making only required minimum payments will increase the cost and repayment period of an open end credit obligation; and

(E) the availability of low minimum payment options is a cause of consumers experiencing financial difficulty.

(3) REPORT TO CONGRESS.—Findings of the Board in connection with any study conducted under this subsection shall be submitted to Congress. Such report shall also include recommendations for legislative initiatives, if any, of the Board, based on its findings.

SEC. 1302. ENHANCED DISCLOSURE FOR CREDIT EXTENSIONS SECURED BY A DWELLING.

(a) OPEN END CREDIT EXTENSIONS.—

(1) CREDIT APPLICATIONS.—Section 127A(a)(13) of the Truth in Lending Act (15 U.S.C. 1637a(a)(13)) is amended—

(A) by striking ''CONSULTATION OF TAX ADVISER.—A statement that the'' and inserting the following: ''TAX DEDUCTIBILITY.—A statement that—

''(A) the''; and

(B) by striking the period at the end and inserting the following: ''; and

''(B) in any case in which the extension of credit exceeds the fair market value (as defined under the Internal Revenue Code of 1986) of the dwelling, the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes.''.

(2) CREDIT ADVERTISEMENTS.—Section 147(b) of the Truth in Lending Act (15 U.S.C. 1665b(b)) is amended—

(A) by striking ''If any'' and inserting the following:

''(1) IN GENERAL.—If any''; and

(B) by adding at the end the following:

''(2) CREDIT IN EXCESS OF FAIR MARKET VALUE.—Each advertisement described in subsection (a) that relates to an extension of credit that may exceed the fair market value of the dwelling, and which advertisement is disseminated in paper form to the public or through the Internet, as opposed to by radio or television, shall include a clear and conspicuous statement that—

''(A) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

''(B) the consumer should consult a tax adviser for further information regarding the deductibility of interest and charges.''.

(b) NON-OPEN END CREDIT EXTENSIONS.—

(1) CREDIT APPLICATIONS.—Section 128 of the Truth in Lending Act (15 U.S.C. 1638) is amended—

(A) in subsection (a), by adding at the end the following:

''(15) In the case of a consumer credit transaction that is secured by the principal dwelling of the consumer, in which the extension of credit may exceed the fair market value of the dwelling, a clear and conspicuous statement that—

''(A) the interest on the portion of the credit extension that is greater than the fair

market value of the dwelling is not tax deductible for Federal income tax purposes; and

''(B) the consumer should consult a tax adviser for further information regarding the deductibility of interest and charges.''; and

(B) in subsection (b), by adding at the end the following:

''(3) In the case of a credit transaction described in paragraph (15) of subsection (a), disclosures required by that paragraph shall be made to the consumer at the time of application for such extension of credit.''.

(2) CREDIT ADVERTISEMENTS.—Section 144 of the Truth in Lending Act (15 U.S.C. 1664) is amended by adding at the end the following:

''(e) Each advertisement to which this section applies that relates to a consumer credit transaction that is secured by the principal dwelling of a consumer in which the extension of credit may exceed the fair market value of the dwelling, and which advertisement is disseminated in paper form to the public or through the Internet, as opposed to by radio or television, shall clearly and conspicuously state that—

''(1) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

''(2) the consumer should consult a tax adviser for further information regarding the deductibility of interest and charges.''.

(c) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board shall promulgate regulations implementing the amendments made by this section.

(2) EFFECTIVE DATE.—Regulations issued under paragraph (1) shall not take effect until the later of—

(A) 12 months after the date of enactment of this Act; or

(B) 12 months after the date of publication of such final regulations by the Board.

SEC. 1303. DISCLOSURES RELATED TO "INTRODUCTORY RATES".

(a) INTRODUCTORY RATE DISCLOSURES.—Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended by adding at the end the following:

''(6) ADDITIONAL NOTICE CONCERNING 'INTRODUCTORY RATES'.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an application or solicitation to open a credit card account and all promotional materials accompanying such application or solicitation for which a disclosure is required under paragraph (1), and that offers a temporary annual percentage rate of interest, shall—

''(i) use the term 'introductory' in immediate proximity to each listing of the temporary annual percentage rate applicable to such account, which term shall appear clearly and conspicuously;

''(ii) if the annual percentage rate of interest that will apply after the end of the temporary rate period will be a fixed rate, state in a clear and conspicuous manner in a prominent location closely proximate to the first listing of the temporary annual percentage rate (other than a listing of the temporary annual percentage rate in the tabular format described in section 122(c)), the time period in which the introductory period will end and the annual percentage rate that will apply after the end of the introductory period; and

''(iii) if the annual percentage rate that will apply after the end of the temporary rate period will vary in accordance with an index, state in a clear and conspicuous manner in a prominent location closely proximate to the first listing of the temporary annual percentage rate (other than a listing in the tabular format prescribed by section 122(c)), the time period in which the introductory period will end and the rate that will apply after that, based on an annual percentage rate that was in effect within 60 days before the date of mailing the application or solicitation.

''(B) EXCEPTION.—Clauses (ii) and (iii) of subparagraph (A) do not apply with respect to any listing of a temporary annual percentage rate on an envelope or other enclosure in which an application or solicitation to open a credit card account is mailed.

''(C) CONDITIONS FOR INTRODUCTORY RATES.—An application or solicitation to open a credit card account for which a disclosure is required under paragraph (1), and that offers a temporary annual percentage rate of interest shall, if that rate of interest is revocable under any circumstance or upon any event, clearly and conspicuously disclose, in a prominent manner on or with such application or solicitation—

''(i) a general description of the circumstances that may result in the revocation of the temporary annual percentage rate; and

''(ii) if the annual percentage rate that will apply upon the revocation of the temporary annual percentage rate—

''(I) will be a fixed rate, the annual percentage rate that will apply upon the revocation of the temporary annual percentage rate; or

''(II) will vary in accordance with an index, the rate that will apply after the temporary rate, based on an annual percentage rate that was in effect within 60 days before the date of mailing the application or solicitation.

''(D) DEFINITIONS.—In this paragraph—

''(i) the terms 'temporary annual percentage rate of interest' and 'temporary annual percentage rate' mean any rate of interest applicable to a credit card account for an introductory period of less than 1 year, if that rate is less than an annual percentage rate that was in effect within 60 days before the date of mailing the application or solicitation; and

''(ii) the term 'introductory period' means the maximum time period for which the temporary annual percentage rate may be applicable.

''(E) RELATION TO OTHER DISCLOSURE REQUIREMENTS.—Nothing in this paragraph may be construed to supersede subsection (a) of section 122, or any disclosure required by paragraph (1) or any other provision of this subsection.''.

(b) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board shall promulgate regulations implementing the requirements of section 127(c)(6) of the Truth in Lending Act, as added by this section.

(2) EFFECTIVE DATE.—Section 127(c)(6) of the Truth in Lending Act, as added by this section, and regulations issued under paragraph (1) of this subsection shall not take effect until the later of—

(A) 12 months after the date of enactment of this Act; or

(B) 12 months after the date of publication of such final regulations by the Board.

SEC. 1304. INTERNET-BASED CREDIT CARD SOLICITATIONS.

(a) INTERNET-BASED SOLICITATIONS.—Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended by adding at the end the following:

''(7) INTERNET-BASED SOLICITATIONS.—

''(A) IN GENERAL.—In any solicitation to open a credit card account for any person under an open end consumer credit plan using the Internet or other interactive computer service, the person making the solicitation shall clearly and conspicuously disclose—

''(i) the information described in subparagraphs (A) and (B) of paragraph (1); and

''(ii) the information described in paragraph (6).

''(B) FORM OF DISCLOSURE.—The disclosures required by subparagraph (A) shall be—

''(i) readily accessible to consumers in close proximity to the solicitation to open a credit card account; and

''(ii) updated regularly to reflect the current policies, terms, and fee amounts applicable to the credit card account.

''(C) DEFINITIONS.—For purposes of this paragraph—

''(i) the term 'Internet' means the international computer network of both Federal and non-Federal interoperable packet switched data networks; and

''(ii) the term 'interactive computer service' means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions.''.

(b) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board shall promulgate regulations implementing the requirements of section 127(c)(7) of the Truth in Lending Act, as added by this section.

(2) EFFECTIVE DATE.—The amendment made by subsection (a) and the regulations issued under paragraph (1) of this subsection shall not take effect until the later of—

(A) 12 months after the date of enactment of this Act; or

(B) 12 months after the date of publication of such final regulations by the Board.

SEC. 1305. DISCLOSURES RELATED TO LATE PAYMENT DEADLINES AND PENALTIES.

(a) DISCLOSURES RELATED TO LATE PAYMENT DEADLINES AND PENALTIES.—Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

''(12) If a late payment fee is to be imposed due to the failure of the obligor to make payment on or before a required payment due date, the following shall be stated clearly and conspicuously on the billing statement:

''(A) The date on which that payment is due or, if different, the earliest date on which a late payment fee may be charged.

''(B) The amount of the late payment fee to be imposed if payment is made after such date.''.

(b) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board shall promulgate regulations implementing the requirements of section 127(b)(12) of the Truth in Lending Act, as added by this section.

(2) EFFECTIVE DATE.—The amendment made by subsection (a) and regulations issued under paragraph (1) of this subsection shall not take effect until the later of—

(A) 12 months after the date of enactment of this Act; or

(B) 12 months after the date of publication of such final regulations by the Board.

SEC. 1306. PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.

(a) PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.—Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

''(h) PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.—A creditor of an account under an open end consumer credit plan may not terminate an account prior to its expiration date solely because the consumer has not incurred finance charges on the account. Nothing in this subsection shall prohibit a creditor from terminating an account for inactivity in 3 or more consecutive months.''.

(b) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board shall promulgate regulations implementing the requirements of section 127(h) of the Truth in Lending Act, as added by this section.

(2) EFFECTIVE DATE.—The amendment made by subsection (a) and regulations issued under paragraph (1) of this subsection shall not take effect until the later of—

(A) 12 months after the date of enactment of this Act; or

(B) 12 months after the date of publication of such final regulations by the Board.

SEC. 1307. DUAL USE DEBIT CARD.

(a) REPORT.—The Board may conduct a study of, and present to Congress a report containing its analysis of, consumer protections under existing law to limit the liability of consumers for unauthorized use of a debit card or similar access device. Such report, if submitted, shall include recommendations for legislative initiatives, if any, of the Board, based on its findings.

(b) CONSIDERATIONS.—In preparing a report under subsection (a), the Board may include—

(1) the extent to which section 909 of the Electronic Fund Transfer Act (15 U.S.C. 1693g), as in effect at the time of the report, and the implementing regulations promulgated by the Board to carry out that section provide adequate unauthorized use liability protection for consumers;

(2) the extent to which any voluntary industry rules have enhanced or may enhance the level of protection afforded consumers in connection with such unauthorized use liability; and

(3) whether amendments to the Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.), or revisions to regulations promulgated by the Board to carry out that Act, are necessary to further address adequate protection for consumers concerning unauthorized use liability.

SEC. 1308. STUDY OF BANKRUPTCY IMPACT OF CREDIT EXTENDED TO DEPENDENT STUDENTS.

(a) STUDY.—

(1) IN GENERAL.—The Board shall conduct a study regarding the impact that the extension of credit described in paragraph (2) has on the rate of cases filed under title 11 of the United States Code.

(2) EXTENSION OF CREDIT.—The extension of credit described in this paragraph is the extension of credit to individuals who are—

(A) claimed as dependents for purposes of the Internal Revenue Code of 1986; and

(B) enrolled within 1 year of successfully completing all required secondary education requirements and on a full-time basis, in postsecondary educational institutions.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Board shall submit to the Senate and the House of Representatives a report summarizing the results of the study conducted under subsection (a).

SEC. 1309. CLARIFICATION OF CLEAR AND CONSPICUOUS.

(a) REGULATIONS.—Not later than 6 months after the date of enactment of this Act, the Board, in consultation with the other Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), the National Credit Union Administration Board, and the Federal Trade Commission, shall promulgate regulations to provide guidance regarding the meaning of the term ''clear and conspicuous'', as used in subparagraphs (A), (B), and (C) of section 127(b)(11) and clauses (ii) and (iii) of section 127(c)(6)(A) of the Truth in Lending Act.

(b) EXAMPLES.—Regulations promulgated under subsection (a) shall include examples of clear and conspicuous model disclosures for the purposes of disclosures required by the provisions of the Truth in Lending Act referred to in subsection (a).

(c) STANDARDS.—In promulgating regulations under this section, the Board shall ensure that the clear and conspicuous standard required for disclosures made under the provisions of the Truth in Lending Act referred to in subsection (a) can be implemented in a manner which results in disclosures which are reasonably understandable and designed to call attention to the nature and significance of the information in the notice.

TITLE XIV—GENERAL EFFECTIVE DATE; APPLICATION OF AMENDMENTS

SEC. 1401. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—

(1) IN GENERAL.—Except as otherwise provided in this Act and paragraph (2), the amendments made by this Act shall not apply with respect to cases commenced under title 11, United States Code, before the effective date of this Act.

(2) CERTAIN LIMITATIONS APPLICABLE TO DEBTORS.—The amendments made by sections 308, 322, and 330 shall apply with respect to cases commenced under title 11, United States Code, on or after the date of the enactment of this Act.

TITLE XV—PREVENTING CORPORATE BANKRUPTCY ABUSE

SEC. 1501. EMPLOYEE WAGE AND BENEFIT PRIORITIES.

Section 507(a) of title 11, United States Code, is amended—

(1) in paragraph (3) by striking ''90'' and inserting ''180'', and

(2) in paragraphs (3) and (4) by striking ''$4,000'' and inserting ''$10,000''.

SEC. 1502. FRAUDULENT TRANSFERS AND OBLIGATIONS.

Section 548 of title 11, United States Code, is amended—

(1) in subsections (a) and (b) by striking ''one year'' and inserting ''2 years'',

(2) in subsection (a)—

(A) by inserting ''(including any transfer to or for the benefit of an insider under an employment contract)'' after ''transfer'' the 1st place it appears, and

(B) by inserting ''(including any obligation to or for the benefit of an insider under an employment contract)'' after ''obligation'' the 1st place it appears, and

(3) in subsection (a)(1)(B)(ii)—

(A) in subclause (II) by striking ''or'' at the end,

(B) in subclause (III) by striking the period at the end and inserting ''; or'', and

(C) by adding at the end the following:

''(IV) made such transfer to or for the benefit of an insider, or incurred such obligation to or for the benefit of an insider, under an employment contract and not in the ordinary course of business.''.

SEC. 1503. PAYMENT OF INSURANCE BENEFITS TO RETIRED EMPLOYEES.

Section 1114 of title 11, United States Code, is amended—

(1) by redesignating subsection (l) as subsection (m), and

(2) by inserting after subsection (k) the following:

''(l) If the debtor, during the 180-day period ending on the date of the filing of the petition—

''(1) modified retiree benefits; and

''(2) was insolvent on the date such benefits were modified;

the court, on motion of a party in interest, and after notice and a hearing, shall issue an order reinstating as of the date the modification was made, such benefits as in effect immediately before such date unless the court finds that the balance of the equities clearly favors such modification.''.

SEC. 1504. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this Act shall apply only with respect to cases commenced under title 11 of the United States Code on or after the date of the enactment of this Act.

(2) AVOIDANCE PERIOD.—The amendment made by section 3(1) shall apply only with respect to cases commenced under title 11 of the United States Code more than 1 year after the date of the enactment of this Act.

The bill, as amended, was ordered to be read a third time, and was read a third time by title.

Ms. SCHAKOWSKY moved to recommit the bill to the Committee on the Judiciary with instructions to report the bill back to the House forthwith with the following amendment:

After section 102 insert the following:

SEC. 102A. PROTECTING MEMBERS OF THE MILITARY, VETERANS, AND THEIR FAMILIES.

Section 707(b)(7) of title 11, United States Code, as amended by section 102, is amended—

(1) in subparagraph (B) by striking the close quotation marks and the period at the end; and

(2) by adding at the end the following:

''(C) No judge, United States trustee (or bankruptcy administrator, if any), trustee, or other party in interest may file a motion under paragraph (2) if—

''(i) the debtor or the debtor's spouse is a servicemember (as defined in section 101 of the Servicemembers Civil Relief Act);

''(ii) the debtor or the debtor's spouse is a veteran (as defined in section 101(2) of title 38); or

''(iii) the debtor's spouse dies while in military service (as defined in section 101 of the Servicemembers Civil Relief Act).''.

In the table of contents, after the item relating to section 102, insert the following item:

Sec. 102A. Protecting members of the military, veterans, and their families.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the nays had it.

Ms. SCHAKOWSKY demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative	Yeas	170
	Nays	198
	Answered present	1

¶5.15 [Roll No. 9]

AYES—170

Allen	Baird	Becerra
Andrews	Baldwin	Berkley
Baca	Ballance	Berman

Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeLauro
Deutsch
Dicks
Dingell
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Harman
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley (OR)
Hoyer
Inslee
Jackson (IL)
Jefferson
John
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Ross
Rothman
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Simmons
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Watt
Waxman
Weiner
Wexler
Woolsey
Wynn

NOES—198

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

ANSWERED ''PRESENT''—1

Ruppersberger

NOT VOTING—63

Abercrombie
Ackerman
Alexander
Ballenger
Bell
Bono
Brown, Corrine
Brown-Waite, Ginny
Buyer
Camp
Carson (OK)
Crane
Cunningham
DeGette
Delahunt
Doggett
Everett
Fattah
Forbes
Gallegly
Gephardt
Gerlach
Gutierrez
Hastings (FL)
Hefley
Honda
Hunter
Hyde
Israel
Jackson-Lee (TX)
Jenkins
Johnson, E. B.
Jones (NC)
Kucinich
Leach
Lewis (CA)
Lipinski
McInnis
McIntyre
Meeks (NY)
Miller (MI)
Miller, George
Mollohan
Ortiz
Pombo
Reyes
Rodriguez
Rogers (KY)
Roybal-Allard
Royce
Ryun (KS)
Sandlin
Shimkus
Slaughter
Souder
Tanner
Thomas
Turner (TX)
Waters
Watson
Weldon (PA)
Wu
Young (AK)

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. SENSENBRENNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative .....

Yeas	265
Nays	99
Answered present	1

¶5.16 [Roll No. 10]

YEAS—265

Aderholt
Akin
Andrews
Baca
Bachus
Baird
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burns
Burr
Burton (IN)
Calvert
Cannon
Cantor
Capito
Cardoza
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Cox
Cramer
Crenshaw
Crowley
Cubin
Culberson
Davis (AL)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Etheridge
Feeney
Ferguson
Flake
Foley
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Inslee
Isakson
Issa
Istook
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCarthy (NY)
McCotter
McCrery
McHugh
McKeon
Meek (FL)
Menendez
Mica
Michaud
Miller (FL)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Ryan (WI)
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Spratt
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (FL)

NAYS—99

Allen
Baldwin
Ballance
Becerra
Berman
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clay
Conyers
Cooper
Costello
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeLauro
Emanuel
Engel
Eshoo
Evans
Farr
Filner
Frank (MA)
Gonzalez
Green (TX)
Grijalva
Hinchey
Hoeffel
Holden
Holt
Jackson (IL)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Langevin
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McNulty
Meehan
Millender-McDonald
Miller (NC)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Payne
Pelosi
Rangel
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Snyder
Solis
Stark
Stupak
Tierney
Towns

Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Watt
Waxman
Weiner
Woolsey

ANSWERED ''PRESENT'' —1

Ruppersberger

NOT VOTING—67

Abercrombie
Ackerman
Alexander
Baker
Ballenger
Bell
Bono
Brown, Corrine
Brown-Waite, Ginny
Buyer
Camp
Carson (OK)
Crane
Cunningham
DeGette
Delahunt
Doggett
Everett
Fattah
Forbes
Gallegly
Gephardt
Gerlach
Gutierrez
Hastings (FL)
Hefley
Honda
Hunter
Hyde
Israel
Jackson-Lee (TX)
Jenkins
Johnson, E. B.
Jones (NC)
Kucinich
Leach
Lewis (CA)
Lipinski
McInnis
McIntyre
Meeks (NY)
Miller (MI)
Miller, George
Mollohan
Ortiz
Pombo
Reyes
Reynolds
Rodriguez
Rogers (KY)
Roybal-Allard
Royce
Ryun (KS)
Sandlin
Shimkus
Slaughter
Smith (MI)
Souder
Tanner
Thomas
Turner (TX)
Waters
Watson
Weldon (PA)
Wexler
Wu
Young (AK)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Mr. SENSENBRENNER, pursuant to House Resolution 503, moved that the House insist upon its amendment and request a conference with the Senate on the disagreeing votes of the two Houses thereon.

So the motion was agreed to.

Ordered, That the Clerk notify the Senate thereof.

¶5.17 MOTION TO INSTRUCT CONFEREES—S. 1920

Mr. NADLER moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the bill of the Senate (S. 1920), be instructed to disagree to section 414 of the House amendment.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the nays had it.

Mr. NADLER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 146; Nays ..... 203; Answered present 1

¶5.18 [Roll No. 11]

YEAS—146

Allen
Andrews
Baca
Bachus
Baird
Baldwin
Ballance
Becerra
Berkley
Bishop (GA)
Bishop (NY)
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Case
Clyburn
Conyers
Cooper
Costello
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
DeFazio
DeLauro
Deutsch
Dicks
Dingell
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Gonzalez
Green (TX)
Grijalva
Harman
Hayworth
Hill
Hinojosa
Hoeffel
Holden
Holt
Hooley (OR)
Hoyer
Inslee
Jackson (IL)
Jefferson
Johnson (CT)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
Meehan
Menendez
Michaud
Millender-McDonald
Miller (NC)
Moore
Moran (VA)
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rohrabacher
Ross
Rothman
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Strickland
Stupak
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Watt
Waxman
Wexler
Woolsey

NAYS—203

Aderholt
Akin
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blumenauer
Blunt
Boehlert
Bonilla
Bonner
Boozman
Boswell
Boucher
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burns
Burr
Burton (IN)
Calvert
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chocola
Coble
Cole
Cox
Cramer
Crenshaw
Crowley
Cubin
Culberson
Davis (AL)
Davis (TN)
Davis, Tom
DeLay
DeMint
Diaz-Balart, L.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Feeney
Ferguson
Flake
Foley
Fossella
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Isakson
Issa
Istook
John
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCarthy (NY)
McCotter
McCrery
McHugh
McKeon
Meek (FL)
Mica
Miller (FL)
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Ryan (WI)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simmons
Simpson
Smith (MI)
Smith (TX)
Spratt
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weiner
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

ANSWERED ''PRESENT''—1

Ruppersberger

NOT VOTING—82

Abercrombie
Ackerman
Alexander
Baker
Ballenger
Barrett (SC)
Bell
Berman
Berry
Blackburn
Boehner
Bono
Brown, Corrine
Brown-Waite, Ginny
Buyer
Camp
Carson (OK)
Clay
Collins
Crane
Cunningham
Deal (GA)
DeGette
Delahunt
Diaz-Balart, M.
Doggett
Everett
Fattah
Forbes
Gallegly
Gephardt
Gerlach
Gutierrez
Hastings (FL)
Hefley
Hinchey
Honda
Hunter
Hyde
Israel
Jackson-Lee (TX)
Jenkins
Johnson, E. B.
Jones (NC)
King (NY)
Kucinich
Leach
Lewis (CA)
Lipinski
Lowey
McInnis
McIntyre
McNulty
Meeks (NY)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Napolitano
Ortiz
Paul
Pombo
Reyes
Rodriguez
Rogers (KY)
Roybal-Allard
Royce
Ryun (KS)
Sandlin
Shimkus
Slaughter
Souder
Stark
Tanner
Thomas
Turner (TX)
Waters
Watson
Weldon (PA)
Wu
Wynn
Young (AK)

So the motion to instruct the managers on the part of the House was not agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶5.19 APPOINTMENT OF CONFEREES—S. 1920

Thereupon, the SPEAKER pro tempore, Mr. SIMPSON, by unanimous consent, appointed the following Members as managers on the part of the House at said conference:

From the Committee on the Judiciary, for consideration of the Senate bill and the House amendment, and modifications committed to conference: Messrs. SENSENBRENNER, HYDE, SMITH of Texas, CHABOT, CANNON, Ms. HART, and Messrs. CONYERS, BOUCHER, NADLER, and WATT.

From the Committee on Financial Services, for consideration of sections 901–906, 908–909, 911, and 1301–1309 of the House amendment, and modifications committed to conference: Messrs. OXLEY, BACHUS and SANDERS.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶5.20 COMMITTEE RESIGNATION—MAJORITY

The SPEAKER pro tempore, Mr. SIMPSON, laid before the House the following communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 28, 2004.

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

DEAR SPEAKER HASTERT: I hereby resign from the following committees: Committee on Government Reform, Committee on Transportation and Infrastructure, and Committee on Science.

Sincerely,

JOHN SULLIVAN,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶5.21 COMMITTEE RESIGNATION—MAJORITY

The SPEAKER pro tempore, Mr. SIMPSON, laid before the House the following communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 28, 2004.

Hon. J. DENNIS HASTERT,
Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER: Please accept my resignation from the House Energy and Commerce Committee.

It has been my great pleasure to serve on the committee under the fine leadership of Chairman Tauzin.

Thank you for your attention to this request.

Sincere regards,

ROY BLUNT,
Majority Whip.

By unanimous consent, the resignation was accepted.

¶5.22 COMMITTEE RESIGNATION—MINORITY

The SPEAKER pro tempore, Mr. SIMPSON, laid before the House the following communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
January 28, 2004.

Hon. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

MR. SPEAKER: Effective January 28th, I hereby resign from the Committee on Science and the Committee on Government Reform due to my pending appointment to the Committee on Financial Services.

Sincerely,

REP. CHRIS BELL.

By unanimous consent, the resignation was accepted.

¶5.23 COMMITTEE ELECTION—MAJORITY

Mr. DELAY, by unanimous consent, submitted the following resolution (H. Res. 505):

Resolved, That the following Members be and are hereby elected to the following standing committees of the House of Representatives:

COMMITTEE ON ENERGY AND COMMERCE: Mr. HALL (to rank after Mr. TAUZIN), and Mr. SULLIVAN.

COMMITTEE ON INTERNATIONAL RELATIONS: Mr. BLUNT to rank after Mr. MCHUGH.

COMMITTEE ON SCIENCE: Mr. HALL to rank after Mr. BOEHLERT.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶5.24 COMMITTEE ELECTION—MINORITY

Mr. MENENDEZ, by direction of the Democratic Caucus, submitted the following privileged resolution (H. Res. 504):

Resolved, That the following named Member be and is hereby elected to the following standing committee of the House of Representatives:

COMMITTEE ON FINANCIAL SERVICES: Mr. Bell.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶5.25 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. DELAY, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, February 4, 2004, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶5.26 ADJOURNMENT OVER

On motion of Mr. DELAY, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at noon on Friday, January 30, 2004; and further, that when the House adjourns on Friday, January 30, 2004, it adjourn to meet at 12:30 p.m. on Tuesday, February 3, 2004, for morning-hour debate.

¶5.27 MESSAGE FROM THE PRESIDENT—AIR FORCE'S OPERATING LOCATION NEAR GROOM LAKE, NEVADA

The SPEAKER pro tempore, Mr. SIMPSON, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Consistent with section 6001(a) of the Resource Conservation and Recovery Act (RCRA) (the "Act"), as amended, 42 U.S.C. 6961(a), notification is hereby given that on September 16, 2003, I issued Presidential Determination 2003–39 (copy enclosed) and thereby exercised the authority to grant certain exemptions under section 6001(a) of the Act.

Presidential Determination 2003–39 exempted the United States Air Force's operating location near Groom Lake, Nevada, from any Federal, State, interstate, or local hazardous or solid waste laws that might require the disclosure of classified information concerning that operating location to unauthorized persons. Information concerning activities at the operating location near Groom Lake has been properly determined to be classified, and its disclosure would be harmful to national security. Continued protection of this information is, therefore, in the paramount interest of the United States.

The determination was not intended to imply that, in the absence of a Presidential exemption, RCRA or any other provision of law permits or requires the disclosure of classified information to unauthorized persons. The determination also was not intended to limit the applicability or enforcement of any requirement of law applicable to the Air Force's operating location near Groom Lake except those provisions, if any, that might require the disclosure of classified information.

GEORGE W. BUSH.

THE WHITE HOUSE, *January 28, 2004.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Energy and Commerce.

¶5.28 MESSAGE FROM THE PRESIDENT—EFFECTIVENESS OF AUSTRALIA GROUP, BIOLOGICAL AND CHEMICAL WEAPONS OF MASS DESTRUCTION

The SPEAKER pro tempore, Mr. SIMPSON, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Consistent with the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction, adopted by the Senate of the United States on April 24, 1997, I hereby certify pursuant to Condition 7(C)(i), Effectiveness of the Australia Group, that:

Australia Group members continue to maintain equally effective or more comprehensive controls over the export of: toxic chemicals and their precursors; dual-use processing equipment; human, animal, and plant pathogens and toxins with potential biological weapons applications; and dual-use biological equipment, as that afforded by the Australia Group as of April 25, 1997; and

The Australia Group remains a viable mechanism for limiting the spread of chemical and biological weapons-related materials and technology, and the effectiveness of the Australia Group has not been undermined by changes in membership, lack of compliance with common export controls and nonproliferation measures, in force as of April 25, 1997.

The factors underlying this certification are described in the enclosed statement of justification.

GEORGE W. BUSH.

THE WHITE HOUSE, *January 28, 2004.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations.

¶5.29 ANTITRUST MODERNIZATION COMMISSION

The SPEAKER pro tempore, Mr. SIMPSON, announced that the Speaker, pursuant to section 11054 of the Antitrust Modernization Commission Act of 2002 (15 United States Code 1 NOTE), and the order of the House of December 8, 2003, appointed the following Members on the part of the House to the Antitrust Modernization

Commission: Mr. Donald G. Kempf, Jr., of New York, New York, and Mr. John L. Warden, of New York, New York.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶5.30 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1741. An Act to provide a site for the National Women's History Museum in the District of Columbia; to the Committee on Transportation and Infrastructure.

¶5.31 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. EVERETT, for today;

To Mr. GERLACH, for today;

To Ms. SLAUGHTER, for today; and

To Mr. McINTYRE for January 27 and balance of the week.

And then,

¶5.32 ADJOURNMENT

On motion of Mr. OWENS, pursuant to the previous order of the House, at 8 o'clock and 3 minutes p.m., the House adjourned until noon on Friday, January 30, 2004.

¶5.33 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2844. A bill to require States to hold special elections to fill vacancies in the House of Representatives not later than 21 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes; with amendments (Rept. 108–404, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

¶5.34 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. DEAL of Georgia:

H.R. 3736. A bill to provide that pay for Members of Congress be reduced following any fiscal year in which there is a Federal deficit; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 3737. A bill to increase the minimum and maximum rates of basic pay payable to administrative law judges, and for other purposes; to the Committee on Government Reform.

By Mr. FILNER:

H.R. 3738. A bill to amend title 10, United States Code, to provide for immediate implementation of full concurrent receipt for retired members of the Armed Forces who have a service-connected disability of both military retired pay paid by reason of their years of military service and disability compensation from the Department of Veterans Affairs paid by reason of their disability; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALDEN of Oregon (for himself, Mr. BLUMENAUER, Mr. DEFAZIO, Ms. HOOLEY of Oregon, and Mr. WU):

H.R. 3739. A bill to waive time limitations specified by law in order to allow the Medal of Honor to be awarded posthumously to Rex T. Barber, of Terrebonne, Oregon, for acts of valor during World War II in attacking and shooting down the enemy aircraft transporting Japanese Admiral Isoroku Yamamoto; to the Committee on Armed Services.

By Mr. MILLER of North Carolina (for himself, Mr. BALLANCE, Mr. ETHERIDGE, Mr. JONES of North Carolina, Mr. PRICE of North Carolina, Mr. BURR, Mr. COBLE, Mr. MCINTYRE, Mr. HAYES, Mrs. MYRICK, Mr. BALLENGER, Mr. TAYLOR of North Carolina, and Mr. WATT):

H.R. 3740. A bill to designate the facility of the United States Postal Service located at 223 South Main Street in Roxboro, North Carolina, as the ''Oscar Scott Woody Post Office Building''; to the Committee on Government Reform.

By Mr. BROWN of Ohio (for himself and Mr. RYAN of Ohio):

H.R. 3741. A bill to amend the Buy American Act to increase the requirement for American-made content, to tighten the waiver provisions, and for other purposes; to the Committee on Government Reform.

By Mr. ACEVEDO-VILA (for himself, Mr. SERRANO, Mr. GUTIERREZ, and Ms. VELAZQUEZ):

H.R. 3742. A bill to designate the United States courthouse and post office building located at 93 Atocha Street in Ponce, Puerto Rico, as the ''Luis A. Ferre United States Courthouse and Post Office Building''; to the Committee on Transportation and Infrastructure.

By Mr. NEY (for himself, Mr. HOLDEN, Mr. BOEHLERT, and Mr. ISAKSON):

H.R. 3743. A bill to improve the safety of rural roads; to the Committee on Transportation and Infrastructure.

By Mr. ROSS:

H.R. 3744. A bill to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Ozark-St. Francis and Ouachita National Forests and to use funds derived from the sale or exchange to acquire, construct, or improve administrative sites, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAYS (for himself and Mr. WOLF):

H.R. 3745. A bill to amend the Indian Gaming Regulatory Act to require State legislature approval of new gambling facilities, to provide for minimum requirements for Federal regulation of Indian gaming, to set up a commission to report to Congress on current living and health standards in Indian country, and for other purposes; to the Committee on Resources.

By Mr. TIAHRT (for himself, Mr. RYUN of Kansas, Mr. MORAN of Kansas, and Mr. MOORE):

H.R. 3746. A bill to designate the community center at McConnell Air Force Base, Kansas, as the ''Robert J. Dole Community Center'' in honor of World War II veteran and former United States Representative and Senator Robert J. Dole; to the Committee on Armed Services.

By Mr. WALDEN of Oregon:

H.R. 3747. A bill to authorize the Bureau of Reclamation to participate in the rehabilitation of the Wallowa Lake Dam in Oregon, and for other purposes; to the Committee on Resources.

By Mr. SHADEGG:

H.R. 3748. A bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable and advancable credit against income tax for health insurance costs; to the Committee on Ways and Means.

By Mr. WEINER:

H.R. 3749. A bill to revise and reform the Act commonly called the Jenkins Act, and for other purposes; to the Committee on the Judiciary.

By Ms. SLAUGHTER (for herself, Mr. SKELTON, Mrs. EMERSON, Mr. MCGOVERN, and Mr. SWEENEY):

H.J. Res. 87. A joint resolution honoring the life and legacy of President Franklin Delano Roosevelt and recognizing his contributions on the anniversary of the date of his birth; to the Committee on Government Reform.

By Mr. TAYLOR of Mississippi (for himself, Mr. FROST, Mr. OWENS, Mr. JEFFERSON, Mr. BERRY, Mr. DAVIS of Tennessee, and Mr. BOSWELL):

H.J. Res. 88. A joint resolution proposing an amendment to the Constitution of the United States to provide that certain trust funds are outside the budget of the United States; to the Committee on the Judiciary.

By Mr. CASTLE:

H. Con. Res. 351. Concurrent resolution congratulating the University of Delaware men's football team for winning the National Collegiate Athletic Association I-AA national championship; to the Committee on Education and the Workforce.

By Ms. MILLENDER-MCDONALD:

H. Con. Res. 352. Concurrent resolution recognizing the contributions of people of Indian origin to the United States and the benefits of working together with India towards promoting peace, prosperity, and freedom among all countries of the world; to the Committee on International Relations.

By Mr. WEXLER (for himself, Mr. WHITFIELD, Ms. GRANGER, Mr. ENGLISH, Mr. ADERHOLT, and Mr. GUTKNECHT):

H. Con. Res. 353. Concurrent resolution expressing the sense of the Congress regarding the visit to the United States of Turkish Prime Minister Recep Tayyip Erdogan beginning January 26, 2004; to the Committee on International Relations.

By Mr. MENENDEZ:

H. Res. 504. A resolution electing a Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Mr. DELAY:

H. Res. 505. A resolution electing a Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Mrs. BIGGERT (for herself and Mr. STRICKLAND):

H. Res. 506. A resolution supporting the goals and ideals of National Eating Disorders Awareness Week; to the Committee on Energy and Commerce.

By Mr. BURGESS (for himself, Mr. EHLERS, Mr. DAVIS of Tennessee, Mr. LAMPSON, Ms. ROS-LEHTINEN, Mr. COSTELLO, Mr. FEENEY, Mr. DELAY, Mr. UDALL of Colorado, Mr. NEUGEBAUER, Mr. GORDON, Mr. WEINER, Mr. SMITH of Texas, Mr. HONDA, Mr. ROHRABACHER, Mr. BOEHLERT, Ms. JACKSON-LEE of Texas, Mr. GINGREY, and Mr. CALVERT):

H. Res. 507. A resolution expressing the profound sorrow of the House of Representatives on the anniversary of the accident that

cost the crew of the Space Shuttle Columbia their lives, and extending heartfelt sympathy to their families; to the Committee on Science.

By Mr. PAYNE:

H. Res. 508. A resolution recognizing and honoring the 50th anniversary of the United States Supreme Court decision in Brown v. Board of Education; to the Committee on the Judiciary.

¶5.35 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 97: Mr. BACHUS.

H.R. 112: Mrs. MUSGRAVE, Mr. UDALL of Colorado, Mr. BEAUPREZ, Mr. TANCREDO, and Ms. DEGETTE.

H.R. 218: Mr. PUTNAM.

H.R. 348: Mr. BISHOP of Georgia, Mr. HOLDEN, Mr. CLAY, and Mrs. WILSON of New Mexico.

H.R. 391: Mr. OSBORNE.

H.R. 525: Mr. ISRAEL, Mr. POMEROY, and Mr. GREENWOOD.

H.R. 583: Mr. MCCOTTER.

H.R. 584: Mr. WALSH.

H.R. 594: Mr. PETERSON of Pennsylvania and Mr. RUPPERSBERGER.

H.R. 617: Mrs. MUSGRAVE.

H.R. 713: Mr. PEARCE and Mr. HILL.

H.R. 715: Mr. BURR.

H.R. 790: Mr. ANDREWS.

H.R. 852: Ms. BERKLEY.

H.R. 873: Mr. STUPAK.

H.R. 880: Mr. MCNULTY.

H.R. 965: Ms. KAPTUR.

H.R. 970: Mr. PORTER and Mr. LEWIS of Georgia.

H.R. 990: Mr. CULBERSON.

H.R. 1205: Mr. CUMMINGS.

H.R. 1214: Mr. MCCOTTER.

H.R. 1231: Ms. CORRINE BROWN of Florida and Mr. FATTAH.

H.R. 1233: Mr. TIBERI.

H.R. 1251: Mr. FRANK of Massachusetts.

H.R. 1258: Mr. LARSEN of Washington.

H.R. 1310: Mr. CRANE and Mr. STUPAK.

H.R. 1336: Mr. CULBERSON, Mr. JOHN, Ms. MCCOLLUM, Mr. ISRAEL, Mrs. NORTHUP, and Ms. PRYCE of Ohio.

H.R. 1372: Mr. ANDREWS, Mr. FEENEY, and Mr. ROGERS of Michigan.

H.R. 1404: Mr. FOLEY.

H.R. 1406: Mr. SMITH of Washington.

H.R. 1513: Mr. MCINTYRE, Mrs. NORTHUP, Mr. PASCRELL, Mr. BAKER, and Mr. LATOURETTE.

H.R. 1552: Ms. BERKLEY and Mr. LARSEN of Washington.

H.R. 1563: Mr. GORDON, Mr. GREEN of Texas, Mrs. LOWEY, Ms. LORETTA SANCHEZ of California, Mr. CALVERT, Mr. STUPAK, and Mr. DAVIS of Florida.

H.R. 1567: Mr. CULBERSON and Mr. CARTER.

H.R. 1608: Mr. CULBERSON, Mr. TANCREDO, Mr. HALL, Mr. MARSHALL, and Mrs. NAPOLITANO.

H.R. 1639: Ms. JACKSON-LEE of Texas and Mr. BELL.

H.R. 1676: Mr. FRANK of Massachusetts and Mr. SANDERS.

H.R. 1688: Mr. SHERMAN and Mr. WAXMAN.

H.R. 1716: Mr. FOLEY and Mr. FILNER.

H.R. 1736: Mr. VISCLOSKY.

H.R. 1767: Mr. BROWN of South Carolina.

H.R. 1863: Mr. FILNER, Mr. NADLER, and Mrs. NAPOLITANO.

H.R. 1889: Mr. PAYNE.

H.R. 1910: Mr. ROSS.

H.R. 1914. Mr. JENKINS.

H.R. 1916: Mr. ENGLISH.

H.R. 2032: Mr. MENENDEZ, Mr. JACKSON of Illinois, and Mrs. BIGGERT.

H.R. 2045: Mr. MANZULLO, Mr. CARTER, Mr. PEARCE, Mr. PLATTS, and Mr. BAKER.

H.R. 2068: Mr. REYES, Mr. ACEVEDO-VILA, Mr. QUINN, Mr. ACKERMAN, Mrs. TAUSHCER, Mr. MCNULTY, and Mr. WALSH.

H.R. 2069: Mr. ACEVEDO-VILA.

H.R. 2133: Mr. JONES of North Carolina.

H.R. 2201: Mr. RAHALL, Ms. KAPTUR, Mr. MARKEY, Mr. GRIJALVA, Ms. BORDALLO, Mr. ACEVEDO-VILA, Mr. MORAN of Virginia, Mr. BOUCHER, and Mr. FOLEY.

H.R. 2238: Mr. STENHOLM and Mr. KUCINICH.

H.R. 2239: Mr. OLVER, Mr. MEEK of Florida, and Mr. BISHOP of New York.

H.R. 2318: Mr. BACA.

H.R. 2363: Mr. MCDERMOTT.

H.R. 2365: Mr. NEY.

H.R. 2540: Mr. UDALL of Colorado and Ms. HARMAN.

H.R. 2621: Mr. BLUMENAUER.

H.R. 2635: Mr. CULBERSON.

H.R. 2681: Mr. BLUMENAUER, Ms. MILLENDER-MCDONALD, Mr. WALSH, Mr. DEUTSCH, and Mrs. TAUSCHER.

H.R. 2702: Mr. PASCRELL.

H.R. 2735: Mr. TURNER of Texas, Ms. LEE, and Mr. CUMMINGS.

H.R. 2797: Mr. HOUGHTON and Mr. RADANOVICH.

H.R. 2837: Mr. STARK.

H.R. 2899: Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, and Mr. CANNON.

H.R. 2928: Mr. DEMINT.

H.R. 2948: Mr. OWENS.

H.R. 3039: Mr. ENGLISH and Mr. SOUDER.

H.R. 3069: Mr. WAMP and Mr. LUCAS of Kentucky.

H.R. 3104: Mr. ACKERMAN, Ms. NORTON, Mr. RYAN of Ohio, Mr. BRADY of Pennsylvania, Mr. BISHOP of Georgia, Mr. SANDLIN, Mr. JOHNSON of Illinois, Mr. ISRAEL, Mr. SANDERS, Mr. RUPPERSBERGER, Mr. FRANK of Massachusetts, Mr. GORDON, Ms. PELOSI, Mr. MCNULTY, and Mr. WALSH.

H.R. 3109: Mr. HINOJOSA, Mr. ISRAEL, Mr. ORTIZ, and Mr. ROTHMAN.

H.R. 3111: Mr. HOEKSTRA and Mr. MICHAUD.

H.R. 3133: Mrs. LOWEY.

H.R. 3142: Mr. SIMMONS, Mr. GILLMOR, Mr. BALLANCE, Mr. PRICE of North Carolina, Mr. KOLBE, Mr. FLAKE, Mr. DAVIS of Florida, and Mr. HASTINGS of Florida.

H.R. 3148: Mr. FOLEY.

H.R. 3178: Mr. HOEFFEL, Mr. HAYWORTH, Mr. HOLDEN, Mr. STARK, Mr. CLYBURN, Mr. WALSH, Mr. KING of New York, and Ms. BERKLEY.

H.R. 3190: Mr. SULLIVAN.

H.R. 3193: Mr. MCINNIS, Mr. JONES of North Carolina, and Mrs. MYRICK.

H.R. 3204: Mr. CAPUANO.

H.R. 3213: Mr. WILSON of South Carolina, Mr. TANCREDO, Mrs. MUSGRAVE, Mr. MANZULLO, Mr. AKIN, Mr. KING of Iowa, Mr. ADERHOLT, Mr. BARTLETT of Maryland, Mr. CRANE, Mrs. MYRICK, Mr. ISTOOK, Mr. ROGERS of Alabama, Mr. HERGER, Mr. PENCE, Mr. SAM JOHNSON of Texas, Mr. PITTS, Mr. FLAKE, Mr. SHADEGG, Mr. NEUGEBAUER, Mr. MILLER of Florida, Mr. CHOCOLA, and Mr. BLUNT.

H.R. 3238: Mr. MEEKS of New York, Ms. ROS-LEHTINEN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. DEUTSCH, Mr. HASTINGS of Florida, Ms. LEE, Ms. JACKSON-LEE of Texas, Mr. OWENS, and Mr. BISHOP of Georgia.

H.R. 3259: Ms. GINNY BROWN-WAITE of Florida.

H.R. 3270: Mr. EHLERS.

H.R. 3293: Mr. MEEHAN, Mrs. JONES of Ohio, Mr. ROTHMAN, and Mr. HOLT.

H.R. 3313: Mrs. NORTHUP.

H.R. 3331: Mr. KUCINICH.

H.R. 3390: Mr. BOYD, Mr. FILNER, Mr. GOODE, Mr. WAMP, and Mr. WHITFIELD.

H.R. 3411: Ms. WOOLSEY.

H.R. 3412: Mr. ROSS and Mr. HOLT.

H.R. 3429: Mr. JOHNSON of Illinois.

H.R. 3438: Mrs. CAPPS and Mr. OLVER.

H.R. 3444: Ms. SCHAKOWSKY, Ms. KAPTUR, and Mr. GRIJALVA.

H.R. 3459: Mr. ROSS and Mr. COOPER.

H.R. 3476: Mr. SCHIFF, Ms. KAPTUR, Mr. MENENDEZ, Mr. CARSON of Oklahoma, Mrs. WILSON of New Mexico, and Mr. ISRAEL.

H.R. 3507: Ms. WATERS.

H.R. 3522: Mr. TANCREDO and Mr. PLATTS.

H.R. 3528: Mr. MCNULTY, Ms. CARSON of Indiana, Mr. KIND, Mr. ISRAEL, Mr. OWENS, Mr. SMITH of Washington, Mr. MCDERMOTT, and Ms. DELAURO.

H.R. 3534: Mr. COLLINS.

H.R. 3546: Mr. DINGELL, Ms. SLAUGHTER, Mr. FRANK of Massachusetts, Ms. ESHOO, Ms. LEE, and Mr. BROWN of Ohio.

H.R. 3547: Mr. DINGELL, Ms. SLAUGHTER, Mr. BROWN of Ohio, and Ms. ESHOO.

H.R. 3550: Mr. HASTINGS of Florida, Mr. MCDERMOTT, Mr. KILDEE, Mr. MARKEY, Mrs. MALONEY, Mr. CLAY, Mr. MEEKS of New York, Mr. MEEK of Florida, Mr. CARDIN, Mr. VAN HOLLEN, Mr. TOWNS, and Mr. GONZALEZ.

H.R. 3593: Mr. BOUCHER, Ms. SCHAKOWSKY, Mr. ROTHMAN, Mr. BALLANCE, Mr. ETHERIDGE, Mrs. CHRISTENSEN, Mr. TOWNS, Mr. MCNULTY, Mr. RUSH, Mr. FILNER, and Mr. BISHOP of New York.

H.R. 3595: Mr. SERRANO.

H.R. 3599: Mr. LEVIN.

H.R. 3619: Mr. LARSON of Connecticut, Mr. HILL, Mr. CARDIN, Mr. LAMPSON, Mr. MOORE, Mr. CARSON of Oklahoma, Ms. MAJETTE, Mr. DAVIS of Alabama, and Ms. WATSON.

H.R. 3635: Mr. BISHOP of Georgia.

H.R. 3673: Ms. MCCARTHY of Missouri, Mr. BROWN of Ohio, Mr. BOUCHER, Mr. BERMAN, and Mr. ALLEN.

H.R. 3674: Mr. TANCREDO, Mr. JONES of North Carolina, and Mr. NORWOOD.

H.R. 3676: Ms. MILLENDER-MCDONALD.

H.R. 3678: Mr. CAMP.

H.R. 3687: Mr. DEAL of Georgia, Mr. NUNES, Mr. GREEN of Wisconsin, Mr. DEMINT, Mr. GOODE, Mr. KING of Iowa, Mr. ISAKSON, Mr. HILL, and Mr. TANNER.

H.R. 3708: Mr. TERRY.

H.R. 3712: Ms. HARMAN, Mrs. NAPOLITANO, and Mr. RANGEL.

H.R. 3714: Mrs. NAPOLITANO.

H.R. 3716: Mr. NEY.

H.R. 3717: Mr. BARRETT of South Carolina, Mr. ROSS, Mr. HINCHEY, Mr. BAKER, and Mr. BEREUTER.

H.R. 3721: Mr. CRAMER and Mr. LAHOOD.

H.J. Res. 12: Mr. BISHOP of Georgia.

H.J. Res. 72: Mr. PRICE of North Carolina and Mr. LEACH.

H.J. Res. 84: Mr. RADANOVICH, Mr. FRANKS of Arizona, Mr. KLINE, Mr. BRADLEY of New Hampshire, Mr. BILIRAKIS, Mr. HENSARLING, Mr. SHAW, Mr. LAHOOD, Mr. HOSTETTLER, Mr. LINDER, Mr. KENNEDY of Minnesota, Mr. LOBIONDO, Mr. KIRK, Mr. HASTINGS of Washington, Mr. WALSH, Mr. HUNTER, Mr. MURPHY, Mr. WELLER, Mrs. CAPITO, Mr. SMITH of Texas, Mr. BURGESS, Mr. GILLMOR, Mr. CULBERSON, Mr. BLUNT, Ms. HARRIS, Mr. STEARNS, Mr. GARRETT of New Jersey, Mr. PITTS, Mr. OSE, and Mr. LINCOLN DIAZ-BALART of Florida.

H. Con. Res. 37: Mr. MILLER of North Carolina.

H. Con. Res. 247: Mr. SHERMAN.

H. Con. Res. 310: Mr. WILSON of South Carolina.

H. Con. Res. 332: Mr. MCNULTY.

H. Con. Res. 338: Mr. OWENS and Mr. RANGEL.

H. Con. Res. 348: Mr. ROTHMAN and Mrs. NAPOLITANO.

H. Res. 32: Mr. BELL.

H. Res. 402: Mr. TERRY.

H. Res. 420: Mr. FARR, Ms. SCHAKOWSKY, Mr. VAN HOLLEN, Mr. FILNER, Ms. WOOLSEY, Mr. WAXMAN, Ms. KAPTUR, Mr. RANGEL, and Mr. STARK.

H. Res. 466: Mr. ABERCROMBIE, Mr. DOGGETT, Mr. FILNER, Ms. JACKSON-LEE of Texas, Mr. WAXMAN, Ms. WOOLSEY, Ms. ESHOO, Mrs. MALONEY, Mr. GONZALEZ, Ms. NORTON, Ms. KAPTUR, Mr. BROWN of Ohio, Mr. GEORGE MILLER of California, Ms. LEE, Mr. HINCHEY, Mr. SERRANO, Ms. LOFGREN, Mr. SANDERS, Ms. MCCARTHY of Missouri, Mr. CUNNINGHAM, Mr. HOBSON, and Mr. WEXLER.

H. Res. 477: Ms. WOOLSEY.
H. Res. 485: Mr. CASE, Mr. MOORE, Mr. OWENS, Mr. FROST, and Mr. PASTOR.
H. Res. 497: Mr. WATT and Mr. OLVER.
H. Res. 499: Mr. TIERNEY, Mr. MEEHAN, Mr. RYAN of Ohio, Mr. KLECZKA, Mr. BERMAN, Ms. MCCARTHY of Missouri, Mr. OLVER, Ms. BERKLEY, Mr. GEORGE MILLER of California, Mr. HOEFFEL, Mr. FARR, Mr. UDALL of New Mexico, Mr. UDALL of Colorado, Ms. WOOLSEY Mr. VAN HOLLEN, Mr. SANDERS, and Mr. SCHIFF.
H. Res. 500: Mr. SHIMKUS.

FRIDAY, JANUARY 30, 2004 (6)

¶6.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. BARTLETT of Maryland, who laid before the House the following communication:

WASHINGTON, DC,
January 30, 2004.

I hereby appoint the Honorable ROSCOE G. BARTLETT to act as Speaker pro tempore on this day.

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

¶6.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. BARTLETT of Maryland, announced he had examined and approved the Journal of the proceedings of Wednesday, January 28, 2004.

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

¶6.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

6466. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Yucatan Peninsula; Addition to the List of Regions Considered Free of Exotic Newcastle Disease [Docket No. 02-036-2] received January 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6467. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Lactic Acid, n-Butyl Ester, (S) and Lactic Acid, Ethyl Ester, (S); Exemption from the Requirement of a Tolerance [OPP-2003-0341; FRL-7338-4] received January 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6468. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Sulfuryl Fluoride; Pesticide Tolerance [OPP-2003-0373; FRL-7342-1] received January 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6469. A letter from the Under Secretary, Department of Defense, transmitting A report on the implementation of the recommendations submitted by the Defense Task Force on Domestic Violence, pursuant to Public Law 107—248 section 8148(c) (116 Stat. 1572); to the Committee on Armed Services.

6470. A letter from the Secretary of the Air Force, Department of Defense, transmitting notification that the Evolved Expendable Launch Vehicle (EELV) Program exceeds both the 15 percent and 25 percent Nunn-McCurdy Program APUC and PAUC thresholds, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

6471. A letter from the Under Secretary, Department of Defense, transmitting Approval of Captain Arthur J. Johnson to wear the insignia of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

6472. A letter from the Director, Procurement & Industrial Base Policy, Department of the Army, transmitting the Department's final rule — Foreign Acquisition (RIN: 0702-AA38) received January 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6473. A letter from the Director, Procurement & Industrial Base Policy, Department of the Army, transmitting the Department's final rule — Solicitation Provisions and Contract Clauses (RIN: 0702-AA39) received January 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6474. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Free Trade Agreements-Chile and Singapore [DFARS Case 2003-D088] received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6475. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Implementation of the Equal Access to Justice Act in Agency Proceedings — received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6476. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting the Department's final rule — Biological Products; Bacterial Vaccines and Toxoids; Implementation of Efficacy Review [Docket No. 1980N-0208] received January 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6477. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting the Department's final rule — Pediculicide Drug Products for Over-the-Counter Human Use; Amendment of Final Monograph [Docket No. 2002N-0058] (RIN: 0910-AA01) received January 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6478. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans Revisions to South Carolina State Implementation Plan: Transportation Conformity Rule [SC-50-200405(a); FRL-7614-7] received January 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6479. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Indiana [IN 144-4; FRL-7611-5] received January 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6480. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New York State Implementation Plan Revisions; 1-Hour Ozone Control Programs [Region 2 Docket No. NY65-270, FRL-7610-7] received January 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6481. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2004 [FRL-7615-3] (RIN: 2060-AM01) received January 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6482. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

6483. A letter from the Secretary, Department of State, transmitting convening of a Accountability Review Board to examine the October 15, 2003 attack on a U.S. Embassy Tel Aviv motorcade in Gaza, which resulted in the wounding of one and deaths of three DynCorp personnel, pursuant to 22 U.S.C. 4834(d)(1); to the Committee on International Relations.

6484. A letter from the Secretary, Department of Commerce, transmitting pursuant to Section 6 of the Export Administration Act of 1979, as amended, the Department's 2004 Report on Foreign Policy-Based Export Controls, as prepared by the Department's Bureau of Industry and Security (BIS); to the Committee on International Relations.

6485. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Lifting of U.N. Sanctions Against UNITA [Docket No. 031219324-3324-01] (RIN: 0694-AC86) received January 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

6486. A letter from the Deputy Secretary, Department of Commerce, transmitting the semiannual report on the activities of the Inspector General for the period April 1, 2003 through September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6487. A letter from the President, African Development Foundation, transmitting a letter fulfilling the annual requirements contained in the Inspector General Act of 1978, as amended, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6488. A letter from the Chairman, Consumer Product Safety Commission, transmitting in accordance with the Accountability of Tax Dollars Act, the Commission's Audited Financial Statements for FY 2003; to the Committee on Government Reform.

6489. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6490. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6491. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6492. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6493. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6494. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6495. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the

Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6496. A letter from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's annual report on the Government in the Sunshine Act for Calendar Year 2003, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

6497. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2003, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

6498. A letter from the Chairman, Federal Election Commission, transmitting the report in compliance with the Federal Managers Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

6499. A letter from the Comptroller General, General Accounting Office, transmitting the Office's Performance and Accountability Report for FY 2003, pursuant to 31 U.S.C. 719; to the Committee on Government Reform.

6500. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Senior Executive Service Pay and Performance Awards (RIN: 3206-AK32) received January 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6501. A letter from the Chair, Federal Election Commission, transmitting the Commission's final rule — Travel on Behalf of Candidates and Political Committees [Notice 2003-24] received December 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

6502. A letter from the Office of Independent Counsel, transmitting the 2003 annual report for the Office of Independent Counsel-Barrett, pursuant to 28 U.S.C. 595(a)(2); to the Committee on the Judiciary.

6503. A letter from the Deputy Under Secretary for Intellectual Property and Deputy Director of the Patent and Trademark Office, Department of Commerce, transmitting the Department's final rule — January 2004 Revision of Patent Cooperation Treaty Application Procedure [Docket No. 2003-P-021] (RIN: 0651-AB61) received October 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6504. A letter from the Deputy Assoc. General Counsel for Regulations, Department of Homeland Security, transmitting the Department's final rule — Implementation of the United States Visitor and Immigration Status Indicator Technology Program (''US-VISIT''); Biometric Requirements (RIN: 1651-AA54) received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6505. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Civil Monetary Penalties — Adjustments for Inflation [USCG-2003-15486] (RIN: 1625-AA73) received December 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6506. A letter from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting the Department's final rule — Comments on UNICOR Business Operations: Clarification of Addresses [BOP-1115-I] (RIN: 1120-AB15) received January 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6507. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Water Quality Standards for Puerto Rico [FRL-7613-2] received January 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6508. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — NASA Grant and Cooperative Agreement Handbook — Central Contractor Registration (RIN: 2700-AC95) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

6509. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — NASA Grant and Cooperative Agreement Handbook — Investigative Requirements (RIN: 2700-AC74) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

6510. A letter from the Secretary, Department of Veterans Affairs, transmitting the Special Medical Advisory Group's Annual Report to Congress for FY 2003, pursuant to 38 U.S.C. 4112(a); to the Committee on Veterans' Affairs.

6511. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2004-2) received December 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6512. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2004-1) received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6513. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Electronic Delivery of Form 1099 and Form 5498 Payee Statements [Notice 2004-10] received January 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6514. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Prohibited allocation of securities in an S corporation. (Rev. Rul. 2004-4) received January 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6515. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Correction of User Fee in Appendix A of Rev. Proc. 2004-1 — received January 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6516. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Low-Income Housing Credit Allocation Certification; Electronic Filing [TD 9112] (RIN: 1545-BC90) received January 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6517. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2004-9) received January 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6518. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Administrative, Procedural, and Miscellaneous [Notice 2004-9] received January 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6519. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Last-in, first-out inventories. (Rev. Rul. 2004-7) received January 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6520. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Sidney L. Olsen and Miriam K. Olsen v. Commissioner 48 T.C. 855, supplemented, 49 T.C. 84(1967), acq. 1968-2 C.B.2 [Docket Numbers: 1713-65, 1714-65, 1715-65, 1716-65, 3328-65] received January 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6521. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Adjusted Gross Income Defined (Rev. Rul. 2004-1) received January 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6522. A letter from the SSA Regulations Officer, Social Security Administration, transmitting the Adminsitration's final rule — Federal Old-Age, Survivors and Disability Insurance and Supplemental Security Income for the Aged, Blind, and Disabled; Administrative Review Process; Video Teleconferencing Appearance Before Administrative Law Judges of the Social Security Administration (RIN: 0960-AE97) received December 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6523. A letter from the Director, Congressional Budget Office, transmitting a report on ''Unauthorized Appropriations and Expiring Authorizations,'' pursuant to 2 U.S.C. 602(f)(3); jointly to the Committees on the Budget and Appropriations.

And then,

¶6.4 ADJOURNMENT

On motion of Mr. PALLONE, pursuant to the special order agreed to on Wednesday, January 28, 20004, at 12 o'clock and 8 minutes p.m., the House adjourned until 12:30 p.m. on Tuesday, February 3, 2004.

¶6.5 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1417. A bill to amend title 17, United States Code, to replace copyright arbitration royalty panels with a Copyright Royalty Judge, and for other purposes; with amendments (Rept. 108–408). Referred to the Committee of the Whole House on the State of the Union.

¶6.6 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. BORDALLO (for herself, Mr. FALEOMAVAEGA, Mr. ABERCROMBIE, Mr. ACEVEDO-VILA, and Mrs. CHRISTENSEN):

H.R. 3750. A bill to provide for the correct treatment of territories and possessions in the health care service supports under the Communications Act of 1934; to the Committee on Energy and Commerce.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 3751. A bill to require that the Office of Personnel Management study and present

options under which dental and vision benefits could be made available to Federal employees and retirees and other appropriate classes of individuals; to the Committee on Government Reform.

By Mr. PAYNE:

H. Res. 509. A resolution honoring and recognizing the achievements of Thurgood Marshall and encouraging Congress to award him the Congressional Gold Medal; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶6.7 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1043: Mr. COOPER.

H.R. 1117: Mr. CHOCOLA.

H.R. 1563: Mr. WHITFIELD and Mr. TOWNS.

H.R. 3066: Ms. HOOLEY of Oregon, Mr. ROGERS of Michigan, Mr. PENCE, Mr. DEMINT, Mr. SMITH of Washington, Mr. BAIRD, Mr. PAUL, Mr. BISHOP of Utah, and Mrs. MYRICK.

H.R. 3171: Mr. JACKSON of Illinois.

H.R. 3420: Mr. GEORGE MILLER of California, Mr. DEUTSCH, Mr. GRIJALVA, Ms. JACKSON-LEE of Texas, Mr. WAXMAN, and Mr. KILDEE.

H.R. 3573: Mr. UDALL of Colorado and Mr. COX.

H.R. 3728: Mrs. TAUSCHER, Mr. OTTER, Mr. CALVERT, and Mr. THOMPSON of California.

H. Con. Res. 86: Mr. CUMMINGS.

H. Con. Res. 310: Mr. HALL.

¶6.8 PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

53. The SPEAKER presented a petition of Wisconsin Commercial Ports Association, relative to Resolution #02-03 authorizing funding for modernization of lock and dam infrastructure on upper Mississippi and Illinois rivers' inland waterways transportation system, as also approved by the Brown County Harbor Commission and the Brown County Board of Supervisors; to the Committee on Transportation and Infrastructure.

54. Also, a petition of the Mayor and Council of Mayfield Village, Ohio, relative to resolution 2003-14 urging the President and Congress of the United States to take enact measures to respond to the adoption of the Breast Cancer Patient Protection Act of 2003 to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require health plans to provide coverage for a minimum hospital stay for mastectomies and lymph node dissections performed for the treatment of breast cancer; jointly to the Committees on Energy and Commerce and Education and the Workforce.

TUESDAY, FEBRUARY 3, 2004 (7)

¶7.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. RENZI, who laid before the House the following communication:

WASHINGTON, DC,
February 3, 2004.

I hereby appoint the Honorable RICK RENZI to act as Speaker pro tempore on this day.

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

¶7.2 MESSAGE FROM THE SENATE

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

S. 1879. An Act to amend the Public Health Service Act to revise and extend provisions relating to mammography quality standards.

The message also announced that pursuant to section 128, Public Law 108–132, the Chair, on behalf of the Majority Leader, appoints the following individual to the Commission on Review of Overseas Military Facility Structure of the United States: Major General Lewis E. Curtis III USAF (Retired).

¶7.3 MORNING-HOUR DEBATE

The SPEAKER pro tempore, Mr. RENZI, pursuant to the order of the House of Tuesday, January 20, 2004, recognized Members for morning-hour debate.

¶7.4 RECESS—1:11 P.M.

The SPEAKER pro tempore, Mr. RENZI, pursuant to clause 12(a) of rule I, declared the House in recess at 1 o'clock and 11 minutes p.m., until 2 p.m.

¶7.5 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. SIMMONS, called the House to order.

¶7.6 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. SIMMONS, announced he had examined and approved the Journal of the proceedings of Friday, January 30, 2004.

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

¶7.7 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

6524. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia. [CGD05-03-187] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6525. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bayou Boeuf, Miles 90-93 of the Gulf Intracoastal Waterway, West of the Harvey Locks, Amelia, LA [COTP Morgan City-03-012] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6526. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia. [CGD05-03-189] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6527. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia. [CGD05-03-191] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6528. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Elizabeth River, Virginia. [CGD05-03-192] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6529. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Atchafalaya River, Morgan City, LA [COTP Morgan City-03-013] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6530. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia. [CGD05-03-193] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6531. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Atchafalaya River, Eugene Island Sea Buoy to MM 119.8, Berwick, LA [COTP Morgan City-03-014] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6532. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile Marker 11.8 to Mile Marker 12.2, Pittsburgh, PA [COTP Pittsburgh-03-023] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6533. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Delaware Bay and River [CGD05-03-194] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6534. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Monongahela River Mile Marker 0.0 to Mile Marker 0.3, Pittsburgh, PA [COTP Pittsburgh-03-024] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6535. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Captain of the Port Wilmington zone. [CGD05-03-170] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6536. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Allegheny River Mile Marker 2.0 to Mile Marker 4.0, Pittsburgh, PA [COTP Pittsburgh-03-025] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6537. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Elizabeth River, VA. [CGD05-03-171] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6538. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Monongahela River Mile Marker 97.9 to Mile Marker 98.2, Star City, WV [COTP Pittsburgh-03-026] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6539. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Elizabeth River, VA. [CGD05-03-172] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6540. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Monongahela River Mile Marker 97.9 to Mile Marker 98.2, Star City, WV [COTP Pittsburgh-03-027] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6541. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Monongahela River Mile Marker 97.9 to Mile Marker 98.2, Star City, WV [COTP Pittsburgh-03-028] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6542. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Elizabeth River, VA. [CGD05-03-173] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6543. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Monongahela River Mile Marker 0.0 to Mile Marker 1.0, Pittsburgh, PA [COTP Pittsburgh-03-031] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6544. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Neches River, Beaumont, TX [COTP Port Arthur-03-020] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6545. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia. [CGD05-03-174] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6546. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine and Neches Rivers, Beaumont, TX [COTP Port Arthur-03-023] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6547. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia. [CGD05-03-176] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6548. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Colorado River, Parker, AZ [COTP San Diego 03-031] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6549. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia. [CGD05-03-178] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6550. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pacific Ocean, San Diego Bay, San Diego, CA [COTP San Diego 03-034] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6551. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety zone; Patapsco River, Northwest Harbor, Baltimore, Maryland [CGD05-03-179] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6552. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia [CGD05-03-197] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6553. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Patapsco River, Baltimore, Maryland [CGD05-03-198] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6554. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia. [CGD05-03-182] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6555. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; North Landing River, Intracoastal Waterway, Virginia Beach, Virginia [CGD05-03-201] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6556. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia. [CGD05-03-182] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6557. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia [CGD05-03-202] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6558. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia [CGD05-03-203] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6559. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, MM 134 WHL, Louisa, LA [COTP Morgan City-03-006] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6560. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Delaware Bay and River [CGD05-03-208] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6561. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bayou Penchant, Amelia, LA [COTP Morgan City-03-008] (RIN: 1625 — AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6562. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia [CGD05-03-209] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6563. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia [CGD05-03-210] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6564. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia. [CGD05-03-159] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6565. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia [CGD05-03-212] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6566. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Captain

of the Port Wilmington zone. [CGD05-03-161] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6567. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; One Billion Dollar Party, Chicago, IL [CGD09-03-250] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6568. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Elizabeth River, VA. [CGD05-03-162] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6569. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Captain of the Port Detroit Zone, Renaissance Center [CGD09-03-279] (RIN: 2115-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6570. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Magnificent Mile Festival of Lights, Chicago, IL [CGD09-03-281] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6571. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Elizabeth River, VA. [CGD05-03-163] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6572. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety and Security Zone, Motor Vessel BOTHNIABORG, Lake Ontario and the Saint Lawrence Seaway, New York [CGD09-03-283] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6573. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, ELizabeth River, VA. [CGD05-03-164] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6574. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 2003 Odyssey Holiday Cruise, Chicago, IL [CGD09-03-286] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6575. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Connection Slough, Stockton CA [CGD11-03-007] (RIN: 1625-AA09) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6576. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone Regulations, Motor Vessels USNS SISLER (T-AKR 311) and USNS SHUGHART (T-AKR 295), Blair Waterway, Commencement Bay, Puget Sound, Washington [CGD13-03-037] (RIN: 1625-AA00) received Janaury 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6577. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Columbia River Yacht Club Salvage Operation [CGD13-03-038] (RIN: 2115-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6578. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone Regulations, Motor Vessel, WESTWARD VENTURE, Sitcum Waterway, Commencement Bay, Puget Sound, Washington [CGD13-03-039] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6579. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Francisco Bay, San Francisco, California [COTP San Francisco Bay 03-025] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6580. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Francisco Bay, San Pablo Bay, and Carquinez Strait, California [COTP San Francisco Bay 03-028] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6581. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chespeake Bay, Hampton Roads, Virginia. [CGD05-03-165] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6582. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Francisco Bay, California [COTP San Francisco Bay 03-031] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6583. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-03-157] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6584. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bogue Sound, NC [CGD05-03-166] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6585. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-03-174] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6586. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia. [CGD05-03-169] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6587. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Charleston Harbor Christmas Parade of Boats, Charleston, SC. [COTP Charleston 03-169] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6588. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-03-175] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6589. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway Mile Marker 539, Ingleside, TX [COTP Corpus Christi-03-007] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6590. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bogue Sound, NC [COTP Wilmington 03-151] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6591. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Corpus Christi Ship Channel, Port Aransas, TX [COTP Corpus Christi-03-008] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6592. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bar Harbor, ME, M/V ACADIA CLIPPER Salvage [CGD01-03-109] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6593. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Centerport Yacht Club Fireworks, Huntington, NY [CGD01-03-112] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6594. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Spa Creek, Annapolis, MD [CGD05-03-132] (RIN: 1625-AA08) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6595. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St.

Johns River, MM 161.1, Volusia County, FL [COTP Jacksonville 03-146] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6596. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia [CGD05-03-154] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6597. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Atlantic Ocean, Jacksonville, FL [COTP Jacksonville 03-149] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6598. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Eastern Branch of the Elizabeth River, Norfolk, VA [CGD05-03-155] (RIN: 1625-AA09) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6599. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: York River, West Point, Virginia [CGD05-03-157] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6600. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Atlantic Ocean, Daytona Beach, FL [COTP Jacksonville 03-156] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6601. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: York River, West Point, Virginia [CGD05-03-157] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6602. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Johns River, MM 161.1, Volusia County, FL [COTP Jacksonville 03-161] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6603. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Elizabeth River, VA [CGD05-03-158] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6604. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake Eustis, Eustis, FL [COTP Jacksonville 03-162] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6605. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Johns River, Jacksonville, Florida [COTP Jacksonville 03-163] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6606. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; West Lake Tohopekaliga, Kissimmee, FL [COTP Jacksonville 03-164] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6607. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake Eustis, Eustis, FL [COTP Jacksonville 03-170] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6608. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Water ski races Long Beach, CA [COTP Los Angeles-Long Beach 03-010] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6609. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River, Miles 602.0 to 606.0, Louisville, KY [COTP Louisville-03-012] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6610. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River, Miles 602.5 to 606.0, Louisville, KY [COTP Louisville-03-013] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6611. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River Mile 600.0 to 604.0, Rosedale, MS [COTP Memphis-03-003] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6612. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River Mile 790.0 to 794.0, Osceola, AR [COTP Memphis-03-004] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6613. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River Mile 772.0 to 775.0, Osceola, AR [COTP Memphis-03-005] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6614. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Columbus Day Regatta, Biscayne Bay, Miami, Florida [COTP Miami 03-150] (RIN: 1625-AA08) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6615. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Moving Security Zone, M/V FIRST LADY, Port of Miami, Miami, FL [COTP Miami 03-158] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6616. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Boca Raton, Florida [COTP Miami 03-160] (RIN: 1625-AA00) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6617. A letter from the Administrator, FAA, Department of Transportation, transmitting a copy of the ''Federal Aviation Administration and National Air Traffic Controllers Association Collective Bargaining Impasse Submission to Congress,'' pursuant to 49 U.S.C. 40122(a); jointly to the Committees on Transportation and Infrastructure and Government Reform.

¶7.8 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. SIMMONS, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 2, 2004.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on February 2, 2004 at 2:05 p.m. and said to contain a message from the President whereby he submits the Budget of the United States Government for Fiscal Year 2005.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶7.9 BUDGET FY 2005

The Clerk then read the message from the President, as follows:

THE BUDGET MESSAGE OF THE PRESIDENT

The Budget I am proposing for 2005 is a reflection of this Nation's goals and purpose, and advances our three highest priorities. First, America will prevail in the War on Terror by defeating terrorists and their supporters. Second, we will continue to strengthen our homeland defenses. Third, this Nation is building on the economic recovery that began in earnest in 2003 with policies that further promote growth and job creation. In addition, we will continue to strengthen the domestic institutions that best express our values, and serve the basic needs of all: good schools, quality and affordable health care, and programs that promote hope and compassion in our communities. In meeting these priorities, the Government must exercise fiscal responsibility by limiting spending growth, focusing on the results of Government programs, and cutting wasteful spending.

In 2003, America made great progress in the War on Terror. Afghanistan, which once was ruled by the repressive Taliban regime, now has adopted a new constitution, taking a fundamental step on the path to democracy. In Iraq, the remnants of the Ba'athist regime are being systematically rounded up, and Iraqis are assuming responsibility for their own security and future government. Libya has pledged to disclose and dismantle all of the regime's weapons of mass destruction programs.

These victories do not change a fundamental truth: Our Nation remains at war. In this war, which began on September 11, 2001, our citizens are the strategic targets of our enemy. We have responded in two significant ways: First, we have taken the offensive to hunt down the terrorists, deny them easy refuge, identify and seize their secret finances, and hold them and their sponsors to account. Second, we have moved to secure the Nation's homeland. In 2003, the new Department of Homeland Security began operations in the biggest reorganization of the Federal Government in a half a century. Over this past year, we have taken steps to reduce the terrorist threat to Americans here at home, and protect American interests overseas. This Nation has committed itself to the long war against terror. And we will see that war to its inevitable conclusion: the destruction of the terrorists.

Our Budget reflects the continuing importance of providing for the defense and security of the American people. We will continue to provide whatever it takes to defend our country by fully supporting our military, which is performing with great skill and honor in our battles overseas. We also are providing the necessary resources to our law enforcement and emergency personnel at home to meet the new threats posed by terrorists.

Just as we have taken much-needed steps to strengthen our national security, we have also pursued an aggressive agenda to promote our economic security. In 2003, we worked with the Congress to accelerate much of the tax relief that had been passed in 2001, so that Americans could keep more of their paychecks and so that businesses would have more incentive to invest in new jobs and new equipment. As a result, our economy is strong, and growing stronger. Economic output in the third quarter rose at its fastest annual pace in nearly 20 years. More manufacturers reported rising factory activity than at any point in the last 20 years. American homeownership reached its highest level ever. Employment is on the rise. By cutting tax rates on investment gains and dividend payments, we promoted saving, capital formation, and investment—and Americans' holdings in the stock market rose by almost $3 trillion.

There is still more to do, however. We cannot be satisfied until every American looking for work has found a job. We must sustain the momentum of this recovery by making the tax relief passed in 2001 and 2003 permanent. We will continue to open markets abroad for American products. And as the economy improves, we will also confront the challenge faced by workers who must learn new skills to fill new jobs. As a Nation, we must help Americans develop the skills they need to succeed in a highly competitive, highly productive economy. And so this Budget continues to support high standards in our schools and proposes a Jobs for the 21st Century initiative to ensure older students and adults can gain the skills they need to find work now.

Economic growth and good stewardship of taxpayer dollars will help us meet another important priority: cutting the budget deficit brought on by recession and war. We must continue to evaluate each Federal program, to make sure that it meet its goals, and produces and desired results. I proposed to hold discretionary spending growth below four percent, less than the average rate of growth of American family incomes. And spending unrelated to defense and homeland security will be held below one percent growth—less than the rate of inflation—while continuing to meet education, health care, and other priorities of this Nation. With this spending restraint and continued pro-growth economic policies, we can cut the deficit in half over the next five years.

Finally, this Budget addresses the needs of a great and compassionate Nation, whose values are strong, and whose institutions of hope are enduring. We are helping communities of faith pull the addicted out of dependency. We are lifting children out of a life of despair by making sure they have mentors, and we will continue to press for improvements in our schools, so that no child is left behind. We are extending hope and healing to millions suffering from the global epidemic of AIDS. We will begin to implement of the benefits of our Medicare modernization and reform law, which will bring all our seniors coverage for prescription drugs. And we will make health care more affordable and extend the full benefits of our health care system to more Americans who currently have no health insurance.

Meeting these priorities will require hard work, skill, and the resources of a great Nation. Yet America has always risen to new challenges, and has always set new goals. Challenge and change have revealed the true strengths of this Nation and the enterprise of its people. And as 2004 begins, I am confident those gifts will serve us again, until our work is done.

GEORGE W. BUSH.
February 2, 2004.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed (H. Doc. 108–146).

¶7.10 ANNIVERSARY OF COLUMBIA SHUTTLE ACCIDENT

Mr. BURGESS moved to suspend the rules and agree to the following resolution (H. Res. 507):

Whereas February 1, 2004, marks the one year anniversary of the accident that claimed the Space Shuttle Columbia and the lives of seven heroic astronauts that made up its crew;

Whereas, while in orbit, Columbia's experienced crew conducted important microgravity research into the life sciences, physical sciences, and space and earth sciences, in addition to promoting education initiatives;

Whereas the Columbia experienced a structural failure that resulted in its destruction over the States of Texas and Louisiana as it approached to land on February 1, 2003;

Whereas the seven crew members of STS–107, Rick D. Husband (Commander), William C. McCool (Pilot), Michael P. Anderson (Payload Commander), Kalpana Chawla (Mission Specialist), David M. Brown (Mission Specialist), Laurel B. Clark (Mission Specialist), and Ilan Ramon (Payload Specialist) exhibited unparalleled bravery and commitment to the goal of exploring space and advancing mankind's search for knowledge in the cosmos;

Whereas Rick Husband, 45, was a Colonel in the United States Air Force, a test pilot, and a veteran of STS–96, and held degrees from Texas Tech University and California State University, Fresno;

Whereas William C. McCool, 41, was a Commander in the United States Navy and test pilot, and held degrees from the United States Naval Academy and the University of Maryland;

Whereas Michael P. Anderson, 43, was a Lieutenant Colonel in the United States Air Force, a former pilot instructor and tactical officer, and a veteran of STS–89, and held degrees from the University of Washington and Creighton University;

Whereas Kalpana Chawla, 41, was an aerospace engineer, a Federal Aviation Administration Certified Flight Instructor, and a veteran of STS–87, and held degrees from Punjab Engineering College (India), the University of Texas at Arlington, and the University of Colorado, Boulder;

Whereas David M. Brown, 46, was a Captain in the United States Navy, a naval aviator, and a naval flight surgeon, and held degrees from the College of William and Mary and Eastern Virginia Medical School;

Whereas Laurel B. Clark, 41, was a Commander in the United States Navy and naval flight surgeon, and held degrees from the University of Wisconsin, Madison;

Whereas Ilan Ramon, 48, was a Colonel in the Israeli Air Force, a fighter pilot, and Israel's first astronaut;

Whereas these brave astronauts will never be forgotten by the National Aeronautics and Space Administration family and all those who believe in the importance of exploring our universe; and

Whereas when the National Aeronautics and Space Administration's Mars Exploration Rover (MER) Spirit landed on Mars on January 3, 2004, it brought with it a small commemorative plaque bearing the names of the seven astronauts, establishing an enduring memorial on another planet to the fallen crew of Space Shuttle Columbia: Now, therefore, be it

Resolved, That the House of Representatives does offer its gratitude to the seven Space Shuttle Columbia astronauts and its heartfelt sympathy to their families on the anniversary of their loss, with the reassurance that this sacrifice will not have been

made in vain, but will strengthen this Nation's resolve to continue their journey of discovery.

The SPEAKER pro tempore, Mr. SIMMONS, recognized Mr. BURGESS and Mr. LAMPSON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SIMMONS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BURGESS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SIMMONS, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶7.11 TECHNICAL CORRECTIONS TO S. 610

Mr. BURGESS, by unanimous consent, submitted the following concurrent resolution (H. Con. Res. 354):

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill (S. 610) to amend the provision of title 5, United States Code, to provide for workforce flexibilities and certain Federal personnel provisions relating to the National Aeronautics and Space Administration, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) Amend the title so as to read: ''An Act to amend the provisions of title 5, United States Code, to provide for workforce flexibilities and certain Federal personnel provisions relating to the National Aeronautics and Space Administration, and for other purposes.''.

(2) In section 1, strike ''2003'' and insert ''2004''.

(3) In section 3(b), strike ''by adding at the end'' and insert ''by inserting after the item relating to chapter 97''.

When said concurrent resolution was considered and agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶7.12 PRISONERS HELD BY THE CHINESE GOVERNMENT

Mr. ROYCE moved to suspend the rules and agree to the following resolution (H. Res. 157):

Whereas for more than 1,000 years Tibet has maintained a sovereign national identity that is distinct from the national identity of China;

Whereas armed forces of the People's Republic of China invaded Tibet in 1949 and 1950 and have occupied it since then;

Whereas according to the United States Department of State and international human rights organizations, the Government of the People's Republic of China continues to commit widespread and well-documented human rights abuses in China and Tibet;

Whereas the People's Republic of China has yet to demonstrate its willingness to abide by internationally accepted norms of freedom of belief, expression, and association by repealing or amending laws and decrees that restrict those freedoms;

Whereas the Chinese Government has detained hundreds of Tibetan nuns, monks and lay persons as prisoners of conscience for their efforts in speaking out against the Chinese occupation of Tibet;

Whereas on October 14, 1989, Phuntsog Nyidron, a Tibetan Buddhist nun, and 5 other nuns from the Michungri Nunnery were arrested in Lhasa after chanting some slogans and marching in a procession as part of a peaceful demonstration that they organized to protest the Chinese occupation of Tibet;

Whereas Phuntsog Nyidron and the other nuns were kicked, beaten and given electric shocks on their hands, shoulders, breasts, tongue, and face while in Chinese custody;

Whereas in 1993, Phuntsog Nyidron and 13 other nuns secretly recorded songs about Tibetan independence and smuggled the recordings out of Drapchi prison;

Whereas the Chinese Government charged Phuntsog Nyidron with ''spreading counter-revolutionary propaganda'' for her role in recording and smuggling out the taped songs and, on October 9, 1993, extended her prison sentence to 17 years, one of the longest reported sentences of any female Tibetan political prisoner;

Whereas Phuntsog Nyidron was awarded the Reebok Human Rights Award in 1995;

Whereas Phuntsog Nyidron is just one of many individuals whom the Chinese Government has held as a prisoner of conscience;

Whereas the Chinese Government continues to imprison individuals as prisoners of conscience for their involvement in peaceful protests against the brutal Chinese occupation of Tibet; and

Whereas the Chinese Government continues to exert control over religious and cultural institutions in Tibet, abusing human rights through torture, arbitrary arrest, and detention without public trial of Tibetans who peacefully expressed their political or religious views: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the Government of the People's Republic of China should, as a gesture of goodwill and in order to promote human rights, immediately release all prisoners of conscience, including Phuntsog Nyidron.

The SPEAKER pro tempore, Mr. SIMMONS, recognized Mr. ROYCE and Mr. FALEOMAVAEGA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. GILCHREST, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ROYCE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. GILCHREST, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶7.13 CONGO BASIN FOREST PARTNERSHIP

Mr. ROYCE moved to suspend the rules and agree to the following amendments of the Senate to the bill (H.R. 2264) to authorize appropriations for fiscal years 2004 and 2005 to carry out the Congo Basin Forest Partnership (CBFP) program, and for other purposes.

Page 5, strike out all after line 23 over to and including line 11 on page 6, and insert:

(a) IN GENERAL.—There are authorized to be appropriated to the President to carry out the Congo Basin Forest Partnership (CBFP) program $18,600,000 for fiscal year 2004.

(b) CARPE.—Of the amounts appropriated pursuant to the authorization of appropriations in subsection (a), $16,000,000 is authorized to be made available to the Central Africa Regional Program for the Environment (CARPE) of the United States Agency for International Development.

(c) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

Amend the title so as to read: ''An Act to authorize appropriations for fiscal year 2004 to carry out the Congo Basin Forest Partnership program, and for other purposes.''.

The SPEAKER pro tempore, Mr. GILCHREST, recognized Mr. ROYCE and Mr. FALEOMAVAEGA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said amendments?

The SPEAKER pro tempore, Mr. GILCHREST, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said amendments were agreed to.

A motion to reconsider the vote whereby the rules were suspended and said amendments were agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶7.14 RONALD REAGAN'S 93D BIRTHDAY

Mr. SHAYS moved to suspend the rules and pass the joint resolution (H.J. Res. 84) recognizing the 93d birthday of Ronald Reagan.

The SPEAKER pro tempore, Mr. GILCHREST, recognized Mr. SHAYS and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said joint resolution?

The SPEAKER pro tempore, Mr. GILCHREST, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SHAYS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. GILCHREST, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶7.15 HONORING JOHN STOCKTON

Mr. SHAYS moved to suspend the rules and agree to the following resolution (H. Res. 274):

Whereas John Stockton is the all-time leader in assists in the history of the National Basketball Association;

Whereas Stockton ranks among the top point guards in basketball and was selected in 1996 as one of the ''50 Greatest Players in National Basketball Association History'';

Whereas Stockton is the league's all-time leader in steals, ending his career with an incredible 3,265 steals;

Whereas Stockton loyally played all 19 of his NBA seasons with the Utah Jazz in an era dominated by free agency and propelled his team to the NBA playoffs during each of those years;

Whereas Stockton won two gold medals as a member of the United States men's basketball ''Dream Team'' in the 1992 Olympics in Barcelona and the 1996 Olympics in Atlanta;

Whereas Stockton has been a perennial All-Star, All-NBA selection, and has made the NBA All-Defensive Team three times;

Whereas Stockton's commitment to being part of a team made him successful both on the court and off as a dedicated husband to his wife, Nada, and father to his six children;

Whereas Stockton's sportsmanship and commitment to basketball made him a hero to millions of Americans, especially those in his dual hometowns, Salt Lake City, Utah and Spokane, Washington;

Whereas Stockton had a reputation as a true team player who brought out the best in his teammates; and

Whereas, on June 7, 2003, tens of thousands of fans attended a retirement celebration in Salt Lake City, Utah: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors John Stockton for an outstanding career;

(2) congratulates John Stockton on his retirement; and

(3) thanks John Stockton for his contributions to basketball, to the State of Utah, and to the Nation.

The SPEAKER pro tempore, Mr. GILCHREST, recognized Mr. SHAYS and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. GILCHREST, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶7.16 ENERGY EFFICIENT HOUSING TECHNICAL CORRECTION

Mr. SHAYS moved to suspend the rules and pass the bill (H.R. 3724) to amend section 220 of the National Housing Act to make a technical correction to restore allowable increases in the maximum mortgage limits for FHA-insured mortgages for multifamily housing projects to cover increased costs of installing a solar energy system or residential energy conservation.

The SPEAKER pro tempore, Mr. GILCHREST, recognized Mr. SHAYS and Mrs. MALONEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. GILCHREST, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶7.17 RECESS—4:17 P.M.

The SPEAKER pro tempore, Mr. GILCHREST, pursuant to clause 12(a) of rule I, declared the House in recess at 4 o'clock and 17 minutes p.m., until approximately 6:30 p.m.

¶7.18 AFTER RECESS—6:33 P.M.

The SPEAKER pro tempore, Mr. SHIMKUS, called the House to order.

¶7.19 ADVERSE REPORT ON H. RES. 399

Mr. GOSS, by direction of the Permanent Select Committee on Intelligence, adversely reported (Rept. No. 108–413, part I) the resolution (H. Res. 399) requesting the President and directing the Secretary of State, the Secretary of Defense, and the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution, documents in the possession of the President and those officials relating to the disclosure of the identity and employment of Ms. Valerie Plame; ordered printed.

¶7.20 ORDER OF BUSINESS—CONSIDERATION OF CERTAIN RESOLUTIONS AND A CONCURRENT RESOLUTION

On motion of Mr. GOSS, by unanimous consent,

Ordered, That it may be in order at any time on Wednesday, February 4, 2004 for the Majority Leader or his designee to call up the following resolutions: (H. Res. 493) congratulating the St. John's University, Collegeville, Minesota, football team on winning the 2003 NCAA Division III Football National Championship, (H. Res. 496) commending the Louisiana State University Tigers football team for winning the 2003 Bowl Championship Series national championship game, and commending the Southern University Jaguars football team for winning the 2003 SBC Black College National Football Championship, (H. Res. 497) commending Wake Forest University Demon Deacons field hockey team for winning the 2003 National Collegiate Athletic Association Division I Field Hockey Championship, (H. Res. 498) congratulating the Grand Valley State University Lakers football team for winning the 2003 National Collegiate Athletic Association Division II Football National Championship, (H. Res. 511) recognizing the accomplishments of the University of Southern California's football, women's volleyball, and men's water polo teams, (H. Res. 512) congratulating the New England Patriots for winning Super Bowl XXXVIII, and (H. Con. Res. 355) congratulating the University of Delaware men's football team for winning the National Collegiate Athletic Association I-AA national championship; and each resolution be considered as read and the previous question be considered as ordered on each resolution to final adoption without intervening motion except (1) one hour of debate and (2) one motion to recommit.

¶7.21 PROVIDING FOR THE CONSIDERATION OF H.R. 3030

Mr. SESSIONS, by direction of the Committee on Rules, reported (Rept. No. 108–412) the resolution (H. Res. 513) providing for the consideration of the bill (H.R. 3030) to amend the Community Service Block Grant Act to provide for quality improvements.

When said resolution and report were referred to the House Calendar and ordered printed.

¶7.22 H. RES. 507—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SHIMKUS, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to said resolution (H. Res. 507) expressing the profound sorrow of the House of Representatives on the anniversary of the accident that cost the crew of the Space Shuttle Columbia their lives, and extending heartfelt sympathy to their families.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative	Yeas	397
	Nays	0

¶7.23 [Roll No. 12]

YEAS—397

Abercrombie	Blackburn	Cardin
Ackerman	Blumenauer	Cardoza
Aderholt	Blunt	Carson (IN)
Akin	Boehlert	Carson (OK)
Alexander	Boehner	Carter
Allen	Bonilla	Case
Andrews	Bonner	Castle
Baca	Bono	Chabot
Bachus	Boozman	Chocola
Baird	Boswell	Coble
Baker	Boucher	Cole
Baldwin	Boyd	Collins
Ballance	Bradley (NH)	Cooper
Ballenger	Brady (PA)	Costello
Barrett (SC)	Brady (TX)	Cramer
Bartlett (MD)	Brown (OH)	Crane
Barton (TX)	Brown (SC)	Crenshaw
Bass	Brown, Corrine	Crowley
Beauprez	Burgess	Cubin
Becerra	Burns	Cummings
Bell	Burr	Cunningham
Bereuter	Burton (IN)	Davis (AL)
Berkley	Buyer	Davis (CA)
Berman	Calvert	Davis (FL)
Berry	Camp	Davis (IL)
Biggert	Cannon	Davis (TN)
Bilirakis	Cantor	Davis, Jo Ann
Bishop (GA)	Capito	Davis, Tom
Bishop (NY)	Capps	Deal (GA)
Bishop (UT)	Capuano	DeFazio

Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
Evans
Everett
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—35

Brown-Waite, Ginny
Clay
Clyburn
Conyers
Cox
Culberson
DeGette
Dicks
Dooley (CA)
English
Eshoo
Etheridge
Farr
Gephardt
Grijalva
Gutierrez
Hinojosa
Honda
Inslee
Kucinich
Langevin
Lucas (OK)
McCrery
Millender-McDonald
Myrick
Ortiz
Pombo
Rahall
Ryan (OH)
Ryun (KS)
Smith (WA)
Stark
Tauzin
Watson
Wynn

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶7.24 H. RES. 157—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SHIMKUS, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to said resolution (H. Res. 157) expressing the sense of the House of Representatives regarding several individuals who are being held prisoners of conscience by the Chinese Government for their involvement in efforts to end the Chinese occupation of Tibet.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 398 / Nays 0

¶7.25 [Roll No. 13]

YEAS—398

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Conyers
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—34

Berman
Brown-Waite, Ginny
Clay
Clyburn
Cox
Culberson
DeGette
Dicks
Dooley (CA)
English
Eshoo

Farr
Gephardt
Grijalva
Gutierrez
Honda
Inslee
Istook
Kucinich
Langevin
Lucas (OK)
McCrery
Millender-McDonald
Myrick
Ortiz
Pombo
Rahall
Ryan (WI)
Ryun (KS)
Sessions
Smith (WA)
Stark
Watson
Wynn

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶7.26 H.J. RES. 84—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SHIMKUS, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the joint resolution (H.J. Res. 84) recognizing the 93d birthday of Ronald Reagan.

The question being put,

Will the House suspend the rules and pass said joint resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 394; Nays ..... 0; Answered present 5

¶7.27 [Roll No. 14]

YEAS—394

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
Etheridge
Evans
Everett
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

ANSWERED PRESENT—5

Brown, Corrine
Johnson, E. B.
Lee
Waters
Watt

NOT VOTING—33

Bereuter
Brown-Waite, Ginny
Clay
Clyburn
Conyers
Cox
Culberson
DeGette
Dicks
Dooley (CA)
English
Eshoo
Farr
Fattah
Gephardt
Grijalva
Gutierrez
Honda
Inslee
Kucinich
Langevin
Lucas (OK)
McCrery
Millender-McDonald
Myrick
Ortiz
Pombo
Rahall
Ryun (KS)
Smith (WA)
Stark
Watson
Wynn

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said joint resolution was passed.

A motion to reconsider the vote whereby the rules were suspended and said joint resolution was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said joint resolution.

¶7.28 RECESS—7:10 P.M.

The SPEAKER pro tempore, Mr. SHIMKUS, pursuant to clause 12(a) of rule I, declared the House in recess at 7 o'clock and 10 minutes p.m., subject to the call of the Chair.

¶7.29 AFTER RECESS—8:13 P.M.

The SPEAKER pro tempore, Mr. CARTER, called the House to order.

¶7.30 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1879. An Act to amend the Public Health Service Act to revise and extend provisions relating to mammography quality standards; to the Committee on Energy and Commerce.

¶7.31 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Ms. BORDALLO, for today and balance of the week;

To Ms. ESHOO, for today;

To Mr. LANGEVIN, for today and February 4;

To Ms. MILLENDER-McDONALD, for today and February 4;

To Ms. ORTIZ, for today and February 4; and

To Mr. RAHALL, for February 2 through February 13.

And then,

¶7.32 ADJOURNMENT

On motion of Ms. KAPTUR, at 11 o'clock and 7 minutes p.m., the House adjourned.

¶7.33 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. House Resolution 412. Resolution honoring the men and women of the Drug Enforcement Administration on the occasion of its 30th Anniversary (Rept. 108–409). Referred to the House Calendar.

Mr. SENSENBRENNER: Committee on the Judiciary. House Resolution 56. Resolution supporting the goals of the Japanese American, German American, and Italian American communities in recognizing a National Day of Remembrance to increase public awareness of the events surrounding the restriction, exclusion, and internment of individuals and families during World War II (Rept. 108–410). Referred to the House Calendar.

Mr. SENSENBRENNER: Committee on the Judiciary. House Resolution 3095. A bill to

amend title 4, United States Code, to make sure the rules of etiquette for flying the flag of the United States do not preclude the flying of flags at half mast when ordered by city and local officials; with an amendment (Rept. 108–411). Referred to the Committee of the Whole House on the State of the Union.

Mrs. MYRICK: Committee on Rules. House Resolution 513. Resolution providing for consideration of the bill (H.R. 3030) to amend the Community Service Block Grant Act to provide for quality improvements (Rept. 108–412). Referred to the House Calendar.

Mr. GOSS: Permanent Select Committee on Intelligence. House Resolution 499. Resolution requesting the President and directing the Secretary of State, the Secretary of Defense, and the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the President and those officials relating to the disclosure of the identity and employment of Ms. Valerie Plame, adversely; (Rept. 108–413 Pt. 1). Ordered to be printed.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. Everything Secret Degenerates: The FBI's Use of Murderers as Informants (Rept. 108–414). Referred to the Whole House on the State of the Union.

¶7.34 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[The following actions occurred on January 31, 2004]

H.R. 180. Referral to the Committee on Rules extended for a period ending not later than June 1, 2004.

H.R. 1081. Referral to the Committees on Transportation and Infrastructure, Resources, and House Administration extended for a period ending not later than April 2, 2004.

H.R. 1856. Referral to the Committees on Resources and Transportation and Infrastructure extended for a period ending not later than April 2, 2004.

H.R. 2120. Referral to the Committee on the Judiciary extended for a period ending not later than March 2, 2004.

H.R. 2802. Referral to the Committee on Government Reform extended for a period ending not later than March 2, 2004.

H.R. 3358. Referral to the Committee on the Budget extended for a period ending not later than June 1, 2004.

S. 1233. Referral to the Committee on the Judiciary extended for a period ending not later than March 2, 2004.

[Submitted February 3, 2004]

House Resolution 499. Referral to the Committees on Armed Services, International Relations, and the Judiciary extended for a period ending not later than February 27, 2004.

¶7.35 DISCHARGE OF COMMITTEE

[The following action occurred on January 31, 2004]

Pursuant to clause 2 of rule XII the Committee on Agriculture discharged from further consideration. S. 523 was referred to the Committee of the Whole House on the State of the Union.

¶7.36 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ROHRABACHER (for himself, Mr. BOEHLERT, Mr. HALL, Mr. GORDON, and Mr. LAMPSON):

H.R. 3752. A bill to promote the development of the emerging commercial human space flight industry, to extend the liability indemnification regime for the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, and for other purposes; to the Committee on Science.

By Mr. HOEFFEL (for himself, Mr. BRADY of Pennsylvania, Mr. FATTAH, Mr. GREENWOOD, and Mr. HOLDEN):

H.R. 3753. A bill to provide for the restoration of the Benjamin Franklin National Memorial, and for other purposes; to the Committee on Resources.

By Mr. SMITH of Texas (for himself and Mr. BERMAN):

H.R. 3754. A bill to provide additional civil and criminal remedies for domain name fraud; to the Committee on the Judiciary.

By Mr. TIBERI (for himself, Mr. SCOTT of Georgia, Mr. OXLEY, Mr. NEY, Mr. TURNER of Ohio, Mr. GREEN of Wisconsin, Mr. KING of New York, Mr. RENZI, Mr. LUCAS of Kentucky, and Mr. CLAY):

H.R. 3755. A bill to authorize the Secretary of Housing and Urban Development to insure zero-downpayment mortgages for one-unit residences; to the Committee on Financial Services.

By Mr. BLUNT (for himself and Mr. RUSH):

H.R. 3756. A bill to establish a National Commission on Digestive Diseases; to the Committee on Energy and Commerce.

By Mr. DEMINT (for himself, Mr. BROWN of South Carolina, Mr. WILSON of South Carolina, and Mr. BARRETT of South Carolina):

H.R. 3757. A bill to amend title 23, United States Code, to permit States to carry out surface transportation program projects on local roads to address safety concerns; to the Committee on Transportation and Infrastructure.

By Mr. EMANUEL (for himself, Mr. SHIMKUS, Ms. DEGETTE, and Mr. ENGEL):

H.R. 3758. A bill to amend the Public Health Service Act to provide for an influenza vaccine awareness campaign, ensure a sufficient influenza vaccine supply, and prepare for an influenza pandemic or epidemic, to amend the Internal Revenue Code of 1986 to encourage vaccine production capacity, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FATTAH:

H.R. 3759. A bill to require a study on transforming America by reforming the Federal tax code through elimination of all Federal taxes on individuals and corporations and replacing the Federal tax code with a transaction fee-based system; to the Committee on Ways and Means.

By Mr. OTTER (for himself and Mr. SIMPSON):

H.R. 3760. A bill to extinguish the reversionary interests and use restrictions relating to industrial use purposes for certain deeds in Nez Perce County, Idaho; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of Washington (for himself, Mr. SHAYS, Mr. CASE, Mr. TIERNEY, Mr. CARTER, Mr. DUNCAN, Mr. EMANUEL, Mr. BEAUPREZ, Mr. HEFLEY, and Mr. KIND):

H.R. 3761. A bill to establish the Program Reform Commission to review unnecessary Federal programs and make recommendations for termination, modification, or retention of such programs, and to state the sense of the Congress that the Congress should promptly consider legislation that would make the changes in law necessary to implement the recommendations; to the Committee on Government Reform.

By Mr. SMITH of Washington (for himself, Mr. SHAYS, Mr. CASE, Mr. TIERNEY, Mr. CARTER, Mr. DUNCAN, Mr. EMANUEL, Mr. BEAUPREZ, Mr. HEFLEY, and Mr. KIND):

H.R. 3762. A bill to establish the Corporate Subsidy Reform Commission to review inequitable Federal subsidies and make recommendations for termination, modification, or retention of such subsidies, and to state the sense of the Congress that the Congress should promptly consider legislation that would make the changes in law necessary to implement the recommendations; to the Committee on Government Reform, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASTLE:

H. Con. Res. 355. Concurrent resolution congratulating the University of Delaware men's football team for winning the National Collegiate Athletic Association I-AA national championship; to the Committee on Education and the Workforce.

By Mr. HOYER (for himself, Mr. TOM DAVIS of Virginia, Mr. MORAN of Virginia, Mr. VAN HOLLEN, Mr. CUMMINGS, Mr. RUPPERSBERGER, Ms. NORTON, Mr. WYNN, Mr. WOLF, and Mr. CARDIN):

H. Con. Res. 356. Concurrent resolution expressing the sense of the Congress that rates of compensation for civilian employees of the United States should be adjusted at the same time, and in the same proportion, as are rates of compensation for members of the uniformed services; to the Committee on Government Reform.

By Mr. KILDEE:

H. Res. 510. A resolution expressing the sense of the House of Representatives with respect to free trade negotiations that could adversely impact the sugar industry of the United States; to the Committee on Ways and Means.

By Ms. WATSON (for herself, Mr. COX, Ms. HARMAN, Mr. SHERMAN, Ms. ROYBAL-ALLARD, and Ms. WATERS):

H. Res. 511. A resolution recognizing the accomplishments of the University of Southern California's football, women's volleyball, and men's water polo teams; to the Committee on Education and the Workforce.

By Mr. FRANK of Massachusetts (for himself, Mr. ALLEN, Mr. BASS, Mr. BRADLEY of New Hampshire, Mr. CAPUANO, Mr. DELAHUNT, Ms. DELAURO, Mrs. JOHNSON of Connecticut, Mr. KENNEDY of Rhode Island, Mr. LANGEVIN, Mr. LYNCH, Mr. MARKEY, Mr. MCGOVERN, Mr. MEEHAN, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. SIMMONS, Mr. TIERNEY, and Mr. LARSON of Connecticut):

H. Res. 512. A resolution congratulating the New England Patriots for winning Super Bowl XXXVIII; to the Committee on Government Reform.

By Mr. MCINTYRE (for himself and Mr. DUNCAN):

H. Res. 514. A resolution expressing the sense of the House of Representatives that a day should be established as ''National Tartan Day'' to recognize the outstanding achievements and contributions made by Scottish Americans to the United States; to the Committee on Government Reform.

¶7.37 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 19: Mr. RUPPERSBERGER.
H.R. 36: Mr. BRADLEY of New Hampshire.
H.R. 111: Mr. BURNS.
H.R. 331: Mr. GREEN of Texas and Mr. MCDERMOTT.
H.R. 391: Mr. LUCAS of Oklahoma.
H.R. 432: Mr. RODRIGUEZ.
H.R. 466: Mr. RODRIGUEZ.
H.R. 527: Mr. GILLMOR.
H.R. 584: Mr. GREEN of Texas and Mr. BURR.
H.R. 717: Ms. SCHAKOWSKY.
H.R. 847: Mr. MCDERMOTT.
H.R. 857: Mr. WICKER.
H.R. 891: Mr. FRANK of Massachusetts, Mr. GUTIERREZ, and Mr. BAIRD.
H.R. 976: Mr. VITTER.
H.R. 1102: Ms. ROS-LEHTINEN.
H.R. 1117: Mr. PENCE, Mrs. BLACKBURN, and Mr. HAYES.
H.R. 1118: Mr. LUCAS of Kentucky.
H.R. 1125: Mr. BAIRD.
H.R. 1155: Mr. DAVIS of Illinois and Mr. KENNEDY of Rhode Island.
H.R. 1160: Mr. NETHERCUTT.
H.R. 1179: Mrs. BIGGERT and Mr. GREEN of Texas.
H.R. 1227: Mr. COX, Mr. FEENEY, Mr. COLE, and Mr. WILSON of South Carolina.
H.R. 1231: Mr. BRADY of Pennsylvania.
H.R. 1267: Mr. PASCRELL.
H.R. 1285: Mr. MATHESON.
H.R. 1294: Mr. FARR.
H.R. 1321: Mr. RODRIGUEZ.
H.R. 1323: Mr. BRADLEY of New Hampshire.
H.R. 1336: Mrs. BIGGERT, Mr. EMANUEL, and Mr. BLUNT.
H.R. 1400: Mr. LARSON of Connecticut.
H.R. 1478: Mr. MANZULLO and Mr. ACEVEDO-VILA.
H.R. 1513: Mr. BISHOP of New York, Mr. GOODE, Mr. ROGERS of Michigan, and Mr. BURR.
H.R. 1534: Mr. ANDREWS.
H.R. 1563: Mr. ENGEL, Ms. HARMAN, Mr. ACEVEDO-VILA, and Mr. MCDERMOTT.
H.R. 1615: Mr. GREENWOOD.
H.R. 1653: Mr. BRADLEY of New Hamsphire.
H.R. 1657: Mr. HASTINGS of Florida.
H.R. 1684: Mr. WYNN, Mr. ROTHMAN, Mr. CAPUANO, Ms. DELAURO, and Mr. BALLANCE.
H.R. 1726: Mr. TOM DAVIS of Virginia.
H.R. 1749: Mr. MORAN of Kansas and Mr. SIMPSON.
H.R. 1818: Mr. BOEHLERT and Mr. CUMMINGS.
H.R. 1849: Ms. EDDIE BERNICE JOHNSON of Texas and Mrs. NAPOLITANO.
H.R. 1930: Mr. MEEHAN and Mr. OLVER.
H.R. 2011: Mr. ENGEL and Mr. UDALL of Colorado.
H.R. 2037: Ms. MCCARTHY of Missouri and Mr. RANGEL.
H.R. 2071: Mr. BAIRD, Mr. SANDERS, and Mr. GRIJALVA.
H.R. 2131: Mr. BACHUS, Mr. BARTON of Texas, Mr. BEAUPREZ, Mr BILIRAKIS, Mr. BURNS, Mr. CARTER, Mr. CASTLE, Mr. CRENSHAW, Mr. FLAKE, Mr. GILCHREST, Mr. GOODLATTE, Mr. GRAVES, Mr. GREENWOOD, Ms. HART, Mr. HERGER, Mr. HAYWORTH, Mr. HOBSON, Mr. HOUGHTON, Mr. HULSHOF, Mrs. KELLY, Mr. KING of New York, Mr. KIRK, Mr. KNOLLENBERG, Mr. LATHAM, Mr. LATOURETTE, Mr. LOBIONDO, Mr. MCHUGH, Mr. MICA, Mr. PITTS, Mr. NEUGEBAUER, Mr. NEY, Mr. NORWOOD, Mr. NUSSLE, Mr. OWENS, Mr. PENCE, Mr. PETRI, Mr. PUTNAM, Mr. QUINN, Mr. RADANOVICH, Mr. RAMSTAD, Mr. REGULA, Mr. REYNOLDS, Mr. SCHROCK, Mr. SHERWOOD, Mr. SHUSTER, Mr. SMITH of Michigan, Mr. STEARNS, Mr. SWEENEY, Mr. TANCREDO, Mr. THORNBERRY, Mr. WALDEN of Oregon, Mr. WALSH, Mr. WAMP, Mr. BARRETT of South Carolina, Mr. COLE, Mr. BOEHLERT, Mr. BAIRD, Ms. BERKLEY, Mr. ROSS, Mr. SHERMAN, Mr. THOMPSON of Mississippi, Mr. WEXLER, Mrs. MCCARTHY of New York, Mr. BISHOP of New York, Mr. HOYER, Mr. JOHN, Mr. LUCAS of Kentucky, Mr. RUPPERSBERGER, Mr. HILL, Mr. WATT, Mr. MARKEY, Mrs. MALONEY, Mr. STENHOLM, Mr. RYAN of Ohio, Mr. DICKS, Mr. MOORE, Ms. WATERS, Ms. JACKSON-LEE of Texas, Mr. LANGEVIN, Mr. DOOLEY of California, Mr. TAYLOR of Mississippi, Mr. EMANUEL, Mr. BERMAN, Mr. CASE, Mr. FORD, Mr. TURNER of Texas, Mr. ALEXANDER, Mr. CARDOZA, Mr. MICHAUD, Mrs. NAPOLITANO, Mr. SCOTT of Georgia, Mr. ISRAEL, Mr. PASCRELL, Mr. EDWARDS, Ms. BORDALLO, Mr. SCHIFF, Mr. GEPHARDT, Mr. ISSA, Mr. EVERETT, Mr. CRANE, Mr. GILLMOR, Mr. BOEHNER, Mr. GOODE, Ms. KILPATRICK, Mrs. LOWEY, Ms. CARSON of Indiana, Mr. PALLONE, Mr. UDALL of Colorado, Ms. NORTON, Mr. SPRATT, Mr. CHOCOLA, Mr. SULLIVAN, Mr. KELLER, Mr. SHAW, Mr. MANZULLO, Mr. YOUNG of Florida, Mr. HOEKSTRA, Mr. HALL, Ms. PELOSI, Mr. MEEK of Florida, Mr. WU, and Mr. LYNCH.
H.R. 2262: Mr. SCHIFF and Mr. ANDREWS.
H.R. 2394: Mr. CONYERS.
H.R. 2582: Mr. HASTINGS of Florida.
H.R. 2665: Ms. CARSON of Indiana.
H.R. 2671: Mrs. EMERSON, Mr. PETERSON of Pennsylvania, and Ms. HARRIS.
H.R. 2768: Mr. KUCINICH, Mr. BELL, Mr. FOLEY, Mr. BISHOP of Utah, Mr. STENHOLM, Mr. KIRK, Ms. LORETTA SANCHEZ of California, Mr. CANNON, Mrs. TAUSCHER, Mr. FILNER, Mr. FORD, Mr. OTTER, Mr. SCHIFF, Mr. WEXLER, Ms. BERKLEY, Mr. GUTKNECHT, and Mr. OLVER.
H.R. 2797: Mr. ISAKSON.
H.R. 2823: Mr. CALVERT and Mr. SPRATT.
H.R. 2853: Mr. MCDERMOTT.
H.R. 2863: Mr. BLUMENAUER, Mr. DEFAZIO, and Mr. ENGLISH.
H.R. 2885: Mr. WAMP.
H.R. 2959: Mr. KILDEE.
H.R. 2969: Ms. CARSON of Indiana.
H.R. 2983: Mr. WEXLER, Mr. KENNEDY of Rhode Island, and Mr. OWENS.
H.R. 2997: Mr. MORAN of Virginia, Ms. NORTON, and Mr. KUCINICH.
H.R. 3042: Mr. CULBERSON.
H.R. 3069: Mr. MANZULLO.
H.R. 3075: Mr. FRANKS of Arizona.
H.R. 3090: Ms. BALDWIN.
H.R. 3178: Mr. RANGEL, Mr. MEEHAN, Mr. BAIRD, Ms. BORDALLO, and Mr. ROSS.
H.R. 3180: Mr. DOGGETT.
H.R. 3192: Mr. JACKSON of Illinois and Ms. BORDALLO.
H.R. 3238: Ms. KILPATRICK, Mrs. CHRISTENSEN, and Ms. CORRINE BROWN of Florida.
H.R. 3242: Mr. BACA and Mr. GRIJALVA.
H.R. 3244: Mr. WATT and Mr. RUPPERSBERGER.
H.R. 3246: Mr. COLLINS.
H.R. 3281: Mr. UDALL of New Mexico.
H.R. 3310: Mr. WILSON of South Carolina and Mr. DEMINT.
H.R. 3350: Mr. EMANUEL.
H.R. 3352: Mr. RANGEL, Mr. LANTOS, and Mr. GEORGE MILLER of California.
H.R. 3377: Mr. TOWNS and Mr. STARK.
H.R. 3386: Mr. ENGEL, Mr. MEEKS of New York, Mr. BISHOP of Georgia, and Ms. KILPATRICK.
H.R. 3424: Mr. GONZALEZ and Mr. UDALL of Colorado.
H.R. 3425: Mr. PASTOR.
H.R. 3444: Mr. FILNER and Ms. MCCOLLUM.
H.R. 3453: Mr. GINGREY.
H.R. 3460: Mr. SOUDER, Mr. RAMSTAD, and Mr. WEINER.
H.R. 3473: Mr. WALDEN of Oregon, Mr. RENZI, and Mr. CUMMINGS.
H.R. 3474: Mr. ALLEN, Mr. PLATTS, Ms. PELOSI, Mr. UDALL of New Mexico, Mr. MILLER of North Carolina, and Mr. LARSON of Connecticut.
H.R. 3480: Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. RODRIGUEZ, and Mr. SCOTT of Georgia.
H.R. 3484: Mr. KUCINICH.
H.R. 3507: Mr. FILNER and Mr. PALLONE.
H.R. 3509: Mr. HONDA.
H.R. 3528: Mr. WEINER, Mr. SIMMONS, and Mr. STARK.
H.R. 3550: Mr. CARDOZA, Mr. BACA, Mr. DOYLE, Mr. MORAN of Virginia, Mr. ENGLISH, and Mr. RUPPERSBERGER.
H.R. 3582: Mr. CONYERS.
H.R. 3619: Mr. CAPUANO.
H.R. 3658: Mr. WALDEN of Oregon, Ms. WOOLSEY, Mr. EMANUEL, Mr. BOSWELL, Mr. ISSA, Mr. KING of New York, Mr. HOEFFEL, Mr. MCDERMOTT, Mr. BISHOP of Georgia, and Mr. BURNS.
H.R. 3662: Ms. NORTON.
H.R. 3667: Mr. GIBBONS.
H.R. 3687: Mr. GARY G. MILLER of California, Mr. ALEXANDER, Mr. FORBES, and Mr. CALVERT.
H.R. 3704: Mr. DEMINT.
H.R. 3707: Mr. FILNER, Mr. HOEFFEL, Mr. BOSWELL, Mr. CLAY, Mr. BROWN of Ohio, Mr. SABO, Mr. DEUTSCH, Ms. BALDWIN, Mr. TAYLOR of Mississippi, Mr. ENGEL, Mr. CROWLEY, Mrs. TAUSCHER, Mr. OWENS, Mr. MEEHAN, Mr. MILLER of North Carolina, Mr. STARK, Ms. MCCARTHY of Missouri, Mr. STENHOLM, Mr. COOPER, Mr. DAVIS of Tennessee, Mr. ISRAEL, Mr. THOMPSON of California, Mr. ROSS, Mr. CARDOZA, and Mr. TURNER of Texas.
H.R. 3708: Mr. TOWNS and Mr. FALEOMAVAEGA.
H.R. 3713: Mr. HYDE, Mrs. BIGGERT, Mr. WELLER, Mr. EVANS, Mr. LIPINSKI, and Mr. RUSH.
H.R. 3717: Mr. FORBES, Mr. OXLEY, Mr. NETHERCUTT, Ms. KAPTUR, Mrs. MYRICK, Mr. DEAL of Georgia, Mr. SKELTON, Mr. SPRATT, Mr. COSTELLO, Mr. SMITH of Michigan, Mr. TIBERI, Mr. FERGUSON, Mr. GREEN of Wisconsin, Mr. HAYES, Ms. CARSON of Indiana, Ms. DELAURO, Mr. TIAHRT, Mrs. MILLER of Michigan, Mrs. JOHNSON of Connecticut, Mr. SCOTT of Georgia, Mr. SHADEGG, Mr. TURNER of Texas, Mr. LINDER, Mr. ROGERS of Alabama, Mr. BERRY, Mr. SIMMONS, Mr. KENNEDY of Minnesota, and Mr. CALVERT.
H.R. 3719: Mrs. JOHNSON of Connecticut, Mr. CONYERS, Ms. PELOSI, Mr. VAN HOLLEN, Mr. GEORGE MILLER of California, Mr. SABO, Mr. DEUTSCH, Ms. HARMAN, Ms. LEE, Mr. BROWN of Ohio, Mr. WEXLER, Mr. JACKSON of Illinois, Mr. ALLEN, Mr. WAXMAN, Mr. ABERCROMBIE, Mr. BELL, Mr. FILNER, Mr. BAIRD, Ms. WOOLSEY, Mr. KUCINICH, Mrs. MALONEY, Mr. DOGGETT, and Mr. DEFAZIO.
H.R. 3728: Mr. MCGOVERN and Mr. DELAHUNT.
H.R. 3731: Ms. HART, Mrs. JOHNSON of Connecticut, Mr. OBERSTAR, Mr. RUPPERSBERGER, Mr. BACHUS, Mr. CARDOZA, Ms. CARSON of Indiana, Mr. DAVIS of Florida, Mr. DEFAZIO, Mr. FARR, Mr. FROST, Mr. GONZALEZ, Mr. GORDON, Mr. GREEN of Texas, Mr. HILL, Mr. KENNEDY of Rhode Island, Mr. KIND, Mr. LARSON of Connecticut, Mr. LUCAS of Kentucky, Mrs. MALONEY, MR. MICHAUD, Mr. ROSS, Mr. SCOTT of Georgia, Mr. SHAYS, Ms. SOLIS, Mr. STENHOLM, MR. THOMPSON California, and Mr. VAN HOLLEN.
H.R. 3745: Mr. EHLERS.
H.J. Res. 84: Mr. OSBORNE, Mr. HALL, Mr. REGULA, Mr. GOODLATTE, Mr. BARTON of Texas, and Mr. YOUNG of Alaska.
H.J. Res. 87: Mr. OBEY, Mr. WATSON, Mr. HASTINGS of Florida, Mr. OBERSTAR, Mr. CROWLEY, Mr. REYES, Ms. KILPATRICK, Mr. ISRAEL, Mr. ABERCROMBIE, Mrs. MALONEY, Mr. LANTOS, Mr. FILNER, Mr. HINCHEY, Mr. SERRANO, Ms. LOFGREN, Mr. WAXMAN, Mr. PALLONE, Mr. WEXLER, Mr. DINGELL, Mr. ETHERIDGE, Mr. FORD, Ms. MCCARTHY of Missouri, Mr. SHERMAN, Mr. GRIJALVA, Mr. DICKS, Mr. LEVIN, Ms. LEE, and Mr. BROWN of Ohio

H. Con. Res. 111: Mr. PAYNE.
H. Con. Res. 218: Mr. DEUTSCH, Mr. PAYNE, Mr. BARTLETT of Maryland, and Mr. STEARNS.
H. Con. Res. 247: Mr. SCOTT of Georgia.
H. Con. Res. 254: Mr. HOLT.
H. Con. Res. 310: Mr. SHIMKUS and Mr. HOSTETTLER.
H. Con. Res. 324: Mr. BILIRAKIS.
H. Con. Res. 327: Mr. KUCINICH, Mrs. MALONEY, Mr. PAYNE, and Mr. SANDERS.
H. Con. Res. 332: Mr. ALEXANDER, Mr. MATHESON, Mr. EMANUEL, Mr. RODRIGUEZ, Mr. COOPER, Ms. MAJETTE, Mr. MCCOTTER, Mr. BASS, Mr. SCOTT of Georgia, and Mr. SAXTON.
H. Con. Res. 343: Mr. WU, Ms. WOOLSEY, Mr. MCINTYRE, Mr. LYNCH, and Ms. PELOSI.
H. Res. 157: Mr. WEINER and Mr. LEACH.
H. Res. 241: Mr. ENGEL.
H. Res. 291: Ms. BALDWIN and Mr. SABO.
H. Res. 402: Mr. WHITFIELD.
H. Res. 480: Mr. UDALL of Colorado, Mr. HOLT, and Ms. MCCARTHY of Missouri.
H. Res. 481: Mr. NEY.
H. Res. 482: Mrs. NORTHUP.
H. Res. 500: Mr. PUTNAM, Mr. BEREUTER, Mr. MCINNIS, Mr. SHADEGG, and Mr. OSBORNE,
H. Res. 507: Mr. CRAMER, Mr. ETHERIDGE, Mr. SIMPSON, Mr. BARTLETT of Maryland, Mr. EDWARDS, Mr. BISHOP of Utah, Mr. BONNER, Mr. FROST, Mr. SESSIONS. Mr. TURNER of Texas, Mr. SCHIFF, Ms. BORDALLO, and Mr. PORTER.

WEDNESDAY, FEBRUARY 4, 2004 (8)

The House was called to order by the SPEAKER.

¶8.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Tuesday, February 3, 2004.

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

¶8.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

6618. A letter from the Under Secretary, Comptroller, Department of Defense, transmitting the Secretary's certification that the current Future Years Defense Program (FYDP) fully funds the support costs associated with the Virginia Class submarine multiyear FY 2004 through FY 2008 program, pursuant to 10 U.S.C. 2306b(i)(1)(A); to the Committee on Armed Services.

6619. A letter from the Acting Under Secretary, Acquisition, Technology, and Logistics, Department of Defense, transmitting notification regarding the Department's report for purchases from foreign entities for Fiscal Year 2003, pursuant to Public Law 104—201, section 827 (110 Stat. 2611); to the Committee on Armed Services.

6620. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to Mexico, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

6621. A letter from the Chairman and President, Export-Import Bank of the United States, transmitting the Bank's FY 2003 annual report for the Sub-Saharan Africa Initiative; to the Committee on Financial Services.

6622. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting reports containing the 30 September 2003 status of loans and guarantees issued under the Arms Export Control Act, pursuant to 22 U.S.C. 2765(a); to the Committee on International Relations.

6623. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to Mexico (Transmittal No. DTC 127-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

6624. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to Jordan (Transmittal No. DDTC 128-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

6625. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to Japan (Transmittal No. DDTC 129-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

6626. A letter from the Under Secretary, Personnel and Readiness, Department of Defense, transmitting a report on the audit of the American Red Cross for the financial year ending June 30, 2003, pursuant to 36 U.S.C. 6; to the Committee on International Relations.

6627. A letter from the General Counsel, General Accounting Office, transmitting a copy of the report on each instance a Federal agency did not fully implement recommendations made by the GAO in connection with a bid protest decided during fiscal year 2003, pursuant to 31 U.S.C. 3554(e)(2); to the Committee on Government Reform.

6628. A letter from the Secretary, Department of Agriculture, transmitting the Department's Annual Performance and Accountability Report for FY 2003; to the Committee on Government Reform.

6629. A letter from the Chairman, Federal Communications Commission, transmitting the Commission's FY 2003 Annual Financial Report where the Commission received for the second year in a row an ''Unqualified Opinion''; to the Committee on Government Reform.

6630. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a copy of the Commission's report in compliance with the Government in the Sunshine Act during the calendar year 2003, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

6631. A letter from the Board Members, Railroad Retirement Board, transmitting a copy of the Board's Performance and Accountability Report for Fiscal Year 2003, including the Office of Inspector General's Auditor's Report, Report on Internal Control, and Report on Compliance with Laws and Regulations; to the Committee on Government Reform.

6632. A letter from the Director, Trade and Development Agency, transmitting the Agency's annual financial audit for FY 2003, pursuant to 22 U.S.C. 2421(e)(2); to the Committee on Government Reform.

6633. A letter from the Acting Chief, Federal Subsistence Board, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D — 2004-05 Subsistence Taking of Fish and Shellfish Regulations (RIN: 1018-AI89) received January 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6634. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Endangered Status for the Rota Bridled White-Eyed (Zosterops rotensis) from the Commonwealth of the Northern Mariana Islands (RIN: 1018-AI16) received January 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6635. A letter from the Deputy Assistant Administrator, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Revision to the Management of ''Other Species'' Community Development Quota [Docket No. 031009255-3302-02; I.D. 092503A] (RIN: 0648-AQ88) received January 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6636. A letter from the Deputy Assistant Administrator for Reguatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone off Alaska; Halibut Fisheries in U.S. Convention Waters Off Alaska; Management Measures to Reduce Seabird Incidental Take in the Hook-and-Line Halibut and Groundfish Fisheries [Docket 030130026-3323; I.D. 121202B] (RIN: 0648-AM30) received January 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6637. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone off Alaska; Pacific Cod by Catcher/Processor Vessels Using Hook-and-line Gear in the Bering Sea and Aleutian Islands [Docket No.021212307-3037-02; I.D. 120403B] received December 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6638. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackeral in the Bering Sea and Aleutian Islands [Docket No. 031126295-3295-01; I.D. 011304A] received January 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6639. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackeral Lottery in Areas 542 and 543 [Docket No. 031126295-3295-01; I.D. 011304B] received January 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6640. A letter from the General Counsel, National Science Foundation, transmitting the Foundation's final rule — Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants) — received January 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

6641. A letter from the American Legion, transmitting the financial statement and independent audit of The American Legion proceedings of the 85th annual National Convention of the American Legion, held in St. Louis, Missouri from August 26, 27, and 28, 2003 and a report on the Organization's activities for the year preceding the Convention, pursuant to 36 U.S.C. 49; (H. Doc. No. 108—157); to the Committee on Veterans' Affairs and ordered to be printed.

6642. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Gains and Losses from Short Sales (Rev. Rul. 2004-15) received January 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6643. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Restriction and valuation of distributions. (Rev. Rul. 2004-10) received January 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6644. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Minimum covergage requirements (after 1993) (Rev. Rul. 2004-11) received January 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6645. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Special Rules for Top-Heavy Plans (Rev. Rul. 2004-13) received January 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6646. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters. (Rev. Proc. 2004-15) received January 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6647. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Qualified Pension, Profit-Sharing, and Stock Bonus Plans (Rev. Rul. 2004-12) received January 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6648. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Income affected by treaty (Rev. Rul. 2004-03) received February 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶8.3 RECESS FOR JOINT MEETING TO RECEIVE THE PRESIDENT OF THE GOVERNMENT OF SPAIN—10:05 A.M.

The SPEAKER, pursuant to the special order of the House agreed to on January 27, 2004, declared the House in recess at 10 o'clock and 5 minutes a.m., subject to the call of the Chair.

¶8.4 AFTER RECESS—12:06 A.M.

The SPEAKER pro tempore, Mr. LATHAM, called the House to order.

¶8.5 PROCEEDINGS DURING RECESS

On motion of Mr. FOLEY, by unanimous consent, the proceedings had during the recess to receive His Excellency Jose Maria Aznar, President of the Government of Spain, were ordered to be printed in the RECORD.

¶8.6 PROVIDING FOR THE CONSIDERATION OF H.R. 3030

Mrs. MYRICK, by direction of the Committee on Rules, called up the following resolution (H. Res. 513):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3030) to amend the Community Service Block Grant Act to provide for quality improvements. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. No amendment to the committee amendment shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Mrs. MYRICK, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶8.7 COMMUNITY SERVICES BLOCK GRANT

The SPEAKER pro tempore, Mrs. MYRICK, pursuant to House Resolution 513 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3030) to amend the Community Service Block Grant Act to provide for quality improvements.

The SPEAKER pro tempore, Mrs. MYRICK, by unanimous consent, designated Mr. LATHAM as Chairman of the Committee of the Whole; and after some time spent therein,

¶8.8 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, submitted by Mr. SCOTT of Virginia:

Page 12, after line 22, insert the following (and make such technical and conforming changes as may be appropriate):

(j) NONDISCRIMINATION.—Section 678F(c)(1) of the Community Services Block Grant Act (42 U.S.C. 9918(c)(1)) is amended by inserting ''religion,'' after ''color,''.

(k) EMPLOYMENT PRACTICES.—Section 679(b) of the Community Services Block Grant Act (42 U.S.C. 9920(b)) is amended by striking paragraph (3).

It was decided in the negative { Yeas ..... 182 / Nays ..... 231 }

¶8.9 [Roll No. 15]

AYES—182

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Green (TX)
Grijalva
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Lampson
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Slaughter
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—231

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Cubin
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger

Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lucas (KY)
Manzullo
Marshall
McCotter
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Brown-Waite, Ginny
Culberson
DeGette
Dicks
Gephardt
Gutierrez
Hunter
Kucinich
Langevin
Linder
Lucas (OK)
McCrery
Millender-McDonald
Ortiz
Pascrell
Rahall
Sabo
Smith (WA)
Watson

So the amendment was not agreed to.

After some further time,

¶8.10 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2, submitted by Mr. SCOTT of Virginia:

Page 12, after line 22, insert the following (and make such technical and conforming changes as may be appropriate):

(j) LIMITATION ON USE OF FUNDS; VOLUNTARINESS.—Section 679(c) of the Community Services Block Grant Act (42 U.S.C. 9920(c)) is amended by adding at the end the following:

''If the religious organization offers such an activity, it shall be voluntary for the individuals receiving services and offered separate from the program funded under subsection (a). A certificate shall be separately signed by religious organizations, and filed with the government agency that disburses the funds, certifying that the organization is aware of and will comply with this subsection.''.

It was decided in the negative ..... { Yeas ..... 180 / Nays 233

¶8.11 [Roll No. 16]

AYES—180

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Green (TX)
Grijalva
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Lampson
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—233

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

NOT VOTING—19

Brown-Waite, Ginny
Culberson
DeGette
Dicks
Gephardt
Gutierrez
Hunter
Kucinich
Langevin
Linder
Lucas (OK)
McCrery
Millender-McDonald
Ortiz
Pascrell
Rahall
Sabo
Smith (WA)
Watson

So the amendment was not agreed to.

After some further time,

¶8.12 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment in the nature of a substitute submitted by Ms. WOOLSEY:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Improving the Community Services Block Grant Act of 2003''.

SEC. 2. COMMUNITY SERVICES BLOCK GRANT ACT AMENDMENTS.

(a) PURPOSES AND GOALS.—Section 672 of the Community Services Block Grant Act (42 U.S.C. 9901 note) is amended to read as follows:

''SEC. 672 PURPOSES AND GOALS.

''The purpose of this subtitle is to reduce poverty—

''(1) by strengthening and coordinating local efforts to expand opportunities for individuals and families to become economically self-sufficient and to improve and revitalize low-income communities in urban and rural areas, by providing resources to States for support of local eligible entities, including community action agencies and other community-based organizations—

''(A) to plan, coordinate, and mobilize a broad range of Federal, State, local, and private assistance or investment in such a manner as to use these resources effectively to reduce poverty and in initiatives that are responsive to specific local needs and conditions;

''(B) to coordinate a range of services that meet the needs of low-income families and

individuals, that support strong and healthy families, and that assist them in developing the skills needed to become self sustaining while ensuring that these services are provided effectively and efficiently; and

''(C) to design and implement comprehensive approaches to assist eligible individuals in gaining employment and achieving economic self-sufficiency;

''(2) by improving and revitalizing the low-income communities in urban and rural areas by providing resources to States for support of local eligible entities and their partners—

''(A) to broaden the resource base of initiatives and projects directed to the elimination of poverty and the redevelopment of the low-income community, including partnerships with nongovernmental and governmental institutions to develop the community assets and services that reduce poverty, such as—

''(i) other private, religious, charitable, and community-based organizations;

''(ii) individual citizens, and business, labor, and professional groups, that are able to influence the quantity and quality of opportunities and services for the poor; and

''(iii) local government leadership; and

''(B) to coordinate community-wide resources and services that will have a significant, measurable impact on the causes of poverty in the community and that will help families and individuals to achieve economic self-sufficiency and to test innovative, community-based approaches to attacking the causes and effects of poverty and of community breakdown, including—

''(i) innovative initiatives to prevent and reverse loss of investment, jobs, public services, and infrastructure in low- and moderate-income communities; and

''(ii) innovative partnerships to leverage the assets and services that reduce poverty, as provided in subparagraph (A); and

''(3) by ensuring maximum participation of residents of low-income communities and of members of the groups served by grants made under this subtitle in guiding the eligible entities and in their programs funded under this subtitle, to ameliorate the particular problems and needs of low-income residents and to develop the permanent social and economic assets of the low-income community in order to reduce the incidence of poverty.''.

(b) DEFINITIONS.—Section 673(1)(A) of the Community Services Block Grant Act (42 U.S.C. 9902(1)(A)) is amended—

(1) in clause (i) by striking ''and'' at the end;

(2) in clause (ii) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(iii) that successfully develops and meets the locally determined goals described in section 678E(b)(1), as determined by the State, and meets State goals, standards, and performance requirements as provided for in section 678B(a).''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 674 of the Community Services Block Grant Act (42 U.S.C. 9903) is amended—

(1) in subsection (a) by striking ''1999 through 2003'' and inserting ''2004 through 2009''; and

(2) in subsection (b)(2)—

(A) by striking ''678F'' and inserting ''678E to assist States, eligible entities, and their partners in projects supported by this subtitle''; and

(B) in subparagraph (B) by striking ''monitoring (to correct programmatic deficiencies of eligible entities)'' and inserting ''monitoring (including technical assistance and training to correct programmatic deficiencies of eligible entities)''.

(d) USES OF FUNDS.—Section 675C of the Community Services Block Grant Act (42 U.S.C. 9907) is amended—

(1) in subsection (a)(3)(A) by striking ''Beginning on October 1, 2000, a'' and inserting ''A''; and

(2) in subsection (b)(1)(F) by striking ''neighborhood-based'' and inserting ''community-based''.

(e) APPLICATION AND PLAN.—Section 676 of the Community Services Block Grant Act (42 U.S.C. 9908) is amended—

(1) in subsection (b)—

(A) by striking ''Beginning with fiscal year 2000, to'' and inserting ''To'';

(B) in paragraph (1)—

(i) in subparagraph (B)—

(I) by striking ''youth development programs that support'' and inserting ''youth development programs, which may include mentoring programs, that support''; and

(II) by striking ''and'' at the end;

(ii) in subparagraph (C) by adding ''and'' at the end; and

(iii) by adding at the end the following:

''(D) initiatives to improve economic conditions and mobilize new resources in rural areas to eliminate obstacles to the self-sufficiency of families and individuals in rural communities;'';

(C) in paragraph (2) by striking ''community and neighborhood-based'' and inserting ''community-based'';

(D) in paragraph (3)—

(1) in the matter preceding subparagraph (A) by striking ''information provided by eligible entities in the State, containing'' and inserting ''an assurance that the State will provide information, including''; and

(ii) in subparagraph (D) by striking ''community and neighborhood-based'' and inserting ''community-based'';

(E) in paragraph (9) by striking ''and community organizations'' and inserting ''and community-based organizations'';

(F) in paragraph (10) by striking ''community organization'' and inserting ''community-based organization'';

(G) in paragraph (12) by striking ''and'' at the end;

(H) by redesignating paragraph (13) as paragraph (15); and

(I) by inserting after paragraph (12) the following:

''(13) an assurance that the State will take swift action to improve performance or, when appropriate, to terminate the funding under this subtitle of low-performing eligible entities that do not meet the applicable locally determined goals described in section 678E(b)(1) or do not meet the State goals, standards, and requirements as provided for in section 678B(a);

''(14) an assurance that the State will provide a justification to the Secretary if it continues to fund persistently low-performing eligible entities; and'';

(2) in subsection (c)(2) by striking ''plan, or'' and all that follows through the period at the end, and inserting ''plan, to meet a State requirement, as described in section 678C(a), or to meet the locally determined goals as described in section 678E(b)(1).''; and

(3) by striking subsection (f).

(f) TRAINING, TECHNICAL ASSISTANCE, AND OTHER ACTIVITIES.—Section 678A(a)(1)(A) of the Community Services Block Grant Act (42 U.S.C. 9913(a)(1)(A)) is amended—

(1) by inserting ''dissemination regarding best practices,'' after ''technical assistance,''; and

(2) by inserting ''(including to assist in the development of reporting systems and electronic data systems)'' after ''collection activities''.

(g) MONITORING OF ELIGIBLE ENTITIES.—Section 678B of the Community Services Block Grant Act (42 U.S.C. 9914) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1) by inserting ''and the locally determined performance goals described in section 678E(b)(1)'' after ''a State''; and

(B) in paragraph (3)—

(i) by inserting ''appropriate'' before ''goals''; and

(ii) by striking ''established by the State''; and

(2) in the last sentence of subsection (c) by striking ''Chairperson of the Committee on Education'' and all that follows through ''Human Resources of the Senate'' and inserting ''appropriate congressional committees''.

(h) CORRECTIVE ACTION; TERMINATION AND REDUCTION OF FUNDING.—Section 678C(a) of the Community Services Block Grant Act (42 U.S.C. 9915(a)) is amended in the matter preceding paragraph (1) by striking ''established by the State''.

(i) ACCOUNTABILITY AND REPORTING REQUIREMENTS.—Section 678E of the Community Services Block Grant Act (42 U.S.C. 9917) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A) by striking ''By October 1, 2001, each'' and inserting ''Each''; and

(B) in paragraph (2)—

(i) in the 1st sentence by inserting ''including any activities under section 678C'' before the period at the end;

(ii) by striking the 2d sentence;

(iii) in the 3d sentence by striking ''also''; and

(iv) in the 3d sentence by inserting ''information on the timeliness of the distribution of block grant funds to eligible entities as provided in section 675C(a),'' after ''including'';

(2) in subsection (b)—

(A) in paragraph (2) in the matter preceding subparagraph (A) by striking ''beginning after September 30, 1999'';

(B) in paragraph (3) by striking ''Committee on Education'' and all that follows through ''Human Resources of the Senate'' and inserting ''appropriate congressional committees'';

(C) by adding at the end the following:

''(5) COORDINATION OF REPORTING REQUIREMENTS.—To the maximum extent possible, the Secretary shall coordinate reporting requirements for all programs of the Department of Health and Human Services managed by eligible entities so as to consolidate and reduce the number of reports required about individuals, families, and uses of grant funds.''; and

(D) by redesignating such subsection as subsection (c); and

(3) by inserting after subsection (a) the following:

''(b) LOCAL ACCOUNTABILITY AND REPORTING REQUIREMENTS.—

''(1) LOCALLY DETERMINED GOALS.—In order to be designated as an eligible entity and to receive a grant under this subtitle, an eligible entity shall establish locally determined goals for reducing poverty in the community, including goals for—

''(A) leveraging and mobilizing community resources;

''(B) fostering coordination of Federal, State, local, private, and other assistance; and

''(C) promoting community involvement.

''(2) DEMONSTRATION THAT GOALS WERE MET.—In order for an eligible entity to receive a second or subsequent grant made under this subtitle after the effective date of this paragraph, such entity shall demonstrate to the State that it has met the goals described in paragraph (1).''.

(j) NONDISCRIMINATION.—Section 678F(c)(1) of the Community Services Block Grant Act

(42 U.S.C. 9918(c)(1)) is amended by inserting ''religion,'' after ''color,''.

(k) TREATMENT OF BENEFICIARIES.—Section 679 of the Community Services Block Grant Act (42 U.S.C. 9920) is amended to read as follows:

''SEC. 679. OPERATIONAL RULE.

''(a) RELIGIOUS ORGANIZATIONS INCLUDED AS NONGOVERNMENTAL PROVIDERS.—For any program carried out by the Federal Government, or by a State or local government under this subtitle, the government shall consider, on the same basis as other nongovernmental organizations, religious organizations to provide the assistance under the program, so long as the program is implemented in a manner consistent with the Establishment Clause of the first amendment to the Constitution. Neither the Federal Government nor a State or local government receiving funds under this subtitle shall discriminate against an organization that provides assistance under, or applies to provide assistance under, this subtitle, on the basis that the organization has a religious character.

''(b) RELIGIOUS CHARACTER AND INDEPENDENCE.—

''(1) IN GENERAL.—A religious organization that provides assistance under a program described in subsection (a) shall retain its religious character and control over the definition, development, practice, and expression of its religious beliefs.

''(2) ADDITIONAL SAFEGUARDS.—Neither the Federal Government nor a State or local government shall require a religious organization—

''(A) to alter its form of internal governance, except (for purposes of administration of the community services block grant program) as provided in section 676B; or

''(B) to remove religious art, icons, scripture, or other symbols;

in order to be eligible to provide assistance under a program described in subsection (a).

''(c) LIMITATIONS ON USE OF FUNDS FOR CERTAIN PURPOSES.—No funds provided directly to a religious organization to provide assistance under any program described in subsection (a) shall be expended for sectarian worship, instruction, or proselytization.

''(d) FISCAL ACCOUNTABILITY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), any religious organization providing assistance under any program described in subsection (a) shall be subject to the same regulations as other nongovernmental organizations to account in accord with generally accepted accounting principles for the use of such funds provided under such program.

''(2) LIMITED AUDIT.—Such organization shall segregate government funds provided under such program into a separate account. Only the government funds shall be subject to audit by the government.

''(e) TREATMENT OF ELIGIBLE ENTITIES AND OTHER INTERMEDIATE ORGANIZATIONS.—If an eligible entity or other organization (referred to in this subsection as an ''intermediate organization''), acting under a contract, or grant or other agreement, with the Federal Government or a State or local government, is given the authority under the contract or agreement to select nongovernmental organizations to provide assistance under the programs described in subsection (a), the intermediate organization shall have the same duties under this section as the government.

''(f) TREATMENT OF BENEFICIARIES.—In providing assistance under a program described in subsection (a), a religious organization shall not discriminate against a beneficiary, or a potential beneficiary, of such assistance on the basis of religion or of a religious belief.

''(g) OPERATIONAL REQUIREMENT.—Notwithstanding any other provision of this section, each entity that carries out a program, or provides assistance, under this subtitle shall carry out such program, or shall provide such assistance, in a lawful and secular manner.''.

(l) DISCRETIONARY AUTHORITY OF SECRETARY.—Section 680 of the Community Services Block Grant Act (42 U.S.C. 9921) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A) by inserting ''(including financial assistance for construction or substantial rehabilitation of buildings and facilities, and for loans or investments in private business enterprises owned by community development corporations)'' after ''assistance'';

(ii) by redesignating subparagraphs (B), (C), (D), and (E) as subparagraphs (D), (E), (F), and (G), respectively; and

(iii) by inserting after subparagraph (A) the following:

''(B) FEDERAL INTEREST.—The Secretary shall establish procedures that permit funds provided under a grant made under this paragraph, or intangible assets acquired with such funds, to become the sole property of the grantee before the expiration of the 12-year period beginning after the fiscal year for which such grant is made if such grantee agrees to use such funds or such property for purposes and uses consistent with the purposes and uses for which such grant is made.

''(C) REPLACEMENT ACTIVITIES.—The Secretary shall establish procedures to allow a grant made under this paragraph to be used by a grantee to carry out activities substantially similar to the activities for which such grant is made if, due to no fault of such grantee, such grantee cannot carry out the activities for which such grant is made. Such procedures shall require that the substantially similar activities serve the same impact area and have the same goals, objectives, and outcomes as the activities for which such grant is made.'';

(B) in paragraph (3)(B) by inserting ''water and wastewater'' after ''community''; and

(C) in paragraph (4) by striking ''neighborhood-based'' and inserting ''community-based''; and

(2) in subsection (c) by striking ''Chairperson of the Committee on Education'' and all that follows through ''Human Resources of the Senate'' and inserting ''appropriate congressional committees''.

(m) COMMUNITY FOOD AND NUTRITION PROGRAMS.—Section 681 of the Community Services Block Grant Act (42 U.S.C. 9922) is amended—

(1) in subsection (c) in the matter preceding paragraph (1) by striking ''Committee on Education'' and all that follows through ''Human Resources of the Senate'' and inserting ''appropriate congressional committees''; and

(2) in subsection (d) by striking ''1999 through 2003'' and inserting ''2004 through 2009''.

(n) NATIONAL OR REGIONAL PROGRAMS DESIGNED TO PROVIDE INSTRUCTIONAL ACTIVITIES FOR LOW-INCOME YOUTH.—Section 682 of the Community Services Block Grant Act (42 U.S.C. 9923) is amended—

(1) in subsection (b)(5)—

(A) by inserting ''(which may be accomplished through mentoring)'' after ''youth''; and

(B) by inserting ''to improve academic achievement'' after ''study practices''; and

(2) in subsection (g) by striking ''1999 through 2003'' and inserting ''2004 through 2009''.

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the 1st day of the 1st fiscal year beginning after the date of the enactment of this Act.

It was decided in the negative { Yeas ..... 183 / Nays ..... 232 }

¶8.13 [Roll No. 17]

AYES—183

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Green (TX)
Grijalva
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Lampson
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Slaughter
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—232

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Cubin
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey

Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lucas (KY)
Manzullo
Marshall
McCotter
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Brown-Waite, Ginny
Culberson
DeGette
Dicks
Gephardt
Gutierrez
Kucinich
Langevin
Linder
Lucas (OK)
McCrery
Millender-McDonald
Ortiz
Pascrell
Rahall
Smith (WA)
Watson

So the amendment was not agreed to.

After some further time,

¶8.14 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. George MILLER of California:

Page 5, strike lines 20 and 21, and insert the following:

(1) in subsection (a)—

(A) by striking ''1999 through 2003'' and inserting ''2004 through 2009''; and

(B) by striking ''681'' and inserting ''675C(b)(3), 681,'';

Page 6, line 2, strike ''and'' at the end.

Page 6, line 8, strike the period at the end and insert ''; and''.

Page 6, after line 8, insert the following:

(C) by adding at the end the following:

''(c) ASSISTANCE RELATING TO UNEMPLOYMENT.—There are authorized to be appropriated such sums as may be necessary for fiscal year 2004 to carry out section 675C(b)(3).''.

Page 6, strike lines 9 through 14, and insert the following:

(d) USES OF FUNDS.—Section 675C of the Community Services Block Grant Act (42 U.S.C. 9907) is amended—

(1) in subsection (a)(3)(A) by striking ''Beginning on October 1, 2000, a'' and inserting ''A''; and

(2) in subsection (b)—

(A) in paragraph (1)(F) by striking ''neighborhood-based'' and inserting ''community-based''; and

(B) by adding at the end the following:

''(3) ASSISTANCE RELATING TO UNEMPLOYMENT.—With the amount appropriated under section 674(c), the Secretary shall make grants to States to provide financial and employment support to individuals who cannot find employment, who have exhausted their State unemployment benefits, and who, after the week of December 20, 2003, can no longer receive Federal extended temporary unemployment compensation. The eligibility criteria and benefit amounts under this paragraph for such individuals shall be the same as for such individuals prior to December 20, 2003, under the Federal extended temporary unemployment compensation program.''; and

(3) in subsection (c)(1) by inserting ''paragraphs (1) and (2) of'' after ''under''.

It was decided in the affirmative ..... { Yeas ..... 227 / Nays 179

¶8.15 [Roll No. 18]

AYES—227

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Burns
Burr
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Fossella
Frank (MA)
Frost
Gonzalez
Goode
Gordon
Green (TX)
Green (WI)
Grijalva
Harman
Hastings (FL)
Hayes
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kleczka
Lampson
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Neal (MA)
Nethercutt
Ney
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pomeroy
Price (NC)
Quinn
Rangel
Reyes
Rodriguez
Rogers (MI)
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Shimkus
Simmons
Skelton
Slaughter
Smith (NJ)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Waters
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—179

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goodlatte
Graves
Greenwood
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Keller
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
Lewis (CA)
Lewis (KY)
Manzullo
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shuster
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tauzin
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Vitter
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—27

Brown-Waite, Ginny
Calvert
Conyers
Culberson
DeGette
Dicks
Gephardt
Goss
Granger
Gutierrez
Kucinich
Langevin
Linder
Lipinski
Lucas (OK)
McCarthy (MO)
McCrery
McHugh
McInnis
Millender-McDonald
Napolitano
Ortiz
Pascrell
Rahall
Ruppersberger
Smith (WA)
Watson

So the amendment was agreed to.

The SPEAKER pro tempore, Mr. HASTINGS of Washington, assumed the Chair.

When Mr. LAHOOD, Chairman, pursuant to House Resolution 513, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole

House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Improving the Community Services Block Grant Act of 2004''.

SEC. 2. COMMUNITY SERVICES BLOCK GRANT ACT AMENDMENTS.

(a) PURPOSES AND GOALS.—Section 672 of the Community Services Block Grant Act (42 U.S.C. 9901 note) is amended to read as follows:

''SEC. 672 PURPOSES AND GOALS.

''The purpose of this subtitle is to reduce poverty—

''(1) by strengthening and coordinating local efforts to expand opportunities for individuals and families to become economically self-sufficient and to improve and revitalize low-income communities in urban and rural areas, by providing resources to States for support of local eligible entities, including community action agencies and other community-based organizations—

''(A) to plan, coordinate, and mobilize a broad range of Federal, State, local, and private assistance or investment in such a manner as to use these resources effectively to reduce poverty and in initiatives that are responsive to specific local needs and conditions;

''(B) to coordinate a range of services that meet the needs of low-income families and individuals, that support strong and healthy families, and that assist them in developing the skills needed to become self sustaining while ensuring that these services are provided effectively and efficiently; and

''(C) to design and implement comprehensive approaches to assist eligible individuals in gaining employment and achieving economic self-sufficiency;

''(2) by improving and revitalizing the low-income communities in urban and rural areas by providing resources to States for support of local eligible entities and their partners—

''(A) to broaden the resource base of initiatives and projects directed to the elimination of poverty and the redevelopment of the low-income community, including partnerships with nongovernmental and governmental institutions to develop the community assets and services that reduce poverty, such as—

''(i) other private, religious, charitable, and community-based organizations;

''(ii) individual citizens, and business, labor, and professional groups, that are able to influence the quantity and quality of opportunities and services for the poor; and

''(iii) local government leadership; and

''(B) to coordinate community-wide resources and services that will have a significant, measurable impact on the causes of poverty in the community and that will help families and individuals to achieve economic self-sufficiency and to test innovative, community-based approaches to attacking the causes and effects of poverty and of community breakdown, including—

''(i) innovative initiatives to prevent and reverse loss of investment, jobs, public services, and infrastructure in low- and moderate-income communities; and

''(ii) innovative partnerships to leverage the assets and services that reduce poverty, as provided in subparagraph (A); and

''(3) by ensuring maximum participation of residents of low-income communities and of members of the groups served by grants made under this subtitle in guiding the eligible entities and in their programs funded under this subtitle, to ameliorate the particular problems and needs of low-income residents and to develop the permanent social and economic assets of the low-income community in order to reduce the incidence of poverty.''.

(b) DEFINITIONS.—Section 673(1)(A) of the Community Services Block Grant Act (42 U.S.C. 9902(1)(A)) is amended—

(1) in clause (i) by striking ''and'' at the end;

(2) in clause (ii) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(iii) that successfully develops and meets the locally determined goals described in section 678E(b)(1), as determined by the State, and meets State goals, standards, and performance requirements as provided for in section 678B(a).''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 674 of the Community Services Block Grant Act (42 U.S.C. 9903) is amended—

(1) in subsection (a)—

(A) by striking ''1999 through 2003'' and inserting ''2004 through 2009''; and

(B) by striking ''681'' and inserting ''675C(b)(3), 681,'';

(2) in subsection (b)(2)—

(A) by striking ''678F'' and inserting ''678E to assist States, eligible entities, and their partners in projects supported by this subtitle'';

(B) in subparagraph (B) by striking ''monitoring (to correct programmatic deficiencies of eligible entities)'' and inserting ''monitoring (including technical assistance and training to correct programmatic deficiencies of eligible entities)''; and

(C) by adding at the end the following:

''(c) ASSISTANCE RELATING TO UNEMPLOYMENT.—There are authorized to be appropriated such sums as may be necessary for fiscal year 2004 to carry out section 675C(b)(3).''.

(d) USES OF FUNDS.—Section 675C of the Community Services Block Grant Act (42 U.S.C. 9907) is amended—

(1) in subsection (a)(3)(A) by striking ''Beginning on October 1, 2000, a'' and inserting ''A''; and

(2) in subsection (b)—

(A) in paragraph (1)(F) by striking ''neighborhood-based'' and inserting ''community-based''; and

(B) by adding at the end the following:

''(3) ASSISTANCE RELATING TO UNEMPLOYMENT.—With the amount appropriated under section 674(c), the Secretary shall make grants to States to provide financial and employment support to individuals who cannot find employment, who have exhausted their State unemployment benefits, and who, after the week of December 20, 2003, can no longer receive Federal extended temporary unemployment compensation. The eligibility criteria and benefit amounts under this paragraph for such individuals shall be the same as for such individuals prior to December 20, 2003, under the Federal extended temporary unemployment compensation program.''; and

(3) in subsection (c)(1) by inserting ''paragraphs (1) and (2) of'' after ''under''.

(e) APPLICATION AND PLAN.—Section 676 of the Community Services Block Grant Act (42 U.S.C. 9908) is amended—

(1) in subsection (b)—

(A) by striking ''Beginning with fiscal year 2000, to'' and inserting ''To'';

(B) in paragraph (1)—

(i) in subparagraph (B)—

(I) by striking ''youth development programs that support'' and inserting ''youth development programs, which may include mentoring programs, that support''; and

(II) by striking ''and'' at the end;

(ii) in subparagraph (C) by adding ''and'' at the end; and

(iii) by adding at the end the following:

''(D) initiatives to improve economic conditions and mobilize new resources in rural areas to eliminate obstacles to the self-sufficiency of families and individuals in rural communities;'';

(C) in paragraph (2) by striking ''community and neighborhood-based'' and inserting ''community-based'';

(D) in paragraph (3)—

(i) in the matter preceding subparagraph (A) by striking ''information provided by eligible entities in the State, containing'' and inserting ''an assurance that the State will provide information, including''; and

(ii) in subparagraph (D) by striking ''community and neighborhood-based'' and inserting ''community-based'';

(E) in paragraph (9) by striking ''and community organizations'' and inserting ''and community-based organizations'';

(F) in paragraph (10) by striking ''community organization'' and inserting ''community-based organization'';

(G) in paragraph (12) by striking ''and'' at the end;

(H) by redesignating paragraph (13) as paragraph (15); and

(I) by inserting after paragraph (12) the following:

''(13) an assurance that the State will take swift action to improve performance or, when appropriate, to terminate the funding under this subtitle of low-performing eligible entities that do not meet the applicable locally determined goals described in section 678E(b)(1) or do not meet the State goals, standards, and requirements as provided for in section 678B(a);

''(14) an assurance that the State will provide a justification to the Secretary if it continues to fund persistently low-performing eligible entities; and'';

(2) in subsection (c)(2) by striking ''plan, or'' and all that follows through the period at the end, and inserting ''plan, to meet a State requirement, as described in section 678C(a), or to meet the locally determined goals as described in section 678E(b)(1).''; and

(3) by striking subsection (f).

(f) TRAINING, TECHNICAL ASSISTANCE, AND OTHER ACTIVITIES.—Section 678A(a)(1)(A) of the Community Services Block Grant Act (42 U.S.C. 9913(a)(1)(A)) is amended—

(1) by inserting ''dissemination regarding best practices,'' after ''technical assistance,''; and

(2) by inserting ''(including to assist in the development of reporting systems and electronic data systems)'' after ''collection activities''.

(g) MONITORING OF ELIGIBLE ENTITIES.—Section 678B of the Community Services Block Grant Act (42 U.S.C. 9914) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1) by inserting ''and the locally determined performance goals described in section 678E(b)(1)'' after ''a State''; and

(B) in paragraph (3)—

(i) by inserting ''appropriate'' before ''goals''; and

(ii) by striking ''established by the State''; and

(2) in the last sentence of subsection (c) by striking ''Chairperson of the Committee on Education'' and all that follows through ''Human Resources of the Senate'' and inserting ''appropriate congressional committees''.

(h) CORRECTIVE ACTION; TERMINATION AND REDUCTION OF FUNDING.—Section 678C(a) of the Community Services Block Grant Act (42 U.S.C. 9915(a)) is amended in the matter preceding paragraph (1) by striking ''established by the State''.

(i) ACCOUNTABILITY AND REPORTING REQUIREMENTS.—Section 678E of the Community Services Block Grant Act (42 U.S.C. 9917) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A) by striking ''By October 1, 2001, each'' and inserting ''Each''; and

(B) in paragraph (2)—

(i) in the 1st sentence by inserting ''including any activities under section 678C'' before the period at the end;

(ii) by striking the 2d sentence;

(iii) in the 3d sentence by striking ''also''; and

(iv) in the 3d sentence by inserting ''information on the timeliness of the distribution of block grant funds to eligible entities as provided in section 675C(a),'' after ''including'';

(2) in subsection (b)—

(A) in paragraph (2) in the matter preceding subparagraph (A) by striking ''beginning after September 30, 1999'';

(B) in paragraph (3) by striking ''Committee on Education'' and all that follows through ''Human Resources of the Senate'' and inserting ''appropriate congressional committees'';

(C) by adding at the end the following:

''(5) COORDINATION OF REPORTING REQUIREMENTS.—To the maximum extent possible, the Secretary shall coordinate reporting requirements for all programs of the Department of Health and Human Services managed by eligible entities so as to consolidate and reduce the number of reports required about individuals, families, and uses of grant funds.''; and

(D) by redesignating such subsection as subsection (c); and

(3) by inserting after subsection (a) the following:

''(b) LOCAL ACCOUNTABILITY AND REPORTING REQUIREMENTS.—

''(1) LOCALLY DETERMINED GOALS.—In order to be designated as an eligible entity and to receive a grant under this subtitle, an eligible entity shall establish locally determined goals for reducing poverty in the community, including goals for—

''(A) leveraging and mobilizing community resources;

''(B) fostering coordination of Federal, State, local, private, and other assistance; and

''(C) promoting community involvement.

''(2) DEMONSTRATION THAT GOALS WERE MET.—In order for an eligible entity to receive a second or subsequent grant made under this subtitle after the effective date of this paragraph, such entity shall demonstrate to the State that it has met the goals described in paragraph (1).''.

(j) TREATMENT OF BENEFICIARIES.—Section 679 of the Community Services Block Grant Act (42 U.S.C. 9920) is amended by adding at the end the following:

''(f) TREATMENT OF BENEFICIARIES.—In providing assistance under a program described in subsection (a), a religious organization shall not discriminate against a beneficiary, or a potential beneficiary, of such assistance on the basis of religion or of a religious belief.''.

(k) DISCRETIONARY AUTHORITY OF SECRETARY.—Section 680 of the Community Services Block Grant Act (42 U.S.C. 9921) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A) by inserting ''(including financial assistance for construction or substantial rehabilitation of buildings and facilities, and for loans or investments in private business enterprises owned by community development corporations)'' after ''assistance'';

(ii) by redesignating subparagraphs (B), (C), (D), and (E) as subparagraphs (D), (E), (F), and (G), respectively; and

(iii) by inserting after subparagraph (A) the following:

''(B) FEDERAL INTEREST.—The Secretary shall establish procedures that permit funds provided under a grant made under this paragraph, or intangible assets acquired with such funds, to become the sole property of the grantee before the expiration of the 12-year period beginning after the fiscal year for which such grant is made if such grantee agrees to use such funds or such property for purposes and uses consistent with the purposes and uses for which such grant is made.

''(C) REPLACEMENT ACTIVITIES.—The Secretary shall establish procedures to allow a grant made under this paragraph to be used by a grantee to carry out activities substantially similar to the activities for which such grant is made if, due to no fault of such grantee, such grantee cannot carry out the activities for which such grant is made. Such procedures shall require that the substantially similar activities serve the same impact area and have the same goals, objectives, and outcomes as the activities for which such grant is made.'';

(B) in paragraph (3)(B) by inserting ''water and wastewater'' after ''community''; and

(C) in paragraph (4) by striking ''neighborhood-based'' and inserting ''community-based''; and

(2) in subsection (c) by striking ''Chairperson of the Committee on Education'' and all that follows through ''Human Resources of the Senate'' and inserting ''appropriate congressional committees''.

(l) COMMUNITY FOOD AND NUTRITION PROGRAMS.—Section 681 of the Community Services Block Grant Act (42 U.S.C. 9922) is amended—

(1) in subsection (c) in the matter preceding paragraph (1) by striking ''Committee on Education'' and all that follows through ''Human Resources of the Senate'' and inserting ''appropriate congressional committees''; and

(2) in subsection (d) by striking ''1999 through 2003'' and inserting ''2004 through 2009''.

(m) NATIONAL OR REGIONAL PROGRAMS DESIGNED TO PROVIDE INSTRUCTIONAL ACTIVITIES FOR LOW-INCOME YOUTH.—Section 682 of the Community Services Block Grant Act (42 U.S.C. 9923) is amended—

(1) in subsection (b)(5)—

(A) by inserting ''(which may be accomplished through mentoring)'' after ''youth''; and

(B) by inserting ''to improve academic achievement'' after ''study practices''; and

(2) in subsection (g) by striking ''1999 through 2003'' and inserting ''2004 through 2009''.

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the 1st day of the 1st fiscal year beginning after the date of the enactment of this Act.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. HASTINGS of Washington, announced that the yeas had it.

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶8.16 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. MCKEON, by unanimous consent,

Ordered, That in the engrossment of the foregoing bill the Clerk be authorized to make technical corrections and conforming changes to the bill.

¶8.17 ADJOURNMENT OVER

On motion of Mr. DELAY, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at noon on Friday, February 6, 2004; and further, that when the House adjourns on Friday, February 6, 2004, it adjourn to meet on Tuesday, February 10, 2004, at 12:30 p.m. for morning-hour debate.

¶8.18 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. DELAY, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, February 11, 2004, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶8.19 UNIVERSITY OF SOUTHERN CALIFORNIA'S FOOTBALL, WOMEN'S VOLLEYBALL, AND MEN'S WATER POLO TEAMS

Mr. MCKEON, pursuant to the order of the House of February 3, 2004, called up the resolution (H. Res. 511):

Whereas the USC football team went 12–1 overall, its best record since 1978;

Whereas the USC football team won its second consecutive Pac-10 title;

Whereas five USC football players were selected as first team All-Americans;

Whereas nine USC football players were selected to the All-Pac-10 first team;

Whereas USC won the Rose Bowl, its 21st Rose Bowl victory;

Whereas USC scored at least 20 point in its last 26 games (a school record), had a stretch of 11 consecutive 30 point games (also a school mark) and 7 straight 40 point contests (a Pac-10 record), and scored 534 points during the season (also a Pac-10 record);

Whereas USC won the Associated Press national championship, its ninth national title, and first in 25 years;

Whereas USC women's volleyball team finished the season with an undefeated record of 35–0;

Whereas USC women's volleyball team won its last 47 matches, an NCAA record;

Whereas USC's women's volleyball team won its 6th national championship;

Whereas this year's USC's women's volleyball team is considered to be one of the greatest teams to have played the sport;

Whereas USC men's water polo team had a 24–3 record;

Whereas USC men's water polo team won its second-ever NCAA title;

Whereas 3 USC water polo team members were selected as first team All-Americans;

Whereas Coach Pete Carroll, USC football, Coach Mick Haley, USC women's volleyball, and Coach Jovan Vavick, USC men's water polo, each were honored as National Coach of the Year in their respective sports; and

Whereas in the span of less than 30 days, USC's football, women's volleyball, and men's water polo teams brought home national championships, the first time ever that USC won 3 national titles in the fall season: Now, therefore be it

Resolved, That the House of Representatives recognizes and congratulates the University of Southern California's football,

women's volleyball, and men's water polo teams for their superior achievements.

When said resolution was considered.

After debate,

Pursuant to the order of the House of February 3, 2004, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. RENZI, announced the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶8.20 GRAND VALLEY STATE UNIVERSITY LAKERS FOOTBALL TEAM

Mr. MCKEON, pursuant to the order of the House of February 3, 2004, called up the resolution (H. Res. 498):

Whereas on December 13, 2003, the Grand Valley State University Lakers football team won the 2003 National Collegiate Athletic Association (NCAA) Division II Football National Championship by defeating the University of North Dakota Fighting Sioux by a score of 10 to 3;

Whereas the 2003 Championship was the Lakers' second consecutive national title and third straight championship game appearance;

Whereas the Lakers are only the sixth team in NCAA Division II football history to win consecutive national titles;

Whereas the Lakers finished the season with a record of 14 wins and 1 loss;

Whereas the Lakers have compiled a total of 41 wins and 2 losses over the last three years;

Whereas 14 members of the Lakers football team earned All-Great Lakes Intercollegiate Athletic Conference honors, 8 of whom were selected to the first team;

Whereas Lakers football team members Scott Mackey, Keyonta Marshall, David Hendrix, Michael Tennessee, and Lucius Hawkins were honored as All-Americans for the 2003 season by the Internet website D2Football.com;

Whereas the Lakers set a Great Lakes Intercollegiate Athletic Conference single-season record for attendance, drawing 52,225 total fans in the 2003 season;

Whereas the Lakers won their 240th game in school history with their victory in the 2003 championship game; and

Whereas the Lakers' display of strength, ability, and perseverance this season has made the State of Michigan proud: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Grand Valley State University Lakers football team for winning the 2003 National Collegiate Athletic Association Division II Football National Championship;

(2) recognizes the achievements of the players, coaches, and staff of the Lakers football team and invites them to the United States Capitol to be honored in an appropriate manner;

(3) requests that the President recognize the accomplishments of the Lakers football team and invite the team to the White House for a ceremony in honor of their National Championship; and

(4) directs the Clerk of the House of Representatives to transmit a copy of this resolution to Grand Valley State University for appropriate display.

When said resolution was considered.

After debate,

Pursuant to the order of the House of February 3, 2004, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. RENZI, announced the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶8.21 UNIVERSITY OF DELAWARE MEN'S FOOTBALL TEAM

Mr. CASTLE, pursuant to the order of the House of February 3, 2004, called up the concurrent resolution (H. Con. Res. 355):

Whereas on Friday, December 19, 2003, the University of Delaware Blue Hens men's football team won its sixth national title;

Whereas the University of Delaware won the championship game by defeating the Colgate University 40–0;

Whereas the Blue Hens swept through the Division I-AA playoffs, outscoring opponents by a combined score 149–23 in victories over Southern Illinois, Northern Iowa, and Wofford;

Whereas the Blue Hens captured their seventh Atlantic 10 Football Conference title, were named winners of the Lambert Cup as the top team in the East for the 18th time and were named Eastern College Athletic Conference (ECAC) Team of the Year for the 10th time;

Whereas the University of Delaware team was led by co-captains Mike Adams and Jason Nerys and All-American quarterback Andy Hall;

Whereas the roster of the University of Delaware team also included Dominic Santoli, Germaine Bennett, G.J. Crescione, Roger Brown, Antwan Jenkins, David Boler, Brian Ingram, Justin Long, Ryan McDermond, Ryan Carty, T.J. DiMuzio, Zach Thomas, Terry Kelly, Brad Michael, Dave Camburn, Joe Bleymaier, Mike Weber, Ryan Trask, Brad Shushman, Sean Bleiler, Leon Clarke, Brent Steinmetz, Ben Cross, Lawrence Jones, Jamie Rotonda, Nicos Chivis, Lonnie Starks, Drew Kisner, Kyle Campbell, Jeremy Kametz, Jeffrey Robinson, Maguell Davis, Bryan Tingle, Lou Samba, Andy Snapp, Anthony Cinelli, Niquan Lee, John Nauss, Rashaad Woodard, John Mulhern, KeiAndre Hepburn, Kevin Pulley, Sidney Haugabrook, Dominic Madigan, Antoinie McClure, Jeffrey Thompson, Blake Anderson, Mark Moore, Craig Browne, Marquez Davis, Nick Iarrobino, Mike Buchman, Mondoe Davis, Andrew Wilson, Marco Kristen, George Potts, Mike Bingnear, Mark Ciavirella, Greg Benson, Brett Wharton, Brendon Morfe, Rich Beverley, Tom Parks, Chris Edwards, Scott Conley, Chris Korkuch, Trip DelCampo, Brian Sims, Jared Wray, Paul Thompson, Bobby Delacy, Joe Cordrey, Jesse O'Neill, Brian Jennings, Vince Mumford, Michael Taylor, Steve Selk, Rick Lavelle, Richard Washington, Nat Bell, Chris Mooney, Shawn Johnson, Bubba Jespersen, Sean Sweeney, and Randall James;

Whereas second-year head coach K.C. Keeler enjoyed one of the most outstanding seasons in college football by setting a school record for wins in a season with a mark of 15–1;

Whereas Coach Keeler and his coaching staff, including Kirk Ciarrocca, Dave Cohen, Bryan Bossard, Kyle Flood, Paul Williams, Rob Neviaser, Rick Brown, Brian Ginn, Craig Cummings, Frank Law, Brandon Walker, Mike Marks, Russell Barbarino, Dr. Vincent Disabella, Keith Handling, Joan Couch, deserve much credit for the outstanding determination and accomplishments of their young team;

Whereas fans across the State of Delaware have supported the team over the course of the season and more than 6000 Delawareans traveled to Tennessee to watch the championship game;

Whereas the Blue Hen football program encompasses all the facets of university life, including growth of character, academic involvement, campus involvement, and graduation; and

Whereas the students, alumni, faculty, and supporters of the University of Delaware are to be congratulated for their commitment and pride in their national champion men's football team: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) congratulates the University of Delaware men's football team for winning the 2003 National Collegiate Athletic Association Division I-AA football national championship;

(2) recognizes the achievements of all the team's players, coaches, and support staff;

(3) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to the University of Delaware for appropriate display and to transmit an enrolled copy of this resolution to each coach and member of the 2003 National Collegiate Athletic Association Division I-AA men's football national championship team.

When said concurrent resolution was considered.

After debate,

Pursuant to the order of the House of February 3, 2004, the previous question was ordered on the concurrent resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. RENZI, announced the yeas had it.

So the concurrent resolution was agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶8.22 WAKE FOREST UNIVERSITY DEMON DEACONS FIELD HOCKEY TEAM

Mr. BURR, pursuant to the order of the House of February 3, 2004, called up the resolution (H. Res. 497):

Whereas on November 23, 2003, the Wake Forest University Demon Deacons field hockey team won the 2003 National Collegiate Athletic Association (NCAA) Division I Field Hockey Championship, the second consecutive National Championship for the Wake Forest University field hockey team;

Whereas the Demon Deacons defeated the Duke University Blue Devils by a score of 3 to 1 in the 2003 Championship match in Amherst, Massachusetts;

Whereas the Demon Deacons defeated the Pennsylvania State University Nittany Lions by a score of 2 to 0 in the 2002 NCAA Championship match in Louisville, Kentucky;

Whereas the Demon Deacons are only the third team in NCAA Division I Field Hockey

history to win back-to-back National Championships;

Whereas the Demon Deacons began and ended the year as the number one ranked college field hockey team in the Nation;

Whereas the Demon Deacons finished the season with a record of 22 wins and 1 loss, outscoring their opponents 96 to 13 and winning 95 percent of their games, achieving the best record in the Nation and in Wake Forest University history;

Whereas the field hockey team is the only team in the history of Wake Forest University athletics to win the Atlantic Coast Conference regular season and tournament championships and the NCAA Championship in the same year, accomplishing the feat in both the 2001–02 and 2002–03 seasons;

Whereas Wake Forest University field hockey team members Kelly Dostal, Kelly Doton, Katie Ridd, and Lucy Shaw were honored as All-Americans for the 2002–03 season by the National Field Hockey Coaches Association;

Whereas the Wake Forest University field hockey team had more members honored as All-Americans than any other collegiate field hockey team in the Nation;

Whereas Head Coach Jennifer Averill was named the Field Hockey Coach of the Year for 2002 and 2003 by the National Field Hockey Coaches Association;

Whereas the Wake Forest University field hockey team has displayed outstanding dedication, teamwork, and sportsmanship throughout the season in achieving collegiate field hockey's highest honor; and

Whereas the Demon Deacons have brought pride and honor to the Wake Forest University community and to the State of North Carolina: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the Wake Forest University Demon Deacons field hockey team for winning the 2003 National Collegiate Athletic Association (NCAA) Division I Field Hockey Championship;

(2) recognizes the achievements of all the field hockey team's players, coaches, and staff and invites them to the United States Capitol to be honored in an appropriate manner;

(3) requests that the President recognize the field hockey team's accomplishments and invite the team to the White House for a ceremony in honor of their National Championship; and

(4) directs the Clerk of the House of Representatives to make available a copy of this resolution to Wake Forest University for appropriate display.

When said resolution was considered.

After debate,

Pursuant to the order of the House of February 3, 2004, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. RENZI, announced the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶8.23 ST. JOHN'S UNIVERSITY FOOTBALL TEAM

Mr. KENNEDY of Minnesota, pursuant to the order of the House of February 3, 2004, called up the resolution (H. Res. 493):

Whereas St. John's University defeated Mount Union College of Alliance, Ohio, by a score of 24–6 in the 2003 Amos Alonzo Stagg Bowl on Saturday, December 20, 2003;

Whereas St. John's finished the season 14–0 and is the winningest football program all-time in Division III at 508–213–24 in their 93 seasons;

Whereas this is St. John's first national championship since 1976 and fourth in school history;

Whereas this football championship capped a season in which St. John's Coach John Gagliardi became the all-time winningest football coach in NCAA history;

Whereas Blake Elliott, St. John's senior wide receiver, was the recipient of the 2003 Gagliardi trophy as the outstanding Division III college football player;

Whereas the St. John's University Johnnies snapped Mount Union's NCAA-record 55-game winning streak in the championship game; and

Whereas three chartered planes full of loyal St. John's fans were among the 5,073 people who watched the Stagg Bowl in the freezing cold of Salem, Virginia, and many more watched the nationally televised game: Now, therefore, be it

Resolved, That the United States House of Representatives congratulates the St. John's University, Collegeville, Minnesota, football team on winning the 2003 NCAA Division III Football National Championship.

When said resolution was considered.

After debate,

Pursuant to the order of the House of February 3, 2004, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. RENZI, announced the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶8.24 NEW ENGLAND PATRIOTS

Mr. BRADLEY, pursuant to the order of the House of February 3, 2004, called up the resolution (H. Res. 512):

Whereas, on February 1, 2004, at Reliant Stadium in Houston, Texas, the New England Patriots defeated the Carolina Panthers 32–29 in Super Bowl XXXVIII;

Whereas this victory is the second world championship for the Patriots in the last three years, the first being a 20–17 victory over the St. Louis Rams in Super Bowl XXXVI;

Whereas the Patriots' victory over the Panthers is the fifteenth straight victory for New England, setting franchise records for consecutive wins and most wins in a season;

Whereas Coach Bill Belichick, stressing teamwork and determination, led his players to the best record in the National Football League through the regular season with a 14–2 mark;

Whereas the Patriots' ability to win despite serious injuries is a testament to the coaching staff and the team's desire to once again hoist the Lombardi Trophy;

Whereas quarterback Tom Brady was selected as the Super Bowl's Most Valuable Player for the second time, becoming the youngest quarterback to win two Super Bowls and two Super Bowl MVP awards; and

Whereas all of New England is proud of the accomplishments of the entire Patriots organization and the dedication of the ever faithful New England fans throughout the 2003–2004 NFL season, Now, therefore, be it

Resolved, That the House of Representatives commends the World Champion New England Patriots for their extraordinary victory in Super Bowl XXXVIII.

When said resolution was considered.

After debate,

Pursuant to the order of the House of February 3, 2004, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. RENZI, announced the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶8.25 ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found a truly enrolled bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2264. An Act to authorize appropriations for fiscal year 2004 to carry out the Congo Basin Forest Partnership program, and for other purposes.

¶8.26 BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on February 4, 2004 he presented to the President of the United States, for his approval, the following bill.

H.R. 2264. An Act to authorize appropriations for fiscal year 2004 to carry out the Congo Basin Forest Partnership program, and for other purposes.

¶8.27 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. CULBERSON, for February 3 and today;

To Mr. GUTIERREZ, for today;

To Mr. LUCAS, for February 3 and today; and

To Mr. McHUGH, for today after 5:30 p.m.

And then,

¶8.28 ADJOURNMENT

On motion of Mr. WELDON of Pennsylvania, pursuant to the special order heretofore agreed to, at 9 o'clock and 31 minutes p.m., the House adjourned until noon on Friday, February 6, 2004.

¶8.29 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MILLER of Florida (for himself, Mr. BILIRAKIS, Mr. TURNER of Ohio, Mr. SNYDER, Mr. RODRIGUEZ, Mr. BACHUS, Mr. BERRY, Mr. DEFAZIO, Mr. HOLDEN, Mr. ISAKSON, Ms. KILPATRICK, Mr. BARTLETT of Maryland, Mr. ACEVEDO-VILA, Mr. HINCHEY, Mr. LAMPSON, Mr. BISHOP of Georgia, Mr. WILSON of South Carolina, Mr. BOYD,

Mr. QUINN, Mrs. MCCARTHY of New York, Mr. EVANS, Mr. MICA, Mr. KING of Iowa, Mr. MCGOVERN, Mr. LAHOOD, Mr. SIMMONS, Mr. VITTER, Mr. GRIJALVA, Mr. EDWARDS, Ms. GINNY BROWN-WAITE of Florida, Mr. RUPPERSBERGER, Mr. FATTAH, Mr. SCOTT of Georgia, Mr. SMITH of New Jersey, Mr. FOLEY, Mr. VAN HOLLEN, Mr. CRANE, Mr. GOSS, Mr. LATOURETTE, Mr. PAUL, Mr. NEAL of Massachusetts, Mr. BAKER, Mr. DUNCAN, Mr. ISTOOK, Mr. JONES of North Carolina, Mr. BROWN of South Carolina, Mr. NORWOOD, Mr. SCHROCK, Mr. FRANKS of Arizona, Mr. ALLEN, Mr. COLLINS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. GOODE, Mr. MURTHA, Mr. MATHESON, Mr. MICHAUD, Mr. STRICKLAND, Mr. MCINTYRE, Mr. REYES, Mr. FILNER, Mr. MEEKS of New York, Mr. PEARCE, Ms. HART, Mr. PUTNAM, Mr. NEY, Mr. FORBES, Mr. KING of New York, Mrs. MYRICK, Mr. BURGESS, Mr. HAYES, Mr. CALVERT, Mrs. JO ANN DAVIS of Virginia, Mr. COOPER, Mr. BALLANCE, Mr. FORD, Mr. ROGERS of Michigan, Mr. SMITH of Washington, Mr. FROST, Mr. JENKINS, Mr. GUTIERREZ, Mr. TAYLOR of Mississippi, Mr. TURNER of Texas, Mr. PALLONE, Mr. MEEHAN, Mr. SANDLIN, Mr. GILLMOR, Mr. SANDERS, Mr. MENENDEZ, Mr. WICKER, Mr. OWENS, Mr. ALEXANDER, Ms. BORDALLO, Ms. HOOLEY of Oregon, Mr. BURTON of Indiana, Mr. WHITFIELD, Mr. ENGLISH, Mr. BURR, Mr. BROWN of Ohio, Mr. MILLER of North Carolina, Ms. DELAURO, Mr. CUNNINGHAM, Mr. CROWLEY, Mr. KELLER, Mr. HOEFFEL, Mr. GIBBONS, Mr. SHERMAN, Mr. KUCINICH, Mr. SPRATT, Mr. THOMPSON of California, Mr. STENHOLM, Mr. KENNEDY of Rhode Island, Mr. OTTER, Ms. HARMAN, Mrs. MUSGRAVE, Mr. JOHN, Mr. MOORE, Mr. PETERSON of Minnesota, Mr. LYNCH, Ms. NORTON, Mr. ISRAEL, Mr. MARKEY, Mr. KILDEE, Mr. UDALL of New Mexico, Mr. BISHOP of New York, Mr. MEEK of Florida, Mr. JOHNSON of Illinois, Mrs. NAPOLITANO, Mr. ROSS, Mr. ORTIZ, Mr. KIND, Ms. LEE, Mr. BONNER, Mr. TERRY, Mr. MCINNIS, Mr. UDALL of Colorado, Mrs. BLACKBURN, Mr. ENGEL, Mr. OLVER, Ms. MAJETTE, Mr. HOSTETTLER, Mr. DICKS, Mr. MCDERMOTT, Ms. CORRINE BROWN of Florida, Mr. HASTINGS of Florida, Mr. PICKERING, Ms. MILLENDER-MCDONALD, Mr. BOSWELL, Mrs. BONO, Mr. MORAN of Virginia, Mr. JEFFERSON, Ms. WATERS, Mr. MURPHY, Mr. ANDREWS, Ms. CARSON of Indiana, Mr. CARDOZA, Mr. ROTHMAN, Mr. BOUCHER, Mr. LANGEVIN, Mr. DEUTSCH, Mr. TANNER, Mr. LARSON of Connecticut, Mr. CRAMER, Ms. JACKSON-LEE of Texas, Mr. BOOZMAN, Mr. WELDON of Pennsylvania, Mr. BAIRD, Mr. LOBIONDO, Ms. BERKLEY, Mr. SOUDER, Mrs. MILLER of Michigan, Mr. LEWIS of Georgia, Mr. PORTER, Mr. HONDA, Mr. GERLACH, Mr. COSTELLO, Mr. KIRK, Mr. DOYLE, Mrs. CAPITO, Mr. MANZULLO, Mrs. DAVIS of California, Mr. BRADLEY of New Hampshire, Mr. LARSEN of Washington, Mrs. LOWEY, Mr. BERMAN, Mr. LIPINSKI, Mr. ROGERS of Alabama, Mr. TIBERI, Mr. CONYERS, Mr. PETERSON of Pennsylvania, Mr. OBERSTAR, Mr. HAYWORTH, Ms. SLAUGHTER, Mr. SERRANO, Mr. JACKSON of Illinois, Mr. DOGGETT, Mr. BARRETT of South Carolina, Mr. TOWNS, Mr. CLYBURN, Mr. EVERETT, Mr. RYAN of Ohio, Mr. GALLEGLY, Ms. WOOLSEY, Mr. HALL, Mr. SESSIONS, Mr. MCCOTTER, Mr. BELL, Mr. DEMINT, Mr. KANJORSKI, Mr. CASE, Mr. SHUSTER, Mr. OSE, Mr. KINGSTON, Mr. GEORGE MILLER of California, Mr. DAVIS of Tennessee, Mr. INSLEE, Mr. NEUGEBAUER, Mr. BACA, Mr. MARSHALL, Mr. SAXTON, Mrs. CAPPS, Mr. DELAHUNT, Mr. WEINER, Mr. ROYCE, Mr. SHAW, Mr. SCHIFF, Mr. STUPAK, Mr. GREEN of Wisconsin, and Mr. SULLIVAN):

H.R. 3763. A bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, to provide for a one-year open season under that plan, and for other purposes; to the Committee on Armed Services.

By Ms. HART (for herself and Ms. MILLENDER-MCDONALD):

H.R. 3764. A bill to provide effective training and education programs for displaced homemakers, single parents, and individuals entering nontraditional employment; to the Committee on Education and the Workforce.

By Mr. CALVERT:

H.R. 3765. A bill to require the Secretary of the Treasury to mint coins in commemoration of the recipients of the Congressional Medal of Honor; to the Committee on Financial Services.

By Mr. HOUGHTON (for himself and Mr. PAYNE):

H.R. 3766. A bill to provide for tax-exempt financing for United Nations facilities; to the Committee on Ways and Means.

By Mr. BERRY (for himself, Ms. SCHAKOWSKY, Mr. ALLEN, Mr. PALLONE, Mr. HINCHEY, Mrs. MCCARTHY of New York, Ms. SOLIS, Mrs. CHRISTENSEN, Mr. GRIJALVA, Mr. BOUCHER, Mrs. TAUSCHER, Mr. ROSS, Mr. TAYLOR of Mississippi, Ms. ROYBAL-ALLARD, Ms. LEE, Mr. SERRANO, Mr. STARK, Mr. MEEHAN, Mr. CUMMINGS, Mr. WAXMAN, Mr. CONYERS, Mr. BISHOP of New York, and Ms. DELAURO):

H.R. 3767. A bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRENSHAW (for himself and Ms. CORRINE BROWN of Florida):

H.R. 3768. A bill to expand the Timucuan Ecological and Historic Preserve, Florida; to the Committee on Resources.

By Mr. DUNCAN (for himself, Mr. JENKINS, Mr. WAMP, Mr. DAVIS of Tennessee, Mr. COOPER, Mr. GORDON, Mrs. BLACKBURN, Mr. TANNER, and Mr. FORD):

H.R. 3769. A bill to designate the facility of the United States Postal Service located at 137 East Young High Pike in Knoxville, Tennessee, as the ''Ben Atchley Post Office Building''; to the Committee on Government Reform.

By Ms. DUNN:

H.R. 3770. A bill to amend the Internal Revenue Code of 1986 to exempt certain transportation provided by seaplanes from the excise tax imposed on the transportation of persons by air; to the Committee on Ways and Means.

By Mr. FOSSELLA (for himself, Mr. SHAYS, Mr. HINCHEY, Mr. EMANUEL, Mr. TANCREDO, Mr. SMITH of New Jersey, Mr. COOPER, and Mrs. MALONEY):

H.R. 3771. A bill to extend the date for the submittal of the final report of the National Commission on Terrorist Attacks on the United States, to provide additional funding for the Commission, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. GOODE:

H.R. 3772. A bill to include Nelson County and Franklin County, Virginia, in the Appalachian region for purposes of the programs of the Appalachian Regional Commission; to the Committee on Transportation and Infrastructure.

By Mr. HULSHOF (for himself and Mr. RYAN of Wisconsin):

H.R. 3773. A bill to amend the Internal Revenue Code of 1986 to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 and to repeal scheduled reductions in tax benefits provided by the Jobs and Growth Tax Relief Reconciliation Act of 2003; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island (for himself, Mr. WELDON of Pennsylvania, Mr. TURNER of Texas, Mr. SMITH of New Jersey, Mr. FROST, and Mr. THOMPSON of Mississippi):

H.R. 3774. A bill to improve homeland security by providing for national resilience in preparation for, and in the event of, a terrorist attack, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATHAM:

H.R. 3775. A bill to impose a ban on the importation of soybeans and soybean meal that are products of Argentina or Brazil; to the Committee on Ways and Means.

By Mr. LEWIS of Kentucky (for himself, Mrs. BLACKBURN, Mr. TANNER, Mr. FOLEY, Mr. MCINNIS, Mrs. BONO, Mr. CONYERS, Mr. FORD, Mr. JENKINS, Mr. DUNCAN, Mr. WAMP, Mr. COOPER, Mr. GORDON, Mr. DAVIS of Tennessee, Mr. ROGERS of Kentucky, and Mr. WHITFIELD):

H.R. 3776. A bill to amend the Internal Revenue Code of 1986 to provide capital gains tax treatment for certain self-created musical works; to the Committee on Ways and Means.

By Mr. MCINNIS (for himself, Mr. WALDEN of Oregon, Mr. PETERSON of Pennsylvania, Mr. PICKERING, Mr. ISTOOK, Mr. ISAKSON, Mr. FROST, Mr. CASE, Mr. GOODE, Mr. SIMPSON, Mr. SANDLIN, Mr. HASTINGS of Washington, Mr. GREEN of Wisconsin, Mr. PETERSON of Minnesota, Mrs. CAPITO, Mr. KING of Iowa, Mr. PEARCE, Mr. FILNER, Mrs. MUSGRAVE, Mr. BOUCHER, Mr. PAUL, and Mr. MARSHALL):

H.R. 3777. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to enter into contracts with community health care providers to improve access to health care for veterans in highly rural areas, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PETERSON of Pennsylvania (for himself and Mr. SHERWOOD):

H.R. 3778. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to reauthorize collection of reclamation fees, revise the abandoned mine reclamation program, promote remining, authorize the Office of Surface Mining to collect the black lung excise tax, and make sundry other changes; to the Committee on Resources.

By Ms. SLAUGHTER (for herself and Ms. GINNY BROWN-WAITE of Florida):

H.R. 3779. A bill to amend the Servicemembers Civil Relief Act to prevent the disruption of the education of children who change residence based on the military service of their parents; to the Committee on Veterans' Affairs.

By Ms. WOOLSEY (for herself, Mrs. JONES of Ohio, Ms. DELAURO, Mr.

KUCINICH, Ms. MILLENDER-MCDONALD, Mr. SERRANO, Ms. LEE, Mr. CONYERS, Mr. FRANK of Massachusetts, Mrs. NAPOLITANO, Mr. LAMPSON, Mr. TOWNS, Mr. BALLANCE, Ms. CORRINE BROWN of Florida, Mr. GEORGE MILLER of California, Mr. LANTOS, Ms. KILPATRICK, Mr. PAYNE, Ms. CARSON of Indiana, Mr. OWENS, and Ms. LINDA T. SANCHEZ of California):

H.R. 3780. A bill to improve the lives of working families by providing family and medical need assistance, child care assistance, in-school and afterschool assistance, family care assistance, and encouraging the establishment of family-friendly workplaces; to the Committee on Education and the Workforce, and in addition to the Committees on House Administration, Government Reform, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATSON:

H. Con. Res. 357. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony to award a Congressional Gold Medal to Dr. Dorothy Height; to the Committee on House Administration.

By Mr. LARSON of Connecticut (for himself and Mr. NEY):

H. Con. Res. 358. Concurrent resolution authorizing the printing of ''History of the United States Capitol'' as a House document; to the Committee on House Administration.

By Mr. LATOURETTE (for himself, Mr. LARSON of Connecticut, Mr. CANNON, Mr. CANTOR, and Mr. LANTOS):

H. Con. Res. 359. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust; to the Committee on House Administration.

By Mr. BELL:

H. Res. 515. A resolution expressing the sense of the House of Representatives that Congress and the States should act to end racial profiling; to the Committee on the Judiciary.

By Mr. GILLMOR (for himself, Mr. BURNS, Mr. ROGERS of Michigan, Mr. MANZULLO, and Mr. DINGELL):

H. Res. 516. A resolution supporting the goals of National Manufacturing Week, congratulating manufacturers and their employees for their contributions to growth and innovation, and recognizing the challenges facing the manufacturing sector; to the Committee on Energy and Commerce.

By Mr. MCINTYRE (for himself, Mr. HAYES, and Mr. ETHERIDGE):

H. Res. 517. A resolution honoring the County of Cumberland, North Carolina, its municipalities and community partners as they celebrate the 250th year of the existence of Cumberland County; to the Committee on Government Reform.

By Mr. RANGEL:

H. Res. 518. A resolution recognizing the efforts of the American Dental Association and the Nation's dentists, dental hygienists, dental assistants, and thousands of volunteers to improve the dental health of disadvantaged children; to the Committee on Energy and Commerce.

By Mr. THOMAS (for himself, Mrs. CAPPS, and Mr. GALLEGLY):

H. Res. 519. A resolution expressing the sense of the House of Representatives with respect to the earthquake that occurred in San Luis Obispo County, California, on December 22, 2003; to the Committee on Government Reform.

¶8.30 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Mr. KUCINICH.

H.R. 173: Ms. LEE, Mr. FATTAH, Mr. JACKSON of Illinois, Mr. TOWNS, Mr. MICHAUD, Mr. KIND, Mr. ISTOOK, Mr. FEENEY, Mr. MCDERMOTT, Mr. TANCREDO, Ms. ROS-LEHTINEN, Mr. CARDOZA, Mr. BARTLETT of Maryland, Mr. BRADLEY of New Hampshire, Mr. MOORE, Mr. COSTELLO, and Mr. KING of Iowa.

H.R. 284: Mr. CARSON of Oklahoma and Mr. FILNER.

H.R. 466: Ms. KAPTUR.

H.R. 490: Mr. VITTER.

H.R. 584: Mr. NEUGEBAUER.

H.R. 645: Mr. KOLBE.

H.R. 687: Mr. CAMP.

H.R. 785: Mrs. BIGGERT.

H.R. 806: Mr. SABO, Mr. BASS, and Ms. DUNN.

H.R. 814: Mr. BROWN of Ohio.

H.R. 839: Mr. HINOJOSA and Mr. GOODE.

H.R. 857: Mrs. NORTHUP.

H.R. 870: Mr. CULBERSON and Mr. LARSEN of Washington.

H.R. 871: Mr. STENHOLM.

H.R. 876: Ms. WOOLSEY and Mr. KIRK.

H.R. 879: Mr. ISAKSON, Mr. BAIRD, and Mr. BRADLEY of New Hampshire.

H.R. 882: Mr. BERRY.

H.R. 962: Mr. GILCHREST.

H.R. 968: Mr. RANGEL and Mr. OWENS.

H.R. 1061: Mr. CALVERT.

H.R. 1227: Mr. STEARNS, Mr. MOORE, and Mr. KENNEDY of Minnesota.

H.R. 1231: Mr. PETERSON of Pennsylvania.

H.R. 1267: Mr. PLATTS.

H.R. 1285: Ms. ROYBAL-ALLARD, Ms. SOLIS, and Mrs. LOWEY.

H.R. 1292: Mr. BOEHLERT, Ms. JACKSON-LEE of Texas, and Mr. WELDON of Pennsylvania.

H.R. 1345: Mr. MCDERMOTT.

H.R. 1421: Mr. WEXLER.

H.R. 1426: Mr. MEEKS of New York.

H.R. 1470: Mr. ACEVEDO-VILA.

H.R. 1480: Mr. MILLER of North Carolina.

H.R. 1513: Mr. LARSEN of Washington and Mr. GREENWOOD.

H.R. 1563: Mr. UPTON and Mr. PAYNE.

H.R. 1608: Mr. GOODLATTE, Ms. LORETTA SANCHEZ of California, and Mr. BISHOP of Georgia.

H.R. 1633: Mr. WYNN and Mr. OWENS.

H.R. 1639: Mr. JACKSON of Illinois and Mr. GUTIERREZ.

H.R. 1717: Ms. LORETTA SANCHEZ of California.

H.R. 1726: Mr. BRADLEY of New Hampshire.

H.R. 1731: Mr. NEUGEBAUER, Mr. OWENS, Mr. NUNES, Mr. SHERMAN, and Mr. GREEN of Texas.

H.R. 1746: Mr. DELAHUNT and Ms. WATSON.

H.R. 1769: Mr. SCOTT of Georgia, Mr. EVANS, Mr. FILNER, Ms. MAJETTE, Mr. KIND, and Mrs. NAPOLITANO.

H.R. 1782: Mr. EMANUEL.

H.R. 1824: Mr. HOLT, Mr. EVANS, Mr. ACEVEDO-VILA, and Mr. MCCOTTER.

H.R. 1886: Mr. STUPAK.

H.R. 1914: Mr. MCGOVERN.

H.R. 1933: Mr. CUMMINGS.

H.R. 2103: Mr. MEEHAN.

H.R. 2131: Mrs. MYRICK, Mr. FALEOMAVAEGA, Mrs. BLACKBURN, Mr. BRADY of Texas, Mr. BURGESS, Mr. BURR, Mr. BUYER, Mr. CAMP, Mr. CANTOR, Mr. CHABOT, Mr. COX, Mrs. JO ANN DAVIS of Virginia, Ms. DELAURO, Mr. DEMINT, Mr. GERLACH, Mr. HOSTETTLER, Mr. ISTOOK, Mr. JEFFERSON, Mr. KENNEDY of Rhode Island, Mr. LINDER, Mr. MCINNIS, Mr. MILLER of Florida, Mrs. NORTHUP, Mr. OXLEY, Mr. PICKERING, Mr. PORTMAN, Mr. RYAN of Wisconsin, Mr. SESSIONS, Mr. SMITH of Washington, Mr. TAYLOR of North Carolina, Mr. THOMAS, Mr. UPTON, Mr. VITTER, Mr. WHITFIELD, Mr. WOLF, and Mr. LEWIS of California.

H.R. 2227: Mr. EHLERS, Mr. FROST, and Mr. OWENS.

H.R. 2239: Mrs. NAPOLITANO, Mr. ISSA, and Mrs. LOWEY.

H.R. 2256: Mr. SANDERS and Mr. EHLERS.

H.R. 2283: Mr. BARTLETT of Maryland.

H.R. 2323: Mr. RODRIGUEZ.

H.R. 2366: Mr. BERRY, Mr. FILNER, Ms. MILLENDER-MCDONALD, Mr. PALLONE, and Mr. TAYLOR of Mississippi.

H.R. 2404: Ms. SLAUGHTER.

H.R. 2505: Mr. HILL.

H.R. 2527: Mr. MILLER of North Carolina.

H.R. 2566: Mr. SANDERS.

H.R. 2582. Ms. SLAUGHTER.

H.R. 2625: Mr. LIPINSKI.

H.R. 2662: Mr. PAUL.

H.R. 2719: Mr. BLUMENAUER.

H.R. 2735: Mr. BURNS, Mr. LOBIONDO, and Mrs. KELLY.

H.R. 2743: Mr. KOLBE.

H.R. 2768: Mr. FRANKS of Arizona, Mrs. EMERSON, Mr. GILCHREST, Mr. MEEK of Florida, Mr. JOHN, Mr. BOSWELL, Mr. TIERNEY, Mr. THOMPSON of Mississippi, Mr. BRADY of Texas, Ms. ESHOO, Mr. SENSENBRENNER, and Ms. SOLIS.

H.R. 2816: Mrs. TAUSCHER.

H.R. 2818: Mr. EMANUEL.

H.R. 2821: Mr. LEWIS of Georgia, Mr. SABO, and Mr. SHUSTER.

H.R. 2824: Mr. VISCLOSKY.

H.R. 2891: Mr. UDALL of Colorado.

H.R. 2900: Mr. FORBES.

H.R. 2916: Mr. SHAYS.

H.R. 2950: Mr. TERRY.

H.R. 2967: Mr. CUNNINGHAM.

H.R. 2968: Mr. CAMP.

H.R. 3039: Mr. SULLIVAN.

H.R. 3063: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. STRICKLAND.

H.R. 3069: Mr. EHLERS.

H.R. 3103: Mr. FROST, Mr. PAUL, and Mr. VAN HOLLEN.

H.R. 3119: Mr. WICKER.

H.R. 3191: Mr. PLATTS and Mr. DEMINT.

H.R. 3213: Mrs. JO ANN DAVIS of Virginia, Mr. GOODE, Mr. BAKER, and Mr. CASE.

H.R. 3238: Ms. NORTON and Mr. CLYBURN.

H.R. 3243: Mr. WALSH, Mr. BISHOP of New York, Mr. QUINN, and Mr. SERRANO.

H.R. 3285: Mr. SCOTT of Georgia.

H.R. 3361: Mr. UDALL of Colorado and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 3371: Mr. WAXMAN.

H.R. 3412: Mr. GILLMOR.

H.R. 3429: Mr. LOBIONDO.

H.R. 3446: Mr. UDALL of Colorado, Ms. KILPATRICK, Mr. HONDA, Mr. SMITH of New Jersey, Mr. GREEN of Wisconsin, Ms. BERKLEY, Mr. KIND, and Mr. MILLER of North Carolina.

H.R. 3458: Mr. RANGEL and Mr. HALL.

H.R. 3474: Mr. JOHNSON of Illinois and Mr. WELDON of Florida.

H.R. 3522: Mr. DEAL of Georgia.

H.R. 3527: Mr. STARK, Mr. ENGLISH, Mr. WALSH, Mr. TOOMEY, Mr. FROST, and Ms. SLAUGHTER.

H.R. 3546: Mr. STUPAK and Ms. MCCOLLUM.

H.R. 3550: Mr. GREEN of Texas, Mr. KANJORSKI, and Mr. OWENS.

H.R. 3569: Ms. LEE and Mr. FROST.

H.R. 3574: Mr. CARTER, Mr. SOUDER, Mr. MCINTYRE, Mr. CAPUANO, and Mr. FLAKE.

H.R. 3605: Mr. PASTOR, Mr. TOWNS, Mr. GRIJALVA, Mr. INSLEE, Mr. FILNER, Mr. PALLONE, Mr. RANGEL, Mr. FROST, and Mrs. MALONEY.

H.R. 3674: Mr. GOODE, Mr. SMITH of New Jersey, Mr. GALLEGLY, and Mr. SMITH of Texas.

H.R. 3676: Mr. ISRAEL.

H.R. 3678: Mr. RANGEL, Mr. GILLMOR, Ms. MILLENDER-MCDONALD, Mr. EHLERS, and Mr. GREEN of Texas.

H.R. 3684: Mr. VAN HOLLEN, Ms. LEE, Mr. PRICE of North Carolina, Mr. EMANUEL, and Mr. SNYDER.

H.R. 3695: Mr. PALLONE.

H.R. 3704: Mr. ENGLISH and Mr. DOOLITTLE.

H.R. 3707: Mr. HOLDEN, Mr. MANZULLO, Mr. KLECZKA, Mr. BOEHLERT, Mr. RANGEL, Mr. SMITH of Michigan, Ms. SOLIS, Mr. BEREUTER, Mr. MICHAUD, Mr. SIMPSON, Mr. BISHOP of New York, Mr. BERRY, Mrs. CHRISTENSEN, Mr. SCOTT of Virginia, Ms. DELAURO, Mr. ALLEN, Mr. PRICE of North Carolina, Mr. CASE, Mr. PALLONE, Mr. BOYD, Mr. FRANK of Massachusetts, Mr. LAMPSON, Mr. GALLEGLY, Mr. GONZALEZ, Mr. ACKERMAN, Mr. HILL, Ms. HOOLEY of Oregon, Mr. OLVER, Mrs. DAVIS of California, Mr. BAIRD, Mr. LARSON of Connecticut, Ms. BERKLEY, Ms. ESHOO, Mr. MCNULTY, Ms. NORTON, Ms. JACKSON-LEE of Texas, Mr. MORAN of Virginia, Mrs. MALONEY, Mr. MCDERMOTT, Ms. HARMAN, Mrs. MCCARTHY of New York, Ms. VELAZQUEZ, Mr. CUMMINGS, Mr. KANJORSKI, Mr. COSTELLO, Mr. SANDERS, Mr. SCHIFF, Mr. WYNN, Ms. KILPATRICK, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. GORDON.

H.R. 3708: Mr. SOUDER.

H.R. 3711: Mrs. NAPOLITANO, Mr. KUCINICH, and Mr. SANDERS.

H.R. 3714: Ms. SLAUGHTER and Mr. GEORGE MILLER of California.

H.R. 3716: Mr. MCHUGH.

H.R. 3717: Mr. GARY G. MILLER of California, Mr. CAMP, Mr. MCINTYRE, Mr. HOEKSTRA, Mr. TAYLOR of North Carolina, Mr. BURGESS, Mr. OLVER, Mr. KNOLLENBERG, Mr. LATHAM, Ms. ESHOO, Mr. NEY, and Mr. BOEHLERT.

H.R. 3728: Mr. SIMPSON.

H.R. 3743: Mr. DUNCAN.

H.J. Res. 87: Mr. OLVER, Mr. LANGEVIN, Mr. STARK, Mr. BERMAN, Mr. MCDERMOTT, Mr. DAVIS of Illinois, Mrs. TAUSCHER, Mr. MCNULTY, Mr. MOORE, Mr. EVANS, Mr. SNYDER, and Mr. PRICE of North Carolina.

H. Con. Res. 3: Mr. WATT.

H. Con. Res. 218: Mr. LOBIONDO.

H. Con. Res. 247: Mr. HOLDEN.

H. Con. Res. 312: Mr. WAXMAN.

H. Con. Res. 332: Mr. POMBO, Mr. SHADEGG, Mrs. MUSGRAVE, Mr. GREEN of Texas, and Mr. CARSON of Oklahoma.

H. Con. Res. 348: Mr. MCCOTTER, Mr. EMANUEL, Mr. MCHUGH, and Mr. HALL.

H. Res. 101: Mr. FRANK of Massachusetts, Ms. NORTON, Mr. OWENS, Mr. FROST, Mr. BROWN of Ohio, Mr. MCDERMOTT, Mr. BERMAN, and Mr. CLYBURN.

H. Res. 381: Mr. COOPER, Ms. NORTON, Mr. OWENS, Mr. FROST, Mr. WYNN, Mr. MCDERMOTT, Mr. GREEN of Texas, Mr. SCOTT of Virginia, Mrs. CHRISTENSEN, Mr. JEFFERSON, Mr. WATT, Mr. CLYBURN, and Mr. MEEKS of New York.

H. Res. 446: Mrs. BLACKBURN and Mr. JOHNSON of Illinois.

H. Res. 466: Mr. LUCAS of Kentucky, Mr. BECERRA, Mr. FROST, Mr. UDALL of New Mexico, Mr. HONDA, Mr. BOEHLERT, Mr. DEFAZIO, Ms. WATERS, Mr. BACA, Mr. OLVER, Mr. HASTINGS of Florida, Mrs. LOWEY, Mr. LANTOS, Ms. MCCOLLUM, and Mrs. JOHNSON of Connecticut.

H. Res. 499: Mr. PRICE of North Carolina, Mr. GONZALEZ, Mr. INSLEE, Mrs. CHRISTENSEN, Mr. JACKSON of Illinois, Mr. PASTOR, Mr. DEFAZIO, Mr. DAVIS of Florida, Mr. OWENS, Mr. ACKERMAN, Ms. WATSON, Ms. WATERS, Mr. BACA, Ms. JACKSON-LEE of Texas, Ms. CARSON of Indiana, Mr. WEXLER, Mr. EMANUEL, Mr. PALLONE, Mrs. CAPPS, Mr. PAYNE, and Mr. FROST.

¶8.31 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2169: Mr. SANDERS.

FRIDAY, FEBRUARY 6, 2004 (9)

¶9.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. THORNBERRY, who laid before the House the following communication:

WASHINGTON, DC,
February 6, 2004.

I hereby appoint the Honorable MAC THORNBERRY to act as Speaker pro temproe on this day.

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

¶9.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. THORNBERRY, announced he had examined and approved the Journal of the proceedings of Wednesday, February 4, 2004.

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

¶9.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

6649. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule — Hazelnuts Grown in Oregon and Washington; Established of Interim Final and Final Free and Restricted Percentages for the 2003-2004 Marketing Year [Docket No. FV04-982-1 IFR] received February 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6650. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule — Onions Grown in South Texas; Decreased Assessment Rate [Docket No. FV03-959-4FR] received February 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6651. A letter from the Administrator, Agricultural Marketing Service, Dairy Programs, Department of Agriculture, transmitting the Department's final rule — Milk in the Pacific Northwest Marketing Area; Interim Order Amending the Order [Docket No. AO-368-A30; DA-01-08-PNW] received February 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6652. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule — Almonds Grown in California; Decreased Assessment Rate [Docket No. FV04-981-1 IFR] received February 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6653. A letter from the Secretary, LOCAL Television Loan Guarantee Board, Department of Agriculture, transmitting the Department's final rule — LOCAL Television Loan Guarantee Program (RIN: 0572-AB82) received January 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6654. A letter from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting the Department's final rule — Agency Organization [Docket No. 00-033F] (RIN: 0583-AC78) received January 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6655. A letter from the Acting Chief Executive Officer, Corporation for National and Community Service, transmitting a report of a violation of the Antideficiency Act, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

6656. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of export of Items to Iraq in the National Interest of the United States pursuant to section 1504 of the Emergency Wartime Supplemental Appropriation Act, 2003 (Transmittal No. DTC 01IZ-04); to the Committee on International Relations.

6657. A letter from the Secretary, Department of Agriculture, transmitting the semiannual report of the Inspector General for the 6-month period ending September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6658. A letter from the Secretary, Department of State, transmitting the Department's Performance and Accountability Report for FY 2003; to the Committee on Government Reform.

6659. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule — Employee Elections to Contribute to the Thrift Savings Plan, Participants' Choices of Investment Funds, Vesting, Uniformed Services Accounts, Correction of Administrative Errors, Lost Earnings Attributable to Employing Agency Errors, Participants Statements, Calculation of Shared Prices, Methods of Withdrawing Funds from the Thrift Savings Plan, Death Benefits, Domestic Relations Orders Affecting Thrift Savings Plan Accounts, Loans, Miscellaneous — received December 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6660. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule — Federal Acquisition Circular 2001-19; Introduction — received January 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6661. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's Fiscal Year 2005 Performance Budget, in accordance with the Government Performance and Results Act of 1993; to the Committee on Government Reform.

6662. A letter from the Director, Office of Personnel Management, transmitting the Office's Fiscal Year 2003 Performance and Accountability Report; to the Committee on Government Reform.

6663. A letter from the Director, Workforce Relations and Accountability Policy, Office of Personnel Management, transmitting the Office's final rule — Implementation of Title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (RIN: 3206-AJ93) received January 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6664. A letter from the Director, Strategic Human Resources Policy Division, Office of Personnel Management, transmitting the Office's final rule — Information Technology Exchange Program (RIN: 3206-AK28) received January 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6665. A letter from the Secretary, Department of Transportation, transmitting the Seventeenth and Eighteenth Annual Reports of Accomplishments Under the Airport Improvement Program for Fiscal Years 1998 and 1999, pursuant to 49 U.S.C. 47131; to the Committee on Transportation and Infrastructure.

¶9.4 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced

that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1612. An Act to establish a technology, equipment, and information transfer program within the Department of Homeland Security.

The message also announced that pursuant to Senate Concurrent Resolution 130 (One Hundred Sixth Congress), the Chair, on behalf of the President pro tempore, appoints the following individual to the Task Force on Slave Laborers: Virginia Walden-Ford of Washington, D.C.

¶9.5 ADJOURNMENT

On motion of the SPEAKER pro tempore, Mr. THORNBERRY, by unanimous consent and pursuant to the special order agreed to on Wednesday, February 4, 2004, at 12 o'clock and 3 minutes p.m., declared the House adjourned until 12:30 p.m. on Tuesday, February 10, 2004.

¶9.6 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1073. A bill to repeal section 801 of the Revenue Act of 1916 (Rept. 108–415). Referred to the Committee of the Whole House on the State of the Union.

¶9.7 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GIBBONS:

H.R. 3781. A bill to amend the Elementary and Secondary Education Act of 1965 to authorize local educational agencies in rural areas to obtain a limited waiver of certain requirements relating to the employment of highly qualified teachers; to the Committee on Education and the Workforce.

By Mr. HYDE (for himself, Mr. LANTOS, and Mr. KIRK):

H.R. 3782. A bill to amend the State Department Basic Authorities Act of 1956 to increase the maximum amount of an award available under the Department of State rewards program, to expand the eligibility criteria to receive an award, to authorize nonmonetary awards, to publicize the existence of the rewards program, and for other purposes; to the Committee on International Relations.

¶9.8 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

257. The SPEAKER presented a memorial of the Legislature of the Commonwealth of The Mariana Islands, relative to House Joint Resolution No. 13-20 supporting the President of the United States of America, the people of the United States, and their allies throughout the world in the fight against terrorism; to the Committee on International Relations.

258. Also, a memorial of the Legislature of the Commonwealth of The Mariana Islands, relative to House Resolution No. 13-185, requesting the United State Congress to provide for a nonvoting delegate in the House of Representatives to represent the Commonwealth of the Northern Mariana Islands; to the Committee on Resources.

¶9.9 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. HOEKSTRA.
H.R. 290: Ms. WATSON and Mr. WAXMAN.
H.R. 742 Mr. EVERETT.
H.R. 857: Mrs. CHRISTENSEN.
H.R. 1063: Mr. ISSA.
H.R. 1425: Mr. STARK.
H.R. 2028: Mr. CRAMER.
H.R. 2823: Mr. INSLEE.
H.R. 3213: Mr. LEWIS of Kentucky, Mr. SESSIONS, and Mr. HOEKSTRA.
H.R. 3545: Mr. SCHIFF, Mr. LANTOS, Mr. FILNER, Mr. BERMAN, Mr. SHERMAN, Mr. BECERRA, Mrs. CAPPS, Ms. LOFGREN, Ms. ROYBAL-ALLARD, and Mr. STARK.
H.R. 3550: Mr. PAYNE and Mr. ROSS.
H.R. 3673: Mr. RANGEL.
H.R. 3771: Mr. TURNER of Texas.
H.J. Res. 22: Mr. CASE.
H. Con. Res. 218: Mr. LINCOLN DIAZ-BALART of Florida.

¶9.10 PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

55. The SPEAKER presented a petition of Illinois Association of Chiefs of Police, relative to Resolution 2004-1, supporting legislation to reauthorize the existing ban on assault weapons and any technical amendments designed to correct oversights in the original law that weaken the effects of the prohibition on assault weapons; which was referred to the Committee on the Judiciary.

TUESDAY, FEBRUARY 10, 2004 (10)

¶10.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. BOOZMAN, who laid before the House the following communication:

WASHINGTON, DC,
February 10, 2004.

I hereby appoint the Honorable JOHN BOOZMAN to act as Speaker pro tempore on this day.

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

Whereupon, pursuant to the order of the House of Tuesday, January 20, 2004, Members were recognized for morning-hour debate.

¶10.2 RECESS—1:01 P.M.

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to clause 12(a) of rule I, declared the House in recess at 1 o'clock and 1 minute p.m., until 2 p.m.

¶10.3 AFTER RECESS—2 P.M.

The SPEAKER called the House to order.

¶10.4 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Friday, February 6, 2004.

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

¶10.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

6666. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on U.S. military personnel and U.S. individual civilians retained as contractors involved in supporting Plan Colombia, pursuant to Public Law 106—246, section 3204 (f) (114 Stat. 577); to the Committee on Armed Services.

6667. A letter from the Deputy Secretary, Department of Defense, transmitting the semiannual report of the Inspector General and the classified annex for the period April 1, 2003 — September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Armed Services.

6668. A letter from the Assistant Director, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Department of the Treasury, transmitting the Department's final rule — Rules, Policies, and Procedures for Corporate Activities; International Banking Activities [Docket No. 03-26] (RIN: 1557-AC04) received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6669. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Deposit Insurance Regulations; Living Trust Accounts (RIN: 3064-AC54) received January 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6670. A letter from the Director, Corporate Policy and Research Dept., Pension Benefits Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received January 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6671. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Financial Information Requirements for Applications To Renew or Extend the Term of an Operating License for a Power Reactor (RIN: 3150-AG84) received February 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6672. A letter from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting the Department's final rule — Direct Investment Surveys: BE-15, Annual Survey of Foreign Direct Investment in the United States [Docket No. 030818205-3281-02] (RIN: 0691-AA48) received January 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

6673. A letter from the Assistant Secretary For Export Administration, Bureau of Industry and Security Administration, Department of Commerce, transmitting the Department's final rule — Revisions and Clarifications to the Export Administration Regulations [Docket No. 031212313-3313-01] (RIN: 0694-AC24) received January 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

6674. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-313, ''Henry Kennedy Memorial Tennis Courts Designation Act of 2004,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6675. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-312, ''Police and Firemen's Service Longevity Amendment Act of 2004,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6676. A letter from the Chairman, Council of the District of Columbia, transmitting a

copy of D.C. ACT 15-311, ''Distracted Driving Safety Act of 2004,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6677. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-310, ''Southeast Neighborhood House Real Property Tax Exemption and Equitable Real Property Tax Relief Temporary Act of 2004,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6678. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-309, ''Washington Convention Center Authority Advisory Committee Continuity Temporary Act of 2004,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6679. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-308, ''Crispus Attucks Development Corporation Real Property Tax Exemption and Equitable Real Property Tax Relief Assistance Temporary Act of 2004,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6680. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-307, ''Help America Vote Temporary Amendment Act of 2004,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6681. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-334, ''Closing of a Public Alley in Square 316, S.O. 03-2973, Act of 2004,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6682. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-336, ''Documents Administrative Cost Assessment Temporary Amendment Act of 2004,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6683. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-306, ''Estate and Inheritance Tax Clarification Temporary Act of 2004,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6684. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-335, ''Prevention of Premature Release of Mentally Incompetent Defendants Temporary Amendment Act of 2004,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6685. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-333, ''Water and Sewer Authority Collections Clarification Amendment Act of 2004,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6686. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-294, ''Board of Veterinary Examiners Amendment Act of 2004,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6687. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-295, ''Traffic Adjudication Appeal Fee Amendment Act of 2004,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6688. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-296, ''Health Care Privatization Rulemaking Amendment Act of 2004,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6689. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-297, ''Closing a Portion of Jewett Street, N.W., S.O. 98-272, Act of 2004,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6690. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-298, ''Closing of Portions of the Alley System in Square 2868, S.O. 01-4094, Act of 2004,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6691. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-305, ''Bonus Depreciation De-Coupling Temporary Act of 2004,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6692. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-300, ''Electric Standard Offer Service Amendment Act of 2004,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6693. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-301, ''Closing of Public Alleys in Square 2672, S.O. 03-757, Act of 2004,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6694. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-332, ''Neighborhood Investment Act of 2004,''pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6695. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-302, ''Office of Administrative Hearings Independence Preservation Temporary Amendment Act of 2004,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6696. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-303, ''Interim Disability Assistance Temporary Amendment Act of 2004,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6697. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-304, ''Child and Youth, Safety and Health Omnibus Temporary Amendment Act of 2004,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6698. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-331, ''Medical Support Establishment and Enforcement Amendment Act of 2004,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6699. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-315, ''Closing of a Public Alley in Square 2848 and of a Portion of Kenyon Street, N.W., S.O. 03-411, Act of 2004,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6700. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-314, ''Extension of the Time Period for Disposition of a Property Located at 2341 4th Street, N.E., Amendment Act of 2004,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6701. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-316, ''Initiative Measure No. 62 Applicability and Fiscal Impact Temporary Amendment Act of 2004,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6702. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-299, ''Washington Convention Center Authority Term Limit Amendment Act of 2004,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

6703. A letter from the Assistant Secretary of Legislative Affairs, Department of State, transmitting the redesignation as ''foreign terrorist organizations'' pursuant to Section 219 of the Immigration and Nationality Act, as added by the Antiterrorism and Effective Death Penalty Act of 1996, and amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and by the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) of 2001; to the Committee on the Judiciary.

6704. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter Deutschland Model MBB-BK-117 A-1, A-3, A-4, B-1, B-2, and C-1 Helicopters [Docket No. 2003-SW-21-AD; Amendment 39-13424; AD 2004-01-10] (RIN: 2120-AA64) received February 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6705. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS355E, F, F1, F2, and N Helicopters [Docket No. 2003-SW-24-AD; Amendment 39-13423; AD 2004-01-09] (RIN: 2120-AA64) received February 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6706. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30401; Amdt. No. 3087] received February 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6707. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Beloit, KS. [Docket No. FAA-2003-16749; Airspace Docket No. 03-ACE-93] received February 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6708. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Iowa Falls, IA. [Docket No. FAA-2003-16747; Airspace Docket No. 03-ACE-91] received February 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6709. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Marysville, KS. [Docket No. FAA-2003-16762; Airspace Docket No. 03-ACE-99] received February 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6710. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Anthony, KS. [Docket No. FAA-2003-16748; Airspace Docket No. 03-ACE-92] received February 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6711. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Fort Scott,

KS. [Docket No. FAA-2003-16761; Airspace Docket No. 03-ACE-98] received February 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6712. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Benton, KS. [Docket No. FAA-2003-16756; Airspace Docket No. 03-ACE-94] received February 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6713. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700 & 701) Series Airplanes [Docket No. 2003-NM-159-AD; Amendment 39-13372; AD 2003-24-03] (RIN: 2120-AA64) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6714. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Mystere-Falcon 200 Series Airplanes [Docket No. 2003-NM-247-AD; Amendment 39-13375; AD 2003-24-06] (RIN: 2120-AA64) received February 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6715. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, 737-700, 737-800, 757-200, and 757-300 Series Airplanes [Docket No. 2001-NM-374-AD; Amendment 39-13411; AD 2003-26-12] (RIN: 2120-AA64) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6716. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 2003-NM-05-AD; Amendment 39-13412; AD 2003-26-13] (RIN: 2120-AA64) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6717. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hamburger Flugzeugbau G.m.b.H Model HFB 320 HANSA Airplanes [Docket No. 2002-NM-185-AD; Amendment 39-13425; AD 2004-01-11] (RIN: 2120-AA64) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6718. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model EC130B4 Helicopters [Docket No. 2003-SW-41-AD; Amendment 39-13428; AD 2004-01-14] (RIN: 2120-AA64) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6719. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 and -145 Series Airplanes [Docket No. 2002-NM-336-AD; Amendment 39-13426; AD 2004-01-12] (RIN: 2120-AA64) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6720. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company Model 1900, 1900C, and 1900D Airplanes [Docket No. 2003-CE-16-AD; Amendment 39-13427; AD 2004-01-13] (RIN: 2120-AA64) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6721. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and-11F Airplanes [Docket No. 2001-NM-164-Ad; Amendment 39-13431; AD 2004-01-17] (RIN: 2120-AA64) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6722. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and -11F Airplanes [Docket No. 2001-NM-161-AD; Amendment 39-13430; AD 2004-01-16] (RIN: 2120-AA64) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6723. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and -11F Airplanes [Docket No. 2001-NM-167-AD; Amendment 39-13433; AD 2004-01-19] (RIN: 2120-AA64) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6724. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and -11F Airplanes [Docket No. 2001-NM-165-AD; Amendment 39-13432; AD 2004-01-18] (RIN: 2120-AA64) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6725. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211 Series Turbofan Engines [Docket No. 2003-NE-12-AD; Amendment 39-13434; AD 2004-01-20] (RIN: 2120-AA64) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6726. A letter from the Director, Regulations Management, Department of Veteran's Affairs, transmitting the Department's final rule — Charges Used for Recovery from Tortiously Liable Third Parties for Medical Care or Services Provided by the Department of Veterans Affairs (RIN: 2900-AL48) received January 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6727. A letter from the Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting the Department's final rule — Exportation of Liquors; Recodification of Regulations; Administrative Changes Due to the Homeland Security Act of 2002 [T.D. TTB-8] (RIN: 1513-AA76) received February 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶10.6 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 9, 2004.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on February 9, 2004 at 1:03 p.m. and said to contain a message from the President whereby he submits the Economic Report of the President.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶10.7 ECONOMIC REPORT OF THE PRESIDENT, FY 2004

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

As 2004 begins, America's economy is strong and getting stronger. Over the past several years, this Nation has faced major economic challenges resulting from the decline of the stock market beginning in early 2000, a recession that began shortly after, revelations about corporate governance scandals, slow growth among many of our major trading partners, terrorist attacks, and the war against terror, including in Afghanistan and Iraq. These challenges affected business and consumer confidence and resulted in hardship for people in many industries and regions of our Nation. Americans have responded to each challenge, and now we have the results: renewed confidence, strong growth, new jobs, and a mounting prosperity that will reach every corner of America.

This Report, prepared by my Council of Economic Advisers, describes the economic challenges we faced, the actions we took, and the results we are seeing. It also discusses our plan to continue growing the economy and creating jobs.

In May 2003, I signed a Jobs and Growth bill that focused on three key goals. First, we accelerated previously passed tax relief and let American households keep more of their own money to save, invest, and spend. Second, we increased incentives for small businesses to invest in new equipment and plant expansions. Third, we enacted important tax relief on dividend income and capital gains to help investors and businesses. These actions were designed to promote investment, job creation, and income growth. By all three measures of performance, we are seeing signs of success.

Since May 2003, we have seen the economy grow at its fastest pace in nearly 20 years. Consumers and businesses have gained confidence. Retail sales are strong, and Americans are buying, building, and renovating houses at a record pace. Investment has strengthened, with spending on business equipment the best in 5 years. The unemployment rate has fallen from it peak of 6.3 percent last June to 5.7 percent in December, and employment is beginning to rise as new jobs

are created especially in small business. Productivity growth has been strong, leading to higher incomes for workers, while the tax relief we passed means that American families keep more of their money instead of sending it to Washington.

We are moving in the right direction, but have more to do. I will not be satisfied until every American who wants a job can find one. I have outlined a six-point plan to promote job creation and strong economic growth. This plan includes initiatives to help manage rising health care costs to make health care more affordable and accessible for American workers and families; reduce the burden of junk lawsuits on the economy; ensure a reliable and affordable energy supply; simplify and streamline government regulations; open foreign markets for American goods and services; and allow businesses and families to keep more of their hard-earned money and plan with confidence by making our tax relief permanent. This year, I will work with the Congress to achieve these goals.

I will also continue to work with the Congress on another important shared goal: controlling federal spending and reducing the deficit. The federal budget is in deficit, foremost because of the economic slowdown and then recession that began in 2000 and the additional costs of fighting the war on terror and protecting the homeland. We are continuing to take action to restrain spending and bring the deficit down. By carefully evaluating priorities and being good stewards of the taxpayer's money, we will cut the budget deficit in half over the next five years.

The task of reducing the deficit will become easier because America's economy is growing. We have taken the actions needed to restore growth, and we are pursuing additional policies to help create jobs for American workers and families. I'm optimistic about the future of our economy because I know the values of America and the decency and entrepreneurial spirit of our people.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 2004*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Joint Economic Committee and ordered to be printed (H. Doc. 108–145).

¶10.8 HISTORY OF THE UNITED STATES CAPITOL

Mr. MICA moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 358):

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF PRINTING.

(a) IN GENERAL.—There shall be printed as a House document the book entitled ''History of the United States Capitol'' by Glenn Brown, as prepared under the auspices of the Architect of the Capitol with support from the United States Capitol Preservation Commission and the United States Capitol Historical Society.

(b) SPECIFICATIONS.—The document described in subsection (a) shall include illustrations and shall be in the style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Clerk of the House of Representatives and the Secretary of the Senate.

SEC. 2. NUMBER OF COPIES.

In addition to the usual number, there shall be printed for the use of the House of Representatives and Senate the lesser of—

(1) 7,000 copies of the document described in section 1(a), to be allocated as determined jointly by the Clerk of the House of Representatives and the Secretary of the Senate; or

(2) such maximum number of copies of the document as does not have a total production and printing cost of more than $182,000, with distribution to be allocated as described in paragraph (1).

The SPEAKER pro tempore, Mr. COLE, recognized Mr. MICA and Mr. LARSON of Connecticut, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. COLE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. MICA demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. COLE, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶10.9 REMEMBRANCE OF VICTIMS OF THE HOLOCAUST

Mr. MICA moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 359):

Resolved by the House of Representatives (the Senate concurring), That the rotunda of the Capitol is authorized to be used on April 22, 2004, for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The SPEAKER pro tempore, Mr. COLE, recognized Mr. MICA and Mr. LARSON of Connecticut, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. COLE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. MICA demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. COLE, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶10.10 CONGRESSIONAL GOLD MEDAL TO DR. DOROTHY HEIGHT

Mr. MICA moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 357):

Resolved by the House of Representatives (the Senate concurring), That the rotunda of the Capitol is authorized to be used on March 24, 2004, for a ceremony to award a Congressional Gold Medal to Dr. Dorothy Height. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The SPEAKER pro tempore, Mr. COLE, recognized Mr. MICA and Mr. LARSON of Connecticut, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. COLE, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶10.11 200TH ANNIVERSARY OF THE BIRTH OF CONSTANTINO BRUMIDI

Mr. MICA moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 264):

Whereas Constantino Brumidi, born in Rome, Italy, on July 26, 1805, landed at New York Harbor on September 18, 1852, as a political exile, making his flight from Italy to the United States because of his love for liberty;

Whereas Constantino Brumidi's love for his adopted country led him to seek citizenship 2 years after his arrival;

Whereas in 1855, Constantino Brumidi began his artistic work in the Capitol, and spent more than 25 years of his life painting, decorating, and beautifying the corridors, committee rooms, and Rotunda of the Capitol;

Whereas Constantino Brumidi created many magnificent paintings and decorations, depicting the history, inventions, values, and ideals of the United States, thus enhancing the dignity and beauty of the Capitol and inspiring millions of visitors;

Whereas in 1865, Constantino Brumidi painted, in just 11 months, his masterpiece ''The Apotheosis of Washington'' in the canopy of the eye of the Capitol dome;

Whereas in 1871, Constantino Brumidi created the first tribute to an African-American in the Capitol when he placed the figure of Crispus Attucks at the center of his painting of the Boston Massacre;

Whereas in 1877, at the age of 72, Constantino Brumidi began his last work, the fresco frieze encircling the top of the Rotunda, and 3 years later fell from a slipped scaffolding and was never able to return to work;

Whereas Constantino Brumidi died as a result of this experience 3 months later in February 1880;

Whereas Constantino Brumidi has been called ''the Michelangelo of the Capitol'' by historians; and

Whereas the year 2005 marks the 200th anniversary of the birth of Constantino Brumidi, as well as the 150th anniversary of

the beginning of his artistic career in the Capitol and the 125th anniversary of his death: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the President is authorized and requested to issue a proclamation commemorating the 200th anniversary of the birth of Constantino Brumidi and calling upon the people of the United States, State and local governments, and interested organizations to commemorate this anniversary with appropriate ceremonies, activities, and programs.

The SPEAKER pro tempore, Mr. COLE, recognized Mr. MICA and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. COLE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. MICA demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. COLE, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶10.12 RECESS—3:11 P.M.

The SPEAKER pro tempore, Mr. COLE, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 11 minutes p.m., until approximately 6:30 p.m.

¶10.13 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mr. CULBERSON, called the House to order.

¶10.14 PROVIDING FOR CONSIDERATION OF THE AMENDMENT OF THE SENATE TO H.R. 743

Mr. LINDER, by direction of the Committee on Rules, reported (Rept. No. 108–417) the resolution (H. Res. 520) providing for consideration of the amendment of the Senate to the bill (H.R. 743) to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶10.15 H. CON. RES. 358—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to said concurrent resolution (H. Con. Res. 358) authorizing the printing of ''History of the United States Capitol'' as a House Document.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 402 / Nays 1

¶10.16 [Roll No. 19]

YEAS—402

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emanuel
English
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—1

Ose

NOT VOTING—29

Andrews
Ballenger
Boyd
Brady (PA)
Cardin
Clay
DeGette
DeMint
Doggett
Doyle
Edwards
Emerson
Engel
Eshoo
Fattah
Gephardt
Hinojosa
Honda
Kucinich
Larsen (WA)
Ortiz
Rahall
Slaughter
Stark
Tauzin
Wamp
Watson
Weldon (PA)
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶10.17 H. CON. RES. 359—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to said concurrent resolution (H. Con. Res. 359) permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of the victims of the Holocaust.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 402 / Nays 0

¶10.18 [Roll No. 20]

YEAS—402

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Conyers
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Dreier
Duncan
Ehlers
Emanuel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—30

Andrews
Ballenger
Boyd
Brady (PA)
Cardin
Clay
Cooper
Cox
DeGette
DeMint
Doggett
Doyle
Dunn
Edwards
Emerson
Engel
Fattah
Gephardt
Honda
Keller
Kucinich
Ortiz
Rahall
Slaughter
Stark
Tauzin
Wamp
Watson
Weldon (PA)
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶10.19 H. CON. RES. 264—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to said concurrent resolution (H. Con. Res. 264) authorizing and requesting the President to issue a proclamation to commemorate the 200th anniversary of the birth of Constanino Brumidi.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 404 / Nays 0

¶10.20 [Roll No. 21]

YEAS—404

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Owens

Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—28

Andrews
Ballenger
Boyd
Brady (PA)
Cardin
Clay
DeGette
DeMint
Doggett
Doyle
Edwards
Emerson
Fattah
Gephardt
Honda
King (IA)
Kucinich
Mollohan
Ortiz
Radanovich
Rahall
Slaughter
Stark
Tauzin
Wamp
Watson
Weldon (PA)
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶10.21 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. FATTAH, for today;
To Mr. ORTIZ, for today;
To Ms. SLAUGHTER, for today; and
To Mr. WAMP, for today.

And then,

¶10.22 ADJOURNMENT

On motion of Mr. BROWN of Ohio, at 9 o'clock and 41 minutes p.m., the House adjourned.

¶10.23 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1768. A bill to amend title 28, United States Code, to allow a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial, and for other purposes; with an amendment (Rept. 108–416). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDER: Committee on Rules. House Resolution 520. Resolution providing for consideration of the Senate amendment to the bill (H.R. 743) to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes (Rept. 108–417). Referred to the House Calendar.

¶10.24 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. YOUNG of Alaska:

H.R. 3783. A bill to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, Resources, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CANTOR (for himself and Mr. DOOLITTLE):

H.R. 3784. A bill to amend the Internal Revenue Code of 1986 to provide for refunds to taxpayers of the budget surplus for each year of surplus; to the Committee on Ways and Means.

By Mr. MARIO DIAZ-BALART of Florida:

H.R. 3785. A bill to authorize the exchange of certain land in Everglades National Park; to the Committee on Resources.

By Mr. KING of New York (for himself and Mrs. MALONEY) (both by request):

H.R. 3786. A bill to authorize the Secretary of the Treasury to produce currency, postage stamps, and other security documents at the request of foreign governments on a reimbursable basis; to the Committee on Financial Services.

By Mr. PETERSON of Minnesota (for himself, Mr. WALSH, Mr. TOM DAVIS of Virginia, Ms. KAPTUR, Mr. KANJORSKI, Mr. ROSS, Mr. MCHUGH, Mr. REHBERG, Mr. FRANK of Massachusetts, Mr. DAVIS of Tennessee, and Mr. SABO):

H.R. 3787. A bill to amend the Animal Health Protection Act to require the establishment of an electronic nationwide livestock identification system, to prevent the unauthorized release of information collected under the system, to promote an objective review of Department of Agriculture responses to livestock disease outbreaks, and for other purposes; to the Committee on Agriculture.

By Ms. LORETTA SANCHEZ of California:

H.R. 3788. A bill to amend title 46, United States Code, to modify requirements applicable to the National Maritime Transportation Security Plan with respect to ensuring that the flow of cargo through United States ports is reestablished after a transportation security incident, to require the Secretary of the department in which the Coast Guard is operating to develop and implement a secure long-range automated vessel tracking system, to aid maritime security, efficiency, and safety, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PETERSON of Minnesota:

H.R. 3789. A bill to eliminate the safe-harbor exception for certain packaged pseudoephedrine products used in the manufacture of methamphetamine; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 3790. A bill to impose a moratorium on payments for inpatient hospital services in additional long-term care hospital beds under the Medicare Program; to the Committee on Ways and Means.

By Mr. STEARNS (for himself, Mr. HALL, Mr. FLAKE, Mr. SHIMKUS, Mr. DEAL of Georgia, Mr. BACHUS, Mr. PAUL, and Mr. FRANKS of Arizona):

H.R. 3791. A bill to provide that no automatic pay adjustment for Members of Congress shall be made in the year following a fiscal year in which there is a Federal budget deficit; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WHITFIELD:

H.R. 3792. A bill to amend title 10, United States Code, to authorize a ''child only'' annuity under the Survivor Benefit Plan of the Armed Forces when there is a surviving spouse in the case of a member of the Armed Forces dying on active duty during the period beginning on September 11, 2001, and ending on November 23, 2003; to the Committee on Armed Services.

By Mr. BROWN of Ohio (for himself, Mr. CHABOT, Mr. ROHRABACHER, and Mr. WEXLER):

H.R. 3793. A bill concerning participation of Taiwan in the World Health Organization; to the Committee on International Relations.

By Mr. RUSH:

H. Con. Res. 360. Concurrent resolution expressing the sense of Congress with respect to the murder of Emmett Till; to the Committee on the Judiciary.

By Mr. GREEN of Texas:

H. Res. 521. A resolution congratulating the North Shore Senior High School football team of Houston, Texas, on their Class 5A Division I Texas State championship; to the Committee on Education and the Workforce.

By Mr. SNYDER (for himself, Mrs. KELLY, Mrs. CAPITO, Ms. HOOLEY of Oregon, Mr. KIND, Ms. PRYCE of Ohio, Ms. DUNN, Mrs. BONO, Ms. LORETTA SANCHEZ of California, Mr. GORDON, Mr. ROSS, Mr. ENGEL, Mr. LANTOS, Mr. BURGESS, Mr. STUPAK, and Mr. BERRY):

H. Res. 522. A resolution expressing the sense of the House of Representatives that there is a critical need to increase awareness and education about heart disease and the risk factors of heart disease among women; to the Committee on Energy and Commerce.

¶10.25 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. CONYERS introduced a bill (H.R. 3794) for the relief of the heirs of Henry D. Espy of St. Louis, Missouri; which was referred to the Committee on the Judiciary.

¶10.26 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 180: Mr. OTTER and Mr. HOEKSTRA.
H.R. 195: Mr. OXLEY.
H.R. 218: Ms. DELAURO and Mr. REYNOLDS.
H.R. 284: Ms. PRYCE of Ohio, Ms. NORTON, Mr. ALEXANDER, and Mr. GRIJALVA.
H.R. 303: Mr. EVERETT.
H.R. 327: Mr. MORAN of Kansas.
H.R. 338: Mr. CANNON.
H.R. 343: Mrs. CHRISTENSEN.
H.R. 394: Mr. INSLEE.
H.R. 591: Mr. GRIJALVA.
H.R. 645: Mr. GRIJALVA.
H.R. 665: Mr. ANDREWS.
H.R. 717: Ms. JACKSON-LEE of Texas.
H.R. 745: Mr. PAYNE.
H.R. 776: Mr. GRIJALVA.
H.R. 814: Mr. ACKERMAN, Mr. DAVIS of Florida, Mr. CRAMER, and Ms. SLAUGHTER
H.R. 857: Mr. BLUMENAUER, Mr. SIMMONS, Mr. DICKS, Mr. LYNCH, and Mr. BROWN of Ohio.
H.R. 876: Mr. CRANE and Mr. CRAMER.
H.R. 944: Mr. GRIJALVA.
H.R. 946: Mr. BARTLETT of Maryland.
H.R. 1043: Mr. EMANUEL, Mr. FOLEY, Mr. CUMMINGS, and Mr. VAN HOLLEN.
H.R. 1050: Mr. ANDREWS.
H.R. 1071: Mr. DOGGETT.
H.R. 1083: Mr. BACHUS.
H.R. 1131: Mr. FILNER.
H.R. 1205: Mr. DOGGETT and Mr. PAYNE.
H.R. 1231: Mr. HERGER.
H.R. 1251: Mr. SNYDER and Mr. BROWN of Ohio.
H.R. 1267: Mr. PRICE of North Carolina.
H.R. 1285: Ms. MCCARTHY of Missouri, Mr. ETHERIDGE, Mr. BERRY, Mr. HINOJOSA, Mr. HOLT, Mr. KILDEE, Mr. SABO, Mr. TURNER of Texas, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, and Ms. VELÁZQUEZ.
H.R. 1310: Mr. NETHERCUTT and Mr. THOMPSON of Mississippi.
H.R. 1322: Mr. PAYNE and Mr. NADLER.
H.R. 1336: Mr. SHUSTER, Mr. DUNCAN, Mr. JENKINS, Mr. GALLEGLY, Mr. CAMP, and Mr. SHERMAN.
H.R. 1345: Mr. SERRANO, Ms. ESHOO, Mr. GUTIERREZ, Mr. BALLANCE, Mr. FATTAH, Mr. LAMPSON, Mr. STRICKLAND, Ms. KAPTUR, Mrs. TAUSCHER, Ms. DELAURO and Mrs. CHRISTENSEN.
H.R. 1508: Ms. WATERS.
H.R. 1519: Mr. OTTER and Mrs. TAUSCHER.
H.R. 1532: Mr. SHIMKUS and Mr. CASTLE.
H.R. 1563: Mr. DEUTSCH.
H.R. 1633: Mr. NADLER.
H.R. 1742: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1758: Ms. HART.
H.R. 1873: Mr. ROGERS of Michigan.
H.R. 1930: Mr. NEAL of Massachusetts and Mr. CAPUANO.
H.R. 2062: Ms. BALDWIN.
H.R. 2133: Mr. RUPPERSBERGER.
H.R. 2154: Mr. JONES of North Carolina.
H.R. 2173: Ms. DELAURO, Mrs. NAPOLITANO, Mr. MCINTYRE, Mr. MORAN of Virginia, and Mr. FILNER.
H.R. 2176: Mr. BRADLEY of New Hampshire.
H.R. 2239: Ms. DELAURO, Mr. ENGEL, Mr. WEINER, and Mr. MEEKS of New York.
H.R. 2308: Mr. POMEROY.
H.R. 2394: Ms. KILPATRICK.
H.R. 2626: Mrs. JONES of Ohio and Mr. FILNER.
H.R. 2665: Mr. GREEN of Texas.
H.R. 2683: Mr. PALLONE, Mr. GRIJALVA, and Mr. CLAY.
H.R. 2711: Mr. GUTIERREZ.
H.R. 2727: Mr. FARR.
H.R. 2728: Mr. FRANKS of Arizona.
H.R. 2729: Mr. FRANKS of Arizona.
H.R. 2730: Mr. FRANKS of Arizona.
H.R. 2731: Mr. FRANKS of Arizona.
H.R. 2737: Mr. POMEROY.
H.R. 2743: Mr. MURPHY, Mr. SHIMKUS, Mr. SOUDER, Mr. SESSIONS, Mr. HOEKSTRA, and Mr. CULBERSON.
H.R. 2768: Mr. RENZI, Mr. SHIMKUS, Mrs. JOHNSON of Connecticut, Mr. SIMMONS, and Mr. WU.
H.R. 2808: Mr. PASCRELL.
H.R. 2821: Mr. HINCHEY.
H.R. 2851: Mr. TIAHRT.
H.R. 2889: Mr. GERLACH.
H.R. 2890: Mr. BOYD.
H.R. 2891: Mr. NADLER.
H.R. 2899: Ms. HARMAN.
H.R. 2950: Mr. JEFFERSON.
H.R. 3049: Mr. MICHAUD, Ms. KILPATRICK, and Mr. GRIJALVA.
H.R. 3103: Mr. FILNER and Mr. SHIMKUS.
H.R. 3120: Mr. GRIJALVA.
H.R. 3125: Mr. PLATTS and Mr. BAKER.
H.R. 3139: Ms. MCCOLLUM.
H.R. 3158: Mr. WEINER.
H.R. 3190: Mr. SAM JOHNSON of Texas.
H.R. 3193: Mr. PETERSON of Pennsylvania, Mr. ROHRABACHER, Mr. MARIO DIAZ-BALART of Florida, and Mr. RYAN of Wisconsin.
H.R. 3204; Mr. CONYERS and Mr. GRIJALVA.
H.R. 3213: Mr. BRADLEY of New Hampshire, Mr. FRANKS of Arizona, Mr. KINGSTON, Mr. ISAKSON, and Mr. GILLMOR.
H.R. 3220: Mr. SESSIONS, Mrs. TAUSCHER, Mrs. MALONEY, and Mr. BACHUS.
H.R. 3238: Mr. RANGEL.
H.R. 3266: Mr. SESSIONS.
H.R. 3299: Mr. HINCHEY.
H.R. 3324: Mr. STARK.
H.R. 3337: Mr. STARK.
H.R. 3352: Mr. MORAN of Virginia and Mr. FARR.
H.R. 3355: Mr. FILNER and Mr. NADLER.
H.R. 3359: Mr. HOEFFEL, Mr. SERRANO, Mr. ABERCROMBIE, and Mr. WAXMAN.
H.R. 3388: Mrs. MUSGRAVE.
H.R. 3410: Mr. PUTNAM.
H.R. 3424: Mrs. CAPPS.
H.R. 3425: Mr. UDALL of Colorado, Mr. MEEHAN, Mrs. CAPPS, Mr. HOEFFEL, and Ms. JACKSON-LEE of Texas.
H.R. 3450: Mr. GRIJALVA, Mr. FRANK of Massachusetts, and Mr. CONYERS.
H.R. 3458: Mr. SMITH of New Jersey, Mr. LIPINSKI, Mr. FILNER, Mr. PAYNE, and Mr. MCDERMOTT.
H.R. 3474: Mr. CRENSHAW, Mr. NADLER, Mr. CLAY, Mrs. CAPPS, Mr. TANCREDO, Mr. GREEN of Texas, and Mr. WALDEN of Oregon.
H.R. 3480: Mr. GONZALEZ, Mr. GUTIERREZ, and Mr. FALEOMAVAEGA.
H.R. 3484: Mrs. JOHNSON of Connecticut.
H.R. 3503: Mr. MEEKS of New York and Mr. OWENS.
H.R. 3519: Mr. WEXLER, Mr. FROST, and Mr. GREEN of Texas.
H.R. 3524: Ms. SLAUGHTER.
H.R. 3528: Mr. SHAYS.
H.R. 3550: Mr. HOLT and Mr. STRICKLAND.
H.R. 3563: Mr. ISAKSON.
H.R. 3569: Mr. SERRANO.
H.R. 3582: Mr. GEORGE MILLER of California.
H.R. 3591: Mr. PRICE of North Carolina and Ms. BALDWIN.
H.R. 3599: Ms. BALDWIN and Mr. GRIJALVA.
H.R. 3604: Mr. ISAKSON.
H.R. 3619: Ms. JACKSON-LEE of Texas, Mr. BOSWELL, Mr. ALEXANDER, Mr. MURTHA, Mr. MENENDEZ, Mr. DINGELL, Mr. KANJORSKI, Mr. DEFAZIO, Mr. FORD, Mr. QUINN, and Mr. FROST.
H.R. 3622: Mr. TOM DAVIS of Virginia.
H.R. 3640: Mr. HASTINGS of Florida.
H.R. 3641: Mr. PASCRELL and Mr. MEEHAN.
H.R. 3673: Ms. MAJETTE, Mr. GUTIERREZ, and Mr. BAIRD.
H.R. 3674: Mr. CULBERSON.
H.R. 3683: Mr. RANGEL.
H.R. 3685: Mr. DAVIS of Florida.
H.R. 3695: Mr. PAYNE and Mr. HOLT.
H.R. 3699: Mr. KILDEE.
H.R. 3701: Ms. LOFGREN
H.R. 3704: Mr. GARRETT of New Jersey.
H.R. 3707: Mrs. LOWEY, Mr. KINGSTON, Mr. LUCAS of Kentucky, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. CARDIN, Mr. UDALL of New Mexico, Mr. MURTHA, Mr. KENNEDY of Rhode Island, Mr. REHBERG, Mr. REYES, Mr. SPRATT, Mr. DEFAZIO, Mr. FROST, Mr. WEXLER, Ms. KAPTUR, Mr. MARKEY, and Ms. MAJETTE.
H.R. 3714: Mr. BLUMENAUER and Mr. SHAYS.
H.R. 3715: Mr. BELL.
H.R. 3717: Mr. BUYER, Mr. TOOMEY, Mr. PETRI, Mr. TURNER of Ohio, Mr. TAYLOR of Mississippi, Mr. DOOLITTLE, Mr. CULBERSON, Mr. NEUGEBAUER, Mr. SOUDER, Mr. CARTER, Mr. HERGER, Mr. DAVIS of Florida, Mr. BACHUS, Mr. GONZALEZ, Mr. AKIN, Mr. JOHNSON of Illinois, Mr. ETHERIDGE, Ms. HART, Mr. SANDLIN, Mr. SHUSTER, Mr. COLLINS, Mr. HUNTER, Mr. DEUTSCH, Mr. WALDEN of Oregon, Mr. SAM JOHNSON of Texas, Mr. BEAUPREZ, Mr. QUINN, Mr. FRELINGHUYSEN, and Mr. RYUN of Kansas.
H.R. 3734: Mr. CALVERT, Mr. JENKINS, Mr. ORTIZ, Mr. GOODE, Mr. WOLF, Mr. MCNULTY, Mr. RANGEL, Mr. WAXMAN, Mr. FROST, Mr. CROWLEY, Mr. WALSH, Mr. BALLENGER, Mr. BURGESS, and Mr. BEREUTER.
H.R. 3739: Mr. MCKEON, Mr. FROST, Mr. GONZALEZ, Mr. MORAN of Kansas, Mr. BILIRAKIS, and Ms. BORDALLO.
H.R. 3755: Ms. PRYCE of Ohio, Ms. HART, Mr. OTTER, Mr. HINOJOSA, Mr. SHAYS, Mr. FORD, and Mr. GRIJALVA.
H.R. 3763: Ms. KAPTUR, Mr. WELDON of Florida, Mr. PRICE of North Carolina, Mrs. MALONEY, Mr. GARY G. MILLER of California, Mr. CLAY, Mr. FARR, Mr. DAVIS of Alabama, Mr. WAXMAN, Mr. CAPUANO, Mr. REYNOLDS, Mr. HASTINGS of Washington, and Ms. SCHAKOWSKY.
H.R. 3767: Ms. JACKSON-LEE of Texas, Mr. FARR, Mr. MCGOVERN, Mr. OLVER, Mr. MCDERMOTT, Mr. NADLER, Mr. RYAN of Ohio, Mr. GREEN of Texas, and Ms. WATERS.
H.J. Res. 56: Mr. COLE, Mr. FERGUSON, Mr. WOLF, and Mr. DUNCAN.
H. Con. Res. 47: Mr. DELAHUNT.
H. Con. Res. 264: Ms. NORTON, Mr. MCCOTTER, Mrs. MALONEY, Mr. HOEFFEL, Ms. MCCARTHY of Missouri, Mr. RANGEL, Mr. ROTHMAN, Ms. MILLENDER-MCDONALD, and Mr. LANTOS.
H. Con. Res. 275: Ms. MCCOLLUM.
H. Con. Res. 285: Mr. GILLMOR.
H. Con. Res. 307: Mr. MEEHAN.
H. Con. Res. 310: Mr. GOODE.
H. Con. Res. 323: Ms. JACKSON-LEE of Texas.
H. Con. Res. 332: Mr. DAVIS of Tennessee, Ms. JACKSON-LEE of Texas, Mr. GREENWOOD, Mr. BELL, Mr. VITTER, Mr. BAKER, Mr. SULLIVAN, Mr. SHIMKUS, Mr. SWEENEY, Mr. LEACH, Ms. ROS-LEHTINEN, Mr. MCINNIS, and Mr. WAXMAN.
H. Con. Res. 346: Mr. DAVIS of Alabama and Mr. RUSH.
H. Con. Res. 359: Mr. PORTER and Mr. MCCOTTER.
H. Res. 44: Mr. BURGESS.
H. Res. 103: Mr. GORDON.
H. Res. 301: Ms. BORDALLO.
H. Res. 402: Mr. LEWIS of Kentucky and Mr. SAM JOHNSON of Texas.
H. Res. 466: Mr. LEACH, Ms. ROYBAL-ALLARD, Mr. MCCOTTER, Mr. INSLEE, Ms. MAJETTE, and Mr. OBERSTAR.
H. Res. 471: Mr. BALLANCE, Ms. CORRINE BROWN of Florida, Mrs. CHRISTENSEN, Mr. CLYBURN, Mr. FORD, Mr. LEWIS of Georgia, Ms. NORTON, Mr. JEFFERSON, Mr. FATTAH, Mr. PAYNE, Ms. JACKSON-LEE of Texas, Mr. CUMMINGS, and Mr. BISHOP of Georgia.
H. Res. 485: Mr. ACEVEDO-VILA, Mr. GRIJALVA, Ms. KILPATRICK, and Mrs. CHRISTENSEN.
H. Res. 499: Mr. DELAHUNT, Ms. MCCOLLUM, Mr. RANGEL, Mr. LAMPSON, Mr. DINGELL, and Mr. BROWN of Ohio.
H. Res. 500: Mr. MCINTYRE, Mr. HAYWORTH, Mr. NEUGEBAUER, and Mr. WELDON of Florida.
H. Res. 510: Mr. HASTINGS of Florida, Mr. CASE, Mr. BROWN of Ohio, Mr. PETERSON of Minnesota, Mr. STUPAK, Mr. ABERCROMBIE, Mr. POMEROY, and Mr. VITTER.

WEDNESDAY, FEBRUARY 11, 2004 (11)

¶11.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. SIMPSON, who laid before the House the following communication:

WASHINGTON, DC,
February 11, 2004.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

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

¶11.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. SIMPSON, announced he had examined and approved the Journal of the proceedings of Tuesday, February 10, 2004.

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

¶11.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

6728. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Patricia A. Tracey, United States Navy, and her advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

6729. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Patricia A. Tracey, United States Navy, and her advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

6730. A letter from the Secretary, Department of Health and Human Services, transmitting the Centers for Disease Control and Prevention's final report to Congress on Human Papillomavirus, as required by Public Law 106-554; to the Committee on Energy and Commerce.

6731. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report of the national emergency with respect to Iraq that was declared in Executive Order 12722 of August 2, 1990; to the Committee on International Relations.

6732. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Traffic in Arms Regulations (RIN: 1400-Z) received February 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

6733. A letter from the General Counsel, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6734. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; General Dynamics, Electric Boat Corporation, Groton, CT [CGD01-03-012] (RIN: 1625-AA00) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6735. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety and Security Zones; New York Marine Inspection Zone and Captain of the Port Zone [CGD01-03-036] (RIN: 1625-AA00) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6736. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Captain of the Port Milwaukee Zone, Lake Michigan [CGD09-03-277] (RIN: 2115-AA97) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6737. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security and Safety Zone; Protection of Large Passenger Vessels, Puget Sound, WA [CGD13-03-018] (RIN: 1625-AA00) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6738. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security and Safety Zone; Protection of Large Passenger Vessels, Puget Sound, WA; Correction [CGD13-03-018] (RIN: 1625-AA00) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6739. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operating Regulation; Upper Mississippi River, Louisiana, Missouri [CGD08-03-050] (RIN: 1625-AA09) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6740. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Hoquiam River, Aberdeen, WA [CGD13-04-001] received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6741. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Southern Branch of the Elizabeth River, Chesapeake, VA [CGD05-04-010] (RIN: 1625-AA09) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6742. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Intracoastal Waterway, Beach Thorofare, NJ [CGD05-04-002] received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6743. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Berwick Bay, Morgan City, LA. [CGD08-04-003] received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6744. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting a draft bill entitled the ''Abandoned Mine Reclamation Program Extension and Reform Act of 2004''; jointly to the Committees on Resources and Ways and Means.

6745. A letter from the Secretary, Department of Transportation, transmitting the Department's 2003 annual report on the recommendations received from the National Transportation Safety Board regarding transportation safety, pursuant to 49 U.S.C. 1135(d); to the Committee on Transportation and Infrastructure.

6746. A letter from the Director, Office of Management and Budget, transmitting a report identifying accounts containing unvouchered expenditures that are potentially subject to audit by the Comptroller General, pursuant to 31 U.S.C. 3524(b); jointly to the Committees on the Budget, Appropriations, and Government Reform.

¶11.4 RECESS—10:03 A.M.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 12(a) of rule I, declared the House in recess at 10 o'clock and 3 minutes a.m., subject to the call of the Chair.

¶11.5 AFTER RECESS—1:02 P.M.

The SPEAKER pro tempore, Mr. QUINN, called the House to order.

¶11.6 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H. Con. Res. 354. A concurrent resolution to correct technical errors in the enrollment of the bill S. 610.

The message also announced that pursuant to section 4355(a)(2) of title 10, United States Code, the Chair, on behalf of the President pro tempore, appoints the Senator from Alabama (Mr. SESSIONS), from the Armed Services Committee, to the Board of Visitors of the United States Military Academy.

The message also announced that pursuant to section 1501(b)(1)(C), title XV, of Public Law 108–136, the Chair, on behalf of the Majority Leader, appoints the following individual to serve on the Veteran's Disability Benefits Commission: Vice Admiral Dennis Vincent McGinn.

The message also announced that pursuant to section 710(2)(A)(ii) of Public Law 105–277, the Chair, on behalf of the Majority Leader, appoints the following individual to serve as a member of the Parents Advisory Council on Youth Drug Abuse: David C. Guth of Tennessee, vice June Martin Milam, term expired.

¶11.7 PROVIDING FOR THE CONSIDERATION OF THE AMENDMENT OF THE SENATE TO H.R. 743

Mr. LINDER, by direction of the Committee on Rules, called up the following resolution (H. Res. 520):

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 743) to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any

point of order, a motion offered by the chairman of the Committee on Ways and Means or his designee that the House concur in the Senate amendment. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.

When said resolution was considered.

After debate,

Mr. LINDER moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. QUINN, announced that the yeas had it.

Mr. FROST objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 226 / Nays ..... 197 }

¶11.8 [Roll No. 22]

YEAS—226

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

NAYS—197

Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—9

DeGette
Doggett
Filner
Honda
Kucinich
Meek (FL)
Rahall
Watson
Young (FL)

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. QUINN, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶11.9 PERMISSION TO FILE REPORT

On motion of Mr. BOEHLERT, by unanimous consent, the Committee on Science was granted permission until 5 p.m. on Wednesday, February 18, 2004, to file reports on the following bills and concurrent resolution: (H.R. 3551) to authorize appropriations to the Department of Transportation for surface transportation research and development, and for other purposes; (H.R. 3752) to promote the development of the emerging commercial human space flight industry to extend the liability indemnification regime for the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, and for other purposes; (H.R. 1292) to encourage the development and integrated use by the public and private sectors of remote sensing and other geospatial information, and for other purposes; and (H. Con. Res. 189) celebrating the 50th anniversary of the International Geophysical Year (IGY) and supporting an International Geophysical Year-2 (IGY-2) in 2007-08.

¶11.10 SOCIAL SECURITY PROTECTION

Mr. SHAW, pursuant to House Resolution 520, moved to take from the Speaker's table the bill (H.R. 743) to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes; together with the following amendment of the Senate thereto, and concur in said amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Social Security Protection Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title and table of contents.

TITLE I—PROTECTION OF BENEFICIARIES

Subtitle A—Representative Payees

Sec. 101. Authority to reissue benefits misused by organizational representative payees.

Sec. 102. Oversight of representative payees.

Sec. 103. Disqualification from service as representative payee of persons convicted of offenses resulting in imprisonment for more than 1 year or fleeing prosecution, custody, or confinement.

Sec. 104. Fee forfeiture in case of benefit misuse by representative payees.

Sec. 105. Liability of representative payees for misused benefits.

Sec. 106. Authority to redirect delivery of benefit payments when a representative payee fails to provide required accounting.
Sec. 107. Survey of use of payments by representative payees.

Subtitle B—Enforcement

Sec. 111. Civil monetary penalty authority with respect to wrongful conversions by representative payees.

TITLE II—PROGRAM PROTECTIONS

Sec. 201. Civil monetary penalty authority with respect to withholding of material facts.
Sec. 202. Issuance by Commissioner of Social Security of receipts to acknowledge submission of reports of changes in work or earnings status of disabled beneficiaries.
Sec. 203. Denial of title II benefits to persons fleeing prosecution, custody, or confinement, and to persons violating probation or parole.
Sec. 204. Requirements relating to offers to provide for a fee, a product or service available without charge from the Social Security Administration.
Sec. 205. Refusal to recognize certain individuals as claimant representatives.
Sec. 206. Criminal penalty for corrupt or forcible interference with administration of Social Security Act.
Sec. 207. Use of symbols, emblems, or names in reference to social security or medicare.
Sec. 208. Disqualification from payment during trial work period upon conviction of fraudulent concealment of work activity.
Sec. 209. Authority for judicial orders of restitution.
Sec. 210. Authority for cross-program recovery of benefit overpayments.
Sec. 211. Prohibition on payment of title II benefits to persons not authorized to work in the United States.

TITLE III—ATTORNEY REPRESENTATIVE FEE PAYMENT SYSTEM IMPROVEMENTS

Sec. 301. Cap on attorney assessments.
Sec. 302. Temporary extension of attorney fee payment system to title XVI claims.
Sec. 303. Nationwide demonstration project providing for extension of fee withholding procedures to non-attorney representatives.
Sec. 304. GAO study regarding the fee payment process for claimant representatives.

TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS

Subtitle A—Amendments Relating to the Ticket to Work and Work Incentives Improvement Act of 1999

Sec. 401. Application of demonstration authority sunset date to new projects.
Sec. 402. Expansion of waiver authority available in connection with demonstration projects providing for reductions in disability insurance benefits based on earnings.
Sec. 403. Funding of demonstration projects providing for reductions in disability insurance benefits based on earnings.
Sec. 404. Availability of Federal and State work incentive services to additional individuals.
Sec. 405. Technical amendment clarifying treatment for certain purposes of individual work plans under the Ticket to Work and Self-Sufficiency Program.
Sec. 406. GAO study regarding the Ticket to Work and Self-Sufficiency Program.
Sec. 407. Reauthorization of appropriations for certain work incentives programs.

Subtitle B—Miscellaneous Amendments

Sec. 411. Elimination of transcript requirement in remand cases fully favorable to the claimant.
Sec. 412. Nonpayment of benefits upon removal from the United States.
Sec. 413. Reinstatement of certain reporting requirements.
Sec. 414. Clarification of definitions regarding certain survivor benefits.
Sec. 415. Clarification respecting the FICA and SECA tax exemptions for an individual whose earnings are subject to the laws of a totalization agreement partner.
Sec. 416. Coverage under divided retirement system for public employees in Kentucky and Louisiana.
Sec. 417. Compensation for the Social Security Advisory Board.
Sec. 418. 60-month period of employment requirement for application of government pension offset exemption.
Sec. 419. Disclosure to workers of effect of windfall elimination provision and government pension offset provision.
Sec. 420. Post-1956 Military Wage Credits.
Sec. 420A. Elimination of disincentive to return-to-work for childhood disability beneficiaries.

Subtitle C—Technical Amendments

Sec. 421. Technical correction relating to responsible agency head.
Sec. 422. Technical correction relating to retirement benefits of ministers.
Sec. 423. Technical corrections relating to domestic employment.
Sec. 424. Technical corrections of outdated references.
Sec. 425. Technical correction respecting self-employment income in community property States.
Sec. 426. Technical amendments to the Railroad Retirement and Survivors' Improvement Act of 2001.

Subtitle D—Amendments Related to Title XVI

Sec. 430. Exclusion from income for certain infrequent or irregular income and certain interest or dividend income.
Sec. 431. Uniform 9-month resource exclusion periods.
Sec. 432. Elimination of certain restrictions on the application of the student earned income exclusion.
Sec. 433. Exception to retrospective monthly accounting for nonrecurring income.
Sec. 434. Removal of restriction on payment of benefits to children who are born or who become blind or disabled after their military parents are stationed overseas.
Sec. 435. Treatment of education-related income and resources.
Sec. 436. Monthly treatment of uniformed service compensation.

TITLE I—PROTECTION OF BENEFICIARIES

Subtitle A—Representative Payees

SEC. 101. AUTHORITY TO REISSUE BENEFITS MISUSED BY ORGANIZATIONAL REPRESENTATIVE PAYEES.

(a) TITLE II AMENDMENTS.—

(1) REISSUANCE OF BENEFITS.—Section 205(j)(5) of the Social Security Act (42 U.S.C. 405(j)(5)) is amended by inserting after the first sentence the following: ''In any case in which a representative payee that—

''(A) is not an individual (regardless of whether it is a 'qualified organization' within the meaning of paragraph (4)(B)); or

''(B) is an individual who, for any month during a period when misuse occurs, serves 15 or more individuals who are beneficiaries under this title, title VIII, title XVI, or any combination of such titles;

misuses all or part of an individual's benefit paid to such representative payee, the Commissioner of Social Security shall certify for payment to the beneficiary or the beneficiary's alternative representative payee an amount equal to the amount of such benefit so misused. The provisions of this paragraph are subject to the limitations of paragraph (7)(B).''.

(2) MISUSE OF BENEFITS DEFINED.—Section 205(j) of such Act (42 U.S.C. 405(j)) is amended by adding at the end the following:

''(8) For purposes of this subsection, misuse of benefits by a representative payee occurs in any case in which the representative payee receives payment under this title for the use and benefit of another person and converts such payment, or any part thereof, to a use other than for the use and benefit of such other person. The Commissioner of Social Security may prescribe by regulation the meaning of the term 'use and benefit' for purposes of this paragraph.''.

(b) TITLE VIII AMENDMENTS.—

(1) REISSUANCE OF BENEFITS.—Section 807(i) of the Social Security Act (42 U.S.C. 1007(i)) is amended further by inserting after the first sentence the following: ''In any case in which a representative payee that—

''(A) is not an individual; or

''(B) is an individual who, for any month during a period when misuse occurs, serves 15 or more individuals who are beneficiaries under this title, title II, title XVI, or any combination of such titles;

misuses all or part of an individual's benefit paid to such representative payee, the Commissioner of Social Security shall pay to the beneficiary or the beneficiary's alternative representative payee an amount equal to the amount of such benefit so misused. The provisions of this paragraph are subject to the limitations of subsection (l)(2).''.

(2) MISUSE OF BENEFITS DEFINED.—Section 807 of such Act (42 U.S.C. 1007) is amended by adding at the end the following:

''(j) MISUSE OF BENEFITS.—For purposes of this title, misuse of benefits by a representative payee occurs in any case in which the representative payee receives payment under this title for the use and benefit of another person under this title and converts such payment, or any part thereof, to a use other than for the use and benefit of such person. The Commissioner of Social Security may prescribe by regulation the meaning of the term 'use and benefit' for purposes of this subsection.''.

(3) TECHNICAL AMENDMENT.—Section 807(a) of such Act (42 U.S.C. 1007(a)) is amended, in the first sentence, by striking ''for his or her benefit'' and inserting ''for his or her use and benefit''.

(c) TITLE XVI AMENDMENTS.—

(1) REISSUANCE OF BENEFITS.—Section 1631(a)(2)(E) of such Act (42 U.S.C. 1383(a)(2)(E)) is amended by inserting after the first sentence the following: ''In any case in which a representative payee that—

''(i) is not an individual (regardless of whether it is a 'qualified organization' within the meaning of subparagraph (D)(ii)); or

''(ii) is an individual who, for any month during a period when misuse occurs, serves 15 or more individuals who are beneficiaries under this title, title II, title VIII, or any combination of such titles;

misuses all or part of an individual's benefit paid to such representative payee, the Commissioner of Social Security shall pay to the beneficiary or the beneficiary's alternative representative payee an amount equal to the amount of such benefit so misused. The provisions of this subparagraph are subject to the limitations of subparagraph (H)(ii).''.

(2) EXCLUSION OF REISSUED BENEFITS FROM RESOURCES.—Section 1613(a) of such Act (42 U.S.C. 1382b(a)) is amended—

(A) in paragraph (12), by striking ''and'' at the end;

(B) in paragraph (13), by striking the period and inserting ''; and''; and

(C) by inserting after paragraph (13) the following:

''(14) for the 9-month period beginning after the month in which received, any amount received by such individual (or spouse) or any other person whose income is deemed to be included in such individual's (or spouse's) income for purposes of this title as restitution for benefits under this title, title II, or title VIII that a representative payee of such individual (or spouse) or such other person under section 205(j), 807, or 1631(a)(2) has misused.''.

(3) MISUSE OF BENEFITS DEFINED.—Section 1631(a)(2)(A) of such Act (42 U.S.C. 1383(a)(2)(A)) is amended by adding at the end the following:

''(iv) For purposes of this paragraph, misuse of benefits by a representative payee occurs in any case in which the representative payee receives payment under this title for the use and benefit of another person and converts such payment, or any part thereof, to a use other than for the use and benefit of such other person. The Commissioner of Social Security may prescribe by regulation the meaning of the term 'use and benefit' for purposes of this clause.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to any case of benefit misuse by a representative payee with respect to which the Commissioner of Social Security makes the determination of misuse on or after January 1, 1995.

SEC. 102. OVERSIGHT OF REPRESENTATIVE PAYEES.

(a) CERTIFICATION OF BONDING AND LICENSING REQUIREMENTS FOR NONGOVERNMENTAL ORGANIZATIONAL REPRESENTATIVE PAYEES.—

(1) TITLE II AMENDMENTS.—Section 205(j) of the Social Security Act (42 U.S.C. 405(j)) is amended—

(A) in paragraph (2)(C)(v), by striking ''a community-based nonprofit social service agency licensed or bonded by the State'' in subclause (I) and inserting ''a certified community-based nonprofit social service agency (as defined in paragraph (9))'';

(B) in paragraph (3)(F), by striking ''community-based nonprofit social service agencies'' and inserting ''certified community-based nonprofit social service agencies (as defined in paragraph (9))'';

(C) in paragraph (4)(B), by striking ''any community-based nonprofit social service agency which is bonded or licensed in each State in which it serves as a representative payee'' and inserting ''any certified community-based nonprofit social service agency (as defined in paragraph (9))''; and

(D) by adding after paragraph (8) (as added by section 101(a)(2) of this Act) the following:

''(9) For purposes of this subsection, the term 'certified community-based nonprofit social service agency' means a community-based nonprofit social service agency which is in compliance with requirements, under regulations which shall be prescribed by the Commissioner, for annual certification to the Commissioner that it is bonded in accordance with requirements specified by the Commissioner and that it is licensed in each State in which it serves as a representative payee (if licensing is available in the State) in accordance with requirements specified by the Commissioner. Any such annual certification shall include a copy of any independent audit on the agency which may have been performed since the previous certification.''.

(2) TITLE XVI AMENDMENTS.—Section 1631(a)(2) of such Act (42 U.S.C. 1383(a)(2)) is amended—

(A) in subparagraph (B)(vii), by striking ''a community-based nonprofit social service agency licensed or bonded by the State'' in subclause (I) and inserting ''a certified community-based nonprofit social service agency (as defined in subparagraph (I))'';

(B) in subparagraph (D)(ii)—

(i) by striking ''or any community-based'' and all that follows through ''in accordance'' in subclause (II) and inserting ''or any certified community-based nonprofit social service agency (as defined in subparagraph (I)), if the agency, in accordance'';

(ii) by redesignating items (aa) and (bb) as subclauses (I) and (II), respectively (and adjusting the margins accordingly); and

(iii) by striking ''subclause (II)(bb)'' and inserting ''subclause (II)''; and

(C) by adding at the end the following:

''(I) For purposes of this paragraph, the term 'certified community-based nonprofit social service agency' means a community-based nonprofit social service agency which is in compliance with requirements, under regulations which shall be prescribed by the Commissioner, for annual certification to the Commissioner that it is bonded in accordance with requirements specified by the Commissioner and that it is licensed in each State in which it serves as a representative payee (if licensing is available in the State) in accordance with requirements specified by the Commissioner. Any such annual certification shall include a copy of any independent audit on the agency which may have been performed since the previous certification.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the first day of the thirteenth month beginning after the date of the enactment of this Act.

(b) PERIODIC ONSITE REVIEW.—

(1) TITLE II AMENDMENT.—Section 205(j)(6) of such Act (42 U.S.C. 405(j)(6)) is amended to read as follows:

''(6)(A) In addition to such other reviews of representative payees as the Commissioner of Social Security may otherwise conduct, the Commissioner shall provide for the periodic onsite review of any person or agency located in the United States that receives the benefits payable under this title (alone or in combination with benefits payable under title VIII or title XVI) to another individual pursuant to the appointment of such person or agency as a representative payee under this subsection, section 807, or section 1631(a)(2) in any case in which—

''(i) the representative payee is a person who serves in that capacity with respect to 15 or more such individuals;

''(ii) the representative payee is a certified community-based nonprofit social service agency (as defined in paragraph (9) of this subsection or section 1631(a)(2)(I)); or

''(iii) the representative payee is an agency (other than an agency described in clause (ii)) that serves in that capacity with respect to 50 or more such individuals.

''(B) Within 120 days after the end of each fiscal year, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the results of periodic onsite reviews conducted during the fiscal year pursuant to subparagraph (A) and of any other reviews of representative payees conducted during such fiscal year in connection with benefits under this title. Each such report shall describe in detail all problems identified in such reviews and any corrective action taken or planned to be taken to correct such problems, and shall include—

''(i) the number of such reviews;

''(ii) the results of such reviews;

''(iii) the number of cases in which the representative payee was changed and why;

''(iv) the number of cases involving the exercise of expedited, targeted oversight of the representative payee by the Commissioner conducted upon receipt of an allegation of misuse of funds, failure to pay a vendor, or a similar irregularity;

''(v) the number of cases discovered in which there was a misuse of funds;

''(vi) how any such cases of misuse of funds were dealt with by the Commissioner;

''(vii) the final disposition of such cases of misuse of funds, including any criminal penalties imposed; and

''(viii) such other information as the Commissioner deems appropriate.''.

(2) TITLE VIII AMENDMENT.—Section 807 of such Act (as amended by section 101(b)(2) of this Act) is amended further by adding at the end the following:

''(k) PERIODIC ONSITE REVIEW.—

''(1) IN GENERAL.—In addition to such other reviews of representative payees as the Commissioner of Social Security may otherwise conduct, the Commissioner may provide for the periodic onsite review of any person or agency that receives the benefits payable under this title (alone or in combination with benefits payable under title II or title XVI) to another individual pursuant to the appointment of such person or agency as a representative payee under this section, section 205(j), or section 1631(a)(2) in any case in which—

''(A) the representative payee is a person who serves in that capacity with respect to 15 or more such individuals; or

''(B) the representative payee is an agency that serves in that capacity with respect to 50 or more such individuals.

''(2) REPORT.—Within 120 days after the end of each fiscal year, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the results of periodic onsite reviews conducted during the fiscal year pursuant to paragraph (1) and of any other reviews of representative payees conducted during such fiscal year in connection with benefits under this title. Each such report shall describe in detail all problems identified in such reviews and any corrective action taken or planned to be taken to correct such problems, and shall include—

''(A) the number of such reviews;

''(B) the results of such reviews;

''(C) the number of cases in which the representative payee was changed and why;

''(D) the number of cases involving the exercise of expedited, targeted oversight of the representative payee by the Commissioner conducted upon receipt of an allegation of misuse of funds, failure to pay a vendor, or a similar irregularity;

''(E) the number of cases discovered in which there was a misuse of funds;

''(F) how any such cases of misuse of funds were dealt with by the Commissioner;

''(G) the final disposition of such cases of misuse of funds, including any criminal penalties imposed; and

''(H) such other information as the Commissioner deems appropriate.''.

(3) TITLE XVI AMENDMENT.—Section 1631(a)(2)(G) of such Act (42 U.S.C. 1383(a)(2)(G)) is amended to read as follows:

''(G)(i) In addition to such other reviews of representative payees as the Commissioner of Social Security may otherwise conduct, the Commissioner shall provide for the periodic onsite review of any person or agency that receives the benefits payable under this title (alone or in combination with benefits payable under title II or title VIII) to another individual pursuant to the appointment of the person or agency as a representative payee under this paragraph, section 205(j), or section 807 in any case in which—

''(I) the representative payee is a person who serves in that capacity with respect to 15 or more such individuals;

''(II) the representative payee is a certified community-based nonprofit social service agency (as defined in subparagraph (I) of this paragraph or section 205(j)(9)); or

''(III) the representative payee is an agency (other than an agency described in subclause (II)) that serves in that capacity with respect to 50 or more such individuals.

''(ii) Within 120 days after the end of each fiscal year, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the results of periodic onsite reviews conducted during the fiscal year

pursuant to clause (i) and of any other reviews of representative payees conducted during such fiscal year in connection with benefits under this title. Each such report shall describe in detail all problems identified in the reviews and any corrective action taken or planned to be taken to correct the problems, and shall include—

''(I) the number of the reviews;

''(II) the results of such reviews;

''(III) the number of cases in which the representative payee was changed and why;

''(IV) the number of cases involving the exercise of expedited, targeted oversight of the representative payee by the Commissioner conducted upon receipt of an allegation of misuse of funds, failure to pay a vendor, or a similar irregularity;

''(V) the number of cases discovered in which there was a misuse of funds;

''(VI) how any such cases of misuse of funds were dealt with by the Commissioner;

''(VII) the final disposition of such cases of misuse of funds, including any criminal penalties imposed; and

''(VIII) such other information as the Commissioner deems appropriate.''.

SEC. 103. DISQUALIFICATION FROM SERVICE AS REPRESENTATIVE PAYEE OF PERSONS CONVICTED OF OFFENSES RESULTING IN IMPRISONMENT FOR MORE THAN 1 YEAR OR FLEEING PROSECUTION, CUSTODY, OR CONFINEMENT.

(a) TITLE II AMENDMENTS.—Section 205(j)(2) of the Social Security Act (42 U.S.C. 405(j)(2)) is amended—

(1) in subparagraph (B)(i)—

(A) by striking ''and'' at the end of subclause (III);

(B) by redesignating subclause (IV) as subclause (VI); and

(C) by inserting after subclause (III) the following:

''(IV) obtain information concerning whether such person has been convicted of any other offense under Federal or State law which resulted in imprisonment for more than 1 year,

''(V) obtain information concerning whether such person is a person described in section 202(x)(1)(A)(iv), and'';

(2) in subparagraph (B), by adding at the end the following:

''(iii) Notwithstanding the provisions of section 552a of title 5, United States Code, or any other provision of Federal or State law (other than section 6103 of the Internal Revenue Code of 1986 and section 1106(c) of this Act), the Commissioner shall furnish any Federal, State, or local law enforcement officer, upon the written request of the officer, with the current address, social security account number, and photograph (if applicable) of any person investigated under this paragraph, if the officer furnishes the Commissioner with the name of such person and such other identifying information as may reasonably be required by the Commissioner to establish the unique identity of such person, and notifies the Commissioner that—

''(I) such person is described in section 202(x)(1)(A)(iv),

''(II) such person has information that is necessary for the officer to conduct the officer's official duties, and

''(III) the location or apprehension of such person is within the officer's official duties.'';

(3) in subparagraph (C)(i)(II)—

(A) by striking ''subparagraph (B)(i)(IV),,'' and inserting ''subparagraph (B)(i)(VI)''; and

(B) by striking ''section 1631(a)(2)(B)(ii)(IV)'' and inserting ''section 1631(a)(2)(B)(ii)(VI)''; and

(4) in subparagraph (C)(i)—

(A) by striking ''or'' at the end of subclause (II);

(B) by striking the period at the end of subclause (III) and inserting a comma; and

(C) by adding at the end the following:

''(IV) such person has previously been convicted as described in subparagraph (B)(i)(IV), unless the Commissioner determines that such certification would be appropriate notwithstanding such conviction, or

''(V) such person is person described in section 202(x)(1)(A)(iv).''.

(b) TITLE VIII AMENDMENTS.—Section 807 of such Act (42 U.S.C. 1007) is amended—

(1) in subsection (b)(2)—

(A) by striking ''and'' at the end of subparagraph (C);

(B) by redesignating subparagraph (D) as subparagraph (F); and

(C) by inserting after subparagraph (C) the following:

''(D) obtain information concerning whether such person has been convicted of any other offense under Federal or State law which resulted in imprisonment for more than 1 year;

''(E) obtain information concerning whether such person is a person described in section 804(a)(2); and'';

(2) in subsection (b), by adding at the end the following:

''(3) Notwithstanding the provisions of section 552a of title 5, United States Code, or any other provision of Federal or State law (other than section 6103 of the Internal Revenue Code of 1986 and section 1106(c) of this Act), the Commissioner shall furnish any Federal, State, or local law enforcement officer, upon the written request of the officer, with the current address, social security account number, and photograph (if applicable) of any person investigated under this subsection, if the officer furnishes the Commissioner with the name of such person and such other identifying information as may reasonably be required by the Commissioner to establish the unique identity of such person, and notifies the Commissioner that—

''(A) such person is described in section 804(a)(2),

''(B) such person has information that is necessary for the officer to conduct the officer's official duties, and

''(C) the location or apprehension of such person is within the officer's official duties.''; and

(3) in subsection (d)(1)—

(A) by striking ''or'' at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting a semicolon; and

(C) by adding at the end the following:

''(D) such person has previously been convicted as described in subsection (b)(2)(D), unless the Commissioner determines that such payment would be appropriate notwithstanding such conviction; or

''(E) such person is a person described in section 804(a)(2).''.

(c) TITLE XVI AMENDMENTS.—Section 1631(a)(2)(B) of such Act (42 U.S.C. 1383(a)(2)(B)) is amended—

(1) in clause (ii)—

(A) by striking ''and'' at the end of subclause (III);

(B) by redesignating subclause (IV) as subclause (VI); and

(C) by inserting after subclause (III) the following:

''(IV) obtain information concerning whether the person has been convicted of any other offense under Federal or State law which resulted in imprisonment for more than 1 year;

''(V) obtain information concerning whether such person is a person described in section 1611(e)(4)(A); and'';

(2) in clause (iii)(II)—

(A) by striking ''clause (ii)(IV)'' and inserting ''clause (ii)(VI)''; and

(B) by striking ''section 205(j)(2)(B)(i)(IV)'' and inserting ''section 205(j)(2)(B)(i)(VI)'';

(3) in clause (iii)—

(A) by striking ''or'' at the end of subclause (II);

(B) by striking the period at the end of subclause (III) and inserting a semicolon; and

(C) by adding at the end the following:

''(IV) the person has previously been convicted as described in clause (ii)(IV) of this subparagraph, unless the Commissioner determines that the payment would be appropriate notwithstanding the conviction; or

''(V) such person is a person described in section 1611(e)(4)(A).''; and

(4) by adding at the end the following:

''(xiv) Notwithstanding the provisions of section 552a of title 5, United States Code, or any other provision of Federal or State law (other than section 6103 of the Internal Revenue Code of 1986 and section 1106(c) of this Act), the Commissioner shall furnish any Federal, State, or local law enforcement officer, upon the written request of the officer, with the current address, social security account number, and photograph (if applicable) of any person investigated under this subparagraph, if the officer furnishes the Commissioner with the name of such person and such other identifying information as may reasonably be required by the Commissioner to establish the unique identity of such person, and notifies the Commissioner that—

''(I) such person is described in section 1611(e)(4)(A),

''(II) such person has information that is necessary for the officer to conduct the officer's official duties, and

''(III) the location or apprehension of such person is within the officer's official duties.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the thirteenth month beginning after the date of the enactment of this Act.

(e) REPORT TO CONGRESS.—The Commissioner of Social Security, in consultation with the Inspector General of the Social Security Administration, shall prepare a report evaluating whether the existing procedures and reviews for the qualification (including disqualification) of representative payees are sufficient to enable the Commissioner to protect benefits from being misused by representative payees. The Commissioner shall submit the report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate no later than 270 days after the date of the enactment of this Act. The Commissioner shall include in such report any recommendations that the Commissioner considers appropriate.

SEC. 104. FEE FORFEITURE IN CASE OF BENEFIT MISUSE BY REPRESENTATIVE PAYEES.

(a) TITLE II AMENDMENTS.—Section 205(j)(4)(A)(i) of the Social Security Act (42 U.S.C. 405(j)(4)(A)(i)) is amended—

(1) in the first sentence, by striking ''A'' and inserting ''Except as provided in the next sentence, a''; and

(2) in the second sentence, by striking ''The Secretary'' and inserting the following: ''A qualified organization may not collect a fee from an individual for any month with respect to which the Commissioner of Social Security or a court of competent jurisdiction has determined that the organization misused all or part of the individual's benefit, and any amount so collected by the qualified organization for such month shall be treated as a misused part of the individual's benefit for purposes of paragraphs (5) and (6). The Commissioner''.

(b) TITLE XVI AMENDMENTS.—Section 1631(a)(2)(D)(i) of such Act (42 U.S.C. 1383(a)(2)(D)(i)) is amended—

(1) in the first sentence, by striking ''A'' and inserting ''Except as provided in the next sentence, a''; and

(2) in the second sentence, by striking ''The Commissioner'' and inserting the following: ''A qualified organization may not collect a fee from an individual for any month with respect to which the Commissioner of Social Security or a court of competent jurisdiction has determined that the organization misused all or part of the individual's benefit, and any amount so collected by the qualified organization for such month shall be treated as a misused part of the individual's benefit for purposes of subparagraphs (E) and (F). The Commissioner''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any month involving benefit misuse by a representative payee in any case with respect to which the Commissioner of Social Security or a court of competent jurisdiction makes the determination of misuse after 180 days after the date of the enactment of this Act.

SEC. 105. LIABILITY OF REPRESENTATIVE PAYEES FOR MISUSED BENEFITS.

(a) TITLE II AMENDMENTS.—Section 205(j) of the Social Security Act (42 U.S.C. 405(j)) (as amended by sections 101 and 102) is amended further—

(1) by redesignating paragraphs (7), (8), and (9) as paragraphs (8), (9), and (10), respectively;

(2) in paragraphs (2)(C)(v), (3)(F), and (4)(B), by striking ''paragraph (9)'' and inserting ''paragraph (10)'';

(3) in paragraph (6)(A)(ii), by striking ''paragraph (9)'' and inserting ''paragraph (10)''; and

(4) by inserting after paragraph (6) the following:

''(7)(A) If the Commissioner of Social Security or a court of competent jurisdiction determines that a representative payee that is not a Federal, State, or local government agency has misused all or part of an individual's benefit that was paid to such representative payee under this subsection, the representative payee shall be liable for the amount misused, and such amount (to the extent not repaid by the representative payee) shall be treated as an overpayment of benefits under this title to the representative payee for all purposes of this Act and related laws pertaining to the recovery of such overpayments. Subject to subparagraph (B), upon recovering all or any part of such amount, the Commissioner shall certify an amount equal to the recovered amount for payment to such individual or such individual's alternative representative payee.

''(B) The total of the amount certified for payment to such individual or such individual's alternative representative payee under subparagraph (A) and the amount certified for payment under paragraph (5) may not exceed the total benefit amount misused by the representative payee with respect to such individual.''.

(b) TITLE VIII AMENDMENT.—Section 807 of such Act (as amended by section 102(b)(2)) is amended further by adding at the end the following:

''(l) LIABILITY FOR MISUSED AMOUNTS.—

''(1) IN GENERAL.—If the Commissioner of Social Security or a court of competent jurisdiction determines that a representative payee that is not a Federal, State, or local government agency has misused all or part of a qualified individual's benefit that was paid to such representative payee under this section, the representative payee shall be liable for the amount misused, and such amount (to the extent not repaid by the representative payee) shall be treated as an overpayment of benefits under this title to the representative payee for all purposes of this Act and related laws pertaining to the recovery of such overpayments. Subject to paragraph (2), upon recovering all or any part of such amount, the Commissioner shall make payment of an amount equal to the recovered amount to such qualified individual or such qualified individual's alternative representative payee.

''(2) LIMITATION.—The total of the amount paid to such individual or such individual's alternative representative payee under paragraph (1) and the amount paid under subsection (i) may not exceed the total benefit amount misused by the representative payee with respect to such individual.''.

(c) TITLE XVI AMENDMENTS.—Section 1631(a)(2) of such Act (42 U.S.C. 1383(a)(2)) (as amended by section 102(b)(3)) is amended further—

(1) in subparagraph (G)(i)(II), by striking ''section 205(j)(9)'' and inserting ''section 205(j)(10)''; and

(2) by striking subparagraph (H) and inserting the following:

''(H)(i) If the Commissioner of Social Security or a court of competent jurisdiction determines that a representative payee that is not a Federal, State, or local government agency has misused all or part of an individual's benefit that was paid to the representative payee under this paragraph, the representative payee shall be liable for the amount misused, and the amount (to the extent not repaid by the representative payee) shall be treated as an overpayment of benefits under this title to the representative payee for all purposes of this Act and related laws pertaining to the recovery of the overpayments. Subject to clause (ii), upon recovering all or any part of the amount, the Commissioner shall make payment of an amount equal to the recovered amount to such individual or such individual's alternative representative payee.

''(ii) The total of the amount paid to such individual or such individual's alternative representative payee under clause (i) and the amount paid under subparagraph (E) may not exceed the total benefit amount misused by the representative payee with respect to such individual.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to benefit misuse by a representative payee in any case with respect to which the Commissioner of Social Security or a court of competent jurisdiction makes the determination of misuse after 180 days after the date of the enactment of this Act.

SEC. 106. AUTHORITY TO REDIRECT DELIVERY OF BENEFIT PAYMENTS WHEN A REPRESENTATIVE PAYEE FAILS TO PROVIDE REQUIRED ACCOUNTING.

(a) TITLE II AMENDMENTS.—Section 205(j)(3) of the Social Security Act (42 U.S.C. 405(j)(3)) (as amended by sections 102(a)(1)(B) and 105(a)(2)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(2) by inserting after subparagraph (D) the following:

''(E) In any case in which the person described in subparagraph (A) or (D) receiving payments on behalf of another fails to submit a report required by the Commissioner of Social Security under subparagraph (A) or (D), the Commissioner may, after furnishing notice to such person and the individual entitled to such payment, require that such person appear in person at a field office of the Social Security Administration serving the area in which the individual resides in order to receive such payments.''.

(b) TITLE VIII AMENDMENTS.—Section 807(h) of such Act (42 U.S.C. 1007(h)) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following:

''(3) AUTHORITY TO REDIRECT DELIVERY OF BENEFIT PAYMENTS WHEN A REPRESENTATIVE PAYEE FAILS TO PROVIDE REQUIRED ACCOUNTING.—In any case in which the person described in paragraph (1) or (2) receiving benefit payments on behalf of a qualified individual fails to submit a report required by the Commissioner of Social Security under paragraph (1) or (2), the Commissioner may, after furnishing notice to such person and the qualified individual, require that such person appear in person at a United States Government facility designated by the Social Security Administration as serving the area in which the qualified individual resides in order to receive such benefit payments.''.

(c) TITLE XVI AMENDMENT.—Section 1631(a)(2)(C) of such Act (42 U.S.C. 1383(a)(2)(C)) is amended by adding at the end the following:

''(v) In any case in which the person described in clause (i) or (iv) receiving payments on behalf of another fails to submit a report required by the Commissioner of Social Security under clause (i) or (iv), the Commissioner may, after furnishing notice to the person and the individual entitled to the payment, require that such person appear in person at a field office of the Social Security Administration serving the area in which the individual resides in order to receive such payments.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

SEC. 107. SURVEY OF USE OF PAYMENTS BY REPRESENTATIVE PAYEES.

(a) IN GENERAL.—Section 1110 of the Social Security Act (42 U.S.C. 1310) is amended by adding at the end the following:

''(c)(1) In addition to the amount otherwise appropriated in any other law to carry out subsection (a) for fiscal year 2004, up to $8,500,000 is authorized and appropriated and shall be used by the Commissioner of Social Security under this subsection for purposes of conducting a statistically valid survey to determine how payments made to individuals, organizations, and State or local government agencies that are representative payees for benefits paid under title II or XVI are being managed and used on behalf of the beneficiaries for whom such benefits are paid.

''(2) Not later than 18 months after the date of enactment of this subsection, the Commissioner of Social Security shall submit a report on the survey conducted in accordance with paragraph (1) to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.''.

Subtitle B—Enforcement

SEC. 111. CIVIL MONETARY PENALTY AUTHORITY WITH RESPECT TO WRONGFUL CONVERSIONS BY REPRESENTATIVE PAYEES.

(a) IN GENERAL.—Section 1129(a) of the Social Security Act (42 U.S.C. 1320a–8) is amended by adding at the end the following:

''(3) Any person (including an organization, agency, or other entity) who, having received, while acting in the capacity of a representative payee pursuant to section 205(j), 807, or 1631(a)(2), a payment under title II, VIII, or XVI for the use and benefit of another individual, converts such payment, or any part thereof, to a use that such person knows or should know is other than for the use and benefit of such other individual shall be subject to, in addition to any other penalties that may be prescribed by law, a civil money penalty of not more than $5,000 for each such conversion. Such person shall also be subject to an assessment, in lieu of damages sustained by the United States resulting from the conversion, of not more than twice the amount of any payments so converted.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to violations committed after the date of the enactment of this Act.

TITLE II—PROGRAM PROTECTIONS

SEC. 201. CIVIL MONETARY PENALTY AUTHORITY WITH RESPECT TO WITHHOLDING OF MATERIAL FACTS.

(a) TREATMENT OF WITHHOLDING OF MATERIAL FACTS.—

(1) CIVIL PENALTIES.—Section 1129(a)(1) of the Social Security Act (42 U.S.C. 1320a–8(a)(1)) is amended—

(A) by striking ''who'' in the first sentence and inserting ''who—'';

(B) by striking ''makes'' in the first sentence and all that follows through ''shall be subject to,'' and inserting the following:

''(A) makes, or causes to be made, a statement or representation of a material fact, for use in determining any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI, that the person knows or should know is false or misleading,

''(B) makes such a statement or representation for such use with knowing disregard for the truth, or

''(C) omits from a statement or representation for such use, or otherwise withholds disclosure

of, a fact which the person knows or should know is material to the determination of any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI, if the person knows, or should know, that the statement or representation with such omission is false or misleading or that the withholding of such disclosure is misleading,
shall be subject to,'';

(C) by inserting ''or each receipt of such benefits or payments while withholding disclosure of such fact'' after ''each such statement or representation'' in the first sentence;

(D) by inserting ''or because of such withholding of disclosure of a material fact'' after ''because of such statement or representation'' in the second sentence; and

(E) by inserting ''or such a withholding of disclosure'' after ''such a statement or representation'' in the second sentence.

(2) ADMINISTRATIVE PROCEDURE FOR IMPOSING PENALTIES.—Section 1129A(a) of such Act (42 U.S.C. 1320a–8a(a)) is amended—

(A) by striking ''who'' the first place it appears and inserting ''who—''; and

(B) by striking ''makes'' and all that follows through ''shall be subject to,'' and inserting the following:

''(1) makes, or causes to be made, a statement or representation of a material fact, for use in determining any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title XVI that the person knows or should know is false or misleading,

''(2) makes such a statement or representation for such use with knowing disregard for the truth, or

''(3) omits from a statement or representation for such use, or otherwise withholds disclosure of, a fact which the person knows or should know is material to the determination of any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title XVI, if the person knows, or should know, that the statement or representation with such omission is false or misleading or that the withholding of such disclosure is misleading,
shall be subject to,''.

(b) CLARIFICATION OF TREATMENT OF RECOVERED AMOUNTS.—Section 1129(e)(2)(B) of such Act (42 U.S.C. 1320a–8(e)(2)(B)) is amended by striking ''In the case of amounts recovered arising out of a determination relating to title VIII or XVI,'' and inserting ''In the case of any other amounts recovered under this section,''.

(c) CONFORMING AMENDMENTS.—

(1) Section 1129(b)(3)(A) of such Act (42 U.S.C. 1320a–8(b)(3)(A)) is amended by striking ''charging fraud or false statements''.

(2) Section 1129(c)(1) of such Act (42 U.S.C. 1320a–8(c)(1)) is amended by striking ''and representations'' and inserting '', representations, or actions''.

(3) Section 1129(e)(1)(A) of such Act (42 U.S.C. 1320a–8(e)(1)(A)) is amended by striking ''statement or representation referred to in subsection (a) was made'' and inserting ''violation occurred''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to violations committed after the date on which the Commissioner of Social Security implements the centralized computer file described in section 202.

SEC. 202. ISSUANCE BY COMMISSIONER OF SOCIAL SECURITY OF RECEIPTS TO ACKNOWLEDGE SUBMISSION OF REPORTS OF CHANGES IN WORK OR EARNINGS STATUS OF DISABLED BENEFICIARIES.

Effective as soon as possible, but not later than 1 year after the date of the enactment of this Act, until such time as the Commissioner of Social Security implements a centralized computer file recording the date of the submission of information by a disabled beneficiary (or representative) regarding a change in the beneficiary's work or earnings status, the Commissioner shall issue a receipt to the disabled beneficiary (or representative) each time he or she submits documentation, or otherwise reports to the Commissioner, on a change in such status.

SEC. 203. DENIAL OF TITLE II BENEFITS TO PERSONS FLEEING PROSECUTION, CUSTODY, OR CONFINEMENT, AND TO PERSONS VIOLATING PROBATION OR PAROLE.

(a) IN GENERAL.—Section 202(x) of the Social Security Act (42 U.S.C. 402(x)) is amended—

(1) in the heading, by striking ''Prisoners'' and all that follows and inserting the following: ''Prisoners, Certain Other Inmates of Publicly Funded Institutions, Fugitives, Probationers, and Parolees'';

(2) in paragraph (1)(A)(ii)(IV), by striking ''or'' at the end;

(3) in paragraph (1)(A)(iii), by striking the period at the end and inserting a comma;

(4) by inserting after paragraph (1)(A)(iii) the following:

''(iv) is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the person flees, for a crime, or an attempt to commit a crime, which is a felony under the laws of the place from which the person flees, or, in jurisdictions that do not define crimes as felonies, is punishable by death or imprisonment for a term exceeding 1 year regardless of the actual sentence imposed, or

''(v) is violating a condition of probation or parole imposed under Federal or State law.'';

(5) by adding at the end of paragraph (1)(B) the following:

''(iii) Notwithstanding subparagraph (A), the Commissioner shall, for good cause shown, pay the individual benefits that have been withheld or would otherwise be withheld pursuant to clause (iv) or (v) of subparagraph (A) if the Commissioner determines that—

''(I) a court of competent jurisdiction has found the individual not guilty of the criminal offense, dismissed the charges relating to the criminal offense, vacated the warrant for arrest of the individual for the criminal offense, or issued any similar exonerating order (or taken similar exonerating action), or

''(II) the individual was erroneously implicated in connection with the criminal offense by reason of identity fraud.

''(iv) Notwithstanding subparagraph (A), the Commissioner may, for good cause shown based on mitigating circumstances, pay the individual benefits that have been withheld or would otherwise be withheld pursuant to clause (iv) or (v) of subparagraph (A) if the Commissioner determines that—

''(I) the offense described in clause (iv) or underlying the imposition of the probation or parole described in clause (v) was nonviolent and not drug-related, and

''(II) in the case of an individual from whom benefits have been withheld or otherwise would be withheld pursuant to subparagraph (A)(v), the action that resulted in the violation of a condition of probation or parole was nonviolent and not drug-related.''; and

(6) in paragraph (3), by adding at the end the following:

''(C) Notwithstanding the provisions of section 552a of title 5, United States Code, or any other provision of Federal or State law (other than section 6103 of the Internal Revenue Code of 1986 and section 1106(c) of this Act), the Commissioner shall furnish any Federal, State, or local law enforcement officer, upon the written request of the officer, with the current address, Social Security number, and photograph (if applicable) of any beneficiary under this title, if the officer furnishes the Commissioner with the name of the beneficiary, and other identifying information as reasonably required by the Commissioner to establish the unique identity of the beneficiary, and notifies the Commissioner that—

''(i) the beneficiary is described in clause (iv) or (v) of paragraph (1)(A); and

''(ii) the location or apprehension of the beneficiary is within the officer's official duties.''.

(b) CONFORMING AMENDMENTS TO TITLE XVI.—Section 1611(e) of the Social Security Act (42 U.S.C. 1382(e)) is amended—

(1) in paragraph (4)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by inserting ''(A)'' after ''(4)'';

(C) in clause (i) of subparagraph (A) (as redesignated by subparagraph (A)), by striking ''or which, in the case of the State of New Jersey, is a high misdemeanor under the laws of such State'' and inserting ''or, in jurisdictions that do not define crimes as felonies, is punishable by death or imprisonment for a term exceeding 1 year regardless of the actual sentence imposed''; and

(D) by adding at the end the following:

''(B) Notwithstanding subparagraph (A), the Commissioner shall, for good cause shown, treat the person referred to in subparagraph (A) as an eligible individual or eligible spouse if the Commissioner determines that—

''(i) a court of competent jurisdiction has found the person not guilty of the criminal offense, dismissed the charges relating to the criminal offense, vacated the warrant for arrest of the person for the criminal offense, or issued any similar exonerating order (or taken similar exonerating action), or

''(ii) the person was erroneously implicated in connection with the criminal offense by reason of identity fraud.

''(C) Notwithstanding subparagraph (A), the Commissioner may, for good cause shown based on mitigating circumstances, treat the person referred to in subparagraph (A) as an eligible individual or eligible spouse if the Commissioner determines that—

''(i) the offense described in subparagraph (A)(i) or underlying the imposition of the probation or parole described in subparagraph (A)(ii) was nonviolent and not drug-related, and

''(ii) in the case of a person who is not considered an eligible individual or eligible spouse pursuant to subparagraph (A)(ii), the action that resulted in the violation of a condition of probation or parole was nonviolent and not drug-related.''; and

(2) in paragraph (5), by striking subparagraphs (A) and (B) and inserting the following:

''(A) the recipient is described in clause (i) or (ii) of paragraph (4)(A); and

''(B) the location or apprehension of the recipient is within the officer's official duties.''.

(c) CONFORMING AMENDMENT.—Section 804(a)(2) of the Social Security Act (42 U.S.C. 1004(a)(2)) is amended by striking ''or which, in the case of the State of New Jersey, is a high misdemeanor under the laws of such State'' and inserting ''or, in jurisdictions that do not define crimes as felonies, is punishable by death or imprisonment for a term exceeding 1 year regardless of the actual sentence imposed''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month that begins on or after the date that is 9 months after the date of enactment of this Act.

SEC. 204. REQUIREMENTS RELATING TO OFFERS TO PROVIDE FOR A FEE, A PRODUCT OR SERVICE AVAILABLE WITHOUT CHARGE FROM THE SOCIAL SECURITY ADMINISTRATION.

(a) IN GENERAL.—Section 1140 of the Social Security Act (42 U.S.C. 1320b–10) is amended—

(1) in subsection (a), by adding at the end the following:

''(4)(A) No person shall offer, for a fee, to assist an individual to obtain a product or service that the person knows or should know is provided free of charge by the Social Security Administration unless, at the time the offer is made, the person provides to the individual to whom the offer is tendered a notice that—

''(i) explains that the product or service is available free of charge from the Social Security Administration, and

''(ii) complies with standards prescribed by the Commissioner of Social Security respecting the content of such notice and its placement, visibility, and legibility.

''(B) Subparagraph (A) shall not apply to any offer—

''(i) to serve as a claimant representative in connection with a claim arising under title II, title VIII, or title XVI; or

''(ii) to prepare, or assist in the preparation of, an individual's plan for achieving self-support under title XVI.''; and

(2) in the heading, by striking ''PROHIBITION OF MISUSE OF SYMBOLS, EMBLEMS, OR NAMES IN REFERENCE'' and inserting ''PROHIBITIONS RELATING TO REFERENCES''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to offers of assistance made after the sixth month ending after the Commissioner of Social Security promulgates final regulations prescribing the standards applicable to the notice required to be provided in connection with such offer. The Commissioner shall promulgate such final regulations within 1 year after the date of the enactment of this Act.

SEC. 205. REFUSAL TO RECOGNIZE CERTAIN INDIVIDUALS AS CLAIMANT REPRESENTATIVES.

Section 206(a)(1) of the Social Security Act (42 U.S.C. 406(a)(1)) is amended by inserting after the second sentence the following: ''Notwithstanding the preceding sentences, the Commissioner, after due notice and opportunity for hearing, (A) may refuse to recognize as a representative, and may disqualify a representative already recognized, any attorney who has been disbarred or suspended from any court or bar to which he or she was previously admitted to practice or who has been disqualified from participating in or appearing before any Federal program or agency, and (B) may refuse to recognize, and may disqualify, as a non-attorney representative any attorney who has been disbarred or suspended from any court or bar to which he or she was previously admitted to practice. A representative who has been disqualified or suspended pursuant to this section from appearing before the Social Security Administration as a result of collecting or receiving a fee in excess of the amount authorized shall be barred from appearing before the Social Security Administration as a representative until full restitution is made to the claimant and, thereafter, may be considered for reinstatement only under such rules as the Commissioner may prescribe.''.

SEC. 206. CRIMINAL PENALTY FOR CORRUPT OR FORCIBLE INTERFERENCE WITH ADMINISTRATION OF SOCIAL SECURITY ACT.

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1129A the following:

''ATTEMPTS TO INTERFERE WITH ADMINISTRATION OF SOCIAL SECURITY ACT

''SEC. 1129B. Whoever corruptly or by force or threats of force (including any threatening letter or communication) attempts to intimidate or impede any officer, employee, or contractor of the Social Security Administration (including any State employee of a disability determination service or any other individual designated by the Commissioner of Social Security) acting in an official capacity to carry out a duty under this Act, or in any other way corruptly or by force or threats of force (including any threatening letter or communication) obstructs or impedes, or attempts to obstruct or impede, the due administration of this Act, shall be fined not more than $5,000, imprisoned not more than 3 years, or both, except that if the offense is committed only by threats of force, the person shall be fined not more than $3,000, imprisoned not more than 1 year, or both. In this subsection, the term 'threats of force' means threats of harm to the officer or employee of the United States or to a contractor of the Social Security Administration, or to a member of the family of such an officer or employee or contractor.''.

SEC. 207. USE OF SYMBOLS, EMBLEMS, OR NAMES IN REFERENCE TO SOCIAL SECURITY OR MEDICARE.

(a) IN GENERAL.—Section 1140(a)(1) of the Social Security Act (42 U.S.C. 1320b–10(a)(1)) is amended—

(1) in subparagraph (A), by inserting ''Centers for Medicare & Medicaid Services','' after ''Health Care Financing Administration'','', by striking ''or 'Medicaid','' and inserting ''Medicaid', 'Death Benefits Update', 'Federal Benefit Information', 'Funeral Expenses', or 'Final Supplemental Plan','' and by inserting ''CMS','' after ''HCFA','';

(2) in subparagraph (B), by inserting ''Centers for Medicare & Medicaid Services,'' after ''Health Care Financing Administration,'' each place it appears; and

(3) in the matter following subparagraph (B), by striking ''the Health Care Financing Administration,'' each place it appears and inserting ''the Centers for Medicare & Medicaid Services,''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to items sent after 180 days after the date of the enactment of this Act.

SEC. 208. DISQUALIFICATION FROM PAYMENT DURING TRIAL WORK PERIOD UPON CONVICTION OF FRAUDULENT CONCEALMENT OF WORK ACTIVITY.

(a) IN GENERAL.—Section 222(c) of the Social Security Act (42 U.S.C. 422(c)) is amended by adding at the end the following:

''(5) Upon conviction by a Federal court that an individual has fraudulently concealed work activity during a period of trial work from the Commissioner of Social Security by—

''(A) providing false information to the Commissioner of Social Security as to whether the individual had earnings in or for a particular period, or as to the amount thereof;

''(B) receiving disability insurance benefits under this title while engaging in work activity under another identity, including under another social security account number or a number purporting to be a social security account number; or

''(C) taking other actions to conceal work activity with an intent fraudulently to secure payment in a greater amount than is due or when no payment is authorized,

no benefit shall be payable to such individual under this title with respect to a period of disability for any month before such conviction during which the individual rendered services during the period of trial work with respect to which the fraudulently concealed work activity occurred, and amounts otherwise due under this title as restitution, penalties, assessments, fines, or other repayments shall in all cases be in addition to any amounts for which such individual is liable as overpayments by reason of such concealment.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to work activity performed after the date of the enactment of this Act.

SEC. 209. AUTHORITY FOR JUDICIAL ORDERS OF RESTITUTION.

(a) AMENDMENTS TO TITLE II.—Section 208 of the Social Security Act (42 U.S.C. 408) is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively;

(2) by inserting after subsection (a) the following:

''(b)(1) Any Federal court, when sentencing a defendant convicted of an offense under subsection (a), may order, in addition to or in lieu of any other penalty authorized by law, that the defendant make restitution to the victims of such offense specified in paragraph (4).

''(2) Sections 3612, 3663, and 3664 of title 18, United States Code, shall apply with respect to the issuance and enforcement of orders of restitution to victims of such offense under this subsection.

''(3) If the court does not order restitution, or orders only partial restitution, under this subsection, the court shall state on the record the reasons therefore.

''(4) For purposes of paragraphs (1) and (2), the victims of an offense under subsection (a) are the following:

''(A) Any individual who suffers a financial loss as a result of the defendant's violation of subsection (a).

''(B) The Commissioner of Social Security, to the extent that the defendant's violation of subsection (a) results in—

''(i) the Commissioner of Social Security making a benefit payment that should not have been made; or

''(ii) an individual suffering a financial loss due to the defendant's violation of subsection (a) in his or her capacity as the individual's representative payee appointed pursuant to section 205(j).

''(5)(A) Except as provided in subparagraph (B), funds paid to the Commissioner of Social Security as restitution pursuant to a court order shall be deposited in the Federal Old-Age and Survivors Insurance Trust Fund, or the Federal Disability Insurance Trust Fund, as appropriate.

''(B) In the case of funds paid to the Commissioner of Social Security pursuant to paragraph (4)(B)(ii), the Commissioner of Social Security shall certify for payment to the individual described in such paragraph an amount equal to the lesser of the amount of the funds so paid or the individual's outstanding financial loss, except that such amount may be reduced by the amount of any overpayments of benefits owed under this title, title VIII, or title XVI by the individual.''; and

(3) by amending subsection (c) (as redesignated by paragraph (1)), by striking the second sentence.

(b) AMENDMENTS TO TITLE VIII.—Section 811 of the Social Security Act (42 U.S.C. 1011) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) COURT ORDER FOR RESTITUTION.—

''(1) IN GENERAL.—Any Federal court, when sentencing a defendant convicted of an offense under subsection (a), may order, in addition to or in lieu of any other penalty authorized by law, that the defendant make restitution to the Commissioner of Social Security, in any case in which such offense results in—

''(A) the Commissioner of Social Security making a benefit payment that should not have been made, or

''(B) an individual suffering a financial loss due to the defendant's violation of subsection (a) in his or her capacity as the individual's representative payee appointed pursuant to section 807(i).

''(2) RELATED PROVISIONS.—Sections 3612, 3663, and 3664 of title 18, United States Code, shall apply with respect to the issuance and enforcement of orders of restitution under this subsection. In so applying such sections, the Commissioner of Social Security shall be considered the victim.

''(3) STATED REASONS FOR NOT ORDERING RESTITUTION.—If the court does not order restitution, or orders only partial restitution, under this subsection, the court shall state on the record the reasons therefore.

''(4) RECEIPT OF RESTITUTION PAYMENTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), funds paid to the Commissioner of Social Security as restitution pursuant to a court order shall be deposited as miscellaneous receipts in the general fund of the Treasury.

''(B) PAYMENT TO THE INDIVIDUAL.—In the case of funds paid to the Commissioner of Social Security pursuant to paragraph (1)(B), the Commissioner of Social Security shall certify for payment to the individual described in such paragraph an amount equal to the lesser of the amount of the funds so paid or the individual's outstanding financial loss as described in such paragraph, except that such amount may be reduced by any overpayment of benefits owed

under this title, title II, or title XVI by the individual.''.

(c) AMENDMENTS TO TITLE XVI.—Section 1632 of the Social Security Act (42 U.S.C. 1383a) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

''(b)(1) Any Federal court, when sentencing a defendant convicted of an offense under subsection (a), may order, in addition to or in lieu of any other penalty authorized by law, that the defendant make restitution to the Commissioner of Social Security, in any case in which such offense results in—

''(A) the Commissioner of Social Security making a benefit payment that should not have been made, or

''(B) an individual suffering a financial loss due to the defendant's violation of subsection (a) in his or her capacity as the individual's representative payee appointed pursuant to section 1631(a)(2).

''(2) Sections 3612, 3663, and 3664 of title 18, United States Code, shall apply with respect to the issuance and enforcement of orders of restitution under this subsection. In so applying such sections, the Commissioner of Social Security shall be considered the victim.

''(3) If the court does not order restitution, or orders only partial restitution, under this subsection, the court shall state on the record the reasons therefore.

''(4)(A) Except as provided in subparagraph (B), funds paid to the Commissioner of Social Security as restitution pursuant to a court order shall be deposited as miscellaneous receipts in the general fund of the Treasury.

''(B) In the case of funds paid to the Commissioner of Social Security pursuant to paragraph (1)(B), the Commissioner of Social Security shall certify for payment to the individual described in such paragraph an amount equal to the lesser of the amount of the funds so paid or the individual's outstanding financial loss as described in such paragraph, except that such amount may be reduced by any overpayment of benefits owed under this title, title II, or title VIII by the individual.''; and

(3) by amending subsection (c) (as redesignated by paragraph (1)) by striking ''(1) If a person'' and all that follows through ''(2)''.

(d) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall apply with respect to violations occurring on or after the date of enactment of this Act.

SEC. 210. AUTHORITY FOR CROSS-PROGRAM RECOVERY OF BENEFIT OVERPAYMENTS.

(a) IN GENERAL.—Section 1147 of the Social Security Act (42 U.S.C. 1320b–17) is amended to read as follows:

''CROSS-PROGRAM RECOVERY OF OVERPAYMENTS FROM BENEFITS

''(a) IN GENERAL.—Subject to subsection (b), whenever the Commissioner of Social Security determines that more than the correct amount of any payment has been made to a person under a program described in subsection (e), the Commissioner of Social Security may recover the amount incorrectly paid by decreasing any amount which is payable to such person under any other program specified in that subsection.

''(b) LIMITATION APPLICABLE TO CURRENT BENEFITS.—

''(1) IN GENERAL.—In carrying out subsection (a), the Commissioner of Social Security may not decrease the monthly amount payable to an individual under a program described in subsection (e) that is paid when regularly due—

''(A) in the case of benefits under title II or VIII, by more than 10 percent of the amount of the benefit payable to the person for that month under such title; and

''(B) in the case of benefits under title XVI, by an amount greater than the lesser of—

''(i) the amount of the benefit payable to the person for that month; or

''(ii) an amount equal to 10 percent of the person's income for that month (including such monthly benefit but excluding payments under title II when recovery is also made from title II payments and excluding income excluded pursuant to section 1612(b)).

''(2) EXCEPTION.—Paragraph (1) shall not apply if—

''(A) the person or the spouse of the person was involved in willful misrepresentation or concealment of material information in connection with the amount incorrectly paid; or

''(B) the person so requests.

''(c) NO EFFECT ON ELIGIBILITY OR BENEFIT AMOUNT UNDER TITLE VIII OR XVI.—In any case in which the Commissioner of Social Security takes action in accordance with subsection (a) to recover an amount incorrectly paid to any person, neither that person, nor (with respect to the program described in subsection (e)(3)) any individual whose eligibility for benefits under such program or whose amount of such benefits, is determined by considering any part of that person's income, shall, as a result of such action—

''(1) become eligible for benefits under the program described in paragraph (2) or (3) of subsection (e); or

''(2) if such person or individual is otherwise so eligible, become eligible for increased benefits under such program.

''(d) INAPPLICABILITY OF PROHIBITION AGAINST ASSESSMENT AND LEGAL PROCESS.—Section 207 shall not apply to actions taken under the provisions of this section to decrease amounts payable under titles II and XVI.

''(e) PROGRAMS DESCRIBED.—The programs described in this subsection are the following:

''(1) The old-age, survivors, and disability insurance benefits program under title II.

''(2) The special benefits for certain World War II veterans program under title VIII.

''(3) The supplemental security income benefits program under title XVI (including, for purposes of this section, State supplementary payments paid by the Commissioner pursuant to an agreement under section 1616(a) of this Act or section 212(b) of Public Law 93–66).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 204(g) of the Social Security Act (42 U.S.C. 404(g)) is amended to read as follows:

''(g) For provisions relating to the cross-program recovery of overpayments made under programs administered by the Commissioner of Social Security, see section 1147.''.

(2) Section 808 of the Social Security Act (42 U.S.C. 1008) is amended—

(A) in subsection (a)(1)—

(i) by striking subparagraph (B);

(ii) in the matter preceding subparagraph (A), by striking ''any payment'' and all that follows through ''under this title'' and inserting ''any payment under this title''; and

(iii) by striking ''; or'' and inserting a period;

(B) by striking subsection (b) and redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively; and

(C) by adding at the end the following:

''(e) CROSS-PROGRAM RECOVERY OF OVERPAYMENTS.—For provisions relating to the cross-program recovery of overpayments made under programs administered by the Commissioner of Social Security, see section 1147.''.

(3) Section 1147A of the Social Security Act (42 U.S.C. 1320b–18) is repealed.

(4) Section 1631(b) of the Social Security Act (42 U.S.C. 1383(b)) is amended—

(A) in paragraph (1)(B)—

(i) by striking ''excluding any other'' and inserting ''excluding payments under title II when recovery is made from title II payments pursuant to section 1147 and excluding''; and

(ii) by striking ''50 percent of''; and

(B) by striking paragraph (6) and inserting the following:

''(6) For provisions relating to the cross-program recovery of overpayments made under programs administered by the Commissioner of Social Security, see section 1147.''.

(c) EFFECTIVE DATE.—The amendments and repeal made by this section shall take effect on the date of enactment of this Act, and shall be effective with respect to overpayments under titles II, VIII, and XVI of the Social Security Act that are outstanding on or after such date.

SEC. 211. PROHIBITION ON PAYMENT OF TITLE II BENEFITS TO PERSONS NOT AUTHORIZED TO WORK IN THE UNITED STATES.

(a) FULLY INSURED AND CURRENTLY INSURED INDIVIDUALS.—Section 214 (42 U.S.C. 414) is amended—

(1) in subsection (a), by inserting before the period at the end the following: '', and who satisfies the criterion specified in subsection (c)'';

(2) in subsection (b), by inserting before the period at the end the following: '', and who satisfies the criterion specified in subsection (c)''; and

(3) by adding at the end the following:

''(c) For purposes of subsections (a) and (b), the criterion specified in this subsection is that the individual, if not a United States citizen or national—

''(1) has been assigned a social security account number that was, at the time of assignment, or at any later time, consistent with the requirements of subclause (I) or (III) of section 205(c)(2)(B)(i); or

''(2) at the time any such quarters of coverage are earned—

''(A) is described in subparagraph (B) or (D) of section 101(a)(15) of the Immigration and Nationality Act,

''(B) is lawfully admitted temporarily to the United States for business (in the case of an individual described in such subparagraph (B)) or the performance as a crewman (in the case of an individual described in such subparagraph (D)), and

''(C) the business engaged in or service as a crewman performed is within the scope of the terms of such individual's admission to the United States.''.

(b) DISABILITY BENEFITS.—Section 223(a)(1) of the Social Security Act (42 U.S.C. 423(a)(1)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(2) by inserting after subparagraph (B), the following:

''(C) if not a United States citizen or national—

''(i) has been assigned a social security account number that was, at the time of assignment, or at any later time, consistent with the requirements of subclause (I) or (III) of section 205(c)(2)(B)(i); or

''(ii) at the time any quarters of coverage are earned—

''(I) is described in subparagraph (B) or (D) of section 101(a)(15) of the Immigration and Nationality Act,

''(II) is lawfully admitted temporarily to the United States for business (in the case of an individual described in such subparagraph (B)) or the performance as a crewman (in the case of an individual described in such subparagraph (D)), and

''(III) the business engaged in or service as a crewman performed is within the scope of the terms of such individual's admission to the United States.''.

(c) EFFECTIVE DATE.—The amendments made by this section apply to benefit applications based on social security account numbers issued on or after January 1, 2004.

TITLE III—ATTORNEY REPRESENTATIVE FEE PAYMENT SYSTEM IMPROVEMENTS

SEC. 301. CAP ON ATTORNEY ASSESSMENTS.

(a) IN GENERAL.—Section 206(d)(2)(A) of the Social Security Act (42 U.S.C. 406(d)(2)(A)) is amended—

(1) by inserting '', except that the maximum amount of the assessment may not exceed the greater of $75 or the adjusted amount as provided pursuant to the following two sentences'' after ''subparagraph (B)''; and

(2) by adding at the end the following: ''In the case of any calendar year beginning after the amendments made by section 301 of the Social Security Protection Act of 2003 take effect, the dollar amount specified in the preceding sentence (including a previously adjusted amount) shall be adjusted annually under the procedures used to adjust benefit amounts under section 215(i)(2)(A)(ii), except such adjustment shall be based on the higher of $75 or the previously adjusted amount that would have been in effect for December of the preceding year, but for the rounding of such amount pursuant to the following sentence. Any amount so adjusted that is not a multiple of $1 shall be rounded to the next lowest multiple of $1, but in no case less than $75.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fees for representation of claimants which are first required to be certified or paid under section 206 of the Social Security Act on or after the first day of the first month that begins after 180 days after the date of the enactment of this Act.

SEC. 302. TEMPORARY EXTENSION OF ATTORNEY FEE PAYMENT SYSTEM TO TITLE XVI CLAIMS.

(a) IN GENERAL.—Section 1631(d)(2) of the Social Security Act (42 U.S.C. 1383(d)(2)) is amended—

(1) in subparagraph (A), in the matter preceding clause (i)—

(A) by striking ''section 206(a)'' and inserting ''section 206'';

(B) by striking ''(other than paragraph (4) thereof)'' and inserting ''(other than subsections (a)(4) and (d) thereof)''; and

(C) by striking ''paragraph (2) thereof'' and inserting ''such section'';

(2) in subparagraph (A)(i)—

(A) by striking ''in subparagraphs (A)(ii)(I) and (C)(i),'' and inserting ''in subparagraphs (A)(ii)(I) and (D)(i) of subsection (a)(2)''; and

(B) by striking ''and'' at the end;

(3) by striking subparagraph (A)(ii) and inserting the following:

''(ii) by substituting, in subsections (a)(2)(B) and (b)(1)(B)(i), the phrase 'paragraph (7)(A) or (8)(A) of section 1631(a) or the requirements of due process of law' for the phrase 'subsection (g) or (h) of section 223';

''(iii) by substituting, in subsection (a)(2)(C)(i), the phrase 'under title II' for the phrase 'under title XVI';

''(iv) by substituting, in subsection (b)(1)(A), the phrase 'pay the amount of such fee' for the phrase 'certify the amount of such fee for payment' and by striking, in subsection (b)(1)(A), the phrase 'or certified for payment'; and

''(v) by substituting, in subsection (b)(1)(B)(ii), the phrase 'deemed to be such amounts as determined before any applicable reduction under section 1631(g), and reduced by the amount of any reduction in benefits under this title or title II made pursuant to section 1127(a)' for the phrase 'determined before any applicable reduction under section 1127(a))'.''; and

(4) by redesignating subparagraph (B) as subparagraph (D) and inserting after subparagraph (A) the following:

''(B) Subject to subparagraph (C), if the claimant is determined to be entitled to past-due benefits under this title and the person representing the claimant is an attorney, the Commissioner of Social Security shall pay out of such past-due benefits to such attorney an amount equal to the lesser of—

''(i) so much of the maximum fee as does not exceed 25 percent of such past-due benefits (as determined before any applicable reduction under section 1631(g) and reduced by the amount of any reduction in benefits under this title or title II pursuant to section 1127(a)), or

''(ii) the amount of past-due benefits available after any applicable reductions under sections 1631(g) and 1127(a).

''(C)(i) Whenever a fee for services is required to be paid to an attorney from a claimant's past-due benefits pursuant to subparagraph (B), the Commissioner shall impose on the attorney an assessment calculated in accordance with clause (ii).

''(ii)(I) The amount of an assessment under clause (i) shall be equal to the product obtained by multiplying the amount of the representative's fee that would be required to be paid by subparagraph (B) before the application of this subparagraph, by the percentage specified in subclause (II), except that the maximum amount of the assessment may not exceed $75. In the case of any calendar year beginning after the amendments made by section 302 of the Social Security Protection Act of 2003 take effect, the dollar amount specified in the preceding sentence (including a previously adjusted amount) shall be adjusted annually under the procedures used to adjust benefit amounts under section 215(i)(2)(A)(ii), except such adjustment shall be based on the higher of $75 or the previously adjusted amount that would have been in effect for December of the preceding year, but for the rounding of such amount pursuant to the following sentence. Any amount so adjusted that is not a multiple of $1 shall be rounded to the next lowest multiple of $1, but in no case less than $75.

''(II) The percentage specified in this subclause is such percentage rate as the Commissioner determines is necessary in order to achieve full recovery of the costs of determining and approving fees to attorneys from the past-due benefits of claimants, but not in excess of 6.3 percent.

''(iii) The Commissioner may collect the assessment imposed on an attorney under clause (i) by offset from the amount of the fee otherwise required by subparagraph (B) to be paid to the attorney from a claimant's past-due benefits.

''(iv) An attorney subject to an assessment under clause (i) may not, directly or indirectly, request or otherwise obtain reimbursement for such assessment from the claimant whose claim gave rise to the assessment.

''(v) Assessments on attorneys collected under this subparagraph shall be deposited as miscellaneous receipts in the general fund of the Treasury.

''(vi) The assessments authorized under this subparagraph shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Amounts so appropriated are authorized to remain available until expended, for administrative expenses in carrying out this title and related laws.''.

(b) CONFORMING AMENDMENTS.—Section 1631(a) of the Social Security Act (42 U.S.C. 1383(a)) is amended—

(1) in paragraph (2)(F)(i)(II), by inserting ''and payment of attorney fees under subsection (d)(2)(B)'' after ''subsection (g)''; and

(2) in paragraph (10)(A)—

(A) in the matter preceding clause (i), by inserting ''and payment of attorney fees under subsection (d)(2)(B)'' after ''subsection (g)''; and

(B) in the matter following clause (ii), by inserting ''and payment of attorney fees under subsection (d)(2)(B)'' after ''State''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to fees for representation of claimants which are first required to be paid under section 1631(d)(2) of the Social Security Act on or after the date of the submission by the Commissioner of Social Security to each House of Congress pursuant to section 303(d) of this Act of written notice of completion of full implementation of the requirements for operation of the demonstration project under section 303 of this Act.

(2) SUNSET.—Such amendments shall not apply with respect to fees for representation of claimants in the case of any claim for benefits with respect to which the agreement for representation is entered into after 5 years after the date described in paragraph (1).

SEC. 303. NATIONWIDE DEMONSTRATION PROJECT PROVIDING FOR EXTENSION OF FEE WITHHOLDING PROCEDURES TO NON-ATTORNEY REPRESENTATIVES.

(a) IN GENERAL.—The Commissioner of Social Security (hereafter in this section referred to as the ''Commissioner'') shall develop and carry out a nationwide demonstration project under this section with respect to agents and other persons, other than attorneys, who represent claimants under titles II and XVI of the Social Security Act before the Commissioner. The demonstration project shall be designed to determine the potential results of extending to such representatives the fee withholding procedures and assessment procedures that apply under sections 206 and section 1631(d)(2) of such Act to attorneys seeking direct payment out of past due benefits under such titles and shall include an analysis of the effect of such extension on claimants and program administration.

(b) STANDARDS FOR INCLUSION IN DEMONSTRATION PROJECT.—Fee-withholding procedures may be extended under the demonstration project carried out pursuant to subsection (a) to any non-attorney representative only if such representative meets at least the following prerequisites:

(1) The representative has been awarded a bachelor's degree from an accredited institution of higher education, or has been determined by the Commissioner to have equivalent qualifications derived from training and work experience.

(2) The representative has passed an examination, written and administered by the Commissioner, which tests knowledge of the relevant provisions of the Social Security Act and the most recent developments in agency and court decisions affecting titles II and XVI of such Act.

(3) The representative has secured professional liability insurance, or equivalent insurance, which the Commissioner has determined to be adequate to protect claimants in the event of malpractice by the representative.

(4) The representative has undergone a criminal background check to ensure the representative's fitness to practice before the Commissioner.

(5) The representative demonstrates ongoing completion of qualified courses of continuing education, including education regarding ethics and professional conduct, which are designed to enhance professional knowledge in matters related to entitlement to, or eligibility for, benefits based on disability under titles II and XVI of such Act. Such continuing education, and the instructors providing such education, shall meet such standards as the Commissioner may prescribe.

(c) ASSESSMENT OF FEES.—

(1) IN GENERAL.—The Commissioner may assess representatives reasonable fees to cover the cost to the Social Security Administration of administering the prerequisites described in subsection (b).

(2) DISPOSITION OF FEES.—Fees collected under paragraph (1) shall be credited to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, or deposited as miscellaneous receipts in the general fund of the Treasury, based on such allocations as the Commissioner of Social Security determines appropriate.

(3) AUTHORIZATION OF APPROPRIATIONS.—The fees authorized under this subparagraph shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Amounts so appropriated are authorized to remain available until expended for administering the prerequisites described in subsection (b).

(d) NOTICE TO CONGRESS AND APPLICABILITY OF FEE WITHHOLDING PROCEDURES.—Not later than 1 year after the date of enactment of this Act, the Commissioner shall complete such actions as are necessary to fully implement the requirements for full operation of the demonstration project and shall submit to each House of

Congress a written notice of the completion of such actions. The applicability under this section to non-attorney representatives of the fee withholding procedures and assessment procedures under sections 206 and 1631(d)(2) of the Social Security Act shall be effective with respect to fees for representation of claimants in the case of claims for benefits with respect to which the agreement for representation is entered into by such non-attorney representatives during the period beginning with the date of the submission of such notice by the Commissioner to Congress and ending with the termination date of the demonstration project.

(e) REPORTS BY THE COMMISSIONER; TERMINATION.—

(1) INTERIM REPORTS.—On or before the date which is 1 year after the date of enactment of this Act, and annually thereafter, the Commissioner shall transmit to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate an annual interim report on the progress of the demonstration project carried out under this section, together with any related data and materials that the Commissioner may consider appropriate.

(2) TERMINATION DATE AND FINAL REPORT.—The termination date of the demonstration project under this section is the date which is 5 years after the date of the submission of the notice by the Commissioner to each House of Congress pursuant to subsection (d). The authority under the preceding provisions of this section shall not apply in the case of claims for benefits with respect to which the agreement for representation is entered into after the termination date. Not later than 90 days after the termination date, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate a final report with respect to the demonstration project.

SEC. 304. GAO STUDY REGARDING THE FEE PAYMENT PROCESS FOR CLAIMANT REPRESENTATIVES.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall study and evaluate the appointment and payment of claimant representatives appearing before the Commissioner of Social Security in connection with benefit claims under titles II and XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.) in each of the following groups:

(A) Attorney claimant representatives who elect fee withholding under section 206 or 1631(d)(2) of such Act.

(B) Attorney claimant representatives who do not elect such fee withholding.

(C) Non-attorney claimant representatives who are eligible for, and elect, such fee withholding.

(D) Non-attorney claimant representatives who are eligible for, but do not elect, such fee withholding.

(E) Non-attorney claimant representatives who are not eligible for such fee withholding.

(2) MATTERS TO BE STUDIED.—In conducting the study under this subsection, the Comptroller General shall, for each of group of claimant representatives described in paragraph (1)—

(A) conduct a survey of the relevant characteristics of such claimant representatives including—

(i) qualifications and experience;

(ii) the type of employment of such claimant representatives, such as with an advocacy group, State or local government, or insurance or other company;

(iii) geographical distribution between urban and rural areas;

(iv) the nature of claimants' cases, such as whether the cases are for disability insurance benefits only, supplemental security income benefits only, or concurrent benefits;

(v) the relationship of such claimant representatives to claimants, such as whether the claimant is a friend, family member, or client of the claimant representative; and

(vi) the amount of compensation (if any) paid to the claimant representatives and the method of payment of such compensation;

(B) assess the quality and effectiveness of the services provided by such claimant representatives, including a comparison of claimant satisfaction or complaints and benefit outcomes, adjusted for differences in claimant representatives' caseload, claimants' diagnostic group, level of decision, and other relevant factors;

(C) assess the interactions between fee withholding under sections 206 and 1631(d)(2) of such Act (including under the amendments made by section 302 of this Act and under the demonstration project conducted under section 303 of this Act), the windfall offset under section 1127 of such Act, and interim assistance reimbursements under section 1631(g) of such Act;

(D) assess the potential results of making permanent the fee withholding procedures under sections 206 and 1631(d)(2) of such Act under the amendments made by section 302 of this Act and under the demonstration project conducted under section 303 of this Act with respect to program administration and claimant outcomes, and assess whether the rules and procedures employed by the Commissioner of Social Security to evaluate the qualifications and performance of claimant representatives should be revised prior to making such procedures permanent; and

(E) make such recommendations for administrative and legislative changes as the Comptroller General of the United States considers necessary or appropriate.

(3) CONSULTATION REQUIRED.—The Comptroller General of the United States shall consult with beneficiaries under title II of such Act, beneficiaries under title XVI of such Act, claimant representatives of beneficiaries under such titles, and other interested parties, in conducting the study and evaluation required under paragraph (1).

(b) REPORT.—Not later than 3 years after the date of the submission by the Commissioner of Social Security to each House of Congress pursuant to section 303(d) of this Act of written notice of completion of full implementation of the requirements for operation of the demonstration project under section 303 of this Act, the Comptroller General of the United States shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the results of the study and evaluation conducted pursuant to subsection (a).

TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS

Subtitle A—Amendments Relating to the Ticket to Work and Work Incentives Improvement Act of 1999

SEC. 401. APPLICATION OF DEMONSTRATION AUTHORITY SUNSET DATE TO NEW PROJECTS.

Section 234 of the Social Security Act (42 U.S.C. 434) is amended—

(1) in the first sentence of subsection (c), by striking ''conducted under subsection (a)'' and inserting ''initiated under subsection (a) on or before December 17, 2005''; and

(2) in subsection (d)(2), by striking the first sentence and inserting the following: ''The authority to initiate projects under the preceding provisions of this section shall terminate on December 18, 2005.''.

SEC. 402. EXPANSION OF WAIVER AUTHORITY AVAILABLE IN CONNECTION WITH DEMONSTRATION PROJECTS PROVIDING FOR REDUCTIONS IN DISABILITY INSURANCE BENEFITS BASED ON EARNINGS.

Section 302(c) of the Ticket to Work and Work Incentives Improvement Act of 1999 (42 U.S.C. 434 note) is amended by striking ''(42 U.S.C. 401 et seq.),'' and inserting ''(42 U.S.C. 401 et seq.) and the requirements of section 1148 of such Act (42 U.S.C. 1320b–19) as they relate to the program established under title II of such Act,''.

SEC. 403. FUNDING OF DEMONSTRATION PROJECTS PROVIDING FOR REDUCTIONS IN DISABILITY INSURANCE BENEFITS BASED ON EARNINGS.

Section 302(f) of the Ticket to Work and Work Incentives Improvement Act of 1999 (42 U.S.C. 434 note) is amended to read as follows:

''(f) EXPENDITURES.—Administrative expenses for demonstration projects under this section shall be paid from funds available for the administration of title II or XVIII of the Social Security Act, as appropriate. Benefits payable to or on behalf of individuals by reason of participation in projects under this section shall be made from the Federal Disability Insurance Trust Fund and the Federal Old-Age and Survivors Insurance Trust Fund, as determined appropriate by the Commissioner of Social Security, and from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as determined appropriate by the Secretary of Health and Human Services, from funds available for benefits under such title II or XVIII.''.

SEC. 404. AVAILABILITY OF FEDERAL AND STATE WORK INCENTIVE SERVICES TO ADDITIONAL INDIVIDUALS.

(a) FEDERAL WORK INCENTIVES OUTREACH PROGRAM.—

(1) IN GENERAL.—Section 1149(c)(2) of the Social Security Act (42 U.S.C. 1320b–20(c)(2)) is amended to read as follows:

''(2) DISABLED BENEFICIARY.—The term 'disabled beneficiary' means an individual—

''(A) who is a disabled beneficiary as defined in section 1148(k)(2) of this Act;

''(B) who is receiving a cash payment described in section 1616(a) of this Act or a supplementary payment described in section 212(a)(3) of Public Law 93–66 (without regard to whether such payment is paid by the Commissioner pursuant to an agreement under section 1616(a) of this Act or under section 212(b) of Public Law 93–66);

''(C) who, pursuant to section 1619(b) of this Act, is considered to be receiving benefits under title XVI of this Act; or

''(D) who is entitled to benefits under part A of title XVIII of this Act by reason of the penultimate sentence of section 226(b) of this Act.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to grants, cooperative agreements, or contracts entered into on or after the date of the enactment of this Act.

(b) STATE GRANTS FOR WORK INCENTIVES ASSISTANCE.—

(1) DEFINITION OF DISABLED BENEFICIARY.—Section 1150(g)(2) of such Act (42 U.S.C. 1320b–21(g)(2)) is amended to read as follows:

''(2) DISABLED BENEFICIARY.—The term 'disabled beneficiary' means an individual—

''(A) who is a disabled beneficiary as defined in section 1148(k)(2) of this Act;

''(B) who is receiving a cash payment described in section 1616(a) of this Act or a supplementary payment described in section 212(a)(3) of Public Law 93–66 (without regard to whether such payment is paid by the Commissioner pursuant to an agreement under section 1616(a) of this Act or under section 212(b) of Public Law 93–66);

''(C) who, pursuant to section 1619(b) of this Act, is considered to be receiving benefits under title XVI of this Act; or

''(D) who is entitled to benefits under part A of title XVIII of this Act by reason of the penultimate sentence of section 226(b) of this Act.''.

(2) ADVOCACY OR OTHER SERVICES NEEDED TO MAINTAIN GAINFUL EMPLOYMENT.—Section 1150(b)(2) of such Act (42 U.S.C. 1320b–21(b)(2)) is amended by striking ''secure or regain'' and inserting ''secure, maintain, or regain''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to payments provided after the date of the enactment of this Act.

SEC. 405. TECHNICAL AMENDMENT CLARIFYING TREATMENT FOR CERTAIN PURPOSES OF INDIVIDUAL WORK PLANS UNDER THE TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM.

(a) IN GENERAL.—Section 1148(g)(1) of the Social Security Act (42 U.S.C. 1320b–19(g)(1)) is amended by adding at the end, after and below subparagraph (E), the following:

''An individual work plan established pursuant to this subsection shall be treated, for purposes of section 51(d)(6)(B)(i) of the Internal Revenue Code of 1986, as an individualized written plan for employment under a State plan for vocational rehabilitation services approved under the Rehabilitation Act of 1973.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in section 505 of the Ticket to Work and Work Incentives Improvement Act of 1999 (Public Law 106–170; 113 Stat. 1921).

SEC. 406. GAO STUDY REGARDING THE TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM.

(a) GAO REPORT.—Not later than 12 months after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress regarding the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b–19) that—

(1) examines the annual and interim reports issued by States, the Ticket to Work and Work Incentives Advisory Panel established under section 101(f) of the Ticket to Work and Work Incentives Improvement Act of 1999 (42 U.S.C. 1320b–19 note), and the Commissioner of Social Security regarding such program;

(2) assesses the effectiveness of the activities carried out under such program; and

(3) recommends such legislative or administrative changes as the Comptroller General determines are appropriate to improve the effectiveness of such program.

SEC. 407. REAUTHORIZATION OF APPROPRIATIONS FOR CERTAIN WORK INCENTIVES PROGRAMS.

(a) BENEFITS PLANNING, ASSISTANCE, AND OUTREACH.—Section 1149(d) of the Social Security Act (42 U.S.C. 1320b–20(d)) is amended by striking ''2004'' and inserting ''2009''.

(b) PROTECTION AND ADVOCACY.—Section 1150(h) of the Social Security Act (42 U.S.C. 1320b–21(h)) is amended by striking ''2004'' and inserting ''2009''.

Subtitle B—Miscellaneous Amendments

SEC. 411. ELIMINATION OF TRANSCRIPT REQUIREMENT IN REMAND CASES FULLY FAVORABLE TO THE CLAIMANT.

(a) IN GENERAL.—Section 205(g) of the Social Security Act (42 U.S.C. 405(g)) is amended in the sixth sentence by striking ''and a transcript'' and inserting ''and, in any case in which the Commissioner has not made a decision fully favorable to the individual, a transcript''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to final determinations issued (upon remand) on or after the date of the enactment of this Act.

SEC. 412. NONPAYMENT OF BENEFITS UPON REMOVAL FROM THE UNITED STATES.

(a) IN GENERAL.—Section 202(n) of the Social Security Act (42 U.S.C. 402(n)) is amended—

(1) in paragraph (1), by striking ''section 241(a) (other than under paragraph (1)(C) or (1)(E) thereof) of the Immigration and Nationality Act'' and inserting ''section 237(a) of the Immigration and Nationality Act (other than under paragraph (1)(C) of such section) or under section 212(a)(6)(A) of such Act'';

(2) in paragraph (2), by striking ''section 241(a) of the Immigration and Nationality Act (other than under paragraph (1)(C) or (1)(E) thereof)'' and inserting ''section 237(a) of the Immigration and Nationality Act (other than under paragraph (1)(C) of such section) or under section 212(a)(6)(A) of such Act'';

(3) in paragraph (3), by striking ''paragraph (19) of section 241(a) of the Immigration and Nationality Act (relating to persecution of others on account of race, religion, national origin, or political opinion, under the direction of or in association with the Nazi government of Germany or its allies) shall be considered to have been deported under such paragraph (19)'' and inserting ''paragraph (4)(D) of section 241(a) of the Immigration and Nationality Act (relating to participating in Nazi persecutions or genocide) shall be considered to have been deported under such paragraph (4)(D)''; and

(4) in paragraph (3) (as amended by paragraph (3) of this subsection), by striking ''241(a)'' and inserting ''237(a)''.

(b) TECHNICAL CORRECTIONS.—

(1) TERMINOLOGY REGARDING REMOVAL FROM THE UNITED STATES.—Section 202(n) of the Social Security Act (42 U.S.C. 402(n)) (as amended by subsection (a)) is amended further—

(A) by striking ''deportation'' each place it appears and inserting ''removal'';

(B) by striking ''deported'' each place it appears and inserting ''removed''; and

(C) in the heading, by striking ''Deportation'' and inserting ''Removal''.

(2) REFERENCES TO THE SECRETARY OF HOMELAND SECURITY.—Section 202(n) of the Social Security Act (42 U.S.C. 402(n)) (as amended by subsection (a) and paragraph (1)) is amended further by inserting ''or the Secretary of Homeland Security'' after ''the Attorney General'' each place it appears.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by—

(A) subsection (a)(1) shall apply to individuals with respect to whom the Commissioner of Social Security receives a removal notice after the date of the enactment of this Act;

(B) subsection (a)(2) shall apply with respect to notifications of removals received by the Commissioner of Social Security after the date of enactment of this Act; and

(C) subsection (a)(3) shall be effective as if enacted on March 1, 1991.

(2) SUBSEQUENT CORRECTION OF CROSS-REFERENCE AND TERMINOLOGY.—The amendments made by subsections (a)(4) and (b)(1) shall be effective as if enacted on April 1, 1997.

(3) REFERENCES TO THE SECRETARY OF HOMELAND SECURITY.—The amendment made by subsection (b)(2) shall be effective as if enacted on March 1, 2003.

SEC. 413. REINSTATEMENT OF CERTAIN REPORTING REQUIREMENTS.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) shall not apply to any report required to be submitted under any of the following provisions of law:

(1)(A) Section 201(c)(2) of the Social Security Act (42 U.S.C. 401(c)(2)).

(B) Section 1817(b)(2) of the Social Security Act (42 U.S.C. 1395i(b)(2)).

(C) Section 1841(b)(2) of the Social Security Act (42 U.S.C. 1395t(b)(2)).

(2)(A) Section 221(c)(3)(C) of the Social Security Act (42 U.S.C. 421(c)(3)(C)).

(B) Section 221(i)(3) of the Social Security Act (42 U.S.C. 421(i)(3)).

SEC. 414. CLARIFICATION OF DEFINITIONS REGARDING CERTAIN SURVIVOR BENEFITS.

(a) WIDOWS.—Section 216(c) of the Social Security Act (42 U.S.C. 416(c)) is amended—

(1) by redesignating subclauses (A) through (C) of clause (6) as subclauses (i) through (iii), respectively;

(2) by redesignating clauses (1) through (6) as clauses (A) through (F), respectively;

(3) in clause (E) (as redesignated), by inserting ''except as provided in paragraph (2),'' before ''she was married'';

(4) by inserting ''(1)'' after ''(c)''; and

(5) by adding at the end the following:

''(2) The requirements of paragraph (1)(E) in connection with the surviving wife of an individual shall be treated as satisfied if—

''(A) the individual had been married prior to the individual's marriage to the surviving wife,

''(B) the prior wife was institutionalized during the individual's marriage to the prior wife due to mental incompetence or similar incapacity,

''(C) during the period of the prior wife's institutionalization, the individual would have divorced the prior wife and married the surviving wife, but the individual did not do so because such divorce would have been unlawful, by reason of the prior wife's institutionalization, under the laws of the State in which the individual was domiciled at the time (as determined based on evidence satisfactory to the Commissioner of Social Security),

''(D) the prior wife continued to remain institutionalized up to the time of her death, and

''(E) the individual married the surviving wife within 60 days after the prior wife's death.''.

(b) WIDOWERS.—Section 216(g) of such Act (42 U.S.C. 416(g)) is amended—

(1) by redesignating subclauses (A) through (C) of clause (6) as subclauses (i) through (iii), respectively;

(2) by redesignating clauses (1) through (6) as clauses (A) through (F), respectively;

(3) in clause (E) (as redesignated), by inserting ''except as provided in paragraph (2),'' before ''he was married'';

(4) by inserting ''(1)'' after ''(g)''; and

(5) by adding at the end the following:

''(2) The requirements of paragraph (1)(E) in connection with the surviving husband of an individual shall be treated as satisfied if—

''(A) the individual had been married prior to the individual's marriage to the surviving husband,

''(B) the prior husband was institutionalized during the individual's marriage to the prior husband due to mental incompetence or similar incapacity,

''(C) during the period of the prior husband's institutionalization, the individual would have divorced the prior husband and married the surviving husband, but the individual did not do so because such divorce would have been unlawful, by reason of the prior husband's institutionalization, under the laws of the State in which the individual was domiciled at the time (as determined based on evidence satisfactory to the Commissioner of Social Security),

''(D) the prior husband continued to remain institutionalized up to the time of his death, and

''(E) the individual married the surviving husband within 60 days after the prior husband's death.''.

(c) CONFORMING AMENDMENT.—Section 216(k) of such Act (42 U.S.C. 416(k)) is amended by striking ''clause (5) of subsection (c) or clause (5) of subsection (g)'' and inserting ''clause (E) of subsection (c)(1) or clause (E) of subsection (g)(1)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective with respect to applications for benefits under title II of the Social Security Act filed during months ending after the date of the enactment of this Act.

SEC. 415. CLARIFICATION RESPECTING THE FICA AND SECA TAX EXEMPTIONS FOR AN INDIVIDUAL WHOSE EARNINGS ARE SUBJECT TO THE LAWS OF A TOTALIZATION AGREEMENT PARTNER.

Sections 1401(c), 3101(c), and 3111(c) of the Internal Revenue Code of 1986 are each amended by striking ''to taxes or contributions for similar purposes under'' and inserting ''exclusively to the laws applicable to''.

SEC. 416. COVERAGE UNDER DIVIDED RETIREMENT SYSTEM FOR PUBLIC EMPLOYEES IN KENTUCKY AND LOUISIANA.

(a) IN GENERAL.—Section 218(d)(6)(C) of the Social Security Act (42 U.S.C. 418(d)(6)(C)) is amended by inserting ''Kentucky, Louisiana,'' after ''Illinois,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on January 1, 2003.

SEC. 417. COMPENSATION FOR THE SOCIAL SECURITY ADVISORY BOARD.

(a) IN GENERAL.—Subsection (f) of section 703 of the Social Security Act (42 U.S.C. 903(f)) is amended to read as follows:

''Compensation, Expenses, and Per Diem

''(f) A member of the Board shall, for each day (including traveltime) during which the member is attending meetings or conferences of the Board or otherwise engaged in the business of the Board, be compensated at the daily rate of basic pay for level IV of the Executive Schedule. While serving on business of the Board away from their homes or regular places of business, members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government employed intermittently.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective as of January 1, 2003.

SEC. 418. 60-MONTH PERIOD OF EMPLOYMENT REQUIREMENT FOR APPLICATION OF GOVERNMENT PENSION OFFSET EXEMPTION.

(a) IN GENERAL.—Section 202(k) of the Social Security Act (42 U.S.C. 402(k)) is amended by adding at the end the following:

''(5)(A) The amount of a monthly insurance benefit of any individual for each month under subsection (b), (c), (e), (f), or (g) (as determined after application of the provisions of subsection (q) and the preceding provisions of this subsection) shall be reduced (but not below zero) by an amount equal to two-thirds of the amount of any monthly periodic benefit payable to such individual for such month which is based upon such individual's earnings while in the service of the Federal Government or any State (or political subdivision thereof, as defined in section 218(b)(2)) if, during any portion of the last 60 months of such service ending with the last day such individual was employed by such entity—

''(i) such service did not constitute 'employment' as defined in section 210, or

''(ii) such service was being performed while in the service of the Federal Government, and constituted 'employment' as so defined solely by reason of—

''(I) clause (ii) or (iii) of subparagraph (G) of section 210(a)(5), where the lump-sum payment described in such clause (ii) or the cessation of coverage described in such clause (iii) (whichever is applicable) was received or occurred on or after January 1, 1988, or

''(II) an election to become subject to the Federal Employees' Retirement System provided in chapter 84 of title 5, United States Code, or the Foreign Service Pension System provided in subchapter II of chapter 8 of title I of the Foreign Service Act of 1980 made pursuant to law after December 31, 1987,

unless subparagraph (B) applies.

The amount of the reduction in any benefit under this subparagraph, if not a multiple of $0.10, shall be rounded to the next higher multiple of $0.10.

''(B)(i) Subparagraph (A)(i) shall not apply with respect to monthly periodic benefits based wholly on service as a member of a uniformed service (as defined in section 210(m)).

''(ii) Subparagraph (A)(ii) shall not apply with respect to monthly periodic benefits based in whole or in part on service which constituted 'employment' as defined in section 210 if such service was performed for at least 60 months in the aggregate during the period beginning January 1, 1988, and ending with the close of the first calendar month as of the end of which such individual is eligible for benefits under this subsection and has made a valid application for such benefits.

''(C) For purposes of this paragraph, any periodic benefit which otherwise meets the requirements of subparagraph (A), but which is paid on other than a monthly basis, shall be allocated on a basis equivalent to a monthly benefit (as determined by the Commissioner of Social Security) and such equivalent monthly benefit shall constitute a monthly periodic benefit for purposes of subparagraph (A). For purposes of this subparagraph, the term 'periodic benefit' includes a benefit payable in a lump sum if it is a commutation of, or a substitute for, periodic payments.''.

(b) CONFORMING AMENDMENTS.—

(1) WIFE'S INSURANCE BENEFITS.—Section 202(b) of the Social Security Act (42 U.S.C. 402(b)) is amended—

(A) in paragraph (2), by striking ''subsection (q) and paragraph (4) of this subsection'' and inserting ''subsections (k)(5) and (q)''; and

(B) by striking paragraph (4) and redesignating paragraph (5) as paragraph (4).

(2) HUSBAND'S INSURANCE BENEFITS.—Section 202(c) of the Social Security Act (42 U.S.C. 402(c)) is amended—

(A) by striking paragraph (2) and redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively; and

(B) in paragraph (2) as so redesignated, by striking ''subsection (q) and paragraph (2) of this subsection'' and inserting ''subsections (k)(5) and (q)''.

(3) WIDOW'S INSURANCE BENEFITS.—Section 202(e) of the Social Security Act (42 U.S.C. 402(e)) is amended—

(A) in paragraph (2)(A), by striking ''subsection (q), paragraph (7) of this subsection,'' and inserting ''subsection (k)(5), subsection (q),''; and

(B) by striking paragraph (7) and redesignating paragraphs (8) and (9) as paragraphs (7) and (8), respectively.

(4) WIDOWER'S INSURANCE BENEFITS.—

(A) IN GENERAL.—Section 202(f) of the Social Security Act (42 U.S.C. 402(f)) is amended—

(i) by striking paragraph (2) and redesignating paragraphs (3) through (9) as paragraphs (2) through (8), respectively; and

(ii) in paragraph (2) as so redesignated, by striking ''subsection (q), paragraph (2) of this subsection,'' and inserting ''subsection (k)(5), subsection (q),''.

(B) CONFORMING AMENDMENTS.—

(i) Section 202(f)(1)(B) of the Social Security Act (42 U.S.C. 402(f)(1)(B)) is amended by striking ''paragraph (5)'' and inserting ''paragraph (4)''.

(ii) Section 202(f)(1)(F) of the Social Security Act (42 U.S.C. 402(f)(1)(F)) is amended by striking ''paragraph (6)'' and ''paragraph (5)'' (in clauses (i) and (ii)) and inserting ''paragraph (5)'' and ''paragraph (4)'', respectively.

(iii) Section 202(f)(5)(A)(ii) of the Social Security Act (as redesignated by subparagraph (A)(i)) is amended by striking ''paragraph (5)'' and inserting ''paragraph (4)''.

(iv) Section 202(k)(2)(B) of the Social Security Act (42 U.S.C. 402(k)(2)(B)) is amended by striking ''or (f)(4)'' each place it appears and inserting ''or (f)(3)''.

(v) Section 202(k)(3)(A) of the Social Security Act (42 U.S.C. 402(k)(3)(A)) is amended by striking ''or (f)(3)'' and inserting ''or (f)(2)''.

(vi) Section 202(k)(3)(B) of the Social Security Act (42 U.S.C. 402(k)(3)(B)) is amended by striking ''or (f)(4)'' and inserting ''or (f)(3)''.

(vii) Section 226(e)(1)(A)(i) of the Social Security Act (42 U.S.C. 426(e)(1)(A)(i)) is amended by striking ''and 202(f)(5)'' and inserting ''and 202(f)(4)''.

(5) MOTHER'S AND FATHER'S INSURANCE BENEFITS.—Section 202(g) of the Social Security Act (42 U.S.C. 402(g)) is amended—

(A) in paragraph (2), by striking ''Except as provided in paragraph (4) of this subsection, such'' and inserting ''Such''; and

(B) by striking paragraph (4).

(c) EFFECTIVE DATE AND TRANSITIONAL RULE.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to applications for benefits under title II of the Social Security Act filed on or after the first day of the first month that begins after the date of enactment of this Act, except that such amendments shall not apply in connection with monthly periodic benefits of any individual based on earnings while in service described in section 202(k)(5)(A) of the Social Security Act (in the matter preceding clause (i) thereof) if the last day of such service occurs before July 1, 2004.

(2) TRANSITIONAL RULE.—In the case of any individual whose last day of service described in subparagraph (A) of section 202(k)(5) of the Social Security Act (as added by subsection (a) of this section) occurs within 5 years after the date of enactment of this Act—

(A) the 60-month period described in such subparagraph (A) shall be reduced (but not to less than 1 month) by the number of months of such service (in the aggregate and without regard to whether such months of service were continuous) which—

(i) were performed by the individual under the same retirement system on or before the date of enactment of this Act, and

(ii) constituted ''employment'' as defined in section 210 of the Social Security Act; and

(B) months of service necessary to fulfill the 60-month period as reduced by subparagraph (A) of this paragraph must be performed after the date of enactment of this Act.

SEC. 419. DISCLOSURE TO WORKERS OF EFFECT OF WINDFALL ELIMINATION PROVISION AND GOVERNMENT PENSION OFFSET PROVISION.

(a) INCLUSION OF NONCOVERED EMPLOYEES AS ELIGIBLE INDIVIDUALS ENTITLED TO SOCIAL SECURITY ACCOUNT STATEMENTS.—Section 1143(a)(3) of the Social Security Act (42 U.S.C. 1320b–13(a)(3)) is amended—

(1) by striking ''who'' after ''an individual'' and inserting ''who'' before ''has'' in each of subparagraphs (A) and (B);

(2) by inserting ''(i) who'' after ''(C)''; and

(3) by inserting before the period the following: '', or (ii) with respect to whom the Commissioner has information that the pattern of wages or self-employment income indicate a likelihood of noncovered employment''.

(b) EXPLANATION IN SOCIAL SECURITY ACCOUNT STATEMENTS OF POSSIBLE EFFECTS OF PERIODIC BENEFITS UNDER STATE AND LOCAL RETIREMENT SYSTEMS ON SOCIAL SECURITY BENEFITS.—Section 1143(a)(2) of the Social Security Act (42 U.S.C. 1320b–13(a)(2)) is amended—

(1) in subparagraph (C), by striking ''and'' at the end;

(2) in subparagraph (D), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(E) in the case of an eligible individual described in paragraph (3)(C)(ii), an explanation, in language calculated to be understood by the average eligible individual, of the operation of the provisions under sections 202(k)(5) and 215(a)(7) and an explanation of the maximum potential effects of such provisions on the eligible individual's monthly retirement, survivor, and auxiliary benefits.''.

(c) TRUTH IN RETIREMENT DISCLOSURE TO GOVERNMENTAL EMPLOYEES OF EFFECT OF NONCOVERED EMPLOYMENT ON BENEFITS UNDER TITLE II.—Section 1143 of the Social Security Act (42 U.S..C. 1320b–13) is amended further by adding at the end the following:

''Disclosure to Governmental Employees of Effect of Noncovered Employment

''(d)(1) In the case of any individual commencing employment on or after January 1, 2005, in any agency or instrumentality of any State (or political subdivision thereof, as defined in section 218(b)(2)) in a position in which service performed by the individual does not constitute 'employment' as defined in section 210, the head of the agency or instrumentality shall ensure that, prior to the date of the commencement of the individual's employment in the position, the individual is provided a written notice setting forth an explanation, in language calculated to be understood by the average individual, of the maximum effect on computations

of primary insurance amounts (under section 215(a)(7)) and the effect on benefit amounts (under section 202(k)(5)) of monthly periodic payments or benefits payable based on earnings derived in such service. Such notice shall be in a form which shall be prescribed by the Commissioner of Social Security.

''(2) The written notice provided to an individual pursuant to paragraph (1) shall include a form which, upon completion and signature by the individual, would constitute certification by the individual of receipt of the notice. The agency or instrumentality providing the notice to the individual shall require that the form be completed and signed by the individual and submitted to the agency or instrumentality and to the pension, annuity, retirement, or similar fund or system established by the governmental entity involved responsible for paying the monthly periodic payments or benefits, before commencement of service with the agency or instrumentality.''.

(d) EFFECTIVE DATES.—The amendments made by subsections (a) and (b) of this section shall apply with respect to social security account statements issued on or after January 1, 2007.

SEC. 420. POST-1956 MILITARY WAGE CREDITS.

(a) PAYMENT TO THE SOCIAL SECURITY TRUST FUNDS IN SATISFACTION OF OUTSTANDING OBLIGATIONS.—Section 201 of the Social Security Act (42 U.S.C. 401) is amended by adding at the end the following:

''(n) Not later than July 1, 2004, the Secretary of the Treasury shall transfer, from amounts in the general fund of the Treasury that are not otherwise appropriated—

''(1) $624,971,854 to the Federal Old-Age and Survivors Insurance Trust Fund;

''(2) $105,379,671 to the Federal Disability Insurance Trust Fund; and

''(3) $173,306,134 to the Federal Hospital Insurance Trust Fund.

Amounts transferred in accordance with this subsection shall be in satisfaction of certain outstanding obligations for deemed wage credits for 2000 and 2001.''.

(b) CONFORMING AMENDMENTS.—

(1) REPEAL OF AUTHORITY FOR ANNUAL APPROPRIATIONS AND RELATED ADJUSTMENTS TO COMPENSATE THE SOCIAL SECURITY TRUST FUND FOR MILITARY WAGE CREDITS.—Section 229 of the Social Security Act (42 U.S.C. 429) is amended—

(A) by striking ''(a)''; and

(B) by striking subsection (b).

(2) AMENDMENT TO REFLECT THE TERMINATION OF WAGE CREDITS EFFECTIVE AFTER CALENDAR YEAR 2001 BY SECTION 8134 OF PUBLIC LAW 107–117.—Section 229(a)(2) of the Social Security Act (42 U.S.C. 429(a)(2)), as amended by paragraph (1), is amended by inserting ''and before 2002'' after ''1977''.

SEC. 420A. ELIMINATION OF DISINCENTIVE TO RETURN-TO-WORK FOR CHILDHOOD DISABILITY BENEFICIARIES.

(a) IN GENERAL.—Section 202(d)(6)(B) of the Social Security Act (42 U.S.C. 402(d)(6)(B)) is amended—

(1) by inserting ''(i)'' after ''began''; and

(2) by adding after ''such disability,'' the following: ''or (ii) after the close of the 84th month following the month in which his most recent entitlement to child's insurance benefits terminated because he ceased to be under such disability due to performance of substantial gainful activity,''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective with respect to benefits payable for months beginning with the 7th month that begins after the date of enactment of this Act.

Subtitle C—Technical Amendments

SEC. 421. TECHNICAL CORRECTION RELATING TO RESPONSIBLE AGENCY HEAD.

Section 1143 of the Social Security Act (42 U.S.C. 1320b–13) is amended—

(1) by striking ''Secretary'' the first place it appears and inserting ''Commissioner of Social Security''; and

(2) by striking ''Secretary'' each subsequent place it appears and inserting ''Commissioner''.

SEC. 422. TECHNICAL CORRECTION RELATING TO RETIREMENT BENEFITS OF MINISTERS.

(a) IN GENERAL.—Section 211(a)(7) of the Social Security Act (42 U.S.C. 411(a)(7)) is amended by inserting '', but shall not include in any such net earnings from self-employment the rental value of any parsonage or any parsonage allowance (whether or not excluded under section 107 of the Internal Revenue Code of 1986) provided after the individual retires, or any other retirement benefit received by such individual from a church plan (as defined in section 414(e) of such Code) after the individual retires'' before the semicolon.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning before, on, or after December 31, 1994.

SEC. 423. TECHNICAL CORRECTIONS RELATING TO DOMESTIC EMPLOYMENT.

(a) AMENDMENT TO INTERNAL REVENUE CODE.—Section 3121(a)(7)(B) of the Internal Revenue Code of 1986 is amended by striking ''described in subsection (g)(5)'' and inserting ''on a farm operated for profit''.

(b) AMENDMENT TO SOCIAL SECURITY ACT.—Section 209(a)(6)(B) of the Social Security Act (42 U.S.C. 409(a)(6)(B)) is amended by striking ''described in section 210(f)(5)'' and inserting ''on a farm operated for profit''.

(c) CONFORMING AMENDMENT.—Section 3121(g)(5) of such Code and section 210(f)(5) of such Act (42 U.S.C. 410(f)(5)) are amended by striking ''or is domestic service in a private home of the employer''.

SEC. 424. TECHNICAL CORRECTIONS OF OUTDATED REFERENCES.

(a) CORRECTION OF CITATION RESPECTING THE TAX DEDUCTION RELATING TO HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.—Section 211(a)(15) of the Social Security Act (42 U.S.C. 411(a)(15)) is amended by striking ''section 162(m)'' and inserting ''section 162(l)''.

(b) ELIMINATION OF REFERENCE TO OBSOLETE 20-DAY AGRICULTURAL WORK TEST.—Section 3102(a) of the Internal Revenue Code of 1986 is amended by striking ''and the employee has not performed agricultural labor for the employer on 20 days or more in the calendar year for cash remuneration computed on a time basis''.

SEC. 425. TECHNICAL CORRECTION RESPECTING SELF-EMPLOYMENT INCOME IN COMMUNITY PROPERTY STATES.

(a) SOCIAL SECURITY ACT AMENDMENT.—Section 211(a)(5)(A) of the Social Security Act (42 U.S.C. 411(a)(5)(A)) is amended by striking ''all of the gross income'' and all that follows and inserting ''the gross income and deductions attributable to such trade or business shall be treated as the gross income and deductions of the spouse carrying on such trade or business or, if such trade or business is jointly operated, treated as the gross income and deductions of each spouse on the basis of their respective distributive share of the gross income and deductions;''.

(b) INTERNAL REVENUE CODE OF 1986 AMENDMENT.—Section 1402(a)(5)(A) of the Internal Revenue Code of 1986 is amended by striking ''all of the gross income'' and all that follows and inserting ''the gross income and deductions attributable to such trade or business shall be treated as the gross income and deductions of the spouse carrying on such trade or business or, if such trade or business is jointly operated, treated as the gross income and deductions of each spouse on the basis of their respective distributive share of the gross income and deductions; and''.

SEC. 426. TECHNICAL AMENDMENTS TO THE RAILROAD RETIREMENT AND SURVIVORS' IMPROVEMENT ACT OF 2001.

(a) QUORUM RULES.—Section 15(j)(7) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n(j)(7)) is amended by striking ''entire Board of Trustees'' and inserting ''Trustees then holding office''.

(b) POWERS OF THE BOARD OF TRUSTEES.—Section 15(j)(4) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n(j)(4)) is amended to read as follows:

''(4) POWERS OF THE BOARD OF TRUSTEES.—The Board of Trustees shall—

''(A) retain independent advisers to assist it in the formulation and adoption of its investment guidelines;

''(B) invest assets of the Trust in a manner consistent with such investment guidelines, either directly or through the retention of independent investment managers;

''(C) adopt bylaws and other rules to govern its operations;

''(D) employ professional staff, and contract with outside advisers, including the Railroad Retirement Board, to provide legal, accounting, investment advisory or management services (compensation for which may be on a fixed contract fee basis or on such other terms as are customary for such services), or other services necessary for the proper administration of the Trust;

''(E) sue and be sued and participate in legal proceedings, have and use a seal, conduct business, carry on operations, and exercise its powers within or without the District of Columbia, form, own, or participate in entities of any kind, enter into contracts and agreements necessary to carry out its business purposes, lend money for such purposes, and deal with property as security for the payment of funds so loaned, and possess and exercise any other powers appropriate to carry out the purposes of the Trust;

''(F) pay administrative expenses of the Trust from the assets of the Trust; and

''(G) transfer money to the disbursing agent or as otherwise provided in section 7(b)(4), to pay benefits payable under this Act from the assets of the Trust.''.

(c) STATE AND LOCAL TAXES.—Section 15(j)(6) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n(j)(6)) is amended to read as follows:

''(6) STATE AND LOCAL TAXES.—The Trust shall be exempt from any income, sales, use, property, or other similar tax or fee imposed or levied by a State, political subdivision, or local taxing authority. The district courts of the United States shall have original jurisdiction over a civil action brought by the Trust to enforce this subsection and may grant equitable or declaratory relief requested by the Trust.''.

(d) FUNDING.—Section 15(j)(8) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n(j)(8)) is repealed.

(e) TRANSFERS.—Section 15A(d)(2) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n–1(d)(2)) is amended—

(1) by inserting ''or the Railroad Retirement Account'' after ''National Railroad Retirement Investment Trust'' the second place it appears;

(2) by inserting ''or the Railroad Retirement Board'' after ''National Railroad Retirement Investment Trust'' the third place it appears;

(3) by inserting ''(either directly or through a commingled account consisting only of such obligations)'' after ''United States'' the first place it appears; and

(4) in the third sentence, by inserting before the period at the end the following: ''or to purchase such additional obligations''.

(f) CLERICAL AMENDMENTS.—Section 15(j)(5) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n(j)(5)) is amended—

(1) in subparagraph (B), by striking ''trustee's'' each place it appears and inserting ''Trustee's'';

(2) in subparagraph (C), by striking ''trustee'' and ''trustees'' each place it appears and inserting ''Trustee'' and ''Trustees'', respectively; and

(3) in the matter preceding clause (i) of subparagraph (D), by striking ''trustee'' and inserting ''Trustee''.

Subtitle D—Amendments Related to Title XVI

SEC. 430. EXCLUSION FROM INCOME FOR CERTAIN INFREQUENT OR IRREGULAR INCOME AND CERTAIN INTEREST OR DIVIDEND INCOME.

(a) INFREQUENT OR IRREGULAR INCOME.—Section 1612(b)(3) of the Social Security Act (42

U.S.C. 1382a(b)(3)) is amended to read as follows—

''(3) in any calendar quarter, the first—

''(A) $60 of unearned income, and

''(B) $30 of earned income,

of such individual (and such spouse, if any) which, as determined in accordance with criteria prescribed by the Commissioner of Social Security, is received too infrequently or irregularly to be included;''.

(b) INTEREST OR DIVIDEND INCOME.—Section 1612(b) of the Social Security Act (42 U.S.C. 1382a(b)) is amended—

(1) in paragraph (21), by striking ''and'' at the end;

(2) in paragraph (22), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(23) interest or dividend income from resources—

''(A) not excluded under section 1613(a), or

''(B) excluded pursuant to Federal law other than section 1613(a).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective with respect to benefits payable for months in calendar quarters that begin more than 90 days after the date of the enactment of this Act.

SEC. 431. UNIFORM 9-MONTH RESOURCE EXCLUSION PERIODS.

(a) UNDERPAYMENTS OF BENEFITS.—Section 1613(a)(7) of the Social Security Act (42 U.S.C. 1382b(a)(7)) is amended—

(1) by striking ''6'' and inserting ''9''; and

(2) by striking ''(or to the first 9 months following such month with respect to any amount so received during the period beginning October 1, 1987, and ending September 30, 1989)''.

(b) ADVANCEABLE TAX CREDITS.—Section 1613(a)(11) of the Social Security Act (42 U.S.C. 1382b(a)(11)) is amended to read as follows:

''(11) for the 9-month period beginning after the month in which received—

''(A) notwithstanding section 203 of the Economic Growth and Tax Relief Reconciliation Act of 2001, any refund of Federal income taxes made to such individual (or such spouse) under section 24 of the Internal Revenue Code of 1986 (relating to child tax credit) by reason of subsection (d) thereof; and

''(B) any refund of Federal income taxes made to such individual (or such spouse) by reason of section 32 of the Internal Revenue Code of 1986 (relating to earned income tax credit), and any payment made to such individual (or such spouse) by an employer under section 3507 of such Code (relating to advance payment of earned income credit);''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act, and shall apply to amounts described in paragraph (7) of section 1613(a) of the Social Security Act and refunds of Federal income taxes described in paragraph (11) of such section, that are received by an eligible individual or eligible spouse on or after such date.

SEC. 432. ELIMINATION OF CERTAIN RESTRICTIONS ON THE APPLICATION OF THE STUDENT EARNED INCOME EXCLUSION.

(a) IN GENERAL.—Section 1612(b)(1) of the Social Security Act (42 U.S.C. 1382a(b)(1)) is amended by striking ''a child who'' and inserting ''under the age of 22 and''.

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective with respect to benefits payable for months that begin on or after 1 year after the date of enactment of this Act.

SEC. 433. EXCEPTION TO RETROSPECTIVE MONTHLY ACCOUNTING FOR NONRECURRING INCOME.

(a) IN GENERAL.—Section 1611(c) of the Social Security Act (42 U.S.C. 1382(c)) is amended by adding at the end the following:

''(9)(A) Notwithstanding paragraphs (1) and (2), any nonrecurring income which is paid to an individual in the first month of any period of eligibility shall be taken into account in determining the amount of the benefit under this title of such individual (and his eligible spouse, if any) only for that month, and shall not be taken into account in determining the amount of the benefit for any other month.

''(B) For purposes of subparagraph (A), payments to an individual in varying amounts from the same or similar source for the same or similar purpose shall not be considered to be nonrecurring income.''.

(b) DELETION OF OBSOLETE MATERIAL.—Section 1611(c)(2)(B) of the Social Security Act (42 U.S.C. 1382(c)(2)(B)) is amended to read as follows:

''(B) in the case of the first month following a period of ineligibility in which eligibility is restored after the first day of such month, bear the same ratio to the amount of the benefit which would have been payable to such individual if eligibility had been restored on the first day of such month as the number of days in such month including and following the date of restoration of eligibility bears to the total number of days in such month.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective with respect to benefits payable for months that begin on or after 1 year after the date of enactment of this Act.

SEC. 434. REMOVAL OF RESTRICTION ON PAYMENT OF BENEFITS TO CHILDREN WHO ARE BORN OR WHO BECOME BLIND OR DISABLED AFTER THEIR MILITARY PARENTS ARE STATIONED OVERSEAS.

(a) IN GENERAL.—Section 1614(a)(1)(B)(ii) of the Social Security Act (42 U.S.C. 1382c(a)(1)(B)(ii)) is amended—

(1) by inserting ''and'' after ''citizen of the United States,''; and

(2) by striking '', and who,'' and all that follows and inserting a period.

(b) EFFECTIVE DATE.—The amendments made by this section shall be effective with respect to benefits payable for months beginning after the date of enactment of this Act, but only on the basis of an application filed after such date.

SEC. 435. TREATMENT OF EDUCATION-RELATED INCOME AND RESOURCES.

(a) EXCLUSION FROM INCOME OF GIFTS PROVIDED FOR TUITION AND OTHER EDUCATION-RELATED FEES.—Section 1612(b)(7) of the Social Security Act (42 U.S.C. 1382a(b)(7)) is amended by striking ''or fellowship received for use in paying'' and inserting ''fellowship, or gift (or portion of a gift) used to pay''.

(b) EXCLUSION FROM RESOURCES FOR 9 MONTHS OF GRANTS, SCHOLARSHIPS, FELLOWSHIPS, OR GIFTS PROVIDED FOR TUITION AND OTHER EDUCATION-RELATED FEES.—Section 1613(a) of the Social Security Act (42 U.S.C. 1382b(a)) (as amended by section 101(c)(2)) is amended—

(1) in paragraph (13), by striking ''and'' at the end;

(2) in paragraph (14), by striking the period and inserting ''; and''; and

(3) by inserting after paragraph (14) the following:

''(15) for the 9-month period beginning after the month in which received, any grant, scholarship, fellowship, or gift (or portion of a gift) used to pay the cost of tuition and fees at any educational (including technical or vocational education) institution.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to benefits payable for months that begin more than 90 days after the date of enactment of this Act.

SEC. 436. MONTHLY TREATMENT OF UNIFORMED SERVICE COMPENSATION.

(a) TREATMENT OF PAY AS RECEIVED WHEN EARNED.—Section 1611(c) of the Social Security Act (42 U.S.C. 1382(c)), as amended by section 435(a), is amended by adding at the end the following:

''(10) For purposes of this subsection, remuneration for service performed as a member of a uniformed service may be treated as received in the month in which it was earned, if the Commissioner of Social Security determines that such treatment would promote the economical and efficient administration of the program authorized by this title.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to benefits payable for months that begin more than 90 days after the date of enactment of this Act.

After debate,

The previous question having been ordered by said resolution.

The question being put, viva voce.

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. ISAKSON, announced that the yeas had it.

Mr. GREEN of Texas demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. ISAKSON, by unanimous consent, and pursuant to clause 8 of rule XX announced that further proceedings on the motion were postponed.

¶11.11 SURFACE TRANSPORTATION EXTENSION

Mr. YOUNG of Alaska, moved to suspend the rules and pass the bill (H.R. 3783) to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

The SPEAKER pro tempore, Mr. ISAKSON, recognized Mr. YOUNG of Alaska and Mr. LIPINSKI, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. ISAKSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. YOUNG of Alaska, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. ISAKSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶11.12 NATIVE AMERICANS TECHNICAL CORRECTIONS

Mr. POMBO moved to suspend the rules and pass the bill of the Senate (S. 523) to make technical corrections to law relating to Native Americans, and for other purposes.

The SPEAKER pro tempore, Mr. ISAKSON, recognized Mr. POMBO and Mr. UDALL of New Mexico, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. ISAKSON, announced that two-thirds

of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶11.13 AMENDMENT OF THE SENATE TO H.R. 743—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ISAKSON, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to concur in the amendment of the Senate to the bill (H.R. 743) to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes.

The question being put,

Will the House agree to said motion?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 402 / Nays 19

¶11.14 [Roll No. 23]

YEAS—402

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Graves
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—19

Bell
Burgess
Carter
Edwards
Frost
Gonzalez
Green (TX)
Hall
Hinojosa
Jackson-Lee (TX)
Johnson, E. B.
Lampson
Neugebauer
Ortiz
Owens
Reyes
Rodriguez
Sandlin
Stenholm

NOT VOTING—11

DeGette
Diaz-Balart, M.
Doggett
Granger
Honda
Kucinich
Murtha
Rahall
Solis
Turner (TX)
Watson

So the motion was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶11.15 H.R. 3783—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ISAKSON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3783) to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 421 / Nays 0

¶11.16 [Roll No. 24]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee

Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

DeGette
Diaz-Balart, M.
Doggett
Honda
Kucinich
Linder
Murtha
Rahall
Renzi
Solis
Watson

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶11.17 ORDER OF BUSINESS—CONSIDERATION OF H. RES. 496

On motion of Mr. BAKER, by unanimous consent,

Ordered, That it may be in order at anytime for the Majority Leader or his designee to call up the resolution (H. Res. 496) commending the Louisiana State University Tigers football team for winning the 2003 Bowl Championship Series national championship game, and commending the Southern University Jaguars football team for winning the 2003 SBN Black College National Football Championship; the resolution be considered as read; and the previous question be considered as ordered on the resolution to final adoption without intervening motion except (1) one hour of debate and (2) one motion to recommit.

¶11.18 LOUISIANA STATE UNIVERSITY TIGERS

Mr. BAKER, pursuant to the previous order of the House, called up the following resolution (H. Res. 496):

Whereas the Louisiana State University Tigers football team won the 2003 Bowl Championship Series national championship game, defeating Oklahoma University by a score of 21–14 in the Nokia Sugar Bowl at the Louisiana Superdome in New Orleans, Louisiana, on January 4, 2004;

Whereas the Louisiana State University football team won the Southeastern Conference Championship, defeating the University of Georgia by a score of 34–13 in the Southeastern Conference Championship game at the Georgia Dome in Atlanta, Georgia, on December 6, 2003;

Whereas the Louisiana State University football team won 13 games during the 2003 season, more games than in any other season in Louisiana State University history;

Whereas the Louisiana State University football team won 5 games against nationally ranked opponents during the 2003 season;

Whereas the Louisiana State University football team set 8 school records during the 2003 season;

Whereas in 2003 the Louisiana State University football team was first in the Nation in total defense, allowing only 252 yards per game, and scoring defense, allowing only 1 team to score more than 20 points in any game during the season;

Whereas Louisiana State University football head coach Nick Saban was named the National Coach of the Year by the Associated Press and the Football Writers Association of America;

Whereas 4 players—Chad Lavalais, Corey Webster, Skyler Green, and Stephen Peterman—were named first-team All-Americans;

Whereas offensive tackle Rodney Reed was named a National Scholar-Athlete by the National Football Foundation and was named first-team Academic All-American;

Whereas quarterback Matt Mauck threw 28 touchdown passes during the 2003 season, a Louisiana State University single season record, and was named second-team Academic All-American;

Whereas running back Justin Vincent was named most valuable player of the Southeastern Conference Championship game and the Nokia Sugar Bowl;

Whereas the Southern University Jaguars were named the 2003 SBN Black College National Football Champions;

Whereas on December 13, 2003, in front of 31,617 fans in Birmingham, Alabama, the Southern University football team defeated Alabama State University by a score of 20–9 to win the Southwestern Athletic Conference Championship game and Southern University's 19th Southwestern Athletic Conference title;

Whereas the Southern University football team beat Grambling State University by a score of 44–41 to win the 2003 State Farm Bayou Classic and a trip to the Southwestern Athletic Conference Championship game;

Whereas the Southern University football team finished the 2003 football season with a 12–1 record;

Whereas the Southern University Jaguars' football head coach, Pete Richardson, earned his 5th conference title in his 11th year of coaching at Southern University;

Whereas Southern University coach Pete Richardson was named Coach of the Year by the Southwestern Athletic Conference;

Whereas Southern University quarterback Quincy Richard led the most effective offense in Black college football this year and was named Offensive Player of the Year by the Southwestern Athletic Conference;

Whereas 4 Southern University football players have been named to the 2003 SBN Black College All-American Team, including quarterback Quincy Richard, offensive linemen Arnold Sims and Miniya Smith, and defensive back Lenny Williams;

Whereas the Southern University football team was the most efficient and dominant football team in the Southwestern Athletic Conference in the 2003 season; and

Whereas over 1,000,000 devoted fans attended the top 30 Black college football games in the 2003 season: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the Louisiana State University Tigers football team for winning the 2003 Bowl Championship Series national championship game;

(2) recognizes the achievements of all the players, coaches, and support staff who were instrumental in helping the Louisiana State University football team during the 2003 football season;

(3) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to Louisiana State University for appropriate display and distribution to the coaches and members of the 2003 Louisiana State University football team;

(4) commends the Southern University Jaguars football team for winning the 2003 SBN Black College National Championship;

(5) recognizes the achievements of all the players, coaches, and support staff who were instrumental in helping the Southern University football team during the 2003 football season; and

(6) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to Southern University for appropriate display and distribution to the coaches and members of the 2003 Southern University football team.

When said resolution was considered.

After debate,

Pursuant to the previous order of the House, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶11.19 ADJOURNMENT OF THE TWO HOUSES

Mr. HOEKSTRA, submitted the following privileged concurrent resolution (H. Con. Res. 361):

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Wednesday, February 11, 2004, it stand adjourned until 2 p.m. Tuesday, February 24, 2004, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, February 12, 2004, Friday, February 13, 2004, or Saturday, February 14, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, February 23, 2004, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

When said concurrent resolution was considered and agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶11.20 ADJOURNMENT OVER

On motion of Mr. HOEKSTRA, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Saturday, February 14, 2004, at 4 p.m., unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 361, in which case the House shall stand adjourned pursuant to that concurrent resolution.

¶11.21 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. HOEKSTRA, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, February 25, 2004, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶11.22 APPOINTMENT OF SPEAKER PRO TEMPORE TO SIGN ENROLLMENTS

The SPEAKER pro tempore, Mr. HASTINGS of Washington, laid before the House a communication, which was read as follows:

WASHINGTON, DC,
February 11, 2004.

I hereby appoint the Honorable WAYNE T. GILCHREST to act as Speaker pro tempore to sign enrolled bills and joint resolutions through February 24, 2004.

DENNIS HASTERT,
Speaker of the House of Representatives.

By unanimous consent, the appointment was approved.

¶11.23 SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 610. An Act to amend the provisions of title 5, United States Code, to provide for workforce flexibilities and certain Federal personnel provisions relating to the National Aeronautics and Space Administration, and for other purposes.

¶11.24 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. HONDA, for February 10 and balance of the week.

And then,

¶11.25 ADJOURNMENT

On motion of Mr. STRICKLAND, pursuant to the special order heretofore agreed to, at 9 o'clock 50 minutes p.m., the House adjourned until 4 o'clock p.m. on Saturday, February 14, 2004, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 361, in which case the House shall stand adjourned pursuant to that concurrent resolution.

¶11.26 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOEHLERT: Committee on Science. H.R. 912. A bill to authorize the Administrator of the National Aeronautics and Space Administration to establish an awards program in honor of Charles ''Pete'' Conrad, astronaut and space scientist, for recognizing the discoveries made by amateur astronomers of asteroids with near-Earth orbit trajectories; with an amendment (Rept. 108–418). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHLERT: Committee on Science. H.R. 3389. A bill to amend the Stevenson-Wydler Technology Innovation Act of 1980 to permit Malcolm Baldrige National Quality Awards to be made to nonprofit organizations (Rept. 108–419). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1997. A bill to amend title 18, United States Code, and the Uniform Code, of Military Justice to protect unborn children from assault, and murder, and for other purposes; with an amendment (Rept. 108–420 Pt. 1).

¶11.27 TIME LIMITATIONS OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 1997. Referral to the Committee on Armed Services extended for a period ending not later than February 11, 2004.

¶11.28 REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 3261. A bill to prohibit the misappropriation of certain databases, with an amendment; referred to the Committee on Energy and Commerce for a period ending not later than March 12, 2004, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(f), rule X (Rept. 108–421, Pt. 1). Ordered to be printed.

¶11.29 DISCHARGE OF COMMITTEE

Pursuant to clause 2 of the rule XII the Committee on Armed Services discharged from further consideration. H.R. 1997 referred to Committee of the Whole House on the State of the Union and ordered to be printed.

¶11.30 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TERRY (for himself, Mr. SKELTON, Mr. HAYES, Mr. EDWARDS, Mr. SAXTON, and Mr. RYUN of Kansas):

H.R. 3795. A bill to amend the Impact Aid program under the Elementary and Secondary Education Act of 1965 to improve the distribution of school construction payments to better meet the needs of military and Indian land school districts; to the Committee on Education and the Workforce.

By Mrs. CUBIN (for herself and Mr. RAHALL):

H.R. 3796. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to reauthorize and reform the Abandoned Mine Reclamation Program, and for other purposes; to the Committee on Resources.

By Mr. TOM DAVIS of Virginia (for himself and Ms. NORTON):

H.R. 3797. A bill to authorize improvements in the operations of the government of the District of Columbia, and for other purposes; to the Committee on Government Reform, and in addition to the Committees on Education and the Workforce, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY:

H.R. 3798. A bill to amend the Homeland Security Act of 2002 to improve aviation security; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ADERHOLT (for himself and Mr. PENCE):

H.R. 3799. A bill to limit the jurisdiction of Federal courts in certain cases and promote federalism; to the Committee on the Judiciary.

By Mr. HENSARLING (for himself, Mr. RYAN of Wisconsin, Mr. CHOCOLA, Mr. COX, Mr. BARRETT of South Carolina, Mr. MARIO DIAZ-BALART of Florida, Mr. FEENEY, Mrs. MYRICK, Mr. GUTKNECHT, Mr. BEAUPREZ, Mr. FRANKS of Arizona, Mr. OTTER, Mr. HERGER, Mr. DEMINT, Mr. CULBERSON, Mr. TOOMEY, Ms. HART, Mr. ROYCE, Mr. GARRETT of New Jersey, Mr. THORNBERRY, Mrs. MUSGRAVE, Mr. PENCE, Mr. SHADEGG, Mr. CARTER, Mr. NEUGEBAUER, Mr. HOEKSTRA, Mr. RYUN of Kansas, Mr. CANTOR, Mr. BOOZMAN, Mrs. CUBIN, Mr. GOODE, Mr. AKIN, Mr. DOOLITTLE, Mr. KING of Iowa, Mr. SMITH of Michigan, Mr.

PITTS, Mr. ISTOOK, Mr. SAM JOHNSON of Texas, Mr. GINGREY, Mr. CHABOT, Mr. BARTLETT of Maryland, Mr. WILSON of South Carolina, Mr. KLINE, Mr. TANCREDO, Mr. NORWOOD, Mr. SESSIONS, Mrs. BLACKBURN, Mr. BARTON of Texas, Mr. KENNEDY of Minnesota, Mr. FLAKE, Mr. SCHROCK, Mr. COLE, Ms. GINNY BROWN-WAITE of Florida, Mr. MILLER of Florida, and Mr. TURNER of Ohio):

H.R. 3800. A bill to reform Federal budget procedures, to impose spending safeguards, to combat waste, fraud, and abuse, to account for accurate Government agency costs, and for other purposes; which was referred to the Committee on the Budget, for a period ending not later than June 1, 2004, and in addition to the Committees on Rules, Ways and Means, Appropriations, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTLETT of Maryland (for himself, Mr. FLAKE, Mr. CRANE, Mr. OTTER, Mr. DOOLITTLE, Mr. MANZULLO, Mr. PAUL, Mrs. MUSGRAVE, Mr. BLUNT, Mr. SAM JOHNSON of Texas, Mr. AKIN, Mrs. CUBIN, and Mr. PENCE):

H.R. 3801. A bill to amend the Federal Election Campaign Act of 1971 to repeal the requirement that persons making disbursements for electioneering communications file reports on such disbursements with the Federal Election Commission and the prohibition against the making of disbursements for electioneering communications by corporations and labor organizations, and for other purposes; to the Committee on House Administration.

By Mr. BASS (for himself, Mr. BRADLEY of New Hampshire, Mr. FERGUSON, and Mr. SIMMONS):

H.R. 3802. A bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part, to provide an exception to the local maintenance of effort requirements, and for other purposes; to the Committee on Education and the Workforce.

By Ms. BERKLEY (for herself and Mr. BURGESS):

H.R. 3803. A bill to amend the Older Americans Act of 1965 to provide information and outreach for the prevention of osteoporosis; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of South Carolina:

H.R. 3804. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to make beach nourishment projects eligible for inclusion in mitigation plans and for hazard mitigation assistance; to the Committee on Transportation and Infrastructure.

By Mrs. CAPPS (for herself and Mr. FARR):

H.R. 3805. A bill to withdraw the Los Padres National Forest in California from location, entry, and patent under mining laws, and for other purposes; to the Committee on Resources.

By Mr. GERLACH (for himself, Mr. ENGLISH, Mr. GILLMOR, and Mr. EHLERS):

H.R. 3806. A bill to amend the Internal Revenue Code of 1986 to allow a credit against the alternative minimum tax where stock acquired pursuant to an incentive stock option is sold or exchanged at a loss; to the Committee on Ways and Means.

By Mr. GIBBONS (for himself, Mr. CANNON, Mr. HUNTER, Mr. LEWIS of California, Mr. SESSIONS, Mr. TAYLOR of Mississippi, Mr. MOLLOHAN, Mr. CUNNINGHAM, Mrs. EMERSON, Mr. ISSA, Mr. OTTER, Mrs. MUSGRAVE, Mr. KING of Iowa, Mr. FEENEY, Mr. BURTON of Indiana, Mr. HALL, Mr. DOOLITTLE, Mr. BARRETT of South Carolina, Mr. CALVERT, Mr. BACHUS, Mr. BOOZMAN, Mr. BISHOP of Utah, Mr. CRANE, Mr. BARTLETT of Maryland, Mr. DUNCAN, Mr. FRANKS of Arizona, Mr. HOSTETTLER, Mr. DEMINT, Mr. HERGER, Mr. JONES of North Carolina, Mr. PENCE, Mr. LEWIS of Kentucky, Mr. WILSON of South Carolina, Mr. AKIN, Mr. WHITFIELD, Mr. PEARCE, Mr. CULBERSON, Mr. BAKER, Mr. PETERSON of Minnesota, Mr. TERRY, Mr. SCHROCK, Mr. SHIMKUS, Mr. TIBERI, Mr. GOODE, Mr. MCCOTTER, Mr. SIMPSON, Mr. TANCREDO, Mr. KENNEDY of Minnesota, Mr. ROGERS of Alabama, Mr. HEFLEY, Mr. MILLER of Florida, Mr. MANZULLO, and Mr. SHUSTER):

H.R. 3807. A bill to provide an amnesty period during which veterans and their family members can register certain firearms in the National Firearms Registration and Transfer Record, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GUTIERREZ:

H.R. 3808. A bill to amend title 11 of the United States Code to provide priority for the payment of employee claims arising under the Worker Adjustment and Retraining Notification Act; to the Committee on the Judiciary.

By Mr. LEWIS of Georgia (for himself, Mr. GEORGE MILLER of California, Mr. CONYERS, Ms. DELAURO, Ms. PELOSI, Ms. SLAUGHTER, Mr. MEEKS of New York, Ms. WOOLSEY, Mrs. CHRISTENSEN, Ms. NORTON, Ms. LEE, Ms. SOLIS, Mr. FRANK of Massachusetts, Mr. FROST, Mr. KUCINICH, Mr. RODRIGUEZ, Mr. GREEN of Texas, Mr. BERMAN, Ms. MILLENDER-MCDONALD, Mr. GRIJALVA, Mrs. MCCARTHY of New York, Mr. DAVIS of Illinois, Mr. NADLER, Mrs. MALONEY, Ms. WATSON, Mr. TIERNEY, Mr. BROWN of Ohio, Mr. RANGEL, Mr. OWENS, Mr. KILDEE, Mr. FARR, Mr. MATSUI, Mr. MCGOVERN, Mr. HONDA, Mr. THOMPSON of Mississippi, Mrs. JONES of Ohio, Mr. SERRANO, Mr. BALLANCE, Mr. WATT, Mr. RYAN of Ohio, Mr. BLUMENAUER, Mr. BACA, Ms. KAPTUR, Ms. WATERS, Mr. PAYNE, Ms. JACKSON-LEE of Texas, Ms. MCCOLLUM, Mr. FATTAH, Mr. ANDREWS, Mr. TOWNS, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CORRINE BROWN of Florida, Mr. DELAHUNT, Mr. LANGEVIN, Mr. BISHOP of New York, Mr. ALLEN, Mr. FILNER, Ms. KILPATRICK, Ms. BALDWIN, Mr. RUSH, Mr. CUMMINGS, Ms. LINDA T. SANCHEZ of California, Mrs. DAVIS of California, Mr. GEPHARDT, Mr. UDALL of New Mexico, Mr. WEINER, Mr. GUTIERREZ, Ms. LOFGREN, Mr. STARK, Mr. STRICKLAND, Ms. MCCARTHY of Missouri, Mr. HASTINGS of Florida, Mr. SCOTT of Virginia, Mr. OLVER, Mr. HOLT, Mr. CLAY, Ms. SCHAKOWSKY, Ms. ROYBAL-ALLARD, Mr. MEEK of Florida, Mr. HOEFFEL, Mr. EMANUEL, Mr. HINOJOSA, Mr. MCNULTY, Mr. PASTOR, Ms. CARSON of Indiana, Mr. WYNN, Mr. BISHOP of Georgia, Ms. MAJETTE, and Mr. SCOTT of Georgia):

H.R. 3809. A bill to restore, reaffirm, and reconcile legal rights and remedies under civil rights statutes; to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mr. TOWNS, Mr. CROWLEY, Mr. JACKSON of Illinois, Mrs. CHRISTENSEN, Mrs. JONES of Ohio, Mr. SCOTT of Georgia, Mr. STARK, Mr. KENNEDY of Rhode Island, Ms. MCCOLLUM, Mr. ISRAEL, Mr. WAXMAN, Mr. DOGGETT, Mr. NADLER, Mr. EVANS, Mr. GRIJALVA, Mr. LANTOS, Ms. NORTON, Ms. JACKSON-LEE of Texas, Ms. SCHAKOWSKY, Ms. LEE, Mr. OWENS, Ms. MILLENDER-MCDONALD, Mrs. LOWEY, Ms. SLAUGHTER, and Ms. ROYBAL-ALLARD):

H.R. 3810. A bill to provide a United States voluntary contribution to the United Nations Population Fund only for the prevention, remedy, and repair of obstetric fistula; to the Committee on International Relations.

By Mr. PAUL:

H.R. 3811. A bill to amend the Internal Revenue Code of 1986 to waive the employee portion of Social Security taxes imposed on individuals who have been diagnosed as having cancer or a terminal disease; to the Committee on Ways and Means.

By Mr. POMEROY:

H.R. 3812. A bill to require the Secretary of Veterans Affairs to carry out a demonstration project on priorities in the scheduling of appointments of veterans for health care through the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ROHRABACHER:

H.R. 3813. A bill to provide for a Near-Earth Object Survey program to detect, track, catalogue, and characterize certain near-earth asteroids and comets; to the Committee on Science.

By Mr. SESSIONS:

H.R. 3814. A bill to enhance peace between the Israelis and Palestinians; to the Committee on International Relations.

By Ms. SLAUGHTER (for herself and Mr. HOUGHTON):

H.R. 3815. A bill to amend title 18, United States Code, to provide expanded protections against the misuse of public safety officer uniforms, and for other purposes; to the Committee on the Judiciary.

By Mr. STRICKLAND:

H.R. 3816. A bill to require employees at a call center who either initiate or receive telephone calls to disclose the physical location of such employees, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MILLER of Florida:

H. Con. Res. 362. Concurrent resolution expressing the sense of the Congress regarding the importance of organ, tissue, bone marrow, and blood donation and supporting National Donor Day; to the Committee on Energy and Commerce.

By Ms. ROS-LEHTINEN (for herself, Mr. BLUNT, Mr. ENGEL, Mr. ACKERMAN, Mr. SMITH of New Jersey, Mr. CHABOT, Mr. CROWLEY, Mr. PENCE, Mr. MCCOTTER, Mr. TANCREDO, Mr. BERMAN, Mrs. JO ANN DAVIS of Virginia, Mr. BURTON of Indiana, Ms. BERKLEY, and Mr. LANTOS):

H. Con. Res. 363. Concurrent resolution expressing the grave concern of Congress regarding the continuing gross violations of human rights and civil liberties of the Syrian people by the Government of the Syrian Arab Republic; to the Committee on International Relations.

By Mr. TURNER of Texas (for himself, Mr. BELL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DOGGETT, Mr. EDWARDS, Mr. FROST, Mr. GONZALEZ, Mr. GREEN of Texas, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Mr. LAMPSON, Mr. ORTIZ, Mr. REYES, Mr. RODRIGUEZ, Mr. SANDLIN, and Mr. STENHOLM):

H. Res. 523. A resolution providing for consideration of the bill (H.R. 594) to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions; to the Committee on Rules.

By Mr. ENGEL (for himself and Mr. BURTON of Indiana):

H. Res. 524. A resolution supporting the goals and ideals of Anti-Slavery Day; to the Committee on the Judiciary.

By Mrs. JOHNSON of Connecticut:

H. Res. 525. A resolution urging the Secretary of Homeland Security and the Secretary of State to designate Poland as a program country under the visa waiver program established under section 217 of the Immigration and Nationality Act if Poland satisfies the requirements in subsection (c)(2) of such section; to the Committee on the Judiciary.

By Mr. NEY (for himself, Mr. LANTOS, Mr. BLUNT, Mr. SNYDER, Mr. BEREUTER, Mr. BERMAN, Mr. BURGESS, Mr. DELAHUNT, Mr. GUTKNECHT, Mrs. JONES of Ohio, Mr. WEXLER, Mr. CUNNINGHAM, Mr. BURTON of Indiana, Ms. ESHOO, Mr. HONDA, Ms. GINNY BROWN-WAITE of Florida, and Mr. UDALL of Colorado):

H. Res. 526. A resolution expressing the sympathy of the House of Representatives for the victims of the devastating earthquake that occurred on December 26, 2003, in Bam, Iran; to the Committee on International Relations.

By Mr. RODRIGUEZ:

H. Res. 527. A resolution celebrating the 50th anniversary of the opening of the Falcon International Dam, recognizing the dam's importance as a source of water and power and as a symbol of friendship and cooperation between the United States and the United Mexican States, and urging Mexico to honor all of its obligations under the 1944 Treaty Relating to the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande; to the Committee on International Relations.

By Mr. SHERMAN (for himself and Mr. HONDA):

H. Res. 528. A resolution expressing the sense of the House of Representatives that France should modify or abandon its ban on religious articles and symbols in state schools and respect the freedom of all to practice their religious faith without state interference; to the Committee on International Relations.

¶11.31 ADDITIONAL SPONSORS

Under Clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 111: Mr. EDWARDS and Mr. NEAL of Massachusetts.

H.R. 173: Ms. MCCARTHY of Missouri, Mr. LEWIS of Georgia, Mr. TURNER of Texas, and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 218: Mr. ROTHMAN, Mr. BRADY of Pennsylvania, and Mr. TURNER of Ohio.

H.R. 290: Mr. ABERCROMBIE, Mr. PAYNE, Mr. GEORGE MILLER of California, and Ms. KAPTUR.

H.R. 339: Mr. JOHN and Mr. BACHUS.

H.R. 370: Mr. STARK and Mr. FILNER.

H.R. 371: Mr. ANDREWS.

H.R. 391: Ms. PRYCE of Ohio.

H.R. 442: Mr. PAYNE.

H.R. 476: Mr. SANDERS.

H.R. 504: Ms. JACKSON-LEE of Texas.

H.R. 547: Mr. BROWN of Ohio.

H.R. 571: Mr. BROWN of Ohio and Mr. HOLT.

H.R. 594: Mr. SIMPSON, Ms. HART, and Ms. PRYCE of Ohio.

H.R. 685: Mr. HONDA.

H.R. 727: Mr. DAVIS of Florida.

H.R. 768: Mr. KENNEDY of Rhode Island and Mr. GREENWOOD.

H.R. 785: Ms. KILPATRICK.

H.R. 814: Ms. MILLENDER-MCDONALD, Mr. RENZI, and Mr. STARK.

H.R. 839: Mr. GUTIERREZ, Mr. REYNOLDS, and Mr. GILLMOR.

H.R. 932: Ms. JACKSON-LEE of Texas.

H.R. 962: Mr. FATTAH, Mrs. MCCARTHY of New York, Ms. LINDA T. SANCHEZ of California, Mr. EVANS, and Mr. PRICE of North Carolina.

H.R. 1004: Mr. SCHIFF.

H.R. 1057: Mr. ISSA, Mr. SESSIONS, and Mr. SHIMKUS.

H.R. 1080: Mr. MICHAUD and Mr. BRADLEY of New Hampshire.

H.R. 1088: Mr. DOGGETT.

H.R. 1127: Mr. BRADLEY of New Hampshire, Mr. BALLENGER, and Mr. EVANS.

H.R. 1155: Mr. LARSEN of Washington.

H.R. 1179: Mr. BALLENGER and Mr. CRANE.

H.R. 1196: Mr. ANDREWS.

H.R. 1200: Ms. DELAURO and Mr. TIERNEY.

H.R. 1214: Mr. HINCHEY, Mr. ROGERS of Michigan, and Mr. ROTHMAN.

H.R. 1304: Ms. SLAUGHTER.

H.R. 1325: Mr. FOLEY.

H.R. 1336: Mr. CARDIN.

H.R. 1478: Mr. DEMINT.

H.R. 1480: Mr. SNYDER.

H.R. 1483: Mr. ANDREWS.

H.R. 1532: Mr. GREEN of Texas, Mr. COBLE, and Mr. TOWNS.

H.R. 1567: Mr. COLLINS.

H.R. 1608: Mr. SOUDER, Mr. OWENS, Mr. BURTON of Indiana, Mr. MCNULTY, Mr. FILNER, and Mr. PASTOR.

H.R. 1622: Mr. DAVIS of Alabama and Mr. MILLER of North Carolina.

H.R. 1631: Mr. WICKER, Mr. KLINE, Mr. HERGER, Mr. JONES of North Carolina, Mr. SESSIONS, Mr. GALLEGLY, Mr. BARRETT of South Carolina, and Mr. SIMPSON.

H.R. 1639: Ms. LORETTA SANCHEZ of California.

H.R. 1726: Ms. BORDALLO, Mr. WICKER, and Ms. WOOLSEY.

H.R. 1784: Mr. MILLER of North Carolina.

H.R. 1916: Mr. UDALL of New Mexico.

H.R. 2096: Ms. BERKLEY, Mr. JOHN, Mr. RODRIGUEZ, and Mr. SIMPSON.

H.R. 2227: Mr. PAYNE.

H.R. 2262: Mr. BELL and Mr. ACKERMAN.

H.R. 2318: Mr. TURNER of Texas.

H.R. 2394: Mr. OBERSTAR.

H.R. 2632: Mr. FROST.

H.R. 2720: Mr. GREENWOOD.

H.R. 2724: Mr. FILNER.

H.R. 2743: Mr. MICA.

H.R. 2797: Mr. UPTON.

H.R. 2849: Mr. BALLENGER.

H.R. 2852: Mr. KENNEDY of Minnesota and Mr. EVERETT.

H.R. 2863: Mrs. NAPOLITANO, Ms. SOLIS, Mr. SPRATT, Mr. DICKS, Mr. HAYES, and Mr. BURR.

H.R. 2952: Mr. WU.

H.R. 2963: Mr. BACA.

H.R. 2967: Mr. BRADY of Pennsylvania, Mr. ANDREWS Ms. PRYCE of Ohio and Mr. DUNCAN.

H.R. 2987: Ms. NORTON.

H.R. 3015: Mr. SHIMKUS.

H.R. 3026: Mr. NADLER.

H.R. 3104: Mr. SCHIFF, Mr. FROST, Ms. LORETTA SANCHEZ of California, Mr. PETRI, Mr. DEFAZIO Mr. MURTHA, Mrs. MALONEY, Mr. CROWLEY, Mr. BAIRD, Mr. GONZALEZ, Mr. MARSHALL, Mr. STARK, Mr. GUTIERREZ, Mrs. MCCARTHY of New York, Mr. KENNEDY of Rhode Island, Mr. JOHN, Ms. MCCARTHY of Missouri, Ms. DELAURO, and Mr. MCINTYRE.

H.R. 3180: Ms. SLAUGHTER and Mr. DEUTSCH.

H.R. 3192: Mr. FILNER and Mr. KLECZKA.

H.R. 3193: Mr. HEFLEY and Mr. SKELTON.

H.R. 3215: Mrs. CUBIN, Mr. DOOLITTLE Mr. CRANE, Mr. ISSA, Mr. HEFLEY, Mr. TOOMEY, Mr. BONNER, Mr. HENSARLING, Mr. JENKINS, Mr. BONILLA, Mr. MILLER of Florida, and Mr. KING of Iowa.

H.R. 3243: Mr. OXLEY, Mr. SMITH of New Jersey, Mr. CLAY, and Mr. FARR.

H.R. 3246: Mr. BRADLEY of New Hampshire, Mr. JONES of North Carolina, and Mr. KENNEDY of Minnesota.

H.R. 3274: Mr. GINGREY, Mr. NEY, Mr. DEAL of Georgia, Mr. TOM DAVIS of Virginia, Mr. WHITFIELD, Mr. DAVIS of Tennessee, and Mr. HOEKSTRA.

H.R. 3281: Mr. GILCHREST.

H.R. 3293: Mr. EMANUEL and Mr. PAYNE.

H.R. 3310: Mr. CRANE.

H.R. 3344: Mr. CLAY and Mrs. MCCARTHY of New York.

H.R. 3362: Mr. NADLER and Mr. PAYNE.

H.R. 3378: Mr. CASE, Mr. GREENWOOD, Mr. VAN HOLLEN, Mr. SHAW, and Mr. HASTINGS of Florida.

H.R. 3416: Mr. NADLER.

H.R. 3438: Mr. EMANUEL, Mr. NEAL of Massachusetts, Mr. DELAHUNT, Mr. KENNEDY of Rhode Island, Mr. MARKEY, and Mrs. MILLER of Michigan.

H.R. 3473: Mr. LEACH, Mr. NADLER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CLAY, and Mr. SHADEGG.

H.R. 3482: Mr. PASTOR.

H.R. 3510: Mr. MARKEY.

H.R. 3528: Mrs. MCCARTHY of New York and Mr. FRANK of Massachusetts.

H.R. 3539: Mrs. DAVIS of California.

H.R. 3570: Mr. CAMP, Mr. DINGELL, and Mr. STUPAK.

H.R. 3574: Mr. SMITH of Texas, Mr. MOORE, Mr. DAVIS of Tennessee, Mr. BOUCHER, Mrs. BIGGERT, Mr. SESSIONS, Mr. HINOJOSA, Mr. DAVIS of Alabama, Mr. GONZALEZ, Mr. TOM DAVIS of Virginia, Mr. HEFLEY, Mr. PUTNAM, Mr. THOMPSON of California, Mr. ROSS, and Mr. GOODLATTE.

H.R. 3593: Ms. MCCOLLUM.

H.R. 3619: Mr. BOUCHER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCHUGH, and Ms. LOFGREN.

H.R. 3676: Mr. GRIJALVA and Ms. JACKSON-LEE of Texas.

H.R. 3684: Mr. MCDERMOTT.

H.R. 3687: Mr. BOEHLERT, Mr. LEWIS of Kentucky, Mr. CULBERSON, Mr. FERGUSON, and Mr. WILSON of South Carolina.

H.R. 3695: Mr. FERGUSON.

H.R. 3707: Mr. SKELTON, Mr. WEINER, Mr. LANGEVIN, Mr. MCGOVERN, Mr. CONYERS, Mr. HINOJOSA, Mr. VAN HOLLEN, Mr. HASTINGS of Florida, Mr. RUSH, Mrs. JONES of Ohio, Mr. GREEN of Texas, Mr. CRAMER, Ms. LEE, Ms. CARSON of Indiana, Mr. DAVIS of Alabama, Mr. BELL, MR. CLYBURN, and Mr. GEPHARDT.

H.R. 3711: Mr. FILNER and Mr. HINCHEY.

H.R. 3717: Mrs. JO ANN DAVIS of Virginia, Mr. RUSH, Mr. GOODLATTE, and Mr. GOODE.

H.R. 3722: Mr. BEREUTER.

H.R. 3726: Mrs. MALONEY, Mr. SERRANO, Mr. BISHOP of New York, Mrs. LOWEY, Mr. NADLER, Mrs. MCCARTHY of New York, Mr. MEEKS of New York, and Mr. OWENS.

H.R. 3728: Mr. GILCHREST.

H.R. 3736: Mr. NORWOOD, Mr. ISAKSON, Mr. TAYLOR of Mississippi, Mr. SHIMKUS, Mr. FORBES, Mr. GOODE, Mr. STEARNS, Mr. PAUL, Mr. BARTLETT of Maryland, Mr. GINGREY, and Mr. MILLER of Florida.

H.R. 3737: Mr. TOM DAVIS of Virginia.

H.R. 3743: Mr. MARSHALL, Mr. PETERSON of Minnesota, and Mr. MCINTYRE.

H.R. 3757: Mr. ADERHOLT, Mr. PENCE, Mr. TANCREDO, Mrs. MYRICK, Mr. FEENEY, Mr. JONES of North Carolina, and Mr. AKIN.

H.R. 3763: Mr. TOM DAVIS of Virginia, Mr. LEWIS of Kentucky, Ms. ESHOO, Mrs. WILSON of New Mexico, and Mr. BURNS.

H.R. 3777: Mr. BEREUTER, Mr. OSBORNE, Mr. BARTLETT of Maryland, Mr. STENHOLM, and Mr. HEFLEY.

H.R. 3780: Mr. RANGEL, Ms. JACKSON-LEE of Texas, Mr. CROWLEY, Ms. NORTON, and Mrs. CHRISTENSEN.

H.R. 3784: Mr. BEAUPREZ, Mr. FEENEY, Mr. HENSARLING, Mr. GINGREY, Mr. PENCE, Mr. GARRETT of New Jersey, Mr. SMITH of Michigan, Mr. KING of Iowa, Mrs. MYRICK, Mr. AKIN, Mr. GOODE, and Mrs. CUBIN.

H.R. 3791: Mrs. JO ANN DAVIS of Virginia.

H.J. Res. 45: Mrs. WILSON of New Mexico and Mr. LANTOS.

H.J. Res. 72: Mr. SIMMONS and Mr. DINGELL.

H.J. Res. 87: Mr. TAYLOR of Mississippi, Mr. RANGEL, and Mr. MENENDEZ.

H. Con. Res. 218: Mr. CUMMINGS.

H. Con. Res. 247: Mr. LYNCH.

H. Con. Res. 266: Mr. BISHOP of Georgia.

H. Con. Res. 298: Mr. LATOURETTE.

H. Con. Res. 318: Mr. BURTON of Indiana, Mr. AKIN, and Mr. KING of Iowa.

H. Con. Res. 326: Mr. INSLEE.

H. Con. Res. 327: Mr. FILNER and Mr. PITTS.

H. Con. Res. 332: Mr. BONNER, Mr. LOBIONDO, Mr. SCHROCK, Mr. ROTHMAN, Mr. JOHN, Mr. BURTON of Indiana, Mr. BONILLA, Mr. ROGERS of Alabama, Mr. KLINE, Mr. BACHUS, and Mr. FERGUSON.

H. Con. Res. 344: Ms. DELAURO, Ms. JACKSON-LEE of Texas, Mr. GORDON, Mr. CUMMINGS, Mr. FILNER, Mr. RANGEL, and Mr. COSTELLO.

H. Con. Res. 352: Ms. MCCOLLUM, Mr. PALLONE, Mr. FALEOMAVAEGA, Mr. MEEK of Florida, Mr. CROWLEY, Mr. LANTOS, Mr. UDALL of New Mexico, Ms. JACKSON-LEE of Texas, Mr. ABERCROMBIE, Mrs. MALONEY, Mr. MEEHAN, Mr. BERMAN, Ms. CORRINE BROWN of Florida, Mr. HASTINGS of Florida, Mr. LOBIONDO, Mr. MCNULTY, Mr. MCDERMOTT, Mr. MCINTYRE, Mr. FILNER, Ms. ROS-LEHTINEN, and Mr. DAVIS of Illinois.

H. Res. 60: Mr. MATHESON.

H. Res. 101: Mr. DEUTSCH and Mr. WATT.

H. Res. 125: Mr. KINGSTON.

H. Res. 313: Mr. SANDERS.

H. Res. 381: Mr. WEXLER, Mr. WAMP, Mr. RUSH, and Mr. ENGEL.

H. Res. 402: Mr. DUNCAN.

H. Res. 482: Mr. LEWIS of Kentucky, Mr. QUINN, and Mr. ETHERIDGE.

H. Res. 522: Mrs. MALONEY, Mr. TOWNS, Mr. KING of New York, Mr. GREEN of Wisconsin, Mr. FEENEY, Mrs. DAVIS of California, Ms. BALDWIN, Mrs. CHRISTENSEN, Ms. NORTON, Ms. MILLENDER-MCDONALD, and Mr. KILDEE.

¶11.32 PETITIONS, ETC.

Under clause 3 of rule XII,

56. The SPEAKER presented a petition of the Wisconsin Commercial Ports Association, relative to Resolution #02–03 authorizing funding for modernization of lock and dam infrastructure on upper Mississippi and Illinois rivers' inland waterways transportation system, as also approved by the Brown County Harbor Commission and the Brown County Board of Supervisors; which was referred to the Committee on Transportation and Infrastructure.

TUESDAY, FEBRUARY 24, 2004 (12)

¶12.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. LEACH, who laid before the House the following communication:

WASHINGTON, DC,
February 24, 2004.

I hereby appoint the Honorable JAMES A. LEACH to act as Speaker pro tempore on this day.

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

¶12.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. LEACH, announced he had examined and approved the Journal of the proceedings of Wednesday, February 11, 2004.

Mr. PEARCE, pursuant to clause 1, rule I, demanded a vote on agreeing to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. LEACH, announced that the yeas had it.

Mr. PEARCE objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. LEACH, pursuant to clause 8, rule XX, announced that the vote would be postponed.

The point of no quorum was considered as withdrawn.

¶12.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

6747. A communication from the President of the United States, transmitting Requests from the Judicial Branch for FY 2004; (H. Doc. No. 108—161); to the Committee on Appropriations and ordered to be printed.

6748. A letter from the Under Secretary, Department of Defense, transmitting Approval of Brigadier General Martin E. Dempsey and Brigadier General Barbara G. Fast to wear the insignia of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

6749. A communication from the President of the United States, transmitting Report including matters relating to the interdiction of aircraft engaged in illicit drug trafficking, pursuant to Public Law 107—108 22 U.S.C. 2291—4; (H. Doc. No. 108—158); to the Committee on International Relations and ordered to be printed.

6750. A communication from the President of the United States, transmitting a report including matters relating to post-liberation Iraq as consistent with the Authorization for Use of Military Force Against Iraq Resolution of2002 (Public Law 107-243); (H. Doc. No. 108—160); to the Committee on International Relations and ordered to be printed.

6751. A letter from the Chairman, Federal Trade Commission, transmitting the semi-annual report on the activities of the Office of Inspector General for the period ending September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6752. A letter from the Inspector General, Railroad Retirement Board, transmitting the Board's budget justification for the Office of Inspector General for fiscal year 2005, prepared in compliance with Office of Management and Budget (OMB) Circular No. A-11; to the Committee on Government Reform.

6753. A letter from the Chairman, U.S. Commodity Futures Trading Commission, transmitting the FY 2003 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

6754. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Polson, MT. [Docket No. FAA-2003-16207; Airspace Docket No. 03-ANM-10] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6755. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class D and E Airspace; Olive Branch, MS, Amendment of Class E Airspace; Memphis, TN [Docket No. FAA-2003-16534; Airspace Docket No. 03-ASO-19] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6756. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Cherokee, IA. [Docket No. FAA-2003-16505; Airspace Docket No. 03-ACE-89] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6757. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace; Hilton Head Island, SC; Correction [Docket No. FAA-2003-16359; Airspace Docket No. 03-ASO-18] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6758. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification and Revocation of Federal Airways; AK [Docket No. FAA-2002-14010; Airspace Docket No. 02-AAL-09] (RIN: 2120-AA66) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6759. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Waverly, IA [Docket No. FAA-2003-16502; Airspace Docket No. 03-ACE-86] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6760. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Oskaloosa, IA. [Docket No. FAA-2003-16500; Airspace Docket No. 03-ACE-84] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6761. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting The Department's final rule — Modification of Class E Airspace; Springfield, MO. [Docket No. FAA-2003-16763; Airspace Docket No. 03-ACE-100] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6762. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes; and A300 B4-600, B4-600R, C4-605R Variant F, and F4-600R (Collectively Called A300-600) Series Airplanes [Docket No. 2003-NM-248-AD; Amendment 39-14308; AD 2003-26-10] (RIN: 2120-AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6763. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company (GE) CF6-80E1A2 and -80E1A4 Turbofan Engines; Correction [Docket No. 2003-NE-26-AD; Amendment 39-13409; AD 2003-26-11] (RIN: 2120-AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the

Committee on Transportation and Infrastructure.

6764. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — DOD Commercial Air Carrier Evaluators; Correction [Docket No. FAA-2003-15571; Amdt. Nos. 119-8, 121-298 and 135-88] (RIN: 2120-AI00) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6765. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Philadelphia, PA [Docket No. FAA-2003-16282; Airspace Docket No. 03-AEA-06] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6766. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Great Bend, KS. [Docket No. FAA-2003-16080; Airspace Docket No. 03-ACE-72] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6767. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Removal of Class E Airspace; New Port Richey, FL. [Docket No. FAA-2003-16623; Airspace Docket No. 03-ASO-22] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6768. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Beloit, KS. [Docket No. FAA-2003-16749; Airspace Docket No. 03-ACE-93] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6769. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Kingman, KS. [Docket No. FAA-2003-16081; Airspace Docket No. 03-ACE-73] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6770. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Greenfield, IA. [Docket No. FAA-2003-16504; Airspace Docket No. 03-ACE-88] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6771. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Marysville, KS. [Docket No. FAA-2003-16762; Airspace Docket No. 03-ACE-99] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6772. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Tipton, IA. [Docket No. FAA-2003-16501; Airspace Docket No. 03-ACE-85] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6773. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Osceola, IA. [Docket No. FAA-2003-16499; Airspace Docket No. 03-ACE-83] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6774. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Winterset, IA. [Docket No. FAA-2003-16503; Airspace Docket No. 03-ACE-87] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6775. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Falcon 2000 Series Airplanes [Docket No. 2002-NM-233-AD; Amendment 39-13466; AD 2004-03-22] (RIN: 2120-AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6776. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-102, -103, -106, -201, -202, -301, -311, and -315 Airplanes [Docket No. 2002-NM-79-AD; Amendment 39-13472; AD 2004--03-28] (RIN: 1220-AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6777. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747SP, and 747SR Series Airplanes [Docket No. 2003-NM-84-AD; Amendment 39-13461; AD 2004-03-17] (RIN: 2120-AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6778. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directies; Airbus A330-200, A330-300, A340-200, and A340-300 Series Airplanes [Docket No. 2003-NM-223-AD; Amendment 39-13468; AD 2004-03-24] (RIN: 2120-AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6779. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 and A340-200 and -300 Series Airplanes [Docket No. 2001-NM-284-AD; Amendment 39-13469; AD 2004-03-25] (RIN: 2120-AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6780. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aerospatiale Model ATR42 and ATR72 Series Airplanes [Docket No. 2002-NM-116-AD; Amendment 39-13462; AD 2004-03-18] (RIN: 1220-AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6781. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-102, -103, -106, -201, -202, -301, -311, and -315 Series Airplanes [Docket No. 2003-NM-154-AD; Amendment 39-13458; AD 2004-03-14] (RIN: 2120-AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6782. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A321 Series Airplanes [Docket No. 2003-NM-257-AD; Amendment 39-13446; AD 2004-03-02] (RIN: 2120-AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6783. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Series Airplanes [Docket No. 2004-NM-10-AD; Amendment 39-13447; AD 2004-03-03] (RIN: 2120-AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6784. A letter from the United States Trade Representative, Executive Office of the President, transmitting a report on the intent to initiate negotiations for a free trade agreement between the United States and Thailand, pursuant to Section 2104(a)(1) of the Trade Act of 2002; to the Committee on Ways and Means.

6785. A letter from the Chair, Office of Compliance, transmitting Second notice of proposed procedural rule making under Section 303(b) of the Congressional Accountability Act of 1995 for publication in the Congressional Record, pursuant to 2 U.S.C 1384(b); jointly to the Committees on House Administration and Education and the Workforce.

¶12.4 MESSAGE FROM THE SENATE

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

H.R. 3108. An Act to amend the employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3108) ''An Act to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints: Mr. GRASSLEY, Mr. GREGG, Mr. MCCONNELL, Mr. BAUCUS, and Mr. KENNEDY, to be the conferees on the part of the Senate.

The message was announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1786. An Act to revise and extend the Community Services Block Grant Act, the Low-Income Home Energy Assistance Act of 1981, and the Assets for Independence Act.

The message also announced that pursuant to Public Law 100–175, as amended by Public Laws 102–375, 103–171, and 106–501, the Chair, on behalf of the Democratic Leader, after consultation with the members of the Committee on Health, Education, Labor, and Pensions, and the Committee on Aging, appoints the following individuals as members of the Policy Committee to the White House Conference

on Aging: the Senator from Iowa [Mr. HARKIN]; and the Senator from Nevada [Mr. REID].

¶12.5 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. LEACH, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 13, 2004.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 13, 2004 at 10:10 a.m.

That the Senate passed without amendment H. Con. Res. 361.

Appointments:

Board of Visitors United States Naval Academy.

Board of Visitors United States Air Force Academy.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶12.6 ENROLLED BILLS SIGNED

The SPEAKER pro tempore, Mr. LEACH, announced that pursuant to clause 4, rule I, the Speaker pro tempore signed the following enrolled bills on Tuesday, February 19, 2004:

H.R. 743. An Act to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and supplemental security income beneficiaries with representative payees, to enhance program protections, and for other purposes.

S. 523 An Act to make technical corrections to laws relating to Native Americans, and for other purposes.

¶12.7 D94SALT CEDAR AND RUSSIAN OLIVE CONTROL DEMONSTRATION

Mr. PEARCE moved to suspend the rules and pass the bill (H.R. 2707) to direct the Secretaries of the Interior and Agriculture, acting through the U.S. Forest Service, to carry out a demonstration program to assess potential water savings through control of Salt Cedar and Russian Olive on forests and public lands administered by the Department of the Interior and the U.S. Forest Service; as amended.

The SPEAKER pro tempore, Mr. LEACH, recognized Mr. PEARCE and Mr. FALEOMAVAEGA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. LEACH, announced that two-thirds of the Members present had voted in the affirmative.

Mr. PEARCE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LEACH, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶12.8 SOUTHWEST FOREST HEALTH AND WILDFIRE PREVENTION

Mr. RENZI moved to suspend the rules and pass the bill (H.R. 2696) to establish Institutes to demonstrate and promote the use of adaptive ecosystem management to reduce the risk of wildfires, and restore the health of fire-adapted forest and woodland ecosystems of the interior West; as amended.

The SPEAKER pro tempore, Mr. LEACH, recognized Mr. RENZI and Mr. FALEOMAVAEGA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. LEACH, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶12.9 OREGON DUNES RECREATION AREA

Mr. RENZI moved to suspend the rules and pass the bill of the Senate (S. 714) to provide for the conveyance of a small parcel of Bureau of Land Management land in Douglas County, Oregon, to the county to improve management of and recreational access to the Oregon Dunes National Recreation Area, and for other purposes.

The SPEAKER pro tempore, Mr. LEACH, recognized Mr. RENZI and Mr. FALEOMAVAEGA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. LEACH, announced that two-thirds of the Members present had voted in the affirmative.

Mr. RENZI demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LEACH, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶12.10 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. LEACH, laid before the House the following communication from Vicki Fulton, State Assistant, Office of the Honorable C.L. ''Butch'' Otter:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 22, 2004.

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

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the District Court of the First Judicial District of the State of Idaho.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

VICKI FULTON,
State Assistant,
Congressman C.L. ''Butch'' Otter.

¶12.11 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. LEACH, laid before the House the following communication from Mark Compton, Field Representative, Office of the Honorable C.L. ''Butch'' Otter:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 22, 2004.

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

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the District Court of the First Judicial District of the State of Idaho.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

MARK COMPTON,
Field Representative,
Congressman C.L. ''Butch'' Otter.

¶12.12 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. LEACH, laid before the House the following communication from Mark Johnson, Chief of Staff, Office of the Honorable Shelley Moore Capito:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 17, 2004.

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

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena, issued by the U.S. District Court for the Southern District of West Virginia, for the production of documents.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

MARK JOHNSON,
Chief of Staff.

¶12.13 RECESS—3 P.M.

The SPEAKER pro tempore, Mr. LEACH, pursuant to clause 12(a) of rule I, declared the House in recess at 3 p.m., until approximately 6:30 p.m.

¶12.14 AFTER RECESS—6:33 P.M.

The SPEAKER pro tempore, Mr. BASS, called the House to order.

¶12.15 ORDER OF BUSINESS—CONSIDERATION OF H.R. 2751

On motion of Mr. DREIER, by unanimous consent,

Ordered, That it may be in order at any time without intervention of any point of order to consider in the House the bill (H.R. 2751) to provide new human capital flexibilities with respect to the GAO, and for other purposes; the bill shall be considered as read for amendment; that the amendment in the nature of a substitute recommended by the Committee on Government Reform now printed in the bill shall be considered as adopted; that all points of order against the bill, as amended, are waived; and that the previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform; and (2) one motion to recommit with or without instructions.

¶12.16 APPROVAL OF THE JOURNAL—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the Chair's approval of the Journal of Wednesday, February 11, 2004.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. BASS, announced that the yeas had it.

Mr. ISAKSON objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 381 / Nays ..... 32 }

¶12.17 [Roll No. 25]

YEAS—381

Abercrombie
Ackerman
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Cox
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Foley
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Upton
Van Hollen
Velázquez
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)

NAYS—32

Aderholt
Baldwin
Brady (PA)
Capuano
Costello
Crane
DeFazio
English
Filner
Fossella
Gutknecht
Hefley
Jones (OH)
Kennedy (MN)
Larsen (WA)
LoBiondo
McDermott
Oberstar
Olver
Peterson (MN)
Ramstad
Rush
Strickland
Stupak
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (NM)
Visclosky
Waters
Weller
Wu

NOT VOTING—19

Brady (TX)
Collins
Doggett
Engel
Forbes
Gephardt
Gonzalez
Honda
Hulshof
Kilpatrick
Kucinich
Lantos
Lowey
Murtha
Ortiz
Ose
Stark
Wexler
Young (FL)

So the Journal was approved.

¶12.18 COMMUNICATION FROM THE CLERK—CERTIFICATE OF ELECTION

The SPEAKER laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 24, 2004.

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

DEAR MR. SPEAKER: I have the honor to transmit herewith a copy of the original Certificate of Election received from the Honorable Trey Grayson, Secretary of State, Commonwealth of Kentucky, indicating that, on examination of the Official Abstracts of Votes on file in that office for the special election held February 17, 2004, the Honorable A.B. ''Ben'' Chandler was duly elected Representative in Congress for the Sixth Congressional District, Commonwealth of Kentucky.

With best wishes, I am,

Sincerely,

JEFF TRANDAHL,
Clerk.

¶12.19 MEMBER-ELECT SWORN IN

Mr. Ben Chandler of the 6th District of Kentucky, presented himself at the bar of the House and took the oath of office prescribed by law.

¶12.20 WHOLE NUMBER OF THE HOUSE OF REPRESENTATIVES ADJUSTED

The SPEAKER announced to the House that, in light of election of the gentleman from Kentucky [MR. CHANDLER], the whole number of the House is adjusted to 434.

¶12.21 H.R. 2707—UNFINISHED BUSINESS

The SPEAKER, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2707) to direct the Secretaries of the Interior and Agriculture, acting through the U.S. Forest Service, to carry out a demonstration program to assess potential water savings through control of Salt Cedar and Russian Olive on forests and public lands administered by the Department of the Interior and the U.S. Forest Service; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 367 / Nays 40

¶12.22 [Roll No. 26]

YEAS—367

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Cole
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayworth
Hensarling
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holt
Hooley (OR)
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes
Oberstar
Obey
Olver
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—40

Akin
Barrett (SC)
Bartlett (MD)
Blackburn
Coble
Culberson
Davis, Jo Ann
Deal (GA)
Doolittle
Duncan
Everett
Feeney
Flake
Franks (AZ)
Garrett (NJ)
Gingrey
Hayes
Hefley
Herger
Hostettler
Johnson, Sam
Jones (NC)
Miller (FL)
Myrick
Norwood
Nussle
Paul
Petri
Platts
Rohrabacher
Royce
Sensenbrenner
Sessions
Shimkus
Smith (MI)
Stearns
Tancredo
Taylor (MS)
Taylor (NC)
Toomey

NOT VOTING—26

Brady (TX)
Collins
Conyers
Doggett
Doyle
Engel
Forbes
Gephardt
Gonzalez
Greenwood
Holden
Honda
Hulshof
Kilpatrick
Kucinich
Lantos
Lowey
Murtha
Musgrave
Ortiz
Ose
Sabo
Scott (VA)
Stark
Wexler
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to provide for an assessment of the extent of the invasion of Salt Cedar and Russian Olive on lands in the Western United States and efforts to date to control such invasion on public and private lands, including tribal lands, to establish a demonstration program to address the invasion of Salt Cedar and Russian Olive, and for other purposes.''.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶12.23 S. 714—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill of the Senate (S. 714) to provide for the conveyance of a small parcel of Bureau of Land Management land in Douglas County, Oregon, to the county to improve management of and recreational access to the Oregon Dunes National Recreation Area, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 397 / Nays 0

¶12.24 [Roll No. 27]

YEAS—397

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica

Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Murphy
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—36

Brady (TX)
Capps
Collins
Cox
Doggett
Doyle
Dreier
Forbes
Gephardt
Gingrey
Gonzalez
Greenwood
Holden
Honda
Hulshof
Kilpatrick
Kucinich
Lantos
Lowey
Miller (MI)
Moran (VA)
Murtha
Musgrave
Ortiz
Ose
Otter
Peterson (PA)
Pombo
Reynolds
Rogers (MI)
Sabo
Scott (VA)
Stark
Weller
Wexler
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶12.25 PROVIDING FOR CONSIDERATION OF H.R. 1997

Mr. LINDER, by direction of the Committee on Rules, reported (Rept. No. 108–427) the resolution (H. Res. 529) providing for consideration of the bill (H.R. 1997) to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶12.26 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1786. An Act to revise and extend the Community Services Block Grant Act, the Low-Income Home Energy Assistance Act of 1981, and the Assets for Independence Act; to the Committee on Education and the Workforce and in addition to the Committee on Energy and Commerce, and the Committee on Ways and Means for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶12.27 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Ms. KILPATRICK, for today;
To Mr. ORTIZ, for today; and
To Mr. OSE, for today.
And then,

¶12.28 ADJOURNMENT

On motion of Mr. HOEFFEL, at midnight, the House adjourned.

¶12.29 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on February 11, 2004, the following reports were filed on February 18, 2004]

Mr. BOEHLERT: Committee on Science. House Concurrent Resolution 189. Resolution celebrating the 50th anniversary of the International Geophysical Year (IGY) and supporting an International Geophysical Year-2 (IGY–2) in 2007–08; with an amendment (Rept. 108–422). Referred to the House Calendar.

Mr. BOEHLERT: Committee on Science. H.R. 1292. A bill to encourage the development and integrated use by the public and private sectors of remote sensing and other geospatial information, and for other purposes; with an amendment (Rept. 108–423). Referred to the Committee of the Whole House on the State of the Union.

[Filed on February 24, 2004]

Mr. POMBO: Committee on Resources. H.R. 2707. A bill to direct the Secretaries of the Interior and Agriculture, acting through the U.S. Forest Service, to carry out a demonstration program to assess potential water savings through control of Salt Cedar and Russian Olive on forests and public lands administered by the Department of the Interior and the U.S. Forest Service; with amendments (Rept. 108–424, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2391. A bill to amend title 35, United States Code, to promote research among universities, the public sector, and private enterprise; with amendments (Rept. 108–424). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 3036. A bill to authorize appropriations for the Department of Justice for fiscal years 2004 through 2006, and for other purposes; with amendments (Rept. 108–426). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDER: Committee on Rules. House Resolution 529. Resolution providing for consideration of the bill (H.R. 1997) to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes (Rept. 108–427). Referred to the House Calendar.

¶12.30 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2707. Referral to the Committee on Agriculture extended for a period ending not later than February 24, 2004.

¶12.31 DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Agriculture discharged from further consideration. H.R. 2707 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

¶12.32 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RENZI:

H.R. 3817. A bill to ensure that certain areas are eligible for rural housing assistance; to the Committee on Financial Services.

By Mr. SMITH of New Jersey (for himself, Mr. HYDE, Mr. LANTOS, Mr. ROHRABACHER, Mr. BELL, Mr. GREEN of Texas, Ms. ROS-LEHTINEN, Mr. PAYNE, Mr. PITTS, Ms. HARRIS, Mr. DICKS, Mr. SANDERS, Mr. SMITH of Washington, Mr. BAIRD, Mr. FALEOMAVAEGA, and Mr. BROWN of Ohio):

H.R. 3818. A bill to amend the Foreign Assistance Act of 1961 to improve the results and accountability of microenterprise development assistance programs, and for other purposes; to the Committee on International Relations.

By Mr. BAIRD (for himself, Mr. WU, Mr. NETHERCUTT, Mr. BEREUTER, Mr. LARSEN of Washington, Mr. DICKS, Mr. INSLEE, Mr. MCDERMOTT, Mr. SMITH of Washington, Mr. DEFAZIO, Mr. SOUDER, Mr. POMEROY, Ms. HOOLEY of Oregon, Mr. BLUMENAUER, Mr. WALDEN of Oregon, Mr. GOODE, and Ms. DUNN):

H.R. 3819. A bill to redesignate Fort Clatsop National Memorial as the Lewis and Clark National Historical Park, to include in the park sites in the State of Washington as well as the State of Oregon, and for other purposes; to the Committee on Resources.

By Ms. DELAURO (for herself and Mr. DINGELL):

H.R. 3820. A bill to protect United States workers from competition of foreign workforces for performance of Federal and State contracts for goods or services; to the Committee on Government Reform.

By Mr. KOLBE (for himself and Mr. STENHOLM):

H.R. 3821. A bill to amend title II of the Social Security Act to provide for individual security accounts funded by employee and employer Social Security payroll deductions, to extend the solvency of the old-age, survivors, and disability insurance program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as

fall within the jurisdiction of the committee concerned.

By Ms. McCOLLUM:

H.R. 3822. A bill to amend the Animal Health Protection Act to direct the Secretary of Agriculture to establish an electronic nationwide livestock identification system, and for other purposes; to the Committee on Agriculture.

By Mr. PAUL (for himself and Mr. FLAKE):

H.R. 3823. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Belarus; to the Committee on Ways and Means.

By Mr. RENZI:

H.R. 3824. A bill to facilitate the operation, maintenance, and capital improvement of Camp Navajo, Arizona, by the Arizona Army National Guard; to the Committee on Armed Services.

By Mr. STEARNS (for himself, Mr. STUPAK, and Ms. SCHAKOWSKY):

H.R. 3825. A bill to amend title 36, United States Code, to amend the Federal charter of the United States Olympic Committee, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMBO (for himself, Mr. RAHALL, Mr. FALEOMAVAEGA, Ms. BORDALLO, Mr. ABERCROMBIE, Mr. LEACH, Mr. LANTOS, Mrs. CHRISTENSEN, Mr. CASE, Mr. CARDOZA, Mr. KILDEE, Ms. WATSON, Mr. FLAKE, and Ms. MILLENDER-McDONALD):

H. Con. Res. 364. Concurrent resolution to recognize more than 5 decades of strategic partnership between the United States and the people of the Marshall Islands in the pursuit of international peace and security, and for other purposes; to the Committee on International Relations.

By Mr. EVANS:

H. Con. Res. 365. Concurrent resolution supporting the goals and ideals of National Purple Heart Recognition Day; to the Committee on Armed Services.

By Mr. KILDEE (for himself, Mr. QUINN, and Mr. LEVIN):

H. Con. Res. 366. Concurrent resolution expressing the sense of the Congress regarding negotiating, in the United States-Thailand Free Trade Agreement, access to the United States automobile industry; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey (for himself, Mr. WOLF, Mr. LANTOS, Ms. ROS-LEHTINEN, Mr. ROHRABACHER, Mr. PENCE, Mr. PAYNE, Mr. BROWN of Ohio, Mr. SHERMAN, Mr. COX, Mr. PITTS, Mr. BURTON of Indiana, Mrs. JO ANN DAVIS of Virginia, Mr. GREEN of Wisconsin, Mr. BERMAN, Ms. HARRIS, Mr. KING of New York, Mr. McNULTY, Mrs. NAPOLITANO, Mr. ROTHMAN, Mr. CAPUANO, Ms. KAPTUR, Mr. HOLT, Mr. CHABOT, Mr. UDALL of New Mexico, Mr. FERGUSON, Mr. SHIMKUS, Mr. TANCREDO, Mr. KIRK, Mr. BURR, Mr. BLUMENAUER, Mr. SOUDER, Mr. FRANKS of Arizona, Mrs. KELLY, Mr. McGOVERN, Mr. McKEON, Mr. ANDREWS, Mr. PICKERING, Ms. McCARTHY of Missouri, Mr. SCHIFF, Mr. AKIN, and Mr. MENENDEZ):

H. Res. 530. A resolution urging the appropriate representative of the United States to the 60th session of the United Nations Commission on Human Rights to introduce a resolution calling upon the Government of the People's Republic of China to end its human rights violations in China, and for other purposes; to the Committee on International Relations.

By Mrs. BIGGERT (for herself, Mr. STRICKLAND, Ms. GINNY BROWN-WAITE of Florida, Mr. McCOTTER, Mr. OSBORNE, Mrs. CAPITO, Mr. WAXMAN, Mr. HOEFFEL, and Mr. SHAYS):

H. Res. 531. A resolution encouraging increased public awareness of eating disorders and expanded research for treatment and cures; to the Committee on Energy and Commerce.

By Ms. KAPTUR:

H. Res. 532. A resolution expressing the sense of the United States House of Representatives that the United States should adhere to moral and ethical principles of economic justice and fairness in developing and advancing United States international trade treaties, agreements, and investment policies; to the Committee on Ways and Means, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RODRIGUEZ (for himself, Ms. ROYBAL-ALLARD, Ms. LORETTA SANCHEZ of California, Mr. BACA, Mr. HINOJOSA, Mr. SERRANO, Mrs. NAPOLITANO, Mr. GUTIERREZ, Mr. BECERRA, Mr. GONZALEZ, Mr. PASTOR, Ms. SOLIS, and Mr. CARDOZA):

H. Res. 533. A resolution commemorating the 75th Anniversary of the Creation of the League of United Latin American Citizens; to the Committee on Government Reform.

¶12.33 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 31: Mr. THORNBERRY.
H.R. 80: Mr. ROTHMAN.
H.R. 117: Mr. BAIRD.
H.R. 173: Mr. SOUDER, Mr. VAN HOLLEN, Ms. HARMAN, and Mr. JOHN.
H.R. 218: Mr. BURNS, Mr. SCOTT of Georgia, Mr. LEWIS of Georgia, Mr. GONZALEZ, Mr. BOEHLERT, Ms. MAJETTE, and Ms. SLAUGHTER.
H.R. 290: Mrs. CHRISTENSEN, Mr. SWEENEY, Mr. MURPHY, and Mr. BERMAN.
H.R. 296: Mr. BROWN of Ohio.
H.R. 300: Mr. JONES of North Carolina.
H.R. 339: Mr. HALL.
H.R. 375: Mrs. JOHNSON of Connecticut.
H.R. 391: Mr. KELLER and Mr. CHABOT.
H.R. 463: Mr. TOWNS, Mr. PAUL, and Mr. SESSIONS.
H.R. 504: Mr. TIBERI, Mr. FRANK of Massachusetts, Mr. BLUMENAUER, Mr. RANGEL, Mr. ENGEL, and Mr. FILNER.
H.R. 584: Ms. SLAUGHTER, Mr. CUMMINGS, and Mr. DUNCAN.
H.R. 714: Mr. GORDON.
H.R. 716: Ms. MILLENDER-McDONALD.
H.R. 802: Ms. SOLIS.
H.R. 814: Mr. ROTHMAN, Mr. BERMAN, Ms. WATERS, Mr. PALLONE, Mr. JEFFERSON, Mr. LATOURETTE, Mr. LEWIS of Georgia, Mr. BISHOP of Georgia, Mr. MENENDEZ, and Mr. CUMMINGS.
H.R. 847: Mr. FROST and Mr. EMANUEL.
H.R. 852: Mr. WEINER.
H.R. 857: Mr. WELLER, Mr. ROYCE, and Ms. LORETTA SANCHEZ of California.
H.R. 876: Mr. PITTS, Mr. GUTIERREZ, Ms. KILPATRICK, Mr. GILLMOR, Mr. OXLEY, Mr. TURNER of Ohio, Mr. SPRATT, and Mr. CASE.
H.R. 931: Mr. GIBBONS, Mr. TAYLOR of Mississippi, and Mr. QUINN.
H.R. 933: Ms. SLAUGHTER.
H.R. 944: Mr. PETERSON of Minnesota and Mr. GORDON.
H.R. 972: Mr. PETERSON of Minnesota.
H.R. 976: Ms. LEE, Mrs. CHRISTENSEN, Mr. SERRANO, Mr. KUCINICH, Mr. FRANK of Massachusetts, Ms. WATERS, Mrs. LOWEY, and Mr. HASTINGS of Florida.
H.R. 1002: Mr. WEXLER.
H.R. 1029: Mr. GEORGE MILLER of California.
H.R. 1057: Mr. BARTLETT of Maryland, Mr. POMBO, and Mr. WAMP.
H.R. 1083: Mr. CRAMER.
H.R. 1084: Mr. MURPHY.
H.R. 1117: Mr. DEMINT and Mr. TURNER of Ohio.
H.R. 1231: Mrs. BONO.
H.R. 1236: Mr. GARRETT of New Jersey.
H.R. 1267: Mr. CLAY.
H.R. 1336: Mr. BOUCHER, Mrs. McCARTHY of New York, Ms. LOFGREN, Mr. SWEENEY, Mr. CRENSHAW, Mr. PLATTS, Mr. PUTNAM, and Mr. BRADY of Pennsylvania.
H.R. 1345: Mr. KENNEDY of Rhode Island, Mr. KILDEE, Ms. LOFGREN, Mr. OBERSTAR, Mr. GORDON, Mr. HASTINGS of Florida, and Mr. FRANK of Massachusetts.
H.R. 1434: Mr. BALLANCE, Mr. BRADY of Pennsylvania, Ms. CARSON of Indiana, and Mr. BELL.
H.R. 1478: Mr. HONDA.
H.R. 1508: Mrs. McCARTHY of New York.
H.R. 1513: Mr. TIAHRT.
H.R. 1532: Mr. WYNN, Mr. ROYCE, and Mr. RENZI.
H.R. 1563: Mr. PASCRELL and Mrs. BONO.
H.R. 1608: Mr. CALVERT and Mr. EMANUEL.
H.R. 1615: Mr. CAPUANO and Mr. SIMMONS.
H.R. 1655: Mr. FRANK of Massachusetts.
H.R. 1677: Mr. LEWIS of Georgia.
H.R. 1731: Mr. NEY, Mr. HENSARLING, Ms. SCHAKOWSKY, Mr. BURGESS, Mr. SMITH of Texas, and Mr. BAIRD.
H.R. 1736: Mr. JOHN, Mr. FROST, Ms. DELAURO, Mr. BELL, Ms. SLAUGHTER, and Mr. FILNER.
H.R. 1749: Mr. BISHOP of New York.
H.R. 1755: Mr. DEMINT.
H.R. 1758: Mr. GORDON.
H.R. 1793: Mr. AKIN.
H.R. 1918: Mr. GORDON.
H.R. 1919: Mr. MEEHAN.
H.R. 1994: Mr. ANDREWS.
H.R. 2045: Mr. SIMPSON.
H.R. 2107: Mr. RAHALL, Mr. DEUTSCH, Ms. SCHAKOWSKY, Mr. DELAHUNT, Mr. BOUCHER, and Mr. MORAN of Virginia.
H.R. 2133: Mr. DELAHUNT.
H.R. 2137: Mr. DEUTSCH.
H.R. 2198: Mr. RODRIGUEZ and Mr. WEXLER.
H.R. 2246: Mr. BAIRD, Mr. GRIJALVA, and Mr. McINTYRE.
H.R. 2247: Ms. JACKSON-LEE of Texas, Ms. WATSON, Mr. MEEHAN, Mrs. DAVIS of California, Mr. KUCINICH, and Mrs. MALONEY.
H.R. 2262: Mr. PETERSON of Minnesota.
H.R. 2293: Mr. DEMINT, Mr. NEUGEBAUER, Mr. GINGREY, Mr. HENSARLING, Mr. FEENEY, Mr. BEAUPREZ, Mr. MILLER of Florida, Mr. WILSON of South Carolina, Mr. BRADY of Texas, Mr. JONES of North Carolina, and Mr. NORWOOD.
H.R. 2296: Mr. SOUDER.
H.R. 2318: Mr. BRADY of Pennsylvania and Mr. BURTON of Indiana.
H.R. 2387: Mr. BACHUS and Mr. DELAHUNT.
H.R. 2404: Mr. BURTON of Indiana, Mr. BARTLETT of Maryland, and Mr. EHLERS.
H.R. 2442: Mr. McNULTY, Mr. MEEKS of New York, Ms. MILLENDER-McDONALD, Mr. LEWIS of Kentucky, Mr. WEINER, Ms. HOOLEY of Oregon, Mr. BLUMENAUER, Mr. LANTOS, Mr. SABO, Mr. ROTHMAN, Ms. NORTON, Ms. KILPATRICK, Mr. SANDERS, Mr. CUMMINGS, Mrs. LOWEY, Mr. FOLEY, Mr. MICHAUD, Ms. SLAUGHTER, Mr. OWENS, Mr. CLAY, Ms. LOFGREN, Mrs. MALONEY, Mr. CUNNINGHAM, Mr. ENGEL, Mr. RUPPERSBERGER, Mr. PLATTS, Mr. McDERMOTT, Mr. McGOVERN, Mr. TOM DAVIS of Virginia, Mr. JEFFERSON, Mr. DICKS, Mr. GORDON, Mr. DINGELL, Mr. SHIMKUS, Ms. HARMAN, Mr. KLECZKA, and Mr. SHAYS.
H.R. 2490: Mr. LANTOS.
H.R. 2494: Mr. VAN HOLLEN.

H.R. 2519: Mr. BRADY of Pennsylvania.
H.R. 2527: Mrs. LOWEY.
H.R. 2540: Mr. OBERSTAR.
H.R. 2601: Mr. ANDREWS, Mr. RANGEL, and Mr. FILNER.
H.R. 2625: Mr. BERMAN and Mr. BRADY of Pennsylvania.
H.R. 2626: Mr. GORDON, Mr. OLVER, and Mr. WHITFIELD.
H.R. 2668: Mr. LEVIN.
H.R. 2700: Ms. LINDA T. SANCHEZ of California.
H.R. 2708: Mrs. MALONEY.
H.R. 2711: Ms. CARSON of Indiana.
H.R. 2727: Mr. PRICE of North Carolina and Mr. GONZALEZ.
H.R. 2743: Mr. MILLER of Florida.
H.R. 2797: Mr. BURNS.
H.R. 2821: Mr. ROGERS of Kentucky.
H.R. 2851: Mr. WILSON of South Carolina.
H.R. 2852: Mr. STENHOLM.
H.R. 2866: Ms. LINDA T. SANCHEZ of California.
H.R. 2928: Mr. HAYES.
H.R. 2945: Mr. ETHERIDGE and Ms. SLAUGHTER.
H.R. 2959: Mr. RYAN of Wisconsin.
H.R. 2967: Mr. SULLIVAN, Mr. ROTHMAN, Mrs. JO ANN DAVIS of Virginia, Mr. PALLONE, Mr. CARSON of Oklahoma, Mr. LATOURETTE, Mr. LEWIS of Georgia, Mr. DAVIS of Tennessee, Mr. SHERMAN, Mr. SHIMKUS, and Mr. MENENDEZ.
H.R. 2987: Ms. SCHAKOWSKY, Mr. RUSH, and Mr. FILNER.
H.R. 3039: Mr. SWEENEY.
H.R. 3049: Mr. BOUCHER, Mr. MORAN of Virginia, and Mr. OBERSTAR.
H.R. 3073: Mr. KILDEE.
H.R. 3085: Mr. NADLER and Mr. LARSEN of Washington.
H.R. 3090: Mr. FROST.
H.R. 3099: Mrs. WILSON of New Mexico.
H.R. 3103: Mr. GUTKNECHT, Mr. CAPUANO, Mr. GRIJALVA, Ms. KAPTUR, Mr. FRANK of Massachusetts, Mr. PETERSON of Minnesota, and Ms. LINDA T. SANCHEZ of California.
H.R. 3111: Mr. CARDOZA, Mr. BOUCHER, Mr. GEORGE MILLER of California, Mr. SCOTT of Georgia, Ms. LORETTA SANCHEZ of California, Mrs. DAVIS of California, Mrs. JOHNSON of Connecticut, Mr. BEREUTER, Ms. DELAURO, Mr. WOLF, Mr. DICKS, Mr. HOEFFEL, Mr. HASTINGS of Florida, Mr. PRICE of North Carolina, Mr. HOUGHTON, Mr. GERLACH, Mr. PAYNE, Ms. MILLENDER-MCDONALD, Ms. HARMAN, Mr. SANDERS, Mr. COSTELLO, Mr. FRANK of Massachusetts, and Mr. OWENS.
H.R. 3173: Mr. GRIJALVA.
H.R. 3238: Mr. LEWIS of Georgia.
H.R. 3246: Mr. ALEXANDER, Mr. COLE, Mr. REHBERG, Mr. BONILLA, Mr. BOUCHER, Mr. GORDON, Mr. BAKER, and Mr. MCINTYRE.
H.R. 3266: Mr. SMITH of Michigan.
H.R. 3270: Mr. MCCOTTER and Mr. SHAYS.
H.R. 3324: Mr. FRANK of Massachusetts and Mr. KLECZKA.
H.R. 3344: Mr. JENKINS, Mr. COSTELLO, Mr. HASTINGS of Florida, Mr. SPRATT, Mr. FATTAH, and Mr. FRANK of Massachusetts.
H.R. 3359: Mr. HINCHEY and Mr. OWENS.
H.R. 3360: Mr. MCDERMOTT.
H.R. 3361: Mr. FARR and Mr. NADLER.
H.R. 3377: Mr. OWENS.
H.R. 3378: Mr. FRANK of Massachusetts, Mr. OLVER, Ms. BORDALLO, Mr. SAXTON, Mr. MARKEY, Ms. MCCOLLUM, and Mr. DEUTSCH.
H.R. 3424: Mr. NADLER, Mr. HOEFFEL, Mr. SCOTT of Georgia, Ms. JACKSON-LEE of Texas, and Mr. DOGGETT.
H.R. 3425: Mr. UDALL of New Mexico and Mr. NADLER.
H.R. 3432: Mr. GORDON.
H.R. 3438: Mr. MICHAUD, Mr. GOSS, Mr. CLAY, and Mr. BISHOP of Georgia.
H.R. 3449: Ms. WATSON.
H.R. 3450: Mr. BOUCHER and Mr. SCHIFF.
H.R. 3473: Mr. GONZALEZ, Mr. BELL, Mr. GARY G. MILLER of California, and Mr. WEINER.
H.R. 3474: Mrs. NAPOLITANO, Mr. BURGESS, Mr. BILIRAKIS, Mr. RENZI, Mr. SOUDER, Mr. MOORE, Mrs. MUSGRAVE, Mr. BARTLETT of Maryland, Mr. CHANDLER, Mr. HERGER, and Mr. DAVIS of Tennessee.
H.R. 3484: Mr. FERGUSON.
H.R. 3527: Mr. SPRATT.
H.R. 3550: Mr. ORTIZ.
H.R. 3572: Ms. KILPATRICK, Ms. NORTON, and Ms. MILLENDER-MCDONALD.
H.R. 3574: Mr. PEARCE, Mr. ENGLISH, Ms. HARMAN, Mr. BACHUS, and Mr. HERGER.
H.R. 3579: Mr. PAUL, Mr. BOEHLERT, Mr. HINCHEY, Ms. WATERS, Ms. LEE, Mr. ANDREWS, Mr. FILNER, Ms. NORTON, and Mr. OTTER.
H.R. 3582: Mr. BOUCHER.
H.R. 3622: Mr. FATTAH.
H.R. 3635: Ms. MAJETTE, Mrs. JONES of Ohio, Ms. KILPATRICK, Mr. CLAY, Mr. WATT, Ms. LEE, Mr. OWENS, Mr. PAYNE, Mr. LEWIS of Georgia, Ms. JACKSON-LEE of Texas, Mr. DAVIS of Illinois, Ms. CARSON of Indiana, Mr. FATTAH, Ms. WATSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RUSH, Mr. TOWNS, and Mr. WYNN.
H.R. 3672: Mr. JACKSON of Illinois, Mr. LARSON of Connecticut, Mr. CONYERS, Ms. ROYBAL-ALLARD, Mr. POMEROY, Mr. WYNN, Mr. LARSEN of Washington, Ms. DELAURO, Mr. LAMPSON, Mr. KENNEDY of Rhode Island, Mr. COSTELLO, Mr. CLAY, Mr. FRANK of Massachusetts, Ms. WOOLSEY, Ms. BERKLEY, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. BOUCHER, Mr. SNYDER, Mr. MARSHALL, Mr. FILNER, Mr. MOLLOHAN, Mr. SKELTON, Ms. HOOLEY of Oregon, Mr. MCGOVERN, Mr. ABERCROMBIE, Mrs. CHRISTENSEN, Ms. BALDWIN, and Ms. DEGETTE.
H.R. 3673: Ms. CARSON of Indiana, Mr. RAHALL, Mr. DEUTSCH, Mr. CONYERS, Mr. KUCINICH, Mr. ROTHMAN, and Mr. CUMMINGS.
H.R. 3695: Mr. PASCRELL.
H.R. 3712: Mr. CASE, Mr. OWENS, Mr. STARK, Ms. BORDALLO, Mr. MCINTYRE, and Mr. ACEVEDO-VILA.
H.R. 3717: Mr. WICKER, Mr. COLE, Mr. CRAMER, Mr. WELDON of Florida, Mr. PRICE of North Carolina, Mr. BRADLEY of New Hampshire, Mr. HASTINGS of Washington, Mr. MILLER of Florida, Mr. BOOZMAN, Mr. HOLDEN, Mr. KIRK, Mr. HALL, Ms. MAJETTE, Mr. PUTNAM, Mr. LATOURETTE, Mr. WAMP, Mr. ADERHOLT, Mr. MURPHY, Mr. SESSIONS, Mr. WILSON of South Carolina, Mr. BONNER, Mr. SMITH of New Jersey, and Ms. ROYBAL-ALLARD.
H.R. 3719: Mrs. JONES of Ohio, Mr. UDALL of Colorado, Mr. WU, Mr. MATSUI, Mr. HASTINGS of Florida, Mr. ENGEL, Ms. JACKSON-LEE of Texas, Ms. SCHAKOWSKY, Mr. FRANK of Massachusetts, Mr. BLUMENAUER, Mr. HINCHEY, Ms. ROYBAL-ALLARD, Mr. MEEKS of New York, Mrs. LOWEY, Mrs. MCCARTHY of New York, and Mr. OWENS.
H.R. 3721: Mr. RAHALL, Mr. OSBORNE, Mrs. WILSON of New Mexico, Mr. MATHESON, and Mr. BURNS.
H.R. 3729: Mr. ACKERMAN, Mr. RANGEL, Mr. FROST, Mr. PALLONE, and Ms. MILLENDER-MCDONALD.
H.R. 3731: Mr. BRADLEY of New Hampshire, Mr. HASTINGS of Florida, Mr. RODRIGUEZ, Ms. DELAURO, Ms. CORRINE BROWN of Florida, Ms. LOFGREN, and Mr. BLUMENAUER.
H.R. 3734: Mr. FALEOMAVAEGA, Mr. OXLEY, Mr. PETERSON of Pennsylvania, Mr. DUNCAN, Mr. CANTOR, and Mr. OSBORNE.
H.R. 3741: Mr. KIND.
H.R. 3743: Mr. LUCAS of Kentucky and Mr. STRICKLAND.
H.R. 3755: Mr. WILSON of South Carolina, Mr. MILLER of Florida, Mr. MICHAUD, Mr. BACHUS, Mr. LEWIS of Georgia, Mr. BISHOP of Georgia, and Ms. MAJETTE.
H.R. 3763: Ms. HARRIS, Mr. RENZI, Mr. GONZALEZ, Mr. PLATTS, Mr. HOYER, Mr. WALDEN of Oregon, Mr. WOLF, Mr. HINOJOSA, Mr. SHIMKUS, Mr. YOUNG of Alaska, Mr. PAYNE, and Mr. GREEN of Texas.
H.R. 3771: Mr. FARR.
H.R. 3778: Mr. SHUSTER, Mr. ENGLISH, and Mr. HOLDEN.
H.R. 3780: Mr. MCGOVERN, Mr. BLUMENAUER, and Mr. FILNER.
H.R. 3787: Mr. BALLENGER, Mr. SMITH of Michigan, Mr. UDALL of Colorado, and Mr. HILL.
H.R. 3791: Mrs. MUSGRAVE and Mr. VITTER.
H.R. 3795: Mr. Case, Mr. RODRIGUEZ, Mr. PAUL, Mr. MCHUGH, and Mr. COSTELLO.
H.R. 3799: Mr. KINGSTON, Mr. PITTS, Mr. BACHUS, Mr. CRAMER, Mr. EVERETT, and Mr. ROGERS of Alabama.
H.R. 3800: Mr. SOUDER and Mr. CRANE.
H.R. 3806: Mr. SHIMKUS.
H.R. 3815: Mr. FRANK of Massachusetts.
H.R. 3816: Mr. SHERMAN and Mr. BOUCHER.
H.J. Res. 22: Mr. BRADLEY of New Hampshire.
H.J. Res. 56: Mrs. BLACKBURN, Mr. NUSSLE, and Mr. HEFLEY.
H.J. Res. 60: Mr. GOODE.
H. Con. Res. 15: Mr. LANTOS, Mr. SAXTON, Ms. ROS-LEHTINEN, Mr. CANTOR, and Ms. HARRIS.
H. Con. Res. 74: Mr. CONYERS.
H. Con. Res. 218: Mr. LANGEVIN and Mr. MILLER of Florida.
H. Con. Res. 241: Ms. LOFGREN.
H. Con. Res. 247: Mr. THOMPSON of California.
H. Con. Res. 275: Mr. WAXMAN.
H. Con. Res. 298: Mr. HALL, Mr. MICHAUD, Mr. MCKEON, Mr. CARDOZA, and Mr. KINGSTON.
H. Con. Res. 304: Mr. GEORGE MILLER of California and Mr. MORAN of Virginia.
H. Con. Res. 310: Mr. RAHALL.
H. Con. Res. 311: Mr. FOLEY.
H. Con. Res. 314: Mr. WEXLER.
H. Con. Res. 324: Mr. SOUDER.
H. Con. Res. 332: Mr. BURNS, Mr. NORWOOD, Mr. LEVIN, Mr. BEAUPREZ, Mr. EVANS, Mr. COX, Mr. TIBERI, Mr. RAMSTAD, Ms. SCHAKOWSKY, Ms. BERKLEY, Mr. NETHERCUTT, Mrs. MCCARTHY of New York, Mr. PLATTS, Mr. PASCRELL, Mr. ISRAEL, Mr. KNOLLENBERG, Mr. NUSSLE, Mr. HERGER, Mr. HEFLEY, Mr. EDWARDS, Mr. BURR, Mr. CANTOR, Mr. WELLER, Mr. CROWLEY, Mr. TURNER of Texas, Mr. GARRETT of New Jersey, Mr. PENCE, Mr. MCHUGH, Mr. KENNEDY of Minnesota, and Mr. AKIN.
H. Con. Res. 343: Mr. VAN HOLLEN.
H. Res. 28: Mr. EVANS, Mrs. MALONEY, Mr. MCNULTY, and Mr. GERLACH.
H. Res. 60: Mr. SHAYS.
H. Res. 103: Mr. SPRATT and Mr. KIND.
H. Res. 140: Mr. TOOMEY and Mr. TIBERI.
H. Res. 389: Mr. FATTAH, Mr. HASTINGS of Florida, Mr. MENENDEZ, and Mr. HOYER.
H. Res. 402: Mr. MOORE.
H. Res. 466: Ms. HARRIS, Mr. LEVIN, Mr. GREEN of Texas, Mrs. CAPPS, and Mr. KUCINICH.
H. Res. 485: Mr. BRADY of Pennsylvania, Mr. CLAY, and Mr. FILNER.
H. Res. 500: Mr. DAVIS of Tennessee and Mr. SMITH of Texas.
H. Res. 510: Mr. FILNER.
H. Res. 514: Mr. ABERCROMBIE.
H. Res. 522: Ms. ESHOO, Ms. WATSON, Ms. CARSON of Indiana, Ms. DELAURO, Mr. JOHN, Mr. ROTHMAN, Ms. BORDALLO, Mr. PAYNE, Mr. MEEKS of New York, Mr. FOLEY, Mr. FROST, Mr. VAN HOLLEN, Mr. GRIJALVA, Mr. ABERCROMBIE, Mr. STARK, Mr. OWENS, and Mr. JENKINS.
H. Res. 524: Mr. GEORGE MILLER of California, Mr. EMANUEL, Mr. HASTINGS of Florida, Mr. GREEN of Wisconsin, Mr. BARTLETT of Maryland, Ms. KAPTUR, Mr. LANTOS, Mr. EVANS, Ms. JACKSON-LEE of Texas, Mr. KUCINICH, Ms. MCCARTHY of Missouri, Mr. UDALL of Colorado, Mr. FROST, Mr. FRANK of Massachusetts, Mr. BAIRD, and Mr. CUNNINGHAM.

¶12.34 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3473: Ms. CORRINE BROWN of Florida.

WEDNESDAY, FEBRUARY 25, 2004 (13)

¶13.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. LAHOOD, who laid before the House the following communication:

WASHINGTON, DC,
February 25, 2004.

I hereby appoint the Honorable RAY LAHOOD to act as Speaker pro tempore on this day.

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

¶13.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. LAHOOD, announced he had examined and approved the Journal of the proceedings of Tuesday, February 24, 2004.

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

¶13.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

6786. A communication from the President of the United States, transmitting a report, consistent with the War Powers Resolution, to inform Congress of the decision to deploy a security force to Port-au-Prince, Haiti, to augment the Embassy security forces, pursuant to Public Law 93–148; (H. Doc. No. 108–163;) to the Committee on International Relations and ordered to be printed.

6787. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Salvage and Marine Firefighting Requirements; Vessel Response Plans for Oil [USCG–1998–3417] (RIN: 1625–AA19) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6788. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Caloosahatchee River Bridge (SR 29), Okeechobee Waterway, Labelle, Florida. [CGD07–02–141] (RIN: 1625–AA09) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6789. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Handling of Class 1 (Explosive) Materials or Other Dangerous Cargoes Within or Contiguous to Waterfront Facilities [USCG–1998–4302] (RIN: 1625–AA07) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6790. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Regulated Navigation Areas, San Francisco Bay, CA [CGD11–03–001] (RIN: 1625–AA11) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6791. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone for Outer Continental Shelf Facility in the Gulf of Mexico for Green Canyon 645 [CGD08–03–028] (RIN: 1625–AA76) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6792. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Anchorage Area; St. Lucie River, Stuart, FL [CGD07–03–110] (RIN: 1625–AA01) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6793. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Vessel Documentation: Lease Financing for Vessels Engaged in the Coastwise Trade [USCG–2001–8825] (RIN: 1625–AA28) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6794. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Houston Ship Channel and adjacent waterways between Buffalo Bayou and Morgans Point, Houston, TX [COTP Houston-Galveston-03–004] (RIN: 1625–AA00) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6795. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Port of Texas City Channel, Turning Basin and Industrial Canal, Texas City, TX [COTP Houston-Galveston-03–005] (RIN: 1625–AA00) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6796. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Military Ocean Terminal Sunny Point and Lower Cape Fear River, Brunswick County, NC [CGD05–03–205] (RIN: 1625–AA00) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6797. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Lower Mississippi River, Mile Marker 88.1 to 90.4 Above Head of Passes, New Orleans, LA [COTP New Orleans-03–029] (RIN: 1625–AA00) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6798. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Salem and Hope Creek Generation Stations, Delaware River, Salem County, New Jersey [COTP PHILADELPHIA 03–003] (RIN: 1625–AA00) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6799. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Oyster Creek Generation Station, Forked River, Ocean County, New Jersey [COTP PHILADELPHIA 03–005] (RIN: 1625–AA00) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6800. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; St. Croix, United States Virgin Islands [COTP San Juan 03–176] (RIN: 1625–AA00) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6801. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Cape Fear River, Eagle Island, North Carolina State Port Authority Terminal, Wilmington, NC [CGD05–03–207] (RIN: 1625–AA00) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6802. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Chesapeake & Delaware Canal [CGD05–04–003] (RIN: 1625–AA00) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6803. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Delaware River [CGD05–04–015] (RIN: 1625–AA00) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6804. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Delaware River [CGD05–04–021] (RIN: 1625–AA00) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6805. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Chesapeake & Delaware Canal [CGD05–04–022] (RIN: 1625–AA00) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6806. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Corpus Christi—Port Aransas Channel—Tule Lake, Corpus Christi, TX. [CGD08–04–005] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6807. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulation; East Pascagoula River, Pascagoula, MS [CGD08–04–002] (RIN: 1625–AA09) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6808. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulation; Alabama River, Montgomery, AL [CGD08–04–001] (RIN: 1625–AA09) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6809. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Oyster Creek Generation Station, Forked River, Ocean County, NJ [CGD05–03–111] (RIN: 1625–AA00) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6810. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone Regulations, New Tacoma Narrows Bridge Construction Project [CGD13–03–025] (RIN: 1625–AA00) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6811. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Salem and Hope Generating Stations, Delaware River, Salem, NJ [CGD05–03–113] (RIN: 1625–AA00) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6812. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Distributions of Stock and Securities of a Controlled Corporation (Rev. Rul. 2004–23) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6813. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Request for Comments Concerning the Treatment of Amounts Required to Be Capitalized in Certain Transactions to which 1.263(a)–5 Applies [Notice 2004–18] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6814. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Foreign Tax Credit Abuse [Notice 2004–19] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6815. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Abusive Foreign Tax Credit Intermediary Transaction [Notice 2004–20] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6816. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2004–25) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6817. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters (Rev. Proc. 2004–16) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶13.4 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment concurrent resolutions of the House of the following titles:

H. Con. Res. 264. A concurrent resolution authorizing and requesting the President to issue a proclamation to commemorate the 200th anniversary of the birth of Constantino Brumidi.

H. Con. Res. 358. A concurrent resolution authorizing the printing of ''History of the United States Capitol'' as a House document.

H. Con. Res. 359. A concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

¶13.5 GAO HUMAN CAPITAL REFORM

On motion of Mrs. Jo Ann DAVIS of Virginia, pursuant to the order of the House of February 24, 2004, called up the bill (H.R. 2751) to provide new human capital flexibilities with respect to the GAO, and for other purposes.

Pending consideration of said bill.

Pursuant to the order of the House of February 24, 2004, the following amendment in the nature of a substitute recommended by the Committee on Government Reform printed in the bill was considered as adopted:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 31.

(a) SHORT TITLE.—This Act may be cited as the ''GAO Human Capital Reform Act of 2003''.

(b) AMENDMENT OF TITLE 31.—Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 31, United States Code.

SEC. 2. AMENDMENTS TO PUBLIC LAW 106–303.

(a) AUTHORITIES MADE PERMANENT.—Sections 1 and 2 of Public Law 106–303 (5 U.S.C. 8336 note and 5597 note) are amended by striking ''for purposes of the period beginning on the date of the enactment of this Act and ending on December 31, 2003'' each place it appears and inserting ''October 13, 2000''.

(b) SENSE OF CONGRESS.—

(1) VOLUNTARY EARLY RETIREMENT AUTHORITY.—Section 1 of Public Law 106–303 is amended by adding at the end the following:

''(e) SENSE OF CONGRESS.—It is the sense of Congress that the implementation of this section is intended to reshape the General Accounting Office workforce and not downsize the General Accounting Office workforce.''.

(2) VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—Section 2 of Public Law 106–303 is amended by adding at the end the following:

''(g) SENSE OF CONGRESS.—It is the sense of Congress that the implementation of this section is intended to reshape the General Accounting Office workforce and not downsize the General Accounting Office workforce.''.

(c) ADDITIONAL LIMITATION RELATING TO VSIPS.—Section 2(b) of Public Law 106–303 is amended by striking paragraph (2) and inserting the following:

''(2) subsection (a)(2)(G) of such section shall be applied—

''(A) by construing the citations therein to be references to the appropriate authorities in connection with employees of the General Accounting Office; and

''(B) by deeming such subsection to be amended by striking 'Code.' and inserting 'Code, or who, during the thirty-six month period preceding the date of separation, performed service for which a student loan repayment benefit was or is to be paid under section 5379 of title 5, United States Code.';''.

SEC. 3. ANNUAL PAY ADJUSTMENTS.

(a) OFFICERS AND EMPLOYEES GENERALLY.—Paragraph (3) of section 732(c) is amended to read as follows:

''(3) except as provided under section 733(a)(3)(B) of this title, basic rates of officers and employees of the Office shall be adjusted annually to such extent as determined by the Comptroller General, and in making that determination the Comptroller General shall consider—

''(A) the principle that equal pay should be provided for work of equal value within each local pay area;

''(B) the need to protect the purchasing power of officers and employees of the Office, taking into consideration the Consumer Price Index or other appropriate indices;

''(C) any existing pay disparities between officers and employees of the Office and non-Federal employees in each local pay area;

''(D) the pay rates for the same levels of work for officers and employees of the Office and non-Federal employees in each local pay area;

''(E) the appropriate distribution of agency funds between annual adjustments under this section and performance-based compensation; and

''(F) such other criteria as the Comptroller General considers appropriate, including, but not limited to, the funding level for the Office, amounts allocated for performance-based compensation, and the extent to which the Office is succeeding in fulfilling its mission and accomplishing its strategic plan;

notwithstanding any other provision of this paragraph, an adjustment under this paragraph shall not be applied in the case of any officer or employee whose performance is not at a satisfactory level, as determined by the Comptroller General for purposes of such adjustment;''.

(b) OFFICERS AND EMPLOYEES IN THE OFFICE SENIOR EXECUTIVE SERVICE.—Subparagraph (B) of section 733(a)(3) is amended to read as follows:

''(B) adjusted annually by the Comptroller General after taking into consideration the factors listed under section 732(c)(3) of this title, except that an adjustment under this subparagraph shall not be applied in the case of any officer or employee whose performance is not at a satisfactory level, as determined by the Comptroller General for purposes of such adjustment;''.

(c) CONFORMING AMENDMENT.—Section 732(b)(6) is amended by striking ''title 5.'' and inserting ''title 5, except as provided under subsection (c)(3) of this section and section 733(a)(3)(B) of this title.''.

SEC. 4. PAY RETENTION.

Paragraph (5) of section 732(c) is amended to read as follows:

''(5) the Comptroller General shall prescribe regulations under which an officer or employee of the Office shall be entitled to pay retention if, as a result of any reduction-in-force or other workforce adjustment procedure, position reclassification, or other appropriate circumstances as determined by the Comptroller General, such officer or employee is placed in or holds a position in a lower grade or band with a maximum rate of basic pay that is less than the rate of basic pay payable to the officer or employee immediately before the reduction in grade or band; such regulations—

''(A) shall provide that the officer or employee shall be entitled to continue receiving the rate of basic pay that was payable to the officer or employee immediately before the reduction in grade or band until such time as the retained rate becomes less than the maximum rate for the grade or band of the position held by such officer or employee; and

''(B) shall include provisions relating to the minimum period of time for which an officer or employee must have served or for which the position must have been classified at the higher grade or band in order for pay retention to apply, the events that terminate the right to pay retention (apart from the one described in subparagraph (A)), and exclusions based on the nature of an appointment; in prescribing regulations under this subparagraph, the Comptroller General shall be guided by the provisions of sections 5362 and 5363 of title 5.''.

SEC. 5. RELOCATION BENEFITS.

Section 731 is amended by adding after subsection (e) the following:

''(f) The Comptroller General shall prescribe regulations under which officers and employees of the Office may, in appropriate circumstances, be reimbursed for any relocation expenses under subchapter II of chapter 57 of title 5 for which they would not otherwise be eligible, but only if the Comptroller General determines that the

transfer giving rise to such relocation is of sufficient benefit or value to the Office to justify such reimbursement.''.

SEC. 6. INCREASED ANNUAL LEAVE FOR KEY EMPLOYEES.

Section 731 is amended by adding after subsection (f) (as added by section 5 of this Act) the following:

''(g) The Comptroller General shall prescribe regulations under which key officers and employees of the Office who have less than 3 years of service may accrue leave in accordance with section 6303(a)(2) of title 5, in those circumstances in which the Comptroller General has determined such increased annual leave is appropriate for the recruitment or retention of such officers and employees. Such regulations shall define key officers and employees and set forth the factors in determining which officers and employees should be allowed to accrue leave in accordance with this subsection.''.

SEC. 7. EXECUTIVE EXCHANGE PROGRAM.

Section 731 is amended by adding after subsection (g) (as added by section 6 of this Act) the following:

''(h) The Comptroller General may by regulation establish an executive exchange program under which officers and employees of the Office may be assigned to private sector organizations, and employees of private sector organizations may be assigned to the Office, to further the institutional interests of the Office or Congress, including for the purpose of providing training to officers and employees of the Office. Regulations to carry out any such program—

''(1) shall include provisions (consistent with sections 3702 through 3704 of title 5) as to matters concerning—

''(A) the duration and termination of assignments;

''(B) reimbursements; and

''(C) status, entitlements, benefits, and obligations of program participants;

''(2) shall limit—

''(A) the number of officers and employees who are assigned to private sector organizations at any one time to not more than 15; and

''(B) the number of employees from private sector organizations who are assigned to the Office at any one time to not more than 30;

''(3) shall require that an employee of a private sector organization assigned to the Office may not have access to any trade secrets or to any other nonpublic information which is of commercial value to the private sector organization from which such employee is assigned;

''(4) shall require that, before approving the assignment of an officer or employee to a private sector organization, the Comptroller General shall determine that the assignment is an effective use of the Office's funds, taking into account the best interests of the Office and the costs and benefits of alternative methods of achieving the same results and objectives; and

''(5) shall not allow any assignment under this subsection to commence after the end of the 5-year period beginning on the date of the enactment of this subsection.

''(i) An employee of a private sector organization assigned to the Office under the executive exchange program shall be considered to be an employee of the Office for purposes of—

''(1) chapter 73 of title 5;

''(2) sections 201, 203, 205, 207, 208, 209, 603, 606, 607, 643, 654, 1905, and 1913 of title 18;

''(3) sections 1343, 1344, and 1349(b) of this title;

''(4) chapter 171 of title 28 (commonly referred to as the 'Federal Tort Claims Act') and any other Federal tort liability statute;

''(5) the Ethics in Government Act of 1978 (5 U.S.C. App.);

''(6) section 1043 of the Internal Revenue Code of 1986; and

''(7) section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423).''.

SEC. 8. REDESIGNATION.

(a) IN GENERAL.—The General Accounting Office is hereby redesignated the Government Accountability Office.

(b) REFERENCES.—Any reference to the General Accounting Office in any law, rule, regulation, certificate, directive, instruction, or other official paper in force on the date of enactment of this Act shall be considered to refer and apply to the Government Accountability Office.

SEC. 9. PERFORMANCE MANAGEMENT SYSTEM.

Paragraph (1) of section 732(d) is amended to read as follows:

''(1) for a system to appraise the performance of officers and employees of the General Accounting Office that meets the requirements of section 4302 of title 5 and in addition includes—

''(A) a link between the performance management system and the agency's strategic plan;

''(B) adequate training and retraining for supervisors, managers, and employees in the implementation and operation of the performance management system;

''(C) a process for ensuring ongoing performance feedback and dialogue between supervisors, managers, and employees throughout the appraisal period and setting timetables for review;

''(D) effective transparency and accountability measures to ensure that the management of the system is fair, credible, and equitable, including appropriate independent reasonableness, reviews, internal assessments, and employee surveys; and

''(E) a means to ensure that adequate agency resources are allocated for the design, implementation, and administration of the performance management system;''.

SEC. 10. CONSULTATION.

Before the implementation of any changes authorized under this Act, the Comptroller General shall consult with any interested groups or associations representing officers and employees of the General Accounting Office.

SEC. 11. REPORTING REQUIREMENTS.

(a) ANNUAL REPORTS.—The Comptroller General shall include—

(1) in each report submitted to Congress under section 719(a) of title 31, United States Code, during the 5-year period beginning on the date of enactment of this Act, a summary review of all actions taken under sections 2, 3, 4, 6, 7, 9, and 10 of this Act during the period covered by such report, including—

(A) the respective numbers of officers and employees—

(i) separating from the service under section 2 of this Act;

(ii) receiving pay retention under section 4 of this Act;

(iii) receiving increased annual leave under section 6 of this Act; and

(iv) engaging in the executive exchange program under section 7 of this Act, as well as the number of private sector employees participating in such program and a review of the general nature of the work performed by the individuals participating in such program;

(B) a review of all actions taken to formulate the appropriate methodologies to implement the pay adjustments provided for under section 3 of this Act, except that nothing under this subparagraph shall be required if no changes are made in any such methodology during the period covered by such report; and

(C) an assessment of the role of sections 2, 3, 4, 6, 7, 9, and 10 of this Act in contributing to the General Accounting Office's ability to carry out its mission, meet its performance goals, and fulfill its strategic plan; and

(2) in each report submitted to Congress under such section 719(a) after the effective date of section 3 of this Act and before the close of the 5-year period referred to in paragraph (1)—

(A) a detailed description of the methodologies applied under section 3 of this Act and the manner in which such methodologies were applied to determine the appropriate annual pay adjustments for officers and employees of the Office;

(B) the amount of the annual pay adjustments afforded to officers and employees of the Office under section 3 of this Act; and

(C) a description of any extraordinary economic conditions or serious budget constraints which had a significant impact on the determination of the annual pay adjustments for officers and employees of the Office.

(b) FINAL REPORT.—Not later than 6 years after the date of enactment of this Act, the Comptroller General shall submit to Congress a report concerning the implementation of this Act. Such report shall include—

(1) a summary of the information included in the annual reports required under subsection (a);

(2) recommendations for any legislative changes to section 2, 3, 4, 6, 7, 9, or 10 of this Act; and

(3) any assessment furnished by the General Accounting Office Personnel Appeals Board or any interested groups or associations representing officers and employees of the Office for inclusion in such report.

(c) ADDITIONAL REPORTING.—Notwithstanding any other provision of this section, the reporting requirement under subsection (a)(2)(C) shall apply in the case any report submitted under section 719(a) of title 31, United States Code, whether during the 5-year period beginning on the date of enactment of this Act (as required by subsection (a)) or at any time thereafter.

SEC. 12. TECHNICAL AMENDMENT.

Section 732(h)(3)(A) is amended by striking ''reduction force'' and inserting ''reduction in force''.

SEC. 13. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

(b) PAY ADJUSTMENTS.—

(1) IN GENERAL.—Section 3 of this Act and the amendments made by that section shall take effect on October 1, 2005, and shall apply in the case of any annual pay adjustment taking effect on or after that date.

(2) INTERIM AUTHORITIES.—In connection with any pay adjustment taking effect under section 732(c)(3) or 733(a)(3)(B) of title 31, United States Code, before October 1, 2005, the Comptroller General may by regulation—

(A) provide that such adjustment not be applied in the case of any officer or employee whose performance is not at a satisfactory level, as determined by the Comptroller General for purposes of such adjustment; and

(B) provide that such adjustment be reduced if and to the extent necessary because of extraordinary economic conditions or serious budget constraints.

(3) ADDITIONAL AUTHORITY.—

(A) IN GENERAL.—The Comptroller General may by regulation delay the effective date of section 3 of this Act and the amendments made by that section for groups of officers and employees that the Comptroller General considers appropriate.

(B) INTERIM AUTHORITIES.—If the Comptroller General provides for a delayed effective date under subparagraph (A) with respect to any group of officers or employees, paragraph (2) shall, for purposes of such group, be applied by substituting such date for ''October 1, 2005''.

When said bill, as amended, was considered and read twice.

After debate,

Pursuant to the order of the House of February 24, 2004, the previous question was ordered on the bill, as amended.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Mrs. MILLER of Michigan, demanded that the vote be taken by the yeas and

nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶13.6 HONORING THE LATE RAUL JULIA

Mrs. MILLER of Michigan moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 287):

Whereas Raul Julia made his Broadway debut just a few weeks after arriving in New York City in 1964 in Calderon's ''Life is a Dream'';

Whereas Raul Julia, after only 3 years of living in New York City, was instrumental opening doors for nontraditional parts for Hispanic actors by taking the role of Demetrius in Shakespeare's ''Titus Andronicus'' at the New York Shakespeare Festival and Cradeau in Sartre's ''No Exit'';

Whereas Raul Julia was the busiest Hispanic Shakespearean actor in New York and the first to establish a decades-long association with Joseph Papp and the New York Shakespeare Festival;

Whereas Raul Julia began an impressive and productive 28-year association with Joseph Papp and the New York Shakespeare Festival as Macduff in the Festival's Mobile Unit, Spanish language production of MacBeth;

Whereas Raul Julia became the first Puerto Rican actor to conquer Broadway stages by having his work be nominated for 4 different Tony Awards in 10 years: ''Two Gentlemen of Verona'', ''Where's Charley?'', ''Threepenny Opera'', and ''Nine'';

Whereas Raul Julia provided a role model for millions of children in his role as ''Rafael, the Fix-It Man'' in Sesame Street;

Whereas Raul Julia was a dedicated leader in the fight against the rising rates of teen violence and cosponsored scriptwriting competitions for high school students as a way to encourage teenagers to express their emotions through art rather than through violence;

Whereas Raul Julia's dedication to help Hispanic-American film and television writers develop their work led him to co-found the Latino Playwrights Reading Workshops;

Whereas Raul Julia was instrumental in the formation of the now legendary Puerto Rico Traveling Theater, an off-Broadway nonprofit Puerto Rican theater that to this day continues to promote and showcase bilingual plays, new Hispanic playwrights and Spanish-speaking actors while bringing theater to those who cannot ordinarily afford it;

Whereas Raul Julia was a leader in the entertainment industry, particularly as a tireless mentor and role model to emerging Latino actors;

Whereas Raul Julia was a dedicated activist and humanitarian who in his lifetime became a major supporter and spokesperson for the Hunger Project, a nonprofit organization committed to the eradication of world hunger;

Whereas Raul Julia was tireless in his commitment to the Puerto Rican film industry and to the making of Spanish language films and continued to participate in small, independent, Spanish-language films even after having become a Hollywood star;

Whereas Raul Julia was an extremely successful stage, film and television actor who never abandoned his Puerto Rican heritage, never changed his name and never gave up his accent, thereby becoming an enduring role model for hundreds of Latino actors;

Whereas Raul Julia received the Hispanic Heritage Award recognizing his many career achievements for the Latino community, including his involvement in ''La Familia'', a New York City outreach program for Latino families in need, the Puerto Rican traveling theater, the Museo del Barrio, and the New York Shakespeare Festival;

Whereas Raul Julia received the National Board of Review Best Actor prize for his interpretation of the political prisoner Valentin in the award-winning landmark film ''The Kiss of the Spider Woman'', an award he shared with his co-star William Hurt;

Whereas Raul Julia posthumously received the prestigious Emmy Award, Cable Ace Award, Golden Globe Award, and the SAG Award, given by his fellow actors for his most famous roles including Chico Mendes in ''The Burning Season'';

Whereas Raul Julia was proud of his Puerto Rican heritage and his life and work reflected his strong commitment to his culture and the people of Puerto Rico;

Whereas Raul Julia was given a state funeral in Puerto Rico and since that time there have been many awards and honors created in his name: a scholarship at Julliard, a scholarship given to a promising young actor for the purpose of studying and performing Shakespeare at the Joseph Papp Public Theater, the Raul Julia Award for Excellence given annually by the National Endowment for the Hispanic Arts in Washington, DC, El Teatro Raul Julia in San Juan Puerto Rico, and the Raul Julia Global Citizen Award, an annual award being given this year for the first time by the Puerto Rican Family Institute based in New York City;

Whereas Raul Julia was recognized by the Mayor of the City of New York with the creation of Raúl Juliá Day which was celebrated and commemorated in conjunction with Puerto Rican Heritage and Culture Month on November 21, 1994: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress recognizes and honors the life of the late Raul Julia, his dedication to ending world hunger, and his great contributions to the Latino community and the performing arts.

The SPEAKER pro tempore, Mr. LAHOOD, recognized Mrs. MILLER of Michigan and Mr. WAXMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. LAHOOD, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. MILLER of Michigan demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced that further proceedings on said bill were postponed.

¶13.7 BARBER CONABLE POST OFFICE BUILDING

Mrs. MILLER of Michigan moved to suspend the rules and pass the bill (H.R. 3690) to designate the facility of the United States Postal Service located at 2 West Main Street in Batavia, New York, as the ''Barber Conable Post Office Building''.

The SPEAKER pro tempore, Mr. LAHOOD, recognized Mrs. MILLER of Michigan and Mr. WAXMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. LAHOOD, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶13.8 RECESS—10:48 A.M.

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 12(a) of rule I, declared the House in recess at 10 o'clock and 48 minutes a.m., subject to the call of the Chair.

¶13.9 AFTER RECESS—2:19 P.M.

The SPEAKER pro tempore, Mr. FOLEY, called the House to order.

¶13.10 PROVIDING FOR THE CONSIDERATION OF H.R. 1997

Mr. LINDER, by direction of the Committee on Rules, called up the following resolution (H. Res. 529):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1997) to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes. The bill shall be considered as read for amendment. The amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) two hours of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; (2) the amendment in the nature of a substitute printed in part B of the report of the Committee on Rules, if offered by Representative Lofgren of California or her designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Mr. LINDER, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶13.11 H.R. 2751—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. FOLEY, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on the passage of the bill (H.R. 2751) to provide new human capital flexibilities with respect to the GAO, and for other purposes.

The question being put,

Will the House pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 382 / Nays 43

¶13.12 [Roll No. 28]

YEAS—382

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Ballance
Ballenger
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—43

Akin
Barrett (SC)
Bartlett (MD)
Burgess
Burton (IN)
Cannon
Coble
Cubin
Culberson
Duncan
Feeney
Filner
Flake
Fossella
Franks (AZ)
Garrett (NJ)
Goode
Gutknecht
Hayworth
Hefley
Hensarling
Hostettler
Istook
Jones (NC)
King (IA)
Manzullo
Miller (FL)
Moran (KS)
Nussle
Ose
Paul
Pence
Petri
Royce
Sensenbrenner
Shadegg
Shimkus
Smith (MI)
Stearns
Sweeney
Tancredo
Taylor (NC)
Toomey

NOT VOTING—8

Baird
Clyburn
Collins
Doggett
Forbes
Honda
Kucinich
Lantos

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶13.13 H. CON. RES. 287—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. FOLEY, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 287) recognizing and honoring the life of the late Raul Julia, his dedication to ending world hunger, and his great contributions to the Latino community and the performing arts.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 422 / Nays 0

¶13.14 [Roll No. 29]

YEAS—422

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)

Miller, Gary	Rangel	Stark
Miller, George	Regula	Stearns
Mollohan	Rehberg	Stenholm
Moore	Renzi	Strickland
Moran (KS)	Reyes	Stupak
Moran (VA)	Reynolds	Sullivan
Murphy	Rodriguez	Sweeney
Murtha	Rogers (AL)	Tancredo
Musgrave	Rogers (KY)	Tanner
Myrick	Rogers (MI)	Tauscher
Nadler	Rohrabacher	Tauzin
Napolitano	Ros-Lehtinen	Taylor (MS)
Neal (MA)	Ross	Taylor (NC)
Nethercutt	Rothman	Terry
Neugebauer	Roybal-Allard	Thomas
Ney	Royce	Thompson (CA)
Northup	Ruppersberger	Thompson (MS)
Norwood	Rush	Thornberry
Nunes	Ryan (OH)	Tiahrt
Nussle	Ryan (WI)	Tiberi
Oberstar	Ryun (KS)	Tierney
Obey	Sabo	Toomey
Olver	Sánchez, Linda T.	Towns
Ortiz	Sanchez, Loretta	Turner (OH)
Osborne	Sanders	Turner (TX)
Ose	Sandlin	Udall (CO)
Otter	Saxton	Udall (NM)
Owens	Schakowsky	Upton
Oxley	Schiff	Van Hollen
Pallone	Schrock	Velázquez
Pascrell	Scott (GA)	Visclosky
Pastor	Scott (VA)	Vitter
Paul	Sensenbrenner	Walden (OR)
Payne	Serrano	Walsh
Pearce	Sessions	Wamp
Pelosi	Shaw	Waters
Pence	Shays	Watson
Peterson (MN)	Sherman	Watt
Peterson (PA)	Sherwood	Waxman
Petri	Shimkus	Weiner
Pickering	Shuster	Weldon (FL)
Pitts	Simmons	Weldon (PA)
Platts	Simpson	Weller
Pombo	Skelton	Wexler
Pomeroy	Slaughter	Whitfield
Porter	Smith (MI)	Wicker
Portman	Smith (NJ)	Wilson (NM)
Price (NC)	Smith (TX)	Wilson (SC)
Pryce (OH)	Smith (WA)	Wolf
Putnam	Snyder	Woolsey
Quinn	Solis	Wu
Radanovich	Souder	Wynn
Rahall	Spratt	Young (AK)
Ramstad		Young (FL)

NOT VOTING—11

Baird	Doggett	Kucinich
Clyburn	Forbes	Lantos
Collins	Honda	Shadegg
Dicks	Jones (NC)	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶13.15 WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII

Mr. REYNOLDS, by direction of the Committee on Rules, reported (Rept. No. 108–428) the resolution (H. Res. 536) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules.

When said resolution and report were referred to the House Calendar and ordered printed.

¶13.16 BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House Reports that on February 24, 2004, he presented to the President of the United States, for his approval, the following bill.

H.R. 743. An Act to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes.

And then,

¶13.17 ADJOURNMENT

On motion of Mr. DAVIS of Illinois, at 9 o'clock and 16 minutes p.m., the House adjourned.

¶13.18 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. REYNOLDS: Committee on rules. House Resolution 536. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules. (Rept. 108–428). Referred to the House Calendar.

¶13.19 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. PLATTS (for himself and Mr. TOM DAVIS of Virginia):

H.R. 3826. A bill to require the review of Government programs at least once every 5 years for purposes of evaluating their performance; to the Committee on Government Reform.

By Mr. RANGEL:

H.R. 3827. A bill to amend the Internal Revenue Code of 1986 to protect American jobs; to the Committee on Ways and Means.

By Mrs. BIGGERT:

H.R. 3828. A bill to authorize funding for University Nuclear Science, Engineering, and Health Physics Programs at the Department of Energy for fiscal years 2005 through 2008; to the Committee on Science.

By Mr. CANTOR:

H.R. 3829. A bill to amend the Internal Revenue Code of 1986 to provide that interests in certain domestically controlled investment partnerships are not treated as United States real property interests; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3830. A bill to amend title 31, United States Code, to provide reasonable standards for congressional gold medals, and for other purposes; to the Committee on Financial Services.

By Mr. CASTLE (for himself, Mrs. MCCARTHY of New York, Mr. TOM DAVIS of Virginia, Mr. SHAYS, Mrs. JOHNSON of Connecticut, Mr. KIRK, Mr. QUINN, and Ms. ROS-LEHTINEN):

H.R. 3831. A bill to extend the sunset on the assault weapons ban for 10 years; to the Committee on the Judiciary.

By Mr. CASTLE (for himself, Mrs. MCCARTHY of New York, Mr. QUINN, Mr. KIRK, and Mrs. JOHNSON of Connecticut):

H.R. 3832. A bill to require criminal background checks on all firearms transactions occurring at events that provide a venue for the sale, offer for sale, transfer, or exchange of firearms, and for other purposes; to the Committee on the Judiciary.

By Mr. CROWLEY (for himself, Mr. LEWIS of Georgia, and Mr. OWENS):

H.R. 3833. A bill to direct the Secretary of Transportation to establish a pilot program to facilitate the use of natural gas buses at public airports through grants for energy demonstration and commercial application of energy technology, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Florida (for himself, Mrs. WILSON of New Mexico, Mr. HASTINGS of Florida, Mr. SHAW, Mr. CASE, Ms. GINNY BROWN-WAITE of Florida, Ms. ROYBAL-ALLARD, Mr. CUNNINGHAM, Mr. HINOJOSA, Mr. ISSA, Mr. GREEN of Texas, Mr. FOLEY, Mr. FILNER, Ms. ROS-LEHTINEN, Ms. CORRINE BROWN of Florida, Mr. MICA, Mrs. DAVIS of California, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CRENSHAW, Mr. HUNTER, Mr. DOOLITTLE, and Mr. POMBO):

H.R. 3834. A bill to direct the Secretary of Energy to make incentive payments to the owners or operators of qualified desalination facilities to partially offset the cost of electrical energy required to operate such facilities, and for other purposes; to the Committee on Resources.

By Mr. DINGELL (for himself, Mr. STUPAK, Mr. CONYERS, Ms. KILPATRICK, Mr. KILDEE, and Mr. LEVIN):

H.R. 3835. A bill to amend part C of title XVIII of the Social Security Act to prohibit the operation of the Medicare comparative cost adjustment (CCA) program in Michigan; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOEFFEL (for himself, Mr. BRADY of Pennsylvania, Mr. DOYLE, Mr. FATTAH, Mr. HOLDEN, Mr. KANJORSKI, and Mr. MURTHA):

H.R. 3836. A bill to amend part C of title XVIII of the Social Security Act to prohibit the operation of the Medicare comparative cost adjustment (CCA) program in Pennsylvania; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOUGHTON (for himself, Mr. PORTMAN, and Mr. MORAN of Kansas):

H.R. 3837. A bill to amend the Internal Revenue Code of 1986 to limit the deduction for charitable contributions of patents and similar property; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself, Mr. SHAYS, Mr. SIMMONS, and Mr. JOHNSON of Illinois):

H.R. 3838. A bill to provide grants to local governments to assist such local governments in participating in certain decisions related to certain Indian groups and Indian tribes; to the Committee on Resources.

By Mrs. MCCARTHY of New York (for herself, Mr. FROST, Mr. OWENS, Mrs. JONES of Ohio, Mr. RUPPERSBERGER, Mr. STARK, Mr. SERRANO, Ms. WOOLSEY, Mr. RANGEL, Mrs. MALONEY, Ms. MCCOLLUM, Mr. GRIJALVA, and Mr. BRADY of Pennsylvania):

H.R. 3839. A bill to authorize the Secretary of Homeland Security to make grants to address homeland security preparedness shortcomings of units of municipal and county

government; to the Committee on Transportation and Infrastructure, and in addition to the Committees on the Judiciary, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NETHERCUTT:

H.R. 3840. A bill to amend title XXI of the Social Security Act to permit qualifying States to use a portion of their allotments under the State children's health insurance program for any fiscal year for certain Medicaid expenditures, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PALLONE (for himself, Mr. ANDREWS, Mr. HOLT, Mr. PAYNE, Mr. ROTHMAN, Mr. PASCRELL, and Mr. MENENDEZ):

H.R. 3841. A bill to amend part C of title XVIII of the Social Security Act to prohibit the operation of the Medicare comparative cost adjustment (CCA) program in New Jersey; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SLAUGHTER (for herself, Mr. RANGEL, Mr. ACKERMAN, Mr. BISHOP of New York, Mr. CROWLEY, Mr. ENGEL, Mr. HINCHEY, Mr. ISRAEL, Mrs. LOWEY, Mrs. MALONEY, Mrs. MCCARTHY of New York, Mr. MCNULTY, Mr. MEEKS of New York, Mr. NADLER, Mr. OWENS, Mr. SERRANO, Mr. TOWNS, Ms. VELAZQUEZ, and Mr. WEINER):

H.R. 3842. A bill to amend part C of title XVIII of the Social Security Act to prohibit the operation of the Medicare comparative cost adjustment (CCA) program in New York; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado (for himself and Mr. BEAUPREZ):

H.R. 3843. A bill to better provide for compensation for certain persons injured in the course of employment at the Rocky Flats site in Colorado; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of New Mexico:

H.R. 3844. A bill to amend part C of title XVIII of the Social Security Act to prohibit the comparative cost adjustment (CCA) program from operating in the State of New Mexico; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. AKIN (for himself, Mr. TANCREDO, Mr. DOOLITTLE, Mrs. MYRICK, Mr. KING of Iowa, Mr. GARRETT of New Jersey, Mr. SHADEGG, Mr. BARTLETT of Maryland, Mr. MILLER of Florida, Mr. SESSIONS, Mr. FROST, Mr. LIPINSKI, Mr. WILSON of South Carolina, Mr. COOPER, Mr. ADERHOLT, and Mr. REYES):

H. Con. Res. 367. Concurrent resolution saluting the life and courage of the late Commander Lloyd ''Pete'' Bucher, United States Navy (retired), who commanded the U.S.S. Pueblo (AGER–2) at the time of its capture by North Korea on January 23, 1968; to the Committee on Armed Services.

By Mr. PETRI:

H. Con. Res. 368. Concurrent resolution recognizing The Garden Club of America on the occasion of its 91st annual meeting; to the Committee on Government Reform.

By Mr. SANDERS:

H. Con. Res. 369. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued in honor of Matthew Lyon; to the Committee on Government Reform.

By Ms. WATERS (for herself, Ms. LEE, Ms. WATSON, Mr. BROWN of Ohio, Mr. CONYERS, Mr. EMANUEL, Mr. PALLONE, Mr. RANGEL, Mr. LEWIS of Georgia, Ms. CORRINE BROWN of Florida, Mr. HASTINGS of Florida, Mr. DAVIS of Illinois, Ms. MAJETTE, Mr. OWENS, Ms. NORTON, Mr. MEEKS of New York, Mr. CLYBURN, Mr. PAYNE, Mr. WATT, Mr. BALLANCE, Mr. SCOTT of Virginia, Mr. THOMPSON of Mississippi, Ms. KILPATRICK, Mrs. JONES of Ohio, Mrs. CHRISTENSEN, Mr. CUMMINGS, Ms. JACKSON-LEE of Texas, Ms. WOOLSEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DELAHUNT, Mr. GRIJALVA, Ms. SCHAKOWSKY, Mr. KUCINICH, Mr. TOWNS, and Mr. FATTAH):

H. Con. Res. 370. Concurrent resolution expressing the sense of Congress that the United States should support the principles of democracy and constitutional rule in the Republic of Haiti, and for other purposes; to the Committee on International Relations.

By Mr. HILL:

H. Res. 534. A resolution providing for the consideration of the bill (H.R. 1769) to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States; to the Committee on Rules.

By Mr. WELLER (for himself, Mr. BALLENGER, Ms. HARRIS, and Mr. SOUDER):

H. Res. 535. A resolution expressing the concern and support of the House of Representatives for local elected officials under threat of assassination, kidnapping, forcible displacement, and coercion by terrorist organizations in the Republic of Colombia; to the Committee on International Relations.

By Mr. WELDON of Pennsylvania:

H. Res. 537. A resolution recognizing the exemplary contributions of the Gilmore Commission to the homeland security of the United States, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Armed Services, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶13.20 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 110: Mr. CARDOZA.
H.R. 111: Mr. FROST and Mr. BARTLETT of Maryland.
H.R. 284: Mr. CLYBURN.
H.R. 290: Mr. BOUCHER and Mr. LOBIONDO.
H.R. 339: Mr. BURNS.
H.R. 476: Mr. WEINER and Mr. LANTOS.
H.R. 610: Mr. WU.
H.R. 677: Mr. ACEVEDO-VILA, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Ms. NORTON, and Ms. WATSON.
H.R. 713: Mr. CONYERS and Ms. BERKLEY.
H.R. 776: Ms. LOFGREN.
H.R. 840: Mr. MCNULTY.
H.R. 880: Mr. LANTOS.
H.R. 962: Mr. RANGEL, Mrs. JONES of Ohio, Mrs. DAVIS of California, Mr. GUTIERREZ, and Mr. SCHIFF.
H.R. 977: Mr. KILDEE, Mr. THOMPSON of Mississippi, and Mr. MARKEY.
H.R. 1002: Mr. SAXTON.
H.R. 1010: Mrs. MALONEY.
H.R. 1127: Mr. GRAVES and Mr. ROHRABACHER.
H.R. 1214: Mr. EMANUAL and Mr. LAMPSON.
H.R. 1377: Mr. JACKSON of Illinois.
H.R. 1426: Mr. MCDERMOTT.
H.R. 1434: Mr. LEWIS of Georgia.
H.R. 1472: Mr. CONYERS.
H.R. 1532: Mr. POMEROY, Mr. SNYDER, and Mr. GERLACH.
H.R. 1582: Mr. KOLBE.
H.R. 1613: Mr. HOLT, Mr. NADLER, Ms. NORTON, and Mr. ROTHMAN.
H.R. 1634: Mr. FILNER.
H.R. 1726: Mr. RAHALL.
H.R. 1767: Mr. GARRETT of New Jersey, Mr. RAMSTAD, and Mr. BACHUS.
H.R. 1824: Mr. BEAUPREZ, Mr. PRICE of North Carolina, and Mr. PAYNE.
H.R. 1863: Ms. WOOLSEY, Mr. BISHOP of Georgia, Mr. OLVER, and Mr. INSLEE.
H.R. 2011: Mr. LIPINSKI.
H.R. 2154: Mr. KINGSTON.
H.R. 2217: Mr. GORDON.
H.R. 2227: Mr. FORD and Mr. WAMP.
H.R. 2260: Mr. QUINN and Mr. GORDON.
H.R. 2293: Mr. BALLENGER and Mr. FLAKE.
H.R. 2318: Mr. CHANDLER.
H.R. 2497: Mr. HOEFFEL.
H.R. 2761: Mrs. MALONEY.
H.R. 2768: Mr. BEAUPREZ.
H.R. 2823: Mr. RAHALL and Mr. BRADLEY of New Hampshire.
H.R. 2824: Mr. GARRETT of New Jersey, Mr. VAN HOLLEN, Mr. SESSIONS, Mr. HAYES, and Mr. WILSON of South Carolina.
H.R. 2840: Mr. NADLER.
H.R. 2900: Mr. MICA and Mr. LEWIS of Kentucky.
H.R. 2932: Mr. HOLT.
H.R. 2971: Mr. MCDERMOTT.
H.R. 3002: Mr. KOLBE.
H.R. 3015: Mr. BOOZMAN.
H.R. 3048: Mr. FLAKE.
H.R. 3058: Mr. CHOCOLA.
H.R. 3194: Mr. TIERNEY, Mr. WEXLER, and Ms. KAPTUR.
H.R. 3242: Ms. SLAUGHTER, Mr. POMEROY, and Mr. LAMPSON.
H.R. 3307: Mr. TIBERI and Mr. MILLER of Florida.
H.R. 3324: Mr. MARSHALL.
H.R. 3341: Mr. BALLANCE and Mr. BOUCHER.
H.R. 3344: Mr. MCINTYRE and Ms. WOOLSEY.
H.R. 3451: Mr. BISHOP of Georgia.
H.R. 3480: Ms. LOFGREN.
H.R. 3528: Mr. LARSON of Connecticut, Mr. RANGEL, and Mr. HASTINGS of Florida.
H.R. 3539: Mr. BISHOP of Georgia, Mr. HOLDEN, Mr. ENGEL, Mr. HASTINGS of Florida, Mr. DEUTSCH, and Mr. MENENDEZ.
H.R. 3545: Ms. LEE.
H.R. 3572: Mr. OWENS.
H.R. 3591: Mr. LEACH.
H.R. 3604: Mr. LEWIS of Kentucky and Mr. WHITFIELD.
H.R. 3605: Mr. NEY.
H.R. 3610: Mr. SANDLIN.
H.R. 3619: Mr. BISHOP of Georgia, Mr. BRADY of Pennsylvania, Mr. POMEROY, Mr. LATOURETTE, Mr. SCOTT of Georgia, Mr. MEEKS of New York, and Mr. RANGEL.
H.R. 3672: Mrs. DAVIS of California and Mrs. CAPPS.
H.R. 3676: Mr. CUMMINGS, Mr. EMANUEL, and Mr. BERMAN.
H.R. 3678: Mr. BISHOP of New York.
H.R. 3684: Mr. MCGOVERN, Mr. ISRAEL, Mr. LANGEVIN, and Mr. SHAYS.
H.R. 3707: Mr. HINCHEY, Mr. KILDEE, Mr. MATSUI, Mr. EVANS, Ms. SLAUGHTER, and Mr. PASTOR.

H.R. 3708: Mr. FLAKE.

H.R. 3714: Mr. GRIJALVA, Mr. FRANK of Massachusetts, and Mr. RYAN of Ohio.

H.R. 3764: Mr. BILIRAKIS, Mr. ENGLISH, Ms. LOFGREN, Mr. OWENS, Mr. PLATTS, Ms. GINNY BROWN-WAITE of Florida, Mr. HINOJOSA, Mr. PAYNE, Mrs. WILSON of New Mexico, Ms. NORTON, Mr. GRIJALVA, and Mr. RUSH.

H.R. 3771: Mr. FRANK of Massachusetts, Mr. MCNULTY, and Mr. WOLF.

H.R. 3793: Mr. STEARNS, Mr. BARTLETT of Maryland, Mr. TANCREDO, Mr. PALLONE, and Mr. BERMAN.

H.R. 3796: Mrs. CAPITO.

H.R. 3801: Mr. BURGESS, Mr. TANCREDO, and Mr. TERRY.

H.R. 3815: Mr. FROST and Mr. SERRANO.

H.R. 3818: Mr. WALSH, Mr. LAMPSON, and Mr. ANDREWS.

H.J. Res. 60: Mr. MILLER of Florida.

H. Con. Res. 15: Mr. WELDON of Florida, Mr. WALSH, and Ms. WATSON.

H. Con. Res. 99: Mr. MCGOVERN, Mr. NEAL of Massachusetts, and Mr. MATSUI.

H. Con. Res. 111: Mr. LYNCH.

H. Con. Res. 218: Mr. KENNEDY of Rhode Island and Mr. FROST.

H. Con. Res. 232: Mr. BARTLETT of Maryland.

H. Con. Res. 276: Mr. OBERSTAR and Ms. LEE.

H. Con. Res. 298: Mr. GREENWOOD.

H. Con. Res. 304: Mr. GREEN of Wisconsin and Mr. SHAYS.

H. Con. Res. 307: Mr. ISRAEL.

H. Con. Res. 327: Mr. MCGOVERN and Ms. WOOLSEY.

H. Con. Res. 332: Mr. DAVIS of Alabama, Mr. REHBERG, Mr. GREEN of Wisconsin, Mr. CLAY, and Mr. KILDEE.

H. Con. Res. 353: Mr. BELL, Mr. NEY, Ms. SCHAKOWSKY, Mr. WU, Mr. COX, Mr. GRIJALVA, Mr. LEWIS of Georgia, and Ms. WATSON.

H. Res. 38: Mr. ISRAEL.

H. Res. 313: Mr. WEINER and Mr. LANTOS.

H. Res. 471: Mr. WYNN and Mr. DAVIS of Illinois.

H. Res. 479: Mr. FILNER, Ms. MILLENDER-MCDONALD, and Mr. STARK.

H. Res. 501: Mr. CLAY, Ms. MCCARTHY of Missouri, Mr. SMITH of New Jersey, Mr. SHIMKUS, Mr. PENCE, Mr. FRANK of Massachusetts, and Mr. AKIN.

H. Res. 522: Mrs. MCCARTHY of New York, Mr. MCNULTY, Mr. SERRANO, Mr. LIPINSKI, and Mr. TERRY.

H. Res. 524: Mr. RUSH, Mr. OWENS, and Mr. ENGLISH.

H. Res. 526: Mr. ACKERMAN, Mr. BELL, Mr. BLUMENAUER, Mr. CALVERT, Mr. EVANS, Mr. EHLERS, Mr. HOBSON, Mr. LEACH, Ms. LEE, Ms. HARRIS, Mr. MORAN of Virginia, Mr. OWENS, Mr. PAYNE, and Mr. MCCOTTER.

H. Res. 530: Mr. ABERCROMBIE and Mr. CLAY.

THURSDAY, FEBRUARY 26, 2004 (14)

The House was called to order by the SPEAKER.

¶14.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, February 25, 2004.

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

¶14.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

6818. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Aminoethoxyvenylglycine hydrochloride (aviglycine HCI); Pesticide Tolerance [OPP-2003-0389; FRL-7341-6] received February 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6819. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Bifenazate; Pesticide Tolerances for Emergency Exemptions [OPP-2003-0370; FRL-7335-6] received February 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6820. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Aldicarb, Atrazine, Cacodylic Acid, Carbofuran, et al.; Tolerance Actions [OPP-2003-0344; FRL-7338-3] received February 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6821. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Thifensulfuron mehtyl; Tolerances Actions [OPP-2003-0363; FRL-7338-6] received February 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6822. A letter from the Assistant Director, Legislative and Regulatory Activities Division, Comptroller of the Currency, Department of the Treasury, transmitting the Department's final rule — Bank Activities and Operations [Docket No. 04-03] (RIN: 1557-AC78) received January 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6823. A letter from the Assistant Director, Legislative and Regulatory Activities Division, Comptroller of the Currency, Department of the Treasury, transmitting the Department's final rule — Bank Activities and Operations; Real Estate Lending and Appraisals [Docket No. 04-04] (RIN: 1557-AC73) received January 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6824. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Section 112(I) Authority for Hazardous Air Pollutants; Equivalency by Permit Provisions; National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry; State of South Carolina [SC-112L-2004-1-FRL-7623-8] received February 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6825. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Montana; Thompson Falls PM Nonattainment Area Control Plan [SIP No. MT-001-0005, MT-001-0006; FRL-7609-1] received February 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6826. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revisions to Update the 1-Hour Ozone Maintenance Plan for the Reading Area (Berks County) [PA 210-4302; FRL-7616-6] received February 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6827. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; MOBILE6-Based Motor Vehicle Emission Budgets for Greenbrier County and the Charleston, Huntington, and Parkersburg 1-Hour Ozone Maintenance Areas [WV063-6032a; FRL-7612-9] received February 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6828. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans Tennessee: Knox County Maintenance Plan Update [TN-257-200402(a); FRL-7616-2] received February 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6829. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Connecticut; Motor Vehicle Emissions Budgets for 2005 and 2007 using MOBILE6.2 for the Connecticut portion of the New York-Northern New Jersey-Long Island nonattainment area and for 2007 for the Greater Connecticut nonattainment area. [CT-057-7216g; A-1-FRL-7617-8] received February 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6830. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; Michigan [MI83-03; FRL-7617-7] received February 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6831. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Redesignation and Approval of Ohio Implementation Plan [OH158-1a; FRL-76167-4] received February 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6832. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; The 2005 ROP Plan for the Baltimore Sever 1-Hour Ozone Nonattainment Area; Revisions to the Plan's Emissions Inventories and Motor Vehicle Emissions Budgets to Reflect MOBILE6 [MD151-3107; FRL-7623-4] received February 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6833. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans Florida: Southeast Florida Area Maintenance Plan Update [FL-91-200323(a); FRL-7622-1] received February 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6834. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Delegation of Authority to the Washington State Department of Ecology, Benton Clean Air Authority, Northwest Air Pollution Authority, Olympic Regional Clean Air Agency, Puget Sound Clean Air Agency, Spokane County Air Pollution Control Authority, Southwest Clean Air Agency, and Yakima Regional Clean Air Authority for New Source Performance Standards. [FRL-7623-2] received February 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6835. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Delegation of Authority to the Oregon Department of Environmental Quality for New Source Performance Standards [FRL-7622-6] received February 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6836. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Interim Final Determination to Stay and/or Defer Sanctions, San Joaquin Valley Unified Air Pollution Control District [CA269-0438b; FRL-7621-2] received February 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6837. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Primary and Secondary Drinking Water Regulations; Approval of Additional Method for the Detection of Coliforms and E.Coli in Drinking Water [FRL-7622-8] (RIN: 2040-AD90) received February 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6838. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Texas Underground Injection Control Program Approval Under Section 1422 of the Safe Drinking Water Act and Administered by the Railroad Commission of Texas [FRL-7622-9] received February 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6839. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Texas Underground Injection Control Program Approved Under Section 1422 of the Safe Drinking Water Act and Administered by the Texas Commission on Environmental Quality [FRL-7623-1] received February 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6840. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [CA 295-0434a; FRL-7614-9] received February 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6841. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Civil Monetary Penalty Inflation Adjustment Rule [FRL-7623-5] received February 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6842. A letter from the Chair, Office of Compliance, transmitting Second Notice of Proposed Procedural Rule Making under Section 303(b) of the Congressional Accountability Act of 1995 for publication in the Congressional Record, pursuant to 2 U.S.C 1384(b); jointly to the Committees on House Administration and Education and the Workforce.

¶14.3 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 357. A concurrent Resolution permitting the use of the rotunda of the Capitol for a ceremony to award a Congressional Gold Medal to Dr. Dorothy Height.

The message also announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 92. A concurrent resolution congratulating and saluting Focus: HOPE on the occasion of its 35th anniversary and for its remarkable commitment and contributions to Detroit, the State of Michigan, and the United States.

The message also announced that pursuant to Public Law 106–398, as amended by Public Law 108–7, in accordance with the qualifications specified under section 1238(b)(3)(E) of Public Law 106–398, the Chair, on behalf of the President pro tempore, and upon the recommendation of the Majority Leader, in consultation with the chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, appoints the following individual to the United States-China Economic Security Review Commission: Gary J. Schmitt of Washington, D.C., vice Michael A. Ledeen of Maryland.

The message also announced that pursuant to Public Law 108–173, the Chair, on behalf of the Democratic Leader, appoints the following individual to serve as a member of the Commission on Systemic Interoperability: Herbert Pardes, M.D., of New York.

¶14.4 UNBORN VICTIMS OF VIOLENCE

Mr. SENSENBRENNER, pursuant to House Resolution 529, called up the bill (H.R. 1997) to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes.

Pending consideration of said bill.

Pursuant to House Resolution 529, the following amendment in the nature of a substitute recommended by the Committee on the Judiciary, modified by the amendment printed in part A of House Report 108–427, was considered as adopted:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Unborn Victims of Violence Act of 2004'' or ''Laci and Conner's Law''.

SEC. 2. PROTECTION OF UNBORN CHILDREN.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 90 the following:

"CHAPTER 90A—PROTECTION OF UNBORN CHILDREN

''Sec.
''1841. Protection of unborn children.

"§ 1841. Protection of unborn children

''(a)(1) Whoever engages in conduct that violates any of the provisions of law listed in subsection (b) and thereby causes the death of, or bodily injury (as defined in section 1365) to, a child, who is in utero at the time the conduct takes place, is guilty of a separate offense under this section.

''(2)(A) Except as otherwise provided in this paragraph, the punishment for that separate offense is the same as the punishment provided under Federal law for that conduct had that injury or death occurred to the unborn child's mother.

''(B) An offense under this section does not require proof that—

''(i) the person engaging in the conduct had knowledge or should have had knowledge that the victim of the underlying offense was pregnant; or

''(ii) the defendant intended to cause the death of, or bodily injury to, the unborn child.

''(C) If the person engaging in the conduct thereby intentionally kills or attempts to kill the unborn child, that person shall instead of being punished under subparagraph (A), be punished as provided under sections 1111, 1112, and 1113 of this title for intentionally killing or attempting to kill a human being.

''(D) Notwithstanding any other provision of law, the death penalty shall not be imposed for an offense under this section.

''(b) The provisions referred to in subsection (a) are the following:

''(1) Sections 36, 37, 43, 111, 112, 113, 114, 115, 229, 242, 245, 247, 248, 351, 831, 844(d), (f), (h)(1), and (i), 924(j), 930, 1111, 1112, 1113, 1114, 1116, 1118, 1119, 1120, 1121, 1153(a), 1201(a), 1203, 1365(a), 1501, 1503, 1505, 1512, 1513, 1751, 1864, 1951, 1952 (a)(1)(B), (a)(2)(B), and (a)(3)(B), 1958, 1959, 1992, 2113, 2114, 2116, 2118, 2119, 2191, 2231, 2241(a), 2245, 2261, 2261A, 2280, 2281, 2332, 2332a, 2332b, 2340A, and 2441 of this title.

''(2) Section 408(e) of the Controlled Substances Act of 1970 (21 U.S.C. 848(e)).

''(3) Section 202 of the Atomic Energy Act of 1954 (42 U.S.C. 2283).

''(c) Nothing in this section shall be construed to permit the prosecution—

''(1) of any person for conduct relating to an abortion for which the consent of the pregnant woman, or a person authorized by law to act on her behalf, has been obtained or for which such consent is implied by law;

''(2) of any person for any medical treatment of the pregnant woman or her unborn child; or

''(3) of any woman with respect to her unborn child.

''(d) As used in this section, the term 'unborn child' means a child in utero, and the term 'child in utero' or 'child, who is in utero' means a member of the species homo sapiens, at any stage of development, who is carried in the womb.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 90 the following new item:

"90A. Protection of unborn children ... 1841".

SEC. 3. MILITARY JUSTICE SYSTEM.

(a) PROTECTION OF UNBORN CHILDREN.—Subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 919 (article 119) the following new section:

"§ 919a. Art. 119a. Death or injury of an unborn child

''(a)(1) Any person subject to this chapter who engages in conduct that violates any of the provisions of law listed in subsection (b) and thereby causes the death of, or bodily injury (as defined in section 1365 of title 18) to, a child, who is in utero at the time the conduct takes place, is guilty of a separate offense under this section and shall, upon conviction, be punished by such punishment, other than death, as a court-martial may direct, which shall be consistent with the punishments prescribed by the President for that conduct had that injury or death occurred to the unborn child's mother.

''(2) An offense under this section does not require proof that—

''(i) the person engaging in the conduct had knowledge or should have had knowledge that the victim of the underlying offense was pregnant; or

''(ii) the accused intended to cause the death of, or bodily injury to, the unborn child.

''(3) If the person engaging in the conduct thereby intentionally kills or attempts to kill the unborn child, that person shall, instead of being punished under paragraph (1), be punished as provided under sections 880, 918, and 919(a) of this title (articles 80, 118, and 119(a)) for intentionally killing or attempting to kill a human being.

''(4) Notwithstanding any other provision of law, the death penalty shall not be imposed for an offense under this section.

''(b) The provisions referred to in subsection (a) are sections 918, 919(a), 919(b)(2), 920(a), 922, 924, 926, and 928 of this title (articles 118, 119(a), 119(b)(2), 120(a), 122, 124, 126, and 128).

''(c) Nothing in this section shall be construed to permit the prosecution—

''(1) of any person for conduct relating to an abortion for which the consent of the pregnant woman, or a person authorized by law to act on her behalf, has been obtained or for which such consent is implied by law;

''(2) of any person for any medical treatment of the pregnant woman or her unborn child; or

''(3) of any woman with respect to her unborn child.

''(d) In this section, the term 'unborn child' means a child in utero, and the term 'child in utero' or 'child, who is in utero' means a member of the species homo sapiens, at any stage of development, who is carried in the womb.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 919 the following new item:

''919a. 119a. Death or injury of an unborn child''.

When said bill, as amended, was considered and read twice.

After debate,

Pursuant to House Resolution 529, the following further amendment in the nature of a substitute printed in part B of House Report 108–427 was submitted by Ms. LOFGREN:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Motherhood Protection Act of 2004''.

SEC. 2. CRIMES AGAINST A WOMAN THAT AFFECT THE NORMAL COURSE OF HER PREGNANCY.

(a) Whoever engages in any violent or assaultive conduct against a pregnant woman resulting in the conviction of the person so engaging for a violation of any of the provisions of law set forth in subsection (c), and thereby causes an interruption to the normal course of the pregnancy resulting in prenatal injury (including termination of the pregnancy), shall, in addition to any penalty imposed for the violation, be punished as provided in subsection (b).

(b) The punishment for a violation of subsection (a) is—

(1) if the relevant provision of law set forth in subsection (c) is set forth in paragraph (1), (2), or (3) of that subsection, a fine under title 18, United States Code, or imprisonment for not more than 20 years, or both, but if the interruption terminates the pregnancy, a fine under title 18, United States Code, or imprisonment for any term of years or for life, or both; and

(2) if the relevant provision of law is set forth in subsection (c)(4), the punishment shall be such punishment (other than the death penalty) as the court martial may direct.

(c) The provisions of law referred to in subsection (a) are the following:

(1) Sections 36, 37, 43, 111, 112, 113, 114, 115, 229, 242, 245, 247, 248, 351, 831, 844(d), (f), (h)(1), and (i), 924(j), 930, 1111, 1112, 1114, 1116, 1118, 1119, 1120, 1121, 1153(a), 1201(a), 1203(a), 1365(a), 1501, 1503, 1505, 1512, 1513, 1751, 1864, 1951, 1952(a)(1)(B), (a)(2)(B), and (a)(3)(B), 1958, 1959, 1992, 2113, 2114, 2116, 2118, 2119, 2191, 2231, 2241(a), 2245, 2261, 2261A, 2280, 2281, 2332, 2332a, 2332b, 2340A, and 2441 of title 18, United States Code.

(2) Section 408(e) of the Controlled Substances Act of 1970 (21 U.S.C. 848).

(3) Section 202 of the Atomic Energy Act of 1954 (42 U.S.C. 2283).

(4) Sections 918, 919(a), 919(b)(2), 920(a), 922, 924, 926, and 928 of title 10, United States Code (articles 118, 119(a), 119(b)(2), 120(a), 122, 124, 126, and 128).

After debate,

Pursuant to House Resolution 529, the previous question was ordered on the bill, as amended, and the further amendment in the nature of a substitute.

The question being put, viva voce,

Will the House agree to said further amendment in the nature of a substitute?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the nays had it.

Ms. LOFGREN objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 186 / Nays ..... 229 }

¶14.5 [Roll No. 30]

YEAS—186

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bass
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dooley (CA)
Dunn
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Gephardt
Gonzalez
Gordon
Granger
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holt
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kilpatrick
Kind
Kolbe
Lampson
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
Meehan
Meek (FL)
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Pryce (OH)
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Sweeney
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—229

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bereuter
Berry
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Chabot
Chandler
Chocola
Coble
Cole
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Dreier
Duncan
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kline
Knollenberg
LaHood
Langevin
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
McCotter
McCrery
McHugh
McIntyre
McKeon
McNulty
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Stupak
Sullivan
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Bell
Brady (TX)
Buyer
Collins
Doggett
Forbes
Honda
Kirk
Kleczka
Kucinich
Lantos
McInnis
Meeks (NY)
Menendez
Millender-McDonald
Northup
Olver
Quinn

So the further amendment in the nature of a substitute was not agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Mr. CHABOT demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 254 / Nays 163

¶14.6 [Roll No. 31]

AYES—254

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bereuter
Berry
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Castle
Chabot
Chandler
Chocola
Coble
Cole
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jefferson
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
LaHood
Langevin
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McIntyre
McKeon
McNulty
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
Nethercutt
Neugebauer
Ney
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spratt
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—163

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bass
Becerra
Berkley
Berman
Biggert
Bishop (NY)
Blumenauer
Boehlert
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Case
Clay
Clyburn
Conyers
Cooper
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dooley (CA)
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Hinojosa
Hoeffel
Holt
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kelly
Kennedy (RI)
Kilpatrick
Kirk
Kolbe
Lampson
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
Meehan
Meek (FL)
Michaud
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Price (NC)
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Snyder
Solis
Stark
Strickland
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—16

Bell
Brady (TX)
Buyer
Collins
Doggett
Forbes
Honda
Kleczka
Kucinich
Lantos
McInnis
Meeks (NY)
Menendez
Millender-McDonald
Northup
Quinn

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶14.7 MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Ms. Wanda Evans, one of his secretaries.

¶14.8 ADJOURNMENT OVER

On motion of Mr. DELAY, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at noon on Monday, March 1, 2004; and further, that when the House adjourns on Monday, March 1, 2004, it adjourn to meet at 12:30 p.m. on Tuesday, March 2, 2004, for morning hour debate.

¶14.9 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. DELAY, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, March 3, 2004, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶14.10 COMMITTEE RESIGNATION—MAJORITY

The SPEAKER pro tempore, Mr. LAHOOD, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, February 11, 2004.

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

DEAR MR. SPEAKER: Please accept this letter as my resignation as Chairman of the House Committee on Energy and Commerce, effective at midnight on February 16, 2004.

Thank you for your assistance in this matter.

Sincerely,

W.J. ''BILLY'' TAUZIN,
Chairman.

By unanimous consent, the resignation was accepted.

¶14.11 COMMITTEE ELECTION—MAJORITY

Mr. DREIER, by direction of the Republican Conference, submitted the following privileged resolution (H. Res. 539):

Resolved, That the following named Member be, and that he hereby is, elected to the following standing committee of the House of Representatives:

Committee on Energy and Commerce: Mr. Barton of Texas, Chairman.

Resolved, That the following named Member be, and that he hereby is, ranked as follows on the following standing committee of the House of Representatives:

Committee on Energy and Commerce: Mr. Tauzin, after Mr. Barton of Texas.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶14.12 COMMITTEE RESIGNATION—MAJORITY

The SPEAKER pro tempore, Mr. LAHOOD, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 25, 2004.

Hon. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I hereby resign as a Member of the Science Committee.

Sincerely,

JOE BARTON,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶14.13 MESSAGE FROM THE PRESIDENT—NORTH ATLANTIC TREATY PROTOCOLS OF 1949

The SPEAKER pro tempore, Mr. BISHOP of Utah, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Consistent with Condition (3) of the resolution of advice and consent to the ratification of the Protocols to the

North Atlantic Treaty of 1949 on the Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia, adopted by the United States Senate on May 8, 2003, and based on the recommendation of the Department of State, I hereby certify to the Congress that each of these governments is cooperating fully with United States efforts to obtain the fullest possible accounting of captured or missing United States personnel from past military conflicts or Cold War incidents, to include:

(A) facilitating full access to relevant archival material; and

(B) identifying individuals who may possess knowledge relative to captured or missing United States personnel, and encouraging such individuals to speak with United States Government officials.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 25, 2004*.

By unanimous consent, the message together with the accompanying papers, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 108–164).

¶14.14 MESSAGE FROM THE PRESIDENT—NATIONAL EMERGENCY WITH RESPECT TO CUBA

The SPEAKER pro tempore, Mr. BISHOP of Utah, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Pursuant to section 1 of title I of Public Law 65–24, ch. 30, 50 U.S.C. 191, and sections 201 and 301 of the National Emergencies Act, 50 U.S.C. 1601 *et seq.*, I hereby report that I have exercised my statutory authority to continue the national emergency declared in Proclamation 6867 of March 1, 1996, in response to the Cuban government's destruction of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba. Additionally, I have exercised my authority to expand the scope of the national emergency as, over the last year, the Cuban government, which is a designated state-sponsor of terrorism, has taken a series of steps to destabilize relations with the United States, including threatening to abrogate the Migration Accords with the United States and to close the U.S. Interests Section. This conduct has caused a sudden and worsening disturbance of U.S. international relations.

In my proclamation (copy attached), I have authorized and directed the Secretary of Homeland Security to make and issue such rules and regulations that the Secretary may find appropriate to prevent unauthorized U.S. vessels from entering Cuban territorial waters.

I have authorized these rules and regulations as a result of the Cuban government's demonstrated willingness to use reckless force, including deadly force, in the ostensible enforcement of its sovereignty. I have also authorized these rules and regulations in an effort to deny resources to the repressive Cuban government that may be used by that government to support terrorist activities and carry out excessive use of force against innocent victims, including U.S. citizens and other persons residing in the United States, and threaten a disturbance of international relations. Accordingly, I have continued and expanded the national emergency in response to these threats.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 26, 2004*.

By unanimous consent, the message together with the accompanying papers, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 108–165).

¶14.15 RECESS—5:20 P.M.

The SPEAKER pro tempore, Mr. PEARCE, pursuant to clause 12(a) of rule I, declared the House in recess at 5 o'clock and 20 minutes p.m., subject to the call of the Chair.

¶14.16 AFTER RECESS—8:05 P.M.

The SPEAKER pro tempore, Mr. PEARCE, called the House to order.

¶14.17 HIGHWAY TRUST FUND

On motion of Mr. YOUNG of Alaska, by unanimous consent, the Committee on Transportation and Infrastructure, the Committee on Ways and Means, the Committee on Resources, and the Committee on Science were discharged from further consideration of the bill (H.R. 3850) to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

When said bill was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby the bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶14.18 APPOINTMENT OF SPEAKER PRO TEMPORE TO SIGN ENROLLMENTS

The SPEAKER pro tempore, Mr. PEARCE, laid before the House a communication, which was read as follows:

THE SPEAKER'S ROOMS,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 26, 2004.

I hereby appoint the Honorable Frank R. Wolf to act as Speaker pro tempore to sign enrolled bills and joint resolutions through March 1, 2004.

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

By unanimous consent, the appointment was approved.

¶14.19 SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 92. A concurrent resolution congratulating and saluting Focus: HOPE on the occasion of its 35th anniversary and for its remarkable commitment and contributions to Detroit, the State of Michigan, and the United States; to the Committee on Government Reform.

¶14.20 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. KLECZKA, for today.

And then,

¶14.21 ADJOURNMENT

On motion of Mr. YOUNG of Alaska, pursuant to the previous order of the House, at 8 o'clock and 10 minutes p.m., the House adjourned until noon on Monday, March 1, 2004.

¶14.22 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

S. 1233. Referral to the Committee on the Judiciary extended for a period ending not later than April 2, 2004.

H.R. 2120. Referral to the Committee on the Judiciary extended for a period ending not later than June 1, 2004.

¶14.23 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CALVERT (for himself, Mr. LAMPSON, Mr. ISSA, and Mr. MCINTYRE):

H.R. 3845. A bill to amend the Act of August 13, 1946, to raise the maximum amount that may be allotted by the Secretary of the Army for the construction of small shore and beach restoration and protection projects, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. POMBO (for himself, Mr. RENZI, Mr. BACA, Mr. PEARCE, Mr. UDALL of Colorado, Mr. NUNES, Mr. UDALL of New Mexico, and Mr. DOOLEY of California):

H.R. 3846. A bill to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into an agreement or contract with Indian tribes meeting certain criteria to carry out projects to protect Indian forest land; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS (for himself, Mr. BERMAN, Mr. NADLER, Mr. SCOTT of Virginia, Mr. WATT, Ms. JACKSON-LEE of Texas, Ms. WATERS, Mr. DELAHUNT, Ms. BALDWIN, Mr. WEINER, Ms. LINDA T. SANCHEZ of California, Mr. ABERCROMBIE, Mr. ACEVEDO-VILÁ, Mr. ANDREWS, Mr. BALLANCE, Mr. BELL, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. BLUMENAUER, Ms. BORDALLO, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mrs. CAPPS, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLYBURN, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. DAVIS of Florida, Mr. DEUTSCH, Mr. ENGEL, Mr. FALEOMAVAEGA, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. FORD, Mr. FRANK of Massachusetts,

Mr. FROST, Mr. GEPHARDT, Mr. GREEN of Texas, Mr. GUTIERREZ, Mr. GONZALEZ, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOEFFEL, Mr. HOLT, Mr. HONDA, Mr. JACKSON of Illinois, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KILDEE, Ms. KILPATRICK, Mr. KLECZKA, Mr. KUCINICH, Mr. LAMPSON, Mr. LANTOS, Mr. LARSEN of Washington, Ms. LEE, Mr. LEWIS of Georgia, Ms. MAJETTE, Mrs. MALONEY, Mr. MATHESON, Mr. MATSUI, Ms. MCCARTHY of Missouri, Mrs. MCCARTHY of New York, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. MEEKS of New York, Mr. MENENDEZ, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Ms. NORTON, Mr. OLVER, Mr. OWENS, Mr. PASTOR, Mr. PAYNE, Ms. PELOSI, Mr. PRICE of North Carolina, Mr. RANGEL, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SANDERS, Ms. LORETTA SANCHEZ of California, Mr. SANDLIN, Ms. SCHAKOWSKY, Mr. SCOTT of Georgia, Mr. SERRANO, Mr. SHAYS, Ms. SLAUGHTER, Ms. SOLIS, Mr. SPRATT, Mr. STARK, Mrs. TAUSCHER, Mr. THOMPSON of Mississippi, Mr. TIERNEY, Mr. TOWNS, Mrs. JONES of Ohio, Mr. WALSH, Ms. WATSON, Ms. WOOLSEY, Mr. WU, and Mr. WYNN):

H.R. 3847. A bill to prohibit racial profiling; to the Committee on the Judiciary.

By Mr. HERGER:

H.R. 3848. A bill to reauthorize the Temporary Assistance for Needy Families block grant program through June 30, 2004, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RODRIGUEZ (for himself, Mr. EVANS, and Mr. GUTIERREZ):

H.R. 3849. A bill to amend title 38, United States Code, to provide permanent authority for the Secretary of Veterans Affairs to continue to operate a program to provide counseling and treatment for veterans who while in military service experienced sexual trauma or sexual harassment; to the Committee on Veterans' Affairs.

By Mr. YOUNG of Alaska (for himself and Mr. OBERSTAR):

H.R. 3850. A bill to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, Resources, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ABERCROMBIE (for himself and Mr. CASE):

H.R. 3851. A bill to authorize an additional permanent judgeship for the district of Hawaii; to the Committee on the Judiciary.

By Mr. ACEVEDO-VILÁ (for himself and Mrs. CHRISTENSEN):

H.R. 3852. A bill to extend the benefits of the weatherization assistance program under part A of title IV of the Energy Conservation and Production Act to Puerto Rico and the United States Virgin Islands; to the Committee on Energy and Commerce.

By Mr. BARRETT of South Carolina (for himself and Mr. HENSARLING):

H.R. 3853. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to extend the discretionary spending limits through fiscal year 2009, to extend paygo for direct spending, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE (for himself, Mr. PENCE, Mr. SMITH of Michigan, Mr. KING of Iowa, Mr. AKIN, Mr. TANCREDO, Mr. NORWOOD, Mr. JONES of North Carolina, Mr. BARTLETT of Maryland, Mr. MILLER of Florida, Mr. FRANKS of Arizona, Mr. BRADY of Texas, Mr. HENSARLING, Mrs. MUSGRAVE, Mr. BARRETT of South Carolina, Mr. DEMINT, Mr. GUTKNECHT, and Mr. FEENEY):

H.R. 3854. A bill to contain the costs of the Medicare prescription drug program under part D of title XVIII of the Social Security Act, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRAVES (for himself, Mr. HULSHOF, Mr. BLUNT, Mr. AKIN, Mrs. EMERSON, Ms. MCCARTHY of Missouri, Mr. SKELTON, Mr. CLAY, and Mr. GEPHARDT):

H.R. 3855. A bill to designate the facility of the United States Postal Service located at 607 Pershing Drive in Laclede, Missouri, as the ''General John J. Pershing Post Office''; to the Committee on Government Reform.

By Mr. GREEN of Texas (for himself, Mr. LAMPSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. REYES, Mr. STENHOLM, Ms. JACKSON-LEE of Texas, Mr. FROST, Mr. ORTIZ, Mr. SANDLIN, Mr. RODRIGUEZ, Mr. GONZALEZ, Mr. TURNER of Texas, Mr. EDWARDS, Mr. BELL, Mr. DOGGETT, and Mr. HINOJOSA):

H.R. 3856. A bill to limit the congressional redistricting that States may do after an apportionment; to the Committee on the Judiciary.

By Mr. SAM JOHNSON of Texas (for himself, Mr. HERGER, Mr. NEAL of Massachusetts, Mr. RAMSTAD, Mr. BRADY of Texas, Mr. HAYWORTH, Mr. SANDLIN, Mr. BURGESS, Mrs. MYRICK, Mr. SMITH of Texas, Mr. PAUL, Mr. SESSIONS, Mr. CULBERSON, Mr. BONILLA, and Mr. HALL):

H.R. 3857. A bill to amend the Internal Revenue Code of 1986 to allow issuance of tax-exempt private activity bonds to finance certain surface transportation facilities; to the Committee on Ways and Means.

By Mr. NETHERCUTT (for himself, Ms. DEGETTE, Mr. BASS, Mr. SCHIFF, Mr. FROST, Ms. BORDALLO, Mr. VAN HOLLEN, Mr. KLINE, Mr. GREEN of Texas, Mr. ANDREWS, Mr. WICKER, Mr. LANTOS, Mr. BECERRA, Mr. MOORE, Ms. DELAURO, Mr. MCHUGH, Mr. WELDON of Pennsylvania, and Mr. FOSSELLA):

H.R. 3858. A bill to amend the Public Health Service Act to increase the supply of pancreatic islet cells for research, and to provide for better coordination of Federal efforts and information on islet cell transplantation; to the Committee on Energy and Commerce.

By Ms. PELOSI (for herself, Mr. GEPHARDT, Mr. LEACH, Ms. ROS-LEHTINEN, Mr. HOYER, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Ms. BALDWIN, Ms. BERKLEY, Mr. BOEHLERT, Mr. BONNER, Mrs. BONO, Mr. BRADY of Pennsylvania, Mrs. CHRISTENSEN, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Ms. DELAURO, Mr. DEUTSCH, Mr. DOGGETT, Mr. EMANUEL, Mr. FERGUSON, Mr. FILNER, Mr. FOLEY, Mr. FRANK of Massachusetts, Mr. FRELINGHUYSEN, Mr. FROST, Mr. GARRETT of New Jersey, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HOEFFEL, Mr. HOUGHTON, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mrs. KELLY, Mr. KIRK, Mr. KLECZKA, Mr. LANTOS, Mr. LARSEN of Washington, Ms. LEE, Ms. LOFGREN, Mr. LYNCH, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCNULTY, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. NETHERCUTT, Mr. PAYNE, Mr. PRICE of North Carolina, Mr. QUINN, Mr. RODRIGUEZ, Mr. ROTHMAN, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SERRANO, Mr. SHAYS, Mr. SHIMKUS, Mr. SIMMONS, Ms. SLAUGHTER, Mr. SMITH of New Jersey, Ms. SOLIS, Mr. STARK, Mr. SWEENEY, Mr. UDALL of Colorado, Mr. VAN HOLLEN, Mr. WALSH, Ms. WATERS, Mr. WAXMAN, and Mr. WEXLER):

H.R. 3859. A bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV; to the Committee on Energy and Commerce.

By Mr. PETERSON of Pennsylvania (for himself, Mr. KIND, Mr. EHLERS, Mr. KILDEE, Mr. OBEY, Mr. HOUGHTON, Mr. ENGLISH, Mr. HEFLEY, Mr. LEVIN, Mr. REGULA, Ms. HART, Mr. KLECZKA, Mr. BEREUTER, Mr. UDALL of Colorado, Ms. BALDWIN, and Mr. GREEN of Wisconsin):

H.R. 3860. A bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes; to the Committee on Resources.

By Mr. RODRIGUEZ (for himself, Mr. SANDLIN, Mr. HINOJOSA, Mr. ORTIZ, Mr. FROST, Mr. TURNER of Texas, Mr. GREEN of Texas, Mr. BELL, Mr. DOGGETT, Mr. EDWARDS, Mr. REYES, Ms. JACKSON-LEE of Texas, and Mr. GONZALEZ):

H.R. 3861. A bill to amend part C of title XVIII of the Social Security Act to prohibit the operation of the Medicare comparative cost adjustment (CCA) program in Texas; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCOTT of Virginia (for himself, Ms. NORTON, Mr. BISHOP of Utah, Mr. KENNEDY of Rhode Island, Mr. CROWLEY, Mr. ACEVEDO-VILÁ, Mr. SCOTT of Georgia, Ms. DELAURO, Mr. RYAN of Ohio, Mr. TOWNS, Mr. JEFFERSON, Mr. STRICKLAND, Mrs. MALONEY, Mr. FROST, Mr. RANGEL, Mr. MCGOVERN, Mr. STARK, Mr. WALSH, and Ms. WOOLSEY):

H.R. 3862. A bill to provide an automatic pay increase to any member of the Armed Forces who is deployed away from the member's permanent station or, in the case of a member of a reserve component of the Armed Forces, the member's home of record, once the deployment period exceeds 180 days of continuous duty; to the Committee on Armed Services.

By Mr. SHADEGG:

H.R. 3863. A bill to improve the access of investors to regulatory records with respect to securities brokers, dealers, and investment advisers; to the Committee on Financial Services.

By Ms. SLAUGHTER (for herself, Mr. QUINN, Mr. STRICKLAND, and Mr. WHITFIELD):

H.R. 3864. A bill to provide coverage under the Energy Employees Occupational Illness Compensation Program for individuals employed at atomic weapons employer facilities during periods of residual contamination; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 3865. A bill to amend the Internal Revenue Code of 1986 to deny any deduction for certain gifts and benefits provided to physicians by prescription drug manufacturers; to the Committee on Ways and Means.

By Mr. PENCE (for himself, Ms. BERKLEY, Mr. BLUNT, Mr. LANTOS, Mr. CANTOR, Mrs. JO ANN DAVIS of Virginia, Mr. SESSIONS, Mr. CRANE, Mr. CARDOZA, Mr. FEENEY, Mr. DAVIS of Alabama, Mr. SAXTON, Mr. TIAHRT, Mr. KING of Iowa, Mr. NORWOOD, Ms. HARRIS, Mrs. KELLY, Mr. GARRETT of New Jersey, Mr. WILSON of South Carolina, Mr. WELDON of Florida, Mr. SMITH of New Jersey, Mr. AKIN, Mrs. MUSGRAVE, Mr. FLAKE, Mr. BEAUPREZ, Mr. SHIMKUS, Mr. SANDLIN, Mr. FROST, Mr. REHBERG, Mr. BARRETT of South Carolina, Mr. SOUDER, Mrs. MYRICK, Mr. WELLER, Mr. EMANUEL, Mr. DOOLITTLE, Mr. DEMINT, Mr. HENSARLING, Mr. SMITH of Michigan, Mr. HERGER, Mr. SAM JOHNSON of Texas, Mr. CHABOT, Mr. TANCREDO, Mr. JONES of North Carolina, Mr. BARTLETT of Maryland, Mr. RYUN of Kansas, Mr. MILLER of Florida, Mr. GOODE, Mr. KENNEDY of Minnesota, Mr. FRANKS of Arizona, Mr. CHANDLER, Mr. SHADEGG, Mr. HAYWORTH, Mr. CROWLEY, Mr. ISRAEL, Mr. SCHROCK, Mr. CRENSHAW, Mr. OTTER, Mrs. BLACKBURN, Mr. SENSENBRENNER, Mr. LINDER, Mr. STEARNS, Mr. MARIO DIAZ-BALART of Florida, Mr. SCHIFF, Mr. NADLER, Mr. FERGUSON, Mr. BROWN of South Carolina, Mr. MCNULTY, Mr. WYNN, Mr. NUNES, Mr. SHERMAN, and Mr. HASTINGS of Florida):

H. Con. Res. 371. Concurrent resolution supporting the construction by Israel of a security fence to prevent Palestinian terrorist attacks and condemning the decision by the United Nations General Assembly to request the International Court of Justice to render an opinion on the legality of the security fence; to the Committee on International Relations.

By Mr. HASTINGS of Florida:

H. Con. Res. 372. Concurrent resolution expressing the sense of Congress with respect to the urgency of cessation of hostilities in the Republic of Haiti; to the Committee on International Relations.

By Mr. GEORGE MILLER of California (for himself, Ms. WOOLSEY, and Mr. MEEKS of New York):

H. Con. Res. 373. Concurrent resolution expressing the sense of Congress that Kids Love a Mystery is a program that promotes literacy and should be encouraged; to the Committee on Education and the Workforce.

By Mr. RYUN of Kansas (for himself, Mr. FROST, Ms. CARSON of Indiana, Mr. BAKER, Mr. TIAHRT, Mrs. WILSON of New Mexico, Mr. JONES of North Carolina, Mr. CALVERT, and Mr. SOUDER):

H. Con. Res. 374. Concurrent resolution expressing the sense of Congress that the Secretary of Defense, Federal banking agencies, the National Credit Union Administration, and the Federal Trade Commission should work to mitigate the financial hardships experienced by members of the reserve component as a result of being called to active duty; to the Committee on Financial Services, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHERMAN (for himself, Mr. WILSON of South Carolina, Mr. SESSIONS, Mr. COOPER, Mr. GREEN of Texas, Mr. BILIRAKIS, Mr. PETRI, Mr. GILLMOR, Mr. FROST, Ms. BORDALLO, Mr. HALL, Mr. LANTOS, Mr. SCHIFF, Mr. BERMAN, Mr. MCNULTY, Mr. UPTON, Mr. SHAW, Mr. GRIJALVA, Mr. BALLENGER, Mr. KILDEE, Mr. HASTINGS of Florida, Ms. CARSON of Indiana, Mr. MCDERMOTT, Mr. CRANE, Mr. MICHAUD, Mr. MATHESON, Mr. NEY, Mr. LARSON of Connecticut, Mr. CASE, Mr. JOHNSON of Illinois, Mr. TURNER of Texas, and Mr. FRANK of Massachusetts):

H. Con. Res. 375. Concurrent resolution expressing the sense of the Congress that a commemorative stamp should be issued in honor of the centennial anniversary of Rotary International and its work to eradicate polio; to the Committee on Government Reform.

By Mr. RANGEL:

H. Res. 538. A resolution honoring Dick Brown: New York's greatest ambassador to Washington; to the Committee on Government Reform.

By Mr. SOUDER (for himself and Mr. WOLF):

H. Res. 540. A resolution expressing the condolences and deepest sympathies of the House of Representatives for the untimely death of Macedonian President Boris Trajkovski; to the Committee on International Relations.

By Mr. ENGLISH (for himself, Mr. ENGEL, Mr. BURTON of Indiana, Mr. EMANUEL, and Mr. SMITH of New Jersey):

H. Res. 541. A resolution expressing the sense of the House of Representatives that the Senate should give its advice and consent to ratification of the United Nations Convention Against Transnational Organized Crime and certain Protocols thereto; to the Committee on International Relations.

By Mr. MEEK of Florida (for himself, Ms. JACKSON-LEE of Texas, Mr. BALLANCE, Mr. OWENS, Ms. CORRINE BROWN of Florida, Mr. WATT, Mr. PAYNE, Ms. KILPATRICK, Ms. LEE, Ms. SCHAKOWSKY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, Mr. RUSH, Mr. MEEKS of New York, Mrs. CHRISTENSEN, Mr. CONYERS, Ms. NORTON, Ms. MAJETTE, Mr. WYNN, Mr. HASTINGS of Florida, Mr. TOWNS, Mr. FATTAH, Mr. CLYBURN, Mrs. JONES of Ohio, Mr. CLAY, Ms. CARSON of Indiana, Mr. JEFFERSON, Mr. SCOTT of Virginia, Ms. MILLENDER-MCDONALD, Mr. FORD, Mr. DAVIS of Alabama, Ms. WATERS, Mr. JACKSON of Illinois, Mr. DEUTSCH, Mr. LEWIS of Georgia, Ms. WATSON, Mr. THOMPSON of Mississippi, Mr. DAVIS of Illinois, Mr. RANGEL, Mr. BISHOP of Georgia, and Mr. SCOTT of Georgia):

H. Res. 542. A resolution expressing the sense of the House of Representatives that the Secretary of Homeland Security should designate Haiti under section 244 of the Immigration and Nationality Act in order to make nationals of Haiti eligible for temporary protected status under such section; to the Committee on the Judiciary.

By Mr. PRICE of North Carolina (for himself, Mr. BEREUTER, Mr. DREIER, and Mr. FROST):

H. Res. 543. A resolution providing for the establishment of a commission in the House of Representatives to assist parliaments in emerging democracies; to the Committee on International Relations.

By Mr. RODRIGUEZ (for himself, Ms. ROYBAL-ALLARD, Ms. LORETTA SANCHEZ of California, Mr. BACA, Mr. HINOJOSA, Mr. SERRANO, Mrs. NAPOLITANO, Mr. GUTIERREZ, Mr. BECERRA, Mr. GONZALEZ, Mr. PASTOR, Ms. SOLIS, Mr. CARDOZA, Ms. VELÁZQUEZ, and Mr. MENENDEZ):

H. Res. 544. A resolution commemorating the 75th Anniversary of the Creation of the League of United Latin American Citizens; to the Committee on Government Reform.

By Mr. ROHRABACHER (for himself and Mrs. MALONEY):

H. Res. 545. A resolution expressing the sense of the House of Representatives that a specific statement should be included in the Iraqi Transitional Administrative Law guaranteeing the people of Iraq the right to freedom of thought, conscience, and religion, and for other purposes; to the Committee on International Relations.

¶14.24 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolution as follows:

H.R. 119: Mr. BAIRD.

H.R. 176: Mr. BISHOP of Utah.

H.R. 339: Mr. COX.

H.R. 434: Mr. SULLIVAN and Mr. SAXTON.

H.R. 463: Mr. MILLER of Florida, Mr. FRANK of Massachusetts, Mr. MCGOVERN, and Mr. GREEN of Wisconsin.

H.R. 504: Ms. MCCOLLUM.

H.R. 742: Mr. WU.

H.R. 768: Mr. LINCOLN DIAZ-BALART of Florida and Mr. LANTOS.

H.R. 785: Mr. ISTOOK, Mr. BOSWELL, and Ms. SOLIS.

H.R. 792: Mr. SCHIFF.

H.R. 814: Mr. TIERNEY and Mr. WELLER.

H.R. 818: Ms. MCCOLLUM.

H.R. 854: Mr. SHIMKUS.

H.R. 857: Mr. HOSTETTLER and Mr. TIBERI.

H.R. 871: Mr. COLLINS, Mr. OTTER, and Mr. SIMPSON.

H.R. 936: Mr. LANTOS.

H.R. 956: Ms. WOOLSEY and Ms. CARSON of Indiana.

H.R. 973: Mr. HOUGHTON.

H.R. 976: Mr. RAHALL, Mr. PASTOR, and Mr. OWENS.

H.R. 1031: Mr. BELL.

H.R. 1057: Mr. DUNCAN.

H.R. 1084: Ms. HART.

H.R. 1127: Mr. LIPINSKI.

H.R. 1206: Mr. TERRY.

H.R. 1212: Ms. LEE.

H.R. 1345: Mr. CUMMINGS and Mr. HOEFFEL.

H.R. 1430: Ms. CARSON of Indiana, Mr. SANDERS, Ms. MAJETTE, Mr. PAYNE, Mr. PASCRELL, and Mrs. JONES of Ohio.

H.R. 1501: Mr. BERMAN and Mr. GEORGE MILLER of California.

H.R. 1532: Mr. PLATTS, Ms. LORETTA SANCHEZ of California, Mr. FRELINGHUYSEN, and Mr. LEVIN.

H.R. 1563: Mr. ENGLISH.

H.R. 1567: Mr. HERGER.

H.R. 1653: Mr. BROWN of Ohio.

H.R. 1684: Mr. MILLER of North Carolina and Mr. LARSEN of Washington.

H.R. 1767: Mr. PETERSON of Pennsylvania.
H.R. 1822: Mrs. BONO, Mr. COX, Mr. CUNNINGHAM, Mr. DREIER, Mr. HERGER, Mr. ISSA, Ms. PELOSI, Mr. THOMAS, and Mr. NUNES.
H.R. 1844: Ms. JACKSON-LEE of Texas.
H.R. 2071: Ms. MCCOLLUM, Ms. NORTON, and Mr. DAVIS of Illinois.
H.R. 2247: Mr. BERMAN and Mr. LANTOS.
H.R. 2265: Mrs. KELLY.
H.R. 2318: Mr. ORTIZ.
H.R. 2366: Mr. FROST, Mr. HINCHEY, Mr. PAYNE, Mr. SCHIFF, and Mr. DAVIS of Illinois.
H.R. 2372: Mr. MCDERMOTT.
H.R. 2435: Mr. FROST, Mr. HASTINGS of Florida, and Mr. OWENS.
H.R. 2509: Mrs. MUSGRAVE.
H.R. 2511: Mr. GORDON.
H.R. 2579: Mr. PENCE, Mr. NETHERCUTT, Mr. WALSH, and Mr. BERRY.
H.R. 2662: Mr. CANTOR.
H.R. 2699: Mrs. JONES of Ohio, Mr. SHIMKUS, Mr. DAVIS of Alabama, Mr. CUNNINGHAM, Mr. WALDEN of Oregon, and Mr. ADERHOLT.
H.R. 2735: Mr. JEFFERSON, Mr. FATTAH, Mrs. JONES of Ohio, and Mr. STARK.
H.R. 2802: Mr. BEREUTER.
H.R. 2824: Mr. LAHOOD.
H.R. 2837: Mr. BROWN of Ohio.
H.R. 3015: Mr. PICKERING and Mr. HALL.
H.R. 3066: Mr. TIBERI.
H.R. 3090: Mr. JEFFERSON.
H.R. 3113: Mr. AKIN, Mrs. MUSGRAVE, and Mr. JACKSON of Illinois.
H.R. 3142: Mr. ETHERIDGE and Mr. MCNULTY.
H.R. 3173: Ms. WOOLSEY.
H.R. 3178: Mr. FILNER, Mr. DEUTSCH, Mr. PALLONE, Mrs. TAUSCHER, Mr. EMANUEL, and Mr. PETERSON of Minnesota.
H.R. 3180: Ms. LEE.
H.R. 3193: Mr. SMITH of Michigan, Mr. COOPER, and Mr. LUCAS of Oklahoma.
H.R. 3194: Mr. NETHERCUTT.
H.R. 3204: Mr. WELLER.
H.R. 3215: Ms. HARRIS, Mr. MURPHY, Mr. GOODLATTE, Mr. BILIRAKIS, and Mr. TERRY.
H.R. 3299: Mr. LARSEN of Washington.
H.R. 3313: Mr. BISHOP of Utah.
H.R. 3344: Mr. LIPINSKI and Mr. KILDEE.
H.R. 3382: Mr. WEXLER.
H.R. 3403: Mr. BURNS and Mr. ROSS.
H.R. 3412: Mr. JONES of North Carolina, Mr. ANDREWS, Mr. LANTOS, Ms. ROS-LEHTINEN, Mr. LATOURETTE, Mr. PAYNE, Mr. AKIN, and Mr. BURTON of Indiana.
H.R. 3424: Ms. MCCARTHY of Missouri and Mr. MOORE.
H.R. 3425: Mr. MOORE.
H.R. 3446: Mr. MENENDEZ, Mrs. MALONEY, Ms. ESHOO, Mr. LANGEVIN, Ms. LEE, Mr. ENGEL, Mr. CLAY, and Mr. OLVER.
H.R. 3460: Mr. CRANE, Mr. OTTER, and Mr. SESSIONS.
H.R. 3473: Mr. RUPPERSBERGER, Mr. HEFLEY, Mr. BURTON of Indiana, and Mr. LIPINSKI.
H.R. 3474: Mr. ORTIZ, Mr. COSTELLO, and Mr. WAXMAN.
H.R. 3482: Mr. NEY and Mr. ENGLISH.
H.R. 3528: Mr. MICHAUD and Mr. THOMPSON of Mississippi.
H.R. 3579: Mr. SCHIFF, Mr. HOLDEN, Mr. BRADY of Texas, Mr. MCHUGH, Mr. MATSUI, Mr. LUCAS of Kentucky, Mr. NEAL of Massachusetts, and Ms. MILLENDER-MCDONALD.
H.R. 3598: Mr. UPTON, Ms. HART, Mr. VAN HOLLEN, and Mr. SOUDER.
H.R. 3599: Mr. DAVIS of Illinois.
H.R. 3656: Mr. FROST, Mr. CUMMINGS, Ms. MILLENDER-MCDONALD, Mr. HOEFFEL, Mrs. MCCARTHY of New York, and Mr. TOWNS.
H.R. 3658: Mr. SANDERS, Mr. PUTNAM, Mr. INSLEE, Mr. OWENS, Mr. JENKINS, Mr. ROSS, Mr. NADLER, Mr. DOGGETT, Mr. CLAY, Mr. ROGERS of Michigan, Mr. LOBIONDO, Ms. DELAURO, Mr. LEVIN, Ms. MCCARTHY of Missouri, Mr. GONZALEZ, Mr. LARSON of Connecticut, Mr. FOLEY, Mr. PAYNE, Mr. HINOJOSA, Mr. HONDA, Mrs. TAUSCHER, Mr. FILNER, Mr. SKELTON, Mr. CRAMER, Mr. VISCLOSKY, Ms. BERKLEY, Mr. RODRIGUEZ, Mr. SESSIONS, and Mr. PETERSON of Minnesota.
H.R. 3673: Mrs. CAPPS.
H.R. 3674: Mr. KING of Iowa.
H.R. 3696: Mr. SCHIFF.
H.R. 3699: Ms. KAPTUR, Mr. FROST, Mr. CUMMINGS, and Mr. LEWIS of Georgia.
H.R. 3715: Ms. SLAUGHTER and Mr. GRIJALVA.
H.R. 3716: Mr. FROST and Mr. SOUDER.
H.R. 3717: Ms. GRANGER.
H.R. 3719: Mr. FROST, Mr. MCGOVERN, Mr. BISHOP of New York, Mr. SERRANO, Ms. BERKLEY, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 3731: Mr. UDALL of Colorado.
H.R. 3736: Mr. BURNS, Mr. COLLINS, Mr. VITTER, Mr. FLAKE, and Mr. WILSON of South Carolina.
H.R. 3743: Mr. PETERSON of Pennsylvania.
H.R. 3757: Mr. FLAKE.
H.R. 3771: Mr. SERRANO, Mr. BISHOP of New York, Mrs. TAUSCHER, and Mr. CROWLEY.
H.R. 3778: Ms. HART.
H.R. 3784: Mr. DUNCAN and Mr. MILLER of Florida.
H.R. 3793: Ms. JACKSON-LEE of Texas, Mr. MCGOVERN, Mr. MCNULTY, Mr. GARRETT of New Jersey, Mr. ANDREWS, Mr. ACKERMAN, and Mr. SESSIONS.
H.R. 3798: Mr. CASE, Mr. DICKS, Mr. CONYERS, Mrs. MCCARTHY of New York, Ms. SLAUGHTER, Mr. OWENS, and Mr. NADLER.
H.R. 3800: Mr. SENSENBRENNER.
H.R. 3801: Mr. NORWOOD and Mr. SENSENBRENNER.
H.R. 3802: Mr. RAMSTAD, Mr. MICHAUD, Mr. PAYNE, Mr. FILNER, Mr. MCINTYRE, Mrs. CAPITO, Mr. FRANK of Massachusetts, and Mr. VAN HOLLEN.
H.R. 3809: Mr. MCDERMOTT, Mr. MENENDEZ, Mr. CROWLEY, Mr. BELL, Mr. WAXMAN, and Mr. KENNEDY of Rhode Island.
H.R. 3815: Mr. MCNULTY and Mr. MCDERMOTT.
H.R. 3818: Mr. WAXMAN.
H.J. Res. 60: Mr. ENGLISH, Mr. GREEN of Wisconsin, and Mr. CALVERT.
H.J. Res. 72: Ms. WATSON, Mr. SERRANO, Mr. MCDERMOTT, Ms. WOOLSEY, Mr. ABERCOMBIE, Mr. DICKS, Mr. WAXMAN, Mr. CASE, Mr. BLUMENAUER, Mr. CONYERS, Mr. INSLEE, Mr. GEORGE MILLER of California, Ms. LEE, Mr. CLAY, Mr. BROWN of Ohio, Mr. BURTON of Indiana, Mr. BEREUTER, Mr. MICHAUD, Mr. SMITH of Washington, Mr. FILNER, Mr. LANTOS, Mr. MORAN of Virginia, Mr. FRANK of Massachusetts, Mr. BRADY of Pennsylvania, Ms. SLAUGHTER, Mr. BALLANCE, Mr. HILL, Mr. NADLER, Ms. MCCOLLUM, Mrs. JOHNSON of Connecticut, and Mr. OSBORNE.
H.J. Res. 88: Mr. DAVIS of Illinois.
H. Con. Res. 3: Ms. WATERS.
H. Con. Res. 196: Ms. BERKLEY, Mrs. CHRISTENSEN, Mr. EVANS, Mr. HONDA, Mr. LANTOS, and Mr. HASTINGS of Florida.
H. Con. Res. 218: Mr. GRIJALVA.
H. Con. Res. 285: Mr. SENSENBRENNER.
H. Con. Res. 311: Mr. SMITH of New Jersey.
H. Con. Res. 332: Mr. PUTNAM, MRS. NORTHUP, Mr. WU, Mrs. JO ANN DAVIS of Virginia, Mr. PAYNE, and Mr. COSTELLO.
H. Con. Res. 363: Mr. KING of New York and Mr. BALLENGER.
H. Con. Res. 366: Mr. CARDIN.
H. Con. Res. 367: Mr. WOLF.
H. Res. 101: Mr. COX and Mr. ROTHMAN.
H. Res. 103: Mr. TANCREDO.
H. Res. 381: Mr. GORDON, Ms. CARSON of Indiana, Mr. CONYERS, Mr. TOWNS, Ms. LEE, and Mr. CROWLEY.
H. Res. 402: Mr. PUTNAM, Mr. SMITH of New Jersey, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. TANCREDO.
H. Res. 466: Mr. MORAN of Virginia and Mr. DAVIS of Illinois.
H. Res. 506: Mr. UPTON, Mr. HOEFFEL, and Mr. WAXMAN.
H. Res. 516: Mr. SHIMKUS, Mr. STENHOLM, Mr. CRAMER, Mr. SMITH of Washington, Mr. ENGLISH, Mr. PETERSON of Pennsylvania, Mr. AKIN, Mr. RYAN of Ohio, Mr. COOPER, Mrs. JOHNSON of Connecticut, Mr. WALSH, Mr. LATOURETTE, Mr. MCNULTY, Mrs. MYRICK, Mr. UDALL of Colorado, Mr. KINGSTON, Mr. SENSENBRENNER, Mr. SOUDER, Mr. BOEHNER, Mr. PENCE, Mr. BONNER, Mr. SIMPSON, Mr. BAKER, Mr. WATT, Mr. SIMMONS, Mr. CHABOT, Mr. TURNER of Ohio, Mr. BISHOP of Georgia, Mr. SWEENEY, Ms. CARSON of Indiana, Mr. OXLEY, and Mr. WELLER.
H. Res. 522: Mrs. LOWEY.
H. Res. 524: Mr. MCDERMOTT and Mr. TIBERI.
H. Res. 526: Mr. TIBERI and Mr. WAXMAN.
H. Res. 530: Mr. LINCOLN DIAZ-BALART of Florida and Mrs. LOWEY.
H. Res. 531: Mr. PLATTS, Ms. SLAUGHTER, Mr. BEREUTER, and Mr. GREEN of Wisconsin.

MONDAY, MARCH 1, 2004 (15)

¶15.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. THORNBERRY, who laid before the House the following communication:

WASHINGTON, DC,
March 1, 2004.

I hereby appoint the Honorable MAC THORNBERRY to act as Speaker pro tempore on this day.

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

¶15.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. THORNBERRY, announced he had examined and approved the Journal of the proceedings of Thursday, February 26, 2004.

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

¶15.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

6843. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 99–02, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

6844. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 02–05, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

6845. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on U.S. military personnel and U.S. individual civilians retained as contractors involved in supporting Plan Colombia, pursuant to Public Law 106–246, section 3204 (f) (114 Stat. 577); to the Committee on Armed Services.

6846. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General James E. Sherrard III, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

6847. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to the Grand Duchy of Luxembourg, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

6848. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plan for Designated Facilities and Pollutants: South Carolina [SC—200409(a); FRL–7628–5] received February 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6849. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Control of Emissions From New Marine Diesel Compression-Ignition Engines at or Above 30 Liters Per Cylinder [AMS–FRL–7627–4] (RIN: 2060–AJ98) received February 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6850. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone; Refrigerant Recycling; Substitute Refrigerants [FRL–7625–6] (RIN: 2060–AF37) received February 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6851. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting reports in accordance with Section 36(a) of the Arms Export Control Act, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

6852. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6853. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6854. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6855. A letter from the Secretary, Department of Transportation, transmitting the Department's FY 2003 Performance and Accountability Report; to the Committee on Government Reform.

6856. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2003, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

6857. A letter from the Administrator, General Services Administration, transmitting the FY 2003 Annual Performance and Accountability Report in accordance with the Report Consolidation Act of 2000; to the Committee on Government Reform.

6858. A letter from the Chairman, National Science Board, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2003, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

6859. A letter from the Director, Office of Personnel Management, transmitting the Office's Congressional Budget Justification and Performance Budget for FY 2005; to the Committee on Government Reform.

6860. A letter from the National Commander, American Ex-Prisoners of War, transmitting a copy of the Financial Statements with the Independent Auditors' report, for the year ended August 31, 2003, pursuant to 36 U.S.C. 1101(57) and 1103; to the Committee on the Judiciary.

6861. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations: Hackensack River, NJ. [CGD01–04–012] received February 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6862. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations: Providence River, RI. [CGD01–04–005] (RIN: 1625–AA09) received February 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6863. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations: Cheesequake Creek, NJ [CGD01–04–009] received February 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6864. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Willamette River, OR. [CGD13–04–003] (RIN: 1625–AA09) received February 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6865. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, Wrightsville Beach, NC [CGD05–04–027] (RIN: 1625–AA09) received February 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6866. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Columbia River, OR [CGD13–03–027] (RIN: 1625–AA09) received February 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6867. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Miami River, Miami-Dade County, FL. [CGD07–03–118] (RIN: 1625–AA09) received February 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6868. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations: Rahway River, NJ. [CGD01–03–096] (RIN: 1625–AA09) received February 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6869. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Paerdegat Basin, Belt Parkway Bridge Emergency Repairs, Brooklyn, NY [CGD01–03–097] (RIN: 1625–AA00) received February 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6870. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Ice Conditions, Upper Potomac River, Upper Chesapeake Bay and Chesapeake & Delaware Canal, Maryland [CGD05–04–019] (RIN: 1625–AA00) received February 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6871. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Chesapeake Bay, Hampton Roads, Elizabeth River, VA [CGD05–04–011] (RIN: 1625–AA00) received February 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6872. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations: Newton Creek, Dutch Kills, English Kills, and their tributaries, NY. [CGD01–04–014] received February 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6873. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Passaic River, NJ. [CGD01–04–007] received February 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6874. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Gulf Intracoastal Waterway—Black Bayou, LA. [CGD08–04–008] received February 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6875. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Miami River, North Fork, Miami, FL [CGD07–03–088] (RIN: 1625–AA09) received February 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6876. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Gulf Intracoastal Waterway, Boca Grande, Charlotte County, FL [CGD07–03–072] (RIN: 1625–AA09) received February 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6877. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Pollutant Discharge Elimination System—Final Regulations to Establish Requirements for Cooling Water Intake Structures at Phase II Existing Facilities [FRL–7625–9] (RIN: 2040–AD62) received February 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6878. A letter from the Principal Deputy Under Secretary, Department of Defense, transmitting the Department's FY 2005 Cooperative Threat Reduction Annual Report, pursuant to Public Law 106–398; jointly to the Committees on International Relations and Armed Services.

¶15.4 MESSAGE FROM THE SENATE

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

S. Con. Res. 93. A concurrent resolution authorizing the use of the rotunda of the Capitol by the Joint Congressional Committee on Inaugural Ceremonies.

S. Con. Res. 94. A concurrent resolution establishing the Joint Congressional Committee on Inaugural Ceremonies.

¶15.5 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. THORNBERRY, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 27, 2004.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 27, 2004 at 4:55 p.m.:

That the Senate passed without amendment H.R. 3850.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk.

¶15.6 ENROLLED BILL SIGNED

The SPEAKER pro tempore, Mr. THORNBERRY, announced that pursuant to clause 4, rule I, the Speaker signed the following enrolled bill on Thursday, February 27, 2004:

H.R. 3850. An Act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the highway trust fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

¶15.7 PUBLIC WORKS PROJECTS

The SPEAKER pro tempore, Mr. THORNBERRY, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, February 25, 2004.

Hon. J. DENNIS HASTERT,
Speaker of the House,
The Capitol,
Washington, DC.

DEAR MR. SPEAKER: Enclosed please find resolutions approved by the Committee on Transportation and Infrastructure on February 25, 2004, in accordance with 40 U.S.C. §3307.

Sincerely,

DON YOUNG,
Chairman.

Enclosures.

AMENDED PROSPECTUS—LEASE

DEPARTMENT OF HEALTH AND HUMAN SERVICES, ADMINISTRATION FOR CHILDREN AND FAMILIES, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to an additional 86,846 rentable square feet for a total maximum square footage of 252,670 square feet of space for the Department of Health and Human Services, Administration for Children and Families, currently located in leased space at various locations in Washington, DC, at an additional cost of $3,908,070 for a proposed total annual cost of $11,370,150 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution. This resolution amends a Committee resolution dated April 9, 2003, which authorized 165,824 square feet at a total annual cost of $7,462,080.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE

DEPARTMENT OF JUSTICE, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 584,400 rentable square feet of space for the Department of Justice currently located in leased space at 601 D St., NW, in Washington, DC, at a proposed total annual cost of $26,298,000 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE

FOOD AND DRUG ADMINISTRATION, SUBURBAN MARYLAND

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 113,993 rentable square feet of space for the Food and Drug Administration currently located in leased space at 7500 Standish Place, in Rockville, Maryland, at a proposed total annual cost of $3,533,783 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE

FOOD AND DRUG ADMINISTRATION, SUBURBAN MARYLAND

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 110,035 rentable square feet of space for the Food and Drug Administration's Center for Drug Evaluation and Research currently located at 1451 Rockville Pike, Rockville, Maryland, at a proposed total annual cost of $3,411,085 for a lease term of 3 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE

FOOD AND DRUG ADMINISTRATION, SUBURBAN MARYLAND

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 107,886 rentable square feet of space for the Food and Drug Administration, Center for Drug Evaluation and Research currently located at 9201 Corporate Boulevard, Rockville, Maryland, at a proposed total annual cost of $3,344,466 for a lease term of 3 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constituents authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE

NATIONAL INSTITUTES OF HEALTH, NATIONAL INSTITUTES OF ALLERGY AND INFECTIOUS DISEASES, SUBURBAN MARYLAND

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 159,773 rentable square feet of space for the National Institutes of Health, National Institute of Allergy And Infectious Diseases currently located at 6700 Rockledge Drive, Bethesda, Maryland, at a proposed total annual cost of $4,952,963 for a lease term of 5 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

ALTERATION

PRINCE KUHIO FEDERAL BUILDING AND U.S. COURTHOUSE, HONOLULU, HAWAII

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the Prince Kuhio Federal Building and United States Courthouse located at 300 Ala Moana Boulevard, in Honolulu, Hawaii, at an estimated construction cost of $8,704,000, design and review cost of $1,345,000, and a management and inspection cost of $749,000 for an estimated total project cost of $10,798,000, a prospectus for which is attached to, and included in, this resolution.

ALTERATION

JACOB J. JAVITS FEDERAL BUILDING, NEW YORK CITY, NEW YORK

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the Jacob J. Javits Federal Building located at 26 Federal Plaza, in New York City, New York, at an estimated construction cost of $10,988,000, design and review cost of $403,000, and a management and inspection cost of $703,000 for an estimated total project cost of $12,094,000, a prospectus for which is attached to, and included in, this resolution.

LEASE

DEPARTMENT OF JUSTICE, DRUG ENFORCEMENT ADMINISTRATION, MIAMI, FLORIDA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 58,811 rentable square feet of space for the Department of Justice, Drug Enforcement Administration currently

located at 5205 NW 84th Avenue, Miami, Florida, at a proposed total annual cost of $3,116,983 for a lease term of 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE

NATIONAL INSTITUTES OF HEALTH, CENTER FOR SCIENTIFIC REVIEW AND NATIONAL HEART, LUNG, AND BLOOD INSTITUTE, SUBURBAN MARYLAND

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 258,558 rentable square feet of space for the National Heart, Lung, and Blood Institute currently located at 6701 Rockledge Drive, Bethesda, Maryland, at a proposed total annual cost of $8,015,298 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

AMENDMENT—CONSTRUCTION

UNITED STATES COURTHOUSE, ORLANDO, FLORIDA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the construction of a 336,049 gross square foot United States Courthouse, including 40 inside parking spaces, 160 space parking structure, landscaped square, and entrance pavilion, located in Orlando, Florida, at a total estimated cost of $94,705,000. This resolution amends a Committee resolution dated May 26, 1994, which authorized site acquisition for a 235,050 gross square foot courthouse plus 35 inside parking spaces and 200 outside parking spaces, which was amended by a Committee resolution dated November 7, 2001, which authorized construction of a 257,050 gross square foot building, including 40 inside parking spaces and 200 surface parking spaces.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

AMENDMENT—SITE AND DESIGN

UNITED STATES COURTHOUSE, ROCKFORD, ILLINOIS

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, additional appropriations are authorized for site acquisition and design of a 166,043 gross square foot United States courthouse, including 55 inside parking spaces, located in Rockford, Illinois, at additional site cost of $1,012,000 (site cost of $1,800,000 was previously authorized) and additional design cost of $990,000 (design cost of $3,133,000 was previously authorized), for which an amended prospectus is attached to, and included in, this resolution. This resolution amends a Committee resolution dated July 18, 2001 that authorized $2,096,000 for additional site and design of a 147,249 gross square foot courthouse, including 33 inside parking spaces, which amended a Committee resolution authorizing $618,000 for site and $2,219,000 for design of a 129,800 gross square foot courthouse including 33 inside parking spaces, adopted on July 26, 2000.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

LEASE

DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION, SAN ANTONIO, TEXAS

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 145,000 rentable square feet of space for the Federal Bureau of Investigation, currently located in Government-owned space at 615 E. Houston Street, and in leased space at 209 6th Street, in San Antonio, Texas, at a proposed total annual cost of $4,567,500 for a lease term of 14 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE

FEDERAL BUREAU OF INVESTIGATION, NORTHERN VIRGINIA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 199,110 rentable square feet of space for the Federal Bureau of Investigation, currently located AT 7799 Leesburg Pike, Falls Church, Virginia, at a proposed total annual cost of $6,919,740 for a lease term of 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

The communication, together with the accompanying papers, was referred to the Committee on Appropriations.

¶15.8 PERMISSION TO FILE REPORT

On motion of Mr. PEARCE, by unanimous consent, the Committee on Science was granted permission until midnight tonight, to file a report on the bill (H.R. 3752) to promote the development of the emerging commercial human space flight industry, to extend the liability indemnification regime for the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, and for other purposes.

¶15.9 BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on February 27, 2004, he presented to the President of the United States, for his approval, the following bill.

H.R. 3850. An Act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

And then,

¶15.10 ADJOURNMENT

On motion of Mr. PEARCE, pursuant to the special order of the House of February 26, 2004, at 12 o'clock and 5 minutes p.m., the House adjourned until 12:30 p.m. on Tuesday, March 2, 2004.

¶15.11 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[The following actions occurred on February 27, 2004]

Mr. HYDE: Committee on International Relations. House Resolution 499. Resolution requesting the President and directing the Secretary of State, the Secretary of Defense, and the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the President and those officials relating to the disclosure of the identity and employment of Ms. Valerie Plame; adversely (Rept. 108–413 Pt. 2). Ordered to be printed.

Mr. SENSENBRENNER: Committee on the Judiciary. House Resolution 499. Resolution requesting the President and directing the Secretary of State, the Secretary of Defense, and the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the President and those officials relating to the disclosure of the identity and employment of Ms. Valerie Plame; adversely (Rept. 108–413 Pt. 3). Ordered to be printed.

Mr. HUNTER: Committee on Armed Services. House Resolution 499. Resolution requesting the President and directing the Secretary of State, the Secretary of Defense, and the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the President and those officials relating to the disclosure of the identity and employment of Ms. Valerie Plame; adversely (Rept. 108–413 Pt. 4). Referred to the House Calendar and ordered to be printed.

[Filed on March 1, 2004]

Mr. BOEHLERT: Committee on Science. H.R. 3752. A bill to promote the development of the emerging commercial human space flight industry, to extend the liability indemnification regime for the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, and for other purposes (Rept. 108–

429). Referred to the Committee of the Whole House on the State of the Union.

¶15.12 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SENSENBRENNER (for himself, Mr. CONYERS, Mr. SWEENEY, Mr. OSBORNE, and Mr. BERMAN):

H.R. 3866. A bill to amend the Controlled Substances Act to provide increased penalties for anabolic steroid offenses near sports facilities, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEUTSCH (for himself, Ms. CORRINE BROWN of Florida, Mr. WEXLER, and Mr. HASTINGS of Florida):

H.R. 3867. A bill to require the Secretary of Homeland Security to designate Haiti under section 244(b) of the Immigration and Nationality Act so that nationals of Haiti present in the United States may be granted temporary protected status; to the Committee on the Judiciary.

¶15.13 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 339: Mr. BEAUPREZ and Mr. SIMPSON.
H.R. 857: Mr. CLYBURN.
H.R. 1160: Mr. MORAN of Kansas.
H.R. 2151: Mr. KENNEDY of Rhode Island and Mr. HOEFFEL.
H.R. 2173: Ms. SLAUGHTER, Mr. TIAHRT, Mr. SERRANO, and Mrs. MCCARTHY of New York.
H.R. 2771: Mr. QUINN and Mr. NADLER.
H.R. 3507: Mr. BISHOP of New York.
H.R. 3644: Mr. SOUDER.
H. Con. Res. 327: Mrs. LOWEY.
H. Con. Res. 371: Ms. GINNY BROWN-WAITE of Florida, Mr. NEUGEBAUER, Mr. BURNS, Mr. BERMAN, Mr. VITTER, Mr. SIMPSON, Mr. WEXLER, Mr. BURR, Mr. ALEXANDER, Mr. CULBERSON, and Mr. SIMMONS.
H. Con. Res. 375: Mr. NEUGEBAUER and Mr. LEACH.

¶15.14 PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

57. The SPEAKER presented a petition of the Board of Trustees of the Village of Oak Park, County of Cook, State of Illinois, relative to a Resolution dated January 5, 2004, petitioning the repeal of certain sections of the USA Patriot Act and similar legislation; to the Committee on the Judiciary.

58. Also, a petition of the Common Council of the City of Buffalo, New York, relative to Resolution No. 218, supporting the filibuster and defeat of the Energy Policy Act of 2003; jointly to the Committees on Energy and Commerce, Science, Ways and Means, Resources, Education and the Workforce, Transportation and Infrastructure, Financial Services, and Agriculture.

TUESDAY, MARCH 2, 2004 (16)

¶16.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. PETRI, who laid before the House the following communication:

WASHINGTON, DC,
March 2, 2004.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

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

Whereupon, pursuant to the order of the House of Tuesday, January 20, 2004, Members were recognized for morning-hour debate.

¶16.2 RECESS—12:58 P.M.

The SPEAKER pro tempore, Mr. PETRI, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 58 minutes p.m., until 2 p.m.

¶16.3 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mrs. BIGGERT, called the House to order.

¶16.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mrs. BIGGERT, announced she had examined and approved the Journal of the proceedings of Monday, March 1, 2004.

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

¶16.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

6879. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 99-09A, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

6880. A letter from the Principal Deputy Under Secretary, Department of Defense, transmitting Authorization of the enclosed list of officers to wear the insignia of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

6881. A letter from the Assistant Secretary, Department of Defense, transmitting the National Guard Challenge Program Annual Report for Fiscal Year 2003, required under section 509(k) of title 32, United States Code; to the Committee on Armed Services.

6882. A letter from the Comptroller, Department of Defense, transmitting the Department's quarterly report as of December 31, 2003, entitled, ''Acceptance of contributions for defense programs, projects and activities; Defense Cooperation Account'' as well as a report on the value of personal property that foreign nations have provided the United States for the Global War on Terrorism, Operation Enduring Freedom, and Operation Iraqi Freedom for the period October 1, 2003 through December 31, 2003, pursuant to 10 U.S.C. 2608; to the Committee on Armed Services.

6883. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Board's semiannual Monetary Policy Report pursuant to Pub. L. 106-569; to the Committee on Financial Services.

6884. A letter from the Director, Office of Legislative Affairs, Federal Communications Commission, transmitting the Commission's final rule — Section 257 Triennial Report to Congress Indentifying and Eliminating Market Entry Barriers For Entrepreneurs and Other Small Businesses — received February 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6885. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) FM Table of Allotments, FM Broadcast Stations. (Hart, Pentwater and Coopersville, Michigan) [MB Docket No. 02-335; RM-10545] received February 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6886. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Dos Palos, Chualar, and Big Sur, California) [MM Docket No. 01-248; RM-10241; RM-10342] received February 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6887. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Saluda and Irmo, South Carolina) [MB Docket No. 03-8; RM-10625] received February 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6888. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Muleshoe, Texas) [MB Docket No. 02-251; RM-10315] (Big Lake, Texas) [MB Docket No. 02-254; RM-10550] (Turkey, Texas)[MB Docket No. 02-370; RM-10612] received February 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6889. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.2029b0, Table of Allotments, FM Broadcast Stations. (Charlotte Amalie, Frederiksted, and Christiansted, Virgin Islands0 [MM Docket No. 00-102; RM-9888] received February 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6890. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Amherst and Lynchburg, Virginia) [MM Docket No. 96-100; RM-9963] received February 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6891. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Shawnee and Topeka, Kansas) [MB Docket No. 03-26; RM-10638] received February 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6892. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Park City, Montana) [MB Docket No. 02-79; RM-10424] received February 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6893. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.606(b), Table of Allotments, Television Broadcast Stations; and Section

73.600(b), Table of Allotment Digital Television Broadcast Stations. (Knoxville, Tennessee) [MB Docket No. 03-224; RM-10801] received February 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6894. A letter from the Senior Legal Advisor to Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Hobbs, New Mexico) [MB Docket No. 03-193; RM-10768] received February 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6895. A letter from the Senior Legal Advisor to Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Portland, Maine) [MM Docket No. 00-133; RM-9895] received February 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6896. A communication from the President of the United States, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States be transmitted to the Congress within a sixty day period after the execution thereof as specified in the Case -Zablocki Act, pursuant to 1 U.S.C. 112b(b); to the Committee on International Relations.

6897. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed issuance of export licenses to Australia and Singapore (Transmittal No. DDTC 126-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

6898. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

6899. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

6900. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the annual inventory of U.S. Government-sponsored international exchanges and training programs, as well as the FY 2003 report on the activities of the Interagency Working Group on U.S. Government-Sponsored International Exchanges and Training (IAWG), pursuant to 22 U.S.C. 2460(f) and (g); to the Committee on International Relations.

6901. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Pursuant to section 565(b) of the Foreign Relations Authorization Act for FY 1994 and 1995 (Pub. L. 103-236), certifications and waivers of the prohibtion against contracting with firms that comply with the Arab League Boycott of the State of Israel and of the prohibition against contracting with firms that discriminate in the award of subcontracts on the basis of religion, and accompanying Memorandum of Justification; to the Committee on International Relations.

6902. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Traffic in Arms Regulations: United States Munitions List (RIN: 1400-ZA06) received February 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

6903. A letter from the Assistant Secretary for Administration and Management, Department of Health and Human Services, transmitting a copy of the Department's commercial and inherently governmental activities inventory, pursuant to Public Law 105—270; to the Committee on Government Reform.

6904. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Pursuant to the Federal Activities Inventory Reform (FAIR) Act of 1998 (Pub. L. 105-270), the Department's Inventory for FY 2003; to the Committee on Government Reform.

6905. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Department of State Acquisition Regulation (DOSAR) (RIN: 1400-AB06) received February 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6906. A letter from the Archivist of the United States, National Archives and Records Administration, transmitting the Fiscal Year 2003 Annual Performance Report; to the Committee on Government Reform.

6907. A letter from the Board Members, Railroad Retirement Board, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the Calendar Year 2003, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

6908. A letter from the Chairman, Securities and Exchange Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2003, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

6909. A letter from the Architect of the Capitol, transmitting a report discussing the Congressional Office recycling programs for traditional and electronic equipment waste (E-waste) for the fourth quarter of FY 2003, pursuant to the directions issued in House Report 107-576; to the Committee on House Administration.

6910. A letter from the Assistant Administrator for Fisheries, NOAA, Department of Commerce, transmitting the annual report entitled the ''Northeast Multispecies Harvest Capacity and Impact of Northeast Fishing Capacity Reduction'' covering the period December 1, 2002 through November 30, 2003, as pursuant to Section 308(d)(7) of the Interjurisdictional Fisheries Act, as amended; to the Committee on Resources.

6911. A letter from the Assistant Attorney General, Department of Justice, transmitting a report of the Bureau of Justice Assistance Fiscal Year 2002 Annual Report entitled, ''Promoting Partnerships for Public Safety Partnerships,'' pursuant to 42 U.S.C. 3711; to the Committee on the Judiciary.

6912. A letter from the Assistant Attorney General, Department of Justice, transmitting a letter concerning grants made under the Paul Coverdell National Forensic Science Improvement Act of 2000 (Pub L. 106-561) to improve forensic science services, pursuant to Public Law 106—561, section 2806(b); to the Committee on the Judiciary.

6913. A letter from the Secretary, Department of Homeland Security, transmitting a report on the extent to which the implementation by the United State Coast Guard of regulations issued or enforced, or interpretations or guidelines established, pursuant to Public Law 104—55, Public Law 104—324, section 1130(b); to the Committee on Transportation and Infrastructure.

6914. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Model G-V Series Airplanes [Docket No. 2003-NM-275-AD; Amendment 39-13436; AD 2004-02-01] (RIN: 2120-AA64) received February 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6915. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 and -145 Series Airplanes [Docket No. 2002-NM-330-AD; Amendment 39-13437; AD 2004-02-02] (RIN: 2120-AA64) received February 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6916. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. 2003-NM-262-AD; Amendment 39-13442; AD 2004-02-07] (RIN: 2120-AA64) received February 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6917. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Falcon 900EX Series Airplanes [Docket No. 2003-NM-276-AD; Amendment 39-13439; AD 2004-02-04] (RIN: 2120-AA64) received February 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6918. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Agusta S.p.A. Model A109E Helicopters [Docket No. 2003-SW-28-AD; Amendment 39-13438; AD 2004-02-03] (RIN: 2120-AA64) received February 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6919. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200, -300, and -300F Series Airplanes [Docket No. 2002-NM-152-AD; Amendment 39-13415; AD 2004-01-02] (RIN: 2120-AA64) received February 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6920. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney JT9D-7R4 Series Turbofan Engines [Docket No. 2003-NE-01-AD; Amendment 39-13422; AD 2004-01-08] (RIN: 2120-AA64) received February 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6921. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Avro 146-RJ Series Airplanes [Docket No. 2002-NM-144-AD; Amendment 39-13421; AD 2004-01-07] (RIN: 2120-AA64) received February 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6922. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Kidde Aerospace Part Number (P/N) 898052 Hand-held Halon Fire Extinguishers [Docket No. 2003-CE-19-AD; Amendment 39-13413; AD 2003-26-14] (RIN: 1220-AA64) received February 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6923. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. 2002-NM-112-AD;

Amendment 39-13414; AD 2004-01-01] (RIN: 2120-AA64) received February 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6924. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Series Airplanes [Docket No. 2002-NM-252-AD; Amendment 39-13420; AD 2004-01-06] (RIN: 2120-AA64) received February 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6925. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No. 2001-NM-120-AD; Amendment 39-13416; AD 2004-01-03] (RIN: 2120-AA64) received February 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6926. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-1A11 (CL-600), CL-600-2A12 (CL-601), and CL-600-2B16 (CL-601-3A, CL-601-3R, and CL-604) Series Airplanes [Docket No. 2001-NM-267-AD; Amendment 39-13417; AD 97-24-02 R1] (RIN: 2120-AA64) received February 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6927. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-120 Series Airplanes [Docket No. 2002-NM-87-AD; Amendment 39-13418; AD 2004-01-04] (RIN: 2120-AA64) received February 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6928. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting in accordance with the provisions of section 17(a) of the Federal Deposit Insurance Act, the Chief Financial Officers Act of 1990, Public Law 101-576, and the Government Performance and Results Act of 1993, the Corporation's 2003 Annual Report; jointly to the Committees on Financial Services and Government Reform.

6929. A letter from the Executive Director, Office of Compliance, transmitting the annual report on the use of the Office of Compliance by covered employees for calendar year 2003, pursuant to section 301(h) of the Congressional Accountability Act; jointly to the Committees on House Administration and Education and the Workforce.

6930. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a two-part report to the Congress on various conditions in Bosnia-Herzegovina. Part I responds to the requirements of section 7 of Pub. L. 105-174 (1998 Supplemental Appropriations and Rescissions Act) and outlines the latest developments in our continuing efforts to achieve a sustainable peace in Bosnia-Herzegovina. Part II responds to the supplementary reporting requirements contained in section 1203(a) of Pub. L. 105-261 (Strom Thurmond National Defense Authorization Act for FY 1999), covering the period from July 1 to December 31, 2003; jointly to the Committees on International Relations, Armed Services, and Appropriations.

¶16.6 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

¶16.7 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mrs. BIGGERT, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 1, 2004.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on March 1, 2004 at 12:20 p.m. and said to contain a message from the President whereby he submits the 2004 National Drug Control Strategy.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶16.8 NATIONAL DRUG CONTROL STRATEGY 2004

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

I am transmitting the 2004 National Drug Control Strategy, consistent with the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1705).

Two years ago, my Administration issued its National Drug Control Strategy setting forth a balanced approach to reducing drug use among teenagers and adults. The Strategy set ambitious two- and five-year performance-based goals: (i) to lower the rate of drug use by 10 percent over two years; and (ii) to lower the rate by 25 percent over five years. The success of the Strategy can be measured by its results.

I am pleased to report that we have exceeded our two-year goal of reducing drug use among young people. The most recent survey shows an 11 percent drop between 2001 and 2003 in the use of illicit drugs by teenagers. Among teens, some drugs—such as LSD—have dropped to record low levels of use. For others, we are seeing the lowest levels of use in almost a decade.

Despite this good news, drug addiction continues to challenge far too many Americans. Addiction to drugs destroys ties of trust, family, and friendship, and reduces all the richness of life to a single destructive desire. Almost every American has known someone who has followed the self-destructive path of addiction. Too many Americans want to change a family member's behavior, but are afraid of causing division and, perhaps, estrangement.

Our Strategy proposes a remarkable and unprecedented array of drug control programs, treatment initiatives, and media campaign efforts. But more than any program, it seeks to engage the desire of all Americans to make this a better Nation, facing down the lie of addiction, and offering the hope of recovery.

My Administration will continue to place a high priority on reducing drug addiction in America. I ask for your continued support in this critical endeavor.

GEORGE W. BUSH.
THE WHITE HOUSE, *March 1, 2004.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on the Judiciary; the Committee on Agriculture; the Committee on Armed Services; the Committee on Energy and Commerce; the Committee on Education and the Workforce; the Committee on Financial Services; the Committee on Government Reform; the Committee on International Relations; the Committee on Small Business; the Committee on Transportation and Infrastructure; the Committee on Ways and Means; the Committee on Veterans Affairs; the Permanent Select Committee on Intelligence; and the Select Committee on Homeland Security.

¶16.9 HONORING THE LIFE AND CAREER OF WILLIE SHOEMAKER

Mr. DUNCAN moved to suspend the rules and agree to the resolution (H. Res. 439):

Whereas Willie Shoemaker was born Billie Lee Shoemaker on August 19, 1931, in Fabens, Texas;

Whereas Willie Shoemaker, nicknamed the ''Shoe'', is arguably the most successful jockey in the history of horse racing;

Whereas Willie Shoemaker won his first race at the age of 18 and had compiled 8,833 victories by the time he retired in 1990;

Whereas in 1970, Willie Shoemaker became the all-time leader in career wins by surpassing John Longden's total of 6,033 wins;

Whereas on March 3, 1985, while riding Lord at War at the Santa Anita Handicap, Willie Shoemaker became the first jockey to total $100,000,000 in purse winnings;

Whereas Willie Shoemaker held the record for career wins for 29 years;

Whereas Willie Shoemaker won four Kentucky Derbies, five Belmont Stakes, and three Preakness Stakes;

Whereas Willie Shoemaker was the oldest jockey to ride a winner in the Kentucky Derby and the Breeder's Cup;

Whereas at Santa Anita in 1990, Willie Shoemaker ran the final race of his storied 41-year career;

Whereas Willie Shoemaker is a member of thoroughbred racing's Hall of Fame and the Texas Horse Racing Hall of Fame;

Whereas on April 8, 1991, just over a year after his retirement, Willie Shoemaker was involved in a car accident that left him paralyzed from the neck down;

Whereas Willie Shoemaker was an honorary Chairman of the Board of Directors of the Paralysis Project of America, whose mission is to accelerate progress toward finding a cure for paralysis caused by spinal cord injury; and

Whereas on October 13, 2003, America was saddened by the death of Willie Shoemaker at the age of 72: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the life and legendary career in horse racing of Willie Shoemaker; and

(2) expresses condolences on the passing of Willie Shoemaker to his family and friends.

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mr. DUNCAN and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶16.10 BEN ATCHLEY POST OFFICE BUILDING

Mr. DUNCAN moved to suspend the rules and pass the bill (H.R. 3769) to designate the facility of the United States Postal Service located at 137 East Young High Pike in Knoxville, Tennessee, as the ''Ben Atchley Post Office Building''.

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mr. DUNCAN and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of the Members present had voted in the affirmative.

Mr. DUNCAN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶16.11 HUMAN RIGHTS VIOLATIONS IN CHINA

Mr. SMITH of New Jersey moved to suspend the rules and agree to the resolution (H. Res. 530); as amended:

Whereas the annual meeting of the United Nations Commission on Human Rights in Geneva, Switzerland, is the most important international forum for discussing human rights and expressing international support for improved human rights performance;

Whereas according to the Department of State, the United States Commission on International Religious Freedom, and international human rights organizations, the Government of the People's Republic of China continues to commit well-documented human rights abuses against the Chinese people;

Whereas the People's Republic of China has yet to demonstrate its willingness to abide by internationally accepted norms of freedom of belief, expression, and association by repealing or amending laws and decrees that restrict those freedoms;

Whereas the Government of People's Republic of China continues to ban and criminalize groups it labels as cults or heretical organizations;

Whereas the Government of the People's Republic of China has repressed unregistered religious groups and spiritual movements and persists in persecuting persons on the basis of unauthorized religious activities using such measures as harassment, surveillance, job discrimination, exorbitant fines, prolonged detention, physical abuse, incarceration, and closure or destruction of places of worship;

Whereas international human rights organizations have documented that torture, maltreatment, the use of confessions extracted through torture, and other abuses while in detention are rampant in the Chinese legal system;

Whereas the persecution of Falun Gong practitioners has been particularly harsh;

Whereas the Government of the People's Republic of China launched a brutal campaign to eradicate Falun Gong from their country;

Whereas since this time large numbers of Falun Gong practitioners have been arrested, subjected to harsh reeducation efforts, and some have even been tortured to death;

Whereas Falun Gong practitioners continue to report harassment and acts of violence at the hands of foreign nationals which have occurred against them during peaceful protests in the United States and other countries;

Whereas the Federal Bureau of Investigation is currently investigating the possibility of links between attacks against Falun Gong practitioners in the United States and the Government of the People's Republic of China;

Whereas Catholics who remain faithful to the Pope and in communion with Rome face continuing restrictions, including difficulties holding worship services, obtaining building permits for churches, and training clergy;

Whereas Protestant house church leaders are facing increased pressure to register with the official Protestant church or face harassment, detention, and destruction of their places of worship;

Whereas many Catholic and Protestant leaders and believers have been imprisoned or subject to house arrest including Su Zhimin, a Catholic Bishop who was reportedly arrested in 1997 and who is currently reported to be in very poor health;

Whereas the Government of the People's Republic of China continues to exert tight control over the religious and cultural institutions of Tibetan Buddhists and Uighur Muslims, using torture, arbitrary arrest, and detention without public trial against these individuals for peacefully expressing their religious or political views;

Whereas the whereabouts of Gendun Choekyi Nyima, the boy identified by the Dalai Lama as the 11th Panchen Lama, are still unknown;

Whereas Gendun Choekyi Nyima was 6 years old when the Chinese authorities took him and his family away in 1995;

Whereas it is believed that the Chinese authorities are holding him in a secret location;

Whereas Tibetans caught displaying photos of the 11th Panchen Lama or the Dalai Lama face harassment, fines, and detention;

Whereas in January 2003, the Government of the People's Republic of China executed a Tibetan man named Lobsang Dhondup without due process and despite repeated assurances to United States officials that his case and that of Tenzin Delek Rinpoche would be would reviewed by the Chinese Supreme People's Court;

Whereas this review never happened and Tenzin Delek Rinpoche remains on death row, in the second year of his suspended death sentence;

Whereas enforcement by the Government of the People's Republic of China of its one-child per family policy has been cruel and inhumane and has included the use of forced abortion and forced sterilization;

Whereas this one-child per family policy has led to the abandonment and infanticide of baby girls and a disproportionate number of male children in China, which will have serious and detrimental sociological impacts on China for years to come;

Whereas 14 years after the 1989 pro-democracy demonstrations in Tiananmen Square, many protesters remain in prison and no independent investigations have taken place regarding the massacre that occurred during those demonstrations;

Whereas authorities in the People's Republic of China have continued their efforts to extinguish expressions of protest or criticism and have detained and sentenced scores of citizens associated with attempts to organize peaceful protests, to expose corruption, to preserve their ethnic minority identity, and to use the Internet for the free exchange of ideas;

Whereas many prisoners in China are confined to state run psychiatric hospitals for simple acts of expressing their thoughts on political issues, like veteran human rights activist and prisoner of conscience Wang Wanxing;

Whereas many Chinese prisoners are in Laogai, forced labor camps in which inmates are subject to various forms of cruel and forced labor;

Whereas the International Committee of the Red Cross and other international human rights organizations have been denied access to the Chinese prison system;

Whereas it well documented that organs taken from executed prisoners are sold for use in transplants in China and abroad;

Whereas the percentage of transplant kidneys estimated to be derived from executed prisoners in China has been put as high as 90 percent of all transplanted kidneys in China;

Whereas organs reported to be harvested from executed prisoners in China include corneas, kidneys, and hearts;

Whereas the Government of the People's Republic of China agreed during the December 2002 session of the United States-China Bilateral Human Rights Dialogue to invite, without conditions, the United States Commission on International Religious Freedom, the United Nations Special Rapporteurs on Religious Intolerance and Torture, and the United Nations Working Group on Arbitrary Detention to visit China;

Whereas none of these visits have taken place in the last year and, in the case of the United States Commission on International Religious Freedom, two agreed upon trips were canceled because of unacceptable conditions placed on the visit by the Government of the People's Republic of China;

Whereas the United States decision not to introduce a resolution calling upon the People's Republic of China to end its human rights violations in China at the 59th Session of United Nations Commission on Human Rights in Geneva was based, in part, on the belief that the aforementioned agreements signaled a good faith commitment on the part of Chinese officials to improve human rights practice in China;

Whereas when well-founded, balanced, and accurate resolutions regarding human rights in China were raised in previous sessions of the United Nations Commission on Human Rights, the Government of the People's Republic of China strongly pressured other countries to oppose the consideration of those resolutions;

Whereas since the last session of the United States China Bilateral Human Rights Dialogue, a number of very troubling incidents have occurred, including—

(1) the arrests of a number of democracy advocates,

(2) the detention and torture of 18 Tibetans who were forcibly repatriated from Nepal with the cooperation of Chinese officials, in contravention of international law,

(3) the ongoing forced repatriation of North Korean nationals, who upon return to North Korea will face almost certain arrest, torture, or even death,

(4) the arrest and sentencing of Internet essayists and labor protesters,

(5) the execution of Lobsang Dondrup and continued detention of Tenzin Delek Rinpoche, and

(6) the continued refusal to allow access by United States diplomats and family members of the accused to the trials of those detained for political or religious activities;

Whereas the People's Republic of China has signed the International Covenant on Civil and Political Rights, but has yet to take the necessary steps to make the treaty legally binding;

Whereas the Government of the People's Republic of China is a party to the 1951 United Nations Convention Relating to Refugees and its 1967 Protocol;

Whereas the Government of the People's Republic of China is a party to the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman, or Degrading Treatment or Punishment; and

Whereas the Constitution and laws of the People's Republic of China purport to provide for fundamental human rights, however, the protections of these rights are often ignored in practice: Now, therefore, be it

Resolved, That—

(1) it is the sense of Congress that—

(A) the United States Government should continue to insist that the People's Republic of China adhere to fundamental human rights principles and allow its citizens the full enjoyment of those rights;

(B) at the 60th Session of the United Nations Human Rights Commission in Geneva, Switzerland, the appropriate representative of the United States should introduce a resolution calling upon the People's Republic of China to end its human rights violations in China and meet internationally recognized standards for human rights;

(C) the United States Government should take the lead in organizing multilateral support to obtain passage by the Commission of such a resolution and should draft the resolution in such a way as to highlight specific human rights abuses;

(D) all countries with representatives at the 60th Session of the United Nations Human Rights Commission should support passage of such a resolution and resist efforts by representatives of the People's Republic of China to oppose the consideration or passage of such a resolution; and

(E) United States Government officials and officials from other governments should continue to speak out in international forums and elsewhere against Chinese repression of religious and political freedom, persecution of Tibetans, Falun Gong practitioners, Catholics, Protestants, and Uighur Muslims, the unjust arrest and detention of religious leaders and political dissidents, harsh conditions in Laogai and other prisons, coercive family planning policies, and the forced return of North Korean refugees; and

(2) Congress urges the Government of the People's Republic of China—

(A) to take the necessary measures to stop the persecution of all religious practitioners and to safeguard fundamental human rights;

(B) to stop the forced return of North Korean refugees, to allow the United Nations High Commissioner for Refugees access to North Koreans inside China, and to work with the United Nations High Commissioner for Refugees to develop a viable solution to the humanitarian crisis involving North Korean refugees;

(C) to end its coercive one-child per family policy and ensure that no national, provincial, or local government officials subject women to forced abortions or sterilizations;

(D) to immediately hold an open and transparent investigation into the 1989 crackdown on pro-democracy demonstrators in Tiananmen Square, to release all the prisoners held in connection with that event, and to pay compensation to the families who lost their loved ones;

(E) to release from detention all prisoners of conscience, persons held because of their religious activities, and persons of humanitarian concern;

(F) to release the 11th Panchen Lama identified by Dalai Lama and allow him to undertake his rightful role;

(G) to allow the Chinese people to practice freely and openly their religious beliefs;

(H) to adhere to the provisions and guidelines of the International Covenant on Civil and Political Rights, the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman, or Degrading Treatment or Punishment, and the 1951 Convention Relating to Refugees and its 1967 Protocol; and

(I) to allow, immediately and without restrictions, visits to China by the United States Commission on International Religious Freedom, the United Nations Special Rapporteurs on Religious Intolerance and Torture, the United Nations Working Group on Arbitrary Detention, and the International Committee of the Red Cross.

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mr. SMITH of New Jersey and Ms. McCOLLUM, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SCHROCK, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SMITH of New Jersey demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SCHROCK, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Wednesday, March 3, 2004.

¶16.12 VICTIMS OF BAM, IRAN EARTHQUAKE

Mr. HYDE moved to suspend the rules and pass the resolution (H. Res. 526):

Whereas approximately 40,000 men, women, and children, including a United States citizen, perished in an earthquake that occurred on December 26, 2003, in Bam, Iran;

Whereas the people of the United States immediately expressed their sincerest sympathy by sending aid to the victims of the earthquake in Iran;

Whereas 90 percent of the 2,000 year-old city of Bam was destroyed;

Whereas the magnificent buildings in Bam belonged not only to the people of Iran, but to our common world heritage;

Whereas President George W. Bush lifted sanctions on Iran temporarily in order to enable United States relief organizations to swiftly send aid to Bam;

Whereas United States aid channeled through United States-based relief organizations and charities has been warmly welcomed by the people of Iran;

Whereas United States aid workers have been received with generosity and great appreciation in Iran;

Whereas the United States generosity has confirmed that the United States holds no ill will toward the people of Iran; and

Whereas the spirit and compassionate conduct of the United States has won it tremendous goodwill among the people of Iran: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its heartfelt sympathy for the victims of the earthquake that occurred on December 26, 2003, in Bam, Iran, and their loved ones;

(2) expresses its heartfelt gratitude and appreciation for the courageous work of the United States and international aid personnel saving lives in Iran; and

(3) welcomes the President's decision to issue a general license for donations to nongovernmental entities engaged in humanitarian relief activities in response to the earthquake in Iran.

The SPEAKER pro tempore, Mr. SCHROCK, recognized Mr. HYDE and Ms. McCOLLUM, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SCHROCK, announced that two-thirds of the Members present had voted in the affirmative.

Mr. HYDE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SCHROCK, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶16.13 MESSAGE FROM THE PRESIDENT—GENERALIZED SYSTEM OF PREFERENCES-ALGERIA

The SPEAKER pro tempore, Mr. SCHROCK, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Consistent with section 502(f) of the Trade Act of 1974, as amended (the ''Act''), I am writing to inform you of my intent to designate Algeria as a beneficiary developing country and to terminate the designation of Antigua and Barbuda, Barbados, Bahrain, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, and Slovakia as beneficiary developing countries for purposes of the Generalized System of Preferences (GSP).

I have considered the criteria set forth in sections 501 and 502 of the Act. In light of these criteria, I have determined that it is appropriate to extend GSP benefits to Algeria. I have also determined that Antigua and Barbuda, Barbados, and Bahrain have become ''high income'' countries, and I therefore terminate their designation as beneficiary developing countries effective January 1, 2006. Furthermore, consistent with the Act's prohibition on designation of European Union member states as beneficiary developing countries, I am terminating such designation for the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland,

and Slovakia when they become European Union member states.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 1, 2004*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Ways and Means and ordered to be printed (H. Doc. 108–166).

¶16.14 RECESS—3:20 P.M.

The SPEAKER pro tempore, Mr. SCHROCK, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 20 minutes p.m., until approximately 6:30 p.m.

¶16.15 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mr. BOOZMAN, called the House to order.

¶16.16 PROVIDING FOR THE CONSIDERATION OF H.R. 3752

Mr. REYNOLDS, by direction of the Committee on Rules, reported (Rept. No. 108–430) the resolution (H. Res. 546) providing for consideration of the bill (H.R. 3752) to promote the development of the emerging commercial human space flight industry, to extend the liability indemnification regime for the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶16.17 H.R. 3769—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3769) to designate the facility of the United States Postal Service located at 137 East Young High Pike in Knoxville, Tennessee, as the ''Ben Atchley Post Office Building''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 383 / Nays 0

¶16.18 [Roll No. 32]

YEAS—383

Abercrombie
Ackerman
Akin
Alexander
Allen
Andrews
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Chabot
Chandler
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanders
Saxton
Schakowsky
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)

NOT VOTING—50

Aderholt
Baca
Bell
Berry
Burton (IN)
Calvert
Castle
Chocola
Cummings
Davis (CA)
DeMint
Doggett
Dooley (CA)
Filner
Gilchrest
Gutierrez
Harman
Herger
Hinojosa
Hooley (OR)
Johnson (CT)
Jones (OH)
King (IA)
Kingston
Kucinich
Lantos
Markey
McCotter
Meeks (NY)
Millender-McDonald
Mollohan
Napolitano
Ortiz
Ose
Pelosi
Pence
Reyes
Rodriguez
Royce
Sanchez, Loretta
Sandlin
Schiff
Smith (MI)
Toomey
Towns
Waters
Weldon (PA)
Woolsey
Wynn
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶16.19 H. RES. 526—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 526) expressing the sympathy of the House of Representatives for the victims of the devastating earthquake that occurred on December 26, 2003, in Bam, Iran.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 381 / Nays 0

¶16.20 [Roll No. 33]

YEAS—381

Abercrombie
Ackerman
Akin
Alexander
Allen
Andrews
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Chabot
Chandler
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch

Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanders
Saxton
Schakowsky
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)

NOT VOTING—52

Aderholt
Baca
Bell
Berry
Burton (IN)
Calvert
Castle
Chocola
Cummings
Davis (CA)
DeMint
Doggett
Dooley (CA)
Evans
Filner
Gilchrest
Gutierrez
Harman
Herger
Hinojosa
Hooley (OR)
Jones (OH)
King (IA)
Kingston
Kucinich
Lantos
Markey
Marshall
McCotter
Meeks (NY)
Millender-McDonald
Mollohan
Murtha
Napolitano
Ortiz
Ose
Pelosi
Pence
Reyes
Rodriguez
Royce
Sanchez, Loretta
Sandlin
Schiff
Smith (MI)
Toomey
Towns
Waters
Weldon (PA)
Woolsey
Wynn
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶16.21 PROVIDING FOR THE CONSIDERATION OF H.R. 1561

Mr. LINDER, by direction of the Committee on Rules, reported (Rept. No. 108–431) the resolution (H. Res. 547) providing for consideration of the bill (H.R. 1561) to amend title 35, United States Code, with respect to patent fees, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶16.22 SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 714. An Act to provide for the conveyance of a small parcel of Bureau of Land Management land in Douglas County, Oregon, to the county to improve management of and recreational access to the Oregon Dunes National Recreation Area, and for other purposes.

¶16.23 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BACA, for today;

To Mr. CASTLE, for today and March 3;

To Mr. CHOCOLA, for today and March 3;

To Ms. HARMAN, for today;

To Mr. HINOJOSA, for today through March 10;

To Mr. KING of Iowa, for today;

To Ms. MILLENDER-McDONALD, for today;

To Ms. NAPOLITANO, for today;

To Mr. ORTIZ, for today;

To Mr. PENCE, for today and balance of the week;

To Mr. REYES, for today;

To Mr. ROYCE, for today;

To Mr. SMITH of Michigan, for today and March 3; and

To Ms. WOOLSEY, for today.

And then,

¶16.24 ADJOURNMENT

On motion of Mr. OWENS, at 10 o'clock and 50 minutes p.m., the House adjourned.

¶16.25 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. REYNOLDS: Committee on Rules. House Resolution 546. Resolution providing for consideration of the bill (H.R. 3752) to promote the development of the emerging commercial human space flight industry, to extend the liability indemnification regime for the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, and for other purposes (Rept. 108–430). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 547. Resolution providing for consideration of the bill (H.R. 1561) to amend title 35, United States Code, with respect to patent fees, and for other purposes (Rept. 108–431). Referred to the House Calendar.

¶16.26 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2802. Referral to the Committee on Government Reform extended for a period ending not later than March 8, 2004.

¶16.27 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of New Jersey:

H.R. 3868. A bill to amend the Internal Revenue Code of 1986 to phaseout the 1993 income tax increase on Social Security benefits; to the Committee on Ways and Means.

By Mr. KELLER:

H.R. 3869. A bill to provide for the expanded use of technology and information management systems in the administration of the school lunch and breakfast programs; to the Committee on Education and the Workforce.

By Mr. NORWOOD (for himself and Mr. STRICKLAND):

H.R. 3870. A bill to amend the Public Health Service Act, the Federal Food, Drug, and Cosmetic Act, and the Controlled Substances Import and Export Act to provide grants to States to establish prescription drug monitoring programs, to impose requirements respecting Internet pharmacies, to require manufacturers to implement chain-of-custody procedures, to restrict an exemption respecting the importation of controlled substances for personal use, and for other purposes; to the Committee on Energy and Commerce.

By Mr. TURNER of Texas (for himself and Mr. WELDON of Pennsylvania):

H.R. 3871. A bill to establish the Unites States-Israel Homeland Security Foundation to make grants to joint business ventures between United States and Israeli private corporate entities to develop products and services with applications related to homeland security, and for other purposes; to the Committee on Science, and in addition to the Committee on Homeland Security (Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS (for himself, Ms. SCHAKOWSKY, Mr. BOUCHER, Mr. UPTON, Mr. DINGELL, Mr. SHADEGG, Mr. MARKEY, Mr. PICKERING, Mr. DEUTSCH, Mr. TERRY, Mr. TOWNS, Mr.

ISSA, Mr. GORDON, Mr. RUSH, Ms. ESHOO, Mr. GREEN of Texas, Ms. MCCARTHY of Missouri, Ms. SOLIS, and Mr. GONZALEZ):

H.R. 3872. A bill to prohibit the misappropriation of databases while ensuring consumer access to factual information; to the Committee on Energy and Commerce.

By Mr. CASTLE (for himself, Mr. BOEHNER, Mr. MCKEON, Mr. UPTON, Mr. EHLERS, Mr. KELLER, Mr. WILSON of South Carolina, Mr. PORTER, Mr. CARTER, Mr. CASE, Mr. PEARCE, Mr. SIMMONS, Ms. WATSON, Mr. PETERSON of Minnesota, and Ms. KILPATRICK):

H.R. 3873. A bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to provide children with access to food and nutrition assistance, to simplify program operations, to improve children's nutritional health, and to restore the integrity of child nutrition programs, and for other purposes; to the Committee on Education and the Workforce.

By Mrs. BONO (for herself and Mrs. DAVIS of California):

H.R. 3874. A bill to convey for public purposes certain Federal lands in Riverside County, California, that have been identified for disposal; to the Committee on Resources.

By Mr. COLLINS (for himself and Mr. BECERRA):

H.R. 3875. A bill to amend the Internal Revenue Code of 1986 to provide that qualified homeowner downpayment assistance is a charitable purpose; to the Committee on Ways and Means.

By Mr. HASTINGS of Florida (for himself, Mr. WEXLER, Mr. DAVIS of Florida, Mr. BOYD, Mr. MEEK of Florida, Ms. CORRINE BROWN of Florida, and Mr. DEUTSCH):

H.R. 3876. A bill to amend part C of title XVIII of the Social Security Act to prohibit the comparative cost adjustment (CCA) program from operating in the State of Florida; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OTTER:

H.R. 3877. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to provide for an election by individuals eligible for old-age insurance benefits under such title to waive payment of benefits based on their work record, to provide for income tax deductions based on the actuarial present value of benefits foregone by reason of such an election, and to provide that special Government obligations issued exclusively for purchase by the Social Security Trust Funds shall bear interest at the average market yield then prevailing for comparable obligations issued in the private sector; to the Committee on Ways and Means.

By Ms. WATERS:

H.R. 3878. A bill to establish the Commission on American Jobs; to the Committee on Education and the Workforce.

By Mr. HOYER (for himself, Mr. WOLF, Ms. NORTON, Mr. WYNN, Mr. MORAN of Virginia, and Mr. VAN HOLLEN):

H. Con. Res. 376. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby; to the Committee on Transportation and Infrastructure.

By Mr. TANCREDO (for himself, Mr. GOODE, Mr. AKIN, Mr. ADERHOLT, Mr. PENCE, Mr. PITTS, Mr. SMITH of Texas, Mr. DEAL of Georgia, Mr. KELLER, Mr. KINGSTON, Mr. BARTLETT of Maryland, Mr. NORWOOD, Mr. JONES of North Carolina, and Ms. GINNY BROWN-WAITE of Florida):

H. Con. Res. 377. Concurrent resolution recognizing the importance of Western civilization; to the Committee on Education and the Workforce.

By Mr. MANZULLO:

H. Res. 548. A resolution recognizing the contributions of environmental systems and the technicians who install and maintain them to our quality of life; to the Committee on Energy and Commerce.

By Ms. PELOSI (for herself and Mr. GEORGE MILLER of California):

H. Res. 549. A resolution encouraging the President of the United States to designate a "Read Across America Day"; to the Committee on Education and the Workforce.

¶16.28 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mrs. CUBIN.
H.R. 308: Mr. BISHOP of New York.
H.R. 339: Mr. FERGUSON.
H.R. 463: Mr. MILLER of North Carolina and Mr. VAN HOLLEN.
H.R. 466: Mr. NETHERCUTT.
H.R. 503: Mr. UDALL of New Mexico.
H.R. 566: Mr. COLE.
H.R. 677: Mr. PETERSON of Minnesota and Mr. SHIMKUS.
H.R. 814: Mr. STUPAK.
H.R. 847: Ms. MCCOLLUM.
H.R. 871: Mr. ISAKSON and Mrs. MUSGRAVE.
H.R. 891: Mr. GRIJALVA, Mr. WAXMAN, and Ms. MCCARTHY of Missouri.
H.R. 931: Ms. GINNY BROWN-WAITE of Florida.
H.R. 935: Mr. BRADY of Pennsylvania.
H.R. 970: Mr. LANGEVIN.
H.R. 972: Ms. JACKSON-LEE of Texas.
H.R. 1005: Mr. JENKINS.
H.R. 1043: Mr. BOUCHER and Mr. NEAL of Massachusetts.
H.R. 1051: Mr. MOORE.
H.R. 1083: Mr. WAMP, Mr. DELAHUNT, Mrs. MCCARTHY of New York, and Mr. HINCHEY.
H.R. 1098: Mr. ENGLISH, Mr. BARTLETT of Maryland, and Mr. PAUL.
H.R. 1105: Mr. LATOURETTE.
H.R. 1117: Mr. MCINNIS.
H.R. 1258: Mr. GORDON, Mr. STRICKLAND, and Mr. LAMPSON.
H.R. 1264: Ms. ESHOO and Mr. STARK.
H.R. 1345: Mrs. MCCARTHY of New York and Mr. MICHAUD.
H.R. 1421: Mr. PALLONE.
H.R. 1478: Mr. SESSIONS.
H.R. 1519: Mr. MCDERMOTT.
H.R. 1582: Mr. PORTER, Ms. JACKSON-LEE of Texas, Mr. BONILLA, and Mr. SANDERS.
H.R. 1608: Mr. CANTOR and Mr. BARTLETT of Maryland.
H.R. 1716: Ms. MILLENDER-MCDONALD.
H.R. 1734: Mr. WEXLER.
H.R. 1811: Mr. VAN HOLLEN, Mr. DOGGETT, Ms. DELAURO, Mr. SMITH of Washington, and Mr. FORD.
H.R. 1873: Mrs. MUSGRAVE.
H.R. 1930: Mr. MARKEY.
H.R. 2052: Mr. RENZI.
H.R. 2217: Mr. VISCLOSKY.
H.R. 2239: Mr. SERRANO, Mr. CROWLEY, Mrs. DAVIS of California, Mr. THOMPSON of California, Mr. INSLEE, Mr. RUSH, and Mr. ACKERMAN.
H.R. 2256: Mr. SABO.
H.R. 2262: Mr. TIERNEY.
H.R. 2322: Mr. WEXLER.
H.R. 2323: Mr. WOLF.
H.R. 2569: Mr. NADLER.
H.R. 2582: Mr. OWENS and Ms. CARSON of Indiana.
H.R. 2626: Mr. KUCINICH.
H.R. 2627: Mr. GERLACH.
H.R. 2699: Mr. MORAN of Virginia, Mr. ENGLISH, and Mr. TIBERI.
H.R. 2727: Ms. MAJETTE, Mr. RUPPERSBERGER, and Mr. SCHIFF.
H.R. 2771: Mr. RANGEL.
H.R. 2863: Mr. THOMPSON of Mississippi and Mr. WU.
H.R. 2932: Ms. NORTON.
H.R. 2946: Mr. KIRK.
H.R. 2999: Mr. BURR and Mr. GARY G. MILLER of California.
H.R. 3015: Mr. PITTS.
H.R. 3069: Mr. HOSTETTLER.
H.R. 3158: Ms. VELAZQUEZ and Mr. BOSWELL.
H.R. 3226: Mr. CONYERS and Mr. RODRIGUEZ.
H.R. 3243: Mr. KING of New York and Mr. DAVIS of Illinois.
H.R. 3266: Mr. CALVERT.
H.R. 3344: Mr. MCDERMOTT and Mr. PALLONE.
H.R. 3397: Mr. PAUL.
H.R. 3416: Mr. RUSH.
H.R. 3429: Mr. BURNS and Mrs. BIGGERT.
H.R. 3438: Mr. MCGOVERN, Mr. ALLEN, and Ms. BERKLEY.
H.R. 3441: Mr. RUSH, Mr. DAVIS of Alabama, Ms. MILLENDER-MCDONALD, Mr. QUINN, Mr. EMANUEL, and Mr. ABERCROMBIE.
H.R. 3458: Mr. WAMP, Mr. BOUCHER, and Mr. BISHOP of Georgia.
H.R. 3474: Mr. BLUMENAUER, Mr. PORTER, and Mr. BERMAN.
H.R. 3480: Mr. CALVERT.
H.R. 3488: Mr. GONZALEZ.
H.R. 3528: Mrs. DAVIS of California.
H.R. 3543: Mr. MICHAUD, Mr. DOYLE, and Mr. BRADLEY of New Hampshire.
H.R. 3550: Ms. LINDA T. SANCHEZ of California and Mr. WATT.
H.R. 3567: Ms. MCCOLLUM, Mr. MCNULTY, Mr. RUSH, Mr. RYAN of Ohio, Mr. HINCHEY, Mr. CARDOZA, Ms. MAJETTE, and Mr. WEXLER.
H.R. 3574: Mr. GRIJALVA, Ms. HARRIS, Mr. BLUNT, Mr. MENENDEZ, Ms. PELOSI, Mr. ROYCE, Mr. CARSON of Oklahoma, Mr. MEEKS of New York, Mr. SCOTT of Georgia, Mr. OTTER, Mr. ISAKSON, Mr. REYNOLDS, and Mr. WU.
H.R. 3582: Mr. KILDEE.
H.R. 3619: Mr. EDWARDS and Mr. GONZALEZ.
H.R. 3643: Mr. SMITH of New Jersey.
H.R. 3656: Ms. NORTON, Mr. MCINTYRE, Mr. NEAL of Massachusetts, Mr. BLUMENAUER, Ms. SCHAKOWSKY, Ms. KAPTUR, and Mr. PALLONE.
H.R. 3658: Mr. BOEHLERT.
H.R. 3693: Mr. WAXMAN.
H.R. 3714: Mr. MCDERMOTT.
H.R. 3717: Mr. OTTER, Mr. NORWOOD, Mr. PICKERING, Mr. SHAYS, Mr. SIMPSON, Mr. MANZULLO, and Mr. BOYD.
H.R. 3755: Mr. OWENS, Ms. HARRIS, and Mr. PALLONE.
H.R. 3763: Mr. HOLT, Ms. DEGETTE, Mr. CRENSHAW, Mr. SIMPSON, Mr. HEFLEY, and Mr. DAVIS of Florida.
H.R. 3771: Mrs. MCCARTHY of New York and Mr. STARK.
H.R. 3777: Mr. EDWARDS, Mr. OTTER, and Mr. ROSS.
H.R. 3793: Mr. WU, Mr. SOUDER, Mr. ORTIZ, Mr. SHIMKUS, Mr. SCOTT of Georgia, Mr. HONDA, Mr. ISAKSON, Mr. KENNEDY of Rhode Island, Mr. BAKER, Mr. DAVIS of Florida, and Mr. STARK.
H.R. 3801: Mr. HERGER, Mr. CALVERT, Mr. SOUDER, Mr. FRANKS of Arizona, and Mrs. MYRICK.
H.R. 3804: Mr. ENGLISH.
H.R. 3815: Mr. VAN HOLLEN.
H.R. 3818: Mrs. JO ANN DAVIS of Virginia, Mr. HOUGHTON, Mr. DAVIS of Florida, Mr. MCDERMOTT, Mr. EDWARDS, Mr. ROTHMAN, Ms. MCCOLLUM, Mr. BERMAN, Mrs. TAUSCHER, Mr. UDALL of New Mexico, Ms. LEE, Mr. INSLEE, Mr. MORAN of Virginia, and Mr. BLUMENAUER.
H.R. 3833: Mr. SERRANO and Mr. PALLONE.
H.R. 3848: Mr. MCKEON.
H.R. 3857: Mr. FOLEY and Mr. MCINNIS.

H.R. 3860: Mr. MORAN of Virginia, Mr. UPTON, Mr. SENSENBRENNER, Mr. MICHAUD, and Mr. TURNER of Ohio.

H.R. 3867: Mr. BROWN of Ohio, Mr. CONYERS, Mr. ENGEL, Mr. GRIJALVA, Ms. JACKSON-LEE of Texas, Mr. MEEKS of New York, Mr. OWENS, Mr. NADLER, Ms. NORTON, Ms. SCHAKOWSKY, Mr. WEINER, Mr. KUCINICH, Mr. DAVIS of Florida, and Mr. PAYNE.

H.J. Res. 48: Mr. JEFFERSON.

H.J. Res. 56: Mr. SANDLIN.

H. Con. Res. 37: Mr. WELLER.

H. Con. Res. 47: Mr. MENENDEZ.

H. Con. Res. 332: Mr. CHANDLER, Mr. CARDIN, Mr. STEARNS, Mr. SHAYS, Mr. LARSEN of Washington, Mr. REYNOLDS, Mr. BISHOP of Utah, Mr. KINGSTON, Mr. NADLER, Mr. BACA, Mr. UPTON, Mrs. MILLER of Michigan, Mr. GEORGE MILLER of California, Mr. OWENS, and Mr. MENENDEZ.

H. Con. Res. 356: Mr. CROWLEY, Mr. LEVIN, Mr. MICHAUD, Mr. SANDLIN, Ms. SCHAKOWSKY, Mr. FROST, Mr. FARR, Mr. WAXMAN, Mr. DAVIS of Illinois, Mr. RUSH, Mr. GUTIERREZ, Mr. MCDERMOTT, Mr. KILDEE, Mr. STENHOLM, Mr. ABERCROMBIE, Ms. KILPATRICK, Mr. LARSEN of Washington, Mr. HINCHEY, Mr. ANDREWS, Mr. GEORGE MILLER of California, Mr. JACKSON of Illinois, Mr. FRANK of Massachusetts, Ms. MCCOLLUM, Mr. RODRIGUEZ, Mrs. CHRISTENSEN, Ms. CARSON of Indiana, Mr. CARDOZA, Mr. MOORE, Mr. OBERSTAR, Mr. OWENS, Mr. ACEVEDO-VILA, and Mr. HOLT.

H. Con. Res. 366: Ms. KAPTUR, Ms. CARSON of Indiana, Mr. STRICKLAND, Mr. FRANK of Massachusetts, and Mr. FILNER.

H. Con. Res. 367: Mr. PALLONE.

H. Con. Res. 371: Mr. BAKER, Mr. ISTOOK, Mrs. NORTHUP, Mr. ENGEL, Mr. GINGREY, and Mr. COLE.

H. Con. Res. 375: Mr. CASTLE.

H. Res. 144: Mr. CARSON of Oklahoma.

H. Res. 167: Mr. MCDERMOTT.

H. Res. 402: Mrs. NORTHUP.

H. Res. 481: Mr. POMBO.

H. Res. 482: Mr. FORBES.

H. Res. 485: Mr. SCHIFF and Mr. BISHOP of New York.

H. Res. 501: Mr. ENGLISH and Mr. WEXLER.

H. Res. 522: Ms. JACKSON-LEE of Texas, Mrs. CAPPS, Mrs. NAPOLITANO, Mr. HOEFFEL, Ms. SCHAKOWSKY, Mr. WU, Ms. SOLIS, Mr. UDALL of New Mexico, and Mr. PASCRELL.

H. Res. 530: Mr. ENGEL, Mr. MCCOTTER, Ms. BERKLEY, and Mr. PRICE of North Carolina.

H. Res. 540: Mr. TOM DAVIS of Virginia, Mr. ENGEL, Mr. PENCE, Mr. WEXLER, Mr. KIRK, Mr. BURTON of Indiana, Mr. FLAKE, and Mr. KING of New York.

WEDNESDAY, MARCH 3, 2004 (17)

¶17.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. SHAW, who laid before the House the following communication:

WASHINGTON, DC,
March 3, 2004.

I hereby appoint the Honorable E. CLAY SHAW, Jr., to act as Speaker pro tempore on this day.

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

¶17.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. SHAW, announced he had examined and approved the Journal of the proceedings of Tuesday, March 2, 2004.

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

¶17.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

6931. A letter from the Principal Deputy Under Secretary, Department of Defense, transmitting Approval of Brigadier General Lloyd J. Austin III to wear the insignia of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

6932. A letter from the Principal Deputy Under Secretary, Department of Defense, transmitting Approval of Major General Thomas L. Baptiste, United States Air Force, to wear the insignia of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

6933. A letter from the Principal Deputy Under Secretary, Department of Defense, transmitting Approval of Major General John M. Curran, United States Army, to wear the insignia of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

6934. A letter from the Secretary, Department of Health and Human Services, transmitting a report on the Fiscal Years 1999-2001 Family Violence Prevention and Services Act Program, pursuant to 42 U.S.C. 10405; to the Committee on Education and the Workforce.

6935. A letter from the Secretary, Department of Health and Human Services, transmitting the 2003 annual report entitled, ''Clinical Preventive Services for Older Americans,'' based on the work of the U.S. Preventive Services Task Force (USPSTF), pursuant to Public Law 106–554, section 126; to the Committee on Energy and Commerce.

6936. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed extension of the license for the export of major defense equipment and defense articles to Russia, Ukraine, and Norway (Transmittal No. DDTC 015-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

6937. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed extension of the license for the export of major defense equipment and defense articles to Japan (Transmittal No. DDTC 017-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

6938. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed extension of the license for the export of major defense equipment and defense articles to Russia and Kazakhstan (Transmittal No. DDTC 016-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

6939. A communication from the President of the United States, transmitting an additional report, consistent with the War Powers Resolution, to help ensure that the Congress is kept fully informed on U.S. military activities in Haiti, pursuant to Public Law 93–148; (H. Doc. No. 108–167); to the Committee on International Relations and ordered to be printed.

6940. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting a report in accordance with Section 25(a)(6) of the Arms Export Control Act (AECA), describing and analyzing services performed during FY 2003 by full-time USG employees who are performing services for which reimbursement is provided under Section 21(a) or Section 43(b) of the AECA; to the Committee on International Relations.

6941. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, the final six-month periodic report on the national emergency declared with respect to Sierra Leone in Executive Order 13194 of January 18, 2001, and expanded in scope with respect to Liberia by Executive Order 13213 of May 22, 2001; to the Committee on International Relations.

6942. A letter from the U.S. Global AIDS Coordinator, Department of State, transmitting on behalf of the President, the report, ''President Bush's Emergency Plan for AIDS Relief: U.S. Five-Year Global HIV/AIDS Strategy,'' pursuant to Public Law 108–25; to the Committee on International Relations.

6943. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–384, ''Tobacco Product Manufacturer Reserve Fund Complementary Procedures Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6944. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-385, ''Consolidated of Financial Services Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6945. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-386, ''Captive Insurance Company Temporary Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6946. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-350, ''Owner-Occupant Residential Tax Credit and Exemption Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6947. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-366, ''Revised Closing of a Portion of a Public Alley in Square 209, S.O. 02-1019, Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6948. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-351, ''December Use of the Cash Reserve Funds Temporary Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6949. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-352, ''Real Property Disposition Economic Analysis Temporary Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6950. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-353, ''District of Columbia Emancipation Day Parade and Fund Temporary Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6951. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-360, ''Kings Court Community Garden Equitable Real Property Tax Relief Temporary Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6952. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-361, ''District of Columbia Public Schools Use of the Budget Reserve Funds Temporary Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6953. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-367, ''District of Columbia Auditor Subpoena and Oath Authority Act of 2004,'' pursuant to D.C. Code section 1–

233(c)(1); to the Committee on Government Reform.

6954. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-362, ''Used Car Dealership License Moratorium Temporary Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6955. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-368, ''Metropolitan Police Department Educational Requirement Clarification Temporary Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6956. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-363, ''Crispis Attucks Development Corporation Real Property Tax Exemption and Equitable Real Property Tax Relief Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6957. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-370, ''Real Property Classification Clarification Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6958. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-383, ''Health Services Planning and Development Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6959. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-364, ''Sexual Minority Youth Assistance League Equitable Real Property Tax Relief Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6960. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-365, ''Dedication and Designation of Streets and an Alley in Squares 878, S.O.95-251, Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6961. A letter from the Chairman, Broadcasting Board Of Governors, transmitting the Annual Program Performance Report on the FY 2003 Performance Plan, pursuant to the Government Performance and Results Act of 1993 (GPRA); to the Committee on Government Reform.

6962. A letter from the Secretary, Department of the Treasury, transmitting the Financial Report of the United States Government for Fiscal Year 2003 (Financial Report), pursuant to 31 U.S.C. 331(e)(1); to the Committee on Government Reform.

6963. A letter from the Human Resources Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6964. A letter from the Chairman, Federal Election Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act for the calendar year 2003, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

6965. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's FY 2003 Performance Report, pursuant to Public Law 103–62; to the Committee on Government Reform.

6966. A letter from the Chairman, International Trade Commission, transmitting pursuant to the Government Performance and Results Act (Pub. L. 103–62), the Commission's Performance Report for FY 2003; to the Committee on Government Reform.

6967. A letter from the Director, Office of Personnel Management, transmitting a report on the Federal Activities Inventory Reform Act Inventory as of June 30, 2003; to the Committee on Government Reform.

6968. A letter from the Architect of the Capitol, transmitting a report discussing the AOC's activities to improve worker safety during the fourth quarter of FY03, pursuant to the directives issued in the 107th Congress First Session, House of Representatives Report Number 107-169; to the Committee on House Administration.

6969. A letter from the Secretary, Department of the Interior, transmitting a draft bill entitled ''To redesignate Fort Clatsop National Memorial as the Lewis and Clark National Park, to include sites in the State of Washington as well as the State of Oregon, and for other purposes''; to the Committee on Resources.

6970. A letter from the Commissioner, Financial Management Service, Department of the Treasury, transmitting FY 2003 Report to the Congress entitled ''U.S. Government Receivables and Debt Collection Activities of Federal Agencies,'' pursuant to 31 U.S.C. 3716(c)(3)(B); to the Committee on the Judiciary.

6971. A letter from the Chief Scout Executive and President, Boy Scouts of America, transmitting the Boy Scouts of America's 2003 Report to the Nation, pursuant to 36 U.S.C. 28; to the Committee on the Judiciary.

6972. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Calverton, NY [Docket No. FAA-2003-16415; Airspace Docket No. 03-AEA-16] received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6973. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Mapleton, IA. [Docket No. FAA-2003-16496; Airspace Docket No. 03-ACE-80] received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6974. A letter from the Program Analyst. FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E5 Airspace; Augusta, GA [Docket No. FAA-2003-15124; Airspace Docket No. 03-ASO-5] received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6975. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Maryville, MO. [Docket No. FAA-2003-15720; Airspace Docket No. 03-ACE-62] received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6976. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Milford, IA. [Docket No. FAA-2003-16497; Airspace Docket No. 03-ACE-81] received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6977. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Mapleton, IA. [Docket No. FAA-2003-16496; Airspace Docket No. 03-ACE-80] received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6978. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace; Columbus, MS [Docket No. FFAA-2003-15532; Airspace Docket No. 03-ASO-10] received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6979. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Prohibition Against Certain Flights Within the Territory and Airspace of Iraq [Docket No. FAA-2003-14766; SFAR No. 77] received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6980. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Specialist Federal Aviation Regulation No. 36, Development of Major Repair Data [Docket No. FAA-2003-16527; Amendment No. SFAR 36-8] (RIN: 2120-AI09) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6981. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Repair Stations: Service Difficulty Reporting [Docket No. FAA-2003-16772; Amendment No. 22] (RIN: 2120-AI07) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6982. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2, A300 B4, A300 B4-600, A300 B4-600R, A300 F4-600R, A310, A330, and A340 Series Airplanes [Docket No. 2001-NM-154-AD; Amendment 39-13220; AD 2003-14-01] (RIN: 2120-AA64) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6983. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700 & 701) and CL-600-2D24 (Regional Jet Series 900) Series Airplanes [Docket No. 2003-NM-209-AD; Amendment 39-13353; AD 2003-19-51] (RIN: 1220-AA64) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6984. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS332C, L, L1, and L2 Helicopters [Docket No. 2001-SW-07-AD; Amendment 39-13371; AD 2003-24-02] (RIN: 2120-AA64) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6985. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 Airplanes [Docket No. 2001-NM-57-AD; Amendment 39-13340; AD 2003-21-05] (RIN: 2120-AA64) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6986. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt and Whitney PW4000 Series Turbofan Engines [Docket No. 2002-NE-15-AD; Amendment 39-13131; AD 2003-09-02] (RIN: 2120-AA64) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6987. A letter from the Paralegal Specialist, FAA, Department of Transportation,

transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model SA-365N, N1, AS-365N2, and AS 365 N3 Helicopters [Docket No. 2003-SW-09-AD; Amendment 39-13363; AD 2003-22-15] (RIN: 2120-AA64) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6988. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc (RR) RB211-22B, RB211-524, and RB211-535 Series Turbofan Engines [Docket No. 2001-NE-13-AD; Amendment 39-13435; AD 2004-01-21] (RIN: 2120-AA64) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6989. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes [Docket No. 2003-NM-55-AD; Amendment 39-13429; AD 2004-01-15] (RIN: 2120-AA64) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6990. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Models 441 and F406 Airplanes [Docket No. 2002-CE-18-AD; Amendment 39-13406; AD 2003-09-09 R1] (RIN: 2120-AA64) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6991. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Independence, IA. [Docket No. FAA-2003-16746; Airspace Docket No. 03-ACE-90] received February 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6992. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E2 Airspace; and Modification of Class E5 Airspace; Hutchinson, KS. [Docket No. FAA-2003-16410; Airspace Docket No. 03-ACE-79] received February 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6993. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Clay Center, KS. [Docket No. FAA-2003-16759; Airspace Docket No. 03-ACE-96] received February 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6994. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Colby, KS. [Docket No. FAA-2003-16760; Airspace Docket No. 03-ACE-97] received February 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6995. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Chanute, KS. [Docket No. FAA-2003-16757; Airspace Docket No. 03-ACE-95] received February 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6996. A letter from the Administrator, Office of Management and Budget, transmitting the annual report on the Federal Government's use of voluntary consensus standards, pursuant to Public Law 104–113, section 12(d)(3) (110 Stat. 783); to the Committee on Science.

6997. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's Federal Equal Opportunity Recruitment Program (FEORP) Accomplishment Report and the Disabled Veteran's Affirmative Action Program (DVAAP) Report for the period of September 30, 2002 to September 30, 2003, pursuant to 22 U.S.C. 3905(d)(2); jointly to the Committees on International Relations and Government Reform.

6998. A letter from the Administrator, FAA, Department of Transportation, transmitting an additional copy of the ''Federal Aviation Administration and National Air Traffic Controllers Association Collective Bargaining Impasse Submission to Congress,'' pursuant to 49 U.S.C. 40122(a); jointly to the Committees on Transportation and Infrastructure and Government Reform.

¶17.4 MESSAGE FROM THE SENATE

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

S. 2136. An Act to extend the final report date and termination date of the National Commission on Terrorist Attacks Upon the United States, to provide additional funding for the Commission, and for other purposes.

The message also announced that pursuant to Public Law 93–642, the Chair, on behalf of the Vice President, appoints the Senator from Montana [Mr. BAUCUS] to be a member of the Harry S Truman Scholarship Foundation Board of Trustees, vice the Senator from Washington [Mrs. MURRAY].

The message also announced that pursuant to section 104(c)(1)(A), of Public Law 108–199, the Chair, on behalf of the Majority Leader, appoints the following individual to serve as a member of the Abraham Lincoln Study Abroad Fellowship Program: Dr. Steven Trooboff of Portland, Maine.

¶17.5 CHARLES 'PETE' CONRAD ASTRONOMY AWARDS

Mr. ROHRABACHER moved to suspend the rules and pass the bill (H.R. 912) to authorize the Administration of the National Aeronautics and Space Administration to establish an awards program in honor of Charles ''Pete'' Conrad, astronaut and space scientist, for recognizing the discoveries made by amateur astronomers of asteroids with near-Earth orbit trajectories; as amended.

The SPEAKER pro tempore, Mr. SHAW, recognized Mr. ROHRABACHER and Mr. GORDON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SHAW, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ROHRABACHER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SHAW, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶17.6 MALCOLM BALDRIGE NATIONAL QUALITY AWARDS

Ms. HART moved to suspend the rules and pass the bill (H.R. 3389) to amend the Stevenson-Wydler Technology Innovation Act of 1980 to permit Malcolm Baldrige National Quality Awards to be made to nonprofit organizations.

The SPEAKER pro tempore, Mr. SHAW, recognized Ms. HART and Mr. MILLER of North Carolina each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SHAW, announced that two-thirds of the Members present had voted in the affirmative.

Ms. HART demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SHAW, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶17.7 COPYWRIGHT ROYALTY AND DISTRIBUTION REFORM

Mr. SENSENBRENNER moved to suspend the rules and pass the bill (H.R. 1417) to amend title 17, United States Code, to replace copyright arbitration royalty panels with a Copyright Royalty Judge, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. SHAW, recognized Mr. SENSENBRENNER and Mr. BERMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SHAW, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SENSENBRENNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SHAW, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶17.8 DRUG ENFORCEMENT ADMINISTRATION

Mr. SENSENBRENNER moved to suspend the rules and agree to the following resolution (H. Res. 412):

Whereas the Drug Enforcement Administration (DEA) was first created by executive order on July 6, 1973, merging the previously separate law enforcement and intelligence agencies responsible for narcotics control;

Whereas the first Administrator of the DEA, John R. Bartels, Jr., was confirmed by the Senate on October 4, 1973;

Whereas since 1973 the men and women of the DEA have served our Nation with courage, vision and determination, protecting all Americans from the scourge of drug trafficking, abuse, and related violence;

Whereas between 1986 and 2002 alone, DEA agents seized over 10,000 kilograms of heroin, 900,000 kilograms of cocaine, 4,600,000 kilograms of marijuana, 113,000,000 dosage units of hallucinogens, and 1,500,000,000 dosage units of methamphetamine, and made over 443,000 arrests of drug traffickers;

Whereas DEA agents continue to lead task forces of Federal, State, and local law enforcement officials throughout the Nation, in a cooperative effort to stop drug trafficking and put drug gangs behind bars;

Whereas throughout its history many DEA employees and members of DEA task forces have given their lives in the defense of our Nation, including: Emir Benitez, Gerald Sawyer, Leslie S. Grosso, Nickolas Fragos, Mary M. Keehan, Charles H. Mann, Anna Y. Mounger, Anna J. Pope, Martha D. Skeels, Mary P. Sullivan, Larry D. Wallace, Ralph N. Shaw, James T. Lunn, Octavio Gonzalez, Francis J. Miller, Robert C. Lightfoot, Thomas J. Devine, Larry N. Carwell, Marcellus Ward, Enrique S. Camarena, James A. Avant, Charles M. Bassing, Kevin L. Brosch, Susan M. Hoefler, William Ramos, Raymond J. Stastny, Arthur L. Cash, Terry W. McNett, George M. Montoya, Paul S. Seema, Everett E. Hatcher, Rickie C. Finley, Joseph T. Aversa, Wallie Howard, Jr., Eugene T. McCarthy, Alan H. Winn, George D. Althouse, Becky L. Dwojeski, Stephen J. Strehl, Richard E. Fass, Juan C. Vars, Jay W. Seale, Meredith Thompson, Frank S. Wallace, Jr., Frank Fernandez, Jr., Kenneth G. McCullough, Carrol June Fields, Rona L. Chafey, Shelly D. Bland, Carrie A. Lenz, Shaun E. Curl, Royce D. Tramel, Alice Faye Hall-Walton, and Elton Armstead;

Whereas many other employees and task force officers of the DEA have been wounded or injured in the line of duty; and

Whereas in its 173 domestic offices and 78 foreign offices worldwide the over 8,800 employees of the DEA continue to hunt down and bring to justice the drug trafficking cartels that seek to poison our citizens with dangerous narcotics: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the DEA on the occasion of its 30th Anniversary;

(2) honors the heroic sacrifice of those of its employees who have given their lives or been wounded or injured in the service of our Nation; and

(3) thanks all the men and women of the DEA for their past and continued efforts to defend the American people from the scourge of illegal drugs.

The SPEAKER pro tempore, Mr. SHAW, recognized Mr. SENSENBRENNER and Mr. PAUL, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SHAW, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SENSENBRENNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SHAW, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Thursday, March 4, 2004.

¶17.9 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

¶17.10 NATIONAL DAY OF REMEMBRANCE FOR INTERNMENT OF INDIVIDUALS AND FAMILIES DURING WWII

Mr. SENSENBRENNER moved to suspend the rules and agree to the following resolution (H. Res. 56):

Whereas President Franklin Delano Roosevelt signed Executive Order 9066 on February 19, 1942, which authorized the exclusion of 120,000 Japanese Americans and legal resident aliens from the west coast of the United States and the internment of United States citizens and legal permanent residents of Japanese ancestry in internment camps during World War II;

Whereas the freedom of Italian Americans and German Americans was also restricted during World War II by measures that branded them enemy aliens and included required identification cards, travel restrictions, seizure of personal property, and internment;

Whereas President Gerald Ford formally rescinded Executive Order 9066 on February 19, 1976, in his speech, ''An American Promise'';

Whereas Congress adopted legislation which was signed by President Jimmy Carter on July 31, 1980, establishing the Commission on Wartime Relocation and Internment of Civilians to investigate the claim that the incarceration of Japanese Americans and legal resident aliens during World War II was justified by military necessity;

Whereas the Commission held 20 days of hearings and heard from over 750 witnesses on this matter and published its findings in a report entitled ''Personal Justice Denied'';

Whereas the conclusion of the Commission was that the promulgation of Executive Order 9066 was not justified by military necessity, and that the decision to issue the order was shaped by ''race prejudice, war hysteria, and a failure of political leadership'';

Whereas Congress enacted the Civil Liberties Act of 1988, in which it apologized on behalf of the Nation for ''fundamental violations of the basic civil liberties and constitutional rights of these individuals of Japanese ancestry'';

Whereas President Ronald Reagan signed the Civil Liberties Act of 1988 into law on August 10, 1988, proclaiming that day to be a ''great day for America'';

Whereas the Civil Liberties Act of 1988 established the Civil Liberties Public Education Fund, the purpose of which is ''to sponsor research and public educational activities and to publish and distribute the hearings, findings, and recommendations of the Commission on Wartime Relocation and Internment of Civilians so that the events surrounding the exclusion, forced removal, and internment of civilians and permanent resident aliens of Japanese ancestry will be remembered, and so that the causes and circumstances of this and similar events may be illuminated and understood'';

Whereas Congress adopted the Wartime Violation of Italian Americans Civil Liberties Act, which was signed by President Bill Clinton on November 7, 2000, which included provisions which resulted in a report containing detailed information on the types of violations that occurred, as well as lists of individuals of Italian ancestry that were arrested, detained, and interned;

Whereas the Japanese American community recognizes a National Day of Remembrance on February 19th of each year to educate the public about the lessons learned from the internment to ensure that it never happens again; and

Whereas the Day of Remembrance provides an opportunity for all people to reflect on the importance of justice and civil liberties during times of uncertainty and emergency: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the historical significance of February 19, 1942, the date Executive Order 9066 was signed by President Roosevelt, restricting the freedom of Japanese Americans, German Americans, and Italian Americans, and legal resident aliens through required identification cards, travel restrictions, seizure of personal property, and internment; and

(2) supports the goals of the Japanese American, German American, and Italian American communities in recognizing a National Day of Remembrance to increase public awareness of these events.

The SPEAKER pro tempore, Mr. SHAW, recognized Mr. SENSENBRENNER and Mr. NADLER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SENSENBRENNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Thursday, March 4, 2004.

¶17.11 MESSAGE FROM THE PRESIDENT—NATIONAL EMERGENCY REGARDING ZIMBABWE

The SPEAKER pro tempore, Mr. CULBERSON, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the Federal Register for publication. It states that the national emergency blocking the property of persons undermining democratic processes or institutions in Zimbabwe is to continue in effect beyond March 6, 2004.

The crisis caused by the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions has not

been resolved. These actions and policies pose a continuing, unusual, and extraordinary threat to the foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared on March 6, 2003, blocking the property of persons undermining democratic processes or institutions in Zimbabwe and to maintain in force the sanctions to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 2, 2004*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 108–168).

¶17.12 RECESS—12:25 P.M.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 25 minutes p.m., subject to the call of the Chair.

¶17.13 AFTER RECESS—1:33 P.M.

The SPEAKER pro tempore, Mr. SIMPSON, called the House to order.

¶17.14 NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES

On motion of Mr. GOSS, by unanimous consent, the bill of the Senate (S. 2136) to extend the final report date and termination date of the National Commission on Terrorist Attacks Upon the United States, to provide additional funding for the Commission, and for other purposes; was taken from the Speaker's table.

When said bill was considered, read twice, ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶17.15 PROVIDING FOR THE CONSIDERATION OF H.R. 3752

Mr. REYNOLDS, by direction of the Committee on Rules, called up the following resolution (H. Res. 546):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3752) to promote the development of the emerging commercial human space flight industry, to extend the liability indemnification regime for the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. No amendment to the bill shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Mr. REYNOLDS, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶17.16 H. RES. 530—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 530) urging the appropriate representative of the United States to the 60th session of the United Nations Commission on Human Rights to introduce a resolution calling upon the Government of the People's Republic of China to end its human rights violations in China, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 402 / Nays ..... 2 }

¶17.17 [Roll No. 34]

YEAS—402

Abercrombie
Ackerman
Alexander
Allen
Andrews
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Chabot
Chandler
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner

Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

McDermott
Paul

NOT VOTING—29

Aderholt
Akin
Baca
Berry
Calvert
Castle
Chocola
Davis (CA)
Doggett
Dooley (CA)
Filner
Frank (MA)
Hinojosa
Hooley (OR)
Kucinich
Lantos
McCotter
Ortiz
Pence
Reyes
Rodriguez
Royce
Sánchez, Linda T.
Schiff
Smith (MI)
Stearns
Toomey
Weldon (PA)
Woolsey

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''Resolution urging the appropriate representative of the United States to the 60th Session of the United Nations Commission on Human Rights to introduce a resolution calling upon the Government of the People's Republic of China to end its human rights violations in China, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶17.18 H.R. 912—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 912) to authorize the Administration of the National Aeronautics and Space Administration to establish an awards program in honor of Charles ''Pete'' Conrad, astronaut and space scientist, for recognizing the discoveries made by amateur astronomers of asteroids with near-Earth orbit trajectories; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 404 / Nays 1

¶17.19 [Roll No. 35]

YEAS—404

Abercrombie
Ackerman
Akin
Alexander
Allen
Andrews
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Chabot
Chandler
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—28

Aderholt
Baca
Berry
Calvert
Castle
Chocola
Davis (CA)
Doggett
Dooley (CA)
Filner
Hinojosa
Hooley (OR)
King (IA)
Kucinich
Lantos
McCotter
Ortiz
Pence
Peterson (PA)
Reyes
Rodriguez
Royce
Schiff
Smith (MI)
Toomey
Weldon (FL)
Weldon (PA)
Woolsey

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶17.20 H.R. 3389—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3389) to amend the Stevenson-Wydler Technology Innovation Act of 1980 to permit Malcolm Baldrige National Quality Awards to be made to nonprofit organizations.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 408 / Nays 0

¶17.21 [Roll No. 36]

YEAS—408

Abercrombie
Ackerman
Akin
Alexander
Allen
Andrews
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Chabot
Chandler
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw

Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—25

Aderholt
Baca
Berry
Calvert
Castle
Chocola
Davis (CA)
Doggett
Dooley (CA)
Filner
Hinojosa
Hooley (OR)
Kucinich
Lantos
McCotter
Ortiz
Pence
Reyes
Rodriguez
Royce
Schiff
Smith (MI)
Toomey
Weldon (PA)
Woolsey

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶17.22 H.R. 1417—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1417) to amend title 17, United States Code, to replace copyright arbitration royalty panels with a Copyright Royalty Judge, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 406 / Nays 0

¶17.23 [Roll No. 37]

YEAS—406

Abercrombie
Ackerman
Akin
Alexander
Allen
Andrews
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Chabot
Chandler
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Wexler
Whitfield
Wicker
Wilson (NM)

Wilson (SC)	Wu	Young (AK)
Wolf	Wynn	Young (FL)

NOT VOTING—27

Aderholt	Dooley (CA)	Reyes
Baca	Filner	Rodriguez
Berry	Hinojosa	Royce
Brown (OH)	Hooley (OR)	Schiff
Calvert	Kucinich	Smith (MI)
Castle	Lantos	Toomey
Chocola	McCotter	Weldon (PA)
Davis (CA)	Ortiz	Weller
Doggett	Pence	Woolsey

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to amend title 17, United States Code, to replace copyright arbitration royalty panels with Copyright Royalty Judges, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶17.24 RECESS—2:32 P.M.

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 12(a) of rule I, declared the House in recess at 2 o'clock and 32 minutes p.m., subject to the call of the Chair.

¶17.25 AFTER RECESS—4:08 P.M.

The SPEAKER pro tempore, Mr. LAHOOD, called the House to order.

¶17.26 ORDER OF BUSINESS—CONSIDERATION OF H.R. 1561

On motion of Mr. LINDER, by unanimous consent,

Ordered, That during any consideration of the bill (H.R. 1561) to amend title 35, United States Code, with respect to patent fees, and for other purposes, pursuant to House Resolution 547, the following amendment placed at the desk be considered as the amendment printed in House Report 108–431 and numbered 1, and that the amendment be considered as read for purposes of this unanimous consent request:

Strike section 5 and insert the following:

SEC. 5. PATENT AND TRADEMARK FUNDING.

Section 42(c) of title 35, United States Code, is amended—

(1) by striking ''(c)'' and inserting ''(c)(1)''; and

(2) by adding at the end the following new paragraph:se

''(2) There is established in the Treasury a Patent and Trademark Fee Reserve Fund. If fee collections by the Patent and Trademark Office for a fiscal year exceed the amount appropriated to the Office for that fiscal year, fees collected in excess of the appropriated amount shall be deposited in the Patent and Trademark Fee Reserve Fund. After the end of each fiscal year, the Director shall make a finding as to whether the fees collected for that fiscal year exceed the amount appropriated to the Patent and Trademark Office for that fiscal year. If the amount collected exceeds the amount appropriated, the Director shall, if the Director determines that there are sufficient funds in the Reserve Fund, make payments from the Reserve Fund to persons who paid patent or trademark fees during that fiscal year. The Director shall by regulation determine which persons receive such payments and the amount of such payments, except that such payments in the aggregate shall equal the amount of funds deposited in the Reserve Fund during that fiscal year, less the cost of administering the provisions of this paragraph.''.

In section 6(a), strike ''Except as'' and all that follows through the end of the sentence and insert ''Except as otherwise provided in this Act and this section, this Act and the amendments made by this Act shall take effect on October 1, 2004, or on the date of the enactment of this Act, whichever occurs later.''.

Page 12, strike lines 17 through 20 and insert the following:

(d) ADJUSTMENTS.—

(1) IN GENERAL.—Section 41(f) of title 35, United States Code, shall apply to the fees established under the amendments made by this section, beginning in fiscal year 2005.

(2) CONFORMING AMENDMENT.—Effective October 1, 2004, section 41(f) of title 35, United States Code, is amended by striking ''(a) and (b)'' and inserting ''(a), (b), and (d)''.

Page 11, add the following after line 24:

''(F) The Director shall require that any search by a qualified search authority that is a commercial entity is conducted in the United States by persons that—

''(i) if individuals, are United States citizens; and

''(ii) if business concerns, are organized under the laws of the United States or any State and employ United States citizens to perform the searches.

''(G) A search of an application that is the subject of a secrecy order under section 181 or otherwise involves classified information may only be conducted by Office personnel.

''(H) A qualified search authority that is a commercial entity may not conduct a search of a patent application if the entity has any direct or indirect financial interest in any patent or in any pending or imminent application for patent filed or to be filed in the Patent and Trademark Office.

Page 12, insert the following after line 20 and redesignate the succeeding subsection accordingly:

(e) FEES FOR SMALL ENTITIES.—Section 41(h) of title 35, United States Code, is amended—

(1) in paragraph (1), by striking ''Fees charged under subsection (a) or (b)'' and inserting ''Subject to paragraph (3), fees charged under subsections (a), (b), and (d)(1)''; and

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

''(3) The fee charged under subsection (a)(1)(A) shall be reduced by 75 percent with respect to its application to any entity to which paragraph (1) applies, if the application is filed by electronic means as prescribed by the Director.''.

(f) SIZE STANDARDS FOR SMALL ENTITIES.—

(1) STUDY.—The Director, in conjunction with the Administrator of the Small Business Administration and the Chief Counsel for Advocacy of the Small Business Administration, shall conduct a study on the effect of patent fees on the ability of small entity inventors to file patent applications. Such study shall examine whether a separate category of reduced patent fees is necessary to ensure adequate development of new technology by small entity inventors.

(2) REPORT.—The Director shall, not later than 6 months after the date of the enactment of this Act, submit a report on the results of the study under paragraph (1) to the Committee on the Judiciary and the Committee on Small Business of the House of Representatives and the Committee on the Judiciary and the Committee on Small Business and Entrepreneurship of the Senate.

Page 8, line 3, add the following after the period: ''For the 3-year period beginning on October 1, 2004, the fee for a search by a qualified search authority of a patent application described in clause (i), (iv), or (v) of subparagraph (B) may not exceed $500, of a patent application described in clause (ii) of subparagraph (B) may not exceed $100, and of a patent application described in clause (iii) of subparagraph (B) may not exceed $300. The Director may not increase any such fee by more than 20 percent in each of the next 3 1-year periods, and the Director may not increase any such fee thereafter.''.

¶17.27 PROVIDING FOR THE CONSIDERATION OF H.R. 1561

Mr. LINDER, by direction of the Committee on Rules, called up the following resolution (H. Res. 547):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1561) to amend title 35, United States Code, with respect to patent fees, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Mr. LINDER, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶17.28 PATENT AND TRADEMARK FEE MODERNIZATION

The SPEAKER pro tempore, Mr. LINDER, pursuant to House Resolution 547 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1561) to amend title 35, United States Code, with respect to patent fees, and for other purposes.

The SPEAKER pro tempore, Mr. LINDER, by unanimous consent, designated Mr. LAHOOD as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. CUNNINGHAM, assumed the Chair.

When Mr. LAHOOD, Chairman, pursuant to House Resolution 547, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''United States Patent and Trademark Fee Modernization Act of 2004''.

SEC. 2. FEES FOR PATENT SERVICES.

(a) GENERAL PATENT FEES.—Section 41(a) of title 35, United States Code, is amended to read as follows:

''(a) GENERAL FEES.—The Director shall charge the following fees:

''(1) FILING AND BASIC NATIONAL FEES.—

''(A) On filing each application for an original patent, except for design, plant, or provisional applications, $300.

''(B) On filing each application for an original design patent, $200.

''(C) On filing each application for an original plant patent, $200.

''(D) On filing each provisional application for an original patent, $200.

''(E) On filing each application for the reissue of a patent, $300.

''(F) The basic national fee for each international application filed under the treaty defined in section 351(a) of this title entering the national stage under section 371 of this title, $300.

''(G) In addition, excluding any sequence listing or computer program listing filed in an electronic medium as prescribed by the Director, for any application the specification and drawings of which exceed 100 sheets of paper (or equivalent as prescribed by the Director if filed in an electronic medium), $250 for each additional 50 sheets of paper (or equivalent as prescribed by the Director if filed in an electronic medium) or fraction thereof.

''(2) EXCESS CLAIMS FEES.—In addition to the fee specified in paragraph (1)—

''(A) on filing or on presentation at any other time, $200 for each claim in independent form in excess of 3;

''(B) on filing or on presentation at any other time, $50 for each claim (whether dependent or independent) in excess of 20; and

''(C) for each application containing a multiple dependent claim, $360.

For the purpose of computing fees under this paragraph, a multiple dependent claim referred to in section 112 of this title or any claim depending therefrom shall be considered as separate dependent claims in accordance with the number of claims to which reference is made. The Director may by regulation provide for a refund of any part of the fee specified in this paragraph for any claim that is canceled before an examination on the merits, as prescribed by the Director, has been made of the application under section 131 of this title. Errors in payment of the additional fees under this paragraph may be rectified in accordance with regulations prescribed by the Director.

''(3) EXAMINATION FEES.—

''(A) For examination of each application for an original patent, except for design, plant, provisional, or international applications, $200.

''(B) For examination of each application for an original design patent, $130.

''(C) For examination of each application for an original plant patent, $160.

''(D) For examination of the national stage of each international application, $200.

''(E) For examination of each application for the reissue of a patent, $600.

The provisions of section 111(a)(3) of this title relating to the payment of the fee for filing the application shall apply to the payment of the fee specified in this paragraph with respect to an application filed under section 111(a) of this title. The provisions of section 371(d) of this title relating to the payment of the national fee shall apply to the payment of the fee specified in this paragraph with respect to an international application. The Director may by regulation provide for a refund of any part of the fee specified in this paragraph for any applicant who files a written declaration of express abandonment as prescribed by the Director before an examination has been made of the application under section 131 of this title, and for any applicant who provides a search report that meets the conditions prescribed by the Director.

''(4) ISSUE FEES.—

''(A) For issuing each original patent, except for design or plant patents, $1,400.

''(B) For issuing each original design patent, $800.

''(C) For issuing each original plant patent, $1,100.

''(D) For issuing each reissue patent, $1,400.

''(5) DISCLAIMER FEE.—On filing each disclaimer, $130.

''(6) APPEAL FEES.—

''(A) On filing an appeal from the examiner to the Board of Patent Appeals and Interferences, $500.

''(B) In addition, on filing a brief in support of the appeal, $500, and on requesting an oral hearing in the appeal before the Board of Patent Appeals and Interferences, $1,000.

''(7) REVIVAL FEES.—On filing each petition for the revival of an unintentionally abandoned application for a patent, for the unintentionally delayed payment of the fee for issuing each patent, or for an unintentionally delayed response by the patent owner in any reexamination proceeding, $1,500, unless the petition is filed under section 133 or 151 of this title, in which case the fee shall be $500.

''(8) EXTENSION FEES.—For petitions for 1-month extensions of time to take actions required by the Director in an application—

''(A) on filing a first petition, $120;

''(B) on filing a second petition, $330; and

''(C) on filing a third or subsequent petition, $570.''.

(b) PATENT MAINTENANCE FEES.—Section 41(b) of title 35, United States Code, is amended to read as follows:

''(b) MAINTENANCE FEES.—The Director shall charge the following fees for maintaining in force all patents based on applications filed on or after December 12, 1980:

''(1) 3 years and 6 months after grant, $900.

''(2) 7 years and 6 months after grant, $2,300.

''(3) 11 years and 6 months after grant, $3,800.

Unless payment of the applicable maintenance fee is received in the United States Patent and Trademark Office on or before the date the fee is due or within a grace period of 6 months thereafter, the patent will expire as of the end of such grace period. The Director may require the payment of a surcharge as a condition of accepting within such 6-month grace period the payment of an applicable maintenance fee. No fee may be established for maintaining a design or plant patent in force.''.

(c) PATENT SEARCH FEES.—Section 41(d) of title 35, United States Code, is amended to read as follows:

''(d) PATENT SEARCH AND OTHER FEES.—

''(1) PATENT SEARCH FEES.—(A) The Director shall charge a fee for the search of each application for a patent, except for provisional applications. The Director shall establish the fees charged under this paragraph to recover an amount not to exceed the estimated average cost to the Office of searching applications for patent either by acquiring a search report from a qualified search authority, or by causing a search by Office personnel to be made, of each application for patent. For the 3-year period beginning on October 1, 2004, the fee for a search by a qualified search authority of a patent application described in clause (i), (iv), or (v) of subparagraph (B) may not exceed $500, of a patent application described in clause (ii) of subparagraph (B) may not exceed $100, and of a patent application described in clause (iii) of subparagraph (B) may not exceed $300. The Director may not increase any such fee by more than 20 percent in each of the next 3 1-year periods, and the Director may not increase any such fee thereafter.

''(B) For purposes of determining the fees to be established under this paragraph, the cost to the Office of causing a search of an application to be made by Office personnel shall be deemed to be—

''(i) $500 for each application for an original patent, except for design, plant, provisional, or international applications;

''(ii) $100 for each application for an original design patent;

''(iii) $300 for each application for an original plant patent;

''(iv) $500 for the national stage of each international application; and

''(v) $500 for each application for the reissue of a patent.

''(C) The provisions of section 111(a)(3) of this title relating to the payment of the fee for filing the application shall apply to the payment of the fee specified in this paragraph with respect to an application filed under section 111(a) of this title. The provisions of section 371(d) of this title relating to the payment of the national fee shall apply to the payment of the fee specified in this paragraph with respect to an international application.

''(D) The Director may by regulation provide for a refund of any part of the fee specified in this paragraph for any applicant who files a written declaration of express abandonment as prescribed by the Director before an examination has been made of the application under section 131 of this title, and for any applicant who provides a search report that meets the conditions prescribed by the Director.

''(E) For purposes of subparagraph (A), a 'qualified search authority' may not include a commercial entity unless—

''(i) the Director conducts a pilot program of limited scope, conducted over a period of not more than 18 months, which demonstrates that searches by commercial entities of the available prior art relating to the subject matter of inventions claimed in patent applications—

''(I) are accurate; and

''(II) meet or exceed the standards of searches conducted by and used by the Patent and Trademark Office during the patent examination process;

''(ii) the Director submits a report on the results of the pilot program to the Congress and the Patent Public Advisory Committee that includes—

''(I) a description of the scope and duration of the pilot program;

''(II) the identity of each commercial entity participating in the pilot program;

''(III) an explanation of the methodology used to evaluate the accuracy and quality of the search reports; and

''(IV) an assessment of the effects that the pilot program, as compared to searches conducted by the Patent and Trademark Office, had and will have on—

''(aa) patentability determinations;

''(bb) productivity of the Patent and Trademark Office;

''(cc) costs to the Patent and Trademark Office;

''(dd) costs to patent applicants; and

''(ee) other relevant factors;

''(iii) the Patent Public Advisory Committee reviews and analyzes the Director's report under clause (ii) and the results of the pilot program and submits a separate report on its analysis to the Director and the Congress that includes—

''(I) an independent evaluation of the effects that the pilot program, as compared to searches conducted by the Patent and Trademark Office, had and will have on the factors set forth in clause (ii)(IV); and

''(II) an analysis of the reasonableness, appropriateness, and effectiveness of the methods used in the pilot program to make the evaluations required under clause (ii)(IV); and

''(iv) the Congress does not, during the 1-year period beginning on the date on which the Patent Public Advisory Committee submits its report to the Congress under clause (iii), enact a law prohibiting searches by commercial entities of the available prior art relating to the subject matter of inventions claimed in patent applications.

''(F) The Director shall require that any search by a qualified search authority that is a commercial entity is conducted in the United States by persons that—

''(i) if individuals, are United States citizens; and

''(ii) if business concerns, are organized under the laws of the United States or any State and employ United States citizens to perform the searches.

''(G) A search of an application that is the subject of a secrecy order under section 181 or otherwise involves classified information may only be conducted by Office personnel.

''(H) A qualified search authority that is a commercial entity may not conduct a search of a patent application if the entity has any direct or indirect financial interest in any patent or in any pending or imminent application for patent filed or to be filed in the Patent and Trademark Office.

''(2) OTHER FEES.—The Director shall establish fees for all other processing, services, or materials relating to patents not specified in this section to recover the estimated average cost to the Office of such processing, services, or materials, except that the Director shall charge the following fees for the following services:

''(A) For recording a document affecting title, $40 per property.

''(B) For each photocopy, $.25 per page.

''(C) For each black and white copy of a patent, $3.

The yearly fee for providing a library specified in section 12 of this title with uncertified printed copies of the specifications and drawings for all patents in that year shall be $50.''.

(d) ADJUSTMENTS.—

(1) IN GENERAL.—Section 41(f) of title 35, United States Code, shall apply to the fees established under the amendments made by this section, beginning in fiscal year 2005.

(2) CONFORMING AMENDMENT.—Effective October 1, 2004, section 41(f) of title 35, United States Code, is amended by striking ''(a) and (b)'' and inserting ''(a), (b), and (d)''.

(e) FEES FOR SMALL ENTITIES.—Section 41(h) of title 35, United States Code, is amended—

(1) in paragraph (1), by striking ''Fees charged under subsection (a) or (b)'' and inserting ''Subject to paragraph (3), fees charged under subsections (a), (b), and (d)(1)''; and

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

''(3) The fee charged under subsection (a)(1)(A) shall be reduced by 75 percent with respect to its application to any entity to which paragraph (1) applies, if the application is filed by electronic means as prescribed by the Director.''.

(f) SIZE STANDARDS FOR SMALL ENTITIES.—

(1) STUDY.—The Director, in conjunction with the Administrator of the Small Business Administration and the Chief Counsel for Advocacy of the Small Business Administration, shall conduct a study on the effect of patent fees on the ability of small entity inventors to file patent applications. Such study shall examine whether a separate category of reduced patent fees is necessary to ensure adequate development of new technology by small entity inventors.

(2) REPORT.—The Director shall, not later than 6 months after the date of the enactment of this Act, submit a report on the results of the study under paragraph (1) to the Committee on the Judiciary and the Committee on Small Business of the House of Representatives and the Committee on the Judiciary and the Committee on Small Business and Entrepreneurship of the Senate.

(g) CONFORMING AMENDMENTS.—

(1) Section 41 of title 35, United States Code, is amended—

(A) in subsection (c), by striking ''(c)(1)'' and inserting ''(c) LATE PAYMENT OF FEES.—(1)'';

(B) in subsection (e), by striking ''(e)'' and inserting ''(e) WAIVERS OF CERTAIN FEES.—'';

(C) in subsection (f), by striking ''(f)'' and inserting ''(f) ADJUSTMENTS IN FEES.—'';

(D) in subsection (g), by striking ''(g)'' and inserting ''(g) EFFECTIVE DATES OF FEES.—'';

(E) in subsection (h), by striking ''(h)(1)'' and inserting ''(h) REDUCTIONS IN FEES FOR CERTAIN ENTITIES.—(1)''; and

(F) in subsection (i), by striking ''(i)(1)'' and inserting ''(i) SEARCH SYSTEMS.—(1)''.

(2) Section 119(e)(2) of title 35, United States Code, is amended by striking ''subparagraph (A) or (C) of''.

SEC. 3. ADJUSTMENT OF TRADEMARK FEES.

(a) FEE FOR FILING APPLICATION.—The fee under section 31(a) of the Trademark Act of 1946 (15 U.S.C. 1113(a)) for filing an electronic application for the registration of a trademark shall be $325. If the trademark application is filed on paper, the fee shall be $375. The Director may reduce the fee for filing an electronic application for the registration of a trademark to $275 for any applicant who prosecutes the application through electronic means under such conditions as may be prescribed by the Director. Beginning in fiscal year 2005, the provisions of the second and third sentences of section 31(a) of the Trademark Act of 1946 shall apply to the fees established under this section.

(b) REFERENCE TO TRADEMARK ACT OF 1946.—For purposes of this section, the ''Trademark Act of 1946'' refers to the Act entitled ''An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes.'', approved July 5, 1946 (15 U.S.C. 1051 et seq.).

SEC. 4. CORRECTION OF ERRONEOUS NAMING OF OFFICER.

(a) CORRECTION.—Section 13203(a) of the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107–273; 116 Stat. 1902) is amended—

(1) in the subsection heading, by striking ''COMMISSIONER'' and inserting ''DIRECTOR''; and

(2) in paragraphs (1) and (2), by striking ''Commissioner'' each place it appears and inserting ''Director''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as of the date of the enactment of Public Law 107–273.

SEC. 5. PATENT AND TRADEMARK FUNDING.

Section 42(c) of title 35, United States Code, is amended—

(1) by striking ''(c)'' and inserting ''(c)(1)''; and

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

''(2) There is established in the Treasury a Patent and Trademark Fee Reserve Fund. If fee collections by the Patent and Trademark Office for a fiscal year exceed the amount appropriated to the Office for that fiscal year, fees collected in excess of the appropriated amount shall be deposited in the Patent and Trademark Fee Reserve Fund. After the end of each fiscal year, the Director shall make a finding as to whether the fees collected for that fiscal year exceed the amount appropriated to the Patent and Trademark Office for that fiscal year. If the amount collected exceeds the amount appropriated, the Director shall, if the Director determines that there are sufficient funds in the Reserve Fund, make payments from the Reserve Fund to persons who paid patent or trademark fees during that fiscal year. The Director shall by regulation determine which persons receive such payments and the amount of such payments, except that such payments in the aggregate shall equal the amount of funds deposited in the Reserve Fund during that fiscal year, less the cost of administering the provisions of this paragraph.

In section 6(a), strike ''Except as'' and all that follows through the end of the sentence and insert ''Except as otherwise provided in this Act and this section, this Act and the amendments made by this Act shall take effect on October 1, 2004, or on the date of the enactment of this Act, whichever occurs later.''.

Page 12, strike lines 17 through 20 and insert the following:

(d) ADJUSTMENTS.—

(1) IN GENERAL.—Section 41(f) of title 35, United States Code, shall apply to the fees established under the amendments made by this section, beginning in fiscal year 2005.

(2) CONFORMING AMENDMENT.—Effective October 1, 2004, section 41(f) of title 35, United States Code, is amended by striking ''(a) and (b)'' and inserting ''(a), (b), and (d)''.

Page 11, add the following after line 24:

''(F) The Director shall require that any search by a qualified search authority that is a commercial entity is conducted in the United States by persons that—

''(i) if individuals, are United States citizens; and

''(ii) if business concerns, are organized under the laws of the United States or any State and employ United States citizens to perform the searches.

''(G) A search of an application that is the subject of a secrecy order under section 181

or otherwise involves classified information may only be conducted by Office personnel.

''(H) A qualified search authority that is a commercial entity may not conduct a search of a patent application if the entity has any direct or indirect financial interest in any patent or in any pending or imminent application for patent filed or to be filed in the Patent and Trademark Office.

Page 12, insert the following after line 20 and redesignate the succeeding subsection accordingly:

(e) FEES FOR SMALL ENTITIES.—Section 41(h) of title 35, United States Code, is amended—

(1) in paragraph (1), by striking ''Fees charged under subsection (a) or (b)'' and inserting ''Subject to paragraph (3), fees charged under subsections (a), (b), and (d)(1)''; and

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

''(3) The fee charged under subsection (a)(1)(A) shall be reduced by 75 percent with respect to its application to any entity to which paragraph (1) applies, if the application is filed by electronic means as prescribed by the Director.''.

(f) SIZE STANDARDS FOR SMALL ENTITIES.—

(1) STUDY.—The Director, in conjunction with the Administrator of the Small Business Administration and the Chief Counsel for Advocacy of the Small Business Administration, shall conduct a study on the effect of patent fees on the ability of small entity inventors to file patent applications. Such study shall examine whether a separate category of reduced patent fees is necessary to ensure adequate development of new technology by small entity inventors.

(2) REPORT.—The Director shall, not later than 6 months after the date of the enactment of this Act, submit a report on the results of the study under paragraph (1) to the Committee on the Judiciary and the Committee on Small Business of the House of Representatives and the Committee on the Judiciary and the Committee on Small Business and Entrepreneurship of the Senate.

Page 8, line 3, add the following after the period: ''For the 3-year period beginning on October 1, 2004, the fee for a search by a qualified search authority of a patent application described in clause (i), (iv), or (v) of subparagraph (B) may not exceed $500, of a patent application described in clause (ii) of subparagraph (B) may not exceed $100, and of a patent application described in clause (iii) of subparagraph (B) may not exceed $300. The Director may not increase any such fee by more than 20 percent in each of the next 3 1-year periods, and the Director may not increase any such fee thereafter.''.

SEC. 6. EFFECTIVE DATE, APPLICABILITY, AND TRANSITIONAL PROVISION.

(a) EFFECTIVE DATE.—Except as otherwise provided in this Act and this section, this Act and the amendments made by this Act shall take effect on October 1, 2004, or on the date of the enactment of this Act, whichever occurs later.

(b) APPLICABILITY.—

(1)(A) Except as provided in subparagraphs (B) and (C), the amendments made by section 2 shall apply to all patents, whenever granted, and to all patent applications pending on or filed after the effective date set forth in subsection (a) of this section.

(B)(i) Except as provided in clause (ii), sections 41(a)(1), 41(a)(3), and 41(d)(1) of title 35, United States Code, as amended by this Act, shall apply only to—

(I) applications for patents filed under section 111(a) of title 35, United States Code, on or after the effective date set forth in subsection (a) of this section, and

(II) international applications entering the national stage under section 371 of title 35, United States Code, for which the basic national fee specified in section 41 of title 35, United States Code, was not paid before the effective date set forth in subsection (a) of this section.

(ii) Section 41(a)(1)(D) of title 35, United States Code as amended by this Act, shall apply only to applications for patent filed under section 111(b) of title 35, United States Code, before, on, or after the effective date set forth in subsection (a) of this section in which the filing fee specified in section 41 of title 35, United States Code, was not paid before the effective date set forth in subsection (a) of this section.

(C) Section 41(a)(2) of title 35, United States Code, as amended by this Act, shall apply only to the extent that the number of excess claims, after giving effect to any cancellation of claims, is in excess of the number of claims for which the excess claims fee specified in section 41 of title 35, United States Code, was paid before the effective date set forth in subsection (a) of this section.

(2) The amendments made by section 3 shall apply to all applications for the registration of a trademark filed or amended on or after the effective date set forth in subsection (a) of this section.

(c) TRANSITIONAL PROVISIONS.—

(1) SEARCH FEES.—During the period beginning on the effective date set forth in subsection (a) of this section and ending on the date on which the Director establishes search fees under the authority provided in section 41(d)(1) of title 35, United States Code, the Director shall charge—

(A) for the search of each application for an original patent, except for design, plant, provisional, or international application, $500;

(B) for the search of each application for an original design patent, $100;

(C) for the search of each application for an original plant patent, $300;

(D) for the search of the national stage of each international application, $500; and

(E) for the search of each application for the reissue of a patent, $500.

(2) TIMING OF FEES.—The provisions of section 111(a)(3) of title 35, United States Code, relating to the payment of the fee for filing the application shall apply to the payment of the fee specified in paragraph (1) with respect to an application filed under section 111(a) of title 35, United States Code. The provisions of section 371(d) of title 35, United States Code, relating to the payment of the national fee shall apply to the payment of the fee specified in paragraph (1) with respect to an international application.

(3) REFUNDS.—The Director may by regulation provide for a refund of any part of the fee specified in paragraph (1) for any applicant who files a written declaration of express abandonment as prescribed by the Director before an examination has been made of the application under section 131 of title 35, United States Code, and for any applicant who provides a search report that meets the conditions prescribed by the Director.

(d) EXISTING APPROPRIATIONS.—The provisions of any appropriation Act that make amounts available pursuant to section 42(c) of title 35, United States Code, and are in effect on the effective date set forth in subsection (a) shall cease to be effective on that effective date.

SEC. 7. DEFINITION.

In this Act, the term ''Director'' means the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

SEC. 8. CLERICAL AMENDMENT.

Subsection (c) of section 311 of title 35, United States Code, is amended by aligning the text with the text of subsection (a) of such section.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. CUNNINGHAM, announced that the yeas had it.

Mr. SENSENBRENNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 379 / Nays 28

¶17.29 [Roll No. 38]

YEAS—379

Abercrombie	Culberson	Hayes
Ackerman	Cunningham	Hayworth
Akin	Davis (AL)	Hefley
Alexander	Davis (CA)	Hensarling
Allen	Davis (FL)	Herger
Andrews	Davis (IL)	Hill
Baca	Davis (TN)	Hinchey
Bachus	Davis, Jo Ann	Hobson
Baird	Davis, Tom	Hoeffel
Baker	Deal (GA)	Hoekstra
Baldwin	DeFazio	Holden
Ballance	DeGette	Honda
Barrett (SC)	Delahunt	Hostettler
Barton (TX)	DeLauro	Houghton
Bass	DeLay	Hoyer
Beauprez	DeMint	Hulshof
Becerra	Deutsch	Hyde
Bell	Diaz-Balart, L.	Inslee
Bereuter	Diaz-Balart, M.	Isakson
Berkley	Dicks	Israel
Berman	Dingell	Issa
Biggert	Doolittle	Jefferson
Bilirakis	Doyle	Jenkins
Bishop (GA)	Dreier	John
Bishop (NY)	Duncan	Johnson (CT)
Bishop (UT)	Dunn	Johnson (IL)
Blackburn	Edwards	Johnson, E. B.
Blumenauer	Ehlers	Johnson, Sam
Blunt	Emanuel	Jones (OH)
Boehlert	Emerson	Keller
Boehner	Engel	Kelly
Bonilla	English	Kennedy (MN)
Bonner	Eshoo	Kennedy (RI)
Bono	Etheridge	Kildee
Boozman	Everett	Kilpatrick
Boswell	Farr	Kind
Boucher	Fattah	King (IA)
Boyd	Feeney	King (NY)
Bradley (NH)	Ferguson	Kingston
Brady (PA)	Filner	Kirk
Brady (TX)	Flake	Kleczka
Brown (SC)	Foley	Kline
Brown, Corrine	Forbes	Knollenberg
Brown-Waite, Ginny	Ford	Kolbe
Burgess	Fossella	LaHood
Burns	Frank (MA)	Lampson
Burr	Franks (AZ)	Langevin
Burton (IN)	Frelinghuysen	Larsen (WA)
Buyer	Frost	Larson (CT)
Camp	Gallegly	Latham
Cannon	Garrett (NJ)	LaTourette
Cantor	Gephardt	Leach
Capito	Gerlach	Lee
Capps	Gibbons	Levin
Capuano	Gilchrest	Lewis (CA)
Cardin	Gillmor	Lewis (KY)
Cardoza	Gingrey	Linder
Carter	Gonzalez	Lipinski
Case	Goode	LoBiondo
Chabot	Goodlatte	Lofgren
Chandler	Gordon	Lowey
Chocola	Goss	Lucas (KY)
Clyburn	Granger	Lynch
Coble	Graves	Majette
Collins	Green (TX)	Maloney
Conyers	Green (WI)	Manzullo
Cooper	Greenwood	Markey
Cox	Grijalva	Marshall
Cramer	Gutierrez	Matheson
Crane	Gutknecht	Matsui
Crenshaw	Harman	McCarthy (MO)
Crowley	Harris	McCarthy (NY)
Cubin	Hart	McCollum
	Hastings (WA)	McCotter

McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Vitter
Walden (OR)
Walsh
Wamp
Watt
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)

NAYS—28

Bartlett (MD)
Brown (OH)
Carson (IN)
Clay
Costello
Cummings
Evans
Hastings (FL)
Holt
Hunter
Jackson (IL)
Jackson-Lee (TX)
Jones (NC)
Kanjorski
Kaptur
Lewis (GA)
Meek (FL)
Oberstar
Obey
Paul
Ruppersberger
Sanders
Schakowsky
Strickland
Visclosky
Waters
Watson
Wynn

NOT VOTING—26

Aderholt
Ballenger
Berry
Calvert
Carson (OK)
Castle
Cole
Doggett
Dooley (CA)
Hall
Hinojosa
Hooley (OR)
Istook
Kucinich
Lantos
Lucas (OK)
Menendez
Pence
Rodriguez
Sánchez, Linda T.
Sandlin
Sullivan
Toomey
Weldon (PA)
Woolsey
Young (FL)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶17.30 HOUR OF MEETING

On motion of Mr. Tom DAVIS of Virginia, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 11:30 a.m. on Thursday, March 4, 2004.

¶17.31 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mrs. JONES of Ohio, for March 2, 2004;

To Mr. ORTIZ, for today; and

To Mr. REYES, for today.

And then,

¶17.32 ADJOURNMENT

On motion of Mr. ANDREWS, pursuant to the previous order of the House, at 9 o'clock and 25 minutes p.m., the House adjourned until 11:30 a.m. on Thursday, March 4, 2003.

¶17.33 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. YOUNG of Alaska:

H.R. 3879. A bill to authorize appropriations for the Coast Guard for fiscal year 2005, to amend various laws administered by the Coast Guard, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. TOM DAVIS of Virginia (for himself and Mr. WAXMAN):

H.R. 3880. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the sale of prescription drugs through the Internet; to the Committee on Energy and Commerce.

By Mr. SMITH of Washington (for himself, Mr. HOLDEN, Mr. INSLEE, Mr. RANGEL, Mr. LEVIN, Mr. MATSUI, Mr. STARK, Mr. CARDIN, Mr. MCDERMOTT, Mr. MCNULTY, Mr. BECERRA, Mrs. JONES of Ohio, Mr. SPRATT, Mr. GEORGE MILLER of California, Mr. DICKS, Mr. BAIRD, Mr. LARSEN of Washington, and Ms. SLAUGHTER):

H.R. 3881. A bill to amend the Trade Act of 1974 to extend the trade adjustment assistance program to the service sector, and for other purposes; to the Committee on Ways and Means.

By Mr. ENGLISH:

H.R. 3882. A bill to amend the Internal Revenue Code of 1986 to exempt from the harbor maintenance tax certain truck cargo on a ferry operating between two ports for the sole purpose of bypassing traffic congestion on the nearest international bridge serving the area in which such ports are located; to the Committee on Ways and Means.

By Mr. GILCHREST:

H.R. 3883. A bill to reauthorize the Atlantic Striped Bass Conservation Act; to the Committee on Resources.

By Mr. GONZALEZ:

H.R. 3884. A bill to designate the Federal building and United States courthouse located at 615 East Houston Street in San Antonio, Texas, as the ''Hipolito F. Garcia Federal Building and United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. HOEKSTRA:

H.R. 3885. A bill to direct the Commandant of the Coast Guard to convey a Coast Guard 44-foot Motor Life Boat to the city of Ludington, Michigan; to the Committee on Transportation and Infrastructure.

By Mr. NEUGEBAUER:

H.R. 3886. A bill to amend the Food Security Act of 1985 to expand the pilot program for the enrollment of certain wetlands and its buffer acreage in the conservation reserve program to include the enrollment of certain playas and its buffer acreage, and for other purposes; to the Committee on Agriculture.

By Mr. RODRIGUEZ (for himself, Ms. ROYBAL-ALLARD, Ms. JACKSON-LEE of Texas, Ms. LOFGREN, Mrs. TAUSCHER, Mrs. CHRISTENSEN, Mr. ENGEL, Mr. ABERCROMBIE, Mr. DOGGETT, Mr. HOLDEN, Mr. WAXMAN, Mr. GREENWOOD, Mr. DAVIS of Illinois, Mrs. MCCARTHY of New York, Mrs. NAPOLITANO, Mr. GREEN of Texas, Mr. FROST, Mr. MCNULTY, Mr. ORTIZ, Mr. KILDEE, Mr. TOWNS, and Ms. NORTON):

H.R. 3887. A bill to amend the Public Health Service Act to provide for the establishment of a National Center for Social Work Research; to the Committee on Energy and Commerce.

By Mr. SANDERS (for himself, Mr. MICA, Mr. TAYLOR of Mississippi, Mr. PAUL, Ms. KAPTUR, Mr. GOODE, Mr. DEFAZIO, Mr. MICHAUD, Mr. OWENS, Mr. SERRANO, Mr. GRIJALVA, Ms. KILPATRICK, Ms. WOOLSEY, Mr. HOLDEN, Mr. BOUCHER, Mr. KUCINICH, Mr. STUPAK, Ms. SLAUGHTER, Mr. MCINTYRE, Mr. BROWN of Ohio, Mr. OLVER, Mr. STARK, Mr. PALLONE, Mr. BRADY of Pennsylvania, Ms. CARSON of Indiana, Mr. NADLER, Mr. EVANS, Mr. WEXLER, Mr. GREEN of Texas, Ms. MILLENDER-MCDONALD, Ms. CORRINE BROWN of Florida, Ms. NORTON, Mr. LIPINSKI, Mr. PETERSON of Minnesota, Mr. ABERCROMBIE, Mr. KILDEE, Mr. CONYERS, Mr. PAYNE, Ms. SCHAKOWSKY, Mr. GUTIERREZ, Mr. RYAN of Ohio, Mr. MCGOVERN, Mr. BISHOP of Georgia, Mr. STRICKLAND, Mr. WYNN, Mr. TIERNEY, Mr. HASTINGS of Florida, Ms. LEE, Ms. SOLIS, Mr. UDALL of New Mexico, Mr. VISCLOSKY, and Mr. PASCRELL):

H.R. 3888. A bill to prohibit business enterprises that lay-off a greater percentage of their United States workers than workers in other countries from receiving any Federal assistance, and for other purposes; to the Committee on Government Reform.

By Mr. WOLF:

H.R. 3889. A bill to transfer certain functions from the United States Trade Representative to the Secretary of Commerce; to the Committee on Ways and Means.

By Mr. UDALL of Colorado (for himself, Mr. BARTLETT of Maryland, Mr. GORDON, Mr. MCDERMOTT, Mr. HOYER, Mr. AKIN, Mr. LAMPSON, and Mr. RUPPERSBERGER):

H. Res. 550. A resolution expressing the sense of the House of Representatives relating to the extraordinary contributions resulting from the Hubble Space Telescope to scientific research and education, and to the need to reconsider future service missions to the Hubble Space Telescope; to the Committee on Science.

¶17.34 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 284: Mr. BISHOP of Utah, Mrs. KELLY, and Mr. LAHOOD.
H.R. 290: Mrs. NAPOLITANO.
H.R. 339: Mr. TERRY.
H.R. 432: Mr. ENGEL.
H.R. 545: Mr. ISAKSON.
H.R. 577: Mr. BISHOP of Georgia and Mr. STRICKLAND.
H.R. 594: Mr. MURTHA and Mr. WOLF.
H.R. 677: Mr. THOMPSON of California
H.R. 685: Mrs. NAPOLITANO.
H.R. 716: Mr. CUNNINGHAM and Mr. MCDERMOTT.
H.R. 717: Mr. WU.
H.R. 727: Mr. GONZALEZ.
H.R. 745: Mr. BLUMENAUER.
H.R. 857: Mr. MOORE.
H.R. 918: Mr. HALL and Mr. MARSHALL.
H.R. 973: Mr. ENGLISH and Mr. WALSH.
H.R. 976: Mr. GONZALEZ.
H.R. 1064: Mr. TOWNS, Mr. OWENS, and Mr. ANDREWS.
H.R. 1160: Mr. ACKERMAN.

H.R. 1179: Mr. GREEN of Wisconsin.
H.R. 1214: Mr. ACKERMAN and Ms. HART.
H.R. 1336: Mr. WYNN, Mr. BROWN of South Carolina, Mr. HOEFFEL, Mr. BELL, Mr. COOPER, and Mr. MATHESON.
H.R. 1372: Mr. BACHUS.
H.R. 1532: Ms. MCCARTHY of Missouri and Mr. CLYBURN.
H.R. 1563: Mr. ETHERIDGE.
H.R. 1582: Mr. TURNER of Texas.
H.R. 1613: Mr. LIPINSKI, Mr. HINOJOSA, and Mr. WEXLER.
H.R. 1655: Mr. DEAL of Georgia.
H.R. 1676: Mr. BAIRD and Mr. BOUCHER.
H.R. 1716: Mr. RENZI.
H.R. 1738: Mr. ENGEL.
H.R. 1755: Mr. ROGERS of Kentucky.
H.R. 1769: Mr. TIERNEY, Mr. MCGOVERN, Mr. STUPAK, Mr. KUCINICH, Mr. ISRAEL, Mr. RUSH, Mr. STRICKLAND, Mr. OBERSTAR, Mr. ALLEN, and Ms. WOOLSEY.
H.R. 1863: Mr. RUPPERSBERGER and Mr. MCGOVERN.
H.R. 1873: Ms. KAPTUR.
H.R. 1874: Mr. COOPER.
H.R. 1930: Mr. LYNCH.
H.R. 2011: Mr. BISHOP of Georgia.
H.R. 2037: Mr. CONYERS.
H.R. 2068: Mr. PALLONE, Ms. MCCARTHY of Missouri, Mr. DICKS, Mr. LAMPSON, Ms. SLAUGHTER, Mr. PASCRELL, and Mr. SERRANO.
H.R. 2173: Mr. CLAY, Mr. FATTAH, and Ms. CORRINE BROWN of Florida.
H.R. 2176: Mr. GREEN of Texas.
H.R. 2201: Mr. KIND, Mr. JACKSON of Illinois, Mr. DEFAZIO, Mr. BACA, Mr. FROST, Mr. RODRIGUEZ, Ms. LEE, Mr. RANGEL, Mr. MCGOVERN, Mr. FALEOMAVAEGA, and Mr. CASE.
H.R. 2215: Mr. NADLER, Ms. LINDA T. SANCHEZ of California, Ms. SCHAKOWSKY, Mr. DEFAZIO, Mr. ANDREWS, and Mr. FROST.
H.R. 2233: Mr. MCGOVERN.
H.R. 2298: Mr. GONZALEZ.
H.R. 2318: Ms. MAJETTE.
H.R. 2426: Mr. BRADY of Pennsylvania.
H.R. 2437: Ms. SCHAKOWSKY.
H.R. 2490: Mr. SERRANO.
H.R. 2625: Mr. TURNER of Texas.
H.R. 2743: Mr. FORBES, Mr. PUTNAM, Mrs. CAPITO, and Mr. GILLMOR.
H.R. 2768: Mr. BASS.
H.R. 2821: Mrs. NAPOLITANO and Ms. MCCOLLUM.
H.R. 2823: Mr. BOUCHER and Mr. HOSTETTLER.
H.R. 2824: Mr. MILLER of Florida and Mr. WAXMAN.
H.R. 2863: Mr. PAYNE.
H.R. 2864: Mr. HENSARLING.
H.R. 2900: Mrs. BONO.
H.R. 2928: Mr. HOEKSTRA, Mr. FILNER, and Mr. CHOCOLA.
H.R. 2932: Mr. HINCHEY and Ms. ROYBAL-ALLARD.
H.R. 2967: Mr. SAXTON and Mr. WHITFIELD.
H.R. 2997: Mr. BRADY of Pennsylvania, Ms. KAPTUR, and Mr. CRAMER.
H.R. 3042: Mr. SAM JOHNSON of Texas.
H.R. 3049: Mr. KUCINICH and Mr. RUSH.
H.R. 3103: Mr. MCINTYRE and Ms. DELAURO.
H.R. 3115: Mr. BEREUTER.
H.R. 3204: Mr. WEXLER and Mr. PALONE.
H.R. 3213: Mr. CALVERT, Mr. CULBERSON, and Mr. BONNER.
H.R. 3243: Mr. BOEHLERT and Mr. SNYDER.
H.R. 3355: Mr. PAYNE.
H.R. 3361: Mr. WAXMAN, Mr. OLVER, and Mr. PLATTS.
H.R. 3362: Mr. BISHOP of Georgia.
H.R. 3370: Mr. ANDREWS, Mr. PALLONE, Mr. LANGEVIN, Mr. ISRAEL, Mr. BOEHLERT, Mr. ACKERMAN, Mr. NADLER, Mr. HOUGHTON, and Mr. OBERSTAR.
H.R. 3403: Mr. ISAKSON.
H.R. 3416: Mr. PASTOR, Mr. ISRAEL, Mr. JEFFERSON, and Mrs. NAPOLITANO.
H.R. 3425: Mr. STARK.
H.R. 3441: Mr. ISRAEL, Mr. BACHUS, Ms. ROS-LEHTINEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SANDLIN, Mr. SIMMONS, Mr. ROHRABACHER, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. VISCLOSKY, Mr. FROST, and Mr. LEACH.
H.R. 3473: Ms. MCCARTHY of Missouri, Mr. HAYWORTH, Mr. MCDERMOTT, Mr. CARDOZA, and Mr. FATTAH.
H.R. 3482: Mr. GORDON.
H.R. 3507: Mrs. TAUSCHER, Ms. LINDA T. SANCHEZ of California, and Ms. ESHOO.
H.R. 3519: Mr. BROWN of Ohio, Mr. NADLER, Ms. SCHAKOWSKY, Mr. MARKEY, and Mr. LANTOS.
H.R. 3574: Mr. CRANE, Mr. ISRAEL, Mr. RYUN of Kansas, Mr. ISSA, Ms. GINNY BROWN-WAITE of Florida, Ms. MCCARTHY of Missouri, and Mr. MEEHAN.
H.R. 3658: Mr. SPRATT and Mrs. KELLY.
H.R. 3676: Mr. PALLONE and Mr. WYNN.
H.R. 3678: Mr. DAVIS of Illinois and Mrs. DAVIS of California.
H.R. 3707: Ms. GINNY BROWN-WAITE of Florida, Mr. EDWARDS, Mrs. NAPOLITANO, Mr. SANDLIN, Mr. GOODLATTE, Mr. RUPPERSBERGER, Mr. CHANDLER, Mr. NEAL of Massachusetts, and Ms. SCHAKOWSKY.
H.R. 3712: Mr. MCNULTY, Mr. WEXLER, Mr. NADLER, Ms. ROYBAL-ALLARD, Mr. TOWNS, Mrs. MCCARTHY of New York, and Ms. NORTON.
H.R. 3737: Mr. VITTER and Mr. BAKER.
H.R. 3743: Mr. HOUGHTON.
H.R. 3791: Mr. BURR.
H.R. 3795: Mr. PALLONE.
H.R. 3800: Mr. PAUL, Mr. BAKER, Mr. JONES of North Carolina, Mr. LINDER, Mr. FORBES, Mr. MANZULLO, and Mr. HOSTETTLER.
H.R. 3815: Mr. HASTINGS of Florida and Ms. NORTON.
H.R. 3839: Mr. CASE.
H.R. 3853: Mr. MILLER of Florida.
H.R. 3865: Ms. SLAUGHTER, Mr. MCGOVERN, Mr. CASE, Mr. FILNER, Mr. HINCHEY, Ms. NORTON, Mr. MCDERMOTT, and Mr. BERRY.
H.R. 3866: Mr. SCOTT of Virginia.
H.R. 3867: Mr. OLVER.
H. Con. Res. 173: Mr. VISCLOSKY.
H. Con. Res. 257: Mr. MILLER of Florida.
H. Con. Res. 298: Mr. CRAMER.
H. Con. Res. 310: Mr. DEAL of Georgia.
H. Con. Res. 332: Mr. GERLACH, Mr. FORD, Mr. MCCRERY, Mr. FRANKS of Arizona, Mr. SESSIONS, Mr. HILL, and Mrs. MALONEY.
H. Con. Res. 352: Mr. DAVIS of Florida, Mr. HONDA, Ms. CARSON of Indiana, Mr. WEXLER, Mr. MEEKS of New York, and Mr. STARK.
H. Con. Res. 356: Mr. SCHIFF, Mr. BISHOP of Georgia, Mr. MCGOVERN, Ms. MILLENDER-MCDONALD, Ms. WATSON, Mr. FATTAH, Mr. MATHESON, Mr. OLVER, Ms. ESHOO, Mr. GREEN of Texas, and Mr. CONYERS.
H. Con. Res. 363: Mr. SAXTON.
H. Con. Res. 367: Mr. KIRK, Mr. HOSTETTLER, Mr. HUNTER, and Mr. SKELTON.
H. Res. 60: Mr. GREENWOOD.
H. Res. 446: Mr. FEENEY.
H. Res. 466: Ms. BERKLEY, Mr. KILDEE, Mrs. BIGGERT, and Mr. KENNEDY of Rhode Island.
H. Res. 514: Mr. GORDON.
H. Res. 524: Mrs. LOWEY, Mr. GRIJALVA, Mr. MCGOVERN, Mr. TOWNS, Mr. LEVIN, and Mr. SANDERS.
H. Res. 540: Mr. BEREUTER, Mr. BLUNT, Ms. LEE, Mr. TANCREDO, and Mr. MCCOTTER.

THURSDAY, MARCH 4, 2004 (18)

The House was called to order by the SPEAKER.

¶18.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, March 3, 2004.

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

¶18.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

6999. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Cold Treatment of Fruits [Docket No. 02-071-2] received February 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7000. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Irradiation of Sweetpotatoes From Hawaii [Docket No. 03-062-2] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7001. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Gellan Gum; Exemption from the Requirement of a Tolerance [OPP-2004-0003; FRL-7344-1] received March 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7002. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pyriproxyfen; Pesticide Tolerance for Emergency Exemption [OPP-2004-0028; FRL-7345-3] received March 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7003. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Yeast Extract Hydrolysate from Saccharomyces cerevisiae; Exemption from the Requirement of a Tolerance [OPP-2003-0403; FRL-7343-9] received March 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7004. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Magnet Schools Assistance Program (RIN: 1885-AA01) received February 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7005. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices: Classification of the Dental Sonography Device and Jaw Tracking Device [Docket No. 2002N-0305] received December 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7006. A letter from the Attorney Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Occupant crash protection [Docket No. 03-16476; Notice 2] (RIN: 2127-AJ30) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7007. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; Designation of Areas for Air Quality Planning Purposes; State of Arizona; Tuscan Area; Technical Correction [AZ 114-CORR; FRL-7632-1] received March 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7008. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Arizona — Maricopa County Ozone; PM-10 and CO Nonattainment Areas; Approval of Revisions to Maricopa County Area Cleaner Burning Gasoline Program

[AZ-082-0072; FRL-7626-1] received March 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7009. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Commonwealth of Pennsylvania; Control of Emissions from Existing Small Municipal Waste Combustion Units [PA190-7008a; FRL-7631-7] received March 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7010. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Louisiana; Plan for Controlling Emissions From Existing Commercial and Industrial Solid Waste Incinerators [FRL-7624-6-LA-66-1-7598a] received March 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7011. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Delaware: Final Authorization of State Hazardous Waste Management Program Revisions [FRL-7631-4] received February 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7012. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines [OAR-2002-0059; FRL-7630-8] (RIN: 2060-AG-63) received March 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7013. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants; Surface Coating of Automobiles and Light-Duty Trucks [OAR-2002-0093; FRL-7630-9] (RIN: 2060-AG99) received March 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7014. A letter from the Deputy Chief, WCB/TAPD, Federal Communications Commission, transmitting the Commission's final rule — Rural Health Care Support Mechanism [WC Docket No. 02-60] received February 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7015. A letter from the Senior Legal Advisor to Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.606(b), Table of Allotments, Television Broadcast Stations (Tupelo, Mississippi) [MB Docket No. 03-221; RM-10796] received February 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7016. A letter from the Senior Legal Advisor to Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Fargo, North Dakota) [MB Docket No. 03-234; RM-10699] received February 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7017. A letter from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Parts 2 and 25 to Implement the Global Mobile Personal Communications by Satellite (GMPCS) Memorandum of Understanding and Arrangements [IB Docket No. 99-67]; Petition of the National Telecommunications and Information Administration to Amend Part 25 of the Commission's Rules to Establish Emission Limits for Mobile and Portable Earth Stations Operating in the 1610-1660.5 MHz Band [RM No. 9165] received February 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7018. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Passport Procedures--Amendment to Passport Regulations (RIN: 1400-ZA05) received February 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7019. A letter from the Counsel for Rulemaking and Regulations, Department of Homeland Security, transmitting the Department's final rule — Department of Homeland Security Human Resources Management System (RIN: 3206-AK31/1601-AA19) received February 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7020. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule — Extension of Administrative Fines Program [Notice 2004-5] received February 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

7021. A letter from the Assistant Secretary of the Interior, Department of the Interior, transmitting the Department's final rule — Permits for Recreation on Public Lands [WO-250-1220-PA-24 1A] (RIN: 1004-AD45) received February 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7022. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Offshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No. 031126297-3297-01; I.D. 013004B] received March 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7023. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackeral in the Bering Sea and Aleutian Islands [Docket No. 031126295-3295-01; I.D. 012904C] received March 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7024. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific cod by Vessels Catching Pacific cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No. 031126297-01; I.D. 013004A] received March 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7025. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Increase [Docket No. 001005281-036902; I.D. 012904D] received March 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7026. A letter from the Director, Faith Based and Community Initiatives Task Force, OAG, Department of Justice, transmitting the Department's final rule — Participating in Justice Department Programs by Religious Organizations; Providing for Equal Treatment of All Justice Department Program Participants [Docket No. OAG 106; AG Order No. 2703-2004] (RIN: 1105-AA83) received February 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7027. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Chemical Testing [USCG-2003-16414] (RIN: 1625-AA80) received February 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7028. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; San Francisco Bay, California [COTP San Francisco Bay 03-002] (RIN: 1625-AA00) received February 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7029. A letter from the Attorney Advisor, FHA, Department of Transportation, transmitting the Department's final rule — Federal Lands Highway Program; Management Systems Pertaining to the Fish and Wildlife Service and the Refuge Roads Program [FHWA Docket No. FHWA-99-4970] (FHWA RIN: 2125-AE54) received March 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7030. A letter from the Attorney Advisor, FHA, Department of Transportation, transmitting the Department's final rule — Federal Lands Highway Program; Management Systems Pertaining to the Forest Service and the Forest Highway Program [FHWA Docket No. FHWA-99-4969] (FHWA RIN: 2125-AE55) received March 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7031. A letter from the Paralegal Specialist, Faa, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727, 727-100C, 727-200F, and 727C Series Airplanes [Docket No. 2003-NM-191-AD; Amendment 39-13475; AD 2004-03-31] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7032. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pacific Aerospace Corporation, Ltd. Models FU24-954 and FU24A-954 Airplanes [Docket No. 2003-CE-38-AD; Amendment 39-13473; AD 2004-03-29] (RIN: 2120-AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7033. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes [Docket No. 2002-NM-213-AD; Amendment 39-13465; AD 2004-03-21] (RIN: 2120-AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7034. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 1000, 2000, 3000, and 4000 Series Airplanes [Docket No. 2001-NM-333-AD; Amendment 39-13464; AD 2004-03-20] (RIN: 2120-AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7035. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-

300 Series Airplanes [Docket No. 2002-NM-267-AD; Amendment 39-13460; AD 2004-03-16] (RIN: 2120-AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7036. A letter from the Attorney Advisor, Federal Highway Administration, Department of Transportation, transmitting the Department's final rule — Contract Administration; Removal of Miscellaneous Obsolete or Redundant Regulations (RIN: 2125-AF01) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7037. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Falcon 2000 and 900EX, and Dassault Model Mystere-Falcon 900 Series Airplanes [Docket No. 2002-NM-231-AD; Amendment 39-13419; AD 2004-01-05] (RIN: 2120-AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7038. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes [Docket No. 2003-NM-55-AD; Amendment 39-13429; AD 2004-01-15] (RIN: 2120-AA64) received February 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7039. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Effluent Limitations Guidelines and New Source Performance Standards for the Meat and Poultry Products Point Source Category [FRL-7631-2] (RIN: 2040-AD56) received March 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7040. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Revisions to the One-Time Appeal Process for Hospital Wage Index Classification [CMS-1373-N2] (RIN: 0938-AN00) received February 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7041. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Property Transferred in Connection with Performance of Services (Rev. Rul. 2004-37) received February 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7042. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Proposed Revenue Procedure Regarding Services that Qualify For the Student FICA Exception [Notice 2004-12] received February 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7043. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Annuities; Certain Proceeds of Endowment and Life Insurance Contracts [Notice 2004-15] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7044. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Electronic Payee Statements [TD 9114] (RIN: 1545-AY50) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7045. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rate Update [Notice 2004-14] received February 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7046. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's Congressional Justification of Budget Estimates for Fiscal Year 2005, pursuant to 45 U.S.C. 231f(f); jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

¶18.3 MESSAGE FROM THE SENATE

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

S. 2057. An Act to require the Secretary of Defense to reimburse members of the United States Armed Forces for certain transportation expenses incurred by the members in connection with leave under the Central Command Rest and Recuperation Leave Program before the program was expanded to include domestic travel.

¶18.4 PENSION FUNDING EQUITY

On motion of Mr. BOEHNER, by unanimous consent, the bill (H.R. 3108) to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, and for other purposes; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. BOEHNER, it was,

Resolved, That the House disagree to the amendment of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Thereupon, the SPEAKER pro tempore, Mr. LATOURETTE, by unanimous consent, appointed the following Members as managers on the part of the House at said conference: From the Committee on Education and the Workforce for consideration of the House bill and the amendment of the Senate and modifications committed to conference: Messrs. BOEHNER, MCKEON, JOHNSON of Texas, TIBERI, GEORGE MILLER of California, and ANDREWS; from the Committee on Ways and Means for consideration of the House bill and the amendment of the Senate and modifications committed to conference: Messrs. THOMAS, PORTMAN, and RANGEL.

Ordered, That the Clerk notify the Senate thereof.

¶18.5 COMMERCIAL SPACE TRANSPORTATION AUTHORIZATION

The SPEAKER pro tempore, Mr. BOEHNER, pursuant to House Resolution 546 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3752) to promote the development of the emerging commercial human space flight industry, to extend the liability indemnification regime for the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, and for other purposes.

The SPEAKER pro tempore, Mr. BOEHNER, by unanimous consent, designated Mr. LATOURETTE as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. LATHAM, assumed the Chair.

When Mr. LATOURETTE, Chairman, pursuant to House Resolution 546, reported the bill back to the House with sundry amendments adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendments, reported from the Committee of the Whole House on the state of the Union, were agreed to:

In section 3(c)(5), strike ''by striking'' and all that follows through '', and the item'' and insert ''by striking '**License applications**' and inserting '**Applications**', and the item''.

In section 3(c)(12), strike ''is amended'' and all that follows through ''by adding'' and insert ''is amended by adding''.

In section 3(c)(17)—

(1) in subparagraph (A)—

(A) strike ''crew,''; and

(B) strike ''and'';

(2) in subparagraph (B), strike ''employees,'.'' and insert ''employees'; and''; and

(3) add at the end the following new subparagraph:

(C) by adding at the end the following: ''The requirement for space flight participants to make a reciprocal waiver of claims with the licensee or transferee shall expire 3 years after the first licensed launch of a launch vehicle carrying a space flight participant.''.

In section 3(c)(18)(B), strike ''employees,'' and insert ''employees''.

In section 3(c)(19)—

(1) insert ''(1)'' after ''70113(a)''; and

(2) strike '', but not'' and insert ''but not''.

In section 3(c)(22), in each of the proposed paragraphs (1), (2), and (3), strike ''such sums as may be necessary'' and insert ''$11,776,000''.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. LATHAM, announced that the yeas had it.

Mr. BOEHLERT objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 402 / Nays ..... 1 }

¶18.6 [Roll No. 39]

YEAS—402

Abercrombie	Bachus	Bartlett (MD)
Ackerman	Baird	Barton (TX)
Akin	Baker	Bass
Alexander	Baldwin	Beauprez
Allen	Ballance	Becerra
Andrews	Ballenger	Bereuter
Baca	Barrett (SC)	Berkley

Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Kirk
Kline
Knollenberg
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—30

Aderholt
Bell
Berry
Blunt
Calvert
Culberson
Cummings
Davis (IL)
Doggett
Dooley (CA)
Engel
Gerlach
Hinojosa
Hooley (OR)
Houghton
Isakson
Kennedy (RI)
King (NY)
Kleczka
Kolbe
Kucinich
Lantos
Pence
Rodriguez
Rush
Sessions
Toomey
Weller
Whitfield
Wolf

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶18.7 H. RES. 412 —UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LATOURETTE, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 412) honoring the men and women of the Drug Enforcement Administration on the occasion of its 30th Anniversary.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 402 / Nays 1

¶18.8 [Roll No. 40]

YEAS—402

Abercrombie
Ackerman
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm

Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—30

Aderholt
Bell
Berry
Blunt
Calvert
Culberson
Doggett
Dooley (CA)
Engel
Fattah
Gerlach
Hinojosa
Hooley (OR)
Houghton
Isakson
King (NY)
Kleczka
Kucinich
Lantos
Manzullo
Pence
Rodriguez
Rush
Schrock
Sessions
Toomey
Walsh
Weller
Whitfield
Wolf

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, was agreed to was, by unanimous consent, laid on the table.

¶18.9 H. RES. 56 —UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LATOURETTE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 56) supporting the goals of the Japanese American, German American, and Italian American communities in recognizing a National Day of Remembrance to increase public awareness of the events surrounding the restriction, exclusion, and internment of individuals and families during World War II.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 404 / Nays 0

¶18.10 [Roll No. 41]

YEAS—404

Abercrombie
Ackerman
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—29

Aderholt
Bell
Berry
Blunt
Calvert
Culberson
Doggett
Dooley (CA)
Edwards
Engel
Ford
Green (TX)
Hinojosa
Hooley (OR)
Houghton
Isakson
King (NY)
Kucinich
Lantos
Manzullo
Marshall
Pence
Rodriguez
Rush
Sessions
Toomey
Weller
Whitfield
Wolf

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶18.11 PERMISSION TO FILE REPORT

On motion of Mr. DELAY, by unanimous consent, the Committee on the Judiciary was granted permission until midnight on Friday, March 5, 2004, to file a report (Rept. No. 108–432) on the bill (H.R. 339) to prevent frivolous lawsuits against the manufacturers, distributors, or sellers of food or non-alcoholic beverage products that comply with applicable statutory and regulatory requirements.

¶18.12 ADJOURNMENT OVER

On motion of Mr. DELAY, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at noon on Monday, March 8, 2004; and, further, that when the House adjourns on Monday, March 8, 2004, it adjourn to meet at 12:30 p.m. on Tuesday, March 9, 2004, for morning-hour debate.

¶18.13 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. DELAY, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, March 10, 2004, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶18.14 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Williams, one of his secretaries.

¶18.15 MESSAGE FROM THE PRESIDENT—INDONESIA NUCLEAR ENERGY PROTOCOL

The SPEAKER pro tempore, Mrs. BLACKBURN, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

I am pleased to transmit to the Congress, consistent with sections 123 b.

and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)) (the ''Act''), the text of a proposed Protocol Amending the Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of Indonesia Concerning Peaceful Uses of Nuclear Energy, signed at Washington on June 30, 1980. I also transmit my written approval, authorization, and determination concerning the Protocol, and an unclassified Nuclear Proliferation Assessment Statement (NPAS) concerning the Protocol. (Consistent with section 123 of the Act, as amended by title XII of the Foreign Affairs Reform and Restructuring Act of 1998 (Public Law 105–277), a classified Annex to the NPAS, prepared by the Secretary of State in consultation with the Director of Central Intelligence, summarizing relevant classified information, will be submitted to the Congress separately.) the joint memorandum submitted to me by the Secretary of State and the Secretary of Energy and a letter from the Chairman of the Nuclear Regulatory Commission stating the views of the Commission are also enclosed.

I am advised that the proposed Protocol has been negotiated consistent with the Act and other applicable law and that it meets all statutory requirements. This Protocol will advance the nonproliferation and other foreign policy interests of the United States.

The Protocol amends the Agreement for Cooperation between the Government of the United States of America and the Government of the Republic of Indonesia Concerning Peaceful Uses of Nuclear Energy in two respects:

1. It extends the Agreement, which expired by its terms on December 30, 2001, until December 30, 2031, with effect from the former date; and

2. It updates certain provisions of the Agreement relating to the physical protection of nuclear material subject to the Agreement.

As amended by the proposed Protocol, the Agreement will continue to meet all requirements of U.S. law.

Indonesia is a party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and has an agreement to its nuclear program. It was also among the early sponsors of, and is a current party to the Southeast Asia Nuclear Weapons Free Zone. The United States and Indonesia have had a long and positive history of cooperation in the peaceful uses of nuclear energy, with our earliest agreement for this purpose dating back to 1960.

I have considered the views and recommendations of the interested agencies in reviewing the proposed Protocol and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the Protocol and authorized its execution and urge that the Congress give it favorable consideration.

This transmission shall constitute a submittal for purposes of both sections 123 b. and 123 d. of the Atomic Energy Act. My Administration is prepared to begin immediately the consultations with the Senate Foreign Relations Committee and House International Relations Committee consistent with section 123 b. Upon completion of the 30-day continuous session period provided for in section 123 b., the 60-day continuous session period provided for in section 123 d. shall commence.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 4, 2004*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 108–169).

¶18.16 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2057. An Act to require the Secretary of Defense to reimburse members of the United States Armed Forces for certain transportation expenses incurred by the members in connection with leave under the Central Command Rest and Recuperation Leave Program before the program was expanded to include domestic travel; to the Committee on Armed Services.

¶18.17 SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2136. An Act to extend the final report date and termination date of the National Commission on Terrorist Attacks Upon the United States, to provide additional funding for the Commission, and for other purposes.

¶18.18 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. ISAKSON, for today;

To Mr. KING of New York, for today; and

To Mr. WOLF, for today.

And then,

¶18.19 ADJOURNMENT

On motion of Mr. SMITH of Michigan, pursuant to the previous order of the House, at 4 o'clock and 58 minutes p.m., the House adjourned until noon on Monday, March 8, 2004.

¶18.20 PUBLIC BILLS AND RESOLUTION

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. HART (for herself, Mr. MURPHY, and Mr. ENGLISH):

H.R. 3890. A bill to reauthorize the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988; to the Committee on Science.

By Ms. HART:

H.R. 3891. A bill to amend the Internal Revenue Code of 1986 to provide for the use of redevelopment bonds for environmental remediation; to the Committee on Ways and Means.

By Ms. HART:

H.R. 3892. A bill to amend the Internal Revenue Code of 1986 to encourage businesses to establish hazardous waste remediation reserves, and for other purposes; to the Committee on Ways and Means.

By Mr. PAUL (for himself and Mr. BARTLETT of Maryland):

H.R. 3893. A bill to limit the jurisdiction of the Federal courts, and for other purposes; to the Committee on the Judiciary.

By Mr. BURNS (for himself, Mr. KELLER, Mr. BOEHNER, Mr. MCKEON, Mr. ISAKSON, Mr. NORWOOD, Mr. WILSON of South Carolina, Mr. CARTER, Mr. FORBES, Ms. GINNY BROWN-WAITE of Florida, and Mrs. NORTHUP):

H.R. 3894. A bill to provide enhanced Pell Grants for State Scholars; to the Committee on Education and the Workforce.

By Mr. ISSA (for himself, Mr. HUNTER, Mr. CUNNINGHAM, Mr. TERRY, Mr. BEREUTER, Mr. FILNER, and Mrs. DAVIS of California):

H.R. 3895. A bill to amend title XIX of the Social Security Act to permit local public agencies to act as Medicaid enrollment brokers; to the Committee on Energy and Commerce.

By Mr. DEMINT (for himself, Mr. AKIN, Mr. BLUNT, Mr. OBERSTAR, Mr. PAUL, Mr. PENCE, Mr. POMEROY, Mr. SHIMKUS, Mr. STEARNS, Mr. WEXLER, and Mr. VAN HOLLEN):

H.R. 3896. A bill to establish an Office of Intercountry Adoptions within the Department of State, and to reform United States laws governing intercountry adoptions; to the Committee on International Relations, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HERGER:

H.R. 3897. A bill to reauthorize the Temporary Assistance for Needy Families block grant program through June 30, 2004, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ACEVEDO-VILÁ (for himself, Mr. GUTIERREZ, Mr. SERRANO, Ms. VELÁZQUEZ, and Mr. FILNER):

H.R. 3898. A bill to authorize construction of a new (replacement) medical center for the Department of Veterans Affairs in the Commonwealth of Puerto Rico at a site to be selected pursuant to a study by the Secretary of Veterans Affairs and Secretary of Defense as suitable for a new Federal medical center in the Commonwealth of Puerto Rico that would best serve the needs of both veterans and Department of Defense medical beneficiaries in Puerto Rico; to the Committee on Veterans' Affairs.

By Mr. BOSWELL:

H.R. 3899. A bill to require agencies to submit to Congress any contracts in amounts greater than $1,000,000 that are proposed to be awarded using noncompetitive procedures; to the Committee on Government Reform, and in addition to the Committees on Armed Services, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS:

H.R. 3900. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of permanent facilities for the GREAT project to reclaim, reuse, and treat impaired waters water in the area of Oxnard, California; to the Committee on Resources.

By Mr. CRANE (for himself, Mr. SAM JOHNSON of Texas, Mr. CANTOR, Mr. RAMSTAD, Mr. HOSTETTLER, Mr. RYAN of Wisconsin, Mr. BRADY of Texas, Ms. DUNN, Mrs. JOHNSON of Connecticut, Mr. HAYWORTH, Mr. MCINNIS, Mr. HERGER, Mr. ENGLISH, Mr. GUTKNECHT, Mr. WILSON of South Carolina, Mr. BALLENGER, Mr. PAUL, Mr. RYUN of Kansas, Mr. GREEN of Wisconsin, Mr. BURGESS, Mr. PETERSON of Pennsylvania, Mrs. BLACKBURN, Mr. CANNON, Ms. HARRIS, Mrs. MUSGRAVE, Mr. BASS, Mr. HUNTER, Mr. KLINE, Mr. BEAUPREZ, Mr. HENSARLING, Mr. BARRETT of South Carolina, Mr. WELDON of Florida, Mrs. MYRICK, Mr. KING of Iowa, Mr. FRANKS of Arizona, Mr. BARTLETT of Maryland, Mr. GINGREY, Mr. ISTOOK, Mr. MILLER of Florida, Mr. PITTS, Mr. FLAKE, Mr. JONES of North Carolina, Mr. GOODE, and Mr. FEENEY):

H.R. 3901. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums for high deductible health plans required with respect to health savings accounts; to the Committee on Ways and Means.

By Mr. GARRETT of New Jersey (for himself, Mr. FRELINGHUYSEN, and Mr. FERGUSON):

H.R. 3902. A bill to amend the Wild and Scenic Rivers Act to designate portions of the Musconetcong River in the State of New Jersey as a component of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Resources.

By Mr. GILLMOR (for himself, Mr. ROSS, Mr. PITTS, Mr. HALL, Mr. LATHAM, Mr. OXLEY, Mr. GOODE, Mr. SOUDER, Mr. REGULA, Mr. LIPINSKI, Mrs. MALONEY, Mr. DAVIS of Tennessee, Mr. TOWNS, Mr. ISRAEL, Mr. BERRY, Mr. WOLF, and Mr. JENKINS):

H.R. 3903. A bill to establish a program to award grants to improve and maintain sites honoring Presidents of the United States; to the Committee on Resources.

By Mr. KIND (for himself, Mrs. EMERSON, Mr. SCHIFF, and Mr. PETRI):

H.R. 3904. A bill to amend the Richard B. Russell National School Lunch Act to establish pilot projects to support and evaluate the provision of before-school activities that advance student academic achievement and encourage the establishment of, and increase participation in, school breakfast programs; to the Committee on Education and the Workforce.

By Mr. LARSON of Connecticut (for himself and Ms. DELAURO):

H.R. 3905. A bill to amend part C of title XVIII of the Social Security Act to prohibit the operation of the Medicare comparative cost adjustment (CCA) program in Connecticut; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MILLER of Michigan (for herself and Mr. KNOLLENBERG):

H.R. 3906. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Ukraine; to the Committee on Ways and Means.

By Mr. PORTER:

H.R. 3907. A bill to authorize the Secretary of Transportation to transfer to the Administrator of the National Highway Traffic Safety Administration a certain percentage of apportionments of funds made available from the Highway Trust Fund from States that do not enact laws to prohibit driving under the influence of an illegal drug, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYAN of Ohio:

H.R. 3908. A bill to provide for the conveyance of the real property located at 1081 West Main Street in Ravenna, Ohio; to the Committee on Education and the Workforce.

By Mr. RYUN of Kansas (for himself, Mr. TIAHRT, Mr. MORAN of Kansas, and Mr. MOORE):

H.R. 3909. A bill to establish the Bleeding Kansas and the Enduring Struggle for Freedom National Heritage Area, and for other purposes; to the Committee on Resources.

By Mr. STUPAK:

H.R. 3910. A bill to amend the Transportation Equity Act for the 21st Century to modify a high priority project in the State of Michigan; to the Committee on Transportation and Infrastructure.

By Ms. WATERS:

H.R. 3911. A bill to make certain companies that have outsourced jobs during the previous five years ineligible for the receipt of Federal grants, Federal contracts, Federal loan guarantees, and other Federal funding, and for other purposes; to the Committee on Government Reform.

By Mr. SMITH of New Jersey (for himself, Ms. LORETTA SANCHEZ of California, Mr. TOM DAVIS of Virginia, Ms. LOFGREN, Mr. ROHRABACHER, Mr. ROYCE, Mr. COX, Mr. BURTON of Indiana, Ms. ROS-LEHTINEN, Mr. GREEN of Wisconsin, Mr. AKIN, Mr. PITTS, Mr. SHIMKUS, Mr. FRANKS of Arizona, Mr. KENNEDY of Rhode Island, Mr. FRANK of Massachusetts, Mr. MCGOVERN, Mr. VAN HOLLEN, Mr. MORAN of Virginia, Mr. LANGEVIN, Ms. JACKSON-LEE of Texas, Mr. BERMAN, Ms. MCCARTHY of Missouri, and Mr. WEXLER):

H. Con. Res. 378. Concurrent resolution calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Thaddeus Nguyen Van Ly, and for other purposes; to the Committee on International Relations.

By Mr. PETRI (for himself, Mr. OBEY, Mr. SENSENBRENNER, Mr. KLECZKA, Mr. KIND, Ms. BALDWIN, Mr. GREEN of Wisconsin, and Mr. RYAN of Wisconsin):

H. Con. Res. 379. Concurrent resolution commemorating the 150th anniversary of the first meeting of the Republican Party in Ripon, Wisconsin; to the Committee on Government Reform.

¶18.21 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. WATERS introduced a bill (H.R. 3912) for the relief of Rafael Camacho, Rosa B. Camacho, and Rosa Camacho; which was referred to the Committee on the Judiciary.

¶18.22 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 104: Mr. WEXLER.

H.R. 173: Mr. BOEHLERT, Mr. SABO, and Mr. GEPHARDT.

H.R. 218: Mr. AKIN.

H.R. 331: Mrs. JO ANN DAVIS of Virginia.

H.R. 339: Mr. CARDOZA and Mr. STENHOLM.

H.R. 391: Mr. PEARCE and Mr. BRADLEY of New Hampshire.

H.R. 463: Mr. TURNER of Ohio.

H.R. 525: Mr. ACEVEDO-VILÁ, Mr. ANDREWS, Ms. BORDALLO, Mr. BOUCHER, Mr. DINGELL, Mr. ENGEL, Mr. FALEOMAVAEGA, Mr. GEPHARDT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KLECZKA, Mr. LARSEN of Washington, Mr. LYNCH, Mr. MILLER of North Carolina, Mr. MOLLOHAN, Mr. MURTHA, Ms. NORTON, Mr. PASTOR, Ms. SOLIS, Mr. STARK, Ms. VELÁZQUEZ, Mr. VISCLOSKY, Mr. ADERHOLT, Mr. AKIN, Mr. BACHUS, Mr. BAKER, Mr. BALLENGER, Mr. BARRETT of South Carolina, Mr. BASS, Mr. BEAUPREZ, Mr. BEREUTER, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BLUNT, Mr. BOEHLERT, Mr. BOEHNER, Mr. BONNER, Mrs. BONO, Mr. BOOZMAN, Mr. BRADLEY of New Hampshire, Mr. BROWN of South Carolina, Mr. BURGESS, Mr. BURNS, and Mr. BURR.

H.R. 584: Mr. LAMPSON, Mr. HALL, and Mr. JOHNSON of Illinois.

H.R. 588: Mr. MARKEY.

H.R. 736: Mr. SHERMAN.

H.R. 839: Mrs. KELLY, Mrs. DAVIS of California, Mr. SMITH of New Jersey, Mr. BLUMENAUER, and Mr. HYDE.

H.R. 857: Mr. FORBES.

H.R. 876: Mr. WATT and Mr. BRADY of Pennsylvania.

H.R. 962: Mr. LYNCH.

H.R. 1005: Mr. ENGLISH.

H.R. 1051: Mr. GEORGE MILLER of California.

H.R. 1052: Ms. ROS-LEHTINEN.

H.R. 1083: Mr. MEEHAN and Mr. MCGOVERN.

H.R. 1084: Mr. WAMP.

H.R. 1097: Mr. RUSH and Mr. HASTINGS of Florida.

H.R. 1336: Mr. PRICE of North Carolina, Mr. WATT, Mr. MICA, and Mr. UDALL of New Mexico.

H.R. 1482: Ms. LEE.

H.R. 1534: Mr. HONDA.

H.R. 1776: Mr. TERRY.

H.R. 1991: Ms. SLAUGHTER.

H.R. 2096: Mr. WOLF, Mr. LIPINSKI, and Mrs. BONO.

H.R. 2154: Mr. SANDERS.

H.R. 2182: Mr. GOODE.

H.R. 2346: Mrs. MUSGRAVE, Mr. KING of Iowa, Mr. FEENEY, and Mr. AKIN.

H.R. 2394: Mr. MORAN of Virginia, Mr. LARSEN of Washington, Mr. BALLANCE, and Mr. RAMSTAD.

H.R. 2671: Mr. HALL.

H.R. 2797: Mr. GOODLATTE.

H.R. 2824: Mr. HALL, Mr. TURNER of Texas, and Mr. HOLDEN.

H.R. 2839: Mrs. JOHNSON of Connecticut and Mr. MICHAUD.

H.R. 2850: Mr. SMITH of Washington.

H.R. 2890: Mr. SIMPSON.

H.R. 2915: Mr. NORWOOD.

H.R. 2928: Mr. MORAN of Kansas.

H.R. 2932: Mr. EVANS and Mr. STARK.

H.R. 2949: Mr. MCDERMOTT.

H.R. 2983: Mr. MATHESON.

H.R. 3115: Mr. TERRY.

H.R. 3173: Mr. MCDERMOTT.

H.R. 3194: Mr. PRICE of North Carolina.

H.R. 3213: Mr. CRENSHAW, Mr. DEAL of Georgia, Mr. GREEN of Wisconsin, and Mr. BARRETT of South Carolina.

H.R. 3215: Mr. BALLENGER, Mr. OTTER, Mr. REHBERG, Mr. SIMPSON, and Mr. YOUNG of Alaska.

H.R. 3246: Mr. KINGSTON.

H.R. 3307: Mr. MCINNIS.

H.R. 3329: Mr. COX.

H.R. 3416: Ms. CARSON of Indiana.

H.R. 3446: Mr. KLECZKA, Mr. LEVIN, Mr. ABERCROMBIE, Ms. WOOLSEY, Mr. COSTELLO, and Mr. STARK.

H.R. 3545: Mr. HONDA.

H.R. 3550: Ms. ROYBAL-ALLARD.

H.R. 3598: Mr. SHIMKUS.

H.R. 3658: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 3661: Mr. BURR, Mr. BALLENGER, Mrs. MYRICK, Mr. HUNTER, Mr. COBLE, Mr. JONES of North Carolina, Mr. GOODE, Mr. WILSON of

South Carolina, Mr. SHERWOOD, and Mr. ETHERIDGE.

H.R. 3687: Mr. BOYD, Mr. STENHOLM, Mr. RAMSTAD, and Mr. HALL.

H.R. 3711: Mr. MCDERMOTT.

H.R. 3717: Mr. KLINE, Mr. STENHOLM, and Mr. KING of Iowa.

H.R. 3719: Mr. MORAN of Virginia, Mrs. CAPPS, Mrs. NAPOLITANO, Mr. BERMAN, Mr. STARK, and Ms. NORTON.

H.R. 3763: Mr. MARIO DIAZ-BALART of Florida, Mr. PASCRELL, and Ms. BALDWIN.

H.R. 3793: Mr. GONZALEZ and Mr. BILIRAKIS.

H.R. 3796: Mr. ROGERS of Kentucky, Mr. WHITFIELD, Mr. LEWIS of Kentucky, Mrs. NORTHUP, Mr. LUCAS of Kentucky, and Mr. CHANDLER.

H.R. 3833: Mr. DELAHUNT.

H.R. 3854: Mr. PAUL and Mr. DUNCAN.

H.R. 3857: Mr. AKIN, Mr. KENNEDY of Minnesota, and Mr. HENSARLING.

H.R. 3858: Mr. DOGGETT, Ms. JACKSON-LEE of Texas, Mr. RUPPERSBERGER, Mr. COSTELLO, Mr. ABERCROMBIE, Mr. TURNER of Texas, Mr. WAXMAN, Mr. MCDERMOTT, Mr. KILDEE, Mr. HINOJOSA, Mr. PALLONE, Mr. MEEHAN, Mr. MARKEY, Mr. QUINN, Mr. LAMPSON, Mrs. JO ANN DAVIS of Virginia, Mr. WOLF, Mr. WALSH, Ms. ROS-LEHTINEN, Ms. SCHAKOWSKY, Mr. ACKERMAN, Mr. ROSS, Mr. HINCHEY, Mr. FOLEY, Mr. JENKINS, Mr. LEACH, Mr. HOLT, Mr. PASCRELL, Mrs. NAPOLITANO, Mr. MORAN of Virginia, Mr. VITTER, Ms. BERKLEY, Mr. CLAY, Mr. HILL, Mr. EMANUEL, Mr. CHABOT, Mr. HOEFFEL, Mr. BACHUS, Mr. TIBERI, Mr. KENNEDY of Rhode Island, Mr. PAUL, and Mr. MURPHY.

H.R. 3881: Mr. HONDA, Mr. FORD, Mr. DAVIS of Florida, Mr. KIND, and Ms. BALDWIN.

H. Con. Res. 3: Ms. WATSON, Mr. HALL, Mr. HASTINGS of Florida, Mr. BALLANCE, and Ms. CORRINE BROWN of Florida.

H. Con. Res. 15: Mr. FEENEY and Mr. MANZULLO.

H. Con. Res. 111: Ms. SLAUGHTER and Mr. SANDERS.

H. Con Res. 119: Ms. BERKLEY.

H. Con. Res. 332: Mr. LANGEVIN, Mr. CRANE, Mr. JACKSON of Illinois, Ms. PELOSI, and Mr. SHERWOOD.

H. Con. Res. 364: Mrs. MILLER of Michigan and Mr. REHBERG.

H. Con. Res. 371: Mr. FORBES, Mr. ANDREWS, and Mr. BRADLEY of New Hampshire.

H. Con. Res. 372: Ms. CORRINE BROWN of Florida, Ms. JACKSON-LEE of Texas, Mr. WYNN, Mr. WEXLER, and Mrs. JONES of Ohio.

H. Con. Res. 374: Mr. HAYES, Mr. SNYDER, Mr. BARTLETT of Maryland, Mr. BRADLEY of New Hampshire, Mr. GUTKNECHT, Mr. GOODE, Mr. HOSTETTLER, Mrs. MYRICK, Mr. FRANKS of Arizona, Mr. WILSON of South Carolina, and Mr. GINGREY.

H. Con. Res. 375: Mr. SHERWOOD and Mr. DAVIS of Tennessee.

H. Res. 402: Mr. RYUN of Kansas and Mr. MORAN of Kansas.

H. Res. 516: Mr. GREEN of Wisconsin, Mr. SHERWOOD, and Mr. UPTON.

H. Res. 528: Mr. SHIMKUS, Mr. BELL, Mr. NEY, Mr. STARK, Mr. MEEKS of New York, Mr. TOWNS, Mr. CROWLEY, Mr. EVANS, Ms. JACKSON-LEE of Texas, Mr. PASTOR, Mr. ABERCROMBIE, Ms. LEE, Mr. ROHRABACHER, Mr. PAYNE, and Mr. CARDOZA.

H. Res. 543: Ms. ROYBAL-ALLARD, Mr. BERMAN, Mr. TANNER, Mr. LAMPSON, and Mr. GORDON.

MONDAY, MARCH 8, 2004 (19)

¶19.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. COLE, who laid before the House the following communication:

WASHINGTON, DC,
March 8, 2004.

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

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

¶19.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. COLE, announced he had examined and approved the Journal of the proceedings of Thursday, March 4, 2004.

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

¶19.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

7047. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Ports of Entry for Certain Plants and Plant Products [Docket No. 03-067-2] received February 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7048. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Olives Grown in California; Decreased Assessment Rate [Docket No. FV04-932-1 IFR] received February 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7049. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Tart Cherries Grown in the States of Michigan, et. al.; Final Free and Restricted Percentages for the 2003-2004 Crop Year for Tart Cherries [Docket No. FV04-930-1 FR] received February 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7050. A communication from the President of the United States, transmitting requests for FY 2005 budget amendments for the Department of Defense; (H. Doc. No. 108—170); to the Committee on Appropriations and ordered to be printed.

7051. A letter from the Attorney Advisor, Maritime Administration, Department of Transportation, transmitting the Department's final rule — Amended Service Obligation Reporting Requirements for U.S. Merchant Marine Academy and State Maritime Academy Graduates [Docket Number: MARAD-2004-17185] (RIN: 2133-AB57) received March 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7052. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Shareholder Reports and Quarterly Portfolio Disclosure of Registered Management Investment Companies [Release Nos. 33-8393; 34-49333; IC-26372; File No. S7-51-02] (RIN: 3235-AG64) received March 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7053. A letter from the Deputy Under Secretary, Department of Education, transmitting the Department's final rule — Magnet Schools Assistance Program (RIN: 1855-AA01) received March 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7054. A letter from the Regulations Coordinator, FDA, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Final Rule Declaring Dietary Supplements Containing Ephedrine Alkaloids Adulterated Because They Present an Unreasonable Risk [Docket No. 1995N-0304] (RIN: 0910-AA59) received February 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7055. A letter from the Regulations Coordinator, FDA, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Bar Code Label Requirement for Human Drug Products and Biological Products [Docket No. 2002N-0204] received March 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7056. A letter from the Attorney, NHTSA, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Head Impact Protection [Docket No. 00-7145; Notice 2] (RIN: 2127-AH61) received March 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7057. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Montgomery and Marmet, West Virginia) [MB Docket No. 03-164; RM-10737] received February 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7058. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Ketchum, Jerome and Rupert, Idaho, and Coalville, Naples, Huntsville, South Jordan, Tooele, Wellington, Castle Dale, Salina, Parowan, and Payson, Utah) [MB Docket No. 02-14; RM-10358; RM-10767] received February 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7059. A letter from the Deputy Chief, WCB/TAPD, Federal Communications Commission, transmitting the Commission's final rule — Jurisdictional Separations Reform and Referral to the Federal-State Joint Board [CC Docket No. 80-286] received February 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7060. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting an annual report required by section 655 of the Foreign Assistance Act of 1961, pursuant to Public Law 104—164, section 655(a) (110 Stat. 1435); to the Committee on International Relations.

7061. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting an annual report required by section 655 of the Foreign Assistance Act of 1961, pursuant to Public Law 104—164, section 655(a) (110 Stat. 1435); to the Committee on International Relations.

7062. A letter from the Under Secretary of Commerce for Industry and Security, Department of Commerce, transmitting the Department's final rule — Export Administration Regulations: Penalty Guidance in the Settlement of Administrative Enforcement Cases [Docket No. 030909226-4048-02] (RIN: 0694-AC92) received February 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7063. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-199, ''Government Employer-assisted Housing Program Teacher, Police Officer, Firefighter, and Emergency Medical Technician Incentive Amendment Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

7064. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-369, ''Emmaus Rehabilitation Project Real Property Exemption Act

of 2004,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

7065. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Removing the Mariana Mallard and the Guam Broadbill From the Federal List of Endangered and Threatened Wildlife (RIN: 1018-AH50) received February 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7066. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Listing the San Miguel Island Fox, Santa Rosa Island Fox, Santa Cruz Island Fox, and Santa Catalina Island Fox as Endangered (RIN: 1018-AI28) received March 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7067. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Milford, IA. [Docket No. FAA-2003-16497; Airspace Docket No. 03-ACE-81] received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7068. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Springfield, MO. [Docket No. FAA-2003-16763; Airspace Docket No. 03-ACE-100] received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7069. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30374; Amdt. No. 3063] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7070. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30404; Amdt. No. 3089] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7071. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Calverton, NY [Docket No. FAA-2003-16415; Airspace Docket No. 03-ACE-16] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7072. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Restricted Area 2202C, and the Establishment of Restricted Area 2202D; Big Delta, AK [Docket No. FAA-2003-15086; Airspace Docket No. 03-AAl-07] (RIN: 2120-AA66) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7073. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Lawrenceville, VA [Docket No. FAA-2003-15979; Airspace Docket No. 03-AEA-10] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7074. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Aging Airplane Safety; Correction [Docket No. FAA-1999-5401; Amdt. Nos. 119-6, 121-296, 129-34, 135-87, and 183-11] (RIN: 2120-AE42) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7075. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Digital Flight Data Recorder Requirements — Changes to Recording Specifications and Additional Exceptions; Correction [Docket No. FAA-2003-15682; Amendment Nos. 121-300 125-42, 135-89] (RIN: 2120-AH89) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7076. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Regulation of fractional Ownership Programs and On-Demand; Correction [Docket, FAA-2001-10047; Amdt. Nos. 21-84, 61-109, 91-280, 119-7, 125-44, 135-91, 142-5] (RIN: 2120-AH06) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7077. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Extension of Compliance Times for Fuel Tank System Safety Assessments, Correction; Correction [Docket No. FAA-1999-6411; Amendment Nos. 21-83, 91-277, 121-295, 125-40, 129-35, Special Federal Aviation Regulation No. 88] (RIN: 2120-AG62) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7078. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Enhanced Flight Vision Systems; Correction [Docket No. FAA-2003-14449; Amendment Nos. 1-52; 91-281; 121-303; 125-45; 135-93] (RIN: 2120-AH78) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7079. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Special Air Traffic Rules; Flight Restriction in the Vicinity of Niagara Falls; Correction [Docket No. FAA-2002-13235; Amendment Nos. 91-278, 93-82] (RIN: 2120-AH57) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7080. A letter from the Senior Attorney, RSPA, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Enhancing Hazardous Materials Transportation Security [Docket No. RSPA-03-14982 (HM-232C)] (RIN: 2137-AD79) received February 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7081. A letter from the Attorney Advisor, FHA, Department of Transportation, transmitting the Department's final rule — Federal Lands Highway Program; Management Systems Pertaining to the Bureau of Indian Affairs and the Indian Reservation Roads Program [FHWA Docket No. FHWA-99-4968] (FHWA RIN: 2125-AE53) received March 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7082. A letter from the Attorney Advisor, FHA, Department of Transportation, transmitting the Department's final rule — Federal Lands Highway Program; Management Systems Pertaining to the National Park Service and the Park Roads and Parkways Program [FHWA Docket No. FHWA-99-4967] (FHWA RIN: 2125-AE52) received March 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7083. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasiliera de Aeronautica S.A. (EMBRAER) Model EMB-135 and -145 Series Airplanes [Docket No. 2002-NM-330-AD; Amendment 39-13437; AD 2004-02-02] (RIN:2120-AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7084. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes [Docket No. 2001-NM-365-AD; Amendment 39-13482; AD 2004-04-02] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7085. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-7, PC-12, and PC-12/45 Airplanes [Docket No. 2003-CE-45-AD; Amendment 39-13481; AD 2004-04-01] (RIN: 2120-AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7086. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Model Beech 400A and 400T Series Airplanes [Docket No. 2002-NM-225-AD; Amendment 39-13479; AD 2004-03-35] (RIN: 2120-AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7087. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The New Piper Aircraft, Inc. Model PA-46-500TP Airplanes [Docket No. 2003-CE-32-AD; Amendment 39-13476; AD 2004-03-32] (RIN: 2120-AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7088. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 and -145 Series Airplanes [Docket No. 2004-NM-14-AD; Amendment 39-13484; AD 2004-02-51] (RIN: 2120-AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7089. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-100 Series Airplanes [Docket No. 2002-NM-226-AD; Amendment 39-13480; AD 2004-03-36] (RIN: 2120-AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7090. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes [Docket No. 2002-NM-174-AD; Amendment 39-13483; AD 2004-04-03] (RIN: 2120-AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7091. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200F, 747-200C, 747-300, 747SR, and 747SP Series Airplanes [Docket No. 2001-NM-238-AD; Amendment 39-13453; AD 2004-03-09] (RIN: 2120-AA64) received February 23, 2004, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7092. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727, 727C, 727-100, and 727-100C Series Airplanes [Docket No. 2003-NM-205-AD; Amendment 39-13474; AD 2004-03-30] (RIN: 2120-AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7093. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-215-1A10 and CL-215-6B11 Series Airplanes [Docket No. 2003-NM-139-AD; Amendment 39-13457; AD 2004-03-13] (RIN: 2120-AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7094. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS332C, L, and L1 Helicopters [Docket No. 2002-SW-45-AD; Amendment 39-13471; AD 2004-03-27] (RIN: 2120-AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7095. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards; Testing Laboratories (RIN: 3245-AE78) received March 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

7096. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards; Information Technology Value Added Reseller (RIN: 3245-AE80) received March 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

7097. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out Inventories (Rev. Rul. 2004-19) received February 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7098. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Electronic Filing of Duplicate Forms 5472 [TD 9113] (RIN: 1545-BD02) received February 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7099. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Computation of Tax Where Taxpayer Restores Substantial Amount Held Under Claim of Right (Rev. Rul. 2004-17) received February 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7100. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Capitalization and Inclusion in Inventory Costs of Certain Expenses (Rev. Rul. 2004-18) received February 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7101. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2004-18) received February 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶19.4 MESSAGE FROM THE SENATE

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

H.R. 1047. An Act to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes.

¶19.5 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. COLE, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 5, 2004.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 5, 2004 at 9:40 a.m:

That the Senate passed without amendment H.R. 506.

That the Senate passed without amendment H.R. 2059.

Appointments:

National Commission on Small Community Air Service.

Abraham Lincoln Study Abroad Fellowship Program.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk.

¶19.6 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. COLE, laid before the House the following communication from James A. Paretti, Jr., Workforce Policy Counsel, Committee on Education and the Workforce:

COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES,
Washington, DC, March 4, 2004.

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

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the U.S. District Court for the District of Columbia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely yours,

JAMES A. PARETTI, Jr.,
Workforce Policy Counsel.

And then,

¶19.7 ADJOURNMENT

On motion of the SPEAKER pro tempore, Mr. COLE, by unanimous consent and pursuant to the special order agreed to on March 4, 2004, at 12 o'clock and 5 minutes p.m., declared the House adjourned until 12:30 p.m. on Tuesday, March 9, 2004.

¶19.8 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on March 4, 2004 the following report was filed on March 5, 2005]

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 339. A bill to prevent frivolous lawsuits against the manufacturers, distributors, or sellers of food or non-alcoholic beverage products that comply with applicable statutory and regulatory requirements; with amendments (Rept. 108–432). Referred to the Committee of the Whole House on the State of the Union.

¶19.9 DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Government Reform discharged from further consideration. H.R. 2802 referred to the Committee of the Whole House on the State of the Union.

¶19.10 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

Mr. EMANUEL (for himself, Mr. BURTON of Indiana, Mr. HOYER, Mr. ANDREWS, Mr. CARDOZA, Mr. CHANDLER, Mr. MILLER of Florida, Mr. ENGLISH, Ms. MCCARTHY of Missouri, Mr. SANDLIN, and Mr. FROST) introduced a bill (H.R. 3913) to provide the penalty of death for kingpins of child sex slave trafficking enterprises; which was referred to the Committee on the Judiciary.

¶19.11 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 3548: Mr. ALLEN.

H.R. 3558: Mr. WELDON of Florida.

H.R. 3771: Mr. PRICE of North Carolina.

H.R. 3879: Mr. LOBIONDO, Mr. OBERSTAR, and Mr. FILNER.

H.R. 3888: Mr. HINCHEY, Mr. CUMMINGS, and Mr. CARSON of Oklahoma.

H. Con. Res. 363: Mr. SOUDER, Mr. WYNN, Mr. FROST, and Mr. MCNULTY.

TUESDAY, MARCH 9, 2004 (20)

¶20.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. BURNS, who laid before the House the following communication:

WASHINGTON, DC,
March 9, 2004.

I hereby appoint the Honorable MAX BURNS to act as Speaker pro tempore on this day.

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

¶20.2 MESSAGE FROM THE SENATE

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

S. 741. An Act to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal drugs, and for other purposes.

S. Con. Res. 96. A concurrent resolution commemorating the 150th anniversary of the

first meeting of the Republican Party in Ripon, Wisconsin.

¶20.3 MORNING-HOUR DEBATE

The SPEAKER pro tempore, Mr. BURNS, pursuant to the order of the House of Tuesday, January 20, 2004, recognized Members for morning-hour debate.

¶20.4 RECESS—12:53 P.M.

The SPEAKER pro tempore, Mr. BURNS, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 53 minutes p.m., until 2 p.m.

¶20.5 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. TERRY, called the House to order.

¶20.6 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. TERRY, announced he had examined and approved the Journal of the proceedings of Monday, March 8, 2004.

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

¶20.7 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

7102. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed issuance of export license to Kazakhstan (Transmittal No. DDTC 131-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7103. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7104. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7105. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7106. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7107. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7108. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7109. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7110. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7111. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7112. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7113. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7114. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7115. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7116. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Ltd. Model PC-6 Airplanes [Docket No. 2003-CE-01-AD; Amendment 39-13130; AD 2003-09-01] (RIN: 2120-AA64) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7117. A letter from the Paralegal Specailist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS 365 N3 and EC 155B Helicopters [Docket No. 2001-SW-61-AD; Amendment 39-13303; AD 2003-19-01] (RIN: 2120-AA64) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7118. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Air Cruisers Company Emergency Evacuation Slide/Raft System [Docket No. 99-NE-31-AD; Amendment 39-13445; AD 2004-03-01] (RIN: 2120-AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7119. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30367; Amdt. No. 3057] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7120. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30368; Amdt. 3058] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7121. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Special Federal Aviation Regulation No. 36, Development of Major Repair Data [Docket No. FAA-2003-16527; Amendment No. SFAR 36-8] (RIN: 2120-AI09) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7122. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30375; Amdt. No. 3064] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7123. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Restricted Area 2202C, and the establishment of Restricted Area 2202D; Big Delta, AK [Docket No. FAA-2003-15086; Airspace Docket No. 03-AAL-07] (RIN: 2120-AA66) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7124. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Enhanced Flight Vision Systems [Docket No. FAA-2003-14449; Amendment Nos. 1-52; 91-281; 121-303; 125-45; 135-93] (RIN: 2120-AH78) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7125. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No. 2003-NM-249-AD; Amendment 39-13377; AD 2003-24-08] (RIN: 2120-AA64) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶20.8 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. TERRY, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 8, 2004.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on March 8, 2004 at 3:15 p.m. and said to contain a message from the President whereby he submits a report on implementation of PL 107–228 concerning Russian Debt Reduction for Nonproliferation.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶20.9 RUSSIAN DEBT REDUCTION FOR NONPROLIFERATION

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

Consistent with section 1321 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228), I transmit herewith a report prepared by my Administration on implementation of the debt reduction authority conferred by title XIII, subtitle B of Public Law 107–228.

GEORGE W. BUSH.
THE WHITE HOUSE, *March 8, 2004.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 108–171).

¶20.10 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. TERRY, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 8, 2004.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on March 8, 2004 at 11:55 a.m. and said to contain a message from the President whereby he notifies the Congress of his intention to enter into a free trade agreement with the Kingdom of Morocco.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶20.11 MOROCCO FREE TRADE AGREEMENT

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

Consistent with section 2105(a)(1)(A) of the Trade Act of 2002 (Public Law 107–210; the ''Trade Act''), I am pleased to notify the Congress of my intent to enter into a free trade agreement (FTA) with the Kingdom of Morocco.

This agreement will create new opportunities for America's workers, farmers, businesses, and consumers by eliminating barriers in trade with Morocco. Morocco is one of the United States strongest friends in the Middle East. increased trade will benefit Americans and help strengthen a tolerant, open, and more prosperous Morocco. Entering into an FTA with Morocco will not only strengthen our bilateral ties with this important ally, it will also advance my goal of a Middle East free trade are (MEFTA) within a decade.

Consistent with the Trade Act, I am sending this notification at least 90 days in advance of signing the United States-Morocco FTA. My Administration looks forward to working with the Congress in developing appropriate legislation to approve and implement this free trade agreement.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 8, 2004.*

By unanimous consent, the message was referred to the Committee on Ways and Means and ordered to be printed (H. Doc. 108–172).

¶20.12 SAN LUIS OBISPO COUNTY EARTHQUAKE

Mr. Tom DAVIS of Virginia moved to suspend the rules and agree to the resolution (H. Res. 519):

Whereas at 11:15 A.M. on Monday, December 22, 2003, an earthquake measuring 6.5 on the Richter Scale occurred in San Luis Obispo County, California, with an epicenter approximately 6 miles northeast of the community of San Simeon and 24 miles northwest of the City of Paso Robles;

Whereas the magnitude of the earthquake was such that it was felt from the City of San Francisco to the Los Angeles Basin, and may have caused the Coastal Range to become up to a foot higher;

Whereas the earthquake caused damage to homes, businesses, and public infrastructure such as buildings, bridges, and roads, that will cost millions of dollars to repair;

Whereas tragically, 2 lives were lost and more than 40 persons sustained injuries;

Whereas local public safety and law enforcement personnel responded immediately, effectively, and courageously to assist victims of the earthquake and otherwise protect the public; and

Whereas a Federal disaster declaration was issued on January 13, 2004: Now, therefore, be it

Resolved, That the House of Representatives—

(1) is saddened by the loss of life and property caused by the earthquake that occurred in San Luis Obispo County, California, on December 22, 2003, and sends its deepest condolences to the victims and their families; and

(2) recognizes and honors those local officials, public safety and law enforcement personnel, and individuals, who in private or public capacity provided assistance to the victims of the earthquake and their families, and commends this dedicated service to the residents of San Luis Obispo and Santa Barbara Counties and the State of California.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. Tom DAVIS of Virginia and Ms. NORTON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. Tom DAVIS of Virginia demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶20.13 ARMY STAFF SGT. LINCOLN HOLLINSAID MALDEN POST OFFICE

Mrs. MILLER of Michigan moved to suspend the rules and pass the bill (H.R. 3536) to designate the facility of the United States Postal Service located at 210 Main Street in Malden, Illinois, as the ''Army Staff Sgt. Lincoln Hollinsaid Malden Post Office''.

The SPEAKER pro tempore, Mr. TERRY, recognized Mrs. MILLER of Michigan and Ms. NORTON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶20.14 ARMY PVT. SHAWN PAHNKE MANHATTAN POST OFFICE

Mrs. MILLER of Michigan moved to suspend the rules and pass the bill (H.R. 3537) to designate the facility of the United States Postal Service located at 185 State Street in Manhattan, Illinois, as the ''Army Pvt. Shawn Pahnke Manhattan Post Office''.

The SPEAKER pro tempore, Mr. TERRY, recognized Mrs. MILLER of Michigan and Ms. NORTON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶20.15 MARINE CAPT. RYAN BEAUPRE SAINT ANNE POST OFFICE

Mrs. MILLER of Michigan moved to suspend the rules and pass the bill (H.R. 3538) to designate the facility of the United States Postal Service located at 201 South Chicago Avenue in Saint Anne, Illinois, as the ''Marine Capt. Ryan Beaupre Saint Anne Post Office''.

The SPEAKER pro tempore, Mr. TERRY, recognized Mrs. MILLER of Michigan and Ms. NORTON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶20.16 DETROIT SHOCK-2003 WOMEN'S NATIONAL BASKETBALL ASSOCIATION CHAMPIONS

Mrs. MILLER of Michigan moved to suspend the rules and agree to the resolution (H. Res. 392):

Whereas on September 16, 2003, the Detroit Shock won the 2003 Women's National Basketball Association championship, defeating the 2-time defending champion Los Angeles Sparks;

Whereas the Shock finished at the top of the Eastern Conference with an outstanding 25-win season;

Whereas the Shock defeated the Cleveland Rockers 2 games to 1 in the first round of the playoffs;

Whereas the Shock defeated the Connecticut Sun 2 games to none in the Eastern Conference finals;

Whereas in the finals against the Sparks the Shock won 2 straight games after losing the opening game;

Whereas Ruth Riley scored a career-high 27 points in the final game;

Whereas in the final game Deanna Nolan nailed a 3-pointer with 53 seconds remaining, and made 4 out of 4 free throws down the stretch;

Whereas 22,076 attended the final game, setting a new attendance record for the WNBA;

Whereas the Shock made an unprecedented turnaround in the 2003 season under the leadership of their coach, the former Detroit Piston and NBA champion Bill Laimbeer, who was named 2003 WNBA Coach of the Year;

Whereas Coach Laimbeer and his staff of Laurie Byrd, Pamela McGee, and Korie Hlede provided strong leadership and solid coaching, resulting in a basketball team which has been undeniably dominant in regular and postseason play;

Whereas many other individuals have contributed to the Shock's success, including athletic trainer Laura Ramus;

Whereas the Shock's success resulted from contributions from the entire roster of players, including Swin Cash, Allison Curtin, Barbara Farris, Cheryl Ford, Kedra Holland-Corn, Sheila Lambert, Astou Ndiaye-Diatta, Deanna Nolan, Elaine Powell, Ruth Riley, Stacey Thomas, Petra Ujhelyi, and Ayana Walker;

Whereas 3 Shock players, Cheryl Ford, Swin Cash, and Deanna Nolan, were named to the all-WNBA second team;

Whereas Cheryl Ford was named 2003 WNBA rookie of the year, receiving 49 out of 54 possible votes;

Whereas Ruth Riley was named Most Valuable Player of the 2003 WNBA Finals MVP;

Whereas the WNBA and the Shock exemplify the highest standards of sportsmanship and success, and help to encourage the participation of women in professional sports; and

Whereas the Shock have displayed great strength, ability, and perseverance this season, which are all reflective of the hard-working people of the metropolitan Detroit region and the great State of Michigan: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Detroit Shock for winning the 2003 Women's National Basketball championship and for their outstanding performance during the entire 2003 season, and congratulates all of the 8 WNBA teams who played in the postseason;

(2) salutes the achievements of all of the players, coaches, and staff of the Shock, who worked hard and who were instrumental in bringing the City of Detroit its first WNBA championship;

(3) commends the Los Angeles Sparks for a valiant performance during the playoff finals and for displaying their strength and skill as a team; and

(4) directs the Clerk of the House of Representatives to transmit an enrolled copy of this resolution to the Shock players, Head Coach Bill Laimbeer, and President and team owner William Davidson.

The SPEAKER pro tempore, Mr. TERRY, recognized Mrs. MILLER of Michigan and Ms. NORTON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. MILLER of Michigan demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶20.17 SAN JOSE EARTHQUAKES-2003 MAJOR LEAGUE SCOCCER CUP

Mrs. MILLER of Michigan moved to suspend the rules and agree to the resolution (H. Res. 475):

Whereas on November 23, 2003, the San Jose Earthquakes defeated the Chicago Fire to win the 2003 Major League Soccer Cup;

Whereas the Earthquakes achieved a 14–7–9 regular season record to finish 1st in the Major League Soccer Western Conference;

Whereas the San Jose Earthquakes finished an extraordinary season by overcoming injuries, adversity, and multiple-goal deficits to reach the Major League Soccer Cup championship match;

Whereas in the championship match, the San Jose Earthquakes and the Chicago Fire scored 6 goals combined, breaking the Major League Soccer Cup championship match scoring record;

Whereas the Earthquakes' Head Coach Frank Yallop led the team to victory;

Whereas the Earthquakes' team of world-class players, including Jeff Agoos, Arturo Alvarez, Brian Ching, Jon Conway, Ramiro Corrales, Troy Dayak, Dwayne De Rosario, Landon Donovan, Todd Dunivant, Ronnie Ekelund, Rodrigo Faria, Manny Lagos, Roger Levesque, Brain Mullan, Richard Mulrooney, Pat Onstad, Eddie Robinson, Chris Roner, Ian Russell, Josh Saunders, Craig Waibel, and Jamil Walker contributed extraordinary performances throughout the regular season, playoffs and Major League Soccer Cup;

Whereas San Jose midfielder Ronnie Ekelund scored in the 5th minute of play, tying Eduardo Hurtado for the fastest goal scored in a Major League Soccer Cup championship match;

Whereas with the victory, San Jose captain Jeff Agoos won his 2nd Major League Soccer Cup for the San Jose Earthquakes and his 5th Major League Soccer Cup overall;

Whereas San Jose forward Landon Donovan, who has been named United States National Team Player of the Year twice, scored 2 goals on 2 shots in the championship match, earning the Honda Major League Soccer Cup Most Valuable Player Award;

Whereas by winning the 2003 Major League Soccer Cup, the San Jose Earthquakes join DC United to become the 2nd team in Major League Soccer history to win the Major League Soccer Cup more than once;

Whereas the Earthquakes have brought great pride to the City of San Jose and to the State of California;

Whereas Major League Soccer has become extremely popular in only 8 seasons; and

Whereas the success of Major League Soccer has contributed to the growing popularity of soccer in the United States in recent years: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the San Jose Earthquakes for winning the 2003 Major League Soccer Cup;

(2) recognizes the achievement of the San Jose Earthquakes' players, coaches, staff, and supporters in bringing the 2003 Major League Soccer Cup to San Jose;

(3) commends the San Jose community for its enthusiastic support of the Earthquakes; and

(4) expresses the hope that Major League Soccer will continue to inspire fans and young players in the United States and around the world by producing teams of San Jose's high caliber.

The SPEAKER pro tempore, Mr. TERRY, recognized Mrs. MILLER of Michigan and Ms. NORTON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. MILLER of Michigan demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶20.18 MEDICAL DEVICES TECHNICAL CORRECTIONS

Mr. GREENWOOD moved to suspend the rules and pass the bill of the Senate (S. 1881) to amend the Federal Food, Drug, and Cosmetic Act to make technical corrections relating to the amendments by the Medical Device User Fee and Modernization Act of 2002, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. GREENWOOD and Mr. BROWN of Ohio, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. GREENWOOD demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Wednesday, March 10, 2004.

¶20.19 KIDS LOVE A MYSTERY MONTH

Mr. GINGREY moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 373):

Whereas knowledge, wisdom, and children are the greatest assets of a democracy;

Whereas books enable one generation to pass on its knowledge and wisdom to the next;

Whereas learning to read is one of the greatest privileges the Nation extends to its children;

Whereas children most often choose mysteries as their favorite books;

Whereas the Mystery Writers of America sponsors Kids Love a Mystery, an outreach program designed to bring mystery writers and children together to encourage literacy and the love of reading; and

Whereas the Mystery Writers of America recognizes the value in celebrating the importance of reading for children: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) Kids Love a Mystery is a program that helps promote literacy and reading and should be supported and encouraged; and

(2) the President should issue a proclamation encouraging the people of the United States and interested groups to promote Kids Love a Mystery with appropriate programs and activities.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. GINGREY and Ms. WOOLSEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. GINGREY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Wednesday, March 10, 2004.

¶20.20 RECESS—3:31 P.M.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 31 minutes p.m., until approximately 6:30 p.m.

¶20.21 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mr. DUNCAN, called the House to order.

¶20.22 H. RES. 519—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. DUNCAN, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 519) expressing the sense of the House of Representatives with respect to the earthquake that occurred in San Luis Obispo County, California, on December 22, 2003.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 404 / Nays 0

¶20.23 [Roll No. 42]

YEAS—404

Abercrombie, Ackerman, Aderholt, Akin, Alexander, Allen, Andrews, Baca, Bachus, Baird, Baker, Baldwin, Ballance, Ballenger, Barrett (SC), Bartlett (MD), Bass, Beauprez, Becerra, Berkley, Berman, Berry, Biggert, Bilirakis, Bishop (GA), Bishop (NY), Bishop (UT), Blackburn, Blumenauer, Blunt, Boehlert, Boehner, Bonilla, Bonner, Bono, Boozman, Boswell, Boucher, Boyd, Bradley (NH), Brady (PA), Brady (TX), Brown (OH), Brown (SC), Brown, Corrine, Brown-Waite, Ginny, Burgess, Burns, Burr, Burton (IN), Buyer, Calvert, Camp, Cannon, Cantor, Capito, Capps, Capuano, Cardin, Cardoza, Carson (IN), Carson (OK), Case, Castle, Chabot, Chandler, Chocola, Clay, Clyburn, Coble, Cole, Collins, Conyers, Cooper, Costello, Cox, Cramer, Crane, Crenshaw, Crowley, Cubin, Cummings, Cunningham, Davis (AL), Davis (CA), Davis (FL), Davis (TN), Davis, Jo Ann, Davis, Tom, Deal (GA), DeFazio, DeGette, Delahunt, DeLauro, DeLay, Deutsch, Diaz-Balart, L., Diaz-Balart, M., Dicks, Dingell, Dooley (CA), Doolittle, Doyle, Dreier, Duncan, Dunn, Edwards, Ehlers, Emanuel, Emerson, Engel, English, Eshoo, Etheridge, Evans, Everett, Farr, Fattah, Feeney, Ferguson, Filner, Flake, Foley, Forbes, Ford, Fossella, Frank (MA), Franks (AZ), Frelinghuysen, Frost, Gallegly, Garrett (NJ), Gerlach, Gibbons, Gilchrest, Gillmor, Gingrey, Goode, Goodlatte, Gordon, Goss, Granger, Graves, Green (TX), Green (WI), Greenwood, Grijalva, Gutknecht, Harman, Harris, Hart, Hastings (FL), Hastings (WA), Hayes, Hayworth, Hefley, Hensarling, Herger, Hill, Hinchey, Hobson, Hoekstra, Holden, Holt, Honda, Hooley (OR), Hostettler, Houghton, Hoyer, Hulshof, Hunter, Hyde, Inslee, Isakson, Israel, Issa, Istook, Jackson (IL), Jefferson, Jenkins, John, Johnson (CT), Johnson (IL), Johnson, E. B., Jones (NC), Jones (OH), Kanjorski, Kaptur, Keller, Kelly, Kennedy (MN), Kennedy (RI), Kildee, Kilpatrick, Kind, King (IA), King (NY), Kingston, Kirk, Kleczka, Kline, Knollenberg, Kolbe, LaHood, Lampson, Langevin, Lantos, Larsen (WA), Larson (CT), Latham, LaTourette, Leach, Lee, Levin, Lewis (CA), Lewis (GA), Lewis (KY), Linder, Lipinski, LoBiondo, Lofgren, Lowey, Lucas (KY), Lucas (OK), Lynch, Majette, Maloney, Manzullo, Markey, Marshall, Matheson, Matsui, McCarthy (MO), McCarthy (NY), McCollum, McCotter, McCrery, McDermott, McGovern, McHugh, McInnis, McIntyre, McKeon, McNulty, Meehan, Meek (FL), Meeks (NY), Menendez, Mica, Michaud, Millender-McDonald, Miller (MI), Miller (NC), Miller, Gary, Miller, George, Mollohan, Moore, Moran (KS), Moran (VA), Murphy, Musgrave, Myrick, Nadler, Napolitano, Neal (MA), Nethercutt, Neugebauer, Ney, Northup, Norwood, Nunes, Nussle, Oberstar, Obey, Olver, Osborne, Ose, Otter, Owens, Oxley, Pallone, Pascrell, Pastor, Paul, Payne, Pearce, Pelosi, Pence, Peterson (MN), Peterson (PA), Petri, Pickering, Pitts, Platts, Pombo, Pomeroy, Porter, Portman, Price (NC), Pryce (OH), Putnam, Quinn, Radanovich, Rahall, Ramstad, Rangel, Regula, Rehberg, Renzi, Reynolds, Rogers (AL), Rogers (KY), Rogers (MI), Rohrabacher, Ros-Lehtinen, Ross, Rothman, Roybal-Allard, Royce, Ruppersberger, Ryan (OH), Ryan (WI), Ryun (KS), Sabo, Sánchez, Linda T., Sanchez, Loretta, Sanders, Sandlin, Saxton, Schakowsky, Schiff, Schrock, Scott (GA), Scott (VA), Sensenbrenner, Serrano, Sessions, Shaw, Shays, Sherman, Sherwood, Shimkus, Shuster, Simmons, Simpson, Skelton, Slaughter, Smith (MI), Smith (NJ), Smith (TX), Smith (WA), Snyder, Solis, Souder, Spratt, Stark, Stearns, Stenholm, Strickland, Stupak, Sullivan, Sweeney, Tancredo, Tanner, Tauscher, Taylor (MS), Taylor (NC), Terry, Thomas, Thompson (CA), Thompson (MS), Thornberry, Tiahrt, Tiberi, Tierney, Towns, Turner (OH), Turner (TX), Udall (NM), Upton, Van Hollen, Velázquez, Visclosky, Vitter, Walden (OR), Walsh, Wamp, Waters, Watson, Watt, Waxman, Weiner, Weldon (PA), Weller, Whitfield, Wicker, Wilson (NM), Wilson (SC), Wolf, Woolsey, Wu, Wynn, Young (AK), Young (FL)

NOT VOTING—29

Barton (TX), Bell, Bereuter, Carter, Culberson, Davis (IL), DeMint, Doggett, Gephardt, Gonzalez, Gutierrez, Hall, Hinojosa, Hoeffel, Jackson-Lee (TX), Johnson, Sam, Kucinich, Miller (FL), Murtha, Ortiz, Reyes, Rodriguez, Rush, Shadegg, Tauzin, Toomey, Udall (CO), Weldon (FL), Wexler

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶20.24 H. RES. 392—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. DUNCAN, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 392) congratulating the Detroit Shock for winning the 2003 Women's National Basketball Association championship.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 401 / Nays 0

¶20.25 [Roll No. 43]

YEAS—401

Abercrombie, Ackerman, Aderholt, Akin, Alexander, Allen, Andrews, Baca, Bachus, Baird, Baker, Baldwin, Ballance, Ballenger, Barrett (SC), Bartlett (MD), Bass, Beauprez, Becerra, Berkley, Berman, Berry, Biggert, Bilirakis, Bishop (GA), Bishop (NY), Bishop (UT), Blackburn, Blumenauer, Blunt, Boehlert, Boehner, Bonilla, Bonner, Bono, Boozman, Boswell, Boucher, Boyd, Bradley (NH), Brady (PA), Brady (TX), Brown (OH), Brown (SC), Brown, Corrine, Brown-Waite, Ginny, Burgess, Burns, Burr, Burton (IN), Buyer, Calvert, Camp, Cannon, Cantor, Capito, Capuano, Cardin, Cardoza, Carson (IN), Carson (OK), Case

Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—32

Barton (TX)
Bell
Bereuter
Capps
Carter
Culberson
Davis (IL)
DeMint
Doggett
Gephardt
Gonzalez
Gutierrez
Hall
Hinojosa
Hoeffel
Jackson-Lee (TX)
Johnson, Sam
Kucinich
Miller (FL)
Murtha
Ortiz
Reyes
Rodriguez
Ros-Lehtinen
Rush
Shadegg
Tauzin
Tiahrt
Toomey
Udall (CO)
Weldon (FL)
Wexler

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶20.26 H. RES. 475—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. DUNCAN, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 475) congratulating the San Jose Earthquakes for winning the 2003 Major League Soccer Cup.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 399 / Nays 0

¶20.27 [Roll No. 44]

YEAS—399

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—34

Barton (TX)	Hall	Rodriguez
Bell	Hinojosa	Ros-Lehtinen
Bereuter	Hoeffel	Rush
Buyer	Jackson-Lee (TX)	Shadegg
Carter	Johnson, Sam	Stupak
Culberson	Kucinich	Tauzin
Davis (IL)	Meehan	Thornberry
DeMint	Miller (FL)	Toomey
Doggett	Murtha	Udall (CO)
Gephardt	Ortiz	Weldon (FL)
Gonzalez	Reyes	Wexler
Gutierrez		

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶20.28 PROVIDING FOR THE CONSIDERATION OF H.R. 339

Mr. SESSIONS, by direction of the Committee on Rules, reported (Rept. No. 108–435) the resolution (H. Res. 552) providing for consideration of the bill (H.R. 339) to prevent frivolous lawsuits against the manufacturers, distributors, or sellers of food or non-alcoholic beverage products that comply with applicable statutory and regulatory requirements.

When said resolution and report were referred to the House Calendar and ordered printed.

¶20.29 SENATE BILL AND CONCURRENT RESOLUTION REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 741. An Act to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal drugs, and for other purposes; to the Committee on Energy and Commerce.

S. Con. Res. 96. A concurrent resolution commemorating the 150th anniversary of the first meeting of the Republican Party in Ripon, Wisconsin; to the Committee on Government Reform.

¶20.30 ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker.

H.R. 506. An Act to provide for the protection of archaeological sites in the Galisteo Basin in New Mexico, and for other purposes.

H.R. 2059. An Act to designate Fort Bayard Historic District in the State of New Mexico as a National Historic Landmark, and for other purposes.

¶20.31 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BEREUTER, for today;

To Mr. CULBERSON, for today;

To Mr. DAVIS of Illinois, for today and balance of the week;

To Ms. JACKSON-LEE of Texas, for today;

To Mr. MILLER of Florida, for today and balance of the week; and

To Mr. ORTIZ, for today.

And then,

¶20.32 ADJOURNMENT

On motion of Mr. DELAHUNT, at 11 o'clock and 55 minutes p.m., the House adjourned.

¶20.33 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BARTON: Committee on Energy and Commerce. S. 1881. An act to amend the Federal Food, Drug, and Cosmetic Act to make technical corrections relating to the amendments by the Medical Device User Fee and Modernization Act of 2002, and for other purposes; with an amendment (Rept. 108–433). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARTON: Committee on Energy and Commerce. H.R. 3717. A bill to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language; with amendments (Rept. 108–434). Referred to the Committee of the Whole House on the State of the Union.

Mr. SESSIONS: Committee on Rules. House Resolution 552. Resolution providing for consideration of the bill (H.R. 339) to prevent frivolous lawsuits against the manufacturers, distributors, or sellers of food or non-alcoholic beverage products that comply with applicable statutory and regulatory requirements (Rept. 108–435). Referred to the House Calendar.

¶20.34 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BACA (for himself, Mr. OSBORNE, and Mr. PRICE of North Carolina):

H.R. 3914. A bill to amend the Communications Act of 1934 to require that violent video programming is limited to broadcast after the hours when children are reasonably likely to comprise a substantial portion of the audience, unless it is specifically rated on the basis of its violent content so that it is blockable by electronic means specifically on the basis of that content; to the Committee on Energy and Commerce.

By Mr. MANZULLO:

H.R. 3915. A bill to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through May 21, 2004, and for other purposes; to the Committee on Small Business.

By Mr. CASTLE (for himself and Mrs. MALONEY):

H.R. 3916. A bill to improve circulation of the $1 coin, create a new bullion coin, and for other purposes; to the Committee on Financial Services.

By Mr. ISRAEL:

H.R. 3917. A bill to designate the facility of the United States Postal Service located at 695 Marconi Boulevard in Copiague, New York, as the ''Maxine S. Postal United States Post Office''; to the Committee on Government Reform.

By Ms. JACKSON-LEE of Texas (for herself and Mr. CONYERS):

H.R. 3918. A bill to amend the Immigration and Nationality Act to reunify families, permit earned access to permanent resident status, provide protection against unfair immigration-related employment practices, reform the diversity visa program, provide adjustment of status for Haitians and Liberian nationals, and for other purposes; to the Committee on the Judiciary.

By Ms. LEE (for herself, Mr. CONYERS, Mr. RANGEL, Mr. GRIJALVA, Mr. THOMPSON of Mississippi, Mr. CUMMINGS, Mr. HINCHEY, Ms. WOOLSEY, Mr. OWENS, Mr. GEORGE MILLER of California, Ms. CORRINE BROWN of Florida, Ms. SCHAKOWSKY, Ms. SOLIS, Mr. MCGOVERN, Mr. SERRANO, Mr. PAYNE, Ms. VELAZQUEZ, Ms. ROYBAL-ALLARD, Mrs. JONES of Ohio, Ms. WATERS, Mr. FARR, Mrs. NAPOLITANO, and Mrs. CHRISTENSEN):

H.R. 3919. A bill to establish the Independent Commission on the 2004 Coup d'Etat in the Republic of Haiti; to the Committee on International Relations.

By Mr. LEWIS of Kentucky (for himself, Mr. DEMINT, Mr. EVERETT, Mr. POMBO, Mr. COBLE, Mr. COLLINS, Mr. GOODE, Mr. PITTS, Mr. FRANKS of Arizona, Mr. HEFLEY, Mr. DOOLITTLE, and Mr. KINGSTON):

H.R. 3920. A bill to allow Congress to reverse the judgments of the United States Supreme Court; to the Committee on the Judiciary, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MATHESON:

H.R. 3921. A bill to protect public health and safety, should the testing of nuclear weapons by the United States be resumed; to the Committee on Armed Services, and in addition to the Committees on Energy and Commerce, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PORTMAN (for himself, Mr. LEVIN, Mr. LATOURETTE, Mr. SOUDER, and Mr. RAMSTAD):

H.R. 3922. A bill to amend title 23, United States Code, relating to improving safety and enforcement with respect to individuals operating motor vehicles while under the influence of, or having used, drugs; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHUSTER:

H.R. 3923. A bill to designate the Federal building located at 228 Walnut Street, in Harrisburg, Pennsylvania, as the ''Ronald Reagan Federal Building''; to the Committee on Transportation and Infrastructure.

By Mr. STRICKLAND:

H.R. 3924. A bill to authorize an annual appropriation of $10,000,000 for mental health courts through fiscal year 2009; to the Committee on the Judiciary.

By Mr. NEY (for himself, Mr. LARSON of Connecticut, Mr. WILSON of South Carolina, Mr. EHLERS, Mr. CUNNINGHAM, Mr. FEENEY, Ms. ROS-LEHTINEN, Mr. CHABOT, Ms. BALDWIN, Mr. OBERSTAR, Mr. REYNOLDS, Mr. STUPAK, Mr. DOOLITTLE, Mr. PRICE of North Carolina, and Mr. DREIER):

H. Res. 551. A resolution thanking C-SPAN for its service to the House of Representatives on the 25th anniversary of its first coverage of the proceedings of the House; to the Committee on House Administration.

¶20.35 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 290: Mr. BASS.

H.R. 348: Mr. FROST, Mr. GORDON, and Ms. HART.

H.R. 391: Mr. VITTER.
H.R. 463: Mr. BURR and Mr. WAXMAN.
H.R. 548: Mr. COBLE.
H.R. 664: Ms. ESHOO.
H.R. 677: Mr. BACA and Mr. SCHIFF.
H.R. 713: Mrs. DAVIS of California, Mr. NORWOOD, and Mr. DICKS.
H.R. 742: Mr. GREEN of Texas, Mr. RYAN of Wisconsin, and Mr. TURNER of Ohio.
H.R. 814: Mr. LARSEN of Washington and Mr. MEEKS of New York.
H.R. 850: Ms. HART.
H.R. 857: Mr. BASS and Mr. QUINN.
H.R. 931: Mr. GARRETT of New Jersey.
H.R. 997: Mr. SHUSTER.
H.R. 1105: Mr. EMANUEL.
H.R. 1155: Mr. BEREUTER, Mr. SABO, Mr. MCGOVERN, and Mr. EVANS.
H.R. 1206: Mr. SOUDER.
H.R. 1422: Mr. SMITH of Washington and Mr. FRANK of Massachusetts.
H.R. 1508: Mr. BOSWELL and Mrs. CHRISTENSEN.
H.R. 1519: Mr. GUTIERREZ.
H.R. 1563: Mr. ROTHMAN and Mr. ISSA.
H.R. 1592: Mr. CARSON of Oklahoma.
H.R. 1673: Ms. LINDA T. SANCHEZ of California.
H.R. 1749: Mr. WAMP.
H.R. 1870: Mr. VITTER.
H.R. 1919: Mr. GORDON and Mr. LANGEVIN.
H.R. 1943: Mr. GINGREY.
H.R. 2022: Mr. ANDREWS.
H.R. 2023: Ms. MILLENDER-MCDONALD.
H.R. 2068: Mr. HINCHEY, Ms. BALDWIN, and Mr. HOUGHTON.
H.R. 2069: Ms. SLAUGHTER.
H.R. 2133: Mr. ISRAEL.
H.R. 2176: Mr. OTTER.
H.R. 2227: Mr. MEEKS of New York.
H.R. 2239: Mr. ISRAEL and Mr. KIND.
H.R. 2318: Ms. MCCARTHY of Missouri.
H.R. 2366: Mrs. DAVIS of California, Mr. PASTOR, Mr. LUCAS of Kentucky, Mr. MCNULTY, and Ms. MCCOLLUM.
H.R. 2404: Mr. BALLENGER.
H.R. 2442: Mr. REYES, Mr. BISHOP of Georgia, Ms. JACKSON-LEE of Texas, Mr. HOSTETTLER, Mr. ACKERMAN, Mr. HOLT, Mr. TOWNS, Mr. LARSEN of Washington, Mr. LIPINSKI, Mr. BISHOP of New York, Ms. LEE, and Mr. MENENDEZ.
H.R. 2459: Mr. BACHUS.
H.R. 2527: Mr. SCHIFF.
H.R. 2569: Ms. JACKSON-LEE of Texas.
H.R. 2585: Mr. FARR.
H.R. 2592: Mr. GORDON, Mr. ENGLISH, and Mr. MEEKS of New York.
H.R. 2612: Ms. CORRINE BROWN of Florida, Mr. LANGEVIN, and Mr. FROST.
H.R. 2699: Mr. BONILLA, Mr. MORAN of Kansas, Ms. GINNY BROWN-WAITE of Florida, Mr. BARTON of Texas, Mr. AKIN, Mr. SOUDER, Mr. SIMPSON, and Mr. BURGESS.
H.R. 2814: Mr. RAMSTAD.
H.R. 2852: Mr. SABO, Mr. GARRETT of New Jersey, Mr. SULLIVAN, and Mr. SHAW.
H.R. 2890: Mrs. CUBIN.
H.R. 2891: Mr. MICHAUD.
H.R. 2911: Mr. JACKSON of Illinois, Mr. GRIJALVA, and Mr. NADLER.
H.R. 2932: Mr. SHERMAN and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 2950: Mr. GORDON.
H.R. 2987: Mrs. DAVIS of California and Mr. MCGOVERN.
H.R. 3004: Mr. PASCRELL.
H.R. 3015: Ms. SCHAKOWSKY.
H.R. 3111: Mr. WAMP, Mr. BISHOP of Georgia, Mr. SOUDER, Ms. WATSON, Mr. SABO, Mr. GONZALEZ, Mr. MURTHA, Mr. MORAN of Virginia, and Mr. ALEXANDER.
H.R. 3207: Mr. UDALL of New Mexico.
H.R. 3213: Mr. BURNS.
H.R. 3294: Mr. PASCRELL.
H.R. 3352: Mr. ALLEN, Ms. PELOSI, Mrs. JONES of Ohio, Mr. MCDERMOTT, Mr. THOMPSON of California, Mr. KILDEE, Mr. HOEFFEL, and Mr. CUMMINGS.
H.R. 3359: Mr. GRIJALVA, Mr. STARK, Mrs. NAPOLITANO, Ms. SLAUGHTER, and Mr. RANGEL.
H.R. 3378: Ms. ROS-LEHTINEN.
H.R. 3424: Mr. BOSWELL.
H.R. 3425: Ms. DEGETTE.
H.R. 3447: Mr. MEEKS of New York, Mr. SHERMAN, and Mr. RUSH.
H.R. 3463: Mr. ROGERS of Michigan and Mr. CAMP.
H.R. 3474: Mrs. KELLY, Mr. RUPPERSBERGER, Mr. DICKS, Mr. ETHERIDGE, Mr. JEFFERSON, and Mr. SIMMONS.
H.R. 3545: Ms. WOOLSEY.
H.R. 3574: Mr. FARR, Mr. KIND, and Mr. CUNNINGHAM.
H.R. 3579: Mrs. NORTHUP, Mr. PALLONE, Mr. SIMMONS, Mr. GIBBONS, Ms. WOOLSEY, Ms. SLAUGHTER, Mr. ROTHMAN, Mr. RYAN of Ohio, Mr. STUPAK, and Mr. GRIJALVA.
H.R. 3619: Mrs. LOWEY.
H.R. 3628: Ms. LEE.
H.R. 3657: Mr. GRIJALVA.
H.R. 3658: Mrs. DAVIS of California and Mr. DAVIS of Tennessee.
H.R. 3665: Mr. SHERMAN.
H.R. 3687: Mr. DAVIS of Tennessee and Mr. VITTER.
H.R. 3699: Mr. WYNN, Mr. TOWNS, Mr. MATHESON, Mr. BAIRD, and Mr. DAVIS of Illinois.
H.R. 3716: Mr. BISHOP of Utah.
H.R. 3720: Mr. NORWOOD and Mr. CASE.
H.R. 3728: Mr. NEUGEBAUER and Mr. HASTINGS of Florida.
H.R. 3729: Ms. HOOLEY of Oregon, Ms. LEE, Mr. GREEN of Texas, Mr. YOUNG of Alaska, and Mr. PASTOR.
H.R. 3730: Mr. MOORE.
H.R. 3734: Mr. YOUNG of Florida.
H.R. 3743: Mr. BALLENGER and Mr. BOUCHER.
H.R. 3763: Mr. HYDE, Mr. FRANK of Massachusetts, Mr. COBLE, Mr. FERGUSON, Mr. GORDON, and Mrs. EMERSON.
H.R. 3767: Ms. CARSON of Indiana, Ms. SLAUGHTER, Mrs. CAPPS, and Ms. MCCOLLUM.
H.R. 3780: Mr. GRIJALVA.
H.R. 3781: Mr. PAUL, Mr. BEREUTER, Mr. BARTLETT of Maryland, and Mr. POMEROY.
H.R. 3793: Mr. HOEFFEL, Mrs. KELLY, Mr. ABERCROMBIE, and Mr. LANGEVIN.
H.R. 3795: Mr. ETHERIDGE and Mr. MCINTYRE.
H.R. 3801: Mr. BARRETT of South Carolina, Mr. PITTS, Mr. SCHROCK, Mr. STEARNS, Mr. CULBERSON, Mr. WILSON of South Carolina, and Mr. PICKERING.
H.R. 3802: Mr. CASE, Mr. MCGOVERN, Mr. KIND, Mr. SAXTON, Mr. KIRK, Mr. HINCHEY, Mr. HOEFFEL, Mr. CARDOZA, Mr. ENGEL, Ms. MILLENDER-MCDONALD, Mr. NEAL of Massachusetts, Mr. GILCHREST, Mr. SHIMKUS, Ms. MCCOLLUM, and Mr. SANDERS.
H.R. 3814: Mr. FLAKE.
H.R. 3815: Mr. MCGOVERN and Mr. ETHERIDGE.
H.R. 3816: Mr. DINGELL.
H.R. 3818: Mr. HUNTER, Mr. FILNER, Mr. PENCE, Mr. BEREUTER, Mr. GILLMOR, Mr. WELDON of Florida, Mr. FARR, Mr. GEORGE MILLER of California, Mr. TANCREDO, Mr. WEXLER, Mr. DELAHUNT, Mr. LINCOLN DIAZ-BALART of Florida, Mrs. NAPOLITANO, and Mr. DOGGETT.
H.R. 3833: Mr. MCDERMOTT.
H.R. 3839: Mr. MEEKS of New York.
H.R. 3847: Mr. RAHALL, Ms. DEGETTE, Mr. ACKERMAN, and Mrs. NAPOLITANO.
H.R. 3853: Mr. GARRETT of New Jersey.
H.R. 3854: Mr. GARRETT of New Jersey.
H.R. 3858: Mr. GOSS, Mr. GARRETT of New Jersey, Mr. MCGOVERN, Mr. SOUDER, Mr. GIBBONS, Mr. CASTLE, Mr. FRANK of Massachusetts, Ms. SLAUGHTER, Mr. PASTOR, Mr. SNYDER, Mr. LUCAS of Kentucky, Mr. RAMSTAD, Mr. SCOTT of Georgia, and Mr. BISHOP of New York.
H.R. 3860: Mr. SCHIFF, Mr. PETRI, Mr. BEAUPREZ, and Ms. MCCOLLUM.
H.R. 3888: Mr. BERRY, Ms. MCCOLLUM, and Mr. ROHRABACHER.
H.R. 3897: Mr. WELLER.
H.J. Res. 45: Mr. OWENS.
H.J. Res. 72: Ms. SCHAKOWSKY, Mr. ETHERIDGE, and Mr. PLATTS.
H. Con. Res. 57: Mr. LANGEVIN, Mr. MEEHAN, Mr. BERMAN, Ms. WATERS, Ms. GINNY BROWN-WAITE of Florida, Mr. SCHIFF, Mr. SNYDER, Mr. MCGOVERN, Mr. PALLONE, Mr. MICHAUD, Mr. HASTINGS of Florida, Mr. GREENWOOD, Mrs. DAVIS of California, Mrs. NAPOLITANO, Mr. ENGEL, and Mr. WAXMAN.
H. Con. Res. 218: Ms. HARRIS.
H. Con. Res. 276: Ms. MCCOLLUM.
H. Con. Res. 285: Mr. BOUCHER.
H. Con. Res. 301: Mr. HONDA, Mr. UPTON, Mr. PAYNE, Mr. MARKEY, and Ms. BORDALLO.
H. Con. Res. 314: Mr. LOBIONDO and Mr. WAXMAN.
H. Con. Res. 330: Ms. CARSON of Indiana.
H. Con. Res. 332: Mr. MILLER of Florida, Mr. ALLEN, Mr. ENGEL, Mr. WYNN, Mr. GUTIERREZ, Mr. BOEHLERT, Mr. CASTLE, Mr. LAMPSON, Ms. MCCOLLUM, Mrs. KELLY, Ms. DEGETTE, Mr. MATSUI, Mr. PALLONE, and Mr. CHABOT.
H. Con. Res. 350: Mr. BALLENGER.
H. Con. Res. 356: Ms. LINDA T. SANCHEZ of California, Ms. CORRINE BROWN of Florida, Mr. FILNER, Mrs. MCCARTHY of New York, Mr. KUCINICH, Mr. LYNCH, Mrs. JONES of Ohio, Ms. WOOLSEY, and Mr. ALLEN.
H. Con. Res. 366: Mr. STARK, Mr. MCNULTY, Mr. FROST, Mr. WALSH, Mr. DINGELL, Mr. GUTIERREZ, Ms. SOLIS, Mr. KLECZKA, Mr. WYNN, Mr. DELAHUNT, Mr. TOWNS, Ms. SCHAKOWSKY, Mr. HOLT, Mr. ENGEL, Mr. GEORGE MILLER of California, Ms. KILPATRICK, and Mr. EVANS.
H. Con. Res. 367: Mr. SPRATT.
H. Con. Res. 371: Mr. GOODLATTE and Mr. CHOCOLA.
H. Con. Res. 378: Mr. PENCE, Mr. KILDEE, and Mr. MCNULTY.
H. Res. 103: Mr. SHUSTER and Mr. GREENWOOD.
H. Res. 402: Mrs. CAPITO and Mr. WAMP.
H. Res. 466: Ms. CARSON of Indiana, Mr. WHITFIELD, Mr. DINGELL, Ms. PELOSI, Mr. ROGERS of Michigan, Mr. CROWLEY, Mr. LYNCH, and Mr. MEEHAN.
H. Res. 475: Ms. WATERS and Mr. SHERMAN.
H. Res. 510: Ms. MCCOLLUM.
H. Res. 542: Ms. WOOLSEY.

WEDNESDAY, MARCH 10, 2004 (21)

¶21.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. REHBERG, who laid before the House the following communication:

WASHINGTON, DC,
March 10, 2004.

I hereby appoint the Honorable DENNIS R. REHBERG to act as Speaker pro tempore on this day.

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

¶21.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. REHBERG, announced he had examined and approved the Journal of the proceedings of Tuesday, March 9, 2004.

Mr. MCNULTY, pursuant to clause 1, rule I, demanded the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. REHBERG, announced that the yeas had it.

Mr. McNULTY objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. REHBERG, pursuant to clause 8, rule XX, announced that the vote would be postponed until later today.

The point of no quorum was considered as withdrawn.

¶21.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

7126. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747–400 and -400F Series Airplanes [Docket No. 2003–NM–140–AD; Amendment 39–13373; AD 2003–24–04] (RIN: 2120–AA64) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7127. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727 Series Airplanes Modified in Accordance With Supplemental Type Certification SA1444SO, SA1509SO, SA1543SO, or SA1896SO [Docket No. 97–NM–235–AD; Amendment 39–12861; AD 2002–16–22] (RIN: 2120–AA64) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7128. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC–8–102, -103, -106, -201, -202 -301, -311, and -315 Airplanes [Docket No. 2002–NM–11–AD; Amendment 39–13459; AD 2004–03–15] (RIN: 2120–AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7129. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Certification of Airports [Docket No. FAA–2000–7479; Amendment No. 121–304, 135–94] (RIN: 2120–AG96) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7130. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No. 2001–NM–156–AD; Amendment 39–13478; AD 2004–03–34] (RIN: 2120–AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7131. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Manokotak, AK [Docket No. FAA–2003–16083; Airspace Docket No. 03–AAl-19] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7132. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Greenfield, IA. [Docket No. FAA–2003–16504; Airspace Docket No. 03–ACE–88] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7133. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727 Series Airplanes Modified in Accordance With Supplemental Type Certificate SA1368SO, SA1797SO, or SA1798SO [Docket No. 97–NM–233–AD; Amendment 39–12859; AD 2002–16–20] (RIN: 2120–AA64) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7134. A letter from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Common Mistakes on Tax Returns [Notice 2004–13] received March 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7135. A letter from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Frivolous Arguments to Avoid [Notice 2004–22] received March 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7136. A letter from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Citizens or Residents of the United States Living Abroad (Rev. Rul. 2004–28) received March 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7137. A letter from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—1986 Code (Rev. Rul. 2004–27) received March 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7138. A letter from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—1986 Code (Rev. Rul. 2004–29) received March 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7139. A letter from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Income from Sources within the United States (Rev. Rul. 2004–30) received March 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7140. A letter from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—1986 Code (Rev. Rul. 2004–34) received March 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶21.4 APPROVAL OF THE JOURNAL—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. REHBERG, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the Chair's approval of the Journal of Tuesday, March 9, 2004.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. REHBERG, announced that the yeas had it.

Mr. McNULTY objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared	Yeas	353
	Nays	41
	Answered present	1

¶21.5 [Roll No. 45]

YEAS—353

Abercrombie	Dooley (CA)	Kolbe
Ackerman	Doolittle	LaHood
Akin	Doyle	Lampson
Alexander	Dreier	Langevin
Allen	Duncan	Lantos
Andrews	Dunn	Larson (CT)
Baca	Edwards	Leach
Bachus	Ehlers	Lee
Baker	Emanuel	Levin
Ballance	Emerson	Lewis (CA)
Ballenger	Engel	Lewis (KY)
Barrett (SC)	Eshoo	Linder
Bartlett (MD)	Etheridge	Lipinski
Bass	Evans	Lowey
Beauprez	Everett	Lucas (KY)
Becerra	Farr	Lucas (OK)
Bereuter	Fattah	Lynch
Berkley	Feeney	Majette
Berman	Ferguson	Maloney
Berry	Flake	Manzullo
Biggert	Foley	Markey
Bilirakis	Forbes	Marshall
Bishop (GA)	Ford	Matheson
Bishop (NY)	Frank (MA)	Matsui
Bishop (UT)	Franks (AZ)	McCarthy (MO)
Blumenauer	Frelinghuysen	McCarthy (NY)
Blunt	Frost	McCollum
Boehlert	Gallegly	McCotter
Boehner	Garrett (NJ)	McCrery
Bonilla	Gerlach	McGovern
Bonner	Gibbons	McHugh
Bono	Gilchrest	McInnis
Boozman	Gingrey	McIntyre
Boswell	Goode	McKeon
Boucher	Goodlatte	Meehan
Boyd	Gordon	Meek (FL)
Bradley (NH)	Goss	Meeks (NY)
Brady (TX)	Green (WI)	Menendez
Brown (OH)	Grijalva	Mica
Brown (SC)	Gutierrez	Michaud
Brown, Corrine	Gutknecht	Millender-McDonald
Brown-Waite, Ginny	Harman	Miller (MI)
Burgess	Harris	Miller (NC)
Burns	Hart	Miller, Gary
Burr	Hastings (FL)	Mollohan
Burton (IN)	Hastings (WA)	Moore
Buyer	Hayes	Murphy
Calvert	Hayworth	Murtha
Camp	Hensarling	Musgrave
Cannon	Herger	Myrick
Cantor	Hill	Nadler
Capito	Hobson	Napolitano
Capps	Hoeffel	Neal (MA)
Cardin	Hoekstra	Nethercutt
Cardoza	Holden	Neugebauer
Carson (IN)	Honda	Ney
Carson (OK)	Hooley (OR)	Northup
Case	Hostettler	Norwood
Castle	Houghton	Nunes
Chabot	Hoyer	Nussle
Chandler	Hunter	Obey
Chocola	Hyde	Osborne
Clyburn	Inslee	Ose
Coble	Isakson	Oxley
Cole	Israel	Pallone
Collins	Issa	Pascrell
Conyers	Istook	Pastor
Cooper	Jackson (IL)	Paul
Cramer	Jefferson	Payne
Crenshaw	Jenkins	Pearce
Crowley	John	Pelosi
Cubin	Johnson (CT)	Pence
Culberson	Johnson (IL)	Peterson (PA)
Cunningham	Johnson, E. B.	Petri
Davis (AL)	Jones (NC)	Pickering
Davis (CA)	Jones (OH)	Pitts
Davis (FL)	Kanjorski	Platts
Davis (TN)	Kaptur	Pombo
Davis, Jo Ann	Keller	Pomeroy
Davis, Tom	Kelly	Porter
Deal (GA)	Kennedy (MN)	Portman
DeGette	Kildee	Price (NC)
Delahunt	Kilpatrick	Pryce (OH)
DeLauro	Kind	Putnam
DeLay	King (IA)	Quinn
DeMint	King (NY)	Radanovich
Deutsch	Kingston	Rahall
Diaz-Balart, L.	Kirk	Rangel
Dicks	Kleczka	Regula
Dingell	Kline	Rehberg
	Knollenberg	

Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Stark
Stearns
Stenholm
Sullivan
Tanner
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—41

Aderholt
Baird
Baldwin
Brady (PA)
Capuano
Costello
DeFazio
English
Filner
Gillmor
Graves
Green (TX)
Hefley
Holt
Hulshof
Larsen (WA)
Latham
Lewis (GA)
LoBiondo
McDermott
McNulty
Miller, George
Moran (KS)
Oberstar
Olver
Otter
Peterson (MN)
Ramstad
Sabo
Schakowsky
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (NM)
Velázquez
Visclosky
Waters
Weller

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—38

Barton (TX)
Bell
Blackburn
Carter
Clay
Cox
Crane
Cummings
Davis (IL)
Diaz-Balart, M.
Doggett
Fossella
Gephardt
Gonzalez
Granger
Greenwood
Hall
Hinchey
Hinojosa
Jackson-Lee (TX)
Johnson, Sam
Kennedy (RI)
Kucinich
LaTourette
Lofgren
Miller (FL)
Moran (VA)
Ortiz
Owens
Reyes
Rodriguez
Schiff
Spratt
Sweeney
Tauzin
Toomey
Udall (CO)
Wicker

So the Journal was approved.

¶21.6 S. 1881—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. REHBERG, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill of the Senate (S. 1881) to amend the Federal Food, Drug, and Cosmetic Act to make technical corrections relating to the amendments by the Medical Device User Fee and Modernization Act of 2002, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 396 / Nays 0

¶21.7 [Roll No. 46]

YEAS—396

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—37

Barton (TX)
Bell
Bishop (GA)
Carter
Clay
Cox
Crane
Cummings
Davis (IL)
Diaz-Balart, M.
Doggett
Fossella
Gephardt
Gonzalez
Granger
Greenwood
Hall
Hinchey
Hinojosa
Jackson-Lee (TX)
Johnson, Sam
Kennedy (RI)
Kucinich
LaTourette
Lofgren
Miller (FL)
Moran (VA)
Ortiz
Owens
Reyes
Rodriguez
Schiff
Sweeney
Tauzin
Toomey
Udall (CO)
Wicker

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said amendment.

¶21.8 H. CON. RES. 373—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. REHBERG, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 373) expressing the sense of congress that Kids Love a Mystery is a program that literacy and should be encouraged.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 388 / Nays ..... 11 / Answered present 1

¶21.9 [Roll No. 47]

YEAS—388

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt

Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goodlatte
Gordon
Goss
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—11

Burgess
Collins
Everett
Flake
Goode
Hefley
Jones (NC)
Kingston
Paul
Royce
Tancredo

ANSWERED ''PRESENT''—1

Souder

NOT VOTING—33

Ackerman
Barton (TX)
Bell
Carter
Clay
Cox
Crane
Cummings
Davis (IL)
Doggett
Gephardt
Gonzalez
Granger
Hall
Hinchey
Hinojosa
Jackson-Lee (TX)
Johnson, Sam
Kennedy (RI)
Kucinich
LaTourette
Lofgren
Miller (FL)
Moran (VA)
Ortiz
Owens
Reyes
Rodriguez
Schiff
Tauzin
Toomey
Udall (CO)
Wicker

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶21.10 PROVIDING FOR THE CONSIDERATION OF H.R. 339

Mr. SESSIONS, by direction of the Committee on Rules, called up the following resolution (H. Res. 552):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 339) to prevent frivolous lawsuits against the manufacturers, distributors, or sellers of food or non-alcoholic beverage products that comply with applicable statutory and regulatory requirements. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Mr. SESSIONS, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶21.11 STATE JUSTICE INSTITUTE

Mr. SENSENBRENNER moved to suspend the rules and pass the bill (H.R. 2714) to reauthorize the State Justice Institute; as amended.

The SPEAKER pro tempore, Mr. REHBERG, recognized Mr. SENSENBRENNER and Mr. BERMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶21.12 COOPERATIVE RESEARCH AND TECHNOLOGY ENHANCEMENT

Mr. SENSENBRENNER moved to suspend the rules and pass the bill (H.R. 2391) to amend title 35, United States Code, to promote research among universities, the public sector, and private enterprise; as amended.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. SENSENBRENNER and Mr. BERMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to amend title 35, United States Code, to promote cooperative research involving universities, the public sector, and private enterprises.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶21.13 PERSONAL RESPONSIBILITY IN FOOD CONSUMPTION

The SPEAKER pro tempore, Mr. SMITH of Texas, pursuant to House Resolution 552 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 339) to prevent frivolous lawsuits against the manufacturers, distributors, or sellers of food or non-alcoholic beverage products that comply with applicable statutory and regulatory requirements.

The SPEAKER pro tempore, Mr. SMITH of Texas, by unanimous consent, designated Mr. CULBERSON as Chairman of the Committee of the Whole; and after some time spent therein,

¶21.14 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 6, submitted by Mr. SCOTT of Virginia:

At the end of the bill (preceding the amendment to the long title), insert the following new section:

SEC. 5. STATE CONSUMER PROTECTION ACTIONS.

Notwithstanding any other provision to the contrary in this Act, this Act does not apply to an action brought by a State agency to enforce a State consumer protection law concerning mislabeling or other unfair and deceptive trade practices.

It was decided in the negative { Yeas ..... 177 / Nays ..... 241 }

¶21.15 [Roll No. 48]

AYES—177

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frost
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—241

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

NOT VOTING—15

Ballance
Bell
Berkley
Conyers
Davis (IL)
Fattah
Frank (MA)
Gephardt
Hinojosa
Kucinich
Miller (FL)
Rodriguez
Tauzin
Udall (CO)
Wicker

So the amendment was not agreed to.

¶21.16 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 7, submitted by Mr. WATT:

Section 3(a), strike ''or State''.

It was decided in the negative { Yeas ..... 158 / Nays ..... 261 }

¶21.17 [Roll No. 49]

AYES—158

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Becerra
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Case
Chandler
Clay
Clyburn
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frost
Gonzalez
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Hill
Hinchey
Hoeffel
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Lampson
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Price (NC)
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Stark
Strickland
Stupak
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOES—261

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

NOT VOTING—14

Ballance
Bell
Berkley
Conyers
Davis (IL)
Frank (MA)
Gephardt
Hinojosa
Kucinich
Miller (FL)
Rodriguez
Tauzin
Udall (CO)
Wicker

So the amendment was not agreed to.

¶21.18 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2, submitted by Mr. ANDREWS:

Section 4(4), insert before the period at the end the following: ''", except that a food that contains a genetically engineered material is not a qualified product unless the labeling for such food bears a statement providing that the food contains such material and the labeling indicates which of the ingredients of the food are or contain such material''.

It was decided in the negative ..... { Yeas ..... 129 / Nays 285

¶21.19 [Roll No. 50]

AYES—129

Abercrombie
Ackerman
Allen
Andrews
Baldwin
Ballance
Becerra
Bishop (NY)
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Carson (IN)
Case
Clyburn
Costello
Crowley
Cummings
Davis (CA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frost
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Hoeffel
Holt
Honda
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Lampson
Langevin
Lantos
Larson (CT)
Lee
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Millender-McDonald
Miller, George
Mollohan
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Rahall
Rangel
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Slaughter
Solis
Stark
Stupak
Thompson (CA)
Thompson (MS)
Tierney
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Weiner
Wexler
Wu

NOES—285

Aderholt
Akin
Alexander
Baca
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Castle
Chabot
Chandler
Chocola
Clay
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Etheridge
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoekstra
Holden
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Issa
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Meeks (NY)
Menendez
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spratt
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—19

Bell
Berkley
Conyers
Davis (IL)
Frank (MA)
Gephardt
Hinojosa
Istook
Jones (NC)
Kucinich
Miller (FL)
Radanovich
Rodriguez
Souder
Strickland
Tauzin
Udall (CO)
Wicker
Woolsey

So the amendment was not agreed to.

¶21.20 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, submitted by Mr. ACKERMAN:

Section 4(2), insert after the period at the end the following: ''However, such term shall not include any slaughtering, packing, meat canning, rendering, or similar establishment that manufactures or distributes for human consumption any cattle, sheep, swine, goats, or horses, mules, or other equines, that, at the point of examination and inspection as required by section 3(a) of the Federal Meat Inspection Act (21 USC 603(a)), are unable to stand or walk unassisted at such establishment.''.

Section 4(6), insert after the period at the end the following: ''However, such term shall not include any slaughtering, packing, meat canning, rendering, or similar establishment that distributes for human consumption any cattle, sheep, swine, goats, or horses, or mules, or other equines, that, at the point of examination and inspection as required by section 3(a) of the Federal Meat Inspection Act (21 USC 603(a)), are unable to stand or walk unassisted at such establishment.''.

It was decided in the negative ..... { Yeas ..... 141 / Nays 276

¶21.21 [Roll No. 51]

AYES—141

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Becerra
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Case
Clay
Clyburn
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Engel
Eshoo
Evans
Farr
Fattah
Filner
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Lampson
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller, George
Mollohan
Moore
Murtha
Nadler
Napolitano
Neal (MA)
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Price (NC)
Rahall
Rangel
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Slaughter
Snyder
Solis
Stark
Stupak
Tancredo
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOES—276

Aderholt
Akin
Alexander
Bachus
Baird
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Castle
Chabot
Chandler
Chocola
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Etheridge
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Majette
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Menendez
Mica
Miller (MI)
Miller (NC)
Miller, Gary
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Souder
Spratt
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tanner
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—16

Bell
Berkley
Conyers
Davis (IL)
Frank (MA)
Gephardt
Hinojosa
Kucinich
Miller (FL)
Oxley
Rodriguez
Simpson
Smith (NJ)
Tauzin
Udall (CO)
Wicker

So the amendment was not agreed to.

After some further time,

¶21.22 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 10, submitted by Ms. JACKSON-LEE of Texas:

At the end of the bill (preceding the amendment to the long title), insert the following new section:

SEC. 5. ACTIONS INVOLVING WEIGHT-LOSS PRODUCTS.

Notwithstanding any other provision of this Act, this Act shall not apply to an action alleging that a product claiming to assist in weight loss caused heart disease, heart damage, primary pulmonary hypertension, neuropsychologocal damage, or any other complication which may also be generally associated with a person's weight gain or obesity.

It was decided in the negative ..... { Yeas ..... 166 / Nays 250

¶21.23 [Roll No. 52]

AYES—166

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Ballance
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Crowley
Cummings
Davis (AL)
Davis (CA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frost
Gonzalez
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Hill
Hinchey
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Lampson
Langevin
Lantos
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—250

Aderholt
Akin
Alexander
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)

Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Menendez
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Bell
Berkley
Cardoza
Davis (IL)
Frank (MA)
Gephardt
Gibbons
Goss
Harman
Hinojosa
Kucinich
Miller (FL)
Pelosi
Rodriguez
Tauzin
Udall (CO)
Wicker

So the amendment was not agreed to.

¶21.24 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 8, submitted by Mr. WATT:

Strike section 3(b).

It was decided in the negative ..... { Yeas ..... 164 / Nays 249

¶21.25 [Roll No. 53]

AYES—164

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Ballance
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Coble
Conyers
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frost
Gonzalez
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Hill
Hinchey
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Lampson
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey

NOES—249

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

NOT VOTING—20

Bell
Berkley
Bono
Cardoza
Davis (IL)
Frank (MA)
Gephardt
Gibbons
Goss
Harman
Hinojosa
Hunter
Istook
Kucinich
Miller (FL)
Pelosi
Rodriguez
Tauzin
Udall (CO)
Wicker

So the amendment was not agreed to.

The SPEAKER pro tempore, Mr. SIMPSON, assumed the Chair.

When Mr. BASS, Chairman, pursuant to House Resolution 552, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Personal Responsibility in Food Consumption Act''.

SEC. 2. PURPOSE.

The purpose of this Act is to allow Congress, State legislatures, and regulatory agencies to determine appropriate laws, rules, and regulations to address the problems of weight gain, obesity, and health conditions associated with weight gain or obesity.

SEC. 3. PRESERVATION OF SEPARATION OF POWERS.

(a) IN GENERAL.—A qualified civil liability action may not be brought in any Federal or State court.

(b) DISMISSAL OF PENDING ACTIONS.—A qualified civil liability action that is pending on the date of the enactment of this Act shall be dismissed immediately by the court in which the action was brought or is currently pending.

(c) DISCOVERY.—

(1) STAY.—In any action of the type described in clause (i) or (ii) of section 4(5)(B), all discovery and other proceedings shall be stayed during the pendency of any motion to dismiss unless the court finds upon motion of any party that particularized discovery is necessary to preserve evidence or to prevent undue prejudice to that party.

(2) RESPONSIBILITY OF PARTIES.—During the pendency of any stay of discovery under paragraph (1), unless otherwise ordered by the court, any party to the action with actual notice of the allegations contained in the complaint shall treat all documents, data compilations (including electronically recorded or stored data), and tangible objects that are in the custody or control of such person and that are relevant to the allegations, as if they were the subject of a continuing request for production of documents from an opposing party under applicable Federal or State rules of civil procedure, as the case may be. A party aggrieved by the willful failure of an opposing party to comply with this paragraph may apply to the

court for an order awarding appropriate sanctions.

(d) PLEADINGS.—In any action of the type described in section 4(5)(B)(i), the complaint initiating such action shall state with particularity the Federal and State statutes that were allegedly violated and the facts that are alleged to have proximately caused the injury claimed.

SEC. 4. DEFINITIONS.

In this Act:

(1) ENGAGED IN THE BUSINESS.—The term ''engaged in the business'' means a person who manufactures, markets, distributes, advertises, or sells a qualified product in the person's regular course of trade or business.

(2) MANUFACTURER.—The term ''manufacturer'' means, with respect to a qualified product, a person who is lawfully engaged in the business of manufacturing the product in interstate or foreign commerce.

(3) PERSON.—The term ''person'' means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity, including any governmental entity.

(4) QUALIFIED PRODUCT.—The term ''qualified product'' means a food (as defined in section 201(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(f))).

(5) QUALIFIED CIVIL LIABILITY ACTION.—(A) Subject to subparagraphs (B) and (C), the term ''qualified civil liability action'' means a civil action brought by any person against a manufacturer or seller of a qualified product, or a trade association, for damages, penalties, declaratory judgment, injunctive or declaratory relief, restitution, or other relief arising out of, related to, or resulting in injury or potential injury resulting from a person's consumption of a qualified product and weight gain, obesity, or any health condition that is associated with a person's weight gain or obesity, including an action brought by a person other than the person on whose weight gain, obesity, or health condition the action is based, and any derivative action brought by or on behalf of any person or any representative, spouse, parent, child, or other relative of any person.

(B) Such term shall not include—

(i) an action in which a manufacturer or seller of a qualified product knowingly and willfully violated a Federal or State statute applicable to the manufacturing, marketing, distribution, advertisement, labeling, or sale of the product, and the violation was a proximate cause of injury related to a person's weight gain, obesity, or any health condition associated with a person's weight gain or obesity; or

(ii) an action for breach of express contract or express warranty in connection with the purchase of a qualified product.

(C) Such term shall not be construed to include an action brought under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(6) SELLER.—The term ''seller'' means, with respect to a qualified product, a person lawfully engaged in the business of marketing, distributing, advertising, or selling a qualified product in interstate or foreign commerce.

(7) STATE.—The term ''State'' includes each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States, and any political subdivision of any such place.

(8) TRADE ASSOCIATION.—The term ''trade association'' means any association or business organization (whether or not incorporated under Federal or State law) that is not operated for profit, and 2 or more members of which are manufacturers, marketers, distributors, advertisers, or sellers of a qualified product.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. SENSENBRENNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 276 / Nays 139

¶21.26 [Roll No. 54]

YEAS—276

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

NAYS—139

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Ballance
Becerra
Berman
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Case
Chandler
Clay
Clyburn
Conyers
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frost
Gonzalez
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Hoeffel
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Lantos
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Price (NC)
Rahall
Rangel
Reyes
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Slaughter
Snyder
Solis
Stark
Strickland
Stupak
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey

NOT VOTING—18

Bell
Berkley
Cardoza
Carson (IN)
Davis (IL)
Frank (MA)
Gephardt
Gibbons
Goss
Harman
Hinojosa
Kucinich
Miller (FL)
Pelosi
Rodriguez
Tauzin
Udall (CO)
Wicker

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

By unanimous consent, the title was amended so as to read: ''An Act to prevent legislative and regulatory functions from being usurped by civil liability actions brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for claims of injury relating to a person's weight gain,

obesity, or any health condition associated with weight gain or obesity.''.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶21.27 COMMITTEE ELECTION—MAJORITY

Mr. LEACH, by unanimous consent, submitted the following resolution (H. Res. 553):

Resolved, That the following Members be and are hereby elected to the following standing committee of the House of Representatives:

Committee on Government Reform: Mr. Tiberi and Ms. Harris.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶21.28 REPUBLIC DAY

Mr. LEACH moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 15):

Whereas the Republic of India is the world's largest democracy;

Whereas on January 26, 1950, India adopted its Constitution, which formalized India as a parliamentary democracy;

Whereas the celebration of India's Republic Day on January 26th is the second most important national holiday after Independence Day;

Whereas the framers of India's Constitution were greatly influenced by the American Founding Fathers James Madison, Alexander Hamilton, and John Adams;

Whereas among the rights and freedoms provided to the people of India under its Constitution is universal suffrage for all men and women over the age of eighteen;

Whereas India's Constitution adopted the American ideals of equality for all citizens, regardless of faith, gender, or ethnicity;

Whereas the basic freedoms we cherish in America such as the freedom of speech, freedom of association, and freedom of religion are also recognized in India;

Whereas Mohandas Mahatma Gandhi is recognized around the world as the father of India's nonviolent struggle for independence;

Whereas people of many faiths, including Hindus, Muslims, Sikhs, and Christians, were united in securing India's freedom from colonial rule and have all served in various capacities in high-ranking government positions;

Whereas the Republic of India has faithfully adhered to the principles of democracy by continuing to hold elections on a regular basis on the local, regional, and national levels;

Whereas the people of the United States and the Republic of India have a common bond of shared values and a strong commitment to democratic principles; and

Whereas President George W. Bush and Prime Minister Atal Bihari Vajpayee are elected leaders of the world's two largest democracies and are actively cultivating strong ties between the United States and India: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) commends India on its celebration of Republic Day; and

(2) reiterates its support for continued strong relations between the United States and India.

The SPEAKER pro tempore, Mrs. MILLER of Michigan, recognized Mr. LEACH and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mrs. MILLER of Michigan, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. MILLER of Michigan, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Thursday, March 11, 2004.

¶21.29 CONDOLENCES OF MACEDONIAN PRESIDENT BORIS TRAJKOVSKI

Mr. BEREUTER moved to suspend the rules and agree to the following resolution (H. Res. 540); as amended:

Whereas on February 26, 2004, President Boris Trajkovski of the Republic of Macedonia was tragically killed in a plane crash in Bosnia-Herzegovina while he was on his way to an international investment conference;

Whereas Mr. Trajkovski served Macedonia as Deputy Minister of Foreign Affairs from December 21, 1998 until he was inaugurated as President on December 15, 1999;

Whereas Mr. Trajkovski stood up for what he believed was right and moral, even when he faced opposition within Macedonia;

Whereas under Mr. Trajkovski's leadership, Macedonia was one of the first countries to publicly support Operation Iraqi Freedom and to commit troops to the effort;

Whereas during Macedonia's armed ethnic clashes Mr. Trajkovski demonstrated his willingness to work with all of Macedonia's ethnic groups, which helped to prevent a civil war;

Whereas Mr. Trajkovski was a strong believer in free markets and worked tirelessly to bring development and investment to Macedonia;

Whereas under President Trajkovski's leadership, Macedonia negotiated an agreement with the United States under Article 98 of the Rome Statute of the International Criminal Court, signed the agreement on June 30, 2003, and ratified the agreement on October 16, 2003, thereby helping to ensure United States citizens will not be subject to politically motivated prosecutions;

Whereas Mr. Trajkovski worked to foster peace for the entire Balkan region and to integrate Macedonia into the international community; and

Whereas the death of Mr. Trajkovski is a tragedy for the people of Macedonia: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its deepest sympathies to the people of the Republic of Macedonia, the family of President Boris Trajkovski, and the families of the other crash victims;

(2) expresses its desire for a smooth and orderly transition of power; and

(3) expresses the solidarity of the people of the United States with the people of Macedonia and the Macedonian Government during this tragedy.

The SPEAKER pro tempore, Mrs. MILLER of Michigan, recognized Mr. BEREUTER and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mrs. MILLER of Michigan, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. MILLER of Michigan, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Thursday, March 11, 2004.

¶21.30 PROVIDING FOR THE CONSIDERATION OF H.R. 3717

Mrs. MYRICK, by direction of the Committee on Rules, reported (Rept. No. 108–436) the resolution (H. Res. 554) providing for consideration of the bill (H.R. 3717) to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language.

When said resolution and report were referred to the House Calendar and ordered printed.

¶21.31 RECESS—6:46 P.M.

The SPEAKER pro tempore, Mrs. MILLER of Michigan, pursuant to clause 12(a) of rule I, declared the House in recess at 6 o'clock and 46 minutes p.m., subject to the call of the Chair.

¶21.32 AFTER RECESS—7:43 P.M.

The SPEAKER pro tempore, Mr. GERLACH, called the House to order.

¶21.33 SMALL BUSINESS INVESTMENT TEMPORARY EXTENSION OF PROGRAMS

Mr. MANZULLO moved to suspend the rules and pass the bill (H.R. 3915) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through May 21, 2004, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. GERLACH, recognized Mr. MANZULLO and Ms. VELAZQUEZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. GERLACH, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through April 2, 2004, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶21.34 NATIONAL PRISON RAPE REDUCTION COMMISSION

The SPEAKER pro tempore, Mr. GERLACH, pursuant to section 7(b)(1) of the Prison Rape Elimination Act of 2003 (42 United States Code 15606), and the order of the House of December 8, 2003, the Chair announced the Speaker's appointment of the following Member on the part of the House to the National Prison Rape Reduction Commission: Mr. Pat Nolan, Leesburg, Virginia.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶21.35 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Ms. BERKLEY, for today after 3 p.m. and balance of the week;

To Mr. CARDOZA, for today after 4:15 p.m. and balance of the week;

To Ms. HARMAN, for today after 5 p.m.;

To Mr. ORTIZ, for today before noon;

To Mr. REYES, for today and March 9; and

To Mr. WICKER, for today and balance of the week.

And then,

¶21.36 ADJOURNMENT

On motion of Mr. PALLONE, at 10 o'clock and 32 minutes p.m., the House adjourned.

¶21.37 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mrs. MYRICK: Committee on Rules. House Resolution 554. Resolution providing for consideration of the bill (H.R. 3717) to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language (Rept. 108–436). Referred to the House Calendar.

¶21.38 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KIRK (for himself, Mr. BASS, Mr. CASTLE, Mr. EHLERS, Mr. FEENEY, Mr. FRANKS of Arizona, Mr. GIBBONS, Mr. GILLMOR, Mr. HOUGHTON, Mrs. KELLY, Mrs. MYRICK, Mr. PLATTS, Mr. RYAN of Wisconsin, Mr. SHAYS, Mr. UPTON, Mrs. BIGGERT, and Mrs. JOHNSON of Connecticut):

H.R. 3925. A bill to amend the Congressional Budget Act of 1974 and the Balanced Budget and Emergency Deficit Control Act of 1985 to reform Federal budget procedures, provide for budget discipline, accurately account for Government spending, and for other purposes; to the Committee on the Budget, for a period ending not later than June 1, 2004, and in addition to the Committees on Rules, Ways and Means, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS (for himself, Mr. BROWN of Ohio, Mr. BARTON of Texas, Mr. DINGELL, Mr. UPTON, Mr. WAXMAN, Mr. BURR, and Mr. PALLONE):

H.R. 3926. A bill to amend the Public Health Service Act to promote organ donation, and for other purposes; to the Committee on Energy and Commerce.

By Mr. EMANUEL (for himself, Mr. FRANK of Massachusetts, Mr. WEINER, Mr. DEUTSCH, Mr. WAXMAN, Mr. LANTOS, Mr. ENGEL, Mr. ACKERMAN, Mr. ISRAEL, Mr. BERMAN, Mrs. MCCARTHY of New York, Mr. MICHAUD, Mr. NADLER, Ms. SCHAKOWSKY, Mr. CARDIN, Mrs. LOWEY, and Mr. WEXLER):

H.R. 3927. A bill to prohibit discrimination in the provision of life insurance on the basis of a person's previous lawful travel experiences; to the Committee on Financial Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FALEOMAVAEGA:

H.R. 3928. A bill to amend title 10, United States Code, to allow nationals of the United States to attend military service academies and receive Reserve Officers' Training Corps (ROTC) scholarships on the condition that the individual naturalize before graduation; to the Committee on Armed Services.

By Mr. GILLMOR (for himself and Mr. POMEROY):

H.R. 3929. A bill to establish a national sex offender registration database, and for other purposes; to the Committee on the Judiciary.

By Ms. HOOLEY of Oregon:

H.R. 3930. A bill to amend the Richard B. Russell National School Lunch Act to improve the summer food service program for children; to the Committee on Education and the Workforce.

By Mr. KING of New York:

H.R. 3931. A bill to provide for certain tunnel life safety and rehabilitation projects for Amtrak; to the Committee on Transportation and Infrastructure.

By Mr. NUNES:

H.R. 3932. A bill to amend Public Law 99-338 to authorize the continued use of certain lands within the Sequoia National Park by portions of an existing hydroelectric project; to the Committee on Resources.

By Mr. RAMSTAD (for himself and Mr. CRANE):

H.R. 3933. A bill to repeal section 754 of the Tariff Act of 1930; to the Committee on Ways and Means.

By Mr. WEINER (for himself, Mr. FERGUSON, Mr. WEXLER, Ms. BERKLEY, Ms. JACKSON-LEE of Texas, Mr. NADLER, Mr. DEUTSCH, and Mr. ISRAEL):

H.R. 3934. A bill to halt the issuance of visas to citizens of Saudi Arabia until the President certifies that the Kingdom of Saudi Arabia does not discriminate in the issuance of visas on the basis of religious affiliation or heritage; to the Committee on the Judiciary.

By Mr. WU:

H.R. 3935. A bill to amend title XVIII of the Social Security Act to provide geographic equity in fee-for-service reimbursement for providers under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COOPER (for himself and Mr. CUNNINGHAM):

H. Con. Res. 380. Concurrent resolution recognizing the benefits and importance of school-based music education; to the Committee on Education and the Workforce.

By Mr. RYUN of Kansas (for himself, Mr. ENGEL, and Mr. WALSH):

H. Con. Res. 381. Concurrent resolution supporting the goals and ideals of Tinnitus Awareness Week; to the Committee on Energy and Commerce.

By Mr. LEACH:

H. Res. 553. A resolution electing Members to a certain standing committee of the House of Representatives; considered and agreed to.

By Mr. MEEKS of New York:

H. Res. 555. A resolution expressing the heartfelt sympathy of the House of Representatives for the victims of the earthquake on February 24, 2004, near Al Hoceima, Morocco, and for other purposes; to the Committee on International Relations.

By Mr. MORAN of Virginia (for himself, Mrs. CUBIN, Mr. TOM DAVIS of Virginia, Mr. DICKS, Ms. ESHOO, Mr. KIND, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LOFGREN, Mr. REGULA, Mr. SMITH of Michigan, Mr. YOUNG of Florida, and Mr. BOEHLERT):

H. Res. 556. A resolution congratulating the United States Geological Survey on its 125th Anniversary; to the Committee on Resources.

¶21.39 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. TOOMEY.
H.R. 31: Mr. SANDLIN.
H.R. 58: Mr. STENHOLM.
H.R. 97: Mr. GRIJALVA, Mr. NEY, Mr. WILSON of South Carolina, Mr. DAVIS of Tennessee, and Mr. BACA.
H.R. 236: Mr. MICHAUD.
H.R. 369: Ms. LINDA T. SANCHEZ of California.
H.R. 463: Mr. SNYDER and Mr. RANGEL.
H.R. 676: Mr. ABERCROMBIE.
H.R. 677: Mr. MCGOVERN and Mr. WOLF.
H.R. 687: Mr. MURPHY.
H.R. 732: Mr. KLINE, Mr. WILSON of South Carolina, Mr. GORDON, Mr. KILDEE, Mr. ISRAEL, Mr. STUPAK, Mrs. MCCARTHY of New York, and Mr. KENNEDY of Minnesota.
H.R. 792: Mr. ROHRABACHER, Mr. TURNER of Ohio, and Mr. FILNER.
H.R. 857: Mr. SCOTT of Georgia.
H.R. 871: Mr. DEMINT.
H.R. 1078: Mr. DOYLE.
H.R. 1097: Mr. BERMAN and Mrs. MCCARTHY of New York.
H.R. 1105: Ms. MAJETTE.
H.R. 1214: Mr. DAVIS of Illinois, Mr. GEORGE MILLER of California, Mr. WU, Mr. HYDE, Mr. SIMMONS, and Mrs. CAPITO.
H.R. 1228: Mrs. CHRISTENSEN and Mr. STARK.
H.R. 1231: Mr. VITTER.
H.R. 1241: Mr. SHERMAN.
H.R. 1258: Mr. ISRAEL and Mr. FILNER.
H.R. 1534: Mr. BACA.
H.R. 1567: Mr. GINGREY.
H.R. 1608: Mr. GOSS and Mr. MCGOVERN.
H.R. 1613: Mrs. CHRISTENSEN, Mr. MCINTYRE and Ms. MCCOLLUM.
H.R. 1684: Ms. CORRINE BROWN of Florida, Mr. WEINER, and Mr. CUMMINGS.
H.R. 1749: Mr. LEACH.
H.R. 1767: Mr. HOEKSTRA.

H.R. 1769: Mr. MEEHAN and Mr. DAVIS of Florida.
H.R. 1861: Mr. PAYNE.
H.R. 1930: Mr. TIERNEY and Mr. GUTIERREZ.
H.R. 2037: Mr. MORAN of Kansas.
H.R. 2068: Mr. NADLER, Mr. LEACH, Ms. WATERS, and Mr. FILNER.
H.R. 2069: Mr. LEACH.
H.R. 2239: Mr. LEVIN.
H.R. 2339: Mr. FERGUSON.
H.R. 2402: Mr. FROST.
H.R. 2475: Ms. HARRIS.
H.R. 2482: Mr. BAIRD.
H.R. 2490: Ms. ROYBAL-ALLARD.
H.R. 2824: Ms. NORTON, Mrs. CAPPS, and Mr. BURGESS.
H.R. 2897: Mr. NADLER, Mr. ABERCROMBIE, and Mr. HINCHEY.
H.R. 2905: Mr. JENKINS, Ms. NORTON, Mr. SMITH of Washington, Mr. MORAN of Kansas, and Mr. HOSTETTLER.
H.R. 2926: Ms. SCHAKOWSKY.
H.R. 2932: Mr. FARR.
H.R. 2949: Mr. BAIRD.
H.R. 2971: Mr. OBEY.
H.R. 3103: Mr. WAMP.
H.R. 3125: Mr. JENKINS and Mr. STENHOLM.
H.R. 3142: Mr. NEAL of Massachusetts, Ms. SCHAKOWSKY, Mr. DOGGETT, and Mr. ISSA.
H.R. 3246: Mr. CANTOR.
H.R. 3257: Mr. RAHALL.
H.R. 3277: Ms. LEE.
H.R. 3295 Mrs. JOHNSON of Connecticut.
H.R. 3337: Mr. KIND.
H.R. 3377: Ms. NORTON, Ms. ROYBAL-ALLARD, and Mrs. CHRISTENSEN.
H.R. 3386: Mr. DAVIS of Illinois.
H.R. 3403: Mr. DEAL of Georgia and Mr. BURR.
H.R. 3416: Ms. ROYBAL-ALLARD.
H.R. 3441: Mr. BALLANCE, Mr. BOEHNER, Ms. WOOLSEY, Ms. CARSON of Indiana, Mr. BURR, Mr. TAYLOR of Mississippi, Mr. LUCAS of Kentucky, Mr. MCINTYRE, Mr. SNYDER, and Ms. LEE.
H.R. 3444: Mr. MCGOVERN.
H.R. 3474: Mr. SCHIFF, Mr. STENHOLM, Mr. HINOJOSA, and Mr. BOUCHER.
H.R. 3480: Mr. WOLF.
H.R. 3482: Mr. GREEN of Wisconsin.
H.R. 3507: Mr. MCNULTY.
H.R. 3528: Ms. JACKSON-LEE of Texas.
H.R. 3572: Mr. LEWIS of Georgia.
H.R. 3574: Mr. MATHESON, Ms. LORETTA SANCHEZ of California, Mr. GARY G. MILLER of California, and Mr. MORAN of Virginia.
H.R. 3599: Ms. MCCOLLUM.
H.R. 3643: Mr. FROST and Mr. WOLF.
H.R. 3664: Mrs. JO ANN DAVIS of Virginia.
H.R. 3668: Mr. STENHOLM.
H.R. 3673: Mr. CARDOZA and Mr. ANDREWS.
H.R. 3684: Ms. SCHAKOWSKY and Mr. SABO.
H.R. 3716: Mr. TURNER of Texas, Mr. BALLENGER, and Mr. BERRY.
H.R. 3719: Ms. CARSON of Indiana, Mr. RANGEL, Mr. CLAY, Mr. HOLT, Ms. LINDA T. SANCHEZ of California, and Mr. HOEFFEL.
H.R. 3745: Mr. SOUDER.
H.R. 3755: Mr. EMANUEL, Mr. MCCOTTER, and Mr. DELAHUNT.
H.R. 3763: Mr. ADERHOLT and Mr. VISCLOSKY.
H.R. 3764: Mr. KIND, Mr. DAVIS of Illinois, Mr. KUCINICH, Ms. WATSON, Mr. LANTOS, and Mrs. CAPITO.
H.R. 3773: Mr. RAMSTAD, Mr. AKIN, Mr. FOSSELLA, Mrs. MUSGRAVE, Mr. SESSIONS, Mr. CANTOR, Mr. FLAKE, and Mr. VITTER.
H.R. 3781: Mr. NUNES.
H.R. 3793: Mr. KING of New York.
H.R. 3799: Mr. MILLER of Florida, Mr. WAMP, and Mrs. JO ANN DAVIS of Virginia.
H.R. 3800: Mr. ISAKSON, Mr. UPTON, Mr. BROWN of South Carolina, Mr. SMITH of Texas, and Mr. BRADY of Texas.
H.R. 3846: Mr. WALDEN of Oregon.
H.R. 3881: Mr. JEFFERSON, Mr. SABO, Mr. MOORE, and Mr. OLVER.
H.R. 3901: Mr. AKIN, Mr. CHOCOLA, Mr. UPTON, and Mr. HASTINGS of Washington.
H.R. 3913: Mr. UPTON.
H.R. 3917: Mr. ACKERMAN, Mr. BISHOP of New York, Mr. BOEHLERT, Mr. CROWLEY, Mr. ENGEL, Mr. FOSSELLA, Mr. HINCHEY, Mr. HOUGHTON, Mrs. KELLY, Mr. KING of New York, Mrs. LOWEY, Mrs. MALONEY, Mrs. MCCARTHY of New York, Mr. MCHUGH, Mr. MCNULTY, Mr. MEEKS of New York, Mr. NADLER, Mr. OWENS, Mr. QUINN, Mr. RANGEL, Mr. REYNOLDS, Mr. SERRANO, Ms. SLAUGHTER, Mr. SWEENEY, Mr. TOWNS, Ms. VELÁZQUEZ, Mr. WALSH, and Mr. WEINER.
H.R. 3919: Ms. JACKSON-LEE of Texas, Mr. VAN HOLLEN, Mr. FRANK of Massachusetts, Mr. SANDERS, and Mr. DAVIS of Illinois.
H.R. 3921: Ms. BERKLEY.
H. Con. Res. 70: Mr. RUSH.
H. Con. Res. 98: Mr. NUNES.
H. Con. Res. 247: Mrs. MALONEY.
H. Con. Res. 285: Mr. CASE.
H. Con. Res. 314: Mr. LEWIS of Georgia.
H. Con. Res. 332: Mrs. EMERSON, Mr. CHOCOLA, and Mr. FOSSELLA.
H. Con. Res. 338: Mr. LANGEVIN.
H. Con. Res. 352: Mr. VAN HOLLEN and Mr. TIERNEY.
H. Con. Res. 356: Mr. STUPAK and Mr. EVANS.
H. Con. Res. 365: Mr. WILSON of South Carolina.
H. Con. Res. 366: Mr. ACKERMAN, Mr. ABERCROMBIE, Mr. LEWIS of Georgia, Mr. DEFAZIO, Mr. MCHUGH, Mr. VISCLOSKY, Mr. OBEY, Mr. BECERRA, and Mr. CONYERS.
H. Con. Res. 367: Mr. FLAKE.
H. Con. Res. 371: Mr. GREEN of Texas.
H. Res. 402: Mr. BURR.
H. Res. 446: Mr. GOODLATTE.
H. Res. 524: Mr. INSLEE and Mr. RANGEL.
H. Res. 540: Mr. SMITH of New Jersey.
H. Res. 542: Mr. MARKEY and Mr. GUTIERREZ.

THURSDAY, MARCH 11, 2004 (22)

The House was called to order by the SPEAKER.

¶22.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, March 10, 2004.

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

¶22.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

7141. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule — National Poultry Improvement Plan; Technical Amendment [Docket No. 03-017-3] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7142. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing 727 Series Airplanes Modified in Accordance With Supplemental Type Certificate SA1767SO or SA1768SO [Docket No. 97-NM-232-AD; Amendment 39-12858; AD 2002-16-19] (RIN: 2120-AA64) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7143. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727 Series Airplanes Modified in Accordance With Supplemental Type Certificate ST00015AT [Docket No. 97-NM-234-AD; Amendment 39-12860; AD 2002-16-21] (RIN: 2120-AA64) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7144. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Anti-drug and Alcohol Misuse Prevention Programs for Personnel Engaged in Specific Aviation Activities [Docket No. FAA-2002-11301; Amendment No. 121-302] (RIN: 2120-AH14) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7145. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No. 30402; Amdt. No. 446] received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7146. A letter from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Imposition of Accuracy Penalty; Imposition of Fraud Penalty; Frivolous Return Policy (Rev. Rul. 2004-33) received March 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7147. A letter from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Personal, living, and family expenses (Rev. Rul. 2004-32), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7148. A letter from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Depreciation of MACRS Property That is Acquired in a Like-kind Exchange or As a Result of an Involuntary Conversion [TD 9115] (RIN: 1545-BC27) received March 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7149. A letter from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Health Insurance Costs of Eligible Individuals (Rev. Proc. 2004-12) received March 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7150. A letter from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Appeals Settlement Guideline: All Industries; Losses Claimed and Income to be Reported from Lease In/Lease Out Transactions, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶22.3 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 355. A concurrent resolution congratulating the University of Delaware men's football team for winning the National Collegiate Athletic Association I–AA national championship.

¶22.4 PROVIDING FOR THE CONSIDERATION OF H.R. 3717

Mrs. MYRICK, by direction of the Committee on Rules, called up the following resolution (H. Res. 554):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the

House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3717) to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed ninety minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Mrs. MYRICK, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶22.5 BROADCAST DECENCY ENFORCEMENT

The SPEAKER pro tempore, Mrs. MYRICK, pursuant to House Resolution 554 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3717) to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language.

The SPEAKER pro tempore, Mrs. MYRICK, by unanimous consent, designated Mr. GOODLATTE as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. SESSIONS, assumed the Chair.

When Mr. ISAKSON, Chairman, pursuant to House Resolution 554, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Broadcast Decency Enforcement Act of 2004''.

SEC. 2. INCREASE IN PENALTIES FOR OBSCENE, INDECENT, AND PROFANE BROADCASTS.

Section 503(b)(2) of the Communications Act of 1934 (47 U.S.C. 503(b)(2)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;

(2) by inserting after subparagraph (B) the following new subparagraph:

''(C) Notwithstanding subparagraph (A), if the violator is (i) a broadcast station licensee or permittee, or (ii) an applicant for any broadcast license, permit, certificate, or other instrument or authorization issued by the Commission, and the violator is determined by the Commission under paragraph (1) to have broadcast obscene, indecent, or profane material, the amount of any forfeiture penalty determined under this section shall not exceed $500,000 for each violation.''; and

(3) in subparagraph (D), as redesignated by paragraph (1) of this subsection—

(A) by striking ''subparagraph (A) or (B)'' and inserting ''subparagraph (A), (B), or (C)''; and

(B) by adding at the end the following: ''Notwithstanding the preceding sentence, if the violator is determined by the Commission under paragraph (1) to have uttered obscene, indecent, or profane material (and the case is not covered by subparagraph (A), (B), or (C)), the amount of any forfeiture penalty determined under this section shall not exceed $500,000 for each violation.''.

SEC. 3. ADDITIONAL FACTORS IN INDECENCY PENALTIES; EXCEPTION.

Section 503(b)(2) of the Communications Act of 1934 (47 U.S.C. 503(b)(2)) is further amended by adding at the end (after subparagraph (E) as redesignated by section 2(1) of this Act) the following new subparagraphs:

''(F) In the case of a violation in which the violator is determined by the Commission under paragraph (1) to have uttered obscene, indecent, or profane material, the Commission shall take into account, in addition to the matters described in subparagraph (E), the following factors:

''(i) With respect to the degree of culpability of the violator, the following:

''(I) whether the material uttered by the violator was live or recorded, scripted or unscripted;

''(II) whether the violator had a reasonable opportunity to review recorded or scripted programming or had a reasonable basis to believe live or unscripted programming may contain obscene, indecent, or profane material;

''(III) if the violator originated live or unscripted programming, whether a time delay blocking mechanism was implemented for the programming;

''(IV) the size of the viewing or listening audience of the programming; and

''(V) whether the programming was part of a children's television program as described in the Commission's children's television programming policy (47 CFR 73.4050(c)).

''(ii) With respect to the violator's ability to pay, the following:

''(I) whether the violator is a company or individual; and

''(II) if the violator is a company, the size of the company and the size of the market served.

''(G) A broadcast station licensee or permittee that receives programming from a network organization, but that is not owned or controlled, or under common ownership or control with, such network organization, shall not be subject to a forfeiture penalty under this subsection for broadcasting obscene, indecent, or profane material, if—

''(i) such material was within live or recorded programming provided by the network organization to the licensee or permittee; and

''(ii)(I) the programming was recorded or scripted, and the licensee or permittee was not given a reasonable opportunity to review the programming in advance; or

''(II) the programming was live or unscripted, and the licensee or permittee had no reasonable basis to believe the programming would contain obscene, indecent, or profane material.

The Commission shall by rule define the term 'network organization' for purposes of this subparagraph.''.

SEC. 4. INDECENCY PENALTIES FOR NON-LICENSEES.

Section 503(b)(5) of the Communications Act of 1934 (47 U.S.C. 503(b)(5) is amended—

(1) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively;

(2) by inserting ''(A)'' after ''(5)'';

(3) by redesignating the second sentence as subparagraph (B);

(4) in such subparagraph (B) as redesignated—

(A) by striking ''The provisions of this paragraph shall not apply, however,'' and inserting ''The provisions of subparagraph (A) shall not apply (i)'';

(B) by striking ''operator, if the person'' and inserting ''operator, (ii) if the person'';

(C) by striking ''or in the case of'' and inserting ''(iii) in the case of''; and

(D) by inserting after ''that tower'' the following: '', or (iv) in the case of a determination that a person uttered obscene, indecent, or profane material that was broadcast by a broadcast station licensee or permittee, if the person is determined to have willfully or intentionally made the utterance''; and

(5) by redesignating the last sentence as subparagraph (C).

SEC. 5. DEADLINES FOR ACTION ON COMPLAINTS.

Section 503(b) of the Communications Act of 1934 (47 U.S.C. 503(b)) is amended by adding at the end thereof the following new paragraph:

''(7) In the case of an allegation concerning the utterance of obscene, indecent, or profane material that is broadcast by a station licensee or permittee—

''(A) within 180 days after the date of the receipt of such allegation, the Commission shall—

''(i) issue the required notice under paragraph (3) to such licensee or permittee or the person making such utterance;

''(ii) issue a notice of apparent liability to such licensee or permittee or person in accordance with paragraph (4); or

''(iii) notify such licensee, permittee, or person in writing, and any person submitting such allegation in writing or by general publication, that the Commission has determined not to issue either such notice; and

''(B) if the Commission issues such notice and such licensee, permittee, or person has

not paid a penalty or entered into a settlement with the Commission, within 270 days after the date of the receipt of such allegation, the Commission shall—

''(i) issue an order imposing a forfeiture penalty; or

''(ii) notify such licensee, permittee, or person in writing, and any person submitting such allegation in writing or by general publication, that the Commission has determined not to issue either such order.''.

SEC. 6. ADDITIONAL REMEDIES FOR INDECENT BROADCAST.

Section 503 of the Communications Act of 1934 (47 U.S.C. 503) is further amended by adding at the end the following new subsection:

''(c) ADDITIONAL REMEDIES FOR INDECENT BROADCASTING.—In any proceeding under this section in which the Commission determines that any broadcast station licensee or permittee has broadcast obscene, indecent, or profane material, the Commission may, in addition to imposing a penalty under this section, require the licensee or permittee to broadcast public service announcements that serve the educational and informational needs of children. Such announcements may be required to reach an audience that is up to 5 times the size of the audience that is estimated to have been reached by the obscene, indecent, or profane material, as determined in accordance with regulations prescribed by the Commission.''.

SEC. 7. LICENSE DISQUALIFICATION FOR VIOLATIONS OF INDECENCY PROHIBITIONS.

Section 503 of the Communications Act of 1934 (47 U.S.C. 503) is further amended by adding at the end (after subsection (c) as added by section 6) the following new subsection:

''(d) CONSIDERATION OF LICENSE DISQUALIFICATION FOR VIOLATIONS OF INDECENCY PROHIBITIONS.—If the Commission issues a notice under paragraph (3) or (4) of subsection (b) to a broadcast station licensee or permittee looking toward the imposition of a forfeiture penalty under this Act based on an allegation that the licensee or permittee broadcast obscene, indecent, or profane material, and either—

''(1) such forfeiture penalty has been paid, or

''(2) a court of competent jurisdiction has ordered payment of such forfeiture penalty, and such order has become final,

then the Commission shall, in any subsequent proceeding under section 308(b) or 310(d), take into consideration whether the broadcast of such material demonstrates a lack of character or other qualifications required to operate a station.''.

SEC. 8. LICENSE RENEWAL CONSIDERATION OF VIOLATIONS OF INDECENCY PROHIBITIONS.

Section 309(k) of the Communications Act of 1934 (47 U.S.C. 309(k)) is amended by adding at the end the following new paragraph:

''(5) LICENSE RENEWAL CONSIDERATION OF VIOLATIONS OF INDECENCY PROHIBITIONS.—If the Commission has issued a notice under paragraph (3) or (4) of section 503(b) to a broadcast station licensee or permittee with respect to a broadcast station looking toward the imposition of a forfeiture penalty under this Act based on an allegation that such broadcast station broadcast obscene, indecent, or profane material, and—

''(A) such forfeiture penalty has been paid, or

''(B) a court of competent jurisdiction has ordered payment of such forfeiture penalty, and such order has become final,

then such violation shall be treated as a serious violation for purposes of paragraph (1)(B) of this subsection with respect to the renewal of the license or permit for such station.''.

SEC. 9. LICENSE REVOCATION FOR VIOLATIONS OF INDECENCY PROHIBITIONS.

Section 312 of the Communications Act of 1934 (47 U.S.C. 312) is amended by adding at the end the following new subsection:

''(h) LICENSE REVOCATION FOR VIOLATIONS OF INDECENCY PROHIBITIONS.—

''(1) CONSEQUENCES OF MULTIPLE VIOLATIONS.—If, in each of 3 or more proceedings during the term of any broadcast license, the Commission issues a notice under paragraph (3) or (4) of section 503(b) to a broadcast station licensee or permittee with respect to a broadcast station looking toward the imposition of a forfeiture penalty under this Act based on an allegation that such broadcast station broadcast obscene, indecent, or profane material, and in each such proceeding either—

''(A) such forfeiture penalty has been paid, or

''(B) a court of competent jurisdiction has ordered payment of such forfeiture penalty, and such order has become final,

then the Commission shall commence a proceeding under subsection (a) of this section to consider whether the Commission should revoke the station license or construction permit of that licensee or permittee for such station.

''(2) PRESERVATION OF AUTHORITY.—Nothing in this subsection shall be construed to limit the authority of the Commission to commence a proceeding under subsection (a).''.

SEC. 10. REQUIRED CONTENTS OF ANNUAL REPORTS OF THE COMMISSION.

Each annual report submitted by the Federal Communications Commission after the date of enactment of this Act shall, in accordance with section 4(k)(2) of the Communications Act of 1934 (47 U.S.C. 154(k)(2)), include the following:

(1) The number of complaints received by the Commission during the year covered by the report alleging that a broadcast contained obscene, indecent, or profane material, and the number of programs to which such complaints relate.

(2) The number of those complaints that have been dismissed or denied by the Commission.

(3) The number of complaints that have remained pending at the end of the year covered by the annual report.

(4) The number of notices issued by the Commission under paragraph (3) or (4) of section 503(b) of the Communications Act of 1934 (47 U.S.C. 503(b)) during the year covered by the report to enforce the statutes, rules, and policies prohibiting the broadcasting of obscene, indecent, or profane material.

(5) For each such notice, a statement of—

(A) the amount of the proposed forfeiture;

(B) the program, station, and corporate parent to which the notice was issued;

(C) the length of time between the date on which the complaint was filed and the date on which the notice was issued; and

(D) the status of the proceeding.

(6) The number of forfeiture orders issued pursuant to section 503(b) of such Act during the year covered by the report to enforce the statutes, rules, and policies prohibiting the broadcasting of obscene, indecent, or profane material.

(7) For each such forfeiture order, a statement of—

(A) the amount assessed by the final forfeiture order;

(B) the program, station, and corporate parent to which it was issued;

(C) whether the licensee has paid the forfeiture order; and

(D) the amount paid by the licensee.

(8) In instances where the licensee has refused to pay, whether the Commission referred such order to the Department of Justice to collect the penalty.

(9) In cases where the Commission referred such order to the Department of Justice—

(A) the number of days from the date the Commission issued such order to the date the Commission referred such order to the Department;

(B) whether the Department has commenced an action to collect the penalty, and if such action was commenced, the number of days from the date the Commission referred such order to the Department to the date the action by the Department commenced; and

(C) whether the collection action resulted in a payment, and if such action resulted in a payment, the amount of such payment.

SEC. 11. GAO STUDY OF INDECENT BROADCASTING COMPLAINTS.

(a) INQUIRY AND REPORT REQUIRED.—The General Accounting Office shall conduct a study examining—

(1) the number of complaints concerning the broadcasting of obscene, indecent, and profane material to the Federal Communications Commission;

(2) the number of such complaints that result in final agency actions by the Commission;

(3) the length of time taken by the Commission in responding to such complaints;

(4) what mechanisms the Commission has established to receive, investigate, and respond to such complaints; and

(5) whether complainants to the Commission are adequately informed by the Commission of the responses to their complaints.

(b) SUBMISSION OF REPORT.—The General Accounting Office shall submit a report on the results of such study within one year after the date of enactment of this Act to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

SEC. 12. SENSE OF THE CONGRESS.

(a) REINSTATEMENT OF POLICY.—It is the sense of the Congress that the broadcast television station licensees should reinstitute a family viewing policy for broadcasters.

(b) DEFINITION.—For purposes of this section, a family viewing policy is a policy similar to the policy that existed in the United States from 1975 to 1983, as part of the National Association of Broadcaster's code of conduct for television, and that included the concept of a family viewing hour.

SEC. 13. IMPLEMENTATION.

(a) REGULATIONS.—The Commission shall prescribe regulations to implement the amendments made by this Act within 180 days after the date of enactment of this Act.

(b) PROSPECTIVE APPLICATION.—This Act and the amendments made by this Act shall not apply with respect to material broadcast before the date of enactment of this Act.

(c) SEPARABILITY.—Section 708 of the Communications Act of 1934 (47 U.S.C. 608) shall apply to this Act and the amendments made by this Act.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. SESSIONS, announced that the yeas had it.

Mr. UPTON demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 391; Nays ..... 22; Answered present 1

¶22.6 [Roll No. 55]

AYES—391

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanders
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—22

Ackerman
Baird
Berman
Clay
Grijalva
Harman
Honda
Jackson-Lee (TX)
Jones (OH)
Kucinich
Lee
Lewis (GA)
Lofgren
Nadler
Paul
Schakowsky
Scott (VA)
Serrano
Stark
Velázquez
Waters
Waxman

ANSWERED ''PRESENT''—1

Sherman

NOT VOTING—19

Bell
Berkley
Cardoza
Conyers
Davis (IL)
DeFazio
Doolittle
Fossella
Gibbons
John
King (NY)
Lewis (CA)
Maloney
Miller (FL)
Rodriguez
Sanchez, Loretta
Tauzin
Udall (CO)
Wicker

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

By unanimous consent, the title was amended so as to read: ''An Act to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane material, and for other purposes.''.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶22.7 H. CON. RES. 15—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 15) commending India on its celebration of Republic Day.

The question being put,

Will the House suspend the rules and pass said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 418; Nays 0

¶22.8 [Roll No. 56]

YEAS—418

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes

Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Bell
Berkley
Cardoza
Davis (IL)
DeFazio
Fossella
Gibbons
John
King (NY)
Lewis (CA)
Miller (FL)
Rodriguez
Tauzin
Udall (CO)
Wicker

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶22.9 H. RES. 540—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 540) expressing the condolences and deepest sympathies of the House of Representatives for the untimely death of Macedonian President Boris Trajkovski, as amended.

The question being put,

Will the House suspend the rules and pass said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 411 / Nays 0

¶22.10 [Roll No. 57]

YEAS—411

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—22

Bell
Berkley
Camp
Cardoza
Davis (IL)
DeFazio
Fossella
Gibbons
Istook
John
King (NY)
Lewis (CA)
Marshall
Miller (FL)
Norwood
Nunes
Pelosi
Rodriguez
Souder
Tauzin
Udall (CO)
Wicker

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶22.11 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

¶22.12 MESSAGE FROM THE PRESIDENT—NATIONAL EMERGENCY WITH RESPECT TO IRAN

The SPEAKER pro tempore, Mr. ISSA, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice,

stating that the Iran emergency is to continue in effect beyond March 15, 2004, to the Federal Register for publication. The most recent notice continuing this emergency was published in the Federal Register on March 14, 2003 (68 Fed. Reg. 12563).

The crisis between the United States and Iran constituted by the actions and policies of the Government of Iran, including its support for international terrorism, efforts to undermine Middle East peace, and acquisition of weapons of mass destruction and the means to deliver them, that led to the declaration of a national emergency on March 15, 1995, has not been resolved. These actions and policies are contrary to the interests of the United States in the region and pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to Iran and maintain in force comprehensive sections against Iran to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 10, 2004*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 108–173).

¶22.13 FURTHER MESSAGE FROM THE SENATE

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

S. Con. Res. 98. A concurrent resolution providing for a conditional adjournment or recess of the Senate.

¶22.14 ADJOURNMENT OVER

On motion of Mr. PEARCE, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at noon on Friday, March 12, 2004; and, further, that when the House adjourns on Friday, March 12, 2004, it adjourn to meet at 12:30 p.m. on Tuesday, March 16, 2004, for morning-hour debate.

¶22.15 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. PEARCE, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, March 17, 2004, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶22.16 ADJOURNMENT OF THE SENATE

Mr. PEARCE submitted the following privileged concurrent resolution of the Senate (S. Con. Res. 98):

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, March 11, or Friday, March 12, or Saturday, March 13, or Sunday, March 14, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until Monday, March 22, 2004, at 12 noon.

When said concurrent resolution was considered and agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶22.17 BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on March 11, 2004, he presented to the President of the United States, for his approval, the following bills.

H.R. 506. An Act to provide for the protection of archaeological sites in the Galisteo Basin in New Mexico, and for other purposes.

H.R. 2059. An Act to designate Fort Bayard Historic District in the State of New Mexico as a National Historic Landmark, and for other purposes.

¶22.18 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. DEFAZIO, for today.

And then,

¶22.19 ADJOURNMENT

On motion of Mr. PEARCE, pursuant to the previous order of the House, at 6 o'clock and 18 minutes p.m., the House adjourned until noon on Friday, March 12, 2004.

¶22.20 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BARTON: Committee on Energy and Commerce. H.R. 3261. A bill to prohibit the misappropriation of certain databases, with an amendment; adversely (Rept. 108–421, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

¶22.21 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of New Jersey (for himself, Mr. EVANS, and Mr. SKELTON):

H.R. 3936. A bill to amend title 38, United States Code, to authorize the principal office of the United States Court of Appeals for Veterans Claims to be at any location in the Washington, D.C., metropolitan area, rather than only in the District of Columbia, and expressing the sense of Congress that a dedicated Veterans Courthouse and Justice Center should be provided for that Court and those it serves and should be located, if feasible, at a site owned by the United States that is part of or proximate to the Pentagon Reservation, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Washington (for himself and Mr. CASTLE):

H.R. 3937. A bill to amend the Congressional Budget Act of 1974 to establish macroeconomic congressional budgets; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEY (for himself, Ms. VELÁZQUEZ, and Mr. SCOTT of Georgia):

H.R. 3938. A bill to establish an Office of Housing Counseling to carry out the responsibilities of the Department of Housing and Urban Development regarding counseling on homeownership and rental housing issues, to establish a toll-free telephone number to provide referral to entities providing such counseling, and to make grants to such entities for providing such counseling, and for other purposes; to the Committee on Financial Services.

By Mr. ROTHMAN (for himself, Mr. LOBIONDO, Mr. PALLONE, Mr. PASCRELL, Mr. MENENDEZ, Mr. SAXTON, Mr. ANDREWS, Mr. FERGUSON, Mr. SMITH of New Jersey, Mr. PAYNE, Mr. HOLT, Mr. GARRETT of New Jersey, and Mr. FRELINGHUYSEN):

H.R. 3939. A bill to redesignate the facility of the United States Postal Service located at 14-24 Abbott Road in Fair Lawn, New Jersey, as the ''Mary Ann Collura Post Office Building''; to the Committee on Government Reform.

By Mr. DINGELL (for himself, Ms. SOLIS, Mrs. CAPPS, Mr. MARKEY, and Mr. WYNN):

H.R. 3940. A bill to amend the Solid Waste Disposal Act to provide for secondary containment to prevent MTBE and petroleum contamination; to the Committee on Energy and Commerce.

By Mr. LAMPSON (for himself, Mr. CHABOT, Ms. MILLENDER-MCDONALD, Ms. DELAURO, Ms. JACKSON-LEE of Texas, Mr. FROST, Mr. CRAMER, Mr. FOLEY, Mr. MORAN of Virginia, Ms. WOOLSEY, Mr. BERRY, Mr. THOMPSON of Mississippi, Mr. GREEN of Texas, Mr. GRIJALVA, Mrs. NAPOLITANO, Mr. SHERMAN, Mr. COSTELLO, Mr. MOORE, Mr. WYNN, Mr. TIERNEY, Mr. ETHERIDGE, Mr. RODRIGUEZ, Mr. SANDLIN, Mr. TURNER of Texas, Mr. BAIRD, Ms. BALDWIN, Mr. FARR, Mrs. TAUSCHER, Mr. POMEROY, Mr. CARDOZA, Mr. HONDA, Mr. RUSH, Mr. PASCRELL, Mr. GORDON, Mr. EDWARDS, Mr. MCDERMOTT, Mr. MATSUI, Mr. PALLONE, Ms. SLAUGHTER, Mrs. MALONEY, Ms. LINDA T. SANCHEZ of California, Mr. SHIMKUS, Mr. WEINER, Mr. MCNULTY, Mr. DEFAZIO, Ms. LOFGREN, Mr. RUPPERSBERGER, Mr. MCGOVERN, Ms. SOLIS, Mr. GEORGE MILLER of California, Mr. LARSON of Connecticut, Mr. VISCLOSKY, Mr. VAN HOLLEN, Mr. CAPUANO, Mr. ISRAEL, Mr. PRICE of North Carolina, Mr. BROWN of Ohio, Mr. LANGEVIN, Mr. REYES, Ms. ESHOO, Mr. LANTOS, Mr. BECERRA, Ms. NORTON, Mr. LIPINSKI, Mr. BURTON of Indiana, Mr. KIND, Ms. PELOSI, Mr. OLVER, Mr. ACKERMAN, Ms. BERKLEY, Mr. HINOJOSA, Mr. JOHN, Mr. BACA, Mr. BRADY of Pennsylvania, Mr. HOLT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KANJORSKI, Mr. KING of New York, Ms. LEE, Mr. MCINTYRE, Ms. ROYBAL-ALLARD, Ms. LORETTA SANCHEZ of California, Mr. WEXLER, Mr. LEWIS of Georgia, Mr. PETERSON of Minnesota, Ms. SCHAKOWSKY, Mr. DOYLE, Mr.

RANGEL, Mr. OBERSTAR, Mr. STUPAK, Mr. HOYER, Ms. MCCOLLUM, Mr. EVANS, Mr. GEPHARDT, Mr. HEFLEY, Ms. DEGETTE, Mr. GONZALEZ, Mr. HILL, Mr. DOGGETT, Mr. CROWLEY, Mrs. LOWEY, Mr. OSE, Mr. DAVIS of Tennessee, Ms. HART, Mr. BELL, and Mr. BEREUTER):

H.R. 3941. A bill to amend title 28, United States Code, to give district courts of the United States jurisdiction over competing State custody determinations, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on International Relations, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY of Rhode Island (for himself and Mr. LANGEVIN):

H.R. 3942. A bill to redesignate the facility of the United States Postal Service located at 7 Commercial Boulevard in Middletown, Rhode Island, as the ''Rhode Island Veterans Post Office Building''; to the Committee on Government Reform.

By Mr. CRANE (for himself, Ms. MCCOLLUM, Mr. HOUGHTON, Mr. DOOLEY of California, Mr. WELLER, Mr. CASE, Mr. KOLBE, Mr. EVANS, Mr. PITTS, Mr. CROWLEY, and Mr. LARSON of Connecticut):

H.R. 3943. A bill to extend nondiscriminatory treatment (normal trade relations treatment) to the products of Laos; to the Committee on Ways and Means.

By Mr. CALVERT:

H.R. 3944. A bill to provide for the conveyance of a small parcel of Natural Resources Conservation Service property in Riverside, California, and for other purposes; to the Committee on Agriculture.

By Mr. CALVERT:

H.R. 3945. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the City of Corona Water Utility, California; to the Committee on Resources.

By Mr. CAMP (for himself, Mr. MCCOTTER, Mrs. MILLER of Michigan, Mr. UPTON, Mr. LEVIN, Mr. EHLERS, Mr. STUPAK, Mr. CONYERS, and Mr. KILDEE):

H.R. 3946. A bill to direct the Secretary of the Interior to conduct a study of maritime sites in the State of Michigan; to the Committee on Resources.

By Mr. CROWLEY (for himself, Mr. EVANS, Mr. SANDLIN, Mrs. MCCARTHY of New York, Mr. RUPPERSBERGER, Mr. CLAY, Mr. VAN HOLLEN, Mr. FROST, Mr. TOWNS, Mr. BISHOP of New York, Mr. HINCHEY, Mr. OWENS, Mr. ACKERMAN, Mr. WEINER, Mrs. MALONEY, Mr. MCNULTY, Mrs. CHRISTENSEN, Mr. NADLER, Mr. RANGEL, Mr. MCHUGH, Mr. GORDON, Mr. ISRAEL, and Mr. REYNOLDS):

H.R. 3947. A bill to amend title 38, United States Code, to provide that monetary benefits paid to veterans by States and municipalities shall be excluded from consideration as income for purposes of pension benefits paid by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. FATTAH:

H.R. 3948. A bill to amend the Higher Education Act of 1965 by strengthening and expanding the Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) in order to facilitate the transition of low-income high school students into post-secondary education; to the Committee on Education and the Workforce.

By Mr. GRAVES:

H.R. 3949. A bill to amend the Trade Act of 1974 to delegate to the Under Secretary of Commerce for International Trade the functions relating to trade adjustment assistance for firms, and for other purposes; to the Committee on Ways and Means.

By Mr. GREEN of Wisconsin (for himself, Mr. BALLENGER, Mr. BRADLEY of New Hampshire, Mr. EVANS, Mr. LIPINSKI, and Mr. ROHRABACHER):

H.R. 3950. A bill to amend title 10, United States Code, to provide for the establishment of a combat artillery badge to recognize combat service by members of Army in the artillery branch; to the Committee on Armed Services.

By Mr. HAYES:

H.R. 3951. A bill to amend title 10, United States Code, to require notification to Congress and the public when waivers to certain domestic source requirements are made, and for other purposes; to the Committee on Armed Services.

By Mr. HENSARLING (for himself and Mr. BAKER):

H.R. 3952. A bill to amend the Community Reinvestment Act of 1977 to increase the aggregate asset size limitation of the small bank regulatory relief provision, to provide for future adjustments of such amount for inflation, and for other purposes; to the Committee on Financial Services.

By Mr. HOEKSTRA (for himself, Mr. CAMP, Mr. MANZULLO, and Mrs. JONES of Ohio):

H.R. 3953. A bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain systems installed in nonresidential buildings; to the Committee on Ways and Means.

By Mr. HUNTER:

H.R. 3954. A bill to authorize the Secretary of the Interior to resolve boundary discrepancies in San Diego County, California, arising from an erroneous survey conducted by a Government contractor in 1881 that resulted in overlapping boundaries for certain lands, and for other purposes; to the Committee on Resources.

By Mr. ISRAEL:

H.R. 3955. A bill to require the Securities and Exchange Commission to require public companies to disclose their payments to foreign governments for the purposes of natural resources exploration, development, and extractions rights; to the Committee on Financial Services.

By Mrs. JOHNSON of Connecticut (for herself and Mr. SHIMKUS):

H.R. 3956. A bill to designate Poland as a program country under the visa waiver program established under section 217 of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. KING of New York:

H.R. 3957. A bill to amend the Trade Act of 1974 to extend trade adjustment assistance to certain service workers; to the Committee on Ways and Means.

By Mr. LEVIN:

H.R. 3958. A bill to authorize the extension of unconditional and permanent nondiscriminatory treatment (permanent normal trade relations treatment) to the products of Ukraine, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on International Relations, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LOBIONDO:

H.R. 3959. A bill to amend title 49, United States Code, to authorize the Secretary of Homeland Security, acting through the Under Secretary for Border and Transportation Security, to provide air marshal training to law enforcement personnel of foreign countries; to the Committee on Transportation and Infrastructure.

By Ms. MILLENDER-MCDONALD:

H.R. 3960. A bill to authorize the use of Federal funds for research on human embryonic stem cells irrespective of the date on which such stem cells were derived, and for other purposes; to the Committee on Energy and Commerce.

By Mr. OSBORNE (for himself and Mr. BOSWELL):

H.R. 3961. A bill to amend the Animal Health Protection Act to direct the Secretary of Agriculture to implement the United States Animal Identification Plan developed by the National Animal Identification Development Team, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAW:

H.R. 3962. A bill to amend title 10, United States Code, to establish a program of interest-free loans to members of the Selected Reserve who experience financial hardship due to service on active duty in the Armed Forces; to the Committee on Armed Services.

By Mr. SHAYS (for himself, Mr. COOPER, Mr. CASTLE, Mr. FRANK of Massachusetts, Mr. ENGLISH, and Mr. MORAN of Virginia):

H.R. 3963. A bill to amend the Congressional Accountability Act of 1995 to extend to employees of the legislative branch certain protections available to other employees of the Federal Government under certain laws, and for other purposes; to the Committee on House Administration, and in addition to the Committees on Education and the Workforce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK (for himself, Mr. WAXMAN, Mr. GEORGE MILLER of California, Mr. MATSUI, Mr. LANTOS, Mr. BERMAN, Ms. PELOSI, Ms. WATERS, Mr. BECERRA, Ms. ESHOO, Mr. FILNER, Ms. ROYBAL-ALLARD, Ms. WOOLSEY, Mr. FARR, Ms. LOFGREN, Ms. MILLENDER-MCDONALD, Mr. SHERMAN, Mrs. CAPPS, Ms. LEE, Mr. BACA, Mrs. DAVIS of California, Mr. HONDA, Mr. SCHIFF, Ms. SOLIS, Ms. WATSON, and Ms. LINDA T. SANCHEZ of California):

H.R. 3964. A bill to amend part C of title XVIII of the Social Security Act to prohibit the operation of the Medicare comparative cost adjustment (CCA) program in California; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WOOLSEY (for herself, Mr. SCOTT of Virginia, Ms. JACKSON-LEE of Texas, Mr. FROST, Mr. LAMPSON, Mr. CONYERS, Mr. BACA, Mr. SHERMAN, Mr. SCHIFF, Mr. MOORE, Mr. CARDOZA, Ms. SLAUGHTER, Mr. CHABOT, Mr. PAYNE, and Mr. THOMPSON of Mississippi):

H.R. 3965. A bill to authorize the Attorney General to make grants to improve the ability of State and local governments to prevent the abduction of children by family members, and for other purposes; to the Committee on the Judiciary.

By Mr. LARSON of Connecticut:

H.J. Res. 89. A joint resolution proposing an amendment to the Constitution of the

United States regarding the appointment of individuals to fill vacancies in the House of Representatives; to the Committee on the Judiciary.

By Ms. LOFGREN:

H.J. Res. 90. A joint resolution proposing an amendment to the Constitution of the United States regarding the appointment of individuals to serve as Members of the House of Representatives when, in a national emergency, a significant number of Members are unable to serve; to the Committee on the Judiciary.

By Mr. VITTER:

H. Con. Res. 382. Concurrent resolution affirming that the intent of Congress in passing the National Wildlife Refuge System Improvement Act of 1997 was to allow hunting and fishing on public lands within the National Wildlife Refuge System and declaring that the purpose of reserving certain lands as public lands is to make them available to the public for reasonable uses; to the Committee on Resources.

By Mr. MEEHAN:

H. Con. Res. 383. Concurrent resolution expressing the sense of Congress concerning the well-being of members of the Armed Forces and calling on the Department of Defense to do its utmost to see that deployed military personnel have the best force protection equipment the Nation can make available, and for other purposes; to the Committee on Armed Services.

By Mr. RANGEL:

H. Con. Res. 384. Concurrent resolution calling for the removal of all restrictions from the public, the press, and military families in mourning that would prohibit their presence at the arrival at military installations in the United States or overseas of the remains of the Nation's fallen heroes, the members of the Armed Forces who have died in Iraq or Afghanistan, with the assurance that family requests for privacy will be respected; to the Committee on Armed Services.

By Mr. HYDE (for himself, Mr. DELAY, Mr. BLUNT, Ms. PRYCE of Ohio, Mr. GOSS, and Mr. HUNTER):

H. Res. 557. A resolution relating to the liberation of the Iraqi people and the valiant service of the United States Armed Forces and Coalition forces; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BEREUTER (for himself, Mr. WEXLER, Mr. GILLMOR, and Mr. SHIMKUS):

H. Res. 558. A resolution welcoming the accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia to the North Atlantic Treaty Organization (NATO), and for other purposes; to the Committee on International Relations.

By Mr. GIBBONS (for himself, Mr. REYES, Mr. FOLEY, and Ms. DUNN):

H. Res. 559. A resolution expressing condolences to the families of the individuals killed in the terrorist bombing attacks in Madrid that occurred on March 11, 2004, and expressing deepest sympathy to the individuals injured in those attacks and to the people of the Kingdom of Spain; to the Committee on International Relations.

By Mrs. MCCARTHY of New York (for herself, Ms. BORDALLO, Mrs. TAUSCHER, Ms. WOOLSEY, Ms. LORETTA SANCHEZ of California, Mrs. KELLY, Ms. HARRIS, Mrs. BIGGERT, Mrs. JONES of Ohio, Mrs. CAPPS, Ms. ROS-LEHTINEN, Mrs. LOWEY, Mrs. JOHNSON of Connecticut, Ms. DELAURO, Ms. PRYCE of Ohio, Ms. PELOSI, Ms. SLAUGHTER, Mrs. MALONEY, Ms. NORTON, Mrs. BLACKBURN, Ms. MCCOLLUM, Ms. HARMAN, Mrs. DAVIS of California, Ms. DEGETTE, Ms. WATERS, Ms. CARSON of Indiana, Mr. WEXLER, and Ms. MILLENDER-MCDONALD):

H. Res. 560. A resolution expressing the sense of the House of Representatives that the Girl Scouts of the United States of America should be commended, on its 92d anniversary, for providing quality age-appropriate experiences that prepare girls to become the leaders of tomorrow and for raising issues important to girls; to the Committee on Government Reform.

¶22.22 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. THORNBERRY.

H.R. 173: Mr. SHAYS, Mr. DAVIS of Tennessee, and Mr. PITTS.

H.R. 284: Mr. MCKEON, Mr. SHIMKUS, Mr. DEMINT, Mr. COLLINS, and Mr. AKIN.

H.R. 375: Mr. BURNS.

H.R. 476: Mr. BOUCHER, Mr. BACA, and Mr. STENHOLM.

H.R. 570: Mr. FERGUSON.

H.R. 571: Mr. CALVERT.

H.R. 677: Mr. KIND.

H.R. 728: Mr. GOODE.

H.R. 839: Ms. WATSON, Ms. ROYBAL-ALLARD, Ms. SCHAKOWSKY, and Mr. LOBIONDO.

H.R. 857: Mr. NORWOOD.

H.R. 935: Mr. FATTAH.

H.R. 962: Ms. WATERS.

H.R. 968: Ms. CARSON of Indiana.

H.R. 970: Mr. LATOURETTE, Ms. HOOLEY of Oregon, Mr. SCOTT of Georgia, Mr. CHABOT, Mr. BRADLEY of New Hampshire, Mr. TOWNS, Mr. VISCLOSKY, Mr. JOHNSON of Illinois, Mr. GALLEGLY, and Ms. ESHOO.

H.R. 977: Mrs. CHRISTENSEN.

H.R. 1034: Mr. WAXMAN, Ms. MCCARTHY of Missouri, and Ms. LOFGREN.

H.R. 1083: Mr. BERMAN, Mr. SANDLIN, Mr. BACA, and Mrs. WILSON of New Mexico.

H.R. 1084: Mr. ROGERS of Michigan.

H.R. 1501: Ms. WOOLSEY, Ms. DEGETTE, Mr. RUSH, Mr. ACEVEDO-VILA, Mr. MCDERMOTT, and Mr. SCHIFF.

H.R. 1567: Mrs. JO ANN DAVIS of Virginia.

H.R. 1690: Ms. ROYBAL-ALLARD.

H.R. 1700: Mr. PAYNE.

H.R. 1726: Mr. WOLF.

H.R. 1734: Mr. CRAMER, Mrs. CAPITO, and Mr. UDALL of Colorado.

H.R. 1742: Ms. LEE and Mr. ISSA.

H.R. 1864: Mr. ANDREWS.

H.R. 1873: Mr. SENSENBRENNER.

H.R. 2107: Mr. FRANK of Massachusetts, Mr. RUSH, and Mr. LANTOS.

H.R. 2173: Ms. WOOLSEY, Mr. LEWIS of Georgia, and Mr. MEEKS of New York.

H.R. 2402: Mr. FRANK of Massachusetts.

H.R. 2536: Mr. BROWN of Ohio and Mr. CARDOZA.

H.R. 2612: Mrs. DAVIS of California.

H.R. 2732: Mr. CHOCOLA.

H.R. 2735: Mr. BROWN of South Carolina, Mr. CLAY, and Ms. BERKLEY.

H.R. 2863: Mr. HOLDEN.

H.R. 3090: Mr. FRANK of Massachusetts.

H.R. 3104: Mr. CLAY, Mr. OLVER, Mrs. KELLY, Mr. THOMPSON of Mississippi, Ms. CORRINE BROWN of Florida, Mr. HINCHEY, Ms. HART, Mrs. DAVIS of California, and Mr. MEEKS of New York.

H.R. 3177: Mr. MILLER of Florida.

H.R. 3192: Mr. FARR.

H.R. 3193: Mr. GARY G. MILLER of California and Mr. ISSA.

H.R. 3215: Mr. COLLINS, Mr. BURTON of Indiana, Mr. CHABOT, Mr. SMITH of Michigan, and Mr. WELDON of Florida.

H.R. 3313: Mrs. JO ANNE DAVIS of Virginia.

H.R. 3350: Mr. BISHOP of Georgia and Mr. WAXMAN.

H.R. 3359: Mr. KILDEE.

H.R. 3369: Mr. SMITH of Texas.

H.R. 3390: Mr. INSLEE and Mr. PAUL.

H.R. 3429: Mr. BROWN of South Carolina.

H.R. 3436: Mr. KING of New York.

H.R. 3438: Ms. MCCARTHY of Missouri, Mr. BOSWELL, Mr. BERMAN, and Mr. TOM DAVIS of Virginia.

H.R. 3446: Mr. LIPINSKI, Mr. SCHIFF, and Mr. FARR.

H.R. 3453: Mr. ROGERS of Kentucky.

H.R. 3460: Mr. SMITH of New Jersey and Mrs. JO ANN DAVIS of Virginia.

H.R. 3476: Mr. STRICKLAND, Mr. GORDON, Mr. ISSA, Mr. GERLACH, Mr. SABO, Mr. LEACH, Ms. HARRIS, Mr. LINDER, Mr. DEUTSCH, and Ms. MAJETTE.

H.R. 3507: Ms. ROYBAL-ALLARD, Mr. GRIJALVA, Mr. GALLEGLY, Mr. WAXMAN, Mr. ANDREWS, and Mr. LARSON of Connecticut.

H.R. 3545: Mr. MCDERMOTT and Mr. HINCHEY.

H.R. 3619: Ms. LORETTA SANCHEZ of California and Mr. MATHESON.

H.R. 3651: Mr. CANNON.

H.R. 3678: Mr. PAYNE.

H.R. 3699: Mr. BALLANCE, Ms. CORRINE BROWN of Florida, and Mr. TURNER of Texas.

H.R. 3701: Mr. FRANK of Massachusetts and Mr. MORAN of Virginia.

H.R. 3712: Mr. JONES of North Carolina, Ms. CORRINE BROWN of Florida, and Mr. MEEK of Florida.

H.R. 3731: Mr. EVANS.

H.R. 3763: Mr. FEENEY.

H.R. 3773: Mr. BACHUS, Mr. HOSTETTLER, and Mr. SENSENBRENNER.

H.R. 3781: Mr. NEUGEBAUER.

H.R. 3784: Mr. CRANE, Mrs. MUSGRAVE, and Mr. FLAKE.

H.R. 3799: Mr. RYUN of Kansas.

H.R. 3801: Mr. THOMPSON of Mississippi, Mr. BOUCHER, Mrs. JO ANN DAVIS of Virginia, Mr. FEENEY, and Mr. KING of Iowa.

H.R. 3802: Mr. PLATTS, Mr. CLAY, Mr. SKELTON, Mr. LIPINSKI, Mr. BALLANCE, Mr. BOUCHER, Mr. SCHIFF, Mr. STARK, Mr. GRIJALVA, and Mr. LATOURETTE.

H.R. 3803: Mr. KENNEDY of Rhode Island, Mr. ABERCROMBIE, Ms. CARSON of Indiana, Ms. JACKSON-LEE of Texas, and Mr. GRIJALVA.

H.R. 3804: Mr. BURR.

H.R. 3818: Mr. LARSEN of Washington, Mr. GREENWOOD, Mr. MOORE, Mr. MEEKS of New York, and Mr. SULLIVAN.

H.R. 3847: Mr. ROTHMAN.

H.R. 3857: Mr. CRANE and Mr. SHAW.

H.R. 3860: Mr. RYAN of Wisconsin.

H.R. 3867: Mr. DAVIS of Illinois and Ms. MAJETTE.

H.R. 3879: Ms. CORRINE BROWN of Florida.

H.R. 3888: Mr. JACKSON of Illinois and Mr. HOEFFEL.

H.R. 3913: Mr. BAKER.

H.J. Res. 56: Mr. NEY.

H. Con. Res. 314: Mr. OLVER and Mr. KENNEDY of Rhode Island.

H. Con. Res. 321: Mrs. MCCARTHY of New York.

H. Con. Res. 332: Mr. UDALL of Colorado, Mr. PORTER, Mr. MOORE, Mr. TERRY, Mr. RYAN of Wisconsin, Mr. HOLT, and Mr. BALLANCE.

H. Con. Res. 369: Mr. GRIJALVA, Mr. SCOTT of Virginia, and Mr. KUCINICH.

H. Con. Res. 371: Mr. FOLEY.

H. Con. Res. 378: Mr. FILNER.

H. Res. 38: Mr. PAYNE.

H. Res. 313: Mr. WAMP and Mr. PLATTS.

H. Res. 402: Ms. ROS-LEHTINEN.

H. Res. 466: Mr. STARK and Mr. HINOJOSA.

H. Res. 528: Mr. HERGER, Mr. WYNN, Mr. LEWIS of Georgia, Mr. BURTON of Indiana, Mr. PENCE, and Mr. WOLF.

H. Res. 542: Mrs. LOWEY, Mr. BRADY of Pennsylvania, and Mr. BERMAN.

FRIDAY, MARCH 12, 2004 (23)

¶23.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. THORNBERRY, who laid before the House the following communication:

WASHINGTON, DC,
March 12, 2004.

I hereby appoint the Honorable MAC THORNBERRY to act as Speaker pro tempore on this day.

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

¶23.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. THORNBERRY, announced he had examined and approved the Journal of the proceedings of Thursday, March 11, 2003.

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

¶23.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

7151. A letter from the Deputy Chief of Naval Operations, Department of Defense, transmitting notification of the decision to convert to contractor performance; to the Committee on Armed Services.

7152. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Credit by Brokers and Dealers; List of Foreign Margin Stocks [Regulation T] received March 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7153. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Alabama; Redesignation of Birmingham Ozone Nonattainment Area to Attainment for Ozone [AL-63-200412; FRL-7634-9] received March 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7154. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revisions to Regulations for General Compliance Activities and Source Surveillance [VA133-5066a; FRL-7635-9] received March 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7155. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plans For Designated Facilities; Puerto Rico [Region 2 Docket No. PR11-267c; FRL-7634-2] received March 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7156. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Final Authorization of State Hazardous Waste Management Program Revisions [FRL-7633-2] received March 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7157. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Massachusetts; Final Authorization of State Hazardous Waste Management Program Revisions; State-Specific Modification to Federal Hazardous Waste Regulations, pursuant to ECOS Program Proposal; Extension of Site-Specific Regulations for New England Universities' Laboratories XL Projects [FRL-7634-4] received March 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7158. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal 01-04 informing of an intent to sign the fifth supplement to the Memorandum of Understanding concerning the Production and Support Phase of the Guided Multiple Launch Rocket System Program between the United States and the United Kingdom, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

7159. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, the final six-month periodic report on the national emergency blocking property of persons undermining democratic processes or institutions in Zimbabwe that was declared in Executive Order 13288 of March 6, 2003; to the Committee on International Relations.

7160. A letter from the Assistant Secretary for Policy, Management and Budget; Chief Financial Officer, Department of the Interior, transmitting the Department's combined Annual Performance and Accountability Report (PAR) for Fiscal Year 2003, pursuant to the Government Performance and Results Act of 1993; to the Committee on Government Reform.

7161. A letter from the Acting Director, Office of Management, Budget and Evolution/Acting Chief Financial Officer, Department of Energy, transmitting a report pursuant to Pub. L. 105-270, ''The Federal Activities Inventory Reform Act of 1998''; to the Committee on Government Reform.

7162. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7163. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Maryland Regulatory Program [MD-051-FOR] received March 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7164. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's ''Major'' final rule —Oil and Gas and Sulfur Operations in the Outer Continental Shelf-Relief or Reduction in Royalty Rates — Deep Gas Provisions (RIN: 1010-AD01) received March 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7165. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Sturgeon Bay Ship Canal, Sturgeon Bay, WI [CGD09-04-003] (RIN: 1625-AA09) received March 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7166. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Albemarle and Chesapeake Canal, AICW, Virginia [CGD05-04-041] (RIN: 1625-AA-09) received March 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7167. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Ocean Springs, MS [CGD08-04-011] received March 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7168. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Final Authorization of State Hazardous Waste Management Program Revision [FRL-7634-3] received March 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7169. A letter from the Director, Regulations Management, Office of Regulation, Policy, and Management, Department of Veterans Affairs, transmitting the Department's final rule — Delegation of Authority--Property Management Contractor (RIN: 2900-AL85) received March 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

7170. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Determination of Interest Rate (Rev. Rul. 2004-26) received March 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶23.4 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 3915. An Act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through April 2, 2004, and for other purposes.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested a bill of the House of the following title:

H.R. 254. An Act to authorize the President of the United States to agree to certain amendments to the Agreement between the Government of the United States of America and the Government of the United Mexican States concerning the establishment of a Border Environment Cooperation Commission and a North American Development Bank, and for other purposes.

The message also announced that pursuant to section 411(b)(1)(B) of Public Law 108–16, the Chair, on behalf of the Majority Leader, appoints the following individual to serve as a member of the National Commission on Small Community Air Service: Mayor Bob Corker of Chattanooga, Tennessee.

¶23.5 APPOINTMENT OF SPEAKER PRO TEMPORE TO SIGN ENROLLMENTS

The SPEAKER pro tempore, Mr. THORNBERRY, laid before the House a communication, which was read as follows:

WASHINGTON, DC,
March 12, 2004.

I hereby appoint the Honorable MAC THORNBERRY to act as Speaker pro tempore to sign enrolled bills and joint resolutions through March 15, 2004.

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

By unanimous consent, the appointment was approved.

¶23.6 ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which were thereupon signed by the Speaker:

H.R. 3915. An Act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through April 2, 2004, and for other purposes.

And then,

¶23.7 ADJOURNMENT

On motion of the SPEAKER pro tempore, Mr. THORNBERRY, by unanimous consent and pursuant to the special order of March 11, 2004, at 12 o'clock and 4 minutes p.m., declared the House adjourned until 12:30 p.m. on Tuesday, March 16, 2004.

¶23.8 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ROGERS of Alabama (for himself, Mr. COX, Mr. HUNTER, Mr. BOEHNER, Mr. PICKERING, Mr. WILSON of South Carolina, Mr. KENNEDY of Minnesota, Mr. CALVERT, Mr. KING of Iowa, Mr. BARTLETT of Maryland, Mr. SOUDER, Mr. CULBERSON, Mr. ENGLISH, Mr. AKIN, Mr. KOLBE, Mr. PEARCE, Mr. ROHRABACHER, Mr. TOOMEY, and Ms. HARRIS):

H.R. 3966. A bill to amend title 10, United States Code, and the Homeland Security Act of 2002 to improve the ability of the Department of Defense to establish and maintain Senior Reserve Officer Training Corps units at institutions of higher education, to improve the ability of students to participate in Senior ROTC programs, and to ensure that institutions of higher education provide military recruiters entry to campuses and access to students that is at least equal in quality and scope to that provided to any other employer; to the Committee on Armed Services, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMAS:

H.R. 3967. A bill to amend the Internal Revenue Code of 1986 to credit the Highway Trust Fund with the full amount of fuel taxes, to combat fuel tax evasion, and for other purposes; to the Committee on Ways and Means.

By Mr. HOLT (for himself, Mr. GEORGE MILLER of California, Mr. KILDEE, Ms. WOOLSEY, Mr. HINOJOSA, Mr. PAYNE, Mr. FROST, Mr. BOUCHER, Mr. THOMPSON of Mississippi, Ms. MILLENDER-MCDONALD, Mr. DELAHUNT, Mr. MCNULTY, Ms. CARSON of Indiana, Mr. MCDERMOTT, and Mr. BROWN of Ohio):

H.R. 3968. A bill to provide access and assistance to increase college attendance and completion by part-time students; to the Committee on Education and the Workforce.

By Mr. TAUZIN:

H.R. 3969. A bill to amend the Communications Act of 1934 to strengthen the limitations on the holding of any license, permit, operating authority by a foreign government or any entity controlled by a foreign government; to the Committee on Energy and Commerce.

¶23.9 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1160: Mr. TIAHRT.
H.R. 3676: Ms. MAJETTE.
H.R. 3771: Ms. DELAURO.

TUESDAY, MARCH 16, 2004 (24)

¶24.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. CHOCOLA, who laid before the House the following communication:

WASHINGTON, DC,
March 16, 2004.

I hereby appoint the Honorable CHRIS CHOCOLA to act as Speaker pro tempore on this day.

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

¶24.2 MESSAGE FROM THE SENATE

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

S. 1904. An Act to designate the United States courthouse located at 400 North Miami Avenue in Miami, Florida, as the ''Wilkie D. Ferguson, Jr. United States Courthouse''.

S. 2022. An Act to designate the Federal building located at 250 West Cherry Street in Carbondale, Illinois the ''Senator Paul Simon Federal Building''.

S. 2043. An Act to designate a Federal building in Harrisburg, Pennsylvania, as the ''Ronald Reagan Federal Building''.

S. Con. Res. 95. A concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009.

¶24.3 MORNING-HOUR DEBATE

The SPEAKER pro tempore, Mr. CHOCOLA, pursuant to the order of the House of Tuesday, January 20, 2004, recognized Members for morning-hour debate.

¶24.4 RECESS—12:58 P.M.

The SPEAKER pro tempore, Mr. CHOCOLA, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 58 minutes p.m., until 2 p.m.

¶24.5 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mrs. EMERSON, called the House to order.

¶24.6 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mrs. EMERSON, announced she had examined and approved the Journal of the proceedings of Friday, March 12, 2004.

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

¶24.7 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

7171. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Asian Longhorned Beetle; Quarantined Areas [Docket No. 04-002-1] received March 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7172. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Cattle From Mexico [Docket No. 00-112-2] received March 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7173. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Brucellosis in Cattle; State and Area Classifications; Missouri [Docket No. 01-015-1] received March 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7174. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Unshu Oranges from Honshu Island, Japan [Docket No. 02-108-2] received March 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7175. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Blood and Tissue Collection at Slaughtering and Rendering Establishments [Docket No. 99-017-3] (RIN: 0579-AB13) received March 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7176. A communication from the President of the United States, transmitting notification of intent to use funds provided in Public Law 107-38, the Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States, FY 2001, for the Commission on Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction; (H. Doc. No. 108–174); to the Committee on Appropriations and ordered to be printed.

7177. A letter from the Acting Assistant Secretary—Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Revision of Requirements Governing Outer Continental Shelf Rights-of-Use and Easement and Pipeline Rights-of-Way (RIN: 1010-AC91) received March 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7178. A letter from the Director, Regulations and Forms Services, BCIS, Department of Homeland Security, transmitting the Department's final rule — Eliminating the Numerical Cap on Mexican TN Nonimmigrants [CIS No. 2266-03] (RIN: 1615-AA96) received March 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7179. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the designation as ''foreign terrorist organizations'' pursuant to Section 219 of the Immigration and Nationality Act, pursuant to 8 U.S.C. 1189; to the Committee on the Judiciary.

7180. A letter from the Director, Regulations Management, National Cemetery Administration, Department of Veterans Affairs, transmitting the Department's final rule — Eligibility for an Appropriate Government Marker for a Grave Already Marked at Private Expense (RIN: 2900-AL40) received March 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

7181. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's

final rule — Federal Tax Treatment of Benefits received Under the Smallpox Emergency Personnel Protection Act of 2003 [Notice 2004-17] received March 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7182. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Low-Income Housing Credit (Rev. Rul. 2004-16) received March 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶24.8 INAUGURAL CEREMONIES IN ROTUNDA

On motion of Mr. NEY, by unanimous consent, the following concurrent resolution of the Senate was taken from the Speaker's table (S. Con. Res. 93):

SECTION 1. USE OF THE ROTUNDA OF THE CAPITOL BY THE JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES.

The rotunda of the United States Capitol is authorized to be used on January 20, 2005, by the Joint Congressional Committee on Inaugural Ceremonies in connection with the proceedings and ceremonies conducted for the inauguration of the President-elect and the Vice President-elect of the United States.

When said concurrent resolution was considered and agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶24.9 JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES

On motion of Mr. NEY, by unanimous consent, the following concurrent resolution of the Senate was taken from the Speaker's table (S. Con. Res. 94):

SECTION 1. ESTABLISHMENT OF JOINT COMMITTEE.

There is established a Joint Congressional Committee on Inaugural Ceremonies (in this resolution referred to as the ''joint committee''), consisting of 3 Senators and 3 Members of the House of Representatives appointed by the President of the Senate and the Speaker of the House of Representatives, respectively. The joint committee is authorized to make the necessary arrangements for the inauguration of the President-elect and the Vice President-elect of the United States.

SEC. 2. SUPPORT OF THE JOINT COMMITTEE.

The joint committee—

(1) is authorized to utilize appropriate equipment and the services of appropriate personnel of departments and agencies of the Federal Government, under arrangements between the joint committee and the heads of the departments and agencies, in connection with the inaugural proceedings and ceremonies; and

(2) may accept gifts and donations of goods and services to carry out its responsibilities.

When said concurrent resolution was considered and agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶24.10 JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES

The SPEAKER pro tempore, Mrs. EMERSON, announced that the Speaker, pursuant to Senate Concurrent Resolution 94, 108th Congress, and the order of the House of December 8, 2003, appointed the following Members of the House to the Joint Congressional Committee on Inaugural Ceremonies: Messrs. HASTERT, DELAY, and Ms. PELOSI

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶24.11 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mrs. EMERSON, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 15, 2004.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 15, 2004, at 9:25 a.m.:

That the Senate passed without amendment H.R. 3724.

That the Senate agreed to House amendment S. 1881.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk.

¶24.12 UNITED STATES AIR FORCE ACADEMY BOARD OF VISITORS—RESIGNATION

The SPEAKER pro tempore, Mrs. EMERSON, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 30, 2004.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to respectfully submit my resignation effective today from the Board of Visitors of the United States Air Force Academy.

It has been an honor and a privilege to represent you, the United States Congress and the House Appropriations Committee on the Board. Unfortunately, with my responsibilities as Chairman of the Appropriations Committee, I have found it increasingly difficult to attend the Board meetings. Therefore, and after much thought, I have decided to resign my position so that you can appoint another member of the Committee who has more available time to devote more attention to this important Board.

The Air Force Academy is an outstanding institution and the Congressional oversight provided by the members you appoint to the Board is very important to its mission of training the finest Air Force officers in the world. Thank you again for the opportunity you have given me to serve on the Board.

With best wishes and personal regards, I am

Very truly yours,

C.W. BILL YOUNG,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶24.13 UNITED STATES AIR FORCE ACADEMY BOARD OF VISITORS

The SPEAKER pro tempore, Mrs. EMERSON, announced that the Speaker, pursuant to 10 United States Code 9355(a), and the order of the House of December 8, 2003, appointed the following Member of the House to the Board of Visitors to the United States Air Force Academy to fill the existing vacancy thereon: Ms. GRANGER.

¶24.14 25TH ANNIVERSARY OF C-SPAN

Mr. NEY moved to suspend the rules and agree to the following resolution (H. Res. 551):

Whereas C–SPAN (Cable-Satellite Public Affairs Network) is a nonprofit educational organization created in 1979 through the vision of Brian Lamb in order to provide live, gavel-to-gavel coverage of the House of Representatives to the American people;

Whereas on March 19, 1979, the House of Representatives turned on its cameras, and for the first time C–SPAN and its staff of just 4 people brought the live proceedings of the House into 3.5 million American homes;

Whereas in 1980, C–SPAN covered its first Presidential election and created one of the first nationwide viewer call-in programs;

Whereas by 1982, C–SPAN's schedule expanded to 24 hours a day, 7 days a week;

Whereas in June 1986, C–SPAN2 was created to broadcast live coverage of the Senate;

Whereas by 1990, C–SPAN broadcast to 50 million American households, and this number expanded to 60 million households just three years later in 1993;

Whereas in January 1997, C–SPAN launched live web coverage of the House and Senate proceedings on the Internet;

Whereas today, C–SPAN has a staff of 275, its around-the-clock programming is available to 86 million households via 7,900 cable systems, and an estimated 28,000,000 people watch C–SPAN each week; and

Whereas while only 51 percent of Americans voted in the 2000 election, surveys show that percentage of regular C–SPAN viewers who voted in the election was 90 percent: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses the thanks of the House of Representatives to the Cable-Satellite Public Affairs Network (C–SPAN) for its service to the House on the 25th anniversary of its first coverage of the proceedings of the House;

(2) recognizes that for 25 years C–SPAN has met, and continues to meet each day, its mission of providing the Members of the House with a direct, unfiltered conduit to the American people on whose behalf they go to work every day, and in turn has provided direct access for the American people to their elected officials through call-in and other programs;

(3) recognizes that since its inception 25 years ago, C–SPAN has forever changed the face of American political life, provided tremendous benefits to the American people and their elected officials, and has had a significant positive impact on the American democracy;

(4) expresses its deep gratitude to Brian Lamb and the more than 275 C–SPAN employees who bring the proceedings of the House into the homes of tens of millions of Americans each day; and

(5) commends C–SPAN and its employees for a tremendous 25 years of service to the American people and the Federal Government.

The SPEAKER pro tempore, Mrs. EMERSON, recognized Mr. NEY and Mr. LARSON of Connecticut, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mrs. EMERSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. NEY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. EMERSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶24.15 MYRON V. GEORGE POST OFFICE

Mrs. MILLER of Michigan moved to suspend the rules and pass the bill (H.R. 3733) to designate the facility of the United States Postal Service located at 410 Huston Street in Altamont, Kansas, as the ''Myron V. George Post Office''.

The SPEAKER pro tempore, Mrs. EMERSON, recognized Mrs. MILLER of Michigan and Ms. SLAUGHTER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. EMERSON, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. MILLER of Michigan demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. EMERSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶24.16 HONORING LUIS A. FERRE

Mrs. MILLER of Michigan moved to suspend the rules and agree to the following resolution (H. Res. 433):

Whereas Luis A. Ferré was born in Ponce, Puerto Rico, on February 17, 1904, soon after Spain ceded control of Puerto Rico to the United States in 1898;

Whereas in 1917, when Luis Ferré was 13 years old, the people of Puerto Rico were granted United States citizenship;

Whereas Luis Ferré's respect for the United States was fostered by his years as a college student at the Massachusetts Institute of Technology in Cambridge, Massachusetts;

Whereas Luis Ferré returned to Puerto Rico with a degree in engineering and a firm belief in Puerto Rican statehood;

Whereas Luis Ferré built his father's business, Puerto Rico Iron Works, into a hugely successful industrial enterprise;

Whereas Luis Ferré, who entered politics at a propitious time in the island's history, was a delegate to the Constitutional Convention in 1951 and was elected to the Puerto Rican House of Representatives in 1953;

Whereas Luis Ferré saw the opportunity to advocate Puerto Rican statehood in 1967, the year of the first political status plebiscite on the island;

Whereas, although Puerto Rico remained a commonwealth after the 1967 plebiscite, Luis Ferré utilized the plebiscite to mobilize statehood forces and to establish a new political entity, the New Progressive Party;

Whereas in 1968 Luis Ferré ran for Governor of Puerto Rico as the New Progressive Party candidate and won a close race;

Whereas Luis Ferré served as Governor for one term, from 1969 to 1973;

Whereas, as Governor, Luis Ferré ordered the liberation of all political prisoners incarcerated in Puerto Rican prisons as an act of national reconciliation;

Whereas when Luis Ferré was elected Governor he launched an effort to address what he called ''the inequalities of Puerto Rican society'', with initiatives to grant property titles to people living on public lands and to build multiple housing structures in rural and urban areas of Puerto Rico to provide homes for low-income families;

Whereas, during his term as Governor, Luis Ferré signed into law several pieces of social legislation that contributed to the betterment of Puerto Rican workers, including pay increases for teachers and policemen as well as other public employees and ''Christmas bonuses'', whereby workers received a check for at least 4 percent of their annual salary during the holiday season;

Whereas, as Governor, Luis Ferré appointed the first woman to a cabinet-level position, selecting Julita Rivera de Vicenty as Secretary of Labor of Puerto Rico;

Whereas Luis Ferré made great contributions to Puerto Rican cultural life, founding the Ponce Museum of Arts and giving scholarships to artists to further their studies in disciplines such as painting, visual arts, and music;

Whereas, throughout his life over the past century, Luis Ferré became an honored elder statesman and philanthropist;

Whereas Luis Ferré is one of four Puerto Ricans who have received the Presidential Medal of Freedom; and

Whereas Luis Ferré passed away on October 21, 2003, at the age of 99: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors Luis A. Ferré for his outstanding political leadership, business savvy, advocacy for social justice, and great love and support of the arts; and

(2) expresses condolences on his passing to his wife, Tiody de Jesus, and his two children, Antonio Luis and Rosario, and grandchildren.

The SPEAKER pro tempore, Mrs. EMERSON, recognized Mrs. MILLER of Michigan and Ms. SLAUGHTER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mrs. EMERSON, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. MILLER of Michigan demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. EMERSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶24.17 HONORING THE LIFE OF PRESIDENT FRANKLIN DELANO ROOSEVELT

Mrs. MILLER of Michigan moved to suspend the rules and pass the joint resolution (H.J. Res. 87) honoring the life and legacy of President Franklin Delano Roosevelt and recognizing his contributions on the anniversary of the date of his birth.

The SPEAKER pro tempore, Mrs. EMERSON, recognized Mrs. MILLER of Michigan and Ms. SLAUGHTER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. GILCHREST, announced that two-thirds of the Members present had voted in the affirmative.

Ms. SLAUGHTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. GILCHREST, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Wednesday, March 17, 2004.

¶24.18 RECESS—3:08 P.M.

The SPEAKER pro tempore, Mr. GILCHREST, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 8 minutes p.m., until approximately 6:30 p.m.

¶24.19 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mr. KLINE, called the House to order.

¶24.20 H. RES. 551—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. KLINE, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 551) thanking C-SPAN for its service to the House of Representatives on the 25th anniversary of its first coverage of the proceedings of the House.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative	Yeas	392
	Nays	0

¶24.21 [Roll No. 58]

YEAS—392

Abercrombie	Bilirakis	Burns
Ackerman	Bishop (GA)	Burton (IN)
Aderholt	Bishop (NY)	Buyer
Akin	Blackburn	Calvert
Alexander	Blumenauer	Camp
Allen	Blunt	Cannon
Andrews	Boehlert	Cantor
Baca	Boehner	Capito
Bachus	Bonilla	Capps
Baird	Bonner	Capuano
Baker	Bono	Cardin
Baldwin	Boozman	Cardoza
Ballance	Boswell	Carson (IN)
Ballenger	Boucher	Carson (OK)
Barrett (SC)	Boyd	Carter
Bartlett (MD)	Bradley (NH)	Case
Barton (TX)	Brady (PA)	Castle
Bass	Brady (TX)	Chabot
Bell	Brown (OH)	Chandler
Bereuter	Brown (SC)	Chocola
Berkley	Brown, Corrine	Clay
Berman	Brown-Waite, Ginny	Clyburn
Berry	Burgess	Coble
Biggert		Cole

Collins
Conyers
Cooper
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kleczka
Kline
Knollenberg
LaHood
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—41

Beauprez
Becerra
Bishop (UT)
Burr
Crane
Davis (IL)
DeMint
Deutsch
Edwards
Emanuel
Everett
Fattah
Gephardt
Gutierrez
Hall
Israel
Istook
Kirk
Kolbe
Kucinich
Larsen (WA)
Lipinski
Maloney
Meeks (NY)
Oberstar
Obey
Platts
Rahall
Rush
Ryan (OH)
Sandlin
Schakowsky
Sessions
Shadegg
Smith (WA)
Stearns
Tauzin
Toomey
Wexler
Wicker
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶24.22 H.R. 3733—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. KLINE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3733) to designate the facility of the United States Postal Service located at 410 Huston Street in Altamont, Kansas, as the ''Myron V. George Post Office''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 394 / Nays 0

¶24.23 [Roll No. 59]

YEAS—394

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kleczka
Kline
Knollenberg
LaHood
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—39

Beauprez
Becerra
Bishop (UT)
Burr
Crane
Davis (IL)
DeMint
Emanuel
Everett

Fattah
Gephardt
Gutierrez
Hall
Israel
Istook
Kilpatrick
Kirk
Kolbe
Kucinich
Larsen (WA)
Lipinski
Maloney
Marshall
Meeks (NY)
Oberstar
Obey
Pryce (OH)
Rahall
Rush
Ryan (OH)
Schakowsky
Sessions
Shadegg
Smith (WA)
Strickland
Tauzin
Toomey
Wexler
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶24.24 H. RES. 433—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. KLINE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 433) honoring the life and legacy of Luis A. Ferre.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 398 / Nays 0

¶24.25 [Roll No. 60]

YEAS—398

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kleczka
Kline
Knollenberg
LaHood
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—35

Beauprez
Becerra
Bishop (UT)
Burr
Cox
Crane
Davis (IL)
DeMint
Emanuel
Everett
Fattah
Gephardt
Gutierrez
Hall
Israel
Istook
Kirk
Kolbe
Kucinich
Larsen (WA)
Lipinski
Maloney
Meeks (NY)
Oberstar
Obey
Rahall
Rush
Ryan (OH)
Schakowsky
Sessions
Shadegg
Smith (WA)
Tauzin
Wexler
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶24.26 PROVIDING FOR THE CONSIDERATION OF H. RES. 557

Mr. DREIER, by direction of the Committee on Rules, reported (Rept. No. 108–438) the resolution (H. Res. 561) providing for consideration of the resolution (H. Res. 557) relating to the liberation of the Iraqi people and the valiant service of the United States Armed Forces and Coalition forces.

When said resolution and report were referred to the House Calendar and ordered printed.

¶24.27 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2043. An Act to designate a Federal building in Harrisburg, Pennsylvania, as the ''Ronald Reagan Federal Building''; to the Committee on Transportation and Infrastructure.

¶24.28 ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3724. An Act to amend section 220 of the National Housing Act to make a technical correction to restore allowable increases in the maximum mortgage limits for FHA-insured mortgages for multifamily housing projects to cover increased costs of installing a solar energy system or residential energy conservation measures.

¶24.29 SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1881. An Act to amend the Federal Food, Drug, and Cosmetic Act to make technical corrections relating to the amendments made by the Medical Device User Fee and Modernization Act of 2002, and for other purposes.

¶24.30 BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on March 12, 2004, he presented to the President of the United States, for his approval, the following bills.

H.R. 3915. An Act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through April 2, 2004.

¶24.31 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BECERRA, for today;

To Mr. DAVIS of Illinois, for today;

To Mr. EMANUEL, for today; and

To Mr. TAUZIN, for the weeks of March 8 and March 15.

And then,

¶24.32 ADJOURNMENT

On motion of Mr. PEARCE, at 9 o'clock and 24 minutes p.m., the House adjourned.

¶24.33 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OXLEY: Committee on Financial Services. Supplemental report on H.R. 1375. A bill to provide regulatory relief and improve productivity for insured depository institutions, and for other purposes (Rept. 108–152, Pt. 3). Ordered to be printed.

Mr. BARTON: Committee on Energy and Commerce. H.R. 3872. A bill to prohibit the misappropriation of databases while ensuring consumer access to factual information (Rept. 108–437). Referred to the Committee of the Whole House on the State of the Union.

Mr. DREIER: Committee on Rules. House Resolution 561. Resolution providing for consideration of the resolution (H. Res. 557) relating to the liberation of the Iraqi people and the valiant service of the United States Armed Forces and Coalition forces (Rept. 108–438). Referred to the House Calendar.

¶24.34 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GINGREY (for himself, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. EHLERS):

H.R. 3970. A bill to provide for the implementation of a Green Chemistry Research and Development Program, and for other purposes; to the Committee on Science.

By Mr. THOMAS:

H.R. 3971. A bill to amend the Internal Revenue Code of 1986 to credit the Highway Trust Fund with the full amount of fuel taxes, to combat fuel tax evasion, and for other purposes; to the Committee on Ways and Means.

By Mr. FOLEY (for himself, Mr. LAMPSON, Mr. BAKER, Mr. FROST, Mr. WEXLER, and Ms. WATSON):

H.R. 3972. A bill to ensure that appropriate State social services officers have the authority to access certain Federal databases for the purpose of carrying out checks in cases of child abuse and neglect and cases of missing children, and for other purposes; to the Committee on the Judiciary.

By Mr. NUSSLE:

H.R. 3973. A bill to amend part C of the Balanced Budget and Emergency Deficit Control Act of 1985 to extend the discretionary spending limits and pay-as-you-go through fiscal year 2009; to the Committee on the Budget.

By Mr. MILLER of North Carolina (for himself and Mr. WATT):

H.R. 3974. A bill to amend the Truth in Lending Act to impose restrictions and limitations on high-cost mortgages, to revise the permissible fees and charges on certain loans made, to prohibit unfair or deceptive practices by mortgage brokers and creditors, and to provide for public education and counseling about predatory lenders, and for other purposes; to the Committee on Financial Services.

By Mr. BALLANCE:

H.R. 3975. A bill to authorize States, in the event of inadequate Federal funding under part B of the Individuals with Disabilities Education Act, to waive certain requirements of the Elementary and Secondary Education Act of 1965, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ENGLISH:

H.R. 3976. A bill to amend the Internal Revenue Code of 1986 to repeal the depreciation adjustments required in computing alternative minimum taxable income; to the Committee on Ways and Means.

By Mr. ENGLISH:

H.R. 3977. A bill to amend the Internal Revenue Code of 1986 to allow the work opportunity credit, welfare-to-work credit, and research credit against the alternative minimum tax; to the Committee on Ways and Means.

By Mr. GALLEGLY (for himself and Mr. PITTS):

H.R. 3978. A bill to amend the Immigration and Nationality Act to modify provisions relating to designation of foreign terrorist organizations, to amend the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, to include in annual Department of State country reports on terrorism information on terrorist groups that seek weapons of mass destruction and groups that have been designated as foreign terrorist organizations, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Kentucky:

H.R. 3979. A bill to exempt the natural aging process in the determination of the production period for distilled spirits under section 263A of the Internal Revenue Code of 1986; to the Committee on Ways and Means.

By Mr. SKELTON:

H. Con. Res. 385. Concurrent resolution calling on the President to negotiate a bilateral security agreement with the Iraqi Governing Council before June 30, 2004; to the Committee on International Relations.

By Mrs. WILSON of New Mexico (for herself, Mr. HEFLEY, Mr. PEARCE, Mr. HUNTER, Mr. SAM JOHNSON of Texas, Mr. MURTHA, Mr. CUNNINGHAM, Mr. WILSON of South Carolina, Mr. BARTLETT of Maryland, Mr. SIMMONS, Mr. LOBIONDO, Mr. CALVERT, Mr. REYES, Mr. MCKEON, Mr. SNYDER, Mr. RODRIGUEZ, Mr. COOPER, Mr. GIBBONS, Mr. EVANS, and Mrs. MILLER of Michigan):

H. Con. Res. 386. Concurrent resolution congratulating the United States Air Force Academy on its 50th Anniversary and recognizing its contributions to the Nation; to the Committee on Armed Services.

By Mr. DREIER:

H. Res. 561. A resolution providing for consideration of the resolution (H. Res. 557) relating to the liberation of the Iraqi people and the valiant service of the United States Armed Forces and Coalition forces.

By Mr. REYES:

H. Res. 562. A resolution honoring and congratulating Don Haskins on his 50 years of contributions to the game of basketball and his efforts in support of diversity in sports; to the Committee on Education and the Workforce.

By Ms. ROS-LEHTINEN (for herself, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MENENDEZ, and Mr. MARIO DIAZ-BALART of Florida):

H. Res. 563. A resolution expressing the sense of the House of Representatives regarding the one-year anniversary of the human rights crackdown in Cuba; to the Committee on International Relations.

¶24.35 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 119: Mrs. MUSGRAVE.
H.R. 290: Mr. MEEKS of New York and Mr. CROWLEY.
H.R. 434: Ms. HARRIS and Mrs. MILLER of Michigan.
H.R. 669: Mr. SOUDER.
H.R. 677: Mr. KILDEE, Mr. KUCINICH, Mr. SANDERS, and Mr. WAXMAN.
H.R. 812: Mr. MCCOTTER.
H.R. 814: Mr. POMEROY and Ms. KILPATRICK.
H.R. 834: Mr. BURNS.
H.R. 857: Mr. CRAMER, Mr. TOM DAVIS of Virginia, Mr. LEWIS of California, Mr. ADERHOLT, Mr. BILIRAKIS, and Mr. CANTOR.
H.R. 936: Mr. HOLT.
H.R. 995: Mr. ANDREWS.
H.R. 996: Mr. TAYLOR of Mississippi and Mr. CRAMER.
H.R. 1002: Mr. SMITH of Washington.
H.R. 1005: Mr. STUPAK, Mrs. MUSGRAVE, and Mr. PEARCE.
H.R. 1034: Mr. MCDERMOTT, Mr. FILNER, Ms. CARSON of Indiana, Mr. CASE, Ms. LEE, and Mr. WEXLER.
H.R. 1052: Mr. THOMPSON of California, Mr. GREEN of Wisconsin, Ms. CORRINE BROWN of Florida, Mr. JACKSON of Illinois, and Mr. SABO.
H.R. 1057: Mr. PASCRELL.
H.R. 1083: Mr. WU, Mr. DOGGETT, Mr. LARSEN of Washington, and Mr. KUCINICH.
H.R. 1118: Mr. MATSUI.
H.R. 1125: Mr. STENHOLM.
H.R. 1258: Mr. RYAN of Ohio.
H.R. 1267: Ms. MCCARTHY of Missouri, Mr. BACA, Mr. MATSUI, and Mr. CARDOZA.
H.R. 1345: Mr. GOODE.
H.R. 1357: Mr. GORDON and Mr. WU.
H.R. 1464: Mr. KUCINICH.
H.R. 1508: Mr. LEWIS of Georgia, Mr. ABERCROMBIE, Mr. MEEK of Florida, Mr. PASCRELL, and Mr. MEEHAN.
H.R. 1655: Mr. BACA.
H.R. 1688: Mr. NEAL of Massachusetts.
H.R. 1726: Mr. SMITH of New Jersey.
H.R. 1734: Mr. SMITH of Washington.
H.R. 1742: Mr. CUNNINGHAM.
H.R. 1748: Ms. SLAUGHTER.
H.R. 1749: Mr. LARSEN of Washington.
H.R. 1755: Mr. SESSIONS.
H.R. 1783: Mr. HOEKSTRA.
H.R. 1824: Ms. BALDWIN, Mr. MATHESON, Mr. DAVIS of Tennessee, and Ms. LEE.
H.R. 2085: Mr. KUCINICH.
H.R. 2133: Mr. LOBIONDO.
H.R. 2151: Mr. TURNER of Texas, Mr. FRANK of Massachusetts, Mr. WAXMAN, Ms. BERKLEY, Mr. GRIJALVA, Mr. CARTER, and Mr. BONILLA.
H.R. 2169: Ms. MAJETTE.
H.R. 2260: Mr. MEEHAN, Ms. MCCARTHY of Missouri, and Mr. HALL.
H.R. 2269: Mr. CRANE.
H.R. 2291: Mr. CUMMINGS.
H.R. 2293: Mr. CRANE.
H.R. 2366: Mr. LANTOS, Mrs. JONES of Ohio, and Ms. CORRINE BROWN of Florida.
H.R. 2404: Mr. CROWLEY and Mrs. BONO.
H.R. 2449: Mr. GORDON and Mr. FERGUSON.
H.R. 2482: Mr. PRICE of North Carolina.
H.R. 2490: Mr. CLAY.
H.R. 2505: Mr. FRANK of Massachusetts, Mr. FILNER, Mr. LEWIS of Georgia, and Mr. DELAHUNT.
H.R. 2509: Mr. HYDE.
H.R. 2536: Mr. HOUGHTON, Mrs. CHRISTENSEN, Mrs. JONES of Ohio, and Ms. NORTON.
H.R. 2570: Mr. GONZALEZ, Ms. MILLENDER-MCDONALD, Mr. STUPAK, and Mr. LANTOS.
H.R. 2665: Mr. COOPER.
H.R. 2671: Mr. GOSS..
H.R. 2702: Mr. KUCINICH and Mr. MOORE.

H.R. 2768: Mr. PORTER.
H.R. 2771: Mr. BISHOP of New York, Mr. OWENS, and Mr. HOUGHTON.
H.R. 2823: Mr. BURNS.
H.R. 2926: Mr. MARKEY and Mr. MATHESON.
H.R. 2932: Mr. DAVIS of Illinois, Mr. KUCINICH, Mr. LANTOS, and Mr. MCGOVERN.
H.R. 2933: Mrs. CUBIN.
H.R. 2944: Mr. ANDREWS, Mr. BAIRD, Mr. SMITH of Washington, and Mr. MCGOVERN.
H.R. 2978: Ms. MCCARTHY of Missouri, Mr. PUTNAM, Mr. PENCE, Mr. HINOJOSA, Mr. MURPHY, and Mr. JOHNSON of Illinois.
H.R. 2999: Mr. CULBERSON, Mr. OSBORNE, Mr. KENNEDY of Minnesota, and Mr. BISHOP of Utah.
H.R. 3007: Mr. BOUCHER.
H.R. 3015: Mrs. JOHNSON of Connecticut.
H.R. 3049: Mr. LANGEVIN.
H.R. 3052: Mr. CULBERSON.
H.R. 3115: Mr. NEY.
H.R. 3134: Mr. SANDERS and Mr. JOHNSON of Illinois.
H.R. 3171: Mr. PAYNE.
H.R. 3213: Mr. TERRY, Ms. HART, Mr. ENGLISH, Mr. STEARNS, Mr. SMITH of Michigan, Mr. DOOLITTLE, Mr. BURTON of Indiana, Mr. THORNBERRY, Mr. HOSTETTLER, and Mr. FORBES.
H.R. 3277: Mr. BACHUS.
H.R. 3325: Ms. DEGETTE, Mr. SHERMAN, and Ms. CORRINE BROWN of Florida.
H.R. 3360: Mr. MORAN of Virginia.
H.R. 3361: Mr. HINCHEY.
H.R. 3363: Mr. COOPER.
H.R. 3377: Mr. GEORGE MILLER of California.
H.R. 3403: Mr. JOHN and Mr. BERRY.
H.R. 3410: Mr. SHAYS.
H.R. 3416: Mr. NEAL of Massachusetts.
H.R. 3441: Mr. LARSON of Connecticut, Mr. MCHUGH, Mr. NEAL of Massachusetts, Mr. POMEROY, Mrs. CAPITO, Ms. WATSON, Mrs. NAPOLITANO, Mr. GRIJALVA, Mr. MORAN of Virginia, Mr. MEEHAN, and Mr. MENENDEZ.
H.R. 3453: Mr. SESSIONS.
H.R. 3459: Mr. FILNER.
H.R. 3473: Mr. FALEOMAVAEGA.
H.R. 3474: Mr. NEAL of Massachusetts, Mr. FORD, Mr. KUCINICH, Mr. HALL, and Mr. WOLF.
H.R. 3528: Mrs. JOHNSON of Connecticut and Ms. MCCARTHY of Missouri.
H.R. 3543: Mr. DELAHUNT and Mr. MANZULLO.
H.R. 3550: Mr. BERMAN.
H.R. 3587: Ms. MILLENDER-MCDONALD.
H.R. 3599: Ms. DEGETTE.
H.R. 3643: Mrs. JO ANN DAVIS of Virginia.
H.R. 3668: Mr. ABERCROMBIE.
H.R. 3673: Ms. BERKLEY.
H.R. 3687: Mr. LOBIONDO.
H.R. 3695: Mr. ROTHMAN.
H.R. 3699: Mr. EDWARDS, Mr. GUTIERREZ, Mr. LANTOS, and Mr. POMEROY.
H.R. 3704: Mr. COX.
H.R. 3708: Mrs. MUSGRAVE.
H.R. 3716: Mr. BURR, Mr. RYAN of Ohio, Mr. BISHOP of Georgia, and Mr. HAYES.
H.R. 3720: Mr. WEXLER.
H.R. 3739: Mr. MOORE.
H.R. 3743: Mr. STUPAK.
H.R. 3755: Mrs. MILLER of Michigan.
H.R. 3793: Mr. KIRK and Mr. WAXMAN.
H.R. 3795: Mr. KENNEDY of Rhode Island.
H.R. 3800: Mr. BISHOP of Utah, Mr. PUTNAM, Mr. BURTON of Indiana, Mr. TERRY, and Mr. BURGESS.
H.R. 3802: Mr. ENGLISH, Mrs. DAVIS of California, Ms. LOFGREN, Mr. KUCINICH, Ms. CORRINE BROWN of Florida, Mrs. JONES of Ohio, and Mr. NEY.
H.R. 3803: Mr. WAXMAN, Ms. SCHAKOWSKY, and Ms. NORTON.
H.R. 3818: Ms. CARSON of Indiana, Mr. SMITH of Texas, Mr. HOLT, Ms. DUNN, Mr. SHAYS, and Mr. WILSON of South Carolina.
H.R. 3820: Mr. ABERCROMBIE, Mr. GREEN of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCINTYRE, Mr. FRANK of Massachusetts, Mr. RYAN of Ohio, Mr. KUCINICH, Mr. KILDEE, Mr. LIPINSKI, Mr. SANDERS, Mr. MICHAUD, Mr. DUNCAN, Mr. STARK, Mr. BROWN of Ohio, Mr. RANGEL, Mr. PASTOR, Mr. EVANS, Mr THOMPSON of Mississippi, Mr. DEFAZIO, Mr. LANTOS, Mr. HOEFFEL, Mr. FROST, Ms. WOOLSEY, Ms. MCCOLLUM, Ms. SLAUGHTER, Ms. MCCARTHY of Missouri, Mr. MEEHAN, Mr. EMANUEL, Mr. STUPAK, and Ms. LINDA T. SANCHEZ of California.
H.R. 3834: Mr. BALLANCE.
H.R. 3847: Mr. MEEHAN.
H.R. 3854: Mr. BURTON of Indiana.
H.R. 3857: Ms. DUNN.
H.R. 3860: Mr. UDALL of New Mexico.
H.R. 3884: Mr. SMITH of Texas.
H.R. 3887: Mr. NADLER, Mr. GRIJALVA, Mr. LEACH, Mr. BRADY of Pennsylvania, Mr. MOORE, and Mrs. JONES of Ohio.
H.R. 3889: Mr. BURR and Mr. GOODE.
H.R. 3919: Ms. DELAURO, Mr. STARK, Mr. BROWN of Ohio, Mr. KUCINICH, and Mr. WAXMAN.
H.R. 3934: Mrs. MALONEY.
H.R. 3943: Mr. DREIER.
H.R. 3946: Mr. DINGELL.
H.R. 3966: Mr. BLUNT, Mr. SESSIONS, and Mr. ISAKSON.
H.J. Res. 87: Mr. NADLER, Mr. KUCINICH, Mr. KILDEE, Mr. GEORGE MILLER of California, Mr. CUMMINGS, Mr. KENNEDY of Rhode Island, Ms. CARSON of Indiana, Mr. FRANK of Massachusetts, Mr. VAN HOLLEN, and Mr. BISHOP of Georgia.
H. Con. Res. 111: Mr. NEAL of Massachusetts and Mr. LEACH.
H. Con. Res. 242: Mr. WAMP.
H. Con. Res. 247: Mr. BOEHLERT.
H. Con. Res. 257: Ms. HART.
H. Con. Res. 304: Mr. FARR, Ms. LEE, Mr. ROYCE, Mr. TANCREDO, Mr. CALVERT, and Ms. MCCARTHY of Missouri.
H. Con. Res. 311: Mrs. JO ANN DAVIS of Virginia.
H. Con. Res. 332: Mr. WELDON of Florida, Mr. KIND, Mr. JOHNSON of Illinois, Mr. HOLDEN, Mr. BISHOP of Georgia, Mr. MURPHY, Mr. HOYER, Mr. DOOLITTLE, Mr. MARIO DIAZ-BALART of Florida, Mr. HOEFFEL, Mr. UDALL of New Mexico, Mr. TOOMEY, Mr. SIMMONS, and Mr. BISHOP of New York.
H. Con. Res. 343: Mr. BISHOP of Georgia.
H. Con. Res. 363: Mr. LINCOLN DIAZ-BALART of Florida.
H. Con. Res. 365: Mr. BISHOP of Georgia.
H. Con. Res. 366: Mr. BROWN of Ohio, Mr. POMEROY, Mr. WAXMAN, Mr. HOLDEN, Mr. BRADY of Pennsylvania, Mr. PASCRELL, Mrs. JONES of Ohio, Mr. BISHOP of New York, Mr. CUMMINGS, Mr. BACA, Mr. CARSON of Oklahoma, Mr. RYAN of Ohio, Mr. STUPAK, Mr. KUCINICH, Ms. VELAZQUEZ, Mr. SANDLIN, and Mr. JOHN.
H. Con. Res. 371: Mr. DEUTSCH, Mr. WEINER, Mrs. MALONEY, Mr. MEEK of Florida, Mr. ADERHOLT, and Mr. PORTER.
H. Con. Res. 374: Mr. KLINE and Mr. BISHOP of Georgia.
H. Con. Res. 375: Mr. MORAN of Virginia and Mr. EDWARDS.
H. Con. Res. 378: Mr. KIRK and Mr. ROTHMAN.
H. Res. 28: Mr. ROTHMAN.
H. Res. 45: Mr. MORAN of Virginia, Mr. LUCAS of Kentucky, and Mr. ROGERS of Michigan.
H. Res. 466: Ms. MILLENDER-MCDONALD, Mr. LANGEVIN, and Mr. MICHAUD.
H. Res. 470: Mrs. JO ANN DAVIS of Virginia.
H. Res. 479: Mr. BOEHLERT.
H. Res. 528: Mr. GREEN of Wisconsin, Mr. BURNS, Mr. ACKERMAN, Mr. FRANK of Massachusetts, Ms. BERKLEY, Mr. UDALL of New Mexico, Mr. SCOTT of Georgia, Mr. LUCAS of Kentucky, Ms. LINDA T. SANCHEZ of California, and Mr. DOGGETT.
H. Res. 551: Mr. HOUGHTON, Mr. BEREUTER, Mrs. CHRISTENSEN, Mr. LAHOOD, Mr. KIND, Mr. UPTON, Mr. BUYER, Mr. MARKEY, and Mr. ENGLISH.
H. Res. 558: Mrs. TAUSCHER, Mr. MOORE, Mr. REGULA, Mr. BOOZMAN, Mr. PRICE of North Carolina, Mr. LAMPSON, Mr. TANNER, Mr. LEACH, Mr. ENGEL, Mr. LANTOS, and Mr. WILSON of South Carolina.

WEDNESDAY, MARCH 17, 2004 (25)

¶25.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. BASS, who laid before the House the following communication:

WASHINGTON, DC,
March 17, 2004.

I hereby appoint the Honorable CHARLES F. BASS to act as Speaker pro tempore on this day.

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

¶25.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. BASS, announced he had examined and approved the Journal of the proceedings of Tuesday, March 16, 2004.

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

¶25.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

7183. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish Managed Under the Individual Fishing Quota Program [I.D. 020204C] received March 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7184. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Three Mile Island Generating Station, Susquehanna River, Dauphin County, Pennsylvania [COTP PHILADELPHIA 03-007] (RIN: 1625-AA00) received March 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7185. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Commercial Boulevard Bridge (SR 870), Atlantic Intracoastal Waterway, mile 1059.0, Lauderdale-by-the-Sea, Broward County, FL. [CGD07-02-147] (RIN: 1625-AA09) received March 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7186. A letter from the FMCSA Regulatory Officer, Department of Transportation, transmitting the Department's final rule — Transportation of Household Goods; Consumer Protection Regulations [Docket No. FMCSA-97-2979] (RIN: 2126-AA32) received March 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7187. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Collision Avoidance Systems; Correction [Docket No. FAA-2001-10910; Amendment Nos. 121-297, 125-41, and 129-37] (RIN: 2120-AG90) received March 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7188. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Ashland, OH [Airspace Docket No. 01-AGL-19] received March 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7189. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Flightdeck Security on Large Cargo Airplanes; Correction [Docket No. FAA-2003-15653; Amendment Nos. 121-299 and 129-38] (RIN: 2120-AH96) received March 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶25.4 PROVIDING FOR THE CONSIDERATION OF H. RES. 557

Mr. DREIER, by direction of the Committee on Rules, called up the following resolution (H. Res. 561):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the resolution (H. Res. 557) relating to the liberation of the Iraqi people and the valiant service of the United States Armed Forces and Coalition forces. The resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the resolution and preamble to final adoption without intervening motion except: (1) four hours of debate equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations or their designee; and (2) one motion to recommit which may not contain instructions.

SEC. 2. During consideration of House Resolution 557 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the resolution to a time designated by the Speaker.

When said resolution was considered.

After debate,

¶25.5 MOTION TO ADJOURN

Mr. HASTINGS of Florida moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. BASS, announced that the nays had it.

Mr. HASTINGS of Florida demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 36 / Nays 377

¶25.6 [Roll No. 61]

AYES—36

Abercrombie
Allen
Capuano
Conyers
Cummings
DeGette
Delahunt
Dicks
Dingell
Doggett
Emanuel
Filner
Hastings (FL)
Hinchey
Holt
Johnson, E. B.
Kilpatrick
McDermott
McGovern
Miller (NC)
Olver
Owens
Payne
Pelosi
Rothman
Roybal-Allard
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Shimkus
Thompson (MS)
Tierney
Waters
Wexler
Woolsey

NOES—377

Ackerman
Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holden
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Majette
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sabo
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—20

Clay
Frank (MA)
Frost
Hoeffel
Hunter
Israel
Jefferson
King (NY)
Kucinich
Lynch
Maloney
Quinn
Reyes
Reynolds
Rush
Ryan (OH)
Smith (WA)
Souder
Tauzin
Walsh

So the motion to adjourn was not agreed to.

After further debate,

On motion of Mr. DREIER, the previous question was ordered on the resolution to its adoption or rejection

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. BASS, announced that the yeas had it.

Mr. HASTINGS of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 217 / Nays 197

¶25.7 [Roll No. 62]

YEAS—217

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins

Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiberi
Toomey
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—197

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Majette
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Sabo
Sánchez, Linda T.
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—19

Barton (TX)
Bereuter
Gibbons
Hoeffel
Israel
Kirk
Kucinich
Leach
Lynch
Maloney
Rush
Ryan (OH)
Sanchez, Loretta
Smith (WA)
Souder
Tauzin
Tiahrt
Turner (OH)
Weldon (PA)

So the previous question was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. BASS, announced that the yeas had it.

Mr. HASTINGS of Florida demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 228 / Nays 195

¶25.8 [Roll No. 63]

AYES—228

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

NOES—195

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lucas (KY)
Lynch
Majette
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—10

Hoeffel
Israel
Kaptur
Kucinich
Lowey
Maloney
Rush
Ryan (OH)
Smith (WA)
Tauzin

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶25.9 COUNTER-TERRORIST AND NARCO-TERRORIST REWARDS PROGRAM

Ms. HARRIS moved to suspend the rules and pass the bill (H.R. 3782) to amend the State Department Basic Authorities Act of 1956 to increase the maximum amount of an award available under the Department of State rewards program, to expand the eligibility criteria to receive an award, to authorize nonmonetary awards, to publicize the existence of the rewards program, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. BASS, recognized Ms. HARRIS and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BASS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until March 18, 2004.

¶25.10 STRATEGIC PARTNERSHIP WITH MARSHALL ISLANDS

Ms. HARRIS moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 364):

Whereas on November 20, 2003, Congress, recognizing our Nation's historical responsibilities over the Former Trust Territory of the Marshall Islands and its successful transition from Trust Territory status to full independence in free association with the United States beginning in 1986, approved the Compact of Free Association Amendments Act, which was signed into law by President Bush on December 17, 2003, becoming Public Law Number 108–188;

Whereas the Compact of Free Association, as amended by Public Law 108–188, embodies and extends the close political, economic, and social partnership, as well as the strategic mutual security alliance, between the Republic of the Marshall Islands and the United States under the terms of the bilateral association between our nations;

Whereas this partnership for peace and alliance for the security of our nations and the world began in 1944, when the heroic armed forces of the United States and its allies, with the courageous assistance of the people of the Marshall Islands at the risk of their own safety, liberated the Marshall Islands from Japanese military occupation;

Whereas the friendship and cooperation between the United States and the people of the Marshall Islands that began during World War II continued during the next 4 decades, during which the United States exercised powers of government in the Marshall Islands under a Trusteeship Agreement with the United Nations;

Whereas during the Marshall Islands trusteeship era the aim of the United States was to promote international peace and security through its nuclear weapons testing program which was viewed as a critical element to the success of United States global leadership during the Cold War;

Whereas the United States testing program conducted in the Marshall Islands and the strategy of nuclear deterrence sustained by the United States and its allies, was carried out in the hope that understanding its destructive power would be the strategy for which we could arm the world with reasons for peace among nations;

Whereas from 1946 to 1958 the United States detonated 67 atmospheric nuclear weapons in the Marshall Islands, representing nearly 80 percent of all the atmospheric tests ever conducted by the United States, and enabling atmospheric tests in the continental United States to be terminated and relocated at the greatest possible distance from large cities and densely populated areas;

Whereas on March 1, 1954, the hydrogen weapons test code-named Bravo yielded explosive power approximately 1,000 times greater than the weapon used in the 1945 wartime nuclear attack on Hiroshima, Japan;

Whereas the Bravo test created a mushroom cloud 25 miles in diameter, and produced a crater 6,000 feet in diameter, vaporizing 6 islands at the Bikini Atoll;

Whereas the Bravo test and the 12 year nuclear testing program has been the defining experience of the modern era for the people of the Marshall Islands, and these momentous events created a common bond between the people of the Marshall Islands and the United States military and civilian personnel who shared hardships and suffering with the people of the Marshall Islands during the testing program, as well as the United States citizens in areas affected by the mainland testing programs and weapons production industry;

Whereas the people of the Marshall Islands, having learned first hand the dangers of nuclear weapons, freely chose in United Nations observed acts of self-determination in 1982 to enter into the Compact of Free Association in order to become a sovereign nation allied more closely with the United Sates than any other nation under any other alliance;

Whereas from the time of choosing self-determination, the Marshall Islands worked closely with Congress and the executive branch to bring about a strong understanding of the unique relationship between their islands and the other United States insular areas;

Whereas the United States nuclear testing program put the people of these remote islands on the front line in the Cold War struggle to preserve international peace, promote nuclear disarmament, support nuclear nonproliferation, and provide facilities critical to the development by the United States of a deployable missile defense system to reduce the risks of nuclear missile attacks; and

Whereas as a member state in the United Nations, the world body that once had oversight of United States stewardship of the trusteeship for the people of the Marshall Islands and their island homelands, the Republic of the Marshall Islands has an unmatched record of working in conjunction with the leadership of the United States in the pursuit of international peace and security, the rights and well-being of the peoples of the world, and in the War on Terrorism: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress recognizes as an historic achievement of friendship more than 5 decades of strategic partnership between the United States and the people of the Marshall Islands in pursuit of international peace and security, and recognizes with solemn regard for the cost of preserving peace, the importance of the nuclear weapon test code-named Bravo at Bikini Atoll in the Marshall Islands on March 1, 1954.

The SPEAKER pro tempore, Mr. BASS, recognized Ms. HARRIS and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. BASS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until March 18, 2004.

¶25.11 RECESS—1 P.M.

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 12(a) of rule I, declared the House in recess at 1 p.m., subject to the call of the Chair.

¶25.12 AFTER RECESS—2:10 P.M.

The SPEAKER pro tempore, Mr. SIMPSON, called the House to order.

¶25.13 LIBERATION OF IRAQI PEOPLE AND VALIANT SERVICE OF U.S. ARMED FORCES

Mr. HYDE, pursuant to House Resolution 561, called up the following resolution (H. Res. 557):

Whereas Saddam Hussein and his regime committed crimes against humanity, systematically violating the human rights of Iraqis and citizens of other countries;

Whereas Saddam Hussein's terror regime subjected the Iraqi people to murder, torture, rape, and amputation;

Whereas on March 16, 1988, Saddam Hussein's regime had and unleashed weapons of mass destruction against Kurdish citizens, killing nearly 5,000 of them;

Whereas as many as 270 mass grave sites, containing the remains of as many as 400,000 victims of Saddam Hussein's regime, have been found in Iraq;

Whereas rape was used to intimidate the Iraqi population, with victims often raped in front of their families;

Whereas the regime punished the Marsh Arabs by draining the marshlands, which created hundreds of thousands of refugees and caused an ecological catastrophe;

Whereas the Iraq Liberation Act of 1998 (Public Law 105–338), passed by the House of Representatives by a vote of 360 to 38, made it United States policy to support efforts to remove from power the regime headed by Saddam Hussein;

Whereas with the Iraqi regime failing to comply with 16 previously adopted United Nations Security Council resolutions, the Security Council unanimously approved Resolution 1441 on November 8, 2002, declaring that Iraq ''has been and remains in material breach of its obligations under relevant resolutions, including resolution 687 (1991), in particular through Iraq's failure to cooperate with United Nations inspectors''; and

Whereas on October 10, 2002, the House of Representatives passed the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243) and on March 19, 2003, the United States initiated

military operations in Iraq: Now, therefore, be it

Resolved, That the House of Representatives—

(1) affirms that the United States and the world have been made safer with the removal of Saddam Hussein and his regime from power in Iraq;

(2) commends the Iraqi people for their courage in the face of unspeakable oppression and brutality inflicted on them by Saddam Hussein's regime;

(3) commends the Iraqi people on the adoption of Iraq's interim constitution; and

(4) commends the members of the United States Armed Forces and Coalition forces for liberating Iraq and expresses its gratitude for their valiant service.

When said resolution was considered.

After debate,

Pursuant to House Resolution 561, the previous question was ordered on the resolution and preamble to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. ISAKSON, announced that the yeas had it.

Mr. MURTHA demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 327; Nays ..... 93; Answered present 7 }

¶25.14 [Roll No. 64]

AYES—327

Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Etheridge
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Murphy
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pascrell
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weiner
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—93

Abercrombie
Ackerman
Baldwin
Ballance
Becerra
Bell
Blumenauer
Brady (PA)
Brown, Corrine
Capps
Clay
Clyburn
Conyers
Cummings
Davis (IL)
DeGette
Delahunt
Doyle
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Honda
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Kanjorski
Kilpatrick
Kleczka
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Mollohan
Moran (VA)
Murtha
Nadler
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Rahall
Rangel
Rothman
Roybal-Allard
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Scott (VA)
Serrano
Solis
Stark
Tauscher
Thompson (CA)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Wexler
Woolsey

ANSWERED "PRESENT"—7

Carson (IN)
Davis (AL)
Davis (CA)
Johnson, E. B.
Lantos
Meehan
Waxman

NOT VOTING—7

Hoeffel
Kucinich
Sherwood
Simmons
Smith (WA)
Tauzin
Weldon (PA)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶25.15 H.J. RES. 87—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ISAKSON, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the joint resolution (H.J. Res. 87) honoring the life and legacy of President Franklin Delano Roosevelt and recognizing his contributions on the anniversary of the date of his birth.

The question being put,

Will the House suspend the rules and pass said joint resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 398; Nays ..... 5; Answered present 6 }

¶25.16 [Roll No. 65]

YEAS—398

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Barrett (SC)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinchey

Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—5

Bartlett (MD)
Flake
Hefley
King (IA)
Paul

ANSWERED ''PRESENT''—6

Crane
Cunningham
Everett
Johnson, Sam
Kingston
Pence

NOT VOTING—24

Akin
Ballenger
Blunt
Collins
Dooley (CA)
Doolittle
Foley
Garrett (NJ)
Gephardt
Goss
Harman
Hoeffel
Kucinich
Lewis (CA)
Manzullo
Matsui
Otter
Rohrabacher
Sherwood
Simmons
Smith (WA)
Tauzin
Weldon (PA)
Weller

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said joint resolution was passed.

A motion to reconsider the vote whereby the rules were suspended and said joint resolution was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said joint resolution.

¶25.17 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. ISAKSON, laid before the House the following communication from Chris Beaman, Office Manager and Constituent Services Representative for the Honorable Howard Coble:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 11, 2004.

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

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the General Court of Justice for the State of North Carolina, Guilford County.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the precedents and privileges of the House.

Sincerely,

CHRIS BEAMAN.

¶25.18 PROVIDING FOR THE CONSIDERATION OF H.R. 1375

Mr. SESSIONS, by direction of the Committee on Rules, reported (Rept. No. 108–439) the resolution (H. Res. 566) providing for consideration of the bill (H.R. 1375) to provide regulatory relief and improve productivity for insured depository institutions, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

And then,

¶25.19 ADJOURNMENT

On motion of Mr. DELAHUNT, at midnight, the House adjourned.

¶25.20 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SESSIONS: Committee on Rules. House Resolution 566. Resolution providing for consideration of the bill (H.R. 1375) to provide regulatory relief and improve productivity for insured depository institutions, and for other purposes (Rept. 108–439). Referred to the House Calendar.

¶25.21 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. NEUGEBAUER (for himself and Mr. MOORE):

H.R. 3980. A bill to establish a National Windstorm Impact Reduction Program; to the Committee on Science, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTON of Texas (by request):

H.R. 3981. A bill to reclassify fees paid into the Nuclear Waste Fund as offsetting collections, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CANNON:

H.R. 3982. A bill to direct the Secretary of Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, Utah, and for other purposes; to the Committee on Resources.

By Mr. BECERRA (for himself, Mr. BROWN of Ohio, Mr. FROST, and Mr. MCGOVERN):

H.R. 3983. A bill to assist low income taxpayers in preparing and filing their tax returns and to protect taxpayers from unscrupulous refund anticipation loan providers, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BLACKBURN (for herself, Mr. HENSARLING, Mr. HERGER, and Mr. HOSTETTLER):

H.R. 3984. A bill to make 1 percent across-the-board rescissions in non-defense, non-homeland-security discretionary spending for fiscal year 2005; to the Committee on Appropriations.

By Mrs. BLACKBURN (for herself, Mr. HENSARLING, Mr. HERGER, and Mr. HOSTETTLER):

H.R. 3985. A bill to make 2 percent across-the-board rescissions in non-defense, non-homeland-security discretionary spending for fiscal year 2005; to the Committee on Appropriations.

By Mrs. BLACKBURN (for herself, Mr. HENSARLING, Mr. HERGER, and Mr. HOSTETTLER):

H.R. 3986. A bill to make 5 percent across-the-board rescissions in non-defense, non-homeland-security discretionary spending for fiscal year 2005; to the Committee on Appropriations.

By Mr. EVANS (for himself and Mr. MORAN of Virginia):

H.R. 3987. A bill to amend the Immigration and Nationality Act to provide for the automatic acquisition of citizenship by certain individuals born in Korea, Vietnam, Laos, Kampuchea, or Thailand; to the Committee on the Judiciary.

By Mr. FATTAH:

H.R. 3988. A bill to amend the Higher Education Act of 1965 by strengthening and expanding the Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) in order to facilitate the transition of low-income high school students into post-secondary education; to the Committee on Education and the Workforce.

By Mr. HASTINGS of Florida (for himself, Mr. MEEK of Florida, Mr. WEXLER, Ms. CORRINE BROWN of Florida, Mr. OBERSTAR, Ms. JACKSON-LEE of Texas, Mr. RUSH, Mr. OWENS, Ms. KILPATRICK, Mr. KLECZKA, and Ms. NORTON):

H.R. 3989. A bill to require the Secretary of Treasury to direct the United States Executive Director at the Inter-American Development Bank to urge the Bank to release the loans approved for Haiti, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on

International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETERSON of Minnesota (for himself, Mr. SHERWOOD, Mr. OBEY, Mr. SENSENBRENNER, Mr. KIND, Mr. PETERSON of Pennsylvania, Mr. OBERSTAR, Mr. GREEN of Wisconsin, Ms. BALDWIN, and Mr. RYAN of Wisconsin):

H.R. 3990. A bill to amend the Farm Security and Rural Investment Act of 2002 to extend contracts for national dairy market loss payments through fiscal year 2007; to the Committee on Agriculture.

By Mr. SABO:

H.R. 3991. A bill to make supplemental appropriations for fiscal year 2004 for the Federal Air Marshals program, and for other purposes; to the Committee on Appropriations.

By Mr. TANCREDO (for himself and Mr. ROHRABACHER):

H.R. 3992. A bill to amend the National Environmental Policy Act of 1969 to require preparation of statements regarding the environmental impacts of legal and illegal immigration; to the Committee on Resources.

By Mr. JOHN:

H. Con. Res. 387. Concurrent resolution expressing the sense of Congress with respect to the current policy on bids for agricultural food tenders in Iraq; to the Committee on International Relations.

By Mr. LATOURETTE (for himself and Ms. NORTON):

H. Con. Res. 388. Concurrent resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service; to the Committee on Transportation and Infrastructure.

By Mr. LATOURETTE (for himself and Ms. NORTON):

H. Con. Res. 389. Concurrent resolution authorizing the use of the Capitol Grounds for the D.C. Special Olympics Law Enforcement Torch Run; to the Committee on Transportation and Infrastructure.

By Ms. PELOSI (for herself, Mr. HOYER, Mr. MENENDEZ, Mr. CLYBURN, Ms. DELAURO, Mr. GEORGE MILLER of California, Mr. SKELTON, Ms. HARMAN, Mr. LANTOS, Mr. MURTHA, and Mr. MATSUI):

H. Res. 564. A resolution relating to the liberation of the Iraqi people and the valiant service of the United States Armed Forces and Coalition forces; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELLER (for himself, Mr. HYDE, Mr. LANTOS, Mr. BEREUTER, Mr. GALLEGLY, Mr. GIBBONS, Mr. BAIRD, Mr. ACKERMAN, Mr. BONILLA, Mrs. BONO, Mr. CANNON, Mr. CROWLEY, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. FRANKS of Arizona, Mr. GINGREY, Mr. MEEKS of New York, Mrs. NAPOLITANO, Mr. NUNES, Mr. POMBO, Ms. ROS-LEHTINEN, and Mr. TOOMEY):

H. Res. 565. A resolution condemning the terrorist bombing attacks in Madrid that occurred on March 11, 2004; to the Committee on International Relations.

By Mr. CANTOR (for himself and Mr. SIMPSON):

H. Res. 567. A resolution congratulating the American Dental Association for sponsoring the second annual ''Give Kids a Smile'' program which emphasizes the need to improve access to dental care for children, and thanking dentists for volunteering their time to help provide needed dental care; to the Committee on Energy and Commerce.

By Mr. FEENEY (for himself, Mr. GOODLATTE, Mr. RYUN of Kansas, Mr. KING of Iowa, Mr. SOUDER, Mr. CHABOT, Mr. SMITH of Texas, Mr. SHADEGG, Mr. HOSTETTLER, Mr. PITTS, Mr. HERGER, Mr. FORBES, Mrs. JO ANN DAVIS of Virginia, Mr. FRANKS of Arizona, Mr. DELAY, Mr. BARTLETT of Maryland, Mrs. MUSGRAVE, Mr. PEARCE, Mr. OTTER, Mr. AKIN, Mr. JONES of North Carolina, Mr. CRANE, Ms. HARRIS, Mr. SMITH of New Jersey, Ms. HART, Mr. PICKERING, Mr. KELLER, Mr. TIAHRT, Mrs. BLACKBURN, Mr. GREEN of Wisconsin, Mr. WELDON of Florida, Mr. GOODE, Mr. CULBERSON, Mr. SULLIVAN, Mr. GARRETT of New Jersey, Mr. WILSON of South Carolina, Mr. SAM JOHNSON of Texas, Mrs. CUBIN, Mr. BLUNT, Mr. TANCREDO, Mr. CAMP, Mr. HOEKSTRA, Mr. CANTOR, Mr. CHOCOLA, Mr. KLINE, Mr. HENSARLING, Mr. SMITH of Michigan, Mr. ISTOOK, Mr. ADERHOLT, Mr. LEWIS of Kentucky, Ms. GINNY BROWN-WAITE of Florida, Mr. CANNON, Mr. PENCE, Mr. SENSENBRENNER, Mr. OSE, Mr. NEUGEBAUER, Mr. TOOMEY, Mr. ROGERS of Alabama, Mr. RENZI, and Mr. FLAKE):

H. Res. 568. A resolution expressing the sense of the House of Representatives that Judicial determinations regarding the meaning of the laws of the United States should not be based on judgments, laws, or pronouncements of foreign institutions unless such foreign judgments, laws, or pronouncements inform an understanding of the original meaning of the laws of the United States; to the Committee on the Judiciary.

By Mr. HASTINGS of Florida (for himself and Mr. DREIER):

H. Res. 569. A resolution expressing the condolences of the House of Representatives to the victims, their families and friends, and the people of the Kingdom of Spain for the loss suffered during the terrorist attacks in Madrid on March 11, 2004; to the Committee on International Relations.

By Ms. LEE (for herself, Mr. PAYNE, Mr. RANGEL, Mrs. CHRISTENSEN, and Mr. OWENS):

H. Res. 570. A resolution expressing the sense of the House of Representatives that there should be established a Caribbean-American Heritage Month; to the Committee on Government Reform.

¶25.22 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 31: Mr. DEMINT.
H.R. 97: Mr. CONYERS.
H.R. 290: Mr. FOSSELLA.
H.R. 300: Mr. RAMSTAD.
H.R. 327: Mr. PLATTS.
H.R. 504: Mr. MCDERMOTT.
H.R. 713: Mr. TAYLOR of Mississippi, Mr. HOLDEN, and Mr. DAVIS of Illinois.
H.R. 716: Mr. KILDEE.
H.R. 742: Mr. THOMPSON of Mississippi.
H.R. 775: Mr. COBLE and Mr. PENCE.
H.R. 814: Mr. SIMMONS and Mr. GORDON.
H.R. 898: Mrs. CUBIN.
H.R. 1043: Mr. DAVIS of Florida.
H.R. 1051: Mr. BLUMENAUER.
H.R. 1083: Mr. LEACH.
H.R. 1097: Mr. DOGGETT.
H.R. 1101: Mr. STRICKLAND, Mr. MATSUI, Mr. CUMMINGS, Mr. SHERMAN, Mr. DOGGETT, Mrs. MALONEY, Mr. MEEHAN, Mr. HONDA, Mr. FOLEY, and Mr. FARR.
H.R. 1117: Mr. BOYD.
H.R. 1160: Mr. HALL.
H.R. 1214: Mr. BISHOP of New York, Mr. COSTELLO, Mr. HASTINGS of Florida, Mr. JACKSON of Illinois, Mr. RYUN of Kansas, Mr. TIERNEY, Mrs. KELLY, Mr. NEAL of Massachusetts, Mr. CRANE, and Ms. MCCOLLUM.
H.R. 1345: Mr. DEFAZIO, Mr. SANDLIN, and Mrs. LOWEY.
H.R. 1357: Mr. GRIJALVA Ms. CARSON of Indiana, Mr. BALLANCE, and Ms. LEE.
H.R. 1477: Mr. COX
H.R. 1501: Ms. CORRINE BROWN of Florida, Mr. BECERRA, Mr. ROTHMAN, Mr. SHERMAN, Mr. KIND, and Mr. FARR.
H.R. 1508: Mr. ROSS, Ms. DEGETTE, and Mrs. JONES of Ohio.
H.R. 1613: Mr. HONDA and Mr. MCHUGH.
H.R. 1639: Mr. WAXMAN, Mr. WEINER, Mr. FATTAH, Mr. INSLEE, Mr. CLAY, and Mr. KUCINICH.
H.R. 1742: Mr. STENHOLM and Mr. HUNTER.
H.R. 1749: Mr. TURNER of Ohio.
H.R. 1769: Mr. ENGEL, Mr. UDALL of New Mexico, and Mr. GUTIERREZ.
H.R. 1812: Mr. FARR and Ms. NORTON.
H.R. 1822: Mr. GALLEGLY and Mr. HUNTER.
H.R. 1824: Mr. RYAN of Wisconsin.
H.R. 1873: Mr. PLATTS.
H.R. 2157: Mr. SHERMAN, Mr. FATTAH, Mr. HASTINGS of Florida, Mr. JACKSON of Illinois, and Mr. DAVIS of Alabama.
H.R. 2339: Mr. PALLONE.
H.R. 2402: Ms. NORTON.
H.R. 2632: Mr. PALLONE.
H.R. 2665: Mr. STRICKLAND and Mr. CONYERS.
H.R. 2671: Mr. ROGERS of Alabama.
H.R. 2683: Mr. BURTON of Indiana, Mr. DAVIS of Illinois, and Mr. HOLT.
H.R. 2699: Mrs. KELLY, Mr. BISHOP of Georgia, Mr. HENSARLING, Mr. GRAVES, Mr. REGULA, Mr. CARTER, Mrs. MUSGRAVE, and Mr. QUINN.
H.R. 2743: Mr. DEAL of Georgia, Mr. DUNCAN, Mrs. MYRICK, Mr. GARRETT of New Jersey, Mr. PITTS, and Mr. CARTER.
H.R. 2818: Mr. KUCINICH.
H.R. 2851: Mr. FRANKS of Arizona.
H.R. 2900: Mr. COLLINS.
H.R. 2905: Mr. RYUN of Kansas, Mr. DEAL of Georgia, Mr. MCGOVERN, Mr. KLECZKA, and Mr. KUCINICH.
H.R. 2924: Mrs. MUSGRAVE.
H.R. 2926: Mr. RANGEL.
H.R. 2963: Mr. MICHAUD and Ms. WOOLSEY.
H.R. 3066: Mr. HERGER, Mr. PETRI, Mr. AKIN, and Mr. ISAKSON.
H.R. 3069: Mr. MICA.
H.R. 3085: Mr. PALLONE, Mr. PASCRELL, Mr. HOLT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SANDLIN, Mr. TURNER of Texas, and Ms. WATSON.
H.R. 3104: Mr. SMITH of Washington, Mr. TURNER of Texas, Mr. MEEK of Florida, Mr. TAYLOR of Mississippi, Mr. ABERCROMBIE, Mr. HILL, Mr. SCHROCK, Mrs. TAUSCHER, Mrs. JO ANN DAVIS of Virginia, Mr. MCHUGH, and Mr. INSLEE.
H.R. 3111: Mr. ROGERS of Michigan, Mr. CAMP, and Mr. FILNER.
H.R. 3178: Mr. DAVIS of Tennessee, Mr. SPRATT, and Ms. WATSON.
H.R. 3190: Mr. SMITH of New Jersey.
H.R. 3192: Mr. RUPPERSBERGER.
H.R. 3194: Ms. NORTON, Mr. SERRANO, and Mr. HOEFFEL.
H.R. 3235: Mr. DUNCAN.
H.R. 3242: Mr. ALLEN and Mr. HONDA.
H.R. 3294: Mrs. MCCARTHY of New York.
H.R. 3327: Ms. CORRINE BROWN of Florida, Mr. BECERRA, and Mr. SHERMAN.
H.R. 3350: Mr. DOGGETT and Mr. WEXLER.
H.R. 3352: Mr. JOHNSON of Illinois.
H.R. 3402: Mr. FILNER.
H.R. 3441: Mr. FARR, Mr. CAPUANO, Mr. CLAY, Mr. ALLEN, Mr. FILNER, and Mr. UDALL of New Mexico.
H.R. 3446: Mr. DEUTSCH, Mr. RANGEL, Mr. DOGGETT, Mr. CONYERS, Mr. GUTIERREZ, Mr.

LANTOS, Mr. CAPUANO, Mr. PAYNE, Mr. ROTHMAN, and Ms. CARSON of Indiana.

H.R. 3473: Mr. GREENWOOD.

H.R. 3474: Mr. CALVERT and Mr. LAHOOD.

H.R. 3507: Ms. LORETTA SANCHEZ of California, Mr. NADLER, and Mr. HINCHEY.

H.R. 3539: Mr. KENNEDY of Rhode Island, Mr. MATHESON, Mr. ENGLISH, Mr. DOYLE, and Ms. NORTON.

H.R. 3550: Ms. PELOSI and Ms. DEGETTE.

H.R. 3574: Mr. MCINNIS, Mr. FILNER, Mr. THORNBERRY, Mr. CARDOZA, Mr. SMITH of Washington, and Mr. WALDEN of Oregon.

H.R. 3596: Mrs. MUSGRAVE, Ms. NORTON, Mr. PAUL, Mr. FRANK of Massachusetts, Mr. FROST, Mr. KILDEE, Mr. GORDON, Mr. LIPINSKI, Mr. CANNON, Mr. ROSS, and Mr. FOSSELLA.

H.R. 3643: Mr. EVANS.

H.R. 3674: Mr. DEAL of Georgia.

H.R. 3695: Mr. GARRETT of New Jersey.

H.R. 3707: Mr. BERMAN, Mr. BACHUS, Ms. WOOLSEY, Mr. BLUMENAUER, Mr. BACA, Mr. MARSHALL, Mr. WAXMAN, Mr. LANTOS, Mr. ROHRABACHER, Mr. BRADY of Pennsylvania, Mr. STRICKLAND, Mr. DELAHUNT, Mr. ABERCROMBIE, and Ms. MCCOLLUM.

H.R. 3716: Mr. STUPAK and Mr. BONNER.

H.R. 3728: Ms. WOOLSEY.

H.R. 3763: Ms. MCCOLLUM, Mr. ETHERIDGE, Mr. BISHOP of Utah, Mr. NADLER, and Mr. WAMP.

H.R. 3777: Mr. BRADLEY of New Hampshire.

H.R. 3782: Mr. MCCOTTER.

H.R. 3796: Mr. HILL.

H.R. 3815: Mr. PALLONE.

H.R. 3839: Mr. ROTHMAN.

H.R. 3919: Mr. FATTAH, Mr. Ballance, Ms. KILPATRICK, Mr. WATT, and Ms. NORTON.

H.R. 3936: Mr. MICHAUD.

H.R. 3963: Mr. FROST and Mr. PALLONE.

H.R. 3966: Mr. ROGERS of Michigan, Mr. GINGREY, Mr. MILLER of Florida, Mr. MCHUGH, and Mrs. JO ANN DAVIS of Virginia.

H.R. 3972: Mr. CARDOZA, Ms. WOOLSEY, and Mr. LANTOS.

H.J. Res. 72: Mr. BACA, Ms. KAPTUR, Mr. HONDA, Mr. GRIJALVA, Mr. HOEFFEL, Mr. BOEHLERT, and Mr. PETRI.

H.J. Res. 87: Mr. MCCOTTER.

H. Con. Res. 247: Mr. CANNON and Mr. ORTIZ.

H. Con. Res. 314: Mr. MATHESON, Mr. GRIJALVA, Mr. CUMMINGS, and Mr. DOYLE.

H. Con. Res. 332: Mr. SCHIFF.

H. Con. Res. 356: Ms. BALDWIN, Ms. LEE, Mr. WEINER, and Mr. MENENDEZ.

H. Con. Res. 366: Mr. NEAL of Massachusetts, Mr. GORDON, Ms. HOOLEY of Oregon, Ms. MCCARTHY of Missouri, Mr. DOGGETT, Mr. GREEN of Texas, Mr. MCDERMOTT, Mr. SABO, Mr. LATOURETTE, Ms. DEGETTE, and Mr. CLAY.

H. Con. Res. 371: Mr. HOEFFEL, Mrs. MCCARTHY of New York, Mr. CALVERT, Mr. ISAKSON, Mrs. MILLER of Michigan, Mr. JOHNSON of Illinois, Mr. TERRY, and Mr. WAXMAN.

H. Con. Res. 374: Mrs. JO ANN DAVIS of Virginia.

H. Con. Res. 375: Mr. ALLEN.

H. Res. 101: Mr. THOMPSON of Mississippi and Mr. KUCINICH.

H. Res. 167: Mr. KUCINICH.

H. Res. 233: Mr. SHUSTER.

H. Res. 381: Mrs. JONES of Ohio, Mr. THOMPSON of Mississippi, Mr. GRIJALVA, Mr. BERMAN, Mr. DAVIS of Tennessee, and Mr. LEWIS of Georgia.

H. Res. 402: Mr. OLVER.

H. Res. 514: Mr. MORAN of Virginia.

H. Res. 541: Mr. ABERCROMBIE.

H. Res. 542: Mr. GRIJALVA and Mr. MCGOVERN.

H. Res. 543: Mr. GILLMOR, Mr. SHIMKUS, Mr. DAVIS of Florida, Mr. HASTINGS of Florida, Mr. HOYER, Mr. ETHERIDGE, Mr. KENNEDY of Rhode Island, Mr. HEFLEY, Mr. WEXLER, Mr. MCDERMOTT, Mr. BOOZMAN, Mr. HONDA, and Mr. HOEFFEL.

H. Res. 550: Mr. EHLERS, Mr. MARKEY, Mr. INSLEE, Mr. CUMMINGS, Mr. MORAN of Virginia, Mr. GRIJALVA, Mr. FROST, Mr. SCHIFF, Mr. HOLT, Mr. FRANK of Massachusetts, Mr. MATHESON, Mr. MCNULTY, Mr. ABERCROMBIE, Mr. OLVER, Mr. CULBERSON, Mr. CARDIN, Mr. BAIRD, Mr. VAN HOLLEN, Mr. SMITH of Texas, Ms. JACKSON-LEE of Texas, Mr. FARR, Mr. HONDA, Mr. MCGOVERN, Mr. MICHAUD, Ms. NORTON, and Mr. HAYWORTH.

H. Res. 557: Mr. GREEN of Wisconsin, Mr. PENCE, Mr. CHABOT, Ms. ROS-LEHTINEN, Mr. MCCOTTER, and Ms. HARRIS.

¶25.23 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1673: Mr. UDALL of Colorado.

THURSDAY, MARCH 18, 2004 (26)

The House was called to order by the SPEAKER.

¶26.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, March 17, 2004.

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

¶26.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

7190. A letter from the Director, Department of Health and Human Services, transmitting as required by Section 902(g) of the Healthcare Research and Quality Act of 1999 (Pub. L. 106–129), a report entitled ''The National Healthcare Disparities Report (NHDR)''; to the Committee on Energy and Commerce.

7191. A letter from the Secretary, Department of the Treasury, transmitting a 6-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995, pursuant to 22 U.S.C. 2349aa-9(c); to the Committee on International Relations.

7192. A letter from the Secretary, Department of The Treasury, transmitting the semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses, pursuant to 22 U.S.C. 6004(e)(6); to the Committee on International Relations.

7193. A letter from the Under Secretary for Industry and Security, Department of Commerce, transmitting the Department's report entitled, ''Imposition of Foreign Policy Controls on Items Previously Controlled For National Security Reasons''; to the Committee on International Relations.

7194. A letter from the Secretary, Department of Commerce, transmitting the annual report for FY 2003 of the Department's Bureau of Industry and Security; to the Committee on International Relations.

7195. A letter from the Administrator, Small Business Administration, transmitting the Administration's inventories of Commercial and Inherently Governmental Activities for Year 2003 as pursuant to the Federal Activities Inventory Reform Act, pursuant to Public Law 105–270 section 2(c)(1)(A); to the Committee on Government Reform.

7196. A letter from the Architect of the Capitol, transmitting a report discussing the Congressional Office recycling programs for traditional and electronic equipment waste (E-waste) for the first quarter of FY 2004, pursuant to the directions issued in House Report 107-576; to the Committee on House Administration.

7197. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Certain Cost-Sharing Payments (Rev. Rul. 2004-08) received March 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7198. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rate Update [Notice 2004-24] received March 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7199. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2004-17) received 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶26.3 PROVIDING FOR THE CONSIDERATION OF H.R. 1375

Mr. SESSIONS, by direction of the Committee on Rules, called up the following resolution (H. Res. 566):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1375) to provide regulatory relief and improve productivity for insured depository institutions, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill (except those arising under provisions of the Congressional Budget Act of 1974 other than section 302(f)) are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Financial Services and the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute (except those arising under provisions of the Congressional Budget Act of 1974 other than section 302(f)) are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to the demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any

amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered. After debate,

On motion of Mr. SESSIONS, the previous question was ordered on the resolution to its adoption or rejection and, under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶26.4 FINANCIAL SERVICES REGULATORY RELIEF

The SPEAKER pro tempore, Mr. WALDEN of Oregon, pursuant to House Resolution 566 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1375) to provide regulatory relief and improve productivity for insured depository institutions, and for other purposes.

The SPEAKER pro tempore, Mr. WALDEN of Oregon, by unanimous consent, designated Mr. LAHOOD as Chairman of the Committee of the Whole; and after some time spent therein,

¶26.5 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4, submitted by Mr. WEINER:

Page 67, after line 13, insert the following new section (and conform the table of contents accordingly):

SEC. 410. CERTAIN CHECK DISHONORMENT FEES PROHIBITED.

(a) IN GENERAL.—Section 607 of the Expedited Funds Availability Act (12 U.S.C. 4006) (relating to miscellaneous provisions) is amended by adding at the end the following new subsection:

''(f) FEES ON DISHONORED CHECKS.—

''(1) RECEIVING DEPOSITORY INSTITUTION.—In the case of a check drawn on an account at an originating institution which is dishonored by the originating institution due to the lack of sufficient funds in such account to pay the check, a receiving depository institution may not impose any fee on the depositor, in connection with such check, due to such dishonorment.

''(2) RULE OF CONSTRUCTION.—No provision of this section shall be construed as affecting any intervening depository institution or the costs of the services provided by such depository institution.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply after the end of the 180-day period beginning on the date of the enactment of this Act.

It was decided in the negative { Yeas ..... 167 / Nays ..... 255 }

¶26.6 [Roll No. 66]

AYES—167

Abercrombie
Ackerman
Andrews
Baca
Baird
Baldwin
Ballance
Barton (TX)
Becerra
Bell
Berkley
Berman
Bishop (NY)
Blumenauer
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Chandler
Clay
Clyburn
Conyers
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Green (TX)
Greenwood
Grijalva
Gutierrez
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Lampson
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (PA)
Platts
Price (NC)
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Serrano
Simpson
Slaughter
Smith (NJ)
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—255

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

NOT VOTING—11

Blackburn
Boehner
Harman
John
Kucinich
Shimkus
Smith (WA)
Tauzin
Tiberi
Weldon (PA)
Whitfield

So the amendment was not agreed to.

¶26.7 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 5, submitted by Ms. JACKSON-LEE of Texas:

Page 83, line 4, strike the closing quotation marks and the 2nd period.

Page 83, after line 4, insert the following new subparagraph:

''(C) SENSE OF THE CONGRESS.—It is the sense of the Congress that, when a requesting agency requires expeditious action on an application for a merger transaction, consideration should be made as to the impact the merger transaction will have on corporate and individual customers in an effort to ensure that no harmful effects will result from the merger transaction.''.

It was decided in the negative { Yeas ..... 194 / Nays ..... 225 }

¶26.8 [Roll No. 67]

AYES—194

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Boswell
Brady (PA)
Brown (OH)
Brown, Corrine
Camp
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Duncan
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans

Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Wamp
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—225

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

NOT VOTING—14

Blackburn
Boehner
Conyers
Harman
Hunter
John
Kucinich
Lewis (CA)
Shimkus
Smith (WA)
Tauzin
Tiberi
Weldon (PA)
Whitfield

So the amendment was not agreed to.

¶26.9 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 6, submitted by Ms. KELLY:

Page 108, after line 14, insert the following new title (and redesignate the subsequent title and sections and conform the table of contents accordingly):

TITLE VII—BUSINESS CHECKING FREEDOM

SEC. 701. SHORT TITLE.

This title may be cited as the ''Business Checking Freedom Act of 2004''.

SEC. 702. INTEREST-BEARING TRANSACTION ACCOUNTS AUTHORIZED FOR ALL BUSINESSES.

(a) Section 2 of Public Law 93–100 (12 U.S.C. 1832) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

''(b) Notwithstanding any other provision of law, any depository institution may permit the owner of any deposit or account which is a deposit or account on which interest or dividends are paid and is not a deposit or account described in subsection (a)(2) to make up to 24 transfers per month (or such greater number as the Board of Governors of the Federal Reserve System may determine by rule or order), for any purpose, to another account of the owner in the same institution. An account offered pursuant to this subsection shall be considered a transaction account for purposes of section 19 of the Federal Reserve Act unless the Board of Governors of the Federal Reserve System determines otherwise.''.

(b) Effective at the end of the 2-year period beginning on the date of the enactment of this Act, section 2 of Public Law 93–100 (12 U.S.C. 1832) is amended—

(1) in subsection (a)(1), by striking ''but subject to paragraph (2)'';

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

''(2) No provision of this section may be construed as conferring the authority to offer demand deposit accounts to any institution that is prohibited by law from offering demand deposit accounts.''; and

(3) in subsection (b) (as added by subsection (a) of this section) by striking ''and is not a deposit or account described in subsection (a)(2)''.

SEC. 703. INTEREST-BEARING TRANSACTION ACCOUNTS AUTHORIZED.

(a) REPEAL OF PROHIBITION ON PAYMENT OF INTEREST ON DEMAND DEPOSITS.—

(1) FEDERAL RESERVE ACT.—Section 19(i) of the Federal Reserve Act (12 U.S.C. 371a) is amended to read as follows:

''(i) [Repealed]''.

(2) HOME OWNERS' LOAN ACT.—The first sentence of section 5(b)(1)(B) of the Home Owners' Loan Act (12 U.S.C. 1464(b)(1)(B)) is amended by striking ''savings association may not—'' and all that follows through ''(ii) permit any'' and inserting ''savings association may not permit any''.

(3) FEDERAL DEPOSIT INSURANCE ACT.—Section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended to read as follows:

''(g) [Repealed]''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect at the end of the 2-year period beginning on the date of the enactment of this Act.

SEC. 704. PAYMENT OF INTEREST ON RESERVES AT FEDERAL RESERVE BANKS.

(a) IN GENERAL.—Section 19(b) of the Federal Reserve Act (12 U.S.C. 461(b)) is amended by adding at the end the following new paragraph:

''(12) EARNINGS ON RESERVES.—

''(A) IN GENERAL.—Balances maintained at a Federal reserve bank by or on behalf of a depository institution may receive earnings to be paid by the Federal reserve bank at least once each calendar quarter at a rate or rates not to exceed the general level of short-term interest rates.

''(B) REGULATIONS RELATING TO PAYMENTS AND DISTRIBUTION.—The Board may prescribe regulations concerning—

''(i) the payment of earnings in accordance with this paragraph;

''(ii) the distribution of such earnings to the depository institutions which maintain balances at such banks or on whose behalf such balances are maintained; and

''(iii) the responsibilities of depository institutions, Federal home loan banks, and the National Credit Union Administration Central Liquidity Facility with respect to the crediting and distribution of earnings attributable to balances maintained, in accordance with subsection (c)(1)(A), in a Federal reserve bank by any such entity on behalf of depository institutions.

''(C) DEPOSITORY INSTITUTIONS DEFINED.—For purposes of this paragraph, the term 'depository institution', in addition to the institutions described in paragraph (1)(A), includes any trust company, corporation organized under section 25A or having an agreement with the Board under section 25, or any branch or agency of a foreign bank (as defined in section 1(b) of the International Banking Act of 1978).''.

(b) AUTHORIZATION FOR PASS THROUGH RESERVES FOR MEMBER BANKS.—Section 19(c)(1)(B) of the Federal Reserve Act (12 U.S.C. 461(c)(1)(B)) is amended by striking ''which is not a member bank''.

(c) CONSUMER BANKING COSTS ASSESSMENT.—

(1) IN GENERAL.—The Federal Reserve Act (12 U.S.C. 221 et seq.) is amended—

(A) by redesignating sections 30 and 31 as sections 31 and 32, respectively; and

(B) by inserting after section 29 the following new section:

''SEC. 30. SURVEY OF BANK FEES AND SERVICES.

''(a) ANNUAL SURVEY REQUIRED.—The Board of Governors of the Federal Reserve System shall obtain annually a sample, which is representative by type and size of the institution (including small institutions) and geographic location, of the following retail banking services and products provided

by insured depository institutions and insured credit unions (along with related fees and minimum balances):

''(1) Checking and other transaction accounts.

''(2) Negotiable order of withdrawal and savings accounts.

''(3) Automated teller machine transactions.

''(4) Other electronic transactions.

''(b) MINIMUM SURVEY REQUIREMENT.—The annual survey described in subsection (a) shall meet the following minimum requirements:

''(1) CHECKING AND OTHER TRANSACTION ACCOUNTS.—Data on checking and transaction accounts shall include, at a minimum, the following:

''(A) Monthly and annual fees and minimum balances to avoid such fees.

''(B) Minimum opening balances.

''(C) Check processing fees.

''(D) Check printing fees.

''(E) Balance inquiry fees.

''(F) Fees imposed for using a teller or other institution employee.

''(G) Stop payment order fees.

''(H) Nonsufficient fund fees.

''(I) Overdraft fees.

''(J) Deposit items returned fees.

''(K) Availability of no-cost or low-cost accounts for consumers who maintain low balances.

''(2) NEGOTIABLE ORDER OF WITHDRAWAL ACCOUNTS AND SAVINGS ACCOUNTS.—Data on negotiable order of withdrawal accounts and savings accounts shall include, at a minimum, the following:

''(A) Monthly and annual fees and minimum balances to avoid such fees.

''(B) Minimum opening balances.

''(C) Rate at which interest is paid to consumers.

''(D) Check processing fees for negotiable order of withdrawal accounts.

''(E) Fees imposed for using a teller or other institution employee.

''(F) Availability of no-cost or low-cost accounts for consumers who maintain low balances.

''(3) AUTOMATED TELLER TRANSACTIONS.—Data on automated teller machine transactions shall include, at a minimum, the following:

''(A) Monthly and annual fees.

''(B) Card fees.

''(C) Fees charged to customers for withdrawals, deposits, and balance inquiries through institution-owned machines.

''(D) Fees charged to customers for withdrawals, deposits, and balance inquiries through machines owned by others.

''(E) Fees charged to noncustomers for withdrawals, deposits, and balance inquiries through institution-owned machines.

''(F) Point-of-sale transaction fees.

''(4) OTHER ELECTRONIC TRANSACTIONS.—Data on other electronic transactions shall include, at a minimum, the following:

''(A) Wire transfer fees.

''(B) Fees related to payments made over the Internet or through other electronic means.

''(5) OTHER FEES AND CHARGES.—Data on any other fees and charges that the Board of Governors of the Federal Reserve System determines to be appropriate to meet the purposes of this section.

''(6) FEDERAL RESERVE BOARD AUTHORITY.—The Board of Governors of the Federal Reserve System may cease the collection of information with regard to any particular fee or charge specified in this subsection if the Board makes a determination that, on the basis of changing practices in the financial services industry, the collection of such information is no longer necessary to accomplish the purposes of this section.

''(c) ANNUAL REPORT TO CONGRESS REQUIRED.—

''(1) PREPARATION.—The Board of Governors of the Federal Reserve System shall prepare a report of the results of each survey conducted pursuant to subsections (a) and (b) of this section and section 136(b)(1) of the Consumer Credit Protection Act.

''(2) CONTENTS OF THE REPORT.—In addition to the data required to be collected pursuant to subsections (a) and (b), each report prepared pursuant to paragraph (1) shall include a description of any discernible trend, in the Nation as a whole, in a representative sample of the 50 States (selected with due regard for regional differences), and in each consolidated metropolitan statistical area (as defined by the Director of the Office of Management and Budget), in the cost and availability of the retail banking services, including those described in subsections (a) and (b) (including related fees and minimum balances), that delineates differences between institutions on the basis of the type of institution and the size of the institution, between large and small institutions of the same type, and any engagement of the institution in multistate activity.

''(3) SUBMISSION TO CONGRESS.—The Board of Governors of the Federal Reserve System shall submit an annual report to the Congress not later than June 1, 2005, and not later than June 1 of each subsequent year.

''(d) DEFINITIONS.—For purposes of this section, the term 'insured depository institution' has the meaning given such term in section 3 of the Federal Deposit Insurance Act, and the term 'insured credit union' has the meaning given such term in section 101 of the Federal Credit Union Act.''.

(2) CONFORMING AMENDMENT.—

(A) IN GENERAL.—Paragraph (1) of section 136(b) of the Truth in Lending Act (15 U.S.C. 1646(b)(1)) is amended to read as follows:

''(1) COLLECTION REQUIRED.—The Board shall collect, on a semiannual basis, from a broad sample of financial institutions which offer credit card services, credit card price and availability information including—

''(A) the information required to be disclosed under section 127(c) of this chapter;

''(B) the average total amount of finance charges paid by consumers; and

''(C) the following credit card rates and fees:

''(i) Application fees.

''(ii) Annual percentage rates for cash advances and balance transfers.

''(iii) Maximum annual percentage rate that may be charged when an account is in default.

''(iv) Fees for the use of convenience checks.

''(v) Fees for balance transfers.

''(vi) Fees for foreign currency conversions.''.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect on January 1, 2004.

(3) REPEAL OF OTHER REPORT PROVISIONS.—Section 1002 of Financial Institutions Reform, Recovery, and Enforcement Act of 1989 and section 108 of the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994 are hereby repealed.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—Section 19 of the Federal Reserve Act (12 U.S.C. 461) is amended—

(1) in subsection (b)(4) (12 U.S.C. 461(b)(4)), by striking subparagraph (C) and redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively; and

(2) in subsection (c)(1)(A) (12 U.S.C. 461(c)(1)(A)), by striking ''subsection (b)(4)(C)'' and inserting ''subsection (b)''.

SEC. 705. INCREASED FEDERAL RESERVE BOARD FLEXIBILITY IN SETTING RESERVE REQUIREMENTS.

Section 19(b)(2)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(2)(A)) is amended—

(1) in clause (i), by striking ''the ratio of 3 per centum'' and inserting ''a ratio not greater than 3 percent (and which may be zero)''; and

(2) in clause (ii), by striking ''and not less than 8 per centum,'' and inserting ''(and which may be zero),''.

SEC. 706. TRANSFER OF FEDERAL RESERVE SURPLUSES.

(a) IN GENERAL.—Section 7(b) of the Federal Reserve Act (12 U.S.C. 289(b)) is amended by adding at the end the following new paragraph:

''(4) ADDITIONAL TRANSFERS TO COVER INTEREST PAYMENTS FOR FISCAL YEARS 2003 THROUGH 2007.—

''(A) IN GENERAL.—In addition to the amounts required to be transferred from the surplus funds of the Federal reserve banks pursuant to subsection (a)(3), the Federal reserve banks shall transfer from such surplus funds to the Board of Governors of the Federal Reserve System for transfer to the Secretary of the Treasury for deposit in the general fund of the Treasury, such sums as are necessary to equal the net cost of section 19(b)(12) in each of the fiscal years 2003 through 2007.

''(B) ALLOCATION BY FEDERAL RESERVE BOARD.—Of the total amount required to be paid by the Federal reserve banks under subparagraph (A) for fiscal years 2003 through 2007, the Board of Governors of the Federal Reserve System shall determine the amount each such bank shall pay in such fiscal year.

''(C) REPLENISHMENT OF SURPLUS FUND PROHIBITED.—During fiscal years 2003 through 2007, no Federal reserve bank may replenish such bank's surplus fund by the amount of any transfer by such bank under subparagraph (A).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 7(a) of the Federal Reserve Act (12 U.S.C. 289(a)) is amended by adding at the end the following new paragraph:

''(3) PAYMENT TO TREASURY.—During fiscal years 2003 through 2007, any amount in the surplus fund of any Federal reserve bank in excess of the amount equal to 3 percent of the paid-in capital and surplus of the member banks of such bank shall be transferred to the Secretary of the Treasury for deposit in the general fund of the Treasury.''.

SEC. 707. RULE OF CONSTRUCTION.

In the case of an escrow account maintained at a depository institution in connection with a real estate transaction—

(1) the absorption, by the depository institution, of expenses incidental to providing a normal banking service with respect to such escrow account;

(2) the forbearance, by the depository institution, from charging a fee for providing any such banking function; and

(3) any benefit which may accrue to the holder or the beneficiary of such escrow account as a result of an action of the depository institution described in subparagraph (1) or (2) or similar in nature to such action, shall not be treated as the payment or receipt of interest for purposes of this Act and any provision of Public Law 93–100, the Federal Reserve Act, the Home Owners' Loan Act, or the Federal Deposit Insurance Act relating to the payment of interest on accounts or deposits at depository institutions, provided, however, that nothing herein shall be construed so as to require a depository institution that maintains an escrow account in connection with a real estate transaction to pay interest on such escrow account or to prohibit such institution from paying interest on such escrow account. Nor shall anything herein be construed to preempt the

provisions of law of any State dealing with the payment of interest on escrow accounts maintained in connection with real estate transactions.

It was decided in the affirmative ..... { Yeas ..... 418 / Nays 0

¶26.10 [Roll No. 68]

AYES—418

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Blackburn
Boehner
Carter
Conyers
Goss
Harman
John
Kucinich
Shimkus
Smith (NJ)
Smith (WA)
Tauzin
Tiberi
Weldon (PA)
Whitfield

So the amendment was agreed to.

After some further time,

The SPEAKER pro tempore, Mr. SIMPSON, assumed the Chair.

When Mr. SWEENEY, Acting Chairman, pursuant to House Resolution 566, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Financial Services Regulatory Relief Act of 2004''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—NATIONAL BANK PROVISIONS

Sec. 101. National bank directors.
Sec. 102. Voting in shareholder elections.
Sec. 103. Simplifying dividend calculations for national banks.
Sec. 104. Repeal of obsolete limitation on removal authority of the Comptroller of the Currency.
Sec. 105. Repeal of intrastate branch capital requirements.
Sec. 106. Clarification of waiver of publication requirements for bank merger notices.
Sec. 107. Equal treatment for Federal agencies of foreign banks.
Sec. 108. Maintenance of a Federal branch and a Federal agency in the same State.
Sec. 109. Business organization flexibility for national banks.
Sec. 110. Clarification of the main place of business of a national bank.

TITLE II—SAVINGS ASSOCIATION PROVISIONS

Sec. 201. Parity for savings associations under the Securities Exchange Act of 1934 and the Investment Advisers Act of 1940.
Sec. 202. Investments by Federal savings associations authorized to promote the public welfare.
Sec. 203. Mergers and consolidations of Federal savings associations with nondepository institution affiliates.
Sec. 204. Repeal of statutory dividend notice requirement for savings association subsidiaries of savings and loan holding companies.
Sec. 205. Modernizing statutory authority for trust ownership of savings associations.
Sec. 206. Repeal of overlapping rules governing purchased mortgage servicing rights.
Sec. 207. Restatement of authority for Federal savings associations to invest in small business investment companies.
Sec. 208. Removal of limitation on investments in auto loans.
Sec. 209. Selling and offering of deposit products.
Sec. 210. Funeral- and cemetery-related fiduciary services.
Sec. 211. Repeal of qualified thrift lender requirement with respect to out-of-state branches.
Sec. 212. Small business and other commercial loans.
Sec. 213. Clarifying citizenship of Federal savings associations for Federal court jurisdiction.

TITLE III—CREDIT UNION PROVISIONS

Sec. 301. Privately insured credit unions authorized to become members of a Federal home loan bank.
Sec. 302. Leases of land on Federal facilities for credit unions.
Sec. 303. Investments in securities by Federal credit unions.
Sec. 304. Increase in general 12-year limitation of term of Federal credit union loans to 15 years.
Sec. 305. Increase in 1 percent investment limit in credit union service organizations.
Sec. 306. Member business loan exclusion for loans to nonprofit religious organizations.
Sec. 307. Check cashing and money transfer services offered within the field of membership.
Sec. 308. Voluntary mergers involving multiple common-bond credit unions.
Sec. 309. Conversions involving common-bond credit unions.
Sec. 310. Credit union governance.
Sec. 311. Providing the National Credit Union Administration with greater flexibility in responding to market conditions.
Sec. 312. Exemption from pre-merger notification requirement of the Clayton Act.

Sec. 313. Treatment of credit unions as depository institutions under securities laws.

TITLE IV—DEPOSITORY INSTITUTION PROVISIONS

Sec. 401. Easing restrictions on interstate branching and mergers.
Sec. 402. Statute of limitations for judicial review of appointment of a receiver for depository institutions.
Sec. 403. Reporting requirements relating to insider lending.
Sec. 404. Amendment to provide an inflation adjustment for the small depository institution exception under the Depository Institution Management Interlocks Act.
Sec. 405. Enhancing the safety and soundness of insured depository institutions.
Sec. 406. Investments by insured savings associations in bank service companies authorized.
Sec. 407. Cross guarantee authority.
Sec. 408. Golden parachute authority and nonbank holding companies.
Sec. 409. Amendments relating to change in bank control.

TITLE V—DEPOSITORY INSTITUTION AFFILIATES PROVISIONS

Sec. 501. Clarification of cross marketing provision.
Sec. 502. Amendment to provide the Federal Reserve Board with discretion concerning the imputation of control of shares of a company by trustees.
Sec. 503. Eliminating geographic limits on thrift service companies.
Sec. 504. Clarification of scope of applicable rate provision.

TITLE VI—BANKING AGENCY PROVISIONS

Sec. 601. Waiver of examination schedule in order to allocate examiner resources.
Sec. 602. Interagency data sharing.
Sec. 603. Penalty for unauthorized participation by convicted individual.
Sec. 604. Amendment permitting the destruction of old records of a depository institution by the FDIC after the appointment of the FDIC as receiver.
Sec. 605. Modernization of recordkeeping requirement.
Sec. 606. Clarification of extent of suspension, removal, and prohibition authority of Federal banking agencies in cases of certain crimes by institution-affiliated parties.
Sec. 607. Streamlining depository institution merger application requirements.
Sec. 608. Inclusion of Director of the Office of Thrift Supervision in list of banking agencies regarding insurance customer protection regulations.
Sec. 609. Protection of confidential information received by Federal banking regulators from foreign banking supervisors.
Sec. 610. Prohibition on participation by convicted individual.
Sec. 611. Clarification that notice after separation from service may be made by an order.
Sec. 612. Enforcement against misrepresentations regarding FDIC deposit insurance coverage.
Sec. 613. Compensation of Federal home loan bank directors.
Sec. 614. Extension of terms of Federal home loan bank directors.
Sec. 615. Biennial reports on the status of agency employment of minorities and women.
Sec. 616. Coordination of State examination authority.

TITLE VII— BUSINESS CHECKING FREEDOM

Sec. 701. Short title.
Sec. 702. Interest-bearing transaction accounts authorized for all businesses.
Sec. 703. Interest-bearing transaction accounts authorized.
Sec. 704. Payment of interest on reserves at Federal reserve banks.
Sec. 705. Increased Federal reserve board flexibility in setting reserve requirements.
Sec. 706. Transfer of Federal reserve surpluses.
Sec. 707. Rule of Construction.

TITLE VIII—CLERICAL AND TECHNICAL AMENDMENTS

Sec. 801. Clerical amendments to the Home Owners' Loan Act.
Sec. 802. Technical corrections to the Federal Credit Union Act.
Sec. 803. Other technical corrections.
Sec. 804. Repeal of obsolete provisions of the Bank Holding Company Act of 1956.

TITLE I—NATIONAL BANK PROVISIONS

SEC. 101. NATIONAL BANK DIRECTORS.

Section 5146 of the Revised Statutes of the United States (12 U.S.C. 72) is amended—

(1) by striking ''SEC. 5146. Every director must during'' and inserting the following:

"SEC. 5146. REQUIREMENTS FOR BANK DIRECTORS.

''(a) RESIDENCY REQUIREMENTS.—Every director of a national bank shall, during'';

(2) by striking ''total number of directors. Every director must own in his or her own right'' and inserting ''total number of directors.

''(b) INVESTMENT REQUIREMENT.—

''(1) IN GENERAL.—Every director of a national bank shall own, in his or her own right,''; and

(3) by adding at the end the following new paragraph:

''(2) EXCEPTION FOR SUBORDINATED DEBT IN CERTAIN CASES.—In lieu of the requirements of paragraph (1) relating to the ownership of capital stock in the national bank, the Comptroller of the Currency may, by regulation or order, permit an individual to serve as a director of a national bank that has elected, or notifies the Comptroller of the bank's intention to elect, to operate as a S corporation pursuant to section 1362(a) of the Internal Revenue Code of 1986, if that individual holds debt of at least $1,000 issued by the national bank that is subordinated to the interests of depositors and other general creditors of the national bank.''.

SEC. 102. VOTING IN SHAREHOLDER ELECTIONS.

Section 5144 of the Revised Statutes of the United States (12 U.S.C. 61) is amended—

(1) by striking ''or to cumulate'' and inserting ''or, if so provided by the articles of association of the national bank, to cumulate'';

(2) by striking the comma after ''his shares shall equal''; and

(3) by adding at the end the following new sentence: ''The Comptroller of the Currency may prescribe such regulations to carry out the purposes of this section as the Comptroller determines to be appropriate.''.

SEC. 103. SIMPLIFYING DIVIDEND CALCULATIONS FOR NATIONAL BANKS.

(a) IN GENERAL.—Section 5199 of the Revised Statutes of the United States (12 U.S.C. 60) is amended to read as follows:

"SEC. 5199. NATIONAL BANK DIVIDENDS.

''(a) IN GENERAL.—Subject to subsection (b), the directors of any national bank may declare a dividend of so much of the undivided profits of the bank as the directors judge to be expedient.

''(b) APPROVAL REQUIRED UNDER CERTAIN CIRCUMSTANCES.—A national bank may not declare and pay dividends in any year in excess of an amount equal to the sum of the total of the net income of the bank for that year and the retained net income of the bank in the preceding two years, minus any transfers required by the Comptroller of the Currency (including any transfers required to be made to a fund for the retirement of any preferred stock), unless the Comptroller of the Currency approves the declaration and payment of dividends in excess of such amount.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter three of title LXII of the Revised Statutes of the United States is amended by striking the item relating to section 5199 and inserting the following new item:

''5199. National bank dividends.''.

SEC. 104. REPEAL OF OBSOLETE LIMITATION ON REMOVAL AUTHORITY OF THE COMPTROLLER OF THE CURRENCY.

Section 8(e)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1818(e)(4)) is amended by striking the 5th sentence.

SEC. 105. REPEAL OF INTRASTATE BRANCH CAPITAL REQUIREMENTS.

Section 5155(c) of the Revised Statutes of the United States (12 U.S.C. 36(c)) is amended—

(1) in the 2nd sentence, by striking '', without regard to the capital requirements of this section,''; and

(2) by striking the last sentence.

SEC. 106. CLARIFICATION OF WAIVER OF PUBLICATION REQUIREMENTS FOR BANK MERGER NOTICES.

The last sentence of sections 2(a) and 3(a)(2) of the National Bank Consolidation and Merger Act (12 U.S.C. 215(a) and 215a(a)(2), respectively) are each amended by striking ''Publication of notice may be waived, in cases where the Comptroller determines that an emergency exists justifying such waiver, by unanimous action of the shareholders of the association or State bank'' and inserting ''Publication of notice may be waived if the Comptroller determines that an emergency exists justifying such waiver or if the shareholders of the association or State bank agree by unanimous action to waive the publication requirement for their respective institutions''.

SEC. 107. EQUAL TREATMENT FOR FEDERAL AGENCIES OF FOREIGN BANKS.

The 1st sentence of section 4(d) of the International Banking Act of 1978 (12 U.S.C. 3102(d)) is amended by inserting ''from citizens or residents of the United States'' after ''deposits''.

SEC. 108. MAINTENANCE OF A FEDERAL BRANCH AND A FEDERAL AGENCY IN THE SAME STATE.

Section 4(e) of the International Banking Act of 1978 (12 U.S.C. 3102(e)) is amended by inserting ''if the maintenance of both an agency and a branch in the State is prohibited under the law of such State'' before the period at the end.

SEC. 109. BUSINESS ORGANIZATION FLEXIBILITY FOR NATIONAL BANKS.

(a) IN GENERAL.—Chapter one of title LXII of the Revised Statutes of the United States (12 U.S.C. 21 et seq.) is amended by inserting after section 5136B the following new section:

"SEC. 5136C. ALTERNATIVE BUSINESS ORGANIZATION.

''(a) IN GENERAL.—The Comptroller of the Currency may prescribe regulations—

''(1) to permit a national bank to be organized other than as a body corporate; and

''(2) to provide requirements for the organizational characteristics of a national bank

organized and operating other than as a body corporate, consistent with the safety and soundness of the national bank.

''(b) EQUAL TREATMENT.—Except as provided in regulations prescribed under subsection (a), a national bank that is operating other than as a body corporate shall have the same rights and privileges and shall be subject to the same duties, restrictions, penalties, liabilities, conditions, and limitations as a national bank that is organized as a body corporate.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 5136 of the Revised Statutes of the United States (12 U.S.C. 24) is amended, in the matter preceding the paragraph designated as the ''First'', by inserting ''or other form of business organization provided under regulations prescribed by the Comptroller of the Currency under section 5136C'' after ''a body corporate''.

(c) CLERICAL AMENDMENT.—The table of sections for chapter one of title LXII of the Revised Statutes of the United States (12 U.S.C. 21 et seq.) is amended by inserting after the item relating to section 5136B the following new item:

''5136C. Alternative business organization.''.

SEC. 110. CLARIFICATION OF THE MAIN PLACE OF BUSINESS OF A NATIONAL BANK.

Title LXII of the Revised Statutes of the United States is amended—

(1) in the paragraph designated the ''Second'' of section 5134 (12 U.S.C. 22), by striking ''The place where its operations of discount and deposit are to be carried on'' and inserting ''The place where the main office of the national bank is, or is to be, located''; and

(2) in section 5190 (12 U.S.C. 81), by striking ''the place specified in its organization certificate'' and inserting ''the main office of the national bank''.

TITLE II—SAVINGS ASSOCIATION PROVISIONS

SEC. 201. PARITY FOR SAVINGS ASSOCIATIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934 AND THE INVESTMENT ADVISERS ACT OF 1940.

(a) SECURITIES EXCHANGE ACT OF 1934.—

(1) DEFINITION OF BANK.—Section 3(a)(6) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(6)) is amended—

(A) in subparagraph (A), by inserting ''or a Federal savings association, as defined in section 2(5) of the Home Owners' Loan Act'' after ''a banking institution organized under the laws of the United States''; and

(B) in subparagraph (C)—

(i) by inserting ''or savings association as defined in section 2(4) of the Home Owners' Loan Act,'' after ''banking institution,''; and

(ii) by inserting ''or savings associations'' after ''having supervision over banks''.

(2) INCLUDE OTS UNDER THE DEFINITION OF APPROPRIATE REGULATORY AGENCY FOR CERTAIN PURPOSES.—Section 3(a)(34) of such Act (15 U.S.C. 78c(a)(34)) is amended—

(A) in subparagraph (A)—

(i) in clause (ii), by striking ''(i) or (iii)'' and inserting ''(i), (iii), or (iv)'';

(ii) by striking ''and'' at the end of clause (iii);

(iii) by redesignating clause (iv) as clause (v); and

(iv) by inserting the following new clause after clause (iii):

''(iv) the Director of the Office of Thrift Supervision, in the case of a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b))) the deposits of which are insured by the Federal Deposit Insurance Corporation, a subsidiary or a department or division of any such savings association, or a savings and loan holding company; and'';

(B) in subparagraph (B)—

(i) in clause (ii), by striking ''(i) or (iii)'' and inserting ''(i), (iii), or (iv)'';

(ii) by striking ''and'' at the end of clause (iii);

(iii) by redesignating clause (iv) as clause (v); and

(iv) by inserting the following new clause after clause (iii):

''(iv) the Director of the Office of Thrift Supervision, in the case of a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b))) the deposits of which are insured by the Federal Deposit Insurance Corporation, or a subsidiary of any such savings association, or a savings and loan holding company; and'';

(C) in subparagraph (C)—

(i) in clause (ii), by striking ''(i) or (iii)'' and inserting ''(i), (iii), or (iv)'';

(ii) by striking ''and'' at the end of clause (iii);

(iii) by redesignating clause (iv) as clause (v); and

(iv) by inserting the following new clause after clause (iii):

''(iv) the Director of the Office of Thrift Supervision, in the case of a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b))) the deposits of which are insured by the Federal Deposit Insurance Corporation, a savings and loan holding company, or a subsidiary of a savings and loan holding company when the appropriate regulatory agency for such clearing agency is not the Commission; and'';

(D) in subparagraph (D)—

(i) by striking ''and'' at the end of clause (ii);

(ii) by redesignating clause (iii) as clause (iv); and

(iii) by inserting the following new clause after clause (ii):

''(iii) the Director of the Office of Thrift Supervision, in the case of a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b))) the deposits of which are insured by the Federal Deposit Insurance Corporation; and'';

(E) in subparagraph (F)—

(i) by redesignating clauses (ii), (iii), and (iv) as clauses (iii), (iv), and (v), respectively; and

(ii) by inserting the following new clause after clause (i):

''(ii) the Director of the Office of Thrift Supervision, in the case of a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b))) the deposits of which are insured by the Federal Deposit Insurance Corporation; and'';

(F) by moving subparagraph (H) and inserting such subparagraph after subparagraph (G); and

(G) by adding at the end the following new sentence: ''As used in this paragraph, the term 'savings and loan holding company' has the meaning given it in section 10(a) of the Home Owners' Loan Act (12 U.S.C. 1467a(a)).''.

(b) INVESTMENT ADVISERS ACT OF 1940.—

(1) DEFINITION OF BANK.—Section 202(a)(2) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(2)) is amended—

(A) in subparagraph (A) by inserting ''or a Federal savings association, as defined in section 2(5) of the Home Owners' Loan Act'' after ''a banking institution organized under the laws of the United States''; and

(B) in subparagraph (C)—

(i) by inserting '', savings association as defined in section 2(4) of the Home Owners' Loan Act,'' after ''banking institution''; and

(ii) by inserting ''or savings associations'' after ''having supervision over banks''.

(2) CONFORMING AMENDMENTS.—Subsections (a)(1)(A)(i), (a)(1)(B), (a)(2), and (b) of section 210A of such Act (15 U.S.C. 80b–10a), as added by section 220 of the Gramm-Leach-Bliley Act, are each amended by striking ''bank holding company'' each place it occurs and inserting ''bank holding company or savings and loan holding company''.

(c) CONFORMING AMENDMENT TO THE INVESTMENT COMPANY ACT OF 1940.—Section 10(c) of the Investment Company Act of 1940 (15 U.S.C. 80a–10(c)), as amended by section 213(c) of the Gramm-Leach-Bliley Act, is amended by inserting after ''1956)'' the following: ''or any one savings and loan holding company (together with its affiliates and subsidiaries) (as such terms are defined in section 10 of the Home Owners' Loan Act)''.

SEC. 202. INVESTMENTS BY FEDERAL SAVINGS ASSOCIATIONS AUTHORIZED TO PROMOTE THE PUBLIC WELFARE.

(a) IN GENERAL.—Section 5(c)(3) of the Home Owners' Loan Act (12 U.S.C. 1464(c)) is amended by adding at the end the following new subparagraph:

''(D) DIRECT INVESTMENTS TO PROMOTE THE PUBLIC WELFARE.—

''(i) IN GENERAL.—A Federal savings association may make investments designed primarily to promote the public welfare, including the welfare of low- and moderate-income communities or families through the provision of housing, services, and jobs.

''(ii) DIRECT INVESTMENTS OR ACQUISITION OF INTEREST IN OTHER COMPANIES.—Investments under clause (i) may be made directly or by purchasing interests in an entity primarily engaged in making such investments.

''(iii) PROHIBITION ON UNLIMITED LIABILITY.—No investment may be made under this subparagraph which would subject a Federal savings association to unlimited liability to any person.

''(iv) SINGLE INVESTMENT LIMITATION TO BE ESTABLISHED BY DIRECTOR.—Subject to clauses (v) and (vi), the Director shall establish, by order or regulation, limits on—

''(I) the amount any savings association may invest in any 1 project; and

''(II) the aggregate amount of investment of any savings association under this subparagraph.

''(v) FLEXIBLE AGGREGATE INVESTMENT LIMITATION.—The aggregate amount of investments of any savings association under this subparagraph may not exceed an amount equal to the sum of 5 percent of the savings association's capital stock actually paid in and unimpaired and 5 percent of the savings association's unimpaired surplus, unless—

''(I) the Director determines that the savings association is adequately capitalized; and

''(II) the Director determines, by order, that the aggregate amount of investments in a higher amount than the limit under this clause will pose no significant risk to the affected deposit insurance fund.

''(vi) MAXIMUM AGGREGATE INVESTMENT LIMITATION.—Notwithstanding clause (v), the aggregate amount of investments of any savings association under this subparagraph may not exceed an amount equal to the sum of 10 percent of the savings association's capital stock actually paid in and unimpaired and 10 percent of the savings association's unimpaired surplus.

''(vii) INVESTMENTS NOT SUBJECT TO OTHER LIMITATION ON QUALITY OF INVESTMENTS.—No obligation a Federal savings association acquires or retains under this subparagraph shall be taken into account for purposes of the limitation contained in section 28(d) of the Federal Deposit Insurance Act on the acquisition and retention of any corporate debt security not of investment grade.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 5(c)(3)(A) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(3)(A)) is amended to read as follows:

''(A) [Repealed.]''.

SEC. 203. MERGERS AND CONSOLIDATIONS OF FEDERAL SAVINGS ASSOCIATIONS WITH NONDEPOSITORY INSTITUTION AFFILIATES.

Section 5(d)(3) of the Home Owners' Loan Act (12 U.S.C. 1464(d)(3)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following new subparagraph:

''(B) MERGERS AND CONSOLIDATIONS WITH NONDEPOSITORY INSTITUTION AFFILIATES.—

''(i) IN GENERAL.—Upon the approval of the Director, a Federal savings association may merge with any nondepository institution affiliate of the savings association.

''(ii) RULE OF CONSTRUCTION.—No provision of clause (i) shall be construed as—

''(I) affecting the applicability of section 18(c) of the Federal Deposit Insurance Act; or

''(II) granting a Federal savings association any power or any authority to engage in any activity that is not authorized for a Federal savings association under any other provision of this Act or any other provision of law.''.

SEC. 204. REPEAL OF STATUTORY DIVIDEND NOTICE REQUIREMENT FOR SAVINGS ASSOCIATION SUBSIDIARIES OF SAVINGS AND LOAN HOLDING COMPANIES.

Section 10(f) of the Home Owners' Loan Act (12 U.S.C. 1467a(f)) is amended to read as follows:

''(f) DECLARATION OF DIVIDEND.—The Director may—

''(1) require a savings association that is a subsidiary of a savings and loan holding company to give prior notice to the Director of the intent of the savings association to pay a dividend on its guaranty, permanent, or other nonwithdrawable stock; and

''(2) establish conditions on the payment of dividends by such a savings association.''.

SEC. 205. MODERNIZING STATUTORY AUTHORITY FOR TRUST OWNERSHIP OF SAVINGS ASSOCIATIONS.

(a) IN GENERAL.—Section 10(a)(1)(C) of the Home Owners' Loan Act (12 U.S.C. 1467a(a)(1)(C)) is amended—

(1) by striking ''trust,'' and inserting ''business trust,''; and

(2) by inserting ''or any other trust unless by its terms it must terminate within 25 years or not later than 21 years and 10 months after the death of individuals living on the effective date of the trust,'' after ''or similar organization,''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 10(a)(3) of the Home Owners' Loan Act (12 U.S.C. 1467a(a)(3)) is amended—

(1) by striking ''does not include—'' and all that follows through ''any company by virtue'' where such term appears in subparagraph (A) and inserting ''does not include any company by virtue'';

(2) by striking ''; and'' at the end of subparagraph (A) and inserting a period; and

(3) by striking subparagraph (B).

SEC. 206. REPEAL OF OVERLAPPING RULES GOVERNING PURCHASED MORTGAGE SERVICING RIGHTS.

Section 5(t) of the Home Owners' Loan Act (12 U.S.C. 1464(t)) is amended—

(1) by striking paragraph (4) and inserting the following new paragraph:

''(4) [Repealed.]''; and

(2) in paragraph (9)(A), by striking ''intangible assets, plus'' and all that follows through the period at the end and inserting ''intangible assets.''.

SEC. 207. RESTATEMENT OF AUTHORITY FOR FEDERAL SAVINGS ASSOCIATIONS TO INVEST IN SMALL BUSINESS INVESTMENT COMPANIES.

Subparagraph (D) of section 5(c)(4) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(4)) is amended to read as follows:

''(D) SMALL BUSINESS INVESTMENT COMPANIES.—Any Federal savings association may invest in 1 or more small business investment companies, or in any entity established to invest solely in small business investment companies formed under the Small Business Investment Act of 1958, except that the total amount of investments under this subparagraph may not at any time exceed the amount equal to 5 percent of capital and surplus of the savings association.''.

SEC. 208. REMOVAL OF LIMITATION ON INVESTMENTS IN AUTO LOANS.

(a) IN GENERAL.—Section 5(c)(1) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(1)) is amended by adding at the end the following new subparagraph:

''(V) AUTO LOANS.—Loans and leases for motor vehicles acquired for personal, family, or household purposes.''.

(b) TECHNICAL AND CONFORMING AMENDMENT RELATING TO QUALIFIED THRIFT INVESTMENTS.—Section 10(m)(4)(C)(ii) of the Home Owners' Loan Act (12 U.S.C. 1467a(m)(4)(C)(ii)) is amended by adding at the end the following new subclause:

''(VIII) Loans and leases for motor vehicles acquired for personal, family, or household purposes.''.

SEC. 209. SELLING AND OFFERING OF DEPOSIT PRODUCTS.

Section 15(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78*o*(h)) is amended by adding at the end the following new paragraph:

''(4) SELLING AND OFFERING OF DEPOSIT PRODUCTS.—No law, rule, regulation, or order, or other administrative action of any State or political subdivision thereof shall directly or indirectly require any individual who is an agent of 1 Federal savings association (as such term is defined in section 2(5) of the Home Owners' Loan Act (12 U.S.C. 1462(5)) in selling or offering deposit (as such term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813(l)) products issued by such association to qualify or register as a broker, dealer, associated person of a broker, or associated person of a dealer, or to qualify or register in any other similar status or capacity, if the individual does not—

''(A) accept deposits or make withdrawals on behalf of any customer of the association;

''(B) offer or sell a deposit product as an agent for another entity that is not subject to supervision and examination by a Federal banking agency (as defined in section 3(z) of the Federal Deposit Insurance Act (12 U.S.C. 1813(z)), the National Credit Union Administration, or any officer, agency, or other entity of any State which has primary regulatory authority over State banks, State savings associations, or State credit unions;

''(C) offer or sell a deposit product that is not an insured deposit (as defined in section 3(m) of the Federal Deposit Insurance Act (12 U.S.C. 1813(m)));

''(D) offer or sell a deposit product which contains a feature that makes it callable at the option of such Federal savings association; or

''(E) create a secondary market with respect to a deposit product or otherwise add enhancements or features to such product independent of those offered by the association.''.

SEC. 210. FUNERAL- AND CEMETERY-RELATED FIDUCIARY SERVICES.

Section 5(n) of the Home Owners' Loan Act (12 U.S.C. 1464(n)) is amended by adding at the end the following new paragraph:

''(11) FUNERAL- AND CEMETERY-RELATED FIDUCIARY SERVICES.—

''(A) IN GENERAL.—A funeral director or cemetery operator, when acting in such capacity, (or any other person in connection with a contract or other agreement with a funeral director or cemetery operator) may engage any Federal savings association, regardless of where the association is located, to act in any fiduciary capacity in which the savings association has the right to act in accordance with this section, including holding funds deposited in trust or escrow by the funeral director or cemetery operator (or by such other party), and the savings association may act in such fiduciary capacity on behalf of the funeral director or cemetery operator (or such other person).

''(B) DEFINITIONS.—For purposes of this paragraph, the following definitions shall apply:

''(i) CEMETERY.—The term 'cemetery' means any land or structure used, or intended to be used, for the interment of human remains in any form.

''(ii) CEMETERY OPERATOR.—The term 'cemetery operator' means any person who contracts or accepts payment for merchandise, endowment, or perpetual care services in connection with a cemetery.

''(iii) FUNERAL DIRECTOR.—The term 'funeral director' means any person who contracts or accepts payment to provide or arrange—

''(I) services for the final disposition of human remains; or

''(II) funeral services, property, or merchandise (including cemetery services, property, or merchandise).''.

SEC. 211. REPEAL OF QUALIFIED THRIFT LENDER REQUIREMENT WITH RESPECT TO OUT-OF-STATE BRANCHES.

Section 5(r)(1) of the Home Owners' Loan Act (12 U.S.C. 1464(r)(1)) is amended by striking the last sentence.

SEC. 212. SMALL BUSINESS AND OTHER COMMERCIAL LOANS.

(a) ELIMINATION OF LENDING LIMIT ON SMALL BUSINESS LOANS.—Section 5(c)(1) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(1)) is amended by inserting after subparagraph (V) (as added by section 208 of this title) the following new subparagraph:

''(W) SMALL BUSINESS LOANS.—Small business loans, as defined in regulations which the Director shall prescribe.''.

(b) INCREASE IN LENDING LIMIT ON OTHER BUSINESS LOANS.—Section 5(c)(2)(A) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(2)(A)) is amended by striking '', and amounts in excess of 10 percent'' and all that follows through ''by the Director''.

SEC. 213. CLARIFYING CITIZENSHIP OF FEDERAL SAVINGS ASSOCIATIONS FOR FEDERAL COURT JURISDICTION.

Section 5 of the Home Owners' Loan Act (12 U.S.C. 1464) is amended by adding at the end the following new subsection:

''(x) HOME STATE CITIZENSHIP.—In determining whether a Federal court has diversity jurisdiction over a case in which a Federal savings association is a party, the Federal savings association shall be considered to be a citizen only of the State in which such savings association has its home office.''.

TITLE III—CREDIT UNION PROVISIONS

SEC. 301. PRIVATELY INSURED CREDIT UNIONS AUTHORIZED TO BECOME MEMBERS OF A FEDERAL HOME LOAN BANK.

(a) IN GENERAL.—Section 4(a) of the Federal Home Loan Bank Act (12 U.S.C. 1424(a)) is amended by adding at the end the following new paragraph:

''(5) CERTAIN PRIVATELY INSURED CREDIT UNIONS.—

''(A) IN GENERAL.—A credit union which has been determined, in accordance with section 43(e)(1) of the Federal Deposit Insurance Act and subject to the requirements of subparagraph (B), to meet all eligibility requirements for Federal deposit insurance shall be treated as an insured depository institution for purposes of determining the eligibility of such credit union for membership in a Federal home loan bank under paragraphs (1), (2), and (3).

''(B) CERTIFICATION BY APPROPRIATE SUPERVISOR.—

''(i) IN GENERAL.—For purposes of this paragraph and subject to clause (ii), a credit union which lacks Federal deposit insurance and which has applied for membership in a Federal home loan bank may be treated as meeting all the eligibility requirements for Federal deposit insurance only if the appropriate supervisor of the State in which the credit union is chartered has determined that the credit union meets all the eligibility requirements for Federal deposit insurance as of the date of the application for membership.

''(ii) CERTIFICATION DEEMED VALID.—If, in the case of any credit union to which clause (i) applies, the appropriate supervisor of the State in which such credit union is chartered fails to make a determination pursuant to such clause by the end of the 6-month period beginning on the date of the application, the credit union shall be deemed to have met the requirements of clause (i).

''(C) SECURITY INTERESTS OF FEDERAL HOME LOAN BANK NOT AVOIDABLE.—Notwithstanding any provision of State law authorizing a conservator or liquidating agent of a credit union to repudiate contracts, no such provision shall apply with respect to—

''(i) any extension of credit from any Federal home loan bank to any credit union which is a member of any such bank pursuant to this paragraph; or

''(ii) any security interest in the assets of such credit union securing any such extension of credit.''.

(b) COPIES OF AUDITS OF PRIVATE INSURERS OF CERTAIN DEPOSITORY INSTITUTIONS REQUIRED TO BE PROVIDED TO SUPERVISORY AGENCIES.—Section 43(a)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1831t(a)(2)) is amended—

(1) by striking ''and'' at the end of subparagraph (A)(i);

(2) by striking the period at the end of clause (ii) of subparagraph (A) and inserting a semicolon;

(3) by inserting the following new clauses at the end of subparagraph (A):

''(iii) in the case of depository institutions described in subsection (f)(2)(A) the deposits of which are insured by the private insurer, the National Credit Union Administration, not later than 7 days after that audit is completed; and

''(iv) in the case of depository institutions described in subsection (f)(2)(A) the deposits of which are insured by the private insurer which are members of a Federal home loan bank, the Federal Housing Finance Board, not later than 7 days after that audit is completed.''; and

(4) by adding at the end the following new subparagraph:

''(C) CONSULTATION.—The appropriate supervisory agency of each State in which a private deposit insurer insures deposits in an institution described in subsection (f)(2)(A) which—

''(i) lacks Federal deposit insurance; and

''(ii) has become a member of a Federal home loan bank,

shall provide the National Credit Union Administration, upon request, with the results of any examination and reports related thereto concerning the private deposit insurer to which such agency may have in its possession.''.

SEC. 302. LEASES OF LAND ON FEDERAL FACILITIES FOR CREDIT UNIONS.

(a) IN GENERAL.—Section 124 of the Federal Credit Union Act (12 U.S.C. 1770) is amended—

(1) by striking ''Upon application by any credit union'' and inserting ''Notwithstanding any other provision of law, upon application by any credit union'';

(2) by inserting ''on lands reserved for the use of, and under the exclusive or concurrent jurisdiction of, the United States or'' after ''officer or agency of the United States charged with the allotment of space'';

(3) by inserting ''lease land or'' after ''such officer or agency may in his or its discretion''; and

(4) by inserting ''or the facility built on the lease land'' after ''credit union to be served by the allotment of space''.

(b) CLERICAL AMENDMENT.—The heading for section 124 is amended by inserting ''OR FEDERAL LAND'' after ''BUILDINGS''.

SEC. 303. INVESTMENTS IN SECURITIES BY FEDERAL CREDIT UNIONS.

Section 107 of the Federal Credit Union Act (12 U.S.C. 1757) is amended—

(1) in the matter preceding paragraph (1) by striking ''A Federal credit union'' and inserting ''(a) IN GENERAL.—Any Federal credit union''; and

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

''(b) ADDITIONAL INVESTMENT AUTHORITY.—

''(1) IN GENERAL.—In adition to any investments otherwise authorized, a Federal credit union may purchase and hold for its own account such investment securities of investment grade as the Board may authorize by regulation, subject to such limitations and restrictions as the Board may prescribe in the regulations.

''(2) PERCENTAGE LIMITATIONS.—

''(A) SINGLE OBLIGOR.—In no event may the total amount of investment securities of any single obligor or maker held by a Federal credit union for the credit union's own account exceed at any time an amount equal to 10 percent of the net worth of the credit union.

''(B) AGGREGATE INVESTMENTS.—In no event may the aggregate amount of investment securities held by a Federal credit union for the credit union's own account exceed at any time an amount equal to 10 percent of the assets of the credit union.

''(3) INVESTMENT SECURITY DEFINED.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'investment security' means marketable obligations evidencing the indebtedness of any person in the form of bonds, notes, or debentures and other instruments commonly referred to as investment securities.

''(B) FURTHER DEFINITION BY BOARD.—The Board may further define the term 'investment security'.

''(4) INVESTMENT GRADE DEFINED.—The term 'investment grade' means with respect to an investment security purchased by a credit union for its own account, an investment security that at the time of such purchase is rated in one of the 4 highest rating categories by at least 1 nationally recognized statistical rating organization.

''(5) CLARIFICATION OF PROHIBITION ON STOCK OWNERSHIP.—No provision of this subsection shall be construed as authorizing a Federal credit union to purchase shares of stock of any corporation for the credit union's own account, except as otherwise permitted by law.''.

SEC. 304. INCREASE IN GENERAL 12-YEAR LIMITATION OF TERM OF FEDERAL CREDIT UNION LOANS TO 15 YEARS.

Section 107(a)(5) of the Federal Credit Union Act (12 U.S.C. 1757(5)) (as so designated by section 303 of this title) is amended—

(1) in the matter preceding subparagraph (A), by striking ''to make loans, the maturities of which shall not exceed twelve years except as otherwise provided herein'' and inserting ''to make loans, the maturities of which shall not exceed 15 years or any longer maturity as the Board may allow, in regulations, except as otherwise provided in this Act'';

(2) in subparagraph (A)—

(A) by striking clause (ii);

(B) by redesignating clauses (iii) through (x) as clauses (ii) through (ix), respectively; and

(C) by inserting ''and'' after the semicolon at the end of clause (viii) (as so redesignated).

SEC. 305. INCREASE IN 1 PERCENT INVESTMENT LIMIT IN CREDIT UNION SERVICE ORGANIZATIONS.

Section 107(a)(7)(I) of the Federal Credit Union Act (12 U.S.C. 1757(7)(I)) (as so designated by section 303 of this title) is amended by striking ''up to 1 per centum of the total paid'' and inserting ''up to 3 percent of the total paid''.

SEC. 306. MEMBER BUSINESS LOAN EXCLUSION FOR LOANS TO NONPROFIT RELIGIOUS ORGANIZATIONS.

Section 107A(a) of the Federal Credit Union Act (12 U.S.C. 1757a(a)) is amended by inserting '', excluding loans made to nonprofit religious organizations,'' after ''total amount of such loans''.

SEC. 307. CHECK CASHING AND MONEY TRANSFER SERVICES OFFERED WITHIN THE FIELD OF MEMBERSHIP.

Paragraph (12) of section 107(a) of the Federal Credit Union Act (12 U.S.C. 1757(12)) (as so designated by section 303 of this title) is amended to read as follows:

''(12) in accordance with regulations prescribed by the Board—

''(A) to sell, to persons in the field of membership, negotiable checks (including travelers checks), money orders, and other similar money transfer instruments (including electronic fund transfers); and

''(B) to cash checks and money orders and receive electronic fund transfers for persons in the field of membership for a fee;''.

SEC. 308. VOLUNTARY MERGERS INVOLVING MULTIPLE COMMON-BOND CREDIT UNIONS.

Section 109(d)(2) of the Federal Credit Union Act (12 U.S.C. 1759(d)(2)) is amended—

(1) by striking ''or'' at the end of clause (ii) of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting ''; or''; and

(3) by adding at the end the following new subparagraph:

''(D) a merger involving any such Federal credit union approved by the Board on or after August 7, 1998.''.

SEC. 309. CONVERSIONS INVOLVING COMMON-BOND CREDIT UNIONS.

Section 109(g) of the Federal Credit Union Act (12 U.S.C. 1759(g)) is amended by inserting after paragraph (2) the following new paragraph:

''(3) CRITERIA FOR CONTINUED MEMBERSHIP OF CERTAIN MEMBER GROUPS IN COMMUNITY CHARTER CONVERSIONS.—In the case of a voluntary conversion of a common-bond credit union described in paragraph (1) or (2) of subsection (b) into a community credit union described in subsection (b)(3), the Board shall prescribe, by regulation, the criteria under which the Board may determine that a member group or other portion of a credit union's existing membership, that is located outside the well-defined local community, neighborhood, or rural district that shall constitute the community charter, can be satisfactorily served by the credit union and remain within the community credit union's field of membership.''.

SEC. 310. CREDIT UNION GOVERNANCE.

(a) EXPULSION OF MEMBERS FOR JUST CAUSE.—Subsection (b) of section 118 of the Federal Credit Union Act (12 U.S.C. 1764(b)) is amended to read as follows:

''(b) POLICY AND ACTIONS OF BOARDS OF DIRECTORS OF FEDERAL CREDIT UNIONS.—

''(1) EXPULSION OF MEMBERS FOR NONPARTICIPATION OR FOR JUST CAUSE.—The

board of directors of a Federal credit union may, by majority vote of a quorum of directors, adopt and enforce a policy with respect to expulsion from membership, by a majority vote of such board of directors, based on just cause, including disruption of credit union operations, or on nonparticipation by a member in the affairs of the credit union.

''(2) WRITTEN NOTICE OF POLICY TO MEMBERS.—If a policy described in paragraph (1) is adopted, written notice of the policy as adopted and the effective date of such policy shall be provided to—

''(A) each existing member of the credit union not less than 30 days prior to the effective date of such policy; and

''(B) each new member prior to or upon applying for membership.''.

(b) TERM LIMITS AUTHORIZED FOR BOARD MEMBERS OF FEDERAL CREDIT UNIONS.—Section 111(a) of the Federal Credit Union Act (12 U.S.C. 1761(a)) is amended by adding at the end the following new sentence: ''The bylaws of a Federal credit union may limit the number of consecutive terms any person may serve on the board of directors of such credit union.''.

(c) REIMBURSEMENT FOR LOST WAGES DUE TO SERVICE ON CREDIT UNION BOARD NOT TREATED AS COMPENSATION.—Section 111(c) of the Federal Credit Union Act (12 U.S.C. 1761(c)) is amended by inserting '', including lost wages,'' after ''the reimbursement of reasonable expenses''.

SEC. 311. PROVIDING THE NATIONAL CREDIT UNION ADMINISTRATION WITH GREATER FLEXIBILITY IN RESPONDING TO MARKET CONDITIONS.

Section 107(a)(5)(A)(vi)(I) of the Federal Credit Union Act (12 U.S.C. 1757(5)(A)(vi)(I)) (as so designated by section 303 of this title) is amended by striking ''six-month period and that prevailing interest rate levels'' and inserting ''6-month period or that prevailing interest rate levels''.

SEC. 312. EXEMPTION FROM PRE-MERGER NOTIFICATION REQUIREMENT OF THE CLAYTON ACT.

Section 7A(c)(7) of the Clayton Act (15 U.S.C. 18a(c)(7)) is amended by inserting ''section 205(b)(3) of the Federal Credit Union Act (12 U.S.C. 1785(b)(3)),'' before ''or section 3''.

SEC. 313. TREATMENT OF CREDIT UNIONS AS DEPOSITORY INSTITUTIONS UNDER SECURITIES LAWS.

(a) DEFINITION OF BANK UNDER THE SECURITIES EXCHANGE ACT OF 1934.—Section 3(a)(6) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(6)) (as amended by section 201(a)(1) of this Act) is amended—

(1) by striking ''this title, and (D) a receiver'' and inserting ''this title, (D) an insured credit union (as defined in section 101(7) of the Federal Credit Union Act) but only for purposes of paragraphs (4) and (5) of this subsection and only for activities otherwise authorized by applicable laws to which such credit unions are subject, and (E) a receiver''; and

(2) in subparagraph (E) (as so redesignated by paragraph (1) of this subsection) by striking ''(A), (B), or (C)'' and inserting ''(A), (B), (C), or (D)''.

(b) DEFINITION OF BANK UNDER THE INVESTMENT ADVISERS ACT OF 1940.—Section 202(a)(2) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(2)) (as amended by section 201(b)(1) of this Act) is amended—

(1) by striking ''this title, and (D) a receiver'' and inserting ''this title, (D) an insured credit union (as defined in section 101(7) of the Federal Credit Union Act) but only for activities otherwise authorized by applicable laws to which such credit unions are subject, and (E) a receiver''; and

(2) in subparagraph (E) (as so redesignated by paragraph (1) of this subsection) by striking ''(A), (B), or (C)'' and inserting ''(A), (B), (C), or (D)''.

(c) DEFINITION OF APPROPRIATE FEDERAL BANKING AGENCY.—Section 210A(c) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–10a(c)) is amended by inserting ''and includes the National Credit Union Administration Board, in the case of an insured credit union (as defined in section 101(7) of the Federal Credit Union Act)'' before the period at the end.

TITLE IV—DEPOSITORY INSTITUTION PROVISIONS

SEC. 401. EASING RESTRICTIONS ON INTERSTATE BRANCHING AND MERGERS.

(a) DE NOVO INTERSTATE BRANCHES OF NATIONAL BANKS.—

(1) IN GENERAL.—Section 5155(g)(1) of the Revised Statutes of the United States (12 U.S.C. 36(g)(1)) is amended by striking ''maintain a branch if—'' and all that follows through the end of subparagraph (B) and inserting ''maintain a branch.''.

(2) CLERICAL AMENDMENT.—The heading for subsection (g) of section 5155 of the Revised Statutes of the United States is amended by striking ''STATE 'OPT-IN' ELECTION TO PERMIT''.

(b) DE NOVO INTERSTATE BRANCHES OF STATE NONMEMBER BANKS.—

(1) IN GENERAL.—Section 18(d)(4)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1828(d)(4)(A)) is amended by striking ''maintain a branch if—'' and all that follows through the end of clause (ii) and inserting ''maintain a branch.''.

(2) INTERSTATE BRANCHING BY SUBSIDIARIES OF COMMERCIAL FIRMS PROHIBITED.—Section 18(d)(3)) of the Federal Deposit Insurance Act (12 U.S.C. 1828(d)(3)) is amended by adding at the end the following new subparagraph:

''(C) INTERSTATE BRANCHING BY SUBSIDIARIES OF COMMERCIAL FIRMS PROHIBITED.—

''(i) IN GENERAL.—If the appropriate State bank supervisor of the home State of any industrial loan company, industrial bank, or other institution described in section 2(c)(2)(H) of the Bank Holding Company Act of 1956, or the appropriate State bank supervisor of any host State with respect to such company, bank, or institution, determines that such company, bank, or institution is controlled, directly or indirectly, by a commercial firm, such company, bank, or institution may not acquire, establish, or operate a branch in such host State.

''(ii) COMMERCIAL FIRM DEFINED.—For purposes of this subsection, the term 'commercial firm' means any entity at least 15 percent of the annual gross revenues of which on a consolidated basis, including all affiliates of the entity, were derived from engaging, on an on-going basis, in activities that are not financial in nature or incidental to a financial activity during at least 3 of the prior 4 calendar quarters.

''(iii) GRANDFATHERED INSTITUTIONS.—Clause (i) shall not apply with respect to any industrial loan company, industrial bank, or other institution described in section 2(c)(2)(H) of the Bank Holding Company Act of 1956—

''(I) which became an insured depository institution before October 1, 2003 or pursuant to an application for deposit insurance which was approved by the Corporation before such date; and

''(II) with respect to which there is no change in control, directly or indirectly, of the company, bank, or institution after September 30, 2003, that requires an application under subsection (c), section 7(j), section 3 of the Bank Holding Company Act of 1956, or section 10 of the Home Owners' Loan Act.

''(iv) TRANSITION PROVISION.—Any divestiture required under this subparagraph of a branch in a host State shall be completed as quickly as is reasonably possible.

''(v) CORPORATE REORGANIZATIONS PERMITTED.—The acquisition of direct or indirect control of the company, bank, or institution referred to in clause (iii)(II) shall not be treated as a 'change in control' for purposes of such clause if the company acquiring control is itself directly or indirectly controlled by a company that was an affiliate of such company, bank, or institution on the date referred to in clause (iii)(II), and remained an affiliate at all times after such date.''.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—Section 18(d)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1828(d)(4)) is amended—

(A) in subparagraph (A) by striking ''Subject to subparagraph (B)'' and inserting ''Subject to subparagraph (B) and paragraph (3)(C)''; and

(B) in subparagraphs (D) and (E), by striking ''The term'' and inserting ''For purposes of this subsection, the term''.

(4) CLERICAL AMENDMENT.—The heading for paragraph (4) of section 18(d) of the Federal Deposit Insurance Act is amended by striking ''STATE 'OPT-IN' ELECTION TO PERMIT INTERSTATE'' and inserting ''INTERSTATE''.

(c) DE NOVO INTERSTATE BRANCHES OF STATE MEMBER BANKS.—The 3rd undesignated paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 321) is amended by adding at the end the following new sentences: ''A State member bank may establish and operate a de novo branch in a host State (as such terms are defined in section 18(d) of the Federal Deposit Insurance Act) on the same terms and conditions and subject to the same limitations and restrictions as are applicable to the establishment of a de novo branch of a national bank in a host State under section 5155(g) of the Revised Statutes of the United States or are applicable to an insured State nonmember bank under section 18(d)(3) of the Federal Deposit Insurance Act'' after ''Revised Statutes of the United States''. Such section 5155(g) shall be applied for purposes of the preceding sentence by substituting 'Board of Governors of the Federal Reserve System' for 'Comptroller of the Currency' and 'State member bank' for 'national bank'.''.

(d) INTERSTATE MERGER OF BANKS.—

(1) MERGER OF INSURED BANK WITH ANOTHER DEPOSITORY INSTITUTION OR TRUST COMPANY.—Section 44(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(a)(1)) is amended—

(A) by striking ''Beginning on June 1, 1997, the'' and inserting ''The''; and

(B) by striking ''insured banks with different home States'' and inserting ''an insured bank and another insured depository institution or trust company with a different home State than the resulting insured bank''.

(2) NATIONAL BANK TRUST COMPANY MERGER WITH OTHER TRUST COMPANY.—Subsection (b) of section 4 of the National Bank Consolidation and Merger Act (12 U.S.C. 215a–1(b)) is amended to read as follows:

''(b) MERGER OF NATIONAL BANK TRUST COMPANY WITH ANOTHER TRUST COMPANY.—A national bank that is a trust company may engage in a consolidation or merger under this Act with any trust company with a different home State, under the same terms and conditions that would apply if the trust companies were located within the same State.''.

(e) INTERSTATE FIDUCIARY ACTIVITY.—Section 18(d) of the Federal Deposit Insurance Act (12 U.S.C. 1828(d)) is amended by adding at the end the following new paragraph:

''(5) INTERSTATE FIDUCIARY ACTIVITY.—

''(A) AUTHORITY OF STATE BANK SUPERVISOR.—The State bank supervisor of a State bank may approve an application by the State bank, when not in contravention of home State or host State law, to act as

trustee, executor, administrator, registrar of stocks and bonds, guardian of estates, assignee, receiver, committee of estates of lunatics, or in any other fiduciary capacity in a host State in which State banks or other corporations which come into competition with national banks are permitted to act under the laws of such host State.

''(B) NONCONTRAVENTION OF HOST STATE LAW.—Whenever the laws of a host State authorize or permit the exercise of any or all of the foregoing powers by State banks or other corporations which compete with national banks, the granting to and the exercise of such powers by a State bank as provided in this paragraph shall not be deemed to be in contravention of host State law within the meaning of this paragraph.

''(C) STATE BANK INCLUDES TRUST COMPANIES.—For purposes of this paragraph, the term 'State bank' includes any State-chartered trust company (as defined in section 44(g)).

''(D) OTHER DEFINITIONS.—For purposes of this paragraph, the term 'home State' and 'host State' have the meanings given such terms in section 44.''.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 44 of the Federal Deposit Insurance Act (12 U.S.C. 1831u) is amended—

(A) in subsection (a)—

(i) by striking paragraph (4) and inserting the following new paragraph:

''(4) TREATMENT OF BRANCHES IN CONNECTION WITH CERTAIN INTERSTATE MERGER TRANSACTIONS.—In the case of an interstate merger transaction which involves the acquisition of a branch of an insured depository institution or trust company without the acquisition of the insured depository institution or trust company, the branch shall be treated, for purposes of this section, as an insured depository institution or trust company the home State of which is the State in which the branch is located.''; and

(ii) by striking paragraphs (5) and (6) and inserting the following new paragraph:

''(5) APPLICABILITY TO INDUSTRIAL LOAN COMPANIES.—No provision of this section shall be construed as authorizing the approval of any transaction involving a industrial loan company, industrial bank, or other institution described in section 2(c)(2)(H) of the Bank Holding Company Act of 1956, or the acquisition, establishment, or operation of a branch by any such company, bank, or institution, that is not allowed under section 18(d)(3).''.

(B) in subsection (b)—

(i) by striking ''bank'' each place such term appears in paragraph (2)(B)(i) and inserting ''insured depository institution'';

(ii) by striking ''banks'' where such term appears in paragraph (2)(E) and inserting ''insured depository institutions or trust companies'';

(iii) by striking ''bank affiliate'' each place such term appears in that portion of paragraph (3) that precedes subparagraph (A) and inserting ''insured depository institution affiliate'';

(iv) by striking ''any bank'' where such term appears in paragraph (3)(B) and inserting ''any insured depository institution'';

(v) by striking ''bank'' where such term appears in paragraph (4)(A) and inserting ''insured depository institution and trust company''; and

(vi) by striking ''all banks'' where such term appears in paragraph (5) and inserting ''all insured depository institutions and trust companies'';

(C) in subsection (d)(1), by striking ''any bank'' and inserting ''any insured depository institution or trust company'';

(D) in subsection (e)—

(i) by striking ''1 or more banks'' and inserting ''1 or more insured depository institutions''; and

(ii) by striking ''paragraph (2), (4), or (5)'' and inserting ''paragraph (2)'';

(E) by striking clauses (i) and (ii) of subsection (g)(4)(A) and inserting the following new clauses:

''(i) with respect to a national bank or Federal savings association, the State in which the main office of the bank or savings association is located; and

''(ii) with respect to a State bank, State savings association, or State-chartered trust company, the State by which the bank, savings association, or trust company is chartered; and'';

(F) by striking paragraph (5) of subsection (g) and inserting the following new paragraph:

''(5) HOST STATE.—The term 'host State' means—

''(A) with respect to a bank, a State, other than the home State of the bank, in which the bank maintains, or seeks to establish and maintain, a branch; and

''(B) with respect to a trust company and solely for purposes of section 18(d)(5), a State, other than the home State of the trust company, in which the trust company acts, or seeks to act, in 1 or more fiduciary capacities.'';

(G) in subsection (g)(10), by striking ''section 18(c)(2)'' and inserting ''paragraph (1) or (2) of section 18(c), as appropriate,''; and

(H) in subsection (g), by adding at the end the following new paragraph:

''(12) TRUST COMPANY.—The term 'trust company' means—

''(A) any national bank;

''(B) any savings association; and

''(C) any bank, banking association, trust company, savings bank, or other banking institution which is incorporated under the laws of any State,

that is authorized to act in 1 or more fiduciary capacities but is not engaged in the business of receiving deposits other than trust funds (as defined in section 3(p)).''.

(2) Section 3(d) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(d)) is amended—

(A) in paragraph (1)—

(i) by striking subparagraphs (B) and (C); and

(ii) by redesignating subparagraph (D) as subparagraph (B); and

(B) in paragraph (5), by striking ''subparagraph (B) or (D)'' and inserting ''subparagraph (B)''.

(3) Subsection (c) of section 4 of the National Bank Consolidation and Merger Act (12 U.S.C. 215a–1(c)) is amended to read as follows:

''(c) DEFINITIONS.—For purposes of this section, the terms 'home State', 'out-of-State bank', and 'trust company' each have the same meaning as in section 44(g) of the Federal Deposit Insurance Act.''.

(g) CLERICAL AMENDMENTS.—

(1) The heading for section 44(b)(2)(E) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(b)(2)(E)) is amended by striking ''BANKS'' and inserting ''INSURED DEPOSITORY INSTITUTIONS AND TRUST COMPANIES''.

(2) The heading for section 44(e) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(e)) is amended by striking ''BANKS'' and inserting ''INSURED DEPOSITORY INSTITUTIONS''.

SEC. 402. STATUTE OF LIMITATIONS FOR JUDICIAL REVIEW OF APPOINTMENT OF A RECEIVER FOR DEPOSITORY INSTITUTIONS.

(a) NATIONAL BANKS.—Section 2 of the National Bank Receivership Act (12 U.S.C. 191) is amended—

(1) by striking ''SECTION 2. The Comptroller of the Currency'' and inserting the following:

''SEC. 2. APPOINTMENT OF RECEIVER FOR A NATIONAL BANK.

''(a) IN GENERAL.—The Comptroller of the Currency''; and

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

''(b) JUDICIAL REVIEW.—If the Comptroller of the Currency appoints a receiver under subsection (a), the national bank may, within 30 days thereafter, bring an action in the United States district court for the judicial district in which the home office of such bank is located, or in the United States District Court for the District of Columbia, for an order requiring the Comptroller of the Currency to remove the receiver, and the court shall, upon the merits, dismiss such action or direct the Comptroller of the Currency to remove the receiver.''.

(b) INSURED DEPOSITORY INSTITUTIONS.—Section 11(c)(7) of the Federal Deposit Insurance Act (12 U.S.C. 1821(c)(7)) is amended to read as follows:

''(7) JUDICIAL REVIEW.—If the Corporation is appointed (including the appointment of the Corporation as receiver by the Board of Directors) as conservator or receiver of a depository institution under paragraph (4), (9), or (10), the depository institution may, within 30 days thereafter, bring an action in the United States district court for the judicial district in which the home office of such depository institution is located, or in the United States District Court for the District of Columbia, for an order requiring the Corporation to be removed as the conservator or receiver (regardless of how such appointment was made), and the court shall, upon the merits, dismiss such action or direct the Corporation to be removed as the conservator or receiver.''.

(c) EXPANSION OF PERIOD FOR CHALLENGING THE APPOINTMENT OF A LIQUIDATING AGENT.—Subparagraph (B) of section 207(a)(1) of the Federal Credit Union Act (12 U.S.C. 1787(a)(1)) is amended by striking ''10 days'' and inserting ''30 days''.

(d) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall apply with respect to conservators, receivers, or liquidating agents appointed on or after the date of the enactment of this Act.

SEC. 403. REPORTING REQUIREMENTS RELATING TO INSIDER LENDING.

(a) REPORTING REQUIREMENTS REGARDING LOANS TO EXECUTIVE OFFICERS OF MEMBER BANKS.—Section 22(g) of the Federal Reserve Act (12 U.S.C. 375a) is amended—

(1) by striking paragraphs (6) and (9); and

(2) by redesignating paragraphs (7), (8), and (10) as paragraphs (6), (7), and (8), respectively.

(b) REPORTING REQUIREMENTS REGARDING LOANS FROM CORRESPONDENT BANKS TO EXECUTIVE OFFICERS AND SHAREHOLDERS OF INSURED BANKS.—Section 106(b)(2) of the Bank Holding Company Act Amendments of 1970 (12 U.S.C. 1972(2)) is amended—

(1) by striking subparagraph (G); and

(2) by redesignating subparagraphs (H) and (I) as subparagraphs (G) and (H), respectively.

SEC. 404. AMENDMENT TO PROVIDE AN INFLATION ADJUSTMENT FOR THE SMALL DEPOSITORY INSTITUTION EXCEPTION UNDER THE DEPOSITORY INSTITUTION MANAGEMENT INTERLOCKS ACT.

Section 203(1) of the Depository Institution Management Interlocks Act (12 U.S.C. 3202(1)) is amended by striking ''$20,000,000'' and inserting ''$100,000,000''.

SEC. 405. ENHANCING THE SAFETY AND SOUNDNESS OF INSURED DEPOSITORY INSTITUTIONS.

(a) CLARIFICATION RELATING TO THE ENFORCEABILITY OF AGREEMENTS AND CONDITIONS.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding at the end the following new section:

"SEC. 49. ENFORCEMENT OF AGREEMENTS.

"(a) IN GENERAL.—Notwithstanding clause (i) or (ii) of section 8(b)(6)(A) or section 38(e)(2)(E)(i), an appropriate Federal banking agency may enforce, under section 8, the terms of—

"(1) any condition imposed in writing by the agency on a depository institution or an institution-affiliated party (including a bank holding company) in connection with any action on any application, notice, or other request concerning a depository institution; or

"(2) any written agreement entered into between the agency and an institution-affiliated party (including a bank holding company).

"(b) RECEIVERSHIPS AND CONSERVATORSHIPS.—After the appointment of the Corporation as the receiver or conservator for any insured depository institution, the Corporation may enforce any condition or agreement described in paragraph (1) or (2) of subsection (a) involving such institution or any institution-affiliated party (including a bank holding company), through an action brought in an appropriate United States district court.".

(b) PROTECTION OF CAPITAL OF INSURED DEPOSITORY INSTITUTIONS.—Paragraph (1) of section 18(u) of the Federal Deposit Insurance Act (12 U.S.C. 1828(u)) is amended by striking subparagraph (B) and by redesignating subparagraph (C) as subparagraph (B).

SEC. 406. INVESTMENTS BY INSURED SAVINGS ASSOCIATIONS IN BANK SERVICE COMPANIES AUTHORIZED.

(a) IN GENERAL.—Sections 2 and 3 of the Bank Service Company Act (12 U.S.C. 1862, 1863) are each amended by striking "insured bank" each place such term appears and inserting "insured depository institution".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 1(b)(4) of the Bank Service Company Act (12 U.S.C. 1861(b)(4)) is amended—

(A) by inserting ", except when such term appears in connection with the term 'insured depository institution'," after "means"; and

(B) by striking "Federal Home Loan Bank Board" and inserting "Director of the Office of Thrift Supervision".

(2) Section 1(b) of the Bank Service Company Act (12 U.S.C. 1861(b)) is amended—

(A) by striking paragraph (5) and inserting the following new paragraph:

"(5) INSURED DEPOSITORY INSTITUTION.—The term 'insured depository institution' has the meaning given the term in section 3(c) of the Federal Deposit Insurance Act;";

(B) by striking "and" at the end of paragraph (7);

(C) by striking the period at the end of paragraph (8) and inserting "; and"; and

(D) by adding at the end the following new paragraph:

"(9) the terms 'State depository institution', 'Federal depository institution', 'State savings association' and 'Federal savings association' have the meanings given the terms in section 3 of the Federal Deposit Insurance Act.".

(3) The 1st sentence of section 5(c)(4)(B) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(4)(B)) is amended by striking "by savings associations of such State and by Federal associations" and inserting "by State and Federal depository institutions".

(4) Subparagraph (A)(ii) and subparagraph (B)(ii) of section 1(b)(2) of the Bank Service Company Act (12 U.S.C. 1861(b)(2)) are each amended by striking "insured banks" and inserting "insured depository institutions".

(5) Section 1(b)(8) of the Bank Service Company Act (12 U.S.C. 1861(b)(8)) is further amended—

(A) by striking "insured bank" and inserting "insured depository institution";

(B) by striking "insured banks" each place such term appears and inserting "insured depository institutions"; and

(C) by striking "the bank's" and inserting "the depository institution's".

(6) Section 2 of the Bank Service Company Act (12 U.S.C. 1862) is amended by inserting "or savings associations, other than the limitation on the amount of investment by a Federal savings association contained in section 5(c)(4)(B) of the Home Owners' Loan Act" after "relating to banks".

(7) Section 4(c) of the Bank Service Company Act (12 U.S.C. 1864(c)) is amended by inserting "or State savings association" after "State bank" each place such term appears.

(8) Section 4(d) of the Bank Service Company Act (12 U.S.C. 1864(d)) is amended by inserting "or Federal savings association" after "national bank" each place such term appears.

(9) Section 4(e) of the Bank Service Company Act (12 U.S.C. 1864(e)) is amended to read as follows:

"(e) A bank service company may perform—

"(1) only those services that each depository institution shareholder or member is otherwise authorized to perform under any applicable Federal or State law; and

"(2) such services only at locations in a State in which each such shareholder or member is authorized to perform such services.".

(10) Section 4(f) of the Bank Service Company Act (12 U.S.C. 1864(f)) is amended by inserting "or savings associations" after "location of banks".

(11) Section 5 of the Bank Service Company Act (12 U.S.C. 1865) is amended—

(A) in subsection (a)—

(i) by striking "insured bank" and inserting "insured depository institution"; and

(ii) by striking "bank's" and inserting "institution's".

(B) in subsection (b), by striking "insured bank" and inserting "insured depository institution"; and

(C) in subsection (c)—

(i) by striking "the bank or banks" and inserting "any depository institution"; and

(ii) by striking "capability of the bank" and inserting "capability of the depository institution".

(12) Section 7 of the Bank Service Company Act (12 U.S.C. 1867) is amended—

(A) in subsection (b), by striking "insured bank" and inserting "insured depository institution"; and

(B) in subsection (c)—

(i) by striking "a bank" each place such term appears and inserting "a depository institution"; and

(ii) by striking "the bank" each place such term appears and inserting "the depository institution".

SEC. 407. CROSS GUARANTEE AUTHORITY.

Subparagraph (A) of section 5(e)(9) of the Federal Deposit Insurance Act (12 U.S.C. 1815(e)(9)(A)) is amended to read as follows:

"(A) such institutions are controlled by the same company; or".

SEC. 408. GOLDEN PARACHUTE AUTHORITY AND NONBANK HOLDING COMPANIES.

Subsection (k) of section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828(k)) is amended—

(1) in paragraph (2)(A), by striking "or depository institution holding company" and inserting "or covered company";

(2) by striking subparagraph (B) of paragraph (2) and inserting the following new subparagraph:

"(B) Whether there is a reasonable basis to believe that the institution-affiliated party is substantially responsible for—

"(i) the insolvency of the depository institution or covered company;

"(ii) the appointment of a conservator or receiver for the depository institution; or

"(iii) the depository institution's troubled condition (as defined in the regulations prescribed pursuant to section 32(f)).";

(3) in paragraph (2)(F), by striking "depository institution holding company" and inserting "covered company,";

(4) in paragraph (3) in the matter preceding subparagraph (A), by striking "depository institution holding company" and inserting "covered company";

(5) in paragraph (3)(A), by striking "holding company" and inserting "covered company";

(6) in paragraph (4)(A)—

(A) by striking "depository institution holding company" each place such term appears and inserting "covered company"; and

(B) by striking "holding company" each place such term appears (other than in connection with the term referred to in subparagraph (A)) and inserting "covered company";

(7) in paragraph (5)(A), by striking "depository institution holding company" and inserting "covered company";

(8) in paragraph (5), by adding at the end the following new subparagraph:

"(D) COVERED COMPANY.—The term 'covered company' means any depository institution holding company (including any company required to file a report under section 4(f)(6) of the Bank Holding Company Act of 1956), or any other company that controls an insured depository institution."; and

(9) in paragraph (6)—

(A) by striking "depository institution holding company" and inserting "covered company,"; and

(B) by striking "or holding company" and inserting "or covered company".

SEC. 409. AMENDMENTS RELATING TO CHANGE IN BANK CONTROL.

Section 7(j) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)) is amended—

(1) in paragraph (1)(D)—

(A) by striking "is needed to investigate" and inserting "is needed—

"(i) to investigate";

(B) by striking "United States Code." and inserting "United States Code; or"; and

(C) by adding at the end the following new clause:

"(ii) to analyze the safety and soundness of any plans or proposals described in paragraph (6)(E) or the future prospects of the institution."; and

(2) in paragraph (7)(C), by striking "the financial condition of any acquiring person" and inserting "either the financial condition of any acquiring person or the future prospects of the institution".

TITLE V—DEPOSITORY INSTITUTION AFFILIATES PROVISIONS

SEC. 501. CLARIFICATION OF CROSS MARKETING PROVISION.

Section 4(n)(5) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(n)(5)) is amended—

(1) in subparagraph (B), by striking "subsection (k)(4)(I)" and inserting "subparagraph (H) or (I) of subsection (k)(4)"; and

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

"(C) THRESHOLD OF CONTROL.—Subparagraph (A) shall not apply with respect to a company described or referred to in clause (i) or (ii) of such subparagraph if the financial holding company does not own or control 25 percent or more of the total equity or any class of voting securities of such company.".

SEC. 502. AMENDMENT TO PROVIDE THE FEDERAL RESERVE BOARD WITH DISCRETION CONCERNING THE IMPUTATION OF CONTROL OF SHARES OF A COMPANY BY TRUSTEES.

Section 2(g)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(g)(2)) is

amended by inserting ", unless the Board determines that such treatment is not appropriate in light of the facts and circumstances of the case and the purposes of this Act" before the period at the end.

SEC. 503. ELIMINATING GEOGRAPHIC LIMITS ON THRIFT SERVICE COMPANIES.

(a) IN GENERAL.—The 1st sentence of section 5(c)(4)(B) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(4)(B)) (as amended by section 406(b)(3) of this Act) is amended—

(1) by striking "corporation organized" and all that follows through "is available for purchase" and inserting "company, if the entire capital of the company is available for purchase"; and

(2) by striking "having their home offices in such State".

(b) TECHNICAL CORRECTIONS.—

(1) The heading for subparagraph (B) of section 5(c)(4) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(4)(B)) is amended by striking "CORPORATIONS" and inserting "COMPANIES".

(2) The 2nd sentence of section 5(n)(1) of the Home Owners' Loan Act (12 U.S.C. 1464(n)(1)) is amended by striking "service corporations" and inserting "service companies".

(3) Section 5(q)(1) of the Home Owners' Loan Act (12 U.S.C. 1464(q)(1)) is amended by striking "service corporation" each place such term appears in subparagraphs (A), (B), and (C) and inserting "service company".

(4) Section 10(m)(4)(C)(iii)(II) of the Home Owners' Loan Act (12 U.S.C. 1467a(m)(4)(C)(iii)(II)) is amended by striking "service corporation" each place such term appears and inserting "service company".

SEC. 504. CLARIFICATION OF SCOPE OF APPLICABLE RATE PROVISION.

Section 44(f) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(f)) is amended by adding at the end the following new paragraphs:

"(3) OTHER LENDERS.—In the case of any other lender doing business in the State described in paragraph (1), the maximum interest rate or amount of interest, discount points, finance charges, or other similar charges that may be charged, taken, received, or reserved from time to time in any loan, discount, or credit sale made, or upon any note, bill of exchange, financing transaction, or other evidence of debt issued to or acquired by any other lender shall be equal to not more than the greater of the rates described in subparagraph (A) or (B) of paragraph (1).

"(4) OTHER LENDER DEFINED.—For purposes of paragraph (3), the term 'other lender' means any person engaged in the business of selling or financing the sale of personal property (and any services incidental to the sale of personal property) in such State, except that, with regard to any person or entity described in such paragraph, such term does not include—

"(A) an insured depository institution; or

"(B) any person or entity engaged in the business of providing a short-term cash advance to any consumer in exchange for—

"(i) a consumer's personal check or share draft, in the amount of the advance plus a fee, where presentment or negotiation of such check or share draft is deferred by agreement of the parties until a designated future date; or

"(ii) a consumer authorization to debit the consumer's transaction account, in the amount of the advance plus a fee, where such account will be debited on or after a designated future date.".

TITLE VI—BANKING AGENCY PROVISIONS

SEC. 601. WAIVER OF EXAMINATION SCHEDULE IN ORDER TO ALLOCATE EXAMINER RESOURCES.

Section 10(d) of the Federal Deposit Insurance Act (12 U.S.C. 1820(d)) is amended—

(1) by redesignating paragraphs (5), (6), (7), (8), (9), and (10) as paragraphs (6), (7), (8), (9), (10), and (11), respectively;

(2) by inserting after paragraph (4), the following new paragraph:

"(5) WAIVER OF SCHEDULE WHEN NECESSARY TO ACHIEVE SAFE AND SOUND ALLOCATION OF EXAMINER RESOURCES.—Notwithstanding paragraphs (1), (2), (3), and (4), an appropriate Federal banking agency may make adjustments in the examination cycle for an insured depository institution if necessary to allocate available resources of examiners in a manner that provides for the safety and soundness of, and the effective examination and supervision of, insured depository institutions."; and

(3) in paragraphs (8) and (9), as so redesignated, by striking "paragraph (6)" and inserting "paragraph (7)".

SEC. 602. INTERAGENCY DATA SHARING.

(a) FEDERAL BANKING AGENCIES.—Section 7(a)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)(2)) is amended by adding at the end the following new subparagraph:

"(C) DATA SHARING WITH OTHER AGENCIES AND PERSONS.—In addition to reports of examination, reports of condition, and other reports required to be regularly provided to the Corporation (with respect to all insured depository institutions, including a depository institution for which the Corporation has been appointed conservator or receiver) or an appropriate State bank supervisor (with respect to a State depository institution) under subparagraph (A) or (B), a Federal banking agency may, in the agency's discretion, furnish any report of examination or other confidential supervisory information concerning any depository institution or other entity examined by such agency under authority of any Federal law, to—

"(i) any other Federal or State agency or authority with supervisory or regulatory authority over the depository institution or other entity;

"(ii) any officer, director, or receiver of such depository institution or entity; and

"(iii) any other person the Federal banking agency determines to be appropriate.".

(b) NATIONAL CREDIT UNION ADMINISTRATION.—Section 202(a) of the Federal Credit Union Act (12 U.S.C. 1782(a)) is amended by adding at the end the following new paragraph:

"(8) DATA SHARING WITH OTHER AGENCIES AND PERSONS.—In addition to reports of examination, reports of condition, and other reports required to be regularly provided to the Board (with respect to all insured credit unions, including a credit union for which the Corporation has been appointed conservator or liquidating agent) or an appropriate State commission, board, or authority having supervision of a State-chartered credit union, the Board may, in the Board's discretion, furnish any report of examination or other confidential supervisory information concerning any credit union or other entity examined by the Board under authority of any Federal law, to—

"(A) any other Federal or State agency or authority with supervisory or regulatory authority over the credit union or other entity;

"(B) any officer, director, or receiver of such credit union or entity; and

"(C) any other institution-affiliated party of such credit union or entity the Board determines to be appropriate.".

SEC. 603. PENALTY FOR UNAUTHORIZED PARTICIPATION BY CONVICTED INDIVIDUAL.

Section 19 of the Federal Deposit Insurance Act (12 U.S.C. 1829) is amended by adding at the end the following new subsection:

"(c) NONINSURED BANKS.—Subsections (a) and (b) shall apply to a noninsured national bank and a noninsured State member bank, and any agency or noninsured branch (as such terms are defined in section 1(b) of the International Banking Act of 1978) of a foreign bank as if such bank, branch, or agency were an insured depository institution, except such subsections shall be applied for purposes of this subsection by substituting the agency determined under the following paragraphs for 'Corporation' each place such term appears in such subsections:

"(1) The Comptroller of the Currency, in the case of a noninsured national bank or any Federal agency or noninsured Federal branch of a foreign bank.

"(2) The Board of Governors of the Federal Reserve System, in the case of a noninsured State member bank or any State agency or noninsured State branch of a foreign bank.".

SEC. 604. AMENDMENT PERMITTING THE DESTRUCTION OF OLD RECORDS OF A DEPOSITORY INSTITUTION BY THE FDIC AFTER THE APPOINTMENT OF THE FDIC AS RECEIVER.

Section 11(d)(15)(D) of the Federal Deposit Insurance Act (12 U.S.C. 1821(d)(15)(D)) is amended—

(1) by striking "RECORDKEEPING REQUIREMENT.—After the end of the 6-year period" and inserting "RECORDKEEPING REQUIREMENT.—

"(i) IN GENERAL.—Except as provided in clause (ii), after the end of the 6-year period"; and

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

"(ii) OLD RECORDS.—In the case of records of an insured depository institution which are at least 10 years old as of the date the Corporation is appointed as the receiver of such depository institution, the Corporation may destroy such records in accordance with clause (i) any time after such appointment is final without regard to the 6-year period of limitation contained in such clause.".

SEC. 605. MODERNIZATION OF RECORDKEEPING REQUIREMENT.

Subsection (f) of section 10 of the Federal Deposit Insurance Act (12 U.S.C. 1820(f)) is amended to read as follows:

"(f) PRESERVATION OF AGENCY RECORDS.—

"(1) IN GENERAL.—A Federal banking agency may cause any and all records, papers, or documents kept by the agency or in the possession or custody of the agency to be—

"(A) photographed or microphotographed or otherwise reproduced upon film; or

"(B) preserved in any electronic medium or format which is capable of—

"(i) being read or scanned by computer; and

"(ii) being reproduced from such electronic medium or format by printing or any other form of reproduction of electronically stored data.

"(2) TREATMENT AS ORIGINAL RECORDS.—Any photographs, microphotographs, or photographic film or copies thereof described in paragraph (1)(A) or reproduction of electronically stored data described in paragraph (1)(B) shall be deemed to be an original record for all purposes, including introduction in evidence in all State and Federal courts or administrative agencies and shall be admissible to prove any act, transaction, occurrence, or event therein recorded.

"(3) AUTHORITY OF THE FEDERAL BANKING AGENCIES.—Any photographs, microphotographs, or photographic film or copies thereof described in paragraph (1)(A) or reproduction of electronically stored data described in paragraph (1)(B) shall be preserved in such manner as the Federal banking agency shall prescribe and the original records, papers, or documents may be destroyed or otherwise disposed of as the Federal banking agency may direct.".

SEC. 606. CLARIFICATION OF EXTENT OF SUSPENSION, REMOVAL, AND PROHIBITION AUTHORITY OF FEDERAL BANKING AGENCIES IN CASES OF CERTAIN CRIMES BY INSTITUTION-AFFILIATED PARTIES.

(a) INSURED DEPOSITORY INSTITUTION.—

(1) IN GENERAL.—Section 8(g)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1818(g)(1)) is amended—

(A) in subparagraph (A), by striking ''the depository'' each place such term appears and inserting ''any depository'';

(B) in subparagraph (B)(i), by inserting ''of which the subject of the order is an institution-affiliated party'' before the period at the end;

(C) in subparagraph (C), by striking ''the depository'' each place such term appears and inserting ''any depository'';

(D) in subparagraph (D)(i), by inserting ''of which the subject of the order is an institution-affiliated party'' after ''upon the depository institution''; and

(E) by adding at the end the following new subparagraph:

''(E) CONTINUATION OF AUTHORITY.—A Federal banking agency may issue an order under this paragraph with respect to an individual who is an institution-affiliated party at a depository institution at the time of an offense described in subparagraph (A) without regard to—

''(i) whether such individual is an institution-affiliated party at any depository institution at the time the order is considered or issued by the agency; or

''(ii) whether the depository institution at which the individual was an institution-affiliated party at the time of the offense remains in existence at the time the order is considered or issued by the agency.''.

(2) CLERICAL AMENDMENT.—Section 8(g) of the Federal Deposit Insurance Act (12 U.S.C. 1818(g)) is amended by striking ''(g)'' and inserting the following new subsection heading:

''(g) SUSPENSION, REMOVAL, AND PROHIBITION FROM PARTICIPATION ORDERS IN THE CASE OF CERTAIN CRIMINAL OFFENSES.—''.

(b) INSURED CREDIT UNIONS.—

(1) IN GENERAL.—Section 206(i)(1) of the Federal Credit Union Act (12 U.S.C. 1786(i)(1)) is amended—

(A) in subparagraph (A), by striking ''the credit union'' each place such term appears and inserting ''any credit union'';

(B) in subparagraph (B)(i), by inserting ''of which the subject of the order is, or most recently was, an institution-affiliated party'' before the period at the end;

(C) in subparagraph (C), by striking ''the credit union'' each place such term appears and inserting ''any credit union'';

(D) in subparagraph (D)(i), by striking ''upon such credit union'' and inserting ''upon the credit union of which the subject of the order is, or most recently was, an institution-affiliated party''; and

(E) by adding at the end the following new subparagraph:

''(E) CONTINUATION OF AUTHORITY.—The Board may issue an order under this paragraph with respect to an individual who is an institution-affiliated party at a credit union at the time of an offense described in subparagraph (A) without regard to—

''(i) whether such individual is an institution-affiliated party at any credit union at the time the order is considered or issued by the Board; or

''(ii) whether the credit union at which the individual was an institution-affiliated party at the time of the offense remains in existence at the time the order is considered or issued by the Board.''.

(2) CLERICAL AMENDMENT.—Section 206(i) of the Federal Credit Union Act (12 U.S.C. 1786(i)) is amended by striking ''(i)'' at the beginning and inserting the following new subsection heading:

''(i) SUSPENSION, REMOVAL, AND PROHIBITION FROM PARTICIPATION ORDERS IN THE CASE OF CERTAIN CRIMINAL OFFENSES.—''.

SEC. 607. STREAMLINING DEPOSITORY INSTITUTION MERGER APPLICATION REQUIREMENTS.

(a) IN GENERAL.—Paragraph (4) of section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)) is amended to read as follows:

''(4) REPORTS ON COMPETITIVE FACTORS.—

''(A) REQUEST FOR REPORT.—In the interests of uniform standards, before acting on any application for approval of a merger transaction, the responsible agency, unless the agency finds that it must act immediately in order to prevent the probable failure of a depository institution involved, shall—

''(i) request a report on the competitive factors involved from the Attorney General; and

''(ii) provide a copy of the request to the Corporation (when the Corporation is not the responsible agency).

''(B) FURNISHING OF REPORT.—The report requested under subparagraph (A) shall be furnished by the Attorney General to the responsible agency—

''(i) not more than 30 calendar days after the date on which the Attorney General received the request; or

''(ii) not more than 10 calendar days after such date, if the requesting agency advises the Attorney General that an emergency exists requiring expeditious action.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The penultimate sentence of section 18(c)(6) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)(6)) is amended to read as follows: ''If the agency has advised the Attorney General under paragraph (4)(B) of the existence of an emergency requiring expeditious action and has requested a report on the competitive factors within 10 days, the transaction may not be consummated before the fifth calendar day after the date of approval by the agency.''.

SEC. 608. INCLUSION OF DIRECTOR OF THE OFFICE OF THRIFT SUPERVISION IN LIST OF BANKING AGENCIES REGARDING INSURANCE CUSTOMER PROTECTION REGULATIONS.

Section 47(g)(2)(B)(i) of the Federal Deposit Insurance Act (12 U.S.C. 1831x(g)(2)(B)(i)) is amended by inserting ''the Director of the Office of Thrift Supervision,'' after ''Comptroller of the Currency,''.

SEC. 609. PROTECTION OF CONFIDENTIAL INFORMATION RECEIVED BY FEDERAL BANKING REGULATORS FROM FOREIGN BANKING SUPERVISORS.

Section 15 of the International Banking Act of 1978 (12 U.S.C. 3109) is amended by adding at the end the following new subsection:

''(c) CONFIDENTIAL INFORMATION RECEIVED FROM FOREIGN SUPERVISORS.—

''(1) IN GENERAL.—Except as provided in paragraph (3), a Federal banking agency may not be compelled to disclose information received from a foreign regulatory or supervisory authority if—

''(A) the foreign regulatory or supervisory authority has, in good faith, determined and represented to such Federal banking agency that public disclosure of the information would violate the laws applicable to that foreign regulatory or supervisory authority; and

''(B) the relevant Federal banking agency obtained such information pursuant to—

''(i) such procedures as the Federal banking agency may establish for use in connection with the administration and enforcement of Federal banking laws; or

''(ii) a memorandum of understanding or other similar arrangement between the Federal banking agency and the foreign regulatory or supervisory authority.

''(2) TREATMENT UNDER TITLE 5, UNITED STATES CODE.—For purposes of section 552 of title 5, United States Code, this subsection shall be treated as a statute described in subsection (b)(3)(B) of such section.

''(3) SAVINGS PROVISION.—No provision of this section shall be construed as—

''(A) authorizing any Federal banking agency to withhold any information from any duly authorized committee of the House of Representatives or the Senate; or

''(B) preventing any Federal banking agency from complying with an order of a court of the United States in an action commenced by the United States or such agency.

''(4) FEDERAL BANKING AGENCY DEFINED.—For purposes of this subsection, the term 'Federal banking agency' means the Board, the Comptroller, the Federal Deposit Insurance Corporation, and the Director of the Office of Thrift Supervision.''.

SEC. 610. PROHIBITION ON PARTICIPATION BY CONVICTED INDIVIDUAL.

Section 19 of the Federal Deposit Insurance Act (12 U.S.C. 1829) is amended by inserting after subsection (c) (as added by section 603 of this title) the following new subsections:

''(d) BANK HOLDING COMPANIES.—Subsections (a) and (b) shall apply to any bank holding company, any subsidiary (other than a bank) of a bank holding company, and any organization organized and operated under section 25A of the Federal Reserve Act or operating under section 25 of the Federal Reserve Act as if such bank holding company, subsidiary, or organization were an insured depository institution, except such subsections shall be applied for purposes of this subsection by substituting 'Board of Governors of the Federal Reserve System' for 'Corporation' each place such term appears in such subsections.

''(e) SAVINGS AND LOAN HOLDING COMPANIES.—Subsections (a) and (b) shall apply to any savings and loan holding company and any subsidiary (other than a savings association) of a savings and loan holding company as if such savings and loan holding company or subsidiary were an insured depository institution, except such subsections shall be applied for purposes of this subsection by substituting 'Director of the Office of Thrift Supervision' for 'Corporation' each place such term appears in such subsections.''.

SEC. 611. CLARIFICATION THAT NOTICE AFTER SEPARATION FROM SERVICE MAY BE MADE BY AN ORDER.

(a) IN GENERAL.—Section 8(i)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1818(i)(3)) is amended by inserting ''or order'' after ''notice'' each place such term appears.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The heading for section 8(i)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1818(i)(3)) is amended by inserting ''OR ORDER'' after ''NOTICE''.

SEC. 612. ENFORCEMENT AGAINST MISREPRESENTATIONS REGARDING FDIC DEPOSIT INSURANCE COVERAGE.

(a) IN GENERAL.—Section 18(a) of the Federal Deposit Insurance Act (12 U.S.C. 1828(a)) is amended by adding at the end the following new paragraph:

''(4) FALSE ADVERTISING, MISUSE OF FDIC NAMES, AND MISREPRESENTATION TO INDICATE INSURED STATUS.—

''(A) PROHIBITION ON FALSE ADVERTISING AND MISUSE OF FDIC NAMES.—No person may—

''(i) use the terms 'Federal Deposit', 'Federal Deposit Insurance', 'Federal Deposit Insurance Corporation', any combination of such terms, or the abbreviation 'FDIC' as part of the business name or firm name of any person, including any corporation, partnership, business trust, association, or other business entity; or

''(ii) use such terms or any other sign or symbol as part of an advertisement, solicitation, or other document,

to represent, suggest or imply that any deposit liability, obligation, certificate or share is insured or guaranteed by the Federal Deposit Insurance Corporation, if such deposit liability, obligation, certificate, or share is not insured or guaranteed by the Corporation.

''(B) PROHIBITION ON MISREPRESENTATIONS OF INSURED STATUS.—No person may knowingly misrepresent—

''(i) that any deposit liability, obligation, certificate, or share is federally insured, if such deposit liability, obligation, certificate, or share is not insured by the Corporation; or

''(ii) the extent to which or the manner in which any deposit liability, obligation, certificate, or share is insured by the Federal Deposit Insurance Corporation, if such deposit liability, obligation, certificate, or share is not insured by the Corporation to the extent or in the manner represented.

''(C) AUTHORITY OF FDIC.—The Corporation shall have—

''(i) jurisdiction over any person that violates this paragraph, or aids or abets the violation of this paragraph; and

''(ii) for purposes of enforcing the requirements of this paragraph with regard to any person—

''(I) the authority of the Corporation under section 10(c) to conduct investigations; and

''(II) the enforcement authority of the Corporation under subsections (b), (c), (d) and (i) of section 8,

as if such person were a state nonmember insured bank.

''(D) OTHER ACTIONS PRESERVED.—No provision of this paragraph shall be construed as barring any action otherwise available, under the laws of the United States or any State, to any Federal or State law enforcement agency or individual.''.

(b) ENFORCEMENT ORDERS.—Section 8(c) of the Federal Deposit Insurance Act (12 U.S.C. 1818(c)) is amended by adding at the end the following new paragraph:

''(4) FALSE ADVERTISING OR MISUSE OF NAMES TO INDICATE INSURED STATUS.—

''(A) TEMPORARY ORDER.—

''(i) IN GENERAL.—If a notice of charges served under subsection (b)(1) of this section specifies on the basis of particular facts that any person is engaged in conduct described in section 18(a)(4), the Corporation may issue a temporary order requiring—

''(I) the immediate cessation of any activity or practice described, which gave rise to the notice of charges; and

''(II) affirmative action to prevent any further, or to remedy any existing, violation.

''(ii) EFFECT OF ORDER.—Any temporary order issued under this subparagraph shall take effect upon service.

''(B) EFFECTIVE PERIOD OF TEMPORARY ORDER.—A temporary order issued under subparagraph (A) shall remain effective and enforceable, pending the completion of an administrative proceeding pursuant to subsection (b)(1) in connection with the notice of charges—

''(i) until such time as the Corporation shall dismiss the charges specified in such notice; or

''(ii) if a cease-and-desist order is issued against such person, until the effective date of such order.

''(C) CIVIL MONEY PENALTIES.—Violations of section 18(a)(4) shall be subject to civil money penalties as set forth in subsection (i) in an amount not to exceed $1,000,000 for each day during which the violation occurs or continues.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 18(a)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1828(a)) is amended—

(A) in the 1st sentence by striking ''of this subsection'' and inserting ''of paragraphs (1) and (2)'';

(B) by striking the 2nd sentence; and

(C) in the 3rd sentence, by striking ''of this subsection'' and inserting ''of paragraphs (1) and (2)''.

(2) The heading for subsection (a) of section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828(a)) is amended by striking ''INSURANCE LOGO.—'' and inserting ''REPRESENTATIONS OF DEPOSIT INSURANCE.—''.

SEC. 613. COMPENSATION OF FEDERAL HOME LOAN BANK DIRECTORS.

Section 7(i) of the Federal Home Loan Bank Act (12 U.S.C. 1427(i)) is amended to read as follows:

''(i) DIRECTORS' COMPENSATION.—

''(1) IN GENERAL.—Each Federal home loan bank may pay the directors on the board of directors of the bank reasonable compensation for the time required of such directors, and reasonable expenses incurred by the directors, in connection with service on the board of directors, in accordance with resolutions adopted by the board of directors and subject to the approval of the board.

''(2) ANNUAL REPORT BY THE BOARD.—Information regarding compensation and expenses paid by the Federal home loan banks to the directors on the boards of directors of the banks shall be included in the annual report submitted to the Congress by the Board pursuant to section 2B(d).''.

SEC. 614. EXTENSION OF TERMS OF FEDERAL HOME LOAN BANK DIRECTORS.

(a) IN GENERAL.—Section 7(d) of the Federal Home Loan Bank Act (12 U.S.C. 1427(d)) is amended—

(1) in the first sentence, by striking ''3 years'' and inserting ''4 years''; and

(2) in the 2nd sentence—

(A) by striking ''Federal Home Loan Bank System Modernization Act of 1999'' and inserting ''Financial Services Regulatory Relief Act of 2003''; and

(B) by striking ''1/3'' and inserting ''1/4''.

(b) PROSPECTIVE APPLICATION.—The amendment made by subsection (a) shall not apply to the term of office in which any director of a Federal home loan bank is serving as of the date of the enactment of this Act, including any director elected or appointed to fill a vacancy in any such term of office.

SEC. 615. BIENNIAL REPORTS ON THE STATUS OF AGENCY EMPLOYMENT OF MINORITIES AND WOMEN.

(a) IN GENERAL.—Before December 31, 2003, and the end of each 2-year period beginning after such date, each Federal banking agency shall submit a report to the Congress on the status of the employment by the agency of minority individuals and women.

(b) FACTORS TO BE INCLUDED.—The report shall include a detailed assessment of each of the following:

(1) The extent of hiring of minority individuals and women by the agency as of the time the report is prepared.

(2) The successes achieved and challenges faced by the agency in operating minority and women outreach programs.

(3) Challenges the agency may face in finding qualified minority individual and women applicants.

(4) Such other information, findings, and conclusions, and recommendations for legislative or agency action, as the agency may determine to be appropriate to include in the report.

(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) FEDERAL BANKING AGENCY.—The term ''Federal banking agency''—

(A) has the same meaning as in section 3(z) of the Federal Deposit Insurance Act; and

(B) includes the National Credit Union Administration.

(2) MINORITY.—The term ''minority'' has the same meaning as in section 1204(c)(3) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

SEC. 616. COORDINATION OF STATE EXAMINATION AUTHORITY.

Section 10(h) of the Federal Deposit Insurance Act (12 U.S.C. 1820(h)) is amended to read as follows:

''(h) COORDINATION OF EXAMINATION AUTHORITY.—

''(1) IN GENERAL.—The appropriate State bank supervisor of the home State of an insured State bank has authority to examine and supervise the bank. The State bank supervisor of the home State of an insured State bank shall exercise its authority to supervise and examine the branches of the bank in a host State in accordance with the terms of any applicable cooperative agreement between the home State bank supervisor and the State bank supervisor of the relevant host State. Except as expressly provided in a cooperative agreement between the State bank supervisors of the home State and host State(s) of an insured State bank, only the State bank supervisor of the home State of an insured State bank may levy or charge State supervisory fees on the bank.

''(2) HOST STATE EXAMINATION.—With respect to a branch operated in a host State by an out-of-State insured State bank that resulted from an interstate merger transaction approved under section 44 or that was established in such State pursuant to section 5155(g) of the Revised Statutes, the third undesignated paragraph of section 9 of the Federal Reserve Act or section 18(d)(4) of this Act, the appropriate State bank supervisor of such host State may—

''(A) with written notice to the State bank supervisor of the bank's home State and subject to the terms of any applicable cooperative agreement with the State bank supervisor of such home State, examine such branch for the purpose of determining compliance with host State laws that are applicable pursuant to section 24(j) of this Act, including those that govern community reinvestment, fair lending, and consumer protection; and

''(B) if expressly permitted under and subject to the terms of a cooperative agreement with the State bank supervisor of the bank's home State or if such out-of-State insured State bank has been determined to be in a troubled condition by either the State bank supervisor of the bank's home State or the bank's appropriate Federal banking agency, participate in the examination of the bank by the State bank supervisor of the bank's home State to ascertain that the activities of the branch in such host State are not conducted in an unsafe or unsound manner. The State bank supervisor of the home State of an insured State bank shall notify the State bank supervisor of each host State of the bank if there has been a final determination that the bank is in a troubled condition. The State bank supervisor of the bank's home State shall provide such notice as soon as reasonably possible but in all cases within 15 business days after the State bank supervisor has made such final determination or has received written notification of such final determination.

''(3) HOST STATE ENFORCEMENT.—If the State bank supervisor of a host State determines that a branch of an out-of-State State insured State bank is violating any law of the host State that is applicable to such branch pursuant to section 24(j) of this Act, including a law that governs community reinvestment, fair lending, or consumer protection, the State bank supervisor of the host State or, to the extent authorized by the law of the host State, a host State law

enforcement officer may, with written notice to the State bank supervisor of the bank's home State and subject to the terms of any applicable cooperative agreement with the State bank supervisor of the bank's home State, undertake such enforcement actions and proceedings as would be permitted under the law of the host State as if the branch were a bank chartered by that host State.

''(4) COOPERATIVE AGREEMENT.—The State bank supervisors from 2 or more States may enter into cooperative agreements to facilitate State regulatory supervision of State banks, including cooperative agreements relating to the coordination of examinations and joint participation in examinations. For purposes of this subsection (h), the term ''cooperative agreement'' means a written agreement that is signed by the home State bank supervisor and host State bank supervisor to facilitate State regulatory supervision of State banks and includes nationwide or multi-state cooperative agreements and cooperative agreements solely between the home State and host State. Except for State bank supervisors, no provision of this subsection (h) relating to such cooperative agreements shall be construed as limiting in any way the authority of home and host State law enforcement officers, regulatory supervisors, or other officials that have not signed such cooperative agreements to enforce host State laws that are applicable to a branch of an out-of-State insured State bank located in the host State pursuant to section 24(j) of this Act.

''(5) FEDERAL REGULATORY AUTHORITY.—No provision of this subsection shall be construed as limiting in any way the authority of any Federal banking agency.

''(6) STATE TAXATION AUTHORITY NOT AFFECTED.—No provision of this subsection (h) shall be construed as affecting the authority of any State or political subdivision of any State to adopt, apply, or administer any tax or method of taxation to any bank, bank holding company, or foreign bank, or any affiliate of any bank, bank holding company, or foreign bank, to the extent such tax or tax method is otherwise permissible by or under the Constitution of the United States or other Federal law.

''(7) DEFINITIONS.—For purpose of this section, the following definition shall apply:

''(A) The terms 'host State', 'home State', and 'out-of-State bank' have the same meanings as in section 44(g).

''(B) The term 'State supervisory fees' means assessments, examination fees, branch fees, license fees, and all other fees that are levied or charged by a State bank supervisor directly upon an insured State bank or upon branches of an insured State bank.

''(C) Solely for purposes of subparagraph (2)(B) of this subsection (h), an insured State bank has been determined to be in 'troubled condition' if the bank—

''(i) has a composite rating, as determined in its most recent report of examination, of 4 or 5 under the Uniform Financial Institutions Ratings System (UFIRS); or

''(ii) is subject to a proceeding initiated by the Corporation for termination or suspension of deposit insurance; or

''(iii) is subject to a proceeding initiated by the State bank supervisor of the bank's home State to vacate, revoke, or terminate the charter of the bank, or to liquidate the bank, or to appoint a receiver for the bank.

''(D) For the purposes of paragraph (2)(B), the term 'final determination' means the transmittal of a Report of Examination to the bank or transmittal of official notice of proceedings to the bank.''.

TITLE VII—BUSINESS CHECKING FREEDOM

SEC. 701. SHORT TITLE.

This title may be cited as the ''Business Checking Freedom Act of 2004''.

SEC. 702. INTEREST-BEARING TRANSACTION ACCOUNTS AUTHORIZED FOR ALL BUSINESSES.

(a) Section 2 of Public Law 93–100 (12 U.S.C. 1832) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

''(b) Notwithstanding any other provision of law, any depository institution may permit the owner of any deposit or account which is a deposit or account on which interest or dividends are paid and is not a deposit or account described in subsection (a)(2) to make up to 24 transfers per month (or such greater number as the Board of Governors of the Federal Reserve System may determine by rule or order), for any purpose, to another account of the owner in the same institution. An account offered pursuant to this subsection shall be considered a transaction account for purposes of section 19 of the Federal Reserve Act unless the Board of Governors of the Federal Reserve System determines otherwise.''.

(b) Effective at the end of the 2-year period beginning on the date of the enactment of this Act, section 2 of Public Law 93–100 (12 U.S.C. 1832) is amended—

(1) in subsection (a)(1), by striking ''but subject to paragraph (2)'';

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

''(2) No provision of this section may be construed as conferring the authority to offer demand deposit accounts to any institution that is prohibited by law from offering demand deposit accounts.''; and

(3) in subsection (b) (as added by subsection (a) of this section) by striking ''and is not a deposit or account described in subsection (a)(2)''.

SEC. 703. INTEREST-BEARING TRANSACTION ACCOUNTS AUTHORIZED.

(a) REPEAL OF PROHIBITION ON PAYMENT OF INTEREST ON DEMAND DEPOSITS.—

(1) FEDERAL RESERVE ACT.—Section 19(i) of the Federal Reserve Act (12 U.S.C. 371a) is amended to read as follows:

''(i) [Repealed]''.

(2) HOME OWNERS' LOAN ACT.—The first sentence of section 5(b)(1)(B) of the Home Owners' Loan Act (12 U.S.C. 1464(b)(1)(B)) is amended by striking ''savings association may not—'' and all that follows through ''(ii) permit any'' and inserting ''savings association may not permit any''.

(3) FEDERAL DEPOSIT INSURANCE ACT.—Section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended to read as follows:

''(g) [Repealed]''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect at the end of the 2-year period beginning on the date of the enactment of this Act.

SEC. 704. PAYMENT OF INTEREST ON RESERVES AT FEDERAL RESERVE BANKS.

(a) IN GENERAL.—Section 19(b) of the Federal Reserve Act (12 U.S.C. 461(b)) is amended by adding at the end the following new paragraph:

''(12) EARNINGS ON RESERVES.—

''(A) IN GENERAL.—Balances maintained at a Federal reserve bank by or on behalf of a depository institution may receive earnings to be paid by the Federal reserve bank at least once each calendar quarter at a rate or rates not to exceed the general level of short-term interest rates.

''(B) REGULATIONS RELATING TO PAYMENTS AND DISTRIBUTION.—The Board may prescribe regulations concerning—

''(i) the payment of earnings in accordance with this paragraph;

''(ii) the distribution of such earnings to the depository institutions which maintain balances at such banks or on whose behalf such balances are maintained; and

''(iii) the responsibilities of depository institutions, Federal home loan banks, and the National Credit Union Administration Central Liquidity Facility with respect to the crediting and distribution of earnings attributable to balances maintained, in accordance with subsection (c)(1)(A), in a Federal reserve bank by any such entity on behalf of depository institutions.

''(C) DEPOSITORY INSTITUTIONS DEFINED.—For purposes of this paragraph, the term 'depository institution', in addition to the institutions described in paragraph (1)(A), includes any trust company, corporation organized under section 25A or having an agreement with the Board under section 25, or any branch or agency of a foreign bank (as defined in section 1(b) of the International Banking Act of 1978).''.

(b) AUTHORIZATION FOR PASS THROUGH RESERVES FOR MEMBER BANKS.—Section 19(c)(1)(B) of the Federal Reserve Act (12 U.S.C. 461(c)(1)(B)) is amended by striking ''which is not a member bank''.

(c) CONSUMER BANKING COSTS ASSESSMENT.—

(1) IN GENERAL.—The Federal Reserve Act (12 U.S.C. 221 et seq.) is amended—

(A) by redesignating sections 30 and 31 as sections 31 and 32, respectively; and

(B) by inserting after section 29 the following new section:

''SEC. 30. SURVEY OF BANK FEES AND SERVICES.

''(a) ANNUAL SURVEY REQUIRED.—The Board of Governors of the Federal Reserve System shall obtain annually a sample, which is representative by type and size of the institution (including small institutions) and geographic location, of the following retail banking services and products provided by insured depository institutions and insured credit unions (along with related fees and minimum balances):

''(1) Checking and other transaction accounts.

''(2) Negotiable order of withdrawal and savings accounts.

''(3) Automated teller machine transactions.

''(4) Other electronic transactions.

''(b) MINIMUM SURVEY REQUIREMENT.—The annual survey described in subsection (a) shall meet the following minimum requirements:

''(1) CHECKING AND OTHER TRANSACTION ACCOUNTS.—Data on checking and transaction accounts shall include, at a minimum, the following:

''(A) Monthly and annual fees and minimum balances to avoid such fees.

''(B) Minimum opening balances.

''(C) Check processing fees.

''(D) Check printing fees.

''(E) Balance inquiry fees.

''(F) Fees imposed for using a teller or other institution employee.

''(G) Stop payment order fees.

''(H) Nonsufficient fund fees.

''(I) Overdraft fees.

''(J) Deposit items returned fees.

''(K) Availability of no-cost or low-cost accounts for consumers who maintain low balances.

''(2) NEGOTIABLE ORDER OF WITHDRAWAL ACCOUNTS AND SAVINGS ACCOUNTS.—Data on negotiable order of withdrawal accounts and savings accounts shall include, at a minimum, the following:

''(A) Monthly and annual fees and minimum balances to avoid such fees.

''(B) Minimum opening balances.

''(C) Rate at which interest is paid to consumers.

''(D) Check processing fees for negotiable order of withdrawal accounts.

''(E) Fees imposed for using a teller or other institution employee.

''(F) Availability of no-cost or low-cost accounts for consumers who maintain low balances.

''(3) AUTOMATED TELLER TRANSACTIONS.—Data on automated teller machine transactions shall include, at a minimum, the following:

''(A) Monthly and annual fees.

''(B) Card fees.

''(C) Fees charged to customers for withdrawals, deposits, and balance inquiries through institution-owned machines.

''(D) Fees charged to customers for withdrawals, deposits, and balance inquiries through machines owned by others.

''(E) Fees charged to noncustomers for withdrawals, deposits, and balance inquiries through institution-owned machines.

''(F) Point-of-sale transaction fees.

''(4) OTHER ELECTRONIC TRANSACTIONS.—Data on other electronic transactions shall include, at a minimum, the following:

''(A) Wire transfer fees.

''(B) Fees related to payments made over the Internet or through other electronic means.

''(5) OTHER FEES AND CHARGES.—Data on any other fees and charges that the Board of Governors of the Federal Reserve System determines to be appropriate to meet the purposes of this section.

''(6) FEDERAL RESERVE BOARD AUTHORITY.—The Board of Governors of the Federal Reserve System may cease the collection of information with regard to any particular fee or charge specified in this subsection if the Board makes a determination that, on the basis of changing practices in the financial services industry, the collection of such information is no longer necessary to accomplish the purposes of this section.

''(c) ANNUAL REPORT TO CONGRESS REQUIRED.—

''(1) PREPARATION.—The Board of Governors of the Federal Reserve System shall prepare a report of the results of each survey conducted pursuant to subsections (a) and (b) of this section and section 136(b)(1) of the Consumer Credit Protection Act.

''(2) CONTENTS OF THE REPORT.—In addition to the data required to be collected pursuant to subsections (a) and (b), each report prepared pursuant to paragraph (1) shall include a description of any discernible trend, in the Nation as a whole, in a representative sample of the 50 States (selected with due regard for regional differences), and in each consolidated metropolitan statistical area (as defined by the Director of the Office of Management and Budget), in the cost and availability of the retail banking services, including those described in subsections (a) and (b) (including related fees and minimum balances), that delineates differences between institutions on the basis of the type of institution and the size of the institution, between large and small institutions of the same type, and any engagement of the institution in multistate activity.

''(3) SUBMISSION TO CONGRESS.—The Board of Governors of the Federal Reserve System shall submit an annual report to the Congress not later than June 1, 2005, and not later than June 1 of each subsequent year.

''(d) DEFINITIONS.—For purposes of this section, the term 'insured depository institution' has the meaning given such term in section 3 of the Federal Deposit Insurance Act, and the term 'insured credit union' has the meaning given such term in section 101 of the Federal Credit Union Act.''.

(2) CONFORMING AMENDMENT.—

(A) IN GENERAL.—Paragraph (1) of section 136(b) of the Truth in Lending Act (15 U.S.C. 1646(b)(1)) is amended to read as follows:

''(1) COLLECTION REQUIRED.—The Board shall collect, on a semiannual basis, from a broad sample of financial institutions which offer credit card services, credit card price and availability information including—

''(A) the information required to be disclosed under section 127(c) of this chapter;

''(B) the average total amount of finance charges paid by consumers; and

''(C) the following credit card rates and fees:

''(i) Application fees.

''(ii) Annual percentage rates for cash advances and balance transfers.

''(iii) Maximum annual percentage rate that may be charged when an account is in default.

''(iv) Fees for the use of convenience checks.

''(v) Fees for balance transfers.

''(vi) Fees for foreign currency conversions.''.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect on January 1, 2004.

(3) REPEAL OF OTHER REPORT PROVISIONS.—Section 1002 of Financial Institutions Reform, Recovery, and Enforcement Act of 1989 and section 108 of the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994 are hereby repealed.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—Section 19 of the Federal Reserve Act (12 U.S.C. 461) is amended—

(1) in subsection (b)(4) (12 U.S.C. 461(b)(4)), by striking subparagraph (C) and redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively; and

(2) in subsection (c)(1)(A) (12 U.S.C. 461(c)(1)(A)), by striking ''subsection (b)(4)(C)'' and inserting ''subsection (b)''.

SEC. 705. INCREASED FEDERAL RESERVE BOARD FLEXIBILITY IN SETTING RESERVE REQUIREMENTS.

Section 19(b)(2)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(2)(A)) is amended—

(1) in clause (i), by striking ''the ratio of 3 per centum'' and inserting ''a ratio not greater than 3 percent (and which may be zero)''; and

(2) in clause (ii), by striking ''and not less than 8 per centum,'' and inserting ''(and which may be zero),''.

SEC. 706. TRANSFER OF FEDERAL RESERVE SURPLUSES.

(a) IN GENERAL.—Section 7(b) of the Federal Reserve Act (12 U.S.C. 289(b)) is amended by adding at the end the following new paragraph:

''(4) ADDITIONAL TRANSFERS TO COVER INTEREST PAYMENTS FOR FISCAL YEARS 2003 THROUGH 2007.—

''(A) IN GENERAL.—In addition to the amounts required to be transferred from the surplus funds of the Federal reserve banks pursuant to subsection (a)(3), the Federal reserve banks shall transfer from such surplus funds to the Board of Governors of the Federal Reserve System for transfer to the Secretary of the Treasury for deposit in the general fund of the Treasury, such sums as are necessary to equal the net cost of section 19(b)(12) in each of the fiscal years 2003 through 2007.

''(B) ALLOCATION BY FEDERAL RESERVE BOARD.—Of the total amount required to be paid by the Federal reserve banks under subparagraph (A) for fiscal years 2003 through 2007, the Board of Governors of the Federal Reserve System shall determine the amount each such bank shall pay in such fiscal year.

''(C) REPLENISHMENT OF SURPLUS FUND PROHIBITED.—During fiscal years 2003 through 2007, no Federal reserve bank may replenish such bank's surplus fund by the amount of any transfer by such bank under subparagraph (A).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 7(a) of the Federal Reserve Act (12 U.S.C. 289(a)) is amended by adding at the end the following new paragraph:

''(3) PAYMENT TO TREASURY.—During fiscal years 2003 through 2007, any amount in the surplus fund of any Federal reserve bank in excess of the amount equal to 3 percent of the paid-in capital and surplus of the member banks of such bank shall be transferred to the Secretary of the Treasury for deposit in the general fund of the Treasury.''.

SEC. 707. RULE OF CONSTRUCTION.

In the case of an escrow account maintained at a depository institution in connection with a real estate transaction—

(1) the absorption, by the depository institution, of expenses incidental to providing a normal banking service with respect to such escrow account;

(2) the forbearance, by the depository institution, from charging a fee for providing any such banking function; and

(3) any benefit which may accrue to the holder or the beneficiary of such escrow account as a result of an action of the depository institution described in subparagraph (1) or (2) or similar in nature to such action, shall not be treated as the payment or receipt of interest for purposes of this Act and any provision of Public Law 93–100, the Federal Reserve Act, the Home Owners' Loan Act, or the Federal Deposit Insurance Act relating to the payment of interest on accounts or deposits at depository institutions, provided, however, that nothing herein shall be construed so as to require a depository institution that maintains an escrow account in connection with a real estate transaction to pay interest on such escrow account or to prohibit such institution from paying interest on such escrow account. Nor shall anything herein be construed to preempt the provisions of law of any State dealing with the payment of interest on escrow accounts maintained in connection with real estate transactions.

TITLE VIII—CLERICAL AND TECHNICAL AMENDMENTS

SEC. 801. CLERICAL AMENDMENTS TO THE HOME OWNERS' LOAN ACT.

(a) AMENDMENT TO TABLE OF CONTENTS.—The table of contents in section 1 of the Home Owners' Loan Act (12 U.S.C. 1461) is amended by striking the items relating to sections 5 and 6 and inserting the following new items:

''Sec. 5. Savings associations.
''Sec. 6. [Repealed.]''.

(b) CLERICAL AMENDMENTS TO HEADINGS.—

(1) The heading for section 4(a) of the Home Owners' Loan Act (12 U.S.C. 1463(a)) is amended by striking ''(a) FEDERAL SAVINGS ASSOCIATIONS.—'' and inserting ''(a) GENERAL RESPONSIBILITIES OF THE DIRECTOR.—''.

(2) The section heading for section 5 of the Home Owners' Loan Act (12 U.S.C. 1464) is amended to read as follows:

''SEC. 5. SAVINGS ASSOCIATIONS.''.

SEC. 802. TECHNICAL CORRECTIONS TO THE FEDERAL CREDIT UNION ACT.

The Federal Credit Union Act (12 U.S.C. 1751 et seq.) is amended as follows:

(1) In section 101(3), strike ''and'' after the semicolon.

(2) In section 101(5), strike the terms ''account account'' and ''account accounts'' each place any such term appears and insert ''account''.

(3) In section 107(a)(5)(E) (as so designated by section 303 of this Act), strike the period at the end and insert a semicolon.

(4) In paragraphs (6) and (7) of section 107(a) (as so designated by section 303 of this Act), strike the period at the end and insert a semicolon.

(5) In section 107(a)(7)(D) (as so designated by section 303 of this Act), strike ''the Federal Savings and Loan Insurance Corporation or''.

(6) In section 107(a)(7)(E) (as so designated by section 303 of this Act), strike ''the Federal Home Loan Bank Board,'' and insert ''the Federal Housing Finance Board,''.

(7) In section 107(a)(9) (as so designated by section 303 of this Act), strike ''subchapter III'' and insert ''title III''.

(8) In section 107(a)(13) (as so designated by section 303 of this Act), strike the ''and'' after the semicolon at the end.

(9) In section 109(c)(2)(A)(i), strike ''(12 U.S.C. 4703(16))''.

(10) In section 120(h), strike ''under the Act approved July 30, 1947 (6 U.S.C., secs. 6–13),'' and insert ''chapter 93 of title 31, United States Code,''.

(11) In section 201(b)(5), strike ''section 116 of''.

(12) In section 202(h)(3), strike ''section 207(c)(1)'' and insert ''section 207(k)(1)''.

(13) In section 204(b), strike ''such others powers'' and insert ''such other powers''.

(14) In section 206(e)(3)(D), strike ''and'' after the semicolon at the end.

(15) In section 206(f)(1), strike ''subsection (e)(3)(B)'' and insert ''subsection (e)(3)''.

(16) In section 206(g)(7)(D), strike ''and subsection (1)''.

(17) In section 206(t)(2)(B), insert ''regulations'' after ''as defined in''.

(18) In section 206(t)(2)(C), strike ''material affect'' and insert ''material effect''.

(19) In section 206(t)(4)(A)(ii)(II), strike ''or'' after the semicolon at the end.

(20) In section 206A(a)(2)(A), strike ''regulator agency'' and insert ''regulatory agency''.

(21) In section 207(c)(5)(B)(i)(I), insert ''and'' after the semicolon at the end.

(22) In section 207(c)(8)(D)(ii)(I), insert a closing parenthesis after ''Act of 1934''.

(23) In the heading for subparagraph (A) of section 207(d)(3), strike ''TO'' and insert ''WITH''.

(24) In section 207(f)(3)(A), strike ''category or claimants'' and insert ''category of claimants''.

(25) In section 209(a)(8), strike the period at the end and insert a semicolon.

(26) In section 216(n), insert ''any action'' before ''that is required''.

(27) In section 304(b)(3), strike ''the affairs or such credit union'' and insert ''the affairs of such credit union''.

(28) In section 310, strike ''section 102(e)'' and insert ''section 102(d)''.

SEC. 803. OTHER TECHNICAL CORRECTIONS.

(a) Section 1306 of title 18, United States Code, is amended by striking ''5136A'' and inserting ''5136B''.

(b) Section 5239 of the Revised Statutes of the United States (12 U.S.C. 93) is amended by redesignating the second of the 2 subsections designated as subsection (d) (as added by section 331(b)(3) of the Riegle Community Development and Regulatory Improvement Act of 1994) as subsection (e).

SEC. 804. REPEAL OF OBSOLETE PROVISIONS OF THE BANK HOLDING COMPANY ACT OF 1956.

(a) IN GENERAL.—Section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841) is amended—

(1) in subsection (c)(2), by striking subparagraphs (I) and (J); and

(2) by striking subsection (m) and inserting the following new subsection:

''(m) [Repealed]''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Paragraphs (1) and (2) of section 4(h) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(h)) are each amended by striking ''(G), (H), (I), or (J) of section 2(c)(2)'' and inserting ''(G), or (H) of section 2(c)(2)''.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. BACHUS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 392 / Nays 25

¶26.11 [Roll No. 69]

YEAS—392

Ackerman
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—25

Bereuter
Bishop (UT)
Boswell
Cooper
DeFazio
Delahunt
Evans
Gilchrest
Hinchey
Kanjorski
King (IA)
Latham
Leach
Lewis (GA)
Markey
Matheson
McDermott
Musgrave
Nussle
Osborne
Royce
Sanders
Slaughter
Taylor (MS)
Terry

NOT VOTING—16

Abercrombie
Aderholt
Blackburn
Boehner
Conyers
Crowley
Dunn
Harman
John
Kucinich
Shimkus
Smith (WA)
Tauzin
Tiberi
Weldon (PA)
Whitfield

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶26.12 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. OXLEY, by unanimous consent,

Ordered, That in the engrossment of the foregoing bill, the Clerk be authorized to correct section numbers, punctuation, and cross references, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House.

¶26.13 H.R. 3782—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced the unfinished business

to be the motion to suspend the rules and pass the bill (H.R. 3782) to amend the State Department Basic Authorities Act of 1956 to increase the maximum amount of an award available under the Department of State rewards program, to expand the eligibility criteria to receive an award, to authorize nonmonetary awards, to publicize the existence of the rewards program, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 414 / Nays 0

¶26.14 [Roll No. 70]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—19

Blackburn
Boehner
Carson (OK)
Conyers
Cox
Deal (GA)
Fossella
Harman
Hinchey
Hostettler
John
Kucinich
Markey
Shimkus
Smith (WA)
Tauzin
Terry
Tiberi
Whitfield

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶26.15 H. CON. RES. 364—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 364) to recognize more than 5 decades of strategic partnership between the United States and the people of the Marshall Islands in the pursuit of international peace and security, and for other purposes.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 408 / Nays 0

¶26.16 [Roll No. 71]

YEAS—408

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

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

NOT VOTING—25

Blackburn
Boehner
Conyers
Culberson
Davis (AL)
Davis (FL)
Deal (GA)
Harman
Hinchey
Hostettler
Jackson-Lee (TX)
John
Kucinich
Miller, George
Radanovich
Rogers (MI)
Shimkus
Smith (WA)
Stark
Tauzin
Terry
Tiberi
Toomey
Velázquez
Whitfield

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶26.17 ADJOURNMENT OVER

On motion of Mr. DELAY, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Monday, March 22, 2004, at noon; and further, that when the House adjourns on Monday, March 22, 2004, it adjourn to meet at 12:30 p.m. on Tuesday, March 23, 2004, for morning-hour debate.

¶26.18 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. DELAY, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, March 24, 2004, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶26.19 COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore, Mr. BRADLEY, announced that the Speaker, pursuant to clause 5(a)(4)(A) of rule X, and the order of the House of December 8, 2003, named the following Members of the House to be available to serve on investigative subcommittees of the Committee on Standards of Official Conduct for the 108th Congress: Messrs. DOOLITTLE, Sam JOHNSON of Texas, Lincoln DIAZ-BALART of Florida, ENGLISH, SHADEGG, BRADY of Texas, SIMPSON, TERRY, KIRK, and REHBERG.

¶26.20 COMMUNICATION FROM THE MINORITY LEADER—COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore, Mr. BRADLEY, laid before the House the following communication, which was read as follows:

U.S. HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, March 18, 2004.

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

DEAR MR. SPEAKER: Pursuant to clause 5(a)(4)(A) of rule X of the Rules of the House of Representatives I designate the following Members to be available for service on an investigative subcommittee of the Committee on Standards of Official Conduct:

Mr. Becerra of California; Mr. Cooper of Tennessee; Mr. Delahunt of Massachusetts; Mrs. McCarthy of New York; Mr. McIntyre of North Carolina; Mr. McNulty of New York; Mr. Schiff of California; Mr. Scott of Virginia; Mr. Stupak of Michigan; and Mrs. Tauscher of California.

Sincerely,

NANCY PELOSI,
Democratic Leader.

¶26.21 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mrs. BLACKBURN, for today; and

To Ms. HARMAN, for today.

And then,

¶26.22 ADJOURNMENT

On motion of Mr. CUMMINGS, pursuant to the previous order of the House, at 5 o'clock and 54 minutes p.m., the House adjourned until noon on Monday, March 22, 2004.

¶26.23 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BARTON: Committee on Energy and Commerce. House Resolution 522. Resolution expressing the sense of the House of Representatives that there is a critical need to increase awareness and education about heart disease and the risk factors of heart disease among women (Rept. 108–440). Referred to the House Calendar.

¶26.24 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. BONO (for herself and Ms. HOOLEY of Oregon):

H.R. 3993. A bill to amend the Agricultural Marketing Act of 1946, as recently amended by the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2004, to expedite the implementation of the country of origin labeling requirements of such Act, to impose certain recordkeeping requirements on retailers subject to such Act, to clarify the authority to impose civil penalties under such Act, and for other purposes; to the Committee on Agriculture.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. PETRI, and Mr. LIPINSKI):

H.R. 3994. A bill to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HILL (for himself, Mr. SCHIFF, Mrs. TAUSCHER, Mr. JOHN, Mr. BISHOP of Georgia, Mr. STENHOLM, Mr. COOPER, Ms. HARMAN, Mr. CARDOZA, Mr. BERRY, Mr. BOYD, Mr. POMEROY, Mr. MATHESON, Mr. BOSWELL, Mr. HOLDEN, Ms. LORETTA SANCHEZ of California, Mr. CASE, Mr. TANNER, Mr. THOMPSON of California, Mr. MOORE, Mr. TAYLOR of Mississippi, Mr. MICHAUD, Mr. TURNER of Texas, and Mr. SANDLIN):

H.R. 3995. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 and the Congressional Budget Act of 1974 to extend the discretionary spending caps and the pay-as-you-go requirement, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHIFF (for himself, Mr. SHAYS, Mr. FROST, Mr. BLUMENAUER, Ms. JACKSON-LEE of Texas, Mr. CASE, and Ms. MCCARTHY of Missouri):

H.R. 3996. A bill to build operational readiness in civilian agencies, and for other purposes; to the Committee on International Relations.

By Mr. BOOZMAN:

H.R. 3997. A bill to direct the Secretary of Agriculture to convey to the New Hope Cemetery Association a small parcel of National Forest System land in the State of Arkansas for use as a cemetery; to the Committee on Agriculture.

By Mr. COOPER (for himself and Mr. FOLEY):

H.R. 3998. A bill to expand au pair exchange visitor programs to include the provision of in-home independent living services for adults with disabilities, and for other purposes; to the Committee on International Relations.

By Mr. GREENWOOD (for himself, Mr. GREEN of Texas, Mr. BILIRAKIS, and Mr. BROWN of Ohio):

H.R. 3999. A bill to amend the Public Health Service Act with respect to trauma care, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HOBSON (for himself and Ms. NORTON):

H.R. 4000. A bill to amend title 10, United States Code, to establish a program of financial assistance to enable more members of the National Guard of the District of Columbia to attend institutions of higher education; to the Committee on Armed Services.

By Mr. LATHAM (for himself, Mr. NETHERCUTT, Mr. BROWN of Ohio, Mr. MCDERMOTT, and Mr. LEACH):

H.R. 4001. A bill to authorize the Secretary of Agriculture to use the Agricultural Research Service to conduct research regarding the likelihood and risks of the transfer between animal species of the proteinaceous infectious particles, known as prions, that cause transmissible spongiform encephalopathies, and for other purposes; to the Committee on Agriculture.

By Mr. MATHESON:

H.R. 4002. A bill to amend the Elementary and Secondary Education Act of 1965 with respect to teacher qualifications, and for other purposes; to the Committee on Education and the Workforce.

By Mr. GEORGE MILLER of California (for himself, Mr. DAVIS of Illinois, Ms. CARSON of Indiana, Mr. RYAN of Ohio, Mr. VAN HOLLEN, Mr. OWENS, Mr. BISHOP of New York, Mr. HOLT, Mr. KUCINICH, Mr. ANDREWS, Mr. STARK, and Mr. KILDEE):

H.R. 4003. A bill to amend the Higher Education Act of 1965 to improve the ability of foster care youths to attend and succeed in higher education; to the Committee on Education and the Workforce.

By Mr. PAUL:

H.R. 4004. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish a system independent of the Food and Drug Administration for the review of health claims, to define health claims, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PETERSON of Minnesota (for himself, Mr. REHBERG, Mr. TOM DAVIS of Virginia, and Mr. KANJORSKI):

H.R. 4005. A bill to exempt certain animal identification information from disclosure under the Freedom of Information Act; to the Committee on Government Reform, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMEROY (for himself and Mrs. CUBIN):

H.R. 4006. A bill to amend the Packers and Stockyards Act, 1921, to prohibit the use of certain anti-competitive forward contracts; to the Committee on Agriculture.

By Mr. ROYCE (for himself, Mr. DREIER, Mr. PAUL, and Mr. ROHRABACHER):

H.R. 4007. A bill to amend the Internal Revenue Code of 1986 to allow amounts in a health flexible spending arrangement that are unused during a plan year to be carried over to subsequent plan years or deposited into certain health or retirement plans; to the Committee on Ways and Means.

By Mr. SHAYS (for himself and Mr. RUPPERSBERGER):

H.R. 4008. A bill to increase the penalties for terrorism against mass transportation and railroads and provide law enforcement with the tools to combat and prevent attacks on mass transportation and railroads; to the Committee on the Judiciary.

By Mr. ACKERMAN (for himself, Ms. ROS-LEHTINEN, Mr. LANTOS, Mr. WAXMAN, Mr. BERMAN, Mr. ENGEL, Mr. MATSUI, and Ms. BERKLEY):

H. Con. Res. 390. Concurrent resolution condemning the adoption of United Nations General Assembly Resolution ES-10/14 (December 8, 2003) which requests the International Court of Justice (ICJ) to render an advisory opinion concerning the international legal consequences arising from Israel's construction of a security fence in parts of the West Bank, and for other purposes; to the Committee on International Relations.

By Mr. MEEHAN (for himself, Mr. SIMMONS, Mrs. TAUSCHER, Mr. BRADY of Pennsylvania, Mr. COOPER, Mr. TURNER of Texas, Mr. SMITH of Washington, and Mr. ALEXANDER):

H. Con. Res. 391. Concurrent resolution expressing the sense of Congress concerning the well-being of members of the Armed Forces and calling on the Department of Defense to do its utmost to see that deployed military personnel have the best force protection equipment the Nation can make available, and for other purposes; to the Committee on Armed Services.

By Ms. WOOLSEY (for herself, Mr. CONYERS, Mr. EMANUEL, Mr. FARR, Mr. GRIJALVA, Mr. HINCHEY, Mr. HOEFFEL, Ms. JACKSON-LEE of Texas, Ms. KILPATRICK, Ms. LEE, Mr. MARKEY, Mr. MCDERMOTT, Mr. OWENS, Ms. BALDWIN, Mr. SANDERS, Ms. SOLIS, Mr. PAYNE, Mr. OLVER, Ms. CARSON of Indiana, Ms. MCCARTHY of Missouri, and Ms. MCCOLLUM):

H. Con. Res. 392. Concurrent resolution calling for the adoption of a Sensible, Multilateral American Response to Terrorism (''SMART'') Security Platform for the 21st Century; to the Committee on International Relations.

By Mr. FROST:

H. Res. 571. A resolution expressing the sense of the House of Representatives that an Aviation Maintenance Technician Day should be established and expressing appreciation for Charles Edward Taylor's invaluable contributions to aviation; to the Committee on Transportation and Infrastructure.

¶26.25 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. NORWOOD introduced A bill (H.R. 4009) for the relief of Thomas W. Sikes and Wellington Trade, Inc., doing business as Containerhouse; which was referred to the Committee on the Judiciary.

¶26.26 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 111: Mr. SHAYS.
H.R. 119: Mr. SMITH of Washington.
H.R. 173: Mr. KUCINICH.
H.R. 284: Mr. SULLIVAN and Mr. LEWIS of California.
H.R. 375: Ms. KAPTUR and Mr. CUMMINGS.
H.R. 391: Mr. STENHOLM.
H.R. 583: Mr. NEUGEBAUER and Mr. GOSS.
H.R. 584: Mr. LAHOOD.
H.R. 727: Mr. SHAYS, Mr. ALLEN, Ms. DELAURO, and Mr. PALLONE.
H.R. 745: Ms. KAPTUR and Ms. ROYBAL-ALLARD.
H.R. 814: Mrs. CAPITO.
H.R. 962: Mr. CAPUANO.
H.R. 965: Mr. DICKS.
H.R. 1002: Mr. INSLEE.
H.R. 1117: Mr. GOSS.
H.R. 1205: Mr. SHERMAN.
H.R. 1251: Mr. FILNER.
H.R. 1258: Mr. CROWLEY.
H.R. 1264: Mr. PETERSON of Minnesota.
H.R. 1266: Mr. SHAYS.
H.R. 1340: Mr. GORDON.
H.R. 1470: Mr. LYNCH, Mr. HOEFFEL, Mr. FILNER, and Mr. ROTHMAN.
H.R. 1480: Mr. BOUCHER and Mr. GRIJALVA.
H.R. 1608: Mr. TOM DAVIS of Virginia.
H.R. 1615: Mr. PLATTS.
H.R. 1653: Mr. LAHOOD.
H.R. 1735: Mr. CROWLEY.
H.R. 1886: Mr. BELL, Mr. DEFAZIO, and Mr. WAMP.
H.R. 1919: Mr. PLATTS.
H.R. 2032: Mr. HYDE.
H.R. 2060: Mr. STUPAK.
H.R. 2151: Mr. LEACH, Mr. INSLEE, and Mrs. MALONEY.
H.R. 2157: Mr. ACEVEDO-VILA and Mr. FORD.
H.R. 2197: Mr. LYNCH.
H.R. 2256: Mr. TIERNEY.
H.R. 2442: Ms. ROYBAL-ALLARD, Ms. CORRINE BROWN of Florida, Mr. PAYNE, Mr. WU, Mr. HALL, Ms. CARSON of Indiana, and Mr. ETHERIDGE.
H.R. 2612: Mr. HOLDEN and Mr. GRIJALVA.
H.R. 2625: Mr. DEUTSCH and Mr. MORAN of Virginia.
H.R. 2885: Mr. FORD.
H.R. 2890: Mr. VITTER.
H.R. 2900: Mr. ISAKSON.
H.R. 2967: Mrs. NORTHUP.
H.R. 2968: Mr. HERGER and Mr. JENKINS.
H.R. 2978: Mr. PETERSON of Minnesota.
H.R. 3015: Mr. BASS.
H.R. 3063: Ms. CARSON of Indiana.
H.R. 3069: Mr. ROGERS of Alabama, Mr. PETERSON of Minnesota, and Mr. HALL.
H.R. 3103: Mr. ANDREWS.
H.R. 3104: Mr. HAYES and Mrs. MILLER of Michigan.
H.R. 3109: Mr. MORAN of Virginia, Ms. WATSON, Mr. WATT, Mr. BEREUTER, Mr. ADERHOLT, Mr. FATTAH, Mr. FROST, and Mr. GREEN of Texas.
H.R. 3113: Mr. DEMINT.
H.R. 3213: Mr. GUTKNECHT.
H.R. 3215: Mr. FORBES, Mr. KNOLLENBERG, Mr. JONES of North Carolina, Ms. GRANGER, Mr. COX, Mr. WICKER, Mr. TANCREDO, Mr. LEWIS of Kentucky, Mr. SHADEGG, Mr. SULLIVAN, Mr. COLE, Mr. HOSTETTLER, Mr. MANZULLO, Mr. ADERHOLT, Mr. SOUDER, Mr. PENCE, and Mr. SHUSTER.
H.R. 3243: Mr. MCHUGH and Ms. MCCOLLUM.
H.R. 3329: Mr. CULBERSON.
H.R. 3344: Mr. WEXLER.
H.R. 3416: Mr. SCHIFF.
H.R. 3436: Mr. FROST and Mr. LIPINSKI.
H.R. 3438: Mr. LANGEVIN and Mr. LEACH.
H.R. 3441: Mr. SMITH of Washington, Mr. KUCINICH, Mr. PORTER, Mr. GREEN of Texas, Mrs. JONES of Ohio, Mrs. BIGGERT, Mr. BERMAN, Mr. GEORGE MILLER of California, Mr. SCHIFF, and Ms. KAPTUR.
H.R. 3444: Mr. GEORGE MILLER of California.
H.R. 3447: Ms. LEE, Mrs. CHRISTENSEN, Mr. ENGEL, Ms. CORRINE BROWN of Florida, Mr. FROST, and Mr. HINCHEY.
H.R. 3482: Mr. RAMSTAD.
H.R. 3550: Mr. KUCINICH.
H.R. 3593: Ms. SLAUGHTER, Mrs. DAVIS of California, Mr. MCDERMOTT, Mr. FATTAH, Mr. KUCINICH, Ms. WOOLSEY, and Mr. CLAY.
H.R. 3598: Mr. QUINN, Mr. HOEKSTRA, Mr. DINGELL, Mr. OBERSTAR, Mr. MICHAUD, Mr. LATOURETTE, Mr. MANZULLO, Mr. LIPINSKI, and Mr. KNOLLENBERG.
H.R. 3643: Mrs. LOWEY.
H.R. 3678: Mrs. JOHNSON of Connecticut.
H.R. 3704: Ms. GINNY BROWN-WAITE of Florida.
H.R. 3716: Mr. LIPINSKI, Mrs. MYRICK, and Mr. REGULA.
H.R. 3719: Mr. ROTHMAN, Mr. DELAHUNT, and Mr. GONZALEZ.
H.R. 3729: Mr. MCDERMOTT, Mr. GRIJALVA, Mr. BROWN of Ohio, Mr. CARDOZA, and Mr. WEXLER.
H.R. 3736: Mr. ENGLISH and Mr. GREEN of Wisconsin.
H.R. 3763: Mr. CANNON, Mr. POMEROY, Ms. MCCARTHY of Missouri, Mr. TOOMEY, and Mr. GARRETT of New Jersey.
H.R. 3771: Mr. PALLONE.
H.R. 3773: Mr. WILSON of South Carolina, Mr. HAYWORTH, and Mr. TIBERI.

H.R. 3777: Mr. BEAUPREZ.

H.R. 3778: Mr. MURPHY, Mr. GERLACH, Mr. KANJORSKI, Mr. GREENWOOD, Mr. DOYLE, Mr. BRADY of Pennsylvania, Mr. FATTAH, Mr. MURTHA, Mr. PITTS, Mr. PLATTS, and Mr. HOEFFEL.

H.R. 3784: Mr. TERRY, Mr. DEMINT, Mrs. JO ANN DAVIS of Virginia, and Mr. WILSON of South Carolina.

H.R. 3799: Mr. PEARCE and Mr. DEAL of Georgia.

H.R. 3801: Mr. LINDER and Mr. WELLER.

H.R. 3803: Mr. FROST and Mr. ACEVEDO-VILA.

H.R. 3810: Mr. MCNULTY.

H.R. 3818: Mr. FROST, Mr. WOLF, Mr. CARSON of Oklahoma, Mr. EVANS, and Mr. LEACH.

H.R. 3854: Ms. GINNY BROWN-WAITE of Florida.

H.R. 3858: Mr. BLUMENAUER, Mr. SABO, Mr. WELLER, Ms. SOLIS, Mr. GOODE, Mr. KIRK, Mr. TERRY, Mr. BOYD, Mr. KUCINICH, Mrs. BLACKBURN, Mr. TANCREDO, Mr. BACA, Mr. WEXLER, Mr. GORDON, Mr. SPRATT, Mr. COLE, Mr. HOEKSTRA, Mr. MCNULTY, Mr. SHUSTER, Mr. CULBERSON, Mr. FARR, Ms. MAJETTE, Mr. LARSEN of Washington, and Mr. NEUGEBAUER.

H.R. 3866: Mr. COBLE and Mr. STUPAK.

H.R. 3873: Mr. OSBORNE, Ms. MAJETTE, Mr. HASTINGS of Washington, Mr. WEXLER, Ms. WOOLSEY, Mr. FILNER, and Mr. GREENWOOD.

H.R. 3881: Ms. LOFGREN, Mr. MEEHAN, Mr. FRANK of Massachusetts, Mr. BROWN of Ohio, Mr. BLUMENAUER, Mr. MICHAUD, and Mr. CROWLEY.

H.R. 3889: Mr. COBLE.

H.R. 3901: Mr. RENZI, Mr. LAHOOD, and Mr. CASE.

H.R. 3920: Mr. SAM JOHNSON of Texas, Mr. FEENEY, Mr. PENCE, Mr. SMITH of Michigan, Mr. HERGER, Mr. DUNCAN, Mr. MANZULLO, and Mr. JONES of North Carolina.

H.R. 3925: Mr. MILLER of Florida and Mrs. BLACKBURN.

H.R. 3974: Mr. FRANK of Massachusetts.

H.R. 3978: Mr. LANTOS and Mr. ROHRABACHER.

H. Con. Res. 218: Mr. RYAN of Wisconsin.

H. Con. Res. 301: Mr. MCDERMOTT, Mr. SNYDER, and Mr. BAIRD.

H. Con. Res. 332: Mr. POMEROY, Mr. PRICE of North Carolina, Mr. BROWN of South Carolina, Mr. HASTINGS of Florida, Mr. VAN HOLLEN, Mr. KING of Iowa, and Ms. LINDA T. SANCHEZ of California.

H. Con. Res. 363: Mr. EVANS and Mr. BAIRD.

H. Con. Res. 366: Mr. COSTELLO, Mr. ROSS, Mr. SANDERS, Mr. BOSWELL, Mr. ANDREWS, and Mr. MARSHALL.

H. Con. Res. 369: Mr. DEFAZIO, Mr. BROWN of Ohio, Mr. WATT, Mr. FILNER, Mr. STARK, Ms. SOLIS, Mr. SHERMAN, Mr. STRICKLAND, Mr. OWENS, Mr. ANDREWS, Mr. HINCHEY, and Ms. SCHAKOWSKY.

H. Con. Res. 371: Mr. FOSSELLA, Mr. SULLIVAN, Mr. PALLONE, Mr. BURGESS, Mr. SHAYS, Mr. SWEENEY, Ms. ROS-LEHTINEN, and Mr. ROGERS of Kentucky.

H. Con. Res. 374: Mr. MEEK of Florida, Mrs. MILLER of Michigan, Mr. MCHUGH, and Mr. MCKEON.

H. Con. Res. 378: Mrs. JO ANN DAVIS of Virginia.

H. Con. Res. 380: Mr. SCOTT of Georgia, Mr. GRIJALVA, Mr. RANGEL, Ms. MCCARTHY of Missouri, Mrs. CHRISTENSEN, Mr. FORD, Mr. SANDERS, Mr. NEAL of Massachusetts, Mr. GORDON, Ms. WATSON, Ms. MILLENDER-MCDONALD, Mr. KUCINICH, Mrs. JONES of Ohio, and Mr. LANGEVIN.

H. Con. Res. 387: Mr. ALEXANDER, Mr. BOOZMAN, and Mr. ROSS.

H. Res. 402: Mr. ROGERS of Kentucky.

H. Res. 541: Mr. WOLF and Mr. MCNULTY.

H. Res. 565: Mr. WEXLER.

H. Res. 569: Mr. HOLT and Mr. BAIRD.

¶26.27 DELETIONS OF SPONSORS FROM PUBLIC BILL AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3800: Mr. LINDER.

MONDAY, MARCH 22, 2004 (27)

¶27.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. PETRI, who laid before the House the following communication:

WASHINGTON, DC,
March 22, 2004.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

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

¶27.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. PETRI, announced he had examined and approved the Journal of the proceedings of Thursday, March 18, 2004.

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

¶27.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

7200. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pesticide Tolerance Fees; Suspension of Collection [OPP-2004-0084; FRL-7349-7] received March 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7201. A letter from the Under Secretary, Department of Defense, transmitting a report required pursuant to title 10, United States Code, section 12302(d), relating to those units of the Ready Reserve of the Armed Forces that remained on active duty under the provisions of section 12302 as of January 1, 2004; to the Committee on Armed Services.

7202. A letter from the Secretary, Department of Health and Human Services, transmitting the twenty-fourth annual report on the implementation of the Age Discrimination Act of 1975 by departments and agencies which administer programs of Federal financial assistance, pursuant to 42 U.S.C. 6106a(b); to the Committee on Education and the Workforce.

7203. A letter from the Administrator, Energy Information Administration, transmitting a copy of the Energy Information Administration's report entitled ''Annual Energy Outlook 2004,'' pursuant to 15 U.S.C. 790f(a)(1); to the Committee on Energy and Commerce.

7204. A letter from the Attorney, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule — Automotive Fuel Economy Manufacturing Incentives for Alternative Fueled Vehicles [Docket No. NHTSA-2001-10774; Notice 3] (RIN: 2127-AI41) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7205. A letter from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Child restraint systems [Docket No. NHTSA-04-17230] (RIN: 2127-AJ15) received March 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7206. A letter from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Child Restraint Systems [Docket No. NHTSA-2003-17140] (RIN: 2127-AI88) received March 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7207. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Community-Based Urban and Per-Urban Drinking Water Capacity-Building in Africa — received March 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7208. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Indiana [IN158-1a; FRL-7626-7] received March 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7209. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Kentucky Update to Materials Incorporated by Reference; Technical Correction [KY-200404(c); FRL-7636-9] received March 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7210. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maine; Approval of State Implementation Plan Revision to PM10 PSD Increments [R01-OAR-2004-ME-0001; A-1-FRL-7625-3] received March 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7211. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District [CA287-0428a; FRL-7628-3] received March 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7212. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products; Effluent Limitations Guidelines and Standards for the Timber Products Point Source Category; List of Hazardous Air Pollutants, Lesser Quantity Designations, Source Category List [OAR-2002-0048, FRL-7634-1] (RIN: 2060-AG52) received March 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7213. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report entitled ''Country Reports on Human Rights Practices for 2003,'' pursuant to 22 U.S.C. 2151n(d); to the Committee on International Relations.

7214. A letter from the Director, Office of Management and Budget, transmitting the Office's FY 2003 report on Federal Government Information Security Management; to the Committee on Government Reform.

7215. A letter from the Director, Office of Personnel Management, transmitting OPM's Fiscal Year 2003 Annual Report to Congress on the Federal Equal Opportunity Recruitment Program (FEORP), pursuant to 5

U.S.C. 7201(e); to the Committee on Government Reform.

7216. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting the ninth annual report on the Communications Assistance for Law Enforcement Act (CALEA) of 1994, as amended, pursuant to Public Law 103–414; to the Committee on the Judiciary.

7217. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's Annual Report On Child Welfare Outcomes 2001, pursuant to Public Law 105–89, section 203(a) (111 Stat. 2127); to the Committee on Ways and Means.

7218. A letter from the Acting Director, Defense Security Cooperation Agency, Department of Defense, transmitting notification of the Department of State's intent to initiate the FY 2004 International Military Education and Training funds for Algeria, pursuant to Public Law 108–199; jointly to the Committees on International Relations and Appropriations.

7219. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, ''National Coverage Determinations for Fiscal Year 2002 ,'' pursuant to Public Law 106–554 section522(a); jointly to the Committees on Ways and Means and Energy and Commerce.

¶27.4 POLICY COMMITTEE OF THE WHITE HOUSE CONFERENCE ON AGING

The SPEAKER pro tempore, Mr. PETRI, announced that the Speaker, pursuant to section 211 of the Older Americans Act Amendments of 2000 (42 United States Code 3001 note), and the order of the House of December 8, 2003, appointed the following members on the part of the House to the Policy Committee of the White House Conference on Aging: Messrs. E. CLAY SHAW, JR, and HOWARD P. (BUCK) MCKEON .

Ordered, That the Clerk notify the Senate of the foregoing appointments.

And then,

¶27.5 ADJOURNMENT

On motion of the SPEAKER pro tempore, Mr. PETRI, by unanimous consent and pursuant to the special order of the House of March 18, 2004, at 12 o'clock and 3 minutes p.m., declared the House adjourned until 12:30 p.m. on Tuesday, March 23, 2004.

¶27.6 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[The following reports were filed on March 19, 2004]

Mr. NUSSLE: Committee on the Budget. House Concurrent Resolution 393. Resolution establishing the congressional budget for the United States Government for fiscal year 2005 and setting forth appropriate budgetary levels for fiscal years 2004 and 2006 through 2009 (Rept. 108–441). Referred to the Committee on the Whole House on the State of the Union.

Mr. NUSSLE: Committee on the Budget. H.R. 3973 A bill to amend part C of the Balanced Budget and Emergency Deficit Control Act of 1985 to extend the discretionary spending limits and pay-as-you-go through fiscal year 2009; with an amendment (Rept. 108–442). Referred to the Committee of the Whole House on the State of the Union.

¶27.7 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 489: Mr. MCCOTTER and Mr. MILLER of Florida.

H.R. 1873: Mr. CASE.

H.R. 2402: Mr. MCHUGH.

H.R. 3203: Ms. CORRINE BROWN of Florida, Mr. FOLEY, and Ms. DEGETTE.

H.R. 3602: Mr. TOWNS, Ms. LEE, Mr. BOUCHER, Mr. LUCAS of Kentucky, Mr. CRAMER, Ms. MCCARTHY of Missouri, Mr. SESSIONS, and Mr. PASTOR.

H.R. 3966: Mr. FOLEY, Mr. MCKEON, Mrs. MILLER of Michigan, Mr. MEEK of Florida, Mr. FRANKS of Arizona, and Mr. BACHUS.

H.R. 3984: Mr. MILLER of Florida and Mr. GARRETT of New Jersey.

H. Res. 60: Mr. GARRETT of New Jersey, Ms. HARRIS, and Mr. UPTON.

H. Res. 532: Ms. BALDWIN.

TUESDAY, MARCH 23, 2004 (28)

¶28.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. KING of Iowa, who laid before the House the following communication:

WASHINGTON, DC,
March 23, 2004.

I hereby appoint the Honorable STEVE KING to act as Speaker pro tempore on this day.

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

¶28.2 MESSAGE FROM THE SENATE

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

S. Con. Res. 97. A concurrent resolution recognizing the 91st annual meeting of The Garden Club of America.

The message also announced that pursuant to Public Law 108–199, the Chair, on behalf of the Democratic Leader, appoints the following individuals to serve as members of the Helping to Enhance the Livelihood of People (HELP) Around the Globe Commission: Leo J. Hindery, Jr. of New York; and Gayle E. Smith of Washington, D.C.

The message also announced that pursuant to section 104(c)(1)(A) of Public Law 108–199, the Chair, on behalf of the Majority Leader, appoints the following individual to serve as a member of the Abraham Lincoln Study Abroad Fellowship Program: Ms. Christine Vick of Washington, D.C.

¶28.3 MORNING-HOUR DEBATE

The SPEAKER pro tempore, Mr. KING of Iowa, pursuant to the order of the House of Tuesday, January 20, 2004, recognized Members for morning-hour debate.

¶28.4 RECESS—12:45 P.M.

The SPEAKER pro tempore, Mr. KING of Iowa, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 45 minutes p.m., until 2 p.m.

¶28.5 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. TERRY, called the House to order.

¶28.6 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. TERRY, announced he had examined and approved the Journal of the proceedings of Monday, March 22, 2004.

Mrs. BIGGERT, pursuant to clause 1, rule I, demanded a vote on agreeing to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. TERRY, announced that the yeas had it.

Mrs. BIGGERT objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced that the vote would be postponed until later today.

The point of no quorum was considered as withdrawn.

¶28.7 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

7220. A letter from the Assistant General Counsel for Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting the Department's final rule—Alternative Fuel Transportation Program; Private and Local Government Fleet Determination [Docket No. EE–RM–03–001] (RIN: 1904–AA98) received March 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7221. A letter from the Director, Regulations Policy and Management Sta., Department of Health and Human Services, transmitting the Department's final rule—Human Cells, Tissues, and Cellular and Tissue-Based Products; Establishment Registration and Listing [Docket No. 97N–484R] received March 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7222. A letter from the Director, Regulations Policy and Management Sta., Department of Health and Human Services, transmitting the Department's final rule—Human Cells, Tissues, and Cellular and Tissue-Based Products; Establishment Registration and Listing; Correction [Docket No. 97N–484R] received March 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7223. A communication from the President of the United States, transmitting a report, consistent with the War Powers Resolution and Public Law 107–243 and Public Law 102–1, to help ensure that the Congress is kept informed on the status of United States efforts in the global war on terrorism; (H. Doc. No. 108–175); to the Committee on International Relations and ordered to be printed.

7224. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's Performance Budget Justification for FY 2005; to the Committee on Government Reform.

7225. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report entitled, ''21st

Century Department of Justice Appropriations Authorization Act,'' pursuant to Public Law 107–273 section 202(a)(1)(c); to the Committee on the Judiciary.

7226. A letter from the Assistant Attorney General, Department of Justice, transmitting the 2002 Annual Report of the Office of the Police Corps and Law Enforcement Education, pursuant to Public Law 103–322; to the Committee on the Judiciary.

7227. A communication from the President of the United States, transmitting the 2004 Trade Policy Agenda and 2003 Annual Report on the Trade Agreements Program, pursuant to 19 U.S.C. 2213(a); to the Committee on Ways and Means.

7228. A letter from the Board of Trustees, Federal Old-Age And Survivors Insurance And Disability Insurance Trust Funds, transmitting the 2004 Annual Report Of The Board Of Trustees Of The Federal Old-Age And Survivors Insurance And The Federal Disability Insurance Trust Funds, pursuant to 42 U.S.C. 401(c)(2), 1395i(b)(2), and 1395t(b)(2); (H. Doc. No. 108–176); to the Committee on Ways and Means and ordered to be printed.

7229. A letter from the Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting the Department's final rule—Oak Knoll District of Napa Valley Viticultural Area (2002R–046P) [T.D. TTB–9; Re: ATF Notice No. 947] (RIN: 1513–AA48) received March 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7230. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—2004 Calendar Year Resident Population Estimates [Notice 2004–21] received March 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7231. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Guidance Under Section 1502; Application of Section 108 to Members of a Consolidated Group [TD 9117] (RIN: 1545–BC96) received March 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7232. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Last-in, first-out inventories. (Rev. Rul. 2004–35) received March 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7233. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—New Markets Tax Credit Amendments [TD 9116] (RIN: 1545–BC02) received March 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7234. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Definition of Real Estate Investments Trust (Rev. Rul. 2004–24) received March 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7235. A letter from the SSA Regulations Officer, Social Security Administration, transmitting the Administration's final rule—Interrelationship of Old-Age, Survivors and Disability Insurance Program with the Railroad Retirement Program (RIN: 0960–AF82) received March 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7236. A letter from the Board of Trustees, Federal Hospital Insurance and Federal Supplementary Medical Insurance Trust Funds, transmitting the 2004 Annual Report Of The Boards Of Trustees Of The Federal Hospital Insurance And Federal Supplementary Medical Insurance Trust Funds, pursuant to 42 U.S.C. 401(c)(2), 1395i(b)(2), and 1395t(b)(2); (H. Doc. No. 108–177); jointly to the Committees on Ways and Means and Energy and Commerce, and ordered to be printed.

¶28.8 HYDROGRAPHIC SERVICES

Mr. SAXTON moved to suspend the rules and pass the bill (H.R. 958) to authorize certain hydrographic services programs, to name a cove in Alaska in honor of the late Able Bodied Seaman Eric Steiner Koss, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. SAXTON and Mr. KILDEE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SAXTON demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶28.9 NATIONAL WILDLIFE REFUGE VOLUNTEERS

Mr. SAXTON moved to suspend the rules and pass the bill (H.R. 2408) to amend the Fish and Wildlife Act of 1956 to reauthorize volunteer programs and community partnerships for national wildlife refuges; as amended.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. SAXTON and Mr. KILDEE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SAXTON demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶28.10 COWLITZ INDIAN TRIBE JUDGMENT FUNDS

Mr. SAXTON moved to suspend the rules and pass the bill (H.R. 2489) to provide for the distribution of judgment funds to the Cowlitz Indian Tribe; as amended.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. SAXTON and Mr. KILDEE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SAXTON demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶28.11 ORGAN DONATION AND RECOVERY

Mr. ROGERS of Michigan moved to suspend the rules and pass the bill (H.R. 3926) to amend the Public Health Service Act to promote organ donation, and for other purposes.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. ROGERS of Michigan and Mr. TOWNS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ROGERS of Michigan demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Wednesday, March 24, 2004.

¶28.12 HEART DISEASE

Mr. ROGERS of Michigan moved to suspend the rules and agree to the resolution (H. Res. 522):

Whereas heart disease is the number one killer of American women;

Whereas heart attack, stroke, and other cardiovascular diseases claim the lives of more than half a million women each year;

Whereas heart disease takes the lives of more women than men;

Whereas according to a recent American Heart Association survey, only 13 percent of women consider heart disease their greatest health threat;

Whereas one in three women dies of heart disease;

Whereas heart disease kills almost twice as many women as all forms of cancer;

Whereas African-Americans are at greater risk for heart disease and stroke than Caucasians, affecting African-American females at a rate of 39.6 percent compared to 23.8 percent in Caucasian females;

Whereas heart disease and stroke are the leading causes of death for Hispanics, and responsible for 33 percent of deaths in Hispanic females;

Whereas heart disease risk factors include family history, smoking, high blood pressure, high cholesterol, overweight/obesity, physical inactivity, and diabetes; and

Whereas women are often unaware of the risk and receive fewer preventive services than recommended: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that there is a critical need to increase awareness and education about heart disease and the risk factors for

heart disease among women, and the House of Representatives—

(1) commends First Lady Laura Bush and the National Heart, Lung, and Blood Institute in their vital campaign to raise public awareness that heart disease is the number one killer of American women;

(2) believes that heart disease will remain the number one killer of American women unless we as a society dramatically improve education, preventative care, research, diagnostic capabilities, and treatments; and

(3) recognizes that the more women become cognizant of the scourge of heart disease and how to prevent it, the more likely they can make sound lifestyle changes to help reduce their chances of getting heart disease.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. ROGERS of Michigan and Mr. TOWNS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ROGERS of Michigan demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Wednesday, March 24, 2004.

¶28.13 RECESS—3:04 P.M.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 4 minutes p.m., until approximately 6:30 p.m.

¶28.14 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mr. OSE, called the House to order.

¶28.15 APPROVAL OF THE JOURNAL—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. OSE, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the Chair's approval of the Journal of Monday, March 22, 2004.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. OSE, announced that the yeas had it.

Mr. PENCE objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared ....
Yeas 380
Nays 26
Answered present 1

¶28.16 [Roll No. 72]

YEAS—380

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Coble
Cole
Collins
Conyers
Cooper
Cox
Cramer
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinchey
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Upton
Van Hollen
Velázquez
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NAYS—26

Capuano
Costello
Crane
DeFazio
English
Filner
Frank (MA)
Green (TX)
Gutknecht
Hart
Hefley
Kennedy (MN)
Latham
Lee
McDermott
Moran (KS)
Oberstar
Peterson (MN)
Ramstad
Sabo
Stupak
Thompson (CA)
Thompson (MS)
Udall (NM)
Visclosky
Weller

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—26

Bachus
Burr
Clyburn
Culberson
Eshoo
Fattah
Gephardt
Gillmor
Hinojosa
Hoeffel
Hulshof
Matsui
McKeon
Mollohan
Nethercutt
Nussle
Peterson (PA)
Reyes
Rodriguez
Simmons
Stark
Tauzin
Toomey
Waters
Wexler
Wynn

So the Journal was approved.

¶28.17 H.R. 958—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. OSE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 958) to authorize certain hydrographic services programs, to name a cove in Alaska in honor of the late Able Bodied Seaman Eric Steiner Koss, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... Yeas 384
Nays 23

¶28.18 [Roll No. 73]

YEAS—384

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman

Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cole
Conyers
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Etheridge
Evans
Farr
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shuster
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NAYS—23

Akin
Bartlett (MD)
Blackburn
Coble
Collins
Deal (GA)
Duncan
Everett
Flake
Franks (AZ)
Herger
Johnson, Sam
Miller (FL)
Neugebauer
Paul
Royce
Sensenbrenner
Shadegg
Shimkus
Stearns
Sullivan
Tancredo
Wamp

NOT VOTING—26

Bachus
Boswell
Burr
Clyburn
Cox
Culberson
Eshoo
Fattah
Gephardt
Gillmor
Hoeffel
Hulshof
Matsui
McKeon
Meeks (NY)
Mollohan
Nethercutt
Peterson (PA)
Rodriguez
Simmons
Stark
Tauzin
Toomey
Waters
Wexler
Wynn

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶28.19 H.R. 2408—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. OSE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2408) to amend the Fish and Wildlife Act of 1956 to reauthorize volunteer programs and community partnerships for national wildlife refuges; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 401 / Nays 10

¶28.20 [Roll No. 74]

YEAS—401

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gonzalez
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw

Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NAYS—10

Coble
Duncan
Flake
Franks (AZ)
Goode
Hensarling
Johnson, Sam
Jones (NC)
Paul
Stearns

NOT VOTING—22

Burr
Clyburn
Culberson
Eshoo
Fattah
Gephardt
Gillmor
Hoeffel
Hulshof
Matsui
McKeon
Mollohan
Nethercutt
Peterson (PA)
Rodriguez
Simmons
Stark
Tauzin
Toomey
Waters
Wexler
Wynn

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to amend the Fish and Wildlife Act of 1956 to reauthorize volunteer programs and community partnerships for national wildlife refuges, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶28.21 H.R. 2489—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. OSE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2489) to provide for the distribution of judgment funds to the Cowlitz Indian Tribe; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 404 / Nays 0

¶28.22 [Roll No. 75]

YEAS—404

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Etheridge
Everett
Farr
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—29

Burr
Chandler
Clyburn
Collins
Culberson
Davis (FL)
Eshoo
Evans
Fattah
Gephardt
Gillmor
Hoeffel
Hooley (OR)
Hulshof
Matsui
McKeon
Mollohan
Murtha
Nethercutt
Peterson (PA)
Rodriguez
Simmons
Smith (MI)
Stark
Tauzin
Toomey
Waters
Wexler
Wynn

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶28.23 ORDER OF BUSINESS—CONSIDERATION OF H. CON. RES. 393

On motion of Mr. DREIER, by unanimous consent,

Ordered, That it may be in order at any time for the Speaker, as though pursuant to clause 2(b) of rule XVIII, to declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the concurrent resolution (H. Con. Res. 393) establishing the congressional budget for the United States Government for fiscal year 2005 and setting forth appropriate budgetary levels for fiscal years 2004 and 2006 through 2009, and that consideration of the concurrent resolution proceed according to the following order: the first reading of the concurrent resolution is dispensed with; all points of order against consideration of the concurrent resolution are waived; general debate shall be confined to the congressional budget and shall not exceed six hours equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget, provided that one hour of such debate shall be on the subject of economic goals and policies and shall be equally divided and controlled by Representative Saxton of New Jersey and Representative Stark of California or their designees; after general debate, the Committee of the Whole shall rise without motion; and no further consideration of H. Con. Res. 393 shall be in order except

pursuant to a subsequent order of the House.

¶28.24 CHANGE OF REFERENCE—H.R. 3997

On motion of Mr. NUNES, by unanimous consent, the Committee on Agriculture was discharged from further consideration of the bill (H.R. 3997) to direct the Secretary of Agriculture to convey to the New Hope Cemetery Association a small parcel of National Forest system land in the State of Arkansas for use as a cemetery.

When said bill was rereferred to the Committee on Resources.

¶28.25 SENATE CONCURRENT RESOLUTION REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 97. A concurrent resolution recognizing the 91st annual meeting of The Garden Club of America; to the Committee on Government Reform.

¶28.26 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. CLYBURN, for today;

To Mr. CULBERSON, for today; and

To Mr. TAUZIN, for today and balance of the week.

And then,

¶28.27 ADJOURNMENT

On motion of Mr. ABERCROMBIE, at 10 o'clock and 50 minutes p.m., the House adjourned.

¶28.28 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HUNTER: Committee on Armed Services. H.R. 3966. A bill to amend title 10, United States Code, and the Homeland Security Act of 2002 to improve the ability of the Department of Defense to establish and maintain Senior Reserve Officer Training Corps units at institutions of higher education, to improve the ability of students to participate in Senior ROTC programs, and to ensure that institutions of higher education provide military recruiters entry to campuses and access to students that is at least equal in quality and scope to that provided to any other employer; with amendments (Rept. 108–443, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMAS: Committee on Ways and Means. H.R. 3971. A bill to amend the Internal Revenue Code of 1986 to credit the Highway Trust Fund with the full amount of fuel taxes, to combat fuel tax evasion, and for other purposes; with an amendment (Rept. 108–444). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 3873. A bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to provide children with access to food and nutrition assistance, to simplify program operations, to improve children's nutritional health, and to restore the integrity of child nutrition programs, and for other purposes; with an amendment (Rept. 108–445). Referred to the Committee of the Whole House on the State of the Union.

¶28.29 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 3966. Referral to the Committee on Education and the Workforce extended for a period ending not later than March 23, 2004.

¶28.30 DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Armed Services discharged from further consideration. H.R. 3966 referred to the Committee of the Whole House on the State of the Union.

¶28.31 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. CUBIN (for herself and Mr. GIBBONS):

H.R. 4010. A bill to reauthorize and amend the National Geologic Mapping Act of 1992; to the Committee on Resources.

By Mr. LEACH (for himself, Mr. LANTOS, Mr. COX, Mr. FALEOMAVAEGA, Mr. SMITH of New Jersey, Mr. BERMAN, Mr. ROYCE, Mr. ACKERMAN, and Mr. CHABOT):

H.R. 4011. A bill to promote human rights and freedom in the Democratic People's Republic of Korea, and for other purposes; to the Committee on International Relations, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOM DAVIS of Virginia (for himself and Ms. NORTON):

H.R. 4012. A bill to amend the District of Columbia College Access Act of 1999 to permanently authorize the public school and private school tuition assistance programs established under the Act; to the Committee on Government Reform.

By Mr. GINGREY:

H.R. 4013. A bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the approval of any drug that infringes the right to life, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LAHOOD (for himself, Mr. HOUGHTON, Mr. NADLER, Mr. QUINN, Mr. DICKS, Mr. BROWN of Ohio, Mr. WOLF, Mr. SKELTON, Mr. MCNULTY, Mr. DUNCAN, Mr. RAHALL, Mr. CRANE, Mr. LIPINSKI, Mr. LEACH, and Mr. EVANS):

H.R. 4014. A bill to award a congressional gold medal to Brian Lamb; to the Committee on Financial Services.

By Mr. ROTHMAN:

H.R. 4015. A bill to expand the applicability of daylight saving time; to the Committee on Energy and Commerce.

By Mr. STEARNS (for himself and Mr. STRICKLAND):

H.R. 4016. A bill to amend the Public Health Service Act to provide for the education and training of allied health professionals in exchange for a service commitment, and for other purposes; to the Committee on Energy and Commerce.

By Mr. UDALL of Colorado:

H.R. 4017. A bill to assure that development of certain Federal oil and gas resources will occur in ways that protect water resources and respect the rights of the surface owners, and for other purposes; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASE:

H.R. 4018. A bill to amend the Immigration and Nationality Act to assure that immigrants do not have to wait longer for an immigrant visa as a result of a reclassification from family second preference to family first preference because of the naturalization of a parent or spouse; to the Committee on the Judiciary.

By Mr. COOPER (for himself, Mr. FORD, Ms. JACKSON-LEE of Texas, Ms. KILPATRICK, Ms. WATERS, Mr. JEFFERSON, Mr. LEWIS of Georgia, Mr. WYNN, Mr. TOWNS, Mr. MEEKS of New York, Mr. ROSS, Mr. PAYNE, Ms. CORRINE BROWN of Florida, Mrs. NAPOLITANO, Mr. GUTIERREZ, Mr. HINOJOSA, Mr. ORTIZ, Mr. SERRANO, Mr. RODRIGUEZ, Mr. ACEVEDO-VILA, Mr. BACA, Mr. CARDOZA, Mr. GONZALEZ, Mr. BECERRA, Mr. GRIJALVA, Mr. REYES, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Ms. SOLIS, Ms. VELAZQUEZ, Mr. TAYLOR of North Carolina, Ms. GINNY BROWN-WAITE of Florida, and Mr. CARDIN):

H. Con. Res. 394. Concurrent resolution recognizing the 100th anniversary of Citizens Bank, the Nation's oldest continuously operating minority-owned bank, and honoring the many contributions of the Nation's minority-owned banks; to the Committee on Financial Services.

By Ms. WATERS:

H. Con. Res. 395. Concurrent resolution honoring Donald J. Smith for his commitment to providing housing and economic assistance opportunities to Los Angeles-area low-income families; to the Committee on Financial Services.

By Mr. BAIRD:

H. Res. 572. A resolution providing for the consideration of the joint resolution (H.J. Res. 83) proposing an amendment to the Constitution of the United States regarding the appointment of individuals to fill vacancies in the House of Representatives; to the Committee on Rules.

¶28.32 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 348: Mr. MCINTYRE.

H.R. 375: Mr. BACHUS.

H.R. 601: Mr. ACKERMAN, Mr. CAPUANO, Mr. FROST, Mr. KILDEE, Ms. SOLIS, Mr. DEFAZIO, Mr. GUITERREZ, Mr. GEPHARDT, Mr. FILNER, Mr. FORD, Ms. DEGETTE, Mr. EMANUEL, Ms. ESHOO, Mr. EVANS, Mr. GONZALEZ, Mr. GRIJALVA, Mr. KANJORSKI, Mr. KENNEDY of Rhode Island, Mr. LANGEVIN, Mr. SCHIFF, Ms. SCHAKOWSKY, Mr. SCOTT of Georgia, Ms. WOOLSEY, Mr. STARK, Mrs. NAPOLITANO, Mr. MCCOLLUM, Mr. MCDERMOTT, Mr. PASTOR, Mr. PALLONE, Ms. ROYBAL-ALLARD, Ms. LINDA T. SANCHEZ of California, and Mr. SANDERS.

H.R. 677: Ms. ESHOO and Mr. PALLONE.

H.R. 742: Mr. DOYLE.

H.R. 814: Mr. ALEXANDER and Mr. BONNER.

H.R. 872: Mr. GARRETT of New Jersey.

H.R. 970: Mrs. WILSON of New Mexico.

H.R. 979: Mr. SHERMAN.

H.R. 1117: Mr. SIMPSON.

H.R. 1173: Mrs. JONES of Ohio and Mr. MURPHY.

H.R. 1193: Mr. TIAHRT.
H.R. 1264: Mr. MCDERMOTT and Ms. JACKSON-LEE of Texas.
H.R. 1336: Ms. CORRINE BROWN of Florida, Mr. VITTER, and Mr. MARSHALL.
H.R. 1348: Mr. CUMMINGS.
H.R. 1357: Mr. HOEFFEL.
H.R. 1508: Mr. BISHOP of New York.
H.R. 1519: Mr. WEXLER.
H.R. 1662: Mr. BONNER and Mr. CRAMER.
H.R. 1726: Mr. BLUMENAUER.
H.R. 2023: Mr. JENKINS.
H.R. 2068: Ms. SCHAKOWSKY and Mr. KUCINICH.
H.R. 2096: Mr. BROWN of Ohio, Mr. STRICKLAND, Mr. MATSUI, Ms. GRANGER, and Mr. GREEN of Wisconsin.
H.R. 2133: Mr. SENSENBRENNER.
H.R. 2151: Mr. LAHOOD and Mr. DAVIS of Illinois.
H.R. 2157: Ms. MCCARTHY of Missouri, Mr. GILLMOR, Ms. LOFGREN, Mr. HINOJOSA, and Mr. TURNER of Ohio.
H.R. 2238: Mrs. JONES of Ohio, Ms. NORTON, Mr. TOWNS, Ms. LEE, and Mr. ETHERIDGE.
H.R. 2426: Ms. MAJETTE.
H.R. 2434: Ms. DELAURO.
H.R. 2464: Mr. CONYERS, Mr. ACKERMAN, Mr. BERMAN, Mr. CROWLEY, Mr. EVANS, Mr. HASTINGS of Florida, Mr. KENNEDY of Rhode Island, Mr. KUCINICH, Mr. PALLONE, Mr. PAYNE, Mr. WAXMAN, Mr. WEINER, Mr. RANGEL, and Mr. GRIJALVA.
H.R. 2490: Mrs. NAPOLITANO.
H.R. 2511: Mr. HOEFFEL and Ms. DELAURO.
H.R. 2569: Mr. CARDOZA.
H.R. 2574: Mr. MCGOVERN.
H.R. 2612: Mr. BRADY of Pennsylvania.
H.R. 2671: Mr. LUCAS of Oklahoma.
H.R. 2771: Mr. CROWLEY and Mr. MEEKS of New York.
H.R. 2814: Mr. MCCOTTER, Mr. WALSH, Mr. SOUDER, Mr. SESSIONS, Mr. COLLINS, Mr. LEWIS of Kentucky, and Mr. BOEHLERT.
H.R. 2824: Mr. BOEHNER.
H.R. 2863: Mr. STUPAK.
H.R. 2915: Mr. SHAW.
H.R. 2928: Mr. GERLACH and Ms. NORTON.
H.R. 2978: Mr. HALL, Mr. WALSH, Mr. PICKERING, Mr. SOUDER, Mr. GREEN of Wisconsin, and Mr. MANZULLO.
H.R. 3049: Mr. FRANK of Massachusetts and Mr. GORDON.
H.R. 3085: Mr. RUSH.
H.R. 3104: Mr. LARSEN of Washington, Mr. FORBES, Mr. KLINE, and Mr. GINGREY.
H.R. 3178: Mr. CRAMER.
H.R. 3194: Mr. ROGERS of Kentucky, Mr. JACKSON of Illinois, and Mr. ACEVEDO-VILA.
H.R. 3246: Mr. TANCREDO, Mr. ALLEN, Mr. MCINNIS, and Mrs. MUSGRAVE.
H.R. 3308: Mr. SMITH of Michigan, Mr. SCOTT of Georgia, and Mr. REHBERG.
H.R. 3359: Mr. WEXLER and Mr. DEUTSCH.
H.R. 3371: Mr. BLUMENAUER and Mr. MEEK of Florida.
H.R. 3377: Mrs. NAPOLITANO.
H.R. 3378: Mrs. CAPPS.
H.R. 3403: Mr. JONES of North Carolina, Mr. BOOZMAN, and Mr. GINGREY.
H.R. 3416: Mr. OLVER, Mr. LEVIN, and Mr. SCOTT of Virginia.
H.R. 3436: Mr. WALSH.
H.R. 3441: Mr. LAHOOD, Mr. GONZALEZ, Mr. KILDEE, Mr. ALEXANDER, Mr. ROGERS of Kentucky, Mr. GORDON, Mr. OLVER, and Mr. WAXMAN.
H.R. 3452: Mr. SOUDER.
H.R. 3474: Ms. HOOLEY of Oregon and Mr. MARKEY.
H.R. 3543: Mr. TIERNEY.
H.R. 3545: Mrs. TAUSCHER.
H.R. 3664: Mr. EHLERS.
H.R. 3673: Ms. LOFGREN.
H.R. 3676: Mr. KUCINICH.
H.R. 3716: Mr. SPRATT, Ms. KAPTUR, Mr. THOMPSON of Mississippi, Mr. MANZULLO, Mr. ADERHOLT, and Mr. SANDERS.
H.R. 3755: Mr. PASTOR and Mrs. MALONEY.
H.R. 3789: Mr. CARSON of Oklahoma.
H.R. 3793: Mr. DEUTSCH, Mr. EVANS, and Mr. OWENS.
H.R. 3804: Mr. LOBIONDO.
H.R. 3811: Mr. MILLER of Florida.
H.R. 3816: Mr. MCGOVERN.
H.R. 3824: Mr. KOLBE and Mr. PASTOR.
H.R. 3873: Mr. PLATTS, Mr. MARSHALL, Mrs. DAVIS of California, Mr. ANDREWS, Mr. NORWOOD, Mr. GEORGE MILLER of California, Mr. CROWLEY, Mr. VAN HOLLEN, Mr. HOEFFEL, Mr. JEFFERSON, MS. NORTON, Ms. LOFGREN, Ms. BORDALLO, Mr. MCGOVERN, Mr. PETRI, Mr. ISAKSON, Mr. KIND, Mr. PRICE of North Carolina, Mrs. BIGGERT, Mr. HOLT, Mrs. MCCARTHY of New York, Mr. HINOJOSA, Mr. KILDEE, Mr. GRIJALVA, Ms. MILLENDER-MCDONALD, Mr. TIERNEY, Mr. TURNER of Ohio, and Ms. LEE.
H.R. 3888: Ms. LINDA T. SANCHEZ of California and Mr. LEWIS of Georgia.
H.R. 3889: Mr. SOUDER.
H.R. 3913: Mr. FOLEY.
H.R. 3926: Mr. INSLEE.
H.R. 3951: Mr. BALLENGER, Mr. BRADY of Pennsylvania, Mr. JONES of North Carolina, Mr. WALSH, and Mr. MEEHAN.
H.R. 3968: Ms. SLAUGHTER, Ms. JACKSON-LEE of Texas, Ms. LEE, Mr. KUCINICH, Mrs. JONES of Ohio, Mr. GRIJALVA, Mr. WEXLER, Mr. LANTOS, Mr. PALLONE, Mr. ACEVEDO-VILA, Mr. GREEN of Texas, Mr. HOLDEN, Ms. CORRINE BROWN of Florida, Mr. OWENS, and Ms. SCHAKOWSKY.
H.R. 3970: Mr. ROHRABACHER and Mr. SIMMONS.
H.R. 3980: Mr. MANZULLO.
H.R. 3984: Mrs. MYRICK.
H.R. 3985: Mr. GARRETT of New Jersey, Mr. MILLER of Florida, and Mrs. MYRICK.
H.R. 3986: Mr. GARRETT of New Jersey, Mr. MILLER of Florida, and Mrs. MYRICK.
H.R. 3993: Mr. POMEROY.
H.R. 3995: Mr. FORD, Mr. PETERSON of Minnesota, and Mr. SCOTT of Georgia.
H.R. 3999: Mr. DINGELL.
H.J. Res. 46: Mr. MCINTYRE.
H.J. Res. 72: Ms. ESHOO, Mr. MARSHALL, Mr. RENZI, Mr. RODRIGUEZ, and Mr. MATSUI.
H. Con. Res. 99: Mr. FARR and Mr. HASTINGS of Florida.
H. Con. Res. 213: Mr. ACEVEDO-VILA.
H. Con. Res. 276: Ms. BALDWIN.
H. Con. Res. 314: Mr. CLAY, Mr. SCOTT of Georgia, Ms. MAJETTE, and Mr. DEAL of Georgia.
H. Con. Res. 330: Mr. WAXMAN.
H. Con. Res. 332: Mr. MEEHAN, Mr. LATHAM, Mr. HULSHOF, Mr. BARRETT of South Carolina, Mr. TOM DAVIS of Virginia, Mr. SANDLIN, Mr. BOSWELL, Mr. SMITH of Texas, Mr. HAYES, Mr. EHLERS, Mr. RYUN of Kansas, Mr. ADERHOLT, Mr. BRADY of Pennsylvania, and Mr. LINCOLN DIAZ-BALART of Florida.
H. Con. Res. 366: Ms. BALDWIN, Mr. RANGEL, Mr. DAVIS of Illinois, Mr. ALEXANDER, Ms. ROYBAL-ALLARD, Mr. GRIJALVA, Mr. MATSUI, Ms. PELOSI, Mr. MCGOVERN, Mr. DOYLE, Mr. MENENDEZ, Mr. PAYNE, Mr. HOEFFEL, Mr. PALLONE, Mrs. CAPPS, Mr. KENNEDY of Rhode Island, Mr. SERRANO, Mr. BOYD, Mr. PETERSON of Minnesota, Mr. LANTOS, and Mr. BAIRD.
H. Con. Res. 369: Ms. LEE and Ms. JACKSON-LEE of Texas.
H. Con. Res. 371: Mr. WELDON of Pennsylvania, Mr. ROTHMAN, Mr. BRADY of Pennsylvania, Mr. RAMSTAD, and Mr. LAMPSON.
H. Con. Res. 375: Mr. SANDERS, Mr. WOLF, Ms. JACKSON-LEE of Texas, Mr. GREENWOOD, Mr. HINCHEY, Mr. FARR, and Mr. TANNER.
H. Res. 307: Mr. INSLEE.
H. Res. 550: Mr. LATHAM, Mr. GREEN of Texas, Mr. NADLER, Mr. KUCINICH, Mr. PASTOR, Mr. LEVIN, and Mr. JACKSON of Illinois.
H. Res. 558: Mr. BLUMENAUER and Mr. EHLERS.
H. Res. 565: Mr. ABERCROMBIE, Mr. BLUMENAUER, Mr. EHLERS, Mr. HOEFFEL, Mr. JOHNSON of Illinois, Mr. SAXTON, Mr. SCOTT of Georgia, Mr. TERRY, and Mr. WOLF.
H. Res. 567: Mr. FERGUSON and Mrs. BLACKBURN.

¶28.33 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3633: Mr. RENZI.

WEDNESDAY, MARCH 24, 2004 (29)

¶29.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. LAHOOD, who laid before the House the following communication:

WASHINGTON, DC,
March 24, 2004.

I hereby appoint the Honorable RAY LAHOOD to act as Speaker pro tempore on this day.

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

¶29.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. LAHOOD, announced he had examined and approved the Journal of the proceedings of Tuesday, March 23, 2004.

Mr. BOOZMAN, pursuant to clause 1, rule I, demanded the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Mr. BOOZMAN objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced that the vote would be postponed until later today.

The point of no quorum was considered as withdrawn.

¶29.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

7237. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-P-7632] received March 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7238. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-D-7551] received March 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7239. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received March 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7240. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final

rule — Final Flood Elevation Determinations — received March 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7241. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received March 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7242. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7825] received March 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7243. A letter from the Secretary, Department of Health and Human Services, transmitting the first annual financial report to Congress required by the Medical Device User Fee and Modernization Act of 2002 (MDUFMA), covering FY 2003; to the Committee on Energy and Commerce.

7244. A letter from the Secretary, Department of Transportation, transmitting The Department's Fiscal Year 2003 annual report as required by the Superfund Amendments and Reauthorization Act (SARA) of 1986, as amended, pursuant to 42 U.S.C. 9620; to the Committee on Energy and Commerce.

7245. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

7246. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the activities of the United States Government departments and agencies relating to the prevention of nuclear proliferation from January 1 to December 31, 2003, pursuant to 22 U.S.C. 3281; to the Committee on International Relations.

7247. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to Section 620C(c) of the Foreign Assistance Act of 1961, as amended, and in accordance with section 1(a)(6) of Executive Order 13313, a report prepared by the Department of State and the National Security Council on the progress toward a negotiated solution of the Cyprus question covering the period December 1, 2003 through January 30, 2004; to the Committee on International Relations.

7248. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, ''Certification of the Fiscal Year 2004 Revenue Estimate in Support of the District's $173,995,000 General Obligation Bonds (Series 2003B) and $140,325,000 Multimodal General Obligation Bonds (Series 2003C and 2003D),'' pursuant to D.C. Code section 47—117(d); to the Committee on Government Reform.

7249. A letter from the President, African Development Foundation, transmitting the Foundation's annual fiscal year management report for fiscal years ending September 30, 2003 and 2002, pursuant to the Chief Financial Officers Act of 1990, Pub. L. 101-576, and the Federal Managers Financial Integrity Act (FMFIA); to the Committee on Government Reform.

7250. A letter from the Chairman, Federal Maritime Commission, transmitting in accordance with OMB Circular No. A-11, Part 2, the Final Annual Performance Plan for FY 2005; to the Committee on Government Reform.

7251. A letter from the Secretary, Department of the Interior, transmitting a draft bill ''To direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States for the purpose of providing a clean, safe, affordable and reliable water supply to rural residents and for other purposes''; to the Committee on Resources.

7252. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish Observer Program [Docket No. 030818203-3328-02; I.D. 071503D] (RIN: 0648-AR32) received March 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7253. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Zone (EEZ) Off Alaska; Provisions of the American Fisheries Act (AFA) [Docket No. 030808196-4036-03; I.D. 062403C] (RIN: 0648-AR13) received March 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7254. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Amendment 16-1 [Docket No. 030821210-4052-02; I.D. 081103A] (RIN: 0648-AR36) received March 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7255. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Referendum Procedures for a Potential Gulf of Mexico Red Snapper Individual Fishing Quota Program [Docket No. 0310107264-4034-03; I.D. 100103C] (RIN: 0648-AR48) received March 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7256. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures [Docket No. 031216314-4068-02; I.D. 112803A] (RIN: 0648-AR54) received March 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7257. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Mount Pleasant, IA. [Docket No. FAA-2003-16498; Airspace Docket No. 03-ACE-82] received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7258. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-10-10, DC-10-10F, DC-10-15, DC-10-30, DC-10-30F (KC-10A and KDC-10), DC-10-40, DC-10-40F, MD-10-10F, and MD-10-30F Airplanes; and Model MD-11 and MD-11F Airplanes [Docket No. 2003-NM-07-AD; Amendment 39-13500; AD 2004-05-06] (RIN: 2120-AA64) received March 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7259. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-31 and DC-9-32 Airplanes [Docket No. 2003-NM-32-AD; Amendment 39-13502; AD 2004-05-08] (RIN: 2120-AA64) received March 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7260. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767 Series Airplanes [Docket No. 2001-NM-259-AD; Amendment 39-13501; AD 2004-05-07] (RIN: 2120-AA64) received March 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7261. A letter from the Secretaries, Departments of Energy and the Interior, transmitting in compliance with the requirements of Subtitle F, section 3182 of the National Defense Authorization Act for Fiscal Year 2002 (Pub. L. 107-107), a joint report on the costs to the Department of Energy and the Department of the Interior for implementation of the Rocky Flats National Wildlife Refuge Act of 2001; jointly to the Committees on Resources and Energy and Commerce.

¶29.4 MULTIDISTRICT LITIGATION RESTORATION

Mr. SENSENBRENNER moved to suspend the rules and pass the bill (H.R. 1768) to amend title 28, United States Code, to allow a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. LAHOOD, recognized Mr. SENSENBRENNER and Ms. JACKSON-LEE of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. LAHOOD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SENSENBRENNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶29.5 ETIQUETTE FOR FLYING UNITED STATES FLAG

Mr. SENSENBRENNER moved to suspend the rules and pass the bill (H.R. 3095) to amend title 4, United States Code, to make sure the rules of etiquette for flying the flag of the United States do not preclude the flying of flags at half mast when ordered by city and local officials; as amended.

The SPEAKER pro tempore, Mr. LAHOOD, recognized Mr. SENSENBRENNER and Ms. JACKSON-LEE of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. LAHOOD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SENSENBRENNER demanded that the vote be taken by the yeas and

nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Thursday, March 25, 2004.

¶29.6 NATIONAL MILITARY APPRECIATION MONTH

Mrs. MILLER of Michigan moved to suspend the rules and agree to the concurrent resolution (H. Con. Res. 328); as amended:

Whereas the vigilance of the members of the Armed Forces has been instrumental to the preservation of the freedom, security, and prosperity enjoyed by the people of the United States;

Whereas the success of the Armed Forces depends on the dedicated service of its members, their families, and the civilian employees of the Department of Defense and the Coast Guard;

Whereas the role of the United States as a world leader requires a military force that is well-trained, well-equipped, and appropriately sized;

Whereas to maintain such a force, the youth of the United States must possess a commitment to military service sufficient to achieve the levels of recruitment and retention necessary to sustain the strength, vitality, and character of the Armed Forces;

Whereas to foster and sustain such a commitment it is vital for the youth of the United States to understand that the service provided by members of the Armed Forces is an honorable legacy that protects the freedoms enjoyed by citizens of the United States as well as citizens of many other nations;

Whereas the Federal Government has a responsibility to raise awareness of and respect for this aspect of the heritage of the United States and to encourage the people of the United States to dedicate themselves to the values and principles for which Americans have served and sacrificed throughout the history of the Nation;

Whereas service in the Armed Forces entails special hazards and demands extraordinary sacrifices from service members and their families;

Whereas the support of the families of service members enhances the effectiveness and capabilities of the Armed Forces;

Whereas the observance of events recognizing the contributions of the Armed Forces is a tangible and highly effective way of sustaining morale and improving quality of life for service members and their families;

Whereas on April 30, 1999, the Senate passed S. Res. 33 (106th Congress), entitled ''Designating May 1999 as 'National Military Appreciation Month' '', calling on the people of the United States, in a symbolic act of unity, to observe a National Military Appreciation Month in May 1999, to honor the current and former members of the Armed Forces, including those who have died in the pursuit of freedom and peace; and

Whereas it is important to emphasize to the people of the United States the relevance of the history and activities of the Armed Forces through an annual National Military Appreciation Month that includes associated local and national observances and activities: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) supports the goals and objectives of a National Military Appreciation Month;

(2) urges the President to issue a proclamation calling on the people of the United States, all Federal departments and agencies, States, localities, organizations and media to annually observe a National Military Appreciation Month with appropriate ceremonies and activities; and

(3) urges the White House Commission on Remembrance, established by Congress to honor those who died in service to the United States and those who continue to serve the Nation, to work to support the goals and objectives of a National Military Appreciation Month.

The SPEAKER pro tempore, Mr. LAHOOD, recognized Mrs. MILLER of Michigan and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. LAHOOD, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. MILLER of Michigan demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶29.7 LLOYD L. BURKE POST OFFICE

Mrs. MILLER of Michigan moved to suspend the rules and pass the bill (H.R. 3059) to designate the facility of the United States Postal Service located at 304 West Michigan Street in Stuttgart, Arkansas, as the ''Lloyd L. Burke Post Office''.

The SPEAKER pro tempore, Mr. LAHOOD, recognized Mrs. MILLER of Michigan and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. LAHOOD, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. MILLER of Michigan demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶29.8 BUREAU OF ENGRAVING AND PRINTING SECURITY PRINTING

Mr. CASTLE moved to suspend the rules and pass the bill (H.R. 3786) to authorize the Secretary of the Treasury to produce currency, postage stamps, and other security documents at the request of foreign governments on a reimbursable basis.

The SPEAKER pro tempore, Mr. LAHOOD, recognized Mr. CASTLE and Mr. FRANK of Massachusetts, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. LAHOOD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CASTLE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Thursday, March 25, 2004.

¶29.9 CIRCULATING QUARTER DOLLAR COIN PROGRAM

Mr. CASTLE moved to suspend the rules and pass the bill (H.R. 2993) to provide for a circulating quarter dollar coin program to honor the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and for other purposes.

The SPEAKER pro tempore, Mr. LAHOOD, recognized Mr. CASTLE and Mr. FRANK of Massachusetts, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. LAHOOD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CASTLE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Thursday, March 25, 2004.

¶29.10 BORDER ENVIRONMENT COOPERATION COMMISSION

Mr. BEREUTER moved to suspend the rules and agree to the following amendment of the Senate to the bill (H.R. 254) to authorize the President of the United States to agree to certain amendments to the Agreement between the Government of the United States of America and the Government of the United Mexican States concerning the establishment of a Border Environment Cooperation Commission and a North American Development Bank, and for other purposes:

Strike out all after the enacting clause and insert:

SECTION. 1. AUTHORITY TO AGREE TO CERTAIN AMENDMENTS TO THE BORDER ENVIRONMENT COOPERATION AGREEMENT; GRANT AUTHORITY.

(a) AMENDMENT AUTHORITY.—Part 2 of subtitle D of title V of Public Law 103–182 (22 U.S.C. 290m–290m-3) is amended by adding at the end the following:

"SEC. 545. AUTHORITY TO AGREE TO CERTAIN AMENDMENTS TO THE BORDER ENVIRONMENT COOPERATION AGREEMENT.

''The President may agree to amendments to the Cooperation Agreement that—

''(1) enable the Bank to make grants and non-market rate loans out of its paid-in capital resources with the approval of its Board; and

''(2) amend the definition of 'border region' to include the area in the United States that is within 100 kilometers of the international boundary between the United States and Mexico, and the area in Mexico that is within 300 kilometers of the international boundary between the United States and Mexico.''.

(b) GRANT AUTHORITY.—Part 2 of subtitle D of title V of Public Law 103–182 (22 U.S.C. 290m–290m–3), as amended by subsection (a), is amended by adding at the end the following:

"SEC. 546. GRANTS OUT OF PAID-IN CAPITAL RESOURCES.

''(a) IN GENERAL.—The President shall instruct the United States Federal Government representatives on the Board of Directors of the North American Development Bank to oppose any proposal where grants out of the Bank's paid-in capital resources, except for grants from paid-in capital authorized for the community adjustment and investment program under the Bank's charter of 1993, would—

''(1) be made to a project that is not being financed, in part, by loans; or

''(2) account for more than 50 percent of the financing of any individual project.

''(b) EXCEPTION.—

''(1) GENERAL RULE.—The requirements of subsection (a) shall not apply in cases where—

''(A) the President determines there are exceptional economic circumstances for making the grant and consults with the Committee on Foreign Relations of the Senate and the Committee on Financial Services of the House of Representatives; or

''(B)(i) the grant is being made for a project that is so small that obtaining a loan is impractical; and

''(ii) the grant does not exceed $250,000.

''(2) LIMITATION.—Not more than an aggregate of $5,000,000 in grants may be made under this subsection.''.

(c) CLERICAL AMENDMENT.—Section 1(b) of such public law is amended in the table of contents by inserting after the item relating to section 544 the following:

''Sec. 545. Authority to agree to certain amendments to the Border Environment Cooperation Agreement.

''Sec. 546. Grants out of paid-in capital resources.''.

SEC. 2. ANNUAL REPORT.

The Secretary of the Treasury shall submit annually to the Committee on Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate a written report on the North American Development Bank, which addresses the following issues:

(1) The number and description of the projects that the North American Development Bank has approved. The description shall include the level of market-rate loans, non-market-rate loans, and grants used in an approved project, and a description of whether an approved project is located within 100 kilometers of the international boundary between the United States and Mexico or within 300 kilometers of the international boundary between the United States and Mexico.

(2) The number and description of the approved projects in which money has been dispersed.

(3) The number and description of the projects which have been certified by the Border Environment Cooperation Commission, but yet not financed by the North American Development Bank, and the reasons that the projects have not yet been financed.

(4) The total of the paid-in capital, callable capital, and retained earnings of the North American Development Bank, and the uses of such amounts.

(5) A description of any efforts and discussions between the United States and Mexican governments to expand the type of projects which the North American Development Bank finances beyond environmental projects.

(6) A description of any efforts and discussions between the United States and Mexican governments to improve the effectiveness of the North American Development Bank.

(7) The number and description of projects authorized under the Water Conservation Investment Fund of the North American Development Bank.

SEC. 3. SENSE OF THE CONGRESS RELATING TO UNITED STATES SUPPORT FOR NADBANK PROJECTS WHICH FINANCE WATER CONSERVATION FOR TEXAS IRRIGATORS AND AGRICULTURAL PRODUCERS IN THE LOWER RIO GRANDE RIVER VALLEY.

(a) FINDINGS.—The Congress finds that—

(1) Texas irrigators and agricultural producers are suffering enormous hardships in the lower Rio Grande River valley because of Mexico's failure to abide by the 1944 Water Treaty entered into by the United States and Mexico;

(2) over the last 10 years, Mexico has accumulated a 1,500,000-acre fee water debt to the United States which has resulted in a very minimal and inadequate irrigation water supply in Texas;

(3) recent studies by Texas A&M University show that water savings of 30 percent or more can be achieved by improvements in irrigation system infrastructure such as canal lining and metering;

(4) on August 20, 2002, the Board of the North American Development Bank agreed to the creation in the Bank of a Water Conservation Investment Fund, as required by Minute 308 to the 1944 Water Treaty, which was an agreement signed by the United States and Mexico on June 28, 2002; and

(5) the Water Conservation Investment Fund of the North American Development Bank stated that up to $80,000,000 would be available for grant financing of water conservation projects, which grant funds would be divided equally between the United States and Mexico.

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

(1) water conservation projects are eligible for funding from the North American Development Bank under the Agreement Between the Government of the United States of America and the Government of the United Mexican States Concerning the Establishment of a Border Environment Cooperation Commission and a North American Development Bank; and

(2) the Board of the North American Development Bank should support qualified water conservation projects which can assist Texas irrigators and agricultural producers in the lower Rio Grande River Valley.

SEC. 4. SENSE OF THE CONGRESS RELATING TO UNITED STATES SUPPORT FOR NADBANK PROJECTS WHICH FINANCE WATER CONSERVATION IN THE SOUTHERN CALIFORNIA AREA.

It is the sense of the Congress that the Board of the North American Development Bank should support—

(1) the development of qualified water conservation projects in southern California and other eligible areas in the 4 United States border States, including the conjunctive use and storage of surface and ground water, delivery system conservation, the re-regulation of reservoirs, improved irrigation practices, wastewater reclamation, regional water management modeling, operational and optimization studies to improve water conservation, and cross-border water exchanges consistent with treaties; and

(2) new water supply research and projects along the Mexico border in southern California and other eligible areas in the 4 United States border States to desalinate ocean seawater and brackish surface and groundwater, and dispose of or manage the brines resulting from desalination.

SEC. 5. SENSE OF THE CONGRESS RELATING TO UNITED STATES SUPPORT FOR NADBANK PROJECTS FOR WHICH FINANCE WATER CONSERVATION FOR IRRIGATORS AND AGRICULTURAL PRODUCERS IN THE SOUTHWEST UNITED STATES.

(a) FINDINGS.—The Congress finds as follows:

(1) Irrigators and agricultural producers are suffering enormous hardships in the southwest United States. The border States of California, Arizona, New Mexico, and Texas are suffering from one of the worst droughts in history. In Arizona, this is the second driest period in recorded history and the worst since 1904.

(2) In spite of decades of water conservation in the southwest United States, irrigated agriculture uses more than 60 percent of surface and ground water.

(3) The most inadequate water supplies in the United States are in the Southwest, including the lower Colorado River basin and the Great Plains River basins south of the Platte River. In these areas, 70 percent of the water taken from the stream is not returned.

(4) The amount of water being pumped out of groundwater sources in many areas is greater than the amount being replenished, thus depleting the groundwater supply.

(5) On August 20, 2002, the Board of the North American Development Bank agreed to the creation in the bank of a Water Conservation Investment Fund.

(6) The Water Conservation Investment Fund of the North American Development Bank stated that up to $80,000,000 would be available for grant financing of water conservation projects, which grant funds would be divided equally between the United States and Mexico.

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

(1) water conservation projects are eligible for funding from the North American Development Bank under the Agreement Between the Government of the United States of America and the Government of the United Mexican States Concerning the Establishment of a Border Environment Cooperation Commission and a North American Development Bank;

(2) the Board of the North American Development Bank should support qualified water conservation projects that can assist irrigators and agricultural producers; and

(3) the Board of the North American Development Bank should take into consideration the needs of all of the border states before approving funding for water projects, and strive to fund water conservation projects in each of the border states.

SEC. 6. SENSE OF THE CONGRESS REGARDING FINANCING OF PROJECTS.

(a) IN GENERAL.—It is the sense of the Congress that the Board of the North American Development Bank should support the financing of projects, on both sides of the international boundary between the United States and Mexico, that address coastal issues and the problem of pollution in both countries having an environmental impact along the Pacific Ocean and Gulf of Mexico shores of the United States and Mexico.

(b) AIR POLLUTION.—It is the sense of the Congress that the Board of the North American Development Bank should support the financing of projects, on both sides of the international boundary between the United States and Mexico, which address air pollution.

The SPEAKER pro tempore, Mr. LAHOOD, recognized Mr. BEREUTER and Mr. HINOJOSA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said amendment?

The SPEAKER pro tempore, Mr. FOSSELLA, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BEREUTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. FOSSELLA, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Thursday, March 25, 2004.

¶29.11 H.R. 3926—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr, FOSSELLA, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3926) to amend the Public Health Service Act to promote organ donation, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 414 / Nays 2

¶29.12 [Roll No. 76]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Flake
Paul

NOT VOTING—17

Bonilla
Brown-Waite, Ginny
Cannon
Clyburn
Conyers
DeMint
Gibbons
Gillmor
Hunter
Istook
Jones (OH)
Kolbe
Radanovich
Simmons
Simpson
Tancredo
Tauzin

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶29.13 H. RES. 522—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. FOSSELLA, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 522) expressing the sense of the House of Representatives that there is a critical need to increase awareness and education about heart disease and the risk factors of heart disease among women.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 420 / Nays 0

¶29.14 [Roll No. 77]

YEAS—420

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson

Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Barton (TX)
Boehner
Brown-Waite, Ginny
Cannon
Clyburn
DeMint
Gibbons
Gillmor
Norwood
Radanovich
Simmons
Tancredo
Tauzin

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶29.15 APPROVAL OF THE JOURNAL—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. FOSSELLA, pursuant to clause 8, rule XX, announced the further unfinished business to be the question on agreeing to the Chair's approval of the Journal of Tuesday, March 23, 2004.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. FOSSELLA, announced that the yeas had it.

Mr. FOLEY demanded a recorded vote on agreeing to the Chair's approval of the Journal, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared ....
Yeas 377
Nays 35
Answered present 1

¶29.16 [Roll No. 78]

AYES—377

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Sullivan
Tancredo
Tanner
Tauscher
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Upton
Van Hollen
Velázquez
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—35

Baldwin
Brady (PA)
Capuano
Crane
English
Filner
Fossella
Hart
Hastings (FL)
Hefley
Larsen (WA)
Latham
Lewis (GA)
LoBiondo
McDermott
McNulty
Miller, George
Moran (KS)
Oberstar
Olver
Otter
Peterson (MN)
Ramstad
Sabo
Schakowsky
Strickland
Stupak
Sweeney
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (CO)
Udall (NM)
Visclosky
Weller

ANSWERED ''PRESENT''—1

Majette

NOT VOTING—20

Blackburn
Bono
Brady (TX)
Brown-Waite, Ginny
Cannon
Clyburn
DeMint
Feeney
Gibbons
Gillmor
Goss
Houghton
Neugebauer
Norwood
Radanovich
Shimkus
Simmons
Tauzin
Taylor (NC)
Waters

So the Journal was approved.

¶29.17 H.R. 1768—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. FOSSELLA, pursuant to clause 8, rule XX, announced the further unfinished

business to be the motion to suspend the rules and pass the bill (H.R. 1768) to amend title 28, United States Code, to allow a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 418 / Nays 0

¶29.18 [Roll No. 79]

YEAS—418

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Barrett (SC)
Blackburn
Brown-Waite, Ginny
Cannon
Clyburn
DeMint
Diaz-Balart, M.
Gillmor
Houghton
Miller (FL)
Norwood
Simmons
Smith (MI)
Tauzin
Taylor (NC)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶29.19 CHILD NUTRITION IMPROVEMENT

Mr. BOEHNER moved to suspend the rules and pass the bill (H.R. 3873) to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to provide children with access to food and nutrition assistance, to simplify program operations, to improve children's nutritional health, and to restore the integrity of child nutrition programs, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. FOSSELLA, recognized Mr. BOEHNER and Ms. WOOLSEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. MILLER of Florida, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BOEHNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. MILLER of Florida, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶29.20 FIFTIETH ANNIVERSARY OF THE INTERNATIONAL GEOPHYSICAL YEAR

Mr. BONNER moved to suspend the rules and agree to the concurrent resolution (H. Con. Res. 189); as amended:

Whereas the year 2007 is the 50th anniversary of the IGY of 1957–58;

Whereas the IGY, conceived in and promoted by the United States, was the largest cooperative international scientific endeavor undertaken to that date, involving more than 60,000 scientists from 66 nations;

Whereas the IGY legacy includes the dedication of an entire continent to cooperative scientific study through the Antarctica Treaty and the inauguration of the global space age through the launching of Sputnik and Vanguard;

Whereas IGY cooperation continues as the model and inspiration for contemporary world science and also, in this strife-torn era, for the human species as a whole;

Whereas the IGY was conceived as a follow-on to the International Polar Year of 1932 that would reflect new and more globally comprehensive research and measurement techniques in geophysics; and whereas in like-minded spirit it would be appropriate for an IGY–2 to reflect global developments in biology, genetics, the neurosciences, and other areas of scientific research;

Whereas it also would be appropriate for an IGY–2 to recognize interdisciplinary research that incorporates the physical and social sciences and the humanities in enriching understanding of diverse life on Earth;

Whereas the 35th anniversary of the IGY was commemorated by the International Space Year, a globally implemented congressional initiative conceived by the late Senator Spark Matsunaga of Hawaii, that was highlighted by globally coordinated environmental monitoring and research whose ongoing legacy continues to benefit humanity; and

Whereas it is entirely fitting that Congress takes the lead again, in the same spirit, in promoting global cooperation through worldwide commemoration of the IGY with activities reflecting the unity and diversity of life on Earth: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),

That it is the sense of Congress that the President should—

(1) endorse the concept of a worldwide IGY–2 for the 2007–2008 timeframe;

(2) direct the Director of the National Science Foundation and the Administrator

of the National Aeronautics and Space Administration, in association with the National Academy of Sciences and other relevant governmental and nongovernmental organizations, to initiate interagency and international inquiries and discussions that explore the opportunities for a worldwide IGY–2 in the 2007–2008 timeframe, emphasizing activities dedicated to global environmental research, education, and protection; and

(3) submit to Congress at the earliest practical date, but no later than 6 months after the date of adoption of this resolution, a report detailing the steps taken in carrying out paragraphs (1) and (2), including descriptions of possible activities and organizational structures for an IGY–2 in 2007–2008.

The SPEAKER pro tempore, Mr. MILLER of Florida, recognized Mr. BONNER and Mr. UDALL of Colorado, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. MILLER of Florida, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BONNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. MILLER of Florida, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶29.21 CONGRESSIONAL BUDGET RESOLUTION

The SPEAKER pro tempore, Mr. BONNER, by unanimous consent, pursuant to the order of the House of March 23, 2004, and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the concurrent resolution (H. Con. Res. 393) establishing the congressional budget for the United States Government for fiscal year 2005 and setting forth appropriate budgetary levels for fiscal years 2004 and 2006 through 2009.

The SPEAKER pro tempore, Mr. BONNER, by unanimous consent, designated Mr. SIMPSON as Chairman of the Committee of the Whole.

The Acting Chairman, Mr. MILLER of Florida assumed the Chair; and after some time spent therein,

The SPEAKER pro tempore, Mr. SHIMKUS, assumed the Chair.

When Mr. SWEENEY, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶29.22 H. CON. RES. 328—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SHIMKUS, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 328) recognizing and honoring the United States Armed Forces and supporting the designation of a National Military Appreciation Month; as amended.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 424; Nays ..... 0; Answered present 1 }

¶29.23 [Roll No. 80]

YEAS—424

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)

ANSWERED ''PRESENT''—1

Kucinich

NOT VOTING—8

Dingell
Dooley (CA)
Hoeffel
Simmons
Smith (MI)
Tauzin
Woolsey
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed.

By unanimous consent, the title was amended so as to read: ''A concurrent resolution recognizing and honoring the United States Armed Forces and supporting the goals and objectives of a National Military Appreciation Month.''.

A motion to reconsider the votes whereby the rules were suspended and said concurrent resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶29.24 H.R. 3059—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SWEENEY, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3059) to designate the facility of the United States Postal Service located at 304 West Michigan Street in Stuttgart, Arkansas, as the ''Lloyd L. Burke Post Office''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 425 / Nays 0

¶29.25 [Roll No. 81]

YEAS—425

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—8

Dingell
Dooley (CA)
Gilchrest
Hoeffel
King (IA)
Simmons
Tauzin
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶29.26 H.R. 3873—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SWEENEY, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3873) to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to provide children with access to food and nutrition assistance, to simplify program operations, to improve children's nutritional health, and to restore the integrity of child nutrition programs, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 419 / Nays 5

¶29.27 [Roll No. 82]

YEAS—419

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

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

NAYS—5

Akin
Flake
Hensarling
Paul
Shadegg

NOT VOTING—9

Carson (OK)
Carter
Dingell
Dooley (CA)
Hefley
Hoeffel
Miller (MI)
Tauzin
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶29.28 H. CON. RES. 189—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SWEENEY, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 189) celebrating the 50th anniversary of the International Geophysical Year (IGY) and supporting an International Geophysical Year-2 (IGY-2) in 2007-8; as amended.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 420 / Nays ..... 3 }

¶29.29 [Roll No. 83]

YEAS—420

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Everett
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—3

Flake
Otter
Paul

NOT VOTING—10

Dingell
Dooley (CA)
Doyle
Evans
Farr
Hoeffel
Murtha
Pickering
Tauzin
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶29.30 VETERANS' DISABILITY BENEFITS COMMISSION

The SPEAKER pro tempore, Mr. SWEENEY, announced that the Speaker, pursuant to section 1501(b) of the National Defense authorization Act for fiscal year 2004 (38 United States Code 1101 note), and the order of the House of December 8, 2003, appointed the following Members on the part of the

House to the Veterans' Disability Benefits Commission: Messrs. Nick B. Bacon of Rosebud, Arkansas and Donald M. Cassiday of Aurora, Illinois.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶29.31 CONGRESSIONAL BUDGET RESOLUTION

The SPEAKER pro tempore, Mr. SWEENEY, pursuant to the order of the House of March 23, 2004, and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the concurrent resolution (H. Con. Res. 393) establishing the congressional budget for the United States Government for fiscal year 2005 and setting forth appropriate budgetary levels for fiscal years 2004 and 2006 through 2009.

Mr. SIMPSON, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

The SPEAKER pro tempore, Mr. GILCHREST, assumed the Chair.

When Mr. SIMPSON, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶29.32 PROVIDING FOR THE CONSIDERATION OF H. CON. RES. 393

Mr. HASTINGS of Washington, by direction of the Committee on Rules, reported (Rept. No. 108–446) the resolution (H. Res. 574) providing for consideration of the concurrent resolution (H. Con. Res. 393) establishing the congressional budget for the United States Government for fiscal year 2005 and setting forth appropriate budgetary levels for fiscal years 2004 and 2006 through 2009.

When said resolution and report were referred to the House Calendar and ordered printed.

¶29.33 SELECT COMMITTEE ON HOMELAND SECURITY

The SPEAKER pro tempore, Mr. GILCHREST, announced that the Speaker, pursuant to section 4 of House Resolution 5, 108th congress, and the order of the House of December 8, 2003, appointed the following member of the House to the Select Committee on Homeland Security to fill an existing vacancy thereon: Mr. CHANDLER.

¶29.34 CONGRESSIONAL BUDGET RESOLUTION

The SPEAKER pro tempore, Mr. GILCHREST, pursuant to the order of the House of March 23, 2004, and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the concurrent resolution (H. Con. Res. 393) establishing the congressional budget for the United States Government for fiscal year 2005 and setting forth appropriate budgetary levels for fiscal years 2004 and 2006 through 2009.

Mr. SIMPSON, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

The SPEAKER pro tempore, Mr. BURGESS, assumed the Chair.

When Mr. SIMPSON, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶29.35 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. BURGESS, laid before the House the following communication from David R. Thomas, Chief of Staff, Office of the Honorable Zoe Lofgren:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 23, 2004.

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

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for documents issued by the U.S. District Court for the Southern District of New York.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

DAVID R. THOMAS,
Chief of Staff.

¶29.36 BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on March 23, 2004 he presented to the President of the United States, for his approval, the following bill.

H.R. 3724. An Act to amend section 220 of the National Housing Act to make a technical correction to restore allowable increases in the maximum mortgage limits for FHA-insured mortgages for multifamily housing projects to cover increased costs of installing a solar energy system or residential energy conservation measures.

And then,

¶29.37 ADJOURNMENT

On motion of Mr. PALLONE, at midnight, the House adjourned.

¶29.38 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 574. Resolution providing for further consideration of the concurrent resolution (H. Con. Res. 393) establishing the congressional budget for the United States Government for fiscal year 2005 and setting forth appropriate budgetary levels for fiscal years 2004 and 2006 through 2009 (Rept. 108–446). Referred to the House Calendar.

¶29.39 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CHABOT (for himself, Mr. BROWN of Ohio, Mr. WEXLER, and Mr. ROHRABACHER):

H.R. 4019. A bill to address the participation of Taiwan in the World Health Organization; to the Committee on International Relations.

By Mr. SMITH of New Jersey (for himself and Mr. EVANS):

H.R. 4020. A bill to amend title 38, United States Code, to establish within the Department of Veterans Affairs a program to assist the States in hiring and retaining nurses at State veterans homes; to the Committee on Veterans' Affairs.

By Mr. ACKERMAN:

H.R. 4021. A bill to amend the Foreign Assistance Act of 1961 to require that only countries that have a democratic form of government and that support United States nonproliferation objectives may be designated as major non-NATO allies for purposes of that Act and the Arms Export Control Act; to the Committee on International Relations.

By Mr. ANDREWS (for himself and Mr. SAXTON):

H.R. 4022. A bill to strengthen the Nation's ability to protect its key assets and the life, health, and property of its populace by granting providers of private security services access to the criminal history records available through the National Crime Information Center in connection with their employees and prospective employees, requiring such providers to employ only those employees who pass criminal history records checks, to protect against unauthorized use of such records, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ORTIZ (for himself, Mr. TAYLOR of Mississippi, Ms. CORRINE BROWN of Florida, Mr. EVANS, Mr. JONES of North Carolina, Mr. CARDOZA, Mr. RODRIGUEZ, Mr. SANDLIN, Mr. GREEN of Texas, Ms. JACKSON-LEE of Texas, Mr. MILLER of Florida, Mrs. JO ANN DAVIS of Virginia, Mr. KANJORSKI, Mr. HOLT, and Mr. ALLEN):

H.R. 4023. A bill to amend the Defense Base Closure and Realignment Act of 1990 to postpone the 2005 round of base closures and realignments until 2007; to the Committee on Armed Services.

By Mr. PAUL:

H.R. 4024. A bill to amend the Communications Act of 1934 with respect to retransmission consent and must-carry for cable operators and satellite carriers; to the Committee on Energy and Commerce.

By Mr. PAUL:

H.R. 4025. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax for medical expenses for dependents; to the Committee on Ways and Means.

By Mr. PICKERING (for himself and Mr. GREEN of Texas):

H.R. 4026. A bill to preserve local radio broadcast emergency and other services and to require the Federal Communications Commission to conduct a rulemaking for that purpose; to the Committee on Energy and Commerce.

By Ms. ROS-LEHTINEN (for herself, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MEEK of Florida, and Mr. MARIO DIAZ-BALART of Florida):

H.R. 4027. A bill to authorize the Secretary of Commerce to make available to the University of Miami property under the administrative jurisdiction of the National Oceanic and Atmospheric Administration on Virginia Key, Florida, for use by the University for a Marine Life Science Center; to the Committee on Resources.

By Mr. WYNN:

H.R. 4028. A bill to prohibit the award of a Federal contract unless the contractor agrees to offer their employees certain health insurance benefits; to the Committee on Government Reform.

By Mr. WYNN:

H.R. 4029. A bill to amend the Internal Revenue Code of 1986 to establish a 15-year recovery period for depreciation of designated low-income buildings and to allow passive losses and credits attributable to qualified low-income buildings; to the Committee on Ways and Means.

By Ms. KILPATRICK:

H. Res. 573. A resolution honoring the life of Mildred McWilliams ''Millie'' Jeffrey (1910-2004) and her contributions to her community and to the nation; to the Committee on Government Reform.

By Mr. OSBORNE (for himself, Mr. WOLF, and Ms. ROYBAL-ALLARD):

H. Res. 575. A resolution expressing the sense of the House of Representatives that the National Collegiate Athletic Association (NCAA) should affirm its commitment to a policy of discouraging alcohol use among underage students by ending all alcohol advertising during radio and television broadcasts of collegiate sporting events; to the Committee on Education and the Workforce.

By Ms. WATSON (for herself, Mr. LANTOS, and Mr. HYDE):

H. Res. 576. A resolution urging the Government of the People's Republic of China to improve its protection of intellectual property rights, and for other purposes; to the Committee on International Relations.

¶29.40 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

259. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 184 memorializing the United States Congress to enact S. 659, the Protection of Lawful Commerce in Arms Act; to the Committee on the Judiciary.

260. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 560 memorializing the Senate of the United States Congress to adopt the Snowe Amendment to H.R. 4, the Personal Responsibility and Individual Development for Everyone (PRIDE) Act; jointly to the Committees on Education and the Workforce and Ways and Means.

¶29.41 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 97: Mr. CLAY, Mr. KELLER, and Mr. MCCOTTER.

H.R. 110: Mr. ISTOOK.

H.R. 284: Mr. RUSH.

H.R. 348: Mr. COOPER.

H.R. 369: Ms. SCHAKOWSKY.

H.R. 391: Mr. BONNER and Mr. NETHERCUTT.

H.R. 401: Mr. GREEN of Wisconsin.

H.R. 442: Mr. PETERSON of Minnesota.

H.R. 568: Mr. NEY, Mr. DOOLITTLE, and Mr. GALLEGLY.

H.R. 785: Mr. SCHIFF and Mr. PETERSON of Minnesota.

H.R. 850: Mr. BAKER.

H.R. 876: Mr. ORTIZ.

H.R. 977: Mr. WALDEN of Oregon.

H.R. 995: Mr. LAHOOD.

H.R. 1101: Mr. FILNER, Mr. LARSEN of Washington, Mr. GRIJALVA, Mr. MCDERMOTT, Mr. BOEHLERT, and Mr. WEXLER.

H.R. 1120: Mr. EVERETT.

H.R. 1155: Mr. DOGGETT and Mr. GONZALEZ.

H.R. 1160: Mr. RYUN of Kansas.

H.R. 1214: Ms. CORRINE BROWN of Florida, Mr. LUCAS of Kentucky, Mr. MCHUGH, Mr. BRADY of Pennsylvania, and Mr. BAIRD.

H.R. 1236: Mr. CUNNINGHAM and Mr. GERLACH.

H.R. 1285: Mr. BAIRD, Mr. BOSWELL, Mr. COSTELLO, Mr. HOLDEN, Mr. LAMPSON, Mr. LARSEN of Washington, Mr. MICHAUD, and Mr. WEINER.

H.R. 1345: Mr. COSTELLO, Mr. PETERSON of Minnesota, and Mr. CLAY.

H.R. 1348: Mr. HINCHEY.

H.R. 1406: Mr. RENZI, Mr. UPTON, and Mr. GOODE.

H.R. 1508: Mr. MATSUI.

H.R. 1643: Mr. PRICE of North Carolina.

H.R. 1741: Mr. SNYDER and Mrs. DAVIS of California.

H.R. 1746: Mrs. BONO.

H.R. 1824: Ms. LOFGREN, Ms. PRYCE of Ohio, and Mr. GREEN of Wisconsin.

H.R. 1916: Mr. WAXMAN, Mr. TURNER of Texas, and Mr. FROST.

H.R. 1959: Mr. SHAYS.

H.R. 2011: Mr. SMITH of Washington.

H.R. 2106: Mr. BRADY of Pennsylvania.

H.R. 2173: Mr. CUMMINGS, Mr. LUCAS of Kentucky, and Mr. NADLER.

H.R. 2201: Mr. WEXLER, Mr. HOSTETTLER, Mr. HASTINGS of Florida, and Mrs. CHRISTENSEN.

H.R. 2316: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 2318: Mr. ALLEN.

H.R. 2482: Mr. OLVER.

H.R. 2735: Mr. FOLEY and Mr. PETERSON of Pennsylvania.

H.R. 2787: Mr. NORWOOD and Mrs. MCCARTHY of New York.

H.R. 2823: Ms. BERKLEY.

H.R. 2824: Mr. LOBIONDO.

H.R. 2890: Mr. HAYES.

H.R. 2905: Mr. UDALL of New Mexico.

H.R. 2944: Mr. LAHOOD.

H.R. 3066: Mr. BARRETT of South Carolina and Mr. SMITH of Texas.

H.R. 3090: Mr. KILDEE.

H.R. 3092: Mr. GORDON.

H.R. 3134: Mr. THOMPSON of Mississippi and Mr. EHLERS.

H.R. 3194: Mr. HINCHEY.

H.R. 3204: Mr. ANDREWS and Mr. LYNCH.

H.R. 3213: Mr. GARRETT of New Jersey.

H.R. 3242: Mr. MCINTYRE and Mr. BLUMENAUER.

H.R. 3352: Mr. HONDA, Mr. MATSUI, Mrs. MALONEY, and Mr. ROTHMAN.

H.R. 3426: Mr. ANDREWS, Ms. SOLIS, Mr. TIERNEY, Mr. MCDERMOTT, Mr. KILDEE, Mr. BISHOP of Georgia, and Ms. WOOLSEY.

H.R. 3429: Mr. FOSSELLA.

H.R. 3441: Mr. UDALL of Colorado, Mr. HINOJOSA, Mr. FRANK of Massachusetts, Mr. BELL, and Mr. SCOTT of Virginia.

H.R. 3460: Mr. KINGSTON.

H.R. 3539: Mr. WAXMAN and Mr. FRANK of Massachusetts.

H.R. 3550: Mr. BECERRA.

H.R. 3579: Mr. TANCREDO, Mr. ALLEN, Mr. CRAMER, and Mr. PAYNE.

H.R. 3619: Mr. SCOTT of Virginia, Mr. WATT, Mr. FATTAH, and Mr. ORTIZ.

H.R. 3643: Mr. HOEFFEL.

H.R. 3678: Mr. ROGERS of Kentucky.

H.R. 3684: Mr. LARSEN of Washington, Mr. BRADLEY of New Hampshire, and Mr. OLVER.

H.R. 3716: Mr. BROWN of South Carolina, Mr. GREEN of Texas, and Mr. STRICKLAND.

H.R. 3739: Mr. RYUN of Kansas.

H.R. 3755: Mr. FEENEY.

H.R. 3778: Mr. WELDON of Pennsylvania.

H.R. 3798: Mr. FRANK of Massachusetts.

H.R. 3801: Mr. WELDON of Florida, Mr. BAKER, Mr. SIMPSON, Mr. CARTER, Mr. KENNEDY of Minnesota, Mr. EVERETT, Mr. JONES of North Carolina, Mr. TOOMEY, Mr. SMITH of Michigan, Mr. HOSTETTLER, Mr. CHABOT, and Mr. GARRETT of New Jersey.

H.R. 3802: Mr. JOHNSON of Illinois, Mr. CUMMINGS, Mr. MCHUGH, Mr. RUSH, Mr. GORDON, Mr. OWENS, and Mrs. LINDA T. SANCHEZ of California.

H.R. 3818: Mr. SAXTON and Mr. MEEK of Florida.

H.R. 3824: Mr. FRANKS of Arizona.

H.R. 3837: Mr. RYUN of Kansas.

H.R. 3847: Mr. CROWLEY and Mr. CARDIN.

H.R. 3860: Mr. BOEHLERT.

H.R. 3866: Mr. MEEHAN.

H.R. 3874: Mr. BACA.

H.R. 3881: Mr. ETHERIDGE, Mr. FROST, Mr. DOOLEY of California, Mr. PRICE of North Carolina, Mr. VAN HOLLEN, Mr. GRIJALVA, Mr. CASE, Mr. SERRANO, Mr. MENENDEZ, Ms. MCCARTHY of Missouri, Mr. LYNCH, and Mr. HOEFFEL.

H.R. 3889: Mr. GILLMOR, Mr. MANZULLO, and Mr. ROHRABACHER.

H.R. 3916: Mr. PITTS, Mr. BEREUTER, and Mr. SHIMKUS.

H.R. 3919: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JACKSON of Illinois, Mr. MCDERMOTT, Ms. WATSON, Ms. MILLENDER-MCDONALD, and Mr. RUSH.

H.R. 3949: Mr. GREEN of Wisconsin, Mr. BURR, and Mr. WALSH.

H.R. 3950: Mr. HOSTETTLER and Mr. TANCREDO.

H.R. 3951: Mr. BRADLEY of New Hampshire, Mr. WILSON of South Carolina, Mr. LOBIONDO, Mr. MCNULTY, Mr. BURR, and Mr. MILLER of Florida.

H.R. 3981: Mr. NORWOOD.

H.R. 3989: Mr. FROST, Ms. CARSON of Indiana, Mr. JACKSON of Illinois, Mr. BROWN of Ohio, Mr. BISHOP of Georgia, and Ms. LOFGREN.

H.R. 3991: Mr. OBEY, Mr. SERRANO, Mr. OBERSTAR, Mr. FROST, Mr. GRIJALVA, Mr. MARKEY, and Mr. DEFAZIO.

H.R. 3995: Mr. DEFAZIO.

H.R. 4011: Mr. GALLEGLY and Ms. ROS-LEHTINEN.

H. Con. Res. 304: Mr. PAYNE.

H. Con. Res. 328: Mrs. JO ANN DAVIS of Virginia, Mr. SKELTON, Mr. FROST, Mr. MILLER of Florida, Mr. HAYES, Mr. SIMMONS, Mrs. MALONEY, Mr. GIBBONS, Mr. CALVERT, Mr. BRADY of Pennsylvania, Mr. BISHOP of Utah, Mr. WILSON of South Carolina, Mr. FORBES, Mr. BROWN of South Carolina, Mr. BARTLETT of Maryland, and Mr. HUNTER.

H. Con. Res. 330: Mr. KENNEDY of Rhode Island.

H. Con. Res. 332: Ms. ESHOO, Mr. LATOURETTE, Mr. PORTMAN, Mr. CULBERSON, Ms. NORTON, and Mr. SENSENBRENNER.

H. Con. Res. 371: Mr. COX, Mr. CARSON of Oklahoma, Mr. KLINE, Mr. LINCOLN DIAZ-BALART of Florida, Mr. LATOURETTE, and Mr. KINGSTON.

H. Con. Res. 374: Mr. FORBES, Mr. RYAN of Ohio, and Mr. MOORE.

H. Con. Res. 378: Mr. WOLF, Mr. SOUDER, Mr. LEACH, Mr. PAYNE, Mr. WELDON of Pennsylvania, Mr. BELL, Mr. FORD, and Mr. OLVER.

H. Con. Res. 386: Mr. TAYLOR of Mississippi and Mr. SPRATT.

H. Con. Res. 395: Mr. WAXMAN, Mr. SHERMAN, and Ms. ROYBAL-ALLARD.

H. Res. 541: Mr. WELDON of Pennsylvania and Mr. KUCINICH.

¶29.42 PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

59. The SPEAKER presented a petition of H.R.M. de Buonaparte, a Citizen of Turtle Island, North Pangaea, relative to an amendment to previously submitted petitions of redress of grievances; to the Committee on the Judiciary.

60. Also, a petition of the Village President, Village of North Barrington, Illinois,

relative to Resolution Number 2291, a resolution supporting the U.S. House of Representatives Transportation and Infrastructure Committee's Federal Transportation Funding Proposal; to the Committee on Transportation and Infrastructure.

61. Also, a petition of the Director, California Bay-Delta Authority, relative to the California Bay-Delta Authority's 2003 Annual Report, in accordance with the reporting requirements of the California Bay-Delta Authority Act (Ch. 812, Stats. 2002); jointly to the Committees on Resources and Transportation and Infrastructure.

THURSDAY, MARCH 25, 2004 (30)

The House was called to order by the SPEAKER.

¶30.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, March 24, 2004.

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

¶30.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

7262. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Foreign Futures and Options Transactions—received March 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7263. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—In the Matter of Intermarket Clearing Corporation—Request for Vacation From Designation as Derivatives Clearing Organization—received March 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7264. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Investment of Customer Funds (RIN: 3038-AC01) received March 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7265. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Plant Protection Act; Revisions to Authority Citations; Technical Amendment [Docket No. 00-063-3] received March 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7266. A letter from the Architect of the Capitol, transmitting the report of expenditures of appropriations during the period April 1, 2003 through September 30, 2003, pursuant to 40 U.S.C. 162b; to the Committee on Appropriations.

7267. A letter from the Comptroller, Department of Defense, transmitting notification that the Defense Finance and Accounting Service (DFAS) has completed the assessment of desktop computer management services announced in the letter of June 24, 2002, and that DFAS has decided to procure these services from a commercial source, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

7268. A letter from the Alternate OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule—TRICARE; Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Appeals and Hearings Procedures, Formal Review (RIN: 0720-AA74) received March 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7269. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Memorandum of Understanding-Sweden [DFARS Case 2003-D089] received March 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7270. A letter from the Director, Office of Legacy Management, Department of Energy, transmitting notice of the establishment of the Office of Legacy Management within the Department of Energy, effective December 15, 2003; to the Committee on Energy and Commerce.

7271. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal 02-04 informing of an intent to sign an Annex between the United States and the United Kingdom for Research, Development, Test and Evaluation of Ballistic Missile Defense Capabilities and Systems, pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

7272. A letter from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting the Department's final rule—Federal Government Participation in the Automated Clearing House (RIN: 1510-AA93) received March 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7273. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Freedom of Information Act; Implementation—received March 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7274. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Change in the Survey Month for the Bureau of Reclamation Mid-Pacific Region Survey (RIN: 3206-AK06) received March 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7275. A letter from the Director, Center for Employee and Family Support Policy/Insurance, Office of Personnel Management, transmitting the Office's final rule—Changes in Health Benefits Enrollment (RIN: 3206-AK04) received March 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7276. A letter from the Acting Staff Director, Office of Regulatory and Management Services, Department of Agriculture, transmitting the Department's final rule—Special Areas; Roadless Area Conservation; Applicability to the Tongass National Forest, Alaska (RIN: 0596-AC04) received December 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7277. A letter from the Secretary, Department of Homeland Security, transmitting a report on the extent to which the Coast Guard regulations concerning oils, including animal fats and vegetable oils, carry out the intent of the Edible Oil Regulatory Reform Act (Pub. L. 104–55), pursuant to Public Law 104—324, section 1130; to the Committee on Transportation and Infrastructure.

7278. A letter from the Secretary, Department of Homeland Security, transmitting a report to Congress on the extent to which Coast Guard regulations concerning oils, including animal fats and vegetable oils, carry out the intent of the Edible Oil Regulatory Reform Act (Pub. L. 104–55), pursuant to Public Law 104–324, section 1130(b); to the Committee on Transportation and Infrastructure.

7279. A letter from the Secretary, Department of Homeland Security, transmitting a report to Congress on the extent to which the implementation by the United States Coast Guard of regulations issued or enforced, or interpretations or guidelines established, pursuant to Public Law 104–55, carry out the intent of Congress and recognize and provide for the differences in the physical, chemical, biological, and other properties, and in the environmental effects, of the classes of fats, oils, and greases described under that law, pursuant to Public Law 104–324, section 1130(b); to the Committee on Transportation and Infrastructure.

7280. A letter from the Attorney Advisor, FHWA, Department of Transportation, transmitting the Department's final rule—Commercial Vehicle Width Exclusive Devices [FHWA Docket No. FHWA-2001-10370] (RIN: 2125-AE90) received March 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7281. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Mitsubishi Heavy Industries, Ltd., MU-2B Series Airplanes [Docket No. 2003-CE-22-AD; Amendment 39-13504; AD 2003-22-07 R1] (RIN: 2120-AA64) received March 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7282. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney Canada JT15D-1, -1A, and -1B Turbofan Engines [Docket No. 2003-NE-41-AD; Amendment 39-13490; AD 2004-04-09] (RIN: 2120-AA64) received March 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7283. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dassault Model Mystere-Falcon 50 Series Airplanes [Docket No. 2003-NM-30-AD; Amendment 39-13492; AD 2004-04-11] (RIN: 2120-AA64) received March 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7284. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Government-Owned Contractor-Operated Vehicle Fleet Management and Reporting—received March 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7285. A letter from the Assistant Secretary for Health Affairs, Department of Defense, transmitting notice of a delayed delivery date for the final VA/DoD Joint Assessment Study, as required by Section 8147 of the Department of Defense Appropriations Act for FY 2002; jointly to the Committees on Armed Services and Veterans' Affairs.

7286. A letter from the Chairman and Vice Chairman, U.S.-China Commission, transmitting notice of the U.S.-China Economic and Security Review Commission's efforts to travel to the People's Republic of China to conduct business on behalf of the Congress, pursuant to Public Law 108–7; jointly to the Committees on International Relations and Ways and Means.

7287. A letter from the Secretary, Department of Homeland Security, transmitting notification of the consolidation of organizational units within the Department of Homeland Security and the reallocation of their functions among Department officers, pursuant to Public Law 107–296, section 872; jointly to the Committees on the Judiciary, Transportation and Infrastructure, and Homeland Security (Select).

¶30.3 PROVIDING FOR THE CONSIDERATION OF H. CON. RES. 393

Mr. HASTINGS of Washington, by direction of the Committee on Rules, called up the following resolution (H. Res. 574):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the concurrent resolution (H. Con. Res. 393) establishing the congressional budget for the United States Government for fiscal year 2005 and setting forth appropriate budgetary levels for fiscal years 2004 and 2006 through 2009. No further general debate shall be in order. The concurrent resolution shall be considered for amendment under the five-minute rule. The concurrent resolution shall be considered as read. No amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. All points of order against the amendments are waived except that the adoption of an amendment in the nature of a substitute shall constitute the conclusion of consideration of the concurrent resolution for amendment. After the conclusion of consideration of the concurrent resolution for amendment and a final period of general debate, which shall not exceed 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget, the Committee shall rise and report the concurrent resolution to the House with such amendment as may have been adopted. The previous question shall be considered as ordered on the concurrent resolution and amendments thereto to final adoption without intervening motion except amendments offered by the chairman of the Committee on the Budget pursuant to section 305(a)(5) of the Congressional Budget Act of 1974 to achieve mathematical consistency. The concurrent resolution shall not be subject to a demand for division of the question of its adoption.

When said resolution was considered.

After debate,

Mr. HASTINGS of Washington moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Mr. FROST objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 222 / Nays ..... 201 }

¶30.4 [Roll No. 84]

YEAS—222

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

NAYS—201

Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—10

Abercrombie
Boehner
Clay
Davis (IL)
Hoeffel
McInnis
Pence
Price (NC)
Tauzin
Weldon (PA)

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶30.5 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

¶30.6 MESSAGE FROM THE SENATE

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

H.R. 2584. An Act to provide for the conveyance to the Utrok Atoll local government of decommissioned National oceanic and Atmospheric Administration ship, and for other purposes.

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

S. 1218. An Act to provide for Presidential support and coordination of interagency ocean science programs and development and coordination of a comprehensive and integrated United States research and monitoring program.

S. 2231. An Act to reauthorize the Temporary Assistance for Needy Families block grant program through June 30, 2004, and for other purposes.

The message also announced that pursuant to the provisions of Senate Concurrent Resolution 94 (One Hundred Eighth Congress), the Chair, on behalf of the Vice President, appoints the following Senators to the Joint Congressional Committee on Inaugural Ceremonies: the Senator from Tennessee [Mr. FRIST], the Senator from Mississippi [Mr. LOTT], and the Senator from Connecticut [Mr. DODD].

The message also announced that pursuant to section 1501(b)(1)(C), title XV of Public Law 108–136, the Chair, on behalf of the Majority Leader, appoints the following individual to serve on the Veterans' Disability Benefits Commission: Mr. Charles Joeckel of Washington, DC.

¶30.7 H.R. 3786—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3786) to authorize the Secretary of the Treasury to produce currency, postage stamps, and other security documents at the request of foreign governments on a reimbursable basis.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 422 / Nays ..... 2 }

¶30.8 [Roll No. 85]

YEAS—422

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Duncan
Paul

NOT VOTING—9

Abercrombie
Clay
Cox
Davis (IL)
Hoeffel
McInnis
Pence
Price (NC)
Tauzin

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶30.9 H.R. 2993—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2993) to provide for a circulating quarter dollar coin program to honor the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 411 / Nays ..... 14 }

¶30.10 [Roll No. 86]

YEAS—411

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte

Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—14

Collins
Cubin
Culberson
Deal (GA)
Everett
Goss
Kingston
Miller (FL)
Miller, Gary
Norwood
Putnam
Royce
Taylor (NC)
Thornberry

NOT VOTING—8

Abercrombie
Clay
Hobson
Hoeffel
Johnson (CT)
McInnis
Pence
Tauzin

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶30.11 H.R. 254—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the amendment of the Senate to the bill (H.R. 254) to authorize the President of the United States to agree to certain amendments to the Agreement between the Government of the United States of America and the Government of the United Mexican States concerning the establishment of a Border Environment Cooperation Commission and a North American Development Bank, and for other purposes.

The question being put,

Will the House suspend the rules and agree to said amendment?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 377 / Nays 48

¶30.12 [Roll No. 87]

YEAS—377

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chandler
Chocola
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—48

Bartlett (MD)
Bishop (UT)
Blackburn
Brown-Waite, Ginny
Burgess
Chabot
Collins
Culberson
Davis, Jo Ann
Deal (GA)
Duncan
Everett
Feeney
Flake
Forbes
Franks (AZ)
Goode
Goodlatte
Gutknecht
Hayes
Hayworth
Hoekstra
Hostettler
Isakson
Jenkins
Jones (NC)
King (IA)
Lewis (KY)
Miller (FL)
Moran (KS)
Musgrave
Norwood
Otter
Paul
Pearce
Platts
Ramstad
Rogers (KY)
Sensenbrenner
Shadegg
Sherwood
Shuster
Smith (MI)
Sullivan
Tancredo
Taylor (MS)
Taylor (NC)
Toomey

NOT VOTING—8

Abercrombie	Hoeffel	Pence
Clay	Manzullo	Tauzin
Gutierrez	McInnis	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said amendment was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said amendment was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶30.13 MESSAGE FROM THE PRESIDENT—FREE TRADE AGREEMENT WITH DOMINICAN REPUBLIC

The SPEAKER pro tempore, Mr. LAHOOD, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Consistent with section 2105(a)(1)(A) of the Trade Act of 2002 (Public Law 107–210; the ''Trade Act''), I am pleased to notify the Congress of my intent to enter into a free trade agreement (FTA) with the Government of the Dominican Republic.

This agreement will create new opportunities by eliminating barriers to trade with the Dominican Republic, the largest economy in the Caribbean Basin. At the same time, it will help bring to the Dominican Republic expanded economic freedom and opportunity, and it will provide an opportunity for regional stability, democracy, and economic development through closer ties of commerce, investment, and friendship.

Consistent with the Trade Act, I am sending this notification at least 90 days in advance of entering into an agreement with the Dominican Republic. My Administration looks forward to working with the Congress in developing appropriate legislation to approve and implement this free trade agreement.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 24, 2004*.

By unanimous consent, the message, was referred to the Committee on Ways and Means and ordered to be printed (H. Doc. 108–178).

¶30.14 CONGRESSIONAL BUDGET RESOLUTION

The SPEAKER pro tempore, Mr. HASTINGS of Washington, pursuant to House Resolution 574 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the concurrent resolution (H. Con. Res. 393) establishing the congressional budget for the United States Government for fiscal year 2005 and setting forth appropriate budgetary levels for fiscal years 2004 and 2006 through 2009.

Mr. LATOURETTE, Acting Chairman of the Committee of the Whole, assumed the chair; and after some time spent therein,

¶30.15 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment in the nature of a substitute numbered 1, submitted by Mr. CUMMINGS:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2005.

The Congress declares that the concurrent resolution on the budget for fiscal year 2005 is hereby established and that the appropriate levels for fiscal years 2006 through 2009 are hereby set forth.

SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2005 through 2009:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2005: $1,492,715,000,000.
Fiscal year 2006: $1,656,735,000,000.
Fiscal year 2007: $1,760,168,000,000.
Fiscal year 2008: $1,857,859,000,000.
Fiscal year 2009: $1,963,833,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 2005: $15,581,000,000.
Fiscal year 2006: $2,554,000,000.
Fiscal year 2007: $5,224,000,000.
Fiscal year 2008: $12,069,000,000.
Fiscal year 2009: $10,773,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2005: $2,040,121,000,000.
Fiscal year 2006: $2,099,869,000,000.
Fiscal year 2007: $2,221,225,000,000.
Fiscal year 2008: $2,338,667,000,000.
Fiscal year 2009: $2,457,855,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2005: $2,022,269,000,000.
Fiscal year 2006: $2,111,755,000,000.
Fiscal year 2007: $2,196,982,000,000.
Fiscal year 2008: $2,303,025,000,000.
Fiscal year 2009: $2,419,950,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2005: −$529,554,000,000.
Fiscal year 2006: −$455,020,000,000.
Fiscal year 2007: −$436,814,000,000.
Fiscal year 2008: −$445,166,000,000.
Fiscal year 2009: −$456,117,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 2005: $8,066,000,000,000.
Fiscal year 2006: $8,645,000,000,000.
Fiscal year 2007: $9,204,000,000,000.
Fiscal year 2008: $9,770,000,000,000.
Fiscal year 2009: $10,351,000,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2005: $4,754,000,000,000.
Fiscal year 2006: $5,030,000,000,000.
Fiscal year 2007: $5,272,000,000,000.
Fiscal year 2008: $5,507,000,000,000.
Fiscal year 2009: $5,739,000,000,000.

SEC. 3. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2005 through 2009 for each major functional category are:

(1) National Defense (050):
Fiscal year 2005:
(A) New budget authority, $408,486,000,000.
(B) Outlays, $439,979,000,000.
Fiscal year 2006:
(A) New budget authority, $430,694,000,000.
(B) Outlays, $428,774,000,000.
Fiscal year 2007:
(A) New budget authority, $451,728,000,000.
(B) Outlays, $434,219,000,000.
Fiscal year 2008:
(A) New budget authority, $473,293,000,000.
(B) Outlays, $453,061,000,000.
Fiscal year 2009:
(A) New budget authority, $494,923,000,000.
(B) Outlays, $473,956,000,000.

(2) Homeland Security (100):
Fiscal year 2005:
(A) New budget authority, $36,531,000,000.
(B) Outlays, $31,552,000,000.
Fiscal year 2006:
(A) New budget authority, $35,902,000,000.
(B) Outlays, $35,421,000,000.
Fiscal year 2007:
(A) New budget authority, $37,628,000,000.
(B) Outlays, $38,004,000,000.
Fiscal year 2008:
(A) New budget authority, $39,083,000,000.
(B) Outlays, $39,478,000,000.
Fiscal year 2009:
(A) New budget authority, $43,264,000,000.
(B) Outlays, $41,148,000,000.

(3) International Affairs (150):
Fiscal year 2005:
(A) New budget authority, $28,329,000,000.
(B) Outlays, $33,616,000,000.
Fiscal year 2006:
(A) New budget authority, $29,585,000,000.
(B) Outlays, $31,282,000,000.
Fiscal year 2007:
(A) New budget authority, $29,745,000,000.
(B) Outlays, $28,258,000,000.
Fiscal year 2008:
(A) New budget authority, $29,904,000,000.
(B) Outlays, $27,036,000,000.
Fiscal year 2009:
(A) New budget authority, $30,064,000,000.
(B) Outlays, $26,925,000,000.

(4) General Science, Space, and Technology (250):
Fiscal year 2005:
(A) New budget authority, $22,822,000,000.
(B) Outlays, $22,458,000,000.
Fiscal year 2006:
(A) New budget authority, $22,936,000,000.
(B) Outlays, $22,691,000,000.
Fiscal year 2007:
(A) New budget authority, $23,051,000,000.
(B) Outlays, $22,752,000,000.
Fiscal year 2008:
(A) New budget authority, $23,166,000,000.
(B) Outlays, $22,772,000,000.
Fiscal year 2009:
(A) New budget authority, $23,283,000,000.
(B) Outlays, $22,872,000,000.

(5) Energy (270):
Fiscal year 2005:
(A) New budget authority, $2,863,000,000.
(B) Outlays, $1,201,000,000.
Fiscal year 2006:
(A) New budget authority, $2,604,000,000.
(B) Outlays, $1,397,000,000.
Fiscal year 2007:
(A) New budget authority, $2,583,000,000.
(B) Outlays, $1,040,000,000.
Fiscal year 2008:
(A) New budget authority, $2,629,000,000.
(B) Outlays, $662,000,000.
Fiscal year 2009:
(A) New budget authority, $2,285,000,000.
(B) Outlays, $891,000,000.

(6) Natural Resources and Environment (300):
Fiscal year 2005:
(A) New budget authority, $31,460,000,000.
(B) Outlays, $31,032,000,000.
Fiscal year 2006:
(A) New budget authority, $31,817,000,000.
(B) Outlays, $32,120,000,000.
Fiscal year 2007:
(A) New budget authority, $32,147,000,000.
(B) Outlays, $32,385,000,000.
Fiscal year 2008:
(A) New budget authority, $32,353,000,000.

(B) Outlays, $32,368,000,000.
Fiscal year 2009:
(A) New budget authority, $33,030,000,000.
(B) Outlays, $33,056,000,000.
(7) Agriculture (350):
Fiscal year 2005:
(A) New budget authority, $21,246,000,000.
(B) Outlays, $20,632,000,000.
Fiscal year 2006:
(A) New budget authority, $23,534,000,000.
(B) Outlays, $22,461,000,000.
Fiscal year 2007:
(A) New budget authority, $24,439,000,000.
(B) Outlays, $23,354,000,000.
Fiscal year 2008:
(A) New budget authority, $24,203,000,000.
(B) Outlays, $23,113,000,000.
Fiscal year 2009:
(A) New budget authority, $25,065,000,000.
(B) Outlays, $24,112,000,000.
(8) Commerce and Housing Credit (370):
Fiscal year 2005:
(A) New budget authority, $10,792,000,000.
(B) Outlays, $5,782,000,000.
Fiscal year 2006:
(A) New budget authority, $10,242,000,000.
(B) Outlays, $6,842,000,000.
Fiscal year 2007:
(A) New budget authority, $9,727,000,000.
(B) Outlays, $4,769,000,000.
Fiscal year 2008:
(A) New budget authority, $9,705,000,000.
(B) Outlays, $3,190,000,000.
Fiscal year 2009:
(A) New budget authority, $9,580,000,000.
(B) Outlays, $2,740,000,000.
(9) Transportation (400):
Fiscal year 2005:
(A) New budget authority, $65,121,000,000.
(B) Outlays, $62,069,000,000.
Fiscal year 2006:
(A) New budget authority, $66,176,000,000.
(B) Outlays, $64,304,000,000.
Fiscal year 2007:
(A) New budget authority, $68,364,000,000.
(B) Outlays, $66,232,000,000.
Fiscal year 2008:
(A) New budget authority, $69,680,000,000.
(B) Outlays, $67,646,000,000.
Fiscal year 2009:
(A) New budget authority, $70,547,000,000.
(B) Outlays, $68,554,000,000.
(10) Community and Regional Development (450):
Fiscal year 2005:
(A) New budget authority, $12,230,000,000.
(B) Outlays, $14,322,000,000.
Fiscal year 2006:
(A) New budget authority, $12,020,000,000.
(B) Outlays, $12,667,000,000.
Fiscal year 2007:
(A) New budget authority, $12,082,000,000.
(B) Outlays, $11,906,000,000.
Fiscal year 2008:
(A) New budget authority, $12,060,000,000.
(B) Outlays, $11,725,000,000.
Fiscal year 2009:
(A) New budget authority, $12,122,000,000.
(B) Outlays, $11,860,000,000.
(11) Education, Training, Employment, and Social Services (500):
Fiscal year 2005:
(A) New budget authority, $111,283,000,000.
(B) Outlays, $96,270,000,000.
Fiscal year 2006:
(A) New budget authority, $112,450,000,000.
(B) Outlays, $111,918,000,000.
Fiscal year 2007:
(A) New budget authority, $113,191,000,000.
(B) Outlays, $112,380,000,000.
Fiscal year 2008:
(A) New budget authority, $113,781,000,000.
(B) Outlays, $112,103,000,000.
Fiscal year 2009:
(A) New budget authority, $114,504,000,000.
(B) Outlays, $113,755,000,000.
(12) Health (550):
Fiscal year 2005:
(A) New budget authority, $246,371,000,000.
(B) Outlays, $245,453,000,000.
Fiscal year 2006:
(A) New budget authority, $253,921,000,000.
(B) Outlays, $253,550,000,000.
Fiscal year 2007:
(A) New budget authority, $267,406,000,000.
(B) Outlays, $266,377,000,000.
Fiscal year 2008:
(A) New budget authority, $286,265,000,000.
(B) Outlays, $285,496,000,000.
Fiscal year 2009:
(A) New budget authority, $305,336,000,000.
(B) Outlays, $304,756,000,000.
(13) Medicare (570):
Fiscal year 2005:
(A) New budget authority, $288,166,000,000.
(B) Outlays, $289,126,000,000.
Fiscal year 2006:
(A) New budget authority, $322,974,000,000.
(B) Outlays, $322,549,000,000.
Fiscal year 2007:
(A) New budget authority, $362,759,000,000.
(B) Outlays, $363,016,000,000.
Fiscal year 2008:
(A) New budget authority, $387,838,000,000.
(B) Outlays, $387,858,000,000.
Fiscal year 2009:
(A) New budget authority, $414,278,000,000.
(B) Outlays, $413,853,000,000.
(14) Income Security (600):
Fiscal year 2005:
(A) New budget authority, $343,018,000,000.
(B) Outlays, $345,412,000,000.
Fiscal year 2006:
(A) New budget authority, $341,115,000,000.
(B) Outlays, $343,990,000,000.
Fiscal year 2007:
(A) New budget authority, $345,897,000,000.
(B) Outlays, $348,565,000,000.
Fiscal year 2008:
(A) New budget authority, $358,595,000,000.
(B) Outlays, $360,817,000,000.
Fiscal year 2009:
(A) New budget authority, $367,645,000,000.
(B) Outlays, $369,265,000,000.
(15) Social Security (650):
Fiscal year 2005:
(A) New budget authority, $15,094,000,000.
(B) Outlays, $15,094,000,000.
Fiscal year 2006:
(A) New budget authority, $16,589,000,000.
(B) Outlays, $16,589,000,000.
Fiscal year 2007:
(A) New budget authority, $18,049,000,000.
(B) Outlays, $18,049,000,000.
Fiscal year 2008:
(A) New budget authority, $19,988,000,000.
(B) Outlays, $19,988,000,000.
Fiscal year 2009:
(A) New budget authority, $21,989,000,000.
(B) Outlays, $21,989,000,000.
(16) Veterans Benefits and Services (700):
Fiscal year 2005:
(A) New budget authority, $79,255,000,000.
(B) Outlays, $76,205,000,000.
Fiscal year 2006:
(A) New budget authority, $77,264,000,000.
(B) Outlays, $76,140,000,000.
Fiscal year 2007:
(A) New budget authority, $75,427,000,000.
(B) Outlays, $74,678,000,000.
Fiscal year 2008:
(A) New budget authority, $78,692,000,000.
(B) Outlays, $78,211,000,000.
Fiscal year 2009:
(A) New budget authority, $79,401,000,000.
(B) Outlays, $78,942,000,000.
(17) Administration of Justice (750):
Fiscal year 2005:
(A) New budget authority, $31,874,000,000.
(B) Outlays, $31,445,000,000.
Fiscal year 2006:
(A) New budget authority, $29,174,000,000.
(B) Outlays, $29,663,000,000.
Fiscal year 2007:
(A) New budget authority, $29,232,000,000.
(B) Outlays, $29,426,000,000.
Fiscal year 2008:
(A) New budget authority, $29,377,000,000.
(B) Outlays, $29,264,000,000.
Fiscal year 2009:
(A) New budget authority, $29,525,000,000.
(B) Outlays, $29,388,000,000.
(18) General Government (800):
Fiscal year 2005:
(A) New budget authority, $17,198,000,000.
(B) Outlays, $17,916,000,000.
Fiscal year 2006:
(A) New budget authority, $17,419,000,000.
(B) Outlays, $17,392,000,000.
Fiscal year 2007:
(A) New budget authority, $17,573,000,000.
(B) Outlays, $17,401,000,000.
Fiscal year 2008:
(A) New budget authority, $17,230,000,000.
(B) Outlays, $17,075,000,000.
Fiscal year 2009:
(A) New budget authority, $17,383,000,000.
(B) Outlays, $17,044,000,000.
(19) Interest (900):
Fiscal year 2005:
(A) New budget authority, $270,331,000,000.
(B) Outlays, $270,331,000,000.
Fiscal year 2006:
(A) New budget authority, $317,882,000,000.
(B) Outlays, $317,882,000,000.
Fiscal year 2007:
(A) New budget authority, $362,839,000,000.
(B) Outlays, $362,839,000,000.
Fiscal year 2008:
(A) New budget authority, $396,309,000,000.
(B) Outlays, $396,309,000,000.
Fiscal year 2009:
(A) New budget authority, $424,487,000,000.
(B) Outlays, $424,487,000,000.
(20) Allowances (920):
Fiscal year 2005:
(A) New budget authority, $50,000,000,000.
(B) Outlays, $24,850,000,000.
Fiscal year 2006:
(A) New budget authority, $—.
(B) Outlays, $18,600,000,000.
Fiscal year 2007:
(A) New budget authority, $—.
(B) Outlays, $5,100,000,000.
Fiscal year 2008:
(A) New budget authority, $—.
(B) Outlays, $1,000,000,000.
Fiscal year 2009:
(A) New budget authority, $—.
(B) Outlays, $250,000,000.
(21) Undistributed Offsetting Receipts (950):
Fiscal year 2005:
(A) New budget authority, −$52,349,000,000.
(B) Outlays, $−52,475,000,000.
Fiscal year 2006:
(A) New budget authority, −$54,427,000,000.
(B) Outlays, −$54,477,000,000.
Fiscal year 2007:
(A) New budget authority, −$62,642,000,000.
(B) Outlays, −$63,767,000,000.
Fiscal year 2008:
(A) New budget authority, −$65,485,000,000.
(B) Outlays, −$66,147,000,000.
Fiscal year 2009:
(A) New budget authority, −$60,856,000,000.
(B) Outlays, −$59,893,000,000.

It was decided in the negative ..... { Yeas ..... 119 / Nays ..... 302 }

¶30.16 [Roll No. 88]

AYES—119

Ackerman	Conyers	Evans
Baca	Cooper	Farr
Baldwin	Crowley	Fattah
Ballance	Cummings	Filner
Becerra	Davis (AL)	Ford
Berman	Davis (IL)	Frank (MA)
Bishop (GA)	DeFazio	Gephardt
Blumenauer	Delahunt	Green (TX)
Brady (PA)	Deutsch	Grijalva
Brown (OH)	Dingell	Gutierrez
Brown, Corrine	Doggett	Hastings (FL)
Capuano	Dooley (CA)	Hinchey
Carson (IN)	Doyle	Hinojosa
Clay	Engel	Holt
Clyburn	Eshoo	Honda

Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kilpatrick
Kleczka
Kucinich
Lantos
Larson (CT)
Lee
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matsui
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Rahall
Rangel
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Sherman
Solis
Stark
Tauscher
Thompson (MS)
Tierney
Towns
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wynn

NOES—302

Aderholt
Akin
Alexander
Allen
Andrews
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Etheridge
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoekstra
Holden
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lucas (OK)
Manzullo
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McHugh
McIntyre
McKeon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—12

Abercrombie
Bonner
DeMint
Hoeffel
Linder
Lucas (KY)
McInnis
Pence
Price (NC)
Quinn
Tauzin
Wexler

So the amendment in the nature of a substitute was not agreed to.

After some further time,

¶30.17 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment in the nature of a substitute, numbered 2, submitted by Mr. STENHOLM:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2005.

(a) DECLARATION.—The Congress declares that the concurrent resolution on the budget for fiscal year 2005 is hereby established and that the appropriate levels for fiscal years 2006 through 2014 are hereby set forth.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2004.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Homeland security.
Sec. 103. Major functional categories.

TITLE II—RECONCILIATION

Sec. 201. Reconciliation.
Sec. 202. Submission of report on defense savings.

TITLE III—RESERVE FUNDS AND ENFORCEMENT

Subtitle A—Reserve Funds

Sec. 301. Reserve fund for the costs of military operations in Iraq and Afghanistan.
Sec. 302. Reserve fund for health insurance for the uninsured.
Sec. 303. Adjustment for surface transportation.
Sec. 304. Reserve fund for permanent extension of tax cuts.
Sec. 305. Reserve fund for funding local law enforcement programs.
Sec. 306. Deficit-neutral reserve fund for Military Survivors' Benefit Plan.

Subtitle B—Enforcement

Sec. 311. Point of order against certain legislation reducing the surplus or increasing the deficit after fiscal year 2009.
Sec. 312. Application and effect of changes in allocations and aggregates.
Sec. 313. Discretionary spending limits in the house.
Sec. 314. Emergency legislation.
Sec. 315. Pay-as-you-go point of order in the House.
Sec. 316. Disclosure of effect of legislation on the public debt.
Sec. 317. Disclosure of interest costs.
Sec. 318. Dynamic scoring of tax legislation.
Sec. 319. Restrictions on advance appropriations.

Subtitle C—Increase in Debt Limit Contingent Upon Plan To Restore Balanced Budget

Sec. 321. Increase in debt limit.
Sec. 322. Review of budget outlook.

TITLE IV—SENSE OF CONGRESS AND SENSE OF HOUSE PROVISIONS

Sec. 401. Sense of Congress regarding budget enforcement.
Sec. 402. Sense of Congress on tax reform.
Sec. 403. Sense of the house on spending accountability.
Sec. 404. Sense of Congress regarding previously enacted tax legislation.
Sec. 405. Sense of Congress regarding a trigger mechanism for costs of prescription drug legislation.
Sec. 406. Sense of Congress regarding responsible funding for additional military end strength.
Sec. 407. Sense of the House regarding funding for the manufacturing extension partnership.
Sec. 408. Sense of the House regarding the conservation spending category.
Sec. 409. Sense of the House regarding the ouachita-black navigation project.
Sec. 410. Sense of the House on tax simplification and tax fairness.
Sec. 411. Sense of the House on LIHEAP.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2005 through 2014:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2005: $1,466,774,000,000.
Fiscal year 2006: $1,643,201,000,000.
Fiscal year 2007: $1,776,224,000,000.
Fiscal year 2008: $1,867,910,000,000.
Fiscal year 2009: $1,976,900,000,000.
Fiscal year 2010: $2,095,382,000,000.
Fiscal year 2011: $2,293,633,000,000.
Fiscal year 2012: $2,472,923,000,000.
Fiscal year 2013: $2,605,505,000,000.
Fiscal year 2014: $2,747,823,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be reduced are as follows:

Fiscal year 2005: $10,360,000,000.
Fiscal year 2006: $10,980,000,000.
Fiscal year 2007: −$21,280,000,000.
Fiscal year 2008: −$22,120,000,000.
Fiscal year 2009: −$23,840,000,000.
Fiscal year 2010: −$31,800,000,000.
Fiscal year 2011: −$12,040,000,000.
Fiscal year 2012: $11,500,000,000.
Fiscal year 2013: $12,500,000,000.
Fiscal year 2014: $14,000,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2005: $1,962,161,000,000.
Fiscal year 2006: $2,064,882,000,000.
Fiscal year 2007: $2,190,409,000,000.
Fiscal year 2008: $2,294,184,000,000.

Fiscal year 2009: $2,424,272,000,000.
Fiscal year 2010: $2,521,850,000,000.
Fiscal year 2011: $2,645,018,000,000.
Fiscal year 2012: $2,721,044,000,000.
Fiscal year 2013: $2,846,992,000,000.
Fiscal year 2014: $2,972,679,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:
Fiscal year 2005: $1,981,499,000,000.
Fiscal year 2006: $2,075,659,000,000.
Fiscal year 2007: $2,166,368,000,000.
Fiscal year 2008: $2,259,452,000,000.
Fiscal year 2009: $2,386,165,000,000.
Fiscal year 2010: $2,497,928,000,000.
Fiscal year 2011: $2,626,458,000,000.
Fiscal year 2012: $2,695,976,000,000.
Fiscal year 2013: $2,827,312,000,000.
Fiscal year 2014: $2,952,585,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:
Fiscal year 2005: −$514,726,000,000.
Fiscal year 2006: −$432,458,000,000.
Fiscal year 2007: −$390,144,000,000.
Fiscal year 2008: −$391,542,000,000.
Fiscal year 2009: −$409,264,000,000.
Fiscal year 2010: −$402,546,000,000.
Fiscal year 2011: −$332,825,000,000.
Fiscal year 2012: −$223,053,000,000.
Fiscal year 2013: −$221,807,000,000.
Fiscal year 2014: −$204,762,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:
Fiscal year 2005: $8,048,800,000,000.
Fiscal year 2006: $8,605,200,000,000.
Fiscal year 2007: $9,116,400,000,000.
Fiscal year 2008: $9,629,000,000,000.
Fiscal year 2009: $10,162,300,000,000.
Fiscal year 2010: $10,691,800,000,000.
Fiscal year 2011: $11,150,200,000,000.
Fiscal year 2012: $11,514,300,000,000.
Fiscal year 2013: $11,872,500,000,000.
Fiscal year 2014: $12,215,400,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:
Fiscal year 2005: $4,737,200,000,000.
Fiscal year 2006: $4,990,100,000,000.
Fiscal year 2007: $5,184,900,000,000.
Fiscal year 2008: $5,365,500,000,000.
Fiscal year 2009: $5,550,200,000,000.
Fiscal year 2010: $5,714,800,000,000.
Fiscal year 2011: $5,796,100,000,000.
Fiscal year 2012: $5,758,600,000,000.
Fiscal year 2013: $5,712,900,000,000.
Fiscal year 2014: $5,643,900,000,000.

SEC. 102. HOMELAND SECURITY.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal year 2005 for Homeland Security are as follows:
(1) New budget authority, $34,102,000,000.
(2) Outlays, $29,997,000,000.

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2005 through 2014 for each major functional category are:
(1) National Defense (050):
Fiscal year 2005:
(A) New budget authority, $422,157,000,000.
(B) Outlays, $449,442,000,000.
Fiscal year 2006:
(A) New budget authority, $444,807,000,000.
(B) Outlays, $441,451,000,000.
Fiscal year 2007:
(A) New budget authority, $466,423,000,000.
(B) Outlays, $448,337,000,000.
Fiscal year 2008:
(A) New budget authority, $488,691,000,000.
(B) Outlays, $468,010,000,000.
Fiscal year 2009:
(A) New budget authority, $511,074,000,000.
(B) Outlays, $489,757,000,000.
Fiscal year 2010:
(A) New budget authority, $523,701,000,000.
(B) Outlays, $511,202,000,000.
Fiscal year 2011:
(A) New budget authority, $537,177,000,000.
(B) Outlays, $533,024,000,000.
Fiscal year 2012:
(A) New budget authority, $550,124,000,000.
(B) Outlays, $539,798,000,000.
Fiscal year 2013:
(A) New budget authority, $563,075,000,000.
(B) Outlays, $557,979,000,000.
Fiscal year 2014:
(A) New budget authority, $577,498,000,000.
(B) Outlays, $571,363,000,000.
(2) International Affairs (150):
Fiscal year 2005:
(A) New budget authority, $26,586,000,000.
(B) Outlays, $32,878,000,000.
Fiscal year 2006:
(A) New budget authority, $27,836,000,000.
(B) Outlays, $30,066,000,000.
Fiscal year 2007:
(A) New budget authority, $27,990,000,000.
(B) Outlays, $26,768,000,000.
Fiscal year 2008:
(A) New budget authority, $27,540,000,000.
(B) Outlays, $24,269,000,000.
Fiscal year 2009:
(A) New budget authority, $28,298,000,000.
(B) Outlays, $25,162,000,000.
Fiscal year 2010:
(A) New budget authority, $28,888,000,000.
(B) Outlays, $25,637,000,000.
Fiscal year 2011:
(A) New budget authority, $29,505,000,000.
(B) Outlays, $25,850,000,000.
Fiscal year 2012:
(A) New budget authority, $30,119,000,000.
(B) Outlays, $26,124,000,000.
Fiscal year 2013:
(A) New budget authority, $30,752,000,000.
(B) Outlays, $26,654,000,000.
Fiscal year 2014:
(A) New budget authority, $31,438,000,000.
(B) Outlays, $27,216,000,000.
(3) General Science, Space, and Technology (250):
Fiscal year 2005:
(A) New budget authority, $23,418,000,000.
(B) Outlays, $22,975,000,000.
Fiscal year 2006:
(A) New budget authority, $23,557,000,000.
(B) Outlays, $23,263,000,000.
Fiscal year 2007:
(A) New budget authority, $23,696,000,000.
(B) Outlays, $23,352,000,000.
Fiscal year 2008:
(A) New budget authority, $23,369,000,000.
(B) Outlays, $23,040,000,000.
Fiscal year 2009:
(A) New budget authority, $23,980,000,000.
(B) Outlays, $23,525,000,000.
Fiscal year 2010:
(A) New budget authority, $24,484,000,000.
(B) Outlays, $23,988,000,000.
Fiscal year 2011:
(A) New budget authority, $25,005,000,000.
(B) Outlays, $24,357,000,000.
Fiscal year 2012:
(A) New budget authority, $25,531,000,000.
(B) Outlays, $24,813,000,000.
Fiscal year 2013:
(A) New budget authority, $26,084,000,000.
(B) Outlays, $25,340,000,000.
Fiscal year 2014:
(A) New budget authority, $26,641,000,000.
(B) Outlays, $25,878,000,000.
(4) Energy (270):
Fiscal year 2005:
(A) New budget authority, $2,344,000,000.
(B) Outlays, $707,000,000.
Fiscal year 2006:
(A) New budget authority, $2,189,000,000.
(B) Outlays, $1,024,000,000.
Fiscal year 2007:
(A) New budget authority, $2,214,000,000.
(B) Outlays, $649,000,000.
Fiscal year 2008:
(A) New budget authority, $2,305,000,000.
(B) Outlays, $373,000,000.
Fiscal year 2009:
(A) New budget authority, $1,903,000,000.
(B) Outlays, $489,000,000.
Fiscal year 2010:
(A) New budget authority, $1,823,000,000.
(B) Outlays, $563,000,000.
Fiscal year 2011:
(A) New budget authority, $1,891,000,000.
(B) Outlays, $609,000,000.
Fiscal year 2012:
(A) New budget authority, $1,963,000,000.
(B) Outlays, $917,000,000.
Fiscal year 2013:
(A) New budget authority, $2,040,000,000.
(B) Outlays, $875,000,000.
Fiscal year 2014:
(A) New budget authority, $2,112,000,000.
(B) Outlays, $1,296,000,000.
(5) Natural Resources and Environment (300):
Fiscal year 2005:
(A) New budget authority, $31,386,000,000.
(B) Outlays, $31,061,000,000.
Fiscal year 2006:
(A) New budget authority, $31,758,000,000.
(B) Outlays, $32,104,000,000.
Fiscal year 2007:
(A) New budget authority, $32,104,000,000.
(B) Outlays, $32,357,000,000.
Fiscal year 2008:
(A) New budget authority, $33,445,000,000.
(B) Outlays, $33,541,000,000.
Fiscal year 2009:
(A) New budget authority, $33,007,000,000.
(B) Outlays, $33,024,000,000.
Fiscal year 2010:
(A) New budget authority, $33,755,000,000.
(B) Outlays, $33,852,000,000.
Fiscal year 2011:
(A) New budget authority, $34,502,000,000.
(B) Outlays, $34,099,000,000.
Fiscal year 2012:
(A) New budget authority, $35,242,000,000.
(B) Outlays, $34,664,000,000.
Fiscal year 2013:
(A) New budget authority, $36,046,000,000.
(B) Outlays, $35,149,000,000.
Fiscal year 2014:
(A) New budget authority, $36,945,000,000.
(B) Outlays, $36,008,000,000.
(6) Agriculture (350):
Fiscal year 2005:
(A) New budget authority, $22,066,000,000.
(B) Outlays, $21,184,000,000.
Fiscal year 2006:
(A) New budget authority, $24,129,000,000.
(B) Outlays, $22,981,000,000.
Fiscal year 2007:
(A) New budget authority, $25,066,000,000.
(B) Outlays, $23,941,000,000.
Fiscal year 2008:
(A) New budget authority, $25,126,000,000.
(B) Outlays, $24,061,000,000.
Fiscal year 2009:
(A) New budget authority, $25,985,000,000.
(B) Outlays, $25,138,000,000.
Fiscal year 2010:
(A) New budget authority, $25,980,000,000.
(B) Outlays, $25,164,000,000.
Fiscal year 2011:
(A) New budget authority, $25,963,000,000.
(B) Outlays, $25,142,000,000.
Fiscal year 2012:
(A) New budget authority, $25,885,000,000.
(B) Outlays, $25,078,000,000.
Fiscal year 2013:
(A) New budget authority, $25,888,000,000.
(B) Outlays, $25,038,000,000.
Fiscal year 2014:
(A) New budget authority, $25,854,000,000.
(B) Outlays, $25,031,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 2005:
(A) New budget authority, $11,000,000,000.
(B) Outlays, $4,677,000,000.
Fiscal year 2006:
(A) New budget authority, $10,457,000,000.
(B) Outlays, $5,749,000,000.
Fiscal year 2007:

(A) New budget authority, $9,944,000,000.
(B) Outlays, $4,380,000,000.
Fiscal year 2008:
(A) New budget authority, $10,206,000,000.
(B) Outlays, $3,485,000,000.
Fiscal year 2009:
(A) New budget authority, $9,878,000,000.
(B) Outlays, $3,106,000,000.
Fiscal year 2010:
(A) New budget authority, $10,084,000,000.
(B) Outlays, $3,279,000,000.
Fiscal year 2011:
(A) New budget authority, $10,191,000,000.
(B) Outlays, $3,317,000,000.
Fiscal year 2012:
(A) New budget authority, $10,375,000,000.
(B) Outlays, $3,631,000,000.
Fiscal year 2013:
(A) New budget authority, $10,547,000,000.
(B) Outlays, $3,659,000,000.
Fiscal year 2014:
(A) New budget authority, $10,727,000,000.
(B) Outlays, $3,693,000,000.
(8) Transportation (400):
Fiscal year 2005:
(A) New budget authority, $71,941,000,000.
(B) Outlays, $68,861,000,000.
Fiscal year 2006:
(A) New budget authority, $73,370,000,000.
(B) Outlays, $71,492,000,000.
Fiscal year 2007:
(A) New budget authority, $75,962,000,000.
(B) Outlays, $73,350,000,000.
Fiscal year 2008:
(A) New budget authority, $75,620,000,000.
(B) Outlays, $70,450,000,000.
Fiscal year 2009:
(A) New budget authority, $78,843,000,000.
(B) Outlays, $78,841,000,000.
Fiscal year 2010:
(A) New budget authority, $72,791,000,000.
(B) Outlays, $75,860,000,000.
Fiscal year 2011:
(A) New budget authority, $73,594,000,000.
(B) Outlays, $77,265,000,000.
Fiscal year 2012:
(A) New budget authority, $74,432,000,000.
(B) Outlays, $78,863,000,000.
Fiscal year 2013:
(A) New budget authority, $75,290,000,000.
(B) Outlays, $80,531,000,000.
Fiscal year 2014:
(A) New budget authority, $76,188,000,000.
(B) Outlays, $82,165,000,000.
(9) Community and Regional Development (450):
Fiscal year 2005:
(A) New budget authority, $14,999,000,000.
(B) Outlays, $16,540,000,000.
Fiscal year 2006:
(A) New budget authority, $14,950,000,000.
(B) Outlays, $15,594,000,000.
Fiscal year 2007:
(A) New budget authority, $15,183,000,000.
(B) Outlays, $15,462,000,000.
Fiscal year 2008:
(A) New budget authority, $15,433,000,000.
(B) Outlays, $15,565,000,000.
Fiscal year 2009:
(A) New budget authority, $15,872,000,000.
(B) Outlays, $15,749,000,000.
Fiscal year 2010:
(A) New budget authority, $16,189,000,000.
(B) Outlays, $16,247,000,000.
Fiscal year 2011:
(A) New budget authority, $16,517,000,000.
(B) Outlays, $15,978,000,000.
Fiscal year 2012:
(A) New budget authority, $16,846,000,000.
(B) Outlays, $16,159,000,000.
Fiscal year 2013:
(A) New budget authority, $17,196,000,000.
(B) Outlays, $16,450,000,000.
Fiscal year 2014:
(A) New budget authority, $17,542,000,000.
(B) Outlays, $16,750,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2005:
(A) New budget authority, $93,036,000,000.
(B) Outlays, $90,735,000,000.
Fiscal year 2006:
(A) New budget authority, $94,241,000,000.
(B) Outlays, $93,398,000,000.
Fiscal year 2007:
(A) New budget authority, $94,993,000,000.
(B) Outlays, $94,109,000,000.
Fiscal year 2008:
(A) New budget authority, $91,712,000,000.
(B) Outlays, $91,285,000,000.
Fiscal year 2009:
(A) New budget authority, $96,342,000,000.
(B) Outlays, $96,213,000,000.
Fiscal year 2010:
(A) New budget authority, $98,169,000,000.
(B) Outlays, $96,894,000,000.
Fiscal year 2011:
(A) New budget authority, $100,198,000,000.
(B) Outlays, $98,961,000,000.
Fiscal year 2012:
(A) New budget authority, $102,177,000,000.
(B) Outlays, $101,088,000,000.
Fiscal year 2013:
(A) New budget authority, $104,292,000,000.
(B) Outlays, $103,091,000,000.
Fiscal year 2014:
(A) New budget authority, $106,398,000,000.
(B) Outlays, $105,176,000,000.
(11) Health (550):
Fiscal year 2005:
(A) New budget authority, $251,941,000,000.
(B) Outlays, $249,821,000,000.
Fiscal year 2006:
(A) New budget authority, $257,720,000,000.
(B) Outlays, $258,058,000,000.
Fiscal year 2007:
(A) New budget authority, $271,476,000,000.
(B) Outlays, $271,154,000,000.
Fiscal year 2008:
(A) New budget authority, $289,795,000,000.
(B) Outlays, $289,865,000,000.
Fiscal year 2009:
(A) New budget authority, $312,044,000,000.
(B) Outlays, $309,527,000,000.
Fiscal year 2010:
(A) New budget authority, $332,207,000,000.
(B) Outlays, $332,089,000,000.
Fiscal year 2011:
(A) New budget authority, $356,257,000,000.
(B) Outlays, $355,680,000,000.
Fiscal year 2012:
(A) New budget authority, $382,311,000,000.
(B) Outlays, $381,426,000,000.
Fiscal year 2013:
(A) New budget authority, $410,737,000,000.
(B) Outlays, $409,547,000,000.
Fiscal year 2014:
(A) New budget authority, $441,609,000,000.
(B) Outlays, $440,241,000,000.
(12) Medicare (570):
Fiscal year 2005:
(A) New budget authority, $287,855,000,000.
(B) Outlays, $288,862,000,000.
Fiscal year 2006:
(A) New budget authority, $322,663,000,000.
(B) Outlays, $322,245,000,000.
Fiscal year 2007:
(A) New budget authority, $362,525,000,000.
(B) Outlays, $362,784,000,000.
Fiscal year 2008:
(A) New budget authority, $387,258,000,000.
(B) Outlays, $387,295,000,000.
Fiscal year 2009:
(A) New budget authority, $414,018,000,000.
(B) Outlays, $413,870,000,000.
Fiscal year 2010:
(A) New budget authority, $442,208,000,000.
(B) Outlays, $442,496,000,000.
Fiscal year 2011:
(A) New budget authority, $478,799,000,000.
(B) Outlays, $478,801,000,000.
Fiscal year 2012:
(A) New budget authority, $504,733,000,000.
(B) Outlays, $504,241,000,000.
Fiscal year 2013:
(A) New budget authority, $550,143,000,000.
(B) Outlays, $550,427,000,000.
Fiscal year 2014:
(A) New budget authority, $595,866,000,000.
(B) Outlays, $595,863,000,000.
(13) Income Security (600):
Fiscal year 2005:
(A) New budget authority, $338,094,000,000.
(B) Outlays, $342,528,000,000.
Fiscal year 2006:
(A) New budget authority, $336,305,000,000.
(B) Outlays, $340,057,000,000.
Fiscal year 2007:
(A) New budget authority, $341,053,000,000.
(B) Outlays, $343,778,000,000.
Fiscal year 2008:
(A) New budget authority, $352,262,000,000.
(B) Outlays, $354,584,000,000.
Fiscal year 2009:
(A) New budget authority, $363,266,000,000.
(B) Outlays, $364,864,000,000.
Fiscal year 2010:
(A) New budget authority, $375,408,000,000.
(B) Outlays, $377,160,000,000.
Fiscal year 2011:
(A) New budget authority, $392,172,000,000.
(B) Outlays, $392,862,000,000.
Fiscal year 2012:
(A) New budget authority, $382,017,000,000.
(B) Outlays, $382,492,000,000.
Fiscal year 2013:
(A) New budget authority, $396,417,000,000.
(B) Outlays, $396,918,000,000.
Fiscal year 2014:
(A) New budget authority, $407,234,000,000.
(B) Outlays, $408,043,000,000.
(14) Social Security (650):
Fiscal year 2005:
(A) New budget authority, $15,386,000,000.
(B) Outlays, $15,196,000,000.
Fiscal year 2006:
(A) New budget authority, $16,801,000,000.
(B) Outlays, $16,740,000,000.
Fiscal year 2007:
(A) New budget authority, $18,159,000,000.
(B) Outlays, $18,139,000,000.
Fiscal year 2008:
(A) New budget authority, $19,505,000,000.
(B) Outlays, $19,528,000,000.
Fiscal year 2009:
(A) New budget authority, $21,860,000,000.
(B) Outlays, $21,863,000,000.
Fiscal year 2010:
(A) New budget authority, $24,121,000,000.
(B) Outlays, $24,127,000,000.
Fiscal year 2011:
(A) New budget authority, $28,007,000,000.
(B) Outlays, $28,009,000,000.
Fiscal year 2012:
(A) New budget authority, $30,993,000,000.
(B) Outlays, $30,995,000,000.
Fiscal year 2013:
(A) New budget authority, $33,739,000,000.
(B) Outlays, $33,740,000,000.
Fiscal year 2014:
(A) New budget authority, $36,603,000,000.
(B) Outlays, $36,604,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2005:
(A) New budget authority, $71,432,000,000.
(B) Outlays, $69,456,000,000.
Fiscal year 2006:
(A) New budget authority, $69,415,000,000.
(B) Outlays, $68,521,000,000.
Fiscal year 2007:
(A) New budget authority, $67,554,000,000.
(B) Outlays, $66,937,000,000.
Fiscal year 2008:
(A) New budget authority, $68,680,000,000.
(B) Outlays, $68,443,000,000.
Fiscal year 2009:
(A) New budget authority, $73,552,000,000.
(B) Outlays, $73,097,000,000.
Fiscal year 2010:
(A) New budget authority, $75,138,000,000.
(B) Outlays, $74,667,000,000.
Fiscal year 2011:
(A) New budget authority, $79,507,000,000.
(B) Outlays, $79,046,000,000.
Fiscal year 2012:
(A) New budget authority, $76,587,000,000.
(B) Outlays, $76,114,000,000.

Fiscal year 2013:
(A) New budget authority, $81,208,000,000.
(B) Outlays, $80,732,000,000.
Fiscal year 2014:
(A) New budget authority, $83,275,000,000.
(B) Outlays, $82,822,000,000.
(16) Administration of Justice (750):
Fiscal year 2005:
(A) New budget authority, $43,835,000,000.
(B) Outlays, $41,255,000,000.
Fiscal year 2006:
(A) New budget authority, $39,933,000,000.
(B) Outlays, $40,269,000,000.
Fiscal year 2007:
(A) New budget authority, $40,601,000,000.
(B) Outlays, $40,637,000,000.
Fiscal year 2008:
(A) New budget authority, $38,497,000,000.
(B) Outlays, $38,501,000,000.
Fiscal year 2009:
(A) New budget authority, $42,172,000,000.
(B) Outlays, $41,444,000,000.
Fiscal year 2010:
(A) New budget authority, $43,335,000,000.
(B) Outlays, $43,022,000,000.
Fiscal year 2011:
(A) New budget authority, $44,531,000,000.
(B) Outlays, $44,174,000,000.
Fiscal year 2012:
(A) New budget authority, $45,776,000,000.
(B) Outlays, $45,378,000,000.
Fiscal year 2013:
(A) New budget authority, $47,052,000,000.
(B) Outlays, $46,617,000,000.
Fiscal year 2014:
(A) New budget authority, $48,375,000,000.
(B) Outlays, $49,939,000,000.
(17) General Government (800):
Fiscal year 2005:
(A) New budget authority, $17,324,000,000.
(B) Outlays, $17,962,000,000.
Fiscal year 2006:
(A) New budget authority, $17,549,000,000.
(B) Outlays, $17,498,000,000.
Fiscal year 2007:
(A) New budget authority, $17,711,000,000.
(B) Outlays, $17,531,000,000.
Fiscal year 2008:
(A) New budget authority, $18,847,000,000.
(B) Outlays, $18,713,000,000.
Fiscal year 2009:
(A) New budget authority, $17,276,000,000.
(B) Outlays, $17,189,000,000.
Fiscal year 2010:
(A) New budget authority, $17,852,000,000.
(B) Outlays, $17,634,000,000.
Fiscal year 2011:
(A) New budget authority, $18,464,000,000.
(B) Outlays, $18,230,000,000.
Fiscal year 2012:
(A) New budget authority, $19,088,000,000.
(B) Outlays, $18,908,000,000.
Fiscal year 2013:
(A) New budget authority, $19,710,000,000.
(B) Outlays, $19,262,000,000.
Fiscal year 2014:
(A) New budget authority, $20,359,000,000.
(B) Outlays, $19,852,000,000.
(18) Interest (900):
Fiscal year 2005:
(A) New budget authority, $270,012,000,000.
(B) Outlays, $270,012,000,000.
Fiscal year 2006:
(A) New budget authority, $316,698,000,000.
(B) Outlays, $316,698,000,000.
Fiscal year 2007:
(A) New budget authority, $359,828,000,000.
(B) Outlays, $359,828,000,000.
Fiscal year 2008:
(A) New budget authority, $390,726,000,000.
(B) Outlays, $390,726,000,000.
Fiscal year 2009:
(A) New budget authority, $416,367,000,000.
(B) Outlays, $416,367,000,000.
Fiscal year 2010:
(A) New budget authority, $439,593,000,000.
(B) Outlays, $439,593,000,000.
Fiscal year 2011:
(A) New budget authority, $459,207,000,000.
(B) Outlays, $459,207,000,000.
Fiscal year 2012:
(A) New budget authority, $475,986,000,000.
(B) Outlays, $475,986,000,000.
Fiscal year 2013:
(A) New budget authority, $488,534,000,000.
(B) Outlays, $488,534,000,000.
Fiscal year 2014:
(A) New budget authority, $502,137,000,000.
(B) Outlays, $502,137,000,000.
(19) Allowances (920):
Fiscal year 2005:
(A) New budget authority, $49,853,000,000.
(B) Outlays, $24,703,000,000.
Fiscal year 2006:
(A) New budget authority, $302,000,000.
(B) Outlays, $18,298,000,000.
Fiscal year 2007:
(A) New budget authority, −$287,000,000.
(B) Outlays, $4,813,000,000.
Fiscal year 2008:
(A) New budget authority, −$301,000,000.
(B) Outlays, $699,000,000.
Fiscal year 2009:
(A) New budget authority, −$316,000,000.
(B) Outlays, −$316,000,000.
Fiscal year 2010:
(A) New budget authority, −$324,000,000.
(B) Outlays, −$324,000,000.
Fiscal year 2011:
(A) New budget authority, −$334,000,000.
(B) Outlays, −$334,000,000.
Fiscal year 2012:
(A) New budget authority, −$342,000,000.
(B) Outlays, −$342,000,000.
Fiscal year 2013:
(A) New budget authority, −$351,000,000.
(B) Outlays, −$351,000,000.
Fiscal year 2014:
(A) New budget authority, −$357,000,000.
(B) Outlays, −$357,000,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2005:
(A) New budget authority, −$52,505,000,000.
(B) Outlays, −$52,505,000,000.
Fiscal year 2006:
(A) New budget authority, −$59,798,000,000.
(B) Outlays, −$59,848,000,000.
Fiscal year 2007:
(A) New budget authority, −$61,787,000,000.
(B) Outlays, −$61,937,000,000.
Fiscal year 2008:
(A) New budget authority, −$64,532,000,000.
(B) Outlays, −$62,982,000,000.
Fiscal year 2009:
(A) New budget authority, −$61,150,000,000.
(B) Outlays, −$62,745,000,000.
Fiscal year 2010:
(A) New budget authority, −$63,552,000,000.
(B) Outlays, −$65,222,000,000.
Fiscal year 2011:
(A) New budget authority, −$66,135,000,000.
(B) Outlays, −$67,820,000,000.
Fiscal year 2012:
(A) New budget authority, −$68,800,000,000.
(B) Outlays, −$70,355,000,000.
Fiscal year 2013:
(A) New budget authority, −$71,406,000,000.
(B) Outlays, −$72,881,000,000.
Fiscal year 2014:
(A) New budget authority, −$73,765,000,000.
(B) Outlays, −$75,135,000,000.

TITLE II—RECONCILIATION

SEC. 201. RECONCILIATION.

(a) RECONCILIATION INSTRUCTION.—Not later than October 1, 2004, the House Committee on Ways and Means shall report a reconciliation bill that consists of changes in laws within its jurisdiction sufficient to reduce revenues by not more than $10,360,000,000 for fiscal year 2005, by not more than $45,900,000,000 for the period of fiscal years 2005 through 2009, and by not more than $51,740,000,000 for the period of fiscal years 2005 through 2014.

(b) SENSE OF THE HOUSE.—It is the sense of the House that in complying with the instructions set forth in subsection (a), the Committee on Ways and Means should provide middle-class tax relief by extending the provisions regarding the child tax credit, marriage penalty, and ten percent income tax bracket expiring in 2004 for one year, provide permanent estate tax relief for small business and family farms and ranches, and defer a portion of tax reductions for taxpayers within incomes over $200,000 a year until the budget is balanced.

(c) ADDITIONAL RECONCILIATION INSTRUCTION.—Not later than October 1, 2004, the House Committee on Ways and Means shall report a reconciliation bill that consists of changes in laws within its jurisdiction that is revenue neutral by—

(1) raising revenues by closing corporate tax loopholes, improving tax compliance, and making other tax changes; and

(2) utilizing these savings to provide additional tax relief to middle-class families and small businesses or make other tax changes to promote economic growth.

SEC. 202. SUBMISSION OF REPORT ON DEFENSE SAVINGS.

In the House, not later than May 15, 2004, the Committee on Armed Services shall submit to the Committee on the Budget its findings that identify $2,000,000,000 in savings from (1) activities that are determined to be of a low priority to the successful execution of current military operations; or (2) activities that are determined to be wasteful or unnecessary to national defense. Funds identified should be reallocated to programs and activities that directly contribute to enhancing the combat capabilities of the U.S. military forces with an emphasis on force protection, munitions and surveillance capabilities. For purposes of this subsection, the report by the Committee on Armed Services shall be inserted in the Congressional Record by the chairman of the Committee on the Budget not later than May 21, 2004.

TITLE III—RESERVE FUNDS AND ENFORCEMENT

Subtitle A—Reserve Funds

SEC. 301. RESERVE FUND FOR THE COSTS OF MILITARY OPERATIONS IN IRAQ AND AFGHANISTAN.

(a) RESERVE FUND.—In the House, if the Committee on Appropriations reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides new budget authority (and outlays flowing therefrom) for the costs of military operations in Iraq and Afghanistan, then the chairman of the Committee on the Budget shall make the appropriate revisions to the allocations and other levels in this resolution by an amount not exceed $50,000,000,000 in new budget authority and the resulting outlays.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should submit a supplemental request for funding necessary for military and civilian operations in Iraq and Afghanistan through the end of the calendar year not later than June 30, 2004.

SEC. 302. RESERVE FUND FOR HEALTH INSURANCE FOR THE UNINSURED.

If the Committee on Finance or the Committee on Health, Education, Labor, and Pensions of the Senate reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that provides health insurance or expands access to care for the uninsured (including a measure providing for tax deductions for the purchase of health insurance or other measures), increases access to health insurance through lowering costs, and does not increase the costs of current health insurance coverage, the chairman of the Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, and other appropriate

aggregates to reflect such legislation, provided that such legislation would not increase the deficit for fiscal year 2005 and for the period of fiscal years 2005 through 2009.

SEC. 303. ADJUSTMENT FOR SURFACE TRANSPORTATION.

(a) IN GENERAL.—If the Committee on Transportation and Infrastructure of the House reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides new budget authority for the budget accounts or portions thereof in the highway and transit categories as defined in subparagraphs (B) and (C) of section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 in excess of—

(1) for fiscal year 2005, $41,772,000,000; or

(2) for fiscal years 2005 through 2009, $207,293,000,000;

the chairman of the Committee on the Budget may adjust the appropriate budget aggregates and increase the allocation of new budget authority to such committee for fiscal year 2005 and for the period of fiscal years 2005 through 2009 to the extent such excess is offset by a reduction in mandatory outlays from the Highway Trust Fund or an increase in receipts appropriately made available to such Fund for the applicable fiscal year caused by such legislation or previously enacted legislation.

(b) ADJUSTMENT FOR OUTLAYS.—(1) For fiscal year 2005, in the House, if a bill or joint resolution is reported, or if an amendment thereto is offered or a conference report thereon is submitted, that changes obligation limitations such that the total limitations are in excess of $40,600,000,000 for fiscal year 2005, for programs, projects, and activities within the highway and transit categories as defined in subparagraphs (B) and (C) of section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 and if legislation has been enacted that satisfies the conditions set forth in subsection (a) for such fiscal year, the chairman of the Committee on the Budget may increase the allocation of outlays and appropriate aggregates for such fiscal year for the committee reporting such measure by the amount of outlays that corresponds to such excess obligation limitations, but not to exceed the amount of such excess that was offset in 2005 pursuant to subsection (a).

(2) For fiscal year 2006, in the House, if a bill or joint resolution is reported, or if an amendment thereto is offered or a conference report thereon is submitted, that changes obligation limitations such that the total limitations are in excess of $40,621,000,000 for fiscal year 2005, for programs, projects, and activities within the highway and transit categories as defined in subparagraphs (B) and (C) of section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 and if legislation has been enacted that satisfies the conditions set forth in subsection (a) for such fiscal year, the chairman of the Committee on the Budget may increase the allocation of outlays and appropriate aggregates for such fiscal year for the committee reporting such measure by the amount of outlays that corresponds to such excess obligation limitations, but not to exceed the amount of such excess that was offset in 2006 pursuant to subsection (a).

SEC. 304. RESERVE FUND FOR PERMANENT EXTENSION OF TAX CUTS.

In the House, notwithstanding section 311 of this resolution, if the Committee on Ways and Means reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that makes the provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 permanent, and if the chairman on the Committee on the Budget certifies that the enactment of such legislation would not cause or increase a unified budget deficit in 2011 or any succeeding fiscal year covered by this resolution, then the chairman on the Committee on the Budget shall revise allocations to accommodate such legislation and make other necessary adjustments.

SEC. 305. RESERVE FUND FOR FUNDING LOCAL LAW ENFORCEMENT PROGRAMS.

In the House, if the House passes legislation reported by the Committee on Energy and Commerce providing for additional spectrum auctions, the Chairman of the Committee on the Budget may revise allocations for legislation providing increased funding for local law enforcement assistance by an amount that does not exceed the estimated increase in receipts from the spectrum auction legislation reported by the Committee on Energy and Commerce.

SEC. 306. DEFICIT-NEUTRAL RESERVE FUND FOR MILITARY SURVIVORS' BENEFIT PLAN.

In the House, if the Committee on Armed Services reports legislation, or if an amendment thereto is offered or a conference report thereon is submitted, that increases survivors' benefits under the Military Survivors' Benefit Plan, the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent such measure is deficit neutral resulting from a change other than to discretionary appropriations in fiscal year 2005 and for the period of fiscal years 2005 through 2009.

Subtitle B—Enforcement

SEC. 311. POINT OF ORDER AGAINST CERTAIN LEGISLATION REDUCING THE SURPLUS OR INCREASING THE DEFICIT AFTER FISCAL YEAR 2009.

It shall not be in order in the House to consider any bill, joint resolution, amendment, or conference report that includes any provision that first provides new budget authority or a decrease in revenues for any fiscal year after fiscal year 2009 through fiscal year 2014 that would decrease the surplus or increase the deficit for any fiscal year.

SEC. 312. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution—

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committee on the Budget; and

(2) such chairman may make any other necessary adjustments to such levels to carry out this resolution.

SEC. 313. DISCRETIONARY SPENDING LIMITS IN THE HOUSE.

(a) POINT OF ORDER.—It shall not be in order in the House to consider any bill or joint resolution, or amendment thereto, that provides new budget authority that would cause the discretionary spending limits to be exceeded for any fiscal year.

(b) DISCRETIONARY SPENDING LIMITS.—In the House and as used in this section, the term ''discretionary spending limit'' means—

(1) with respect to fiscal year 2005, for the discretionary category: $_____ in new budget authority and $_____ in outlays;

(2) with respect to fiscal year 2006, for the discretionary category: $_____ in new budget authority and $_____ in outlays;

(3) with respect to fiscal year 2007, for the discretionary category: $_____ in new budget authority and $_____ in outlays;

as adjusted in conformance with subsection (c).

(c) ADJUSTMENTS.—

(1) IN GENERAL.—

(A) CHAIRMAN.—After the reporting of a bill or joint resolution, the offering of an amendment thereto, or the submission of a conference report thereon, the chairman of the Committee on the Budget may make the adjustments set forth in subparagraph (B) for the amount of new budget authority in that measure (if that measure meets the requirements set forth in paragraph (2)) and the outlays flowing from that budget authority. The chairman of the Committee on the Budget may also make appropriate adjustments for the reserve funds set forth in sections 201 and 202.

(B) MATTERS TO BE ADJUSTED.—The adjustments referred to in subparagraph (A) are to be made to—

(i) the discretionary spending limits, if any, set forth in the appropriate concurrent resolution on the budget;

(ii) the allocations made pursuant to the appropriate concurrent resolution on the budget pursuant to section 302(a) of the Congressional Budget Act of 1974; and

(iii) the budgetary aggregates as set forth in the appropriate concurrent resolution on the budget.

(2) AMOUNTS OF ADJUSTMENTS.—The adjustment referred to in paragraph (1) shall be—

(A) an amount provided and designated as an emergency requirement pursuant to section 314;

(B) an amount appropriated for military operations in Iraq as provided in section 301; and

(C) an amount provided for transportation under section 303.

(3) APPLICATION OF ADJUSTMENTS.—The adjustments made for legislation pursuant to paragraph (1) shall—

(A) apply while that legislation is under consideration;

(B) take effect upon the enactment of that legislation; and

(C) be published in the Congressional Record as soon as practicable.

(4) APPLICATION OF THIS SECTION.—The provisions of this section shall apply to legislation providing new budget authority for fiscal years 2003 through 2005.

(d) ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.—(1) It shall not be in order in the House of Representatives to consider a rule or order that waives the application of this section.

(2)(A) This subsection shall apply only to the House of Representatives.

(B) In order to be cognizable by the Chair, a point of order under this section must specify the precise language on which it is premised.

(C) As disposition of points of order under this section, the Chair shall put the question of consideration with respect to the proposition that is the subject of the points of order.

(D) A question of consideration under this section shall be debatable for 10 minutes by each Member initiating a point of order and for 10 minutes by an opponent on each point of order, but shall otherwise be decided without intervening motion except one that the House adjourn or that the Committee of the Whole rise, as the case may be.

(E) The disposition of the question of consideration under this subsection with respect to a bill or joint resolution shall be considered also to determine the question of consideration under this subsection with respect to an amendment made in order as original text.

SEC. 314. EMERGENCY LEGISLATION.

(a) AUTHORITY TO DESIGNATE.—If a provision of direct spending or receipts legislation is enacted or if appropriations for discretionary accounts are enacted that the President designates as an emergency requirement and that the Congress so designates in statute, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be designated as an emergency requirement for the purpose of this resolution.

(b) DESIGNATIONS.—

(1) GUIDANCE.—If a provision of legislation is designated as an emergency requirement under subsection (a), the committee report and any statement of managers accompanying that legislation shall analyze whether a proposed emergency requirement meets all the criteria in paragraph (2).

(2) CRITERIA.—

(A) IN GENERAL.—The criteria to be considered in determining whether a proposed expenditure or tax change is an emergency requirement are that the expenditure or tax change is—

(i) necessary, essential, or vital (not merely useful or beneficial);

(ii) sudden, quickly coming into being, and not building up over time;

(iii) an urgent, pressing, and compelling need requiring immediate action;

(iv) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(v) not permanent, temporary in nature.

(B) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(3) JUSTIFICATION FOR USE OF DESIGNATION.—When an emergency designation is proposed in any bill, joint resolution, or conference report thereon, the committee report and the statement of managers accompanying a conference report, as the case may be, shall provide a written justification of why the provision meets the criteria set forth in paragraph (2).

(c) DEFINITIONS.—In this section, the terms ''direct spending'', ''receipts'', and ''appropriations for discretionary accounts'' means any provision of a bill, joint resolution, amendment, motion or conference report that provides direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(d) SEPARATE HOUSE VOTE ON EMERGENCY DESIGNATION.—(1) In the House, in the consideration of any measure for amendment in the Committee of the Whole containing any emergency spending designation, it shall always be in order unless specifically waived by terms of a rule governing consideration of that measure, to move to strike such emergency spending designation from the portion of the bill then open to amendment.

(2) The Committee on Rules shall include in the report required by clause 1(d) of rule XI (relating to its activities during the Congress) of the Rules of House of Representatives a separate item identifying all waivers of points of order relating to emergency spending designations, listed by bill or joint resolution number and the subject matter of that measure.

(e) COMMITTEE NOTIFICATION OF EMERGENCY LEGISLATION.—Whenever the Committee on Appropriations or any other committee of either House (including a committee of conference) reports any bill or joint resolution that provides budget authority for any emergency, the report accompanying that bill or joint resolution (or the joint explanatory statement of managers in the case of a conference report on any such bill or joint resolution) shall identify all provisions that provide budget authority and the outlays flowing therefrom for such emergency and include a statement of the reasons why such budget authority meets the definition of an emergency pursuant to the guidelines described in subsection (b).

(f) CONFERENCE REPORTS.—If a point of order is sustained under this section against a conference report, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

(g) EXCEPTION FOR DEFENSE AND HOMELAND SECURITY SPENDING.—Subsection (d) shall not apply against an emergency designation for a provision making discretionary appropriations in the defense category and for homeland security programs.

SEC. 315. PAY-AS-YOU-GO POINT OF ORDER IN THE HOUSE.

(a) POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the House to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for any one of the three applicable time periods as measured in paragraphs (5) and (6).

(2) APPLICABLE TIME PERIODS.—For purposes of this subsection, the term ''applicable time period'' means any 1 of the 3 following periods:

(A) The first year covered by the most recently adopted concurrent resolution on the budget.

(B) The period of the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget.

(C) The period of the 5 fiscal years following the first 5 fiscal years covered in the most recently adopted concurrent resolution on the budget.

(3) DIRECT-SPENDING LEGISLATION.—For purposes of this subsection and except as provided in paragraph (4), the term ''direct-spending legislation'' means any bill, joint resolution, amendment, or conference report that affects direct spending as that term is defined by, and interpreted for purposes of, the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) EXCLUSION.—For purposes of this subsection, the terms ''direct-spending legislation'' and ''revenue legislation'' do not include—

(A) any concurrent resolution on the budget;

(B) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990; or

(C) any legislation for which an adjustment is made under section 301.

(5) BASELINE.—Estimates prepared pursuant to this section shall—

(A) use the baseline surplus or deficit used for the most recently adopted concurrent resolution on the budget as adjusted for any changes in revenues or direct spending assumed by such resolution; and

(B) be calculated under the requirements of subsections (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal years beyond those covered by that concurrent resolution on the budget.

(6) PRIOR SURPLUS.—If direct spending or revenue legislation increases the on-budget deficit or causes an on-budget deficit when taken individually, it must also increase the on-budget deficit or cause an on-budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under paragraph (5)(A), except that direct spending or revenue effects resulting in net deficit reduction enacted pursuant to reconciliation instructions since the beginning of that same calendar year shall not be available.

(b) APPEALS.—Appeals in the House from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be.

(c) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the House.

(d) ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.—(1) It shall not be in order in the House of Representatives to consider a rule or order that waives the application of this section.

(2)(A) This subsection shall apply only to the House of Representatives.

(B) In order to be cognizable by the Chair, a point of order under this section must specify the precise language on which it is premised.

(C) As disposition of points of order under this section, the Chair shall put the question of consideration with respect to the proposition that is the subject of the points of order.

(D) A question of consideration under this section shall be debatable for 10 minutes by each Member initiating a point of order and for 10 minutes by an opponent on each point of order, but shall otherwise be decided without intervening motion except one that the House adjourn or that the Committee of the Whole rise, as the case may be.

(E) The disposition of the question of consideration under this subsection with respect to a bill or joint resolution shall be considered also to determine the question of consideration under this subsection with respect to an amendment made in order as original text.

(e) SUNSET.—This section shall expire on September 30, 2009.

SEC. 316. DISCLOSURE OF EFFECT OF LEGISLATION ON THE PUBLIC DEBT.

Each report of a committee of the House on a public bill or public joint resolution shall contain an estimate by the committee of the amount the public debt would be increased (including related debt service costs) in carrying out the bill or joint resolution in the fiscal year in which it is reported and in the 5-fiscal year period beginning with such fiscal year (or for the authorized duration of any program authorized by the bill or joint resolution if less than five years).

SEC. 317. DISCLOSURE OF INTEREST COSTS.

Whenever a committee of either House of Congress reports to its House legislation providing new budget authority or providing an increase or decrease in revenues or tax expenditures, the report accompanying that bill or joint resolution shall contain a projection by the Congressional Budget Office of the cost of the debt servicing that would be caused by such measure for such fiscal year (or fiscal years) and each of the 4 ensuing fiscal years.

SEC. 318. DYNAMIC SCORING OF TAX LEGISLATION.

Any report of the Committee on Ways and Means of the House of any bill or joint resolution reported by that committee that proposes to amend the Internal Revenue Code of 1986 and which report includes an estimate prepared by the Joint Committee on Internal Revenue Taxation pursuant to clause 2(h)(2)

of the Rules of the House of Representatives shall also contain an estimate prepared by the Congressional Budget Office regarding the macroeconomic effect of any increase or decrease in the estimated budget deficit resulting from such bill or joint resolution.

SEC. 319. RESTRICTIONS ON ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—(1) In the House, except as provided in subsection (b), an advance appropriation may not be reported in a bill or joint resolution making a general appropriation or continuing appropriation, and may not be in order as an amendment thereto.

(2) Managers on the part of the House may not agree to a Senate amendment that would violate paragraph (1) unless specific authority to agree to the amendment first is given by the House by a separate vote with respect thereto.

(b) LIMITATION.—In the House, an advance appropriation may be provided for fiscal year 2006 or 2007 for programs, projects, activities or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading ''Accounts Identified for Advance Appropriations'' in an aggregate amount not to exceed $23,568,000,000 in new budget authority.

(c) DEFINITION.—In this subsection, the term ''advance appropriation'' means any discretionary new budget authority in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2005 that first becomes available for any fiscal year after 2005.

Subtitle C—Increase in Debt Limit Contingent Upon Plan To Restore Balanced Budget.

SEC. 321. INCREASE IN DEBT LIMIT.

(a) TEMPORARY INCREASE IN STATUTORY DEBT LIMIT.—The Committee on Ways and Means of the House shall report a bill as soon as practicable, but not later than June 30, 2004, that consists solely of changes in laws within its jurisdiction to increase the statutory debt limit by $150,000,000,000.

(b) POINT OF ORDER.—(1) Except as provided by subsection (a) or paragraph (2), it shall not be in order in the House to consider any bill, joint resolution, amendment, or conference report that includes any provision that increases the limit on the public debt by more than $100,000,000,000.

(2) Paragraph (1) shall not apply in the House if—

(A) the chairman of the Committee on the Budget of the House has made the certification described in section 322 that the unified budget will be in balance by fiscal year 2012; or

(B) the President has submitted to Congress a declaration that such increase is necessary to finance costs of a military conflict or address an imminent threat to national security, but which shall not exceed the amount of the adjustment under section 301 for the costs of military operations in Iraq.

SEC. 322. REVIEW OF BUDGET OUTLOOK.

(a) IN GENERAL.—If, in the report released pursuant to section 202 of the Congressional Budget Act of 1974, entitled the Budget and Economic Outlook Update (for fiscal years 2005 through 2014), the Director of the Congressional Budget Office projects that the unified budget of the United States for fiscal year 2012 will be in balance, then the chairman of the Committee on the Budget of the House is authorized to certify that the budget is projected to meet the goals of a balanced budget.

(b) CALCULATING DISCRETIONARY SPENDING BASELINE.—Notwithstanding any other provision of law, the Director of the Congressional Budget Office shall use the discretionary spending levels set forth in this resolution, including any adjustments to such levels as a result of the implementation of any reserve funds set forth in this resolution to calculate the discretionary spending baseline.

TITLE IV—SENSE OF CONGRESS AND SENSE OF HOUSE PROVISIONS

SEC. 401. SENSE OF CONGRESS REGARDING BUDGET ENFORCEMENT.

It is the sense of Congress that legislation should be enacted enforcing this resolution by—

(1) setting discretionary spending limits for budget authority and outlays at the levels set forth in this resolution for each of the next 3 fiscal years;

(2) reinstating the pay-as-you-go rules set forth in section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 for the next 5 fiscal years;

(3) requiring separate votes to exceed such discretionary spending limits or to waive such pay-as-you-go rules;

(4) establishing a definition for emergency spending and requiring a justification for emergency spending requests and legislation; and

(5) establishing expedited rescission authority regarding congressional votes on rescission submitted by the President and reducing discretionary spending limits to reflect savings from any rescissions enacted into law.

SEC. 402. SENSE OF CONGRESS ON TAX REFORM.

It is the sense of Congress that the Committee on Ways and Means should—

(1) work with the Secretary of the Treasury to draft legislation reforming the Internal Revenue Code of 1986 in a revenue-neutral manner to improve savings and investment; and

(2) consider changes that address the treatment of dividends and retirement savings, corporate tax avoidance, and simplification of the tax laws.

SEC. 403. SENSE OF THE HOUSE ON SPENDING ACCOUNTABILITY.

It is the sense of the House that—

(1) authorizing committees should actively engage in oversight utilizing—

(A) the plans and goals submitted by executive agencies pursuant to the Government Performance and Results Act of 1993; and

(B) the performance evaluations submitted by such agencies (that are based upon the Program Assessment Rating Tool which is designed to improve agency performance);

in order to enact legislation to eliminate waste, fraud, and abuse to ensure the efficient use of taxpayer dollars;

(2) all Federal programs should be periodically reauthorized and funding for unauthorized programs should be level-funded in fiscal year 2005 unless there is a compelling justification;

(3) committees should submit written justifications for earmarks and should consider not funding those most egregiously inconsistent with national policy;

(4) the fiscal year 2005 budget resolution should be vigorously enforced; and

(5) Congress should make every effort to offset nonwar-related supplemental appropriations.

SEC. 404. SENSE OF CONGRESS REGARDING PREVIOUSLY ENACTED TAX LEGISLATION.

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

(1) H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004 provided that revenues would be $1.883 trillion in fiscal year 2004 after enactment of the tax cut legislation provided for in the resolution.

(2) Many advocates of the tax cut argued that revenues would actually be much higher because the tax cuts would stimulate growth and produce a surge in revenues.

(3) The Congressional Budget Office estimated in ''An Analysis of the President's Budgetary Proposals for Fiscal Year 2005'' that revenues would be $1.782 trillion in 2004, $100 billion lower than promised when the tax cuts were enacted.

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

(1) Congress should enact legislation to review the impact of enacted tax cut legislation on total revenues; and

(2) such legislation should establish revenue targets equal to total revenue levels established in the concurrent resolution on the budget for fiscal year 2004; and that if total revenues fall below the targets, the President would be required to propose legislation to offset the revenue shortfall through spending reductions or increased revenues or explicitly authorize an increase in the debt limit by the amount of the shortfall and that Congress would be required to consider vote on the President's proposal under an expedited process.

SEC. 405. SENSE OF CONGRESS REGARDING A TRIGGER MECHANISM FOR COSTS OF PRESCRIPTION DRUG LEGISLATION.

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

(1) The cost of the new Medicare law, estimated by the Congressional Budget Office before its passage to be $395,000,000,000 over ten years, has now been estimated by the Department of Health and Human Services to be $534,000,000,000 over ten years.

(2) Without taking steps to control the cost of prescription drugs, the Medicare law will become an unsustainable burden on the the Government and on taxpayers. In addition, rising drug costs could end up shifting additional cost burdens to Medicare beneficiaries.

(3) The Congressional Budget Office ans the Department of Human Services have estimated that the reforms enacted as part of Medicare legislation increasing participation of private plans in the Medicare program would increase the costs of the Medicare program.

(4) Prescription drug costs increased 15.3 percent in 2003. These rising costs are one of the primary drivers of increasing health care costs, which ran at 9.3 percent last year.

(b) SENSE OF THE HOUSE.—It is the sense of the House that—

(1) legislation should be adopted which would establish a trigger mechanism to reduce costs of Medicare prescription drug legislation through negotiation of prescription drug prices by the Secretary of Health and Human Services and other changes to Medicare prescription drug legislation recommended by the President;

(2) this legislation would mandate that at any point when the expected ten-year expenditures for fiscal years 2004 through 2013 for Public Law 108–173 exceed the Congressional Budget Office estimate for this legislation, the Secretary of Health and Human Services would be required to immediately enter into direct negotiations with pharmaceutical manufacturers for competitive drug prices; and

(3) this legislation would further provide that if the Secretary is unable to negotiate reductions in prescription drug prices sufficient to reduce estimated ten year expenditures for Public Law 108–174 by the amount these costs exceed the Congressional Budget Office estimates for this legislation when it was enacted the President would be required to submit to Congress legislative changes to eliminate this excess and Congress would be required to consider this proposal under an expedited process.

SEC. 406. SENSE OF CONGRESS REGARDING RESPONSIBLE FUNDING FOR ADDITIONAL MILITARY END STRENGTH.

It is the sense of the Congress that the aggregates and function levels in this resolution for major functional category 050 (Defense), excluding any supplemental appropriations under section 301 for military operations in Iraq and Afghanistan, assumes funding in the Military Personnel accounts for the costs of approximately 10,000 additional military personnel exceeding the normal strength levels either to provide forces deployed for military operations or to sustain the readiness levels of deploying units.

SEC. 407. SENSE OF THE HOUSE REGARDING FUNDING FOR THE MANUFACTURING EXTENSION PARTNERSHIP.

(a) FINDINGS.—The House finds that—

(1) the Manufacturing Extension Partnership, which is jointly funded by Federal and State Governments and private entities, improves small manufacturers' competitiveness, creates jobs, increases economic activity, and generates a $4-to-$1 return on investment to the Treasury by aiding small businesses traditionally underserved by the business consulting market;

(2) in a January 2004 Department of Commerce report titled Manufacturing In America: A Comprehensive Strategy to Address the Challenges to U.S. Manufacturers, the Administration stated that ''...the Manufacturing Extension Partnership (MEP) has provided many small U.S. manufacturers with useful business services to become more competitive and productive,'' a conclusion in which the Congress concurs;

(3) the Congress appropriated $106 million for the Manufacturing Extension Partnership for 2003 but only $39 million for 2004, and the President's 2005 budget maintains this drastically reduced funding level, undermining the ability of the Manufacturing Extension Partnership to fulfill its mission of helping small businesses to adopt advanced manufacturing technologies and practices that will help them compete in a global market; and

(4) Federal funding for the Manufacturing Extension Partnership should be restored to its pre-2004 level, adjusted for inflation.

(b) SENSE OF THE HOUSE.—It is the sense of the House that—

(1) this resolution provides a total of $110 million for the Manufacturing Extension Partnership for 2005, $71 million more than the President's request, and supports adequate funding throughout the period covered by this resolution; and

(2) this funding restores the viability of the Manufacturing Extension Partnership and provides the necessary resources for the Manufacturing Extension Partnership to continue helping small manufacturers reach their optimal performance and create jobs.

SEC. 408. SENSE OF THE HOUSE REGARDING THE CONSERVATION SPENDING CATEGORY.

(a) FINDINGS.—The House finds that—

(1) the 2001 Interior Appropriations Act (Public Law 106–291), which established a separate discretionary spending category for land conservation and natural resource protection programs for the fiscal years 2001 through 2006, passed by large margins in both the House and the Senate; and

(2) in establishing a separate conservation spending category, Congress recognized the chronic underfunding of programs that protect and enhance public lands, wildlife habitats, urban parks, historic and cultural landmarks, and coastal ecosystems.

(b) SENSE OF THE HOUSE.—It is the sense of the House that the any law establishing new caps on discretionary spending should include a separate conservation spending category and that any caps on conservation spending for fiscal years 2005 or 2006 should be set at the levels established in Public Law 106–291.

SEC. 409. SENSE OF THE HOUSE REGARDING THE OUACHITA-BLACK NAVIGATION PROJECT.

(a) FINDINGS.—The House finds that—

(1) the Ouachita-Black Navigation Project was authorized by the River and Harbor Act of 1950 and modified by the River and Harbor Act of 1960; and

(2) a 382-mile navigation channel on the Red, Black and Ouachita Rivers was created requiring annual dredging to ensure the rivers' channel depth is maintained at the nine feet needed for commercial use; and

(3) if adequate annual funding is not provided to the Corps of Engineers and others, the project will not be able to function, undercutting commerce and revitalization in the area served by the project, and resulting in the loss of hundreds of jobs that are dependent on barge traffic.

(b) SENSE OF THE HOUSE.—It is the sense of the House that full funding should be provided for the Ouachita-Black Navigation Project in 2005 and beyond, notwithstanding the ton-mileage of barge traffic using the project.

SEC. 410. SENSE OF THE HOUSE ON TAX SIMPLIFICATION AND TAX FAIRNESS.

It is the sense of the House that—

(1) the current tax system has been made increasingly complex and unfair to the detriment of the vast majority of working Americans;

(2) constant change and manipulation of the tax code have adverse effects on taxpayers' understanding and trust in the Nation's tax laws;

(3) these increases in complexity and clarity have made compliance more challenging for the average taxpayer and small business owner, especially the self-employed; and

(4) this budget resolution contemplates a comprehensive review of recent changes in the tax code, leading to future action to reduce the tax burden and compliance burden for middle-income workers and their families in the context of tax reform that makes the Federal tax code simpler and fairer to all taxpayers.

SEC. 411. SENSE OF THE HOUSE ON LIHEAP.

(a) FINDINGS.—The House finds that—

(1) the United States is in the grip of pervasively higher home energy prices;

(2) high natural gas, heating oil, and propane prices are, in general, having an effect that is rippling through the United States economy and are, in particular, impacting home energy bills;

(3) while persons in many sectors can adapt to natural gas, heating oil, and propane price increases, persons in some sectors simply cannot;

(4) elderly and disabled citizens who are living on fixed incomes, the working poor, and other low-income individuals face hardships wrought by high home energy prices;

(5) the energy burden for persons among the working poor often exceeds percent of those persons' incomes under normal conditions;

(6) under current circumstances, home energy prices are unnaturally high, and these are not normal circumstances;

(7) while critically important and encouraged, State energy assistance and charitable assistance funds have been overwhelmed by the crisis caused by the high home energy prices;

(8) the Federal Low-Income Home Energy Assistance Program (referred to in this section as ''LIHEAP'') and the companion weatherization assistance program (referred to in this section as ''WAP''), are the Federal Government's primary means to assist eligible low-income individuals in the United States to shoulder the burdens caused by their home cooling and heating needs;

(9) in 2003, LIHEAP reached only 15 percent of the persons in the United States who were eligible for assistance under the program;

(10) since LIHEAP's inception, its inflation-adjusted buying power has eroded by 58 percent; and

(11) current Federal funding for LIHEAP is not sufficient to meet the cooling and heating needs of low-income families.

(b) SENSE OF THE HOUSE.—It is the sense of the House that the levels in this concurrent resolution assume—

(1) an authorization of $3,400,000,000 for each of fiscal years 2005 and 2006 to carry out the LIHEAP program;

(2) an authorization of $400,000,000 for fiscal year 2005 and $500,000,000 for fiscal year 2006 to carry out the WAP program;

(3) appropriations, for these programs, of sufficient additional funds to realistically address the cooling and heating needs of low-income families;

(4) advance appropriations of the necessary funds to ensure the smooth operation of the programs during times of peak demand.

It was decided in the negative { Yeas ..... 183 / Nays ..... 243 }

¶30.18 [Roll No. 89]

AYES—183

Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bass
Becerra
Bell
Bereuter
Berkley
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Cramer
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hayes
Hill
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kaptur
Kilpatrick
Kind
Kleczka
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Lofgren
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (KS)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Osborne
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Petri
Pomeroy
Price (NC)
Rangel
Reyes
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Shimkus
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Towns
Turner (TX)
Udall (CO)
Upton
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wu
Wynn

NOES—243

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

NOT VOTING—7

Abercrombie
Hoeffel
Lucas (KY)
McInnis
Pence
Quinn
Tauzin

So the amendment in the nature of a substitute was not agreed to.

After some further time,

¶30.19 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment in the nature of a substitute numbered 3, submitted by Mr. HENSARLING:

Strike all after the enacting clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2005.

(a) DECLARATION.—The Congress declares that the concurrent resolution on the budget for fiscal year 2005 is hereby established and that the appropriate budgetary levels for fiscal years 2004 and 2006 through 2009 are hereby set forth.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent Resolution on the budget for fiscal year 2005.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Major functional categories.

TITLE II—RECONCILIATION AND REPORT SUBMISSIONS

Sec. 201. Reconciliation in the House of Representatives.
Sec. 202. Submission of report on defense savings.

TITLE III—RESERVE FUNDS AND CONTINGENCY PROCEDURE

Subtitle A—Reserve Funds for Legislation Assumed in Budget Aggregates

Sec. 301. Deficit-neutral reserve fund for health insurance for the uninsured.
Sec. 302. Deficit-neutral reserve fund for the Family Opportunity Act.
Sec. 303. Deficit-neutral reserve fund for Military Survivors' Benefit Plan.
Sec. 304. Reserve fund for pending legislation.

Subtitle B—Contingency Procedure

Sec. 311. Contingency procedure for surface transportation.

TITLE IV—BUDGET ENFORCEMENT

Sec. 401. Defense firewall.
Sec. 402. Restrictions on advance appropriations.
Sec. 403. Emergency spending.
Sec. 404. Enforcement of budget aggregates.
Sec. 405. Compliance with section 13301 of the Budget Enforcement Act of 1990.
Sec. 406. Action pursuant to section 302(b)(1) of the Congressional Budget Act.
Sec. 407. Family budget protection accounts-discretionary spending.
Sec. 408. Family budget protection accounts; mandatory spending.
Sec. 409. Changes in allocations and aggregates resulting from realistic scoring of measures affecting revenues.
Sec. 410. Prohibition on using revenue increases to comply with budget allocations and aggregates.
Sec. 411. Application and effect of changes in allocations and aggregates.

TITLE V—SENSE OF THE HOUSE

Sec. 501. Sense of the House on spending accountability.
Sec. 502. Sense of the House on entitlement reform.
Sec. 503. Sense of House regarding the abolishment of obsolete agencies and Federal sunset proposals.
Sec. 504. Sense of the House regarding the goals of this concurrent resolution and the elimination of certain programs.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2004 through 2009:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2004: $1,272,787,000,000.
Fiscal year 2005: $1,456,134,000,000.
Fiscal year 2006: $1,610,181,000,000.
Fiscal year 2007: $1,720,721,000,000.
Fiscal year 2008: $1,809,790,000,000.
Fiscal year 2009: $1,907,703,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be reduced are as follows:

Fiscal year 2004: $0.
Fiscal year 2005: $23,000,000,000.
Fiscal year 2006: $44,000,000,000.
Fiscal year 2007: $34,223,000,000.
Fiscal year 2008: $36,000,000,000.
Fiscal year 2009: $45,357,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2004: $1,952,700,000,000.
Fiscal year 2005: $1,995,627,000,000.
Fiscal year 2006: $2,052,943,000,000.
Fiscal year 2007: $2,171,940,000,000.
Fiscal year 2008: $2,285,426,000,000.
Fiscal year 2009: $2,399,316,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2004: $1,911,235,000,000.
Fiscal year 2005: $1,993,628,000,000.
Fiscal year 2006: $2,066,992,000,000.
Fiscal year 2007: $2,151,234,000,000.
Fiscal year 2008: $2,254,679,000,000.
Fiscal year 2009: $2,365,995,000,000.

(4) DEFICITS (ON-BUDGET).—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2004: $638,448,000,000.
Fiscal year 2005: $539,494,000,000.
Fiscal year 2006: $456,811,000,000.
Fiscal year 2007: $430,513,000,000.
Fiscal year 2008: $444,889,000,000.
Fiscal year 2009: $458,292,000,000.

(5) DEBT SUBJECT TO LIMIT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2004: $7,436,000,000,000.
Fiscal year 2005: $8,086,000,000,000.
Fiscal year 2006: $8,867,000,000,000.
Fiscal year 2007: $9,227,000,000,000.
Fiscal year 2008: $9,809,000,000,000.
Fiscal year 2009: $10,406,000,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2004: $4,385,000,000,000.
Fiscal year 2005: $4,765,000,000,000.
Fiscal year 2006: $5,055,000,000,000.
Fiscal year 2007: $5,300,000,000,000.
Fiscal year 2008: $5,547,000,000,000.
Fiscal year 2009: $5,795,000,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2004 through 2009 for each major functional category are as follows:

(1) National Defense (050):

Fiscal year 2004:

(A) New budget authority, $461,544,000,000.
(B) Outlays, $451,125,000,000.

Fiscal year 2005:

(A) New budget authority, $419,634,000,000.
(B) Outlays, $447,114,000,000.

Fiscal year 2006:
(A) New budget authority, $442,400,000,000.
(B) Outlays, $439,098,000,000.
Fiscal year 2007:
(A) New budget authority, $464,000,000,000.
(B) Outlays, $445,927,000,000.
Fiscal year 2008:
(A) New budget authority, $486,149,000,000.
(B) Outlays, $465,542,000,000.
Fiscal year 2009:
(A) New budget authority, $508,369,000,000.
(B) Outlays, $487,186,000,000.
(2) Homeland Security (100):
Fiscal year 2004:
(A) New budget authority, $29,559,000,000.
(B) Outlays, $24,834,000,000.
Fiscal year 2005:
(A) New budget authority, $34,102,000,000.
(B) Outlays, $29,997,000,000.
Fiscal year 2006:
(A) New budget authority, $33,548,000,000.
(B) Outlays, $33,298,000,000.
Fiscal year 2007:
(A) New budget authority, $35,160,000,000.
(B) Outlays, $35,635,000,000.
Fiscal year 2008:
(A) New budget authority, $36,520,000,000.
(B) Outlays, $36,979,000,000.
Fiscal year 2009:
(A) New budget authority, $40,420,000,000.
(B) Outlays, $38,401,000,000.
(3) International Affairs (150):
Fiscal year 2004:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2005:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2006:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2007:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2008:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2009:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
(4) General Science, Space, and Technology (250):
Fiscal year 2004:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2005:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2006:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2007:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2008:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2009:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
(5) Energy (270):
Fiscal year 2004:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2005:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2006:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2007:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2008:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2009:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
(6) Natural Resources and Environment (300):
Fiscal year 2004:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2005:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2006:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2007:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2008:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2009:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
(7) Agriculture (350):
Fiscal year 2004:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2005:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2006:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2007:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2008:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2009:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
(8) Commerce and Housing Credit (370):
Fiscal year 2004:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2005:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2006:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2007:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2008:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2009:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
(9) Transportation (400):
Fiscal year 2004:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2005:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2006:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2007:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2008:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2009:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
(10) Community and Regional Development (450):
Fiscal year 2004:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2005:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2006:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.

Fiscal year 2007:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2008:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2009:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
(11) Education, Training, Employment, and Social Services (500):
Fiscal year 2004:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2005:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2006:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2007:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2008:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2009:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
(12) Health (550):
Fiscal year 2004:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2005:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2006:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2007:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2008:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2009:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
(13) Medicare (570):
Fiscal year 2004:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2005:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2006:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2007:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2008:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2009:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
(14) Income Security (600):
Fiscal year 2004:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2005:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2006:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2007:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2008:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2009:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
(15) Social Security (650):
Fiscal year 2004:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2005:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2006:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2007:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2008:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2009:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
(16) Veterans Benefits and Services (700):
Fiscal year 2004:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2005:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2006:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2007:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2008:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2009:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
(17) Administration of Justice (750):
Fiscal year 2004:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2005:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2006:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2007:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2008:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2009:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
(18) General Government (800):
Fiscal year 2004:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2005:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2006:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2007:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2008:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
Fiscal year 2009:
(A) New budget authority, an amount to be derived from function 920.
(B) Outlays, an amount to be derived from function 920.
(19) Net Interest (900):
Fiscal year 2004:
(A) New budget authority, $240,471,000,000.

(B) Outlays, $240,471,000,000.
Fiscal year 2005:
(A) New budget authority, $270,507,000,000.
(B) Outlays, $270,507,000,000.
Fiscal year 2006:
(A) New budget authority, $318,306,000,000.
(B) Outlays, $318,306,000,000.
Fiscal year 2007:
(A) New budget authority, $363,189,000,000.
(B) Outlays, $363,189,000,000.
Fiscal year 2008:
(A) New budget authority, $396,474,000,000.
(B) Outlays, $396,474,000,000.
Fiscal year 2009:
(A) New budget authority, $424,724,000,000.
(B) Outlays, $424,724,000,000.
(20) Allowances (920):
Fiscal year 2004:
(A) New budget authority, $1,268,359,000,000.
(B) Outlays, $1,242,038,000,000.
Fiscal year 2005:
(A) New budget authority, $1,323,733,000,000.
(B) Outlays, $1,298,485,000,000.
Fiscal year 2006:
(A) New budget authority, $1,313,116,000,000.
(B) Outlays, $1,330,767,000,000.
Fiscal year 2007:
(A) New budget authority, $1,372,233,000,000.
(B) Outlays, $1,370,250,000,000.
Fiscal year 2008:
(A) New budget authority, $1,431,768,000,000.
(B) Outlays, $1,421,831,000.
Fiscal year 2009:
(A) New budget authority, $1,486,659,000.
(B) Outlays, $1,475,577,000,000.
(21) Undistributed Offsetting Receipts (950):
Fiscal year 2004:
(A) New budget authority, −$47,233,000,000.
(B) Outlays, −$47,233,000,000.
Fiscal year 2005:
(A) New budget authority, −$52,349,000,000.
(B) Outlays, −$52,475,000,000.
Fiscal year 2006:
(A) New budget authority, −$54,427,000,000.
(B) Outlays, −$54,477,000,000.
Fiscal year 2007:
(A) New budget authority, −$62,642,000,000.
(B) Outlays, −$63,767,000,000.
Fiscal year 2008:
(A) New budget authority, −$65,485,000,000.
(B) Outlays, −$66,147,000,000.
Fiscal year 2009:
(A) New budget authority, −$60,856,000,000.
(B) Outlays, −$59,893,000,000.

TITLE II—RECONCILIATION AND REPORT SUBMISSIONS

SEC. 201. RECONCILIATION IN THE HOUSE OF REPRESENTATIVES.

(a) SUBMISSIONS PROVIDING FOR THE ELIMINATION OF WASTE, FRAUD, AND ABUSE IN MANDATORY PROGRAMS.—

(1) Not later than July 15, 2004, the House committees named in paragraph (2) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(2) INSTRUCTIONS.—

(A) COMMITTEE ON AGRICULTURE.—The House Committee on Agriculture shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $220,000,000 in outlays for fiscal year 2005 and $3,100,000,000 in outlays for the period of fiscal years 2005 through 2009.

(B) COMMITTEE ON ARMED SERVICES.—The House Committee on Armed Services shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $50,000,000 in outlays for fiscal year 2005 and $250,000,000 in outlays for the period of fiscal years 2005 through 2009.

(C) COMMITTEE ON EDUCATION AND THE WORKFORCE.—The House Committee on Education and the Workforce shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $90,000,000 in outlays for fiscal year 2005 and $750,000,000 in outlays for the period of fiscal years 2005 through 2009.

(D) COMMITTEE ON ENERGY AND COMMERCE.—The House Committee on Energy and Commerce shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $1,530,000,000 in outlays for fiscal year 2005 and $12,750,000,000 in outlays for the period of fiscal years 2005 through 2009.

(E) COMMITTEE ON FINANCIAL SERVICES.—The House Committee on Financial Services shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $50,000,000 in new budget authority for fiscal year 2005 and $190,000,000 in new budget authority for the period of fiscal years 2005 through 2009.

(F) COMMITTEE ON GOVERNMENT REFORM.—The House Committee on Government Reform shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $200,000,000 in outlays for fiscal year 2005 and $2,000,000,000 in outlays for the period of fiscal years 2005 through 2009.

(G) COMMITTEE ON HOUSE ADMINISTRATION.—The House Committee on House Administration shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $500,000 in outlays for fiscal year 2005 and $3,000,000 in outlays for the period of fiscal years 2005 through 2009.

(H) COMMITTEE ON INTERNATIONAL RELATIONS.—The House Committee on International Relations shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $150,000,000 in outlays for fiscal year 2005 and $1,125,000,000 in outlays for the period of fiscal years 2005 through 2009.

(I) COMMITTEE ON THE JUDICIARY.—The House Committee on the Judiciary shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $80,000,000 in outlays for fiscal year 2005 and $550,000,000 in outlays for the period of fiscal years 2005 through 2009.

(J) COMMITTEE ON RESOURCES.—The House Committee on Resources shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $50,000,000 in outlays for fiscal year 2005 and $350,000,000 in outlays for the period of fiscal years 2005 through 2009.

(K) COMMITTEE ON SCIENCE.—The House Committee on Science shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $1,000,000 in outlays for fiscal year 2005 and $6,000,000 in outlays for the period of fiscal years 2005 through 2009.

(L) COMMITTEE ON SMALL BUSINESS.—The House Committee on Small Business shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $0 in outlays for fiscal year 2005 and $0 in outlays for the period of fiscal years 2005 through 2009.

(M) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—The House Committee on Transportation and Infrastructure shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $100,000,000 in outlays for fiscal year 2005 and $1,150,000,000 in outlays for the period of fiscal years 2005 through 2009.

(N) COMMITTEE ON VETERANS' AFFAIRS.—The House Committee on Veterans' Affairs shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $10,000,000 in outlays for fiscal year 2005 and $125,000,000 in outlays for the period of fiscal years 2005 through 2009.

(O) COMMITTEE ON WAYS AND MEANS.—The House Committee on Ways and Means shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $4,784,000,000 in outlays for fiscal year 2005 and $38,947,000,000 in outlays for the period of fiscal years 2005 through 2009.

(P) SPECIAL RULE.—The chairman of the Committee on the Budget may take into account legislation enacted after the adoption of this resolution that is determined to reduce the deficit and may make applicable adjustments in reconciliation instructions, allocations, and budget aggregates and may also make adjustments in reconciliation instructions to protect earned benefit programs.

(b) SUBMISSION PROVIDING FOR THE EXTENSION OF EXPIRING TAX RELIEF.—(1) The House Committee on Ways and Means shall report a reconciliation bill not later than October 1, 2004, that consists of changes in laws within its jurisdiction sufficient to reduce revenues by not more than $13,182,000,000 for fiscal year 2005 and by not more than $137,580,000,000 for the period of fiscal years 2005 through 2009.

(2) If a reconciliation bill, as reported pursuant to paragraph (1), does not increase the deficit for fiscal year 2005 or for the period of fiscal years 2005 through 2009 above the levels permitted in such paragraph, the chairman of the House Committee on the Budget may revise the reconciliation instructions under this section to permit the Committee on Ways and Means to increase the level of direct spending outlays, make conforming adjustments to the revenue instruction to decrease the reduction in revenues, and make conforming changes in allocations to the Committee on Ways and Means and in budget aggregates.

(c) SUBMISSION PROVIDING FOR ADDITIONAL TAX RELIEF.—(1) The House Committee on Ways and Means shall report a reconciliation bill not later than October 1, 2004, that consists of changes in laws within its jurisdiction sufficient to reduce revenues by not more than $9,818,000,000 for fiscal year 2005 and by not more than $45,000,000,000 for the period of fiscal years 2005 through 2009.

(2) If a reconciliation bill, as reported pursuant to paragraph (1), does not increase the deficit for fiscal year 2005 or for the period of fiscal years 2005 through 2009 above the levels permitted in such paragraph, the chairman of the House Committee on the Budget may revise the reconciliation instructions under this section to permit the Committee on Ways and Means to increase the level of direct spending outlays, make conforming adjustments to the revenue instruction to decrease the reduction in revenues, and make conforming changes in allocations to the Committee on Ways and Means and in budget aggregates.

SEC. 202. SUBMISSION OF REPORT ON DEFENSE SAVINGS.

In the House, not later than May 15, 2004, the Committee on Armed Services shall submit to the Committee on the Budget its findings that identify $2,000,000,000 in savings from—

(1) activities that are determined to be of a low priority to the successful execution of current military operations; or

(2) activities that are determined to be wasteful or unnecessary to national defense. Funds identified should be reallocated to programs and activities that directly contribute to enhancing the combat capabilities

of the U.S. military forces with an emphasis on force protection, munitions, and surveillance capabilities. For purposes of this subsection, the report by the Committee on Armed Services shall be inserted in the Congressional Record by the chairman of the Committee on the Budget not later than May 21, 2004.

TITLE III—RESERVE FUNDS AND CONTINGENCY PROCEDURE

Subtitle A—Reserve Funds for Legislation Assumed in Budget Aggregates

SEC. 301. DEFICIT-NEUTRAL RESERVE FUND FOR HEALTH INSURANCE FOR THE UNINSURED.

In the House, if legislation is reported, or if an amendment thereto is offered or a conference report thereon is submitted, that provides health insurance for the uninsured, the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent such measure is deficit neutral in fiscal year 2005 and for the period of fiscal years 2005 through 2009.

SEC. 302. DEFICIT-NEUTRAL RESERVE FUND FOR THE FAMILY OPPORTUNITY ACT.

In the House, if the Committee on Energy and Commerce reports legislation, or if an amendment thereto is offered or a conference report thereon is submitted, that provides medicaid coverage for children with special needs (the Family Opportunity Act), the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent such measure is deficit neutral in fiscal year 2005 and for the period of fiscal years 2005 through 2009.

SEC. 303. DEFICIT-NEUTRAL RESERVE FUND FOR MILITARY SURVIVORS' BENEFIT PLAN.

In the House, if the Committee on Armed Services reports legislation, or if an amendment thereto is offered or a conference report thereon is submitted, that increases survivors' benefits under the Military Survivors' Benefit Plan, the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent such measure is deficit neutral resulting from a change other than to discretionary appropriations in fiscal year 2005 and for the period of fiscal years 2005 through 2009.

SEC. 304. RESERVE FUND FOR PENDING LEGISLATION.

In the House, for any bill, including a bill that provides for the safe importation of FDA-approved prescription drugs or places limits on medical malpractice litigation, that has passed the House in the first session of the 108th Congress and, after the date of adoption of this concurrent resolution, is acted on by the Senate, enacted by the Congress, and presented to the President, the chairman of the Committee on the Budget may make the appropriate adjustments in the allocations and aggregates to reflect any resulting savings from any such measure.

Subtitle B—Contingency Procedure

SEC. 311. CONTINGENCY PROCEDURE FOR SURFACE TRANSPORTATION.

(a) IN GENERAL.—If the Committee on Transportation and Infrastructure of the House reports legislation, or if an amendment thereto is offered or a conference report thereon is submitted, that provides new budget authority for the budget accounts or portions thereof in the highway and transit categories as defined in sections 250(c)(4)(B) and (C) of the Balanced Budget and Emergency Deficit Control Act of 1985 in excess of the following amounts:

(1) For fiscal year 2004: $41,569,000,000;
(2) For fiscal year 2005: $42,657,000,000;
(3) For fiscal year 2006: $43,635,000,000;
(4) For fiscal year 2007: $45,709,000,000;
(5) For fiscal year 2008: $46,945,000,000; or
(6) For fiscal year 2009: $47,732,000,000;

the chairman of the Committee on the Budget may adjust the appropriate budget aggregates and increase the allocation of new budget authority to such committee for fiscal year 2004, for fiscal year 2005, and for the period of fiscal years 2005 through 2009 to the extent such excess is offset by a reduction in mandatory outlays from the Highway Trust Fund or an increase in receipts appropriated to such fund for the applicable fiscal year caused by such legislation or any previously enacted legislation.

(b) ADJUSTMENT FOR OUTLAYS.—For fiscal year 2004 or 2005, in the House, if a bill or joint resolution is reported, or if an amendment thereto is offered or a conference report thereon is submitted, that changes obligation limitations such that the total limitations are in excess of $40,116,000,000 for fiscal year 2004 or $41,204,000,000 for fiscal year 2005 for programs, projects, and activities within the highway and transit categories as defined in sections 250(c)(4)(B) and (C) of the Balanced Budget and Emergency Deficit Control Act of 1985, and if legislation has been enacted that satisfies the conditions set forth in subsection (a) for such fiscal year, the chairman of the Committee on the Budget may increase the allocation of outlays and appropriate aggregates for such fiscal year for the committee reporting such measure by the amount of outlays that corresponds to such excess obligation limitations, but not to exceed the amount of such excess that was offset pursuant to subsection (a).

TITLE IV—BUDGET ENFORCEMENT

SEC. 401. DEFENSE FIREWALL.

It shall not be in order in the Senate or in the House of Representatives to consider any bill making a general appropriation for fiscal year 2005 if the most recently reported allocations made pursuant to section 302(b)(1) of the Congressional Budget Act of 1974 sets out a level for the Defense Subcommittee and the Military Construction Subcommittee that when added together totals less than $402,000,000,000 in budget authority.

SEC. 402. RESTRICTIONS ON ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—(1) In the House, except as provided in subsection (b), an advance appropriation may not be reported in a bill or joint resolution making a general appropriation or continuing appropriation, and may not be in order as an amendment thereto.

(2) Managers on the part of the House may not agree to a Senate amendment that would violate paragraph (1) unless specific authority to agree to the amendment first is given by the House by a separate vote with respect thereto.

(b) EXCEPTION.—In the House, an advance appropriation may be provided for fiscal year 2006 and fiscal years 2006 and 2007 for programs, projects, activities or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading ''Accounts Identified for Advance Appropriations'' in an aggregate amount not to exceed $23,568,000,000 in new budget authority.

(c) DEFINITION.—In this section, the term ''advance appropriation'' means any discretionary new budget authority in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2005 that first becomes available for any fiscal year after 2005.

SEC. 403. EMERGENCY SPENDING.

(a) EXEMPTION OF OVERSEAS CONTINGENCY OPERATIONS.— In the House, if a bill or joint resolution is reported, or an amendment is offered thereto or a conference report is filed thereon, that makes supplemental appropriations for fiscal year 2005 for contingency operations related to the global war on terrorism, then the new budget authority, new entitlement authority, outlays, and receipts resulting therefrom shall not count for purposes of sections 302, 303, and 401 of the Congressional Budget Act of 1974 for the provisions of such measure that are designated pursuant to this subsection as making appropriations for such contingency operations.

(b) EXEMPTION OF EMERGENCY PROVISIONS.—In the House, if a bill or joint resolution is reported, or an amendment is offered thereto or a conference report is filed thereon, that designates a provision as an emergency requirement pursuant to this section, then the new budget authority, new entitlement authority, outlays, and receipts resulting therefrom shall not count for purposes of sections 302, 303, 311, and 401 of the Congressional Budget Act of 1974.

(c) DESIGNATIONS.—

(1) GUIDANCE.—In the House, if a provision of legislation is designated as an emergency requirement under subsection (b), the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in paragraph (2). If such legislation is to be considered by the House without being reported, then the committee shall cause the explanation to be published in the Congressional Record in advance of floor consideration.

(2) CRITERIA.—

(A) IN GENERAL.—Any such provision is an emergency requirement if the underlying situation poses a threat to life, property, or national security and is—

(i) sudden, quickly coming into being, and not building up over time;
(ii) an urgent, pressing, and compelling need requiring immediate action;
(iii) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and
(iv) not permanent, temporary in nature.

(B) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(d) ENFORCEMENT.—It shall not be in order in the House of Representatives to consider any bill, joint resolution, amendment or conference report that contains an emergency designation unless that designation meets the criteria set out in subsection (c)(2).

(e) ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.—It shall not be in order in the House of Representatives to consider a rule or order that waives the application of subsection (d).

(f) DISPOSITION OF POINTS OF ORDER IN THE HOUSE.—As disposition of a point of order under subsection (d) or subsection (e), the Chair shall put the question of consideration with respect to the proposition that is the subject of the point of order. A question of consideration under this section shall be debatable for 10 minutes by the Member initiating the point of order and for 10 minutes by an opponent of the point of order, but shall otherwise be decided without intervening motion except one that the House adjourn or that the Committee of the Whole rise, as the case may be.

SEC. 404. ENFORCEMENT OF BUDGET AGGREGATES.

(a) IN GENERAL.—Except as provided by subsection (b) of this section, it shall not be in order in the House of Representatives to consider any bill, joint resolution, amendment, motion, or conference report providing new budget authority or providing new entitlement authority, if—

(1) the enactment of that bill or resolution;
(2) the adoption and enactment of that amendment; or
(3) the enactment of that bill or resolution in the form recommended in that conference report;

would cause for any fiscal year covered by this resolution the appropriate allocation made pursuant to section 302(a)(1) of the Congressional Budget Act of 1974 to be exceeded.

(b) EXCEPTION.—Subsection (a) of this section shall not apply to any bill, joint resolution or conference report that only provides continuing appropriations.

(c) ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.—It shall not be in order in the House of Representatives to consider a rule or order that waives the application of subsection (a).

(d) DISPOSITION OF POINTS OF ORDER IN THE HOUSE.—As disposition of a point of order under subsection (a) or subsection (c), the Chair shall put the question of consideration with respect to the proposition that is the subject of the point of order. A question of consideration under this section shall be debatable for 10 minutes by the Member initiating the point of order and for 10 minutes by an opponent of the point of order, but shall otherwise be decided without intervening motion except one that the House adjourn or that the Committee of the Whole rise, as the case may be.

(e) EFFECT ON AMENDMENT IN ORDER AS ORIGINAL TEXT IN THE HOUSE.—The disposition of the question of consideration under this section with respect to a bill or joint resolution shall be considered also to determine the question of consideration under this subsection with respect to an amendment made in order as original text.

SEC. 405. COMPLIANCE WITH SECTION 13301 OF THE BUDGET ENFORCEMENT ACT OF 1990.

(a) IN GENERAL.—In the House, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974 and section 13301 of the Budget Enforcement Act of 1990, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocation under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration.

(b) SPECIAL RULE.—In the House, for purposes of applying section 302(f) of the Congressional Budget Act of 1974, estimates of the level of total new budget authority and total outlays provided by a measure shall include any discretionary amounts provided for the Social Security Administration.

SEC. 406. ACTION PURSUANT TO SECTION 302(b)(1) OF THE CONGRESSIONAL BUDGET ACT.

(a) COMPLIANCE.—When complying with section 302(b)(1) of the Congressional Budget Act of 1974, the Committee on Appropriations of each House shall consult with the Committee on Appropriations of the other House to ensure that the allocation of budget outlays and new budget authority among each Committee's subcommittees are identical.

(b) REPORT.—The Committee on Appropriations of each House shall report to its House when it determines that the report made by the Committee pursuant to section 301(b) of the Congressional Budget Act of 1974 and the report made by the Committee on Appropriations of the other House pursuant to the same provision contain identical allocations of budget outlays and new budget authority among each Committee's subcommittees.

(c) POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report providing new discretionary budget authority for Fiscal Year 2004 allocated to the Committee on Appropriations unless and until the Committee on Appropriations of that House has made the report required under paragraph (b) of this section.

SEC. 407. FAMILY BUDGET PROTECTION ACCOUNTS—DISCRETIONARY SPENDING.

(a) The chairman of the Committee on the Budget shall maintain a ledger to be known as the ''Discretionary Spending Ledger''. The Ledger shall be divided into entries corresponding to the subcommittees of the Committee on Appropriations and each entry shall consist of the ''Deficit Reduction Safeguard Balance''.

(b) Each entry shall consist only of amounts credited to it under paragraph (c). No entry of a negative amount shall be made.

(c) Whenever a Member offers an amendment to an appropriation bill to reduce new budget authority in any account, that Member may state the portion of such reduction that shall be—

(1) credited to the Deficit Reduction Safeguard Balance;

(2) used to offset an increase in new budget authority in any other account; or

(3) allowed to remain within the applicable section 302(b) suballocation.

If no such statement is made, the amount of reduction in new budget authority resulting from the amendment shall be credited to the Deficit Reduction Safeguard Balance, as applicable, if the amendment is agreed to.

(d) Except as provided by paragraph (e), the chairman of the Committee on the Budget shall, upon the engrossment of any appropriation bill by the House of Representatives, credit to the entry balance amounts of new budget authority and outlays equal to the net amounts of reductions in new budget authority and in outlays resulting from amendments agreed to by the House to that bill.

(e) When computing the net amounts of reductions in new budget authority and in outlays resulting from amendments agreed to by the House to an appropriation bill, the chairman of the Committee on the Budget shall only count those portions of such amendments agreed to that were so designated by the Members offering such amendments as amounts to be credited to the Deficit Reduction Safeguard Balance, or that fall within the last sentence of subparagraph (c).

(f) The chairman of the Committee on the Budget shall maintain a running tally of the amendments adopted reflecting increases and decreases of budget authority in the bill as reported. This tally shall be available to Members during consideration of any appropriation bill by the House.

(g) For purposes of enforcing section 302(a) of the Congressional Budget Act of 1974, upon the engrossment of any appropriation bill by the House, the amount of budget authority and outlays calculated pursuant to subparagraph (e) shall be counted against the 302(a) allocation provided to the Committee on Appropriations as if the amount calculated pursuant to such clause was included in the bill just engrossed.

(h) For purposes of enforcing section 302(b) of the Congressional Budget Act of 1974, upon the engrossment of any appropriation bill by the House, the 302(b) allocation provided to the subcommittee for the bill just engrossed shall be deemed to have been reduced by the amount of budget authority and outlays calculated, pursuant to subparagraph (e).

(i) As used in this section, the term ''appropriation bill'' means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of fiscal year 2004 or any subsequent fiscal year, as the case may be.

SEC. 408. FAMILY BUDGET PROTECTION ACCOUNTS; MANDATORY SPENDING.

(a) The chairman of the Committee on the Budget shall maintain a ledger to be known as the ''Mandatory Spending Ledger''. The Ledger shall be divided into entries corresponding to the House committees that received allocations under section 302(a) of the Congressional Budget Act of 1974 as a result of this concurrent resolution, except that it shall not include the Committee on Appropriations and each entry shall consist of the ''First Year Deficit Reduction Safeguard Balance'' and the ''Five Year Deficit Reduction Safeguard Balance''.

(b) Each entry shall consist only of amounts credited to it under paragraph (c). No entry of a negative amount shall be made.

(c) Whenever a Member offers an amendment to a bill that reduces the amount of mandatory budget authority provided either under current law or proposed to be provided by the bill under consideration, that Member may state the portion of such reduction achieved in the first year covered by this concurrent resolution and in addition the portion of such reduction achieved in the first five years covered by this concurrent resolution that shall be—

(1) credited to the First Year Deficit Reduction Safeguard Balance and the Five Year Deficit Reduction Safeguard Balance;

(2) used to offset an increase in other new budget authority; or

(3) allowed to remain within the applicable section 302(a) allocation.

If no such statement is made, the amount of reduction in new budget authority resulting from the amendment shall be credited to the First Year Deficit Reduction Safeguard Balance and the Five Year Deficit Reduction Safeguard Balance, as applicable, if the amendment is agreed to.

(d) Except as provided by subparagraph (e), the chairman of the Committee on the Budget shall, upon the engrossment of any bill, other than an appropriation bill, by the House, credit to the applicable entry balances amounts of new budget authority and outlays equal to the net amounts of reductions in budget authority and in outlays resulting from amendments agreed to by the House to that bill.

(e) When computing the net amounts of reductions in budget authority and in outlays resulting from amendments agreed to by the House to a bill, the chairman of the Committee on the Budget shall only count those portions of such amendments agreed to that were so designated by the Members offering such amendments as amounts to be credited to the First Year Deficit Reduction Safeguard Balance and the Five Year Deficit Reduction Safeguard Balance, or that fall within the last sentence of subparagraph (c).

(f) The chairman of the Committee on the Budget shall maintain a running tally of the amendments adopted reflecting increases and decreases of budget authority in the bill as reported. This tally shall be available to Members during consideration of any bill by the House.

(g) For the purposes of enforcing section 302(a) of the Congressional Budget Act of 1974, upon the engrossment of any bill, other than an appropriation bill, by the House, the amount of budget authority and outlays calculated pursuant to subparagraph (e) shall be counted against the 302(a) allocation provided to the applicable committee or committees which reported the bill as if the amount calculated pursuant to subparagraph (e) was included in the bill just engrossed.

(h) As used in this section, the term ''appropriation bill'' means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of fiscal year 2004 or any subsequent fiscal year, as the case may be.

SEC. 409. CHANGES IN ALLOCATIONS AND AGGREGATES RESULTING FROM REALISTIC SCORING OF MEASURES AFFECTING REVENUES.

(a) Whenever the House considers a bill, joint resolution, amendment, motion or conference report, including measures filed in compliance with section 201(b) or 201(c) of this concurrent resolution, that propose to change Federal revenues, the impact of such measure on Federal revenues shall be calculated by the Joint Committee on Taxation in a manner that takes into account:

(1) the impact of the proposed revenue changes on—

(A) Gross Domestic Product, including the growth rate for the Gross Domestic Product;

(B) Total Domestic Employment;

(C) Gross Private Domestic Investment;

(D) General Price Index;

(E) Interest Rates; and

(F) Other economic variables

(2) the impact on Federal Revenue of the changes in economic variables analyzed under subpart (1) of this paragraph.

(b) The Chairman of the Committee on the Budget may make any necessary changes to allocations and aggregates in order to conform this concurrent resolution with the determinations made by the Joint Committee on Taxation pursuant to paragraph (a) of this section.

SEC. 410. PROHIBITION ON USING REVENUE INCREASES TO COMPLY WITH BUDGET ALLOCATIONS AND AGGREGATES.

(a) For the purpose of enforcing this concurrent resolution in the House, the chairman of the Committee on the Budget shall not take into account the provisions of any piece of legislation which propose to increase revenue or offsetting collections if the net effect of the bill is to increase the level of revenue or offsetting collections beyond the level assumed in this concurrent resolution.

(b) Subsection (a) of this section shall not apply to any provision of a piece of legislation that proposes a new or increased fee for the receipt of a defined benefit or service (including insurance coverage) by the person or entity paying the fee.

SEC. 411. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution—

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the appropriate Committee on the Budget; and

(2) such chairman may make any other necessary adjustments to such levels to carry out this resolution.

TITLE V—SENSE OF THE HOUSE

SEC. 501. SENSE OF THE HOUSE ON SPENDING ACCOUNTABILITY.

It is the sense of the House that—

(1) authorizing committees should actively engage in oversight utilizing—

(A) the plans and goals submitted by executive agencies pursuant to the Government Performance and Results Act of 1993; and

(B) the performance evaluations submitted by such agencies (that are based upon the Program Assessment Rating Tool which is designed to improve agency performance);

in order to enact legislation to eliminate waste, fraud, and abuse to ensure the efficient use of taxpayer dollars;

(2) all Federal programs should be periodically reauthorized and funding for unauthorized programs should be level-funded in fiscal year 2005 unless there is a compelling justification;

(3) committees should submit written justifications for earmarks and should consider not funding those most egregiously inconsistent with national policy;

(4) the fiscal year 2005 budget resolution should be vigorously enforced and legislation should be enacted establishing statutory limits on appropriations and a PAY-AS-YOU-GO rule for new and expanded entitlement programs; and

(5) Congress should make every effort to offset nonwar-related supplemental appropriations.

SEC. 502. SENSE OF THE HOUSE ON ENTITLEMENT REFORM.

(a) FINDINGS.—The House finds that welfare was successfully reformed through the application of work requirements, education and training opportunity, and time limits on eligibility.

(b) SENSE OF THE HOUSE.—It is the sense of the House that authorizing committees should—

(1) systematically review all means-tested entitlement programs and track beneficiary participation across programs and time;

(2) enact legislation to develop common eligibility requirements for means-tested entitlement programs;

(3) enact legislation to accurately rename means-tested entitlement programs;

(4) enact legislation to coordinate program benefits in order to limit to a reasonable period of time the Government dependency of means-tested entitlement program participants;

(5) evaluate the costs of, and justifications for, nonmeans-tested, nonretirement-related entitlement programs; and

(6) identify and utilize resources that have conducted cost-benefit analyses of participants in multiple means- and nonmeans-tested entitlement programs to understand their cumulative costs and collective benefits.

SEC. 503. SENSE OF HOUSE REGARDING THE ABOLISHMENT OF OBSOLETE AGENCIES AND FEDERAL SUNSET PROPOSALS.

(a) The House finds that—

(1) the National Commission on the Public Service's recent report, ''Urgent Business For America: Revitalizing The Federal Government For The 21st Century,'' states that government missions are so widely dispersed among so many agencies that no coherent management is possible. The report also states that fragmentation leaves many gaps, inconsistencies, and inefficiencies in government oversight and results in an unacceptable level of public health protection;

(2) according to the Commission, there are: more than 35 food safety laws administered by 12 different Federal agencies; 541 clean air, water, and waste programs in 29 Federal agencies; 50 different programs to aid the homeless in eight different Federal agencies; and 27 teen pregnancy programs operated in nine Federal agencies; and 90 early childhood programs scattered among 11 Federal agencies;

(3) according to the General Accounting Office (GAO), there are 163 programs with a job training or employment function, 64 welfare programs of a similar nature, and more than 500 urban aid programs;

(4) GAO also indicates 13 agencies coordinate 342 economic development programs, but there is very little or no coordination between them. This situation has created a bureaucracy so complex that many local communities stop applying for economic assistance. At the same time, the GAO reports that these programs often serve as nothing more than funnels for pork, have ''no significant effect'' on the economy, and cost as much as $307,000 to create each job;

(5) in 1976, Colorado became the first state to implement a sunset mechanism. Today, about half of the nation's states have some sort of sunset mechanism in effect to monitor their legislative branch agencies. On the Federal level, the United States Senate in 1978 overwhelmingly passed legislation to sunset most of the Federal Government agencies by a vote of 87–1; and

(6) in Texas, ''sunsetting'' has eliminated 44 agencies and saved the taxpayers $720 million compared with expenditures of $16.94 million for the Sunset Commission. Based on these estimates, for every dollar spent on the Sunset process, the State has received about $42.50 in return.

(b) It is the sense of the House of Representatives that legislation providing for the orderly abolishment of obsolete Agencies and providing a Federal sunset for government programs should be enacted during this Congress.

SEC. 504. SENSE OF THE HOUSE REGARDING THE GOALS OF THIS CONCURRENT RESOLUTION AND THE ELIMINATION OF CERTAIN PROGRAMS.

(a) The House of Representatives finds that—

(1) the concurrent resolution on the budget for Fiscal Year 2005 should achieve the following key goals:

(A) Ensure adequate funding is available for essential government programs, in particular defense and homeland security.

(B) Foster greater economic growth and increased domestic employment by eliminating those provisions in the tax code that discourage economic growth and job creation and by extending existing tax relief provisions so as to prevent an automatic tax increase.

(C) Bring the Federal budget back into balance as soon as possible.

(2) the Federal Government spends billions of dollars each year on programs and projects that are of marginal value to the country as a whole;

(3) funding for these lower priority programs should be viewed in light of the goals of this concurrent resolution and whether or not continued funding of these programs advances or hinders the achievement of these goals; and

(4) this concurrent resolution assumes that funding for many lower priority programs will be reduced or eliminated in order increase funding for defense and homeland security while at the same time controlling overall spending.

(b) It is the sense of the House of Representatives that the following programs should be eliminated:

(1) Title X Family Planning.

(2) Corporation for Public Broadcasting.

(3) National Endowment for the Arts.

(4) Legal Services Corporation.

(5) The Advanced Technology Program.

It was decided in the negative ..... { Yeas ..... 116 / Nays 309

¶30.20 [Roll No. 90]

AYES—116

Akin	Beauprez	Bonner
Bachus	Biggert	Boozman
Ballenger	Bishop (UT)	Brady (TX)
Barrett (SC)	Blackburn	Brown-Waite, Ginny
Bartlett (MD)	Blunt	Burgess
Barton (TX)	Boehner	

Burton (IN)
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, M.
Doolittle
Dunn
English
Feeney
Flake
Forbes
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gingrey
Goode
Goodlatte
Gutknecht
Harris
Hart
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hunter
Isakson
Istook
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kingston
Kline
Linder
Manzullo
McCrery
McKeon
Miller (FL)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Norwood
Nunes
Ose
Otter
Oxley
Paul
Pitts
Pombo
Putnam
Radanovich
Ramstad
Rehberg
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (MI)
Smith (TX)
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thornberry
Tiahrt
Toomey
Vitter
Weller
Wilson (SC)

NOES—309

Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballance
Bass
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bonilla
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burns
Burr
Buyer
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gephardt
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hayes
Hill
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Abercrombie
Hoeffel
Lucas (KY)
McInnis
Pence
Quinn
Tanner
Tauzin

So the amendment in the nature of a substitute was not agreed to.

After some further time,

¶30.21 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment in the nature of a substitute numbered 4, as modified, submitted by Mr. SPRATT:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2005.

The Congress declares that the concurrent resolution on the budget for fiscal year 2005 is hereby established and that the appropriate levels for fiscal years 2004 and 2006 through 2014 are hereby set forth.

SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2004 through 2014:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2004: $1,272,700,000,000.
Fiscal year 2005: $1,468,600,000,000.
Fiscal year 2006: $1,637,300,000,000.
Fiscal year 2007: $1,759,100,000,000.
Fiscal year 2008: $1,854,700,000,000.
Fiscal year 2009: $1,965,800,000,000.
Fiscal year 2010: $2,075,800,000,000.
Fiscal year 2011: $2,290,100,000,000.
Fiscal year 2012: $2,494,600,000,000.
Fiscal year 2013: $2,628,900,000,000.
Fiscal year 2014: $2,773,500,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2004: −$100,000,000.
Fiscal year 2005: −$8,600,000,000.
Fiscal year 2006: −$16,900,000,000.
Fiscal year 2007: $4,200,000,000.
Fiscal year 2008: $8,900,000,000.
Fiscal year 2009: $12,700,000,000.
Fiscal year 2010: $12,200,000,000.
Fiscal year 2011: $8,500,000,000.
Fiscal year 2012: $10,200,000,000.
Fiscal year 2013: $10,900,000,000.
Fiscal year 2014: $11,600,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2004: $1,958,600,000,000.
Fiscal year 2005: $2,031,900,000,000.
Fiscal year 2006: $2,087,300,000,000.
Fiscal year 2007: $2,220,200,000,000.
Fiscal year 2008: $2,343,600,000,000.
Fiscal year 2009: $2,470,500,000,000.
Fiscal year 2010: $2,576,700,000,000.
Fiscal year 2011: $2,699,400,000,000.
Fiscal year 2012: $2,778,100,000,000.
Fiscal year 2013: $2,905,800,000,000.
Fiscal year 2014: $3,033,300,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2004: $1,917,600,000,000.
Fiscal year 2005: $2,015,800,000,000.
Fiscal year 2006: $2,094,000,000,000.
Fiscal year 2007: $2,194,000,000,000.
Fiscal year 2008: $2,305,700,000,000.
Fiscal year 2009: $2,427,200,000,000.
Fiscal year 2010: $2,542,800,000,000.
Fiscal year 2011: $2,674,000,000,000.
Fiscal year 2012: $2,746,200,000,000.
Fiscal year 2013: $2,879,000,000,000.
Fiscal year 2014: $3,006,300,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2004: −$644,900,000,000.
Fiscal year 2005: −$547,300,000,000.
Fiscal year 2006: −$456,700,000,000.
Fiscal year 2007: −$434,900,000,000.
Fiscal year 2008: −$451,100,000,000.
Fiscal year 2009: −$461,400,000,000.
Fiscal year 2010: −$467,000,000,000.
Fiscal year 2011: −$383,900,000,000.
Fiscal year 2012: −$251,600,000,000.
Fiscal year 2013: −$250,100,000,000.
Fiscal year 2014: −$232,900,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 2004: $7,442,400,000,000.
Fiscal year 2005: $8,090,100,000,000.
Fiscal year 2006: $8,671,000,000,000.
Fiscal year 2007: $9,227,000,000,000.
Fiscal year 2008: $9,799,200,000,000.
Fiscal year 2009: $10,384,600,000,000.
Fiscal year 2010: $10,978,600,000,000.
Fiscal year 2011: $11,488,000,000,000.
Fiscal year 2012: $11,880,700,000,000.
Fiscal year 2013: $12,267,100,000,000.
Fiscal year 2014: $12,638,200,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2004: $4,392,000,000,000.
Fiscal year 2005: $4,778,500,000,000.
Fiscal year 2006: $5,055,900,000,000.
Fiscal year 2007: $5,295,500,000,000.
Fiscal year 2008: $5,535,700,000,000.
Fiscal year 2009: $5,772,500,000,000.
Fiscal year 2010: $6,001,600,000,000.
Fiscal year 2011: $6,133,900,000,000.
Fiscal year 2012: $6,125,000,000,000.
Fiscal year 2013: $6,107,600,000,000.
Fiscal year 2014: $6,066,700,000,000.

SEC. 3. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2004 through 2014 for each major functional category are:

(1) National Defense (050):

Fiscal year 2004:

(A) New budget authority, $463,600,000,000.

(B) Outlays, $453,000,000,000.

Fiscal year 2005:

(A) New budget authority, $422,200,000,000.
(B) Outlays, $448,300,000,000.
Fiscal year 2006:
(A) New budget authority, $445,700,000,000.
(B) Outlays, $441,500,000,000.
Fiscal year 2007:
(A) New budget authority, $466,700,000,000.
(B) Outlays, $448,400,000,000.
Fiscal year 2008:
(A) New budget authority, $488,000,000,000.
(B) Outlays, $467,500,000,000.
Fiscal year 2009:
(A) New budget authority, $510,400,000,000.
(B) Outlays, $489,300,000,000.
Fiscal year 2010:
(A) New budget authority, $522,600,000,000.
(B) Outlays, $508,900,000,000.
Fiscal year 2011:
(A) New budget authority, $533,600,000,000.
(B) Outlays, $528,900,000,000.
Fiscal year 2012:
(A) New budget authority, $545,900,000,000.
(B) Outlays, $534,200,000,000.
Fiscal year 2013:
(A) New budget authority, $558,200,000,000.
(B) Outlays, $551,000,000,000.
Fiscal year 2014:
(A) New budget authority, $572,000,000,000.
(B) Outlays, $564,000,000,000.
(2) International Affairs (150):
Fiscal year 2004:
(A) New budget authority, $43,700,000,000.
(B) Outlays, $29,300,000,000.
Fiscal year 2005:
(A) New budget authority, $29,100,000,000.
(B) Outlays, $34,000,000,000.
Fiscal year 2006:
(A) New budget authority, $30,700,000,000.
(B) Outlays, $32,000,000,000.
Fiscal year 2007:
(A) New budget authority, $31,300,000,000.
(B) Outlays, $29,400,000,000.
Fiscal year 2008:
(A) New budget authority, $31,900,000,000.
(B) Outlays, $28,600,000,000.
Fiscal year 2009:
(A) New budget authority, $32,600,000,000.
(B) Outlays, $29,000,000,000.
Fiscal year 2010:
(A) New budget authority, $33,300,000,000.
(B) Outlays, $29,400,000,000.
Fiscal year 2011:
(A) New budget authority, $34,000,000,000.
(B) Outlays, $30,000,000,000.
Fiscal year 2012:
(A) New budget authority, $34,700,000,000.
(B) Outlays, $30,500,000,000.
Fiscal year 2013:
(A) New budget authority, $35,400,000,000.
(B) Outlays, $31,200,000,000.
Fiscal year 2014:
(A) New budget authority, $36,200,000,000.
(B) Outlays, $31,900,000,000.
(3) General Science, Space, and Technology (250):
Fiscal year 2004:
(A) New budget authority, $23,400,000,000.
(B) Outlays, $22,300,000,000.
Fiscal year 2005:
(A) New budget authority, $23,800,000,000.
(B) Outlays, $23,200,000,000.
Fiscal year 2006:
(A) New budget authority, $24,100,000,000.
(B) Outlays, $23,700,000,000.
Fiscal year 2007:
(A) New budget authority, $24,600,000,000.
(B) Outlays, $24,100,000,000.
Fiscal year 2008:
(A) New budget authority, $25,100,000,000.
(B) Outlays, $24,500,000,000.
Fiscal year 2009:
(A) New budget authority, $25,700,000,000.
(B) Outlays, $25,000,000,000.
Fiscal year 2010:
(A) New budget authority, $26,200,000,000.
(B) Outlays, $25,500,000,000.
Fiscal year 2011:
(A) New budget authority, $26,800,000,000.
(B) Outlays, $26,000,000,000.
Fiscal year 2012:
(A) New budget authority, $27,300,000,000.
(B) Outlays, $26,600,000,000.
Fiscal year 2013:
(A) New budget authority, $27,900,000,000.
(B) Outlays, $27,100,000,000.
Fiscal year 2014:
(A) New budget authority, $28,500,000,000.
(B) Outlays, $27,700,000,000.
(4) Energy (270):
Fiscal year 2004:
(A) New budget authority, $2,400,000,000.
(B) Outlays, $100,000,000.
Fiscal year 2005:
(A) New budget authority, $2,500,000,000.
(B) Outlays, $800,000,000.
Fiscal year 2006:
(A) New budget authority, $2,400,000,000.
(B) Outlays, $1,200,000,000.
Fiscal year 2007:
(A) New budget authority, $2,400,000,000.
(B) Outlays, $800,000,000.
Fiscal year 2008:
(A) New budget authority, $2,400,000,000.
(B) Outlays, $400,000,000.
Fiscal year 2009:
(A) New budget authority, $2,100,000,000.
(B) Outlays, $700,000,000.
Fiscal year 2010:
(A) New budget authority, $2,300,000,000.
(B) Outlays, $800,000,000.
Fiscal year 2011:
(A) New budget authority, $2,400,000,000.
(B) Outlays, $1,000,000,000.
Fiscal year 2012:
(A) New budget authority, $2,500,000,000.
(B) Outlays, $1,400,000,000.
Fiscal year 2013:
(A) New budget authority, $2,500,000,000.
(B) Outlays, $1,400,000,000.
(A) New budget authority,
Fiscal year 2014: $2,600,000,000.
(B) Outlays, $1,800,000,000.
(5) Natural Resources and Environment (300):
Fiscal year 2004:
(A) New budget authority, $32,300,000,000.
(B) Outlays, $30,500,000,000.
Fiscal year 2005:
(A) New budget authority, $33,600,000,000.
(B) Outlays, $32,300,000,000.
Fiscal year 2006:
(A) New budget authority, $34,400,000,000.
(B) Outlays, $34,300,000,000.
Fiscal year 2007:
(A) New budget authority, $35,400,000,000.
(B) Outlays, $35,300,000,000.
Fiscal year 2008:
(A) New budget authority, $36,300,000,000.
(B) Outlays, $36,000,000,000.
Fiscal year 2009:
(A) New budget authority, $37,800,000,000.
(B) Outlays, $37,400,000,000.
Fiscal year 2010:
(A) New budget authority, $38,600,000,000.
(B) Outlays, $37,900,000,000.
Fiscal year 2011:
(A) New budget authority, $39,500,000,000.
(B) Outlays, $38,700,000,000.
Fiscal year 2012:
(A) New budget authority, $40,400,000,000.
(B) Outlays, $39,500,000,000.
Fiscal year 2013:
(A) New budget authority, $41,300,000,000.
(B) Outlays, $40,400,000,000.
Fiscal year 2014:
(A) New budget authority, $42,400,000,000.
(B) Outlays, $41,400,000,000.
(6) Agriculture (350):
Fiscal year 2004:
(A) New budget authority, $20,200,000,000.
(B) Outlays, $18,800,000,000.
Fiscal year 2005:
(A) New budget authority, $21,700,000,000.
(B) Outlays, $21,000,000,000.
Fiscal year 2006:
(A) New budget authority, $24,100,000,000.
(B) Outlays, $22,900,000,000.
Fiscal year 2007:
(A) New budget authority, $25,100,000,000.
(B) Outlays, $23,900,000,000.
Fiscal year 2008:
(A) New budget authority, $25,100,000,000.
(B) Outlays, $24,000,000,000.
Fiscal year 2009:
(A) New budget authority, $26,200,000,000.
(B) Outlays, $25,200,000,000.
Fiscal year 2010:
(A) New budget authority, $26,400,000,000.
(B) Outlays, $25,500,000,000.
Fiscal year 2011:
(A) New budget authority, $26,400,000,000.
(B) Outlays, $25,600,000,000.
Fiscal year 2012:
(A) New budget authority, $26,300,000,000.
(B) Outlays, $25,500,000,000.
Fiscal year 2013:
(A) New budget authority, $26,300,000,000.
(B) Outlays, $25,500,000,000.
Fiscal year 2014:
(A) New budget authority, $26,300,000,000.
(B) Outlays, $25,500,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 2004:
(A) New budget authority, $17,200,000,000.
(B) Outlays, $12,800,000,000.
Fiscal year 2005:
(A) New budget authority, $8,900,000,000.
(B) Outlays, $3,700,000,000.
Fiscal year 2006:
(A) New budget authority, $9,400,000,000.
(B) Outlays, $3,700,000,000.
Fiscal year 2007:
(A) New budget authority, $10,000,000,000.
(B) Outlays, $4,200,000,000.
Fiscal year 2008:
(A) New budget authority, $10,300,000,000.
(B) Outlays, $3,500,000,000.
Fiscal year 2009:
(A) New budget authority, $10,900,000,000.
(B) Outlays, $3,800,000,000.
Fiscal year 2010:
(A) New budget authority, $11,100,000,000.
(B) Outlays, $4,200,000,000.
Fiscal year 2011:
(A) New budget authority, $9,800,000,000.
(B) Outlays, $2,900,000,000.
Fiscal year 2012:
(A) New budget authority, $9,900,000,000.
(B) Outlays, $3,200,000,000.
Fiscal year 2013:
(A) New budget authority, $10,100,000,000.
(B) Outlays, $3,100,000,000.
Fiscal year 2014:
(A) New budget authority, $10,200,000,000.
(B) Outlays, $3,200,000,000.
(8) Transportation (400):
Fiscal year 2004:
(A) New budget authority, $69,200,000,000.
(B) Outlays, $65,700,000,000.
Fiscal year 2005:
(A) New budget authority, $72,100,000,000.
(B) Outlays, $68,900,000,000.
Fiscal year 2006:
(A) New budget authority, $73,500,000,000.
(B) Outlays, $71,500,000,000.
Fiscal year 2007:
(A) New budget authority, $76,100,000,000.
(B) Outlays, $73,700,000,000.
Fiscal year 2008:
(A) New budget authority, $78,100,000,000.
(B) Outlays, $75,500,000,000.
Fiscal year 2009:
(A) New budget authority, $79,600,000,000.
(B) Outlays, $76,800,000,000.
Fiscal year 2010:
(A) New budget authority, $79,400,000,000.
(B) Outlays, $76,600,000,000.
Fiscal year 2011:
(A) New budget authority, $80,300,000,000.
(B) Outlays, $78,100,000,000.
Fiscal year 2012:
(A) New budget authority, $81,100,000,000.
(B) Outlays, $79,700,000,000.
Fiscal year 2013:
(A) New budget authority, $82,000,000,000.
(B) Outlays, $81,400,000,000.
Fiscal year 2014:

(A) New budget authority, $83,000,000,000.
(B) Outlays, $83,000,000,000.
(9) Community and Regional Development (450):
Fiscal year 2004:
(A) New budget authority, $16,700,000,000.
(B) Outlays, $16,700,000,000.
Fiscal year 2005:
(A) New budget authority, $16,000,000,000.
(B) Outlays, $17,000,000,000.
Fiscal year 2006:
(A) New budget authority, $15,900,000,000.
(B) Outlays, $16,300,000,000.
Fiscal year 2007:
(A) New budget authority, $16,200,000,000.
(B) Outlays, $16,300,000,000.
Fiscal year 2008:
(A) New budget authority, $16,400,000,000.
(B) Outlays, $16,200,000,000.
Fiscal year 2009:
(A) New budget authority, $16,800,000,000.
(B) Outlays, $16,500,000,000.
Fiscal year 2010:
(A) New budget authority, $17,100,000,000.
(B) Outlays, $16,600,000,000.
Fiscal year 2011:
(A) New budget authority, $17,500,000,000.
(B) Outlays, $16,700,000,000.
Fiscal year 2012:
(A) New budget authority, $17,800,000,000.
(B) Outlays, $17,000,000,000.
Fiscal year 2013:
(A) New budget authority, $18,200,000,000.
(B) Outlays, $17,400,000,000.
Fiscal year 2014:
(A) New budget authority, $18,600,000,000.
(B) Outlays, $17,700,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2004:
(A) New budget authority, $89,400,000,000.
(B) Outlays, $86,400,000,000.
Fiscal year 2005:
(A) New budget authority, $98,500,000,000.
(B) Outlays, $90,900,000,000.
Fiscal year 2006:
(A) New budget authority, $95,700,000,000.
(B) Outlays, $95,500,000,000.
Fiscal year 2007:
(A) New budget authority, $96,300,000,000.
(B) Outlays, $95,600,000,000.
Fiscal year 2008:
(A) New budget authority, $96,900,000,000.
(B) Outlays, $95,800,000,000.
Fiscal year 2009:
(A) New budget authority, $98,400,000,000.
(B) Outlays, $97,100,000,000.
Fiscal year 2010:
(A) New budget authority, $99,800,000,000.
(B) Outlays, $98,700,000,000.
Fiscal year 2011:
(A) New budget authority, $101,900,000,000.
(B) Outlays, $100,700,000,000.
Fiscal year 2012:
(A) New budget authority, $103,900,000,000.
(B) Outlays, $102,800,000,000.
Fiscal year 2013:
(A) New budget authority, $106,000,000,000.
(B) Outlays, $104,900,000,000.
Fiscal year 2014:
(A) New budget authority, $108,200,000,000.
(B) Outlays, $107,000,000,000.
(11) Health (550):
Fiscal year 2004:
(A) New budget authority, $241,800,000,000.
(B) Outlays, $239,600,000,000.
Fiscal year 2005:
(A) New budget authority, $254,600,000,000.
(B) Outlays, $250,900,000,000.
Fiscal year 2006:
(A) New budget authority, $259,600,000,000.
(B) Outlays, $259,700,000,000.
Fiscal year 2007:
(A) New budget authority, $274,300,000,000.
(B) Outlays, $273,800,000,000.
Fiscal year 2008:
(A) New budget authority, $294,400,000,000.
(B) Outlays, $293,600,000,000.
Fiscal year 2009:
(A) New budget authority, $316,900,000,000.
(B) Outlays, $313,900,000,000.
Fiscal year 2010:
(A) New budget authority, $337,100,000,000.
(B) Outlays, $336,200,000,000.
Fiscal year 2011:
(A) New budget authority, $360,900,000,000.
(B) Outlays, $359,800,000,000.
Fiscal year 2012:
(A) New budget authority, $387,000,000,000.
(B) Outlays, $386,000,000,000.
Fiscal year 2013:
(A) New budget authority, $415,700,000,000.
(B) Outlays, $414,400,000,000.
Fiscal year 2014:
(A) New budget authority, $446,800,000,000.
(B) Outlays, $445,500,000,000.
(12) Medicare (570):
Fiscal year 2004:
(A) New budget authority, $269,600,000,000.
(B) Outlays, $268,800,000,000.
Fiscal year 2005:
(A) New budget authority, $288,200,000,000.
(B) Outlays, $289,200,000,000.
Fiscal year 2006:
(A) New budget authority, $323,000,000,000.
(B) Outlays, $322,600,000,000.
Fiscal year 2007:
(A) New budget authority, $362,800,000,000.
(B) Outlays, $363,100,000,000.
Fiscal year 2008:
(A) New budget authority, $388,100,000,000.
(B) Outlays, $388,100,000,000.
Fiscal year 2009:
(A) New budget authority, $414,700,000,000.
(B) Outlays, $414,300,000,000.
Fiscal year 2010:
(A) New budget authority, $442,900,000,000.
(B) Outlays, $443,200,000,000.
Fiscal year 2011:
(A) New budget authority, $479,600,000,000.
(B) Outlays, $479,500,000,000.
Fiscal year 2012:
(A) New budget authority, $505,500,000,000.
(B) Outlays, $505,000,000,000.
Fiscal year 2013:
(A) New budget authority, $551,000,000,000.
(B) Outlays, $551,300,000,000.
Fiscal year 2014:
(A) New budget authority, $596,700,000,000.
(B) Outlays, $596,700,000,000.
(13) Income Security (600):
Fiscal year 2004:
(A) New budget authority, $335,800,000,000.
(B) Outlays, $342,600,000,000.
Fiscal year 2005:
(A) New budget authority, $343,300,000,000.
(B) Outlays, $346,200,000,000.
Fiscal year 2006:
(A) New budget authority, $343,000,000,000.
(B) Outlays, $345,400,000,000.
Fiscal year 2007:
(A) New budget authority, $348,900,000,000.
(B) Outlays, $350,900,000,000.
Fiscal year 2008:
(A) New budget authority, $363,200,000,000.
(B) Outlays, $364,800,000,000.
Fiscal year 2009:
(A) New budget authority, $374,000,000,000.
(B) Outlays, $375,100,000,000.
Fiscal year 2010:
(A) New budget authority, $386,000,000,000.
(B) Outlays, $386,800,000,000.
Fiscal year 2011:
(A) New budget authority, $403,000,000,000.
(B) Outlays, $403,600,000,000.
Fiscal year 2012:
(A) New budget authority, $393,500,000,000.
(B) Outlays, $394,000,000,000.
Fiscal year 2013:
(A) New budget authority, $408,100,000,000.
(B) Outlays, $408,500,000,000.
Fiscal year 2014:
(A) New budget authority, $419,100,000,000.
(B) Outlays, $419,800,000,000.
(14) Social Security (650):
Fiscal year 2004:
(A) New budget authority, $13,400,000,000.
(B) Outlays, $13,400,000,000.
Fiscal year 2005:
(A) New budget authority, $15,100,000,000.
(B) Outlays, $15,100,000,000.
Fiscal year 2006:
(A) New budget authority, $16,600,000,000.
(B) Outlays, $16,600,000,000.
Fiscal year 2007:
(A) New budget authority, $18,000,000,000.
(B) Outlays, $18,000,000,000.
Fiscal year 2008:
(A) New budget authority, $20,000,000,000.
(B) Outlays, $20,000,000,000.
Fiscal year 2009:
(A) New budget authority, $22,000,000,000.
(B) Outlays, $22,000,000,000.
Fiscal year 2010:
(A) New budget authority, $24,300,000,000.
(B) Outlays, $24,300,000,000.
Fiscal year 2011:
(A) New budget authority, $28,100,000,000.
(B) Outlays, $28,100,000,000.
Fiscal year 2012:
(A) New budget authority, $31,100,000,000.
(B) Outlays, $31,100,000,000.
Fiscal year 2013:
(A) New budget authority, $33,900,000,000.
(B) Outlays, $33,900,000,000.
Fiscal year 2014:
(A) New budget authority, $36,800,000,000.
(B) Outlays, $36,800,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2004:
(A) New budget authority, $61,500,000,000.
(B) Outlays, $60,100,000,000.
Fiscal year 2005:
(A) New budget authority, $72,100,000,000.
(B) Outlays, $70,600,000,000.
Fiscal year 2006:
(A) New budget authority, $70,000,000,000.
(B) Outlays, $69,300,000,000.
Fiscal year 2007:
(A) New budget authority, $68,200,000,000.
(B) Outlays, $67,700,000,000.
Fiscal year 2008:
(A) New budget authority, $71,300,000,000.
(B) Outlays, $71,000,000,000.
Fiscal year 2009:
(A) New budget authority, $72,700,000,000.
(B) Outlays, $72,300,000,000.
Fiscal year 2010:
(A) New budget authority, $74,200,000,000.
(B) Outlays, $73,800,000,000.
Fiscal year 2011:
(A) New budget authority, $78,600,000,000.
(B) Outlays, $78,100,000,000.
Fiscal year 2012:
(A) New budget authority, $75,600,000,000.
(B) Outlays, $75,200,000,000.
Fiscal year 2013:
(A) New budget authority, $80,200,000,000.
(B) Outlays, $79,800,000,000.
Fiscal year 2014:
(A) New budget authority, $82,300,000,000.
(B) Outlays, $81,800,000,000.
(16) Administration of Justice (750):
Fiscal year 2004:
(A) New budget authority, $41,200,000,000.
(B) Outlays, $39,600,000,000.
Fiscal year 2005:
(A) New budget authority, $42,500,000,000.
(B) Outlays, $41,200,000,000.
Fiscal year 2006:
(A) New budget authority, $40,200,000,000.
(B) Outlays, $40,500,000,000.
Fiscal year 2007:
(A) New budget authority, $41,100,000,000.
(B) Outlays, $41,200,000,000.
Fiscal year 2008:
(A) New budget authority, $42,200,000,000.
(B) Outlays, $41,900,000,000.
Fiscal year 2009:
(A) New budget authority, $43,400,000,000.
(B) Outlays, $43,000,000,000.
Fiscal year 2010:
(A) New budget authority, $44,600,000,000.
(B) Outlays, $44,200,000,000.
Fiscal year 2011:
(A) New budget authority, $45,800,000,000.
(B) Outlays, $45,400,000,000.

Fiscal year 2012:
(A) New budget authority, $47,100,000,000.
(B) Outlays, $46,700,000,000.
Fiscal year 2013:
(A) New budget authority, $48,400,000,000.
(B) Outlays, $48,000,000,000.
Fiscal year 2014:
(A) New budget authority, $49,800,000,000.
(B) Outlays, $49,300,000,000.
(17) General Government (800):
Fiscal year 2004:
(A) New budget authority, $24,000,000,000.
(B) Outlays, $24,700,000,000.
Fiscal year 2005:
(A) New budget authority, $19,400,000,000.
(B) Outlays, $19,200,000,000.
Fiscal year 2006:
(A) New budget authority, $19,900,000,000.
(B) Outlays, $19,600,000,000.
Fiscal year 2007:
(A) New budget authority, $20,500,000,000.
(B) Outlays, $20,200,000,000.
Fiscal year 2008:
(A) New budget authority, $20,700,000,000.
(B) Outlays, $20,400,000,000.
Fiscal year 2009:
(A) New budget authority, $21,400,000,000.
(B) Outlays, $20,900,000,000.
Fiscal year 2010:
(A) New budget authority, $22,100,000,000.
(B) Outlays, $21,600,000,000.
Fiscal year 2011:
(A) New budget authority, $22,900,000,000.
(B) Outlays, $22,300,000,000.
Fiscal year 2012:
(A) New budget authority, $23,600,000,000.
(B) Outlays, $23,300,000,000.
Fiscal year 2013:
(A) New budget authority, $24,400,000,000.
(B) Outlays, $23,900,000,000.
Fiscal year 2014:
(A) New budget authority, $25,200,000,000.
(B) Outlays, $24,600,000,000.
(18) Interest (900):
Fiscal year 2004:
(A) New budget authority, $240,500,000,000.
(B) Outlays, $240,500,000,000.
Fiscal year 2005:
(A) New budget authority, $270,800,000,000.
(B) Outlays, $270,800,000,000.
Fiscal year 2006:
(A) New budget authority, $318,900,000,000.
(B) Outlays, $318,900,000,000.
Fiscal year 2007:
(A) New budget authority, $364,000,000,000.
(B) Outlays, $364,000,000,000.
Fiscal year 2008:
(A) New budget authority, $397,600,000,000.
(B) Outlays, $397,600,000,000.
Fiscal year 2009:
(A) New budget authority, $426,000,000,000.
(B) Outlays, $426,000,000,000.
Fiscal year 2010:
(A) New budget authority, $452,200,000,000.
(B) Outlays, $452,200,000,000.
Fiscal year 2011:
(A) New budget authority, $474,700,000,000.
(B) Outlays, $474,700,000,000.
Fiscal year 2012:
(A) New budget authority, $493,400,000,000.
(B) Outlays, $493,400,000,000.
Fiscal year 2013:
(A) New budget authority, $507,400,000,000.
(B) Outlays, $507,400,000,000.
Fiscal year 2014:
(A) New budget authority, $522,400,000,000.
(B) Outlays, $522,400,000,000.
(19) Allowances (920):
Fiscal year 2004:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2005:
(A) New budget authority, $50,000,000,000.
(B) Outlays, $24,900,000,000.
Fiscal year 2006:
(A) New budget authority, $0.
(B) Outlays, $18,600,000,000.
Fiscal year 2007:
(A) New budget authority, $0.
(B) Outlays, $5,100,000,000.
Fiscal year 2008:
(A) New budget authority, $0.
(B) Outlays, $1,000,000,000.
Fiscal year 2009:
(A) New budget authority, $0.
(B) Outlays, $300,000,000.
Fiscal year 2010:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2011:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2012:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2013:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2014:
(A) New budget authority, $0.
(B) Outlays, $0.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2004:
(A) New budget authority, −$47,200,000,000.
(B) Outlays, −$47,200,000,000.
Fiscal year 2005:
(A) New budget authority, −$52,500,000,000.
(B) Outlays, −$52,500,000,000.
Fiscal year 2006:
(A) New budget authority, −$59,800,000,000.
(B) Outlays, −$59,800,000,000.
Fiscal year 2007:
(A) New budget authority, −$61,800,000,000.
(B) Outlays, −$61,800,000,000.
Fiscal year 2008:
(A) New budget authority, −$64,500,000,000.
(B) Outlays, −$64,500,000,000.
Fiscal year 2009:
(A) New budget authority, −$61,200,000,000.
(B) Outlays, −$61,200,000,000.
Fiscal year 2010:
(A) New budget authority, −$63,600,000,000.
(B) Outlays, −$63,600,000,000.
Fiscal year 2011:
(A) New budget authority, −$66,100,000,000.
(B) Outlays, −$66,100,000,000.
Fiscal year 2012:
(A) New budget authority, −$68,800,000,000.
(B) Outlays, −$68,800,000,000.
Fiscal year 2013:
(A) New budget authority, −$71,400,000,000.
(B) Outlays, −$71,400,000,000.
Fiscal year 2014:
(A) New budget authority, $−73,800,000,000.
(B) Outlays, $−73,800,000,000.

TITLE II—RECONCILIATION AND REPORT SUBMISSIONS

SEC. 201. SUBMISSIONS BY THE HOUSE COMMITTEE ON WAYS AND MEANS FOR RESPONSIBLE TAX RELIEF.

(a) SUBMISSION.—Not later than October 1, 2004, the House Committee on Ways and Means shall report a reconciliation bill to the House adjusting revenues in such amounts necessary to meet the revenue targets contained in section 2 of this resolution.

(b) POLICY ASSUMPTIONS.—It is the policy of this budget resolution to balance deficit reduction with middle-income tax relief. Such tax policies shall include but not be limited to provisions that—

(1) extend the child tax credit;

(2) extend marriage penalty relief;

(C) extend the 10 percent individual tax bracket;

(4) provide relief from the alternative minimum tax for middle-income taxpayers;

(5) eliminate estate taxes on all but the very largest estates by reforming and substantially increasing the unified credit;

(6) extend the Research and Experimentation Tax Credit and other expiring tax provisions;

(7) accelerate refundability of the child tax credit to fifteen percent in 2004 and include combat pay in determining refundability in 2004 and all years thereafter;

(8) preserve American manufacturing jobs consistent with the objectives delineated in H.R. 3827, the Job Protection Act of 2004;

(9) close corporate tax avoidance devices and eliminate expatriation schemes for individuals and corporations such as, but not limited to, those provisions included in the President's budget;

(10) reduce the tax cuts resulting from provisions contained in 2001 and 2003 tax legislation passed by Congress for taxpayers with annual adjusted gross income (AGI) over $500,000; and

(11) make new or extended tax cuts subject to PAYGO offset requirements.

(c) FLEXIBILITY FOR THE COMMITTEE ON WAYS AND MEANS.—If the reconciliation bill reported by the Committee on Ways and Means alters the Internal Revenue Code of 1986 in ways that are scored by the Joint Committee on Taxation as outlay changes, as through legislation affecting refundable tax credits, the bill shall be considered to meet the revenue requirements of the reconciliation directive if the net cost of the revenue and outlay changes does not exceed the revenue amount indicated for that committee in subsection (a). Upon the reporting of such legislation, the chairman of the House Committee on the Budget shall adjust the budget aggregates in this resolution and allocations made under this resolution accordingly.

SEC. 202. SUBMISSION PROVIDING FOR STRENGTHENED MEDICARE PRESCRIPTION DRUG BENEFIT.

(a) IN GENERAL.—Not later than October 1, 2004, the House committees named in subsection (b) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a bill carrying out all such recommendations without any substantive revision.

(b) INSTRUCTIONS.—

(1) COMMITTEE ON WAYS AND MEANS.—The House Committee on Ways and Means shall report changes in law within its jurisdiction to lower Medicare subsidies to private plans under Medicare Advantage and to use such savings to increase the value of the Medicare prescription drug benefit.

(2) COMMITTEE ON ENERGY AND COMMERCE.—The House Committee on Energy and Commerce shall report changes in law within its jurisdiction to lower Medicare subsidies to private plans under Medicare Advantage and to use such savings to increase the value of the Medicare prescription drug benefit.

(c) SPECIAL RULE.—In the House, notwithstanding subsections (a) and (b), no bill under this section may be considered unless the net effect of the legislation submitted by committees under such subparagraphs does not increase the aggregate deficit. The chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent such measure is deficit neutral in fiscal year 2005, for the period of fiscal years 2005 through 2009, and for the period of fiscal years 2005 through 2014.

SEC. 203. ELIMINATING THE SOCIAL SECURITY OFFSET TO THE MILITARY SURVIVOR BENEFIT PLAN, SUBMISSION OF REPORT ON DEFENSE SAVINGS, AND OTHER DEFENSE-RELATED MATTERS.

(a) SUBMISSION.—In the House, not later than May 15, 2004, the Committee on Armed Services shall submit to the Committee on the Budget its findings that identify $2,000,000,000 in annual discretionary savings from (1) activities that are determined to be of a low priority to the successful execution of current military operations; or (2) activities that are determined to be wasteful or unnecessary to national defense. These

should be continuing savings, of a permanent nature, and sufficient to offset the recurring personnel costs in (b).

(b) POLICY ASSUMPTIONS.—Recognizing the importance of the families of uniformed military personnel who have served and are currently serving our Nation, the Committee on the Budget instructs the Armed Services Committee to use the funds provided in the reconciliation directive for the purposes of eliminating the Social Security offset to the Military Survivor Benefits Program and raising the existing cap on the Military Housing Privatization Initiative. The funds identified in the first paragraph are to ensure that these programs will not further increase the deficit and are the basis upon which the Committee on the Budget issues the reconciliation directive to the Armed Services Committee in section 204.

SEC. 204. COMMITTEE ON ARMED SERVICES.

In the House, not later than July 15, 2004, the Armed Services Committee shall report changes in laws within its jurisdiction sufficient to increase budget authority by not more than $2,000,000,000 and outlays by not more than $237,000,000 for fiscal year 2005 and by not more than $10,452,000,000 for budget authority and $7,107,000,000 for outlays for the period of fiscal years 2005 through 2009. The House Armed Services Committee is instructed to use this allocation to eliminate the Social Security offset to the Military Survivor Benefit Program and increase the cap on the Military Housing Privatization Initiative.

TITLE III—RESERVE FUNDS AND CONTINGENCY PROCEDURE

Subtitle A—Reserve Funds

SEC. 301. RESERVE FUND FOR THE FAMILY OPPORTUNITY ACT.

In the House, if the Committee on Energy and Commerce reports legislation, or if an amendment thereto is offered or a conference report thereon is submitted, that provides Medicaid coverage for children with special needs (the Family Opportunity Act), the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates of new budget authority (and the outlays resulting therefrom) in this resolution by the amount provided by that measure for that purpose, but not to exceed $53,000,000 in new budget authority and $52,000,000 in outlays for fiscal year 2005, and $7,952,000,000 in new budget authority and $7,626,000,000 in outlays for the period of fiscal years 2005 through 2014.

SEC. 302. RESERVE FUND FOR THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM.

In the House, if the Committee on Energy and Commerce reports legislation, or if an amendment thereto is offered or a conference report thereon is submitted, that reallocates and maintains expiring State Children's Health Insurance Program funds within such program rather than allowing such funds to revert to the Treasury, the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates of new budget authority (and the outlays resulting therefrom) in this resolution by the amount provided by that measure for that purpose, but not to exceed $1,115,000,000 in new budget authority and $100,000,000 in outlays for fiscal year 2005, and $1,115,000,000 in new budget authority and $1,115,000,000 in outlays for the period of fiscal years 2005 through 2014.

SEC. 303. RESERVE FUND FOR TRANSITIONAL MEDICAID ASSISTANCE.

In the House, if legislation is reported, or if an amendment thereto is offered or a conference report thereon is submitted, that extends transitional Medicaid assistance, the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates of new budget authority (and the outlays resulting therefrom) in this resolution by the amount provided by that measure for that purpose, but not to exceed $23,000,000 in new budget authority and $23,000,000 in outlays for fiscal year 2004, $427,000,000 in new budget authority and $427,000,000 in outlays for fiscal year 2005, and $3,471,000,000 in new budget authority and $3,471,000,000 in outlays for the period of fiscal years 2005 through 2014.

SEC. 304. DEFICIT-NEUTRAL RESERVE FUND FOR HEALTH INSURANCE FOR THE UNINSURED.

In the House, if legislation is reported, or if an amendment thereto is offered or a conference report thereon is submitted, that provides affordable, comprehensive health insurance to the uninsured and builds upon and strengthens public and private coverage, and prevents the erosion of existing coverage under Medicaid, which could include temporary extension of state fiscal relief by increasing the Medicaid match rate, the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent such measure is deficit neutral (whether by changes in revenues or direct spending) in fiscal year 2005 and for the period of fiscal years 2005 through 2009.

Subtitle B—Contingency Procedure

SEC. 311. CONTINGENCY PROCEDURE FOR SURFACE TRANSPORTATION.

(a) IN GENERAL.—If the Committee on Transportation and Infrastructure of the House reports legislation, or if an amendment thereto is offered or a conference report thereon is submitted, that provides new budget authority for the budget accounts or portions thereof in the highway and transit categories as defined in sections 250(c)(4)(B) and (C) of the Balanced Budget and Emergency Deficit Control Act of 1985 in excess of the following amounts:

(1) for fiscal year 2004: $41,569,000,000,
(2) for fiscal year 2005: $42,657,000,000,
(3) for fiscal year 2006: $43,635,000,000,
(4) for fiscal year 2007: $45,709,000,000,
(5) for fiscal year 2008: $46,945,000,000, or
(6) for fiscal year 2009: $47,732,000,000,

the chairman of the Committee on the Budget may adjust the appropriate budget aggregates and increase the allocation of new budget authority to such committee for fiscal year 2004, for fiscal year 2005, and for the period of fiscal years 2005 through 2009 to the extent such excess is offset by a reduction in mandatory outlays from the Highway Trust Fund or an increase in receipts appropriated to such fund for the applicable fiscal year caused by such legislation or any previously enacted legislation.

(b) ADJUSTMENT FOR OUTLAYS.—For fiscal year 2004 or 2005, in the House, if a bill or joint resolution is reported, or if an amendment thereto is offered or a conference report thereon is submitted, that changes obligation limitations such that the total limitations are in excess of $40,116,000,000 for fiscal year 2004 or $41,204,000,000 for fiscal year 2005 for programs, projects, and activities within the highway and transit categories as defined in sections 250(c)(4)(B) and (C) of the Balanced Budget and Emergency Deficit Control Act of 1985, and if legislation has been enacted that satisfies the conditions set forth in subsection (a) for such fiscal year, the chairman of the Committee on the Budget may increase the allocation of outlays and appropriate aggregates for such fiscal year for the committee reporting such measure by the amount of outlays that corresponds to such excess obligation limitations, but not to exceed the amount of such excess that was offset pursuant to subsection (a).

TITLE IV—BUDGET ENFORCEMENT

SEC. 401. PAY-AS-YOU-GO POINT OF ORDER IN THE HOUSE.

(a) POINT OF ORDER.—It shall not be in order in the House to consider any direct spending or revenue legislation that would increase the budget deficit or reduce the budget surplus for any of the following periods:

(1) The first year covered by the most recently adopted concurrent resolution on the budget.

(2) The period of the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget.

(3) The period of the first 10 fiscal years covered in the most recently adopted concurrent resolution on the budget.

(b) DIRECT-SPENDING LEGISLATION.—

(1) DEFINITION.—For purposes of this section and except as provided in paragraph (2), the term "direct-spending legislation" means any bill, joint resolution, amendment, motion, or conference report that affects direct spending as that term is defined by, and interpreted for purposes of, the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) EXCLUSION.—For purposes of this section, the terms ''direct-spending legislation'' and ''revenue legislation'' do not include—

(A) any concurrent resolution on the budget; or

(B) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990.

(c) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the House.

TITLE V—SENSE OF THE HOUSE

SEC. 501. SENSE OF THE HOUSE REGARDING POLICIES AFFECTING JOBLESS WORKERS AND JOB CREATION.

(a) FINDINGS.—The House finds that—

(1) despite the enactment in 2001 and 2003 of significant tax cuts directed toward the Nation's wealthiest individuals, the economy of the United States has lost nearly three million private-sector jobs since President Bush took office in January 2001;

(2) the 2001 and 2003 tax cuts contributed directly to an increase in current and projected future deficits that has reduced national saving and increased net indebtedness to other countries, and is likely to raise interest rates over time, which will make it more expensive for firms to invest, grow, and create jobs;

(3) during the past six months, after almost three years of consistent job losses, the economy has created only about 61,000 jobs per month on average, which is not half the rate of job creation required to keep pace with average growth in the working-age population;

(4) small businesses are the major source of job creation in the United States, accounting for at least two thirds of net new jobs created over the past decade, and the Small Business Administration 7(a) general business guaranteed loan program accounts for 40 to 50 percent of all long-term loans to United States small businesses, serving small start-ups and other borrowers who are unable to obtain conventional financing on affordable terms;

(5) the President's budget for 2005 cuts funding for Small Business Administration business loans and technical assistance programs, and imposes a sharp increase in 7(a) loan fees that will create cost barriers for borrowers seeking to start or expand small businesses and create jobs; and

(6) the President's budget cuts $151 million from adult training and dislocated worker programs, programs that help laid-off workers adapt to a constantly evolving job market.

(b) SENSE OF THE HOUSE.—It is the sense of the House that—

(1) this resolution supports funding for an extension through June 2004 of the Temporary Extended Unemployment Compensation program to take account of the continuing minimal rate of job growth in the United States economy; and

(2) this resolution supports continuation of the current discounted fee structure for Small Business Administration 7(a) general business guaranteed loans; provides $100 million in subsidy budget authority for 2005 to support a 7(a) loan volume of at least $10 billion at existing guaranty levels; and provides funding to maintain the Small Business Administration's Microloan 2004 loan volume of $21 million; and

(3) this resolution rejects the President's proposal to cut $151 million in adult training and dislocated worker programs in 2005.

SEC. 502. SENSE OF THE HOUSE REGARDING FUNDING FOR THE MANUFACTURING EXTENSION PARTNERSHIP.

(a) FINDINGS.—The House finds that—

(1) the Manufacturing Extension Partnership, which is jointly funded by Federal and State Governments and private entities, improves small manufacturers' competitiveness, creates jobs, increases economic activity, and generates a $4-to-$1 return on investment to the Treasury by aiding small businesses traditionally underserved by the business consulting market;

(2) in a January 2004 Department of Commerce report titled Manufacturing In America: A Comprehensive Strategy to Address the Challenges to U.S. Manufacturers, the Administration stated that ''...the Manufacturing Extension Partnership (MEP) has provided many small U.S. manufacturers with useful business services to become more competitive and productive,'' a conclusion in which the Congress concurs;

(3) the Congress appropriated $106 million for the Manufacturing Extension Partnership for 2003 but only $39 million for 2004, and the President's 2005 budget maintains this drastically reduced funding level, undermining the ability of the Manufacturing Extension Partnership to fulfill its mission of helping small businesses to adopt advanced manufacturing technologies and practices that will help them compete in a global market; and

(4) Federal funding for the Manufacturing Extension Partnership should be restored to its pre-2004 level, adjusted for inflation.

(b) SENSE OF THE HOUSE.—It is the sense of the House that—

(1) this resolution provides a total of $110 million for the Manufacturing Extension Partnership for 2005, $71 million more than the President's request, and supports adequate funding throughout the period covered by this resolution; and

(2) this funding restores the viability of the Manufacturing Extension Partnership and provides the necessary resources for the Manufacturing Extension Partnership to continue helping small manufacturers reach their optimal performance and create jobs.

SEC. 503. SENSE OF THE HOUSE ON EXTENSION OF THE PAY-AS-YOU-GO RULE OF 1997.

(a) FINDINGS.—The House finds that—

(1) the ''Pay-As-You-Go'' (''PAYGO'') rule enacted as part of the Budget Enforcement Act of 1990 required that any increase in benefits funded by mandatory spending be fully offset by an equal increase in tax revenues or by a commensurate reduction in existing benefits. The PAYGO rule also required that any tax cut be deficit-neutral, offset by an increase elsewhere in the tax code or by a reduction in benefits funded by mandatory spending;

(2) the PAYGO rule played a critical role in turning chronic deficits into record surpluses during the 1990s;

(3) the surplus of $5.6 trillion projected for 2002 through 2011 is now projected to be a deficit of $2.9 trillion;

(4) the PAYGO rule proved effective in the past and is even more necessary now to rid the budget of colossal deficits;

(5) the Chairman of the Federal Reserve testified before the Budget Committee and supported renewal of the PAYGO in its original form, applicable to both mandatory spending increases and to tax cuts, and to new tax reduction as well as renewal of expiring tax reduction provisions.

(b) SENSE OF THE HOUSE.—It is the sense of the House that in order to reduce the deficit, Congress should extend PAYGO in its original form in the Budget Enforcement Act of 1990, making the rule apply both to tax decreases and to mandatory spending increases.

SEC. 504. SENSE OF THE HOUSE ON DEFENSE PRIORITIES.

It is the sense of the House that—

(1) continuing the TRICARE for Reservists is a high priority which should not have been omitted from the President's budget request;

(2) continuing targeted pay increases for enlisted personnel for three additional years is also a high priority which should not have been omitted from the President's budget request, because it is consistent with the original proposal of the Department of Defense and critical to the retention of experienced military personnel;

(3) eliminating the Social Security offset to the Military Survivor Benefit Program is also a high priority which should not have been omitted from the President's budget request, and accommodating the discretionary accrual payment that is concomitant to eliminating the offset is consistent with governmental accounting practices;

(4) funding cooperative threat reduction and nuclear nonproliferation programs at a level adequate to the task and the risks posed to our Nation is also a high priority, and the President's budget does not request sufficient funding;

(5) providing for homeland security is also a high priority, and the President's request is insufficient, reducing funds for high-risk activities like seaport security and underfunding first responders;

(6) funding the Missile Defense Agency at the level enacted for 2004 will provide robust support for ballistic missile defense;

(7) improving financial management at the Department of Defense should help identify billions of dollars of obligations and disbursements which the General Accounting Office has found that the Department of Defense cannot account for, and should result in substantial annual savings;

(8) improving the award, oversight, and administration of nearly $20 billion in contracts for the reconstruction of Iraq with firms such as Halliburton, and recouping overpayments and penalties, by auditing and investigating such contracts, diligently applying the Truth-in-Negotiations Act, should result in substantial savings; and

(9) all savings that accrue from the actions recommended in paragraphs (6) through (9) should be used to fund higher priorities within the national security function of the budget, function 50, and especially those high priorities identified in paragraphs (1) through (5).

SEC. 505. SENSE OF THE HOUSE ON ELIMINATING THE SHORTFALL IN THE PELL GRANT PROGRAM.

(a) FINDINGS.—The House finds that the Pell Grant program has a shortfall of $3.7 billion that threatens the long-term stability of the program.

(b) SENSE OF THE HOUSE.—It is the sense of the House that—

(1) the mandatory levels in this resolution provide the $3.7 billion needed to eliminate the current shortfall in the Pell Grant program;

(2) eliminating the shortfall in the Pell Grant program restores the program to a sound financial basis and allows Congress to consider an increase in the maximum award.

SEC. 506. SENSE OF THE HOUSE ON HOMELAND SECURITY.

(a) FINDINGS.—The House finds that additional resources beyond those requested in the President's Fiscal Year 2005 Budget are needed to further strengthen our homeland security.

(b) SENSE OF THE HOUSE.—It is the sense of the House that—

(1) this resolution provides $1 billion in additional homeland security funding above the President's requested level for 2005, and $1 billion above the President's requested level in each subsequent fiscal year; and

(2) the homeland security funding provided in this resolution will help to strengthen the security of our Nation's transportation system and other critical infrastructure, including our seaports, secure our borders, increase the preparedness of our public health system, train and equip our first responders, and otherwise strengthen the Nation's homeland security.

SEC. 507. SENSE OF THE HOUSE REGARDING PAY PARITY.

It is the sense of the House that—

(1) compensation for civilian and military employees of the United States, without whom we cannot successfully serve and protect our citizens and taxpayers, must be sufficient to support our critical efforts to recruit, retain, and reward quality people effectively and responsibly; and

(2) to achieve this objective, the rate of increase in the compensation of civilian employees should be equal to that proposed for the military in the President's fiscal year 2005 budget.

SEC. 508. SENSE OF THE HOUSE REGARDING THE CONSERVATION SPENDING CATEGORY.

(a) FINDINGS.—The House finds that—

(1) the 2001 Interior Appropriations Act (Public Law 106–291), which established a separate discretionary spending category for land conservation and natural resource protection programs for the fiscal years 2001 through 2006, passed by large margins in both the House and the Senate; and

(2) in establishing a separate conservation spending category, Congress recognized the chronic underfunding of programs that protect and enhance public lands, wildlife habitats, urban parks, historic and cultural landmarks, and coastal ecosystems.

(b) SENSE OF THE HOUSE.—It is the sense of the House that any law establishing new caps on discretionary spending should include a separate conservation spending category and that any caps on conservation spending for fiscal years 2005 or 2006 should be set at the levels established in Public Law 106–291.

SEC. 510. SENSE OF THE HOUSE REGARDING THE HETCH HETCHY RESERVOIR IN YOSEMITE NATIONAL PARK.

(a) FINDINGS.—The House finds that—

(1) the City of San Francisco was authorized by the United States Congress, in the Raker Act of 1913, to construct a dam and reservoir on the Tuolumne River in Hetch Hetchy Valley in Yosemite National Park; and

(2) since its completion in 1923, the City of San Francisco has used water from the Hetch Hetchy Reservoir for its water supply and electrical power generation; and

(3) the City of San Francisco currently provides between $2 million and $3 million annually to Yosemite National Park for use of the Hetch Hetchy Reservoir; and

(4) any additional rental payments for the use of the Hetch Hetchy Reservoir would in all likelihood burden 2.4 million customers in the City and County of San Francisco and the Counties of Santa Clara, San Mateo, and Alameda who rely on its use by raising the cost of drinking water.

(b) SENSE OF THE HOUSE.—It is the sense of the House that the Federal Government has long followed a policy of exempting municipalities from annual licensing fees for power used for municipal purposes or sold without profit and that this long-standing policy should apply to the Hetch Hetchy Reservoir.

SEC. 511. SENSE OF THE HOUSE REGARDING THE OUACHITA-BLACK NAVIGATION PROJECT.

(a) FINDINGS.—The House finds that—

(1) the Ouachita-Black Navigation Project was authorized by the River and Harbor Act of 1950 and modified by the River and Harbor Act of 1960; and

(2) a 382-mile navigation channel on the Red, Black and Ouachita Rivers was created requiring annual dredging to ensure the rivers' channel depth is maintained at the nine feet needed for commercial use; and

(3) if adequate annual funding is not provided to the Corps of Engineers and others, the project will not be able to function, undercutting commerce and revitalization in the area served by the project, and resulting in the loss of hundreds of jobs that are dependent on barge traffic.

(b) SENSE OF THE HOUSE.—It is the sense of the House that full funding should be provided for the Ouachita-Black Navigation Project in 2005 and beyond, notwithstanding the ton-mileage of barge traffic using the project.

SEC. 512. SENSE OF THE HOUSE REGARDING THE NATIONAL RAILROAD PASSENGER CORPORATION.

(a) FINDINGS.—The House finds that—

(1) Amtrak, the National Railroad Passenger Corporation, operates over 22,000 miles, serves over 500 communities, and is responsible for transporting more than 1.4 million commuter passengers daily; and

(2) Amtrak ridership reached a record high in 2003, surpassing the 24 million mark for the first time; and

(3) Amtrak continues to implement business reforms that have improved fiscal controls, more efficiently used resources, and stabilized operations; and

(4) Amtrak has also embarked on a major capital improvement program, outlined in a Five-Year Strategic Plan, that is designed to return the system to a state of good repair so that passengers may continue to depend on safe and reliable service; and

(5) in fiscal year 2005, Amtrak must begin to address its current backlog of necessary capital improvements to avoid significant impairment in operations and reliability.

(b) SENSE OF THE HOUSE.—It is the sense of the House that the Federal Government should provide additional resources sufficient to allow Amtrak to implement the improvements outlined in its Five-Year Strategic Plan and proceed with internal reforms.

SEC. 513. SENSE OF THE HOUSE ON TAX SIMPLIFICATION AND TAX FAIRNESS.

It is the sense of the House that—

(1) the current tax system has been made increasingly complex and unfair to the detriment of the vast majority of working Americans;

(2) constant change and manipulation of the tax code have adverse effects on taxpayers' understanding and trust in the Nation's tax laws;

(3) these increases in complexity and clarity have made compliance more challenging for the average taxpayer and small business owner, especially the self-employed; and

(4) this budget resolution contemplates a comprehensive review of recent changes in the tax code, leading to future action to reduce the tax burden and compliance burden for middle-income workers and their families in the context of tax reform that makes the Federal tax code simpler and fairer to all taxpayers.

SEC. 514. SENSE OF THE HOUSE ON ACCELERATING INCREASED REFUNDABILITY OF THE CHILD TAX CREDIT FOR LOW-INCOME FAMILIES.

(a) FINDINGS.—The House finds that—

(1) work is essential to promoting self-sufficient families which help children set goals in life and achieve them;

(2) workers of low and modest incomes have seen their ability to provide for their children eroded since 2001;

(3) members of the armed services serving in combat should have all the means necessary for providing for their children; and

(4) 12 million children of American workers (at least 200,000 in military families) will not benefit from the expanded child tax credit in 2004.

(b) SENSE OF THE HOUSE.—It is the sense of the House that the increase in the refundability of the child tax credit from ten to fifteen percent of income between $10,500 and $26,625 should be accelerated by one year and should take effect in 2004; furthermore, other provisions in the tax code notwithstanding, combat pay for members of the Armed Services should be counted as earned income for the purposes of calculating refundability of the child tax credit.

SEC. 515. SENSE OF THE HOUSE REGARDING A TRIGGER MECHANISM FOR PRESCRIPTION DRUG PRICE NEGOTIATION.

(a) FINDINGS.—The House finds the following:

(1) The cost of the new Medicare law, estimated by the Congressional Budget Office before its passage to be $395,000,000,000 over ten years, has now been estimated by the Department of Health and Human Services to be $534,000,000,000 over ten years. Rising drug prices can increase the cost of the drug benefit and could end up shifting additional cost burdens to Medicare beneficiaries.

(2) Prescription drug spending increased 15.6 percent in 2002. These rising costs are one of the primary drivers of increasing health care spending, which grew 9.3 percent in 2002.

(3) The Veterans' Administration as well as every private insurer depends on bulk negotiation to keep drug prices down.

(4) According to a study by the Inspector General of the Department of Health and Human Services, Medicare payments for 24 leading drugs in 2000 were $887,000,000 higher than actual wholesale prices available to physicians and suppliers and $1,900,000,000 higher than prices available through the Federal supply schedule used by the Department of Veterans Affairs and other Federal purchasers.

(5) The private prescription drug plans provided for in the Medicare law do not exist in the marketplace. Therefore, it is impossible to predict whether these private plans will in fact be able to acquire substantial discounts through negotiation. In addition, private plans cannot take advantage of the full purchasing power of 40,000,000 beneficiaries.

(b) SENSE OF THE HOUSE.—It is the sense of the House that—

(1) legislation should be adopted which would establish a trigger mechanism for negotiation of prescription drug prices by the Secretary of Health and Human Services; and

(2) this legislation would mandate that at any point when the expected ten-year expenditures for fiscal years 2004 through 2013 for Public Law 108–173 exceed the Congressional Budget Office estimate for this legislation, the Secretary of Health and Human Services would be required to immediately enter into direct negotiations with pharmaceutical manufacturers for competitive drug prices.

It was decided in the negative ..... { Yeas ..... 194 / Nays 232

¶30.22 [Roll No. 91]

AYES—194

Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—232

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Castle
Chabot
Chocola

Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Latham
LaTourette
Leach
Lee
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Abercrombie
Ford
Lucas (KY)
McInnis
Quinn
Tanner
Tauzin

So the amendment in the nature of a substitute, as modified, was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. LATOURETTE, assumed the Chair.

When Mr. SIMPSON, Chairman, pursuant to House Resolution 574, reported the concurrent resolution back to the House.

The previous question having been ordered by said resolution.

The question being put,

Will the House agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 215 / Nays ..... 212 }

¶30.23 [Roll No. 92]

YEAS—215

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

NAYS—212

Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gephardt
Gonzalez
Goode
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hefley
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—7

Abercrombie
Ford
Lucas (KY)
McInnis
Quinn
Tanner
Tauzin

So the concurrent resolution was agreed to.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶30.24 H.R. 3095—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LATOURETTE, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3095) to amend title 4, United States Code, to make sure the rules of etiquette for flying the flag of the United States do not preclude the flying of flags at half mast when ordered by city and local officials; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 374 / Nays ..... 2 }

¶30.25 [Roll No. 93]

YEAS—374

Aderholt
Akin
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez

Becerra
Bell
Bereuter
Berkley
Berman
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Flake
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoeffel
Hoekstra
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Gutknecht
Kline

NOT VOTING—57

Abercrombie
Ackerman
Alexander
Bass
Berry
Biggert
Bonner
Boyd
Buyer
Carson (OK)
Clay
Cox
Davis (TN)
Deal (GA)
Dooley (CA)
Doyle
Engel
Evans
Everett
Feeney
Ford
Gephardt
Gillmor
Hall
Harris
Hinchey
Hinojosa
Holden
Hulshof
Isakson
Jefferson
Jones (NC)
LaHood
Leach
Lipinski
Lowey
Lucas (KY)
Marshall
McCarthy (MO)
McInnis
Meehan
Moran (VA)
Murtha
Obey
Pelosi
Quinn
Rangel
Reyes
Schrock
Sessions
Smith (MI)
Stark
Sullivan
Tanner
Tauzin
Turner (OH)
Vitter

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶30.26 PERMISSION TO FILE REPORT

On motion of Mr. YOUNG of Alaska, by unanimous consent, the Committee on Transportation and Infrastructure was granted permission until midnight, Monday, March 29, 2004, to file a report on the bill (H.R. 3550) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

¶30.27 COMMITTEE RESIGNATION—MINORITY

The SPEAKER pro tempore, Mr. LATOURETTE, laid before the House the following communication, which was read as follows:

MARCH 22, 2004.

Hon. DENNIS HASTERT,
Speaker, House of Representatives, H–232 The Capitol, Washington, D.C.

MR. SPEAKER: It has been a privilege and an honor to serve as a member of the Committee on International Relations. I am proud of our achievements on the committee and I will continue to be involved in matters of foreign policy. Unfortunately, I am writing you today to let you know I will be giving up my seat on this committee.

Effective March 26, I hereby resign from the Committee on International Relations.

Sincerely,

CHRIS BELL.

By unanimous consent, the resignation was accepted.

¶30.28 FURTHER MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 1997. An Act to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes.

¶30.29 ADJOURNMENT OVER

On motion of Mr. DELAY, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Monday, March 29, 2004, at 12:30 p.m. for morning-hour debate.

¶30.30 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. DELAY, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, March 31, 2004, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶30.31 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1218. An Act to provide for Presidential support and coordination of interagency ocean science programs and development and coordination of a comprehensive and integrated United States research and monitoring program; to the Committee on Science and in addition to the Committee on Energy and Commerce for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 2231. An Act to reauthorize the Temporary Assistance for Needy Families block grant program through June 30, 2004, and for other purposes; to the Committee on Ways and Means and in addition to the Committee on Energy and Commerce for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶30.32 ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 254. An Act to authorize the President of the United States to agree to certain amendments to the Agreement between the Government of the United States of America and the government of the United Mexican States concerning the establishment of a Border Environment Cooperation Commission and a North American Development Bank, and for other purposes.

¶30.33 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. ABERCROMBIE, for today;

To Mr. LUCAS of Kentucky, for today;

To Mr. PENCE, for today until 5 p.m.; and

To Mr. TANNER, for today after 3 p.m..

And then,

¶30.34 ADJOURNMENT

On motion of Mr. KING of Iowa, pursuant to the previous order of the House, at 9 o'clock and 20 minutes p.m., the House adjourned until 12:30 p.m. on Monday, March 29, 2004.

¶30.35 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 2523. A bill to designate the United States courthouse located at 125 Bull Street in Savannah, Georgia, as the ''Tomochichi United States Courthouse'' (Rept. 108–447). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 2538. A bill to designate the United States courthouse located at 400 North Miami Avenue in Miami, Florida, as the ''Wilkie D. Ferguson, Jr. United States Courthouse'' (Rept. 108–448). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 3147. A bill to designate the Federal building located at 324 Twenty-Fifth Street in Ogden, Utah, as the ''James V. Hansen Federal Building''; with an amendment (Rept. 108–449). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 3713. A bill to designate the Federal building located at 250 West Cherry Street in Carbondale, Illinois the ''Senator Paul Simon Federal Building'' (Rept. 108–450). Referred to the House Calendar.

¶30.36 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Michigan (for himself and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 4030. A bill to establish the Congressional Medal for Outstanding Contributions in Math and Science Education program to recognize private entities for their outstanding contributions to elementary and secondary science, technology, engineering, and mathematics education; to the Committee on Science.

By Ms. CARSON of Indiana (for herself, Mr. FATTAH, Mr. WEXLER, Mr. EMANUEL, Ms. MILLENDER-MCDONALD, Mr. OWENS, Mr. FILNER, Mr. FROST, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 4031. A bill to give States the flexibility to reduce bureaucracy by streamlining enrollment processes for the Medicaid and State children's health insurance programs through better linkages with programs providing nutrition and related assistance to low-income families; to the Committee on Energy and Commerce.

By Mrs. DAVIS of California (for herself, Mr. MICHAUD, Mr. EVANS, Mr. FILNER, Ms. CORRINE BROWN of Florida, Mr. RODRIGUEZ, Ms. HOOLEY of Oregon, Mr. STRICKLAND, Mr. GRIJALVA, Mr. FRANK of Massachusetts, Mr. BISHOP of Georgia, Mr. HOLDEN, Mr. BRADY of Pennsylvania, Mrs. NAPOLITANO, and Mr. CHANDLER):

H.R. 4032. A bill to amend title 38, United States Code, to provide additional safeguards for Department of Veterans Affairs benefit recipients who have fiduciaries for receipt and management of benefit payments, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. JENKINS (for himself, Mr. MCINTYRE, Mr. BALLANCE, Mr. BALLENGER, Mr. BARRETT of South Carolina, Mr. BISHOP of Georgia, Mrs. BLACKBURN, Mr. BOUCHER, Mr. BROWN of South Carolina, Mr. BURNS, Mr. BURR, Mr. CHANDLER, Mr. COLLINS, Mr. COBLE, Mr. COOPER, Mr. DAVIS of Tennessee, Mr. GINGREY, Mr. GOODE, Mr. GORDON, Mr. HAYES, Mr. ISAKSON, Mr. JONES of North Carolina, Mr. KINGSTON, Mr. LEWIS of Kentucky, Mr. LUCAS of Kentucky, Mr. PETERSON of Minnesota, Mr. ROGERS of Kentucky, Mr. SCOTT of Georgia, Mr. TANNER, Mr. TAYLOR of North Carolina, Mr. TURNER of Ohio, Mr. WAMP, Mr. WHITFIELD, Mr. WILSON of South Carolina, and Mr. BOYD):

H.R. 4033. A bill to terminate the Federal tobacco quota and price support programs, to require the payment of fair and equitable compensation for tobacco quota holders and active tobacco producers adversely affected by the termination of such programs, and for other purposes; to the Committee on Agriculture.

By Mr. DEMINT (for himself, Mrs. MUSGRAVE, Mr. BARRETT of South Carolina, and Mr. HOEKSTRA):

H.R. 4034. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for teacher classroom supply expenses, for improving elementary and secondary education, and for contributions for scholarships to attend elementary and secondary schools, and for other purposes; to the Committee on Ways and Means.

By Mr. CARDIN (for himself, Mr. HOUGHTON, Mr. LEVIN, Mr. ENGLISH, and Mrs. JOHNSON of Connecticut):

H.R. 4035. A bill to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide a 2-year extension of supplemental security income in fiscal years 2005 through 2007 for refugees, asylees, and certain other humanitarian immigrants; to the Committee on Ways and Means.

By Mr. DAVIS of Illinois:

H.R. 4036. A bill to revive the system of parole for Federal prisoners; to the Committee on the Judiciary.

By Mrs. EMERSON (for herself, Mr. GRAVES, Mr. HULSHOF, Mr. SKELTON, Ms. MCCARTHY of Missouri, Mr. GEPHARDT, Mr. AKIN, Mr. CLAY, and Mr. BLUNT):

H.R. 4037. A bill to designate the facility of the United States Postal Service located at 475 Kell Farm Drive in Cape Girardeau, Missouri, as the ''Richard G. Wilson Processing and Distribution Facility''; to the Committee on Government Reform.

By Mr. ENGLISH (for himself and Mr. DELAHUNT):

H.R. 4038. A bill to provide training opportunities for Federal, State, and local law enforcement agencies in intelligence analysis and dissemination, and for other purposes; to the Committee on the Judiciary.

By Mr. FLAKE (for himself, Mr. HEFLEY, Ms. BORDALLO, Mr. HOSTETTLER, Mr. SPRATT, Mr. SIMMONS, Mr. RANGEL, Mr. BISHOP of Utah, Mr. GRIJALVA, Mr. ROGERS of Alabama, Mr. GILLMOR, Mr. FROST, Mr. SOUDER, and Ms. HART):

H.R. 4039. A bill to amend title 10, United States Code, to revise the requirements for award of the Combat Infantryman Badge and the Combat Medical Badge with respect to service in Korea after July 28, 1953; to the Committee on Armed Services.

By Mr. FOSSELLA:

H.R. 4040. A bill to authorize a national memorial to commemorate the final resting place of those lost at the World Trade Center on September 11, 2001, and for other purposes; to the Committee on Resources.

By Mr. GOODLATTE (for himself, Mr. JONES of North Carolina, Mr. SIMMONS, Mr. VAN HOLLEN, Ms. LORETTA SANCHEZ of California, Mr. CANNON, and Mrs. JO ANN DAVIS of Virginia):

H.R. 4041. A bill to waive, in fiscal year 2004, the numerical limitation applicable to a nonimmigrant described in section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act, if the employer petitioning on behalf of the nonimmigrant employed such a nonimmigrant in fiscal year 2003, and for other purposes; to the Committee on the Judiciary.

By Mr. HASTINGS of Florida:

H.R. 4042. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for expenses paid in connection with the donation of an organ; to the Committee on Ways and Means.

By Mr. HOLT (for himself, Mrs. CUBIN, Mr. GEORGE MILLER of California, Ms. WOOLSEY, and Mr. HINOJOSA):

H.R. 4043. A bill to establish a national leadership initiative to promote and coordinate knowledge utilization in education, thereby increasing student achievement consistent with the objectives of the No Child Left Behind Act of 2001, and for other purposes; to the Committee on Education and the Workforce.

By Mr. NUNES:

H.R. 4044. A bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 to designate California State Route 99 as a high priority corridor on the National Highway System; to the Committee on Transportation and Infrastructure.

By Mr. POMBO:

H.R. 4045. A bill to authorize the Secretary of the Interior to prepare a feasibility study with respect to the Mokelumne River, and for other purposes; to the Committee on Resources.

By Mr. RANGEL:

H.R. 4046. A bill to designate the facility of the United States Postal Service located at 555 West 180th Street in New York, New York, as the ''Sergeant Riayan A. Tejada Post Office''; to the Committee on Government Reform.

By Mr. WEINER:

H.R. 4047. A bill to require the National Park Service to make necessary safety improvements to the Statue of Liberty and to reopen the Statue to the public; to the Committee on Resources.

By Mr. GINGREY (for himself, Mr. SOUDER, Mr. PAUL, Mr. DOOLITTLE, Mr. FRANKS of Arizona, Mr. ISAKSON, Mr. DAVIS of Tennessee, Mr. WILSON of South Carolina, Mr. HOSTETTLER, Mr. LINDER, Mr. SHUSTER, Mr. HALL, Mr. NEY, Mr. KINGSTON, and Mr. ROGERS of Alabama):

H.R. 4048. A bill to amend chapter 44 of title 18, United States Code, to update certain procedures applicable to commerce in firearms and remove certain Federal restrictions on interstate firearms transactions; to the Committee on the Judiciary.

By Mr. MICHAUD (for himself, Mr. BROWN of South Carolina, Mr. EVANS, and Mr. SMITH of New Jersey):

H.J. Res. 91. A joint resolution recognizing the 60th anniversary of the Servicemen's Readjustment Act of 1944; to the Committee on Veterans' Affairs.

By Mr. ENGEL (for himself, Ms. BALDWIN, Mr. PALLONE, Ms. DELAURO, Mr. FARR, Mr. FRANK of Massachusetts, Mrs. MALONEY, Mr. OLVER, Mr. DELAHUNT, Mr. SERRANO, Mr. HOLT, Mr. GRIJALVA, Mrs. LOWEY, Mr. TOWNS, and Mr. ANDREWS):

H. Con. Res. 396. Concurrent resolution supporting the goals and ideals of the Day of Silence and encouraging units of local government, States, and school districts to protect lesbian, gay, bisexual, and transgender students, teachers, and school employees from discrimination and harassment; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GIBBONS (for himself, Ms. BERKLEY, and Mr. PORTER):

H. Con. Res. 397. Concurrent resolution providing for the acceptance of a statue of Sarah Winnemucca, presented by the people of Nevada, for placement in National Statuary Hall, and for other purposes; to the Committee on House Administration.

By Mr. HYDE (for himself, Mr. LANTOS, Ms. ROS-LEHTINEN, Mr. ACKERMAN, Mr. BLUNT, Mr. BERMAN, Mr. SHERMAN, and Mr. CHABOT):

H. Con. Res. 398. Concurrent resolution expressing the concern of Congress over Iran's development of the means to produce nuclear weapons; to the Committee on International Relations.

By Ms. MILLENDER-MCDONALD (for herself, Mr. ROHRABACHER, and Mr. LANTOS):

H. Con. Res. 399. Concurrent resolution urging the President to provide encouragement and support for the ratification, establishment, and financing of a tribunal for the prosecution of surviving leaders of the Khmer Rouge regime; to the Committee on International Relations.

By Mr. BEREUTER (for himself, Mr. WEXLER, Mrs. JO ANN DAVIS of Virginia, Mr. LANTOS, Mr. DELAHUNT, and Ms. LEE):

H. Res. 577. A resolution recognizing 50 years of relations between the United States Government and the European Union; to the Committee on International Relations.

By Mrs. BIGGERT (for herself, Mr. HINOJOSA, Mr. DREIER, Mr. BAKER, Mr. KANJORSKI, Mr. ROSS, Mr. JONES of North Carolina, Mr. FORD, Mr. LATOURETTE, Ms. CARSON of Indiana, Mr. KENNEDY of Minnesota, Mr. CLAY, Mr. CASTLE, Mr. FROST, Mr. ISAKSON, Mr. SCOTT of Georgia, Mr. INSLEE, Mr. ORTIZ, Mr. ISRAEL, Mr. FRANK of Massachusetts, and Mr. GREENWOOD):

H. Res. 578. A resolution supporting the goals and ideals of Financial Literacy Month, and for other purposes; to the Committee on Government Reform.

By Mr. PALLONE (for himself, Mr. CROWLEY, Mr. WILSON of South Carolina, Mr. LANTOS, Mr. WHITFIELD, Mr. ABERCROMBIE, Mr. MEEKS of New York, Mr. MCDERMOTT, Mr. PAYNE, Mr. LAMPSON, Mr. MCNULTY, Mr. MCINTYRE, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Mr. LEVIN, Mr. DAVIS of Illinois, Mr. ENGEL, Mr. WEXLER, Mr. HOYER, Mr. GINGREY, Mr. BROWN of Ohio, Mr. ACKERMAN, Mr. BELL, Ms. MAJETTE, Mr. HASTINGS of Florida, Mr. DAVIS of Florida, and Ms. MILLENDER-MCDONALD):

H. Res. 579. A resolution honoring the American Association of Physicians of Indian Origin and expressing the sense of the House of Representatives that an American Association of Physicians of Indian Origin Day should be established; to the Committee on Energy and Commerce.

¶30.37 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

261. The SPEAKER presented a memorial of the Senate of the State of Tennessee, relative to Senate Resolution No. 110 urging the United States Congress and the President of the United States to restore funding for the Juvenile Accountability Block Grant; to the Committee on the Judiciary.

262. Also, a memorial of the House of Representatives of the State of New Hampshire, relative to House Resolution 23 memorializing the President of the United States and the United States Congress to amend federal selective service and immigration laws to grant the right of citizenship to all immigrants honorably discharged from the United States military; jointly to the Committees on the Judiciary and Armed Services.

¶30.38 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. JACKSON-LEE of Texas introduced a bill (H.R. 4049) for the relief of Ahmad Khabaz Taghizadeh and Azammolok Taghizadeh Vatani; which was referred to the Committee on the Judiciary.

¶30.39 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 75: Mr. ISAKSON.
H.R. 173: Mrs. MUSGRAVE.
H.R. 348: Mr. GUTIERREZ, and Ms. GINNY BROWN-WAITE of Florida.
H.R. 401: Mr. ROGERS of Michigan.
H.R. 623: Mr. KENNEDY of Rhode Island.
H.R. 677: Mr. WEXLER.
H.R. 713: Mr. GREEN of Texas.
H.R. 732: Mr. BRADY of Pennsylvania, Mr. EHLERS, and Mr. FOLEY.
H.R. 742: Mr. BRADLEY of New Hampshire, and Mr. MCKEON.
H.R. 776: Mr. KUCINICH.
H.R. 792: Mr. BISHOP of Utah.
H.R. 839: Mr. BALLANCE, Mr. PLATTS, Mr. ABERCROMBIE, Mrs. LOWEY and Mr. LEWIS of California.
H.R. 847: Mr. DELAHUNT.
H.R. 857: Mr. HASTINGS of Florida.
H.R. 979: Mr. EMANUEL.
H.R. 1022: Mr. MICHAUD.
H.R. 1057: Mr. POMEROY, Ms. NORTON, Mr. LAMPSON, Mr. SMITH of Texas, Mr. THOMPSON of Mississippi, and Mr. CUNNINGHAM.
H.R. 1173: Mr. PETERSON of Pennsylvania.
H.R. 1267: Mr. SIMMONS.
H.R. 1345: Mr. UDALL of Colorado.
H.R. 1348: Mr. UDALL of Colorado.
H.R. 1359: Mr. LANGEVIN.
H.R. 1426: Mr. ENGLISH.
H.R. 1430: Mr. FATTAH and Mr. BRADY of Pennsylvania.
H.R. 1508: Mr. BRADY of Pennsylvania and Mr. SMITH of Washington.
H.R. 1575: Mr. FROST.
H.R. 1656: Mr. VITTER.
H.R. 1662: Mr. LEWIS of Kentucky.
H.R. 1677: Mr. FATTAH.
H.R. 1742: Mr. REYES.
H.R. 2151: Mr. LUCAS of Kentucky.
H.R. 2269: Mr. VITTER.
H.R. 2318: Mr. RANGEL.
H.R. 2347: Mr. LEWIS of Kentucky.
H.R. 2402: Mr. THOMPSON of Mississippi.
H.R. 2426: Mr. LEVIN.
H.R. 2497: Mr. KIND.
H.R. 2570: Mr. OWENS.
H.R. 2683: Mr. LATOURETTE.
H.R. 2699: Mr. LATHAM, Mr. SAM JOHNSON of Texas, Mr. SWEENEY, Mr. MCINTYRE, Mr. ROYCE, Mr. FERGUSON, Mr. PEARCE, Mr. CHOCOLA, Mr. LEWIS of Kentucky, Ms. JACKSON-LEE of Texas, Mr. NORWOOD, Mr. BONNER, Mr. TIAHRT, Mr. COBLE, Mr. WILSON of South Carolina, Mr. VITTER, Mr. LAHOOD, Mr. LATOURETTE, Ms. GRANGER, and Mr. PORTER.
H.R. 2790: Mr. MCNULTY.
H.R. 2863: Ms. MILLENDER-MCDONALD.
H.R. 2926: Mr. GRIJALVA.
H.R. 2945: Mr. JACKSON of Illinois.
H.R. 2968: Mr. BRADY of Texas and Ms. ESHOO.
H.R. 2987: Ms. LOFGREN.
H.R. 3015: Mr. FERGUSON.
H.R. 3104: Ms. BERKLEY.
H.R. 3178: Mr. SHAYS and Mr. ENGEL.
H.R. 3184: Mr. GREEN of Texas.
H.R. 3192: Mr. CLAY.
H.R. 3203: Mrs. NAPOLITANO, Mr. OWENS, and Mr. FORD.
H.R. 3350: Mrs. LOWEY.
H.R. 3359: Mr. RUPPERSBERGER.
H.R. 3361: Mrs. NAPOLITANO, Ms. MILLENDER-MCDONALD, Mrs. JOHNSON of Connecticut, and Mr. KILDEE.
H.R. 3412: Mr. TIBERI, Mrs. MUSGRAVE, Mr. RYAN of Ohio, and Mr. CLAY.
H.R. 3441: Mr. PRICE of North Carolina, Mr. PALLONE, Mr. CARDIN, and Mr. SANDERS.
H.R. 3446: Mr. KENNEDY of Rhode Island, Mr. JACKSON of Illinois, Ms. MCCARTHY of Missouri, Mr. KUCINICH, Mr. DELAHUNT, and Mr. CARDIN.
H.R. 3458: Mr. STARK, Mrs. MCCARTHY of New York, and Mr. HASTINGS of Florida.
H.R. 3473: Ms. LOFGREN.
H.R. 3474: Mr. MORAN of Virginia.
H.R. 3480: Mr. RANGEL.
H.R. 3572: Mr. BERMAN.
H.R. 3574: Mr. TANCREDO, Mr. MILLER of North Carolina, Mr. GEPHARDT, Mr. SANDLIN, Mr. VITTER, Mr. BONILLA, and Mr. FOSSELLA.
H.R. 3575: Mr. JACKSON of Illinois.
H.R. 3598: Mr. GREENWOOD, Mr. MCHUGH, and Mr. DOYLE.
H.R. 3605: Mr. POMEROY and Mr. GREEN of Wisconsin.
H.R. 3660: Mr. ENGEL, Mr. PALLONE, Mr. CUMMINGS, Ms. KILPATRICK, Mr. TOWNS, Ms. NORTON, Mr. DAVIS of Illinois, Mr. OWENS, Mr. HINOJOSA, Mr. PAYNE, Ms. LINDA T. SANCHEZ of California, Mr. FROST, and Mr. LEWIS of Georgia.
H.R. 3695: Mr. FRELINGHUYSEN.
H.R. 3699: Mr. ANDREWS.
H.R. 3716: Mr. SHAW, Mr. ANDREWS, Mr. GOODE, Mr. BILIRAKIS, and Mr. HALL.
H.R. 3757: Mrs. MUSGRAVE.
H.R. 3761: Mr. DAVIS of Florida and Mr. ENGLISH.
H.R. 3762: Mr. DAVIS of Florida and Mr. ENGLISH.
H.R. 3764: Mr. KENNEDY of Rhode Island, Ms. WOOLSEY, Mrs. NAPOLITANO, Mrs. JONES of Ohio, and Ms. JACKSON-LEE of Texas.
H.R. 3773: Mr. MILLER of Florida, Mr. DEAL of Georgia, Mr. WELDON of Florida, Mr. CULBERSON, and Mr. SOUDER.
H.R. 3778: Mr. REGULA and Mr. SHIMKUS.
H.R. 3796: Mr. NEY.
H.R. 3799: Mr. SOUDER.
H.R. 3803: Mr. WEXLER.
H.R. 3807: Mr. PETERSON of Pennsylvania, Mr. DAVIS of Tennessee, Mr. FLAKE, Mr. BRADLEY of New Hampshire, Mr. BLUNT, Mr. VITTER, Mr. PICKERING, Mr. ROSS, Mr. CRAMER, Mr. KINGSTON, Mr. BURGESS, Mr. SOUDER, Mr. DEAL of Georgia, and Mr. BARTON of Texas.
H.R. 3809: Mr. DAVIS of Alabama and Mr. COOPER.
H.R. 3871: Mrs. MALONEY, Mr. ALEXANDER, Ms. BORDALLO, Mr. SAXTON, Mr. LANGEVIN, Mr. WAXMAN, Mr. CARDOZA, Mr. MCNULTY, Ms. BERKLEY, Mr. FROST, Mrs. LOWEY, Mr. SOUDER, and Mr. COOPER.

H.R. 3881: Mr. GREEN of Texas, Ms. LINDA T. SANCHEZ of California, Ms. ESHOO, Mr. CONYERS, Ms. WATERS, Mrs. CAPPS, and Ms. DELAURO.
H.R. 3887: Mr. GONZALEZ and Mr. OWENS.
H.R. 3888: Mr. LANGEVIN.
H.R. 3891: Mr. TURNER of Ohio and Mr. SIMMONS.
H.R. 3892: Mr. TURNER of Ohio and Mr. SIMMONS.
H.R. 3896: Mrs. NORTHUP.
H.R. 3901: Mr. WELLER.
H.R. 3940: Ms. SCHAKOWSKY.
H.R. 3951: Mr. TAYLOR of Mississippi, Mrs. MYRICK, Mr. PICKERING, and Mr. WAMP.
H.R. 3953: Mr. ANDREWS and Ms. VELÁZQUEZ.
H.R. 3965: Mr. OWENS.
H.R. 3968: Mr. RUSH.
H.R. 3974: Mr. BALLANCE, Mr. BRADY of Pennsylvania, Ms. CARSON of Indiana, and Mr. OWENS.
H.R. 3981: Mr. PICKERING.
H.R. 3991: Mr. PRICE of North Carolina and Mr. BERRY.
H.R. 3998: Ms. ROS-LEHTINEN, Mr. GORDON, Mr. NEAL of Massachusetts, Mr. WAMP, Mr. CROWLEY, Mr. HASTINGS of Florida, and Mr. HYDE.
H.R. 4016: Ms. KAPTUR and Mr. PICKERING.
H.R. 4023: Mr. PALLONE and Mr. STEARNS.
H.J. Res. 48: Mr. BEAUPREZ.
H. Con. Res. 3: Ms. LEE, Mr. ROTHMAN, and Mr. ORTIZ.
H. Con. Res. 99: Mr. TOWNS, Mr. CROWLEY, and Mr. RYAN of Ohio.
H. Con. Res. 218: Ms. SLAUGHTER.
H. Con. Res. 314: Mrs. NAPOLITANO.
H. Con. Res. 332: Mr. KING of New York, Mr. QUINN, Mr. JEFFERSON, Mr. RUSH, Ms. SLAUGHTER, and Mr. FILNER.
H. Con. Res. 366: Mr. WEXLER, Mr. MURTHA, Mr. LAMPSON, Mr. ALLEN, Mr. PASTOR, Mr. KIND, Mr. GEPHARDT, and Mr. HILL.
H. Con. Res. 371: Mr. ROGERS of Michigan, Mr. DAVIS of Tennessee, Mr. KELLER, Mr. MURPHY, Mr. LOBIONDO, Mr. PICKERING, and Mr. MICHAUD.
H. Con. Res. 375: Mr. DINGELL, Mr. ENGLISH, and Mr. YOUNG of Florida.
H. Con. Res. 378: Mrs. MCCARTHY of New York, Mr. MANZULLO, Mr. CHABOT, and Mr. LINCOLN DIAZ-BALART of Florida.
H. Con. Res. 380: Mr. ACEVEDO-VILA, Mr. SCHIFF, and Mr. WEXLER.
H. Con. Res. 390: Mr. CARSON of Oklahoma, Mrs. MILLER of Michigan, Mr. AKIN, Mr. EVANS, Mr. MCNULTY, and Mr. HOEFFEL.
H. Con. Res. 391: Mr. EVANS.
H. Con Res. 394: Mr. LEACH, Mr. OXLEY, Mr. BACHUS, Mr. FRANK of Massachusetts, Mr. GORDON, Mr. BONNER, Mr. DUNCAN, Mr. NEAL of Massachusetts, Mr. WAMP, Mr. CROWLEY, Mr. ROTHMAN, and Mr. HASTINGS of Florida.
H. Res. 485: Mr. WYNN, Mr. FALEOMAVAEGA, and Mr. MEEKS of New York.
H. Res. 501: Mrs. MUSGRAVE.
H. Res. 541: Mr. WEXLER.
H. Res. 542: Mr. ENGEL and Mr. KUCINICH.
H. Res. 543: Mrs. LOWEY.
H. Res. 550: Ms. SCHAKOWSKY and Mr. SNYDER.
H. Res. 565: Mr. BELL, Ms. BERKLEY, Mr. FRANK of Massachusetts, Mr. FROST, Mr. SKELTON, and Mr. MORAN of Virginia.
H. Res. 567: Mr. LUCAS of Kentucky, Mrs. BIGGERT, Mr. KIRK, Mr. MICA, Mr. MORAN of Virginia, Mr. YOUNG of Alaska, Mrs. KELLY, Mr. YOUNG of Florida, Mr. KELLER, Mr. VISCLOSKY, Mr. CHOCOLA, Mr. BLUNT, Mr. LEWIS of Kentucky, Mrs. MILLER of Michigan, Mr. SCHROCK, Mr. SCOTT of Georgia, Mr. PLATTS, Mr. WELDON of Florida, Mr. SANDLIN, Mr. EHLERS, Ms. ESHOO, Ms. DUNN, Mr. WICKER, Mr. FORBES, Mr. EVERETT, Mr. ROSS, Mr. FEENEY, Mr. HYDE, Mr. VAN HOLLEN, Mr. GOODE, Mr. DOGGETT, Mr. MCCOTTER, Mr. LANGEVIN, and Mr. DEAL of Georgia.
H. Res. 570: Mrs. JONES of Ohio and Mr. HASTINGS of Florida.

¶30.40 PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

62. The SPEAKER presented a petition of the Association of Pacific Island Legislatures, relative to APIL Resolution No. 44-BOD-01, petitioning the United States Congress to provide for a nonvoting Delegate in the House of Representatives to represent the Commonwealth of the Northern Mariana Islands (CNMI); to the Committee on Resources.

63. Also, a petition of the Association of Pacific Island Legislatures, relative to APIL Resolution No. 44-BOD-09, encouraging the Guam War Claims Review Commission to report to the U.S. Congress its findings and petitioning the Government of the United States to address reparations to the people of Guam; to the Committee on Resources.

64. Also, a petition of the Town of Greenburgh, NY, relative to a resolution petitioning the United States Congress to review and pass amendments to those portions of the Patriot Act which restrict or infringe various civil rights and liberties recognized and guaranteed by the Constitution of the United States and to preserve current measures which provide judicial review and require probable cause for the use of warrants, subpoenas, telephone monitoring devices and all other methods of collecting confidential information about individuals; to the Committee on the Judiciary.

65. Also, a petition of the Village of Highland Hills, OH, relative to Resolution 2004-18, petitioning the President of the United States and the United States Congress to take emergency actions and enact measures to respond to the adoption of the Breast Cancer Patient Protection Act of 2003 to amend the Public Health Service Act and Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissections performed for treatment of breast cancer; jointly to the Committees on Energy and Commerce and Education and the Workforce.

MONDAY, MARCH 29, 2004 (31)

¶31.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Ms. HARRIS, who laid before the House the following communication:

WASHINGTON, DC,
March 29, 2004.

I hereby appoint the Honorable KATHERINE HARRIS to act as Speaker pro tempore on this day.

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

¶31.2 MESSAGE FROM THE SENATE

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

S. 2241. An Act to reauthorize certain school lunch and child nutrition programs through June 30, 2004.

¶31.3 MORNING-HOUR DEBATE

The SPEAKER pro tempore, Ms. HARRIS, pursuant to the order of the House of Tuesday, January 20, 2004, recognized Members for morning-hour debate.

¶31.4 RECESS—12:55 P.M.

The SPEAKER pro tempore, Ms. HARRIS, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 55 minutes p.m., until 2 p.m.

¶31.5 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. BOOZMAN, called the House to order.

¶31.6 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. BOOZMAN, announced he had examined and approved the Journal of the proceedings of Thursday, March 25, 2004.

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

¶31.7 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

7288. A letter from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting the Department's final ''Major'' rule—Meat Produced by Advanced Meat/ Bone Seperation Machinery and Meat Recovery (AMR) Systems [Docket No. 03–0381F] (RIN: 0583–AC51) received March 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7289. A letter from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting the Department's final rule—Prohibition of the Use of Certain Stunning Devices Used to Immobilize Cattle During Slaughter [Docket No. 01–033IF] received March 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7290. A letter from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting the Department's final rule—Prohibition of the Use of Specified Risk Materials for Human Food and Requirements for the Disposition of Non-Ambulatory Disabled Cattle [Docket No. 03–025IF] received March 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7291. A letter from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting the Department's final rule—Transfer of Voluntary Inspection of Egg Products Regulations [Docket No. 01–031F] (RIN: 0583–AC94) received March 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7292. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Ammonium Bicarbonate; Exemption from the Requirement of a Tolerance [OPP–2004–0001; FRL–7341–3] received March 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7293. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting notification of the 2004 compensation program adjustments, including the Agency's current salary range structure and the performance-based merit pay matrix; to the Committee on Agriculture.

7294. A letter from the Principal Deputy, Department of Defense, transmitting notification of the Department's intention to convert the combined commissary and exchange store at Orlando, FL, effective 90 days after the date of this letter; to the Committee on Armed Services.

7295. A letter from the Acting Under Secretary, Department of Defense, transmitting

the annual report on operations of the National Defense Stockpile (NDS) in accordance with section 11(a) of the Strategic and Critical Materials Stock Piling Act as amended (50 U.S.C. section 98h–2) detailing NDS operations during FY 2003; to the Committee on Armed Services.

7296. A letter from the Assistant Secretary, Department of Defense, transmitting the Department's STARBASE Program 2003 Annual Report, pursuant to 10 U.S.C. 2193b(g); to the Committee on Armed Services.

7297. A letter from the Secretary, Federal Trade Commission, transmitting the Twenty-Sixth Annual Report to Congress consistent with Section 815 of the Fair Debt Collection Practices Act, pursuant to 15 U.S.C. 1692m; to the Committee on Financial Services.

7298. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Human Reliability Program [Docket No. S)–RM–00–HRP] (RIN: 1992–AA29) received March 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7299. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Financial Assistance Rules (RIN: 1991–AB66) received March 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7300. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Illinois; Definition of Volatile Organic Material and Volatile Organic Compound [IL218–01a, FRL–7635–5] received March 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7301. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Texas; Control of Emission of Oxides of Nitrogen (NO_X) From Cement Kilns [TX–164–1–7622; FRL–7638–5] received 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7302. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plnas; Illinois [IL219–1a; FRL–7632–7] received March 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7303. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; Ohio; Approval of Revision to Oxides of Nitrogen Regulations [OH160–1a; FRL–7632–4] received March 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7304. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Nitrogen Oxides Allowance Allocations for 2006–2007, and Revisions to Set-Aside Requirements [MD145/154–3104; FRL–7634–6] received March 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7305. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants; Delegation of Authority to Louisiana [LA–69–2–7617a; FRL–7638–7] received March 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7306. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Research, Development, and Demonstration Permits for Municipal Solid Waste Landfills [F–2001–RDMP–0044; FRL–7637–9] (RIN: 2050–AE92) received March 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7307. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Yolo-Solano Air Quality Management District [CA 287–0416a; FRL–7636–7] received March 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7308. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting consistent with the Constitution and laws of the United States, including the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 Act (Pub. L. 108–106), the President's determination that the Government of Pakistan is cooperating with the United States in the Global War on Terrorism; to the Committee on International Relations.

7309. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–409, ''Vector-Borne Infectious Diseases Control Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

7310. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–408, ''Millicent Allewelt Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

7311. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–397, ''Enforced Leave Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

7312. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–396, ''Low-Income, Long-Term Homeowner's Protection Clarification Temporary Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

7313. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–395, ''Depreciation Allowance for Small Business De-Coupling from the Internal Revenue Code Temporary Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

7314. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–394, ''Owner-Occupant Residential Tax Credit and Homestead Deduction Temporary Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

7315. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–393, ''Operation Enduring Freedom and Operation Iraqi Freedom Active Duty Pay Differential Extension Temporary Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

7316. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–392, ''Georgetown Project Second Temporary Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

7317. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–391, ''Interim Disability Assistance Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

7318. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–390, ''Choice in Drug Treatment Advisory Commission Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

7319. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–410, ''AccessRx Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

7320. A letter from the Coordinator, Forms Committee, Federal Election Commission, transmitting revised instructions for FEC Form 1M, along with their Explanation and Justification; to the Committee on House Administration.

7321. A letter from the Assistant Secretary for Indian Affairs, Department of the Interior, transmitting a proposed plan under the Indian Tribal Judgment Funds Act, 25 U.S.C. 1401 et seq., as amended, for the use and distribution of the Assiniboine and Sioux Tribes of the Fort Peck Reservation (Tribe) judgment fund in Docket 773–87–L; to the Committee on Resources.

7322. A letter from the President and Chief Executive Officer, National Railroad Passenger Corporation, transmitting Amtrak's Grant and Legislative Request for FY04 and other materials, pursuant to 49 U.S.C. 24315(a); to the Committee on Transportation and Infrastructure.

7323. A letter from the Commissioner, Social Security Administration, transmitting a draft bill entitled, ''To temporarily extend the period of time-limited eligibility of qualified aliens for supplemental security income benefits''; to the Committee on Ways and Means.

7324. A letter from the United States Trade Representative, transmitting the report of the Advisory Committee on Trade Policy and Negotiations, and the other policy, sectoral, and functional advisory committees duly constituted under said Acts, on the proposed free trade agreement between the United States and Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua, pursuant to 19 U.S.C. 2155(e)(1); to the Committee on Ways and Means.

7325. A letter from the United States Trade Representative, transmitting the reports of the Advisory Committee for Trade Policy and Negotiations, and the policy, sectoral, and functional trade advisory committees chartered under those Acts, on the U.S.-Australia Free Trade Agreement, pursuant to 19 U.S.C. 2155(e)(1); to the Committee on Ways and Means.

7326. A letter from the Principal Deputy Under Secretary, Department of Defense, transmitting a report, prepared on behalf of the President, on progress in Kosovo toward achieving militarily significant benchmarks during the period July 1 to December 31, 2003, pursuant to Public Law 106–398, section 1212(c); jointly to the Committees on Armed Services, International Relations, and Appropriations.

7327. A letter from the Secretary, Department of Transportation, transmitting a proposed bill entitled, ''To authorize appropriations for the motor vehicle safety and information and cost savings programs of the National Highway Traffic Safety Administration for fiscal years 2005–2007, and for other purposes''; jointly to the Committees on Energy and Commerce, Transportation and Infrastructure, and Science.

¶31.8 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. BOOZMAN, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 26, 2004.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 26, 2004 at 9:10 a.m.:

That the Senate passed without amendment H.R. 3926.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk.

¶31.9 COMMUNICATION FROM THE MINORITY LEADER—APPOINTMENT—COMMISSION ON THE REVIEW OF THE OVERSEAS MILITARY FACILITY STRUCTURE OF THE UNITED STATES

The SPEAKER pro tempore, Mr. BOOZMAN, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
March 26, 2004.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to (10 U.S.C. 111 note) I hereby appoint retired Army Lt. General H.G. (Pete) Taylor, to the Commission On The Review Of The Overseas Military Facility Structure Of The United States.

Best regards,

NANCY PELOSI.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶31.10 INTERNATIONAL FISHERIES REAUTHORIZATION

Mr. GILCHREST moved to suspend the rules and agree to the following amendments of the Senate to the bill (H.R. 2584) to provide for the conveyance to the Utrok Atoll local government of a decommissioned National Oceanic and Atmospheric Administration ship, and for other purposes:

(1) Page 2, after line 17, insert:

(c) Within 120 days after the date of enactment of this Act, the Utrok Atoll local government, in consultation with the Government of the Republic of the Marshall Islands, shall submit a plan for the use of the vessel to be conveyed under subsection (a) to the House of Representatives Committee on Resources, the House of Representatives Committee on Science, the Senate Committee on Energy and Natural Resources, and the Senate Committee on Commerce, Science, and Transportation.

(2) Page 4, after line 6, insert:

SEC. 305. REBUILDING FISH STOCKS.

Section 105 of division H of the Consolidated Appropriations Act, 2004, is repealed.

(3) Page 4, after line 6, insert:

TITLE IV—PACIFIC ALBACORE TUNA TREATY

SEC. 401. IMPLEMENTATION.

(a) IN GENERAL.—Notwithstanding anything to the contrary in section 201, 204, or 307(2) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1821, 1824, and 1857(2)), foreign fishing may be conducted pursuant to the Treaty between the Government of the United States of America and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges, signed at Washington May 26, 1981, including its Annexes and any amendments thereto.

(b) REGULATIONS.—The Secretary of Commerce, with the concurrence of the Secretary of State, may—

(1) promulgate regulations necessary to discharge the obligations of the United States under the Treaty and its Annexes; and

(2) provide for the application of any such regulation to any person or vessel subject to the jurisdiction of the United States, wherever that person or vessel may be located.

(c) ENFORCEMENT.—

(1) IN GENERAL.—The Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) shall be enforced as if subsection (a) were a provision of that Act. Any reference in the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) to ''this Act'' or to any provision of that Act, shall be considered to be a reference to that Act as it would be in effect if subsection (a) were a provision of that Act.

(2) REGULATIONS.—The regulations promulgated under subsection (b), shall be enforced as if—

(A) subsection (a) were a provision of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.); and

(B) the regulations were promulgated under that Act.

SEC. 402. SOUTH PACIFIC TUNA TREATY ACT AMENDMENT.

Section 6 of the South Pacific Tuna Act of 1988 (16 U.S.C. 973d(a)) is amended by striking ''outside of the 200 nautical mile fisheries zones of the Pacific Island Parties.'' and inserting ''or to fishing by vessels using the longline method in the high seas areas of the Treaty area.''.

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Mr. GILCHREST and Mr. UDALL of New Mexico, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said amendments?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. GILCHREST demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶31.11 VAUGHN GROSS POST OFFICE

Mr. CARTER moved to suspend the rules and pass the bill (H.R. 3723) to designate the facility of the United States Postal Service located at 8135 Forest Lane in Dallas, Texas, as the ''Vaughn Gross Post Office Building''.

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Mr. CARTER and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CARTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶31.12 MAXINE S. POSTAL UNITED STATES POST OFFICE

Mr. CARTER moved to suspend the rules and pass the bill (H.R. 3917) to designate the facility of the United States Postal Service located at 695 Marconi Boulevard in Copiague, New York, as the ''Maxine S. Postal United States Post Office''.

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Mr. CARTER and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CARTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶31.13 RECESS—2:29 P.M.

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to clause 12(a) of rule I, declared the House in recess at 2 o'clock and 29 minutes p.m., until approximately 6:30 p.m.

¶31.14 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mr. CULBERSON, called the House to order.

¶31.15 PROVIDING FOR THE CONSIDERATION OF H.R. 3966

Mrs. MYRICK, by direction of the Committee on Rules, reported (Rept. No. 108–451) the resolution (H. Res. 580) providing for consideration of the bill (H.R. 3966) to amend title 10, United States Code, and the Homeland Security Act of 2002 to improve the ability of the Department of Defense to establish and maintain Senior Reserve Officer Training Corps units at institutions of higher education, to improve the ability of students to participate in Senior ROTC programs, and to ensure that institutions of higher education provide military recruiters entry to campuses and access to students that is at least equal in quality and scope to that provided to any other employer.

When said resolution and report were referred to the House Calendar and ordered printed.

¶31.16 CONGRESSIONAL BUDGET RESOLUTION

On motion of Mr. NUSSLE, by unanimous consent, the following concurrent resolution of the Senate was taken from the Speaker's table (S. Con. Res. 95):

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2005.

(a) DECLARATION.—Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2005 including the appropriate budgetary levels for fiscal years 2006 through 2009 as authorized by section 301 of the Congressional Budget Act of 1974 (2 U.S.C. 632).

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2005.
TITLE I—LEVELS AND AMOUNTS
Sec. 101. Recommended levels and amounts.
Sec. 102. Social security.
Sec. 103. Major functional categories.
TITLE II—RECONCILIATION
Sec. 201. Reconciliation in the Senate.
TITLE III—RESERVE FUNDS AND ADJUSTMENTS
Subtitle A—Reserve Funds
Sec. 301. Reserve fund for health insurance for the uninsured.
Sec. 302. Reserve fund for higher education.
Sec. 303. Reserve for energy legislation.
Sec. 304. Reserve fund for guard and reserve health care.
Sec. 305. Reserve fund for Montgomery GI bill benefits.
Sec. 306. Reserve for funding of Hope Credit.
Sec. 307. Reserve fund for expansion of pediatric vaccine distribution program.
Sec. 308. Reserve fund for addressing minority health disparities.
Sec. 309. Reserve for postal service reform.
Subtitle B—Adjustments With Respect to Discretionary Spending
Sec. 311. Adjustment for surface transportation.
Sec. 312. Supplemental appropriations for Iraq and related activities for fiscal year 2005.
Sec. 313. Adjustment for wildland fire suppression.
Sec. 314. Reserve fund for eliminating survivor benefit plan-social security offset.
TITLE IV—BUDGET ENFORCEMENT
Sec. 401. Restrictions on advance appropriations.
Sec. 402. Extension of emergency rule in the Senate.
Sec. 403. Discretionary spending limits in the Senate.
Sec. 404. Scoring rules.
Sec. 405. Adjustments to reflect changes in concepts and definitions.
Sec. 406. Application and effect of changes in allocations and aggregates.
Sec. 407. Exercise of rulemaking powers.
Sec. 408. Pay-as-you-go point of order in the Senate.
TITLE V—SENSE OF THE SENATE
Sec. 501. Sense of the Senate on budget process reform.
Sec. 502. Sense of the Senate on budget process reform with regard to the creation of bipartisan commissions to combat waste, fraud, and abuse and to promote spending efficiency.
Sec. 503. Sense of the Senate on the relationship between annual deficit spending and increases in debt service costs.
Sec. 504. Sense of the Senate regarding the costs of the medicare prescription drug program.
Sec. 505. Sense of the Senate regarding pay parity.
Sec. 506. Sense of the Senate on returning stability to payments under medicare physician fee schedule.
Sec. 507. Sense of the Senate regarding the use of Federal funds to support American companies and American workers.
Sec. 508. Sense of the Senate regarding closing the ''tax gap''.
Sec. 509. Sense of the Senate amendment on drug comparativeness studies.
Sec. 510. Sense of the Senate regarding funding for port security.
Sec. 511. Sense of the Senate regarding tribal colleges and universities.
Sec. 512. Findings and sense of the Senate.
Sec. 513. Sense of the Senate supporting funding restoration for agriculture research and extension.
Sec. 514. Reserve fund for Homeland Security Grant Program, assistance to firefighter grants, and port security grants.
Sec. 515. State Homeland Security Grant Program.
Sec. 516. Strategic Petroleum Reserve.
Sec. 517. Sense of the Senate concerning a National Animal Identification Program.
Sec. 518. Sense of the Senate regarding contributions to The Global Fund to Fight AIDS, Tuberculosis, and Malaria.
Sec. 519. Sense of the Senate concerning child nutrition funding.
Sec. 520. Sense of the Senate regarding compensation for exposure to toxic substances at the Department of Energy.
Sec. 521. Sense of the Senate regarding tax incentives for certain rural communities.
Sec. 522. Sense of the Senate concerning summer food pilot projects.

TITLE I—LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 2005 through 2009:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution—

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2005: $1,453,714,000,000.
Fiscal year 2006: $1,615,655,000,000.
Fiscal year 2007: $1,730,119,000,000.
Fiscal year 2008: $1,822,516,000,000.
Fiscal year 2009: $1,925,154,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2005: −$23,420,000,000.
Fiscal year 2006: −$38,526,000,000.
Fiscal year 2007: −$24,825,000,000.
Fiscal year 2008: −$23,274,000,000.
Fiscal year 2009: −$27,906,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2005: $1,958,150,000,000.
Fiscal year 2006: $2,072,497,000,000.
Fiscal year 2007: $2,187,109,000,000.
Fiscal year 2008: $2,294,017,000,000.
Fiscal year 2009: $2,397,359,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2005: $1,968,807,000,000.
Fiscal year 2006: $2,061,467,000,000.
Fiscal year 2007: $2,161,380,000,000.
Fiscal year 2008: $2,263,755,000,000.
Fiscal year 2009: $2,363,932,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2005: −$515,093,000,000.
Fiscal year 2006: −$445,812,000,000.
Fiscal year 2007: −$431,261,000,000.
Fiscal year 2008: −$441,239,000,000.
Fiscal year 2009: −$438,778,000,000.

(5) DEBT SUBJECT TO LIMIT.—The appropriate levels of the public debt are as follows:

Fiscal year 2005: $8,052,710,000,000.
Fiscal year 2006: $8,624,516,000,000.
Fiscal year 2007: $9,178,616,000,000.
Fiscal year 2008: $9,742,730,000,000.
Fiscal year 2009: $10,308,215,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of the debt held by the public are as follows:

Fiscal year 2005: $4,741,120,000,000.
Fiscal year 2006: $5,009,410,000,000.
Fiscal year 2007: $5,247,139,000,000.
Fiscal year 2008: $5,479,268,000,000.
Fiscal year 2009: $5,696,111,000,000.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2005: $572,314,000,000.
Fiscal year 2006: $600,902,000,000.
Fiscal year 2007: $629,333,000,000.
Fiscal year 2008: $658,731,000,000.
Fiscal year 2009: $689,620,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2005: $396,159,000,000.
Fiscal year 2006: $406,390,000,000.
Fiscal year 2007: $419,424,000,000.
Fiscal year 2008: $433,487,000,000.
Fiscal year 2009: $450,288,000,000.

(c) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2005:
(A) New budget authority, $4,249,000,000.
(B) Outlays, $4,264,000,000.
Fiscal year 2006:
(A) New budget authority, $4,352,000,000.
(B) Outlays, $4,335,000,000.
Fiscal year 2007:
(A) New budget authority, $4,477,000,000.
(B) Outlays, $4,457,000,000.
Fiscal year 2008:
(A) New budget authority, $4,617,000,000.
(B) Outlays, $4,594,000,000.
Fiscal year 2009:
(A) New budget authority, $4,762,000,000.
(B) Outlays, $4,738,000,000.

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 2005 through 2009 for each major functional category are:

(1) National Defense (050):
Fiscal year 2005:
(A) New budget authority, $422,157,000,000.
(B) Outlays, $449,442,000,000.
Fiscal year 2006:

(A) New budget authority, $445,708,000,000.
(B) Outlays, $442,157,000,000.
Fiscal year 2007:
(A) New budget authority, $456,148,000,000.
(B) Outlays, $441,732,000,000.
Fiscal year 2008:
(A) New budget authority, $467,482,000,000.
(B) Outlays, $451,564,000,000.
Fiscal year 2009:
(A) New budget authority, $479,494,000,000.
(B) Outlays, $463,106,000,000.
(2) International Affairs (150):
Fiscal year 2005:
(A) New budget authority, $31,970,000,000.
(B) Outlays, $34,032,000,000.
Fiscal year 2006:
(A) New budget authority, $34,855,000,000.
(B) Outlays, $33,192,000,000.
Fiscal year 2007:
(A) New budget authority, $35,499,000,000.
(B) Outlays, $31,746,000,000.
Fiscal year 2008:
(A) New budget authority, $35,856,000,000.
(B) Outlays, $31,640,000,000.
Fiscal year 2009:
(A) New budget authority, $35,912,000,000.
(B) Outlays, $32,059,000,000.
(3) General Science, Space, and Technology (250):
Fiscal year 2005:
(A) New budget authority, $24,278,000,000.
(B) Outlays, $23,752,000,000.
Fiscal year 2006:
(A) New budget authority, $25,412,000,000.
(B) Outlays, $24,863,000,000.
Fiscal year 2007:
(A) New budget authority, $26,269,000,000.
(B) Outlays, $25,613,000,000.
Fiscal year 2008:
(A) New budget authority, $26,499,000,000.
(B) Outlays, $25,914,000,000.
Fiscal year 2009:
(A) New budget authority, $26,547,000,000.
(B) Outlays, $26,095,000,000.
(4) Energy (270):
Fiscal year 2005:
(A) New budget authority, $1,093,000,000.
(B) Outlays, −$546,000,000.
Fiscal year 2006:
(A) New budget authority, $2,762,000,000.
(B) Outlays, $1,653,000,000.
Fiscal year 2007:
(A) New budget authority, $2,781,000,000.
(B) Outlays, $1,214,000,000.
Fiscal year 2008:
(A) New budget authority, $2,501,000,000.
(B) Outlays, $601,000,000.
Fiscal year 2009:
(A) New budget authority, $2,082,000,000.
(B) Outlays, $718,000,000.
(5) Natural Resources and Environment (300):
Fiscal year 2005:
(A) New budget authority, $36,160,000,000.
(B) Outlays, $31,191,000,000.
Fiscal year 2006:
(A) New budget authority, $32,909,000,000.
(B) Outlays, $33,529,000,000.
Fiscal year 2007:
(A) New budget authority, $32,895,000,000.
(B) Outlays, $34,099,000,000.
Fiscal year 2008:
(A) New budget authority, $32,825,000,000.
(B) Outlays, $33,879,000,000.
Fiscal year 2009:
(A) New budget authority, $33,523,000,000.
(B) Outlays, $33,974,000,000.
(6) Agriculture (350):
Fiscal year 2005:
(A) New budget authority, $21,746,000,000.
(B) Outlays, $20,976,000,000.
Fiscal year 2006:
(A) New budget authority, $23,806,000,000.
(B) Outlays, $22,574,000,000.
Fiscal year 2007:
(A) New budget authority, $24,698,000,000.
(B) Outlays, $23,509,000,000.
Fiscal year 2008:
(A) New budget authority, $24,604,000,000.
(B) Outlays, $23,483,000,000.
Fiscal year 2009:
(A) New budget authority, $25,563,000,000.
(B) Outlays, $24,623,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 2005:
(A) New budget authority, $7,864,000,000.
(B) Outlays, $2,935,000,000.
Fiscal year 2006:
(A) New budget authority, $8,041,000,000.
(B) Outlays, $2,593,000,000.
Fiscal year 2007:
(A) New budget authority, $9,141,000,000.
(B) Outlays, $3,406,000,000.
Fiscal year 2008:
(A) New budget authority, $9,336,000,000.
(B) Outlays, $2,550,000,000.
Fiscal year 2009:
(A) New budget authority, $9,826,000,000.
(B) Outlays, $2,766,000,000.
(8) Transportation (400):
Fiscal year 2005:
(A) New budget authority, $69,985,000,000.
(B) Outlays, $68,390,000,000.
Fiscal year 2006:
(A) New budget authority, $70,923,000,000.
(B) Outlays, $70,998,000,000.
Fiscal year 2007:
(A) New budget authority, $71,428,000,000.
(B) Outlays, $72,207,000,000.
Fiscal year 2008:
(A) New budget authority, $71,760,000,000.
(B) Outlays, $72,571,000,000.
Fiscal year 2009:
(A) New budget authority, $72,241,000,000.
(B) Outlays, $72,597,000,000.
(9) Community and Regional Development (450):
Fiscal year 2005:
(A) New budget authority, $13,897,000,000.
(B) Outlays, $14,986,000,000.
Fiscal year 2006:
(A) New budget authority, $13,682,000,000.
(B) Outlays, $15,220,000,000.
Fiscal year 2007:
(A) New budget authority, $13,851,000,000.
(B) Outlays, $14,321,000,000.
Fiscal year 2008:
(A) New budget authority, $13,979,000,000.
(B) Outlays, $13,818,000,000.
Fiscal year 2009:
(A) New budget authority, $14,150,000,000.
(B) Outlays, $13,913,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2005:
(A) New budget authority, $100,414,000,000.
(B) Outlays, $89,304,000,000.
Fiscal year 2006:
(A) New budget authority, $95,314,000,000.
(B) Outlays, $94,577,000,000.
Fiscal year 2007:
(A) New budget authority, $95,628,000,000.
(B) Outlays, $93,799,000,000.
Fiscal year 2008:
(A) New budget authority, $95,858,000,000.
(B) Outlays, $94,262,000,000.
Fiscal year 2009:
(A) New budget authority, $96,168,000,000.
(B) Outlays, $94,684,000,000.
(11) Health (550):
Fiscal year 2005:
(A) New budget authority, $252,299,000,000.
(B) Outlays, $247,712,000,000.
Fiscal year 2006:
(A) New budget authority, $254,677,000,000.
(B) Outlays, $255,618,000,000.
Fiscal year 2007:
(A) New budget authority, $267,998,000,000.
(B) Outlays, $27,754,000,000.
Fiscal year 2008:
(A) New budget authority, $286,815,000,000.
(B) Outlays, $286,525,000,000.
Fiscal year 2009:
(A) New budget authority, $307,860,000,000.
(B) Outlays, $305,533,000,000.
(12) Medicare (570):
Fiscal year 2005:
(A) New budget authority, $287,513,000,000.
(B) Outlays, $288,654,000,000.
Fiscal year 2006:
(A) New budget authority, $322,517,000,000.
(B) Outlays, $322,035,000,000.
Fiscal year 2007:
(A) New budget authority, $361,999,000,000.
(B) Outlays, $362,277,000,000.
Fiscal year 2008:
(A) New budget authority, $386,753,000,000.
(B) Outlays, $386,795,000,000.
Fiscal year 2009:
(A) New budget authority, $412,922,000,000.
(B) Outlays, $412,515,000,000.
(13) Income Security (600):
Fiscal year 2005:
(A) New budget authority, $337,868,000,000.
(B) Outlays, $342,111,000,000.
Fiscal year 2006:
(A) New budget authority, $343,354,000,000.
(B) Outlays, $346,782,000,000.
Fiscal year 2007:
(A) New budget authority, $348,271,000,000.
(B) Outlays, $350,920,000,000.
Fiscal year 2008:
(A) New budget authority, $361,670,000,000.
(B) Outlays, $363,674,000,000.
Fiscal year 2009:
(A) New budget authority, $371,602,000,000.
(B) Outlays, $373,123,000,000.
(14) Social Security (650):
Fiscal year 2005:
(A) New budget authority, $15,214,000,000.
(B) Outlays, $15,214,000,000.
Fiscal year 2006:
(A) New budget authority, $16,779,000,000.
(B) Outlays, $16,779,000,000.
Fiscal year 2007:
(A) New budget authority, $18,269,000,000.
(B) Outlays, $18,269,000,000.
Fiscal year 2008:
(A) New budget authority, $20,218,000,000.
(B) Outlays, $20,218,000,000.
Fiscal year 2009:
(A) New budget authority, $22,229,000,000.
(B) Outlays, $22,229,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2005:
(A) New budget authority, $71,546,000,000.
(B) Outlays, $70,159,000,000.
Fiscal year 2006:
(A) New budget authority, $68,196,000,000.
(B) Outlays, $67,731,000,000.
Fiscal year 2007:
(A) New budget authority, $66,209,000,000.
(B) Outlays, $65,834,000,000.
Fiscal year 2008:
(A) New budget authority, $69,326,000,000.
(B) Outlays, $69,132,000,000.
Fiscal year 2009:
(A) New budget authority, $69,888,000,000.
(B) Outlays, $69,660,000,000.
(16) Administration of Justice (750):
Fiscal year 2005:
(A) New budget authority, $41,841,000,000.
(B) Outlays, $40,727,000,000.
Fiscal year 2006:
(A) New budget authority, $39,490,000,000.
(B) Outlays, $40,336,000,000.
Fiscal year 2007:
(A) New budget authority, $40,099,000,000.
(B) Outlays, $40,462,000,000.
Fiscal year 2008:
(A) New budget authority, $40,870,000,000.
(B) Outlays, $40,873,000,000.
Fiscal year 2009:
(A) New budget authority, $41,206,000,000.
(B) Outlays, $41,228,000,000.
(17) General Government (800):
Fiscal year 2005:
(A) New budget authority, $16,182,000,000.
(B) Outlays, $16,742,000,000.
Fiscal year 2006:
(A) New budget authority, $17,503,000,000.
(B) Outlays, $17,110,000,000.
Fiscal year 2007:
(A) New budget authority, $17,611,000,000.
(B) Outlays, $17,245,000,000.
Fiscal year 2008:
(A) New budget authority, $17,190,000,000.

(B) Outlays, $16,878,000,000.
Fiscal year 2009:
(A) New budget authority, $17,256,000,000.
(B) Outlays, $16,763,000,000.
(18) Net Interest (900):
Fiscal year 2005:
(A) New budget authority, $270,115,000,000.
(B) Outlays, $270,115,000,000.
Fiscal year 2006:
(A) New budget authority, $317,196,000,000.
(B) Outlays, $317,196,000,000.
Fiscal year 2007:
(A) New budget authority, $361,739,000,000.
(B) Outlays, $361,739,000,000.
Fiscal year 2008:
(A) New budget authority, $394,951,000,000.
(B) Outlays, $394,951,000,000.
Fiscal year 2009:
(A) New budget authority, $422,613,000,000.
(B) Outlays, $422,613,000,000.
(19) Allowances (920):
Fiscal year 2005:
(A) New budget authority, −$11,486,000,000.
(B) Outlays, −$4,584,000,000.
Fiscal year 2006:
(A) New budget authority, −$779,000,000.
(B) Outlays, −$3,627,000,000.
Fiscal year 2007:
(A) New budget authority, −$987,000,000.
(B) Outlays, −$2,329,000,000.
Fiscal year 2008:
(A) New budget authority, −$993,000,000.
(B) Outlays, −$2,091,000,000.
Fiscal year 2009:
(A) New budget authority, −$998,000,000.
(B) Outlays, −$1,542,000,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2005:
(A) New budget authority, −$52,505,000,000.
(B) Outlays, −$52,505,000,000.
Fiscal year 2006:
(A) New budget authority, −$59,848,000,000.
(B) Outlays, −$59,848,000,000.
Fiscal year 2007:
(A) New budget authority, −$62,437,000,000.
(B) Outlays, −$62,437,000,000.
Fiscal year 2008:
(A) New budget authority, −$63,482,000,000.
(B) Outlays, −$63,482,000,000.
Fiscal year 2009:
(A) New budget authority, −$62,725,000,000.
(B) Outlays, −$62,725,000,000.

TITLE II—RECONCILIATION

SEC. 201. RECONCILIATION IN THE SENATE.

(a) TAX RELIEF.—The Senate Committee on Finance shall report a reconciliation bill not later than September 30, 2004, that consists of changes in laws within its jurisdiction sufficient to reduce revenues by not more than $12,311,000,000 for fiscal year 2005 and $80,642,000,000 for the period of fiscal years 2005 through 2009, and to increase outlays by not more than $2,000,000,000 for the period of fiscal years 2005 through 2009.

(b) INCREASE IN STATUTORY DEBT LIMIT.—The Committee on Finance shall report a reconciliation bill not later than September 30, 2004, that consists solely of changes in laws within its jurisdiction to increase the statutory debt limit by $664,028,000,000.

TITLE III—RESERVE FUNDS AND ADJUSTMENTS

Subtitle A—Reserve Funds

SEC. 301. RESERVE FUND FOR HEALTH INSURANCE FOR THE UNINSURED.

If the Committee on Finance or the Committee on Health, Education, Labor, and Pensions of the Senate reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that provides health insurance or expands access to care for the uninsured (including a measure providing for tax deductions for the purchase of health insurance or other measures) and including legislation to reallocate and maintain expiring SCHIP funds rather than allowing such funds to revert to the Treasury, increases access to health insurance through lowering costs, and does not increase the costs of current health insurance coverage, the chairman of the Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, and other appropriate aggregates to reflect such legislation, provided that such legislation would not increase the deficit for fiscal year 2005 and for the period of fiscal years 2005 through 2009.

SEC. 302. RESERVE FUND FOR HIGHER EDUCATION.

If the Committee on Health, Education, Labor, and Pensions of the Senate reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides, funding for—

(1) the reauthorization of the Higher Education Act of 1965, the chairman of the Committee on the Budget may revise committee allocations for that committee and other appropriate budgetary aggregates and allocations of new budget authority and outlays by the amount provided by that measure for that purpose, but not to exceed $1,000,000,000 in new budget authority and $1,000,000,000 in outlays for fiscal year 2005, $5,000,000,000 in new budget authority and $5,000,000,000 in outlays for the period of fiscal years 2005 through 2009; and

(2) a measure that eliminates the accumulated shortfall of budget authority resulting from insufficient appropriations of discretionary new budget authority previously enacted for the Federal Pell Grant Program for awards made through award year 2004–2005, the chairman of the Committee on the Budget may revise the committee allocation and other appropriate budgetary aggregates by the amount provided by that measure for that purpose, but not to exceed $3,700,000,000 in new budget authority only for fiscal year 2005.

SEC. 303. RESERVE FOR ENERGY LEGISLATION.

If a measure, predominately within the jurisdiction of the Committee on Energy and Natural Resources of the Senate (including a bill or joint resolution, an amendment or a conference report), is considered in the Senate that provides for a national energy policy and does not reduce revenues by more than $1,785,000,000 in 2005 and $15,092,000,000 for the period of fiscal years 2005 through 2009, the chairman of the Committee on the Budget may revise committee allocations for that committee and other appropriate budgetary aggregates and allocation of new budget authority and outlays by the amount provided by that measure for that purpose, but not to exceed $261,000,000 in new budget authority and $221,000,000 in outlays for fiscal year 2005 and $1,465,000,000 in new budget authority and $1,465,000,000 in outlays for the period of fiscal years 2005 through 2009.

SEC. 304. RESERVE FUND FOR GUARD AND RESERVE HEALTH CARE.

If the Committee on Armed Services or the Committee on Appropriations reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted that expands access to health care for members of the reserve component, the Chairman of the Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, other appropriate aggregates, and the discretionary spending limits to reflect such legislation, providing that such legislation—

(1) would not increase the deficit for fiscal year 2005 and for the period of fiscal years 2005 through 2009, or would offset such deficit increases through reduction of unobligated balances from Iraqi reconstruction; and

(2) does not exceed $5,600,000,000 for the period of fiscal years 2005 through 2009.

SEC. 305. RESERVE FUND FOR MONTGOMERY GI BILL BENEFITS.

If the Committee on Armed Services or the Committee on Appropriations reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that increases benefit levels under the Montgomery GI Bill for members of the Selected Reserves, the Chairman of the Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, other appropriate aggregates, and the discretionary spending limits to reflect such legislation, providing that such legislation—

(1) would not increase the deficit for fiscal year 2005 and for the period of fiscal years 2005 through 2009; and

(2) does not exceed $1,200,000,000 for the period of fiscal years 2005 through 2009.

SEC. 306. RESERVE FOR FUNDING OF HOPE CREDIT.

If the Committee on Finance of the Senate reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that increases the Hope credit to $4,000, makes the credit available for 4 years, and makes the credit refundable, the chairman of the Committee on the Budget may revise committee allocations for the Committee on Finance and other appropriate budgetary aggregates and allocations of new budget authority and outlays by the amount provided by that measure for that purpose, if it would not increase the deficit for fiscal year 2005 or for the total of fiscal years 2005 though 2009.

SEC. 307. RESERVE FUND FOR EXPANSION OF PEDIATRIC VACCINE DISTRIBUTION PROGRAM.

If the Committee on Finance of the Senate reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that expands the pediatric vaccine distribution program established under section 1928 of the Social Security Act (42 U.S.C. 1396s) to include coverage for children administered a vaccine at a public health clinic or Indian clinic and repeals the price cap for pre-1993 vaccines, the chairman of the Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, and other appropriate aggregates to reflect such legislation, provided that such legislation would not increase the deficit for fiscal year 2005 and for the period of fiscal years 2005 through 2009.

SEC. 308. RESERVE FUND FOR ADDRESSING MINORITY HEALTH DISPARITIES.

If the Committee on Appropriations of the Senate reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that addresses minority health disparities through activities including those at the HHS Office of Minority Health, the Office of Civil Rights, the National Center on Minority Health and Health Disparities, the Minority HIV/AIDS initiative, health professions training, and through the Racial and Ethnic Approaches to Community Health at the Centers for Disease Control and provides not to exceed $400,000,000 in new budget authority for fiscal year 2005, the chairman of the Committee on the Budget may revise allocations of new budget authority and outlays and other appropriate aggregates to reflect such legislation, provided that such legislation would not increase the deficit for fiscal year 2005 and for the period of fiscal years 2005 through 2009.

SEC. 309. RESERVE FOR POSTAL SERVICE REFORM.

If the Committee on Governmental Affairs of the Senate reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted,

that reforms the United States Postal Service to improve its economic viability, the Chairman of the Committee on the Budget may revise committee allocations for the Committee on Governmental Affairs and other appropriate budgetary aggregates and allocations of new budget authority and outlays by the amount provided by that measure for that purpose, if that measure would not increase the deficit for fiscal year 2005 and for the period of fiscal years 2005 though 2009.

Subtitle B—Adjustments With Respect to Discretionary Spending

SEC. 311. ADJUSTMENT FOR SURFACE TRANSPORTATION.

(a) IN GENERAL.—If the Committee on Transportation and Infrastructure of the House or the Committee on Environment and Public Works, the Committee on Banking, Housing, and Urban Affairs, or the Committee on Commerce, Science, and Transportation of the Senate reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides new budget authority for the budget accounts or portions thereof in the highway and transit categories as defined in subparagraphs (B) and (C) of section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 in excess of—

(1) for fiscal year 2005, $41,772,000,000; or

(2) for fiscal years 2005 through 2009, $207,293,000,000;

the chairman of the Committee on the Budget may adjust the appropriate budget aggregates and increase the allocation of new budget authority to such committee for fiscal year 2005 and for the period of fiscal years 2005 through 2009 to the extent such excess is offset by an increase in net new user-fee receipts related to the purposes of the highway trust fund that are appropriated to such fund for the applicable fiscal year caused by such legislation. In the Senate, any increase in receipts shall be reported from the Committee on Finance.

(b) ADJUSTMENT FOR OUTLAYS.—(1) For fiscal year 2005, in the Senate, if a bill or joint resolution is reported, or if an amendment thereto is offered or a conference report thereon is submitted, that changes obligation limitations such that the total limitations are in excess of $40,600,000,000 for fiscal year 2005, for programs, projects, and activities within the highway and transit categories as defined in subparagraphs (B) and (C) of section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 and if legislation has been enacted that satisfies the conditions set forth in subsection (a) for such fiscal year, the appropriate chairman of the Committee on the Budget may increase the allocation of outlays and appropriate aggregates for such fiscal year for the committee reporting such measure by the amount of outlays that corresponds to such excess obligation limitations, but not to exceed the amount of such excess that was offset in 2005 pursuant to subsection (a).

(2) For fiscal year 2006, in the Senate, if a bill or joint resolution is reported, or if an amendment thereto is offered or a conference report thereon is submitted, that changes obligation limitations such that the total limitations are in excess of $40,621,000,000 for fiscal year 2005, for programs, projects, and activities within the highway and transit categories as defined in subparagraphs (B) and (C) of section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 and if legislation has been enacted that satisfies the conditions set forth in subsection (a) for such fiscal year, the chairman of the Committee on the Budget may increase the allocation of outlays and appropriate aggregates for such fiscal year for the committee reporting such measure by the amount of outlays that corresponds to such excess obligation limitations, but not to exceed the amount of such excess that was offset in 2006 pursuant to subsection (a).

SEC. 312. SUPPLEMENTAL APPROPRIATIONS FOR IRAQ AND RELATED ACTIVITIES FOR FISCAL YEAR 2005.

If the President transmits a budget request for additional resources for activities in Iraq and Afghanistan and if the Committee on Appropriations of the Senate reports legislation providing additional discretionary appropriations in excess of the levels assumed in this resolution for defense-related activities for fiscal year 2005, the chairman of the Committee on the Budget may revise the allocation (and all other appropriate levels and aggregates set out in this resolution) for that committee for such purpose but not to exceed: $30,000,000,000 in new budget authority for fiscal year 2005 and the outlays that flow therefrom.

SEC. 313. ADJUSTMENT FOR WILDLAND FIRE SUPPRESSION.

(a) FINDINGS.—The Senate makes the following findings:

(1) Due to the expansion of the wildland urban interface, severe drought conditions in many regions of the country, and the poor health of the Nation's forests and rangelands, the Forest Service and Department of the Interior regularly spend more than the amount appropriated for fire suppression, and then borrow from other accounts to pay for fire suppression.

(2) This borrowing has a negative effect on many Forest Service and Department of the Interior programs.

(3) This resolution provides an amount equal to the 10-year average for fire suppression in fiscal year 2005.

(4) The Senate recommends that the Forest Service and the Department of the Interior address cost containment within the fire suppression account, and report to Congress regarding how funds appropriated pursuant to this section are used.

(b) CAP ADJUSTMENT.—

(1) DEFINITION.—For this subsection, the term ''base amount'' refers to the average of the obligations of the preceding 10 years for wildfire suppression in the Forest Service and the Department of the Interior, calculated as of the date of the applicable year's budget request is submitted by the President to Congress.

(2) ADJUSTMENTS FOR FISCAL YEARS 2005 AND 2006.—If the amount appropriated for Wildland Fire Suppression in a fiscal year is not less than the base amount, then the chairman of the Committee on the Budget may adjust the appropriate allocations and other budgetary levels in the most recently agreed to concurrent resolution on the budget for any bill, joint resolution, amendment, motion, or conference report that provides additional funding for wildland fire suppression, but not to exceed—

(A) for the Forest Service—

(i) for fiscal year 2005, $400,000,000; and

(ii) for fiscal year 2006, $400,000,000; and

(B) for the Department of the Interior—

(i) for fiscal year 2005, $100,000,000; and

(ii) for fiscal year 2006, $100,000,000.

(3) SPECIAL RULE FOR FISCAL YEAR 2004.—If additional funding for wildland fire suppression for fiscal year 2004 is provided in a bill, joint resolution, amendment, motion, or conference report, then the chairman of the Committee on the Budget may determine that such amounts shall not be counted for the purposes of the Congressional Budget Act of 1974 and this resolution, provided that such amounts do not exceed—

(A) for the Forest Service, for fiscal year 2004, $400,000,000; and

(B) for the Department of the Interior, for fiscal year 2004, $100,000,000.

SEC. 314. RESERVE FUND FOR ELIMINATING SURVIVOR BENEFIT PLAN-SOCIAL SECURITY OFFSET.

If the Committee on Armed Services or the Committee on Appropriations reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that provides for an increase to the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, the Chairman of the Committee on the Budget shall revise the aggregates, functional totals, allocations, discretionary caps, and other appropriate levels and limits in this resolution by up to $2,757,000,000 in budget authority and $2,757,000,000 in outlays over the total of fiscal years 2005 through 2009.

TITLE IV—BUDGET ENFORCEMENT

SEC. 401. RESTRICTIONS ON ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would provide an advance appropriation.

(b) ACCOUNTS.—An advance appropriation may be provided for fiscal years 2006 and 2007 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading ''Accounts Identified for Advance Appropriations'' in an aggregate amount not to exceed $23,158,000,000 in new budget authority in each year.

(c) POINT OF ORDER.—

(1) WAIVER.—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(2) PROCEDURE.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of Congressional Budget Act of 1974.

(3) CONFERENCE REPORT.—If a point of order is sustained under subsection (a) against a conference report in the Senate, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

(d) ADVANCE APPROPRIATION.—In this section, the term ''advance appropriation'' means any discretionary new budget authority in a bill or joint resolution—

(1) making general appropriations or continuing appropriations for fiscal year 2005 that first becomes available for any fiscal year after 2005; or

(2) making general appropriations or continuing appropriations for fiscal year 2006 that first becomes available for any fiscal year after 2006.

SEC. 402. EXTENSION OF EMERGENCY RULE IN THE SENATE.

Section 502(c) of H. Con. Res. 95 (108th Cong., 1st. Sess.) is amended to read as follows:

''(c) IN THE SENATE.—

''(1) AUTHORITY TO DESIGNATE.—In the Senate, with respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that the President designates as an emergency requirement and that Congress so designates in such measure, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purpose of this section.

''(2) EXEMPTION OF EMERGENCY PROVISIONS.—In the Senate, any new budget authority, outlays, and receipts resulting from

any provision designated as an emergency requirement, pursuant to this section, in any bill, joint resolution, amendment, or conference report shall not count for purposes of sections 302, 303, 311, and 401 of the Congressional Budget Act of 1974 and any concurrent resolution on the budget.

''(3) DESIGNATIONS.—

''(A) GUIDANCE.—In the Senate, if a provision of legislation is designated as an emergency requirement under this section, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in subparagraph (B).

''(B) CRITERIA.—

''(i) IN GENERAL.—Any such provision is an emergency requirement if the situation addressed by such provision is—

''(I) necessary, essential, or vital (not merely useful or beneficial);

''(II) sudden, quickly coming into being, and not building up over time;

''(III) an urgent, pressing, and compelling need requiring immediate action;

''(IV) subject to clause (ii), unforeseen, unpredictable, and unanticipated; and

''(V) not permanent, temporary in nature.

''(ii) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

''(4) DEFINITIONS.—In this subsection, the terms 'direct spending', 'receipts', and 'appropriations for discretionary accounts' means any provision of a bill, joint resolution, amendment, motion, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

''(5) POINT OF ORDER.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

''(6) WAIVER AND APPEAL.—Paragraph (5) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

''(7) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of paragraph (5), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this section.

''(8) FORM OF THE POINT OF ORDER.—A point of order under paragraph (5) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

''(9) CONFERENCE REPORTS.—If a point of order is sustained under paragraph (5) against a conference report, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

''(10) EXCEPTION FOR DEFENSE SPENDING.—Paragraph (5) shall not apply against an emergency designation for a provision making discretionary appropriations in the defense category.''.

SEC. 403. DISCRETIONARY SPENDING LIMITS IN THE SENATE.

(a) DISCRETIONARY SPENDING LIMITS.—In the Senate and as used in this section, the term ''discretionary spending limit'' means—

(1) for fiscal year 2005—

(A) $819,673,000,000 in new budget authority and $823,694,000,000 in outlays for the discretionary category;

(B) for the highway category, $33,393,000,000 in outlays; and

(C) for the mass transit category, $1,488,000,000 in new budget authority, and $6,726,000,000 in outlays; and

(2) for fiscal year 2006 $852,257,000,000 in new budget authority, and $885,860,000,000 in outlays for the discretionary category.

(b) DISCRETIONARY SPENDING POINT OF ORDER IN THE SENATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, it shall not be in order in the Senate to consider any bill or resolution (including a concurrent resolution on the budget) or amendment, motion, or conference report thereon that would exceed any of the discretionary spending limits in this section.

(2) WAIVER.—This subsection may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(3) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(c) ADJUSTMENTS.—

(1) IN GENERAL.—

(A) CHAIRMAN.—After the reporting of a bill or joint resolution, or the offering of an amendment thereto or the submission of a conference report thereon, the chairman of the Committee on the Budget may make the adjustments set forth in subparagraph (B) for the amount of new budget authority in that measure (if that measure meets the requirements set forth in paragraph (2)) and the outlays flowing from that budget authority.

(B) MATTERS TO BE ADJUSTED.—The adjustments referred to in subparagraph (A) are to be made to—

(i) the discretionary spending limits, if any, set forth in the appropriate concurrent resolution on the budget;

(ii) the allocations made pursuant to the appropriate concurrent resolution on the budget pursuant to section 302(a) of the Congressional Budget Act of 1974; and

(iii) the budgetary aggregates as set forth in the appropriate concurrent resolution on the budget.

(2) AMOUNTS OF ADJUSTMENTS.—The adjustment referred to in paragraph (1) shall be—

(A) an amount provided for transportation under section 311;

(B) an amount provided for the fiscal year 2005 supplemental appropriation pursuant to section 312; and

(C) an amount provided for fire suppression pursuant to section 313.

(3) REPORTING REVISED SUBALLOCATIONS.—Following any adjustment made under paragraph (1), the Committee on Appropriations of the Senate shall report appropriately revised suballocations under section 302(b) to carry out this subsection.

SEC. 404. SCORING RULES.

(a) FUNDING FOR BIOSHIELD.—The chairman of the Committee on the Budget of the Senate shall revise the aggregates, functional totals, and allocations to the Committee on Appropriations of the Senate, discretionary spending limits, and other appropriate levels and limits in this resolution by $2,528,000,000 in budget authority for fiscal year 2005, and by the amount of outlays flowing therefrom in fiscal year 2005 and subsequent years for Project Bioshield, for a bill, joint resolution, amendment, or conference report that makes appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005.

(b) ENERGY SAVINGS PERFORMANCE CONTRACT PROGRAM.—In recognition that the energy savings performance contract program recoups its costs through guaranteed savings without increasing budgetary outlays, the Congressional Budget Office shall score the energy savings performance contract program under title VIII of the National Energy Conservation Policy Act (42 U.S.C. 801 et seq.) as zero. For the purposes of any point of order under any concurrent resolution on the budget and the Congressional Budget Act of 1974, the cost of the energy savings performance contract program under title VIII of the National Energy Conservation Policy Act (42 U.S.C. 801 et seq.) shall be zero.

SEC. 405. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

(a) In the Senate, upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the chairman of the Committee on the Budget shall make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

(b) If the Committee on Appropriations reports a bill or resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that changes the nature of offsetting receipts collected from the Power Marketing Administration from mandatory to discretionary, the chairman of the Committee on the Budget may revise the appropriate allocations for such committee and other appropriate levels in this resolution.

SEC. 406. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution—

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the appropriate Committee on the Budget; and

(2) such chairman may make any other necessary adjustments to such levels to carry out this resolution.

SEC. 407. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change those rules (so far as they relate to that House) at

any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 408. PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.

(a) POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for any one of the three applicable time periods as measured in paragraphs (5) and (6).

(2) APPLICABLE TIME PERIODS.—For purposes of this subsection, the term ''applicable time period'' means any 1 of the 3 following periods:

(A) The first year covered by the most recently adopted concurrent resolution on the budget.

(B) The period of the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget.

(C) The period of the 5 fiscal years following the first 5 fiscal years covered in the most recently adopted concurrent resolution on the budget.

(3) DIRECT-SPENDING LEGISLATION.—For purposes of this subsection and except as provided in paragraph (4), the term ''direct-spending legislation'' means any bill, joint resolution, amendment, motion, or conference report that affects direct spending as that term is defined by, and interpreted for purposes of, the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) EXCLUSION.—For purposes of this subsection, the terms ''direct-spending legislation'' and ''revenue legislation'' do not include—

(A) any concurrent resolution on the budget; or

(B) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990.

(5) BASELINE.—Estimates prepared pursuant to this section shall—

(A) use the baseline surplus or deficit used for the most recently adopted concurrent resolution on the budget; and

(B) be calculated under the requirements of subsections (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal years beyond those covered by that concurrent resolution on the budget.

(6) PRIOR SURPLUS.—If direct spending or revenue legislation increases the on-budget deficit or causes an on-budget deficit when taken individually, it must also increase the on-budget deficit or cause an on-budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under paragraph (5)(A), except that direct spending or revenue effects resulting in net deficit reduction enacted pursuant to reconciliation instructions since the beginning of that same calendar year shall not be available.

(b) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

(e) SUNSET.—This section shall expire on September 30, 2009.

TITLE V—SENSE OF THE SENATE

SEC. 501. SENSE OF THE SENATE ON BUDGET PROCESS REFORM.

It is the sense of the Senate that Congress and the President should work together to enact budget process reform legislation that would include mechanisms to restrain Government spending. Such legislation may include—

(1) deficit targets that, when exceeded, would result in across-the-board reductions in Federal spending except Social Security, Medicare, and Veterans' benefits;

(2) revision of the content of budget resolutions to increase their focus on aggregate levels, and to include easily understood enforcement tools such as—

(A) discretionary spending limits;

(B) pay-as-you-go; and

(C) explicit committee allocations;

(3) emergency spending procedures which budget for emergency needs;

(4) pay-as-you-go limitations which apply to non-budget expenditures;

(5) limitations on unauthorized appropriations; and

(6) enhanced rescission or constitutional line-item veto authority for the President.

SEC. 502. SENSE OF THE SENATE ON BUDGET PROCESS REFORM WITH REGARD TO THE CREATION OF BIPARTISAN COMMISSIONS TO COMBAT WASTE, FRAUD, AND ABUSE AND TO PROMOTE SPENDING EFFICIENCY.

(a) WASTE, FRAUD, AND ABUSE.—It is the sense of the Senate that legislation should be enacted that would create a bipartisan commission for the purpose of—

(1) submitting recommendations on ways to eliminate waste, fraud, and abuse; and

(2) to provide recommendations on ways in which to achieve cost savings through enhancing program efficiencies in all discretionary and entitlement programs.

The findings of the commission should be made on an annual basis, and should be presented in conjunction with the submission of the President's budget request to Congress.

(b) EFFICIENCY.—It is the sense of the Senate that a bipartisan commission should be established to—

(1) audit Federal domestic agencies, and programs within such agencies, with the express purpose of providing Congress with recommendations, and legislation;

(2) implement those recommendations; and

(3) realign or eliminate government agencies and programs that are duplicative, inefficient, outdated, irrelevant, or have failed to accomplish their intended purpose.

The findings of the commission should be made on an annual basis, and should be presented in conjunction with the submission of the President's budget request to Congress.

SEC. 503. SENSE OF THE SENATE ON THE RELATIONSHIP BETWEEN ANNUAL DEFICIT SPENDING AND INCREASES IN DEBT SERVICE COSTS.

It is the sense of the Senate that the Congressional Budget Office shall consult with the Committee on the Budget of the Senate in order to prepare a report containing a discussion of—

(1) the relationship between annual deficit spending and increases in debt service costs;

(2) the relationship between incremental increases in discretionary spending and debt service costs; and

(3) the feasibility of providing estimates of debt service costs in the cost estimates prepared pursuant to section 308 of the Congressional Budget Act of 1974.

SEC. 504. SENSE OF THE SENATE REGARDING THE COSTS OF THE MEDICARE PRESCRIPTION DRUG PROGRAM.

It is the sense of the Senate that the Committee on Finance of the Senate should report a bill that consists of changes in laws within its jurisdiction sufficient to ensure that spending within part D of the Medicare Prescription Drug Benefit program in fiscal years 2005 through 2013 does not exceed the total of $409,000,000,000 as estimated by the Congressional Budget Office.

SEC. 505. SENSE OF THE SENATE REGARDING PAY PARITY.

It is the sense of the Senate that—

(1) compensation for civilian and military employees of the United States, without whom we cannot successfully serve and protect our citizens and taxpayers, must be sufficient to support our critical efforts to recruit, retain, and reward quality people effectively and responsibly; and

(2) to achieve this objective, the rate of increase in the compensation of civilian employees should be equal to that proposed for the military in the President's Fiscal Year 2005 Budget.

SEC. 506. SENSE OF THE SENATE ON RETURNING STABILITY TO PAYMENTS UNDER MEDICARE PHYSICIAN FEE SCHEDULE.

(a) FINDINGS.—The Senate finds that—

(1) the fees Medicare pays physicians and other health professionals were reduced by 5.4 percent across-the-board in 2002.

(2) action by Congress in early 2003 narrowly averted a 4.4-percent across-the-board reduction in such fees that year;

(3) in the fall of 2003, congressional action was once again needed to prevent an across-the-board reduction of 4.5 percent in such fees for 2004, as well as an anticipated further reduction in 2005;

(4) based on current projections, estimates suggest that, absent any action, fees will be significantly reduced across-the-board in 2006 and each year thereafter until at least 2010;

(5) the prospect of continued payment reductions under the Medicare physician fee schedule for the foreseeable future threatens to destabilize an important element of the program, namely physician participation and willingness to accept Medicare patients;

(6) there are major flaws in the formula Medicare uses to reimburse physicians which result in steep cuts that adversely impact Medicare beneficiaries' access to care; and

(7) CMS should use its authority to exclude Medicare-covered drugs and biologics from the physician formula and accurately reflect in the formula the direct and indirect cost of increases due to coverage decisions, administrative actions, and rules and regulations.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that, while recent actions by Congress have helped address the immediate reductions in reimbursement, further action by Congress is urgently needed to put in place a new formula or mechanism for updating Medicare physician fees in 2006 and thereafter, in order to ensure—

(1) the long-term stability of the Medicare payment system for physicians and other health care professionals, such that payment rates keep pace with practice cost increases; and

(2) future access to physicians' services for Medicare beneficiaries.

SEC. 507. SENSE OF THE SENATE REGARDING THE USE OF FEDERAL FUNDS TO SUPPORT AMERICAN COMPANIES AND AMERICAN WORKERS.

(a) FINDINGS.—The Senate finds that—

(1) the United States has lost more than 2,200,000 manufacturing jobs since 2000;

(2) the Bureau of Labor Statistics reported that 239,454 workers in a variety of sectors of the United States economy lost their jobs as a result of mass layoffs in January 2004;

(3) there are millions of long-term unemployed Americans who have been unable to find work; and

(4) the Buy American Act requires the Federal Government to support American companies and American workers by buying American-made goods.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals in this resolution assume that—

(1) Federal departments and agencies will, to the maximum extent possible, purchase goods and services from American companies; and

(2) Federal departments and agencies will ensure that, to the maximum extent possible, the work required by Federal contracts for goods and services will be performed in the United States.

SEC. 508. SENSE OF THE SENATE REGARDING CLOSING THE "TAX GAP".

(a) FINDINGS.—The Senate finds that—

(1) the Internal Revenue Service estimates that the gross tax gap (the difference between the amount of taxes owed by taxpayers and the amount actually collected) is now estimated to be in excess of $300,000,000,000 annually;

(2) the Internal Revenue Service reports that the rate of voluntary and timely compliance from taxpayers in paying what they owe is approximately 85 percent;

(3) this overwhelming majority of honest and hardworking taxpayers are forced to make up the shortfall that results from taxpayers who fail to pay what they owe voluntarily;

(4) a former Commissioner of Internal Revenue has estimated that honest taxpayers are paying ''15 percent more'' than necessary if the tax gap were closed;

(5) the current Commissioner of Internal Revenue is concerned that increasing numbers of taxpayers believe that people are less likely to report their income taxes accurately and more inclined to take a chance that they will not be audited; and

(6) that an increase in enforcement efforts on taxes already due and owing can generate significant additional revenues without raising taxes.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Internal Revenue Service should be provided the resources necessary to increase enforcement activities that would be concentrated on efforts to reduce the tax gap substantially by the end of fiscal year 2009.

SEC. 509. SENSE OF THE SENATE AMENDMENT ON DRUG COMPARATIVENESS STUDIES.

It is the sense of the Senate that the overall discretionary levels set in this resolution assume $75,000,000 in new budget authority in fiscal year 2005 and new outlays that flow from this budget authority in fiscal year 2005 and subsequent years, to fund new research and ongoing literature surveys in the Agency for Health Care Research and Quality. These activities will be designed to improve scientific evidence related to the comparative effectiveness and safety of prescription drugs and other treatments and to disseminate the findings and underlying data from such research to health care practitioners, consumers, and health care purchasers.

SEC. 510. SENSE OF THE SENATE REGARDING FUNDING FOR PORT SECURITY.

(a) FINDINGS.—The Senate makes the following findings:

(1) In the United States, the system of maritime commerce, including seaports and other ports, is a critical element of the United States economic, social, and environmental infrastructure.

(2) In 2001, ports in the United States handled approximately 5,400 ships, the majority of which were owned by foreign persons and crewed by nationals of foreign countries, that made a total of more than 60,000 calls at such ports.

(3) In a typical year, more than 17,000,000 cargo containers are handled at ports in the United States.

(4) Maritime commerce is the primary mode of transportation for international trade, with ships carrying more than 80 percent of such trade, by volume.

(5) Disruption of trade flowing through United States ports could have a catastrophic impact on both the United States and the world economies.

(6) In addition to the economic importance of United States ports, such ports form a critical link in the United States national security structure, and are necessary to ensure that United States military material can be effectively and quickly shipped to any location where such material is needed.

(7) Terrorist groups, including extremist groups such as al Qaeda, are likely to consider, formulate, and execute plans to conduct a terrorist strike against one or more of the ports in the United States.

(8) Terrorists have conducted attacks against maritime commerce in the past, including the October 2002 attack on the French oil tanker LIMBERG and the October 2000 attack on the USS COLE in Yemen.

(9) It is critical that port security be enhanced and improved through the adoption of better formulated security procedures, the adoption of new regulations and law, and investment in long-term capital improvements to the structure of the United States most critical ports.

(10) Effective funding to provide adequate security at United States ports requires a commitment to provide Federal funds over multiple years to fund long-term capital improvement projects.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the budget of the United States should provide adequate funding for port security projects and not less than the amount of such funding that is adequate to implement an effective port security plan;

(2) the implementation of the budget of the United States should permit the provision of Federal funds over multiple years to fund long-term security improvement projects at ports in the United States; and

(3) the Secretary of Homeland Security should, as soon as practicable, develop a funding plan for port security that permits funding over multiple years for such projects.

SEC. 511. SENSE OF THE SENATE REGARDING TRIBAL COLLEGES AND UNIVERSITIES.

(a) FINDINGS.—The Senate finds the following:

(1) American Indians from 250 federally recognized tribes nationwide attend tribal colleges and universities, a majority of whom are first-generation college students.

(2) Tribal colleges and universities are located in some of the most isolated and impoverished areas in the Nation, yet they are the Nation's most poorly funded institutions of higher education. While the Tribally Controlled College or University Assistance Act, or ''Tribal College Act'' provides funding based solely on Indian students, the colleges have open enrollment policies providing access to postsecondary education opportunities to all interested students, about 20 percent of whom are non-Indian. With rare exception, tribal colleges and universities do not receive operating funds from the States for these non-Indian State resident students. Yet, if these same students attended any other public institutions in their States, the State would provide basic operating funds to the institution.

(3) While Congress has been increasing annual appropriations for tribal colleges in recent years, the President's fiscal year 2005 budget recommends a $5,500,000 decrease in institutional operating funds. This represents the third consecutive year that the President's budget proposed decreases that Congress must restore.

(4) Because of congressional budget restorations, the tribal colleges funded through titles I and II of the Tribally Controlled College or University Assistance Act are within $19,000,000 of full funding at their authorized level.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) this resolution recognizes the funding challenges faced by tribal colleges and universities and assumes that priority consideration will be provided to them through funding of the Tribally Controlled College or University Assistance Act, the Equity in Educational Land Grant Status Act, title III of the Higher Education Act, and the National Science Foundation Tribal College Program; and

(2) such priority consideration reflects the intent of Congress to continue to work toward statutory Federal funding authorization goals for tribal colleges and universities.

SEC. 512. FINDINGS AND SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) the United States is in the grip of pervasively higher home energy prices;

(2) high natural gas, heating oil, and propane prices are, in general, having an effect that is rippling through the United States economy and are, in particular, impacting home energy bills;

(3) while persons in many sectors can adapt to natural gas, heating oil, and propane price increases, persons in some sectors simply cannot;

(4) elderly and disabled citizens who are living on fixed incomes, the working poor, and other low-income individuals face hardships wrought by high home energy prices;

(5) the energy burden for persons among the working poor often exceeds 20 percent of those persons' incomes under normal conditions;

(6) under current circumstances, home energy prices are unnaturally high, and these are not normal circumstances;

(7) while critically important and encouraged, State energy assistance and charitable assistance funds have been overwhelmed by the crisis caused by the high home energy prices;

(8) the Federal Low-Income Home Energy Assistance Program (referred to in this section as ''LIHEAP'') and the companion weatherization assistance program (referred to in this section as ''WAP''), are the Federal Government's primary means to assist eligible low-income individuals in the United States to shoulder the burdens caused by their home cooling and heating needs;

(9) in 2003, LIHEAP reached only 15 percent of the persons in the United States who were eligible for assistance under the program;

(10) since LIHEAP's inception, its inflation-adjusted buying power has eroded by 58 percent; and

(11) current Federal funding for LIHEAP is not sufficient to meet the cooling and heating needs of low-income families.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this concurrent resolution assume—

(1) an adequate increase in funding for each of fiscal years 2005 and 2006 to carry out the LIHEAP program;

(2) an adequate increase in funding for fiscal year 2005 and an adequate increase in funding for fiscal year 2006 to carry out the WAP program;

(3) appropriations, for these programs, of sufficient additional funds to realistically

address the cooling and heating needs of low-income families; and

(4) advance appropriations of the necessary funds to ensure the smooth operation of the programs during times of peak demand.

SEC. 513. SENSE OF THE SENATE SUPPORTING FUNDING RESTORATION FOR AGRICULTURE RESEARCH AND EXTENSION.

(a) FINDINGS.—Congress finds that—

(1) funding for 33 programs administered by the Cooperative State Research, Education, and Extension Service of the Department of Agriculture were each reduced by 10 percent in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2004 (118 Stat. 9);

(2) those cuts are already hurting a wide range of proven programs that help people, communities, and businesses;

(3) the cuts have put at risk important advances made in all 50 States and United States territories, including—

(A) combating obesity through programs such as the Expanded Food and Nutrition Education Program;

(B) expanding environmentally-minded pest management programs;

(C) ensuring food safety; and

(D) educating farmers and ranchers about new sustainable agricultural practices;

(4) the National Research Initiative is the flagship competitive grants program funded through the Cooperative State Research, Education, and Extension Service;

(5) because of limited funding the Service is able to fund only a small fraction of the meritorious research proposals that the Service receives under the National Research Initiative program; and

(6) base funding at the Service that supports the research infrastructure has fallen steadily over the past decade.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that levels in this concurrent resolution assume that in making appropriations and revenue decisions, the Senate supports—

(1) the restoration of the 33 accounts of the Cooperative State Research, Education, and Extension Service;

(2) the fiscal year 2005 funding of the National Research Initiative; and

(3) the fiscal year 2005 funding of competitive research programs of the Cooperative State Research, Education, and Extension Service in an amount that is adequate to—

(A) fight obesity and stave off chronic diseases;

(B) combat insects and animal and plant diseases;

(C) establish new crops, improved livestock, and economic opportunities for producers; and

(D) keep pathogens and other dangers out of the air, water, soil, plants, and animals.

SEC. 514. RESERVE FUND FOR HOMELAND SECURITY GRANT PROGRAM, ASSISTANCE TO FIREFIGHTER GRANTS, AND PORT SECURITY GRANTS.

The Chairman of the Committee on the Budget of the Senate shall revise the aggregates, functional totals, allocations to the Committee on Appropriations of the Senate, discretionary spending limits, and other appropriate levels and limits in this resolution by up to $1,545,000,000 in budget authority for fiscal year 2005, and by the amount of outlays flowing therefrom in 2005 and subsequent years, for a bill, amendment, motion, or conference report that provides additional fiscal year 2005 discretionary appropriations, in excess of the levels provided in this resolution, for the programs at the Department of Homeland Security.

SEC. 515. STATE HOMELAND SECURITY GRANT PROGRAM.

It is the sense of the Senate that, of the funds for the Department of Homeland Security, $800,000,000 shall be allocated for the State Homeland Security Grant program; $250,000,000 for the Assistance to Firefighters Grant program; and $275,000,000 for Port Security Grants. It is further the sense of the Senate that the State Homeland Security Grant Program shall be increased by $220,000,000 in order to provide for a more equitable formula for distributing funds.

SEC. 516. STRATEGIC PETROLEUM RESERVE.

It is the sense of the Senate that the increased funding for the Homeland Security Department programs shall come from the cancellation of planned future deliveries of oil to the Strategic Petroleum Reserve.

SEC. 517. SENSE OF THE SENATE CONCERNING A NATIONAL ANIMAL IDENTIFICATION PROGRAM.

(a) FINDINGS.—The Senate finds that—

(1) animal identification is important for operational management, herd health, and increased trade opportunities;

(2) animal identification is a critical component of the animal health infrastructure of the United States;

(3) it is vital to the well-being of all people in the United States to protect animal agriculture in the United States by safeguarding animal health;

(4) the ability to collect information in a timely manner is critical to an effective response to an imminent threat to animal health or food safety.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this concurrent resolution assume that in making appropriations and revenue decisions, the Senate supports—

(1) the development and implementation of a national animal identification program recognizing the need for resources to carry out the implementation of the plan;

(2) the provision by the Secretary of Agriculture of a time-line for the development and implementation of the program as soon as practicable after the date of approval of this concurrent resolution;

(3) the provision by the Secretary of Agriculture to ensure the Animal and Plant Health Inspection Service, State animal health agencies, and agricultural producers are provided funds necessary to implement a national animal identification program; and

(4) the establishment of a program that is not overly burdensome to agricultural producers and ensures the privacy of information of agricultural producers.

SEC. 518. SENSE OF THE SENATE REGARDING CONTRIBUTIONS TO THE GLOBAL FUND TO FIGHT AIDS, TUBERCULOSIS, AND MALARIA.

(a) FINDINGS.—The Senate finds that—

(1) the United States—

(A) helped establish The Global Fund to Fight AIDS, Tuberculosis, and Malaria (referred to in this section as the ''Fund'');

(B) provided its first donation; and

(C) provides leadership to the Fund under Fund Board Chairman Tommy Thompson, Secretary of the Department of Health and Human Services;

(2) as a complement to the President's historic 15-country AIDS initiative, the Fund provides resources to fight AIDS, tuberculosis, malaria, and related diseases around the world;

(3) section 202 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2004 (22 U.S.C. 7622) authorizes contributions to the Fund to the extent that United States contributions do not exceed 33 percent of all contributions to the Fund, allowing the United States to contribute $1 for every $2 contributed by other sources.

(4) during fiscal years 2001 through 2003, the United States provided $623,000,000 of the total contributions of $1,900,000,000 to the Fund, which represents approximately ⅓ of total contributions to the Fund;

(5) Congress has appropriated $547,000,000 to the Fund for fiscal year 2004, which has been matched by confirmed pledges of $994,000,000, and is slightly more than ⅓ of total pledges, with additional pledges expected;

(6) over the life of the Fund, Congress has appropriated sufficient amounts to match contributions from other sources to The Global Fund to Fight AIDS, Tuberculosis, and Malaria on a 1-to-2 basis; and

(7) transparency and accountability are critical to fund grant-making and the United States should work with foreign governments and international organizations to support the Fund's efforts to use its contributions most effectively.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that this concurrent resolution and subsequent appropriations Acts should provide sufficient funds to continue matching contributions from other sources to The Global Fund to Fight AIDS, Tuberculosis, and Malaria on a 1-to-2 basis.

SEC. 519. SENSE OF THE SENATE CONCERNING CHILD NUTRITION FUNDING.

(a) FINDINGS.—The Senate finds that—

(1) Federal child nutrition programs have long played a critical role in providing children in the United States with quality nutrition from birth through secondary school;

(2) recognizing the value of these benefits to children in the United States, Congress has an enduring tradition of bipartisan support for these programs;

(3) children in the United States are increasingly at nutritional risk due to poor dietary habits, lack of access to nutritious foods, and obesity and diet-related diseases associated with poor dietary intake;

(4) many children in the United States who would benefit from Federal child nutrition programs do not receive benefits due to financial or administrative barriers; and

(5) Federal child nutrition programs are expected to be reauthorized in the One Hundred Eighth Congress.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this concurrent resolution assume that in making appropriations and revenue decisions, the Senate supports the retention in the conference report for this concurrent resolution of the additional funds provided in this concurrent resolution for the reauthorization of Federal child nutrition programs.

SEC. 520. SENSE OF THE SENATE REGARDING COMPENSATION FOR EXPOSURE TO TOXIC SUBSTANCES AT THE DEPARTMENT OF ENERGY.

(a) FINDINGS.—The Senate finds the following:

(1) The Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384 et seq.) (referred to in this section as the ''EEOICPA'') is intended to ensure the timely payment of uniform and adequate compensation to covered employees suffering from occupational illnesses incurred during their work for the Department of Energy.

(2) The Department of Labor is responsible for implementing the provisions under subtitle B of the EEOICPA, relating to claims for radiation related cancers, beryllium disease, and silicosis. The Department of Labor has, within its area of responsibility, processed over 95 percent of the 52,000 claims it has received, and is processing these claims in an average of 73 days.

(3) As of the date of enactment of this resolution, the Department of Health and Human Services has not promulgated the regulations required under section 3626 of the EEOICPA for allowing claimants to petition to be members of the Special Exposure Cohort. Special Exposure Cohorts provide a presumption in favor of the claimant for radiation related cancers if—

(A) it is not feasible to estimate radiation dose with sufficient accuracy; and

(B) there is a reasonable likelihood that the health of the class of workers may have been endangered.

(4) The Department of Energy, which is responsible for implementing subtitle D of the EEOICPA, relating to occupational illness caused by exposure to toxic substances at Department of Energy facilities, finalized its regulations on August 14, 2002. The Department of Energy has processed 1 percent of the 22,000 claims received through the Department of Energy physicians panels since its regulations were made final.

(5) The Department of Energy has no willing payor for up to 50 percent of the claims that its physicians panels determine to be related to exposure to a toxic substance at the Department of Energy. As a consequence, many claimants with a positive determination from the physicians panel will be denied benefits. Many States, including Alaska, Colorado, Iowa, Kentucky, Missouri, Ohio, New Mexico, Idaho, and Nevada, may not have a willing payor.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) claims for occupational illness, which are determined to be caused by exposure to toxic substances at Department of Energy facilities under subtitle D of the EEOICPA, should be promptly, equitably, and efficiently compensated;

(2) administrative and technical changes should be made to the EEOICPA to—

(A) improve claims processing and review by physicians panels to ensure cost-effective and efficient consideration and determination of workers' claims;

(B) provide for membership in additional special exposure cohorts; and

(C) address eligibility issues at facilities with residual radiation; and

(3) the President and Congress should work together at the earliest opportunity to develop a plan that effectively resolves the issue of a lack of a willing payor for many claims that are determined under subtitle D of the EEOICPA to be related to exposure to a toxic substance at Department of Energy facilities.

SEC. 521. SENSE OF THE SENATE REGARDING TAX INCENTIVES FOR CERTAIN RURAL COMMUNITIES.

It is the sense of the Senate that if tax relief measures are passed in accordance with the assumptions in this resolution in this session of Congress, such legislation should include—

(1) tax and other financial incentives, similar to those included in the New Homestead Act (S. 602), to help rural communities fight the economic decimation caused by chronic out-migration by giving such communities the tools they need to attract individuals to live and work, or to start and grow a business, in such rural areas, and

(2) revenue provisions which fully offset the cost of such tax and other financial incentives.

SEC. 522. SENSE OF THE SENATE CONCERNING SUMMER FOOD PILOT PROJECTS.

It is the sense of the Senate that the levels in this concurrent resolution assume that in making appropriations and revenue decisions in Function 600 (Income Security), the Senate supports the provision, to the Food and Nutrition Service and other appropriate agencies within the Department of Agriculture, of $15,000,000 for fiscal year 2005, and $127,000,000 for the period of fiscal years 2005 through 2009, to enable those agencies to expand the summer food pilot projects established under section 18(f) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)) to all States of the United States and to all service institutions (including service institutions described in section 13(a)(7) of that Act).

When said concurrent resolution was considered and read twice.

Mr. NUSSLE submitted the following amendment which was agreed to:

Strike out all after the resolving clause and insert in lieu thereof the following text of H. Con. Res. 393, as agreed to by the House:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2005.

(a) DECLARATION.—The Congress declares that the concurrent resolution on the budget for fiscal year 2005 is hereby established and that the appropriate budgetary levels for fiscal years 2004 and 2006 through 2009 are set forth.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2005.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Major functional categories.

TITLE II—RECONCILIATION AND REPORT SUBMISSIONS

Sec. 201. Reconciliation in the House of Representatives.
Sec. 202. Submission of report on savings to be used for members of the Armed Forces in Iraq and Afghanistan.

TITLE III—RESERVE FUNDS AND CONTINGENCY PROCEDURE

Subtitle A—Reserve Funds for Legislation Assumed in Budget Aggregates

Sec. 301. Deficit-neutral reserve fund for health insurance for the uninsured.
Sec. 302. Deficit-neutral reserve fund for the Family Opportunity Act.
Sec. 303. Deficit-neutral reserve fund for Military Survivors' Benefit Plan.
Sec. 304. Reserve fund for pending legislation.

Subtitle B—Contingency Procedure

Sec. 311. Contingency procedure for surface transportation.

TITLE IV—BUDGET ENFORCEMENT

Sec. 401. Restrictions on advance appropriations.
Sec. 402. Emergency legislation.
Sec. 403. Compliance with section 13301 of the Budget Enforcement Act of 1990.
Sec. 404. Application and effect of changes in allocations and aggregates.

TITLE V—SENSE OF THE HOUSE

Sec. 501. Sense of the House on spending accountability.
Sec. 502. Sense of the House on entitlement reform.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2004 through 2009:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2004: $1,272,966,000,000.
Fiscal year 2005: $1,457,215,000,000.
Fiscal year 2006: $1,619,835,000,000.
Fiscal year 2007: $1,721,568,000,000.
Fiscal year 2008: $1,818,559,000,000.
Fiscal year 2009: $1,922,133,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be reduced are as follows:

Fiscal year 2004: −$179,000,000.
Fiscal year 2005: $19,919,000,000.
Fiscal year 2006: $34,346,000,000.
Fiscal year 2007: $33,376,000,000.
Fiscal year 2008: $27,231,000,000.
Fiscal year 2009: $30,927,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2004: $1,952,700,000,000.
Fiscal year 2005: $2,010,338,000,000.
Fiscal year 2006: $2,071,186,000,000.
Fiscal year 2007: $2,193,395,000,000.
Fiscal year 2008: $2,311,770,000,000.
Fiscal year 2009: $2,431,782,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2004: $1,911,235,000,000.
Fiscal year 2005: $2,007,926,000,000.
Fiscal year 2006: $2,083,910,000,000.
Fiscal year 2007: $2,169,446,000,000.
Fiscal year 2008: $2,277,071,000,000.
Fiscal year 2009: $2,393,946,000,000.

(4) DEFICITS (ON-BUDGET).—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2004: $638,269,000,000.
Fiscal year 2005: $550,711,000,000.
Fiscal year 2006: $464,075,000,000.
Fiscal year 2007: $447,878,000,000.
Fiscal year 2008: $458,512,000,000.
Fiscal year 2009: $471,813,000,000.

(5) DEBT SUBJECT TO LIMIT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2004: $7,436,000,000,000.
Fiscal year 2005: $8,087,000,000,000.
Fiscal year 2006: $8,675,000,000,000.
Fiscal year 2007: $9,244,000,000,000.
Fiscal year 2008: $9,823,000,000,000.
Fiscal year 2009: $10,419,000,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2004: $4,385,000,000,000.
Fiscal year 2005: $4,775,000,000,000.
Fiscal year 2006: $5,060,000,000,000.
Fiscal year 2007: $5,312,000,000,000.
Fiscal year 2008: $5,560,000,000,000.
Fiscal year 2009: $5,807,000,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2004 through 2009 for each major functional category are:

(1) National Defense (050):

Fiscal year 2004:
(A) New budget authority, $461,544,000,000.
(B) Outlays, $451,125,000,000.
Fiscal year 2005:
(A) New budget authority, $419,634,000,000.
(B) Outlays, $447,114,000,000.
Fiscal year 2006:
(A) New budget authority, $442,400,000,000.
(B) Outlays, $439,098,000,000.
Fiscal year 2007:
(A) New budget authority, $464,000,000,000.
(B) Outlays, $445,927,000,000.
Fiscal year 2008:
(A) New budget authority, $486,149,000,000.
(B) Outlays, $465,542,000,000.
Fiscal year 2009:
(A) New budget authority, $508,369,000,000.
(B) Outlays, $487,186,000,000.

(2) Homeland Security (100):

Fiscal year 2004:
(A) New budget authority, $29,559,000,000.
(B) Outlays, $24,834,000,000.
Fiscal year 2005:
(A) New budget authority, $34,102,000,000.

(B) Outlays, $29,997,000,000.
Fiscal year 2006:
(A) New budget authority, $33,548,000,000.
(B) Outlays, $33,298,000,000.
Fiscal year 2007:
(A) New budget authority, $35,160,000,000.
(B) Outlays, $35,635,000,000.
Fiscal year 2008:
(A) New budget authority, $36,520,000,000.
(B) Outlays, $36,979,000,000.
Fiscal year 2009:
(A) New budget authority, $40,420,000,000.
(B) Outlays, $38,401,000,000.
(3) International Affairs (150):
Fiscal year 2004:
(A) New budget authority, $43,604,000,000.
(B) Outlays, $29,281,000,000.
Fiscal year 2005:
(A) New budget authority, $26,529,000,000.
(B) Outlays, $32,848,000,000.
Fiscal year 2006:
(A) New budget authority, $27,776,000,000.
(B) Outlays, $30,017,000,000.
Fiscal year 2007:
(A) New budget authority, $27,927,000,000.
(B) Outlays, $26,714,000,000.
Fiscal year 2008:
(A) New budget authority, $28,077,000,000.
(B) Outlays, $25,323,000,000.
Fiscal year 2009:
(A) New budget authority, $28,228,000,000.
(B) Outlays, $25,099,000,000.
(4) General Science, Space, and Technology (250):
Fiscal year 2004:
(A) New budget authority, $22,822,000,000.
(B) Outlays, $21,897,000,000.
Fiscal year 2005:
(A) New budget authority, $22,813,000,000.
(B) Outlays, $22,453,000,000.
Fiscal year 2006:
(A) New budget authority, $22,927,000,000.
(B) Outlays, $22,683,000,000.
Fiscal year 2007:
(A) New budget authority, $23,042,000,000.
(B) Outlays, $22,743,000,000.
Fiscal year 2008:
(A) New budget authority, $23,157,000,000.
(B) Outlays, $22,763,000,000.
Fiscal year 2009:
(A) New budget authority, $23,274,000,000.
(B) Outlays, $22,863,000,000.
(5) Energy (270):
Fiscal year 2004:
(A) New budget authority, $2,323,000,000.
(B) Outlays, $59,000,000.
Fiscal year 2005:
(A) New budget authority, $2,863,000,000.
(B) Outlays, $1,201,000,000.
Fiscal year 2006:
(A) New budget authority, $2,604,000,000.
(B) Outlays, $1,397,000,000.
Fiscal year 2007:
(A) New budget authority, $2,583,000,000.
(B) Outlays, $1,040,000,000.
Fiscal year 2008:
(A) New budget authority, $2,629,000,000.
(B) Outlays, $662,000,000.
Fiscal year 2009:
(A) New budget authority, $2,285,000,000.
(B) Outlays, $891,000,000.
(6) Natural Resources and Environment (300):
Fiscal year 2004:
(A) New budget authority, $32,021,000,000.
(B) Outlays, $30,210,000,000.
Fiscal year 2005:
(A) New budget authority, $31,212,000,000.
(B) Outlays, $30,868,000,000.
Fiscal year 2006:
(A) New budget authority, $31,568,000,000.
(B) Outlays, $31,911,000,000.
Fiscal year 2007:
(A) New budget authority, $31,897,000,000.
(B) Outlays, $32,153,000,000.
Fiscal year 2008:
(A) New budget authority, $32,101,000,000.
(B) Outlays, $32,128,000,000.
Fiscal year 2009:
(A) New budget authority, $32,777,000,000.
(B) Outlays, $32,804,000,000.
(7) Agriculture (350):
Fiscal year 2004:
(A) New budget authority, $19,908,000,000.
(B) Outlays, $18,434,000,000.
Fiscal year 2005:
(A) New budget authority, $21,087,000,000.
(B) Outlays, $20,501,000,000.
Fiscal year 2006:
(A) New budget authority, $23,374,000,000.
(B) Outlays, $22,310,000,000.
Fiscal year 2007:
(A) New budget authority, $24,278,000,000.
(B) Outlays, $23,199,000,000.
Fiscal year 2008:
(A) New budget authority, $24,042,000,000.
(B) Outlays, $22,957,000,000.
Fiscal year 2009:
(A) New budget authority, $24,903,000,000.
(B) Outlays, $23,956,000,000.
(8) Commerce and Housing Credit (370):
Fiscal year 2004:
(A) New budget authority, $17,077,000,000.
(B) Outlays, $12,748,000,000.
Fiscal year 2005:
(A) New budget authority, $10,792,000,000.
(B) Outlays, $5,782,000,000.
Fiscal year 2006:
(A) New budget authority, $10,242,000,000.
(B) Outlays, $6,842,000,000.
Fiscal year 2007:
(A) New budget authority, $9,727,000,000.
(B) Outlays, $4,769,000,000.
Fiscal year 2008:
(A) New budget authority, $9,705,000,000.
(B) Outlays, $3,190,000,000.
Fiscal year 2009:
(A) New budget authority, $9,580,000,000.
(B) Outlays, $2,740,000,000.
(9) Transportation (400):
Fiscal year 2004:
(A) New budget authority, $62,937,000,000.
(B) Outlays, $59,280,000,000.
Fiscal year 2005:
(A) New budget authority, $65,021,000,000.
(B) Outlays, $61,988,000,000.
Fiscal year 2006:
(A) New budget authority, $66,075,000,000.
(B) Outlays, $64,204,000,000.
Fiscal year 2007:
(A) New budget authority, $68,263,000,000.
(B) Outlays, $66,131,000,000.
Fiscal year 2008:
(A) New budget authority, $69,578,000,000.
(B) Outlays, $67,545,000,000.
Fiscal year 2009:
(A) New budget authority, $70,445,000,000.
(B) Outlays, $68,452,000,000.
(10) Community and Regional Development (450):
Fiscal year 2004:
(A) New budget authority, $13,758,000,000.
(B) Outlays, $15,443,000,000.
Fiscal year 2005:
(A) New budget authority, $11,867,000,000.
(B) Outlays, $14,233,000,000.
Fiscal year 2006:
(A) New budget authority, $11,655,000,000.
(B) Outlays, $12,484,000,000.
Fiscal year 2007:
(A) New budget authority, $11,715,000,000.
(B) Outlays, $11,616,000,000.
Fiscal year 2008:
(A) New budget authority, $11,692,000,000.
(B) Outlays, $11,392,000,000.
Fiscal year 2009:
(A) New budget authority, $11,752,000,000.
(B) Outlays, $11,510,000,000.
(11) Education, Training, Employment, and Social Services (500):
Fiscal year 2004:
(A) New budget authority, $89,463,000,000.
(B) Outlays, $86,405,000,000.
Fiscal year 2005:
(A) New budget authority, $92,523,000,000.
(B) Outlays, $90,492,000,000.
Fiscal year 2006:
(A) New budget authority, $93,596,000,000.
(B) Outlays, $92,878,000,000.
Fiscal year 2007:
(A) New budget authority, $94,243,000,000.
(B) Outlays, $93,365,000,000.
Fiscal year 2008:
(A) New budget authority, $94,738,000,000.
(B) Outlays, $93,975,000,000.
Fiscal year 2009:
(A) New budget authority, $95,366,000,000.
(B) Outlays, $94,685,000,000.
(12) Health (550):
Fiscal year 2004:
(A) New budget authority, $236,822,000,000.
(B) Outlays, $235,551,000,000.
Fiscal year 2005:
(A) New budget authority, $245,095,000,000.
(B) Outlays, $244,936,000,000.
Fiscal year 2006:
(A) New budget authority, $252,639,000,000.
(B) Outlays, $252,495,000,000.
Fiscal year 2007:
(A) New budget authority, $266,117,000,000.
(B) Outlays, $265,196,000,000.
Fiscal year 2008:
(A) New budget authority, $284,970,000,000.
(B) Outlays, $284,222,000,000.
Fiscal year 2009:
(A) New budget authority, $304,034,000,000.
(B) Outlays, $303,460,000,000.
(13) Medicare (570):
Fiscal year 2004:
(A) New budget authority, $269,567,000,000.
(B) Outlays, $268,759,000,000.
Fiscal year 2005:
(A) New budget authority, $288,166,000,000.
(B) Outlays, $289,126,000,000.
Fiscal year 2006:
(A) New budget authority, $322,974,000,000.
(B) Outlays, $322,549,000,000.
Fiscal year 2007:
(A) New budget authority, $362,759,000,000.
(B) Outlays, $363,016,000,000.
Fiscal year 2008:
(A) New budget authority, $387,838,000,000.
(B) Outlays, $387,858,000,000.
Fiscal year 2009:
(A) New budget authority, $414,278,000,000.
(B) Outlays, $413,853,000,000.
(14) Income Security (600):
Fiscal year 2004:
(A) New budget authority, $329,744,000,000.
(B) Outlays, $336,074,000,000.
Fiscal year 2005:
(A) New budget authority, $337,318,000,000.
(B) Outlays, $341,716,000,000.
Fiscal year 2006:
(A) New budget authority, $335,387,000,000.
(B) Outlays, $339,098,000,000.
Fiscal year 2007:
(A) New budget authority, $340,140,000,000.
(B) Outlays, $342,945,000,000.
Fiscal year 2008:
(A) New budget authority, $352,809,000,000.
(B) Outlays, $355,046,000,000.
Fiscal year 2009:
(A) New budget authority, $361,830,000,000.
(B) Outlays, $363,465,000,000.
(15) Social Security (650):
Fiscal year 2004:
(A) New budget authority, $13,396,000,000.
(B) Outlays, $13,396,000,000.
Fiscal year 2005:
(A) New budget authority, $15,094,000,000.
(B) Outlays, $15,094,000,000.
Fiscal year 2006:
(A) New budget authority, $16,589,000,000.
(B) Outlays, $16,589,000,000.
Fiscal year 2007:
(A) New budget authority, $18,049,000,000.
(B) Outlays, $18,049,000,000.
Fiscal year 2008:
(A) New budget authority, $19,988,000,000.
(B) Outlays, $19,988,000,000.
Fiscal year 2009:
(A) New budget authority, $21,989,000,000.
(B) Outlays, $21,989,000,000.
(16) Veterans Benefits and Services (700):
Fiscal year 2004:
(A) New budget authority, $61,179,000,000.

(B) Outlays, $59,858,000,000.
Fiscal year 2005:
(A) New budget authority, $70,536,000,000.
(B) Outlays, $68,563,000,000.
Fiscal year 2006:
(A) New budget authority, $68,501,000,000.
(B) Outlays, $67,597,000,000.
Fiscal year 2007:
(A) New budget authority, $66,621,000,000.
(B) Outlays, $66,007,000,000.
Fiscal year 2008:
(A) New budget authority, $69,842,000,000.
(B) Outlays, $69,459,000,000.
Fiscal year 2009:
(A) New budget authority, $70,506,000,000.
(B) Outlays, $70,106,000,000.
(17) Administration of Justice (750):
Fiscal year 2004:
(A) New budget authority, $29,932,000,000.
(B) Outlays, $30,103,000,000.
Fiscal year 2005:
(A) New budget authority, $30,139,000,000.
(B) Outlays, $30,025,000,000.
Fiscal year 2006:
(A) New budget authority, $27,430,000,000.
(B) Outlays, $28,036,000,000.
Fiscal year 2007:
(A) New budget authority, $27,480,000,000.
(B) Outlays, $27,744,000,000.
Fiscal year 2008:
(A) New budget authority, $27,616,000,000.
(B) Outlays, $27,540,000,000.
Fiscal year 2009:
(A) New budget authority, $27,755,000,000.
(B) Outlays, $27,621,000,000.
(18) General Government (800):
Fiscal year 2004:
(A) New budget authority, $23,806,000,000.
(B) Outlays, $24,540,000,000.
Fiscal year 2005:
(A) New budget authority, $17,198,000,000.
(B) Outlays, $17,916,000,000.
Fiscal year 2006:
(A) New budget authority, $17,419,000,000.
(B) Outlays, $17,392,000,000.
Fiscal year 2007:
(A) New budget authority, $17,573,000,000.
(B) Outlays, $17,401,000,000.
Fiscal year 2008:
(A) New budget authority, $17,230,000,000.
(B) Outlays, $17,075,000,000.
Fiscal year 2009:
(A) New budget authority, $17,383,000,000.
(B) Outlays, $17,044,000,000.
(19) Net Interest (900):
Fiscal year 2004:
(A) New budget authority, $240,471,000,000.
(B) Outlays, $240,471,000,000.
Fiscal year 2005:
(A) New budget authority, $270,698,000,000.
(B) Outlays, $270,698,000,000.
Fiscal year 2006:
(A) New budget authority, $318,909,000,000.
(B) Outlays, $318,909,000,000.
Fiscal year 2007:
(A) New budget authority, $364,463,000,000.
(B) Outlays, $364,463,000,000.
Fiscal year 2008:
(A) New budget authority, $398,574,000,000.
(B) Outlays, $398,574,000,000.
Fiscal year 2009:
(A) New budget authority, $427,464,000,000.
(B) Outlays, $427,464,000,000.
(20) Allowances (920):
Fiscal year 2004:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2005:
(A) New budget authority, $50,000,000,000.
(B) Outlays, $24,850,000,000.
Fiscal year 2006:
(A) New budget authority, $0.
(B) Outlays, $18,600,000,000.
Fiscal year 2007:
(A) New budget authority, $0.
(B) Outlays, $5,100,000,000.
Fiscal year 2008:
(A) New budget authority, $0.
(B) Outlays, $1,000,000,000.
Fiscal year 2009:
(A) New budget authority, $0.
(B) Outlays, $250,000,000.
(21) Undistributed Offsetting Receipts (950):
Fiscal year 2004:
(A) New budget authority, −$47,233,000,000.
(B) Outlays, −$47,233,000,000.
Fiscal year 2005:
(A) New budget authority, −$52,349,000,000.
(B) Outlays, −$52,475,000,000.
Fiscal year 2006:
(A) New budget authority, −$54,427,000,000.
(B) Outlays, −$54,477,000,000.
Fiscal year 2007:
(A) New budget authority, −$62,642,000,000.
(B) Outlays, −$63,767,000,000.
Fiscal year 2008:
(A) New budget authority, −$65,485,000,000.
(B) Outlays, −$66,147,000,000.
Fiscal year 2009:
(A) New budget authority, −$60,856,000,000.
(B) Outlays, −$59,893,000,000.

TITLE II—RECONCILIATION AND REPORT SUBMISSIONS

SEC. 201. RECONCILIATION IN THE HOUSE OF REPRESENTATIVES.

(a) SUBMISSIONS PROVIDING FOR THE ELIMINATION OF WASTE, FRAUD, AND ABUSE.—(1) Not later than July 15, 2004, the House committees named in paragraph (2) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(2) INSTRUCTIONS.—

(A) COMMITTEE ON AGRICULTURE.—The House Committee on Agriculture shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $110,000,000 in outlays for fiscal year 2005 and $371,000,000 in outlays for the period of fiscal years 2005 through 2009.

(B) COMMITTEE ON EDUCATION AND THE WORKFORCE: INSTRUCTION TO PROVIDE FAIRNESS IN FEDERAL WORKERS COMPENSATION.—The House Committee on Education and the Workforce shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $5,000,000 in outlays for fiscal year 2005 and $43,000,000 in outlays for the period of fiscal years 2005 through 2009.

(C) COMMITTEE ON ENERGY AND COMMERCE.—The House Committee on Energy and Commerce shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $410,000,000 in outlays for fiscal year 2005 and $2,185,000,000 in outlays for the period of fiscal years 2005 through 2009.

(D) COMMITTEE ON GOVERNMENT REFORM: INSTRUCTION TO INCREASE RESOURCES TO AUTHORIZE INFORMATION SHARING TO ALLOW FEDERAL BENEFIT PROGRAMS LIMITED ACCESS TO FEDERAL AND STATE ADMINISTRATIVE DATA TO VERIFY ELIGIBILITY.—The House Committee on Government Reform shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $170,000,000 in outlays for fiscal year 2005 and $2,365,000,000 in outlays for the period of fiscal years 2005 through 2009.

(E) COMMITTEE ON WAYS AND MEANS.—The House Committee on Ways and Means shall report changes in laws within its jurisdiction sufficient to reduce the deficit by $1,126,000,000 for fiscal year 2005 and $8,269,000,000 for the period of fiscal years 2005 through 2009.

(b) SUBMISSION PROVIDING FOR THE EXTENSION OF EXPIRING TAX RELIEF.—(1) The House Committee on Ways and Means shall report a reconciliation bill not later than October 1, 2004, that consists of changes in laws within its jurisdiction sufficient to reduce revenues by not more than $13,182,000,000 for fiscal year 2005 and by not more than $137,580,000,000 for the period of fiscal years 2005 through 2009.

(2) If a reconciliation bill, as reported pursuant to paragraph (1), does not increase the deficit for fiscal year 2005 or for the period of fiscal years 2005 though 2009 above the levels permitted in such paragraph, the chairman of the House Committee on the Budget may revise the reconciliation instructions under this section to permit the Committee on Ways and Means to increase the level of direct spending outlays, make conforming adjustments to the revenue instruction to decrease the reduction in revenues, and make conforming changes in allocations to the Committee on Ways and Means and in budget aggregates.

SEC. 202. SUBMISSION OF REPORT ON DEFENSE SAVINGS.

In the House, not later than May 15, 2004, the Committee on Armed Services shall submit to the Committee on the Budget its findings that identify $2,000,000,000 in savings from (1) activities that are determined to be of a low priority to the successful execution of current military operations; or (2) activities that are determined to be wasteful or unnecessary to national defense. Funds identified should be reallocated to programs and activities that directly contribute to enhancing the combat capabilities of the U.S. military forces with an emphasis on force protection, munitions and surveillance capabilities. For purposes of this subsection, the report by the Committee on Armed Services shall be inserted in the Congressional Record by the chairman of the Committee on the Budget not later than May 21, 2004.

TITLE III—RESERVE FUNDS AND CONTINGENCY PROCEDURE

Subtitle A—Reserve Funds for Legislation Assumed in Budget Aggregates

SEC. 301. DEFICIT-NEUTRAL RESERVE FUND FOR HEALTH INSURANCE FOR THE UNINSURED.

In the House, if legislation is reported, or if an amendment thereto is offered or a conference report thereon is submitted, that provides health insurance for the uninsured, the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent such measure is deficit neutral in fiscal year 2005 and for the period of fiscal years 2005 through 2009.

SEC. 302. DEFICIT-NEUTRAL RESERVE FUND FOR THE FAMILY OPPORTUNITY ACT.

In the House, if the Committee on Energy and Commerce reports legislation, or if an amendment thereto is offered or a conference report thereon is submitted, that provides medicaid coverage for children with special needs (the Family Opportunity Act), the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent such measure is deficit neutral in fiscal year 2005 and for the period of fiscal years 2005 through 2009.

SEC. 303. DEFICIT-NEUTRAL RESERVE FUND FOR MILITARY SURVIVORS' BENEFIT PLAN.

In the House, if the Committee on Armed Services reports legislation, or if an amendment thereto is offered or a conference report thereon is submitted, that increases survivors' benefits under the Military Survivors' Benefit Plan, the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent such measure is deficit neutral resulting from a change other than to discretionary appropriations in fiscal year 2005 and for the period of fiscal years 2005 through 2009.

SEC. 304. RESERVE FUND FOR PENDING LEGISLATION.

In the House, for any bill, including a bill that provides for the safe importation of FDA-approved prescription drugs or places limits on medical malpractice litigation, that has passed the House in the first session of the 108th Congress and, after the date of adoption of this concurrent resolution, is acted on by the Senate, enacted by the Congress, and presented to the President, the chairman of the Committee on the Budget may make the appropriate adjustments in the allocations and aggregates to reflect any resulting savings from any such measure.

Subtitle B—Contingency Procedure

SEC. 311. CONTINGENCY PROCEDURE FOR SURFACE TRANSPORTATION.

(a) IN GENERAL.—If the Committee on Transportation and Infrastructure of the House reports legislation, or if an amendment thereto is offered or a conference report thereon is submitted, that provides new budget authority for the budget accounts or portions thereof in the highway and transit categories as defined in sections 250(c)(4)(B) and (C) of the Balanced Budget and Emergency Deficit Control Act of 1985 in excess of the following amounts:

(1) for fiscal year 2004: $41,569,000,000,
(2) for fiscal year 2005: $42,657,000,000,
(3) for fiscal year 2006: $43,635,000,000,
(4) for fiscal year 2007: $45,709,000,000,
(5) for fiscal year 2008: $46,945,000,000, or
(6) for fiscal year 2009: $47,732,000,000,

the chairman of the Committee on the Budget may adjust the appropriate budget aggregates and increase the allocation of new budget authority to such committee for fiscal year 2004, for fiscal year 2005, and for the period of fiscal years 2005 through 2009 to the extent such excess is offset by a reduction in mandatory outlays from the Highway Trust Fund or an increase in receipts appropriated to such fund for the applicable fiscal year caused by such legislation or any previously enacted legislation.

(b) ADJUSTMENT FOR OUTLAYS.—For fiscal year 2004 or 2005, in the House, if a bill or joint resolution is reported, or if an amendment thereto is offered or a conference report thereon is submitted, that changes obligation limitations such that the total limitations are in excess of $40,116,000,000 for fiscal year 2004 or $41,204,000,000 for fiscal year 2005 for programs, projects, and activities within the highway and transit categories as defined in sections 250(c)(4)(B) and (C) of the Balanced Budget and Emergency Deficit Control Act of 1985, and if legislation has been enacted that satisfies the conditions set forth in subsection (a) for such fiscal year, the chairman of the Committee on the Budget may increase the allocation of outlays and appropriate aggregates for such fiscal year for the committee reporting such measure by the amount of outlays that corresponds to such excess obligation limitations, but not to exceed the amount of such excess that was offset pursuant to subsection (a).

TITLE IV—BUDGET ENFORCEMENT

SEC. 401. RESTRICTIONS ON ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—(1) In the House, except as provided in subsection (b), an advance appropriation may not be reported in a bill or joint resolution making a general appropriation or continuing appropriation, and may not be in order as an amendment thereto.

(2) Managers on the part of the House may not agree to a Senate amendment that would violate paragraph (1) unless specific authority to agree to the amendment first is given by the House by a separate vote with respect thereto.

(b) LIMITATION.—In the House, an advance appropriation may be provided for fiscal year 2006 or 2007 for programs, projects, activities or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading ''Accounts Identified for Advance Appropriations'' in an aggregate amount not to exceed $23,568,000,000 in new budget authority.

(c) DEFINITION.—In this subsection, the term ''advance appropriation'' means any discretionary new budget authority in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2005 that first becomes available for any fiscal year after 2005.

SEC. 402. EMERGENCY LEGISLATION.

(a) EXEMPTION OF OVERSEAS CONTINGENCY OPERATIONS.—In the House, if a bill or joint resolution is reported, or an amendment is offered thereto or a conference report is filed thereon, that makes supplemental appropriations for fiscal year 2005 for contingency operations related to the global war on terrorism, then the new budget authority, new entitlement authority, outlays, and receipts resulting therefrom shall not count for purposes of sections 302, 303, and 401 of the Congressional Budget Act of 1974 for the provisions of such measure that are designated pursuant to this subsection as making appropriations for such contingency operations.

(b) EXEMPTION OF EMERGENCY PROVISIONS.—In the House, if a bill or joint resolution is reported, or an amendment is offered thereto or a conference report is filed thereon, that designates a provision as an emergency requirement pursuant to this section, then the new budget authority, new entitlement authority, outlays, and receipts resulting therefrom shall not count for purposes of sections 302, 303, 311, and 401 of the Congressional Budget Act of 1974.

(c) DESIGNATIONS.—

(1) GUIDANCE.—In the House, if a provision of legislation is designated as an emergency requirement under subsection (b), the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in paragraph (2). If such legislation is to be considered by the House without being reported, then the committee shall cause the explanation to be published in the Congressional Record in advance of floor consideration.

(2) CRITERIA.—

(A) IN GENERAL.—Any such provision is an emergency requirement if the underlying situation poses a threat to life, property, or national security and is—

(i) sudden, quickly coming into being, and not building up over time;

(ii) an urgent, pressing, and compelling need requiring immediate action;

(iii) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(iv) not permanent, temporary in nature.

(B) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

SEC. 403. COMPLIANCE WITH SECTION 13301 OF THE BUDGET ENFORCEMENT ACT OF 1990.

(a) IN GENERAL.—In the House, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974 and section 13301 of the Budget Enforcement Act of 1990, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocation under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration.

(b) SPECIAL RULE.—In the House, for purposes of applying section 302(f) of the Congressional Budget Act of 1974, estimates of the level of total new budget authority and total outlays provided by a measure shall include any discretionary amounts provided for the Social Security Administration.

SEC. 404. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution—

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the appropriate Committee on the Budget; and

(2) such chairman may make any other necessary adjustments to such levels to carry out this resolution.

TITLE V—SENSE OF THE HOUSE

SEC. 501. SENSE OF THE HOUSE ON SPENDING ACCOUNTABILITY.

It is the sense of the House that—

(1) authorizing committees should actively engage in oversight utilizing—

(A) the plans and goals submitted by executive agencies pursuant to the Government Performance and Results Act of 1993; and

(B) the performance evaluations submitted by such agencies (that are based upon the Program Assessment Rating Tool which is designed to improve agency performance);

in order to enact legislation to eliminate waste, fraud, and abuse to ensure the efficient use of taxpayer dollars;

(2) all Federal programs should be periodically reauthorized and funding for unauthorized programs should be level-funded in fiscal year 2005 unless there is a compelling justification;

(3) committees should submit written justifications for earmarks and should consider not funding those most egregiously inconsistent with national policy;

(4) the fiscal year 2005 budget resolution should be vigorously enforced and legislation should be enacted establishing statutory limits on appropriations and a PAY-AS-YOU-GO rule for new and expanded entitlement programs; and

(5) Congress should make every effort to offset nonwar-related supplemental appropriations.

SEC. 502. SENSE OF THE HOUSE ON ENTITLEMENT REFORM.

(a) FINDINGS.—The House finds that welfare was successfully reformed through the application of work requirements, education and training opportunity, and time limits on eligibility.

(b) SENSE OF THE HOUSE.—It is the sense of the House that authorizing committees should—

(1) systematically review all means-tested entitlement programs and track beneficiary participation across programs and time;

(2) enact legislation to develop common eligibility requirements for means-tested entitlement programs;

(3) enact legislation to accurately rename means-tested entitlement programs;

(4) enact legislation to coordinate program benefits in order to limit to a reasonable period of time the Government dependency of

means-tested entitlement program participants;

(5) evaluate the costs of, and justifications for, nonmeans-tested, nonretirement-related entitlement programs; and

(6) identify and utilize resources that have conducted cost-benefit analyses of participants in multiple means- and nonmeans-tested entitlement programs to understand their cumulative costs and collective benefits.

The concurrent resolution, as amended, was ordered to be read by title, and agreed to.

A motion to reconsider the vote whereby said concurrent resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said amendment.

¶31.17 HOUR OF MEETING

On motion of Mr. NUSSLE, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 9 a.m. on Tuesday, March 30, 2004, for morning-hour debate as though after May 31, 2004, thereafter to resume its session at 10 a.m.

¶31.18 MAXINE S. POSTAL UNITED STATES POST OFFICE

On motion of Mr. NUSSLE, by unanimous consent, requested that the ordering of the yeas and nays on the motion to suspend the rules and pass the bill (H.R. 3917) to designate the facility of the United States Postal Service located at 695 Marconi Boulevard in Copiague, New York, as the ''Maxine S. Postal United States Post Office'', be vacated to the end that the question be put de novo.

Accordingly,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶31.19 AMENDMENTS OF THE SENATE TO H.R. 2584—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the amendments of the Senate to the bill (H.R. 2584) to provide for the conveyance to the Utrok Atoll local government of a decommissioned National Oceanic and Atmospheric Administration ship, and for other purposes.

The question being put,

Will the House suspend the rules and agree to said amendments?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 379 / Nays ..... 1 }

¶31.20 [Roll No. 94]

YEAS—379

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballance
Ballenger
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Evans
Farr
Feeney
Ferguson
Filner
Flake
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—1

Paul

NOT VOTING—53

Ackerman
Bachus
Barrett (SC)
Becerra
Bell
Berman
Brown, Corrine
Burr
Carson (OK)
Davis (AL)
DeMint
Doolittle
Etheridge
Everett
Fattah
Foley
Frank (MA)
Gallegly
Gephardt
Greenwood
Gutierrez
Hefley
Hoeffel
Hulshof
Hunter
Jackson-Lee (TX)
John
Kilpatrick
Knollenberg
Kucinich
Lewis (GA)
Lipinski
Maloney
McIntyre
Neal (MA)
Ose
Oxley
Payne
Pomeroy
Portman
Rahall
Ros-Lehtinen
Ryan (OH)
Sanders
Shays
Stark
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Toomey
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said amendments of the Senate were agreed to.

A motion to reconsider the vote whereby the rules were suspended and said amendments were agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶31.21 H.R. 3723—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3723) to designate the facility of the United States Postal Service located at 8135 Forest Lane in Dallas, Texas, as the ''Vaughn Gross Post Office Building''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 379 / Nays 0

¶31.22 [Roll No. 95]

YEAS—379

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballance
Ballenger
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Evans
Farr
Feeney
Ferguson
Filner
Flake
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—54

Ackerman
Bachus
Barrett (SC)
Becerra
Bell
Berman
Brown, Corrine
Burr
Carson (OK)
Davis (AL)
DeMint
Doolittle
Etheridge
Everett
Fattah
Foley
Frank (MA)
Gallegly
Gephardt
Greenwood
Gutierrez
Hefley
Hoeffel
Hulshof
Hunter
Jackson-Lee (TX)
John
Johnson, E. B.
Kilpatrick
Knollenberg
Kucinich
Lewis (GA)
Lipinski
Maloney
McIntyre
Murtha
Neal (MA)
Ose
Oxley
Payne
Portman
Rahall
Ros-Lehtinen
Ryan (OH)
Sanders
Shays
Stark
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Toomey
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the senate in said bill.

¶31.23 ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3926. An Act to amend the Public Health Service Act to promote organ donation, and for other purposes.

H.R. 1997. An Act to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes.

¶31.24 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BECERRA, for today;

To Mr. HULSHOF, for today and March 30;

To Ms. KILPATRICK, for today;

To Mr. OSE, for today;

To Mr. PORTMAN, for today; and

To Ms. JACKSON-LEE of Texas, for today and until noon on March 30.

And then,

¶31.25 ADJOURNMENT

On motion of Mr. WELDON of Pennsylvania, pursuant to the previous order of the House, at 10 o'clock and 56 minutes p.m., the House adjourned until 9 a.m. on Tuesday, March 30, 2004.

¶31.26 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mrs. MYRICK: Committee on Rules. House Resolution 580. Resolution providing for the consideration of the bill (H.R. 3966) to amend title 10, United States Code, and the Homeland Security Act of 2002 to improve the ability of the Department of Defense to establish and maintain Senior Reserve Officer Training Corps units at institutions of higher education, to improve the ability of students to participate in Senior ROTC programs, and to ensure that institutions of higher education provide military recruiters entry to campuses and access to students that is at least equal in quality and scope to that provided to any other employer (Rept. 108–451). Referred to the House Calendar.

¶31.27 REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 3550. A bill to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, with an amendment; referred to the Committees on Education and the Workforce, Energy and Commerce, Judiciary, Resources, and Science for a period ending not later than March 29, 2004, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of those committees pursuant to clause 1, rule X. (Rept. 108–452, Pt. 1) Ordered to be printed.

¶31.28 DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committees on Education and the Workforce, Energy and Commerce, the Judiciary, Resources and Science discharged from further consideration. H.R. 3550 committed to the Committee of the Whole House on the State of the Union and ordered to be printed.

¶31.29 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. VITTER:

H.R. 4050. A bill to establish a demonstration project to begin correcting structural bridge deficiencies; to the Committee on Transportation and Infrastructure.

By Mr. FILNER:

H.R. 4051. A bill to amend title 38, United States Code, to permit eligible veterans to receive direct access to chiropractic care; to the Committee on Veterans' Affairs.

By Mr. DELAHUNT (for himself, Mr. YOUNG of Alaska, Mr. GILCHREST, Mr. SIMMONS, Mr. ALLEN, Mr. VAN HOLLEN, Mr. SERRANO, Ms. BORDALLO, Mr. JONES of North Carolina, Mr. ORTIZ, and Mr. CANNON):

H.R. 4052. A bill to increase the number of aliens who may receive certain nonimmigrant status during fiscal year 2004 and to require submissions of information by the Secretary of Homeland Security; to the Committee on the Judiciary.

By Mr. LANTOS (for himself and Mr. DREIER):

H.R. 4053. A bill to improve the workings of international organizations and multilateral institutions, and for other purposes; to the Committee on International Relations.

By Mr. WEINER:

H.R. 4054. A bill to require the establishment of regional consumer price indices to compute cost-of-living increases under the programs for Social Security and Medicare and other medical benefits under titles II and XVIII of the Social Security Act; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Tennessee (for himself and Mr. DUNCAN):

H. Con. Res. 400. Concurrent resolution expressing the sense of the Congress that the United States flag flown over the United States Capitol should be lowered to half-mast one day each month in honor of the brave men and women from the United States who have lost their lives in military conflicts; to the Committee on House Administration.

By Mr. TOM DAVIS of Virginia (for himself, Mr. WOLF, Mr. HOYER, Mr. MORAN of Virginia, Mrs. JO ANN DAVIS of Virginia, Mr. WAXMAN, Mr. DAVIS of Illinois, Mr. LATOURETTE, Mrs. CAPITO, Mr. MCHUGH, Mrs. MALONEY, Mr. PLATTS, Ms. NORTON, Mr. VAN HOLLEN, Mr. YOUNG of Alaska, Mr. TURNER of Ohio, Mr. COLE, Mr. LEWIS of Kentucky, Mr. MILLER of Florida, Mr. QUINN, Mr. GILCHREST, and Mr. RUPPERSBERGER):

H. Res. 581. A resolution expressing the sense of the House of Representatives regarding rates of compensation for civilian employees and members of the uniformed services of the United States; to the Committee on Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL (for himself, Mrs. MALONEY, Mr. FOSSELLA, Mr. TOWNS, Mr. ISRAEL, Mr. SWEENEY, Mr. MCNULTY, Mr. BISHOP of New York, Mr. SERRANO, Mrs. LOWEY, Mr. BERMAN, Mr. ACKERMAN, Mr. FROST, Mr. MCHUGH, Mr. HINCHEY, Mr. WEXLER, Mr. BOEHLERT, Mr. CROWLEY, Mr. NADLER, and Mr. WEINER):

H. Res. 582. A resolution congratulating The Jewish Museum on its 100th anniversary; to the Committee on Government Reform.

¶31.30 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

263. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to a Resolution memorializing the United States Congress to enact legislation creating national energy policies resulting in the development of new sources of natural gas supplies for use by citizens and businesses; to the Committee on Energy and Commerce.

¶31.31 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. KUCINICH introduced a bill (H.R. 4055) for the relief of Amina Silmi; which was referred to the Committee on the Judiciary.

¶31.32 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 218: Ms. JACKSON-LEE of Texas.
H.R. 467: Mr. GRIJALVA and Mr. WAXMAN.
H.R. 476: Mr. BEREUTER.
H.R. 548: Mr. KING of Iowa, Ms. PELOSI, Ms. JACKSON-LEE of Texas, Mr. CHANDLER, and Mr. SCHIFF.
H.R. 814: Mr. CARDOZA.
H.R. 876: Ms. MAJETTE.
H.R. 933: Mr. UDALL of Colorado.
H.R. 992: Mr. VITTER.
H.R. 993: Mr. VITTER.
H.R. 994: Ms. VITTER.
H.R. 1098: Mrs. MUSGRAVE.
H.R. 1101: Mr. FROST and Mr. OBERSTAR.
H.R. 1160: Mr. FARR.
H.R. 1306: Ms. NORTON.
H.R. 1508: Mr. HILL and Mr. WEXLER.
H.R. 1613: Mr. MCDERMOTT, Mr. STRICKLAND, Mr. TIERNEY, Mr. BACA, Mr. FILNER, Mr. LATOURETTE, Mr. CARDOZA, Mr. GUTIERREZ, Ms. KAPTUR, and Mr. RODRIGUEZ.
H.R. 1653: Mr. WALDEN of Oregon.
H.R. 1678: Mr. GALLEGLY.
H.R. 1767: Mr. NUNES.
H.R. 1769: Mr. PALLONE and Mr. DOYLE.
H.R. 2402: Mr. BRADY of Pennsylvania and Mr. BOUCHER.
H.R. 2440: Ms. LINDA T. SANCHEZ of California.
H.R. 2442: Mr. PETERSON of Minnesota, Mr. SMITH of Washington, Mr. PALLONE, Mr. LAMPSON, Mr. WYNN, Mr. SIMMONS, Mr. RODRIGUEZ, Ms. ROS-LEHTINEN, Mr. MCINTYRE, Mr. ABERCROMBIE, Mr. HONDA, Mr. SANDLIN, Ms. MCCOLLUM, and Mr. LAHOOD.
H.R. 2485: Mr. WU.
H.R. 2511: Mr. WOLF and Mr. WEINER.
H.R. 2536: Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HOYER, Mr. MCGOVERN, Mr. GUTIERREZ, and Mr. EVANS.
H.R. 2681: Mr. FARR and Mr. WEINER.
H.R. 2905: Mrs. MUSGRAVE and Ms. BALDWIN.
H.R. 2952: Mr. INSLEE.
H.R. 2987: Mr. PAYNE.
H.R. 3104: Ms. GRANGER.
H.R. 3266: Mr. RUPPERSBERGER.
H.R. 3416: Mr. SANDERS.
H.R. 3507: Mr. HOLT.
H.R. 3598: Mrs. JOHNSON of Connecticut, Mr. PLATTS, Mr. MCGOVERN, Mr. MCNULTY, Mr. HOUGHTON, Mr. WALDEN of Oregon, Mr. GINGREY, Mr. GILCHREST, and Mr. HINOJOSA.
H.R. 3763: Mr. COLE, Ms. VELAZQUEZ, Mr. SMITH of Texas, Mr. TANCREDO, Mr. GREENWOOD, Mr. CUMMINGS, Mr. NETHERCUTT, and Mr. CHANDLER.
H.R. 3778: Mr. TOOMEY.
H.R. 3784: Mr. PAUL, Mr. CULBERSON, and Mr. CALVERT.
H.R. 3800: Mr. DAVIS of Tennessee.
H.R. 3824: Mr. HAYWORTH.
H.R. 3881: Ms. LORETTA SANCHEZ of California, Mr. DOYLE, Mr. HOYER, Ms. KILPATRICK, Mr. BOUCHER, Mr. WU, Mr. NADLER, Mr. WEXLER, Ms. HOOLEY of Oregon, Mr. KENNEDY of Rhode Island, Mr. EMANUEL, and Mr. MORAN of Virginia.
H.R. 3888: Mr. FRANK of Massachusetts.
H.R. 3889: Mr. REGULA, Mr. PETERSON of Minnesota, Mr. SMITH of New Jersey, and Mrs. MYRICK.
H.R. 3916: Mr. GILLMOR.
H.R. 3961: Mr. TERRY.
H.R. 3963: Mr. KUCINICH.
H.R. 3978: Mr. CALVERT.
H.R. 4026: Mr. WALDEN of Oregon and Mr. HALL.
H. Con. Res. 99: Mr. SMITH of Washington.
H. Con. Res. 111: Mr. WALDEN of Oregon, Mr. THOMPSON of Mississippi, and Ms. HOOLEY of Oregon.
H. Con. Res. 276: Mr. EVANS and Mr. JACKSON of Illinois.
H. Con. Res. 310: Mr. GINGREY.
H. Con. Res. 352: Mr. BROWN of Ohio, Ms. BERKLEY, and Mr. ACKERMAN.
H. Con. Res. 366: Ms. DELAURO, Mr. BLUMENAUER, Ms. BERKLEY, Mr. ROTHMAN, Mr. RUSH, Mr. BERRY, and Mr. EDWARDS.
H. Con. Res. 367: Mr. ISAKSON.
H. Con. Res. 369: Mr. LEWIS of Georgia.
H. Con. Res. 371: Mr. BOEHNER, Mr. CARDIN, Mr. GRAVES, Mr. BURTON of Indiana, and Mr. SHAW.
H. Con. Res. 386: Mr. WICKER.
H. Con. Res. 391: Mr. SPRATT.
H. Con. Res. 392: Mr. GEORGE MILLER of California, Ms. ESHOO, Mr. ABERCROMBIE, Mr. KUCINICH, Mr. CLAY, and Mr. DEFAZIO.
H. Res. 313: Mr. BEREUTER.
H. Res. 558: Mr. GALLEGLY, Mr. HEFLEY, and Ms. HARRIS.
H. Res. 565: Mr. CALVERT and Ms. HARRIS.
H. Res. 570: Mr. SERRANO.
H. Res. 575: Mr. BEREUTER and Mr. CASE.
H. Res. 576: Mr. SANDLIN, Mr. NEY, Ms. HARRIS, Mr. PAYNE, Mr. BERMAN, Mr. FALEOMAVAEGA, Mr. BURTON of Indiana, Mr. LEACH, Mr. WEXLER, Ms. LEE, and Mr. SHERMAN.

TUESDAY, MARCH 30, 2004 (32)

¶32.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 9 a.m. by the SPEAKER pro tempore, Mr. CHOCOLA, who laid before the House the following communication:

WASHINGTON, DC,
March 30, 2004.

I hereby appoint the Honorable CHRIS CHOCOLA to act as Speaker pro tempore on this day.

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

Whereupon, pursuant to the order of the House of Tuesday, January 20, 2004, Members were recognized for morning-hour debate.

¶32.2 RECESS—9:35 A.M.

The SPEAKER pro tempore, Mr. CHOCOLA, pursuant to clause 12(a) of rule I, declared the House in recess at 9 o'clock and 35 minutes a.m., until 10 a.m.

¶32.3 AFTER RECESS—10 A.M.

The SPEAKER pro tempore, Mr. SIMPSON, called the House to order.

¶32.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. SIMPSON, announced he had examined and approved the Journal of the proceedings of Monday, March 29, 2004.

Mrs. BLACKBURN, pursuant to clause 1, rule I, demanded a vote on agreeing to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mrs. BLACKBURN objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced that the vote would be postponed until later today.

The point of no quorum was considered as withdrawn.

¶32.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

7328. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to the Taipei Economic and Cultural Representative Office in the United States for defense articles and services (Transmittal No. 04–04), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

7329. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report of a determination and certification on a chemical weapons proliferation sanctions matter; to the Committee on International Relations.

7330. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for Cirsium Ioncholepis (La Graciosa thistle) (RIN: 1018–AD88) received March 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7331. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 031126297–3297–01; I.D. 021204A] received 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7332. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels 60 Feet (18.3 meters) Length Overall and Using Pot Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 031126295–3295–01; I.D. 021204B] received March 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7333. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Zone Off Alaska; Provisions of the American Fisheries Act [Docket No. 030819206–4051–02; I.D. 020204A] (RIN: 0648–AR42) received March 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7334. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No. 031126297–3297–01; I.D. 022304C] received March 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7335. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Pacific Halibut Fishery; Guideline Harvest Levels for the Guided Recreational Halibut Fishery [Docket No. 011206293–3182–02; I.D. 020504A] received March 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7336. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 031126297–3297–01; I.D. 020204B] received March 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7337. A letter from the President and Chief Executive Officer, Little League Baseball, transmitting the Annual Report of Little League Baseball, Incorporated for the fiscal year ending September 30, 2003, pursuant to 36 U.S.C. 1084(b); to the Committee on the Judiciary.

7338. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC–8–401 and –402 Airplanes [Docket No. 2004–NM–11–AD; Amendment 39–13508; AD 2004–05–13] (RIN: 2120–AA64) received March 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7339. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL–600–2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. 2004–NM–20–AD; Amendment 39–13507; AD 2004–05–12] (RIN: 2120–AA64) received March 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7340. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 707 and 720 Series Airplanes [Docket No. 2002–NM–334–AD; Amendment 39–13509; AD 2004–05–14] (RIN: 2120–AA64) received March 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7341. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 Series Airplanes [Docket No. 2001–NM–148–AD; Amendment 39–13506; AD 2004–05–11] (RIN: 2120–AA64) received March 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7342. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–135 and –145 Series Airplanes [Docket No. 2002–NM–178–AD; Amendment 39–13512; AD 2004–05–17] (RIN: 2120–AA64) received March 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7343. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC–8–102, –103, –106, –201, –202, –301, –311, and –315 Airplanes [Docket No. 2003–NM–258–AD; Amendment 39–13516; AD 2004–05–21] (RIN: 2120–AA64) received March 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7344. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–10–10, DC–101–10F, DC–10–15, DC–10–30, DC–10–30F (KC–10A and KDC–10), DC–10–40, DC–10–40F, MD–10–10F, MD–10–30F, MD–11, and MD–11F Airplanes [Docket No. 2001–NM–362–AD; Amendment 39–13515; AD 2004–05–20] (RIN: 2120–AA64) received March 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7345. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce plc Trent 700 Series Turbofan Engines [Docket No. 2003–NE–55–AD; Amendment 39–13526; AD 2004–05–31] (RIN: 2120–AA64) received March 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7346. A letter from the Acting Administrator, Department of Health and Human Services, transmitting a request to consider publication of the proposed rule on the Inpatient Prospective Payment System (PPS) dated May 4, 2001 as the report to Congress required by section 533(a)(1) of the Benefits Improvement and Protection Act (BIPA) of 2000; to the Committee on Ways and Means.

7347. A letter from the Comptroller, Department of Defense, transmitting notification of an intent to transfer funds from the Defense Working Capital Funds to the Operation and Maintenance Appropriations, pursuant to Public Law 108–87, section 8006; jointly to the Committees on Armed Services and Appropriations.

7348. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting amended Fiscal Procedures Agreement and revised Article X of the Federal Programs and Services Agreement, as negotiated with the Federated States of Micronesia (FSM) so as to conform with sections 104(j) and 105(f) and (i) of the Compact of Free Association Amendments Act of 2003 (Pub. L. 108–188); jointly to the Committees on International Relations and Resources.

7349. A letter from the General Counsel, Department of Defense, transmitting the Department's legislative initiatives for inclusion in the National Defense Authorization Act for FY 2005; jointly to the Committees on Armed Services, Energy and Commerce, Transportation and Infrastructure, Education and the Workforce, House Administration, Ways and Means, Veterans' Affairs, the Judiciary, Government Reform, Small Business, International Relations, and the Budget.

¶32.6 CONGRESSIONAL BUDGET RESOLUTION

On motion of Mr. NUSSLE, by unanimous consent, the concurrent resolution of the Senate (S. Con. Res. 95) setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; together with the amendment of the House thereto, was taken from the Speaker's table.

When on motion of Mr. NUSSLE, it was,

Resolved, That the House insist upon its amendment and request a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

¶32.7 MOTION TO INSTRUCT CONFEREES—S. CON. RES. 95

Mr. THOMPSON of California moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to S. Con. Res.

95 be instructed to agree to the pay-as-you-go enforcement provisions within the scope of the conference regarding direct spending increases and tax cuts in the House and Senate. In complying with this instruction, such managers shall be instructed to recede to the Senate on the provisions contained in section 408 of the Senate concurrent resolution (relating to the pay-as-you-go point of order regarding all legislation increasing the deficit as a result of direct spending increases and tax cuts).

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the nays had it.

Mr. THOMPSON of California demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶32.8 APPROVAL OF THE JOURNAL—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the Chair's approval of the Journal of Monday, March 29, 2004.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. NUSSLE objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared .... { Yeas ..... 353; Nays ..... 55; Answered present 1 }

¶32.9 [Roll No. 96]

YEAS—353

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cox
Cramer
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Paul
Payne
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Sullivan
Sweeney
Tauscher
Terry
Thomas
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Upton
Van Hollen
Velázquez
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—55

Ackerman
Baird
Baldwin
Ballance
Brady (PA)
Capuano
Cardoza
Cooper
Costello
Crane
Davis (TN)
DeFazio
English
Filner
Ford
Gillmor
Graves
Green (TX)
Gutknecht
Hart
Hefley
Hinchey
Johnson, E. B.
Larsen (WA)
Larson (CT)
Latham
LoBiondo
McDermott
McGovern
McNulty
Miller, George
Moore
Oberstar
Olver
Otter
Pastor
Peterson (MN)
Platts
Ramstad
Sabo
Schakowsky
Sherwood
Stenholm
Strickland
Stupak
Taylor (MS)
Thompson (CA)
Thompson (MS)
Turner (TX)
Udall (CO)
Udall (NM)
Visclosky
Waters
Weller
Wu

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—24

Barton (TX)
Bell
Berman
Blackburn
Conyers
Culberson
DeMint
Dingell
Fossella
Frank (MA)
Gephardt
Harris
Houghton
Hoyer
Hulshof
Knollenberg
Neal (MA)
Sanders
Stark
Tanner
Tauzin
Taylor (NC)
Thornberry
Waxman

So the Journal was approved.

¶32.10 MOTION TO INSTRUCT CONFEREES TO S. CON. RES. 95—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8 of rule XX, announced the further unfinished business to be the question on the motion by Mr. THOMPSON of California, to instruct the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the concurrent resolution of the Senate (S. Con. Res. 95) setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009.

The question being put,

Will the House agree to said motion?

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 209; Nays ..... 209 }

¶32.11 [Roll No. 97]

YEAS—209

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bass
Becerra
Bereuter
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chandler
Clay
Clyburn
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frost
Gonzalez
Gordon
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel

Holden
Holt
Honda
Hooley (OR)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Wamp
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—209

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

NOT VOTING—16

Bell
Berman
Burton (IN)
Conyers
Culberson
DeMint
Fossella
Frank (MA)
Gephardt
Houghton
Hoyer
Hulshof
Neal (MA)
Tanner
Tauzin
Taylor (NC)

So the motion to instruct the managers on the part of the House was not agreed to.

A motion to reconsider the vote whereby said motion was not agreed to was, by unanimous consent, laid on the table.

¶32.12 APPOINTMENT OF CONFEREES—S. CON. RES. 95

Thereupon, the SPEAKER pro tempore, Mr. SIMPSON, by unanimous consent, appointed Messrs. NUSSLE, PORTMAN, and SPRATT, as managers on the part of the House at said conference.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶32.13 WELCOMING NATO COUNTRIES

Mr. BEREUTER moved to suspend the rules and agree to the following resolution (H. Res. 558); as amended:

Whereas since 1949 the North Atlantic Treaty Organization (NATO) has played an essential role in guaranteeing the security, freedom, and prosperity of the United States and its allies in Europe and North America;

Whereas since 1994 Congress has repeatedly endorsed the enlargement of NATO through the NATO Participation Act of 1994, the NATO Enlargement Facilitation Act of 1996, the European Security Act of 1998, the Gerald B. H. Solomon Freedom Consolidation Act of 2002, the Transatlantic Security and NATO Enhancement Resolution of 2002, and House Concurrent Resolution 209 (2003);

Whereas NATO heads of state and government, meeting in Prague on November 21, 2002, invited Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia to commence accession negotiations with NATO;

Whereas on March 26, 2003, Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia signed accession protocols to the Washington Treaty of 1949;

Whereas on May 8, 2003, the Senate voted 96–0 to give its advice and consent to ratification by the United States of the seven accession protocols;

Whereas on March 2, 2004, NATO Secretary General Jaap de Hoop Scheffer announced that all 19 NATO members had deposited with the United States Government their instruments of ratification of the accession protocols;

Whereas Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia have reformed their political and economic systems in preparation for NATO membership;

Whereas Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia have undertaken defense reform programs that will enable each country to contribute to NATO operations and are working to meet the financial responsibilities of NATO membership by spending or committing to spend at least two percent of their gross domestic product on defense;

Whereas Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia have contributed to military operations in Bosnia and Herzegovina, Kosovo, Afghanistan, and Iraq;

Whereas Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia became members of NATO on March 29, 2004, and are expected to be welcomed by NATO heads of state and government when they meet in Istanbul on June 28 and 29, 2004;

Whereas Albania, Croatia, and Macedonia, the remaining countries currently in NATO's Membership Action Plan, signed the United States-Adriatic Charter on May 2, 2003, thereby affirming their commitment to the values and principles of NATO, their willingness to contribute to the peace and security of southeast Europe, and their desire to join the Alliance at the earliest possible time;

Whereas in 2003 Congress, in House Concurrent Resolution 209, urged NATO to invite Albania, Croatia, and Macedonia to join NATO as soon as each of these countries respectively demonstrates the ability to assume the responsibilities of NATO membership through the Membership Action Plan;

Whereas the Governments of Albania and Macedonia supported Operation Iraqi Freedom and are contributing forces to stabilization operations in Iraq and to the NATO-led International Security Assistance Force in Afghanistan; and

Whereas the Government of Croatia elected in November 2003 has demonstrated its commitment to implementing reforms and meeting conditions for integration into Euro-Atlantic institutions, including the defense reforms necessary for NATO membership, and has contributed forces to the NATO-led International Security Assistance Force in Afghanistan: Now, therefore, be it

Resolved, That the House of Representatives—

(1) welcomes with enthusiasm the accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia to the North Atlantic Treaty Organization (NATO);

(2) reaffirms that the process of NATO enlargement enhances the security of the United States and the entire North Atlantic area;

(3) agrees that the process of NATO enlargement should remain open to potential membership by any interested European democracy that meets the criteria for NATO membership as set forth in the 1995 Study on NATO Enlargement and whose admission would further the principles of the Washington Treaty of 1949 and would enhance security in the North Atlantic area; and

(4) recommends that NATO heads of state and government, meeting at Istanbul on June 28 and 29, 2004, should agree to review the enlargement process, including the applications of Albania, Croatia, and Macedonia, at a summit meeting to be held no later than 2007.

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mr. BEREUTER and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶32.14 JUSTICE APPROPRIATIONS FY 2004-2006

Mr. SENSENBRENNER moved to suspend the rules and pass the bill (H.R. 3036) to authorize appropriations for the Department of Justice for fiscal years 2004 through 2006, and for other purposes; as amended.

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mr. SENSENBRENNER and Mr. WEINER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶32.15 ASSISTANCE FOR NEEDY FAMILIES

Mr. HERGER moved to suspend the rules and pass the bill of the Senate (S. 2231) to reauthorize the Temporary Assistance for Needy Families block grant program through June 30, 2004, and for other purposes.

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mr. HERGER and Mr. CARDIN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶32.16 CHILD NUTRITION PROGRAMS

Mr. CASTLE moved to suspend the rules and pass the bill of the Senate (S. 2241) to reauthorize certain school lunch and child nutrition programs through June 30, 2004.

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mr. CASTLE and Ms. WOOLSEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. WHITFIELD, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶32.17 ARMED FORCES TRAVEL REIMBURSEMENT

Mr. BRADLEY of New Hampshire, moved to suspend the rules and pass the bill of the Senate (S. 2057) to require the Secretary of Defense to reimburse members of the United States Armed Forces for certain transportation expenses incurred by the members in connection with leave under the Central Command Rest and Recuperation Leave Program before the program was expanded to include domestic travel.

The SPEAKER pro tempore, Mr. WHITFIELD, recognized Mr. BRADLEY of New Hampshire and Mr. SNYDER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. WHITFIELD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BRADLEY of New Hampshire demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. WHITFIELD, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶32.18 ARMED FORCES CAMPAIGN MEDALS

Mr. SIMMONS moved to suspend the rules and pass the bill (H.R. 3104) to provide for the establishment of campaign medals to be awarded to members of the Armed Forces who participate in Operation Enduring Freedom or Operation Iraqi Freedom; as amended.

The SPEAKER pro tempore, Mr. WHITFIELD, recognized Mr. SIMMONS and Mr. SNYDER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. WHITFIELD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SIMMONS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. WHITFIELD, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶32.19 50TH ANNIVERSARY OF AIR FORCE ACADEMY

Mrs. WILSON of New Mexico, moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 386):

Whereas on April 1, 1954, President Dwight D. Eisenhower signed legislation establishing the United States Air Force Academy to prepare young men for careers as Air Force officers;

Whereas in July 1955, the first class entered the Air Force Academy, attending classes in temporary facilities at Lowry Air Force Base in Denver, Colorado;

Whereas the Air Force Academy moved to its permanent home near Colorado Springs, Colorado in August 1958;

Whereas the first class of 207 cadets graduated in June 1959;

Whereas in 1964, President Lyndon B. Johnson signed legislation authorizing each of the Service Academies to expand enrollment from 2,529 to 4,417 students, and today, 4,000 cadets attend the Air Force Academy;

Whereas women were first admitted to the Air Force Academy in June 1976, and the first class that included women graduated in June 1980;

Whereas 44 classes and 35,000 cadets have graduated from the Air Force Academy in its 50-year history;

Whereas the mission of the Air Force Academy is to inspire and teach outstanding young men and women to become Air Force officers and to prepare and motivate them to lead the Air Force in its service to the Nation;

Whereas the Air Force Academy is recognized worldwide as the premier developer of aerospace officers and leaders with impeccable character and knowledge; and

Whereas April 1, 2004 marks the 50th anniversary of the founding of the Air Force Academy: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) congratulates the United States Air Force Academy on its 50th Anniversary;

(2) acknowledges the continued excellence of the United States Air Force Academy and its critical role in the defense of the United States; and

(3) recognizes the outstanding service to the Nation that graduates from the United States Air Force Academy have provided.

The SPEAKER pro tempore, Mr. WHITFIELD, recognized Mrs. WILSON of New Mexico and Mr. SNYDER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. WHITFIELD, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. WILSON of New Mexico demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. WHITFIELD, pursuant to clause 8, rule

XX, announced that further proceedings on the motion were postponed.

¶32.20 PROVIDING FOR THE CONSIDERATION OF H.R. 3966

Mrs. MYRICK, by direction of the Committee on Rules, called up the following resolution (H. Res. 580):

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order (except those arising under the Congressional Budget Act of 1974) to consider in the House the bill (H.R. 3966) to amend title 10, United States Code, and the Homeland Security Act of 2002 to improve the ability of the Department of Defense to establish and maintain Senior Reserve Officer Training Corps units at institutions of higher education, to improve the ability of students to participate in Senior ROTC programs, and to ensure that institutions of higher education provide military recruiters entry to campuses and access to students that is at least equal in quality and scope to that provided to any other employer. The bill shall be considered as read for amendment. The amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services; and (2) one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

Mrs. MYRICK moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. ADERHOLT, announced that the yeas had it.

Mr. McGOVERN objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 223 / Nays ..... 202 }

¶32.21 [Roll No. 98]

YEAS—223

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

NAYS—202

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—8

Culberson
DeMint
Gephardt
Hulshof
Jones (OH)
Serrano
Tanner
Tauzin

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. ADERHOLT, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶32.22 H. RES. 558—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ADERHOLT, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 558) welcoming the accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia to the North Atlantic Treaty Organization (NATO), and for other purposes; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 422 / Nays ..... 2 }

¶32.23 [Roll No. 99]

YEAS—422

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins

Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Bartlett (MD) Paul

NOT VOTING—9

Carter
Culberson
DeMint
Gephardt
Hulshof
Jones (OH)
Serrano
Tanner
Tauzin

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶32.24 S. 2057—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ADERHOLT, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill of the Senate (S. 2057) to require the Secretary of Defense to reimburse members of the United States Armed Forces for certain transportation expenses incurred by the members in connection with leave under the Central Command Rest and Recuperation Leave Program before the program was expanded to include domestic travel.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 423 / Nays 0

¶32.25 [Roll No. 100]

YEAS—423

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)

Terry	Upton	Weldon (PA)
Thomas	Van Hollen	Weller
Thompson (CA)	Velázquez	Wexler
Thompson (MS)	Visclosky	Whitfield
Thornberry	Vitter	Wicker
Tiahrt	Walden (OR)	Wilson (NM)
Tiberi	Walsh	Wilson (SC)
Tierney	Wamp	Wolf
Toomey	Waters	Woolsey
Towns	Watson	Wu
Turner (OH)	Watt	Wynn
Turner (TX)	Waxman	Young (AK)
Udall (CO)	Weiner	Young (FL)
Udall (NM)	Weldon (FL)	

NOT VOTING—10

Cardoza	DeMint	Tanner
Chocola	Gephardt	Tauzin
Conyers	Hulshof	
Culberson	Jones (OH)	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶32.26 SENIOR ROTC PROGRAMS

Mr. ROGERS of Alabama, pursuant to House Resolution 580, called up the bill (H.R. 3966) to amend title 10, United States Code, and the Homeland Security Act of 2002 to improve the ability of the Department of Defense to establish and maintain Senior Reserve Officer Training Corps units at institutions of higher education, to improve the ability of students to participate in Senior ROTC programs, and to ensure that institutions of higher education provide military recruiters entry to campuses and access to students that is at least equal in quality and scope to that provided to any other employer.

Pending consideration of said bill.

Pursuant to House Resolution 580, the following amendment in the nature of a substitute recommended by the Committee on Armed Services printed in the bill was considered as agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''ROTC and Military Recruiter Equal Access to Campus Act of 2004''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Reserve Officers Training Corps (ROTC) program is the most common path for undergraduates to become United States military officers.

(2) The inclusion of both public and private undergraduate institutions in the ROTC program insures a more racially, ethnically, and socially diverse pool for leadership in the higher ranks of the Armed Forces.

(3) The majority of both minority officers and female officers in the Armed Forces are acquired through undergraduate ROTC programs.

(4) The presence of ROTC programs on college campuses benefits even those students who are not enrolled by making them aware of the presence and role of the United States military.

(5) Land-grant colleges received land from the United States on the condition that they offer some military instruction in addition to their regular curriculum, forming the basis for the Nation's tradition of college and university acceptance of responsibility to contribute to the Nation's readiness.

(6) The Armed Forces face a constant challenge in recruiting top-quality personnel that ROTC programs are ideally suited to meet.

(7) Military recruiters should have access to college campuses and to college students equal in quality and scope to that provided all other employers.

(8) If any college or university discriminates against ROTC programs or military recruiters, then under current law that college or university becomes ineligible for certain Federal taxpayer support, especially funding for many military and defense programs.

(9) The personnel and programs of the Department of Homeland Security and the Department of Energy are mutually dependent upon a high caliber of well-educated, professional leadership in the Armed Forces in order to protect the people and territory of the United States.

(10) In order to more fully promote the ability of the Nation's Armed Forces to recruit on college campuses and to facilitate the ability of students to participate in ROTC programs on campus, the laws to prevent discrimination against ROTC and military recruiters should be updated.

SEC. 3. CERTIFICATION OF COMPLIANCE WITH ROTC ACCESS PROVISIONS.

Subsection (a) of section 983 of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''No funds'';

(2) by striking ''prevents—'' and inserting ''prevents, either (or both) of the following:'';

(3) by striking ''(1) the'' and inserting ''(A) The'';

(4) by striking ''; or'' and inserting a period;

(5) by striking ''(2) a'' and inserting ''(B) A''; and

(6) by adding at the end the following:

''(2)(A) Not later than 180 days after the date of the enactment of the ROTC and Military Recruiter Equal Access to Campus Act of 2004 and annually thereafter, the Secretary of Defense shall request from each institution of higher education that has students participating in a Senior Reserve Officer Training Corps program during the then-current academic year of that institution a certification that such institution, during the next academic year of the institution, will—

''(i) permit the Secretary of each military department to maintain a unit of the Senior Officer Training Corps (in accordance with subsection (a)) at that institution (or any subelement of that institution), should such Secretary elect to maintain such a unit; and

''(ii) if the Secretary of the military department concerned elects not to establish or maintain a unit of the Senior Reserve Officer Training Corps at that institution, permit a student of that institution (or any subelement of that institution) to enroll in a unit of the Senior Reserve Officer Training Corps at another institution of higher education.

''(B) Any certification under subparagraph (A) shall be made by the president of the institution (or equivalent highest ranking administrative official) and shall be submitted to the Secretary of Defense no later than 90 days after receipt of the request from the Secretary.

''(C) In the case of any institution from which a certification is requested under subparagraph (A), if the Secretary of Defense does not receive a certification in accordance with subparagraph (B), or if the certification does not state that the university will comply with both clauses (i) and (ii) of subparagraph (A) during its next academic year, the Secretary shall make a determination under paragraph (1) as to whether the institution has a policy or practice described in that paragraph.''.

SEC. 4. EQUAL TREATMENT OF MILITARY RECRUITERS WITH OTHER RECRUITERS.

Subsection (b)(1) of section 983 of title 10, United States Code, is amended—

(1) by striking ''entry to campuses'' and inserting ''access to campuses''; and

(2) by inserting before the semicolon at the end the following: ''in a manner that is at least equal in quality and scope to the degree of access to campuses and to students that is provided to any other employer''.

SEC. 5. PROHIBITION OF FUNDING FOR POST-SECONDARY SCHOOLS THAT PREVENT ROTC ACCESS OR MILITARY RECRUITING.

(a) COVERED FUNDS.—Subsection (d) of section 983 of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''limitation established in subsection (a) applies'' and inserting ''limitations established in subsections (a) and (b) apply'';

(B) in subparagraph (B), by inserting ''for any department or agency for which regular appropriations are made'' after ''made available''; and

(C) by adding at the end the following new subparagraphs:

''(C) Any funds made available for the Department of Homeland Security.

''(D) Any funds made available for the National Nuclear Security Administration of the Department of Energy.

''(E) Any funds made available for the Department of Transportation.

''(F) Any funds made available for the Central Intelligence Agency.''; and

(2) by striking paragraph (2).

(b) CONFORMING AMENDMENTS.—(1) Subsection (b) of such section is amended by striking ''subsection (d)(2)'' and inserting ''subsection (d)(1)''.

(2) Subsection (e) of such section is amended by inserting '', to the head of each other department and agency the funds of which are subject to the determination,'' after ''Secretary of Education''.

SEC. 6. EXCLUSION OF AMOUNTS TO COVER INDIVIDUAL PAYMENTS.

(a) CODIFICATION AND EXTENSION OF EXCLUSION.—Subsection (d) of section 983 of title 10, United States Code, as amended by section 5(a), is further amended—

(1) by striking ''The'' after ''(1)'' and inserting ''Except as provided in paragraph (2), the''; and

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

''(2) Any Federal funding specified in paragraph (1) that is provided to an institution of higher education, or to an individual, to be available solely for student financial assistance, related administrative costs, or costs associated with attendance, may be used for the purpose for which the funding is provided.''.

(b) CONFORMING AMENDMENTS.—Subsections (a) and (b) of such section are amended by striking ''(including a grant of funds to be available for student aid)''.

(c) CONFORMING REPEAL OF CODIFIED PROVISION.—Section 8120 of the Department of Defense Appropriations Act, 2000 (Public Law 106–79; 10 U.S.C. 983 note), is repealed.

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to funds appropriated for fiscal year 2005 and thereafter.

When said bill was considered and read twice.

After debate,

Pursuant to House Resolution 580, the previous question was ordered on the bill and the amendment in the nature of a substitute.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. ABERCROMBIE moved to recommit the bill to the Committee on Armed Services with instructions to report the bill back to the House forthwith with the following amendment:

Page 7, line 7, before the close quotes insert the following: ''. determined, in the case of a law school, by the Association of American Law Schools, and, in the case of any other institution of higher education (or subelement thereof), by the appropriate regional accrediting entity''.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. BASS, announced that the nays had it.

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. BASS, announced that the yeas had it.

Mr. ROGERS of Alabama demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 343 / Nays 81

¶32.27 [Roll No. 101]

AYES—343

Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Etheridge
Evans
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCarthy (NY)
McCollum
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—81

Abercrombie
Ackerman
Baldwin
Becerra
Blumenauer
Brady (PA)
Brown (OH)
Capps
Capuano
Clay
Conyers
Crowley
Cummings
Davis (IL)
DeGette
Delahunt
DeLauro
Emanuel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Holt
Honda
Jackson (IL)
Kucinich
Lantos
Larson (CT)
Lee
Lewis (GA)
Lofgren
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Nadler
Neal (MA)
Oberstar
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Rangel
Rothman
Roybal-Allard
Rush
Sánchez, Linda T.
Sanders
Schakowsky
Scott (VA)
Sensenbrenner
Serrano
Solis
Stark
Thompson (CA)
Tierney
Velázquez
Waters
Watson
Watt
Weiner
Wexler
Woolsey

NOT VOTING—9

DeMint
Gephardt
Gutknecht
Hulshof
Jones (OH)
Linder
Rodriguez
Tanner
Tauzin

So the bill was passed.

By unanimous consent, the title was amended so as to read: ''An Act to amend title 10, United States Code, to improve the ability of the Department of Defense to establish and maintain Senior Reserve Officer Training Corps units at institutions of higher education, to improve the ability of students to participate in Senior ROTC programs, and to ensure that institutions of higher education provide military recruiters entry to campuses and access to students that is at least equal in quality and scope to that provided to any other employer.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶32.28 H.R. 3104—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3104) to provide for the establishment of campaign medals to be awarded to members of the Armed Forces who participate in Operation Enduring Freedom or Operation Iraqi Freedom; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 423 / Nays 0

¶32.29 [Roll No. 102]

YEAS—423

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey

Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Cox
DeMint
Gephardt
Gutknecht
Hulshof
Jones (OH)
Lantos
Rodriguez
Tanner
Tauzin

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to provide for the establishment of separate campaign medals to be awarded to members of the uniformed services who participate in Operation Enduring Freedom and to members of the uniformed services who participate in Operation Iraqi Freedom.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶32.30 H. CON. RES. 386—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 386) congratulating the United States Air Force Academy on its 50th Anniversary and recognizing its contributions to the Nation.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 420 / Nays ..... 0 }

¶32.31 [Roll No. 103]

YEAS—420

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)

Wolf	Wu	Young (AK)
Woolsey	Wynn	Young (FL)

NOT VOTING—13

DeMint	Matsui	Tancredo
Gephardt	Murphy	Tanner
Gutknecht	Northup	Tauzin
Hulshof	Rodriguez	
Jones (OH)	Rogers (AL)	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶32.32 PROVIDING FOR THE CONSIDERATION OF H. RES. 581

Mr. DREIER, by direction of the Committee on Rules, reported (Rept. No. 108–454) the resolution (H. Res. 585) providing for the consideration of the resolution (H. Res. 581) expressing the sense of the House of Representatives regarding rates of compensation for civilian employees and members of the uniformed services of the United States.

When said resolution and report were referred to the House Calendar and ordered printed.

¶32.33 ORDER OF BUSINESS—CONSIDERATION OF H.R. 3550

On motion of Mr. DREIER, by unanimous consent,

Ordered, That it may be in order at any time for the Speaker, as though pursuant to clause 2(b) of rule XVIII, to declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3550) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, and that consideration of the bill proceed according to the following order: the first reading of the bill is dispensed with; all points of order against consideration of the bill are waived; general debate shall not exceed two hours and forty minutes with two hours and ten minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure (including a final period of ten minutes following consideration of the bill for amendment) and thirty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; after the initial period of general debate, the Committee of the Whole shall rise without motion; and no further consideration of H.R. 3550 shall be in order except pursuant to a subsequent order of the House.

¶32.34 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. KLINE, laid before the House the following communication from Estelle Jones, Director, Office of Personnel and Benefits, Office of the Chief Administrative Officer:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, March 29, 2004.

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

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena for documents issued by the Superior Court of California, Riverside County.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

ESTELLE JONES,
Director, Officer of Personnel and Benefits.

¶32.35 COMMITTEE RESIGNATION—MAJORITY

The SPEAKER pro tempore, Mr. KLINE, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 30, 2004.

Hon. DENNIS HASTERT,
Speaker of the House, US House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Effective March 30, 2004, I hereby resign from the Committee on Agriculture.

Sincerely,

KEN LUCAS,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶32.36 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. CULBERSON, for today until 5 p.m.; and

To Mr. HULSHOF, for today and March 31.

And then,

¶32.37 ADJOURNMENT

On motion of Mr. SMITH of Michigan, at 10 o'clock and 20 minutes p.m., the House adjourned.

¶32.38 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BARTON: Committee on Energy and Commerce. H.R. 3658. A bill to amend the Public Health Service Act to strengthen education, prevention, and treatment programs relating to stroke, and for other purposes; with an amendment (Rept. 108–453). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDER: Committee on Rules. House Resolution 585. Resolution providing for the consideration of the resolution (H. Res. 581) expressing the sense of the House of Representatives regarding rates of compensation for civilian employees and members of the uniformed services of the United States (Rept. 108–454). Referred to the House Calendar.

¶32.39 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MICA (for himself, Mr. DEFAZIO, and Mr. ISRAEL):

H.R. 4056. A bill to encourage the establishment of both long-term and short-term programs to address the threat of man-portable air defense systems (MANPADS) to commercial aviation; to the Committee on Transportation and Infrastructure, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RENZI (for himself, Mrs. NORTHUP, Mr. SHAYS, Mr. NEY, Mr. SIMMONS, Mr. PICKERING, Mr. TIBERI, Ms. PRYCE of Ohio, Mr. MATHESON, Mrs. JOHNSON of Connecticut, Mr. CAPUANO, and Mr. REYNOLDS):

H.R. 4057. A bill to establish a grant program administered under an agreement among the Secretaries of Housing and Urban Development, Health and Human Services, and Veterans Affairs, in consultation with the U.S. Interagency Council on Homelessness, to address the goal of ending chronic homelessness through coordinated provision of housing, health care, mental health and substance abuse treatment, supportive and other services, including assistance in accessing non-homeless specific benefits and services, and for other purposes; to the Committee on Financial Services.

By Mr. HYDE:

H.R. 4058. A bill to authorize assistance for civilians in foreign countries who have been affected by conflict, and for other purposes; to the Committee on International Relations.

By Mrs. MALONEY (for herself, Mr. SHAYS, Mr. NADLER, Mr. MCHUGH, Mr. HINCHEY, Mr. MCNULTY, Mr. OWENS, Mr. WEINER, Mr. SERRANO, Mr. TOWNS, Mr. GRIJALVA, Mr. BISHOP of New York, and Mr. RANGEL):

H.R. 4059. A bill to provide protections and services to certain individuals after the terrorist attack on September 11, 2001, in New York City, in the State of New York, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HYDE (for himself, Mr. LANTOS, Mr. SMITH of New Jersey, and Mr. SMITH of Michigan):

H.R. 4060. A bill to amend the Peace Corps Act to establish an Ombudsman and an Office of Safety and Security of the Peace Corps, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE (for herself, Mr. ROHRABACHER, Mr. LANTOS, Mr. HYDE, Ms. MCCOLLUM, and Mr. LEACH):

H.R. 4061. A bill to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries; to the Committee on International Relations.

By Mr. MANZULLO (for himself and Ms. VELÁZQUEZ):

H.R. 4062. A bill to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through

June 4, 2004, and for other purposes; to the Committee on Small Business.

By Mr. BALLANCE:

H.R. 4063. A bill to authorize States, in the event of inadequate Federal funding under part B of the Individuals with Disabilities Education Act, to waive certain requirements of the Elementary and Secondary Education Act of 1965, and for other purposes; to the Committee on Education and the Workforce.

By Mrs. BLACKBURN (for herself, Mr. CALVERT, Mr. SMITH of Texas, Mr. SOUDER, Mr. TANCREDO, Mr. ISSA, Mr. GOODE, Mr. ROYCE, Mr. KING of Iowa, Mr. ROHRABACHER, Mr. GARRETT of New Jersey, and Mr. GALLEGLY):

H.R. 4064. A bill to require certain Federal service contractors to participate in a pilot program for employment eligibility confirmation; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 4065. A bill to amend title 38, United States Code, to increase the maximum amount of home loan guaranty available to a veteran, and to provide for annual adjustments to such amount; to the Committee on Veterans' Affairs.

By Mr. COLE:

H.R. 4066. A bill to provide for the conveyance of certain land to the United States and to revise the boundary of Chickasaw National Recreation Area, Oklahoma, and for other purposes; to the Committee on Resources.

By Mr. GILCHREST (for himself, Mr. OLVER, Mr. SHAYS, Mr. VAN HOLLEN, Mr. BOEHLERT, Mr. INSLEE, Mrs. JOHNSON of Connecticut, Mr. MENENDEZ, Mr. SIMMONS, Mr. WAXMAN, Mr. GREENWOOD, Ms. DEGETTE, Mr. HOUGHTON, Ms. LOFGREN, Mr. EHLERS, Mr. FORD, Mr. WALSH, Mr. UDALL of Colorado, Mrs. KELLY, and Ms. SOLIS):

H.R. 4067. A bill to provide for a program of scientific research on abrupt climate change, to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances that will limit greenhouse gas emissions in the United States, reduce dependence upon foreign oil, and ensure benefits to consumers from the trading in such allowances, and for other purposes; to the Committee on Science, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODE:

H.R. 4068. A bill to amend the Help America Vote Act of 2002 to postpone the deadline by which a State is required to meet the election administration requirements of the Act until the total amount appropriated to the State for requirements payments under the Act is equal to or greater than the costs incurred by the State in meeting such requirements; to the Committee on House Administration.

By Mr. HINCHEY:

H.R. 4069. A bill to amend the Communications Act of 1934 to prevent excessive concentration of ownership of the nation's media outlets, to restore fairness in broadcasting, and to foster and promote localism, diversity, and competition in the media; to the Committee on Energy and Commerce.

By Mrs. JOHNSON of Connecticut (for herself and Mr. LARSON of Connecticut):

H.R. 4070. A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Farmington River and Salmon Brook in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Resources.

By Mr. MCHUGH:

H.R. 4071. A bill to extend the time within which claims may be filed under the September 11th Victim Compensation Fund; to the Committee on the Judiciary.

By Ms. MILLENDER-MCDONALD (for herself and Mrs. CAPITO):

H.R. 4072. A bill to authorize the Director of the Centers for Disease Control and Prevention to conduct minority health programs; to the Committee on Energy and Commerce.

By Mr. MORAN of Kansas (for himself and Mr. POMEROY):

H.R. 4073. A bill to amend the Internal Revenue Code of 1986 to treat payments under the Conservation Reserve Program as rentals from real estate; to the Committee on Ways and Means.

By Mr. SMITH of Michigan (for himself, Mrs. MUSGRAVE, Mr. JONES of North Carolina, Mr. BARTLETT of Maryland, Mr. TOOMEY, Mr. DOOLITTLE, Mr. HOSTETTLER, Mr. PENCE, Mr. CHABOT, Mr. BARRETT of South Carolina, Mr. FLAKE, Mr. GARRETT of New Jersey, Mr. FEENEY, Mr. CULBERSON, Mr. WELDON of Florida, Mrs. MYRICK, Mr. ISTOOK, and Mr. GUTKNECHT):

H.R. 4074. A bill to amend section 1105 of title 31, United States Code, to require the President to include the estimated unfunded liabilities of all Federal programs in annual budget submissions; to the Committee on the Budget.

By Mr. SMITH of Michigan (for himself, Mr. HOSTETTLER, and Mr. MILLER of Florida):

H.R. 4075. A bill to amend the Internal Revenue Code of 1986 to increase the amount of capital losses which may offset ordinary income; to the Committee on Ways and Means.

By Ms. SOLIS (for herself, Ms. DEGETTE, and Ms. WOOLSEY):

H.R. 4076. A bill to prohibit the manufacture, processing, or distribution in commerce of pentabrominated diphenyl ethers and octabrominated diphenyl ethers, and for other purposes; to the Committee on Energy and Commerce.

By Mr. OBEY (for himself, Mr. ALLEN, Ms. DELAURO, Mr. EVANS, Mr. FATTAH, Mr. GREEN of Texas, Mr. GRIJALVA, Mr. HOEFFEL, Ms. JACKSON-LEE of Texas, Mr. NADLER, Mr. OLVER, Ms. SCHAKOWSKY, Mr. TIERNEY, and Mr. UDALL of New Mexico):

H. Con. Res. 401. Concurrent resolution revising the concurrent resolution on the budget for fiscal year 2005; to the Committee on the Budget.

By Mr. TANCREDO (for himself and Mr. PAYNE):

H. Con. Res. 402. Concurrent resolution recognizing the involvement in or support for acts of international terrorism by senior officials of the Government of the Republic of the Sudan and calling on Sudan to cease its involvement in acts of international terrorism and to prosecute and punish any Sudanese officials who have supported or have been involved in acts of international terrorism; to the Committee on International Relations.

By Mr. OBEY (for himself, Mr. ALLEN, Ms. DELAURO, Mr. EVANS, Mr. FATTAH, Mr. GREEN of Texas, Mr. GRIJALVA, Mr. HOEFFEL, Ms. JACKSON-LEE of Texas, Mr. NADLER, Mr. OLVER, Ms. SCHAKOWSKY, Mr. TIERNEY, and Mr. UDALL of New Mexico):

H. Res. 583. A resolution revising the concurrent resolution on the budget for fiscal year 2005, as passed the House; to the Committee on the Budget

By Mr. EDWARDS:

H. Res. 584. A resolution providing for consideration of the bill (H.R. 548) to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, to provide for a one-year open season under that plan, and for other purposes; to the Committee on Rules.

By Mr. FROST:

H. Res. 586. A resolution expressing the sense of the House of Representatives that an Aviation Maintenance Technician Day should be established in recognition of Charles Edward Taylor's invaluable contributions to aviation; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of New Jersey (for himself, Mr. CARDIN, Mr. PITTS, Mr. HASTINGS of Florida, and Mr. ADERHOLT):

H. Res. 587. A resolution expressing the sense of the House of Representatives regarding the recent outbreak of violence in Kosovo; to the Committee on International Relations.

By Mr. TIAHRT:

H. Res. 588. A resolution amending the Rules of the House of Representatives to repeal clause 3 of rule XXI relating to transportation obligation limitations; to the Committee on Rules.

¶32.40 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. CARSON of Indiana introduced a resolution (H. Res. 589) referring the bill (H.R. 3646) entitled ''A bill for the relief of Adela and Darryl Bailor'' to the chief judge of the United States Court of Federal Claims for a report thereon; which was referred to the Committee on the Judiciary.

¶32.41 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 106: Mr. VITTER.
H.R. 284: Mr. SHAYS.
H.R. 463: Mr. FILNER.
H.R. 548: Mr. CROWLEY, Mrs. LOWEY, Mr. SCOTT of Virginia, Mr. MEEHAN, and Mr. RUSH.
H.R. 570: Mrs. MUSGRAVE.
H.R. 728: Mr. ANDREWS.
H.R. 770: Mr. EMANUEL.
H.R. 792: Mr. JOHN.
H.R. 800: Mr. SIMPSON.
H.R. 806: Ms. MCCARTHY of Missouri.
H.R. 823: Mr. PETERSON of Minnesota.
H.R. 857: Mr. WILSON of South Carolina, Mr. COBLE, and Mr. DREIER.
H.R. 942: Mr. BELL.
H.R. 953: Mr. HALL and Mr. SMITH of Washington.
H.R. 1057: Ms. HARRIS and Mr. TURNER of Ohio.
H.R. 1083: Mr. UPTON, Mr. ROGERS of Alabama, Mr. WALSH, Ms. ROYBAL-ALLARD, and Mr. FILNER.
H.R. 1084: Mr. STENHOLM.
H.R. 1097: Mr. LAMPSON.
H.R. 1117: Mr. BARTLETT of Maryland.
H.R. 1120: Mr. BELL and Mr. RYAN of Ohio.
H.R. 1206: Mr. GOODE.
H.R. 1222: Mr. CRENSHAW.
H.R. 1310: Mr. HAYES.
H.R. 1336: Mr. BONNER and Mr. TANCREDO.

H.R. 1359: Mr. GONZALEZ.
H.R. 1608: Mr. PLATTS.
H.R. 1613: Ms. LORETTA SANCHEZ of California, Mr. WEINER, and Ms. LINDA T. SANCHEZ of California.
H.R. 1639: Mr. GORDON.
H.R. 1708: Mr. KLINE.
H.R. 1726: Ms. KAPTUR.
H.R. 1731: Mr. PORTER.
H.R. 1778: Mr. BLUMENAUER.
H.R. 1787: Mr. REHBERG.
H.R. 1824: Ms. PELOSI.
H.R. 1873: Mr. WOLF.
H.R. 1919: Mr. HOEFFEL, Mr. WEINER, Mr. HOLT, Mr. LAHOOD, and Ms. JACKSON-LEE of Texas.
H.R. 1924: Mr. STRICKLAND.
H.R. 1995: Mr. LAMPSON.
H.R. 2193: Mrs. BONO.
H.R. 2239: Mr. EMANUEL, Mr. PASTOR, Mr. BOYD, and Ms. BERKLEY.
H.R. 2265: Mr. MCNULTY.
H.R. 2402: Mr. OWENS.
H.R. 2404: Mr. PUTNAM, Mr. BURGESS, and Mr. PETRI.
H.R. 2527: Mr. KUCINICH.
H.R. 2612: Mr. RODRIGUEZ.
H.R. 2671: Mr. ROYCE.
H.R. 2699: Mr. RAMSTAD, Mr. DAVIS of Tennessee, Mr. WICKER, Mr. ROHRABACHER, Mr. WELLER, Mr. MCKEON, and Mr. GINGREY.
H.R. 2821: Mr. LAMPSON, Mr. HOLT, and Mr. COOPER.
H.R. 2824: Mr. BAIRD.
H.R. 2889: Mr. WELDON of Pennsylvania.
H.R. 2890: Mr. WELDON of Pennsylvania.
H.R. 2908: Mr. GORDON.
H.R. 2926: Mr. LEWIS of Georgia.
H.R. 3035: Ms. CORRINE BROWN of Florida.
H.R. 3111: Mr. LAHOOD, Mr. HINCHEY, Mr. BURNS, and Mr. BOSWELL.
H.R. 3133: Ms. SCHAKOWSKY.
H.R. 3204: Mr. BLUNT, Mr. BRADLEY of New Hampshire, Mr. HOEKSTRA, Mr. LEACH, Mr. YOUNG of Florida, and Mr. STENHOLM.
H.R. 3213: Mr. PUTNAM, Mr. KLINE, and Mr. MURPHY.
H.R. 3246: Mr. BEAUPREZ.
H.R. 3313: Mr. DUNCAN and Mr. STEARNS.
H.R. 3350: Mr. GORDON.
H.R. 3359: Mrs. MCCARTHY of New York and Mr. FRANK of Massachusetts.
H.R. 3369: Mr. BRADLEY of New Hampshire.
H.R. 3438: Mr. ANDREWS and Ms. HARRIS.
H.R. 3441: Mr. PAYNE, Mr. BLUMENAUER, Mr. LEWIS of Kentucky, Mr. VAN HOLLEN, Ms. LINDA T. SÁNCHEZ of California, Ms. ROYBAL-ALLARD, Mr. BISHOP of Georgia, Mr. DOOLEY of California, and Mr. BRADLEY of New Hampshire.
H.R. 3513: Mr. UDALL of New Mexico.
H.R. 3561: Mr. HERGER.
H.R. 3563: Mr. PUTNAM.
H.R. 3673: Mr. OLVER.
H.R. 3716: Mr. GILLMOR, Mr. WILSON of South Carolina, Mr. BOEHLERT, Mr. BALLANCE, and Mr. MURPHY.
H.R. 3729: Mr. LARSEN of Washington, Ms. ESHOO, Mr. ISRAEL, Mr. LIPINSKI, Mr. GORDON, Mr. MCGOVERN, Mr. CROWLEY, Ms. MCCOLLUM, Mr. DICKS, Mr. FRANK of Massachusetts, and Mr. HOEFFEL.
H.R. 3731: Mr. ANDREWS.
H.R. 3756: Mr. ROGERS of Michigan, Mr. MCGOVERN, Mr. JACKSON of Illinois, and Mrs. MCCARTHY of New York.
H.R. 3763: Mr. TIERNEY.
H.R. 3801: Mr. HENSARLING, Mr. POMBO, and Mr. RYUN of Kansas.
H.R. 3803: Mr. MCNULTY.
H.R. 3810: Mr. BROWN of Ohio and Mr. PAYNE.
H.R. 3818: Mr. MATHESON, Mr. HOEFFEL, Ms. MAJETTE, Ms. SLAUGHTER, and Mrs. DAVIS of California.
H.R. 3833: Mr. SCOTT of Georgia.
H.R. 3881: Mr. COOPER, Mr. TIERNEY, Mr. ALLEN, Ms. HARMAN, Mr. MEEKS of New York, Mrs. MALONEY, and Mr. STRICKLAND.
H.R. 3888: Mr. SANDLIN.
H.R. 3889: Mr. EHLERS and Mr. MCHUGH.
H.R. 3916: Mr. ENGLISH.
H.R. 3920: Mr. ADERHOLT, Mr. SESSIONS, and Mr. BALLENGER.
H.R. 3921: Mr. MOORE.
H.R. 3951: Mr. THOMPSON of Mississippi, Mr. HOSTETTLER, Mr. LANGEVIN, and Mr. COOPER.
H.R. 3974: Mr. PRICE of North Carolina and Mr. CLAY.
H.R. 3981: Mr. BONNER.
H.R. 4007: Mr. SENSENBRENNER.
H.R. 4008: Mr. BURR, Mr. FROST, and Mr. TOWNS.
H.R. 4010: Mr. PORTER.
H.R. 4011: Mr. BURTON of Indiana, Mr. PAYNE, and Mr. MCCOTTER.
H.R. 4023: Mr. PICKERING.
H.R. 4032: Ms. BERKLEY.
H.J. Res. 46: Mr. GINGREY.
H.J. Res. 62: Mr. GREENWOOD.
H. Con. Res. 47: Mr. GONZALEZ.
H. Con. Res. 56: Mr. COBLE and Mr. JONES of North Carolina.
H. Con. Res. 247: Mr. UPTON.
H. Con. Res. 276: Ms. SCHAKOWSKY.
H. Con. Res. 310: Mr. DEMINT.
H. Con. Res. 314: Mr. THOMPSON of Mississippi and Mr. COSTELLO.
H. Con. Res. 318: Mr. ROYCE, Mr. DOOLITTLE, Mr. WAMP, and Mr. BISHOP of Utah.
H. Con. Res. 326: Mr. MCCOTTER.
H. Con. Res. 332: Mr. PITTS, Ms. HARRIS, Mr. BROWN of Ohio, Mr. LEWIS of Georgia, Mr. COBLE, Mr. OLVER, Mr. RANGEL, Mr. RENZI, Mr. BURGESS, Mr. PASTOR, Mr. SMITH of Washington, and Mr. HONDA.
H. Con. Res. 346: Mr. MEEKS of New York.
H. Con. Res. 352: Mr. MCCOTTER, Ms. LEE, and Mr. ROYCE.
H. Con. Res. 371: Mr. RENZI and Mr. COOPER.
H. Con. Res. 375: Mr. RYAN of Ohio, Mr. GOODE, Mr. GONZALEZ, Mr. HOSTETTLER, and Mr. STRICKLAND.
H. Con. Res. 378: Mr. LANTOS, Mr. JONES of North Carolina, Mr. CLAY, Mr. SANDERS, Mr. CUMMINGS, Mr. LEWIS of Georgia, Mr. SNYDER, Ms. NORTON, Mr. MCCOTTER, Ms. ESHOO, Ms. DELAURO, Ms. LEE, and Mr. TERRY.
H. Con. Res. 380: Mr. DAVIS of Tennessee, Ms. LOFGREN, Mr. CONYERS, and Mr. OWENS.
H. Res. 402: Mr. HAYES, Mr. GORDON, and Mr. CHANDLER.
H. Res. 514: Mr. WOLF and Mr. MURPHY.
H. Res. 550: Mr. ETHERIDGE, Mr. CASE, Mr. BOUCHER, and Mr. GONZALEZ.
H. Res. 556: Mr. EHLERS.
H. Res. 558: Mr. TURNER OF TEXAS.
H. Res. 563: Mr. SMITH of New Jersey and Mr. FLAKE.
H. Res. 576: Mr. FORBES, Mr. GREEN of Wisconsin Mr. MCCOTTER, Mrs. MALONEY, Mr. MEEHAN, Mr. COBLE, and Mr. WEINER.
H. Res. 578: Mr. MEEKS of New York, Ms. HARRIS, Mr. GREEN of Texas Mr. LAMPSON, Mr. BACA, Mr. TIBERI, and Mr. GONZALEZ.
H. Res. 579: Mr. STARK and Mr. VISCLOSKY.

WEDNESDAY, MARCH 31, 2004 (33)

¶33.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. LAHOOD, who laid before the House the following communication:

WASHINGTON, DC,
March 31, 2004.

I hereby appoint the Honorable RAY LAHOOD to act as Speaker pro tempore on this day.

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

¶33.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. LAHOOD, announced he had examined and approved the Journal of the proceedings of Tuesday, March 30, 2004.

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

¶33.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

7350. A letter from the Director, Regulatory Review Group, FSA, Department of Agriculture, transmitting the Department's final rule — Farm Loan Programs Account Servicing Policies--Elimination of 30-Day Past-Due Period (RIN: 0560-AG50) received March 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7351. A letter from the Assistant Secretary, Department of Defense, transmitting the Department's Evaluation of the TRICARE Program FY 2004 Report to Congress, pursuant to 10 U.S.C. 1073 note; to the Committee on Armed Services.

7352. A letter from the Secretary of the Navy, Department of Defense, transmitting a proposal to transfer the historic harbor tug ex-HOGA (YTM 146) to the Arkansas Inland Maritime Museum, North Little Rock, Arkansas, a non-profit organization, pursuant to 10 U.S.C. 7306; to the Committee on Armed Services.

7353. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Prohibiting Against Circumventing Treatment as a Nationwide Consumer Reporting Agency (RIN: 3084-AA94) received March 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7354. A letter from the Assistant Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting the Commission's final rule — Additional Form 8-K Disclosure Requirements and Acceleration of Filing Date [Release Nos. 33-8400; 34-49424; File No. S7-22-02] (RIN: 3235-AI47) received March 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7355. A letter from the Director, OSHA Standards and Guidance, Department of Labor, transmitting the Department's final rule — Commercial Diving Operations [Docket No. S-550] (RIN: 1218-AB97) received February 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7356. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Skin Protectant Drug Products for Over-the-Counter Human Use, Astringent Drug Products; Final Monograph, Direct Final Rule; and Confirmation of Effective Date; Corrections [Docket No. 78N-021A] (RIN: 0910-AA01) received March 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7357. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Prior Notice of Imported Food Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002; Correction [Docket No. 2002N-0278] received March 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7358. A letter from the Counsel for Rulemaking and Regulations, Department of Homeland Security, transmitting the Department's final rule — Procedures for Handling Critical Infrastructure Information; Interim Rule (RIN: 1601-AA14) received February 19, 2004, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Government Reform.

7359. A letter from the Inspector General, Environmental Protection Agency, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2003, through September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

7360. A letter from the Chairman, Federal Trade Commission, transmitting a copy of the 2002 annual report in compliance with the Government in the Sunshine Act, pursuant to 5 U.S.C. 552b; to the Committee on Government Reform.

7361. A letter from the Chairman, Occupational Safety And Health Review Commission, transmitting the FY 2003 Annual Program Performance Report, required by the Government Performance and Results Act; to the Committee on Government Reform.

7362. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Filing Claims Under the Military Personnel and Civilian Employees Claims Act — received March 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7363. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Fulton, MO. [Docket No. FAA-2004-17149; Airspace Docket No. 04-ACE-15] received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7364. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2 and A300 B4 Series Airplanes; A300 B4-600, B4-600R, C4-605R Variant F, and F4-600R (Collectively Called A300-600); and A310 Series Airplanes [Docket No. 2002-NM-04-AD; Amendment 39-13491; AD 2004-04-10] (RIN: 2120-AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7365. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model EC 155B Helicopters [Docket No. 2003-SW-12-AD; Amendment 39-13524; AD 2004-05-29] (RIN: 2120-AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7366. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767 Series Airplanes [Docket No. 2004-NM-17-AD; Amendment 39-13505; AD 2004-05-10] (RIN: 2120-AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7367. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF34-8E Series Turbofan Engines [Docket No. 2004-NE-06-AD; Amendment 39-13485; AD 2004-04-04] (RIN: 2120-AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7368. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter Fance Model AS350B, AS350BA, AS350B1, AS350B2, AS350B3, AS350C, AS350D, AS350D1, AS355E, AS355F, AS355F1, AS355F2, and AS355N Helicopters [Docket No. 2002-SW-44-AD; Amendment 39-13518; AD 2004-05-23] (RIN: 2120-AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7369. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Corporation Beech Models 45 (YT-34), A45 (T-34A, B-45), and D45 (T-34B) Airplanes [Docket No. 2000-CE-09-AD; Amendment 39-13496; AD 2001-13-18 R1] (RIN: 2120-AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7370. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Inc. Model Otter DHC-3 Airplanes [Docket No. 2000-CE-73-AD; Amendment 39-13493; AD 2004-05-01] (RIN: 2120-AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7371. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No. 2004-NM-03-AD; Amendment 39-13514; AD 2004-05-19] (RIN: 2120-AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7372. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS 365 N3 Helicopters [Docket No. 2003-SW-11-AD; Amendment 39-13523; AD 2004-05-28] (RIN: 2120-AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7373. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Neodesha, KS [Docket No. FAA-2004-16988; Airspace Docket No. 04-ACE-6] received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7374. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Clinton, MO [Docket No. FAA-2004-16984; Airspace Docket No. 04-ACE-2] received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7375. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Parsons, KS [Docket No. FAA-2004-16986; Airspace Docket No. 04-ACE-4] received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7376. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Larned, KS [Docket No. FAA-2004-16990; Airspace Docket No. 04-ACE-8] received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7377. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class D and E Airspace; Olive Branch, MS [Docket No. FAA-2003-16534; Airspace Docket No. 03-ASO-19] received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7378. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes; Model A300 B4-600, A300 B4-600R, and A300 F4-600R Series Airplanes (Collectively Called A300-600); Model A310 Series Airplanes; Model A319, A320, and A321 Series Airplanes; Model A330-301, -321, -322, -341, and -342 Airplanes; and Model A340 Series Airplanes [Docket No. 2001-NM-302-AD; Amendment 39-13477; AD 2004-03-33] (RIN: 2120-AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7379. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; AeroSpace Technologies of Australia Pty Ltd. Models N22B, N22S, and N24A Airplanes [Docket No. 2003-CE-37-AD; Amendment 39-13494; AD 2004-05-02] (RIN: 2120-AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7380. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Springfield, MO. [Docket No. FAA-2003-16763; Airspace Docket No. 03-ACE-100] received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7381. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211 Trent 500 Series Turbofan Engines [Docket No. 2003-NE-56-AD; Amendment 39-13525; AD 2004-05-30] (RIN: 2120-AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7382. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319 and A320 Series Airplanes [Docket No. 2001-NM-301-AD; Amendment 39-13498; AD 2004-05-04] (RIN: 2120-AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7383. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Cedar Rapids, IA [Docket No. FAA-2004-17144; Airspace Docket No. 04-ACE-10] received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7384. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2-1C, B2-203, B2K-3C, B4-2C, B4-103, and B4-203 Series Airplanes; Model A300 B4-600, B4-600R, and F4-600R (Collectively Called A300-600) Series Airplanes; and Model A310 Series Airplanes [Docket No. 2002-NM-113-AD; Amendment 39-13499; AD 2004-05-05] (RIN: 2120-AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7385. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Des Moines, IA. [Docket No. FAA-2004-17145; Airspace Docket No. 04-ACE-11] received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7386. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), DC-9-87 (MD-87) and MD-88

Airplanes [Docket No. 2002-NM-170-AD; Amendment 39-13503; AD 2004-05-09] (RIN: 2120-AA64) Received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7387. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Festus, MO. [Docket No. FAA-2004-17148; Airspace Docket No. 04-ACE-14] received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7388. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-200 Series Airplanes Modified by Supplemental Type Certificate ST00516AT [Docket No. 2002-NM-238-AD; Amendment 39-13522; AD 2004-05-27] (RIN: 2120-AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7389. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777 Series Airplanes [Docket No. 2002-NM-14-AD; Amendment 39-13521; AD 2004-05-26] (RIN: 2120-AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7390. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Mystere-Falcon 900 Series Airplanes [Docket No. 2001-NM-390-AD; Amendment 39-13510; AD 2004-05-15] (RIN: 2120-AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7391. A letter from the Director, NIST, Department of Commerce, transmitting the Department's final rule — Advanced Technology Program [Docket No. 040209047-4047-01] (RIN: 0693-ZA56) received March 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7392. A letter from the Director, NIST, Department of Commerce, transmitting the Department's final rule — Procedures for Implementation of the National Construction Safety Team Act [Docket No. 030421094-3094-01] (RIN: 0693-AB53) received March 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7393. A letter from the Director, NIST, Department of Commerce, transmitting the Department's final rule — Summer Undergraduate Research Fellowships (SURF) Gaithersburg and Boulder Programs; Availability of Funds [Docket No. 040108008-4008-01] (RIN: 0693-ZA53) received March 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7394. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Amendment to Final Agreement for Withholding Foreign Partnerships and Withholding Foreign Trusts and Additional Guidance for Qualified Intermediaries under Rev. Proc. 2003-64 (Rev. Proc. 2004-21) received March 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7395. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Applicable Federal Rates (AFR) for April 2004 (Rev. Rul. 2004-39) received March 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7396. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Loss Limitation Rules [TD 9118] (RIN: 1545-BC84) received March 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶33.4 COMMITTEE ELECTION—MINORITY

Mr. MENENDEZ, by direction of the Democratic Caucus, submitted the following privileged resolution (H. Res. 590):

Resolved, That the following named Member be and is hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON AGRICULTURE: Mr. Chandler (to rank immediately after Mr. Marshall).

(2) COMMITTEE ON INTERNATIONAL RELATIONS: Mr. Chandler.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶33.5 SMALL BUSINESS

Mr. MANZULLO moved to suspend the rules and pass the bill (H.R. 4062) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through June 4, 2004, and for other purposes.

The SPEAKER pro tempore, Mr. LAHOOD, recognized Mr. MANZULLO and Ms. VELAZQUEZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. LAHOOD, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶33.6 PROVIDING FOR THE CONSIDERATION OF H. RES. 581

Mr. LINDER, by direction of the Committee on Rules, called up the following resolution (H. Res. 585):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the resolution (H. Res. 581) expressing the sense of the House of Representatives regarding rates of compensation for civilian employees and members of the uniformed services of the United States. The resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the resolution and preamble to final adoption without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform; and (2) one motion to recommit which may not contain instructions.

When said resolution was considered.

After debate,

By unanimous consent, the previous question was ordered on the resolution to its adoption or rejection and, under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶33.7 REGARDING CIVILIAN EMPLOYEES PAY PARITY

Mr. Tom DAVIS of Virginia, pursuant to House Resolution 585, called up the following resolution (H. Res. 581):

Whereas civilian employees and members of the uniformed services of the United States provide critical services and protection for our citizens and taxpayers, and make many other significant contributions to the general welfare of the Nation;

Whereas the ability of the Federal Government to provide a competitive salary plays a critical role in its ability to recruit and retain individuals possessing the skills necessary to provide government services effectively and efficiently to the American people;

Whereas the current pay system hampers the ability of the Federal Government to achieve the goals referred to in the preceding clause;

Whereas the Federal Employees Pay Comparability Act of 1990, commonly referred to as ''FEPCA'', sought to achieve comparability between Federal and non-Federal pay rates through annual pay adjustments based on changes in private-sector wages and salaries;

Whereas increases in the pay of members of the uniformed services and of civilian employees of the United States have not kept pace with increases in the overall pay levels of workers in the private sector, so that there currently exists an estimated 32 percent gap between compensation levels of Federal civilian employees and those of private sector workers, and an estimated 5.7 percent gap between compensation levels of members of the uniformed services and those of private sector workers; and

Whereas, in almost every year during the past two decades, there have been equal adjustments in the compensation of members of the uniformed services and the compensation of civilian employees of the United States: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) compensation for civilian employees and members of the uniformed services of the United States must be sufficient to support our critical efforts to recruit, retain, and reward quality people in Government service; and

(2) to help achieve this objective, in fiscal year 2005, compensation for civilian employees of the United States should be adjusted at the same time, and in the same proportion, as are rates of compensation for members of the uniformed services.

Pending consideration of said resolution,

On motion of Mr. Tom DAVIS of Virginia, by unanimous consent,

Ordered, That, pursuant to House Resolution 585, the one hour granted under the resolution, be equally divided and controlled by Messrs. Tom DAVIS of Virginia, DAVIS of Illinois, and ISTOOK, for 20 minutes each.

When said resolution was considered.

After debate,

Pursuant to House Resolution 585, the previous question was ordered on

the resolution and on the preamble to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. TERRY, announced that the yeas had it.

Mr. ISTOOK objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 299 / Nays ..... 126 }

¶33.8 [Roll No. 104]

YEAS—299

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Burns
Burr
Calvert
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chandler
Clay
Clyburn
Cole
Collins
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Dunn
Edwards
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gephardt
Gerlach
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hastings (WA)
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kleczka
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Nunes
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Pitts
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Renzi
Reyes
Rogers (AL)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Sherman
Shimkus
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—126

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Blackburn
Blunt
Bonner
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Camp
Cannon
Carter
Chabot
Chocola
Coble
Cox
Crane
Cubin
Culberson
Cunningham
Deal (GA)
DeLay
DeMint
Diaz-Balart, M.
Doolittle
Duncan
Ehlers
Feeney
Flake
Franks (AZ)
Garrett (NJ)
Gibbons
Gingrey
Green (WI)
Gutknecht
Hall
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hunter
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Keller
Kennedy (MN)
King (IA)
Kingston
Kline
Knollenberg
Linder
McCrery
McInnis
McKeon
Mica
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Portman
Putnam
Ramstad
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shays
Sherwood
Shuster
Simpson
Smith (MI)
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thornberry
Tiahrt
Toomey
Vitter
Wamp
Weldon (FL)
Weller
Wicker
Wilson (SC)

NOT VOTING—8

Harris
Hulshof
Kirk
McHugh
Pickering
Rodriguez
Tanner
Tauzin

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶33.9 RECESS—12:31 P.M.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 31 minutes p.m., subject to the call of the Chair.

¶33.10 AFTER RECESS—7:20 P.M.

The SPEAKER pro tempore, Ms. Ginny BROWN-WAITE of Florida, called the House to order.

¶33.11 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Ms. Ginny BROWN-WAITE of Florida, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 31, 2004.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 31, 2004 at 4:20 p.m.:

That the Senate disagreed to House amendment S. Con. Res. 95; agreed to conference.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶33.12 ENROLLED BILLS SIGNED

The SPEAKER pro tempore, Ms. Ginny BROWN-WAITE of Florida, announced that pursuant to clause 4, rule I, the Speaker signed the following enrolled bills during the recess today:

H.R. 2584. An Act to provide for the conveyance to the Utrok Atoll local government of a decommissioned National Oceanic and Atmospheric Administration ship, and for other purposes.

S. 2057. An Act to require the Secretary of Defense to reimburse members of the United States Armed Forces for certain transportation expenses incurred by the members in connection with leave under the Central Command Rest and Recuperation Leave Program before the program was expanded to include domestic travel.

S. 2231. An Act to reauthorize the Temporary Assistance for Needy Families Block Grant Program through June 30, 2004.

S. 2241. An Act to reauthorize certain school lunch and child nutrition programs through June 30, 2004.

¶33.13 RECESS—11:04 P.M.

The SPEAKER pro tempore, Ms. Ginny BROWN-WAITE of Florida, pursuant to clause 12(a) of rule I, declared the House in recess at 11 o'clock and 4 minutes p.m., subject to the call of the Chair.

THURSDAY, APRIL 1 (LEGISLATIVE DAY OF MARCH 31), 2004.

¶33.14 AFTER RECESS—8:52 A.M.

The SPEAKER pro tempore, Mr. SESSIONS, called the House to order.

¶33.15 WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII

Mr. DREIER, by direction of the Committee on Rules, reported (Rept. No. 108–455) the resolution (H. Res. 592) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee of Rules.

When said resolution and report were referred to the House Calendar and ordered printed.

¶33.16 PROVIDING FOR FURTHER CONSIDERATION OF H.R. 3550

Mr. DREIER, by direction of the Committee on Rules, reported (Rept. No. 108–456) the resolution (H. Res. 593) providing for further consideration of the bill (H.R. 3550) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶33.17 BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on March 30, 2004, he presented to the President of the United States, for his approval, the following bill.

H.R. 254. An Act to authorize the President of the United States to agree to certain amendments to the Agreement between the Government of the United States of America and the Government of the United Mexican States concerning the establishment of a Border Environment Cooperation Commission and a North American Development Bank, and for other purposes.

Jeff Trandahl, Clerk of the House reports that on March 31, 2004, he presented to the President of the United States, for his approval, the following bills.

H.R. 1997. An Act to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes.

H.R. 3926. An Act to amend the Public Health Service Act to promote organ donation, and for other purposes.

¶33.18 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. TAUZIN, for the week of March 29.

And then,

¶33.19 ADJOURNMENT

On motion of Mr. DREIER, at 8 o'clock and 53 minutes a.m., Thursday, April 1 (legislative day of March 31), 2004, the House adjourned.

¶33.20 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[April 1 (legislative day of March 31), 2004]

Mr. DREIER: Committee on Rules. House Resolution 592. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 108–455). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 593. Resolution providing for further consideration of the bill (H.R. 3550) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes (Rept. 108–456). Referred to the House Calendar.

¶33.21 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Texas (for himself, Mr. BERMAN, and Mr. CONYERS):

H.R. 4077. A bill to enhance criminal enforcement of the copyright laws, to educate the public about the application of copyright law to the Internet, and for other purposes; to the Committee on the Judiciary.

By Mr. SAM JOHNSON of Texas (for himself, Mr. ENGLISH, Mr. HAYWORTH, Mr. FOLEY, Mr. BRADY of Texas, Mr. RYAN of Wisconsin, Mr. TOOMEY, Mrs. MYRICK, Mr. KLINE, Mr. BARRETT of South Carolina, Mr. MURPHY, Mr. CHOCOLA, Mr. JONES of North Carolina, Mr. WELDON of Florida, Mr. FEENEY, Mr. GARRETT of New Jersey, Mr. HENSARLING, Mr. SHADEGG, Mr. PENCE, Mr. AKIN, Mr. GUTKNECHT, Mr. BARTLETT of Maryland, and Mr. BURGESS):

H.R. 4078. A bill to amend the Internal Revenue Code of 1986 to create Lifetime Savings Accounts; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 4079. A bill to ensure that interest accrues on overdue child support payments, and for other purposes; to the Committee on Ways and Means.

By Mr. ANDREWS (for himself and Mr. ISAKSON):

H.R. 4080. A bill to require entering students who will reside in on-campus housing at postsecondary institutions to have received meningococcal vaccinations; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 4081. A bill to amend the Internal Revenue Code of 1986 to permit judges presiding in family law proceedings to request directly taxpayer returns and return information; to the Committee on Ways and Means.

By Mr. BACA (for himself, Mr. ABERCROMBIE, Mr. ACEVEDO-VILA, Mr. ALEXANDER, Mr. BALLANCE, Mr. BECERRA, Mr. BELL, Ms. BERKLEY, Mr. BERMAN, Mr. BLUMENAUER, Mr. BRADY of Pennsylvania, Mr. BROWN of Ohio, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDOZA, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLYBURN, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DAVIS of Tennessee, Ms. DEGETTE, Ms. DELAURO, Mr. DOGGETT, Mr. DOOLEY of California, Mr. DOYLE, Mr. EMANUEL, Mr. ENGEL, Ms. ESHOO, Mr. EVANS, Mr. FARR, Mr. FILNER, Mr. FORD, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GEPHARDT, Mr. GONZALEZ, Mr. GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HINOJOSA, Mr. HONDA, Mr. HOYER, Mr. INSLEE, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KANJORSKI, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. KIND, Mr. KUCINICH, Mr. LAMPSON, Mr. LANTOS, Ms. LEE, Mr. LEWIS of Georgia, Ms. LOFGREN, Mr. MARSHALL, Mr. MATSUI, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. MEEKS of New York, Mr. MENENDEZ, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. MOORE, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Ms. NORTON, Mr. ORTIZ, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR, Mr. PAYNE, Ms. PELOSI, Mr. POMEROY, Mr. RAHALL, Mr. RANGEL, Mr. REYES, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Mr. RYAN of Ohio, Mr. SABO, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SANDLIN, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCOTT of Virginia, Mr. SCOTT of Georgia, Mr. SERRANO, Mr. SHERMAN, Ms. SLAUGHTER, Ms. SOLIS, Mrs. TAUSCHER, Mr. THOMPSON of California, Mr. TIERNEY, Mrs. JONES of Ohio, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Ms. VELAZQUEZ, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, Mr. WEINER, Mr. WU, Mrs. WILSON of New Mexico, Mrs. DAVIS of California, and Mr. FATTAH):

H.R. 4082. A bill to award a congressional gold medal on behalf of Cesar E. Chavez in recognition of his service to the Nation; to the Committee on Financial Services.

By Mr. BAKER:

H.R. 4083. A bill to suspend temporarily the duty on p-nitrobenzoic acid (PNBA); to the Committee on Ways and Means.

By Mr. BAKER:

H.R. 4084. A bill to suspend temporarily the duty on Benzenesulfonamide, N-(4-amino-9,10-dihydro-3-methoxy-9,10-dioxo-1-anthracenyl)- Benzenesulfonamide, N-(4-amino-9,10-dihydro-3-methoxy-9,10-dioxo-1-anthracenyl)- 4-methyl-; to the Committee on Ways and Means.

By Mr. BAKER:

H.R. 4085. A bill to suspend temporarily the duty on 2-Naphthalenesulfonic acid, 7,7″ - [(2-methyl-1,5-pentanediyl) bis[imino(6-fluoro-1,3,5-triazine-4,2-diyl) imino]] bis [4-hydroxy-3-[(4-methoxy sulfophenyl) azo]-, potassium sodium salt; to the Committee on Ways and Means.

By Mr. BAKER:

H.R. 4086. A bill to suspend temporarily the duty on 1,5-Naphthalenedisulfonic acid, 3,3-[1,3-propanediylbis[imino(6-fluoro- 1,3,5-triazine-4,2-diyl)imino[2-(acetylamino)-4,1-phenylene] azo]]bis-, sodium salt; to the Committee on Ways and Means.

By Mr. BAKER:

H.R. 4087. A bill to suspend temporarily the duty on 2,7-Naphthalenedisulfonic acid,5-[[4-chloro-6-[[3-[[8-[4-fluoro-6-(methylphenylamino)-1,3,5-triazin-2-yl]amino]-1-hydroxy-3,6- disulfo-2-naphthalenyl]azo]-4-sulfophenyl],amino]-1,3,5-triazin-2-yl]amino]-4-hydroxy-3-](1-sulfo-2-naphthalenyl)azo]-sodium salt; to the Committee on Ways and Means.

By Mr. BAKER:

H.R. 4088. A bill to suspend temporarily the duty on 4,11-Triphenodioxazinedisulfonic acid,6, 13-dichloro-3, 10-bis[[2-[[-[[4-fluoro-6-[(2-sulfophenyl) amino} - 1,3,5-trizin-2-yl] amino] propyl] amino]- lithium sodium salt; to the Committee on Ways and Means.

By Mr. CAMP:

H.R. 4089. A bill to establish the position of Assistant Secretary of Commerce for Job Retention and Creation to gather information about economic development assistance and make the information available to the public; to the Committee on Energy and Commerce.

By Mr. CAMP (for himself, Ms. DUNN, Mr. ENGLISH, Mrs. JOHNSON of Connecticut, Mr. MCCOTTER, Mr. UPTON, Mr. FOLEY, Mr. ROGERS of Michigan, Mrs. MILLER of Michigan, Mr. HOEKSTRA, Mr. NETHERCUTT, and Mr. WELLER):

H.R. 4090. A bill to amend the Trade Act of 1974 to extend the trade adjustment assistance program to the services sector, and for other purposes; to the Committee on Ways and Means.

By Mr. GRAVES (for himself, Mr. CLAY, Mr. NORWOOD, Mr. DAVIS of Illinois, and Mrs. MUSGRAVE):

H.R. 4091. A bill to amend the Internal Revenue Code of 1986 to extend and expand the deduction for certain expenses of elementary and secondary school teachers; to the Committee on Ways and Means.

By Mr. HEFLEY:

H.R. 4092. A bill to amend title XIX of the Social Security Act to require fair billing for

hospital services provided to uninsured patients as a condition of Medicaid funding for a hospital; to the Committee on Energy and Commerce.

By Mr. KENNEDY of Rhode Island:

H.R. 4093. A bill to amend the Public Health Service Act to establish a program of grants for the detection and control of colorectal cancer; to the Committee on Energy and Commerce.

By Ms. MILLENDER-McDONALD:

H.R. 4094. A bill to amend the Internal Revenue Code of 1986 to establish a Federal income tax credit for production of energy from geothermal energy resources, and for other purposes; to the Committee on Resources, and in addition to the Committees on Ways and Means, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MILLENDER-McDONALD (for herself, Mrs. CHRISTENSEN, and Mr. CUMMINGS):

H.R. 4095. A bill to amend title XVIII of the Social Security Act to provide for the use of qualified family caregivers in the provision of home health aide services under the Medicare Program, to amend the Family and Medical Leave Act of 1993, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Education and the Workforce, Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER (for himself and Mr. MEEHAN):

H.R. 4096. A bill to amend the Internal Revenue Code of 1986 to expand the incentives for renewal communities; to the Committee on Ways and Means.

By Ms. SLAUGHTER (for herself and Mr. KING of New York):

H.R. 4097. A bill to require group and individual health plans to provide coverage for colorectal cancer screenings; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California (for himself and Mr. YOUNG of Alaska):

H.R. 4100. A bill to establish a permanent trust fund to get Americans outdoors by providing access to parks and recreation areas in urban and rural communities, preservation of historic places, and promotion of healthy and active lifestyles, and to provide for hunting, angling, and wildlife viewing for the people of the United States; to the Committee on Resources.

By Mr. MENENDEZ:

H. Res. 590. A resolution electing a Member to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. BACHUS:

H. Res. 591. A resolution expressing the gratitude of the House of Representatives for the contributions made by America's community banks to the Nation's economic well-being and prosperity and the sense of the House of Representatives that a month should be designated as "Community Banking Month"; to the Committee on Financial Services.

¶33.22 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

264. The SPEAKER presented a memorial of the Legislature of the State of Wyoming, relative to a Joint Resolution recognizing the mobilization and deployment of the 2-300 Field Artillery Battalion and the 115th Field Artillery Brigade of the Wyoming Army National Guard and its members and calling upon all citizens of Wyoming to support those soldiers who will be mobilized in support of Operation Iraqi Freedom; to the Committee on Armed Services.

265. Also, a memorial of the Senate of the State of Ohio, relative to Senate Resolution No. 1550 memorializing the United States Congress to direct the Election Assistance Commission to develop standards and security accreditation guidelines for all electronic voting devices, to establish standards for the design and use of reasonably affordable voter-verifiable paper ballots for electronic voting systems, and to expedite its efforts to provide for the testing and certification of voting system hardware and software and to adopt voluntary voting system guidelines, and to reaffirm the Ohio Senate's commitment to make electronic voting as safe and secure to the Committee on House Administration.

266. Also, a memorial of the Legislature of the State of South Dakota, relative to House Concurrent Resolution No. 1001, requesting the Congressional Delegation of the State of South Dakota work to abolish the death tax permanently; to the Committee on Ways and Means.

¶33.23 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BRADY of Pennsylvania:

H.R. 4098. A bill for the relief of Zhuljeta Zhegra; to the Committee on the Judiciary.

By Mr. BRADY of Pennsylvania:

H.R. 4099. A bill For the relief of Shpetim Daku; to the Committee on the Judiciary.

¶33.24 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 31: Mr. LOBIONDO.
H.R. 433: Mr. SESSIONS.
H.R. 687: Mr. BRADLEY of New Hampshire.
H.R. 745: Mr. DOGGETT.
H.R. 839: Mr. BROWN of Ohio, Mr. TIERNEY, and Mr. LARSON of Connecticut.
H.R. 857: Ms. ROS-LEHTINEN.
H.R. 942: Mr. CAPUANO and Mr. ISTOOK.
H.R. 1057: Mr. MILLER of North Carolina, Mr. JENKINS, Mr. MCKEON, and Mr. GOSS.
H.R. 1084: Mr. CARTER.
H.R. 1117: Mrs. NORTHUP.
H.R. 1160: Mr. STENHOLM.
H.R. 1205: Mr. GUTIERREZ.
H.R. 1206: Mr. HOSTETTLER and Mr. GARRETT of New Jersey.
H.R. 1258: Mr. VELAZQUEZ, Mr. LEWIS of Georgia, Mr. PAYNE, Mr. CONYERS, and Mr. JEFFERSON.
H.R. 1310: Mr. ADERHOLT and Mrs. CAPITO.
H.R. 1357: Mr. PRICE of North Carolina and Mr. HASTINGS of Florida.
H.R. 1429: Mr. INSLEE.
H.R. 1534: Mr. FILNER.
H.R. 1655: Mr. TOWNS, Mr. GEORGE MILLER of California, Mr. GRIJALVA, and Ms. LEE.
H.R. 1793: Mr. VITTER.
H.R. 1873: Mr. LAHOOD.
H.R. 1981: Mr. GREEN of Texas.
H.R. 2022: Mr. BRADLEY of New Hampshire.
H.R. 2217: Mr. HOLT.
H.R. 2295: Ms. CARSON of Indiana.
H.R. 2404: Mr. FRELINGHUYSEN.
H.R. 2771: Mr. WEINER, Mr. ISRAEL, and Mr. WALSH.
H.R. 2900: Mr. MCHUGH, Mr. JENKINS, and Mr. TIBERI.
H.R. 2926: Ms. CARSON of Indiana.
H.R. 3049: Mr. PETERSON of Minnesota.
H.R. 3069: Mr. BARTON of Texas and Mr. SCHROCK.
H.R. 3109: Mr. ACEVEDO-VILA and Mr. GRIJALVA.
H.R. 3113: Mr. HENSARLING.
H.R. 3119: Ms. MCCARTHY of Missouri.
H.R. 3155: Mr. BERRY, Mr. FILNER, Mr. MCDERMOTT, Ms. NORTON, Mr. CASE, Mr. HINCHEY, Mr. MCGOVERN, Ms. SLAUGHTER, and Ms. SCHAKOWSKY.
H.R. 3184: Mr. TOM DAVIS of Virginia.
H.R. 3204: Mr. NEY, Mr. BERRY, Mr. BISHOP of Georgia, Mr. BOSWELL, Mr. BRADY of Pennsylvania, Mr. CARDOZA, Mr. CASE, Mr. COOPER, Mr. CRAMER, Mr. DICKS, Mr. DOOLEY of California, Mr. FARR, Mr. HILL, Mr. JOHN, Mr. KIND, Mr. LUCAS of Kentucky, Mr. MATHESON, Mr. MICHAUD, Mr. MOORE, Mr. PASTOR, Mr. ROSS, Mr. SCHIFF, Mr. TAYLOR of Mississippi, Mr. THOMPSON of California, and Mr. TURNER of Texas.
H.R. 3378: Mr. FILNER, Mr. GEORGE MILLER of California, and Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 3422: Ms. SCHAKOWSKY.
H.R. 3424: Mrs. MALONEY.
H.R. 3459: Ms. MCCOLLUM.
H.R. 3464: Mr. LAMPSON.
H.R. 3473: Mr. ENGEL.
H.R. 3480: Mr. ISAKSON.
H.R. 3526: Mr. SESSIONS, Mrs. BLACKBURN, Mr. GORDON, and Mr. WAMP.
H.R. 3558: Mr. MILLER of Florida and Mr. ENGLISH.
H.R. 3574: Mr. WELLER, Mr. FEENEY, Mr. TURNER of Texas, Mr. OSE, Ms. HART, Mr. BOEHNER, Mr. GARRETT of New Jersey, and Mr. SENSENBRENNER.
H.R. 3619: Mr. REYES, Mr. TOWNS, and Mr. SANDLIN.
H.R. 3684: Mr. BAIRD and Mr. DAVIS of Illinois.
H.R. 3754: Mr. SESSIONS.
H.R. 3755: Mr. WOLF.
H.R. 3773: Ms. HARRIS.
H.R. 3791: Mr. LOBIONDO.
H.R. 3800: Mr. OXLEY.
H.R. 3816: Mr. HILL, Mr. KANJORSKI, Mr. MORAN of Virginia, and Mrs. NAPOLITANO.
H.R. 3818: Mr. PALLONE, Mr. SPRATT, Ms. CORRINE BROWN of Florida, Mr. SABO, and Mr. DEUTSCH.
H.R. 3847: Ms. DELAURO.
H.R. 3864: Mr. SANDERS, Mr. FROST, Ms. JACKSON-LEE of Texas, and Ms. HART.
H.R. 3881: Mr. POMEROY, Mr. KLECZKA, Mr. CARDOZA, and Mr. BERRY.
H.R. 3901: Mr. ROGERS of Michigan.
H.R. 3902: Mr. LOBIONDO.
H.R. 3919: Mr. HONDA, Mr. BLUMENAUER, and Mr. CLYBURN.
H.R. 3956: Mr. HOEFFEL.
H.R. 3960: Mr. GRIJALVA and Mr. BOUCHER.
H.R. 3963: Ms. SLAUGHTER.
H.R. 4011: Mr. BLUMENAUER and Mr. PITTS.
H.R. 4016: Mr. JENKINS.
H.R. 4019: Ms. ROS-LEHTINEN, Mr. MCCOTTER, Mr. SMITH of New Jersey, and Mr. SCHIFF.
H.R. 4062: Mr. BRADLEY of New Hampshire.
H. Con. Res. 99: Mr. BRADY of Pennsylvania and Mr. STARK.
H. Con. Res. 352: Mr. GREEN of Wisconsin, Mr. SCHIFF, Mr. MENENDEZ, and Mr. WILSON of South Carolina.
H. Con. Res. 366: Mr. TURNER of Texas, Mr. TIERNEY, Mr. MCCOTTER, Mr. KANJORSKI, Mrs. LOWEY, Mr. CAPUANO, Mr. CARDOZA, Mr. FARR, Ms. LINDA T. SANCHEZ of California, Mr. FATTAH, Mr. LOBIONDO, Mr. CROWLEY, Mr. RAHALL, Ms. WATERS, and Ms. SLAUGHTER.
H. Con. Res. 371: Mr. OWENS and Mr. GERLACH.
H. Con. Res. 378: Mr. TAYLOR of Mississippi, Mr. ABERCROMBIE, Mr. CAPUANO, Mr. SCHIFF,

Ms. BALDWIN, Mrs. MALONEY, Mr. DEFAZIO, Mr. MOORE, and Mr. WAXMAN.

H. Con. Res. 390: Ms. HARRIS, Mr. NADLER, Mr. CARDOZA, Mr. CROWLEY, Mrs. MALONEY, Mr. NORWOOD, Mr. ISRAEL, Mr. FROST, and Mr. OWENS.

H. Res. 402: Mr. TIBERI.

H. Res. 466: Mr. MATSUI, Ms. DELAURO, Mr. MCNULTY, and Mr. RANGEL.

H. Res. 510: Mr. SANDLIN.

H. Res. 528: Ms. LOFGREN, Mr. FRANKS of Arizona, Mr. MARSHALL, and Ms. LORETTA SANCHEZ of California.

H. Res. 570: Mr. MEEK of Florida, Mr. CLYBURN, Mr. WATT, Mr. DAVIS of Alabama, Mr. SCOTT of Virginia, Mr. BISHOP of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEWIS of Georgia, Ms. WATERS, Ms. NORTON, Mr. THOMPSON of Mississippi, Mr. CUMMINGS, Mr. MCDERMOTT, and Ms. KILPATRICK.

H. Res. 575: Mr. AKIN, Mr. TIBERI, and Ms. DELAURO.

H. Res. 581: Mr. PICKERING.

THURSDAY, APRIL 1, 2004 (34)

The House was called to order by the SPEAKER.

¶34.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, March 31, 2004.

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

¶34.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

7397. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—6-Benzyladenine; Exemption from the Requirement of a Tolerance [OPP–2004–0013; FRL–7347–6] received March 31, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7398. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Bacillus thuringiensis Cry2Ab2; Amended Exemption From Requirement of a Tolerance [OPP–2004–0029; FRL–7345–4] received March 31, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7399. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Bacillus Thuringiensis CryIF Protein in Cotton; Extension of Temporary Exemption From Requirement of a Tolerance [OPP–2004–0007; FRL–7242–3] received March 31, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7400. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Flumioxazin; Pesticide Tolerance [OPP–2004–0089; FRL–7351–2] received March 31, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7401. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Bacillus Thuringiensis Cry3Bb1; Exemption from the Requirement of a Tolerance [OPP–2003–0415; FRL–7350–5] received March 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7402. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Rhamnolipid Biosurfactant; Exemption from the Requirement of a Tolerance [OPP–2003–0281; FRL–7347–7] received March 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7403. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Time-Limited Exemption from Requirement of a Tolerance; Exemption from the Requirement of a Tolerance [OPP–2004–0035; FRL–7350–8] received March 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7404. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Zoxamide; Pesticide Tolerances for Emergency Exemptions [OPP–2004–0052; FRL–7349–3] received March 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7405. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Air Force, Case Number 03–02, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

7406. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 02–09, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

7407. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 00–06, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

7408. A letter from the Secretary of the Navy, Department of Defense, transmitting notification that the Program Acquisition Unit Cost and the Average Procurement Unit Cost for the Joint Strike Fighter (F–35) Program exceeds the Acquisition Program Baseline values by more than 15 percent, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

7409. A letter from the Acting Under Secretary, Department of Defense, transmitting the National Defense Stockpile (NDS) Annual Materials Plan (AMP) for FY 2005 along with revisions to the FY 04 Annual Materials Plan and AMPs for the succeeding four years, FY 06 through FY 09, pursuant to 50 U.S.C. 98h–5; to the Committee on Armed Services.

7410. A letter from the Inspector General, Department of Defense, transmitting the annual assessment of the DoD voting assistance program, pursuant to 10 U.S. C. 1566 Public Law 107–107, section 1602; to the Committee on Armed Services.

7411. A letter from the Principal Deputy Under Secretary, Personnel and Readiness, Department of Defense, transmitting the Department's consolidated report on the Critical Skills Retention Bonus (CSRB) Program, pursuant to 37 U.S.C. 5 Sec 323 Public Law 106–398, section 633(a); to the Committee on Armed Services.

7412. A letter from the Principal Deputy Under Secretary, Personnel and Readiness, Department of Defense, transmitting notification of the impending closure of the commissary located on Naval Station Roosevelt Roads, Puerto Rico, pursuant to Section 8132 of the Department of Defense Appropriations Act for FY 2004; to the Committee on Armed Services.

7413. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Dennis D. Cavin, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

7414. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Albert H. Konetzni, Jr., United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

7415. A letter from the Secretary, Department of the Treasury, transmitting the annual report on the operations of the Exchange Stabilization Fund (ESF) for fiscal year 2003, pursuant to 31 U.S.C. 5302(c)(2); to the Committee on Financial Services.

7416. A letter from the Director, Office of Management and Budget, transmitting appropriations reports containing OMB discretionary cost estimates and detail on estimating differences with CBO; to the Committee on the Budget.

7417. A letter from the Executive Secretary, Harry S. Truman Scholarship Foundation, transmitting the Foundation's annual report for 2003, pursuant to 20 U.S.C. 2012(b); to the Committee on Education and the Workforce.

7418. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled ''Medical Nutrition Therapy,'' pursuant to Public Law 106–554, section 105(f) (114 Stat. 2763A–472); to the Committee on Energy and Commerce.

7419. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's FY 2003 annual financial report to Congress required by the Prescription Drug User Fee Act of 1992 (PDUFA), pursuant to 21 U.S.C. 379g note; to the Committee on Energy and Commerce.

7420. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting notification that the Energy Information Administration's (EIA's), ''Performance Profiles of Major Energy Producers 2002'' is being released electronically on the World Wide Web; to the Committee on Energy and Commerce.

7421. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Grants to States for Operation of Qualified High Risk Pools [CMS–2179–F] (RIN: 0938–AM2) received March 31, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7422. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule—Medical Devices; Hermatology and Pathology Devices; Classification of the Factor V Leiden DNA Mutation Detection Systems Devices [Docket No. 2004P–0044] received March 31, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7423. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule—Medical Devices: Cardiovascular Devices; Reclassification of the Arrhythmia Detector and Alarm; Correction [Docket Nos. 1994N–0418 and 1996P–0276] received March 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7424. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule—Modification of Class E Airspace; Benton, KS [Docket FAA 2003–16756; Airspace Docket 03–ACE–94] received March 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7425. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule—Application of 30-Month Stays on Approval of Abbreviated New Drug Applications and Certain New Drug Applications Containing a

Certification That a Patent Claiming the Drug is Invalid or Will Not Be Infringed; Technical Amendment [Docket No. 2003N–0417] received March 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7426. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule—Medical Device Reports; Reports of Corrections and Removals; Establishment Registration and Device Listing; Premarket Approval Supplements; Quality System Regulation; Importation of Electronic Products; Technical Amendments—March 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7427. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; North Dakota; State Implementation Plan Corrections [SIP Nos. ND7–001–6882 and ND–001–0004; FRL–7641–8] received March 31, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7428. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Delaware and Maryland: Adequacy of State Solid Waste Landfill Permit Programs Under RCRA Subtitle D [FRL–7642–8] received March 31, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7429. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Delaware; Amendments to Regulation 24, Section 10—Aerospace Coatings [DE 070–1043a; FRL–7639–4] received March 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7430. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans Florida; Tampa Bay Area Maintenance Plan Update [FL–90–200322(a); FRL–7640–6] received March 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7431. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Determination of Nonattainment as of November 15, 1996 and Reclassification of the Beaumont/Port Arthur Ozone Nonattainment Area; State of Texas; Final Rule [TX–122–1–7612; FRL–7641–2] received March 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7432. A letter from the Senior Legal Advisor to Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.606(b), Table of Allotments, Television Broadcast Stations. (Saranac Lake, New York) [MB Docket No. 03–213; RM–10794] received March 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7433. A letter from the Senior Legal Advisor to Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Albany, New York) [MB Docket No. 02–92; RM–10363] received March 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7434. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Florence, Quinby, Greeleyville, and Wedgefield, South Carolina, and Savannah, Georgia) [MB Docket No. 03–35; RM–10646; RM–10713; RM–10714] received March 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7435. A letter from the Senior Legal Advisor to Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.606(b), Table of Allotments, Television Broadcast Stations. (Bend, Oregon) [MM Docket No. 01–82; RM–10068] received March 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7436. A letter from the Senior Legal Advisor to Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.606(b), Table of Allotments, Television Broadcast Stations. (Osage Beach, Missouri) [MB Docket No. 03–207; RM–10769] received March 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7437. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Upper Sandusky and Caledonia, Ohio) [MB Docket No. 03–7; RM–10596] received March 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7438. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Brazil and Spencer, Indiana) [MB Docket No. 03–192; RM–10763] received March 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7439. A letter from the Associate Chief, Competition Policy Division, Federal Communications Commission, transmitting the Commission's final rule—Sec.272(b)(1)'s ''Operate Independently'' Requirement for Sec.272 Affiliates [Dkt.03–228] Petition of SBC for Forbearance from the Prohibition of Sharing Operating, Installation, and Maintenance Functions under Secs.53.202(a)(2) and 53.203(a)(3) of the Rules and Modification of Operating, Installation, and Maintenance Conditions Contained in the SBC/Ameritech Merger Order [Dkts.96–149,98–141] Petition of BellSouth Corporation for Forbearance from the Prohibition of Sharing Operating, Installation, and Maintenance Functions Under Sec.53.203(a)(2)–(3) of the Rules [Dkt.96–149] Review of Regulatory to the Committee on Energy and Commerce.

7440. A letter from the Division Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule—Multi-Association Group (MAG) Plan for Regulation of Interstate Services on Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers [CC Docket No. 00–256]; Federal-State Joint Board on Universal Service [CC Docket No. 96–45] received March 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7441. A letter from the Assistant Division Chief, PSCI Division, CI, Federal Communications Commission, transmitting the Commission's final rule—Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems; Petition of City of Richardson, Texas [CC Docket No. 94–102] received March 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7442. A letter from the Legal Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule—Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended [WT Docket No. 99–87]; Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies [RM–9332] received March 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7443. A letter from the Legal Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of the Commission's Rules Concerning Maritime Communications [PR Docket No. 92–257]; Petition of Rule Making files by Regionet Wireless License, LLC [RM–9664] received March 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7444. A letter from the Legal Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule— Amendment of Parts 13 and 80 of the Commission's Rules Concerning Maritime Communications [WT Docket No. 00–48]; Petition for Rule Making Filed by Globe Wireless, Inc. [RM–9499]; Amendment of the Commission's Rules Concerning Maritime Communications [PR Docket No. 92–257] received March 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7445. A letter from the Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule—Review of Part 87 of the Commission's Rules Concerning the Aviation Radio Service [WT Docket No. 01–289] received March 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7446. A letter from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Part 2 of the Commission's Rules to Realign the 76–81 GHz band and the Frequency Range Above 95 GHz Consistent with the International Allocation Changes [ET Docket No. 03–102]; Amendment of Part 2 of the Commission's Rules to Allocate Additional Spectrum to the Inter-Satellite, Fixed, and Mobile Services and to Permit Unlicensed Devices to Use Certain Segments in the 50.2–50.4 GHz and 51.4–71.0 GHZ Bands [ET Docket No. 99–261] received March 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7447. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to Russia and Kazakhstan (Transmittal No. DDTC 019–04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7448. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to Australia (Transmittal No. DDTC 008–04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7449. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to Russia, Ukraine, and Norway (Transmittal No. DDTC 018–04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7450. A letter from the Assistant Secretary for Legislative Affairs, Department of State,

transmitting certification of a proposed license for the export of major defense equipment and defense articles to Japan and Russia (Transmittal No. DDTC 020–04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7451. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

7452. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of export of items to Iraq in the national interest of the United States pursuant to section 1504 of the Emergency Wartime Supplemental Appropriation Act, 2003 (Transmittal No. DTC 02IZ–04); to the Committee on International Relations.

7453. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Fourth Annual Report to Congress on the Inter-American Convention Against Corruption; to the Committee on International Relations.

7454. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a draft bill entitled, ''To reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2007, and for other purposes''; to the Committee on International Relations.

7455. A letter from the President and CEO, Overseas Private Investment Corporation, transmitting the Corporation's 2003 Annual Report; to the Committee on International Relations.

7456. A letter from the White House Liaison and Executive Director, White House Commission on the National Moment of Remembrance, transmitting the second Annual Report of the White House Commission on the National Moment of Remembrance, pursuant to 36 U.S.C.116 note Public Law 106–579, section 6 (b)(1); to the Committee on Government Reform.

7457. A letter from the Director of Engineering, Maintenance and Operations, American Battle Monuments Commission, transmitting a report of its administration of the Freedom of Information Act for Fiscal Year 2003, pursuant to 5 U.S.C. 522 Public Law 99–570; to the Committee on Government Reform.

7458. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Board's Performance Report for FY 2003; to the Committee on Government Reform.

7459. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7460. A letter from the Chief Information Officer, Department of Education, transmitting the Department's final rule—Final Regulations—Privacy Act Regulations—received March 31, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7461. A letter from the Solicitor General, Department of Justice, transmitting Determination not to petition for a writ of certiorari in the case Foretich v. United States, No. 02–5224 (D.C. Circuit), pursuant to D.C. Code 11–925; to the Committee on Government Reform.

7462. A letter from the Secretary, Department of Transportation, transmitting the Secretary's Report on Management Decisions and Final Actions on Office of Inspector General Audit Recommendations for the period ending September 30, 2003, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

7463. A letter from the Senior Vice President and Chief Financial Officer, Export-Import Bank of the United States, transmitting the Bank's Annual Management Report for the fiscal year ended September 30, 2003, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

7464. A letter from the Chairman, Federal Communications Commission, transmitting the Commission's FY 2003 Annual Program Performance Report, as required by the Government Performance and Results Act of 1993; to the Committee on Government Reform.

7465. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's 2004 Annual Performance Plan, pursuant to Public Law 103–62; to the Committee on Government Reform.

7466. A letter from the Archivist of the United States, National Archives and Records Administration, transmitting the Administration's 2003 Annual Report; to the Committee on Government Reform.

7467. A letter from the Secretary, Postal Rate Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2003, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

7468. A letter from the Chief Judge, Superior Court of the District of Columbia, transmitting the Superior Court's Family Court Transition Plan, pursuant to Public Law 107–114; to the Committee on Government Reform.

7469. A letter from the Director, Office of Management and Budget, transmitting the second biennial report of all Federal programs related to ocean and coastal activities, pursuant to 33 U.S.C. 857–19 note Public Law 106–256, section 5; to the Committee on Resources.

7470. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft bill, the ''National Heritage Partnership Act'' to promote and enhance community and regional heritage conservation efforts and to establish a program of National Heritage Areas in the United States and for other purposes; to the Committee on Resources.

7471. A letter from the Corporation Agent, Legion of Valor of the United States of America, Inc., transmitting a copy of the Legion's annual audit as of April 30, 2003, pursuant to 36 U.S.C. 1101(28) and 1103; to the Committee on the Judiciary.

7472. A letter from the Chief Financial Officer, Paralyzed Veterans of America, transmitting a copy of the annual audit report of the Paralyzed Veterans of America for the fiscal year 2003, pursuant to 36 U.S.C. 1166; to the Committee on the Judiciary.

7473. A letter from the Under Secretary, Emergency Preparedness and Response, Department of Homeland Security, transmitting notification that funding under Title V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, will exceed $5 million for the response to the emergency declared on January 15, 2004, for the Commonwealth of Massachusetts as a result of the record/near record snow on December 6–7, 2003, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

7474. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Neponset River, MA. [CGD01–04–016] received March 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7475. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations: Hackensack River, NJ. [CGD01–04–020] received March 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7476. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operations Regulations; Delaware River, NJ [CGD05–04–040] (RIN: 1625–AA09) received March 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7477. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Allowing Alternatives to Incandescant Lights, and Establishing Standards for New Lights, in Private Aids to Navigation [USCG–2000–7466] (RIN: 1625–AA55) received March 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7478. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone Regulations, New Tacoma Narrows Bridge Construction Project; Correction [CGD13–03–025] (RIN: 1625–AA00) received March 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7479. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model ATR72 Series Airplanes [Docket No. 2001–NM–376–AD; Amendment 39–13456; AD 2004–03–12] (RIN: 2120–AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7480. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Learjet Model 31, 31A, 35, 35A (C–21A), 36, and 36A Airplanes [Docket No. 2001–NM–366–AD; Amendment 39–13452; AD 2004–03–08] (RIN: 2120–AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7481. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 B4–600, B4–600R, and F4–600R (Collectively Called A300–600) Series Airplanes; and Model A310 Series Airplanes [Docket No. 2001–NM–303–AD; Amendment 39–13454; AD 2004–03–10] (RIN: 2120–AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7482. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747–200C and –200F Airplanes [Docket No. 2001–NM–278–AD; Amendment 39–13455; AD 2004–03–11] (RIN: 2120–AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7483. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes [Docket No. 2001–NM–355–AD; Amendment 39–13448; AD 2004–03–04] (RIN: 2120–AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7484. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 777–200 Series Airplanes [Docket No. 2002–NM–

320–AD; Amendment 39–13449; AD 2004–03–05] (RIN: 2120–AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7485. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A320–111, –211, and –231 Series Airplanes [Docket No. 2002–NM–118–AD; Amendment 39–13463; AD 2004–03–19] (RIN: 2120–AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7486. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Series Airplanes [Docket No. 2004–NM–10–AD; Amendment 39–13447; AD 2004–03–03] (RIN: 2120–AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7487. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company CT58 Series and T58 Series Turboshaft Engines [Docket No. 2003–NE–66–AD; Amendment 39–13487; AD 2004–04–06] (RIN: 2120–AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7488. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 777–200 Series Airplanes [Docket No. 2004–NM–28–AD; Amendment 39–13489; AD 2004–04–08] (RIN: 2120–AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7489. A letter from the Administrator, FAA, Department of Transportation, transmitting a report on the foreign aviation authorities to which the Federal Aviation Administration provided services for Fiscal Years 2002 and 2003, pursuant to Public Law 103—305, section 202; to the Committee on Transportation and Infrastructure.

7490. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company (GE) CF6–80 Series Turbofan Engines [Docket No. 2004–NE–05–AD; Amendment 39–13488; AD 2004–04–07] received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7491. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A320–111, –211, –212, and –231 Series Airplanes [Docket No. 2001–NM–107–AD; Amendment 39–13451; AD 2004–03–07] (RIN: 2120–AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7492. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A319 and A320 Series Airplanes [Docket No. 2002–NM–183–AD; Amendment 39–13450; AD 2004–03–06] (RIN: 2120–AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7493. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dassault Model Falcon 900EX Series Airplanes [Docket No. 2001–NM–283–AD; Amendment 39–13470; AD 2004–03–26] (RIN: 2120–AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7494. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–200 and –300 Series Airplanes Equipped with a Main Deck Cargo Door Installed in Accordance with Supplemental Type Certificate (STC)SA2969SO [Docket No. 2003–NM–170–AD; Amendment 39–13467; AD 2004–03–23] (RIN: 2120–AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7495. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce Corporation (formerly Allison Engine Company) AE 3007 Series Turbofan Engines [Docket No. 2000–NE–29–AD; Amendment 39–13486; AD 2004–04–05] (RIN: 2120–AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7496. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–90–30 Airplanes [Docket No. 2001–NM–275–AD; Amendment 39–13513; AD 2004–05–18] (RIN: 2120–AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7497. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767–200 and –300 Series Airplanes [Docket No. 2003–NM–49–AD; Amendment 39–13511; AD 2004–05–16] (RIN: 2120–AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7498. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Johnson, KS. [Docket No.FAA–2004–17151; Airspace Docket No.04–ACE–17] received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7499. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Cassville, MO. [Docket No. FAA–2004–17152; Airspace Docket No. 04–ACE–18] received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7500. A letter from the National Railroad Retirement Investment Trust, Railroad Retirement Board, transmitting The National Railroad Retirement Investment Trust's FY 2003 management report on its operations and financial condition, pursuant to 45 U.S.C. 231n Public Law 107—90, section105; to the Committee on Transportation and Infrastructure.

7501. A letter from the Administrator, Small Business Administration, transmitting the Annual Report on Minority Small Business and Capital Ownership Development for Fiscal Year 2002, pursuant to 15 U.S.C. 636(j)(16)(B); to the Committee on Small Business.

7502. A letter from the Acting Administrator, Department of Health and Human Services, transmitting notification concerning an action taken by the Department, fulfilling the requirement to report to Congress on a payment system for long-term care hospitals (LTCHs), with respect to section 123 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999; to the Committee on Ways and Means.

7503. A letter from the Acting Administrator, Department of Health and Human Services, transmitting notification concerning the report mandated by section 4201(b) of the Balanced Budget Act of 1997; to the Committee on Ways and Means.

7504. A letter from the Acting Administrator, Department of Health and Human Services, transmitting a request to consider publication of the Proposed Prospective Payment System Methodology for Psychiatric Hospitals and Units published in the Federal Register on November 28, 2003 as the report to Congress required by Section 4415 of the Balanced Budget Act (BBA) of 1997; to the Committee on Ways and Means.

7505. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Pursuant to section 1511(a)(6) of the National Defense Authorization Act, 1994 (Pub. L. 103–160), certification and waiver of the application of the restriction of restoration of duty-free treatment accorded to articles of Serbia and Montenegro under the Generalized System of Preferences, and accompanying Memorandum of Justification; to the Committee on Ways and Means.

7506. A letter from the Secretary, Department of Energy, transmitting draft of proposed legislation ''To improve the efficiency of the Department of Energy's Energy Employee Occupational Illness Compensation Program, and for other purposes''; jointly to the Committees on the Judiciary and Education and the Workforce.

7507. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Physicians' Referrals to Health Care Entities With Which They Have Financial Relationships (Phase II) [CMS–1810–IFC] (RIN: 0938–AK67) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

¶34.3 MESSAGE FROM THE SENATE

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

S. 275. An Act to amend the Professional Boxing Safety Act of 1996, and to establish the United States Boxing Administration.

¶34.4 TRANSPORTATION AUTHORIZATION

The SPEAKER pro tempore, Mr. NETHERCUTT, by unanimous consent, pursuant to the previous order of the House of Tuesday, March 30, 2004, and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3550) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

The SPEAKER pro tempore, Mr. NETHERCUTT, by unanimous consent, designated Mr. SHAW as Chairman of the Committee of the Whole and after some time spent therein,

The SPEAKER pro tempore, Mr. PETRI, assumed the Chair.

When Mr. LAHOOD, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶34.5 PROVIDING FOR THE CONSIDERATION OF H.R. 3550

Mr. DREIER, by direction of the Committee on Rules, called up the following resolution (H. Res. 593):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved in the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 3550) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes. No further general debate (except for the final period contemplated in the order of the House of March 30, 2004) shall be in order. The amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill, modified by the amendments printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. No further amendment shall be in order except those printed in part B of the report of the Committee on Rules. Each further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment or demand for division of the question. All points of order against such further amendments are waived. At the conclusion of consideration of the bill, as amended, the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The amendment considered as adopted under the first section of this resolution shall be considered an amendment offered under section 411 of House Concurrent Resolution 95.

When said resolution was considered.

After debate,

Mr. DREIER moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Mr. FROST objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 229 / Nays 194

¶34.6 [Roll No. 105]

YEAS—229

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

NAYS—194

Abercrombie
Ackerman
Alexander
Allen
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Cramer
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gallegly
Gonzalez
Goode
Gordon
Green (TX)
Grijalva
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Holt
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—10

Bradley (NH)
Brown-Waite, Ginny
Gephardt
Gibbons
Honda
Hulshof
Moran (VA)
Quinn
Sessions
Tauzin

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶34.7 HOUR OF MEETING

On motion of Mr. DREIER, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 9 a.m. on Friday, April 2, 2004.

¶34.8 TRANSPORTATION AUTHORIZATION

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to House Resolution 593 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3550) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

Mr. SIMPSON, Acting Chairman, assumed the chair; and after some time spent therein,

¶34.9 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 3, submitted by Mr. FLAKE:

At the end of section 1103, add the following:

(e) SUBTRACTION OF EARMARKS FROM SURFACE TRANSPORTATION PROGRAM FUNDING.—

(1) IN GENERAL.—Section 104(b)(3) of title 23, United States Code, is amended—

(A) in subparagraph (B) by striking ''subparagraph (A)'' and inserting ''subparagraphs (A) and (C)''; and

(B) by adding at the end the following:

''(C) SUBTRACTION OF EARMARKS.——

''(i) IN GENERAL.—Amounts to be apportioned to a State under subparagraph (A) for each of fiscal years 2004 through 2009 shall be reduced by the aggregate amount made available to the State (and recipients in the State) out of the Highway Trust Fund for that fiscal year for projects described in sections 1702, 3037, and 3038 of the Transportation Equity Act: A Legacy for Users.

''(ii) EFFECT ON MINIMUM GUARANTEE.—In determining a State's percentage return from the Highway Trust Fund (other than the Mass Transit Account) for purposes of section 105 for a fiscal year, the Secretary shall treat amounts subtracted under clause (i) for that fiscal year as amounts apportioned to the State for the surface transportation program for that fiscal year.

''(iii) REAPPORTIONMENT.—Amounts subtracted from a State for a fiscal year under this subparagraph shall be reapportioned among the States under the formula in subparagraph (A).''.

It was decided in the negative ..... { Yeas ..... 60 / Nays 367

¶34.10 [Roll No. 106]

AYES—60

Akin
Barrett (SC)
Bartlett (MD)
Bass
Bishop (UT)
Boehner
Bradley (NH)
Brady (TX)
Cantor
Carter
Chabot
Collins
Cox
Davis (FL)
Deal (GA)
Everett
Feeney
Flake
Franks (AZ)
Garrett (NJ)
Gingrey
Gutknecht
Harman
Harris
Hastings (WA)
Hayworth
Hensarling
Hunter
Isakson
Kennedy (MN)
King (IA)
Kingston
Kline
Kolbe
Linder
Lofgren
Majette
Miller (FL)
Musgrave
Myrick
Norwood
Otter
Paul
Pence
Putnam
Ramstad
Renzi
Rohrabacher
Royce
Rush
Sensenbrenner
Shadegg
Simpson
Smith (MI)
Stearns
Sullivan
Tancredo
Thornberry
Weldon (FL)
Wilson (SC)

NOES—367

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barton (TX)
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Hart
Hastings (FL)
Hayes
Hefley
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—6

DeMint
Gephardt
Hulshof
Tanner
Tauzin
Waxman

So the amendment was not agreed to.

¶34.11 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4, submitted by Ms. JACKSON-LEE of Texas:

After section 1105 of the bill, insert the following (and redesignate subsequent sections of the bill, and conform the table of contents of the bill, accordingly):

SEC. 1106. FEDERAL SHARE PAYABLE.

Section 120(j)(1) of title 23, United States Code, is amended by striking the last sentence and inserting the following: ''If such public, quasi-public, or private agency has built, improved, or maintained such facilities using Federal funds, the credit under this paragraph shall be reduced by a percentage equal to the percentage of the total cost of such activities that was derived from Federal funds. In the preceding sentence, the term 'Federal funds' does not include loans of Federal funds or other financial assistance that must be repaid to the Government.''.

It was decided in the negative ..... { Yeas ..... 50 / Nays 376

¶34.12 [Roll No. 107]

AYES—50

Ballance
Bell
Bonilla
Brady (TX)
Burgess
Carson (IN)
Carter
Conyers
Culberson
Cummings
Davis (AL)
Davis, Tom
DeLay
Doggett
Flake
Foley
Fossella
Frost
Gonzalez
Granger
Green (TX)
Hall
Hastings (FL)
Hensarling
Hinojosa
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Johnson, Sam
Lampson
Neugebauer
Otter
Paul
Pence
Pitts
Sandlin
Scott (VA)
Sessions
Shadegg
Stearns
Stenholm
Thornberry
Toomey
Turner (TX)
Udall (CO)
Vitter
Walden (OR)
Watson
Weldon (FL)
Wynn

NOES—376

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Graves
Green (WI)
Greenwood

Grijalva
Gutierrez
Gutknecht
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Wamp
Waters
Watt
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—7

DeMint
Gephardt
Hulshof
Lewis (KY)
Tanner
Tauzin
Waxman

So the amendment was not agreed to.

¶34.13 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 9, submitted by Mr. CHOCOLA:

After section 1105 of the bill, insert the following (and redesignate subsequent sections of the bill, and conform the table of contents of the bill, accordingly):

SEC. 1106. FEDERAL SHARE PAYABLE.

Section 120(j)(1) of title 23, United States Code, is amended by striking the last sentence and inserting the following: ''If such public, quasi-public, or private agency has built, improved, or maintained such facilities using Federal funds, the credit under this paragraph shall be reduced by a percentage equal to the percentage of the total cost of such activities that was derived from Federal funds. In the preceding sentence, the term 'Federal funds' does not include loans of Federal funds or other financial assistance that must be repaid to the Government.''.

It was decided in the negative ..... { Yeas ..... 198 / Nays 228

¶34.14 [Roll No. 108]

AYES—198

Aderholt
Akin
Bachus
Baird
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bishop (UT)
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Cardoza
Carson (IN)
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Dunn
Ehlers
Feeney
Ferguson
Flake
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoekstra
Hostettler
Hunter
Isakson
Issa
John
Johnson (CT)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Majette
Manzullo
Marshall
McCotter
McCrery
McHugh
McInnis
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spratt
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)

NOES—228

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baker
Baldwin
Ballance
Ballenger
Becerra
Bell
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boozman
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Burgess
Camp
Capps
Capuano
Cardin
Carson (OK)
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cubin
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Edwards
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gillmor
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hyde
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Platts
Pomeroy
Price (NC)
Radanovich
Rahall
Reyes
Rodriguez
Rogers (MI)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Snyder
Solis
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Wamp
Waters
Watson
Watt
Weiner
Weldon (FL)
Wexler
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—7

DeMint
Gephardt
Hulshof
Tanner
Tauzin
Waxman
Young (AK)

So the amendment was not agreed to.

¶34.15 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 17, submitted by Mr. BACHUS:

After section 4131, insert the following (and redesignate the subsequent section of subtitle A of title IV, and conform the table of contents, accordingly):

SEC. 4132. HOURS OF SERVICE RULES FOR OPERATORS PROVIDING TRANSPORTATION TO MOVIE PRODUCTION SITES.

Notwithstanding sections 31136 and 31502 of title 49, United States Code, and any other provision of law, the maximum daily hours

of service for an operator of a commercial motor vehicle providing transportation of property or passengers to or from a theatrical or television motion picture production site located within a 100 air mile radius of the work reporting location of such operator shall be those in effect under the regulations in effect under such sections on April 27, 2003.

It was decided in the affirmative ..... { Yeas ..... 365 / Nays 62

¶34.16 [Roll No. 109]

AYES—365

Abercrombie
Ackerman
Aderholt
Akin
Allen
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Cooper
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
Deal (GA)
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley (OR)
Houghton
Hoyer
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Olver
Osborne
Ose
Otter
Oxley
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Simmons
Simpson
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spratt
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Vitter
Walden (OR)
Wamp
Waters
Watson
Watt
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Woolsey
Wynn
Young (FL)

NOES—62

Alexander
Andrews
Berry
Bonilla
Capuano
Carter
Case
Collins
Conyers
Costello
Crowley
Davis, Jo Ann
DeFazio
Delahunt
Dicks
Dingell
Filner
Frank (MA)
Gonzalez
Gutierrez
Hastings (FL)
Holt
Hostettler
Inslee
Jackson (IL)
Johnson, Sam
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Langevin
Levin
Lipinski
Markey
McCollum
Mollohan
Oberstar
Obey
Ortiz
Owens
Pallone
Petri
Radanovich
Rahall
Ryan (OH)
Sabo
Scott (VA)
Sherwood
Skelton
Snyder
Stark
Stearns
Stupak
Thornberry
Tierney
Visclosky
Walsh
Weldon (FL)
Wolf
Wu
Young (AK)

NOT VOTING—6

DeMint
Gephardt
Hulshof
Tanner
Tauzin
Waxman

So the amendment was agreed to.

After some further time,

The SPEAKER pro tempore, Mr. HASTINGS of Washington, assumed the Chair.

When Mr. SIMPSON, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶34.17 SUBMISSION OF CONFERENCE REPORT—H.R. 3108

Mr. BOEHNER submitted a conference report (Rept. No. 108–457) on the bill (H.R. 3108) to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, and for other purposes; together with a statement thereon, for printing in the RECORD under the rule.

¶34.18 PERMISSION TO FILE REPORT

On motion of Mr. BOEHLERT, by unanimous consent, the Committee on Science was granted permission until 5 p.m., Wednesday, April 14, 2004, to file reports on the following measures: (H.R. 3970) to provide for the implementation of a Green Chemistry Research and Development Program, and for other purposes; and (H.R. 4030) to establish the Congressional Medal for Outstanding Contributions in Math and Science Education program to recognize private entities for their outstanding contributions to elementary and secondary science, technology, engineering, and mathematics education.

¶34.19 TRANSPORTATION AUTHORIZATION

The SPEAKER pro tempore, Mr. HASTINGS of Washington, pursuant to House Resolution 593 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3550) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

Mr. SIMPSON, Acting Chairman, assumed the chair; and after some time spent therein,

The SPEAKER pro tempore, Mr. PETRI, assumed the Chair.

When Mr. SIMPSON, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶34.20 RESIGNATION—HOUSE OF REPRESENTATIVES LAW REVISION COUNSEL

The SPEAKER pro tempore, Mr. SIMPSON, laid before the House the following communication, which was read as follows:

OFFICE OF THE LAW REVISION COUNSEL, HOUSE OF REPRESENTATIVES,
Washington, DC, March 29, 2004.

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

DEAR MR. SPEAKER: Last October, I completed 28 years of service with the Office of the Law Revision Counsel of the U.S. House of Representatives. During that time, I have had the pleasure of serving as Assistant Counsel, Deputy Counsel, and for the past seven years Law Revision Counsel. After almost 33 years of service to the Federal Government, it has been very difficult to make this decision and select a particular date, but with your approval, I will retire as Law Revision Counsel, effective May 3, 2004.

Over the past seven years, the Office has become self-reliant and greatly improved the procedures for preparing and publishing the United States Code. Self-reliance had been the goal of the Office since it was established in 1975. The Office continues to produce the most accurate version of the Code but no longer requires any outside assistance for its production of the Code. This is the result of developing an outstanding staff as well as new procedures for preparing and publishing the Code. The new procedures and computer programs that have been developed and implemented in the past few years will enable the Office to improve its efficiency while maintaining the accuracy of the Code, and eventually will increase the timeliness in which the Code becomes available. While

many challenges remain for the Office in our rapidly changing environment, I am confident that the knowledge, experience, and professionalism of the staff will enable the Office to continue its successes and progress.

Over this period, the Office also has prepared and submitted to the Committee on the Judiciary bills to enact two titles of the Code into positive law. In addition, a bill to enact a third title should be transmitted to the Committee shortly. Also, nearing completion is a bill to complete the enactment of Title 46, Shipping.

None of this could have been accomplished without the support and expertise of the dedicated staff of the Office. I am deeply grateful for their assistance and wish them every success. Finally, I gratefully acknowledge the assistance and support that I, and the Office, have received from the many House Officers and Offices, especially the Speaker, the Chairman of the Committee on the Judiciary, the Parliamentarian, and the fine staffs of those Offices and the Committee.

Respectfully yours,

JOHN R. MILLER,
Law Revision Counsel.

¶34.21 HOUSE OF REPRESENTATIVES LAW REVISION COUNSEL

The SPEAKER pro tempore, Mr. SIMPSON, announced that the Speaker, pursuant to 2 United States Code 285c, and the order of the House of December 8, 2003, appointed Mr. Peter LeFevre as the Law Revision Counsel for the House of Representatives, effective May 4, 2004.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶34.22 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. SIMPSON, laid before the House the following communication from James D. Carstensen, Communications Director, Office of the Honorable Tom Latham:

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

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a criminal trial subpoena for testimony issued by the District of Columbia Superior Court.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

JAMES D. CARSTENSEN,
Communications Director.

¶34.23 ORDER OF BUSINESS—CONSIDERATION OF CONFERENCE REPORT TO H.R. 3108

On motion of Mr. DUNCAN, by unanimous consent,

Ordered, That it may be in order at any time to consider a conference report to accompany the bill (H.R. 3108) to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, and for other purposes; that the conference report be considered as read; and that all points of order against the conference report and against its consideration be waived.

¶34.24 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 275. An Act to amend the Professional Boxing Safety Act of 1996, and to establish the United States Boxing Administration; to the Committee on Education and the Workforce in addition to the Committee on Energy and Commerce for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶34.25 BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on April 1, 2004, he presented to the President of the United States, for his approval, the following bill.

H.R. 2584. An Act to provide for the conveyance to the Utrok Atoll local government of a decommissioned National Oceanic and Atmospheric Administration ship, and for other purposes.

¶34.26 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. HULSHOF, for today; and

To Mr. TANNER, for the week of March 29.

And then,

¶34.27 ADJOURNMENT

On motion of Mr. TANCREDO, pursuant to the previous order of the House, at 10 o'clock and 15 minutes p.m., the House adjourned until 9 a.m. on Friday, April 2, 2004.

¶34.28 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOEHNER: Committee of Conference. Conference report on H.R. 3108. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, and for other purposes (Rept. 108–457). Ordered to be printed.

¶34.29 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FARR (for himself, Mr. SHAYS, Mr. STUPAK, Ms. WOOLSEY, Mr. STARK, Mr. ALLEN, Mr. PALLONE, Ms. LORETTA SANCHEZ of California, Mr. HONDA, and Mrs. CAPPS):

H.R. 4101. A bill to establish national standards for discharges from cruise vessels into the waters of the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ANDREWS (for himself, Mr. CARDIN, Mrs. MCCARTHY of New York, Mr. HINOJOSA, Mr. FROST, Mr. CROWLEY, Mr. HINCHEY, Mr. BROWN of Ohio, Mr. ENGEL, and Ms. MCCOLLUM):

H.R. 4102. A bill to amend the Higher Education Act of 1965 to provide access and equity in higher education, and for other purposes; to the Committee on Education and the Workforce.

By Mr. THOMAS (for himself, Mr. MCDERMOTT, Mr. CRANE, Mr. RANGEL, Mr. ROYCE, Mr. HOUGHTON, Mr. NEAL of Massachusetts, Ms. DUNN, Mr. JEFFERSON, Mr. WELLER, Mr. BRADY of Texas, and Mr. PAYNE):

H.R. 4103. A bill to extend and modify the trade benefits under the African Growth and Opportunity Act; to the Committee on Ways and Means.

By Ms. HARMAN (for herself, Mr. HASTINGS of Florida, Mr. REYES, Mr. BOSWELL, Mr. PETERSON of Minnesota, Mr. CRAMER, Ms. ESHOO, Mr. HOLT, and Mr. RUPPERSBERGER):

H.R. 4104. A bill to establish the Director of National Intelligence as head of the intelligence community, to modify and enhance authorities and responsibilities relating to the administration of intelligence and the intelligence community, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. CONYERS (for himself and Ms. HART):

H.R. 4105. A bill to establish grants to improve and study the National Domestic Violence Hotline; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS (for himself, Ms. LOFGREN, and Mr. MCINTYRE):

H.R. 4106. A bill to amend the Sherman Act to make oil-producing and exporting cartels illegal; to the Committee on the Judiciary.

By Mr. BOEHLERT (for himself, Mr. PASCRELL, Mr. WELDON of Pennsylvania, Mr. HOYER, Mr. SMITH of Michigan, Mr. ANDREWS, Mr. COX, Mr. TURNER of Texas, and Mrs. LOWEY):

H.R. 4107. A bill to reauthorize the Assistance to Firefighters Grant program under section 33 of the Federal Fire Prevention and Control Act of 1974, and for other purposes; to the Committee on Science.

By Mr. NETHERCUTT (for himself, Mr. NADLER, Mr. SHAYS, Mr. ENGEL, Mr. BACHUS, Mr. BERMAN, Mr. CLAY, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. GRIJALVA, Mr. HOLDEN, Mr. HOYER, Mrs. LOWEY, Mr. PENCE, Ms. SCHAKOWSKY, Mr. SHERMAN, Mr. WEINER, Mr. WEXLER, Mr. PASCRELL, Mr. RUPPERSBERGER, Mr. HOEFFEL, and Ms. KAPTUR):

H.R. 4108. A bill to amend the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) to provide for homeland security assistance for high-risk nonprofit organizations, and for other purposes; to the Committee on Homeland Security (Select), and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURNS:

H.R. 4109. A bill to allow seniors with Social Security and pension income to file their income tax returns on a new Form 1040SR without regard to the amount of interest or taxable income of the senior; to the Committee on Ways and Means.

By Mr. GARY G. MILLER of California (for himself and Mr. FRANK of Massachusetts):

H.R. 4110. A bill to facilitate homeownership in high-cost areas; to the Committee on Financial Services.

By Mr. DEFAZIO (for himself, Mr. GEORGE MILLER of California, Mr. OBEY, Mr. MARKEY, Mr. KUCINICH, Ms. CARSON of Indiana, Mr. CAPUANO, Mr. PASCRELL, Ms. DELAURO, Mr. SANDERS, Mr. NEAL of Massachusetts, Mr. COSTELLO, Mr. LIPINSKI, Mr. HILL, Mr. DELAHUNT, Mr. STARK, Ms. BALDWIN, Mr. WU, Mr. BOSWELL, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. BAIRD, Mr. ROSS, Mr. TURNER of Texas, Mr. BERRY, Mr. MATSUI, Mr. EMANUEL, Ms. WATERS, Mr. SCOTT of Virginia, Mr. CARDIN, Mr. LARSON of Connecticut, Ms. LEE, Mr. HINCHEY, Ms. WOOLSEY, Mr. BROWN of Ohio, Mr. SHERMAN, Ms. KAPTUR, Mr. EVANS, Mr. KIND, Mr. FARR, Mr. FILNER, Mr. WEINER, Mr. HONDA, Ms. HOOLEY of Oregon, Mr. GRIJALVA, Mr. HASTINGS of Florida, Ms. SLAUGHTER, and Mr. RAHALL):

H.R. 4111. A bill to amend title 37, United States Code, to direct the Secretary of a military department to pay a monthly bonus to members of the Armed Forces whose retirement or separation is suspended as a result of a stop-loss order, and for other purposes; to the Committee on Armed Services.

By Mr. FOLEY:

H.R. 4112. A bill to establish consumer protections, including disclosure requirements, relating to funeral service contracts, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FOLEY (for himself and Mr. POMEROY):

H.R. 4113. A bill to amend the Internal Revenue Code of 1986 to allow certain modifications to be made to qualified mortgages held by a REMIC or a grantor trust; to the Committee on Ways and Means.

By Mr. GILCHREST (for himself, Mr. SAXTON, and Mr. KIND):

H.R. 4114. A bill to amend the Migratory Bird Treaty Act to exclude non-native migratory bird species from the application of that Act, and for other purposes; to the Committee on Resources.

By Mr. HAYWORTH (for himself and Mr. FLAKE):

H.R. 4115. A bill to amend the Act of November 2, 1966 (80 Stat. 1112), to allow binding arbitration clauses to be included in all contracts affecting the land within the Salt River Pima-Maricopa Indian Reservation; to the Committee on Resources.

By Mr. JENKINS (for himself, Mr. FORD, and Mr. GOODE):

H.R. 4116. A bill to require the Secretary of the Treasury to mint coins celebrating the recovery and restoration of the American bald eagle, the national symbol of the United States, to America's lands, waterways, and skies and the great importance of the designation of the American bald eagle as an ''endangered'' species under the Endangered Species Act of 1973, and for other purposes; to the Committee on Financial Services.

By Mrs. MALONEY (for herself, Mr. TOM DAVIS of Virginia, Ms. CORRINE BROWN of Florida, Ms. MILLENDER-MCDONALD, Mr. FROST, Mr. MCNULTY, Ms. DELAURO, Mr. WYNN, Ms. LOFGREN, and Mr. WEXLER):

H.R. 4117. A bill to provide assistance and security for women and children in Afghanistan, and for other purposes; to the Committee on International Relations.

By Mr. PAUL (for himself and Mrs. MUSGRAVE):

H.R. 4118. A bill to ensure that the courts interpret the Constitution in the manner that the Framers intended; to the Committee on the Judiciary.

By Mr. PORTMAN (for himself and Mr. BISHOP of Georgia):

H.R. 4119. A bill to amend the Small Business Act to reauthorize the Paul D. Coverdell Drug-Free Workplace Program, and for other purposes; to the Committee on Small Business.

By Mr. RANGEL (for himself, Mr. LEVIN, Mr. MATSUI, and Mr. MICHAUD):

H.R. 4120. A bill to amend the Trade Act of 1974 regarding identifying trade expansion priorities; to the Committee on Ways and Means.

By Mr. REHBERG (for himself and Mr. PETERSON of Minnesota):

H.R. 4121. A bill to amend the Federal Meat Inspection Act to help ensure a healthy food supply, and for other purposes; to the Committee on Agriculture.

By Mr. RODRIGUEZ (for himself, Mr. SANDLIN, Mr. TURNER of Texas, Mr. ORTIZ, Mr. FROST, Mr. GREEN of Texas, and Mr. DOGGETT):

H.R. 4122. A bill to amend the National Trails System Act to designate El Camino Real de los Tejas as a National Historic Trail; to the Committee on Resources.

By Ms. LORETTA SANCHEZ of California:

H.R. 4123. A bill to amend chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), to bring military sexual assault crimes into parallel with Federal sexual assault crimes; to the Committee on Armed Services.

By Mr. SANDLIN (for himself, Ms. KAPTUR, Mr. FROST, Mr. BELL, Mr. CROWLEY, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. BERKLEY, Mr. ROSS, Mr. LARSON of Connecticut, Mr. CARDOZA, Mr. STRICKLAND, Mr. GONZALEZ, Mr. BERRY, Mr. CLAY, Mr. ISRAEL, Mr. RUPPERSBERGER, Mr. MOORE, Mr. REYES, Ms. SOLIS, Mr. HONDA, Mr. LAMPSON, Mr. FORD, Mr. MEEKS of New York, Mr. EDWARDS, Mr. DOGGETT, Mr. TURNER of Texas, Mr. GREEN of Texas, Mr. BAIRD, Mr. LEWIS of Georgia, Mr. BOSWELL, and Mr. THOMPSON of California):

H.R. 4124. A bill to amend the Internal Revenue Code of 1986 to allow a business credit for qualified expenditures for medical professional malpractice insurance; to the Committee on Ways and Means.

By Mr. WEINER (for himself and Mr. ISRAEL):

H.R. 4125. A bill to require corporations to publish what they pay to foreign governments; to the Committee on Financial Services.

By Mr. WILSON of South Carolina (for himself, Mr. PAUL, Mr. ROGERS of Alabama, Mr. ISAKSON, Mr. DEMINT, Mr. CUNNINGHAM, Mr. FRANKS of Arizona, Mr. JONES of North Carolina, Mrs. BLACKBURN, Ms. GINNY BROWN-WAITE of Florida, Mr. KLINE, and Mr. RENZI):

H.R. 4126. A bill to provide for recruiting, training, and deputizing persons for the Federal flight deck officer program; to the Committee on Transportation and Infrastructure.

By Mr. WOLF:

H. Con. Res. 403. Concurrent resolution condemning the Government of the Republic of the Sudan for its attacks against innocent civilians in the impoverished Darfur region of western Sudan; to the Committee on International Relations.

By Mr. ISAKSON:

H. Res. 594. A resolution congratulating the Kennesaw State University Owls for winning the 2004 NCAA Division II Men's Basketball National Championship, and for other purposes; to the Committee on Education and the Workforce.

¶34.30 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

267. The SPEAKER presented a memorial of the Legislature of the State of South Dakota, relative to House Concurrent Resolution No. 1016, supporting the administrative appeal initiated by the Nebraska National Forest Plans Revision Appeal Coalition, and memorializing the Department of Agriculture Under Secretary to conduct a personal administrative review of the ROD; to the Committee on Resources.

268. Also, a memorial of the Legislature of the State of Wyoming, relative to a Joint Resolution memorializing the United States Government to work with the State of Wyoming to eliminate brucellosis from wildlife in the Greater Yellowstone Area; jointly to the Committees on Resources and Agriculture.

¶34.31 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 173: Mr. ALEXANDER.

H.R. 290: Mr. DAVIS of Tennessee and Mr. LEACH.

H.R. 296: Mr. ISRAEL.

H.R. 348: Ms. CORRINE BROWN of Florida and Mr. BELL.

H.R. 713: Mr. MILLER of Florida.

H.R. 742: Mrs. MUSGRAVE.

H.R. 872: Mr. PUTNAM.

H.R. 1005: Mrs. NAPOLITANO.

H.R. 1160: Mr. JACKSON of Illinois.

H.R. 1162: Ms. DEGETTE.

H.R. 1205: Mr. BROWN of Ohio.

H.R. 1231: Ms. HOOLEY of Oregon.

H.R. 1258: Mr. MEEKS of New York.

H.R. 1313: Mr. MCNULTY.

H.R. 1345: Ms. KILPATRICK and Mr. EMANUEL.

H.R. 1500: Mr. SHERMAN.

H.R. 1501: Mr. DEFAZIO, Ms. JACKSON-LEE of Texas, and Mr. HINCHEY.

H.R. 1563: Mr. DICKS, Mr. LAHOOD, and Mrs. MCCARTHY of New York.

H.R. 1736: Mr. MCDERMOTT, Mr. SNYDER, and Mr. HASTINGS of Florida.

H.R. 1811: Ms. MCCARTHY of Missouri, Mr. MCDERMOTT, Mr. DAVIS of Alabama, Mr. CONYERS, Mr. NEUGEBAUER, Mr. NUSSLE, Mr. UDALL of New Mexico, and Mr. MILLER of North Carolina.

H.R. 1824: Ms. CORRINE BROWN of Florida.

H.R. 1873: Mr. DUNCAN and Mr. SIMPSON.

H.R. 2032: Mr. BONNER and Mr. FATTAH.

H.R. 2303: Mr. SESSIONS.

H.R. 2490: Mr. MCCOTTER.

H.R. 2519: Mr. GRIJALVA.

H.R. 2619: Mr. SOUDER.

H.R. 2664: Mr. VITTER.

H.R. 2683: Mr. PETRI.

H.R. 2699: Mr. HOUGHTON, Mr. LEWIS of Georgia, Mr. PICKERING, and Mr. MICHAUD.

H.R. 2771: Mr. REYNOLDS, Ms. SLAUGHTER, and Ms. VELAZQUEZ.

H.R. 2823: Mr. SAXTON.

H.R. 2863: Ms. LOFGREN.

H.R. 2912: Mr. COLE, Mr. CARSON of Oklahoma, Mr. KILDEE, and Mr. SULLIVAN.

H.R. 2968: Mr. CUMMINGS.

H.R. 3015: Mr. GILLMOR and Mr. JOHN.

H.R. 3193: Mr. FLAKE, Mr. LATHAM, Mr. HULSHOF, and Mr. LAMPSON.

H.R. 3213: Mr. CAMP and Mr. CANNON.

H.R. 3237: Ms. PRYCE of Ohio.

H.R. 3242: Mr. ISSA, Ms. KAPTUR, and Mr. JENKINS.

H.R. 3281: Mr. FARR.

H.R. 3307: Mrs. CUBIN.

H.R. 3308: Mr. KLECZKA, Mr. CHOCOLA, and Mr. THOMPSON of Mississippi.

H.R. 3327: Ms. WOOLSEY.

H.R. 3367: Mr. BEAUPREZ.
H.R. 3543: Mr. NEAL of Massachusetts.
H.R. 3591: Mr. TURNER of Texas and Mrs. EMERSON.
H.R. 3593: Ms. BERKLEY, Mr. OWENS, and Ms. JACKSON-LEE of Texas.
H.R. 3598: Mr. MCCOTTER, Mr. SMITH of Michigan, Mr. CAMP, and Mr. ENGLISH.
H.R. 3643: Mr. WEXLER.
H.R. 3716: Mr. BACHUS, Mr. ROGERS of Alabama, and Mr. GERLACH.
H.R. 3739: Mr. TIAHRT.
H.R. 3756: Mr. BRADLEY of New Hampshire.
H.R. 3776: Mr. HOYER and Mr. RAMSTAD.
H.R. 3779: Mrs. MCCARTHY of New York, Ms. MILLENDER-MCDONALD, Mr. LEWIS of Georgia, Mr. FROST, Mrs. DAVIS of California, Mr. PALLONE, Mr. OWENS, Mr. SCOTT of Georgia, Ms. CARSON of Indiana, Ms. SOLIS, Mr. SIMMONS, Mrs. CAPITO, and Mrs. JONES of Ohio.
H.R. 3795: Mr. KINGSTON.
H.R. 3796: Mr. BOUCHER, Mr. MURTHA, Mr. HOLDEN, Mr. KANJORSKI, Mr. DOYLE, and Mr. BRADY of Pennsylvania.
H.R. 3798: Mr. WEINER, Mr. FILNER, and Mr. MCDERMOTT.
H.R. 3799: Mr. DEMINT.
H.R. 3800: Mr. KINGSTON and Mr. SULLIVAN.
H.R. 3818: Mr. MENENDEZ, Mr. ACKERMAN, and Ms. HOOLEY of Oregon.
H.R. 3826: Mr. SESSION.
H.R. 3834: Mr. GIBBONS.
H.R. 3847: Mr. ISRAEL.
H.R. 3870: Mr. WELDON of Florida, Mr. BOEHNER, Mr. ISAKSON, Mr. WELDON of Pennsylvania, and Mr. SHAYS.
H.R. 3881: Mrs. TAUSCHER, Mr. UDALL of Colorado, and Ms. LEE.
H.R. 3889: Mr. HILL and Mr. PENCE.
H.R. 3894: Mr. TIBERI.
H.R. 3913: Mr. DUNCAN.
H.R. 3933: Mrs. BIGGERT.
H.R. 3974: Mr. LOFGREN.
H.R. 3978: Mr. LEACH, Mr. SHERMAN, Mr. BELL, and Mr. SMITH of Texas.
H.R. 4003: Mr. PAYNE, Mr. RANGEL, Ms. WOOLSEY, Ms. WATSON, Mr. HINOJOSA, and Mr. GRIJALVA.
H.R. 4023: Mr. COSTELLO, Mr. SCOTT of Virginia, and Mr. ROGERS of Alabama.
H.R. 4026: Mr. LEWIS of Kentucky and Mr. TANNER.
H.R. 4033: Mr. MURTHA, Mr. CLYBURN, Mr. FROST, and Mr. MARSHALL.
H.R. 4052: Ms. LORETTA SANCHEZ of California, Mr. BRADLEY of New Hampshire, and Mr. MORAN of Virginia.
H.R. 4061: Mr. PAYNE and Mr. LAMPSON.
H.R. 4100: Mr. RAHALL, Mr. OBEY, Mr. JOHN, and Mr. FARR.
H. Con. Res. 99: Mr. RAHALL.
H. Con. Res. 261: Mr. SANDERS, Mr. TOWNS, Mr. MARKEY, Mrs. MALONEY, Mr. GRIJALVA, Ms. CARSON of Indiana, Mr. LEVIN, Mr. FROST, and Mrs. MCCARTHY of New York.
H. Con. Res. 298: Mr. PUTNAM.
H. Con. Res. 326: Mr. SOUDER and Mr. MENENDEZ.
H. Con. Res. 366: Mr. NADLER, Mr. FORD, Mr. OWENS, and Mr. COOPER.
H. Con. Res. 378: Mr. PASTOR, Mr. ALLEN, Mr. LUCAS of Kentucky, Mr. LYNCH, and Mr. ENGEL.
H. Res. 466: Mr. ORTIZ.
H. Res. 485: Mr. ROSS.
H. Res. 541: Ms. LOFGREN.
H. Res. 576: Mr. TERRY, Mr. BLUMENAUER, Mr. SOUDER, Mr. SCHIFF, Mr. MENENDEZ, Mr. STUPAK, and Mr. SMITH of Washington.
H. Res. 582: Mrs. MCCARTHY of New York.

¶34.32 PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

66. The SPEAKER presented a petition of Lithuanian-American Community, Inc., Waukegan/Lake County Chapter Waukegan, Illinois, relative to Resolution on the occasion of Lithuania's Independence Day, petitioning the United States Congress and the President of the United States to designate February 16, 2004, as ''Lithuanian Independence Day,'' to deepen the U.S. bi-lateral relationship with Lithuania, to reverse decisions to end Radio Free Europe/Radio Liberty and the Voice of America to Lithuania, and thanking the United States Senate for its vote ratifying the accession protocols for Lithuania's membership in NATO; to the Committee on International Relations.

67. Also, a petition of the Board of Supervisors, Seneca County, Waterloo, New York, relative to Resolution No. 217-03, advising New York State Governor Pataki that Seneca County opposes the proposed settlement of the Cayuga Indian Land Claim; to the Committee on Resources.

68. Also, a petition of Raymond H. Soto, a Citizen of Missouri, relative to petitioning the United States Congress for aid in a legal matter; to the Committee on the Judiciary.

69. Also, a petition of Timothy D. Brown, a Citizen of Colorado, relative to petitioning the United States Congress for redress of grievances; to the Committee on the Judiciary.

70. Also, a petition of the City Council of Carbondale, Illinois, relative to Resolution 2004-R-14, supporting recently proposed federal legislation in HR 3713 and S 2012, which would designate the Federal Building located at 250 West Cherry Street, Carbondale, Illinois, as the ''Senator Paul Simon Federal Building''; to the Committee on Transportation and Infrastructure.

71. Also, a petition of the City Council of Ocean City, New Jersey, relative to Resolution #04-41-223 opposing any reduction in federal funding or cost sharing of local beach replenishment projects; to the Committee on Transportation and Infrastructure.

72. Also, a petition of Delton O. Olson, a Citizen of Arizona, relative to petitioning the United States Congress for redress of grievances; to the Committee on Ways and Means.

73. Also, a petition of the City Council of Saint Paul, Minnesota, relative to Bill of Rights Defense Resolution, adapted from the National League of Cities Bill of Rights Defense Resolution, affirming the principles of federalism and civil liberties; jointly to the Committees on the Judiciary and Intelligence (Permanent Select).

¶34.33 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 898: Mr. RENZI.

FRIDAY, APRIL 2, 2004 (35)

¶35.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. NETHERCUTT, who laid before the House the following communication:

WASHINGTON, DC,
April 2, 2004.

I hereby appoint the Honorable GEORGE R. NETHERCUTT, Jr. to act as Speaker pro tempore on this day.

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

¶35.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. NETHERCUTT, announced he had examined and approved the Journal of the proceedings of Thursday, April 1, 2004.

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

¶35.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

7508. A letter from the Secretary, Department of Agriculture, transmitting a draft of proposed legislation, ''To authorize the Secretary of Agriculture to prescribe, adjust, and collect fees to cover the costs incurred by the Secretary for activities related to the review and maintenance of licenses and registration under the Animal Welfare Act''; to the Committee on Agriculture.

7509. A letter from the Administrator, Environmental Protection Agency, transmitting a report of a violation of the Antideficiency Act by the EPA's response to oil spills in inland waters under the Clean Water Act, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

7510. A letter from the Administrator, Environmental Protection Agency, transmitting a report of a violation of the Antideficiency Act, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

7511. A letter from the Acting Under Secretary, Department of Defense, transmitting a report identifying, for each of the armed forces (other than the Coast Guard) and each Defense Agency, the percentage of funds that were expended during the preceding two fiscal years for performance of depot-level maintenance and repair workloads by the public and private sectors, pursuant to 10 U.S.C. 2466(d)(1); to the Committee on Armed Services.

7512. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to Mexico, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

7513. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule—Change of Name; Technical Amendment—received April 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7514. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to persons who commit, threaten to commit, or support terrorism that was declared in Executive Order 13224 of September 23, 2001; to the Committee on International Relations.

7515. A letter from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting the Department's final rule—Removal of ''National Security'' controls from, and imposition of ''Regional Stability'' controls on, certain items on the Commerce Control List [Docket No. 031201299–3299–01] (RIN: 0694–AC54) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7516. A letter from the Senior Vice President, Potomac Electric Power Company, transmitting a copy of the Balance Sheet of Potomac Electric Power Company as of December 31, 2003, pursuant to D.C. Code section 43—513; to the Committee on Government Reform.

7517. A letter from the Director, Office of Human Resources Management, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7518. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 031125292–4061–02; I.D. 031504C] received March 31, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7519. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Zone Off Alaska; Pacific Cod by Catcher Vessels 60 Feet (18.3 M) Length Overall and Longer Using Hook-and-line Gear in the Bering Sea and Aleutian Islands [Docket No. 031124287–4060–02; I.D. 031704C] received March 31, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7520. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Deep-Sea Red Crab Fishery [Docket No. 031229327–4073–02; I.D. 121603B] (RIN: 0648–AR58) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7521. A letter from the Deputy Director, Office of Protected Resources, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Space Vehicle and Test Flight Activities from Vandenberg Air Force Base (VAFB), CA [Docket No. 031112277–4018–02; I.D. 080603B] (RIN: 0648–AR70) received March 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7522. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Final 2004 Harvest Specifications for Groundfish [Docket No. 031125292–4061–02; I.D. 111703E] received March 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7523. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock Sole/Flatehead Sole/''Other Flatfish'' Fishery Category by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 031126295–3295–01; I.D. 022304D] received March 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7524. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; Final 2004 Harvest Specifications for Groundfish [Docket No. 031124287–4060–02; I.D. 111703C] received March 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7525. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Pacific Halibut Fisheries; Catch Sharing Plan [Docket No. 040217059–4059–01; I.D. 021004A] (RIN: 0648–AR95) received March 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7526. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 031125292–4061–02; I.D. 031204A] received March 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7527. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/Processor Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 031124287–4060–02; I.D. 031204B] received March 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7528. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/Processor Vessels Using Hook-and-line Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 031124287–4060–02; I.D. 031104A] received March March 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7529. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 Ft. (18.3 m) LOA Using Jig or Hook-and-Line Gear in the Bogoslof Pacific Cod Exemption Area in the Bering Sea and Aleutian Islands Area [Docket No. 020718172–2303–02; I.D. 030804B] received March 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7530. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 031125292–4061–02; I.D.0504] received March 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7531. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder; 2004 Specifications [Docket No. 021122284–2323–02; I.D. 030304B] received March 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7532. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of the Quarter I Fishery for Loligo Squid [Docket No. 031104274–4011–02; I.D. 022604C] received March 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7533. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Annual Specification [Docket No. 031125290–4058–02; I.D. 111003D] (RIN: 0648–AQ97) received March 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7534. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Coral Reef Ecosystems Fishery Management Plan for the Western Pacific [Docket No. 020508114–3291–02; I.D. 030702C] (RIN: 0648–AM97) received March 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7535. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 031124287–4060–02; I.D. 032204H] received April 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7536. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery off the Southern Atlantic States; Amendment 13A [Docket No. 031107275–4082–02; I.D. 102803A] (RIN: 0648–AP03) received April 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7537. A letter from the Director, NMFS, National Oceanic and Atmospheric Administration, transmitting the 2004 Annual Report Regarding Atlantic Highly Migratory Species, pursuant to 16 U.S.C. 971 et. seq.; to the Committee on Resources.

7538. A letter from the Attorney, TSA, Department of Homeland Security, transmitting the Department's final rule—Security Threat Assessment for Individuals Applying for a Hazardous Materials Endorsement for a Commercial Drivers License; Final Rule [Docket No. TSA–2003–14610; Amendment No. 1572–3] (RIN: 1652–AA17) received April 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7539. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Gideon, MO. [Docket No. FAA–2004–17150; Airspace Docket No. 04–ACE–16] received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7540. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767 Series Airplanes [Docket No. 2004–NM–17–AD; Amendment 39–13505; AD 2004–05–10] (RIN: 2120–AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7541. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC–8–400, –401, and –402 Airplanes [Docket No. 2002–NM–311–AD; Amendment 39–13440; AD 2004–02–05] (RIN: 2120–AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7542. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–10–10, DC–10–10F, DC–10–15, DC–10–30, DC–10–30F, DC–10–30F (KC–10A and

KDC–10), DC–10–40, DC–10–40F, MD–10–10F, and MD–10–30F Airplanes; and Model MD–11 and MD–11F Airplanes [Docket No. 2003–NM–43–AD; Amendment 39–13441; AD 2004–02–06] (RIN: 2120–AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7543. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–300, –400, and –500 Series Airplanes [Docket No. 2001–NM–88–AD; Amendment 39–13443; AD 2004–02–08] (RIN: 2120–AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7544. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), DC–9–87 (MD–87), and MD–88 Airplanes [Docket No. 2002–NM–82–AD; Amendment 39–13444; AD 2004–02–09] (RIN: 2120–AA64) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7545. A letter from the FMCSA Regulations Officer, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting the Department's final rule—Safety Performance History of New Drivers [Docket No. FMCSA–97–2277] (RIN: 2126–AA17) received April 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7546. A letter from the FMCSA Regulations Officer, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting the Department's final rule—Minimum Training Requirements for Longer Combination Vehicle (LCV) Operators and LCV Driver-Instructor Requirements [Docket No. FMCSA–97–2176] (RIN: 2126–AA08) received April 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7547. A letter from the FMCSA Regulations Officer, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting the Department's final rule—Transportation of Household Goods; Consumer Protection Regulations [Docket No. FMCSA–97–2979] (RIN: 2126–AA32) received April 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7548. A letter from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting the Department's final rule— Railroad Locomotive Safety Standards: Clarifying Amendments; Headlights and Auxiliary Lights [Docket No. FRA–2003–14217; Notice No. 2] (RIN: 2130–AB58) received April 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7549. A letter from the Senior Attorney, RSPA, Department of Transportation, transmitting the Department's final rule—Pipeline Safety: Pipeline Integrity Management in High Consequence Areas (Gas Transmission Pipelines); Correction [Docket No. RSPA–00–7666; Amendment 192–95] (RIN: 2137–AD54) received April 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7550. A letter from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting the Department's final rule—Federal Lands Highway Program; Management Systems Pertaining to the National Park Service and the Park Roads and Parkways Program [FHWA–99–4967] (RIN: 2125–AE52) received April 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7551. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Fourteenth Annual Report describing the Board's health and safety activities relating to the Department of Energy's defense nuclear facilities during the calendar year 2003; jointly to the Committees on Armed Services and Energy and Commerce.

7552. A letter from the Chairman, Christopher Columbus Fellowship Foundation, transmitting the FY 2003 Annual Report of the Christopher Columbus Fellowship Foundation, pursuant to Public Law 102—281, section 429(b) (106 Stat. 145); jointly to the Committees on Financial Services and Science.

7553. A letter from the Secretary, Department of Energy, transmitting the Annual Report for calendar year 2003, entitled ''Department of Energy Activities Relating to the Defense Nuclear Facilities Safety Board, as required by Section 316(b) of the Atomic Energy Act of 1954, pursuant to 42 U.S.C. 2286e(b); jointly to the Committees on Energy and Commerce and Armed Services.

7554. A letter from the Administrator, Agency for International Development, transmitting a report required by Section 653(a) of the Foreign Assistance Act of 1961, as amended, for the funds appropriated by the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004, as enacted in Public Law 108–199, for Development Assistance and Child Survival and Health Programs; jointly to the Committees on International Relations and Appropriations.

7555. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of completed negotiations with the Republic of the Marshall Islands (RMI) to bring two of the amended subsidiary agreements to the amended Compact of Free Association, as negotiated and signed with the RMI, into conformity with sections 104(j) and 105(f) and (i) of the Compact of Free Association Amendments Act of 2003 (Pub. L. 108–188); jointly to the Committees on International Relations and Resources.

7556. A letter from the Secretary, Council of the District of Columbia, transmitting a copy of Council Resolution 15–468, ''Sense of the Council in Support of Protection of Civil Liberties Resolution of 2004,'' pursuant to D.C. Code section 1–233(c)(1); jointly to the Committees on Government Reform and the Judiciary.

7557. A letter from the Secretary and Commissioner, Department of Health and Human Services and Social Security Administration, transmitting the Plan For The Transfer of Responsibility for Medicare Appeals, in response to the requirements of Section 931 of the Medicare Prescription Drug Improvement and Modernization Act of 2003 (MMA); jointly to the Committees on Ways and Means and Energy and Commerce.

¶35.4 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 4062. An Act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through June 4, 2004, and for other purposes.

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

S.J. Res. 28. A joint resolution recognizing the 60th anniversary of the Allied landing at Normandy during World War II.

¶35.5 ORDER OF BUSINESS—FURTHER CONSIDERATION OF H.R. 3550

On motion of Mr. PETRI, by unanimous consent,

Ordered, That, during further consideration of the bill (H.R. 3550) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes pursuant to H. Res. 593, it may be in order to consider, prior to any other amendment, the amendment placed at the desk as though printed as an amendment printed in part B of House Report (108-456), to be debatable for not to exceed ten minutes, equally divided and controlled between Mr. PETRI and the gentleman from Minnesota [MR. OBERSTAR].

¶35.6 TRANSPORTATION AUTHORIZATION

The SPEAKER pro tempore, Mr. BROWN of South Carolina, pursuant to House Resolution 593 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3550) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

Mr. NETHERCUTT, Acting Chairman, assumed the chair; and after some time spent therein,

The SPEAKER pro tempore, Mr. SHAW, assumed the Chair.

When Mr. NETHERCUTT, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶35.7 ORDER OF BUSINESS—FURTHER CONSIDERATION OF H.R. 3550

On motion of Mr. YOUNG of Alaska, by unanimous consent,

Ordered, That during further consideration of H.R. 3550 in the Committee of the Whole House on the State of the Union, the period of further general debate contemplated in the special order of the House of March 30, 2004, may be in order before the conclusion of the consideration of the bill for amendment.

¶35.8 TRANSPORTATION AUTHORIZATION

The SPEAKER pro tempore, Mr. SHAW, pursuant to House Resolution 593 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3550) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

Mr. NETHERCUTT, Acting Chairman, assumed the chair; and after some time spent therein,

¶35.9 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 20, submitted by Mr. BRADLEY of New Hampshire:

Add at the end the following new section:

SECTION 1. VEHICLE WEIGHT LIMITATIONS.

(a) The next to the last sentence of section 127(a) of title 23, United States Code, is amended by striking ''Interstate Route 95'' and inserting ''Interstate Routes 89, 93, and 95''.

(b)(1) IN GENERAL.—In consultation with the Secretary of Transportation, the State of New Hampshire shall conduct a study analyzing the economic, safety, and infrastructure impacts of the exemption provided by the amendment made by subsection (a), including the impact of not having such an exemption. In preparing the study, the State shall provide adequate opportunity for public comment.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) $250,000 for fiscal year 2004 to carry out the study.

(3) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall remain available until expended.

It was decided in the negative { Yeas ..... 90 / Nays 334

¶35.10 [Roll No. 110]

AYES—90

Aderholt, Akin, Allen, Barrett (SC), Bartlett (MD), Bass, Beauprez, Bilirakis, Bishop (UT), Blackburn, Blunt, Boehner, Bonner, Bradley (NH), Burns, Burr, Buyer, Calvert, Cannon, Cantor, Castle, Chocola, Cox, Deal (GA), DeLay, Diaz-Balart, M., Dreier, Everett, Feeney, Flake, Fossella, Franks (AZ), Frelinghuysen, Garrett (NJ), Gingrey, Goode, Granger, Greenwood, Hall, Harris, Hastert, Hayes, Hayworth, Hensarling, Herger, Hostettler, Houghton, Hunter, Johnson (CT), Keller, Kennedy (MN), King (IA), Kline, Latham, Lewis (KY), Manzullo, McIntyre, Michaud, Miller (FL), Musgrave, Myrick, Nethercutt, Neugebauer, Norwood, Nunes, Paul, Pearce, Pence, Pitts, Pryce (OH), Rehberg, Rogers (AL), Ryun (KS), Sessions, Shadegg, Sherwood, Shimkus, Simmons, Simpson, Smith (MI), Souder, Stenholm, Sweeney, Tancredo, Taylor (NC), Terry, Thornberry, Walsh, Whitfield, Wilson (SC)

NOES—334

Abercrombie, Ackerman, Alexander, Andrews, Baca, Bachus, Baird, Baker, Baldwin, Ballance, Ballenger, Barton (TX), Becerra, Bell, Bereuter, Berkley, Berman, Berry, Biggert, Bishop (GA), Bishop (NY), Blumenauer, Boehlert, Bonilla, Bono, Boozman, Boswell, Boucher, Boyd, Brady (PA), Brady (TX), Brown (OH), Brown (SC), Brown, Corrine, Brown-Waite, Ginny, Burgess, Burton (IN), Camp, Capito, Capps, Capuano, Cardin, Cardoza, Carson (IN), Carson (OK), Carter, Case, Chabot, Chandler, Clay, Clyburn, Coble, Cole, Collins, Conyers, Cooper, Costello, Cramer, Crane, Crenshaw, Crowley, Cubin, Cummings, Cunningham, Davis (AL), Davis (CA), Davis (FL), Davis (IL), Davis (TN), Davis, Jo Ann, Davis, Tom, DeFazio, DeGette, Delahunt, DeLauro, Deutsch, Diaz-Balart, L., Dicks, Dingell, Doggett, Dooley (CA), Doolittle, Doyle, Duncan, Dunn, Edwards, Ehlers, Emanuel, Emerson, Engel, English, Eshoo, Etheridge, Evans, Farr, Fattah, Ferguson, Filner, Foley, Forbes, Ford, Frank (MA), Frost, Gallegly, Gerlach, Gibbons, Gilchrest, Gillmor, Gonzalez, Goodlatte, Gordon, Goss, Graves, Green (TX), Green (WI), Grijalva, Gutierrez, Gutknecht, Harman, Hart, Hastings (FL), Hastings (WA), Hefley, Hill, Hinchey, Hinojosa, Hobson, Hoeffel, Hoekstra, Holden, Holt, Honda, Hooley (OR), Hoyer, Hyde, Inslee, Isakson, Israel, Issa, Istook, Jackson (IL), Jackson-Lee (TX), Jefferson, Jenkins, John, Johnson (IL), Johnson, E. B., Johnson, Sam, Jones (NC), Jones (OH), Kanjorski, Kaptur, Kelly, Kennedy (RI), Kildee, Kilpatrick, Kind, King (NY), Kingston, Kirk, Kleczka, Knollenberg, Kolbe, Kucinich, LaHood, Lampson, Langevin, Lantos, Larsen (WA), Larson (CT), LaTourette, Leach, Lee, Levin, Lewis (CA), Lewis (GA), Linder, Lipinski, LoBiondo, Lofgren, Lowey, Lucas (KY), Lucas (OK), Lynch, Majette, Maloney, Markey, Marshall, Matheson, Matsui, McCarthy (MO), McCarthy (NY), McCollum, McCotter, McCrery, McDermott, McGovern, McHugh, McInnis, McKeon, McNulty, Meehan, Meek (FL), Meeks (NY), Menendez, Mica, Millender-McDonald, Miller (MI), Miller (NC), Miller, Gary, Mollohan, Moore, Moran (KS), Moran (VA), Murphy, Murtha, Nadler, Napolitano, Neal (MA), Ney, Northup, Nussle, Oberstar, Obey, Olver, Ortiz, Osborne, Ose, Otter, Owens, Oxley, Pallone, Pascrell, Pastor, Payne, Pelosi, Peterson (MN), Peterson (PA), Petri, Pickering, Platts, Pombo, Pomeroy, Porter, Portman, Price (NC), Putnam, Quinn, Radanovich, Rahall, Ramstad, Rangel, Regula, Renzi, Reynolds, Rodriguez, Rogers (KY), Rogers (MI), Rohrabacher, Ros-Lehtinen, Ross, Rothman, Roybal-Allard, Royce, Ruppersberger, Rush, Ryan (OH), Ryan (WI), Sabo, Sánchez, Linda T., Sanchez, Loretta, Sanders, Sandlin, Saxton, Schakowsky, Schiff, Schrock, Scott (GA), Scott (VA), Sensenbrenner, Serrano, Shaw, Shays, Sherman, Shuster, Skelton, Slaughter, Smith (NJ), Smith (TX), Smith (WA), Snyder, Solis, Spratt, Stark, Stearns, Strickland, Stupak, Sullivan, Tauscher, Taylor (MS), Thomas, Thompson (CA), Thompson (MS), Tiahrt, Tiberi, Tierney, Toomey, Towns, Turner (OH), Turner (TX), Udall (CO), Udall (NM), Upton, Van Hollen, Velazquez, Visclosky, Vitter, Walden (OR), Wamp, Waters, Watson, Watt, Weiner, Weldon (PA), Weller, Wexler, Wicker, Wilson (NM), Wolf, Woolsey, Wu, Wynn, Young (AK), Young (FL)

NOT VOTING—10

Culberson, DeMint, Gephardt, Hulshof, Miller, George, Reyes, Tanner, Tauzin, Waxman, Weldon (FL)

So the amendment was not agreed to.

¶35.11 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 22, submitted by Mr. KENNEDY of Minnesota:

Title I, amend section 1209 to read as follows (and conform the table of contents accordingly):

SEC. 1209. REPEAL.

Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is repealed.

Title I, strike sections 1603 and 1604 and insert the following (and conform the table of contents of the bill accordingly):

SEC. 1603. FAST FEES.

(a) IN GENERAL.—Subchapter I of chapter 1 of title 23, United States Code, as amended by section 1208 of the bill, is amended by adding at the end the following:

"§ 168. FAST fees

''(a) ESTABLISHMENT.—The Secretary shall establish and implement an Interstate System FAST Lanes program under which the Secretary, notwithstanding sections 129 and 301, shall permit a State, or a public or private entity designated by a State, to collect fees to finance the expansion of a highway, for the purpose of reducing traffic congestion, by constructing 1 or more additional lanes (including bridge, support, and other structures necessary for that construction) on the Interstate System.

''(b) ELIGIBILITY.—To be eligible to participate in the program, a State shall submit to the Secretary for approval an application that contains—

''(1) an identification of the additional lanes (including any necessary bridge, support, and other structures) to be constructed on the Interstate System under the program;

''(2) in the case of 1 or more additional lanes that affect a metropolitan area, an assurance that the metropolitan planning organization established under section 134 for the area has been consulted during the planning process concerning the placement and amount of fees on the additional lanes; and

''(3) a facility management plan that includes—

''(A) a plan for implementing the imposition of fees on the additional lanes;

''(B) a schedule and finance plan for construction, operation, and maintenance of the additional lanes using revenues from fees (and, as necessary to supplement those revenues, revenues from other sources); and

''(C) a description of the public or private entities that will be responsible for implementation and administration of the program.

''(c) REQUIREMENTS.—The Secretary shall approve the application of a State for participation in the program after the Secretary determines that, in addition to meeting the requirements of subsection (b), the State has entered into an agreement with the Secretary that provides that—

''(1) fees collected from motorists using a FAST lane shall be collected only through the use of noncash electronic technology;

''(2) all revenues from fees received from operation of FAST lanes shall be used only for—

''(A) debt service relating to the investment in FAST lanes;

''(B) reasonable return on investment of any private entity financing the project, as determined by the State;

''(C) any costs necessary for the improvement, and proper operation and maintenance (including reconstruction, resurfacing, restoration, and rehabilitation), of FAST lanes and existing lanes, if the improvement—

''(i) is necessary to integrate existing lanes with the FAST lanes;

''(ii) is necessary for the construction of an interchange (including an on- or off-ramp) from the FAST lane to connect the FAST lane to—

''(I) an existing FAST lane;

''(II) the Interstate System; or

''(III) a highway; and

''(iii) is carried out before the date on which fees for use of FAST lanes cease to be collected in accordance with paragraph (6); or

''(D) the establishment by the State of a reserve account to be used only for long-term maintenance and operation of the FAST lanes;

''(3) fees may be collected only on and for the use of FAST lanes, and may not be collected on or for the use of existing lanes;

''(4) use of FAST lanes shall be voluntary;

''(5) revenues from fees received from operation of FAST lanes may not be used for any other project (except for establishment of a reserve account described in paragraph (2)(D) or as otherwise provided in this section);

''(6) on completion of the project, and on completion of the use of fees to satisfy the requirements for use of revenue described in paragraph (2), no additional fees shall be collected; and

''(7)(A) to ensure compliance with paragraphs (1) through (5), annual audits shall be conducted for each year during which fees are collected on FAST lanes; and

''(B) the results of each audit shall be submitted to the Secretary.

''(d) APPORTIONMENT.—

''(1) IN GENERAL.—Revenues collected from FAST lanes shall not be taken into account in determining the apportionments and allocations that any State or transportation district within a State shall be entitled to receive under or in accordance with this chapter.

''(2) NO EFFECT ON STATE EXPENDITURE OF FUNDS.—Nothing in this section affects the expenditure by any State of funds apportioned under this chapter.''.

(b) CONFORMING AMENDMENT.—

(1) The analysis for subchapter I of chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 167, as added by section 1208 of the bill, the following:

''168. FAST fees.''.

(2) Section 301 of title 23, United States Code, is amended by inserting after ''tunnels,'' the following: ''and except as provided in section 168,''.

SEC. 1604. TOLL FEASIBILITY.

Section 106 of title 23, United States Code, as amended by section 1605 of this bill, is further amended by adding at the end the following:

''(j) TOLL FEASIBILITY.—The Secretary shall select and conduct a study on a project under this title that is intended to increase capacity, and that has an estimated total cost of at least $50,000,000, to determine whether—

''(1) a toll facility for the project is feasible; and

''(2) privatizing the construction, operation, and maintenance of the toll facility is financially advisable (while retaining legal and administrative control of the portion of the applicable Interstate route).''.

It was decided in the affirmative ..... { Yeas ..... 231 / Nays 193

¶35.12 [Roll No. 111]

AYES—231

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bereuter
Berkley
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Cunningham
Davis (TN)
Davis, Tom
Deal (GA)
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
Engel
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Graves
Green (TX)
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Hostettler
Houghton
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Manzullo
McCotter
McHugh
McIntyre
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)

NOES—193

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Barton (TX)
Becerra
Bell
Berman
Berry
Biggert
Bishop (NY)
Blumenauer
Bonilla
Boswell
Boucher
Brady (PA)
Brown, Corrine
Burgess
Capps
Capuano
Carson (IN)
Carson (OK)
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Dooley (CA)
Doyle
Edwards
Emanuel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Goodlatte
Gordon
Goss
Granger
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kirk
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lipinski
Lofgren
Lowey
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McInnis
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Rohrabacher
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Weiner
Wexler
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Culberson
DeMint
Gephardt
Hulshof
Miller, George
Reyes
Tanner
Tauzin
Waxman
Weldon (FL)

So the amendment was agreed to.

¶35.13 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 23, submitted by Mr. ISAKSON:

In section 1101(a) of the bill, strike paragraphs (1) through (3) and insert the following:

(1) INTERSTATE MAINTENANCE PROGRAM.—For the Interstate maintenance program under section 119 of title 23, United States Code, $4,478,227,346 for fiscal year 2004, $4,551,839,370 for fiscal year 2005, $4,644,155,590 for fiscal year, 2006, $4,742,741,342 for fiscal year 2007, $4,859,076,291 for fiscal year 2008, and $4,966,297,676 for fiscal year 2009.

(2) NATIONAL HIGHWAY SYSTEM.—For the National Highway System under section 103 of that title, $5,373,872,608 for fiscal year 2004, $5,462,206,628 for fiscal year 2005, $5,572,986,299 for fiscal year 2006, $5,691,289,610 for fiscal year 2007, $5,830,891,142 for fiscal year 2008, and $5,959,556,398 for fiscal year 2009.

(3) BRIDGE PROGRAM.—For the bridge program under section 144 of that title, $3,842,568,497 for fiscal year 2004, $3,905,731,625 for fiscal year 2005, $3,984,944,542 for fiscal year 2006, $4,069,536,089 for fiscal year 2007, $4,169,358,435 for fiscal year 2008, and $4,261,359,876 for fiscal year 2009.

In section 1101(a) of the bill, strike paragraphs (5) and (6) and insert the following:

(5) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title, $6,269,517,870 for fiscal year 2004, $6,372,574,913 for fiscal year 2005, $6,501,817,007 for fiscal year 2006, $6,639,837,878 for fiscal year 2007, $6,802,707,011 for fiscal year 2008, and $6,952,816,137 for fiscal year 2009.

(6) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title, $1,522,597,463 for fiscal year 2004, $1,547,652,365 for fiscal year 2005, $1,579,013,023 for fiscal year 2006, $1,612,531,852 for fiscal year 2007, $1,652,086,163 for fiscal year 2008, and $1,688,541,453 for fiscal year 2009.

In section 1104(a) of the bill, insert ''and'' at the end of paragraph (1).

In section 1104(a) of the bill, strike paragraph (2).

In section 1104(a)(3) of the bill, in the matter proposed to be inserted, insert ''projects of national and regional significance,'' after ''highway safety improvement,''.

In section 1104(b) of the bill, insert ''and'' at the end of paragraph (1).

In section 1104(b) of the bill, strike paragraph (2).

In section 1104(b)(3) of the bill, in the matter proposed to be inserted, insert ''projects of national and regional significance,'' after ''highway safety improvement,''.

At the end of subtitle G of title I, add the following (and conform the table of contents accordingly):

SEC. 1703. SPECIAL RULE.

For purposes of calculating the minimum guarantee allocation of a State for a fiscal year under section 105 of title 23, United States Code, the Secretary shall not include any amounts received by the State for the project numbered 911 in the table contained in section 1702 and $17,000,000 of the amount received by the State for the project numbered 1061 in such table.

It was decided in the negative { Yeas ..... 170 / Nays 254

¶35.14 [Roll No. 112]

AYES—170

Akin
Bachus
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bell
Bilirakis
Bishop (GA)
Blackburn
Blunt
Boehner
Bonilla
Boyd
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Camp
Cantor
Carson (IN)
Carson (OK)
Carter
Chabot
Chandler
Chocola
Coble
Cole
Collins
Conyers
Crenshaw
Cunningham
Davis (AL)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Duncan
Edwards
Ehlers
Emerson
Etheridge
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Granger
Green (TX)
Gutknecht
Hall
Harris
Hastings (FL)
Hayes
Hayworth
Hefley
Hensarling
Hill
Hoekstra
Hunter
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson, E. B.
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
Kildee
Kilpatrick
King (IA)
Kingston
Kline
Knollenberg
Kolbe
Lampson
Leach
Levin
Lewis (GA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Majette
Marshall
McCotter
McInnis
McIntyre
Meek (FL)
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nussle
Otter
Paul
Pence
Portman
Price (NC)
Putnam
Ramstad
Renzi
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Sandlin
Schrock
Scott (GA)
Scott (VA)
Sessions
Shadegg
Shaw
Simpson
Smith (MI)
Smith (TX)
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Turner (TX)
Udall (CO)
Upton
Visclosky
Wamp
Watt
Weldon (FL)
Wexler
Whitfield
Wilson (SC)
Wolf
Young (FL)

NOES—254

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Bass
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (NY)
Bishop (UT)
Blumenauer
Boehlert
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Calvert
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Case
Castle
Clay
Clyburn
Cooper
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cummings
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dicks
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Emanuel
Engel
English
Eshoo
Evans
Everett
Farr
Fattah
Filner
Ford
Fossella
Frank (MA)
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gordon
Graves
Green (WI)
Greenwood
Grijalva
Gutierrez
Harman
Hart
Hastings (WA)
Herger
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hyde
Inslee
Israel
Issa
Jackson (IL)
John
Johnson (CT)
Johnson (IL)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kind
King (NY)
Kirk
Kleczka
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Lewis (CA)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Reynolds
Rogers (AL)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Sensenbrenner
Serrano
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Stark
Sweeney
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Toomey
Towns
Turner (OH)
Udall (NM)
Van Hollen
Velázquez
Vitter
Walden (OR)
Walsh
Waters
Watson
Weiner
Weldon (PA)
Weller
Wicker
Wilson (NM)
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—9

Culberson
DeMint
Gephardt
Hulshof
Miller, George
Reyes
Tanner
Tauzin
Waxman

So the amendment was not agreed to.

The SPEAKER pro tempore, Mr. THORNBERRY, assumed the Chair.

When Mr. NETHERCUTT, Acting Chairman, pursuant to House Resolution 593, reported the bill, as amended, back to the House with sundry further amendments adopted by the Committee.

The previous question having been ordered by said resolution.

Pursuant to House Resolution 593, the amendment in the nature of a substitute printed in the bill, modified by the following amendments printed in part A of House Report 108-456, was considered as adopted:

SECTION 1. SHORT TITLE, TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Transportation Equity Act: A Legacy for Users''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title, table of contents.

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorization of programs

Sec. 1101. Authorizations of appropriations.
Sec. 1102. Obligation ceiling.
Sec. 1103. Apportionments.
Sec. 1104. Minimum guarantee.
Sec. 1105. Project approval and oversight.
Sec. 1106. Temporary traffic control devices.
Sec. 1107. Revenue aligned budget authority.
Sec. 1108. Emergency relief.
Sec. 1109. Surface transportation program.
Sec. 1110. Highway use tax evasion projects.
Sec. 1111. Appalachian development highway system.
Sec. 1112. Construction of ferry boats and ferry terminal facilities.
Sec. 1113. Interstate maintenance discretionary.
Sec. 1114. Highway bridge.
Sec. 1115. Transportation and community and system preservation program.
Sec. 1116. Deployment of magnetic levitation transportation projects.
Sec. 1117. Recreational trails.
Sec. 1118. Federal lands Highways.
Sec. 1119. Reserved.
Sec. 1120. Pedestrian and cyclist equity.
Sec. 1121. National commissions.
Sec. 1122. Adjustments for the Surface Transportation Extension Act of 2003.
Sec. 1123. Roadway safety.
Sec. 1124. Equity requirement.

Subtitle B—Congestion relief

Sec. 1201. Motor vehicle congestion relief.
Sec. 1202. Transportation systems management and operations.
Sec. 1203. Real-time system management information program.
Sec. 1204. Expedited national intelligent transportation systems deployment program.
Sec. 1205. Intelligent transportation systems deployment.
Sec. 1206. Environmental review of activities that support deployment of intelligent transportation systems.
Sec. 1207. Assumption of responsibility for certain programs and projects.
Sec. 1208. HOV facilities.
Sec. 1209. Congestion pricing pilot program.

Subtitle C—Mobility and efficiency

Sec. 1301. National corridor infrastructure improvement program.
Sec. 1302. Coordinated border infrastructure program.
Sec. 1303. Freight intermodal connectors.
Sec. 1304. Projects of national and regional significance.
Sec. 1305. Dedicated truck lanes.
Sec. 1306. Truck parking facilities.

Subtitle D—Highway safety

Sec. 1401. Highway safety improvement program.
Sec. 1402. Worker injury prevention and free flow of vehicular traffic.
Sec. 1403. High risk rural road safety improvement program.
Sec. 1404. Transfers of apportionments to safety programs.

Sec. 1405. Safety incentive grants for use of seat belts.
Sec. 1406. Safety incentives to prevent operation of motor vehicles by intoxicated persons.
Sec. 1407. Repeat offenders for driving while intoxicated.

Subtitle E—Construction and contract efficiencies

Sec. 1501. Design–build.
Sec. 1502. Warranty Highway Construction Project Pilot Program.
Sec. 1503. Private investment study.
Sec. 1504. Highways for LIFE pilot program.

Subtitle F—Finance

Sec. 1601. Transportation Infrastructure Finance and Innovation Act.
Sec. 1602. State infrastructure banks.
Sec. 1603. Interstate System reconstruction and rehabilitation toll pilot program.
Sec. 1604. Interstate System construction toll pilot program.
Sec. 1605. Use of excess funds.

Subtitle G—High priority projects

Sec. 1701. High priority projects program.
Sec. 1702. Project authorizations.

Subtitle H—Miscellaneous provisions

Sec. 1801. Budget justification.
Sec. 1802. Motorist Information.
Sec. 1803. Motorist information concerning full service restaurants.
Sec. 1804. High priority corridors on the National Highway System.
Sec. 1805. Additions to Appalachian region.
Sec. 1806. Transportation assets and needs of Delta region.
Sec. 1807. Toll facilities workplace safety study.
Sec. 1808. Pavement Marking Systems Demonstration Projects.
Sec. 1809. Work zone safety grants.
Sec. 1810. Grant program to prohibit racial profiling.
Sec. 1811. America's Byways Resource Center.
Sec. 1812. Technical adjustment.
Sec. 1813. Road User Charge Evaluation Pilot Project.
Sec. 1814. Sense of Congress.
Sec. 1815. Conforming amendment for transportation planning sections.
Sec. 1816. Distribution of metropolitan planning funds within States.
Sec. 1817. Treatment of off ramp.
Sec. 1818. Loan forgiveness.

TITLE II—HIGHWAY SAFETY

Sec. 2001. Authorization of appropriations.
Sec. 2002. Occupant protection incentive grants.
Sec. 2003. Alcohol-impaired driving countermeasures.
Sec. 2004. State traffic safety information system improvements.
Sec. 2005. High visibility enforcement program.
Sec. 2006. Motorcycle crash causation study.
Sec. 2007. Child safety and child booster seat incentive grants.
Sec. 2008. Safety data.
Sec. 2009. Motorcyclist safety.
Sec. 2010. Driver fatigue.

TITLE III—FEDERAL TRANSIT ADMINISTRATION PROGRAMS

Sec. 3001. Short title; amendments to title 49, United States Code.
Sec. 3002. Policies, findings, and purposes.
Sec. 3003. Definitions.
Sec. 3004. Metropolitan planning.
Sec. 3005. Statewide planning.
Sec. 3006. Planning programs.
Sec. 3007. Private enterprise participation.
Sec. 3008. Urbanized area formula grants.
Sec. 3009. Clean fuels formula grant program.
Sec. 3010. Capital investment grants.
Sec. 3011. Formula grants for special needs of elderly individuals and individuals with disabilities.
Sec. 3012. Formula grants for other than urbanized areas.
Sec. 3013. Research, development, demonstration, and deployment projects.
Sec. 3014. Cooperative research program.
Sec. 3015. National research and technology programs.
Sec. 3016. National Transit Institute.
Sec. 3017. Job access and reverse commute formula grants.
Sec. 3018. New Freedom program.
Sec. 3019. Bus testing facility.
Sec. 3020. Bicycle facilities.
Sec. 3021. Transit in the parks pilot program.
Sec. 3022. Human resource programs.
Sec. 3023. General provisions on assistance.
Sec. 3024. Special provisions for capital projects.
Sec. 3025. Contract requirements.
Sec. 3026. Project management oversight and review.
Sec. 3027. Investigations of safety and hazards.
Sec. 3028. State safety oversight.
Sec. 3029. Controlled substances and alcohol misuse testing.
Sec. 3030. Employee protective arrangements.
Sec. 3031. Administrative procedures.
Sec. 3032. National transit database.
Sec. 3033. Apportionments based on fixed guideway factors.
Sec. 3034. Authorizations.
Sec. 3035. Over-the-road bus accessibility program.
Sec. 3036. Updated terminology.
Sec. 3037. Project authorizations for new fixed guideway capital projects.
Sec. 3038. Projects for bus and bus-related facilities.
Sec. 3039. National fuel cell bus technology development program.
Sec. 3040. Extension of public transit vehicle exemption from axle weight restrictions.
Sec. 3041. High-intensity small-urbanized area formula grant program.
Sec. 3042. Allocations for national research and technology programs.
Sec. 3043. Obligation ceiling.
Sec. 3044. Adjustments for the Surface Transportation Extension Act of 2004.

TITLE IV—MOTOR CARRIER TRANSPORTATION AND SAFETY

Subtitle A—Commercial motor vehicle safety

Sec. 4101. Authorization of appropriations.
Sec. 4102. Motor carrier safety grants.
Sec. 4103. Border enforcement grants.
Sec. 4104. Commercial driver's license improvements.
Sec. 4105. Hobbs Act.
Sec. 4106. Penalty for denial of access to records.
Sec. 4107. Medical Review Board.
Sec. 4108. Increased penalties for out-of-service violations and false records.
Sec. 4109. Commercial vehicle information systems and networks deployment.
Sec. 4110. Safety fitness.
Sec. 4111. Pattern of safety violations by motor carrier or broker management.
Sec. 4112. Motor carrier research and technology program.
Sec. 4113. International cooperation.
Sec. 4114. Performance and registration information system management.
Sec. 4115. Data quality improvement.
Sec. 4116. Driveaway saddlemount vehicles.
Sec. 4117. Completion of uniform carrier registration.
Sec. 4118. Registration of motor carriers and freight forwarders.
Sec. 4119. Deposit of certain civil penalties into Highway Trust Fund.
Sec. 4120. Outreach and education.
Sec. 4121. Insulin treated diabetes mellitus.
Sec. 4122. Grant program for commercial motor vehicle operators.
Sec. 4123. Commercial motor vehicle safety advisory Committee.
Sec. 4124. Safety data improvement program.
Sec. 4125. Commercial driver's license information system modernization.
Sec. 4126. Maximum hours of service for operators of ground water well drilling rigs.
Sec. 4127. Safety performance history screening.
Sec. 4128. Intermodal chassis roadability rulemaking.
Sec. 4129. Substance abuse professionals.
Sec. 4130. Interstate van operations.
Sec. 4131. Hours of service for operators of utility service vehicles.
Sec. 4132. Technical corrections.

Subtitle B—Household goods transportation

Sec. 4201. Federal-State relations relating to transportation of household goods.
Sec. 4202. Arbitration requirements.
Sec. 4203. Civil penalties relating to household goods brokers and unauthorized transportation.
Sec. 4204. Penalties for holding household goods hostage.
Sec. 4205. Working group for development of practices and procedures to enhance Federal-State relations.
Sec. 4206. Consumer handbook on dot Web site.
Sec. 4207. Release of household goods broker information.
Sec. 4208. Consumer complaint information.
Sec. 4209. Insurance regulations.
Sec. 4210. Estimating requirements.
Sec. 4211. Application of State consumer protection laws to certain household goods carriers.

TITLE V—TRANSPORTATION RESEARCH AND EDUCATION

Subtitle A—Funding

Sec. 5101. Authorization of appropriations.
Sec. 5102. Obligation ceiling.

Subtitle B—Research, technology, and education

Sec. 5201. Research, technology, and education.
Sec. 5202. Long-term bridge performance program; innovative bridge research and deployment program.
Sec. 5203. Surface transportation environment and planning cooperative research program.
Sec. 5204. Technology deployment.
Sec. 5205. Training and education.
Sec. 5206. Freight planning capacity building.
Sec. 5207. Advanced travel forecasting procedures program.
Sec. 5208. National cooperative freight transportation research program.
Sec. 5209. Future strategic highway research program.
Sec. 5210. Transportation safety information management system project.
Sec. 5211. Surface transportation congestion relief solutions research initiative.
Sec. 5212. Motor carrier efficiency study.

Subtitle C—University transportation research; scholarship opportunities

Sec. 5301. National university transportation centers.
Sec. 5302. University transportation research.
Sec. 5303. Transportation scholarship opportunities program.

Subtitle D—Advanced technologies

Sec. 5401. Advanced heavy-duty vehicle technologies research program.
Sec. 5402. Commercial remote sensing products and spatial information technologies.

Subtitle E—Transportation data and analysis

Sec. 5501. Bureau of Transportation Statistics.

Subtitle F—Intelligent transportation systems research

Sec. 5601. Short title.
Sec. 5602. Goals and purposes.
Sec. 5603. General authorities and requirements.
Sec. 5604. National architecture and standards.
Sec. 5605. Research and development.
Sec. 5606. Infrastructure development.
Sec. 5607. Definitions.
Sec. 5608. Rural interstate corridor communications study.
Sec. 5609. Repeal.

TITLE VI—TRANSPORTATION PLANNING AND PROJECT DELIVERY
Sec. 6001. Transportation planning.
Sec. 6002. Efficient environmental reviews for project decision making.
Sec. 6003. Policy on historic sites.
Sec. 6004. Exemption of interstate system.
TITLE VII—HAZARDOUS MATERIALS TRANSPORTATION
Sec. 7001. Amendment of title 49, United States Code.
Sec. 7002. Findings and purpose.
Sec. 7003. Definitions.
Sec. 7004. General regulatory authority.
Sec. 7005. Chemical or biological materials.
Sec. 7006. Representation and tampering.
Sec. 7007. Technical amendments.
Sec. 7008. Training of certain employees.
Sec. 7009. Registration.
Sec. 7010. Providing shipping papers.
Sec. 7011. Rail tank cars.
Sec. 7012. Unsatisfactory safety rating.
Sec. 7013. Training curriculum for the public sector.
Sec. 7014. Planning and training grants, monitoring, and review.
Sec. 7015. Special permits and exclusions.
Sec. 7016. Uniform forms and procedures.
Sec. 7017. International uniformity of standards and requirements.
Sec. 7018. Administrative.
Sec. 7019. Enforcement.
Sec. 7020. Civil penalty.
Sec. 7021. Criminal penalty.
Sec. 7022. Preemption.
Sec. 7023. Relationship to other laws.
Sec. 7024. Judicial review.
Sec. 7025. Authorization of appropriations.
Sec. 7026. Determining amount of undeclared shipments of hazardous materials entering the United States.
Sec. 7027. Conforming amendments.
TITLE VIII—TRANSPORTATION DISCRETIONARY SPENDING GUARANTEE
Sec. 8001. Policy.
Sec. 8002.
TITLE IX—TAX PROVISIONS
Sec. 9000. Short title, etc.
Subtitle A—Highway Trust Fund Extension
Sec. 9101. Extension of highway-related taxes and trust fund.
Subtitle B—Restructuring of Incentives for Alcohol Fuels, etc.
Sec. 9201. Reduced rates of taxes on gasohol replaced with excise tax credit; repeal of other alcohol-based fuel incentives; etc.
Sec. 9202. Alcohol fuel subsidies borne by general fund.
Subtitle C—Reduction of Fuel Tax Evasion
Sec. 9301. Exemption from certain excise taxes for mobile machinery.
Sec. 9302. Taxation of aviation-grade kerosene.
Subpart A—Motor and Aviation Fuels.
Subpart B—Special Provisions Applicable to Fuels Tax
Sec. 9303. Dye injection equipment.
Sec. 6715A. Tampering with or failing to maintain security requirements for mechanical dye injection systems.
Sec. 9304. Authority to inspect on-site records.
Sec. 9305. Registration of pipeline or vessel operators required for exemption of bulk transfers to registered terminals or refineries.
Sec. 9306. Display of registration.
Sec. 6717. Failure to display tax registration on vessels.
Sec. 9307. Penalties for failure to register and failure to report.
Sec. 6718. Failure to register.
Sec. 6725. Failure to report information under section 4101.
Sec. 9308. Collection from customs bond where importer not registered.
Sec. 4104. Collection from customs bond where importer not registered.
Sec. 9309. Modifications of tax on use of certain vehicles.
Sec. 9310. Modification of ultimate vendor refund claims with respect to farming.
Sec. 9311. Dedication of revenues from certain penalties to the highway trust fund.
Subtitle D—Other Excise Tax Provisions
Sec. 9401. Taxable fuel refunds for certain ultimate vendors.
Sec. 9402. Two-party exchanges.
Sec. 4105. Two-party exchanges.
Sec. 9403. Simplification of tax on tires.
Sec. 4073. Exemptions.
Subtitle E—Small Business Expensing
Sec. 9501. 2-year extension of increased expensing for small business.
Subtitle F—Alternative Minimum Tax Relief
Sec. 9601. Net operating losses and foreign tax credit under alternative minimum tax.
Sec. 9602 Expansion of exemption from alternative minimum tax for small corporations.
Sec. 9603. Income averaging for farmers not to increase alternative minimum tax.

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorization of Programs

SEC. 1101. AUTHORIZATIONS OF APPROPRIATIONS.

(a) IN GENERAL.—The following sums are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account):

(1) INTERSTATE MAINTENANCE PROGRAM.—For the Interstate maintenance program under section 119 of title 23, United States Code, $4,323,076,000 for fiscal year 2004, $4,431,153,000 for fiscal year 2005, $4,541,932,000 for fiscal year, 2006, $4,655,480,000 for fiscal year 2007, $4,771,867,000 for fiscal year 2008, and $4,891,164,000 for fiscal year 2009.

(2) NATIONAL HIGHWAY SYSTEM.—For the National Highway System under section 103 of that title, $5,187,691,000 for fiscal year 2004, $5,317,383,000 for fiscal year 2005, $5,450,318,000 for fiscal year 2006, $5,586,576,000 for fiscal year 2007, $5,726,240,000 for fiscal year 2008, and $5,869,396,000 for fiscal year 2009.

(3) BRIDGE PROGRAM.—For the bridge program under section 144 of that title, $3,709,440,000 for fiscal year 2004, $3,802,176,000 for fiscal year 2005, $3,897,231,000 for fiscal year 2006, $3,994,661,000 for fiscal year 2007, $4,094,528,000 for fiscal year 2008, and $4,196,891,000 for fiscal year 2009.

(4) HIGHWAY SAFETY IMPROVEMENT PROGRAM.—For the highway safety improvement program under sections 130 and 152 of that title, $0 for fiscal year 2004, $630,000,000 for fiscal year 2005, $645,000,000 for fiscal year 2006, $660,000,000 for fiscal year 2007, $680,000,000 for fiscal year 2008, and $695,000,000 for fiscal year 2009. Of such funds ⅓ per fiscal year shall be available to carry out section 130 and ⅔ shall be available to carry out section 152.

(5) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title, $6,052,306,000 for fiscal year 2004, $6,203,614,000 for fiscal year 2005, $6,358,704,000 for fiscal year 2006, $6,517,672,000 for fiscal year 2007, $6,680,614,000 for fiscal year 2008, and $6,847,629,000 for fiscal year 2009.

(6) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title, $1,469,846,000 for fiscal year 2004, $1,506,592,000 for fiscal year 2005, $1,544,257,000 for fiscal year 2006, $1,582,863,000 for fiscal year 2007, $1,622,435,000 for fiscal year 2008, and $1,662,996,000 for fiscal year 2009.

(7) APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM PROGRAM.—For the Appalachian development highway system program under section 14501 of title 40, United States Code, $460,000,000 for fiscal year 2004 and $470,000,000 for each of fiscal years 2005 through 2009.

(8) RECREATIONAL TRAILS PROGRAM.—For the recreational trails program under section 206 of title 23, United States Code, $53,000,000 for fiscal year 2004, $70,000,000 for fiscal year 2005, $80,000,000 for fiscal year 2006, $90,000,000 for fiscal year 2007, $100,000,000 for fiscal year 2008, and $110,000,000 for fiscal year 2009.

(9) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of title 23, United States Code, $325,000,000 for fiscal year 2004, $365,000,000 for fiscal year 2005, $390,000,000 for fiscal year 2006, $395,000,000 for fiscal year 2007, $420,000,000 for fiscal year 2008, and $420,000,000 for fiscal year 2009.

(B) PARK ROADS AND PARKWAYS.—For park roads and parkways roads under section 204 of that title, $170,000,000 for fiscal year 2004, $185,000,000 for fiscal year 2005, $200,000,000 for fiscal year 2006, $215,000,000 for fiscal year 2007, $225,000,000 for fiscal year 2008, and $225,000,000 for fiscal year 2009.

(C) PUBLIC LANDS HIGHWAY.—For public lands highway under section 204 of that title, $250,000,000 for fiscal year 2004, $260,000,000 for fiscal year 2005, $280,000,000 for fiscal year 2006, $280,000,000 for fiscal year 2007, $290,000,000 for fiscal year 2008, and $300,000,000 for fiscal year 2009.

(D) REFUGE ROADS.—For refuge roads under section 204 of that title, $20,000,000 for each of fiscal years 2004 through 2009.

(10) NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROGRAM.—For the national corridor infrastructure improvement program under section 1301 of this title, $333,333,000 for fiscal year 2004, $600,000,000 for fiscal year 2005, $600,000,000 for fiscal year 2006, $600,000,000 for fiscal year 2007, $600,000,000 for fiscal year 2008, and $600,000,000 for fiscal year 2009.

(11) COORDINATED BORDER INFRASTRUCTURE PROGRAM.—For the coordinated border infrastructure program under section 1302 of this title, $105,000,000 for fiscal year 2004, $200,000,000 for fiscal year 2005, $200,000,000 for fiscal year 2006, $200,000,000 for fiscal year 2007, $200,000,000 for fiscal year 2008, and $225,000,000 for fiscal year 2009.

(12) PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE PROGRAM.—For the projects of national and regional significance program under section 1304 of this title, $600,000,000 for fiscal year 2004, $1,100,000,000 for fiscal year 2005, $1,100,000,000 for fiscal year 2006, $1,200,000,000 for fiscal year 2007, $1,300,000,000 for fiscal year 2008, and $1,300,000,000 for fiscal year 2009.

(13) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—For construction of ferry boats and ferry terminal facilities under section 165 of title 23, United States Code, $60,000,000 for fiscal year 2004, $70,000,000 for fiscal year 2005, $75,000,000 for fiscal year 2006, $75,000,000 for fiscal year 2007, $75,000,000 for fiscal year 2008, and $75,000,000 for fiscal year 2009.

(14) NATIONAL SCENIC BYWAYS PROGRAM.—For the national scenic byways program under section 162 of title 23, United States Code, $30,000,000 for fiscal year 2004, $40,000,000 for fiscal year 2005, $45,000,000 for fiscal year 2006, $55,000,000 for fiscal year 2007, $55,000,000 for fiscal year 2008, and $60,000,000 for fiscal year 2009.

(15) CONGESTION PRICING PILOT PROGRAM.—For the congestion pricing pilot program under section 1209 of this title, $15,000,000 for fiscal year 2004, $15,000,000 for fiscal year 2005, $15,000,000 for fiscal year 2006, $15,000,000

for fiscal year 2007, $15,000,000 for fiscal year 2008, and $15,000,000 for fiscal year 2009.

(16) DEPLOYMENT OF 511 TRAVELER INFORMATION PROGRAM.—For the 511 traveler information program under section 1204(c)(7) of this title, $6,000,000 for each of fiscal years 2004 through 2009.

(17) HIGH PRIORITY PROJECTS PROGRAM.—For the high priority projects program under section 117 of title 23, United States Code, $2,176,042,000 for fiscal year 2004, $2,061,242,000 for fiscal year 2005, $1,809,342,000 for fiscal year 2006, $1,708,042,000 for fiscal year 2007, $1,757,242,000 for fiscal year 2008, and $1,615,242,000 for fiscal year 2009.

(18) FREIGHT INTERMODAL CONNECTOR PROGRAM.—For the freight intermodal connector program under section 1303 of this title, $115,000,000 for fiscal year 2004, $250,000,000 for fiscal year 2005, $250,000,000 for fiscal year 2006, $250,000,000 for fiscal year 2007, $250,000,000 for fiscal year 2008, and $250,000,000 for fiscal year 2009.

(19) HIGH RISK RURAL ROAD SAFETY IMPROVEMENT PROGRAM.—For the high risk rural road safety improvement program under section 1403 of this title, $85,000,000 for fiscal year 2004, $105,000,000 for fiscal year 2005, $110,000,000 for fiscal year 2006, $120,000,000 for fiscal year 2007, $125,000,000 for fiscal year 2008, and $130,000,000 for fiscal year 2009.

(20) HIGHWAY USE TAX EVASION PROGRAM.—For highway use tax evasion projects under section 143 of title 23, United States Code, $12,000,000 for fiscal year 2004, $30,000,000 for fiscal year 2005, $30,000,000 for fiscal year 2006, $20,000,000 for fiscal year 2007, $10,000,000 for fiscal year 2008, and $7,000,000 for fiscal year 2009.

(21) PEDESTRIAN AND CYCLIST EQUITY.—

(A) SAFE ROUTES TO SCHOOL PROGRAM.—For the safe routes to school program under section 1120(a) of this title, $125,000,000 for fiscal year 2004, $150,000,000 for fiscal year 2005, $175,000,000 for fiscal year 2006, $175,000,000 for fiscal year 2007, $175,000,000 for fiscal year 2008, and $200,000,000 for fiscal year 2009.

(B) NONMOTORIZED PILOT PROGRAM.—For the nonmotorized pilot program under section 1120(b) of this title, $20,000,000 for fiscal year 2004 and $25,000,000 for each of fiscal years 2005 through 2009.

(22) DEDICATED TRUCK LANES.—For dedicated truck lanes under section 1305 of this title, $80,000,000 for fiscal year 2004 ,$165,000,000 for each of fiscal years 2005 through 2008, and $170,000,000 for fiscal year 2009.

(23) HIGHWAYS FOR LIFE PROGRAM.—For the highways for life program under section 1504 of this title, $40,000,000 for fiscal year 2004, $55,000,000 for fiscal year 2005, and $60,000,000 for each of fiscal years 2006 through 2009.

(24) COMMONWEALTH OF PUERTO RICO HIGHWAY PROGRAM.—For the Commonwealth of Puerto Rico highway program under section 1214(r) of the Transportation Equity Act for the 21st Century (112 Stat. 209), $115,000,000 for fiscal year 2004, $125,000,000 for fiscal year 2005, $130,000,000 for fiscal year 2006, $130,000,000 for fiscal year 2007, $140,000,000 for fiscal year 2008, and $140,000,000 for fiscal year 2009.

(b) DISADVANTAGED BUSINESS ENTERPRISES.—

(1) GENERAL RULE.—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts made available for any program under titles I, III, and V of this Act and section 403 of title 23, United States Code, shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals.

(2) DEFINITIONS.—In this subsection, the following definitions apply:

(A) SMALL BUSINESS CONCERN.—The term ''small business concern'' has the meaning such term has under section 3 of the Small Business Act (15 U.S.C. 632); except that such term shall not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals which has average annual gross receipts over the preceding 3 fiscal years in excess of $17,420,000, as adjusted by the Secretary for inflation.

(B) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term ''socially and economically disadvantaged individuals'' has the meaning such term has under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations promulgated pursuant thereto; except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this subsection.

(3) ANNUAL LISTING OF DISADVANTAGED BUSINESS ENTERPRISES.—Each State shall annually survey and compile a list of the small business concerns referred to in paragraph (1) and the location of such concerns in the State and notify the Secretary, in writing, of the percentage of such concerns which are controlled by women, by socially and economically disadvantaged individuals (other than women), and by individuals who are women and are otherwise socially and economically disadvantaged individuals.

(4) UNIFORM CERTIFICATION.—The Secretary shall establish minimum uniform criteria for State governments to use in certifying whether a concern qualifies for purposes of this subsection. Such minimum uniform criteria shall include, but not be limited to, on-site visits, personal interviews, licenses, analysis of stock ownership, listing of equipment, analysis of bonding capacity, listing of work completed, resume of principal owners, financial capacity, and type of work preferred.

(5) COMPLIANCE WITH COURT ORDERS.—Nothing in this subsection limits the eligibility of an entity or person to receive funds made available under titles I, III, and V of this Act and section 403 of title 23, United States Code, if the entity or person is prevented, in whole or in part, from complying with paragraph (1) because a Federal court issues a final order in which the court finds that the requirement of paragraph (1), or the program established under paragraph (1), is unconstitutional.

SEC. 1102. OBLIGATION CEILING.

(a) GENERAL LIMITATION.—Notwithstanding any other provision of law but subject to subsections (g) and (h), the obligations for Federal-aid highway and highway safety construction programs shall not exceed—

(1) $33,644,000,000 for fiscal year 2004;

(2) $34,641,000,000 for fiscal year 2005;

(3) $35,668,000,000 for fiscal year 2006;

(4) $36,725,000,000 for fiscal year 2007;

(5) $37,813,000,000 for fiscal year 2008; and

(6) $38,934,000,000 for fiscal year 2009.

(b) EXCEPTIONS.—The limitations under subsection (a) shall not apply to obligations—

(1) under section 125 of title 23, United States Code;

(2) under section 147 of the Surface Transportation Assistance Act of 1978;

(3) under section 9 of the Federal-Aid Highway Act of 1981;

(4) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982;

(5) under sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987;

(6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991;

(7) under section 157 of title 23, United States Code, as in effect on June 8, 1998;

(8) under section 105 of title 23, United States Code (but, for each of fiscal years 1998 through 2013), only in an amount equal to $639,000,000 per fiscal year; and

(9) for Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that such obligation authority has not lapsed or been used.

(c) DISTRIBUTION OF OBLIGATION AUTHORITY.—For each of fiscal years 2004 through 2009, the Secretary shall—

(1) not distribute obligation authority provided by subsection (a) for such fiscal year for amounts authorized for administrative expenses and amounts authorized for the highway use tax evasion program and the Bureau of Transportation Statistics;

(2) not distribute an amount of obligation authority provided by subsection (a) that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highway and highway safety programs for previous fiscal years the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation authority provided by subsection (a) for such fiscal year less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highway and highway safety construction programs (other than sums authorized to be appropriated for sections set forth in paragraphs (1) through (7) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(8)) for such fiscal year less the aggregate of the amounts not distributed under paragraph (1) of this subsection;

(4) distribute the obligation authority provided by subsection (a) less the aggregate amounts not distributed under paragraphs (1) and (2) for section 117 of title 23, United States Code (relating to high priority projects program), section 14501 of title 40, United States Code (relating to Appalachian development highway system), and $2,000,000,000 for such fiscal year under section 105 of title 23, United States Code (relating to minimum guarantee) so that amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such section (except in the case of section 105, $2,000,000,000) for such fiscal year;

(5) distribute the obligation authority provided by subsection (a) less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4) for each of the programs that are allocated by the Secretary under this Act and title 23, United States Code (other than activities to which paragraph (1) applies and programs to which paragraph (4) applies) by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such program for such fiscal year; and

(6) distribute the obligation authority provided by subsection (a) less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5) for Federal-aid highway and highway safety construction programs (other than the minimum guarantee program, but only to the extent that amounts apportioned for the minimum guarantee program for such fiscal year exceed

$2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under this Act and title 23, United States Code, in the ratio that—

(A) sums authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the sums authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(d) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (c), the Secretary shall after August 1 of each of fiscal years 2004 through 2009 revise a distribution of the obligation authority made available under subsection (c) if an amount made available under this section will not be obligated during the fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year. In making the redistribution, the Secretary shall give priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code.

(e) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—Obligation limitations imposed by subsection (a) shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, and under title V of this Act; except that obligation authority made available for such programs under such limitations shall remain available for a period of 3 fiscal years.

(f) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—Not later than 30 days after the date of the distribution of obligation authority under subsection (c) for each of fiscal years 2004 through 2009, the Secretary shall distribute to the States any funds (1) that are authorized to be appropriated for such fiscal year for Federal-aid highway programs, and (2) that the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as the distribution of obligation authority under subsection (c)(6). The funds so distributed shall be available for any purposes described in section 133(b) of title 23, United States Code.

(g) SPECIAL RULE.—Obligation authority distributed for a fiscal year under subsection (c)(4) for a section set forth in subsection (c)(4) shall remain available until used for obligation of funds for such section and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(h) INCREASE IN OBLIGATION LIMIT.—Limitations on obligations imposed by subsection (a) for a fiscal year shall be increased by an amount equal to the amount determined pursuant to section 251(b)(1)(B)(ii)(I)(cc) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(B)(ii)(I)(cc)) for such fiscal year. Any such increase shall be distributed in accordance with this section.

(i) LIMITATIONS ON OBLIGATIONS FOR ADMINISTRATIVE EXPENSES.—Notwithstanding any other provision of law, the total amount of all obligations under section 104(a) of title 23, United States Code, shall not exceed—

(1) $390,000,000 for fiscal year 2004;

(2) $395,000,000 for fiscal year 2005;

(3) $395,000,000 for fiscal year 2006;

(4) $395,000,000 for fiscal year 2007;

(5) $395,000,000 for fiscal year 2008; and

(6) $400,000,000 for fiscal year 2009.

SEC. 1103. APPORTIONMENTS.

(a) ADMINISTRATIVE EXPENSES.—Section 104(a) of title 23, United States Code, is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

''(1) IN GENERAL.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for purposes described in paragraph (2) $390,000,000 for fiscal year 2004, $395,000,000 for fiscal year 2005, $395,000,000 for fiscal year 2006, $395,000,000 for fiscal year 2007, $395,000,000 for fiscal year 2008, and $400,000,000 for fiscal year 2009.

''(2) USE OF FUNDS.—The amounts authorized to be appropriated by paragraph (1) are authorized for the following purposes:

''(A) To administer the provisions of law to be financed from appropriations for the Federal-aid highway program and programs authorized under chapter 2.

''(B) To make transfers of such sums as the Secretary determines to be appropriate to the Appalachian Regional Commission for administrative activities associated with the Appalachian development highway system.'';

(2) in paragraph (3) by striking ''sum deducted under'' and inserting ''amounts authorized to be appropriated by''; and

(3) in paragraph (4)—

(A) by striking ''sums deducted under'' and inserting ''amounts authorized to be appropriated by''; and

(B) by striking ''and the Federal Motor Carrier Safety Administration''.

(b) NATIONAL HIGHWAY SYSTEM.—Section 104(b) of such title is amended—

(1) by striking ''the deduction authorized by subsection (a) and''; and

(2) in paragraph (1)(A)—

(A) by striking ''$36,400,000 for each fiscal year'' and inserting ''$40,000,000 for fiscal year 2004, $40,000,000 for fiscal year 2005, $40,000,000 for fiscal year 2006, $50,000,000 for fiscal year 2007, $50,000,000 for fiscal year 2008, and $50,000,000 for fiscal year 2009''; and

(B) by striking ''$18,800,000 for each of fiscal years 1998 through 2002'' and inserting ''$20,000,000 for fiscal year 2004 and $30,000,000 for each of fiscal years 2005 through 2009''.

(c) CONFORMING AMENDMENTS.—Section 104 of such title is amended—

(1) in subsection (f)(1)—

(A) by striking '', after making the deduction authorized by subsection (a) of this section,''; and

(B) by striking ''remaining''; and

(2) in subsection (i) by striking ''deducted'' and inserting ''authorized to be appropriated''.

(d) PUERTO RICO HIGHWAY PROGRAM.—Section 1214(r) of the Transportation Equity Act for the 21st Century (112 Stat. 209; 117 Stat. 1114) is amended—

(1) in paragraph (1) by striking ''(15) for each of fiscal years 1998 through 2004'' and inserting ''(24) for each of fiscal years 2004 through 2009 of the Transportation Equity Act: A Legacy for Users''; and

(2) in paragraph (2) by striking ''(15) of this Act'' and inserting ''(24) of the Transportation Equity Act: A Legacy for Users''.

SEC. 1104. MINIMUM GUARANTEE.

(a) GENERAL RULE.—Section 105(a) of title 23, United States Code, is amended—

(1) by striking ''1998 through 2003'' and inserting ''2004 through 2009'';

(2) by striking '', high priority projects''; and

(3) by striking ''and recreational trails'' and inserting ''recreational trails, coordinated border infrastructure, freight intermodal connectors, safe routes to school, highway safety improvement, and high risk rural road safety improvement''.

(b) TREATMENT OF FUNDS.—Section 105(c)(1) of such title is amended—

(1) by striking ''$2,800,000,000'' and inserting ''$2,870,000,000 in fiscal year 2004, $2,941,750,000 in fiscal year 2005, $3,015,293,750 in fiscal year 2006, $3,090,676,094 in fiscal year 2007, $3,167,942,996 in fiscal year 2008, and $3,247,141,571 in fiscal year 2009'';

(2) by striking '', high priority projects''; and

(3) by striking ''and recreational trails'' each place it appears and inserting ''recreational trails, coordinated border infrastructure, freight intermodal connectors, safe routes to school, highway safety improvement, and high risk rural road safety improvement''.

(c) AUTHORIZATION.—Section 105(d) of such title is amended by striking ''1998 through 2003'' and inserting ''2004 through 2009''.

(d) SPECIAL RULE.—Section 105 of such title is further amended—

(1) by striking subsection (e); and

(2) by redesignating subsection (f) as subsection (e).

(e) GUARANTEED SPECIFIED RETURN.—Section 105(e) of such title (as redesignated by subsection (d)) is amended—

(1) in the subsection heading by striking ''OF 90.5'' and inserting ''SPECIFIED''; and

(2) in paragraph (1) by striking ''1999 through 2003'' and inserting ''2004 through 2009''.

(f) CONFORMING AMENDMENTS.—

(1) SECTION 131.—Section 131(m) of title 23, United States Code, is amended by striking ''in accordance with the program of projects approval process of section 105''.

(2) SECTION 140.—Section 140 of such title is amended—

(A) in subsection (a) by striking ''programs for projects as provided for in subsection (a) of section 105 of this title'' and inserting ''project under this chapter''; and

(B) in subsection (c) by striking ''subsection 104(b)(3) of this title'' and inserting ''section 104(b)(3)''.

SEC. 1105. PROJECT APPROVAL AND OVERSIGHT.

Section 106(h) of title 23, United States Code, is amended by striking ''$1,000,000,000'' and inserting ''$500,000,000''.

SEC. 1106. TEMPORARY TRAFFIC CONTROL DEVICES.

(a) STANDARDS.—Section 109(e) of title 23, United States Code, is amended__

(1) by striking ''(e) No funds'' and inserting the following:

''(e) INSTALLATION OF SAFETY DEVICES.—

''(1) HIGHWAY AND RAILROAD GRADE CROSSINGS AND DRAWBRIDGES.—No funds''; and

(2) by adding at the end the following:

''(2) TEMPORARY TRAFFIC CONTROL DEVICES.—No funds shall be approved for expenditure on any Federal-aid highway, or highway affected under chapter 2 of this title, unless proper temporary traffic control devices to improve safety in work zones will be installed and maintained during construction, utility, and maintenance operations on that portion of the highway with respect to which such expenditures are to be made. Installation and maintenance of the devices shall be in accordance with the Manual on Uniform Traffic Control Devices.''.

(b) LETTING OF CONTRACTS.—Section 112 of such title is amended—

(1) by striking subsection (f);

(2) by redesignating subsection (g) as subsection (f); and

(3) by adding at the end the following:

''(g) TEMPORARY TRAFFIC CONTROL DEVICES.—

''(1) ISSUANCE OF REGULATIONS.—The Secretary, after consultation with appropriate Federal and State officials, shall issue regulations establishing the conditions for the appropriate use of, and expenditure of funds for, uniformed law enforcement officers, positive protective measures between workers and motorized traffic, and installation and maintenance of temporary traffic control devices during construction, utility, and maintenance operations.

''(2) EFFECTS OF REGULATIONS.—Based on regulations issued under paragraph (1), a State shall—

''(A) develop separate pay items for the use of uniformed law enforcement officers, positive protective measures between workers and motorized traffic, and installation and maintenance of temporary traffic control devices during construction, utility, and maintenance operations; and

''(B) incorporate such pay items into contract provisions to be included in each contract entered into by the State with respect to a highway project to ensure compliance with section 109(e)(2).

''(3) LIMITATION.—Nothing in the regulations shall be construed to prohibit a State from implementing standards that are more stringent than those required under the regulations.

''(4) POSITIVE PROTECTIVE MEASURES DEFINED.—In this subsection, the term 'positive protective measures' means temporary traffic barriers, crash cushions, and other strategies to avoid traffic accidents in work zones, including full road closures.''.

SEC. 1107. REVENUE ALIGNED BUDGET AUTHORITY.

(a) IN GENERAL.—Section 110 of title 23, United States Code, relating to revenue aligned budget authority, will be continued in such a way as to create greater stability in program funding level adjustments and maintain a direct relationship to the receipts in the Highway Account of the Highway Trust Fund.

(b) TECHNICAL AMENDMENT.—Section 110(b)(1)(A) of title 23, United States Code, is amended by striking ''for'' the second place it appears.

SEC. 1108. EMERGENCY RELIEF.

(a) IN GENERAL.—Effective October 1, 2004, section 125(c)(1) of title 23, United States Code, is amended by striking ''$100,000,000'' and inserting ''$120,000,000''.

(b) AUTHORIZATIONS OF APPROPRIATIONS FROM GENERAL FUND.—There is authorized to be appropriated for a fiscal year such sums as may be necessary for allocations by the Secretary described in subsections (a) and (b) of sections 125 of title 23, United States Code, if the total of those allocations in such fiscal year are in excess of $120,000,000.

SEC. 1109. SURFACE TRANSPORTATION PROGRAM.

Section 133(f)(1) of title 23, United States Code, is amended—

(1) by striking ''1998 through 2000'' and inserting ''2004 through 2006''; and

(2) by striking ''2001 through 2003'' and inserting ''2007 through 2009''.

SEC. 1110. HIGHWAY USE TAX EVASION PROJECTS.

(a) ELIGIBLE ACTIVITIES.—

(1) INTERGOVERNMENTAL ENFORCEMENT EFFORTS.—Section 143(b)(2) of title 23, United States Code, is amended by inserting before the period the following: ''; except that of funds so made available for each of fiscal years 2004 through 2009, $2,000,000 shall be available only to carry out intergovernmental enforcement efforts, including research and training''.

(2) CONDITIONS ON FUNDS ALLOCATED TO INTERNAL REVENUE SERVICE.—Section 143(b)(3) of such title is amended by striking ''The'' and inserting ''Except as otherwise provided in this section, the''.

(3) LIMITATION ON USE OF FUNDS.—Section 143(b)(4) of such title is amended—

(A) by striking ''and'' at the end of subparagraph (F);

(B) by striking the period at the end of subparagraph (G) and inserting a semicolon; and

(C) by adding at the end the following:

''(H) to support efforts between States and Indian tribes to address issues related to State motor fuel taxes; and

''(I) to analyze and implement programs to reduce tax evasion associated with foreign imported fuel.''.

(4) REPORTS.—Section 143(b) of such title is amended by adding at the end the following:

''(9) REPORTS.—The Commissioner of the Internal Revenue Service and each State shall submit to the Secretary an annual report that describes the projects, examinations, and criminal investigations funded by and carried out under this section. Such report shall specify the annual yield estimated for each project funded under this section.''.

(b) EXCISE FUEL REPORTING SYSTEM.—

(1) IN GENERAL.—Section 143(c)(1) of such title is amended—

(A) by striking ''August 1, 1998,'' and inserting ''90 days after the date of enactment of the Transportation Equity Act: A Legacy for Users,'';

(B) by striking ''development'' and inserting ''completion, operation,''; and

(C) by striking ''an excise fuel reporting system (in this subsection referred to as 'the system')'' and inserting ''an excise summary terminal activity reporting system''.

(2) ELEMENTS OF MEMORANDUM OF UNDERSTANDING.—Section 143(c)(2) of such title is amended—

(A) by striking ''the system'' the first place it appears and inserting ''the excise summary terminal activity reporting system'';

(B) in subparagraph (A) by striking ''develop'' and inserting ''complete'';

(C) by striking ''and'' at the end of subparagraph (B);

(D) by striking the period at the end of subparagraph (C) and inserting ''; and''; and

(E) by adding at the end the following:

''(D) the Commissioner of the Internal Revenue Service shall submit and the Secretary shall approve a budget and project plan for the completion, operation, and maintenance of the system.''; and

(3) FUNDING PRIORITY.—Section 143(c)(3) of such title is amended to read as follows:

''(3) FUNDING.—Of the amounts made available to carry out this section for each of fiscal years 2004 through 2009, the Secretary shall make available to the Internal Revenue Service such funds as may be necessary to complete, operate, and maintain the excise summary terminal activity reporting system in accordance with this subsection.''.

(c) REGISTRATION SYSTEM AND ELECTRONIC DATABASE.—Section 143 of such title is further amended by adding at the end the following:

''(d) PIPELINE, VESSEL, AND BARGE REGISTRATION SYSTEM.—

''(1) IN GENERAL.—Not later than 90 days after the date of enactment of this subsection, the Secretary shall enter into a memorandum of understanding with the Commissioner of the Internal Revenue Service for the purposes of the development, operation, and maintenance of a registration system for pipelines, vessels, and barges, and operators of such pipelines, vessels, and barges, that make bulk transfers of taxable fuel.

''(2) ELEMENTS OF MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding shall provide that—

''(A) the Internal Revenue Service shall develop and maintain the registration system through contracts;

''(B) the Commissioner of the Internal Revenue Service shall submit and the Secretary shall approve a budget and project plan for development, operation, and maintenance of the registration system;

''(C) the registration system shall be under the control of the Internal Revenue Service; and

''(D) the registration system shall be made available for use by appropriate State and Federal revenue, tax, and law enforcement authorities, subject to section 6103 of the Internal Revenue Code of 1986.

''(3) FUNDING.—Of the amounts made available to carry out this section for each of fiscal years 2004 through 2009, the Secretary shall make available to the Internal Revenue Service such funds as may be necessary to complete, operate, and maintain a registration system for pipelines, vessels, and barges, and operators of such pipelines, vessels, and barges, that make bulk transfers of taxable fuel in accordance with this subsection.

''(e) HEAVY VEHICLE USE TAX PAYMENT DATABASE.—

''(1) IN GENERAL.—Not later than 90 days after the date of enactment of this subsection, the Secretary shall enter into a memorandum of understanding with the Commissioner of the Internal Revenue Service for the purposes of the establishment, operation, and maintenance of an electronic database of heavy vehicle highway use tax payments.

''(2) ELEMENTS OF MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding shall provide that—

''(A) the Internal Revenue Service shall establish and maintain the electronic database through contracts;

''(B) the Commissioner of the Internal Revenue Service shall submit and the Secretary shall approve a budget and project plan for establishment, operation, and maintenance of the electronic database;

''(C) the electronic database shall be under the control of the Internal Revenue Service; and

''(D) the electronic database shall be made available for use by appropriate State and Federal revenue, tax, and law enforcement authorities, subject to section 6103 of the Internal Revenue Code of 1986.

''(3) FUNDING.—Of the amounts made available to carry out this section for each of fiscal years 2004 through 2009, the Secretary shall make available to the Internal Revenue Service such funds as may be necessary to establish, operate, and maintain an electronic database of heavy vehicle highway use tax payments in accordance with this subsection.

''(f) REPORTS.—Not later than March 30 and September 30 of each year, the Commissioner of the Internal Revenue Service shall provide reports to the Secretary on the status of the Internal Revenue Service projects funded under this section related to the excise summary terminal activity reporting system, the pipeline, vessel, and barge registration system, and the heavy vehicle use tax electronic database.''.

SEC. 1111. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.

(a) APPORTIONMENT.—The Secretary shall apportion funds made available by section 1101(a)(7) of this Act for fiscal years 2004 through 2009 among the States based on the latest available cost to complete estimate for the Appalachian development highway system under section 14501 title 40, United States Code.

(b) APPLICABILITY OF TITLE 23.—Funds made available by section 1101(a)(7) of this Act for the Appalachian development highway system shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project under this section shall be determined in accordance with such section 14501 of title 40, United States Code, and such funds shall be available to construct highways and access roads under such section and shall remain available until expended.

(c) USE OF TOLL CREDITS.—Section 120(j)(1) of title 23, United States Code is amended by inserting ''and the Appalachian development highway system program under section 14501 of title 40'' after ''section 125''.

SEC. 1112. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.

(a) IN GENERAL.—Subchapter I of chapter 1 of title 23, United States Code, is amended by adding at the end the following:

''§ 165. Construction of ferry boats and ferry terminal facilities

''(a) IN GENERAL.—The Secretary shall carry out a program for construction of ferry boats and ferry terminal facilities in accordance with section 129(c).

''(b) FEDERAL SHARE.—The Federal share payable for construction of ferry boats and ferry terminal facilities under this section shall be 80 percent of the cost thereof.

''(c) AVAILABILITY OF AMOUNTS.—Amounts made available to carry out this section shall remain available until expended.

''(d) SET-ASIDE FOR PROJECTS ON NHS.—

''(1) IN GENERAL.—$20,000,000 of the amount made available to carry out this section for each of fiscal years 2004 through 2009 shall be obligated for the construction or refurbishment of ferry boats and ferry terminal facilities and approaches to such facilities within marine highway systems that are part of the National Highway System.

''(2) ALASKA.—$10,000,000 of the $20,000,000 for a fiscal year made available under paragraph (1) shall be made available to the State of Alaska.

''(3) NEW JERSEY.—$5,000,000 of the $20,000,000 for a fiscal year made available under paragraph (1) shall be made available to the State of New Jersey.

''(4) WASHINGTON.—$5,000,000 of the $20,000,000 for a fiscal year made available under paragraph (1) shall be made available to the State of Washington.

''(e) APPLICABILITY.—All provisions of this chapter that are applicable to the National Highway System, other than provisions relating to apportionment formula and Federal share, shall apply to funds made available to carry out this section, except as determined by the Secretary to be inconsistent with this section.''.

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 1 of such title is amended by adding at the end the following:

''165. Construction of ferry boats and ferry terminal facilities.''.

(c) NATIONAL FERRY DATABASE.—

(1) ESTABLISHMENT.—The Secretary, acting through the Bureau of Transportation Statistics, shall establish and maintain a national ferry database.

(2) CONTENTS.—The database shall contain current information regarding ferry systems, including information regarding routes, vessels, passengers and vehicles carried, funding sources and such other information as the Secretary considers useful.

(3) UPDATE REPORT.— Using information collected through the database, the Secretary shall periodically modify as appropriate the report submitted under section 1207(c) of the Transportation Equity Act for the 21st Century (23 U.S.C. 129 note; 112 Stat. 185–186).

(4) REQUIREMENTS.—The Secretary shall—

(A) compile the database not later than 1 year after the date of enactment of this Act and update the database every 2 years thereafter;

(B) ensure that the database is easily accessible to the public;

(C) make available, from the ferry boat and ferry terminal program authorized under section 165 of title 23, United States Code, not more than $500,000 for each of fiscal years 2004 through 2009 to establish the database.

SEC. 1113. INTERSTATE MAINTENANCE DISCRETIONARY.

(a) IN GENERAL.—Section 118 of title 23, United States Code, is amended—

(1) by striking subsection (c);

(2) in subsection (e) by inserting ''SPECIAL RULES.—'' before ''Funds made''; and

(3) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(b) CONFORMING AMENDMENT.—Section 103(d)(1) of such title is amended by striking ''or 118(c)''.

(c) TECHNICAL AMENDMENTS.—

(1) SECTION 114.—Section 114(a) of such title is amended by striking ''Except as provided in section 117 of this title, such'' and inserting ''Such''.

(2) SECTION 116.—Section 116(b) of such title is amended by striking ''highway department'' and inserting ''transportation department''.

(3) SECTION 120.—Section 120(e) of such title is amended in the first sentence by striking ''such system'' and inserting ''such highway''.

(4) SECTION 126.—Section 126(a) of such title is amended by inserting ''under'' before ''section 104(b)(3)''.

(5) SECTION 127.—Section 127 of such title is amended by striking ''118(b)(1)'' and inserting ''118(b)(2)''.

(6) BICYCLE AND PEDESTRIAN SAFETY GRANTS.—Section 1212(i) of the Transportation Equity Act for the 21st Century (112 Stat. 196–197) is amended by redesignating subparagraphs (D) and (E) as paragraphs (2) and (3), respectively, and moving such paragraphs 2 ems to the left.

(d) LIMITATION.—The amendments made by this section shall not apply to, or have any affect with respect to, funds made available under section 118 of title 23, United States Code, before the date of enactment of this section.

SEC. 1114. HIGHWAY BRIDGE.

(a) SCOUR COUNTERMEASURES.—Section 144(d) of title 23, United States Code, is amended to read as follows:

''(d) APPLICATIONS FOR AND APPROVAL OF ASSISTANCE.—

''(1) BRIDGE REPLACEMENT OR REHABILITATION.—Whenever any State or States make application to the Secretary for assistance in replacing or rehabilitating a highway bridge which the priority system established under subsections (b) and (c) shows to be eligible, the Secretary may approve Federal participation in replacing such bridge with a comparable facility or in rehabilitating such bridge.

''(2) PREVENTIVE MAINTENANCE, SCOUR MEASURES, AND APPLICATIONS OF CERTAIN COMPOSITIONS.—Whenever any State makes application to the Secretary for assistance in painting, seismic retrofit, or preventive maintenance of, or installing scour countermeasures or applying calcium magnesium acetate, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions to, the structure of a highway bridge, the Secretary may approve Federal participation in the painting, seismic retrofit, or preventive maintenance of, or installation of scour countermeasures or application of acetate or sodium acetate/formate or such anti-icing or de-icing composition to, such structure.

''(3) ELIGIBILITY.—The Secretary shall determine the eligibility of highway bridges for replacement or rehabilitation for each State based upon the unsafe highway bridges in such State; except that a State may carry out a project for preventive maintenance on a bridge, seismic retrofit of a bridge, or installing scour countermeasures to a bridge under this section without regard to whether the bridge is eligible for replacement or rehabilitation under this section.''.

(b) BRIDGE DISCRETIONARY SET-ASIDE.—Section 144(g)(1) of such title is amended by adding at the end the following:

''(D) FISCAL YEARS 2004 THROUGH 2009.—Of the amounts authorized to be appropriated to carry out the bridge program under this section for each of the fiscal years 2004 through 2009, all but $100,000,000 shall be apportioned as provided in subsection (e). Such $100,000,000 shall be available at the discretion of the Secretary.''.

(c) OFF-SYSTEM BRIDGES.—Section 144(g)(3) of such title is amended—

(1) by striking ''15 percent'' and inserting ''20 percent'';

(2) by striking ''1987'' and inserting ''2004'';

(3) by striking ''2003'' and inserting ''2009'';

(4) by inserting '', perform systematic preventive maintenance,'' after ''paint''; and

(5) by inserting a comma before ''to highway bridges''.

(d) TECHNICAL AMENDMENT.—Section 144(i) of such title is amended by striking ''at the same time'' and all that follows through ''Congress''.

SEC. 1115. TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PROGRAM.

(a) EXTENSION.—Section 1221(e)(1) of Transportation Equity Act for the 21st Century (23 U.S.C. 101 note; 112 Stat. 223) is amended—

(1) by striking ''1999 and'' and inserting ''1999,''; and

(2) by inserting before the period at the end the following: '', and $25,000,000 for fiscal year 2004, $30,000,000 for fiscal year 2005, $35,000,000 for fiscal year 2006, $35,000,000,000 for fiscal year 2007, and $35,000,000 for each of fiscal years 2008 and 2009''.

(b) FEDERAL SHARE.—Section 1221(e)(2) of such Act is amended by inserting before the period at the end ''; except that such funds shall not be transferable and the Federal share for projects and activities carried out with such funds shall be determined in accordance with section 120(b) of title 23, United States Code''.

SEC. 1116. DEPLOYMENT OF MAGNETIC LEVITATION TRANSPORTATION PROJECTS.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) ELIGIBLE PROJECT COSTS.—The term ''eligible project costs''—

(A) means the capital cost of the fixed guideway infrastructure of a MAGLEV project, including land, piers, guideways, propulsion equipment and other components attached to guideways, power distribution facilities (including substations), control and communications facilities, access roads, and storage, repair, and maintenance facilities, but not including costs incurred for a new station; and

(B) includes the costs of preconstruction planning activities.

(2) FULL PROJECT COSTS.—The term ''full project costs'' means the total capital costs of a MAGLEV project, including eligible project costs and the costs of stations, vehicles, and equipment.

(3) MAGLEV.—The term ''MAGLEV'' means transportation systems employing magnetic levitation that would be capable of safe use by the public at a speed in excess of 240 miles per hour.

(4) STATE.—The term ''State'' has the meaning such term has under section 101(a) of title 23, United States Code.

(b) IN GENERAL.—

(1) ASSISTANCE FOR ELIGIBLE PROJECTS.—The Secretary shall make available financial assistance to pay the Federal share of full project costs of eligible projects authorized by this section.

(2) USE OF ASSISTANCE.—Financial assistance provided under paragraph (1) shall be used only to pay eligible project costs of projects authorized by this section.

(3) APPLICABILITY OF OTHER LAWS.—Financial assistance made available under this section, and projects assisted with such assistance, shall be subject to section 5333(a) of title 49, United States Code.

(c) PROJECT ELIGIBILITY.—To be eligible to receive financial assistance under subsection (b), a project shall—

(1) involve a segment or segments of a high-speed ground transportation corridor;

(2) result in an operating transportation facility that provides a revenue producing service; and

(3) be approved by the Secretary based on an application submitted to the Secretary by a

State or authority designated by 1 or more States.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $15,000,000 for fiscal year 2005 and $20,000,000 for each of fiscal years 2006 through 2009.

(e) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized to be appropriated by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the full project costs of an eligible project shall be 80 percent, and such funds shall remain available until expended and shall not be transferable.

SEC. 1117. RECREATIONAL TRAILS.

(a) RECREATIONAL TRAILS PROGRAM FORMULA.—Section 104(h)(1) of title 23, United States Code, is amended by striking ''research and technical'' and all that follows through ''Committee'' and inserting ''research, technical assistance, and training under the recreational trails program''.

(b) PERMISSIBLE USES.—Section 206(d)(2) of such title is amended to read as follows:

''(2) PERMISSIBLE USES.—Permissible uses of funds apportioned to a State for a fiscal year to carry out this section include—

''(A) maintenance and restoration of existing recreational trails;

''(B) development and rehabilitation of trailside and trailhead facilities and trail linkages for recreational trails;

''(C) purchase and lease of recreational trail construction and maintenance equipment;

''(D) construction of new recreational trails, except that, in the case of new recreational trails crossing Federal lands, construction of the trails shall be—

''(i) permissible under other law;

''(ii) necessary and recommended by a statewide comprehensive outdoor recreation plan that is required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.) and that is in effect;

''(iii) approved by the administering agency of the State designated under subsection (c)(1); and

''(iv) approved by each Federal agency having jurisdiction over the affected lands under such terms and conditions as the head of the Federal agency determines to be appropriate, except that the approval shall be contingent on compliance by the Federal agency with all applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

''(E) acquisition of easements and fee simple title to property for recreational trails or recreational trail corridors;

''(F) assessment of trail conditions for accessibility and maintenance;

''(G) operation of educational programs to promote safety and environmental protection as those objectives relate to the use of recreational trails, but in an amount not to exceed 5 percent of the apportionment made to the State for the fiscal year; and

''(H) payment of costs to the State incurred in administering the program, but in an amount not to exceed 7 percent of the apportionment made to the State for the fiscal year to carry out this section.''.

(c) USE OF APPORTIONMENTS.—Section 206(d)(3) of such title is amended—

(1) by striking subparagraph (C);

(2) by redesignating subparagraph (D) as subparagraph (C); and

(3) in subparagraph (C) (as so redesignated) by striking ''(2)(F)'' and inserting ''(2)(H)''.

(d) FEDERAL SHARE.—Section 206(f) of such title is amended—

(1) in paragraph (1)—

(A) by inserting ''and the Federal share of the administrative costs of a State'' after ''project''; and

(B) by striking ''not exceed 80 percent'' and inserting ''be determined in accordance with section 120(b)'';

(2) in paragraph (2)(A) by striking ''80 percent of'' and inserting ''the amount determined in accordance with section 120(b) for'';

(3) in paragraph (2)(B) by inserting ''sponsoring the project'' after ''Federal agency'';

(4) by striking paragraph (5);

(5) by redesignating paragraph (4) as paragraph (5);

(6) in paragraph (5) (as so redesignated) by striking ''80 percent'' and inserting ''the Federal share as determined in accordance with section 120(b)''; and

(7) by inserting after paragraph (3) the following:

''(4) USE OF RECREATIONAL TRAILS PROGRAM FUNDS TO MATCH OTHER FEDERAL PROGRAM FUNDS.—Notwithstanding any other provision of law, funds made available under this section may be used toward the non-Federal matching share for other Federal program funds that are—

''(A) expended in accordance with the requirements of the Federal program relating to activities funded and populations served; and

''(B) expended on a project that is eligible for assistance under this section.''.

(e) PLANNING AND ENVIRONMENTAL ASSESSMENT COSTS INCURRED PRIOR TO PROJECT APPROVAL.—Section 206(h)(1) of such title is amended by adding at the end the following:

''(C) PLANNING AND ENVIRONMENTAL ASSESSMENT COSTS INCURRED PRIOR TO PROJECT APPROVAL.—The Secretary may allow pre-approval planning and environmental compliance costs to be credited toward the non-Federal share of the cost of a project described under subsection (d)(2) (other than subparagraph (I)) in accordance with subsection (f), limited to costs incurred less than 18 months prior to project approval.''.

(f) ENCOURAGEMENT OF USE OF YOUTH CONSERVATION OR SERVICE CORPS.—The Secretary shall encourage the States to enter into contracts and cooperative agreements with qualified youth conservation or service corps to perform construction and maintenance of recreational trails under section 206 of title 23, United States Code.

SEC. 1118. FEDERAL LANDS HIGHWAYS.

(a) CONTRACTS AND AGREEMENTS WITH INDIAN TRIBES.—Section 202(d)(3) of title 23, United States Code, is amended to read as follows:

''(3) CONTRACTS AND AGREEMENTS WITH INDIAN TRIBES.—

''(A) IN GENERAL.—Notwithstanding any other provision of law or any interagency agreement, program guideline, manual, or policy directive, all funds made available to an Indian tribal government under this title for a highway, road, bridge, parkway, or transit facility project that is located on an Indian reservation or provides access to the reservation or a community of the Indian tribe shall be made available, on the request of the Indian tribal government, to the Indian tribal government for use in carrying out, in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), contracts and agreements for the planning, research, engineering, and construction relating to such project.

''(B) EXCLUSION OF AGENCY PARTICIPATION.—In accordance with subparagraph (A), all funds for a project to which subparagraph (A) applies shall be paid to the Indian tribal government without regard to the organizational level at which the Department of the Interior has previously carried out, or the Department of Transportation has previously carried out under the Federal lands highway programs, the programs, functions, services, or activities involved.

''(C) CONSORTIA.—Two or more Indian tribes that are otherwise eligible to participate in a project to which this title applies may form a consortium to be considered as a single Indian tribe for the purpose of participating in the project under this section.

''(D) FUNDING.—The amount an Indian tribal government receives for a project under subparagraph (A) shall equal the sum of the funding that the Indian tribal government would otherwise receive for the project in accordance with the funding formula established under this subsection and such additional amount as the Secretary determines equal the amounts that would have been withheld for the costs of the Bureau of Indian Affairs for administration of the project.

''(E) ELIGIBILITY.—An Indian tribal government may receive funding under subparagraph (A) for a project in a fiscal year if the Indian tribal government demonstrates to the satisfaction of the Secretary financial stability and financial management capability as demonstrated in the annual auditing required under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) and, during the preceding fiscal year, had no uncorrected significant and material audit exceptions in the required annual audit of the Indian tribe's self-determination contracts or self-governance funding agreements with any Federal agency.

''(F) ASSUMPTION OF FUNCTIONS AND DUTIES.—An Indian tribal government receiving funding under subparagraph (A) for a project shall assume all functions and duties that the Secretary of the Interior would have performed with respect to projects under this chapter, other than those functions and duties that inherently cannot be legally transferred under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b et seq.).

''(G) POWERS.—An Indian tribal government receiving funding under subparagraph (A) for a project shall have all powers that the Secretary of the Interior would have exercised in administering the funds transferred to the Indian tribal government for such project under this section if such funds had not been transferred, except to the extent that such powers are powers that inherently cannot be legally transferred under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b et seq.).

''(H) DISPUTE RESOLUTION.—In the event of a disagreement between the Secretary of Transportation or the Secretary of the Interior and an Indian tribe over whether a particular function, duty, or power may be lawfully transferred under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b et seq.), the Indian tribe shall have the right to pursue all alternative dispute resolutions and appeal procedures authorized by such Act, including regulations issued to carry out such Act.''.

(b) ALASKA NATIVE VILLAGE INVENTORY.—Section 202(d)(2) of such title is amended by adding at the end the following:

''(E) ALASKA NATIVE ROAD INVENTORY.—

''(i) IN GENERAL.—For fiscal year 2004 and each fiscal year thereafter, any allocation of sums authorized to be appropriated for Indian reservation roads in Alaska shall be based on an inventory of roads within the exterior boundaries of village corporation land selected pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) that includes all routes previously included in such an inventory. The Secretary of Transportation and the Secretary of the Interior may include, in the inventory of roads, those proposed for inclusion by tribal village governments from among community streets within the village and those proposed primary access routes for inclusion by tribal village governments, including roads and trails between villages (including links over water), roads and trails to landfills, roads and trails to drinking water sources, roads and trails to natural resources identified for economic development, and roads and trails that provide access to intermodal termini, such as airports, harbors, or boat landings.

''(ii) LIMITATION ON PRIMARY ACCESS ROUTES.—For purposes of this subparagraph, a

proposed primary access route is the shortest practicable route connecting 2 points of the proposed route.''.

(c) GRANTS FOR FINANCING TRANSPORTATION DEBT.—Section 202(a) is amended by inserting before the period at the end the following: ''; except that the Secretary may use up to 3 percent of such funds for making grants to Indian tribes for the purpose of financing transportation debt for individual Indian reservation roads subject to all requirements governing Federal assistance for Indian roads under this section and section 204''.

(d) DEPUTY ASSISTANT SECRETARY OF TRANSPORTATION FOR TRIBAL GOVERNMENT AFFAIRS.—Section 102 of title 49, United States Code, is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following:

''(f) DEPUTY ASSISTANT SECRETARY FOR TRIBAL GOVERNMENT AFFAIRS.—The Department of Transportation shall have, within the office of the Secretary, a Deputy Assistant Secretary for Tribal Government Affairs appointed by the President to plan, coordinate, and implement the Department of Transportation policy and programs serving Indian tribes and tribal organizations and to coordinate tribal transportation programs and activities in all offices and administrations of the Department and to be a participant in any negotiated rulemaking related to, or has impact on, projects, programs, or funding associated with the tribal transportation program.''.

SEC. 1119. RESERVED.

SEC. 1120. PEDESTRIAN AND CYCLIST EQUITY.

(a) SAFE ROUTES TO SCHOOL PROGRAM.—

(1) ESTABLISHMENT.—Subject to the requirements of this subsection, the Secretary shall establish and carry out a safe routes to school program for the benefit of children in primary and middle schools.

(2) PURPOSES.—The purposes of the program shall be—

(A) to enable and encourage children, including those with disabilities, to walk and bicycle to school;

(B) to make bicycling and walking to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active lifestyle from an early age; and

(C) to facilitate the planning, development, and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity of schools.

(3) APPORTIONMENT OF FUNDS.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), amounts made available to carry out this subsection for a fiscal year shall be apportioned among the States in the ratio that—

(i) the total student enrollment in primary and middle schools in each State; bears to

(ii) the total student enrollment in primary and middle schools in all the States.

(B) MINIMUM APPORTIONMENT.—No State shall receive an apportionment under this subsection for a fiscal year of less than $2,000,000.

(C) SET-ASIDE.—Before apportioning amounts made available to carry out this subsection under this paragraph for a fiscal year, the Secretary shall set aside not more than 2 percent of such amounts for the administrative expenses of the Secretary in carrying out this subsection.

(D) DETERMINATION OF STUDENT ENROLLMENTS.—Determinations under this paragraph concerning student enrollments shall be made by the Secretary.

(4) ADMINISTRATION OF AMOUNTS.—Amounts apportioned to a State under this subsection shall be administered by the State's department of transportation.

(5) ELIGIBLE RECIPIENTS.—Amounts apportioned to a State under this subsection shall be used by the State to provide financial assistance to State, local, and regional agencies, including nonprofit organizations, that demonstrate an ability to meet the requirements of this subsection.

(6) ELIGIBLE PROJECTS AND ACTIVITIES.—

(A) INFRASTRUCTURE-RELATED PROJECTS.—

(i) IN GENERAL.—Amounts apportioned to a State under this subsection may be used for the planning, design, and construction of infrastructure-related projects that will substantially improve the ability of students to walk and bike to school, including sidewalk improvements, traffic calming and speed reduction improvements, pedestrian and bicycle crossing improvements, on-street bicycle facilities, off-street bicycle and pedestrian facilities, secure bicycle parking facilities, and traffic diversion improvements in the vicinity of schools.

(ii) LOCATION OF PROJECTS.—Infrastructure-related projects under subparagraph (A) may be carried out on any public road or any bicycle or pedestrian pathway or trail in the vicinity of schools.

(B) NONINFRASTRUCTURE-RELATED ACTIVITIES.—

(i) IN GENERAL.—In addition to projects described in subparagraph (A), amounts apportioned to a State under this subsection may be used for noninfrastructure-related activities to encourage walking and bicycling to school, including public awareness campaigns and outreach to press and community leaders, traffic education and enforcement in the vicinity of schools, student sessions on bicycle and pedestrian safety, health, and environment, and funding for training, volunteers, and managers of safe routes to school programs.

(ii) ALLOCATION.—Not less than 10 percent and not more than 30 percent of the amount apportioned to a State under this subsection for a fiscal year shall be used for noninfrastructure-related activities under this subparagraph.

(C) SAFE ROUTES TO SCHOOL COORDINATOR.—Each State receiving an apportionment under this subsection for a fiscal year shall use a sufficient amount of the apportionment to fund a full-time position of coordinator of the State's safe routes to school program.

(7) CLEARINGHOUSE.—

(A) IN GENERAL.—The Secretary shall make grants to a national nonprofit organization engaged in promoting safe routes to schools to—

(i) operate a national safe routes to school clearinghouse;

(ii) develop information and educational programs on safe routes to school; and

(iii) provide technical assistance and disseminate techniques and strategies used for successful safe routes to school programs.

(B) FUNDING.—The Secretary shall carry out this paragraph using amounts set aside for administrative expenses under paragraph (3)(C).

(8) TASK FORCE.—

(A) IN GENERAL.—The Secretary shall establish a national safe routes to school task force composed of leaders in health, transportation, and education, including representatives of appropriate Federal agencies, to study and develop a strategy for advancing safe routes to school programs nationwide.

(B) REPORT.—Not later than March 30, 2005, the Secretary shall transmit to Congress a report containing the results of the study conducted, and a description of the strategy developed, under subparagraph (A) and information regarding the use of funds for infrastructure-related and noninfrastructure-related activities under subparagraphs (A) and (B) of paragraph (6).

(C) FUNDING.—The Secretary shall carry out this paragraph using amounts set aside for administrative expenses under paragraph (3)(C).

(9) APPLICABILITY OF TITLE 23.—Funds made available to carry out this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall not be transferable and shall remain available until expended and the Federal share of the cost of a project or activity under this section shall be 100 percent. Notwithstanding any other provision of law, projects assisted under this subsection shall be treated as projects on a Federal-aid system under such chapter.

(10) DEFINITIONS.—In this subsection, the following definitions apply:

(A) IN THE VICINITY OF SCHOOLS.—The term ''in the vicinity of schools'' means, with respect to a school, the area within bicycling and walking distance of the school (approximately 2 miles).

(B) PRIMARY AND MIDDLE SCHOOLS.—The term ''primary and middle schools'' means schools providing education from kindergarten through eighth grade.

(C) STATE.—The term ''State'' has the meaning such term has in section 101(a) of title 23, United States Code.

(b) NONMOTORIZED TRANSPORTATION PILOT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish and carry out a nonmotorized transportation pilot program to construct, in 4 communities selected by the Secretary, a network of nonmotorized transportation infrastructure facilities, including sidewalks, bicycle lanes, and pedestrian and bicycle trails, that connect directly with transit stations, schools, residences, businesses, recreation areas, and other community activity centers.

(2) PURPOSE.—The purpose of the program shall be to demonstrate the extent to which bicycling and walking can carry a significant part of the transportation load, and represent a major portion of the transportation solution, within selected communities.

(3) GRANTS.—In carrying out the program, the Secretary may make grants to State, local, and regional agencies, that the Secretary determines are suitably equipped and organized to carry out the objectives and requirements of this subsection. An agency that receives a grant under this subsection may suballocate grant funds to a nonprofit organization to carry out the program under this subsection.

(4) APPLICABILITY OF TITLE 23.—Funds made available to carry out this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of a project carried out under this subsection shall be 80 percent, and such funds shall not be transferable and shall remain available until expended.

(5) STATISTICAL INFORMATION.—In carrying out the program, the Secretary shall develop statistical information on changes in motor vehicle, nonmotorized transportation, and public transportation usage in communities participating in the program and assess how such changes decrease congestion and energy usage, increase the frequency of biking and walking, and promote better health and a cleaner environment.

(6) REPORTS.—The Secretary shall transmit to Congress an interim report not later than September 30, 2007, and a final report not later than September 30, 2010, on the results of the program.

SEC. 1121. NATIONAL COMMISSIONS.

(a) NATIONAL COMMISSION ON FUTURE REVENUE SOURCES TO SUPPORT THE HIGHWAY TRUST FUND.—

(1) ESTABLISHMENT.—There is established a National Commission on Future Revenue Sources to Support the Highway Trust Fund to conduct—

(A) a study evaluating alternative short-term sources of Highway Trust Fund revenue to support the requirements of section 1124; and

(B) a study evaluating alternative long-term sources of revenue to support the Highway Trust Fund, considering the findings, conclusions, and recommendations of a recent study by the Transportation Research Board of the National Academy of Sciences on alternatives to the fuel tax to support highway program financing and other relevant prior research.

(2) FUNCTIONS.—The Commission shall—

(A) develop recommendations to generate Highway Trust Fund revenue necessary to accomplish the requirements of section 1124;

(B) oversee a comprehensive investigation of alternatives to replace the fuel tax as the principal revenue source to support the Highway Trust Fund over at least the next 30 years;

(C) consult with the Secretary of Transportation and the Secretary of the Treasury to assure that their views concerning essential attributes of Highway Trust Fund revenue alternatives are understood;

(D) assure that State transportation agency views on alternative revenue sources to support State transportation improvement programs are appropriately considered and that any recommended Federal financing strategy take into account State financial requirements; and

(E) make specific recommendations regarding actions that need to be taken to develop alternative revenue sources to support the Highway Trust Fund and when those actions must be taken.

(3) SPECIFIC MATTERS TO BE ADDRESSED.—The study under paragraph (1)(B)shall address specifically—

(A) advantages and disadvantages of alternative revenue sources to meet anticipated Federal surface transportation financial requirements;

(B) the time frame within which actions must be taken to transition from the fuel tax to alternative revenue sources to support the Highway Trust Fund;

(C) recommendations concerning the most promising revenue sources to support long-term Federal surface transportation financing requirements;

(D) development of a broad transition strategy to move from the current tax base to new funding mechanisms, including the time frame for various aspects of the transition strategy;

(E) recommendations for additional research that may be needed to implement recommended alternatives; and

(F) the extent to which revenues should reflect the relative use of the highway system.

(4) MATTERS TO CONSIDER AND EVALUATE.—To the maximum extent feasible, the Commission, in conducting the study under paragraph (1)(B), shall consider and evaluate other related work that has been done by the Department of Transportation, the Department of Energy, the Transportation Research Board, and others. In developing recommendations under paragraph (2), the Commission shall consider—

(A) the ability to generate sufficient revenues to meet anticipated long term surface transportation financing needs;

(B) the roles of the various levels of government and the private sector in meeting future surface transportation financing needs;

(C) administrative costs, including enforcement, to implement each option;

(D) potential taxpayer privacy concerns;

(E) likely technological advances that could ease implementation of each option;

(F) the equity and economic efficiency of each option;

(G) the flexibility of different options to allow various pricing alternatives to be implemented; and

(H) potential compatibility issues with States tax mechanisms under each alternative.

(5) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of nine members of whom—

(i) three members shall be appointed by the Secretary;

(ii) two members shall be appointed by the Speaker of the House of Representatives;

(iii) one member shall be appointed by the minority leader of the House of Representatives;

(iv) two members shall be appointed by the majority leader of the Senate; and

(v) one member shall be appointed by the minority leader of the Senate.

(B) QUALIFICATIONS.—Members appointed under subparagraph (A) shall have experience in public finance, surface transportation program administration, managing organizations that use surface transportation facilities, academic research into related issues, or other activities that provide unique perspectives on current and future requirements for revenue sources to support the Highway Trust Fund.

(C) TERMS.—Members shall be appointed for the life of the Commission.

(D) VACANCIES.—A vacancy on the Commission shall be filled in the manner in which the original appointment was made.

(E) TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(F) CHAIRMAN.—The Chairman of the Commission shall be elected by the members.

(6) STAFF.—

(A) IN GENERAL.—The Commission may engage the services of an appropriate organization, agency, or firm to conduct the studies under this subsection, but the Commission shall provide strategic guidance for the studies.

(B) DETAIL STAFF.—Upon request of the Commission, the Secretary may detail, on a reimbursable basis, any of the personnel of the Department of Transportation to the Commission to assist the Commission in carrying out its duties under this subsection.

(C) COOPERATION.—The Secretary shall cooperate with the Commission in conducting the studies under this subsection, including providing the Commission with such nonconfidential data and information as necessary for conducting and completing the study.

(7) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Secretary shall provide to the Commission, on a reimbursable basis, the administrative support and services necessary for the Commission to carry out its responsibilities under this subsection.

(8) REPORTS AND RECOMMENDATIONS.——

(A) REVENUE ACTIONS.—Not later than September 30, 2005, the Commission shall transmit to Congress a report on revenue actions that would support the requirements of section 1124.

(B) ALTERNATIVE LONG-TERM SOURCES OF REVENUE.—Not later than September 30, 2006, the Commission shall transmit to Congress a report on the results of the study conducted under paragraph (1)(B), relating to alternative long-term sources of revenue to support the Highway Trust Fund, including recommendations to address the needs identified in the study.

(9) TERMINATION.—The Commission shall terminate on the 180th day following the date of transmittal of the report under paragraph (8)(B). By such 180th day, the Commission shall deliver all records and papers of the Commission to the Archivist of the United States for deposit in the National Archives.

(10) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) $1,500,000 for each of fiscal years 2004 and 2005 to carry out this subsection.

(11) APPLICABILITY OF TITLE 23.—Funds made available to carry out this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of activities carried out under this subsection shall be 100 percent, and such funds shall remain available until expended.

(b) DECLARATION OF POLICY REGARDING FUTURE OF THE INTERSTATE HIGHWAY SYSTEM STUDY.—Section 101(b) of title 23, United States Code, is amended by striking the last paragraph and inserting the following: ''It is further declared that it is in the national interest to preserve and enhance the Dwight D. Eisenhower National System of Interstate and Defense Highways to meet the Nation's needs for the 21st century. The current urban and long distance personal travel and freight movement demands have surpassed the vision of the original Interstate System and travel demand patterns are expected to change. Continued planning for and investment in the Interstate System is critical to assure it adequately meets the changing travel demands of the future. Among the foremost needs that the Interstate System must provide are safe, efficient, and reliable (1) national and interregional personal mobility, (2) flow of interstate commerce, and (3) travel movements essential for national security. To the maximum extent, actions under this title should address congestion, safety, and freight transportation to provide for a strong and vigorous national economy. The Interstate System is hereby declared to be the Nation's premiere highway system, essential for the Nation's economic vitality, national security, and general welfare. The Secretary of Transportation is directed to take appropriate actions to preserve and enhance the Interstate System to meet the needs of the 21st century in accordance with this title.''.

(c) NATIONAL COMMISSION ON FUTURE OF INTERSTATE HIGHWAY SYSTEM.—

(1) ESTABLISHMENT.—There is established a National Commission on the Future of the Dwight D. Eisenhower National System of Interstate and Defense Highways (in this subsection referred to as the ''Interstate System'').

(2) FUNCTION.—The Commission shall—

(A) conduct a study of the current condition and future of the Interstate System and develop a conceptual plan with alternative approaches for the future of the Interstate System to assure that the Interstate System will continue to serve the needs of the Nation;

(B) assure that State transportation agency views are considered; and

(C) make specific recommendations regarding those design standards, Federal policies, and legislative changes that must be made to assure the national interests are served in meeting future Interstate System needs.

(3) SPECIFIC MATTERS TO BE ADDRESSED.—The Commission shall assure that the study under this subsection specifically addresses the following:

(A) CURRENT CONDITION.—The current condition and performance of the Interstate System, including physical condition of bridges and pavements and operational characteristics and performance, shall be examined, relying primarily on existing data sources.

(B) FUTURE ASSESSMENT.—The future of the Interstate System, based on a range of legislative and policy approaches for 15-, 30-, and 50-year horizons.

(4) SPECIFIC ISSUES AND DETAILS TO ADDRESS.—The following specific issues and details shall be addressed as a part of the study under this subsection:

(A) DEMOGRAPHICS.—Expected demographics and business uses that impact transportation.

(B) USAGE.—Expected system use and effects of changing vehicle types, fleet size and weights, and traffic volumes.

(C) NATURAL DISASTER.—Seismic and other vulnerabilities and their potential impacts.

(D) DESIGN STANDARDS.—Desirable design policies and standards for future improvements, including safety improvement and additional access points.

(E) SYSTEM WIDE NEEDS.—Identification of both urban and rural needs.

(F) POTENTIAL SYSTEM EXPANSION, UPGRADES, OR OTHER CHANGES.—Deployment of advanced materials and intelligent technologies; critical multi-state rural corridors needing capacity, safety, and operational enhancements; urban and multi-state corridor additions; bypasses of major cities that ensure efficient long-haul travel; improvements to inter-modal linkages; strategies to enhance asset preservation; and implementation strategies.

(G) COMMUNITY VALUES.—Consideration of alternative approaches to maintaining or enhancing community values in those neighborhoods adjacent to the Interstate System.

(H) ENVIRONMENTAL ISSUES.—Consideration of alternative approaches to addressing environmental concerns relative to recommended alternatives.

(I) SYSTEM PERFORMANCE.—Evaluation and assessment of the current and future capabilities for conducting system-wide real-time performance data collection and analysis, traffic monitoring, system operations and management.

(5) ALTERNATIVES.—A range of policy recommendations shall be developed as a part of the plan under this subsection to address identified future needs of the Interstate System. The alternatives shall include funding needs and potential approaches to provide those funds.

(6) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of nine members of whom—

(i) three members shall be appointed by the Secretary;

(ii) two members shall be appointed by the Speaker of the House of Representatives;

(iii) one member shall be appointed by the minority leader of the House of Representatives;

(iv) two members shall be appointed by the majority leader of the Senate; and

(v) one member shall be appointed by the minority leader of the Senate.

(B) QUALIFICATIONS.—Members appointed under subparagraph (A) shall be appointed from among individuals that have a concern for maintaining a strong role for the Interstate System in the future of the Nation and may include representatives from Federal, State, and local governments, other transportation authorities or agencies, and organizations representing surface transportation owners and operators.

(C) TERMS.—Members shall be appointed for the life of the Commission.

(D) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(E) TRAVEL EXPENSES.—Member shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(F) CHAIRMAN.—The Chairman of the Commission shall be elected by the members.

(7) STAFF.—

(A) IN GENERAL.—The Commission may engage the services of an appropriate organization, agency, or firm to conduct the study under this subsection, but the Commission shall provide strategic guidance for the study.

(B) DETAIL STAFF.—Upon request of the Commission, the Secretary may detail, on a reimbursable basis, any of the personnel of the Department of Transportation to the Commission to assist the Commission in carrying out its duties under this subsection.

(C) COOPERATION.—The Secretary shall cooperate with the Commission in the study, including providing the Commission with such nonconfidential data and information as necessary for conducting and completing the study.

(8) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Secretary shall provide to the Commission, on a reimbursable basis, the administrative support and services necessary for the Commission to carry out its responsibilities under this subsection.

(9) REPORT AND RECOMMENDATIONS.—Not later than September 30, 2006, the Commission shall transmit to Congress a final report on the results of the study conducted under this subsection, including recommendations to address the needs identified in the study.

(10) TERMINATION.—The Commission shall terminate on the 180th day following the date of transmittal of the report under paragraph (9). By such 180th day, the Commission shall deliver all records and papers of the Commission to the Archivist of the United States for deposit in the National Archives.

(11) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Highway Trust Funds (other than the Mass Transit Account) to carry out this subsection $1,000,000 for each of fiscal years 2005 and 2006.

(12) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized to be appropriated by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of activities carried out under this subsection shall be 100 percent and such funds shall remain available until expended.

SEC. 1122. ADJUSTMENTS FOR THE SURFACE TRANSPORTATION EXTENSION ACT OF 2003.

[Reserved]

SEC. 1123. ROADWAY SAFETY.

(a) ROAD SAFETY.—

(1) IN GENERAL.—The Secretary shall enter into an agreement to assist in the activities of a national nonprofit organization that is dedicated solely to improving public road safety—

(A) by improving the quality of data pertaining to public road hazards and design features that affect or increase the severity of motor vehicle crashes;

(B) by developing and carrying out a public awareness campaign to educate State and local transportation officials, public safety officials, and motorists regarding the extent to which public road hazards and design features are a factor in motor vehicle crashes; and

(C) by promoting public road safety research and technology transfer activities.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) $500,000 for each of fiscal years 2004 through 2009 to carry out this subsection.

(3) APPLICABILITY OF TITLE 23.—Funds made available by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the funds shall remain available until expended.

(b) BICYCLE AND PEDESTRIAN SAFETY GRANTS.—

(1) IN GENERAL.—The Secretary shall make grants to a national, not-for-profit organization engaged in promoting bicycle and pedestrian safety—

(A) to operate a national bicycle and pedestrian clearinghouse;

(B) to develop information and educational programs; and

(C) to disseminate techniques and strategies for improving bicycle and pedestrian safety.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) $500,000 for each of fiscal years 2004 through 2009 to carry out this subsection.

(3) APPLICABILITY OF TITLE 23.—Funds made available by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the funds shall remain available until expended.

SEC. 1124. EQUITY REQUIREMENT.

(a) IN GENERAL.—The Secretary may not apportion before August 1, 2006, any funds for any of the programs referred to in subsection (b) for fiscal year 2006 unless, after the date of enactment of this Act, a law has been enacted that—

(1) increases the guaranteed rate of return pursuant to section 105 of title 23, United States Code, to 92 percent in fiscal year 2006, 93 percent in fiscal year 2007, 94 percent in fiscal year 2008, and 95 percent in fiscal year 2009; and

(2) requires that each State receive apportionments for such programs for each of such fiscal years that in the aggregate are at least equal to the greater of—

(A) the State's minimum guaranteed rate of return required under paragraph (1); and

(B) the State's prior fiscal year's apportioned highway funds for programs referred in subsection (b) plus an amount equal to the State's prior year apportioned funds for such programs multiplied by the percentage increase in the consumer price index during the 12-month period ending June 30 of the calendar year in which the fiscal year begins.

(b) APPLICABILITY.—The withholding of apportioned funds under subsection (a) shall apply to the following programs:

(1) The National Highway System program under section 103(b) of title 23, United States Code.

(2) The high priority projects program under section 117 of such title.

(3) The Interstate maintenance program under section 119 of such title.

(4) The surface transportation program under section 133 of such title.

(5) Metropolitan planning under chapter 52 of title 49, United States Code.

(6) The highway bridge replacement and rehabilitation program under section 144 of title 23, United States Code.

(7) The congestion mitigation and air quality improvement program under section 149 of such title.

(8) The recreational trails program under section 206 of such title.

(9) The Appalachian development highway system under subtitle IV of title 40, United States Code.

(10) The freight intermodal connectors program under section 1303 of this Act.

(11) The coordinated border infrastructure program under section 1302 of this Act.

(12) The high risk rural road safety improvement program under section 1403 of this Act.

(13) The safe routes to schools program under section 1120 of this Act.

(14) The minimum guarantee program under section 105 of title 23, United States Code.

(c) CONSIDERATION OF COMMISSION FINDINGS.—In considering a law that increases the guaranteed rate of return referred to in subsection (a), Congress should consider the findings of the report on alternative short-term sources of Highway Trust Fund revenue to be published by the National Commission on Future Revenue Sources to Support the Highway Trust Fund pursuant to section 1121 of this Act.

Subtitle B—Congestion Relief

SEC. 1201. MOTOR VEHICLE CONGESTION RELIEF.

(a) IN GENERAL.—Title 23, United States Code, is amended by inserting after section 138 the following:

"§ 139. Motor vehicle congestion relief

''(a) IN GENERAL.—Each State that has an urbanized area with an urbanized area population of over 200,000 individuals shall obligate in each of fiscal years 2004 through 2009 a portion of the State's apportionments under section 104(b) in such fiscal year, as calculated under subsection (b), for congestion relief activities in such urbanized areas in accordance with this section.

''(b) CALCULATION OF AMOUNT.—The portion of a State's apportionments for a fiscal year to be obligated for congestion relief activities under subsection (a) shall be determined by multiplying—

''(1) the total of amounts apportioned to the State under each of paragraphs (1), (2), (3), and (4) of section 104(b) in such fiscal year; by

''(2) 10 percent; by

''(3) the percentage of the State's population residing in urbanized areas of the State with an urbanized area population of over 200,000 individuals.

''(c) ALLOCATION BETWEEN UNDER ONE AND UNDER THREE CONGESTION RELIEF ACTIVITIES.—Of the total amount of a State's apportionments to be obligated for congestion relief activities for a fiscal year as calculated under subsection (b)—

''(1) 40 percent shall be obligated for under one congestion relief activities;

''(2) 35 percent shall be obligated for under three congestion relief activities; and

''(3) 25 percent shall be obligated at the discretion of the State department of transportation for 1 or more of the following:

''(A) Under one congestion relief activities.

''(B) Under three congestion relief activities.

''(C) Capital costs for transit projects that are eligible for assistance under chapter 53 of title 49.

''(D) Demand relief projects and activities that shift demand to non-peak hours or to other modes of transportation or that reduce the overall level of demand for roads through such means as telecommuting, ridesharing, alternative work hour programs, and value pricing.

''(d) OBLIGATION OF AMOUNTS.—

''(1) IN GENERAL.—In complying with the requirements of this section, the amounts obligated by a State for congestion relief activities under subsection (a) shall be allocated among the individual programs for which funds are apportioned under sections 104(b)(1), 104(b)(2), 104(b)(3), and 104(b)(4).

''(2) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed as requiring a State to obligate proportional or equal amounts under sections 104(b)(1), 104(b)(2), 104(b)(3), and 104(b)(4) for any congestion relief activity under this section.

''(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as altering or otherwise affecting the applicability of the requirements of this chapter (including requirements relating to the eligibility of a project for assistance under the program, the location of the project, and the Federal-share payable on account of the project) to amounts apportioned to a State for a program under section 104(b) that are obligated by the State for congestion relief activities under subsection (a).

''(f) JOINT RESPONSIBILITY.—Each State, each affected metropolitan planning organization, and the Secretary shall jointly ensure compliance with this section.

''(g) TRANSFERS.—

''(1) IN GENERAL.—A State may transfer a portion of the amount that the State must obligate for under one congestion relief activities in a fiscal year under this section to the amount the State must obligate for under three congestion relief activities under this section if the State certifies to the Secretary that there are no under one congestion relief activities for which such portion can be obligated in such fiscal year and the Secretary does not disapprove such transfer within 30 days after the date of such certification.

''(2) LIMITATION.—The amount that a State may transfer in a fiscal year under this subsection may not reduce the amount the State must obligate for under one congestion relief activities to less than 10 percent of the total amount of the State's apportionments to be obligated for congestion relief activities for such fiscal year as calculated under subsection (b).

''(3) TREATMENT.—Amounts transferred by a State under this subsection for a fiscal year shall be included in the amount of the State's apportionments allocated for under three congestion relief activities for such fiscal year under subsection (c)(2).

''(h) DEFINITIONS.—In this section, the following definitions apply:

''(1) CONGESTION RELIEF ACTIVITIES.—

''(A) IN GENERAL.—The term 'congestion relief activity' means any activity, project, or program that has as its primary purpose, as determined by the State transportation department, the relief of motor vehicle congestion.

''(B) INCLUSIONS.—Such term includes the following:

''(i) Relief of motor vehicle congestion through additional capacity, construction of additional lanes, improvements to interchanges, improved access to major terminals, construction of parallel roads, construction of truck only lanes, and major arterial improvements.

''(ii) Transportation systemwide operational improvements targeted at increasing motor vehicle travel reliability through such means as incident management programs, traffic monitoring and surveillance, and traveler information initiatives.

''(iii) Maximizing efficient use of existing motor vehicle travel capacity through such means as reversible lanes, coordinated traffic signalization, and managed lanes or other lane management strategies.

''(C) EXCLUSIONS.—Such term does not include demand relief projects and activities that shift demand to non-peak hours or to other modes of transportation or that reduce the overall level of demand for roads through such means as telecommuting, ridesharing, alternative work hour programs, and value pricing.

''(2) UNDER ONE CONGESTION RELIEF ACTIVITIES.—The term 'under one congestion relief activity' means a congestion relief activity that—

''(A) will be completed within one year after the date of commencement of onsite improvements;

''(B) has a total projected cost of less than $1,000,000; and

''(C) will improve conditions in the applicable urbanized area or is an element of the congestion management system of the applicable metropolitan planning organization.

''(3) UNDER THREE CONGESTION RELIEF ACTIVITIES.—The term 'under three congestion relief activities' means congestion relief activities that—

''(A) will be completed within 3 years after the date of commencement of onsite improvements; and

''(B) will improve conditions in the applicable urbanized area or is an element of the congestion management system of the applicable metropolitan planning organization.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter I of such title is amended by inserting after the item relating to section 138 the following:

''139. Motor vehicle congestion relief.''.

(c) MOTOR VEHICLE DEFINED.—Title 23, United States Code, is amended—

(1) in section 154(a)(2), relating to the definition of motor vehicle, by inserting ''streets, roads, and'' before ''highways'';

(2) by redesignating paragraph (2) of section 154(a) as paragraph (38);

(3) by moving such redesignated paragraph from section 154(a) to the end of section 101(a);

(4) by redesignating paragraphs (3) and (4) of section 154(a) as paragraphs (2) and (3), respectively;

(5) in section 153(i)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(6) in section 164(a)(4) by striking ''means'' and all that follows through ''rail line or'' and inserting ''does not include''; and

(7) in section 405(f)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (2), (3), (4), and (5).

SEC. 1202. TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS.

(a) DEFINITIONS.—

(1) OPERATING COSTS FOR TRAFFIC MONITORING, MANAGEMENT, AND CONTROL.—Section 101(a)(17) of title 23, United States Code, is amended by inserting ''transportation systems management and operations and'' after ''associated with''.

(2) OPERATIONAL IMPROVEMENT.—Section 101(a)(18)(A)(i) of such title is amended—

(A) by inserting ''transportation systems management and operations, including'' after ''for''; and

(B) by inserting ''equipment and programs for transportation response to natural disasters,'' after ''incident management programs,''.

(3) TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS.—Section 101(a) of such title is further amended by adding at the end the following:

''(39) TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS.—

''(A) IN GENERAL.—The term 'transportation systems management and operations' means an integrated program to optimize the performance of existing infrastructure through the implementation of multimodal and intermodal, cross-jurisdictional systems, services, and projects designed to preserve capacity and improve the security, safety, and reliability of Federal-aid highways.

''(B) INCLUDED ACTIVITIES AND IMPROVEMENTS.—The term includes regional operations collaboration and coordination activities between transportation and public safety agencies and improvements such as traffic detection and surveillance, arterial management, freeway management, demand management, work zone management, emergency management, electronic toll collection, automated enforcement, traffic operations measures to improve capacity, traffic signal coordination, optimization of traffic signal timing, traffic incident management, roadway weather management, traveler information services, commercial vehicle operations, traffic control, freight management, and coordination of highway, rail, transit, bicycle, and pedestrian operations.''.

(b) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM ELIGIBILITY.—Section 149(b)(5) of such title is amended by inserting ''improve transportation systems management and operations,'' after ''intersections,''

(c) SURFACE TRANSPORTATION PROGRAM ELIGIBILITY.—Section 133(b) of such title is amended—

(1) by redesignating paragraphs (13) and (14) as paragraphs (12) and (13), respectively; and

(2) by adding at the end the following:

''(14) Regional transportation operations collaboration and coordination activities that are associated with regional improvements, including activities for traffic incident management, technology deployment, emergency management and response, traveler information, and regional congestion relief.''.

(d) NATIONAL HIGHWAY SYSTEM ELIGIBILITY.—Section 103(b)(6) of such title is amended by adding at the end the following:

''(Q) Capital, operating, and systems maintenance costs for transportation systems management and operations.''.

(e) TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS.—Subchapter I of chapter 1 of such title is further amended by adding at the end the following:

''§166. Transportation systems management and operations

''(a) AUTHORITY.—The Secretary may—

''(1) encourage transportation system managers, operators, public safety officials, and transportation planners within an urbanized area, who are actively engaged in and responsible for conducting activities relating to day-to-day management, operations, public safety, and planning of transportation facilities and services, to collaborate and coordinate on a regional level in a continuous and sustained manner for improved transportation systems management and operations, including, at a minimum—

''(A) developing a regional concept of operations that defines a regional strategy shared by all transportation and public safety participants for how the region's systems should be managed, operated, and measured;

''(B) sharing of information among operators, service providers, public safety officials, and the general public; and

''(C) guiding, in a regionally-coordinated manner, the implementation of regional transportation system management and operations initiatives, including emergency evacuation and response, traffic incident management, technology deployment, and traveler information systems delivery, in a manner consistent with and integrated into the ongoing metropolitan and statewide transportation planning processes and regional intelligent transportation system architecture, if required; and

''(2) encourage States to establish a system of basic real-time monitoring capability for the surface transportation system and provide the capability and means to share that data among

agencies (including highway, transit, and public safety agencies), jurisdictions (including States, cities, counties, and areas represented by metropolitan planning organizations), private-sector entities, and the traveling public.

''(b) EXECUTION.—To support the successful execution of transportation systems management and operations activities, the Secretary may undertake the following activities:

''(1) Assist and cooperate with other Federal departments and agencies, State and local governments, metropolitan planning organizations, private industry representatives, and other interested parties to improve regional collaboration and real-time information sharing between transportation system managers and operators, public safety officials, emergency managers, and the general public to increase the security, safety, and reliability of Federal-aid highways.

''(2) Issue, if necessary, new guidance or regulations for the procurement of transportation system management and operations facilities, equipment, and services, including equipment procured in preparation for natural disasters and emergencies, system hardware, software, and software integration services.''.

(f) CONFORMING AMENDMENT.—The analysis for such chapter is further amended by adding at the end the following:

''166. Transportation systems management and operations.''.

(g) INTELLIGENT TRANSPORTATION SYSTEM PROCUREMENT POLICY.—

(1) STUDY.—The Secretary shall—

(A) conduct a study of the current policies and practices for the procurement of intelligent transportation system facilities, equipment, and services; and

(B) develop a conceptual plan with alternative approaches for expediting and streamlining such procurements at the State level.

(2) RECOMMENDATIONS.—Based on the results of the study, the Secretary shall make recommendations in the report under paragraph (4) regarding procurement standards, including recommendations regarding any changes in Federal and State statutes, regulations, and policies necessary to ensure that national interests are served in meeting future intelligent transportation system needs.

(3) SPECIFIC MATTERS TO BE ADDRESSED.—The study under this subsection shall specifically address the following:

(A) CURRENT CONDITION.—The current practices and policies relating to procurement of intelligent transportation system facilities, equipment, and services, including equipment procured in preparation for natural disasters and emergencies, system hardware, software, and software integration services.

(B) ASSESSMENT OF NEED FOR POLICY REFORM.—The ability of current practices and policies to achieve the successful implementation of intelligent transportation system goals and the need for national policy reform to expedite and streamline procurements necessary to meet such goals.

(C) ALTERNATIVES.—The range of legislative, regulatory, and policy alternatives to address identified needs and goals, including funding needs.

(D) RECOMMENDATIONS.—Recommendations regarding procurement standards, including recommendations regarding any changes in Federal and State statutes, regulations, and policies necessary for expedited and streamlined procurements.

(4) REPORT AND RECOMMENDATIONS.—Not later than September 30, 2005, the Secretary shall transmit to the appropriate committees of Congress a final report regarding the results of the study conducted under this subsection and recommendations to address the needs identified in such study.

(5) INITIATION OF RULEMAKING PROCEEDING.—To the extent any recommendation made by the Secretary under this subsection may be implemented by regulation, the Secretary shall initiate a rulemaking proceeding to address such recommendation not later than the 90th day following the date of submission of the report under paragraph (4).

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) $1,000,000 in fiscal year 2004 to carry out this subsection.

(7) APPLICABILITY OF TITLE 23.—Funds made available to carry out this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of the study under this subsection shall be 100 percent and such funds shall remain available until expended.

SEC. 1203. REAL-TIME SYSTEM MANAGEMENT INFORMATION PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a real-time system management information program to provide, in all States, the capability to monitor, in real-time, the traffic and travel conditions of the Nation's major highways and to share that information to improve the security of the surface transportation system, to address congestion problems, to support improved response to weather events and surface transportation incidents, and to facilitate national and regional highway traveler information.

(2) PURPOSES.—The purposes of the real-time system management information program are to—

(A) establish, in all States, a system of basic real-time information for managing and operating the surface transportation system;

(B) identify longer range real-time highway and transit monitoring needs and develop plans and strategies for meeting such needs; and

(C) provide the capability and means to share that data with State and local governments and the traveling public.

(b) NATIONAL STEERING COMMITTEE.—

(1) IN GENERAL.—The Secretary shall establish a national steering committee to assist in the development of data exchange formats under subsection (c).

(2) REPRESENTATIVES.—The national steering committee shall consist of representatives of State transportation departments, metropolitan planning organizations, local governments, nonprofit entities, the private sector, and academia.

(3) PURPOSE.—The purpose of the national steering committee shall be to provide guidance regarding the content and uniformity of data exchange formats.

(c) DATA EXCHANGE FORMATS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall establish data exchange formats based on recommendations of the steering committee established under subsection (b) to ensure that the data provided by highway and transit monitoring systems, including statewide incident reporting systems, can readily be exchanged across jurisdictional boundaries, facilitating nationwide availability of information.

(d) REGIONAL INTELLIGENT TRANSPORTATION SYSTEM ARCHITECTURE.—

(1) ADDRESSING INFORMATION NEEDS.—As State and local governments develop or update regional intelligent transportation system architectures, described in section 940.9 of title 23, Code of Federal Regulations, such governments shall explicitly address real-time highway and transit information needs and the systems needed to meet such needs, including addressing coverage, monitoring systems, data fusion and archiving, and methods of exchanging or sharing highway and transit information.

(2) DATA EXCHANGE.—States shall incorporate the data exchange formats established by the Secretary under subsection (c) to ensure that the data provided by highway and transit monitoring systems may readily be exchanged with State and local governments and may be made available to the traveling public.

(e) ELIGIBILITY.—Subject to project approval by the Secretary, a State may obligate funds apportioned to the State under sections 104(b)(1), 104(b)(2), and 104(b)(3) of title 23, United States Code, for activities related to the planning and deployment of real-time monitoring elements that advance the goals and purposes described in subsection (a).

(f) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as altering or otherwise affecting the applicability of the requirements of chapter 1 of title 23, United States Code (including requirements relating to the eligibility of a project for assistance under the program, the location of the project, and the Federal-share payable on account of the project), to amounts apportioned to a State for a program under section 104(b) that are obligated by the State for activities and projects under this section.

(g) STATEWIDE INCIDENT REPORTING SYSTEM DEFINED.—In this section, the term ''statewide incident reporting system'' means a statewide system for facilitating the real-time electronic reporting of surface transportation incidents to a central location for use in monitoring the event, providing accurate traveler information, and responding to the incident as appropriate.

SEC. 1204. EXPEDITED NATIONAL INTELLIGENT TRANSPORTATION SYSTEMS DEPLOYMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a comprehensive program to accelerate the integration, interoperability, and deployment of intelligent transportation systems in order to improve the performance of the surface transportation system in metropolitan and rural areas.

(b) SELECTION OF MODEL PROJECTS.—Under the program, the Secretary may make grants, through competitive solicitation, for projects that will serve as models to improve transportation efficiency, promote surface transportation safety (including safe freight movement), increase traffic flow (including the flow of intermodal travel at ports of entry), reduce emissions of air pollutants, improve traveler information, enhance alternative transportation modes, build on existing intelligent transportation system projects, and promote tourism.

(c) OTHER PROJECTS, PROGRAMS, AND ACTIVITIES.—Under the program, the Secretary may make grants for projects, programs, and activities in metropolitan and rural areas that—

(1) contribute to national deployment goals and objectives outlined in the national intelligent transportation system program plan;

(2) promote cooperation among agencies, jurisdictions, and the private sector, as evidenced by signed memoranda of understanding that clearly define the responsibilities and relations of all parties to a partnership arrangement, including institutional relationships and financial agreements needed to support deployment of intelligent transportation systems;

(3) encourage private sector involvement and financial commitment to such deployment to the maximum extent practicable through innovative financial arrangements, especially public-private partnerships, including arrangements that generate revenue to offset public investment costs;

(4) enhance fully integrated intelligent transportation system deployment;

(5) create technical capacity for effective operations and maintenance of such systems;

(6) improve safety, mobility, geographic and regional diversity, and economic development in deployment of such systems;

(7) advance deployment of the 511 traveler information program; and

(8) advance deployment of other national systems, including a statewide incident reporting system, wireless e-911 system, and road weather information system.

(d) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized to be appropriated under section 1101(a)(16) of this Act shall be available for obligation to carry out subsection (c)(7) in the same manner and to the same extent as if such funds were apportioned

under chapter 1 of title 23, United States Code; except that the Federal share of the cost of projects carried out under subsection (c)(7) shall be 80 percent and such funds shall remain available until expended.

SEC. 1205. INTELLIGENT TRANSPORTATION SYSTEMS DEPLOYMENT.

(a) PURPOSE.—The purpose of this section is to ensure that a minimum of $3,000,000,000 of the amounts authorized to be appropriated for the National Highway System, Interstate maintenance, surface transportation, and congestion mitigation and air quality improvement programs for fiscal years 2004 through 2009 is utilized to expand deployment of intelligent transportation systems.

(b) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by inserting after section 149 the following:

"§ 150. Deployment of intelligent transportation systems

''(a) IN GENERAL.—In each of fiscal years 2004 through 2009, each State shall obligate a portion of the funds apportioned to the State under sections 104(b)(1), 104(b)(2), 104(b)(3), and 104(b)(4) for such fiscal year, calculated under subsection (b), for projects described in subsection (c) that support deployment of intelligent transportation systems in the State.

''(b) CALCULATION OF AMOUNT.—The portion of a State's apportionments to be obligated under subsection (a) for projects described in subsection (c) in a fiscal year shall be determined by multiplying $500,000,000 by the ratio that—

''(1) the aggregate of amounts apportioned to the State for such fiscal year under sections 104(b)(1), 104(b)(2), 104(b)(3), and 104(b)(4); bears to

''(2) the aggregate of amounts apportioned to all States for such fiscal year under such sections.

''(c) INTELLIGENT TRANSPORTATION SYSTEMS DEPLOYMENT PROJECTS.—Projects for which funds must be obligated under this section include the following:

''(1) PERFORMANCE.—Establishment and implementation of operations systems and services that improve performance in the areas of traffic operations, emergency response to surface transportation incidents, surface transportation incident management, weather event response management by State and local authorities, surface transportation network and facility management, construction and work zone management, and traffic flow information.

''(2) NETWORKS.—Conducting activities that support the creation of networks that link metropolitan and rural surface transportation systems into an integrated data network, capable of collecting, sharing, and archiving transportation system traffic condition and performance information.

''(3) SAFETY.—Implementation of intelligent transportation system technologies that improve highway safety through linkages connecting the vehicle, the infrastructure, and information to the driver.

''(4) OPERATION AND MANAGEMENT.—Provision of services necessary to ensure the efficient operation and management of intelligent transportation systems infrastructure, including costs associated with communications, utilities, rent, hardware, software, labor, administrative costs, training, and technical services.

''(5) INTERAGENCY SUPPORT.—Provision of support for institutional relationships between transportation agencies, police, emergency medical services, private emergency operators, freight operators, and shippers.

''(6) PLANNING.—Conducting cross-jurisdictional planning and deployment of regional transportation systems operations and management approaches.

''(d) OBLIGATION OF AMOUNTS.—

''(1) IN GENERAL.—In complying with the requirements of this section, the amounts obligated by a State for projects under subsection (c) that support deployment of intelligent transportation systems in such State under subsection (a) shall be allocated among the individual programs for which funds are apportioned under sections 104(b)(1), 104(b)(2), 104(b)(3), and 104(b)(4).

''(2) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed as requiring a State to obligate proportional or equal amounts under sections 104(b)(1), 104(b)(2), 104(b)(3), and 104(b)(4) for any congestion relief activity under this section.

''(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as altering or otherwise affecting the applicability of the requirements of this chapter (including requirements relating to the eligibility of a project for assistance under the program, the location of the project, and the Federal-share payable on account of the project) to amounts apportioned to a State for a program under section 104(b) that are obligated by the State for projects under this section.

''(f) JOINT RESPONSIBILITY.—Each State, each affected metropolitan planning organization, and the Secretary shall jointly ensure compliance with this section.''.

(c) CONFORMING AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 149 the following:

''150. Deployment of intelligent transportation systems.''.

SEC. 1206. ENVIRONMENTAL REVIEW OF ACTIVITIES THAT SUPPORT DEPLOYMENT OF INTELLIGENT TRANSPORTATION SYSTEMS.

(a) CATEGORICAL EXCLUSIONS.—Not later than one year after the date of enactment of this Act, the Secretary shall initiate a rulemaking process to establish, to the extent appropriate, categorical exclusions for activities that support the deployment of intelligent transportation infrastructure and systems from the requirement that an environmental assessment or an environmental impact statement be prepared under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (42 U.S.C. 4332) in compliance with the standards for categorical exclusions established by that Act.

(b) NATIONWIDE PROGRAMMATIC AGREEMENT.—

(1) DEVELOPMENT.—The Secretary shall develop a nationwide programmatic agreement governing the review of activities that support the deployment of intelligent transportation infrastructure and systems in accordance with section 106 of the National Historic Preservation Act (16 U.S.C. 470f) and the regulations of the Advisory Council on Historic Preservation.

(2) CONSULTATION.—The Secretary shall develop the agreement under paragraph (1) in consultation with the National Conference of State Historic Preservation Officers and the Advisory Council on Historic Preservation established under title II of the National Historic Preservation Act (26 U.S.C. 470i et seq.) and after soliciting the views of other interested parties

(c) INTELLIGENT TRANSPORTATION INFRASTRUCTURE AND SYSTEMS DEFINED.—In this section, the term ''intelligent transportation infrastructure and systems'' means intelligent transportation infrastructure and intelligent transportation systems, as such terms are defined in section 5607.

SEC. 1207. ASSUMPTION OF RESPONSIBILITY FOR CERTAIN PROGRAMS AND PROJECTS.

[Reserved.]

SEC. 1208. HOV FACILITIES.

(a) IN GENERAL.—Subchapter I of chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"§ 167. HOV facilities

''(a) IN GENERAL.—

''(1) AUTHORITY OF STATE AGENCIES.—A State agency that has jurisdiction over the operation of a HOV facility shall establish the occupancy requirements of vehicles operating on the facility.

''(2) OCCUPANCY REQUIREMENT.—Except as otherwise provided by this section, no fewer than 2 occupants per vehicle may be required for use of a HOV facility.

''(b) EXCEPTIONS.—Notwithstanding the occupancy requirements of subsection (a)(2), the following exceptions shall apply with respect to a State agency operating a HOV facility:

''(1) MOTORCYCLES AND BICYCLES.——

''(A) IN GENERAL.—Subject to subparagraph (B), the State agency shall allow motorcycles and bicycles to use the HOV facility.

''(B) SAFETY EXCEPTION.—A State agency may restrict use of the HOV facility by motorcycles or bicycles (or both) if the agency certifies to the Secretary that such use would create a safety hazard and the Secretary accepts the certification. The Secretary may accept a certification under this subparagraph only after the Secretary publishes notice of the certification in the Federal Register and provides an opportunity for public comment.

''(2) PUBLIC TRANSPORTATION VEHICLES.—The State agency may allow public transportation vehicles to use the HOV facility if the agency—

''(A) establishes requirements for clearly identifying the vehicles; and

''(B) establishes procedures for enforcing the restrictions on the use of the facility by such vehicles.

''(3) HIGH OCCUPANCY TOLL VEHICLES.—The State agency may allow vehicles not otherwise exempt pursuant to this subsection to use the HOV facility if the operators of such vehicles pay a toll charged by the agency for use of the facility and the agency—

''(A) establishes a program that addresses how motorists can enroll and participate in the toll program;

''(B) develops, manages, and maintains a system that will automatically collect the toll; and

''(C) establishes policies and procedures to—

''(i) manage the demand to use the facility by varying the toll amount that is charged;

''(ii) enforce violations of use of the facility; and

''(iii) permit low-income individuals to pay reduced tolls.

''(4) LOW EMISSION AND ENERGY-EFFICIENT VEHICLES.—

''(A) INHERENTLY LOW-EMISSION VEHICLE.—Before September 30, 2009, the State agency may allow vehicles that are certified as inherently low-emission vehicles pursuant to section 88.311–93 of title 40, Code of Federal Regulations, and are labeled in accordance with section 88.312–93 of such title, to use the HOV facility if the agency establishes procedures for enforcing the restrictions on the use of the facility by such vehicles.

''(B) OTHER LOW EMISSION AND ENERGY-EFFICIENT VEHICLES.—Before September 30, 2009, the State agency may allow vehicles certified as low emission and energy-efficient vehicles under subsection (e), and labeled in accordance with subsection (e), to use the HOV facility if the operators of such vehicles pay a toll charged by the agency for use of the facility and the agency—

''(i) establishes a program that addresses the selection of vehicles under this paragraph; and

''(ii) establishes procedures for enforcing the restrictions on the use of the facility by such vehicles.

''(C) AMOUNT OF TOLLS.—Tolls charged under subparagraph (B) may be less than tolls charged under paragraph (3).

''(c) REQUIREMENTS APPLICABLE TO TOLLS.——

''(1) IN GENERAL.—Tolls may be charged under subsections (b)(3) and (b)(4) notwithstanding section 301 and, except as provided in paragraphs (2) and (3), subject to the requirements of section 129.

''(2) HOV FACILITIES ON THE INTERSTATE SYSTEM.—Notwithstanding section 129, tolls may be charged under subsections (b)(3) and (b)(4) on a HOV facility on the Interstate System.

''(3) EXCESS TOLL REVENUES.—If a State agency makes a certification under the last sentence

of section 129(a)(3) with respect to toll revenues collected under under subsections (b)(3) and (b)(4), the State, in the use of tolls revenues under that sentence, shall give priority consideration to projects for developing alternatives to single occupancy vehicle travel and projects for improving highway safety.

''(d) HOV FACILITY MANAGEMENT, OPERATION, MONITORING, AND ENFORCEMENT.—

''(1) IN GENERAL.—A State agency that allows vehicles to use a HOV facility under subsection (b)(3) or (b)(4) in a fiscal year shall certify to the Secretary that the agency will carry out the following responsibilities with respect to the facility in the fiscal year:

''(A) Establishing, managing, and supporting a performance monitoring, evaluation, and reporting program for the facility that provides for continuous monitoring, assessment, and reporting on the impacts that such vehicles may have on the operation of the facility and adjacent highways.

''(B) Establishing, managing, and supporting an enforcement program that ensures that the facility is being operated in accordance with the requirements of this section.

''(C) Limiting or discontinuing the use of the facility by such vehicles if the presence of such vehicles has degraded the operation of the facility.

''(2) DEGRADED FACILITY.——

''(A) IN GENERAL.—For purposes of paragraph (1), the operation of a HOV facility shall be considered to be degraded if vehicles operating on the facility are failing to maintain a minimum average operating speed 90 percent of the time over a consecutive 6-month period during morning or evening weekday peak hour periods (or both).

''(B) MINIMUM AVERAGE OPERATING SPEED DEFINED.—In subparagraph (A), the term 'minimum average operating speed' means—

''(i) 45 miles per hour, in the case of a HOV facility with a speed limit of 50 miles per hour or greater; and

''(ii) not more than 10 miles per hour below the speed limit, in the case of a HOV facility with a speed limit of less than 50 miles per hour.

''(e) CERTIFICATION OF LOW EMISSION AND ENERGY-EFFICIENT VEHICLES.—Not later than 6 months after the date of enactment of this section, the Administrator of the Environmental Protection Agency shall issue a final rule establishing requirements for certification of vehicles as low emission and energy-efficient vehicles for purposes of this section and requirements for the labeling of such vehicles.

''(f) DEFINITIONS.—In this section, the following definitions apply:

''(1) ALTERNATIVE FUEL VEHICLE.—The term 'alternative fuel vehicle' means a vehicle that operates on—

''(A) methanol, denatured ethanol, or other alcohols;

''(B) a mixture containing at least 85 percent of methanol, denatured ethanol, and other alcohols by volume with gasoline or other fuels;

''(C) natural gas;

''(D) liquefied petroleum gas;

''(E) hydrogen;

''(F) coal derived liquid fuels;

''(G) fuels (except alcohol) derived from biological materials;

''(H) electricity (including electricity from solar energy); or

''(I) any other fuel that the Secretary prescribes by regulation that is not substantially petroleum and that would yield substantial energy security and environmental benefits.

''(2) HOV FACILITY.—The term 'HOV facility' means a high occupancy vehicle facility.

''(3) LOW EMISSION AND ENERGY EFFICIENT VEHICLE.—The term 'low emission and energy-efficient vehicle' means a vehicle that—

''(A) has been certified by the Administrator of the Environmental Protection Agency as meeting the Tier II emission level established in regulations prescribed by the Administrator under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)) for that make and model year vehicle; and

''(B)(i) has been certified by the Administrator to have a 45-mile-per-gallon or greater fuel economy highway rating; or

''(ii) is an alternative fuel vehicle.

''(4) PUBLIC TRANSPORTATION VEHICLE.—The term 'public transportation vehicle' means a vehicle that provides public transportation (as defined in section 5302(a) of title 49).

''(5) STATE AGENCY.—The term 'State agency', as used with respect to a HOV facility, means an agency of a State or local government having jurisdiction over the operation of the facility and includes a State transportation department.''.

(b) CONFORMING AMENDMENTS.—

(1) PROGRAM EFFICIENCIES.—Section 102 of title 23, United States Code, is amended by striking subsection (a) and redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

(2) CHAPTER ANALYSIS.—The analysis for subchapter I of chapter 1 of such title is amended by adding at the end the following:

''167. HOV facilities.''.

(c) TECHNICAL AMENDMENT.—Section 102(c) of title 23, United States Code, is amended by striking ''10 years'' and all that follows through ''after'' and inserting ''10 years (or such longer period as the State requests and the Secretary determines to be reasonable) after''.

SEC. 1209. CONGESTION PRICING PILOT PROGRAM.

(a) ESTABLISHMENT.—Section 1012(b)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended to read as follows:

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—The Secretary may enter into cooperative agreements with State and local governments to carry out not more than 25 congestion pricing pilot projects.

''(B) PREVIOUSLY APPROVED PROJECTS.—Projects carried out under paragraph (1) shall include each project approved under this subsection before the date of enactment of the Transportation Equity Act: A Legacy for Users and under which highway tolls are being collected as of such date of enactment.''.

(b) LOW-INCOME DRIVERS.—Section 1012(b)(7) of such Act (23 U.S.C. 149 note) is amended to read as follows:

''(7) REDUCED TOLLS FOR LOW-INCOME DRIVERS.—Any congestion pricing pilot project carried out under this subsection that involves the collection of highway tolls shall include a program to permit low-income drivers to pay a reduced toll amount.''.

(c) SET-ASIDE FOR PROJECTS NOT INVOLVING HIGHWAY TOLLS.—At the end of section 1012(b)(8) of such Act (23 U.S.C. 149 note), add the following:

''(D) SET-ASIDE FOR PROJECTS NOT INVOLVING HIGHWAY TOLLS.—Of the amounts made available to carry out this subsection, $3,000,000 per fiscal year shall be available only for congestion pricing pilot projects that do not involve highway tolls.''.

(d) CONFORMING AMENDMENTS.—Section 1012(b) of such Act (23 U.S.C. 149 note) is amended—

(1) in the subsection heading by striking ''VALUE PRICING'' and inserting ''CONGESTION PRICING'';

(2) in paragraph (2)—

(A) by striking ''(2) Notwithstanding'' and inserting the following:

''(2) FEDERAL SHARE; ELIGIBLE COSTS.—Notwithstanding'';

(B) in the first sentence by striking ''programs'' and inserting ''projects''; and

(C) in the second sentence by striking ''program'' and inserting ''project'';

(3) in paragraph (3) by striking ''(3) Revenues'' and inserting the following:

''(3) USE OF REVENUES.—Revenues'';

(4) in paragraph (4)—

(A) by striking ''(4) Notwithstanding'' and inserting the following:

''(4) USE OF TOLLS ON INTERSTATE SYSTEM.—Notwithstanding'';

(B) by striking ''value pricing pilot program'' and inserting ''congestion pricing pilot project'';

(5) in paragraph (5)—

(A) by striking ''(5) The Secretary'' and inserting the following:

''(5) MONITORING.—The Secretary''; and

(B) by striking ''programs'' the first and second place it appears and inserting ''projects''; and

(6) in paragraph (6) by striking ''value pricing pilot program'' and inserting ''congestion pricing pilot project''.

(e) PORT HURON, MICHIGAN.——

(1) TRAFFIC STUDY.—There is authorized to be appropriated to the Secretary $100,000 for a traffic study to be conducted in Port Huron, Michigan, in connection with economic development that may result from the implementation of the agreement of the State of Michigan resolving a title dispute concerning certain property, executed on August 23, 2002, and filed with the Michigan department of State on September 20, 2002.

(2) RATIFICATION OF AGREEMENT.—The agreement is hereby ratified.

(3) TREATMENT OF CERTAIN LANDS.—The alternative lands described in the agreement shall be treated as meeting the requirements of section 20(b)(1)(B)(i) of Public Law 100–497 (25 U.S.C. 2719(b)(1)(B)(i)).

(4) TRUST.—The Secretary of the Interior shall take the alternative lands into trust for the benefit of the non-State party within 60 days of the non-State party's acquisition of the land described in section 4 of the agreement.

(5) EXTINGUISHMENT OF CLAIM.—Upon implementation, the claim to the lands of the non-State party described in section 1 of the agreement is hereby extinguished.

(f) ROMULUS, MICHIGAN.—

(1) TRAFFIC STUDY.—There is authorized to be appropriated to the Secretary $100,000 for a traffic study to be conducted in Romulus, Michigan, in connection with economic development that may result from the implementation of the agreement of the State of Michigan resolving a title dispute concerning certain property, executed on December 30, 2002, and filed with the Michigan department of state on December 30, 2002.

(2) RATIFICATION OF AGREEMENT.—The agreement is hereby ratified.

(3) TREATMENT OF CERTAIN LANDS.—The alternative lands described in the agreement are deemed to meet the requirements of section 20(b)(1)(B)(i) of Public Law 100–497 (25 U.S.C. 2719(b)(1)(B)(i)).

(4) TRUST.—The Secretary of the Interior shall take the alternative lands into trust for the benefit of the non-State party within 60 days of the non-State party's acquisition of the land described in section 4(B)(ii) of the agreement, the non-State party having exercised its options under the agreement to so limit its alternative lands.

(5) EXTINGUISHMENT OF CLAIM.—Upon implementation, the claim to the lands of the non-State party described in section 1 of the agreement is hereby extinguished.

Subtitle C—Mobility and Efficiency

SEC. 1301. NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROGRAM.

(a) IN GENERAL.—The Secretary shall establish and implement a program to make allocations to States for highway construction projects in corridors of national significance to promote economic growth and international or interregional trade pursuant to the selection factors provided in this section. A State must submit an application to the Secretary in order to receive an allocation under this section.

(b) SELECTION PROCESS.—

(1) PRIORITY.—In the selection process under this section, the Secretary shall give priority to

projects in corridors that are a part of, or will be designated as part of, the Dwight D. Eisenhower National System of Interstate and Defense Highways after completion of the work described in the application received by the Secretary and to any project that will be completed within 5 years of the date of the allocation of funds for the project.

(2) SELECTION FACTORS.—In making allocations under this section, the Secretary shall consider the following factors:

(A) The extent to which the corridor provides a link between 2 existing segments of the Interstate System.

(B) The extent to which the project will facilitate major multistate or regional mobility and economic growth and development in areas underserved by existing highway infrastructure.

(C) The extent to which commercial vehicle traffic in the corridor—

(i) has increased since the date of enactment of the North American Free Trade Agreement Implementation Act (16 U.S.C. 4401 et seq.); and

(ii) is projected to increase in the future.

(D) The extent to which international truck-borne commodities move through the corridor.

(E) The extent to which the project will make improvements to an existing segment of the Interstate System that will result in a decrease in congestion.

(F) The reduction in commercial and other travel time through a major freight corridor expected as a result of the project.

(G) The value of the cargo carried by commercial vehicle traffic in the corridor and the economic costs arising from congestion in the corridor.

(H) The extent of leveraging of Federal funds provided to carry out this section, including—

(i) use of innovative financing;

(ii) combination with funding provided under other sections of this Act and title 23, United States Code; and

(iii) combination with other sources of Federal, State, local, or private funding.

(c) PERIOD OF AVAILABILITY.—Funds allocated for a project to a State under this section shall remain available for obligation in that State until 6 months from the day on which they are allocated. Sums not obligated within 6 months of the day on which they are allocated shall be available to the Secretary to be allocated for other projects eligible under this section.

(d) FEDERAL SHARE.—The Federal share of the cost of a project under this section shall be determined in accordance with section 120(b) of title 23, United States Code.

(e) APPLICABILITY OF TITLE 23.—Except as provided in subsections (c) and (d), funds made available by section 1101(a)(10) of this Act to carry out this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

(f) STATE DEFINED.—In this section, the term ''State'' has the meaning such term has under section 101 of title 23, United States Code.

SEC. 1302. COORDINATED BORDER INFRASTRUCTURE PROGRAM.

(a) GENERAL AUTHORITY.—The Secretary shall implement a coordinated border infrastructure program under which the Secretary shall distribute funds to border States to improve the safe movement of motor vehicles at or across the border between the United States and Canada and the border between the United States and Mexico.

(b) ELIGIBLE USES.—A State may use funds apportioned under this section only for—

(1) improvements in a border region to existing transportation and supporting infrastructure that facilitate cross-border motor vehicle and cargo movements;

(2) construction of highways and related safety and safety enforcement facilities in a border region that facilitate motor vehicle and cargo movements related to international trade;

(3) operational improvements in a border region, including improvements relating to electronic data interchange and use of telecommunications, to expedite cross border motor vehicle and cargo movement;

(4) modifications to regulatory procedures to expedite safe and efficient cross border motor vehicle and cargo movements; and

(5) international coordination of transportation planning, programming, and border operation with Canada and Mexico relating to expediting cross border motor vehicle and cargo movements.

(c) APPORTIONMENT OF FUNDS.—On October 1 of each fiscal year, the Secretary shall apportion among border States sums authorized to be appropriated to carry out this section for such fiscal year as follows:

(1) 20 percent in the ratio that—

(A) the total number of incoming commercial trucks that pass through the land border ports of entry within the boundaries of a border State, as determined by the Secretary; bears to

(B) the total number of incoming commercial trucks that pass through such ports of entry within the boundaries of all the border States, as determined by the Secretary.

(2) 30 percent in the ratio that—

(A) the total number of incoming personal motor vehicles and incoming buses that pass through land border ports of entry within the boundaries of a border State, as determined by the Secretary; bears to

(B) the total number of incoming personal motor vehicles and incoming buses that pass through such ports of entry within the boundaries of all the border States, as determined by the Secretary.

(3) 25 percent in the ratio that—

(A) the total weight of incoming cargo by commercial trucks that pass through land border ports of entry within the boundaries of a border State, as determined by the Secretary; bears to

(B) the total weight of incoming cargo by commercial trucks that pass through such ports of entry within the boundaries of all the border States, as determined by the Secretary.

(4) 25 percent of the ratio that—

(A) the total number of land border ports of entry within the boundaries of a border State, as determined by the Secretary; bears to

(B) the total number of land border ports of entry within the boundaries of all the border States, as determined by the Secretary.

(d) APPLICABILITY OF TITLE 23.—Funds made available to carry out this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall not be transferable and shall remain available until expended and the Federal share of the cost of a project under this section shall be 80 percent.

(e) DEFINITIONS.—In this section, the following definitions apply:

(1) BORDER REGION.—The term ''border region'' means any portion of a border State within 20 miles of an international land border with Canada or Mexico.

(2) BORDER STATE.—The term ''border State'' means any State that has an international land border with Canada or Mexico.

(3) COMMERCIAL TRUCK.—The term ''commercial truck'' means a commercial motor vehicle as defined in section 31301(4) (other than subparagraph (B)) of title 49, United States Code.

(4) MOTOR VEHICLE.—The term ''motor vehicle'' has the meaning such term has under section 101(a) of title 23, United States Code.

(5) STATE.—The term ''State'' has the meaning such term has in section 101(a) of such title 23.

SEC. 1303. FREIGHT INTERMODAL CONNECTORS.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—The Secretary shall establish a freight intermodal connector program to improve productivity and improve the efficiency of the transportation of freight, while mitigating congestion in the area of freight intermodal connectors.

(2) PURPOSES.—The purposes of the program shall be—

(A) to facilitate and support intermodal freight transportation initiatives at the State and local levels in order to improve freight intermodal connectors and mitigate the impact of congestion in the area of such connectors; and

(B) to provide capital funding to address infrastructure and freight operational needs at freight intermodal connectors.

(b) STATE RESPONSIBILITIES.—Under the program, each State shall ensure that intermodal freight transportation and trade facilitation and are adequately addressed integrated into the project development process, including transportation planning, through final design and construction of freight related transportation projects.

(c) ELIGIBLE PROJECTS.—

(1) IN GENERAL.—Projects eligible for funding under this section may include the construction of and improvements to publicly owned freight intermodal connectors, the provision of access to such connectors, and operational improvements for such connectors (including capital investment for intelligent transportation systems); except that a project located within the boundaries of an intermodal freight facility shall only include highway infrastructure modifications necessary to facilitate direct intermodal access between the connector and the facility.

(2) SPECIAL RULE.—If a State that does not have any freight intermodal connectors within its boundaries or has only freight intermodal connectors within its boundaries that are in good condition and provide an adequate level of service, projects within the boundaries of the State that are eligible for assistance under section 103(b)(6) of title 23, United States Code, relating to the National Highway System, shall be eligible for funding under this section.

(d) PRIORITY.—Under the program, a State shall give priority to projects on freight intermodal connectors to the National Highway System as identified according to the criteria set forth in the report of the Department of Transportation to Congress entitled ''Pulling Together: The NHS and its Connections to Major Intermodal Terminals''.

(e) APPORTIONMENT.—On October 1 of each fiscal year, the Secretary shall apportion among the States sums made available to carry out this section for such fiscal year as follows:

(1) 33.3 percent in the ratio that—

(A) the number of freight intermodal connectors identified in the most recent Intermodal Freight Connectors study of the Federal Highway Administration within the boundaries of a State; bears to

(B) the total number of such connectors within the boundaries of all the States.

(2) 33.3 percent in the ratio that—

(A) the total of each State's annual contributions to the Highway Trust Fund (other than the Mass Transit Account) attributable to commercial motor vehicles; bears to

(B) the total of such annual contributions by all States.

(3) 33.4 percent in the same ratios as funds are apportioned for the National Highway System under clauses (i), (ii), (iii), and (iv) of section 104(b)(1)(A) of title 23, United States Code.

(f) APPLICABILITY OF TITLE 23.—Funds made available to carry out this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall not be transferable and shall remain available until expended and the Federal share of the cost of a project under this section shall be 80 percent.

(g) UPDATE REPORT.—Not later than August 1, 2005, the Secretary shall publish an update to the report entitled ''Pulling Together: the National Highway System and its Connections to Major Intermodal Terminals''.

(h) DEFINITIONS.—In this section, the following definitions apply:

(1) FREIGHT INTERMODAL CONNECTORS.—The term ''freight intermodal connector'' means the

roadway that connects to an intermodal freight facility that carries or will carry intermodal traffic.

(2) INTERMODAL FREIGHT FACILITY.—The term ''intermodal freight facility'' means a port, airport, truck-rail terminal, and pipeline-truck terminal.

(3) STATE.—The term ''State'' has the meaning such term has in section 101(a) of title 23, United States Code.

SEC. 1304. PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE.

(a) FINDINGS.—Congress finds the following:

(1) Under current law, surface transportation programs rely primarily on formula capital apportionments to States.

(2) Despite the significant increase for surface transportation program funding in the Transportation Equity Act of the 21st Century, current levels of investment are insufficient to fund critical high-cost transportation infrastructure facilities that address critical national economic and transportation needs.

(3) Critical high-cost transportation infrastructure facilities often include multiple levels of government, agencies, modes of transportation, and transportation goals and planning processes that are not easily addressed or funded within existing surface transportation program categories.

(4) Projects of national and regional significance have national and regional benefits, including improving economic productivity by facilitating international trade, relieving congestion, and improving transportation safety by facilitating passenger and freight movement.

(5) The benefits of such projects described in paragraph (4) accrue to local areas, States, and the Nation as a result of the effect such projects have on the national transportation system.

(6) A program dedicated to constructing projects of national and regional significance is necessary to improve the safe, secure, and efficient movement of people and goods throughout the United States and improve the health and welfare of the national economy.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide grants to qualified entities for projects of national and regional significance.

(c) DEFINITIONS.—

(1) ELIGIBLE PROJECT COSTS.—The term ''eligible project costs'' means the costs of—

(A) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities; and

(B) construction, reconstruction, rehabilitation, and acquisition of real property (including land related to the project and improvements to land), environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements.

(2) ELIGIBLE PROJECT.—The term ''eligible project'' means any surface transportation project eligible for Federal assistance under title 23, United States Code, including freight railroad projects and activities eligible under such title.

(3) QUALIFIED ENTITY.—The term ''qualified entity'' means a State as defined in section 101(a) of title 23, United States Code.

(d) ELIGIBILITY.—To be eligible for assistance under this section, a project shall have eligible project costs that are reasonably anticipated to equal or exceed the lesser of—

(1) $500,000,000; or

(2) 75 percent of the amount of Federal highway assistance funds apportioned for the most recently completed fiscal year to the State in which the project is located.

(e) APPLICATIONS.—Each qualified entity seeking to receive a grant under this section for an eligible project shall submit to the Secretary an application in such form and in accordance with such requirements as the Secretary shall establish.

(f) COMPETITIVE GRANT SELECTION AND CRITERIA FOR GRANTS.—

(1) IN GENERAL.—The Secretary shall—

(A) establish criteria for selecting among projects that meet the eligibility criteria specified in subsection (d);

(B) conduct a national solicitation for applications; and

(C) award grants on a competitive basis.

(2) CRITERIA FOR GRANTS.—The Secretary may approve a grant under this section for a project only if the Secretary determines that the project—

(A) is based on the results of preliminary engineering;

(B) is justified based on the project's ability—

(i) to generate national economic benefits, including creating jobs, expanding business opportunities, and impacting the gross domestic product;

(ii) to reduce congestion, including impacts in the State, region, and Nation;

(iii) to improve transportation safety, including reducing transportation accidents, injuries, and fatalities;

(iv) to otherwise enhance the national transportation system; and

(v) to garner support for non-Federal financial commitments and provide evidence of stable and dependable financing sources to construct, maintain, and operate the infrastructure facility; and

(C) is supported by an acceptable degree of non-Federal financial commitments, including evidence of stable and dependable financing sources to construct, maintain, and operate the infrastructure facility.

(3) SELECTION CONSIDERATIONS.—In selecting a project under this section, the Secretary shall consider the extent to which the project—

(A) leverages Federal investment by encouraging non-Federal contributions to the project, including contributions from public-private partnerships;

(B) uses new technologies, including intelligent transportation systems, that enhance the efficiency of the project.

(C) helps maintain or protect the environment.

(4) PRELIMINARY ENGINEERING.—In evaluating a project under paragraph (2)(A), the Secretary shall analyze and consider the results of preliminary engineering for the project.

(5) NON-FEDERAL FINANCIAL COMMITMENT.—

(A) EVALUATION OF PROJECT.—In evaluating a project under paragraph (2)(C), the Secretary shall require that—

(i) the proposed project plan provides for the availability of contingency amounts that the Secretary determines to be reasonable to cover unanticipated cost increases; and

(ii) each proposed non-Federal source of capital and operating financing is stable, reliable, and available within the proposed project timetable.

(B) CONSIDERATIONS.—In assessing the stability, reliability, and availability of proposed sources of non-Federal financing under subparagraph (A), the Secretary shall consider—

(i) existing financial commitments;

(ii) the degree to which financing sources are dedicated to the purposes proposed;

(iii) any debt obligation that exists or is proposed by the recipient for the proposed project; and

(iv) the extent to which the project has a non-Federal financial commitment that exceeds the required non-Federal share of the cost of the project.

(6) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue regulations on the manner in which the Secretary will evaluate and rate the projects based on the results of preliminary engineering, project justification, and the degree of non-Federal financial commitment, as required under this subsection.

(7) PROJECT EVALUATION AND RATING.—A proposed project may advance from preliminary engineering to final design and construction only if the Secretary finds that the project meets the requirements of this subsection and there is a reasonable likelihood that the project will continue to meet such requirements. In making such findings, the Secretary shall evaluate and rate the project as ''highly recommended'', ''recommended'', or ''not recommended'' based on the results of preliminary engineering, the project justification criteria, and the degree of non-Federal financial commitment, as required under this subsection. In rating the projects, the Secretary shall provide, in addition to the overall project rating, individual ratings for each of the criteria established under the regulations issued under paragraph (6).

(g) LETTERS OF INTENT AND FULL FUNDING GRANT AGREEMENTS.—

(1) LETTER OF INTENT.—

(A) IN GENERAL.—The Secretary may issue a letter of intent to an applicant announcing an intention to obligate, for a project under this section, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the project.

(B) NOTIFICATION.—At least 60 days before issuing a letter under subparagraph (A) or entering into a full funding grant agreement, the Secretary shall notify in writing the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate of the proposed letter or agreement. The Secretary shall include with the notification a copy of the proposed letter or agreement as well as the evaluations and ratings for the project.

(C) NOT AN OBLIGATION.—The issuance of a letter is deemed not to be an obligation under sections 1108(c) and (d), 1501, and 1502(a) of title 31, United States Code, or an administrative commitment.

(D) OBLIGATION OR COMMITMENT.—An obligation or administrative commitment may be made only when contract authority is allocated to a project.

(2) FULL FUNDING GRANT AGREEMENT.—

(A) IN GENERAL.—A project financed under this subsection shall be carried out through a full funding grant agreement. The Secretary shall enter into a full funding grant agreement based on the evaluations and ratings required under subsection (f)(7).

(B) TERMS.—If the Secretary makes a full funding grant agreement with an applicant, the agreement shall—

(i) establish the terms of participation by the United States Government in a project under this section;

(ii) establish the maximum amount of Government financial assistance for the project;

(iii) cover the period of time for completing the project, including a period extending beyond the period of an authorization; and

(iv) make timely and efficient management of the project easier according to the laws of the United States.

(C) AGREEMENT.—An agreement under this paragraph obligates an amount of available budget authority specified in law and may include a commitment, contingent on amounts to be specified in law in advance for commitments under this paragraph, to obligate an additional amount from future available budget authority specified in law. The agreement shall state that the contingent commitment is not an obligation of the Government. Interest and other financing costs of efficiently carrying out a part of the project within a reasonable time are a cost of carrying out the project under a full funding grant agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

(3) AMOUNTS.—The total estimated amount of future obligations of the Government and contingent commitments to incur obligations covered by all outstanding letters of intent and full funding grant agreements may be not more than the greater of the amount authorized to carry out this section or an amount equivalent to the last 2 fiscal years of funding authorized to carry out this section less an amount the Secretary reasonably estimates is necessary for grants under this section not covered by a letter. The total amount covered by new letters and contingent commitments included in full funding grant agreements may be not more than a limitation specified in law.

(h) GRANT REQUIREMENTS.—

(1) IN GENERAL.—A grant for a project under this section shall be subject to all of the requirements of title 23, United States Code, and chapter 52 of title 49, United States Code.

(2) OTHER TERMS AND CONDITIONS.—The Secretary shall require that all grants under this section be subject to all terms, conditions, and requirements that the Secretary decides are necessary or appropriate for purposes of this section, including requirements for the disposition of net increases in value of real property resulting from the project assisted under this section.

(i) GOVERNMENT'S SHARE OF PROJECT COST.—Based on engineering studies, studies of economic feasibility, and information on the expected use of equipment or facilities, the Secretary shall estimate the cost of a project receiving assistance under this section. A grant for the project is for 80 percent of the project cost, unless the grant recipient requests a lower grant percentage. A refund or reduction of the remainder may be made only if a refund of a proportional amount of the grant of the Government is made at the same time.

(j) FISCAL CAPACITY CONSIDERATIONS.—If the Secretary gives priority consideration to financing projects that include more than the non-Government share required under subsection (i) the Secretary shall give equal consideration to differences in the fiscal capacity of State and local governments.

(k) REPORTS.—

(1) ANNUAL REPORT.—Not later than the first Monday in February of each year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that includes a proposal on the allocation of amounts to be made available to finance grants under this section.

(2) RECOMMENDATIONS ON FUNDING.—The annual report under this paragraph shall include evaluations and ratings, as required under subsection (f). The report shall also include recommendations of projects for funding based on the evaluations and ratings and on existing commitments and anticipated funding levels for the next 3 fiscal years and for the next 10 fiscal years based on information currently available to the Secretary.

(l) APPLICABILITY OF TITLE 23.—Funds made available to carry out this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall not be transferable and shall remain available until expended and the Federal share of the cost of a project under this section shall be as provided in this section.

SEC. 1305. DEDICATED TRUCK LANES.

(a) IN GENERAL.—The Secretary shall establish and implement a pilot program to make allocations to States for the construction of projects that separate commercial truck traffic from other motor vehicle traffic. A State must submit an application to the Secretary in order to receive an allocation under this section.

(b) SELECTION PROCESS.—

(1) PRIORITY.—In the selection process under this section, the Secretary shall give priority to projects that provide additional capacity.

(2) SELECTION FACTORS.—In making allocations under this section, the Secretary shall consider the following factors:

(A) The extent to which the project will improve the safe and efficient movement of freight.

(B) The extent to which the project provides positive separation of commercial trucks from other motor vehicle traffic.

(C) The extent to which the project connects an intermodal freight facility or an international port of entry to the Dwight D. Eisenhower National System of Interstate and Defense Highways by providing limited access lanes that allow commercial truck traffic to enter the Interstate System at the posted speed limit.

(D) The extent to which the project will remove truck traffic from surface streets.

(E) The extent to which travel time is expected to be reduced as a result of the proposed project.

(F) The extent of leveraging of Federal funds provided to carry out this section, including—

(i) use of innovative financing;

(ii) combination with funding provided under other sections of this Act and title 23, United States Code; and

(iii) combination with other sources of Federal, State, local, or private funding.

(c) FEDERAL SHARE.—The Federal share of the cost of a project under this section shall be determined in accordance with section 120(b) of title 23, United States Code.

(d) APPLICABILITY OF TITLE 23.—Except as provided in subsection (d), funds made available by section 1101(a)(22) of this Act to carry out this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

(e) DEFINITIONS.—In this section the following definitions apply:

(1) COMMERCIAL TRUCK.—The term ''commercial truck'' means a self-propelled or towed vehicle used on highways in commerce principally to transport cargo if the vehicle has a gross vehicle weight rating or gross vehicle weight of at least 10,001 pounds, whichever is greater.

(2) STATE.—The term ''State'' has the meaning such term has under section 101 of title 23, United States Code.

SEC. 1306. TRUCK PARKING FACILITIES.

(a) ESTABLISHMENT.—In cooperation with appropriate State, regional, and local governments, the Secretary shall establish a pilot program to address the shortage of long-term parking for commercial motor vehicles on the National Highway System.

(b) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—The Secretary shall allocate funds made available to carry out this section among States, metropolitan planning organizations, and local governments.

(2) APPLICATIONS.—To be eligible for an allocation under this section, a State, metropolitan planning organization, or local government shall submit to the Secretary an application at such time and containing such information as the Secretary may require.

(3) ELIGIBLE PROJECTS.—Funds allocated under this subsection shall be used by the recipient for projects described in an application approved by the Secretary. Such projects shall serve the National Highway System and may include the following:

(A) Constructing safety rest areas, as defined in section 120(c) of title 23, United States Code, that include parking for commercial motor vehicles.

(B) Constructing commercial motor vehicle parking facilities adjacent to commercial truck stops and travel plazas.

(C) Opening existing facilities to commercial motor vehicle parking, including inspection and weigh stations and park-and-ride facilities.

(D) Promoting the availability of publicly or privately provided commercial motor vehicle parking on the National Highway System using intelligent transportation systems and other means.

(E) Constructing turnouts along the National Highway System for commercial motor vehicles.

(F) Making capital improvements to public commercial motor vehicle parking facilities currently closed on a seasonal basis to allow the facilities to remain open year-round.

(G) Improving the geometric design of interchanges on the National Highway System to improve access to commercial motor vehicle parking facilities.

(4) PRIORITY.—In allocating funds made available to carry out this section, the Secretary shall give priority to applicants that—

(A) demonstrate a severe shortage of commercial motor vehicle parking capacity in the corridor to be addressed;

(B) have consulted with affected State and local governments, community groups, private providers of commercial motor vehicle parking, and motorist and trucking organizations; and

(C) demonstrate that their proposed projects are likely to have positive effects on highway safety, traffic congestion, or air quality.

(c) FUNDING.—

(1) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $5,000,000 for each of fiscal years 2005 through 2009.

(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(d) REPORT TO CONGRESS.—Not later than 5 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the pilot program.

(e) FEDERAL SHARE.—The Federal share of the cost of a project carried out using amounts made available under this section shall be determined in accordance with sections 120(b) and 120(c) of title 23, United States Code.

(f) APPLICABILITY OF TITLE 23.—Notwithstanding any other provision of law, projects funded under this section shall be treated as projects on a Federal-aid system under chapter 1 of title 23, United States Code.

Subtitle D—Highway Safety

SEC. 1401. HIGHWAY SAFETY IMPROVEMENT PROGRAM.

(a) SAFETY IMPROVEMENT PROJECT DEFINED.—Section 101(a)(30) of title 23, United States Code, is amended by inserting ''installs fluorescent, yellow-green signs at pedestrian or bicycle crossings or school zones,'' after ''call boxes,''.

(b) OPERATION LIFESAVER.—Section 104(d)(1) of such title is amended—

(1) by striking ''subsection (b)(3) of this section'' and inserting ''section 130(f)''; and

(2) by striking ''$500,000'' and inserting ''$600,000''.

(c) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—

(1) IN GENERAL.—Section 104(d)(2) of such title is amended—

(A) in subparagraph (A) by striking ''$5,250,000'' and inserting ''$7,500,000 for each of fiscal years 2004 and 2005, $10,000,000 for each of fiscal years 2006 and 2007, and $15,000,000 for each of fiscal years 2008 and 2009''; and

(B) in subparagraph (E)—

(i) by striking ''Not less than $250,000 of such set-aside'' and inserting ''Of such set-aside, not less than $875,000 for each of fiscal years 2004 and 2005, $1,500,000 for each of fiscal years 2006 and 2007, and $2,750,000 for each of fiscal years 2008 and 2009''; and

(ii) by striking ''per fiscal year''.

(2) DESIGNATION OF CORRIDORS.—Of the rail corridors selected by the Secretary in accordance with section 104(d)(2) of title 23, United States Code—

(A) the Northern New England High Speed Rail Corridor is expanded to include the train routes from Boston, Massachusetts, to Albany, New York, and from Springfield, Massachusetts, to New Haven, Connecticut; and

(B) the South Central Corridor is expanded to include the train route from Killeen, Texas, to Houston, Texas, via Bryan-College Station.

(d) RAILWAY-HIGHWAY CROSSINGS.—

(1) FUNDS FOR PROTECTIVE DEVICES.—Section 130(e) of such title is amended—

(A) by striking ''At'' and inserting the following:

''(1) IN GENERAL.—At''; and

(B) by adding at the end the following:

''(2) SPECIAL RULE.—If a State demonstrates to the satisfaction of the Secretary that the State has met all its needs for installation of protective devices at railway-highway crossings, the State may use funds made available by this subsection for other purposes by this section.''.

(2) APPORTIONMENT.—Section 130(f) of such title is amended to read as follows:

''(f) APPORTIONMENT.—

''(1) FORMULA.—Fifty percent of the funds authorized to be appropriated to carry out this section shall be apportioned to the States in accordance with the formula set forth in section 104(b)(3)(A), and 50 percent of such funds shall be apportioned to the States in the ratio that total public railway-highway crossings in each State bears to the total of such crossings in all States.

''(2) MINIMUM APPORTIONMENT.—Notwithstanding paragraph (1), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under paragraph (1).

''(3) FEDERAL SHARE.—The Federal share payable on account of any project financed with funds authorized to be appropriated to carry out this section shall be 90 percent of the cost thereof.''.

(3) BIENNIAL REPORT TO CONGRESS.—The third sentence of section 130(g) of such title is amended by striking ''not later than April 1 of each year,'' and inserting '', not later than April 1, 2005, and every 2 years thereafter,''.

(4) EXPENDITURE OF FUNDS.—Section 130 of such title is further amended by adding at the end the following:

''(k) EXPENDITURE OF FUNDS.—Not more than 2 percent of funds apportioned to a State to carry out this section may be used by the State for compilation and analysis of data in support of activities carried out under subsection (g).''.

(e) SURFACE TRANSPORTATION PROGRAM.—

(1) IN GENERAL.—Section 133(d) of such title is amended—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and

(C) in paragraph (2) (as so redesignated)—

(i) in subparagraph (A) by striking ''80 percent'' and inserting ''90 percent'';

(ii) in subparagraph (B) by striking ''tobe'' and inserting ''to be''; and

(iii) in subparagraph (D) by adding a period at the end.

(2) CONFORMING AMENDMENTS.—

(A) SECTION 133.—Section 133(e) is amended by striking ''(d)(2)'' and inserting ''(d)(1)'' in each of paragraphs (3)(B)(i), (5)(A), and (5)(B).

(B) SECTION 126.—Section 126(b) of such title is amended—

(i) by striking ''to the last sentence of section 133(d)(1) or'';

(ii) by striking ''section 133(d)(3)'' and inserting ''section 133(d)(2)''; and

(iii) by striking ''or 133(d)(2)''.

(f) HAZARD ELIMINATION PROGRAM.—

(1) PURPOSES.—Section 152(a)(1) of such title is amended—

(A) by striking ''and'' after ''bicyclists,''; and

(B) by inserting after ''pedestrians,'' the following: ''and the disabled, identify roadway safety improvement needs for such locations, sections, and elements,''.

(2) HAZARDS.—Section 152(a)(2)(A) of such title is amended by inserting ''the disabled,'' after ''pedestrians,''.

(3) APPROVAL OF PROJECTS.—Section 152(b) of such title is amended by inserting before the period at the end the following: ''that reduces the likelihood of crashes involving road departures, intersections, pedestrians, the disabled, bicyclists, older drivers, or construction work zones''.

(4) EXPENDITURE OF FUNDS.—Section 152(c) of such title is amended—

(A) in paragraph (2) by striking ''or'' at the end;

(B) in paragraph (3) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(4) police assistance for traffic and speed management in construction work zones;

''(5) installation of barriers between construction work zones and traffic lanes for the safety of motorists and workers; and

''(6) compilation and analysis of data under subsections (f) and (g) if the funds used for this purpose by a State do not exceed 2 percent of the amount apportioned to such State to carry out this section.''.

(5) APPORTIONMENT.—Section 152(d) of such title is amended to read as follows:

''(d) APPORTIONMENT.—

''(1) FORMULA.—Funds authorized to be appropriated to carry out this section shall be apportioned to the States in accordance with the formula set forth in section 104(b)(3)(A).

''(2) MINIMUM APPORTIONMENT.—Notwithstanding paragraph (1), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under paragraph (1).

''(3) FEDERAL SHARE.—The Federal share payable on account of any project financed with funds authorized to be appropriated to carry out this section shall be 90 percent of the cost thereof.''.

(6) BIENNIAL REPORT TO CONGRESS.—

(A) IN GENERAL.—Section 152 of such title is amended by adding at the end the following:

''(i) BIENNIAL REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this subsection, and every 2 years thereafter, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the program under this section. The report shall include, at a minimum, the following:

''(1) A summary of State projects completed under this section categorized by the types of hazards and a statement of the cost of such projects.

''(2) An analysis of the effectiveness of such categories of projects in reducing the number and severity of crashes at high hazard locations.

''(3) An assessment of the adequacy of authorized funding for the program and State use of such funding to address the national need for such projects.

''(4) Recommendations for funding and program improvements to reduce the number of high hazard locations.

''(5) An analysis and evaluation of each State program, an identification of any State found not to be in compliance with the schedule of improvements required by subsection (a), and recommendations for future implementation of the hazard elimination program.''.

(B) CONFORMING AMENDMENT.—Section 152(g) of such title is amended by striking the third sentence through the last sentence.

(g) EFFECTIVE DATE.—The amendments made by subsections (d), (e), and (f) shall take effect on September 30, 2004.

SEC. 1402. WORKER INJURY PREVENTION AND FREE FLOW OF VEHICULAR TRAFFIC.

Not later than 1 year after the date of enactment of this Act, the Secretary shall issue regulations to decrease the likelihood of worker injury and maintain the free flow of vehicular traffic by requiring workers whose duties place them on or in close proximity to a Federal-aid highway (as defined in section 101 of title 23, United States Code) to wear high visibility garments. Such regulations may also require such other worker-safety measures for workers with those duties as the Secretary determines appropriate.

SEC. 1403. HIGH RISK RURAL ROAD SAFETY IMPROVEMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish and implement a high risk rural road safety improvement program in accordance with this section.

(b) ELIGIBLE PROJECTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a State may obligate funds apportioned to it under this section only for construction and operational improvement projects on high risk rural roads and only if the primary purpose of the project is to improve highway safety on a high risk rural road.

(2) SPECIAL RULE.—A State may use funds apportioned to it under this section for any project approved by the Secretary under section 152 of title 23, United States Code, if the State certifies to the Secretary that it has no projects described in paragraph (1).

(c) STATE ALLOCATION SYSTEM.—Each State shall establish a system for allocating funds apportioned to it under this section among projects eligible for assistance under this section that have the highest benefits to highway safety. Such system may include a safety management system established by the State under section 303 of title 23, United States Code, or a survey established pursuant to section 152(a) of such title.

(d) APPORTIONMENT OF FUNDS.—On October 1 of each fiscal year, the Secretary shall apportion among States sums authorized to be appropriated to carry out this section for such fiscal year as follows:

(1) ⅓ in the ratio that—

(A) each State's public road lane mileage for rural minor collectors and rural local roads; bears to

(B) the total public road lane mileage for rural minor collectors and rural local roads of all States.

(2) ⅓ in the ratio that—

(A) the population of areas other than urbanized areas in each State, as shown by the most recent Government decennial census of population; bears to

(B) the population of all areas other than urbanized areas in the United States, as shown by that census.

(3) ⅓ in the ratio that—

(A) the total vehicle miles traveled on public roads in each State; bears to

(B) the total number of vehicle miles traveled on public roads in all States.

(e) APPLICABILITY OF TITLE 23.—Funds made available to carry out this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall not be transferable and shall remain available until expended and the Federal share of the cost of a project under this section shall be 80 percent. Notwithstanding any other provision of law, projects assisted under this section shall be treated as projects on a Federal-aid system under such chapter.

(f) DEFINITIONS.—In this section, the following definitions apply:

(1) HIGH RISK RURAL ROAD.—The term ''high risk rural road'' means any roadway functionally classified as a rural major or minor collector or a rural local road—

(A) on which the accident rate for fatalities and incapacitating injuries exceeds the statewide average for these functional classes of roadway; or

(B) which will likely have increases in traffic volume that are likely to create an accident rate for fatalities and incapacitating injuries that exceeds the statewide average for these functional classes of roadway.

(2) STATE AND URBANIZED AREA.—The terms ''State'' and ''urbanized area'' have the meaning such terms have under section 101(a) of title 23, United States Code.

SEC. 1404. TRANSFERS OF APPORTIONMENTS TO SAFETY PROGRAMS.

(a) USE OF SAFETY BELTS AND MOTORCYCLE HELMETS.—Section 153(h) of title 23, United States Code, is amended—

(1) in paragraph (2)—

(A) in the paragraph heading by striking ''THEREAFTER.—'' and inserting ''FISCAL YEARS 1995–2003.—''; and

(B) by inserting ''and ending before October 1, 2003,'' after ''September 30, 1994,'';

(2) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively;

(3) by inserting after paragraph (2) the following:

''(3) FISCAL YEAR 2004 AND THEREAFTER.—On October 1, 2003, and each October 1 thereafter, if a State does not have in effect a law described in subsection (a)(2), the Secretary shall transfer from the funds apportioned to the State on that date under each of subsections (b)(1), (b)(2), and (b)(3) of section 104 to the apportionment of the State under section 402 an amount equal to 3 percent of the funds apportioned to the State under such subsections for fiscal year 2003.''; and

(4) in paragraph (5) (as so redesignated)—

(A) by striking ''which is determined by multiplying'' and inserting ''which, for fiscal year 2004 and each fiscal year thereafter, is determined by multiplying''; and

(B) in subparagraph (B) by striking ''such fiscal year'' each place it appears and inserting ''fiscal year 2003''.

(b) OPEN CONTAINER REQUIREMENTS.—Section 154(c) of title 23, United States Code, is amended—

(1) in paragraph (2)—

(A) in the paragraph heading by striking ''AND FISCAL YEARS THEREAFTER''; and

(B) by striking ''and each October 1 thereafter,'';

(2) by redesignating paragraphs (3) through (7) as paragraphs (4) through (8), respectively;

(3) by inserting after paragraph (2) the following:

''(3) FISCAL YEAR 2004 AND THEREAFTER.—On October 1, 2003, and each October 1 thereafter, if a State has not enacted or is not enforcing an open container law described in subsection (b), the Secretary shall transfer from the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) an amount equal to 3 percent of the funds apportioned to the State under such paragraphs for fiscal year 2003 to be used or directed as described in subparagraph (A) or (B) of paragraph (1).'';

(4) in paragraph (5) (as so redesignated) by striking ''paragraph (3)'' and inserting ''paragraph (4)'';

(5) in paragraphs (4), (5), and (6) (as so redesignated) by striking ''paragraph (1) or (2)'' and inserting ''paragraph (1), (2), or (3)''; and

(6) in paragraph (7)(B) (as so redesignated)—

(A) by striking ''The amount'' and inserting ''For fiscal year 2004 and each fiscal year thereafter, the amount''; and

(B) in subclauses (I) and (II) of clause (ii) by striking ''the fiscal year'' and inserting ''fiscal year 2003''.

(c) MINIMUM PENALTIES FOR CERTAIN REPEAT OFFENDERS.—Section 164(b) of title 23, United States Code, is amended—

(1) in paragraph (2)—

(A) in the paragraph heading by striking ''AND FISCAL YEARS THEREAFTER''; and

(B) by striking ''and each October 1 thereafter,'';

(2) by redesignating paragraphs (3) through (7) as paragraphs (4) through (8), respectively;

(3) by inserting after paragraph (2) the following:

''(3) FISCAL YEAR 2004 AND THEREAFTER.—On October 1, 2003, and each October 1 thereafter, if a State has not enacted or is not enforcing a repeat intoxicated driver law, the Secretary shall transfer from the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) an amount equal to 3 percent of the funds apportioned to the State under such paragraphs for fiscal year 2003 to be used or directed as described in subparagraph (A) or (B) of paragraph (1).'';

(4) in paragraph (5) (as so redesignated) by striking ''paragraph (3)'' and inserting ''paragraph (4)'';

(5) in paragraphs (4), (5), and (6) (as so redesignated) by striking ''paragraph (1) or (2)'' and inserting ''paragraph (1), (2), or (3)''; and

(6) in paragraph (7)(B) (as so redesignated)—

(A) by striking ''The amount'' and inserting ''For fiscal year 2004 and each fiscal year thereafter, the amount''; and

(B) in subclauses (I) and (II) of clause (ii) by striking ''the fiscal year'' and inserting ''fiscal year 2003''.

SEC. 1405. SAFETY INCENTIVE GRANTS FOR USE OF SEAT BELTS.

Section 157(g)(1) of title 23, United States Code, is amended by striking ''fiscal year 2003'' and inserting ''each of fiscal years 2003 and 2004''.

SEC. 1406. SAFETY INCENTIVES TO PREVENT OPERATION OF MOTOR VEHICLES BY INTOXICATED PERSONS.

(a) CODIFICATION OF PENALTY.—Section 163 of title 23, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

''(e) PENALTY.—

''(1) IN GENERAL.—On October 1, 2003, and October 1 of each fiscal year thereafter, if a State has not enacted or is not enforcing a law described in subsection (a), the Secretary shall withhold from amounts apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) an amount equal to the amount specified in paragraph (2).

''(2) AMOUNT TO BE WITHHELD.—If a State is subject to a penalty under paragraph (1), the Secretary shall withhold for a fiscal year from the apportionments of the State described in paragraph (1) an amount equal to a percentage of the funds apportioned to the State under paragraphs (1), (3), and (4) of section 104(b) for fiscal year 2003. The percentage shall be as follows:

''(A) For fiscal year 2004, 2 percent.

''(B) For fiscal year 2005, 4 percent.

''(C) For fiscal year 2006, 6 percent.

''(D) For fiscal year 2007, and each fiscal year thereafter, 8 percent.

''(3) FAILURE TO COMPLY.—If, within 4 years from the date that an apportionment for a State is withheld in accordance with this subsection, the Secretary determines that the State has enacted and is enforcing a law described in subsection (a), the apportionment of the State shall be increased by an amount equal to the amount withheld. If, at the end of such 4-year period, any State has not enacted or is not enforcing a law described in subsection (a) any amounts so withheld from such State shall lapse.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 163(f)(1) of such title, as redesignated by subsection (a)(1) of this section, is amended by striking ''fiscal year 2003'' and inserting ''each of fiscal years 2003 and 2004''.

(c) REPEAL.—Section 351 of the Department of Transportation and Related Agencies Appropriations Act, 2001 (23 U.S.C. 163 note; 114 Stat. 1356A–34) is repealed.

SEC. 1407. REPEAT OFFENDERS FOR DRIVING WHILE INTOXICATED.

Section 164(a)(5)(A) of title 23, United States Code, is amended to read as follows:

''(A) receive (i) a driver's license suspension for not less than 1 year, or (ii) a combination of suspension of all driving privileges of an individual for the first 45 days of the suspension period followed by a reinstatement of limited driving privileges for the propose of getting to and from work, school, or an alcohol treatment program if an ignition interlock device is installed on each of the motor vehicles owned or operated, or both, by the individual;''.

Subtitle E—Construction and Contract Efficiencies

SEC. 1501. DESIGN–BUILD.

(a) QUALIFIED PROJECTS.—Section 112(b)(3)(C) of title 23, United States Code, is amended to read as follows:

''(C) QUALIFIED PROJECTS.—A qualified project referred to in subparagraph (A) is a project under this chapter for which the Secretary has approved the use of design-build contracting under criteria specified in regulations issued by the Secretary.''.

(b) EXPERIMENTAL PROCUREMENT.—Section 112(b)(3) of such title is further amended—

(1) by redesigning subparagraph (D) as subparagraph (G); and

(2) by inserting after subparagraph (C) the following:

''(D) EXPERIMENTAL PROCUREMENT.—As part of any experimental program carried out under this section, the Secretary shall evaluate the use of procurement procedures under this paragraph where subjective evaluation criteria account for the majority of the selection determination.

''(E) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as effecting the authority to carry out any experimental program concerning design-build contracting that is being carried out by the Secretary on the date of enactment of this subparagraph.

''(F) REPORT.—Not later than 3 years after the date of enactment of this subparagraph, the Secretary shall transmit to Congress a report on the effectiveness of design-build contracting procedures in which the majority of the selection determinations are made based on subjective criteria in accordance with subparagraph (D). ''.

SEC. 1502. WARRANTY HIGHWAY CONSTRUCTION PROJECT PILOT PROGRAM.

(a) IN GENERAL.—The Secretary shall establish and implement a pilot program designed to encourage States to incorporate warranties in the letting of contracts for highway construction projects.

(b) MAXIMUM NUMBER OF PROJECTS.—The Secretary may allow not more than 15 projects a year to be carried out under the pilot program.

(c) FEDERAL SHARE.—The Federal share of the costs of a project under the pilot program may not exceed 90 percent.

(d) MINIMUM PROJECT COST.—The estimated total cost of a project to be carried out under the pilot program must be greater than $15,000,000.

(e) SELECTION PROCESS.—In the selection process for the pilot program, the Secretary shall select, to the extent possible, projects from several different regions of the United States in order to demonstrate the effects that different climates and traffic patterns have on warranty highway construction projects.

(f) RULEMAKING.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue a rule to implement the pilot program. The rule shall include the following factors for eligibility of a highway construction project to be included in the program:

(A) A requirement that the contract for the project must include a long-term limited warranty that is of a duration sufficient to ensure that—

(i) the cost to the State of the project that will be carried out is less than the estimated cost to construct the project without the warranty plus the estimated costs that would be incurred by the State and that would otherwise be covered during the proposed warranty period if a warranty were in effect; and

(ii) the estimated cost to road users during the warranty period is less than such estimated cost without a warranty.

(B) In determining the sufficient duration of a long-term limited warranty under subparagraph (A), the Secretary shall establish separate sufficient durations for different types of projects,

such as initial construction, pavement resurfacing and rehabilitation, and pavement markings.

(C) A requirement that the limited warranty must address, at a minimum—

(i) the responsibilities of the warranty provider;

(ii) the responsibilities of the Department of Transportation;

(iii) the terms of the warranty, including duration and, if applicable, traffic volumes and vehicle classification; and

(iv) performance criteria to be met to determine if maintenance is required.

(2) FACTORS TO CONSIDER.—In issuing the rule, the Secretary may consider the following factors as requirements for the warranty contract for eligibility under the pilot program:

(A) A plan to account for inflation during the warranty period.

(B) The frequency of performance assessments performed.

(C) The response time for repairs.

(D) A plan for emergency repairs.

(E) Clearly set out limits of liability under the warranty, if any.

(F) Dispute resolution provisions.

(G) A severability provision.

(H) Other provisions the Secretary considers necessary for carrying out the program.

(g) SAVINGS.—Section 112 of title 23, United States Code, shall apply to the projects carried out under this section unless the Secretary determines that applying such section to such projects is inconsistent with the provisions of this section.

(h) REPORTS.—Not later than 5 years after the date of enactment of this Act and every year thereafter, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report outlining activities carried out under the program and the results of the program.

SEC. 1503. PRIVATE INVESTMENT STUDY.

(a) STUDY.—Not later than 6 months after the date of enactment of this Act, the Secretary shall enter into an agreement with the National Academy of Sciences to conduct a comprehensive study of private investment in surface transportation infrastructure.

(b) MATTERS TO BE EVALUATED.—Under the agreement, the National Academy of Sciences shall evaluate the advantages and disadvantages of private investment in surface transportation infrastructure and the impact of such investment on the ability of State and local authorities to use innovative financing, including—

(1) preconstruction funding requirements;

(2) integration of private investment in the transportation planning process;

(3) use of toll revenues by State and local authorities;

(4) use of toll credits by State and local authorities;

(5) requirements for debt financing instruments, reimbursable expenses, and conditions on payments;

(6) limitation on fees charged at federally funded fringe and corridor parking facilities;

(7) revenues needed to provide a reasonable rate of return to private investors;

(8) costs to users of facilities due to imposition of tolls;

(9) sales-in-lease-out arrangement of transportation assets; and

(10) such other matters as the Secretary considers appropriate.

(c) REPORT.—

(1) TO SECRETARY.—Under the agreement, the National Academy of Sciences shall submit to the Secretary a report on the results of the study by such date as the Secretary may require.

(2) TO CONGRESS.—Not later than January 1, 2006, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a copy of the report of the National Academy of Sciences, together with such recommendations as the Secretary considers appropriate.

SEC. 1504. HIGHWAYS FOR LIFE PILOT PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish and implement a pilot program to be known as the ''Highways for LIFE pilot program''.

(2) PURPOSE.—The purpose of the pilot program shall be to advance longer-lasting highways using innovative technologies and practices to accomplish the fast construction of efficient and safe highways and bridges.

(3) OBJECTIVES.—Under the pilot program, the Secretary shall provide leadership and incentives to demonstrate and promote state-of-the-art technologies, elevated performance standards, and new business practices in the highway construction process that result in improved safety, faster construction, reduced congestion from construction, and improved quality and user satisfaction.

(b) PROJECTS.—

(1) APPLICATIONS.—To be eligible to participate in the pilot program, a State shall submit to the Secretary an application that is in such form and contains such information as the Secretary requires. Each application shall contain a description of proposed projects to be carried by the State under the pilot program.

(2) ELIGIBILITY.—A proposed project shall be eligible for assistance under the pilot program if the project—

(A) constructs, reconstructs, or rehabilitates a route or connection on a Federal-aid highway eligible for assistance under chapter 1 of title 23, United States Code;

(B) uses innovative technologies, manufacturing processes, financing, or contracting methods that improve safety, reduce congestion due to construction, and improve quality; and

(C) meets additional criteria as determined by the Secretary.

(3) PROJECT PROPOSAL.—A project proposal submitted under paragraph (1) shall contain—

(A) an identification and description of the projects to be delivered;

(B) a description of how the projects will result in improved safety, faster construction, reduced congestion due to construction, user satisfaction, and improved quality;

(C) a description of the innovative technologies, manufacturing processes, financing, and contracting methods that will be used for the proposed projects; and

(D) such other information as the Secretary may require.

(4) SELECTION CRITERIA.—In selecting projects for approval under this section, the Secretary shall ensure that the projects provide an evaluation of a broad range of technologies in a wide variety of project types and shall give priority to the projects that—

(A) address achieving the Highways for LIFE performance standards for quality, safety, and speed of construction;

(B) deliver and deploy innovative technologies, manufacturing processes, financing, contracting practices, and performance measures that will demonstrate substantial improvements in safety, congestion, quality, and cost-effectiveness;

(C) include innovation that will lead to change in the administration of the State's transportation program to more quickly construct long-lasting, high-quality, cost-effective projects that improve safety and reduce congestion;

(D) are or will be ready for construction within 12 months of approval of the project proposal; and

(E) meet such other criteria as the Secretary determines appropriate.

(5) FINANCIAL ASSISTANCE.—

(A) FUNDS FOR HIGHWAYS FOR LIFE PROJECTS.—Out of amounts made available to carry out this section for a fiscal year, the Secretary may allocate to a State up to 20 percent, but not more than $15,000,000, of the total cost of a project approved under this section. Notwithstanding any other provision of law, funds allocated to a State under this subparagraph may be applied to the non-Federal share of the cost of construction of a project under title 23, United States Code.

(B) USE OF APPORTIONED FUNDS.—A State may obligate not more than 10 percent of the amount apportioned to the State under 1 or more of paragraphs (1), (2), (3), and (4) of section 104(b) of title 23, United States Code, for a fiscal year for projects approved under this section.

(C) INCREASED FEDERAL SHARE.—Notwithstanding sections 120 and 129 of title 23, United States Code, the Federal share payable on account of any project constructed with Federal funds allocated under this section, or apportioned under section 104(b) of such title, to a State under such title and approved under this section may amount to 100 percent of the cost of construction of such project.

(D) LIMITATION ON STATUTORY CONSTRUCTION.—Except as provided in subparagraph (C), nothing in this subsection shall be construed as altering or otherwise affecting the applicability of the requirements of chapter 1 of title 23, United States Code (including requirements relating to the eligibility of a project for assistance under the program and the location of the project), to amounts apportioned to a State for a program under section 104(b) that are obligated by the State for projects approved under this subsection.

(6) PROJECT SELECTIONS.—In the period of fiscal years 2004 through 2009, the Secretary shall approve at least one project in each State for participation in the pilot program and for financial assistance under paragraph (5) if the State submits an application and the project meets the eligibility requirements and selection criteria under this subsection.

(c) TECHNOLOGY PARTNERSHIPS.—

(1) IN GENERAL.—The Secretary may make grants or enter into cooperative agreements or other transactions to foster the development, improvement, and creation of innovative technologies and facilities to improve safety, enhance the speed of highway construction, and improve the quality and durability of highways.

(2) FEDERAL SHARE.—The Federal share of the cost of an activity carried out under this subsection shall not exceed 80 percent.

(d) TECHNOLOGY TRANSFER AND INFORMATION DISSEMINATION.—

(1) IN GENERAL.—The Secretary shall conduct a Highways for LIFE technology transfer program.

(2) AVAILABILITY OF INFORMATION.—The Secretary shall ensure that the information and technology used, developed, or deployed under this subsection is made available to the transportation community and the public.

(e) STAKEHOLDER INPUT AND INVOLVEMENT.—The Secretary shall establish a process for stakeholder input and involvement in the development, implementation, and evaluation of the Highways for LIFE pilot program. The process may include participation by representatives of State departments of transportation and other interested persons.

(f) PROJECT MONITORING AND EVALUATION.—The Secretary shall monitor and evaluate the effectiveness of any activity carried out under this section.

(g) CONTRACT AUTHORITY.—Funds authorized to be appropriated to carry out this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(h) STATE DEFINED.—In this section, the term ''State'' has the meaning such term has under section 101(a) of title 23, United States Code.

Subtitle F—Finance

SEC. 1601. TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT.

(a) DEFINITIONS.—Section 181 of title 23, United States Code, is amended—

(1) in paragraph (3)—

(A) by striking ''category''; and

(B) by striking ''offered into the capital markets'';

(2) by striking paragraph (7);

(3) by redesignating paragraphs (8) through (15) as paragraphs (7) through (14), respectively;

(4) by striking the period at the end of paragraph (8)(B) (as so redesignated) and inserting a semicolon; and

(5) in paragraph (10) (as so redesignated) by striking ''bond'' and inserting ''credit''.

(b) DETERMINATION OF ELIGIBILITY.—Section 182(a) of such title is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

''(1) INCLUSION IN TRANSPORTATION PLANS AND PROGRAMS.—The project shall satisfy the applicable planning and programming requirements of sections 134 and 135 at such time as an agreement to make available a Federal credit instrument is entered into under this subchapter.

''(2) APPLICATION.—A State, a local government, public authority, public-private partnership, or any other legal entity undertaking the project and authorized by the Secretary, shall submit a project application to the Secretary.'';

(2) in paragraph (3)(A)(i) by striking ''$100,000,000'' and inserting ''$50,000,000'';

(3) in paragraph (3)(B) by striking ''$30,000,000'' and inserting ''$15,000,000''; and

(4) in paragraph (4)—

(A) by striking ''Project financing'' and inserting ''The Federal credit instrument''; and

(B) by inserting before the period at the end ''that also secure the project obligations''.

(c) PROJECT SELECTION.—Section 182(b) of such title is amended—

(1) in paragraph (1) by striking ''criteria'' the second place it appears and inserting ''requirements''; and

(2) in paragraph (2)(B) by inserting '', which may be the Federal credit instrument,'' after ''obligations''.

(d) SECURED LOANS.—

(1) AGREEMENTS.—Section 183(a)(1) of such title is amended—

(A) in each of subparagraphs (A) and (B) by inserting ''of any project selected under section 602'' after ''costs''; and

(B) by striking the semicolon at the end of subparagraph (B) and all that follows through ''under section 602''.

(2) INVESTMENT-GRADE RATING REQUIREMENT.—Section 183(a)(4) of such title is amended—

(A) by striking ''The funding'' and inserting ''The execution''; and

(B) by striking the first comma and all that follows through ''1 rating agency''.

(3) TERMS AND LIMITATIONS.—Section 183(b) of such title is amended—

(A) in paragraph (2) by inserting ''the lesser of'' after ''exceed'';

(B) in paragraph (2) by inserting ''or the amount of the senior project obligations'' after ''costs'';

(C) in paragraph (3)(A)(i) by inserting ''that also secure the senior project obligations'' after ''sources''; and

(D) in paragraph (4) by striking ''marketable''.

(4) REPAYMENT.—Section 183(c) is amended—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(e) LINES OF CREDIT.—

(1) TERMS AND LIMITATIONS.—Section 184(b) of such title is amended—

(A) in paragraph (3)—

(i) by striking the first comma; and

(ii) by striking ''any debt service reserve fund, and any other available reserve'' and inserting ''but not including reasonably required financing reserves'';

(B) in paragraph (4)—

(i) by striking ''marketable'';

(ii) by striking ''on which'' and inserting ''of execution of''; and

(iii) by striking ''is obligated'' and inserting ''agreement''; and

(C) in paragraph (5)(A)(i) by inserting ''that also secure the senior project obligations'' after ''sources''; and

(2) REPAYMENT.—Section 184(c) of such title is amended—

(A) in paragraph (2)—

(i) by striking ''scheduled'';

(ii) by inserting ''be scheduled to'' after ''shall''; and

(iii) by striking ''be fully repaid, with interest,'' and inserting ''conclude, with full repayment of principal and interest,''; and

(B) by striking paragraph (3).

(f) PROGRAM ADMINISTRATION.—Section 185 of such title is amended to read as follows:

''§ 185. Program administration

''(a) REQUIREMENT.—The Secretary shall establish a uniform system to service the Federal credit instrument made available under this chapter.

''(b) FEES.—The Secretary may establish fees at a level to cover all or a portion of the costs to the Federal Government of servicing the Federal credit instrument.

''(c) SERVICES.—The Secretary may identify a financial entity to assist the Secretary in servicing a Federal credit instrument. The services—

''(1) shall act as the agent for the Secretary; and

''(2) shall receive a servicing fee, subject to approval by the Secretary.

''(d) ASSISTANCE FROM EXPERT FIRMS.—The Secretary may retain the services of one or more expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments.''.

(g) FUNDING.—Section 188 of such title is amended to read as follows:

''§ 188. Funding

''(a) FUNDING.—

''(1) IN GENERAL.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) $130,000,000 for fiscal year 2004 and $140,000,000 for each of fiscal years 2005 through 2009 to carry out this chapter.

''(2) ADMINISTRATIVE COSTS.—From funds made available under paragraph (1), the Secretary may use, for the administration of this subchapter, not more than $3,000,000 for each of fiscal years 2004 through 2009.

''(3) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until expended.

''(b) CONTRACT AUTHORITY.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, approval by the Secretary of a Federal credit instrument that uses funds made available under this chapter shall be deemed to be acceptance by the United States of a contractual obligation to fund the Federal credit instrument.

''(2) AVAILABILITY.—Amounts authorized under this section for a fiscal year shall be available for obligation on October 1 of the fiscal year.

''(c) LIMITATIONS ON CREDIT AMOUNTS.—For each of fiscal years 2004 through 2009, principal amounts of Federal credit instruments made available under this chapter shall be limited to $2,600,000,000.''.

SEC. 1602. STATE INFRASTRUCTURE BANKS.

(a) IN GENERAL.—Section 189 of title 23, United States Code, is amended to read as follows:

''§ 189. State infrastructure bank program

''(a) DEFINITIONS.—In this section, the following definitions apply:

''(1) CAPITAL PROJECT.—The term 'capital project' has the meaning such term has under section 5302 of title 49, United States Code.

''(2) OTHER FORMS OF CREDIT ASSISTANCE.—The term 'other forms of credit assistance' includes any use of funds in an infrastructure bank—

''(A) to provide credit enhancements;

''(B) to serve as a capital reserve for bond or debt instrument financing;

''(C) to subsidize interest rates;

''(D) to insure or guarantee letters of credit and credit instruments against credit risk of loss;

''(E) to finance purchase and lease agreements with respect to transit projects;

''(F) to provide bond or debt financing instrument security; and

''(G) to provide other forms of debt financing and methods of leveraging funds that are approved by the Secretary and that relate to the project with respect to which such assistance is being provided.

''(3) STATE.—The term 'State' has the meaning such term has under section 401 of this title.

''(4) CAPITALIZATION.—The term 'capitalization' means the process used for depositing funds as initial capital into a State infrastructure bank to establish the infrastructure bank.

''(5) COOPERATIVE AGREEMENT.—The term 'cooperative agreement' means written consent between a State and the Secretary which sets forth the manner in which the infrastructure bank established by the State in accordance with this section will be administered.

''(6) LOAN.—The term 'loan' means any form of direct financial assistance from a State infrastructure bank that is required to be repaid over a period of time and that is provided to a project sponsor for all or part of the costs of the project.

''(7) GUARANTEE.—The term 'guarantee' means a contract entered into by a State infrastructure bank in which the bank agrees to take responsibility for all or a portion of a project sponsor's financial obligations for a project under specified conditions.

''(8) INITIAL ASSISTANCE.—The term 'initial assistance' means the first round of funds that are loaned or used for credit enhancement by a State infrastructure bank for projects eligible for assistance under this section.

''(9) LEVERAGE.—The term 'leverage' means a financial structure used to increase funds in a State infrastructure bank through the issuance of debt instruments.

''(10) LEVERAGED.—The term 'leveraged', as used with respect to a State infrastructure bank, means that the bank has total potential liabilities that exceed the capital of the bank.

''(b) COOPERATIVE AGREEMENTS.—Subject to the provisions of this section, the Secretary may enter into cooperative agreements with States for the establishment of State infrastructure banks for making loans and providing other forms of credit assistance to public and private entities carrying out or proposing to carry out projects eligible for assistance under this section.

''(c) INTERSTATE COMPACTS.—Congress grants consent to 2 or more of the States, entering into a cooperative agreement under subsection (a) with the Secretary for the establishment by such States of a multi-State infrastructure bank in accordance with this section, to enter into an interstate compact establishing such bank in accordance with this section.

''(d) FUNDING.—

''(1) HIGHWAY ACCOUNT.—Subject to subsection (j), the Secretary may permit a State entering into a cooperative agreement under this section to establish a State infrastructure bank to deposit into the highway account of the bank not to exceed—

''(A) 10 percent of the funds apportioned to the State for each of fiscal years 2004 through 2009 under each of sections 104(b)(1), 104(b)(3), 104(b)(4), and 144; and

''(B) 10 percent of the funds allocated to the State for each of such fiscal years under section 105.

''(2) TRANSIT ACCOUNT.—Subject to subsection (j), the Secretary may permit a State entering into a cooperative agreement under this section to establish a State infrastructure bank, and any other recipient of Federal assistance under section 5307, 5309, or 5311 of title 49, to deposit

into the transit account of the bank not to exceed 10 percent of the funds made available to the State or other recipient in each of fiscal years 2004 through 2009 for capital projects under each of such sections.

''(3) RAIL ACCOUNT.—Subject to subsection (j), the Secretary may permit a State entering into a cooperative agreement under this section to establish a State infrastructure bank, and any other recipient of Federal assistance under subtitle V of title 49, to deposit into the rail account of the bank funds made available to the State or other recipient in each of fiscal years 2004 through 2009 for capital projects under such subtitle.

''(4) CAPITAL GRANTS.—

''(A) HIGHWAY ACCOUNT.—Federal funds deposited into a highway account of a State infrastructure bank under paragraph (1) shall constitute for purposes of this section a capitalization grant for the highway account of the bank.

''(B) TRANSIT ACCOUNT.—Federal funds deposited into a transit account of a State infrastructure bank under paragraph (2) shall constitute for purposes of this section a capitalization grant for the transit account of the bank.

''(C) RAIL ACCOUNT.—Federal funds deposited into a rail account of a State infrastructure bank under paragraph 3 shall constitute for purposes of this section a capitalization grant for the rail account of the bank.

''(5) SPECIAL RULE FOR URBANIZED AREAS OF OVER 200,000.—Funds in a State infrastructure bank that are attributed to urbanized areas of a State with urbanized populations of over 200,000 under section 133(d)(3) may be used to provide assistance with respect to a project only if the metropolitan planning organization designated for such area concurs, in writing, with the provision of such assistance.

''(6) DISCONTINUANCE OF FUNDING.—If the Secretary determines that a State is not implementing the State's infrastructure bank in accordance with a cooperative agreement entered into under subsection (b), the Secretary may prohibit the State from contributing additional Federal funds to the bank.

''(e) FORMS OF ASSISTANCE FROM INFRASTRUCTURE BANKS.—An infrastructure bank established under this section may make loans or provide other forms of credit assistance to a public or private entity in an amount equal to all or a part of the cost of carrying out a project eligible for assistance under this section. The amount of any loan or other form of credit assistance provided for the project may be subordinated to any other debt financing for the project. Initial assistance provided with respect to a project from Federal funds deposited into an infrastructure bank under this section may not be made in the form of a grant.

''(f) ELIGIBLE PROJECTS.—Subject to subsection (e), funds in an infrastructure bank established under this section may be used only to provide assistance for projects eligible for assistance under this title and capital projects defined in section 5302 of title 49, and any other projects related to surface transportation that the Secretary determines to be appropriate.

''(g) INFRASTRUCTURE BANK REQUIREMENTS.—In order to establish an infrastructure bank under this section, the State establishing the bank shall—

''(1) deposit in cash, at a minimum, into each account of the bank from non-Federal sources an amount equal to 25 percent of the amount of each capitalization grant made to the State and deposited into such account; except that, if the deposit is into the highway account of the bank and the State has a non-Federal share under section 120(b) that is less than 25 percent, the percentage to be deposited from non-Federal sources shall be the lower percentage of such grant;

''(2) ensure that the bank maintains on a continuing basis an investment grade rating on its debt, or has a sufficient level of bond or debt financing instrument insurance, to maintain the viability of the bank;

''(3) ensure that investment income derived from funds deposited to an account of the bank are—

''(A) credited to the account;

''(B) available for use in providing loans and other forms of credit assistance to projects eligible for assistance from the account; and

''(C) invested in United States Treasury securities, bank deposits, or such other financing instruments as the Secretary may approve to earn interest to enhance the leveraging of projects assisted by the bank;

''(4) ensure that any loan from the bank will bear interest at or below market interest rates, as determined by the State, to make the project that is the subject of the loan feasible;

''(5) ensure that repayment of any loan from the bank will commence not later than 5 years after the project has been completed or, in the case of a highway project, the facility has opened to traffic, whichever is later;

''(6) ensure that the term for repaying any loan will not exceed 30 years after the date of the first payment on the loan; and

''(7) require the bank to make an annual report to the Secretary on its status no later than September 30 of each year and such other reports as the Secretary may require under guidelines issued to carry out this section.

''(h) APPLICABILITY OF FEDERAL LAW.—

''(1) IN GENERAL.—The requirements of this title and title 49 that would otherwise apply to funds made available under this title or such title and projects assisted with those funds shall apply to—

''(A) funds made available under this title or such title and contributed to an infrastructure bank established under this section, including the non-Federal contribution required under subsection (g); and

''(B) projects assisted by the bank through the use of the funds;

except to the extent that the Secretary determines that any requirement of such title (other than sections 113 and 114 of this title and section 5333 of title 49), is not consistent with the objectives of this section.

''(2) REPAYMENTS.—The requirements of this title and title 49 shall apply to repayments from non-Federal sources to an infrastructure bank from projects assisted by the bank. Such a repayment shall be considered to be Federal funds.

''(i) UNITED STATES NOT OBLIGATED.—The deposit of Federal funds into an infrastructure bank established under this section shall not be construed as a commitment, guarantee, or obligation on the part of the United States to any third party, nor shall any third party have any right against the United States for payment solely by virtue of the contribution. Any security or debt-financing instrument issued by the infrastructure bank shall expressly state that the security or instrument does not constitute a commitment, guarantee, or obligation of the United States.

''(j) MANAGEMENT OF FEDERAL FUNDS.—Sections 3335 and 6503 of title 31, shall not apply to funds deposited into an infrastructure bank under this section.

''(k) PROGRAM ADMINISTRATION.—For each of fiscal years 2004 through 2009, a State may expend not to exceed 2 percent of the Federal funds contributed to an infrastructure bank established by the State under this section to pay the reasonable costs of administering the bank.''.

(b) PREPARATORY AMENDMENTS.—

(1) SECTION 181.—Section 181 of such title is further amended—

(A) by striking the section designator and heading and inserting the following:

***''§ 181. Generally applicable provisions''**;*

(B) by striking ''In this subchapter'' and inserting ''(a) DEFINITIONS.—In this chapter'';

(C) in paragraph (5) by striking ''184'' and inserting ''604''; and

(D) in paragraph (11) (as redesignated by section 1601(a) of this Act) by striking ''183'' and inserting ''603''; and

(E) by adding at the end the following:

''(b) TREATMENT OF CHAPTER.—For purposes of this title, this chapter shall be treated as being part of chapter 1.''.

(2) SECTION 182.—Section 182(b)(2)(A)(viii) of such title is further amended by inserting ''and chapter 1'' after ''this chapter''.

(3) SECTION 183.—Section 183(a) of such title is further amended—

(A) in paragraph (1) by striking ''182'' and inserting ''602''; and

(B) in paragraph (3) by striking ''182(b)(2)(B)'' and inserting ''602(b)(2)(B)''.

(4) SECTION 184.—Section 184 of such title is further amended—

(A) in subsection (a)(1) by striking ''182'' and inserting ''602'';

(B) in subsection (a)(3) by striking ''182(b)(2)(B)'' and inserting ''602(b)(2)(B)''; and

(C) in subsection (b)(10) by striking ''183'' and inserting ''603''.

(5) REFERENCES IN SUBCHAPTER.—Subchapter II of chapter 1 of such title is amended by striking ''this subchapter'' each place it appears and inserting ''chapter''.

(6) SUBCHAPTER HEADINGS.—Chapter 1 of such title is further amended—

*(A) by striking ''**SUBCHAPTER I—GENERAL PROVISIONS**'' preceding section 101; and*

*(B) by striking ''**SUBCHAPTER II—INFRASTRUCTURE FINANCE**'' preceding section 181.*

(c) CHAPTER 6.—Such title is further amended by adding at the end the following:

''CHAPTER 6—INFRASTRUCTURE FINANCE

''Sec.
''601. Generally applicable provisions.
''602. Determination of eligibility and project selection.
''603. Secured loans.
''604. Lines of credit.
''605. Program administration.
''606. State and local permits.
''607. Regulations.
''608. Funding.
''609. State infrastructure bank program.''.

(d) MOVING AND REDESIGNATING.—Such title is further amended—

(1) by redesignating sections 181 through 189 as sections 601 through 609, respectively;

(2) by moving such sections from chapter 1 to chapter 6 (as added by subsection (c)); and

(3) by inserting such sections after the analysis for chapter 6.

(e) ANALYSIS FOR CHAPTER 1 AND TABLE OF CHAPTERS.—

(1) ANALYSIS FOR CHAPTER 1.—The analysis for chapter 1 of such title is amended—

(A) by striking the headings for subchapters I and II; and

(B) by striking the items relating to sections 181 through 189.

(2) TABLE OF CHAPTERS.—The table of chapters for such title is amended by inserting after the item relating to chapter 5 the following:

''6. Infrastructure and Finance	*601''.*

SEC. 1603. INTERSTATE SYSTEM RECONSTRUCTION AND REHABILITATION TOLL PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish and implement an Interstate System reconstruction and rehabilitation toll pilot program under which the Secretary, notwithstanding sections 129 and 301 of title 23, United States Code, may permit a State to collect tolls on a highway, bridge, or tunnel on the Interstate System for the purpose of reconstructing and rehabilitating the facility.

(b) LIMITATION ON NUMBER OF FACILITIES.—The Secretary may permit the collection of tolls under this section on 3 facilities on the Interstate System. Each of such facilities shall be located in a different State.

(c) ELIGIBILITY.—To be eligible to participate in the pilot program, a State shall submit to the Secretary an application that contains, at a minimum, the following:

(1) An identification of the facility on the Interstate System proposed to be a toll facility, including the age, condition, and intensity of use of the facility.

(2) In the case of a facility that affects a metropolitan area, an assurance that the metropolitan planning organization designated under chapter 52 of title 49, United States Code, for the area has been consulted concerning the placement and amount of tolls on the facility.

(3) An analysis demonstrating that financing the reconstruction or rehabilitation of the facility with the collection of tolls under the pilot program is the most efficient and economical way to advance the project.

(4) A facility management plan that includes—

(A) a plan for implementing the imposition of tolls on the facility;

(B) a schedule and finance plan for the reconstruction or rehabilitation of the facility using toll revenues;

(C) a description of the public transportation agency that will be responsible for implementation and administration of the pilot program;

(D) a description of whether consideration will be given to privatizing the maintenance and operational aspects of the facility, while retaining legal and administrative control of the portion of the Interstate route; and

(E) such other information as the Secretary may require.

(d) SELECTION CRITERIA.—The Secretary may approve the application of a State under subsection (c) only if the Secretary determines that—

(1) the State's analysis under subsection (c)(3) is reasonable;

(2) the facility has a sufficient intensity of use, age, or condition to warrant the collection of tolls;

(3) the State plan for implementing tolls on the facility takes into account the interests of local, regional, and interstate travelers;

(4) the State plan for reconstruction or rehabilitation of the facility using toll revenues is reasonable;

(5) the State will develop, manage, and maintain a system that will automatically collect the tolls;

(6) in developing the State plan for implementing tolls on the facility, the State includes a program to permit low-income drivers to pay a reduced toll amount; and

(7) the State has given preference to the use of a public toll agency with demonstrated capability to build, operate, and maintain a toll expressway system meeting criteria for the Interstate System.

(e) PROHIBITION ON NONCOMPETE AGREEMENTS.—Before the Secretary may permit a State to participate in the pilot program, the State must enter into an agreement with the Secretary that provides that the State will not enter into an agreement with a private person under which the State is prevented from improving or expanding the capacity of public roads adjacent to the toll facility to address conditions resulting from traffic diverted to such roads from the toll facility, including—

(1) excessive congestion;

(2) pavement wear; and

(3) an increased incidence of traffic accidents, injuries, or fatalities.

(f) LIMITATIONS ON USE OF REVENUES; AUDITS.—Before the Secretary may permit a State to participate in the pilot program, the State must enter into an agreement with the Secretary that provides that—

(1) all toll revenues received from operation of the toll facility will be used only for—

(A) debt service;

(B) reasonable return on investment of any private person financing the project; and

(C) any costs necessary for the improvement of and the proper operation and maintenance of the toll facility, including reconstruction, resurfacing, restoration, and rehabilitation of the toll facility; and

(2) regular audits will be conducted to ensure compliance with paragraph (1) and the results of such audits will be transmitted to the Secretary.

(g) LIMITATION ON USE OF INTERSTATE MAINTENANCE FUNDS.—During the term of the pilot program, funds apportioned for Interstate maintenance under section 104(b)(4) of title 23, United States Code, may not be used on a facility for which tolls are being collected under the program.

(h) PROGRAM TERM.—The Secretary may approve an application of a State for permission to collect a toll under this section only if the application is received by the Secretary before the last day of the 10-year period beginning on the date of enactment of this Act.

(i) INTERSTATE SYSTEM DEFINED.—In this section, the term ''Interstate System'' has the meaning such term has under section 101 of title 23, United States Code.

(j) REPORT.—Not later than September 30, 2011, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on traffic congestion on, pavement wear of, and incidence of accidents, injuries, and fatalities on public roads adjacent to toll facilities established under this section and section 1604.

(k) REPEAL.—Section 1216(b) of the Transportation Equity Act for the 21st Century (23 U.S.C. 129 note; 112 Stat. 212) is repealed.

SEC. 1604. INTERSTATE SYSTEM CONSTRUCTION TOLL PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish and implement an Interstate System construction toll pilot program under which the Secretary, notwithstanding sections 129 and 301 of title 23, United States Code, may permit a State or an interstate compact of States to collect tolls on a highway, bridge, or tunnel on the Interstate System for the purpose of constructing Interstate highways.

(b) LIMITATION ON NUMBER OF FACILITIES.—The Secretary may permit the collection of tolls under this section on 3 facilities on the Interstate System.

(c) ELIGIBILITY.—To be eligible to participate in the pilot program, a State shall submit to the Secretary an application that contains, at a minimum, the following:

(1) An identification of the facility on the Interstate System proposed to be a toll facility.

(2) In the case of a facility that affects a metropolitan area, an assurance that the metropolitan planning organization designated under chapter 52 of title 49, United States Code, for the area has been consulted concerning the placement and amount of tolls on the facility.

(3) An analysis demonstrating that financing the construction of the facility with the collection of tolls under the pilot program is the most efficient and economical way to advance the project.

(4) A facility management plan that includes—

(A) a plan for implementing the imposition of tolls on the facility;

(B) a schedule and finance plan for the construction of the facility using toll revenues;

(C) a description of the public transportation agency that will be responsible for implementation and administration of the pilot program;

(D) a description of whether consideration will be given to privatizing the maintenance and operational aspects of the facility, while retaining legal and administrative control of the portion of the Interstate route; and

(E) such other information as the Secretary may require.

(d) SELECTION CRITERIA.—The Secretary may approve the application of a State under subsection (c) only if the Secretary determines that—

(1) the State's analysis under subsection (c)(3) is reasonable;

(2) the State plan for implementing tolls on the facility takes into account the interests of local, regional, and interstate travelers;

(3) the State plan for construction of the facility using toll revenues is reasonable;

(4) the State will develop, manage, and maintain a system that will automatically collect the tolls;

(5) in developing the State plan for implementing tolls on the facility, the State includes a program to permit low-income drivers to pay a reduced toll amount; and

(6) the State has given preference to the use of a public toll agency with demonstrated capability to build, operate, and maintain a toll expressway system meeting criteria for the Interstate System.

(e) PROHIBITION ON NONCOMPETE AGREEMENTS.—Before the Secretary may permit a State to participate in the pilot program, the State must enter into an agreement with the Secretary that provides that the State will not enter into an agreement with a private person under which the State is prevented from improving or expanding the capacity of public roads adjacent to the toll facility to address conditions resulting from traffic diverted to such roads from the toll facility, including—

(1) excessive congestion;

(2) pavement wear; and

(3) an increased incidence of traffic accidents, injuries, or fatalities.

(f) LIMITATIONS ON USE OF REVENUES; AUDITS.—Before the Secretary may permit a State to participate in the pilot program, the State must enter into an agreement with the Secretary that provides that—

(1) all toll revenues received from operation of the toll facility will be used only for—

(A) debt service;

(B) reasonable return on investment of any private person financing the project; and

(C) any costs necessary for the improvement of and the proper operation and maintenance of the toll facility, including reconstruction, resurfacing, restoration, and rehabilitation of the toll facility; and

(2) regular audits will be conducted to ensure compliance with paragraph (1) and the results of such audits will be transmitted to the Secretary.

(g) LIMITATION ON USE OF INTERSTATE MAINTENANCE FUNDS.—During the term of the pilot program, funds apportioned for Interstate maintenance under section 104(b)(4) of title 23, United States Code, may not be used on a facility for which tolls are being collected under the program.

(h) PROGRAM TERM.—The Secretary may approve an application of a State for permission to collect a toll under this section only if the application is received by the Secretary before the last day of the 10-year period beginning on the date of enactment of this Act.

(i) INTERSTATE SYSTEM DEFINED.—In this section, the term ''Interstate System'' has the meaning such term has under section 101 of title 23, United States Code.

SEC. 1605. USE OF EXCESS FUNDS.

Section 106 of title 23, United States Code, is amended by adding at the end the following:

''(i) USE OF EXCESS FUNDS.—

''(1) AUDITS.—A State may audit projects funded with amounts apportioned under sections 104 and 144 to determine whether any amounts obligated for a project are excess funds.

''(2) PLANS FOR USE OF EXCESS FUNDS.—If a State determines, after conducting an audit under paragraph (1), that funds obligated for a project are excess funds, the State may develop a plan for obligating the funds for the design and construction of one or more projects that are eligible for funding under the program for which the funds were originally apportioned.

''(3) CERTIFICATION TO THE SECRETARY.—A State that has developed a plan under paragraph (2) shall transmit to the Secretary a certification that the State has conducted an audit

under paragraph (1) and developed the plan in accordance with paragraph (2).

''(4) IMPLEMENTATION OF PLANS.—After transmitting a certification to the Secretary with respect to a plan under paragraph (3), the State may carry out the plan.

''(5) APPLICABILITY OF REQUIREMENTS.—Excess funds used to carry out a project under this section shall be subject to the requirements of this title that are applicable to the program for which the funds were originally apportioned.

''(6) EXCESS FUNDS DEFINED.—In this subsection, the term 'excess funds' means funds obligated for a project that remain available for the project after the project has been completed.''.

Subtitle G—High Priority Projects

SEC. 1701. HIGH PRIORITY PROJECTS PROGRAM.

(a) AUTHORIZATION OF HIGH PRIORITY PROJECTS.—Section 117(a) of title 23, United States Code, is amended by striking ''1602 of the Transportation Equity Act for the 21st Century'' and inserting ''1701 of the Transportation Equity Act: A Legacy for Users''.

(b) ALLOCATION PERCENTAGES.—Section 117(b) of such title is amended by striking paragraphs (1) through (6) and inserting the following:

''(1) 19.6 percent of such amount shall be available for obligation beginning in fiscal year 2004;

''(2) 18.5 percent of such amount shall be available for obligation beginning in fiscal year 2005;

''(3) 16.3 percent of such amount shall be available for obligation beginning in fiscal year 2006;

''(4) 15.3 percent of such amount shall be available for obligation beginning in fiscal year 2007;

''(5) 15.8 percent of such amount shall be available for obligation beginning in fiscal year 2008; and

''(6) 14.5 percent of such amount shall be available for obligation beginning in fiscal year 2009.''.

(c) FEDERAL SHARE.—Section 117(c) of such title is amended by striking ''; except'' and all that follows through ''cost thereof''.

(d) ADVANCE CONSTRUCTION.—Section 117(e) of such title is amended by striking ''1602 of the Transportation Equity Act for the 21st Century'' each place it appears and inserting ''1701 of the Transportation Equity Act: A Legacy for Users''.

(e) AVAILABILITY OF OBLIGATION LIMITATION.—Section 117(g) of such title is amended by striking ''Transportation Equity Act for the 21st Century'' and inserting ''Transportation Equity Act: A Legacy for Users''.

(f) FEDERAL-STATE RELATIONSHIP.—Section 145(b) of such title is amended—

(1) by inserting after ''described in'' the following: ''section 1702 of the Transportation Equity Act: A Legacy for Users,'';

(2) by inserting after ''for such projects by'' the following: ''section 1101(a)(17) of the Transportation Equity Act: A Legacy for Users,''; and

(3) by striking ''117 of title 23, United States Code,'' and inserting ''section 117 of this title,''.

SEC. 1702. PROJECT AUTHORIZATIONS.

Subject to section 117 of title 23, United States Code, the amount listed for each high priority project in the following table shall be available (from amounts made available by section 1101(a)(17) of the Transportation Equity Act: A Legacy for Users) for fiscal years 2004 through 2009 to carry out each such project:

High Priority Projects

No.	State	Project Description	Amount
1.	Alaska	Bogard/Seldon Extension in Matanuska-Susitna Borough	$4,000,000.00
2.	Utah	Widen and improve Geneva Road/ SR-114 connecting Provo Utah and Plesant Grove Utah	$2,100,000.00
3.	Mississippi	Philadelphia Bypass Hwys 15 to 19:Four-lane bypass connecting MS Hwys 15, 16 & 19 south of Philadelphia with major interchanges at each connection point.	$1,500,000.00
4.	Virginia	Town of Pound Riverwalk -construction of pedestrian riverwalk, Town of Pound	$100,000.00
5.	California	Construct parking lot and improved museum pedestrian access from the trolley station, San Diego.	$1,000,000.00
6.	Pennsylvania	Improve State Route 1001 at Section 601 from the Village of Lockport to Queensrun	$1,000,000.00
7.	Kansas	Construct 127th Street bridge over I-35, Olathe	$3,000,000.00
8.	New York	Improvements to Rt. 32/17/6 and County Route 105 in Orange County - NY	$9,000,000.00
9.	Missouri	Resurfacing and shoulder widening on US 136, and replacement of 2 deficient bridges	$3,000,000.00
10.	New Hampshire	Replace Ash Street, Pillsbury Road bridge over I93 in Londonderry	$1,430,000.00
11.	Georgia	Pave portions of CR345, CR44, and CR 45, Hancock County	$370,000.00
12.	Georgia	Install traffic lights and pedestrian walkways on Highway 441 at MLK, Jr. Boulevard, Dublin	$500,000.00
13.	Washington	Construct a multi-jurisdictional non-motorized transportation project parallel to SR99 called the Interurban Trail.	$2,000,000.00
14.	Virginia	Green Cove - improvements to existing Forest Service facility located at the trailhead of the Virginia Creeper Trail.	$100,000.00
15.	Michigan	Westland, Reconstruct and Widen Palmer Road	$2,500,000.00
16.	Mississippi	Upgrade roads in Port Gibson (U.S. Hwy 61), Claiborne County	$600,000.00
17.	New York	Build a structural deck that spans the New Haven Railroad cut to create parking for commuters, Mount Vernon.	$2,000,000.00
18.	California	Improvement of intersection at Aviation Blvd. and Rosecrans Ave. to reduce congestion, Hawthorne.	$2,000,000.00
19.	Illinois	Improvements to Diehl Road between Eola Road and Route 59	$500,000.00
20.	New Jersey	Streetscape Improvements to Clements Bridge Road from Newton Avenue to New Jersey Turnpike, Barrington.	$500,000.00
21.	New York	Design and construct new Interchange 11A on I-87, connector road extending from I-87 to Route 9/67, and interchange between the connector road and Route 9/67.	$3,400,000.00
22.	Massachusetts	Planning and construction of East Boston Haul Road, Boston	$6,000,000.00
23.	Arkansas	Construction of Camden Port Access Road, Camden	$480,000.00
24.	New York	Construct phase 2 of the Grand Concourse improvements from East 161st St. to East 166th St	$10,000,000.00
25.	Ohio	Construct upgrade of SR 16 to 4 lanes from SR 60 to SR 16 in Coshocton County	$3,000,000.00
26.	California	Construct Cypress Avenue over-pass to separate Interstate 10 and Union Pacific Railroad tracks, Fontana.	$3,500,000.00
27.	Arkansas	Improvements to Johnson Road from Hwy 412 to I-540 through Springdale and Johnson	$6,000,000.00
28.	Minnesota	For design of an extension of road from TH10 in the city of Blaine north to the city of Ham Lake	$2,000,000.00
29.	California	8.5 miles of six and eight lane arterial roadways, building an essential east-west route across Santa Clarita Valley.	$5,000,000.00
30.	Iowa	Completion of Highway 20 from Fort Dodge, Iowa through Sioux City, Iowa	$3,000,000.00
31.	Alabama	I-65 interchange at CR-222 between SR-69 and US-278	$1,000,000.00
32.	Minnesota	Becker County CR 143 and CR 124 improvements	$960,000.00
33.	South Carolina	BMW/I-85 Interchange - construct a new interchange on I-85 between the Greenville Spartanburg Airport and SC Highway 101 interchanges.	$10,000,000.00
34.	Illinois	Construct bike/pedestrian paths, Orland Hills	$350,000.00
35.	New York	Rehabilitate a historic warehouse on the Erie Canal in the Town of Lyon, NY	$600,000.00
36.	Arkansas	Improvements to the I-540 and SH-102 Interchange in Bentonville	$1,420,000.00
37.	Florida	Airport Entrance Streetscape, Sanford	$500,000.00
38.	Washington	East Marine View Drive Widening, Everett	$9,000,000.00
39.	Ohio	Improvements to the intersection of Fulton Dr. and Wales Ave. in Jackson Township	$2,000,000.00
40.	Oregon	Highway 34/Corvallis Bypass Intersection	$2,100,000.00
41.	New Jersey	Route 82 Union County Streetscape improvements, including signing and lighting upgrades in Elizabeth City and Union Township.	$1,000,000.00
42.	Illinois	Construct connector road between Collinsville Rd to IL 3/North First Street, St. Clair County	$6,400,000.00
43.	Colorado	New bridge across Roaring Fork River near S end of Glenwood Springs, improve roads connecting Midland Ave/SH 82.	$6,500,000.00
44.	Pennsylvania	Design and construct improvements to the I-81/Route 465 interchange and Route 465 from Walnut Bottom Road to PA 641.	$3,870,500.00
45.	Texas	Extend and improve Mission Trails Project, San Antonio	$4,000,000.00
46.	Minnesota	Improve TH241 in St. Michael, MN by increasing lanes from 2 to 4	$4,000,000.00
47.	Ohio	Upgrade safety devices at Sheldon Road Crossing, Berea	$140,000.00
48.	Michigan	Gravel and paving of remaining 3.2 miles in 5.5 mile stretch of Jacobsville Road, Houghton County.	$430,000.00
49.	New York	Implement safety measures at Railroad grade crossings in Rockland County	$1,000,000.00
50.	Illinois	Construct pedestrian underpass at South Shore Drive and 67th Street, Chicago	$1,000,000.00
51.	Ohio	Bicycle Trails construction and design in Bainbridge Township	$1,440,000.00

High Priority Projects—Continued

No.	State	Project Description	Amount
52.	Ohio	Construct MetroParks Bikeway, Mahoning County	$376,000.00
53.	Georgia	Streetscape [pedestrian safety enhancements, sidewalks, curb replacement, restoration, landscaping, ADA compliance], Bainbridge.	$600,000.00
54.	Nebraska	Construct an 8.7 mile roadway constituting the first phase of a comprehensive Beltway System around the City of Lincoln.	$14,566,300.00
55.	Minnesota	Design engineering and ROW acquisition to reconstruct TH95 bridge, North Branch	$1,000,000.00
56.	Virginia	Improve Colorado Street bridge, Salem	$1,000,000.00
57.	California	Implement streetscape improvements on segments of Laurel Canyon Blvd. and Victory Blvd., North Hollywood.	$1,200,000.00
58.	New Jersey	Bicycle and pedestrian paths for New Jersey Underground Railroad	$1,000,000.00
59.	Arizona	Major widening of SR 95 within Lake Havasu City	$2,000,000.00
60.	Minnesota	Lake Street Access to I-35W, Minneapolis	$10,000,000.00
61.	New York	Implement Improvements for Pedestrian Safety in Kings County	$1,000,000.00
62.	California	Construct a diamond interchange on State Route 60 at Lemon Avenue in the city of Diamond Bar.	$12,600,000.00
63.	Arkansas	Downtown Dickson Street Enhancement - College Avenue from Dickson Street to Archibald Yell and School Avenue to 6th Street in Fayetteville.	$4,000,000.00
64.	Pennsylvania	Flyover ramp and new interchange at proposed Town Center in Cranberry Twp at I-79 and Rte 228.	$500,000.00
65.	Texas	Improvements to RR 1017, Hebbronville	$500,000.00
66.	Arizona	Construction of a bicycle/pedestrian bridge to connect the shores of the Salt River	$3,000,000.00
67.	Pennsylvania	Germantown Avenue Revitalization Project involving landscaping, scenic enhancements, and pedestrian safety improvements along the heavily traveled thoroughfare.	$2,600,000.00
68.	Georgia	Widening SR-104 to increase Columbia Co. access to critical Augusta medical facilities as well as the Medical College of GA.	$4,750,000.00
69.	California	Repair Rosecrans Ave and Alondra Blvd bridges, Bellflower	$50,000.00
70.	California	Study feasibility of Maglev link between San Diego and proposed San Diego Regional International Airport, Imperial County.	$1,000,000.00
71.	Illinois	The addition of turning lanes to US Rt. 14 (Northwest Highway) at the Arthur Avenue Union Pacific grade crossing and at the Prindle Underpass in Arlington Heights, Illinois.	$1,100,000.00
72.	Connecticut	Improve Route 1 between Belden Ave and East Ave in Norwalk, CT	$2,000,000.00
73.	Maryland	South Shore Trail. Construct first phase of greenway from Odenton to Annapolis, Anne Arundel County.	$1,000,000.00
74.	Virginia	Widening Highway-15 in Prince Edward County	$5,000,000.00
75.	New York	Rehab of Hornbeck Rd in Town of Poughkeepsie-NY	$426,550.00
76.	Illinois	Phase II engineering to widen US 45/LaGrange Road through Orland Park, IL	$1,000,000.00
77.	Virginia	Improve Frederick Street, Staunton	$1,300,000.00
78.	Alabama	Riverwalk project with continuous river-edge walkway creating a system of parks and open spaces in historic downtown Montgomery, AL.	$3,000,000.00
79.	Georgia	Install landscaping and upgrade lighting on Fall Line Freeway, Reynolds	$500,000.00
80.	Utah	13th East, Sandy City	$6,300,000.00
81.	Ohio	Construction of rail grade separations at intersections in Lima to improve motorist and pedestrian safety.	$1,250,000.00
82.	New Jersey	Observer Highway Operational and Safety Improvements, Hoboken	$2,500,000.00
83.	New York	Implement ITS system and apparatus to enhance citywide truck route system on LIE Eastbound Service Road at 74th Street to Caldwell Ave, Grand Ave from 69th Street to Flushing Ave, and Eliot Ave from 69th Street to Woodhaven Blvd.	$100,000.00
84.	California	Construction of interchange on Interstate 10 at Palm Drive	$2,000,000.00
85.	Illinois	Improve roads and bridges and undertake enhancements, Chicago	$1,000,000.00
86.	New York	Rehabilitate Tappan Street Bridge in Town of Newark Valley	$1,040,000.00
87.	California	Widen the Marin- Sonoma Narrows section of Highway 101 to include a carpool HOV lane in each direction.	$13,000,000.00
88.	Wisconsin	Replace Wisconsin Street Bridge (State Highway 44), Oshkosh, WI	$10,000,000.00
89.	Florida	Construct I-95/N US 1 Business Park Interchange in Ormond Beach, Florida	$4,000,000.00
90.	New York	Replacement of the structurally deficient Pleasantville Road bridge over the Pocantico River, the Village of Pleasantville.	$1,000,000.00
91.	Arkansas	Widen Lone Sassafrass Road, Drew County	$304,000.00
92.	Texas	Planning, design and engineering for transportation projects in the I-35 corridor between San Antonio and Georgetown.	$4,000,000.00
93.	California	State Route 67 (Mapleview to Dye Rd) Project Studies/Environmental Phase	$6,400,000.00
94.	New York	Construction of and improvements to Route 62 in the Village of Hamburg	$500,000.00
95.	Texas	Relocation of FM 450 to the west of Hallsville	$3,000,000.00
96.	Oregon	Upgrade the Interstate 5 Fern Valley Interchange (exit 24)	$3,000,000.00
97.	California	Provide grade separation at the Firestone / Old River School Road intersection, Downey	$1,000,000.00
98.	Texas	Grade separation at US59-SH99 & replace proposed interim ramps. Complete US59 reconstruction project. Recommended by the US59 MIS.	$5,000,000.00
99.	Maine	Calais/St. Stephen Border Crossing Project	$5,000,000.00
100.	Michigan	US-127 Completion in Gratiot County	$5,000,000.00
101.	Nebraska	Construct two Missouri River bridges and their approach roadways	$3,000,000.00
102.	New Jersey	Highway Improvements in Liberty Corridor	$5,000,000.00
103.	New Jersey	Interstate 195 Allentown, NJ Exit at Sharon Station Road	$1,500,000.00
104.	California	Expand carsharing pilot program to serve low- and moderate-income neighborhoods in the City and County of San Francisco.	$2,000,000.00
105.	Ohio	Construct the existing industrial park road from local to state standards near Cadiz	$4,100,000.00
106.	Pennsylvania	Median, guiderail and sidework improvements to intersection of SR 51 and Franklin Ave, Beaver County.	$2,000,000.00
107.	New York	Roadway improvements on Pidgeon Hill Road (NYS Route 25 to Old Country Road) and Old Country Road (NYS Route 25 to I-495), Huntington.	$1,500,000.00
108.	Alabama	Alignment of existing roads along County Road 83 providing hurricane evacuation from coast to I10.	$8,000,000.00
109.	Texas	Construction of SH121 main lanes and interchanges between Preston Road and US75	$9,000,000.00
110.	Texas	SH 114/SH 170 in South Denton County	$2,500,000.00
111.	Oregon	Repair and recoat logging bridge over Highway 99E, Canby	$150,000.00
112.	North Carolina	Relocate US 70 to multi-lane facility around Clayton	$9,000,000.00
113.	Ohio	Construct Morse Road Corridor Improvements Phase I in Columbus, Ohio	$1,000,000.00
114.	California	Improve I-8 offramp to the Desert Farming Institute, Imperial County	$1,000,000.00
115.	Georgia	Upgrade sidewalks, lighting, landscaping from Cherry Street to Hampton Street, Industrial Park to Dooly Street, Montezuma.	$500,000.00
116.	New York	Dolsontown Rd. improvements in Town of Wawayanda	$1,400,000.00
117.	Maryland	Replace Dover Bridge on MD 331Design and Right of Way	$4,080,000.00
118.	Pennsylvania	Reconstruct PA Route 274, at PA Route11/15, Duncannon	$1,000,000.00
119.	Virginia	Construct I-64 and Pocahontas Parkway Connector	$9,000,000.00
120.	Texas	IH-653 and I-30 interchange improvements	$8,000,000.00
121.	North Carolina	Widen Berkley Blvd in Goldsboro, NC by constructing an additional lane, curbs, and gutters	$1,000,000.00
122.	California	Replace SR22 Interchanges and Bridges, Garden Grove	$7,300,000.00
123.	Illinois	Construction of 2 North-South Blvds, and one east-west blvd in the vicinity of Northern Illinois University.	$14,400,000.00

High Priority Projects—Continued

No.	State	Project Description	Amount
124.	Illinois	Improve University Drive, Macomb	$500,000.00
125.	Tennessee	Develop trails, bike paths and recreational facilities on Brady Mountain, Cumberland County for Cumberland Trail State Park.	$250,000.00
126.	Minnesota	Construct ramps and new bridge over Interstate 35 at CSAH 17, and reconstruct CSAH 17 from west County Line to CSAH 30, Chisago County.	$900,000.00
127.	Massachusetts	I-93 Interchange, Andover/Tewksbury	$600,000.00
128.	Pennsylvania	Two-lane extension of Bristol Road from US 202 to Park Avenue, Chalfont, New Britian	$1,000,000.00
129.	Michigan	Reconstruction of Ritchie Road from village of Lincoln to Hubbard Lake road and of Hubbard Lake road to Mt. Maria Road, Alcona County.	$813,000.00
130.	Mississippi	Madison/Ridgeland I-55 Interchange:I-55 Interchange and connectors at juncture of Madison and Ridgeland corp. limits.	$1,500,000.00
131.	California	Construct Daggett Road and Bridge Project, Port of Stockton, CA	$5,000,000.00
132.	New York	Construct Wading River bicycle and pedestrian project, Riverhead	$1,200,000.00
133.	Oregon	Improve U.S. 97 from Modoc Point to Algoma	$2,000,000.00
134.	New York	Design, Study and Construct Ferry Terminal Facilities at Floyd Bennett Field	$1,000,000.00
135.	Minnesota	US Highway 10 interchange in the city of Ramsey for necessary corridor enhancements	$1,250,000.00
136.	Arkansas	Continued development of Caraway Road Overpass Project, Jonesboro	$7,000,000.00
137.	New York	Conduct study on extending the limited access portion of NYS Rt. 5 to Auburn	$150,000.00
138.	California	Rehabilitate arterials, Compton	$1,500,000.00
139.	Texas	US 82--Widen existing 2-lane facility to 4-lane divided facility from FM 1417 in Sherman to US 69 in Bells.	$5,900,000.00
140.	Maryland	US 220/MD53 North-South Corridor	$1,000,000.00
141.	Connecticut	Improve Route 111 between Purdy Hill Road and Fan Hill Road in Monroe, CT	$1,500,000.00
142.	Michigan	Wixom, Beck Road from I-96 to West Rd. widen to 5 lanes	$250,000.00
143.	Pennsylvania	SR 219-Purchase of right-of-way and the completion of the four-lane expansion of limited access highway from Town of Somerset to Maryland border.	$20,000,000.00
144.	New York	Improvements of concrete curbs, aprons, sidewalks, and asphalt along Sunrise Highway, Rockville Centre.	$1,000,000.00
145.	North Carolina	Construction of Interstate 74 from Maxton Bypass to NC 41 near Lumberton	$5,000,000.00
146.	Michigan	Expansion of US-31 from Nelson Street to Merkey Road	$1,500,000.00
147.	Arizona	Develop a 4-lane divided roadway on US 60 from Florence to Superior, Arizona	$3,000,000.00
148.	New York	Reconstruct Streets and Sidewalks in Middle Village	$1,000,000.00
149.	California	Improvements for the Watt Avenue corridor between Antelope Road and the Capital City Freeway.	$3,000,000.00
150.	Pennsylvania	Design, engineering, ROW acquisition, and construction of a connector road between the Valmont Industrial Park and Pennsylvania State Route 924 at Cranberry Creek.	$500,000.00
151.	Minnesota	Edge of Wilderness Discovery Center, Marcell	$471,000.00
152.	North Carolina	Construction of a multi-lane facility on new location from Beach Drive (SR 1104) to NC 211, Brunswick County.	$4,000,000.00
153.	New York	Bartow Ave Ramp and Reconstruction at the Hutchinson Parkway	$1,600,000.00
154.	Ohio	South Connector in Waverly, Ohio for new access to school campus and new development areas in a repressed Appalachian region.	$4,100,000.00
155.	South Carolina	Construct grade separation at U.S. 521, Lancaster County	$1,745,000.00
156.	Massachusetts	Downtown road revitalization for Pleasant Street, Malden	$4,000,000.00
157.	California	Widen & realign Cherry Avenue from 19th Street to one block south of Pacific Coast Highway, Signal Hill.	$5,630,000.00
158.	New York	Construction of Bikeway Phase III in Putnam County-NY	$459,895.00
159.	Ohio	Miami St. along St. Route 53 safety enhancement project to improve access to railroad crossing	$1,000,000.00
160.	Pennsylvania	Design and construct access to York County intermodal facility, York County	$2,000,000.00
161.	California	Traffic signal upgrade, road reconfiguration, and median strip improvements to Lakewood Blvd between Telegraph Rd and Gardendale St, Downey.	$2,500,000.00
162.	New York	To conduct mitigation measures associated with the Palisades Interstate Parkway for the Village of New Square, Rockland County.	$600,000.00
163.	Alabama	County Road 52 widening from S. Shades Crest Road to U.S. 31 in Helena and Pelham	$5,000,000.00
164.	Louisiana	Improve I-10/LA 95 intersection, Duson	$200,000.00
165.	Michigan	Reconstruct 4,000 feet of Church Road from Meridian to East River Road (excluding canal Bridge) including widening and sidewalk construction to eliminate safety hazards, Grosse Ile.	$450,000.00
166.	Michigan	Construct road improvements to Flushing Road from Ballenger Highway to I-475, City of Flint	$2,500,840.00
167.	South Carolina	Airline Road Bridge in Anderson	$170,000.00
168.	New Jersey	Planning for Liberty Corridor	$500,000.00
169.	Pennsylvania	Enhance existing directional markers and increase wayfinding signage infrastructure, Monroe County.	$750,000.00
170.	California	Construct Coyote Creek Trail from Kelly Park to Berryessa station, San Jose	$5,500,000.00
171.	Michigan	Garden City, Reconstruction Maplewood between Inkster and Merriman	$1,000,000.00
172.	Missouri	Study of BNSF Railroad Reconfiguration Needs to eliminate Highway Crossings in/around Springfield, MO.	$200,000.00
173.	Tennessee	Construct new exit on I-75 and connect to U.S. 11, U.S. 411 and State Route 30	$4,500,000.00
174.	Ohio	Road widening and safety improvements at Main and Bell Streets in the Village of Chagrin Falls	$500,000.00
175.	Utah	Construct Westside Connector in Provo Utah connecting I-15 University Ave Interchange and Provo Commercial Sector with the Provo Airport.	$2,050,000.00
176.	California	Reconstruct I-880/Route 92 Interchange, Hayward	$2,000,000.00
177.	California	Reconstruct and widen Garfield Ave. bridge over Rio Hondo River Channel and apply seismic improvements, South Gate.	$4,000,000.00
178.	Massachusetts	Somerville bikepath extension and improvements, Somerville	$1,000,000.00
179.	Pennsylvania	Upgrade of southbound access ramp at Exit 3 on Interstate 81	$1,000,000.00
180.	Oklahoma	Construct overpass over 2 rail lines and Highway 66, Claremore	$2,700,000.00
181.	Pennsylvania	Upgrade intersection of SR 30 and SR 981 at Arnold Palmer Regional Airport	$1,000,000.00
182.	Indiana	Realign State Road 312, Hammond	$4,200,000.00
183.	Pennsylvania	Replacement of bridge without pedestrian access in Mount Joy	$250,000.00
184.	Georgia	Highway 78 Corridor Improvement Project: This project consists of safety enhancements for the corridor, infrastructure needs, median upgrades, and lighting.	$7,000,000.00
185.	Virgin Islands	Construct extensions to Routes 703 & 70, St. Croix	$7,000,000.00
186.	Illinois	IL29 from IL 6 to I 180 study and land acquisition	$1,000,000.00
187.	New York	Construct Northern State Parkway and Long Island Expressway access at Marcus Avenue and Lakeville Road and associated Park and Ride.	$6,000,000.00
188.	New York	Highway Construction I-87 Exit 3 Airport Connector	$2,000,000.00
189.	New York	Transportation Enhancements in Orleans and/or Niagara Counties to support development of Erie Canal.	$1,750,000.00
190.	New Jersey	Addresses congestion, safety, drainage, maintenance, signing, access, pedestrian circulation and transit access along Rt. 17 & Rt. 4 in Bergen County.	$4,500,000.00
191.	New Jersey	Safety, traffic and pedestrian improvements to Newark/1st Streets, Hoboken	$300,000.00
192.	California	Upgrade Route 4 East from the vicinity of Loveridge Road to G Street, Contra Costa County	$15,000,000.00
193.	Florida	Interchange with I-10 to connect to a new north-south highway, and a second phase extending to US 90.	$3,000,000.00
194.	North Carolina	Widen and improve US 1 in Richmond County with a bypass of Rockingham, NC	$10,000,000.00
195.	New York	Construct pedestrian waterfront walkway, Owego	$1,000,000.00
196.	Kansas	Rehabilitate Kansas and Oklahoma Rail Line to improve highway safety, decrease highway cnogestion, and reduce future road and bridge repairs.	$5,730,000.00

High Priority Projects—Continued

No.	State	Project Description	Amount
197.	Georgia	East Point Downtown Streetscape Project	$2,000,000.00
198.	New York	Improvements to Route 96 Bridges over Seneca River	$3,000,000.00
199.	Illinois	Reconstruction of Frank Scott Parkway East, St. Clair County	$3,000,000.00
200.	Texas	Conduct feasibility study for a second bridge to Pleasure Island in Port Arthur	$500,000.00
201.	Texas	Relocation of 10th Street, relocation of Mission Inlet, and extension of runway 13/31, McAllen	$1,000,000.00
202.	New York	Bridge replacement at Turk Hill Rd in Putnam County-NY	$1,800,000.00
203.	Oregon	Street improvements to provide better access to the Wayne L. Morse United States Courthouse	$6,000,000.00
204.	California	Mid Valley Station Road and Inter-Modal Improvement Project	$2,500,000.00
205.	Alabama	To provide four lanes on US-80, Perry County, Marengo County, and Sumter County	$14,000,000.00
206.	Tennessee	Construction of visitors center on Cherohala Skyway, a scenic byway, in Monroe County	$100,000.00
207.	New York	Improve CR39 from NY27 to NY27A, Suffolk County	$3,000,000.00
208.	Illinois	Pre-construction activities IL 336 from Macomb to Peoria	$1,000,000.00
209.	New York	Install Improvements for Pedestrian Safety in the vicinity of PS 81	$250,000.00
210.	Minnesota	Cedar Lake Regional Trail Extension, Minneapolis	$3,000,000.00
211.	Tennessee	Modification of existing interchange on I-81 at SR-341/SR-66 located in Jefferson County	$500,000.00
212.	Louisiana	Upgrade 28 West from Alexandria, Louisiana to Ft. Polk	$1,500,000.00
213.	Massachusetts	State Street reconstruction from Main Street to Saint Michael's Cemetery, Springfield	$6,000,000.00
214.	Michigan	Construct road improvements to North Henry St. from Vermont Ave. to Wilder Road, Bay City	$1,600,000.00
215.	Illinois	Improve intersection of McCarthy Road, Derby Road, and Archer Avenue in Lemont, IL	$350,000.00
216.	Oregon	Agness Road, Curry County	$1,000,000.00
217.	Illinois	Upgrade roads in the vicinity of Robert Taylor Homes, Chicago	$592,000.00
218.	Florida	Widening of US Highway 17 from Zolfo Springs south to the DeSoto County line	$2,000,000.00
219.	Utah	Atkinville Interchange, St. George	$4,000,000.00
220.	Tennessee	Reconstruct State Route 109 from I-40 in Wilson County to Portland in Sumner County	$1,000,000.00
221.	Missouri	I-470 and Strother Road Interchange	$1,000,000.00
222.	New York	Improve Traffic Flow on Lefferts Boulevard by Rehabilitating Facilities Surrounding LIRR/Kew Gardens Eastbound Station.	$500,000.00
223.	Maine	Maintenance training facilities and vehicle acquisition for Kidspeace, Ellsworth	$500,000.00
224.	Illinois	Improve Great River Road, Warsaw	$500,000.00
225.	Texas	Improvements to East 7th Street in Austin from I-35 to US 183	$2,000,000.00
226.	Illinois	Upgrade I-294 and I-90 and implement ITS projects	$3,000,000.00
227.	California	Reconstruct interchange at I-10 and Riverside Avenue to improve traffic, Rialto	$2,800,000.00
228.	New Jersey	Rahway River Corridor Greenway Bicycle and Pedestrian Path, South Orange	$400,000.00
229.	California	Construct multi-use trails at Galster Park that link to other local Los Angeles County trails, West Covina.	$1,100,000.00
230.	Arkansas	Improvements on County Roads 18, 32, 33, and 16, Bradley County	$500,000.00
231.	Indiana	Roadway improvements in Downtown Indianapolis	$18,775,000.00
232.	Ohio	Geauga Co. acquisition of historic covered bridge	$60,000.00
233.	Oregon	U.S. 199/Laurel Road intersection	$2,000,000.00
234.	New York	Rt. 32 Corridor access management & improvement in Orange County - NY	$500,000.00
235.	Missouri	Construction of interstate flyover at Hughes Road and Liberty Drive to 76th Street. Part of Liberty Parkway Project.	$8,000,000.00
236.	Maryland	Widen I-695 from I-83 to MD147. Includes maintenance and interchange work	$9,780,000.00
237.	Texas	Elevate Choate Road over Union Pacific right-of-way and SH 146. system of improvements to support the proposed Bayport Terminal Complex.	$6,600,000.00
238.	California	I-580 Castro Valley Interchange Improvements	$1,200,000.00
239.	Illinois	City of Washington, Mueller Road Rehabilitation	$280,000.00
240.	New York	Upgrade Route 17 to Interstate Standards from the Route 14 Interchange through Horseheads, to NY SR 13 Interchange.	$2,000,000.00
241.	Tennessee	Extension of bicycle and pedestrian trail, Smyrna	$4,000,000.00
242.	Iowa	Reconstruction and expansion of the East 1st Street interchange on I 35, Ankeny	$5,000,000.00
243.	Ohio	Construct transportation museum (Crawford Museum of Transportation and Industry at Aviation High School), Cleveland.	$250,000.00
244.	Wisconsin	Reconstruct Cameron Bypass on State Highway 8	$3,000,000.00
245.	Ohio	Wetlands Land Preservation & Enhancements in the Town of Aurora	$750,000.00
246.	New Jersey	Bridge replacement on Section 6V of Route 1 from Ryders Lane to Milltown Road, North Brunswick.	$3,000,000.00
247.	Arkansas	For acquisition and construction of an alternate transportation (pedestrian/ bicycle) trail from East Little Rock to Pinnacle Mountain State Park.	$800,000.00
248.	New York	Construct new access road linking North & South sides of Rt. 17 in Town of Wallkill-NY	$2,250,000.00
249.	Texas	SH 349 construction south of Lamesa from Intersection of SH 137	$4,000,000.00
250.	California	Construct 4,700 ft. of medians to improve safety/congestion on Imperial Highway from Valley View to Telegraph Road, La Mirada.	$700,000.00
251.	Pennsylvania	Design and construct additional turn lanes, signal upgrades, and related improvements at Routes 34 and 174 intersection in Cumberland County.	$580,000.00
252.	Maine	Construction and snowmobile safety accommodations for Route 116 Bridge. Medway	$4,000,000.00
253.	Pennsylvania	Bedford Springs Project, Bedford, PA: Relocation of Old Route 220 and Sweet Root Road. Complete preliminary and final engineering, purchase of right-of-way, and begin construction.	$3,150,000.00
254.	Michigan	Geddes Road at Superior Road Roundabout, Washtenaw County	$750,000.00
255.	Minnesota	Construct Paul Bunyan Trail from Mississippi River Bridge Trail to Crow Wing State Park	$600,000.00
256.	California	Improvements (including arterial street rehabilitation) to enhance traffic and pedestrian safety in Sylmar, Lake View Terrace, and Mission, Los Angeles.	$1,250,000.00
257.	Kentucky	Widen and reconstruct Mason's Gap Rd. (KY 698), Lincoln County	$500,000.00
258.	Pennsylvania	Reconstruction of SR 2001 Sec. 401 from the intersection of SR 2001 and U.S. 209 Bushkill Township north. Pike County.	$2,000,000.00
259.	Texas	Construct a 4-lane urban roadway, along with reconstructing a bridge over UP RR on Ritchie Road, McLennan County.	$4,000,000.00
260.	North Carolina	Construct grade separated crossing at Sugar Creek Road of NC Railroad-Norfolk Southern Railroad.	$4,000,000.00
261.	Illinois	Complete Stage III of reconstruction of the Naperville Road-Warrenville Road/I-88 interchange	$2,150,000.00
262.	Wisconsin	Widen State Highway 10 from City of Marshfield to City of Stevens Point	$20,000,000.00
263.	Texas	Widening of 16-mile two-lane gap on SH 24 to four lanes from SH 19 in Cooper	$3,000,000.00
264.	Pennsylvania	Design and construct interchange and related improvements at I-83, Exit 18, or other projects selected by York County, Pennsylvania MPO.	$6,000,000.00
265.	California	Implement Manor Drive overpass improvement, Pacifica	$800,000.00
266.	Maryland	Indian Head Highway Upgrades--Design for upgrades to MD 210 to replace intersections with grade separated interchanges from MD 228 to I-495.	$5,000,000.00
267.	Texas	Improvements to FM 676, Alton	$500,000.00
268.	California	Construct pedestrian streetscape improvements on Ocean Blvd and Anaheim Street in Long Beach, including lighting landscaping and irrigation, and seating, drinking fountains, bicycle racks and trash receptacles.	$1,500,000.00
269.	Wisconsin	Replace 17th Street Lift Bridge, Two Rivers, WI	$6,000,000.00
270.	California	Conduct Study and Construct I 205/ Chrisman Road Interchange Project, Tracy, CA	$1,000,000.00
271.	Alabama	New freeway connector from Dothan, AL to the FL border	$5,000,000.00
272.	Pennsylvania	Design and construct widening of PA Route 94 from York/Adams County line to Elm Street, Hanover.	$3,000,000.00
273.	California	First Street Bridge realignment, Los Angeles	$1,250,000.00

High Priority Projects—Continued

No.	State	Project Description	Amount
274.	Ohio	Construct a proposed relocation of US 22 and SR 93 from the current IR 70, US 40 west of Zanesville.	$10,000,000.00
275.	South Carolina	Construct Bishopville Bypass, Lee County	$4,000,000.00
276.	Virginia	Widening I-95 between Fairfax County Pkwy and Rt. 123	$5,150,000.00
277.	Oregon	Study the feasibility of widening US 26 from its interchange with Oregon Highway 217 in Beaverton to the Cornelius Pass exit.	$750,000.00
278.	Louisiana	Leeville Bridge	$2,250,000.00
279.	New York	Implement Central NY grade crossing and grade separation project	$2,000,000.00
280.	Georgia	Widen Godby road to HWY 314 to widen an east-west corridor to connect three counties, Clayton County.	$2,500,000.00
281.	Florida	SR710 Expansion and Improvements in Palm Beach County, FL	$2,000,000.00
282.	Iowa	Complete final segment of MLK Parkway West Project, and complete four segments of MLK Parkway East Project, Des Moines.	$9,000,000.00
283.	Arkansas	Resurface Jack Creek Road, Logan County	$200,000.00
284.	California	Upgrade San Fernando Road corridor to include traffic calming measures, Los Angeles	$7,500,000.00
285.	Georgia	Sidewalk revitalization project in downtown Eastman	$593,175.00
286.	North Carolina	Conversion of the American Tobacco Trail for use as bike/pedestrian trail, Durham/Chatham counties.	$2,000,000.00
287.	Texas	Lamesa Bypass - US 87 N to near US180	$6,500,000.00
288.	Michigan	Bridge connecting to East Marshall Bypass Road in East Marshall, crossing the Kalamazoo River and Norfolk South Railroad.	$300,000.00
289.	Texas	Widen Washington Blvd. from Langham Rd. to FM 364	$2,592,000.00
290.	Illinois	Improve roads and bridges, Illinois	$10,000,000.00
291.	New York	Multi-modal project in Downtown Flushing, Queens	$1,000,000.00
292.	New Jersey	Rt. 139 Bridge Rehabilitation, Hoboken	$2,000,000.00
293.	Louisiana	Belle Chasse Tunnel	$500,000.00
294.	Pennsylvania	Design, engineering, ROW acquisition and reconstruction of Main Street in the vicinity of Parsonage Street, City of Pittston.	$250,000.00
295.	Wisconsin	Pioneer Road Rail Grade Separation, Fond du Lac, WI	$4,000,000.00
296.	Michigan	Holmes Road Reconstruction - From Prospect Road to Michigan Avenue, Charter Township of Ypsilanti.	$2,000,000.00
297.	Georgia	Improvement and expansion of Camp Creek Road at Enon road, Fulton County	$1,000,000.00
298.	New York	Seeks to provide direct access from I-81 to Fort Drum gates; 1st phase of larger Northern Tier Expressway (linking I-81 to I-87).	$6,000,000.00
299.	Tennessee	Bicycle and pedestrian trail, Eagleville	$100,000.00
300.	California	Widen Boulder Avenue Bridge in Highland	$1,000,000.00
301.	Tennessee	Reconstruct and Widen US-64 from a two-lane to a four-lane facility	$5,225,000.00
302.	Wisconsin	Widen US 51/State Highway 29	$8,000,000.00
303.	Minnesota	Replace and Realign the Sauk Rapids Bridge and approaches in St. Cloud and Sauk Rapids	$3,000,000.00
304.	Ohio	Widen Pearl Road, Strongsville	$1,600,000.00
305.	Nevada	I-80 Interchange at Nevada Pacific Parkway, Fernley, Nevada. Will benefit commuting employees of NAS Fallon.	$1,000,000.00
306.	Ohio	Replace and improve Mill Street Bridge, Akron	$2,000,000.00
307.	Pennsylvania	Complete a half diamond interchange at PA-309 and Norristown Rd. by the Montgomery County Planning Commission.	$4,000,000.00
308.	Texas	South McColl Extension between Oragewood and Military Highway, Hidalgo County	$2,500,000.00
309.	New York	Improve downtown streets, Saugerties	$1,000,000.00
310.	Mississippi	Upgrade roads in Arcola, Greenville, and Hollandale (U.S. Highway 61 and 18), Washington County.	$1,800,000.00
311.	Pennsylvania	Design and construct the relocation of U.S. 11 northbound between Ridge Hill and Hempt Roads and around New Kingstown.	$5,680,000.00
312.	New Mexico	Construct NM 128 from NM 31 to Texas State line	$6,000,000.00
313.	California	Construct pedestrian, bicycle and ADA accessible boardwalks at the Pismo Beach Promenade, San Luis Obispo County.	$300,000.00
314.	Tennessee	Eliminate blockage of 2 lanes on Gay Street in Knoxville to accommodate loading dock	$2,000,000.00
315.	Tennessee	Construct trail and bike path at S. Chickamauga Creek	$1,600,000.00
316.	California	Resurface and construct truck lane at CA Hwy. 94 and Interstate 8 interchange, Boulevard	$3,000,000.00
317.	Michigan	Canton, Pave Cherry Hill west of Denton Rd	$2,500,000.00
318.	Minnesota	Birch Cove Rest Area, Hoyt Lakes	$200,000.00
319.	Illinois	Construct parking facility and undertake circulation enhancements at 96th and East Shore Drive, Oak Lawn.	$200,000.00
320.	Pennsylvania	Finish missing ramps and widening at intersection of I-279 and I-79 in the Pittsburgh Airport Corridor.	$3,000,000.00
321.	Georgia	Improvements to intersection of SR 196 and US 84 in Liberty County	$2,000,000.00
322.	Illinois	Reconstruct Milwaukee Avenue, Chicago	$1,500,000.00
323.	New York	Construction of an Intermodal transportation facility just off of the Bronx River Parkway's exit 6.	$2,500,000.00
324.	Michigan	Ultra thin demonstration project resurfacing of Mitchell Road from the City of Petoskey limits east to Division, Emmet County.	$60,000.00
325.	Florida	Widen U.S. 17 to 4 lanes in Putnam County, Florida	$12,000,000.00
326.	New York	Enhance road and transportation facilities in the vicinity of the Brooklyn Children's Museum	$50,000.00
327.	Alaska	Point MacKenzie in Matamuska-Susitna Borough plan and design road access	$1,000,000.00
328.	Nevada	Construct North Las Vegas Craig Road Overpass at the Union Pacific Railroad Crossing	$5,500,000.00
329.	Pennsylvania	Design and construct intersection and related upgrades on PA Routes 24 and 124 in York County	$1,000,000.00
330.	Pennsylvania	Rail Bridge Removal and intersection improvements, Cameron and Paxton Streets, Harrisburg	$1,400,000.00
331.	Oregon	Construct sidewalks and improve storm drainage and gutters for the city of Medford, Oregon's, Safe Walk Plan.	$1,000,000.00
332.	New York	I-81 Corridor Improvements from Hancock Intl. Airport to and including the reconstruction of the Interchange at I-690.	$3,000,000.00
333.	Wisconsin	Reroute State Highway 11 through Burlington, Wisconsin	$911,000.00
334.	California	Construct sound barriers at the I-5/S.R. 54 Interchange, National City	$150,000.00
335.	Illinois	Reconstruction and widening of the Illinois Route 60 bridge over Interstate 94 in Lake Forest, Illinois.	$8,010,000.00
336.	New York	Construction of and improvements to Lovejoy Avenue in Buffalo	$1,000,000.00
337.	Missouri	Construction of replacement for Interstate 44 & US 65 Interchange, Springfield, MO	$16,300,000.00
338.	New York	Funds an intermodal transportation facility on Clarkson Avenue in Brooklyn	$1,000,000.00
339.	Michigan	Novi, Reconstruct Grand River between Novi Rd. and Haggerty	$1,000,000.00
340.	California	Construct bypass along California Hwy 101 around the town of Willits	$8,000,000.00
341.	New York	Rehabilitate bike and pedestrian path in Utica Marsh	$124,000.00
342.	Tennessee	Improve circuitry on vehicle protection device installed at railroad crossing in Knoxville, TN	$57,000.00
343.	New York	Develop terminal facilities for water taxi projects, New York City	$4,600,000.00
344.	Utah	Northern Corridor, St. George	$6,000,000.00
345.	Alaska	Planning and design of a bridge joining the Island of Gravina to the community of Ketchikan	$3,000,000.00
346.	Massachusetts	Construct 3.5 mile Grand Trunk Trail, Sturbridge/Southbridge	$750,000.00
347.	Illinois	Provide a four-lane connection between Rt. 13 and Rt. 45 near Harrisburg	$500,000.00
348.	Indiana	Construct US 31 Freeway Project for St. Joseph and Marshall Counties	$25,000,000.00
349.	Virginia	Reconstruct Route 20 at/adjacent to Montpelier for entryway project	$1,000,000.00

High Priority Projects—Continued

No.	State	Project Description	Amount
350.	Michigan	repave Caseville Road from state highway M-142 to state highway M-25	$500,000.00
351.	Maine	Plan and construct North-South Aroostook highways, to improve access to St. John Valley, including Presque Isle Bypass and other improvements.	$4,000,000.00
352.	Illinois	Village of South Jacksonville, West Vandalia Road upgrades	$800,000.00
353.	Alabama	US 278, 4-laning 10.5 miles between Sulligent and Crews, AL	$1,000,000.00
354.	New York	Construct bicycle/pedestrian trail on old Mahopac RR right of way in Westchester County- NY	$1,000,000.00
355.	Pennsylvania	Design, engineering, ROW acquisition, and construction of intersection improvements and safety enhancements, Borough of Throop in Lackawanna County.	$250,000.00
356.	Georgia	Decatur Bikeway	$200,000.00
357.	Virginia	Repair of Commonwealth Blvd Bridge in Martinsville	$500,000.00
358.	New Mexico	I-25 Tramway Interchange: I-25 and Tramway Interchange	$2,000,000.00
359.	Wyoming	Casper West Belt Loop:Construct new connector route between Highway 220 and US 20-26	$2,000,000.00
360.	Maryland	Hughesville Bypass--relocation of MD 5 from end of divided highway south of Hughesville to end of the divided highway north of Hughesville.	$10,000,000.00
361.	Pennsylvania	Construct the widening of PA 94 from the Adams/York County line north to Appler Road in Adams County.	$1,500,000.00
362.	Arkansas	Upgrade Nevada County Roads 7, 4, 17, and 6	$400,000.00
363.	Oregon	Preliminary engineering and construction of a railroad crossing at the intersection of Havlik Drive and Highway 30, Scappoose.	$200,000.00
364.	Tennessee	Widen SR-36 to five lanes in Washington County	$1,000,000.00
365.	Ohio	SR 20/Mentor Rd. road widening and safety improvements in the Town of Painesville	$350,000.00
366.	Missouri	Improve intersection of the I-44 and Missouri Route 100 interchange and the Shaw Nature Reserve Access near Gray Summit, Missouri.	$500,000.00
367.	Georgia	Resurface and widen Jac-Art Road as part of Bleckley County Development Authority project	$200,000.00
368.	New Jersey	Widens the intersection, replaces bridge structures and improves other road segments leading to the intersection NJ Route 57/ CR Route 519 in Warren County.	$2,700,000.00
369.	Illinois	Widen U.S. Route 67 from Macomb to Illinois 101	$3,000,000.00
370.	Minnesota	To expand Stearns County Road 4 from 4 to six lanes and realign Stearns County Road 134	$2,000,000.00
371.	Tennessee	Extension of SR-449 in Sevier County, now under construction	$500,000.00
372.	South Carolina	Construction to improve Assembly Street between Pendleton Street and the Williams-Brice stadium to eliminate roadway-rail.	$1,500,000.00
373.	Alabama	20 mile limited access corridor from US highway 80 to US highway 231 and I-85	$3,000,000.00
374.	California	Roadway surface improvements, street lighting, and storm drain improvements to South Center Street from Baughman Road to State Route 78/86, Westmoreland.	$800,000.00
375.	Georgia	South Lumpkin Road Trail [pedestrian, bicycle, jogging, safety upgrades], Columbus	$1,000,000.00
376.	Wisconsin	Reconstruct State Highway 16 (Columbus to Hwy. 26), Dodge County, WI	$4,000,000.00
377.	Georgia	Buford Highway pedestrian safety improvement	$2,500,000.00
378.	New York	Construct visitor center, access road and parking at Sam's Point Preserve, Ellenville	$750,000.00
379.	Texas	Completion of the 3rd and 4th phases on the Marsha Sharp Freeway, US 82-62. Construction between Chicago and Salem Avenues.	$16,000,000.00
380.	Massachusetts	Westford Street-Wood Street-Rourke Bridge Corridor improvements, Lowell	$750,000.00
381.	Texas	Interchange of I-10 and SH99 (the Grand Parkway), a multi-lane highway that will form a third loop around Houston.	$5,000,000.00
382.	New Jersey	Safety improvements and widening Route 206 and CR 513 Main Street (Route 24)	$1,000,000.00
383.	New York	Comprehensive traffic congestion mitigation study of Hauppauge Industrial Park and surrounding area, Suffolk County.	$750,000.00
384.	Georgia	SR 133 upgrade, Dougherty/Colquitt Co	$1,000,000.00
385.	New York	Construction, re-design and improvements to Fargo Street in Buffalo	$3,000,000.00
386.	Washington	Spokane Advanced Traffic Management System Expansion: Expand existing Intelligent Transportation System (ITS) in City of Spokane.	$500,000.00
387.	Michigan	M-13 Washington Avenue Streetscape Project - Phase II of High Priority Project 192 in PL 105-550, Saginaw.	$1,500,000.00
388.	Guam	Reconstruct Hagåtña River Bridges, Municipality of Hagåtña	$6,000,000.00
389.	New York	Hopewell Junction Bypass Road in Town of East Fishkill- NY	$1,000,000.00
390.	New York	Implement Improvements for Pedestrian Safety in Bronx County	$1,000,000.00
391.	Illinois	Upgrade streets and implement traffic and pedestrian safety signalization improvements, Oak Lawn.	$7,740,000.00
392.	California	Widening on Bear Valley Pkwy, City of Escondido, Citrus Ave to Valley Pkwy and to northern city limit, local arterial.	$2,000,000.00
393.	California	Reconstruction and repair of pedestrian walkways in and around the campus of California State University Northridge to improve traffic and safety.	$784,000.00
394.	New York	Study of goods movement through I-278 in New York City and Northern New Jersey to be conducted by Region II University Transportation Research Center.	$1,500,000.00
395.	Missouri	Mississippi Riverfront Bicycle/Pedestrian trail connecting with Columbia Bottom conservation area.	$300,000.00
396.	New Jersey	Route 22 Sustainable Corridor Plan	$2,000,000.00
397.	Minnesota	Reconstruct Unorganized Township Road 488 from CSAH 138, Koochiching County	$1,025,000.00
398.	New York	Widening and resurfacing of a one-mile stretch of the bicycle path from Boston Post Rd. to Playland Park, Rye.	$275,000.00
399.	Arkansas	Construction of roadway for SE Intermodal, Drew/Bradley Counties	$2,080,000.00
400.	Virginia	Widen Rt. 33 at High Street, Harrisonburg	$500,000.00
401.	Indiana	New road construction of Dixon Road from Alto Road to Greentree Lane and Dixon Road from Markland Avenue to Judson Road in Kokomo, Indiana.	$2,000,000.00
402.	Georgia	Design, right of way acquisition and construction of Fulton County Industrial Blvd	$2,000,000.00
403.	Louisiana	Essen Lane at I-12; Perkins Road; Central Thruway; O'Neal Lane; LA 408 study; and Burbank Drive; and Essen Park Extension in East Baton Rouge Parish.	$30,000,000.00
404.	Alabama	Patton Island Bridge Corridor connecting Colbert and Lauderdale Counties	$10,000,000.00
405.	Pennsylvania	Improve Route 89 one mile north of Titusville	$300,000.00
406.	South Carolina	Construction of Safety Improvements and Beautification along I-385	$2,000,000.00
407.	Illinois	Engineering and right-of-way acquisition to widen 95th Street between Plainfield-Naperville Road and Boughton Road.	$500,000.00
408.	Minnesota	Environmental impact statement for improvement along the entire US 10 corridor	$1,300,000.00
409.	Idaho	Widen US-95 from 2 to 4 lanes from Worley to Mica Creek	$6,000,000.00
410.	Kentucky	Rehabilitate US 127 from US 127 South (Hustonville Rd.) to the Mercer County line, Danville	$1,000,000.00
411.	California	Improvements to increase beach access, prevent storm drain failure and accommodate increasing pedestrian traffic on The Stand, Manhattan Beach.	$2,000,000.00
412.	Pennsylvania	Construct a new parking facility for the Cruise Terminal Transportation Center within the Philadelphia Naval Business Center.	$5,000,000.00
413.	Washington	To replace BNSF trestle, Sammamish River bridge and reconstruct SR202/127th Pl NE and SR202/180th Ave NE intersections.	$2,000,000.00
414.	New York	Roadway improvements in Village of Schuylerville, including Routes 4/32 & 29. Includes infrastructure, mobility, safety and streetscape improvements.	$4,350,000.00
415.	New York	Reconstruction of Route 59 from Sickletown Road to Route 303, Rockland County	$1,000,000.00
416.	Kansas	Construction of a 1.5 mile new roadway truck route in Downs, KS	$500,000.00
417.	Hawaii	Upgrade Farrington Highway	$2,800,000.00
418.	California	Upgrade Jepson Parkway at the North and South Access Gates of Travis Air Force Base and widen Vanden Road segment, Solano County.	$2,000,000.00

High Priority Projects—Continued

No.	State	Project Description	Amount
419.	California	Will add landscaping enhancements along the freeway for aesthetic purposes in Ventura County	$2,500,000.00
420.	South Carolina	Palmetto Trails Project - a statewide bicycle and pedestrian trails project connecting historic sites, important natural landscapes and many communities.	$2,000,000.00
421.	Oklahoma	Widen US 60 between Bartlesville and Pawhuska, Osage County	$2,000,000.00
422.	Pennsylvania	Design, engineering, ROW acquisition, and construction of intersection improvements and safety enhancements, Borough of Moosic in Lackawanna County.	$250,000.00
423.	California	Construction of a .2 miles section of Poinsettia Lane in the City of Carlsbad, local arterial	$2,000,000.00
424.	Michigan	Reconstruct Lake road in Ironwood from Margaret Street to Airport Road, Gogebic County	$805,000.00
425.	Georgia	Widening of GA SR 400 from 4 lanes to 6 lanes between Haynes Bridge Road and McFarland Rd	$10,000,000.00
426.	Illinois	Construct road from Rt.13 to Carterville Herrin Road, Herrin	$800,000.00
427.	Tennessee	Construct and Widen State Route 33 in Monroe County	$5,000,000.00
428.	Pennsylvania	Replace traffic signals, optimize signal timing devices, and install traffic calming devices and new signage through construction in Mechanicsburg.	$1,200,000.00
429.	Indiana	1.5 mile rd ext., Allen Cnty, IN. The project is the 1.5 mile road extension from Lake Ave. to State Road 930.	$11,000,000.00
430.	New Jersey	Construct Parking Facility at Union City Intermodal Facility	$2,000,000.00
431.	New York	Construction of and improvements to Union Road in West Seneca	$1,000,000.00
432.	Alabama	Birmingham Northern Beltline	$20,000,000.00
433.	Florida	Removal and replacement of Columbus Street bridge, Hillsborough County	$750,000.00
434.	North Carolina	Rerouting of Holly Springs Church Road (NCSR 1815) beginning near the intersection with Airport Road (NCSR 1876) to Janice Drive (NCSR 1894) near Mount Airy in Surry County.	$1,000,000.00
435.	California	Implement and maintain an incident management system for I-880 and I-80, Alameda and Contra Costa Counties.	$500,000.00
436.	California	Replace South Access to Golden Gate Bridge, San Francisco	$6,000,000.00
437.	California	Construct an auxiliary lane on Highway 17 between Camden and Hamilton Avenues, Campbell	$12,900,000.00
438.	California	Cabot-Camino Capistrano Bridge. Construction of a bridge that will connect highways Camino Capistrano and Cabot Road.	$838,690.00
439.	California	Realign State Route 79 from Gilman Springs Road to Domenigoni Parkway in San Jacinto	$2,000,000.00
440.	Illinois	Construct bikepath and pedestrian walkway along Western Avenue; construct access road for West Ridge Nature Preserve, Chicago.	$3,000,000.00
441.	California	Pasadena Multi-modal intelligent transportation system: traffic management center upgrade, transit management system, parking guidance system, the City of Pasadena.	$2,500,000.00
442.	New York	Rehab Rt 35/202 from Bear Mtn Parkway to Taconic Parkway in New York State DOT	$1,575,000.00
443.	Hawaii	Construct Waimea Bypass	$1,000,000.00
444.	Kansas	Construct I-35/Lone Elm Road interchange and widen I-35 from 151st Street to 159th Street, City of Olathe.	$1,000,000.00
445.	Texas	Complete State Highway 146, Baytown	$500,000.00
446.	New Jersey	Rehabilitation of West Broadway Bridge, Paterson	$3,500,000.00
447.	Illinois	Improve safety of horizontal curve on 725th St. in Grandview Twp	$80,000.00
448.	Georgia	New interchange on I-95 at Horsestamp Rd	$5,000,000.00
449.	Michigan	Implement driveway control along the 3 lane segment of US-31 North and South of Honor, Michigan.	$2,500,000.00
450.	Michigan	Resurface 3.51 miles of Hamilton and Wessel Roads, Alpena County	$640,000.00
451.	Mississippi	Pirate Cove Interchange/Access Rd:I-20 Interchange and access roads linking I-20 to US Hwy 80	$500,000.00
452.	California	Implement streetscape project on Central Avenue from 103rd Street to Watts / 103rd Street Station, Watts.	$3,500,000.00
453.	New York	Improvements on Lower Rd. in Town of Minisink-NY	$175,000.00
454.	Ohio	Construct SR 104 into a 4 lane facility with a turning lane in Ross County	$6,000,000.00
455.	Pennsylvania	Design, engineering, ROW acquisition, and construction of intersection improvements and safety enhancements, Borough of Old Forge in Lackawanna County.	$250,000.00
456.	New York	Reconstruct NYS Rt. 12 (Rt 20 to Waterville North Village Line)	$4,927,000.00
457.	Michigan	Reconstruction of Intersection at Woodside Avenue and Borton Avenue,Essexville	$960,000.00
458.	Pennsylvania	US Route 13 corridor reconstruction, redevelopment, and beautification in Bucks County	$5,000,000.00
459.	Maryland	Jones Falls Greenway (hiker/biker trail). Funding for Baltimore City to construct Phase 2 of this urban trail.	$4,000,000.00
460.	California	Construct grade separation at State College Blvd., Fullerton/Anaheim	$2,000,000.00
461.	New York	Reconstruction of Herald and Greeley Squares, New York City	$500,000.00
462.	Florida	Alternate US 19, Tyrone Blvd. at 72nd St., St. Petersburg	$6,000,000.00
463.	California	Reconstruct overcrossing and interchange at Interstate 10 & Tippecanoe Ave in Loma Linda	$4,000,000.00
464.	Florida	State Road 9B / I-295 Extension and Connection (Duval County)	$3,500,000.00
465.	Illinois	Construction of a new intersection of a public road at U S Route 50 in Olney	$550,000.00
466.	Missouri	Intelligent Transportation System pilot deployment to enhance efficiency and security of cargo in Kansas City region.	$500,000.00
467.	Connecticut	Widen Route 34, Derby	$3,000,000.00
468.	Texas	Arlington, IH-30 at FM 157 (Collins) and Center Street interchange improvements	$2,000,000.00
469.	Tennessee	Widen State Route 62 in Knox County, TN	$6,500,000.00
470.	Massachusetts	Rehabilitation of Whittier Bridge which carries Route I-95 over the Merrimack between Amesbury and Newburyport.	$2,000,000.00
471.	California	Port of Hueneme Intermodal Access Improvement Project, including grade separation at Rice Avenue/State Route 34; road widening at Hueneme Road.	$4,700,000.00
472.	Arkansas	Improve County Road 75, Polk County	$200,000.00
473.	Florida	Construction and four-laning of State Road 80, Hendry County	$3,500,000.00
474.	Ohio	Improve roads and bridges, City of Youngstown	$3,000,000.00
475.	Wisconsin	Reconstruct East Washington Avenue, Madison	$7,050,000.00
476.	California	Widening of State Route 76 from Melrose Drive to I-15	$5,000,000.00
477.	Nebraska	Planning and design of sections of the Heartland Expressway located in and around the cities of Scottsbluff and Gering, Nebraska.	$300,000.00
478.	Illinois	ITS deployment, Cook County	$160,000.00
479.	South Carolina	Design, acquire land, and undertake improvements to the South Corridor project from York County to City of Charlotte.	$2,255,000.00
480.	Texas	Making transportation corridor improvements along I-69 from Palo Alto to the U.S-Mexico border at Brownsville Navigation District.	$1,500,000.00
481.	North Carolina	Upgrade portions of US 220 (future I-73/74) to interstate standards in Montgomery County, NC	$2,500,000.00
482.	Kentucky	Construct the main street connector between Lisa Lane and Main Street, Stanton	$500,000.00
483.	Pennsylvania	Construct access ramp from SR 247/SR 1012 into Valley View Business Park, Lackawanna County.	$2,000,000.00
484.	Florida	Construct I-95/Matanzas Woods Parkway Interchange in Flagler County, Florida	$4,000,000.00
485.	Michigan	CR 515 from US2 & US41 in Rapid River to County Road 446 at Days River Road - bituminous overlay and joint repair, Delta County.	$320,000.00
486.	California	Construct truck lane from Britannia Blvd to the Otay Mesa Port of Entry, San Diego County	$4,000,000.00
487.	New York	Rehabilitate bridges in Tompkins County-Ithaca Secondary Line	$2,500,000.00
488.	California	Improve Glendale Freeway Terminus to provide pedestrian access, construct sound barriers, and implement landscaping, Los Angeles.	$2,500,000.00
489.	Pennsylvania	Three at grade rail crossings along Amtrak Keystone Corridor need to be closed for safety reasons.	$500,000.00
490.	New Mexico	Planning, design and construction of bikeways, walkways and underpass at the City of Santa Fe's downtown railyard redevelopment project.	$2,000,000.00

High Priority Projects—Continued

No.	State	Project Description	Amount
491.	Indiana	Construct grade separated interchange at Hively Avenue in the City of Elkhart	$2,000,000.00
492.	New York	Erie Canalway National Heritage Corridor Transportation Enhancement Project	$500,000.00
493.	Texas	Hwy 80/123 overpass at Hwy 181, Karnes County	$300,000.00
494.	New York	Improve uptown streets, Kingston	$594,500.00
495.	Ohio	Reconstruct US Route 6, Rocky River	$2,000,000.00
496.	Illinois	Complete 80,000 lb. truck route between C.H. 2 (Burma Rd.) and Il Rte 130 in Cumberland County.	$3,000,000.00
497.	New York	Realignment & rehab of Kirk Lane Drive in Town of Carmel-NY	$100,000.00
498.	Florida	New systems interchange ramps at SR 417 and Boggy Creek Road in Orange County, Florida	$5,000,000.00
499.	Illinois	Widen U.S. Route 34 from U.S. 67 to Carmen Road	$4,000,000.00
500.	Washington	41st Street Bridge Widening, Everett	$3,500,000.00
501.	New York	Improvements to Intermodal transportation facility at Fort Totten, New York	$1,000,000.00
502.	Tennessee	Construct pedestrian bridge in Alcoa	$1,000,000.00
503.	Texas	Additional right-of-way along US 71 north of Texarkana along the Arkansas-Texas state line	$1,000,000.00
504.	Florida	Shops of Sherwood Access Road, Jacksonville	$1,500,000.00
505.	Arkansas	Widen Jefferson Parkway, Jefferson County	$500,000.00
506.	Alaska	Make necessary improvements to Indian River Road in City and Borough of Sitka	$2,000,000.00
507.	California	Construction of new freeway lanes, including HOV lanes at US HWY 50 and Empire Ranch Road, Folsom, CA.	$4,000,000.00
508.	Arkansas	Hwy 65 improvements including construction of passing lanes, bridge improvements, intersection improvements and other roadway improvements, Van Buren County.	$1,200,000.00
509.	Missouri	Relocate this portion of I-44 between Route D and Sugar Tree Road in West Phelps County	$2,000,000.00
510.	Iowa	Phase III of the Main Street project, Amana	$1,000,000.00
511.	Florida	Improvements of segments of US Highway 27 from SR 540 to SR 544 and from I-4 to US 192, in Polk County, FL.	$8,000,000.00
512.	Tennessee	Upgrade circuit at gates/lights for Bristol grade crossing (USDOT#731120J) to intelligent systems that eliminate current variability.	$100,000.00
513.	New York	Improvements and restoration at old US Rt 9 & Van Cortlandt Manor in Village of Croton on Hudson.	$2,700,000.00
514.	Minnesota	New Interchange at I-35 and CSAH 2 in the city of Forest Lake	$3,000,000.00
515.	West Virginia	Construct Coalfields Expressway	$7,200,000.00
516.	New Jersey	Route 46 & Main Street, Lodi - Roadway and Drainage Improvements	$2,000,000.00
517.	Nevada	Construct a series of 4 system-to-system interchanges on the Clark County Beltway	$16,500,000.00
518.	Missouri	Design, Right of Way and Construction of Highway 13- Branson West By-Pass, Stone County, MO.	$5,200,000.00
519.	Tennessee	Reconfiguration and Removal of I-40 and I-55 ramps to reduce heavy traffic volumes on Riverside Drive.	$1,000,000.00
520.	Pennsylvania	PA Route 309 roadway construction and signalization improvements in Tamaqua Borough	$2,000,000.00
521.	California	Improve Ave 12-Fwy 99 interchange; create five lanes and install traffic signals. Construct Road 29 entrance east of the interchange.	$1,500,000.00
522.	California	Improve 16 roads, bridge and one bike path in Mariposa County	$2,000,000.00
523.	Pennsylvania	Swamp Road corridor safety and roadway improvements	$3,500,000.00
524.	Alaska	Crooked Creek Road to the mine site at Donlin Creek	$15,000,000.00
525.	California	Widen Wilmington Ave from 223rd street including ramp modifications, Carson	$2,000,000.00
526.	Florida	Route 610 Widening, Greensville County	$500,000.00
527.	New York	Install Improvements for Pedestrian Safety in the vicinity of St. Roberts Bellarmine	$250,000.00
528.	Hawaii	H-1 Counterflow Zipper Lane	$4,000,000.00
529.	Texas	SH 205--Widen 2 lane to 6 lane urban divided highway north of SH 66 to SH 276	$2,000,000.00
530.	California	Improvements at First Street and Erringer Road. The project will widen off ramps and surface streets.	$2,000,000.00
531.	Florida	Construct St. Augustine to Palatka Rail Trail in Northeast Florida	$2,900,000.00
532.	Ohio	Construct connector trail connecting Xenia to Jamestown to Washington Court House	$1,000,000.00
533.	California	Construct new interchange at I-15 and State Route 18(Falchion Road) and provide new highway access to U.S. 395.	$2,000,000.00
534.	Illinois	Construct Streetscape project on Morse Avenue from Clark Avenue to Sheridan Road, Chicago	$2,000,000.00
535.	Pennsylvania	Design, engineering, ROW acquisition, and construction of street improvements and safety enhancements, Borough of Plymouth in Luzerne County.	$250,000.00
536.	Ohio	Road widening and safety improvements to Pettibone Rd. in the City of Solon	$3,000,000.00
537.	New York	Improvement of road and bridges between 2 state highways leading to Stewart International Airport in New Windsor-NY.	$2,000,000.00
538.	New York	Re-construction, re-design and improvements to Ohio Street from Fuhrmann Boulevard to Michigan Avenue in Buffalo.	$8,000,000.00
539.	New York	Implements traffic calming measures using streetscape improvements from Court to Smith Street	$800,000.00
540.	Illinois	Extension of Willow Creek Trail, engineering of an 8-mile trail from Rock Cut State Park to the Long Prairie Trail in Caledonia, Grand Illinois Trail System.	$100,000.00
541.	California	Construct highway connecting State Route 78/86 and State Route 111, Brawley	$10,000,000.00
542.	New York	Construct Auburn New ''Connector Road'' - New highway between Rt. 5 and Rt 34	$2,000,000.00
543.	Kentucky	Reconstruct Turkeyfoot Road from Autumn to Richardson	$2,000,000.00
544.	Georgia	Stone Mountain-Lithonia bikeway and sidewalks	$1,200,000.00
545.	Washington	Roosevelt Extension/SR 538 at Urban Avenue to Cameron Way, Mount Vernon	$4,000,000.00
546.	Ohio	Construct Farm Road Project, Gallia County	$550,000.00
547.	California	Construction of improvements to the Western Placerville Interchanges on SR 50 between the Missouri Flat Road Over-crossing and the Placerville Drive under-crossing in and near the City of Placerville in El Dorado County.	$3,000,000.00
548.	New York	Implement Improvements for Pedestrian Safety in Richmond County	$1,000,000.00
549.	Georgia	Construction of the U.S. 411 Connector between U.S. 41 and I-75 in Floyd and Bartow Counties	$14,000,000.00
550.	Illinois	Construct streetscape project at the intersection of Foster and Kedzie, Chicago	$2,220,000.00
551.	Pennsylvania	Construct Campbelltown Connector, Lebanon County	$2,000,000.00
552.	Illinois	Complete construction of route from Industrial Park Drive to Bakery Boulevard, DuQuoin	$625,000.00
553.	Iowa	Extend Muscatine Mississippi River Levee Trail in Iowa	$500,000.00
554.	California	Project design, environmental assessment, and roadway construction of Lonestar Road from Alta Road to Enrico Fermi Drive, San Diego County.	$500,000.00
555.	Minnesota	Roadway improvements, City of Federal Dam	$1,000,000.00
556.	American Samoa	Village road improvements for Launiusaelua and Ituau counties in the Central District	$3,000,000.00
557.	California	Elk Horn Boulevard Widening to SR 99, Sacramento, CA	$1,000,000.00
558.	Missouri	Construction of US 71 to Expressway status, McDonald County, MO	$15,000,000.00
559.	Pennsylvania	Construction of University Boulevard interchange on PA 60 Business near Pittsburgh International Airport.	$1,000,000.00
560.	New York	Rehabilitation of North and South Ridge Street and Wappanocca Ave. in the Village of Rye Brook and City of Rye.	$2,160,000.00
561.	Ohio	Construction of a connector road between Orchard Land and Factory Rd in Beavercreek, OH	$500,000.00
562.	West Virginia	Construct I-74/74 Corridor, Mercer Co	$11,200,000.00
563.	Illinois	Eldamain Road: Construction of the Eldamain Road Bridge over the Fox River	$5,000,000.00
564.	Kentucky	Reconstruct I-275/KY 212/KY 20 interchange	$2,000,000.00
565.	South Carolina	Transportation infrastructure improvements in Orangeburg County	$10,000,000.00
566.	Georgia	Phase III Streetscape [pedestrian safety enhancements, sidewalks, curb replacement, restoration, landscaping, ADA compliance], Columbus.	$1,500,000.00

High Priority Projects—Continued

No.	State	Project Description	Amount
567.	Alaska	Planning, design, and EIS of Bradfield Canal Road	$2,300,000.00
568.	Rhode Island	Restore and expand maritime heritage site, Bristol	$1,000,000.00
569.	New York	Restores Eastern Parkway by adding a bicycle crossing lane and traffic lights	$3,000,000.00
570.	Michigan	Study of direct highway access between the I-96/36th Street interchange and the passenger terminal of the Grand Rapids airport.	$900,000.00
571.	Washington	Construction of .6 mile span to connect trail and I-5	$5,500,000.00
572.	North Carolina	Construct the US 74 Bypass around Shelby to add additional traffic-carrying capacity and enhance safety.	$5,000,000.00
573.	Texas	Improvements to I-35E/I-635 Interchange	$1,000,000.00
574.	Illinois	City of Oreana ''Original Town'' road upgrades	$884,000.00
575.	Mississippi	Popps Ferry Road bridge, Biloxi	$4,000,000.00
576.	New York	Improvement of Hatfield Lane in Village of Goshen-NY	$400,000.00
577.	Florida	Construct SR20/CR 309C/SR 100 Connnector in Palatka, Florida	$4,000,000.00
578.	New York	This project involves a full reconstruction of all the streets in Long Island City surrounding 11th Street.	$2,400,000.00
579.	Washington	Cultural/Interpretive Center (Hanford Reach National Monument) facility and highway offramps near I-182 and SR240, Richland.	$1,570,000.00
580.	Utah	Reconstruction of State Route 158 at Pine View Dam, Weber County, Utah	$5,000,000.00
581.	American Samoa	Shoreline protection and drainage mitigation for Nuuli village roads	$1,000,000.00
582.	Minnesota	Construct Pfeifer Road, remove 10 foot raised crossing, Twin Lakes Township	$251,717.00
583.	North Carolina	Design and construct regional shared use pedestrian and bicycle pathway along Little Sugar Creek.	$3,000,000.00
584.	Maine	Penobscot Riverfront Development for bicycle trails, amenities, and traffic circulation improvements, Bangor.	$2,000,000.00
585.	Virginia	Reconstruct 3 deteriorating highway bridges and rebuild 2 interchanges on Arlington Boulevard and Washington Boulevard.	$2,000,000.00
586.	Tennessee	Constuct transportation and heritage museum in Townsend	$1,000,000.00
587.	New Jersey	Elizabeth Pedestrian Bicycle Project for the NorthAvenue/Route 1 transportation corridor	$546,000.00
588.	New York	Construct an access road and make drainage improvements and aesthetic enhancements to area between Ocean Parkway and Oak Beach Park.	$2,700,000.00
589.	Virginia	Blue Ridge Music Center - install lighting/steps, upgrade existing trail system and equip interpretative center with visitor information.	$2,500,000.00
590.	Pennsylvania	Design, engineering, ROW acquisition, and construction of the widening of Pennsylvania Route 443 Corridor Widening, Carbon County.	$1,000,000.00
591.	Wisconsin	Construct U.S. Highway 41 North of Lake Butte des Morts Bridge, WI	$16,400,000.00
592.	Missouri	Extension and rehabilitation of Riverside Road (MO Route AC)	$10,000,000.00
593.	Texas	Engineering, design and construction of freight connector roads along F.M. 511 at Brownsville Navigation District.	$1,000,000.00
594.	Nevada	Widening of US-95 from Craig Road to the Clark County Beltway	$5,000,000.00
595.	New Jersey	Improve the US Interstate 78 Interchange at Exit 15 in Franklin Township, Union Township and Town of Clinton.	$1,000,000.00
596.	Montana	Build Four Lane Western Bypass on US 93 around Kalispell	$22,000,000.00
597.	North Carolina	Widen Derita Road from Poplar Tent Road in Concord, NC to the Cabarrus-Mecklenburg County line.	$2,000,000.00
598.	Ohio	Replace Fulton Road Bridge, Cleveland	$1,700,000.00
599.	Texas	Pedestrian path and sidewalk improvements along US 83, Rio Grande City	$500,000.00
600.	Texas	Widen Hempstead Highway from 12th Street to Washington Avenue from four lanes to six lanes	$2,000,000.00
601.	California	Pine Avenue extension from route 71 to Pomona Rincon Road in the city of Chino	$8,500,000.00
602.	Texas	Providing preliminary engineering for and constructing a loop in and around Texarkana, along the US 71-I-49 corridor.	$3,000,000.00
603.	Michigan	West Michigan Regional Trail Network connector to link two trail systems together and to Grand Rapids.	$2,950,000.00
604.	New York	Plan and construct greenway along Red Hook, Brooklyn waterfront, and conduct transportation study to improve pedestrian safety and air quality.	$1,440,000.00
605.	North Carolina	Installation of ITS devices along I-85 from North of SR 1002 to North of SR 2120 near Spencer	$2,200,000.00
606.	Wisconsin	Construct U.S. Highway 151, Fond du Lac Bypass, WI	$3,000,000.00
607.	Nevada	Meadowood Interchange: will mitigate traffic congestion on Interstate and arterials in Reno's primary retail center. State Priority.	$2,000,000.00
608.	Illinois	Improve roads, Village of Forest Park	$750,000.00
609.	California	Reconstruct 152/156 Interception Project, Santa Clara County, CA	$1,000,000.00
610.	Rhode Island	Restoration of Canal at John Chafee Blackstone River Valley Heritage Corridor	$500,000.00
611.	Illinois	Widen and resurface South Wall St, Carbondale	$700,000.00
612.	New York	Intermodal transportation improvements, Coney Island	$3,600,000.00
613.	Texas	Construct landscaping and other pedestrian amenities in segments of the Old Spanish Trail and Griggs Road rights-of-way.	$2,000,000.00
614.	Pennsylvania	Construct Route 219 Bypass in the City of Bradford	$2,000,000.00
615.	Minnesota	Reconstruct Sucker Bay Road, Cass County	$2,500,000.00
616.	Illinois	Baseline Rd. Improvement (Montgomery): Reconstruction and realignment of Baseline Road	$2,080,000.00
617.	New Jersey	Replace steep grade and dangerous two lane bridge on Schooley's Mountain Road	$1,000,000.00
618.	South Carolina	Fire Station Road Bridge in Anderson County	$230,000.00
619.	Georgia	Uptown Jogging, Bicycle, Trolley Trail [pedestrian, bicycle, jogging, safety upgrades, trolley lane, skating trail], Columbus.	$1,425,000.00
620.	Ohio	Construct turn lane, install traffic light, and reorient traffic on SR 146 near Bussemer Lane in Muskingum County.	$600,000.00
621.	New York	Funds an intermodal transportation facility on Brooklyn Avenue	$1,400,000.00
622.	Missouri	Highway 350 upgrade through Raytown	$1,000,000.00
623.	Kansas	Construction of a two-lane on a four-lane right of way bypass with controlled access on US-400 at Dodge City.	$12,800,000.00
624.	Illinois	Extends MacArthur Blvd. from Wabash to Iron Bridge Road in Springfield	$1,500,000.00
625.	Minnesota	Upgrade CSAH 21 to a 4 Lane divided roadway with left turn lanes at public streets in Scott County.	$1,000,000.00
626.	Virginia	Chestnut Mountain Road - feasibility study, design and construction start for road improvement on National Forest lands.	$1,000,000.00
627.	Michigan	Walled Lake, Decker Rd. between Maple and S. Commerce	$125,000.00
628.	Tennessee	Widen State Route 30 from Athens to Etowah	$5,758,000.00
629.	California	Construction of interchange at State Hwy 86 at Ave 66 in Coachella, CA	$4,500,000.00
630.	Illinois	Improve roads and enhance area in the vicinity of South Archer Avenue and Midway Airport, Chicago.	$5,500,000.00
631.	New Mexico	Reconstruction of I-40 west of Gallup to maintain safety and travelability of I-40	$1,500,000.00
632.	California	Construct off ramp at Interstate 8/Imperial Avenue Interchange, El Centro	$3,000,000.00
633.	Michigan	Dynamite Hill Road demonstration whitetoping on rural major collector leading to industrial park, Baraga County.	$200,000.00
634.	Texas	Reconstruction of US 277 and curb and gutter from the San Felipe Bridge to the approach on Sycamore Creek Bridge in Del Rio.	$6,800,000.00
635.	Texas	Completion of US 77 relief route around City of Robstown	$4,000,000.00
636.	Maryland	Construction of interchange at MD4 and Suitland Parkway and widening of MD 4	$2,100,000.00
637.	Washington	Improve Cemetary Road and rebuild/widen bridge over U.S. Bureau of Reclamation irrigation canal, Othello.	$190,000.00

High Priority Projects—Continued

No.	State	Project Description	Amount
638.	Oregon	Regional Trails Program for the first phase of three phases of trails in the comprehensive regional system.	$4,500,000.00
639.	New York	Rehab of Village of Kiryas Joel sidewalks, signalization and roadways	$1,250,000.00
640.	Illinois	Resurface Trumbull Avenue and Homan Avenue, Evergreen Park	$350,000.00
641.	Indiana	Replace Samuelson Road underpass, Portage	$3,200,000.00
642.	New Jersey	Bridge replacement and realignment on Amwell Road Bridge over the Neshanic River in Hillsborough, New Jersey.	$500,000.00
643.	New Jersey	Improvement to St. Georges Avenue from Wood Avenue, Roselle	$350,000.00
644.	Ohio	Construct roadway improvement project along State Routes 37 and 78 through Fairfield, Perry, Morgan, Noble, Monroe Counties.	$250,000.00
645.	Michigan	repave Old State Highway M-51 from Village of Applegate to Village of Carsonville	$500,000.00
646.	Georgia	Streetscape project to improve accessibility and safety for pedestrians, Mount Vernon	$606,000.00
647.	South Carolina	US & Bowman Road Interchange, Mount Pleasant	$7,000,000.00
648.	Ohio	Upgrade grade crossing safety devices in Elyria and North Ridgeville	$952,000.00
649.	Guam	Construct Route 3A Extension, Municipality of Yigo	$3,000,000.00
650.	California	I-80 Gilman Street interchange improvements, Berkeley	$1,500,000.00
651.	Texas	Reconstruct Ella/Wheatley from Little York to West Gulf Bank	$1,250,000.00
652.	Alaska	Planning and Design Knik Arm Bridge	$3,000,000.00
653.	Texas	Connect Pharr International Bridge to US 83	$10,000,000.00
654.	Michigan	Pittsfield Greenways Bridge - Nonmotorized bridge enhancement onto existing Bemis Road Bridge over US-23 to connect Pittsfield Greenways, Pittsfield Charter Township.	$275,000.00
655.	Connecticut	Reconstruct I-95 bridge over the Quinnipiac River	$1,500,000.00
656.	Illinois	Widening existing 2 lanes to 5 lanes; install closed drainage system; add additional right of way and new traffic signals.	$3,360,000.00
657.	Illinois	Widen U.S. Route 51 from Pana to Vandalia	$3,000,000.00
658.	Wyoming	Widen State Hwy 59:Widen 5 miles of existing 2-lane road to a 4-lane road, w/ a center turn lane	$1,000,000.00
659.	Missouri	Complete environmental impact study for North Oak Redevelopment	$500,000.00
660.	Michigan	Hartman-Hammond-Three Mile Road widening and bridge project	$3,000,000.00
661.	Massachusetts	Reconstruction of Goddard Memorial Drive from State Route 9 to Airport Drive, Worcester	$2,000,000.00
662.	New Jersey	Rehabilitation of Route 35 between Point Pleasant and Mantoloking NJ	$1,250,000.00
663.	California	Harbor Blvd. Intelligent Transportation System (ITS). Widen intersections and add lanes, Garden Grove/Anaheim.	$1,200,000.00
664.	New York	Improvements for pedestrian and vehicular access to Baychester Avenue and Bartow Avenue	$600,000.00
665.	Minnesota	Corridor preservation and right of way acquisition from I-494 to the city of Annandale in Wright County, MN.	$5,000,000.00
666.	New York	Rehabilitate Route 13 over Tioughnioga River-bridge access to City of Cortland	$1,020,000.00
667.	Pennsylvania	Restoration of I-176 from milepost 4 to milepost 7 and restoration of interchanges in Cumru and Robeson Townships, Berks County.	$4,531,000.00
668.	Arkansas	Improvement on County Road 14, Grapevine	$500,000.00
669.	Illinois	Construct grade separation on Grand Avenue, Franklin Park	$500,000.00
670.	Pennsylvania	Provide four through lanes on PA 100 by constructing two through lanes to the east of Ludwig's Corner.	$6,000,000.00
671.	Arizona	Design Concept Study of Rio Salado Parkway West to connect Loop 202 extension in Phoenix to Loop 303, Buckeye.	$2,800,000.00
672.	Illinois	Expand US Rte 20 to four lanes from Freeport to Galena, IL	$3,000,000.00
673.	California	Replace Davis Street Highway I-880 overpass, San Leandro	$1,000,000.00
674.	Texas	Add shoulders to FM 156 from Ponder, Texas to Krum, Texas	$4,000,000.00
675.	New Jersey	Preliminary engineering for connection of Route 23 and I-80	$1,500,000.00
676.	Minnesota	Construct bridge for Paul Bunyan Trail over Excelsior Road, Baxter	$1,200,000.00
677.	South Carolina	Bobby Jones Expressway (I-520) -To construct a circumferential route around Augusta, GA, and N. Augusta, SC, that is part of a larger system to relieve traffic congestion.	$2,000,000.00
678.	Virginia	Route 369 - construction of Route 369 from Southwest Virginia Community College campus to Route 19.	$983,000.00
679.	Florida	Belleair Causeway Bridge, Pinellas County	$19,000,000.00
680.	New Jersey	Roadway improvements in vicinity of Exit 12, NJ Turnpike, Carteret	$1,000,000.00
681.	California	Widening of two lane SR79 highway to four lanes	$2,000,000.00
682.	Georgia	Streetscape project to replace sidewalks in downtown Forsyth	$300,000.00
683.	Iowa	Complete the bicycle and pedestrian trail system for the Des Moines area through the development of a signature Riverwalk project.	$5,000,000.00
684.	California	Improvements (including arterial street rehabilitation) to enhance traffic and pedestrian safety in Reseda, Canoga Park, and Winnetka, Los Angeles.	$3,250,000.00
685.	Maine	Plan and construct highway access between Route 161 in Daigle to US Route 1, Madawaska	$1,000,000.00
686.	Wyoming	Bike Path from Jackson to Jenny Lake (25 mi)	$2,000,000.00
687.	Pennsylvania	Construct the realignment of Cool Creek Road in York County, Pennsylvania, or other eligible projects selected by York County, Pennsylvania MPO.	$1,000,000.00
688.	Pennsylvania	Design, engineering, ROW acquisition, and construction of intersection improvements and safety enhancements, Borough of Dunmore in Lackawanna County.	$650,000.00
689.	California	Upgrade roads, traffic signals and turn lanes in order to ease traffic congestion for the Willow/Ashlan & Shaw intersections.	$1,500,000.00
690.	New York	Design and construct pedestrian and bicycle path (Buttermilk Falls Trail), Ithaca	$544,000.00
691.	Pennsylvania	Redesign and upgrade of I-70 and I-79 South interchange to current federal safety standards	$1,000,000.00
692.	Mississippi	Martin Bluff Road improvements, Gautier	$3,000,000.00
693.	California	Improvements to interchange between SR 23 and SR 101. Could include widening of SR 23 from 2 lanes to 3.	$4,856,000.00
694.	Washington	Extension of Waaga Way W to Old Frontier Rd to complete a portion of the SR3, 303 interchange	$500,000.00
695.	Pennsylvania	The French Creek Parkway and Connector Roads	$5,000,000.00
696.	California	Coastal Corridor Investments Phase II -A - multi-modal improvements on Rosecrans Avenue between Sepulveda Blvd and I-405, El Segundo.	$3,000,000.00
697.	New York	Plan and construct greenway/bicycle path/esplanades and ferry landing along New York Bay in Sunset Park, Brooklyn.	$10,000,000.00
698.	Mississippi	Upgrade roads in Gunnison, Mound Bayou, Beulah, Benoit, and Shaw, Bolivar County	$2,400,000.00
699.	Alabama	Study and Design phase of major north-south West Alabama highway from Muscle Shoals to Mobile.	$1,000,000.00
700.	Ohio	Call Road Paving, and construction of access improvements in Perry Village	$67,000.00
701.	California	Reconstruct and widen Del Amo Blvd to four lanes between Normandie Ave and New Hampshire Ave, Los Angeles County.	$3,000,000.00
702.	Texas	Drainage study and engineering for US 83, Starr County	$1,000,000.00
703.	Iowa	Construct bypass (US 61) around City of Fort Madison, Iowa	$5,000,000.00
704.	New Jersey	Replace Rockaway Road Bridge over NJ Transit and Rockaway River	$1,000,000.00
705.	Florida	Replacing the outdated signals along US 19 in Pasco County and linking them together for one computerized system.	$7,000,000.00
706.	Maine	Improvements to Route 108 to enhance access to business park, Rumford	$1,500,000.00
707.	Arkansas	Development of grade separation on Highway 165, Stuttgart	$1,000,000.00
708.	Illinois	Resurface Shawnee College Road, Pulaski County	$1,264,000.00
709.	Pennsylvania	Design, engineering, ROW acquisition and construction of surface improvements to the area adjacent to Exit 168 of Interstate 81 at the Wachovia Arena, Wilkes-Barre Township.	$500,000.00
710.	New York	Construct Millennium Parkway in the towns of Dunkirk and Sheridan	$11,500,000.00

High Priority Projects—Continued

No.	State	Project Description	Amount
711.	Connecticut	Construct Pomfret Pedestrian Bridge	$120,000.00
712.	Illinois	Resurface Clifton Park Avenue and South Louis Avenue, Evergreen Park	$350,000.00
713.	New York	Buttermilk Falls bridge replacement in Town of Warwick-NY	$250,000.00
714.	Iowa	Construction and access between Sioux City, the primary routes leading to the city (Interstate-29, U.S. Highway 20, U.S. Highway 75, U.S. Highway 77, and Iowa Highway 12.).	$1,000,000.00
715.	New Jersey	Construct United States Avenue bridge, Lindenwold	$1,000,000.00
716.	Ohio	Land acquisition for enhancements and pedestrian paths in Silver Lake Township	$450,000.00
717.	Minnesota	Construct 3 segments of Cuyuna Lakes Trails, Crow Wing County	$1,200,000.00
718.	Missouri	Construction of diamond interchange at US 71 and Business 71. Final project in US 71 upgrade	$3,000,000.00
719.	Utah	Reconstruction of Box Elder County Road 523 (Forest Street), Box Elder County, Utah	$3,000,000.00
720.	Virginia	Improve Main Street in Covington	$500,000.00
721.	California	Realign and make improvements to California Hwy 199 between mile marker 22.16 and mile marker 23.65.	$1,000,000.00
722.	Ohio	Construct bike/pedestrian path, Fairview Park	$200,000.00
723.	Florida	Construct Eastern Connector in East Central Florida	$1,000,000.00
724.	Michigan	Pittsfield Greenways - 2.5 miles of pathways to existing Ann Arbor pathways, Pittsfield Charter Township.	$299,000.00
725.	Tennessee	Interchange improvements to increase traffic safety on US25E between I-81 and Cherokee Lake and bridge improvements to local roads.	$500,000.00
726.	Pennsylvania	This project involves widening the intersection of PA 100 and Park Road to accommodate left turn lanes on all approaches and installation of a new traffic signal.	$1,322,000.00
727.	Florida	Pedestrian/bike path improvements and safety projects in Windermere, Florida	$500,000.00
728.	Florida	Construct high rise replacement bridge and approaches adjacent to existing moveable bridge over the Intercoastal Waterway, Brevard Co, FL.	$6,000,000.00
729.	Ohio	St. Route 8 Safety Improvement and road expansion Project in Macedonia City	$4,000,000.00
730.	New Jersey	Route 17 Congestion Improvements and Widening, from Route 46 - Williams Avenue, Hasbrouck Heights to Routes 4 & 17 Interchange, Paramus.	$12,000,000.00
731.	Iowa	University Boulevard widening between 73rd St and NW 86th St, Clive	$1,000,000.00
732.	Minnesota	Kandiyohi and Meeker Counties Hwy 7 between TH 71 and TH 22	$2,440,000.00
733.	Texas	Improvements to Military Road, Penitas	$400,000.00
734.	Ohio	Bicycle trail and pedestrian trail construction in Willoughby Township	$600,000.00
735.	Missouri	Conduct Study of US 65 & US 60 Interchange Replacement, Springfield, MO	$2,000,000.00
736.	Connecticut	Reconstruct I-95/I-91/Rte. 34 Interchange and construct pedestrian walkway	$2,000,000.00
737.	Florida	Florida Keys Overseas Heritage Trail bridge rehabilitation	$2,000,000.00
738.	Illinois	Undertake access improvements to Museum Campus, Chicago	$2,000,000.00
739.	New York	Implement Intelligent Transportation System Sensor Technology to Improve Security at Bridges and Tunnels in Metropolitan New York City.	$1,000,000.00
740.	Louisiana	Upgrade LA 28 to four lanes from LA 121 to LA 465	$2,000,000.00
741.	Illinois	Reconstruct Lakeshore Drive overpass over Wilson Avenue, Chicago	$1,500,000.00
742.	Missouri	Access improvements at US 7 and Interstate 70 and safety and mobility upgrades. Part of Hwy 7 corridor development plan.	$3,000,000.00
743.	Wisconsin	Reconstruct Marquette Interchange	$10,000,000.00
744.	Minnesota	CSAH 21 roadway improvements, City of Ely	$1,000,000.00
745.	California	Improvement of Culver Boulevard between Elenda and Sepulveda; Sepulveda Blvd between Green Valley Circle and Jefferson Boulevard, Culver City.	$2,300,000.00
746.	New York	Improvements on the Cross Island Bridge Overpass/212 Street and vicinity, Queens, New York	$3,120,000.00
747.	Tennessee	Improve State Route 62 in Morgan County near US-27 in Wartburg to Petit Lane from existing two lane highway to four lanes.	$2,000,000.00
748.	California	Develop and implement traffic calming measures for traffic exiting the I-710 into Long Beach	$1,000,000.00
749.	Ohio	Safety improvements to 2 intersections at Meese Rd. and Easton St. in Nimishillen Township	$1,500,000.00
750.	Hawaii	Widen Queen Kaahumanu Highway	$4,850,000.00
751.	Massachusetts	Feasibility and environmental impact study into proposed relocation of New Bedford - Fairhaven (Route 6) Bridge.	$3,000,000.00
752.	Pennsylvania	This project involves realigning the intersection of King of Prussia Road and Upper Gulph Road and provide turning lanes and signalization.	$1,649,000.00
753.	New York	Rehab and realign Union Valley Rd, beginning at Sandy St. in Town of Carmel-NY	$500,000.00
754.	Utah	Highway 191, Moab	$400,000.00
755.	Idaho	New roadway, overpass and connecting intersection to provide access across I-84 in Meridian, Ada County.	$4,000,000.00
756.	Michigan	Greenville, Michigan - Fred Meijer Heartland Trail Completion	$2,000,000.00
757.	Pennsylvania	PA Route 183 widening and ramp enhancement, Bern Township	$1,600,000.00
758.	Minnesota	North-South Corridor with Railroad Overpass, City of Staples	$1,500,000.00
759.	California	Modifies 9 traffic signals between Willow Road and Middlefield Road and Hamilton Avenue, Menlo Park.	$300,000.00
760.	Arkansas	New Interchange on I-540 near the existing Perry Road overpass in Rogers	$7,000,000.00
761.	Illinois	Upgrade roads, Village of Berkeley	$800,000.00
762.	California	Develop bicycle paths and public park space adjacent to the New River, Calexico	$5,000,000.00
763.	Michigan	Northville, Taft Rd. from 8 mile north to city limits	$500,000.00
764.	Rhode Island	Route 403 Construction, stage 2 - complete freeway in East Greenwich and North Kingstown, and Rt. 4 to Davisville Road.	$6,000,000.00
765.	Arkansas	Improvements to SH 102 in Bentonville from U.S. 71B to west city limits	$1,500,000.00
766.	Pennsylvania	Widening of US Route 22 and SR 26 in Huntingdon .Upgrades to the interchange at US 22 and State Route 26.	$3,200,000.00
767.	Texas	Feasibility study to examine the southern route of the La Entrada al Pacifico Trade Corridor	$2,000,000.00
768.	Delaware	Operational and capacity improvements to critical locations along I-95 in New Castle County	$2,500,000.00
769.	Florida	Expanding the capacity of a segment of US 19 from Whitney Road to Drew Street in Pinellas County.	$6,000,000.00
770.	Michigan	Upgrade Tilson Road between M-28 South to intersection of M-28 at Rudyard, Chippewa County	$1,000,000.00
771.	New York	Rehabilitate Bridge Street Bridge in Town of Newark Valley	$1,040,000.00
772.	Tennessee	Construct State Route 1/US-70 to a four lane divided highway on new alignment from Centertown to McMinnville, Warren County.	$11,500,000.00
773.	Pennsylvania	Widen Route 22 to eight lanes from the intersection of Route 22 and I-78 in the west to Route 33 in the east.	$8,000,000.00
774.	Kentucky	Reconstruct I-471/KY 8 interchange	$2,000,000.00
775.	Illinois	Construct road to provide access to Belleville's Citizen Park, Belleville	$2,000,000.00
776.	New York	Rehabilitate Riis Park Boardwalk	$300,000.00
777.	California	Construct right turn lanes, bus turn out lanes, right of way, traffic signals	$2,400,000.00
778.	Indiana	Study approximately two miles of railroad to eliminate in-town crossing, thus enhancing safety and reducing congestion in Delaware County, IN.	$150,000.00
779.	New York	Improve Montauk Highway from CR46 to Barnes Road, Suffolk County	$8,000,000.00
780.	New York	Improve Ashburton Ave from the Saw Mill River Parkway to the waterfront, Yonkers	$500,000.00
781.	Arizona	Widening of I-10 from 40th Street to Baseline Rd. in Phoenix	$4,500,000.00
782.	Georgia	Build a bridge across Big Indian Creek, Perry County	$1,500,000.00
783.	Georgia	Streetscape project to upgrade sidewalks, lighting, and streets, Jeffersonville	$500,000.00
784.	Florida	PALM BAY PARK WAY from Malabar Road to Ellis Road located west of Palm Bay	$4,000,000.00
785.	Pennsylvania	New interchange off of Rte. 60 into proposed industrial park in Neshannock Township, PA	$1,000,000.00
786.	Louisiana	LA 10/Zachary Taylor Parkway, and LA 1148 in Iberville Parish, and LA1/I-10 Connector Study	$4,000,000.00

High Priority Projects—Continued

No.	State	Project Description	Amount
787.	Illinois	Improve roads and bridges, Cicero	$4,000,000.00
788.	Georgia	Streetscape [pedestrian safety enhancements, sidewalks, curb replacement, restoration, landscaping, ADA compliance, restoration], Quitman.	$75,000.00
789.	Georgia	Purchase of 4,000 acres for widening US 441 for mitigation purposes	$2,000,000.00
790.	Minnesota	Stillwater-Oak Park Heights Right of Way acquisition for approaches to St. Croix River Crossing	$5,000,000.00
791.	Tennessee	Upgrade circuit at gates/lights for Bristol grade crossing (Hazelwood Street) to intelligent systems that eliminate current variability.	$100,000.00
792.	Arkansas	For rail grade separations identified by the MPO for the Little Rock/North Little Rock metropolitan area, (which may include: Edison Avenue; McCain/Fairfax; Hwy 100; J.P. Wright Loop; Hwy 89 Extension; Geyer Springs Road; Confederate Blvd.).	$12,000,000.00
793.	New York	Construction of and improvements to Main Street in the Town of Aurora	$500,000.00
794.	Alabama	US 280 - Urban Interchanges from US 31 (Red Mountain Expressway) to Shelby CR 47	$10,000,000.00
795.	California	Rehabilitate the pavement of Vincent Avenue between Interstate I-10 and the north city limit, West Covina.	$450,000.00
796.	New York	Realignment of Union Valley Rd. in Town of Carmel-NY	$300,000.00
797.	Texas	Grade separation of SH 146 over future Port Terminal Railway (PTRA) lead track & Red Bluff Rd. supports proposed Bayport Terminal Complex.	$11,400,000.00
798.	Tennessee	Continuation of Shelby Avenue-Demonbreun Street project, Nashville	$6,500,000.00
799.	Arizona	Construction of a four lane tunnel to link Butherus Dr. to Raintree Dr. in Scotsdale	$1,500,000.00
800.	Michigan	Michigan Intermodal Transportation Management Center to administer surface, highway, transit, and bridge tunnel intelligent hardware.	$350,000.00
801.	Pennsylvania	PA896 between Strasburg Borough and US30 needs to be widened to reduce congestion and to improve safety.	$1,000,000.00
802.	New York	Rehabilitate a historic freight warehouse in the Erie Canal's Inner Harbor of Syracuse, NY and develop it into a transportation museum.	$400,000.00
803.	Ohio	Construct connector road between I-680 and I-80, Hubbard	$2,000,000.00
804.	Nevada	Design and Construct I-15 Interchange, Mesquite Nevada	$500,000.00
805.	North Carolina	Expand freeway management system on I-540 through video camera and fiber optic communications installation, Wake County.	$1,700,000.00
806.	Michigan	Design, ROW acquisition, and construction for road widening/passing lane on US-127 South between M-50 and Michigan 223 and on Michigan 223 toUS-23.	$2,200,000.00
807.	Illinois	Intelligent Transportation System (ITS) demonstration project. Emphasis will be on improved incident management strategies and collecting/providing real-time travel information on Lake Cook Road from US 12 and US 41.	$540,000.00
808.	California	Widen Harbor Blvd to 8 lanes in Anaheim Resort Area	$1,000,000.00
809.	Indiana	Reconstruction from intersection of County Road 500E and US52 to the intersection of County Road 500E and County Road 1200N.	$914,000.00
810.	California	Upgrade and extend Commerce Avenue, City of Concord	$1,750,000.00
811.	Nebraska	Completion of the Columbus, Nebraska, North Arterial road	$5,000,000.00
812.	Florida	West Avenue Connector Bridge, Miami Beach	$3,000,000.00
813.	Connecticut	Improve roads and bridges, Connecticut	$1,500,000.00
814.	Massachusetts	Reconstruct and enhance Melnea Cass Boulevard, Boston	$2,000,000.00
815.	California	Preliminary engineering and EIS/EIR process for 33-mile long Orange Line mag-lev connecting Los Angeles with Orange County.	$300,000.00
816.	New York	Construction of and improvements to Union Road and Walden Avenue in Cheektowaga	$1,000,000.00
817.	Indiana	126th St. Project is a 3.9 mile roadway between two high schools in Fisher. St. will expand to 4 lanes with curb.	$2,000,000.00
818.	New York	Bicycle/Pedestrian trail linking East & West portions of town in Town of Warwick-NY	$500,000.00
819.	Texas	Construct highway improvements on E. Tidwell, Ley Rd, and E. Little York Rd	$4,000,000.00
820.	California	Widen and reconstruct Arch-Sperry Road to improve connection between Interstate 5 and State Route 99, San Joaquin County.	$5,000,000.00
821.	California	Construct San Leandro-Oakland biking and hiking path	$750,000.00
822.	Mississippi	Memorial Boulevard improvements, Picayune	$1,380,000.00
823.	Wisconsin	Widen State Highway 29 from I-94 to City of Chippewa Falls	$4,000,000.00
824.	Virginia	Further widen I-66 westbound from Rosslyn Tunnel to Dulles Access Road	$5,000,000.00
825.	Pennsylvania	Oakland Portal-Bates Street/I-376 exchange reconfiguration and resignalization and replacement of low clearance bridge carrying the Eliza Furnace Trail.	$1,000,000.00
826.	Texas	Engineering, Design, Environmental Studies, and right-of-way acquisition for a direct connector interchange from between I-45 and State Highway 146.	$4,000,000.00
827.	Illinois	Construct Leon Pass overpass, Hodgkins	$1,000,000.00
828.	North Carolina	Lenoir County highway improvements on Crescent Road to NC 58	$1,600,000.00
829.	California	Auburn Boulevard Reliever Route Under-grounding construction along I-80, Sacramento, CA	$2,000,000.00
830.	New York	Improve pedestrian and bicyclist safety along Queens Boulevard in Sunnyside and Woodside, Queens.	$500,000.00
831.	California	Build interchange connecting State Route 99 to newly aligned State Hwy 132, Modesto	$18,500,000.00
832.	Michigan	Van Buren, Belleville Rd. widen to 5 lanes between Tyler and Ecourse	$1,000,000.00
833.	Virginia	Repair of Starling Av Bridge in Martinsville	$500,000.00
834.	California	Widen State Route 99 to six lanes between Kingsburg and Selma, Fresno County	$14,000,000.00
835.	Pennsylvania	Redesigning the intersection of US 322/High Street and Rosedale Ave, constructing a new East Campus Drive.	$1,000,000.00
836.	Florida	Improvements to U.S. 1 between SW 4th street to the south and George Bush Blvd. To the north, Delray Beach, Florida.	$2,000,000.00
837.	New York	Install Improvements for Pedestrian Safety in the vicinity of PS 200	$250,000.00
838.	Massachusetts	Extensions and additions to the existing North Worcester County Bike Path System, including the Hardwick bike path.	$6,000,000.00
839.	New York	Construction of and improvements to South Park Avenue and Lake Avenue in the Village of Blasdell.	$500,000.00
840.	Illinois	Reconstruct Irving Park Road bridge of the North Branch of the Chicago River, Chicago	$4,030,000.00
841.	Washington	Tacoma Lincoln Avenue - Elevate Lincoln Ave. by constructing a viaduct over existing railroad lines.	$1,000,000.00
842.	Ohio	Road paving, pedestrian traffic and safety improvements throughout the Village of Bentleyville	$833,000.00
843.	Michigan	Reconstruct Bissonette Road from Lorenz Road to M65 with 12' lanes and 2'paved shoulders and gravel shoulders, Iosco County.	$623,500.00
844.	Illinois	Improve roads and bridges, Village of River Forest	$1,000,000.00
845.	Virginia	Rocky Knob Appalachian Heritage Center - feasibility study, design, site acquisition for trail system and visitors center on Blue Ridge Parkway.	$1,500,000.00
846.	Connecticut	Improve Plainfield Cemetery Road and Drainage	$300,000.00
847.	Ohio	Rehabilitation/replacement of rail grade separations along the West Central Ohio Port Authority route in Champaign and Clark Counties.	$360,000.00
848.	Ohio	St.Route 8 Interchange and Ramp Construction in Summit Co	$4,000,000.00
849.	Mississippi	Upgrade roads in Indianola (U.S. Hwy 82 and 49), Ruleville (U.S. Hwy 82 and 6), Moorehead (U.S. Hwy 82 and 3), Doddsville (U.S. Hwy 49), Sunflower (U.S. Hwy 49) and Drew (U.S. Hwy 49), Sunflower County.	$2,300,000.00
850.	California	Renovation and repair of Rosemead Blvd-Hwy19 such as new sidewalks, traffic loops, pavement, street lights.	$100,000.00
851.	Illinois	Connects about a two-mile two lane segment through Collinsville with IDOT's current project of widening IL-159.	$1,000,000.00

High Priority Projects—Continued

No.	State	Project Description	Amount
852.	New York	Improvements to the Far Rockaway Business District, Queens	$2,400,000.00
853.	New Jersey	Construct new ramps between I-295 and Route 42	$5,000,000.00
854.	South Carolina	Simmons Ford/Fork School Road Bridge in Anderson County	$235,000.00
855.	Arkansas	Improvement of Higdon Ferry Road, Hot Springs	$4,000,000.00
856.	California	Eucalyptus/ Peyton Drive intersection improvements in the city of Chino Hills	$7,036,110.00
857.	Mississippi	Upgrade roads in Mayersville (U.S. Hwy 14 and 1), Issaquena County	$200,000.00
858.	New York	Rehabilitation of Guy Lombardo Avenue in Freeport, New York	$1,700,000.00
859.	Indiana	Extend and improve the Cardinal Greenway in the City of Richmond, Indiana	$2,000,000.00
860.	Virginia	Reconstruction of Robertson Bridge in Danville	$5,970,000.00
861.	Connecticut	Conduct multimodal study of Route 8 corridor	$1,000,000.00
862.	Ohio	Construct an access road into the industrial park near SR 209 and CR 345 in Guernsey County	$800,000.00
863.	California	Widen South Main Street/Soda Bay Road between CR 400A /miler marker 0.0-mile marker 0.7 and CR502/mile marker 0.0 and mile marker 0.9.	$4,000,000.00
864.	Ohio	Construct grade separation at Stearns Road, Cuyahoga County	$3,750,000.00
865.	Illinois	Construct DuPage River Bike and Pedestrian Trail linking Grand Illinois, Midewin, and I&M Canal Trails.	$100,000.00
866.	Texas	Construct parallel bridge for SH 35 over Copano Bay	$2,000,000.00
867.	Pennsylvania	For the City of Philadelphia to begin construction of a low-impact, 2-lane roadway serving the North Delaware Riverfront corridor.	$10,000,000.00
868.	Arkansas	Improvement of Ryburn road, Parker Loop, Hill Harper Road, Rogers Road, and Shady Grove Road, Cleveland County.	$500,000.00
869.	Alaska	Keystone Drive Road Improvements	$1,000,000.00
870.	New York	Improve Long and Short Beach Road, Southampton	$2,100,000.00
871.	California	Widen Avenue P to six lanes to alleviate traffic congestion in Palm Dale, CA	$4,000,000.00
872.	Colorado	East 104th and US85 Intersection: Study, design and construction of needed improvements to intersection.	$2,000,000.00
873.	Alaska	Construct access road connection from Seward Highway to rail and airport facilities in Seward	$3,000,000.00
874.	Texas	Widen FM 380 West from 2 to 4 lanes from the Denton, Texas city limits to western Denton County line.	$5,000,000.00
875.	Ohio	Construct Safety and Accessibility Improvement project on U.S. Route 40, Bridgeport	$100,000.00
876.	Michigan	repave of Frenchline Road from state highway M-53 to Juhl Road	$500,000.00
877.	Pennsylvania	Design, engineering, ROW acquisition, and construction of street improvements and safety enhancements, Borough of Duryea in Luzerne County.	$250,000.00
878.	Alabama	Create a US-431 bypass around Eufaula, AL	$1,000,000.00
879.	North Carolina	New route from US 17 in Brunswick County to Independence Boulevard in Wilmington, including new bridge over Cape Fear River.	$1,000,000.00
880.	Washington	Congestion relief on I-405 with added lanes from SR520-SR522 including 2 lanes each way from NE 85th-NE 124th.	$1,000,000.00
881.	Illinois	Resurface Internationale Parkway between Lemont Road and Joliet Road in Woodridge, IL	$100,000.00
882.	Texas	Pedestrian walkway improvements for the Main Street Corridor Revitalization Project, Houston	$16,000,000.00
883.	Wisconsin	onstruct State Highway 110 (County Highway G to Winchester), Winnebago County, WI	$5,000,000.00
884.	Minnesota	Construct 4th Street overpass grade separation crossing a BNSF Rail Road, City of Carlton	$199,794.00
885.	American Samoa	Village road improvements for Tau, Ofu, and Olosega-Sili counties in Manua District	$1,400,000.00
886.	New York	Remediate road runoff in vicinity of Peconic Estuary watershed	$1,000,000.00
887.	Texas	I35 Replacement Bridge, Dallas	$10,400,000.00
888.	Ohio	Red Bank Road Widening I-71 to Fair Lane in Hamilton County	$4,100,000.00
889.	Georgia	Upgrade sidewalks and lighting, Wrightsville	$500,000.00
890.	Louisiana	Construct Kansas-Garrett Connector and I-20 Interchange Improvements, Ouachita Parish	$5,000,000.00
891.	Connecticut	Construct Enfield Maple Street Bridge Replacement	$1,910,000.00
892.	Texas	Anzalduas Bridge Connection from the proposed bridge GSA facilities, north 2.4 miles to connect to Bryan Road, Mission.	$500,000.00
893.	Ohio	Paving, access and service road construction at Gate Lodge site in the City of Akron	$180,000.00
894.	Oregon	I-5/Beltline Interchange	$15,000,000.00
895.	Texas	Construction of the Northeast Parkway from Loop 375 to the Texas-New Mexico state line on FM3255, El Paso.	$4,500,000.00
896.	Illinois	Improve streets, Merrionette Park	$500,000.00
897.	Illinois	For widening from two to four lanes, the Brookmont Boulevard Viaduct in the city of Kankakee	$750,000.00
898.	Georgia	Create a greenway trail along the Oconee River connecting parks, preserving historic sites, and promoting economic development.	$2,000,000.00
899.	Nevada	Widening of I-15 from US-95 to Speedway Blvd	$6,000,000.00
900.	Pennsylvania	Conducting environmental review and acquire right of way for preferred alternative to improve Rt. 41.	$4,000,000.00
901.	Georgia	Construct Peter St. and Olympic Drive access perimeter around city of Athens	$2,000,000.00
902.	New York	Rehab Fishkill Road, culvert replacement at Foundry Brook in Putnam County-NY	$1,200,000.00
903.	Virginia	Construct Route 29 Bypass in Amherst and Lynchburg	$2,000,000.00
904.	Minnesota	Construction of Mesabi Station, City of Virginia	$1,300,000.00
905.	Pennsylvania	Construction of the Jeannette Truck Route to upgrade access from SR 30 to the City of Jeannette and the Jeannette Industrial Park.	$1,000,000.00
906.	Kentucky	Replace bridge over Stoner Creek (C-37), 2 miles east of Junction US 27	$800,000.00
907.	Texas	Construct Arkansas Avenue railroad grade separation project, Laredo	$4,500,000.00
908.	Minnesota	CSAH 61 improvements, City of Coleraine, Itasca County	$490,000.00
909.	New Jersey	Rte. 52 Causeway Replacement & Somers Point Circle Elimination. Replace 4 bridges with fixed span elevated structure, replace circle with intersection.	$9,000,000.00
910.	North Carolina	Study feasibility of widening NC226, initiate preliminary planning and design and make operational upgrades to improve safety.	$2,000,000.00
911.	District of Columbia	11th St. BridgesRehabilitation of structures as well as new ramps to provide for traffic at Navy Yard, Southeast Federal Ctr., and Gateway Government Ctr.	$32,000,000.00
912.	Delaware	Replacement of Indian River Inlet Bridge along SR-1	$5,000,000.00
913.	Tennessee	Improve circuitry on vehicle protection device installed at railroad crossing in Niota, TN	$57,000.00
914.	Virginia	Wolf Creek Trail - development of trail along Wolf Creek, Washington County	$75,000.00
915.	Virginia	Improve Rt. 221 in Forest, VA	$1,000,000.00
916.	Tennessee	Widen SR-66 in Sevier County, north of Sevierville to a six-lane facility	$2,000,000.00
917.	Illinois	Patch, drain, resurface, reshoulder, and reconstruct county highways 8 and 29 at their I-55 interchanges.	$1,000,000.00
918.	Mississippi	State Route 44 rerouting, Columbia	$3,500,000.00
919.	New York	Pedestrian walkway and bikeway improvements along the NYC Greenway System in Coney Island.	$3,200,000.00
920.	Massachusetts	Construct Blackstone River Bikeway between Providence, RI and Worcester, MA	$3,500,000.00
921.	Washington	SR 2/ Main Street/Old Owen Road Intersection, Monroe	$540,000.00
922.	Iowa	Construct SW connector from the interchange of relocated IA 5 to IA 28 in West Des Moines	$2,000,000.00
923.	Florida	Construction of US 1 Interchange at CR 210 in St. Johns County, Florida	$6,300,000.00
924.	Massachusetts	Reconstruction of the North Washington Street Bridge, Boston	$8,000,000.00
925.	Oregon	South Bank Trail, Eugene	$1,920,000.00
926.	Minnesota	Construct roadway improvements to CSAH 76, Little Falls	$600,000.00
927.	Illinois	Widen IL Route 47 thru Huntley, IL	$3,900,000.00
928.	Rhode Island	Replace Sakonnet Bridge	$9,500,000.00
929.	New Jersey	Study and preliminary engineering designs for a boulevard on State Route 440 and .S. Highway Route 1 & 9, Jersey City.	$1,000,000.00

High Priority Projects—Continued

No.	State	Project Description	Amount
930.	Ohio	Highway safety construction/improvements in Geauga Co on Merrit Rd	$300,000.00
931.	Louisiana	Develop master transportation plan for the New Orleans Regional Medical Center	$300,000.00
932.	Pennsylvania	Erie Corridor Upgrades: Peach St. - I-90 to Waterford; Rte. 89 - Rte. 6 to Rte. 8; Rte. 6N - I-79 to Angling Rd.; Rte. 6 - Rte. 89N to Corry; Rte. 6 at: Ranges Corner Hill, E. of Union City, Routes. 89, 8 and 19.	$1,000,000.00
933.	Tennessee	Create a multi-faceted greenway in downtown Columbia on the Duck River	$8,000,000.00
934.	Michigan	M-6 Paul Henry Freeway trail design and construction	$2,660,000.00
935.	Mississippi	Pearl-Richland Intermodal Connector:Intermodal connector linking I-20 to US Hwy 49 and servicing Kansas City Southern Railroad Intermodal facility.	$1,000,000.00
936.	Washington	Bremerton Pedestrian/Bremerton Transportation Center Access Improvement project	$20,000,000.00
937.	California	Construct Silicon Valley Transportation Incident Management Center, San Jose	$6,000,000.00
938.	New York	Rehab Rt 9 in City of Peekskill	$1,775,000.00
939.	New York	Construction of and improvements to Niagara Street in Buffalo	$1,000,000.00
940.	Alabama	Construct interchange on I-59 at 49th Street (city of Fort Payne)	$3,000,000.00
941.	West Virginia	Constructing four lane improvements on US Route 35 in Mason County, West Virginia	$44,250,000.00
942.	Pennsylvania	Replacement of the Blair Creek Bridge (SR 1010) over the Little Lehigh Creek, just west of the Maple Grove Bridge, in Longswamp Township, Berks County.	$1,600,000.00
943.	California	Improve I-8 offramp at Octotillo to the Imperial Valley College Desert Museum/Regional Traveler Visitor Center, Imperial County.	$1,000,000.00
944.	California	Widen State Route 99 between Tulare and Kingsburg, California	$3,800,000.00
945.	California	Add carpool lane and truck lane on Interstate 5 in Santa Clarita Valley, CA	$1,500,000.00
946.	Minnesota	Construct full diamond interchange for TH 53 at 6th Ave, City of Virginia	$2,100,000.00
947.	Florida	Improvements to Interstate 75 between Daniels Parkway in Lee County, FL, and Golden Gate Parkway in Collier County.	$34,000,000.00
948.	Virgin Islands	Reconstruct Scott Free Road, St. Thomas	$7,000,000.00
949.	Connecticut	Construct Groton Bicycle and Pedestrian Trails and Facilities	$380,000.00
950.	Pennsylvania	Logan Sq. transportation enhancements involving pedestrian, safety, and landscaping improvements to area bisected by Benjamin Franklin Parkway and Logan Circle.	$1,250,000.00
951.	New Hampshire	Reconstruction and upgrade of the intersection of NH 130 and Broad Street in Hollis, NH	$464,000.00
952.	Alabama	Additional lanes on US-84 from Andalusia to Enterprise	$1,000,000.00
953.	New York	Implement Improvements for Pedestrian Safety in New York County	$1,000,000.00
954.	Ohio	Road Construction parallel to railway crossing to eliminate use of unsafe grade crossing	$300,000.00
955.	Minnesota	Construction of primary and secondary access roadways to the Duluth Air National Guard Base, City of Duluth.	$4,000,000.00
956.	New Jersey	Project will separate the intersection of 13th Street and the Lehigh Rail Line through bridge or tunnel in Borough of Manville, NJ.	$500,000.00
957.	Ohio	Expand Cuyahoga Tow Path, Brooklyn Heights and Newburg Heights	$3,250,000.00
958.	Florida	Improvements to State Road 710, Congress Avenue to Dixie Highway, Palm Beach County	$3,000,000.00
959.	Nebraska	Construct an Interchange at Pflug Road and I-80, Sarpy County	$1,000,000.00
960.	Georgia	I - 75 widening from 4-8 lanes, Tift/Lowndes/Turner Co	$1,000,000.00
961.	California	Monterey Bay Sanctuary Scenic Trail -- connect missing segments of a bike and pedestrian trail around the Monterey Bay National Marine Sanctuary.	$5,000,000.00
962.	Illinois	Construct pedestrian walkways and streetscaping projects, Western Springs	$4,210,000.00
963.	Illinois	Undertake streetscaping project on Harlem Avenue initiating from 71st Street to I-80, Cook County.	$5,000,000.00
964.	Pennsylvania	SR 3003 Bridge, replace bridge with possible roadway realignment in Mehoopany, Wyoming County.	$2,000,000.00
965.	Arkansas	Construction of I-49, Arkansas portion of Bella Vista Bypass to Pineville, Missouri on current Hwy 71.	$10,000,000.00
966.	Ohio	Improvements to Lauby Rd., an exit off Interstate 77 in the City of Green	$1,500,000.00
967.	Georgia	SE DeKalb Arterial Analysis	$1,000,000.00
968.	Oregon	Study landslides on U.S. Hwy. 20 between Cascadia and Santiam Pass to develop long-term repair strategy.	$1,000,000.00
969.	Illinois	Construct connector road from McCormick Blvd. to I-94, Lincolnwood	$1,000,000.00
970.	New Jersey	Pedestrian facilities and street lighting on Route 551 from Route 130 to Chestnut Street, Brooklawn.	$400,000.00
971.	New Hampshire	Relocation of the intersection of Maple Avenue and Charleston Road (Route 12 and 11) in Claremont, NH.	$500,000.00
972.	Illinois	Conduct study of Oak Park Environmental Cap	$1,000,000.00
973.	New York	Construct and improve access roads to Northland Commerce Park in Buffalo	$1,500,000.00
974.	Florida	I-75 Interchange Improvements in Pembroke Pines, Broward County, Florida	$9,000,000.00
975.	Texas	Hike and bike trail will tie into the Gellhorn Dr. project providing an improved multi-modal transportation facility.	$1,000,000.00
976.	Tennessee	Widen SR-75 to five lanes in Washington and Sullivan Counties	$2,500,000.00
977.	Arkansas	Repair Clear Creek Bridge and approaches, Lafayette County	$280,000.00
978.	Wisconsin	Reconstruct US Highway 41 in Oconto County, WI	$2,000,000.00
979.	Tennessee	Improve circuitry on vehicle protection device installed at railroad crossing in Sweetwater, TN	$96,000.00
980.	Oklahoma	Construction of Norman Grade Separation	$2,000,000.00
981.	Washington	U.S.-12, Burbank to Walla Walla: Construct U.S. Highway 12 from Wallula to Walla Walla, Washington.	$3,000,000.00
982.	Illinois	Improve roads, Village of Bellwood	$1,328,000.00
983.	Ohio	Bridge replacement over the Tuscarawas River in Bethlehem Township	$1,300,000.00
984.	New York	Improve North Fork Trail, Southold	$200,000.00
985.	Arizona	Construct railroad grade separations (on 6th St. and 22nd St). and reconstruct Speedway Blvd. Underpass, Tucson.	$7,000,000.00
986.	California	Atlantic Blvd Bridge widening, Vernon	$1,000,000.00
987.	Indiana	Upgrade of US 31 from I-465 to SR 38 in Hamilton County, a distance of 12.5 miles	$1,000,000.00
988.	Connecticut	Construct Valley Service Road Project, North Haven	$1,000,000.00
989.	Pennsylvania	SR 3005 Bridge, replace the existing one span steel truss bridge with concrete box beam bridge. In Sterling Township, Wayne County.	$1,000,000.00
990.	Puerto Rico	To provide for the extension of PR-53 between Yabucoa and underserved Maunabo. Project will enhance safety and efficiency while protecting the environment.	$5,000,000.00
991.	South Carolina	Murphy Road West Bridge in Anderson County	$150,000.00
992.	California	Improve farm to market roads in Tulare County	$6,000,000.00
993.	Illinois	Phase II engineering study for high level bridge linking Caton Farm Road with Bruce Road	$2,000,000.00
994.	Maine	Safety Enhancements on Routes 11, 6, and 16 for Piscataquis County Industrial Development	$400,000.00
995.	Mississippi	Old Augusta Road project, Perry County	$3,500,000.00
996.	Missouri	Lane widening and shoulder construction as part of larger 92-10 corridor development	$4,000,000.00
997.	Georgia	Construct a new Interchange at I-75 and CR 65 and perform renovations on CR 65	$7,757,976.00
998.	Texas	US 59 just south of Nacogdoches, from Loop 224 south to Spradley Street	$3,000,000.00
999.	New York	Reconstruct Page Green Road (Starr Road to Congdon Lane)	$2,900,000.00
1000.	Massachusetts	Reconstruct and enhance Massachusetts Avenue, Boston	$5,000,000.00
1001.	Oregon	Construct turn lane on Hwy. 101, Gold Beach	$200,000.00
1002.	Florida	Timucuan Bike Trail in Duval County	$1,500,000.00
1003.	Texas	Extension of SH190, the President George Bush Tollway, in Rowlett to IH-30 in Garland	$5,000,000.00
1004.	Colorado	Bromley Lane and US 85 interchange feasibility study and construction of needed improvements	$2,000,000.00
1005.	Texas	SH 158 from US87, N of Sterling City to 9.5 miles west	$1,500,000.00

High Priority Projects—Continued

No.	State	Project Description	Amount
1006.	Alabama	Continuous river edge walkway creating a system of parks and open spaces in historic downtown Montgomery.	$1,000,000.00
1007.	Wyoming	U.S. 85 Passing Lanes:Add passing lanes on the hills from Lusk to Mule Creek Junction	$2,000,000.00
1008.	Texas	Ennis, US 287 Bypass from US 287 South to IH-45, take from two lanes to four	$7,000,000.00
1009.	Mississippi	Airport Parkway Connector:Multi-lane limited access highway linking downtown Jackson to Jackson International Airport - western segment of project connecting I-55 to MS Hwy 468.	$2,000,000.00
1010.	Tennessee	Widen State Route 101 in Cumberland County from two lane highway to five lanes between State Routes 282 (Dunbar Road) and 392, Crossville.	$8,000,000.00
1011.	Illinois	Feasibility study to examine transportation access improvements related to South Suburban Airport, Will County.	$100,000.00
1012.	Florida	Expansion of SR 35 in Marion County. The Project extends from SR 40 south to SR 464	$3,000,000.00
1013.	New Jersey	Expand Interchange at Exit 16 on Interstate 280, Harrison	$10,000,000.00
1014.	Iowa	Reconstruct U.S. 30 ''Liberty Square Redevelopment'' in City of Clinton	$10,000,000.00
1015.	Pennsylvania	Enhance and further build out existing ITIP ITS system, the Philadelphia region	$4,100,000.00
1016.	California	Conduct Study and Construct Vasco Road Safety Improvements Project, Contra Costa County, CA.	$1,000,000.00
1017.	Illinois	Improve Cottage Grove/South Chicago Avenue/71st Street intersection, Chicago	$700,000.00
1018.	Florida	Improvements to Interstate 75 between Daniels Parkway in Lee County, FL, and Golden Gate Parkway in Collier County, FL.	$14,000,000.00
1019.	Pennsylvania	Freeport Bridge Rehabilitation for structural improvements, Armstrong County	$1,500,000.00
1020.	Indiana	Improve Rt. 100 South, Porter County	$1,000,000.00
1021.	Illinois	Study, design, and construct a designated truck route through the City of Monticello	$1,000,000.00
1022.	Florida	Upgrade US 301 to 4 lanes between CR475 & Jarrell Ave in Sumter County	$3,000,000.00
1023.	Illinois	Construct certain segments of Southern DuPage County Regional Trail	$100,000.00
1024.	Texas	Reconstruct the I-30 Bridge over the Trinity River in Dallas, Texas	$1,000,000.00
1025.	Ohio	New highway connector linking U.S. Route 36 and I-71 in Delaware County	$14,000,000.00
1026.	New York	Conduct corridor study on NYS 5 in the village of Herkimer	$80,000.00
1027.	Texas	Reconstruct and elevate FM3005, Harborside Dr., and Stewart Rd., Galveston	$500,000.00
1028.	Florida	Construction of a new bridge at Indian Street, Martin County	$1,000,000.00
1029.	Ohio	Construct pedestrian bridge over I77; tunnel underneath railroad; bridge over Tuscarawas River along Ohio and Erie Canal in Tuscarawas County.	$2,000,000.00
1030.	Maine	Kennebec River Rail Trail	$400,000.00
1031.	Colorado	Widen and upgrade US 36 from City of Boulder to I-25	$5,000,000.00
1032.	Illinois	Engineering studies and construction of Romeoville and/or Plainfield interchange(s) approved by FHWA.	$1,500,000.00
1033.	Texas	US 380 from Throckmorton/Young County line, 7.409 miles west	$1,000,000.00
1034.	Illinois	Construction and engineering US Rte 30 to four lanes between Fulton and Rockfalls, IL	$1,000,000.00
1035.	California	I-5 CIP adds general purpose lanes, HOV lanes & corridor arterial improvements from SR 91 to I-710.	$5,650,000.00
1036.	Florida	I-95 Interchange at Becker Road in St. Lucie County, Florida	$2,000,000.00
1037.	New York	Implement Diamond Grinding Measures to Reduce Noise on I-95, I-278, Mosholu Parkway, I- 495, Grand Central Parkway, and Richmond Parkway.	$700,000.00
1038.	Missouri	Construct new Missouri Route 19 Bridge at Hermann, Missouri	$1,000,000.00
1039.	Oregon	Reroute U.S. 97 at Redmond, OR and improve the intersection of U.S. 97 and Oregon 126	$5,000,000.00
1040.	Texas	Improvements to North I Road, north of FM 3461 to SH 495, Hidalgo County	$1,900,000.00
1041.	Tennessee	Proposed State Route 385 from US -72 to I-40 in Shelby and Fayette Counties. It is part of an outer loop, around the city of Memphis.	$3,150,000.00
1042.	Florida	Replacement of a two lane bridge with a four lane bridge including bicycle and pedestrian lanes in Bay County.	$5,000,000.00
1043.	Pennsylvania	Intersection improvements at PA Route 209 and Water Company Road, construction of a bridge and access enhancements to Nature and Arts Center, Upper Paxton Township.	$500,000.00
1044.	Ohio	Upgrade Riversouth street networks between Route 40 and I-70/71 in Columbus, Ohio	$8,000,000.00
1045.	Maryland	Design and right of way of an interchange connecting MD 5, MD 373, and Brandywine Road, and the widening of MD 5 between Moore's Road and US 301, Charles County.	$10,000,000.00
1046.	Virginia	Town of St. Paul - restoration of historic Hillman House to serve as trail system information center on and construction of stations.	$300,000.00
1047.	Arkansas	Overlay Lester Road, County Road 25, Ouachita County	$500,000.00
1048.	Indiana	Extend Interstate 69 from Indianapolis to Evansville	$10,000,000.00
1049.	Louisiana	Construct bridge across Ouachita River from Monroe, LA to West Monroe, LA	$1,500,000.00
1050.	Florida	Depot Avenue Road Enhancements, Gainesville	$6,000,000.00
1051.	New York	The Town of North Hempstead's improvements along Prospect Avenue corridor in the hamlet of New Cassel.	$1,000,000.00
1052.	California	Reconstruct the interchange of I-5 and Richards Boulevard and other improvements	$10,000,000.00
1053.	New York	Rt 17 M Corridor access management and safety improvements in Orange County - NY	$500,000.00
1054.	Oregon	Construct highway and pedestrian access to Macadam and construct street improvements as part of South Waterfront development.	$9,000,000.00
1055.	Mississippi	Widening of MS Hwy 15: Reconstruction, relocation, and widening segment of MS Hwy 15 from Louisville to Philadelphia.	$1,250,000.00
1056.	Illinois	Next phase of the US Route 51 four-lane expressway extension from Moweaqua to Pana	$1,800,000.00
1057.	California	Reconstruct 7 miles of Whittier Blvd. from Valley Home to Rivera Road (State Route 72), Whittier.	$1,100,000.00
1058.	Louisiana	New Iberia rail grade separation	$250,000.00
1059.	Mississippi	Feasibility Study for MS Hwy 27:Feasibility study for widening MS Hwy 27 south from Monticello to Louisiana line.	$500,000.00
1060.	Georgia	7.3 mile recreation and multi-use trail in Hall County, Georgia	$5,200,000.00
1061.	District of Columbia	South Capitol Street/Fredrick Douglass BridgeRehabilitation of structures and environmental studies.	$20,000,000.00
1062.	South Carolina	Construction of SC 9 in Spartanburg County	$9,000,000.00
1063.	Florida	Upgrade of I-75 between SR52 and SR 50 in Pasco & Hernando County	$1,000,000.00
1064.	North Carolina	Widening of US 29 Business (Freeway Drive) from South Scales Street to NC 14, Rockingham County.	$10,000,000.00
1065.	California	Realign Route 4 within the City of Oakley to construct a northerly bypass west of Vintage Parkway to Main Street at the intersection of Second Street.	$2,000,000.00
1066.	Ohio	Upgrade U.S. Route 30 between State Route 235 and Upper Sandusky in Hancock and Wyandot Counties.	$10,090,000.00
1067.	Michigan	Highland, Pave Clyde Rd. from Strathcona to Hickory Ridge	$125,000.00
1068.	New York	Improvements to Lexington Ave. in Village of Mt. Kisco in Westchester County	$500,000.00
1069.	New Mexico	Complete design, environmental and cultural resource studies and initial construction of NM4 around, or improvements through, Walatowa.	$1,500,000.00
1070.	California	Widen California Hwy 101 and reconstruct off ramps between Steele Lane and the town of Windsor.	$9,000,000.00
1071.	Virginia	North Fork of Pound Lake Trail and Visitors Center - construction of trails network and visitors center on Forest Service land.	$750,000.00
1072.	Maryland	Rt. 29 lane widening from Rt. 32 intersection to Johns Hopkins Rd. to reduce congestion and increase safety, Howard County.	$11,000,000.00
1073.	Alaska	Construct linking road from airport to port in Akutan	$3,000,000.00
1074.	Pennsylvania	California University of Pennsylvania Urban Maglev Demonstration Project	$2,000,000.00

High Priority Projects—Continued

No.	State	Project Description	Amount
1075.	Virginia	Engineering and Right-of-Way for Interstate-73 in Henry County	$2,000,000.00
1076.	Indiana	Widening of 1.2 miles of 4 lane street, with sidewalks in Carmel, IN	$1,000,000.00
1077.	Arkansas	Improve Johnny Tate Bridge, Scott County	$280,000.00
1078.	Minnesota	Phase III of Devil Track Road Project, Cook County	$1,200,000.00
1079.	New York	Pedestrian access improvements to Main Street in the central business district of Hempstead	$2,000,000.00
1080.	Minnesota	Construct Paul Bunyan Trail Walker to Bemidji Segment	$1,400,000.00
1081.	California	Construct exit from SR 78 to San Diego State University-Brawley Campus, Brawley	$500,000.00
1082.	Mississippi	Upgrade roads in Fayette (U.S. Hwy 61 and 33), Jefferson County	$600,000.00
1083.	Michigan	grade separation over the Canadian National Railroad at Wilder Road	$1,000,000.00
1084.	Alaska	Citywide pavement rehabilitation in City of North Pole	$1,000,000.00
1085.	Pennsylvania	Construction of 15 mile segment of Mon-Fayette Expressway from Rt 119, Fayette County to Rt 88, Washington County.	$5,000,000.00
1086.	North Dakota	Replacement of Bismarck Mandan Memorial Bridge. This bridge spans the Missouri River and connects two of North Dakota's largest cities.	$24,000,000.00
1087.	Oklahoma	Construct and widen six lanes on Interstate 44 from the Arkansas River extending east approximately 3.7 miles to Yale Avenue in Tulsa.	$12,000,000.00
1088.	Michigan	Croix Street reconstruction - remove and install new surface, curb, gutter, sidewalk from US 41 to Mass Street, Negaunee.	$1,125,000.00
1089.	Virginia	Construct I-73 in Roanoke County	$2,000,000.00
1090.	Texas	Complete upgrade of US 290 East of Williamson Creek to West of RM 1826	$6,000,000.00
1091.	New York	Deer Avoidance System	$250,000.00
1092.	Mississippi	Longleaf Trace Rail-Trail:Expansion and improvement of Longleaf Trace rails-to-trail, running from Prentiss to Hattiesburg.	$250,000.00
1093.	Pennsylvania	Rt-422-Complete preliminary engineering and four lane expansion from Ebensburg to Kitanning	$3,000,000.00
1094.	Georgia	1-mile pedestrian pathway along Spring Road, Cobb County	$2,000,000.00
1095.	Georgia	US 27 reconstruction and rehabilitation, Colquitt to CR279/Damascus-Hilton Road	$1,000,000.00
1096.	Mississippi	Upgrade roads in Kilmichael, Montgomery County	$400,000.00
1097.	New York	Rehabilitation of road and drainage systems on Sequams Lane Center and Sequams Lane West in the Town of Islip.	$700,000.00
1098.	New York	Improvements to Old Glanham Rd in Town of Fishkill	$125,000.00
1099.	California	Alhambra Valley Boulevard Enhancement Project, the City of Alhambra	$2,000,000.00
1100.	California	Widening of Mount Vernon Avenue bridge to four lanes, Colton	$1,250,000.00
1101.	Ohio	Continue enhancement of successful riverfront project to provide valuable pedestrian and bikeway linkages, connecting surrounding neighborhoods and downtown.	$3,480,000.00
1102.	Massachusetts	Geometric improvements, safety enhancements, and signal upgrades at Rt. 28 & Rt. 106, intersection West Bridgewater.	$1,500,000.00
1103.	Tennessee	Improve circuitry on vehicle protection device installed at railroad crossing in Knoxville, TN	$158,000.00
1104.	Indiana	New road construction of Oak Road Extension in Plymouth, Indiana	$1,000,000.00
1105.	California	Implement intelligent management & logistics measures to improve freight movement, Gateway Cities.	$3,000,000.00
1106.	Indiana	Modernize traffic signals throughout the city, reduce congestion, enhance economy, ease air pollution in Muncie, IN.	$600,000.00
1107.	Mississippi	Upgrade roads at Coahoma Community College, and roads in Coahoma and Jonestown, Coahoma County.	$1,600,000.00
1108.	Alabama	Pedestrian Improvements for the cities of Moody, Leeds, Homewood, Columbiana, Northport, Gardendale, Morris, Centerpoint and Pell City.	$1,200,000.00
1109.	Arizona	Resurface Navajo Mountain Road, Navajo Nation	$1,000,000.00
1110.	Texas	Road grade separation at Fairmont Parkway over Southern Pacific Road	$5,000,000.00
1111.	New York	Construct smart growth improvements in the Nepperhan Valley, Yonkers	$500,000.00
1112.	California	Reconstruct segments of Hollister Avenue between San Antonio Road and State Route 154, Santa Barbara County.	$2,500,000.00
1113.	Indiana	Interchange of Interstate 64, Harrison County	$600,000.00
1114.	Missouri	Expand MO Rt. 94 (St. Charles Cnty, MO) to accommodate increased traffic flow from completed Page Ave Bridge.	$3,000,000.00
1115.	Florida	Miami River Greenway Roadway Improvements Project	$2,000,000.00
1116.	Michigan	M-72 Widening in Grand Traverse County	$2,500,000.00
1117.	Ohio	Construct bike/pedestrian path, Independence	$1,100,000.00
1118.	Texas	I35 East/I-635 Interchange	$2,500,000.00
1119.	Florida	Park Blvd. (SR 694), Pinellas Park	$5,000,000.00
1120.	Colorado	Improve US 40 over Berthoud Pass, Clear Creek and Grand Counties	$1,000,000.00
1121.	Illinois	Improve streets, Westchester	$150,000.00
1122.	Nevada	Construct City of Henderson, Nevada Interchanges, I-515	$21,000,000.00
1123.	Arizona	Construct the Rio Salado Parkway from 7th Street to the planned loop 202 freeway, Phoenix	$8,000,000.00
1124.	Washington	24-hour two-way transit and HOV facility on I-90 between I-5 in downtown Seattle and I-405 in Bellevue.	$10,000,000.00
1125.	New York	Restore vehicular traffic to Main Street in downtown Buffalo	$5,000,000.00
1126.	West Virginia	Construct Shawnee Parkway	$1,100,000.00
1127.	Pennsylvania	Upgrades to Business Route 220 (SR 4009) at the entrance of the Bedford Business Park to Beldon County Ridge intersection.	$2,100,000.00
1128.	New York	Construction of and improvements to Michigan Avenue, Buffalo	$1,000,000.00
1129.	Illinois	Reconstructs and realigns 2.3 miles of Evergreen Avenue located west of the City of Effingham, IL.	$1,875,000.00
1130.	New York	Improvements to Brewster Hill Rd., Starr Ridge Rd., Independence Way, Sherwood Hill, and Shore Dr. in Town of Southeast.	$240,000.00
1131.	Puerto Rico	Project will provide for a central segment of PR-10 between Utuado and Adjuntas. This will help complete a much needed north/south artery.	$5,000,000.00
1132.	Illinois	Development of an interchange at Brisbin Rd and Interstate 80	$6,000,000.00
1133.	Arkansas	Construction of Gilham Lake Access Road, Howard County	$1,144,000.00
1134.	Florida	Intermodal connector between the Tallahassee Regional Airport and I-10	$9,000,000.00
1135.	Florida	New systems interchange ramps at SR 417 and Boggy Creek Road in Orange County, Florida	$1,000,000.00
1136.	Arkansas	Development of interchange at state highway 89 and Interstate 40	$3,000,000.00
1137.	Pennsylvania	Design, engineering, ROW acquisition and construction of a connector road between PA 115 and Interstate 81, Luzerne County.	$500,000.00
1138.	California	mitigate current and future congestion and operational problems occurring daily along Harbor Boulevard between I-405 southbound onramp and Sunflower Avenue.	$3,000,000.00
1139.	Tennessee	Improve circuitry on vehicle protection device installed at railroad crossing in Loudon, TN	$57,000.00
1140.	Oklahoma	Enhancements for Highway 19 from Ada to Stratford	$3,000,000.00
1141.	Minnesota	Economic Development Corridor planning between Aurora and Ely	$3,000,000.00
1142.	Texas	Houston Region Highway Mitigation Demonstration project to measure impact of forestation and landscaping along Houston freeways.	$6,000,000.00
1143.	New Jersey	New Jersey Turnpike/Route 440 Interchange Improvement, Bayonne	$5,000,000.00
1144.	Iowa	Construction of roadway south of Cedar Lane to Highways 92 and southwest to Interstate 29 at the East Beltway - Council Bluffs, IA (Pottawattamie County).	$1,000,000.00
1145.	New York	Improve Traffic Flow on Noel Road between Church and Crossbay Boulevard Including Work Necessary to Demolish and Reconstruct the Firehouse Facility.	$1,000,000.00
1146.	New York	Conduct ITS study for Intermodal Chassis	$1,500,000.00
1147.	New York	Improve bicycle and pedestrian safety on Main Street, Holbrook	$100,000.00

High Priority Projects—Continued

No.	State	Project Description	Amount
1148.	Nevada	Construct US-95 Interchange with Horse Road, Las Vegas, Nevada	$6,000,000.00
1149.	Texas	Waxahachie, build out and improvements to a portion of IH-35, from US 77 North of Waxahachie to US 77 South of Waxahachie.	$5,000,000.00
1150.	Ohio	Wilson Mills Road intersection construction and enhancement project in the town of Highland Heights.	$940,000.00
1151.	North Carolina	Relocate US 70 as a four lane divided facility to increase capacity and safety	$2,000,000.00
1152.	New York	Rehab of Bedell Road in Town of Poughkeepsie-NY	$481,555.00
1153.	Oregon	Construct bike/pedestrian path, Powers	$440,000.00
1154.	New York	Transportation facility for Harlem Hospital Complex	$11,000,000.00
1155.	Georgia	Upgrade sidewalks, replace street lights, and landscaping, Metter	$500,000.00
1156.	Indiana	Construct interchange at I-65 and 109th Avenue, Crown Point	$6,000,000.00
1157.	Michigan	Realignment of 3200 feet of County Road 492 from US-41 north to County Road HD	$500,000.00
1158.	Illinois	Relocate US Route 41, Chicago	$6,500,000.00
1159.	Georgia	Replace sidewalks, upgrade lighting, and install landscaping, Soperton	$865,200.00
1160.	Washington	SR 2/Kelsey Street Intersection Improvements, Monroe	$135,000.00
1161.	Ohio	St. Route 8 Service Road Construction in Summit County	$1,303,000.00
1162.	New Jersey	Hoboken Waterfront Bicycle and Pedestrian Facilities	$2,000,000.00
1163.	Virginia	Occoquan, VA Mill Street improvement project	$200,000.00
1164.	Ohio	Reconstruct and widen State Route 82, North Royalton	$1,000,000.00
1165.	New York	Reconstruct the Niagara Street culvert/bridge which crosses over Two Mile Creek, City of Tonawanda.	$600,000.00
1166.	Wisconsin	Rehabilitate State Highway 51 from County S to State Highway 8	$4,000,000.00
1167.	New Jersey	Safety and flow improvements for I-287/I-80/Route 202 Interchange	$2,000,000.00
1168.	North Carolina	Installation of Intelligent Transp. Systems devices along US 52 over Norfolk Southern RR, Winston Salem.	$700,000.00
1169.	District of Columbia	Metro Branch Trail Construction	$2,000,000.00
1170.	Tennessee	Expansion of Rutherford County signage system (visitor's center and transportation information hub).	$400,000.00
1171.	Texas	Construct I-69 as an interstate facility from Texas/Louisiana to Mexico border	$150,000.00
1172.	Oregon	Sunrise Corridor for planning, engineering, and multimodal development work in Clackamas County and the Damascus Area Concept and Implementation Plan.	$3,000,000.00
1173.	Illinois	Upgrade roads in the vicinity of ABLA Homes, Chicago	$1,000,000.00
1174.	Florida	To complete improvements to Eller Drive including right-of-way acquisition and construction of return loop connector beginning on I-595 west of U.S. 1 and connecting U.S. 1 south.	$2,000,000.00
1175.	Pennsylvania	US30 corridor improvements from PA896 to PA897. Connects PA41	$3,000,000.00
1176.	Pennsylvania	For the development of 9.6 miles of public bicycle and pedestrian trail along the Delaware River by the PA Environmental Council.	$9,288,525.00
1177.	Massachusetts	Somerville roadway improvements, Somerville	$2,000,000.00
1178.	Texas	North Cameron County East-West Railroad Relocation Project	$500,000.00
1179.	California	Construct truck lane on Baughman Road from State Route 78/86 to Forrester Road, Westmoreland.	$550,000.00
1180.	Connecticut	Construct UCONN Storrs Campus - Hillside Road Connection	$4,500,000.00
1181.	California	Upgrade and reconstruct the I-80/I-680/SR 12 Interchange, Solano County	$8,000,000.00
1182.	Texas	Widen Mile 6 West to four lanes from US 83 to SH 107, Hidalgo County	$2,000,000.00
1183.	Missouri	12th street Viaduct bistate connector, Kansas City	$1,000,000.00
1184.	New York	Study and Implement Improvements to Avenue U from Mill Avenue to East 38th Street and Flatbush Avenue from Avenue T to Avenue V.	$500,000.00
1185.	New York	Construct Fire Island ferry terminal facility, Patchogue	$2,000,000.00
1186.	New York	Rehab of Sharon Dr. in Town of Poughkeepsie-NY	$328,000.00
1187.	Florida	Streetscape improvements on Blue Heron Boulevard from US 1 to SR A1A, City of Riviera Beach	$2,000,000.00
1188.	California	Construction of 7 grade separations in cities of Santa Fe Springs, Pico Rivera, and La Mirada along BNSF Railway.	$2,150,000.00
1189.	Iowa	Build IA-32 ''Southwest Arterial'' in Dubuque County	$20,000,000.00
1190.	Washington	U.S.-395, North Spokane Corridor: Construct two-lane highway from US 2 interchange to Francis Avenue.	$4,380,000.00
1191.	California	Reconstruction of Sheldon Road and SR 99 Interchange, Elk Grove, CA	$7,000,000.00
1192.	Ohio	I-90/SR 615 bicycle and pedestrian trails expansion in the City of Mentor	$5,000,000.00
1193.	Minnesota	Main Street streetscape reconstruction, 2nd Street from Ash Ave. to State Hwy 2, and Grant Utley Ave from 2nd Street to 6th Street N. across State Hwy 2, Cass Lake.	$1,700,000.00
1194.	Tennessee	Connector Road Extending I-75 across to Highway 58	$12,400,000.00
1195.	California	Transportation enhancements on Slauson Ave and Atlantic Blvd, Maywood	$2,500,000.00
1196.	Indiana	Improve Calumet Avenue between Vale Park Road and Bullseye Lake Road, Valparaiso	$1,200,000.00
1197.	Maine	Construct bicycle and pedestrian bridge over Stillwater River, Orono	$1,000,000.00
1198.	Pennsylvania	Route 313 turning lanes, truck climbing lanes, Doylestown, Plumstead, Hilltown Township	$1,000,000.00
1199.	West Virginia	Construct I-74/74 Corridor, Mingo Co	$12,000,000.00
1200.	New York	Construction of median, re-design and improvements to Main Street in Buffalo	$1,000,000.00
1201.	Michigan	Widen and reconstruct a 2 lane road into a 4 lane divided road with landscaped median	$3,000,000.00
1202.	Connecticut	Undertake improvements associated with Coltsville Area Redevelopment, Hartford	$2,000,000.00
1203.	Illinois	Construct parking facility and pedestrian walkways at 94th and South Oak Park Avenue, Oak Lawn.	$150,000.00
1204.	Alabama	I-65 widening to six lanes in Shelby County from AL 119 to AL 25	$10,000,000.00
1205.	Virginia	Wheelchair-accessible connector trail in Charlottesville	$30,000.00
1206.	California	Widen State Route 46 to four lanes between Airport Road and the Shandon Rest Stop in San Luis Obispo County.	$33,461,000.00
1207.	Colorado	I-70 and SH58 interchange: Completion of interchange including reconstruction of existing ramps, building of missing ramps and ROW acquisition.	$14,000,000.00
1208.	Texas	Tower 55 CMAQ Congestion and Preliminary Engineering Study	$500,000.00
1209.	Texas	Hike and Bike lanes on Sunset Dr., along Clear Creek and trails along Sunset & Briarmeadow to two city parks.	$600,000.00
1210.	Connecticut	Construct Montville-Preston Mohegan Bridge Expansion	$2,000,000.00
1211.	Illinois	Conduct study and design of Chicago North Lakefront path expansion project	$1,000,000.00
1212.	California	Montclair Ramona Avenue grade separation along Alameda Corridor East	$2,000,000.00
1213.	Arkansas	Development of infrastructure to Van Buren's intermodal facilities	$1,500,000.00
1214.	Ohio	Lake County MetroParks for completion of Phase III bicycle path project	$348,000.00
1215.	Oregon	Widen I-5 between Vancouver,WA, and Portland, OR	$5,000,000.00
1216.	Iowa	Add two lanes to the existing Highway 63 from Iowa Highway 3 north 18.1 miles to just south of Highway 18.	$8,700,000.00
1217.	California	widening the Fairview Road bridge over I, widening the onramp to accommodate three lanes, and provide one right-turn lane, one optional through or right-turn lane and three through lanes.	$1,900,000.00
1218.	New Jersey	Pedestrian facilities and street lighting on Haddon Avenue from Albertson Avenue to Glenwood Avenue, Haddon Township.	$433,000.00
1219.	Pennsylvania	Relocation and upgrade of Beaver Hallow Rd, leading to the Beaver Medical Center	$1,500,000.00
1220.	California	Reconstruct 1.5 miles of Paramount Blvd. from Carson Street to Candlewood St., Lakewood	$1,250,000.00
1221.	New York	Redesign and Reconstruction of the Putnam Rail trail, the Bronx	$700,000.00
1222.	Oregon	Construct turn lane on Gateway Boulevard, Cottage Grove	$90,000.00
1223.	New York	Construction of median, design and improvements to Main Street, Buffalo	$1,000,000.00

High Priority Projects—Continued

No.	State	Project Description	Amount
1224.	California	Diesel Emissions Reduction Program for Gateway Cities Council of Governments	$3,250,000.00
1225.	Kentucky	Reconstruct Harrodsburg-Lexington Road from KY 29 north of Wilmore to 4800's of Brannon Road.	$1,000,000.00
1226.	Michigan	Resurfacing of Frazho Road, Roseville	$1,280,000.00
1227.	Pennsylvania	Construct a four lane limited access facility connecting SR 119 north of Mount Pleasant to the Pennsylvania Turnpike.	$2,000,000.00
1228.	New Mexico	I-40/Coors Interchange: Reconstruction of this major interchange in Albuquerque	$10,000,000.00
1229.	New York	Mill Road: NY Rte 261 to North Avenue in the Town of Greece	$2,000,000.00
1230.	Pennsylvania	Design, engineering, ROW acquisition and construction of street improvements and safety enhancements, City of Pittston.	$1,750,000.00
1231.	Texas	Add 2 lanes from Victoria Co line to 1.9 miles W. of Gin Road in Pt Lavaca	$1,500,000.00
1232.	Connecticut	Establish intermodal service at Bridgeport, CT port	$1,500,000.00
1233.	New York	Construction of pedestrian walkways, Village of Northport	$100,000.00
1234.	Massachusetts	Northern Avenue Bridge rehabilitation, Boston	$3,000,000.00
1235.	California	Grade separation on Lenwood Road in Barstow, CA	$1,500,000.00
1236.	New Jersey	Pedestrian facilities, street lighting and streetscaping improvements in downtown Laurel Springs	$596,324.00
1237.	California	Realign California State Route 299 between the Trinity County line and mile marker 7.4, Shasta County.	$8,000,000.00
1238.	Nebraska	Funding for rail grade separation projects located in the Third Congressional District of Nebraska as identified by the Nebraska State Department of Roads.	$4,500,000.00
1239.	New York	Rehabilitation of Oak Beach Road in the Town of Babylon	$515,000.00
1240.	Texas	Construct four-lane urban arterial segment of FM60 from SH6 to FM158 in Brazos County, Texas	$4,000,000.00
1241.	New York	Improvements to Pudding St. at Taconic State Parkway	$1,700,000.00
1242.	Nevada	Design and Construct Cactus Avenue and I-15 Interchange, Clark County Nevada	$10,000,000.00
1243.	Pennsylvania	Restoration of Route 222, including concrete patching and overlay, in Maxatawny and Richmond Townships, Berks County.	$2,500,000.00
1244.	Kentucky	Widen Route 11 from US 460 to the Mt. Sterling Bypass (KY 686)	$700,000.00
1245.	Washington	Lewis and Clark Discovery Trailhead and Scenic Overlook - expand size and improve safety	$146,000.00
1246.	New York	Construct highway and ramp improvements at Erie Canal Harbor in downtown Buffalo	$10,000,000.00
1247.	Indiana	Star Hill Road project between SR 60 and Starlight	$4,000,000.00
1248.	Texas	Construct direct connectors on US 59, 59B, US77	$4,500,000.00
1249.	Maryland	US1 Corridor enhancements. Partial funding for comprehensive improvements to road corridor between Elkridge and Laurel.	$1,000,000.00
1250.	California	I-238 Widening between I-580 and I-880, Ashland/Cherryland/San Leandro/San Lorenzo	$1,900,000.00
1251.	Florida	Springfield Roadway Improvements, Jacksonville	$5,000,000.00
1252.	New Jersey	East Coast Greenway bicycle and pedestrian path from New Brunswick to Hudson River	$1,000,000.00
1253.	New York	Reconstruct Nassau Avenue, improve sidewalks and include pedestrian amenities in Greenpoint, Brooklyn.	$2,400,000.00
1254.	Missouri	Improve safety conditions along high traffic area in St. Francois County	$2,000,000.00
1255.	Washington	Valley Ave/70th - Widen both 70th Avenue and Valley Avenue, Pierce County	$1,000,000.00
1256.	Florida	Atlantic Corridor Greenway Roadway Improvements	$1,500,000.00
1257.	Georgia	Elimination of highway-rail grade crossings in Augusta, GA by relocating the Norfolk Southern rail line.	$3,000,000.00
1258.	Florida	For the implementation of Advanced Traffic Management System, Boca Raton, Florida	$2,000,000.00
1259.	New York	Route 78 (Transit Road), I-90 to Main Street, Towns of Amherst, Cheektowaga and Clarence	$3,000,000.00
1260.	Georgia	Relocate Whitehall Road in Hall County, Georgia	$1,042,024.00
1261.	California	Construct A 2.8 mile bikeway, working in conjunction with the city of La Habra, along Lambert Road from Mills Ave. to Valley Home Ave.	$2,500,000.00
1262.	Pennsylvania	Finish the installation of sound walls along Route 309 by the Montgomery County Planning Commission.	$5,000,000.00
1263.	California	Improve Ben Maddox Bridge crossing State Route 198, Visalia	$2,000,000.00
1264.	Florida	Traffic Reconfiguration of SR934 and US Route 1, Miami	$2,000,000.00
1265.	Wisconsin	Reconstruct interchange at State Highway 21 and I-94	$2,500,000.00
1266.	New York	Construct pedestrian walkway from 233rd Street to the Bronx River Greenway and commuter rail station. Bronx.	$1,000,000.00
1267.	New York	Conduct studies, if necessary, and construct the High Line Trail Project, New York City	$5,000,000.00
1268.	New York	Develop Erie Canal Heritage Project in Port Byron	$2,000,000.00
1269.	New York	Construct safety improvements for Rt. 12 intersection at Pamela Drive/River Rd./ Town of Chenango.	$1,050,000.00
1270.	California	Construct truck lane on Keystone Road from State Route 111 to Austin Road, Imperial County	$2,500,000.00
1271.	New York	Congestion reduction, traffic flow improvement and intermodal transfer study at Roosevelt Avenue/74th Street, Queens.	$640,000.00
1272.	Ohio	Widening from 2 lanes to 4 lanes between Main St. and SR 43 in North Canton and Plain Township.	$3,000,000.00
1273.	Rhode Island	Construct 8 lane 1.5 mile segment of I-95 and I-195	$2,000,000.00
1274.	North Carolina	Monroe Bypass -- Project proposes to construct a multilane freeway on new location from the I-485 to the Monroe bypass.	$2,500,000.00
1275.	New York	Improve Traffic Flow Improvement at Atlantic Yard/ NETS Arena Development	$3,000,000.00
1276.	Pennsylvania	SR 1022 Ulster River Bridge, replace 14-span bridge spanning Susquehanna	$2,000,000.00
1277.	New York	Funds an intermodal transportation facility on Clarkson Avenue	$1,000,000.00
1278.	Illinois	Construct grade separation on 25th Avenue, Melrose Park	$750,000.00
1279.	Massachusetts	Canalside Rail Trail. Construction of the Canalside Rail Trail, Deerfield & Montague	$1,900,000.00
1280.	Oregon	Planning, design, right-of-way acquisition, and construction of a bypass around the cities of Newberg and Dundee, Yamhill County.	$6,343,000.00
1281.	South Carolina	Berlin G. Meyers Parkway Extension, Summerville	$8,000,000.00
1282.	New York	Construct improvements in Sight Distance at Road Grade and Trail Crossings in Oneida and Herkimer County.	$550,000.00
1283.	New Jersey	Construction of Rowan Boulevard from US Route 322 to Main Street, Glassboro	$600,000.00
1284.	New Jersey	The rebuilding of three deteriorated orphan bridges in Trenton, NJ that cross over the Northeast Corridor Line. The East State Street Bridge, the Chestnut Avenue Bridge, and the Monmouth Street Bridge.	$1,500,000.00
1285.	Texas	Develop Intelligent Transport System for the City of San Antonio	$3,200,000.00
1286.	Louisiana	Upgrade highway-rail crossings at Madison Street, City of Gretna	$200,000.00
1287.	Virginia	Improve Rt. 42 in Bridgewater	$500,000.00
1288.	Arizona	Upgrade and re-open Main Street, Yuma	$1,200,000.00
1289.	Tennessee	Replacing one-lane underpass with five-lane underpass and associated roadway realignments of Knob Creek, Mountainview, and Claude Simmons Roads.	$500,000.00
1290.	Michigan	widen, from 2 to 5 lanes, Romeo Plank Road from M-59 to 23 Mile Road	$10,000,000.00
1291.	Ohio	St. Route 44 - Overpass, interchange construction, and road expansion in the city of Painesville	$4,250,000.00
1292.	Maryland	Alt 40 Middletown Bypass	$1,000,000.00
1293.	Alabama	East Bypass would provide direct access from I-20 to Fort McClellan, Alabama	$10,000,000.00
1294.	Ohio	Provide an interchange at Bixby Rd and Route 33, including construction of necessary service roads and removal of signal at Route 33 and Ebright Road.	$4,250,000.00
1295.	Michigan	Eliminate major roadway that passes between Cleary and charter school building and route a roadway with parking lots.	$500,000.00
1296.	Florida	Construct SR 312 Extension/Bypass in St. Johns County, Florida	$13,000,000.00

High Priority Projects—Continued

No.	State	Project Description	Amount
1297.	California	Design and implement Intelligent Transportation Systems on Long Beach Boulevard, Compton Boulevard, Wilmington Avenue, Walnut Avenue including communication interface with the Los Angeles County ITS System.	$3,000,000.00
1298.	Tennessee	Construct shoulder and turn lane on S.R. 35 in Seymour, TN	$1,500,000.00
1299.	Pennsylvania	Provide trail connects at the Hot Metal Bridge to reduce the need for trail users to use city streets.	$500,000.00
1300.	Georgia	Bridge improvements on Cochran Road at Deep Creek, Fulton Co	$560,000.00
1301.	Alabama	Additional lanes would be added to US-331 from Luverne to Montgomery	$2,000,000.00
1302.	California	Phase II of the Alameda Corridor East Project, constructing grade separation projects from E. Los Angeles to Pomona.	$300,000.00
1303.	New Mexico	Develop Paseo del Volcan corridor located in Sandoval County to connect I-40 and I-25	$2,000,000.00
1304.	Pennsylvania	Design, engineering, ROW acquisition and construction of Phase II of the South Valley Parkway from Roberts Street in Newport Township to Mocanaqua, Luzerne County.	$7,000,000.00
1305.	Maryland	Dualization of MD 404 in Caroline	$17,600,000.00
1306.	California	Widen State Route 98, including storm drain improvements, from Kloke Road to State Route 111, Calexico.	$3,000,000.00
1307.	California	Provide landscape enhancement of an existing open culvert on Atherton Street, Long Beach	$600,000.00
1308.	Michigan	Baldwin St. extension to I-196 and new entrance and exit ramps on I-196	$3,000,000.00
1309.	North Carolina	Pavement and bridge rehabilitation on I-85 from the Granville County line to US 158	$2,000,000.00
1310.	Florida	West Virginia Corridor Expansion Project between I-95 to US Highway 1 in St. Lucie County	$4,000,000.00
1311.	Ohio	Transportation infrastructure improvements in Toledo	$10,000,000.00
1312.	New York	Pedestrian/Bike Path along Hudson River in City of Beacon - NY	$350,000.00
1313.	Texas	Rehabilitate Yale Street between IH10 to IH610	$1,000,000.00
1314.	North Carolina	Installation of ITS devices along the Winston-Salem Northern Beltway (I-40 near Clemmons to US 52/Future I-74) in Forsyth County.	$4,000,000.00
1315.	Washington	Cross Base Highway - a new highway from I-5 to SR 7 located between Fort Lewis and McChord AFB.	$1,500,000.00
1316.	Pennsylvania	Create a direct connection between State Road Route 29 and State Route 113	$3,000,000.00
1317.	Tennessee	Improvements to bridge along SR-21 in Lake County, from Log Mile 7.0 to Obion County Line	$14,000,000.00
1318.	Missouri	I-55/Weber Road Improvements, St. Louis City and St. Louis County	$5,000,000.00
1319.	Colorado	Construct arterial on W side of Montrose to ease traffic congestion on SH 550 between Grand Avenue, N-S of city.	$7,500,000.00
1320.	Washington	SR28 / SR285 George Sellar Bridge Approach Improvements, Wenatchee/East Wenatchee	$5,000,000.00
1321.	Massachusetts	Highspeed catamaran ferry. Increase accessibility to inner-city public transit and two federal parks Quincy.	$2,000,000.00
1322.	Ohio	Ashtabula Harbor infrastructure improvements as part of the Revitalization Project on SR 531 in Ashtabula County.	$1,000,000.00
1323.	North Carolina	Right of way acquisition and construction for segment of the 1-540 Loop from I-40 to NC 55	$11,000,000.00
1324.	New York	Replace bridge carrying Rt.55 over Fishkill Creek and provide turn lanes in Town of Beekman-NY.	$2,500,000.00
1325.	Michigan	Design, right of way acquisition and improvements for the I-196/Chicago Drive (Baldwin Street) Interchange modification.	$19,800,000.00
1326.	Georgia	Upgrade sidewalks, parking, street lighting, and landscaping, Claxton	$500,000.00
1327.	California	Alameda Corridor East Gateway to America Trade Corridor Project, Highway-railgrade seperation along 35-mile corridor from Alameda Corridor (Hobart Junction) to Los Angeles/San Bernardino County line.	$15,500,000.00
1328.	New York	Roadway and Pedestrian Improvements for Times and Duffy Squares, New York City	$4,200,000.00
1329.	Arizona	Construct the Querino Bridge in Apache County, Arizona, on the Navajo Nation	$500,000.00
1330.	California	FHWA Diesel Emissions Reduction program for the Gateway Cities. Los Angeles County	$1,250,000.00
1331.	New York	Construct four lane expressway meeting Interstate standards from Pennsylvania to Presho	$2,000,000.00
1332.	Florida	SW 24th Ave.-SW 62nd Blvd., from Archer Rd west to SW 20th Avenue, Gainesville	$3,000,000.00
1333.	Pennsylvania	Replace Lycoming Valley Railroad Bridge near Montoursville Borough	$2,000,000.00
1334.	Texas	Extend US90 six main lanes from Hunting Bayou to Wallisville	$5,000,000.00
1335.	Ohio	SR 91 Road Safety project and overpass construction in the City of Twinsburg	$1,950,000.00
1336.	Colorado	Reconstruct US 36/McCaslin interchange	$1,000,000.00
1337.	Ohio	Rehabilitation/replacement of rail grade separations along the West Central Ohio Port Authority route in Champaign and Clark Counties.	$250,000.00
1338.	South Carolina	Carolina Bays Parkway (Phase II), Horry County	$5,000,000.00
1339.	Michigan	Development and construction of new interchange at Marquette Avenue/US-31	$5,000,000.00
1340.	New York	Install Improvements for Pedestrian Safety in the vicinity of PS 114	$250,000.00
1341.	Tennessee	Construct interchange on Interstate 40, Wilson County	$1,000,000.00
1342.	Ohio	Construct new interchange at Gracemont St. and I-77 Interchange in Bethlehem Township	$3,000,000.00
1343.	New York	Design and construction of 20th Avenue from Whitestone Expressway Service Road to 130th Street in Queens, New York.	$700,000.00
1344.	Georgia	Streetscape [pedestrian safety enhancements, sidewalks, curb replacement, restoration, landscaping, ADA compliance, restoration], Dawson.	$500,000.00
1345.	Indiana	Construct grade separated interchange at Main Street with Canadian National Railroad in Mishawaka, Indiana.	$1,500,000.00
1346.	California	Hollister SR25 widening -- 4 lane freeway between San Felipe Road to the US 101 separation, Gilroy.	$3,660,000.00
1347.	Missouri	I-29/I-35 reconstruction of Kansas City Downtown/Paseo Bridge	$2,000,000.00
1348.	California	Develop bicycle paths and pedestrian access to Third Avenue, Chula Vista	$300,000.00
1349.	Georgia	Upgrade Old Petersburg/Old Evans Rd	$6,000,000.00
1350.	Washington	New County Road, Whidbey Island	$900,000.00
1351.	New York	Highway/Railway crossing improvements in the Town of Clarkstown and villages of Haverstraw and West Haverstraw.	$1,600,000.00
1352.	California	Improvements for Folsom Boulevard between Rod Beaudry Drive and Sunrise Boulevard	$8,000,000.00
1353.	California	Improvements (including arterial street rehabilitation) to enhance traffic and pedestrian safety in the Van Nuys community, Los Angeles.	$750,000.00
1354.	Texas	Construct highway - railroad grade separation at Calton Road in Laredo Texas	$2,200,000.00
1355.	Michigan	Reconstruct highway under a railroad bridge, Wyoming Ave. from Eagle Pass to Michigan Avenue, Wayne County.	$1,000,000.00
1356.	Michigan	Resurfacing of Masonic Boulevard, Fraser	$1,160,000.00
1357.	New York	Access and Safety improvements to Route 208 in Orange County -NY	$1,500,000.00
1358.	Pennsylvania	The project will provide for the reconstruction of US 30 from PA 10 to Business US 30 including the travel lanes, shoulders and egress and exist ramps.	$5,000,000.00
1359.	Texas	Integrate & deploy rural ITS components of the Texas Hurricane Evacuation Information System.	$4,000,000.00
1360.	New York	Streetscape improvements to Sunrise Highway between Guy Lombardo Avenue and Henry Street, Freeport.	$500,000.00
1361.	California	Interchange expansion at Interstate 10 and Indian Canyon Drive, City of Palm Springs	$1,000,000.00
1362.	Michigan	Reconstruction and surfacing of Valley Road from M-33 west to Mapes Road, Oscoda County	$960,000.00
1363.	Connecticut	Construct bike/pedestrian path, Shelton	$1,000,000.00
1364.	New York	Rehabilitation of Frank Street in the Village of Lindenhurst	$775,000.00
1365.	Illinois	Sullivan Rd. Approaches (Aurora): Construction of highway approaches to Sullivan Rd. Bridge	$1,600,000.00
1366.	Virginia	Widen US 15/29 in Culpeper	$2,000,000.00
1367.	Virginia	Jamestown 2007 -- to provide transportation infrastructure for visitors to Jamestown Island	$500,000.00

High Priority Projects—Continued

No.	State	Project Description	Amount
1368.	California	Construct 4-lane connector between I-40 and Arizona Route 95 in Needles	$1,000,000.00
1369.	Oregon	Construct passing lanes on U.S. 199, Josephine County	$900,000.00
1370.	Louisiana	Upgrade I-49	$1,700,000.00
1371.	Minnesota	Construct a pedestrian/bicycle/ATV/snowmobile bridge across TH169, Onamia	$1,097,600.00
1372.	Colorado	Wadsworth Blvd. & Bowles Ave. Intersection Improvements: Ramp, and interchange improvements, lane improvements on Wadsworth from Coal Mine Ave. to W. Cross Dr.	$2,000,000.00
1373.	Illinois	Improve access roads related to Racehorse Business Park, Alorton	$200,000.00
1374.	Texas	For completion of I-35 bypass project - northern 48 miles of SH 130, from Georgetown, TX to US 183.	$7,000,000.00
1375.	Minnesota	Polk, Pennington, Marshall County 10-ton Corridor in Northwestern Minnesota	$5,600,000.00
1376.	New York	Construct Route 15/18 Interchange Phases I, II, and III	$3,000,000.00
1377.	Mississippi	Star Landing Road - new east-west connector from I-55 in Desoto County	$2,000,000.00
1378.	Georgia	Replace sidewalks, meet ADA guidelines, and install a crosswalk, McRae	$800,000.00
1379.	Georgia	Construct sidewalks between Marion Middle School, City Park, and Community Center, Buena Vista.	$500,000.00
1380.	Ohio	Pedestrian Walkway Safety Improvements and Road Paving in Lakeline Village	$289,000.00
1381.	Florida	Reconstruction of Hanford Boulevard, North Miami Beach	$2,750,000.00
1382.	Illinois	Undertake improvements within West End Business District, LaGrange	$3,200,000.00
1383.	Arkansas	Repair Bowen Bridge on Hwy 301, Pike County	$24,000.00
1384.	New Jersey	Road-widening, new shoulder construction, drainage improvements and intersection upgrades in Burlington County.	$6,850,000.00
1385.	Florida	Upgrading of SR 50 in Orange County, Florida	$2,000,000.00
1386.	South Carolina	Construction of East Washington Connector	$1,000,000.00
1387.	Texas	Dyess AFB Access Project	$8,500,000.00
1388.	California	Upgrade Olympic Blvd between Vermont Ave. and Western Ave. to improve pedestrian safety and reduce congestion, Los Angeles.	$2,000,000.00
1389.	Virginia	New, regional access improvement at I-64 and City Line Road, Virginia Beach and Chesapeake	$2,500,000.00
1390.	Georgia	Construct Chase St Elementary to Botanical Gardens bike/pedestrian trail	$500,000.00
1391.	Illinois	This project consists of resurfacing and restriping of Euclid Avenue between Walnut Avenue and Douglas Avenue in Arlington Heights, Illinois. It also includes curb and gutter repair as well as pavement base repair.	$350,000.00
1392.	Connecticut	Construct Putnam ADA-compliant Curb Cut	$50,000.00
1393.	Georgia	Northlake Streetscape in DeKalb	$1,000,000.00
1394.	California	I-880 Federal highway safety improvements, High Street to I-980, Oakland	$2,500,000.00
1395.	Louisiana	Reconstruct I-49/US 190 interchange, Opelousas	$500,000.00
1396.	Michigan	the Port Huron, MI Highway-Rail Grade Crossing Separation Project	$1,000,000.00
1397.	Colorado	Reconstruct US 36/US 287 interchange	$2,000,000.00
1398.	Georgia	2.5 mile East Hiram Parkway Project: to complete by-pass around the City of Hiram	$5,000,000.00
1399.	Washington	Widening SR527 from 2 lanes to 5 from Bothell to Mill Creek	$1,500,000.00
1400.	New York	Rehabilitation of North and South Delaware Avenue in the Village of Lindenhurst	$875,000.00
1401.	Texas	Improve SH 199 at intersection of White Settlement Rd., Ft. Worth	$8,000,000.00
1402.	Missouri	Upgrade U.S. Highway 36 to four lanes between Macon and Hannibal, Missouri	$3,000,000.00
1403.	Arkansas	Improve Colin Ray Blvd, De Queen	$500,000.00
1404.	Illinois	Extend Remington Blvd from Veterans Parkway to Weber Road in Bolingbrook, IL	$500,000.00
1405.	New Hampshire	Design and construction of the project to repaint the bridge on Main Street in Enfield, NH	$140,000.00
1406.	Mississippi	East Metro Corridor:Four-lane corridor linking I-20 at Brandon to US Hwy 25 at Flowood - part of I-20/US Hwy 25/ Jackson International Airport network.	$1,500,000.00
1407.	South Carolina	Cox Road Bridge in Anderson County	$405,000.00
1408.	Michigan	repave Sebewaing Road from state highway M-25 to Caseville Road	$500,000.00
1409.	Virginia	Interchange Improvements along I-264 in Virginia Beach	$9,500,000.00
1410.	Indiana	Construction of Parkway around the west side of Shelbyville from SR9 on the South to SR9 on the North.	$914,000.00
1411.	California	Constructs a Highway and Railroad grade separation at North Milliken Avenue, Ontario	$3,000,000.00
1412.	Georgia	Streetscape [pedestrian safety enhancements, sidewalks, curb replacement, restoration, landscaping, ADA compliance, restoration], Richland.	$500,000.00
1413.	New York	Planning and coordination studies for the Tappan Zee Bridge/I-287 corridor, Rockland/Westchester County.	$1,000,000.00
1414.	California	Construction of HOV lanes on I-5 from Vandegrift Blvd to La Jolla Village Drive	$1,000,000.00
1415.	North Carolina	Add 6.5 miles to the City of Greeneville's greenway system by constructing three additional sections.	$2,015,000.00
1416.	California	Construct left turn lane to ease congestion at Interstate-10 into Rosemead Boulevard and Telstar Avenue, El Monte.	$1,250,000.00
1417.	Ohio	Planning and Construction of network of recreational trails in Perry Township	$650,000.00
1418.	Kansas	Construct highway rail grade separation from Douglas Ave to 17th Street North in Wichita, KS	$7,000,000.00
1419.	Texas	Widen I-35 between SH 81 and FM 286 South of Hillsboro	$3,000,000.00
1420.	New York	Establish an identity and signage program for the Erie Canalway National Heritage Corridor	$1,000,000.00
1421.	Illinois	Construct pedestrian walkways in Columbus Park, Chicago	$750,000.00
1422.	Texas	Construction of frontage road between the Harris County Line and FM 518	$2,700,000.00
1423.	Minnesota	Construct third lane on I-494 from Hwy 212 to its Fish Lake Road terminus in Maple Grove, MN	$5,000,000.00
1424.	Maryland	Dualization of US 113 in Worcester	$13,200,000.00
1425.	New York	Preliminary design and environmental impact study for a collector-distributor road along I-95 from Westchester Ave. to Bartow Ave.	$7,110,000.00
1426.	Oklahoma	Construct US69 and Hereford Lane Interchange, McAlester	$8,000,000.00
1427.	Massachusetts	Reconstruction of Pleasant Street to enhance vehicular safety and capacity, Watertown	$2,000,000.00
1428.	New Jersey	Safety and operations improvements on Route 73, Berlin/Voorhees/Evesham	$1,200,000.00
1429.	California	Repair and replace tunnel lining on Kanan, Kanan Dume, and Malibu Canyon Roads, Los Angeles County.	$3,000,000.00
1430.	Arkansas	Downtown Dickson Street Enhancement - Block Avenue and Downtown Square	$1,750,000.00
1431.	Arkansas	Improvements to Clear Creek Bridge and surrounding infrastructure in Washington County on CR31.	$1,000,000.00
1432.	Georgia	Streetscape [pedestrian safety enhancements, curb replacement, sidewalks, restoration landscaping, ADA compliance], Ashburn.	$400,000.00
1433.	Mississippi	Upgrade Blue Cane Road in Tallahatchie County, and roads in Webb and Tutwiler	$1,000,000.00
1434.	Pennsylvania	SR 3027 Bridge, replace posted two span steel I-beam bridge with one span concrete box beam bridge in Jessup Township, Susquehanna County.	$1,000,000.00
1435.	Mississippi	Upgrade roads at Tougaloo College	$1,000,000.00
1436.	Minnesota	Construct roadway improvements on the Great River Road on CSAH 10 and CSAH 21, Aiken County.	$6,324,000.00
1437.	Mississippi	State Route 590 extension, Ellisville	$4,000,000.00
1438.	Iowa	Construct four-lane expressway on U.S. Highway 60 through Plymouth, Sioux, O'Brien, and Osceola Counties, Iowa.	$500,000.00
1439.	Utah	SR-92 from I-15 to SR-74, Utah County	$5,500,000.00
1440.	Arizona	Construction of structure for US 60 at 59th Avenue and Glendale in city of Glendale	$1,000,000.00
1441.	Mississippi	U.S. Highway 90 and State Highways 43 and 603 Gateways Enhancement Project, Hancock County.	$250,000.00
1442.	New Mexico	Construct Sunland Park Road in Sunland Park	$5,000,000.00
1443.	Minnesota	Bruce Vento Nature Sanctuary Trail Project, St. Paul	$2,000,000.00

High Priority Projects—Continued

No.	State	Project Description	Amount
1444.	New York	Improvements to Mearns Ave. & Fostoria St. in Village of Highland Falls-NY	$200,000.00
1445.	Arkansas	Construction of Ashdown Bypass, Ashdown	$500,000.00
1446.	Texas	Coverage of the state with the ITS systems through compatibility, interoperability, and uniformity of the entire statewide system.	$5,000,000.00
1447.	Minnesota	Construct Two Harbors High School Trail connecting Two Harbors High School to Two Harbors City.	$891,600.00
1448.	Michigan	Design, right of way acquisition, engineering work for US-31 bypass	$7,000,000.00
1449.	Indiana	Added travel lanes on Gordon Road, Sixth Street, and West Shafer Drive in Monticello, IN	$14,000,000.00
1450.	Indiana	Upgrade roads, Fowler	$100,000.00
1451.	New Jersey	Reconstruct Route 168 from Route 41 to Sixth Avenue, Runnemede	$658,000.00
1452.	New York	Install Two Permanent Variable Message Signs (VMS) on Belt Parkway	$500,000.00
1453.	Arkansas	Improvement of Jennie Road, Chicot County	$288,000.00
1454.	Georgia	Construct sidewalks and install landscaping, Vienna	$500,000.00
1455.	Texas	FM 2499, Section 4, from Highland Village to Corinth	$1,000,000.00
1456.	Virginia	Route 104/Dominion Boulevard corridor connects Interstate 464 and Interstate 64 to Route 17/George Washington Highway. Widening of the existing two-lane section to four lanes with a new bridge over the Southern Branch of the Elizabeth River.	$6,500,000.00
1457.	Mississippi	Old Richton Road and State Highway 42 connector, Petal	$1,500,000.00
1458.	Oklahoma	Widen US 281 from the New US 281 Spur North to Geary, Canadian County	$5,700,000.00
1459.	Illinois	Improve Mill Street, Rock Island	$500,000.00
1460.	New Jersey	Interchange improvements and bridge replacements, Route 46, Passaic County	$12,000,000.00
1461.	New Jersey	Project involves bridge replacement and State Route 31 widening add left turn lanes and shoulders in Glen Gardner/Hampton, Hunterdon County.	$1,000,000.00
1462.	Connecticut	Conduct study of multimodal cargo capacity on Waterfront Street, New Haven	$1,000,000.00
1463.	California	Install a traffic signal and ramps at Interstate-10 and Walnut Grove Avenue to reduce congestion, Rosemead.	$85,000.00
1464.	California	Citywide traffic signal upgrades requiring the installation of hardware and software at 9 major intersections, Palo Alto.	$500,000.00
1465.	California	Widen State Route 98 from Route 111 to State Route 7, Calexico	$5,000,000.00
1466.	Pennsylvania	Extension of River Road in Reading Pennsylvania in order to provide access to major industrial and brownfields sites.	$1,500,000.00
1467.	Louisiana	LA 16 Interchange at I-12 and improvements, and Cook Road	$13,000,000.00
1468.	California	Construct truck ramp linking Interstate 5 to the National City Marine Cargo Terminal, National City.	$1,500,000.00
1469.	New York	Implement ITS system and apparatus to enhance citywide truck route system at 9th Street and 3rd Avenue intersection in Kings County.	$100,000.00
1470.	Iowa	Construction of Outer Drive from Floyd Boulevard to Business Highway 75 in Sioux City, IA	$1,000,000.00
1471.	Vermont	Road improvements for the City of Rutland along U.S. Route 7 and U.S. Route 4	$3,560,000.00
1472.	Pennsylvania	Mitigation of water pollution due to Highway runoff on SR28 as allowed by 23 USC133(b)(14) and 23USC133(b)(8).	$1,000,000.00
1473.	Virginia	Glen Alton - design and construction of recreation trails, access and visitor information center	$1,600,000.00
1474.	Tennessee	Develop trails, bike paths and recreational facilities on Bird Mountain, Morgan County for Cumberland Trail State Park.	$250,000.00
1475.	Illinois	Construct pedestrian underpass at East 57th Place, Chicago	$700,000.00
1476.	New York	Construction of and improvements to Michigan Avenue in Buffalo	$1,000,000.00
1477.	New York	Enhance Battery Park Bikeway Perimeter, New York City	$2,000,000.00
1478.	Texas	Construct and rehabilitate pedestrian walkways along the Main Street Corridor to improve transit-related accessibility.	$1,000,000.00
1479.	Kansas	Upgrade US-69/135th Street interchange, City of Overland Park	$2,000,000.00
1480.	Wisconsin	Reconstruct Highway 141 in Marinette County, WI	$2,000,000.00
1481.	Florida	Beautify SR A1A in Ormond Beach, Daytona Beach and Daytona Beach Shores, Florida	$1,000,000.00
1482.	New York	Enhance road and transportation facilities in the vicinity of W. 65th St and Broadway, New York City.	$5,000,000.00
1483.	Arizona	Construct parallel roadway to create divided roadway for US 93, south of I-40 near Kingman	$2,000,000.00
1484.	Missouri	Upgrade U.S. Highway 61 to four lanes between Wayland and Canton, Missouri	$8,000,000.00
1485.	Arkansas	Construction of Prescott Overpass, Prescott	$2,400,000.00
1486.	Texas	Environmental, schematics and right of way acquisition for Hidalgo County Loop, Hidalgo County.	$1,000,000.00
1487.	Nebraska	Construction of two Missouri River bridges and their approach roadways	$6,500,000.00
1488.	New York	Cedar Swamp Rd. improvements in Town of Goshen-NY	$800,000.00
1489.	North Carolina	Northwest Corridor - Western Boulevard in Jacksonville, NC: Construct a 4-mile, 4-lane divided facility including a 400-foot concrete bridge.	$1,000,000.00
1490.	Tennessee	Widen Campbell Station Road in Knoxville, TN	$1,800,000.00
1491.	North Carolina	Development of a Master Transportation Plan for the Piedmont Triad Research Park (Idealliance) in Winston-Salem (Forsyth County).	$3,400,000.00
1492.	Maryland	Safety and operations improvements at Martin Luther King Blvd. and W. Baltimore St., Baltimore.	$1,700,000.00
1493.	Tennessee	Retrofit noise abatement walls, Davidson County	$2,500,000.00
1494.	Virginia	Improve N. Main Street Bridge in Lexington	$1,000,000.00
1495.	New York	Mill St. enhancements, realignments and culvert replacement in Putnam County-NY	$2,000,000.00
1496.	California	Construct nine rail-highway grade separations along Alameda Corridor East through the cities of Fullerton, Placentia, and Anaheim.	$14,000,000.00
1497.	Maryland	Rehabilitate 5 bridges carrying streets over CSX Railroad, Baltimore	$10,000,000.00
1498.	New York	Implement Improvements for Pedestrian Safety in Queens County	$1,000,000.00
1499.	California	405 Freeway Widening	$6,700,000.00
1500.	New York	Highway Construction I-90 Exit 8 Connector Phase II	$3,900,000.00
1501.	Tennessee	North Second Street Corridor Upgrade to provide alternate route around St. Jude's medical center to downtown, Memphis.	$4,000,000.00
1502.	Illinois	Reconstruction of Quentin Road from existing 2 lanes to 4 lanes with median from Dundee Road to Lake Cook Road.	$5,160,000.00
1503.	Tennessee	Widen U.S. 321, Construct new bridge across the Tennessee River in Loudon County	$7,500,000.00
1504.	Colorado	Improvements on US 36 corridor from I-25 to Boulder. Improvements include interchange and overpass rebuilding.	$3,000,000.00
1505.	California	San Gabriel Boulevard Highway widening and intersection improvement project, the City of San Gabriel.	$1,000,000.00
1506.	Georgia	Replace sidewalks, upgrade lighting, and install landscaping, Helena	$500,000.00
1507.	Pennsylvania	Design, engineering, ROW acquisition, and construction of street improvements and safety enhancements, Borough of Edwardsville in Luzerne County.	$250,000.00
1508.	Connecticut	Upgrade Plainfield Moosup Pond Road	$300,000.00
1509.	Illinois	Improve North Illinois (Illinois 159) and related roads, Belleville	$6,937,000.00
1510.	Pennsylvania	Design and construct improvements to mitigate traffic congestion that currently exists on the west side of the Ben Franklin Bridge.	$4,000,000.00
1511.	Illinois	Construct bike path, parking facility, and related transportation enhancement projects, North Riverside.	$2,750,000.00
1512.	South Carolina	Construction of West Georgia Road in Greenville County	$9,000,000.00
1513.	Massachusetts	Rt. 128/95 off ramp-Northbound to Kendrick Street, Needham	$2,000,000.00
1514.	New York	Traffic control mitigation for Jericho Turnpike between Hillside Blvd and New Hyde Park Road, New Hyde Park.	$1,000,000.00

High Priority Projects—Continued

No.	State	Project Description	Amount
1515.	Maine	Improvements to the Interconnecting Trail System for bike/pedestrian trails near Baxter State Park.	$500,000.00
1516.	California	Construction of HOV and BRT lanes on I-15 from SR-78 to SR-163	$2,000,000.00
1517.	Missouri	Widening, curb, and gutter improvements as part of larger Hwy 33 development project	$3,000,000.00
1518.	Minnesota	Reconstruct CSAH 91 from the D.M. and I.R. Railroad crossing at 8th Street in Duluth to CSAH 56, St Louis County.	$5,000,000.00
1519.	South Carolina	US Highway 123 - The SCDOT would construct deceleration and turning lanes to improve safety in Pickens County, SC.	$2,000,000.00
1520.	New Jersey	Rehabilitation of Hillery Street Bridge connecting Totowa and West Paterson	$2,500,000.00
1521.	American Samoa	Upgrade, repair and continue construction of Tau ferry terminal facility on island of Manua	$1,600,000.00
1522.	Louisiana	Pointe Clair Expressway in Iberville Parish	$3,000,000.00
1523.	Pennsylvania	Construct Southern Beltway (PA 60 to US 22) of the Mon Fayette Expressway	$2,000,000.00
1524.	Illinois	Construct intermodal facility, Cook County	$450,000.00
1525.	Georgia	Renovate Wilcox County Arts Complex, renovate Train Caboose as a Welcome Center, and construct pedestrian trail, Abbeville.	$500,000.00
1526.	Tennessee	Add third lane on US-27/State Route 29 for truck climbing lane and realignment of roadway at Wolf Creek Road to Old US-27 North of Robbins.	$6,000,000.00
1527.	California	Reconstruct Intersection at Highways 152 & 156, Santa Clara County	$7,000,000.00
1528.	Ohio	City of Fostoria/Seneca County loop road along rt. 23	$7,700,000.00
1529.	Mississippi	U.S. Highway 98 access improvement at Interstate 59, Lamar County	$5,000,000.00
1530.	California	Design and environmental analysis for State Route 11 connecting State Route 905 to the new East Otay Mesa Port of Entry, San Diego.	$1,000,000.00
1531.	Michigan	Resurfacing of Nine Mile Road, Eastpointe	$1,040,000.00
1532.	New York	Improve Tissle Road/Old Kings Highway intersection, Saugerties	$500,000.00
1533.	California	Upgrade existing county highway J59 in Tuolumne, Stanislaus and Merced Counties	$2,000,000.00
1534.	North Carolina	Acquire, design and renovate historic rail station into a multimodal center in downtown Winston Salem.	$4,000,000.00
1535.	California	Construct Marin-Sonoma Narrows bicycle and pedestrian walkway	$500,000.00
1536.	Oklahoma	I-40 Crosstown Expressway realignment project from I-44 to I-35 in Oklahoma City, OK	$13,000,000.00
1537.	Colorado	C-470 & Hwy 85 Interchange Reconstruction: Replace interchange ramps, bridge widening, lane improvements.	$6,000,000.00
1538.	Tennessee	Improve heavy vehicle access to interstate 55 from proposed Super Terminal distribution center along Mallory Avenue, Shelby County.	$3,000,000.00
1539.	Idaho	To construct a bypass corridor around the City of Twin Falls for US-93	$4,500,000.00
1540.	Illinois	Undertake Dempster St. Commercial corridor improvements project, Morton Grove	$250,000.00
1541.	Ohio	Improvements to 4 intersections at Lake Center St. North through Route 619 in Lake Township	$2,200,000.00
1542.	Minnesota	Design, engineering, and ROW for the French Rapids Bridge, City of Brainerd	$800,000.00
1543.	Ohio	Acquire land along US 24, Lucas County	$1,000,000.00
1544.	California	Conduct a project study to examine an interchange at State Route 165 and Bradbury Road, Merced County.	$500,000.00
1545.	New York	Construct parking spaces in Elmira, NY, on North Main Street	$500,000.00
1546.	Indiana	Reconstruct 45th Avenue from Colfax Street to Grant Street, Lake County	$2,700,000.00
1547.	Michigan	Rebuilding Jackson Road with experimental materials	$5,000,000.00
1548.	Florida	Expansion from 2 to 4 lanes with grassed median, from Interstate 10 to US 90	$10,000,000.00
1549.	North Carolina	The reconstruction of US Hwy 19 from Cherokee County, NC to Maggie Valley, NC	$7,300,000.00
1550.	New York	Continuation of the public awareness program about transportation infrastructure, Lower Manhattan.	$600,000.00
1551.	Kentucky	Rehabilitate I-75 Brent Spence Bridge	$7,000,000.00
1552.	California	Widen Washington Blvd, Commerce	$3,000,000.00
1553.	Pennsylvania	Route 422 improvement project from Ebensburg to Indiana, PA	$1,500,000.00
1554.	Texas	Completion of JBS Parkway by connecting IH-20, the 2 segments of JBS Parkway across the railroad right-of-way and BI20.	$5,000,000.00
1555.	Oregon	North Bend Waterfront District Bike/Pedestrian project	$600,000.00
1556.	Ohio	SR 82 bridge construction in Macedonia City	$3,000,000.00
1557.	Michigan	Reconstruction of County Road 612 from W. County Line to County Road 491, Montmorency County.	$800,000.00
1558.	Ohio	Construct grade separation at State Route 252, Cuyahoga County	$460,000.00
1559.	New York	Replace bridge over Mud Pond Outlet on Spring Lake Road	$400,000.00
1560.	Illinois	Upgrade connector road from I-255 to Rt. 3, Sauget	$2,400,000.00
1561.	New Jersey	Installation of automatic track switch, Port Reading/Woodbridge	$800,000.00
1562.	Georgia	Streetscape [pedestrian safety enhancements, sidewalks, curb replacement, restoration, landscaping, ADA compliance, restoration], Albany.	$1,000,000.00
1563.	Wisconsin	Reconstruct and rebuild bridge over St. Croix River from Houlton, WI to Stillwater, MN	$6,000,000.00
1564.	Washington	Replace existing seismically vulnerable viaduct and adjacent seawall, Seattle	$12,000,000.00
1565.	Illinois	Expedite engineering studies, land acquisition, and construction to widen I-55 between I-80 and Naperville Road.	$3,500,000.00
1566.	Oregon	Gateway Urban Renewal District Development Plan for reconstruction and/or new construction of local multi-modal street projects.	$7,800,000.00
1567.	Mississippi	Upgrade roads in Anguilla and Rolling Fork, Sharkey County	$1,000,000.00
1568.	Georgia	Streetscape [pedestrian safety enhancements, curb replacement, landscaping, ADA compliance], Cordele.	$500,000.00
1569.	California	Colima Road/ Fullerton Road intersection improvements in the city of Rowland Heights	$1,000,000.00
1570.	Arizona	Replace Veterans' Memorial Overpass and upgrade it's associated roadway approaches, Pima County.	$2,000,000.00
1571.	Illinois	Upgrade roads, Plainfield	$500,000.00
1572.	New York	Rehabilitation of Rt. 100 from Virginia Road to Westchester Community College	$1,100,000.00
1573.	New Mexico	Widen the US 491 (formerly US 666) corridor from Gallup north to Shiprock	$2,000,000.00
1574.	California	Reconstruct I-710 southern terminus off ramps, Long Beach	$1,000,000.00
1575.	New Hampshire	Design, right-of-way procurement, and construction from intersection NH 110 and 1st Avenue to Wight Street in Berlin, NH.	$2,860,000.00
1576.	New Jersey	Improvements to Clove Road and Long Hill Road in Little Falls & Upper Mountain Avenue in Montclair.	$2,650,000.00
1577.	Texas	Port of Corpus Christi Joe Fulton International Trade Corridor for congestion and safety enhancements.	$1,000,000.00
1578.	New York	Rehabilitate 125th Street Corridor from Old Broadway to Marginal Street/Waterfront	$2,000,000.00
1579.	Florida	Dinky Line Trail from SR 527 to South Lake Formosa Drive in Orlando, Florida	$500,000.00
1580.	Texas	Relief route for US 271 from US 67 to FM 3417 around the west side of Mount Pleasant in Titus County.	$2,000,000.00
1581.	Texas	Reconstruct the I-35E Bridge over the Trinity River in Dallas, Texas	$1,000,000.00
1582.	Pennsylvania	Independence National Historic Park transportation enhancements: pedestrian facilities, and safety improvements, including landscaping.	$4,500,000.00
1583.	California	Design and Implement Trails and Bikeways Plan for the Golden Gate National Recreation Area and Presidio.	$5,000,000.00
1584.	Illinois	Upgrade roads in the vicinity of Henry Horner Homes, Chicago	$1,000,000.00
1585.	New York	Construct Lower Falls Pedestrian Bridge and Approaches, Rochester	$1,000,000.00
1586.	Pennsylvania	Replace a highway railcrossing in Osborne, PA	$2,000,000.00
1587.	Oklahoma	Reconstruct US412P East to I-44 from regional port	$7,250,000.00

High Priority Projects—Continued

No.	State	Project Description	Amount
1588.	Arkansas	Improvements to Bridge #19032 in Sulphur Springs	$50,000.00
1589.	New York	Reconstruction of 3.28 miles of Surrey Meadow subdivision in Town of Chester- NY	$729,000.00
1590.	California	Construct Inland Empire Transportation Management Center to better regulate traffic and dispatch personnel to incidents, Fontana.	$1,500,000.00
1591.	American Samoa	Village road improvements for Sua Vaifanua, and Saole counties in the Eastern District	$2,000,000.00
1592.	Minnesota	Reconstruction of CSAH 7 from Itasca County Road 341 to Scenic State Park entrance, Itasca County.	$2,800,000.00
1593.	Washington	Renton 405/167 - Rebuild the SR 167 and I-405 interchange and add additional lanes to relieve congestion.	$2,000,000.00
1594.	Michigan	Convert existing interchange at Cedar Street and Pennsylvania Avenue off I-96	$1,900,000.00
1595.	Connecticut	Construct Salem Greenway	$65,000.00
1596.	New York	Pedestrian walkway improvements along Sunrise Highway, Lynbrook	$500,000.00
1597.	New York	Roadway improvements to Jackson Avenue between Jericho Turnpike and Teibrook Avenue, Nassau County.	$2,000,000.00
1598.	Iowa	Reconstruct 14.3-miles of I-235 mainline roadway through Des Moines metro area	$8,000,000.00
1599.	Florida	Church Street Road Improvements, Orlando	$13,000,000.00
1600.	Ohio	Bridge rehabilitation crossing the Tuscarawas River in the City of Massillon	$335,600.00
1601.	Michigan	Nonmotorized Pathway, City of Rockwood	$426,000.00
1602.	Virginia	Highway Connector Road to Marine Terminal Site, Portsmouth	$2,000,000.00
1603.	Florida	Upgrade I-75 from 6 to 8 lanes between SR 54 and SR 52 in Pasco & Hernando County	$2,000,000.00
1604.	Arkansas	Widening of Highway 118 to four lanes from I-40 interchange North	$3,000,000.00
1605.	Tennessee	Improve circuitry on vehicle protection device installed at railroad crossing in Loudon, TN	$57,000.00
1606.	Michigan	I-94 Widening Bt. 12th St/Sprinkle Rd	$14,000,000.00
1607.	Texas	This project will continue the development and integration of statewide ITS systems	$2,500,000.00
1608.	Mississippi	Upgrade roads in Terry (U.S. hwy 51 and I-55), Edwards (U.S. Hwy 80, 22 and I-20), Utica (U.S. Hwy18 and 27), and Bolton (U.S. Hwy. 80 and I-20), Hinds County.	$1,366,000.00
1609.	Connecticut	Construct Farmington Canal Greenway, New Haven	$2,000,000.00
1610.	Michigan	Menominee County Road 557 Bridge Replacement over the Little Cedar River	$280,000.00
1611.	California	Improvements (including arterial street rehabilitation) to enhance traffic and pedestrian safety in Northridge, Granada Hills, and Porter Ranch, Los Angeles.	$3,750,000.00
1612.	Michigan	Carpenter Road - 700 feet South of Textile Road to I-94, Washtenaw County	$2,000,000.00
1613.	Maryland	MD 30 Hampstead Bypass	$1,000,000.00
1614.	Massachusetts	Relocation of Route 79, creating 4-lane urban boulevard with landscaped median, opening up 8.5 acres of developable waterfront land, Fall River.	$5,000,000.00
1615.	Arkansas	Upgrade Pedee Creek Bridge and approaches, Logan County	$240,000.00
1616.	New York	Utica Marsh-Restablish Water Street. Entails various road openings and improvements	$2,650,000.00
1617.	Wisconsin	Widen State Highway 64 between Houlton and New Richmond	$4,500,000.00
1618.	Illinois	Veterans Drive upgrades in Pekin	$800,000.00
1619.	Ohio	Construct the existing IR 70 interchange at US 40, SR 331 west of St Clairsville	$12,000,000.00
1620.	California	Install signal pre-emption hardware at 53 traffic signals throughout Culver City to improve bus and first responder travel times.	$108,000.00
1621.	Arizona	Construct 73 miles of wheelchair accessible trails on the north and south rims of the Grand Canyon.	$2,000,000.00
1622.	Louisiana	Conduct multimodal corridor study from Louis Armstrong New Orleans International Airport to New Orleans Central Business District.	$2,500,000.00
1623.	Tennessee	Construction of greenway in Knoxville	$2,000,000.00
1624.	Virginia	Ceres Recreation Trail and Center - design and construct pedestrian/bicycle recreation trail in the community of Ceres and establish trail center.	$250,000.00
1625.	Alabama	Interchange at I-65 and Limestone County 24/Browns Ferry Road, Tanner	$1,000,000.00
1626.	Illinois	Construct access road to Southern Illinois University's Research Park from Hwy 51	$1,636,000.00
1627.	Illinois	Construct I-80/Ridgeland Avenue interchange, Tinley Park	$700,000.00
1628.	New York	Reconstructs Empire Boulevard from Nostrand Avenue to Utica Avenue	$4,000,000.00
1629.	Pennsylvania	Construct Southern Beltway (US 22 to Mon Fayette Expressway)	$2,000,000.00
1630.	Texas	Provide an intermodal roadway connection from SH87 to the Port of Port Arthur	$1,500,000.00
1631.	Indiana	New road construction for McClung Road from State Road 39 to Park Street in LaPorte, Indiana	$1,000,000.00
1632.	New Jersey	Replacement of Sparta Stanhope Road Bridge	$1,000,000.00
1633.	Arkansas	Development of infrastructure road to Russellville's intermodal facilities	$2,000,000.00
1634.	Ohio	Eastgate Area improvements for Interchange Improvements at Route 32 & I-275 in Clermont County.	$4,100,000.00
1635.	Texas	Extend Munn Street from Demaree Ln to Gellhorn Drive	$1,000,000.00
1636.	California	Geary Boulevard Improvements, San Francisco	$12,000,000.00
1637.	Illinois	Upgrades to Cockrell Lane in Springfield	$800,000.00
1638.	Michigan	Construct railroad grade separation on M-85 (Fort Street) North of Van Horn Road, Trenton	$250,000.00
1639.	Illinois	Improve Great River Road, Mercer County	$500,000.00
1640.	Florida	Connect Interstate 4 with the Tampa Port	$8,000,000.00
1641.	Illinois	Municipal Drive (Sugar Grove): Extension North from Rt. 30 to Wheeler Rd. and Galena Blvd. Extension west of Rt. 47.	$4,760,000.00
1642.	Georgia	Bicycle and pedestrian trail connecting Dabney-Hunter-Simmons Park with Davidson Parkway, City of Stockbridge.	$1,000,000.00
1643.	California	Reconstruct interchange with partial-cloverleaf on-ramp for south-bound traffic entering I-80 from Central Avenue, City of Richmond.	$3,000,000.00
1644.	Illinois	Improve roads and grade separations in the vicinity of 130th Street and Torrance Avenue, Chicago.	$4,000,000.00
1645.	New Jersey	Construction and rehabilitation of bridges W-7, W-8, and W-9 connecting Manasquan and Brielle Boroughs.	$2,500,000.00
1646.	New York	Conduct studies to consider transportation planning and community involvement for infrastructure projects that address congestion relief, New York City.	$1,000,000.00
1647.	Mississippi	Upgrade roads in North Carrollton (U.S. Hwy 35 and 82) McCain Street, South Street, Love Street, and Colver Street, Carroll County.	$500,000.00
1648.	Louisiana	Upgrade the 3.6 mile section of LA 478 from I-49 at exit 132 to LA 1 south of Natchitoches, LA	$5,650,000.00
1649.	Washington	Replace I5 exit 79 interchange bridge along Chamber of Commerce Way to provide more capacity	$2,000,000.00
1650.	Illinois	Widen U.S. Route 30 from Rock Falls to Round Grove, Whiteside County	$500,000.00
1651.	California	Rosecrans Avenue/Aviation Blvd/Douglas Street improvements to reduce congestion and improve traffic flow, El Segundo.	$6,000,000.00
1652.	New York	Update all county and town signage in Wayne County, NY	$75,000.00
1653.	New Mexico	Construct the four lane expansion of U.S. 62/180 from Carlsbad, New Mexico to Texas State line	$10,000,000.00
1654.	Illinois	Upgrade 31st Street and Golfview Road intersection and construct parking facilities, Brookfield	$6,400,000.00
1655.	South Carolina	Install and improve highway-rail crossing safety devices, Richland and Orangeburg Counties	$992,000.00
1656.	North Carolina	Widen SR 1165 from Parish Mill Road to Dabney Drive, Henderson	$960,000.00
1657.	New York	Safety enhancements on East Shore Road in Town of Warwick-NY	$1,000,000.00
1658.	Iowa	Upgrade Collins Road (Iowa Highway 100) and 1st Avenue in Cedar Rapids, Iowa	$2,600,000.00
1659.	Alaska	Bridge over Fish Creek in Matanuska-Susitna Borough	$1,000,000.00
1660.	Georgia	Addition of barrier-separated HOV lanes on SR 316 from the I-85 interchange to SR 20, Gwinnett Co.	$500,000.00
1661.	Arkansas	Improvement of County Road 32, Little Garnett/Cane Creek, Lincoln County	$500,000.00
1662.	New York	Rehabilitate and Improve Erie Station Road, Route 15-I390 in the Town of Henrietta	$1,000,000.00
1663.	Indiana	Construct pedestrian islands and narrow campus streets in the City of Anderson, Indiana	$1,000,000.00

High Priority Projects—Continued

No.	State	Project Description	Amount
1664.	California	Technical Feasibility Study for the 710 Tunnel to connect the 710 to the 210	$3,000,000.00
1665.	Ohio	Multi-use, non-motorized use, recreational trail that will connect Miami, Montgomery, Warren, and Butler Counties in SW Ohio.	$3,000,000.00
1666.	Florida	I-75 Interchange Improvements in Pembroke Pines, Broward County, Florida	$2,000,000.00
1667.	Louisiana	Construct I-20/Tarbutton Road Interchange, Lincoln Parish	$2,000,000.00
1668.	California	Replace Winters Bridge, Yolo County	$2,000,000.00
1669.	Michigan	White Pine Trail State Park paving project	$1,500,000.00
1670.	California	Construct Route 101 Auxiliary Lanes 3rd Ave in the City of San Mateo to Millbrae Ave in Millbrae.	$4,200,000.00
1671.	New York	Downtown Flushing traffic & Pedestrian improvements	$1,000,000.00
1672.	Massachusetts	Extension, resurfacing and alignment improvements to the Norwottuck Rail Trail, Hampshire County.	$6,000,000.00
1673.	Indiana	Widen Wheeling Avenue from Centennial Road to McGalliard Road in the City of Muncie, Indiana.	$960,000.00
1674.	Ohio	Construct interchange at CR 80 on IR 77 near Dover	$5,000,000.00
1675.	California	Repair and realignment of Brahma Drive and Winnetka Avenue, which serves the students of Los Angeles Pierce College.	$600,000.00
1676.	New York	Implement ITS system and apparatus to enhance citywide truck route system on Avenue P between Coney Island Avenue and Ocean Avenue in the 9th District of New York.	$100,000.00
1677.	Oregon	Interstate-5 Trade Corridor for preliminary engineering of Columbia River vehicle and transit crossings and interchange improvements.	$6,000,000.00
1678.	Texas	Widen 4-lane urban divided roadway with raised median on FM 1637, McLennan County	$4,000,000.00
1679.	Florida	Construct US 17-92 Improvements in Maitland, Florida	$1,500,000.00
1680.	California	Widen State Route 112 to four lanes through Jamieson Canyon (between Interstate 80 and SR 29)	$8,000,000.00
1681.	New York	Improve Queens Boulevard, New York	$500,000.00
1682.	Vermont	Construction of the Lamoille Valley Rail Trail for the Vermont Association of Snow Travelers	$7,268,486.00
1683.	Florida	Construct SR 9B Extension in St. Johns County, Florida	$2,800,000.00
1684.	Massachusetts	Pedestrian access and streetscape improvements in the area of Huntington Avenue, Longwood Avenue, and Palace Road, Boston.	$2,100,000.00
1685.	Pennsylvania	Improve Route 666 from Henry's Bend in Forest County to junction with Route 948 in Warren County.	$1,000,000.00
1686.	West Virginia	Fairmont Gateway Connector System to provide an improved highway link between downtown Fairmont and I-79 in the vicinity of Fairmont.	$20,000,000.00
1687.	Michigan	Study to determine replacement options for obsolete and structurally deteriorating bridge (Trenton- Grosse Ile Bridge) including approach roadways, Charter County of Wayne.	$750,000.00
1688.	Illinois	Construct streetscape project, Orland Hills	$350,000.00
1689.	Kansas	Deployment of an Intelligent Traffic System within the Wichita Metropolitan Area	$7,000,000.00
1690.	Indiana	Realign and depress I-70 to make way for new airport Interchange, Indianapolis	$10,000,000.00
1691.	Illinois	Reconstruct Old Madison Rd and interconnected roadways, St. Clair County	$2,000,000.00
1692.	North Carolina	Garden Parkway -- Project proposes to construct multilane freeway that will provide a high-speed corridor around south side of Gastonia.	$2,500,000.00
1693.	Ohio	Reconstruct I-75/I-475 Interchange, Toledo	$3,000,000.00
1694.	Illinois	Upgrade Keystone Avenue and Homan Avenue, Robbins	$1,000,000.00
1695.	Tennessee	Develop trails, bike paths and recreational facilities on the Crest of Black Mountain, Cumberland County for Cumberland Trail State Park.	$250,000.00
1696.	Nevada	Improve Lake Mead Parkway Henderson, Nevada	$1,500,000.00
1697.	Louisiana	LA 42 in Ascension Parish, and LA 73 improvements	$10,000,000.00
1698.	Tennessee	Widen SR35/US-411 beginning in Sevier County an crossing through Jefferson County, ending at I-40 in Cocke County.	$2,000,000.00
1699.	Texas	Construction of Old Hueco Tanks Road from Interstate 10 to FM76, Socorro	$2,500,000.00
1700.	Ohio	Construct full movement interchange on I-75 at Austin Pike from Wood Road to the west and SR41 to the east.	$7,500,000.00
1701.	New York	Replace bridge over CSX lines on Highbridge Road	$400,000.00
1702.	Iowa	Reconstruct NW 70th Avenue from 86th Street to NW Beaver Drive	$5,000,000.00
1703.	Georgia	Upgrade SR141 corridor in the Buckhead Community Improvement District	$2,000,000.00
1704.	Ohio	Bridge replacement over the Nimishillen Creek in the City of Canton	$400,000.00
1705.	Illinois	US 67 Corridor Concord/Arenzville Rd. to East of IL 100	$1,000,000.00
1706.	Alabama	City of Vestavia Hills pedestrian walkway to cross U.S. 31	$500,000.00
1707.	Mississippi	State Route 609 to State Highway 15 connector, Jackson and Harrison Counties	$3,000,000.00
1708.	Wisconsin	Reconstruct State Highway 45, City of Antigo	$1,000,000.00
1709.	California	Widen Santa Maria River Bridge on U.S. Highway 101 between Santa Barbara County and San Luis Obispo County.	$3,400,000.00
1710.	Illinois	Improve 83rd Street from Roberts Road to 83rd Avenue and improve 79th Street/88th Avenue intersection, Justice.	$5,250,000.00
1711.	California	Improve Central Avenue Historic Corridor Streetscape, Los Angeles	$1,000,000.00
1712.	Massachusetts	Safety and Operational improvements to three Route 128 North exchanges, Town of Danvers	$3,000,000.00
1713.	Illinois	Resurface Elston Avenue, Chicago	$2,000,000.00
1714.	New York	Atlantic Avenue Highway Access Improvement between Van Wyck Expressway and Jamaica Station.	$5,000,000.00
1715.	Florida	Construct I-4/GreeneWay Ramp Connector in Seminole County, Florida	$5,000,000.00
1716.	New York	Reconstruct pedestrian walkways located in the Bronx	$1,000,000.00
1717.	Illinois	Metra/Anderson Rd. (Elburn Station): Construction of a new roadway and grade separation of the UP West Line east of Elburn, IL.	$9,500,000.00
1718.	South Carolina	Replacement of Greenville County maintained bridges	$2,000,000.00
1719.	Pennsylvania	Design, engineering, ROW acquisition, and construction of a connector road between Pennsylvania State Route 93 and Pennsylvania State Route 309, Hazle Township.	$600,000.00
1720.	Oklahoma	Construction of Midwest City Pedestrian Walkway	$1,000,000.00
1721.	Texas	The project is part of the 177-mile Grand Parkway loop being constructed around the metropolitan Houston Area.	$11,500,000.00
1722.	Massachusetts	Rehabilitation of Route 21 bridge over the Chicopee River, Springfield	$2,030,000.00
1723.	New Jersey	Replacement of the Magnolia Avenue Bridge over Route 1 & 9, Elizabeth City	$1,000,000.00
1724.	Illinois	For engineering, right-of-way acquisition and reconstruction of two existing lanes on Arsenal Road from Baseline Rd to Rt 53.	$1,750,000.00
1725.	Iowa	Construction and replacement of a deficient bridge at U.S. Highway 34 Missouri River Bridge at Glenwood, IA (Mills County).	$2,500,000.00
1726.	Illinois	Upgrade roads and bridges, Chicago	$1,000,000.00
1727.	Illinois	Upgrade roads in the vicinity of Rockwell Gardens, Chicago	$1,180,000.00
1728.	Virginia	Upgrade/Widen Route 11 at Maurertown in Shenandoah County	$1,000,000.00
1729.	Michigan	Reconstruct 3.2 miles of I-96 including all ramps at M-39, Detroit	$2,000,000.00
1730.	New York	Road construction at new Town Hall facility in Town of Kent, NY	$750,000.00
1731.	Illinois	Upgrade streets, Stickney Township	$5,000,000.00
1732.	Minnesota	Construct bike-walk trail between the cities of Isanti and Cambridge in the State Highway 65 Corridor.	$288,602.00
1733.	Illinois	Improve Ogden Avenue, Chicago	$13,000,000.00
1734.	Pennsylvania	Improve Route 322 at Halls Run in Venango County	$1,700,000.00
1735.	Colorado	Construct East Corridor project	$2,000,000.00
1736.	California	Provide widening of the existing two-lane railroad underpass on SR89 in Nevada County	$3,000,000.00

High Priority Projects—Continued

No.	State	Project Description	Amount
1737.	New York	Staten Island Fast Ferry Purchase	$14,000,000.00
1738.	Tennessee	Interchange planning on I-65 at Highland Road	$400,000.00
1739.	Oklahoma	Construct SH3 improvements from Antlers to Broken Bow	$15,000,000.00
1740.	Illinois	Improve roads and construct pedestrian underpass, Western Springs	$2,790,000.00
1741.	Arkansas	Improvement of Sugarloaf Road and Sugarloaf Bridge Construction, Clark County	$500,000.00
1742.	Ohio	Road improvements from Elton St. North to Wooster St. in Tuscarawas Township	$800,000.00
1743.	Missouri	Hanley Road Improvements, St. Louis County	$2,000,000.00
1744.	Tennessee	Construct portion of new State Route 374 Bypass west of Clarksville	$3,400,000.00
1745.	Florida	Miami River Greenway Roadway Improvements and 5th Street Improvements	$1,000,000.00
1746.	Michigan	Improve Fed Forest HWY 16 from M-38 to Houghton County Line, Ontonagon County	$500,000.00
1747.	Illinois	Upgrade Ridge Avenue, Evanston	$3,000,000.00
1748.	New Jersey	Garden State Parkway Grade Separation, Cape May County. Eliminates 3 at grade interchanges (9,10,11) & replace with grade separations.	$45,000,000.00
1749.	Oklahoma	Improvements to I-235 (Broadway Extension) from 36th St. To 63rd St. in Oklahoma City, OK	$1,000,000.00
1750.	California	Improve access from I-8 and construct parking lot for the Imperial Sand Dunes Recreation Area Visitors Center, Imperial Valley.	$1,000,000.00
1751.	Oklahoma	HW 60 Pawhuska to Bartlesville, Osage Co	$2,000,000.00
1752.	Maryland	Upgrade conduit for traffic signal system, street lighting, and traffic-related video cameras, Baltimore.	$1,700,000.00
1753.	Washington	Overpass improvement along 3 mile section of SR501, between MP 0 and MP 3	$1,000,000.00
1754.	Ohio	Construct Portage Bike and Hike Trail, Portage County	$1,000,000.00
1755.	Tennessee	Widen State Route 33 in Knox County, TN	$6,500,000.00
1756.	Illinois	Upgrade Curtis Rd in conjunction with state plan for I-57 interchange, from Duncan Rd to 1st St in Champaign.	$7,000,000.00
1757.	Washington	Avenue D Reconstruction, Snohomish	$1,800,000.00
1758.	Illinois	de roads, Village of Hillside	$1,000,000.00
1759.	Louisiana	North-South Corridor from Houma/Thibodaux to I-10	$5,000,000.00
1760.	New York	Construction of and improvements to Main Street in the Town of Eden	$500,000.00
1761.	California	State Route 52 East upgrade (SR 125 to SR 67)	$6,400,000.00
1762.	California	I-80 at Eureka Road Interchange -Improve access to I-80 by reducing traffic congestion at two heavily traveled on-ramps at Eureka Road and Riverside Avenue in Placer County.	$2,000,000.00
1763.	Massachusetts	Study and design I-93 / Mystic Avenue Interchange at Assembly Sq, Somerville	$500,000.00
1764.	Tennessee	Construct roundabout intersection at Hwy 41A and Hwy 49, Pleasant View	$900,000.00
1765.	California	Bay Road improvements between Clarke Avenue and Cooley Landing. Northern access improvements between University and Illinois Avenues, East Palo Alto.	$4,000,000.00
1766.	Texas	Construct new intersection direct connections between IH-635 and IH-35E, Dallas County, Texas	$17,000,000.00
1767.	Texas	Continuation of item number 92 of the table contained in section 1602 of the Transportation Equity Act for the 21st Century.	$2,500,000.00
1768.	California	Transportation enhancements, Bellflower	$75,000.00
1769.	Texas	Implement the recommendations of a forthcoming study on reducing congestion in and around the Texas Medical Center.	$5,000,000.00
1770.	Arkansas	Improvements to Jenny Lind Road and Ingersoll Road in Fort Smith	$6,000,000.00
1771.	New York	Design/Environmental work on the Inner Loop from Clinton Avenue to East Main Street, Rochester.	$2,400,000.00
1772.	New York	Implement ITS system and apparatus to enhance citywide truck route system on Victory Blvd Between Travis Ave and West Shore Expressway Travis Section of SI.	$100,000.00
1773.	Maine	Gorham Village Bypass, Gorham	$9,600,000.00
1774.	Michigan	Street Project for Access Road to Develop 65-Acre of Municipal Tract of Industrial Land, Village of Cass City, Tuscola County.	$23,160.00
1775.	Colorado	Roadway widening and interchange rebuilding on I-225 from I-70 to Parker road	$14,000,000.00
1776.	Indiana	Improve Baile Street, Kentland	$300,000.00
1777.	Virginia	Extension of six-lane section of U.S. Rt. 29 between Eaton Place at Rt. 123	$3,000,000.00
1778.	Georgia	Improve sidewalks, upgrade lighting, and add landscaping in downtown Glennville	$680,000.00
1779.	Georgia	Construct Effingham bypass, SR 21 to SR 275	$3,500,000.00
1780.	Texas	SH 114/SH 121 ''Funnel Project'' - Preliminary Engineering Study	$4,000,000.00
1781.	Georgia	DeKalb schools pedestrian safety upgrades	$4,500,000.00
1782.	Washington	Install dual left turn lanes and intersection signal modifications at SR432 and Columbia Blvd	$1,750,000.00
1783.	Indiana	Reconstruction of .46 miles of Range Line Rd. and replacement of Hamilton County Bridge number 194 in Carmel, IN.	$1,000,000.00
1784.	California	Land acquisition to mitigate impacts to natural habitats and wetlands caused by highway projects on US1 and US101 in areas around Solstice Canyon in the Santa Monica National Mountains Recreation Area.	$1,000,000.00
1785.	Arizona	Construct and replace Safford 8th Avenue north of Safford, Arizona	$3,000,000.00
1786.	California	Construct overpass at Central Avenue Overpass and the Union Pacific railroad crossing, Newark	$1,000,000.00
1787.	Oregon	Widen Oregon Highway 217 between Tualatin Valley Highway and the US 26 interchange, Beaverton.	$6,250,000.00
1788.	South Carolina	I-73 Interstate from South Carolina State line to Myrtle Beach Area	$10,000,000.00
1789.	Tennessee	Improve circuitry on vehicle protection device installed at railroad crossing in Athens, TN	$99,000.00
1790.	Texas	Extend Dowlen Rd. from College St. to Walden Rd., Beaumont	$3,460,000.00
1791.	Louisiana	Peters Road improvements in Plaquemines Parish	$1,000,000.00
1792.	Florida	Expand I-95/Palm Coast Parkway Interchange in Flagler County, Florida	$3,000,000.00
1793.	New Mexico	Improvements to U.S. Highway 87 from Raton to Clayton	$2,000,000.00
1794.	New York	Implement traffic calming and safety improvements in the Gateway to Great Neck area	$400,000.00
1795.	Tennessee	Increase safety at intersections on US11E through Russellville, Whitesburg, Bulls Gap and I-81, roadway improvements for local access roads.	$500,000.00
1796.	Massachusetts	Charlemont Bridge, Route 2. Replacement of the Charlemont Bridge that crosses Deerfield River, Charlemont.	$4,800,000.00
1797.	New York	Install Improvements for Pedestrian Safety in the vicinity of IS 194	$250,000.00
1798.	Florida	Extension of Apopka Bypass-Maitland Boulevard in Orange County, Florida	$1,000,000.00
1799.	Virginia	Jamestown 2007, To provide transportation infrastructure for visitors to Jamestown Island	$2,750,000.00
1800.	Minnesota	Trunk Highway 23 bypass of the city of Paynesville	$3,000,000.00
1801.	New York	Construct improvements on Rt. 12- Phase I other projects	$1,205,000.00
1802.	Florida	Widening and improvements to Snake Road (BIA Rt. 1281) in Hendry County	$1,000,000.00
1803.	Texas	Expansion and improvements to Loop 304, Crockett	$16,000,000.00
1804.	South Carolina	McClellan Road Bridge in Anderson County	$310,000.00
1805.	Michigan	Construction of I-696 freeway ramps, Southfield	$1,000,000.00
1806.	Georgia	Revitalization project will extend and resurface the Roberta Walker Trail, Roberta	$500,000.00
1807.	California	Provides funding for the construction of auxiliary lanes in each direction of U.S. 101 from Marsh Road to the Santa Clara County line.	$2,000,000.00
1808.	New York	Wayne County rails to trails initiative, creating bicycle/pedestrian trails	$345,000.00
1809.	Arkansas	Widen and replace bridges on Hopewell Road, Union County	$500,000.00
1810.	New York	Construct Setauket/Port Jefferson Station Greenway Trail	$5,000,000.00
1811.	California	Construct new ramps to Route 262, widen 262, reconstruct railroad bridges, Fremont	$3,000,000.00
1812.	Michigan	Resurfacing of Eleven Mile Road, St. Clair Shores	$480,000.00
1813.	Illinois	Construction of new access road from Hazel Dell Lane to Hope School in Springfield	$75,000.00
1814.	New York	Construction of a new entrance ramp from 9A Southbound to the Taconic State Parkway Southbound near the northbound Taconic exit ramp to 9A.	$1,000,000.00

High Priority Projects—Continued

No.	State	Project Description	Amount
1815.	New York	Route 590 Reconstruction Project in the Town of Irondequoit, NY	$4,000,000.00
1816.	New York	Improve Hospital Road Bridge between CR99 and CR101, Patchogue	$6,000,000.00
1817.	Minnesota	Interchange at CSAH & Hwy 24 in Cannon Falls, project development cost three interchange sites & one overpass along 52.	$1,000,000.00
1818.	New York	Queens and Brooklyn County Graffiti Elimination Program including Kings Highway from Ocean Parkway to McDonald Avenue.	$4,000,000.00
1819.	Texas	Construction of La Entrada al Pacifico south of Odessa to relieve traffic from El Paso and Del Rio.	$5,000,000.00
1820.	Alabama	Additional lanes would be added to SR-167 from Troy to Enterprise	$1,000,000.00
1821.	Ohio	Improve SR 14/Washingtonville Rd Intersection, Washingtonville	$824,000.00
1822.	Ohio	Transportation Museum facility expansion and improvements, City of Warren	$750,000.00
1823.	New York	Install Improvements for Pedestrian Safety in the vicinity of PS 277	$250,000.00
1824.	Kentucky	Construct the Albany Bypass, Clinton County	$4,000,000.00
1825.	Massachusetts	Route 110 & I-93 rotary improvements	$1,500,000.00
1826.	Tennessee	Upgrade circuit at gates/lights for Bristol grade crossing (Cedar Street) to intelligent systems that eliminate current variability.	$50,000.00
1827.	Massachusetts	Improvements to Mass. Ave, Andover Street, Osgood Street, Salem Street, and Johnson Street, Town of North Andover.	$1,000,000.00
1828.	New York	Construct W. 79th St. Rotunda, New York City	$2,000,000.00
1829.	California	Conduct Study and Construct Mc Kinley Interchange at SR 120 Project, Manteca, CA	$4,000,000.00
1830.	Indiana	Construct Margaret Avenue Underpass in Terre Haute	$4,000,000.00
1831.	Kansas	Removal of structurally deficient bridge and construction of a new major river crossing of Topeka Blvd. over the Kansas River.	$7,000,000.00
1832.	Michigan	Replacement of the interchange at 44th Street and US-131 in Grand Rapids	$8,700,000.00
1833.	New Jersey	Pedestrian, safety, and street lighting improvements, Edison National Historic Site	$520,000.00
1834.	Maine	Construct and plan Lewiston/Auburn Downtown Connector	$5,800,000.00
1835.	Michigan	Improve the existing highway-rail crossing at Cogshall Street, relocate existing signals	$2,000,000.00
1836.	Illinois	Improve Sheridan Road, Evanston	$2,000,000.00
1837.	South Carolina	Murphy Road East Bridge in Anderson County	$115,000.00
1838.	Texas	Construct 36th Street Extension to connect KellyUSA, San Antonio	$6,000,000.00
1839.	New York	Rehabilitate Rt. 12 at Town and Village of Greene	$4,852,000.00
1840.	Kentucky	Replace bridge and approaches over Beaver Creek (C14) 1.0 mile SE of JCT CR-1221	$500,000.00
1841.	Mississippi	US Hwy 61 Widening/ImprovementWidening US Hwy 61 through Natchez and improving 3 major intersections, including turn lanes, at Devereaux, Liberty, and Junkin Roads.	$1,500,000.00
1842.	Oregon	Rockwood Town Center for Stark Street from190th to 197th for pedestrian, bicycle and transit facilities and safety mitigation.	$2,000,000.00
1843.	Michigan	Expansion of Cass Avenue, Clinton Township	$8,763,000.00
1844.	Washington	Port of Tacoma Road - Construct a second left turn lane from westbound Pac Hwy to Port of Tacoma Road.	$500,000.00
1845.	Georgia	Bicycle and pedestrian trail 1.5 miles along Jester Creek, City of Morrow	$960,000.00
1846.	Mississippi	I-20 Interchange and Connectors at Hawkins Crossing:I-20 Interchange and connectors linking Meridian and industrial complex to US Hwys 11 and 45.	$1,000,000.00
1847.	Massachusetts	Engineering and construction of the Longfellow Bridge, Boston	$2,500,000.00
1848.	California	Construct A 2.8 mile bikeway, working in conjunction with the city of Whittier, that will connect four other regional trails and bikeways.	$400,000.00
1849.	Ohio	Construct White Pond Dr. project, Akron	$1,000,000.00
1850.	Arkansas	Resurfacing Grigsby Ford Road, Hot Spring County	$220,000.00
1851.	Oregon	Lake Road, Milwaukie for improvements in traffic flow, safety, bicycle and sidewalk facilities along the length of the road.	$3,000,000.00
1852.	North Carolina	Improve US221 to multilane highway resulting in additional traffic-carrying capacity and enhanced safety.	$5,000,000.00
1853.	Arkansas	Continued development of connector from relocated Highway 67 North to Highways 49 and future Interstate 555.	$1,000,000.00
1854.	Nevada	Construct Las Vegas Martin Luther King Blvd. to Industrial Road Connector	$5,500,000.00
1855.	Ohio	Grading, paving, roads, and ramp facilities for the transfer of rail-to-truck for the intermodel facility at Rickenbacker Airport.	$5,500,000.00
1856.	Illinois	Upgrade roads, Village of Maywood	$1,005,000.00
1857.	Illinois	IL Rt. 82 Railroad Underpass (Geneseo): Would raise the height of a narrow highway underpass	$3,000,000.00
1858.	Minnesota	Hwy 36/McKnight Road Interchange Reconstruction, Ramsey County	$5,000,000.00
1859.	New York	Rehabilitation of the bridge at Warburton Avenue and Factory Lane, Yonkers	$1,000,000.00
1860.	Minnesota	Skyline Parkway Corridor preservation and roadway improvements from Seven Bridges Road to Becks Road, City of Duluth.	$4,000,000.00
1861.	Indiana	Reconstruct 3.4 miles of 2 lane rural road as divided parkway with landscaped median and recreation paths in Carmel, IN.	$500,000.00
1862.	Massachusetts	Design and engineering of 30-mile bikeway extending south from the Town of Salisbury to the Town of Danvers.	$600,000.00
1863.	Minnesota	Stearns County Bridge no. 73501 improvements	$400,000.00
1864.	Louisiana	Improve Zachary Taylor Parkway in LA	$1,000,000.00
1865.	Texas	SH 164 in Groesbeck to Sand Branch Creek. Reconstruct a two-eleven foot main lane roadway to a two-lane twelve-foot main lane with eight-foot shoulder facility. Overall widening of SH 164 for safety.	$2,000,000.00
1866.	Colorado	Upgrade I-70 from Glenwood Canyon to C-470	$4,000,000.00
1867.	New York	Phase II Corning Preserve Transportation Enhancement Project	$5,000,000.00
1868.	Michigan	Purchase and implementation of various Intelligent Transportation System technologies in the Grand Rapids metro region.	$13,100,000.00
1869.	Connecticut	Upgrade North Stonington, CT - Westerly, RI Bridge	$480,000.00
1870.	California	Oregon-Page Mill expressway improvements between U.S. 101 and S.R. 82, Palo Alto	$2,000,000.00
1871.	New York	Pedestrian walkway improvements along Sunrise Highway, Valley Stream	$1,000,000.00
1872.	California	Study economic, environmental and congestion mitigation benefits of a Hybrid Utility Vehicle, Santa Barbara County.	$100,000.00
1873.	Virginia	Route 613 Bridge over Gold Mine Creek - Louisa County	$500,000.00
1874.	Illinois	Undertake traffic mitigation and circulation enhancements on 57th and Lake Shore Drive, Chicago.	$500,000.00
1875.	Ohio	Walnut Ave. Bridge replacement project in the City of Alliance	$500,000.00
1876.	California	Pedestrian Bridge Over Atlantic Boulevard, the City of Monterey Park	$510,000.00
1877.	New York	Emergency vehicle preemption system at traffic signals, Smithtown	$500,000.00
1878.	New York	Implement ITS system and apparatus to enhance citywide truck route system on Broadway to Irwin Ave between 232 to 231 in the neighborhood of Kingsbridge, NY.	$100,000.00
1879.	Ohio	Conduct Phase II of U.S. Route 68 bypass project in Urbana	$2,300,000.00
1880.	Texas	This project will develop a statewide 511 program	$4,000,000.00
1881.	New Jersey	Intermodal Access Improvements to former MOTBY, Bayonne	$2,000,000.00
1882.	Connecticut	Construct Route 11 Extension and Greenway from Salem to Waterford	$15,345,000.00
1883.	New Jersey	Rowan Boulevard Parking adjacent to Highway 322 Corridor, Glassboro Township	$1,000,556.00
1884.	Kentucky	Construct the Northern Bypass of Somerset, Kentucky and Interstate 66 from the Cumberland (Louie B. Nunn) Parkway west of Somerset, Kentucky to Interstate 75 south of London, Kentucky.	$14,000,000.00
1885.	New York	Construct sidewalk along KingsFerry Rd. and Cortlandt St. in Town of Cortlandt -NY	$400,000.00

High Priority Projects—Continued

No.	State	Project Description	Amount
1886.	Virginia	Appalachian Traditions - construction of outdoor facilities along Music Heritage Trail, Josephine.	$250,000.00
1887.	Louisiana	Construct US 90/LA 675 interchange, Iberia Parish	$5,000,000.00
1888.	Kentucky	Widening US 25 from US 421 to KY876, Richmond	$800,000.00
1889.	Washington	Kent Willis UP Tracks - Provide grade separation at the existing railroad tracks at the UP tracks.	$1,000,000.00
1890.	New York	Improvement on Burnt Corners Rd and Grahamtown Rd. in Town of Greeneville-NY	$100,000.00
1891.	Nebraska	Construct new E-W and N-S roadways/elevated railroad crossing to enhance comprehensive redevelopment of downtown Lincoln.	$4,000,000.00
1892.	Illinois	Improve roads, Benton	$2,300,000.00
1893.	Pennsylvania	Northwest Lancaster County River Trail will parallel 14 miles of Susquehanna River	$250,000.00
1894.	Georgia	Bridge replacement on County Road 183-FAS Route 1509, Peach County	$425,000.00
1895.	Florida	Construction of a new bridge at Indian Street, Martin County, Florida	$4,000,000.00
1896.	New York	Improvements to Ashburton Ave. from the Saw Mill River Parkway to the waterfront	$600,000.00
1897.	Florida	SW 62nd - SW 24th arteriol connector alleviating traffic on I-75	$1,000,000.00
1898.	Kentucky	Make Highway 55 (aka Highway 555) into a 4 lane highway	$10,000,000.00
1899.	Missouri	RiversSouth Development, St. Louis County	$3,000,000.00
1900.	Washington	Emission reduction kits to be put on diesel vehicles (Diesel Solution program, Puget Sound Clean Air Agency).	$2,000,000.00
1901.	Alaska	Variety of road improvements and upgrades to service road areas and miscellaneous projects within Northstar Borough.	$5,000,000.00
1902.	Indiana	Louisville/Southern Indiana Ohio River Bridges Project, Indiana	$14,400,000.00
1903.	New York	Roadway improvements on CR3 between Ruland Rd and I-495, Suffolk County	$2,000,000.00
1904.	New York	Improve the Bronx River Greenway Park Connection	$800,000.00
1905.	Illinois	Resurface Yellow Banks Road, Franklin County	$300,000.00
1906.	Iowa	Construct a Pedestrian Trail Bridge adjacent to U.S. Highway 275 across the Southern half of Council Bluffs, IA between the Missouri River and the Interstate 29 interchange.	$250,000.00
1907.	Florida	SR 434 to JKF Blvd. Roadway Reconstruction, Eatonville	$3,000,000.00
1908.	California	Improving the interchanges on I-5 at Genesee Ave and Sorrento Valley Blvd	$2,000,000.00
1909.	Georgia	Construct Statesboro North bypass, SR 26 to SR 73	$2,000,000.00
1910.	Washington	Intersection project at South Access-522 beginning and ending at the UWB-CCC campus to improve access and alleviate congestion.	$3,000,000.00
1911.	Michigan	Plymouth, Repair Auburn St	$500,000.00
1912.	Missouri	Add 2 lanes to current 2 lane roadway, front street between I-29, I-35 and Chouteau Trafficway	$1,000,000.00
1913.	Florida	Airport Access Road, Gainesville	$1,000,000.00
1914.	Oregon	Columbia Intermodal Corridor for rail congestion relief, improved intersections and access to Interstate-5 for trucks, and grade-separate road from rail, Portland.	$12,000,000.00
1915.	California	This project will widen the northbound ramps and widen the southbound ramps at the I-15 and SR-79 south interchange.	$2,000,000.00
1916.	Washington	Realign West Main Street through west Kelso	$2,000,000.00
1917.	Washington	Construct an off-ramp from I-5 to the intersection of Alderwood Mall Blvd and Alderwood Mall Pkwy.	$500,000.00
1918.	New York	Resurface Grade Crossing at Old State Road (County Route 82)	$500,000.00
1919.	New York	Reconstruct a historic bridge crossing Maxwell Creek in the Town of Sodus, NY	$580,000.00
1920.	New York	Fulton Street Improvements from Pennsylvania Avenue to Eldert Lane, Brooklyn	$5,600,000.00
1921.	Alabama	Talledega Mountains Natural Resource Center - an educational center and hub for hikers, bicyclists, and automobiles.	$1,000,000.00
1922.	Pennsylvania	Design, engineering, ROW acquisition, and construction of street improvements and safety enhancements, Borough of Dupont in Luzerne County.	$250,000.00
1923.	Nebraska	Construct planned 68-mile, 4-lane expressway on N-35 from Norfolk to South Sioux City	$13,000,000.00
1924.	Missouri	Modifications to I-470-US50 Interchange	$1,000,000.00
1925.	Michigan	West Michigan Regional Planning Study for transportation and infrastructure	$500,000.00
1926.	Virginia	Improve State Routes 161 and 315 and construct infrastructure improvements at/adjacent to Virginia Museum of Fine Arts in Richmond.	$1,000,000.00
1927.	California	Development study of the Riverside-Orange corridor through the Community Environmental Transportation Acceptability Process (CETAP).	$14,000,000.00
1928.	California	Land acquisition in Sargent Hills to mitigate for road runoff into water sources and to protect a wildlife corridor connecting Santa Cruz Mountains to Mt. Hamilton Range, Santa Clara County.	$1,000,000.00
1929.	Michigan	CR 186 from M-35 at Brampton to US2 & US41 - bituminous overlay with super elevation, correction, curb, and gutter, Delta County.	$240,000.00
1930.	Oklahoma	Widen US 60 from approximately 2 miles east of the US 60/US 75 interchange east approximately 5.5 miles.	$2,000,000.00
1931.	North Carolina	Continued development of pedestrian bike paths, Cary	$1,300,000.00
1932.	Massachusetts	Warren Street and Blue Hill Avenue street improvements, Boston	$2,000,000.00
1933.	Pennsylvania	Construct limited access interchange on I-81 in Guilford Township	$3,150,000.00
1934.	Michigan	Construction of improvements of 4 miles connecting M40 in Western Allegan County to Middleville and a bridge over Thornapple River.	$3,400,000.00
1935.	Georgia	Historic preservation of a city bus station in downtown Eastman	$134,917.00
1936.	Texas	This project will deploy ITS elements in the rural areas of Texas	$4,000,000.00
1937.	Texas	Relocation of FM 156 at Alliance Airport	$5,000,000.00
1938.	Texas	Construct a 3 level diamond interchange on IH 35, Bell County	$2,000,000.00
1939.	Washington	Improvements in the SR9 corridor, Snohomish County	$1,500,000.00
1940.	Texas	Reconstruct State Highway 87 from SH 124 to Sabine Pass	$7,000,000.00
1941.	New York	Install Improvements for Pedestrian Safety in the vicinity of Prospect Park Yeshiva	$250,000.00
1942.	Ohio	Replace McDonald Industrial Bridge, Village of McDonald	$500,000.00
1943.	Tennessee	Plough Boulevard Interchange project to improve access to Memphis International Airport	$2,000,000.00
1944.	New York	Rehabilitation of the Ashford Ave. bridge over I-87 in the Villages of Dobbs Ferry and Ardsley	$2,600,000.00
1945.	Washington	Granite Falls Alternate Freight Route, Granite Falls	$2,400,000.00
1946.	New York	Rebuild Queens Plaza, a 250-foot wide roadway on the astern end of the Queensborough Bridge	$8,000,000.00
1947.	New Jersey	Reconfiguration of Bay Avenue and Polaris Street in Newark, NJ	$8,000,000.00
1948.	Illinois	Reconstruct Winter Ave, existing 1 lane Railroad subway, and 1 lane bridge to provide access to Winter Park in Danville.	$5,400,000.00
1949.	New York	Eastern Laurelton Area Improvements, Queens	$6,600,000.00
1950.	Texas	Construct grade-separation bridges at Wintergreen and Millers Ferry Roads in Hutchins and at Pleasant Run and Millers Ferry Roads, Wilmer.	$7,200,000.00
1951.	Pennsylvania	Engineering, design and construction of an extension of Park Avenue north to Lakemont Park in Altoona.	$2,000,000.00
1952.	Florida	Increase four lane road to a six lane segment on Highway 98, Walton County	$2,000,000.00
1953.	New Jersey	Pedestrian facilities and street lighting on Haddon Avenue from Voorhees Township Line to Bate Avenue, Berlin Township.	$347,120.00
1954.	Minnesota	Acquire right of way for reconstruction and relocation of U.S. Highway 14 from CSAH 2 to Owatonna.	$12,000,000.00
1955.	New York	Construct highway improvements necessary to develop an industrial park in Lackawanna	$2,000,000.00
1956.	Alaska	Emergency evacuation road at Point Hope in North Slope Borough	$5,000,000.00
1957.	Michigan	Rail Consolidation Phase II, City of Monroe	$5,250,000.00
1958.	New York	Road and pedestrian safety improvements on Main Street, Village of Patchogue	$1,400,000.00

High Priority Projects—Continued

No.	State	Project Description	Amount
1959.	Ohio	Construct connector between Crocker and Stearns County Highways, Westlake and North Olmsted.	$700,000.00
1960.	Tennessee	Improve and relocate section of SR-66 from I-81 in Jefferson County and extending to SR-34 in Hamblen County via SR-160.	$2,750,000.00
1961.	Ohio	Calming of traffic on Greenfield st. in City of Tiffin and improving intersection of Greenfield St. with Routes 18 and 101.	$1,700,000.00
1962.	California	Realignment of La Brea Avenue to reduce congestion, Inglewood	$4,240,000.00
1963.	Minnesota	Construct one mile of new roadway and a bridge crossing the DM&IR railroad tracks, and construct connector between CSAH 14 and CSAH 284, Proctor.	$3,280,000.00
1964.	Georgia	Construct 5 ft. bicycle lanes to connect the cities of Elberton and Lake Russell, and rest stops for recreational use.	$1,250,000.00
1965.	California	Construct fourth bore of Caldecott Tunnel on Route 24	$1,000,000.00
1966.	Illinois	Prospect St. Project (Cambridge): Restoration and reconstruction of the central business district street.	$1,200,000.00
1967.	New York	Roadway improvements to Woodbury Rd at intersection with Syosset-Woodbury Rd., Nassau County.	$1,500,000.00
1968.	New Jersey	Rt. 1&9, Roadway Rehabilitation in North Bergen	$1,000,000.00
1969.	New York	Construct and improve access roads to Northland Commerce Park, Buffalo	$1,500,000.00
1970.	Massachusetts	Meridian Street Bridge. Replacement of the Meridian Street bridge that crosses the Green River, Greenfield.	$2,300,000.00
1971.	Kansas	Highway construction project on K-18 in Geary County, south 2.7 miles to Interstate 70	$13,970,000.00
1972.	Pennsylvania	Schaefferstown Bypass, PA Route 501, Lebanon	$1,000,000.00
1973.	North Carolina	Widen US 401 to multilane facility between Fayetteville and Fuquay-Varina	$4,000,000.00
1974.	Washington	North Sound Connecting Communities Project Planning Funds	$1,000,000.00
1975.	Georgia	Construct Blue Jay Rd. to Highway 30 in Effingham	$2,500,000.00
1976.	North Carolina	Widening of US501 from NC 49 in Roxboro, North Carolina to the Virginia State line, part on new location.	$10,000,000.00
1977.	Maryland	Reconstruction of roadways in the East Baltimore Biotechnology Park	$6,000,000.00
1978.	Ohio	Construct additional lane to alleviate traffic congestion on US 40 in and adjacent to St Clairsville.	$800,000.00
1979.	Missouri	Intersection improvement of Hwy 45, Hwy K, and Union Chapel Road, in addition to widening Hwy 45.	$3,000,000.00
1980.	Maryland	Interchange at Musgrove Road and Fairland Road on US29	$3,400,000.00
1981.	California	Traffic signal upgrades on Bellflower Blvd at Alondra Blvd and Rosecrans Ave, Bellflower	$350,000.00
1982.	Utah	Virgin River Bridge, Washington City	$2,800,000.00
1983.	Nebraska	Construction of a 2-lane roadway on new alignment south and east of Louisville	$1,626,400.00
1984.	Florida	Ludlum Trail	$1,000,000.00
1985.	New Jersey	Route 21 Improvements and bridge replacement in vicinity of Chester Avenue, Newark	$1,000,000.00
1986.	Indiana	US 231 new road construction in Spencer and Dubois Counties	$5,000,000.00
1987.	South Carolina	Southern Conway Bypass (701 Connector)	$5,000,000.00
1988.	South Carolina	Railroad Avenue Extension, Road S-732, Berkeley County	$2,000,000.00
1989.	Louisiana	Construct Mississippi River Trail and Bikepath, New Orleans	$500,000.00
1990.	Washington	Preliminary engineering and EIS for I-5 from SR500 WA crossing the Columbia River, to Marine Drive in OR.	$10,000,000.00
1991.	New York	Improvements to the intermodal transportation on the Jacobi Campus-1400 Pelham Park	$250,000.00
1992.	Texas	Pedestrian improvements and traffic control projects in the central business district of downtown El Paso.	$2,000,000.00
1993.	Alabama	4-laning of US 278 from I-65 to US 231	$3,000,000.00
1994.	Kansas	Construct bike/pedestrian path along K-10 between Douglas and Johnson Counties	$500,000.00
1995.	Florida	Construction and four-laning of State Road 80 in Hendry County, Florida	$1,000,000.00
1996.	Missouri	Upgrade interchange at I170 & Ladue Road (Ladue, MO)	$2,000,000.00
1997.	Maryland	Funding for Baltimore City to begin development of a City Transportation Management Center utilizing ITS.	$1,000,000.00
1998.	Texas	Environmental Mitigation and wetland protection funding for US 290 to US 59 (The Grand Parkway) and Right of Way funding for US 290 to SH249 and I-45 to US 59.	$14,000,000.00
1999.	Arkansas	Improvement of Hwy 65b-North, Pine Bluff	$3,200,000.00
2000.	Texas	Loop 49--Construct a new location 4-lane divided controlled access facility from SH 155 to SH 31	$6,100,000.00
2001.	California	Construct State Route 905 to connect the Otay Mesa Port of Entry to Interstate 805, San Diego	$15,000,000.00
2002.	Washington	Improvements at I-5 and 134th Street and arterial network linking I-5 and I-205	$12,354,000.00
2003.	Florida	North Access Road / International Airport Boulevard in Duval County	$5,000,000.00
2004.	Ohio	Construct a 4 lane limited access road to link Newcomerstown and Cadiz	$750,000.00
2005.	Alaska	Westside development Williamsport-Pile Bay Road	$5,000,000.00
2006.	Massachusetts	Engineering and construction of the Chelsea St Bridge, Boston	$8,000,000.00
2007.	Oregon	Widen Delauro Road and add a bike lane in both directions, Clatsop County	$90,000.00
2008.	Iowa	Build extension to U.S. 20 Mississippi River Bridge in Dubuque County	$25,000,000.00
2009.	Mississippi	Upgrade roads in Attala County District 4 (Roads 4211 and 4204), Kosciusko, Ward 3 (U.S. Hwy 16), and Ethel (U.S. Hwy 12), Attala County.	$1,300,000.00
2010.	California	Widen the Mountain View Avenue Bridge in Loma Linda	$2,000,000.00
2011.	Alaska	Construct access road and a bridge crossing the Naknek River terminus points in South Naknek-King Salmon Highway.	$5,000,000.00
2012.	California	Construct Illinois Street Bridge/Amador Street Connection and Improvements, San Francisco	$5,000,000.00
2013.	Michigan	Commerce, widen Haggerty Rd. from 14 mile to Richardson	$2,000,000.00
2014.	South Carolina	North Rhett Boulevard Extension to US Hwy 52, Berkeley County	$7,000,000.00
2015.	Michigan	Allen Road Highway-Rail Grade Separation under CN Railroad, City of Woodhaven	$3,000,000.00
2016.	Pennsylvania	Complete the reconstruction of roadways around the David L. Lawrence Convention Center	$1,000,000.00
2017.	Oklahoma	Construct Texanna Road Improvements from Highway 69 to Highway 71, McIntosh County	$2,000,000.00
2018.	New Mexico	Construct Fairgrounds Road in Alamogordo	$5,000,000.00
2019.	New York	Reconstruction of Times and Duffy Squares, New York City	$1,500,000.00
2020.	Florida	US Highway 19 North, Pinellas County	$10,000,000.00
2021.	Maryland	MD70/Rowe Boulevard Bridge. Funding to undertake environmental mitigation work on Weems Creek associated with bridge reconstruction.	$2,000,000.00
2022.	Alabama	Extension of I-565 westward from existing interchange to existing Tennessee River bridges at Decatur, AL.	$5,000,000.00
2023.	Washington	San Juan Boulevard Project, Bellingham	$4,000,000.00
2024.	Oklahoma	Reconstruct the I-44/Fort Sill Key Gate Interchange	$1,000,000.00
2025.	New York	Improve safety measures at railroad grade crossings on the West Shore River Line, Rockland County.	$1,000,000.00
2026.	Oregon	Improve Millican/West Butte Road which connects U.S. Highway 20 with U.S. Highway 126	$2,000,000.00
2027.	California	Construct Alviso Bay Trail project, a 1.3 mile trail from Gold Street to San Tomas Aquino Creek, Santa Clara County.	$800,000.00
2028.	Kentucky	Reconstruct KY 750 from KY 3105 to US 23, Raceland	$500,000.00
2029.	Illinois	Upgrade Missouri Ave from 1st St to 10th St, East St. Louis	$2,500,000.00
2030.	New York	Install Improvements for Pedestrian Safety in the vicinity of IS 72/PS 69	$250,000.00
2031.	California	Improvements (including arterial street rehabilitation) to enhance traffic and pedestrian safety in the Sherman Oaks community, Los Angeles.	$214,000.00
2032.	Georgia	Install walkways, lighting, landscaping in Water Works Park and south along river through Ocmulgee National Monument and Central City Park.	$4,500,000.00

High Priority Projects—Continued

No.	State	Project Description	Amount
2033.	California	Reconstruct 1.1 miles of Long Beach Blvd from Imperial Hwy. to Tweedy Blvd., Lynwood	$2,200,000.00
2034.	Michigan	Overlay of Fairview Road to improve network of all-season Truck routes, Ogemaw County	$369,600.00
2035.	Washington	I-90, Spokane to Idaho State Line Widening: Construct two general purpose lanes from Sprague Avenue in City of Spokane to Idaho State Line.	$5,000,000.00
2036.	Texas	Greater Galveston Bay Area cooperative development for landscape beautification, hike & bike trail extension, and extension of current trails.	$2,000,000.00
2037.	Virginia	Blue Ridge Travel Association - establishment of website providing information including trails and road systems within the region.	$250,000.00
2038.	South Carolina	Construct intersection and corridor improvements to US 278 to include widening and traffic control improvements.	$6,500,000.00
2039.	Tennessee	Improve circuitry on vehicle protection device installed at railroad crossing in Niota, TN	$99,000.00
2040.	Arkansas	Improvement of Hwy 82 East/West Project, Ashley County	$500,000.00
2041.	Ohio	Construct proposed connection SR 207, SR104, and US 23 in Ross County	$2,000,000.00
2042.	Indiana	Construct an economic thoroughfare parallel to I-69 in the City of Anderson, Indiana	$2,000,000.00
2043.	Washington	Cascade Gateway Coordination of Binational Planning; The International Mobility and Trade Corridor Project.	$1,300,000.00
2044.	Illinois	City of Peoria Riverfront area street improvements	$800,000.00
2045.	New Mexico	Mesa Del Sol: Improve and renhance access to existing county recreational complex and the new Mes Del Sol development.	$2,000,000.00
2046.	California	Replace Route 1 San Pedro Creek bridge, Pacifica	$1,500,000.00
2047.	Massachusetts	Reconstruction of Union St and Route 138W, Holbrook	$1,800,000.00
2048.	New York	Construction of and improvements to highway / rail grade crossing at Harrington Road in the Town of Sheridan.	$500,000.00
2049.	California	The Foothill South Project will construct 16 miles of a six lane limited access highway system	$10,000,000.00
2050.	Florida	Roadway and drainage improvements in the city of Key West to reduce street flooding	$2,000,000.00
2051.	New Jersey	Route 46 Little Ferry Traffic Circle Elimination, Roadway and Drainage Improvements	$1,500,000.00
2052.	California	Planning, engineering, and construction of a tunnel on SR 75/282 to Naval Air Station. San Diego.	$5,000,000.00
2053.	Massachusetts	Replace Cross Street Bridge spanning the flood-prone Aberjona River, Winchester	$1,000,000.00
2054.	Georgia	Widening of SR 196 in Liberty County	$1,000,000.00
2055.	Illinois	Annie Glidden Rd. (DeKalb): Widen the two-lane road to five lanes with intersection improvements.	$8,000,000.00
2056.	Mississippi	Highway 45 Bypass - Provides a 4-lane alternative to Highway 45 in Columbus	$6,000,000.00
2057.	New York	Construction of ferry terminals and ferry boats for Haverstraw, Yonkers, and Manhattan	$1,500,000.00
2058.	California	Construct road from Mace Blvd in Yolo County to federally supported Pacific Flyway wildlife area.	$1,000,000.00
2059.	New York	Construction of roadways to improve access to waterfront at Erie Street in Buffalo	$1,500,000.00
2060.	Washington	Route analysis for a planned community pathway through Chehalis	$50,000.00
2061.	California	Improve access roads to Beale Air Force Base (Spenceville, Smartville, Hammonton-Smartville, and North Beale Roads).	$6,500,000.00
2062.	Mississippi	Canal Road intermodal connector, Gulfport	$8,000,000.00
2063.	Iowa	Reconstruction and relocation of US 30 from 4.5 miles west of Toledo to 1 mile east of Tama	$4,000,000.00
2064.	Nebraska	Highway grade separation structure across the BNSF/FEVR railroad corridor in the western part of the City of Fremont.	$1,807,300.00
2065.	Illinois	Construct Illinois Route 336 from Macomb to Peoria	$2,000,000.00
2066.	Pennsylvania	Schuylkill River Gateway project enhancing bridge and roadway structures connecting Center City and University City for pedestrians, bicyclists, and motorists.	$1,250,000.00
2067.	North Carolina	Add interchange on I-26 north of NC 146 and south of the Blue Ridge Parkway	$5,000,000.00
2068.	Virginia	Widen Route 7 from Reston Parkway to Rolling Holly Drive	$6,000,000.00
2069.	Mississippi	Upgrade roads in Beauregard (U. S. Hwy 51), Crystal Springs (U.S. Hwy 51 and I-55), and Hazelhurst (U.S. Hwy 51 and I-55), Copiah County.	$1,000,000.00
2070.	California	Conduct Study and Construct Lammers Rd / I -205 Widening and Interchange Project, Tracy, CA	$1,000,000.00
2071.	Maryland	Design ramp from I-495 to MD 4 and signalized intersection	$3,500,000.00
2072.	Oregon	Add a southbound lane to section of I-5 between Delta Park and Lombard	$5,000,000.00
2073.	Minnesota	Reconstruction of CSAH 4 and CSAH 5 (Forest Highway 11) between CSAH 15 and Trunk Highway 61, Silver Bay.	$1,740,000.00
2074.	California	Upgrade Kanan Road interchange at US101 (Agoura Hills) to improve safety and accessibility	$5,000,000.00
2075.	Washington	U.S.-395, Spokane to Stevens County Line Widening: Construct US-395 from milepost 172.6 to Stevens County line just north of Deer Park, Washington.	$1,000,000.00
2076.	Georgia	Upgrade sidewalks and lighting, Lyons	$709,098.00
2077.	Ohio	Construction of new roadway intersecting Chestnut St. and Paradise St. and modifications to Chestnut St. and Paradise St. in the City of Orville.	$6,004,400.00
2078.	Georgia	Extend East Greene Street, install street lights, utilities, and landscaping, Milledgeville	$500,000.00
2079.	Wisconsin	Construct Michigan Street Bridge in Sturgeon Bay, Wisconsin	$5,000,000.00
2080.	Missouri	Complete the upgrade of Hwy. 60 to 4 lanes from Willow Springs to Van Buren	$10,000,000.00
2081.	Ohio	Deconstruct the Bellaire Highway Bridge which connects Bellaire, OH and Benwood, WV	$1,700,000.00
2082.	California	Construction of interchange at State Hwy 86 and Ave 50 in Coachella, CA	$1,000,000.00
2083.	Virginia	Preliminary engineering for Hampton Roads Third Crossing	$3,000,000.00
2084.	Arizona	Improve 15 miles of Navajo Route 16 in the Navajo Mountain Community	$1,000,000.00
2085.	New Hampshire	Construction of interchange on I93. The project is not part of a larger system. But, will be compatible with the NHDOT I-93 widening project.	$2,500,000.00
2086.	Vermont	Construction of the St. Albans intermodal connector roadway with I-89 for the City of St. Albans	$1,200,000.00
2087.	Illinois	Widen Algonquin Rd to four-lane divided highway in McHenry County, IL	$4,000,000.00
2088.	Mississippi	Upgrade roads in Itta Bena (U.S. Hwy 82 and 7) and in vicinity of Viking Range Corp. (U.S. Hwy 7 and 49), Leflore County.	$1,500,000.00
2089.	New York	Improvements to Robinson La and Lake Walton Rd at Rt 376 in Town of East Fishkill	$500,000.00
2090.	Hawaii	Conduct study of East Hawaii Alternative Road, Island of Hawaii	$250,000.00
2091.	Washington	Tukwila Urban Access - address necessary improvements to Southcenter Parkway in Tukwila to relieve congestion.	$1,000,000.00
2092.	California	Quincy-Oroville Highway Rehabilitation - Provides for 9.5 miles of pavement rehabilitation, culvert replacements, guardrail installation, signing and stripping in Plumas County.	$1,000,000.00
2093.	New Jersey	Rt. 33 from Rt. 35 to Rt. 71 -Widening existing roadway, sidewalks, left turn lanes, signage and drainage, Neptune.	$2,000,000.00
2094.	Missouri	Ogden Ave improvements - property acquisition, design & engineering, and enhanced streetscapes for bike and pedestrian traffic, St. Louis County.	$400,000.00
2095.	California	Interchange improvements at Rice Avenue and U.S. Highway 101, City of Oxnard	$3,000,000.00
2096.	New Jersey	Pedestrian walkway improvements across three bridges over I-280, Orange	$1,000,000.00
2097.	Arizona	Pave 12 miles of Pine Springs Road, N9010, on the Navajo Nation	$1,000,000.00
2098.	California	Utilize funds over a four-year period to reconstruct and deep-lift asphalt on various roads throughout the district in Santa Barbara County.	$4,644,000.00
2099.	Minnesota	Lyndale Avenue Bridge Project, Richfield	$7,000,000.00
2100.	Virginia	Route 635 Bridge Over Southern Railway - Orange County	$500,000.00
2101.	New York	Construct Safe Routes to Schools projects, New York City	$3,000,000.00
2102.	Nevada	Design and Construct Hoover Dam Bypass Extension, Boulder City, Nevada	$6,000,000.00
2103.	Texas	Construct pedestrian trail from Pasadena Heritage Park to Memorial Park, then continue south along Vince Bayou to Strawberry Park.	$150,000.00
2104.	Pennsylvania	Widening of 4.5 miles of northbound Rte 28 at Yutes Run Rd for the Frazer Mills Project	$1,500,000.00

High Priority Projects—Continued

No.	State	Project Description	Amount
2105.	Illinois	Construct parking facility, LaGrange	$3,700,000.00
2106.	Ohio	Replace the Edward N. Waldvogel Viaduct	$8,000,000.00
2107.	Georgia	Install sidewalks on Highway 23 from Dykes Street to Sarah Street, Cochran	$300,000.00
2108.	North Carolina	10th St. Connector in Greenville, NC: Widen Farmville Blvd. from Memorial Dr. to 14th St. and extend from 14th St. to 10th St.	$12,000,000.00
2109.	Florida	Construction and Right of Way activities for SR 548, In-Town Bypass in Lakeland, FL	$6,000,000.00
2110.	Oklahoma	Construct SH28 Improvements from I-44 to Langley	$2,300,000.00
2111.	Ohio	Rehabilitate tunnel and bridge on National Road Bikeway in St Clairsville	$700,000.00
2112.	Ohio	Ashtabula Co. MetroParks completion of bicycle trails project	$1,000,000.00
2113.	Hawaii	Design/engineering of Puainako Street	$1,500,000.00
2114.	Virginia	Expansion of South Airport Drive near Richmond International Airport	$500,000.00
2115.	North Carolina	Construction of a hard surface road that will establish a new port access point to receive and dispatch trucks from/to US 74/76, US 421, and US 17S.	$3,000,000.00
2116.	Minnesota	City of Moorhead SE Main GSI, 34th St and I94 Interchange, and Moorhead Comprehensive Rail Safety Program.	$2,600,000.00
2117.	Nevada	Enhancement to ReTrac project that provided for separation of 11 street crossings through downtown Reno.	$1,000,000.00
2118.	New York	Improve NY112 from Old Town Road to NY347	$10,000,000.00
2119.	California	Construct 213th Street pedestrian bridge to provide safe passage for pedestrians and wheelchairs, Carson.	$1,050,000.00
2120.	Connecticut	Construct additional southbound Route 8 Entrance Ramp at Exit 11 in Shelton, CT	$1,500,000.00
2121.	Virginia	Cranesnest Trail - construction of 16 mile hiking, biking, horse trail from Route 83 to Cranesnest Campground.	$650,000.00
2122.	Maryland	Reconstruction of MD 175 from the Baltimore-Washington Parkway to MD 170 (Telegraph Road)	$2,000,000.00
2123.	Ohio	City of Tiffin/Sarah st. along St. route 18 and 101 to calm traffic	$2,600,000.00
2124.	New Jersey	Road improvement to improve the intersection of Rt. 173, Pittstown Road, and Interstate 78, Franklin Township of Hunterdon County.	$1,650,000.00
2125.	Alabama	Huntsville Southern Bypass from I565 through Redstone Arsenal to US Highway 231	$3,000,000.00
2126.	Michigan	Widen Maple and Orchard Lake Roads at Northwestern Highway intersections	$5,000,000.00
2127.	Montana	Bozeman Parking Facility	$5,000,000.00
2128.	New Hampshire	Relocation of the intersection of Route 103 and North Street and the reconstruction of North Street in Claremont, NH.	$2,680,000.00
2129.	Washington	SR 35 - Columbia River Crossing Environmental Impact Statement completion, Klickitat County	$800,000.00
2130.	Utah	Southern Corridor, St. George	$4,000,000.00
2131.	Oregon	Construction of roadway facilities at the Tualatin River National Wildlife Refuge	$60,000.00
2132.	Pennsylvania	State Street and Mulberry Street Bridge Lighting project, Harrisburg	$4,000,000.00
2133.	Florida	Widening and improvement of State Road 64 from Lakewood Ranch Boulevard to Lorraine Road	$2,000,000.00
2134.	Idaho	A widening project at the Sunnyside IC located on I-15 between mileposts 113 and 116	$4,500,000.00
2135.	Indiana	Riverfront trail, community gathering space and safe passage for pedestrians linking Noblesville to the White River Trails in Hamilton County.	$500,000.00
2136.	Louisiana	Upgrade I-49 South from Lafayette, Louisiana to New Orleans, Louisiana	$3,500,000.00
2137.	Tennessee	New five-lane connector north of the city of Elizabethton, Carter County, located within Urbanized Area Boundary of Johnson City.	$500,000.00
2138.	Georgia	Link US 84 with Hinesville downtown redevelopment via Memorial Drive	$1,200,000.00
2139.	Pennsylvania	PA Route 61 safety improvements, Leesport Borough/Ontelaunee/Muhlenburg	$3,000,000.00
2140.	California	Builds a pedestrian bridge from Hiller Street to the Bay Trail, Belmont	$2,000,000.00
2141.	Michigan	Transportation Aesthetics project in City of Durand, includes new curb and gutter	$500,000.00
2142.	Illinois	Dixon Riverfront Plan: Development of a coordinated trail system, parking, and trial system	$3,200,000.00
2143.	California	Develop conceptual master plan including economic analysis and environmental study to improve the efficiency of transportation facilities, Covina.	$215,000.00
2144.	California	Streetscape improvements at E. 14th/Mission Blvd., Alameda County	$1,250,000.00
2145.	Utah	Cottonwood and Winchester Intersection, Murray City	$5,000,000.00
2146.	Massachusetts	Southwick and Westfield Rail Trail. Construction of a 9.5 mile multi-use trail, Southwick and Westfield.	$5,000,000.00
2147.	Florida	For land acquisition and construction of the Englewood Interstate Connector, a vital evacuation route for Sarasota, Charlotte and Lee Counties.	$4,000,000.00
2148.	Illinois	Engineering and construction of the 15.1-mile Alliance Trail from LaSalle to Bureau Junction	$1,000,000.00
2149.	Texas	Construct Hidalgo County Loop	$2,000,000.00
2150.	Pennsylvania	Flyover ramps at SR837/Center Street to Industrial Drive and SR148/Coursin Street to Industrial Drive, McKeesport/Duquesne.	$9,000,000.00
2151.	Virginia	Widen Rt. 820 in Bergton	$1,200,000.00
2152.	Idaho	A project to directly contribute to completed and future improvements to US-30 from I-15 from milepost 363.8 to milepost 365.9.	$5,000,000.00
2153.	New Jersey	Perth Amboy Rt. 440/State St. Interchange	$5,000,000.00
2154.	District of Columbia	Rock Creek Recreational Trail study to assess feasibility of constructing recreation trail	$1,000,000.00
2155.	Ohio	Construction/improvements of Lake Co Highway Administration Center in Madison	$500,000.00
2156.	Kansas	Reconstruct US-69 between 87th Street and 119th Street, City of Overland Park	$2,000,000.00
2157.	Virginia	Concept design and scope for a slip ramp from E. Eisenhower Valley area of Alexandria	$500,000.00
2158.	Oregon	BNSF Intermodal Hub for improved traffic flow, safety, and the construction of a turnout lane parallel to NW Yeon Avenue, Portland.	$200,000.00
2159.	Virginia	Whitetop Station - completion of renovation of Whitetop Station (which serves as trailhead facility), including construction of trail.	$100,000.00
2160.	West Virginia	Upgrade Route 10, Logan Co	$5,000,000.00
2161.	California	Construct Guadalupe River Trail project from highway 237 to I-880, San Jose	$5,500,000.00
2162.	Texas	Tower 55 CMAQ Congestion and Preliminary Engineering Study	$2,000,000.00
2163.	Illinois	Upgrade traffic signalization on Sheridan Road from Hollywood to Juneway, Chicago	$1,500,000.00
2164.	Massachusetts	Reconstruct Route 24 / Route 140 Interchange, replacing bridge and ramps, widening lanes, extending acceleration and deceleration lanes.	$8,700,000.00
2165.	New York	Construct turning lane on Rt 55 at Gardner Hollow Rd. in Town of Beekman-NY	$560,000.00
2166.	Illinois	Replace bridge structure over Wabash River between Mt.Carmel, IL and Princeton, IN	$7,200,000.00
2167.	Kansas	Construct K-10/ Lone Elm Road interchange, Lenexa	$3,000,000.00
2168.	Oregon	Barber Road extension, Wilsonville	$1,000,000.00
2169.	Texas	Bicycle and pedestrian trail network southeast Austin, including McKinney Falls Trail, Pierce Lane Link, Onion Creek Trail, and Southern Walnut Creek Trail.	$9,000,000.00
2170.	Florida	Link I-95 in St. Johns County to I-10 in Duval County with a 4-lane freeway running through Clay County.	$3,000,000.00
2171.	Arizona	Improve Interstate 40 at the Country Club Interchange in East Flagstaff, Arizona	$2,000,000.00
2172.	Illinois	Construct Bike paths, Madison County	$3,200,000.00
2173.	Pennsylvania	PA72 corridor improvements from PA283 to PA Turnpike. Connect with PA 283	$600,000.00
2174.	New York	Bicycle and pedestrian safety improvements on Main Street, Riverhead	$1,200,000.00
2175.	Georgia	Pedestrian streetscape project, including curbs, bicycle parking, and landscaping, to revitalize downtown Locust Grove.	$1,000,000.00
2176.	New Jersey	Project will fund improvements along County Route 523 corridor from Village of Oldwick south to US 22 in the Readington-Tewksbury, Improvement District.	$500,000.00
2177.	Kentucky	Newtown Pike extension from West Main Street to South Limestone Street, Lexington	$5,250,000.00
2178.	Louisiana	Construct improvements to I-10 interchange with Ryan Street, Lake Charles	$4,500,000.00
2179.	New York	Construction of and improvements to Route 5 in the Town of Hamburg	$500,000.00

High Priority Projects—Continued

No.	State	Project Description	Amount
2180.	Minnesota	TH 38 reconstruction from Itasca CSAH 19 to Marcell	$4,675,942.00
2181.	Maryland	Baltimore-Washington Maglev Demonstration Project will demonstrate capabilities of Maglev technology.	$200,000.00
2182.	Nebraska	Upgrade Cuming Street and US-75 entrance ramp, Omaha	$4,000,000.00
2183.	Texas	South Orient Rail economic & rehabilitation Project	$3,000,000.00
2184.	Illinois	City of Bartonville, Street widening and improvements and sidewalk improvements	$800,000.00
2185.	Mississippi	Interstate 59, U.S. Highway 84, and State Highway 15 interchange, Laurel	$2,120,000.00
2186.	Georgia	Streetscape project to install sidewalks and bicycle trails, Gray	$500,000.00
2187.	Massachusetts	Realignments and reconstruction of a section of Route 32 in Palmer to the Ware town line	$4,000,000.00
2188.	Maryland	I-81 Improvements South of I-70 to North of Halfway Blvd	$1,000,000.00
2189.	Georgia	Streetscape [pedestrian safety enhancements, sidewalks, curb replacement, landscaping, restoration, ADA compliance, restoration], Thomasville.	$500,000.00
2190.	Maryland	Land acquisition for highway mitigation in Cecil and Worcester	$14,800,000.00
2191.	Michigan	Construct Industrial Park Service Road and Caine Road Bridge Replacement,Village of Millington, Tuscola County.	$416,000.00
2192.	Minnesota	8th Street Right of Way Acquisition for Stearns country road expansion and realignment	$4,000,000.00
2193.	California	For environmental review and preliminary engineering for a freeway-to-freeway interchange connecting Interstate 5 to State Route 78.	$5,000,000.00
2194.	Pennsylvania	Identify multi-modal commercial and military freight corridors in PA. Part of PA Reg. Agile Port Intermodel Distribution Sys. Philadelphia.	$500,000.00
2195.	California	The Esplanade improvements to reduce pedestrian/bicycle/automobile traffic congestion and improve oceanfront access, Redondo Beach.	$1,000,000.00
2196.	New York	Create overpass at Peruville Road to address intersection safety issues	$4,432,000.00
2197.	Missouri	Rehabilitate and widen Route 71 from Route W to Blue Ridge Blvd, Grandview Triangle	$2,000,000.00
2198.	Minnesota	City of East Grand Forks 13th Street Extension	$1,200,000.00
2199.	Illinois	Illinois Prairie Path (Wayne): Construction of a new bicucle-pedestrian bridge	$1,200,000.00
2200.	Illinois	Upgrade Pioneer Parkway in Peoria	$800,000.00
2201.	New York	Design and Construction of an enhancement project within the Erie Canal Aqueduct in downtown Rochester.	$1,500,000.00
2202.	Kentucky	A 20-mile priority design segment of the route from Campbellsville to Columbia	$2,000,000.00
2203.	Illinois	Pre construction activities, IL 8 upgrades from East Peoria to Washington	$800,000.00
2204.	Pennsylvania	Design and construct interchange improvements including sound barriers at I-83, Exit 19, or other projects designated by York County MPO.	$6,000,000.00
2205.	Alabama	Valleydale Road widening from U.S. 31 to I-65 (Shelby County Rd 17)	$5,000,000.00
2206.	New Jersey	Route 21 congestion relief improvements - Murray Street to Green Street, Newark	$900,000.00
2207.	Wisconsin	Construct Highway 32/Claude Allouez Bridge in DePere, WI	$500,000.00
2208.	New York	Construction of a Greenway along the waterfront, the Village of Irvington in Westchester	$200,000.00
2209.	Michigan	Repaving a portion of H-58 between Sullivan Creek towards Little Beaver Road, Alger County	$1,600,900.00
2210.	Illinois	The widening of Midlothian Road including signalization and pedestrian crosswalk installation at the entrance of Lake Zurich High School.	$480,000.00
2211.	New York	Improve the Bronx River Greenway Bronx Park East Pathways	$800,000.00
2212.	Florida	Wekiva Parkway in Orange, Seminole and Lake Counties, Forida	$5,000,000.00
2213.	Kentucky	Reconstruct KY 244 from KY 3105 to the railroad underpass, Raceland	$500,000.00
2214.	Pennsylvania	Design and construct and upgrade the interchange of U.S. 15 and U.S. 30 in Adams County	$4,000,000.00
2215.	Iowa	Acquire right of way, widen, resurface and replace three bridges on IA T14, 22 to IA 80	$500,000.00
2216.	Illinois	Improve roads and bridges, Cook County	$5,000,000.00
2217.	Florida	Arlington Expressway Access Road, Jacksonville	$1,500,000.00
2218.	California	Construct a soundwall along Esperanza Road in the city of Yorba Linda	$2,000,000.00
2219.	Illinois	Reconstruct Lakeshore Drive overpass over Lawrence Avenue, Chicago	$1,500,000.00
2220.	New Jersey	Quinn Road widening, Little Falls	$2,500,000.00
2221.	Virginia	Study to upgrade U.S. Route 460 in the Petersburg- Hampton Roads Corridor from approximately I-295 to Bowers Hill including an evaluation of rail.	$5,500,000.00
2222.	Louisiana	Construct frontage streets along I-10, Crowley	$1,100,000.00
2223.	Oregon	Connect Boeckman Road to Tooze Road, Wilsonville	$3,000,000.00
2224.	Mississippi	US Hwy 49 Interchange - Seminary:US Hwy 49 Interchange with SR 589 and 590 at Seminary to significantly reduce congestion and accidents.	$500,000.00
2225.	Kansas	Highway construction project on US-54/400 for four miles west of Pratt-Kingman County line	$12,000,000.00
2226.	Wyoming	Casper Bypass:Reconstruct Old Yellowstone Hwy from David to Poplar St., and 2nd St. from David St. to E Yellowstone Hwy.	$3,000,000.00
2227.	Tennessee	Improve circuitry on vehicle protection device installed at railroad crossing in Athens, TN	$59,000.00
2228.	Pennsylvania	Deploy an Intelligent Transportation System by the Montgomery County Planning Commission	$4,000,000.00
2229.	California	Montclair Monte Vista Avenue grade separation along Alameda Corridor East	$2,000,000.00
2230.	Kentucky	2 new bridges over Ohio River & reworking I65-I64-I265 interchange	$14,000,000.00
2231.	Illinois	Undertake traffic mitigation and circulation enhancements on 57th and Lake Shore Drive, Chicago.	$3,000,000.00
2232.	New York	Construct pedestrian waterfront walkway, Kingston	$1,600,000.00
2233.	Louisiana	Plan and construct bike/pedestrian crossings of Washington-Palmetto Canal in the vicinity of Xavier University, New Orleans.	$3,000,000.00
2234.	California	Study to evaluate traffic implications resulting from the proposed re-alignment of Nutwood Avenue, Fullerton.	$500,000.00
2235.	New Jersey	Project will rehabilitate existing structure at the Bridge Street bridge over the CSX Railroad Trenton line in Manville, Somerset County.	$500,000.00
2236.	Massachusetts	Assabet River Rail Trail design and construction	$700,000.00
2237.	Pennsylvania	Transportation enhancements along the Delaware Canal between Yardley, PA and Bristol, PA	$1,000,000.00
2238.	Texas	Construct a loop at 201 beginning at SH 195 and terminate at connection to FM 3841, Bell County.	$4,000,000.00
2239.	Montana	Pave MT Secondary 323 from Ekalaka to Alzada	$23,000,000.00
2240.	California	Salinas Airport Boulevard/Hwy 101 interchange -- new 4 lane overpass with 2 lanes each direction, new approaches, new southbound on/off ramps, bicycle lanes.	$3,670,000.00
2241.	Illinois	Eastern Peoria Bypass and Bridge (ring road) study and land acquisition	$1,600,000.00
2242.	Texas	9-1-1 Crash Demonstration Project providing communication between crash subject and first responders/EMS.	$2,000,000.00
2243.	Rhode Island	Replace I-195 Washington Bridge Eastbound	$3,000,000.00
2244.	Arkansas	Improvements to Rena Road in Van Buren	$1,500,000.00
2245.	Ohio	Upgrade State Route 82/State Route 46 interchange, Trumbull County	$2,000,000.00
2246.	New York	Improve SCCC roads, Fallsburg	$1,500,000.00
2247.	New York	Implement Pedestrian Safety Improvements on Queens Boulevard	$500,000.00
2248.	Illinois	Implement ITS and congestion mitigation project on I-294 and I-90	$5,000,000.00
2249.	California	Upgrade and reconstruct the I-80/I-680/SR 12 Interchange, Solano County	$13,000,000.00
2250.	West Virginia	Connect existing RHL Boulevard to State Route 601 (Jefferson Road)	$750,000.00
2251.	North Carolina	Upgrade US 158 to construct a multilane facility between I85 and I95	$2,600,000.00
2252.	Florida	Keys Endangered Species Habitat Protection	$1,000,000.00
2253.	Louisiana	Widen and improve LaPlaco Boulevard from Bayou Segnette to US90, Jefferson Parish	$3,500,000.00
2254.	Illinois	Improve U.S. Route 34 from Kewanee to Kentville Road	$500,000.00
2255.	Florida	Florida Keys Overseas Heritage Trail	$500,000.00
2256.	Georgia	Reconstruct roadways to add bicycle lanes or bike-able road shoulders, Atlanta	$2,000,000.00
2257.	Illinois	Upgrade county highways 18 and 22 in conjunction with state I-57 interchange plan north of Mattoon.	$2,000,000.00

High Priority Projects—Continued

No.	State	Project Description	Amount
2258.	Massachusetts	Improvements to Kenmore Square Station and Commonwealth Avenue between Amory Street and Packard's Corner, Boston.	$5,000,000.00
2259.	California	4-lane overpass for Mission Blvd grade separation project, City of Pomona	$4,400,000.00
2260.	Louisiana	Construct LA 1 at Port Fourchon, Louisiana	$3,000,000.00
2261.	Tennessee	Extension of bicycle and pedestrian trail, LaVergne	$1,500,000.00
2262.	North Carolina	Upgrade existing US 220 I-73/74 from south of NC 134 US 220 Business to North of Park Drive Extension.	$6,600,000.00
2263.	Hawaii	Construct access roads to Kahului Airport	$600,000.00
2264.	California	Improve SR219 to 4-lanes in the cities of Riverbank, Oakdale and Modesto	$2,000,000.00
2265.	Indiana	Correct visibility problems and sharp grade changes at SR 332 and Nebo Road intersection in Delaware County, Indiana.	$650,000.00
2266.	Iowa	Complete construction of Phase 6 of US Highway 6 in Coralville, Iowa	$900,000.00
2267.	Minnesota	MNTH 169 safety improvements from City of Virginia to Ely/Winton	$14,300,000.00
2268.	New Jersey	Reconstruct roadways in Union County/Elizabeth - Kapowski Road Area Project	$5,000,000.00
2269.	Vermont	Construction and rehabilitation of the Cross Vermont Trail for the Cross Vermont Trail Association.	$1,386,000.00
2270.	Ohio	Widening from 2 lanes to 5 lanes between Woodlawn Ave. and Whipple Ave. in Jackson Township.	$2,000,000.00
2271.	Michigan	Planning and Engineering for The American Road, The Henry Ford Museum, Dearborn	$1,500,000.00
2272.	Arkansas	Sidewalks in Altus	$40,000.00
2273.	New Jersey	Provide an alternate Route for traffic passing through congested State Route 31 corridor in the Flemington Area.	$2,000,000.00
2274.	Maryland	Bridge rehabilitation of Hanover Street and Pennington Avenue drawbridges, Baltimore	$3,000,000.00
2275.	Connecticut	Construct Shoreline Greenway, Madison, Guilford, Branford and East Haven	$1,500,000.00
2276.	Texas	Reconstruction of Clinton Dr. from Federal Rd. to N. Wayside Dr., an intermodal freight artery near Port of Houston.	$9,500,000.00
2277.	Texas	Study, design and construct new border crossing and facilities - Donna/Rio Bravo International Bridge.	$2,000,000.00
2278.	Tennessee	Improve circuitry on vehicle protection device installed at railroad crossing in Philadelphia, TN	$99,000.00
2279.	Oklahoma	Construction of Duncan Bypass Grade Separation	$3,000,000.00
2280.	Florida	Clark Road Clover Leaf at I-95, Jacksonville	$5,000,000.00
2281.	Pennsylvania	Improvements to Plank, Otts, Meyers, and Seitz roads in Mongomery County	$1,000,000.00
2282.	California	Temecula Winchester Project- This project will require a partial cloverleaf interchange on I-15 at exit/entrance ramps at Winchester Road.	$2,000,000.00
2283.	California	Conduct Study of State Route 130 Realignment Project, San Joaquin County and Santa Clara County, CA.	$2,000,000.00
2284.	California	Widen roads, construct bicycle lane and parking facility to enhance access to Hansen Dam Recreation Area, Los Angeles.	$6,500,000.00
2285.	Pennsylvania	SR 29 Bridge, replace T-beam bridge in Noxen Township, Wyoming County	$1,000,000.00
2286.	Minnesota	Construct Soo Line Trail from north of Bowlus to the east side of Mississippi River	$495,000.00
2287.	Ohio	Construction of an interchange at Interstate 70 and Burnett Rd and items associated with construction of interchange.	$2,000,000.00
2288.	Indiana	New road construction of Boston Street intersection with Route 2 in LaPorte, Indiana	$1,500,000.00
2289.	South Carolina	Milfred Road Bridge in Anderson County	$350,000.00
2290.	Virginia	White's Mill Recreation Trail and Renovation - design and construction of recreational trail and preservation of watermill for use as visitors center.	$750,000.00
2291.	Georgia	Pedestrian and streetscape improvements, Ellaville	$500,000.00
2292.	Alaska	Various road improvements in City of Fairbanks	$5,000,000.00
2293.	Alabama	4 US hwy 84 from Evergreen to Monroeville in Alabama	$6,000,000.00
2294.	California	Feasibility study, design, engineering, grade separation, pedestrian improvements, and traffic calming project, the City of South Pasadena.	$1,000,000.00
2295.	Texas	Construct a 4-lane urban roadway at US Bus77 on Loop 574, McLennan County	$2,000,000.00
2296.	California	ATIS added to the Magnolia corridor connecting Riverside, Corona, Moreno Valley and portions of Riverside County.	$480,000.00
2297.	Maryland	Widen MD 45 from Ridgley to Seminary Roads. Widening includes addition of a middle turn lane and to acquire right of way.	$5,520,000.00
2298.	North Carolina	Upgrade of US321 corridor in Burke, Caldwell and Catawba counties mitigating severe congestion near bridge over Catawba river.	$2,000,000.00
2299.	Virginia	Secure right-of-way and construct improvements along Jefferson Davis/Route 1 corridor for vehicle traffic and improved bus service, Arlington County.	$4,000,000.00
2300.	New Jersey	Pedestrian and bicycle facilities, and street lighting, Haddon Heights/Barrington	$750,000.00
2301.	Florida	PINEDA CAUSEWAY INTERCHANGE at I-95	$8,000,000.00
2302.	Minnesota	To study a major river crossing over the Mississippi river between Monticello and St. Cloud and TH10 and I-94.	$1,000,000.00
2303.	Texas	Highway construction to expand SH 71 in Austin to US 281	$1,000,000.00
2304.	New Jersey	Project will improve State Route 22 by improving section of highway that connects Route 22 and 287 in two locations.	$3,000,000.00
2305.	New York	Construct greenway along East River waterfront between East River Park (ERP) and Brooklyn Bridge, and reconstruct South entrance to ERP.	$1,250,000.00
2306.	Wisconsin	Resurface State Highway 8 from County C to Town of Monico	$1,000,000.00
2307.	South Carolina	Construct I-73 from Bennettsville to I-95	$10,000,000.00
2308.	Louisiana	Replace Almonaster Bridge, New Orleans	$500,000.00
2309.	Washington	SR 167 - a new freeway from SR 509 (Port of Tacoma) to SR 161 (Puyallup)	$2,500,000.00
2310.	Pennsylvania	Erie - Replacement of Asbury Road underpass; replacement of Powell Ave. Bridge; Peninsula Dr. improvements.	$4,000,000.00
2311.	Michigan	Rehabilitate 2 piers and remove old bridge caissons for Sturgeon River Road bridge, Houghton County.	$270,000.00
2312.	Michigan	Rebuilding M-99 for flood control in Hillsdale	$2,000,000.00
2313.	Virginia	Chessie Work Station - renovation of abandoned rail site to enable intermodal access at site, Clifton Forge.	$2,736,000.00
2314.	Wisconsin	Construct State Highway 23 (County Highway OJ to U.S. Highway 41), WI	$16,000,000.00
2315.	Iowa	Extend Mormon Trek Boulevard in Iowa City, Iowa	$5,000,000.00
2316.	Ohio	Construct access roads and freight intermodal facility, Columbiana County	$5,000,000.00
2317.	Maryland	Reconstruction of Route 32 to freeway standards from Route 108 to I-70	$2,000,000.00
2318.	Pennsylvania	SR 22 widening to 4 lanes from Export to Delmont, Westmoreland County, PA	$1,300,000.00
2319.	American Samoa	Drainage mitigation for Malaeloa-Leone village roads	$1,000,000.00
2320.	New York	Design and construct Upper Delaware Scenic Byway Visitor Center, Cochecton	$448,000.00
2321.	Pennsylvania	Continued Construction of the Montour Trail which is part of the Great Allegheny Passage	$1,000,000.00
2322.	Washington	SR 538 (College Way) and North 26th Street Signal, Mount Vernon	$175,000.00
2323.	Pennsylvania	Construction of 2 ramps, replacement of 2 ramps on I-79 at SR 3025 in Jackson Township, PA	$1,000,000.00
2324.	Texas	Construct US183-A, a 12 mile turnpike to connect US183 at SH45 and extend northward to US183 in Williamson County, Texas.	$10,000,000.00
2325.	Illinois	Construct Grand Illinois Trail, Cook County	$1,000,000.00
2326.	Ohio	Construct connector road between SR 79 and Thornwood Drive in Licking County	$5,000,000.00
2327.	Maryland	Fringe and Corridor Parking Facility at Clinton Street and Keith Avenue	$3,000,000.00
2328.	Ohio	Widen SR 170, Calcutta	$2,500,000.00
2329.	California	Replacement of existing 2 lane interchange to full 6 lane interchange where Cajalco Road and I-15 meet in Corona, CA.	$10,000,000.00

High Priority Projects—Continued

No.	State	Project Description	Amount
2330.	Oregon	Highway 22, Polk County	$1,000,000.00
2331.	Pennsylvania	Final engineering and design to construct a four lane connector and bridge over the Allegheny River to link New Kensington to Rt 28.	$5,000,000.00
2332.	South Carolina	Construct Calhoun Clarendon Connector	$14,008,000.00
2333.	Virginia	Mayo Bridge, Richmond	$2,000,000.00
2334.	Oklahoma	Reconstruct US 69 from US 62 West to the US 69/US 62 intersection, Muskogee	$750,000.00
2335.	Maryland	Engineering and construction of the MD Route 355 at Montrose Road/Randolph Road Interchange, Rockville.	$5,000,000.00
2336.	Pennsylvania	PA23 corridor improvements from US30 to US322	$3,000,000.00
2337.	Michigan	Construct interchange at I-675 and M-13 (Washington Avenue) and Northbound Exit, Saginaw	$2,000,000.00
2338.	Florida	To complete design and construction of double-deck roadway system exiting Ft. Lauderdale/Hollywood International airport connecting U.S. 1 and I-595.	$5,000,000.00
2339.	Illinois	Upgrade roads, Summit	$1,000,000.00
2340.	Kentucky	Reconstruct Georgetown Northwest Bypass from US-460 W to I-75 N, Scott County	$1,000,000.00
2341.	Wisconsin	Construct Lake Butte des Morts Bridge, U.S. Highway 41, Winnebago County, WI	$25,600,000.00
2342.	Texas	SH 288 at BW 8: construct two direct connectors	$5,000,000.00
2343.	Washington	Yelm 510/507 - an alternative route to two existing state highways that bisect Yelm	$2,500,000.00
2344.	Iowa	Improvements at the IA 146 and I 80 interchange	$1,000,000.00
2345.	New Hampshire	Crystal Lake Mitigation preservation of 110 acres of land in Manchester	$1,000,000.00
2346.	Arkansas	Construction of I-49 from Hwy 22 near Barling to Hwy 71 at Jenny Lind Road	$5,000,000.00
2347.	Minnesota	Right of way acquisition for the expansion of 3rd street north in the city of St. Cloud	$750,000.00
2348.	Nebraska	New interchange on Interstate-80 near milepost 275 and improvements to Cherry Avenue to provide an east bypass for Kearney, Nebraska.	$2,000,000.00
2349.	Virginia	UVA-Wise Entrance - second phase of project to address road and stormwater problems	$1,000,000.00
2350.	Tennessee	Improve existing two lane highway to a four lane facility along the US-412 Corridor west of Natchez Trace to US-43 at Mt. Pleasant.	$5,500,000.00
2351.	Maryland	Pedestrian bridge crossing North Avenue and street signage, Baltimore	$1,800,000.00
2352.	Michigan	South Lyon, 2nd Street between Warren and Haggadorn	$125,000.00
2353.	Tennessee	Continue construction of the Foothills Parkway in the Great Smoky Mountains National Park	$7,500,000.00
2354.	Illinois	Construct bike/pedestrian path and related facilities in Spring Rock Park, Western Springs	$700,000.00
2355.	Maryland	US 219 Oakland Bypass	$1,000,000.00
2356.	Pennsylvania	Relocation of PA52 on edge of Longwood Gardens	$1,000,000.00
2357.	Michigan	Construct improvements to existing 68th Avenue bridge over Grand River	$6,700,000.00
2358.	Illinois	Construct Cedar Creek Linear Park Trail, Quincy	$500,000.00
2359.	Tennessee	Reconstruct connection with Hermitage Ave. to Cumberland River bluff, Nashville	$500,000.00
2360.	South Carolina	I-385 and SC14 (Exit 19) - The SCDOT would reconstruct the existing interchange at I-385 and SC 14 (Exit 19) in Laurens, Co., SC.	$1,985,000.00
2361.	New Mexico	Ease traffic congestion and improve intersection safety by identifying alternative alignment to US 84/285 and NM 68 through Espanola.	$2,000,000.00
2362.	Mississippi	Highway 6 - adds two lanes parallel to existing lanes in Lee COunty	$6,000,000.00
2363.	New York	Suffolk County ITS arterial monitoring and performance measures system	$1,500,000.00
2364.	Pennsylvania	Design and construction of Portzer Road connector in Milford, Quakertown	$2,500,000.00
2365.	Washington	DesignValley Mall Blvd. from Main Street to I-82 and I-82 interchanges at MPs 36 and 38, Union Gap.	$6,440,000.00
2366.	California	Acquire approximately 4,000 acres of land at the Desert Cahuilla Prehistoric Site, Imperial County.	$1,000,000.00
2367.	Michigan	Ogden Street bridge rehabilitation project - replacement of deck, expansion of joints, sidewalks, railing and all other joints, Menominee.	$200,000.00
2368.	Pennsylvania	Design, engineering, ROW acquisition, and construction of street improvements and safety enhancements, City of Scranton.	$2,500,000.00
2369.	Georgia	DeKalb Greenway Trails	$1,100,000.00
2370.	Missouri	Route MM Improvements, Jefferson County	$4,000,000.00
2371.	Indiana	The reconstruction of existing Co. Rds. 400N, 825W and 525N in Shelby County	$1,672,000.00
2372.	New Jersey	Safety and operational improvements on Route 23 in Hardyston and Franklin	$3,800,000.00
2373.	New York	Rehabilitate pavement and bridges from I-86, Exit 24 to Allegany County Line	$1,000,000.00
2374.	New York	Access improvements for terminal located on 12th Ave between W. 44th and W. 54th St in Manhattan.	$4,000,000.00
2375.	Florida	Construction and engineering of the Central Sarasota Parkway Interchange at I-75, a evacuation route for Sarasota and the barrier islands.	$2,000,000.00
2376.	California	Construct Dry Creek and Enterprise canal trails in Clovis	$700,000.00
2377.	Texas	Widening project on FM 60 from SH 6 to FM 158, Brazos County	$3,000,000.00
2378.	California	To provide for the preparation of environmental documents and design for conversion of the reliquished railroad bridge over the Feather River between Yuba City and Marysville.	$5,000,000.00
2379.	Colorado	SH 83 & SH 88 Interchange Reconstruction: Grade separation of SH 83 over SH 88	$6,000,000.00
2380.	Nevada	US50A Fernley-Fallon replace UPRR bridge in Fernley, realign intersection US95A/50A	$9,000,000.00
2381.	California	Construct safe access to streets for bicyclists and pedestrians including crosswalks, sidewalks and traffic calming measures, Covina.	$500,000.00
2382.	Illinois	Logan County 5th Street Road upgrades	$800,000.00
2383.	Virginia	Route 50 Traffic Calming at Gilbert's Corner	$1,000,000.00
2384.	California	Implement Congestion Mitigation and Air Quality Improvement Project, Orange County	$1,000,000.00
2385.	Georgia	US 25 widening in Burke, Jenkins Co. and Millen bypass	$28,000,000.00
2386.	Ohio	Widening from 2 lanes to 5 lanes between 55th St. and Applegrove St. in Plain Township	$5,000,000.00
2387.	Maryland	MD 85/I-270 Interchange	$2,000,000.00
2388.	Washington	Inchelium Bridge Feasibility Study: Conduct study to determine whether bridge over Lake Roosevelt would meet needs of residents of Gifford and Inchelium, Washington.	$120,000.00
2389.	New York	For the acquisition of ferry boats and ferry terminal facilities and for the operation of ferry service from Rockland County/Yonkers/Manhattan.	$1,000,000.00
2390.	Missouri	Grading for 4 lanes, lighting, roadways, and bridges on Highway 5 in Camdenton	$10,000,000.00
2391.	Washington	Burien SR 518 project - interchange improvements and the addition of one travel lane on a portion of corridor.	$1,000,000.00
2392.	Georgia	Install sidewalks, trails, lighting, and amenities in Balls Ferry Park, Wilkinson County	$500,000.00
2393.	West Virginia	Construct New River Parkway between I-64/Sandstone Interchange and Sandstone Falls, Summers and Raleigh Counties.	$4,500,000.00
2394.	Illinois	Road Construction and Reconstruction in the Village of Hampshire: Keyes Ave. Reconstruction; Industrial Drive Overlay; Mill Ave. Reconstruction.	$2,300,000.00
2395.	Illinois	Transportation Enhancement and road improvements necessary for Downtown Plaza restoration in Jacksonville, IL.	$800,000.00
2396.	California	Construction of a bikeway on the North bank of the Los Angeles River between Sepulveda Boulevard and Kester Avenue in Sherman Oaks, Los Angeles.	$575,000.00
2397.	New York	Design & Construct a Bicycle and Pedestrian Walkway along the Decommissioned Putnam Rail Line.	$950,000.00
2398.	Pennsylvania	Greencastle, Pa- Upgrade intersection of SR 0011 and I-81 at exit 3 (northbound) and the proposed Grindstone Hill Road intersection.	$1,200,000.00
2399.	California	Construct auxiliary lanes, bicycle, pedestrian improvements, signal modifications on Almaden Expressway between Branham Lane and Blossom Hill Road, Santa Clara County.	$3,500,000.00
2400.	Texas	Widen SH 36/ US 190 to 4 lanes, Milam County	$2,000,000.00
2401.	Minnesota	Bike Trail extensions and walking trails, connect to Mesabi Trail, City of Aurora	$294,745.00

High Priority Projects—Continued

No.	State	Project Description	Amount
2402.	Maryland	Plan, Design, and construct the Intercounty Connector	$9,000,000.00
2403.	Massachusetts	Design, permitting, and ROW acquisition for new on/off ramps on I-95 between Route 1A and Route 123 interchanges.	$500,000.00
2404.	Texas	Replaces 3 structures at interchanges of I20, US83, and US 277 in Abilene	$1,500,000.00
2405.	Texas	Improvements to National High Priority Corridor #38 for the Oklahoma border south through Amarillo.	$14,000,000.00
2406.	Michigan	Milford Village, Roundabout at N. Milford Rd. and Summit St	$125,000.00
2407.	Kentucky	Replace bridge #C00004 on Oregon Road, Mercer County	$680,000.00
2408.	North Carolina	Widen NC 49 from Harrisburg east of SR 2630 to the Yadkin River, NC	$10,000,000.00
2409.	California	Santa Cruz Highway 1 widening and HOV lanes-- 8.3 miles from Morrissey Boulevard to San Andreas-Larkin Valley Road south of Aptos.	$3,670,000.00
2410.	New York	Improvements to Harlem River Park and Greenway including park amenities	$4,000,000.00
2411.	Illinois	Expansion of Miller Road from 2 - 4 lanes; bridge improvements; further expansion from IL Route 31 to IL Route 120.	$5,000,000.00
2412.	Minnesota	For design of a new interchange with TH169 over CSAH4	$1,000,000.00
2413.	New Mexico	Construct the two lane enhancement of U.S. 54 from Tularosa to Santa Rosa	$11,000,000.00
2414.	Florida	Widening and improvements to Snake Road (BIA Rt. 1281)	$2,000,000.00
2415.	Minnesota	Consolidate access, provide supporting roadways and add an additional lane to CSAH 42 in Dakota County and Scott County.	$1,000,000.00
2416.	Massachusetts	Reconstruction of Washington St., Walpole	$2,000,000.00
2417.	Massachusetts	Extensions to the Berkshire County Bike Paths, Berkshire County	$5,000,000.00
2418.	Ohio	Pleasant Valley Road bridge renovation over the Chagrin River in Willoughby Hills Township	$260,000.00
2419.	Arizona	Upgrade and widen SR85 (mileposts 120.5 --147.6)	$1,000,000.00
2420.	California	Construction of an interchange at the at-grade intersection of Stillwater Road and State Route 44.	$7,500,000.00
2421.	Oregon	Highway 20, Lincoln County	$7,000,000.00
2422.	Massachusetts	Lawrence Canal and Union Street intersection improvements	$1,000,000.00
2423.	Pennsylvania	Construct Route 219 Bypass in the Borough of Johnsonburg	$2,000,000.00
2424.	New York	Design and construct pedestrian and bicycle path (Cayuga Waterfront Trail), Ithaca	$1,200,000.00
2425.	California	Reconstruct Carson St. with an on/off ramp to Interstate 605, Hawaiian Gardens	$400,000.00
2426.	Illinois	Construct North Main St (Il Rte 2) Rockford, IL to four lanes	$1,000,000.00
2427.	Ohio	Construct Chesapeake Bypass/Tri State Metro Outer Belt	$2,000,000.00
2428.	Ohio	SR 322 roadway safety improvements in the Village of Gates Mills	$520,000.00
2429.	Missouri	Expand to six lanes Rt. 141/Woods Mill Rd (Chesterfield, MO) from I64 north to Rt. 340	$3,000,000.00
2430.	Alaska	False Pass Road construction from small boat harbor dock to airport and town	$3,000,000.00
2431.	Georgia	Install sidewalks, improve lighting, and install landscaping along Riverside Drive, Macon	$500,000.00
2432.	Illinois	Undertake streetscaping on Ridgeland Avenue, Oak Park Avenue, and 26th Street, Berwyn	$1,500,000.00
2433.	Massachusetts	Roosevelt Avenue intersection improvements from Bay Street to Page Boulevard, Springfield	$1,500,000.00
2434.	Pennsylvania	9th Avenue Project, Altoona, PA: Complete preliminary engineering study and begin right of way acquisition.	$3,500,000.00
2435.	New York	Improve Maple Avenue, Smithtown	$1,000,000.00
2436.	New York	Improve East End roads, Newburgh	$1,863,500.00
2437.	Ohio	Relocate SR 149, Bellaire	$650,000.00
2438.	Illinois	Improve safety of horizontal curve on 250th Rd. in Grandview Twp	$320,000.00
2439.	Illinois	Construct pedestrian bridge over Chicago Ship & Sanitary Canal to link Centennial Trail to I&M Canal Trail in Lemont, IL.	$100,000.00
2440.	Texas	Connector Sbound SH 146 to Ebound Port Road, from Wbound Port Road to Nbound SH 146. supports proposed Bayport Terminal Complex.	$9,000,000.00
2441.	Pennsylvania	Tidal Schuylkill Riverfront project consists of eight mile bike and pedestrian recreation trail from Locust Street to Historic Bartram's Garden.	$3,500,000.00
2442.	Florida	Upgrade SR 50 from US 27 to Orange Co. line in Lake County	$3,000,000.00
2443.	New York	Structural analysis and feasibility study evaluating options for rehabilitating the Bronx River Parkway at Crane Road over the Bronx River and Harlem line, Scarsdale.	$400,000.00
2444.	Massachusetts	Cape Cod Bicycle Path with Shining Sea Link: Connects core to heavily visited national sites of upper and lower Cape.	$3,000,000.00
2445.	Michigan	Belleville, Repave Main Street	$125,000.00
2446.	Illinois	Construct the Lisle Township segment of the East Branch DuPage River Greenway Trail	$100,000.00
2447.	Illinois	Upgrade roads, Cicero	$1,010,000.00
2448.	North Carolina	Wayne County road improvements for US 117 to SR 1342	$1,200,000.00
2449.	Pennsylvania	Linglestown Square, roadway and intersection improvements, Lower Paxton Township	$3,000,000.00
2450.	Maryland	Widen MD 295 near BWI airport from 695 to MD 100	$8,700,000.00
2451.	Illinois	Widen and improve Pulaski Road, Alsip	$700,000.00
2452.	Texas	Widening FM 423, from The Colony (crossroad - State Highway 121) to Little Elm (crossroad - US 380 East).	$8,000,000.00
2453.	Indiana	Construction of the Hoosier Heartland along SR 25, from Lafayette to Logansport, Indiana	$5,000,000.00
2454.	Georgia	Replace sidewalks, upgrade lighting in downtown Vidalia	$708,610.00
2455.	North Carolina	Construction of a four-lane divided route on new location that will serve as the US 421 bypass from NC 16 to the Yadkin River in Wilkes County.	$4,000,000.00
2456.	Connecticut	Construct Madison Shoreline Greenway Trail	$750,000.00
2457.	Connecticut	Upgrade Mark Twain Drive, Hartford	$2,000,000.00
2458.	New York	Reconstruction of the Gowanus Expressway	$500,000.00
2459.	New Jersey	Traffic Signal Upgrade, Union City	$800,000.00
2460.	Florida	Construct US 1/SR 100 Connector in Bunnell, Florida	$2,500,000.00
2461.	New York	West Harlem Waterfront-ferry, intermodal and street improvements and vicinity	$7,500,000.00
2462.	Missouri	Highway 115 extension - land acquisition & roadway design to coordinate with Lambert Airport expansion.	$1,000,000.00
2463.	New York	Improve Front Street, Binghamton	$5,000,000.00
2464.	Washington	Centennial Trail Project, Snohomish	$200,000.00
2465.	New Jersey	Passaic Avenue along Riverbank Park, Kearny: Bikeway, Jogging and Fitness Trails	$2,500,000.00
2466.	Pennsylvania	Design and construct inner loop roadway around Shippensburg, Pennsylvania, or other Cumberland County projects selected by Harrisburg Area Transportation Study.	$500,000.00
2467.	Illinois	Construct interchange at I-255/Dupo-Columbia	$19,000,000.00
2468.	North Carolina	Adding passing lanes to Hwy. 64 from NC 107 to US 178	$1,700,000.00
2469.	Kentucky	I-65 Interchange at Mile Marker 32 in Bowling Green	$3,000,000.00
2470.	Illinois	Improve roads, Village of Westchester	$850,000.00
2471.	New York	Conduct studies and construct infrastructure projects on Governor's Island	$4,000,000.00
2472.	Iowa	Reconstruct 15.3 miles of the US 30 corridor from Colo, Iowa to the beginning of the Marshalltown bypass and reconstruct the 7.5 mile segment from 4.5 miles west of Toledo to 1 mile east of Tama.	$2,300,000.00
2473.	Florida	State Road A-1-A Corridor from I-95 east to the Amelia River Bridge (Nassau County)	$4,000,000.00
2474.	Iowa	Reconstruction of the existing IA 945 interchange, with I 80 widened and reconstructed	$1,000,000.00
2475.	California	Seismic retrofit of Golden Gate Bridge	$10,000,000.00
2476.	Louisiana	Construct I-49 North from Shreveport, Louisiana to Arkansas line	$3,500,000.00
2477.	Indiana	US 31 Freeway Project for Kokomo Howard County	$5,000,000.00
2478.	Tennessee	Improve circuitry on vehicle protection device installed at railroad crossing in Lenoir City, TN	$104,000.00
2479.	California	Arcadia Santa Anita Avenue Corridor Improvement project, street rehabilitation	$3,000,000.00
2480.	Texas	Improvements to FM 716 between Realitos and Conception, Duval County	$1,000,000.00

High Priority Projects—Continued

No.	State	Project Description	Amount
2481.	Minnesota	Lyon County, City of Marshall Hwy 23 between CSAH 33 and TH19	$3,700,000.00
2482.	Pennsylvania	Construction of ramps on I-95 and US 322, widening of streets and intersections, increase vertical clearance at Amtrak bridges.	$3,000,000.00
2483.	Oregon	Weaver Road Extension/Bridge Project, Douglas County	$16,259,000.00
2484.	New York	Improve bicycle and pedestrian safety on NY25, Jamesport	$300,000.00
2485.	Illinois	Reconstruction of Bus US 20- West State St corridor in Rockford, IL	$1,000,000.00
2486.	New Hampshire	Creation of a footbridge to connect overflow parking to the main lot in Pinkham Notch, NH. As well as provide necessary backfill and stabilization work.	$150,000.00
2487.	Alabama	I-20 widening and safety improvements in St. Clair County	$5,000,000.00
2488.	Wisconsin	Construct the Gateway Boulevard project, Rock County	$6,950,000.00
2489.	California	Add turn lane and adaptive traffic control system at intersection of San Tomas Expressway and Hamilton Avenue, Campbell.	$1,300,000.00
2490.	California	Conduct Study and Construct I - 580 Corridor HOV Improvements Project, Alameda County, CA	$5,000,000.00
2491.	Pennsylvania	Transportation improvements to SR 56 and SR 403 through Johnstown West end to improve safety, access and traffic conditions.	$2,000,000.00
2492.	New York	Improve I-87 Exit 18 interchange in Town of Queensbury, Warren County. Includes ramp reconfigurations & improvements to adjacent intersections.	$2,250,000.00
2493.	Oklahoma	Complete Reconstruction of the I-35/SH 9 West Interchange	$4,000,000.00
2494.	Louisiana	Fund the 8.28 miles of the El Camino East-West Corridor along LA 6 from LA 485 near Robeline, LA to I- 49.	$2,000,000.00
2495.	New Jersey	Bicycle facilities, West Deptford Township	$115,000.00
2496.	Florida	Upgrade CR491 from Pine Ridge Blvd to US 41	$2,000,000.00
2497.	Washington	5th Street/US 2 Signalization Improvements, Sultan	$400,000.00
2498.	New Mexico	Conduct the development of a transportation access plan for Santa Teresa	$1,000,000.00
2499.	Kentucky	Reconstruct KY 70 (KY 259) from Brownsville to Kyrock Elementary School	$1,000,000.00
2500.	Maine	Bike/Ped Trail Construction, Eastern Trail Management District	$1,000,000.00
2501.	Texas	Street Improvements for Willow Street, between North Street and Crockett Street, Beaumont	$360,000.00
2502.	Illinois	Upgrade traffic signal system on 87th Street, Chicago	$500,000.00
2503.	Ohio	Widen Hamilton Avenue/U.S. 127	$2,700,000.00
2504.	Nebraska	Construct 25 miles of recreational trail in Douglas County	$6,000,000.00
2505.	Washington	I-5 widening, Lewis County	$4,000,000.00
2506.	Pennsylvania	Relocate Crow's Run Rd between SR 65 and Freedom Crider Rd in Beaver County, PA	$2,200,000.00
2507.	New Jersey	A 521 space parking garage, New Brunswick	$2,000,000.00
2508.	Michigan	Complete multistage reconstruction of Walton Boulevard with curb and gutter improvements	$5,000,000.00
2509.	Virginia	Heart of Appalachia - construction of stations for distribution of informational brochures along roads and trailways throughout seven counties.	$100,000.00
2510.	Virginia	Widen Route 7 Leesburg Bypass	$2,000,000.00
2511.	New Jersey	Bicycle route connecting parks in Irvington to the Irvington Bus Terminal through the business center.	$350,000.00
2512.	Connecticut	Construct arterial roadway from Boston Avenue north to proposed Lake Success Business Park site in Bridgeport, CT.	$7,000,000.00
2513.	Illinois	Project is part of the overhaul of 230 miles of US 67, near Jerseyville	$1,700,000.00
2514.	South Carolina	Reconstruct I-95/SC 327 interchange	$7,000,000.00
2515.	Texas	Construct roadway to connect Anzalduas Bridge to US83	$3,500,000.00
2516.	California	Construct interchange at Interstate-605 and Arrow Highway and at Live Oak Avenue including engineering, surveying, and right-of-way acquisition, Irwindale.	$1,600,000.00
2517.	Mississippi	Widening of MS Hwy 24:Widening MS Hwy 24 from I-55 in McComb to US Hwy 61 in Woodville	$500,000.00
2518.	Texas	Construct IH-30 replacement bridge, Trinity River, Dallas, Texas	$17,000,000.00
2519.	Maine	I-295/Franklin Street Arterial Interchange, Portland	$3,000,000.00
2520.	Alabama	American Village - Montevallo construction of closed loop Access Road, bus lanes and parking facility.	$300,000.00
2521.	Illinois	Upgrade harbor access at Tri-City Regional Port District	$832,000.00
2522.	Indiana	Reconstruct Standard Avenue, Whiting	$1,300,000.00
2523.	Minnesota	Connect CSAH 48 with MN State Trunk Hwy 210. Complete portions of Paul Bunyan Trail	$1,000,000.00
2524.	Texas	Construct proposed ''super streets'' that are part of the Houston-Galveston Area Council's 100% Solution Plan to reduce regional congestion.	$4,000,000.00
2525.	Tennessee	Extension of bicycle and pedestrian trail, Springfield	$200,000.00
2526.	Pennsylvania	Design and construct interchange and related improvements at I-83, Exit 4, or other projects selected by York County, Pennsylvania MPO.	$3,500,000.00
2527.	Missouri	Design, Right of Way and Construction of Highway 465, from Highway 76 to Highway 376, Taney Cty, MO.	$6,800,000.00
2528.	Connecticut	Widen and improve Metro North Railroad Underpasses at Atlantic, Elm, and Canal Streets and Route 1 in Stamford, CT.	$500,000.00
2529.	Pennsylvania	Extension of Third Street from Interstate 83 to Chestnut Street, Harrisburg	$5,000,000.00
2530.	New York	Reconstruction of West Neck Road from Huntington-Lloyd Harbor boundary to the end of the Village-maintained road, Lloyd Harbor.	$2,000,000.00
2531.	New York	To design/construct safer roadway for high volume traffic, connecting I-87 in NY with I-89 in VT, via Cumberland Head peninsula, NY.	$1,000,000.00
2532.	Georgia	Improvements of St. Marys Road from I-95 to Kings Bay Subbase	$1,800,000.00
2533.	New York	Pedestrian Bridge to Stony Pt Battlefield. Bicycle and pedestrian trail rehab & related improvements in Rockland County - NY.	$1,200,000.00
2534.	New York	Rehabilitation of Pines Bridge Road/Lake Avenue and Ryder Road, in Ossining, Yorktown and New Castle.	$2,765,000.00
2535.	Louisiana	Kerner Bridge	$1,000,000.00
2536.	North Carolina	Construct Interstate 73/74 in Montgomery County and Richmond County, NC	$18,500,000.00
2537.	Massachusetts	Replacement of failing bridge / underpass (Route 106) and concrete support structure, Town of Mansfield.	$1,800,000.00
2538.	Minnesota	Acquisition of ROW and environmental review for additional Mississippi River crossing, City of Little Falls.	$2,200,000.00
2539.	Iowa	Construct a roadway extending north from the I 80/US 65 interchange to NE 118th Avenue, west to I 35 and the Mile Long Bridge (IA 415).	$500,000.00
2540.	Pennsylvania	Central Susquehanna Valley Thruway U.S. 15. Construct 4 lane limited access highway. Connect SR 147 south of I-80 with US 11/15 south of Selingsgrove.	$2,000,000.00
2541.	Minnesota	Munger Trail Extension, City of Duluth	$3,200,000.00
2542.	California	Interchange improvements at Interstate 215 at Los Alamos Road, City of Murrieta	$2,000,000.00
2543.	Illinois	Construct I-57/I-294 interchange	$2,900,000.00
2544.	Louisiana	Widen LA 18 from Northrup Grumman/Avondale Shipyards to US 90, Jefferson Parish	$2,500,000.00
2545.	Maine	Replacement of the Route 201-A ''covered'' bridge, Norridgewock	$1,000,000.00
2546.	New Hampshire	Improvements of the intersection of Route 101A and Route 13 in Milford, NH	$1,700,000.00
2547.	California	Adds NB lane and auxiliary lanes on I-5 and widens the I-8 west to I-5 north, San Diego	$6,000,000.00
2548.	Maine	Route 2 Improvements from Bethel to Gilead	$500,000.00
2549.	Missouri	Construct U.S. Highway 54 Expressway near Osage Beach, Missouri	$1,500,000.00
2550.	Georgia	Construct road around the high school, two blocks from SR 42 and SR 80, Crawford County	$8,000.00
2551.	Tennessee	Proposed State Route 397 extension from State Route 96, west to US 431 North in Franklin, Williamson County.	$2,225,000.00
2552.	Wisconsin	Upgrade State Highway 2, City of Ashland	$4,000,000.00
2553.	California	Ferrari Interchange Project - Construction of an interchange located at the intersection of future State Route 65 and Ferrari Ranch Road/Westwood in Placer County.	$3,000,000.00

High Priority Projects—Continued

No.	State	Project Description	Amount
2554.	Illinois	Construct and improve bike path network, Evanston	$250,000.00
2555.	Michigan	Reconstruct East Spruce Street with drainage, curb, gutter, pavement, traffic control devices, Sault Ste. Marie.	$950,000.00
2556.	New York	Enhance road and transportation facilities in the vicinity of W. 65th St and Broadway, New York City.	$3,000,000.00
2557.	New York	Design and reconstruction of roadways & sidewalks, including Washington Street to Stone Street, and throughout Public Square, located in Watertown, NY.	$2,000,000.00
2558.	Georgia	Rockbridge Road improvements DeKalb	$2,500,000.00
2559.	Georgia	Construct rail overpass, SR 21 to SR 25	$2,000,000.00
2560.	Florida	Normandy Blvd. & Cassat Avenue, Jacksonville	$1,500,000.00
2561.	Florida	Complete Removal and Replacement of Platt Street Bridge, Hillsborough County	$750,000.00
2562.	Pennsylvania	State Street Bridge Rehabilitation, Hamburg	$1,500,000.00
2563.	Missouri	Widening of Chouteau Trafficway to 4 lanes and necessary safety improvements	$3,000,000.00
2564.	Virginia	To enhance Main Street (US Route 1 South) in Dumfries, Prince William County	$725,000.00
2565.	Illinois	Construct pedestrian tunnel under railroad tracks at commuter lot, Winfield, IL	$1,700,000.00
2566.	Virginia	Maple Avenue street improvement project in Vienna	$1,650,000.00
2567.	Georgia	Streetscape project for lighting and landscaping on Main Street along Georgia Highway 231, Davidsboro.	$300,000.00
2568.	Ohio	Construct interchange or other appropriate access on IR 70 west of existing mall road exit in Belmont County.	$6,935,000.00
2569.	California	Design and Construction Camino Tassajara -Crown Canyon to East Town Project, Danville, CA	$1,000,000.00
2570.	Hawaii	Construct Kapaa Bypass	$3,000,000.00
2571.	Arkansas	Repair and Improvement of East Patrol Road, Hempstead County	$200,000.00
2572.	Florida	I-95 / Spanish River Blvd. Interchange, Palm Beach County	$14,000,000.00
2573.	Pennsylvania	Improvements, including a turn lane at, new signing and markings at intersection of Route 422 and Route 662 in Berks County.	$2,430,000.00
2574.	Georgia	Reconstruction of the shoulders of GA SR 400 from mile post 6.65 north to SR 306 for use by transit vehicles.	$10,000,000.00
2575.	Virginia	Construct Route 262 Bypass at Rt. 252/Rt. 254 in Augusta County	$1,000,000.00
2576.	Kansas	Construct K-7/55th St./Johnson Drive interchange and construct Clear Creek Parkway overpass over K-7, City of Shawnee.	$3,000,000.00
2577.	California	Multi-year integrated project to develop regional transportation plan for next 20 yrs for Riverside County and Orange County. Major investment study and PA-ED phase work.	$3,520,000.00
2578.	New York	Orzeck Rd. improvements in Town of Goshen-NY	$500,000.00
2579.	New Jersey	Replace Haynes Avenue bridges over Waverly Yards and Routes 1 and 9, Newark	$900,000.00
2580.	Ohio	Construct shared use trail from Bellbrook to Spring Valley connecting with the Little Miami Scenic Trail.	$500,000.00
2581.	California	Reconstruct 1.9 miles of Paramount Blvd. Major arterial in region with interchange at 91 Freeway to Del Amo Blvd., Long Beach.	$500,000.00
2582.	Mississippi	Upgrade roads in Humphreys County Districts 1 and 5 and Isola	$944,000.00
2583.	Missouri	Lewis and Clark Expressway	$2,000,000.00
2584.	Missouri	Design, Right of Way and Construction of Interstate 44 & Highway 39 Interchange, Mt. Vernon, MO.	$5,000,000.00
2585.	New York	Rehabilitation of East and West John Streets in the Village of Lindenhurst	$1,015,000.00
2586.	Arkansas	Widen Old Boyd Road and upgrade associated bridges, Miller County	$500,000.00
2587.	Florida	Widening I-95, from Ft. Pierce to Melbourne	$2,000,000.00
2588.	Texas	Construct Santa Fe Trail DART LR overpass from Hill Street to Commerce Street along abandoned Santa Fe Rail right of way.	$2,400,000.00
2589.	Alabama	Decatur/Hartselle Southern Bypass connecting Alabama 67 near Priceville continuing between Hartselle & Decatur ending on Alabama Hwy 20.	$2,000,000.00
2590.	Ohio	Study and design of the I-74 / I-75 interchange	$2,000,000.00
2591.	Texas	I-30 Bridge over the Trinity River, Dallas	$42,000,000.00
2592.	Illinois	City of Havana upgrades to Broadway St	$800,000.00
2593.	Massachusetts	Engineering, design and restoration of State Route 146 site for Northern Gateway Visitor Information Center Blackstone Corridor Worcester.	$4,650,000.00
2594.	Georgia	Reconstructing State Route 316 into a limited-access highway	$2,000,000.00
2595.	Florida	Reconstruct 40th Street, Tampa	$4,000,000.00
2596.	Virginia	Craig County Trail - improvements to trail, Craig County	$150,000.00
2597.	Ohio	Bicycle trail construction from Chardon south to East Branch Reservoir	$500,000.00
2598.	Texas	State Loop 390 in Marshall, Harrison County	$6,000,000.00
2599.	Ohio	Widen Western Reserve Road, Mahoning County	$2,000,000.00
2600.	Arkansas	Relocate Mazarn Bridge, SE Montgomery County	$60,000.00
2601.	California	Undertake Fernandez Ranch transportation enhancement project, Contra Costa County	$1,000,000.00
2602.	Michigan	Build 1.5 mile road between M-66 and B drive N, including improved drainage	$1,500,000.00
2603.	New York	Rt. 531 Expansion, Gates-Brockport, 4-Lane Highway is a Project to Extend Route 531	$5,000,000.00
2604.	Louisiana	Widen LA Highway 28 from Vernon/Rapides line to State Route 121, Rapides Parish	$5,000,000.00
2605.	Tennessee	Construction of park access road and adjacent trails at the Athens Regional Park in Athens	$300,000.00
2606.	Ohio	Construct Lakefront Plan (pedestrian/bike path and road improvements), Cleveland	$3,750,000.00
2607.	Tennessee	Construct greenway system, Nashville and Davidson County	$1,100,000.00
2608.	Texas	Reconstruction of IH 35E/Loop 12 from Spur 408 north to IH 635 thru Grand Prairie, Irving, and Dallas.	$5,000,000.00
2609.	Maryland	Chestertown Trail, Kent County	$300,000.00
2610.	New York	Reconstruction of Route 340 and Erie Street Intersections with Route 303, Rockland County	$1,000,000.00
2611.	North Carolina	Purchase of two rail corridors for future use as a bike/pedestrian trail, Durham	$2,000,000.00
2612.	Illinois	Construct and expand the Greenway Trail along the East Branch of the DuPage River in Bloomingdale and Milton townships, IL.	$400,000.00
2613.	Wisconsin	Reconstruct US Highway 41 in Green Bay, WI	$2,500,000.00
2614.	Mississippi	Upgrade roads in Canton (U.S. Hwy 51, 22, 16 and I-55), Madison County	$800,000.00
2615.	Pennsylvania	Indiana, Pa-Construct 5 mile segment of rail line and eliminate use of existing line and 37 grade crossings, Glenn Lock to Middletown.	$2,700,000.00
2616.	Texas	Extension of Radio Road from I-30 to SH 11 at FM 2560	$1,000,000.00
2617.	Texas	US Route 87 Big Spring Bypass part of the Ports-to-Plains Corridor, a National High Priority Corridor from Mexico to Denver.	$16,000,000.00
2618.	California	Reconstruct I880/Coleman Avenue Interchange to improve traffic flow, San Jose	$10,000,000.00
2619.	California	Construct grade separation between State Street and BNSF tracks along with street improvements on State Street, San Bernardino.	$1,250,000.00
2620.	New York	Big Ridge Road: Spencerport Village Line to Gillett Road in the Town of Ogden	$2,000,000.00
2621.	California	Rancho Cucamonga I-15/Base Line Interchange, removal and reconstruction of on and off ramps, and construction of auxiliary lanes.	$5,000,000.00
2622.	Kansas	Replacement or Rehabilitation of the Amelia Earhart Bridge over the Missouri River from Kansas into Missouri.	$2,000,000.00
2623.	Wisconsin	Reconstruct US Highway 45 in Waupaca County	$2,000,000.00
2624.	Michigan	Wayne, Laurenwood reconstruct 1/4 mile stretch	$125,000.00
2625.	Missouri	Study Needs and Design of Highway 37 & 60 Corridor, from Republic, MO to Arkansas stateline	$2,500,000.00
2626.	Maryland	MD237-right-of-way acquisition to upgrade and wide MD237 to a multi-lane highway from Pegg Road to MD235.	$10,000,000.00
2627.	Texas	US 83 underpass and pedestrian crossing at Abrams Road, Palmview	$1,900,000.00

High Priority Projects—Continued

No.	State	Project Description	Amount
2628.	Tennessee	Replace Unitia Bridge in Loudon County	$900,000.00
2629.	Minnesota	Construct bicycle trails in and around Aitkin connecting the Paul Bunyan Trail to the Mesabi Bike Trail.	$400,000.00
2630.	Colorado	Wadsworth Bypass (State Highway 121)/Burlington Northern Railroad and Grandview Grade separation.	$6,000,000.00
2631.	Illinois	Complete Phase II engineering for reconstruction of 159th Street/US 6 in Will County	$1,000,000.00
2632.	Illinois	Construct and replace East Branch River bridge on Illinois Prairie Path, Milton Township, IL	$300,000.00
2633.	Nebraska	Pave 5.5 miles of road north of the Village of Cordova to I-80	$1,500,000.00
2634.	Ohio	Land acquisition for construction of bicycle and pedestrian trails at Mentor Marsh	$710,000.00
2635.	California	Widen Interstate 8 overpass at Dogwood Road, Imperial County	$2,500,000.00
2636.	Texas	Improve Bus 287 between 8th Street and Northside Drive, Ft. Worth	$4,000,000.00
2637.	Oklahoma	Widen SH 33 from Cimarron River East to US 177, Payne County	$6,300,000.00
2638.	Georgia	Bridge improvements on Rico Tatum Road at Cedar Creek, Fulton Co	$560,000.00
2639.	Michigan	Expansion of Ten Mile Road, Hazel Park/Madison Heights	$277,000.00
2640.	Texas	Widen from 4 to 6 lanes I-35E from Lake Lewisville to Loop 288	$14,000,000.00
2641.	Arizona	Roadway widening from two lanes to four on US 93 near the town of Wikieup	$1,000,000.00
2642.	Florida	Designation of State Road 70 as an I2 corridor connecting the east and west coasts of Florida	$4,000,000.00
2643.	Kentucky	Replace bridge and approaches on KY-1665 over Stony Creek (B48) west of Jct. US 421	$500,000.00
2644.	Oklahoma	Construct US 59 improvements from Westville to US 412, Delaware County	$5,000,000.00
2645.	California	Conduct Study and Construct Contra Costa County Brentwood Tracy Expressway Project, CA	$5,000,000.00
2646.	Michigan	Carlysle Road - 2 miles east of city limit to Middlebelt Road, City of Inkster	$2,000,000.00
2647.	California	Folsom Boulevard & Power Inn Road improvements and widening	$9,000,000.00
2648.	Florida	44th St. Extension to Golfair Blvd., Jacksonville	$1,500,000.00
2649.	Georgia	Construct two lane bypass from US 1 to SR 88 around Wrens	$1,000,000.00
2650.	California	Construct Highway 101 bicycle/pedestrian overpass at Millbrae Ave for the San Francisco Bay Trail, Millbrae.	$1,000,000.00
2651.	New York	Design and Construction of bicycle and pedestrian facilities in the area of the Roosevelt Avenue Bridge.	$480,000.00
2652.	Ohio	Reconstruction of a urban collector street within the federal highway system at SR 18 and Smith Rd. in the City of Medina.	$1,960,000.00
2653.	Louisiana	Construct LA 143/US 165 Connector and North Ouachita River Bridge, Ouachita Parish	$12,000,000.00
2654.	Pennsylvania	Replace an existing stone-arch rail bridge, Upper Dublin Township	$9,500,000.00
2655.	Pennsylvania	Design, engineering, ROW acquisition, and construction of intersection improvements and safety enhancements, Borough of Taylor in Lackawanna County.	$250,000.00
2656.	Minnesota	Heritage Center at the Grand Portage National Monument	$1,355,000.00
2657.	New Hampshire	Public safety improvement by easement, building side-crosswalks, parking, traffic calming work. Part of Chocorua Village Intersect Improvement project.	$2,020,000.00
2658.	Illinois	Construct West Corbin Overpass over Illinois 255, Bethalto	$5,000,000.00
2659.	Indiana	CR 17, Elkhart Cnty, IN. The project is for a new four lane highway from County Rd. 26 to County Rd 38.	$3,000,000.00
2660.	Virginia	Construct equestrian enhancement in Mount Rogers NRA adjacent to Virginia Highlands Horse Trail.	$2,000,000.00
2661.	New York	Rehabilitate the High Bridge over the Harlem River between Manhattan and the Bronx	$5,000,000.00
2662.	Indiana	Extend Everbrook Drive from SR 332 to Bethel Avenue in the City of Muncie, Indiana	$640,000.00
2663.	New York	Continue design phase, including tiered, multi-year environmental scoping study, & construction on proposed route of Northern Tier Expressway (NTE), connecting I-81 and I-87, via US Rte.11.	$5,000,000.00
2664.	Michigan	Complete reconstruction of Tienken Road with curb and gutter improvements	$4,000,000.00
2665.	New Jersey	Vernon Township Traffic Calming, Pedestrian Safety and Traffic Congestion Circulation Improvement Project.	$3,000,000.00
2666.	Oregon	Improvements to Bandon-Charleston State Scenic Tour on Randolph Road and North Bank Lane.	$4,200,000.00
2667.	Nebraska	Construct Pflug Road and I-80 Interchange	$2,000,000.00
2668.	Oregon	Rogue River Bikeway/Pedestrian Path, Curry County	$600,000.00
2669.	Utah	Widen and improve 800 North/SR - 52 a main east-west corridor in Orem Utah	$2,100,000.00
2670.	New York	Rehabilitation of East and West Gates Avenue in the Village of Lindenhurst	$1,020,000.00
2671.	Virginia	Daniel Boone Wilderness Trail Corridor - design and construction of interpretive center and enhancement of trail corridor.	$4,000,000.00
2672.	Minnesota	Reconditioning CSAH 61 from Barnum to TH 210 at Carlton, and improve Munger Trail	$1,480,000.00
2673.	American Samoa	Village road improvements for Tualauta, Tualatai, Aitulagi, Fofo,and Alataua counties in the Western District.	$3,000,000.00
2674.	Pennsylvania	The project involves building an interchange, extending Lafayette Street, and building a toll interchange connecting Lafayette Street with the Pennsylvania Turnpike.	$5,188,000.00
2675.	Pennsylvania	Design, engineering, ROW acquisition, and construction of the third phase of the Marshalls Creek Bypass Project, Monroe County.	$1,000,000.00
2676.	Michigan	New Interchange at Latson Road on I-96	$6,000,000.00
2677.	Florida	Coral Way Phase One, City of Miami	$3,000,000.00
2678.	Wisconsin	Reconstruct State Highway 32 in Kenosha and Racine Counties, Wisconsin	$11,900,000.00
2679.	Missouri	Chain of Rocks Bicycle/Pedestrian connector linking regional network of trails & greenways	$300,000.00
2680.	Illinois	Pre construction activities for Sangamon Valley Trail	$236,000.00
2681.	Michigan	Resurfacing and widening of Parmater Road, Otsego County	$368,000.00
2682.	Virginia	Virginia Creeper Trail - ongoing trail needs, including construction of restroom facilities at Watauga and Alvarado and parking expansion at Watauga.	$1,300,000.00
2683.	Indiana	Connection of Hazelldell Parkway to proposed Little Chicago Road in Hamilton County	$500,000.00
2684.	Alaska	Construction of and improvements to roads at Alaska Pacific University	$3,000,000.00
2685.	North Carolina	3.5 mile extension of Martin Luther King, Jr. Arterial Boulevard in Monroe, NC	$2,000,000.00
2686.	California	Widen and add turn lanes to Firestone Blvd, Downey	$2,500,000.00
2687.	Arkansas	Improvement of Judges Road, Desha County	$500,000.00
2688.	Pennsylvania	Complete design for Eastern Inner Loop connector between Business Route 322 and State Route 3022 in Centre County.	$1,000,000.00
2689.	New York	Highway Construction Selkirk Bypass Truck Route	$1,600,000.00
2690.	Iowa	Right-of-way and construction of U.S. Highway 20 at Woodbury County (Interstate 29), Ida County, Sac County from Ida County line to U.S. 71 at Early, IA.	$7,750,000.00
2691.	Arizona	Construction of interim bypass for US 93, circumventing the town of Wickenburg	$1,000,000.00
2692.	Texas	Construct grade separation at the intersection of Medical Drive and Fredericksburg Road	$3,800,000.00
2693.	Massachusetts	Union Square street improvements and enhancements, Somerville	$500,000.00
2694.	Indiana	I-69 access project connects 146th St. to I-69 Interchange at Exit 10	$4,000,000.00
2695.	Texas	Construct IH-35E replacement bridge, Trinity River, Dallas, Texas	$5,000,000.00
2696.	Mississippi	Upgrade Alex Gates Road and Walnut Road in Quitman County, and roads in Falcon, Sledge and Lambert.	$2,200,000.00
2697.	Illinois	Improve 63rd Street, Chicago	$2,000,000.00
2698.	Pennsylvania	SR 3003 Bridge, replace one span steel stringer bridge with a one span concrete box beam bridge in Auburn Township, Susquehanna County.	$1,000,000.00
2699.	New Jersey	Widening Routes 1 & 9, Production Way to East Lincoln Avenue	$500,000.00
2700.	New Jersey	Rte. 50 Bridge & Road improvements, Cape May & Atlantic Counties. Replace Rte. 50 bridge over Tuckahoe River with fixed span.	$5,000,000.00
2701.	Florida	Upgrade SR 50 from US 19 to US 41 in Hernando County	$3,000,000.00
2702.	Tennessee	Addition of an interchange on I-40 in Roane County at Buttermilk Road and I-40 to provide safe, efficient access to interstate.	$3,000,000.00

High Priority Projects—Continued

No.	State	Project Description	Amount
2703.	New Hampshire	Intersection improvements at US Route 3 and the Franklin Industrial Drive entrance in Franklin, NH.	$1,000,000.00
2704.	Maine	Relocation of southbound on-ramp to I-95 at exit 47, Bangor	$1,500,000.00
2705.	New Jersey	Extend CR Route 605	$1,000,000.00
2706.	Arkansas	Development of infrastructure to Regional Airport in Fort Smith	$1,200,000.00
2707.	Ohio	City of Tiffin Kennedy bridge overpass and lighting improvement along St. Route 53	$1,000,000.00
2708.	Louisiana	Construct pedestrian walkways between Caddo Street and Milam Street along Edwards Street in Shreveport, LA.	$1,000,000.00
2709.	Michigan	Construct improvements and modifications to M-40/I-196 Interchange	$6,000,000.00
2710.	Massachusetts	Rt. 20 - I-95 Interchange, Waltham	$1,500,000.00
2711.	Massachusetts	Reconstruct Rutherford Avenue from City Square to Route 99, Boston	$1,000,000.00
2712.	New York	Study, design, and reconstruction of pedestrian walkways, the Bronx	$1,000,000.00
2713.	Michigan	Construct road improvements to Miller Road from Interstate 75 to Linden Road, Flint Township	$4,500,000.00
2714.	Arkansas	Relocation of Highway 412 bypass, Paragould	$1,000,000.00
2715.	Georgia	Construct Coastal Ga Greenway trail from Bee Road to Lake Mayer	$500,000.00
2716.	Arkansas	Replacement of bridges #11597, #11598, and #11590, Columbia County	$500,000.00
2717.	Utah	Parley's Creek Corridor Project	$5,000,000.00
2718.	Kansas	Improve I-35/95th Street interchange, City of Lenexa	$1,000,000.00
2719.	New Jersey	Rehabilitation of Benigno Boulevard from I-295 to Route 168, Bellmawr	$400,000.00
2720.	Arizona	Roadway widening from two lanes to four on US 93 south of the town of Wikieup	$1,000,000.00
2721.	Ohio	Construct Riverwalk project (bike/pedestrian path and facilities), City of Warren	$1,500,000.00
2722.	Pennsylvania	Design, engineering, ROW acquisition, and construction of street improvements and safety enhancements, City of Nanticoke in Luzerne County.	$2,000,000.00
2723.	Massachusetts	Pedestrian walkway for the Town of Norwood	$700,000.00
2724.	Maryland	I-70/MD85/MD355 Interchange	$3,000,000.00
2725.	Missouri	Study of Needs and Design Highway 160 & Kansas Expressway, Greene County, MO	$2,000,000.00
2726.	Missouri	Grand Ave Viaduct replacement of 6 lane structure with 5 lanes plus pedestrian walkways, St. Louis.	$12,000,000.00
2727.	Florida	Construct I-4 Frontage Road in Volusia County, Florida	$2,000,000.00
2728.	New York	Reconfiguration of New Rochelle Toll Plaza, including installation of high-speed EZPass, at this congested segment of I-95.	$1,000,000.00
2729.	Louisiana	Elimination of highway-rail grade crossings along Louisiana and Delta railroad	$1,000,000.00
2730.	Pennsylvania	York City Northwest Triangle redevelopment project	$1,500,000.00
2731.	California	Improve pedestrian and biking trails within East Bay Regional Park District, Contra Costa County.	$1,000,000.00
2732.	South Carolina	SC-81 Turning Lane - The SCDOT would construct a turning lane to feed traffic into lakeside development at Lake Russell, SC.	$50,000.00
2733.	Kentucky	Construct priority section 1 of the E.T. Breathitt (Pennyrile) Parkway Extension from Lovers Lane North to U.S. 41-A, Christian County.	$8,000,000.00
2734.	Pennsylvania	Design, engineering, ROW acquisition and construction of streetscaping enhancements, including paving, lighting and safety improvements, in downtown Wilkes-Barre.	$2,500,000.00
2735.	Georgia	Rehabilitate sidewalks and replace streetlights, Swainsboro	$500,000.00
2736.	New York	Construction of and improvements to Seneca Street in Buffalo	$2,000,000.00
2737.	Tennessee	Restoration of historic downtown Cobblestone Landing, Memphis	$1,000,000.00
2738.	New Jersey	Rte. 30 & Pomona Rd. intersection improvements. Widens road, improves signals and turn lanes at intersection.	$4,000,000.00
2739.	Virginia	NRV Trail - construction of multi-use trail between the Towns of Rich Creek and Glen Lyn, Giles County.	$56,000.00
2740.	New Jersey	Ferry Service Terminal, Carteret	$2,100,000.00
2741.	California	Pedestrian calming measures along Las Tunas Blvd., the City of San Gabriel	$600,000.00
2742.	Tennessee	Extension of bicycle and pedestrian trail, Murfreesboro	$9,400,000.00
2743.	Minnesota	Construct Final Segment of Hwy 610 from TH169 in Brooklyn Park, MN to its terminus in Maple Grove, MN.	$5,000,000.00
2744.	New York	Roadway improvements on Woodbine Avenue between 5th Avenue and Beach Avenue, Northport	$640,000.00
2745.	Texas	Construct bicycle and pedestrian trails in Houston's historic Third Ward	$750,000.00
2746.	Massachusetts	Construct 1.5 mile East Longmeadow Redstone Trailway	$720,000.00
2747.	Mississippi	State Highway 57 widening, Jackson County	$5,000,000.00
2748.	Illinois	Construction of a highway on new alignment to create a cross town route across Godfrey, IL from Illinois Route 3 to US 67.	$1,000,000.00
2749.	Nevada	New Interchange for Industrial Park in Mesquite along I-15 corridor from MP 117.5 @MP 118.5	$1,000,000.00
2750.	Kansas	Reconstruct grade separation on US-169, Kansas City	$6,500,000.00
2751.	New York	Roadway, streetscape, pedestrian, transit, and parking improvements to the Buffalo Niagara Medical Campus, Buffalo.	$2,000,000.00
2752.	Ohio	Construct replacement of Morgan Township Road 209 between SR 60 and SR 78 in Morgan County.	$3,300,000.00
2753.	New York	Improve intersection of Old Dock Road and Church Street, Kings Park	$500,000.00
2754.	New York	Construction of sidewalks along Rt 9A corridor in Village of Buchanan-NY	$475,000.00
2755.	Texas	Port of Beaumont Intermodal Corridor Project	$6,488,000.00
2756.	Maine	Replacement of Waldo-Hancock Bridge	$16,000,000.00
2757.	Illinois	Establish transportation museum on Navy Pier (Chicago Children's Museum), Chicago	$540,000.00
2758.	California	Sierra College/I-80 Interchange Project - Correct design deficiencies at the Sierra College Boulevard interchange with I-80 in Placer County.	$2,000,000.00
2759.	Washington	US 2/Sultan Basin Road Improvements, Sultan	$400,000.00
2760.	Mississippi	Ohr-O'Keefe Welcome Center, Biloxi	$750,000.00
2761.	Illinois	Replace Interstate 74 Bridge, Moline	$4,000,000.00
2762.	Massachusetts	Improve traffic signal operations, pavement markings & regulatory signage, Milton-Boston City Line.	$1,500,000.00
2763.	Illinois	Realign Irving Park Road (State Highway 19) and construct grade separation for RR tracks that intersect Irving Park and Wood Dale roads, Wood Dale, IL.	$11,600,000.00
2764.	Virginia	US Rt. 17 (Warrenton Road) Stafford County. To widen road and alleviate traffic congestion	$2,000,000.00
2765.	Ohio	Upgrade Manchester Rd., Akron	$4,000,000.00
2766.	Georgia	Infantry Museum Transportation Network [4-lane connector], Columbus	$1,000,000.00
2767.	Massachusetts	Widen Crosby Drive from north of Route 62 in the Town of Bedford to Middlesex Turnpike in the Town of Burlington.	$1,000,000.00
2768.	North Carolina	Expand and replace traffic signal systems and intelligent transportation systems in the City of Greensboro.	$16,000,000.00
2769.	New York	Rehabilitation of road and drainage systems on Beach, Canal, and Sea Breeze Roads in the Town of Oyster Bay.	$3,000,000.00
2770.	Virginia	High Knob Horse Trails - construction of network of horse riding trails and associated facilities in High Knob area of Jefferson National Forest.	$1,500,000.00
2771.	New York	Reconstruction of Schenck Avenue from Jamaica Avenue to Flatlands Avenue, Brooklyn	$5,000,000.00
2772.	Pennsylvania	Construct new alignment of Route 830 from Interstate 80 to Dubois-Jefferson County Airport	$2,000,000.00
2773.	Pennsylvania	SR 21 safety and capacity improvements, Greene and Fayette Counties	$2,000,000.00
2774.	Arkansas	Improvements on Calhoun County Roads 64, 73, 81, and 26	$500,000.00
2775.	California	Improve the signal system infrastructure and timing of 10 traffic signals on Antonio Parkway	$125,200.00
2776.	Idaho	Improve and widen US-95. Includes replacement of two bridges, Copeland to Eastport in Boundary County.	$4,000,000.00

High Priority Projects—Continued

No.	State	Project Description	Amount
2777.	New Jersey	Route 7 Wittpenn Bridge over Hackensack River, Bridge Replacement and Reconstruction of Route 7 - Fish House Road Interchange.	$1,000,000.00
2778.	Texas	Pedestrian improvements and traffic control projects for Alameda, Dyer, and North Loop, El Paso.	$2,500,000.00
2779.	New Jersey	Sea Isle Blvd. Reconstruction, Cape May County. Reconstruct and raise road bed above FEMA 100 year flood level.	$2,000,000.00
2780.	Oregon	Renewal of wooden trestle bridge west of Albany	$6,000,000.00
2781.	Missouri	Construction of Highway 249 (Range Line By-pass), Jasper County, MO	$10,000,000.00
2782.	Minnesota	Construction of street underpass and 2 bicycle-pedestrian underpasses of rail-crossing and grade separated interchange with U.S. Highway 61.	$2,000,000.00
2783.	New York	Purchase Three Ferries and Establish System for Ferry Service from Rockaway Peninsula to Manhattan.	$15,000,000.00
2784.	Hawaii	Ft. Weaver Road Widening	$10,000,000.00
2785.	New York	Install Improvements for Pedestrian Safety in the vicinity of PS 153	$250,000.00
2786.	Illinois	South Chicago Street Improvements (Geneseo): Construction of a pedestrian sidewalk along S. Chicago Street.	$145,000.00
2787.	Pennsylvania	Construct PA Route 61/Schulkill Haven Bypass, Schuylkill Haven	$10,000,000.00
2788.	Ohio	Construct Front Street grade separation, Berea	$500,000.00
2789.	Michigan	Widen, pulverize and improve drainage with new bituminous pavement surface Nahma Bridge on CR 497 from US 2 at Nahma Junction to Village of Nahma.	$575,000.00
2790.	Mississippi	Lake Harbour Drive Extension:Extension of Lake Harbour Dr at US Hwy 51 to Highland Colony Pkwy, providing a major east-west corridor through Ridgeland.	$500,000.00
2791.	Alaska	Realign rail track to eliminate highway-rail crossings and improve highway safety and transit times.	$5,000,000.00
2792.	Illinois	Construct 1.5 miles of roadway from Mississippi River Barge Dock to the Intersection of IL3 & 1L157, Cahokia.	750,000.00
2793.	Ohio	Replace Rock Spring Bridge, Portage County	$500,000.00
2794.	New York	Install Improvements for Pedestrian Safety in the vicinity of PS 124	$250,000.00
2795.	Michigan	ROW acquisition and construction for I-94 widening between Sargent Road and M-60, including interchange improvements at I-94/US-127 North.	$3,000,000.00
2796.	California	Implement ITS on Muni Transit System, San Francisco	$4,000,000.00
2797.	Illinois	Widen and improve Chain of Rocks Road between IL 111 and I-255	$2,156,000.00
2798.	Pennsylvania	Improve handicapped accessibility and provide a pedestrian overpass	$3,000,000.00
2799.	Kentucky	Replace bridge and approaches on CR-5230 over North Rolling Fork River (C20), Danville	$770,000.00
2800.	Tennessee	Develop trails, bike paths and recreational facilities on Western Slope Black Mountain, Cumberland County for Cumberland Trail State Park.	$250,000.00
2801.	Minnesota	Construct Mesabi Trail completion from Grand Rapids to City of Ely	$2,700,000.00
2802.	Ohio	Construct transportation enhancements projects, Toledo	$6,000,000.00
2803.	Virginia	Construct eastbound and westbound ramps with bridges to provide direct access from Interstate 95 to Temple Avenue in Colonial Heights.	$2,000,000.00
2804.	New Jersey	Newark Waterfront pedestrian and bicycle access, Broad Street to NJPAC to Minish Park	$1,784,000.00
2805.	California	Upgrade and reconstruct I-580/Vasco Road Interchange, City of Livermore	$2,500,000.00
2806.	Michigan	Livonia, Reconstruct Stark Rd. between Plymouth Rd. and I-96	$1,000,000.00
2807.	Georgia	Add 5-10 ft. sidewalks in downtown Winder to improve bicycle/pedestrian streetscapes, safety, increase handicap access, and add bicycle parking.	$2,000,000.00
2808.	Utah	Highway 6 From I-15 to I-70	$3,000,000.00
2809.	California	Upgrade Save Mart Center intersection at Willow and Ashlan and Willow and Shaw, City of Fresno.	$1,500,000.00
2810.	Alabama	US 82 - I-65 connector and/or AL 5 improvements in Bibb County	$3,000,000.00
2811.	California	Undertake Cordelia Hill/Sky Valley transportation enhancement project including upgrade of pedestrian and bicycle corridors, Solano County.	$2,000,000.00
2812.	Michigan	White Lake, Pave Cooley Lake Rd. between Hix and Newburgh Roads	$500,000.00
2813.	Massachusetts	Construct Quinebaug River Rail Trail	$1,000,000.00
2814.	Texas	Widen Spur 298 to a six-lane urban roadway, McLennan County	$4,000,000.00
2815.	New Mexico	Construct the NM524 South truck bypass in Carlsbad	$7,000,000.00
2816.	Michigan	Pave Braves Avenue to connect the high school and grade school for safe bus route, Gladstone	$370,000.00
2817.	Michigan	Study the development and construction of a new interchange at Sternberg Road and I-96	$1,000,000.00
2818.	Georgia	Truck bypass - I - 75 at Oakridge Road, Tift County	$500,000.00
2819.	Texas	Construction of Segment #1 of Morrison Road for the City of Brownsville	$2,000,000.00
2820.	Florida	I-275 Roosevelt Blvd. Connector, Pinellas County	$10,000,000.00
2821.	Mississippi	Upgrade Dog Pen Road and Galilee Road in Holmes County, and roads in Cruger, Pickens, and Goodman.	$1,490,000.00
2822.	California	I-5/SR-56 connector construction from westbound SR-56 to north bound I-5, and from southbound I-5 to eastbound SR-56.	$4,000,000.00
2823.	Connecticut	Construct Enfield high-speed rail crossing to bike and pedestrian trails	$2,300,000.00
2824.	Minnesota	Aerial Lift Bridge preservation and improvements	$3,040,000.00
2825.	American Samoa	Drainage mitigation for Pago Pago village roads	$1,000,000.00
2826.	California	Install new crossing under the BNSF railroad at Ranchero Road in Hesperia	$2,000,000.00
2827.	Pennsylvania	Construct 9th and 10th Street bridges over Norfolk Southern Tracks, Lebanon	$7,000,000.00
2828.	Pennsylvania	Relocate New Salem Road to create a four lane connection from SR 21 and Matthew Drive to US 40.	$2,000,000.00
2829.	Arkansas	Improvement of Dallas County Roads 101, 124, 209, and 113	$500,000.00
2830.	Pennsylvania	Improve Route 6 from Mansfield Borough to the Village of Mainesburg	$1,000,000.00
2831.	Washington	Three Bridge Corridor (Skagit River) Extension Project, Skagit County	$5,000,000.00
2832.	California	Add interchange to I-15 and improve connecting roads in Victorville, CA	$1,500,000.00
2833.	Colorado	Build Powers/Woodmen Interchange to a grade separated interchange	$8,000,000.00
2834.	Texas	Preston Road will connect air & seaport facilities via Ellington Air Field and several Houston Ship Channel industry locations.	$1,000,000.00
2835.	Texas	Union Pacific Railroad Bridge Expansion Over U.S. 287	$3,000,000.00
2836.	Washington	Modernize and study interchange at I-5 and SR503	$300,000.00
2837.	Kansas	Widening of US 69 from Pittsburg to Baxter Springs, KS	$5,000,000.00
2838.	Georgia	Flint River Bridge; right of way acquisition, construction, Albany	$1,000,000.00

Subtitle H—Miscellaneous Provisions

SEC. 1801. BUDGET JUSTIFICATION.

The Department of Transportation and each agency therein shall submit to the Committee on Transportation and Infrastructure of the House of Representatives a budget justification concurrently with the President's annual budget submission to Congress under section 1105(a) of title 31, United States Code.

SEC. 1802. MOTORIST INFORMATION.

Section 124 of of title I of division F of the Consolidated Appropriations Act, 2004 (118 Stat. 296–297) is repealed.

SEC. 1803. MOTORIST INFORMATION CONCERNING FULL SERVICE RESTAURANTS.

Not later than 180 days after the date of enactment of this Act, the Secretary shall initate a rulemaking to determine whether or not—

(1) full service restaurants should be given priority on not more than 2 panels of the camping or attractions logo specific service signs in the Manual on Uniform Traffic Control Devices of the Department of Transportation when the food logo specific service sign is fully utilized; and

(2) full service restaurants should be given priority on not more than two panels of the food logo specific service signs in such Manual when

the camping or attractions logo specific service signs are fully utilized.

SEC. 1804. HIGH PRIORITY CORRIDORS ON THE NATIONAL HIGHWAY SYSTEM.

Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032) is amended—

(1) by adding at the end the following:

''(46) Interstate Route 710 between the terminus at Long Beach, California, to California State Route 60.

''(47) Interstate Route 87 from the Quebec border to New York City.

''(48) The Route 50 High Plains Corridor along the United States Route 50 corridor from Newton, Kansas, to Pueblo, Colorado.

''(49) The Atlantic Commerce Corridor on Interstate Route 95 from Jacksonville, Florida, to Miami, Florida.

''(50) The East-West Corridor commencing in Watertown, New York, continuing northeast through New York, Vermont, New Hampshire, and Maine, and terminating in Calais, Maine.

''(51) The SPIRIT Corridor on United States Route 54 from El Paso, Texas, through New Mexico, Texas, and Oklahoma to Wichita, Kansas.

''(52) The route in Arkansas running south and parallel to United States Route 226 from the relocation of United States Route 67 to the vicinity of United States Route 49 and United States Route 63.''; and

(2) by aligning paragraph (45) with paragraph (46).

SEC. 1805. ADDITIONS TO APPALACHIAN REGION.

(a) KENTUCKY.—Section 14102(a)(1)(C) of title 40, United States Code, is amended—

(1) by inserting ''Nicholas,'' after ''Morgan,''; and

(2) by inserting ''Robertson,'' after ''Pulaski,''.

(b) OHIO.—Section 14102(a)(1)(H) of such title is amended—

(1) by inserting ''Ashtabula,'' after ''Adams,'';

(2) by inserting ''Fayette,'' after ''Coshocton,'';

(3) by inserting ''Mahoning,'' after ''Lawrence,''; and

(4) by inserting ''Trumbull,'' after ''Scioto,''.

(c) TENNESSEE.—Section 14102(a)(1)(K) of such title is amended—

(1) by inserting ''Giles,'' after ''Franklin,''; and

(2) by inserting ''Lawrence, Lewis, Lincoln,'' after ''Knox,''.

(d) VIRGINIA.—Section 14102(a)(1)(L) of such title is amended—

(1) by inserting ''Henry,'' after ''Grayson,''; and

(2) by inserting ''Patrick,'' after ''Montgomery,''.

SEC. 1806. TRANSPORTATION ASSETS AND NEEDS OF DELTA REGION.

(a) AGREEMENT.—Not later than 6 months after the date of enactment of this Act, the Secretary shall enter into an agreement with the Delta Regional Authority (referred to in this section as the ''DRA'') to conduct a comprehensive study of transportation assets and needs for all modes of transportation (including passenger and freight transportation) in the 8 States comprising the Delta region (Alabama, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri and Tennessee).

(b) CONSULTATION.—Under the agreement, the DRA, in conducting the study, shall consult with the Department of Transportation, State transportation departments, local planning and development districts, local and regional governments, and metropolitan planning organizations.

(c) REPORT.—Under the agreement, the DRA, not later than 24 months after the date of entry into the agreement, shall submit to the Secretary and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a final report on the results of the study, together with such recommendation as the DRA considers appropriate.

(d) PLAN.—Under the agreement, the DRA, upon completion of the report, shall establish a regional strategic plan to implement the recommendations of the report.

(e) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account), $500,000 for each of the fiscal years 2005 and 2006 to carry out this section.

(2) CONTRACT AUTHORITY.—Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall remain available until expended and shall not be transferable.

SEC. 1807. TOLL FACILITIES WORKPLACE SAFETY STUDY.

(a) IN GENERAL.—The Secretary shall conduct a study on the safety of highway toll collection facilities, including toll booths, to determine the safety of the facilities for the toll collectors who work in and around the facilities, including consideration of—

(1) the effect of design or construction of the facilities on the likelihood of vehicle collisions with the facilities;

(2) the safety of crosswalks used by toll collectors in transit to and from toll booths;

(3) the extent of the enforcement of speed limits in the vicinity of the facilities;

(4) the use of warning devices, such as vibration and rumble strips, to alert drivers approaching the facilities;

(5) the use of cameras to record traffic violations in the vicinity of the facilities;

(6) the use of traffic control arms in the vicinity of the facilities;

(7) law enforcement practices and jurisdictional issues that affect safety in the vicinity of the facilities; and

(8) the incidence of accidents and injuries in the vicinity of toll booths.

(b) DATA COLLECTION.—As part of the study, the Secretary shall collect data regarding the incidence of accidents and injuries in the vicinity of highway toll collection facilities.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study, together with recommendations for improving toll facilities workplace safety.

(d) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, out of the Highway Trust Fund (other than the Mass Transit Account), $500,000 for fiscal year 2005.

(2) CONTRACT AUTHORITY.—Funds authorized to be appropriated by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code; expect that the Federal share of the cost of the project shall be 100 percent, and such funds shall remain available until expended and shall not be transferable.

SEC. 1808. PAVEMENT MARKING SYSTEMS DEMONSTRATION PROJECTS.

(a) IN GENERAL.—The Secretary shall conduct a demonstration project in the State of Alaska, and a demonstration project in the State of Tennessee, to study the safety impacts, environmental impacts, and cost effectiveness of different pavement marking systems and the effect of State bidding and procurement processes on the quality of pavement marking material employed in highway projects. The demonstration projects shall each include an evaluation of the impacts and effectiveness of increasing the width of pavement marking edge lines from 4 inches to 6 inches.

(b) REPORT.—Not later than June 30, 2009, the Secretary shall transmit to Congress a report on the results of the demonstration projects, together with findings and recommendations on methods that will optimize the cost-benefit ratio of the use of Federal funds on pavement marking.

(c) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, out of the Highway Trust Fund (other than the Mass Transit Account), $1,000,000 per fiscal year for each of the fiscal years 2005 through 2009.

(2) CONTRACT AUTHORITY.— Funds authorized to be appropriated by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code; expect that the Federal share of the cost of the demonstration projects shall be 100 percent, and such funds shall remain available until expended and shall not be transferable.

SEC. 1809. WORK ZONE SAFETY GRANTS.

(a) IN GENERAL.—The Secretary shall establish and implement a work zone safety grant program under which the Secretary may make grants to nonprofit organizations to provide training to prevent or reduce highway work zone injuries and fatalities.

(b) ELIGIBLE ACTIVITIES.—Grants may be made under the program for the following purposes:

(1) Training for construction craft workers on the prevention of injuries and fatalities in highway and road construction.

(2) Development of guidelines for the prevention of highway work zone injuries and fatalities.

(3) Training for State and local government transportation agencies and other groups implementing guidelines for the prevention of highway work zone injuries and fatalities.

(c) FUNDING.—

(1) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $5,000,000 for each of fiscal years 2005 through 2009.

(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall not be transferable.

(d) CONSTRUCTION WORK IN ALASKA.—Section 114 of title 23, United States Code, is amended by adding at the end the following:

''(c) CONSTRUCTION WORK IN ALASKA.—

''(1) IN GENERAL.—The Secretary shall ensure that a worker who is employed on a remote project for the construction of a highway or portion of a highway located on a Federal-aid system in the State of Alaska and who is not a domiciled resident of the locality shall receive meals and lodging.

''(2) LODGING.—The lodging under paragraph (1) shall be in accordance with section 1910.142 of title 29, Code of Federal Regulations (relating to temporary labor camp requirements).

''(3) DEFINITIONS.—In this subsection, the following definitions apply:

''(A) REMOTE.—The term 'remote', as used with respect to a project, means that the project is 75 miles or more from the United States Post Office in either Fairbanks, Anchorage, Juno, or Ketchikan, Alaska, or is inaccessible by road in a 2-wheel drive vehicle.

''(B) RESIDENT.—The term 'resident', as used with respect to a project, means a person living within 75 miles of the midpoint of the project for at least 12 months.''.

SEC. 1810. GRANT PROGRAM TO PROHIBIT RACIAL PROFILING.

(a) GRANTS.—Subject to the requirements of this section, the Secretary shall make grants to a State that—

(1)(A) has enacted and is enforcing a law that prohibits the use of racial profiling in the enforcement of State laws regulating the use of Federal-aid highways; and

(B) is maintaining and allows public inspection of statistical information for each motor vehicle stop made by a law enforcement officer on a Federal-aid highway in the State regarding the race and ethnicity of the driver and any passengers; or

(2) provides assurances satisfactory to the Secretary that the State is undertaking activities to comply with the requirements of paragraph (1).

(b) ELIGIBLE ACTIVITIES.—A grant received by a State under subsection (a) shall be used by the State—

(1) in the case of a State eligible under subsection (a)(1), for costs of—

(A) collecting and maintaining of data on traffic stops;

(B) evaluating the results of the data; and

(C) developing and implementing programs to reduce the occurrence of racial profiling, including programs to train law enforcement officers; and

(2) in the case of a State eligible under subsection (a)(2), for costs of—

(A) activities to comply with the requirements of subsection (a)(1); and

(B) any eligible activity under paragraph (1).

(c) RACIAL PROFILING.—To meet the requirement of subsection (a)(1), a State law shall prohibit, in the enforcement of State laws regulating the use of Federal-aid highways, a State or local law enforcement officer from using the race or ethnicity of the driver or passengers to any degree in making routine or spontaneous law enforcement decisions, such as ordinary traffic stops on Federal-aid highways. Nothing in this subsection shall alter the manner in which a State or local law enforcement officer considers race or ethnicity whenever there is trustworthy information, relevant to the locality or time frame, that links persons of a particular race or ethnicity to an identified criminal incident, scheme, or organization.

(d) LIMITATIONS.—

(1) MAXIMUM AMOUNT OF GRANTS.—The total amount of grants received by a State under this section in a fiscal year may not exceed 5 percent of the amount made available to carry out this section in the fiscal year.

(2) ELIGIBILITY.—A State may not receive a grant under subsection (a)(2) in more than 2 fiscal years.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $10,000,000 for each of fiscal years 2004 through 2009.

(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except the Federal share of the cost of activities carried out using such funds shall be 100 percent, and such funds shall remain available until expended and shall not be transferable.

SEC. 1811. AMERICA'S BYWAYS RESOURCE CENTER.

(a) IN GENERAL.—The Secretary shall allocate funds made available to carry out this section to the America's Byways Resource Center established pursuant to section 1215(b)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 209).

(b) TECHNICAL SUPPORT AND EDUCATION.—

(1) USE OF FUNDS.—The Center shall use funds allocated to the Center under this section to continue to provide technical support and conduct educational activities for the national scenic byways program established under section 162 of title 23, United States Code.

(2) ELIGIBLE ACTIVITIES.—Technical support and educational activities carried out under this subsection shall provide local officials and organizations associated with National Scenic Byways and All-American Roads with proactive, technical, and on-site customized assistance, including training, communications (including a public awareness series), publications, conferences, on-site meetings, and other assistance considered appropriate to develop and sustain such byways and roads.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $3,500,000 for each of fiscal years 2004 through 2009.

(d) APPLICABILITY OF TITLE 23.—Funds authorized by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project or activity carried out under this subsection shall be 100 percent and such funds shall remain available until expended and shall not be transferable.

SEC. 1812. TECHNICAL ADJUSTMENT.

(a) IN GENERAL.—The donee of the vessel with the Unit Identification Code number 13862 is deemed to be the owner of that vessel free and clear as of September 1, 2000.

(b) FEDERAL CLAIMS.—All Federal claims arising from the donation or use of the vessel described in subsection (a) are permanently extinguished.

SEC. 1813. ROAD USER CHARGE EVALUATION PILOT PROJECT.

(a) IN GENERAL.—The Secretary shall carry out a national evaluation pilot project to assess how intelligent transportation system technology can be applied to assess mileage-based road user charges for the purposes of collecting revenues for the Highway Trust Fund.

(b) MATTERS TO BE EVALUATED.—The following matters shall be evaluated under the pilot project:

(1) Technical feasibility of imposing mileage-based road user charges, including cost, reliability, and security of on-board and intelligent transportation systems.

(2) Compatibility of technology for imposing such charges with automobile and truck design.

(3) Design and testing of a collection system for such charges that is secure, low cost, and easy to use.

(4) Methods of ensuring privacy of road users and assessing public attitudes and views of motorists who participate in field tests of the equipment and system.

(c) REPORTS.— The Secretary shall transmit annual reports on the status of the pilot project and, not later than June 30, 2009, a final report on the results of the pilot project, together with findings and recommendations, to the Secretary of the Treasury, the Committee on Transportation and Infrastructure and the Committee on Ways and Means of the House of Representatives, and the Committee on Environment and Public Works and the Committee on Finance of the Senate.

(d) AUTHORIZATION OF APPROPRIATION.—

(1) IN GENERAL.—There is authorize from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $1,000,000 for each of fiscal years 2005 and 2006 and $3,500,000 for each of fiscal years 2007, 2008, and 2009.

(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code; except the Federal share of the cost of the pilot project shall be 100 percent, and such funds shall remain available until expended and shall not be transferable.

SEC. 1814. SENSE OF CONGRESS.

In honor of his service to the Commonwealth of Massachusetts and the United States of America, and in recognition of his contributions toward the construction of Central Artery Tunnel project in Boston, it is the sense of the Congress that the northbound and southbound tunnel of Interstate Route 93, located in the city of Boston, which extends north of the intersection of Interstate Route 90 and Interstate Route 93 to the Leonard P. Zakim Bunker Hill Bridge, should be designated and known as the ''Thomas P. 'Tip' O'Neill, Jr. Tunnel''.

SEC. 1815. CONFORMING AMENDMENT FOR TRANSPORTATION PLANNING SECTIONS.

(a) METROPOLITAN PLANNING.—Section 134 of title 23, United States Code is amended to read as follows:

''§ 134. Metropolitan planning

''Metropolitan transportation planning programs funded under section 104(f) shall be carried out in accordance with the metropolitan planning provisions of chapter 52, title 49, United States Code.''.

(b) STATEWIDE PLANNING.—Section 135 of such title is amended to read as follows:

''§ 135. Statewide planning.

''Statewide transportation planning programs funded under section 104(f) shall be carried out in accordance with the statewide planning provisions of chapter 52, title 49, United States Code.''.

SEC. 1816. DISTRIBUTION OF METROPOLITAN PLANNING FUNDS WITHIN STATES.

Section 104(f)(4) of title 23, United States Code, is amended by adding at the end the following: ''Such distribution of funds to metropolitan planning organizations shall be made within 30 days of the date of receipt of such funds from the Secretary.''.

SEC. 1817. TREATMENT OF OFF RAMP.

The Harbor Boulevard off ramp from Interstate Route 405 in Costa Mesa, California, is deemed to satisfy the requirements of title 23, United States Code, that govern the approval of the placement of ramps off of a Federal-aid highway.

SEC. 1818. LOAN FORGIVENESS.

The right-away revolving fund loan issued for the rail project that extends from Humbolt County to the San Francisco Bay Area and secured by the State of California and that was initiated in 2001 is deemed satisfied.

TITLE II—HIGHWAY SAFETY

SEC. 2001. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) HIGHWAY SAFETY PROGRAMS.—For carrying out section 402 of title 23, United States Code, $165,000,000 for fiscal year 2004, $201,000,000 for fiscal year 2005, $202,000,000 for fiscal year 2006, $205,000,000 for fiscal year 2007, $209,000,000 for fiscal year 2008, and $212,000,000 for fiscal year 2009.

(2) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—For carrying out section 403 of title 23, United States Code, $72,000,000 for fiscal year 2004 and $73,000,000 for each of fiscal years 2005 through 2009.

(3) OCCUPANT PROTECTION INCENTIVE GRANTS.—For carrying out section 405 of title 23, United States Code, $20,000,000 for fiscal year 2004, $117,000,000 for fiscal year 2005, $120,000,000 for fiscal year 2006, $123,000,000 for fiscal year 2007, $125,000,000 for fiscal year 2008, and $130,000,000 for fiscal year 2009.

(4) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANT PROGRAM.—For carrying out section 410 of title 23, United States Code, $40,000,000 for fiscal year 2004, $111,000,000 for fiscal year 2005, $114,000,000 for fiscal year 2006, $117,000,000 for fiscal year 2007, $121,000,000 for fiscal year 2008, and $125,000,000 for fiscal year 2009.

(5) STATE TRAFFIC SAFETY INFORMATION IMPROVEMENTS.—For carrying out section 412 of title 23, United States Code, $24,000,000 for fiscal year 2005, $28,000,000 for fiscal year 2006, $32,000,000 for fiscal year 2007, $36,000,000 for

fiscal year 2008, and $39,000,000 for fiscal year 2009.

(6) NATIONAL DRIVER REGISTER.—For carrying out chapter 303 of title 49, United States Code, by the National Highway Traffic Safety Administration, $4,000,000 for each of fiscal years 2004 through 2009.

(7) HIGH VISIBILITY ENFORCEMENT PROGRAM.—For carrying out section 2005 of this title, $10,000,000 for each of fiscal years 2005 through 2009.

(b) APPLICABILITY OF TITLE 23.—Except as otherwise provided in chapter 4 of title 23, United States Code, and this title, amounts made available under subsection (a) for each of fiscal years 2004 through 2009 shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

(c) TRANSFERS.—In each fiscal year, the Secretary may transfer any amounts remaining available under paragraph (3), (4), or (5) of subsection (a) to the amounts made available under any other of such paragraphs in order to ensure, to the maximum extent possible, that each State receives the maximum incentive funding for which the State is eligible under sections 405, 410, and 412 of title 23, United States Code.

SEC. 2002. OCCUPANT PROTECTION INCENTIVE GRANTS.

(a) GENERAL AUTHORITY.—Section 405(a) of title 23, United States Code, is amended—

(1) in paragraph (2) by striking ''Transportation Equity Act for the 21st Century'' and inserting ''Transportation Equity Act: A Legacy for Users'';

(2) in paragraph (3) by striking ''1997'' and inserting ''2003''; and

(3) in paragraphs (4)(A), (4)(B), and (4)(C) by inserting after ''years'' the following: ''beginning after September 30, 2003,''.

(b) GRANT ELIGIBILITY.—Section 405(b) of title 23, United States Code, is amended by striking ''A State shall become eligible'' and inserting the following: ''A State shall be eligible for a grant under this section if the State has a seat belt usage rate of 85 percent or greater as of the date of the grant, as determined by the Secretary. A State shall also become eligible''.

(c) GRANT AMOUNTS.—Section 405(c) of title 23, United States Code, is amended—

(1) by striking ''25 percent'' and inserting ''100 percent''; and

(2) by striking ''1997'' and inserting ''2003''.

SEC. 2003. ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES.

(a) GENERAL AUTHORITY.—Section 410(a) of title 23, United States Code, is amended—

(1) in paragraph (2) by striking ''Transportation Equity Act for the 21st Century'' and inserting ''Transportation Equity Act: A Legacy for Users'';

(2) in paragraph (3) by striking ''1997'' and inserting ''2003''; and

(3) in paragraphs (4)(A), (4)(B), and (4)(C) by inserting after ''years'' the following: ''beginning after September 30, 2003,''.

(b) BASIC GRANT A.—Section 410(b)(1) of title 23, United States Code, is amended—

(1) by striking ''A State shall become eligible'' and inserting the following: ''A State shall be eligible for a grant under this paragraph if the State has an alcohol-related fatality rate per 100,000,000 vehicle miles traveled of 0.5 or less as of the date of the grant, as determined by the Secretary using the Fatality Analysis Reporting System of the National Highway Traffic Safety Administration. A State shall also become eligible'';

(2) by striking ''at least 5 of'' and inserting ''at least 6 of'';

(3) in subparagraph (A)—

(A) by striking ''and'' at the end of clause (i)(II);

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

(C) by adding at the end the following:

''(iii) the suspension referred to under clause (i)(I) may allow an individual to operate a motor vehicle, after the 15-day period beginning on the date of the suspension, to and from employment, school, or an alcohol treatment program if an ignition interlock device is installed on each of the motor vehicles owned or operated, or both, by the individual; and

''(iv) the suspension and revocation referred to under clause (i)(II) may allow an individual to operate a motor vehicle, after the 45-day period beginning on the date of the suspension or revocation, to and from employment, school, or an alcohol treatment program if an ignition interlock device is installed on each of the motor vehicles owned or operated, or both, by the individual.'';

(4) in subparagraph (B)—

(A) by striking ''may include the issuance'' and inserting the following: ''may include—

''(i) the issuance''; and

(B) by striking the period at the end and inserting ''; and'' and the following:

''(ii) a program provided by a nonprofit organization for training point of sale personnel concerning, at a minimum, the following:

''(I) the clinical effects of alcohol;

''(II) methods of preventing second party sales of alcohol;

''(III) recognizing signs of intoxication;

''(IV) methods to prevent underage drinking;

''(V) Federal, State, and local laws that are relevant to such personnel.'';

(5) by striking subparagraph (F) and inserting the following:

''(F) OUTREACH PROGRAM.—A judicial and prosecutorial education, training, and outreach program that provides information on the appropriateness and effectiveness of sentencing options.''; and

(6) by adding at the end the following:

''(H) SELF-SUSTAINING DRUNK DRIVING PREVENTION PROGRAM.—A self-sustaining drunk driving prevention program under which a significant portion of the fines or surcharges collected from individuals apprehended and fined for operating a motor vehicle while under the influence of alcohol are returned to those communities that have comprehensive programs for the prevention of such operations of motor vehicles.

''(I) PROGRAMS FOR EFFECTIVE ALCOHOL REHABILITATION.—A program for effective inpatient and outpatient alcohol rehabilitation based on mandatory assessment and appropriate treatment for repeat offenders described in subparagraph (A)(i)(II).''.

(c) BASIC GRANT B.—Section 410(b) of title 23, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) BASIC GRANT B.—A State shall become eligible for a grant under this paragraph if the State—

''(A) has an alcohol-related fatality rate per 100,000,000 vehicle miles traveled of 0.8 or more as of the date of the grant, as determined by the Secretary using the Fatality Analysis Reporting System of the National Highway Traffic Safety Administration; and

''(B) establishes, subject to such requirements as the Secretary may prescribe, a task force to evaluate and recommend changes to the State's drunk driving programs.''; and

(2) in paragraph (3)—

(A) by striking ''25 percent'' and inserting ''100 percent''; and

(B) by striking ''1997'' and inserting ''2003''.

(d) SUPPLEMENTAL GRANTS.—Section 410(c) of title 23, United States Code, is amended to read as follows:

''(c) ALLOCATION FOR BASIC GRANTS B.—Not more than $16,000,000 per fiscal year of amounts made available to carry out this section shall be available for making grants under subsection (b)(2).''.

SEC. 2004. STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS.

(a) IN GENERAL.—Chapter 4 of title 23, United States Code, is amended by adding at the end the following:

''§ 412. State traffic safety information system improvements

''(a) GENERAL AUTHORITY.—

''(1) AUTHORITY TO MAKE GRANTS.—Subject to the requirements of this section, the Secretary shall make grants to States that adopt and implement effective programs to—

''(A) improve the timeliness, accuracy, completeness, uniformity, integration, and accessibility of the safety data of the State that is needed to identify priorities for national, State, and local highway and traffic safety programs;

''(B) evaluate the effectiveness of efforts to make such improvements;

''(C) link these State data systems, including traffic records, with other data systems within the State, such as systems that contain medical, roadway, and economic data; and

''(D) improve the compatibility and interoperability of the data systems of the State with national data systems and data systems of other States and enhance the ability of the Secretary to observe and analyze national trends in crash occurrences, rates, outcomes, and circumstances.

''(2) USE OF GRANTS.—A State may use a grant received under this section only to implement such programs.

''(3) MODEL DATA ELEMENTS.—The Secretary, in consultation with States and other appropriate parties, shall determine the model data elements necessary to observe and analyze State and national trends in crash occurrences, rates, outcomes, and circumstances. In order to become eligible for a grant under this section, a State shall certify to the Secretary the State's adoption and use of such model data elements.

''(4) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require ensuring that the State will maintain its aggregate expenditures from all other sources for highway safety data programs at or above the average level of such expenditures in the 2 fiscal years preceding the date of enactment of this section.

''(5) FEDERAL SHARE.—The Federal share of the cost of implementing in a fiscal year a program of a State pursuant to paragraph (1) shall not exceed 80 percent.

''(b) FIRST-YEAR GRANTS.—To be eligible for a first-year grant under this section, a State shall demonstrate to the satisfaction of the Secretary that the State has—

''(1) established a highway safety data and traffic records coordinating committee with a multidisciplinary membership that includes, among others, managers, collectors, and users of traffic records and public health and injury control data systems; and

''(2) developed a multiyear highway safety data and traffic records system strategic plan that addresses existing deficiencies in the State's highway safety data and traffic records system and is approved by the highway safety data and traffic records coordinating committee and—

''(A) specifies how existing deficiencies in the State's highway safety data and traffic records system were identified;

''(B) prioritizes, based on the identified highway safety data and traffic records system deficiencies, the highway safety data and traffic records system needs and goals of the State, including the activities described in subsection (a)(1);

''(C) identifies performance-based measures by which progress toward those goals will be determined;

''(D) specifies how the grant funds and any other funds of the State will be used to address needs and goals identified in the multiyear plan; and

''(E) includes a current report on the progress in implementing the multiyear plan that documents progress toward the specified goals.

''(c) SUCCEEDING-YEAR GRANTS.—

''(1) ELIGIBILITY.—A State shall be eligible for a grant under this section in a fiscal year succeeding the first fiscal year in which the State

receives a grant under subsection (b) if the State, to the satisfaction of the Secretary—

''(A) submits an updated multiyear plan that meets the requirements of subsection (b)(2);

''(B) certifies that its highway safety data and traffic records coordinating committee continues to operate and supports the multiyear plan;

''(C) specifies how the grant funds and any other funds of the State will be used to address needs and goals identified in the multiyear plan;

''(D) demonstrates measurable progress toward achieving the goals and objectives identified in the multiyear plan; and

''(E) includes a current report on the progress in implementing the multiyear plan.

''(d) GRANT AMOUNTS.—

''(1) IN GENERAL.—The amount of a grant made to a State for a fiscal year under this section shall equal an amount determined by multiplying—

''(A) the amount appropriated to carry out this section for such fiscal year; by

''(B) the ratio that the funds apportioned to the State under section 402 for fiscal year 2003 bears to the funds apportioned to all States under section 402 for fiscal year 2003.

''(2) MINIMUM AMOUNT.—Notwithstanding subparagraph (A)—

''(A) a State eligible for a first-year grant under this section shall not receive less than $300,000; and

''(B) a State eligible for a succeeding-year grant under this section shall not receive less than $500,000.

''(e) ADMINISTRATIVE EXPENSES.—Funds authorized to be appropriated to carry out this section in a fiscal year shall be subject to a deduction not to exceed 5 percent for the necessary costs of administering the provisions of this section.

''(f) APPLICABILITY OF CHAPTER 1.—The provisions contained in section 402(d) shall apply to this section.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 4 of title 23, United States Code, is amended by adding at the end the following:

''412. State traffic safety information system improvements.''.

SEC. 2005. HIGH VISIBILITY ENFORCEMENT PROGRAM.

The Secretary shall establish a program to support national impaired driving mobilization and enforcement efforts and national safety belt mobilization and enforcement, including the purchase of national paid advertisement (including production and placement) to support such efforts.

SEC. 2006. MOTORCYCLE CRASH CAUSATION STUDY.

(a) IN GENERAL.—Using funds made available to carry out section 403 of title 23, United States Code, the Secretary shall conduct a study of the causes of motorcycle crashes.

(b) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study.

SEC. 2007. CHILD SAFETY AND CHILD BOOSTER SEAT INCENTIVE GRANTS.

(a) GENERAL AUTHORITY.—Subject to the requirements of this section, the Secretary shall make grants to States that enact or have enacted and are enforcing a law requiring that children riding in passenger motor vehicles who are too large to be secured in a child safety seat be secured in a child restraint that meets the requirements prescribed by the Secretary under section 3 of Anton's Law (116 Stat. 2772).

(b) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in a fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for child safety seat and child booster seat programs at or above the average level of such expenditures in its 2 fiscal years preceding the date of enactment of this Act.

(c) FEDERAL SHARE.—The Federal share of the cost of implementing and enforcing in a fiscal year a law adopted by a State under subsection (a) shall not exceed—

(1) for the first 3 fiscal years for which a State receives a grant under this section, 75 percent; and

(2) for the fourth and fifth fiscal years for which a State receives a grant under this section, 50 percent.

(d) GRANT ELIGIBILITY.—

(1) IN GENERAL.—A State is eligible for a grant under this section if the State has in effect and enforces a law described in subsection (a).

(2) MAXIMUM PERIOD OF ELIGIBILITY.—No State may receive grants under this section in more than 5 fiscal years beginning after September 30, 2004.

(e) ELIGIBLE USES OF FUNDS.—A State may use a grant under this section only to carry out child safety seat and child booster seat programs, including the following:

(1) A program to educate the public concerning the proper use and installation of child safety seats and child booster seats.

(2) A program to train child passenger safety professionals, police officers, fire and emergency medical personnel, and educators concerning all aspects of the use of child safety seats and booster seats.

(3) A program to purchase and distribute child safety seats, child booster seats, and other appropriate passenger motor vehicle child restraints to families that cannot otherwise afford such seats or restraints.

(4) A program to support enforcement of child restraint laws.

(f) GRANT AMOUNT.—The amount of a grant to a State for a fiscal year under this section may not exceed 25 percent of the amount apportioned to the State for fiscal year 2003 under section 402 of title 23, United States Code.

(g) ADMINISTRATIVE EXPENSES.—Funds authorized to be appropriated to carry out this section in a fiscal year shall be subject to a deduction not to exceed 2.5 percent for the necessary costs of administering the provisions of this section.

(h) APPLICABILITY OF CHAPTER 1.—The provisions contained in section 402(d) of title 23, United States Code, apply to this section.

(i) REPORT.—Each State to which a grant is made under this section shall transmit to the Secretary a report documenting the manner in which grant amounts were obligated and expended and identifying the specific programs carried out with or supported by grant funds. The report shall be in a form prescribed by the Secretary and may be combined with other State grant reporting requirements under of chapter 4 of title 23, United States Code.

(j) DEFINITIONS.—In this section, the following definitions apply:

(1) CHILD RESTRAINT.—The term ''child restraint'' means any product designed to provide restraint to a child (including booster seats and other products used with a lap and shoulder belt assembly) that meets applicable Federal motor vehicle safety standards prescribed by the National Highway Traffic Safety Administration.

(2) CHILD SAFETY SEAT.—The term ''child safety seat'' has the meaning such term has in section 405(f) of title 23, United States Code.

(3) PASSENGER MOTOR VEHICLE.—The term ''passenger motor vehicle'' has the meaning such term has in such section 405(f).

(4) STATE.—The term ''State'' has the meaning such term has in section 101 (a) of such title.

(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section from the Highway Trust Fund (other than the Mass Transit Account) $5,000,000 for each of fiscal years 2005 through 2009.

SEC. 2008. SAFETY DATA.

(a) IN GENERAL.—Using funds made available to carry out section 403 of title 23, United States Code, for fiscal years 2005 through 2009, the Secretary shall collect data and compile statistics on accidents involving motor vehicles being backed up that result in fatalities and injuries and that occur on public and nonpublic roads and residential and commercial driveways and parking facilities.

(b) REPORT.—Not later than January 1, 2009, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on accidents described in subsection (a), including the data collected and statistics compiled under subsection (a) and any recommendations regarding measures to be taken to reduce the number of such accidents and the resulting fatalities and injuries.

SEC. 2009. MOTORCYCLIST SAFETY.

(a) MOTORCYCLIST ADVISORY COUNCIL.—

(1) IN GENERAL.—The Secretary, acting through the Administrator of the Federal Highway Administration, in consultation with the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, shall appoint a Motorcyclist Advisory Council to coordinate with and advise the Administrator on infrastructure issues of concern to motorcyclists, including—

(A) barrier design;

(B) road design, construction, and maintenance practices; and

(C) the architecture and implementation of intelligent transportation system technologies.

(2) COMPOSITION.—The Council shall consist of not more than 10 members of the motorcycling community with professional expertise in national motorcyclist safety advocacy, including—

(A) at least—

(i) 1 member recommended by a national motorcyclist association;

(ii) 1 member recommended by a national motorcycle riders foundation;

(iii) 1 representative of the National Association of State Motorcycle Safety Administrators;

(iv) 2 members of State motorcyclists' organizations;

(v) 1 member recommended by a national organization that represents the builders of highway infrastructure;

(vi) 1 member recommended by a national association that represents the traffic safety systems industry; and

(vii) 1 member of a national safety organization; and

(B) at least 1, and not more than 2, motorcyclists who are traffic system design engineers or State transportation department officials.

(b) AUTHORITY TO MAKE GRANTS.—Subject to the requirements of this section, the Secretary shall make grants to States that adopt and implement effective programs to reduce the number of single- and multi-vehicle crashes involving motorcyclists.

(c) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in a fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all the other sources for motorcyclist safety training programs and motorcyclist awareness programs at or above the average level of such expenditures in its 2 fiscal years preceding the date of enactment of this Act.

(d) MAXIMUM PERIOD OF ELIGIBILITY.—No State may receive grants under this section in more than 5 fiscal years beginning after September 30, 2004.

(e) FEDERAL SHARE.—The Federal share of the cost of implementing and enforcing, as appropriate, in a fiscal year a program adopted by a State in accordance with subsection (a) shall not exceed—

(1) for the first 3 years for which a State receives a grant under this section, 75 percent; and

(2) for the next 2 years for which a State receives a grant under this section, 50 percent.

(f) GRANT ELIGIBILITY.—

(1) IN GENERAL.—A State becomes eligible for a grant under this section by adopting or demonstrating to the satisfaction of the Secretary—

(A) for the first fiscal year for which the State will receive a grant under this section, at least 1 of the 6 criteria listed in paragraph (2);

(B) for the second, third, and fourth fiscal years for which the State will receive a grant under this section, at least 2 of the 6 criteria listed in paragraph (2); and

(C) for any subsequent fiscal years for which the State will receive a grant under this section, at least 3 of the 6 criteria listed in paragraph (2).

(2) CRITERIA.—The criteria for eligibility for a grant under this section are the following:

(A) MOTORCYCLE RIDER TRAINING COURSES.—An effective motorcycle rider training course that is offered throughout the State, provides a formal program of instruction in accident avoidance and other safety-oriented operational skills to motorcyclists, and may include innovative training opportunities to meet unique regional needs.

(B) MOTORCYCLISTS AWARENESS PROGRAM.—An effective statewide program to enhance motorist awareness of the presence of motorcyclists on or near roadways and safe driving practices that avoid injuries to motorcyclists.

(C) REDUCTION OF FATALITIES AND CRASHES INVOLVING MOTORCYCLES.—A reduction for the preceding calendar year in the number of motorcycle fatalities and the rate of motor vehicle crashes involving motorcycles in the State (expressed as a function of 10,000 motorcycle registrations).

(D) IMPAIRED DRIVING PROGRAM.—Implementation of a statewide program to reduce impaired driving, including specific measures to reduce impaired motorcycle operation.

(E) REDUCTION OF FATALITIES AND ACCIDENTS INVOLVING IMPAIRED MOTORCYCLISTS.—A reduction for the preceding calendar year in the number of fatalities and the rate of reported crashes involving alcohol- or drug-impaired motorcycle operators (expressed as a function of 10,000 motorcycle registrations).

(F) FEES COLLECTED FROM MOTORCYCLISTS.—All licensing and registration fees collected by the State from motorcyclist are used for motorcycle safety programs.

(g) ELIGIBLE USES.—

(1) IN GENERAL.—A State may use funds from a grant under this section only for motorcyclist safety training and motorcyclist awareness programs, including—

(A) improvements to motorcyclist safety training curricula;

(B) improvements in program delivery of motorcycle training to both urban and rural areas, including—

(i) procurement or repair of practice motorcycles;

(ii) instructional materials;

(iii) mobile training units; and

(iv) leasing or purchase of facilities for classroom instruction and closed-course skill training;

(C) measures designed to increase the recruitment or retention of motorcyclist safety training instructors; and

(D) public awareness, public service announcements, and other outreach programs to enhance motorcyclist awareness.

(2) SUBALLOCATIONS OF FUNDS.—An agency that receives a grant under this subsection may suballocate funds from the grant to a nonprofit organization to carry out under this section.

(h) DEFINITIONS.—In this section, the following definitions apply:

(1) MOTORCYCLIST SAFETY TRAINING.—The term ''motorcyclist safety training'' means a formal program of instruction that—

(A) provides accident avoidance and other safety-oriented operational skills to motorcyclists; and

(B) is approved for use in a State by the designated State authority having jurisdiction over motorcyclist safety issues.

(2) MOTORCYCLIST AWARENESS.—The term ''motorcyclist awareness'' means individual or collective awareness of—

(A) the presence of motorcycles on or near roadways; and

(B) safe driving practices that avoid injury to motorcyclists.

(3) MOTORCYCLIST AWARENESS PROGRAM.—The term ''motorcyclist awareness program'' means an informational or public awareness program designed to enhance motorcyclist awareness that is developed by or in coordination with the designated State authority having jurisdiction over motorcyclist safety issues.

(4) STATE.—The term ''State'' has the same meaning such term has in section 101(a) of title 23, United States Code.

(i) MAXIMUM GRANT AMOUNT.—The amount of a grant made to a State for a fiscal year under this section may not exceed 25 percent of the amount apportioned to the State for fiscal year 2003 under section 402 of title 23, United States Code.

(j) ADMINISTRATIVE EXPENSES.—Funds authorized to be appropriated to carry out this section in a fiscal year shall be subject to a deduction by the Secretary not to exceed 5 percent for the necessary costs of administering the provisions of this section.

(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section from the Highway Trust Fund (other than the Mass Transit Account) $5,000,000 for each of fiscal years 2005 through 2009.

(l) APPLICABILITY OF TITLE 23.—Funds authorized under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall not be transferable.

SEC. 2010. DRIVER FATIGUE.

Section 402(a) of title 23, United States Code, is amended—

(1) by striking ''and'' before ''(6)''; and

(2) by inserting before the period the following: ''; and (7) to reduce deaths and injuries resulting from persons driving motor vehicles while fatigued''.

TITLE III—FEDERAL TRANSIT ADMINISTRATION PROGRAMS

SEC. 3001. SHORT TITLE; AMENDMENTS TO TITLE 49, UNITED STATES CODE.

(a) SHORT TITLE.—This title may be cited as the ''Federal Public Transportation Act of 2004''.

(b) AMENDMENTS TO TITLE 49, UNITED STATES CODE.—Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3002. POLICIES, FINDINGS, AND PURPOSES.

(a) IN GENERAL.—Section 5301(a) is amended to read as follows:

''(a) DEVELOPMENT AND REVITALIZATION OF PUBLIC TRANSPORTATION SYSTEMS.—It is in the interest of the United States to foster the development and revitalization of public transportation systems that—

''(1) maximize the safe, secure, and efficient mobility of individuals;

''(2) minimize environmental impacts; and

''(3) minimize transportation-related fuel consumption and reliance on foreign oil.''.

(b) PRESERVING THE ENVIRONMENT.—Section 5301(e) is amended—

(1) by striking ''an urban'' and inserting ''a''; and

(2) by striking ''under sections 5309 and 5310 of this title''.

(c) GENERAL PURPOSES.—Section 5301(f) is amended—

(1) in paragraph (1)—

(A) by striking ''mass'' the first place it appears and inserting ''public''; and

(B) by striking ''public and private mass transportation companies'' and inserting ''both public transportation companies and private companies engaged in public transportation'';

(2) in paragraph (2)—

(A) by striking ''urban mass'' and inserting ''public''; and

(B) by striking ''public and private mass transportation companies'' and inserting ''both public transportation companies and private companies engaged in public transportation'';

(3) in paragraph (3)—

(A) by striking ''urban mass'' and inserting ''public''; and

(B) by striking ''public or private mass transportation companies'' and inserting ''public transportation companies or private companies engaged in public transportation''; and

(4) in paragraph (5) by striking ''urban mass'' and inserting ''public''.

SEC. 3003. DEFINITIONS.

(a) LEAD-IN.—Section 5302(a) is amended in the matter preceding paragraph (1) by striking ''In this chapter'' and inserting ''Except as otherwise specifically provided, in this chapter''.

(b) CAPITAL PROJECT.—Section 5302(a)(1) is amended—

(1) in subparagraph (G) by inserting ''construction, renovation, and improvement of intercity bus stations and terminals,'' before ''and the renovation and improvement of historic transportation facilities,'';

(2) in subparagraph (G)(ii) by inserting ''(other than an intercity bus station or terminal)'' after ''commercial revenue-producing facility'';

(3) by striking ''or'' at the end of subparagraph (H);

(4) by striking the period at the end of subparagraph (I) and inserting a semicolon; and

(5) by adding at the end the following:

''(J) crime prevention and security—

''(i) including—

''(I) projects to refine and develop security and emergency response plans;

''(II) projects aimed at detecting chemical and biological agents in public transportation;

''(III) the conduct of emergency response drills with public transportation agencies and local first response agencies; and

''(IV) security training for public transportation employees; but

''(ii) excluding all expenses related to operations, other than such expenses incurred in conducting activities described in subclauses (III) and (IV);

''(K) establishment of a debt service reserve made up of deposits with a bondholders' trustee in a noninterest bearing account for the purpose of ensuring timely payment of principal and interest on bonds issued by a grant recipient for purposes of financing an eligible project under this chapter; or

''(L) mobility management—

''(i) consisting of short-range planning and management activities and projects for improving coordination among public transportation and other transportation service providers carried out by a recipient or subrecipient through an agreement entered into with a person, including a governmental entity, under this chapter (other than section 5309); but

''(ii) excluding operating public transportation services.''.

(c) INDIVIDUAL WITH A DISABILITY.—Section 5302(a)(5) is amended—

(1) by striking ''HANDICAPPED INDIVIDUAL'' in the heading and inserting ''INDIVIDUAL WITH A DISABILITY''; and

(2) by striking ''handicapped individual'' and inserting ''individual with a disability''.

(d) MASS TRANSPORTATION.—Section 5302(a)(7) is amended to read as follows:

''(7) MASS TRANSPORTATION.—The term 'mass transportation' means public transportation.''.

(e) PUBLIC TRANSPORTATION.—Section 5302(a)(10) is amended to read as follows:

''(10) PUBLIC TRANSPORTATION.—The term 'public transportation' means transportation by a conveyance that provides regular and continuing general or special transportation to the public, but does not include schoolbus, charter, or sightseeing transportation.''.

(f) URBANIZED AREA.—Section 5302(a)(17) is amended to read as follows:

''(17) URBANIZED AREA.—The term 'urbanized area' means an area encompassing a population of at least 50,000 people that has been defined and designated in the latest decennial census as an urbanized area by the Secretary of Commerce.''.

(g) AUTHORITY TO MODIFY DEFINITION.—Section 5302(b) is amended—

(1) by striking ''HANDICAPPED INDIVIDUAL'' in the heading and inserting ''INDIVIDUAL WITH A DISABILITY''; and

(2) by striking ''handicapped individual'' and inserting ''individual with a disability''.

SEC. 3004. METROPOLITAN PLANNING.

Section 5303 is amended to read as follows:

''§ 5303. Metropolitan planning

''(a) IN GENERAL.—Grants made under sections 5307, 5308, 5309, 5310, 5311, 5316, and 5317 shall be carried out in accordance with the metropolitan planning provisions of chapter 52.

''(b) CERTIFICATION.—

''(1) IN GENERAL.—The Secretary shall ensure and certify that each metropolitan planning organization in each transportation management area is carrying out its responsibilities under applicable laws of the United States. The Secretary may make the certification only if the organization is complying with chapter 52 and other applicable requirements of laws of the United States and the organization and chief executive officer have approved a transportation improvement program for the area.

''(2) LIMITATION ON WITHHOLDING CERTIFICATION.—The Secretary may not withhold certification based on the policies and criteria a metropolitan planning organization or mass transportation grant recipient establishes under section 5306(a) for deciding the feasibility of private enterprise participation.''.

SEC. 3005. STATEWIDE PLANNING.

(a) IN GENERAL.—Section 5304 is amended to read as follows:

''§ 5304. Statewide planning

''Grants made under sections 5307, 5308, 5309, 5310, 5311, 5316, and 5317 shall be carried out in accordance with the statewide planning provisions of chapter 52.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by striking the item relating to section 5304 and inserting the following:

''5304. Statewide planning.''.

SEC. 3006. PLANNING PROGRAMS.

(a) IN GENERAL.—Section 5305 is amended to read as follows:

''§ 5305. Planning programs

''(a) STATE DEFINED.—In this section the term 'State' means a State of the United States, the District of Columbia, and Puerto Rico.

''(b) GENERAL AUTHORITY.—

''(1) ASSISTANCE.—Under criteria to be established by the Secretary, the Secretary may provide assistance for—

''(A) the development of transportation plans and programs;

''(B) planning, engineering, designing, and evaluating a public transportation project; and

''(C) for other technical studies.

''(2) GRANTS, AGREEMENTS, AND CONTRACTS.—The Secretary may provide assistance under paragraph (1)—

''(A) by making grants to States, authorities of States, metropolitan planning organizations, and local governmental authorities; or

''(B) by making agreements with other departments, agencies, and instrumentalities of the Government.

''(3) ELIGIBLE ACTIVITIES.—Activities eligible for assistance under paragraph (1) include the following:

''(A) Studies related to management, planning, operations, capital requirements, and economic feasibility.

''(B) Evaluating previously financed projects.

''(C) Peer reviews and exchanges of technical data, information, assistance, and related activities in support of planning and environmental analyses among metropolitan planning organizations and other transportation planners.

''(D) Other similar and related activities preliminary to and in preparation for constructing, acquiring, or improving the operation of facilities and equipment.

''(c) PURPOSE.—To the extent practicable, the Secretary shall ensure that amounts appropriated or made available under section 5338 to carry out this section and sections 5303 and 5304 are used to support balanced and comprehensive transportation planning that considers the relationships among land use and all transportation modes, without regard to the programmatic source of the planning amounts.

''(d) METROPOLITAN PLANNING PROGRAM.—

''(1) APPORTIONMENT TO STATES.—

''(A) IN GENERAL.—The Secretary shall apportion 80 percent of the amounts made available under subsection (g)(1) among the States to carry out sections 5303 and 5306 in the ratio that—

''(i) the population of urbanized areas in each State, as shown by the latest available decennial census of population; bears to

''(ii) the total population of urbanized areas in all States, as shown by that census.

''(B) MINIMUM APPORTIONMENT.—Notwithstanding subparagraph (A), a State may not receive less than 0.5 percent of the amount apportioned under this paragraph.

''(2) ALLOCATION TO MPO'S.—Amounts apportioned to a State under paragraph (1) shall be made available within 30 days after allocation to metropolitan planning organizations in the State designated under this section under a formula that—

''(A) considers population of urbanized areas;

''(B) provides an appropriate distribution for urbanized areas to carry out the cooperative processes described in this section;

''(C) the State develops in cooperation with the metropolitan planning organizations; and

''(D) the Secretary approves.

''(3) SUPPLEMENTAL AMOUNTS.—

''(A) IN GENERAL.—The Secretary shall apportion 20 percent of the amounts made available under subsection (g)(1) among the States to supplement allocations made under paragraph (1) for metropolitan planning organizations.

''(B) FORMULA.—The Secretary shall apportion amounts referred to in subparagraph (A) under a formula that reflects the additional cost of carrying out planning, programming, and project selection responsibilities under sections 5303 and 5306 in certain urbanized areas.

''(e) STATE PLANNING AND RESEARCH PROGRAM.—

''(1) APPORTIONMENT TO STATES.—

''(A) IN GENERAL.—The Secretary shall apportion the amounts made available under subsection (g)(2) among the States for grants and contracts to carry out sections 5303 through 5306, 5312, 5315, and 5322 in the ratio that—

''(i) the population of urbanized areas in each State, as shown by the latest available decennial census; bears to

''(ii) the population of urbanized areas in all States, as shown by that census.

''(B) MINIMUM APPORTIONMENT.—Notwithstanding subparagraph (A), a State may not receive less than 0.5 percent of the amount apportioned under this paragraph.

''(2) SUPPLEMENTAL AMOUNTS.—A State, as the State considers appropriate, may authorize part of the amount made available under this subsection to be used to supplement amounts made available under subsection (d).

''(f) GOVERNMENT'S SHARE OF COSTS.—The Government's share of the cost of an activity funded using amounts made available under this section may not exceed 80 percent of the cost of the activity unless the Secretary determines that it is in the interests of the Government not to require a State or local match.

''(g) ALLOCATION OF FUNDS.—Of the funds made available by or appropriated to carry out this section under section 5338(c) for fiscal years 2004 through 2009—

''(1) 82.72 percent shall be available for the metropolitan planning program under subsection (d); and

''(2) 17.28 percent shall be available to carry out subsection (e).

''(h) AVAILABILITY OF FUNDS.—Funds apportioned under this section in a State shall remain available for obligation in that State for a period of 3 years after the last day of the fiscal year for which the funds are authorized. Any amounts so apportioned that remain unobligated at the end of that period shall be reapportioned among the States.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by striking the item relating to section 5305 and inserting the following:

''5305. Planning programs.''.

SEC. 3007. PRIVATE ENTERPRISE PARTICIPATION.

(a) SECTION HEADING.—Section 5306 is amended by striking the section heading and inserting the following:

''§ 5306. Private enterprise participation in planning; relationship to other limitations''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by striking the item relating to section 5306 and inserting the following:

''5306. Private enterprise participation in planning; relationship to other limitations.''.

SEC. 3008. URBANIZED AREA FORMULA GRANTS.

(a) TECHNICAL AMENDMENTS.—Section 5307 is amended—

(1) by striking subsections (h) and (k); and

(2) by redesignating subsections (i), (j), (l), (m), and (n) as subsections (h), (i), (j), (k), and (l), respectively.

(b) DEFINITIONS.—Section 5307(a)(2)(A) is amended—

(1) by striking ''a person'' and inserting ''an entity''; and

(2) by striking ''section 5305(a) of this title'' and inserting ''chapter 52''.

(c) GENERAL AUTHORITY.—Section 5307(b) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) GRANTS.—The Secretary may make grants under this section for—

''(A) capital projects and associated capital maintenance items;

''(B) planning;

''(C) transit enhancements; and

''(D) operating costs of equipment and facilities for use in public transportation in an urbanized area with a population of less than 200,000.'';

(2) in the heading to paragraph (2) by striking ''FISCAL YEAR 2003 AND FOR THE PERIOD OF OCTOBER 1, 2003, THROUGH APRIL 30, 2004'' and inserting ''FISCAL YEARS 2003 THROUGH 2005'';

(3) in paragraph (2)(A) by striking ''fiscal year 2003'' and all that follows through ''2004'' and inserting ''fiscal years 2003, 2004, and 2005,'';

(4) in paragraph (3) by striking ''section 5305(a) of this title'' and inserting ''chapter 52''; and

(5) in paragraph (3)(A) by striking ''section 5303 of this title'' and inserting ''chapter 52''.

(d) GRANT RECIPIENT REQUIREMENTS.—Section 5307(d)(1) is amended—

(1) in subparagraph (A) by inserting '', including safety and security aspects of the program'' after ''program'';

(2) in subparagraph (H) by striking ''sections 5301(a) and (d), 5303–5306, and 5310(a)–(d) of this title'' and inserting ''subsections (a) and (d) of section 5301 and sections 5303 through 5306'';

(3) in subparagraph (I) by striking ''and'' at the end; and

(4) by adding at the end the following:

''(K) in the case of a recipient for an urbanized area with a population of at least 200,000—

''(i) will expend one percent of the amount the recipient receives each fiscal year under this section for projects for transit enhancements, as defined in section 5302(a); and

''(ii) will submit an annual report listing projects carried out in the preceding fiscal year with those funds; and''.

(e) GOVERNMENT'S SHARE OF COSTS.—Section 5307(e) is amended to read as follows:

''(e) GOVERNMENT'S SHARE OF COSTS.—

''(1) CAPITAL PROJECTS.—A grant for a capital project (including associated capital maintenance items) under this section shall be for 80 percent of the net project cost of the project. The recipient may provide additional local matching amounts.

''(2) OPERATING EXPENSES.—A grant for operating expenses under this section may not exceed 50 percent of the net project cost of the project.

(3) REMAINDER.—The remainder of the net project cost shall be provided—

''(A) in cash from sources other than amounts of the Government or revenues from providing public transportation (excluding revenues derived from the sale of advertising and concessions);

''(B) from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital; and

''(C) from amounts received under a service agreement with a State or local social service agency or private social service organization.''.

(f) REVIEWS, AUDITS, AND EVALUATIONS.—Section 5307(h)(1)(A) (as redesignated by subsection (a) of this section) is amended by striking ''shall'' and inserting ''may''.

(g) RELATIONSHIP TO OTHER LAWS.—Section 5307(l) (as redesignated by subsection (a) of this section) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraph (2) as paragraph (1);

(3) by inserting ''THIS CHAPTER.—'' before ''Sections 5302'';

(4) by adding at the end the following:

''(2) CHAPTER 15 OF TITLE 5.—The provision of assistance under this chapter shall not be construed as bringing within the application of chapter 15 of title 5 any nonsupervisory employee of a public transportation system (or any other agency or entity performing related functions) to which such chapter is otherwise inapplicable.''; and

(5) by aligning the left margin of paragraph (1) (as so redesignated) with paragraph (2) (as added by paragraph (4) of this subsection).

(h) TREATMENT.—At the end of section 5307, add the following:

''(m) TREATMENT.—For purposes of this section, the United States Virgin Islands shall be treated as an urbanized area, as defined in section 5302.''.

SEC. 3009. CLEAN FUELS FORMULA GRANT PROGRAM.

Section 5308 is amended to read as follows:

''§5308. Clean fuels formula grant program

''(a) DEFINITIONS.—In this section, the following definitions apply:

''(1) CLEAN FUEL BUS.—The term 'clean fuel bus' means a passenger vehicle used to provide public transportation that—

''(A) is powered by—

''(i) compressed natural gas;

''(ii) liquefied natural gas;

''(iii) biodiesel fuels;

''(iv) batteries;

''(v) alcohol-based fuels;

''(vi) hybrid electric;

''(vii) fuel cell;

''(viii) clean diesel, to the extent allowed under this section; or

''(ix) other low or zero emissions technology; and

''(B) the Administrator of the Environmental Protection Agency has certified sufficiently reduces harmful emissions.

''(2) ELIGIBLE PROJECT.—The term 'eligible project'—

''(A) means a project in a nonattainment or maintenance area described in paragraph (4)(A) for—

''(i) purchasing or leasing clean fuel buses, including buses that employ a lightweight composite primary structure;

''(ii) constructing or leasing clean fuel buses or electrical recharging facilities and related equipment for such buses; or

''(iii) improving existing public transportation facilities to accommodate clean fuel buses; and

''(B) at the discretion of the Secretary, may include a project located in a nonattainment or maintenance area described in paragraph (3)(A) relating to clean fuel, biodiesel, hybrid electric, or zero emissions technology buses that exhibit equivalent or superior emissions reductions to existing clean fuel or hybrid electric technologies.

''(3) MAINTENANCE AREA.—The term 'maintenance area' has the meaning such term has under section 101 of title 23.

''(4) RECIPIENT.—

''(A) IN GENERAL.—The term 'recipient' means a designated recipient (as defined in section 5307(a)(2)) for an area that, and a recipient for an urbanized area with a population of less than 200,000 that—

''(i) is designated as a nonattainment area for ozone or carbon monoxide under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)); or

''(ii) is a maintenance area for ozone or carbon monoxide.

''(B) SMALLER URBANIZED AREAS.—In the case of an urbanized area with a population of less than 200,000, the State in which the area is located shall act as the recipient for the area under this section.

''(b) AUTHORITY.—The Secretary shall make grants in accordance with this section to recipients to finance eligible projects.

''(c) APPORTIONMENT OF FUNDS.—

''(1) FORMULA.—The Secretary shall apportion among recipients amounts made available to carry out this section for a fiscal year. Of such amounts—

''(A) two-thirds shall be apportioned to recipients serving urbanized areas with a population of at least 1,000,000, of which—

''(i) 50 percent shall be apportioned so that each such recipient receives a grant under this section in an amount equal to the ratio that—

''(I) the number of vehicles in the bus fleet of the recipient, weighted by severity of nonattainment for the area served by the recipient; bears to

''(II) the total number of vehicles in the bus fleets of all such recipients, weighted by severity of nonattainment for all areas served by such recipients; and

''(ii) 50 percent shall be apportioned so that each such recipient receives a grant under this section in an amount equal to the ratio that—

''(I) the number of bus passenger miles (as defined in section 5336(c)) of the recipient, weighted by severity of nonattainment of the area served by the recipient; bears to

''(II) the total number of bus passenger miles (as defined in section 5336(c)) of all such recipients, weighted by severity of nonattainment of all areas served by such recipients; and

''(B) one-third shall be apportioned to recipients serving urbanized areas with a population of less than 1,000,000, of which—

''(i) 50 percent shall be apportioned so that each such recipient receives a grant under this section in an amount equal to the ratio that—

''(I) the number of vehicles in the bus fleet of the recipient, weighted by severity of nonattainment for the area served by the recipient; bears to

''(II) the total number of vehicles in the bus fleets of all such recipients, weighted by severity of nonattainment for all areas served by such recipients; and

''(ii) 50 percent shall be apportioned so that each such recipient receives a grant under this section in an amount equal to the ratio that—

''(I) the number of bus passenger miles (as defined in section 5336(c)) of the recipient, weighted by severity of nonattainment of the area served by the recipient; bears to

''(II) the total number of bus passenger miles (as defined in section 5336(c)) of all such recipients, weighted by severity of nonattainment of all areas served by such recipients.

''(2) WEIGHTING OF SEVERITY OF NONATTAINMENT.—

''(A) IN GENERAL.—For purposes of paragraph (1), subject to subparagraph (B), the number of buses in the bus fleet, or the number of passenger miles, shall be multiplied by a factor of—

''(i) 1.0 if, at the time of the apportionment, the area is a maintenance area for ozone or carbon monoxide;

''(ii) 1.1 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);

''(iii) 1.2 if, at the time of the apportionment, the area is classified as—

''(I) a moderate ozone nonattainment area under subpart 2 of such part; or

''(II) a moderate carbon monoxide nonattainment area under subpart 3 of such part;

''(iv) 1.3 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under subpart 2 of such part; or

''(v) 1.4 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under subpart 2 of such part; or

''(vi) 1.5 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under subpart 2 of such part.

''(B) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone under subpart 2 of such part, the area was also classified under subpart 3 of such part as a nonattainment area for carbon monoxide, the weighted nonattainment or maintenance area fleet and passenger miles for the recipient, as calculated under subparagraph (A), shall be further multiplied by a factor of 1.2.

''(d) CLEAN DIESEL BUSES.—Not more than 35 percent of the amount made available by or appropriated under section 5338 in each fiscal year to carry out this section may be made available to fund clean diesel buses.

''(e) GRANT REQUIREMENTS.—

''(1) IN GENERAL.—A grant under this section shall be subject to the requirements of section 5307.

''(2) GOVERNMENT'S SHARE OF COSTS FOR CERTAIN PROJECTS.—Section 5323(i) applies to projects carried out under this section.

''(f) AVAILABILITY OF FUNDS.—Any amount made available or appropriated under this section—

''(1) shall remain available to a project for 1 year after the fiscal year for which the amount is made available or appropriated; and

''(2) that remains unobligated at the end of the period described in paragraph (1) shall be added to the amount made available in the following fiscal year.''.

SEC. 3010. CAPITAL INVESTMENT GRANTS.

(a) SECTION HEADING.—Section 5309 is amended by striking the section heading and inserting the following:

''§5309. Capital investment grants''.

(b) LOANS FOR REAL PROPERTY INTERESTS.—Section 5309 is amended—

(1) in subsections (a)(1) and (a)(2) by striking ''and loans'';

(2) by striking subsections (b) and (c); and

(3) by redesignating subsection (d) as subsection (b).

(c) PROJECT AS PART OF APPROVED PROGRAM OF PROJECTS.—Section 5309(b) (as redesignated by subsection (b) of this section) is amended—

(1) by striking ''Except as provided in subsections (b)(2) and (e) of the section, the'' and inserting ''The''; and

(2) by striking ''or loan''.

(d) CRITERIA AND FUNDING.—Section 5309 is amended by striking subsections (e) through (p) and inserting the following:

''(c) MAJOR CAPITAL INVESTMENT GRANTS OF $75,000,000 OR MORE.—

''(1) FULL FUNDING GRANT AGREEMENT.—A major new fixed guideway capital project financed under this subsection shall be carried out through a full funding grant agreement. The Secretary shall enter into a full funding grant agreement based on the evaluations and ratings required under this subsection. The Secretary shall not enter into a full funding grant agreement for a project unless that project is authorized for final design and construction.

''(2) APPROVAL OF GRANTS.—The Secretary may approve a grant under this section for a major new fixed guideway capital project only if the Secretary, based upon evaluations and considerations set forth in paragraph (3), determines that the proposal is—

''(A) based on the results of an alternatives analysis and preliminary engineering;

''(B) justified based on a comprehensive review of its mobility improvements, environmental benefits, cost effectiveness, operating efficiencies, transit supportive policies, and existing land use; and

''(C) supported by an acceptable degree of local financial commitment (including evidence of stable and dependable financing sources) to construct, maintain, and operate the system or extension.

''(3) CONSIDERATIONS.—

''(A) RESULTS OF ALTERNATIVES ANALYSIS AND PRELIMINARY ENGINEERING.—In evaluating a proposed project for purposes of making the finding required by paragraph (2)(A), the Secretary shall analyze and consider the results of the alternatives analysis and preliminary engineering for the project.

''(B) PROJECT JUSTIFICATION.—In evaluating a proposed project for purposes of making the finding required by paragraph (2)(B), the Secretary shall—

''(i) consider the direct and indirect costs of relevant alternatives;

''(ii) consider factors such as congestion relief, improved mobility, air pollution, noise pollution, energy consumption, and all associated ancillary and mitigation costs necessary to carry out each alternative analyzed and recognize reductions in local infrastructure costs achieved through compact land use development;

''(iii) identify and consider public transportation supportive existing land use policies and future patterns and the cost of suburban sprawl;

''(iv) consider the degree to which the project increases the mobility of the public transportation dependent population or promotes economic development;

''(v) consider population density and current transit ridership in the corridor;

''(vi) consider the technical capability of the grant recipient to construct the project;

''(vii) adjust the project justification to reflect differences in local land, construction, and operating costs; and

''(viii) consider other factors that the Secretary determines appropriate to carry out this chapter.

''(C) LOCAL FINANCIAL COMMITMENT.—In evaluating a proposed project under paragraph (2)(C), the Secretary shall require that—

''(i) the proposed project plan provides for the availability of contingency amounts that the Secretary determines to be reasonable to cover unanticipated cost increases;

''(ii) each proposed local source of capital and operating financing is stable, reliable, and available within the proposed project timetable; and

''(iii) local resources are available to operate the overall proposed public transportation system (including essential feeder bus and other services necessary to achieve the projected ridership levels) without requiring a reduction in existing public transportation services to operate the proposed project.

''(D) ASSESSMENT OF LOCAL FINANCING.—In assessing the stability, reliability, and availability of proposed sources of local financing under paragraph (2)(C), the Secretary shall consider—

''(i) existing grant commitments;

''(ii) the degree to which financing sources are dedicated to the purposes proposed;

''(iii) any debt obligation that exists or is proposed by the recipient for the proposed project or other public transportation purpose; and

''(iv) the extent to which the project has a local financial commitment that exceeds the required non-Federal share of the cost of the project.

''(4) EVALUATION AND RATING OF PROJECTS.—A proposed project under this subsection may advance from alternatives analysis to preliminary engineering, and may advance from preliminary engineering to final design and construction, only if the Secretary finds that the project meets the requirements of this section and there is a reasonable likelihood that the project will continue to meet such requirements. In making the findings, the Secretary shall evaluate and rate the project as 'highly recommended', 'recommended', or 'not recommended' based on the results of alternatives analysis, the project justification criteria, and the degree of local financial commitment, as required under this subsection. In rating the projects, the Secretary shall provide, in addition to the overall project rating, individual ratings for each of the criteria established by regulation.

''(5) MAJOR DEFINED.—In this section, the term 'major', as used with respect to a new fixed guideway capital project, means the Federal assistance provided or to be provided under this section for the project is $75,000,000 or more.

''(d) CAPITAL INVESTMENT GRANTS LESS THAN $75,000,000.—

''(1) IN GENERAL.—Subject to the provisions of this subsection, if the Federal assistance provided or to be provided under this section with respect to a new fixed guideway capital project is less than $75,000,000, and not less than $25,000,000, the project shall be subject to the requirements in this subsection.

''(2) SELECTION CRITERIA.—The Secretary may provide Federal assistance under this subsection with respect to a proposed project only if the Secretary finds that the project is—

''(A) based on the results of planning and alternatives analysis;

''(B) justified based on a review of its public transportation supportive land use policies, cost effectiveness, and effect on local economic development; and

''(C) supported by an acceptable degree of local financial commitment.

''(3) PLANNING AND ALTERNATIVES.—In evaluating a project under paragraph (2)(A), the Secretary shall analyze and consider the results of planning and alternatives analysis for the project.

''(4) PROJECT JUSTIFICATION.—For purposes of making the finding under paragraph (2)(B), the Secretary shall—

''(A) determine the degree to which the project is consistent with local land use policies and is likely to achieve local developmental goals;

''(B) determine the cost effectiveness of the project at the time of the initiation of revenue service;

''(C) determine the degree to which the project will have a positive effect on local economic development;

''(D) consider the reliability of the forecasts of costs and ridership associated with the project; and

''(E) consider other factors that the Secretary determines appropriate to carry out this subsection.

''(5) LOCAL FINANCIAL COMMITMENT.—For purposes of paragraph (2)(C), the Secretary shall require that each proposed local source of capital and operating financing is stable, reliable, and available within the proposed project timetable.

''(6) ADVANCEMENT OF PROJECT TO DEVELOPMENT AND CONSTRUCTION.—

''(A) GENERAL RULE.—A proposed project under this subsection may advance from planning and alternatives analysis to project development and construction only if—

''(i) the Secretary finds that the project meets the requirements of this subsection and there is a reasonable likelihood that the project will continue to meet such requirements; and

''(ii) the metropolitan planning organization has adopted the locally preferred alternative for the project into the long-range transportation plan.

''(B) EVALUATION.—In making the findings under subparagraph (A), the Secretary shall evaluate and rate the project as 'recommended' or 'not recommended' based on the results of the analysis of the project justification criteria and the degree of local financial commitment, as required by this subsection.

''(7) CONTENTS OF PROJECT CONSTRUCTION GRANT AGREEMENT.—A project construction grant agreement under this subsection shall specify the scope of the project to be constructed, the estimated net project cost of the project, the schedule under which the project shall be constructed, the maximum amount of funding to be obtained under this subsection, the proposed schedule for obligation of future Federal grants, and the sources of funding from other than the Government. The agreement may include a commitment on the part of the Secretary to provide funding for the project in future fiscal years.

''(8) LIMITATION ON ENTRY INTO CONSTRUCTION GRANT AGREEMENT.—The Secretary may enter into a project construction grant agreement for a project under this subsection only if the project is authorized for construction and has been rated as 'recommended' under this subsection.

''(9) REGULATIONS.—Not later than 120 days after the date of enactment of the Federal Public Transportation Act of 2004, the Secretary shall issue regulations establishing an evaluation and rating process for proposed projects under this subsection that is based on the results of project justification and local financial commitment, as required under this subsection.

''(10) FIXED GUIDEWAY CAPITAL PROJECT.—In this subsection, the term 'fixed guideway capital project' includes a corridor-based public transportation bus capital project if the majority of the project's corridor right-of-way is dedicated alignment for exclusive use by public transportation vehicles for all or part of the day.

''(e) PREVIOUSLY ISSUED LETTER OF INTENT OR FULL FUNDING GRANT AGREEMENT.—Subsections (c) and (d) do not apply to projects for which the Secretary has issued a letter of intent or entered into a full funding grant agreement before the date of enactment of the Federal Public Transportation Act of 2004.

''(f) LETTERS OF INTENT, FULL FUNDING GRANT AGREEMENTS, AND EARLY SYSTEMS WORK AGREEMENTS.—

''(1) LETTERS OF INTENT.—

''(A) AMOUNTS INTENDED TO BE OBLIGATED.—The Secretary may issue a letter of intent to an applicant announcing an intention to obligate, for a capital project under this section, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the project. When a letter is issued for fixed guideway projects, the amount shall be sufficient to complete at least an operable segment.

''(B) TREATMENT.—The issuance of a letter under subparagraph (A) is deemed not to be an

obligation under sections 1108(c), 1108(d), 1501, and 1502(a) of title 31 or an administrative commitment.

''(2) FULL FUNDING GRANT AGREEMENTS.—

''(A) TERMS.—The Secretary may make a full funding grant agreement with an applicant. The agreement shall—

''(i) establish the terms of participation by the Government in a project under this section;

''(ii) establish the maximum amount of Government financial assistance for the project;

''(iii) cover the period of time for completing the project, including a period extending beyond the period of an authorization; and

''(iv) make timely and efficient management of the project easier according to the law of the United States.

''(B) SPECIAL FINANCIAL RULES.—

''(i) IN GENERAL.—An agreement under this paragraph obligates an amount of available budget authority specified in law and may include a commitment, contingent on amounts to be specified in law in advance for commitments under this paragraph, to obligate an additional amount from future available budget authority specified in law.

''(ii) STATEMENT OF CONTINGENT COMMITMENT.—The agreement shall state that the contingent commitment is not an obligation of the Government.

''(iii) INTEREST AND OTHER FINANCING COSTS.—Interest and other financing costs of efficiently carrying out a part of the project within a reasonable time are a cost of carrying out the project under a full funding grant agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

''(iv) COMPLETION OF OPERABLE SEGMENT.—The amount stipulated in an agreement under this paragraph for a fixed guideway project shall be sufficient to complete at least an operable segment.

''(3) EARLY SYSTEM WORK AGREEMENTS.—

''(A) CONDITIONS.—The Secretary may make an early systems work agreement with an applicant if a record of decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been issued on the project and the Secretary finds there is reason to believe—

''(i) a full funding grant agreement for the project will be made; and

''(ii) the terms of the work agreement will promote ultimate completion of the project more rapidly and at less cost.

''(B) CONTENTS.—

''(i) IN GENERAL.—A work agreement under this paragraph obligates an amount of available budget authority specified in law and shall provide for reimbursement of preliminary costs of carrying out the project, including land acquisition, timely procurement of system elements for which specifications are decided, and other activities the Secretary decides are appropriate to make efficient, long-term project management easier.

''(ii) PERIOD COVERED.—A work agreement under this paragraph shall cover the period of time the Secretary considers appropriate. The period may extend beyond the period of current authorization.

''(iii) INTEREST AND OTHER FINANCING COSTS.—Interest and other financing costs of efficiently carrying out the work agreement within a reasonable time are a cost of carrying out the agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

''(iv) FAILURE TO CARRY OUT PROJECT.—If an applicant does not carry out the project for reasons within the control of the applicant, the applicant shall repay all Government payments made under the work agreement plus reasonable interest and penalty charges the Secretary establishes in the agreement.

''(4) LIMITATION ON AMOUNTS.—

''(A) MAJOR CAPITAL INVESTMENT GRANTS CONTINGENT COMMITMENT AUTHORITY.—The total estimated amount of future obligations of the Government and contingent commitments to incur obligations covered by all outstanding letters of intent, full funding grant agreements, and early systems work agreements under this subsection for major new fixed guideway capital projects may be not more than the greater of the amount authorized under sections 5338(b) and 5338(h)(1) for such projects or an amount equivalent to the last 3 fiscal years of funding allocated under subsections (m)(1)(B) and (m)(2)(B)(ii) for such projects, less an amount the Secretary reasonably estimates is necessary for grants under this section for those of such projects that are not covered by a letter or agreement. The total amount covered by new letters and contingent commitments included in full funding grant agreements and early systems work agreements for such projects may be not more than a limitation specified in law.

''(B) OTHER CONTINGENT COMMITMENT AUTHORITY.—The total estimated amount of future obligations of the Government and contingent commitments to incur obligations covered by all project construction grant agreements and early system work agreements under this subsection for small capital projects described in subsection (d) may be not more than the greater of the amount allocated under subsection (m)(2)(A) for such projects or an amount equivalent to the last fiscal year of funding allocated under subsection (m)(2)(A) for such projects, less an amount the Secretary reasonably estimates is necessary for grants under this section for those of such projects that are not covered by an agreement. The total amount covered by new contingent commitments included in project construction grant agreements and early systems work agreements for such projects may be not more than a limitation specified in law.

''(C) INCLUSION OF CERTAIN COMMITMENTS.—Future obligations of the Government and contingent commitments made against the contingent commitment authority under section 3032(g)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (106 Stat. 2125) for the San Francisco BART to the Airport project for fiscal years 2002, 2003, 2004, 2005, and 2006 shall be charged against section 3032(g)(2) of that Act.

''(D) APPROPRIATION REQUIRED.—An obligation may be made under this subsection only when amounts are appropriated for the obligation.

''(5) NOTIFICATION OF CONGRESS.—At least 60 days before issuing a letter of intent or entering into a full funding grant agreement or project construction grant agreement under this section, the Secretary shall notify, in writing, the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate of the proposed letter or agreement. The Secretary shall include with the notification a copy of the proposed letter or agreement as well as the evaluations and ratings for the project.

''(g) GOVERNMENT'S SHARE OF NET PROJECT COST.—

''(1) FEDERAL SHARE.—Based on engineering studies, studies of economic feasibility, and information on the expected use of equipment or facilities, the Secretary shall estimate the net project cost. A grant for the project shall be for 80 percent of the net capital project cost, unless the grant recipient requests a lower grant percentage.

''(2) REMAINDER OF NET PROJECT COST.—The remainder of net project costs shall be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.

''(3) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section, including paragraph (1) and subsections (c)(3)(D)(iv) and (c)(4), shall be construed as authorizing the Secretary to require a non-Federal financial commitment for a project that is more than 20 percent of the net capital project cost.

''(4) SPECIAL RULE FOR ROLLING STOCK COSTS.—In addition to amounts allowed pursuant to paragraph (1), a planned extension to a fixed guideway system may include the cost of rolling stock previously purchased if the applicant satisfies the Secretary that only amounts other than amounts of the Government were used and that the purchase was made for use on the extension. A refund or reduction of the remainder may be made only if a refund of a proportional amount of the grant of the Government is made at the same time.

''(5) LIMITATION ON APPLICABILITY.—This subsection does not apply to projects for which the Secretary has entered into a full funding grant agreement before the date of enactment of the Federal Public Transportation Act of 2004.

''(h) FISCAL CAPACITY CONSIDERATIONS.—If the Secretary gives priority consideration to financing projects that include more than the non-Government share required under subsection (g), the Secretary shall give equal consideration to differences in the fiscal capacity of State and local governments.

''(i) REPORTS ON NEW STARTS.—

''(1) ANNUAL DOT REPORT.—Not later than the first Monday in February of each year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report that includes—

''(A) a proposal of allocations of amounts to be available to finance grants for new fixed guideway capital projects among applicants for these amounts;

''(B) evaluations and ratings, as required under subsection (c), for each such project that is authorized by the Federal Public Transportation Act of 2004; and

''(C) recommendations of such projects for funding based on the evaluations and ratings and on existing commitments and anticipated funding levels for the next 3 fiscal years and for the next 10 fiscal years based on information currently available to the Secretary.

''(2) ANNUAL GAO REVIEW.—The Comptroller General shall—

''(A) conduct an annual review of—

''(i) the processes and procedures for evaluating, rating, and recommending new fixed guideway capital projects; and

''(ii) the Secretary's implementation of such processes and procedures; and

''(B) report to Congress on the results of such review by May 31 of each year.

''(j) UNDERTAKING PROJECTS IN ADVANCE.—

''(1) IN GENERAL.—The Secretary may pay the Government's share of the net capital project cost to a State or local governmental authority that carries out any part of a project described in this section without the aid of amounts of the Government and according to all applicable procedures and requirements if—

''(A) the State or local governmental authority applies for the payment;

''(B) the Secretary approves the payment; and

''(C) before carrying out the part of the project, the Secretary approves the plans and specifications for the part in the same way as other projects under this section.

''(2) FINANCING COSTS.—

''(A) IN GENERAL.—The cost of carrying out part of a project includes the amount of interest earned and payable on bonds issued by the State or local governmental authority to the extent proceeds of the bonds are expended in carrying out the part.

''(B) LIMITATION ON AMOUNT OF INTEREST.—The amount of interest under this paragraph may not be more than the most favorable interest terms reasonably available for the project at the time of borrowing.

''(C) CERTIFICATION.—The applicant shall certify, in a manner satisfactory to the Secretary,

that the applicant has shown reasonable diligence in seeking the most favorable financial terms.

''(3) CAPITAL PROJECT COST INDICES.—The Secretary shall consider changes in capital project cost indices when determining the estimated cost under paragraph (2).

''(k) BUS AND BUS FACILITIES PROJECTS.—

''(1) CONSIDERATIONS.—In making grants under subsections (m)(1)(C) and (m)(2)(B)(iii), the Secretary shall consider the age of buses, bus fleets, related equipment, and bus-related facilities.

''(2) FUEL CELL BUS PROGRAM.—Of the amounts made available under subsections (m)(1)(C) and (m)(2)(B)(iii) for a fiscal year, the following amounts shall be set aside for the national fuel cell bus technology development program under section 3039 of the Federal Public Transportation Act of 2004:

''(A) $4,849,950 for fiscal year 2004.

''(B) $10,000,000 for fiscal year 2005.

''(C) $11,000,000 for fiscal year 2006.

''(D) $12,000,000 for fiscal year 2007.

''(E) $13,000,000 for fiscal year 2008.

''(F) $14,000,000 for fiscal year 2009.

''(l) AVAILABILITY OF AMOUNTS.—An amount made available or appropriated under section 5338(b), 5338(g), or 5338(h) for replacement, rehabilitation, and purchase of buses and related equipment and construction of bus-related facilities or for new fixed guideway capital projects shall remain available for 3 fiscal years, including the fiscal year in which the amount is made available or appropriated. Any of such amounts that are unobligated at the end of the 3-fiscal-year period shall be deobligated and may be used by the Secretary for any purpose under this section.

''(m) ALLOCATING AMOUNTS.—

''(1) FISCAL YEAR 2004.—Of the amounts made available by or appropriated under section 5338(b), $85,000,000 shall be allocated to new fixed guideway capital projects under subsection (d). Remaining amounts shall be allocated as follows:

''(A) 40 percent for fixed guideway modernization;

''(B) 40 percent for major new fixed guideway capital projects; and

''(C) 20 percent to replace, rehabilitate, and purchase buses and related equipment and to construct bus-related facilities.

''(2) FISCAL YEARS 2005–2009.—The total amount of funds made available by section 5338(g), and appropriated under section 5338(h), for each of fiscal years 2005 through 2009 shall be allocated in the fiscal year as follows:

''(A) SMALL CAPITAL PROJECTS.—From funds appropriated under section 5338(h) for new fixed guideway capital projects described in subsection (d)—

''(i) $135,000,000 in fiscal year 2005;

''(ii) $175,000,000 in fiscal year 2006;

''(iii) $200,000,000 in fiscal year 2007;

''(iv) $200,000,000 in fiscal year 2008; and

''(v) $225,000,000 in fiscal year 2009.

''(B) REMAINDER.—After the allocation under subparagraph (A), the remainder of such total amount shall be allocated as follows:

''(i) 40 percent for fixed guideway modernization, to be derived from funds made available under section 5338(g).

''(ii) 40 percent for major new fixed capital guideway projects, to be derived from funds appropriated under section 5338(h).

''(iii) 20 percent to replace, rehabilitate, and purchase buses and related equipment and to construct bus-related facilities, to be derived from funds made available under section 5338(g).

''(3) FUNDING FOR FERRY BOAT SYSTEMS.—Of the amounts made available under paragraphs (1)(B) and (2)(B)(ii), $10,400,000 shall be available in each of fiscal years 2004 through 2009 for new fixed guideway capital projects in Alaska or Hawaii that are for ferry boats or ferry terminal facilities or that are for approaches to ferry terminal facilities.

''(n) NEW FIXED GUIDEWAY CAPITAL PROJECT DEFINED.—In this section, the term 'new fixed guideway capital project' means a minimum operable segment of a capital project for a new fixed guideway system or extension to an existing fixed guideway system.''.

(e) CONFORMING AMENDMENTS.—

(1) CHAPTER ANALYSIS.—The analysis for chapter 53 is amended by striking the item relating to section 5309 and inserting the following:

''5309. Capital investment grants.''.

(2) SECTION 5328.—Section 5328(a) is amended—

(A) in paragraph (2) by striking ''5309(e)'' and inserting ''5309(c)''; and

(B) in paragraph (4) by striking ''under section 5309(o)(1)'' and inserting ''under section 5309(i)(1)''.

SEC. 3011. FORMULA GRANTS FOR SPECIAL NEEDS OF ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES.

(a) IN GENERAL.—Section 5310 is amended—

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

***''§ 5310. Formula grants for special needs of elderly individuals and individuals with disabilities''**;*

(2) by striking subsections (a) through (g) and inserting the following:

''(a) GENERAL AUTHORITY.—

''(1) GRANTS.—The Secretary may make grants to States and local governmental authorities under this section for public transportation capital projects, and operating costs associated with public transportation capital projects, planned, designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities.

''(2) SUBRECIPIENTS.—A State that receives a grant under this section may allocate the amounts of the grant to—

''(A) a private nonprofit organization if the public transportation service provided under paragraph (1) is unavailable, insufficient, or inappropriate; or

''(B) a governmental authority that—

''(i) is approved by the State to coordinate services for elderly individuals and individuals with disabilities; or

''(ii) certifies that there are not any nonprofit organizations readily available in the area to provide the services described under paragraph (1).

''(3) ACQUIRING PUBLIC TRANSPORTATION SERVICES.—A public transportation capital project under this section may include acquisition of public transportation services as an eligible capital expense.

''(4) ADMINISTRATIVE EXPENSES.—A State or local governmental authority may use not more than 10 percent of the amounts apportioned to the State under this section to administer, plan, and provide technical assistance for a project funded under this section.

''(b) APPORTIONMENT AND TRANSFERS.—

''(1) APPORTIONMENT.—

''(A) FORMULA.—The Secretary shall apportion amounts made available to carry out this section under a formula the Secretary administers that considers the number of elderly individuals and individuals with disabilities in each State.

''(B) LOW DENSITY ADJUSTMENT.—In administering the apportionment formula under subparagraph (A)—

''(i) in the case of a State with a population density of 10 or fewer persons per square mile, the Secretary shall multiply by a factor of 2 the number of elderly individuals and individuals with disabilities in the State (as determined using the most recent decennial United States Census); and

''(ii) in the case of a State with a population density of more than 10 but equal to or fewer than 30 persons per square mile, the Secretary shall multiply by a factor of 1.25 the number of elderly individuals and individuals with disabilities in the State (as determined using the most recent decennial United States Census).

''(2) TRANSFERS.—Any State's apportionment remaining available for obligation at the beginning of the 90-day period before the end of the period of availability of the apportionment is available to the State for transfer to supplement amounts apportioned to the State under section 5311(c) or 5336(a)(1), or both. Any funds transferred pursuant to this paragraph shall be made available only for eligible projects as described in this section.

''(c) GOVERNMENT'S SHARE OF COSTS.—

''(1) CAPITAL PROJECTS.—A grant for a capital project under this section shall be for 80 percent of the net capital costs of the project, as determined by the Secretary; except that in the case of a State described in section 120(b)(1) of title 23, such percentage shall be increased in accordance with such section.

''(2) OPERATING ASSISTANCE.—A grant made under this section for operating assistance may not exceed 50 percent of the net operating costs of the project, as determined by the Secretary.

''(3) REMAINDER.—The remainder of the net project costs—

''(A) may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, a service agreement with a State or local social service agency or a private social service organization, or new capital; and

''(B) may be derived from amounts appropriated to or made available to a department or agency of the Government (other than the Department of Transportation) that are eligible to be expended for transportation.

''(4) USE OF CERTAIN FUNDS.—For purposes of paragraph (3)(B), the prohibitions on the use of funds for matching requirements under section 403(a)(5)(C)(vii) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(vii)) shall not apply to Federal or State funds to be used for transportation purposes.

''(d) GRANT REQUIREMENTS.—

''(1) IN GENERAL.—A grant under this section shall be subject to all requirements of a grant under section 5307. A grant to a subrecipient under this section shall be subject to such requirements to the extent the Secretary considers appropriate.

''(2) COORDINATION WITH NONPROFIT PROVIDERS.—A recipient that transfers funds to an apportionment under section 5336(a)(1) pursuant to subsection (b)(2) shall certify that the project for which the funds are requested under this section has been coordinated with nonprofit providers of services.

''(3) PROJECT SELECTION AND PLANNING.—A recipient of funds under this section shall certify that—

''(A) the projects selected were derived from a locally developed, coordinated public transit-human services transportation plan; and

''(B) the plan was developed through a process that included representatives of public, private, and nonprofit transportation and human services providers and participation by the public.

''(4) FAIR AND EQUITABLE DISTRIBUTION.—A recipient of a grant under this section shall certify that allocations of the grant to subrecipients are distributed on a fair and equitable basis.

''(e) STATE PROGRAM.—

''(1) IN GENERAL.—Amounts made available to carry out this section may be used for transportation projects to assist in providing transportation services for elderly individuals and individuals with disabilities that are included in a State program of projects.

''(2) SUBMISSION AND APPROVAL.—A program shall be submitted annually to the Secretary for approval and shall contain an assurance that the program provides for maximum feasible coordination of transportation services assisted under this section with transportation services assisted by other Government sources.

''(f) LEASING VEHICLES.—Vehicles acquired under this section may be leased to local governmental authorities to improve transportation

services designed to meet the special needs of elderly individuals and individuals with disabilities.''; and

(3) by redesignating subsections (h) through (j) as subsections (g) through (i), respectively.

(b) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by striking the item relating to section 5310 and inserting the following:

''5310. Formula grants for special needs of elderly individuals and individuals with disabilities.''.

SEC. 3012. FORMULA GRANTS FOR OTHER THAN URBANIZED AREAS.

(a) DEFINITIONS.—Section 5311(a) is amended to read as follows:

''(a) DEFINITIONS.—In this section, the following definitions apply:

''(1) RECIPIENT.—The term 'recipient' means a State that receives a Federal transit program grant directly from the Government.

''(2) SUBRECIPIENT.—The term 'subrecipient' means a State or local governmental authority, nonprofit organization, or operator of public transportation services that receives a Federal transit program grant indirectly through a recipient.''.

(b) GENERAL AUTHORITY.—Section 5311(b) is amended to read as follows:

''(b) GENERAL AUTHORITY.—

''(1) GRANTS.—Except as provided in paragraph (2), the Secretary may make grants to other than urbanized areas under this section for the following:

''(A) Public transportation capital projects.

''(B) Operating costs of equipment and facilities for use in public transportation.

''(C) Acquisition of public transportation services, including service agreements with private providers of public transportation services.

''(2) STATE PROGRAM.—

''(A) IN GENERAL.—Amounts made available to carry out this section shall be used for projects included in a State program for public transportation projects, including service agreements with private providers of public transportation.

''(B) SUBMISSION.—The program shall be submitted annually to the Secretary for approval.

''(C) APPROVAL.—The Secretary may approve the program only if the Secretary finds that the program provides a fair distribution of amounts in the State, including Indian reservations, and the maximum feasible coordination of public transportation service assisted under this section with transportation service assisted by other Federal sources.

''(3) RURAL TRANSPORTATION ASSISTANCE PROGRAM.—

''(A) IN GENERAL.—The Secretary shall carry out a rural transportation assistance program in other than urbanized areas.

''(B) GRANTS AND CONTRACTS.—In carrying out this paragraph, the Secretary may use not more than 2 percent of the amount made available to carry out this section to make grants and contracts for transportation research, technical assistance, training, and related support services in other than urbanized areas.

''(C) PROJECTS OF A NATIONAL SCOPE.—Not more than 15 percent of the amounts available under subparagraph (B) may be used by the Secretary to carry out projects of a national scope, with the remaining balance provided to the States.''.

(c) APPORTIONMENTS.—Section 5311(c) is amended to read as follows:

''(c) APPORTIONMENTS.—

''(1) IN GENERAL.—The Secretary shall apportion amounts made available to carry out this section among the States in the ratio that—

''(A) the population of other than urbanized areas in each State, as shown by the most recent Government decennial census of population; bears to

''(B) the population of all other than urbanized areas in the United States, as shown by that census.

''(2) LOW DENSITY ADJUSTMENT.—In administering the apportionment formula under paragraph (1)—

''(A) in the case of a State with a population density of 10 or fewer persons per square mile in other than urbanized areas of the State, the Secretary shall multiply by a factor of 1.5 the population of such other than urbanized areas (as determined using the most recent decennial United States Census); and

''(B) in the case of a State with a population density of more than 10 but equal to or fewer than 12 persons per square mile in other than urbanized areas of the State, the Secretary shall multiply by a factor of 1.25 the population of such other than urbanized areas (as determined using the most recent decennial United States Census).

''(3) AVAILABILITY.—The amount apportioned to a State under this subsection may be obligated by the State for 2 fiscal years after the fiscal year in which the amount is apportioned. An amount that is not obligated at the end of that period shall be reapportioned among the States for the next fiscal year.''.

(d) USE FOR ADMINISTRATION, PLANNING, AND TECHNICAL ASSISTANCE.—Section 5311(e) is amended—

(1) in the subsection heading by inserting '', PLANNING,'' after ''ADMINISTRATION'';

(2) by striking ''(1) The Secretary'' and inserting ''The Secretary'';

(3) by striking paragraph (2); and

(4) by striking ''recipient'' and inserting ''subrecipient''.

(e) INTERCITY BUS TRANSPORTATION.—Section 5311(f) is amended—

(1) in paragraph (1) by striking ''after September 30, 1993,''; and

(2) in paragraph (2) by striking ''A State'' and inserting ''After consultation with affected intercity bus service providers, a State''.

(f) GOVERNMENT'S SHARE OF COSTS.—Section 5311(g) is amended to read as follows:

''(g) GOVERNMENT'S SHARE OF COSTS.—

''(1) CAPITAL PROJECTS.—A grant for a capital project under this section shall be for 80 percent of the net capital costs of the project, as determined by the Secretary; except that in the case of a State described in section 120(b)(1) of title 23, such percentage shall be increased in accordance with such section.

''(2) OPERATING ASSISTANCE.—A grant made under this section for operating assistance may not exceed 50 percent of the net operating costs of the project, as determined by the Secretary.

''(3) REMAINDER.—The remainder of net project costs—

''(A) may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, a service agreement with a State or local social service agency or a private social service organization, or new capital; and

''(B) may be derived from amounts appropriated to or made available to a department or agency of the Government (other than the Department of Transportation) that are eligible to be expended for transportation.

''(4) USE OF CERTAIN FUNDS.—For purposes of paragraph (3)(B), the prohibitions on the use of funds for matching requirements under section 403(a)(5)(C)(vii) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(vii)) shall not apply to Federal or State funds to be used for transportation purposes.

''(5) LIMITATION ON OPERATING ASSISTANCE.—A State carrying out a program of operating assistance under this section may not limit the level or extent of use of the Government grant for the payment of operating expenses.''.

(g) RELATIONSHIP TO OTHER LAWS.—Section 5311 is amended—

(1) by striking subsection (h); and

(2) by redesignating subsections (i) and (j) as subsections (h) and (i), respectively.

(h) CORRECTION TO CHAPTER ANALYSIS.—The analysis for chapter 53 is amended by striking the item relating to section 5311 and inserting the following:

''5311. Formula grants for other than urbanized areas.''.

SEC. 3013. RESEARCH, DEVELOPMENT, DEMONSTRATION, AND DEPLOYMENT PROJECTS.

(a) IN GENERAL.—Section 5312 is amended—

(1) in subsection (a)—

(A) by striking the first parenthetical phrase;

(B) by striking ''or contracts'' and inserting '', contracts, cooperative agreements, or other transactions'';

(C) by striking ''help reduce urban transportation needs, improve mass transportation service,'' and inserting ''improve transportation service'';

(D) by striking ''urban'' each place it appears; and

(E) by striking ''and demonstration projects'' and inserting '', demonstration or deployment projects, or evaluation of technology of national significance'';

(2) by striking subsections (b) and (c);

(3) by redesignating subsections (d) and (e) as subsections (b) and (c), respectively;

(4) in subsection (b)(2) (as so redesignated) by striking ''other agreements'' and inserting ''other transactions''; and

(5) in subsection (c)(2) (as so redesignated) by striking ''public and'' and inserting ''public or''.

(b) CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—Section 5312 is amended by striking the section heading and inserting the following:

''§ 5312. Research, development, demonstration, and deployment projects''.

(2) CHAPTER ANALYSIS.—The analysis for chapter 53 is amended by striking the item relating to section 5312 and inserting the following:

''5312. Research, development, demonstration, and deployment projects.''.

SEC. 3014. COOPERATIVE RESEARCH PROGRAM.

(a) IN GENERAL.—Section 5313 is amended—

(1) in subsection (a) by striking ''(1) The amounts made available under paragraphs (1) and (2)(C)(ii) of section 5338(d) of this title'' and inserting ''The amounts made available under paragraphs (1)(C)(iv) and (2)(C) of section 5338(d)'';

(2) by striking subsection (b);

(3) in subsection (a)(2) by striking ''(2) The'' and inserting ''(b) FEDERAL ASSISTANCE.—The''; and

(4) in subsection (c) by striking ''subsection (a) of''.

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 5313 is amended by striking the section heading and inserting the following:

''§ 5313. Cooperative research program''.

(2) CHAPTER ANALYSIS.—The analysis for chapter 53 is amended by striking the item relating to section 5313 and inserting the following:

''5313. Cooperative research program.''.

SEC. 3015. NATIONAL RESEARCH AND TECHNOLOGY PROGRAMS.

(a) IN GENERAL.—Section 5314 is amended—

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

''§ 5314. National research and technology programs'';

(2) in subsection (a)(1)—

(A) by striking ''subsections (d) and (h)(7) of section 5338 of this title'' and inserting ''section 5338(d)'';

(B) by striking ''and contracts'' and inserting '', contracts, cooperative agreements, or other transactions'';

(C) by striking ''5303–5306,''; and

(D) by striking ''5317,'';

(3) in subsection (a)(2) by striking ''Of the amounts'' and all that follows through ''$3,000,000 to'' and inserting ''The Secretary shall'';

(4) by striking subsection (a)(4)(B);

(5) by redesignating subsection (a)(4)(C) as subsection (a)(4)(B); and

(6) in subsection (b) by striking ''or contract'' and all that follows through ''section,'' and inserting '', contract, cooperative agreement, or

other transaction under subsection (a) or section 5312,''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by striking the item relating to section 5314 and inserting the following:

''5314. National research and technology programs.''.

SEC. 3016. NATIONAL TRANSIT INSTITUTE.

Section 5315 is amended—

(1) in subsection (a) by striking ''public mass transportation'' and inserting ''public transportation''; and

(2) in subsection (d) by striking ''mass'' each place it appears.

SEC. 3017. JOB ACCESS AND REVERSE COMMUTE FORMULA GRANTS.

(a) IN GENERAL.—Chapter 53 is amended by inserting after section 5315 the following:

''§5316. Job access and reverse commute formula grants

''(a) DEFINITIONS.—In this section, the following definitions apply:

''(1) ACCESS TO JOBS PROJECT.—The term 'access to jobs project' means a project relating to the development and maintenance of transportation services designed to transport welfare recipients and eligible low-income individuals to and from jobs and activities related to their employment, including—

''(A) transportation projects to finance planning, capital, and operating costs of providing access to jobs under this chapter;

''(B) promoting public transportation by low-income workers, including the use of public transportation by workers with nontraditional work schedules;

''(C) promoting the use of transit vouchers for welfare recipients and eligible low-income individuals; and

''(D) promoting the use of employer-provided transportation, including the transit pass benefit program under section 132 of the Internal Revenue Code of 1986.

''(2) ELIGIBLE LOW-INCOME INDIVIDUAL.—The term 'eligible low-income individual' means an individual whose family income is at or below 150 percent of the poverty line (as that term is defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by that section) for a family of the size involved.

''(3) RECIPIENT.—The term 'recipient' means a designated recipient (as defined in section 5307(a)(2)) and a State that receives a grant under this section directly.

''(4) REVERSE COMMUTE PROJECT.—The term 'reverse commute project' means a public transportation project designed to transport residents of urbanized areas and other than urbanized areas to suburban employment opportunities, including any projects to—

''(A) subsidize the costs associated with adding reverse commute bus, train, carpool, van routes, or service from urbanized areas and other than urbanized areas to suburban workplaces;

''(B) subsidize the purchase or lease by a nonprofit organization or public agency of a van or bus dedicated to shuttling employees from their residences to a suburban workplace; or

''(C) otherwise facilitate the provision of public transportation services to suburban employment opportunities.

''(5) SUBRECIPIENT.—The term 'subrecipient' means a State or local governmental authority, nonprofit organization, or operator of public transportation services that receives a grant under this section indirectly through a recipient.

''(6) WELFARE RECIPIENT.—The term 'welfare recipient' means an individual who has received assistance under a State or tribal program funded under part A of title IV of the Social Security Act at any time during the 3-year period before the date on which the applicant applies for a grant under this section.

''(b) GENERAL AUTHORITY.—

''(1) GRANTS.—The Secretary may make grants under this section to a recipient for access to jobs and reverse commute projects carried out by the recipient or a subrecipient.

''(2) ADMINISTRATIVE EXPENSES.—A recipient may use not more than 10 percent of the amounts apportioned to the recipient under this section to administer, plan, and provide technical assistance for a project funded under this section.

''(c) APPORTIONMENTS.—

''(1) FORMULA.—The Secretary shall apportion amounts made available to carry out this section as follows:

''(A) 60 percent of the funds shall be apportioned among designated recipients (as defined in section 5307(a)(2)) for urbanized areas with a population of 200,000 or more in the ratio that—

''(i) the number of eligible low-income individuals and welfare recipients in each such urbanized area; bears to

''(ii) the number of eligible low-income individuals and welfare recipients in all such urbanized areas.

''(B) 20 percent of the funds shall be apportioned among the States in the ratio that—

''(i) the number of eligible low-income individuals and welfare recipients in urbanized areas with a population of less than 200,000 in each State; bears to

''(ii) the number of eligible low-income individuals and welfare recipients in urbanized areas with a population of less than 200,000 in all States.

''(C) 20 percent of the funds shall be apportioned among the States in the ratio that—

''(i) the number of eligible low-income individuals and welfare recipients in other than urbanized areas in each State; bears to

''(ii) the number of eligible low-income individuals and welfare recipients in other than urbanized areas in all States.

''(2) USE OF APPORTIONED FUNDS.—Except as provided in paragraph (3)—

''(A) funds apportioned under paragraph (1)(A) shall be used for projects serving urbanized areas with a population of 200,000 or more;

''(B) funds apportioned under paragraph (1)(B) shall be used for projects serving urbanized areas with a population of less than 200,000; and

''(C) funds apportioned under paragraph (1)(C) shall be used for projects serving other than urbanized areas.

''(3) EXCEPTIONS.—A State may use funds apportioned under paragraphs (1)(B) and (1)(C)—

''(A) for projects serving areas other than the area specified in paragraph (2)(B) or (2)(C), as the case may be, if the Governor of the State certifies that all of the objectives of this section are being met in the specified area; or

''(B) for projects anywhere in the State if the State has established a statewide program for meeting the objectives of this section.

''(d) COMPETITIVE PROCESS FOR GRANTS TO SUBRECIPIENTS.—

''(1) AREAWIDE SOLICITATIONS.—A recipient of funds apportioned under subsection (c)(1)(A) shall conduct, in cooperation with the appropriate metropolitan planning organization, an areawide solicitation for applications for grants to the recipient and subrecipients under this section.

''(2) STATEWIDE SOLICITATION.—A recipient of funds apportioned under subsection (c)(1)(B) or (c)(1)(C) shall conduct a statewide solicitation for applications for grants to the recipient and subrecipients under this section.

''(3) APPLICATION.—Recipients and subrecipients seeking to receive a grant from funds apportioned under subsection (c) shall submit to the recipient an application in the form and in accordance with such requirements as the recipient shall establish.

''(4) GRANT AWARDS.—The recipient shall award grants under paragraphs (1) and (2) on a competitive basis.

''(e) TRANSFERS.—

''(1) IN GENERAL.—A State may transfer any funds apportioned to it under subsection (c)(1)(B) or (c)(1)(C), or both, to an apportionment under section 5311(c) or 5336, or both.

''(2) LIMITED TO ELIGIBLE PROJECTS.—Any apportionment transferred under this subsection shall be made available only for eligible job access and reverse commute projects as described in this section.

''(3) CONSULTATION.—A State may make a transfer of an amount under this subsection only after consulting with responsible local officials and publicly owned operators of public transportation in each area for which the amount originally was awarded under subsection (d)(4).

''(f) GRANT REQUIREMENTS.—

''(1) IN GENERAL.—A grant under this section shall be subject to the requirements of section 5307.

''(2) FAIR AND EQUITABLE DISTRIBUTION.—A recipient of a grant under this section shall certify to the Secretary that allocations of the grant to subrecipients are distributed on a fair and equitable basis.

''(g) COORDINATION.—

''(1) IN GENERAL.—The Secretary shall coordinate activities under this section with related activities under programs of other Federal departments and agencies.

''(2) WITH NONPROFIT PROVIDERS.—A State that transfers funds to an apportionment under section 5336 pursuant to subsection (e) shall certify to the Secretary that any project for which the funds are requested under this section has been coordinated with nonprofit providers of services.

''(3) PROJECT SELECTION AND PLANNING.—A recipient of funds under this section shall certify to the Secretary that—

''(A) the projects selected were derived from a locally developed, coordinated public transit-human services transportation plan; and

''(B) the plan was developed through a process that included representatives of public, private, and nonprofit transportation and human services providers and participation by the public.

''(h) GOVERNMENT'S SHARE OF COSTS.—

''(1) CAPITAL PROJECTS.—A grant for a capital project under this section may not exceed 80 percent of the net capital costs of the project, as determined by the Secretary.

''(2) OPERATING ASSISTANCE.—A grant made under this section for operating assistance may not exceed 50 percent of the net operating costs of the project, as determined by the Secretary.

''(3) REMAINDER.—The remainder of the net project costs—

''(A) may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, a service agreement with a State or local social service agency or a private social service organization, or new capital; and

''(B) may be derived from amounts appropriated to or made available to a department or agency of the Government (other than the Department of Transportation) that are eligible to be expended for transportation.

''(4) USE OF CERTAIN FUNDS.—For purposes of paragraph (3)(B), the prohibitions on the use of funds for matching requirements under section 403(a)(5)(C)(vii) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(vii)) shall not apply to Federal or State funds to be used for transportation purposes.

''(5) LIMITATION ON OPERATING ASSISTANCE.—A recipient carrying out a program of operating assistance under this section may not limit the level or extent of use of the Government grant for the payment of operating expenses.

''(i) PROGRAM EVALUATION.—

''(1) COMPTROLLER GENERAL.—Beginning 1 year after the date of enactment of the Federal Public Transportation Act of 2004, and every 2 years thereafter, the Comptroller General shall—

''(A) conduct a study to evaluate the grant program authorized by this section; and

''(B) transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report describing the results of the study under subparagraph (A).

''(2) DEPARTMENT OF TRANSPORTATION.—Not later than 3 years after the date of enactment of Federal Public Transportation Act of 2004, the Secretary shall—

''(A) conduct a study to evaluate the effectiveness of the grant program authorized by this section and the effectiveness of recipients making grants to subrecipients under this section; and

''(B) transmit to the committees referred to in paragraph (1)(B) a report describing the results of the study under subparagraph (A).''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by inserting after the item relating to section 5315 the following:

''5316. Job access and reverse commute formula grants.''.

(c) REPEAL.—Section 3037 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5309 note; 112 Stat. 387) is repealed.

SEC. 3018. NEW FREEDOM PROGRAM.

(a) IN GENERAL.—Chapter 53 is further amended by inserting after section 5316 the following:

''§5317. New Freedom program

''(a) DEFINITIONS.—In this section, the following definitions apply:

''(1) RECIPIENT.—The term 'recipient' means a designated recipient (as defined in section 5307(a)(2)) and a State that receives a grant under this section directly.

''(2) SUBRECIPIENT.—The term 'subrecipient' means a State or local governmental authority, nonprofit organization, or operator of public transportation services that receives a grant under this section indirectly through a recipient.

''(b) GENERAL AUTHORITY.—

''(1) GRANTS.—The Secretary may make grants under this section to a recipient for new public transportation services and public transportation alternatives beyond those required by the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) that assist individuals with disabilities with transportation, including transportation to and from jobs and employment support services.

''(2) ADMINISTRATIVE EXPENSES.—A recipient may use not more than 10 percent of the amounts apportioned to the recipient under this section to administer, plan, and provide technical assistance for a project funded under this section.

''(c) APPORTIONMENTS.—

''(1) FORMULA.—The Secretary shall apportion amounts made available to carry out this section as follows:

''(A) 60 percent of the funds shall be apportioned among designated recipients (as defined in section 5307(a)(2)) for urbanized areas with a population of 200,000 or more in the ratio that—

''(i) the number of individuals with disabilities in each such urbanized area; bears to

''(ii) the number of individuals with disabilities in all such urbanized areas.

''(B) 20 percent of the funds shall be apportioned among the States in the ratio that—

''(i) the number of individuals with disabilities in urbanized areas with a population of less than 200,000 in each State; bears to

''(ii) the number of individuals with disabilities in urbanized areas with a population of less than 200,000 in all States.

''(C) 20 percent of the funds shall be apportioned among the States in the ratio that—

''(i) the number of individuals with disabilities in other than urbanized areas in each State; bears to

''(ii) the number of individuals with disabilities in other than urbanized areas in all States.

''(2) USE OF APPORTIONED FUNDS.—Except as provided in paragraph (3)—

''(A) funds apportioned under paragraph (1)(A) shall be used for projects serving urbanized areas with a population of 200,000 or more;

''(B) funds apportioned under paragraph (1)(B) shall be used for projects serving urbanized areas with a population of less than 200,000; and

''(C) funds apportioned under paragraph (1)(C) shall be used for projects serving other than urbanized areas.

''(3) LOW DENSITY ADJUSTMENT.—

''(A) SMALLER URBANIZED AREAS.—In administering the apportionment formula under paragraph (1)(B)—

''(i) in the case of a State with a population density of 10 persons per square mile or fewer, the Secretary shall multiply by a factor of 2 the number of individuals with disabilities in urbanized areas of the State with a population of less than 200,000 (as determined using the most recent decennial United States Census); and

''(ii) in the case of a State with a population density of more than 10 but equal to or fewer than 30 persons per square mile, the Secretary shall multiply by a factor of 1.25 the number of individuals with disabilities in urbanized areas of the State with a population of less than 200,000 (as determined using the most recent decennial United States Census).

''(B) OTHER THAN URBANIZED AREAS.—In administering the apportionment formula under paragraph (1)(C)—

''(i) in the case of a State with a population density of 10 persons per square mile or fewer, the Secretary shall multiply by a factor of 1.5 the number of individuals with disabilities in other than urbanized areas of the State (as determined using the most recent decennial United States Census); and

''(ii) in the case of a State with a population density of more than 10 but equal to or fewer than 12 persons per square mile in other than urbanized areas of the State, the Secretary shall multiply by a factor of 1.25 the number of individuals with disabilities in other than urbanized areas of the State (as determined using the most recent decennial United States Census).

''(4) TRANSFERS.—

''(A) IN GENERAL.—A State may transfer any funds apportioned to it under paragraph (1)(B) or (1)(C), or both, to an apportionment under section 5311(c) or 5336, or both.

''(B) LIMITED TO ELIGIBLE PROJECTS.—Any funds transferred pursuant to this paragraph shall be made available only for eligible projects selected under this section.

''(C) CONSULTATION.—A State may make a transfer of an amount under this subsection only after consulting with responsible local officials and publicly owned operators of public transportation in each area for which the amount originally was awarded under subsection (d)(4).

''(d) COMPETITIVE PROCESS FOR GRANTS TO SUBRECIPIENTS.—

''(1) AREAWIDE SOLICITATIONS.—A recipient of funds apportioned under subsection (c)(1)(A) shall conduct, in cooperation with the appropriate metropolitan planning organization, an areawide solicitation for applications for grants to the recipient and subrecipients under this section.

''(2) STATEWIDE SOLICITATION.—A recipient of funds apportioned under subsection (c)(1)(B) or (c)(1)(C) shall conduct a statewide solicitation for applications for grants to the recipient and subrecipients under this section.

''(3) APPLICATION.—Recipients and subrecipients seeking to receive a grant from funds apportioned under subsection (c) shall submit to the recipient an application in the form and in accordance with such requirements as the recipient shall establish.

''(4) GRANT AWARDS.—The recipient shall award grants under paragraphs (1) and (2) on a competitive basis.

''(e) GRANT REQUIREMENTS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a grant under this section shall be subject to all the requirements of section 5307.

''(2) EMPLOYEE PROTECTIVE ARRANGEMENTS.—Section 5333(b) shall apply to grants under this section, except that the Secretary of Labor shall utilize, for urbanized areas with a population of less than 200,000 and for other than urbanized areas, a special warranty described in section 215.7 of title 29, Code of Federal Regulations (as in effect on the date of enactment of the Federal Public Transportation Act of 2004), that provides a fair and equitable arrangement to protect the interest of employees.

''(3) FAIR AND EQUITABLE DISTRIBUTION.—A recipient of a grant under this section shall certify that allocations of the grant to subrecipients are distributed on a fair and equitable basis.

''(f) COORDINATION.—

''(1) IN GENERAL.—The Secretary shall coordinate activities under this section with related activities under programs of other Federal departments and agencies.

''(2) WITH NONPROFIT PROVIDERS.—A recipient that transfers funds to an apportionment under section 5336 pursuant to subsection (c)(2) shall certify that the project for which the funds are requested under this section has been coordinated with nonprofit providers of services.

''(3) PROJECT SELECTION AND PLANNING.—A recipient of funds under this section shall certify that—

''(A) the projects selected were derived from a locally developed, coordinated public transit-human services transportation plan; and

''(B) the plan was developed through a process that included representatives of public, private, and nonprofit transportation and human services providers and participation by the public.

''(g) GOVERNMENT'S SHARE OF COSTS.—

''(1) CAPITAL PROJECTS.—A grant for a capital project under this section may not exceed 80 percent of the net capital costs of the project, as determined by the Secretary.

''(2) OPERATING ASSISTANCE.—A grant made under this section for operating assistance may not exceed 50 percent of the net operating costs of the project, as determined by the Secretary.

''(3) REMAINDER.—The remainder of the net project costs—

''(A) may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, a service agreement with a State or local social service agency or a private social service organization, or new capital; and

''(B) may be derived from amounts appropriated to or made available to a department or agency of the Government (other than the Department of Transportation) that are eligible to be expended for transportation.

''(4) USE OF CERTAIN FUNDS.—For purposes of paragraph (3)(B), the prohibitions on the use of funds for matching requirements under section 403(a)(5)(C)(vii) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(vii)) shall not apply to Federal or State funds to be used for transportation purposes.

''(5) LIMITATION ON OPERATING ASSISTANCE.—A recipient carrying out a program of operating assistance under this section may not limit the level or extent of use of the Government grant for the payment of operating expenses.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by inserting after the item relating to section 5316 the following:

''5317. New freedom program.''.

SEC. 3019. BUS TESTING FACILITY.

(a) IN GENERAL.—Section 5318 is amended—

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

''(a) FACILITY.—The Secretary of Transportation shall maintain one facility for testing a new bus model for maintainability, reliability, safety, performance (including braking performance), structural integrity, fuel economy, emissions, and noise.'';

(2) in subsection (d) by striking ''under section 5309(m)(1)(C) of this title'' and inserting ''to carry out this section''; and

(3) by striking subsection (e) and inserting the following:

''(e) ACQUIRING NEW BUS MODELS.—Amounts appropriated or made available under this chapter may be obligated or expended to acquire a new bus model only if a bus of that model has been tested at the facility maintained by the Secretary under subsection (a).''.

(b) CONFORMING AMENDMENT.—Section 5323(c) is repealed.

SEC. 3020. BICYCLE FACILITIES.

The first sentence of section 5319 is amended—

(1) by striking ''5309(h),'' and inserting ''5309(g),''; and

(2) by striking ''and 5311'' and inserting ''5311, and 5320''.

SEC. 3021. TRANSIT IN THE PARKS PILOT PROGRAM.

(a) IN GENERAL.—Section 5320 is amended to read as follows:

''§ 5320. Transit in the parks pilot program

''(a) PUBLIC TRANSPORTATION DEFINED.—In this section, the term 'public transportation' means general or special transportation to the public by a conveyance that is publicly or privately owned. Such term does not include schoolbus or charter transportation but does include sightseeing transportation.

''(b) ESTABLISHMENT.—Not later than 90 days after the date of enactment of the Federal Public Transportation Act of 2004, the Secretary of Transportation and the Secretary of the Interior shall enter into a memorandum of understanding to establish a transit in the parks pilot program in accordance with the requirements of this section.

''(c) PURPOSE.—The purpose of the pilot program shall be to encourage and promote the development of transportation systems described in section 5301(a) within units of the National Park System to improve visitor mobility and enjoyment (including visitors with disabilities), reduce pollution and congestion, and enhance resource protection through the use of public transportation.

''(d) ADMINISTRATION OF PROGRAM.—The program shall be administered by the Secretary of Transportation, in consultation with the Secretary of the Interior.

''(e) MEMORANDUM OF UNDERSTANDING.—

''(1) PLANNING.—The memorandum of understanding under subsection (b) shall include transportation planning procedures that are consistent with the metropolitan and statewide planning processes required under chapter 52.

''(2) PROGRAMS.—The memorandum of understanding shall include descriptions of programs and activities eligible for assistance under the pilot program.

''(3) EXCEPTIONS.—The memorandum of understanding shall limit or modify the applicability of the provisions referred to in subsection (f) to the extent necessary to carry out the objectives of this section and to be compatible with the laws and regulations governing units of the National Park System.

''(f) ELIGIBLE USE OF FUNDS.—Except as provided under subsection (e)(3), the Secretary may provide funds made available to carry out this section to the Secretary of the Interior under interagency agreements for the following purposes:

''(1) PLANNING, ENGINEERING, DESIGN, AND EVALUATION.—Planning, engineering, design, and evaluation of public transportation projects in units of the National Park System, and for technical studies, in accordance with section 5305(b)(2).

''(2) PUBLIC TRANSPORTATION CAPITAL PROJECTS.—Public transportation capital projects (as defined in section 5302(a)(1)) for such units in accordance with all the terms and conditions to which a grant is made under subsections (a), (b), (c), and (d) of section 5307 and such other terms and conditions as are determined by the Secretary. The Secretary of the Interior shall act as the designated recipient for the purposes of subsection (a)(2) of section 5307.

''(3) OPERATING COSTS.—Operating costs of equipment and facilities used in public transportation for such units.

''(g) GOVERNMENT'S SHARE OF COSTS.—

''(1) CAPITAL PROJECTS.—The Government share of the cost of any capital project or activity under this section shall be 100 percent of the costs of the project, as determined by the Secretary.

''(2) OPERATING ASSISTANCE.—A grant made under this section for operating assistance may not exceed 50 percent of the net operating costs of the project, as determined by the Secretary.

''(h) SAVINGS CLAUSE.—Nothing in this section shall be construed as superseding, amending, modifying, or repealing any provision of law applicable to units of the National Park System.''.

(b) CONFORMING AMENDMENT.—The analysis for such chapter is further amended by striking the item relating to section 5320 and inserting the following:

''5320. Transit in the parks pilot program.''.

SEC. 3022. HUMAN RESOURCE PROGRAMS.

Section 5322 is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The Secretary''; and

(2) by adding at the end the following:

''(b) GRANTS TO HIGHER LEARNING INSTITUTIONS.—

''(1) AUTHORITY TO MAKE GRANTS.—The Secretary may make grants to nonprofit institutions of higher learning—

''(A) to conduct research and investigations into the theoretical or practical problems of public transportation; and

''(B) to train individuals to conduct further research or obtain employment in an organization that plans, builds, operates, or manages a public transportation system.

''(2) RESEARCH AND INVESTIGATIONS.—Research and investigations under this subsection include—

''(A) the design and use of public transportation systems and public roads and highways;

''(B) the interrelationship between various modes of urban, suburban, rural, and intercity transportation;

''(C) the role of transportation planning in overall urban planning;

''(D) public preferences in transportation;

''(E) the economic allocation of transportation resources; and

''(F) the legal, financial, engineering, and esthetic aspects of public transportation.

''(3) PREFERENCE.—When making a grant under this subsection, the Secretary shall give preference to an institution that brings together knowledge and expertise in the various social science and technical disciplines related to public transportation problems.

''(c) FELLOWSHIPS.—

''(1) AUTHORITY TO MAKE GRANTS.—The Secretary may make grants to States, local governmental authorities, and operators of public transportation systems to provide fellowships to train personnel employed in managerial, technical, and professional positions in the public transportation field.

''(2) TERMS.—

''(A) PERIOD OF TRAINING.—A fellowship under this subsection may be for not more than one year of training in an institution that offers a program applicable to the public transportation industry.

''(B) SELECTION OF INDIVIDUALS.—The recipient of the grant shall select an individual on the basis of demonstrated ability and for the contribution the individual reasonably can be expected to make to an efficient public transportation operation.

''(C) AMOUNT.—A grant for a fellowship may not be more than the lesser of $65,000 or 75 percent of—

''(i) tuition and other charges to the fellowship recipient;

''(ii) additional costs incurred by the training institution and billed to the grant recipient; and

''(iii) the regular salary of the fellowship recipient for the period of the fellowship to the extent the salary is actually paid or reimbursed by the grant recipient.''.

SEC. 3023. GENERAL PROVISIONS ON ASSISTANCE.

(a) INTERESTS IN PROPERTY.—Section 5323(a)(1) is amended—

(1) in the matter preceding subparagraph (A)—

(A) by striking ''private mass transportation company'' each place it appears and inserting ''private company engaged in public transportation'';

(B) by striking ''mass transportation equipment or a mass transportation facility'' and inserting ''a public transportation facility or equipment''; and

(C) by striking ''mass transportation company'' and inserting ''public transportation company''; and

(2) in subparagraph (B) by striking ''private mass transportation companies'' and inserting ''private companies engaged in public transportation''.

(b) NOTICE AND PUBLIC HEARING.—Section 5323(b) is amended—

(1) in paragraph (1)—

(A) by striking ''(1) An application'' and inserting the following:

''(1) APPLICATIONS.—An application'';

(B) in the matter preceding subparagraph (A) by striking ''or loan''; and

(C) by moving subparagraphs (A) through (D) 2 ems to the right;

(2) in paragraph (2) by striking ''(2) Notice of'' and inserting the following:

''(2) NOTICE.—Notice of''; and

(3) by adding at the end the following:

''(3) ENVIRONMENTAL RECORD.—An applicant shall include in the environmental record for a project under this chapter evidence that the applicant has complied with the requirements of subparagraphs (A) through (D) of paragraph (1).''.

(c) CONDITION ON CHARTER BUS TRANSPORTATION SERVICE.—Section 5323(d) is amended—

(1) by striking ''(1) Financial assistance'' and inserting the following:

''(1) AGREEMENTS.—Financial assistance''; and

(2) by striking paragraph (2) and inserting the following:

''(2) VIOLATIONS.—

''(A) INVESTIGATIONS.—On receiving a complaint about a violation of the agreement required under paragraph (1), the Secretary shall investigate and decide whether a violation has occurred.

''(B) ENFORCEMENT OF AGREEMENTS.—If the Secretary decides that a violation has occurred, the Secretary shall correct the violation under terms of the agreement.

''(C) ADDITIONAL REMEDIES.—In addition to any remedy specified in the agreement, the Secretary shall bar a recipient or an operator from receiving Federal transit assistance in an amount the Secretary considers appropriate if the Secretary finds a pattern of violations of the agreement.''.

(d) BOND PROCEEDS ELIGIBLE FOR LOCAL SHARE.—Section 5323(e) is amended to read as follows:

''(e) BOND PROCEEDS ELIGIBLE FOR LOCAL SHARE.—

''(1) USE AS LOCAL MATCHING FUNDS.—Notwithstanding any other provision of law, a recipient of assistance under section 5307 or 5309 may use the proceeds from the issuance of revenue bonds as part of the local matching funds for a capital project.

''(2) MAINTENANCE OF EFFORT.—The Secretary shall approve of the use of the proceeds from the issuance of revenue bonds for the remainder of the net project cost only if the Secretary finds that the aggregate amount of financial support for public transportation in the urbanized area provided by

the State and affected local governmental authorities during the next 3 fiscal years, as programmed in the State transportation improvement program under chapter 52 is not less than the aggregate amount provided by the State and affected local governmental authorities in the urbanized area during the preceding 3 fiscal years.

''(3) DEBT SERVICE RESERVE.—The Secretary may reimburse an eligible recipient for deposits of bond proceeds in a debt service reserve that recipient established pursuant to section 5302(a)(1)(K) from amounts made available to the recipient under section 5307 or 5309, or both; except that such reimbursement in a fiscal year may not exceed 10 percent of the amounts made available to the recipient under section 5307 in such fiscal year.''.

(e) SCHOOLBUS TRANSPORTATION.—Section 5323(f) is amended—

(1) by striking ''(1) Financial assistance'' and inserting the following:

''(1) AGREEMENTS.—Financial assistance'';

(2) in paragraph (1) by moving subparagraphs (A), (B), and (C) 2 ems to the right; and

(3) by striking paragraph (2) and inserting the following:

''(2) VIOLATIONS.—If the Secretary finds that an applicant, governmental authority, or publicly owned operator has violated the agreement required under paragraph (1), the Secretary shall bar a recipient or an operator from receiving Federal transit assistance in an amount the Secretary considers appropriate.''.

(f) BUYING BUSES UNDER OTHER LAWS.—Section 5323(g) is amended by striking ''103(e)(4)'' each place it appears and inserting ''133''.

(g) BUY AMERICA.—

(1) PUBLIC INTEREST WAIVER.—Section 5323(j) is amended—

(A) by redesignating paragraphs (3) through (7) as paragraphs (4) through (8), respectively; and

(B) by inserting after paragraph (2) the following:

''(3) WRITTEN JUSTIFICATION FOR PUBLIC INTEREST WAIVER.—When issuing a waiver based on a public interest determination under paragraph (2)(A), the Secretary shall issue a detailed written justification as to why the waiver is in the public interest. The Secretary shall publish such justification in the Federal Register and provide the public with a reasonable period of time for notice and comment.''.

(2) INELIGIBILITY FOR CONTRACTS.—Section 5323(j)(6) (as so redesignated) is amended by striking ''Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240, 105 Stat. 1914)'' and inserting ''Federal Public Transportation Act of 2004''.

(3) ADMINISTRATIVE REVIEW.—Section 5323(j) is amended by adding at the end the following:

''(9) ADMINISTRATIVE REVIEW.—A party adversely affected by an agency action under this subsection shall have the right to seek review under section 702 of title 5, United States Code.''.

(4) REPEAL OF GENERAL WAIVER.—Subsections (b) and (c) of Appendix A of section 661.7 of title 49, Code of Federal Regulations, shall cease to be in effect beginning on the date of enactment of this Act.

(h) RELATIONSHIP TO OTHER LAWS.—Section 5323(l) is amended to read as follows:

''(l) RELATIONSHIP TO OTHER LAWS.—Section 1001 of title 18 applies to a certificate, submission, or statement provided under this chapter. The Secretary may terminate financial assistance under this chapter and seek reimbursement directly, or by offsetting amounts, available under this chapter, when a false or fraudulent statement or related act within the meaning of section 1001 is made in connection with a Federal transit program.''.

(i) GRANT REQUIREMENTS.—Section 5323(o) is amended by striking ''the Transportation Infrastructure Finance and Innovation Act of 1998'' and inserting ''chapter 6 (other than section 609) of title 23''.

(j) TRANSFER OF LANDS OR INTERESTS IN LANDS OWNED BY THE UNITED STATES.—Section 5323 is amended by adding at the end the following:

''(p) TRANSFER OF LANDS OR INTERESTS IN LANDS OWNED BY THE UNITED STATES.—

''(1) IDENTIFICATION OF LANDS NECESSARY FOR TRANSIT PURPOSES.—If the Secretary determines that any part of the lands or interests in lands owned by the United States and made available as a result of a military base closure is necessary for public transportation purposes eligible under this chapter, including corridor preservation, the Secretary shall file with the Secretary of the Department supervising the administration of such lands or interests in lands a map showing the portion of such lands or interests in lands which is desired to be transferred for public transportation purposes.

''(2) DEADLINE FOR CERTIFICATION.—If, within 4 months of such filing, the Secretary of such Department has not certified to the Secretary that the proposed transfer of such land is contrary to the public interest or inconsistent with the purposes for which such land has been reserved or has agreed to the transfer under conditions that the Secretary of such Department considers necessary for the adequate protection and utilization of the reserve, then such land and materials may be appropriated and transferred to a State, or local government, or public transportation operator for such purposes and subject to the conditions so specified.

''(3) REVERSION.—If at any time such lands are no longer needed for public transportation purposes, notice shall be given to the Secretary by the State, local government, or public transportation operator that received the land, and such lands shall immediately revert to the control of the Secretary of the Department from which the land was originally transferred.''.

SEC. 3024. SPECIAL PROVISIONS FOR CAPITAL PROJECTS.

(a) IN GENERAL.—Section 5324 is amended to read as follows:

''§ 5324. Special provisions for capital projects

''(a) RELOCATION PROGRAM REQUIREMENTS.—Financial assistance may be provided under section 5309 only if the Secretary decides that—

''(1) an adequate relocation program is being carried out for families displaced by a project; and

''(2) an equal number of decent, safe, and sanitary dwellings are being, or will be, provided to those families in the same area or in another area generally not less desirable for public utilities and public and commercial facilities, at rents or prices within the financial means of those families, and with reasonable access to their places of employment.

''(b) CONSIDERATION OF ECONOMIC, SOCIAL, AND ENVIRONMENTAL INTERESTS.—

''(1) COOPERATION AND CONSULTATION.—In carrying out the policy of section 5301(e), the Secretary shall cooperate and consult with the Secretaries of the Interior, Health and Human Services, and Housing and Urban Development and the Administrator of the Environmental Protection Agency on each project that may have a substantial impact on the environment.

''(2) PUBLIC PARTICIPATION IN ENVIRONMENTAL REVIEWS.—In performing environmental reviews, the Secretary shall review each transcript of a hearing submitted under section 5323(b) to establish that an adequate opportunity to present views was given to all parties having a significant economic, social, or environmental interest in the project, and that the project application includes a record of—

''(A) the environmental impact of the proposal;

''(B) adverse environmental effects that cannot be avoided;

''(C) alternatives to the proposal; and

''(D) irreversible and irretrievable impacts on the environment.

''(3) APPROVAL OF APPLICATIONS FOR ASSISTANCE.—

''(A) FINDINGS BY THE SECRETARY.—The Secretary may approve an application for financial assistance for a capital project in accordance with this chapter only if the Secretary makes written findings, after reviewing the application and the transcript of any hearing held before a State or local governmental authority under section 5323(b), that—

''(i) an adequate opportunity to present views was given to all parties having a significant economic, social, or environmental interest;

''(ii) the preservation and enhancement of the environment and the interest of the community in which the project is located were considered; and

''(iii) no adverse environmental effect is likely to result from the project, or no feasible and prudent alternative to the effect exists and all reasonable steps have been taken to minimize the effect.

''(B) HEARING.—If a hearing has not been conducted or the Secretary decides that the record of the hearing is inadequate for making the findings required by this subsection, the Secretary shall conduct a hearing on an environmental issue raised by the application after giving adequate notice to interested persons.

''(C) AVAILABILITY OF FINDINGS.—The Secretary's findings under subparagraph (A) shall be made a matter of public record.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by striking the item relating to section 5324 and inserting the following:

''5324. Special provisions for capital projects.''.

SEC. 3025. CONTRACT REQUIREMENTS.

(a) IN GENERAL.—Section 5325 is amended—

(1) by striking subsections (a) and (b) and inserting the following:

''(a) COMPETITION.—Recipients of Federal assistance under this chapter shall conduct all procurement transactions involving such assistance in a manner providing full and open competition, as determined by the Secretary.

''(b) ARCHITECTURAL, ENGINEERING, AND DESIGN CONTRACTS.—

''(1) PROCEDURES FOR AWARDING CONTRACT.—A contract or requirement for program management, architectural engineering, construction management, a feasibility study, and preliminary engineering, design, architectural, engineering, surveying, mapping, or related services for a project for which Federal assistance is provided under this chapter shall be awarded in the same way as a contract for architectural and engineering services is negotiated under chapter 11 of title 40 or an equivalent qualifications-based requirement of a State.

''(2) EFFECT OF STATE LAWS.—This subsection does not apply to the extent a State has adopted, before the date of enactment of the Federal Public Transportation Act of 2004, by law a formal procedure for procuring those services.

''(3) ADMINISTRATION OF CONTRACTS.—When awarding such contracts, recipients of assistance under this chapter shall maximize efficiencies of administration by accepting nondisputed audits conducted by other governmental agencies as follows:

''(A) PERFORMANCE OF AUDITS.—Any contract or subcontract awarded under this chapter shall

be performed and audited in compliance with cost principles contained in the Federal Acquisition Regulation (part 31 of title 48, Code of Federal Regulations).

''(B) INDIRECT COST RATES.—Instead of performing its own audits, a recipient of funds under a contract or subcontract awarded under this chapter shall accept indirect cost rates established in accordance with the Federal Acquisition Regulation for one-year applicable accounting periods by a cognizant Federal or State government agency, if such rates are not currently under dispute.

''(C) APPLICATION OF RATES.—Once a firm's indirect cost rates are accepted under this paragraph, the recipient of the funds shall apply such rates for the purposes of contract estimation, negotiation, administration, reporting, and contract payment and shall not be limited by administrative or de facto ceilings.

''(D) PRENOTIFICATION; CONFIDENTIALITY OF DATA.—A recipient of funds requesting or using the cost and rate data described in paragraph (3) shall notify any affected firm before such request or use. Such data shall be confidential and shall not be accessible or provided, in whole or in part, to another firm or to any government agency that is not part of the group of agencies sharing cost data under this paragraph, except by written permission of the audited firm. If prohibited by law, such cost and rate data shall not be disclosed under any circumstances.''; and

(2) by adding at the end the following:

''(d) DESIGN-BUILD SYSTEM PROJECTS.—

''(1) DEFINITION.—In this section, the term 'design-build system project' means a project under which a recipient enters into a contract with a seller, firm, or consortium of firms to design and build a public transportation system or an operable segment thereof that meets specific performance criteria. Such project may also include an option to finance, or operate for a period of time, the system or segment or any combination of designing, building, operating, or maintaining such system or segment.

''(2) FINANCIAL ASSISTANCE.—Government financial assistance under this chapter may be made available for the capital costs of a design-build system project after the recipient complies with Government requirements.

''(e) MULTIYEAR ROLLING STOCK.—

''(1) CONTRACTS.—A recipient procuring rolling stock with Government financial assistance under this chapter may make a multiyear contract to buy the rolling stock and replacement parts under which the recipient has an option to buy additional rolling stock or replacement parts for not more than 5 years after the date of the original contract.

''(2) COOPERATION AMONG RECIPIENTS.—The Secretary shall allow at least 2 recipients to act on a cooperative basis to procure rolling stock in compliance with this subsection and other Government procurement requirements.

''(f) ACQUIRING ROLLING STOCK.—A recipient of financial assistance under this chapter may enter into a contract to expend that assistance to acquire rolling stock—

''(1) based on—

''(A) initial capital costs; or

''(B) performance, standardization, life cycle costs, and other factors; or

''(2) with a party selected through a competitive procurement process.

''(g) EXAMINATION OF THE RECORDS.—Upon request, the Secretary, the Comptroller General, or a representative of the Secretary or the Comptroller General shall have access to and the right to examine and inspect all records, documents, papers, including contracts, related to a project for which a grant is made under this chapter.

''(h) GRANT PROHIBITIONS.—A grant may not be used to support a procurement that uses an exclusionary or discriminatory specification.''.

(b) CONFORMING AMENDMENTS.—Section 5326, and the item relating to section 5326 in the analysis for chapter 53, are repealed.

SEC. 3026. PROJECT MANAGEMENT OVERSIGHT AND REVIEW.

(a) PROJECT MANAGEMENT PLAN REQUIREMENTS.—Section 5327(a) is amended—

(1) by striking ''and'' at the end of paragraph (11);

(2) by striking the period at the end of paragraph (12) and inserting ''; and''; and

(3) by adding at the end the following:

''(13) safety and security management.''.

(b) LIMITATIONS.—Section 5327(c) is amended to read as follows:

''(c) LIMITATIONS.—

''(1) LIMITATIONS ON USE OF AVAILABLE AMOUNTS.—The Secretary may use not more than .5 percent of amounts made available for a fiscal year to carry out section 5311, not more than .75 percent of amounts made available for a fiscal year to carry out section 5307, and not more than 1 percent of amounts made available for a fiscal year to carry out section 5309 to make contracts for the following activities:

''(A) To oversee the construction of a major project.

''(B) To review and audit the safety and security, procurement, management, and financial compliance of a recipient or subrecipient of funds under sections 5307, 5309, and 5311.

''(C) To provide technical assistance to correct deficiencies identified in compliance reviews and audits carried out under this section.

''(2) LIMITATIONS ON APPLICABILITY.—Subsections (a), (b), and (e) do not apply to contracts under this section for activities described in paragraphs (1)(B) and (1)(C).

''(3) GOVERNMENT'S SHARE OF COSTS.—The Government shall pay the entire cost of carrying out a contract under this subsection.''.

SEC. 3027. INVESTIGATIONS OF SAFETY AND HAZARDS.

(a) IN GENERAL.—Section 5329 is amended to read as follows:

''§ 5329. Investigation of safety and hazards

''(a) IN GENERAL.—The Secretary may investigate safety and security risks associated with a condition in equipment, a facility, or an operation financed under this chapter that the Secretary believes causes a serious hazard of death or injury to establish the nature and extent of the condition and how to eliminate, mitigate, or correct it.

''(b) PLANS FOR ELIMINATING, MITIGATING, OR CORRECTING HAZARDS.—If the Secretary establishes that a condition causes a hazard, the Secretary shall require the local governmental authority receiving amounts under this chapter to submit a plan for eliminating, mitigating, or correcting it.

''(c) WITHHOLDING FINANCIAL ASSISTANCE.—Financial assistance under this chapter, in an amount to be determined by the Secretary, may be withheld until a plan is approved and carried out.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by striking the item relating to section 5329 and inserting the following:

''5329. Investigation of safety and hazards.''.

SEC. 3028. STATE SAFETY OVERSIGHT.

(a) IN GENERAL.—Section 5330 is amended—

(1) by striking the section heading and all that follows through subsection (a) and inserting the following:

''§ 5330. State safety oversight

''(a) APPLICATION.—This section applies only to—

''(1) States that have rail fixed guideway public transportation systems not subject to regulation by the Federal Railroad Administration; and

''(2) States that are designing rail fixed guideway public transportation systems that will not be subject to regulation by the Federal Railroad Administration.'';

(2) in subsection (d) by inserting ''shall ensure uniform safety standards and enforcement and'' after ''affected States''; and

(3) by striking subsection (f).

(b) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by striking the item relating to section 5330 and inserting the following:

''5330. State safety oversight.''.

SEC. 3029. CONTROLLED SUBSTANCES AND ALCOHOL MISUSE TESTING.

(a) DEFINITIONS.—Section 5331(a)(3) is amended by striking the period at the end and inserting the following: ''or section 2303a, 7101(i), or 7302(e) of title 46. The Secretary may also decide that a form of public transportation is covered adequately, for employee alcohol and controlled substances testing purposes, under the alcohol and controlled substance statutes or regulations of an agency within the Department of Transportation or the Coast Guard.''.

(b) TECHNICAL CORRECTIONS.—Subsections (b)(1) and (g) of section 5331 are each amended by striking ''or section 103(e)(4) of title 23''.

(c) REGULATIONS.—Section 5331(f) is amended by striking paragraph (3).

SEC. 3030. EMPLOYEE PROTECTIVE ARRANGEMENTS.

Section 5333(b)(1) is amended by striking ''5318(d), 5323(a)(1), (b), (d), and (e), 5328, 5337, and 5338(b)'' each place it appears and inserting ''5316, 5317, 5318, 5320, 5323(a)(1), 5323(b), 5323(d), 5328, 5337, 5338(b), 5338(g), and 5338(h)''.

SEC. 3031. ADMINISTRATIVE PROCEDURES.

Section 5334 is amended—

(1) in subsection (a)—

(A) by striking ''and'' at the end of paragraph (9);

(B) by striking the period at the end of paragraph (10) and inserting ''; and''; and

(C) by adding at the end the following:

''(11) issue regulations as necessary to carry out the purposes of this chapter.'';

(2) by striking subsection (i);

(3) by redesignating subsections (b) through (h) as subsections (c) through (i), respectively;

(4) by inserting after subsection (a) the following:

''(b) PROHIBITIONS AGAINST REGULATING OPERATIONS AND CHARGES.—

''(1) IN GENERAL.—Except for purposes of national defense or in the event of a national or regional emergency, the Secretary may not regulate the operation, routes, or schedules of a public transportation system for which a grant is made under this chapter, nor may the Secretary regulate the rates, fares, tolls, rentals, or other charges prescribed by any provider of public transportation.

''(2) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to prevent the Secretary from requiring a recipient of funds under this chapter to comply with the terms and conditions of its Federal assistance agreement.'';

(5) in subsection (c)(4) (as redesignated by paragraph (3) of this section)—

(A) by striking ''subsections (h) and (i)'' and inserting ''subsection (i)''; and

(B) by striking ''5323(c), 5323(e), 5324(c),''; and

(6) by adding at the end of subsection (c) (as redesignated by paragraph (3) of this section) the following:

''(5) NONREGULATORY SUBSTANTIVE POLICY STATEMENTS.—The Secretary shall provide notice and an opportunity for public comment at least 60 days before issuing any nonregulatory substantive policy statements (regardless of the form of issuance), including guidance, policy statements, and regulatory interpretations.''.

SEC. 3032. NATIONAL TRANSIT DATABASE.

(a) IN GENERAL.—Section 5335 is amended—

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

''§ 5335. National transit database'';

(2) by striking subsection (b); and

(3) in subsection (a)—

(A) by striking ''(1) To help'' and inserting ''To help''; and

(B) by striking ''(2) The Secretary'' and inserting ''(b) REPORTING AND UNIFORM SYSTEMS.—The Secretary''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 53 is amended by striking the item relating to section 5335 and inserting the following:

''5335. National transit database.''.

SEC. 3033. APPORTIONMENTS BASED ON FIXED GUIDEWAY FACTORS.

(a) DISTRIBUTION.—Section 5337 is amended—

(1) by striking the section designation and all that follows before paragraph (1) of subsection (a) and inserting the following:

''§5337. Apportionment based on fixed guideway factors

''(a) DISTRIBUTION.—The Secretary shall apportion amounts made available for fixed guideway modernization under sections 5338(b) and 5338(g) as follows:'';

(2) in subsection (a) by striking ''(e)(1)'' each place it appears and inserting ''(e)''; and

(3) in subsection (a) by striking ''(e)(2)'' each place it appears and inserting ''(e)''.

(b) ROUTE SEGMENTS TO BE INCLUDED IN APPORTIONMENT FORMULAS.—Section 5337(e) is amended by striking paragraph (1) and all that follows through ''(2) OTHER STANDARDS.—''.

(c) CONFORMING AMENDMENT.—The item relating to section 5337 in the table of sections for chapter 53 is amended to read as follows:

''5337. Apportionment based on fixed guideway factors.''.

SEC. 3034. AUTHORIZATIONS.

Section 5338 is amended to read as follows:

''§5338. Authorizations

''(a) FORMULA GRANTS.—

''(1) FISCAL YEAR 2004.—

''(A) FROM TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5307, 5308, 5310, 5311, 5316, 5317, 5318, and 5320 of this chapter, 1118(b) of the Transportation Equity Act: A Legacy for Users (relating to the nonmotorized transportation pilot program), and section 3038 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 392–393) $3,132,304,000 for fiscal year 2004.

''(B) FROM GENERAL FUND.—In addition to amounts made available under subparagraph (A), there are authorized to be appropriated to carry out sections 5307, 5308, 5310, 5311, 5316, 5317, and 5318 of this chapter, 1118(b) of the Transportation Equity Act: A Legacy for Users (relating to the nonmotorized transportation pilot program), and section 3038 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 392–393) $783,076,000 for fiscal year 2004.

''(C) ALLOCATION OF FUNDS.—Of the aggregate of amounts made available by and appropriated under this paragraph for a fiscal year—

''(i) $4,849,950 shall be available to the Alaska Railroad for improvements to its passenger operations under section 5307;

''(ii) $125,000,000 shall be available to provide job access and reverse commute formula grants under section 5316;

''(iii) $50,000,000 shall be available to carry out the New Freedom program under section 5317;

''(iv) $50,000,000 shall be available to provide clean fuels formula grants under section 5308;

''(v) $8,000,000 shall be available to carry out the transit in the parks pilot program under section 5320;

''(vi) $4,000,000 shall be available to carry out the nonmotorized transportation pilot program under section 1118(b) of the Transportation Equity Act: A Legacy for Users;

''(vii) $8,000,000 shall be available to provide over-the-road bus accessibility grants under section 3038 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note);

''(viii) $3,100,000 shall be available to carry out bus testing under section 5318;

''(ix) $91,560,751 shall be available to provide transportation services to elderly individuals and individuals with disabilities under section 5310;

''(x) $292,994,404 shall be available to provide financial assistance for other than urbanized areas under section 5311; and

''(xi) $3,277,874,895 shall be available to provide financial assistance for urbanized areas under section 5307, subject to section 3041(h) of the Federal Public Transportation Act of 2004.

''(2) FISCAL YEARS 2005 THROUGH 2009.—

''(A) FROM TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5307, 5308, 5310, 5311, 5316, 5317, 5318, and 5320 of this chapter, section 3038 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 392–393), and section 1118(b) of the Transportation Equity Act: A Legacy for Users (relating to the nonmotorized transportation pilot program)—

''(i) $4,181,125,000 for fiscal year 2005;

''(ii) $4,464,295,000 for fiscal year 2006;

''(iii) $4,766,420,000 for fiscal year 2007;

''(iv) $5,089,172,500 for fiscal year 2008; and

''(v) $5,433,667,500 for fiscal year 2009.

''(B) ALLOCATION OF FUNDS FOR BUS TESTING AND OVER-THE-ROAD BUS ACCESSIBILITY.—Of the aggregate of amounts made available by this paragraph for a fiscal year—

''(i) $3,100,000 shall be available to carry out section 5318; and

''(ii) $8,000,000 shall be available to carry out section 3038 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note).

''(C) ALLOCATION OF FUNDS FOR CLEAN FUELS FORMULA GRANT PROGRAM.—Of the aggregate of amounts made available by this paragraph, $75,000,000 for fiscal year 2005 and $100,000,000 for each of fiscal years 2006, 2007, 2008, and 2009 shall be available to carry out section 5308.

''(D) ALLOCATION OF FUNDS FOR JOB ACCESS AND REVERSE COMMUTE FORMULA GRANT PROGRAM.—Of the aggregate of amounts made available by this paragraph, $150,000,000 for fiscal year 2005, $175,000,000 for fiscal year 2006, $200,000,000 for fiscal year 2007, $200,000,000 for fiscal year 2008, and $200,000,000 for fiscal year 2009 shall be available to carry out section 5316.

''(E) ALLOCATION OF FUNDS FOR NEW FREEDOM PROGRAM.—Of the aggregate of amounts made available by this paragraph, $95,000,000 for fiscal year 2005, $100,000,000 for fiscal year 2006, $105,000,000 for fiscal year 2007, $115,000,000 for fiscal year 2008, and $125,000,000 for fiscal year 2009 shall be available to carry out section 5317.

''(F) ALLOCATION OF FUNDS FOR TRANSIT IN THE PARKS PILOT PROGRAM.—Of the aggregate of amounts made available by this paragraph, $8,000,000 for fiscal year 2005, $16,000,000 for fiscal year 2006, $16,000,000 for fiscal year 2007, $16,000,000 for fiscal year 2008, and $16,000,000 for fiscal year 2009 shall be available to carry out section 5320.

''(G) ALLOCATION OF FUNDS FOR NONMOTORIZED TRANSPORTATION PILOT PROGRAM.—Of the aggregate of amounts made available by this paragraph, $4,000,000 for fiscal year 2005, $4,000,000 for fiscal year 2006, $4,000,000 for fiscal year 2007, $8,000,000 for fiscal year 2008, and $8,000,000 for fiscal year 2009 shall be available to carry out section 1118(b) of the Transportation Equity Act: A Legacy for Users (relating to the nonmotorized transportation pilot program).

''(H) ALLOCATION OF FUNDS FOR THE ALASKA RAILROAD.—Of the aggregate of amounts made available by this paragraph, $10,000,000 for fiscal year 2005, $11,000,000 for fiscal year 2006, $12,000,000 for fiscal year 2007, $13,000,000 for fiscal year 2008, and $14,000,000 for fiscal year 2009 shall be available to the Alaska Railroad for improvements to its passenger operations under section 5307.

''(I) REMAINDER.—Of the remainder of the aggregate amounts made available by this paragraph for a fiscal year after the allocations under subparagraphs (B) through (H) for such fiscal year—

''(i) 2.5 percent shall be available to provide transportation services to elderly individuals and individuals with disabilities under section 5310;

''(ii) 8.0 percent shall be available to provide financial assistance for other than urbanized areas under section 5311; and

''(iii) 89.5 percent shall be available to provide financial assistance for urbanized areas under section 5307, subject to section 3041(h) of the Federal Public Transportation Act of 2004.

''(b) CAPITAL PROGRAM GRANTS IN FISCAL YEAR 2004.—

''(1) FROM TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 5309, $2,499,504,000 for fiscal year 2004.

''(2) FROM GENERAL FUND.—In addition to amounts made available by paragraph (1), there is authorized to be appropriated to carry out section 5309, $624,876,200 for fiscal year 2004.

''(c) PLANNING.—

''(1) FISCAL YEAR 2004.—

''(A) FROM TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5303, 5304, and 5305, $72,660,000 for fiscal year 2004.

''(B) FROM GENERAL FUND.—In addition to amounts made available by subparagraph (A), there is authorized to be appropriated to carry out sections 5303, 5304, and 5305, $18,165,000 for fiscal year 2004.

''(2) FISCAL YEARS 2005 THROUGH 2009.—

''(A) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5303, 5304, and 5305—

''(i) $96,875,000 for fiscal year 2005;

''(ii) $103,325,000 for fiscal year 2006;

''(iii) $110,200,000 for fiscal year 2007;

''(iv) $117,537,500 for fiscal year 2008; and

''(v) $125,362,500 for fiscal year 2009.

''(B) ALLOCATION OF FUNDS.—Of the funds made available by this paragraph for a fiscal year—

''(i) 82.72 percent shall be available for metropolitan planning under sections 5303, 5304, and 5305 (other than 5305(e)); and

''(ii) 17.28 percent shall be available for State planning under section 5305(e).

''(d) RESEARCH.—

''(1) FISCAL YEAR 2004.—

''(A) FROM TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5311(b), 5312, 5313, 5314, 5315, 5322, and 5335, $41,888,000 for fiscal year 2004.

''(B) FROM GENERAL FUND.—In addition to amounts made available by subparagraph (A), there is authorized to be appropriated to carry out sections 5311(b), 5312, 5313, 5314, 5315, 5322, and 5335, $10,472,000 for fiscal year 2004.

''(C) ALLOCATION OF FUNDS.—Of the funds made available by or appropriated pursuant to this paragraph for fiscal year 2004—

''(i) not less than $4,500,000 shall be available to carry out programs under the National Transit Institute under section 5315;

''(ii) not less than $3,500,000 shall be available to carry out section 5335;

''(iii) not less than $3,500,000 shall be available to carry out section 5314(a)(2); and

''(iv) not less than $8,860,000 shall be available to carry out section 5313(a).

''(2) FISCAL YEARS 2005 THROUGH 2009.—

''(A) FROM THE GENERAL FUND.—There is authorized to be appropriated to carry out sections 5312, 5313, 5314, 5315, 5322, and 5335—

''(i) $54,500,000 for fiscal year 2005;

''(ii) $57,000,000 for fiscal year 2006;

''(iii) $59,500,000 for fiscal year 2007;

''(iv) $62,000,000 for fiscal year 2008; and

''(v) $64,500,000 for fiscal year 2009.

''(B) ALLOCATION OF FUNDS.—Of the funds appropriated pursuant to this paragraph for a fiscal year—

''(i) not less than $4,500,000 shall be available to carry out programs under the National Transit Institute under section 5315;

''(ii) not less than $3,500,000 shall be available to carry out section 5335; and

''(iii) not less than $3,500,000 shall be available to carry out section 5314(a)(2).

''(C) TRANSIT COOPERATIVE RESEARCH PROGRAM.—Of the funds appropriated pursuant to this paragraph, $9,000,000 for fiscal year 2005, $9,500,000 for fiscal year 2006, $10,000,000 for fiscal year 2007, $10,500,000 for fiscal year 2008, and $11,000,000 for fiscal year 2009 shall be available to carry out section 5313(a).

''(D) REMAINDER.—The remainder of the funds appropriated pursuant to this paragraph for a fiscal year after the allocations under subparagraphs (A) and (B) for such fiscal year shall be available to carry out national research and technology programs under sections 5312, 5314, and 5322.

''(e) UNIVERSITY TRANSPORTATION RESEARCH.—

''(1) FISCAL YEAR 2004.—

''(A) FROM TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5505 and 5506, $6,400,000 for fiscal year 2004.

''(B) FROM GENERAL FUND.—In addition to amounts made available by subparagraph (A), there is authorized to be appropriated to carry out sections 5505 and 5506, $1,600,000 for fiscal year 2004.

''(2) FISCAL YEARS 2005 THROUGH 2009.—Subject to paragraph (3), there is authorized to be appropriated to carry out sections 5505 and 5506, $8,000,000 for each of fiscal years 2005 through 2009.

''(3) FUNDING OF UNIVERSITY TRANSPORTATION CENTERS.—

''(A) IN GENERAL.—Of the amounts made available by and appropriated under paragraphs (1) and (2) $2,000,000 for each of fiscal years 2004, 2005, and 2006 shall be available for the institution identified in section 5505(j)(3)(E), as so in effect.

''(B) USE OF FUNDS.—Funds made available for the institution identified in subparagraph (A)(iii) shall be used to make grants under 5506(f)(5) for that institution.

''(C) SPECIAL RULE.—Nothing in this subsection shall be construed to limit the transportation research conducted by the centers funded by this section.

''(f) ADMINISTRATION.—

''(1) FISCAL YEAR 2004.—

''(A) FROM TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 5334, $60,044,000 for fiscal year 2004.

''(B) FROM GENERAL FUND.—In addition to amounts made available under subparagraph (A), there are authorized to be appropriated to carry out section 5334, $15,011,000 for fiscal year 2004.

''(2) FISCAL YEARS 2005 THROUGH 2009.—There are authorized to be appropriated to carry out section 5334—

''(A) $77,000,000 for fiscal year 2005;

''(B) $79,000,000 for fiscal year 2006;

''(C) $81,000,000 for fiscal year 2007;

''(D) $83,000,000 for fiscal year 2008; and

''(E) $85,000,000 for fiscal year 2009.

''(g) TRUST FUND CAPITAL PROGRAM GRANTS.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5309(m)(2)(B)(i) and 5309(m)(2)(B)(iii)—

''(1) $1,918,500,000 for fiscal year 2005;

''(2) $2,027,628,000 for fiscal year 2006;

''(3) $2,154,528,000 for fiscal year 2007;

''(4) $2,305,974,000 for fiscal year 2008; and

''(5) $2,452,482,000 for fiscal year 2009.

''(h) GENERAL FUND CAPITAL PROGRAM GRANTS.—There are authorized to be appropriated to carry out sections 5309(m)(2)(A) and 5309(m)(2)(B)(ii)—

''(1) $1,414,000,000 for fiscal year 2005;

''(2) $1,526,752,000 for fiscal year 2006;

''(3) $1,636,352,000 for fiscal year 2007;

''(4) $1,737,316,000 for fiscal year 2008; and

''(5) $1,859,998,000 for fiscal year 2009.

''(i) GRANTS AS CONTRACTUAL OBLIGATIONS.—

''(1) GRANTS FINANCED FROM HIGHWAY TRUST FUND.—A grant or contract approved by the Secretary, that is financed with amounts made available under subsection (a)(l)(A), (a)(2), (b)(1), (c)(2), (d)(1)(A), (e)(1)(A), (f)(1)(A), or (g) is a contractual obligation of the Government to pay the Government's share of the cost of the project.

''(2) GRANTS FINANCED FROM GENERAL FUND.—A grant or contract, approved by the Secretary, that is financed with amounts made available under subsection (a)(l)(B), (b)(2), (c)(1)(B), (d)(1)(B), (d)(2), (e)(1)(B), (e)(2), (f)(1)(B), (f)(2), or (h) is a contractual obligation of the Government to pay the Government's share of the cost of the project only to the extent that amounts are provided in advance in an appropriations Act.

''(j) AVAILABILITY OF AMOUNTS.—Amounts made available by or appropriated under subsections (a) through (h) shall remain available until expended.''.

SEC. 3035. OVER-THE-ROAD BUS ACCESSIBILITY PROGRAM.

(a) IN GENERAL.—Section 3038 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 392) is amended—

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

"SEC. 3038. OVER-THE-ROAD BUS ACCESSIBILITY PROGRAM. ";

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

''(e) FEDERAL SHARE OF COSTS.—The Federal share of costs under this section shall be provided from funds made available to carry out this section. The Federal share of the costs for a project shall not exceed 80 percent of the project cost.''; and

(3) by striking subsection (g) and inserting the following:

''(g) FUNDING.—

''(1) Of the amounts made available to carry out this section in each fiscal year, 75 percent shall be available for operators of over-the-road buses used substantially or exclusively in intercity, fixed-route over-the-road bus service to finance the incremental capital and training costs of the Department of Transportation's final rule regarding accessibility of over-the-road buses. Such amounts shall remain available until expended.

''(2) Of the amounts made available to carry out this section in each fiscal year, 25 percent shall be available for operators of other over-the-road bus service to finance the incremental capital and training costs of the Department of Transportation's final rule regarding accessibility of over-the-road buses. Such amounts shall remain available until expended.''.

(b) CONFORMING AMENDMENTS.—The table of contents contained in section 1(b) of the Transportation Equity Act for the 21st Century (112 Stat. 107) is amended by striking the item relating to section 3038 and inserting the following:

''Sec. 3038. Over-the-road bus accessibility program.''.

SEC. 3036. UPDATED TERMINOLOGY.

(a) AMENDMENTS TO CHAPTER 53.—Chapter 53 is amended—

(1) in the chapter heading by striking ''**MASS**'' and inserting ''**PUBLIC**'';

(2) in section 5310(h) by striking ''Mass'' and inserting ''Public'';

(3) in the subsection heading for section 5331(b) by striking ''MASS'' and inserting ''PUBLIC''; and

(4) by striking ''mass'' each place it appears in such chapter before ''transportation'' and inserting ''public'', except in sections 5301(f), 5302(a)(7), 5315, 5323(a)(1), and 5323(a)(1)(B).

(b) TABLE OF CHAPTERS.—The table of chapters for subtitle III is amended in the item relating to chapter 53 by striking ''MASS'' and inserting ''PUBLIC''.

SEC. 3037. PROJECT AUTHORIZATIONS FOR NEW FIXED GUIDEWAY CAPITAL PROJECTS.

(a) EXISTING FULL FUNDING GRANT AGREEMENTS.—The following projects are authorized for final design and construction for existing full funding grant agreements in not less than the amount specified for each fiscal year:

(1) Baltimore—Central LRT Double Tracking $39,367,154 for fiscal year 2004, $29,009,003 for fiscal year 2005, and $12,424,581 for fiscal year 2006.

(2) Chicago—Chicago Transit Authority Douglas Branch Reconstruction $83,655,202 for fiscal year 2004, $85,000,000 for fiscal year 2005, and $45,145,190 for fiscal year 2006.

(3) Chicago—Chicago Transit Authority Ravenswood Expansion Project $9,841,789 for fiscal year 2004, $40,000,000 for fiscal year 2005, $40,000,000 for fiscal year 2006, $40,000,000 for fiscal year 2007, $40,000,000 for fiscal year 2008, and $64,832,615 for fiscal year 2009.

(4) Dallas—North Central LRT Extension $29,684,097 for fiscal year 2004.

(5) Denver Southeast Corridor LRT $78,734,308 for fiscal year 2004, $80,000,000 for fiscal year 2005, $80,000,000 for fiscal year 2006, $80,000,000 for fiscal year 2007, and $76,552,758 for fiscal year 2008.

(6) Fort Lauderdale—Tri-Rail Commuter Rail Upgrade $18,118,733 for fiscal year 2004 and $11,210,695 for fiscal year 2005.

(7) Memphis—Medical Center Extension $9,101,281 for fiscal year 2004.

(8) Metra North Central Corridor Commuter Rail $19,177,300 for fiscal year 2004, $20,000,000 for fiscal year 2005, and $20,613,452 for fiscal year 2006.

(9) Metra Southwest Corridor Commuter Rail $15,000,000 for fiscal year 2004, $20,000,000 for fiscal year 2005, and $7,281,395 for fiscal year 2006.

(10) Metra Union Pacific West Line Extension $17,000,000 for fiscal year 2004, $12,000,000 for fiscal year 2005, and $14,285,749 for fiscal year 2006.

(11) Minneapolis—Hiawatha Corridor LRT $73,793,730 for fiscal year 2004 and $33,111,257 for fiscal year 2005.

(12) New Jersey Urban Core—Hudson-Bergen LRT MOS–2 $98,417,885 for fiscal year 2004, $100,000,000 for fiscal year 2005, $100,000,000 for fiscal year 2006, $100,000,000 for fiscal year 2007, and $52,402,995 for fiscal year 2008.

(13) New Jersey Urban Core—Newark-Elizabeth Rail Link MOS–1 $22,209,000 for fiscal year 2004 and $1,342,076 for fiscal year 2005.

(14) New Orleans MOS–1 Canal Street $22,922,877 for fiscal year 2004 and $16,455,206 for fiscal year 2005.

(15) Pittsburgh—Stage II LRT Reconstruction $31,733,314 for fiscal year 2004 and $1,120,914 for fiscal year 2005.

(16) Portland—Interstate MAX LRT Extension $76,273,861 for fiscal year 2004, $23,480,000 fiscal year 2005, and $18,104,710 for fiscal year 2006.

(17) Salt Lake City—Medical Center $30,178,231 for fiscal year 2004 and $8,682,141 for fiscal year 2005.

(18) San Diego—Mission Valley East LRT Extension $63,971,625 for fiscal year 2004, $81,640,000 fiscal year 2005, and $7,700,304 for fiscal year 2006.

(19) San Diego—Oceanside Escondido Rail Corridor $47,240,585 for fiscal year 2004, $55,000,000 fiscal year 2005, and $12,211,061 for fiscal year 2006.

(20) San Francisco—BART Extension to San Francisco Airport $98,417,890 for fiscal year 2004, $100,000,000 fiscal year 2005, and $81,855,680 for fiscal year 2006.

(21) San Juan—Tren Urbano $19,683,577 for fiscal year 2004 and $54,818,940 fiscal year 2005.

(22) Seattle—Central Link Initial Segment LRT $73,813,414 for fiscal year 2004, $80,00,000 for fiscal year 2005, $80,000,000 for fiscal year 2006, $80,000,000 for fiscal year 2007, $70,000,000 for fiscal year 2008, and $24,028,149 for fiscal year 2009.

(23) Washington DC/MD—Largo Metrorail Extension $63,971,625 for fiscal year 2004 and $75,432,887 fiscal year 2005.

(b) FINAL DESIGN AND CONSTRUCTION.—The following projects are authorized for final design and construction for fiscal years 2004

through 2009 under paragraphs (1)(B), (2)(A), and (2)(B)(ii) of section 5309(m) of title 49, United States Code:

(1) Baltimore—MARC Commuter Rail Improvements.

(2) Boston—Silver Line BRT Phase III.

(3) Bridgeport—Intermodal Corridor.

(4) Central Phoenix—East Valley Corridor LRT extensions.

(5) Charlotte—South Corridor LRT.

(6) Cleveland—Euclid Corridor Bus Rapid Transit.

(7) Dallas Area Rapid Transit—Northwest-Southeast Extension, Pleasant Grove to Farmers Branch.

(8) Delaware—I–95 Corridor Commuter Rail.

(9) Denver—West Corridor LRT.

(10) El Paso-Juarez—International Fixed Guideway.

(11) Harrisburg—Corridor One Commuter Rail (MOS–1), East Mechanicsburg-Lancaster, Pennsylvania.

(12) Kansas City, Kansas—Southtown Commuter Rail.

(13) Las Vegas—Monorail Transit Corridor Project, Phase II.

(14) Los Angeles—Gold Line Phase 1 Eastside Extension.

(15) Los Angeles—Gold Line Phase II Extension, Pasadena to Claremont.

(16) Los Angeles MTA—Exposition LRT.

(17) Miami-Dade Transit—North Corridor.

(18) Minneapolis—North Star Corridor.

(19) Missouri/Kansas—Interstate 35 Commuter Rail.

(20) Nashua—Commuter Rail.

(21) Nashville-Franklin, Tennessee Commuter Rail.

(22) New Britain-Hartford Busway Project.

(23) New Jersey Urban Core.

(24) New Orleans—Desire Corridor Streetcar.

(25) New York—Long Island Railroad East Side Access Project.

(26) New York—Second Avenue Subway.

(27) Norfolk Regional Light Rail.

(28) Northern Virginia—Dulles Corridor Extension.

(29) Orange County, California—Center Line LRT.

(30) Philadelphia—Schuylkill Valley Metro-Rail.

(31) Pittsburgh—North Shore Connector.

(32) Portland, Oregon—Interstate MAX South LRT Extensions.

(33) Sacramento—South Corridor (Phase 3), Downtown to Elk Grove.

(34) Salt Lake City—Airport to University LRT.

(35) Salt Lake City—Ogden-Provo Commuter Rail.

(36) Salt Lake City—West Jordan LRT extension.

(37) San Francisco MUNI—Third Street LRT-Phase I/II.

(38) Santa Clara Valley Transit Authority—BART Extension to Santa Clara County.

(39) Triangle Transit Authority, North Carolina—Regional Rail Project.

(40) Washington County, Oregon—Commuter Rail.

(41) Wasilla-Girdwood, Alaska—Commuter Rail.

(c) ALTERNATIVES ANALYSIS AND PRELIMINARY ENGINEERING.—The following projects are authorized for alternatives analysis and preliminary engineering for fiscal years 2004 through 2009 under paragraphs (1)(B), (2)(A), and (2)(B)(ii) of section 5309(m) of title 49, United States Code:

(1) Albuquerque—High Capacity Corridor.

(2) Alburquerque-Santa Fe—New Mexico Commuter Rail.

(3) Ann Arbor/Detroit—Commuter Rail.

(4) Atlanta—GRTA I–75 Corridor, Wade Green Road-Akers Mill Road BRT/HOV.

(5) Atlanta—North Line Corridor expansion project.

(6) Atlanta—Belt Line C–Loop.

(7) Atlanta—West Line Corridor.

(8) Austin—San Antonio I–35 Commuter Rail.

(9) Austin—Central LRT Line.

(10) Baltimore Light Rail System Extensions.

(11) Baton Rouge Bus Rapid Transit.

(12) Birmingham, Alabama—Transit Corridor.

(13) Boise—Downtown Circulator.

(14) Boston—North Shore Corridor and Blue Line Extension.

(15) Boston—North/South Rail Link.

(16) Boston—Urban Ring BRT.

(17) Broward County, Florida—Bus Rapid Transit.

(18) Buffalo—Niagara Frontier Transit Authority Improvements.

(19) Burlington-Clemmons, North Carolina—Piedmont Authority Regional Rail.

(20) Charles Town-Ranson, West Virginia—MARC Commuter Rail Spur.

(21) Charlotte—North Corridor Project.

(22) Charlotte—Northeast Corridor Project.

(23) Charlotte—Southeast-West Corridor Project.

(24) Charlotte—Streetcar Loop Project.

(25) Chicago CTA—Red Line Extension (95th Street to 130th Street/Stony Island).

(26) Chicago CTA—Chicago Transit Hub (Circle Line-Ogden Streetcar).

(27) Chicago CTA—Orange Line Extension (Midway Airport to Ford City).

(28) Chicago CTA—Southeast Service-La Salle Street Station to Baltimore Race Track.

(29) Chicago CTA—Yellow Line Extension (Dempster-Old Orchard).

(30) Chula Vista, California—Bus Rapid Transit.

(31) Cleveland-Akron-Canton (Northeast Ohio) Commuter Rail.

(32) Coachella Valley—Indio-Palm Desert Bus Rapid Transit Connector.

(33) Columbia, South Carolina—Light Rail.

(34) Corpus Christi—Downtown Rail Trolley.

(35) Dallas Area Rapid Transit—Rowlett LRT Extension.

(36) Dallas Area Rapid Transit—Beltline to DFW Airport.

(37) Denton County Transportation Authority, Texas—Fixed Guideway Project.

(38) Denver—Gold Line Extension to Arvada.

(39) Detroit—Center City Loop.

(40) District of Columbia—Light Rail Starter Line.

(41) Fairfax County, Virginia—Bus Rapid Transit/HOV.

(42) Fitchburg, Massachusetts—Commuter Rail Extensions and Improvements.

(43) Fort Lauderdale—Downtown Rail Link.

(44) Fort Worth—Trinity Railway Express Commuter Rail Extension.

(45) Fresno—Transit Corridor.

(46) Galveston—Rail Trolley Extension.

(47) Grand Rapids—Fixed Guideway Corridor Project.

(48) Guam—Tumon Bay-Airport Light Rail.

(49) Harrisburg—Corridor One Commuter Rail (MOS–2), East Mechanicsburg-Carlisle, Pennsylvania.

(50) Honolulu—Downtown BRT.

(51) Houston Advanced Transit Program Light Rail.

(52) Indianapolis—System of Metropolitan Area Rapid Transit.

(53) Kansas City, Missouri-Lawrence, Kansas—Commuter Rail.

(54) Kansas City, Missouri—Regional BRT.

(55) Kenosha-Racine-Milwaukee Metra Commuter Rail Extension (Wisconsin).

(56) King County, Washington—I–405 Corridor Bus Rapid Transit.

(57) Lakeview, Minnesota—Cedar Avenue Corridor Bus Rapid Transit.

(58) Lane County, Oregon—Bus Rapid Transit, Phase 2.

(59) Little Rock—River Rail Streetcar Extensions.

(60) Little Rock—West Little Rock Commuter Rail.

(61) Long Island Railroad—Nassau Hub.

(62) Lorain-Cleveland Commuter Rail.

(63) Los Angeles—Metrolink San Bernardino Line Improvements.

(64) LOSSAN Del Mar-San Diego—Rail Corridor Improvements.

(65) Madison and Dane Counties, Wisconsin—Transport 2020 Commuter Rail.

(66) Maryland—I–270 Corridor Cities Transitway.

(67) Maryland—Route 5 Corridor to Waldorf.

(68) Memphis Regional Rail Plan.

(69) Memphis, Medical Center Rail Extension to Airport.

(70) Metra BNSF Naperville to Aurora Corridor Extension and Improvements.

(71) Metra SouthEast Service Line Commuter Rail.

(72) Metra STAR Line Inter-Suburban Commuter Rail.

(73) Metra UP Northwest Line Core Capacity Upgrades.

(74) Metra UP West Line Core Capacity Upgrades.

(75) Miami-Dade Transit—Douglas Road Extension.

(76) Miami-Dade Transit—East-West Corridor.

(77) Miami-Dade Transit—Kendall Corridor.

(78) Miami-Dade Transit—Northeast Corridor.

(79) Miami-Dade Transit—Rail Extension to Florida City.

(80) Middletown-South Fallsburg, New York, Passenger Rail.

(81) Monterey County, California—Commuter Rail.

(82) Montgomery and Prince George's Counties, Maryland—Purple Line.

(83) Nassau and Queens Counties, New York—LIRR Main Line Third Track Project.

(84) New Haven, Connecticut-Hartford, Connecticut-Springfield, Massachusetts Commuter Line.

(85) New Jersey Trans-Hudson Midtown Corridor.

(86) New Jersey Transit—Northeast Corridor Trans-Hudson Commuter Rail Improvements.

(87) New Jersey Transit—Morris/Essex/Boonton Trans-Hudson Commuter Rail Improvements.

(88) New Jersey Transit—New York Susquehanna and Western RR Commuter Extension.

(89) New Jersey Transit—West Trenton Line Commuter Line Service Extension.

(90) New Orleans—Airport-CBD Commuter Rail.

(91) New York—Rockaway-Brooklyn Army Terminal-Manhattan Ferry Service.

(92) New York—Staten Island to Manhattan High-Speed Ferry Service Extension.

(93) New York—Stewart Airport Rail Access.

(94) Newburg, New York—LRT System.

(95) Northern Indiana—Commuter District Line.

(96) Northern Indiana—West Lake Commuter Rail Link (South Shore Commuter Rail).

(97) Norfolk—Naval Station Corridor.

(98) Northern Virginia—Jefferson Davis Transitway (Columbia Pike to Pentagon).

(99) Pittsburgh—Martin Luther King, Jr. Busway Extension.

(100) Orlando—I–4 Central Florida Commuter Rail System.

(101) Pawtucket, Rhode Island Commuter Rail Improvement Program.

(102) Philadelphia—Route 100 Rapid Trolley Extension to King of Prussia.

(103) Philadelphia—Broad Street Subway Line Extension.

(104) Pittsburgh—East-West Corridor Rapid Transit.

(105) Pittsburgh—Martin Luther King, Jr. Busway Extension.

(106) Portland Streetcar Extension to City of Lake Oswego.

(107) Quakertown-Stoney Creek, Pennsylvania—Rail Restoration.

(108) Raritan Valley, New Jersey—Commuter Rail.

(109) Reno, Nevada—Virginia Street Bus Rapid Transit Project.

(110) Riverside-Perris, California—Rail Passenger Service.

(111) Roaring Fork Valley, Colorado—Bus Rapid Transit.

(112) Rock Island, Illinois—Quad Cities Rapid Transit System.

(113) Sacramento—Regional Rail, Dixon to Bowman.

(114) Sacramento—Downtown/Natomas Airport Transit Corridor.

(115) San Antonio—Bus Rapid Transit.

(116) San Francisco—BART Extension, Pittsburg to Tracy.

(117) San Francisco—BART Extension to Livermore.

(118) San Francisco—BART Extension to Oakland International Airport.

(119) San Francisco—Geary Boulevard Bus Rapid Transit.

(120) San Joaquin Regional Rail Commission Commuter Rail (Altamont Commuter Express).

(121) San Juan Tren Urbano—Extension from Rio Piedras to Carolina.

(122) Santa Fe—El Dorado Rail Link.

(123) Seattle—Monorail Project.

(124) Sevierville to Pigeon Ford, Tennessee—Bus Rapid Transit.

(125) Sonoma/Marin (SMART) Commuter Rail, California.

(126) South Carolina High Speed Rail Corridor.

(127) Southern California High Speed Regional Transit.

(128) St. Louis Metro Link—Scott AFB to Mid America Airport.

(129) St. Louis—East/West Gateway.

(130) St. Louis—Metro Link Northside Daniel Boone Project.

(131) St. Louis—Metro South Corridor.

(132) St. Louis—University Downtown Trolley.

(133) Stamford, Connecticut—Urban Transitway Phase II.

(134) Toledo, Ohio—CBD to Zoo.

(135) Toledo, Ohio—University Corridor.

(136) Trenton Trolley.

(137) Tri-Rail Dolphin Extension.

(138) Tri-Rail Florida East Coast Commuter Rail Extension.

(139) Tucson—Old Pueblo Trolley Expansion.

(140) Tulsa, Oklahoma, Light Rail.

(141) Vancouver—Interstate MAX Extension to Clark County, Washington.

(142) Virginia Railway Express Capacity Improvements.

(143) Williamsburg-Newport News—Peninsula Rail Transit.

(d) OTHER PROJECT AUTHORIZATIONS.—Of the amount authorized under section 5338(h) in fiscal year 2005 to carry out section 5309(m)(2)(B)(ii), the Secretary shall make funds available to the following projects for final design and construction in an amount not to exceed the amount specified:

(1) Atlanta—North Springs Extension, $260,785.

(2) Los Angeles—North Hollywood MOS–3, $663,339.

(3) New Jersey Urban Core—Hudson Bergen LRT Phase I, $313,896.

(4) Salt Lake City—CBD to University LRT, $1,127,405.

(5) St. Louis-St. Clair—MetroLink Extension Phase IIa, $59,383.

(e) RULES RELATING TO FUNDING.—

(1) SUBSECTION (a) PROJECTS.—

(A) IN GENERAL.—The Secretary is authorized to expend funds made available under section 5309(m) of title 49, United States Code, for final design and construction of projects authorized by subsection (a) as existing full funding grant agreements.

(B) MINIMUM FUNDING LEVELS.—The Secretary shall make available not less than the following amounts for projects authorized by subsection (a): $1,042,307,000 for fiscal year 2004, $928,303,000 for fiscal year 2005, $519,622,000 for fiscal year 2006, $300,000,000 for fiscal year 2007, $238,956,000 for fiscal year 2008, and $88,861,000 for fiscal year 2009.

(2) SUBSECTION (b) PROJECTS.—

(A) IN GENERAL.—Projects authorized by subsection (b) for final design and construction are also authorized for alternatives analysis and preliminary engineering.

(B) MINIMUM FUNDING LEVELS.—The Secretary shall make available not less than the following amounts for projects authorized by subsection (b): $132,850,000 for fiscal year 2004, $350,000,000 for fiscal year 2005, $861,376,000 for fiscal year 2006, $1,180,821,000 for fiscal year 2007, $1,333,823,000 for fiscal year 2008, and $1,595,648,000 for fiscal year 2009.

(C) PRIORITY.—In making funds available under subparagraph (B), the Secretary shall first make such funds available for any full funding grant agreement executed by the Secretary in fiscal year 2004 after the date of enactment of this Act and for any full funding grant agreement executed by the Secretary in the amount indicated in fiscal years 2005 through 2009 in the amount indicated in the ''Schedule of Federal Funds for the Project'' included in such agreement.

(3) SUBSECTION (c) PROJECTS.—

(A) IN GENERAL.—Effective October 1, 2006, projects authorized by subsection (c) for alternatives analysis and preliminary engineering are also authorized for final design and construction.

(B) MAXIMUM FUNDING LEVELS.—The Secretary shall make available not more than the following amounts for projects authorized by subsection (c): $102,188,000 for fiscal year 2004, $111,157,000 for fiscal year 2005, and $120,087,000 for fiscal year 2006.

(C) MAXIMUM FUNDING LEVELS FOR ALTERNATIVES ANALYSIS AND PRELIMINARY ENGINEERING.—In fiscal years 2007, 2008, and 2009, the Secretary shall make available not more than the following amounts for projects authorized by subsection (b), and projects authorized by subsection (c), to conduct alternatives analysis and preliminary engineering activities: $128,767,000 in fiscal year 2007, $136,763,000 in fiscal year 2008, and $146,479,000 in fiscal year 2009.

(f) NEW JERSEY URBAN CORE PROJECT.—Section 3031(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (112 Stat. 380; 105 Stat. 2122) is amended—

(1) by striking ''associated components to and at the contiguous New Jersey Meadowlands Sports Complex),'' and inserting ''to and at the contiguous New Jersey Meadowlands Sports Complex), including a connection to the Hudson River Waterfront Transportation System, the Lackawanna Cutoff,''; and

(2) by striking ''in Lakewood to Freehold to Matawan or Jamesburg, New Jersey, as described in section 3035(p) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2131)'' and inserting ''from Lakehurst to the Northeast Corridor or the New Jersey Coast Line''.

(g) NEW JERSEY TRANS-HUDSON MIDTOWN CORRIDOR.—Project elements of the New Jersey Trans-Hudson Midtown Corridor advanced with 100 percent non-Federal funds shall be given consideration by the Federal Transit Administration when evaluating the local share and mobility improvements of the project in the new starts rating process, including the purchase of bilevel rail equipment.

SEC. 3038. PROJECTS FOR BUS AND BUS-RELATED FACILITIES.

Of the amounts made available to carry out section 5309(m)(2)(B)(iii) of title 49, United States Code, for each of fiscal years 2005 through 2007, the Secretary shall make funds available for the following projects in not less than the amounts specified for the fiscal year:

Project	*FY 05*	*FY 06*	*FY 07*
1. Hillsborough County, FL - Replacement buses and vans	*$320,000.00*	*$330,000.00*	*$350,000.00*
2. Winston-Salem, NC - Union Station Intermodal Transfer Center, Martin Luther King Drive	*$480,000.00*	*$495,000.00*	*$525,000.00*
3. Purchase of Buses; North Carolina Statewide Request (NCDOT)	*$32,000.00*	*$33,000.00*	*$35,000.00*
4. Geneva Parking Deck: Construction of a 3-tier commuter Parking deck for metra service	*$1,280,000.00*	*$1,320,000.00*	*$1,400,000.00*
5. St. Charles, IL Intermodal Parking Structures	*$1,440,000.00*	*$1,485,000.00*	*$1,575,000.00*
6. Clinton, NJ Construct an intermodal bus terminal and rail station at the Intersection of I–78, Route 22 and the NJ Transit Raritan Valley Line in Clinton, NJ (Hunterdon County)	*$320,000.00*	*$330,000.00*	*$350,000.00*
7. Knoxville, TN intermodal facility	*$3,264,000.00*	*$3,366,000.00*	*$3,570,000.00*
8. Miami, FL Miami-Dade County Buses	*$1,600,000.00*	*$1,650,000.00*	*$1,750,000.00*
9. Pittburgh, PA - Purchase of new buses for Pittsburgh Port Authority	*$160,000.00*	*$165,000.00*	*$175,000.00*
10. Lake Success, NY intermodal facility	*$544,000.00*	*$561,000.00*	*$595,000.00*
11. Charlotte, NC West Trade Street intermodal center	*$1,600,000.00*	*$1,650,000.00*	*$1,750,000.00*
12. Corning, NY Transit Center	*$1,280,000.00*	*$1,320,000.00*	*$1,400,000.00*
13. Burlington County, NJ New Jersey Transit buses	*$1,008,000.00*	*$1,039,500.00*	*$1,102,500.00*
14. Hamilton County, OH - Metro Bus Service Enhancements – Neighborhood Transit Centers and Hubs	*$544,000.00*	*$561,000.00*	*$595,000.00*
15. Adams County Transit Authority, PA - Gettysburt transit transfer center or other related projects	*$287,680.00*	*$296,670.00*	*$314,650.00*
16. Oneida County, NY - buses and facilities	*$640,000.00*	*$660,000.00*	*$700,000.00*
17. Utica, NY - Utica Union Station track improvements	*$32,000.00*	*$33,000.00*	*$35,000.00*
18. Utica and Thendara, NY - Install Two Handicap Lifts	*$32,000.00*	*$33,000.00*	*$35,000.00*
19. Myrtle Beach, SC - Regional Multimodal Transit Center	*$320,000.00*	*$330,000.00*	*$350,000.00*
20. Buffalo, NY intermodal facility	*$1,280,000.00*	*$1,320,000.00*	*$1,400,000.00*

Project	FY 05	FY 06	FY 07
21. Buffalo Niagara Medical Campus intermodal facility roadway, streetscape, pedestrian, transit, and parking improvements	$640,000.00	$660,000.00	$700,000.00
22. Juneau, AK transit bus acquisition and transit center	$800,000.00	$825,000.00	$875,000.00
23. Roanoke, VA - Improve buses at Commonwealth Coach and Trolley Museum	$80,000.00	$82,500.00	$87,500.00
24. Roanoke, VA - Improve Virginian Railway Intermodal Station	$80,000.00	$82,500.00	$87,500.00
25. City of Flagstaff, AZ Purchase of buses and bus related facilities	$240,000.00	$247,500.00	$262,500.00
26. City of Sedona, AZ Purchase of buses and bus related facilities	$240,000.00	$247,500.00	$262,500.00
27. Parking garage at SEPTA Market Street Elevated Line	$1,280,000.00	$1,320,000.00	$1,400,000.00
28. Normal, IL Multimodal center that will provide for eight transportation modes and help to redevelop Normal downtown area	$640,000.00	$660,000.00	$700,000.00
29. San Joaquin, CA Altamont Commuter Express Corridor intermodal centers	$1,280,000.00	$1,320,000.00	$1,400,000.00
30. Cleveland Clinic Intermodal Center and Parking Facility	$2,720,000.00	$2,805,000.00	$2,975,000.00
31. Cuyahoga County, OH University Hospital Intermodal Center and related improvements	$1,328,000.00	$1,369,500.00	$1,452,500.00
32. Akron Art Museum, OH enhancements & transit improvements/safety	$208,000.00	$214,500.00	$227,500.00
33. Coffman Cove, AK IFA ferry terminal	$1,024,000.00	$1,056,000.00	$1,120,000.00
34. Unalaska, AK Construction of AMHW ferry terminal including approach, staging, and upland improvements	$2,400,000.00	$2,475,000.00	$2,625,000.00
35. St. Johns, MI buses	$32,000.00	$33,000.00	$35,000.00
36. Eastlake Stadium, OH Transit Improvements	$1,280,000.00	$1,320,000.00	$1,400,000.00
37. Cleveland Art Museum Intermodal Center and Parking Facility	$2,560,000.00	$2,640,000.00	$2,800,000.00
38. Joliet, IL For the construction of 1,000 commuter car parking structure parking at Joliet Union station	$800,000.00	$825,000.00	$875,000.00
39. Grand Rapids, MI Bus replacement expansion	$4,797,760.00	$4,947,690.00	$5,247,550.00
40. Ionia County, MI - Vehicle replacement	$83,840.00	$86,460.00	$91,700.00
41. Barry County, MI bus maintenance equipment	$11,200.00	$11,550.00	$12,250.00
42. Sevierville to Pigeon Forge, TN BRT	$160,000.00	$165,000.00	$175,000.00
43. Lower Merion Township, PA relocate the SEPTA/AMTRAK Ardmore Station	$2,329,600.00	$2,402,400.00	$2,548,000.00
44. Mammoth Lakes, CA expanded transit service	$160,000.00	$165,000.00	$175,000.00
45. Westmoreland County, PA Buses	$320,000.00	$330,000.00	$350,000.00
46. Warwick, NY Bus Depot and Shelters	$160,000.00	$165,000.00	$175,000.00
47. Tempe/Scottsdale, AZ East Valley Bus Facility	$1,600,000.00	$1,650,000.00	$1,750,000.00
48. Lancaster, PA Job Access buses and services	$128,000.00	$132,000.00	$140,000.00
49. I–80/Howard Blvd New Jersey Transit Park and Ride	$320,000.00	$330,000.00	$350,000.00
50. Calstart fuel cell buses	$320,000.00	$330,000.00	$350,000.00
51. Coachella Valley, CA - Bus rapid transit, Cities of Indio/ Palm Desert	$160,000.00	$165,000.00	$175,000.00
52. Spring Valley, CA Multi-Modal Center	$384,000.00	$396,000.00	$420,000.00
53. Escondido, CA Compressed Natural Gas (CNG) operation and maintenance facility	$160,000.00	$165,000.00	$175,000.00
54. San Diego, CA Off-street multimodal center and service facility	$160,000.00	$165,000.00	$175,000.00
55. Roanoke, VA - Improve Link Passenger Rail Intermodal Facility	$160,000.00	$165,000.00	$175,000.00
56. Zanesville, OH bus system signage and shelters	$20,800.00	$21,450.00	$22,750.00
57. Allegheny County, PA Clean Fuel Buses	$320,000.00	$330,000.00	$350,000.00
58. Mariposa, CA CNG-Hydrogen transit system with fueling stations and buses for Yosemite National Park	$800,000.00	$825,000.00	$875,000.00
59. Northern Neck and Middle Peninsula, VA multi-modal bus facilities	$1,040,000.00	$1,072,500.00	$1,137,500.00
60. Improvements to Metro North Railroad's Beacon Train Station	$160,000.00	$165,000.00	$175,000.00
61. Faquier County, VA Bealeton Station depot rehabilitation	$88,000.00	$90,750.00	$96,250.00
62. Kearney, NE RYDE transit Bus and maintenance facility	$608,000.00	$627,000.00	$665,000.00
63. Statewide, NE - Statewide rural transit needs assessment for the state of Nebraska	$96,000.00	$99,000.00	$105,000.00
64. Trenton, NJ Intermodal Train Station reconstruction	$800,000.00	$825,000.00	$875,000.00
65. York, PA Rabbittransit transit hubs and communications equipment	$886,560.00	$914,265.00	$969,675.00
66. Harrison, AR Trolley Barn	$12,800.00	$13,200.00	$14,000.00
67. Dakota County, MN - Lakeview - Cedar Avenue Corridor BRT	$1,600,000.00	$1,650,000.00	$1,750,000.00
68. Miami, FL Miami-Dade County Buses	$1,600,000.00	$1,650,000.00	$1,750,000.00
69. Monrovia, CA multi-modal regional transit center	$960,000.00	$990,000.00	$1,050,000.00
70. Cleveland, OH Transit Improvements for the upcoming International Children's Games	$48,000.00	$49,500.00	$52,500.00
71. Hampton Roads, VA Southside Bus Facility	$640,000.00	$660,000.00	$700,000.00
72. Denver, CO - Regional Transportation District Bus Replacement	$1,280,000.00	$1,320,000.00	$1,400,000.00
73. Foothill Transit, CA commuter park and ride facilities	$3,040,000.00	$3,135,000.00	$3,325,000.00
74. Salt Lake Community Collage, UT - Intermodal Hub	$560,000.00	$577,500.00	$612,500.00
75. Fresno, CA low-emission transit vehicles	$800,000.00	$825,000.00	$875,000.00
76. Fredericksburg, VA VRE station restoration	$320,000.00	$330,000.00	$350,000.00
77. Lakewood, NJ bus route	$240,000.00	$247,500.00	$262,500.00
78. Elmira, NY buses and related transit systems	$160,000.00	$165,000.00	$175,000.00
79. South Bend, IN Operations Center / Mishawaka Transfer Facility	$320,000.00	$330,000.00	$350,000.00
80. Atlanta, GA - BRT/HOV project; I–75 from Wade Green road to Akers Mill Road	$3,200,000.00	$3,300,000.00	$3,500,000.00
81. Kodiak, AK Construction of AMHW ferry terminal and approach	$2,400,000.00	$2,475,000.00	$2,625,000.00
82. Utica, NY - Union Station canopy	$240,000.00	$247,500.00	$262,500.00
83. Shreveport, LA Intermodal Transit Facility	$1,072,000.00	$1,105,500.00	$1,172,500.00
84. Bend, Oregon Replacement of the city's 22 person vans	$320,000.00	$330,000.00	$350,000.00
85. Pasadena to Claremont, CA Gold Line Light Rail Phase II intermodal centers	$4,800,000.00	$4,950,000.00	$5,250,000.00
86. NC - North Carolina Statewide Bus and Bus Facilities	$5,952,000.00	$6,138,000.00	$6,510,000.00
87. Triad, NC - Multimodal facility to serve as the central facility for the PART routes throughout the Triad region	$3,712,000.00	$3,828,000.00	$4,060,000.00
88. High Point, NC - Home Funishings Market terminals/parking	$1,600,000.00	$1,650,000.00	$1,750,000.00
89. Cincinnati Zoo/Uptown Crossing, OH - Intermodal bus facility/commuter parking garage	$416,000.00	$429,000.00	$455,000.00

Project	FY 05	FY 06	FY 07
90. Florida Keys Bus System Facility Improvements	$160,000.00	$165,000.00	$175,000.00
91. Florida Keys Bus System Improvements, Job Access Reverse Commute	$160,000.00	$165,000.00	$175,000.00
92. Rome, NY - VIP bus system	$80,000.00	$82,500.00	$87,500.00
93. Geneva, NY - Intermodal Facility renovations	$345,600.00	$356,400.00	$378,000.00
94. Oneonta, NY - Heavy Duty Buses	$80,000.00	$82,500.00	$87,500.00
95. Cooperstown, NY - Construct Cooperstown Intermodal Facility	$1,600,000.00	$1,650,000.00	$1,750,000.00
96. Seneca City Public Transit, NY - Develop a transportation service plan for the county	$48,000.00	$49,500.00	$52,500.00
97. Columbus, OH Paratransit and Small Bus Service Facility	$1,600,000.00	$1,650,000.00	$1,750,000.00
98. Erie County, NY Niagara Frontier Transportation Authority rehabilitation	$960,000.00	$990,000.00	$1,050,000.00
99. Jamestown, NY intermodal facility	$480,000.00	$495,000.00	$525,000.00
100. Dunkirk, NY intermodal facility	$320,000.00	$330,000.00	$350,000.00
101. Tinley Park, IL - Commuter rail intermodal station at 80th Avenue	$160,000.00	$165,000.00	$175,000.00
102. Londonderry, NH - Park and Ride Bus Facility at Exit 5	$640,000.00	$660,000.00	$700,000.00
103. Enfield, CT - Enfield Intermodal Station on New Haven CT – Springfield, MA Commuter Rail Line	$640,000.00	$660,000.00	$700,000.00
104. Atlanta, GA Atlanta Transportation Trolley Link clean fuel transit vehicles	$1,600,000.00	$1,650,000.00	$1,750,000.00
105. Stonington and Mystic, CT - Construct Stonington-Mystic Village Intermodal Center Parking facility and Improve streetscapes	$640,000.00	$660,000.00	$700,000.00
106. Atlanta, GA MARTA low- floor clean fuel buses	$3,200,000.00	$3,300,000.00	$3,500,000.00
107. Glenwood Park, PA Transit Center and adjacent park & ride facility	$1,600,000.00	$1,650,000.00	$1,750,000.00
108. Beaver, PA - Expand and improve 2 park and ride facilities in Beaver County, PA	$160,000.00	$165,000.00	$175,000.00
109. Vernon, CT - Construct Vernon Intermodal Center, Parking and Streetscapes	$1,920,000.00	$1,980,000.00	$2,100,000.00
110. New London, CT - Improve New London Intermodal Transportation Center Streetscapes and Traffic Flow	$480,000.00	$495,000.00	$525,000.00
111. Warren, PA intermodal transportation center	$960,000.00	$990,000.00	$1,050,000.00
112. Sharon, PA bus facilities, parking lots and bus stops	$320,000.00	$330,000.00	$350,000.00
113. New Orleans, LA Multimodal Riverfront Center	$160,000.00	$165,000.00	$175,000.00
114. Manchester, NH North River Road Intermodal Facility and streetscape improvements	$288,000.00	$297,000.00	$315,000.00
115. River parishes, LA South Central Planning and Development Commission, bus and bus facilities	$320,000.00	$330,000.00	$350,000.00
116. Regional Planning Commission, New Orleans, LA bus and bus facilities	$160,000.00	$165,000.00	$175,000.00
117. St. Bernard Parish, LA Intermodal facility improvements	$320,000.00	$330,000.00	$350,000.00
118. Rockville, MD Maryland Avenue and Market Street Intermodal Access Project	$1,280,000.00	$1,320,000.00	$1,400,000.00
119. Detroit, MI Replacement bus facility	$240,000.00	$247,500.00	$262,500.00
120. Detroit, MI Replacement buses	$240,000.00	$247,500.00	$262,500.00
121. Oakland, CA San Francisco Bay Trail, Oakland Coliseum - Martin Luther King Jr. Regional Shoreline	$288,000.00	$297,000.00	$315,000.00
122. Covina/El Monte/Baldwin Park/Upland, CA Improve parking and station access at Metrolink stations	$1,184,000.00	$1,221,000.00	$1,295,000.00
123. Bronx, NY Complete Penn Station/East Side Access Programs. Upgrade Metro North stations in the Bronx and construct station at Yankee Stadium	$960,000.00	$990,000.00	$1,050,000.00
124. Nashville, TN Downtown Transit Transfer Facility	$160,000.00	$165,000.00	$175,000.00
125. Sandy Hook National Park, NJ Connect passengers from lower Manhattan & other NY/NJ ferry terminals through construction of a fixed & floating pier	$640,000.00	$660,000.00	$700,000.00
126. Long Beach, CA Acquire property and construct a park and ride structure in Downtown Long Beach	$320,000.00	$330,000.00	$350,000.00
127. Camden County, NJ Intermodal facility serving critical bus and rail lines to East and North Camden Neighborhoods	$320,000.00	$330,000.00	$350,000.00
128. New York City, NY Purchase Handicapped-Accessible Livery Vehicles	$320,000.00	$330,000.00	$350,000.00
129. Glendale, CA CNG Buses	$224,000.00	$231,000.00	$245,000.00
130. Las Vegas, NV Construct Las Vegas Center City Intermodal Transportation Terminal	$960,000.00	$990,000.00	$1,050,000.00
131. Middletown, CT Construct intermodal facility	$160,000.00	$165,000.00	$175,000.00
132. Los Angeles County, CA Develop intermodal centers along the Gold Line phase II rail project	$256,000.00	$264,000.00	$280,000.00
133. Los Angeles, CA Implement parking and electronic signage improvements on the Metrolink commuter rail system	$640,000.00	$660,000.00	$700,000.00
134. Corvallis, OR Bus Replacement	$396,800.00	$409,200.00	$434,000.00
135. Eugene, OR Purchase new buses for Lane Transit District's Bus Rapid Transit service	$1,280,000.00	$1,320,000.00	$1,400,000.00
136. Detroit, MI Mid-Life Vehicle Overhaul	$4,608,000.00	$4,752,000.00	$5,040,000.00
137. Torrington, CT Construct bus-related facility (Northwestern Connecticut Central Transit District)	$640,000.00	$660,000.00	$700,000.00
138. Bronx, NY For the acquisition of buses to provide service from the Jacobi Intermodal Center to North Central Bronx Hospital	$128,000.00	$132,000.00	$140,000.00
139. Columbia County, OR Purchase buses	$44,800.00	$46,200.00	$49,000.00
140. Yamhill County, OR Construction of bus shelters and park and ride facilities in Yamhill County	$21,440.00	$22,110.00	$23,450.00
141. Albany, OR Construct pathway at Multimodal Transit Station	$128,000.00	$132,000.00	$140,000.00
142. Miami-Dade County, FL County Buses	$1,888,000.00	$1,947,000.00	$2,065,000.00
143. Brownsville, TX Brownsville Urban System City-Wide Transit Improvement project	$640,000.00	$660,000.00	$700,000.00
144. Sandy City, UT Intermodal Hub and Station	$640,000.00	$660,000.00	$700,000.00
145. Howard County, MD Design and construct Howard County Bus Operation Repair Facility	$832,000.00	$858,000.00	$910,000.00

Project	FY 05	FY 06	FY 07
146. Carson, CA Purchase one bus	$80,000.00	$82,500.00	$87,500.00
147. Carson, CA Purchase two tripper buses	$160,000.00	$165,000.00	$175,000.00
148. Carson, CA Purchase one trolley-bus vehicle	$80,000.00	$82,500.00	$87,500.00
149. Des Moines, IA Purchase currently leased 40-foot heavy-duty buses	$640,000.00	$660,000.00	$700,000.00
150. Bellflower, CA Conversion of an historic train depot into an intermodal center	$88,000.00	$90,750.00	$96,250.00
151. Bellflower, CA Bus shelter improvements	$80,000.00	$82,500.00	$87,500.00
152. Albany, GA Bus replacement program	$160,000.00	$165,000.00	$175,000.00
153. Sylvester, GA Intermodal Facility: Construction/restoration of Train Depot for train, intercity bus, local transit, taxi	$96,000.00	$99,000.00	$105,000.00
154. Thomasville, GA Bus Replacement program	$64,000.00	$66,000.00	$70,000.00
155. Quitman County / Clay County / Randolph County / Stewart County, GA Regional Rural Transit Bus Project (initiate joint/cooperative rural transit program)	$160,000.00	$165,000.00	$175,000.00
156. Albany, GA Multi-modal facility (Construction of local transit transfer station/garage/office headquarters, intercity bus, taxi)	$320,000.00	$330,000.00	$350,000.00
157. North Carolina expand bus facilities and buses statewide	$1,680,000.00	$1,732,500.00	$1,837,500.00
158. Charlotte, NC Design and construct new intermodal facility housing intra-city buses, inter-city rail and commuter rail. (West Trade)	$160,000.00	$165,000.00	$175,000.00
159. Carson/South Bay, CA Construct a transit center to serve existing routes and additional MTA lines	$480,000.00	$495,000.00	$525,000.00
160. Compton, CA Construct fuel dispensing facility for the transit CNG bus fleet	$480,000.00	$495,000.00	$525,000.00
161. Compton, CA Expand existing transit center in to a multi modal transportation building	$992,000.00	$1,023,000.00	$1,085,000.00
162. Los Angeles County, CA Construct commuter park-and-ride facilities in the San Gabriel Valley	$256,000.00	$264,000.00	$280,000.00
163. Akron, OH Construct Downtown Multi-modal Transportation Center	$1,280,000.00	$1,320,000.00	$1,400,000.00
164. Elyria, OH Construct the New York Central Train Station into an intermodal transportation hub	$655,360.00	$675,840.00	$716,800.00
165. Long Beach, CA Purchase ten clean fuel busses	$1,440,000.00	$1,485,000.00	$1,575,000.00
166. Los Angeles, CA Mission College Transit Center construction	$160,000.00	$165,000.00	$175,000.00
167. Windfall, NC Purchase of buses	$40,000.00	$41,250.00	$43,750.00
168. Montgomery County, MD intermodal access programs in the Silver Spring and Wheaton Central Business Districts	$320,000.00	$330,000.00	$350,000.00
169. Compton, CA Improve 33 bus stops in the local transit system and purchase 7 CNG buses	$518,400.00	$534,600.00	$567,000.00
170. St. Lucie County, FL Acquisition of Americans with Disabilities Act compliant buses	$320,000.00	$330,000.00	$350,000.00
171. Los Angeles, CA California State University Northridge propane-powered tram service project	$104,000.00	$107,250.00	$113,750.00
172. Jacksonville, FL Bus Facility Expansion	$640,000.00	$660,000.00	$700,000.00
173. Hampton Roads, VA Develop, design and build new Hampton Roads Transit Southside Bus Facility to house bus fleet, maintenance, warehouse, and administrative functions	$640,000.00	$660,000.00	$700,000.00
174. Phoenix, AZ West Phoenix Bus Facility	$1,920,000.00	$1,980,000.00	$2,100,000.00
175. Phoenix, AZ Phoenix Heavy Bus Facility	$320,000.00	$330,000.00	$350,000.00
176. Phoenix, AZ Phoenix Dial-a-Ride Operating Facility	$320,000.00	$330,000.00	$350,000.00
177. Trenton, NJ Reconstruction and rehabilitation of the Trenton Train Station	$2,352,000.00	$2,425,500.00	$2,572,500.00
178. La Crosse, WI Transit Center and Bus Replacement	$160,000.00	$165,000.00	$175,000.00
179. Eau Claire, WI Transfer Center and Vehicle Replacement	$160,000.00	$165,000.00	$175,000.00
180. Lowell, MA Lowell Regional Transit Authority transit buses	$864,000.00	$891,000.00	$945,000.00
181. Calexico, CA Purchase new buses for the Calexico Transit System	$160,000.00	$165,000.00	$175,000.00
182. San Francisco, CA Redesign and renovate intermodal facility at Glen Park Community	$1,056,000.00	$1,089,000.00	$1,155,000.00
183. Cleveland, OH Buses and bus-related facilities	$64,000.00	$66,000.00	$70,000.00
184. Cleveland, OH Construct intermodal facility	$288,000.00	$297,000.00	$315,000.00
185. Cleveland, OH Construct intermodal facility on Euclid Avenue	$160,000.00	$165,000.00	$175,000.00
186. Berkeley/Oakland, CA AC Transit Bus Rapid Transit, bus shelters & intelligent systems, Berkeley-Oakland corridor project	$640,000.00	$660,000.00	$700,000.00
187. Gardena, CA Purchase of alternate fuel buses for service expansion, on-board security system and bus facility training equipment	$1,565,571.84	$1,614,495.96	$1,712,344.20
188. Wilmington, NC A multi-modal center for rail station and downtown hub for city and intercity bus services	$240,000.00	$247,500.00	$262,500.00
189. Westchester County, NY Acquisition of clean fuel buses	$80,000.00	$82,500.00	$87,500.00
190. Pleasant Hill, CA Construct Diablo Valley College Bus Transit Center	$480,000.00	$495,000.00	$525,000.00
191. Rock Island, IL Construct bus and bus-related facilities	$160,000.00	$165,000.00	$175,000.00
192. Beckley, WV Beckley Intermodal Gateway, pursuant to the eligibility provisions for projects listed under section 3030(d)(3) of P.L. 105–178	$7,680,000.00	$7,920,000.00	$8,400,000.00
193. Newark, NJ Newark Penn Station Intermodal Improvements including the rehabilitation of boarding areas	$320,000.00	$330,000.00	$350,000.00
194. San Francisco, CA Construct Transbay Terminal	$4,480,000.00	$4,620,000.00	$4,900,000.00
195. Bronx, NY Conduct a study to construct an intermodal facility in Riverdale/Kingsbridge	$112,000.00	$115,500.00	$122,500.00
196. Philadelphia, PA Philadelphia Zoo Intermodal Transportation project entailing parking consolidation, pedestrian walkways, public transportation complements, and landscape improvements to surface parking lots	$2,211,672.00	$2,280,786.75	$2,419,016.25
197. Thurston County, WA Purchase buses to replace existing equipment and expand service	$288,000.00	$297,000.00	$315,000.00

Project	FY 05	FY 06	FY 07
198. Gresham, OR Construction of a light rail station, bus, bicycle and parking plaza facilities, and in support of transit-oriented development	$480,000.00	$495,000.00	$525,000.00
199. New Jersey, Passaic Valley Intermodal and Parking Facilities	$1,600,000.00	$1,650,000.00	$1,750,000.00
200. Denver, CO Construct intermodal center at Denver Union Station	$3,200,000.00	$3,300,000.00	$3,500,000.00
201. Corpus Christi, TX Corpus Regional Transit Authority for maintenance facility improvements	$640,000.00	$660,000.00	$700,000.00
202. Albany, OR Rehabilitate building at Multimodal Transit Station	$281,600.00	$290,400.00	$308,000.00
203. Alameda, CA Planning, design, construction of an aerial tramway at the former Naval Air Station on Alameda Point to Oakland BART	$640,000.00	$660,000.00	$700,000.00
204. Union City, CA Grade separation to provide new vehicle, pedestrian, and bike access to BART	$800,000.00	$825,000.00	$875,000.00
205. Westchester County, NY Replacement of buses in Westchester's Beeline fleet	$1,200,000.00	$1,237,500.00	$1,312,500.00
206. Livermore, CA Construct Bus Facility for Livermore Amador Valley Transit Authority	$720,000.00	$742,500.00	$787,500.00
207. Martinez, CA Martinez Intermodal Facility Depot restoration	$320,000.00	$330,000.00	$350,000.00
208. San Juan, PR Purchase of 27 new buses for replacement and service expansion	$960,000.00	$990,000.00	$1,050,000.00
209. San Juan, PR Purchase of security cameras on board 404 buses	$320,000.00	$330,000.00	$350,000.00
210. Flint, MI Purchase new and replacement vehicles for expanded job related service. Flint MTA	$160,000.00	$165,000.00	$175,000.00
211. Sonoma County, CA Purchase CNG buses	$160,000.00	$165,000.00	$175,000.00
212. Arlington, VA Improve pedestrian access, construct shelters, and purchase buses to improve service along Columbia Pike corridor	$1,600,000.00	$1,650,000.00	$1,750,000.00
213. Santa Clara County, CA Purchase 6 hydrogen fuel-cell buses, installation of fuel station, and modification of existing facilities for the new technology	$1,024,000.00	$1,056,000.00	$1,120,000.00
214. Los Angeles, CA Improve Wilshire Vermont transit station to provide improved pedestrian and intermodal access	$320,000.00	$330,000.00	$350,000.00
215. Indianapolis, IN Create downtown transit center for the intra-city bus system	$5,192,000.00	$5,354,250.00	$5,678,750.00
216. Fairfax, VA Construct transit center and improve service and pedestrian and passenger access on Richmond Highway	$640,000.00	$660,000.00	$700,000.00
217. Alexandria, VA Purchase buses and relocate WMATA's 58-year old Royal Street garage	$640,000.00	$660,000.00	$700,000.00
218. Bar Harbor, ME Purchase new buses to enhance commuting near the Jackson Labs	$96,000.00	$99,000.00	$105,000.00
219. Los Angeles, CA Los Angeles City College Red Line Pedestrian Connector Project to improve pedestrian access	$400,000.00	$412,500.00	$437,500.00
220. Stanwood, WA Terry's Corner Park and Ride	$336,000.00	$346,500.00	$367,500.00
221. Denver, CO Construct intermodal facility at Stapleton as part of FasTracks project	$640,000.00	$660,000.00	$700,000.00
222. Alexandria, VA Construct shelters, walkways and traffic light signals in Eisenhower Avenue area to increase bus ridership and improve connectivity to Metrorail stations	$800,000.00	$825,000.00	$875,000.00
223. Island County, WA Island Transit Capital Improvements	$768,000.00	$792,000.00	$840,000.00
224. Kansas City, MO Regional Bus rapid transit system	$640,000.00	$660,000.00	$700,000.00
225. Pittsburgh, PA For the purchase of clean fuel buses	$160,000.00	$165,000.00	$175,000.00
226. Burbank, CA Construction of the Empire Area Transit Center near the Burbank/Pasadena/Glendale Airport	$320,000.00	$330,000.00	$350,000.00
227. New Orleans, LA Plan and construct New Orleans Union Passenger Terminal intermodal facilities	$320,000.00	$330,000.00	$350,000.00
228. Kansas City, MO Bus transit infrastructure	$160,000.00	$165,000.00	$175,000.00
229. Dallas, TX Bus Passenger Facilities for Dallas Area Rapid Transit: shelters, benches, and bus stop improvements	$3,200,000.00	$3,300,000.00	$3,500,000.00
230. Los Angeles, CA Reseda Blvd. Bus Rapid Transit Route, a small-start project already begun by the LA MTA	$320,640.00	$330,660.00	$350,700.00
231. Monterey Park, CA Safety improvements at a bus stop including creation of bus loading areas and street improvements	$544,000.00	$561,000.00	$595,000.00
232. Washington, DC Purchase of clean fuel transit buses and improved passenger facilities including bus system maps, dynamic bus arrival indicators and improved bus stop signage	$6,400,000.00	$6,600,000.00	$7,000,000.00
233. Cheltenham Township, PA Glenside Rail Station Parking Garage project involving the construction of a 300–400 space parking lot @ Easton Road and Glenside Avenue	$544,000.00	$561,000.00	$595,000.00
234. San Mateo County, CA Install security cameras for buses and passenger stations	$384,000.00	$396,000.00	$420,000.00
235. Torrance, CA Acquisition of EPA and CARB-certified, low emission replacement buses	$1,280,000.00	$1,320,000.00	$1,400,000.00
236. Portland, OR Renovation of Union Station, including structural reinforcement and public safety upgrades	$32,000.00	$33,000.00	$35,000.00
237. Long Beach, CA Install security cameras on busses	$320,000.00	$330,000.00	$350,000.00
238. Pittsburgh, PA North Shore improvements. Funding for the West End Bridge improvements, Intermodal Transportation Center, Brighton Road, Canal and Market Streets	$320,000.00	$330,000.00	$350,000.00
239. Los Angeles, CA Expand intermodal center at California State University to accommodate additional buses, ADA improvements, upgrade lighting	$320,000.00	$330,000.00	$350,000.00
240. Cleveland, OH Construct intermodal center and bus facilities at Euclid Avenue and East 96th Street	$640,000.00	$660,000.00	$700,000.00
241. Brockton, MA Bus replacement for the Brockton Area Transit Authority (BA4T)	$480,000.00	$495,000.00	$525,000.00
242. Sacramento, CA Improvements to bus facilities	$1,600,000.00	$1,650,000.00	$1,750,000.00

Project	FY 05	FY 06	FY 07
243. Orange County, CA Purchase inter-county express buses for Orange County Transportation Authority	$320,000.00	$330,000.00	$350,000.00
244. New Jersey, Community Shuttle Buses	$640,000.00	$660,000.00	$700,000.00
245. Nacogdoches, TX Bus fleet vehicle replacement for the Brazos Transit District	$320,000.00	$330,000.00	$350,000.00
246. Lufkin, TX Bus fleet vehicle replacement for the Brazos Transit District	$320,000.00	$330,000.00	$350,000.00
247. Burbank, CA Burbank Regional Intermodal Transportation Center – Chandler Bikeway Extension	$252,800.00	$260,700.00	$276,500.00
248. Miramar, FL Miramar Transit Hub	$320,000.00	$330,000.00	$350,000.00
249. Atlanta, GA Redevelopment of the Metro Atlanta Rapid Transit Authority Hamilton bus facility to support clean fuel buses	$1,894,400.00	$1,953,600.00	$2,072,000.00
250. Rockport, MA Improvements to Rockport Station including station renovations, barrier free access, and expanded parking	$768,000.00	$792,000.00	$840,000.00
251. Cleveland, OH Construct intermodal facility, East Side Transit Authority	$1,920,000.00	$1,980,000.00	$2,100,000.00
252. Grants Pass, OR Purchase vehicles for use by Josephine Community Transit	$54,720.00	$56,430.00	$59,850.00
253. Plantation, FL Construction of the Central Plantation Transit Greenway System	$512,000.00	$528,000.00	$560,000.00
254. Oakland, CA Pedestrian and bicycle-oriented improvements at four BART Transit Villages	$320,000.00	$330,000.00	$350,000.00
255. Santa Monica, CA Purchase and service Liquid Natural Gas buses for Santa Monica Big Blue Bus to service increased ridership and reduce emissions	$1,280,000.00	$1,320,000.00	$1,400,000.00
256. Broward County, FL Buses and bus facilities	$3,760,000.00	$3,877,500.00	$4,112,500.00
257. Glendale, CA Glendale Beeline Bus/Trolley System	$416,000.00	$429,000.00	$455,000.00
258. Baldwin Park, CA Construct vehicle and bicycle parking lot at and pedestrian rest area at transit center	$96,000.00	$99,000.00	$105,000.00
259. Baldwin Park, CA Construct new sidewalks, lighting, and curbs between Metrolink station and downtown	$160,000.00	$165,000.00	$175,000.00
260. Buses and bus related facilities throughout the state of Connecticut	$1,920,000.00	$1,980,000.00	$2,100,000.00
261. Hartford, CT Buses and bus-related facilities	$1,280,000.00	$1,320,000.00	$1,400,000.00
262. New Jersey, Intermodal passenger transportation deployment initiative for Passaic-Bergen DMU demonstration program	$3,200,000.00	$3,300,000.00	$3,500,000.00
263. Santa Monica, CA Construction of intermodal facility and purchase and service of buses for joint Santa Monica College and community transit service	$720,000.00	$742,500.00	$787,500.00
264. Los Angeles, CA Improve transit shelters, sidewalks and landscaping around Cedar's-Sinai Medical Center	$240,000.00	$247,500.00	$262,500.00
265. Nassau County, NY Intermodal transportation improvements for the Nassau HUB	$2,240,000.00	$2,310,000.00	$2,450,000.00
266. Memphis, TN Memphis South Intermodal Center will be a major connection point for local bus, intercity bus, automobiles and airport transportation	$960,000.00	$990,000.00	$1,050,000.00
267. Tampa, FL Purchase replacement buses and vanpools	$160,000.00	$165,000.00	$175,000.00
268. San Jose, CA Reconstruct Santa Clara Valley Transportation Authority's Cerone Operating Division Facilities	$1,600,000.00	$1,650,000.00	$1,750,000.00
269. Belle Glade, FL Construction and Land Acquisition of a Combined Passenger Transfer and Maintenance/Operations Facility	$960,000.00	$990,000.00	$1,050,000.00
270. Denver, CO Construct bus maintenance facility	$320,000.00	$330,000.00	$350,000.00
271. Rhode Island Bus purchase and park & ride facilities	$320,000.00	$330,000.00	$350,000.00
272. Monterey Park, CA Monterey Park Busline Intelligent Transit Information system	$192,000.00	$198,000.00	$210,000.00
273. Providence, RI Expansion of RIPTA Elmwood Facility for Paratransit Maintenance	$960,000.00	$990,000.00	$1,050,000.00
274. Johnson County, KS Bus and bus-related facilities (I–35 Corridor)	$640,000.00	$660,000.00	$700,000.00
275. Santa Fe, NM Purchase Santa Fe Trails Downtown Transit Center buses, support vehicles, paratransit vehicles, and six trolley buses for downtown shuttle service	$320,000.00	$330,000.00	$350,000.00
276. Milwaukee County, WI Milwaukee County bus replacements	$1,280,000.00	$1,320,000.00	$1,400,000.00
277. South San Francisco, CA Construct ferry terminal at Oyster Point to provide ferry service from San Francisco by Water Transit Authority	$1,920,000.00	$1,980,000.00	$2,100,000.00
278. Niles, OH Bus and bus-related facilities	$240,000.00	$247,500.00	$262,500.00
279. Rhode Island Bus Replacement	$1,280,000.00	$1,320,000.00	$1,400,000.00
280. San Diego, CA Construct intermodal transportation management center to improve coordination, efficiency and security	$960,000.00	$990,000.00	$1,050,000.00
281. Las Vegas, NV Construct North Las Vegas Boulevard Intermodal Transportation Terminal	$960,000.00	$990,000.00	$1,050,000.00
282. Lawrence, MA Parking and drainage related to a Regional Intermodal Center	$1,920,000.00	$1,980,000.00	$2,100,000.00
283. Richmond, VA Bus Operation and Maintenance Facility for Greater Richmond Transit Company	$480,000.00	$495,000.00	$525,000.00
284. Attleboro, MA Multimodal transit hub, including central bus terminal, commuter park-and-ride garage, and improved access to commuter rail	$640,000.00	$660,000.00	$700,000.00
285. Miami Dade County, FL N.W. 7th Avenue Transit Hub	$1,440,000.00	$1,485,000.00	$1,575,000.00
286. Haverhill, MA Commuter rail parking	$320,000.00	$330,000.00	$350,000.00
287. Los Angeles, CA Install permanent irrigation system and enhanced landscaping on San Fernando Valley bus rapid transitway	$960,000.00	$990,000.00	$1,050,000.00
288. St. Paul, MN Union Depot Multimodal Transportation Hub	$2,240,000.00	$2,310,000.00	$2,450,000.00
289. Gainesville, FL Bus Replacement	$2,560,000.00	$2,640,000.00	$2,800,000.00
290. Salem, MA Design and Construction of station with 700–1000 parking spaces, bus layover facility, including pedestrian-vehicle access	$640,000.00	$660,000.00	$700,000.00
291. Richmond, VA Main Street Station project	$352,000.00	$363,000.00	$385,000.00
292. Jacksonville, FL Bus Replacement	$2,240,000.00	$2,310,000.00	$2,450,000.00
293. Monmouth County, NJ Construction of main bus facility for Freehold Township, including a terminal and repair shop	$640,000.00	$660,000.00	$700,000.00

Project	FY 05	FY 06	FY 07
294. Falls Church, VA Design and build an intermodal transit center in downtown Falls Church	$640,000.00	$660,000.00	$700,000.00
295. Beverly, MA Construction of a 500 space parking garage adjacent to the Beverly depot	$640,000.00	$660,000.00	$700,000.00
296. San Fernando, CA Construct CNG fueling station and other related infrastructure	$416,000.00	$429,000.00	$455,000.00
297. Rialto, CA Expansion parking lot at Metrolink station in Rialto	$224,000.00	$231,000.00	$245,000.00
298. El Paso, TX Purchase of buses for the SMART Starter service	$800,000.00	$825,000.00	$875,000.00
299. Luzerne County, PA For the acquisition of new public transportation vehicles, includes buses and trolleys	$160,000.00	$165,000.00	$175,000.00
300. San Antonio, TX VIA Metropolitan Transit - Purchase of new buses to replace the aging bus fleet and paratransit vans and upgrade of the bus maintenance facility	$2,240,000.00	$2,310,000.00	$2,450,000.00
301. New York City, NY New Urban Center – Broadway Junction Intermodal Facility	$307,200.00	$316,800.00	$336,000.00
302. Jacksonville, FL Paratransit Program	$1,600,000.00	$1,650,000.00	$1,750,000.00
303. Las Vegas, NV Construct Las Vegas WestCare Intermodal Facility	$160,000.00	$165,000.00	$175,000.00
304. Chicago, IL Construct intermodal facility at 35th Street at Metra Red Line	$1,536,000.00	$1,584,000.00	$1,680,000.00
305. San Diego, CA Widen sidewalks and bus stop entrance, and provide diagonal parking, in the Skyline-Paradise Hills neighborhood	$64,000.00	$66,000.00	$70,000.00
306. Culver City, CA Expand natural gas fuel facility, purchase CNG buses	$1,204,049.28	$1,241,675.82	$1,316,928.90
307. Mukilteo, WA Mukilteo Multimodal Terminal	$1,856,000.00	$1,914,000.00	$2,030,000.00
308. S. Amboy, NJ Improvements to the rail, bus passenger, parking facilities at S. Amboy station	$2,560,000.00	$2,640,000.00	$2,800,000.00
309. Detroit, MI Two new garage and fuel facilities for Compressed Natural Gas buses	$160,000.00	$165,000.00	$175,000.00
310. Chicago, IL Feasibility study for intermodal station on the Metra Rock Island near Kennedy-King College	$160,000.00	$165,000.00	$175,000.00
311. Detroit, MI Timed Transfer Center, providing child care centers at transit transfer facilities	$3,008,000.00	$3,102,000.00	$3,290,000.00
312. Pottsville, PA Union Street Trade and Transfer Center Intermodal Facility	$640,000.00	$660,000.00	$700,000.00
313. Detroit, MI Bus Purchase	$416,000.00	$429,000.00	$455,000.00
314. Atlanta, GA Multi Modal Terminal for Amtrak, high speed trains, and commuter buses in downtown Atlanta	$1,280,000.00	$1,320,000.00	$1,400,000.00
315. Richmond, CA Design and construct transit structure for Richmond BART station	$1,280,000.00	$1,320,000.00	$1,400,000.00
316. Baltimore, MD Studies, planning and construction of Intermodal Terminal	$1,600,000.00	$1,650,000.00	$1,750,000.00
317. City of Norwalk, CA EPA and CARB certified low emission replacement & expansion buses; develop parking facility for users of LAX airport	$224,000.00	$231,000.00	$245,000.00
318. Los Angeles, CA Expand Bus Rapid Transit on Crenshaw Blvd	$2,185,390.72	$2,253,684.18	$2,390,271.10
319. City of Montebello, CA Replace 16 eighteen-year-old diesel fueled bus with hybrid gas fueled bus	$320,000.00	$330,000.00	$350,000.00
320. Tidewater, VA Eastern Seaboard Intermodal Transportation Application Center at Hampton University	$448,000.00	$462,000.00	$490,000.00
321. Los Angeles, CA Purchase of clean fuel buses to improve bus service in South Los Angeles	$837,628.16	$863,804.04	$916,155.80
322. Revere, MA Design and construction of an MBTA commuter rail stop and parking garage	$1,280,000.00	$1,320,000.00	$1,400,000.00
323. Woburn, MA Expansion of commuter parking spaces at the MBTA Transit Facility	$480,000.00	$495,000.00	$525,000.00
324. Charlotte, NC Design and construct new bus garage to support expansion of regional bus system	$416,000.00	$429,000.00	$455,000.00
325. Salem, OR Keizer Transit, bus and bus facilities	$640,000.00	$660,000.00	$700,000.00
326. Tillamook County, OR Construction of a transit facility	$32,000.00	$33,000.00	$35,000.00
327. Canby, OR bus replacement and bus facilities	$48,000.00	$49,500.00	$52,500.00
328. Wilsonville, OR South Metro Area Regional Transit, bus and bus facilities	$80,000.00	$82,500.00	$87,500.00
329. Lincoln County, OR bus replacement	$80,000.00	$82,500.00	$87,500.00
330. Molalla, OR South Clackamas Transportation District, bus replacement and expansion of service	$32,000.00	$33,000.00	$35,000.00
331. Chicago, IL Construct intermodal facility at Sheridan Road and Loyola Avenue	$96,000.00	$99,000.00	$105,000.00
332. Philadelphia, PA PCDC Pedestrian facilities, safety improvements, and motor vehicle access along Market St. Elevated Rail project	$608,000.00	$627,000.00	$665,000.00
333. Davis, CA Provide additional parking and enhancement to entrance of the Davis Multi-modal station	$480,000.00	$495,000.00	$525,000.00
334. Woodland, CA Improve Yolobus Administration and Maintenance Facilities	$800,000.00	$825,000.00	$875,000.00
335. Albany/Schenectady, NY Bus Facility Improvements in NY–5 Corridor	$320,000.00	$330,000.00	$350,000.00
336. Jersey City, NJ Newport Station Intermodal Improvements	$640,000.00	$660,000.00	$700,000.00
337. Galveston County, TX Intermodal facility to include bus and car parking	$320,000.00	$330,000.00	$350,000.00
338. Maywood, IL Purchase buses	$14,400.00	$14,850.00	$15,750.00
339. Galveston, TX Galveston Intermodal facility	$1,440,000.00	$1,485,000.00	$1,575,000.00
340. Elizabeth, NJ Bus Shelters	$320,000.00	$330,000.00	$350,000.00
341. Hingham, MA Hingham Marine Intermodal Center Improvements: Enhance public transportation infrastructure/parking	$2,880,000.00	$2,970,000.00	$3,150,000.00
342. New York City, NY First Phase Implementation of Bus Rapid Transit System	$320,000.00	$330,000.00	$350,000.00
343. Galveston, TX Relocation of rail facilities	$480,000.00	$495,000.00	$525,000.00
344. Bronx, NY Establishment of a new intermodal facility near Exit 6 of the Bronx River Parkway	$80,000.00	$82,500.00	$87,500.00
345. Berkeley, CA Ed Roberts Campus: Intermodal transit center above Ashby BART station providing multiple services for disabled people	$960,000.00	$990,000.00	$1,050,000.00

Project	FY 05	FY 06	FY 07
346. Niagara Falls, NY Relocation and Development of Niagara Falls International Railway Station/Intermodal Transportation Center	$960,000.00	$990,000.00	$1,050,000.00
347. Mountlake Terrace, WA Community Transit's Snohomish County Park and Ride Expansion Program	$960,000.00	$990,000.00	$1,050,000.00
348. Town of North Hempstead, NY Acquisition and expansion of commuter parking field adjacent to Albertson train station	$320,000.00	$330,000.00	$350,000.00
349. Babylon, NY Design and construction of intermodal transit facility in Wyandanch	$1,040,000.00	$1,072,500.00	$1,137,500.00
350. Suffolk County, NY Purchase four handicapped accessible vans in Northport	$83,200.00	$85,800.00	$91,000.00
351. Piti, GU Construct Cabras Island Intermodal Facility	$1,600,000.00	$1,650,000.00	$1,750,000.00
352. Lake Charles, LA Bus and bus related facilities	$320,000.00	$330,000.00	$350,000.00
353. Normal, IL - Multimodal Transportation Center	$1,600,000.00	$1,650,000.00	$1,750,000.00
354. Champaign, IL - University of Illinois Research Park park and ride/daycare facility	$480,000.00	$495,000.00	$525,000.00
355. Mattoon, IL - historic railroad depot/intermodal center	$480,000.00	$495,000.00	$525,000.00

SEC. 3039. NATIONAL FUEL CELL BUS TECHNOLOGY DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a national fuel cell bus technology development program (in this section referred to as the ''program'') to facilitate the development of commercially viable fuel cell bus technology and related infrastructure.

(b) GENERAL AUTHORITY.—The Secretary may enter into grants, contracts, and cooperative agreements with no more than 4 nonprofit organizations and recipients under chapter 53 of title 49, United States Code, to conduct fuel cell bus technology and infrastructure projects under the program.

(c) GRANT CRITERIA.—In selecting applicants for grants under the program, the Secretary shall consider the applicant's—

(1) ability to contribute significantly to furthering fuel cell technology as it relates to transit operations, including hydrogen production, energy storage, fuel cell technologies, vehicle systems integration, and power electronics technologies;

(2) financing plan and cost share potential;

(3) fuel cell technology to ensure that the program advances different fuel cell technologies, including hydrogen-fueled and methanol-powered liquid-fueled fuel cell technologies, that may be viable for public transportation systems; and

(4) other criteria that the Secretary determines are necessary to carry out the program.

(d) COMPETITIVE GRANT SELECTION.—The Secretary shall conduct a national solicitation for applications for grants under the program. Grant recipients shall be selected on a competitive basis. The Secretary shall give priority consideration to applicants that have successfully managed advanced transportation technology projects, including projects related to hydrogen and fuel cell public transportation operations for a period of not less than 10 years.

(e) FEDERAL SHARE.—The Federal share of costs of the program shall be provided from funds made available to carry out this section. The Federal share of the cost of a project carried out under the program shall not exceed 50 percent of such cost.

(f) GRANT REQUIREMENTS.—A grant under this section shall be subject to—

(1) all terms and conditions applicable to a grant made under section 5309 of title 49, United States Code; and

(2) such other terms and conditions as are determined by the Secretary.

SEC. 3040. EXTENSION OF PUBLIC TRANSIT VEHICLE EXEMPTION FROM AXLE WEIGHT RESTRICTIONS.

Section 1023(h)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 127 note; 106 Stat. 1552) is amended by striking ''2003'' and inserting ''2009''.

SEC. 3041. HIGH-INTENSITY SMALL-URBANIZED AREA FORMULA GRANT PROGRAM.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) ELIGIBLE AREA.—The term ''eligible area'' means an urbanized area with a population of less than 200,000 that meets or exceeds in one or more performance categories the industry average for all urbanized areas with a population of at least 200,000 but not more than 999,999, as determined by the Secretary in accordance with subsection (c)(2).

(2) PERFORMANCE CATEGORY.—The term ''performance category'' means each of the following:

(A) Passenger miles traveled per vehicle revenue mile.

(B) Passenger miles traveled per vehicle revenue hour.

(C) Vehicle revenue miles per capita.

(D) Vehicle revenue hours per capita.

(E) Passenger miles traveled per capita.

(F) Passengers per capita.

(b) GENERAL AUTHORITY.—In order to address the needs of small urbanized areas with unusually high levels of public transportation service, the Secretary shall make capital and operating grants under this section to eligible recipients described in subsection (d) for use in eligible areas.

(c) APPORTIONMENT.—

(1) APPORTIONMENT FORMULA.—Funds made available for grants under this section in a fiscal year shall be apportioned among eligible areas in the ratio that—

(A) the number of performance categories for which each eligible area meets or exceeds the industry average in urbanized areas with a population of at least 200,000 but not more than 999,999; bears to

(B) the aggregate number of performance categories for which all eligible areas meet or exceed the industry average in urbanized areas with a population of at least 200,000 but not more than 999,999.

(2) DATA USED IN FORMULA.—The Secretary shall calculate apportionments under this subsection for a fiscal year using data from the national transit database used to calculate apportionments for that fiscal year under section 5336 of title 49, United States Code.

(d) ELIGIBLE RECIPIENT.—Grant amounts apportioned to an eligible area under this section shall be made available to a public transportation agency or other governmental entity in the eligible area for obligation in the eligible area.

(e) GOVERNMENT'S SHARE OF COSTS.—

(1) CAPITAL GRANTS.—A grant for a capital project under this section (including associated capital maintenance items) shall be for 80 percent of the net capital costs of the project, as determined by the Secretary. The recipient may provide additional local matching amounts for such projects.

(2) OPERATING GRANTS.—A grant under this section for operating assistance may not exceed 50 percent of the net operating costs of the project, as determined by the Secretary.

(3) REMAINDER.—The remainder of the net project costs may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.

(f) PERIOD OF AVAILABILITY.—Funds apportioned under this section to an eligible area shall remain available for obligation in that eligible area for a period of 3 years after the last day of the fiscal year for which the funds are apportioned. Any amounts so apportioned that remain unobligated at the end of that period shall be added to the amount that may be apportioned under this section in the next fiscal year.

(g) APPLICATION OF OTHER SECTIONS.—Sections 5302, 5318, 5323, 5332, 5333, and 5336(e) of title 49, United States Code, apply to this section and to a grant made under this section.

(h) FUNDING.—Of the amounts made available to carry out section 5307 of title 49, United States Code, $35,000,000 for fiscal year 2004, $38,000,000 for fiscal year 2005, $41,000,000 for fiscal year 2006, $44,000,000 for fiscal year 2007, $47,000,000 for fiscal year 2008, and $50,000,000 for fiscal year 2009 shall be available to carry out this section.

(i) TECHNICAL AMENDMENTS.—Section 5336 is amended—

(1) in subsection (a)—

(A) by striking ''of this title'' and inserting ''to carry out section 5307''; and

(B) in paragraph (2) by inserting before the period at the end the following: '', except that the amount apportioned to the Anchorage urbanized area under subsection (b) shall be available to the Alaska Railroad for any costs related to its passenger operations'';

(2) in subsection (b)(1) by inserting ''and the Alaska Railroad passenger operations'' after ''recipient'';

(3) in subsection (j) by striking ''a grant made under'' each place it appears and inserting ''a grant made with funds apportioned under''; and

(4) in subsection (k)(1) by striking ''section 5302(a)(13) of this title'' and inserting ''section 5302(a)''.

SEC. 3042. ALLOCATIONS FOR NATIONAL RESEARCH AND TECHNOLOGY PROGRAMS.

(a) IN GENERAL.—Amounts appropriated pursuant to section 5338(d) of title 49, United States Code, for national research and technology programs under sections 5312, 5314, and 5322 of such title shall be allocated by the Secretary as follows:

(1) SAFETY AND EMERGENCY PREPAREDNESS.—For carrying out safety and emergency preparedness research activities consisting of technical assistance, training, and data analysis and reporting to improve public transportation system safety and security and emergency preparedness—

(A) $6,500,000 for fiscal year 2004;

(B) $7,000,000 for fiscal year 2005;

(C) $7,400,000 for fiscal year 2006;

(D) $7,800,000 for fiscal year 2007;

(E) $8,200,000 for fiscal year 2008; and

(F) $8,700,000 for fiscal year 2009.

(2) EQUIPMENT AND INFRASTRUCTURE.—For carrying out equipment and infrastructure research activities on public transportation and infrastructure technologies and methods and voluntary industry standards development—

(A) $5,450,000 for fiscal year 2004;

(B) $5,700,000 for fiscal year 2005;
(C) $6,200,000 for fiscal year 2006;
(D) $6,550,000 for fiscal year 2007;
(E) $6,900,000 for fiscal year 2008; and
(F) $7,200,000 for fiscal year 2009.

(3) PUBLIC TRANSPORTATION OPERATIONS EFFICIENCY.—For carrying out public transportation operations efficiency research activities on high-performance public transportation services and other innovations in fleet operations and maintenance—
(A) $4,350,000 for fiscal year 2004;
(B) $4,700,000 for fiscal year 2005;
(C) $4,900,000 for fiscal year 2006;
(D) $5,200,000 for fiscal year 2007;
(E) $5,500,000 for fiscal year 2008; and
(F) $5,800,000 for fiscal year 2009.

(4) ENERGY INDEPENDENCE AND ENVIRONMENTAL PROTECTION.—
(A) IN GENERAL.—For carrying out energy independence and environmental protection research activities on improved public transportation energy use and propulsion systems and public transportation oriented development—
(i) $3,450,000 for fiscal year 2004;
(ii) $3,700,000 for fiscal year 2005;
(iii) $3,900,000 for fiscal year 2006;
(iv) $4,150,000 for fiscal year 2007;
(v) $4,300,000 for fiscal year 2008; and
(vi) $4,300,000 for fiscal year 2009.

(B) TRANSIT-ORIENTED DEVELOPMENT CENTER.—Of the funds allocated for each of fiscal years 2005 through 2009 under subparagraph (A), not less than $1,000,000 shall be made available by the Secretary for establishment and operation of a national center for transit-oriented development—
(i) to develop standards and definitions for transit-oriented development adjacent to public transportation facilities;
(ii) to develop system planning guidance, performance criteria, and modeling techniques for metropolitan planning agencies and public transportation agencies to maximize ridership through land use planning and adjacent development; and
(iii) to provide research support and technical assistance to public transportation agencies, metropolitan planning agencies, and other persons regarding transit-oriented development.

(5) MOBILITY MANAGEMENT.——
(A) IN GENERAL.—or carrying out research activities on mobility management, as described in section 5302(a)(1) of title 49, United States Code—
(i) $6,500,000 for fiscal year 2004;
(ii) $7,000,000 for fiscal year 2005;
(iii) $7,400,000 for fiscal year 2006;
(iv) $7,800,000 for fiscal year 2007;
(v) $8,200,000 for fiscal year 2008; and
(vi) $8,700,000 for fiscal year 2009.

(B) TRANSPORTATION EQUITY RESEARCH PROGRAM.—Of the funds allocated for each of fiscal years 2005 through 2009 under subparagraph (A), not less than $1,000,000 shall be made available by the Secretary for research and demonstration activities that focus on the impacts that transportation planning, investment, and operations have on low-income and minority populations that are transit dependent. Such activities shall include the development of strategies to advance economic and community development in low-income and minority communities and the development of training programs that promote the employment of low-income and minority community residents on Federal-aid transportation projects constructed in their communities.

(6) PUBLIC TRANSPORTATION CAPACITY BUILDING.—
(A) IN GENERAL.—For carrying out public transportation capacity building activities consisting of workforce and industry development, the International Mass Transportation Program, and technology transfer and industry adoption activities—
(i) $2,300,000 for fiscal year 2004;
(ii) $2,400,000 for fiscal year 2005;
(iii) $2,500,000 for fiscal year 2006;
(iv) $2,600,000 for fiscal year 2007;
(v) $2,700,000 for fiscal year 2008; and
(vi) $3,000,000 for fiscal year 2009.

(B) TRANSIT CAREER LADDER TRAINING PROGRAM.—Of the funds allocated for each fiscal year under subparagraph (A), not less than $1,000,000 shall be available for a nationwide career ladder job training partnership program for public transportation employees to respond to technological changes in the public transportation industry, especially in the area of maintenance. Such program shall be carried out by the Secretary through a contract with a national nonprofit organization with a demonstrated capacity to develop and provide such programs.

(7) STRATEGIC PLANNING AND PERFORMANCE MEASURES.—For carrying out strategic planning and performance measures consisting of policy and program development, research program planning and performance, evaluation, and industry outreach—
(A) $3,450,000 for fiscal year 2004;
(B) $3,500,000 for fiscal year 2005;
(C) $3,700,000 for fiscal year 2006;
(D) $4,000,000 for fiscal year 2007;
(E) $4,200,000 for fiscal year 2008; and
(F) $4,300,000 for fiscal year 2009.

(b) REMAINDER.—After making allocations under subsection (a) of this section and section 5338(d)(2) of title 49, United States Code, the remainder of funds made available by section 5338(d)(2) of such title for national research and technology programs under sections 5312, 5314, and 5322 for a fiscal year shall be allocated at the discretion of the Secretary to other transit research, development, demonstration and deployment projects authorized by sections 5312, 5314, and 5322 of such title.

SEC. 3043. OBLIGATION CEILING.

Notwithstanding any other provision of law, the total of all obligations from amounts made available from the Mass Transit Account of the Highway Trust Fund by, and amounts appropriated under, subsections (a) through (f) of section 5338 of title 49, United States Code, shall not exceed—
(1) $7,266,000,000 for fiscal year 2004;
(2) $7,750,000,000 for fiscal year 2005;
(3) $8,266,000,000 for fiscal year 2006;
(4) $8,816,000,000 for fiscal year 2007;
(5) $9,403,000,000 for fiscal year 2008; and
(6) $10,029,000,000 for fiscal year 2009.

SEC. 3044. ADJUSTMENTS FOR THE SURFACE TRANSPORTATION EXTENSION ACT OF 2004.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall ensure that the total apportionments and allocations made to a designated grant recipient under section 5338 of title 49, United States Code, for fiscal year 2004 shall be reduced by the amount apportioned to such designated recipient pursuant to section 9 of the Surface Transportation Extension Act of 2004.

(b) FIXED GUIDEWAY MODERNIZATION ADJUSTMENT.—In making the apportionments described in subsection (a), the Secretary shall adjust the amount apportioned to each urbanized area for fixed guideway modernization for fiscal year 2004 to reflect the method for apportioning funds in section 5337(a) of title 49, United States Code.

TITLE IV—MOTOR CARRIER TRANSPORTATION AND SAFETY

Subtitle A—Commercial Motor Vehicle Safety

SEC. 4101. AUTHORIZATION OF APPROPRIATIONS.

(a) ADMINISTRATIVE EXPENSES.—Section 31104 of title 49, United States Code, is amended by adding the following at the end:

''(i) ADMINISTRATIVE EXPENSES.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to pay administrative expenses of the Federal Motor Carrier Safety Administration—
''(A) $196,000,000 for fiscal year 2004;
''(B) $208,000,000 for fiscal year 2005;
''(C) $215,000,000 for fiscal year 2006;
''(D) $221,000,000 for fiscal year 2007;
''(E) $226,000,000 for fiscal year 2008; and
''(F) $232,000,000 for fiscal year 2009.

''(2) USE OF FUNDS.—The funds authorized by this subsection shall be used for personnel costs; administrative infrastructure; rent; information technology; programs for research and technology, information management, regulatory development (including a medical review board), the administration of the performance and registration information system management, and outreach and education; other operating expenses; and such other expenses as may from time to time become necessary to implement statutory mandates of the Administration not funded from other sources.

''(3) PERIOD OF AVAILABILITY.—The amounts made available under this section shall remain available until expended.

''(4) INITIAL DATE OF AVAILABILITY.—Authorizations from the Highway Trust Fund (other than the Mass Transit Account) to carry out subtitle IV, part B, and subtitle VI, part B, of this title, or the provisions of title IV of the Transportation Equity Act: A Legacy for Users, shall be available for obligation on the date of their apportionment or allocation or on October 1 of the fiscal year for which they are authorized, whichever occurs first.

''(5) CONTRACT AUTHORITY.—Approval by the Secretary of a grant with funds made available under paragraph (4) imposes upon the United States a contractual obligation for payment of the Government's share of costs incurred in carrying out the objectives of the grant.''.

(b) GRANT PROGRAMS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) the following sums for the following Federal Motor Carrier Safety Administration programs:

(1) For commercial driver's license program improvement grants under section 31313 of title 49, United States Code—
(A) $22,000,000 for fiscal year 2005;
(B) $23,000,000 for each of fiscal years 2006 and 2007;
(C) $24,000,000 for fiscal year 2008; and
(D) $25,000,000 for fiscal year 2009.

(2) For border enforcement grants under section 31107 of such title—
(A) $32,000,000 for fiscal year 2005;
(B) $32,000,000 for fiscal year 2006;
(C) $32,000,000 for fiscal year 2007;
(D) $32,000,000 for fiscal year 2008; and
(E) $32,000,000 for fiscal year 2009.

(3) For the performance and registration information system management grant program under section 31109 of such title—
(A) $4,000,000 for fiscal year 2005;
(B) $4,000,000 for fiscal year 2006;
(C) $4,000,000 for fiscal year 2007;
(D) $4,000,000 for fiscal year 2008; and
(E) $4,000,000 for fiscal year 2009.

(4) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT.—For carrying out the commercial vehicle information systems and networks deployment program under section 4009 of this Act, $22,000,000 for each of fiscal years 2005 through 2009.

(c) PERIOD OF AVAILABILITY.—The amounts made available under subsection (b) of this section shall remain available until expended.

(d) INITIAL DATE OF AVAILABILITY.—Amounts authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) by subsection (b) shall be available for obligation on the date of their apportionment or allocation or on October 1 of the fiscal year for which they are authorized, whichever occurs first.

(e) CONTRACT AUTHORITY.—Approval by the Secretary of a grant with funds made available under subsection (b) imposes upon the United States a contractual obligation for payment of the Government's share of costs incurred in carrying out the objectives of the grant.

SEC. 4102. MOTOR CARRIER SAFETY GRANTS.

(a) STATE PLAN CONTENTS.—Section 31102(b)(1) of title 49, United States Code, is amended—

(1) by striking subparagraph (A) and inserting the following:

''(A) implements performance-based activities, including deployment of technology to enhance the efficiency and effectiveness of commercial motor vehicle safety programs;'';

(2) by striking subparagraph (Q) and inserting the following:

''(Q) provides that the State has established a program to ensure accurate, complete, and timely motor carrier safety data is collected and reported to the Secretary and that the State will participate in a national motor carrier safety data correction system prescribed by the Secretary;'';

(3) by aligning subparagraph (R) with subparagraph (S);

(4) by striking ''and'' at the end of subparagraph (S);

(5) by striking the period at the end of subparagraph (T) and inserting a semicolon; and

(6) by adding at the end the following:

''(U) provides that the State will include in the training manual for the licensing examination to drive a noncommercial motor vehicle and a commercial motor vehicle, information on best practices for driving safely in the vicinity of commercial motor vehicles and in the vicinity of noncommercial motor vehicles, respectively;

''(V) provides that the State will enforce the registration requirements of section 13902 by placing out of service any vehicle discovered to be operated by a motor carrier without a registration issued under such section or to be operating beyond the scope of such registration; and

''(W) provides that the State will conduct comprehensive and highly visible traffic enforcement and commercial motor vehicle safety inspection programs in high-risk locations and corridors.''.

(b) USE OF GRANTS TO ENFORCE OTHER LAWS.—Section 31102 of such title is amended—

(1) by striking subsection (c) and inserting the following:

''(c) USE OF GRANTS TO ENFORCE OTHER LAWS.—A State may use amounts received under a grant under subsection (a)—

''(1) for the following activities if the activities are carried out in conjunction with an appropriate inspection of the commercial motor vehicle to enforce Government or State commercial motor vehicle safety regulations:

''(A) enforcement of commercial motor vehicle size and weight limitations at locations other than fixed weight facilities, at specific locations such as steep grades or mountainous terrains where the weight of a commercial motor vehicle can significantly affect the safe operation of the vehicle, or at ports where intermodal shipping containers enter and leave the United States; and

''(B) detection of the unlawful presence of a controlled substance (as defined under section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802)) in a commercial motor vehicle or on the person of any occupant (including the operator) of the vehicle; and

''(2) for documented enforcement of State traffic laws and regulations designed to promote the safe operation of commercial motor vehicles, including documented enforcement of such laws and regulations relating to noncommercial motor vehicles when necessary to promote the safe operation of commercial motor vehicles if the number of roadside safety inspections conducted in the State is maintained at a level at least equal to the average number conducted in the State in fiscal years 2001, 2002, and 2003; except that the State may not use more than 5 percent of the aggregate amount the State receives under the grant under subsection (a) for enforcement activities relating to noncommercial motor vehicles described in this paragraph.''; and

(2) by adding at the end the following:

''(e) ANNUAL REPORT.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate an annual report that describes the effect of activities carried out with funds from grants made under this section on commercial motor vehicle safety.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 31104(a) of such title is amended to read as follows:

''(a) IN GENERAL.—Subject to subsection (f), there are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 31102—

''(1) $168,000,000 for fiscal year 2004;

''(2) $183,000,000 for fiscal year 2005;

''(3) $185,000,000 for fiscal year 2006;

''(4) $190,000,000 for fiscal year 2007;

''(5) $195,000,000 for fiscal year 2008; and

''(6) $200,000,000 for fiscal year 2009.''.

(d) NEW ENTRANT AUDITS.—Section 31104(f) of such title is amended—

(1) in paragraph (1) by striking ''deduction under subsection (e)'' and inserting ''deductions under subsection (e) and paragraphs (2) and (3)'';

(2) the first sentence of paragraph (2)(A)—

(A) by striking ''or''; and

(B) by inserting after ''technologies'' the following: '', or improve the quality and accuracy of data provided by the State'';

(3) in paragraph (2)—

(A) by striking ''AND BORDER ACTIVITIES.—'' and all that follows through ''5 percent'' and inserting ''ACTIVITIES.—The Secretary may designate up to 10 percent''; and

(B) by striking subparagraph (B); and

(4) by adding at the end the following:

''(3) NEW ENTRANT AUDITS.—The Secretary may deduct up to $15,000,000 of the amounts available under subsection (a) for a fiscal year for audits of new entrant motor carriers under section 31144(g).''.

(e) TECHNICAL AMENDMENTS.—Sections 31102(b)(3) and 31103(a) of such title are amended by striking ''(1)(D)'' and inserting ''(1)(E)''.

SEC. 4103. BORDER ENFORCEMENT GRANTS.

(a) IN GENERAL.—Chapter 311 of title 49, United States Code, is amended—

(1) by striking:

''SUBCHAPTER I—STATE GRANTS AND OTHER COMMERCIAL MOTOR VEHICLE PROGRAMS''

and inserting:

''SUBCHAPTER I—GENERAL AUTHORITY AND STATE GRANTS''; and

(2) by striking section 31107 and inserting the following:

''§ 31107. Border enforcement grants

''(a) GENERAL AUTHORITY.—The Secretary of Transportation may make a grant in a fiscal year to a State that shares a land border with another country for carrying out border commercial motor vehicle safety programs and related enforcement activities and projects.

''(b) MAINTENANCE OF EXPENDITURES.—The Secretary may make a grant to a State under this section only if the State agrees that the total expenditure of amounts of the State and political subdivisions of the State, exclusive of amounts from the United States, for carrying out border commercial motor vehicle safety programs and related enforcement activities and projects will be maintained at a level at least equal to the average level of that expenditure by the State and political subdivisions of the State for the last 2 fiscal years of the State ending before the date of enactment of the Transportation Equity Act: A Legacy for Users.

''(c) GOVERNMENT'S SHARE OF COSTS.—The Secretary shall reimburse a State under a grant made under this section an amount that is not more than 100 percent of the costs incurred by the State in a fiscal year for carrying out border commercial motor vehicle safety programs and related enforcement activities and projects.

''(d) AVAILABILITY AND REALLOCATION OF AMOUNTS.—Allocations to a State remain available for expenditure in the State for the fiscal year in which they are allocated and for the next fiscal year. Amounts not expended by a State during those 2 fiscal years are available to the Secretary for reallocation under this section.''.

(b) CONFORMING AMENDMENTS.—The analysis for such chapter is amended—

(1) by striking

''SUBCHAPTER I—STATE GRANTS AND OTHER COMMERCIAL MOTOR VEHICLE PROGRAMS''

and inserting the following:

''SUBCHAPTER I—GENERAL AUTHORITY AND STATE GRANTS''; and

(2) by striking the item relating to section 31107 and inserting the following:

''31107. Border enforcement grants.''.

SEC. 4104. COMMERCIAL DRIVER'S LICENSE IMPROVEMENTS.

(a) STATE GRANTS.—Chapter 313 of title 49, United States Code, is amended by inserting after section 31312 the following:

''§ 31313. Grants for commercial driver's license program improvements

''(a) GRANTS FOR COMMERCIAL DRIVER'S LICENSE PROGRAM IMPROVEMENTS.—

''(1) GENERAL AUTHORITY.—The Secretary of Transportation may make a grant to a State in a fiscal year—

''(A) to comply with the requirements of section 31311; and

''(B) in the case of a State that is in substantial compliance with the requirements of section 31311 and this section, to improve its implementation of its commercial driver's license program.

''(2) PURPOSES FOR WHICH GRANTS MAY BE USED.—A State may use grants under paragraphs (1)(A) and (1)(B) only for expenses directly related to its compliance with section 31311; except that a grant under paragraph (1)(B) may be used for improving implementation of the State's commercial driver's license program, including expenses for computer hardware and software, publications, testing, personnel, training, and quality control. The grant may not be used to rent, lease, or buy land or buildings.

''(3) APPLICATION.—In order to receive a grant under this section, a State must submit an application for such grant that is in such form, and contains such information, as the Secretary may require. The application shall include the State's assessment of its commercial drivers license program.

''(4) MAINTENANCE OF EXPENDITURES.—The Secretary may make a grant to a State under this subsection only if the State agrees that the total expenditure of amounts of the State and political subdivisions of the State, exclusive of amounts from the United States, for the State's commercial driver's license program will be maintained at a level at least equal to the average level of that expenditure by the State and political subdivisions of the State for the last 2 fiscal years of the State ending before the date of enactment of the Transportation Equity Act: A Legacy for Users.

''(5) GOVERNMENT SHARE.—The Secretary shall reimburse a State under a grant made under this subsection an amount that is not more than 80 percent of the costs incurred by the State in a fiscal year in complying with section 31311 and improving its implementation of its commercial driver's license program. In determining such costs, the Secretary shall include in-kind contributions by the State. Amounts required to be expended by the State under paragraph (4) may not be included as part of the non-Federal share of such costs.

''(b) HIGH-PRIORITY ACTIVITIES.—

''(1) GRANTS FOR NATIONAL CONCERNS.—The Secretary may make a grant to a State agency, local government, or other person for 100 percent of the costs of research, development, demonstration projects, public education, and other

special activities and projects relating to commercial driver licensing and motor vehicle safety that are of benefit to all jurisdictions of the United States or are designed to address national safety concerns and circumstances.

''(2) FUNDING.—The Secretary may deduct up to 10 percent of the amounts made available to carry out this section for a fiscal year to make grants under this subsection.''.

(b) CONFORMING AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 31312 the following:

''31313. Grants for commercial driver's license program improvements.''.

(c) AMOUNTS WITHHELD.—Subsections (a) and (b) of section 31314 of such title are each amended by inserting ''up to'' after ''withhold''.

SEC. 4105. HOBBS ACT.

(a) JURISDICTION OF COURT OF APPEALS OVER COMMERCIAL MOTOR VEHICLE SAFETY REGULATION AND OPERATORS AND MOTOR CARRIER SAFETY.—Section 2342(3)(A) of title 28, United States Code, is amended by inserting before ''of title 49'' the following: '', subchapter III of chapter 311, chapter 313, or chapter 315''.

(b) JUDICIAL REVIEW.—Section 351(a) of title 49, United States Code, is amended by striking ''Federal Highway Administration'' and inserting ''Federal Motor Carrier Safety Administration''.

(c) AUTHORITY TO CARRY OUT CERTAIN TRANSFERRED DUTIES AND POWERS.—Section 352 of title 49, United States Code, is amended by striking ''Federal Highway Administration'' and inserting ''Federal Motor Carrier Safety Administration''.

SEC. 4106. PENALTY FOR DENIAL OF ACCESS TO RECORDS.

Section 521(b) of title 49, United States Code, is amended—

(1) by striking ''(b)(1)(A) If the Secretary'' and inserting the following:

''(b) VIOLATIONS RELATING TO COMMERCIAL MOTOR VEHICLE SAFETY REGULATION AND OPERATORS.—

''(1) NOTICE.—

''(A) IN GENERAL.—If the Secretary''; and

(2) by adding at the end of paragraph (2) the following:

''(E) COPYING OF RECORDS AND ACCESS TO EQUIPMENT, LANDS, AND BUILDINGS.—A person subject to chapter 51 or part B of subtitle VI who fails to allow the Secretary, or an employee designated by the Secretary, promptly upon demand to inspect and copy any record or inspect and examine equipment, lands, buildings, and other property in accordance with section 504(c), 5121(c), or 14122(b) shall be liable to the United States for a civil penalty not to exceed $1,000 for each offense. Each day the Secretary is denied the right to inspect and copy any record or inspect and examine equipment, lands, buildings, and other property shall constitute a separate offense; except that the total of all civil penalties against any violator for all offenses related to a single violation shall not exceed $10,000. It shall be a defense to such penalty that the records did not exist at the time of the Secretary's request or could not be timely produced without unreasonable expense or effort. Nothing in this subparagraph shall be construed as amending or superseding any remedy available to the Secretary under section 502(d), section 507(c), or any other provision of this title.''.

SEC. 4107. MEDICAL REVIEW BOARD.

Section 113 of title 49, United States Code, is amended by adding at the end the following:

''(j) MEDICAL REVIEW BOARD.—

''(1) ESTABLISHMENT AND FUNCTION.—The Administrator shall establish a Medical Review Board as an advisory committee to provide the Administration with medical advice and recommendations on driver qualification medical standards and guidelines, medical examiner education, and medical research.

''(2) COMPOSITION.—The Medical Review Board shall consist of 5 members appointed for a term not to exceed 3 years by the Secretary from medical institutions and private medical practice. The membership shall reflect expertise in a variety of medical specialties relevant to the functions of the Administration.''.

SEC. 4108. INCREASED PENALTIES FOR OUT-OF-SERVICE VIOLATIONS AND FALSE RECORDS.

(a) RECORDKEEPING AND REPORTING VIOLATIONS.—Section 521(b)(2)(B) of title 49, United States Code, is amended—

(1) in clause (i) by striking ''$500'' and inserting ''$1,000''; and

(2) by striking ''$5,000'' each place it appears and inserting ''$10,000''.

(b) VIOLATIONS OF OUT-OF-SERVICE ORDERS.—Section 31310(i)(2) of title 49, United States Code, is amended—

(1) by striking ''Not later than December 18, 1992, the'' and inserting ''The'';

(2) in subparagraph (A)—

(A) by striking ''90 days'' and inserting ''180 days''; and

(B) by striking ''$1,000'' and inserting ''$2,500'';

(3) in subparagraph (B)—

(A) by striking ''one year'' and inserting ''2 years''; and

(B) by striking ''$1,000; and'' and inserting ''$5,000;'';

(4) in subparagraph (C) by striking ''$10,000.'' and inserting ''$25,000; and''; and

(5) by adding at the end the following:

''(D) an employer that knowingly and willfully allows or requires an employee to operate a commercial motor vehicle in violation of an out-of-service order shall, upon conviction, be subject for each offense to imprisonment for a term not to exceed one year or a fine under title 18, or both.''.

SEC. 4109. COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT.

(a) IN GENERAL.—The Secretary shall carry out a commercial vehicle information systems and networks program to—

(1) improve the safety and productivity of commercial vehicles and drivers; and

(2) reduce costs associated with commercial vehicle operations and Federal and State commercial vehicle regulatory requirements.

(b) PURPOSE.—The program shall advance the technological capability and promote the deployment of intelligent transportation system applications for commercial motor vehicle operations, commercial driver, and carrier-specific information systems and networks.

(c) CORE DEPLOYMENT GRANTS.—

(1) IN GENERAL.—The Secretary shall make grants to eligible States for the core deployment of commercial vehicle information systems and networks.

(2) AMOUNT OF GRANTS.—The maximum aggregate amount the Secretary may grant to a State for the core deployment of commercial vehicle information systems and networks under this subsection and sections 5001(a)(5) and 5001(a)(6) of the Transportation Equity Act for the 21st Century (112 Stat. 420) may not exceed $2,500,000.

(3) USE OF FUNDS.—Funds from a grant under this subsection may only be used for the core deployment of commercial vehicle information systems and networks. An eligible State that has either completed the core deployment of commercial vehicle information systems and networks or completed such deployment before grant funds are expended under this subsection may use the grant funds for the expanded deployment of commercial vehicle information systems and networks in the State.

(d) EXPANDED DEPLOYMENT GRANTS.—

(1) IN GENERAL.—For each fiscal year, from the funds remaining after the Secretary has made grants under subsection (c), the Secretary may make grants to each eligible State, upon request, for the expanded deployment of commercial vehicle information systems and networks.

(2) ELIGIBILITY.—Each State that has completed the core deployment of commercial vehicle information systems and networks in such State is eligible for an expanded deployment grant under this subsection.

(3) AMOUNT OF GRANTS.—Each fiscal year, the Secretary may distribute funds available for expanded deployment grants equally among the eligible States, but not to exceed $1,000,000 per State.

(4) USE OF FUNDS.—A State may use funds from a grant under this subsection only for the expanded deployment of commercial vehicle information systems and networks.

(e) ELIGIBILITY.—To be eligible for a grant under this section, a State—

(1) shall have a commercial vehicle information systems and networks program plan approved by the Secretary that describes the various systems and networks at the State level that need to be refined, revised, upgraded, or built to accomplish deployment of core capabilities;

(2) shall certify to the Secretary that its commercial vehicle information systems and networks deployment activities, including hardware procurement, software and system development, and infrastructure modifications—

(A) are consistent with the national intelligent transportation systems and commercial vehicle information systems and networks architectures and available standards; and

(B) promote interoperability and efficiency to the extent practicable; and

(3) shall agree to execute interoperability tests developed by the Federal Motor Carrier Safety Administration to verify that its systems conform with the national intelligent transportation systems architecture, applicable standards, and protocols for commercial vehicle information systems and networks.

(f) FEDERAL SHARE.—The Federal share of the cost of a project payable from funds made available to carry out this section shall not exceed 50 percent. The total Federal share of the cost of a project payable from all eligible sources shall not exceed 80 percent.

(g) DEFINITIONS.—In this section, the following definitions apply:

(1) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS.—The term ''commercial vehicle information systems and networks'' means the information systems and communications networks that provide the capability to—

(A) improve the safety of commercial motor vehicle operations;

(B) increase the efficiency of regulatory inspection processes to reduce administrative burdens by advancing technology to facilitate inspections and increase the effectiveness of enforcement efforts;

(C) advance electronic processing of registration information, driver licensing information, fuel tax information, inspection and crash data, and other safety information;

(D) enhance the safe passage of commercial motor vehicles across the United States and across international borders; and

(E) promote the communication of information among the States and encourage multistate cooperation and corridor development.

(2) COMMERCIAL MOTOR VEHICLE OPERATIONS.—The term ''commercial motor vehicle operations''—

(A) means motor carrier operations and motor vehicle regulatory activities associated with the commercial motor vehicle movement of goods, including hazardous materials, and passengers; and

(B) with respect to the public sector, includes the issuance of operating credentials, the administration of motor vehicle and fuel taxes, and roadside safety and border crossing inspection and regulatory compliance operations.

(3) CORE DEPLOYMENT.—The term ''core deployment'' means the deployment of systems in a State necessary to provide the State with the following capabilities:

(A) Safety information exchange to—

(i) electronically collect and transmit commercial motor vehicle and driver inspection data at a majority of inspection sites in the State;

(ii) connect to the safety and fitness electronic records system for access to interstate carrier and commercial motor vehicle data, summaries of past safety performance, and commercial motor vehicle credentials information; and

(iii) exchange carrier data and commercial motor vehicle safety and credentials information within the State and connect to such system for access to interstate carrier and commercial motor vehicle data.

(B) Interstate credentials administration to—

(i) perform end-to-end processing, including carrier application, jurisdiction application processing, and credential issuance, of at least the international registration plan and international fuel tax agreement credentials and extend this processing to other credentials, including intrastate registration, vehicle titling, oversize vehicle permits, overweight vehicle permits, carrier registration, and hazardous materials permits;

(ii) connect to such plan and agreement clearinghouses; and

(iii) have at least 10 percent of the credentialing transaction volume in the State handled electronically and have the capability to add more carriers and to extend to branch offices where applicable.

(C) Roadside electronic screening to electronically screen transponder-equipped commercial vehicles at a minimum of one fixed or mobile inspection site in the State and to replicate this screening at other sites in the State.

(4) EXPANDED DEPLOYMENT.—The term ''expanded deployment'' means the deployment of systems in a State that exceed the requirements of a core deployment of commercial vehicle information systems and networks, improve safety and the productivity of commercial motor vehicle operations, and enhance transportation security.

(h) REPEAL.—Section 5209 of the Transportation Equity Act for the 21st Century (23 U.S.C. 502 note; 112 Stat. 460–461) is repealed.

SEC. 4110. SAFETY FITNESS.

(a) IN GENERAL.—Section 31144(a) of title 49, United States Code, is amended to read as follows:

''(a) IN GENERAL.—The Secretary shall—

''(1) determine whether an owner or operator is fit to operate safely commercial motor vehicles, utilizing among other things the accident record of an owner or operator operating in interstate commerce and the accident record and safety inspection record of such owner or operator in operations that affect interstate commerce;

''(2) periodically update such safety fitness determinations;

''(3) make such final safety fitness determinations readily available to the public; and

''(4) prescribe by regulation penalties for violations of this section consistent with section 521.''.

(b) PROHIBITED TRANSPORTATION.—The first subsection (c) of such section 31144 is amended by adding at the end the following:

''(5) TRANSPORTATION AFFECTING INTERSTATE COMMERCE.—Owners or operators of commercial motor vehicles prohibited from operating in interstate commerce pursuant to paragraphs (1) through (3) may not operate any commercial motor vehicle that affects interstate commerce until the Secretary determines that such owner or operator is fit.''.

(c) DETERMINATION OF UNFITNESS BY A STATE.—Such section 31144 is further amended—

(1) by redesignating subsections (d), (e), and the second subsection (c) as subsections (e), (f), and (g), respectively;

(2) by inserting after the first subsection (c) the following:

''(d) DETERMINATION OF UNFITNESS BY A STATE.—If a State that receives a grant under section 31102 determines, by applying the standards prescribed by the Secretary under subsection (b), that an owner or operator of commercial motor vehicles that has its principal place of business in that State and operates in intrastate commerce is unfit under such standards and prohibits the owner or operator from operating such vehicles in the State, the Secretary shall prohibit the owner or operator from operating such vehicles in interstate commerce until the State determines that the owner or operator is fit.''; and

(3) in subsection (g) (as redesignated by paragraph (1) of this subsection) by adding at the end the following:

''(5) GRANTS FOR AUDITS.—From amounts deducted under section 31104(f)(3), the Secretary may make grants to States and local governments for new entrant motor carrier audits under this subsection without requiring a matching contribution from such States or local governments.

''(6) DOT AUDITS.—If the Secretary determines that a State or local government is unable to use government employees to conduct new entrant motor carrier audits, the Secretary may utilize the funds deducted under section 31104(f)(3) to conduct such audits in areas under the jurisdiction of such State or local government.''.

SEC. 4111. PATTERN OF SAFETY VIOLATIONS BY MOTOR CARRIER OR BROKER MANAGEMENT.

(a) DUTIES OF EMPLOYERS AND EMPLOYEES.—Section 31135 of title 49, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Each''; and

(2) by adding at the end the following:

''(b) PATTERN OF NONCOMPLIANCE.—If an officer of a motor carrier or broker engages in a pattern or practice of avoiding compliance, or masking or otherwise concealing noncompliance, with regulations prescribed under this chapter, the Secretary may suspend, amend, or revoke any part of the registration of the motor carrier or broker under section 13905.

''(c) LIST OF PROPOSED OFFICERS.—Each person seeking registration as a motor carrier under section 13902 or as a broker under section 13904 shall submit a list of the proposed officers of the motor carrier or broker. If the Secretary determines that any of the proposed officers has previously engaged in a pattern or practice of avoiding compliance, or masking or otherwise concealing noncompliance, with regulations prescribed under this chapter, the Secretary may deny the person's application for registration as a motor carrier under section 13902(a)(3) or as a broker under section 13904(a).

''(d) REGULATIONS.—The Secretary shall by regulation establish standards to implement subsections (b) and (c) and a procedure to allow a person who is denied registration under subsection (c) or whose registration is suspended, amended, or revoked under subsection (b) to remedy the pattern or practice that results in the denial, suspension, amendment, or revocation.

''(e) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) MOTOR CARRIER AND BROKER.—The terms 'motor carrier' and 'broker' have the meanings such terms have under section 13102.

''(2) OFFICER.—The term 'officer' means an owner, chief executive officer, chief operating officer, chief financial officer, safety director, vehicle maintenance supervisor, and driver supervisor of a motor carrier, regardless of the title attached to those functions.''.

(b) MOTOR CARRIER REGISTRATION.—Section 13902(a)(1)(B) of such title is amended to read as follows:

''(B)(i) any safety regulations imposed by the Secretary;

''(ii) the duties of employers and employees established by the Secretary under section 31135; and

''(iii) the safety fitness requirements established by the Secretary under section 31144; and''.

SEC. 4112. MOTOR CARRIER RESEARCH AND TECHNOLOGY PROGRAM.

(a) IN GENERAL.—Section 31108 of title 49, United States Code, is amended to read as follows:

''§31108. Motor carrier research and technology program

''(a) RESEARCH, TECHNOLOGY, AND TECHNOLOGY TRANSFER ACTIVITIES.—

''(1) ESTABLISHMENT.—The Secretary of Transportation shall establish and carry out a motor carrier research and technology program.

''(2) MULTI-YEAR PLAN.—The program must include a multi-year research plan that focuses on nonredundant innovative research.

''(3) RESEARCH, DEVELOPMENT, AND TECHNOLOGY TRANSFER ACTIVITIES.—The Secretary may carry out under the program research, development, technology, and technology transfer activities with respect to—

''(A) the causes of accidents, injuries, and fatalities involving commercial motor vehicles;

''(B) means of reducing the number and severity of accidents, injuries, and fatalities involving commercial motor vehicles;

''(C) improving commercial motor vehicle and motor carrier safety, and industry efficiency, through technological improvement;

''(D) improving technology used by enforcement officers when conducting roadside inspections and compliance reviews to increase efficiency and information transfers; and

''(E) increasing the safety and security of hazardous materials transportation.

''(4) TESTS AND DEVELOPMENT.—The Secretary may test, develop, or assist in testing and developing any material, invention, patented article, or process related to the research and technology program.

''(5) TRAINING.—The Secretary may use the funds made available to carry out this section for training or education of commercial motor vehicle safety personnel, including training in accident reconstruction and detection of controlled substances or other contraband and stolen cargo or vehicles.

''(6) PROCEDURES.—The Secretary may carry out this section—

''(A) independently;

''(B) in cooperation with other Federal departments, agencies, and instrumentalities and Federal laboratories; or

''(C) by making grants to, or entering into contracts, cooperative agreements, and other transactions with, any Federal laboratory, State agency, authority, association, institution, for-profit or nonprofit corporation, organization, foreign country, or person.

''(7) DEVELOPMENT AND PROMOTION OF USE OF PRODUCTS.—The Secretary shall use funds made available to carry out this section to develop, administer, communicate, and promote the use of products of research, technology, and technology transfer programs under this section.

''(b) COLLABORATIVE RESEARCH AND DEVELOPMENT.—

''(1) IN GENERAL.—To advance innovative solutions to problems involving commercial motor vehicle and motor carrier safety, security, and efficiency, and to stimulate the deployment of emerging technology, the Secretary may carry out, on a cost-shared basis, collaborative research and development with—

''(A) non-Federal entities, including State and local governments, foreign governments, colleges and universities, corporations, institutions, partnerships, and sole proprietorships that are incorporated or established under the laws of any State; and

''(B) Federal laboratories.

''(2) COOPERATIVE AGREEMENTS.—In carrying out this subsection, the Secretary may enter into cooperative research and development agreements (as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a)).

''(3) COST SHARING.—

''(A) FEDERAL SHARE.—The Federal share of the cost of activities carried out under a cooperative research and development agreement entered into under this subsection shall not exceed

50 percent; except that, if there is substantial public interest or benefit associated with any such activity, the Secretary may approve a greater Federal share.

''(B) TREATMENT OF DIRECTLY INCURRED NON-FEDERAL COSTS.—All costs directly incurred by the non-Federal partners, including personnel, travel, and hardware or software development costs, shall be credited toward the non-Federal share of the cost of the activities described in subparagraph (A).

''(4) USE OF TECHNOLOGY.—The research, development, or use of a technology under a cooperative research and development agreement entered into under this subsection, including the terms under which the technology may be licensed and the resulting royalties may be distributed, shall be subject to the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 311 of such title is amended by striking the item relating to section 31108 and inserting the following:

''31108. Motor carrier research and technology program.''.

SEC. 4113. INTERNATIONAL COOPERATION.

(a) IN GENERAL.—Chapter 311 of title 49, United States Code, is amended by adding at the end the following:

''SUBCHAPTER IV—MISCELLANEOUS

''§31161. International cooperation

''The Secretary of Transportation is authorized to use funds made available by section31104(i) to participate and cooperate in international activities to enhance motor carrier, driver, and highway safety by such means as exchanging information, conducting research, and examining needs, best practices, and new technology.''.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

''SUBCHAPTER IV—MISCELLANEOUS

''31161. International cooperation.''.

SEC. 4114. PERFORMANCE AND REGISTRATION INFORMATION SYSTEM MANAGEMENT.

(a) DESIGN AND CONDITIONS FOR PARTICIPATION.—Section 31106(b) of title 49, United States Code, is amended by striking paragraphs (2), (3), and (4) and inserting the following:

''(2) DESIGN.—The program shall link Federal motor carrier safety information systems with State commercial vehicle registration and licensing systems and shall be designed to enable a State to—

''(A) determine the safety fitness of a motor carrier or registrant when licensing or registering the registrant or motor carrier or while the license or registration is in effect; and

''(B) deny, suspend, or revoke the commercial motor vehicle registrations of a motor carrier or registrant that has been issued an operations out-of-service order by the Secretary.

''(3) CONDITIONS FOR PARTICIPATION.—The Secretary shall require States, as a condition of participation in the program, to—

''(A) comply with the uniform policies, procedures, and technical and operational standards prescribed by the Secretary under subsection (a)(4); and

''(B) possess or seek the authority to deny, suspend, or revoke commercial motor vehicle registrations based on the issuance of an operations out-of-service order by the Secretary.''.

(b) PERFORMANCE AND REGISTRATION INFORMATION SYSTEM MANAGEMENT GRANTS.—

(1) IN GENERAL.—Subchapter I of chapter 311 of title 49, United States Code, is further amended by adding at the end the following:

''§31109. Performance and registration information system management

''(a) IN GENERAL.—The Secretary of Transportation may make a grant to a State to implement the performance and registration information system management requirements of section 31106(b).

''(b) AVAILABILITY OF AMOUNTS.—Amounts made available to a State under this section shall remain available until expended.''.

(2) CONFORMING AMENDMENT.—The analysis for such subchapter is amended by adding at the end the following:

''31109. Performance and registration information system management.''.

SEC. 4115. DATA QUALITY IMPROVEMENT.

Section 31106(a)(3) of title 49, United States Code, is amended—

(1) by striking ''and'' at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting a semicolon; and

(3) by adding at the end the following:

''(F) ensure, to the maximum extent practical, all the data is complete, timely, and accurate across all information systems and initiatives; and

''(G) establish and implement a national motor carrier safety data correction system.''.

SEC. 4116. DRIVEAWAY SADDLEMOUNT VEHICLES.

(a) DEFINITION.—Section 31111(a) of tile 49, United States Code, is amended by adding at the end of the following:

''(4) DRIVE-AWAY SADDLEMOUNT WITH FULLMOUNT VEHICLE TRANSPORTER COMBINATION.—The term 'drive-away saddlemount with fullmount vehicle transporter combination' means a vehicle combination designed and specifically used to tow up to 3 trucks or truck tractors, each connected by a saddle to the frame or fifth-wheel of the forward vehicle of the truck or truck tractor in front of it.''.

(b) GENERAL LIMITATIONS.—Section 31111(b)(1) of such title is amended—

(1) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(2) by inserting after subparagraph (C) the following:

''(D) imposes a vehicle length limitation of not less than or more than 97 feet on a driveaway saddlemount with fullmount vehicle transporter combinations;''.

SEC. 4117. COMPLETION OF UNIFORM CARRIER REGISTRATION.

(a) IN GENERAL.—Section 14504 of title 49, United States Code, and the item relating to such section in analysis for chapter 145 of such title, are repealed.

(b) CONFORMING AMENDMENTS.—Section 13908 of such title is amended—

(1) in subsection (a) by striking ''the single State registration system under section 14504,'';

(2) in subsection (b)—

(A) by striking paragraphs (2) and (3); and

(B) by redesignating paragraphs (4), (5), and (6) as paragraphs (2), (3), and (4), respectively;

(3) by striking subsection (d); and

(4) by striking ''(e) DEADLINE FOR CONCLUSION; MODIFICATION.—'' and all that follows through ''1996,'' and inserting the following:

''(d) DEADLINE FOR COMPLETION.—Not later than 1 year after the date of enactment of the Transportation Equity Act: A Legacy for Users,''.

SEC. 4118. REGISTRATION OF MOTOR CARRIERS AND FREIGHT FORWARDERS.

(a) DEFINITIONS RELATING TO MOTOR CARRIERS.—Paragraphs (6), (7), (12), and (13) of section 13102 of title 49, United States Code, are each amended by striking ''motor vehicle'' and inserting ''commercial motor vehicle (as defined in section 31132)''.

(b) FREIGHT FORWARDERS.—Section 13903(a) of title 49, United States Code, is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(1) HOUSEHOLD GOODS.—The Secretary'';

(2) by inserting ''of household goods'' after ''freight forwarder''; and

(3) by adding at the end the following:

''(2) OTHERS.—The Secretary may register a person to provide service subject to jurisdiction under subchapter III of chapter 135 as a freight forwarder (other than a freight forwarder of household goods) if the Secretary finds that such registration is needed for the protection of shippers and that the person is fit, willing, and able to provide the service and to comply with this part and applicable regulations of the Secretary and Board.''.

SEC. 4119. DEPOSIT OF CERTAIN CIVIL PENALTIES INTO HIGHWAY TRUST FUND.

Sections 31138(d)(5) and 31139(f)(5) of title 49, United States Code, are each amended by striking ''Treasury as miscellaneous receipts'' and inserting ''Highway Trust Fund (other than the Mass Transit Account)''.

SEC. 4120. OUTREACH AND EDUCATION.

(a) IN GENERAL.—The Secretary shall conduct, through any combination of grants, contracts, or cooperative agreements, an outreach and education program to be administered by the Federal Motor Carrier Safety Administration and the National Highway Traffic Safety Administration.

(b) PROGRAM ELEMENTS.—The program shall include, at a minimum, the following:

(1) A program to promote a more comprehensive and national effort to educate commercial motor vehicle drivers and passenger vehicle drivers about how commercial motor vehicle drivers and passenger vehicle drivers can more safely share the road with each other.

(2) A program to promote enhanced traffic enforcement efforts aimed at reducing the incidence of the most common unsafe driving behaviors that cause or contribute to crashes involving commercial motor vehicles and passenger vehicles.

(3) A program to establish a public-private partnership to provide resources and expertise for the development and dissemination of information relating to sharing the road referred to in paragraphs (1) and (2) to each partner's constituents and to the general public through the use of brochures, videos, paid and public advertisements, the Internet, and other media.

(c) FEDERAL SHARE.—The Federal share of a program or activity for which a grant is made under this section shall be 100 percent of the cost of such program or activity.

(d) ANNUAL REPORT.—The Secretary shall prepare and transmit to Congress an annual report on the programs and activities carried out under this section.

(e) FUNDING.—From amounts made available under section 31104(i) of title 49, United States Code, the Secretary shall make available $1,000,000 to the Federal Motor Carrier Safety Administration, and $3,000,000 to the National Highway Traffic Safety Administration, for each of fiscal years 2004, 2005, 2006, 2007, 2008, and 2009 to carry out this section.

SEC. 4121. INSULIN TREATED DIABETES MELLITUS.

(a) NO PERIOD OF COMMERCIAL DRIVING WHILE USING INSULIN REQUIRED FOR QUALIFICATION.—The Secretary may not require individuals with insulin-treated diabetes mellitus to have experience operating commercial motor vehicles while using insulin in order to qualify to operate a commercial motor vehicle in interstate commerce.

(b) MINIMUM PERIOD OF INSULIN USE.—Subject to subsection (a), the Secretary shall require individuals with insulin-treated diabetes mellitus to have a minimum period of insulin use to demonstrate stable control of diabetes before operating a commercial motor vehicle in interstate commerce. For individuals who have been newly diagnosed with type 1 diabetes, the minimum period of insulin use may not exceed 2 months, unless directed by the treating physician. For individuals who have type 2 diabetes and are converting to insulin use, the minimum period of insulin use may not exceed 1 month, unless directed by the treating physician.

(c) LIMITATIONS.—Insulin-treated individuals may not be held by the Secretary to a higher standard of physical qualification in order to operate a commercial motor vehicle in interstate commerce than other individuals applying to operate, or operating, a commercial motor vehicle

in interstate commerce; except to the extent that limited operating, monitoring, and medical requirements are deemed medically necessary under regulations issued by the Secretary.

SEC. 4122. GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.

(a) ESTABLISHMENT.—The Secretary shall establish a grant program for training operators of commercial motor vehicles (as defined in section 31301 of title 49, United States Code). The purpose of the program shall be to train operators and future operators in the safe use of such vehicle.

(b) FEDERAL SHARE.—The Federal share of the cost for which a grant is made under this section shall be 80 percent.

(c) FUNDING.—From amounts made available under section 31104(i) of title 49, United States Code, the Secretary shall make available $1,000,000 for each of fiscal years 2004, 2005, 2006, 2007, 2008, and 2009 to carry out this section.

SEC. 4123. COMMERCIAL MOTOR VEHICLE SAFETY ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary shall establish a commercial motor vehicle safety advisory committee to provide advice and recommendations to the Secretary on commercial motor vehicle safety regulations and other matters relating to activities and functions of the Federal Motor Carrier Safety Administration.

(b) COMPOSITION.—The members of the advisory committee shall be appointed by the Secretary and shall include representatives of the motor carrier industry, drivers, safety advocates, manufacturers, safety enforcement officials, law enforcement agencies of border States, and other individuals affected by rulemakings under consideration by the Department of Transportation. Representatives of a single interest group may not constitute a majority of the members of the advisory committee.

(c) TERMINATION DATE.—The advisory committee shall remain in effect until September 30, 2009.

SEC. 4124. SAFETY DATA IMPROVEMENT PROGRAM.

(a) IN GENERAL.—The Secretary shall make grants to States for projects and activities to improve the accuracy, timeliness, and completeness of commercial motor vehicle safety data reported to the Secretary.

(b) ELIGIBILITY.—A State shall be eligible for a grant under this section in a fiscal year if the Secretary determines that the State has—

(1) conducted a comprehensive audit of its commercial motor vehicle safety data system within the preceding 2 years;

(2) developed a plan that identifies and prioritizes its commercial motor vehicle safety data needs and goals; and

(3) identified performance-based measures to determine progress toward those goals.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $3,000,000 for each of fiscal years 2005 through 2009.

(d) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized to be appropriated by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a project or activity carried out using such funds shall be 80 percent and such funds shall remain available until expended.

(e) BIENNIAL REPORT.—Not later 2 years after the date of enactment of this Act, and biennially thereafter, the Secretary shall transmit to Congress a report on the activities and results of the program carried out under this section, together with any recommendations the Secretary determines appropriate.

SEC. 4125. COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEM MODERNIZATION.

(a) GENERAL AUTHORITY.—The Secretary may make a grant to a State or organization representing agencies and officials of a State in a fiscal year to modernize its commercial driver's license information system in accordance with subsection (c) if the State is in substantial compliance with the requirements of section 31311 of title 49, United States Code, and this section, as determined by the Secretary. The Secretary shall establish criteria for the distribution of grants and notify each State annually of such criteria.

(b) MODERNIZATION PLAN.—No later than 120 days after the date of enactment of this Act, the Secretary shall publish a comprehensive national plan to modernize the commercial driver's license information system. The plan shall be developed in consultation with representatives of the motor carrier industry, State safety enforcement agencies, and State licensing agencies designated by the Secretary.

(c) USE OF GRANT.—A State may use a grant under this section only to implement improvements that are consistent with the modernization plan developed by the Secretary.

(d) PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary may conduct with grants under this section a 3-year pilot program in no more than 3 States to evaluate a system for sharing driver's license information on all commercial and noncommercial driver's licenses issued in each participating State.

(2) FUNDING.—The Secretary may use no more than 50 percent of the funds available to carry out this section for the pilot program in any fiscal year.

(3) REPORT.—Not later than 1 year after the last day of the pilot program, the Secretary shall transmit to Congress a report on the results of the pilot program.

(e) GOVERNMENT SHARE.—A grant under this section to a State or organization may not be for more than 80 percent of the costs incurred by the State or organization in a fiscal year in implementing the modernization program developed by the Secretary. In determining these costs, the Secretary shall include in-kind contributions of the State.

(f) FUNDING.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section—

(1) $6,000,000 for fiscal year 2005;
(2) $6,000,000 for fiscal year 2006;
(3) $6,000,000 for fiscal year 2007;
(4) $6,000,000 for fiscal year 2008; and
(5) $6,000,000 for fiscal year 2009.

(g) CONTRACT AUTHORITY AND AVAILABILITY.—

(1) PERIOD OF AVAILABILITY.—The amounts made available under subsection (f) shall remain available until expended.

(2) INITIAL DATE OF AVAILABILITY.—Amounts authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) by subsection (f) shall be available for obligation on the date of their apportionment or allocation or on October 1 of the fiscal year for which they are authorized, whichever occurs first.

(3) CONTRACT AUTHORITY.—Approval by the Secretary of a grant with funds made available under subsection (f) imposes upon the United States a contractual obligation for payment of the Government's share of costs incurred in carrying out the objectives of the grant.

SEC. 4126. MAXIMUM HOURS OF SERVICE FOR OPERATORS OF GROUND WATER WELL DRILLING RIGS.

Section 345(a)(2) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note; 109 Stat 613) is amended by adding at the end the following: ''Except as required in section 395.3 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this sentence, no additional off-duty time shall be required in order to operate such vehicle.''.

SEC. 4127. SAFETY PERFORMANCE HISTORY SCREENING.

(a) IN GENERAL.—The Secretary shall provide persons conducting preemployment screening services for the motor carrier industry electronic access to the following reports contained in the Motor Carrier Management Information System:

(1) Commercial motor vehicle accident reports.

(2) Inspection reports that contain no driver-related safety violations.

(3) Serious driver-related safety violation inspection reports.

(b) CONDITIONS ON PROVIDING ACCESS.—Before providing a person access to the Motor Carrier Management Information System under subsection (a), the Secretary shall—

(1) ensure that any information that is released to such person will be in accordance with the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) and all other applicable Federal law;

(2) ensure that such person will not conduct a screening without the operator-applicant's written consent;

(3) ensure that any information that is released to such person will not be released to any person or entity, other than the motor carrier requesting the screening services or the operator-applicant, unless expressly authorized or required by law; and

(4) provide a procedure for the operator-applicant to correct inaccurate information in the System in a timely manner.

(c) DESIGN.—The process for providing access to the Motor Carrier Management Information System under subsection (a) shall be designed to assist the motor carrier industry in assessing an individual operator's crash and serious safety violation inspection history as a preemployment condition. Use of the process shall not be mandatory and may only be used during the preemployment assessment of an operator-applicant.

(d) SERIOUS OPERATOR-RELATED SAFETY VIOLATION DEFINED.—In this section, the term ''serious operator-related violation'' means a violation by an operator of a commercial motor vehicle (as defined in section 31102 of title 49, United States Code) that the Secretary determines will result in the operator being prohibited from continuing to operate a commercial motor vehicle until the violation is corrected.

SEC. 4128. INTERMODAL CHASSIS ROADABILITY RULE-MAKING.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, after providing notice and opportunity for comment, shall issue regulations establishing a program to ensure that intermodal equipment used to transport intermodal containers are safe.

(b) MOTOR CARRIER SAFETY REGULATIONS.—The regulations under this section shall be issued as part of the Federal motor carrier safety regulations of the Department of Transportation.

(c) CONTENTS.—The regulations issued under this section shall include, at a minimum—

(1) a requirement to identify providers of intermodal equipment that is interchanged or intended for interchange to motor carriers in intermodal transportation;

(2) a requirement to match such intermodal equipment readily to the intermodal equipment provider through a unique identifying number;

(3) a requirement to ensure that each intermodal equipment provider maintains a system of maintenance and repair records for such equipment;

(4) a requirement to evaluate the compliance of intermodal equipment providers with the applicable Federal motor carrier safety regulations;

(5) a provision that—

(A) establishes a civil penalty structure consistent with section 521(b) of title 49, United States Code, for intermodal equipment providers that fail to attain satisfactory compliance with applicable Federal motor carrier safety regulations; and

(B) prohibits intermodal equipment providers from placing intermodal equipment on the public highways if such providers are found to pose an imminent hazard;

(6) a process by which motor carriers and agents of motor carriers may petition the Federal Motor Carrier Safety Administration to undertake an investigation of a noncompliant intermodal equipment provider; and

(7) an inspection and audit program of intermodal equipment providers.

(d) DEADLINE FOR RULEMAKING PROCEEDING.—The regulations under this section shall be issued pursuant to a rulemaking proceeding initiated not later than 90 days after the date of enactment of this Act.

(e) DEFINITIONS.—In this section, the following definitions apply:

(1) INTERMODAL EQUIPMENT.—The term ''intermodal equipment'' means equipment that is commonly used in the intermodal transportation of freight over public highways in interstate commerce (as defined in section 31132 of title 49, United States Code), including trailers, chassis, and any associated devices.

(2) INTERMODAL EQUIPMENT PROVIDER.—The term ''intermodal equipment provider'' means any person with any legal right, title, or interest in intermodal equipment that interchanges such equipment to a motor carrier.

(3) INTERCHANGE.—The term ''interchange'' means the act of providing intermodal equipment to a motor carrier for the purpose of transporting the equipment for loading or unloading by any person or repositioning the equipment for the benefit of the equipment provider. Such term does not include the leasing of equipment to a motor carrier for use in the motor carrier's over-the-road freight hauling operations.

SEC. 4129. SUBSTANCE ABUSE PROFESSIONALS.

The Secretary shall conduct a rulemaking to permit State licensed or certified mental health counselors or addiction specialists certified by the American Academy of Health Care Providers in the Addictive Disorders to act as substance abuse professionals under subpart O of part 40 of title 49, Code of Federal Regulations.

SEC. 4130. INTERSTATE VAN OPERATIONS.

The Federal motor carrier safety regulations (other than regulations relating to commercial drivers license and drug and alcohol testing requirements) shall apply to all interstate operations of commercial motor vehicles used to transport between 9 and 15 passengers (including the driver), regardless of the distance traveled.

SEC. 4131. HOURS OF SERVICE FOR OPERATORS OF UTILITY SERVICE VEHICLES.

Section 345 of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note; 109 sTAT. 613) is amended—

(1) in subsection (a) by striking paragraph (4) and inserting the following:

''(4) OPERATORS OF UTILITY SERVICE VEHICLES.—

''(A) INAPPLICABILITY OF FEDERAL REGULATIONS .—Such regulations shall not apply to a driver of a utility service vehicle.

''(B) PROHIBITION ON STATE REGULATIONS.—A State, a political subdivision of a State, an interstate agency, or other entity consisting of 2 or more States, shall not enact or enforce any law, rule, regulation, or standard that imposes requirements on a driver of a utility service vehicle that are similar to the requirements contained in such regulations.''.

(2) in subsection (b) by striking ''Nothing'' and inserting ''Except as provided in subsection (a)(4), nothing''; and

(3) in the first sentence of subsection (c) by striking ''paragraph (2)'' and inserting ''an exemption under paragraph (2) or (4)''.

SEC. 4132. TECHNICAL CORRECTIONS.

(a) INTERMODAL TRANSPORTATION ADVISORY BOARD.—Section 5502(b) of title 49, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(3) by adding at the end the following:

''(6) the Federal Motor Carrier Safety Administration.''.

(b) REFERENCE TO AGENCY.—Section 31502(e) of such title is amended—

(1) in paragraph (2) by striking ''Regional Director of the Federal Highway Administration'' and inserting ''Field Administrator of the Federal Motor Carrier Safety Administration''; and

(2) in paragraph (3) by striking ''Regional Director'' and inserting ''Field Administrator''.

Subtitle B—Household Goods Transportation

SEC. 4201. FEDERAL-STATE RELATIONS RELATING TO TRANSPORTATION OF HOUSEHOLD GOODS.

(a) NONPREEMPTION OF INTRASTATE TRANSPORTATION OF HOUSEHOLD GOODS.—Section 14501(c)(2)(B) of title 49, United States Code, is amended by inserting ''intrastate'' before ''transportation''.

(b) ENFORCEMENT OF CONSUMER PROTECTION WITH RESPECT TO INTERSTATE HOUSEHOLD GOODS CARRIERS.—Chapter 145 of such title is amended by adding at the end the following:

''§ 14506. Enforcement of Federal regulations by State attorneys general

''(a) IN GENERAL.—A State, as parens patriae, may bring a civil action on behalf of a resident of the State in an appropriate district court of the United States to enforce a regulation or order of the Secretary or Board—

''(1) to protect an individual shipper of household goods if such regulation or order governs the delivery of the shipper's household goods; or

''(2) to impose a civil penalty under section 14915 whenever the attorney general of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by—

''(A) a carrier or broker providing transportation of household goods subject to jurisdiction under subchapter I or III of chapter 135 who is committing repeat violations of section 14915; or

''(B) a foreign motor carrier providing transportation of household goods who is registered under section 13902 and who is committing repeat violations of section 14915.

''(b) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed—

''(1) as preventing an attorney general from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence;

''(2) as prohibiting a State official from proceeding in State court to enforce a criminal statute of the State;

''(3) as authorizing a State or political subdivision of a State to bring an enforcement action under a consumer protection law, regulation, or other provision of the State relating to interstate transportation of household goods (as defined in section 13102(10)(A)) with respect to an activity that is inconsistent with Federal laws and regulations relating to interstate transportation of household goods; or

''(4) as authorizing a State, as parens patriae, to bring a class civil action on behalf of its residents to enforce a regulation or order of the Secretary or Board.

''(c) ACTIONS BY THE SECRETARY OR BOARD.—Whenever a civil action has been instituted by or on behalf of the Secretary or Board for violation of section 14915, no State may, during the pendency of such action, institute a civil action under subsection (a) against any defendant named in the complaint relating to such violation.

''(d) VENUE; SERVICE OF PROCESS.—Any civil action to be brought under subsection (a) in a district court of the United States may be brought in the district in which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28. Process in such an action may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.''.

(c) CONFORMING AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

''14506. Enforcement of Federal regulations by State attorneys general.''.

SEC. 4202. ARBITRATION REQUIREMENTS.

(a) OFFERING SHIPPERS ARBITRATION.—Section 14708(a) of title 49, United States Code, is amended by inserting before the period at the end the following: ''and to determine whether carrier charges, in addition to those collected at delivery, must be paid by the shipper for transportation and services related to the transportation of household goods''.

(b) THRESHOLD FOR BINDING ARBITRATION.—Section 14708(b)(6) of such title is amended by striking ''$5,000'' each place it appears and inserting ''$10,000''.

(c) DEADLINE FOR DECISION.—Section 14708(b)(8) of such title is amended—

(1) by striking ''and''; and

(2) by inserting after ''for damages'' the following: '', and an order requiring the payment of additional carrier charges''.

(d) ATTORNEY'S FEES TO SHIPPERS.—Section 14708(d)(3) of such title is amended—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(2) by inserting before subparagraph (B) (as so redesignated) the following:

''(A) the shipper was not advised by the carrier during the claim settlement process that a dispute settlement program was available to resolve the dispute;''.

SEC. 4203. CIVIL PENALTIES RELATING TO HOUSEHOLD GOODS BROKERS AND UNAUTHORIZED TRANSPORTATION.

Section 14901(d) of title 49, United States Code, is amended—

(1) by striking ''If a carrier'' and inserting the following:

''(1) IN GENERAL.—If a carrier''; and

(2) by adding at the end the following:

''(2) ESTIMATE OF BROKER WITHOUT CARRIER AGREEMENT.—If a broker for transportation of household goods subject to jurisdiction under subchapter I of chapter 135 makes an estimate of the cost of transporting any such goods before entering into an agreement with a carrier to provide transportation of household goods subject to such jurisdiction, the broker is liable to the United States for a civil penalty of not less than $10,000 for each violation.

''(3) UNAUTHORIZED TRANSPORTATION.—If a person provides transportation of household goods subject to jurisdiction under subchapter I of chapter 135 or provides broker services for such transportation without being registered under chapter 139 to provide such transportation or services as a motor carrier or broker, as the case may be, such person is liable to the United States for a civil penalty of not less than $25,000 for each violation.''.

SEC. 4204. PENALTIES FOR HOLDING HOUSEHOLD GOODS HOSTAGE.

(a) IN GENERAL.—Chapter 149 of title 49, United States Code, is amended by adding at the end the following:

''§ 14915. Holding household goods hostage

''(a) HOLDING HOUSEHOLD GOODS HOSTAGE DEFINED.—For purposes of this section, the term 'holding household goods hostage' means the knowing and willful refusal to relinquish possession of a shipment of household goods described in section 13102(10)(A) upon payment of not more than 100 percent of a binding estimate (or, in the case of a nonbinding estimate, not more than 110 percent of the estimated charges for such shipment).

''(b) CIVIL PENALTY.—Whoever is found holding a household goods shipment hostage is liable

to the United States for a civil penalty of not less than $10,000 for each violation. If such person is a carrier or broker, the Secretary may suspend for a period of not less than 6 months the registration of such carrier or broker under chapter 139.

''(c) CRIMINAL PENALTY.—A motor carrier that has been convicted of knowingly and willfully holding household goods hostage by falsifying documents or demanding the payment of charges for services that were not performed or were not necessary in the safe and adequate movement of a shipment of household goods shall be fined under title 18, or imprisoned not more than 2 years, or both.''.

(b) CONFORMING AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

''14915. Holding household goods hostage.''.

SEC. 4205. WORKING GROUP FOR DEVELOPMENT OF PRACTICES AND PROCEDURES TO ENHANCE FEDERAL-STATE RELATIONS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a working group of State attorneys general, State consumer protection administrators, and Federal and local law enforcement officials for the purpose of developing practices and procedures to enhance the Federal-State partnership in enforcement efforts, exchange of information, and coordination of enforcement efforts with respect to interstate transportation of household goods and of making legislative and regulatory recommendations to the Secretary concerning such enforcement efforts.

(b) CONSULTATION.—In carrying out subsection (a), the working group shall consult with industries involved in the transportation of household goods.

(c) FEDERAL ADVISORY COMMITTEE ACT EXEMPTION.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group established under subsection (a).

(d) TERMINATION DATE.—The working group shall remain in effect until September 30, 2009.

SEC. 4206. CONSUMER HANDBOOK ON DOT WEB SITE.

Not later than 1 year after the date of enactment of this Act, the Secretary shall take such action as may be necessary to ensure that publication ESA 03005 of the Federal Motor Carrier Safety Administration entitled ''Your Rights and Responsibilities When You Move'', is prominently displayed, and available in language that is readily understandable by the general public, on the Web site of the Department of Transportation.

SEC. 4207. RELEASE OF HOUSEHOLD GOODS BROKER INFORMATION.

Not later than 1 year after the date of enactment of this Act, the Secretary shall modify the regulations contained in part 375 of title 49, Code of Federal Regulations, to require a broker that is subject to such regulations to provide shippers with the following information whenever they have contact with a shipper or potential shipper:

(1) The Department of Transportation number of the broker.

(2) The ESA 03005 publication referred to in section 4206 of this Act.

(3) A list of all motor carriers providing transportation of household goods used by the broker and a statement that the broker is not a motor carrier providing transportation of household goods.

SEC. 4208. CONSUMER COMPLAINT INFORMATION.

(a) ESTABLISHMENT OF SYSTEM.—Not later than 1 year after the date of enactment of this Act, the Secretary shall—

(1) establish a system for filing and logging consumer complaints relating to motor carriers providing transportation of household goods and for compiling complaint information gathered by the Department of Transportation and the States with regard to such carriers, a database of the complaints, and a procedure for the public to have access to aggregated information and for carriers to challenge information in the database; and

(2) issue regulations requiring each motor carrier of household goods to submit on a quarterly basis a report summarizing—

(A) the number of shipments that originate and are delivered for individual shippers during the reporting period by the carrier;

(B) the number and general category of complaints lodged by consumers with the carrier;

(C) the number of claims filed with the carrier for loss and damage in excess of $500;

(D) the number of such claims resolved during the reporting period;

(E) the number of such claims declined in the reporting period; and

(F) the number of such claims that are pending at the close of the reporting period.

(b) USE OF INFORMATION.—The Secretary shall consider information in the data base established under subsection (a) in its household goods compliance and enforcement program.

SEC. 4209. INSURANCE REGULATIONS.

(a) REVIEW.—Not later than 1 year after the date of enactment of this Act, the Secretary shall undertake a review of the current Federal regulations regarding insurance coverage provided by motor carriers providing transportation of household goods and revise such regulations in order to provide enhanced protection for shippers in the case of loss or damage as determined necessary.

(b) DETERMINATIONS.—The review shall include, but not be limited to, a determination of—

(1) whether the current regulations provide adequate protection for shippers;

(2) whether an individual shipper should purchase insurance as opposed to the carrier; and

(3) whether there are abuses of the current regulations that leave the shipper unprotected in loss and damage claims.

SEC. 4210. ESTIMATING REQUIREMENTS.

Section 14104(b)(1) of title 49, United States Code, is amended to read as follows:

''(1) REQUIRED TO BE IN WRITING.—

''(A) IN GENERAL.—Except as otherwise provided in this subsection, every motor carrier providing transportation of household goods described in section 13102(10)(A) subject to jurisdiction under subchapter I of chapter 135 shall conduct a physical survey of the household goods to be transported on behalf of a prospective individual shipper and shall provide the shipper with a written estimate of charges for the transportation and all related services.

''(B) WAIVER.—A shipper may elect to waive a physical survey under this paragraph by written agreement signed by the shipper before the shipment is loaded. A copy of the waiver agreement must be retained as an addendum to the bill of lading and shall be subject to the same record inspection and preservation requirements of the Secretary as are applicable to bills of lading.

''(C) ESTIMATE.—

''(i) IN GENERAL.—Notwithstanding a waiver under subparagraph (B), a carrier's statement of charges for transportation must be submitted to the shipper in writing and must indicate whether it is binding or nonbinding.

''(ii) BINDING.—A binding estimate under this paragraph must indicate that the carrier and shipper are bound by such charges. The carrier may impose a charge for providing a written binding estimate.

''(iii) NONBINDING.—A nonbinding estimate under this paragraph must indicate that the actual charges will be based upon the actual weight of the individual shipper's shipment and the carrier's lawful tariff charges. The carrier may not impose a charge for providing a nonbinding estimate.''.

SEC. 4211. APPLICATION OF STATE CONSUMER PROTECTION LAWS TO CERTAIN HOUSEHOLD GOODS CARRIERS.

(a) STUDY.—The Comptroller General shall conduct a study on the current consumer protection authorities and actions of the Department of Transportation and the impact on shippers and carriers of houshold goods involved in interstate transportation of allowing State attorneys general to apply State consumer protection laws to such transportation.

(b) MATTERS TO BE CONSIDERED.—In conducting the study, the Comptroller General shall consider, at a minimum—

(1) the level of consumer protection being provided to consumers through Federal household goods regulations and how household goods regulations relating to consumer protection compare to regulations relating to consumer protection for other modes of transportation regulated by the Department of Transportation;

(2) the history and background of State enforcement of State consumer protection laws on household goods carriers providing intrastate transportation and what effects such laws have on the ability of intrastate household goods carriers to operate;

(3) what operational impacts, if any, would result on household goods carriers engaged in interstate commerce being subject to the State consumer protection laws; and

(4) the potential for States to regulate rates or other business operations if State consumer protection laws applied to interstate household goods movements.

(c) CONSULTATION.—In conducting the study, the Comptroller General shall consult with the Secretary, State attorneys general, consumer protection agencies, and the household goods industry.

(d) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall transmit to the Committee of Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate a report on the results of the study.

TITLE V—TRANSPORTATION RESEARCH AND EDUCATION

Subtitle A—Funding

SEC. 5101. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) SURFACE TRANSPORTATION RESEARCH, DEVELOPMENT, AND DEPLOYMENT PROGRAM.—To carry out sections 502, 503, 506, 507, 509, and 510 of title 23, United States Code, and sections 5207, 5210, 5211, and 5402 of this title—

(A) $169,000,000 for fiscal year 2004;

(B) $239,500,000 for fiscal year 2005;

(C) $239,500,000 for fiscal year 2006;

(D) $239,500,000 for fiscal year 2007;

(E) $239,500,000 for fiscal year 2008; and

(F) $239,500,000 for fiscal year 2009.

(2) TRAINING AND EDUCATION.—To carry out section 504 of title 23, United States Code, and section 5211 of this Act, $24,500,000 for fiscal year 2004 and $33,500,000 for each of fiscal years 2005 through 2009.

(3) BUREAU OF TRANSPORTATION STATISTICS.—For the Bureau of Transportation Statistics to carry out section 111 of title 49, United States Code, $31,000,000 for fiscal year 2004 and $33,000,000 for each of fiscal years 2005 through 2009.

(4) UNIVERSITY TRANSPORTATION RESEARCH.—To carry out sections 5505 and 5506 of title 49, United States Code, $54,500,000 for fiscal year 2004 and $71,000,000 for each of fiscal years 2005 through 2009.

(5) INTELLIGENT TRANSPORTATION SYSTEMS (ITS) RESEARCH.—To carry out subtitle F of this title, $115,000,000 for each of fiscal years 2004 through 2009.

(6) ITS DEPLOYMENT.—To carry out sections 5208 and 5209 of the Transportation Equity Act for the 21st Century (112 Stat. 458; 112 Stat. 460), $100,000,000 for fiscal year 2004.

(b) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized to be appropriated by subsection (a) shall be available for

obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of a project or activity carried out using such funds shall be 50 percent, unless otherwise expressly provided by this Act (including the amendments made by this Act) or otherwise determined by the Secretary, and such funds shall remain available until expended and shall not be transferable.

SEC. 5102. OBLIGATION CEILING.

Notwithstanding any other provision of law, the total of all obligations from amounts made available from the Highway Trust Fund (other than the Mass Transit Account) by sections 5101(a) and 5401 of this Act shall not exceed $483,000,000 for fiscal year 2004, $484,000,000 for fiscal year 2005, $485,000,000 for fiscal year 2006, $485,000,000 for fiscal year 2007, $486,000,000 for fiscal year 2008, and $487,000,000 for fiscal year 2009.

Subtitle B—Research, Technology, and Education

SEC. 5201. RESEARCH, TECHNOLOGY, AND EDUCATION.

(a) RESEARCH, TECHNOLOGY, AND EDUCATION.—Title 23, United States Code, is amended—

(1) in the table of chapters by striking the item relating to chapter 5 and inserting the following:

''5. RESEARCH, TECHNOLOGY, AND EDUCATION ..... 501''.

(2) by striking the heading for chapter 5 and inserting the following:

"CHAPTER 5—RESEARCH, TECHNOLOGY, AND EDUCATION".

(b) STATEMENT OF PRINCIPLES GOVERNING RESEARCH AND TECHNOLOGY INVESTMENTS.—Section 502 of such title is amended—

(1) by redesignating subsections (a) through (g) as subsections (b) through (h), respectively; and

(2) by inserting before subsection (b) (as so redesignated) the following:

''(a) BASIC PRINCIPLES GOVERNING RESEARCH AND TECHNOLOGY INVESTMENTS.—

''(1) COVERAGE.—Surface transportation research and technology development shall include all activities leading to technology development and transfer, as well as the introduction of new and innovative ideas, practices, and approaches, through such mechanisms as field applications, education and training, and technical support.

''(2) FEDERAL RESPONSIBILITY.—Funding and conducting surface transportation research and technology transfer activities shall be considered a basic responsibility of the Federal Government when the work—

''(A) is of national significance;

''(B) supports research in which there is a clear public benefit and private sector investment is less than optimal;

''(C) supports a Federal stewardship role in assuring that State and local governments use national resources efficiently; or

''(D) presents the best means to support Federal policy goals compared to other policy alternatives.

''(3) ROLE.—Consistent with these Federal responsibilities, the Secretary shall—

''(A) conduct research;

''(B) support and facilitate research and technology transfer activities by State highway agencies;

''(C) share results of completed research; and

''(D) support and facilitate technology and innovation deployment.

''(4) PROGRAM CONTENT.—A surface transportation research program shall include—

''(A) fundamental, long-term highway research;

''(B) research aimed at significant highway research gaps and emerging issues with national implications; and

''(C) research related to policy and planning.

''(5) STAKEHOLDER INPUT.—Federally sponsored surface transportation research and technology development activities shall address the needs of partners and stakeholders, and provide for stakeholder input in preparation of a strategic plan for surface transportation research and technology development.

''(6) COMPETITION.—To the greatest extent possible, investment decisions for surface transportation research and technology development activities shall be based on the well established principles of competition and merit review.

''(7) PERFORMANCE REVIEW.—Surface transportation research and technology development activities shall include a component of performance measurement.''.

(c) PROCUREMENT FOR RESEARCH, DEVELOPMENT, AND TECHNOLOGY TRANSFER ACTIVITIES.—Section 502(b)(3) of such title (as redesignated by subsection (b) of this section) is amended to read as follows:

''(3) COOPERATION, GRANTS, AND CONTRACTS.—The Secretary may carry out research, development, and technology transfer activities related to transportation—

''(A) independently;

''(B) in cooperation with other Federal departments, agencies, and instrumentalities and Federal laboratories; or

''(C) by making grants to, or entering into contracts, cooperative agreements, and other transactions with one or more of the following: the National Academy of Sciences, the American Association of State Highway and Transportation Officials, any Federal laboratory, Federal agency, State agency, authority, association, institution, for-profit or nonprofit corporation, organization, foreign country, any other person.''.

(d) TRANSPORTATION POOLED FUND PROGRAM.—Section 502(b) of such title (as redesignated by subsection (b) of this section), is amended by adding at the end the following:

''(6) POOLED FUNDING.—

''(A) COOPERATION.—To promote effective utilization of available resources, the Secretary may cooperate with a State and an appropriate agency in funding research, development, and technology transfer activities of mutual interest on a pooled funds basis.

''(B) SECRETARY AS AGENT.—The Secretary may enter into contracts, cooperative agreements, grants, and other transactions as agent for all participating parties in carrying out such research, development, or technology transfer.''.

(e) OPERATIONS ELEMENTS IN RESEARCH ACTIVITIES.—Section 502 of such title is further amended—

(1) in subsection (b)(1)(B) (as redesignated by subsection (b) of this section) by inserting ''transportation system management and operations,'' after ''operation,''.

(2) in subsection (d)(5)(C) (as redesignated by subsection (b) of this section) by inserting ''system management and'' after ''transportation''; and

(3) by inserting at the end of subsection (d) (as redesignated by subsection (b) of this section) the following:

''(12) Investigation and development of various operational methodologies to reduce the occurrence and impact of recurrent congestion and nonrecurrent congestion and increase transportation system reliability.

''(13) Investigation of processes, procedures, and technologies to secure container and hazardous material transport, including the evaluation of regulations and the impact of good security practices on commerce and productivity.

''(14) Research, development, and technology transfer related to asset management.''.

(f) FACILITATING TRANSPORTATION RESEARCH AND TECHNOLOGY DEPLOYMENT PARTNERSHIPS.—Section 502(c)(2) of such title (as redesignated by subsection (b) of this section) is amended to read as follows:

''(2) COOPERATION, GRANTS, CONTRACTS, AND AGREEMENTS.—Notwithstanding any other provision of law, the Secretary may directly initiate contracts, cooperative research and development agreements (as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a)), and other transactions to fund, and accept funds from, the Transportation Research Board of the National Research Council of the National Academy of Sciences, State departments of transportation, cities, counties, and their agents to conduct joint transportation research and technology efforts.''.

(g) EXPLORATORY ADVANCED RESEARCH PROGRAM.—Section 502(e) of such title (as redesignated by subsection (b) of this section) is amended to read as follows:

''(e) EXPLORATORY ADVANCED RESEARCH.—

''(1) IN GENERAL.—The Secretary shall establish an exploratory advanced research program, consistent with the surface transportation research and technology development strategic plan developed under section 508 that involves and draws upon basic research results to provide a better understanding of problems and develop innovative solutions. In carrying out the program, the Secretary shall strive to develop partnerships with public and private sector entities.

''(2) RESEARCH AREAS.—In carrying out the program, the Secretary may make grants and enter into cooperative agreements and contracts in such areas of surface transportation research and technology as the Secretary determines appropriate, including the following:

''(A) Characterization of materials used in highway infrastructure, including analytical techniques, microstructure modeling, and the deterioration processes.

''(B) Assessment of the effects of transportation decisions on human health.

''(C) Development of surrogate measures of safety.

''(D) Environmental research.

''(E) Data acquisition techniques for system condition and performance monitoring.

''(F) System performance data and information processing needed to assess the day-to-day operational performance of the system in support of hour-to-hour operational decision-making.''.

(h) LONG-TERM PAVEMENT PERFORMANCE PROGRAM.—

(1) IN GENERAL.—Section 502(f) of such title (as redesignated by subsection (b) of this section) is amended to read as follows:

''(f) LONG-TERM PAVEMENT PERFORMANCE PROGRAM.—

''(1) AUTHORITY.—The Secretary shall complete the 20-year long-term pavement performance program tests initiated under the strategic highway research program established under section 307(d) (as in effect on June 8, 1998).

''(2) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—Under the program, the Secretary shall make grants and enter into cooperative agreements and contracts to—

''(A) monitor, material-test, and evaluate highway test sections in existence as of the date of the grant, agreement, or contract;

''(B) analyze the data obtained under subparagraph (A); and

''(C) prepare products to fulfill program objectives and meet future pavement technology needs.''.

(2) FUNDING.—Of the amounts made available by section 5101(a)(1) of this Act, $10,000,000 for fiscal year 2004 and $21,000,000 for each of fiscal years 2004 through 2009 shall be available to carry out section 502(f) of title 23, United States Code.

(i) TURNER-FAIRBANK HIGHWAY RESEARCH CENTER.—Section 502 of title 23, United States Code, is further amended by adding at the end the following:

''(i) TURNER-FAIRBANK HIGHWAY RESEARCH CENTER.—

''(1) IN GENERAL.—The Secretary shall operate in the Federal Highway Administration a Turner-Fairbank Highway Research Center.

''(2) USES OF THE CENTER.—The Turner-Fairbank Highway Research Center shall support—

''(A) the conduct of highway research and development related to new highway technology;

''(B) the development of understandings, tools, and techniques that provide solutions to complex technical problems through the development of economical and environmentally sensitive designs, efficient and quality-controlled construction practices, and durable materials; and

''(C) the development of innovative highway products and practices.''.

(j) UNIVERSITY FUNDING.—Except as otherwise provided in this title and any amendments made by this title, the Secretary may not provide financial assistance to a university under section 5101 unless the university is selected to receive such funds through a competitive process that incorporates merit-based peer review and the selection is based on a proposal submitted to the Secretary by the university in response to a request for proposals issued by the Secretary.

SEC. 5202. LONG-TERM BRIDGE PERFORMANCE PROGRAM; INNOVATIVE BRIDGE RESEARCH AND DEPLOYMENT PROGRAM.

(a) LONG-TERM BRIDGE PERFORMANCE PROGRAM.—

(1) IN GENERAL.—Section 502 of title 23, United States Code, is further amended by adding at the end the following:

''(j) LONG-TERM BRIDGE PERFORMANCE PROGRAM.—

''(1) AUTHORITY.—The Secretary shall establish a 20-year long-term bridge performance program.

''(2) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—Under the program, the Secretary shall make grants and enter into cooperative agreements and contracts to—

''(A) monitor, material-test, and evaluate test bridges;

''(B) analyze the data obtained under subparagraph (A); and

''(C) prepare products to fulfill program objectives and meet future bridge technology needs.''.

(2) FUNDING.—Of the amounts made available by section 5101(a)(1) of this Act, $5,000,000 for fiscal year 2004 and $15,000,000 for each of fiscal years 2005 through 2009 shall be available to carry out section 502(j) of title 23, United States Code.

(b) INNOVATIVE BRIDGE RESEARCH AND DEPLOYMENT PROGRAM.—

(1) IN GENERAL.—Section 503(b)(1) of such title is amended to read as follows:

''(1) IN GENERAL.—The Secretary shall establish and carry out a program to promote, demonstrate, evaluate, and document the application of innovative designs, materials, and construction methods in the construction, repair, and rehabilitation of bridges and other highway structures.''.

(2) GOALS.—Section 503(b)(2) of such title is amended to read as follows:

''(2) GOALS.—The goals of the program shall include—

''(A) the development of new, cost-effective, innovative highway bridge applications;

''(B) the development of construction techniques to increase safety and reduce construction time and traffic congestion;

''(C) the development of engineering design criteria for innovative products, materials, and structural systems for use in highway bridges and structures;

''(D) the reduction of maintenance costs and life-cycle costs of bridges, including the costs of new construction, replacement, or rehabilitation of deficient bridges;

''(E) the development of highway bridges and structures that will withstand natural disasters;

''(F) the documentation and wide dissemination of objective evaluations of the performance and benefits of these innovative designs, materials, and construction methods;

''(G) the effective transfer of resulting information and technology; and

''(H) the development of improved methods to detect bridge scour and economical bridge foundation designs that will withstand bridge scour.''.

(3) FUNDING.—

(A) IN GENERAL.—Of the amounts made available by section 5101(a)(1) of this Act, $20,000,000 for each of fiscal years 2004 through 2009 shall be available to carry out section 503(b) of title 23, United States Code; and

(B) HIGH PERFORMANCE CONCRETE BRIDGE TECHNOLOGY RESEARCH AND DEPLOYMENT.—The Secretary shall obligate $2,000,000 of the amount described in subparagraph (A) for each of fiscal years 2004 through 2009 to conduct research and deploy technology related to high-performance concrete bridges.

SEC. 5203. SURFACE TRANSPORTATION ENVIRONMENT AND PLANNING COOPERATIVE RESEARCH PROGRAM.

(a) IN GENERAL.—Section 507 of title 23, United States Code, is amended to read as follows:

''§507. Surface transportation environment and planning cooperative research program

''(a) ESTABLISHMENT.—The Secretary shall establish and carry out a collaborative, public-private surface transportation environment and planning cooperative research program.

''(b) AGREEMENT.—The Secretary shall enter into an agreement with the National Academy of Sciences to carry out administrative and management activities relating to the governance of the surface transportation environment and planning cooperative research program.

''(c) ADVISORY COMMITTEE.—

''(1) ESTABLISHMENT.—The Secretary shall establish a committee that will be responsible for program oversight and project selection.

''(2) MEMBERSHIP.—The members of the committee shall be appointed by the Secretary and shall be composed of—

''(A) representatives of State, regional, and local transportation agencies, including transit agencies;

''(B) representatives of State environmental agencies and other environmental organizations;

''(C) representatives of the transportation private sector;

''(D) transportation and environmental scientists and engineers; and

''(E) representatives of the Federal Highway Administration, Federal Transit Administration, Environmental Protection Agency, United States Fish and Wildlife Service, Corps of Engineers, American Association of State Highway and Transportation Officials, and American Public Transportation Association, who shall serve in an ex officio capacity.

''(3) BALANCE.—The majority of the committee's voting members shall be representatives of government transportation agencies.

''(4) MEETINGS.—The National Academy of Sciences shall convene meetings of the committee.

''(d) GOVERNANCE.—The program established under this section shall include the following administrative and management elements:

''(1) NATIONAL RESEARCH AGENDA.—The advisory committee, in consultation with interested parties, shall develop, recommend, and periodically update a national research agenda for the program. The national research agenda shall include a multiyear strategic plan.

''(2) INVOLVEMENT.—Interested parties may—

''(A) submit research proposals;

''(B) participate in merit reviews of research proposals and peer reviews of research products; and

''(C) receive research results.

''(3) OPEN COMPETITION AND PEER REVIEW OF RESEARCH PROPOSALS.—The National Academy of Sciences may award under the program research contracts and grants through open competition and merit review conducted on a regular basis.

''(4) EVALUATION OF RESEARCH.—

''(A) PEER REVIEW.—Research contracts and grants may allow peer review of the research results.

''(B) PROGRAMMATIC EVALUATIONS.—The National Academy of Sciences may conduct periodic programmatic evaluations on a regular basis.

''(5) DISSEMINATION OF RESEARCH FINDINGS.—The National Academy of Sciences shall disseminate research findings to researchers, practitioners, and decisionmakers, through conferences and seminars, field demonstrations, workshops, training programs, presentations, testimony to government officials, World Wide Web, and publications for the general public.

''(e) CONTENTS.—The national research agenda for the program required under subsection (d)(1) shall include research in the following areas for the purposes described:

''(1) HUMAN HEALTH.—Human health to establish the links between transportation activities and human health; substantiate the linkages between exposure to concentration levels, emissions, and health impacts; examine the potential health impacts from the implementation and operation of transportation infrastructure and services; develop strategies for avoidance and reduction of these impacts; and develop strategies to understand the economic value of health improvements and for incorporating health considerations into valuation methods.

''(2) ECOLOGY AND NATURAL SYSTEMS.—Ecology and natural systems to measure transportation's short- and long-term impact on natural systems; develop ecologically based performance measures; develop insight into both the spatial and temporal issues associated with transportation and natural systems; study the relationship between highway density and ecosystem integrity, including the impacts of highway density on habitat integrity and overall ecosystem health; develop a rapid assessment methodology for use by transportation and regulatory agencies in determining the relationship between highway density and ecosystem integrity; and develop ecologically based performance techniques to evaluate the success of highway project mitigation and enhancement measures.

''(3) ENVIRONMENTAL AND SOCIOECONOMIC RELATIONSHIPS.—Environmental and socioeconomic relationships to understand differences in mobility, access, travel behavior, and travel preferences across socioeconomic groups; develop improved planning approaches that better reflect and respond to community needs; improve evaluation methods for examining the incidence of benefits and costs; examine the differential impacts of current methods of finance and explore alternatives; understand the socioeconomic implications of emerging land development patterns and new transportation technologies; develop cost-effective applications of technology that improve the equity of the transport system; and develop improved methods for community involvement, collaborative planning, and conflict resolution.

''(4) EMERGING TECHNOLOGIES.—Emerging technologies to assist in the transition to environmentally benign fuels and vehicles for passengers and freight; develop responses to and demand for new technologies that could offer improved environmental performance; identify possible applications of intelligent transportation systems technologies for environmental benefit; develop policy instruments that would encourage the development of beneficial new technologies in a cost-effective manner; and respond to the impact of new technologies.

''(5) LAND USE.—Land use to assess land consumption trends and contributing factors of transportation investment, housing policies, school quality, and consumer preferences; incorporate impacts of transportation investments on location decision and land use; identify the costs and benefits of current development patterns and their transportation implications; determine the effect of the built environment on people's willingness to walk, drive, or take public transportation; determine the roles of public policy and institutional arrangements in current and prospective land use and transportation choices; and develop improved data, methods,

and processes for considering land use, transportation, and the environment in an integrated, systematic fashion.

''(6) PLANNING AND PERFORMANCE MEASURES.—Planning and performance measures to improve understanding of travel needs and preferences; improve planning methods for system analysis, forecasting, and decisionmaking; expand information on consumer choice processes and travel and activity patterns for both local and long-distance trips and both passenger and freight transportation analysis of social, environmental, and economic benefits and cost of various transport options; develop tools for measuring and forecasting complex transportation decisions for all modes and users; and develop performance measures and policy analysis approaches that can be used to determine effectiveness.

''(7) OTHER RESEARCH AREAS.—Other research areas to identify and address the emerging and future surface transportation research needs related to planning and environment.

''(f) FUNDING.—

''(1) FEDERAL SHARE.—The Federal share of the cost of an activity carried out under this section shall be up to 100 percent, and such funds shall remain available until expended.

''(2) USE OF NON-FEDERAL FUNDS.—In addition to using funds authorized to be appropriated to carry out this section, the National Academy of Sciences may seek and accept additional funding sources to carry out this section from public and private entities capable of attracting and accepting funding from the Department of Transportation, Environmental Protection Agency, Department of Energy, United States Fish and Wildlife Service, and other Federal environmental agencies, States, local governments, nonprofit foundations, and the private sector.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 5 of such title is amended by striking the item relating to section 507 and inserting the following:

''507. Surface transportation environment and planning cooperative research program.''.

(c) FUNDING.—Of the amounts made available by section 5101(a)(1) of this Act, $5,000,000 for fiscal year 2004 and $15,000,000 for each of fiscal years 2005 through 2009 shall be available to carry out section 507 of title 23, United States Code.

SEC. 5204. TECHNOLOGY DEPLOYMENT.

(a) TECHNOLOGY DEPLOYMENT PROGRAM.—Section 503(a) of title 23, United States Code, is amended—

(1) in the subsection heading by striking ''INITIATIVES AND PARTNERSHIPS'';

(2) by striking paragraph (1) and inserting the following:

''(1) ESTABLISHMENT.—The Secretary shall develop and administer a national technology deployment program.'';

(3) by striking paragraph (7) and inserting the following:

''(7) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—

''(A) IN GENERAL.—Under the program, the Secretary shall make grants to, and enter into cooperative agreements and contracts with, States, other Federal agencies, universities and colleges, private sector entities, and nonprofit organizations to pay the Federal share of the cost of research, development, and technology transfer activities concerning innovative materials.

''(B) APPLICATIONS.—To receive a grant under this subsection, an entity described in subparagraph (A) shall submit an application to the Secretary. The application shall be in such form and contain such information as the Secretary may require. The Secretary shall select and approve an application based on whether the project that is the subject of the grant meets the purpose of the program described in paragraph (2).''; and

(4) by striking paragraph (8) and inserting the following:

''(8) TECHNOLOGY AND INFORMATION TRANSFER.—The Secretary shall ensure that the information and technology resulting from research conducted under paragraph (7) is made available to State and local transportation departments and other interested parties as specified by the Secretary.''.

(b) INNOVATIVE PAVEMENT RESEARCH AND DEPLOYMENT PROGRAM.—

(1) IN GENERAL.—Section 503 of such title is further amended by adding at the end the following:

''(c) INNOVATIVE PAVEMENT RESEARCH AND DEPLOYMENT PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish and implement a program to promote, demonstrate, support, and document the application of innovative pavement technologies, practices, performance, and benefits.

''(2) GOALS.—The goals of the innovative pavement research and deployment program shall include—

''(A) the deployment of new, cost-effective, innovative designs, materials, and practices to extend pavement life and performance and to improve customer satisfaction;

''(B) the reduction of initial costs and life-cycle costs of pavements, including the costs of new construction, replacement, maintenance, and rehabilitation;

''(C) the deployment of accelerated construction techniques to increase safety and reduce construction time and traffic disruption and congestion;

''(D) the deployment of engineering design criteria and specifications for innovative practices, products, and materials for use in highway pavements;

''(E) the deployment of new nondestructive and real-time pavement evaluation technologies and techniques;

''(F) the evaluation, refinement, and documentation of the performance and benefits of innovative technologies deployed to improve life, performance, cost effectiveness, safety, and customer satisfaction;

''(G) effective technology transfer and information dissemination to accelerate implementation of innovative technologies and to improve life, performance, cost effectiveness, safety, and customer satisfaction; and

''(H) the development of designs and materials to reduce storm water runoff.

''(3) RESEARCH TO IMPROVE NHS PAVEMENT.—The Secretary shall obligate not less than $2,000,000 for fiscal year 2004 and $6,000,000 for each of fiscal years 2005 through 2009 from funds made available to carry out this subsection to conduct research to improve asphalt pavement, concrete pavement, and aggregates used in highways on the National Highway System.''.

(2) FUNDING.—Of the amounts made available by section 5101(a)(1) of this Act, $5,000,000 for fiscal year 2004 and $15,000,000 for each of fiscal years 2005 through 2009 shall be available to carry out section 503(c) of title 23, United States Code.

(c) SAFETY INNOVATION DEPLOYMENT PROGRAM.—

(1) IN GENERAL.—Section 503 of such title is further amended by adding the following:

''(d) SAFETY INNOVATION DEPLOYMENT PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish and implement a program to demonstrate the application of innovative technologies in highway safety.

''(2) GOALS.—The goals of the program shall include—

''(A) the deployment and evaluation of safety technologies and innovations at State and local levels; and

''(B) the deployment of best practices in training, management, design, and planning.

''(3) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—

''(A) IN GENERAL.—Under the program, the Secretary shall make grants to, and enter into cooperative agreements and contracts with, States, other Federal agencies, universities and colleges, private sector entities, and nonprofit organizations for research, development, and technology transfer for innovative safety technologies.

''(B) APPLICATIONS.—To receive a grant under this subsection, an entity described in subparagraph (A) shall submit an application to the Secretary. The application shall be in such form and contain such information as the Secretary may require. The Secretary shall select and approve the applications based on whether the project that is the subject of the application meets the goals of the program described in paragraph (2).

''(4) TECHNOLOGY AND INFORMATION TRANSFER.—The Secretary shall take such action as is necessary to ensure that the information and technology resulting from research conducted under paragraph (3) is made available to State and local transportation departments and other interested parties as specified by the Secretary.''.

(2) FUNDING.—Of the amounts made available by section 5101(a)(1) of this Act, $5,000,000 for fiscal year 2004 and $15,000,000 for each of fiscal years 2005 through 2009 shall be available to carry out section 503(d) of title 23, United States Code.

(d) AUTHORITY TO PURCHASE PROMOTIONAL ITEMS.—Section 503 of such title is further amended by adding at the end the following:

''(e) PROMOTIONAL AUTHORITY.—Funds authorized to be appropriated for necessary expenses for administration and operation of the Federal Highway Administration shall be available to purchase promotional items of nominal value for use in the recruitment of individuals and to promote the programs of the Federal Highway Administration.''.

(e) WOOD COMPOSITE MATERIALS DEMONSTRATION PROJECT.—

(1) FUNDING.—Of the funds made available to carry out section 5101(a)(1), $1,000,000 shall be made available by the Secretary for each of fiscal years 2005 and 2006 for conducting a demonstration of the durability and potential effectiveness of wood composite materials in multimodal transportation facilities.

(2) FEDERAL SHARE.—The Federal share of the cost of the demonstration under paragraph (1) shall be 100 percent.

SEC. 5205. TRAINING AND EDUCATION.

(a) NATIONAL HIGHWAY INSTITUTE.—

(1) IN GENERAL.—Section 504(a)(3) of title 23, United States Code, is amended to read as follows:

''(3) COURSES.—The Institute may develop and administer courses in modern developments, techniques, methods, regulations, management, and procedures in areas, including surface transportation, environmental mitigation, compliance, stewardship, and streamlining, acquisition of rights-of-way, relocation assistance, engineering, safety, transportation system management and operations, construction, maintenance, contract administration, inspection, and highway finance.''.

(2) FUNDING.—Of the amounts made available by section 5101(a)(2) of this Act, $8,000,000 for fiscal year 2004 and $10,000,000 for each of fiscal years 2005 through 2009 shall be available to carry out section 504(a) of title 23, United States Code.

(b) LOCAL TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—Section 504(b) of such title is amended by adding at the end the following:

''(3) FEDERAL SHARE.—

''(A) GRANTS.—A grant under this subsection may be used to pay up to 50 percent of local technical assistance program costs. Funds available for technology transfer and training purposes under this title and title 49 may be used to cover the remaining 50 percent of the program costs.

''(B) TRIBAL TECHNICAL ASSISTANCE CENTERS.—The Federal share of the cost of activities carried out by the tribal technical assistance

centers under paragraph (2)(D)(ii) shall be 100 percent.''.

(2) FUNDING.—Of the amounts made available by section 5101(a)(2) of this Act, $12,000,000 for fiscal year 2004 and $14,000,000 for each of fiscal years 2005 through 2009 shall be available to carry out section 504(b) of title 23, United States Code.

(c) EISENHOWER TRANSPORTATION FELLOWSHIP PROGRAM.—Of the amounts made available by section 5101(a)(2) of this Act, $2,000,000 for fiscal year 2004 and $2,500,000 for each of fiscal years 2005 through 2009 shall be available to carry out section 504(c)(2) of title 23, United States Code.

(d) GARRETT A. MORGAN TECHNOLOGY AND TRANSPORTATION FUTURES PROGRAM.—

(1) IN GENERAL.—Section 504 of such title is amended by adding at the end the following:

''(d) GARRETT A. MORGAN TECHNOLOGY AND TRANSPORTATION FUTURES PROGRAM.—The Secretary shall carry out a program, to be known as the 'Garrett A. Morgan Technology and Transportation Futures Program', for the following purposes:

''(1) To attract young people in all levels of education, from elementary school through college, to careers in transportation, with a special emphasis on attracting minorities, women, and other underrepresented groups.

''(2) To enhance the math, science, and technology skills of young people to prepare them for careers in transportation.''.

(2) FUNDING.—Of the amounts made available by section 5101(a)(2) of this Act, $500,000 for 2004 and $1,000,000 for each of fiscal years 2005 through 2009 shall be available to carry out section 504(d) of title 23, United States Code.

(e) SURFACE TRANSPORTATION WORKFORCE DEVELOPMENT, TRAINING, AND EDUCATION.—Section 504 of such title is further amended by adding at the end the following:

''(e) SURFACE TRANSPORTATION WORKFORCE DEVELOPMENT, TRAINING, AND EDUCATION.—

''(1) FUNDING.—Subject to project approval by the Secretary, a State may obligate funds apportioned to the State under sections 104(b)(1), 104(b)(2), 104(b)(3), 104(b)(4), and 144(e) for surface transportation workforce development, training and education, including—

''(A) tuition and direct educational expenses, excluding salaries, in connection with the education and training of employees of State and local transportation agencies;

''(B) employee professional development;

''(C) student internships;

''(D) university or community college support; and

''(E) education activities, including outreach, to develop interest and promote participation in surface transportation careers.

''(2) FEDERAL SHARE.—The Federal share of the cost of activities carried out in accordance with this subsection shall be 100 percent.

''(3) SURFACE TRANSPORTATION WORKFORCE DEVELOPMENT, TRAINING, AND EDUCATION DEFINED.—In this subsection, the term 'surface transportation workforce development, training, and education' means activities associated with surface transportation career awareness, student transportation career preparation, and training and professional development for surface transportation workers, including activities for women and minorities.''.

(f) DEFINITIONS AND DECLARATION OF POLICY.—Section 101(a)(3) of such title is amended—

(1) by striking ''and'' at the end of subparagraph (G);

(2) by striking the period at the end of subparagraph (H) and inserting ''; and''; and

(3) by adding at the end the following:

''(I) surface transportation workforce development, training, and education.''.

(g) TRANSPORTATION TECHNOLOGY INNOVATIONS.—

(1) FUNDAMENTAL PROPERTIES OF ASPHALTS AND MODIFIED ASPHALTS.—The Secretary shall continue to carry out section 5117(b)(5) of the Transportation Equity Act for the 21st Century (112 Stat. 450).

(2) TRANSPORTATION, ECONOMIC, AND LAND USE SYSTEM.—The Secretary shall continue to carry out section 5117(b)(7) of the Transportation Equity Act for the 21st Century (112 Stat. 450).

(3) FUNDING.—Of the amounts made available for each of fiscal years 2004 through 2009 by section 5101(a)(1) of this Act, $3,000,000 shall be available to carry out paragraph (1) and $1,000,000 shall be available to carry out paragraph (2).

(4) USE OF RIGHTS-OF-WAY.—Section 5117(b)(3) of the Transportation Equity Act for the 21st Century (112 Stat. 449; 112 Stat. 864; 115 Stat. 2330) is amended—

(A) by redesignating subparagraphs (E) through (G) as subparagraphs (F) through (H), respectively; and

(B) by inserting after subparagraph (D) the following:

''(E) USE OF RIGHTS-OF-WAY.—

''(i) IN GENERAL.—An intelligent transportation system project described in paragraph (3), and an intelligent transportation system project described in paragraph (6), that involves privately owned intelligent transportation system components and is carried out using funds made available from the Highway Trust Fund (other than the Mass Transit Account) shall not be subject to any law or regulation of a State or political subdivision of a State prohibiting or regulating commercial activities in the rights-of-way of a highway for which funds from the Highway Trust Fund (other than the Mass Transit Account) have been used for planning, design, construction, or maintenance if the Secretary determines that such use is in the public interest.

''(ii) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subparagraph shall be construed to affect the authority of a State, or political subdivision of a State, to regulate highway safety.''.

SEC. 5206. FREIGHT PLANNING CAPACITY BUILDING.

(a) IN GENERAL.—Section 504 of title 23, United States Code, is amended further by adding at the end the following:

''(f) FREIGHT CAPACITY BUILDING PROGRAM.—

''(1) ESTABLISHMENT.—The Secretary shall establish a freight planning capacity building initiative to support enhancements in freight transportation planning in order to—

''(A) better target investments in freight transportation systems to maintain efficiency and productivity; and

''(B) strengthen the decisionmaking capacity of State transportation departments and local transportation agencies with respect to freight transportation planning and systems.

''(2) AGREEMENTS.—The Secretary shall enter into agreements to support and carry out administrative and management activities relating to the governance of the freight planning capacity initiative.

''(3) STAKEHOLDER INVOLVEMENT.—In carrying out this section, the Secretary shall consult with the Association of Metropolitan Planning Organizations, the American Association of State Highway and Transportation Officials, and other freight planning stakeholders, including the other Federal agencies, State transportation departments, local governments, nonprofit entities, academia, and the private sector.

''(4) ELIGIBLE ACTIVITIES.—The freight planning capacity building initiative shall include research, training, and education in the following areas:

''(A) The identification and dissemination of best practices in freight transportation.

''(B) Providing opportunities for freight transportation staff to engage in peer exchange.

''(C) Refinement of data and analysis tools used in conjunction with assessing freight transportation needs.

''(D) Technical assistance to State transportation departments and local transportation agencies reorganizing to address freight transportation issues.

''(E) Facilitating relationship building between governmental and private entities involved in freight transportation.

''(F) Identifying ways to target the capacity of State transportation departments and local transportation agencies to address freight considerations in operations, security, asset management, and environmental excellence in connection with long-range multimodal transportation planning and project implementation.

''(5) FUNDING.—

''(A) FEDERAL SHARE.—The Federal share of the cost of an activity carried out under this section shall be up to 100 percent, and such funds shall remain available until expended.

''(B) USE OF NON-FEDERAL FUNDS.—Funds made available for the program established under this subsection may be used for research, program development, information collection and dissemination, and technical assistance. The Secretary may use such funds independently or make grants to, or enter into contracts, cooperative agreements, and other transactions with, a Federal agency, State agency, local agency, Federally recognized Indian tribal government or tribal consortium, authority, association, nonprofit or for-profit corporation, or institution of higher education, to carry out the purposes of this subsection.''.

(b) FUNDING.—Of the amounts made available by section 5101(a)(2) of this Act, $1,500,000 for fiscal year 2004 and $5,000,000 for each of fiscal years 2005 through 2009 shall be available to carry out section 504(f) of title 23, United States Code.

(c) TECHNICAL AMENDMENT.—Section 508(c)(3)(C) of such title is amended by inserting ''of title 31'' after ''1116''.

SEC. 5207. ADVANCED TRAVEL FORECASTING PROCEDURES PROGRAM.

(a) CONTINUATION AND ACCELERATION OF TRANSIMS DEPLOYMENT.—The Secretary shall accelerate the deployment of the advanced transportation model known as the ''Transportation Analysis Simulation System'' (in this section referred to as ''TRANSIMS''), developed by the Los Alamos National Laboratory. The program shall assist State departments of transportation and metropolitan planning organizations in the implementation of TRANSIMS, develop methods for TRANSIMS applications to transportation planning and air quality analysis, and provide training and technical assistance for the implementation of TRANSIMS. The program may support the development of methods to plan for the transportation response to chemical and biological terrorism and other security concerns.

(b) ELIGIBLE ACTIVITIES.—The Secretary shall use funds made available by section 5101(a)(1) to—

(1) provide funding to State departments of transportation and metropolitan planning organizations serving transportation management areas designated under chapter 52 of title 49, United States Code, representing a diversity of populations, geographic regions, and analytic needs to implement TRANSIMS;

(2) develop methods to demonstrate a wide spectrum of TRANSIMS applications to support metropolitan and statewide transportation planning, including integrating highway and transit operational considerations into the transportation planning process; and

(3) provide training and technical assistance with respect to the implementation and application of TRANSIMS to States, local governments, and metropolitan planning organizations with responsibility for travel modeling.

(c) ALLOCATION OF FUNDS.—Not more than 75 percent of the funds made available to carry out this section may be allocated to activities described in subsection (b)(1).

(d) FUNDING.—Of the amounts made available by section 5101(a)(1) of this Act, $1,000,000 for fiscal year 2004 and $3,000,000 for each of fiscal years 2005 through 2009 shall be available to carry out this section.

SEC. 5208. NATIONAL COOPERATIVE FREIGHT TRANSPORTATION RESEARCH PROGRAM.

(a) IN GENERAL.—Chapter 5 of title 23, United States Code, is further amended by adding at the end the following:

"§ 509. National cooperative freight transportation research program

''(a) ESTABLISHMENT.—The Secretary shall establish and support a national cooperative freight transportation research program.

''(b) AGREEMENT.—The Secretary shall enter into an agreement with the National Academy of Sciences to support and carry out administrative and management activities relating to the governance of the national cooperative freight transportation research program.

''(c) ADVISORY COMMITTEE.—The National Academy of Sciences shall select an advisory committee consisting of a representative cross-section of freight stakeholders, including the Department of Transportation, other Federal agencies, State transportation departments, local governments, nonprofit entities, academia, and the private sector.

''(d) GOVERNANCE.—The national cooperative freight transportation research program established under this section shall include the following administrative and management elements:

''(1) NATIONAL RESEARCH AGENDA.—The advisory committee, in consultation with interested parties, shall recommend a national research agenda for the program. The agenda shall include a multiyear strategic plan.

''(2) INVOLVEMENT.—Interested parties may—

''(A) submit research proposals to the advisory committee;

''(B) participate in merit reviews of research proposals and peer reviews of research products; and

''(C) receive research results.

''(3) OPEN COMPETITION AND PEER REVIEW OF RESEARCH PROPOSALS.—The National Academy of Sciences may award research contracts and grants under the program through open competition and merit review conducted on a regular basis.

''(4) EVALUATION OF RESEARCH.—

''(A) PEER REVIEW.—Research contracts and grants under the program may allow peer review of the research results.

''(B) PROGRAMMATIC EVALUATIONS.—The National Academy of Sciences may conduct periodic programmatic evaluations on a regular basis of research contracts and grants.

''(5) DISSEMINATION OF RESEARCH FINDINGS.—The National Academy of Sciences shall disseminate research findings to researchers, practitioners, and decisionmakers, through conferences and seminars, field demonstrations, workshops, training programs, presentations, testimony to government officials, World Wide Web, publications for the general public, and other appropriate means.

''(e) CONTENTS.—The national research agenda required under subsection (d)(1) shall include research in the following areas:

''(1) Techniques for estimating and quantifying public benefits derived from freight transportation projects.

''(2) Alternative approaches to calculating the contribution of truck and rail traffic to congestion on specific highway segments.

''(3) The feasibility of consolidating origins and destinations for freight movement.

''(4) Methods for incorporating estimates of international trade into landside transportation planning.

''(5) The use of technology applications to increase capacity of highway lanes dedicated to truck-only traffic.

''(6) Development of physical and policy alternatives for separating car and truck traffic.

''(7) Ways to synchronize infrastructure improvements with freight transportation demand.

''(8) The effect of changing patterns of freight movement on transportation planning decisions relating to rest areas.

''(9) Other research areas to identify and address the emerging and future research needs related to freight transportation by all modes.

''(f) FUNDING.—

''(1) FEDERAL SHARE.—The Federal share of the cost of an activity carried out under this section shall be up to 100 percent, and such funds shall remain available until expended.

''(2) USE OF NON-FEDERAL FUNDS.—In addition to using funds authorized for this section, the National Academy of Sciences may seek and accept additional funding sources from public and private entities capable of accepting funding from the Department of Transportation, States, local governments, nonprofit foundations, and the private sector.''.

(b) CONFORMING AMENDMENT.—The analysis for such chapter is further amended by adding at the end the following:

''509. National cooperative freight transportation research program.''.

(c) FUNDING.—Of the amounts made available by section 5101(a)(1) of this Act, $1,500,000 for fiscal year 2004 and $4,000,000 for each of fiscal years 2005 through 2009 shall be available to carry out section 509 of title 23, United States Code.

SEC. 5209. FUTURE STRATEGIC HIGHWAY RESEARCH PROGRAM.

(a) IN GENERAL.—Chapter 5 of title 23, United States Code, is further amended by adding at the end the following:

"§ 510. Future strategic highway research program

''(a) ESTABLISHMENT.—The Secretary, in consultation with the American Association of State Highway and Transportation Officials, shall establish and carry out, acting through the National Research Council of the National Academy of Sciences, the future strategic highway research program.

''(b) COOPERATIVE AGREEMENTS.—The Secretary may make grants to, and enter into cooperative agreements with, the American Association of State Highway and Transportation Officials and the National Academy of Sciences to carry out such activities under this subsection as the Secretary determines are appropriate.

''(c) PERIOD OF AVAILABILITY.—Funds made available to carry out this section shall remain available for the fiscal year in which such funds are made available and the 3 succeeding fiscal years.

''(d) PROGRAM PRIORITIES.—

''(1) PROGRAM ELEMENTS.—The program established under this section shall be based on the National Research Council Special Report 260, entitled 'Strategic Highway Research: Saving Lives, Reducing Congestion, Improving Quality of Life' and the results of the detailed planning work subsequently carried out in 2002 and 2003 to identify the research areas through National Cooperative Research Program Project 20–58. The research program shall include an analysis of the following:

''(A) Renewal of aging highway infrastructure with minimal impact to users of the facilities.

''(B) Driving behavior and likely crash causal factors to support improved countermeasures.

''(C) Reducing highway congestion due to nonrecurring congestion.

''(D) Planning and designing new road capacity to meet mobility, economic, environmental, and community needs.

''(2) DISSEMINATION OF RESULTS.—The research results of the program, expressed in terms of technologies, methodologies, and other appropriate categorizations, shall be disseminated to practicing engineers for their use, as soon as practicable.

''(e) PROGRAM ADMINISTRATION.—In carrying out the program under this section, the National Research Council shall ensure, to the maximum extent practicable, that—

''(1) projects and researchers are selected to conduct research for the program on the basis of merit and open solicitation of proposals and review by panels of appropriate experts;

''(2) State department of transportation officials and other stakeholders, as appropriate, are involved in the governance of the program at the overall program level and technical level through the use of expert panels and committees;

''(3) the Council acquires a qualified, permanent core staff with the ability and expertise to manage the program and multiyear budget; and

''(4) there is no duplication of research effort between the program and any other research effort of the Department.

''(f) REPORT ON IMPLEMENTATION OF RESULTS.—

''(1) REPORT.—The Transportation Research Board of the National Research Council shall complete a report on the strategies and administrative structure to be used for implementation of the results of the future strategic highway research program.

''(2) COMPONENTS.—The report under paragraph (1) shall include with respect to the program—

''(A) an identification of the most promising results of research under the program (including the persons most likely to use the results);

''(B) a discussion of potential incentives for, impediments to, and methods of, implementing those results;

''(C) an estimate of costs of implementation of those results; and

''(D) recommendations on methods by which implementation of those results should be conducted, coordinated, and supported in future years, including a discussion of the administrative structure and organization best suited to carry out those recommendations.

''(3) CONSULTATION.—In developing the report, the Transportation Research Board shall consult with a wide variety of stakeholders, including—

''(A) the Federal Highway Administration;

''(B) the National Highway Traffic Safety Administration; and

''(C) the American Association of State Highway and Transportation Officials.

''(4) SUBMISSION.—Not later than February 1, 2009, the report shall be submitted to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

''(g) LIMITATION OF REMEDIES.—

''(1) SAME REMEDY AS IF UNITED STATES.—The remedy against the United States provided by sections 1346(b) and 2672 of title 28 for injury, loss of property, personal injury, or death shall apply to any claim against the National Academy of Sciences for money damages for injury, loss of property, personal injury, or death caused by any negligent or wrongful act or omission by employees and individuals described in paragraph (3) arising from activities conducted under or in connection with this section. Any such claim shall be subject to the limitations and exceptions which would be applicable to such claim if such claim were against the United States. With respect to any such claim, the Secretary shall be treated as the head of the appropriate Federal agency for purposes of sections 2672 and 2675 of title 28.

''(2) EXCLUSIVENESS OF REMEDY.—The remedy referred to in paragraph (1) shall be exclusive of any other civil action or proceeding for the purpose of determining liability arising from any such act or omission without regard to when the act or omission occurred.

''(3) TREATMENT.—Employees of the National Academy of Sciences and other individuals appointed by the president of the National Academy of Sciences and acting on its behalf in connection with activities carried out under this section shall be treated as if they are employees of the Federal Government under section 2671 of title 28 for purposes of a civil action or proceeding with respect to a claim described in paragraph (1). The civil action or proceeding

shall proceed in the same manner as any proceeding under chapter 171 of title 28 or action against the United States filed pursuant to section 1346(b) of title 28 and shall be subject to the limitations and exceptions applicable to such a proceeding or action.

''(4) SOURCES OF PAYMENTS.—Payment of any award, compromise, or settlement of a civil action or proceeding with respect to a claim described in paragraph (1) shall be paid first out of insurance maintained by the National Academy of Sciences, second from funds made available to carry out this section, and then from sums made available under section 1304 of title 31. For purposes of such section, such an award, compromise, or settlement shall be deemed to be a judgment, award, or settlement payable under section 2414 or 2672 of title 28. The Secretary may establish a reserve of funds made available to carry out this section for making payments under this paragraph.

''(h) FUNDING.—

''(1) FEDERAL SHARE.—The Federal share of the cost of an activity carried out using amounts made available under a grant or cooperative agreement under this section shall be 100 percent, and such funds shall remain available until expended.

''(2) ADVANCE PAYMENTS.—The Secretary may make advance payments as necessary to carry out the program under this section.''.

(b) CONFORMING AMENDMENT.—The analysis for such chapter is further amended by adding at the end the following:

''510. Future strategic highway research program.''.

(c) FUNDING.—Of the amounts made available by section 5101(a)(1) of this Act, $17,000,000 for fiscal year 2004, $60,000,000 for fiscal year 2005, and $63,000,000 for each of fiscal years 2006 through 2009, shall be available to carry out section 510 of title 23, United States Code.

SEC. 5210. TRANSPORTATION SAFETY INFORMATION MANAGEMENT SYSTEM PROJECT.

(a) IN GENERAL.—The Secretary shall fund and carry out a project to further the development of a comprehensive transportation safety information management system (in this section referred to as ''TSIMS'').

(b) PURPOSES.—The purpose of the TSIMS project is to further the development of a software application to provide for the collection, integration, management, and dissemination of safety data from and for use among State and local safety and transportation agencies, including driver licensing, vehicle registration, emergency management system, injury surveillance, roadway inventory, and motor carrier databases.

(c) FUNDING.—

(1) FEDERAL CONTRIBUTION.—Of the amounts made available by section 5101(a)(1) of this Act, $1,000,000 for fiscal year 2004 and $3,000,000 for fiscal year 2005 shall be available to carry out the TSIMS project under this section.

(2) STATE CONTRIBUTION.—The sums authorized in paragraph (1) are intended to supplement voluntary contributions to be made by State departments of transportation and other State safety and transportation agencies.

SEC. 5211. SURFACE TRANSPORTATION CONGESTION RELIEF SOLUTIONS RESEARCH INITIATIVE.

(a) ESTABLISHMENT.—During fiscal year 2004, the Secretary, acting through the Federal Highway Administration, shall establish a surface transportation congestion solutions research initiative consisting of 2 independent research programs described in subsections (b)(1) and (b)(2) and designed to develop information to assist State transportation departments and metropolitan planning organizations measure and address surface transportation congestion problems.

(b) SURFACE TRANSPORTATION CONGESTION SOLUTIONS RESEARCH PROGRAM.—

(1) IMPROVED SURFACE TRANSPORTATION CONGESTION MANAGEMENT SYSTEM MEASURES.—The purposes of the first research program established under this section shall be—

(A) to examine the effectiveness of surface transportation congestion management systems since enactment of the Intermodal Surface Transportation Assistance Act of 1991 (Public Law 102–240);

(B) to identify best case examples of locally designed reporting methods and incorporate such methods in research on national models for developing and recommending improved surface transportation congestion measurement and reporting; and

(C) to incorporate such methods in the development of national models and methods to monitor, measure, and report surface transportation congestion information.

(2) ANALYTICAL TECHNIQUES FOR ACTION ON SURFACE TRANSPORTATION CONGESTION.—The purposes of the second research program established under this section shall be—

(A) to analyze the effectiveness of procedures used by State transportation departments and metropolitan planning organizations to assess surface transportation congestion problems and communicate those problems to decisionmakers; and

(B) to identify methods to ensure that the results of surface transportation congestion analyses will lead to the targeting of funding for programs, projects, or services with demonstrated effectiveness in reducing travel delay, congestion, and system unreliability.

(c) TECHNICAL ASSISTANCE AND TRAINING.—In fiscal year 2006, the Secretary, acting through the Federal Highway Administration, shall develop a technical assistance and training program to disseminate the results of the surface transportation congestion solutions research initiative for the purpose of assisting State transportation departments and local transportation agencies with improving their approaches to surface transportation congestion measurement, analysis, and project programming.

(d) FUNDING.—Of the amounts made available by sections 5101(a)(1) of this Act, $4,000,000 for fiscal year 2004 and $11,000,000 for each of fiscal years 2005 through 2009 shall be available to carry out subsections (a) and (b). Of the amounts made available by section 5101(a)(2), $500,000 for fiscal year 2004 and $1,000,000 for each of fiscal years 2005 through 2009 shall be available to carry out subsection (c).

SEC. 5212. MOTOR CARRIER EFFICIENCY STUDY.

(a) IN GENERAL.—The Secretary, in coordination with the motor carrier and wireless technology industry, shall conduct a study to—

(1) identify inefficiencies in the transportation of freight;

(2) evaluate the safety, productivity, and reduced cost improvements that may be achieved through the use of wireless technologies to address the inefficiencies identified in paragraph (1); and

(3) conduct, as appropriate, field tests demonstrating the technologies identified in paragraph (2).

(b) PROGRAM ELEMENTS.—The program shall include, at a minimum, the following:

(1) Fuel monitoring and management systems.

(2) Electronic document imaging.

(3) Border pre-clearance systems.

(4) Radio Frequency Identification technology.

(5) Electronic manifest systems.

(6) Cargo theft prevention.

(c) FEDERAL SHARE.—The Federal share of the cost of the study under this section shall be 100 percent.

(d) ANNUAL REPORT.—The Secretary shall prepare and transmit to Congress an annual report on the programs and activities carried out under this section.

(e) FUNDING.—From funds made available under section 5101(a)(1), the Secretary shall make available $1,000,000 to the Federal Motor Carrier Safety Administration for each of fiscal years 2005 through 2009 to carry out this section.

Subtitle C—University Transportation Research; Scholarship Opportunities

SEC. 5301. NATIONAL UNIVERSITY TRANSPORTATION CENTERS.

(a) IN GENERAL.—Section 5505 of title 49, United States Code, is amended to read as follows:

''§ 5505. National university transportation centers

''(a) IN GENERAL.—

''(1) ESTABLISHMENT AND OPERATION.—The Secretary of Transportation shall make grants under this section to eligible nonprofit institutions of higher learning to establish and operate national university transportation centers.

''(2) ROLE OF CENTERS.—The role of each center shall be to advance significantly transportation research on critical national transportation issues and to expand the workforce of transportation professionals.

''(b) APPLICABILITY OF REQUIREMENTS.—A grant received by an eligible nonprofit institution of higher learning under this section shall be available for the same purposes, and shall be subject to the same terms and conditions, as a grant made to a nonprofit institution of higher learning under section 5506.

''(c) ELIGIBLE NONPROFIT INSTITUTION OF HIGHER LEARNING DEFINED.—In this section, the term 'eligible nonprofit institution of higher learning' means each of the lead institutions identified in subsections (j)(4)(A), (j)(4)(B), and (j)(4)(F) of section 5505 as in effect on the day before the date of enactment of the Transportation Equity Act: A Legacy for Users, the university referred to in section 704 of Public Law 103–206 (107 Stat. 2447), and the university that, as of the day before such date of enactment, is the lead institution for the regional university transportation center for region 5 of the Standard Federal Regional Boundary System.

''(d) GRANTS.—In each of fiscal years 2004 through 2009, the Secretary shall make a grant under this section to each eligible nonprofit institution of higher learning in an amount not to exceed $3,500,000.''.

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 55 of such title is amended by striking the item relating to section 5505 and inserting the following:

''5505. National university transportation centers.''.

SEC. 5302. UNIVERSITY TRANSPORTATION RESEARCH.

(a) IN GENERAL.—Section 5506 of title 49, United States Code, is amended to read as follows:

''§ 5506. University transportation research

''(a) IN GENERAL.—The Secretary of Transportation shall make grants under this section to nonprofit institutions of higher learning to establish and operate university transportation centers.

''(b) OBJECTIVES.—Grants received under this section shall be used by nonprofit institutions of higher learning to advance significantly the state-of-the-art in transportation research and expand the workforce of transportation professionals through the following programs and activities:

''(1) RESEARCH.—Basic and applied research, the products of which are judged by peers or other experts in the field of transportation to advance the body of knowledge in transportation.

''(2) EDUCATION.—An education program relating to transportation that includes multidisciplinary course work and participation in research.

''(3) TECHNOLOGY TRANSFER.—An ongoing program of technology transfer that makes transportation research results available to potential users in a form that can be implemented, utilized, or otherwise applied.

''(c) REGIONAL, TIER I, AND TIER II CENTERS.—

''(1) IN GENERAL.—For each of fiscal years 2004 through 2009, the Secretary shall make

grants under subsection (a) to nonprofit institutions of higher learning to establish and operate—

''(A) 10 regional university transportation centers; and

''(B) 10 Tier I university transportation centers.

''(2) TIER II CENTERS.—For each of fiscal years 2005 through 2009, the Secretary shall make grants under subsection (a) to nonprofit institutions of higher learning to establish and operate 10 Tier II university transportation centers.

''(3) LOCATION OF REGIONAL CENTERS.—One regional university transportation center shall be located in each of the 10 United States Government regions that comprise the Standard Federal Regional Boundary System.

''(4) LIMITATION.—A nonprofit institution of higher learning may not directly receive a grant under this section for a fiscal year for more than one university transportation center.

''(d) COMPETITIVE SELECTION PROCESS.—

''(1) APPLICATIONS.—In order to be eligible to receive a grant under this section, a nonprofit institution of higher learning shall submit to the Secretary an application that is in such form and contains such information as the Secretary may require.

''(2) GENERAL SELECTION CRITERIA.—Except as otherwise provided by this section, the Secretary shall select each recipient of a grant under this section through a competitive process on the basis of the following:

''(A) The demonstrated research and extension resources available to the recipient to carry out this section.

''(B) The capability of the recipient to provide leadership in making national and regional contributions to the solution of immediate and long-range transportation problems.

''(C) The recipient's demonstrated commitment of at least $400,000 each year in regularly budgeted institutional amounts to support ongoing transportation research and education programs.

''(D) The recipient's demonstrated ability to disseminate results of transportation research and education programs through a statewide or regionwide continuing education program.

''(E) The strategic plan the recipient proposes to carry out under the grant.

''(e) REGIONAL UNIVERSITY TRANSPORTATION CENTERS.—

''(1) COMPETITION.—Not later than March 31, 2005, and not later than March 31st of every 4th year thereafter, the Secretary shall complete a competition among nonprofit institutions of higher learning for grants to establish and operate the 10 regional university transportation centers referred to in subsection (c)(1)(A).

''(2) SELECTION CRITERIA.—In conducting a competition under paragraph (1), the Secretary shall select a nonprofit institution of higher learning on the basis of—

''(A) the criteria described in subsection (d)(2);

''(B) the location of the center within the Federal region to be served; and

''(C) whether or not the institution (or, in the case of a consortium of institutions, the lead institution) can demonstrate that it has a well-established, nationally recognized program in transportation research and education, as evidenced by—

''(i) not less than $2,000,000 in highway or public transportation research expenditures each year for each of the preceding 5 years;

''(ii) not less than 10 graduate degrees awarded in professional fields closely related to highways and public transportation for year for each of the preceding 5 years;

''(iii) not less than 5 tenured or tenure-track faculty members who specialize on a full-time basis in professional fields closely related to highways and public transportation; and

''(iv) a faculty that has published a total of at least 50 refereed journal publications on highway or public transportation research during the preceding 5 years.

''(3) GRANT RECIPIENTS.—After selecting a nonprofit institution of higher learning as a grant recipient on the basis of a competition conducted under this subsection, the Secretary shall make a grant to the recipient to establish and operate a regional university transportation center in each of the first 4 fiscal years beginning after the date of the competition.

''(4) SPECIAL RULE FOR FISCAL YEARS 2004 AND 2005.—For each of fiscal years 2004 and 2005, the Secretary shall make a grant under this section to each of the 10 nonprofit institutions of higher learning that were competitively selected for grants by the Secretary under this section in July 1999 to operate regional university transportation centers.

''(5) AMOUNT OF GRANTS.—For each of fiscal years 2004 through 2009, a grant made by the Secretary to a nonprofit institution of higher learning for a fiscal year to establish and operate a regional university transportation center shall not exceed $3,500,000.

''(f) TIER I UNIVERSITY TRANSPORTATION CENTERS.—

''(1) COMPETITION.—Not later than March 31, 2006, and not later than March 31st of every 4th year thereafter, the Secretary shall complete a competition among nonprofit institutions of higher learning for grants to establish and operate the 10 Tier I university transportation centers referred to in subsection (c)(1)(B).

''(2) SELECTION CRITERIA.—In conducting a competition under paragraph (1), the Secretary shall select a nonprofit institution of higher learning on the basis of—

''(A) the criteria described in subsection (d)(2); and

''(B) whether or not the institution (or, in the case of a consortium of institutions, the lead institution) can demonstrate that it has an established, recognized program in transportation research and education, as evidenced by—

''(i) not less than $1,000,000 in highway or public transportation research expenditures each year for each of the preceding 5 years or not less than $6,000,000 in such expenditures during the 5 preceding years;

''(ii) not less than 5 graduate degrees awarded in professional fields closely related to highways and public transportation each year for each of the preceding 5 years;

''(iii) not less than 3 tenured or tenure-track faculty members who specialize on a full-time basis in professional fields closely related to highways and public transportation; and

''(iv) a faculty that has published a total of at least 20 refereed journal publications on highway or public transportation research during the preceding 5 years.

''(3) GRANT RECIPIENTS.—After selecting a nonprofit institution of higher learning as a grant recipient on the basis of a competition conducted under this subsection, the Secretary shall make a grant to the recipient to establish and operate a Tier I university transportation center in each of the first 4 fiscal years beginning after the date of the competition.

''(4) SPECIAL RULE FOR FISCAL YEARS 2004, 2005, AND 2006.—For each of fiscal years 2004, 2005, and 2006, the Secretary shall make a grant under this section to each of the 10 nonprofit institutions of higher learning that were competitively selected for grant awards by the Secretary under this section in May 2002 to operate university transportation centers (other than regional centers).

''(5) AMOUNT OF GRANTS.—A grant made by the Secretary to a nonprofit institution of higher learning for a fiscal year to establish and operate a Tier I university transportation center shall not exceed $1,000,000 for fiscal year 2004 and $1,500,000 for each of fiscal years 2005 through 2009.

''(g) TIER II UNIVERSITY TRANSPORTATION CENTERS.—

''(1) COMPETITION.—Not later than August 31, 2004, not later than March 31, 2008, and not later than March 31st of every 4th year thereafter, the Secretary shall complete a competition among nonprofit institutions of higher learning for grants to establish and operate the 10 Tier II university transportation centers referred to in subsection (c)(2).

''(2) SELECTION CRITERIA.—In conducting a competition under paragraph (1), the Secretary shall select a nonprofit institution of higher learning on the basis of the criteria described in subsection (f)(2).

''(3) GRANT RECIPIENTS.—After selecting a nonprofit institution of higher learning as a grant recipient on the basis of a competition conducted under this subsection, the Secretary shall—

''(A) in the case of the competition to be completed not later than August 31, 2004, make a grant to the recipient to establish and operate a Tier II university transportation center in each of fiscal years 2005 through 2008; and

''(B) in the case of each subsequent competition, make a grant to the recipient to establish and operate a Tier II university transportation center in each of the first 4 fiscal years beginning after the date of the competition.

''(4) AMOUNT OF GRANTS.—For each of fiscal years 2005 through 2009, a grant made by the Secretary to a nonprofit institution of higher learning for a fiscal year to establish and operate a Tier II university transportation center shall not exceed $1,000,000.

''(h) SUPPORT OF NATIONAL STRATEGY FOR SURFACE TRANSPORTATION RESEARCH.—In order to be eligible to receive a grant under this section, a nonprofit institution of higher learning shall provide assurances satisfactory to the Secretary that the research and education activities of its university transportation center will support the national strategy for surface transportation research, as identified by—

''(1) the report of the National Highway Research and Technology Partnership entitled 'Highway Research and Technology: The Need for Greater Investment', dated April 2002; and

''(2) the programs of the National Research and Technology Program of the Federal Transit Administration.

''(i) MAINTENANCE OF EFFORT.—In order to be eligible to receive a grant under this section, a nonprofit institution of higher learning shall enter into an agreement with the Secretary to ensure that the institution will maintain total expenditures from all other sources to establish and operate a university transportation center and related research activities at a level at least equal to the average level of such expenditures in its 2 fiscal years prior to award of a grant under this section.

''(j) FEDERAL SHARE.—The Federal share of the costs of activities carried out using a grant made under this section shall be 50 percent of such costs. The non-Federal share may include funds provided to a recipient under section 503, 504(b), or 505 of title 23.

''(k) PROGRAM COORDINATION.—

''(1) COORDINATION.—The Secretary shall coordinate the research, education, and technology transfer activities that grant recipients carry out under this section, disseminate the results of the research, and establish and operate a clearinghouse to disseminate the results of the research.

''(2) ANNUAL REVIEW AND EVALUATION.—At least annually, and consistent with the plan developed under section 508 of title 23, the Secretary shall review and evaluate programs of grant recipients.

''(3) MANAGEMENT AND OVERSIGHT.—The Secretary shall expend $1,500,000 for each of fiscal years 2005 through 2009 from amounts made available to carry out this section to carry out management and oversight of the centers receiving assistance under this section.

''(l) PROGRAM ADMINISTRATION.—The Secretary shall carry out this section acting through the Administrator of the Research and Special Programs Administration.

''(m) LIMITATION ON AVAILABILITY OF FUNDS.—Funds made available to carry out this section shall remain available for obligation by

the Secretary for a period of 2 years after the last day of the fiscal year for which such funds are authorized.''.

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 55 of such title is amended by striking the item relating to section 5506 and inserting the following:

''5506. University transportation research.''.

SEC. 5303. TRANSPORTATION SCHOLARSHIP OPPORTUNITIES PROGRAM.

(a) IN GENERAL.—

(1) ESTABLISHMENT OF PROGRAM.—The Secretary may establish and implement a scholarship program for the purpose of attracting qualified students for transportation-related critical jobs.

(2) PARTNERSHIP.—The Secretary may establish the program in partnership with appropriate nongovernmental institutions.

(b) PARTICIPATION AND FUNDING.—An operating administration of the Department of Transportation and the Office of Inspector General may participate in the scholarship program. Notwithstanding any other provision of law, the Secretary may use funds available to an operating administration or from the Office of Inspector General of the Department of Transportation for the purpose of carrying out this section.

Subtitle D—Advanced Technologies

SEC. 5401. ADVANCED HEAVY-DUTY VEHICLE TECHNOLOGIES RESEARCH PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 55 of title 49, United States Code, is amended by adding at the end the following:

''§5507. Advanced heavy-duty vehicle technologies research program

''(a) IN GENERAL.—The Secretary of Transportation shall conduct research, development, demonstration, and testing to integrate emerging advanced heavy-duty vehicle technologies in order to provide seamless, safe, secure, and efficient transportation and to benefit the environment.

''(b) CONSULTATION.—To ensure the activities performed pursuant to this section achieve the maximum benefit, the Secretary of Transportation shall consult with the Secretary of Energy, the Administrator of the Environmental Protection Agency, and other relevant Federal agencies on research, development, and demonstration activities authorized under this section related to advanced heavy-duty vehicle technologies.

''(c) GRANTS, COOPERATIVE AGREEMENTS, AND OTHER TRANSACTIONS.—The Secretary may make grants to, and enter into cooperative agreements and other transactions with, Federal and other public agencies (including State and local governments) and persons to carry out subsection (a).

''(d) COST SHARING.—At least 50 percent of the funding for projects carried out under this section must be provided by non-Federal sources.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out subsection (a) $1,000,000 for fiscal year 2004 and $3,000,000 for each of fiscal years 2005 through 2009.

''(f) CONTRACT AUTHORITY.—The funds authorized to be appropriated by subsection (e) shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23 and shall be subject to any limitation on obligations imposed on funds made available to carry out title V of the Transportation Equity Act: A Legacy for Users.''.

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 55 of such title is amended by adding at the end the following:

''5507. Advanced heavy-duty vehicle technologies research program.''.

SEC. 5402. COMMERCIAL REMOTE SENSING PRODUCTS AND SPATIAL INFORMATION TECHNOLOGIES.

(a) IN GENERAL.—The Secretary shall establish and carry out a program to validate commercial remote sensing products and spatial information technologies for application to national transportation infrastructure development and construction.

(b) PROGRAM.—

(1) NATIONAL POLICY.—The Secretary shall establish and maintain a national policy for the use of commercial remote sensing products and spatial information technologies in national transportation infrastructure development and construction.

(2) POLICY IMPLEMENTATION.—The Secretary shall develop new applications of commercial remote sensing products and spatial information technologies for the implementation of the national policy established and maintained under paragraph (1).

(c) COOPERATION.—The Secretary shall carry out this section in cooperation with the commercial remote sensing program of the National Aeronautics and Space Administration and a consortium of university research centers.

(d) FUNDING.—Of the amounts made available by section 5101(a)(1) of this Act, $3,000,000 for fiscal year 2004 and $9,000,000 for each of fiscal years 2005 through 2009 shall be available to carry out this section.

Subtitle E—Transportation Data and Analysis

SEC. 5501. BUREAU OF TRANSPORTATION STATISTICS.

Section 111 of title 49, United States Code, is amended by striking subsections (b) through (k) and inserting the following:

''(b) DIRECTOR.—

''(1) IN GENERAL.—The Bureau shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) APPOINTMENT.—The Director shall be appointed from among individuals who are qualified to serve as the Director by virtue of their training and experience in the collection, analysis and use of transportation data.

''(3) REPORTING TO SECRETARY.—The Director shall report directly to the Secretary of Transportation.

''(4) TERM.—The term of the Director shall be 4 years. The Director may continue to serve after the expiration of the term until a successor is appointed and confirmed.

''(c) RESPONSIBILITIES.—The Director of the Bureau shall serve as the Secretary's senior advisor on data and statistics and be responsible for carrying out the following duties:

''(1) Collecting, analyzing, and disseminating data concerning the domestic and international movement of freight.

''(2) Collecting, analyzing, and disseminating data concerning travel patterns for local and long-distance travel, at the local, State, national, and international levels.

''(3) Developing, analyzing, and disseminating information on the economics of transportation.

''(4) Building and disseminating the transportation layer of the National Spatial Data Infrastructure, including coordinating the development of transportation geospatial data standards, compiling intermodal geospatial data, and collecting geospatial data that is not being collected by others.

''(5) Developing, publishing, and disseminating a comprehensive set of measures of investment, use, costs, performance, and impacts of the national transportation system, including publishing an annual transportation statistics abstract.

''(6) Identifying information needs of the Department and reviewing such needs at least annually with the Advisory Council on Transportation Statistics of the Bureau.

''(7) Conducting or supporting research relating to methods of gathering or analyzing transportation statistics and issuing guidelines for the collection of information by the Department in order to ensure that such information is accurate, relevant, comparable, accessible, and in a form that permits systematic analysis.

''(d) COORDINATING COLLECTION OF INFORMATION.—The Director shall work with the operating administrations of the Department to establish and implement the Bureau's data programs and to improve the coordination of information collection efforts with other Federal agencies.

''(e) SUPPORTING TRANSPORTATION DECISIONMAKING.—The Director shall ensure that the statistics compiled under this section are relevant for transportation policy, planning, and decisionmaking by the Federal Government, State and local governments, transportation-related associations, private businesses, and the public. The Director shall provide to the Department's other operating administrations technical assistance on collecting, compiling, analyzing, and verifying transportation data and statistics and the design of surveys.

''(f) NATIONAL TRANSPORTATION LIBRARY.—

''(1) IN GENERAL.—The Director shall establish and maintain a National Transportation Library. The Library shall contain a collection of statistical and other information needed for transportation decisionmaking at the Federal, State, and local levels.

''(2) ACCESS.—The Director shall facilitate and promote access to the Library, with the goal of improving the ability of the transportation community to share information and the ability of the Director to disseminate information under subsection (c).

''(3) COORDINATION.—The Director shall work with other transportation libraries and other transportation information providers, both public and private, to achieve the goal specified in paragraph (2).

''(4) TRANSPORTATION RESEARCH INFORMATION SERVICE.—The Director shall provide the full financial support for the web-based version of the Transportation Research Information Service.

''(g) RESEARCH AND DEVELOPMENT GRANTS.—

''(1) IN GENERAL.—The Secretary may make grants to, or enter into cooperative agreements or contracts with, public and nonprofit private entities (including State transportation departments, metropolitan planning organizations, and institutions of higher education) if each of the grants, agreements, and contracts—

''(A) provide for an alternative means of accomplishing program-related research of the Department;

''(B) contribute to research and development of new methods of transportation data collection; or

''(C) improve the methods for sharing geographic transportation data.

''(2) FUNDING LIMIT.—Not more than $500,000 of the amounts made available to carry out this section in a fiscal year may be used for research and development grants under this subsection.

''(h) TRANSPORTATION STATISTICS ANNUAL REPORT.—By March 31 of each year, the Director shall transmit to the President and Congress a report that includes information on the subjects described in subsection (c), documentation of the methods used to obtain the information and ensure the quality of the statistics presented in the report, and recommendations for improving transportation statistical information.

''(i) PROCEEDS OF DATA PRODUCT SALES.—Notwithstanding section 3302 of title 31, funds received by the Bureau from the sale of data products, for necessary expenses incurred, may be credited to the Highway Trust Fund (other than the Mass Transit Account) for the purpose of reimbursing the Bureau for the expenses.

''(j) LIMITATIONS ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to—

''(1) authorize the Bureau to require any other department or agency to collect data; or

''(2) reduce the authority of any other officer of the Department of Transportation to collect and disseminate data independently.

''(k) MANDATORY RESPONSE AUTHORITY FOR FREIGHT DATA COLLECTION.—Whoever, being the owner, official, agent, person in charge, or

assistant to the person in charge of any corporation, company, business, institution, establishment, or organization of any nature whatsoever, neglects or refuses, when requested by the Director or other authorized officer, employee, or contractor of the Bureau, to answer completely and correctly to the best of his or her knowledge all questions relating to the corporation, company, business, institution, establishment, or other organization, or to make available records or statistics in his or her official custody, contained in a data collection request prepared and submitted under the authority of subsection (c)(1), shall be fined not more than $500; but if he or she willfully gives a false answer to such a question, he or she shall be fined not more than $10,000.

''(l) PROHIBITION ON CERTAIN DISCLOSURES.—

''(1) IN GENERAL.—An officer, employee or contractor of the Bureau may not—

''(A) make any disclosure in which the data provided by an individual or organization under subsection (c) can be identified;

''(B) use the information provided under subsection (c) for a nonstatistical purpose; or

''(C) permit anyone other than an individual authorized by the Director to examine any individual report provided under subsection (c).

''(2) COPIES OF REPORTS.—

''(A) IN GENERAL.—No department, bureau, agency, officer, or employee of the United States (except the Director in carrying out this section) may require, for any reason, a copy of any report that has been filed under subsection (c) with the Bureau or retained by an individual respondent.

''(B) LIMITATION ON JUDICIAL PROCEEDINGS.—A copy of a report described in subparagraph (A) that has been retained by an individual respondent or filed with the Bureau or any of its employees, contractors, or agents—

''(i) shall be immune from legal process; and

''(ii) shall not, without the consent of the individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.

''(C) APPLICABILITY.—This paragraph shall apply only to reports that permit information concerning an individual or organization to be reasonably determined by direct or indirect means.

''(3) INFORMING RESPONDENT OF USE OF DATA.—In a case in which the Bureau is authorized by statute to collect data or information for a nonstatistical purpose, the Director shall clearly distinguish the collection of the data or information, by rule and on the collection instrument, so as to inform a respondent that is requested or required to supply the data or information of the nonstatistical purpose.

''(m) DATA ACCESS.—The Director shall have access to transportation and transportation-related information in the possession of any Federal agency except information—

''(1) the disclosure of which to another Federal agency is expressly prohibited by law; or

''(2) the disclosure of which the agency so requested determines would significantly impair the discharge of authorities and responsibilities which have been delegated to, or vested by law, in such agency.

''(n) ADVISORY COUNCIL ON TRANSPORTATION STATISTICS.—

''(1) ESTABLISHMENT.—There is established in the Bureau an Advisory Council on Transportation Statistics.

''(2) FUNCTION.—It shall be the function of the Advisory Council to advise the Director of the Bureau on transportation statistics and analyses, including whether or not the statistics and analysis disseminated by the Bureau are of high quality and are based upon the best available objective information.

''(3) MEMBERSHIP.—The Advisory Council shall be composed of not more than 6 members appointed by the Director who are not officers or employees of the United States. Each member shall have expertise in transportation data collection or analysis or application; except that 1 member shall have expertise in economics, 1 member shall have expertise in statistics, and 1 member shall have expertise in transportation safety. At least 1 member shall be a senior official of a State department of transportation.

''(4) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 App. U.S.C.) shall apply to the advisory council established under this section, except that section 14 of such Act shall not apply to the Advisory Council.''.

Subtitle F—Intelligent Transportation Systems Research

SEC. 5601. SHORT TITLE.

This subtitle may be cited as the ''Intelligent Transportation Systems Act of 2004''.

SEC. 5602. GOALS AND PURPOSES.

(a) GOALS.—The goals of the intelligent transportation system program include—

(1) enhancement of surface transportation efficiency and facilitation of intermodalism and international trade to enable existing facilities to meet a significant portion of future transportation needs, including public access to employment, goods, and services and to reduce regulatory, financial, and other transaction costs to public agencies and system users;

(2) achievement of national transportation safety goals, including the enhancement of safe operation of motor vehicles and nonmotorized vehicles as well as improved emergency response to a crash, with particular emphasis on decreasing the number and severity of collisions;

(3) protection and enhancement of the natural environment and communities affected by surface transportation, with particular emphasis on assisting State and local governments to achieve national environmental goals;

(4) accommodation of the needs of all users of surface transportation systems, including operators of commercial motor vehicles, passenger motor vehicles, motorcycles, and bicycles and pedestrians, including individuals with disabilities; and

(5) improvement of the Nation's ability to respond to security-related or other manmade emergencies and natural disasters and enhancement of national defense mobility.

(b) PURPOSES.—The Secretary shall implement activities under the intelligent system transportation program to, at a minimum—

(1) expedite, in both metropolitan and rural areas, deployment and integration of intelligent transportation systems for consumers of passenger and freight transportation;

(2) ensure that Federal, State, and local transportation officials have adequate knowledge of intelligent transportation systems for full consideration in the transportation planning process;

(3) improve regional cooperation and operations planning for effective intelligent transportation system deployment;

(4) promote the innovative use of private resources;

(5) facilitate, in cooperation with the motor vehicle industry, the introduction of a vehicle-based safety enhancing systems;

(6) support the application of intelligent transportation systems that increase the safety and efficiency of commercial motor vehicle operations;

(7) develop a workforce capable of developing, operating, and maintaining intelligent transportation systems; and

(8) provide continuing support for operations and maintenance of intelligent transportation systems.

SEC. 5603. GENERAL AUTHORITIES AND REQUIREMENTS.

(a) SCOPE.—Subject to the provisions of this subtitle, the Secretary shall conduct an ongoing intelligent transportation system program to research, develop, and operationally test intelligent transportation systems and advance nationwide deployment of such systems as a component of the surface transportation systems of the United States.

(b) POLICY.—Intelligent transportation system research projects and operational tests funded pursuant to this subtitle shall encourage and not displace public-private partnerships or private sector investment in such tests and projects.

(c) COOPERATION WITH GOVERNMENTAL, PRIVATE, AND EDUCATIONAL ENTITIES.—The Secretary shall carry out the intelligent transportation system program in cooperation with State and local governments and other public entities, the private sector of the United States, the Federal laboratories, and colleges and universities, including historically Black colleges and universities and other minority institutions of higher education.

(d) CONSULTATION WITH FEDERAL OFFICIALS.—In carrying out the intelligent transportation system program, the Secretary shall consult with the heads of other Federal departments and agencies, as appropriate.

(e) TECHNICAL ASSISTANCE, TRAINING, AND INFORMATION.—The Secretary may provide technical assistance, training, and information to State and local governments seeking to implement, operate, maintain, or evaluate intelligent transportation system technologies and services.

(f) TRANSPORTATION PLANNING.—The Secretary may provide funding to support adequate consideration of transportation systems management and operations, including intelligent transportation systems, within metropolitan and statewide transportation planning processes.

(g) INFORMATION CLEARINGHOUSE.—

(1) IN GENERAL.—The Secretary shall—

(A) maintain a repository for technical and safety data collected as a result of federally sponsored projects carried out under this subtitle (including the amendments made by this subtitle); and

(B) make, on request, that information (except for proprietary information and data) readily available to all users of the repository at an appropriate cost.

(2) AGREEMENT.—

(A) IN GENERAL.—The Secretary may enter into an agreement with a third party for the maintenance of the repository for technical and safety data under paragraph (1)(A).

(B) FEDERAL FINANCIAL ASSISTANCE.—If the Secretary enters into an agreement with an entity for the maintenance of the repository, the entity shall be eligible for Federal financial assistance under this section.

(3) AVAILABILITY OF INFORMATION.—Information in the repository shall not be subject to section 555 of title 5, United States Code.

(h) ADVISORY COMMITTEES.—In carrying out this subtitle, the Secretary may use one or more advisory committees that are subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(i) REPORTING.—

(1) GUIDELINES AND REQUIREMENTS.—

(A) IN GENERAL.—The Secretary shall issue guidelines and requirements for the reporting and evaluation of operational tests and deployment projects carried out under this subtitle.

(B) OBJECTIVITY AND INDEPENDENCE.—The guidelines and requirements issued under subparagraph (A) shall include provisions to ensure the objectivity and independence of the reporting entity so as to avoid any real or apparent conflict of interest or potential influence on the outcome by parties to any such test or deployment project or by any other formal evaluation carried out under this subtitle.

(C) FUNDING.—The guidelines and requirements issued under subparagraph (A) shall establish reporting funding levels based on the size and scope of each test or project that ensure adequate reporting of the results of the test or project.

(2) SPECIAL RULE.—Any survey, questionnaire, or interview that the Secretary considers necessary to carry out the reporting of any test, deployment project, or program assessment activity under this subtitle shall not be subject to chapter 35 of title 44.

SEC. 5604. NATIONAL ARCHITECTURE AND STANDARDS.

(a) IN GENERAL.—

(1) DEVELOPMENT, IMPLEMENTATION, AND MAINTENANCE.—Consistent with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note; 110 Stat. 783), the Secretary shall develop, implement, and maintain a national architecture and supporting standards and protocols to promote the widespread use and evaluation of intelligent transportation system technology as a component of the surface transportation systems of the United States.

(2) INTEROPERABILITY AND EFFICIENCY.—To the maximum extent practicable, the national architecture shall promote interoperability among, and efficiency of, intelligent transportation system technologies implemented throughout the United States.

(3) USE OF STANDARDS DEVELOPMENT ORGANIZATIONS.—In carrying out this section, the Secretary shall use the services of such standards development organizations as the Secretary determines to be appropriate.

(4) USE OF EXPERT PANEL.—

(A) DESIGNATION.—The Secretary shall designate a panel of experts to recommend ways to expedite and streamline the process for developing the standards and protocols to be developed pursuant to paragraph (1).

(B) NONAPPLICABILITY OF ADVISORY COMMITTEE ACT.—The expert panel shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(C) DEADLINE FOR RECOMMENDATION.—No later than September 30, 2005, the expert panel shall provide the Secretary with a recommendation relating to such standards development.

(b) PROVISIONAL STANDARDS.—

(1) IN GENERAL.—If the Secretary finds that the development or balloting of an intelligent transportation system standard jeopardizes the timely achievement of the objectives identified in subsection (a), the Secretary may establish a provisional standard, after consultation with affected parties, using, to the extent practicable, the work product of appropriate standards development organizations.

(2) PERIOD OF EFFECTIVENESS.—A provisional standard established under paragraph (1) shall be published in the Federal Register and remain in effect until the appropriate standards development organization adopts and publishes a standard.

(c) CONFORMITY WITH NATIONAL ARCHITECTURE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Secretary shall ensure that intelligent transportation system projects carried out using funds made available from the Highway Trust Fund, including funds made available under this subtitle to deploy intelligent transportation system technologies, conform to the national architecture, applicable standards or provisional standards, and protocols developed under subsection (a).

(2) SECRETARY'S DISCRETION.—The Secretary may authorize exceptions to paragraph (1) for—

(A) projects designed to achieve specific research objectives outlined in the national intelligent transportation system program plan or the surface transportation research and development strategic plan developed under section 508 of title 23, United States Code; or

(B) the upgrade or expansion of an intelligent transportation system in existence on the date of enactment of this Act if the Secretary determines that the upgrade or expansion—

(i) would not adversely affect the goals or purposes of this subtitle;

(ii) is carried out before the end of the useful life of such system; and

(iii) is cost-effective as compared to alternatives that would meet the conformity requirement of paragraph (1).

(3) EXCEPTIONS.—Paragraph (1) shall not apply to funds used for operation or maintenance of an intelligent transportation system in existence on the date of enactment of this Act.

SEC. 5605. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary shall carry out a comprehensive program of intelligent transportation system research, development, and operational tests of intelligent vehicles and intelligent infrastructure systems and other similar activities that are necessary to carry out this subtitle.

(b) PRIORITY AREAS.—Under the program, the Secretary shall give higher priority to funding projects that—

(1) enhance mobility and productivity through improved traffic management, incident management, transit management, freight management, road weather management, toll collection, traveler information, or highway operations systems and remote sensing products;

(2) enhance safety through improved crash avoidance and protection, crash and other notification, commercial motor vehicle operations, and infrastructure-based or cooperative safety systems; and

(3) facilitate the integration of intelligent infrastructure, vehicle, and control technologies.

(c) FEDERAL SHARE.—The Federal share of the cost of operational tests and demonstrations under subsection (a) shall not exceed 80 percent.

SEC. 5606. INFRASTRUCTURE DEVELOPMENT.

Funds made available to carry out this subtitle for operational tests—

(1) shall be used primarily for the development of intelligent transportation system infrastructure; and

(2) to the maximum extent practicable, shall not be used for the construction of physical highway and public transportation infrastructure unless the construction is incidental and critically necessary to the implementation of an intelligent transportation system project.

SEC. 5607. DEFINITIONS.

In this subtitle, the following definitions apply:

(1) INCIDENT.—The term ''incident'' means a crash, a natural disaster, workzone activity, special event, or other emergency road user occurrence that adversely affects or impedes the normal flow of traffic.

(2) INTELLIGENT TRANSPORTATION INFRASTRUCTURE.—The term ''intelligent transportation infrastructure'' means fully integrated public sector intelligent transportation system components, as defined by the Secretary.

(3) INTELLIGENT TRANSPORTATION SYSTEM.—The term ''intelligent transportation system'' means electronics, communications, or information processing used singly or in combination to improve the efficiency or safety of a surface transportation system.

(4) NATIONAL ARCHITECTURE.—The term ''national architecture'' means the common framework for interoperability that defines—

(A) the functions associated with intelligent transportation system user services;

(B) the physical entities or subsystems within which the functions reside;

(C) the data interfaces and information flows between physical subsystems; and

(D) the communications requirements associated with the information flows.

(5) PROJECT.—The term ''project'' means a undertaking to research, develop, or operationally test intelligent transportation systems or any other undertaking eligible for assistance under this subtitle.

(6) STANDARD.—The term ''standard'' means a document that—

(A) contains technical specifications or other precise criteria for intelligent transportation systems that are to be used consistently as rules, guidelines, or definitions of characteristics so as to ensure that materials, products, processes, and services are fit for their purposes; and

(B) may support the national architecture and promote—

(i) the widespread use and adoption of intelligent transportation system technology as a component of the surface transportation systems of the United States; and

(ii) interoperability among intelligent transportation system technologies implemented throughout the States.

(7) STATE.—The term ''State'' has the meaning given the term under section 101 of title 23, United States Code.

(8) TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS.—The term ''transportation systems management and operations'' has the meaning given the term under section 101(a) of such title.

SEC. 5608. RURAL INTERSTATE CORRIDOR COMMUNICATIONS STUDY.

(a) STUDY.—The Secretary, in cooperation with the Secretary of Commerce, State departments of transportation, and other appropriate State, regional, and local officials, shall conduct a study on feasibility of installing fiber optic cabling and wireless communication infrastructure along multistate Interstate System route corridors for improved communications services to rural communities along such corridors.

(b) CONTENTS OF STUDY.—In conducting the study, the Secretary shall identify—

(1) impediments to installation of the infrastructure described in subsection (a) along multistate Interstate System route corridors and to connecting such infrastructure to the rural communities along such corridors;

(2) the effective geographic range of such infrastructure;

(3) potential opportunities for the private sector to fund, wholly or partially, the installation of such infrastructure;

(4) potential benefits fiber optic cabling and wireless communication infrastructure may provide to rural communities along such corridors, including the effects of the installation of such infrastructure on economic development, deployment of intelligent transportation systems technologies and applications, homeland security precaution and response, and education and health systems in those communities;

(5) rural broadband access points for such infrastructure;

(6) areas of environmental conflict with such installation;

(7) real estate ownership issues relating to such installation;

(8) preliminary design for placement of fiber optic cable and wireless towers;

(9) monetary value of the rights-of-way necessary for such installation;

(10) applicability and transferability of the benefits of such installation to other rural corridors; and

(11) safety and other operational issues associated with the installation and maintenance of fiber optic cabling and wire infrastructure within Interstate System rights-of-way and other publicly owned rights-of-way.

(c) CORRIDOR LOCATIONS.—The study required under subsection (a) shall be conducted for corridors along—

(1) Interstate Route I–90 through rural Wisconsin, southern Minnesota, northern Iowa, and South Dakota;

(2) Interstate Route I–20 through Alabama, Mississippi, and northern Louisiana;

(3) Interstate Route I–91 through Vermont, New Hampshire, and Massachusetts; and

(4) any other rural corridor the Secretary considers appropriate.

(d) FEDERAL SHARE.—The Federal share of the cost of the study shall be 100 percent.

(e) REPORT TO CONGRESS.—Not later than September 30, 2006, the Secretary shall transmit to Congress a report on the results of the study, including any recommendations of the Secretary.

(f) FUNDING.—Of the amounts made available under section 5101(a)(5), $1,000,000 shall be available for fiscal year 2005, and $2,000,000 for fiscal year 2006, to carry out this section.

SEC. 5609. REPEAL.

Subtitle C of title V of The Transportation Equity Act for the 21st Century (23 U.S.C. 502 note; 112 Stat. 452–463) is repealed.

TITLE VI—TRANSPORTATION PLANNING AND PROJECT DELIVERY

SEC. 6001. TRANSPORTATION PLANNING.

(a) IN GENERAL.—Subtitle III of title 49, United States Code, is amended by inserting after chapter 51 the following:

"CHAPTER 52—TRANSPORTATION PLANNING AND PROJECT DELIVERY

''SUBCHAPTER A—GENERAL PROVISIONS

''Sec.
''5201. Definitions.

''SUBCHAPTER B—TRANSPORTATION PLANNING AND PROJECT DELIVERY

''5211. Policy.
''5212. Definitions.
''5213. Metropolitan transportation planning.
''5214. Statewide transportation planning.

''SUBCHAPTER C—EFFICIENT ENVIRONMENTAL REVIEWS FOR PROJECT DECISIONMAKING

''5251. Definitions and applicability.
''5252. Project development procedures.

''SUBCHAPTER A—GENERAL PROVISIONS

"§ 5201. Definitions

''In this chapter, the following definitions apply:

''(1) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

''(2) STATE.—The term 'State' means a State of the United States, the District of Columbia, and Puerto Rico.

''SUBCHAPTER B—TRANSPORTATION PLANNING AND PROJECT DELIVERY

"§ 5211. Policy

''(a) IN GENERAL.—It is in the national interest to—

''(1) encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and between States and urbanized areas, while minimizing transportation-related fuel consumption and air pollution through metropolitan and statewide transportation planning processes identified in this chapter; and

''(2) encourage the continued improvement and evolution of the metropolitan and statewide transportation planning processes by metropolitan planning organizations, State departments of transportation, and public transit operators as guided by the planning factors identified in sections 5213(f) and 5214(d).

''(b) COMMON TRANSPORTATION PLANNING PROGRAM.—This subchapter provides a common transportation planning program to be administered by the Federal Highway Administration and the Federal Transit Administration.

"§ 5212. Definitions

''(a) APPLICABILITY BY REFERENCE.—Unless otherwise specified in subsection (b), the definitions in section 101(a) of title 23 and section 5302 are applicable to this subchapter.

''(b) ADDITIONAL DEFINITIONS.—In this subchapter, the following definitions apply:

''(1) METROPOLITAN PLANNING AREA.—The term 'metropolitan planning area' means the geographic area determined by agreement between the metropolitan planning organization for the area and the Governor under section 5213(c).

''(2) METROPOLITAN PLANNING ORGANIZATION.—The term 'metropolitan planning organization' means the policy board of an organization created as a result of the designation process in section 5213(b).

''(3) NONMETROPOLITAN AREA.—The term 'nonmetropolitan area' means a geographic area outside designated metropolitan planning areas.

''(4) NONMETROPOLITAN LOCAL OFFICIAL.—The term 'nonmetropolitan local official' means elected and appointed officials of general purpose local government in a nonmetropolitan area with responsibility for transportation.

''(5) TIP.—The term 'TIP' means a transportation improvement program developed by a metropolitan planning organization under section 5213.

''(6) URBANIZED AREA.—The term 'urbanized area' means a geographic area with a population of 50,000 or more, as designated by the Bureau of the Census.

"§ 5213. Metropolitan transportation planning

''(a) GENERAL REQUIREMENTS.—

''(1) DEVELOPMENT OF LONG-RANGE PLANS AND TIPS.—To accomplish the objectives in section 5211, metropolitan planning organizations designated under subsection (b), in cooperation with the State and public transportation operators, shall develop long-range transportation plans and transportation improvement programs for metropolitan planning areas of the State.

''(2) CONTENTS.—The plans and TIPs for each metropolitan area shall provide for the development and integrated management and operation of transportation systems and facilities (including accessible pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the metropolitan planning area and as an integral part of an intermodal transportation system for the State and the United States.

''(3) PROCESS OF DEVELOPMENT.—The process for developing the plans and TIPs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

''(b) DESIGNATION OF METROPOLITAN PLANNING ORGANIZATIONS.—

''(1) IN GENERAL.—To carry out the transportation planning process required by this section, a metropolitan planning organization shall be designated for each urbanized area with a population of more than 50,000 individuals—

''(A) by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the largest incorporated city (based on population) as named by the Bureau of the Census); or

''(B) in accordance with procedures established by applicable State or local law.

''(2) STRUCTURE.—Each metropolitan planning organization that serves an area designated as a transportation management area, when designated or redesignated under this subsection, shall consist of—

''(A) local elected officials;

''(B) officials of public agencies that administer or operate major modes of transportation in the metropolitan area; and

''(C) appropriate State officials.

''(3) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to interfere with the authority, under any State law in effect on December 18, 1991, of a public agency with multimodal transportation responsibilities to—

''(A) develop the plans and TIPs for adoption by a metropolitan planning organization; and

''(B) develop long-range capital plans, coordinate transit services and projects, and carry out other activities pursuant to State law.

''(4) CONTINUING DESIGNATION.—A designation of a metropolitan planning organization under this subsection or any other provision of law shall remain in effect until the metropolitan planning organization is redesignated under paragraph (5).

''(5) REDESIGNATION PROCEDURES.—A metropolitan planning organization may be redesignated by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the existing planning area population (including the largest incorporated city (based on population) as named by the Bureau of the Census) as appropriate to carry out this section.

''(6) DESIGNATION OF MORE THAN 1 METROPOLITAN PLANNING ORGANIZATION.—More than 1 metropolitan planning organization may be designated within an existing metropolitan planning area only if the Governor and the existing metropolitan planning organization determine that the size and complexity of the existing metropolitan planning area make designation of more than 1 metropolitan planning organization for the area appropriate.

''(c) METROPOLITAN PLANNING AREA BOUNDARIES.—

''(1) IN GENERAL.—For the purposes of this section, the boundaries of a metropolitan planning area shall be determined by agreement between the metropolitan planning organization and the Governor.

''(2) INCLUDED AREA.—Each metropolitan planning area—

''(A) shall encompass at least the existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period for the transportation plan; and

''(B) may encompass the entire metropolitan statistical area or consolidated metropolitan statistical area, as defined by the Bureau of the Census.

''(3) IDENTIFICATION OF NEW URBANIZED AREAS WITHIN EXISTING PLANNING AREA BOUNDARIES.—The designation by the Bureau of the Census of new urbanized areas within an existing metropolitan planning area shall not require the redesignation of the existing metropolitan planning organization.

''(4) EXISTING METROPOLITAN PLANNING AREAS IN NONATTAINMENT.—Notwithstanding paragraph (2), in the case of an urbanized area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.) as of the date of enactment of this paragraph, the boundaries of the metropolitan planning area in existence as of such date of enactment shall be retained; except that the boundaries may be adjusted by agreement of the Governor and affected metropolitan planning organizations in the manner described in subsection (b)(5).

''(5) NEW METROPOLITAN PLANNING AREAS IN NONATTAINMENT.—In the case of an urbanized area designated after the date of enactment of this paragraph as a nonattainment area for ozone or carbon monoxide, the boundaries of the metropolitan planning area—

''(A) shall be established in the manner described in subsection (b)(1);

''(B) shall encompass the areas described in paragraph (2)(A);

''(C) may encompass the areas described in paragraph (2)(B); and

''(D) may address any nonattainment area identified under the Clean Air Act for ozone or carbon monoxide.

''(d) COORDINATION IN MULTISTATE AREAS.—

''(1) IN GENERAL.—The Secretary shall encourage each Governor with responsibility for a portion of a multistate metropolitan area and the appropriate metropolitan planning organizations to provide coordinated transportation planning for the entire metropolitan area.

''(2) INTERSTATE COMPACTS.—The consent of Congress is granted to any 2 or more States—

''(A) to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under this section as the activities pertain to interstate areas and localities within the States; and

''(B) to establish such agencies, joint or otherwise, as the States may determine desirable for making the agreements and compacts effective.

''(3) LAKE TAHOE REGION.—

''(A) DEFINITION.—In this paragraph, the term 'Lake Tahoe region' has the meaning given the term 'region' in subdivision (a) of article II of the Tahoe Regional Planning Compact, as set forth in the first section of Public Law 96–551 (94 Stat. 3234).

''(B) TRANSPORTATION PLANNING PROCESS.—The Secretary shall—

''(i) establish with the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region a transportation planning process for the region; and

''(ii) coordinate the transportation planning process with the planning process required of

State and local governments under this section and section 5214.

''(C) INTERSTATE COMPACT.—

''(i) IN GENERAL.—Subject to clause (ii), notwithstanding subsection (b), to carry out the transportation planning process required by this section, the consent of Congress is granted to the States of California and Nevada to designate a metropolitan planning organization for the Lake Tahoe region, by agreement between the Governors of the States of California and Nevada and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities (as defined by the Bureau of the Census)), or in accordance with procedures established by applicable State or local law.

''(ii) INVOLVEMENT OF FEDERAL LAND MANAGEMENT AGENCIES.—

''(I) REPRESENTATION.—The policy board of a metropolitan planning organization designated under clause (i) shall include a representative of each Federal land management agency that has jurisdiction over land in the Lake Tahoe region.

''(II) FUNDING.—In addition to funds made available to the metropolitan planning organization under other provisions of title 23 and under chapter 53, not more than 1 percent of the funds allocated under section 202 of title 23 may be used to carry out the transportation planning process for the Lake Tahoe region under this subparagraph.

''(D) ACTIVITIES.—Highway projects included in transportation plans developed under this paragraph—

''(i) shall be selected for funding in a manner that facilitates the participation of the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region; and

''(ii) may, in accordance with chapter 2 of title 23, be funded using funds allocated under section 202 of title 23.

''(e) MPO CONSULTATION IN PLAN AND TIP COORDINATION.—

''(1) NONATTAINMENT AREAS.—If more than 1 metropolitan planning organization has authority within a metropolitan area or an area which is designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act, each metropolitan planning organization shall consult with the other metropolitan planning organizations designated for such area and the State in the coordination of plans and TIPs required by this section.

''(2) TRANSPORTATION IMPROVEMENTS LOCATED IN MULTIPLE MPOS.—If a transportation improvement funded from the Highway Trust Fund or authorized under chapter 53 is located within the boundaries of more than 1 metropolitan planning area, the metropolitan planning organizations shall coordinate plans and TIPs regarding the transportation improvement.

''(3) RELATIONSHIP WITH OTHER PLANNING OFFICIALS.—The Secretary shall encourage each metropolitan planning organization to consult with those officials responsible for other types of planning activities that are affected by transportation in the area (including State and local planned growth, economic development, environmental protection, airport operations, and freight movements) or to coordinate its planning process, to the maximum extent practicable, with such planning activities. Under the metropolitan planning process, transportation plans and TIPs shall be developed with due consideration of other related planning activities within the metropolitan area, and the process shall provide for the design and delivery of transportation services within the metropolitan area that are provided by—

''(A) recipients of assistance under chapter 53;

''(B) governmental agencies and nonprofit organizations (including representatives of the agencies and organizations) that receive Federal assistance from a source other than the Department of Transportation to provide nonemergency transportation services; and

''(C) recipients of assistance under section 204 of title 23.

''(f) SCOPE OF PLANNING PROCESS.—

''(1) IN GENERAL.—The goals and objectives developed through the metropolitan planning process for a metropolitan planning area under this section shall address the following factors as they relate to the performance of the metropolitan area transportation systems:

''(A) Support of the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency.

''(B) Increases in the safety and security of the transportation system for motorized and nonmotorized users.

''(C) Increases in the accessibility and mobility of people and for freight.

''(D) Protection and enhancement of the environment, promotion of energy conservation, improvement of the quality of life, and promotion of consistency between transportation improvements and State and local planned growth and economic development patterns.

''(E) Enhancement of the integration and connectivity of the transportation system, across and between modes, for people and freight.

''(F) Promotion of efficient system management and operation.

''(G) Emphasis on the preservation of the existing transportation system.

''(2) FAILURE TO CONSIDER FACTORS.—The failure to consider any factor specified in paragraph (1) shall not be reviewable by any court under title 23 or this title, subchapter II of chapter 5 of title 5, or chapter 7 of title 5 in any matter affecting a transportation plan, a TIP, a project or strategy, or the certification of a planning process.

''(g) DEVELOPMENT OF TRANSPORTATION PLAN.—

''(1) IN GENERAL.—Each metropolitan planning organization shall prepare, and update no less frequently than every 4 years, a transportation plan for its metropolitan planning area in accordance with the requirements of this subsection.

''(2) TRANSPORTATION PLAN.—A transportation plan under this section shall be in a form that the Secretary determines to be appropriate and shall contain, at a minimum, the following:

''(A) An identification of transportation facilities (including major roadways, transit, multimodal and intermodal facilities, and intermodal connectors) that should function as an integrated metropolitan transportation system, giving emphasis to those facilities that serve important national and regional transportation functions. In formulating the transportation plan, the metropolitan planning organization shall consider factors described in subsection (f) as such factors relate to a 20-year forecast period.

''(B) A financial plan that demonstrates how the adopted transportation plan can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available. For the purpose of developing the transportation plan, the metropolitan planning organization, transit operator, and State shall cooperatively develop estimates of funds that will be available to support plan implementation.

''(C) Operational and management strategies to improve the performance of existing transportation facilities to relieve vehicular congestion and maximize the safety and mobility of people and goods.

''(D) Capital investment and other strategies to preserve the existing and projected future metropolitan transportation infrastructure and provide for multimodal capacity increases based on regional priorities and needs.

''(E) Proposed transportation and transit enhancement activities.

''(3) COORDINATION WITH CLEAN AIR ACT AGENCIES.—In metropolitan areas which are in nonattainment for ozone or carbon monoxide under the Clean Air Act, the metropolitan planning organization shall coordinate the development of a transportation plan with the process for development of the transportation control measures of the State implementation plan required by the Clean Air Act.

''(4) PARTICIPATION BY INTERESTED PARTIES.—Before approving a transportation plan, each metropolitan planning organization shall provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with a reasonable opportunity to comment on the transportation plan, in a manner that the Secretary deems appropriate.

''(5) PUBLICATION.—A transportation plan involving Federal participation shall be published or otherwise made readily available by the metropolitan planning organization for public review and submitted for information purposes to the Governor at such times and in such manner as the Secretary shall establish.

''(6) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—Notwithstanding paragraph (2)(B), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B).

''(h) METROPOLITAN TIP.—

''(1) DEVELOPMENT.—

''(A) IN GENERAL.—In cooperation with the State and any affected public transportation operator, the metropolitan planning organization designated for a metropolitan area shall develop a TIP for the area for which the organization is designated.

''(B) OPPORTUNITY FOR COMMENT.—In developing the TIP, the metropolitan planning organization, in cooperation with the State and any affected public transportation operator, shall provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of the disabled, representatives of users of pedestrian walkways and bicycle facilities, and other interested parties with a reasonable opportunity to comment on the proposed TIP.

''(C) FUNDING ESTIMATES.—For the purpose of developing the TIP, the metropolitan planning organization, public transportation agency, and State shall cooperatively develop estimates of funds that are reasonably expected to be available to support program implementation.

''(D) UPDATING AND APPROVAL.—The TIP shall be updated at least once every 4 years and shall be approved by the metropolitan planning organization and the Governor.

''(2) CONTENTS.—

''(A) PRIORITY LIST.—The TIP shall include a priority list of proposed federally supported projects and strategies to be carried out within each 4-year period after the initial adoption of the TIP.

''(B) FINANCIAL PLAN.—The TIP shall include a financial plan that—

''(i) demonstrates how the TIP can be implemented;

''(ii) indicates resources from public and private sources that are reasonably expected to be available to carry out the program;

''(iii) identifies innovative financing techniques to finance projects, programs, and strategies; and

''(iv) may include, for illustrative purposes, additional projects that would be included in the approved TIP if reasonable additional resources beyond those identified in the financial plan were available.

''(C) DESCRIPTIONS.—Each project in the TIP shall include sufficient descriptive material (such as type of work, termini, length, and other similar factors) to identify the project or phase of the project.

''(D) CONGESTION RELIEF ACTIVITIES.—The TIP shall include a listing of congestion relief activities to be carried out to meet the requirements of section 139 of title 23, categorized as either under one or under three congestion relief activities.

''(3) INCLUDED PROJECTS.—

''(A) PROJECTS UNDER TITLE 23 AND CHAPTER 53.—A TIP developed under this subsection for a metropolitan area shall include the projects within the area that are proposed for funding under chapter 1 of title 23 and chapter 53.

''(B) PROJECTS UNDER CHAPTER 2 OF TITLE 23.—All projects proposed for funding under chapter 2 of title 23 shall be identified individually in the TIP.

''(C) CONSISTENCY WITH LONG-RANGE TRANSPORTATION PLAN.—Each project shall be consistent with the long-range transportation plan developed under subsection (g) for the area.

''(D) REQUIREMENT OF ANTICIPATED FULL FUNDING.—The program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.

''(4) NOTICE AND COMMENT.—Before approving a TIP, a metropolitan planning organization, in cooperation with the State and any affected public transportation operator, shall provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of the disabled, representatives of users of pedestrian walkways and bicycle facilities, and other interested parties with reasonable notice of and an opportunity to comment on the proposed program.

''(5) SELECTION OF PROJECTS.—

''(A) IN GENERAL.—Except as otherwise provided in subsection (i)(4) and in addition to the TIP development required under paragraph (1), the selection of federally funded projects in metropolitan areas shall be carried out, from the approved TIP—

''(i) by—

''(I) in the case of projects under title 23, the State; and

''(II) in the case of projects under chapter 53, the designated recipients of public transportation funding; and

''(ii) in cooperation with the metropolitan planning organization.

''(B) MODIFICATIONS TO PROJECT PRIORITY.—Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved TIP in place of another project in the program.

''(6) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—

''(A) NO REQUIRED SELECTION.—Notwithstanding paragraph (2)(B)(iv), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B)(iv).

''(B) REQUIRED ACTION BY THE SECRETARY.—Action by the Secretary shall be required for a State or metropolitan planning organization to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B)(iv) for inclusion in an approved TIP.

''(7) PUBLICATION.—

''(A) PUBLICATION OF TIPS.—A TIP involving Federal participation shall be published or otherwise made readily available by the metropolitan planning organization for public review.

''(B) PUBLICATION OF ANNUAL LISTINGS OF PROJECTS.—An annual listing of projects for which Federal funds have been obligated in the preceding year shall be published or otherwise made available by the metropolitan planning organization for public review. The listing shall be consistent with the categories identified in the TIP.

''(i) TRANSPORTATION MANAGEMENT AREAS.—

''(1) IDENTIFICATION AND DESIGNATION.—

''(A) REQUIRED IDENTIFICATION.—The Secretary shall identify as a transportation management area each urbanized area (as defined by the Bureau of the Census) with a population of over 200,000 individuals.

''(B) DESIGNATIONS ON REQUEST.—The Secretary shall designate any additional area as a transportation management area on the request of the Governor and the metropolitan planning organization designated for the area.

''(2) TRANSPORTATION PLANS.—In a metropolitan planning area serving a transportation management area, transportation plans shall be based on a continuing and comprehensive transportation planning process carried out by the metropolitan planning organization in cooperation with the State and public transportation operators.

''(3) CONGESTION MANAGEMENT PROCESS.—Within a metropolitan planning area serving a transportation management area, the transportation planning process under this section shall address congestion management through a process that provides for effective management and operation, based on a cooperatively developed and implemented metropolitan-wide strategy, of new and existing transportation facilities eligible for funding under title 23 and chapter 53 through the use of travel demand reduction and operational management strategies and shall identify a sufficient number of congestion relief activities under section 139 of title 23 to meet the requirements of such section. The Secretary shall establish an appropriate phase-in schedule for compliance with the requirements of this section but no sooner than one year after the identification of a transportation management area.

''(4) SELECTION OF PROJECTS.—

''(A) IN GENERAL.—All federally funded projects carried out within the boundaries of a metropolitan planning area serving a transportation management area under title 23 (excluding projects carried out on the National Highway System and projects carried out under the bridge program or the Interstate maintenance program) or under chapter 53 shall be selected for implementation from the approved TIP by the metropolitan planning organization designated for the area in consultation with the State and any affected public transportation operator.

''(B) NATIONAL HIGHWAY SYSTEM PROJECTS.—Projects, carried out within the boundaries of a metropolitan planning area serving a transportation management area, on the National Highway System and projects carried out within such boundaries under the bridge program or the Interstate maintenance program under title 23 shall be selected for implementation from the approved TIP by the State in cooperation with the metropolitan planning organization designated for the area.

''(5) CERTIFICATION.—

''(A) IN GENERAL.—The Secretary shall—

''(i) ensure that the metropolitan planning process of a metropolitan planning organization serving a transportation management area is being carried out in accordance with applicable provisions of Federal law; and

''(ii) subject to subparagraph (B), certify, not less often than once every 4 years, that the requirements of this paragraph are met with respect to the metropolitan planning process.

''(B) REQUIREMENTS FOR CERTIFICATION.—The Secretary may make the certification under subparagraph (A) if—

''(i) the transportation planning process complies with the requirements of this section and other applicable requirements of Federal law; and

''(ii) there is a TIP for the metropolitan planning area that has been approved by the metropolitan planning organization and the Governor.

''(C) EFFECT OF FAILURE TO CERTIFY.—

''(i) WITHHOLDING OF PROJECT FUNDS.—If a metropolitan planning process of a metropolitan planning organization serving a transportation management area is not certified, the Secretary may withhold up to 20 percent of the funds attributable to the metropolitan planning area of the metropolitan planning organization for projects funded under title 23 and chapter 53.

''(ii) RESTORATION OF WITHHELD FUNDS.—The withheld funds shall be restored to the metropolitan planning area at such time as the metropolitan planning process is certified by the Secretary.

''(D) REVIEW OF CERTIFICATION.—In making certification determinations under this paragraph, the Secretary shall provide for public involvement appropriate to the metropolitan area under review.

''(j) ABBREVIATED PLANS FOR CERTAIN AREAS.—

''(1) IN GENERAL.—Subject to paragraph (2), in the case of a metropolitan area not designated as a transportation management area under this section, the Secretary may provide for the development of an abbreviated transportation plan and TIP for the metropolitan planning area that the Secretary determines is appropriate to achieve the purposes of this section, taking into account the complexity of transportation problems in the area.

''(2) NONATTAINMENT AREAS.—The Secretary may not permit abbreviated plans or TIPs for a metropolitan area that is in nonattainment for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.).

''(k) ADDITIONAL REQUIREMENTS FOR CERTAIN NONATTAINMENT AREAS.—

''(1) IN GENERAL.—Notwithstanding any other provisions of title 23 or chapter 53, for transportation management areas classified as nonattainment for ozone or carbon monoxide pursuant to the Clean Air Act, Federal funds may not be advanced in such area for any highway project that will result in a significant increase in the carrying capacity for single-occupant vehicles unless the project is addressed through a congestion management process.

''(2) APPLICABILITY.—This subsection applies to a nonattainment area within the metropolitan planning area boundaries determined under subsection (c).

''(l) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to confer on a metropolitan planning organization the authority to impose legal requirements on any transportation facility, provider, or project not eligible under title 23 or chapter 53.

''(m) FUNDING.—

''(1) SET-ASIDES.—Funds set aside under section 104(f) of title 23 or section 5305(h) shall be available to carry out this section.

''(2) OTHER FUNDING.—Funds made available under section 5338(c) shall be available to carry out this section.

''(n) CONTINUATION OF CURRENT REVIEW PRACTICE.—Since plans and TIPs described in this section are subject to a reasonable opportunity for public comment, individual projects included in plans and TIPs are subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and decisions by the Secretary concerning plans and TIPs described in this section have not been reviewed under such Act as of January 1, 1997, any decision by the Secretary concerning a plan or TIP described in this section shall not be considered to be a Federal action subject to review under such Act.

''§ 5214. Statewide transportation planning

''(a) GENERAL REQUIREMENTS.—

''(1) DEVELOPMENT OF PLANS AND PROGRAMS.—To accomplish the objectives stated in section 5211, each State shall develop a statewide transportation plan and a statewide transportation improvement program for all areas of the State subject to section 5213.

''(2) CONTENTS.—The statewide transportation plan and the transportation improvement program developed for each State shall provide for the development and integrated management and operation of transportation systems and facilities (including accessible pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the State and an integral part of an intermodal transportation system for the United States.

''(3) PROCESS OF DEVELOPMENT.—The process for developing the statewide plan and the transportation improvement program shall provide for consideration of all modes of transportation and the policies stated in section 5211, and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

''(b) COORDINATION WITH METROPOLITAN PLANNING; STATE IMPLEMENTATION PLAN.—A State shall—

''(1) coordinate planning carried out under this section with the transportation planning activities carried out under section 5213 for metropolitan areas of the State and with statewide trade and economic development planning activities and related multistate planning efforts; and

''(2) develop the transportation portion of the State implementation plan as required by the Clean Air Act (42 U.S.C. 7401 et seq.).

''(c) INTERSTATE AGREEMENTS.—The consent of Congress is granted to 2 or more States entering into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under this section related to interstate areas and localities in the States and establishing authorities the States consider desirable for making the agreements and compacts effective.

''(d) SCOPE OF PLANNING PROCESS.—

''(1) IN GENERAL.—Each State shall carry out a statewide transportation planning process that provides for consideration and implementation of projects, strategies, and services that will—

''(A) support the economic vitality of the United States, the States, nonmetropolitan areas, and metropolitan areas, especially by enabling global competitiveness, productivity, and efficiency;

''(B) increase the safety and security of the transportation system for motorized and nonmotorized users;

''(C) increase the accessibility and mobility of people and freight;

''(D) protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns;

''(E) enhance the integration and connectivity of the transportation system, across and between modes throughout the State, for people and freight;

''(F) promote efficient system management and operation; and

''(G) emphasize the preservation of the existing transportation system.

''(2) FAILURE TO CONSIDER FACTORS.—The failure to consider any factor specified in paragraph (1) shall not be reviewable by any court under title 23 or this title, subchapter II of chapter 5 of title 5, or chapter 7 of title 5 in any matter affecting a statewide transportation plan, the transportation improvement program, a project or strategy, or the certification of a planning process.

''(e) ADDITIONAL REQUIREMENTS.—In carrying out planning under this section, each State shall consider, at a minimum—

''(1) with respect to nonmetropolitan areas, the concerns of affected local officials with responsibility for transportation;

''(2) the concerns of Indian tribal governments and Federal land management agencies that have jurisdiction over land within the boundaries of the State; and

''(3) coordination of transportation plans, the transportation improvement program, and planning activities with related planning activities being carried out outside of metropolitan planning areas and between States.

''(f) LONG-RANGE STATEWIDE TRANSPORTATION PLAN.—

''(1) DEVELOPMENT.—Each State shall develop a long-range statewide transportation plan, with a minimum 20-year forecast period for all areas of the State, that provides for the development and implementation of the intermodal transportation system of the State.

''(2) CONSULTATION WITH GOVERNMENTS.—

''(A) METROPOLITAN AREAS.—The statewide transportation plan shall be developed for each metropolitan area in the State in cooperation with the metropolitan planning organization designated for the metropolitan area under section 5213.

''(B) NONMETROPOLITAN AREAS.—With respect to nonmetropolitan areas, the statewide transportation plan shall be developed in consultation with affected nonmetropolitan officials with responsibility for transportation. The Secretary shall not review or approve the consultation process in each State.

''(C) INDIAN TRIBAL AREAS.—With respect to each area of the State under the jurisdiction of an Indian tribal government, the statewide transportation plan shall be developed in consultation with the tribal government and the Secretary of the Interior.

''(3) PARTICIPATION BY INTERESTED PARTIES.—In developing the statewide transportation plan, the State shall—

''(A) provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, providers of freight transportation services, and other interested parties with a reasonable opportunity to comment on the proposed plan; and

''(B) identify transportation strategies necessary to efficiently serve the mobility needs of people.

''(4) FINANCIAL PLAN.—The statewide transportation plan may include a financial plan that demonstrates how the adopted statewide transportation plan can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted statewide transportation plan if reasonable additional resources beyond those identified in the financial plan were available.

''(5) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—A State shall not be required to select any project from the illustrative list of additional projects included in the financial plan described in paragraph (4).

''(6) EXISTING SYSTEM.—The statewide transportation plan should include capital, operations and management strategies, investments, procedures, and other measures to ensure the preservation and most efficient use of the existing transportation system.

''(g) STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM.—

''(1) DEVELOPMENT.—Each State shall develop a statewide transportation improvement program for all areas of the State.

''(2) CONSULTATION WITH GOVERNMENTS.—

''(A) METROPOLITAN AREAS.—With respect to each metropolitan area in the State, the program shall be developed in cooperation with the metropolitan planning organization designated for the metropolitan area under section 5213.

''(B) NONMETROPOLITAN AREAS.—With respect to each nonmetropolitan area in the State, the program shall be developed in consultation with affected nonmetropolitan local officials with responsibility for transportation. The Secretary shall not review or approve the specific consultation process in the State.

''(C) INDIAN TRIBAL AREAS.—With respect to each area of the State under the jurisdiction of an Indian tribal government, the program shall be developed in consultation with the tribal government and the Secretary of the Interior.

''(3) PARTICIPATION BY INTERESTED PARTIES.—In developing the program, the State shall provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, private providers of transportation, providers of freight transportation services, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with a reasonable opportunity to comment on the proposed program.

''(4) INCLUDED PROJECTS.—

''(A) IN GENERAL.—A transportation improvement program developed under this subsection for a State shall include federally supported surface transportation expenditures within the boundaries of the State.

''(B) PROJECTS UNDER CHAPTER 2 OF TITLE 23.—All projects proposed for funding under chapter 2 of title 23 shall be identified individually in the transportation improvement program.

''(C) CONSISTENCY WITH STATEWIDE TRANSPORTATION PLAN.—Each project shall be—

''(i) consistent with the statewide transportation plan developed under this section for the State;

''(ii) identical to the project or phase of the project as described in an approved metropolitan transportation plan; and

''(iii) in conformance with the applicable State air quality implementation plan developed under the Clean Air Act (42 U.S.C. 7401 et seq.), if the project is carried out in an area designated as nonattainment for ozone or carbon monoxide under that Act.

''(D) REQUIREMENT OF ANTICIPATED FULL FUNDING.—The transportation improvement program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.

''(E) FINANCIAL PLAN.—The transportation improvement program may include a financial plan that demonstrates how the approved transportation improvement program can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the transportation improvement program, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available.

''(F) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—

''(i) NO REQUIRED SELECTION.—Notwithstanding subparagraph (E), a State shall not be required to select any project from the illustrative list of additional projects included in the financial plan under subparagraph (E).

''(ii) REQUIRED ACTION BY THE SECRETARY.—Action by the Secretary shall be required for a State to select any project from the illustrative list of additional projects included in the financial plan under subparagraph (E) for inclusion in an approved transportation improvement program.

''(G) PRIORITIES.—The transportation improvement program shall reflect the priorities for programming and expenditures of funds, including transportation enhancement activities, required by title 23 and chapter 53.

''(H) PRIORITIZATION OF CONGESTION RELIEF ACTIVITIES.—The transportation improvement

program shall reflect the priorities for congestion relief activities included in the metropolitan transportation plan to meet the requirements of section 139 of title 23.

''(5) PROJECT SELECTION FOR AREAS OF LESS THAN 50,000 POPULATION.—Projects carried out in areas with populations of less than 50,000 individuals shall be selected, from the approved transportation improvement program (excluding projects carried out on the National Highway System and projects carried out under the bridge program or the Interstate maintenance program under title 23 or sections 5310, 5311, 5316, and 5317), by the State in cooperation with the affected nonmetropolitan local officials with responsibility for transportation. Projects carried out in areas with populations of less than 50,000 individuals on the National Highway System or under the bridge program or the Interstate maintenance program under title 23 or under sections 5310, 5311, 5316, and 5317 shall be selected, from the approved statewide transportation improvement program, by the State in consultation with the affected nonmetropolitan local officials with responsibility for transportation.

''(6) TRANSPORTATION IMPROVEMENT PROGRAM APPROVAL.—Every 4 years, a transportation improvement program developed under this subsection shall be reviewed and approved by the Secretary if based on a current planning finding.

''(7) PLANNING FINDING.—A finding shall be made by the Secretary at least every 4 years that the transportation planning process through which statewide transportation plans and programs are developed is consistent with this section and section 5213.

''(8) MODIFICATIONS TO PROJECT PRIORITY.—Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved transportation improvement program in place of another project in the program.

''(h) FUNDING.—

''(1) SET-ASIDE.—Funds set aside pursuant to section 104(i) of title 23 shall be available to carry out this section.

''(2) OTHER FUNDING.—Funds made available under section 5338(c) shall be available to carry out this section.

''(i) TREATMENT OF CERTAIN STATE LAWS AS CONGESTION MANAGEMENT PROCESSES.—For purposes of this section and section 5213, State laws, rules, or regulations pertaining to congestion management systems or programs may constitute the congestion management process under section 5213(i)(3) if the Secretary finds that the State laws, rules, or regulations are consistent with, and fulfill the intent of, the purposes of section 5213, as appropriate.

''(j) CONTINUATION OF CURRENT REVIEW PRACTICE.—Since the statewide transportation plan and the transportation improvement program described in this section are subject to a reasonable opportunity for public comment, since individual projects included in the statewide transportation plans and the transportation improvement program are subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and since decisions by the Secretary concerning statewide transportation plans or the transportation improvement program described in this section have not been reviewed under such Act as of January 1, 1997, any decision by the Secretary concerning a metropolitan or statewide transportation plan or the transportation improvement program described in this section shall not be considered to be a Federal action subject to review under such Act.''.

(b) CONFORMING AMENDMENT.—The analysis for such subtitle is amended by inserting the following after the item relating to chapter 51:

''52. TRANSPORTATION PLANNING AND PROJECT DELIVERY ..... 5201''.

SEC. 6002. EFFICIENT ENVIRONMENTAL REVIEWS FOR PROJECT DECISIONMAKING.

(a) POLICY AND PURPOSE.—

(1) POLICY.—The Enlibra principles, as initially developed by the Western Governors Association and adopted by the National Governors Association, represent a sound basis for interaction among the Federal, State, local governments, and Indian tribes on environmental matters and should be followed in the development of highway construction and public transit improvements. These principles are as follows:

(A) Assign responsibilities at the right level.

(B) Use collaborative processes to break down barriers and find solutions.

(C) Move to a performance-based system.

(D) Separate subjective choices from objective data gathering.

(E) Pursue economic incentives whenever appropriate.

(F) Ensure environmental understanding.

(G) Make sure environmental decisions are fully informed.

(H) Use appropriate geographic boundaries for environmental problems.

(2) PURPOSE.—The purpose of this section is to reduce delays in the delivery of highway construction and public transportation capital projects arising from the environmental review process, while continuing to ensure the protection of the human and natural environment.

(b) PROJECT DEVELOPMENT PROCEDURES.—Chapter 52 of title 49, United States Code, as added by section 6001 of this Act, is amended by adding at the end the following:

''SUBCHAPTER C—EFFICIENT ENVIRONMENTAL REVIEWS FOR PROJECT DECISIONMAKING

''§ 5251. Definitions and applicability

''(a) DEFINITIONS.—In this section, the following definitions apply:

''(1) AGENCY.—The term 'agency' means any agency, department, or other unit of Federal, State, local, or Indian tribal government.

''(2) ENVIRONMENTAL IMPACT STATEMENT.—The term 'environmental impact statement' means the detailed statement of environmental impacts required to be prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(3) ENVIRONMENTAL REVIEW PROCESS.—

''(A) IN GENERAL.—The term 'environmental review process' means the process for preparing for a project an environmental impact statement, environmental assessment, categorical exclusion, or other document prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(B) INCLUSIONS.—The term includes the process for and completion of any environmental permit, approval, review, or study required for a project under any Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(4) LEAD AGENCY.—The term 'lead agency' means the Department of Transportation and, if applicable, any State or local governmental entity serving as a joint lead agency pursuant to this section.

''(5) MULTIMODAL PROJECT.—The term 'multimodal project' means a project funded, in whole or in part, under title 23 or chapter 53 and involving the participation of more than one Department of Transportation administration or agency.

''(6) PROJECT.—The term 'project' means any highway project, public transportation capital project, or multimodal project that requires the approval of the Secretary.

''(7) PROJECT SPONSOR.—The term 'project sponsor' means the agency or other entity, including any private or public-private entity, that seeks approval of the Secretary for a project.

''(8) STATE TRANSPORTATION DEPARTMENT.—The term 'State transportation department' means any statewide agency of a State with responsibility for one or more modes of transportation.

''(b) APPLICABILITY.—This subchapter is applicable to all projects for which an environmental impact statement is prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). This subchapter may be applied, to the extent determined appropriate by the Secretary, to other projects for which an environmental document is prepared pursuant to such Act. Any authorities granted in this subchapter may be exercised for a project, class of projects, or program of projects.

''§ 5252. Project development procedures

''(a) LEAD AGENCIES.—

''(1) FEDERAL LEAD AGENCY.—The Department of Transportation shall be the Federal lead agency in the environmental review process for a project.

''(2) PROJECT SPONSOR AS JOINT LEAD AGENCY.—Any project sponsor that is a State or local governmental entity receiving funds under title 23 or chapter 53 for the project shall serve as a joint lead agency with the Department for purposes of preparing any environmental document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and may prepare any such environmental document required in support of any action or approval by the Secretary if the Federal lead agency furnishes guidance in such preparation and independently evaluates such document and the document is approved and adopted by the Secretary prior to the Secretary taking any subsequent action or making any approval based on such document, whether or not the Secretary's action or approval results in Federal funding.

''(3) ENSURING COMPLIANCE.—The Secretary shall ensure that the project sponsor complies with all design and mitigation commitments made jointly by the Secretary and the project sponsor in any environmental document prepared by the project sponsor in accordance with this subsection and that such document is appropriately supplemented if project changes become necessary.

''(4) ADOPTION AND USE OF DOCUMENTS.—Any environmental document prepared in accordance with this subsection may be adopted or used by any Federal agency making any approval to the same extent that such Federal agency could adopt or use a document prepared by another Federal agency.

''(b) PARTICIPATING AGENCIES.—

''(1) IN GENERAL.—The lead agency shall be responsible for inviting and designating participating agencies in accordance with this subsection.

''(2) INVITATION.—The lead agency shall identify, as early as practicable in the environmental review process for a project, any other Federal and non-Federal agencies that may have an interest in the project, and shall invite such agencies to become participating agencies in the environmental review process for the project. The invitation shall set a deadline for responses to be submitted. The deadline may be extended by the lead agency for good cause.

''(3) FEDERAL PARTICIPATING AGENCIES.—Any Federal agency that is invited by the lead agency to participate in the environmental review process for a project shall be designated as a participating agency by the lead agency unless the invited agency informs the lead agency, in writing, by the deadline specified in the invitation that the invited agency—

''(A) has no jurisdiction or authority with respect to the project;

''(B) has no expertise or information relevant to the project; and

''(C) does not intend to submit comments on the project.

''(4) EFFECT OF DESIGNATION.—Designation as a participating agency under this subsection shall not imply that the participating agency—

''(A) supports a proposed project; or

''(B) has any jurisdiction over, or special expertise with respect to evaluation of, the project.

''(5) COOPERATING AGENCY.—A participating agency may also be designated by a lead agency as a 'cooperating agency' under the regulations contained in part 1500 of title 40, Code of Federal Regulations.

''(6) DESIGNATIONS FOR CATEGORIES OF PROJECTS.—The Secretary may exercise the authorities granted under this subsection for a project, class of projects, or program of projects.

''(c) PROJECT INITIATION.—

''(1) IN GENERAL.—The project sponsor shall initiate the environmental review process for a project by submitting an initiation notice to the Secretary.

''(2) CONTENTS OF NOTICE.—The initiation notice shall include, at a minimum, a brief description of the type of work, termini, length, and general location of the proposed project, together with a statement of any Federal approvals anticipated to be needed for the project.

''(d) PURPOSE AND NEED.—

''(1) PARTICIPATION.—As early as practicable during the environmental review process, the lead agency shall provide an opportunity for involvement by participating agencies and the public in defining the purpose and need for a project.

''(2) DEFINITION.—Following participation under paragraph (1), the lead agency shall define the project's purpose and need for purposes of any document which the lead agency is responsible for preparing for the project.

''(3) OBJECTIVES.—The statement of purpose and need shall include a clear statement of the objectives that the proposed action is intended to achieve, which may include—

''(A) achieving a transportation objective identified in an applicable statewide or metropolitan transportation plan;

''(B) supporting land use, economic development, or growth objectives established in applicable Federal, State, local, or tribal plans; and

''(C) serving national defense, national security, or other national objectives, as established in Federal laws, plans, or policies.

''(e) ALTERNATIVES ANALYSIS.—

''(1) PARTICIPATION.—As early as practicable during the environmental review process, the lead agency shall provide an opportunity for involvement by participating agencies and the public in determining the range of alternatives to be considered for a project.

''(2) RANGE OF ALTERNATIVES.—Following participation under paragraph (1), the lead agency shall determine the range of alternatives for consideration in any document which the lead agency is responsible for preparing for the project.

''(3) METHODOLOGIES.—The lead agency also shall determine, in collaboration with participating agencies at appropriate times during the study process, the methodologies to be used and the level of detail required in the analysis of each alternative for a project.

''(4) PREFERRED ALTERNATIVE.—At the discretion of the lead agency, the preferred alternative for a project, after being identified, may be developed to a higher level of detail than other alternatives in order to facilitate the development of mitigation measures or concurrent compliance with other applicable laws if the lead agency determines that the development of such higher level of detail will not prevent the lead agency from making an impartial decision as to whether to accept another alternative which is being considered in the environmental review process.

''(f) COMMENT DEADLINES.—The lead agency shall establish the following deadlines for comment during the environmental review process for a project:

''(1) For comments by agencies and the public on a draft environmental impact statement, a period of no more than 60 days from the date of public availability of such document, unless—

''(A) a different deadline is established by agreement of the lead agency, the project sponsor, and all participating agencies; or

''(B) the deadline is extended by the lead agency for good cause.

''(2) For all other comment periods established by the lead agency for agency or public comments in the environmental review process, a period of no more than 30 days from availability of the materials on which comment is requested, unless—

''(A) a different deadline is established by agreement of the lead agency, the project sponsor, and all participating agencies; or

''(B) the deadline is extended by the lead agency for good cause.

''(g) ISSUE IDENTIFICATION AND RESOLUTION.—

''(1) COOPERATION.—The lead agency and the participating agencies shall work cooperatively in accordance with this section to identify and resolve issues that could delay completion of the environmental review process or could result in denial of any approvals required for the project under applicable laws.

''(2) LEAD AGENCY RESPONSIBILITIES.—The lead agency shall make information available to the participating agencies as early as practicable in the environmental review process regarding the environmental and socioeconomic resources located within the project area and the general locations of the alternatives under consideration. Such information may be based on existing data sources, including geographic information systems mapping.

''(3) PARTICIPATING AGENCY RESPONSIBILITIES.—Based on information received from the lead agency, participating agencies shall identify, as early as practicable, any issues of concern regarding the project's potential environmental or socioeconomic impacts. In this paragraph, issues of concern include any issues that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project.

''(4) ISSUE RESOLUTION.—Whenever issues of concern are identified or at any time upon request of a project sponsor, the lead agency shall promptly convene a meeting with the relevant participating agencies. If a resolution cannot be achieved within 30 days following such a meeting and a determination by the lead agency that all information necessary to resolve the issue has been obtained, the lead agency shall notify the heads of all Federal agencies involved in the meeting and the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and shall publish such notification in the Federal Register.

''(h) PARTICIPATION OF STATE AGENCIES.—For any project eligible for assistance under title 23 or chapter 53, a State may require, under procedures established by State law, that all State agencies that have jurisdiction by State or Federal law over environmental-related issues that may be affected by the project, or that are required to issue any environmental-related reviews, analyses, opinions, or determinations on issuing any permits, licenses, or approvals for the project, be subject to the coordinated environmental review process established under this section unless the Secretary determines that a State agency's participation would not be in the public interest. A State participating in the review process must require all State agencies with jurisdiction to be subject to and comply with the review process to the same extent as a Federal agency.

''(i) ASSISTANCE TO AFFECTED STATE AND FEDERAL AGENCIES.—

''(1) IN GENERAL.—For a project that is subject to the environmental review process established under this section and for which funds are made available to a State under title 23 or chapter 53, the Secretary may approve a request by the State to provide funds so made available to affected Federal agencies (including the Department of Transportation), State agencies, and Indian tribes participating in the environmental review process for the project. Such funds may be provided only to support activities that directly and meaningfully contribute to expediting and improving transportation project planning and delivery. Such activities may include dedicated staffing, training of agency personnel, information gathering and mapping, and development of programmatic agreements. The Secretary may also use funds made available under section 204 of title 23 for a project for the purposes specified in this subsection with respect to the environmental review process for the project.

''(2) AMOUNTS.—Requests under paragraph (1) may be approved only for the additional amounts that the Secretary determines are necessary for the Federal agencies, State agencies, or Indian tribes participating in the environmental review process to meet the time limits for environmental review.

''(3) CONDITION.—A request under paragraph (1) to expedite time limits for environmental review may be approved only if such time limits are less than the customary time necessary for such review.

''(j) JUDICIAL REVIEW AND SAVINGS CLAUSE.—

''(1) JUDICIAL REVIEW.—Except as set forth under subsection (k), nothing in this section shall affect the reviewability of any final Federal agency action in a court of the United States.

''(2) SAVINGS CLAUSE.—Nothing in this section shall be construed as superseding, amending, or modifying the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or any other Federal environmental statute or affect the responsibility of any Federal officer to comply with or enforce any such statute.

''(3) LIMITATIONS.—Nothing in this section shall preempt or interfere with—

''(A) any practice of seeking, considering, or responding to public comment; or

''(B) any power, jurisdiction, responsibility, or authority that a Federal, State, or local government agency, metropolitan planning organization, Indian tribe, or project sponsor has with respect to carrying out a project or any other provisions of law applicable to projects, plans, or programs.

''(k) LIMITATIONS ON CLAIMS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of a permit, license, or approval issued by a Federal agency for a highway or public transportation capital project shall be barred unless it is filed within 90 days after the permit, license, or approval is final pursuant to the law under which the agency action is taken, unless a shorter time is specified in the Federal law pursuant to which judicial review is allowed. Nothing in this subsection shall create a right to judicial review or place any limit on filing a claim that a person has violated the terms of a permit, license, or approval.

''(2) NEW INFORMATION.—The Secretary shall consider new information received after the close of a comment period if the information satisfies the requirements for a supplemental environmental impact statement under section 771.130 of title 23, Code of Federal Regulations. The preparation of a supplemental environmental impact statement when required shall be considered a separate final agency action and the deadline for filing a claim for judicial review of such action shall be 90 days after the date of such action.''.

(c) REPEAL.—Section 1309 of the Transportation Equity Act for the 21st Century (112 Stat. 232) is repealed.

SEC. 6003. POLICY ON HISTORIC SITES.

(a) TITLE 49.—Section 303 of title 49, United States Code, is amended by adding at the end the following:

''(d) SPECIAL RULES FOR HISTORIC SITES.—

''(1) IN GENERAL.—The requirements of this section are deemed to be satisfied in any case in which the treatment of a historic site has been agreed upon in accordance with section 106 of the National Historic Preservation Act (16 U.S.C. 470f) and the agreement includes a determination that the program or project will not have an adverse effect on the historic site.

''(2) LIMITATION ON APPLICABILITY.—This subsection does not apply in any case in which the Advisory Council on Historic Preservation determines, concurrent with or prior to the conclusion of section 106 consultation, that allowing section 106 compliance to satisfy the requirements of this section would be inconsistent with

the objectives of the National Historic Preservation Act. The Council shall make such a determination if petitioned to do so by a section 106 consulting party, unless the Council affirmatively finds that the views of the requesting party have been adequately considered and that section 106 compliance will adequately protect historic properties.

''(3) DEFINITIONS.—In this subsection, the following definitions apply:

''(A) SECTION 106 CONSULTATION.—The term 'section 106 consultation' means the consultation process required under section 106 of the National Historic Preservation Act (16 U.S.C. 470f).

''(B) ADVERSE EFFECT.—The term 'adverse effect' means altering, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association.''.

(b) TITLE 23.—Section 138 of title 23, United States Code is amended—

(1) by inserting ''(a) POLICY.—'' before ''It is''; and

(2) by striking ''In carrying'' and inserting the following:

''(c) STUDIES.—In carrying''; and

(3) by inserting after subsection (a) (as designated by paragraph (1)) the following:

''(b) SPECIAL RULES FOR HISTORIC SITES.—

''(1) IN GENERAL.—The requirements of this section are deemed to be satisfied in any case in which the treatment of a historic site has been agreed upon in accordance with section 106 of the National Historic Preservation Act (16 U.S.C. 470f) and the agreement includes a determination that the program or project will not have an adverse effect on the historic site.

''(2) LIMITATION ON APPLICABILITY.—This subsection does not apply in any case in which the Advisory Council on Historic Preservation determines, concurrent with or prior to the conclusion of section 106 consultation, that allowing section 106 compliance to satisfy the requirements of this section would be inconsistent with the objectives of the National Historic Preservation Act. The Council shall make such a determination if petitioned to do so by a section 106 consulting party, unless the Council affirmatively finds that the views of the requesting party have been adequately considered and that section 106 compliance will adequately protect historic properties.

''(3) DEFINITIONS.—In this subsection, the following definitions apply:

''(A) SECTION 106 CONSULTATION.—The term 'section 106 consultation' means the consultation process required under section 106 of the National Historic Preservation Act (16 U.S.C. 470f).

''(B) ADVERSE EFFECT.—The term 'adverse effect' means altering, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association.''.

SEC. 6004. EXEMPTION OF INTERSTATE SYSTEM.

Section 103(c) of title 23, United States Code, is amended by adding at the end the following:

''(5) EXEMPTION OF INTERSTATE SYSTEM.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Interstate System shall not be considered to be a historic site under section 303 of title 49 or section 138 of this title, regardless of whether the Interstate System or portions of the Interstate System are listed on, or eligible for listing on, the National Register of Historic Places.

''(B) INDIVIDUAL ELEMENTS.—Subject to subparagraph (C), a portion of the Interstate System that possesses an independent feature of historic significance (such as a historic bridge or a highly significant engineering feature) that is listed on, or eligible for listing on, the National Register of Historic Places, shall be considered to be a historic site under section 303 of title 49 or section 138 of this title, as applicable.

''(C) CONSTRUCTION, MAINTENANCE, RESTORATION, AND REHABILITATION ACTIVITIES.—Subparagraph (B) does not prohibit a State from carrying out construction, maintenance, restoration, or rehabilitation activities for a portion of the Interstate System referred to in subparagraph (B) upon compliance with section 303 of title 49 or section 138 of this title, as applicable, and section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470f).''.

TITLE VII—HAZARDOUS MATERIALS TRANSPORTATION

SEC. 7001. AMENDMENT OF TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 7002. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds with respect to hazardous materials transportation that—

(1) approximately 4,000,000,000 tons of regulated hazardous materials are transported each year and approximately 1,200,000 movements of hazardous materials occur each day, according to Department of Transportation estimates;

(2) the movement of hazardous materials in commerce is necessary to maintain economic vitality and meet consumer demands and must be conducted in a safe and efficient manner;

(3) accidents involving, or unauthorized access to, hazardous materials in transportation may result in a release of such materials and pose a serious threat to public health and safety;

(4) many States and localities have enacted laws and regulations that vary from Federal laws and regulations pertaining to the transportation of hazardous materials, thereby creating the potential for unreasonable hazards in other jurisdictions and confounding shippers and carriers that attempt to comply with multiple regulatory requirements;

(5) because of the potential risks to life, property, and the environment posed by unintentional releases of hazardous materials, consistency in laws and regulations governing the transportation of hazardous materials is necessary and desirable;

(6) in order to achieve greater uniformity and to promote the public health, welfare, and safety at all levels, Federal standards for regulating the transportation of hazardous materials in intrastate, interstate, and foreign commerce are necessary and desirable; and

(7) in order to provide reasonable, adequate, and cost-effective protection from the risks posed by the transportation of hazardous materials, a network of well-trained State and local emergency response personnel and hazmat employees is essential.

(b) PURPOSE.—The text of section 5101 is amended to read as follows: ''The purpose of this chapter is to protect against the risks to life, property, and the environment that are inherent in the transportation of hazardous material in intrastate, interstate, and foreign commerce.''.

SEC. 7003. DEFINITIONS.

Section 5102 is amended—

(1) in paragraph (1)—

(A) by striking ''or'' at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting ''; or''; and

(C) by inserting at the end the following:

''(C) on a United States registered aircraft.'';

(2) by redesignating paragraphs (11), (12), and (13) as paragraphs (12), (13), and (14), respectively; and

(3) by inserting after paragraph (10) the following:

''(11) 'Secretary' means the Secretary of Transportation.''.

SEC. 7004. GENERAL REGULATORY AUTHORITY.

(a) TECHNICAL AMENDMENTS.—Section 5103(a) is amended—

(1) by striking ''etiologic agent,'' and inserting ''infectious substance,''; and

(2) by striking ''poison,'' and inserting ''toxic,''.

(b) REGULATIONS FOR SAFE TRANSPORTATION.—Section 5103(b)(1)(A) is amended—

(1) in clause (i) by striking ''transporting'' and inserting ''that transports'';

(2) in clause (ii)—

(A) by striking ''causing'' and inserting ''that causes''; and

(B) by striking ''or'' at the end; and

(3) by striking clause (iii) and inserting the following:

''(iii) that designs, manufactures, fabricates, inspects, marks, maintains, reconditions, repairs, or tests a package or container that is represented, marked, certified, or sold by that person as qualified for use in transporting hazardous material in commerce;

''(iv) that prepares or accepts hazardous material for transportation in commerce;

''(v) that is responsible for the safety of transporting hazardous material in commerce;

''(vi) that certifies compliance with any requirement of this chapter; or

''(vii) that misrepresents whether the person is engaged in any of the activities described in this subparagraph; and''.

(c) TECHNICAL AMENDMENT.—Section 5103(b) is amended—

(1) by moving subparagraph (C) from the end of paragraph (1) and inserting it after paragraph (2);

(2) by redesignating such subparagraph as paragraph (3); and

(3) by moving such paragraph (3) 2 ems to the left.

SEC. 7005. CHEMICAL OR BIOLOGICAL MATERIALS.

Section 5103a(c) is amended—

(1) in paragraph (2) by striking ''this subsection'' and inserting ''paragraph (1)''; and

(2) by adding at the end the following:

''(3) STANDARDS.—The Secretary shall prescribe by regulation uniform standards (including standards used to disqualify applicants) governing—

''(A) the collection by States of background information authorized by paragraph (1);

''(B) the collection, transmission, and review of background information; and

''(C) the notification of an applicant of the results of the background check.

''(4) FEES.—A State may impose and collect an appropriate fee to carry out paragraph (1) consistent with section 5125(f).

''(5) OPERATORS REGISTERED IN MEXICO AND CANADA.—No operator of a commercial motor vehicle (as defined in section 31101) licensed in Mexico or Canada may operate in the United States a commercial motor vehicle transporting hazardous material until the operator has undergone a background records check similar to the background records check required of operators of commercial motor vehicles licensed in the United States to transport hazardous materials.''.

SEC. 7006. REPRESENTATION AND TAMPERING.

(a) REPRESENTATION.—Section 5104(a) is amended—

(1) by striking ''A person'' and inserting ''No person'';

(2) in paragraph (1) by striking ''only if'' and all that follows through ''meets'' and inserting ''if it does not conform to''; and

(3) in paragraph (2) by striking ''only if'' and inserting ''unless''.

(b) TAMPERING.—Section 5104(b) is amended by striking ''A person may not'' and inserting ''No person may''.

SEC. 7007. TECHNICAL AMENDMENTS.

(a) ELIMINATION OF COMPLETED STUDY.—Section 5105 is amended—

(1) by striking subsection (d); and

(2) by redesignating subsection (e) as subsection (d).

(b) CLASSIFICATION OF EXPLOSIVES.—Section 5108(a)(1)(B) is amended by striking ''class A or B'' and inserting ''Division 1.1, 1.2, or 1.3''.

SEC. 7008. TRAINING OF CERTAIN EMPLOYEES.

Section 5107 is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h);

(2) in subsection (g)(2) (as so redesignated) by striking ''sections 5106, 5108(a)–(g)(1) and (h), and 5109 of this title'' and inserting ''section 5106''; and

(3) by inserting after subsection (e) the following:

''(f) TRAINING OF CERTAIN EMPLOYEES.—The Secretary shall ensure that maintenance-of-way employees and railroad signalmen receive general awareness/familiarization training and safety training pursuant to section 172.704 of title 49, Code of Federal Regulations.''.

SEC. 7009. REGISTRATION.

(a) PERSONS REQUIRED TO FILE.—Section 5108(a) is amended—

(1) in paragraph (2)(B) by striking ''manufacturing, fabricating, marking, maintaining, reconditioning, repairing, or testing'' and inserting ''designing, manufacturing, fabricating, inspecting, marking, maintaining, reconditioning, repairing, or testing''; and

(2) by aligning the left margin of paragraph (4) with the left margin of paragraph (3).

(b) FILING SCHEDULE.—Section 5108(c) is amended—

(1) by striking the subsection heading and inserting ''FILING SCHEDULE''; and

(2) in paragraph (1)—

(A) by striking ''must file the first'' and inserting ''shall file that'';

(B) by striking ''not later than March 31, 1992'' and inserting ''in accordance with regulations issued by the Secretary''; and

(C) by striking the second sentence.

(c) FEES.—Section 5108(g) is amended—

(1) in paragraph (1) by striking ''may'' and inserting ''shall'';

(2) in paragraph (2)(A) by striking ''$5,000'' and inserting ''$3,000''; and

(3) by adding at the end the following:

''(3) FEES ON EXEMPT PERSONS.—Notwithstanding subsection (a)(4), the Secretary shall impose and collect a fee of $25 from a person who is required to register under this section but who is otherwise exempted by the Secretary from paying any fee under this section. The fee shall be used to pay the cost of the Secretary in processing registration statements filed by such persons.''.

(d) RELATIONSHIP TO OTHER LAWS.—Section 5108(i)(2)(B) is amended by inserting '', Indian tribe,'' after ''State'' the first place it appears.

(e) HAZMAT REGISTRATION NOTIFICATION.—As soon as practicable, the Administrator of the Research and Special Programs Administration of the Department of Transportation shall transmit to the Federal Motor Carrier Safety Administration hazardous material registrant information obtained before, on, or after the date of enactment of this Act under section 5108 of title 49, United States Code, together with any Department of Transportation identification number for each registrant.

SEC. 7010. PROVIDING SHIPPING PAPERS.

Section 5110 is amended—

(1) in subsection (a) by striking ''under subsection (b) of this section'' and inserting ''by regulation''; and

(2) in subsection (e) by striking ''1 year'' and inserting ''2 years after the date of preparation of the shipping paper''.

SEC. 7011. RAIL TANK CARS.

Section 5111, and the item relating to such section in the analysis for chapter 51, are repealed.

SEC. 7012. UNSATISFACTORY SAFETY RATING.

The text of section 5113 is amended to read as follows: ''A person who violates section 31144(c)(3) shall be subject to the penalties in sections 5123 and 5124.''.

SEC. 7013. TRAINING CURRICULUM FOR THE PUBLIC SECTOR.

(a) REQUIREMENTS.—Section 5115(b)(1)(C) is amended by striking ''under other United States Government grant programs, including those'' and inserting ''with Federal financial assistance, including programs''.

(b) TRAINING ON COMPLYING WITH LEGAL REQUIREMENTS.—Section 5115(c)(3) is amended by inserting before the period at the end the following: ''and such other voluntary consensus standard-setting organizations as the Secretary determines appropriate''.

(c) DISTRIBUTION AND PUBLICATION.—Section 5115(d) is amended—

(1) in the matter preceding paragraph (1) by striking ''national response team'' and inserting ''National Response Team'';

(2) in paragraph (1) by striking ''Director of the Federal Emergency Management Agency'' and inserting ''Secretary''; and

(3) in paragraph (2)—

(A) by inserting ''and distribute'' after ''publish''; and

(B) by striking ''programs that uses'' and all that follows before the period at the end and inserting ''programs and courses developed under this section''.

SEC. 7014. PLANNING AND TRAINING GRANTS, MONITORING, AND REVIEW.

(a) FACTORS TO CONSIDER IN DETERMINING NEEDS.—Section 5116(b)(4) is amended—

(1) by striking ''and'' at the end of subparagraph (D);

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D) the following:

''(E) the report submitted by the State to the Secretary under section 5125(f)(2); and''.

(b) COMPLIANCE WITH CERTAIN LAW.—Section 5116(c) is amended—

(1) by inserting ''or Indian tribe'' after ''a State'';

(2) by inserting ''or Indian tribe'' after ''the State'' the first place it appears; and

(3) by inserting ''(1) the State or Indian tribe is complying with all applicable requirements of this chapter (including section 5125(f)), and (2) in the case of a State,'' after ''certifies that''.

(c) GOVERNMENT'S SHARE OF COSTS.—Section 5116(e) is amended by striking the second sentence and inserting the following: ''Amounts received by the State or tribe under subsections (a)(1) and (b)(1) are not part of the non-Government share under this subsection.''.

(d) MONITORING AND TECHNICAL ASSISTANCE.—Section 5116(f) is amended—

(1) in the first sentence—

(A) by striking ''Secretaries of Transportation and Energy,'' and inserting ''Secretary of Energy, Director of the Federal Emergency Management Agency,''; and

(B) by striking ''Director of the Federal Emergency Management Agency shall'' and inserting ''Secretary of Transportation shall''; and

(2) in the second sentence—

(A) by striking ''the Secretaries, Administrator, and Directors each shall'' and inserting ''the Secretary shall''; and

(B) by striking ''national response team'' and inserting ''National Response Team''.

(e) DELEGATION OF AUTHORITY.—Section 5116(g) is amended by striking ''Government grant programs'' and inserting ''Federal financial assistance''.

(f) HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS FUND.—Section 5116(i) is amended—

(1) by striking the subsection heading and inserting ''HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS FUND.—'';

(2) in the matter preceding paragraph (1)—

(A) by inserting '', to be known as the 'Hazardous Materials Emergency Preparedness Fund','' after ''account in the Treasury''; and

(B) by striking ''section 5108(g)(2)(A) of this title'' and all that follows before the period at the end of the first sentence and inserting ''this chapter'';

(3) by striking ''and'' at the end of paragraph (2);

(4) by redesignating paragraph (3) as paragraph (4); and

(5) by inserting after paragraph (2) the following:

''(3) to publish and distribute the Emergency Response Guidebook; and''.

(g) REPORTS.—In section 5116(k)—

(1) by striking the first sentence and inserting the following: ''The Secretary shall submit to Congress and make available to the public annually a report on the allocation and uses of planning grants under subsection (a), training grants under subsection (b), and grants under subsection (j) and under section 5107.''; and

(2) in the second sentence by striking ''Such report'' and inserting ''The report''.

SEC. 7015. SPECIAL PERMITS AND EXCLUSIONS.

(a) SECTION HEADING.—

(1) IN GENERAL.—Section 5117 is amended by striking the section number and heading and inserting the following:

''§ 5117. Special permits and exclusions''.

(2) CONFORMING AMENDMENT.—The item relating to section 5117 in the analysis for chapter 51 is amended to read as follows:

''5117. Special permits and exclusions.''.

(b) SUBSECTION HEADING.—The heading for subsection (a) of section 5117 is amended by striking ''EXEMPT'' and inserting ''ISSUE SPECIAL PERMITS''.

(c) AUTHORITY TO ISSUE SPECIAL PERMITS.—Section 5117(a)(1) is amended—

(1) by striking ''an exemption'' and inserting '', modify, or terminate a special permit authorizing a variance''; and

(2) by striking ''transporting, or causing to be transported, hazardous material'' and inserting ''performing a function regulated by the Secretary under section 5103(b)(1)''.

(d) PERIOD OF SPECIAL PERMIT.—Section 5117(a)(2) is amended to read as follows:

''(2) A special permit issued under this section shall be effective for an initial period of not more than 2 years and may be renewed by the Secretary upon application for an additional period of not more than 4 years or, in the case of a special permit relating to section 5112, for an additional period of not more than 2 years.''.

(e) APPLICATIONS.—Sections 5117(b) is amended—

(1) by striking ''an exemption'' each place it appears and inserting ''a special permit''; and

(2) by striking ''the exemption'' and inserting ''the special permit''.

(f) DEALING WITH APPLICATIONS PROMPTLY.—Section 5117(c) is amended by striking ''the exemption'' each place it appears and inserting ''the special permit''.

(g) LIMITATION ON AUTHORITY.—Section 5117(e) is amended—

(1) by striking ''an exemption'' and inserting ''a special permit''; and

(2) by striking ''be exempt'' and inserting ''be granted a variance''.

SEC. 7016. UNIFORM FORMS AND PROCEDURES.

Section 5119 is amended to read as follows:

''§ 5119. Uniform forms and procedures

''(a) ESTABLISHMENT OF WORKING GROUP.—The Secretary shall establish a working group of State and local government officials, including representatives of the National Governors' Association, the National Association of Counties, the National League of Cities, the United States Conference of Mayors, the National Conference of State Legislatures, and the Alliance for Uniform Hazmat Transportation Procedures.

''(b) PURPOSE OF WORKING GROUP.—The purpose of the working group shall be to establish uniform forms and procedures for a State to register, and to issue permits to, persons that transport, or cause to be transported, hazardous material by motor vehicle in the State.

''(c) LIMITATION ON WORKING GROUP.—The working group may not propose to define or

limit the amount of a fee a State may impose or collect.

''(d) PROCEDURE.—The Secretary shall develop a procedure by which the working group shall harmonize existing State registration and permit laws and regulations relating to the transportation of hazardous materials, with special attention paid to each State's unique safety concerns and interest in maintaining strong hazmat safety standards.

''(e) REPORT OF WORKING GROUP.—Not later than 18 months after the date of enactment of this subsection, the working group shall transmit to the Secretary a report containing recommendations for establishing uniform forms and procedures described in subsection (b).

''(f) REGULATIONS.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall issue regulations to carry out such recommendations of the working group as the Secretary considers appropriate.

''(g) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as prohibiting a State from voluntarily participating in a program of uniform forms and procedures until such time as the Secretary issues regulations under subsection (f).''.

SEC. 7017. INTERNATIONAL UNIFORMITY OF STANDARDS AND REQUIREMENTS.

(a) CONSULTATION.—Section 5120(b) is amended by inserting ''and requirements'' after ''standards''.

(b) DIFFERENCES WITH INTERNATIONAL STANDARDS AND REQUIREMENTS.—Section 5120(c) is amended—

(1) in paragraph (1) by inserting ''or requirement'' after ''standard'' each place it appears; and

(2) in paragraph (2)—

(A) by inserting ''standard or'' before ''requirement'' each place it appears; and

(B) by striking ''included in a standard''.

SEC. 7018. ADMINISTRATIVE.

(a) GENERAL AUTHORITY.—Section 5121(a) is amended—

(1) in the first sentence by inserting ''conduct tests,'' after ''investigate,'';

(2) in the second sentence by striking ''After'' and inserting ''Except as provided in subsections (c) and (d), after''; and

(3) by striking ''regulation prescribed'' and inserting ''regulation, order, special permit, or approval issued''.

(b) RECORDS, REPORTS, AND INFORMATION.—Section 5121(b) is amended—

(1) in paragraph (1) by inserting ''and property'' after ''records''; and

(2) in paragraph (2)—

(A) by inserting ''property,'' after ''records,'';

(B) by inserting ''for inspection'' after ''available''; and

(C) by striking ''requests'' and inserting ''undertakes an investigation or makes a request''.

(c) ENHANCED AUTHORITY TO DISCOVER HIDDEN SHIPMENTS OF HAZARDOUS MATERIAL.—Section 5121(c) is amended to read as follows:

''(c) INSPECTIONS AND INVESTIGATIONS.—

''(1) IN GENERAL.—A designated officer, employee, or agent of the Secretary may—

''(A) inspect and investigate, at a reasonable time and in a reasonable manner, records and property relating to a function described in section 5103(b)(1);

''(B) except in the case of packaging immediately adjacent to its hazardous material contents, gain access to, open, and examine a package offered for, or in, transportation when the officer, employee, or agent has an objectively reasonable and articulable belief that the package may contain a hazardous material;

''(C) remove from transportation a package or related packages in a shipment offered for or in transportation for which—

''(i) such officer, employee, or agent has an objectively reasonable and articulable belief that the package may pose an imminent hazard; and

''(ii) such officer, employee, or agent contemporaneously documents such belief in accordance with procedures set forth in guidance or regulations prescribed under subsection (e);

''(D) gather information from the offeror, carrier, packaging manufacturer or retester, or other person responsible for the package, to ascertain the nature and hazards of the contents of the package;

''(E) as necessary, under terms and conditions specified by the Secretary, order the offeror, carrier, packaging manufacturer or retester, or other person responsible for the package to have the package transported to, opened, and the contents examined and analyzed, at a facility appropriate for the conduct of such examination and analysis; and

''(F) when safety might otherwise be compromised, authorize properly qualified personnel to assist in the activities conducted under this subsection.

''(2) DISPLAY OF CREDENTIALS.—An officer, employee, or agent acting under this subsection shall display proper credentials when requested.

''(3) SAFE RESUMPTION OF TRANSPORTATION.—In instances when, as a result of an inspection or investigation under this subsection, an imminent hazard is not found to exist, the Secretary, in accordance with procedures set forth in regulations prescribed under subsection (e), shall assist—

''(A) in the safe resumption of transportation of the package concerned; or

''(B) in any case in which the hazardous material being transported is perishable, in the safe and expeditious resumption of transportation of the perishable hazardous material.''.

(d) EMERGENCY AUTHORITY FOR HAZARDOUS MATERIAL TRANSPORTATION.—Section 5121 is amended—

(1) by redesignating subsections (d) and (e) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (c) the following:

''(d) EMERGENCY ORDERS.—

''(1) IN GENERAL.—If, upon inspection, investigation, testing, or research, the Secretary determines that either a violation of a provision of this chapter or a regulation issued under this chapter, or an unsafe condition or practice, constitutes or is causing an imminent hazard, the Secretary may issue an emergency order, without notice or the opportunity for a hearing, but only to the extent necessary to abate the imminent hazard.

''(2) WRITTEN ORDERS.—An emergency order issued under paragraph (1) shall be in writing, describe the violation, condition, or practice that is causing the imminent hazard, and state the restrictions, prohibitions, recalls, or out-of-service orders issued. The emergency order also shall describe the standards and procedures for obtaining relief from the order.

''(3) OPPORTUNITY FOR REVIEW.—After issuing an emergency order under paragraph (1), the Secretary shall provide an opportunity for review of the order under section 554 of title 5 if a petition for review is filed within 20 calendar days after the date of issuance of the order.

''(4) EXPIRATION OF EFFECTIVENESS OF EMERGENCY ORDER.—If a petition for review is filed for an order and the review is not completed by the end of the 30-day period beginning on the date the petition was filed, the order shall cease to be effective at the end of that period unless the Secretary determines in writing that the emergency situation still exists.

''(e) GUIDANCE AND REGULATIONS.—

''(1) GUIDANCE.—Not later than 60 days after the date of enactment of the Transportation Equity Act: A Legacy for Users, the Secretary shall issue interim guidance to carry out subsections (c) and (d).

''(2) REGULATIONS.—Not later than 1 year after such date of enactment, the Secretary shall issue regulations to carry out subsections (c) and (d) in accordance with subchapter II of chapter 5 of title 5.''.

(e) REPORT.—Section 5121(g) (as redesignated by subsection (d)(1) of this section) is amended—

(1) in the matter preceding paragraph (1) by striking ''submit to the President for transmittal to the Congress'' and inserting ''transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate''; and

(2) in paragraph (4) by inserting ''relating to a function regulated by the Secretary under section 5103(b)(1)'' after ''activities''.

(f) REPEAL OF OBSOLETE PROVISION.—Section 5118, and the item relating to such section in the analysis for chapter 51, are repealed.

SEC. 7019. ENFORCEMENT.

(a) GENERAL.—Section 5122(a) is amended by striking the second sentence and inserting ''The court may award appropriate relief, including a temporary or permanent injunction, punitive damages, and assessment of civil penalties considering the same penalty amounts and factors as prescribed for the Secretary in an administrative case under section 5123.''.

(b) IMMINENT HAZARDS.—Section 5122(b) is amended—

(1) by striking paragraph (2);

(2) by striking ''(1)'';

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(4) in paragraph (2) (as so redesignated) by striking ''or ameliorate the'' and inserting ''or mitigate the''.

SEC. 7020. CIVIL PENALTY.

(a) PENALTY.—Section 5123(a) is amended—

(1) in paragraph (1)—

(A) by striking ''regulation prescribed or order issued'' and inserting ''regulation, order, special permit, or approval issued''; and

(B) by striking ''$25,000'' and inserting ''$50,000'';

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

''(2) If the Secretary finds that a violation under paragraph (1) results in death, serious illness, or severe injury to any person or substantial destruction of property, the Secretary may increase the amount of the civil penalty for such violation to not more than $100,000.''.

(b) HEARING REQUIREMENT.—Section 5123(b) is amended by striking ''regulation prescribed'' and inserting ''regulation, order, special permit, or approval issued''.

(c) CIVIL ACTIONS TO COLLECT.—Section 5123(d) is amended—

(1) by striking ''Attorney General'' and inserting ''Secretary''; and

(2) by adding at the end the following: ''In such action, the validity, amount, and appropriateness of the civil penalty shall not be subject to review.''.

(d) COMPROMISE.—Section 5123(e) is amended by striking ''before referral to the Attorney General''.

SEC. 7021. CRIMINAL PENALTY.

Section 5124 is amended to read as follows:

''§ 5124. Criminal penalty

''(a) IN GENERAL.—A person knowingly violating section 5104(b) or willfully or recklessly violating this chapter or a regulation, order, special permit, or approval issued under this chapter shall be fined under title 18, imprisoned for not more than 5 years, or both; except that the maximum amount of imprisonment shall be 10 years in any case in which the violation involves the release of a hazardous material that results in death or bodily injury to any person.

''(b) KNOWING VIOLATIONS.—For purposes of this section—

''(1) a person acts knowingly when—

''(A) the person has actual knowledge of the facts giving rise to the violation; or

''(B) a reasonable person acting in the circumstances and exercising reasonable care would have that knowledge; and

''(2) knowledge of the existence of a statutory provision, or a regulation or a requirement required by the Secretary, is not an element of an offense under this section.

''(c) WILLFUL VIOLATIONS.—For purposes of this section, a person acts willfully when—

''(1) the person has knowledge of the facts giving rise to the violation; and

''(2) the person has knowledge that the conduct was unlawful.

''(d) RECKLESS VIOLATIONS.—For purposes of this section, a person acts recklessly when the person displays a deliberate indifference or conscious disregard to the consequences of that person's conduct.''.

SEC. 7022. PREEMPTION.

(a) DUAL COMPLIANCE AND OBSTACLE TESTS.—Section 5125(a) is amended by striking the subsection heading and inserting ''DUAL COMPLIANCE AND OBSTACLE TESTS.—''.

(b) SUBSTANTIVE DIFFERENCES.—The second sentence of section 5125(b)(2) is amended by striking ''after November 16, 1990''.

(c) DECISIONS ON PREEMPTION.—The third sentence of section 5125(d)(1) is amended by inserting ''and publish in the Federal Register'' after ''issue''.

(d) JUDICIAL REVIEW.—Section 5125 is further amended—

(1) by striking subsection (f) and redesignating subsection (g) as subsection (f);

(2) in subsection (f) (as so redesignated) by moving paragraph (2) (including subparagraphs (A) through (D)) 2 ems to the left; and

(3) by adding at the end the following:

''(g) INDEPENDENT APPLICATION OF EACH STANDARD.—Subsections (b), (c)(1), (d), and (g) are independent in their application to a requirement of any State, political subdivision of a State, or Indian tribe and shall be reviewed independently.''.

SEC. 7023. RELATIONSHIP TO OTHER LAWS.

Section 5126(a) is amended by striking ''must comply'' and inserting ''shall comply''.

SEC. 7024. JUDICIAL REVIEW.

(a) IN GENERAL.—Chapter 51 is amended by redesignating section 5127 as section 5128 and by inserting after section 5126 the following:

''§ 5127. JUDICIAL REVIEW

''(a) FILING AND VENUE.—Except as provided in section 20114(c), a person adversely affected or aggrieved by a final action of the Secretary under this chapter may petition for review of the final action in the United States Court of Appeals for the District of Columbia or in the court of appeals for the United States for the circuit in which the person resides or has its principal place of business. The petition must be filed not more than 60 days after the Secretary's action becomes final.

''(b) JUDICIAL PROCEDURES.—When a petition is filed under subsection (a), the clerk of the court immediately shall send a copy of the petition to the Secretary. The Secretary shall file with the court a record of any proceeding in which the final action was issued, as provided in section 2112 of title 28.

''(c) AUTHORITY OF COURT.—The court has exclusive jurisdiction, as provided in subchapter II of chapter 5 of title 5, to affirm or set aside any part of the Secretary's final action and may order the Secretary to conduct further proceedings. Findings of fact by the Secretary, if supported by substantial evidence, are conclusive.

''(d) REQUIREMENT FOR PRIOR OBJECTION.—In reviewing a final action under this section, the court may consider an objection to a final action of the Secretary only if the objection was made in the course of a proceeding or review conducted by the Secretary or if there was a reasonable ground for not making the objection in the proceeding.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 51 is amended by striking the item relating to section 5127 and inserting the following:

''5127. Judicial review.

''5128. Authorization of appropriations.''.

SEC. 7025. AUTHORIZATION OF APPROPRIATIONS.

Section 5128 (as redesignated by section 7024) is amended to read as follows:

''§ 5128. Authorizations of appropriations

''(a) IN GENERAL.—In order to carry out this chapter (except sections 5107(e), 5108(g)(2), 5113, 5115, 5116, and 5119), the following amounts are authorized to be appropriated to the Secretary:

''(1) For fiscal year 2004, $24,981,000.

''(2) For fiscal year 2005, $27,000,000.

''(3) For fiscal year 2006, $29,000,000.

''(4) For fiscal year 2007, $30,000,000.

''(b) EMERGENCY PREPAREDNESS FUND.—There shall be available to the Secretary, from the account established pursuant to section 5116(i), for each of fiscal years 2004 through 2007 the following:

''(1) To carry out section 5115, $200,000.

''(2) To carry out section 5116(a), $8,000,000.

''(3) To carry out section 5116(b), $13,800,000.

''(4) To carry out section 5116(f), $150,000.

''(5) To publish and distribute the Emergency Response Guidebook under section 5116(i)(3), $500,000.

''(6) To pay administrative expenses in accordance with section 5116(i)(4), $150,000.

''(7) To carry out section 5116(j), $1,000,000.

''(c) TRAINING OF HAZMAT EMPLOYEE INSTRUCTORS.—There shall be available to the Secretary, from the account established pursuant to section 5116(i), to carry out section 5107(e) $4,000,000 for each of fiscal years 2004 through 2007.

''(d) UNIFORM FORMS AND PROCEDURES.—There is authorized to be appropriated to the Secretary for making grants to States participating in the working group established under section 5119 $1,000,000 for each of the fiscal years 2005 and 2006.

''(e) ISSUANCE OF HAZMAT LICENSES.—There are authorized to be appropriated for the Department of Transportation such amounts as may be necessary to carry out section 5103a.

''(f) CREDITS TO APPROPRIATIONS.—The Secretary may credit to any appropriation to carry out this chapter an amount received from a State, Indian tribe, or other public authority or private entity for expenses the Secretary incurs in providing training to the State, authority, or entity.

''(g) AVAILABILITY OF AMOUNTS.—Amounts made available by or under this section remain available until expended.''.

SEC. 7026. DETERMINING AMOUNT OF UNDECLARED SHIPMENTS OF HAZARDOUS MATERIALS ENTERING THE UNITED STATES.

(a) STUDY.—The Comptroller General shall conduct a study to propose methods of determining the amount of undeclared shipments of hazardous materials (as defined in section 5101 of title 49, United States Code) entering the United States.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 7027. CONFORMING AMENDMENTS.

Chapter 51 is amended by striking ''Secretary of Transportation'' each place it appears (other than the second place it appears in section 5108(g)(2)(C), the first place it appears in section 5115(a), and in sections 5116(g), 5116(i), and 5120(a)) and inserting ''Secretary''.

TITLE VIII—TRANSPORTATION DISCRETIONARY SPENDING GUARANTEE

SEC. 8001. POLICY.

The guaranteed funding levels provided under this Act are dependent on identifying additional budgetary resources. This title will continue sections 8101 and 8103 of the Transportation Equity Act for the 21st Century that guarantee that specific levels of authorized funding will be available for obligation each year by continuing the highway category budgetary firewall, which protects the Federal-aid highway program's obligation limitation, the programs of the Federal Motor Carrier Safety Administration, and the portion of the National Highway Traffic Safety Administration's programs funded from the Highway Trust Fund, and the mass transit category budgetary firewall, which protects the portion of the Federal Transit Administration programs funded from the Mass Transit Account of the Highway Trust Fund and the portion of such programs funded from the general fund of the Treasury.

SEC. 8002.

For purposes of clauses 2 and 3 of rule XXI of the House of Representatives, it shall be in order to transfer funds, in amounts specified in annual appropriations Acts to carry out the Transportation Equity Act: A Legacy for Users (including the amendments made by that Act), from the Federal Transit Administration's administrative expenses account to other mass transit budget accounts under section 250(c)(4)(C) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE IX—TAX PROVISIONS

SEC. 9000. SHORT TITLE, ETC.

(a) SHORT TITLE.—This title may be cited as the ''Highway Reauthorization Tax Act of 2004''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Highway Trust Fund Extension

SEC. 9101. EXTENSION OF HIGHWAY-RELATED TAXES AND TRUST FUND.

(a) EXTENSION OF TAXES.—

(1) IN GENERAL.—The following provisions of the Internal Revenue Code of 1986 are each amended by striking ''2005'' each place it appears and inserting ''2011'':

(A) Section 4041(a)(1)(C)(iii)(I) (relating to rate of tax on certain buses).

(B) Section 4041(a)(2)(B) (relating to rate of tax on special motor fuels).

(C) Section 4051(c) (relating to termination of tax on heavy trucks and trailers).

(D) Section 4071(d) (relating to termination of tax on tires).

(E) Section 4081(d)(1) (relating to termination of tax on gasoline, diesel fuel, and kerosene).

(F) Section 4481(e) (relating to period tax in effect).

(G) Section 4482(c)(4) (relating to taxable period).

(H) Section 4482(d) (relating to special rule for taxable period in which termination date occurs).

(2) FLOOR STOCKS REFUNDS.—Section 6412(a)(1) of such Code (relating to floor stocks refunds) is amended—

(A) by striking ''2005'' each place it appears and inserting ''2011'', and

(B) by striking ''2006'' each place it appears and inserting ''2012''.

(b) EXTENSION OF CERTAIN EXEMPTIONS.—The following provisions of such Code are each amended by striking ''2005'' and inserting ''2011'':

(1) Section 4221(a) (relating to certain tax-free sales).

(2) Section 4483(g) (relating to termination of exemptions for highway use tax).

(c) EXTENSION OF DEPOSITS INTO TRUST FUNDS.—

(1) IN GENERAL.—Subsection (b), and paragraphs (2) and (3) of subsection (c), of section 9503 of such Code (relating to the Highway Trust Fund) are each amended—

(A) by striking ''2005'' each place it appears and inserting ''2011'', and

(B) by striking ''2006'' each place it appears and inserting ''2012''.

(2) MOTORBOAT AND SMALL-ENGINE FUEL TAX TRANSFERS.—

(A) IN GENERAL.—Paragraphs (4)(A)(i) and (5)(A) of section 9503(c) of such Code are each

amended by striking ''2005'' and inserting ''2011''.

(B) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.—Section 201(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–11(b)) is amended—

(i) by striking ''2003'' and inserting ''2009'', and

(ii) by striking ''2004'' each place it appears and inserting ''2010''.

(d) EXTENSION AND EXPANSION OF EXPENDITURES FROM TRUST FUNDS.—

(1) HIGHWAY TRUST FUND.—

(A) HIGHWAY ACCOUNT.—Paragraph (1) of section 9503(c) of such Code is amended—

(i) in the matter before subparagraph (A), by striking ''May 1, 2004'' and inserting ''October 1, 2009'',

(ii) by striking ''or'' at the end of subparagraph (F),

(iii) by striking the period at the end of subparagraph (G) and inserting '', or'',

(iv) by inserting after subparagraph (G), the following new subparagraph:

''(H) authorized to be paid out of the Highway Trust Fund under the Transportation Equity Act: A Legacy for Users.'', and

(v) in the matter after subparagraph (H), as added by clause (iv), by striking ''Surface Transportation Extension Act of 2004'' and inserting ''Transportation Equity Act: A Legacy for Users''.

(B) MASS TRANSIT ACCOUNT.—Paragraph (3) of section 9503(e) of such Code is amended—

(i) in the matter before subparagraph (A), by striking ''May 1, 2004'' and inserting ''October 1, 2009'',

(ii) in subparagraph (D), by striking ''or'' at the end of such subparagraph,

(iii) in subparagraph (E), by inserting ''or'' at the end of such subparagraph,

(iv) by inserting after subparagraph (E) the following new subparagraph:

''(F) the Transportation Equity Act: A Legacy for Users,'', and

(v) in the matter after subparagraph (F), as added by clause (iv), by striking ''Surface Transportation Extension Act of 2004'' and inserting ''Transportation Equity Act: A Legacy for Users''.

(C) LIMITATION ON TRANSFERS.—Subparagraph (B) of section 9503(b)(5) of such Code is amended by striking ''May 1, 2004'' and inserting ''October 1, 2009''.

(2) AQUATIC RESOURCES TRUST FUND.—

(A) SPORT FISH RESTORATION ACCOUNT.—Paragraph (2) of section 9504(b) of such Code is amended by striking ''Surface Transportation Extension Act of 2004'' each place it appears and inserting ''Transportation Equity Act: A Legacy for Users''.

(B) BOAT SAFETY ACCOUNT.—Subsection (c) of section 9504 of such Code is amended—

(i) by striking ''May 1, 2004'' and inserting ''October 1, 2009'', and

(ii) by striking ''Surface Transportation Extension Act of 2004'' and inserting ''Transportation Equity Act: A Legacy for Users''.

(C) EXCEPTION TO LIMITATION ON TRANSFERS.—Paragraph (2) of section 9504(d) of such Code is amended by striking ''May 1, 2004'' and inserting ''October 1, 2009''.

Subtitle B—Restructuring of Incentives for Alcohol Fuels, Etc.

SEC. 9201. REDUCED RATES OF TAX ON GASOHOL REPLACED WITH EXCISE TAX CREDIT; REPEAL OF OTHER ALCOHOL-BASED FUEL INCENTIVES; ETC.

(a) EXCISE TAX CREDIT FOR ALCOHOL FUEL MIXTURES.—

(1) IN GENERAL.—Subsection (f) of section 6427 is amended to read as follows:

''(f) ALCOHOL FUEL MIXTURES.—

''(1) IN GENERAL.—The amount of credit which would (but for section 40(c)) be determined under section 40(a)(1) for any period—

''(A) shall, with respect to taxable events occurring during such period, be treated—

''(i) as a payment of the taxpayer's liability for tax imposed by section 4081, and

''(ii) as received at the time of the taxable event, and

''(B) to the extent such amount of credit exceeds such liability for such period, shall (except as provided in subsection (k)) be paid subject to subsection (i)(3) by the Secretary without interest.

''(2) SPECIAL RULES.—

''(A) ONLY CERTAIN ALCOHOL TAKEN INTO ACCOUNT.—For purposes of paragraph (1), section 40 shall be applied—

''(i) by not taking into account alcohol with a proof of less than 190, and

''(ii) by treating as alcohol the alcohol gallon equivalent of ethyl tertiary butyl ether or other ethers produced from such alcohol.

''(B) TREATMENT OF REFINERS.—For purposes of paragraph (1), in the case of a mixture—

''(i) the alcohol in which is described in subparagraph (A)(ii), and

''(ii) which is produced by any person at a refinery prior to any taxable event,

section 40 shall be applied by treating such person as having sold such mixture at the time of its removal from the refinery (and only at such time) to another person for use as a fuel.

''(3) MIXTURES NOT USED AS FUEL.—Rules similar to the rules of subparagraphs (A) and (D) of section 40(d)(3) shall apply for purposes of this subsection.

''(4) TERMINATION.—This section shall apply only to periods to which section 40 applies, determined by substituting in section 40(e)—

''(A) 'December 31, 2010' for 'December 31, 2007', and

''(B) 'January 1, 2011' for 'January 1, 2008'.''

(2) REVISION OF RULES FOR PAYMENT OF CREDIT.—Paragraph (3) of section 6427(i) is amended to read as follows:

''(3) SPECIAL RULE FOR ALCOHOL MIXTURE CREDIT.—

''(A) IN GENERAL.—A claim may be filed under subsection (f)(1)(B) by any person for any period—

''(i) for which $200 or more is payable under such subsection (f)(1)(B), and

''(ii) which is not less than 1 week.

In the case of an electronic claim, this subparagraph shall be applied without regard to clause (i).

''(B) PAYMENT OF CLAIM.—Notwithstanding subsection (f)(1)(B), if the Secretary has not paid pursuant to a claim filed under this section within 45 days of the date of the filing of such claim (20 days in the case of an electronic claim), the claim shall be paid with interest from such date determined by using the overpayment rate and method under section 6621.

''(C) TIME FOR FILING CLAIM.—No claim filed under this paragraph shall be allowed unless filed on or before the last day of the first quarter following the earliest quarter included in the claim.''

(b) REPEAL OF OTHER INCENTIVES FOR FUEL MIXTURES.—

(1) Subsection (b) of section 4041 is amended to read as follows:

''(b) EXEMPTION FOR OFF-HIGHWAY BUSINESS USE.—

''(1) IN GENERAL.—No tax shall be imposed by subsection (a) or (d)(1) on liquids sold for use or used in an off-highway business use.

''(2) TAX WHERE OTHER USE.—If a liquid on which no tax was imposed by reason of paragraph (1) is used otherwise than in an off-highway business use, a tax shall be imposed by paragraph (1)(B), (2)(B), or (3)(A)(ii) of subsection (a) (whichever is appropriate) and by the corresponding provision of subsection (d)(1) (if any).

''(3) OFF-HIGHWAY BUSINESS USE DEFINED.—For purposes of this subsection, the term 'off-highway business use' has the meaning given to such term by section 6421(e)(2); except that such term shall not, for purposes of subsection (a)(1), include use in a diesel-powered train.''

(2) Section 4041(k) is hereby repealed.

(3) Section 4081(c) is hereby repealed.

(4) Section 4091(c) is hereby repealed.

(c) TRANSFERS TO HIGHWAY TRUST FUND.—Paragraph (4) of section 9503(b) is amended by adding ''or'' at the end of subparagraph (B), by striking the comma at the end of subparagraph (C) and inserting a period, and by striking subparagraphs (D), (E), and (F).

(d) CONFORMING AMENDMENTS.—

(1) Subsection (c) of section 40 is amended to read as follows:

''(c) COORDINATION WITH EXCISE TAX BENEFITS.—The amount of the credit determined under this section with respect to any alcohol shall, under regulations prescribed by the Secretary, be properly reduced to take into account the benefit provided with respect to such alcohol under section 6427(f).''

(2) Subparagraph (B) of section 40(d)(4) is amended by striking ''under section 4041(k) or 4081(c)'' and inserting ''under section 6427(f)''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided by paragraph (2), the amendments made by this section shall apply to fuel sold or used after September 30, 2004.

(2) SUBSECTION (c).—The amendments made by subsection (c) shall apply to taxes imposed after September 30, 2003.

SEC. 9202. ALCOHOL FUEL SUBSIDIES BORNE BY GENERAL FUND.

(a) TRANSFERS TO FUND.—Section 9503(b)(1) is amended by adding at the end the following new flush sentence:

''For purposes of this paragraph, the amount of taxes received under section 4081 shall include any amount treated as a payment under section 6427(f)(1)(A) and shall not be reduced by the amount paid under section 6427(f)(1)(B).''.

(b) TRANSFERS FROM FUND.—Subparagraph (A) of section 9503(c)(2) is amended by adding at the end the following new sentence: ''Clauses (i)(III) and (ii) shall not apply to claims under section 6427(f)(1)(B).''

(c) EFFECTIVE DATE.—

(1) SUBSECTION (a).—The amendment made by subsection (a) shall apply to taxes received after September 30, 2004.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to amounts paid after September 30, 2004, and (to the extent related to section 34 of the Internal Revenue Code of 1986) to fuel used after such date.

Subtitle C—Reduction of Fuel Tax Evasion

SEC. 9301. EXEMPTION FROM CERTAIN EXCISE TAXES FOR MOBILE MACHINERY.

(a) EXEMPTION FROM TAX ON HEAVY TRUCKS AND TRAILERS SOLD AT RETAIL.—

(1) IN GENERAL.—Section 4053 (relating to exemptions) is amended by adding at the end the following new paragraph:

''(8) MOBILE MACHINERY.—Any vehicle which consists of a chassis—

''(A) to which there has been permanently mounted (by welding, bolting, riveting, or other means) machinery or equipment to perform a construction, manufacturing, processing, farming, mining, drilling, timbering, or similar operation if the operation of the machinery or equipment is unrelated to transportation on or off the public highways,

''(B) which has been specially designed to serve only as a mobile carriage and mount (and a power source, where applicable) for the particular machinery or equipment involved, whether or not such machinery or equipment is in operation, and

''(C) which, by reason of such special design, could not, without substantial structural modification, be used as a component of a vehicle designed to perform a function of transporting any load other than that particular machinery or equipment or similar machinery or equipment requiring such a specially designed chassis.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the day after the date of the enactment of this Act.

(b) EXEMPTION FROM TAX ON USE OF CERTAIN VEHICLES.—

(1) IN GENERAL.—Section 4483 (relating to exemptions) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

''(g) EXEMPTION FOR MOBILE MACHINERY.—No tax shall be imposed by section 4481 on the use of any vehicle described in section 4053(8).''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the day after the date of the enactment of this Act.

(c) EXEMPTION FROM TAX ON TIRES.—

(1) IN GENERAL.—Section 4072(b)(2) is amended by adding at the end the following flush sentence: ''Such term shall not include tires of a type used exclusively on vehicles described in section 4053(8).''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the day after the date of the enactment of this Act.

(d) REFUND OF FUEL TAXES.—

(1) IN GENERAL.—Section 6421(e)(2) (defining off-highway business use) is amended by adding at the end the following new subparagraph:

''(C) USES IN MOBILE MACHINERY.—

''(i) IN GENERAL.—The term 'off-highway business use' shall include any use in a vehicle which meets the requirements described in clause (ii).

''(ii) REQUIREMENTS FOR MOBILE MACHINERY.—The requirements described in this clause are—

''(I) the design-based test, and

''(II) the use-based test.

''(iii) DESIGN-BASED TEST.—For purposes of clause (ii)(I), the design-based test is met if the vehicle consists of a chassis—

''(I) to which there has been permanently mounted (by welding, bolting, riveting, or other means) machinery or equipment to perform a construction, manufacturing, processing, farming, mining, drilling, timbering, or similar operation if the operation of the machinery or equipment is unrelated to transportation on or off the public highways,

''(II) which has been specially designed to serve only as a mobile carriage and mount (and a power source, where applicable) for the particular machinery or equipment involved, whether or not such machinery or equipment is in operation, and

''(III) which, by reason of such special design, could not, without substantial structural modification, be used as a component of a vehicle designed to perform a function of transporting any load other than that particular machinery or equipment or similar machinery or equipment requiring such a specially designed chassis.

''(iv) USE-BASED TEST.—For purposes of clause (ii)(II), the use-based test is met if the use of the vehicle on public highways was less than 7,500 miles during the taxpayer's taxable year.''.

(2) NO TAX-FREE SALES.—Subsection (b) of section 4082, as amended by section 9302, is amended by inserting before the period at the end ''and such term shall not include any use described in section 6421(e)(2)(C)''.

(3) ANNUAL REFUND OF TAX PAID.—Section 6427(i)(2) (relating to exceptions) is amended by adding at the end the following new subparagraph:

''(C) NONAPPLICATION OF PARAGRAPH.—This paragraph shall not apply to any fuel used solely in any off-highway business use described in section 6421(e)(2)(C).''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 9302. TAXATION OF AVIATION-GRADE KEROSENE.

(a) RATE OF TAX.—

(1) IN GENERAL.—Subparagraph (A) of section 4081(a)(2) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) in the case of aviation-grade kerosene, 21.8 cents per gallon.''.

(2) COMMERCIAL AVIATION.—Paragraph (2) of section 4081(a) is amended by adding at the end the following new subparagraph:

''(C) TAXES IMPOSED ON FUEL USED IN COMMERCIAL AVIATION.—In the case of aviation-grade kerosene which is removed from any refinery or terminal directly into the fuel tank of an aircraft for use in commercial aviation, the rate of tax under subparagraph (A)(iv) shall be 4.3 cents per gallon.''.

(3) CERTAIN REFUELER TRUCKS, TANKERS, AND TANK WAGONS TREATED AS TERMINAL.—Subsection (a) of section 4081 is amended by adding at the end the following new paragraph:

''(3) CERTAIN REFUELER TRUCKS, TANKERS, AND TANK WAGONS TREATED AS TERMINAL.—

''(A) IN GENERAL.—In the case of aviation-grade kerosene which is removed from any terminal directly into the fuel tank of an aircraft (determined without regard to any refueler truck, tanker, or tank wagon which meets the requirements of subparagraph (B)), a refueler truck, tanker, or tank wagon shall be treated as part of such terminal if—

''(i) such truck, tanker, or wagon meets the requirements of subparagraph (B) with respect to an airport, and

''(ii) except in the case of exigent circumstances identified by the Secretary in regulations, no vehicle registered for highway use is loaded with aviation-grade kerosene at such terminal.

''(B) REQUIREMENTS.—A refueler truck, tanker, or tank wagon meets the requirements of this subparagraph with respect to an airport if such truck, tanker, or wagon—

''(i) is loaded with aviation-grade kerosene at such terminal located within such airport and delivers such kerosene only into aircraft at such airport,

''(ii) has storage tanks, hose, and coupling equipment designed and used for the purposes of fueling aircraft,

''(iii) is not registered for highway use, and

''(iv) is operated by—

''(I) the terminal operator of such terminal, or

''(II) a person that makes a daily accounting to such terminal operator of each delivery of fuel from such truck, tanker, or wagon.

''(C) REPORTING.—The Secretary shall require under section 4101(d) reporting by such terminal operator of—

''(i) any information obtained under subparagraph (B)(iv)(II), and

''(ii) any similar information maintained by such terminal operator with respect to deliveries of fuel made by trucks, tankers, or wagons operated by such terminal operator.''.

(4) LIABILITY FOR TAX ON AVIATION-GRADE KEROSENE USED IN COMMERCIAL AVIATION.—Subsection (a) of section 4081 is amended by adding at the end the following new paragraph:

''(4) LIABILITY FOR TAX ON AVIATION-GRADE KEROSENE USED IN COMMERCIAL AVIATION.—For purposes of paragraph (2)(C), the person who uses the fuel for commercial aviation shall pay the tax imposed under such paragraph. For purposes of the preceding sentence, fuel shall be treated as used when such fuel is removed into the fuel tank.''.

(5) NONTAXABLE USES.—

(A) IN GENERAL.—Section 4082 is amended by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and by inserting after subsection (d) the following new subsection:

''(e) AVIATION-GRADE KEROSENE.—In the case of aviation-grade kerosene which is exempt from the tax imposed by section 4041(c) (other than by reason of a prior imposition of tax) and which is removed from any refinery or terminal directly into the fuel tank of an aircraft, the rate of tax under section 4081(a)(2)(A)(iv) shall be zero.''.

(B) CONFORMING AMENDMENTS.—

(i) Subsection (b) of section 4082 is amended by adding at the end the following new flush sentence:

''The term 'nontaxable use' does not include the use of aviation-grade kerosene in an aircraft.''.

(ii) Section 4082(d) is amended by striking paragraph (1) and by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(6) NONAIRCRAFT USE OF AVIATION-GRADE KEROSENE.—

(A) IN GENERAL.—Subparagraph (B) of section 4041(a)(1) is amended by adding at the end the following new sentence: ''This subparagraph shall not apply to aviation-grade kerosene.''.

(B) CONFORMING AMENDMENT.—The heading for paragraph (1) of section 4041(a) is amended by inserting ''AND KEROSENE'' after ''DIESEL FUEL''.

(b) COMMERCIAL AVIATION.—Section 4083 is amended by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and by inserting after subsection (a) the following new subsection:

''(b) COMMERCIAL AVIATION.—For purposes of this subpart, the term 'commercial aviation' means any use of an aircraft in a business of transporting persons or property for compensation or hire by air, unless properly allocable to any transportation exempt from the taxes imposed by sections 4261 and 4271 by reason of section 4281 or 4282 or by reason of section 4261(h).''.

(c) REFUNDS.—

(1) IN GENERAL.—Paragraph (4) of section 6427(l) is amended to read as follows:

''(4) REFUNDS FOR AVIATION-GRADE KEROSENE.—

''(A) NO REFUND OF CERTAIN TAXES ON FUEL USED IN COMMERCIAL AVIATION.—In the case of aviation-grade kerosene used in commercial aviation (as defined in section 4083(b)) (other than supplies for vessels or aircraft within the meaning of section 4221(d)(3)), paragraph (1) shall not apply to so much of the tax imposed by section 4081 as is attributable to—

''(i) the Leaking Underground Storage Tank Trust Fund financing rate imposed by such section, and

''(ii) so much of the rate of tax specified in section 4081(a)(2)(A)(iv) as does not exceed 4.3 cents per gallon.

''(B) PAYMENT TO ULTIMATE, REGISTERED VENDOR.—With respect to aviation-grade kerosene, if the ultimate purchaser of such kerosene waives (at such time and in such form and manner as the Secretary shall prescribe) the right to payment under paragraph (1) and assigns such right to the ultimate vendor, then the Secretary shall pay the amount which would be paid under paragraph (1) to such ultimate vendor, but only if such ultimate vendor—

''(i) is registered under section 4101, and

''(ii) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).''.

(2) TIME FOR FILING CLAIMS.—Subparagraph (A) of section 6427(i)(4) is amended—

(A) by striking ''subsection (l)(5)'' both places it appears and inserting ''paragraph (4)(B) or (5) of subsection (l)'', and

(B) by striking ''the preceding sentence'' and inserting ''subsection (l)(5)''.

(3) CONFORMING AMENDMENT.—Subparagraph (B) of section 6427(l)(2) is amended to read as follows:

''(B) in the case of aviation-grade kerosene—

''(i) any use which is exempt from the tax imposed by section 4041(c) other than by reason of a prior imposition of tax, or

''(ii) any use in commercial aviation (within the meaning of section 4083(b)).''.

(d) REPEAL OF PRIOR TAXATION OF AVIATION FUEL.—

(1) IN GENERAL.—Part III of subchapter A of chapter 32 is amended by striking subpart B and by redesignating subpart C as subpart B.

(2) CONFORMING AMENDMENTS.—

(A) Section 4041(c) is amended to read as follows:

''(c) AVIATION-GRADE KEROSENE.—

''(1) IN GENERAL.—There is hereby imposed a tax upon aviation-grade kerosene—

''(A) sold by any person to an owner, lessee, or other operator of an aircraft for use in such aircraft, or

''(B) used by any person in an aircraft unless there was a taxable sale of such fuel under subparagraph (A).

''(2) EXEMPTION FOR PREVIOUSLY TAXED FUEL.—No tax shall be imposed by this subsection on the sale or use of any aviation-grade kerosene if tax was imposed on such liquid under section 4081 and the tax thereon was not credited or refunded.

''(3) RATE OF TAX.—The rate of tax imposed by this subsection shall be the rate of tax specified in section 4081(a)(2)(A)(iv) which is in effect at the time of such sale or use.''.

(B) Section 4041(d)(2) is amended by striking ''section 4091'' and inserting ''section 4081''.

(C) Section 4041 is amended by striking subsection (e).

(D) Section 4041 is amended by striking subsection (i).

(E) Sections 4101(a), 4103, 4221(a), and 6206 are each amended by striking '', 4081, or 4091'' and inserting ''or 4081''.

(F) Section 6416(b)(2) is amended by striking ''4091 or''.

(G) Section 6416(b)(3) is amended by striking ''or 4091'' each place it appears.

(H) Section 6416(d) is amended by striking ''or to the tax imposed by section 4091 in the case of refunds described in section 4091(d)''.

(I) Section 6427(j)(1) is amended by striking '', 4081, and 4091'' and inserting ''and 4081''.

(J)(i) Section 6427(l)(1) is amended to read as follows:

''(1) IN GENERAL.—Except as otherwise provided in this subsection and in subsection (k), if any diesel fuel or kerosene on which tax has been imposed by section 4041 or 4081 is used by any person in a nontaxable use, the Secretary shall pay (without interest) to the ultimate purchaser of such fuel an amount equal to the aggregate amount of tax imposed on such fuel under section 4041 or 4081, as the case may be, reduced by any payment made to the ultimate vendor under paragraph (4)(B).''.

(ii) Paragraph (5)(B) of section 6427(l) is amended by striking ''Paragraph (1)(A) shall not apply to kerosene'' and inserting ''Paragraph (1) shall not apply to kerosene (other than aviation-grade kerosene)''.

(K) Subparagraph (B) of section 6724(d)(1) is amended by striking clause (xv) and by redesignating the succeeding clauses accordingly.

(L) Paragraph (2) of section 6724(d) is amended by striking subparagraph (W) and by redesignating the succeeding subparagraphs accordingly.

(M) Paragraph (1) of section 9502(b) is amended by adding ''and'' at the end of subparagraph (B) and by striking subparagraphs (C) and (D) and inserting the following new subparagraph:

''(C) section 4081 with respect to aviation gasoline and aviation-grade kerosene, and''.

(N) The last sentence of section 9502(b) is amended to read as follows:

''There shall not be taken into account under paragraph (1) so much of the taxes imposed by section 4081 as are determined at the rate specified in section 4081(a)(2)(B).''.

(O) Subsection (b) of section 9508 is amended by striking paragraph (3) and by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(P) Section 9508(c)(2)(A) is amended by striking ''sections 4081 and 4091'' and inserting ''section 4081''.

(Q) The table of subparts for part III of subchapter A of chapter 32 is amended to read as follows:

''Subpart A. Motor and aviation fuels.
''Subpart B. Special provisions applicable to fuels tax.''.

(R) The heading for subpart A of part III of subchapter A of chapter 32 is amended to read as follows:

"Subpart A—Motor and Aviation Fuels".

(S) The heading for subpart B of part III of subchapter A of chapter 32, as redesignated by paragraph (1), is amended to read as follows:

"Subpart B—Special Provisions Applicable to Fuels Tax".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to aviation-grade kerosene removed, entered, or sold after September 30, 2004.

(f) FLOOR STOCKS TAX.—

(1) IN GENERAL.—There is hereby imposed on aviation-grade kerosene held on October 1, 2004, by any person a tax equal to—

(A) the tax which would have been imposed before such date on such kerosene had the amendments made by this section been in effect at all times before such date, reduced by

(B) the tax imposed before such date under section 4091 of the Internal Revenue Code of 1986, as in effect on the day before the date of the enactment of this Act.

(2) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—The person holding the kerosene on October 1, 2004, to which the tax imposed by paragraph (1) applies shall be liable for such tax.

(B) METHOD AND TIME FOR PAYMENT.—The tax imposed by paragraph (1) shall be paid at such time and in such manner as the Secretary of the Treasury (or the Secretary's delegate) shall prescribe, including the nonapplication of such tax on de minimis amounts of kerosene.

(3) TRANSFER OF FLOOR STOCK TAX REVENUES TO TRUST FUNDS.—For purposes of determining the amount transferred to any trust fund, the tax imposed by this subsection shall be treated as imposed by section 4081 of the Internal Revenue Code of 1986—

(A) at the Leaking Underground Storage Tank Trust Fund financing rate under such section to the extent of 0.1 cents per gallon, and

(B) at the rate under section 4081(a)(2)(A)(iv) to the extent of the remainder.

(4) HELD BY A PERSON.—For purposes of this section, kerosene shall be considered as held by a person if title thereto has passed to such person (whether or not delivery to the person has been made).

(5) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the tax imposed by section 4081 of such Code shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock tax imposed by paragraph (1) to the same extent as if such tax were imposed by such section.

SEC. 9303. DYE INJECTION EQUIPMENT.

(a) IN GENERAL.—Section 4082(a)(2) (relating to exemptions for diesel fuel and kerosene) is amended by inserting ''by mechanical injection'' after ''indelibly dyed''.

(b) DYE INJECTOR SECURITY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall issue regulations regarding mechanical dye injection systems described in the amendment made by subsection (a), and such regulations shall include standards for making such systems tamper resistant.

(c) PENALTY FOR TAMPERING WITH OR FAILING TO MAINTAIN SECURITY REQUIREMENTS FOR MECHANICAL DYE INJECTION SYSTEMS.—

(1) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by adding after section 6715 the following new section:

"SEC. 6715A. TAMPERING WITH OR FAILING TO MAINTAIN SECURITY REQUIREMENTS FOR MECHANICAL DYE INJECTION SYSTEMS.

''(a) IMPOSITION OF PENALTY—

''(1) TAMPERING.—If any person tampers with a mechanical dye injection system used to indelibly dye fuel for purposes of section 4082, such person shall pay a penalty in addition to the tax (if any).

''(2) FAILURE TO MAINTAIN SECURITY REQUIREMENTS.—If any operator of a mechanical dye injection system used to indelibly dye fuel for purposes of section 4082 fails to maintain the security standards for such system as established by the Secretary, then such operator shall pay a penalty in addition to the tax (if any).

''(b) AMOUNT OF PENALTY.—The amount of the penalty under subsection (a) shall be—

''(1) for each violation described in paragraph (1), the greater of—

''(A) $25,000, or

''(B) $10 for each gallon of fuel involved, and

''(2) for each—

''(A) failure to maintain security standards described in paragraph (2), $1,000, and

''(B) failure to correct a violation described in paragraph (2), $1,000 per day for each day after which such violation was discovered or such person should have reasonably known of such violation.

''(c) JOINT AND SEVERAL LIABILITY.—

''(1) IN GENERAL.—If a penalty is imposed under this section on any business entity, each officer, employee, or agent of such entity or other contracting party who willfully participated in any act giving rise to such penalty shall be jointly and severally liable with such entity for such penalty.

''(2) AFFILIATED GROUPS.—If a business entity described in paragraph (1) is part of an affiliated group (as defined in section 1504(a)), the parent corporation of such entity shall be jointly and severally liable with such entity for the penalty imposed under this section.''.

(2) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by adding after the item related to section 6715 the following new item:

''Sec. 6715A. Tampering with or failing to maintain security requirements for mechanical dye injection systems.''.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (c) shall take effect on the 180th day after the date on which the Secretary issues the regulations described in subsection (b).

SEC. 9304. AUTHORITY TO INSPECT ON-SITE RECORDS.

(a) IN GENERAL.—Section 4083(d)(1)(A) (relating to administrative authority), as previously amended by this Act, is amended by striking ''and'' at the end of clause (i) and by inserting after clause (ii) the following new clause:

''(iii) inspecting any books and records and any shipping papers pertaining to such fuel, and''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 9305. REGISTRATION OF PIPELINE OR VESSEL OPERATORS REQUIRED FOR EXEMPTION OF BULK TRANSFERS TO REGISTERED TERMINALS OR REFINERIES.

(a) IN GENERAL.—Section 4081(a)(1)(B) (relating to exemption for bulk transfers to registered terminals or refineries) is amended—

(1) by inserting ''by pipeline or vessel'' after ''transferred in bulk'', and

(2) by inserting '', the operator of such pipeline or vessel,'' after ''the taxable fuel''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2004.

(c) PUBLICATION OF REGISTERED PERSONS.—Beginning on July 1, 2004, the Secretary of the Treasury (or the Secretary's delegate) shall periodically publish a current list of persons registered under section 4101 of the Internal Revenue Code of 1986 who are required to register under such section.

SEC. 9306. DISPLAY OF REGISTRATION.

(a) IN GENERAL.—Subsection (a) of section 4101 (relating to registration) is amended—

(1) by striking ''Every'' and inserting the following:

''(1) IN GENERAL.—Every'', and

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

''(2) DISPLAY OF REGISTRATION.—Every operator of a vessel required by the Secretary to register under this section shall display proof of registration through an electronic identification device prescribed by the Secretary on each vessel used by such operator to transport any taxable fuel.''.

(b) CIVIL PENALTY FOR FAILURE TO DISPLAY REGISTRATION.—

(1) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6716 the following new section:

''SEC. 6717. FAILURE TO DISPLAY TAX REGISTRATION ON VESSELS.

''(a) FAILURE TO DISPLAY REGISTRATION.—Every operator of a vessel who fails to display proof of registration pursuant to section 4101(a)(2) shall pay a penalty of $500 for each such failure. With respect to any vessel, only one penalty shall be imposed by this section during any calendar month.

''(b) MULTIPLE VIOLATIONS.—In determining the penalty under subsection (a) on any person, subsection (a) shall be applied by increasing the amount in subsection (a) by the product of such amount and the aggregate number of penalties (if any) imposed with respect to prior months by this section on such person (or a related person or any predecessor of such person or related person).

''(c) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this section with respect to any failure if it is shown that such failure is due to reasonable cause.''.

(2) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by inserting after the item relating to section 6716 the following new item:

''Sec. 6717. Failure to display tax registration on vessels.''.

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall take effect on October 1, 2004.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to penalties imposed after September 30, 2004.

SEC. 9307. PENALTIES FOR FAILURE TO REGISTER AND FAILURE TO REPORT.

(a) INCREASED PENALTY.—Subsection (a) of section 7272 (relating to penalty for failure to register) is amended by inserting ''($10,000 in the case of a failure to register under section 4101)'' after ''$50''.

(b) INCREASED CRIMINAL PENALTY.—Section 7232 (relating to failure to register under section 4101, false representations of registration status, etc.) is amended by striking ''$5,000'' and inserting ''$10,000''.

(c) ASSESSABLE PENALTY FOR FAILURE TO REGISTER.—

(1) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6717 the following new section:

''SEC. 6718. FAILURE TO REGISTER.

''(a) FAILURE TO REGISTER.—Every person who is required to register under section 4101 and fails to do so shall pay a penalty in addition to the tax (if any).

''(b) AMOUNT OF PENALTY.—The amount of the penalty under subsection (a) shall be—

''(1) $10,000 for each initial failure to register, and

''(2) $1,000 for each day thereafter such person fails to register.

''(c) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this section with respect to any failure if it is shown that such failure is due to reasonable cause.''.

(2) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by inserting after the item relating to section 6717 the following new item:

''Sec. 6718. Failure to register.''.

(d) ASSESSABLE PENALTY FOR FAILURE TO REPORT.—

(1) IN GENERAL.—Part II of subchapter B of chapter 68 (relating to assessable penalties) is amended by adding at the end the following new section:

''SEC. 6725. FAILURE TO REPORT INFORMATION UNDER SECTION 4101.

''(a) IN GENERAL.—In the case of each failure described in subsection (b) by any person with respect to a vessel or facility, such person shall pay a penalty of $10,000 in addition to the tax (if any).

''(b) FAILURES SUBJECT TO PENALTY.—For purposes of subsection (a), the failures described in this subsection are—

''(1) any failure to make a report under section 4101(d) on or before the date prescribed therefor, and

''(2) any failure to include all of the information required to be shown on such report or the inclusion of incorrect information.

''(c) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this section with respect to any failure if it is shown that such failure is due to reasonable cause.''.

(2) CLERICAL AMENDMENT.—The table of sections for part II of subchapter B of chapter 68 is amended by adding at the end the following new item:

''Sec. 6725. Failure to report information under section 4101.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to penalties imposed after September 30, 2004.

SEC. 9308. COLLECTION FROM CUSTOMS BOND WHERE IMPORTER NOT REGISTERED.

(a) TAX AT POINT OF ENTRY WHERE IMPORTER NOT REGISTERED.—Subpart B of part III of subchapter A of chapter 32, as redesignated by section 9302(d), is amended by adding after section 4103 the following new section:

''SEC. 4104. COLLECTION FROM CUSTOMS BOND WHERE IMPORTER NOT REGISTERED.

''(a) IN GENERAL.—The importer of record shall be jointly and severally liable for the tax imposed by section 4081(a)(1)(A)(iii) if, under regulations prescribed by the Secretary, any other person that is not a person who is registered under section 4101 is liable for such tax.

''(b) COLLECTION FROM CUSTOMS BOND.—If any tax for which any importer of record is liable under subsection (a), or for which any importer of record that is not a person registered under section 4101 is otherwise liable, is not paid on or before the last date prescribed for payment, the Secretary may collect such tax from the Customs bond posted with respect to the importation of the taxable fuel to which the tax relates. For purposes of determining the jurisdiction of any court of the United States or any agency of the United States, any action by the Secretary described in the preceding sentence shall be treated as an action to collect the tax from a bond described in section 4101(b)(1) and not as an action to collect from a bond relating to the importation of merchandise.''.

(b) CONFORMING AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 32, as redesignated by section 9302(d), is amended by adding after the item related to section 4103 the following new item:

''Sec. 4104. Collection from Customs bond where importer not registered.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fuel entered after September 30, 2004.

SEC. 9309. MODIFICATIONS OF TAX ON USE OF CERTAIN VEHICLES.

(a) PRORATION OF TAX WHERE VEHICLE SOLD.—

(1) IN GENERAL.—Subparagraph (A) of section 4481(c)(2) (relating to where vehicle destroyed or stolen) is amended by striking ''destroyed or stolen'' both places it appears and inserting ''sold, destroyed, or stolen''.

(2) CONFORMING AMENDMENT.—The heading for section 4481(c)(2) is amended by striking ''DESTROYED OR STOLEN'' and inserting ''SOLD, DESTROYED, OR STOLEN''.

(b) REPEAL OF INSTALLMENT PAYMENT.—

(1) Section 6156 (relating to installment payment of tax on use of highway motor vehicles) is repealed.

(2) The table of sections for subchapter A of chapter 62 is amended by striking the item relating to section 6156.

(c) ELECTRONIC FILING.—Section 4481 is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

''(e) ELECTRONIC FILING.—Any taxpayer who files a return under this section with respect to 25 or more vehicles for any taxable period shall file such return electronically.''.

(d) REPEAL OF REDUCTION IN TAX FOR CERTAIN TRUCKS.—Section 4483 is amended by striking subsection (f).

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable periods beginning after the date of the enactment of this Act.

SEC. 9310. MODIFICATION OF ULTIMATE VENDOR REFUND CLAIMS WITH RESPECT TO FARMING.

(a) IN GENERAL.—

(1) REFUNDS.—Section 6427(l) is amended by adding at the end the following new paragraph:

''(6) REGISTERED VENDORS PERMITTED TO ADMINISTER CERTAIN CLAIMS FOR REFUND OF DIESEL FUEL AND KEROSENE SOLD TO FARMERS.—

''(A) IN GENERAL.—In the case of diesel fuel or kerosene used on a farm for farming purposes (within the meaning of section 6420(c)), paragraph (1) shall not apply to the aggregate amount of such diesel fuel or kerosene if such amount does not exceed 250 gallons (as determined under subsection (i)(5)(A)(iii)).

''(B) PAYMENT TO ULTIMATE VENDOR.—The amount which would (but for subparagraph (A)) have been paid under paragraph (1) with respect to any fuel shall be paid to the ultimate vendor of such fuel, if such vendor—

''(i) is registered under section 4101, and

''(ii) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).''.

(2) FILING OF CLAIMS.—Section 6427(i) is amended by inserting at the end the following new paragraph:

''(5) SPECIAL RULE FOR VENDOR REFUNDS WITH RESPECT TO FARMERS.—

''(A) IN GENERAL.—A claim may be filed under subsection (l)(6) by any person with respect to fuel sold by such person for any period—

''(i) for which $200 or more ($100 or more in the case of kerosene) is payable under subsection (l)(6),

''(ii) which is not less than 1 week, and

''(iii) which is for not more than 250 gallons for each farmer for which there is a claim.

Notwithstanding subsection (l)(1), paragraph (3)(B) shall apply to claims filed under the preceding sentence.

''(B) TIME FOR FILING CLAIM.—No claim filed under this paragraph shall be allowed unless filed on or before the last day of the first quarter following the earliest quarter included in the claim.''.

(3) CONFORMING AMENDMENTS.—

(A) Section 6427(l)(5)(A) is amended to read as follows:

''(A) IN GENERAL.—Paragraph (1) shall not apply to diesel fuel or kerosene used by a State or local government.''.

(B) The heading for section 6427(l)(5) is amended by striking ''FARMERS AND''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuels sold for nontaxable use after the date of the enactment of this Act.

SEC. 9311. DEDICATION OF REVENUES FROM CERTAIN PENALTIES TO THE HIGHWAY TRUST FUND.

(a) IN GENERAL.—Subsection (b) of section 9503 (relating to transfer to Highway Trust Fund of amounts equivalent to certain taxes) is amended by redesignating paragraph (5) as paragraph (6) and inserting after paragraph (4) the following new paragraph:

''(5) CERTAIN PENALTIES.—There are hereby appropriated to the Highway Trust Fund amounts equivalent to the penalties paid under sections 6715, 6715A, 6717, 6718, 6725, 7232, and 7272 (but only with regard to penalties under such section related to failure to register under section 4101).''.

(b) CONFORMING AMENDMENTS.—

(1) The heading of subsection (b) of section 9503 is amended by inserting ''AND PENALTIES'' after ''TAXES''.

(2) The heading of paragraph (1) of section 9503(b) is amended by striking ''IN GENERAL'' and inserting ''CERTAIN TAXES''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to penalties assessed after October 1, 2004.

Subtitle D—Other Excise Tax Provisions

SEC. 9401. TAXABLE FUEL REFUNDS FOR CERTAIN ULTIMATE VENDORS.

(a) IN GENERAL.—Paragraph (4) of section 6416(a) (relating to abatements, credits, and refunds) is amended to read as follows:

''(4) REGISTERED ULTIMATE VENDOR TO ADMINISTER CREDITS AND REFUNDS OF GASOLINE TAX.—

''(A) IN GENERAL.—For purposes of this subsection, if an ultimate vendor purchases any gasoline on which tax imposed by section 4081 has been paid and sells such gasoline to an ultimate purchaser described in subparagraph (C) or (D) of subsection (b)(2) (and such gasoline is for a use described in such subparagraph), such ultimate vendor shall be treated as the person (and the only person) who paid such tax, but only if such ultimate vendor is registered under section 4101. For purposes of this subparagraph, if the sale of gasoline is made by means of a credit card, the person extending the credit to the ultimate purchaser shall be deemed to be the ultimate vendor.

''(B) TIMING OF CLAIMS.—The procedure and timing of any claim under subparagraph (A) shall be the same as for claims under section 6427(i)(4), except that the rules of section 6427(i)(3)(B) regarding electronic claims shall not apply unless the ultimate vendor has certified to the Secretary for the most recent quarter of the taxable year that all ultimate purchasers of the vendor covered by such claim are certified and entitled to a refund under subparagraph (C) or (D) of subsection (b)(2).''.

(b) CREDIT CARD PURCHASES OF DIESEL FUEL OR KEROSENE BY STATE AND LOCAL GOVERNMENTS.—Section 6427(l)(5)(C) (relating to nontaxable uses of diesel fuel, kerosene, and aviation fuel) is amended by adding at the end the following new flush sentence: ''For purposes of this subparagraph, if the sale of diesel fuel or kerosene is made by means of a credit card, the person extending the credit to the ultimate purchaser shall be deemed to be the ultimate vendor.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2004.

SEC. 9402. TWO-PARTY EXCHANGES.

(a) IN GENERAL.—Subpart B of part III of subchapter A of chapter 32, as amended by this Act, is amended by adding after section 4104 the following new section:

''SEC. 4105. TWO-PARTY EXCHANGES.

''(a) IN GENERAL.—In a two-party exchange, the delivering person shall not be liable for the tax imposed under section 4081(a)(1)(A)(ii).

''(b) TWO-PARTY EXCHANGE.—The term 'two-party exchange' means a transaction, other than a sale, in which taxable fuel is transferred from a delivering person registered under section 4101 as a taxable fuel registrant fuel to a receiving person who is so registered where all of the following occur:

''(1) The transaction includes a transfer from the delivering person, who holds the inventory position for taxable fuel in the terminal as reflected in the records of the terminal operator.

''(2) The exchange transaction occurs before or contemporaneous with completion of removal across the rack from the terminal by the receiving person.

''(3) The terminal operator in its books and records treats the receiving person as the person that removes the taxable fuel across the terminal rack for purposes of reporting the transaction to the Secretary.

''(4) The transaction is the subject of a written contract.''.

(b) CONFORMING AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 32, as amended by this Act, is amended by adding after the item relating to section 4104 the following new item:

''Sec. 4105. Two-party exchanges.''.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 9403. SIMPLIFICATION OF TAX ON TIRES.

(a) IN GENERAL.—Subsection (a) of section 4071 is amended to read as follows:

''(a) IMPOSITION AND RATE OF TAX.—There is hereby imposed on taxable tires sold by the manufacturer, producer, or importer thereof a tax at the rate of 9.4 cents (4.7 cents in the case of a biasply tire) for each 10 pounds so much of the maximum rated load capacity thereof as exceeds 3,500 pounds.''

(b) TAXABLE TIRE.—Section 4072 is amended by redesignating subsections (a) and (b) as subsections (b) and (c), respectively, and by inserting before subsection (b) (as so redesignated) the following new subsection:

''(a) TAXABLE TIRE.—For purposes of this chapter, the term 'taxable tire' means any tire of the type used on highway vehicles if wholly or in part made of rubber and if marked pursuant to Federal regulations for highway use.''

(c) EXEMPTION FOR TIRES SOLD TO DEPARTMENT OF DEFENSE.—Section 4073 is amended to read as follows:

''SEC. 4073. EXEMPTIONS.

''The tax imposed by section 4071 shall not apply to tires sold for the exclusive use of the Department of Defense or the Coast Guard.''

(d) CONFORMING AMENDMENTS.—

(1) Section 4071 is amended by striking subsection (c) and by moving subsection (e) after subsection (b) and redesignating subsection (e) as subsection (c).

(2) The item relating to section 4073 in the table of sections for part II of subchapter A of chapter 32 is amended to read as follows:

''Sec. 4073. Exemptions.''

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to sales in calendar years beginning more than 30 days after the date of the enactment of this Act.

Subtitle E—Small Business Expensing

SEC. 9501. 2-YEAR EXTENSION OF INCREASED EXPENSING FOR SMALL BUSINESS.

Subsections (b), (c), and (d) of section 179 (as amended by the Jobs and Growth Tax Relief Reconciliation Act of 2003) are each amended by striking ''2006'' each place it appears and inserting ''2008''.

Subtitle F—Alternative Minimum Tax Relief

SEC. 9601. NET OPERATING LOSSES AND FOREIGN TAX CREDIT UNDER ALTERNATIVE MINIMUM TAX.

(a) NET OPERATING LOSSES.—

(1) IN GENERAL.—Subparagraph (A) of section 56(d)(1) is amended to read as follows:

''(A) the amount of such deduction shall not exceed the applicable percentage (determined under paragraph (3)) of the alternative minimum taxable income determined without regard to such deduction, and''.

(2) APPLICABLE PERCENTAGE.—Subsection (d) of section 56 is amended by adding at the end the following new paragraph:

''(3) APPLICABLE PERCENTAGE.—For purposes of paragraph (1)(A)—

''For taxable years beginning in calendar year—	***The applicable percentage is—***
2006, 2007, or 2008	*92*
2009 or 2010	*94*
2011	*96*
2012	*98*
2013 or thereafter	*100.''*

(b) FOREIGN TAX CREDIT.—

(1) Subsection (a) of section 59 is amended by striking paragraph (2) and by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) Section 53(d)(1)(B)(i)(II) is amended by striking ''and if section 59(a)(2) did not apply''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 9602. EXPANSION OF EXEMPTION FROM ALTERNATIVE MINIMUM TAX FOR SMALL CORPORATIONS.

(a) IN GENERAL.—Subparagraphs (A) and (B) of section 55(e)(1) are each amended by striking ''$7,500,000'' each place it appears and inserting ''$20,000,000''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 9603. INCOME AVERAGING FOR FARMERS NOT TO INCREASE ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Subsection (c) of section 55 (defining regular tax) is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following new paragraph:

''(2) COORDINATION WITH INCOME AVERAGING FOR FARMERS.—Solely for purposes of this section, section 1301 (relating to averaging of farm income) shall not apply in computing the regular tax liability.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2003.

The following sundry further amendments, reported from the Committee of the Whole House on the state of the Union, were agreed to:

In title I, strike the text of section 1105 (page 31) and insert the following:

(a) OVERSIGHT PROGRAM.—Section 106 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

''(h) OVERSIGHT PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish an oversight program to monitor the effective and efficient use of funds authorized to carry out this title. At a minimum, the program shall be responsive to all areas related to financial integrity and project delivery.

''(2) FINANCIAL INTEGRITY.—

''(A) FINANCIAL MANAGEMENT SYSTEMS.—The Secretary shall perform annual reviews that address elements of the State transportation departments' financial management systems that affect projects approved under subsection (a).

''(B) PROJECT COSTS.—The Secretary shall develop minimum standards for estimating project costs and shall periodically evaluate the States' practices for estimating project costs, awarding contracts, and reducing project costs.

''(C) RESPONSIBILITY OF THE STATES.—The States are responsible for determining that subrecipients of Federal funds under this title have sufficient accounting controls to properly manage such Federal funds. The Secretary shall periodically review the States' monitoring of subrecipients.

''(3) PROJECT DELIVERY.—The Secretary shall perform annual reviews that address elements of a State's project delivery system, which includes one or more activities that are involved in the life cycle of a project from its conception to its completion.

''(4) RESPONSIBILITY OF THE STATES.—The States are responsible for determining that subrecipients of Federal funds under this title have adequate project delivery systems for projects approved under this section. The Secretary shall periodically review the States' monitoring of subrecipients.

''(5) SPECIFIC OVERSIGHT RESPONSIBILITIES.—Nothing in this section shall affect or discharge any oversight responsibility of the Secretary specifically provided for under this title or other Federal law. In addition, the Secretary shall retain full oversight responsibilities for the design and construction of all Appalachian development highways under section 14501 of title 40.

''(i) MAJOR PROJECTS.—

''(1) IN GENERAL.—Notwithstanding any other provision in this section, a recipient of Federal financial assistance for a project under this title with an estimated total cost of $500,000,000 or more, or any other project in the discretion of the Secretary, shall submit to the Secretary a project management plan and an annual financial plan.

''(2) PROJECT MANAGEMENT PLAN.—The project management plan shall document the procedures and processes in place to provide timely information to the project decision makers to manage effectively the scope, costs, schedules, and quality, and the Federal requirements of the project and the role of the agency leadership and management team in the delivery of the project.

''(3) FINANCIAL PLAN.—The financial plan shall be based on detailed estimates of the cost to complete the project. Annual updates shall be submitted based on reasonable assumptions, as determined by the Secretary, of future increases in the cost to complete the project.

''(j) OTHER PROJECTS.—A recipient of Federal financial assistance for a project under this title with an estimated total cost of $100,000,000 or more that is not covered by subsection (h) shall prepare an annual financial plan. Annual financial plans prepared under this subsection shall be made available to the Secretary for review upon the Secretary's request.''.

(b) SHARING OF MONETARY RECOVERIES.—Notwithstanding any other provision of law, monetary judgments accruing to the Government from judgments in Federal criminal prosecutions and civil proceedings pertaining to fraud in Federally funded highway and public transportation projects and programs shall be treated as follows:

(1) Any amount less than or equal to the single damages incurred as the result of such fraud shall be credited to the Federal account from which the funds for the project or program that is at issue in the fraud came, except to the extent that such Federal account has been credited as the result of any judgment in favor of a grant recipient.

(2) Any amount in excess of the amount credited pursuant to paragraph (1) shall be shared with the State or other recipient involved if—

(A) the State or other recipient enters into a legally binding agreement with the Secretary to use the funds for a purpose eligible for Federal assistance under title 23 or chapter 53 of title 49, United States Code, as the case may be;

(B) the amount to be shared with the State or other recipient is determined by the Attorney General, in consultation with the Secretary; and

(C) the Attorney General, in consultation with the Secretary, determines that the fraud did not occur as a result of negligent oversight or actual involvement in the fraud by the State or other recipient or any senior official of the State or other recipient.

Page 34, strike lines 2 through 7 and insert the following:

(a) ALLOCATION.—Section 110(a)(1) of title 23, United States Code, is amended—

(1) by striking ''2000'' and inserting ''2006'';

(2) by inserting after ''such fiscal year'' the following: ''and the succeeding fiscal year''.

(b) REDUCTION.—Section 110(a)(2) of such title is amended—

(1) by striking ''2000'' and inserting ''2006'';

(2) by striking ''October 1 of the succeeding'' and inserting ''October 15 of such''; and

(3) by inserting after ''Account)'' the following: ''for such fiscal year and the succeeding fiscal year''.

(c) GENERAL DISTRIBUTION.—Section 110(b)(1)(A) of such title is amended by striking ''Transportation Equity Act for the 21st Century'' and inserting ''Transportation Equity Act: A Legacy for Users''.

Page 34, line 8, strike ''(b)'' and insert ''(d)''.

Page 46, after line 13, insert the following:

(e) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) of this section shall take effect on September 30, 2004.

Page 48, line 13, strike both periods and the closing quotation marks and insert the following:

; except that $25,000,000 shall be available only for projects for the seismic retrofit of bridges, and of which $10,000,000 shall be available only for the seismic retrofit of a bridge described in subsection (l), and except as provided in subparagraph (E).

''(E) GRAVINA ACCESS.—

''(i) IN GENERAL.—Of the amounts authorized to be appropriated to carry out the bridge program under this paragraph, for each of the fiscal years 2005 through 2009, $10,000,000 shall be set aside from the $100,000,000 available at the discretion of the Secretary under subparagraph (D) for the construction of a bridge joining the Island of Gravina to the community of Ketchikan in Alaska.

''(ii) SCORING.—The project described in this subparagraph shall not be counted for purposes of the reduction set forth in the fourth sentence of subsection (e).''.

Page 49, after line 22, insert the following:

(c) PLANNING ACTIVITIES PILOT PROGRAM.—Section 1221 of such Act is amended by adding at the end the following:

''(f) PLANNING ACTIVITIES PILOT PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish a pilot program using funds set aside under paragraph (4) to support planning and public participation activities related to highway and public transportation projects.

''(2) ELIGIBLE ACTIVITIES.—Activities eligible to be carried out under the pilot program may include the following:

''(A) Improving data collection and analysis to improve freight movement, intermodal connections, and transportation access and efficiency for all users, including children, older individuals, individuals with disabilities, low-income individuals, and minority communities.

''(B) Supporting public participation by holding public meetings using an interactive workshop format facilitated by design or planning experts (or both) to consider public input at the initial stages of project development and during other phases of a project.

''(C) Using innovative planning or design visualization and simulation tools to improve the evaluation of alternatives and their impacts and to enhance public participation in the transportation planning process, including tools having a structure that enables modifications to scenarios and assumptions in real time.

''(D) Enhancing coordination among transportation, land use, workforce development, human service, economic development, and other agencies to strengthen access to job training services, daycare centers, health care facilities, senior centers, public schools, universities, and residential areas, including the use of integrated planning and service delivery, especially for transit dependent and low-income individuals.

''(E) Contracting with nonprofit organizations, universities, and local agencies to deliver community-oriented transportation plans and projects, including public outreach, context sensitive design, transit-oriented development, multimodal corridor investments, commuter benefits deployment, and brownfield redevelopment.

''(F) Measuring and reporting on the annual performance of the transportation system (or parts of) relative to State or locally-established criteria regarding—

''(i) maintenance and operating costs of the transportation system, vehicle miles traveled, peak-period travel times, transportation choices, and mode shares;

''(ii) location of housing units, jobs, medical facilities, and commercial centers to transit;

''(iii) improvements directed to low-income families and older individuals;

''(iv) transportation-related pollution emissions into the air and water;

''(v) land consumption; and

''(vi) other locally-significant factors.

''(G) Improving regional travel and emission modeling to examine factors not currently considered, such as induced travel and land use effects of transportation alternatives, types of vehicles owned and used by households, time-of-day of travel and linkage of trips to each other throughout the day, effects of urban design and pedestrian and bicycle environment on travel behavior, and impacts of alternatives on the distribution of benefits and burdens among various groups protected under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

''(3) FEDERAL SHARE.—Notwithstanding subsection (e)(2), the Federal share of the cost of activities carried out under the pilot program shall be 100 percent.

''(4) SET ASIDE.—The Secretary shall make available $1,500,000 of the amounts made available to carry out this section for each of fiscal years 2004 through 2009 to carry out the pilot program under this subsection.''.

Page 62, line 19 strike ''202(a)'' and insert ''202(d) of such title''.

Page 63, after line 18, insert the following:

(e) ALASKA NATIVE VILLAGE TRANSPORTATION PROGRAM.—

(1) ESTABLISHMENT.—Not later than 3 months after the date of enactment of this Act, the Secretary and the Denali Commission, in coordination with the Alaska Federation of Natives, shall establish an Alaska Native Village transportation program to pay the costs of planning, design, construction, and maintenance of road and other surface transportation facilities identified by Alaska Native Villages.

(2) ALASKA NATIVE VILLAGE DEFINED.—In this subsection, the term ''Alaska Native Village'' has the same meaning such term has as used by the Bureau of Indian Affairs in administering the Indian reservation road program under section 202 of title 23, United States Code.

Page 63, strike line 19, insert the following (and conform the table of contents of the bill accordingly):

SEC. 1119. CONSERVATION MEASURES.

(a) REFUGE ROADS.—Section 204(k)(1) of title 23, United States Code, is amended—

(1) by striking ''and'' at the end of subparagraph (B);

(2) by redesigning subparagraph (C) as subparagraph (D);

(3) by inserting after subparagraph (B) the following:

''(C) construction, maintenance, and improvement of wildlife observation infrastructure; and''; and

(4) in subparagraph (D) (as so redesignated) by striking ''maintenance and improvements'' and inserting ''construction, maintenance, and improvements''.

(b) FOREST HIGHWAYS.—Of the amounts made available for public lands highways under section 1101—

(1) not to exceed $20,000,000 per fiscal year may be used for the maintenance of forest highways;

(2) not to exceed $2,500,000 per fiscal year may be used to repair culverts and bridges on forest highways to facilitate appropriate fish passage and ensure reasonable flows and to maintain and remove such culverts and bridges as appropriate; and

(3) not to exceed $1,000,000 per fiscal year may be used for signage identifying public hunting and fishing access.

(c) WILDLIFE VEHICLE COLLISION REDUCTION STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study of methods to reduce collisions between motor vehicles and wildlife (in this subsection referred to as ''wildlife vehicle collisions'').

(2) CONTENTS.—

(A) AREAS OF STUDY.—The study shall include an assessment of the causes and impacts of wildlife vehicle collisions and solutions and best practices for reducing such collisions.

(B) METHODS FOR CONDUCTING THE STUDY.—In carrying out the study, the Secretary shall—

(i) conduct a thorough literature review; and

(ii) survey current practices of the Department of Transportation.

(3) CONSULTATION.—In carrying out the study, the Secretary shall consult with appropriate experts in the field of wildlife vehicle collisions.

(4) REPORT.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study.

(B) CONTENTS.—The report shall include a description of each of the following:

(i) Causes of wildlife vehicle collisions.

(ii) Impacts of wildlife vehicle collisions.

(iii) Solutions to and prevention of wildlife vehicle collisions.

(5) MANUAL.—

(A) DEVELOPMENT.—Based upon the results of the study, the Secretary shall develop a best practices manual to support State efforts to reduce wildlife vehicle collisions.

(B) AVAILABILITY.—The manual shall be made available to States not later than 1 year after the date of transmission of the report under paragraph (4).

(C) CONTENTS.—The manual shall include, at a minimum, the following:

(i) A list of best practices addressing wildlife vehicle collisions.

(ii) A list of information, technical, and funding resources for addressing wildlife vehicle collisions.

(iii) Recommendations for addressing wildlife vehicle collisions.

(iv) Guidance for developing a State action plan to address wildlife vehicle collisions

(6) TRAINING.—Based upon the manual developed under paragraph (5), the Secretary shall develop a training course on addressing wildlife vehicle collisions for transportation professionals.

Page 89, strike lines 18 through 20 and insert the following:

(a) GENERAL PROVISIONS.—The Secretary may not apportion before August 1, 2006, any funds for any of the programs referred to in subsection (b) for fiscal year 2006 unless, after

Page 119, strike lines 7 through 9 and insert the following (and conform the table of contents of the bill accordingly):

SEC. 1207. STATE ASSUMPTION OF RESPONSIBILITIES FOR CERTAIN PROGRAMS AND PROJECTS.

(a) IN GENERAL.—Subchapter I of chapter 1 of title 23, United States Code, is amended by adding at the end the following:

''§ 167. State assumption of responsibilities for certain programs and projects

''(a) ASSUMPTION OF SECRETARY'S RESPONSIBILITIES UNDER APPLICABLE FEDERAL LAWS.—

''(1) PILOT PROGRAM.—

''(A) ESTABLISHMENT.—The Secretary may establish a pilot program under which States may assume the responsibilities of the Secretary under any Federal laws subject to the requirements of this section.

''(B) FIRST 3 FISCAL YEARS.—In the first 3 fiscal years following the date of enactment of this section, the Secretary may allow up to 5 States to participate in the pilot program.

''(2) SCOPE OF PROGRAM.—Under the pilot program, the Secretary may assign, and a State may assume, any of the Secretary's responsibilities (other than responsibilities relating to federally recognized Indian tribes) for environmental reviews, consultation, or decisionmaking or other actions required under any Federal law as such requirements apply to the following projects:

''(A) Projects funded under section 104(h).

''(B) Transportation enhancement activities under section 133, as such term is defined in section 101(a)(35).

''(C) Projects as defined in section 101(a)(39) and section 5607 of the Transportation Equity Act: A Legacy for Users.

''(3) LIMITATIONS.—

''(A) PROCEDURAL AND SUBSTANTIVE REQUIREMENTS.—A State that assumes the responsibilities of the Secretary under this section shall be subject to the same procedural and substantive requirements as would apply if the responsibilities were carried out by the Secretary. When a State assumes responsibilities for carrying out a Federal law under this section, the State assents to Federal jurisdiction and shall be solely responsible and solely liable for complying with and carrying out that law instead of the Secretary.

''(B) ASSUMPTION OF RESPONSIBILITIES.—Any responsibility of the Secretary not assumed by the State in a memorandum of understanding shall remain a responsibility of the Secretary.

''(C) POWERS OF OTHER AGENCIES.—Nothing in this section preempts or limits any power, jurisdiction, responsibility, or authority of an agency, other than the Department of Transportation, with respect to a project.

''(b) AGREEMENTS.—

''(1) IN GENERAL.—The Secretary shall enter into a memorandum of understanding with a State participating in the pilot program setting forth the responsibilities to be assigned under subsection (a)(2) and the terms and conditions under which the assignment is being made.

''(2) CERTIFICATION.—Before the Secretary enters into a memorandum of understanding with a State under paragraph (1), the State shall certify that the State has in effect laws (including regulations) applicable to projects carried out and funded under this title and chapter 53 of title 49 that authorize the State to carry out the responsibilities being assumed.

''(3) MAXIMUM DURATION.—A memorandum of understanding with a State under this section shall be established for an initial period of no more than 3 years and may be renewed by mutual agreement on a periodic basis for periods of not more than 3 years.

''(4) COMPLIANCE.—

''(A) IN GENERAL.—After entering into a memorandum of understanding under paragraph (1), the Secretary shall review and determine compliance by the State with the memorandum of understanding.

''(B) RENEWALS.—The Secretary shall take into account the performance of a State under the pilot program when considering renewal of a memorandum of understanding with the State under the program.

''(5) ACCEPTANCE OF FEDERAL COURTS JURISDICTION.—A memorandum of understanding with a State under this section shall include a provision under which the State consents to accept the jurisdiction of the Federal courts for the compliance, discharge, and enforcement of any responsibility of the Secretary that the State may assume under the memorandum.

''(6) TERMINATION OF AGREEMENTS.—A memorandum of understanding with a State under this section shall include a provision authorizing the Secretary to terminate the agreement if the Secretary, after providing an opportunity for a hearing, issues a finding that the State is not in compliance with the terms of the agreement.

''(c) SELECTION OF STATES FOR PILOT PROGRAM.—

''(1) APPLICATION.—To be eligible to participate in the pilot program, a State shall submit to the Secretary an application that contains such information as the Secretary may require. At a minimum, an application shall include—

''(A) a description of the projects or classes of projects for which the State seeks to assume responsibilities under subsection (a)(2); and

''(B) a certification that the State has the capability to assume such responsibilities.

''(2) PUBLIC NOTICE.—Before entering into a memorandum of understanding allowing a State to participate in the pilot program, the Secretary shall—

''(A) publish notice in the Federal Register of the Secretary's intent to allow the State to participate in the program, including a copy of the State's application to the Secretary and the terms of the proposed agreement with the State; and

''(B) provide an opportunity for public comment.

''(3) SELECTION CRITERIA.—The Secretary may approve the application of a State to assume responsibilities under the program only if—

''(A) the requirements under paragraph (2) have been met; and

''(B) the Secretary determines that the State has the capability to assume the responsibilities.

''(4) OTHER FEDERAL AGENCY VIEWS.—Before assigning to a State a responsibility of the Secretary that requires the Secretary to consult with another Federal agency, the Secretary shall solicit the views of the Federal agency.

''(d) STATE DEFINED.—With respect to the recreational trails program, the term 'State' means the State agency designated by the Governor of the State in accordance with section 206(c)(1).

''(e) PRESERVATION OF PUBLIC INTEREST CONSIDERATION.—Nothing in this section shall be construed to limit the requirements under any applicable law providing for the consideration and preservation of the public interest, including public participation and community values in transportation decisionmaking.

''(f) STATE SUBJECT TO FEDERAL LAWS.—For purposes of assuming responsibilities of the Secretary under this section, a State

agency entering into a memorandum of understanding under subsection (b) is deemed to be a Federal agency to the extent the State is carrying out the Secretary's responsibilities under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), this title, and any other provision of Federal law.''.

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 1 of such title is amended by adding at the end the following:

''167. State assumption of responsibilities for certain programs and projects.''.

Page 130, strike line 22 and all that follows through line 24 on page 132 and insert the following (and conform the table of contents of the bill accordingly):

SEC. 1210. ACCESS RAMP.

(a) IN GENERAL.—Not later 30 days after the date of enactment of this Act, the Secretary shall open the ramp connecting Interstate Route 495/95 and Arena Drive in Prince George's County, Maryland, for the purpose of allowing motor vehicles to exit Interstate Route 495/95 in both northern and southern directions onto Arena Drive. Such ramp shall be open for 24 hours a day, every day during the calendar year.

(b) FULLY OPENING ARENA DRIVE RAMP.—

(1) STUDY.—The Secretary shall conduct a study to determine the most appropriate method for opening the ramps for allowing motor vechicles to enter Interstate Route 495/95 from Arena Drive.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study.

(c) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in the section shall be construed as altering current traffic management protocols to the Arena Drive ramps during stadium events.

Page 171, line 2, insert ''(b)(1),'' before ''(d),''.

In subtitle D of title I, insert at the end the following (and conform the table of contents accordingly):

SEC. 1408. REPAIR OR REPLACEMENT OF HIGHWAY FEATURES ON NATIONAL HIGHWAY SYSTEM.

(a) RULEMAKING PROCEEDING.—The Secretary shall conduct a rulemaking proceeding to determine the appropriate conditions under which a State when choosing to repair or replace damaged highway features on the National Highway System with State funds (rather than with available Federal financial assistance) should be required to repair or replace such features with highway features that have been tested, evaluated, and found to be acceptable under the guidelines contained in the report of the Transportation Research Board of the National Research Council entitled ''NCHRP Report 350-Recommended Procedures for the Safety Performance Evaluation of Highway Features''.

(b) MATTERS TO BE CONSIDERED.—The rulemaking proceeding shall cover those highway features that are covered by the guidelines referred to in subsection (a). The conditions to be considered by the Secretary in the rulemaking proceeding shall include types of highway features, cost-effectiveness, and practicality of replacement with highway features that have been found to be acceptable under such guidelines.

(c) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue regulations regarding the conditions under which States when choosing to repair or replace damaged highway features described in subsection (a) will be required to repair or replace such features with highway features that have been tested, evaluated, and found to be acceptable as described in subsection (a).

Page 204, line 23, strike ''Congress grants'' and insert the following:

''(1) IN GENERAL.—Congress grants

Page 205, after line 4, insert the following:

''(2) RESERVATION OF RIGHTS.—The right to alter, amend or repeal interstate compacts entered into under this subsection is expressly reserved.

Page 220, lines 4 and 5, strike ''an Interstate System construction toll pilot program'' and insert ''a pilot program to finance the construction of new Interstate System facilities with toll revenues''.

Page 220, line 9, strike ''Interstate highways.'' and insert ''new Interstate highway facilities. Rehabilitation and reconstruction of Interstate facilities are not eligible under the pilot program.''.

Page 220, lines 16 and 17, strike ''facility on the Interstate System'' and insert ''new Interstate System facility''.

Page 220, line 25, insert ''new'' before ''facility with''.

In each of paragraphs (2), (3), and (5) of section 1604(d) (page 222), insert ''new'' before ''facility''.

In item number 33 of the table contained in section 1702, strike ''BMW/I–85'' and all that follows through ''interchanges'' and insert ''I–85/Brockman-McClimon Interchange and Connections project''.

In item number 103 of such table, strike ''$1,500,000.00'' and insert ''$250,000.00''.

In item number 142 of such table, strike ''$250,000.00'' and insert ''$600,000.00''.

In item number 143 of such table, strike ''$20,000,000.00'' and insert ''$17,000,000.00''.

In item number 160 of such table, strike ''Design'' and all that follows through ''County'', and insert ''Design and construct access to York County intermodal facility, or other projects as selected by York County, Pennsylvania MPO''

In item number 179 of such table, strike ''Upgrade'' and all that follows through ''Interstate 81'' and insert ''Improvements to I–81, including interchanges, in Franklin County, Pennsylvania''.

In item number 235 of such table, strike ''$8,000,000.00'' and insert ''$12,500,000.00''.

In item number 244 of such table, strike ''State'' and insert ''US''.

In item number 253 of such table, strike ''$3,150,000.00'' and insert ''$5,000,000.00''.

In item number 262 of such table, strike ''State'' and insert ''US''.

In item number 334 of such table, strike ''$150,000.00'' and insert ''$1,000,000.00''.

In item number 365 of such table, strike ''Town of'' and insert ''Township'' after ''Painesville''.

In item number 438 of such table, strike ''Cabot-Camino Capistrano Bridge.'' and insert ''in the city of Mission Viejo'' at the end of the request before the period.

In item number 507 of such table, insert ''interchange'' between ''new'' and ''freeway''.

In item number 526 of such table, strike ''Route'' and all that follows through ''County'' and insert Forrest City Road Extension Study, Maitland''.

In item number 557 of such table, strike ''Elk Horn'' and insert ''Elkhorn''. Insert ''County of'' after ''SR 99,''.

In such table, strike item number 570.

In item number 630 of such table, strike ''$5,500,000.00'' and insert ''$2,500,000.00''.

In item number 656 of such table, strike ''Widening'' and all that follows through ''signals'' and insert ''Widening of Washington Street from 2 to 5 lanes, install drainage system; add additional right of way and traffic signals''.

In item number 668 of such table, is amended by insert ''Grant'' before ''County''.

In item number 729 of such table, strike ''Macedonia City'' and insert ''North Summit County''.

In item number 734 of such table, strike ''Willoughby Township'' and insert ''City of Willoughby''.

In item number 762 of such table, strike ''$5,000,000.00'' and insert ''$4,150,000.00''.

In item number 768 of such table, strike ''$2,500,000.00'' and insert ''$5,000,000.00''.

In item number 782 of such table, strike ''Perry County'' and insert ''Perry''.

In item number 804 of such table, strike ''$500,000.00'' and insert ''$1,500,000.00''.

In item number 812 of such table, strike ''$3,000,000.00'' and insert ''$1,500,000.00''.

In item number 813 of such table, strike ''Improve'' and all that follows through ''Connecticut'' and insert ''Campbell Avenue streetscape enhancements, West Haven''.

In item number 829 of such table, strike ''Sacramento'' and insert ''Citrus Heights''.

In item number 832 of such table, strike ''Ecourse'' and insert ''Ecorse'', and strike ''$1,000,000.00'' and insert ''$1,100,000.00''.

In item number 848 of such table, strike ''in Summit Co.'' and insert ''at Seasons Road, Cities of Hudson and Stow.''

In item number 874 of such table, strike ''Widen'' and all that follows through ''West'' and insert ''Widen US 380 West''.

In item number 930 of such table, strike ''Merrit Rd.'' and insert ''Merritt Rd.''

In item 954 of such table, after ''unsafe grade crossing'' insert ''on Hines Hill Road, City of Hudson''.

In item number 965 of such table, strike ''on current Hwy 71''.

In item number 992 of such table, strike ''$6,000,000.00'' and insert ''$7,500,000.00''.

In item 1150 of such table, strike ''Wilson Mills'' and insert ''Highland-Bishop''; after ''in the'' strike ''town'' and insert ''City''.

In item number 1166 of such table, strike ''Rehabilitate'' and all that follows through ''8'' and insert ''Rehabilitate US Highway 51 from County S to US 8''.

In item number 1181 of such table, strike ''Upgrade'' and all that follows through ''County'' and insert ''Purchase one larger (75 passengers) and two smaller (40 passengers) ferry boats and construct related dock work to facilitate the use and accessibility of the ferry boats, Long Beach'' and by striking ''$8,000,000.00'' and insert $3,000,000.00''.

In item number 1204 of such table, strike ''AL 1119 to AL 25'' and insert ''Exit 238 (U.S. 31) to Exit 228 (AL 25)''.

In item number 1256 of such table, strike ''$1,500,000.00'' and insert ''$3,000,000.00''.

In item number 1261 of such table, strike ''A 2.8'' and all that follows through ''La Habra,'' and insert ''a 2.8 mile bikeway,'' and insert ''in the city of Whittier.'' at the end of the request.

In item number 1314 of such table, strike ''(I–40'' and all that follows through ''I–74)''.

In item number 1376 of such table, strike ''Route 15/18'' and insert ''Route 15/86''.

In item number 1423 of such table, strike ''third lane'' and all that follows through ''Maple Grove'' and insert ''an overpass interchange for I–494 and Highway 169''.

In item number 1436 of such table, strike ''Aiken'' and insert ''Aitkin''.

In item number 1445 of such table, strike ''Construction'' and all that follows through ''Ashdown'' the second place it appears and insert ''Highway 71, Louisiana state line to Junction City''.

In item number 1480 of such table, strike ''Reconstruct Highway 141 in Marinette County, WI'' and insert ''Reconstruct US Highway 141 in Marinette County, WI''.

In item number 1491 of such table, strike ''Development'' and all that follows through ''Plan'' and insert ''Transportation improvements ''.

In item number 1589 of such table, strike ''Reconstruction'' and all that follows through ''Subdivision'' and insert ''Road improvements for Surrey Meadows, Sugarloaf

Heights, Lakehill Farms and Walton Lake Estates''.

In item number 1636 of such table, strike ''Geary'' and insert ''Muni Geary''.

In item number 1664 of such table, strike ''Technical'' and all that follows through ''210'' and insert ''Technical feasibility study for a tunnel on the 710 Freeway in Southern California''.

In item number 1832 of such table, strike ''$8,700,000.00'' and insert ''$9,000,000''.

In item number 1848 of such table, strike ''A 2.8'' and insert ''a 2.8'' and strike '', working in conjunction with the city of Whittier,''.

In item number 1868 of such table, strike ''$13,100,000.00'' and insert ''$13,500,000''.

In item number 1907 of such table, strike ''SR'' and all that follows through ''Eatonville'' and insert ''SR 434 to JFK Boulevard and Destiny Road to Diplomat Circle, Eatonville''.

In item number 1933 of such table, strike ''Construct'' and all that follows through to ''Township'', and insert ''Improvements to I–81, including interchanges, in Franklin County, Pennsylvania'', and strike ''$3,150,000.00'' and insert ''$4,000,000.00''.

In item number 1934 of such table, strike ''$3,400,000.00'' and insert ''$3,600,000''.

In item number 2040 of such table, strike ''Improvement'' and all that follows through ''County'' and insert ''Improve Ashley 70 and Marais Saline roads in Ashley County''.

In item 2155 of such table, after ''Madison'' insert ''Village''.

In item number 2180 of such table, strike ''$4,675,942.00'' and insert $4,425,942.00''.

In item number 2249 of such table, strike ''$13,000,000.00'' and insert ''$21,000,000.00''.

In item number 2306 of such table, strike ''State'' and insert ''US''.

In item number 2376 of such table, strike ''$700,000.00'' and insert ''$200,000.00''.

In item number 2398 of such table, strike ''Greencastle'' and all that follows through to ''intersection.'', and insert ''Improvements to I–81, including interchanges, in Franklin County, Pennsylvania.''.

In item 2418 of such table, after ''in'' insert ''the City of'' and after ''Hills'' strike ''Township''.

In item number 2445 of such table, strike ''$125,000.00'' and insert ''$175,000.00''.

In item number 2504 of such table, strike ''$6,000,000.00'' and insert ''$5,500,000.00''.

In item number 2552 of such table, strike ''State'' and insert ''US''.

In item number 2611 of such table, strike ''Purchase'' and all that follows through ''Durham'' and insert ''Acquisition of rail corridors for use as a future transportation corridor, Durham''.

In item number 2615 of such table, strike ''$2,700,000.00'' and insert ''$3,000,000.00''.

In item number 2642 of such table, strike ''Designation of'' and insert ''Improve and widen''.

In item number 2730 of such table, after ''project'' insert ''or other projects as selected by York County, Pennsylvania MPO''

In such table, strike item number 2749.

In item number 2775 of such table, insert ''Rancho Santa Margarita'' at the end.

In item number 2809 of such table, strike ''$1,500,000.00'' and insert ''$500,000.00''.

In item number 113 of such table, strike ''$1,000,000.00'' and insert ''$1,500,000.00''

In item number 181 of such table, strike ''$1,000,000.00'' and insert ''$3,000,000.00''.

In item number 278 of such table, strike ''$2,250,000.00'' and insert ''$5,000,000.00''.

Strike item number 300 of such table.

In item number 345 of such table, strike ''Planning and design'' and insert ''Planning, design, and construction'' and strike ''$3,000,000.00'' and insert ''$125,000,000.00''.

In item number 358 of such table, strike ''$2,000,000.00'' and insert ''$4,000,000.00''.

In item number 463 of such table, strike ''Reconstruct'' and all that follows through ''Loma Linda'' and insert ''Inland Empire Goods Movement Gateway Project'' and strike ''$4,000,000.00'' and insert ''$23,000,000.00''.

In item number 533 of such table, strike ''$2,000,000.00'' and insert ''$6,000,000.00''.

In item number 549 of such table, strike ''$14,000,000.00'' and insert ''$20,000,000.00''

In item number 559 of such table, strike ''$1,000,000.00'' and insert ''$3,000,000.00''

In item number 652 of such table, strike ''Planning and Design'' and insert ''Planning, design, and construction'' and strike ''$3,000,000.00'' and insert ''$200,000,000.00''.

In item number 691 of such table, strike ''$1,000,000.00'' and insert ''$3,000,000.00''

In item number 905 of such table, strike ''$1,000,000.00'' and insert ''$4,000,000.00''

In item 1022 of such table, strike ''$3,000,000.00'' and insert ''$4,000,000.00''.

In item 1044 of such table, strike ''$8,000,000.00'' and insert ''$8,500,000.00''

In item number 1048 of such table, strike ''$10,000,000.00'' and insert ''$22,500,000.00''.

In item number 1058 of such table, strike ''$250,000.00'' and insert ''$2,000,000.00''.

In item number 1180 of such table, strike ''$4,500,000.00'' and insert ''$5,000,000.00''.

In item number 1201 of such table, insert '', Baldwin Road in Oakland Cty'' after ''median''.

In item number 1210 of such table, strike ''$2,000,000.00'' and insert ''$3,000,000.00''.

In item number 1228 of such table, strike ''I/40 Coors Interchange: Reconstruction of this major interchange in Albuquerque'' and insert ''I/40 Coors Interchange and Bridge Reconstruction: Reconstruction of this major interchange and required bridge work in Albuquerque'' and strike ''$10,000,000.00'' and insert ''$28,000,000.00''.

In item number 1229 of such table, strike ''$2,000,000.00'' and insert ''$2,500,000.00''.

In item number 1293 of such table strike ''$10,000,000.00'' and insert ''$30,000,000.00''.

In item number 1368 of such table, strike ''$1,000,000.00'' and insert ''$2,000,000.00''.

In item number 1523 of such table, strike ''$2,000,000.00'' and insert ''$4,000,000.00''

In item number 1536 of such table, strike ''$13,000,000.00'' and insert ''$34,000,000.00''.

In item number 1595 of such table, strike ''$65,000.00'' and insert ''$100,000.00''.

In item 1603 of such table, strike ''and Hernando County'' and strike ''$2,000,000.00'' and insert ''$3,000,000.00''.

In item number 1629 of such table, strike ''$2,000,000.00'' and insert ''$4,000,000.00''

In item number 1830 of such table, strike ''$4,000,000.00'' and insert ''$17,500,000.00''.

In item number 1869 of such table, strike ''$480,000.00'' and insert ''$500,000.00''.

In item number 1882 of such table, strike ''$15,345,000.00'' and insert ''$16,000,000.00''.

In item number 1921 of such table, strike ''$1,000,000.00'' and insert ''$2,000,000.00''.

In item number 2010 of such table, strike ''Widen'' and all that follows through ''Loma Linda'' and insert ''Pedestrian safety improvements on State Highway 62 in Yucca Valley'' and strike ''$2,000,000.00'' and insert ''$1,000,000.00''.

In item number 2045 of such table, strike ''$2,000,000.00'' and insert ''$3,000,000.00''.

In item number 2230 of such table, strike ''$14,000,000.00'' and insert ''$35,000,000.00''.

In item number 2321 of such table, strike ''$1,000,000.00'' and insert ''$2,000,000.00''

In item 2442 of such table, strike ''$3,000,000.00'' and insert ''$6,000,000.00''.

In item number 2456 of such table, strike ''$750,000.00'' and insert ''$1,000,000.00''.

In item 2496 of such table, strike ''Hernando'' and insert ''Citrus''.

In item number 2535 of such table, strike ''$1,000,000.00'' and insert ''$2,100,000.00''.

In item number 2603 of such table, strike ''$5,000,000.00'' insert ''$8,750,000.00''.

In item number 2620 of such table, strike ''$2,000,000.00'' and insert ''$2,250,000.00''.

In item 2701 of such table, strike ''$3,000,000.00'' and insert ''$4,000,000.00''.

In item number 2826 of such table, strike ''$2,000,000.00'' and insert ''$6,000,000.00''.

In item number 2833 of such table, strike ''$8,000,000.00'' and insert ''$15,000,000.00''

In item number 147 of such table, strike ''$3,000,000.00'' and insert ''$11,000,000.00''.

In item number 1785 of such table, strike ''$3,000,000.00'' and insert ''$7,000,000.00''.

In item number 2084 of such table, strike ''$1,000,000.00'' and insert ''$2,000,000.00''.

In item number 1621 of such table, strike ''$2,000,000.00'' and insert ''$4,500,000.00''.

In item number 1329 of such table, strike ''$500,000.00'' and insert ''$1,000,000.00''.

In item number 2171 of such table, strike ''$2,000,000.00'' and insert ''$7,500,000.00''.

In item number 2097 of such table, strike ''$1,000,000.00'' and insert ''$3,300,000.00''.

At the end of such table, add the following:

HIGH PRIORITY PROJECTS

No.	State	Project Description	Amount
2839.	Minnesota	Provide biking and pedestrian trails between Century Middle School and Minnesota Highway 34 in Park Rapids.	$250,000.00
2840.	Illinois	Construct bike/pedestrian paths, Chicago	$3,000,000.00
2841.	Georgia	Highway 92 realignment in Douglas County	$11,250,000.00
2842.	Georgia	I–285/I–20 West Side Interchange	$1,250,000.00
2843.	Georgia	City of Fayetteville Downtown Enhancements for economic development	$500,000.00
2844.	Georgia	Construct roads in Rockdale Veterans Memorial Park	$500,000.00
2845.	Colorado	I–25 from Highway 52 to Highway 14, widening and safety improvements; implementation of multi-modal alternatives identified in EIS.	$8,000,000.00
2846.	Colorado	Highway 287 from the Oklahoma State Line to Limon, Colorado; reconstruct highway with concrete and create a 2-lane super highway.	$3,000,000.00
2847.	Colorado	I–76 from the Nebraska State Line to its intersection with E470; reconstruction of pavement, major safety and geometric improvements.	$3,000,000.00
2848.	Arkansas	Construction of I–530 between Pine Bluff and Wilmar	$40,000,000.00
2849.	Nebraska	Resurface bridge connecting US–75 and I–29 in the City of Bellevue	$500,000.00
2850.	New Jersey	Washington Township/Downtown Congestion Mitigation Project	$1,250,000.00

HIGH PRIORITY PROJECTS—Continued

No.	State	Project Description	Amount
2851.	Connecticut	I–84 Waterbury Expressway Reconstruction from Waterbury to Southington.	$3,800,000.00
2852.	Connecticut	Provide substantial improvements to intersection ramps in I–84 from the New York State line at Exit 1 in Danbury easterly to Exit 11 in Newtown.	$3,800,000.00
2853.	Connecticut	Lakeville Center Enhancement improves the pedestrian and vehicle safety of the intersection of Routes 41 and 44.	$895,000.00
2854.	Connecticut	Union Station Reconstruction in Falls Village	$1,705,000.00
2855.	Connecticut	Broad Street Reconstruct Project in New Britain	$3,800,000.00
2856.	Minnesota	City of Moorhead SE Main GSI, 34th St. and I94 Interchange, and Moorhead Comprehensive Rail Safety Program.	$2,000,000.00
2857.	Minnesota	Paynesville Hwy. 23 Bypass	$2,000,000.00
2858.	Commonwealth of Northern Mariana Islands.	Commonwealth of the Northern Mariana Islands planning, design, and construction of East Coast Highway/Route 36 Saipan.	$12,000,000.00
2859.	Illinois	Stearns Road Bridge, Kane County	$88,000,000.00
2860.	Alaska	Intermodal facility improvements at the Port of Anchorage	$25,000,000.00
2861.	Alaska	Improve marine dry-dock and facilities in Ketchikan	$25,000,000.00
2862.	New York	Audobon Parkway at Lee Road (University at Buffalo)	$4,500,000.00
2863.	Louisiana	Replace the Prospect Street bridge (LA 3087), Houma	$3,000,000.00
2864.	Louisiana	Expand existing South Central Planning and Development Commission Intelligent Transportation System program in Houma-Thibodaux area by installing signals, sensors and systems.	$1,800,000.00
2865.	Louisiana	Plan and develop a four-lane roadway, Jeanerette to US 90 connection	$200,000.00
2866.	Louisiana	Plan, design, land acquisition and construction for improved access to I–10 and US61/River Road in St. John the Baptist and in Ascension Parish on the LA22 Corridor.	$2,750,000.00
2867.	Louisiana	Continue planning and construction of the New Orleans Regional Planning Commission Mississippi River trail in St. John, Plaquemines, St. Bernard and St. Charles parishes.	$1,900,000.00
2868.	Louisiana	Improve Ralph Darden Memorial Parkway between LA182 and Martin Luther King Road, St. Mary Parish.	$350,000.00
2869.	Louisiana	Improvements to LA46 in St. Bernard Parish	$400,000.00
2870.	Colorado	Corridor Safety and Capacity Improvements to Powers Blvd. (right of way purchase for Powers Blvd.).	$5,000,000.00
2871.	California	Reconstruct and widen SR 46 to a 4–lane expressway between Kern County line and Interstate 5.	$50,000,000.00
2872.	California	Road construction and surface transportation improvements in Bakersfield Metropolitan area.	$50,000,000.00
2873.	Ohio	Improve Rt. 62 (Town and Main Street) Bridges over Scioto River in Columbus.	$13,000,000.00
2874.	Ohio	Upgrade Rt. 665 Bridge over I–71 and widen I–71 between Rt 665 and I–270 by one lane each direction in Grove City.	$15,000,000.00
2875.	Illinois	Ogden Corridor project alternatives analysis, environmental work, preliminary engineering and final design in Cook County.	$40,000,000.00
2876.	Arizona	White Spar Road improvement	$3,000,000.00
2877.	Texas	South Orient Economic Rehabilitation	$14,000,000.00
2878.	Virginia	Construction of I–66/Rt. 29 Interchange in Gainsville	$4,500,000.00
2879.	Virginia	Improvements to Washington Street in Haymarket	$250,000.00
2880.	Virginia	Parking lot expansion and sidewalk improvements on Main Street in Clifton.	$250,000.00
2881.	New York	Roadway improvements, may include drainage, paving and gued rail, to County Route 4, Ensign Pond Road, in the Towns of Moriah and North Hudson.	$1,000,000.00
2882.	New York	Route 4 streetscape improvements, Town and Village of Fort Edward, Washington County.	$2,000,000.00
2883.	New York	Improvements to Batchellorville Bridge, Saratoga County	$2,000,000.00
2884.	Ohio	Rickenbacker Intermodal Facility	$5,500,000.00

In section 1804 (pages 354 and 355), redesignate paragraphs (1) and (2) as paragraphs (3) and (4), respectively, and insert before paragraph (3) (as so redesignated) the following:

(1) in paragraph (23) by inserting before the period at the end the following: ''and the connection from Wichita, Kansas, to Sioux City, Iowa, which includes I-135 from Wichita, Kansas to Salina, Kansas, United States Route 81 from Saline, Kansas, to Norfolk, Nebraska, Nebraska State Route 35 from Norfolk, Nebraska, to South Sioux City, Nebraska, and the connection to I-29 in Sioux City, Iowa'';

(2) by striking paragraph (34) and inserting the following:

''(34) The Alameda Corridor-East and Southwest Passage, California. The Alameda Corridor-East is generally described as the corridor from East Los Angeles (terminus of Alameda Corridor) through Los Angeles, Orange, San Bernardino, and Riverside Counties, to termini at Barstow in San Bernardino County and Coachella in Riverside County. The Southwest Passage shall follow I-10 from San Bernardino to the Arizona State line.'';

At the end of the matter added by section 1804(3) (as so redesignated), strike the closing quotation marks and insert the following:

''(53) United States Highway Route 6 from Interstate Route 70 to Interstate Route 15, Utah.

''(54) The California Farm-to-Market Corridor, California State Route 99 from south of Bakersfield to Sacramento, California.''

Page 360, line 25, insert before the period the following: ''and an evaluation of advanced acrylic water-borne pavement markings''.

In title I, strike section 1814 and insert the following:

SEC. 1814. THOMAS P. 'TIP' O'NEILL, JR. TUNNEL.

(a) DESIGNATION.—In honor of his service to the Commonwealth of Massachusetts and the United States of America, and in recognition of his contributions toward the construction of Central Artery Tunnel project in Boston, the northbound and southbound tunnel of Interstate Route 93, located in the city of Boston, which extends north of the intersection of Interstate Route 90 and Interstate Route 93 to the Leonard P. Zakim Bunker Hill Bridge, is designated as the ''Thomas P. 'Tip' O'Neill, Jr. Tunnel''.

(b) REFERENCES.—Any reference in law, map, regulation, document, paper, or other record of the United States to the tunnel referred to in subsection (a) shall be deemed to be a reference to the ''Thomas P. 'Tip' O'Neill, Jr. Tunnel''.

In subtitle H of title I, strike section 1818 and insert the following:

SEC. 1818. LOAN FORGIVENESS.

Debt outstanding as of the date of enactment of this Act for project number Q–DPM–0013(001) carried out under section 108(c) of title 23, United States Code, is deemed satisfied.

SEC. 1819. LEAD AGENCY DESIGNATION.

The public entity established under California law in 1989 to acquire rights-of-way in northwestern California to maintain surface transportation infrastructure is hereby designated as the lead agency for the purpose of accepting Federal funds authorized under item 13 of the table contained in section

1108(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2061).

SEC. 1820. USE OF DEBRIS FROM DEMOLISHED BRIDGES AND OVERPASSES.

The project agreement for a Federal-aid highway project shall provide that any debris from demolition of a bridge or overpass that is on the Federal-aid highway must be made available for beneficial public use by Federal, State, and local governments. Any additional cost associated with making available the debris shall be borne by the recipient of the debris.

SEC. 1821. HUBZONE PROGRAM.

Section 3(p)(4)(B)(ii) of the Small Business Act (15 U.S.C. 632(p)(4)(B)(ii)) is amended

(1) in subclause (I) by striking ''or '' at the end;

(2) in subclause (II) by striking the period at the end and inserting ''; or'' ; and

(3) by adding after subclause (II) the following:

''(III) there is located a difficult development area, as designated by the Secretary of Housing and Urban Development in accordance with section 42(d)(5)(C)(iii) of the Internal Revenue Code of 1986, within Alaska, Hawaii, or any territory or possession of the United States outside the 48 contiguous States.''.

SEC. 1822. TECHNICAL AMENDMENTS TO TEA 21 PROJECTS.

The table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 257) is amended—

(1) in item number 35 by adding ''and for other related purposes'' after ''Yard'';

(2) in item number 78 by striking ''Third'' and all that follows through ''Bridge'' and inserting ''Bayview Transportation Improvements Project'';

(3) in item number 312 by inserting ''through construction'' after ''engineering'';

(4) in item number 800 by striking ''Fairview Township'' and inserting ''or other projects selected by the York County, Pennsylvania MPO'';

(5) in item number 820 by striking ''Conduct'' and all that follows through ''interchange'' and inserting ''Conduct a transportation needs study and make improvements to I-75 interchanges in the Grayling area'';

(6) in item number 897 by striking ''Upgrade'' and all that follows through ''interchange'' and inserting ''Engineering and construction of a new access road to a development near Interstate 57 and 167th Street in Country Club Hills'';

(7) in item number 1121 by striking ''Construct'' and all that follows through ''Douglaston Parkway'' and inserting ''Provide landscaping along both sides of the Grand Central Parkway from 188th Street to 172nd Street'';

(8) in item 1225 by striking ''Construct SR 9 bypass'' and inserting ''Study, design, and construct transportation solutions for SR 9 corridor''; and

(9) in item number 1447 strike ''Extend'' and all that follows through ''Valparaiso'' and insert ''Design and construction of interchange at I-65 and 109th Avenue, Crown Point''.

SEC. 1823. NATIONAL WORK ZONE SAFETY INFORMATION CLEARINGHOUSE.

The Secretary shall make grants of $1,000,000 for fiscal years 2005 through 2009 to a national nonprofit foundation for the operation of the National Work Zone Safety Information Clearinghouse, authorized by section 358(b)(2) of Public Law 104–59, created for the purpose of assembling and disseminating, by electronic and other means, information relating to improvement of roadway work zone safety.

SEC. 1824. TRANSPORTATION CONFORMITY.

(a) CONFORMITY REDETERMINATIONS.—Section 176(c)(2) of the Clean Air Act (42 U.S.C. 7506(c)) is amended by adding at the end the following:

''(E) The appropriate metropolitan planning organization shall redetermine conformity for existing transportation plans and programs not later than 2 years after the date on which the Administrator__

''(i) finds a motor vehicle emissions budget in a submitted implementation plan to be adequate in accordance with section 93.118(e)(4) of title 40, Code of Federal Regulations (as in effect on October 1, 2003); or

''(ii) approves an implementation plan under section 110(k) or promulgates an implementation plan under section 110(c) that establishes a motor vehicle emissions budget where there was no prior budget or that establishes a budget that significantly varies from any motor vehicle emissions budget in effect pursuant to an adequacy determination in accordance with section 93.118(e)(4) of title 40, Code of Federal Regulations (as in effect on October 1, 2003) or as part of an implementation plan approved or promulgated under section 110.''.

(b) FREQUENCY OF CONFORMITY DETERMINATION UPDATES.—Section 176(c)(4) of the Clean Air Act (42 U.S.C. 7506(c)(4)) is amended follows:

(1) By striking ''one year after the date of enactment of the Clean Air Act Amendments of 1990'' and inserting ''one year after the date of enactment of the Transportation Equity Act: A Legacy for Users'' .

(2) In subparagraph (B) by amending clause (ii) to read as follows:

''(ii) provide that conformity determinations for transportation plans and programs be determined every 4 years in areas designated as nonattainment or redesignated to attainment (unless a metropolitan planning organization as designated in section 5213(b) of title 49, United States Code, elects to update a transportation plan and program more frequently or is required to determine conformity in accordance with paragraph (2)(E)).''.

(c) TIME HORIZON FOR CONFORMITY DETERMINATIONS IN NONATTAINMENT AREAS.—Subsection (c) of section 176 of the Clean Air Act (42 U.S.C. 7506(c)) is amended by adding the following new paragraph at the end thereof:

''(7) TIME HORIZON FOR DETERMINATIONS.—Each conformity determination required under this section for a transportation plan under section 5213(g) of title 49 of the United States Code shall require a demonstration of conformity during the period ending on either the final year of the transportation plan or, at the election of the metropolitan planning organization and an air pollution control agency, as defined in section 302(b), if such air pollution control agency is responsible for developing plans or controlling air pollution within the area covered by the transportation plan on the later of the following dates (hereinafter in this paragraph referred to as the 'final transportation conformity date'):

''(A) The tenth year of the transportation plan.

''(B) The attainment date set forth in the applicable implementation plan for the air pollutant concerned.

''(C) The year after the completion of a regionally significant project, if the project will be programmed in the transportation improvement program or requires approval before the subsequent conformity determination.

Such conformity determination shall be accompanied by a regional emissions analysis for any years of the transportation plan that extend beyond such final conformity date. In the case in which an area has a revision to an implementation plan under section 175A(b) and the Administrator has found the motor vehicle emissions budgets from that revision to be adequate in accordance with section 93.118(e)(4) of title 40, Code of Federal Regulations (as in effect October 1, 2003), or has approved the revision, the demonstration of conformity (at the election of the metropolitan planning organization and an air pollution control agency, as defined in section 302(b), if such air pollution control agency is responsible for developing plans or controlling pollution within the area covered by the transportation plan) and the metropolitan planning organization shall be required to extend only through the last year of the implementation plan required under section 175A(b).''.

(d) SUBSTITUTION OF TRANSPORTATION CONTROL MEASURES.—Subsection 176(c) of the Clean Air Act (42 U.S.C. 7506(c)) is amended by adding at the end the end the following new paragraph:

''(8)(A) Transportation control measures that are specified in an implementation plan may be replaced in the implementation plan with substitute transportation control measures if

''(i) the substitute measures achieve equivalent or greater emission reductions than the control measures to be replaced, as determined by the Administrator,

''(ii) the substitute measures utilize an emissions impact analysis that is consistent with the current methodology used for evaluating replaced control measures in the implementation plan;

''(iii) the substitute control measures are implemented not later than the date on which such emission reductions are necessary to achieve the purpose of the implementation plan;

''(iv) the substitute control measures were developed with reasonable public notice and the opportunity for comments; and

''(v) the metropolitan planning organization finds that adequate funding is included in the transportation improvement program to ensure timely implementation of the substitute control measures.

''(B) After the requirements of paragraph (A) are met, a State may adopt the substitute measures in the applicable implementation plan within a reasonable period of time.

''(C) The substitution of a transportation control measure in accordance with this paragraph shall not be contingent on the existence of any provision in the applicable implementation plan that expressly permits such substitution.

''(D) The substitution of a transportation control measure in accordance with this paragraph shall not require—

''(i) a new conformity determination for the transportation plan, or

''(ii) a revision of the applicable implementation plan.

''(E) A control measure that is being replaced by a substitute control measure under this paragraph shall remain in effect until the substitute control measure is adopted.

''(F) Adoption of a substitute control measure shall constitute rescission of the previously applicable control measure.

Transportation control measures may be added to an implementation plan subject to subparagraphs (B), (C), and (D), on the same basis as if such measures were substitute transportation control measures if such measures do not increase emissions for which limitations have been established in an implementation plan, and such measures meet the requirements of clauses (ii), (iii), (iv), and (v) of subparagraph (A).''.

(e) LAPSE OF CONFORMITY.—Subsection (c) of section 176 of the Clean Air Act (42 U.S.C. 7506(c)) is amended by adding the following new paragraphs at the end thereof:

''(9) LAPSE OF CONFORMITY.—If a conformity determination required under this

subsection for a transportation plan under section 5213(g) of title 49 of the United States Code or a transportation improvement program under section 5213(h) of title 49 of the United States Code is not made by the applicable deadline and such failure is not corrected by additional measures to either reduce motor vehicle emissions sufficient to demonstrate compliance with the requirements of this subsection within 12 months after such deadline or other measures sufficient to correct such failures, the transportation plan shall lapse.

''(10) LAPSE.—The term 'lapse' means that the conformity determination for a transportation plan or transportation improvement program has expired, and thus there is no currently conforming transportation plan or transportation improvement program.''.

SEC. 1825. ELIGIBILITY TO PARTICIPATE IN WESTERN ALASKA COMMUNITY DEVELOPMENT QUOTA PROGRAM.

A community is deemed to be eligible to participate in the western Alaska community development quota program established under section 305(i) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)) if the community—

(1) is listed in table 7 to part 679 of title 50, Code of Federal Regulations, as in effect on March 8, 2004; or

(2) was determined to be eligible participate in such program by the National Marine Fisheries Service on April 19, 1999.

SEC. 1826. METROPOLITAN REGIONAL FREIGHT AND PASSENGER TRANSPORTATION STUDY.

(a) IN GENERAL.—The Secretary shall enter into an agreement with a partnership comprised of 2 institutions of higher learning to study metropolitan regional freight and passenger transportation and system-wide performance utilizing an interdisciplinary technique of supply chain management, geographic information systems, and urban/suburban planning and management.

(b) CONTENTS OF STUDY.—The study under this section shall include, at a minimum, evaluations of—

(1) best practices for regional transportation operations and management;

(2) relationships among truck trip generation and economic activities;

(3) spatial analysis of the distribution of economic activity and transportation investments;

(4) congestion mitigation and management of air quality through the concentration of modeling and technology;

(5) supply chain management and geographic information systems; and

(6) infrastructure management and renewal.

(c) FEDERAL SHARE.—The Federal share of the cost of the study under this section shall be 100 percent.

(d) FUNDING.—Of the amounts made available to carry out section 1305 for each of fiscal years 2005 through 2009, $1,800,000 shall be made available to carry out this section.

SEC. 1827. INTERMODAL TRANSPORTATION FACILITY EXPANSION.

Any Federal and non-Federal share provided for the Port of Anchorage for an intermodal transportation marine facility or for access to that facility shall be transferred to and administered by the Administrator of the Maritime Administration.

SEC. 1828. ADVANCED TRUCK STOP ELECTRIFICATION SYSTEM.

(a) DEFINITION.—Section 101(a) of title 23, United States Code, as amended by section 1202 of this Act, is further amended by adding at the end the following:

''(40) ADVANCED TRUCK STOP ELECTRIFICATION SYSTEM.—The term 'advanced truck stop electrification system' means a stationary system that delivers heat, air conditioning, electricity, and communications, and is capable of providing verifiable evidence of use of those services, to a heavy-duty vehicle and any occupants of the heavy-duty vehicle without relying on components mounted onboard the heavy-duty vehicle for delivery of those services.''.

(b) ELIGIBILITY UNDER STP.—Section 133(b)(6) of such title is amended by inserting '', including advanced truck stop electrification systems'' before the period at the end.

(c) ELIGIBILITY UNDER CMAQ.—Section 149(b)(4) of such title is amended by inserting '', including advanced truck stop electrification systems,'' after ''facility or program''.

SEC. 1829. TECHNOLOGY.

States are encouraged to consider using a non-destructive technology able to detect cracks including sub-surface flaws as small as 0.005 inches in length or depth in steel bridges.

Page 395, line 16, strike ''All'' and all that follows through the period on line 18 and insert the following: ''All fees collected by the State from motorcyclists for the purposes of funding motorcycle training and safety programs are used for motorcycle training and safety programs.''.

Page 396, line 20, before ''to carry'' insert ''incorporated in that State''.

At the end of title II, insert the following (and conform the table of contents accordingly):

SEC. 2011. DRUG IMPAIRED DRIVING ENFORCEMENT.

(a) SHORT TITLE.—This section may be cited as the ''Drug Impaired Driving Research and Prevention Act''.

(b) DEFINITIONS.—In this section, the following definitions apply:

(1) CONTROLLED SUBSTANCE.—The term ''controlled substance'' includes substances listed in schedules I through V of section 112(e) of the Controlled Substances Act (21 U.S.C. 812(e)).

(2) INHALANT.—The term ''inhalant'' means a household or commercial product that can be used by inhaling for intoxicating effect.

(3) DRUG RECOGNITION EXPERT.—The term ''drug recognition expert'' means an individual trained in a specific evaluation procedure that enables the person to determine whether an individual is under the influence of drugs and then to determine the type of drug causing the observable impairment.

(c) MODEL STATUTE.—

(1) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Secretary shall develop and provide to the States a model statute relating to drug impaired driving which incorporates the provisions described in this section.

(2) MANDATORY PROVISIONS.—Provisions of the model statute developed by the Secretary for recommendation to the States under this section shall include, at a minimum, a provision that the crime of drug impaired driving is committed when a person operates a motor vehicle—

(A) while any unlawful detectable amount of a controlled substance is present in the person's body, as measured in the person's blood, urine, saliva, or other bodily substance; or

(B) due to the unlawful presence of a controlled substance or a controlled substance in combination with alcohol or an inhalant, or both, in the person's body, the person's mental or physical faculties are affected to a noticeable or perceptible degree.

(3) DISCRETIONARY PROVISIONS.—Provisions of the model statute developed by the Secretary for recommendation to the States under this section may include the following:

(A) Sanctions for refusing to submit to a test for the unlawful presence of a controlled substance in a person's body which are equivalent to sanctions for a positive test result.

(B) A graduated system of penalties for repeat offenses of drug impaired driving, including, at a minimum, that a third or subsequent offense within a 10-year period shall be a felony punishable by imprisonment for more than a year.

(C) Authorization for States to suspend or revoke the license of any driver upon receiving a record of the driver's conviction of driving a motor vehicle while under the unlawful influence of a controlled substance.

(D) Provisions that require a sentence of imprisonment imposed for any drug impaired driving offense be served consecutively, not concurrently, from a sentence imposed for any other criminal act; except that a sentence imposed for the same act of impaired driving may be imposed concurrently if the additional conviction was based on an alternate theory of culpability for the same act.

(d) RESEARCH AND DEVELOPMENT.—Section 403(b) of title 23, United States Code, is amended by adding at the end the following:

''(5) New technology to detect drug use.

''(6) Research and development to improve testing technology, including toxicology lab resources and field test mechanisms to enable States to process toxicology evidence in a more timely manner.

''(7) Determining per se unlawful impairment levels for controlled substances (as defined in section 2011 of the Transportation Equity Act: A Legacy for Users) and the compound effects of alcohol and controlled substances on impairment to facilitate enforcement of per se drug impaired driving laws. Research under this paragraph shall be carried out in collaboration with the National Institute on Drug Abuse of the National Institutes of Health.''.

(e) GOALS FOR TRAINING.—Section 403 of such title is amended by adding at the end the following:

''(g) TRAINING GOALS.—For the purpose of enhancing the States' ability to detect, enforce, and prosecute drug impaired driving laws, the Secretary shall—

''(1) establish and carry out programs to enhance police and prosecutor training efforts for enforcement of laws relating to drug impaired driving and for development of programs to improve enforcement of such laws; and

''(2) ensure that drug impaired driving enforcement training or drug recognition expert programs, or both, exist in all 50 States and the District of Columbia by December 31, 2006.''.

(f) DUTIES.—The Administrator of the National Highway Traffic Safety Administration shall—

(1) advise and coordinate with other Federal agencies on how to address the problem of driving under the influence of an illegal drug; and

(2) conduct research on the prevention, detection, and prosecution of driving under the influence of an illegal drug.

(g) REPORTS.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act and annually thereafter, the Secretary shall transmit to Congress a report on the progress being made in carrying out this Act, including the amendments made by this Act.

(2) CONTENTS.—The Secretary shall include in the report an assessment of the status of drugged impaired driving laws in the United States—

(A) new research and technologies in the area of drug impaired driving enforcement;

(B) a description of the extent of the problem of driving under the influence of an illegal drug in each State and any available information relating thereto, including a description of any laws relating to the problem of driving under the influence of an illegal drug; and

(C) recommendations for addressing the problem of driving under the influence of an illegal drug.

(h) FUNDING.—Out of amounts appropriated to carry out section 403 of title 23, United States Code, for fiscal years 2004 through 2009, the Secretary shall use, at a minimum, $1,200,000 per fiscal year to carry out drug impaired driving traffic safety programs, including the provisions of this section and the amendments made by this section.

In section 5308(c)(2)(A) of title 49, United States Code, as proposed to be inserted by section 3009 of the bill (pages 422 and 423), strike clause (iii) and insert the following:

''(iii) 1.2 if, at the time of the apportionment, the area is classifed as a moderate ozone nonattainment area under subpart 2 of such part;

Page 426, line 13, strike ''transit supportive policies,'' and insert ''and transit supportive policies''.

In section 5309 of title 49, United States Code, as proposed to be amended by section 3010(d) of the bill, redesignate paragraph (2) of subsection (k) as paragraph (4) (page 447), move such redesignated paragraph to the end of subsection (m) (page 450), and strike ''(1) CONSIDERATIONS.—'' in such subsection (k) (page 447, line 9).

Page 450, line 10, after the period insert the following: ''Of the amounts made available under paragraphs (1)(C) and (2)(B)(iii), $10,000,000 shall be available in each of fiscal years 2004 through 2009 for ferry boats or ferry terminal facilities.''.

Page 482, lines 14 and 15, strike ''10 persons per square mile or fewer'' and insert ''10 or fewer persons per square mile in other than urbanized areas of the State''.

Page 500, line 10, strike ''(b) and (c)'' and insert ''(b), (c), and (d)''.

Page 501, strike line 3 and all that follows page 502, line 15.

In section 3037(b)(4), strike ''extensions''.

In section 3037(b)(15)—

In section 3037(b)(21), strike ''-Franklin''.

(1) strike ''Phase II'' and insert ''Foothill''; and

(2) strike ''Claremont'' and insert ''Montclair''.

In section 3037(b)—

(1) in paragraph (37) strike ''MUNI'' and insert ''Muni''; and

(2) after paragraph (36) insert the following (and redesignate subsequent paragraphs accordingly):

(37) San Diego—Mid Coast Extension.

In section 3037(b), after paragraph (38), relating to Santa Clara Valley Transit Authority, insert the following (and redesignate subsequent paragraphs accordingly):

(39) Tampa Bay—Regional Rail.

In section 3037(c)(2), strike ''Albuquerque-Santa Fe'' and insert ''Belen-Santa Fe''.

In section 3037(c), strike paragraph (9) and insert the following (and redesignate subsequent paragraphs accordingly):

(9) Austin—Rapid Bus Project.

(10) Austin—Regional Commuter Rail.

In section 3037(c), after paragraph (20), relating to Charles Town-Ranson, West Virginia, insert the following (and redesignate subsequent paragraphs accordingly):

(21) Central Phoenix—East Valley Corridor LRT Extensions.

In section 3037(c), after paragraph (34), relating to Corpus Christi, insert the following (and redesignate subsequent paragraphs accordingly):

(35) Dallas Area Rapid Transit—Dallas Central Business District.

In section 3037(c), after paragraph (38) relating to Denver—Gold Line Extension to Arvada, insert the following (and redesignate subsequent paragraphs accordingly):

(39) Denver—United States Route 36 Transit Corridor.

(40) Denver—North Metro Corridor to Thornton.

(41) Denver—East Corridor to DIA Airport.

In section 3037(c)(44), relating to Fort Worth, strike ''Extension'' and insert ''Extensions''.

In section 3037(c), after paragraph (82) relating to Montgomery and Prince George's Counties, insert the following:

(83) Nashville—Tennessee Commuter Rail.

In section 3037(c)(106), strike ''Extension to City of Lake Oswego'' and insert ''Extensions''.

In section 3037(c), after paragraph (114), relating to Sacramento—Downtown, insert the following (and redesignate subsequent paragraphs accordingly):

(115) Salt Lake City—Draper to Sandy LRT Extension.

(116) Salt Lake City—TRAX Capacity Improvements.

(117) Salt Lake City—West Valley City LRT Extension.

In section 3037(c)(119), strike ''Geary'' and insert ''MUNI Geary''.

In section 3037(c), after paragraph (123), relating to Seattle, insert the following (and redesignate subsequent paragraphs accordingly):

(124) Seattle—Link LRT Extensions.

(125) Seattle—Sound Transit Commuter Rail.

(126) Seattle—Sound Transit Regional Express Bus.

In section 3037(c), after paragraph (138), relating to Tri-Rail Florida East Coast, insert the following (and redesignate subsequent paragraphs accordingly):

(139) Tri-Rail Jupiter Extension.

In section 3037(c), after paragraph (141), relating to Vancouver, insert the following (and redesignate subsequent paragraphs accordingly):

(142) Virginia Beach—Bus Rapid Transit.

In section 3037(c), after paragraph (142), relating to Virginia Railway Express, insert the following (and redesignate subsequent paragraphs accordingly):

(143) Washington State Ferries and Ferry Facilities.

In item 15 of the table contained in section 3038, strike ''Gettysburt'' and insert ''Gettysburg''.

In item number 25 of such table, strike ''$750,000.00'' and insert ''$2,850,000.00''.

In item number 26 of such table, strike ''$750,000.00'' and insert ''$2,850,000.00''.

In item 85 of such table, strike ''Pasadena'' and all that follows through ''centers'' and insert ''Pasadena to Montclair, CA Gold Line Light Rail Foothill Extension intermodal centers''.

In item 97 of such table, strike ''$1,750,000.00'' and insert ''$3,750,000.00''.

In item 98 of such table, strike ''vehabilitation'' and insert ''rehabilitation''.

In item 132 of such table, strike ''Gold Line phase II rail project'' and insert ''light rail Foothill Extension''.

In item 162 of such table, after ''Construct'' insert ''Foothill Transit''.

At the end of such table, add the following:

Project	FY 05	FY 06	FY 07
356. Jesup, GA - Historic depot and bus station rehabilitation	$320,000.00	$330,000.00	$350,000.00
357. Renaissance Square, NY - Intermodal center, below grade transit center with association joint development, including community college and performing arts center	$2,240,000.00	$2,310,000.00	$2,450,000.00
358. Boysville of Michigan - Vans purchase	$1,075,200.00	$1,108,800.00	$1,176,000.00

In section 3039(b), strike ''4 nonprofit'' and insert ''4 geographically diverse nonprofit''.

In section 3039(c)(1), strike ''transit operations'' and insert ''transit bus operations''.

Redesignate section 3040 as section 1829, move such redesignated section from title III to the end of subtitle H of title I, redesignate subsequent sections of title III accordingly, and conform the table of contents accordingly.

In section 3042(a)(1), strike ''For carrying out'' and insert the following:

(A) IN GENERAL.—For carrying out

In section 3042(a)(1), redesignate subparagraphs (A) through (F) as clauses (i) through (vi), respectively, move such clauses 2 ems to the right, and after clause (vi) (as so redesignated) insert the following:

(B) PUBLIC TRANSPORTATION NATIONAL SECURITY STUDY.—

(i) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary shall enter into an agreement with the National Academy of Sciences to conduct a study and evaluation of the value major public transportation systems in the United States serving the 38 urbanized areas that have a population of more than 1,000,000 individuals provide to the Nation's security and the ability of such systems to accommodate the evacuation, egress or ingress of people to or from critical locations in times of emergency.

(ii) ALTERNATIVE ROUTES.—For each system described in clause (i) the study shall identify—

(I) potential alternative routes for evacuation using other transportation modes such as highway, air, marine, and pedestrian activities; and

(II) transit routes that, if disrupted, do not have sufficient transit alternatives available.

(iii) REPORT.—Not later than 24 months after the date of entry into the agreement, the Academy shall submit to the Secretary and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing and Urban Affairs of the Senate a final report on the results of the study and evaluation, together with such recommendations as the Academy considers appropriate.

(iv) FUNDING.—Of the amounts made available under section 5338(d) of title 49, United States Code, $250,000 shall be available for each of fiscal years 2005 and 2006 to carry out this subparagraph.

At the end of title III, insert the following and conform the table of contents accordingly:

SEC. 3045. COOPERATIVE PROCUREMENT.

(a) REVIEW OF COOPERATIVE PROCUREMENT; AUTHORITY TO INCREASE FEDERAL SHARE.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary shall undertake a 30-day review of efforts to use cooperative procurement to determine whether benefits are sufficient to formally incorporate cooperative procurement into the mass transit program. In particular the Secretary shall review the

progress made under the pilot program authorized under section 166 of division F of the Consolidated Appropriations Act, 2004 (49 U.S.C. 5397 note; 118 Stat. 309), based on experience to date in the pilot program and any available reports to Congress submitted under such section 166. The Secretary shall also consider information gathered from grantees about cooperative procurement, whether or not related to the pilot program.

(2) NOTIFICATION OF CONGRESS.—The Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate of the results of the review required under paragraph (1), including a finding of sufficient benefit or insufficient benefit and the reasons for that finding.

In subparagraph (V) that is proposed to be inserted in section 31102(b)(1) of title 49, United States Code, by section 4102(a)(6) of the bill, strike ''placing out of service'' and insert ''prohibiting the operation of''.

In section 4120(e), strike ''2004,''.

In section 4121(a), after ''mellitus'' insert ''who are applying for an exemption from the physical qualification standards''.

In section 4121(a), strike ''qualify'' and insert ''be exempted from the physical qualification standards''.

In section 4122(c), strike ''2004,''.

In section 4128, insert at the end the following:

(f) INSPECTION, REPAIR, AND MAINTENANCE OF INTERMODAL EQUIPMENT.—Section 31136 of title 49, United States Code, is amended by adding at the end the following:

''(g) INSPECTION, REPAIR, AND MAINTENANCE OF INTERMODAL EQUIPMENT.—The Secretary, or an employee of the Department of Transportation designated by the Secretary, may inspect intermodal equipment, and copy related maintenance and repair records for such equipment, on demand and display of proper credentials to inspect intermodal equipment.''.

(g) JURISDICTION OVER EQUIPMENT PROVIDERS.—Section 31132(1) of such title is amended by inserting after ''towed vehicle'' the following: ''(including intermodal equipment, including trailers, chassis and associated devices, commonly used for the transportation of intermodal freight via highway)''.

In section 4208(a)(1), insert after ''challenge'' the following: ''duplicate or fraudulent''.

At the end of title IV, insert the following (and conform the table of contents of the bill accordingly):

SEC. 4212. APPLICABILITY TO HOUSEHOLD GOODS MOTOR CARRIERS.

(a) IN GENERAL.—The provisions of title 49, United States Code, and this Act (including any amendments made by this Act) relating to the transportation of household goods shall only apply to household goods motor carriers.

(b) HOUSEHOLD GOODS MOTOR CARRIER DEFINED.—In this section, the term ''household goods motor carrier'' means a motor carrier as defined in section 13102(12) of title 49, United States Code, which, in the ordinary course of its business of providing transportation of household goods, offers some or all of the following additional services: binding and nonbinding estimates, inventorying, protective packing and unpacking of individual items, and loading and unloading at personal residences.

Title V, after section 5102, insert the following:

SEC. 5103. FINDINGS.

The Congress finds the following:

(1) Research and development are critical to developing and maintaining a transportation system that meets the goals of safety, mobility, economic vitality, efficiency, equity, and environmental protection.

(2) Federally sponsored surface transportation research and development has produced many successes. The development of rumble strips has increased safety; research on materials has increased the lifespan of pavements, saving money and reducing the disruption caused by construction; and Geographic Information Systems have improved the management and efficiency of transit fleets.

(3) Despite these important successes, the Federal surface transportation research and development investment represents less than one percent of overall government spending on surface transportation.

(4) While Congress increased funding for overall transportation programs by about 40 percent in the Transportation Equity Act for the 21st Century, funding for transportation research and development remained relatively flat.

(5) The Federal investment in research and development should be balanced between short-term applied and long-term fundamental research and development. The investment should also cover a wide range of research areas, including research on materials and construction, research on operations, research on transportation trends and human factors, and research addressing the institutional barriers to deployment of new technologies.

(6) Therefore, Congress finds that it is in the United States interest to increase the Federal investment in transportation research and development, and to conduct research in critical research gaps, in order to ensure that the transportation system meets the goals of safety, mobility, economic vitality, efficiency, equity, and environmental protection.

Title V, section 5201(b) of the bill in the matter proposed to be inserted in section 502(a) of title 23, United States Code, strike paragraphs (5) through (7) and insert the following:

''(5) STAKEHOLDER INPUT.—Federal surface transportation research and development activities shall address the needs of stakeholders. Stakeholders include States, metropolitan planning organizations, local governments, the private sector, researchers, research sponsors, and other affected parties, including public interest groups.

''(6) COMPETITION AND PEER REVIEW.—Except as otherwise provided in this Act, the Secretary shall award all grants, contracts, and cooperative agreements for research and development under this Act based on open competition and peer review of proposals.

''(7) PERFORMANCE REVIEW AND EVALUATION.—To the maximum extent practicable, all surface transportation research and development projects shall include a component of performance measurement and evaluation. Performance measures shall be established during the proposal stage of a research and development project and shall, to the maximum extent possible, be outcome-based. All evaluations shall be made readily available to the public.''.

Title V, section 5203(a) of the bill, in the matter proposed to be inserted in section 507(d)(1) of title 23, United States Code, strike ''a national research agenda for the program'' and insert ''the national research agenda as set forth in the Transportation Research Board Special Report 268 as described in subsection (e)''.

Title V, section 5203(a) of the bill, in the matter proposed to be inserted in section 507(e) of title 23, United States Code, insert at the end the following:

''(8) CONTENTS.—The program established under subsection (d)(1) shall carry out research and development called for in the Transportation Research Board Special Report 268, entitled 'Surface Transportation Environmental Research: A Long-Term Strategy', published in 2002, which included the following research and development areas:

''(1) Human Health.

''(2) Ecology and Natural Systems.

''(3) Environmental and Social Justice.

''(4) Emerging Technologies.

''(5) Land Use.

''(6) Planning and Performance Measures.

Title V, section 5204(b) of the bill, in the matter proposed to be inserted in section 503(c)(2)(A) of title 23, United States Code, after ''materials,'' insert ''recycled materials (including taconite tailings and foundry sand),''

Title V, section 5205(a)(2) of the bill, strike ''$10,000,000'' and insert ''$8,500,000''.

Title V, strike 5205(d) of the bill and insert the following:

(d) GARRETT A. MORGAN TECHNOLOGY AND TRANSPORTATION EDUCATION PROGRAM.—

(1) IN GENERAL.—Section 504 of title 23, United States Code, as amended by this section, is further amended by adding at the end the following new subsection:

''(d) GARRETT A. MORGAN TECHNOLOGY AND TRANSPORTATION EDUCATION PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish the Garrett A. Morgan Technology and Transportation Education Program to improve the preparation of students, particularly women and minorities, in science, technology, engineering, and mathematics through curriculum development and other activities related to transportation.

''(2) AUTHORIZED ACTIVITIES.—The Secretary shall award grants under this subsection on the basis of competitive, peer review. Grants awarded under this subsection may be used for enhancing science, technology, engineering, and mathematics at the elementary and secondary school level through such means as—

''(A) internships that offer students experience in the transportation field;

''(B) programs that allow students to spend time observing scientists and engineers in the transportation field; and

''(C) developing relevant curriculum that uses examples and problems related to transportation.

''(3) APPLICATION AND REVIEW PROCEDURES.—

''(A) IN GENERAL.—An entity described in subparagraph (C) seeking funding under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application, at a minimum, shall include a description of how the funds will be used and a description of how the funds will be used to serve the purposes described in paragraph (2).

''(B) PRIORITY.—In making awards under this subsection, the Secretary shall give priority to applicants that will encourage the participation of women and minorities.

''(C) ELIGIBILITY.—Local education agencies and State education agencies, which may partner with institutions of higher education, businesses, or other entities, shall be eligible to apply for grants under this subsection.

''(4) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'institution of higher education' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001);

''(B) the term 'local educational agency' has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801); and

''(C) the term 'State educational agency' has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).''.

(2) FUNDING.—Of the amounts made available by section 5101(a)(2) of this Act, $500,000 for 2004 and $1,000,000 for each of fiscal years 2005 through 2009 shall be available to carry out section 504(d) of title 23, United States Code.

Title V, section 5209, redesignate subsections (b) and (c) as subsections (c) and (d).

Title V, section 5209, after subsection (a) insert the following:

(b) PROGRAMMATIC EVALUATIONS.—Within 3 years after the first research and development project grants, cooperative agreements, or contracts are awarded under this section, the Comptroller General shall review the program under this section, and recommend improvements. The review shall assess the degree to which projects funded under this section have addressed the research and development topics identified in the Transportation Research Board Special Report 260, including identifying those topics which have not yet been addressed.

Title V, section 5205 of the bill, in the matter proposed to be inserted in section 504 of title 23, United States Code, redesignate subsections (f) and (g) as subsections (g) and (h), respectively.

Title V, section 5205 of the bill, insert after subsection (e) the following:

(f) TRANSPORTATION EDUCATION DEVELOPMENT PILOT PROGRAM.—Section 504 of title 23, United States Code, is amended by inserting after subsection (e) the following:

''(f) TRANSPORTATION EDUCATION DEVELOPMENT PILOT PROGRAM.—

''(1) ESTABLISHMENT.—The Secretary shall establish a program to make grants to institutions of higher education that in partnership with industry or State Departments of Transportation will develop, test, and revise new curricula and education programs to train individuals at all levels of the transportation workforce.

''(2) SELECTION OF GRANT RECIPIENTS.—In selecting applications for awards under this subsection, the Secretary shall consider—

''(A) the degree to which the new curricula or education program meets the specific needs of a segment of the transportation industry, States, or regions;

''(B) providing for practical experience and on-the-job training;

''(C) proposals oriented toward practitioners in the field rather than the support and growth of the research community;

''(D) the degree to which the new curricula or program will provide training in areas other than engineering, such as business administration, economics, information technology, environmental science, and law;

''(E) programs or curricula in nontraditional departments which train professionals for work in the transportation field, such as materials, information technology, environmental science, urban planning, and industrial technology; and

''(F) industry or a State's Department of Transportation commitment to the program.

''(3) FUNDING.—Of the amounts made available by section 5101(a)(2) of this Act, $1,500,000 for each of fiscal years 2005 through 2009 shall be available to carry out this subsection.

''(4) LIMITATIONS.—The amount of a grant under this subsection shall not exceed $250,000 per year. After a recipient has received 3 years of Federal funding under this subsection, Federal funding may equal no more than 75 percent of a grantee's program costs.''.

Title V, subtitle B, is amended by adding at the end the following:

SEC. 5213. TRANSPORTATION RESEARCH AND DEVELOPMENT STRATEGIC PLANNING.

(a) AMENDMENT.—Section 508 of title 23, United States Code, is amended to read as follows:

''§ 508. Transportation research and development strategic planning

''(a) IN GENERAL.—

''(1) DEVELOPMENT.—Not later than 1 year after the date of enactment of the Surface Transportation Research and Development Act of 2004, the Secretary shall develop a 5-year transportation research and development strategic plan to guide Federal transportation research and development activities. This plan shall be consistent with section 306 of title 5, sections 1115 and 1116 of title 31, and any other research and development plan within the Department of Transportation.

''(2) CONTENTS.—The strategic plan developed under paragraph (1) shall—

''(A) describe the primary purposes of the transportation research and development program, which shall include, at a minimum—

''(i) reducing congestion and improving mobility;

''(ii) promoting safety;

''(iii) promoting security;

''(iv) protecting and enhancing the environment;

''(v) preserving the existing transportation system; and

''(vi) improving the durability and extending the life of transportation infrastructure;

''(B) for each purpose, list the primary research and development topics that the Department intends to pursue to accomplish that purpose, which may include the fundamental research in the physical and natural sciences, applied research, technology development, and social science research intended for each topic; and

''(C) for each research and development topic, describe—

''(i) the anticipated annual funding levels for the period covered by the strategic plan; and

''(ii) the additional information the Department expects to gain at the end of the period covered by the strategic plan as a result of the research and development in that topic area.

''(3) CONSIDERATIONS.—In developing the strategic plan, the Secretary shall ensure that the plan—

''(A) reflects input from a wide range of stakeholders;

''(B) includes and integrates the research and development programs of all the Department's operating administrations, including aviation, transit, rail, and maritime; and

''(C) takes into account how research and development by other Federal, State, private sector, and not-for-profit institutions contributes to the achievement of the purposes identified under paragraph (2)(A), and avoids unnecessary duplication with these efforts.

''(4) PERFORMANCE PLANS AND REPORTS.—In reports submitted under sections 1115 and 1116 of title 31, the Secretary shall include—

''(A) a summary of the Federal transportation research and development activities for the previous fiscal year in each topic area;

''(B) the amount of funding spent in each topic area;

''(C) a description of the extent to which the research and development is meeting the expectations set forth in paragraph (2)(C)(ii); and

''(D) any amendments to the strategic plan.

''(b) The Secretary shall submit to Congress an annual report, along with the President's annual budget request, describing the amount spent in the last completed fiscal year on transportation research and development and the amount proposed in the current budget for transportation research and development.

''(c) NATIONAL RESEARCH COUNCIL REVIEW.—The Secretary shall enter into an agreement for the review by the National Research Council of the details of each—

''(1) strategic plan under section 508;

''(2) performance plan required under section 1115 of title 31; and

''(3) program performance report required under section 1116 of title 31,

with respect to transportation research and development.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 5 of title 23, United States Code, is amended by striking the item related to section 508 and inserting the following:

''508. Transportation research and development strategic planning.''.

Title V, in section 5302 of the bill in the matter proposed to be inserted in section 5506(e)(C)(ii) of title 49, United States Code, insert ''and'' after the semicolon.

Title V, in section 5302 of the bill, in the matter proposed to be inserted in section 5506(e)(2)(C) of title 49, United States Code, strike clause (iv) in such matter.

Title V, in section 5302 of the bill, in the matter proposed to be inserted in section 5506(e)(2)(C)(iii) of title 49, United States Code, strike ''; and'' and insert the following: ''who, as a group, have published a total at least 50 refereed journal publications on highway or public transportation research during the preceding 5 years.''.

Title V, in section 5302 of the bill in the matter proposed to be inserted in section 5506(f)(2)(B)(ii) of title 49, United States Code, insert ''and'' after the semicolon.

Title V, in section 5302 of the bill, in the matter proposed to be inserted in section 5506(f)(2)(B) of title 49, United States Code, strike clause (iv) in such matter.

Title V, in section 5302 of the bill, in the matter proposed to be inserted in section 5506(f)(2)(B)(iii) of title 49, United States Code, strike ''; and'' and insert the following: ''who, as a group, have published a total at least 20 refereed journal publications on highway or public transportation research during the preceding 5 years.''.

Title V, strike section 5501 and insert the following:

SEC. 5501. BUREAU OF TRANSPORTATION STATISTICS.

Section 111 of title 49, United States Code, is amended to read as follows:

''§ 111. Bureau of Transportation Statistics

''(a) ESTABLISHMENT.—There is established in the Department of Transportation a Bureau of Transportation Statistics.

''(b) DIRECTOR.—

''(1) APPOINTMENT.—The Bureau shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) QUALIFICATIONS.—The Director shall be appointed from among individuals who are qualified to serve as the Director by virtue of their training and experience in the collection, analysis, and use of transportation statistics.

''(3) REPORTING.—The Director shall report directly to the Secretary.

''(4) TERM.—The term of the Director shall be 5 years. The Director may continue to serve after the expiration of the term until a successor is appointed and confirmed.

''(c) RESPONSIBILITIES.—The Director of the Bureau shall serve as the Secretary's senior advisor on data and statistics, and shall be responsible for carrying out the following duties:

''(1) PROVIDING DATA, STATISTICS, AND ANALYSIS TO TRANSPORTATION DECISIONMAKERS.—Ensuring that the statistics compiled under paragraph (5) are designed to support transportation decisionmaking by the Federal Government, State and local governments, metropolitan planning organizations, transportation-related associations, the private

sector (including the freight community), and the public.

''(2) COORDINATING COLLECTION OF INFORMATION.—Working with the operating administrations of the Department to establish and implement the Bureau's data programs and to improve the coordination of information collection efforts with other Federal agencies.

''(3) DATA MODERNIZATION.—Continually improving surveys and data collection methods to improve the accuracy and utility of transportation statistics.

''(4) ENCOURAGING DATA STANDARDIZATION.—Encouraging the standardization of data, data collection methods, and data management and storage technologies for data collected by the Bureau, the operating administrations of the Department of Transportation, States, local governments, metropolitan planning organizations, and private sector entities.

''(5) COMPILING TRANSPORTATION STATISTICS.—Compiling, analyzing, and publishing a comprehensive set of transportation statistics on the performance and impacts of the national transportation system, including statistics on—

''(A) productivity in various parts of the transportation sector;

''(B) traffic flows for all modes of transportation;

''(C) other elements of the Intermodal Transportation Database established under subsection (g);

''(D) travel times and measures of congestion;

''(E) vehicle weights and other vehicle characteristics;

''(F) demographic, economic, and other variables influencing traveling behavior, including choice of transportation mode, and goods movement;

''(G) transportation costs for passenger travel and goods movement;

''(H) availability and use of mass transit (including the number of passengers served by each mass transit authority) and other forms of for-hire passenger travel;

''(I) frequency of vehicle and transportation facility repairs and other interruptions of transportation service;

''(J) safety and security for travelers, vehicles, and transportation systems;

''(K) consequences of transportation for the human and natural environment;

''(L) the extent, connectivity, and condition of the transportation system, building on the National Transportation Atlas Database developed under subsection (g); and

''(M) transportation-related variables that influence the domestic economy and global competitiveness.

''(6) NATIONAL SPATIAL DATA INFRASTRUCTURE.—Building and disseminating the transportation layer of the National Spatial Data Infrastructure, including coordinating the development of transportation geospatial data standards, compiling intermodal geospatial data, and collecting geospatial data that is not being collected by others.

''(7) ISSUING GUIDELINES.—Issuing guidelines for the collection of information by the Department of Transportation required for statistics to be compiled under paragraph (5) in order to ensure that such information is accurate, reliable, relevant, and in a form that permits systematic analysis. The Bureau shall review and report to the Secretary of Transportation on the sources and reliability of the statistics proposed by the heads of the operating administrations of the Department to measure outputs and outcomes as required by the Government Performance and Results Act of 1993, and the amendments made by such Act, and shall carry out such other reviews of the sources and reliability of other data collected or statistical information published by the heads of the operating administrations of the Department as shall be requested by the Secretary.

''(8) MAKING STATISTICS ACCESSIBLE.—Making the statistics published under this subsection readily accessible.

''(d) INFORMATION NEEDS ASSESSMENT.—

''(1) IN GENERAL.—Within 60 days after the date of the enactment of the Transportation Equity Act: A Legacy for Users, the Secretary shall enter into an arrangement with the National Research Council to develop and publish a National Transportation Information Needs Assessment (referred to in this subsection as the 'Assessment'). The Assessment shall be transmitted to the Secretary and the Congress not later than 24 months after such arrangement is entered into.

''(2) CONTENT.—The Assessment shall—

''(A) identify, in priority order, transportation data that is not being collected by the Bureau, Department of Transportation operating administrations, or other Federal, State, or local entities, but is needed to improve transportation decisionmaking at the Federal, State, and local level and to fulfill the requirements of subsection (c)(5);

''(B) recommend whether the data identified in subparagraph (A) should be collected by the Bureau, other parts of the Department, or by other Federal, State, or local entities, and whether any data is a higher priority than data currently being collected;

''(C) identify any data the Bureau or other Federal, State, and local entities is collecting that is not needed;

''(D) describe new data collection methods (including changes in surveys) and other changes the Bureau or other Federal, State, and local entities should implement to improve the standardization, accuracy, and utility of transportation data and statistics; and

''(E) estimate the cost of implementing any recommendations.

''(3) CONSULTATION.—In developing the Assessment, the National Research Council shall consult with the Department's Advisory Council on Transportation Statistics and a representative cross-section of transportation community stakeholders as well as other Federal agencies, including the Environmental Protection Agency, the Department of Energy, and the Department of Housing and Urban Development.

''(4) REPORT TO CONGRESS.—Not later than 6 months after the National Research Council transmits the Assessment under paragraph (1), the Secretary shall transmit a report to Congress that describes—

''(A) how the Department plans to fill the data gaps identified under paragraph (2)(A);

''(B) how the Department plans to stop collecting data identified under paragraph (2)(C);

''(C) how the Department plans to implement improved data collection methods and other changes identified under paragraph (2)(D);

''(D) the expected costs of implementing subparagraphs (A), (B), and (C) of this paragraph;

''(E) any findings of the Assessment under paragraph (1) with which the Secretary disagrees, and why; and

''(F) any proposed statutory changes needed to implement the findings of the Assessment under paragraph (1).

''(e) INTERMODAL TRANSPORTATION DATA BASE.—

''(1) IN GENERAL.—In consultation with the Under Secretary for Policy, the Assistant Secretaries, and the heads of the operating administrations of the Department of Transportation, the Director shall establish and maintain a transportation data base for all modes of transportation.

''(2) USE.—The data base shall be suitable for analyses carried out by the Federal Government, the States, and metropolitan planning organizations.

''(3) CONTENTS.—The data base shall include—

''(A) information on the volumes and patterns of movement of goods, including local, interregional, and international movement, by all modes of transportation and intermodal combinations, and by relevant classification;

''(B) information on the volumes and patterns of movement of people, including local, interregional, and international movements, by all modes of transportation (including bicycle and pedestrian modes) and intermodal combinations, and by relevant classification;

''(C) information on the location and connectivity of transportation facilities and services; and

''(D) a national accounting of expenditures and capital stocks on each mode of transportation and intermodal combination.

''(f) NATIONAL TRANSPORTATION LIBRARY.—

''(1) IN GENERAL.—The Director shall establish and maintain a National Transportation Library, which shall contain a collection of statistical and other information needed for transportation decisionmaking at the Federal, State, and local levels.

''(2) ACCESS.—The Director shall facilitate and promote access to the Library, with the goal of improving the ability of the transportation community to share information and the ability of the Director to make statistics readily accessible under subsection (c)(8).

''(3) COORDINATION.—The Director shall work with other transportation libraries and other transportation information providers, both public and private, to achieve the goal specified in paragraph (2).

''(g) NATIONAL TRANSPORTATION ATLAS DATA BASE.—

''(1) IN GENERAL.—The Director shall develop and maintain geospatial data bases that depict—

''(A) transportation networks;

''(B) flows of people, goods, vehicles, and craft over the networks; and

''(C) social, economic, and environmental conditions that affect or are affected by the networks.

''(2) INTERMODAL NETWORK ANALYSIS.—The data bases shall be able to support intermodal network analysis.

''(h) MANDATORY RESPONSE AUTHORITY FOR FREIGHT DATA COLLECTION.—Whoever, being the owner, official, agent, person in charge, or assistant to the person in charge of any corporation, company, business, institution, establishment, or organization of any nature whatsoever, neglects or refuses, when requested by the Director or other authorized officer, employee, or contractor of the Bureau, to answer completely and correctly to the best of his or her knowledge all questions relating to the corporation, company, business, institution, establishment, or other organization, or to make available records or statistics in his or her official custody, contained in a data collection request prepared and submitted under the authority of subsection (c)(1), shall be fined not more than $500; but if he or she willfully gives a false answer to such a question, he or she shall be fined not more than $10,000.

''(i) RESEARCH AND DEVELOPMENT GRANTS.—The Secretary may make grants to, or enter into cooperative agreements or contracts with, public and nonprofit private entities (including State transportation departments, metropolitan planning organizations, and institutions of higher education) for—

''(1) investigation of the subjects specified in subsection (c)(5) and research and development of new methods of data collection, standardization, management, integration, dissemination, interpretation, and analysis;

''(2) demonstration programs by States, local governments, and metropolitan planning organizations to harmonize data collection, reporting, management, storage, and archiving to simplify data comparisons across jurisdictions;

''(3) development of electronic clearinghouses of transportation data and related information, as part of the National Transportation Library under subsection (f); and

''(4) development and improvement of methods for sharing geographic data, in support of the national transportation atlas data base under subsection (g) and the National Spatial Data Infrastructure developed under Executive Order No. 12906.

''(j) LIMITATIONS ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed—

''(1) to authorize the Bureau to require any other department or agency to collect data; or

''(2) to reduce the authority of any other officer of the Department of Transportation to collect and disseminate data independently.

''(k) PROHIBITION ON CERTAIN DISCLOSURES.—

''(1) IN GENERAL.—An officer, employee or contractor of the Bureau may not—

''(A) make any disclosure in which the data provided by an individual or organization under subsection (c) can be identified;

''(B) use the information provided under subsection (c) for a nonstatistical purpose; or

''(C) permit anyone other than an individual authorized by the Director to examine any individual report provided under subsection (c).

''(2) COPIES OF REPORTS.—

''(A) IN GENERAL.—No department, bureau, agency, officer, or employee of the United States (except the Director in carrying out this section) may require, for any reason, a copy of any report that has been filed under subsection (c) with the Bureau or retained by an individual respondent.

''(B) LIMITATION ON JUDICIAL PROCEEDINGS.—A copy of a report described in subparagraph (A) that has been retained by an individual respondent or filed with the Bureau or any of its employees, contractors, or agents—

''(i) shall be immune from legal process; and

''(ii) shall not, without the consent of the individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.

''(C) APPLICABILITY.—This paragraph shall apply only to reports that permit information concerning an individual or organization to be reasonably determined by direct or indirect means.

''(3) INFORMING RESPONDENT OF USE OF DATA.—In a case in which the Bureau is authorized by statute to collect data or information for a nonstatistical purpose, the Director shall clearly distinguish the collection of the data or information, by rule and on the collection instrument, so as to inform a respondent that is requested or required to supply the data or information of the nonstatistical purpose.

''(l) TRANSPORTATION STATISTICS ANNUAL REPORT.—The Director shall transmit to the President and Congress a Transportation Statistics Annual Report which shall include information on items referred to in subsection (c)(5), documentation of methods used to obtain and ensure the quality of the statistics presented in the report, and recommendations for improving transportation statistical information.

''(m) DATA ACCESS.—The Director shall have access to transportation and transportation-related information in the possession of any Federal agency except information—

''(1) the disclosure of which to another Federal agency is expressly prohibited by law; or

''(2) the disclosure of which the agency so requested determines would significantly impair the discharge of authorities and responsibilities which have been delegated to, or vested by law, in such agency.

''(n) PROCEEDS OF DATA PRODUCT SALES.—Notwithstanding section 3302 of title 31, United States Code, funds received by the Bureau from the sale of data products, for necessary expenses incurred, may be credited to the Highway Trust Fund (other than the Mass Transit Account) for the purpose of reimbursing the Bureau for the expenses.

''(o) ADVISORY COUNCIL ON TRANSPORTATION STATISTICS.—

''(1) ESTABLISHMENT.—The Director of the Bureau of Transportation Statistics shall establish an Advisory Council on Transportation Statistics.

''(2) FUNCTION.—It shall be the function of the Advisory Council established under this subsection to—

''(A) advise the Director of the Bureau of Transportation Statistics on the quality, reliability, consistency, objectivity, and relevance of transportation statistics and analyses collected, supported, or disseminated by the Bureau of Transportation Statistics and the Department of Transportation;

''(B) provide input to and review the report to Congress under subsection (d)(4); and

''(C) advise the Director on methods to encourage harmonization and interoperability of transportation data collected by the Bureau, the operating administrations of the Department of Transportation, States, local governments, metropolitan planning organizations, and private sector entities.

''(3) MEMBERSHIP.—The Advisory Council established under this subsection shall be composed of not fewer than 9 and not more than 11 members appointed by the Director, who are not officers or employees of the United States. Each member shall have expertise in transportation data collection or analysis or application; except that 1 member shall have expertise in economics, 1 member shall have expertise in statistics, and 1 member shall have experience in transportation safety. At least 1 member shall be a senior official of a State department of transportation. Members shall include representation of a cross-section of transportation community stakeholders.

''(4) TERMS OF APPOINTMENT.—(A) Except as provided in subparagraph (B), members shall be appointed to staggered terms not to exceed 3 years. A member may be renominated for one additional 3-year term.

''(B) Members serving on the Advisory Council on Transportation Statistics as of the date of enactment of the Transportation Equity Act: A Legacy for Users shall serve until the end of their appointed terms.

''(5) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act shall apply to the Advisory Council established under this subsection, except that section 14 of such Act shall not apply to such Advisory Council.''.

Title V, strike section 5603(h)of the bill and insert the following:

(h) ADVISORY COMMITTEE.—

(1) IN GENERAL.—The Secretary shall establish an Advisory Committee to advise the Secretary on carrying out this subtitle.

(2) MEMBERSHIP.—The Advisory Committee shall have no more than 20 members, be balanced between metropolitan and rural interests, and include, at a minimum—

(A) a representative from a State highway department;

(B) a representative from a local highway department who is not from a metropolitan planning organization;

(C) a representative from a State, local, or regional transit agency;

(D) a representative from a metropolitan planning organization;

(E) a private sector user of intelligent transportation system technologies;

(F) an academic researcher with expertise in computer science or another information science field related to intelligent transportation systems, and who is not an expert on transportation issues;

(G) an academic researcher who is a civil engineer;

(H) an academic researcher who is a social scientist with expertise in transportation issues;

(I) a representative from a not-for-profit group representing the intelligent transportation system industry;

(J) a representative from a public interest group concerned with safety;

(K) a representative from a public interest group concerned with the impact of the transportation system on land use and residential patterns; and

(L) members with expertise in planning, safety, and operations.

(3) DUTIES.—The Advisory Committee shall, at a minimum, perform the following duties:

(A) Provide input into the development of the Intelligent Transportation System aspects of the strategic plan under section 508 of title 23, United States Code.

(B) Review, at least annually, areas of intelligent transportation systems research being considered for funding by the Department, to determine—

(i) whether these activities are likely to advance either the state-of-the-practice or state-of-the-art in intelligent transportation systems;

(ii) whether the intelligent transportation system technologies are likely to be deployed by users, and, if not, to determine the barriers to deployment; and

(iii) the appropriate roles for government and the private sector in investing in the research and technologies being considered.

(4) REPORT.—Not later than February 1 of each year after the date of enactment of this Act, the Secretary shall transmit to the Congress, a report including—

(A) all recommendations made by the Advisory Committee during the preceding calendar year;

(B) an explanation of how the Secretary has implemented those recommendations; and

(C) for recommendations not implemented, the reasons for rejecting the recommendations.

(5) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Advisory Committee shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

Title V, section 5605(b), insert after paragraph (1) the following (and redesignate subsequent paragraphs accordingly):

(2) utilize interdisciplinary approaches to develop traffic management strategies and tools to address multiple impacts of congestion concurrently;

Title V, redesignate sections 5607 through 5609 as sections 5608 through 5610 (and conform the table of contents of the bill accordingly).

Title V, after section 5606, insert the following:

SEC. 5607. ROAD WEATHER RESEARCH AND DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a road weather research and development program to—

(1) maximize use of available road weather information and technologies;

(2) expand road weather research and development efforts to enhance roadway safety, capacity, and efficiency while minimizing environmental impacts; and

(3) promote technology transfer of effective road weather scientific and technological advances.

(b) STAKEHOLDER INPUT.—In carrying out this section, the Secretary shall consult with the National Oceanic and Atmospheric Administration, the National Science Foundation, the American Association of State Highway and Transportation Officials, nonprofit organizations, and the private sector.

(c) CONTENTS.— The program established under this section shall solely carry out research and development called for in the National Research Council's report entitled ''A Research Agenda for Improving Road Weather Services''. Such research and development includes—

(1) integrating existing observational networks and data management systems for road weather applications;

(2) improving weather modeling capabilities and forecast tools, such as the road surface and atmospheric interface;

(3) enhancing mechanisms for communicating road weather information to users, such as transportation officials and the public; and

(4) integrating road weather technologies into an information infrastructure.

(d) ACTIVITIES.— In carrying out this section, the Secretary shall—

(1) enable efficient technology transfer;

(2) improve education and training of road weather information users, such as State and local transportation officials and private sector transportation contractors; and

(3) coordinate with transportation weather research programs in other modes, such as aviation.

(e) FUNDING.——

(1) IN GENERAL.—In awarding funds under this section, the Secretary shall give preference to applications with significant matching funds from non-Federal sources.

(2) FUNDS FOR ROAD WEATHER RESEARCH AND DEVELOPMENT.—Of the amounts made available by section 5101(a)(5), $4,000,000 shall be available to carry out this section for each of fiscal years 2004 through 2009.

Title V, redesignate section 5609 as section 5610.

Title V, after section 5608, insert the following:

SEC. 5609. CENTERS FOR SURFACE TRANSPORTATION EXCELLENCE.

(a) ESTABLISHMENT.—The Secretary shall establish 3 centers for surface transportation excellence.

(b) GOALS.—The goals of the centers for surface transportation excellence are to promote and support strategic national surface transportation programs and activities relating to the work of State departments of transportation in the areas of environment, rural safety, and project finance.

(c) ROLE OF CENTERS.—To achieve the goals set forth in subsection (b), the Secretary shall establish the 3 centers as follows:

(1) ENVIRONMENTAL EXCELLENCE.—To provide technical assistance, information sharing of best practices, and training in the use of tools and decision-making processes that can assist States in planning and delivering environmentally sound surface transportation projects.

(2) RURAL SAFETY.—To provide research, training, and outreach on innovative uses of technology to enhance rural safety and economic development, assess local community needs to improve access to mobile emergency treatment, and develop online and seminar training needs of rural transportation practitioners and policy-makers.

(3) PROJECT FINANCE.—To provide support to State transportation departments in the development of finance plans and project oversight tools and to develop and offer training in state of the art financing methods to advance projects and leverage funds.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Of the amounts made available under section 5101(a)(1), the Secretary shall make available $2,000,000 for each of fiscal years 2004 through 2009 to carry out this section.

(2) ALLOCATION OF FUNDS.—Of the funds made available under paragraph (1) the Secretary shall use such amounts as follows:

(A) 40 percent to establish the Center for Environmental Excellence.

(B) 30 percent to establish the Center for Excellence in Rural Safety.

(C) 30 percent to establish the Center for Excellence in Project Finance.

(3) APPLICABILITY OF TITLE 23.—Funds authorized by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share shall be 100 percent.

(e) PROGRAM ADMINISTRATION.—

(1) COMPETITION.—A party entering into a contract, cooperative agreement, or other transaction with the Secretary, or receiving a grant to perform research or provide technical assistance under this section shall be selected on a competitive basis, to the maximum extent practicable.

(2) STRATEGIC PLAN.—The Secretary shall require each center to develop a multiyear strategic plan that describes—

(A) the activities to be undertaken; and

(B) how the work of the center is coordinated with the activities of the Federal Highway Administration and the various other research, development, and technology transfer activities authorized by this title. Such plans shall be submitted to the Secretary by January 1, 2005 and each year thereafter.

In subsection (d) as proposed to be inserted in section 5213 of title 49, United States Code, by section 6001(a) of the bill (page 769), insert at the end the following:

''(4) RESERVATION OF RIGHTS.—The right to alter, amend or repeal interstate compacts entered into under this subsection is expressly reserved.

In subsection (c) as proposed to be inserted in section 5214 of title 49, United States Code, by section 6001(a) of the bill (page 790), strike ''The consent'' and insert the following:

''(1) IN GENERAL.—The consent

In such subsection (c), insert at the end the following:

''(4) RESERVATION OF RIGHTS.—The right to alter, amend or repeal interstate compacts entered into under this subsection is expressly reserved.

Page 772, lines 23 and 24, strike ''no less frequently than every 4 years'' and insert ''periodically, according to a schedule that the Secretary determines to be appropriate''.

Page 773, at the end of line 2, insert the following:

The metropolitan planning organization shall prepare and update such plan every 4 years (or more frequently, if the metropolitan planning organization elects to update more frequently) in the case of each of the following:

''(A) any area designated as nonattainment, as defined in section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)); and

''(B) any area that was nonattainment and subsequently designated to attainment in accordance with section 107(d)(3) of that Act (42 U.S.C. 7407(d)(3)) and that is subject to a maintenance plan under section 175A of that Act (42 U.S.C. 7505a).

In the case of any other area required to have a transportation plan in accordance with the requirements of this subsection, the metropolitan planning organization shall prepare and update such plan every 4 years unless the metropolitan planning organization elects to update more frequently.

Page 788, at the end of line 25, insert the following: ''Such program shall cover a period of 4 years and be updated every 4 years or more frequently if the Governor elects to update more frequently.

Page 802, before line 16, insert the following:

(c) REGULATIONS.—Not later than 18 months after the date of enactment of this Act, the Secretary shall promulgate regulations that are consistent with the amendments made by this section relating to the Clean Air Act.

In section 6002, strike subsection (c) (page 818) and insert the following:

(c) EXISTING ENVIRONMENTAL REVIEW PROCESSES.—Nothing in this section shall be deemed to affect any existing environmental review process approved by the Secretary.

In section 7003 (pages 825 and 826), insert after paragraph (1) the following (and redesignate subsequent paragraphs of such section accordingly):

(2) in paragraph (8) by striking ''national response team'' each place it appears and inserting ''National Response Team'';

In section 7019, strike subsection (b) on page 847 and insert the following:

(b) EMINENT HAZARDS.—Section 5122(b)(1)(B) is amended by striking ''or ameliorate the'' and inserting ''or mitigate the''.

In section 7020(c) (page 848), strike ''is amended'' and all that follows through ''(2) by adding'' and insert ''is amended by adding''.

Page 855, strike line 16 and all the follows through line 7 on page 856 and insert the following:

SEC. 8101. DISCRETIONARY SPENDING LIMITS FOR THE HIGHWAY AND MASS TRANSIT CATEGORIES.

(a) LIMITS.—(1) Section 251(c)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(A) in subparagraph (A), by striking ''$31,834,000,000'' and inserting ''$28,052,000,000''; and

(B) in subparagraph (B), by striking ''$1,462,000,000'' and inserting ''$1,436,000,000'' and by striking ''$6,629,000,000'' and inserting ''$6,271,000,000''.

(2) Section 251(c)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting a dash after ''2005'', by redesignating the remaining portion of such paragraph as subparagraph (C) and by moving it two ems to the right, and by inserting after the dash the following new subparagraphs:

''(A) for the highway category: $30,585,000,000 in outlays;

''(B) for the mass transit category: $1,554,000,000 in new budget authority and $6,787,000,000 in outlays; and''.

(3) Section 251(c)(3) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting a dash after ''2006'', by redesignating the remaining portion of such paragraph as subparagraph (C) and by moving it two ems to the right, and by inserting after the dash the following new subparagraphs:

''(A) for the highway category: $33,271,000,000 in outlays;

''(B) for the mass transit category: $1,671,000,000 in new budget authority and $7,585,000,000 in outlays; and''.

(4) Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by redesignating paragraphs (4) through (9) as paragraphs (7) through (12) and inserting after paragraph (3) the following new paragraphs:

''(4) with respect to fiscal year 2007—

''(A) for the highway category: $35,248,000,000 in outlays; and

''(B) for the mass transit category: $1,785,000,000 in new budget authority and $8,110,000,000 in outlays;

''(5) with respect to fiscal year 2008—

''(A) for the highway category: $36,587,000,000 in outlays; and

''(B) for the mass transit category: $1,890,000,000 in new budget authority and $8,517,000,000 in outlays; and

''(6) with respect to fiscal year 2009—

''(A) for the highway category: $37,682,000,000 in outlays; and

''(B) for the mass transit category: $2,017,000,000 in new budget authority and $8,968,000,000 in outlays;''.

(b) DEFINITIONS.—Section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in subparagraph (B), by—

(A) striking ''the Transportation Equity Act for the 21st Century and the Surface Transportation Extension Act of 2003'' and inserting ''the Transportation Equity Act: A Legacy for Users''; and

(B) inserting before the period at the end the following new clauses:

''(v) 69-8158-0-7-401 (Motor Carrier Safety Grants).

''(vi) 69-8159-0-7-401 (Motor Carrier Safety Operations and Programs).'';

(2) in subparagraph (C), by—

(A) inserting ''(and successor accounts)'' after ''budget accounts''; and

(B) striking ''the Transportation Equity Act for the 21st Century and the Surface Transportation Extension Act of 2003 or for which appropriations are provided pursuant to authorizations contained in those Acts (except that appropriations provided pursuant to section 5338(h) of title 49, United States Code, as amended by the Transportation Equity Act for the 21st Century, shall not be included in this category)'' and inserting ''the Transportation Equity Act: A Legacy for Users or for which appropriations are provided pursuant to authorizations contained in that Act''; and

(3) in subparagraph (D)(ii), by striking ''section 8103 of the Transportation Equity Act for the 21st Century'' and inserting ''section 8103 of the Transportation Equity Act: A Legacy for Users''.

SEC. 8102. ADJUSTMENTS TO ALIGN HIGHWAY SPENDING WITH REVENUES.

Subparagraphs (B) through (E) of section 251(b)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 are amended to read as follows:

''(B) ADJUSTMENT TO ALIGN HIGHWAY SPENDING WITH REVENUES.—(i) When the President submits the budget under section 1105 of title 31, United States Code, OMB shall calculate and the budget shall make adjustments to the highway category for the budget year and each outyear as provided in clause (ii)(I)(cc).

''(ii)(I)(aa) OMB shall take the actual level of highway receipts for the year before the current year and subtract the sum of the estimated level of highway receipts in subclause (II) plus any amount previously calculated under item (bb) for that year.

(bb) OMB shall take the current estimate of highway receipts for the current year and subtract the estimated level of receipts for that year.

''(cc) OMB shall add one-half of the sum of the amount calculated under items (aa) and (bb) to the obligation limitations set forth in the section 8103 of the Transportation Equity Act: A Legacy for Users and, using current estimates, calculate the outlay change resulting from the change in obligations for the budget year and the first outyear and the outlays flowing therefrom through subsequent fiscal years. After making the calculations under the preceding sentence, OMB shall adjust the amount of obligations set forth in that section for the budget year and the first outyear by adding one-half of the sum of the amount calculated under items (aa) and (bb) to each such year.

''(II) The estimated level of highway receipts for the purposes of this clause are—

''(aa) for fiscal year 2004, $30,572,000,000;

''(bb) for fiscal year 2005, $34,260,000,000;

''(cc) for fiscal year 2006, $35,586,000,000;

''(dd) for fiscal year 2007, $36,570,000,000;

''(ee) for fiscal year 2008, $37,603,000,000; and

''(ff) for fiscal year 2009, $38,651,000,000.

''(III) In this clause, the term 'highway receipts' means the governmental receipts credited to the highway account of the Highway Trust Fund.

''(C) In addition to the adjustment required by subparagraph (B), when the President submits the budget under section 1105 of title 31, United States Code, for fiscal year 2006, 2007, 2008, or 2009, OMB shall calculate and the budget shall include for the budget year and each outyear an adjustment to the limits on outlays for the highway category and the mass transit category equal to—

''(i) the outlays for the applicable category calculated assuming obligation levels consistent with the estimates prepared pursuant to subparagraph (D), as adjusted, using current technical assumptions; minus

''(ii) the outlays for the applicable category set forth in the subparagraph (D) estimates, as adjusted.

''(D)(i) When OMB and CBO submit their final sequester report for fiscal year 2004, that report shall include an estimate of the outlays for each of the categories that would result in fiscal years 2005 through 2009 from obligations at the levels specified in section 8103 of the Transportation Equity Act: A Legacy for Users using current assumptions.

''(ii) When the President submits the budget under section 1105 of title 31, United States Code, for fiscal year 2006, 2007, 2008, or 2009, OMB shall adjust the estimates made in clause (i) by the adjustments by subparagraphs (B) and (C).

''(E) OMB shall consult with the Committees on the Budget and include a report on adjustments under subparagraphs (B) and (C) in the preview report.''.

SEC. 8103. LEVEL OF OBLIGATION LIMITATIONS.

(a) HIGHWAY CATEGORY.—For the purposes of section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, the level of obligation limitations for the highway category is—

(1) for fiscal year 2004, $34,309,000,000;

(2) for fiscal year 2005, $35,671,000,000;

(3) for fiscal year 2006, $36,719,000,000;

(4) for fiscal year 2007, $37,800,000,000;

(5) for fiscal year 2008, $38,913,000,000; and

(6) for fiscal year 2009, $40,061,000,000.

(b) MASS TRANSIT CATEGORY.—For the purposes of section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, the level of obligation limitations for the mass transit category is—

(1) for fiscal year 2004, $7,266,000,000;

(2) for fiscal year 2005, $7,750,000,000;

(3) for fiscal year 2006, $8,266,000,000;

(4) for fiscal year 2007, $8,816,000,000;

(5) for fiscal year 2008, $9,403,000,000; and

(6) for fiscal year 2009, $10,029,000,000.

For purposes of this subsection, the term ''obligation limitations'' means the sum of budget authority and obligation limitations.

SEC. 8104. ENFORCEMENT OF GUARANTEE.

Clause 3 of rule XXI of the Rules of the House of Representatives is amended—

(1) by striking ''Transportation Equity Act for the 21st Century'' and inserting ''Transportation Equity Act: A Legacy for Users''; and

(2) by adding at the end the following: ''For purposes of this clause, any obligation limitation relating to surface transportation projects under section 1602 of the Transportation Equity Act for the 21st Century and section 1702 of the Transportation Equity Act: A Legacy for Users shall be assumed to be administered on the basis of sound program management practices that are consistent with past practices of the administering agency permitting States to decide High Priority Project funding priorities within State program allocations.''.

At the end of the bill, insert the following (and conform the table of contents of the bill accordingly):

TITLE IX—RAIL PROVISIONS

SEC. 9001. HIGH-SPEED RAIL CORRIDOR DEVELOPMENT.

(a) CORRIDOR DEVELOPMENT.—

(1) AMENDMENTS.—Section 26101 of title 49, United States Code, is amended—

(A) in the section heading, by striking ''**PLANNING**'' and inserting ''**DEVELOPMENT**'';

(B) in the heading of subsection (a), by striking ''PLANNING'' and inserting ''DEVELOPMENT'';

(C) by striking ''corridor planning'' each place it appears and inserting ''corridor development'';

(D) in subsection (b)(1)—

(i) by inserting '', or if it is an activity described in subparagraph (M)'' after ''high-speed rail improvements'';

(ii) by striking ''and'' at the end of subparagraph (K);

(iii) by striking the period at the end of subparagraph (L) and inserting ''; and''; and

(iv) by adding at the end the following new subparagraph:

''(M) the acquisition of locomotives, rolling stock, track, and signal equipment.''; and

(E) in subsection (c)(2), by striking ''planning'' and inserting ''development''.

(2) CONFORMING AMENDMENT.—The item relating to section 26101 in the table of sections of chapter 261 of title 49, United States Code, is amended by striking ''planning'' and inserting ''development''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 26104 of title 49, United States Code, is amended to read as follows:

''§ 26104. Authorization of appropriations

''(a) FISCAL YEARS 2005 THROUGH 2012.—There are authorized to be appropriated to the Secretary—

''(1) $70,000,000 for carrying out section 26101; and

''(2) $30,000,000 for carrying out section 26102, for each of the fiscal years 2005 through 2012.

''(b) FUNDS TO REMAIN AVAILABLE.—Funds made available under this section shall remain available until expended.''.

SEC. 9002. ALASKA RAILROAD.

(a) GRANTS.—The Secretary shall make grants to the Alaska railroad for capital rehabilitation and improvements benefiting its passenger operations.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

In title I, section 1103 of the bill—

(1) redesignate subsections (c) and (b) as subsections (d) and (e), respectively; and

(2) insert after subsection (b) the folowing:

(c) REPORT.—Section 104(j) of title 23, United States Code, is amended by striking ''submit to Congress a report'' and inserting ''transmit to Congress a report, and also make such report available to the public in a user-friendly format via the Internet,''.

In the matter proposed to be inserted by section 1208 of the bill as section 167(b)(4) of title 23, United States Code, strike ''if the operators of such vehicles pay'' in subparagraph (B) and all that follows through the

period at the end of subparagraph (C) and insert the following:

if the agency—

''(i) establishes a program that addresses how those qualifying low emission and energy-efficient vehicles are selected and certified;

''(ii) establishes requirements for labeling qualifying low emission and energy-efficient vehicles (including procedures for enforcing those requirements);

''(iii) continuously monitors, evaluates, and reports to the Secretary on performance; and

''(iv) imposes such restrictions on the use on high occupancy vehicle lanes by vehicles that do not satisfy established occupancy requirements as are necessary to ensure that the performance of individual high occupancy vehicle lanes, and the entire high occupancy vehicle lane system, will not become seriously degraded.

Title I, at the end of subtitle H add the following:

SEC. 1819. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the Buy America test required by Public Law 97–424 needs to be applied to an entire bridge project and not only to component parts of such project;

(2) the law clearly states that domestic materials must be used in Federal highway projects unless there is a finding that the inclusion of domestic materials will increase the cost of the overall project by more than 25 percent;

(3) uncertainty regarding how to apply Buy America laws for major bridge projects threatens the domestic bridge industry;

(4) the Nation's unemployment rate continues to hover around 5.6 percent, steps are needed to protect American workers and the domestic bridge building industry; and

(5) the Buy America Act was designed to ensure that, when taxpayer money is spent on direct Federal Government procurement and infrastructure projects, these expenditures stimulate United States production and job creation.

At the end of the matter proposed to be added by section 2003(b)(6) of the bill, strike the closing quotation marks and the final period and insert the following:

''(J) PROGRAM FOR IMPOUNDMENT OF VEHICLES.—A program to impound a vehicle operated by a person who is arrested for operating the vehicle while under the influence of alcohol.''.

In the matter proposed to be inserted as section 5309(e) of title 49, United States Code, by section 3010(d) of the bill insert the following:

Subsection (d) does not apply to projects for which the Secretary has received an application for final design.

In section 3023(g) of the bill, redesignate paragraphs (1) through (4) as paragraphs (2) through (5), respectively, and insert before paragraph (2) (as so redesignated) the following:

(1) IN GENERAL.—Section 5323(j) is amended by striking paragraphs (1), (2), and (3) and inserting the following:

''(1) IN GENERAL.—Funds made available to carry out this chapter may only be used if—

''(A) in the case of a construction project—

''(i) the steel or iron used shall be of United States origin;

''(ii) more than 60 percent of the cost of the components and subcomponents, in the aggregate, of all manufactured products shall be of United States origin; and

''(iii) labor costs related to on-site construction shall not be included in calculating the costs under clause (ii);

''(B) in the case of a system acquisition—

''(i) more than 60 percent of the cost of the components and subcomponents, in the aggregate, of all manufactured products shall be of United States origin; and

''(ii) labor costs related to installation and testing shall not be included in calculating the costs under clause (i);

''(C) in the case of a manufactured product—

''(i) more than 60 percent of the components and subcomponents shall be of United States origin;

''(ii) final assembly shall occur in the United States; and

''(iii) labor costs related to final assembly shall not be included in calculating the costs under clause (ii).

''(2) REGULATIONS.—The Secretary shall issue regulations to carry out this section.''.

In section 3023(g)(2) (as so redesignated), strike ''is amended'' and all that follows through ''following:'' and insert ''is amended by inserting after paragraph (2) the following:''.

In section 3023(g)(3) (as so redesignated), strike ''5323(j)(6) (as so redesignated)'' and insert ''5323(j)(5)''.

In section 3023(g)(4) (as so redesignated), redesignate the quoted paragraph (9) as paragraph (8).

In the table contained in section 1702 of the bill, as amended—

(1) strike ''Conduct a project study to examine an interchange at State Route 165 and Bradbury Road, Merced County.'' in item 1544 and insert ''Conduct a Project Study Report for new Highway 99 interchange between State Route 165 and Bradbury Road, serving Turlock/Hilmar region''; and

(2) strike ''$500,000.00'' in item 2844 (relating to construction of roads in Rockdale Veterans Memorial Park, Georgia) and insert ''$1,000,000.00''.

In item 13 of the table contained in section 3038 of the bill, as amended (relating to Burlington County, New Jersey), strike ''Transit'' and insert ''transit''.

At the end of such table after item 358, insert the following:

Project	FY 05	FY 06	FY 07
359. State of Wisconsin buses and bus facilities	$9,600,000.00	$9,900,000.00	$10,500,000.00

After section 4131, insert the following (and redesignate the subsequent section of subtitle A of title IV, and conform the table of contents, accordingly):

SEC. 4132. HOURS OF SERVICE RULES FOR OPERATORS PROVIDING TRANSPORTATION TO MOVIE PRODUCTION SITES.

Notwithstanding sections 31136 and 31502 of title 49, United States Code, and any other provision of law, the maximum daily hours of service for an operator of a commercial motor vehicle providing transportation of property or passengers to or from a theatrical or television motion picture production site located within a 100 air mile radius of the work reporting location of such operator shall be those in effect under the regulations in effect under such sections on April 27, 2003.

At the end of title IV, add the following (and conform the table of contents accordingly):

SEC. 4133. OPERATORS OF VEHICLES TRANSPORTING AGRICULTURAL COMMODITIES AND FARM SUPPLIES.

(a) AGRICULTURAL EXEMPTION.—Sec. 345(a)(1) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note; 109 Stat. 613) is amended to read as follows:

''(1) TRANSPORTATION OF AGRICULTURAL COMMODITIES AND FARM SUPPLIES.—Regulations prescribed by the Secretary under sections 31136 and 31502 of title 49, United States Code, regarding maximum driving and on-duty time for drivers used by motor carriers shall not, during planting and harvest periods, as determined by each state, to drivers transporting agricultural commodities or farm supplies for agricultural purposes in a State if such transportation is limited to an area within a 100 air mile radius from the source of the commodities or the distribution point for the farm supplies.''.

(b) DEFINITIONS.—Section 345(e) of such Act of 1995 (109 Stat. 614) is amended by adding at the end the following:

''(7) AGRICULTURAL COMMODITY.—The term 'agricultural commodity' means products grown on and harvested from the land during the planting and harvesting seasons within each State, as determined by the State.

''(8) FARM SUPPLIES FOR AGRICULTURAL PURPOSES.—The term 'farm supplies for agricultural purposes' means products directly related to the growing or harvesting of agricultural commodities during the planting and harvesting seasons within each State, as determined by the State, and livestock feed at any time of the year.''.

Title I, amend section 1209 to read as follows (and conform the table of contents accordingly):

SEC. 1209. REPEAL.

Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is repealed.

Title I, strike sections 1603 and 1604 and insert the following (and conform the table of contents of the bill accordingly):

SEC. 1603. FAST FEES.

(a) IN GENERAL.—Subchapter I of chapter 1 of title 23, United States Code, as amended by section 1208 of the bill, is amended by adding at the end the following:

''§ 168. FAST fees

''(a) ESTABLISHMENT.—The Secretary shall establish and implement an Interstate System FAST Lanes program under which the Secretary, notwithstanding sections 129 and 301, shall permit a State, or a public or private entity designated by a State, to collect fees to finance the expansion of a highway, for the purpose of reducing traffic congestion, by constructing 1 or more additional lanes (including bridge, support, and other structures necessary for that construction) on the Interstate System.

''(b) ELIGIBILITY.—To be eligible to participate in the program, a State shall submit to the Secretary for approval an application that contains—

''(1) an identification of the additional lanes (including any necessary bridge, support, and other structures) to be constructed on the Interstate System under the program;

''(2) in the case of 1 or more additional lanes that affect a metropolitan area, an assurance that the metropolitan planning organization established under section 134 for the area has been consulted during the planning process concerning the placement and amount of fees on the additional lanes; and

''(3) a facility management plan that includes—

''(A) a plan for implementing the imposition of fees on the additional lanes;

''(B) a schedule and finance plan for construction, operation, and maintenance of the additional lanes using revenues from fees

(and, as necessary to supplement those revenues, revenues from other sources); and

''(C) a description of the public or private entities that will be responsible for implementation and administration of the program.

''(c) REQUIREMENTS.—The Secretary shall approve the application of a State for participation in the program after the Secretary determines that, in addition to meeting the requirements of subsection (b), the State has entered into an agreement with the Secretary that provides that—

''(1) fees collected from motorists using a FAST lane shall be collected only through the use of noncash electronic technology;

''(2) all revenues from fees received from operation of FAST lanes shall be used only for—

''(A) debt service relating to the investment in FAST lanes;

''(B) reasonable return on investment of any private entity financing the project, as determined by the State;

''(C) any costs necessary for the improvement, and proper operation and maintenance (including reconstruction, resurfacing, restoration, and rehabilitation), of FAST lanes and existing lanes, if the improvement—

''(i) is necessary to integrate existing lanes with the FAST lanes;

''(ii) is necessary for the construction of an interchange (including an on- or off-ramp) from the FAST lane to connect the FAST lane to—

''(I) an existing FAST lane;

''(II) the Interstate System; or

''(III) a highway; and

''(iii) is carried out before the date on which fees for use of FAST lanes cease to be collected in accordance with paragraph (6); or

''(D) the establishment by the State of a reserve account to be used only for long-term maintenance and operation of the FAST lanes;

''(3) fees may be collected only on and for the use of FAST lanes, and may not be collected on or for the use of existing lanes;

''(4) use of FAST lanes shall be voluntary;

''(5) revenues from fees received from operation of FAST lanes may not be used for any other project (except for establishment of a reserve account described in paragraph (2)(D) or as otherwise provided in this section);

''(6) on completion of the project, and on completion of the use of fees to satisfy the requirements for use of revenue described in paragraph (2), no additional fees shall be collected; and

''(7)(A) to ensure compliance with paragraphs (1) through (5), annual audits shall be conducted for each year during which fees are collected on FAST lanes; and

''(B) the results of each audit shall be submitted to the Secretary.

''(d) APPORTIONMENT.—

''(1) IN GENERAL.—Revenues collected from FAST lanes shall not be taken into account in determining the apportionments and allocations that any State or transportation district within a State shall be entitled to receive under or in accordance with this chapter.

''(2) NO EFFECT ON STATE EXPENDITURE OF FUNDS.—Nothing in this section affects the expenditure by any State of funds apportioned under this chapter.''.

(b) CONFORMING AMENDMENT.—

(1) The analysis for subchapter I of chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 167, as added by section 1208 of the bill, the following:

''168. FAST fees.''.

(2) Section 301 of title 23, United States Code, is amended by inserting after ''tunnels,'' the following: ''and except as provided in section 168,''.

SEC. 1604. TOLL FEASIBILITY.

Section 106 of title 23, United States Code, as amended by section 1605 of this bill, is further amended by adding at the end the following:

''(j) TOLL FEASIBILITY.—The Secretary shall select and conduct a study on a project under this title that is intended to increase capacity, and that has an estimated total cost of at least $50,000,000, to determine whether—

''(1) a toll facility for the project is feasible; and

''(2) privatizing the construction, operation, and maintenance of the toll facility is financially advisable (while retaining legal and administrative control of the portion of the applicable Interstate route).''.

Page 548, lines 6 and 7, strike ''Jefferson Davis Transitway (Columbia Pike to Pentagon)'' and insert 'Crystal City Potomac Yards Transit''.

Page 548, after line 7, insert the following (and redesignate subsequent paragraphs accordingly):

(99) Northern Virginia—Columbia Pike Rapid Transit Project.

In the table contained in section 3038 of the bill, in item number 25—

(1) strike ''$240,000.00'' and insert ''$912,000.00'';

(2) strike ''$247,500.00'' and insert ''$940,500.00''; and

(3) strike ''$262,500.00'' and insert ''$997,500.00''.

In the table contained in section 3038 of the bill, in item number 26—

(1) strike ''$240,000.00'' and insert ''$912,000.00'';

(2) strike ''$247,500.00'' and insert ''$940,500.00''; and

(3) strike ''$262,500.00'' and insert ''$997,500.00''.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. DAVIS of Tennessee moved to recommit the bill to the Committee on Transportation and Infrastructure with instructions to report the bill back to the House forthwith with the following amendment:

In section 1101(a)(1) of the bill, strike ''$4,323,076,000'' and all that follows through ''$4,891,164,000'' and insert ''$5,076,187,293 for fiscal year 2004, $4,953,445,477 for fiscal year 2005, $5,171,212,959 for fiscal year 2006, $5,263,571,478 for fiscal year 2007, $5,556,536,840 for fiscal year 2008, and $6,654,739,293''.

In section 1101(a)(2) of the bill, strike ''$5,187,691,000'' and all that follows through ''$5,869,396,000'' and insert ''$6,091,424,517 for fiscal year 2004, $5,944,133,902 for fiscal year 2005, $6,205,455,095 for fiscal year 2006, $6,316,285,773 for fiscal year 2007, $6,667,843,743 for fiscal year 2008, and $7,985,686,064''.

In section 1101(a)(3) of the bill, strike ''$3,709,440,000'' and all that follows through ''$4,196,891,000'' and insert ''$4,355,651,438 for fiscal year 2004, $4,250,332,027 for fiscal year 2005, $4,437,189,163 for fiscal year 2006, $4,516,437,339 for fiscal year 2007, $4,767,818,482 for fiscal year 2008, and $5,710,136,779''.

In section 1101(a)(5) of the bill, strike ''$6,052,306,000'' and all that follows through ''$6,847,629,000'' and insert ''$7,106,661,741 for fiscal year 2004, $6,934,823,445 for fiscal year 2005, $7,239,697,231 for fiscal year 2006, $7,369,000,069 for fiscal year 2007, $7,779,151,809 for fiscal year 2008, and $9,316,634,194''.

In section 1101(a)(6) of the bill, strike ''$1,469,846,000'' and all that follows through ''$1,662,996,000'' and insert ''$1,725,903,868 for fiscal year 2004, $1,684,171,440 for fiscal year 2005, $1,758,212,543 for fiscal year 2006, $1,789,614,076 for fiscal year 2007, $1,889,222,762 for fiscal year 2008, and $2,262,611,686''.

In section 1102(a) of the bill, strike paragraphs (2) through (6) and insert the following:

(2) $37,900,000,000 for fiscal year 2005;

(3) $39,100,000,000 for fiscal year 2006;

(4) $39,100,000,000 for fiscal year 2007;

(5) $39,400,000,000 for fiscal year 2008; and

(6) $44,400,000,000 for fiscal year 2009.

In the matter proposed to be inserted as section 5338(a)(2)(A) of title 49, United States Code, by section 3034 of the bill, strike clauses (i) through (vi) and insert the following:

''(i) $5,081,125,000 for fiscal year 2005;

''(ii) $5,283,418,000 for fiscal year 2006;

''(iii) $5,550,420,000 for fiscal year 2007;

''(iv) $6,176,172,500 for fiscal year 2008; and

''(v) $6,834,667,500 for fiscal year 2009.

In section 3043 of the bill, strike paragraphs (2) through (6) and insert the following:

(2) $8,650,000,000 for fiscal year 2005;

(3) $9,085,123,000 for fiscal year 2006;

(4) $9,600,000,000 for fiscal year 2007;

(5) $10,490,000,000 for fiscal year 2008; and

(6) $11,430,000,000 for fiscal year 2009.

Add at the end the following new title:

TITLE IX—HIGHWAY REAUTHORIZATION AND EXCISE TAX SIMPLIFICATION

SEC. 9000. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This title may be cited as the ''Highway reauthorization and excise tax simplification Act of 2004''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Trust Fund Reauthorization

SEC. 9001. EXTENSION OF HIGHWAY TRUST FUND AND AQUATIC RESOURCES TRUST FUND EXPENDITURE AUTHORITY AND RELATED TAXES.

(a) HIGHWAY TRUST FUND EXPENDITURE AUTHORITY.—

(1) HIGHWAY ACCOUNT.—Paragraph (1) of section 9503(c) (relating to transfers from Highway Trust Fund for certain repayments and credits) is amended—

(A) in the matter before subparagraph (A), by striking ''May 1, 2004'' and inserting ''October 1, 2009'',

(B) by striking ''or'' at the end of subparagraph (F),

(C) by striking the period at the end of subparagraph (G) and inserting '', or'',

(D) by inserting after subparagraph (G), the following new subparagraph:

''(H) authorized to be paid out of the Highway Trust Fund under the Highway reauthorization and excise tax simplification Act of 2004.'', and

(E) in the matter after subparagraph (G), as added by subparagraph (D), by striking ''Surface Transportation Extension Act of 2004'' and inserting ''Highway reauthorization and excise tax simplification Act of 2004''.

(2) MASS TRANSIT ACCOUNT.—Paragraph (3) of section 9503(e) (relating to establishment of Mass Transit Account) is amended—

(A) in the matter before subparagraph (A), by striking ''May 1, 2004'' and inserting ''October 1, 2009'',

(B) by striking ''or'' at the end of subparagraph (D),

(C) by striking the period at the end of subparagraph (E) and inserting '', or'',

(D) by inserting after subparagraph (E), the following new subparagraph:

''(F) the Highway reauthorization and excise tax simplification Act of 2004,'', and

(E) in the matter after subparagraph (E), as added by subparagraph (D), by striking

''Surface Transportation Extension Act of 2004'' and inserting ''Highway reauthorization and excise tax simplification Act of 2004''.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Subparagraph (B) of section 9503(b)(5) (relating to limitation on transfers to Highway Trust Fund) is amended by striking ''May 1, 2004'' and inserting ''October 1, 2009''.

(b) AQUATIC RESOURCES TRUST FUND EXPENDITURE AUTHORITY.—

(1) SPORT FISH RESTORATION ACCOUNT.—Paragraph (2) of section 9504(b) (relating to Sport Fish Restoration Account) is amended by striking ''Surface Transportation Extension Act of 2004'' each place it appears and inserting ''Highway reauthorization and excise tax simplification Act of 2004''.

(2) BOAT SAFETY ACCOUNT.—Section 9504(c) (relating to expenditures from Boat Safety Account) is amended—

(A) by striking ''May 1, 2004'' and inserting ''October 1, 2009'', and

(B) by striking ''Surface Transportation Extension Act of 2004'' and inserting ''Highway reauthorization and excise tax simplification Act of 2004''.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Paragraph (2) of section 9504(d) (relating to limitation on transfers to Aquatic Resources Trust Fund) is amended by striking ''May 1, 2004'' and inserting ''October 1, 2009''.

(4) TECHNICAL CORRECTION.—The last sentence of paragraph (2) of section 9504(b) is amended by striking ''subparagraph (B)'', and inserting ''subparagraph (C)''.

(c) EXTENSION OF TAXES.—

(1) IN GENERAL.—The following provisions are each amended by striking ''2005'' each place it appears and inserting ''2009'':

(A) Section 4041(a)(1)(C)(iii)(I) (relating to rate of tax on certain buses).

(B) Section 4041(a)(2)(B) (relating to rate of tax on special motor fuels).

(C) Section 4041(m)(1)(A) (relating to certain alcohol fuels produced from natural gas).

(D) Section 4051(c) (relating to termination of tax on heavy trucks and trailers).

(E) Section 4071(d) (relating to termination of tax on tires).

(F) Section 4081(d)(1) (relating to termination of tax on gasoline, diesel fuel, and kerosene).

(G) Section 4481(e) (relating to period tax in effect).

(H) Section 4482(c)(4) (relating to taxable period).

(I) Section 4482(d) (relating to special rule for taxable period in which termination date occurs).

(2) FLOOR STOCKS REFUNDS.—Section 6412(a)(1) (relating to floor stocks refunds) is amended—

(A) by striking ''2005'' each place it appears and inserting ''2009'', and

(B) by striking ''2006'' each place it appears and inserting ''2010''.

(d) EXTENSION OF CERTAIN EXEMPTIONS.—The following provisions are each amended by striking ''2005'' and inserting ''2009'':

(1) Section 4221(a) (relating to certain tax-free sales).

(2) Section 4483(g) (relating to termination of exemptions for highway use tax).

(e) EXTENSION OF DEPOSITS INTO, AND CERTAIN TRANSFERS FROM, TRUST FUND.—

(1) IN GENERAL.—Subsections (b), (c)(2), (c)(3), (c)(4)(A)(i), and (c)(5)(A) of section 9503 (relating to the Highway Trust Fund) are amended—

(A) by striking ''2005'' each place it appears and inserting ''2009'', and

(B) by striking ''2006'' each place it appears and inserting ''2010''.

(2) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.—Section 201(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–11(b)) is amended—

(A) by striking ''2003'' and inserting ''2007'', and

(B) by striking ''2004'' each place it appears and inserting ''2008''.

(f) EXTENSION OF TAX BENEFITS FOR QUALIFIED METHANOL AND ETHANOL FUEL PRODUCED FROM COAL.—Section 4041(b)(2) (relating to qualified methanol and ethanol fuel) is amended—

(1) by striking ''2007'' in subparagraph (C)(ii) and inserting ''2010'', and

(2) by striking ''October 1, 2007'' in subparagraph (D) and inserting ''January 1, 2011''.

(g) PROHIBITION ON USE OF HIGHWAY ACCOUNT FOR RAIL PROJECTS.—Section 9503(c) (relating to transfers from Highway Trust Fund for certain repayments and credits) is amended by adding at the end the following new paragraph:

''(6) PROHIBITION ON USE OF HIGHWAY ACCOUNT FOR CERTAIN RAIL PROJECTS.—With respect to rail projects beginning after the date of the enactment of this paragraph, no amount shall be available from the Highway Account (as defined in subsection (e)(5)(B)) for any rail project, except for any rail project involving publicly owned rail facilities or any rail project yielding a public benefit.''.

(h) HIGHWAY TRUST FUND EXPENDITURES FOR HIGHWAY USE TAX EVASION PROJECTS.—Section 9503(c), as amended by subsection (g), is amended to add at the end the following new paragraph:

''(7) HIGHWAY USE TAX EVASION PROJECTS.—From amounts available in the Highway Trust Fund, there is authorized to be expended—

''(A) for each fiscal year after 2003 to the Internal Revenue Service—

''(i) $30,000,000 for enforcement of fuel tax compliance, including the per-certification of tax-exempt users,

''(ii) $10,000,000 for Xstars, and

''(iii) $10,000,000 for xfirs, and

''(B) for each fiscal year after 2003 to the Federal Highway Administration, $50,000,000 to be allocated $1,000,000 to each State to combat fuel tax evasion on the State level.''.

(i) EFFECTIVE DATE.—The amendments made by and provisions of this section shall take effect on the date of the enactment of this Act.

SEC. 9002. FULL ACCOUNTING OF FUNDS RECEIVED BY THE HIGHWAY TRUST FUND.

(a) IN GENERAL.—Section 9503(c) (relating to transfers from Highway Trust Fund for certain repayments and credits), as amended by section 9001 of this Act, is amended by striking paragraph (2) and redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (2), (3), (4), (5), and (6), respectively.

(b) INTEREST ON UNEXPENDED BALANCES CREDITED TO TRUST FUND.—Section 9503 (relating to the Highway Trust Fund) is amended by striking subsection (f).

(c) CONFORMING AMENDMENTS.—

(1) Section 9503(b)(4)(D) is amended by striking ''paragraph (4)(D) or (5)(B)'' and inserting ''paragraph (3)(D) or (4)(B)''.

(2) Paragraph (2) of section 9503(c) (as redesignated by subsection (a)) is amended by adding at the end the following new sentence: ''The amounts payable from the Highway Trust Fund under this paragraph shall be determined by taking into account only the portion of the taxes which are deposited into the Highway Trust Fund.''.

(3) Section 9504(a)(2) is amended by striking ''section 9503(c)(4), section 9503(c)(5)'' and inserting ''section 9503(c)(3), section 9503(c)(4)''.

(4) Paragraph (2) of section 9504(b), as amended by section 9001 of this Act, is amended by striking ''section 9503(c)(5)'' and inserting ''section 9503(c)(4)''.

(5) Section 9504(e) is amended by striking ''section 9503(c)(4)'' and inserting ''section 9503(c)(3)''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to amounts paid for which no transfer from the Highway Trust Fund has been made before April 1, 2004.

(2) INTEREST CREDITED.—The amendment made by subsection (b) shall take effect on the date of the enactment of this Act.

SEC. 9003. MODIFICATION OF ADJUSTMENTS OF APPORTIONMENTS.

(a) IN GENERAL.—Section 9503(d) (relating to adjustments for apportionments) is amended—

(1) by striking ''24-month'' in paragraph (1)(B) and inserting ''48-month'', and

(2) by striking ''2 years'' in the heading for paragraph (3) and inserting ''4 years''.

(b) MEASUREMENT OF NET HIGHWAY RECEIPTS.—Section 9503(d) is amended by redesignating paragraph (6) as paragraph (7) and by inserting after paragraph (5) the following new paragraph:

''(6) MEASUREMENT OF NET HIGHWAY RECEIPTS.—For purposes of making any estimate under paragraph (1) of net highway receipts for periods ending after the date specified in subsection (b)(1), the Secretary shall treat—

''(A) each expiring provision of subsection (b) which is related to appropriations or transfers to the Highway Trust Fund to have been extended through the end of the 48-month period referred to in paragraph (1)(B), and

''(B) with respect to each tax imposed under the sections referred to in subsection (b)(1), the rate of such tax during the 48-month period referred to in paragraph (1)(B) to be the same as the rate of such tax as in effect on the date of such estimate.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

Subtitle B—Volumetric Ethanol Excise Tax Credit

SEC. 9101. SHORT TITLE.

This subtitle may be cited as the ''Volumetric Ethanol Excise Tax Credit (VEETC) Act of 2004''.

SEC. 9102. ALCOHOL AND BIODIESEL EXCISE TAX CREDIT AND EXTENSION OF ALCOHOL FUELS INCOME TAX CREDIT.

(a) IN GENERAL.—Subchapter B of chapter 65 (relating to rules of special application) is amended by inserting after section 6425 the following new section:

''SEC. 6426. CREDIT FOR ALCOHOL FUEL AND BIODIESEL MIXTURES.

''(a) ALLOWANCE OF CREDITS.—There shall be allowed as a credit against the tax imposed by section 4081 an amount equal to the sum of—

''(1) the alcohol fuel mixture credit, plus

''(2) the biodiesel mixture credit.

''(b) ALCOHOL FUEL MIXTURE CREDIT.—

''(1) IN GENERAL.—For purposes of this section, the alcohol fuel mixture credit is the product of the applicable amount and the number of gallons of alcohol used by the taxpayer in producing any alcohol fuel mixture for sale or use in a trade or business of the taxpayer.

''(2) APPLICABLE AMOUNT.—For purposes of this subsection—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the applicable amount is 52 cents (51 cents in the case of any sale or use after 2004).

''(B) MIXTURES NOT CONTAINING ETHANOL.—In the case of an alcohol fuel mixture in which none of the alcohol consists of ethanol, the applicable amount is 60 cents.

''(3) ALCOHOL FUEL MIXTURE.—For purposes of this subsection, the term 'alcohol fuel

mixture' means a mixture of alcohol and a taxable fuel which—

''(A) is sold by the taxpayer producing such mixture to any person for use as a fuel,

''(B) is used as a fuel by the taxpayer producing such mixture, or

''(C) is removed from the refinery by a person producing such mixture.

''(4) OTHER DEFINITIONS.—For purposes of this subsection—

''(A) ALCOHOL.—The term 'alcohol' includes methanol and ethanol but does not include—

''(i) alcohol produced from petroleum, natural gas, or coal (including peat), or

''(ii) alcohol with a proof of less than 190 (determined without regard to any added denaturants).

Such term also includes an alcohol gallon equivalent of ethyl tertiary butyl ether or other ethers produced from such alcohol.

''(B) TAXABLE FUEL.—The term 'taxable fuel' has the meaning given such term by section 4083(a)(1).

''(5) TERMINATION.—This subsection shall not apply to any sale, use, or removal for any period after December 31, 2010.

''(c) BIODIESEL MIXTURE CREDIT.—

''(1) IN GENERAL.—For purposes of this section, the biodiesel mixture credit is the product of the applicable amount and the number of gallons of biodiesel used by the taxpayer in producing any biodiesel mixture for sale or use in a trade or business of the taxpayer.

''(2) APPLICABLE AMOUNT.—For purposes of this subsection—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the applicable amount is 50 cents.

''(B) AMOUNT FOR AGRI-BIODIESEL.—In the case of any biodiesel which is agri-biodiesel, the applicable amount is $1.00.

''(3) BIODIESEL MIXTURE.—For purposes of this section, the term 'biodiesel mixture' means a mixture of biodiesel and diesel fuel (as defined in section 4083(a)(3)), determined without regard to any use of kerosene, which—

''(A) is sold by the taxpayer producing such mixture to any person for use as a fuel,

''(B) is used as a fuel by the taxpayer producing such mixture, or

''(C) is removed from the refinery by a person producing such mixture.

''(4) CERTIFICATION FOR BIODIESEL.—No credit shall be allowed under this section unless the taxpayer obtains a certification (in such form and manner as prescribed by the Secretary) from the producer of the biodiesel which identifies the product produced and the percentage of biodiesel and agri-biodiesel in the product.

''(5) OTHER DEFINITIONS.—Any term used in this subsection which is also used in section 40A shall have the meaning given such term by section 40A.

''(6) TERMINATION.—This subsection shall not apply to any sale, use, or removal for any period after December 31, 2006.

''(d) MIXTURE NOT USED AS A FUEL, ETC.—

''(1) IMPOSITION OF TAX.—If—

''(A) any credit was determined under this section with respect to alcohol or biodiesel used in the production of any alcohol fuel mixture or biodiesel mixture, respectively, and

''(B) any person—

''(i) separates the alcohol or biodiesel from the mixture, or

''(ii) without separation, uses the mixture other than as a fuel,

then there is hereby imposed on such person a tax equal to the product of the applicable amount and the number of gallons of such alcohol or biodiesel.

''(2) APPLICABLE LAWS.—All provisions of law, including penalties, shall, insofar as applicable and not inconsistent with this section, apply in respect of any tax imposed under paragraph (1) as if such tax were imposed by section 4081 and not by this section.

''(e) COORDINATION WITH EXEMPTION FROM EXCISE TAX.—Rules similar to the rules under section 40(c) shall apply for purposes of this section.''.

(b) REGISTRATION REQUIREMENT.—Section 4101(a)(1) (relating to registration), as amended by sections 9211 and 9242 of this Act, is amended by inserting ''and every person producing or importing biodiesel (as defined in section 40A(d)(1)) or alcohol (as defined in section 6426(b)(4)(A))'' after ''4081''.

(c) ADDITIONAL AMENDMENTS.—

(1) Section 40(c) is amended by striking ''subsection (b)(2), (k), or (m) of section 4041, section 4081(c), or section 4091(c)'' and inserting ''section 4041(b)(2), section 6426, or section 6427(e)''.

(2) Paragraph (4) of section 40(d) is amended to read as follows:

''(4) VOLUME OF ALCOHOL.—For purposes of determining under subsection (a) the number of gallons of alcohol with respect to which a credit is allowable under subsection (a), the volume of alcohol shall include the volume of any denaturant (including gasoline) which is added under any formulas approved by the Secretary to the extent that such denaturants do not exceed 5 percent of the volume of such alcohol (including denaturants).''.

(3) Section 40(e)(1) is amended—

(A) by striking ''2007'' in subparagraph (A) and inserting ''2010'', and

(B) by striking ''2008'' in subparagraph (B) and inserting ''2011''.

(4) Section 40(h) is amended—

(A) by striking ''2007'' in paragraph (1) and inserting ''2010'', and

(B) by striking '', 2006, or 2007'' in the table contained in paragraph (2) and inserting ''through 2010''.

(5) Section 4041(b)(2)(B) is amended by striking ''a substance other than petroleum or natural gas'' and inserting ''coal (including peat)''.

(6) Section 4041 is amended by striking subsection (k).

(7) Section 4081 is amended by striking subsection (c).

(8) Paragraph (2) of section 4083(a) is amended to read as follows:

''(2) GASOLINE.—The term 'gasoline'—

''(A) includes any gasoline blend, other than qualified methanol or ethanol fuel (as defined in section 4041(b)(2)(B)), partially exempt methanol or ethanol fuel (as defined in section 4041(m)(2)), or a denatured alcohol, and

''(B) includes, to the extent prescribed in regulations—

''(i) any gasoline blend stock, and

''(ii) any product commonly used as an additive in gasoline (other than alcohol).

For purposes of subparagraph (B)(i), the term 'gasoline blend stock' means any petroleum product component of gasoline.''.

(9) Section 6427 is amended by inserting after subsection (d) the following new subsection:

''(e) ALCOHOL OR BIODIESEL USED TO PRODUCE ALCOHOL FUEL AND BIODIESEL MIXTURES OR USED AS FUELS.—Except as provided in subsection (k)—

''(1) USED TO PRODUCE A MIXTURE.—If any person produces a mixture described in section 6426 in such person's trade or business, the Secretary shall pay (without interest) to such person an amount equal to the alcohol fuel mixture credit or the biodiesel mixture credit with respect to such mixture.

''(2) USED AS FUEL.—If alcohol (as defined in section 40(d)(1)) or biodiesel (as defined in section 40A(d)(1)) or agri-biodiesel (as defined in section 40A(d)(2)) which is not in a mixture described in section 6426—

''(A) is used by any person as a fuel in a trade or business, or

''(B) is sold by any person at retail to another person and placed in the fuel tank of such person's vehicle,

the Secretary shall pay (without interest) to such person an amount equal to the alcohol credit (as determined under section 40(b)(2)) or the biodiesel credit (as determined under section 40A(b)(2)) with respect to such fuel.

''(3) COORDINATION WITH OTHER REPAYMENT PROVISIONS.—No amount shall be payable under paragraph (1) with respect to any mixture with respect to which an amount is allowed as a credit under section 6426.

''(4) TERMINATION.—This subsection shall not apply with respect to—

''(A) any alcohol fuel mixture (as defined in section 6426(b)(3)) or alcohol (as so defined) sold or used after December 31, 2010, and

''(B) any biodiesel mixture (as defined in section 6426(c)(3)) or biodiesel (as so defined) or agri-biodiesel (as so defined) sold or used after December 31, 2006.''.

(10) Section 6427(i)(3) is amended—

(A) by striking ''subsection (f)'' both places it appears in subparagraph (A) and inserting ''subsection (e)(1)'',

(B) by striking ''gasoline, diesel fuel, or kerosene used to produce a qualified alcohol mixture (as defined in section 4081(c)(3))'' in subparagraph (A) and inserting ''a mixture described in section 6426'',

(C) by adding at the end of subparagraph (A) the following new flush sentence: ''In the case of an electronic claim, this subparagraph shall be applied without regard to clause (i).'',

(D) by striking ''subsection (f)(1)'' in subparagraph (B) and inserting ''subsection (e)(1)'',

(E) by striking ''20 days of the date of the filing of such claim'' in subparagraph (B) and inserting ''45 days of the date of the filing of such claim (20 days in the case of an electronic claim)'', and

(F) by striking ''alcohol mixture'' in the heading and inserting ''alcohol fuel and biodiesel mixture''.

(11) Section 9503(b)(1) is amended by adding at the end the following new flush sentence: ''For purposes of this paragraph, taxes received under sections 4041 and 4081 shall be determined without reduction for credits under section 6426.''.

(12) Section 9503(b)(4), as amended by section 9101 of this Act, is amended—

(A) by adding ''or'' at the end of subparagraph (C),

(B) by striking the comma at the end of subparagraph (D)(iii) and inserting a period, and

(C) by striking subparagraphs (E) and (F).

(13) The table of sections for subchapter B of chapter 65 is amended by inserting after the item relating to section 6425 the following new item:

''Sec. 6426. Credit for alcohol fuel and biodiesel mixtures.''.

(14) TARIFF SCHEDULE.—Headings 9901.00.50 and 9901.00.52 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007) are each amended in the effective period column by striking ''10/1/2007'' each place it appears and inserting ''1/1/2011''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to fuel sold or used after September 30, 2004.

(2) REGISTRATION REQUIREMENT.—The amendment made by subsection (b) shall take effect on April 1, 2005.

(3) EXTENSION OF ALCOHOL FUELS CREDIT.—The amendments made by paragraphs (3), (4), and (14) of subsection (c) shall take effect on the date of the enactment of this Act.

(4) REPEAL OF GENERAL FUND RETENTION OF CERTAIN ALCOHOL FUELS TAXES.—The amendments made by subsection (c)(12) shall apply to fuel sold or used after September 30, 2003.

(e) FORMAT FOR FILING.—The Secretary of the Treasury shall describe the electronic format for filing claims described in section 6427(i)(3)(B) of the Internal Revenue Code of 1986 (as amended by subsection (c)(10)(C)) not later than September 30, 2004.

SEC. 9103. BIODIESEL INCOME TAX CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by inserting after section 40 the following new section:

"SEC. 40A. BIODIESEL USED AS FUEL.

''(a) GENERAL RULE.—For purposes of section 38, the biodiesel fuels credit determined under this section for the taxable year is an amount equal to the sum of—

''(1) the biodiesel mixture credit, plus

''(2) the biodiesel credit.

''(b) DEFINITION OF BIODIESEL MIXTURE CREDIT AND BIODIESEL CREDIT.—For purposes of this section—

''(1) BIODIESEL MIXTURE CREDIT.—

''(A) IN GENERAL.—The biodiesel mixture credit of any taxpayer for any taxable year is 50 cents for each gallon of biodiesel used by the taxpayer in the production of a qualified biodiesel mixture.

''(B) QUALIFIED BIODIESEL MIXTURE.—The term 'qualified biodiesel mixture' means a mixture of biodiesel and diesel fuel (as defined in section 4083(a)(3)), determined without regard to any use of kerosene, which—

''(i) is sold by the taxpayer producing such mixture to any person for use as a fuel, or

''(ii) is used as a fuel by the taxpayer producing such mixture.

''(C) SALE OR USE MUST BE IN TRADE OR BUSINESS, ETC.—Biodiesel used in the production of a qualified biodiesel mixture shall be taken into account—

''(i) only if the sale or use described in subparagraph (B) is in a trade or business of the taxpayer, and

''(ii) for the taxable year in which such sale or use occurs.

''(D) CASUAL OFF-FARM PRODUCTION NOT ELIGIBLE.—No credit shall be allowed under this section with respect to any casual off-farm production of a qualified biodiesel mixture.

''(2) BIODIESEL CREDIT.—

''(A) IN GENERAL.—The biodiesel credit of any taxpayer for any taxable year is 50 cents for each gallon of biodiesel which is not in a mixture with diesel fuel and which during the taxable year—

''(i) is used by the taxpayer as a fuel in a trade or business, or

''(ii) is sold by the taxpayer at retail to a person and placed in the fuel tank of such person's vehicle.

''(B) USER CREDIT NOT TO APPLY TO BIODIESEL SOLD AT RETAIL.—No credit shall be allowed under subparagraph (A)(i) with respect to any biodiesel which was sold in a retail sale described in subparagraph (A)(ii).

''(3) CREDIT FOR AGRI-BIODIESEL.—In the case of any biodiesel which is agri-biodiesel, paragraphs (1)(A) and (2)(A) shall be applied by substituting '$1.00' for '50 cents'.

''(4) CERTIFICATION FOR BIODIESEL.—No credit shall be allowed under this section unless the taxpayer obtains a certification (in such form and manner as prescribed by the Secretary) from the producer or importer of the biodiesel which identifies the product produced and the percentage of biodiesel and agri-biodiesel in the product.

''(c) COORDINATION WITH CREDIT AGAINST EXCISE TAX.—The amount of the credit determined under this section with respect to any biodiesel shall be properly reduced to take into account any benefit provided with respect to such biodiesel solely by reason of the application of section 6426 or 6427(e).

''(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) BIODIESEL.—The term 'biodiesel' means the monoalkyl esters of long chain fatty acids derived from plant or animal matter which meet—

''(A) the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545), and

''(B) the requirements of the American Society of Testing and Materials D6751.

''(2) AGRI-BIODIESEL.—The term 'agri-biodiesel' means biodiesel derived solely from virgin oils, including esters derived from virgin vegetable oils from corn, soybeans, sunflower seeds, cottonseeds, canola, crambe, rapeseeds, safflowers, flaxseeds, rice bran, and mustard seeds, and from animal fats.

''(3) MIXTURE OR BIODIESEL NOT USED AS A FUEL, ETC.—

''(A) MIXTURES.—If—

''(i) any credit was determined under this section with respect to biodiesel used in the production of any qualified biodiesel mixture, and

''(ii) any person—

''(I) separates the biodiesel from the mixture, or

''(II) without separation, uses the mixture other than as a fuel,

then there is hereby imposed on such person a tax equal to the product of the rate applicable under subsection (b)(1)(A) and the number of gallons of such biodiesel in such mixture.

''(B) BIODIESEL.—If—

''(i) any credit was determined under this section with respect to the retail sale of any biodiesel, and

''(ii) any person mixes such biodiesel or uses such biodiesel other than as a fuel,

then there is hereby imposed on such person a tax equal to the product of the rate applicable under subsection (b)(2)(A) and the number of gallons of such biodiesel.

''(C) APPLICABLE LAWS.—All provisions of law, including penalties, shall, insofar as applicable and not inconsistent with this section, apply in respect of any tax imposed under subparagraph (A) or (B) as if such tax were imposed by section 4081 and not by this chapter.

''(4) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

''(e) TERMINATION.—This section shall not apply to any sale or use after December 31, 2006.''.

(b) CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b) (relating to current year business credit) is amended by striking ''plus'' at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting '', plus'', and by adding at the end the following new paragraph:

''(16) the biodiesel fuels credit determined under section 40A(a).''.

(c) CONFORMING AMENDMENTS.—

(1) Section 39(d) is amended by adding at the end the following new paragraph:

''(11) NO CARRYBACK OF BIODIESEL FUELS CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the biodiesel fuels credit determined under section 40A may be carried back to a taxable year ending on or before September 30, 2004.''.

(2)(A) Section 87 is amended to read as follows:

"SEC. 87. ALCOHOL AND BIODIESEL FUELS CREDITS.

''Gross income includes—

''(1) the amount of the alcohol fuels credit determined with respect to the taxpayer for the taxable year under section 40(a), and

''(2) the biodiesel fuels credit determined with respect to the taxpayer for the taxable year under section 40A(a).''.

(B) The item relating to section 87 in the table of sections for part II of subchapter B of chapter 1 is amended by striking ''fuel credit'' and inserting ''and biodiesel fuels credits''.

(3) Section 196(c) is amended by striking ''and'' at the end of paragraph (9), by striking the period at the end of paragraph (10) and inserting '', and'', and by adding at the end the following new paragraph:

''(11) the biodiesel fuels credit determined under section 40A(a).''.

(4) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding after the item relating to section 40 the following new item:

''Sec. 40A. Biodiesel used as fuel.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced, and sold or used, after September 30, 2004, in taxable years ending after such date.

Subtitle C—Fuel Fraud Prevention

SEC. 9200. SHORT TITLE.

This subtitle may be cited as the ''Fuel Fraud Prevention Act of 2004''.

PART I—AVIATION JET FUEL

SEC. 9211. TAXATION OF AVIATION-GRADE KEROSENE.

(a) RATE OF TAX.—

(1) IN GENERAL.—Subparagraph (A) of section 4081(a)(2) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) in the case of aviation-grade kerosene, 21.8 cents per gallon.''.

(2) COMMERCIAL AVIATION.—Paragraph (2) of section 4081(a) is amended by adding at the end the following new subparagraph:

''(C) TAXES IMPOSED ON FUEL USED IN COMMERCIAL AVIATION.—In the case of aviation-grade kerosene which is removed from any refinery or terminal directly into the fuel tank of an aircraft for use in commercial aviation, the rate of tax under subparagraph (A)(iv) shall be 4.3 cents per gallon.''.

(3) NONTAXABLE USES.—

(A) IN GENERAL.—Section 4082 is amended by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and by inserting after subsection (d) the following new subsection:

''(e) AVIATION-GRADE KEROSENE.—In the case of aviation-grade kerosene which is exempt from the tax imposed by section 4041(c) (other than by reason of a prior imposition of tax) and which is removed from any refinery or terminal directly into the fuel tank of an aircraft, the rate of tax under section 4081(a)(2)(A)(iv) shall be zero.''.

(B) CONFORMING AMENDMENTS.—

(i) Subsection (b) of section 4082 is amended by adding at the end the following new flush sentence: ''The term 'nontaxable use' does not include the use of aviation-grade kerosene in an aircraft.''.

(ii) Section 4082(d) is amended by striking paragraph (1) and by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(4) NONAIRCRAFT USE OF AVIATION-GRADE KEROSENE.—

(A) IN GENERAL.—Subparagraph (B) of section 4041(a)(1) is amended by adding at the end the following new sentence: ''This subparagraph shall not apply to aviation-grade kerosene.''.

(B) CONFORMING AMENDMENT.—The heading for paragraph (1) of section 4041(a) is amended by inserting ''and kerosene'' after ''diesel fuel''.

(b) COMMERCIAL AVIATION.—Section 4083 is amended redesignating subsections (b) and

(c) as subsections (c) and (d), respectively, and by inserting after subsection (a) the following new subsection:

''(b) COMMERCIAL AVIATION.—For purposes of this subpart, the term 'commercial aviation' means any use of an aircraft in a business of transporting persons or property for compensation or hire by air, unless properly allocable to any transportation exempt from the taxes imposed by section 4261 and 4271 by reason of section 4281 or 4282 or by reason of section 4261(h).''.

(c) REFUNDS.—

(1) IN GENERAL.—Paragraph (4) of section 6427(l) is amended to read as follows:

''(4) REFUNDS FOR AVIATION-GRADE KEROSENE.—

''(A) NO REFUND OF CERTAIN TAXES ON FUEL USED IN COMMERCIAL AVIATION.—In the case of aviation-grade kerosene used in commercial aviation (as defined in section 4083(b)) (other than supplies for vessels or aircraft within the meaning of section 4221(d)(3)), paragraph (1) shall not apply to so much of the tax imposed by section 4081 as is attributable to—

''(i) the Leaking Underground Storage Tank Trust Fund financing rate imposed by such section, and

''(ii) so much of the rate of tax specified in section 4081(a)(2)(A)(iv) as does not exceed 4.3 cents per gallon.

''(B) PAYMENT TO ULTIMATE, REGISTERED VENDOR.—With respect to aviation-grade kerosene, if the ultimate purchaser of such kerosene waives (at such time and in such form and manner as the Secretary shall prescribe) the right to payment under paragraph (1) and assigns such right to the ultimate vendor, then the Secretary shall pay the amount which would be paid under paragraph (1) to such ultimate vendor, but only if such ultimate vendor—

''(i) is registered under section 4101, and

''(ii) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).''.

(2) TIME FOR FILING CLAIMS.—Paragraph (4) of section 6427(i) is amended by striking ''subsection (l)(5)'' and inserting ''paragraph (4)(B) or (5) of subsection (l)''.

(3) CONFORMING AMENDMENT.—Subparagraph (B) of section 6427(l)(2) is amended to read as follows:

''(B) in the case of aviation-grade kerosene—

''(i) any use which is exempt from the tax imposed by section 4041(c) other than by reason of a prior imposition of tax, or

''(ii) any use in commercial aviation (within the meaning of section 4083(b)).''.

(d) REPEAL OF PRIOR TAXATION OF AVIATION FUEL.—

(1) IN GENERAL.—Part III of subchapter A of chapter 32 is amended by striking subpart B and by redesignating subpart C as subpart B.

(2) CONFORMING AMENDMENTS.—

(A) Section 4041(c) is amended to read as follows:

''(c) AVIATION-GRADE KEROSENE.—

''(1) IN GENERAL.—There is hereby imposed a tax upon aviation-grade kerosene—

''(A) sold by any person to an owner, lessee, or other operator of an aircraft for use in such aircraft, or

''(B) used by any person in an aircraft unless there was a taxable sale of such fuel under subparagraph (A).

''(2) EXEMPTION FOR PREVIOUSLY TAXED FUEL.—No tax shall be imposed by this subsection on the sale or use of any aviation-grade kerosene if tax was imposed on such liquid under section 4081 and the tax thereon was not credited or refunded.

''(3) RATE OF TAX.—The rate of tax imposed by this subsection shall be the rate of tax specified in section 4081(a)(2)(A)(iv) which is in effect at the time of such sale or use.''.

(B) Section 4041(d)(2) is amended by striking ''section 4091'' and inserting ''section 4081''.

(C) Section 4041 is amended by striking subsection (e).

(D) Section 4041 is amended by striking subsection (i).

(E) Section 4041(m)(1) is amended to read as follows:

''(1) IN GENERAL.—In the case of the sale or use of any partially exempt methanol or ethanol fuel, the rate of the tax imposed by subsection (a)(2) shall be—

''(A) after September 30, 1997, and before September 30, 2009—

''(i) in the case of fuel none of the alcohol in which consists of ethanol, 9.15 cents per gallon, and

''(ii) in any other case, 11.3 cents per gallon, and

''(B) after September 30, 2009—

''(i) in the case of fuel none of the alcohol in which consists of ethanol, 2.15 cents per gallon, and

''(ii) in any other case, 4.3 cents per gallon.''.

(F) Sections 4101(a), 4103, 4221(a), and 6206 are each amended by striking '', 4081, or 4091'' and inserting ''or 4081''.

(G) Section 6416(b)(2) is amended by striking ''4091 or''.

(H) Section 6416(b)(3) is amended by striking ''or 4091'' each place it appears.

(I) Section 6416(d) is amended by striking ''or to the tax imposed by section 4091 in the case of refunds described in section 4091(d)''.

(J) Section 6427 is amended by striking subsection (f).

(K) Section 6427(j)(1) is amended by striking '', 4081, and 4091'' and inserting ''and 4081''.

(L)(i) Section 6427(l)(1) is amended to read as follows:

''(1) IN GENERAL.—Except as otherwise provided in this subsection and in subsection (k), if any diesel fuel or kerosene on which tax has been imposed by section 4041 or 4081 is used by any person in a nontaxable use, the Secretary shall pay (without interest) to the ultimate purchaser of such fuel an amount equal to the aggregate amount of tax imposed on such fuel under section 4041 or 4081, as the case may be, reduced by any refund paid to the ultimate vendor under paragraph (4)(B).''.

(ii) Paragraph (5)(B) of section 6427(l) is amended by striking ''Paragraph (1)(A) shall not apply to kerosene'' and inserting ''Paragraph (1) shall not apply to kerosene (other than aviation-grade kerosene)''.

(M) Subparagraph (B) of section 6724(d)(1) is amended by striking clause (xv) and by redesignating the succeeding clauses accordingly.

(N) Paragraph (2) of section 6724(d) is amended by striking subparagraph (W) and by redesignating the succeeding subparagraphs accordingly.

(O) Paragraph (1) of section 9502(b) is amended by adding ''and'' at the end of subparagraph (B) and by striking subparagraphs (C) and (D) and inserting the following new subparagraph:

''(C) section 4081 with respect to aviation gasoline and aviation-grade kerosene, and''.

(P) The last sentence of section 9502(b) is amended to read as follows: ''There shall not be taken into account under paragraph (1) so much of the taxes imposed by section 4081 as are determined at the rate specified in section 4081(a)(2)(B).''.

(Q) Subsection (b) of section 9508 is amended by striking paragraph (3) and by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(R) Section 9508(c)(2)(A) is amended by striking ''sections 4081 and 4091'' and inserting ''section 4081''.

(S) The table of subparts for part III of subchapter A of chapter 32 is amended to read as follows:

''SUBPART A. MOTOR AND AVIATION FUELS
''SUBPART B. SPECIAL PROVISIONS APPLICABLE TO FUELS TAX''.

(T) The heading for subpart A of part III of subchapter A of chapter 32 is amended to read as follows:

"Subpart A—Motor and Aviation Fuels".

(U) The heading for subpart B of part III of subchapter A of chapter 32 is amended to read as follows:

"Subpart B—Special Provisions Applicable to Fuels Tax".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to aviation-grade kerosene removed, entered, or sold after September 30, 2004.

(f) FLOOR STOCKS TAX.—

(1) IN GENERAL.—There is hereby imposed on aviation-grade kerosene held on October 1, 2004, by any person a tax equal to—

(A) the tax which would have been imposed before such date on such kerosene had the amendments made by this section been in effect at all times before such date, reduced by

(B) the tax imposed before such date under section 4091 of the Internal Revenue Code of 1986, as in effect on the day before the date of the enactment of this Act.

(2) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—The person holding the kerosene on October 1, 2004, to which the tax imposed by paragraph (1) applies shall be liable for such tax.

(B) METHOD AND TIME FOR PAYMENT.—The tax imposed by paragraph (1) shall be paid at such time and in such manner as the Secretary of the Treasury shall prescribe, including the nonapplication of such tax on de minimis amounts of kerosene.

(3) TRANSFER OF FLOOR STOCK TAX REVENUES TO TRUST FUNDS.—For purposes of determining the amount transferred to any trust fund, the tax imposed by this subsection shall be treated as imposed by section 4081 of the Internal Revenue Code of 1986—

(A) at the Leaking Underground Storage Tank Trust Fund financing rate under such section to the extent of 0.1 cents per gallon, and

(B) at the rate under section 4081(a)(2)(A)(iv) to the extent of the remainder.

(4) HELD BY A PERSON.—For purposes of this section, kerosene shall be considered as held by a person if title thereto has passed to such person (whether or not delivery to the person has been made).

(5) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the tax imposed by section 4081 of such Code shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock tax imposed by paragraph (1) to the same extent as if such tax were imposed by such section.

SEC. 9212. TRANSFER OF CERTAIN AMOUNTS FROM THE AIRPORT AND AIRWAY TRUST FUND TO THE HIGHWAY TRUST FUND TO REFLECT HIGHWAY USE OF JET FUEL.

(a) IN GENERAL.—Section 9502(d) is amended by adding at the end the following new paragraph:

''(7) TRANSFERS FROM THE TRUST FUND TO THE HIGHWAY TRUST FUND.—

''(A) IN GENERAL.—The Secretary shall pay annually from the Airport and Airway Trust Fund into the Highway Trust Fund an amount (as determined by him) equivalent to amounts received in the Airport and Airway Trust Fund which are attributable to fuel that is used primarily for highway transportation purposes.

''(B) AMOUNTS TRANSFERRED TO MASS TRANSIT ACCOUNT.—The Secretary shall transfer 11

percent of the amounts paid into the Highway Trust Fund under subparagraph (A) to the Mass Transit Account established under section 9503(e).''.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 9503 is amended—

(A) by striking ''appropriated or credited'' and inserting ''paid, appropriated, or credited'', and

(B) by striking ''or section 9602(b)'' and inserting '', section 9502(d)(7), or section 9602(b)''.

(2) Subsection (e)(1) of section 9503 is amended by striking ''or section 9602(b)'' and inserting '', section 9502(d)(7), or section 9602(b)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2004.

PART II—DYED FUEL

SEC. 9221. DYE INJECTION EQUIPMENT.

(a) IN GENERAL.—Section 4082(a)(2) (relating to exemptions for diesel fuel and kerosene) is amended by inserting ''by mechanical injection'' after ''indelibly dyed''.

(b) DYE INJECTOR SECURITY.—Not later than June 30, 2004, the Secretary of the Treasury shall issue regulations regarding mechanical dye injection systems described in the amendment made by subsection (a), and such regulations shall include standards for making such systems tamper resistant.

(c) PENALTY FOR TAMPERING WITH OR FAILING TO MAINTAIN SECURITY REQUIREMENTS FOR MECHANICAL DYE INJECTION SYSTEMS.—

(1) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by adding after section 6715 the following new section:

''SEC. 6715A. TAMPERING WITH OR FAILING TO MAINTAIN SECURITY REQUIREMENTS FOR MECHANICAL DYE INJECTION SYSTEMS.

''(a) IMPOSITION OF PENALTY.—

''(1) TAMPERING.—If any person tampers with a mechanical dye injection system used to indelibly dye fuel for purposes of section 4082, then such person shall pay a penalty in addition to the tax (if any).

''(2) FAILURE TO MAINTAIN SECURITY REQUIREMENTS.—If any operator of a mechanical dye injection system used to indelibly dye fuel for purposes of section 4082 fails to maintain the security standards for such system as established by the Secretary, then such operator shall pay a penalty.

''(b) AMOUNT OF PENALTY.—The amount of the penalty under subsection (a) shall be—

''(1) for each violation described in paragraph (1), the greater of—

''(A) $25,000, or

''(B) $10 for each gallon of fuel involved, and

''(2) for each—

''(A) failure to maintain security standards described in paragraph (2), $1,000, and

''(B) failure to correct a violation described in paragraph (2), $1,000 per day for each day after which such violation was discovered or such person should have reasonably known of such violation.

''(c) JOINT AND SEVERAL LIABILITY.—

''(1) IN GENERAL.—If a penalty is imposed under this section on any business entity, each officer, employee, or agent of such entity or other contracting party who willfully participated in any act giving rise to such penalty shall be jointly and severally liable with such entity for such penalty.

''(2) AFFILIATED GROUPS.—If a business entity described in paragraph (1) is part of an affiliated group (as defined in section 1504(a)), the parent corporation of such entity shall be jointly and severally liable with such entity for the penalty imposed under this section.''.

(2) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by adding after the item related to section 6715 the following new item:

''Sec. 6715A. Tampering with or failing to maintain security requirements for mechanical dye injection systems.''.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (c) shall take effect 180 days after the date on which the Secretary issues the regulations described in subsection (b).

SEC. 9222. ELIMINATION OF ADMINISTRATIVE REVIEW FOR TAXABLE USE OF DYED FUEL.

(a) IN GENERAL.—Section 6715 is amended by inserting at the end the following new subsection:

''(e) NO ADMINISTRATIVE APPEAL FOR THIRD AND SUBSEQUENT VIOLATIONS.—In the case of any person who is found to be subject to the penalty under this section after a chemical analysis of such fuel and who has been penalized under this section at least twice after the date of the enactment of this subsection, no administrative appeal or review shall be allowed with respect to such finding except in the case of a claim regarding—

''(1) fraud or mistake in the chemical analysis, or

''(2) mathematical calculation of the amount of the penalty.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to penalties assessed after the date of the enactment of this Act.

SEC. 9223. PENALTY ON UNTAXED CHEMICALLY ALTERED DYED FUEL MIXTURES.

(a) IN GENERAL.—Section 6715(a) (relating to dyed fuel sold for use or used in taxable use, etc.) is amended by striking ''or'' in paragraph (2), by inserting ''or'' at the end of paragraph (3), and by inserting after paragraph (3) the following new paragraph:

''(4) any person who has knowledge that a dyed fuel which has been altered as described in paragraph (3) sells or holds for sale such fuel for any use which the person knows or has reason to know is not a nontaxable use of such fuel,''.

(b) CONFORMING AMENDMENT.—Section 6715(a)(3) is amended by striking ''alters, or attempts to alter,'' and inserting ''alters, chemically or otherwise, or attempts to so alter,''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 9224. TERMINATION OF DYED DIESEL USE BY INTERCITY BUSES.

(a) IN GENERAL.—Paragraph (3) of section 4082(b) (relating to nontaxable use) is amended to read as follows:

''(3) any use described in section 4041(a)(1)(C)(iii)(II).''.

(b) ULTIMATE VENDOR REFUND.—Subsection (b) of section 6427 is amended by adding at the end the following new paragraph:

''(4) REFUNDS FOR USE OF DIESEL FUEL IN CERTAIN INTERCITY BUSES.—

''(A) IN GENERAL.—With respect to any fuel to which paragraph (2)(A) applies, if the ultimate purchaser of such fuel waives (at such time and in such form and manner as the Secretary shall prescribe) the right to payment under paragraph (1) and assigns such right to the ultimate vendor, then the Secretary shall pay the amount which would be paid under paragraph (1) to such ultimate vendor, but only if such ultimate vendor—

''(i) is registered under section 4101, and

''(ii) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).

''(B) CREDIT CARDS.—For purposes of this paragraph, if the sale of such fuel is made by means of a credit card, the person extending credit to the ultimate purchaser shall be deemed to be the ultimate vendor.''.

(c) PAYMENT OF REFUNDS.—Subparagraph (A) of section 6427(i)(4), as amended by section 9211 of this Act, is amended by inserting ''subsections (b)(4) and'' after ''filed under''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold after September 30, 2004.

PART III—MODIFICATION OF INSPECTION OF RECORDS PROVISIONS

SEC. 9231. AUTHORITY TO INSPECT ON-SITE RECORDS.

(a) IN GENERAL.—Section 4083(d)(1)(A) (relating to administrative authority), as amended by section 9211 of this Act, is amended by striking ''and'' at the end of clause (i) and by inserting after clause (ii) the following new clause:

''(iii) inspecting any books and records and any shipping papers pertaining to such fuel, and''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 9232. ASSESSABLE PENALTY FOR REFUSAL OF ENTRY.

(a) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties), as amended by section 9221 of this Act, is amended by adding at the end the following new section:

''SEC. 6717. REFUSAL OF ENTRY.

''(a) IN GENERAL.—In addition to any other penalty provided by law, any person who refuses to admit entry or refuses to permit any other action by the Secretary authorized by section 4083(d)(1) shall pay a penalty of $1,000 for such refusal.

''(b) JOINT AND SEVERAL LIABILITY.—

''(1) IN GENERAL.—If a penalty is imposed under this section on any business entity, each officer, employee, or agent of such entity or other contracting party who willfully participated in any act giving rise to such penalty shall be jointly and severally liable with such entity for such penalty.

''(2) AFFILIATED GROUPS.—If a business entity described in paragraph (1) is part of an affiliated group (as defined in section 1504(a)), the parent corporation of such entity shall be jointly and severally liable with such entity for the penalty imposed under this section.

''(c) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this section with respect to any failure if it is shown that such failure is due to reasonable cause.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 4083(d)(3), as amended by section 9211 of this Act, is amended—

(A) by striking ''ENTRY.—The penalty'' and inserting: ''ENTRY.—

''(A) FORFEITURE.—The penalty'', and

(B) by adding at the end the following new subparagraph:

''(B) ASSESSABLE PENALTY.—For additional assessable penalty for the refusal to admit entry or other refusal to permit an action by the Secretary authorized by paragraph (1), see section 6717.''.

(2) The table of sections for part I of subchapter B of chapter 68, as amended by section 9221 of this Act, is amended by adding at the end the following new item:

''Sec. 6717. Refusal of entry.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2004.

PART IV—REGISTRATION AND REPORTING REQUIREMENTS

SEC. 9241. REGISTRATION OF PIPELINE OR VESSEL OPERATORS REQUIRED FOR EXEMPTION OF BULK TRANSFERS TO REGISTERED TERMINALS OR REFINERIES.

(a) IN GENERAL.—Section 4081(a)(1)(B) (relating to exemption for bulk transfers to registered terminals or refineries) is amended—

(1) by inserting ''by pipeline or vessel'' after ''transferred in bulk'', and

(2) by inserting ''. the operator of such pipeline or vessel,'' after ''the taxable fuel''.

(b) CIVIL PENALTY FOR CARRYING TAXABLE FUELS BY NONREGISTERED PIPELINES OR VESSELS.—

(1) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties), as amended by section 9232 of this Act, is amended by adding at the end the following new section:

''SEC. 6718. CARRYING TAXABLE FUELS BY NONREGISTERED PIPELINES OR VESSELS.

''(a) IMPOSITION OF PENALTY.—If any person knowingly transfers any taxable fuel (as defined in section 4083(a)(1)) in bulk pursuant to section 4081(a)(1)(B) to an unregistered, such person shall pay a penalty in addition to the tax (if any).

''(b) AMOUNT OF PENALTY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the amount of the penalty under subsection (a) on each act shall be an amount equal to the greater of—

''(A) $10,000, or

''(B) $1 per gallon.

''(2) MULTIPLE VIOLATIONS.—In determining the penalty under subsection (a) on any person, paragraph (1) shall be applied by increasing the amount in paragraph (1) by the product of such amount and the number of prior penalties (if any) imposed by this section on such person (or a related person or any predecessor of such person or related person).

''(c) JOINT AND SEVERAL LIABILITY.—

''(1) IN GENERAL.—If a penalty is imposed under this section on any business entity, each officer, employee, or agent of such entity or other contracting party who willfully participated in any act giving rise to such penalty shall be jointly and severally liable with such entity for such penalty.

''(2) AFFILIATED GROUPS.—If a business entity described in paragraph (1) is part of an affiliated group (as defined in section 1504(a)), the parent corporation of such entity shall be jointly and severally liable with such entity for the penalty imposed under this section.

''(d) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this section with respect to any failure if it is shown that such failure is due to reasonable cause.''.

(2) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68, as amended by section 9232 of this Act, is amended by adding at the end the following new item:

''Sec. 6718. Carrying taxable fuels by nonregistered pipelines or vessels.''.

(c) PUBLICATION OF REGISTERED PERSONS.—Not later than June 30, 2004, the Secretary of the Treasury shall publish a list of persons required to be registered under section 4101 of the Internal Revenue Code of 1986.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 2004.

SEC. 9242. DISPLAY OF REGISTRATION.

(a) IN GENERAL.—Subsection (a) of section 4101 (relating to registration) is amended—

(1) by striking ''Every'' and inserting the following:

''(1) IN GENERAL.—Every'', and

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

''(2) DISPLAY OF REGISTRATION.—Every operator of a vessel required by the Secretary to register under this section shall display proof of registration through an electronic identification device prescribed by the Secretary on each vessel used by such operator to transport any taxable fuel.''.

(b) CIVIL PENALTY FOR FAILURE TO DISPLAY REGISTRATION.—

(1) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties), as amended by section 9241 of this Act, is amended by adding at the end the following new section:

''SEC. 6719. FAILURE TO DISPLAY REGISTRATION OF VESSEL.

''(a) FAILURE TO DISPLAY REGISTRATION.—Every operator of a vessel who fails to display proof of registration pursuant to section 4101(a)(2) shall pay a penalty of $500 for each such failure. With respect to any vessel, only one penalty shall be imposed by this section during any calendar month.

''(b) MULTIPLE VIOLATIONS.—In determining the penalty under subsection (a) on any person, subsection (a) shall be applied by increasing the amount in subsection (a) by the product of such amount and the number of prior penalties (if any) imposed by this section on such person (or a related person or any predecessor of such person or related person).

''(c) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this section with respect to any failure if it is shown that such failure is due to reasonable cause.''.

(2) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68, as amended by section 9241 of this Act, is amended by adding at the end the following new item:

''Sec. 6719. Failure to display registration of vessel.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2004.

SEC. 9243. REGISTRATION OF PERSONS WITHIN FOREIGN TRADE ZONES, ETC.

(a) IN GENERAL.—Section 4101(a), as amended by section 9242 of this Act, is amended by redesignating paragraph (2) as paragraph (3), and by inserting after paragraph (1) the following new paragraph:

''(2) REGISTRATION OF PERSONS WITHIN FOREIGN TRADE ZONES, ETC.—The Secretary shall require registration by any person which—

''(A) operates a terminal or refinery within a foreign trade zone or within a customs bonded storage facility, or

''(B) holds an inventory position with respect to a taxable fuel in such a terminal.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2004.

SEC. 9244. PENALTIES FOR FAILURE TO REGISTER AND FAILURE TO REPORT.

(a) INCREASED PENALTY.—Subsection (a) of section 7272 (relating to penalty for failure to register) is amended by inserting ''($10,000 in the case of a failure to register under section 4101)'' after ''$50''.

(b) INCREASED CRIMINAL PENALTY.—Section 7232 (relating to failure to register under section 4101, false representations of registration status, etc.) is amended by striking ''$5,000'' and inserting ''$10,000''.

(c) ASSESSABLE PENALTY FOR FAILURE TO REGISTER.—

(1) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties), as amended by section 9242 of this Act, is amended by adding at the end the following new section:

''SEC. 6720. FAILURE TO REGISTER.

''(a) FAILURE TO REGISTER.—Every person who is required to register under section 4101 and fails to do so shall pay a penalty in addition to the tax (if any).

''(b) AMOUNT OF PENALTY.—The amount of the penalty under subsection (a) shall be—

''(1) $10,000 for each initial failure to register, and

''(2) $1,000 for each day thereafter such person fails to register.

''(c) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this section with respect to any failure if it is shown that such failure is due to reasonable cause.''.

(2) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68, as amended by section 9242 of this Act, is amended by adding at the end the following new item:

''Sec. 6720. Failure to register.''.

(d) ASSESSABLE PENALTY FOR FAILURE TO REPORT.—

(1) IN GENERAL.—Part II of subchapter B of chapter 68 (relating to assessable penalties) is amended by adding at the end the following new section:

''SEC. 6725. FAILURE TO REPORT INFORMATION UNDER SECTION 4101.

''(a) IN GENERAL.—In the case of each failure described in subsection (b) by any person with respect to a vessel or facility, such person shall pay a penalty of $10,000 in addition to the tax (if any).

''(b) FAILURES SUBJECT TO PENALTY.—For purposes of subsection (a), the failures described in this subsection are—

''(1) any failure to make a report under section 4101(d) on or before the date prescribed therefor, and

''(2) any failure to include all of the information required to be shown on such report or the inclusion of incorrect information.

''(c) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this section with respect to any failure if it is shown that such failure is due to reasonable cause.''.

(2) CLERICAL AMENDMENT.—The table of sections for part II of subchapter B of chapter 68 is amended by adding at the end the following new item:

''Sec. 6725. Failure to report information under section 4101.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to failures pending or occurring after September 30, 2004.

SEC. 9245. INFORMATION REPORTING FOR PERSONS CLAIMING CERTAIN TAX BENEFITS.

(a) IN GENERAL.—Subpart C of part III of subchapter A of chapter 32 is amended by adding at the end the following new section:

''SEC. 4104. INFORMATION REPORTING FOR PERSONS CLAIMING CERTAIN TAX BENEFITS.

''(a) IN GENERAL.—The Secretary shall require any person claiming tax benefits—

''(1) under the provisions of section 34, 40, and 40A to file a return at the time such person claims such benefits (in such manner as the Secretary may prescribe), and

''(2) under the provisions of section 4041(b)(2), 6426, or 6427(e) to file a monthly return (in such manner as the Secretary may prescribe).

''(b) CONTENTS OF RETURN.—Any return filed under this section shall provide such information relating to such benefits and the coordination of such benefits as the Secretary may require to ensure the proper administration and use of such benefits.

''(c) ENFORCEMENT.—With respect to any person described in subsection (a) and subject to registration requirements under this title, rules similar to rules of section 4222(c) shall apply with respect to any requirement under this section.''.

(b) CONFORMING AMENDMENT.—The table of sections for subpart C of part III of subchapter A of chapter 32 is amended by adding at the end the following new item:

''Sec. 4104. Information reporting for persons claiming certain tax benefits.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2004.

SEC. 9246. ELECTRONIC REPORTING.

(a) IN GENERAL.—Section 4101(d), as amended by section 9273 of this Act, is amended by adding at the end the following new sentence: ''Any person who is required to report

under this subsection and who has 25 or more reportable transactions in a month shall file such report in electronic format.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply on October 1, 2004.

PART V—IMPORTS

SEC. 9251. TAX AT POINT OF ENTRY WHERE IMPORTER NOT REGISTERED.

(a) TAX AT POINT OF ENTRY WHERE IMPORTER NOT REGISTERED.—

(1) IN GENERAL.—Subpart C of part III of subchapter A of chapter 31, as amended by section 9245 of this Act, is amended by adding at the end the following new section:

''SEC. 4105. TAX AT ENTRY WHERE IMPORTER NOT REGISTERED.

''(a) IN GENERAL.—Any tax imposed under this part on any person not registered under section 4101 for the entry of a fuel into the United States shall be imposed at the time and point of entry.

''(b) ENFORCEMENT OF ASSESSMENT.—If any person liable for any tax described under subsection (a) has not paid the tax or posted a bond, the Secretary may—

''(1) seize the fuel on which the tax is due, or

''(2) detain any vehicle transporting such fuel,

until such tax is paid or such bond is filed.

''(c) LEVY OF FUEL.—If no tax has been paid or no bond has been filed within 5 days from the date the Secretary seized fuel pursuant to subsection (b), the Secretary may sell such fuel as provided under section 6336.''.

(2) CONFORMING AMENDMENT.—The table of sections for subpart C of part III of subchapter A of chapter 31 of the Internal Revenue Code of 1986, as amended by section 9245 of this Act, is amended by adding after the last item the following new item:

''Sec. 4105. Tax at entry where importer not registered.''.

(b) DENIAL OF ENTRY WHERE TAX NOT PAID.—The Secretary of Homeland Security is authorized to deny entry into the United States of any shipment of a fuel which is taxable under section 4081 of the Internal Revenue Code of 1986 if the person entering such shipment fails to pay the tax imposed under such section or post a bond in accordance with the provisions of section 4105 of such Code.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 9252. RECONCILIATION OF ON-LOADED CARGO TO ENTERED CARGO.

(a) IN GENERAL.—Subsection (a) of section 343 of the Trade Act of 2002 is amended by inserting at the end the following new paragraph:

''(4) IN GENERAL.—Subject to paragraphs (2) and (3), not later than 1 year after the enactment of this paragraph, the Secretary of Homeland Security, together with the Secretary of the Treasury, shall promulgate regulations providing for the transmission to the Internal Revenue Service, through an electronic data interchange system, of information pertaining to cargo of taxable fuels (as defined in section 4083 of the Internal Revenue Code of 1986) destined for importation into the United States prior to such importation.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

PART VI—MISCELLANEOUS PROVISIONS

SEC. 9261. TAX ON SALE OF DIESEL FUEL WHETHER SUITABLE FOR USE OR NOT IN A DIESEL-POWERED VEHICLE OR TRAIN.

(a) IN GENERAL.—Section 4083(a)(3) is amended—

(1) by striking ''The term'' and inserting the following:

''(A) IN GENERAL.—The term'', and

(2) by inserting at the end the following new subparagraph:

''(B) LIQUID SOLD AS DIESEL FUEL.—The term 'diesel fuel' includes any liquid which is sold as or offered for sale as a fuel in a diesel-powered highway vehicle or a diesel-powered train.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 40A(b)(1)(B), as amended by section 9103 of this Act, is amended by striking ''4083(a)(3)'' and inserting ''4083(a)(3)(A)''.

(2) Section 6426(c)(3), as added by section 5102 of this Act, is amended by striking ''4083(a)(3)'' and inserting ''4083(a)(3)(A)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 9262. MODIFICATION OF ULTIMATE VENDOR REFUND CLAIMS WITH RESPECT TO FARMING.

(a) IN GENERAL.—

(1) REFUNDS.—Section 6427(l) is amended by adding at the end the following new paragraph:

''(6) REGISTERED VENDORS PERMITTED TO ADMINISTER CERTAIN CLAIMS FOR REFUND OF DIESEL FUEL AND KEROSENE SOLD TO FARMERS.—

''(A) IN GENERAL.—In the case of diesel fuel or kerosene used on a farm for farming purposes (within the meaning of section 6420(c)), paragraph (1) shall not apply to the aggregate amount of such diesel fuel or kerosene if such amount does not exceed 500 gallons (as determined under subsection (i)(5)(A)(iii)).

''(B) PAYMENT TO ULTIMATE VENDOR.—The amount which would (but for subparagraph (A)) have been paid under paragraph (1) with respect to any fuel shall be paid to the ultimate vendor of such fuel, if such vendor—

''(i) is registered under section 4101, and

''(ii) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).''.

(2) FILING OF CLAIMS.—Section 6427(i) is amended by inserting at the end the following new paragraph:

''(5) SPECIAL RULE FOR VENDOR REFUNDS WITH RESPECT TO FARMERS.—

''(A) IN GENERAL.—A claim may be filed under subsection (l)(6) by any person with respect to fuel sold by such person for any period—

''(i) for which $200 or more ($100 or more in the case of kerosene) is payable under subsection (l)(6),

''(ii) which is not less than 1 week, and

''(iii) which is for not more than 500 gallons for each farmer for which there is a claim.

Notwithstanding subsection (l)(1), paragraph (3)(B) shall apply to claims filed under the preceding sentence.

''(B) TIME FOR FILING CLAIM.—No claim filed under this paragraph shall be allowed unless filed on or before the last day of the first quarter following the earliest quarter included in the claim.''.

(3) CONFORMING AMENDMENTS.—

(A) Section 6427(l)(5)(A) is amended to read as follows:

''(A) IN GENERAL.—Paragraph (1) shall not apply to diesel fuel or kerosene used by a State or local government.''.

(B) The heading for section 6427(l)(5) is amended by striking ''farmers and''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuels sold for nontaxable use after the date of the enactment of this Act.

SEC. 9263. TAXABLE FUEL REFUNDS FOR CERTAIN ULTIMATE VENDORS.

(a) IN GENERAL.—Paragraph (4) of section 6416(a) (relating to abatements, credits, and refunds) is amended to read as follows:

''(4) REGISTERED ULTIMATE VENDOR TO ADMINISTER CREDITS AND REFUNDS OF GASOLINE TAX.—

''(A) IN GENERAL.—For purposes of this subsection, if an ultimate vendor purchases any gasoline on which tax imposed by section 4081 has been paid and sells such gasoline to an ultimate purchaser described in subparagraph (C) or (D) of subsection (b)(2) (and such gasoline is for a use described in such subparagraph), such ultimate vendor shall be treated as the person (and the only person) who paid such tax, but only if such ultimate vendor is registered under section 4101. For purposes of this subparagraph, if the sale of gasoline is made by means of a credit card, the person extending the credit to the ultimate purchaser shall be deemed to be the ultimate vendor.

''(B) TIMING OF CLAIMS.—The procedure and timing of any claim under subparagraph (A) shall be the same as for claims under section 6427(i)(4), except that the rules of section 6427(i)(3)(B) regarding electronic claims shall not apply unless the ultimate vendor has certified to the Secretary for the most recent quarter of the taxable year that all ultimate purchasers of the vendor are certified and entitled to a refund under subparagraph (C) or (D) of subsection (b)(2).''.

(b) CREDIT CARD PURCHASES OF DIESEL FUEL OR KEROSENE BY STATE AND LOCAL GOVERNMENTS.—Section 6427(l)(5)(C) (relating to nontaxable uses of diesel fuel, kerosene, and aviation fuel), as amended by section 9252 of this Act, is amended by adding at the end the following new sentence: ''For purposes of this subparagraph, if the sale of diesel fuel or kerosene is made by means of a credit card, the person extending the credit to the ultimate purchaser shall be deemed to be the ultimate vendor.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2004.

SEC. 9264. TWO-PARTY EXCHANGES.

(a) IN GENERAL.—Subpart C of part III of subchapter A of chapter 32, as amended by section 9251 of this Act, is amended by adding at the end the following new section:

''SEC. 4106. TWO-PARTY EXCHANGES.

''(a) IN GENERAL.—In a two-party exchange, the delivering person shall not be liable for the tax imposed under section 4081(a)(1)(A)(ii).

''(b) TWO-PARTY EXCHANGE.—The term 'two-party exchange' means a transaction, other than a sale, in which taxable fuel is transferred from a delivering person registered under section 4101 as a taxable fuel registrant to a receiving person who is so registered where all of the following occur:

''(1) The transaction includes a transfer from the delivering person, who holds the inventory position for taxable fuel in the terminal as reflected in the records of the terminal operator.

''(2) The exchange transaction occurs before or contemporaneous with completion of removal across the rack from the terminal by the receiving person.

''(3) The terminal operator in its books and records treats the receiving person as the person that removes the product across the terminal rack for purposes of reporting the transaction to the Secretary.

''(4) The transaction is the subject of a written contract.''.

(b) CONFORMING AMENDMENT.—The table of sections for subpart C of part III of subchapter A of chapter 32, as amended by section 9251 of this Act, is amended by adding after the last item the following new item:

''Sec. 4106. Two-party exchanges.''.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 9265. MODIFICATIONS OF TAX ON USE OF CERTAIN VEHICLES.

(a) NO PRORATION OF TAX UNLESS VEHICLE IS DESTROYED OR STOLEN.—

(1) IN GENERAL.—Section 4481(c) (relating to proration of tax) is amended to read as follows:

''(c) PRORATION OF TAX WHERE VEHICLE SOLD, DESTROYED, OR STOLEN.—

''(1) IN GENERAL.—If in any taxable period a highway motor vehicle is sold, destroyed, or stolen before the first day of the last month in such period and not subsequently used during such taxable period, the tax shall be reckoned proportionately from the first day of the month in such period in which the first use of such highway motor vehicle occurs to and including the last day of the month in which such highway motor vehicle was sold, destroyed, or stolen.

''(2) DESTROYED.—For purposes of paragraph (1), a highway motor vehicle is destroyed if such vehicle is damaged by reason of an accident or other casualty to such an extent that it is not economic to rebuild.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 6156 (relating to installment payment of tax on use of highway motor vehicles) is repealed.

(B) The table of sections for subchapter A of chapter 62 is amended by striking the item relating to section 6156.

(b) DISPLAY OF TAX CERTIFICATE.—Paragraph (2) of section 4481(d) (relating to one tax liability for period) is amended to read as follows:

''(2) DISPLAY OF TAX CERTIFICATE.—Every taxpayer which pays the tax imposed under this section with respect to a highway motor vehicle shall, not later than 1 month after the due date of the return of tax with respect to each taxable period, receive and display on such vehicle an electronic identification device prescribed by the Secretary.''.

(c) ELECTRONIC FILING.—Section 4481, as amended by section 9001 of this Act, is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

''(e) ELECTRONIC FILING.—Any taxpayer who files a return under this section with respect to 25 or more vehicles for any taxable period shall file such return electronically.''.

(d) REPEAL OF REDUCTION IN TAX FOR CERTAIN TRUCKS.—Section 4483 of the Internal Revenue Code of 1986 is amended by striking subsection (f).

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable periods beginning after the date of the enactment of this Act.

(2) SUBSECTION (B).—The amendment made by subsection (b) shall take effect on October 1, 2005.

SEC. 9266. DEDICATION OF REVENUES FROM CERTAIN PENALTIES TO THE HIGHWAY TRUST FUND.

(a) IN GENERAL.—Subsection (b) of section 9503 (relating to transfer to Highway Trust Fund of amounts equivalent to certain taxes), as amended by section 9001 of this Act, is amended by redesignating paragraph (5) as paragraph (6) and inserting after paragraph (4) the following new paragraph:

''(5) CERTAIN PENALTIES.—There are hereby appropriated to the Highway Trust Fund amounts equivalent to the penalties assessed under sections 6715, 6715A, 6717, 6718, 6719, 6720, 6725, 7232, and 7272 (but only with regard to penalties under such section related to failure to register under section 4101).''.

(b) CONFORMING AMENDMENTS.—

(1) The heading of subsection (b) of section 9503 is amended by inserting ''and Penalties'' after ''Taxes''.

(2) The heading of paragraph (1) of section 9503(b) is amended by striking ''In general'' and inserting ''Certain taxes''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to penalties assessed after October 1, 2004.

SEC. 9267. NONAPPLICATION OF EXPORT EXEMPTION TO DELIVERY OF FUEL TO MOTOR VEHICLES REMOVED FROM UNITED STATES.

(a) IN GENERAL.—Section 4221(d)(2) (defining export) is amended by adding at the end the following new sentence: ''Such term does not include the delivery of a taxable fuel (as defined in section 4083(a)(1)) into a fuel tank of a motor vehicle which is shipped or driven out of the United States.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 4041(g) (relating to other exemptions) is amended by adding at the end the following new sentence: ''Paragraph (3) shall not apply to the sale for delivery of a liquid into a fuel tank of a motor vehicle which is shipped or driven out of the United States.''.

(2) Clause (iv) of section 4081(a)(1)(A) (relating to tax on removal, entry, or sale) is amended by inserting ''or at a duty-free sales enterprise (as defined in section 555(b)(8) of the Tariff Act of 1930)'' after ''section 4101''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales or deliveries made after the date of the enactment of this Act.

PART VII—TOTAL ACCOUNTABILITY

SEC. 9271. TOTAL ACCOUNTABILITY.

(a) TAXATION OF REPORTABLE LIQUIDS.—

(1) IN GENERAL.—Section 4081(a), as amended by this Act, is amended—

(A) by inserting ''or reportable liquid'' after ''taxable fuel'' each place it appears, and

(B) by inserting ''such liquid'' after ''such fuel'' in paragraph (1)(A)(iv).

(2) RATE OF TAX.—Subparagraph (A) of section 4081(a)(2), as amended by section 9211 of this Act, is amended by striking ''and'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', and'', and by adding at the end the following new clause:

''(v) in the case of reportable liquids, the rate determined under section 4083(c)(2).''.

(3) EXEMPTION.—Section 4081(a)(1) is amended by adding at the end the following new subparagraph:

''(C) EXEMPTION FOR REGISTERED TRANSFERS OF REPORTABLE LIQUIDS.—The tax imposed by this paragraph shall not apply to any removal, entry, or sale of a reportable liquid if—

''(i) such removal, entry, or sale is to a registered person who certifies that such liquid will not be used as a fuel or in the production of a fuel, or

''(ii) the sale is to the ultimate purchaser of such liquid.''.

(4) REPORTABLE LIQUIDS.—Section 4083, as amended by this Act, is amended by redesignating subsections (c) and (d) (as redesignated by section 5211 of this Act) as subsections (d) and (e), respectively, and by inserting after subsection (b) the following new section:

''(c) REPORTABLE LIQUID.—For purposes of this subpart—

''(1) IN GENERAL.—The term 'reportable liquid' means any petroleum-based liquid other than a taxable fuel.

''(2) TAXATION.—

''(A) GASOLINE BLEND STOCKS AND ADDITIVES.—Gasoline blend stocks and additives which are reportable liquids (as defined in paragraph (1)) shall be subject to the rate of tax under clause (i) of section 4081(a)(2)(A).

''(B) OTHER REPORTABLE LIQUIDS.—Any reportable liquid (as defined in paragraph (1)) not described in subparagraph (A) shall be subject to the rate of tax under clause (iii) of section 4081(a)(2)(A).''.

(5) CONFORMING AMENDMENTS.—

(A) Section 4081(e) is amended by inserting ''or reportable liquid'' after ''taxable fuel''.

(B) Section 4083(d) (relating to certain use defined as removal), as redesignated by paragraph (4), is amended by inserting ''or reportable liquid'' after ''taxable fuel''.

(C) Section 4083(e)(1) (relating to administrative authority), as redesignated by paragraph (4), is amended—

(i) in subparagraph (A)—

(I) by inserting ''or reportable liquid'' after ''taxable fuel'', and

(II) by inserting ''or such liquid'' after ''such fuel'' each place it appears, and

(ii) in subparagraph (B), by inserting ''or any reportable liquid'' after ''any taxable fuel''.

(D) Section 4101(a)(2), as added by section 5243 of this Act, is amended by inserting ''or a reportable liquid'' after ''taxable fuel''.

(E) Section 4101(a)(3), as added by section 5242 of this Act and redesignated by section 5243 of this Act, is amended by inserting ''or any reportable liquid'' before the period at the end.

(F) Section 4102 is amended by inserting ''or any reportable liquid'' before the period at the end.

(G)(i) Section 6718, as added by section 5241 of this Act, is amended—

(I) in subsection (a), by inserting ''or any reportable liquid (as defined in section 4083(c)(1))'' after '' section 4083(a)(1))'', and

(II) in the heading, by inserting ''or reportable liquids'' after ''taxable fuel''.

(ii) The item relating to section 6718 in table of sections for part I of subchapter B of chapter 68, as added by section 5241 of this Act, is amended by inserting ''or reportable liquids'' after ''taxable fuels''.

(H) Section 6427(h) is amended to read as follows:

''(h) GASOLINE BLEND STOCKS OR ADDITIVES AND REPORTABLE LIQUIDS.—Except as provided in subsection (k)—

''(1) if any gasoline blend stock or additive (within the meaning of section 4083(a)(2)) is not used by any person to produce gasoline and such person establishes that the ultimate use of such gasoline blend stock or additive is not to produce gasoline, or

''(2) if any reportable liquid (within the meaning of section 4083(c)(1)) is not used by any person to produce a taxable fuel and such person establishes that the ultimate use of such reportable liquid is not to produce a taxable fuel,

then the Secretary shall pay (without interest) to such person an amount equal to the aggregate amount of the tax imposed on such person with respect to such gasoline blend stock or additive or such reportable fuel.''.

(I) Section 7232, as amended by this Act, is amended by inserting ''or reportable liquid (within the meaning of section 4083(c)(1))'' after ''section 4083)''.

(J) Section 343 of the Trade Act of 2002, as amended by section 9252 of this Act, is amended by inserting ''and reportable liquids (as defined in section 4083(c)(1) of such Code)'' after ''Internal Revenue Code of 1986)''.

(b) DYED DIESEL.—Section 4082(a) is amended by striking ''and'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ''and'', and by inserting after paragraph (3) the following new paragraph:

''(4) which is removed, entered, or sold by a person registered under section 4101.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to reportable liquids (as defined in section 4083(c) of the Internal Revenue Code) and fuel sold or used after September 30, 2004.

SEC. 9272. EXCISE TAX REPORTING.

(a) IN GENERAL.—Part II of subchapter A of chapter 61 is amended by adding at the end the following new subpart:

"Subpart E—Excise Tax Reporting

"SEC. 6025. RETURNS RELATING TO FUEL TAXES.

''(a) IN GENERAL.—The Secretary shall require any person liable for the tax imposed under Part III of subchapter A of chapter 32 to file a return of such tax on a monthly basis.

''(b) INFORMATION INCLUDED WITH RETURN.—The Secretary shall require any person filing a return under subsection (a) to provide information regarding any refined product (whether or not such product is taxable under this title) removed from a terminal during the period for which such return applies.''.

(b) CONFORMING AMENDMENT.—The table of parts for subchapter A of chapter 61 is amended by adding at the end the following new item:

''SUBPART E—EXCISE TAX REPORTING''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after September 30, 2004.

SEC. 9273. INFORMATION REPORTING.

(a) IN GENERAL.—Section 4101(d) is amended by adding at the end the following new flush sentence: ''The Secretary shall require reporting under the previous sentence with respect to taxable fuels removed, entered, or transferred from any refinery, pipeline, or vessel which is registered under this section.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply on October 1, 2004.

Subtitle D—Definition of Highway Vehicle

SEC. 9301. EXEMPTION FROM CERTAIN EXCISE TAXES FOR MOBILE MACHINERY.

(a) EXEMPTION FROM TAX ON HEAVY TRUCKS AND TRAILERS SOLD AT RETAIL.—

(1) IN GENERAL.—Section 4053 (relating to exemptions) is amended by adding at the end the following new paragraph:

''(8) MOBILE MACHINERY.—Any vehicle which consists of a chassis—

''(A) to which there has been permanently mounted (by welding, bolting, riveting, or other means) machinery or equipment to perform a construction, manufacturing, processing, farming, mining, drilling, timbering, or similar operation if the operation of the machinery or equipment is unrelated to transportation on or off the public highways,

''(B) which has been specially designed to serve only as a mobile carriage and mount (and a power source, where applicable) for the particular machinery or equipment involved, whether or not such machinery or equipment is in operation, and

''(C) which, by reason of such special design, could not, without substantial structural modification, be used as a component of a vehicle designed to perform a function of transporting any load other than that particular machinery or equipment or similar machinery or equipment requiring such a specially designed chassis.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the day after the date of the enactment of this Act.

(b) EXEMPTION FROM TAX ON USE OF CERTAIN VEHICLES.—

(1) IN GENERAL.—Section 4483 (relating to exemptions) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

''(g) EXEMPTION FOR MOBILE MACHINERY.—No tax shall be imposed by section 4481 on the use of any vehicle described in section 4053(8).''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the day after the date of the enactment of this Act.

(d) EXEMPTION FROM FUEL TAXES.—

(1) IN GENERAL.—Section 6421(e)(2) (defining off-highway business use) is amended by adding at the end the following new subparagraph:

''(C) USES IN MOBILE MACHINERY.—

''(i) IN GENERAL.—The term 'off-highway business use' shall include any use in a vehicle which meets the requirements described in clause (ii).

''(ii) REQUIREMENTS FOR MOBILE MACHINERY.—The requirements described in this clause are—

''(I) the design-based test, and

''(II) the use-based test.

''(iii) DESIGN-BASED TEST.—For purposes of clause (ii)(I), the design-based test is met if the vehicle consists of a chassis—

''(I) to which there has been permanently mounted (by welding, bolting, riveting, or other means) machinery or equipment to perform a construction, manufacturing, processing, farming, mining, drilling, timbering, or similar operation if the operation of the machinery or equipment is unrelated to transportation on or off the public highways,

''(II) which has been specially designed to serve only as a mobile carriage and mount (and a power source, where applicable) for the particular machinery or equipment involved, whether or not such machinery or equipment is in operation, and

''(III) which, by reason of such special design, could not, without substantial structural modification, be used as a component of a vehicle designed to perform a function of transporting any load other than that particular machinery or equipment or similar machinery or equipment requiring such a specially designed chassis.

''(iv) USE-BASED TEST.—For purposes of clause (ii)(II), the use-based test is met if the use of the vehicle on public highways was less than 5,000 miles during the taxpayer's taxable year.

''(v) SPECIAL RULE FOR USE BY CERTAIN TAX-EXEMPT ORGANIZATIONS.—In the case of any use in a vehicle by an organization which is described in section 501(c) and exempt from tax under section 501(a), clause (ii) shall be applied without regard to subclause (II) thereof.''.

(2) ANNUAL REFUND OF TAX PAID.—Section 6427(i)(2) (relating to exceptions) is amended by adding at the end the following new subparagraph:

''(C) NONAPPLICATION OF PARAGRAPH.—This paragraph shall not apply to any fuel used in any off-highway business use described in section 6421(e)(2)(C).''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 9302. MODIFICATION OF DEFINITION OF OFF-HIGHWAY VEHICLE.

(a) IN GENERAL.—Section 7701(a) (relating to definitions) is amended by adding at the end the following new paragraph:

''(48) OFF-HIGHWAY VEHICLES.—

''(A) OFF-HIGHWAY TRANSPORTATION VEHICLES.—

''(i) IN GENERAL.—A vehicle shall not be treated as a highway vehicle if such vehicle is specially designed for the primary function of transporting a particular type of load other than over the public highway and because of this special design such vehicle's capability to transport a load over the public highway is substantially limited or impaired.

''(ii) DETERMINATION OF VEHICLE'S DESIGN.—For purposes of clause (i), a vehicle's design is determined solely on the basis of its physical characteristics.

''(iii) DETERMINATION OF SUBSTANTIAL LIMITATION OR IMPAIRMENT.—For purposes of clause (i), in determining whether substantial limitation or impairment exists, account may be taken of factors such as the size of the vehicle, whether such vehicle is subject to the licensing, safety, and other requirements applicable to highway vehicles, and whether such vehicle can transport a load at a sustained speed of at least 25 miles per hour. It is immaterial that a vehicle can transport a greater load off the public highway than such vehicle is permitted to transport over the public highway.

''(B) NONTRANSPORTATION TRAILERS AND SEMITRAILERS.—A trailer or semitrailer shall not be treated as a highway vehicle if it is specially designed to function only as an enclosed stationary shelter for the carrying on of an off-highway function at an off-highway site.''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall take effect on the date of the enactment of this Act.

(2) FUEL TAXES.—With respect to taxes imposed under subchapter B of chapter 31 and part III of subchapter A of chapter 32, the amendment made by this section shall apply to taxable periods beginning after the date of the enactment of this Act.

Subtitle E—Miscellaneous Provisions

SEC. 9401. DEDICATION OF GAS GUZZLER TAX TO HIGHWAY TRUST FUND.

(a) IN GENERAL.—Section 9503(b)(1) (relating to transfer to Highway Trust Fund of amounts equivalent to certain taxes), as amended by section 9101 of this Act, is amended by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively, and by inserting after subparagraph (B) the following new subparagraph:

''(C) section 4064 (relating to gas guzzler tax),''.

(b) UNIFORM APPLICATION OF TAX.—Subparagraph (A) of section 4064(b)(1) (defining automobile) is amended by striking the second sentence.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 9402. MOTOR FUEL TAX ENFORCEMENT ADVISORY COMMISSION.

(a) ESTABLISHMENT.—There is established a Motor Fuel Tax Enforcement Advisory Commission (in this section referred to as the ''Commission'').

(b) FUNCTION.—The Commission shall—

(1) review motor fuel revenue collections, historical and current;

(2) review the progress of investigations;

(3) develop and review legislative proposals with respect to motor fuel taxes;

(4) monitor the progress of administrative regulation projects relating to motor fuel taxes;

(5) review the results of Federal and State agency cooperative efforts regarding motor fuel taxes;

(6) review the results of Federal interagency cooperative efforts regarding motor fuel taxes; and

(7) evaluate and make recommendations regarding—

(A) the effectiveness of existing Federal enforcement programs regarding motor fuel taxes,

(B) enforcement personnel allocation, and

(C) proposals for regulatory projects, legislation, and funding.

(c) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of the following representatives appointed by the Chairmen and the Ranking Members of the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives:

(A) At least 1 representative from each of the following Federal entities: the Department of Homeland Security, the Department of Transportation—Office of Inspector General, the Federal Highway Administration, the Department of Defense, and the Department of Justice.

(B) At least 1 representative from the Federation of State Tax Administrators.

(C) At least 1 representative from any State department of transportation.

(D) 2 representatives from the highway construction industry.

(E) 5 representatives from industries relating to fuel distribution — refiners (2 representatives), distributors (1 representative), pipelines (1 representative), and terminal operators (2 representatives).

(F) 1 representative from the retail fuel industry.

(G) 2 representatives from the staff of the Committee on Finance of the Senate and 2 representatives from the staff of the Committee on Ways and Means of the House of Representatives.

(2) TERMS.—Members shall be appointed for the life of the Commission.

(3) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(4) TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(5) CHAIRMAN.—The Chairman of the Commission shall be elected by the members.

(d) FUNDING.—Such sums as are necessary shall be available from the Highway Trust fund for the expenses of the Commission.

(e) CONSULTATION.—Upon request of the Commission, representatives of the Department of the Treasury and the Internal Revenue Service shall be available for consultation to assist the Commission in carrying out its duties under this section.

(f) OBTAINING DATA.—The Commission may secure directly from any department or agency of the United States, information (other than information required by any law to be kept confidential by such department or agency) necessary for the Commission to carry out its duties under this section. Upon request of the Commission, the head of that department or agency shall furnish such nonconfidential information to the Commission. The Commission shall also gather evidence through such means as it may deem appropriate, including through holding hearings and soliciting comments by means of Federal Register notices.

(g) TERMINATION.—The Commission shall terminate after September 30, 2009.

SEC. 9403. TREASURY STUDY OF FUEL TAX COMPLIANCE AND INTERAGENCY COOPERATION.

(a) IN GENERAL.—Not later than January 31, 2006, the Secretary of the Treasury shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report regarding fuel tax enforcement which shall include the information and analysis specified in subsections (b) and (c) and any other information and recommendations the Secretary of the Treasury may deem appropriate.

(b) AUDITS.—With respect to audits conducted by the Internal Revenue Service, the report required under subsection (a) shall include—

(1) the number and geographic distribution of audits conducted annually, by fiscal year, between October 1, 2001, and September 30, 2005;

(2) the total volume involved for each of the taxable fuels covered by such audits and a comparison to the annual production of such fuels;

(3) the staff hours and number of personnel devoted to the audits per year; and

(4) the results of such audits by year, including total tax collected, total penalties collected, and number of referrals for criminal prosecution.

(c) ENFORCEMENT ACTIVITIES.—With respect to enforcement activities, the report required under subsection (a) shall include—

(1) the number and geographic distribution of criminal investigations and prosecutions annually, by fiscal year, between October 1, 2001, and September 30, 2005, and the results of such investigations and prosecutions;

(2) to the extent such investigations and prosecutions involved other agencies, State or Federal, a breakdown by agency of the number of joint investigations involved;

(3) an assessment of the effectiveness of joint action and cooperation between the Department of the Treasury and other Federal and State agencies, including a discussion of the ability and need to share information across agencies for both civil and criminal Federal tax enforcement and enforcement of State or Federal laws relating to fuels;

(4) the staff hours and number of personnel devoted to criminal investigations and prosecutions per year;

(5) the staff hours and number of personnel devoted to administrative collection of fuel taxes; and

(6) the results of administrative collection efforts annually, by fiscal year, between October 1, 2001, and September 30, 2005.

SEC. 9404. TREASURY STUDY OF HIGHWAY FUELS USED BY TRUCKS FOR NON-TRANSPORTATION PURPOSES.

(a) STUDY.—The Secretary of the Treasury shall conduct a study regarding the use of highway motor fuel by trucks that is not used for the propulsion of the vehicle. As part of such study—

(1) in the case of vehicles carrying equipment that is unrelated to the transportation function of the vehicle—

(A) the Secretary of the Treasury, in consultation with the Secretary of Transportation, and with public notice and comment, shall determine the average annual amount of tax paid fuel consumed per vehicle, by type of vehicle, used by the propulsion engine to provide the power to operate the equipment attached to the highway vehicle, and

(B) the Secretary of the Treasury shall review the technical and administrative feasibility of exempting such nonpropulsive use of highway fuels for the highway motor fuels excise taxes,

(2) in the case where non-transportation equipment is run by a separate motor—

(A) the Secretary of the Treasury shall determine the annual average amount of fuel exempted from tax in the use of such equipment by equipment type, and

(B) the Secretary of the Treasury shall review issues of administration and compliance related to the present-law exemption provided for such fuel use, and

(3) the Secretary of the Treasury shall—

(A) estimate the amount of taxable fuel consumed by trucks and the emissions of various pollutants due to the long-term idling of diesel engines, and

(B) determine the cost of reducing such long-term idling through the use of plug-ins at truck stops, auxiliary power units, or other technologies.

(b) REPORT.—Not later than January 1, 2006, the Secretary of the Treasury shall report the findings of the study required under subsection (a) to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

SEC. 9405. TREATMENT OF EMPLOYER-PROVIDED TRANSIT AND VAN POOLING BENEFITS.

(a) IN GENERAL.—Subparagraph (A) of section 132(f)(2) (relating to limitation on exclusion) is amended by striking ''$100'' and inserting ''$120''.

(b) INFLATION ADJUSTMENT CONFORMING AMENDMENTS.—The last sentence of section 132(f)(6)(A) (relating to inflation adjustment) is amended—

(1) by striking ''2002'' and inserting ''2005'', and

(2) by striking ''2001'' and inserting ''2004''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 9406. STUDY OF INCENTIVES FOR PRODUCTION OF BIODIESEL.

(a) STUDY.—The General Comptroller of the United States shall conduct a study related to biodiesel fuels and the tax credit for biodiesel fuels established under this Act. Such study shall include—

(1) an assessment on whether such credit provides sufficient assistance to the producers of biodiesel fuel to establish the fuel as a viable energy alternative in the current market place,

(2) an assessment on how long such credit or similar subsidy would have to remain in effect before biodiesel fuel can compete in the market place without such assistance,

(3) a cost-benefit analysis of such credit, comparing the cost of the credit in forgone revenue to the benefits of lower fuel costs for consumers, increased profitability for the biodiesel industry, increased farm income, reduced program outlays from the Department of Agriculture, and the improved environmental conditions through the use of biodiesel fuel, and

(4) an assessment on whether such credit results in any unintended consequences for unrelated industries, including the impact, if any, on the glycerin market.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall report the findings of the study required under subsection (a) to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

Subtitle F—Provisions Designed to Curtail Tax Shelters

SEC. 9501. CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.

(a) IN GENERAL.—Section 7701 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE; ETC.—

''(1) GENERAL RULES.—

''(A) IN GENERAL.—In applying the economic substance doctrine, the determination of whether a transaction has economic substance shall be made as provided in this paragraph.

''(B) DEFINITION OF ECONOMIC SUBSTANCE.—For purposes of subparagraph (A)—

''(i) IN GENERAL.—A transaction has economic substance only if—

''(I) the transaction changes in a meaningful way (apart from Federal tax effects and, if there are any Federal tax effects, also apart from any foreign, State, or local tax effects) the taxpayer's economic position, and

''(II) the taxpayer has a substantial nontax purpose for entering into such transaction and the transaction is a reasonable means of accomplishing such purpose.

''(ii) SPECIAL RULE WHERE TAXPAYER RELIES ON PROFIT POTENTIAL.—A transaction shall not be treated as having economic substance by reason of having a potential for profit unless—

''(I) the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected, and

''(II) the reasonably expected pre-tax profit from the transaction exceeds a risk-free rate of return.

''(C) TREATMENT OF FEES AND FOREIGN TAXES.—Fees and other transaction expenses and foreign taxes shall be taken into account as expenses in determining pre-tax profit under subparagraph (B)(ii).

''(2) SPECIAL RULES FOR TRANSACTIONS WITH TAX-INDIFFERENT PARTIES.—

''(A) SPECIAL RULES FOR FINANCING TRANSACTIONS.—The form of a transaction which is in substance the borrowing of money or the acquisition of financial capital directly or indirectly from a tax-indifferent party shall not be respected if the present value of the deductions to be claimed with respect to the transaction is substantially in excess of the present value of the anticipated economic returns of the person lending the money or providing the financial capital. A public offering shall be treated as a borrowing, or an acquisition of financial capital, from a tax-indifferent party if it is reasonably expected that at least 50 percent of the offering will be placed with tax-indifferent parties.

''(B) ARTIFICIAL INCOME SHIFTING AND BASIS ADJUSTMENTS.—The form of a transaction with a tax-indifferent party shall not be respected if—

''(i) it results in an allocation of income or gain to the tax-indifferent party in excess of such party's economic income or gain, or

''(ii) it results in a basis adjustment or shifting of basis on account of overstating the income or gain of the tax-indifferent party.

''(3) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

''(A) ECONOMIC SUBSTANCE DOCTRINE.—The term 'economic substance doctrine' means the common law doctrine under which tax benefits under subtitle A with respect to a transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

''(B) TAX-INDIFFERENT PARTY.—The term 'tax-indifferent party' means any person or entity not subject to tax imposed by subtitle A. A person shall be treated as a tax-indifferent party with respect to a transaction if the items taken into account with respect to the transaction have no substantial impact on such person's liability under subtitle A.

''(C) SUBSTANTIAL NONTAX PURPOSE.—In applying subclause (II) of paragraph (1)(B)(i), a purpose of achieving a financial accounting benefit shall not be taken into account in determining whether a transaction has a substantial nontax purpose if the origin of such financial accounting benefit is a reduction of income tax.

''(D) EXCEPTION FOR PERSONAL TRANSACTIONS OF INDIVIDUALS.—In the case of an individual, this subsection shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

''(E) TREATMENT OF LESSORS.—In applying subclause (I) of paragraph (1)(B)(ii) to the lessor of tangible property subject to a lease, the expected net tax benefits shall not include the benefits of depreciation, or any tax credit, with respect to the leased property and subclause (II) of paragraph (1)(B)(ii) shall be disregarded in determining whether any of such benefits are allowable.

''(4) OTHER COMMON LAW DOCTRINES NOT AFFECTED.—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law, and the requirements of this subsection shall be construed as being in addition to any such other rule of law.

''(5) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection. Such regulations may include exemptions from the application of this subsection.''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after February 13, 2003.

SEC. 9502. PENALTY FOR FAILING TO DISCLOSE REPORTABLE TRANSACTION.

(a) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6707 the following new section:

''SEC. 6707A. PENALTY FOR FAILURE TO INCLUDE REPORTABLE TRANSACTION INFORMATION WITH RETURN OR STATEMENT.

''(a) IMPOSITION OF PENALTY.—Any person who fails to include on any return or statement any information with respect to a reportable transaction which is required under section 6011 to be included with such return or statement shall pay a penalty in the amount determined under subsection (b).

''(b) AMOUNT OF PENALTY.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amount of the penalty under subsection (a) shall be $50,000.

''(2) LISTED TRANSACTION.—The amount of the penalty under subsection (a) with respect to a listed transaction shall be $100,000.

''(3) INCREASE IN PENALTY FOR LARGE ENTITIES AND HIGH NET WORTH INDIVIDUALS.—

''(A) IN GENERAL.—In the case of a failure under subsection (a) by—

''(i) a large entity, or

''(ii) a high net worth individual,

the penalty under paragraph (1) or (2) shall be twice the amount determined without regard to this paragraph.

''(B) LARGE ENTITY.—For purposes of subparagraph (A), the term 'large entity' means, with respect to any taxable year, a person (other than a natural person) with gross receipts in excess of $10,000,000 for the taxable year in which the reportable transaction occurs or the preceding taxable year. Rules similar to the rules of paragraph (2) and subparagraphs (B), (C), and (D) of paragraph (3) of section 448(c) shall apply for purposes of this subparagraph.

''(C) HIGH NET WORTH INDIVIDUAL.—For purposes of subparagraph (A), the term 'high net worth individual' means, with respect to a reportable transaction, a natural person whose net worth exceeds $2,000,000 immediately before the transaction.

''(c) DEFINITIONS.—For purposes of this section—

''(1) REPORTABLE TRANSACTION.—The term 'reportable transaction' means any transaction with respect to which information is required to be included with a return or statement because, as determined under regulations prescribed under section 6011, such transaction is of a type which the Secretary determines as having a potential for tax avoidance or evasion.

''(2) LISTED TRANSACTION.—Except as provided in regulations, the term 'listed transaction' means a reportable transaction which is the same as, or substantially similar to, a transaction specifically identified by the Secretary as a tax avoidance transaction for purposes of section 6011.

''(d) AUTHORITY TO RESCIND PENALTY.—

''(1) IN GENERAL.—The Commissioner of Internal Revenue may rescind all or any portion of any penalty imposed by this section with respect to any violation if—

''(A) the violation is with respect to a reportable transaction other than a listed transaction,

''(B) the person on whom the penalty is imposed has a history of complying with the requirements of this title,

''(C) it is shown that the violation is due to an unintentional mistake of fact;

''(D) imposing the penalty would be against equity and good conscience, and

''(E) rescinding the penalty would promote compliance with the requirements of this title and effective tax administration.

''(2) DISCRETION.—The exercise of authority under paragraph (1) shall be at the sole discretion of the Commissioner and may be delegated only to the head of the Office of Tax Shelter Analysis. The Commissioner, in the Commissioner's sole discretion, may establish a procedure to determine if a penalty should be referred to the Commissioner or the head of such Office for a determination under paragraph (1).

''(3) NO APPEAL.—Notwithstanding any other provision of law, any determination under this subsection may not be reviewed in any administrative or judicial proceeding.

''(4) RECORDS.—If a penalty is rescinded under paragraph (1), the Commissioner shall place in the file in the Office of the Commissioner the opinion of the Commissioner or the head of the Office of Tax Shelter Analysis with respect to the determination, including—

''(A) the facts and circumstances of the transaction,

''(B) the reasons for the rescission, and

''(C) the amount of the penalty rescinded.

''(5) REPORT.—The Commissioner shall each year report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate—

''(A) a summary of the total number and aggregate amount of penalties imposed, and rescinded, under this section, and

''(B) a description of each penalty rescinded under this subsection and the reasons therefor.

''(e) PENALTY REPORTED TO SEC.—In the case of a person—

''(1) which is required to file periodic reports under section 13 or 15(d) of the Securities Exchange Act of 1934 or is required to be consolidated with another person for purposes of such reports, and

''(2) which—

''(A) is required to pay a penalty under this section with respect to a listed transaction,

''(B) is required to pay a penalty under section 6662A with respect to any reportable transaction at a rate prescribed under section 6662A(c), or

''(C) is required to pay a penalty under section 6662B with respect to any noneconomic substance transaction,

the requirement to pay such penalty shall be disclosed in such reports filed by such person for such periods as the Secretary shall specify. Failure to make a disclosure in accordance with the preceding sentence shall be treated as a failure to which the penalty under subsection (b)(2) applies.

''(f) COORDINATION WITH OTHER PENALTIES.—The penalty imposed by this section is in addition to any penalty imposed under this title.''.

(b) CONFORMING AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by inserting after the item relating to section 6707 the following:

''Sec. 6707A. Penalty for failure to include reportable transaction information with return or statement.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns and statements the due date for which is after the date of the enactment of this Act.

SEC. 9503. ACCURACY-RELATED PENALTY FOR LISTED TRANSACTIONS AND OTHER REPORTABLE TRANSACTIONS HAVING A SIGNIFICANT TAX AVOIDANCE PURPOSE.

(a) IN GENERAL.—Subchapter A of chapter 68 is amended by inserting after section 6662 the following new section:

"SEC. 6662A. IMPOSITION OF ACCURACY-RELATED PENALTY ON UNDERSTATEMENTS WITH RESPECT TO REPORTABLE TRANSACTIONS.

''(a) IMPOSITION OF PENALTY.—If a taxpayer has a reportable transaction understatement for any taxable year, there shall be added to the tax an amount equal to 20 percent of the amount of such understatement.

''(b) REPORTABLE TRANSACTION UNDERSTATEMENT.—For purposes of this section—

''(1) IN GENERAL.—The term 'reportable transaction understatement' means the sum of—

''(A) the product of—

''(i) the amount of the increase (if any) in taxable income which results from a difference between the proper tax treatment of an item to which this section applies and the taxpayer's treatment of such item (as shown on the taxpayer's return of tax), and

''(ii) the highest rate of tax imposed by section 1 (section 11 in the case of a taxpayer which is a corporation), and

''(B) the amount of the decrease (if any) in the aggregate amount of credits determined under subtitle A which results from a difference between the taxpayer's treatment of an item to which this section applies (as shown on the taxpayer's return of tax) and the proper tax treatment of such item.

For purposes of subparagraph (A), any reduction of the excess of deductions allowed for the taxable year over gross income for such year, and any reduction in the amount of capital losses which would (without regard to section 1211) be allowed for such year, shall be treated as an increase in taxable income.

''(2) ITEMS TO WHICH SECTION APPLIES.—This section shall apply to any item which is attributable to—

''(A) any listed transaction, and

''(B) any reportable transaction (other than a listed transaction) if a significant purpose of such transaction is the avoidance or evasion of Federal income tax.

''(c) HIGHER PENALTY FOR NONDISCLOSED LISTED AND OTHER AVOIDANCE TRANSACTIONS.—

''(1) IN GENERAL.—Subsection (a) shall be applied by substituting '30 percent' for '20 percent' with respect to the portion of any reportable transaction understatement with respect to which the requirement of section 6664(d)(2)(A) is not met.

''(2) RULES APPLICABLE TO COMPROMISE OF PENALTY.—

''(A) IN GENERAL.—If the 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals has been sent with respect to a penalty to which paragraph (1) applies, only the Commissioner of Internal Revenue may compromise all or any portion of such penalty.

''(B) APPLICABLE RULES.—The rules of paragraphs (3), (4), and (5) of section 6707A(d) shall apply for purposes of subparagraph (A).

''(d) DEFINITIONS OF REPORTABLE AND LISTED TRANSACTIONS.—For purposes of this section, the terms 'reportable transaction' and 'listed transaction' have the respective meanings given to such terms by section 6707A(c).

''(e) SPECIAL RULES.—

''(1) COORDINATION WITH PENALTIES, ETC., ON OTHER UNDERSTATEMENTS.—In the case of an understatement (as defined in section 6662(d)(2))—

''(A) the amount of such understatement (determined without regard to this paragraph) shall be increased by the aggregate amount of reportable transaction understatements and noneconomic substance transaction understatements for purposes of determining whether such understatement is a substantial understatement under section 6662(d)(1), and

''(B) the addition to tax under section 6662(a) shall apply only to the excess of the amount of the substantial understatement (if any) after the application of subparagraph (A) over the aggregate amount of reportable transaction understatements and noneconomic substance transaction understatements.

''(2) COORDINATION WITH OTHER PENALTIES.—

''(A) APPLICATION OF FRAUD PENALTY.—References to an underpayment in section 6663 shall be treated as including references to a reportable transaction understatement and a noneconomic substance transaction understatement.

''(B) NO DOUBLE PENALTY.—This section shall not apply to any portion of an understatement on which a penalty is imposed under section 6662B or 6663.

''(3) SPECIAL RULE FOR AMENDED RETURNS.—Except as provided in regulations, in no event shall any tax treatment included with an amendment or supplement to a return of tax be taken into account in determining the amount of any reportable transaction understatement or noneconomic substance transaction understatement if the amendment or supplement is filed after the earlier of the date the taxpayer is first contacted by the Secretary regarding the examination of the return or such other date as is specified by the Secretary.

''(4) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this subsection, the term 'noneconomic substance transaction understatement' has the meaning given such term by section 6662B(c).

''(5) CROSS REFERENCE.—For reporting of section 6662A(c) penalty to the Securities and Exchange Commission, see section 6707A(e).''

(b) DETERMINATION OF OTHER UNDERSTATEMENTS.—Subparagraph (A) of section 6662(d)(2) is amended by adding at the end the following flush sentence: ''The excess under the preceding sentence shall be determined without regard to items to which section 6662A applies and without regard to items with respect to which a penalty is imposed by section 6662B.''

(c) REASONABLE CAUSE EXCEPTION.—

(1) IN GENERAL.—Section 6664 is amended by adding at the end the following new subsection:

''(d) REASONABLE CAUSE EXCEPTION FOR REPORTABLE TRANSACTION UNDERSTATEMENTS.—

''(1) IN GENERAL.—No penalty shall be imposed under section 6662A with respect to any portion of a reportable transaction understatement if it is shown that there was a reasonable cause for such portion and that the taxpayer acted in good faith with respect to such portion.

''(2) SPECIAL RULES.—Paragraph (1) shall not apply to any reportable transaction understatement unless—

''(A) the relevant facts affecting the tax treatment of the item are adequately disclosed in accordance with the regulations prescribed under section 6011,

''(B) there is or was substantial authority for such treatment, and

''(C) the taxpayer reasonably believed that such treatment was more likely than not the proper treatment.

A taxpayer failing to adequately disclose in accordance with section 6011 shall be treated as meeting the requirements of subparagraph (A) if the penalty for such failure was rescinded under section 6707A(d).

''(3) RULES RELATING TO REASONABLE BELIEF.—For purposes of paragraph (2)(C)—

''(A) IN GENERAL.—A taxpayer shall be treated as having a reasonable belief with respect to the tax treatment of an item only if such belief—

''(i) is based on the facts and law that exist at the time the return of tax which includes such tax treatment is filed, and

''(ii) relates solely to the taxpayer's chances of success on the merits of such treatment and does not take into account the possibility that a return will not be audited, such treatment will not be raised on audit, or such treatment will be resolved through settlement if it is raised.

''(B) CERTAIN OPINIONS MAY NOT BE RELIED UPON.—

''(i) IN GENERAL.—An opinion of a tax advisor may not be relied upon to establish the reasonable belief of a taxpayer if—

''(I) the tax advisor is described in clause (ii), or

''(II) the opinion is described in clause (iii).

''(ii) DISQUALIFIED TAX ADVISORS.—A tax advisor is described in this clause if the tax advisor—

''(I) is a material advisor (within the meaning of section 6111(b)(1)) who participates in the organization, management, promotion, or sale of the transaction or who is related (within the meaning of section 267(b) or 707(b)(1)) to any person who so participates,

''(II) is compensated directly or indirectly by a material advisor with respect to the transaction,

''(III) has a fee arrangement with respect to the transaction which is contingent on all or part of the intended tax benefits from the transaction being sustained, or

''(IV) as determined under regulations prescribed by the Secretary, has a continuing financial interest with respect to the transaction.

''(iii) DISQUALIFIED OPINIONS.—For purposes of clause (i), an opinion is disqualified if the opinion—

''(I) is based on unreasonable factual or legal assumptions (including assumptions as to future events),

''(II) unreasonably relies on representations, statements, findings, or agreements of the taxpayer or any other person,

''(III) does not identify and consider all relevant facts, or

''(IV) fails to meet any other requirement as the Secretary may prescribe.''

(2) CONFORMING AMENDMENT.—The heading for subsection (c) of section 6664 is amended by inserting ''for Underpayments'' after ''Exception''.

(d) CONFORMING AMENDMENTS.—

(1) Subparagraph (C) of section 461(i)(3) is amended by striking ''section 6662(d)(2)(C)(iii)'' and inserting ''section 1274(b)(3)(C)''.

(2) Paragraph (3) of section 1274(b) is amended—

(A) by striking ''(as defined in section 6662(d)(2)(C)(iii))'' in subparagraph (B)(i), and

(B) by adding at the end the following new subparagraph:

''(C) TAX SHELTER.—For purposes of subparagraph (B), the term 'tax shelter' means—

''(i) a partnership or other entity,

''(ii) any investment plan or arrangement, or

''(iii) any other plan or arrangement,

if a significant purpose of such partnership, entity, plan, or arrangement is the avoidance or evasion of Federal income tax.''

(3) Section 6662(d)(2) is amended by striking subparagraphs (C) and (D).

(4) Section 6664(c)(1) is amended by striking ''this part'' and inserting ''section 6662 or 6663''.

(5) Subsection (b) of section 7525 is amended by striking ''section 6662(d)(2)(C)(iii)'' and inserting ''section 1274(b)(3)(C)''.

(6)(A) The heading for section 6662 is amended to read as follows:

"SEC. 6662. IMPOSITION OF ACCURACY-RELATED PENALTY ON UNDERPAYMENTS. "

(B) The table of sections for part II of subchapter A of chapter 68 is amended by striking the item relating to section 6662 and inserting the following new items:

''Sec. 6662. Imposition of accuracy-related penalty on underpayments.

''Sec. 6662A. Imposition of accuracy-related penalty on understatements with respect to reportable transactions.''

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 9504. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

(a) IN GENERAL.—Subchapter A of chapter 68 is amended by inserting after section 6662A the following new section:

"SEC. 6662B. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

''(a) IMPOSITION OF PENALTY.—If a taxpayer has an noneconomic substance transaction understatement for any taxable year, there shall be added to the tax an amount equal to 40 percent of the amount of such understatement.

''(b) REDUCTION OF PENALTY FOR DISCLOSED TRANSACTIONS.—Subsection (a) shall be applied by substituting '20 percent' for '40 percent' with respect to the portion of any noneconomic substance transaction understatement with respect to which the relevant facts affecting the tax treatment of the item are adequately disclosed in the return or a statement attached to the return.

''(c) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this section—

''(1) IN GENERAL.—The term 'noneconomic substance transaction understatement' means any amount which would be an understatement under section 6662A(b)(1) if section 6662A were applied by taking into account items attributable to noneconomic substance transactions rather than items to which section 6662A would apply without regard to this paragraph.

''(2) NONECONOMIC SUBSTANCE TRANSACTION.—The term 'noneconomic substance transaction' means any transaction if—

''(A) there is a lack of economic substance (within the meaning of section 7701(m)(1)) for the transaction giving rise to the claimed tax benefit or the transaction was not respected under section 7701(m)(2), or

''(B) the transaction fails to meet the requirements of any similar rule of law.

''(d) RULES APPLICABLE TO COMPROMISE OF PENALTY.—

''(1) IN GENERAL.—If the 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals has been sent with respect to a penalty to which this section applies, only the Commissioner of Internal Revenue may compromise all or any portion of such penalty.

''(2) APPLICABLE RULES.—The rules of paragraphs (3), (4), and (5) of section 6707A(d) shall apply for purposes of paragraph (1).

''(e) COORDINATION WITH OTHER PENALTIES.—Except as otherwise provided in this part, the penalty imposed by this section shall be in addition to any other penalty imposed by this title.

''(f) CROSS REFERENCES.—

''(1) For coordination of penalty with understatements under section 6662 and other special rules, see section 6662A(e).

''(2) For reporting of penalty imposed under this section to the Securities and Exchange Commission, see section 6707A(e).''

(b) CLERICAL AMENDMENT.—The table of sections for part II of subchapter A of chapter 68 is amended by inserting after the item relating to section 6662A the following new item:

''Sec. 6662B. Penalty for understatements attributable to transactions lacking economic substance, etc.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after February 13, 2003.

SEC. 9505. MODIFICATIONS OF SUBSTANTIAL UNDERSTATEMENT PENALTY FOR NONREPORTABLE TRANSACTIONS.

(a) SUBSTANTIAL UNDERSTATEMENT OF CORPORATIONS.—Section 6662(d)(1)(B) (relating to special rule for corporations) is amended to read as follows:

''(B) SPECIAL RULE FOR CORPORATIONS.—In the case of a corporation other than an S corporation or a personal holding company (as defined in section 542), there is a substantial understatement of income tax for any taxable year if the amount of the understatement for the taxable year exceeds the lesser of—

''(i) 10 percent of the tax required to be shown on the return for the taxable year (or, if greater, $10,000), or

''(ii) $10,000,000.''

(b) REDUCTION FOR UNDERSTATEMENT OF TAXPAYER DUE TO POSITION OF TAXPAYER OR DISCLOSED ITEM.—

(1) IN GENERAL.—Section 6662(d)(2)(B)(i) (relating to substantial authority) is amended to read as follows:

''(i) the tax treatment of any item by the taxpayer if the taxpayer had reasonable belief that the tax treatment was more likely than not the proper treatment, or''.

(2) CONFORMING AMENDMENT.—Section 6662(d) is amended by adding at the end the following new paragraph:

''(3) SECRETARIAL LIST.—For purposes of this subsection, section 6664(d)(2), and section 6694(a)(1), the Secretary may prescribe a list of positions for which the Secretary believes there is not substantial authority or there is no reasonable belief that the tax treatment is more likely than not the proper tax treatment. Such list (and any revisions thereof) shall be published in the Federal Register or the Internal Revenue Bulletin.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 9506. TAX SHELTER EXCEPTION TO CONFIDENTIALITY PRIVILEGES RELATING TO TAXPAYER COMMUNICATIONS.

(a) IN GENERAL.—Section 7525(b) (relating to section not to apply to communications regarding corporate tax shelters) is amended to read as follows:

''(b) SECTION NOT TO APPLY TO COMMUNICATIONS REGARDING TAX SHELTERS.—The privilege under subsection (a) shall not apply to any written communication which is—

''(1) between a federally authorized tax practitioner and—

''(A) any person,

''(B) any director, officer, employee, agent, or representative of the person, or

''(C) any other person holding a capital or profits interest in the person, and

''(2) in connection with the promotion of the direct or indirect participation of the person in any tax shelter (as defined in section 1274(b)(3)(C)).''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to communications made on or after the date of the enactment of this Act.

SEC. 9507. DISCLOSURE OF REPORTABLE TRANSACTIONS.

(a) IN GENERAL.—Section 6111 (relating to registration of tax shelters) is amended to read as follows:

"SEC. 6111. DISCLOSURE OF REPORTABLE TRANSACTIONS.

''(a) IN GENERAL.—Each material advisor with respect to any reportable transaction shall make a return (in such form as the Secretary may prescribe) setting forth—

''(1) information identifying and describing the transaction,

''(2) information describing any potential tax benefits expected to result from the transaction, and

''(3) such other information as the Secretary may prescribe.

Such return shall be filed not later than the date specified by the Secretary.

''(b) DEFINITIONS.—For purposes of this section—

''(1) MATERIAL ADVISOR.—

''(A) IN GENERAL.—The term 'material advisor' means any person—

''(i) who provides any material aid, assistance, or advice with respect to organizing, promoting, selling, implementing, or carrying out any reportable transaction, and

''(ii) who directly or indirectly derives gross income in excess of the threshold amount for such aid, assistance, or advice.

''(B) THRESHOLD AMOUNT.—For purposes of subparagraph (A), the threshold amount is—

''(i) $50,000 in the case of a reportable transaction substantially all of the tax benefits from which are provided to natural persons, and

''(ii) $250,000 in any other case.

''(2) REPORTABLE TRANSACTION.—The term 'reportable transaction' has the meaning given to such term by section 6707A(c).

''(c) REGULATIONS.—The Secretary may prescribe regulations which provide—

''(1) that only 1 person shall be required to meet the requirements of subsection (a) in cases in which 2 or more persons would otherwise be required to meet such requirements,

''(2) exemptions from the requirements of this section, and

''(3) such rules as may be necessary or appropriate to carry out the purposes of this section.''

(b) CONFORMING AMENDMENTS.—

(1) The item relating to section 6111 in the table of sections for subchapter B of chapter 61 is amended to read as follows:

''Sec. 6111. Disclosure of reportable transactions.''

(2)(A) So much of section 6112 as precedes subsection (c) thereof is amended to read as follows:

"SEC. 6112. MATERIAL ADVISORS OF REPORTABLE TRANSACTIONS MUST KEEP LISTS OF ADVISEES.

''(a) IN GENERAL.—Each material advisor (as defined in section 6111) with respect to any reportable transaction (as defined in section 6707A(c)) shall maintain, in such manner as the Secretary may by regulations prescribe, a list—

''(1) identifying each person with respect to whom such advisor acted as such a material advisor with respect to such transaction, and

''(2) containing such other information as the Secretary may by regulations require.

This section shall apply without regard to whether a material advisor is required to file a return under section 6111 with respect to such transaction.''

(B) Section 6112 is amended by redesignating subsection (c) as subsection (b).

(C) Section 6112(b), as redesignated by subparagraph (B), is amended—

(i) by inserting ''written'' before ''request'' in paragraph (1)(A), and

(ii) by striking ''shall prescribe'' in paragraph (2) and inserting ''may prescribe''.

(D) The item relating to section 6112 in the table of sections for subchapter B of chapter 61 is amended to read as follows:

''Sec. 6112. Material advisors of reportable transactions must keep lists of advisees.''

(3)(A) The heading for section 6708 is amended to read as follows:

"SEC. 6708. FAILURE TO MAINTAIN LISTS OF ADVISEES WITH RESPECT TO REPORTABLE TRANSACTIONS. "

(B) The item relating to section 6708 in the table of sections for part I of subchapter B of chapter 68 is amended to read as follows:

''Sec. 6708. Failure to maintain lists of advisees with respect to reportable transactions.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions with respect to which material aid, assistance, or advice referred to in section 6111(b)(1)(A)(i) of the Internal Revenue Code of 1986 (as added by this section) is provided after the date of the enactment of this Act.

SEC. 9508. MODIFICATIONS TO PENALTY FOR FAILURE TO REGISTER TAX SHELTERS.

(a) IN GENERAL.—Section 6707 (relating to failure to furnish information regarding tax shelters) is amended to read as follows:

"SEC. 6707. FAILURE TO FURNISH INFORMATION REGARDING REPORTABLE TRANSACTIONS.

''(a) IN GENERAL.—If a person who is required to file a return under section 6111(a) with respect to any reportable transaction—

''(1) fails to file such return on or before the date prescribed therefor, or

''(2) files false or incomplete information with the Secretary with respect to such transaction,

such person shall pay a penalty with respect to such return in the amount determined under subsection (b).

''(b) AMOUNT OF PENALTY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the penalty imposed under subsection (a) with respect to any failure shall be $50,000.

''(2) LISTED TRANSACTIONS.—The penalty imposed under subsection (a) with respect to any listed transaction shall be an amount equal to the greater of—

''(A) $200,000, or

''(B) 50 percent of the gross income derived by such person with respect to aid, assistance, or advice which is provided with respect to the reportable transaction before the date the return including the transaction is filed under section 6111.

Subparagraph (B) shall be applied by substituting '75 percent' for '50 percent' in the case of an intentional failure or act described in subsection (a).

''(c) RESCISSION AUTHORITY.—The provisions of section 6707A(d) (relating to authority of Commissioner to rescind penalty) shall apply to any penalty imposed under this section.

''(d) REPORTABLE AND LISTED TRANSACTIONS.—The terms 'reportable transaction' and 'listed transaction' have the respective meanings given to such terms by section 6707A(c).''.

(b) CLERICAL AMENDMENT.—The item relating to section 6707 in the table of sections for part I of subchapter B of chapter 68 is amended by striking ''tax shelters'' and inserting ''reportable transactions''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns the due date for which is after the date of the enactment of this Act.

SEC. 9509. MODIFICATION OF PENALTY FOR FAILURE TO MAINTAIN LISTS OF INVESTORS.

(a) IN GENERAL.—Subsection (a) of section 6708 is amended to read as follows:

''(a) IMPOSITION OF PENALTY.—

''(1) IN GENERAL.—If any person who is required to maintain a list under section 6112(a) fails to make such list available upon written request to the Secretary in accordance with section 6112(b)(1)(A) within 20 business days after the date of the Secretary's request, such person shall pay a penalty of $10,000 for each day of such failure after such 20th day.

''(2) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed by paragraph (1) with respect to the failure on any day if such failure is due to reasonable cause.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to requests made after the date of the enactment of this Act.

SEC. 9510. MODIFICATION OF ACTIONS TO ENJOIN CERTAIN CONDUCT RELATED TO TAX SHELTERS AND REPORTABLE TRANSACTIONS.

(a) IN GENERAL.—Section 7408 (relating to action to enjoin promoters of abusive tax shelters, etc.) is amended by redesignating subsection (c) as subsection (d) and by striking subsections (a) and (b) and inserting the following new subsections:

''(a) AUTHORITY TO SEEK INJUNCTION.—A civil action in the name of the United States to enjoin any person from further engaging in specified conduct may be commenced at the request of the Secretary. Any action under this section shall be brought in the district court of the United States for the district in which such person resides, has his principal place of business, or has engaged in specified conduct. The court may exercise its jurisdiction over such action (as provided in section 7402(a)) separate and apart from any other action brought by the United States against such person.

''(b) ADJUDICATION AND DECREE.—In any action under subsection (a), if the court finds—

''(1) that the person has engaged in any specified conduct, and

''(2) that injunctive relief is appropriate to prevent recurrence of such conduct,

the court may enjoin such person from engaging in such conduct or in any other activity subject to penalty under this title.

''(c) SPECIFIED CONDUCT.—For purposes of this section, the term 'specified conduct' means any action, or failure to take action, subject to penalty under section 6700, 6701, 6707, or 6708.''

(b) CONFORMING AMENDMENTS.—

(1) The heading for section 7408 is amended to read as follows:

"SEC. 7408. ACTIONS TO ENJOIN SPECIFIED CONDUCT RELATED TO TAX SHELTERS AND REPORTABLE TRANSACTIONS. "

(2) The table of sections for subchapter A of chapter 67 is amended by striking the item relating to section 7408 and inserting the following new item:

''Sec. 7408. Actions to enjoin specified conduct related to tax shelters and reportable transactions.''

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on the day after the date of the enactment of this Act.

SEC. 9511. UNDERSTATEMENT OF TAXPAYER'S LIABILITY BY INCOME TAX RETURN PREPARER.

(a) STANDARDS CONFORMED TO TAXPAYER STANDARDS.—Section 6694(a) (relating to understatements due to unrealistic positions) is amended—

(1) by striking ''realistic possibility of being sustained on its merits'' in paragraph (1) and inserting ''reasonable belief that the tax treatment in such position was more likely than not the proper treatment'',

(2) by striking ''or was frivolous'' in paragraph (3) and inserting ''or there was no reasonable basis for the tax treatment of such position'', and

(3) by striking ''Unrealistic'' in the heading and inserting ''Improper''.

(b) AMOUNT OF PENALTY.—Section 6694 is amended—

(1) by striking ''$250'' in subsection (a) and inserting ''$1,000'', and

(2) by striking ''$1,000'' in subsection (b) and inserting ''$5,000''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to documents prepared after the date of the enactment of this Act.

SEC. 9512. PENALTY ON FAILURE TO REPORT INTERESTS IN FOREIGN FINANCIAL ACCOUNTS.

(a) IN GENERAL.—Section 5321(a)(5) of title 31, United States Code, is amended to read as follows:

''(5) FOREIGN FINANCIAL AGENCY TRANSACTION VIOLATION.—

''(A) PENALTY AUTHORIZED.—The Secretary of the Treasury may impose a civil money penalty on any person who violates, or causes any violation of, any provision of section 5314.

''(B) AMOUNT OF PENALTY.—

''(i) IN GENERAL.—Except as provided in subparagraph (C), the amount of any civil penalty imposed under subparagraph (A) shall not exceed $5,000.

''(ii) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under subparagraph (A) with respect to any violation if—

''(I) such violation was due to reasonable cause, and

''(II) the amount of the transaction or the balance in the account at the time of the transaction was properly reported.

''(C) WILLFUL VIOLATIONS.—In the case of any person willfully violating, or willfully causing any violation of, any provision of section 5314—

''(i) the maximum penalty under subparagraph (B)(i) shall be increased to the greater of—

''(I) $25,000, or

''(II) the amount (not exceeding $100,000) determined under subparagraph (D), and

''(ii) subparagraph (B)(ii) shall not apply.

''(D) AMOUNT.—The amount determined under this subparagraph is—

''(i) in the case of a violation involving a transaction, the amount of the transaction, or

''(ii) in the case of a violation involving a failure to report the existence of an account or any identifying information required to be provided with respect to an account, the balance in the account at the time of the violation.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to violations occurring after the date of the enactment of this Act.

SEC. 9513. FRIVOLOUS TAX SUBMISSIONS.

(a) CIVIL PENALTIES.—Section 6702 is amended to read as follows:

"SEC. 6702. FRIVOLOUS TAX SUBMISSIONS.

''(a) CIVIL PENALTY FOR FRIVOLOUS TAX RETURNS.—A person shall pay a penalty of $5,000 if—

''(1) such person files what purports to be a return of a tax imposed by this title but which—

''(A) does not contain information on which the substantial correctness of the self-assessment may be judged, or

''(B) contains information that on its face indicates that the self-assessment is substantially incorrect; and

''(2) the conduct referred to in paragraph (1)—

''(A) is based on a position which the Secretary has identified as frivolous under subsection (c), or

''(B) reflects a desire to delay or impede the administration of Federal tax laws.

''(b) CIVIL PENALTY FOR SPECIFIED FRIVOLOUS SUBMISSIONS.—

''(1) IMPOSITION OF PENALTY.—Except as provided in paragraph (3), any person who

submits a specified frivolous submission shall pay a penalty of $5,000.

''(2) SPECIFIED FRIVOLOUS SUBMISSION.—For purposes of this section—

''(A) SPECIFIED FRIVOLOUS SUBMISSION.—The term 'specified frivolous submission' means a specified submission if any portion of such submission—

''(i) is based on a position which the Secretary has identified as frivolous under subsection (c), or

''(ii) reflects a desire to delay or impede the administration of Federal tax laws.

''(B) SPECIFIED SUBMISSION.—The term 'specified submission' means—

''(i) a request for a hearing under—

''(I) section 6320 (relating to notice and opportunity for hearing upon filing of notice of lien), or

''(II) section 6330 (relating to notice and opportunity for hearing before levy), and

''(ii) an application under—

''(I) section 6159 (relating to agreements for payment of tax liability in installments),

''(II) section 7122 (relating to compromises), or

''(III) section 7811 (relating to taxpayer assistance orders).

''(3) OPPORTUNITY TO WITHDRAW SUBMISSION.—If the Secretary provides a person with notice that a submission is a specified frivolous submission and such person withdraws such submission within 30 days after such notice, the penalty imposed under paragraph (1) shall not apply with respect to such submission.

''(c) LISTING OF FRIVOLOUS POSITIONS.—The Secretary shall prescribe (and periodically revise) a list of positions which the Secretary has identified as being frivolous for purposes of this subsection. The Secretary shall not include in such list any position that the Secretary determines meets the requirement of section 6662(d)(2)(B)(ii)(II).

''(d) REDUCTION OF PENALTY.—The Secretary may reduce the amount of any penalty imposed under this section if the Secretary determines that such reduction would promote compliance with and administration of the Federal tax laws.

''(e) PENALTIES IN ADDITION TO OTHER PENALTIES.—The penalties imposed by this section shall be in addition to any other penalty provided by law.''

(b) TREATMENT OF FRIVOLOUS REQUESTS FOR HEARINGS BEFORE LEVY.—

(1) FRIVOLOUS REQUESTS DISREGARDED.—Section 6330 (relating to notice and opportunity for hearing before levy) is amended by adding at the end the following new subsection:

''(g) FRIVOLOUS REQUESTS FOR HEARING, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of a request for a hearing under this section or section 6320 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.''

(2) PRECLUSION FROM RAISING FRIVOLOUS ISSUES AT HEARING.—Section 6330(c)(4) is amended—

(A) by striking ''(A)'' and inserting ''(A)(i)'';

(B) by striking ''(B)'' and inserting ''(ii)'';

(C) by striking the period at the end of the first sentence and inserting ''; or''; and

(D) by inserting after subparagraph (A)(ii) (as so redesignated) the following:

''(B) the issue meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A).''

(3) STATEMENT OF GROUNDS.—Section 6330(b)(1) is amended by striking ''under subsection (a)(3)(B)'' and inserting ''in writing under subsection (a)(3)(B) and states the grounds for the requested hearing''.

(c) TREATMENT OF FRIVOLOUS REQUESTS FOR HEARINGS UPON FILING OF NOTICE OF LIEN.—Section 6320 is amended—

(1) in subsection (b)(1), by striking ''under subsection (a)(3)(B)'' and inserting ''in writing under subsection (a)(3)(B) and states the grounds for the requested hearing'', and

(2) in subsection (c), by striking ''and (e)'' and inserting ''(e), and (g)''.

(d) TREATMENT OF FRIVOLOUS APPLICATIONS FOR OFFERS-IN-COMPROMISE AND INSTALLMENT AGREEMENTS.—Section 7122 is amended by adding at the end the following new subsection:

''(e) FRIVOLOUS SUBMISSIONS, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of an application for an offer-in-compromise or installment agreement submitted under this section or section 6159 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.''

(e) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by striking the item relating to section 6702 and inserting the following new item:

''Sec. 6702. Frivolous tax submissions.''

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to submissions made and issues raised after the date on which the Secretary first prescribes a list under section 6702(c) of the Internal Revenue Code of 1986, as amended by subsection (a).

SEC. 9514. REGULATION OF INDIVIDUALS PRACTICING BEFORE THE DEPARTMENT OF TREASURY.

(a) CENSURE; IMPOSITION OF PENALTY.—

(1) IN GENERAL.—Section 330(b) of title 31, United States Code, is amended—

(A) by inserting '', or censure,'' after ''Department'', and

(B) by adding at the end the following new flush sentence: ''The Secretary may impose a monetary penalty on any representative described in the preceding sentence. If the representative was acting on behalf of an employer or any firm or other entity in connection with the conduct giving rise to such penalty, the Secretary may impose a monetary penalty on such employer, firm, or entity if it knew, or reasonably should have known, of such conduct. Such penalty shall not exceed the gross income derived (or to be derived) from the conduct giving rise to the penalty and may be in addition to, or in lieu of, any suspension, disbarment, or censure.''

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to actions taken after the date of the enactment of this Act.

(b) TAX SHELTER OPINIONS, ETC.—Section 330 of such title 31 is amended by adding at the end the following new subsection:

''(d) Nothing in this section or in any other provision of law shall be construed to limit the authority of the Secretary of the Treasury to impose standards applicable to the rendering of written advice with respect to any entity, transaction plan or arrangement, or other plan or arrangement, which is of a type which the Secretary determines as having a potential for tax avoidance or evasion.''

SEC. 9515. PENALTY ON PROMOTERS OF TAX SHELTERS.

(a) PENALTY ON PROMOTING ABUSIVE TAX SHELTERS.—Section 6700(a) is amended by adding at the end the following new sentence: ''Notwithstanding the first sentence, if an activity with respect to which a penalty imposed under this subsection involves a statement described in paragraph (2)(A), the amount of the penalty shall be equal to 50 percent of the gross income derived (or to be derived) from such activity by the person on which the penalty is imposed.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to activities after the date of the enactment of this Act.

SEC. 9516. STATUTE OF LIMITATIONS FOR TAXABLE YEARS FOR WHICH LISTED TRANSACTIONS NOT REPORTED.

(a) IN GENERAL.—Section 6501(e)(1) (relating to substantial omission of items for income taxes) is amended by adding at the end the following new subparagraph:

''(C) LISTED TRANSACTIONS.—If a taxpayer fails to include on any return or statement for any taxable year any information with respect to a listed transaction (as defined in section 6707A(c)(2)) which is required under section 6011 to be included with such return or statement, the tax for such taxable year may be assessed, or a proceeding in court for collection of such tax may be begun without assessment, at any time within 6 years after the time the return is filed. This subparagraph shall not apply to any taxable year if the time for assessment or beginning the proceeding in court has expired before the time a transaction is treated as a listed transaction under section 6011.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to transactions after the date of the enactment of this Act in taxable years ending after such date.

SEC. 9517. DENIAL OF DEDUCTION FOR INTEREST ON UNDERPAYMENTS ATTRIBUTABLE TO NONDISCLOSED REPORTABLE AND NONECONOMIC SUBSTANCE TRANSACTIONS.

(a) IN GENERAL.—Section 163 (relating to deduction for interest) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) INTEREST ON UNPAID TAXES ATTRIBUTABLE TO NONDISCLOSED REPORTABLE TRANSACTIONS AND NONECONOMIC SUBSTANCE TRANSACTIONS.—No deduction shall be allowed under this chapter for any interest paid or accrued under section 6601 on any underpayment of tax which is attributable to—

''(1) the portion of any reportable transaction understatement (as defined in section 6662A(b)) with respect to which the requirement of section 6664(d)(2)(A) is not met, or

''(2) any noneconomic substance transaction understatement (as defined in section 6662B(c)).''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions after the date of the enactment of this Act in taxable years ending after such date.

Subtitle G—Other Provisions

SEC. 9601. LIMITATION ON TRANSFER OR IMPORTATION OF BUILT-IN LOSSES.

(a) IN GENERAL.—Section 362 (relating to basis to corporations) is amended by adding at the end the following new subsection:

''(e) LIMITATIONS ON BUILT-IN LOSSES.—

''(1) LIMITATION ON IMPORTATION OF BUILT-IN LOSSES.—

''(A) IN GENERAL.—If in any transaction described in subsection (a) or (b) there would (but for this subsection) be an importation of a net built-in loss, the basis of each property described in subparagraph (B) which is acquired in such transaction shall (notwithstanding subsections (a) and (b)) be its fair market value immediately after such transaction.

''(B) PROPERTY DESCRIBED.—For purposes of subparagraph (A), property is described in this paragraph if—

''(i) gain or loss with respect to such property is not subject to tax under this subtitle in the hands of the transferor immediately before the transfer, and

''(ii) gain or loss with respect to such property is subject to such tax in the hands of

the transferee immediately after such transfer.

In any case in which the transferor is a partnership, the preceding sentence shall be applied by treating each partner in such partnership as holding such partner's proportionate share of the property of such partnership.

''(C) IMPORTATION OF NET BUILT-IN LOSS.—For purposes of subparagraph (A), there is an importation of a net built-in loss in a transaction if the transferee's aggregate adjusted bases of property described in subparagraph (B) which is transferred in such transaction would (but for this paragraph) exceed the fair market value of such property immediately after such transaction.''

''(2) LIMITATION ON TRANSFER OF BUILT-IN LOSSES IN SECTION 351 TRANSACTIONS.—

''(A) IN GENERAL.—If—

''(i) property is transferred in any transaction which is described in subsection (a) and which is not described in paragraph (1) of this subsection, and

''(ii) the transferee's aggregate adjusted bases of the property so transferred would (but for this paragraph) exceed the fair market value of such property immediately after such transaction,

then, notwithstanding subsection (a), the transferee's aggregate adjusted bases of the property so transferred shall not exceed the fair market value of such property immediately after such transaction.

''(B) ALLOCATION OF BASIS REDUCTION.—The aggregate reduction in basis by reason of subparagraph (A) shall be allocated among the property so transferred in proportion to their respective built-in losses immediately before the transaction.

''(C) EXCEPTION FOR TRANSFERS WITHIN AFFILIATED GROUP.—Subparagraph (A) shall not apply to any transaction if the transferor owns stock in the transferee meeting the requirements of section 1504(a)(2). In the case of property to which subparagraph (A) does not apply by reason of the preceding sentence, the transferor's basis in the stock received for such property shall not exceed its fair market value immediately after the transfer.''

(b) COMPARABLE TREATMENT WHERE LIQUIDATION.—Paragraph (1) of section 334(b) (relating to liquidation of subsidiary) is amended to read as follows:

''(1) IN GENERAL.—If property is received by a corporate distributee in a distribution in a complete liquidation to which section 332 applies (or in a transfer described in section 337(b)(1)), the basis of such property in the hands of such distributee shall be the same as it would be in the hands of the transferor; except that the basis of such property in the hands of such distributee shall be the fair market value of the property at the time of the distribution—

''(A) in any case in which gain or loss is recognized by the liquidating corporation with respect to such property, or

''(B) in any case in which the liquidating corporation is a foreign corporation, the corporate distributee is a domestic corporation, and the corporate distributee's aggregate adjusted bases of property described in section 362(e)(1)(B) which is distributed in such liquidation would (but for this subparagraph) exceed the fair market value of such property immediately after such liquidation.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions after the date of the enactment of this Act.

SEC. 9602. DISALLOWANCE OF CERTAIN PARTNERSHIP LOSS TRANSFERS.

(a) TREATMENT OF CONTRIBUTED PROPERTY WITH BUILT-IN LOSS.—Paragraph (1) of section 704(c) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following:

''(C) if any property so contributed has a built-in loss—

''(i) such built-in loss shall be taken into account only in determining the amount of items allocated to the contributing partner, and

''(ii) except as provided in regulations, in determining the amount of items allocated to other partners, the basis of the contributed property in the hands of the partnership shall be treated as being equal to its fair market value immediately after the contribution.

For purposes of subparagraph (C), the term 'built-in loss' means the excess of the adjusted basis of the property (determined without regard to subparagraph (C)(ii)) over its fair market value immediately after the contribution.''

(b) ADJUSTMENT TO BASIS OF PARTNERSHIP PROPERTY ON TRANSFER OF PARTNERSHIP INTEREST IF THERE IS SUBSTANTIAL BUILT-IN LOSS.—

(1) ADJUSTMENT REQUIRED.—Subsection (a) of section 743 (relating to optional adjustment to basis of partnership property) is amended by inserting before the period ''or unless the partnership has a substantial built-in loss immediately after such transfer''.

(2) ADJUSTMENT.—Subsection (b) of section 743 is amended by inserting ''or with respect to which there is a substantial built-in loss immediately after such transfer'' after ''section 754 is in effect''.

(3) SUBSTANTIAL BUILT-IN LOSS.—Section 743 is amended by adding at the end the following new subsection:

''(d) SUBSTANTIAL BUILT-IN LOSS.—

''(1) IN GENERAL.—For purposes of this section, a partnership has a substantial built-in loss with respect to a transfer of an interest in a partnership if the transferee partner's proportionate share of the adjusted basis of the partnership property exceeds by more than $250,000 the basis of such partner's interest in the partnership.

''(2) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out the purposes of paragraph (1) and section 734(d), including regulations aggregating related partnerships and disregarding property acquired by the partnership in an attempt to avoid such purposes.''

(4) CLERICAL AMENDMENTS.—

(A) The section heading for section 743 is amended to read as follows:

"SEC. 743. ADJUSTMENT TO BASIS OF PARTNERSHIP PROPERTY WHERE SECTION 754 ELECTION OR SUBSTANTIAL BUILT-IN LOSS. "

(B) The table of sections for subpart C of part II of subchapter K of chapter 1 is amended by striking the item relating to section 743 and inserting the following new item:

''Sec. 743. Adjustment to basis of partnership property where section 754 election or substantial built-in loss.''

(c) ADJUSTMENT TO BASIS OF UNDISTRIBUTED PARTNERSHIP PROPERTY IF THERE IS SUBSTANTIAL BASIS REDUCTION.—

(1) ADJUSTMENT REQUIRED.—Subsection (a) of section 734 (relating to optional adjustment to basis of undistributed partnership property) is amended by inserting before the period ''or unless there is a substantial basis reduction''.

(2) ADJUSTMENT.—Subsection (b) of section 734 is amended by inserting ''or unless there is a substantial basis reduction'' after ''section 754 is in effect''.

(3) SUBSTANTIAL BASIS REDUCTION.—Section 734 is amended by adding at the end the following new subsection:

''(d) SUBSTANTIAL BASIS REDUCTION.—

''(1) IN GENERAL.—For purposes of this section, there is a substantial basis reduction with respect to a distribution if the sum of the amounts described in subparagraphs (A) and (B) of subsection (b)(2) exceeds $250,000.

''(2) REGULATIONS.—For regulations to carry out this subsection, see section 743(d)(2).''

(4) CLERICAL AMENDMENTS.—

(A) The section heading for section 734 is amended to read as follows:

"SEC. 734. ADJUSTMENT TO BASIS OF UNDISTRIBUTED PARTNERSHIP PROPERTY WHERE SECTION 754 ELECTION OR SUBSTANTIAL BASIS REDUCTION. "

(B) The table of sections for subpart B of part II of subchapter K of chapter 1 is amended by striking the item relating to section 734 and inserting the following new item:

''Sec. 734. Adjustment to basis of undistributed partnership property where section 754 election or substantial basis reduction.''

(d) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendment made by subsection (a) shall apply to contributions made after the date of the enactment of this Act.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to transfers after the date of the enactment of this Act.

(3) SUBSECTION (c).—The amendments made by subsection (c) shall apply to distributions after the date of the enactment of this Act.

SEC. 9603. NO REDUCTION OF BASIS UNDER SECTION 734 IN STOCK HELD BY PARTNERSHIP IN CORPORATE PARTNER.

(a) IN GENERAL.—Section 755 is amended by adding at the end the following new subsection:

''(c) NO ALLOCATION OF BASIS DECREASE TO STOCK OF CORPORATE PARTNER.—In making an allocation under subsection (a) of any decrease in the adjusted basis of partnership property under section 734(b)—

''(1) no allocation may be made to stock in a corporation which is a partner in the partnership, and

''(2) any amount not allocable to stock by reason of paragraph (1) shall be allocated under subsection (a) to other partnership property.

Gain shall be recognized to the partnership to the extent that the amount required to be allocated under paragraph (2) to other partnership property exceeds the aggregate adjusted basis of such other property immediately before the allocation required by paragraph (2).''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions after the date of the enactment of this Act.

SEC. 9604. REPEAL OF SPECIAL RULES FOR FASITS.

(a) IN GENERAL.—Part V of subchapter M of chapter 1 (relating to financial asset securitization investment trusts) is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (6) of section 56(g) is amended by striking ''REMIC, or FASIT'' and inserting ''or REMIC''.

(2) Clause (ii) of section 382(l)(4)(B) is amended by striking ''a REMIC to which part IV of subchapter M applies, or a FASIT to which part V of subchapter M applies,'' and inserting ''or a REMIC to which part IV of subchapter M applies,''.

(3) Paragraph (1) of section 582(c) is amended by striking '', and any regular interest in a FASIT,''.

(4) Subparagraph (E) of section 856(c)(5) is amended by striking the last sentence.

(5) Paragraph (5) of section 860G(a) is amended by adding ''and'' at the end of subparagraph (B), by striking '', and'' at the end

of subparagraph (C) and inserting a period, and by striking subparagraph (D).

(6) Subparagraph (C) of section 1202(e)(4) is amended by striking ''REMIC, or FASIT'' and inserting ''or REMIC''.

(7) Subparagraph (C) of section 7701(a)(19) is amended by adding ''and'' at the end of clause (ix), by striking '', and'' at the end of clause (x) and inserting a period, and by striking clause (xi).

(8) The table of parts for subchapter M of chapter 1 is amended by striking the item relating to part V.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2003.

(2) EXCEPTION FOR EXISTING FASITS.—

(A) IN GENERAL.—Paragraph (1) shall not apply to any FASIT in existence on the date of the enactment of this Act.

(B) TRANSFER OF ADDITIONAL ASSETS NOT PERMITTED.—Except as provided in regulations prescribed by the Secretary of the Treasury or the Secretary's delegate, subparagraph (A) shall cease to apply as of the earliest date after the date of the enactment of this Act that any property is transferred to the FASIT.

SEC. 9605. EXPANDED DISALLOWANCE OF DEDUCTION FOR INTEREST ON CONVERTIBLE DEBT.

(a) IN GENERAL.—Paragraph (2) of section 163(l) is amended by striking ''or a related party'' and inserting ''or equity held by the issuer (or any related party) in any other person''.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 163(l) is amended by striking ''or a related party'' in the material preceding subparagraph (A) and inserting ''or any other person''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to debt instruments issued after the date of the enactment of this Act.

SEC. 9606. EXPANDED AUTHORITY TO DISALLOW TAX BENEFITS UNDER SECTION 269.

(a) IN GENERAL.—Subsection (a) of section 269 (relating to acquisitions made to evade or avoid income tax) is amended to read as follows:

''(a) IN GENERAL.—If—

''(1)(A) any person acquires stock in a corporation, or

''(B) any corporation acquires, directly or indirectly, property of another corporation and the basis of such property, in the hands of the acquiring corporation, is determined by reference to the basis in the hands of the transferor corporation, and

''(2) the principal purpose for which such acquisition was made is evasion or avoidance of Federal income tax by securing the benefit of a deduction, credit, or other allowance,

then the Secretary may disallow such deduction, credit, or other allowance.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to stock and property acquired after February 13, 2003.

SEC. 9607. MODIFICATIONS OF CERTAIN RULES RELATING TO CONTROLLED FOREIGN CORPORATIONS.

(a) LIMITATION ON EXCEPTION FROM PFIC RULES FOR UNITED STATES SHAREHOLDERS OF CONTROLLED FOREIGN CORPORATIONS.—Paragraph (2) of section 1297(e) (relating to passive investment company) is amended by adding at the end the following flush sentence: ''Such term shall not include any period if there is only a remote likelihood of an inclusion in gross income under section 951(a)(1)(A)(i) of subpart F income of such corporation for such period.''

(b) DETERMINATION OF PRO RATA SHARE OF SUBPART F INCOME.—Subsection (a) of section 951 (relating to amounts included in gross income of United States shareholders) is amended by adding at the end the following new paragraph:

''(4) SPECIAL RULES FOR DETERMINING PRO RATA SHARE OF SUBPART F INCOME.—The pro rata share under paragraph (2) shall be determined by disregarding—

''(A) any rights lacking substantial economic effect, and

''(B) stock owned by a shareholder who is a tax-indifferent party (as defined in section 7701(m)(3)) if the amount which would (but for this paragraph) be allocated to such shareholder does not reflect such shareholder's economic share of the earnings and profits of the corporation.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years on controlled foreign corporation beginning after February 13, 2003, and to taxable years of United States shareholder in which or with which such taxable years of controlled foreign corporations end.

SEC. 9608. BASIS FOR DETERMINING LOSS ALWAYS REDUCED BY NONTAXED PORTION OF DIVIDENDS.

(a) IN GENERAL.—Section 1059 (relating to corporate shareholder's basis in stock reduced by nontaxed portion of extraordinary dividends) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

''(g) BASIS FOR DETERMINING LOSS ALWAYS REDUCED BY NONTAXED PORTION OF DIVIDENDS.—The basis of stock in a corporation (for purposes of determining loss) shall be reduced by the nontaxed portion of any dividend received with respect to such stock if this section does not otherwise apply to such dividend.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to dividends received after the date of the enactment of this Act.

SEC. 9609. AFFIRMATION OF CONSOLIDATED RETURN REGULATION AUTHORITY.

(a) IN GENERAL.—Section 1502 (relating to consolidated return regulations) is amended by adding at the end the following new sentence: ''In prescribing such regulations, the Secretary may prescribe rules applicable to corporations filing consolidated returns under section 1501 that are different from other provisions of this title that would apply if such corporations filed separate returns.''

(b) RESULT NOT OVERTURNED.—Notwithstanding subsection (a), the Internal Revenue Code of 1986 shall be construed by treating Treasury regulation section 1.1502–20(c)(1)(iii) (as in effect on January 1, 2001) as being inapplicable to the type of factual situation in 255 F.3d 1357 (Fed. Cir. 2001).

(c) EFFECTIVE DATE.—The provisions of this section shall apply to taxable years beginning before, on, or after the date of the enactment of this Act.

SEC. 9610. EXTENSION OF CUSTOMS USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by striking ''March 1, 2005'' and inserting ''March 31, 2010''.

Subtitle H—Prevention of Corporate Expatriation to Avoid United States Income Tax

SEC. 9701. PREVENTION OF CORPORATE EXPATRIATION TO AVOID UNITED STATES INCOME TAX.

(a) IN GENERAL.—Paragraph (4) of section 7701(a) (defining domestic) is amended to read as follows:

''(4) DOMESTIC.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'domestic' when applied to a corporation or partnership means created or organized in the United States or under the law of the United States or of any State unless, in the case of a partnership, the Secretary provides otherwise by regulations.

''(B) CERTAIN CORPORATIONS TREATED AS DOMESTIC.—

''(i) IN GENERAL.—The acquiring corporation in a corporate expatriation transaction shall be treated as a domestic corporation.

''(ii) CORPORATE EXPATRIATION TRANSACTION.—For purposes of this subparagraph, the term 'corporate expatriation transaction' means any transaction if—

''(I) a nominally foreign corporation (referred to in this subparagraph as the 'acquiring corporation') acquires, as a result of such transaction, directly or indirectly substantially all of the properties held directly or indirectly by a domestic corporation, and

''(II) immediately after the transaction, more than 80 percent of the stock (by vote or value) of the acquiring corporation is held by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation.

''(iii) LOWER STOCK OWNERSHIP REQUIREMENT IN CERTAIN CASES.—Subclause (II) of clause (ii) shall be applied by substituting '50 percent' for '80 percent' with respect to any nominally foreign corporation if—

''(I) such corporation does not have substantial business activities (when compared to the total business activities of the expanded affiliated group) in the foreign country in which or under the law of which the corporation is created or organized, and

''(II) the stock of the corporation is publicly traded and the principal market for the public trading of such stock is in the United States.

''(iv) PARTNERSHIP TRANSACTIONS.—The term 'corporate expatriation transaction' includes any transaction if—

''(I) a nominally foreign corporation (referred to in this subparagraph as the 'acquiring corporation') acquires, as a result of such transaction, directly or indirectly properties constituting a trade or business of a domestic partnership,

''(II) immediately after the transaction, more than 80 percent of the stock (by vote or value) of the acquiring corporation is held by former partners of the domestic partnership or related foreign partnerships (determined without regard to stock of the acquiring corporation which is sold in a public offering related to the transaction), and

''(III) the acquiring corporation meets the requirements of subclauses (I) and (II) of clause (iii).

''(v) SPECIAL RULES.—For purposes of this subparagraph—

''(I) a series of related transactions shall be treated as 1 transaction, and

''(II) stock held by members of the expanded affiliated group which includes the acquiring corporation shall not be taken into account in determining ownership.

''(vi) OTHER DEFINITIONS.—For purposes of this subparagraph—

''(I) NOMINALLY FOREIGN CORPORATION.—The term 'nominally foreign corporation' means any corporation which would (but for this subparagraph) be treated as a foreign corporation.

''(II) EXPANDED AFFILIATED GROUP.—The term 'expanded affiliated group' means an affiliated group (as defined in section 1504(a) without regard to section 1504(b)).

''(III) RELATED FOREIGN PARTNERSHIP.—A foreign partnership is related to a domestic partnership if they are under common control (within the meaning of section 482), or they shared the same trademark or tradename.''

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by this section shall apply to corporate expatriation transactions completed after September 11, 2001.

(2) SPECIAL RULE.—The amendment made by this section shall also apply to corporate expatriation transactions completed on or before September 11, 2001, but only with respect to taxable years of the acquiring corporation beginning after December 31, 2003.

Pending consideration of said motion,

¶35.15 POINT OF ORDER

Mr. NUSSLE made a point of order and said:

''I make a point of order against the motion to recommit because it is in violation of section 302(f) of the Congressional Budget Act of 1974. A motion that would cause any increase in new budget authority will breach the allocation made under section 302(a) to the applicable committee and is not permitted under 302(f) of the act. This motion causes such an increase in new budget authority and, therefore, is not in order.''

Mr. DAVIS of Tennessee spoke to the point of order and said:

''Mr. Speaker, I concede the point of order.''

The SPEAKER pro tempore, Mr. THORNBERRY, ruled and said:

''The point of order is therefore sustained.''

Mr. DAVIS of Tennessee moved to recommit the bill to the Committee on Transportation and Infrastructure with instructions to report the bill back to the House promptly with the following amendments:

In section 1101(a)(1) of the bill, strike ''$4,323,076,000'' and all that follows through ''$4,891,164,000'' and insert ''$5,076,187,293 for fiscal year 2004, $4,953,445,477 for fiscal year 2005, $5,171,212,959 for fiscal year 2006, $5,263,571,478 for fiscal year 2007, $5,556,536,840 for fiscal year 2008, and $6,654,739,293''.

In section 1101(a)(2) of the bill, strike ''$5,187,691,000'' and all that follows through ''$5,869,396,000'' and insert ''$6,091,424,517 for fiscal year 2004, $5,944,133,902 for fiscal year 2005, $6,205,455,095 for fiscal year 2006, $6,316,285,773 for fiscal year 2007, $6,667,843,743 for fiscal year 2008, and $7,985,686,064''.

In section 1101(a)(3) of the bill, strike ''$3,709,440,000'' and all that follows through ''$4,196,891,000'' and insert ''$4,355,651,438 for fiscal year 2004, $4,250,332,027 for fiscal year 2005, $4,437,189,163 for fiscal year 2006, $4,516,437,339 for fiscal year 2007, $4,767,818,482 for fiscal year 2008, and $5,710,136,779''.

In section 1101(a)(5) of the bill, strike ''$6,052,306,000'' and all that follows through ''$6,847,629,000'' and insert ''$7,106,661,741 for fiscal year 2004, $6,934,823,445 for fiscal year 2005, $7,239,697,231 for fiscal year 2006, $7,369,000,069 for fiscal year 2007, $7,779,151,809 for fiscal year 2008, and $9,316,634,194''.

In section 1101(a)(6) of the bill, strike ''$1,469,846,000'' and all that follows through ''$1,662,996,000'' and insert ''$1,725,903,868 for fiscal year 2004, $1,684,171,440 for fiscal year 2005, $1,758,212,543 for fiscal year 2006, $1,789,614,076 for fiscal year 2007, $1,889,222,762 for fiscal year 2008, and $2,262,611,686''.

In section 1102(a) of the bill, strike paragraphs (2) through (6) and insert the following:

(2) $37,900,000,000 for fiscal year 2005;
(3) $39,100,000,000 for fiscal year 2006;
(4) $39,100,000,000 for fiscal year 2007;
(5) $39,400,000,000 for fiscal year 2008; and
(6) $44,400,000,000 for fiscal year 2009.

In the matter proposed to be inserted as section 5338(a)(2)(A) of title 49, United States Code, by section 3034 of the bill, strike clauses (i) through (vi) and insert the following:

''(i) $5,081,125,000 for fiscal year 2005;
''(ii) $5,283,418,000 for fiscal year 2006;
''(iii) $5,550,420,000 for fiscal year 2007;
''(iv) $6,176,172,500 for fiscal year 2008; and
''(v) $6,834,667,500 for fiscal year 2009.

In section 3043 of the bill, strike paragraphs (2) through (6) and insert the following:

(2) $8,650,000,000 for fiscal year 2005;
(3) $9,085,123,000 for fiscal year 2006;
(4) $9,600,000,000 for fiscal year 2007;
(5) $10,490,000,000 for fiscal year 2008; and
(6) $11,430,000,000 for fiscal year 2009.

Strike the revenue title (other than the small business benefits) and insert the following:

TITLE IX—HIGHWAY REAUTHORIZATION AND EXCISE TAX SIMPLIFICATION

SECTION 9000. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This title may be cited as the ''Highway Reauthorization and Excise Tax Simplification Act of 2004''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Trust Fund Reauthorization

SEC. 9001. EXTENSION OF HIGHWAY TRUST FUND AND AQUATIC RESOURCES TRUST FUND EXPENDITURE AUTHORITY AND RELATED TAXES.

(a) HIGHWAY TRUST FUND EXPENDITURE AUTHORITY.—

(1) HIGHWAY ACCOUNT.—Paragraph (1) of section 9503(c) (relating to transfers from Highway Trust Fund for certain repayments and credits) is amended—

(A) in the matter before subparagraph (A), by striking ''May 1, 2004'' and inserting ''October 1, 2009'',

(B) by striking ''or'' at the end of subparagraph (F),

(C) by striking the period at the end of subparagraph (G) and inserting '', or'',

(D) by inserting after subparagraph (G), the following new subparagraph:

''(H) authorized to be paid out of the Highway Trust Fund under the Highway Reauthorization and Excise Tax Simplification Act of 2004.'', and

(E) in the matter after subparagraph (G), as added by subparagraph (D), by striking ''Surface Transportation Extension Act of 2004'' and inserting ''Highway Reauthorization and Excise Tax Simplification Act of 2004''.

(2) MASS TRANSIT ACCOUNT.—Paragraph (3) of section 9503(e) (relating to establishment of Mass Transit Account) is amended—

(A) in the matter before subparagraph (A), by striking ''May 1, 2004'' and inserting ''October 1, 2009'',

(B) by striking ''or'' at the end of subparagraph (D),

(C) by striking the period at the end of subparagraph (E) and inserting '', or'',

(D) by inserting after subparagraph (E), the following new subparagraph:

''(F) the Highway Reauthorization and Excise Tax Simplification Act of 2004,'', and

(E) in the matter after subparagraph (E), as added by subparagraph (D), by striking ''Surface Transportation Extension Act of 2004'' and inserting ''Highway Reauthorization and Excise Tax Simplification Act of 2004''.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Subparagraph (B) of section 9503(b)(5) (relating to limitation on transfers to Highway Trust Fund) is amended by striking ''May 1, 2004'' and inserting ''October 1, 2009''.

(b) AQUATIC RESOURCES TRUST FUND EXPENDITURE AUTHORITY.—

(1) SPORT FISH RESTORATION ACCOUNT.—Paragraph (2) of section 9504(b) (relating to Sport Fish Restoration Account) is amended by striking ''Surface Transportation Extension Act of 2004'' each place it appears and inserting ''Highway Reauthorization and Excise Tax Simplification Act of 2004''.

(2) BOAT SAFETY ACCOUNT.—Section 9504(c) (relating to expenditures from Boat Safety Account) is amended—

(A) by striking ''May 1, 2004'' and inserting ''October 1, 2009'', and

(B) by striking ''Surface Transportation Extension Act of 2004'' and inserting ''Highway Reauthorization and Excise Tax Simplification Act of 2004''.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Paragraph (2) of section 9504(d) (relating to limitation on transfers to Aquatic Resources Trust Fund) is amended by striking ''May 1, 2004'' and inserting ''October 1, 2009''.

(4) TECHNICAL CORRECTION.—The last sentence of paragraph (2) of section 9504(b) is amended by striking ''subparagraph (B)'', and inserting ''subparagraph (C)''.

(c) EXTENSION OF TAXES.—

(1) IN GENERAL.—The following provisions are each amended by striking ''2005'' each place it appears and inserting ''2009'':

(A) Section 4041(a)(1)(C)(iii)(I) (relating to rate of tax on certain buses).

(B) Section 4041(a)(2)(B) (relating to rate of tax on special motor fuels).

(C) Section 4041(m)(1)(A) (relating to certain alcohol fuels produced from natural gas).

(D) Section 4051(c) (relating to termination of tax on heavy trucks and trailers).

(E) Section 4071(d) (relating to termination of tax on tires).

(F) Section 4081(d)(1) (relating to termination of tax on gasoline, diesel fuel, and kerosene).

(G) Section 4481(e) (relating to period tax in effect).

(H) Section 4482(c)(4) (relating to taxable period).

(I) Section 4482(d) (relating to special rule for taxable period in which termination date occurs).

(2) FLOOR STOCKS REFUNDS.—Section 6412(a)(1) (relating to floor stocks refunds) is amended—

(A) by striking ''2005'' each place it appears and inserting ''2009'', and

(B) by striking ''2006'' each place it appears and inserting ''2010''.

(d) EXTENSION OF CERTAIN EXEMPTIONS.—The following provisions are each amended by striking ''2005'' and inserting ''2009'':

(1) Section 4221(a) (relating to certain tax-free sales).

(2) Section 4483(g) (relating to termination of exemptions for highway use tax).

(e) EXTENSION OF DEPOSITS INTO, AND CERTAIN TRANSFERS FROM, TRUST FUND.—

(1) IN GENERAL.—Subsections (b), (c)(2), (c)(3), (c)(4)(A)(i), and (c)(5)(A) of section 9503 (relating to the Highway Trust Fund) are amended—

(A) by striking ''2005'' each place it appears and inserting ''2009'', and

(B) by striking ''2006'' each place it appears and inserting ''2010''.

(2) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.—Section 201(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–11(b)) is amended—

(A) by striking ''2003'' and inserting ''2007'', and

(B) by striking ''2004'' each place it appears and inserting ''2008''.

(f) EXTENSION OF TAX BENEFITS FOR QUALIFIED METHANOL AND ETHANOL FUEL PRODUCED FROM COAL.—Section 4041(b)(2) (relating to qualified methanol and ethanol fuel) is amended—

(1) by striking ''2007'' in subparagraph (C)(ii) and inserting ''2010'', and

(2) by striking ''October 1, 2007'' in subparagraph (D) and inserting ''January 1, 2011''.

(g) PROHIBITION ON USE OF HIGHWAY ACCOUNT FOR RAIL PROJECTS.—Section 9503(c) (relating to transfers from Highway Trust Fund for certain repayments and credits) is amended by adding at the end the following new paragraph:

''(6) PROHIBITION ON USE OF HIGHWAY ACCOUNT FOR CERTAIN RAIL PROJECTS.—With respect to rail projects beginning after the date of the enactment of this paragraph, no amount shall be available from the Highway Account (as defined in subsection (e)(5)(B)) for any rail project, except for any rail project involving publicly owned rail facilities or any rail project yielding a public benefit.''.

(h) HIGHWAY TRUST FUND EXPENDITURES FOR HIGHWAY USE TAX EVASION PROJECTS.—Section 9503(c), as amended by subsection (g), is amended to add at the end the following new paragraph:

''(7) HIGHWAY USE TAX EVASION PROJECTS.—From amounts available in the Highway Trust Fund, there is authorized to be expended—

''(A) for each fiscal year after 2003 to the Internal Revenue Service—

''(i) $30,000,000 for enforcement of fuel tax compliance, including the per-certification of tax-exempt users,

''(ii) $10,000,000 for Xstars, and

''(iii) $10,000,000 for xfirs, and

''(B) for each fiscal year after 2003 to the Federal Highway Administration, $50,000,000 to be allocated $1,000,000 to each State to combat fuel tax evasion on the State level.''.

(i) EFFECTIVE DATE.—The amendments made by and provisions of this section shall take effect on the date of the enactment of this Act.

SEC. 9002. FULL ACCOUNTING OF FUNDS RECEIVED BY THE HIGHWAY TRUST FUND.

(a) IN GENERAL.—Section 9503(c) (relating to transfers from Highway Trust Fund for certain repayments and credits), as amended by section 9001 of this Act, is amended by striking paragraph (2) and redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (2), (3), (4), (5), and (6), respectively.

(b) INTEREST ON UNEXPENDED BALANCES CREDITED TO TRUST FUND.—Section 9503 (relating to the Highway Trust Fund) is amended by striking subsection (f).

(c) CONFORMING AMENDMENTS.—

(1) Section 9503(b)(4)(D) is amended by striking ''paragraph (4)(D) or (5)(B)'' and inserting ''paragraph (3)(D) or (4)(B)''.

(2) Paragraph (2) of section 9503(c) (as redesignated by subsection (a)) is amended by adding at the end the following new sentence: ''The amounts payable from the Highway Trust Fund under this paragraph shall be determined by taking into account only the portion of the taxes which are deposited into the Highway Trust Fund.''.

(3) Section 9504(a)(2) is amended by striking ''section 9503(c)(4), section 9503(c)(5)'' and inserting ''section 9503(c)(3), section 9503(c)(4)''.

(4) Paragraph (2) of section 9504(b), as amended by section 9001 of this Act, is amended by striking ''section 9503(c)(5)'' and inserting ''section 9503(c)(4)''.

(5) Section 9504(e) is amended by striking ''section 9503(c)(4)'' and inserting ''section 9503(c)(3)''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to amounts paid for which no transfer from the Highway Trust Fund has been made before April 1, 2004.

(2) INTEREST CREDITED.—The amendment made by subsection (b) shall take effect on the date of the enactment of this Act.

SEC. 9003. MODIFICATION OF ADJUSTMENTS OF APPORTIONMENTS.

(a) IN GENERAL.—Section 9503(d) (relating to adjustments for apportionments) is amended—

(1) by striking ''24-month'' in paragraph (1)(B) and inserting ''48-month'', and

(2) by striking ''2 years'' in the heading for paragraph (3) and inserting ''4 years''.

(b) MEASUREMENT OF NET HIGHWAY RECEIPTS.—Section 9503(d) is amended by redesignating paragraph (6) as paragraph (7) and by inserting after paragraph (5) the following new paragraph:

''(6) MEASUREMENT OF NET HIGHWAY RECEIPTS.—For purposes of making any estimate under paragraph (1) of net highway receipts for periods ending after the date specified in subsection (b)(1), the Secretary shall treat—

''(A) each expiring provision of subsection (b) which is related to appropriations or transfers to the Highway Trust Fund to have been extended through the end of the 48-month period referred to in paragraph (1)(B), and

''(B) with respect to each tax imposed under the sections referred to in subsection (b)(1), the rate of such tax during the 48-month period referred to in paragraph (1)(B) to be the same as the rate of such tax as in effect on the date of such estimate.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

Subtitle B—Volumetric Ethanol Excise Tax Credit

SEC. 9101. SHORT TITLE.

This subtitle may be cited as the ''Volumetric Ethanol Excise Tax Credit (VEETC) Act of 2004''.

SEC. 9102. ALCOHOL AND BIODIESEL EXCISE TAX CREDIT AND EXTENSION OF ALCOHOL FUELS INCOME TAX CREDIT.

(a) IN GENERAL.—Subchapter B of chapter 65 (relating to rules of special application) is amended by inserting after section 6425 the following new section:

''SEC. 6426. CREDIT FOR ALCOHOL FUEL AND BIODIESEL MIXTURES.

''(a) ALLOWANCE OF CREDITS.—There shall be allowed as a credit against the tax imposed by section 4081 an amount equal to the sum of—

''(1) the alcohol fuel mixture credit, plus

''(2) the biodiesel mixture credit.

''(b) ALCOHOL FUEL MIXTURE CREDIT.—

''(1) IN GENERAL.—For purposes of this section, the alcohol fuel mixture credit is the product of the applicable amount and the number of gallons of alcohol used by the taxpayer in producing any alcohol fuel mixture for sale or use in a trade or business of the taxpayer.

''(2) APPLICABLE AMOUNT.—For purposes of this subsection—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the applicable amount is 52 cents (51 cents in the case of any sale or use after 2004).

''(B) MIXTURES NOT CONTAINING ETHANOL.—In the case of an alcohol fuel mixture in which none of the alcohol consists of ethanol, the applicable amount is 60 cents.

''(3) ALCOHOL FUEL MIXTURE.—For purposes of this subsection, the term 'alcohol fuel mixture' means a mixture of alcohol and a taxable fuel which—

''(A) is sold by the taxpayer producing such mixture to any person for use as a fuel,

''(B) is used as a fuel by the taxpayer producing such mixture, or

''(C) is removed from the refinery by a person producing such mixture.

''(4) OTHER DEFINITIONS.—For purposes of this subsection—

''(A) ALCOHOL.—The term 'alcohol' includes methanol and ethanol but does not include—

''(i) alcohol produced from petroleum, natural gas, or coal (including peat), or

''(ii) alcohol with a proof of less than 190 (determined without regard to any added denaturants).

Such term also includes an alcohol gallon equivalent of ethyl tertiary butyl ether or other ethers produced from such alcohol.

''(B) TAXABLE FUEL.—The term 'taxable fuel' has the meaning given such term by section 4083(a)(1).

''(5) TERMINATION.—This subsection shall not apply to any sale, use, or removal for any period after December 31, 2010.

''(c) BIODIESEL MIXTURE CREDIT.—

''(1) IN GENERAL.—For purposes of this section, the biodiesel mixture credit is the product of the applicable amount and the number of gallons of biodiesel used by the taxpayer in producing any biodiesel mixture for sale or use in a trade or business of the taxpayer.

''(2) APPLICABLE AMOUNT.—For purposes of this subsection—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the applicable amount is 50 cents.

''(B) AMOUNT FOR AGRI-BIODIESEL.—In the case of any biodiesel which is agri-biodiesel, the applicable amount is $1.00.

''(3) BIODIESEL MIXTURE.—For purposes of this section, the term 'biodiesel mixture' means a mixture of biodiesel and diesel fuel (as defined in section 4083(a)(3)), determined without regard to any use of kerosene, which—

''(A) is sold by the taxpayer producing such mixture to any person for use as a fuel,

''(B) is used as a fuel by the taxpayer producing such mixture, or

''(C) is removed from the refinery by a person producing such mixture.

''(4) CERTIFICATION FOR BIODIESEL.—No credit shall be allowed under this section unless the taxpayer obtains a certification (in such form and manner as prescribed by the Secretary) from the producer of the biodiesel which identifies the product produced and the percentage of biodiesel and agri-biodiesel in the product.

''(5) OTHER DEFINITIONS.—Any term used in this subsection which is also used in section 40A shall have the meaning given such term by section 40A.

''(6) TERMINATION.—This subsection shall not apply to any sale, use, or removal for any period after December 31, 2006.

''(d) MIXTURE NOT USED AS A FUEL, ETC.—

''(1) IMPOSITION OF TAX.—If—

''(A) any credit was determined under this section with respect to alcohol or biodiesel used in the production of any alcohol fuel mixture or biodiesel mixture, respectively, and

''(B) any person—

''(i) separates the alcohol or biodiesel from the mixture, or

''(ii) without separation, uses the mixture other than as a fuel,

then there is hereby imposed on such person a tax equal to the product of the applicable amount and the number of gallons of such alcohol or biodiesel.

''(2) APPLICABLE LAWS.—All provisions of law, including penalties, shall, insofar as applicable and not inconsistent with this section, apply in respect of any tax imposed under paragraph (1) as if such tax were imposed by section 4081 and not by this section.

''(e) COORDINATION WITH EXEMPTION FROM EXCISE TAX.—Rules similar to the rules under section 40(c) shall apply for purposes of this section.''.

(b) REGISTRATION REQUIREMENT.—Section 4101(a)(1) (relating to registration), as amended by sections 9211 and 9242 of this Act, is amended by inserting ''and every person producing or importing biodiesel (as defined in section 40A(d)(1)) or alcohol (as defined in section 6426(b)(4)(A))'' after ''4081''.

(c) ADDITIONAL AMENDMENTS.—

(1) Section 40(c) is amended by striking ''subsection (b)(2), (k), or (m) of section 4041, section 4081(c), or section 4091(c)'' and inserting ''section 4041(b)(2), section 6426, or section 6427(e)''.

(2) Paragraph (4) of section 40(d) is amended to read as follows:

''(4) VOLUME OF ALCOHOL.—For purposes of determining under subsection (a) the number of gallons of alcohol with respect to which a credit is allowable under subsection (a), the volume of alcohol shall include the volume of any denaturant (including gasoline) which is added under any formulas approved by the Secretary to the extent that such denaturants do not exceed 5 percent of the volume of such alcohol (including denaturants).''.

(3) Section 40(e)(1) is amended—

(A) by striking ''2007'' in subparagraph (A) and inserting ''2010'', and

(B) by striking ''2008'' in subparagraph (B) and inserting ''2011''.

(4) Section 40(h) is amended—

(A) by striking ''2007'' in paragraph (1) and inserting ''2010'', and

(B) by striking '', 2006, or 2007'' in the table contained in paragraph (2) and inserting ''through 2010''.

(5) Section 4041(b)(2)(B) is amended by striking ''a substance other than petroleum or natural gas'' and inserting ''coal (including peat)''.

(6) Section 4041 is amended by striking subsection (k).

(7) Section 4081 is amended by striking subsection (c).

(8) Paragraph (2) of section 4083(a) is amended to read as follows:

''(2) GASOLINE.—The term 'gasoline'—

''(A) includes any gasoline blend, other than qualified methanol or ethanol fuel (as defined in section 4041(b)(2)(B)), partially exempt methanol or ethanol fuel (as defined in section 4041(m)(2)), or a denatured alcohol, and

''(B) includes, to the extent prescribed in regulations—

''(i) any gasoline blend stock, and

''(ii) any product commonly used as an additive in gasoline (other than alcohol).

For purposes of subparagraph (B)(i), the term 'gasoline blend stock' means any petroleum product component of gasoline.''.

(9) Section 6427 is amended by inserting after subsection (d) the following new subsection:

''(e) ALCOHOL OR BIODIESEL USED TO PRODUCE ALCOHOL FUEL AND BIODIESEL MIXTURES OR USED AS FUELS.—Except as provided in subsection (k)—

''(1) USED TO PRODUCE A MIXTURE.—If any person produces a mixture described in section 6426 in such person's trade or business, the Secretary shall pay (without interest) to such person an amount equal to the alcohol fuel mixture credit or the biodiesel mixture credit with respect to such mixture.

''(2) USED AS FUEL.—If alcohol (as defined in section 40(d)(1)) or biodiesel (as defined in section 40A(d)(1)) or agri-biodiesel (as defined in section 40A(d)(2)) which is not in a mixture described in section 6426—

''(A) is used by any person as a fuel in a trade or business, or

''(B) is sold by any person at retail to another person and placed in the fuel tank of such person's vehicle,

the Secretary shall pay (without interest) to such person an amount equal to the alcohol credit (as determined under section 40(b)(2)) or the biodiesel credit (as determined under section 40A(b)(2)) with respect to such fuel.

''(3) COORDINATION WITH OTHER REPAYMENT PROVISIONS.—No amount shall be payable under paragraph (1) with respect to any mixture with respect to which an amount is allowed as a credit under section 6426.

''(4) TERMINATION.—This subsection shall not apply with respect to—

''(A) any alcohol fuel mixture (as defined in section 6426(b)(3)) or alcohol (as so defined) sold or used after December 31, 2010, and

''(B) any biodiesel mixture (as defined in section 6426(c)(3)) or biodiesel (as so defined) or agri-biodiesel (as so defined) sold or used after December 31, 2006.''.

(10) Section 6427(i)(3) is amended—

(A) by striking ''subsection (f)'' both places it appears in subparagraph (A) and inserting ''subsection (e)(1)'',

(B) by striking ''gasoline, diesel fuel, or kerosene used to produce a qualified alcohol mixture (as defined in section 4081(c)(3))'' in subparagraph (A) and inserting ''a mixture described in section 6426'',

(C) by adding at the end of subparagraph (A) the following new flush sentence: ''In the case of an electronic claim, this subparagraph shall be applied without regard to clause (i).'',

(D) by striking ''subsection (f)(1)'' in subparagraph (B) and inserting ''subsection (e)(1)'',

(E) by striking ''20 days of the date of the filing of such claim'' in subparagraph (B) and inserting ''45 days of the date of the filing of such claim (20 days in the case of an electronic claim)'', and

(F) by striking ''alcohol mixture'' in the heading and inserting ''alcohol fuel and biodiesel mixture''.

(11) Section 9503(b)(1) is amended by adding at the end the following new flush sentence: ''For purposes of this paragraph, taxes received under sections 4041 and 4081 shall be determined without reduction for credits under section 6426.''.

(12) Section 9503(b)(4), as amended by section 9101 of this Act, is amended—

(A) by adding ''or'' at the end of subparagraph (C),

(B) by striking the comma at the end of subparagraph (D)(iii) and inserting a period, and

(C) by striking subparagraphs (E) and (F).

(13) The table of sections for subchapter B of chapter 65 is amended by inserting after the item relating to section 6425 the following new item:

''Sec. 6426. Credit for alcohol fuel and biodiesel mixtures.''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to fuel sold or used after September 30, 2004.

(2) REGISTRATION REQUIREMENT.—The amendment made by subsection (b) shall take effect on April 1, 2005.

(3) EXTENSION OF ALCOHOL FUELS CREDIT.—The amendments made by paragraphs (3), (4), and (14) of subsection (c) shall take effect on the date of the enactment of this Act.

(4) REPEAL OF GENERAL FUND RETENTION OF CERTAIN ALCOHOL FUELS TAXES.—The amendments made by subsection (c)(12) shall apply to fuel sold or used after September 30, 2003.

(e) FORMAT FOR FILING.—The Secretary of the Treasury shall describe the electronic format for filing claims described in section 6427(i)(3)(B) of the Internal Revenue Code of 1986 (as amended by subsection (c)(10)(C)) not later than September 30, 2004.

SEC. 9103. BIODIESEL INCOME TAX CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by inserting after section 40 the following new section:

''SEC. 40A. BIODIESEL USED AS FUEL.

''(a) GENERAL RULE.—For purposes of section 38, the biodiesel fuels credit determined under this section for the taxable year is an amount equal to the sum of—

''(1) the biodiesel mixture credit, plus

''(2) the biodiesel credit.

''(b) DEFINITION OF BIODIESEL MIXTURE CREDIT AND BIODIESEL CREDIT.—For purposes of this section—

''(1) BIODIESEL MIXTURE CREDIT.—

''(A) IN GENERAL.—The biodiesel mixture credit of any taxpayer for any taxable year is 50 cents for each gallon of biodiesel used by the taxpayer in the production of a qualified biodiesel mixture.

''(B) QUALIFIED BIODIESEL MIXTURE.—The term 'qualified biodiesel mixture' means a mixture of biodiesel and diesel fuel (as defined in section 4083(a)(3)), determined without regard to any use of kerosene, which—

''(i) is sold by the taxpayer producing such mixture to any person for use as a fuel, or

''(ii) is used as a fuel by the taxpayer producing such mixture.

''(C) SALE OR USE MUST BE IN TRADE OR BUSINESS, ETC.—Biodiesel used in the production of a qualified biodiesel mixture shall be taken into account—

''(i) only if the sale or use described in subparagraph (B) is in a trade or business of the taxpayer, and

''(ii) for the taxable year in which such sale or use occurs.

''(D) CASUAL OFF-FARM PRODUCTION NOT ELIGIBLE.—No credit shall be allowed under this section with respect to any casual off-farm production of a qualified biodiesel mixture.

''(2) BIODIESEL CREDIT.—

''(A) IN GENERAL.—The biodiesel credit of any taxpayer for any taxable year is 50 cents for each gallon of biodiesel which is not in a mixture with diesel fuel and which during the taxable year—

''(i) is used by the taxpayer as a fuel in a trade or business, or

''(ii) is sold by the taxpayer at retail to a person and placed in the fuel tank of such person's vehicle.

''(B) USER CREDIT NOT TO APPLY TO BIODIESEL SOLD AT RETAIL.—No credit shall be allowed under subparagraph (A)(i) with respect to any biodiesel which was sold in a retail sale described in subparagraph (A)(ii).

''(3) CREDIT FOR AGRI-BIODIESEL.—In the case of any biodiesel which is agri-biodiesel, paragraphs (1)(A) and (2)(A) shall be applied by substituting '$1.00' for '50 cents'.

''(4) CERTIFICATION FOR BIODIESEL.—No credit shall be allowed under this section unless the taxpayer obtains a certification (in such form and manner as prescribed by the Secretary) from the producer or importer of the biodiesel which identifies the product produced and the percentage of biodiesel and agri-biodiesel in the product.

''(c) COORDINATION WITH CREDIT AGAINST EXCISE TAX.—The amount of the credit determined under this section with respect to any biodiesel shall be properly reduced to take into account any benefit provided with respect to such biodiesel solely by reason of the application of section 6426 or 6427(e).

''(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) BIODIESEL.—The term 'biodiesel' means the monoalkyl esters of long chain fatty acids derived from plant or animal matter which meet—

''(A) the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545), and

''(B) the requirements of the American Society of Testing and Materials D6751.

''(2) AGRI-BIODIESEL.—The term 'agri-biodiesel' means biodiesel derived solely from virgin oils, including esters derived from virgin vegetable oils from corn, soybeans, sunflower seeds, cottonseeds, canola, crambe, rapeseeds, safflowers, flaxseeds, rice bran, and mustard seeds, and from animal fats.

''(3) MIXTURE OR BIODIESEL NOT USED AS A FUEL, ETC.—

''(A) MIXTURES.—If—

''(i) any credit was determined under this section with respect to biodiesel used in the production of any qualified biodiesel mixture, and

''(ii) any person—

''(I) separates the biodiesel from the mixture, or

''(II) without separation, uses the mixture other than as a fuel,

then there is hereby imposed on such person a tax equal to the product of the rate applicable under subsection (b)(1)(A) and the number of gallons of such biodiesel in such mixture.

''(B) BIODIESEL.—If—

''(i) any credit was determined under this section with respect to the retail sale of any biodiesel, and

''(ii) any person mixes such biodiesel or uses such biodiesel other than as a fuel,

then there is hereby imposed on such person a tax equal to the product of the rate applicable under subsection (b)(2)(A) and the number of gallons of such biodiesel.

''(C) APPLICABLE LAWS.—All provisions of law, including penalties, shall, insofar as applicable and not inconsistent with this section, apply in respect of any tax imposed under subparagraph (A) or (B) as if such tax were imposed by section 4081 and not by this chapter.

''(4) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

''(e) TERMINATION.—This section shall not apply to any sale or use after December 31, 2006.''.

(b) CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b) (relating to current year business credit) is amended by striking ''plus'' at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting '', plus'', and by adding at the end the following new paragraph:

''(16) the biodiesel fuels credit determined under section 40A(a).''.

(c) CONFORMING AMENDMENTS.—

(1) Section 39(d) is amended by adding at the end the following new paragraph:

''(11) NO CARRYBACK OF BIODIESEL FUELS CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the biodiesel fuels credit determined under section 40A may be carried back to a taxable year ending on or before September 30, 2004.''.

(2)(A) Section 87 is amended to read as follows:

"SEC. 87. ALCOHOL AND BIODIESEL FUELS CREDITS.

''Gross income includes—

''(1) the amount of the alcohol fuels credit determined with respect to the taxpayer for the taxable year under section 40(a), and

''(2) the biodiesel fuels credit determined with respect to the taxpayer for the taxable year under section 40A(a).''.

(B) The item relating to section 87 in the table of sections for part II of subchapter B of chapter 1 is amended by striking ''fuel credit'' and inserting ''and biodiesel fuels credits''.

(3) Section 196(c) is amended by striking ''and'' at the end of paragraph (9), by striking the period at the end of paragraph (10) and inserting '', and'', and by adding at the end the following new paragraph:

''(11) the biodiesel fuels credit determined under section 40A(a).''.

(4) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding after the item relating to section 40 the following new item:

''Sec. 40A. Biodiesel used as fuel.''

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced, and sold or used, after September 30, 2004, in taxable years ending after such date.

Subtitle C—Fuel Fraud Prevention

SEC. 9200. SHORT TITLE.

This subtitle may be cited as the ''Fuel Fraud Prevention Act of 2004''.

PART I—AVIATION JET FUEL

SEC. 9211. TAXATION OF AVIATION-GRADE KEROSENE.

(a) RATE OF TAX.—

(1) IN GENERAL.—Subparagraph (A) of section 4081(a)(2) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) in the case of aviation-grade kerosene, 21.8 cents per gallon.''.

(2) COMMERCIAL AVIATION.—Paragraph (2) of section 4081(a) is amended by adding at the end the following new subparagraph:

''(C) TAXES IMPOSED ON FUEL USED IN COMMERCIAL AVIATION.—In the case of aviation-grade kerosene which is removed from any refinery or terminal directly into the fuel tank of an aircraft for use in commercial aviation, the rate of tax under subparagraph (A)(iv) shall be 4.3 cents per gallon.''.

(3) NONTAXABLE USES.—

(A) IN GENERAL.—Section 4082 is amended by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and by inserting after subsection (d) the following new subsection:

''(e) AVIATION-GRADE KEROSENE.—In the case of aviation-grade kerosene which is exempt from the tax imposed by section 4041(c) (other than by reason of a prior imposition of tax) and which is removed from any refinery or terminal directly into the fuel tank of an aircraft, the rate of tax under section 4081(a)(2)(A)(iv) shall be zero.''.

(B) CONFORMING AMENDMENTS.—

(i) Subsection (b) of section 4082 is amended by adding at the end the following new flush sentence: ''The term 'nontaxable use' does not include the use of aviation-grade kerosene in an aircraft.''.

(ii) Section 4082(d) is amended by striking paragraph (1) and by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(4) NONAIRCRAFT USE OF AVIATION-GRADE KEROSENE.—

(A) IN GENERAL.—Subparagraph (B) of section 4041(a)(1) is amended by adding at the end the following new sentence: ''This subparagraph shall not apply to aviation-grade kerosene.''.

(B) CONFORMING AMENDMENT.—The heading for paragraph (1) of section 4041(a) is amended by inserting ''and kerosene'' after ''diesel fuel''.

(b) COMMERCIAL AVIATION.—Section 4083 is amended redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and by inserting after subsection (a) the following new subsection:

''(b) COMMERCIAL AVIATION.—For purposes of this subpart, the term 'commercial aviation' means any use of an aircraft in a business of transporting persons or property for compensation or hire by air, unless properly allocable to any transportation exempt from the taxes imposed by section 4261 and 4271 by reason of section 4281 or 4282 or by reason of section 4261(h).''.

(c) REFUNDS.—

(1) IN GENERAL.—Paragraph (4) of section 6427(l) is amended to read as follows:

''(4) REFUNDS FOR AVIATION-GRADE KEROSENE.—

''(A) NO REFUND OF CERTAIN TAXES ON FUEL USED IN COMMERCIAL AVIATION.—In the case of aviation-grade kerosene used in commercial aviation (as defined in section 4083(b)) (other than supplies for vessels or aircraft within the meaning of section 4221(d)(3)), paragraph (1) shall not apply to so much of the tax imposed by section 4081 as is attributable to—

''(i) the Leaking Underground Storage Tank Trust Fund financing rate imposed by such section, and

''(ii) so much of the rate of tax specified in section 4081(a)(2)(A)(iv) as does not exceed 4.3 cents per gallon.

''(B) PAYMENT TO ULTIMATE, REGISTERED VENDOR.—With respect to aviation-grade kerosene, if the ultimate purchaser of such kerosene waives (at such time and in such form and manner as the Secretary shall prescribe) the right to payment under paragraph (1) and assigns such right to the ultimate vendor, then the Secretary shall pay the amount which would be paid under paragraph (1) to such ultimate vendor, but only if such ultimate vendor—

''(i) is registered under section 4101, and

''(ii) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).''.

(2) TIME FOR FILING CLAIMS.—Paragraph (4) of section 6427(i) is amended by striking ''subsection (l)(5)'' and inserting ''paragraph (4)(B) or (5) of subsection (l)''.

(3) CONFORMING AMENDMENT.—Subparagraph (B) of section 6427(l)(2) is amended to read as follows:

''(B) in the case of aviation-grade kerosene—

''(i) any use which is exempt from the tax imposed by section 4041(c) other than by reason of a prior imposition of tax, or

''(ii) any use in commercial aviation (within the meaning of section 4083(b)).''.

(d) REPEAL OF PRIOR TAXATION OF AVIATION FUEL.—

(1) IN GENERAL.—Part III of subchapter A of chapter 32 is amended by striking subpart B and by redesignating subpart C as subpart B.

(2) CONFORMING AMENDMENTS.—

(A) Section 4041(c) is amended to read as follows:

''(c) AVIATION-GRADE KEROSENE.—

''(1) IN GENERAL.—There is hereby imposed a tax upon aviation-grade kerosene—

''(A) sold by any person to an owner, lessee, or other operator of an aircraft for use in such aircraft, or

''(B) used by any person in an aircraft unless there was a taxable sale of such fuel under subparagraph (A).

''(2) EXEMPTION FOR PREVIOUSLY TAXED FUEL.—No tax shall be imposed by this subsection on the sale or use of any aviation-grade kerosene if tax was imposed on such liquid under section 4081 and the tax thereon was not credited or refunded.

''(3) RATE OF TAX.—The rate of tax imposed by this subsection shall be the rate of tax specified in section 4081(a)(2)(A)(iv) which is in effect at the time of such sale or use.''.

(B) Section 4041(d)(2) is amended by striking ''section 4091'' and inserting ''section 4081''.

(C) Section 4041 is amended by striking subsection (e).

(D) Section 4041 is amended by striking subsection (i).

(E) Section 4041(m)(1) is amended to read as follows:

''(1) IN GENERAL.—In the case of the sale or use of any partially exempt methanol or ethanol fuel, the rate of the tax imposed by subsection (a)(2) shall be—

''(A) after September 30, 1997, and before September 30, 2009—

''(i) in the case of fuel none of the alcohol in which consists of ethanol, 9.15 cents per gallon, and

''(ii) in any other case, 11.3 cents per gallon, and

''(B) after September 30, 2009—

''(i) in the case of fuel none of the alcohol in which consists of ethanol, 2.15 cents per gallon, and

''(ii) in any other case, 4.3 cents per gallon.''.

(F) Sections 4101(a), 4103, 4221(a), and 6206 are each amended by striking '', 4081, or 4091'' and inserting ''or 4081''.

(G) Section 6416(b)(2) is amended by striking ''4091 or''.

(H) Section 6416(b)(3) is amended by striking ''or 4091'' each place it appears.

(I) Section 6416(d) is amended by striking ''or to the tax imposed by section 4091 in the case of refunds described in section 4091(d)''.

(J) Section 6427 is amended by striking subsection (f).

(K) Section 6427(j)(1) is amended by striking '', 4081, and 4091'' and inserting ''and 4081''.

(L)(i) Section 6427(l)(1) is amended to read as follows:

''(1) IN GENERAL.—Except as otherwise provided in this subsection and in subsection (k), if any diesel fuel or kerosene on which tax has been imposed by section 4041 or 4081 is used by any person in a nontaxable use, the Secretary shall pay (without interest) to the ultimate purchaser of such fuel an amount equal to the aggregate amount of tax imposed on such fuel under section 4041 or 4081, as the case may be, reduced by any refund paid to the ultimate vendor under paragraph (4)(B).''.

(ii) Paragraph (5)(B) of section 6427(l) is amended by striking ''Paragraph (1)(A) shall not apply to kerosene'' and inserting ''Paragraph (1) shall not apply to kerosene (other than aviation-grade kerosene)''.

(M) Subparagraph (B) of section 6724(d)(1) is amended by striking clause (xv) and by redesignating the succeeding clauses accordingly.

(N) Paragraph (2) of section 6724(d) is amended by striking subparagraph (W) and by redesignating the succeeding subparagraphs accordingly.

(O) Paragraph (1) of section 9502(b) is amended by adding ''and'' at the end of subparagraph (B) and by striking subparagraphs (C) and (D) and inserting the following new subparagraph:

''(C) section 4081 with respect to aviation gasoline and aviation-grade kerosene, and''.

(P) The last sentence of section 9502(b) is amended to read as follows: ''There shall not be taken into account under paragraph (1) so much of the taxes imposed by section 4081 as are determined at the rate specified in section 4081(a)(2)(B).''.

(Q) Subsection (b) of section 9508 is amended by striking paragraph (3) and by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(R) Section 9508(c)(2)(A) is amended by striking ''sections 4081 and 4091'' and inserting ''section 4081''.

(S) The table of subparts for part III of subchapter A of chapter 32 is amended to read as follows:

''SUBPART A. MOTOR AND AVIATION FUELS

''SUBPART B. SPECIAL PROVISIONS APPLICABLE TO FUELS TAX''.

(T) The heading for subpart A of part III of subchapter A of chapter 32 is amended to read as follows:

"Subpart A—Motor and Aviation Fuels".

(U) The heading for subpart B of part III of subchapter A of chapter 32 is amended to read as follows:

"Subpart B—Special Provisions Applicable to Fuels Tax".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to aviation-grade kerosene removed, entered, or sold after September 30, 2004.

(f) FLOOR STOCKS TAX.—

(1) IN GENERAL.—There is hereby imposed on aviation-grade kerosene held on October 1, 2004, by any person a tax equal to—

(A) the tax which would have been imposed before such date on such kerosene had the amendments made by this section been in effect at all times before such date, reduced by

(B) the tax imposed before such date under section 4091 of the Internal Revenue Code of 1986, as in effect on the day before the date of the enactment of this Act.

(2) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—The person holding the kerosene on October 1, 2004, to which the tax imposed by paragraph (1) applies shall be liable for such tax.

(B) METHOD AND TIME FOR PAYMENT.—The tax imposed by paragraph (1) shall be paid at such time and in such manner as the Secretary of the Treasury shall prescribe, including the nonapplication of such tax on de minimis amounts of kerosene.

(3) TRANSFER OF FLOOR STOCK TAX REVENUES TO TRUST FUNDS.—For purposes of determining the amount transferred to any trust fund, the tax imposed by this subsection shall be treated as imposed by section 4081 of the Internal Revenue Code of 1986—

(A) at the Leaking Underground Storage Tank Trust Fund financing rate under such section to the extent of 0.1 cents per gallon, and

(B) at the rate under section 4081(a)(2)(A)(iv) to the extent of the remainder.

(4) HELD BY A PERSON.—For purposes of this section, kerosene shall be considered as held by a person if title thereto has passed to such person (whether or not delivery to the person has been made).

(5) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the tax imposed by section 4081 of such Code shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock tax imposed by paragraph (1) to the same extent as if such tax were imposed by such section.

SEC. 9212. TRANSFER OF CERTAIN AMOUNTS FROM THE AIRPORT AND AIRWAY TRUST FUND TO THE HIGHWAY TRUST FUND TO REFLECT HIGHWAY USE OF JET FUEL.

(a) IN GENERAL.—Section 9502(d) is amended by adding at the end the following new paragraph:

''(7) TRANSFERS FROM THE TRUST FUND TO THE HIGHWAY TRUST FUND.—

''(A) IN GENERAL.—The Secretary shall pay annually from the Airport and Airway Trust Fund into the Highway Trust Fund an amount (as determined by him) equivalent to amounts received in the Airport and Airway Trust Fund which are attributable to fuel that is used primarily for highway transportation purposes.

''(B) AMOUNTS TRANSFERRED TO MASS TRANSIT ACCOUNT.—The Secretary shall transfer 11 percent of the amounts paid into the Highway Trust Fund under subparagraph (A) to the Mass Transit Account established under section 9503(e).''.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 9503 is amended—

(A) by striking ''appropriated or credited'' and inserting ''paid, appropriated, or credited'', and

(B) by striking ''or section 9602(b)'' and inserting '', section 9502(d)(7), or section 9602(b)''.

(2) Subsection (e)(1) of section 9503 is amended by striking ''or section 9602(b)'' and inserting '', section 9502(d)(7), or section 9602(b)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2004.

PART II—DYED FUEL

SEC. 9221. DYE INJECTION EQUIPMENT.

(a) IN GENERAL.—Section 4082(a)(2) (relating to exemptions for diesel fuel and kerosene) is amended by inserting ''by mechanical injection'' after ''indelibly dyed''.

(b) DYE INJECTOR SECURITY.—Not later than June 30, 2004, the Secretary of the Treasury shall issue regulations regarding mechanical dye injection systems described in the amendment made by subsection (a), and such regulations shall include standards for making such systems tamper resistant.

(c) PENALTY FOR TAMPERING WITH OR FAILING TO MAINTAIN SECURITY REQUIREMENTS FOR MECHANICAL DYE INJECTION SYSTEMS.—

(1) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by adding after section 6715 the following new section:

"SEC. 6715A. TAMPERING WITH OR FAILING TO MAINTAIN SECURITY REQUIREMENTS FOR MECHANICAL DYE INJECTION SYSTEMS.

''(a) IMPOSITION OF PENALTY.—

''(1) TAMPERING.—If any person tampers with a mechanical dye injection system used to indelibly dye fuel for purposes of section 4082, then such person shall pay a penalty in addition to the tax (if any).

''(2) FAILURE TO MAINTAIN SECURITY REQUIREMENTS.—If any operator of a mechanical dye injection system used to indelibly dye fuel for purposes of section 4082 fails to maintain the security standards for such system as established by the Secretary, then such operator shall pay a penalty.

''(b) AMOUNT OF PENALTY.—The amount of the penalty under subsection (a) shall be—

''(1) for each violation described in paragraph (1), the greater of—

''(A) $25,000, or

''(B) $10 for each gallon of fuel involved, and

''(2) for each—

''(A) failure to maintain security standards described in paragraph (2), $1,000, and

''(B) failure to correct a violation described in paragraph (2), $1,000 per day for each day after which such violation was discovered or such person should have reasonably known of such violation.

''(c) JOINT AND SEVERAL LIABILITY.—

''(1) IN GENERAL.—If a penalty is imposed under this section on any business entity, each officer, employee, or agent of such entity or other contracting party who willfully participated in any act giving rise to such penalty shall be jointly and severally liable with such entity for such penalty.

''(2) AFFILIATED GROUPS.—If a business entity described in paragraph (1) is part of an affiliated group (as defined in section 1504(a)), the parent corporation of such entity shall be jointly and severally liable with such entity for the penalty imposed under this section.''.

(2) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by adding after the item related to section 6715 the following new item:

''Sec. 6715A. Tampering with or failing to maintain security requirements for mechanical dye injection systems.''.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (c) shall take effect 180 days after the date on which the Secretary issues the regulations described in subsection (b).

SEC. 9222. ELIMINATION OF ADMINISTRATIVE REVIEW FOR TAXABLE USE OF DYED FUEL.

(a) IN GENERAL.—Section 6715 is amended by inserting at the end the following new subsection:

''(e) NO ADMINISTRATIVE APPEAL FOR THIRD AND SUBSEQUENT VIOLATIONS.—In the case of any person who is found to be subject to the penalty under this section after a chemical analysis of such fuel and who has been penalized under this section at least twice after the date of the enactment of this subsection, no administrative appeal or review shall be allowed with respect to such finding except in the case of a claim regarding—

''(1) fraud or mistake in the chemical analysis, or

''(2) mathematical calculation of the amount of the penalty.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to penalties assessed after the date of the enactment of this Act.

SEC. 9223. PENALTY ON UNTAXED CHEMICALLY ALTERED DYED FUEL MIXTURES.

(a) IN GENERAL.—Section 6715(a) (relating to dyed fuel sold for use or used in taxable use, etc.) is amended by striking ''or'' in paragraph (2), by inserting ''or'' at the end of paragraph (3), and by inserting after paragraph (3) the following new paragraph:

''(4) any person who has knowledge that a dyed fuel which has been altered as described in paragraph (3) sells or holds for sale such fuel for any use which the person knows or has reason to know is not a nontaxable use of such fuel,''.

(b) CONFORMING AMENDMENT.—Section 6715(a)(3) is amended by striking ''alters, or attempts to alter,'' and inserting ''alters, chemically or otherwise, or attempts to so alter,''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 9224. TERMINATION OF DYED DIESEL USE BY INTERCITY BUSES.

(a) IN GENERAL.—Paragraph (3) of section 4082(b) (relating to nontaxable use) is amended to read as follows:

''(3) any use described in section 4041(a)(1)(C)(iii)(II).''.

(b) ULTIMATE VENDOR REFUND.—Subsection (b) of section 6427 is amended by adding at the end the following new paragraph:

''(4) REFUNDS FOR USE OF DIESEL FUEL IN CERTAIN INTERCITY BUSES.—

''(A) IN GENERAL.—With respect to any fuel to which paragraph (2)(A) applies, if the ultimate purchaser of such fuel waives (at such time and in such form and manner as the Secretary shall prescribe) the right to payment under paragraph (1) and assigns such right to the ultimate vendor, then the Secretary shall pay the amount which would be paid under paragraph (1) to such ultimate vendor, but only if such ultimate vendor—

''(i) is registered under section 4101, and

''(ii) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).

''(B) CREDIT CARDS.—For purposes of this paragraph, if the sale of such fuel is made by means of a credit card, the person extending credit to the ultimate purchaser shall be deemed to be the ultimate vendor.''.

(c) PAYMENT OF REFUNDS.—Subparagraph (A) of section 6427(i)(4), as amended by section 9211 of this Act, is amended by inserting ''subsections (b)(4) and'' after ''filed under''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold after September 30, 2004.

PART III—MODIFICATION OF INSPECTION OF RECORDS PROVISIONS

SEC. 9231. AUTHORITY TO INSPECT ON-SITE RECORDS.

(a) IN GENERAL.—Section 4083(d)(1)(A) (relating to administrative authority), as amended by section 9211 of this Act, is amended by striking ''and'' at the end of clause (i) and by inserting after clause (ii) the following new clause:

''(iii) inspecting any books and records and any shipping papers pertaining to such fuel, and''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 9232. ASSESSABLE PENALTY FOR REFUSAL OF ENTRY.

(a) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties), as amended by section 9221 of this Act, is amended by adding at the end the following new section:

''SEC. 6717. REFUSAL OF ENTRY.

''(a) IN GENERAL.—In addition to any other penalty provided by law, any person who refuses to admit entry or refuses to permit any other action by the Secretary authorized by section 4083(d)(1) shall pay a penalty of $1,000 for such refusal.

''(b) JOINT AND SEVERAL LIABILITY.—

''(1) IN GENERAL.—If a penalty is imposed under this section on any business entity, each officer, employee, or agent of such entity or other contracting party who willfully participated in any act giving rise to such penalty shall be jointly and severally liable with such entity for such penalty.

''(2) AFFILIATED GROUPS.—If a business entity described in paragraph (1) is part of an affiliated group (as defined in section 1504(a)), the parent corporation of such entity shall be jointly and severally liable with such entity for the penalty imposed under this section.

''(c) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this section with respect to any failure if it is shown that such failure is due to reasonable cause.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 4083(d)(3), as amended by section 9211 of this Act, is amended—

(A) by striking ''ENTRY.—The penalty'' and inserting: ''ENTRY.—

''(A) FORFEITURE.—The penalty'', and

(B) by adding at the end the following new subparagraph:

''(B) ASSESSABLE PENALTY.—For additional assessable penalty for the refusal to admit entry or other refusal to permit an action by the Secretary authorized by paragraph (1), see section 6717.''.

(2) The table of sections for part I of subchapter B of chapter 68, as amended by section 9221 of this Act, is amended by adding at the end the following new item:

''Sec. 6717. Refusal of entry.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2004.

PART IV—REGISTRATION AND REPORTING REQUIREMENTS

SEC. 9241. REGISTRATION OF PIPELINE OR VESSEL OPERATORS REQUIRED FOR EXEMPTION OF BULK TRANSFERS TO REGISTERED TERMINALS OR REFINERIES.

(a) IN GENERAL.—Section 4081(a)(1)(B) (relating to exemption for bulk transfers to registered terminals or refineries) is amended—

(1) by inserting ''by pipeline or vessel'' after ''transferred in bulk'', and

(2) by inserting '', the operator of such pipeline or vessel,'' after ''the taxable fuel''.

(b) CIVIL PENALTY FOR CARRYING TAXABLE FUELS BY NONREGISTERED PIPELINES OR VESSELS.—

(1) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties), as amended by section 9232 of this Act, is amended by adding at the end the following new section:

''SEC. 6718. CARRYING TAXABLE FUELS BY NONREGISTERED PIPELINES OR VESSELS.

''(a) IMPOSITION OF PENALTY.—If any person knowingly transfers any taxable fuel (as defined in section 4083(a)(1)) in bulk pursuant to section 4081(a)(1)(B) to an unregistered, such person shall pay a penalty in addition to the tax (if any).

''(b) AMOUNT OF PENALTY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the amount of the penalty under subsection (a) on each act shall be an amount equal to the greater of—

''(A) $10,000, or

''(B) $1 per gallon.

''(2) MULTIPLE VIOLATIONS.—In determining the penalty under subsection (a) on any person, paragraph (1) shall be applied by increasing the amount in paragraph (1) by the product of such amount and the number of prior penalties (if any) imposed by this section on such person (or a related person or any predecessor of such person or related person).

''(c) JOINT AND SEVERAL LIABILITY.—

''(1) IN GENERAL.—If a penalty is imposed under this section on any business entity, each officer, employee, or agent of such entity or other contracting party who willfully participated in any act giving rise to such penalty shall be jointly and severally liable with such entity for such penalty.

''(2) AFFILIATED GROUPS.—If a business entity described in paragraph (1) is part of an affiliated group (as defined in section 1504(a)), the parent corporation of such entity shall be jointly and severally liable with such entity for the penalty imposed under this section.

''(d) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this section with respect to any failure if it is shown that such failure is due to reasonable cause.''.

(2) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68, as amended by section 9232 of this Act, is amended by adding at the end the following new item:

''Sec. 6718. Carrying taxable fuels by nonregistered pipelines or vessels.''.

(c) PUBLICATION OF REGISTERED PERSONS.—Not later than June 30, 2004, the Secretary of the Treasury shall publish a list of persons required to be registered under section 4101 of the Internal Revenue Code of 1986.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 2004.

SEC. 9242. DISPLAY OF REGISTRATION.

(a) IN GENERAL.—Subsection (a) of section 4101 (relating to registration) is amended—

(1) by striking ''Every'' and inserting the following:

''(1) IN GENERAL.—Every'', and

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

''(2) DISPLAY OF REGISTRATION.—Every operator of a vessel required by the Secretary to register under this section shall display proof of registration through an electronic identification device prescribed by the Secretary on each vessel used by such operator to transport any taxable fuel.''.

(b) CIVIL PENALTY FOR FAILURE TO DISPLAY REGISTRATION.—

(1) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties), as amended by section 9241 of this Act, is amended by adding at the end the following new section:

"SEC. 6719. FAILURE TO DISPLAY REGISTRATION OF VESSEL.

"(a) FAILURE TO DISPLAY REGISTRATION.—Every operator of a vessel who fails to display proof of registration pursuant to section 4101(a)(2) shall pay a penalty of $500 for each such failure. With respect to any vessel, only one penalty shall be imposed by this section during any calendar month.

"(b) MULTIPLE VIOLATIONS.—In determining the penalty under subsection (a) on any person, subsection (a) shall be applied by increasing the amount in subsection (a) by the product of such amount and the number of prior penalties (if any) imposed by this section on such person (or a related person or any predecessor of such person or related person).

"(c) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this section with respect to any failure if it is shown that such failure is due to reasonable cause.".

(2) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68, as amended by section 9241 of this Act, is amended by adding at the end the following new item:

"Sec. 6719. Failure to display registration of vessel.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2004.

SEC. 9243. REGISTRATION OF PERSONS WITHIN FOREIGN TRADE ZONES, ETC.

(a) IN GENERAL.—Section 4101(a), as amended by section 9242 of this Act, is amended by redesignating paragraph (2) as paragraph (3), and by inserting after paragraph (1) the following new paragraph:

"(2) REGISTRATION OF PERSONS WITHIN FOREIGN TRADE ZONES, ETC.—The Secretary shall require registration by any person which—

"(A) operates a terminal or refinery within a foreign trade zone or within a customs bonded storage facility, or

"(B) holds an inventory position with respect to a taxable fuel in such a terminal.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2004.

SEC. 9244. PENALTIES FOR FAILURE TO REGISTER AND FAILURE TO REPORT.

(a) INCREASED PENALTY.—Subsection (a) of section 7272 (relating to penalty for failure to register) is amended by inserting "($10,000 in the case of a failure to register under section 4101)" after "$50".

(b) INCREASED CRIMINAL PENALTY.—Section 7232 (relating to failure to register under section 4101, false representations of registration status, etc.) is amended by striking "$5,000" and inserting "$10,000".

(c) ASSESSABLE PENALTY FOR FAILURE TO REGISTER.—

(1) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties), as amended by section 9242 of this Act, is amended by adding at the end the following new section:

"SEC. 6720. FAILURE TO REGISTER.

"(a) FAILURE TO REGISTER.—Every person who is required to register under section 4101 and fails to do so shall pay a penalty in addition to the tax (if any).

"(b) AMOUNT OF PENALTY.—The amount of the penalty under subsection (a) shall be—

"(1) $10,000 for each initial failure to register, and

"(2) $1,000 for each day thereafter such person fails to register.

"(c) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this section with respect to any failure if it is shown that such failure is due to reasonable cause.".

(2) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68, as amended by section 9242 of this Act, is amended by adding at the end the following new item:

"Sec. 6720. Failure to register.".

(d) ASSESSABLE PENALTY FOR FAILURE TO REPORT.—

(1) IN GENERAL.—Part II of subchapter B of chapter 68 (relating to assessable penalties) is amended by adding at the end the following new section:

"SEC. 6725. FAILURE TO REPORT INFORMATION UNDER SECTION 4101.

"(a) IN GENERAL.—In the case of each failure described in subsection (b) by any person with respect to a vessel or facility, such person shall pay a penalty of $10,000 in addition to the tax (if any).

"(b) FAILURES SUBJECT TO PENALTY.—For purposes of subsection (a), the failures described in this subsection are—

"(1) any failure to make a report under section 4101(d) on or before the date prescribed therefor, and

"(2) any failure to include all of the information required to be shown on such report or the inclusion of incorrect information.

"(c) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this section with respect to any failure if it is shown that such failure is due to reasonable cause.".

(2) CLERICAL AMENDMENT.—The table of sections for part II of subchapter B of chapter 68 is amended by adding at the end the following new item:

"Sec. 6725. Failure to report information under section 4101.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to failures pending or occurring after September 30, 2004.

SEC. 9245. INFORMATION REPORTING FOR PERSONS CLAIMING CERTAIN TAX BENEFITS.

(a) IN GENERAL.—Subpart C of part III of subchapter A of chapter 32 is amended by adding at the end the following new section:

"SEC. 4104. INFORMATION REPORTING FOR PERSONS CLAIMING CERTAIN TAX BENEFITS.

"(a) IN GENERAL.—The Secretary shall require any person claiming tax benefits—

"(1) under the provisions of section 34, 40, and 40A to file a return at the time such person claims such benefits (in such manner as the Secretary may prescribe), and

"(2) under the provisions of section 4041(b)(2), 6426, or 6427(e) to file a monthly return (in such manner as the Secretary may prescribe).

"(b) CONTENTS OF RETURN.—Any return filed under this section shall provide such information relating to such benefits and the coordination of such benefits as the Secretary may require to ensure the proper administration and use of such benefits.

"(c) ENFORCEMENT.—With respect to any person described in subsection (a) and subject to registration requirements under this title, rules similar to rules of section 4222(c) shall apply with respect to any requirement under this section.".

(b) CONFORMING AMENDMENT.—The table of sections for subpart C of part III of subchapter A of chapter 32 is amended by adding at the end the following new item:

"Sec. 4104. Information reporting for persons claiming certain tax benefits.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2004.

SEC. 9246. ELECTRONIC REPORTING.

(a) IN GENERAL.—Section 4101(d), as amended by section 9273 of this Act, is amended by adding at the end the following new sentence: "Any person who is required to report under this subsection and who has 25 or more reportable transactions in a month shall file such report in electronic format.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply on October 1, 2004.

PART V—IMPORTS

SEC. 9251. TAX AT POINT OF ENTRY WHERE IMPORTER NOT REGISTERED.

(a) TAX AT POINT OF ENTRY WHERE IMPORTER NOT REGISTERED.—

(1) IN GENERAL.—Subpart C of part III of subchapter A of chapter 31, as amended by section 9245 of this Act, is amended by adding at the end the following new section:

"SEC. 4105. TAX AT ENTRY WHERE IMPORTER NOT REGISTERED.

"(a) IN GENERAL.—Any tax imposed under this part on any person not registered under section 4101 for the entry of a fuel into the United States shall be imposed at the time and point of entry.

"(b) ENFORCEMENT OF ASSESSMENT.—If any person liable for any tax described under subsection (a) has not paid the tax or posted a bond, the Secretary may—

"(1) seize the fuel on which the tax is due, or

"(2) detain any vehicle transporting such fuel,

until such tax is paid or such bond is filed.

"(c) LEVY OF FUEL.—If no tax has been paid or no bond has been filed within 5 days from the date the Secretary seized fuel pursuant to subsection (b), the Secretary may sell such fuel as provided under section 6336.".

(2) CONFORMING AMENDMENT.—The table of sections for subpart C of part III of subchapter A of chapter 31 of the Internal Revenue Code of 1986, as amended by section 9245 of this Act, is amended by adding after the last item the following new item:

"Sec. 4105. Tax at entry where importer not registered.".

(b) DENIAL OF ENTRY WHERE TAX NOT PAID.—The Secretary of Homeland Security is authorized to deny entry into the United States of any shipment of a fuel which is taxable under section 4081 of the Internal Revenue Code of 1986 if the person entering such shipment fails to pay the tax imposed under such section or post a bond in accordance with the provisions of section 4105 of such Code.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

PART VI—MISCELLANEOUS PROVISIONS

SEC. 9261. TAX ON SALE OF DIESEL FUEL WHETHER SUITABLE FOR USE OR NOT IN A DIESEL-POWERED VEHICLE OR TRAIN.

(a) IN GENERAL.—Section 4083(a)(3) is amended—

(1) by striking "The term" and inserting the following:

"(A) IN GENERAL.—The term", and

(2) by inserting at the end the following new subparagraph:

"(B) LIQUID SOLD AS DIESEL FUEL.—The term 'diesel fuel' includes any liquid which is sold as or offered for sale as a fuel in a diesel-powered highway vehicle or a diesel-powered train.".

(b) CONFORMING AMENDMENTS.—

(1) Section 40A(b)(1)(B), as amended by section 9103 of this Act, is amended by striking "4083(a)(3)" and inserting "4083(a)(3)(A)".

(2) Section 6426(c)(3), as added by section 5102 of this Act, is amended by striking "4083(a)(3)" and inserting "4083(a)(3)(A)".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 9262. MODIFICATION OF ULTIMATE VENDOR REFUND CLAIMS WITH RESPECT TO FARMING.

(a) IN GENERAL.—

(1) REFUNDS.—Section 6427(l) is amended by adding at the end the following new paragraph:

"(6) REGISTERED VENDORS PERMITTED TO ADMINISTER CERTAIN CLAIMS FOR REFUND OF DIESEL FUEL AND KEROSENE SOLD TO FARMERS.—

''(A) IN GENERAL.—In the case of diesel fuel or kerosene used on a farm for farming purposes (within the meaning of section 6420(c)), paragraph (1) shall not apply to the aggregate amount of such diesel fuel or kerosene if such amount does not exceed 500 gallons (as determined under subsection (i)(5)(A)(iii)).

''(B) PAYMENT TO ULTIMATE VENDOR.—The amount which would (but for subparagraph (A)) have been paid under paragraph (1) with respect to any fuel shall be paid to the ultimate vendor of such fuel, if such vendor—

''(i) is registered under section 4101, and

''(ii) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).''.

(2) FILING OF CLAIMS.—Section 6427(i) is amended by inserting at the end the following new paragraph:

''(5) SPECIAL RULE FOR VENDOR REFUNDS WITH RESPECT TO FARMERS.—

''(A) IN GENERAL.—A claim may be filed under subsection (l)(6) by any person with respect to fuel sold by such person for any period—

''(i) for which $200 or more ($100 or more in the case of kerosene) is payable under subsection (l)(6),

''(ii) which is not less than 1 week, and

''(iii) which is for not more than 500 gallons for each farmer for which there is a claim.

Notwithstanding subsection (l)(1), paragraph (3)(B) shall apply to claims filed under the preceding sentence.

''(B) TIME FOR FILING CLAIM.—No claim filed under this paragraph shall be allowed unless filed on or before the last day of the first quarter following the earliest quarter included in the claim.''.

(3) CONFORMING AMENDMENTS.—

(A) Section 6427(l)(5)(A) is amended to read as follows:

''(A) IN GENERAL.—Paragraph (1) shall not apply to diesel fuel or kerosene used by a State or local government.''.

(B) The heading for section 6427(l)(5) is amended by striking ''farmers and''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuels sold for nontaxable use after the date of the enactment of this Act.

SEC. 9263. TAXABLE FUEL REFUNDS FOR CERTAIN ULTIMATE VENDORS.

(a) IN GENERAL.—Paragraph (4) of section 6416(a) (relating to abatements, credits, and refunds) is amended to read as follows:

''(4) REGISTERED ULTIMATE VENDOR TO ADMINISTER CREDITS AND REFUNDS OF GASOLINE TAX.—

''(A) IN GENERAL.—For purposes of this subsection, if an ultimate vendor purchases any gasoline on which tax imposed by section 4081 has been paid and sells such gasoline to an ultimate purchaser described in subparagraph (C) or (D) of subsection (b)(2) (and such gasoline is for a use described in such subparagraph), such ultimate vendor shall be treated as the person (and the only person) who paid such tax, but only if such ultimate vendor is registered under section 4101. For purposes of this subparagraph, if the sale of gasoline is made by means of a credit card, the person extending the credit to the ultimate purchaser shall be deemed to be the ultimate vendor.

''(B) TIMING OF CLAIMS.—The procedure and timing of any claim under subparagraph (A) shall be the same as for claims under section 6427(i)(4), except that the rules of section 6427(i)(3)(B) regarding electronic claims shall not apply unless the ultimate vendor has certified to the Secretary for the most recent quarter of the taxable year that all ultimate purchasers of the vendor are certified and entitled to a refund under subparagraph (C) or (D) of subsection (b)(2).''.

(b) CREDIT CARD PURCHASES OF DIESEL FUEL OR KEROSENE BY STATE AND LOCAL GOVERNMENTS.—Section 6427(l)(5)(C) (relating to nontaxable uses of diesel fuel, kerosene, and aviation fuel), as amended by section 9252 of this Act, is amended by adding at the end the following new sentence: ''For purposes of this subparagraph, if the sale of diesel fuel or kerosene is made by means of a credit card, the person extending the credit to the ultimate purchaser shall be deemed to be the ultimate vendor.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2004.

SEC. 9264. TWO-PARTY EXCHANGES.

(a) IN GENERAL.—Subpart C of part III of subchapter A of chapter 32, as amended by section 9251 of this Act, is amended by adding at the end the following new section:

''SEC. 4106. TWO-PARTY EXCHANGES.

''(a) IN GENERAL.—In a two-party exchange, the delivering person shall not be liable for the tax imposed under of section 4081(a)(1)(A)(ii).

''(b) TWO-PARTY EXCHANGE.—The term 'two-party exchange' means a transaction, other than a sale, in which taxable fuel is transferred from a delivering person registered under section 4101 as a taxable fuel registrant to a receiving person who is so registered where all of the following occur:

''(1) The transaction includes a transfer from the delivering person, who holds the inventory position for taxable fuel in the terminal as reflected in the records of the terminal operator.

''(2) The exchange transaction occurs before or contemporaneous with completion of removal across the rack from the terminal by the receiving person.

''(3) The terminal operator in its books and records treats the receiving person as the person that removes the product across the terminal rack for purposes of reporting the transaction to the Secretary.

''(4) The transaction is the subject of a written contract.''.

(b) CONFORMING AMENDMENT.—The table of sections for subpart C of part III of subchapter A of chapter 32, as amended by section 9251 of this Act, is amended by adding after the last item the following new item:

''Sec. 4106. Two-party exchanges.''.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 9265. MODIFICATIONS OF TAX ON USE OF CERTAIN VEHICLES.

(a) NO PRORATION OF TAX UNLESS VEHICLE IS DESTROYED OR STOLEN.—

(1) IN GENERAL.—Section 4481(c) (relating to proration of tax) is amended to read as follows:

''(c) PRORATION OF TAX WHERE VEHICLE SOLD, DESTROYED, OR STOLEN.—

''(1) IN GENERAL.—If in any taxable period a highway motor vehicle is sold, destroyed, or stolen before the first day of the last month in such period and not subsequently used during such taxable period, the tax shall be reckoned proportionately from the first day of the month in such period in which the first use of such highway motor vehicle occurs to and including the last day of the month in which such highway motor vehicle was sold, destroyed, or stolen.

''(2) DESTROYED.—For purposes of paragraph (1), a highway motor vehicle is destroyed if such vehicle is damaged by reason of an accident or other casualty to such an extent that it is not economic to rebuild.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 6156 (relating to installment payment of tax on use of highway motor vehicles) is repealed.

(B) The table of sections for subchapter A of chapter 62 is amended by striking the item relating to section 6156.

(b) DISPLAY OF TAX CERTIFICATE.—Paragraph (2) of section 4481(d) (relating to one tax liability for period) is amended to read as follows:

''(2) DISPLAY OF TAX CERTIFICATE.—Every taxpayer which pays the tax imposed under this section with respect to a highway motor vehicle shall, not later than 1 month after the due date of the return of tax with respect to each taxable period, receive and display on such vehicle an electronic identification device prescribed by the Secretary.''.

(c) ELECTRONIC FILING.—Section 4481, as amended by section 9001 of this Act, is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

''(e) ELECTRONIC FILING.—Any taxpayer who files a return under this section with respect to 25 or more vehicles for any taxable period shall file such return electronically.''.

(d) REPEAL OF REDUCTION IN TAX FOR CERTAIN TRUCKS.—Section 4483 of the Internal Revenue Code of 1986 is amended by striking subsection (f).

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable periods beginning after the date of the enactment of this Act.

(2) SUBSECTION (B).—The amendment made by subsection (b) shall take effect on October 1, 2005.

SEC. 9266. DEDICATION OF REVENUES FROM CERTAIN PENALTIES TO THE HIGHWAY TRUST FUND.

(a) IN GENERAL.—Subsection (b) of section 9503 (relating to transfer to Highway Trust Fund of amounts equivalent to certain taxes), as amended by section 9001 of this Act, is amended by redesignating paragraph (5) as paragraph (6) and inserting after paragraph (4) the following new paragraph:

''(5) CERTAIN PENALTIES.—There are hereby appropriated to the Highway Trust Fund amounts equivalent to the penalties assessed under sections 6715, 6715A, 6717, 6718, 6719, 6720, 6725, 7232, and 7272 (but only with regard to penalties under such section related to failure to register under section 4101).''.

(b) CONFORMING AMENDMENTS.—

(1) The heading of subsection (b) of section 9503 is amended by inserting ''and Penalties'' after ''Taxes''.

(2) The heading of paragraph (1) of section 9503(b) is amended by striking ''In general'' and inserting ''Certain taxes''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to penalties assessed after October 1, 2004.

SEC. 9267. NONAPPLICATION OF EXPORT EXEMPTION TO DELIVERY OF FUEL TO MOTOR VEHICLES REMOVED FROM UNITED STATES.

(a) IN GENERAL.—Section 4221(d)(2) (defining export) is amended by adding at the end the following new sentence: ''Such term does not include the delivery of a taxable fuel (as defined in section 4083(a)(1)) into a fuel tank of a motor vehicle which is shipped or driven out of the United States.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 4041(g) (relating to other exemptions) is amended by adding at the end the following new sentence: ''Paragraph (3) shall not apply to the sale for delivery of a liquid into a fuel tank of a motor vehicle which is shipped or driven out of the United States.''.

(2) Clause (iv) of section 4081(a)(1)(A) (relating to tax on removal, entry, or sale) is amended by inserting ''or at a duty-free sales enterprise (as defined in section 555(b)(8) of the Tariff Act of 1930)'' after ''section 4101''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales or deliveries made after the date of the enactment of this Act.

PART VII—TOTAL ACCOUNTABILITY

SEC. 9271. TOTAL ACCOUNTABILITY.

(a) TAXATION OF REPORTABLE LIQUIDS.—

(1) IN GENERAL.—Section 4081(a), as amended by this Act, is amended—

(A) by inserting ''or reportable liquid'' after ''taxable fuel'' each place it appears, and

(B) by inserting ''such liquid'' after ''such fuel'' in paragraph (1)(A)(iv).

(2) RATE OF TAX.—Subparagraph (A) of section 4081(a)(2), as amended by section 9211 of this Act, is amended by striking ''and'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', and'', and by adding at the end the following new clause:

''(v) in the case of reportable liquids, the rate determined under section 4083(c)(2).''.

(3) EXEMPTION.—Section 4081(a)(1) is amended by adding at the end the following new subparagraph:

''(C) EXEMPTION FOR REGISTERED TRANSFERS OF REPORTABLE LIQUIDS.—The tax imposed by this paragraph shall not apply to any removal, entry, or sale of a reportable liquid if—

''(i) such removal, entry, or sale is to a registered person who certifies that such liquid will not be used as a fuel or in the production of a fuel, or

''(ii) the sale is to the ultimate purchaser of such liquid.''.

(4) REPORTABLE LIQUIDS.—Section 4083, as amended by this Act, is amended by redesignating subsections (c) and (d) (as redesignated by section 5211 of this Act) as subsections (d) and (e), respectively, and by inserting after subsection (b) the following new section:

''(c) REPORTABLE LIQUID.—For purposes of this subpart—

''(1) IN GENERAL.—The term 'reportable liquid' means any petroleum-based liquid other than a taxable fuel.

''(2) TAXATION.—

''(A) GASOLINE BLEND STOCKS AND ADDITIVES.—Gasoline blend stocks and additives which are reportable liquids (as defined in paragraph (1)) shall be subject to the rate of tax under clause (i) of section 4081(a)(2)(A).

''(B) OTHER REPORTABLE LIQUIDS.—Any reportable liquid (as defined in paragraph (1)) not described in subparagraph (A) shall be subject to the rate of tax under clause (iii) of section 4081(a)(2)(A).''.

(5) CONFORMING AMENDMENTS.—

(A) Section 4081(e) is amended by inserting ''or reportable liquid'' after ''taxable fuel''.

(B) Section 4083(d) (relating to certain use defined as removal), as redesignated by paragraph (4), is amended by inserting ''or reportable liquid'' after ''taxable fuel''.

(C) Section 4083(e)(1) (relating to administrative authority), as redesignated by paragraph (4), is amended—

(i) in subparagraph (A)—

(I) by inserting ''or reportable liquid'' after ''taxable fuel'', and

(II) by inserting ''or such liquid'' after ''such fuel'' each place it appears, and

(ii) in subparagraph (B), by inserting ''or any reportable liquid'' after ''any taxable fuel''.

(D) Section 4101(a)(2), as added by section 5243 of this Act, is amended by inserting ''or a reportable liquid'' after ''taxable fuel''.

(E) Section 4101(a)(3), as added by section 5242 of this Act and redesignated by section 5243 of this Act, is amended by inserting ''or any reportable liquid'' before the period at the end.

(F) Section 4102 is amended by inserting ''or any reportable liquid'' before the period at the end.

(G)(i) Section 6718, as added by section 5241 of this Act, is amended—

(I) in subsection (a), by inserting ''or any reportable liquid (as defined in section 4083(c)(1))'' after '' section 4083(a)(1))'', and

(II) in the heading, by inserting ''or reportable liquids'' after ''taxable fuel''.

(ii) The item relating to section 6718 in table of sections for part I of subchapter B of chapter 68, as added by section 5241 of this Act, is amended by inserting ''or reportable liquids'' after ''taxable fuels''.

(H) Section 6427(h) is amended to read as follows:

''(h) GASOLINE BLEND STOCKS OR ADDITIVES AND REPORTABLE LIQUIDS.—Except as provided in subsection (k)—

''(1) if any gasoline blend stock or additive (within the meaning of section 4083(a)(2)) is not used by any person to produce gasoline and such person establishes that the ultimate use of such gasoline blend stock or additive is not to produce gasoline, or

''(2) if any reportable liquid (within the meaning of section 4083(c)(1)) is not used by any person to produce a taxable fuel and such person establishes that the ultimate use of such reportable liquid is not to produce a taxable fuel,

then the Secretary shall pay (without interest) to such person an amount equal to the aggregate amount of the tax imposed on such person with respect to such gasoline blend stock or additive or such reportable fuel.''.

(I) Section 7232, as amended by this Act, is amended by inserting ''or reportable liquid (within the meaning of section 4083(c)(1))'' after ''section 4083)''.

(b) DYED DIESEL.—Section 4082(a) is amended by striking ''and'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ''and'', and by inserting after paragraph (3) the following new paragraph:

''(4) which is removed, entered, or sold by a person registered under section 4101.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to reportable liquids (as defined in section 4083(c) of the Internal Revenue Code) and fuel sold or used after September 30, 2004.

SEC. 9272. EXCISE TAX REPORTING.

(a) IN GENERAL.—Part II of subchapter A of chapter 61 is amended by adding at the end the following new subpart:

''Subpart E—Excise Tax Reporting

''SEC. 6025. RETURNS RELATING TO FUEL TAXES.

''(a) IN GENERAL.—The Secretary shall require any person liable for the tax imposed under Part III of subchapter A of chapter 32 to file a return of such tax on a monthly basis.

''(b) INFORMATION INCLUDED WITH RETURN.—The Secretary shall require any person filing a return under subsection (a) to provide information regarding any refined product (whether or not such product is taxable under this title) removed from a terminal during the period for which such return applies.''.

(b) CONFORMING AMENDMENT.—The table of parts for subchapter A of chapter 61 is amended by adding at the end the following new item:

''SUBPART E—EXCISE TAX REPORTING''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after September 30, 2004.

SEC. 9273. INFORMATION REPORTING.

(a) IN GENERAL.—Section 4101(d) is amended by adding at the end the following new flush sentence: ''The Secretary shall require reporting under the previous sentence with respect to taxable fuels removed, entered, or transferred from any refinery, pipeline, or vessel which is registered under this section.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply on October 1, 2004.

Subtitle D—Definition of Highway Vehicle

SEC. 9301. EXEMPTION FROM CERTAIN EXCISE TAXES FOR MOBILE MACHINERY.

(a) EXEMPTION FROM TAX ON HEAVY TRUCKS AND TRAILERS SOLD AT RETAIL.—

(1) IN GENERAL.—Section 4053 (relating to exemptions) is amended by adding at the end the following new paragraph:

''(8) MOBILE MACHINERY.—Any vehicle which consists of a chassis—

''(A) to which there has been permanently mounted (by welding, bolting, riveting, or other means) machinery or equipment to perform a construction, manufacturing, processing, farming, mining, drilling, timbering, or similar operation if the operation of the machinery or equipment is unrelated to transportation on or off the public highways,

''(B) which has been specially designed to serve only as a mobile carriage and mount (and a power source, where applicable) for the particular machinery or equipment involved, whether or not such machinery or equipment is in operation, and

''(C) which, by reason of such special design, could not, without substantial structural modification, be used as a component of a vehicle designed to perform a function of transporting any load other than that particular machinery or equipment or similar machinery or equipment requiring such a specially designed chassis.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the day after the date of the enactment of this Act.

(b) EXEMPTION FROM TAX ON USE OF CERTAIN VEHICLES.—

(1) IN GENERAL.—Section 4483 (relating to exemptions) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

''(g) EXEMPTION FOR MOBILE MACHINERY.—No tax shall be imposed by section 4481 on the use of any vehicle described in section 4053(8).''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the day after the date of the enactment of this Act.

(d) EXEMPTION FROM FUEL TAXES.—

(1) IN GENERAL.—Section 6421(e)(2) (defining off-highway business use) is amended by adding at the end the following new subparagraph:

''(C) USES IN MOBILE MACHINERY.—

''(i) IN GENERAL.—The term 'off-highway business use' shall include any use in a vehicle which meets the requirements described in clause (ii).

''(ii) REQUIREMENTS FOR MOBILE MACHINERY.—The requirements described in this clause are—

''(I) the design-based test, and

''(II) the use-based test.

''(iii) DESIGN-BASED TEST.—For purposes of clause (ii)(I), the design-based test is met if the vehicle consists of a chassis—

''(I) to which there has been permanently mounted (by welding, bolting, riveting, or other means) machinery or equipment to perform a construction, manufacturing, processing, farming, mining, drilling, timbering, or similar operation if the operation of the machinery or equipment is unrelated to transportation on or off the public highways,

''(II) which has been specially designed to serve only as a mobile carriage and mount (and a power source, where applicable) for the particular machinery or equipment involved, whether or not such machinery or equipment is in operation, and

''(III) which, by reason of such special design, could not, without substantial structural modification, be used as a component of a vehicle designed to perform a function of transporting any load other than that particular machinery or equipment or similar machinery or equipment requiring such a specially designed chassis.

''(iv) USE-BASED TEST.—For purposes of clause (ii)(II), the use-based test is met if the use of the vehicle on public highways was less than 5,000 miles during the taxpayer's taxable year.

''(v) SPECIAL RULE FOR USE BY CERTAIN TAX-EXEMPT ORGANIZATIONS.—In the case of any use in a vehicle by an organization which is described in section 501(c) and exempt from tax under section 501(a), clause (ii) shall be applied without regard to subclause (II) thereof.''.

(2) ANNUAL REFUND OF TAX PAID.—Section 6427(i)(2) (relating to exceptions) is amended by adding at the end the following new subparagraph:

''(C) NONAPPLICATION OF PARAGRAPH.—This paragraph shall not apply to any fuel used in any off-highway business use described in section 6421(e)(2)(C).''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 9302. MODIFICATION OF DEFINITION OF OFF-HIGHWAY VEHICLE.

(a) IN GENERAL.—Section 7701(a) (relating to definitions) is amended by adding at the end the following new paragraph:

''(48) OFF-HIGHWAY VEHICLES.—

''(A) OFF-HIGHWAY TRANSPORTATION VEHICLES.—

''(i) IN GENERAL.—A vehicle shall not be treated as a highway vehicle if such vehicle is specially designed for the primary function of transporting a particular type of load other than over the public highway and because of this special design such vehicle's capability to transport a load over the public highway is substantially limited or impaired.

''(ii) DETERMINATION OF VEHICLE'S DESIGN.—For purposes of clause (i), a vehicle's design is determined solely on the basis of its physical characteristics.

''(iii) DETERMINATION OF SUBSTANTIAL LIMITATION OR IMPAIRMENT.—For purposes of clause (i), in determining whether substantial limitation or impairment exists, account may be taken of factors such as the size of the vehicle, whether such vehicle is subject to the licensing, safety, and other requirements applicable to highway vehicles, and whether such vehicle can transport a load at a sustained speed of at least 25 miles per hour. It is immaterial that a vehicle can transport a greater load off the public highway than such vehicle is permitted to transport over the public highway.

''(B) NONTRANSPORTATION TRAILERS AND SEMITRAILERS.—A trailer or semitrailer shall not be treated as a highway vehicle if it is specially designed to function only as an enclosed stationary shelter for the carrying on of an off-highway function at an off-highway site.''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall take effect on the date of the enactment of this Act.

(2) FUEL TAXES.—With respect to taxes imposed under subchapter B of chapter 31 and part III of subchapter A of chapter 32, the amendment made by this section shall apply to taxable periods beginning after the date of the enactment of this Act.

Subtitle E—Miscellaneous Provisions

SEC. 9401. DEDICATION OF GAS GUZZLER TAX TO HIGHWAY TRUST FUND.

(a) IN GENERAL.—Section 9503(b)(1) (relating to transfer to Highway Trust Fund of amounts equivalent to certain taxes), as amended by section 9101 of this Act, is amended by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively, and by inserting after subparagraph (B) the following new subparagraph:

''(C) section 4064 (relating to gas guzzler tax),''.

(b) UNIFORM APPLICATION OF TAX.—Subparagraph (A) of section 4064(b)(1) (defining automobile) is amended by striking the second sentence.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 9402. MOTOR FUEL TAX ENFORCEMENT ADVISORY COMMISSION.

(a) ESTABLISHMENT.—There is established a Motor Fuel Tax Enforcement Advisory Commission (in this section referred to as the ''Commission'').

(b) FUNCTION.—The Commission shall—

(1) review motor fuel revenue collections, historical and current;

(2) review the progress of investigations;

(3) develop and review legislative proposals with respect to motor fuel taxes;

(4) monitor the progress of administrative regulation projects relating to motor fuel taxes;

(5) review the results of Federal and State agency cooperative efforts regarding motor fuel taxes;

(6) review the results of Federal interagency cooperative efforts regarding motor fuel taxes; and

(7) evaluate and make recommendations regarding—

(A) the effectiveness of existing Federal enforcement programs regarding motor fuel taxes,

(B) enforcement personnel allocation, and

(C) proposals for regulatory projects, legislation, and funding.

(c) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of the following representatives appointed by the Chairmen and the Ranking Members of the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives:

(A) At least 1 representative from each of the following Federal entities: the Department of Homeland Security, the Department of Transportation—Office of Inspector General, the Federal Highway Administration, the Department of Defense, and the Department of Justice.

(B) At least 1 representative from the Federation of State Tax Administrators.

(C) At least 1 representative from any State department of transportation.

(D) 2 representatives from the highway construction industry.

(E) 5 representatives from industries relating to fuel distribution — refiners (2 representatives), distributors (1 representative), pipelines (1 representative), and terminal operators (2 representatives).

(F) 1 representative from the retail fuel industry.

(G) 2 representatives from the staff of the Committee on Finance of the Senate and 2 representatives from the staff of the Committee on Ways and Means of the House of Representatives.

(2) TERMS.—Members shall be appointed for the life of the Commission.

(3) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(4) TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(5) CHAIRMAN.—The Chairman of the Commission shall be elected by the members.

(d) FUNDING.—Such sums as are necessary shall be available from the Highway Trust fund for the expenses of the Commission.

(e) CONSULTATION.—Upon request of the Commission, representatives of the Department of the Treasury and the Internal Revenue Service shall be available for consultation to assist the Commission in carrying out its duties under this section.

(f) OBTAINING DATA.—The Commission may secure directly from any department or agency of the United States, information (other than information required by any law to be kept confidential by such department or agency) necessary for the Commission to carry out its duties under this section. Upon request of the Commission, the head of that department or agency shall furnish such nonconfidential information to the Commission. The Commission shall also gather evidence through such means as it may deem appropriate, including through holding hearings and soliciting comments by means of Federal Register notices.

(g) TERMINATION.—The Commission shall terminate after September 30, 2009.

SEC. 9403. TREASURY STUDY OF FUEL TAX COMPLIANCE AND INTERAGENCY COOPERATION.

(a) IN GENERAL.—Not later than January 31, 2006, the Secretary of the Treasury shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report regarding fuel tax enforcement which shall include the information and analysis specified in subsections (b) and (c) and any other information and recommendations the Secretary of the Treasury may deem appropriate.

(b) AUDITS.—With respect to audits conducted by the Internal Revenue Service, the report required under subsection (a) shall include—

(1) the number and geographic distribution of audits conducted annually, by fiscal year, between October 1, 2001, and September 30, 2005;

(2) the total volume involved for each of the taxable fuels covered by such audits and a comparison to the annual production of such fuels;

(3) the staff hours and number of personnel devoted to the audits per year; and

(4) the results of such audits by year, including total tax collected, total penalties collected, and number of referrals for criminal prosecution.

(c) ENFORCEMENT ACTIVITIES.—With respect to enforcement activities, the report required under subsection (a) shall include—

(1) the number and geographic distribution of criminal investigations and prosecutions annually, by fiscal year, between October 1, 2001, and September 30, 2005, and the results of such investigations and prosecutions;

(2) to the extent such investigations and prosecutions involved other agencies, State or Federal, a breakdown by agency of the number of joint investigations involved;

(3) an assessment of the effectiveness of joint action and cooperation between the Department of the Treasury and other Federal and State agencies, including a discussion of the ability and need to share information across agencies for both civil and criminal Federal tax enforcement and enforcement of State or Federal laws relating to fuels;

(4) the staff hours and number of personnel devoted to criminal investigations and prosecutions per year;

(5) the staff hours and number of personnel devoted to administrative collection of fuel taxes; and

(6) the results of administrative collection efforts annually, by fiscal year, between October 1, 2001, and September 30, 2005.

SEC. 9404. TREASURY STUDY OF HIGHWAY FUELS USED BY TRUCKS FOR NON-TRANSPORTATION PURPOSES.

(a) STUDY.—The Secretary of the Treasury shall conduct a study regarding the use of highway motor fuel by trucks that is not used for the propulsion of the vehicle. As part of such study—

(1) in the case of vehicles carrying equipment that is unrelated to the transportation function of the vehicle—

(A) the Secretary of the Treasury, in consultation with the Secretary of Transportation, and with public notice and comment, shall determine the average annual amount of tax paid fuel consumed per vehicle, by type of vehicle, used by the propulsion engine to provide the power to operate the equipment attached to the highway vehicle, and

(B) the Secretary of the Treasury shall review the technical and administrative feasibility of exempting such nonpropulsive use of highway fuels for the highway motor fuels excise taxes,

(2) in the case where non-transportation equipment is run by a separate motor—

(A) the Secretary of the Treasury shall determine the annual average amount of fuel exempted from tax in the use of such equipment by equipment type, and

(B) the Secretary of the Treasury shall review issues of administration and compliance related to the present-law exemption provided for such fuel use, and

(3) the Secretary of the Treasury shall—

(A) estimate the amount of taxable fuel consumed by trucks and the emissions of various pollutants due to the long-term idling of diesel engines, and

(B) determine the cost of reducing such long-term idling through the use of plug-ins at truck stops, auxiliary power units, or other technologies.

(b) REPORT.—Not later than January 1, 2006, the Secretary of the Treasury shall report the findings of the study required under subsection (a) to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

SEC. 9405. TREATMENT OF EMPLOYER-PROVIDED TRANSIT AND VAN POOLING BENEFITS.

(a) IN GENERAL.—Subparagraph (A) of section 132(f)(2) (relating to limitation on exclusion) is amended by striking ''$100'' and inserting ''$120''.

(b) INFLATION ADJUSTMENT CONFORMING AMENDMENTS.—The last sentence of section 132(f)(6)(A) (relating to inflation adjustment) is amended—

(1) by striking ''2002'' and inserting ''2005'', and

(2) by striking ''2001'' and inserting ''2004''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 9406. STUDY OF INCENTIVES FOR PRODUCTION OF BIODIESEL.

(a) STUDY.—The General Comptroller of the United States shall conduct a study related to biodiesel fuels and the tax credit for biodiesel fuels established under this Act. Such study shall include—

(1) an assessment on whether such credit provides sufficient assistance to the producers of biodiesel fuel to establish the fuel as a viable energy alternative in the current market place,

(2) an assessment on how long such credit or similar subsidy would have to remain in effect before biodiesel fuel can compete in the market place without such assistance,

(3) a cost-benefit analysis of such credit, comparing the cost of the credit in forgone revenue to the benefits of lower fuel costs for consumers, increased profitability for the biodiesel industry, increased farm income, reduced program outlays from the Department of Agriculture, and the improved environmental conditions through the use of biodiesel fuel, and

(4) an assessment on whether such credit results in any unintended consequences for unrelated industries, including the impact, if any, on the glycerin market.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall report the findings of the study required under subsection (a) to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

Subtitle F—Provisions Designed to Curtail Tax Shelters

SEC. 9501. CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.

(a) IN GENERAL.—Section 7701 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE; ETC.—

''(1) GENERAL RULES.—

''(A) IN GENERAL.—In applying the economic substance doctrine, the determination of whether a transaction has economic substance shall be made as provided in this paragraph.

''(B) DEFINITION OF ECONOMIC SUBSTANCE.—For purposes of subparagraph (A)—

''(i) IN GENERAL.—A transaction has economic substance only if—

''(I) the transaction changes in a meaningful way (apart from Federal tax effects and, if there are any Federal tax effects, also apart from any foreign, State, or local tax effects) the taxpayer's economic position, and

''(II) the taxpayer has a substantial nontax purpose for entering into such transaction and the transaction is a reasonable means of accomplishing such purpose.

''(ii) SPECIAL RULE WHERE TAXPAYER RELIES ON PROFIT POTENTIAL.—A transaction shall not be treated as having economic substance by reason of having a potential for profit unless—

''(I) the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected, and

''(II) the reasonably expected pre-tax profit from the transaction exceeds a risk-free rate of return.

''(C) TREATMENT OF FEES AND FOREIGN TAXES.—Fees and other transaction expenses and foreign taxes shall be taken into account as expenses in determining pre-tax profit under subparagraph (B)(ii).

''(2) SPECIAL RULES FOR TRANSACTIONS WITH TAX-INDIFFERENT PARTIES.—

''(A) SPECIAL RULES FOR FINANCING TRANSACTIONS.—The form of a transaction which is in substance the borrowing of money or the acquisition of financial capital directly or indirectly from a tax-indifferent party shall not be respected if the present value of the deductions to be claimed with respect to the transaction is substantially in excess of the present value of the anticipated economic returns of the person lending the money or providing the financial capital. A public offering shall be treated as a borrowing, or an acquisition of financial capital, from a tax-indifferent party if it is reasonably expected that at least 50 percent of the offering will be placed with tax-indifferent parties.

''(B) ARTIFICIAL INCOME SHIFTING AND BASIS ADJUSTMENTS.—The form of a transaction with a tax-indifferent party shall not be respected if—

''(i) it results in an allocation of income or gain to the tax-indifferent party in excess of such party's economic income or gain, or

''(ii) it results in a basis adjustment or shifting of basis on account of overstating the income or gain of the tax-indifferent party.

''(3) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

''(A) ECONOMIC SUBSTANCE DOCTRINE.—The term 'economic substance doctrine' means the common law doctrine under which tax benefits under subtitle A with respect to a transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

''(B) TAX-INDIFFERENT PARTY.—The term 'tax-indifferent party' means any person or entity not subject to tax imposed by subtitle A. A person shall be treated as a tax-indifferent party with respect to a transaction if the items taken into account with respect to the transaction have no substantial impact on such person's liability under subtitle A.

''(C) SUBSTANTIAL NONTAX PURPOSE.—In applying subclause (II) of paragraph (1)(B)(i), a purpose of achieving a financial accounting benefit shall not be taken into account in determining whether a transaction has a substantial nontax purpose if the origin of such financial accounting benefit is a reduction of income tax.

''(D) EXCEPTION FOR PERSONAL TRANSACTIONS OF INDIVIDUALS.—In the case of an individual, this subsection shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

''(E) TREATMENT OF LESSORS.—In applying subclause (I) of paragraph (1)(B)(ii) to the lessor of tangible property subject to a lease, the expected net tax benefits shall not include the benefits of depreciation, or any tax credit, with respect to the leased property and subclause (II) of paragraph (1)(B)(ii) shall be disregarded in determining whether any of such benefits are allowable.

''(4) OTHER COMMON LAW DOCTRINES NOT AFFECTED.—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law, and the requirements of this subsection shall be construed as being in addition to any such other rule of law.

''(5) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection. Such regulations may include exemptions from the application of this subsection.''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after February 13, 2003.

SEC. 9502. PENALTY FOR FAILING TO DISCLOSE REPORTABLE TRANSACTION.

(a) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6707 the following new section:

''SEC. 6707A. PENALTY FOR FAILURE TO INCLUDE REPORTABLE TRANSACTION INFORMATION WITH RETURN OR STATEMENT.

''(a) IMPOSITION OF PENALTY.—Any person who fails to include on any return or statement any information with respect to a reportable transaction which is required under section 6011 to be included with such return or statement shall pay a penalty in the amount determined under subsection (b).

''(b) AMOUNT OF PENALTY.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amount of the penalty under subsection (a) shall be $50,000.

''(2) LISTED TRANSACTION.—The amount of the penalty under subsection (a) with respect to a listed transaction shall be $100,000.

''(3) INCREASE IN PENALTY FOR LARGE ENTITIES AND HIGH NET WORTH INDIVIDUALS.—

''(A) IN GENERAL.—In the case of a failure under subsection (a) by—

''(i) a large entity, or

''(ii) a high net worth individual,

the penalty under paragraph (1) or (2) shall be twice the amount determined without regard to this paragraph.

''(B) LARGE ENTITY.—For purposes of subparagraph (A), the term 'large entity' means, with respect to any taxable year, a person (other than a natural person) with gross receipts in excess of $10,000,000 for the taxable year in which the reportable transaction occurs or the preceding taxable year. Rules similar to the rules of paragraph (2) and subparagraphs (B), (C), and (D) of paragraph (3) of section 448(c) shall apply for purposes of this subparagraph.

''(C) HIGH NET WORTH INDIVIDUAL.—For purposes of subparagraph (A), the term 'high net worth individual' means, with respect to a reportable transaction, a natural person whose net worth exceeds $2,000,000 immediately before the transaction.

''(c) DEFINITIONS.—For purposes of this section—

''(1) REPORTABLE TRANSACTION.—The term 'reportable transaction' means any transaction with respect to which information is required to be included with a return or statement because, as determined under regulations prescribed under section 6011, such transaction is of a type which the Secretary determines as having a potential for tax avoidance or evasion.

''(2) LISTED TRANSACTION.—Except as provided in regulations, the term 'listed transaction' means a reportable transaction which is the same as, or substantially similar to, a transaction specifically identified by the Secretary as a tax avoidance transaction for purposes of section 6011.

''(d) AUTHORITY TO RESCIND PENALTY.—

''(1) IN GENERAL.—The Commissioner of Internal Revenue may rescind all or any portion of any penalty imposed by this section with respect to any violation if—

''(A) the violation is with respect to a reportable transaction other than a listed transaction,

''(B) the person on whom the penalty is imposed has a history of complying with the requirements of this title,

''(C) it is shown that the violation is due to an unintentional mistake of fact;

''(D) imposing the penalty would be against equity and good conscience, and

''(E) rescinding the penalty would promote compliance with the requirements of this title and effective tax administration.

''(2) DISCRETION.—The exercise of authority under paragraph (1) shall be at the sole discretion of the Commissioner and may be delegated only to the head of the Office of Tax Shelter Analysis. The Commissioner, in the Commissioner's sole discretion, may establish a procedure to determine if a penalty should be referred to the Commissioner or the head of such Office for a determination under paragraph (1).

''(3) NO APPEAL.—Notwithstanding any other provision of law, any determination under this subsection may not be reviewed in any administrative or judicial proceeding.

''(4) RECORDS.—If a penalty is rescinded under paragraph (1), the Commissioner shall place in the file in the Office of the Commissioner the opinion of the Commissioner or the head of the Office of Tax Shelter Analysis with respect to the determination, including—

''(A) the facts and circumstances of the transaction,

''(B) the reasons for the rescission, and

''(C) the amount of the penalty rescinded.

''(5) REPORT.—The Commissioner shall each year report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate—

''(A) a summary of the total number and aggregate amount of penalties imposed, and rescinded, under this section, and

''(B) a description of each penalty rescinded under this subsection and the reasons therefor.

''(e) PENALTY REPORTED TO SEC.—In the case of a person—

''(1) which is required to file periodic reports under section 13 or 15(d) of the Securities Exchange Act of 1934 or is required to be consolidated with another person for purposes of such reports, and

''(2) which—

''(A) is required to pay a penalty under this section with respect to a listed transaction,

''(B) is required to pay a penalty under section 6662A with respect to any reportable transaction at a rate prescribed under section 6662A(c), or

''(C) is required to pay a penalty under section 6662B with respect to any noneconomic substance transaction,

the requirement to pay such penalty shall be disclosed in such reports filed by such person for such periods as the Secretary shall specify. Failure to make a disclosure in accordance with the preceding sentence shall be treated as a failure to which the penalty under subsection (b)(2) applies.

''(f) COORDINATION WITH OTHER PENALTIES.—The penalty imposed by this section is in addition to any penalty imposed under this title.''.

(b) CONFORMING AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by inserting after the item relating to section 6707 the following:

''Sec. 6707A. Penalty for failure to include reportable transaction information with return or statement.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns and statements the due date for which is after the date of the enactment of this Act.

SEC. 9503. ACCURACY-RELATED PENALTY FOR LISTED TRANSACTIONS AND OTHER REPORTABLE TRANSACTIONS HAVING A SIGNIFICANT TAX AVOIDANCE PURPOSE.

(a) IN GENERAL.—Subchapter A of chapter 68 is amended by inserting after section 6662 the following new section:

''SEC. 6662A. IMPOSITION OF ACCURACY-RELATED PENALTY ON UNDERSTATEMENTS WITH RESPECT TO REPORTABLE TRANSACTIONS.

''(a) IMPOSITION OF PENALTY.—If a taxpayer has a reportable transaction understatement for any taxable year, there shall be added to the tax an amount equal to 20 percent of the amount of such understatement.

''(b) REPORTABLE TRANSACTION UNDERSTATEMENT.—For purposes of this section—

''(1) IN GENERAL.—The term 'reportable transaction understatement' means the sum of—

''(A) the product of—

''(i) the amount of the increase (if any) in taxable income which results from a difference between the proper tax treatment of an item to which this section applies and the taxpayer's treatment of such item (as shown on the taxpayer's return of tax), and

''(ii) the highest rate of tax imposed by section 1 (section 11 in the case of a taxpayer which is a corporation), and

''(B) the amount of the decrease (if any) in the aggregate amount of credits determined under subtitle A which results from a difference between the taxpayer's treatment of an item to which this section applies (as shown on the taxpayer's return of tax) and the proper tax treatment of such item.

For purposes of subparagraph (A), any reduction of the excess of deductions allowed for the taxable year over gross income for such year, and any reduction in the amount of capital losses which would (without regard to section 1211) be allowed for such year, shall be treated as an increase in taxable income.

''(2) ITEMS TO WHICH SECTION APPLIES.—This section shall apply to any item which is attributable to—

''(A) any listed transaction, and

''(B) any reportable transaction (other than a listed transaction) if a significant purpose of such transaction is the avoidance or evasion of Federal income tax.

''(c) HIGHER PENALTY FOR NONDISCLOSED LISTED AND OTHER AVOIDANCE TRANSACTIONS.—

''(1) IN GENERAL.—Subsection (a) shall be applied by substituting '30 percent' for '20 percent' with respect to the portion of any reportable transaction understatement with respect to which the requirement of section 6664(d)(2)(A) is not met.

''(2) RULES APPLICABLE TO COMPROMISE OF PENALTY.—

''(A) IN GENERAL.—If the 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals has been sent with respect to a penalty to which paragraph (1) applies, only the Commissioner of Internal Revenue may compromise all or any portion of such penalty.

''(B) APPLICABLE RULES.—The rules of paragraphs (3), (4), and (5) of section 6707A(d) shall apply for purposes of subparagraph (A).

''(d) DEFINITIONS OF REPORTABLE AND LISTED TRANSACTIONS.—For purposes of this section, the terms 'reportable transaction' and 'listed transaction' have the respective meanings given to such terms by section 6707A(c).

''(e) SPECIAL RULES.—

''(1) COORDINATION WITH PENALTIES, ETC., ON OTHER UNDERSTATEMENTS.—In the case of an understatement (as defined in section 6662(d)(2))—

''(A) the amount of such understatement (determined without regard to this paragraph) shall be increased by the aggregate amount of reportable transaction understatements and noneconomic substance transaction understatements for purposes of determining whether such understatement is a substantial understatement under section 6662(d)(1), and

''(B) the addition to tax under section 6662(a) shall apply only to the excess of the amount of the substantial understatement (if any) after the application of subparagraph (A) over the aggregate amount of reportable transaction understatements and noneconomic substance transaction understatements.

''(2) COORDINATION WITH OTHER PENALTIES.—

''(A) APPLICATION OF FRAUD PENALTY.—References to an underpayment in section 6663 shall be treated as including references to a reportable transaction understatement and a noneconomic substance transaction understatement.

''(B) NO DOUBLE PENALTY.—This section shall not apply to any portion of an understatement on which a penalty is imposed under section 6662B or 6663.

''(3) SPECIAL RULE FOR AMENDED RETURNS.—Except as provided in regulations, in no event shall any tax treatment included with an amendment or supplement to a return of tax be taken into account in determining the amount of any reportable transaction understatement or noneconomic substance transaction understatement if the amendment or

supplement is filed after the earlier of the date the taxpayer is first contacted by the Secretary regarding the examination of the return or such other date as is specified by the Secretary.

''(4) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this subsection, the term 'noneconomic substance transaction understatement' has the meaning given such term by section 6662B(c).

''(5) CROSS REFERENCE.—

''For reporting of section 6662A(c) penalty to the Securities and Exchange Commission, see section 6707A(e).''

(b) DETERMINATION OF OTHER UNDERSTATEMENTS.—Subparagraph (A) of section 6662(d)(2) is amended by adding at the end the following flush sentence: ''The excess under the preceding sentence shall be determined without regard to items to which section 6662A applies and without regard to items with respect to which a penalty is imposed by section 6662B.''

(c) REASONABLE CAUSE EXCEPTION.—

(1) IN GENERAL.—Section 6664 is amended by adding at the end the following new subsection:

''(d) REASONABLE CAUSE EXCEPTION FOR REPORTABLE TRANSACTION UNDERSTATEMENTS.—

''(1) IN GENERAL.—No penalty shall be imposed under section 6662A with respect to any portion of a reportable transaction understatement if it is shown that there was a reasonable cause for such portion and that the taxpayer acted in good faith with respect to such portion.

''(2) SPECIAL RULES.—Paragraph (1) shall not apply to any reportable transaction understatement unless—

''(A) the relevant facts affecting the tax treatment of the item are adequately disclosed in accordance with the regulations prescribed under section 6011,

''(B) there is or was substantial authority for such treatment, and

''(C) the taxpayer reasonably believed that such treatment was more likely than not the proper treatment.

A taxpayer failing to adequately disclose in accordance with section 6011 shall be treated as meeting the requirements of subparagraph (A) if the penalty for such failure was rescinded under section 6707A(d).

''(3) RULES RELATING TO REASONABLE BELIEF.—For purposes of paragraph (2)(C)—

''(A) IN GENERAL.—A taxpayer shall be treated as having a reasonable belief with respect to the tax treatment of an item only if such belief—

''(i) is based on the facts and law that exist at the time the return of tax which includes such tax treatment is filed, and

''(ii) relates solely to the taxpayer's chances of success on the merits of such treatment and does not take into account the possibility that a return will not be audited, such treatment will not be raised on audit, or such treatment will be resolved through settlement if it is raised.

''(B) CERTAIN OPINIONS MAY NOT BE RELIED UPON.—

''(i) IN GENERAL.—An opinion of a tax advisor may not be relied upon to establish the reasonable belief of a taxpayer if—

''(I) the tax advisor is described in clause (ii), or

''(II) the opinion is described in clause (iii).

''(ii) DISQUALIFIED TAX ADVISORS.—A tax advisor is described in this clause if the tax advisor—

''(I) is a material advisor (within the meaning of section 6111(b)(1)) who participates in the organization, management, promotion, or sale of the transaction or who is related (within the meaning of section 267(b) or 707(b)(1)) to any person who so participates,

''(II) is compensated directly or indirectly by a material advisor with respect to the transaction,

''(III) has a fee arrangement with respect to the transaction which is contingent on all or part of the intended tax benefits from the transaction being sustained, or

''(IV) as determined under regulations prescribed by the Secretary, has a continuing financial interest with respect to the transaction.

''(iii) DISQUALIFIED OPINIONS.—For purposes of clause (i), an opinion is disqualified if the opinion—

''(I) is based on unreasonable factual or legal assumptions (including assumptions as to future events),

''(II) unreasonably relies on representations, statements, findings, or agreements of the taxpayer or any other person,

''(III) does not identify and consider all relevant facts, or

''(IV) fails to meet any other requirement as the Secretary may prescribe.''

(2) CONFORMING AMENDMENT.—The heading for subsection (c) of section 6664 is amended by inserting ''for Underpayments'' after ''Exception''.

(d) CONFORMING AMENDMENTS.—

(1) Subparagraph (C) of section 461(i)(3) is amended by striking ''section 6662(d)(2)(C)(iii)'' and inserting ''section 1274(b)(3)(C)''.

(2) Paragraph (3) of section 1274(b) is amended—

(A) by striking ''(as defined in section 6662(d)(2)(C)(iii))'' in subparagraph (B)(i), and

(B) by adding at the end the following new subparagraph:

''(C) TAX SHELTER.—For purposes of subparagraph (B), the term 'tax shelter' means—

''(i) a partnership or other entity,

''(ii) any investment plan or arrangement, or

''(iii) any other plan or arrangement,

if a significant purpose of such partnership, entity, plan, or arrangement is the avoidance or evasion of Federal income tax.''

(3) Section 6662(d)(2) is amended by striking subparagraphs (C) and (D).

(4) Section 6664(c)(1) is amended by striking ''this part'' and inserting ''section 6662 or 6663''.

(5) Subsection (b) of section 7525 is amended by striking ''section 6662(d)(2)(C)(iii)'' and inserting ''section 1274(b)(3)(C)''.

(6)(A) The heading for section 6662 is amended to read as follows:

''SEC. 6662. IMPOSITION OF ACCURACY-RELATED PENALTY ON UNDERPAYMENTS. ''

(B) The table of sections for part II of subchapter A of chapter 68 is amended by striking the item relating to section 6662 and inserting the following new items:

''Sec. 6662. Imposition of accuracy-related penalty on underpayments.

''Sec. 6662A. Imposition of accuracy-related penalty on understatements with respect to reportable transactions.''

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 9504. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

(a) IN GENERAL.—Subchapter A of chapter 68 is amended by inserting after section 6662A the following new section:

''SEC. 6662B. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

''(a) IMPOSITION OF PENALTY.—If a taxpayer has an noneconomic substance transaction understatement for any taxable year, there shall be added to the tax an amount equal to 40 percent of the amount of such understatement.

''(b) REDUCTION OF PENALTY FOR DISCLOSED TRANSACTIONS.—Subsection (a) shall be applied by substituting '20 percent' for '40 percent' with respect to the portion of any noneconomic substance transaction understatement with respect to which the relevant facts affecting the tax treatment of the item are adequately disclosed in the return or a statement attached to the return.

''(c) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this section—

''(1) IN GENERAL.—The term 'noneconomic substance transaction understatement' means any amount which would be an understatement under section 6662A(b)(1) if section 6662A were applied by taking into account items attributable to noneconomic substance transactions rather than items to which section 6662A would apply without regard to this paragraph.

''(2) NONECONOMIC SUBSTANCE TRANSACTION.—The term 'noneconomic substance transaction' means any transaction if—

''(A) there is a lack of economic substance (within the meaning of section 7701(m)(1)) for the transaction giving rise to the claimed tax benefit or the transaction was not respected under section 7701(m)(2), or

''(B) the transaction fails to meet the requirements of any similar rule of law.

''(d) RULES APPLICABLE TO COMPROMISE OF PENALTY.—

''(1) IN GENERAL.—If the 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals has been sent with respect to a penalty to which this section applies, only the Commissioner of Internal Revenue may compromise all or any portion of such penalty.

''(2) APPLICABLE RULES.—The rules of paragraphs (3), (4), and (5) of section 6707A(d) shall apply for purposes of paragraph (1).

''(e) COORDINATION WITH OTHER PENALTIES.—Except as otherwise provided in this part, the penalty imposed by this section shall be in addition to any other penalty imposed by this title.

''(f) CROSS REFERENCES.—

''(1) For coordination of penalty with understatements under section 6662 and other special rules, see section 6662A(e).

''(2) For reporting of penalty imposed under this section to the Securities and Exchange Commission, see section 6707A(e).''

(b) CLERICAL AMENDMENT.—The table of sections for part II of subchapter A of chapter 68 is amended by inserting after the item relating to section 6662A the following new item:

''Sec. 6662B. Penalty for understatements attributable to transactions lacking economic substance, etc.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after February 13, 2003.

SEC. 9505. MODIFICATIONS OF SUBSTANTIAL UNDERSTATEMENT PENALTY FOR NONREPORTABLE TRANSACTIONS.

(a) SUBSTANTIAL UNDERSTATEMENT OF CORPORATIONS.—Section 6662(d)(1)(B) (relating to special rule for corporations) is amended to read as follows:

''(B) SPECIAL RULE FOR CORPORATIONS.—In the case of a corporation other than an S corporation or a personal holding company (as defined in section 542), there is a substantial understatement of income tax for any taxable year if the amount of the understatement for the taxable year exceeds the lesser of—

''(i) 10 percent of the tax required to be shown on the return for the taxable year (or, if greater, $10,000), or

''(ii) $10,000,000.''

(b) REDUCTION FOR UNDERSTATEMENT OF TAXPAYER DUE TO POSITION OF TAXPAYER OR DISCLOSED ITEM.—

(1) IN GENERAL.—Section 6662(d)(2)(B)(i) (relating to substantial authority) is amended to read as follows:

''(i) the tax treatment of any item by the taxpayer if the taxpayer had reasonable belief that the tax treatment was more likely than not the proper treatment, or''.

(2) CONFORMING AMENDMENT.—Section 6662(d) is amended by adding at the end the following new paragraph:

''(3) SECRETARIAL LIST.—For purposes of this subsection, section 6664(d)(2), and section 6694(a)(1), the Secretary may prescribe a list of positions for which the Secretary believes there is not substantial authority or there is no reasonable belief that the tax treatment is more likely than not the proper tax treatment. Such list (and any revisions thereof) shall be published in the Federal Register or the Internal Revenue Bulletin.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 9506. TAX SHELTER EXCEPTION TO CONFIDENTIALITY PRIVILEGES RELATING TO TAXPAYER COMMUNICATIONS.

(a) IN GENERAL.—Section 7525(b) (relating to section not to apply to communications regarding corporate tax shelters) is amended to read as follows:

''(b) SECTION NOT TO APPLY TO COMMUNICATIONS REGARDING TAX SHELTERS.—The privilege under subsection (a) shall not apply to any written communication which is—

''(1) between a federally authorized tax practitioner and—

''(A) any person,

''(B) any director, officer, employee, agent, or representative of the person, or

''(C) any other person holding a capital or profits interest in the person, and

''(2) in connection with the promotion of the direct or indirect participation of the person in any tax shelter (as defined in section 1274(b)(3)(C)).''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to communications made on or after the date of the enactment of this Act.

SEC. 9507. DISCLOSURE OF REPORTABLE TRANSACTIONS.

(a) IN GENERAL.—Section 6111 (relating to registration of tax shelters) is amended to read as follows:

''SEC. 6111. DISCLOSURE OF REPORTABLE TRANSACTIONS.

''(a) IN GENERAL.—Each material advisor with respect to any reportable transaction shall make a return (in such form as the Secretary may prescribe) setting forth—

''(1) information identifying and describing the transaction,

''(2) information describing any potential tax benefits expected to result from the transaction, and

''(3) such other information as the Secretary may prescribe.

Such return shall be filed not later than the date specified by the Secretary.

''(b) DEFINITIONS.—For purposes of this section—

''(1) MATERIAL ADVISOR.—

''(A) IN GENERAL.—The term 'material advisor' means any person—

''(i) who provides any material aid, assistance, or advice with respect to organizing, promoting, selling, implementing, or carrying out any reportable transaction, and

''(ii) who directly or indirectly derives gross income in excess of the threshold amount for such aid, assistance, or advice.

''(B) THRESHOLD AMOUNT.—For purposes of subparagraph (A), the threshold amount is—

''(i) $50,000 in the case of a reportable transaction substantially all of the tax benefits from which are provided to natural persons, and

''(ii) $250,000 in any other case.

''(2) REPORTABLE TRANSACTION.—The term 'reportable transaction' has the meaning given to such term by section 6707A(c).

''(c) REGULATIONS.—The Secretary may prescribe regulations which provide—

''(1) that only 1 person shall be required to meet the requirements of subsection (a) in cases in which 2 or more persons would otherwise be required to meet such requirements,

''(2) exemptions from the requirements of this section, and

''(3) such rules as may be necessary or appropriate to carry out the purposes of this section.''

(b) CONFORMING AMENDMENTS.—

(1) The item relating to section 6111 in the table of sections for subchapter B of chapter 61 is amended to read as follows:

''Sec. 6111. Disclosure of reportable transactions.''

(2)(A) So much of section 6112 as precedes subsection (c) thereof is amended to read as follows:

''SEC. 6112. MATERIAL ADVISORS OF REPORTABLE TRANSACTIONS MUST KEEP LISTS OF ADVISEES.

''(a) IN GENERAL.—Each material advisor (as defined in section 6111) with respect to any reportable transaction (as defined in section 6707A(c)) shall maintain, in such manner as the Secretary may by regulations prescribe, a list—

''(1) identifying each person with respect to whom such advisor acted as such a material advisor with respect to such transaction, and

''(2) containing such other information as the Secretary may by regulations require.

This section shall apply without regard to whether a material advisor is required to file a return under section 6111 with respect to such transaction.''

(B) Section 6112 is amended by redesignating subsection (c) as subsection (b).

(C) Section 6112(b), as redesignated by subparagraph (B), is amended—

(i) by inserting ''written'' before ''request'' in paragraph (1)(A), and

(ii) by striking ''shall prescribe'' in paragraph (2) and inserting ''may prescribe''.

(D) The item relating to section 6112 in the table of sections for subchapter B of chapter 61 is amended to read as follows:

''Sec. 6112. Material advisors of reportable transactions must keep lists of advisees.''

(3)(A) The heading for section 6708 is amended to read as follows:

''SEC. 6708. FAILURE TO MAINTAIN LISTS OF ADVISEES WITH RESPECT TO REPORTABLE TRANSACTIONS. ''

(B) The item relating to section 6708 in the table of sections for part I of subchapter B of chapter 68 is amended to read as follows:

''Sec. 6708. Failure to maintain lists of advisees with respect to reportable transactions.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions with respect to which material aid, assistance, or advice referred to in section 6111(b)(1)(A)(i) of the Internal Revenue Code of 1986 (as added by this section) is provided after the date of the enactment of this Act.

SEC. 9508. MODIFICATIONS TO PENALTY FOR FAILURE TO REGISTER TAX SHELTERS.

(a) IN GENERAL.—Section 6707 (relating to failure to furnish information regarding tax shelters) is amended to read as follows:

''SEC. 6707. FAILURE TO FURNISH INFORMATION REGARDING REPORTABLE TRANSACTIONS.

''(a) IN GENERAL.—If a person who is required to file a return under section 6111(a) with respect to any reportable transaction—

''(1) fails to file such return on or before the date prescribed therefor, or

''(2) files false or incomplete information with the Secretary with respect to such transaction,

such person shall pay a penalty with respect to such return in the amount determined under subsection (b).

''(b) AMOUNT OF PENALTY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the penalty imposed under subsection (a) with respect to any failure shall be $50,000.

''(2) LISTED TRANSACTIONS.—The penalty imposed under subsection (a) with respect to any listed transaction shall be an amount equal to the greater of—

''(A) $200,000, or

''(B) 50 percent of the gross income derived by such person with respect to aid, assistance, or advice which is provided with respect to the reportable transaction before the date the return including the transaction is filed under section 6111.

Subparagraph (B) shall be applied by substituting '75 percent' for '50 percent' in the case of an intentional failure or act described in subsection (a).

''(c) RESCISSION AUTHORITY.—The provisions of section 6707A(d) (relating to authority of Commissioner to rescind penalty) shall apply to any penalty imposed under this section.

''(d) REPORTABLE AND LISTED TRANSACTIONS.—The terms 'reportable transaction' and 'listed transaction' have the respective meanings given to such terms by section 6707A(c).''.

(b) CLERICAL AMENDMENT.—The item relating to section 6707 in the table of sections for part I of subchapter B of chapter 68 is amended by striking ''tax shelters'' and inserting ''reportable transactions''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns the due date for which is after the date of the enactment of this Act.

SEC. 9509. MODIFICATION OF PENALTY FOR FAILURE TO MAINTAIN LISTS OF INVESTORS.

(a) IN GENERAL.—Subsection (a) of section 6708 is amended to read as follows:

''(a) IMPOSITION OF PENALTY.—

''(1) IN GENERAL.—If any person who is required to maintain a list under section 6112(a) fails to make such list available upon written request to the Secretary in accordance with section 6112(b)(1)(A) within 20 business days after the date of the Secretary's request, such person shall pay a penalty of $10,000 for each day of such failure after such 20th day.

''(2) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed by paragraph (1) with respect to the failure on any day if such failure is due to reasonable cause.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to requests made after the date of the enactment of this Act.

SEC. 9510. MODIFICATION OF ACTIONS TO ENJOIN CERTAIN CONDUCT RELATED TO TAX SHELTERS AND REPORTABLE TRANSACTIONS.

(a) IN GENERAL.—Section 7408 (relating to action to enjoin promoters of abusive tax shelters, etc.) is amended by redesignating subsection (c) as subsection (d) and by striking subsections (a) and (b) and inserting the following new subsections:

''(a) AUTHORITY TO SEEK INJUNCTION.—A civil action in the name of the United States

to enjoin any person from further engaging in specified conduct may be commenced at the request of the Secretary. Any action under this section shall be brought in the district court of the United States for the district in which such person resides, has his principal place of business, or has engaged in specified conduct. The court may exercise its jurisdiction over such action (as provided in section 7402(a)) separate and apart from any other action brought by the United States against such person.

''(b) ADJUDICATION AND DECREE.—In any action under subsection (a), if the court finds—

''(1) that the person has engaged in any specified conduct, and

''(2) that injunctive relief is appropriate to prevent recurrence of such conduct,

the court may enjoin such person from engaging in such conduct or in any other activity subject to penalty under this title.

''(c) SPECIFIED CONDUCT.—For purposes of this section, the term 'specified conduct' means any action, or failure to take action, subject to penalty under section 6700, 6701, 6707, or 6708.''

(b) CONFORMING AMENDMENTS.—

(1) The heading for section 7408 is amended to read as follows:

"SEC. 7408. ACTIONS TO ENJOIN SPECIFIED CONDUCT RELATED TO TAX SHELTERS AND REPORTABLE TRANSACTIONS. "

(2) The table of sections for subchapter A of chapter 67 is amended by striking the item relating to section 7408 and inserting the following new item:

''Sec. 7408. Actions to enjoin specified conduct related to tax shelters and reportable transactions.''

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on the day after the date of the enactment of this Act.

SEC. 9511. UNDERSTATEMENT OF TAXPAYER'S LIABILITY BY INCOME TAX RETURN PREPARER.

(a) STANDARDS CONFORMED TO TAXPAYER STANDARDS.—Section 6694(a) (relating to understatements due to unrealistic positions) is amended—

(1) by striking ''realistic possibility of being sustained on its merits'' in paragraph (1) and inserting ''reasonable belief that the tax treatment in such position was more likely than not the proper treatment'',

(2) by striking ''or was frivolous'' in paragraph (3) and inserting ''or there was no reasonable basis for the tax treatment of such position'', and

(3) by striking ''Unrealistic'' in the heading and inserting ''Improper''.

(b) AMOUNT OF PENALTY.—Section 6694 is amended—

(1) by striking ''$250'' in subsection (a) and inserting ''$1,000'', and

(2) by striking ''$1,000'' in subsection (b) and inserting ''$5,000''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to documents prepared after the date of the enactment of this Act.

SEC. 9512. PENALTY ON FAILURE TO REPORT INTERESTS IN FOREIGN FINANCIAL ACCOUNTS.

(a) IN GENERAL.—Section 5321(a)(5) of title 31, United States Code, is amended to read as follows:

''(5) FOREIGN FINANCIAL AGENCY TRANSACTION VIOLATION.—

''(A) PENALTY AUTHORIZED.—The Secretary of the Treasury may impose a civil money penalty on any person who violates, or causes any violation of, any provision of section 5314.

''(B) AMOUNT OF PENALTY.—

''(i) IN GENERAL.—Except as provided in subparagraph (C), the amount of any civil penalty imposed under subparagraph (A) shall not exceed $5,000.

''(ii) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under subparagraph (A) with respect to any violation if—

''(I) such violation was due to reasonable cause, and

''(II) the amount of the transaction or the balance in the account at the time of the transaction was properly reported.

''(C) WILLFUL VIOLATIONS.—In the case of any person willfully violating, or willfully causing any violation of, any provision of section 5314—

''(i) the maximum penalty under subparagraph (B)(i) shall be increased to the greater of—

''(I) $25,000, or

''(II) the amount (not exceeding $100,000) determined under subparagraph (D), and

''(ii) subparagraph (B)(ii) shall not apply.

''(D) AMOUNT.—The amount determined under this subparagraph is—

''(i) in the case of a violation involving a transaction, the amount of the transaction, or

''(ii) in the case of a violation involving a failure to report the existence of an account or any identifying information required to be provided with respect to an account, the balance in the account at the time of the violation.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to violations occurring after the date of the enactment of this Act.

SEC. 9513. FRIVOLOUS TAX SUBMISSIONS.

(a) CIVIL PENALTIES.—Section 6702 is amended to read as follows:

"SEC. 6702. FRIVOLOUS TAX SUBMISSIONS.

''(a) CIVIL PENALTY FOR FRIVOLOUS TAX RETURNS.—A person shall pay a penalty of $5,000 if—

''(1) such person files what purports to be a return of a tax imposed by this title but which—

''(A) does not contain information on which the substantial correctness of the self-assessment may be judged, or

''(B) contains information that on its face indicates that the self-assessment is substantially incorrect; and

''(2) the conduct referred to in paragraph (1)—

''(A) is based on a position which the Secretary has identified as frivolous under subsection (c), or

''(B) reflects a desire to delay or impede the administration of Federal tax laws.

''(b) CIVIL PENALTY FOR SPECIFIED FRIVOLOUS SUBMISSIONS.—

''(1) IMPOSITION OF PENALTY.—Except as provided in paragraph (3), any person who submits a specified frivolous submission shall pay a penalty of $5,000.

''(2) SPECIFIED FRIVOLOUS SUBMISSION.—For purposes of this section—

''(A) SPECIFIED FRIVOLOUS SUBMISSION.—The term 'specified frivolous submission' means a specified submission if any portion of such submission—

''(i) is based on a position which the Secretary has identified as frivolous under subsection (c), or

''(ii) reflects a desire to delay or impede the administration of Federal tax laws.

''(B) SPECIFIED SUBMISSION.—The term 'specified submission' means—

''(i) a request for a hearing under—

''(I) section 6320 (relating to notice and opportunity for hearing upon filing of notice of lien), or

''(II) section 6330 (relating to notice and opportunity for hearing before levy), and

''(ii) an application under—

''(I) section 6159 (relating to agreements for payment of tax liability in installments),

''(II) section 7122 (relating to compromises), or

''(III) section 7811 (relating to taxpayer assistance orders).

''(3) OPPORTUNITY TO WITHDRAW SUBMISSION.—If the Secretary provides a person with notice that a submission is a specified frivolous submission and such person withdraws such submission within 30 days after such notice, the penalty imposed under paragraph (1) shall not apply with respect to such submission.

''(c) LISTING OF FRIVOLOUS POSITIONS.—The Secretary shall prescribe (and periodically revise) a list of positions which the Secretary has identified as being frivolous for purposes of this subsection. The Secretary shall not include in such list any position that the Secretary determines meets the requirement of section 6662(d)(2)(B)(ii)(II).

''(d) REDUCTION OF PENALTY.—The Secretary may reduce the amount of any penalty imposed under this section if the Secretary determines that such reduction would promote compliance with and administration of the Federal tax laws.

''(e) PENALTIES IN ADDITION TO OTHER PENALTIES.—The penalties imposed by this section shall be in addition to any other penalty provided by law.''

(b) TREATMENT OF FRIVOLOUS REQUESTS FOR HEARINGS BEFORE LEVY.—

(1) FRIVOLOUS REQUESTS DISREGARDED.—Section 6330 (relating to notice and opportunity for hearing before levy) is amended by adding at the end the following new subsection:

''(g) FRIVOLOUS REQUESTS FOR HEARING, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of a request for a hearing under this section or section 6320 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.''

(2) PRECLUSION FROM RAISING FRIVOLOUS ISSUES AT HEARING.—Section 6330(c)(4) is amended—

(A) by striking ''(A)'' and inserting ''(A)(i)'';

(B) by striking ''(B)'' and inserting ''(ii)'';

(C) by striking the period at the end of the first sentence and inserting ''; or''; and

(D) by inserting after subparagraph (A)(ii) (as so redesignated) the following:

''(B) the issue meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A).''

(3) STATEMENT OF GROUNDS.—Section 6330(b)(1) is amended by striking ''under subsection (a)(3)(B)'' and inserting ''in writing under subsection (a)(3)(B) and states the grounds for the requested hearing''.

(c) TREATMENT OF FRIVOLOUS REQUESTS FOR HEARINGS UPON FILING OF NOTICE OF LIEN.—Section 6320 is amended—

(1) in subsection (b)(1), by striking ''under subsection (a)(3)(B)'' and inserting ''in writing under subsection (a)(3)(B) and states the grounds for the requested hearing'', and

(2) in subsection (c), by striking ''and (e)'' and inserting ''(e), and (g)''.

(d) TREATMENT OF FRIVOLOUS APPLICATIONS FOR OFFERS-IN-COMPROMISE AND INSTALLMENT AGREEMENTS.—Section 7122 is amended by adding at the end the following new subsection:

''(e) FRIVOLOUS SUBMISSIONS, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of an application for an offer-in-compromise or installment agreement submitted under this section or section 6159 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.''

(e) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by striking the item relating

to section 6702 and inserting the following new item:

''Sec. 6702. Frivolous tax submissions.''

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to submissions made and issues raised after the date on which the Secretary first prescribes a list under section 6702(c) of the Internal Revenue Code of 1986, as amended by subsection (a).

SEC. 9514. REGULATION OF INDIVIDUALS PRACTICING BEFORE THE DEPARTMENT OF TREASURY.

(a) CENSURE; IMPOSITION OF PENALTY.—

(1) IN GENERAL.—Section 330(b) of title 31, United States Code, is amended—

(A) by inserting '', or censure,'' after ''Department'', and

(B) by adding at the end the following new flush sentence: ''The Secretary may impose a monetary penalty on any representative described in the preceding sentence. If the representative was acting on behalf of an employer or any firm or other entity in connection with the conduct giving rise to such penalty, the Secretary may impose a monetary penalty on such employer, firm, or entity if it knew, or reasonably should have known, of such conduct. Such penalty shall not exceed the gross income derived (or to be derived) from the conduct giving rise to the penalty and may be in addition to, or in lieu of, any suspension, disbarment, or censure.''

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to actions taken after the date of the enactment of this Act.

(b) TAX SHELTER OPINIONS, ETC.—Section 330 of such title 31 is amended by adding at the end the following new subsection:

''(d) Nothing in this section or in any other provision of law shall be construed to limit the authority of the Secretary of the Treasury to impose standards applicable to the rendering of written advice with respect to any entity, transaction plan or arrangement, or other plan or arrangement, which is of a type which the Secretary determines as having a potential for tax avoidance or evasion.''

SEC. 9515. PENALTY ON PROMOTERS OF TAX SHELTERS.

(a) PENALTY ON PROMOTING ABUSIVE TAX SHELTERS.—Section 6700(a) is amended by adding at the end the following new sentence: ''Notwithstanding the first sentence, if an activity with respect to which a penalty imposed under this subsection involves a statement described in paragraph (2)(A), the amount of the penalty shall be equal to 50 percent of the gross income derived (or to be derived) from such activity by the person on which the penalty is imposed.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to activities after the date of the enactment of this Act.

SEC. 9516. STATUTE OF LIMITATIONS FOR TAXABLE YEARS FOR WHICH LISTED TRANSACTIONS NOT REPORTED.

(a) IN GENERAL.—Section 6501(e)(1) (relating to substantial omission of items for income taxes) is amended by adding at the end the following new subparagraph:

''(C) LISTED TRANSACTIONS.—If a taxpayer fails to include on any return or statement for any taxable year any information with respect to a listed transaction (as defined in section 6707A(c)(2)) which is required under section 6011 to be included with such return or statement, the tax for such taxable year may be assessed, or a proceeding in court for collection of such tax may be begun without assessment, at any time within 6 years after the time the return is filed. This subparagraph shall not apply to any taxable year if the time for assessment or beginning the proceeding in court has expired before the time a transaction is treated as a listed transaction under section 6011.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to transactions after the date of the enactment of this Act in taxable years ending after such date.

SEC. 9517. DENIAL OF DEDUCTION FOR INTEREST ON UNDERPAYMENTS ATTRIBUTABLE TO NONDISCLOSED REPORTABLE AND NONECONOMIC SUBSTANCE TRANSACTIONS.

(a) IN GENERAL.—Section 163 (relating to deduction for interest) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) INTEREST ON UNPAID TAXES ATTRIBUTABLE TO NONDISCLOSED REPORTABLE TRANSACTIONS AND NONECONOMIC SUBSTANCE TRANSACTIONS.—No deduction shall be allowed under this chapter for any interest paid or accrued under section 6601 on any underpayment of tax which is attributable to—

''(1) the portion of any reportable transaction understatement (as defined in section 6662A(b)) with respect to which the requirement of section 6664(d)(2)(A) is not met, or

''(2) any noneconomic substance transaction understatement (as defined in section 6662B(c)).''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions after the date of the enactment of this Act in taxable years ending after such date.

Subtitle G—Other Provisions

SEC. 9601. LIMITATION ON TRANSFER OR IMPORTATION OF BUILT-IN LOSSES.

(a) IN GENERAL.—Section 362 (relating to basis to corporations) is amended by adding at the end the following new subsection:

''(e) LIMITATIONS ON BUILT-IN LOSSES.—

''(1) LIMITATION ON IMPORTATION OF BUILT-IN LOSSES.—

''(A) IN GENERAL.—If in any transaction described in subsection (a) or (b) there would (but for this subsection) be an importation of a net built-in loss, the basis of each property described in subparagraph (B) which is acquired in such transaction shall (notwithstanding subsections (a) and (b)) be its fair market value immediately after such transaction.

''(B) PROPERTY DESCRIBED.—For purposes of subparagraph (A), property is described in this paragraph if—

''(i) gain or loss with respect to such property is not subject to tax under this subtitle in the hands of the transferor immediately before the transfer, and

''(ii) gain or loss with respect to such property is subject to such tax in the hands of the transferee immediately after such transfer.

In any case in which the transferor is a partnership, the preceding sentence shall be applied by treating each partner in such partnership as holding such partner's proportionate share of the property of such partnership.

''(C) IMPORTATION OF NET BUILT-IN LOSS.—For purposes of subparagraph (A), there is an importation of a net built-in loss in a transaction if the transferee's aggregate adjusted bases of property described in subparagraph (B) which is transferred in such transaction would (but for this paragraph) exceed the fair market value of such property immediately after such transaction.''

''(2) LIMITATION ON TRANSFER OF BUILT-IN LOSSES IN SECTION 351 TRANSACTIONS.—

''(A) IN GENERAL.—If—

''(i) property is transferred in any transaction which is described in subsection (a) and which is not described in paragraph (1) of this subsection, and

''(ii) the transferee's aggregate adjusted bases of the property so transferred would (but for this paragraph) exceed the fair market value of such property immediately after such transaction,

then, notwithstanding subsection (a), the transferee's aggregate adjusted bases of the property so transferred shall not exceed the fair market value of such property immediately after such transaction.

''(B) ALLOCATION OF BASIS REDUCTION.—The aggregate reduction in basis by reason of subparagraph (A) shall be allocated among the property so transferred in proportion to their respective built-in losses immediately before the transaction.

''(C) EXCEPTION FOR TRANSFERS WITHIN AFFILIATED GROUP.—Subparagraph (A) shall not apply to any transaction if the transferor owns stock in the transferee meeting the requirements of section 1504(a)(2). In the case of property to which subparagraph (A) does not apply by reason of the preceding sentence, the transferor's basis in the stock received for such property shall not exceed its fair market value immediately after the transfer.''

(b) COMPARABLE TREATMENT WHERE LIQUIDATION.—Paragraph (1) of section 334(b) (relating to liquidation of subsidiary) is amended to read as follows:

''(1) IN GENERAL.—If property is received by a corporate distributee in a distribution in a complete liquidation to which section 332 applies (or in a transfer described in section 337(b)(1)), the basis of such property in the hands of such distributee shall be the same as it would be in the hands of the transferor; except that the basis of such property in the hands of such distributee shall be the fair market value of the property at the time of the distribution—

''(A) in any case in which gain or loss is recognized by the liquidating corporation with respect to such property, or

''(B) in any case in which the liquidating corporation is a foreign corporation, the corporate distributee is a domestic corporation, and the corporate distributee's aggregate adjusted bases of property described in section 362(e)(1)(B) which is distributed in such liquidation would (but for this subparagraph) exceed the fair market value of such property immediately after such liquidation.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions after the date of the enactment of this Act.

SEC. 9602. DISALLOWANCE OF CERTAIN PARTNERSHIP LOSS TRANSFERS.

(a) TREATMENT OF CONTRIBUTED PROPERTY WITH BUILT-IN LOSS.—Paragraph (1) of section 704(c) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following:

''(C) if any property so contributed has a built-in loss—

''(i) such built-in loss shall be taken into account only in determining the amount of items allocated to the contributing partner, and

''(ii) except as provided in regulations, in determining the amount of items allocated to other partners, the basis of the contributed property in the hands of the partnership shall be treated as being equal to its fair market value immediately after the contribution.

For purposes of subparagraph (C), the term 'built-in loss' means the excess of the adjusted basis of the property (determined without regard to subparagraph (C)(ii)) over its fair market value immediately after the contribution.''

(b) ADJUSTMENT TO BASIS OF PARTNERSHIP PROPERTY ON TRANSFER OF PARTNERSHIP INTEREST IF THERE IS SUBSTANTIAL BUILT-IN LOSS.—

(1) ADJUSTMENT REQUIRED.—Subsection (a) of section 743 (relating to optional adjustment to basis of partnership property) is amended by inserting before the period ''or unless the partnership has a substantial built-in loss immediately after such transfer''.

(2) ADJUSTMENT.—Subsection (b) of section 743 is amended by inserting ''or with respect to which there is a substantial built-in loss immediately after such transfer'' after ''section 754 is in effect''.

(3) SUBSTANTIAL BUILT-IN LOSS.—Section 743 is amended by adding at the end the following new subsection:

''(d) SUBSTANTIAL BUILT-IN LOSS.—

''(1) IN GENERAL.—For purposes of this section, a partnership has a substantial built-in loss with respect to a transfer of an interest in a partnership if the transferee partner's proportionate share of the adjusted basis of the partnership property exceeds by more than $250,000 the basis of such partner's interest in the partnership.

''(2) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out the purposes of paragraph (1) and section 734(d), including regulations aggregating related partnerships and disregarding property acquired by the partnership in an attempt to avoid such purposes.''

(4) CLERICAL AMENDMENTS.—

(A) The section heading for section 743 is amended to read as follows:

''SEC. 743. ADJUSTMENT TO BASIS OF PARTNERSHIP PROPERTY WHERE SECTION 754 ELECTION OR SUBSTANTIAL BUILT-IN LOSS. ''

(B) The table of sections for subpart C of part II of subchapter K of chapter 1 is amended by striking the item relating to section 743 and inserting the following new item:

''Sec. 743. Adjustment to basis of partnership property where section 754 election or substantial built-in loss.''

(c) ADJUSTMENT TO BASIS OF UNDISTRIBUTED PARTNERSHIP PROPERTY IF THERE IS SUBSTANTIAL BASIS REDUCTION.—

(1) ADJUSTMENT REQUIRED.—Subsection (a) of section 734 (relating to optional adjustment to basis of undistributed partnership property) is amended by inserting before the period ''or unless there is a substantial basis reduction''.

(2) ADJUSTMENT.—Subsection (b) of section 734 is amended by inserting ''or unless there is a substantial basis reduction'' after ''section 754 is in effect''.

(3) SUBSTANTIAL BASIS REDUCTION.—Section 734 is amended by adding at the end the following new subsection:

''(d) SUBSTANTIAL BASIS REDUCTION.—

''(1) IN GENERAL.—For purposes of this section, there is a substantial basis reduction with respect to a distribution if the sum of the amounts described in subparagraphs (A) and (B) of subsection (b)(2) exceeds $250,000.

''(2) REGULATIONS.—For regulations to carry out this subsection, see section 743(d)(2).''

(4) CLERICAL AMENDMENTS.—

(A) The section heading for section 734 is amended to read as follows:

''SEC. 734. ADJUSTMENT TO BASIS OF UNDISTRIBUTED PARTNERSHIP PROPERTY WHERE SECTION 754 ELECTION OR SUBSTANTIAL BASIS REDUCTION. ''

(B) The table of sections for subpart B of part II of subchapter K of chapter 1 is amended by striking the item relating to section 734 and inserting the following new item:

''Sec. 734. Adjustment to basis of undistributed partnership property where section 754 election or substantial basis reduction.''

(d) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendment made by subsection (a) shall apply to contributions made after the date of the enactment of this Act.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to transfers after the date of the enactment of this Act.

(3) SUBSECTION (c).—The amendments made by subsection (c) shall apply to distributions after the date of the enactment of this Act.

SEC. 9603. NO REDUCTION OF BASIS UNDER SECTION 734 IN STOCK HELD BY PARTNERSHIP IN CORPORATE PARTNER.

(a) IN GENERAL.—Section 755 is amended by adding at the end the following new subsection:

''(c) NO ALLOCATION OF BASIS DECREASE TO STOCK OF CORPORATE PARTNER.—In making an allocation under subsection (a) of any decrease in the adjusted basis of partnership property under section 734(b)—

''(1) no allocation may be made to stock in a corporation which is a partner in the partnership, and

''(2) any amount not allocable to stock by reason of paragraph (1) shall be allocated under subsection (a) to other partnership property.

Gain shall be recognized to the partnership to the extent that the amount required to be allocated under paragraph (2) to other partnership property exceeds the aggregate adjusted basis of such other property immediately before the allocation required by paragraph (2).''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions after the date of the enactment of this Act.

SEC. 9604. REPEAL OF SPECIAL RULES FOR FASITS.

(a) IN GENERAL.—Part V of subchapter M of chapter 1 (relating to financial asset securitization investment trusts) is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (6) of section 56(g) is amended by striking ''REMIC, or FASIT'' and inserting ''or REMIC''.

(2) Clause (ii) of section 382(l)(4)(B) is amended by striking ''a REMIC to which part IV of subchapter M applies, or a FASIT to which part V of subchapter M applies,'' and inserting ''or a REMIC to which part IV of subchapter M applies,''.

(3) Paragraph (1) of section 582(c) is amended by striking '', and any regular interest in a FASIT,''.

(4) Subparagraph (E) of section 856(c)(5) is amended by striking the last sentence.

(5) Paragraph (5) of section 860G(a) is amended by adding ''and'' at the end of subparagraph (B), by striking '', and'' at the end of subparagraph (C) and inserting a period, and by striking subparagraph (D).

(6) Subparagraph (C) of section 1202(e)(4) is amended by striking ''REMIC, or FASIT'' and inserting ''or REMIC''.

(7) Subparagraph (C) of section 7701(a)(19) is amended by adding ''and'' at the end of clause (ix), by striking '', and'' at the end of clause (x) and inserting a period, and by striking clause (xi).

(8) The table of parts for subchapter M of chapter 1 is amended by striking the item relating to part V.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2003.

(2) EXCEPTION FOR EXISTING FASITS.—

(A) IN GENERAL.—Paragraph (1) shall not apply to any FASIT in existence on the date of the enactment of this Act.

(B) TRANSFER OF ADDITIONAL ASSETS NOT PERMITTED.—Except as provided in regulations prescribed by the Secretary of the Treasury or the Secretary's delegate, subparagraph (A) shall cease to apply as of the earliest date after the date of the enactment of this Act that any property is transferred to the FASIT.

SEC. 9605. EXPANDED DISALLOWANCE OF DEDUCTION FOR INTEREST ON CONVERTIBLE DEBT.

(a) IN GENERAL.—Paragraph (2) of section 163(l) is amended by striking ''or a related party'' and inserting ''or equity held by the issuer (or any related party) in any other person''.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 163(l) is amended by striking ''or a related party'' in the material preceding subparagraph (A) and inserting ''or any other person''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to debt instruments issued after the date of the enactment of this Act.

SEC. 9606. EXPANDED AUTHORITY TO DISALLOW TAX BENEFITS UNDER SECTION 269.

(a) IN GENERAL.—Subsection (a) of section 269 (relating to acquisitions made to evade or avoid income tax) is amended to read as follows:

''(a) IN GENERAL.—If—

''(1)(A) any person acquires stock in a corporation, or

''(B) any corporation acquires, directly or indirectly, property of another corporation and the basis of such property, in the hands of the acquiring corporation, is determined by reference to the basis in the hands of the transferor corporation, and

''(2) the principal purpose for which such acquisition was made is evasion or avoidance of Federal income tax by securing the benefit of a deduction, credit, or other allowance,

then the Secretary may disallow such deduction, credit, or other allowance.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to stock and property acquired after February 13, 2003.

SEC. 9607. MODIFICATIONS OF CERTAIN RULES RELATING TO CONTROLLED FOREIGN CORPORATIONS.

(a) LIMITATION ON EXCEPTION FROM PFIC RULES FOR UNITED STATES SHAREHOLDERS OF CONTROLLED FOREIGN CORPORATIONS.—Paragraph (2) of section 1297(e) (relating to passive investment company) is amended by adding at the end the following flush sentence: ''Such term shall not include any period if there is only a remote likelihood of an inclusion in gross income under section 951(a)(1)(A)(i) of subpart F income of such corporation for such period.''

(b) DETERMINATION OF PRO RATA SHARE OF SUBPART F INCOME.—Subsection (a) of section 951 (relating to amounts included in gross income of United States shareholders) is amended by adding at the end the following new paragraph:

''(4) SPECIAL RULES FOR DETERMINING PRO RATA SHARE OF SUBPART F INCOME.—The pro rata share under paragraph (2) shall be determined by disregarding—

''(A) any rights lacking substantial economic effect, and

''(B) stock owned by a shareholder who is a tax-indifferent party (as defined in section 7701(m)(3)) if the amount which would (but for this paragraph) be allocated to such shareholder does not reflect such shareholder's economic share of the earnings and profits of the corporation.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years on controlled foreign corporation beginning after February 13, 2003, and to taxable years of United States shareholder in which or with which such taxable years of controlled foreign corporations end.

SEC. 9608. BASIS FOR DETERMINING LOSS ALWAYS REDUCED BY NONTAXED PORTION OF DIVIDENDS.

(a) IN GENERAL.—Section 1059 (relating to corporate shareholder's basis in stock reduced by nontaxed portion of extraordinary dividends) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

''(g) BASIS FOR DETERMINING LOSS ALWAYS REDUCED BY NONTAXED PORTION OF DIVIDENDS.—The basis of stock in a corporation (for purposes of determining loss) shall be reduced by the nontaxed portion of any dividend received with respect to such stock if this section does not otherwise apply to such dividend.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to dividends received after the date of the enactment of this Act.

SEC. 9609. AFFIRMATION OF CONSOLIDATED RETURN REGULATION AUTHORITY.

(a) IN GENERAL.—Section 1502 (relating to consolidated return regulations) is amended by adding at the end the following new sentence: ''In prescribing such regulations, the Secretary may prescribe rules applicable to corporations filing consolidated returns under section 1501 that are different from other provisions of this title that would apply if such corporations filed separate returns.''

(b) RESULT NOT OVERTURNED.—Notwithstanding subsection (a), the Internal Revenue Code of 1986 shall be construed by treating Treasury regulation section 1.1502–20(c)(1)(iii) (as in effect on January 1, 2001) as being inapplicable to the type of factual situation in 255 F.3d 1357 (Fed. Cir. 2001).

(c) EFFECTIVE DATE.—The provisions of this section shall apply to taxable years beginning before, on, or after the date of the enactment of this Act.

SEC. 9610. FEES FOR CERTAIN CUSTOMS SERVICES.

(a) IN GENERAL.—Subtitle A of the Internal Revenue Code of 1986 is amended by inserting after chapter 55 the following new chapter:

"CHAPTER 56—FEES FOR CERTAIN CUSTOMS SERVICES

''Sec. 5896. Imposition of fees.

"SEC. 5896. IMPOSITION OF FEES.

''(a) IN GENERAL.—The Secretary shall charge and collect fees under this title which are equivalent to the fees which would be imposed by section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) were such section in effect after March 1, 2005.

''(b) COLLECTION AND DISPOSITION OF FEES, ETC.—References in such section 13031 to fees thereunder shall be treated as including references to the fees charged under this section.''

(b) CLERICAL AMENDMENT.—The table of chapters for subtitle A of such Code is amended by adding at the end the following new item:

''Chapter 56. Fees for certain customs services.''

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on March 1, 2005.

Subtitle H—Prevention of Corporate Expatriation to Avoid United States Income Tax

SEC. 9701. PREVENTION OF CORPORATE EXPATRIATION TO AVOID UNITED STATES INCOME TAX.

(a) IN GENERAL.—Paragraph (4) of section 7701(a) (defining domestic) is amended to read as follows:

''(4) DOMESTIC.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'domestic' when applied to a corporation or partnership means created or organized in the United States or under the law of the United States or of any State unless, in the case of a partnership, the Secretary provides otherwise by regulations.

''(B) CERTAIN CORPORATIONS TREATED AS DOMESTIC.—

''(i) IN GENERAL.—The acquiring corporation in a corporate expatriation transaction shall be treated as a domestic corporation.

''(ii) CORPORATE EXPATRIATION TRANSACTION.—For purposes of this subparagraph, the term 'corporate expatriation transaction' means any transaction if—

''(I) a nominally foreign corporation (referred to in this subparagraph as the 'acquiring corporation') acquires, as a result of such transaction, directly or indirectly substantially all of the properties held directly or indirectly by a domestic corporation, and

''(II) immediately after the transaction, more than 80 percent of the stock (by vote or value) of the acquiring corporation is held by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation.

''(iii) LOWER STOCK OWNERSHIP REQUIREMENT IN CERTAIN CASES.—Subclause (II) of clause (ii) shall be applied by substituting '50 percent' for '80 percent' with respect to any nominally foreign corporation if—

''(I) such corporation does not have substantial business activities (when compared to the total business activities of the expanded affiliated group) in the foreign country in which or under the law of which the corporation is created or organized, and

''(II) the stock of the corporation is publicly traded and the principal market for the public trading of such stock is in the United States.

''(iv) PARTNERSHIP TRANSACTIONS.—The term 'corporate expatriation transaction' includes any transaction if—

''(I) a nominally foreign corporation (referred to in this subparagraph as the 'acquiring corporation') acquires, as a result of such transaction, directly or indirectly properties constituting a trade or business of a domestic partnership,

''(II) immediately after the transaction, more than 80 percent of the stock (by vote or value) of the acquiring corporation is held by former partners of the domestic partnership or related foreign partnerships (determined without regard to stock of the acquiring corporation which is sold in a public offering related to the transaction), and

''(III) the acquiring corporation meets the requirements of subclauses (I) and (II) of clause (iii).

''(v) SPECIAL RULES.—For purposes of this subparagraph—

''(I) a series of related transactions shall be treated as 1 transaction, and

''(II) stock held by members of the expanded affiliated group which includes the acquiring corporation shall not be taken into account in determining ownership.

''(vi) OTHER DEFINITIONS.—For purposes of this subparagraph—

''(I) NOMINALLY FOREIGN CORPORATION.—The term 'nominally foreign corporation' means any corporation which would (but for this subparagraph) be treated as a foreign corporation.

''(II) EXPANDED AFFILIATED GROUP.—The term 'expanded affiliated group' means an affiliated group (as defined in section 1504(a) without regard to section 1504(b)).

''(III) RELATED FOREIGN PARTNERSHIP.—A foreign partnership is related to a domestic partnership if they are under common control (within the meaning of section 482), or they shared the same trademark or tradename.''

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by this section shall apply to corporate expatriation transactions completed after September 11, 2001.

(2) SPECIAL RULE.—The amendment made by this section shall also apply to corporate expatriation transactions completed on or before September 11, 2001, but only with respect to taxable years of the acquiring corporation beginning after December 31, 2003.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. THORNBERRY, announced that the nays had it.

Mr. DAVIS of Tennessee demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative { Yeas ..... 198 / Nays 225

¶35.16 [Roll No. 113]

AYES—198

Abercrombie	Farr	McCollum
Ackerman	Fattah	McDermott
Alexander	Filner	McGovern
Allen	Ford	McIntyre
Andrews	Frank (MA)	McNulty
Baca	Frost	Meehan
Baird	Gephardt	Meek (FL)
Baldwin	Gonzalez	Meeks (NY)
Ballance	Gordon	Menendez
Becerra	Green (TX)	Michaud
Bell	Grijalva	Millender-McDonald
Berkley	Gutierrez	Miller (NC)
Berman	Harman	Mollohan
Berry	Hastings (FL)	Moore
Bishop (GA)	Hill	Moran (VA)
Bishop (NY)	Hinchey	Murtha
Blumenauer	Hinojosa	Nadler
Boswell	Hoeffel	Napolitano
Boucher	Holden	Neal (MA)
Boyd	Holt	Oberstar
Brady (PA)	Honda	Obey
Brown (OH)	Hooley (OR)	Olver
Brown, Corrine	Hoyer	Ortiz
Capps	Inslee	Owens
Capuano	Israel	Pallone
Cardin	Jackson (IL)	Pascrell
Cardoza	Jackson-Lee (TX)	Pastor
Carson (IN)	Jefferson	Payne
Carson (OK)	John	Pelosi
Case	Johnson, E. B.	Pomeroy
Chandler	Jones (OH)	Price (NC)
Clay	Kanjorski	Rahall
Clyburn	Kaptur	Rangel
Conyers	Kennedy (RI)	Rodriguez
Cooper	Kildee	Ross
Costello	Kilpatrick	Rothman
Cramer	Kind	Roybal-Allard
Crowley	Kleczka	Ruppersberger
Cummings	Kucinich	Rush
Davis (AL)	Lampson	Ryan (OH)
Davis (CA)	Langevin	Sabo
Davis (FL)	Lantos	Sánchez, Linda T.
Davis (IL)	Larsen (WA)	Sanchez, Loretta
Davis (TN)	Larson (CT)	Sanders
DeFazio	Lee	Sandlin
DeGette	Levin	Schakowsky
Delahunt	Lewis (GA)	Schiff
DeLauro	Lipinski	Scott (GA)
Deutsch	Lofgren	Scott (VA)
Dicks	Lowey	Sherman
Dingell	Lucas (KY)	Skelton
Doggett	Lynch	Slaughter
Dooley (CA)	Majette	Smith (WA)
Doyle	Maloney	Snyder
Edwards	Markey	Solis
Emanuel	Matheson	Spratt
Engel	Matsui	Stark
Eshoo	McCarthy (MO)	Strickland
Etheridge	McCarthy (NY)	
Evans		

Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—225

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

NOT VOTING—10

Culberson
DeMint
Hulshof
Issa
Miller, George
Reyes
Serrano
Tanner
Tauzin
Waxman

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. THORNBERRY, announced that the yeas had it.

Mr. YOUNG of Alaska demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 357 / Nays 65

¶35.17 [Roll No. 114]

YEAS—357

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Bartlett (MD)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Stupak
Sweeney
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Weiner
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—65

Akin
Barrett (SC)
Barton (TX)
Bilirakis
Blunt
Boehner
Boyd
Brady (TX)
Brown-Waite, Ginny
Burns
Cantor
Castle
Cole
Crenshaw
Davis (FL)
Deal (GA)
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Feeney
Flake
Foley
Franks (AZ)
Gingrey
Goss
Green (WI)
Gutknecht
Harris
Hastings (FL)
Hensarling
Hill
Isakson
Istook
Johnson, Sam
Jones (NC)
Keller
Kingston
Kline
Kolbe
Linder
Lucas (OK)
Miller (FL)
Myrick
Norwood
Otter
Paul
Pence
Putnam
Rogers (MI)
Ros-Lehtinen
Ryan (WI)
Sensenbrenner
Shadegg
Shaw
Simpson
Smith (MI)
Souder
Stearns
Sullivan
Tancredo
Thornberry
Toomey
Weldon (FL)
Wexler
Young (FL)

NOT VOTING—11

Culberson
DeMint
Hulshof
Hunter
Miller, George
Reyes
Saxton
Stark
Tanner
Tauzin
Waxman

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶35.18 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. YOUNG of Alaska, by unanimous consent,

Ordered, That in the engrossment of the foregoing bill the Clerk be authorized to correct section numbers, punctuation, and cross references, and to make such other necessary technical and conforming changes as may be necessary to reflect the actions of the House.

¶35.19 ADJOURNMENT OF THE TWO HOUSES

On motion of Mr. DELAY, the House considered the following privileged concurrent resolution (H. Con. Res. 404):

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Friday, April 2, 2004, it stand adjourned until 2 p.m. on Tuesday, April 20, 2004, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Wednesday, April 7, 2004, Thursday, April 8, 2004, or Friday, April 9, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, April 19, 2004, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

When said concurrent resolution was considered,

The question being put, viva voce,

Will the House agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. THORNBERRY, announced that the yeas had it.

Mr. CARDIN demanded a recorded vote on agreeing to said concurrent resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 211 / Nays 201

¶35.20 [Roll No. 115]

AYES—211

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

NOES—201

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Ballenger
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—21

Culberson
Cummings
DeMint
Foley
Goss
Granger
Gutierrez
Hulshof
LaHood
Majette
Miller (FL)
Miller, George
Osborne
Paul
Pryce (OH)
Reyes
Ros-Lehtinen
Sullivan
Tanner
Tauzin
Waxman

So the concurrent resolution was agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶35.21 PENSION PLAN FUNDING

Mr. BOEHNER, pursuant to the order of the House of April 1, 2004, called up the following conference report (H. Rept. 108-457):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3108), to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

1. SHORT TITLE.

This Act may be cited as the ''Pension Funding Equity Act of 2004''.

TITLE I—PENSION FUNDING

SEC. 101. TEMPORARY REPLACEMENT OF 30-YEAR TREASURY RATE.

(a) EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) DETERMINATION OF PERMISSIBLE RANGE.—

(A) IN GENERAL.—Clause (ii) of section 302(b)(5)(B) of the Employee Retirement Income Security Act of 1974 is amended by redesignating subclause (II) as subclause (III) and by inserting after subclause (I) the following new subclause:

''(II) SPECIAL RULE FOR YEARS 2004 AND 2005.—In the case of plan years beginning after December 31, 2003, and before January 1, 2006, the term 'permissible range' means a rate of interest which is not above, and not more than 10 percent below, the weighted average of the rates of interest on amounts invested conservatively in long-term investment grade corporate bonds during the 4-year period ending on the last day before the beginning of the plan year. Such rates shall be determined by the Secretary of the Treasury on the basis of 2 or more indices that are selected periodically by the Secretary of the Treasury and that are in the top 3 quality levels available. The Secretary of the Treasury shall make the permissible range, and the indices and methodology used to determine the average rate, publicly available.''.

(B) SECRETARIAL AUTHORITY.—Subclause (III) of section 302(b)(5)(B)(ii) of such Act, as redesignated by subparagraph (A), is amended—

(i) by inserting ''or (II)'' after ''subclause (I)'' the first place it appears, and

(ii) by striking ''subclause (I)'' the second place it appears and inserting ''such subclause''.

(C) CONFORMING AMENDMENT.—Subclause (I) of section 302(b)(5)(B)(ii) of such Act is amended by inserting ''or (III)'' after ''subclause (II)''.

(2) DETERMINATION OF CURRENT LIABILITY.—Clause (i) of section 302(d)(7)(C) of such Act is amended by adding at the end the following new subclause:

''(IV) SPECIAL RULE FOR 2004 AND 2005.—For plan years beginning in 2004 or 2005, notwithstanding subclause (I), the rate of interest used to determine current liability under this subsection shall be the rate of interest under subsection (b)(5).''.

(3) CONFORMING AMENDMENT.—Paragraph (7) of section 302(e) of such Act is amended to read as follows:

''(7) SPECIAL RULE FOR 2002.—In any case in which the interest rate used to determine current liability is determined under subsection (d)(7)(C)(i)(III), for purposes of applying paragraphs (1) and (4)(B)(ii) for plan years beginning in 2002, the current liability for the preceding plan year shall be redetermined using 120 percent as the specified percentage determined under subsection (d)(7)(C)(i)(II).''.

(4) PBGC.—Clause (iii) of section 4006(a)(3)(E) of such Act is amended by adding at the end the following new subclause:

''(V) In the case of plan years beginning after December 31, 2003, and before January 1, 2006, the annual yield taken into account under subclause (II) shall be the annual rate of interest determined by the Secretary of the Treasury on amounts invested conservatively in long-term investment grade corporate bonds for the month preceding the month in which the plan year begins. For purposes of the preceding sentence, the Secretary of the Treasury shall determine such rate of interest on the basis of 2 or more indices that are selected periodically by the Secretary of the Treasury and that are in the top 3 quality levels available. The Secretary of the Treasury shall make the permissible range, and the indices and methodology used to determine the rate, publicly available.''.

(b) INTERNAL REVENUE CODE OF 1986.—

(1) DETERMINATION OF PERMISSIBLE RANGE.—

(A) IN GENERAL.—Clause (ii) of section 412(b)(5)(B) of the Internal Revenue Code of 1986 is amended by redesignating subclause (II) as subclause (III) and by inserting after subclause (I) the following new subclause:

''(II) SPECIAL RULE FOR YEARS 2004 AND 2005.—In the case of plan years beginning after December 31, 2003, and before January 1, 2006, the term 'permissible range' means a rate of interest which is not above, and not more than 10 percent below, the weighted average of the rates of interest on amounts invested conservatively in long-term investment grade corporate bonds during the 4-year period ending on the last day before the beginning of the plan year. Such rates shall be determined by the Secretary on the basis of 2 or more indices that are selected periodically by the Secretary and that are in the top 3 quality levels available. The Secretary shall make the permissible range, and the indices and methodology used to determine the average rate, publicly available.''.

(B) SECRETARIAL AUTHORITY.—Subclause (III) of section 412(b)(5)(B)(ii) of such Code, as redesignated by subparagraph (A), is amended—

(i) by inserting ''or (II)'' after ''subclause (I)'' the first place it appears, and

(ii) by striking ''subclause (I)'' the second place it appears and inserting ''such subclause''.

(C) CONFORMING AMENDMENT.—Subclause (I) of section 412(b)(5)(B)(ii) of such Code is amended by inserting ''or (III)'' after ''subclause (II)''.

(2) DETERMINATION OF CURRENT LIABILITY.—Clause (i) of section 412(l)(7)(C) of such Code is amended by adding at the end the following new subclause:

''(IV) SPECIAL RULE FOR 2004 AND 2005.—For plan years beginning in 2004 or 2005, notwithstanding subclause (I), the rate of interest used to determine current liability under this subsection shall be the rate of interest under subsection (b)(5).''.

(3) CONFORMING AMENDMENT.—Paragraph (7) of section 412(m) of such Code is amended to read as follows:

''(7) SPECIAL RULE FOR 2002.—In any case in which the interest rate used to determine current liability is determined under subsection (l)(7)(C)(i)(III), for purposes of applying paragraphs (1) and (4)(B)(ii) for plan years beginning in 2002, the current liability for the preceding plan year shall be redetermined using 120 percent as the specified percentage determined under subsection (l)(7)(C)(i)(II).''.

(4) LIMITATION ON CERTAIN ASSUMPTIONS.—Section 415(b)(2)(E)(ii) of such Code is amended by inserting '', except that in the case of plan years beginning in 2004 or 2005, '5.5 percent' shall be substituted for '5 percent' in clause (i)'' before the period at the end.

(5) ELECTION TO DISREGARD MODIFICATION FOR DEDUCTION PURPOSES.—Section 404(a)(1) of such Code is amended by adding at the end the following new subparagraph:

''(F) ELECTION TO DISREGARD MODIFIED INTEREST RATE.—An employer may elect to disregard subsections (b)(5)(B)(ii)(II) and (l)(7)(C)(i)(IV) of section 412 solely for purposes of determining the interest rate used in calculating the maximum amount of the deduction allowable under this paragraph.''.

(c) PROVISIONS RELATING TO PLAN AMENDMENTS.—

(1) IN GENERAL.—If this subsection applies to any plan or annuity contract amendment—

(A) such plan or contract shall be treated as being operated in accordance with the terms of the plan or contract during the period described in paragraph (2)(B)(i), and

(B) except as provided by the Secretary of the Treasury, such plan shall not fail to meet the requirements of section 411(d)(6) of the Internal Revenue Code of 1986 and section 204(g) of the Employee Retirement Income Security Act of 1974 by reason of such amendment.

(2) AMENDMENTS TO WHICH SECTION APPLIES.—

(A) IN GENERAL.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

(i) pursuant to any amendment made by this section, and

(ii) on or before the last day of the first plan year beginning on or after January 1, 2006.

(B) CONDITIONS.—This subsection shall not apply to any plan or annuity contract amendment unless—

(i) during the period beginning on the date the amendment described in subparagraph (A)(i) takes effect and ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted), the plan or contract is operated as if such plan or contract amendment were in effect; and

(ii) such plan or contract amendment applies retroactively for such period.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall apply to plan years beginning after December 31, 2003.

(2) LOOKBACK RULES.—For purposes of applying subsections (d)(9)(B)(ii) and (e)(1) of section 302 of the Employee Retirement Income Security Act of 1974 and subsections (l)(9)(B)(ii) and (m)(1) of section 412 of the Internal Revenue Code of 1986 to plan years beginning after December 31, 2003, the amendments made by this section may be applied as if such amendments had been in effect for all prior plan years. The Secretary of the Treasury may prescribe simplified assumptions which may be used in applying the amendments made by this section to such prior plan years.

(3) TRANSITION RULE FOR SECTION 415 LIMITATION.—In the case of any participant or beneficiary receiving a distribution after December 31, 2003 and before January 1, 2005, the amount payable under any form of benefit subject to section 417(e)(3) of the Internal Revenue Code of 1986 and subject to adjustment under section 415(b)(2)(B) of such Code shall not, solely by reason of the amendment made by subsection (b)(4), be less than the amount that would have been so payable had the amount payable been determined using the applicable interest rate in effect as of the last day of the last plan year beginning before January 1, 2004.

SEC. 102. ELECTION OF ALTERNATIVE DEFICIT REDUCTION CONTRIBUTION.

(a) AMENDMENT OF ERISA.—Section 302(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082(d)) is amended by adding at the end the following new paragraph:

''(12) ELECTION FOR CERTAIN PLANS.—

''(A) IN GENERAL.—In the case of a defined benefit plan established and maintained by an applicable employer, if this subsection did not apply to the plan for the plan year beginning in 2000 (determined without regard to paragraph (6)), then, at the election of the employer, the increased amount under paragraph (1) for any applicable plan year shall be the greater of—

''(i) 20 percent of the increased amount under paragraph (1) determined without regard to this paragraph, or

''(ii) the increased amount which would be determined under paragraph (1) if the deficit reduction contribution under paragraph (2) for the applicable plan year were determined without regard to subparagraphs (A), (B), and (D) of paragraph (2).

''(B) RESTRICTIONS ON BENEFIT INCREASES.—No amendment which increases the liabilities of the plan by reason of any increase in benefits, any change in the accrual of benefits, or any change in the rate at which benefits become nonforfeitable under the plan shall be adopted during any applicable plan year, unless—

''(i) the plan's enrolled actuary certifies (in such form and manner prescribed by the Secretary of the Treasury) that the amendment provides for an increase in annual contributions which will exceed the increase in annual charges to the funding standard account attributable to such amendment, or

''(ii) the amendment is required by a collective bargaining agreement which is in effect on the date of enactment of this subparagraph.

If a plan is amended during any applicable plan year in violation of the preceding sentence, any election under this paragraph shall not apply to any applicable plan year ending on or after the date on which such amendment is adopted.

''(C) APPLICABLE EMPLOYER.—For purposes of this paragraph, the term 'applicable employer' means an employer which is—

''(i) a commercial passenger airline,

''(ii) primarily engaged in the production or manufacture of a steel mill product or the processing of iron ore pellets, or

''(iii) an organization described in section 501(c)(5) of the Internal Revenue Code of 1986 and which established the plan to which this paragraph applies on June 30, 1955.

''(D) APPLICABLE PLAN YEAR.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'applicable plan year' means any plan year beginning after December 27, 2003, and before December 28, 2005, for which the employer elects the application of this paragraph.

''(ii) LIMITATION ON NUMBER OF YEARS WHICH MAY BE ELECTED.—An election may not be made under this paragraph with respect to more than 2 plan years.

''(E) NOTICE REQUIREMENTS FOR PLANS ELECTING ALTERNATIVE DEFICIT REDUCTION CONTRIBUTIONS.—

''(i) IN GENERAL.—If an employer elects an alternative deficit reduction contribution under this paragraph and section 412(l)(12) of the Internal Revenue Code of 1986 for any year, the employer shall provide, within 30 days of filing the election for such year, written notice of the election to participants and beneficiaries and to the Pension Benefit Guaranty Corporation.

''(ii) NOTICE TO PARTICIPANTS AND BENEFICIARIES.—The notice under clause (i) to participants and beneficiaries shall include with respect to any election—

''(I) the due date of the alternative deficit reduction contribution and the amount by which such contribution was reduced from the amount which would have been owed if the election were not made, and

''(II) a description of the benefits under the plan which are eligible to be guaranteed by the Pension Benefit Guaranty Corporation and an explanation of the limitations on the guarantee and the circumstances under which such limitations apply, including the maximum guaranteed monthly benefits which the Pension Benefit Guaranty Corporation would pay if the plan terminated while underfunded.

''(iii) NOTICE TO PBGC.—The notice under clause (i) to the Pension Benefit Guaranty Corporation shall include—

''(I) the information described in clause (ii)(I),

''(II) the number of years it will take to restore the plan to full funding if the employer only makes the required contributions, and

''(III) information as to how the amount by which the plan is underfunded compares with the capitalization of the employer making the election.

''(F) ELECTION.—An election under this paragraph shall be made at such time and in such manner as the Secretary of the Treasury may prescribe.''

(b) AMENDMENT OF 1986 CODE.—Section 412(l) of the Internal Revenue Code of 1986 (relating to applicability of subsection) is amended by adding at the end the following new paragraph:

''(12) ELECTION FOR CERTAIN PLANS.—

''(A) IN GENERAL.—In the case of a defined benefit plan established and maintained by an applicable employer, if this subsection did not apply to the plan for the plan year beginning in 2000 (determined without regard to paragraph (6)), then, at the election of the employer, the increased amount under paragraph (1) for any applicable plan year shall be the greater of—

''(i) 20 percent of the increased amount under paragraph (1) determined without regard to this paragraph, or

''(ii) the increased amount which would be determined under paragraph (1) if the deficit reduction contribution under paragraph (2) for the applicable plan year were determined without regard to subparagraphs (A), (B), and (D) of paragraph (2).

''(B) RESTRICTIONS ON BENEFIT INCREASES.—No amendment which increases the liabilities of the plan by reason of any increase in benefits, any change in the accrual of benefits, or any change in the rate at which benefits become nonforfeitable under the plan shall be adopted during any applicable plan year, unless—

''(i) the plan's enrolled actuary certifies (in such form and manner prescribed by the Secretary) that the amendment provides for an increase in annual contributions which will exceed the increase in annual charges to the funding standard account attributable to such amendment, or

''(ii) the amendment is required by a collective bargaining agreement which is in effect on the date of enactment of this subparagraph.

If a plan is amended during any applicable plan year in violation of the preceding sentence, any election under this paragraph shall not apply to any applicable plan year ending on or after the date on which such amendment is adopted.

''(C) APPLICABLE EMPLOYER.—For purposes of this paragraph, the term 'applicable employer' means an employer which is—

''(i) a commercial passenger airline,

''(ii) primarily engaged in the production or manufacture of a steel mill product or the processing of iron ore pellets, or

''(iii) an organization described in section 501(c)(5) and which established the plan to which this paragraph applies on June 30, 1955.

''(D) APPLICABLE PLAN YEAR.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'applicable plan year' means any plan year beginning after December 27, 2003, and before December 28, 2005, for which the employer elects the application of this paragraph.

''(ii) LIMITATION ON NUMBER OF YEARS WHICH MAY BE ELECTED.—An election may not be made under this paragraph with respect to more than 2 plan years.

''(E) ELECTION.—An election under this paragraph shall be made at such time and in such manner as the Secretary may prescribe.''

(c) EFFECT OF ELECTION.—An election under section 302(d)(12) of the Employee Retirement Income Security Act of 1974 or section 412(l)(12) of the Internal Revenue Code of 1986 (as added by this section) with respect to a plan shall not invalidate any obligation (pursuant to a collective bargaining agreement in effect on the date of the election) to provide benefits, to change the accrual of benefits, or to change the rate at which benefits become nonforfeitable under the plan.

(d) PENALTY FOR FAILING TO PROVIDE NOTICE.—Section 502(c)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(c)(3)) is amended by inserting ''or who fails to meet the requirements of section 302(d)(12)(E) with respect to any person'' after ''101(e)(2) with respect to any person''.

SEC. 103. MULTIEMPLOYER PLAN FUNDING NOTICES.

(a) IN GENERAL.—Section 101 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021) is amended by inserting after subsection (e) the following new subsection:

''(f) MULTIEMPLOYER DEFINED BENEFIT PLAN FUNDING NOTICES.—

''(1) IN GENERAL.—The administrator of a defined benefit plan which is a multiemployer plan shall for each plan year provide a plan funding notice to each plan participant and beneficiary, to each labor organization representing such participants or beneficiaries, to each employer that has an obligation to contribute under the plan, and to the Pension Benefit Guaranty Corporation.

''(2) INFORMATION CONTAINED IN NOTICES.—

''(A) IDENTIFYING INFORMATION.—Each notice required under paragraph (1) shall contain identifying information, including the name of the plan, the address and phone number of the plan administrator and the plan's principal administrative officer, each plan sponsor's employer identification number, and the plan number of the plan.

''(B) SPECIFIC INFORMATION.—A plan funding notice under paragraph (1) shall include—

''(i) a statement as to whether the plan's funded current liability percentage (as defined in section 302(d)(8)(B)) for the plan year to which the notice relates is at least 100 percent (and, if not, the actual percentage);

''(ii) a statement of the value of the plan's assets, the amount of benefit payments, and the ratio of the assets to the payments for the plan year to which the notice relates;

''(iii) a summary of the rules governing insolvent multiemployer plans, including the limitations on benefit payments and any potential benefit reductions and suspensions (and the potential effects of such limitations, reductions, and suspensions on the plan); and

''(iv) a general description of the benefits under the plan which are eligible to be guaranteed by the Pension Benefit Guaranty Corporation, along with an explanation of the limitations on the guarantee and the circumstances under which such limitations apply.

''(C) OTHER INFORMATION.—Each notice under paragraph (1) shall include any additional information which the plan administrator elects to include to the extent not inconsistent with regulations prescribed by the Secretary.

''(3) TIME FOR PROVIDING NOTICE.—Any notice under paragraph (1) shall be provided no later than two months after the deadline (including extensions) for filing the annual report for the plan year to which the notice relates.

''(4) FORM AND MANNER.—Any notice under paragraph (1)—

''(A) shall be provided in a form and manner prescribed in regulations of the Secretary,

''(B) shall be written in a manner so as to be understood by the average plan participant, and

''(C) may be provided in written, electronic, or other appropriate form to the extent such form is reasonably accessible to persons to whom the notice is required to be provided.''

(b) PENALTIES.—Section 502(c)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(c)(1)) is amended by striking ''or section 101(e)(1)'' and inserting '', section 101(e)(1), or section 101(f)''.

(c) REGULATIONS AND MODEL NOTICE.—The Secretary of Labor shall, not later than 1 year after the date of the enactment of this Act, issue regulations (including a model notice) necessary to implement the amendments made by this section.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2004.

SEC. 104. ELECTION FOR DEFERRAL OF CHARGE FOR PORTION OF NET EXPERIENCE LOSS.

(a) EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) IN GENERAL.—Section 302(b)(7) of the Employee Retirement Income Security Act of 1974 (29 U.S.C.1082(b)(7)) is amended by adding at the end the following new subparagraph:

''(F) ELECTION FOR DEFERRAL OF CHARGE FOR PORTION OF NET EXPERIENCE LOSS.—

''(i) IN GENERAL.—With respect to the net experience loss of an eligible multiemployer plan for the first plan year beginning after December 31, 2001, the plan sponsor may elect to defer up to 80 percent of the amount otherwise required to be charged under paragraph (2)(B)(iv) for any plan year beginning after June 30, 2003, and before July 1, 2005, to any plan year selected by the plan from either of the 2 immediately succeeding plan years.

''(ii) INTEREST.—For the plan year to which a charge is deferred pursuant to an election under clause (i), the funding standard account shall be charged with interest on the deferred charge for the period of deferral at the rate determined under section 304(a) for multiemployer plans.

''(iii) RESTRICTIONS ON BENEFIT INCREASES.—No amendment which increases the liabilities of the plan by reason of any increase in benefits, any change in the accrual of benefits, or any change in the rate at which benefits become nonforfeitable under the plan shall be adopted during any period for which a charge is deferred pursuant to an election under clause (i), unless—

''(I) the plan's enrolled actuary certifies (in such form and manner prescribed by the Secretary of the Treasury) that the amendment provides for an increase in annual contributions which will exceed the increase in annual charges to the funding standard account attributable to such amendment, or

''(II) the amendment is required by a collective bargaining agreement which is in effect on the date of enactment of this subparagraph.

If a plan is amended during any such plan year in violation of the preceding sentence, any election under this paragraph shall not apply to any such plan year ending on or after the date on which such amendment is adopted.

''(iv) ELIGIBLE MULTIEMPLOYER PLAN.—For purposes of this subparagraph, the term 'eligible multiemployer plan' means a multiemployer plan—

''(I) which had a net investment loss for the first plan year beginning after December 31, 2001, of at least 10 percent of the average fair market value of the plan assets during the plan year, and

''(II) with respect to which the plan's enrolled actuary certifies (not taking into account the application of this subparagraph), on the basis of the acutuarial assumptions used for the last plan year ending before the date of the enactment of this subparagraph, that the plan is projected to have an accumulated funding deficiency (within the meaning of subsection (a)(2))

for any plan year beginning after June 30, 2003, and before July 1, 2006.

For purposes of subclause (I), a plan's net investment loss shall be determined on the basis of the actual loss and not under any actuarial method used under subsection (c)(2).

''(v) EXCEPTION TO TREATMENT OF ELIGIBLE MULTIEMPLOYER PLAN.—In no event shall a plan be treated as an eligible multiemployer plan under clause (iv) if—

''(I) for any taxable year beginning during the 10-year period preceding the first plan year for which an election is made under clause (i), any employer required to contribute to the plan failed to timely pay any excise tax imposed under section 4971 of the Internal Revenue Code of 1986 with respect to the plan,

''(II) for any plan year beginning after June 30, 1993, and before the first plan year for which an election is made under clause (i), the average contribution required to be made by all employers to the plan does not exceed 10 cents per hour or no employer is required to make contributions to the plan, or

''(III) with respect to any of the plan years beginning after June 30, 1993, and before the first plan year for which an election is made under clause (i), a waiver was granted under section 303 of this Act or section 412(d) of the Internal Revenue Code of 1986 with respect to the plan or an extension of an amortization period was granted under section 304 of this Act or section 412(e) of such Code with respect to the plan.

''(vi) NOTICE.—If a plan sponsor makes an election under this subparagraph or section 412(b)(7)(F) of the Internal Revenue Code of 1986 for any plan year, the plan administrator shall provide, within 30 days of filing the election for such year, written notice of the election to participants and beneficiaries, to each labor organization representing such participants or beneficiaries, to each employer that has an obligation to contribute under the plan, and to the Pension Benefit Guaranty Corporation. Such notice shall include with respect to any election the amount of any charge to be deferred and the period of the deferral. Such notice shall also include the maximum guaranteed monthly benefits which the Pension Benefit Guaranty Corporation would pay if the plan terminated while underfunded.

''(vii) ELECTION.—An election under this subparagraph shall be made at such time and in such manner as the Secretary of the Treasury may prescribe.''

(2) PENALTY.—Section 502(c)(4) of such Act (29 U.S.C. 1132(c)(4)) is amended to read as follows:

''(4) The Secretary may assess a civil penalty of not more than $1,000 a day for each violation by any person of section 302(b)(7)(F)(vi).''

(b) INTERNAL REVENUE CODE OF 1986.—Section 412(b)(7) of the Internal Revenue Code of 1986 (relating to special rules for multiemployer plans) is amended by adding at the end the following new subparagraph:

''(F) ELECTION FOR DEFERRAL OF CHARGE FOR PORTION OF NET EXPERIENCE LOSS.—

''(i) IN GENERAL.—With respect to the net experience loss of an eligible multiemployer plan for the first plan year beginning after December 31, 2001, the plan sponsor may elect to defer up to 80 percent of the amount otherwise required to be charged under paragraph (2)(B)(iv) for any plan year beginning after June 30, 2003, and before July 1, 2005, to any plan year selected by the plan from either of the 2 immediately succeeding plan years.

''(ii) INTEREST.—For the plan year to which a charge is deferred pursuant to an election under clause (i), the funding standard account shall be charged with interest on the deferred charge for the period of deferral at the rate determined under subsection (d) for multiemployer plans.

''(iii) RESTRICTIONS ON BENEFIT INCREASES.—No amendment which increases the liabilities of the plan by reason of any increase in benefits, any change in the accrual of benefits, or any change in the rate at which benefits become nonforfeitable under the plan shall be adopted during any period for which a charge is deferred pursuant to an election under clause (i), unless—

''(I) the plan's enrolled actuary certifies (in such form and manner prescribed by the Secretary) that the amendment provides for an increase in annual contributions which will exceed the increase in annual charges to the funding standard account attributable to such amendment, or

''(II) the amendment is required by a collective bargaining agreement which is in effect on the date of enactment of this subparagraph.

If a plan is amended during any such plan year in violation of the preceding sentence, any election under this paragraph shall not apply to any such plan year ending on or after the date on which such amendment is adopted.

''(iv) ELIGIBLE MULTIEMPLOYER PLAN.—For purposes of this subparagraph, the term 'eligible multiemployer plan' means a multiemployer plan—

''(I) which had a net investment loss for the first plan year beginning after December 31, 2001, of at least 10 percent of the average fair market value of the plan assets during the plan year, and

''(II) with respect to which the plan's enrolled actuary certifies (not taking into account the application of this subparagraph), on the basis of the acutuarial assumptions used for the last plan year ending before the date of the enactment of this subparagraph, that the plan is projected to have an accumulated funding deficiency (within the meaning of subsection (a)) for any plan year beginning after June 30, 2003, and before July 1, 2006.

For purposes of subclause (I), a plan's net investment loss shall be determined on the basis of the actual loss and not under any actuarial method used under subsection (c)(2).

''(v) EXCEPTION TO TREATMENT OF ELIGIBLE MULTIEMPLOYER PLAN.—In no event shall a plan be treated as an eligible multiemployer plan under clause (iv) if—

''(I) for any taxable year beginning during the 10-year period preceding the first plan year for which an election is made under clause (i), any employer required to contribute to the plan failed to timely pay any excise tax imposed under section 4971 with respect to the plan,

''(II) for any plan year beginning after June 30, 1993, and before the first plan year for which an election is made under clause (i), the average contribution required to be made by all employers to the plan does not exceed 10 cents per hour or no employer is required to make contributions to the plan, or

''(III) with respect to any of the plan years beginning after June 30, 1993, and before the first plan year for which an election is made under clause (i), a waiver was granted under section 412(d) or section 303 of the Employee Retirement Income Security Act of 1974 with respect to the plan or an extension of an amortization period was granted under subsection (e) or section 304 of such Act with respect to the plan.

''(vi) ELECTION.—An election under this subparagraph shall be made at such time and in such manner as the Secretary may prescribe.''

TITLE II—OTHER PROVISIONS

SEC. 201. 2-YEAR EXTENSION OF TRANSITION RULE TO PENSION FUNDING REQUIREMENTS.

(a) IN GENERAL.—Section 769(c) of the Retirement Protection Act of 1994, as added by section 1508 of the Taxpayer Relief Act of 1997, is amended—

(1) by inserting ''except as provided in paragraph (3),'' before ''the transition rules'', and

(2) by adding at the end the following:

''(3) SPECIAL RULES.—In the case of plan years beginning in 2004 and 2005, the following transition rules shall apply in lieu of the transition rules described in paragraph (2):

''(A) For purposes of section 412(l)(9)(A) of the Internal Revenue Code of 1986 and section 302(d)(9)(A) of the Employee Retirement Income Security Act of 1974, the funded current liability percentage for any plan year shall be treated as not less than 90 percent.

''(B) For purposes of section 412(m) of the Internal Revenue Code of 1986 and section 302(e) of the Employee Retirement Income Security Act of 1974, the funded current liability percentage for any plan year shall be treated as not less than 100 percent.

''(C) For purposes of determining unfunded vested benefits under section 4006(a)(3)(E)(iii) of the Employee Retirement Income Security Act of 1974, the mortality table shall be the mortality table used by the plan.''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2003.

SEC. 202. PROCEDURES APPLICABLE TO DISPUTES INVOLVING PENSION PLAN WITHDRAWAL LIABILITY.

(a) IN GENERAL.—Section 4221 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1401) is amended by adding at the end the following new subsection:

''(f) PROCEDURES APPLICABLE TO CERTAIN DISPUTES.—

''(1) IN GENERAL.—If—

''(A) a plan sponsor of a plan determines that—

''(i) a complete or partial withdrawal of an employer has occurred, or

''(ii) an employer is liable for withdrawal liability payments with respect to the complete or partial withdrawal of an employer from the plan,

''(B) such determination is based in whole or in part on a finding by the plan sponsor under section 4212(c) that a principal purpose of a transaction that occurred before January 1, 1999, was to evade or avoid withdrawal liability under this subtitle, and

''(C) such transaction occurred at least 5 years before the date of the complete or partial withdrawal,

then the special rules under paragraph (2) shall be used in applying subsections (a) and (d) of this section and section 4219(c) to the employer.

''(2) SPECIAL RULES.—

''(A) DETERMINATION.—Notwithstanding subsection (a)(3)—

''(i) a determination by the plan sponsor under paragraph (1)(B) shall not be presumed to be correct, and

''(ii) the plan sponsor shall have the burden to establish, by a preponderance of the evidence, the elements of the claim under section 4212(c) that a principal purpose of the transaction was to evade or avoid withdrawal liability under this subtitle.

Nothing in this subparagraph shall affect the burden of establishing any other element of a claim for withdrawal liability under this subtitle.

''(B) PROCEDURE.—Notwithstanding subsection (d) and section 4219(c), if an employer contests the plan sponsor's determination under paragraph (1) through an arbitration proceeding pursuant to subsection (a), or through a claim brought in a court of competent jurisdiction, the employer shall not be obligated to make any withdrawal liability payments until a final decision in the arbitration proceeding, or in court, upholds the plan sponsor's determination.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to any employer that receives a notification under section 4219(b)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1399(b)(1)) after October 31, 2003.

SEC. 203. SENSE OF CONGRESS REGARDING DEFINED BENEFIT PENSION SYSTEM REFORM.

It is the sense of the Congress that the Congress must ensure the financial health of the defined benefit pension system by working to promptly implement—

(1) a permanent replacement for the pension discount rate used for defined benefit pension plan calculations, and

(2) comprehensive funding reforms for all defined benefit pension plans aimed at achieving accurate and sound pension funding to enhance retirement security for workers who rely on defined pension plan benefits, to reduce the volatility of contributions, to provide plan sponsors with predictability for plan contributions, and to ensure adequate disclosures for plan participants in the case of underfunded pension plans.

SEC. 204. EXTENSION OF TRANSFERS OF EXCESS PENSION ASSETS TO RETIREE HEALTH ACCOUNTS.

(a) AMENDMENT OF INTERNAL REVENUE CODE OF 1986.—Paragraph (5) of section 420(b) of the Internal Revenue Code of 1986 (relating to expiration) is amended by striking ''December 31, 2005'' and inserting ''December 31, 2013''.

(b) AMENDMENTS OF ERISA.—

(1) Section 101(e)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021(e)(3)) is amended by striking ''Tax Relief Extension Act of 1999'' and inserting ''Pension Funding Equity Act of 2004''.

(2) Section 403(c)(1) of such Act (29 U.S.C. 1103(c)(1)) is amended by striking ''Tax Relief Extension Act of 1999'' and inserting ''Pension Funding Equity Act of 2004''.

(3) Paragraph (13) of section 408(b) of such Act (29 U.S.C. 1108(b)(3)) is amended—

(A) by striking ''January 1, 2006'' and inserting ''January 1, 2014'', and

(B) by striking ''Tax Relief Extension Act of 1999'' and inserting ''Pension Funding Equity Act of 2004''.

SEC. 205. REPEAL OF REDUCTION OF DEDUCTIONS FOR MUTUAL LIFE INSURANCE COMPANIES.

(a) IN GENERAL.—Section 809 of the Internal Revenue Code of 1986 (relating to reductions in certain deduction of mutual life insurance companies) is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1) Subsections (a)(2)(B) and (b)(1)(B) of section 807 of such Code are each amended by striking ''the sum of (i)'' and by striking ''plus (ii) any excess described in section 809(a)(2) for the taxable year,''.

(2)(A) The last sentence of section 807(d)(1) of such Code is amended by striking ''section 809(b)(4)(B)'' and inserting ''paragraph (6)''.

(B) Subsection (d) of section 807 of such Code is amended by adding at the end the following new paragraph:

''(6) STATUTORY RESERVES.—The term 'statutory reserves' means the aggregate amount set forth in the annual statement with respect to items described in section 807(c). Such term shall not include any reserve attributable to a deferred and uncollected premium if the establishment of such reserve is not permitted under section 811(c).''

(3) Subsection (c) of section 808 of such Code is amended to read as follows:

''(c) AMOUNT OF DEDUCTION.—The deduction for policyholder dividends for any taxable year shall be an amount equal to the policyholder dividends paid or accrued during the taxable year.''

(4) Subparagraph (A) of section 812(b)(3) of such Code is amended by striking ''sections 808 and 809'' and inserting ''section 808''.

(5) Subsection (c) of section 817 of such Code is amended by striking ''(other than section 809)''.

(6) Subsection (c) of section 842 of such Code is amended by striking paragraph (3) and by redesignating paragraph (4) as paragraph (3).

(7) The table of sections for subpart C of part I of subchapter L of chapter 1 of such Code is amended by striking the item relating to section 809.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 206. CLARIFICATION OF EXEMPTION FROM TAX FOR SMALL PROPERTY AND CASUALTY INSURANCE COMPANIES.

(a) IN GENERAL.—Section 501(c)(15)(A) of the Internal Revenue Code of 1986 is amended to read as follows:

''(A) Insurance companies (as defined in section 816(a)) other than life (including interinsurers and reciprocal underwriters) if—

''(i)(I) the gross receipts for the taxable year do not exceed $600,000, and

''(II) more than 50 percent of such gross receipts consist of premiums, or

''(ii) in the case of a mutual insurance company—

''(I) the gross receipts of which for the taxable year do not exceed $150,000, and

''(II) more than 35 percent of such gross receipts consist of premiums.

Clause (ii) shall not apply to a company if any employee of the company, or a member of the employee's family (as defined in section 2032A(e)(2)), is an employee of another company exempt from taxation by reason of this paragraph (or would be so exempt but for this sentence).''.

(b) CONTROLLED GROUP RULE.—Section 501(c)(15)(C) of the Internal Revenue Code of 1986 is amended by inserting '', except that in applying section 831(b)(2)(B)(ii) for purposes of this subparagraph, subparagraphs (B) and (C) of section 1563(b)(2) shall be disregarded'' before the period at the end.

(c) DEFINITION OF INSURANCE COMPANY FOR SECTION 831.—Section 831 of the Internal Revenue Code of 1986 is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

''(c) INSURANCE COMPANY DEFINED.—For purposes of this section, the term 'insurance company' has the meaning given to such term by section 816(a)).''.

(d) CONFORMING AMENDMENT.—Clause (i) of section 831(b)(2)(A) of the Internal Revenue Code of 1986 is amended by striking ''exceed $350,000 but''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2003.

(2) TRANSITION RULE FOR COMPANIES IN RECEIVERSHIP OR LIQUIDATION.—In the case of a company or association which—

(A) for the taxable year which includes April 1, 2004, meets the requirements of section 501(c)(15)(A) of the Internal Revenue Code of 1986, as in effect for the last taxable year beginning before January 1, 2004, and

(B) on April 1, 2004, is in a receivership, liquidation, or similar proceeding under the supervision of a State court,

the amendments made by this section shall apply to taxable years beginning after the earlier of the date such proceeding ends or December 31, 2007.

SEC. 207. CONFIRMATION OF ANTITRUST STATUS OF GRADUATE MEDICAL RESIDENT MATCHING PROGRAMS.

(a) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress makes the following findings:

(A) For over 50 years, most United States medical school seniors and the large majority of graduate medical education programs (popularly known as ''residency programs'') have chosen to use a matching program to match medical students with residency programs to which they have applied. These matching programs have been an integral part of an educational system that has produced the finest physicians and medical researchers in the world.

(B) Before such matching programs were instituted, medical students often felt pressure, at an unreasonably early stage of their medical education, to seek admission to, and accept offers from, residency programs. As a result, medical students often made binding commitments before they were in a position to make an informed decision about a medical specialty or a residency program and before residency programs could make an informed assessment of students' qualifications. This situation was inefficient, chaotic, and unfair and it often led to placements that did not serve the interests of either medical students or residency programs.

(C) The original matching program, now operated by the independent non-profit National Resident Matching Program and popularly known as ''the Match,'' was developed and implemented more than 50 years ago in response to widespread student complaints about the prior process. This Program includes on its board of directors individuals nominated by medical student organizations as well as by major medical education and hospital associations.

(D) The Match uses a computerized mathematical algorithm, as students had recommended, to analyze the preferences of students and residency programs and match students with their highest preferences from among the available positions in residency programs that listed them. Students thus obtain a residency position in the most highly ranked program on their list that has ranked them sufficiently high among its preferences. Each year, about 85 percent of participating United States medical students secure a place in one of their top 3 residency program choices.

(E) Antitrust lawsuits challenging the matching process, regardless of their merit or lack thereof, have the potential to undermine this highly efficient, pro-competitive, and longstanding process. The costs of defending such litigation would divert the scarce resources of our country's teaching hospitals and medical schools from their crucial missions of patient care, physician training, and medical research. In addition, such costs may lead to abandonment of the matching process, which has effectively served the interests of medical students, teaching hospitals, and patients for over half a century.

(2) PURPOSES.—It is the purpose of this section to—

(A) confirm that the antitrust laws do not prohibit sponsoring, conducting, or participating in a graduate medical education residency matching program, or agreeing to do so; and

(B) ensure that those who sponsor, conduct or participate in such matching programs are not subjected to the burden and expense of defending against litigation that challenges such matching programs under the antitrust laws.

(b) APPLICATION OF ANTITRUST LAWS TO GRADUATE MEDICAL EDUCATION RESIDENCY MATCHING PROGRAMS.—

(1) DEFINITIONS.—In this subsection:

(A) ANTITRUST LAWS.—The term ''antitrust laws''—

(i) has the meaning given such term in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section 5 applies to unfair methods of competition; and

(ii) includes any State law similar to the laws referred to in clause (i).

(B) GRADUATE MEDICAL EDUCATION PROGRAM.—The term ''graduate medical education program'' means—

(i) a residency program for the medical education and training of individuals following graduation from medical school;

(ii) a program, known as a specialty or subspecialty fellowship program, that provides more advanced training; and

(iii) an institution or organization that operates, sponsors or participates in such a program.

(C) GRADUATE MEDICAL EDUCATION RESIDENCY MATCHING PROGRAM.—The term ''graduate medical education residency matching program'' means a program (such as those conducted by the National Resident Matching Program) that, in connection with the admission of students to

graduate medical education programs, uses an algorithm and matching rules to match students in accordance with the preferences of students and the preferences of graduate medical education programs.

(D) STUDENT.—The term ''student'' means any individual who seeks to be admitted to a graduate medical education program.

(2) CONFIRMATION OF ANTITRUST STATUS.—It shall not be unlawful under the antitrust laws to sponsor, conduct, or participate in a graduate medical education residency matching program, or to agree to sponsor, conduct, or participate in such a program. Evidence of any of the conduct described in the preceding sentence shall not be admissible in Federal court to support any claim or action alleging a violation of the antitrust laws.

(3) APPLICABILITY.—Nothing in this section shall be construed to exempt from the antitrust laws any agreement on the part of 2 or more graduate medical education programs to fix the amount of the stipend or other benefits received by students participating in such programs.

(c) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act, shall apply to conduct whether it occurs prior to, on, or after such date of enactment, and shall apply to all judicial and administrative actions or other proceedings pending on such date of enactment.

And the Senate agree to the same.

From the Committee on Education and the Workforce, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

JOHN BOEHNER,
HOWARD ''BUCK'' MCKEON,
SAM JOHNSON,
PATRICK J. TIBERI,

From the Committee on Ways and Means, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

WILLIAM THOMAS,
ROB PORTMAN,
Managers on the Part of the House.

CHUCK GRASSLEY,
JUDD GREGG,
MITCH MCCONNELL,
Managers on the Part of the Senate.

When said conference report was considered.

After debate,

By unanimous consent, the previous question was ordered on the conference report to its adoption or rejection.

Mr. ANDREWS moved to recommit the conference report on H.R. 3108 to the committee of conference with instructions for the managers on the part of the House to disagree to section 104 (relating to election for deferral of charge for portion of net experience loss) in the conference substitute and amend, within the scope of conference, the conference substitute with a provision that provides an amortization hiatus for the 20 percent of multiemployer pension plans with the largest net investment losses.

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said conference report?

The SPEAKER pro tempore, Mr. THORNBERRY, announced that the nays had it.

Mr. ANDREWS objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 195 / Nays ..... 217 }

¶35.22 [Roll No. 116]

YEAS—195

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Mollohan
Moore
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—217

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

NOT VOTING—22

Bishop (UT)
Brady (TX)
Culberson
Deal (GA)
DeMint
Diaz-Balart, L.
Fossella
Gephardt
Gutierrez
Hulshof
LaHood
McGovern
Miller, George
Moran (VA)
Norwood
Paul
Reyes
Ros-Lehtinen
Sanchez, Loretta
Tanner
Tauzin
Waxman

So the motion to recommit the conference report with instructions was not agreed to.

The question being put, viva voce,

Will the House agree to said conference report?

The SPEAKER pro tempore, Mr. THORNBERRY, announced that the yeas had it.

Mr. BOEHNER demanded a recorded vote on agreeing to said conference report, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 336 / Nays ..... 69 }

¶35.23 [Roll No. 117]

AYES—336

Ackerman
Aderholt
Akin
Alexander
Allen
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner

Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Coble
Cole
Collins
Conyers
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Foley
Forbes
Ford
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley (OR)
Hostettler
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Lampson
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lowey
Lucas (KY)
Lucas (OK)
Maloney
Manzullo
Marshall
Matheson
Matsui
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
Meek (FL)
Meeks (NY)
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Oxley
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sandlin
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Stupak
Sullivan
Tancredo
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Upton
Van Hollen
Walden (OR)
Wamp
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—69

Abercrombie
Andrews
Baca
Ballance
Becerra
Berman
Brady (PA)
Brown (OH)
Brown, Corrine
Capuano
Clyburn
Costello
Engel
Eshoo
Fattah
Filner
Flake
Frank (MA)
Gephardt
Green (TX)
Grijalva
Hastings (FL)
Holt
Kaptur
Kennedy (RI)
Kucinich
Langevin
Lee
Lewis (GA)
LoBiondo
Lofgren
Lynch
Majette
Markey
McCarthy (MO)
McCarthy (NY)
McNulty
Meehan
Menendez
Miller (NC)
Myrick
Napolitano
Olver
Ose
Owens
Pallone
Pascrell
Payne
Rothman
Roybal-Allard
Ryan (OH)
Sánchez, Linda T.
Sanders
Saxton
Solis
Stark
Strickland
Sweeney
Taylor (MS)
Thompson (MS)
Tierney
Udall (NM)
Visclosky
Walsh
Waters
Watson
Watt
Wexler
Woolsey

NOT VOTING—28

Bilirakis
Bishop (UT)
Burr
Culberson
Deal (GA)
DeMint
Diaz-Balart, L.
Fossella
Gallegly
Gutierrez
Houghton
Hulshof
LaHood
Miller, George
Norwood
Otter
Paul
Portman
Rehberg
Reyes
Ros-Lehtinen
Sanchez, Loretta
Tanner
Tauzin
Velázquez
Vitter
Waxman
Whitfield

So the conference report was agreed to.

Ordered, That the Clerk notify the Senate thereof.

¶35.24 FURTHER MESSAGE FROM THE SENATE

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

H.R. 1086. An Act to encourage the development and promulgation of voluntary consensus standards by providing relief under the antitrust laws to standards development organizations with respect to conduct engaged in for the purpose of developing voluntary consensus standards, and for other purposes.

¶35.25 ADJOURNMENT OVER

On motion of Mr. BOEHNER, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Tuesday, April 6, 2004, at 4 p.m., unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 404, in which case the House shall stand adjourned pursuant to that concurrent resolution.

¶35.26 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. BOEHNER, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, April 7, 2004, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶35.27 PERMISSION TO FILE REPORT

On motion of Mr. BOEHNER, by unanimous consent, the Committee on the Judiciary was granted permission until midnight tonight to file a report on the bill (H.R. 3866) to amend the Controlled Substances Act to provide increased penalties for anabolic steroid offenses near sports facilities, and for other purposes.

¶35.28 APPOINTMENT OF SPEAKER PRO TEMPORE TO SIGN ENROLLMENTS

The SPEAKER pro tempore, Mr. THORNBERRY, laid before the House a communication, which was read as follows:

WASHINGTON, DC,
April 2, 2004.

I hereby appoint the Honorable FRANK R. WOLF or, if not available to perform this duty, the Honorable TOM DAVIS to act as Speaker pro tempore to sign enrolled bills and joint resolutions through April 20, 2004.

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

By unanimous consent, the appointments were approved.

¶35.29 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Ms. HARRIS, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, April 21, 2004, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶35.30 SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following titles was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 28. An Act recognizing the 60th anniversary of the Allied landing at Normandy during World War II; to the Committee on Armed Services.

¶35.31 ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4062. An Act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through June 4, 2004, and for other purposes.

¶35.32 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. CULBERSON, for today; and

To Mr. HULSHOF, for today.

And then,

¶35.33 ADJOURNMENT

Mr. TANCREDO moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. BURGESS, announced that the yeas had it.

So the motion to adjourn was agreed to.

Accordingly,

Pursuant to the previous order of the House, at 4 o'clock and 11 minutes p.m., the House stands adjourned until 4 p.m. on Tuesday, April 6, 2004, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 404, in which case the House shall stand adjourned pursuant to that concurrent resolution.

¶35.34 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OXLEY: Committee on Financial Services. H.R. 27. A bill to amend the United States Housing Act of 1937 to exempt small public housing agencies from the requirement of preparing an annual public housing agency plan; with an amendment (Rept. 108–458). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on International Relations. H.R. 3818. A bill to amend the Foreign Assistance Act of 1961 to improve the results and accountability of microenterprise development assistance programs, and for other purposes; with an amendment (Rept. 108–459). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 3866. A bill to amend the Controlled Substances Act to provide increased penalties for anabolic steroid offenses near sports facilities, and for other purposes; with an amendment (Rept. 108–461 Pt. 1). Ordered to be printed.

¶35.35 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 3266. Referral to the Committees on Transportation and Infrastructure, the Judiciary, and Energy and Commerce extended for a period ending not later than June 7, 2004.

H.R. 3866. Referral to the Committee on Energy and Commerce extended for a period ending not later than April 27, 2004.

¶35.36 REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. COX: Select Committee on Homeland Security. H.R. 3266. A bill to authorize the Secretary of Homeland Security to make grants to first responders, and for other purposes, with an amendment; referred to the Committee on Science for a period ending not later than April 2, 2004, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause (n), rule X (Rept. 108–460, Pt. 1). Ordered to be printed.

¶35.37 DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Transportation and Infrastructure, Resources, and House Administration discharged from further consideration. H.R. 1081 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committee on Resources and Transportation and Infrastructure discharged from further consideration. H.R. 1856 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committee on Science discharged from further consideration of H.R. 3266.

Pursuant to clause 2 of rule XII the Committee on the Judiciary discharged from further consideration. S. 1233 referred to the Committee of the Whole House on the State of the Union.

¶35.38 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KIND (for himself and Mr. UPTON):

H.R. 4127. A bill to amend the Public Health Service Act to authorize grants to hospitals for measurement-based strategies to improve the quality and efficiency of health care; to the Committee on Energy and Commerce.

By Mr. WELLER (for himself, Mr. NEAL of Massachusetts, Mr. UPTON, Mr. TIAHRT, and Mr. ENGLISH):

H.R. 4128. A bill to amend the Internal Revenue Code of 1986 to permanently extend the 50-percent bonus depreciation added by the Jobs and Growth Tax Relief Reconciliation Act of 2003, and for other purposes; to the Committee on Ways and Means.

By Mr. PICKERING:

H.R. 4129. A bill to provide a clear and unambiguous structure for the jurisdictional and regulatory treatment for the offering or provision of voice-over-Internet-protocol applications, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUPPERSBERGER (for himself, Mr. LEWIS of California, Mr. MURTHA, Mr. HUNTER, and Mr. SKELTON):

H.R. 4130. A bill to amend title 10, United States Code, to authorize the Secretary of Defense to accept the donation of frequent traveler miles, credits, and tickets for the purpose of facilitating the travel of members of the Armed Forces who are deployed away from their permanent duty station and are granted, during such deployment, rest and recuperative leave and certain other forms of leave and the travel of family members to be reunited with such a member, and for other purposes; to the Committee on Armed Services.

By Mr. HOUGHTON:

H.R. 4131. A bill to amend the Internal Revenue Code of 1986 to limit the increase in the number of individuals affected by the alternative minimum tax and to repeal the alternative minimum tax for individuals in 2014; to the Committee on Ways and Means.

By Mr. HOUGHTON:

H.R. 4132. A bill to amend the Internal Revenue Code of 1986 to provide a uniform definition of child for purposes of the personal exemption, the dependent care credit, the child tax credit, the earned income credit, and the health insurance refundable credit, and for other purposes.; to the Committee on Ways and Means.

By Mr. HOUGHTON:

H.R. 4133. A bill to change the name of the head of household filing status to single parent or guardian to describe better those individuals who qualify for the status; to the Committee on Ways and Means.

By Mr. HOUGHTON:

H.R. 4134. A bill to amend the Internal Revenue Code of 1986 to simplify the deduction for points paid with respect to home mortgages; to the Committee on Ways and Means.

By Mr. HOUGHTON:

H.R. 4135. A bill to amend the Internal Revenue Code of 1986 to simplify the taxation of minor children; to the Committee on Ways and Means.

By Mr. HOUGHTON:

H.R. 4136. A bill to amend the Internal Revenue Code of 1986 to combine the Hope and Lifetime Learning credits and to provide a uniform definition of qualifying higher education expenses; to the Committee on Ways and Means.

By Mr. HOUGHTON:

H.R. 4137. A bill to amend the Internal Revenue Code of 1986 to provide for unified income taxation with respect to pass-thru entities; to the Committee on Ways and Means.

By Mr. HOUGHTON:

H.R. 4138. A bill to amend the Internal Revenue Code of 1986 to repeal the tax on personal holding companies; to the Committee on Ways and Means.

By Mr. HOUGHTON:

H.R. 4139. A bill to amend the Internal Revenue Code of 1986 to simplify the taxation of partnerships; to the Committee on Ways and Means.

By Mr. LANGEVIN (for himself, Mr. SHAYS, Mr. MATSUI, Mr. SIMMONS, Mr. PASCRELL, Mrs. MCCARTHY of New York, Mr. VAN HOLLEN, Mr. KENNEDY of Rhode Island, Mr. LARSON of Connecticut, Mrs. DAVIS of California, Ms. MCCOLLUM, Mr. TIERNEY, Ms. SCHAKOWSKY, Mr. KUCINICH, and Mr. NEY):

H.R. 4140. A bill to amend title 5, United States Code, to provide for a corporate responsibility investment option under the Thrift Savings Plan; to the Committee on Government Reform.

By Mr. KOLBE (for himself, Mr. MCHUGH, Mr. FLAKE, Mr. HAYWORTH, Mr. SHADEGG, Mr. RENZI, and Mr. HINOJOSA):

H.R. 4141. A bill to authorize appropriations for the Homeland Security Department's Directorate of Science and Technology, establish a program for the use of advanced technology to meet homeland security needs, and for other purposes; to the Committee on Science, and in addition to the Committees on Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURGESS (for himself, Mr. NEUGEBAUER, Mr. CARTER, Mr. AKIN, Mr. HENSARLING, and Mr. FEENEY):

H.R. 4142. A bill to amend title XXI of the Social Security Act to prohibit the approval of section 1115 waivers to provide coverage of childless adults under the State Children's Health Insurance Program; to the Committee on Energy and Commerce.

By Mrs. CAPITO:

H.R. 4143. A bill to amend title 18, United States Code, to combat terrorism against railroad carriers and mass transportation systems on land, on water, or through the air, and for other purposes; to the Committee on the Judiciary.

By Mr. CARDIN:

H.R. 4144. A bill to amend the Internal Revenue Code of 1986 to provide for the exclusion from gross income of certain wages of a certified master teacher, and for other purposes; to the Committee on Ways and Means.

By Mr. CRAMER:

H.R. 4145. A bill to establish the President's Council of Advisors on Manufacturing; to the Committee on Energy and Commerce.

By Mr. CRAMER:

H.R. 4146. A bill to establish a comprehensive research program aimed at understanding and predicting the natural processes that lead to the formation of tornadoes; to the Committee on Science.

By Mr. CUMMINGS (for himself, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. CLYBURN, Mr. CLAY, Mr. CONYERS, Mr. FATTAH, Mr. FORD, Mr. HASTINGS of Florida, Ms. JACKSON-LEE of Texas, Ms. KILPATRICK, Mr. MEEK of Florida, Mr. OWENS, Mr. PAYNE, Mr. RUSH, Mr. THOMPSON of Mississippi, Mr. TOWNS, Mrs. JONES of Ohio, and Ms. WATERS):

H.R. 4147. A bill to establish a servitude and emancipation archival research clearinghouse in the National Archives; to the Committee on Government Reform.

By Mr. FEENEY:

H.R. 4148. A bill to designate the information center at Canaveral National Seashore as the ''T.C. Wilder, Jr., Canaveral National Seashore Information Center''; to the Committee on Resources.

By Mr. GRAVES (for himself, Mr. HONDA, Mr. INSLEE, and Mrs. KELLY):

H.R. 4149. A bill to amend the Internal Revenue Code of 1986 to permit business concerns that are owned by veture capital operating companies or pension plans to participate in the Small Business Innovation Research Program; to the Committee on Small Business, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HARRIS (for herself, Mr. LAMPSON, Mrs. BLACKBURN, Mr. HAYES, Mr. GOSS, Ms. PRYCE of Ohio, Mr. REGULA, Mr. KIRK, Mr. CARTER, Mr. KELLER, Ms. HART, Mr. CANTOR, Mr. BURNS, Mr. GOODE, Mr. STEARNS, Mr. MILLER of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. SHAW, Ms. GINNY BROWN-WAITE of Florida, Mr. CULBERSON, Mr. PEARCE, Mr. KING of Iowa, Mr. MANZULLO, Mr. MCCOTTER, Mr. SMITH of Texas, and Mr. PUTNAM):

H.R. 4150. A bill to amend title 18, United States Code, and other laws to protect children from criminal recidivists, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KLINE (for himself, Mr. KENNEDY of Minnesota, Ms. MCCOLLUM, Mr. RAMSTAD, Mr. PETERSON of Minnesota, Mr. GUTKNECHT, Mr. SABO, Mr. OBERSTAR, Mrs. MUSGRAVE, Mr. MCINNIS, Mr. HEFLEY, and Mr. BEAUPREZ):

H.R. 4151. A bill to amend the Public Health Service Act to authorize the Commissioner of Food and Drugs to conduct oversight of any entity engaged in the recovery, screening, testing, processing, storage, or distribution of human tissue or human tissue-based products; to the Committee on Energy and Commerce.

By Mr. LEVIN (for himself and Mr. CAMP):

H.R. 4152. A bill to amend section 337 of the Tariff Act of 1930 to make unlawful the importation, sale for importation, or sale within the United States after importation, of articles falsely labeled or advertised as meeting a United States Government or industry standard for performance or safety; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Mr. RAHALL, Mrs. MCCARTHY of New York, Mr. GRIJALVA, Mrs. MALONEY, Mr. LEWIS of Georgia, Mr. OWENS, Mr. PALLONE, Mr. CASE, Mr. CROWLEY, Mr. CARDOZA, Ms. LEE, and Mr. WEINER):

H.R. 4153. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow the Attorney General to award grants under a homeland security overtime program to reimburse law enforcement agencies for past overtime expenditures and to require the Attorney General to waive the matching funds requirement for such grants; to the Committee on the Judiciary.

By Mrs. MALONEY (for herself and Ms. HART):

H.R. 4154. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for qualified individuals for bone mass measurement (bone density testing) to prevent fractures associated with osteoporosis; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY (for himself, Mr. KING of New York, Mr. WELDON of Pennsylvania, Mr. WAXMAN, Mr. LYNCH, Mr. TOWNS, Mr. MEEHAN, Mrs. CHRISTENSEN, Mr. MCGOVERN, Mr. OLVER, Mr. FRANK of Massachusetts, Mr. MCNULTY, Ms. SLAUGHTER, Mr. DELAHUNT, Mr. CONYERS, Mr. HOLT, Ms. SCHAKOWSKY, Mr. KENNEDY of Rhode Island, Mr. MORAN of Virginia, Ms. LOFGREN, Mr. NEAL of Massachusetts, Mr. PALLONE, Mr. RANGEL, Mr. BOEHLERT, Mr. WEINER, Mr. WYNN, Mr. LIPINSKI, Mr. CAPUANO, Mr. SHERMAN, Ms. NORTON, Mrs. JONES of Ohio, Mr. ACKERMAN, Ms. JACKSON-LEE of Texas, Mr. STUPAK, Mr. SERRANO, Ms. DELAURO, Mr. VAN HOLLEN, Mr. BLUMENAUER, and Mr. ROTHMAN):

H.R. 4155. A bill to provide for fire safety standards for cigarettes, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MORAN of Kansas (for himself, Mr. TOWNS, Mr. OSBORNE, Mr. STENHOLM, and Mr. DOGGETT):

H.R. 4156. A bill to improve access to physicians in medically underserved areas; to the Committee on the Judiciary.

By Mr. NEAL of Massachusetts (for himself and Mr. ISRAEL):

H.R. 4157. A bill to amend the Internal Revenue Code of 1986 to prevent the alternative minimum tax from effectively repealing the Federal tax exemption for interest on State and local private activity bonds; to the Committee on Ways and Means.

By Mr. ORTIZ (for himself, Mr. GONZALEZ, Mr. HINOJOSA, Mr. REYES, Mr. RODRIGUEZ, and Mr. GREEN of Texas):

H.R. 4158. A bill to provide for the conveyance to the Government of Mexico of a decommissioned National Oceanic and Atmospheric Administration ship, and for other purposes; to the Committee on Resources.

By Mr. PORTMAN (for himself, Mr. LEVIN, Mr. PORTER, Mr. SOUDER, Mr. COSTELLO, Mr. LATOURETTE, Mr. RAMSTAD, and Mr. HOBSON):

H.R. 4159. A bill to amend title 23, United States Code, to research and prevent drug impaired driving; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RENZI:

H.R. 4160. A bill to authorize the Secretary of Energy and the Secretary of the Interior to jointly establish a program, in partnership with the private sector, to support research, development, demonstration, and commercial application activities related to advanced hydrogen-based motorboat propulsion technologies suitable for operations in sensitive resource areas such as national parks, and for other purposes; to the Committee on Science.

By Mr. RUSH:

H.R. 4161. A bill to amend the Public Health Service Act to revise and expand the section 340B program to improve the provision of discounts on drug purchases for certain safety net providers; to the Committee on Energy and Commerce.

By Mr. RYUN of Kansas (for himself, Mr. FATTAH, Mrs. JONES of Ohio, Ms. DELAURO, Mr. MCDERMOTT, Ms. LEE, Mr. CRANE, Mr. GRIJALVA, Ms. KILPATRICK, Mr. CUMMINGS, Mr. JEFFERSON, Mr. OWENS, Mr. THOMPSON of Mississippi, Mr. CONYERS, Ms. CORRINE BROWN of Florida, Mr. MEEK of Florida, Mrs. CHRISTENSEN, Mr. TOWNS, Ms. CARSON of Indiana, Ms. WATERS, Mr. PAYNE, Mr. GREEN of Texas, Mr. TIAHRT, Mr. WAMP, Mr. HAYWORTH, Mr. TERRY, Mr. WILSON of South Carolina, Mr. FOLEY, Mr. KELLER, Mr. KINGSTON, and Mr. DAVIS of Illinois):

H.R. 4162. A bill to posthumously award a congressional gold medal to the Reverend Oliver L. Brown; to the Committee on Financial Services.

By Mr. SHUSTER (for himself and Mr. HOLDEN):

H.R. 4163. A bill to provide for a greater number of members on certain combined Farm Service Agency county committees; to the Committee on Agriculture.

By Mr. SHUSTER:

H.R. 4164. A bill to amend the Internal Revenue Code of 1986 to index for inflation the exemption amount for individuals under the alternative minimum tax and to repeal the alternative minimum tax on individuals in 2010; to the Committee on Ways and Means.

By Mr. SMITH of Michigan:

H.R. 4165. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage the use of biodiesel as fuel; to the Committee on Ways and Means.

By Mr. SMITH of Texas (for himself, Mr. CARTER, Mr. FLAKE, Mr. CHABOT, Mr. GOODLATTE, and Mr. MCKEON):

H.R. 4166. A bill to amend the Immigration and Nationality Act with respect to nonimmigrants described in subparagraphs (H)(i)(b) and (L) of section 101(a)(15) of such Act, and for other purposes; to the Committee on the Judiciary.

By Mr. STEARNS (by request):

H.R. 4167. A bill to authorize appropriations for the motor vehicle safety and information and cost savings programs of the National Highway Traffic Safety Administration for fiscal years 2005 through 2007, and for other purposes; to the Committee on Energy and Commerce.

By Mr. TAUZIN (for himself, Mr. BURTON of Indiana, Mr. DEMINT, and Mr. NORWOOD):

H.R. 4168. A bill to promote freedom, fairness, and economic opportunity for families by repealing the income tax, abolishing the Internal Revenue Service, and enacting a national retail sales tax to be administered primarily by the States; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as

fall within the jurisdiction of the committee concerned.

By Mr. WELDON of Florida (for himself and Mrs. MALONEY):

H.R. 4169. A bill to amend the Federal Food, Drug, and Cosmetic Act to reduce human exposure to mercury through vaccines; to the Committee on Energy and Commerce.

By Mr. ROHRABACHER:

H.J. Res. 92. A joint resolution proposing an amendment to the Constitution of the United States relating to Congressional succession; to the Committee on the Judiciary.

By Mr. DELAY:

H. Con. Res. 404. Concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to.

By Mr. DEAL of Georgia (for himself, Mr. TOWNS, Mr. BURR, Mr. NORWOOD, Mr. RAHALL, Mr. WAMP, and Mr. WHITFIELD):

H. Con. Res. 405. Concurrent resolution expressing the sense of Congress with respect to the need to provide prostate cancer patients with meaningful access to information on treatment options, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PAYNE (for himself, Mr. CUMMINGS, Mr. CONYERS, Mr. RANGEL, Mr. OWENS, Mr. TOWNS, Mr. LEWIS of Georgia, Mr. JEFFERSON, Ms. NORTON, Ms. WATERS, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Mr. CLYBURN, Mr. HASTINGS of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SCOTT of Virginia, Mr. THOMPSON of Mississippi, Ms. JACKSON-LEE of Texas, Ms. MILLENDER-MCDONALD, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. DAVIS of Illinois, Ms. KILPATRICK, Ms. LEE, Mr. MEEKS of New York, Mrs. JONES of Ohio, Ms. WATSON, Ms. MAJETTE, Mr. MEEK of Florida, Mr. RUSH, Mr. WATT, Mr. WYNN, Mr. FATTAH, Mr. JACKSON of Illinois, Mr. BALLANCE, Mr. TANCREDO, Mr. DAVIS of Alabama, and Mr. CLAY):

H. Con. Res. 406. Concurrent resolution remembering the victims of the genocide that occurred in 1994 in Rwanda and pledging to work to ensure that such an atrocity does not take place again; to the Committee on International Relations.

By Mr. HOUGHTON:

H. Res. 595. A resolution amending the Rules of the House of Representatives to prevent the consideration of any tax measure unless it contains a title simplifying the Internal Revenue Code of 1986; to the Committee on Rules.

By Mr. BURTON of Indiana (for himself, Mr. BELL, Mr. CHABOT, Mr. TANCREDO, Mr. LEACH, and Mr. EMANUEL):

H. Res. 596. A resolution condemning ethnic violence in Kosovo; to the Committee on International Relations.

By Mr. OWENS:

H. Res. 597. A resolution congratulating the American Library Association (ALA) as it celebrates its first annual National Library Workers Day on April 20, 2004; to the Committee on Education and the Workforce.

¶35.39 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

269. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 215 supporting President George W. Bush's Healthy Marriage Initiative; to the Committee on Education and the Workforce.

270. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 113 memorializing the United States Congress to support the Lifespan Respite Care Act of 2003; to the Committee on Energy and Commerce.

271. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 167 memorializing the United States Congress and the Michigan Department of Community Health to develop collaborative relationships with pregnanccy care centers in Michigan; to the Committee on Energy and Commerce.

272. Also, a memorial of the Legislature of the State of Utah, relative to House Joint Resolution No. 3 memorializing the United States Congress to dissolve the membership of the United States in the United Nations; to the Committee on International Relations.

273. Also, a memorial of the Senate of the State of Ohio, relative to Senate Resolution No. 1550 memorializing the United States Congress to direct the Election Assistance Commission to develop standards and security accreditation guidelines for all electronic voting devices, to establish standards for the design and use of reasonably affordable voter-verifiable paper ballots for electronic voting systems, and to expedite its efforts to provide for the testing and certification of voting system hardware and software and to adopt voluntary voting system guidelines, and to reaffirm the Ohio Senate's commitment to make electronic voting as safe and secure to the Committee on House Administration.

274. Also, a memorial of the Legislature of the State of South Dakota, relative to House Concurrent Resolution No. 1002, memorializing the Secretary of Agriculture and the Secretary of Game, Fish, and Parks immediately institute a program to control prairie dogs on private land that are encroaching from public lands, and, as part of that program, establish a buffer zone within the public lands affected wherein the prairie dog population is controlled so that they are not migrating to the adjacent private lands; to the Committee on Resources.

275. Also, a memorial of the General Assembly of the State of Ohio, relative to House Concurrent Resolution No. 31 memorializing the United States Congress to reauthorize the abandoned mine land fee collection authority, to disperse shares of that fee without an appropriation, to release the unappropriated balance in the Abandoned Mine Land Fund, and to consider reevaluating the administration of the Abandoned Mine Land Reclamation Program and the Fund; to the Committee on Resources.

276. Also, a memorial of the Legislature of the Commonwealth of The Mariana Islands, relative to House Joint Resolution No. 14-3 memorializing the United States Congress to provide for a nonvoting delegate in the House of Representatives to represent the Commonwealth of the Northern Mariana Islands (CNMI); to the Committee on Resources.

277. Also, a memorial of the House of Representatives of the Commonwealth of The Mariana Islands, relative to House Resolution No. 14-9, memorializing the United State Congress to provide for a nonvoting delegate in the House of Representatives to represent the Commonwealth of the Northern Mariana Islands (CNMI); to the Committee on Resources.

278. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Concurrent Resolution No. 24 memorializing the United States Congress to enact legislation to grant a federal charter to the Korean War Veterans Association; to the Committee on the Judiciary.

279. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 168 memorializing the United States Congress and the United States Department of Transportation to permit the use of 75-foot crib carrier log hauling equipment; to the Committee on Transportation and Infrastructure.

280. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 128 memorializing the United States Congress to enact the Great Lakes Controlled Data Collection and Monitoring Act; to the Committee on Transportation and Infrastructure.

281. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Concurrent Resolution No. 198 memorializing the United States Congress to establish a minimum return rate of 95 percent of Michigan's federal transportation funding for highway and transit programs; to the Committee on Transportation and Infrastructure.

¶35.40 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 302: Mr. DUNCAN.

H.R. 327: Mr. EVANS.

H.R. 348: Mr. TANNER.

H.R. 525: Mr. BURTON of Indiana, Mr. CAMP, Mr. CARTER, Mr. CHABOT, Mr. COLLINS, Mr. COX, Mrs. CUBIN, Mrs. JO ANN DAVIS of Virginia, Mr. CRANE, Mr. DEAL of Georgia, Ms. DUNN, Mr. EHLERS, Mr. EVERETT, Mr. GINGREY, Ms. GRANGER, Ms. HART, Mr. HENSARLING, Mr. ISTOOK, Mr. JENKINS, Mrs. JOHNSON of Connecticut, Mr. LEWIS of Kentucky, Mr. LUCAS of Oklahoma, Mrs. MILLER of Michigan, Mr. MILLER of Florida, Mrs. MYRICK, Mr. NEY, Mr. OSBORNE, Mr. PETERSON of Pennsylvania, Mr. RAMSTAD, Mr. ROGERS of Michigan, Mr. TIBERI, Mr. WHITFIELD, Mrs. WILSON of New Mexico, Mr. YOUNG of Florida, and Mr. LATOURETTE.

H.R. 548: Mr. JACKSON of Illinois and Mr. STARK.

H.R. 785: Mr. BRADLEY of New Hampshire.

H.R. 847: Mr. GREEN of Texas.

H.R. 857: Mr. FOLEY, Mr. KING of New York, and Ms. VELAZQUEZ.

H.R. 918: Mr. SESSIONS, Mr. BASS, and Mr. JOHNSON of Illinois.

H.R. 1068: Mr. KING of New York.

H.R. 1206: Mr. FEENEY and Mr. TIBERI.

H.R. 1214: Mr. MORAN of Virginia and Mr. RYAN of Wisconsin.

H.R. 1258: Mr. HONDA.

H.R. 1264: Mr. NEAL of Massachusetts.

H.R. 1310: Mr. REHBERG.

H.R. 1311: Mr. FORD, Mr. BERRY, Mr. MCGOVERN, Mr. FRANK of Massachusetts, Mr. JOHNSON of Illinois, Mr. OBERSTAR, and Mr. REHBERG.

H.R. 1313: Mr. CLYBURN.

H.R. 1336: Mr. ISSA and Mr. REHBERG.

H.R. 1406: Mr. DOOLITTLE.

H.R. 1448: Mr. WOLF.

H.R. 1480: Ms. SCHAKOWSKY.

H.R. 1684: Ms. SLAUGHTER and Mr. NEAL of Massachusetts.

H.R. 1886: Mr. RANGEL.

H.R. 2042: Mr. SHERMAN and Mr. EVANS.

H.R. 2157: Mr. BECERRA and Mr. GREEN of Texas.

H.R. 2176: Mr. FILNER and Mr. DEFAZIO.

H.R. 2238: Mr. HOYER.

H.R. 2262: Mr. LIPINSKI.

H.R. 2277: Mr. NADLER.

H.R. 2284: Mr. GRIJALVA.

H.R. 2442: Mr. MOORE, Mr. LOBIONDO, Mr. HEFLEY, Mr. COSTELLO, Mr. DELAHUNT, Mr. CRAMER, Mrs. JOHNSON of Connecticut, Mr. SERRANO, Mr. PASCRELL, Mr. GEORGE MILLER of California, Mr. WEXLER, Ms. MCCARTHY of Missouri, Mr. UDALL of New Mexico, and Mr. BOSWELL.

H.R. 2585: Mr. OLVER.

H.R. 2635: Mr. SHUSTER, Mr. VITTER, Mr. GOODE, Mr. MILLER of Florida, and Mr. HERGER.
H.R. 2735: Mr. GINGREY and Mr. CAPUANO.
H.R. 2747: Mr. GREEN of Wisconsin.
H.R. 2811: Mr. STENHOLM.
H.R. 2814: Mr. HERGER and Mr. LINDER.
H.R. 2824: Mr. MCINNIS.
H.R. 2832: Mr. PLATTS.
H.R. 2890: Mr. HUNTER and Mr. CUNNINGHAM.
H.R. 2932: Mr. RAHALL.
H.R. 2944: Mr. BROWN of Ohio.
H.R. 2959: Mr. GREEN of Wisconsin, Mr. BONNER, Mr. BAKER, Mr. ENGEL, Mr. PUTNAM, Mr. CARSON of Oklahoma, Mr. STENHOLM, Mr. BERRY, Mr. NORWOOD, and Mr. CARDIN.
H.R. 2978: Mr. KIND.
H.R. 2983: Ms. JACKSON-LEE of Texas and Mr. HASTINGS of Florida.
H.R. 3015: Mr. SULLIVAN.
H.R. 3085: Mr. PAYNE.
H.R. 3142: Mr. CAMP, Mr. BLUMENAUER, Ms. DELAURO, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Mr. LARSEN of Washington, Ms. MILLENDER-MCDONALD, Mr. PASCRELL, and Mr. RANGEL.
H.R. 3184: Mr. SABO.
H.R. 3191: Mr. CANNON.
H.R. 3204: Mr. DUNCAN, Mr. PAYNE, Mr. MCHUGH, Mrs. NORTHUP, Mr. SWEENEY, Mr. HOLT, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. HOSTETTLER.
H.R. 3215: Ms. GINNY BROWN-WAITE of Florida, Mr. SWEENEY, Mr. BEAUPREZ, Mr. CHOCOLA, and Mr. RENZI.
H.R. 3270: Mr. HASTINGS of Washington.
H.R. 3360: Mr. LEWIS of Georgia.
H.R. 3361: Mr. BELL, Mr. SPRATT, and Mr. RANGEL.
H.R. 3386: Ms. WOOLSEY.
H.R. 3412: Mr. MURPHY.
H.R. 3436: Mr. HASTINGS of Florida and Mr. BISHOP of New York.
H.R. 3441: Mr. KIND, Mr. MATSUI, Mr. HOLT, and Ms. MAJETTE.
H.R. 3444: Ms. JACKSON-LEE of Texas, Ms. LOFGREN, and Ms. MILLENDER-MCDONALD.
H.R. 3446: Mr. FILNER, Mr. ACKERMAN, and Mr. BROWN of Ohio.
H.R. 3447: Mr. OWENS, Mr. RANGEL, and Mr. HONDA.
H.R. 3474: Mr. COLLINS.
H.R. 3482: Ms. MCCOLLUM.
H.R. 3513: Mr. PASTOR.
H.R. 3519: Ms. MCCARTHY of Missouri.
H.R. 3539: Mr. COSTELLO.
H.R. 3545: Mr. FRANK of Massachusetts.
H.R. 3558: Mr. PAYNE and Mr. BASS.
H.R. 3574: Mr. COOPER, Mrs. MUSGRAVE, Mr. BELL, Mr. BOEHLERT, Mr. DICKS, Mr. HENSARLING, and Mr. CANNON.
H.R. 3596: Mr. BONNER, Mr. DUNCAN, Mr. MCHUGH, Mrs. NORTHUP, Mr. MURPHY, and Mr. BISHOP of Utah.
H.R. 3602: Mr. FORD, Mr. STENHOLM, Mrs. DAVIS of California, and Mr. HALL.
H.R. 3660: Mr. GUTIERREZ, Ms. MILLENDER-MCDONALD, and Mr. FATTAH.
H.R. 3707: Mr. KIND, Ms. GUTKNECHT, and Mr. GUTIERREZ.
H.R. 3719: Ms. SOLIS, Mr. WEINER, Ms. MCCOLLUM, Mr. PASTOR, Ms. DELAURO, Ms. BALDWIN, Mr. SHAYS, Ms. MILLENDER-MCDONALD, Mr. MENENDEZ, and Mr. CUMMINGS.
H.R. 3729: Mr. LANTOS, Mr. BOSWELL, Mr. BISHOP of New York, Mr. DEFAZIO, Ms. WOOLSEY, Mr. PAUL, Mrs. MALONEY, and Mr. INSLEE.
H.R. 3736: Mr. DAVIS of Tennessee and Mr. OTTER.
H.R. 3758: Mr. SNYDER.
H.R. 3773: Mr. MCCOTTER.
H.R. 3779: Mrs. BIGGERT and Ms. DELAURO.
H.R. 3800: Mr. ROHRABACHER, Mr. SHUSTER, Mr. BOEHNER, Mr. MURPHY, Mr. LUCAS of Oklahoma, Mr. DEAL of Georgia, Mr. CANNON, Mr. RADANOVICH, Mr. HEFLEY, Mr. TIAHRT, Mr. MCCRERY, Mr. SHIMKUS, and Ms. HARRIS.
H.R. 3802: Mr. SMITH of Michigan.
H.R. 3803: Mr. BACA.
H.R. 3818: Mr. HASTINGS of Florida, Mr. FRANK of Massachusetts, and Mr. TOM DAVIS of Virginia.
H.R. 3858: Mr. SMITH of New Jersey, Mr. LINCOLN DIAZ-BALART of Florida, Mr. FORD, Mr. LAHOOD, Mr. BELL, Mr. OSBORNE, Ms. NORTON, Mr. BOSWELL, Mr. GUTKNECHT, Mr. ENGLISH, Ms. CARSON of Indiana, Mr. CHOCOLA, Mr. MURTHA, Mr. SAXTON, Mr. SCHROCK, and Mr. PORTER.
H.R. 3867: Mr. FRANK of Massachusetts.
H.R. 3881: Ms. CARSON of Indiana, Mr. LUCAS of Kentucky, Mr. CARSON of Oklahoma, Ms. MCCOLLUM, Ms. MILLENDER-MCDONALD, and Mr. BRADY of Pennsylvania.
H.R. 3888: Mr. DOYLE and Mrs. NAPOLITANO.
H.R. 3914: Mr. POMEROY and Mr. MILLER of Florida.
H.R. 3922: Mr. COSTELLO and Mr. HOBSON.
H.R. 3927: Mr. BROWN of Ohio.
H.R. 3953: Mr. GARY G. MILLER of California.
H.R. 3963: Mr. THOMPSON of Mississippi.
H.R. 3968: Ms. LOFGREN, Mrs. DAVIS of California, and Mr. BISHOP of New York.
H.R. 3991: Mr. LEWIS of Georgia, Mrs. MCCARTHY of New York, Mrs. MALONEY, Mr. THOMPSON of Mississippi, and Mr. EMANUEL.
H.R. 4006: Mr. BOSWELL.
H.R. 4016: Mr. FORD.
H.R. 4020: Mr. FILNER.
H.R. 4023: Mr. WICKER.
H.R. 4032: Mrs. CHRISTENSEN, Mr. ACEVEDO-VILÁ, Ms. JACKSON-LEE of Texas, and Ms. LOFGREN.
H.R. 4041: Mrs. CUBIN, Ms. BORDALLO, and Mr. BRADLEY of New Hampshire.
H.R. 4053: Mr. SCHIFF, Mr. ACKERMAN, Mr. BERMAN, and Mr. BLUMENAUER.
H.R. 4061: Mr. KILDEE and Mr. MCDERMOTT.
H.R. 4067: Mr. DOGGETT and Mr. FRANK of Massachusetts.
H.R. 4069: Ms. WATSON.
H.R. 4101: Mr. GEORGE MILLER of California and Mr. GRIJALVA.
H.R. 4102: Mr. HASTINGS of Florida and Mr. CONYERS.
H.R. 4103: Mr. LEVIN.
H.R. 4116: Mr. EVERETT, Mr. COOPER, Mr. WAMP, Mr. DAVIS of Tennessee, Mrs. BLACKBURN, Mr. TANNER, Mr. CHABOT, Mr. BACHUS, Mr. LEWIS of Kentucky, Mr. DUNCAN, Mr. ROGERS of Kentucky, Mr. SHAW, Mr. WHITFIELD, Mr. ADERHOLT, Mr. PICKERING, Mr. SHIMKUS, Mr. MCKEON, Ms. JACKSON-LEE of Texas, Mr. MICA, Mr. FOLEY, Mr. WELDON of Florida, Mr. STEARNS, Mrs. EMERSON, Mr. MCINNIS, Mr. CRENSHAW, Mr. SIMPSON, Mr. LINCOLN DIAZ-BALART of Florida, Mr. SWEENEY, Mr. MCHUGH, Mrs. MUSGRAVE, Ms. HARRIS, Mr. BALLENGER, Mr. KENNEDY of Minnesota, Mr. PORTMAN, Mr. CHOCOLA, Mr. GILLMOR, Mr. BURR, Ms. DUNN, Mr. MANZULLO, Mr. GIBBONS, Mr. NETHERCUTT, Mr. NEUGEBAUER, Mr. MORAN of Kansas, Mr. HOEKSTRA, Mr. RYAN of Wisconsin, Mr. BLUNT, Mr. BOOZMAN, Mr. COBLE, Mr. GREEN of Wisconsin, Ms. GRANGER, Mr. TIAHRT, and Mr. GUTKNECHT.
H.R. 4120: Mr. GEORGE MILLER of California.
H.J. Res. 72: Mr. STARK, Mr. MILLER of North Carolina, and Mr. OWENS.
H.J. Res. 83: Mr. NADLER.
H. Con. Res. 111: Mr. RANGEL and Ms. LORETTA SANCHEZ of California.
H. Con. Res. 200: Mr. SNYDER.
H. Con. Res. 314: Ms. BORDALLO.
H. Con. Res. 321: Mr. BISHOP of New York.
H. Con. Res. 332: Mr. CAMP and Mr. YOUNG of Alaska.
H. Con. Res. 336: Mr. WOLF and Mr. MCCOTTER.
H. Con. Res. 360: Mrs. CHRISTENSEN, Mr. THOMPSON of Mississippi, Ms. LEE, Mr. RANGEL, Mr. TOWNS, Mr. LEWIS of Georgia, Mr. OWENS, Mrs. JONES of Ohio, Ms. WATERS, Mr. SCOTT of Virginia, Ms. CORRINE BROWN of Florida, Ms. NORTON, Ms. CARSON of Indiana, Mr. FRANK of Massachusetts, Mr. FORD, Mr. FATTAH, Ms. JACKSON-LEE of Texas, Mr. DAVIS of Illinois, Ms. KAPTUR, and Mr. CONYERS.
H. Con. Res. 366: Mr. UDALL of New Mexico, Mr. HOYER, Ms. WOOLSEY, Mr. VAN HOLLEN, Ms. MCCOLLUM, Mr. BOUCHER, and Ms. LORETTA SANCHEZ of California.
H. Con. Res. 367: Mr. HAYWORTH.
H. Con. Res. 371: Mr. GORDON and Mr. YOUNG of Alaska.
H. Con. Res. 375: Mr. BELL, Mr. BISHOP of New York, and Mr. VAN HOLLEN.
H. Con. Res. 384: Mr. ACKERMAN, Mr. MCDERMOTT, Mr. BROWN of Ohio, Mr. PAYNE, Mr. EMANUEL, Mr. OWENS, Mr. WEXLER, and Mr. BRADY of Pennsylvania.
H. Con. Res. 390: Mr. WEXLER and Mrs. MCCARTHY of New York.
H. Con. Res. 392: Mr. MCGOVERN and Mr. THOMPSON of Mississippi.
H. Con. Res. 396: Mr. BLUMENAUER and Mr. NADLER.
H. Res. 112: Mr. GREEN of Texas, Mr. FROST, Mr. KENNEDY of Rhode Island, and Mr. OWENS.
H. Res. 387: Mr. ANDREWS.
H. Res. 466: Ms. ROS-LEHTINEN, Mr. VAN HOLLEN, and Ms. LINDA T. SANCHEZ of California.
H. Res. 543: Mr. VAN HOLLEN.
H. Res. 550: Mr. FILNER.
H. Res. 556: Mr. ACEVEDO-VILÁ and Mr. FROST.
H. Res. 570: Mr. RUSH, Ms. LOFGREN, and Mr. TOWNS.
H. Res. 572: Mr. NADLER.
H. Res. 575: Mr. RAMSTAD and Ms. LOFGREN.
H. Res. 579: Mr. COSTELLO.

TUESDAY, APRIL 20, 2004 (36)

¶36.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. CULBERSON, who laid before the House the following communication:

WASHINGTON, DC,
April 20, 2004.

I hereby appoint the Honorable JOHN ABNEY CULBERSON to act as Speaker pro tempore on this day.

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

¶36.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. CULBERSON, announced he had examined and approved the Journal of the proceedings of Friday, April 2, 2004.

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

¶36.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

7558. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Fosthiazate; Pesticide Tolerance [OPP-2003-0296; FRL-7339-4] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7559. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Hygromycin B phosphotransferase; Exemption from the Requirement of a Tolerance [OPP-2004-0036; FRL-7352-8] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7560. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Lambda-Cyhalothrin and an Isomer Gamma-Cyhalothrin; Tolerances for Residues [OPP-2004-0025; FRL-7353-4] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7561. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Mesosulfuron-Methyl; Pesticide Tolerance [OPP-2003-0257; FRL-7351-4] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7562. A letter from the Acting Under Secretary, Department of Defense, transmitting Certification that the Multi-mission Maritime Aircraft (MMA) survivability testing, otherwise required by section 2366, would be unreasonably expensive and impracticable, pursuant to 10 U.S.C. 2366(c)(2); to the Committee on Armed Services.

7563. A letter from the Director, Defense Research and Engineering, Department of Defense, transmitting Notification of intent to obligate funds for three new test projects for inclusion in the Fiscal Year 2004 Foreign Comparative Testing (FCT) Program, pursuant to 10 U.S.C. 2350a(g); to the Committee on Armed Services.

7564. A letter from the Acting Under Secretary of Defense, Department of Defense, transmitting a report identifying, for each of the armed forces (other than the Coast Guard) and each Defense Agency, the percentage of funds that are projected to be expended during each of the next five fiscal years for performance of depot-level maintenance and repair workloads by the public and private sectors, pursuant to 10 U.S.C. 2466(d)(2); to the Committee on Armed Services.

7565. A letter from the Assistant Secretary of Defense, Department of Defense, transmitting a report on assistance provided by the Department of Defense (DoD) to civilian sporting events in support of essential security and safety, covering the period of calendar year 2003; to the Committee on Armed Services.

7566. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of General Larry R. Ellis, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

7567. A letter from the Director, Office of Thrift Supervision, transmitting a letter on the details of the Office's 2004 compensation plan, pursuant to 12 U.S.C. 18336; to the Committee on Financial Services.

7568. A letter from the Secretary, Department of Energy, transmitting the combined forty-seventh and forty-eight reports outlining the status of Exxon and Stripper Well Oil Overcharge Funds as of September 30, 2003, satisfying the request set forth in the Conference Report accompanying the Department of Interior and Related Agencies Appropriations Act of 1988 (Public Law 100-202); to the Committee on Energy and Commerce.

7569. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Accidental Release Prevention Requirements; Risk Management Program Requirements Under Clean Air Act Section 112(r)(7); Amendments to the Submission Schedule and Data Requirements [OAR-2003-0044; FRL-7643-6] (RIN: 2050-AF09) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7570. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Florida Broward County Aviation Department Variance [R04-OAR-2003-FL-0001-200414(a); FRL-7643-3] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7571. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Interstate Ozone Transport; Response to Court Decisions on the NOx SIP Call, NOx SIP Call Technical Amendments, and Section 126 Rules [FRL-7644-7] (RIN: 2060-AJ16) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7572. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Lead; Notification Requirements for Lead-Based Paint Abatement Activities and Training [OPPT-2003-0061; FRL-7341-5] (RIN: 2070-AD31) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7573. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal 03-04 informing of an intent to sign an Amendment to a Memorandum of Understanding (MOU) for Counterterrorism Research and Development between the United States and Canada, pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

7574. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on nuclear nonproliferation in South Asia for the period October 1, 2003 to March 31, 2004, pursuant to 22 U.S.C. 2376(c); to the Committee on International Relations.

7575. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to Italy and Japan (Transmittal No. DDTC 010-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7576. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad with Australia, New Zealand, and Canada (Transmittal No. DDTC 003-04), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

7577. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed transfer of major defense equipment from the Government of the United Arab Emirates (UAEG) (Transmittal RSAT-1-04), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

7578. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Traffic in Arms Regulations: Denial Policy Against Iraq (RIN: 1400-ZA09) received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7579. A letter from the Chief Executive Officer, Federal Prison Industries, Inc., Department of Justice, transmitting a copy of the FY 2003 management report and independent financial audit, pursuant to 18 U.S.C. 4127; to the Committee on Government Reform.

7580. A letter from the Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting in accordance with the Federal Activities Inventory Reform Act of 1998 (FAIR Act), the Year 2003 A-76 Inventory of Commercial Activities for FY 2002; to the Committee on Government Reform.

7581. A letter from the Assistant Director, Executive & Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7582. A letter from the Director, Office of Personnel Policy, Department of the Interior, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7583. A letter from the Director, Office of Human Resources Management, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7584. A letter from the Director, Office of Human Resources Management, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7585. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's Strategic Plan for Fiscal Years 2004 through 2009, as required by the Government Performance and Results Act of 1993; to the Committee on Government Reform.

7586. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7587. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7588. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7589. A letter from the Assistant Secretary for Administration and Management, Department of Labor, transmitting the Commercial Activities Inventory for FY 2003 as required by the Federal Activities Inventory Reform Act of 1998 (the FAIR ACT); to the Committee on Government Reform.

7590. A letter from the Chairman, Federal Maritime Commission, transmitting in accordance with OMB Circular No. A-11, Part 2, and section 4(b) of the Government Performance and Results Act, the Commission's Annual Program Performance Report covering FY 2003; to the Committee on Government Reform.

7591. A letter from the Director and Chief Financial Officer, Holocaust Memorial Museum, transmitting the Performance and Accountability Report (PAR) for Fiscal Year 2003 for the Museum as required under the Accountability of Tax Dollars (ATD) Act; to the Committee on Government Reform.

7592. A letter from the Executive Director, Neighborhood Reinvestment Corporation, transmitting the FY 2003 Annual Program Performance Report, prepared in accordance with the provisions of The Government Performance and Results Act of 1993; to the Committee on Government Reform.

7593. A letter from the Acting Director, Office of Government Ethics, transmitting the Office's Annual Financial Statements for FY 2003; to the Committee on Government Reform.

7594. A letter from the Director, Office of Personnel Management, transmitting the semiannual report on the activities of the Inspector General and the Management Response for the period of April 1, 2003 to September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

7595. A letter from the Director, Office of Personnel Management, transmitting the semiannual report on the activities of the Inspector General and the Management Response for the period of April 1, 2003 to September 30, 2003, pursuant to 5 U.S.C. app.

(Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

7596. A letter from the Chief Judge, Superior Court of the District of Columbia, transmitting the Superior Court's Family Court Transition Plan, pursuant to Public Law 107—114; to the Committee on Government Reform.

7597. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period January 1, 2004 through March 31, 2004 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a; (H. Doc. No. 108—179); to the Committee on House Administration and ordered to be printed.

7598. A letter from the Assistant Attorney General, Department of Justice, transmitting The results of the study to assess the number of untested rape examination kits that currently exist nationwide as described under this section, pursuant to Public Law 107—273, section 304 (116 Stat. 1781); to the Committee on the Judiciary.

7599. A letter from the Under Secretary, Emergency Preparedness and Response, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, may exceed $5 million for the response to the emergency declared as a result of the record/near record snow on December 5-7, 2003, in the State of Connecticut, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

7600. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Jensen Beach (SR 707) Bridge, Atlantic Intracoastal Waterway mile 981.4, Stuart, FL. [CGD07-04-035] received April, 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7601. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Harlem River, Newton Creek, NY. [CGD01-04-018] (RIN: 1625-AA09) received April 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7602. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Piscataqua River, ME. [CGD01-04-022] received April 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7603. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, NY. [CGD01-04-008] (RIN: 1625-AA09) received April 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7604. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Bayou Portage, Pass Christian, MS [CGD08-04-007] (RIN: 1625-AA09) received April 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7605. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Gulf Intracoastal Waterway — Black Bayou, LA. [CGD08-04-008] received April 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7606. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; St. Johns River, mile 24.7 at Jacksonville, Duval County, FL. [CGD07-04-033] (RIN: 1625-AA09) received April 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7607. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Suisan Bay, Concard, California [COTP San Francisco Bay 04-006] (RIN: 1625-AA00) received April 5, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7608. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Class D Airspace; Cannon Air Force Base, NM [Docket No. FAA-2003-15249; Airspace Docket No. 2003-ASW-4] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7609. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Iowa City, IA. [Docket No. FAA-2004-17143; Airspace Docket No. 04-ACE-9] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7610. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Iowa Falls, IA. [Docket No. FAA-2003-16747; Airspace Docket No. 03-ACE-91] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7611. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Clay Center, KS. [Docket No. FAA-2003-16759; Airspace Docket No. 03-ACE-96] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7612. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Fort Scott, KS. [Docket No. FAA-2003-16761; Airspace Docket No. 03-ACE-98] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7613. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Charleston, MO. [Docket No. FAA-2004-17146; Airspace Docket No. 04-ACE-12] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7614. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Class E Airspace; Angel Fire, NM [Docket No. FAA-2003-15246; Airspace Docket No. 2003-ASW-1] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7615. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Class D Airspace; Little Rock AFB, AR [Docket No. FAA-2003-15247; Airspace Docket No. 2003-ASW-2] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7616. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class D Airspace; Rapid City, SD [Docket No. FAA-2003-16147; Airspace Docket No. 03-AGL-17] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7617. A letter from the Administrator, Environmental Protection Agency, transmitting a package of material, containing the State of the Chesapeake Bay report (July 2002), a compliation of key Chesapeake Bay environmental indicators, a summary report on Land Cover Change in the Chesapeake Bay Watershed, and a report entitled Chesapeake Bay Program Institutional Governance Analysis: Participation by the Headwaters States of DE, NY and WV; representing the Agency's fulfillment of its obligation under Section 117(h) of the Clean Water Act; to the Committee on Transportation and Infrastructure.

7618. A letter from the United States Trade Representative, transmitting the reports of the Advisory Committee for Trade Policy and Negotiations, and the policy, sectoral, and functional trade advisory committees chartered under those Acts, on the U.S.-Morocco Free Trade Agreement, pursuant to 19 U.S.C. 2155(e)(1); to the Committee on Ways and Means.

7619. A letter from the Comptroller, Department of Defense, transmitting notification of an intent to transfer funds from the Defense Working Capital Funds to the Operation and Maintenance Appropriations of the Army and the Navy, pursuant to Public Law 108—87, section 8006; jointly to the Committees on Armed Services and Appropriations.

7620. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a determination that, at this time, the Secretary cannot certify that the Government of Serbia and Montenegro (formerly the Federal Republic of Yugoslavia) has met the condition for certification in Section 572(c) of the Foreign Operations, Export Financing, and Related Programs Appropriations, 2004 (P.L. 108-199) regarding cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY); jointly to the Committees on International Relations and Appropriations.

7621. A letter from the Inspector General, Department of Defense, transmitting Consistent with the requirements of Public Law 106-65, ''National Defense Authorization Act for Fiscal Year 2000,'' section 1402, ''Annual Report on Transfers of Militarily Sensitive Technology to Countries and Entities of Concern,'' October 5, 1999, the results of the assessment of policies and procedures related to the export of technologies and technical information to countries and entities of concern; jointly to the Committees on International Relations, Armed Services, and Intelligence (Permanent Select).

7622. A letter from the Principal Deputy General Counsel, Department of Defense, transmitting the Department's legislative initiatives for inclusion in the National Defense Authorization Act for FY 2005; jointly to the Committees on Armed Services, Government Reform, Energy and Commerce, Transportation and Infrastructure, and the Judiciary.

¶36.4 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed bills of the

following titles in which the concurrence of the House is requested:

S. 129. An Act to provide for reform relating to Federal employment, and for other purposes.

S. 1108. An Act to establish within the National Park Service the 225th Anniversary of the American Revolution Commemorative Program, and for other purposes.

The message also announced that pursuant to Public Law 108–173, the Chair, on behalf of the Democratic Leader, appoints the following individual to serve as a member of the Commission on Systemic Interoperability: Frederick W. Slunecka, of South Dakota.

The message also announced that pursuant to Public Law 94–201, as amended by Public Law 105–275, the Chair, on behalf of President pro tempore, appoints the following individuals as members of the Board of Trustees of American Folklife Center of the Library of Congress: Mickey Hart of California, and Dennis Holub of South Dakota.

The message also announced that pursuant title VI, section 637 of Public Law 108–199, the Chair, on behalf of the Majority Leader, appoints the following individual to serve as a member of the Helping to Enhance the Livelihood of People (HELP) Around the Globe Commission: Steven K. Berry of Washington, DC.

The message also announced that pursuant to Public Law 108–199, the Chair, on behalf of the Democratic Leader, announces the appointment made during the adjournment of Douglas G. Ohmer of South Dakota to serve as a member of the Abraham Lincoln Study Abroad Fellowship Program on April 14, 2004.

¶36.5 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. CULBERSON, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 5, 2004.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 5, 2004 at 1:50 p.m.:

That the Senate passed without amendment H. Con. Res. 404.

With best wishes, I am
Sincerely,

MARJORIE C. KELAHER
(For Jeff Trandahl, Clerk of the House).

¶36.6 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. CULBERSON, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 13, 2004.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2 (h) of Rule II of the rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 8, 2004 at 3:50 p.m.:

That the Senate agreed to conference report H.R. 3108.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶36.7 ENROLLED BILL SIGNED

The SPEAKER pro tempore, Mr. CULBERSON, announced that pursuant to clause 4, rule I, the Speaker pro tempore, Mr. WOLF, signed the following enrolled bill on Friday, April 9, 2004:

H.R. 3108. An Act to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, and for other purposes.

¶36.8 COMMUNICATION FROM THE MINORITY LEADER—APPOINTMENT—COMMISSION ON THE REVIEW OF THE OVERSEAS MILITARY FACILITY STRUCTURE OF THE UNITED STATES

The SPEAKER pro tempore, Mr. CULBERSON, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, April 14, 2004.

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

DEAR MR. SPEAKER: Pursuant to (10 U.S.C. 111 note) I hereby appoint Mr. Keith Martin of Shavertown, Pennsylvania, to the Commission on the Review of the Overseas Military Facility Structure of the United States.

Best regards,

NANCY PELOSI.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶36.9 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. CULBERSON, laid before the House the following communication from Anthony Reed, Legislative Director, Office of the Honorable J. Dennis Hastert:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 19, 2004.

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

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the Superior Court of the District of Columbia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

ANTHONY REED,
Legislative Director.

¶36.10 RICHARD G. WILSON PROCESSING AND DISTRIBUTION FACILITY

Mrs. MILLER of Michigan moved to suspend the rules and pass the bill (H.R. 4037) to designate the facility of the United States Postal Service located at 475 Kell Farm Drive in Cape Girardeau, Missouri, as the ''Richard G. Wilson Processing and Distribution Facility''.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mrs. MILLER of Michigan and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. MILLER of Michigan demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶36.11 GENERAL JOHN J. PERSHING POST OFFICE

Mrs. MILLER of Michigan moved to suspend the rules and pass the bill (H.R. 3855) to designate the facility of the United States Postal Service located at 607 Pershing Drive in Laclede, Missouri, as the ''General John J. Pershing Post Office''.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mrs. MILLER of Michigan and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. MILLER of Michigan demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶36.12 DOSAN AHN CHANG HO POST OFFICE

Mrs. MILLER of Michigan moved to suspend the rules and pass the bill (H.R. 1822) to designate the facility of the United States Postal Service located at 3751 West 6th Street in Los Angeles, California, as the ''Dosan Ahn Chang Ho Post Office''.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mrs. MILLER of Michigan and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. MILLER of Michigan demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶36.13 GARDEN CLUB OF AMERICA

Mrs. MILLER of Michigan moved to suspend the rules and agree to the concurrent resolution of the Senate (S. Con. Res. 97):

Whereas The Garden Club of America is holding its 91st annual meeting in Washington, DC April 24 through 27, 2004;

Whereas The Garden Club of America has 195 member clubs in 40 States and the District of Columbia, representing more than 17,000 members;

Whereas since its founding in 1913, The Garden Club of America has become a recognized leader in the fields of horticulture, conservation, historic preservation, and civic improvement, and an influential organization in the protection of America's environment; and

Whereas in our Nation's Capital, The Garden Club of America was instrumental in the founding of the National Arboretum, the development of the Archives of American Gardens at the Smithsonian Institution, and the creation and installation of the Butterfly Habitat Garden which now graces The National Mall at the National Museum of Natural History: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress commends The Garden Club of America for the many contributions it has made in our Nation's Capital and in communities across the United States, and sends its best wishes on the occasion of its 91st annual meeting in Washington, DC, April 24 through 27, 2004.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mrs. MILLER of Michigan and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

Ordered, That the Clerk notify the Senate thereof.

¶36.14 RECESS—2:52 P.M.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 12(a) of rule I, declared the House in recess at 2 o'clock and 52 minutes p.m., until approximately 6:30 p.m..

¶36.15 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mr. TERRY, called the House to order.

¶36.16 H.R. 4037—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4037) to designate the facility of the United States Postal Service located at 475 Kell Farm Drive in Cape Girardeau, Missouri, as the ''Richard G. Wilson Processing and Distribution Facility''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 392 / Nays 0

¶36.17 [Roll No. 118]

YEAS—392

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (NC)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—41

Andrews
Bishop (UT)
Blunt
Buyer
Cantor
Cox
Davis (AL)
Davis (FL)
DeLay
Deutsch
Dooley (CA)
Doolittle
Dreier
Dunn
Ford
Frelinghuysen
Frost
Gephardt
Gonzalez
Gutierrez
Hastings (FL)
Hoeffel
Inslee
Isakson
Jefferson
Kingston
Kleczka
Kucinich
McCrery
Meek (FL)
Meeks (NY)
Portman
Pryce (OH)
Radanovich
Reynolds
Ros-Lehtinen
Sweeney
Tauzin
Toomey
Weiner
Wolf

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶36.18 H.R. 3855—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3855) to designate the facility of the United States Postal Service located at 607 Pershing Drive in Laclede, Missouri, as the ''General John J. Pershing Post Office''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 389 / Nays 0

¶36.19 [Roll No. 119]

YEAS—389

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Collins
Conyers
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (NC)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—44

Andrews
Beauprez
Bishop (UT)
Blunt
Buyer
Cantor
Cole
Cox
Davis (AL)
Davis (FL)
DeLay
Deutsch
Dooley (CA)
Doolittle
Dreier
Dunn
Ford
Frelinghuysen
Frost
Gephardt
Gonzalez
Gutierrez
Hastings (FL)
Hoeffel
Inslee
Isakson
Jefferson
Kingston
Kleczka
Kucinich
McCrery
Meek (FL)
Meeks (NY)
Nunes
Portman
Pryce (OH)
Radanovich
Reynolds
Ros-Lehtinen
Sweeney
Tauzin
Toomey
Weiner
Wolf

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶36.20 H.R. 1822—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1822) to designate the facility of the United States Postal Service located at 3751 West 6th Street in Los Angeles, California, as the ''Dosan Ahn Chang Ho Post Office''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 399 / Nays 0

¶36.21 [Roll No. 120]

YEAS—399

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George

Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—34

Andrews
Baldwin
Bishop (UT)
Buyer
Collins
Davis (AL)
Davis (FL)
Deutsch
Dooley (CA)
Dunn
Ford
Frelinghuysen
Frost
Gephardt
Gonzalez
Granger
Gutierrez
Hastings (FL)
Hoeffel
Inslee
Isakson
Jefferson
Kleczka
Kucinich
McCrery
Meek (FL)
Meeks (NY)
Radanovich
Ros-Lehtinen
Sweeney
Tauzin
Toomey
Weiner
Wolf

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶36.22 ORDER OF BUSINESS—FORMER MEMBERS OF CONGRESS

On motion of Mr. MURPHY, by unanimous consent,

Ordered, That when the House adjourns on Wednesday, April 21, 2004, it adjourn to meet at 9 a.m. on Thursday, April 22, 2004, for the purpose of receiving in this Chamber former Members of Congress.

¶36.23 ORDER OF BUSINESS—FORMER MEMBERS OF CONGRESS

On motion of Mr. MURPHY, by unanimous consent,

Ordered, That it may be in order on Thursday, April 22, 2004, for the Speaker to declare a recess subject to the call of the Chair for the purpose of receiving in this Chamber former Members of Congress.

¶36.24 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 129. An Act to provide for reform relating to Federal employment, and for other purposes; to the Committee on Government Reform.

S. 1108. An Act to establish within the National Park Service the 225th anniversary of the American Revolution Commemorative Program, and for other purposes; to the Committee on Resources.

¶36.25 BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on April 2, 2004, he presented to the President of the United States, for his approval, the following bill.

H.R. 4062. An Act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through June 4, 2004, and for other purposes.

Jeff Trandahl, Clerk of the House reports that on April 9, 2004, he presented to the President of the United States, for his approval, the following bill.

H.R. 3108. An Act to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, and for other purposes.

¶36.26 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. FROST, for today; and

To Mr. HASTINGS of Florida, for today and balance of the week.

And then,

¶36.27 ADJOURNMENT

On motion of Mr. SMITH of Michigan, at 11 o'clock and 51 minutes p.m., the House adjourned.

¶36.28 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on April 1, 2004 the following report was filed on April 14, 2004]

Mr. BOEHLERT: Committee on Science. H.R. 3970. A bill to provide for the implementation of a Green Chemistry Research and Development Program, and for other purposes; with an amendment (Rept. 108–462). Referred to the Committee of the Whole House on the State of the Union.

[Filed on April 20, 2004]

Mr. OXLEY: Committee on Financial Services. H.R. 2131. A bill to award a congressional gold medal to President Jose Maria Aznar of Spain (Rept. 108–463). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 2693. A bill to reauthorize the Marine Mammal Protection Act of 1972, and for other purposes; with an amendment (Rept. 108–464). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHLERT: Committee on Science. H.R. 4030. A bill to establish the Congressional Medal for Outstanding Contributions in Math and Science Education program to recognize private entities for their outstanding contributions to elementary and secondary science, technology, engineering, and mathematics education; with an amendment (Rept. 108–465). Referred to the Committee of the Whole House on the State of the Union.

¶36.29 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. POMBO (by request):

H.R. 4170. A bill to authorize the Secretary of the Interior to recruit volunteers to assist with, or facilitate, the activities of various agencies and offices of the Department of the Interior; to the Committee on Resources.

By Mr. RANGEL (for himself and Ms. HOOLEY of Oregon):

H.R. 4171. A bill to amend the Internal Revenue Code of 1986 to ensure that soldiers serving in a combat zone do not lose eligibility for the refundable child tax credit by reason of receiving nontaxable combat pay; to the Committee on Ways and Means.

By Mr. EVANS (for himself and Mr. MICHAUD):

H.R. 4172. A bill to amend title 38, United States Code, to codify certain additional diseases as establishing a presumption of service-connection when occurring in veterans exposed to ionizing radiation during active military, naval, or air service, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MICHAUD (for himself, Mr. BROWN of South Carolina, Mr. SMITH of New Jersey, and Mr. EVANS):

H.R. 4173. A bill to direct the Secretary of Veterans Affairs to contract for a report on employment placement, retention, and advancement of recently separated servicemembers; to the Committee on Veterans' Affairs.

By Mr. GINGREY (for himself, Mr. JONES of North Carolina, Mr. SAM JOHNSON of Texas, Mr. DEAL of Georgia, and Mr. TANCREDO):

H.R. 4174. A bill to amend the National Voter Registration Act of 1993 to require an individual to provide proof that the individual is a citizen of the United States as a condition of registering to vote in elections for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. SMITH of New Jersey (for himself, Mr. EVANS, Mr. BROWN of South Carolina, and Mr. MICHAUD):

H.R. 4175. A bill to increase, effective as of December 1, 2004, the rates of disablity compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HAYES:

H.R. 4176. A bill to designate the facility of the United States Postal Service located at 122 West Elwood Avenue in Raeford, North Carolina, as the ''Bobby Marshall Gentry Post Office Building''; to the Committee on Government Reform.

By Mr. LARSON of Connecticut (for himself, Ms. DELAURO, Mr. FROST,

Mr. GREEN of Texas, Mr. HOLDEN, and Mr. BRADY of Pennsylvania):

H.R. 4177. A bill to establish a Manufacturing and Technology Administration to promote and assist American manufacturers, to provide incentives to American manufactures, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Science, Financial Services, International Relations, Government Reform, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAYNE (for himself, Mr. CASTLE, Mr. TOM DAVIS of Virginia, Mr. SCOTT of Virginia, and Mr. WOLF):

H.R. 4178. A bill to award posthumously a congressional gold medal to Thurgood Marshall; to the Committee on Financial Services.

By Mr. PETERSON of Minnesota:

H.R. 4179. A bill to amend title 38, United States Code, to provide a presumption of service connection for certain specified diseases and disabilities in the case of veterans who were exposed during military service to carbon tetrachloride; to the Committee on Veterans' Affairs.

By Mr. HAYES:

H. Res. 598. A resolution recognizing the valuable contributions of military impacted schools, teachers, administration, and staff for their ongoing contributions to the education of military children; to the Committee on Education and the Workforce, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIMMONS (for himself, Mrs. JOHNSON of Connecticut, Mr. SHAYS, Mr. LARSON of Connecticut, and Ms. DELAURO):

H. Res. 599. A resolution congratulating the University of Connecticut Huskies for winning the 2004 National Collegiate Athletic Association Division I men and women's basketball championships; to the Committee on Education and the Workforce.

¶36.30 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

282. The SPEAKER presented a memorial of the House of Representatives of the State of New Hampshire, relative to House Resolution 24 memorializing the President of the United States and the United States Congress to develop and work to implement a comprehensive energy plan; to the Committee on Energy and Commerce.

283. Also, a memorial of the Legislature of the State of Maine, relative to H.P. 1444 Joint Resolution memorializing the Congress of the United States to give serious consideration to giving the Passamaquoddy Tribe of Maine a cultural exemption from the federal Marine Mammal Protection Act of 1972; to the Committee on Resources.

284. Also, a memorial of the Legislature of the State of New Mexico, relative to Senate Joint Memorial 34 memorializing the United States Congress to enact and the President to sign legislation that would define the political status options available to the United States citizens of Puerto Rico and authorize a plebiscite to provide an opportunity for Puerto Ricans to make an informed decision regarding their future political status; to the Committee on Resources.

285. Also, a memorial of the Legislature of the State of Maine, relative to H.P. 1433 Joint Resolution memorializing the President and Congress of the United States to ensure the protection of civil liberties and the security of the United States; to the Committee on the Judiciary.

286. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to Senate Joint Resolution No. 91 memorializing the United States Congress to protect the fundamental institution of marriage as a union between a man and a woman; to the Committee on the Judiciary.

287. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 179 memorializing the United States Congress to enact legislation to reduce the threshold of eligibility for Prisoner of War benefits to one day of imprisonment; to the Committee on Veterans' Affairs.

288. Also, a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to a Resolution memorializing the United States Congress to extend and make retroactive the Federal Temporary Unemployment Compensation Program; to the Committee on Ways and Means.

289. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 170 memorializing the United States Congress and the United States Department of Health and Human Services to make the treatment of chronic diseases a higher priority; jointly to the Committees on Energy and Commerce and Ways and Means.

¶36.31 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

[Submitted April 14, 2004]

H.R. 3970: Mr. BOEHLERT, Mr. BOUCHER, Mr. HASTINGS of Washington, Mr. MCHUGH, Mr. MARSHALL, and Mr. FILNER.

[Submitted April 20, 2004]

H.R. 369: Mr. FILNER.
H.R. 391: Mr. AKIN.
H.R. 394: Mr. SHERMAN.
H.R. 548: Mrs. BIGGERT and Mr. POMEROY.
H.R. 570: Mr. VAN HOLLEN.
H.R. 571: Mr. WALSH.
H.R. 594: Mr. MEEKS of New York, Mrs. MILLER of Michigan, Mr. KIND, Ms. SLAUGHTER, and Mr. CHANDLER.
H.R. 716: Mr. WALDEN of Oregon.
H.R. 742: Ms. KAPTUR.
H.R. 776: Mr. HASTINGS of Florida, Mr. BERMAN, and Mr. PALLONE.
H.R. 821: Mr. SHERMAN.
H.R. 843: Mr. STRICKLAND, Ms. BORDALLO, and Ms. WATERS.
H.R. 850: Mr. VITTER.
H.R. 857: Mr. MENENDEZ.
H.R. 898: Mr. UDALL of New Mexico.
H.R. 932: Mr. SULLIVAN.
H.R. 936: Mr. MOORE.
H.R. 947: Mr. CONYERS, Mr. DEUTSCH, and Mr. SMITH of Washington.
H.R. 1002: Mr. BRADLEY of New Hampshire.
H.R. 1039: Ms. LINDA T. SANCHEZ of California.
H.R. 1051: Mr. LANTOS.
H.R. 1057: Mr. HERGER, Mr. CANTOR, and Mr. SIMPSON.
H.R. 1064: Mr. RANGEL and Mr. HALL.
H.R. 1117: Mrs. MYRICK.
H.R. 1160: Mr. BELL and Mr. LIPINSKI.
H.R. 1231: Mr. NEUGEBAUER.
H.R. 1281: Mr. GORDON.
H.R. 1310: Mr. GORDON.
H.R. 1345: Mr. SHERMAN, Mr. DELAHUNT, and Mr. UDALL of New Mexico.
H.R. 1359: Ms. SCHAKOWSKY and Mr. SMITH of New Jersey.
H.R. 1406: Mr. WAMP and Mr. PAUL.
H.R. 1508: Mr. GONZALEZ, Mr. ALLEN, and Ms. DELAURO.
H.R. 1540: Mr. SHAYS.
H.R. 1563: Mr. THOMPSON of Mississippi, Mr. LEVIN, and Mr. SHERMAN.
H.R. 1613: Mr. MENENDEZ, Mr. GREEN of Texas, Mr. CUMMINGS, Ms. CORRINE BROWN of Florida, Mr. PORTMAN, Mr. DAVIS of Illinois, Mr. MEEK of Florida, Ms. VELAZQUEZ, and Ms. WATERS.
H.R. 1615: Mr. FRANK of Massachusetts.
H.R. 1688: Mr. MENENDEZ.
H.R. 1700: Mr. BISHOP of New York and Mr. ACEVEDO-VILA.
H.R. 1735: Ms. JACKSON-LEE of Texas, Mr. PALLONE, Ms. BORDALLO, Mr. FILNER, Mr. STRICKLAND Ms. WATERS, Mr. ABERCROMBIE, Ms. DELAURO, Mr. HOLDEN, Ms. HARMAN, Ms. LEE, Mrs. CAPPS, Mr. SCHIFF, and Mr. MILLER of Florida.
H.R. 1779: Mr. FOSSELLA, Mr. KILDEE, Mr. BURTON of Indiana, Mr. FERGUSON, Mr. RAMSTAD, Mr. COLE, Mr. CARTER, Mr. RYUN of Kansas, Mr. GERLACH, and Mr. CHOCOLA.
H.R. 1823: Mr. CARDOZA.
H.R. 1824: Mr. STARK, Mr. ETHERIDGE, Mr. CALVERT, Mrs. EMERSON, and Mr. FILNER.
H.R. 1863: Mr. KILDEE, Mr. STARK, and Ms. LINDA T. SANCHEZ of California.
H.R. 1905: Ms. HOOLEY of Oregon and Mr. KUCINICH.
H.R. 1933: Mr. PAYNE.
H.R. 1981: Mr. TIERNEY and Mr. PALLONE.
H.R. 2071: Mr. PAYNE.
H.R. 2096: Mr. DOOLITTLE, Mr. WAMP, Mrs. TAUSCHER, and Mr. SULLIVAN.
H.R. 2239: Mr. MCGOVERN and Mr. PALLONE.
H.R. 2256: Ms. JACKSON-LEE of Texas and Mr. FRANK of Massachusetts.
H.R. 2260: Mr. HASTINGS of Florida and Mr. THOMPSON of Mississippi.
H.R. 2265: Mr. BECERRA, Mr. NEAL of Massachusetts, Mr. POMEROY, and Mr. WELLER.
H.R. 2303: Mr. BURNS.
H.R. 2318: Mr. ENGEL and Ms. SLAUGHTER.
H.R. 2333: Mr. SANDERS.
H.R. 2366: Mr. CUMMINGS, Mr. RUSH, and Ms. ESHOO.
H.R. 2519: Mr. DAVIS of Florida.
H.R. 2527: Mr. HASTINGS of Florida.
H.R. 2582: Mrs. MALONEY.
H.R. 2593: Ms. HARRIS.
H.R. 2612: Mr. FILNER, Mr. STRICKLAND, Ms. BORDALLO, and Ms. WATERS.
H.R. 2665: Mr. BROWN of Ohio and Mr. ISRAEL.
H.R. 2702: Mr. TANCREDO.
H.R. 2718: Mr. COOPER.
H.R. 2727: Ms. SOLIS.
H.R. 2747: Mr. PAUL.
H.R. 2797: Mr. EHLERS.
H.R. 2821: Ms. BALDWIN and Mr. ALLEN.
H.R. 2850: Mrs. NAPOLITANO.
H.R. 2890: Mr. PAYNE.
H.R. 2905: Mr. HINCHEY, Mr. SANDERS, and Mr. SNYDER.
H.R. 2915: Mr. RAMSTAD and Mr. SHAYS.
H.R. 2932: Mr. RANGEL, Mr. HOEFFEL, and Mr. WYNN.
H.R. 2945: Mr. UDALL of Mexico.
H.R. 2950: Mr. CHANDLER.
H.R. 3014: Mr. NADLER and Mr. ENGEL.
H.R. 3015: Mr. FORBES and Mr. WYNN.
H.R. 3069: Mr. MILLER of Florida, Mr. FRANKS of Arizona, Mr. SHUSTER, and Mr. PICKERING.
H.R. 3090: Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 3103: Mr. MORAN of Kansas.
H.R. 3213: Mr. DEMINT.
H.R. 3243: Mr. BURNS and Mr. GORDON.
H.R. 3277: Mr. BURR.
H.R. 3281: Mr. MCGOVERN, Ms. MCCOLLUM, Mr. FILNER, Mr. PAUL, Mr. SIMMONS, and Mr. INSLEE.
H.R. 3344: Mr. UDALL of New Mexico.
H.R. 3352: Mr. LARSEN of Washington.
H.R. 3386: Mr. CROWLEY and Mr. LANTOS.
H.R. 3438: Mr. CRAMER, Mr. DAVIS of Illinois, Mr. DOGGETT, Mr. GONZALEZ, and Mr. MCCOTTER.
H.R. 3459: Mr. BRADY of Pennsylvania and Mr. WAXMAN.

H.R. 3460: Mr. CARDOZA.
H.R. 3473: Mr. GUTIERREZ and Mr. BOUCHER.
H.R. 3474: Mr. SHAW, Mr. SHERMAN, Mr. CAPUANO, Mr. CANNON, Mr. NETHERCUTT, and Ms. BORDALLO.
H.R. 3574: Mr. COX, Mrs. WILSON of New Mexico, Mr. MANZULLO, and Ms. CARSON of Indiana.
H.R. 3579: Mr. MICHAUD and Ms. BALDWIN.
H.R. 3615: Mr. RYAN of Ohio.
H.R. 3643: Mr. ALLEN.
H.R. 3676: Mr. SHAYS.
H.R. 3715: Ms. LEE.
H.R. 3763: Mr. CHOCOLA.
H.R. 3773: Mr. HENSARLING, Mr. KENNEDY of Minnesota, and Mr. OTTER.
H.R. 3791: Mr. DEMINT.
H.R. 3796: Mr. DAVIS of Tennessee.
H.R. 3800: Mr. KELLER and Mr. GIBBONS.
H.R. 3801: Mr. ISSA, Mr. LEWIS of Kentucky, Mr. GOODLATTE, and Mr. GIBBONS.
H.R. 3814: Mr. PENCE.
H.R. 3820: Ms. SOLIS, Mr. GRIJALVA, Mr. LYNCH, Mr. BRADY of Pennsylvania, Ms. KAPTUR, Mr. CARDIN, and Mr. MCNULTY.
H.R. 3839: Ms. LEE.
H.R. 3847: Mr. DOGGETT.
H.R. 3859: Mrs. NAPOLITANO, Mr. NADLER, Mr. SHERMAN, Mr. SABO, Mr. SAXTON, Mr. LOBIONDO, Mr. KUCINICH, Mrs. BIGGERT, Mr. INSLEE, Mr. CROWLEY, Mr. DICKS, Mr. MCGOVERN, Mr. MCCOTTER, Mr. BLUMENAUER, Mr. JACKSON of Illinois, Mr. GREEN of Texas, Mr. DELAHUNT, Mr. PALLONE, and Mr. VISCLOSKY.
H.R. 3860: Mr. SMITH of Michigan.
H.R. 3886: Mr. THORNBERRY.
H.R. 3896: Mr. PITTS.
H.R. 3919: Mr. DOGGETT.
H.R. 3921: Mr. SPRATT and Mr. ROSS.
H.R. 3936: Mr. FILNER, Mr. STRICKLAND, Ms. CORRINE BROWN of Florida, Mr. GRIJALVA, Mrs. MALONEY, Mr. SANDERS, Mr. MILLER of Florida, and Mr. RODRIGUEZ.
H.R. 3968: Mr. HOEFFEL.
H.R. 3981: Mr. EVERETT.
H.R. 3987: Mr. LOFGREN.
H.R. 4010: Mr. BLUMENAUER.
H.R. 4011: Mr. FRANKS of Arizona and Mr. TIAHRT.
H.R. 4014: Mr. DAVIS of Illinois.
H.R. 4020: Mr. SKELTON.
H.R. 4026: Mr. SHIMKUS, Mr. GOODE, Mr. GORDON, and Mr. ROSS.
H.R. 4030: Mr. EHLERS and Mr. HOLT.
H.R. 4032: Mr. SNYDER and Ms. WATERS.
H.R. 4033: Mr. TOWNS.
H.R. 4043: Mrs. DAVIS of California.
H.R. 4052: Mr. RANGEL, Mr. BASS, Mr. MCGOVERN, and Mrs. CUBIN.
H.R. 4061: Ms. WATSON, Mr. CONYERS, Mr. RUSH, Mrs. CHRISTENSEN, Mr. FALEOMAVAEGA, Mr. RODRIGUEZ, Ms. CORRINE BROWN of Florida, Mr. ANDREWS, Mr. BROWN of Ohio, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TOWNS, Mrs. NAPOLITANO, Ms. JACKSON-LEE of Texas, Mr. SMITH of Washington, Ms. WATERS, and Mr. HOUGHTON.
H.R. 4063: Mr. CONYERS and Mr. MCINTYRE.
H.R. 4072: Mr. RANGEL, Mr. JEFFERSON, Ms. JACKSON-LEE of Texas, Mr. BRADY of Pennsylvania, Mr. CONYERS, and Mr. OWENS.
H.R. 4100: Mr. THOMPSON of California, Ms. JACKSON-LEE of Texas, Ms. ESHOO, and Mrs. TAUSCHER.
H.R. 4120: Mr. SMITH of Washington.
H.R. 4129: Mr. CANNON and Mr. WALSH.
H.R. 4130: Mr. FROST, Mr. BOYD, Mr. MEEHAN, Mr. WOLF, Mr. SNYDER, Mrs. MCCARTHY of New York, Mr. DICKS, Mr. MCNULTY, Mr. EMANUEL, Mr. DAVIS of Florida, and Mr. SIMPSON.
H.R. 4140: Mr. HOLT.
H.R. 4154: Mr. MCNULTY and Mr. OWENS.
H.R. 4156: Mr. COSTELLO.
H.J. Res. 22: Mr. SHUSTER.
H.J. Res. 62: Mr. SHAYS.
H. Con. Res. 247: Mr. UDALL of New Mexico.
H. Con. Res. 304: Mr. ROGERS of Kentucky.
H. Con. Res. 310: Mr. LEWIS of Kentucky.
H. Con. Res. 311: Mr. CARDOZA.
H. Con. Res. 314: Ms. CORRINE BROWN of Florida.
H. Con. Res. 332: Ms. CORRINE BROWN of Florida, Mr. LYNCH, and Mr. DAVIS of Florida.
H. Con. Res. 343: Mr. STENHOLM.
H. Con. Res. 362: Mr. HINOJOSA.
H. Con. Res. 366: Mr. THOMPSON of Mississippi, Mr. DEUTSCH, Mr. DAVIS of Tennessee, Mr. WEINER, Mr. SCHIFF, Mrs. MCCARTHY of New York, Ms. WATSON, Mr. BISHOP of Georgia, Mr. SKELTON, Mr. SCOTT of Georgia, Mr. DICKS, Ms. LEE, Mr. HONDA, Ms. CORRINE BROWN of Florida, Mr. MOORE, Mr. HINCHEY, and Mr. SPRATT.
H. Con. Res. 371: Mr. BACHUS and Mr. JOHN.
H. Con. Res. 375: Mr. SPRATT.
H. Con. Res. 381: Mr. LEVIN.
H. Con. Res. 390: Mr. RANGEL and Mr. ROTHMAN.
H. Con. Res. 391: Mr. HOLT, Mr. MCGOVERN, Mr. CAPUANO, Ms. MCCARTHY of Missouri, Mr. DELAHUNT, Mr. MORAN of Virgina, Mr. GEORGE MILLER of California, Mr. PALLONE, Mr. MCNULTY, Mr. FRANK of Massachusetts, and Mr. RYUN of Kansas.
H. Con. Res. 392: Mr. HONDA and Mr. BROWN of Ohio.
H. Con. Res. 396: Mr. MORAN of Virginia, Mr. WU, Mrs. CHRISTENSEN, Ms. LEE, Mr. WEXLER, Mr. WEINER, Mr. CROWLEY, Ms. SCHAKOWSKY, Mr. MEEHAN, Mr. CUMMINGS, Ms. WOOLSEY, and Ms. ROYBAL-ALLARD.
H. Con. Res. 406: Mr. FORD, Mr. LANTOS, Mr. KUCINICH, and Ms. MCCOLLUM.
H. Res. 103: Mr. FILNER.
H. Res. 129: Mr. CROWLEY.
H. Res. 363: Ms. LINDA T. SANCHEZ of California.
H. Res. 402: Mr. RAHALL.
H. Res. 470: Mr. CARDOZA.
H. Res. 556: Ms. BORDALLO.
H. Res. 570: Mr. NEY, Mr. GRIJALVA, Mr. WEINER, Ms. MAJETTE, and Mr. SCOTT of Georgia.
H. Res. 575: Mr. GILLMOR and Mr. BARTLETT of Maryland.

¶36.32 PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

74. The SPEAKER presented a petition of Jamin Potamkin, a Citizen of Pennsylvania, relative to petitioning the United States Congress for redress of grievances; to the Committee on the Judiciary.

75. Also, a petition of the City Council of Gulfport, Mississippi, relative to a Resolution supporting the President of the United States and his proposed amendment to the United States Constitution prohibiting same sex marriages; to the Committee on the Judiciary.

76. Also, a petition of the City Council of Berea, Ohio, relative to Resolution No. 2004-13 supporting the Federal Breast Cancer Patient Protection Act of 2003; jointly to the Committees on Energy and Commerce and Education and the Workforce.

WEDNESDAY, APRIL 21, 2004 (37)

¶37.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. BASS, who laid before the House the following communication:

WASHINGTON, DC,
April 21, 2004.

I hereby appoint the Honorable CHARLES F. BASS to act as Speaker pro tempore on this day.

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

¶37.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. BASS, announced he had examined and approved the Journal of the proceedings of Tuesday, April 20, 2004.

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

¶37.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

7623. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Support the Tribal Pesticide Program Council (TPPC); Notice of Funds Availability [OPP–2003–0399; FRL–7349–1] received April 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7624. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Boscalid; Pesticide Tolerance [OPP–2004–0075; FRL–7353–1] received April 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7625. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 02–15, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

7626. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 03–08, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

7627. A letter from the Assistant Secretary, Department of Defense, transmitting the National Guard Challenge Program Annual Report for Fiscal Year 2004, required under section 509(k) of title 32, United States Code; to the Committee on Armed Services.

7628. A letter from the Acting Under Secretary, Department of Defense, transmitting a report required by section 335 of the National Defense Authorization Act for Fiscal Year 2004 (Pub. L. 108–136) regarding the implementation of the revised Office of Management and Budget (OMB) Circular A–76, Performance of Commercial Activities; jointly to the Committees on Armed Services and Government Reform.

7629. A letter from the Principal Deputy Under Secretary, Department of Defense, transmitting the Department's report that covers two areas involving the Armed Services' aviation programs for FY 2003, pursuant to 37 U.S.C. 301a(f) and (b); to the Committee on Armed Services.

7630. A letter from the Principal Deputy Under Secretary, Department of Defense, transmitting Approval of Colonel David M. Snyder, United States Air Force, to wear the insignia of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

7631. A letter from the Acting Under Secretary, Department of Defense, transmitting the Department's report for purchases from foreign entities for Fiscal Year2003, pursuant to Public Law 104–201, section 827 Public Law 105–261, section 812; to the Committee on Armed Services.

7632. A letter from the Chairman, Appraisal Subcommittee of the Federal Financial Institutions Examination Council, transmitting the 2003 Annual Report, pursuant to 12 U.S.C. 3332; to the Committee on Financial Services.

7633. A letter from the Chairman, National Endowment for the Arts, National Foundation on the Arts & the Humanities, transmitting the Federal Council on the Arts and the

Humanities' twenty-eighth annual report on the Arts and Artifacts Indemnity Program for Fiscal Year 2003, pursuant to 20 U.S.C. 959(c); to the Committee on Education and the Workforce.

7634. A letter from the Acting Assistant Secretary for Communications and Information, Department of Commerce, transmitting the National Telecommunications and Information Administration's (NTIA) assessment of the major actions that must be completed in the allocation of the spectrum to the civilian sector for the effective deployment of third generation (3G) wireless devices in the United States, pursuant to Public Law 108–119 (118 Stat. 3); to the Committee on Energy and Commerce.

7635. A letter from the Secretary, Department of Veterans Affairs, transmitting the Department's vehicle fleet report on alternative fueled vehicles for FY 2003, submitted in accordance with the Energy Conservation and Reauthorization Act (ECRA), and Executive Order 13149, Greening the Government through Federal Fleet and Transportation Efficiency; to the Committee on Energy and Commerce.

7636. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pollution Prevention Grants and Announcement of Financial Assistance Programs Eligible for Review; Notice of Availability [OPPT–2003–0072; FRL–7342–6] received April 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7637. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—OMB Approvals Under the Paperwork Reduction Act; Technical Amendment [FRL–7645–6] received April 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7638. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters [OAR–2002–0058; FRL–7633–9] (RIN: 2060–AG69) received April 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7639. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval of Section 112(l) Authority for Hazardous Air Pollutants; Equivalency by Permit Provisions; National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry; State of North Carolina [NC–112L–2004–1–FRL–7646–2] received April 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7640. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; District of Columbia, Maryland, Virginia; Post 1996 Rate-of-Progress Plans and One-Hour Ozone Attainment Demonstrations [DC052–7007, MD143–3102, VA129–5065; FRL–7645–1] received April 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7641. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on International Relations.

7642. A communication from the President of the United States, transmitting a report including matters relating to post-liberation Iraq as consistent with the Authorization for Use of Military Force Against Iraq Resolution of2002 (Public Law 107–243); (H. Doc. No. 108–180); to the Committee on International Relations and ordered to be printed.

7643. A letter from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting a report describing, to the extent practicable, any involvement of a foreign military or defense ministry civilian that have participated in the International Military Education and Training (IMET) program, and have been identified in the Country Reports on Human Rights Practices for 2003 as violating internationally recognized human rights subsequent to such training; to the Committee on International Relations.

7644. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report required by Section 301 of the United States Macau Policy Act, covering the period from April 1, 2003, to March 31, 2004, pursuant to Public Law 106–570, section 204; to the Committee on International Relations.

7645. A letter from the Executive Director, Christopher Columbus Fellowship Foundation, transmitting pursuant to the Accountability of Tax Dollars Act, the Foundation's quarterly financial statement, prepared by the U.S. General Services Administration; to the Committee on Government Reform.

7646. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7647. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7648. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7649. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7650. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7651. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7652. A letter from the Acting Secretary, Department of Housing and Urban Development, transmitting a copy of the Government National Mortgage Association (Ginnie Mae) management report for the fiscal year ended September 30, 2003, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

7653. A letter from the General Counsel, Department of Housing and Urban Development, transmitting report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7654. A letter from the General Counsel, Department of Housing and Urban Development, transmitting report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7655. A letter from the Associate Attorney General, Department of Justice, transmitting the annual report of activities under the Freedom of Information Act for 2003, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform.

7656. A letter from the Chairman, Federal Housing Finance Board, transmitting the Board's annual report that fulfills the reporting requirements set forth in the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No Fear Act); to the Committee on Government Reform.

7657. A letter from the Chairman, Federal Maritime Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act for calendar year 2003, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

7658. A letter from the Chairman and General Counsel, National Labor Relations Board, transmitting the Performance Program Report for Fiscal Year 2003, in accordance with the requirements of the Government Performance and Results Act (GPRA); to the Committee on Government Reform.

7659. A letter from the Associate Special Counsel for Investigation and Prosecution, Office of Special Counsel, transmitting the Office's FY 2003 Annual Report Pursuant to the No Fear Act, pursuant to 5 U.S.C. 1211; to the Committee on Government Reform.

7660. A letter from the Executive Director, United States Access Board, transmitting a report, pursuant the requirements of section 203(b) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No Fear Act); to the Committee on Government Reform.

7661. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries [Docket No. 031104274–4011–02; I.D. 101603A] (RIN: 0648–AQ83) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7662. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Emergency Rule to Maintain an Area Access Program for the Atlantic Sea Scallop Fishery in Hudson Canyon [Docket No. 040130031–4070–02; I.D. 021704D] (RIN: 0648–AR92) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7663. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; 2004 Specifications [Docket No 031119283–4001–02; I.D. 110703A] (RIN: 0648–AQ80) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7664. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction [Docket No. 001005281–0369–02; I.D. 022604B] received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7665. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Gulf of Mexico; Coastal Migratory Pelagic Resources; Stock Status Determination Criteria [Docket No. 030917233–3304–02; I.D.

082703A] (RIN: 0648–AP50) received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7666. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific cod by Vessels Catching Pacific cod for Processing by the Offshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No. 031125292–4061–02; I.D. 030504A] received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7667. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska [Docket No. 031125292–4061–02; I.D. 031904A] received April 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7668. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/Processor Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 031124287–4060–02; I.D. 032404E] received April 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7669. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone off Alaska; Atka Mackerel in the Central Aleutian District [Docket No. 031124287–4060–02; I.D. 032404F] received April 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7670. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processor Vessels Using Pot Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 031124287–4060–02; I.D. 032504A] received April 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7671. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Taking of the Cook Inlet, Alaska, Stock of Beluga Whales by Alaska Natives [Docket No. 000922272–4087–02; I.D. 061600A] (RIN: 0648–AO16) received April 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7672. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Western Pacific Pelagic Fisheries; Pelagic Longline Fishing Restrictions; Seasonal Area Closure, Limit on Swordfish Fishing Effort, Gear Restrictions, and Other Sea Turtle Take Mitigation Measures [Docket No. 0401130013–4098–02; I.D. 122403A] (RIN: 0648–AR84) received April 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7673. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Herring Fishery [Docket No. 031126296–4100–02; I.D. 111903B] (RIN: 0648–AQ84) received April 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7674. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Taking of Threatened or Endangered Species Incidental to Commercial Fishing Operations [Docket No. 031202301–4067–02; I.D. 111403C] (RIN: 0648–AR53) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7675. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Monkfish Fishery [Docket No. 040212056–4101–02; I.D. 020604B] (RIN: 0648–AR89) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7676. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Rock Sole in the Bering Sea and Aleutian Islands [Docket No. 031124287–4060–02; I.D. 032904B] received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7677. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No. 001005281–00369–02; I.D. 040704B] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7678. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 031124287–4060–02; I.D. 033104A] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7679. A letter from the Assistant Attorney General, Department of Justice, transmitting the report on the administration of the Foreign Agents Registration Act covering the six months ended June 30, 2003, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

7680. A letter from the Congressional Medal of Honor Society of the United States of America, transmitting the annual financial report of the Society for calendar year 2003, pursuant to 36 U.S.C. 1101(19) and 1103; to the Committee on the Judiciary.

7681. A letter from the Chairman, United States Commission on Civil Rights, transmitting the Commission's report entitled, ''A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country,'' pursuant to 42 U.S.C. 1975a(c); to the Committee on the Judiciary.

7682. A letter from the Deputy Clerk, United States Court of Appeals for the Tenth Circuit, transmitting an opinion of the United States Court of Appeals for the Tenth Circuit (Nos. 03–8037, 03–8042, and 03–8043—United States v. Blanchard Buck Cannon (April 5, 2004)); to the Committee on the Judiciary.

7683. A letter from the Administration, FAA, Department of Transportation, transmitting the Capital Investment Plan (CIP) for fiscal years 2005–2009, pursuant to 49 U.S.C. app. 2203(b)(1); to the Committee on Transportation and Infrastructure.

7684. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Outer Continental Shelf Facility in the Gulf of Mexico for Mississippi Canyon 474 [CGD08–03–039] (RIN: 1625–AA79) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7685. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Outer Continental Shelf Facility in the Gulf of Mexico for Garden Banks 783 [CGD08–03–040] (RIN: 1625–AA79) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7686. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulation; Belle River, Belle River, LA [CGD08–03–049] (RIN: 1625–AA09) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7687. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations: Mantua Creek, NJ [CGD05–03–121] (RIN: 1625–AA09) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7688. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Royal Park (SR 704) Bridge, Atlantic Intracoastal Waterway mile 1022.6, Palm Beach, FL [CGD07–04–039] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7689. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Manasquan River, NJ [CGD05–04–071] (RIN: 1625–AA09) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7690. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations: Newtown Creek, Dutch Kills, English Kills, and their tributaries, NY. [CGD01–04–023] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7691. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Kent Island Narrows, MD [CGD05–04–070] (RIN: 1625–AA09) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7692. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Regulated Navigation Area; Savannah River, Savannah GA [CGD07–03–147] (RIN: 1625–AA11) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7693. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone;

Altantic Ocean, Chesapeake & Delaware Canal, Delaware Bay, Delaware River and its tributaries [CGD05–04–066] (RIN: 1625–AA00) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7694. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Electrical Equipment and Installations, Storage Battery Installation; Electronic Equipment; and Fire Protection of Electrical System Components on Transport Category Airplanes [Docket No. FAA–2001–9634, FAA–2001–9633, FAA–2001–9638, FAA–2001–9637; Amendment No. 25–113] (RIN: 2120–AI21) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7695. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revisions to Passenger Facility Charge Rule for Compensation to Air Carriers [Docket No.: FAA–2002–13918; Amendment No. 158–2] (RIN: 2120–AH43) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7696. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Security Control of Air Traffic (RIN: 2120–AI11) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7697. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Emergency Medical Equipment [Docket No. FAA–2000–7119; Amdt. Nos. 121–280 and 135–78] (RIN: 2120–AG89) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7698. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Procedures for Transportation workplace Drug and Alcohol Testing Programs: Drug and Alcohol Management Information System Reporting; Correction [Docket No. OST–2002–13435] (RIN: 2105–AD35) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7699. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Marysville, KS. [Docket No. FAA–2003–16762; Airspace Docket No. 03–ACE–99] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7700. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Independence, IA. [Docket No. FAA–2003–16746; Airspace Docket No. 03–ACE–90] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7701. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Colby, KS. [Docket No. FAA–2003–16760; Airspace Docket No. 03–ACE–97] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7702. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Hamilton, MT. [Docket No. FAA 2003–16070; Airspace Docket No. 03–ANM–05] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7703. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class D Airspace; Altus AFB, OK [Docket No. FAA–2003–15248; Airspace Docket No. 2003–ASW–3] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7704. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Anthony, KS. [Docket No. FAA–2003–16748; Airspace Docket No. 03–ACE–92] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7705. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Plattsmouth, NE. [Docket No. FAA–2003–16408; Airspace Docket No. 03–ACE–76] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7706. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Beloit, KS. [Docket No. FAA–2003–16749; Airspace Docket No. 03–ACE–93] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7707. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Hays, KS. [Docket No. FAA–2004–16989; Airspace Docket No. 04–ACE–7] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7708. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Chanute, KS. [Docket No. FAA–2003–16757; Airspace Docket No. 03–ACE–95] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7709. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Excelsior Springs, MO. [Docket No. FAA–2004–17147; Airspace Docket No. 04–ACE–13] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7710. A letter from the Administrator, FAA, Department of Transportation, transmitting the Administration's report as required by Section 404(e) of the FAA Reauthorization Act of 1996 (HR 3539); to the Committee on Transportation and Infrastructure.

7711. A letter from the Secretary, Judicial Conference of the United States, transmitting a report on the judiciary's courthouse construction requirements for FY 2005 along with the out-year requirements for FY 2006–2009, pursuant to 28 U.S.C. 604(a)(12) and 462(b); to the Committee on Transportation and Infrastructure.

7712. A letter from the Secretary, Department of Veterans Affairs, transmitting a report covering those cases in which equitable relief was granted in calendar year 2003, pursuant to 38 U.S.C. 503(c); to the Committee on Veterans' Affairs.

7713. A letter from the Secretary, Department of Labor, transmitting the Department's tenth report on the impact of the Andean Trade Preference Act on U.S. trade and employment from 2001 to 2002, pursuant to 19 U.S.C. 3205; to the Committee on Ways and Means.

7714. A letter from the Chair, National Oceanographic Partnership Program, transmitting the March 2004 Annual Report, pursuant to Public Law 104–201; jointly to the Committees on Armed Services, Resources, and Science.

¶37.4 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 1274. An Act to direct the Administrator of General Services to convey to Fresno County, California, the existing Federal courthouse in that county.

H.R. 2489. An Act to provide for the distribution of judgment funds to the Cowlitz Indian Tribe.

H.R. 3118. An Act to designate the Orville Wright Federal Building and the Wilbur Wright Federal Building in Washington, District of Columbia.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1814. An Act to transfer Federal lands between the Secretary of Agriculture and the Secretary of the Interior.

¶37.5 GREEN CHEMISTRY RESEARCH AND DEVELOPMENT

Mr. GINGREY moved to suspend the rules and pass the bill (H.R. 3970) to provide for the implementation of a Green Chemistry Research and Development Program, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. BASS, recognized Mr. GINGREY and Mr. GORDON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BASS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. GINGREY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶37.6 CONGRESSIONAL MEDAL FOR OUTSTANDING CONTRIBUTIONS IN MATH AND SCIENCE EDUCATION

Mr. SMITH of Michigan moved to suspend the rules and pass the bill (H.R. 4030) to establish the Congressional Medal for Outstanding Contributions in Math and Science Education program to recognize private entities for their outstanding contributions to elementary and secondary science, technology, engineering, and mathematics education; as amended.

The SPEAKER pro tempore, Mr. BASS, recognized Mr. SMITH of Michigan and Ms. Eddie Bernice JOHNSON of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BASS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SMITH of Michigan demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶37.7 SENATOR PAUL SIMON FEDERAL BUILDING

Mr. LATOURETTE moved to suspend the rules and pass the bill of the Senate (S. 2022) to designate the Federal building located at 250 West Cherry Street in Carbondale, Illinois, the ''Senator Paul Simon Federal Building''.

The SPEAKER pro tempore, Mr. BASS, recognized Mr. LATOURETTE and Mr. COSTELLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BASS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶37.8 JAMES V. HANSEN FEDERAL BUILDING

Mr. LATOURETTE moved to suspend the rules and pass the bill (H.R. 3147) to designate the Federal building located at 324 Twenty-Fifth Street in Ogden, Utah, as the ''James V. Hansen Federal Building''; as amended.

The SPEAKER pro tempore, Mr. BASS, recognized Mr. LATOURETTE and Mr. COSTELLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BASS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CANNON demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶37.9 TAIWAN IN WORLD HEALTH ORGANIZATION

Mr. CHABOT moved to suspend the rules and pass the bill (H.R. 4019) to address the participation of Taiwan in the World Health Organization; as amended.

The SPEAKER pro tempore, Mr. BASS, recognized Mr. CHABOT and Mr. BROWN of Ohio, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BASS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CHABOT demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶37.10 GUARDSMEN AND RESERVISTS FINANCIAL RELIEF

Mr. SHAW moved to suspend the rules and pass the bill (H.R. 1779) to amend the Internal Revenue Code of 1986 to allow penalty-free withdrawals from retirement plans during the period that a military reservist or national guardsman is called to active duty for an extended period, and for other purposes.

The SPEAKER pro tempore, Mr. BASS, recognized Mr. SHAW and Mr. RANGEL, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SHAW demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed

¶37.11 H.R. 3970—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3970) to provide for the implementation of a Green Chemistry Research and Development Program, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 402 / Nays 14

¶37.12 [Roll No. 121]

YEAS—402

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone

Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—14

Cubin
Davis, Jo Ann
Duncan
Everett
Flake
Hensarling
Hostettler
Jones (NC)
Miller (FL)
Musgrave
Otter
Paul
Pence
Tancredo

NOT VOTING—17

Frelinghuysen
Gephardt
Greenwood
Harris
Hastings (FL)
Hoeffel
Hulshof
Jefferson
John
Kingston
Lewis (KY)
Quinn
Ros-Lehtinen
Tauzin
Toomey
Velázquez
Weller

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶37.13 H.R. 4030—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4030) to establish the Congressional Medal for Outstanding Contributions in Math and Science Education program to recognize private entities for their outstanding contributions to elementary and secondary science, technology, engineering, and mathematics education; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 411 / Nays 7

¶37.14 [Roll No. 122]

YEAS—411

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—7

Flake
Franks (AZ)
Hensarling
Hoekstra
Paul
Pence
Shadegg

NOT VOTING—15

Frelinghuysen
Gephardt
Greenwood
Harris
Hastings (FL)
Hoeffel
Hulshof
Jefferson
Kingston
Ros-Lehtinen
Schrock
Tauzin
Toomey
Velázquez
Weller

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶37.15 H.R. 3147—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3147) to designate the Federal building located at 324 Twenty-Fifth Street in Ogden, Utah, as the ''James V. Hansen Federal Building''; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 418 / Nays 0

¶37.16 [Roll No. 123]

YEAS—418

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Doolittle
Frelinghuysen
Gephardt
Greenwood
Harris
Hastings (FL)
Hoeffel
Hulshof
Jefferson
Kingston
Ros-Lehtinen
Slaughter
Tauzin
Toomey
Weller

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶37.17 H.R. 4019—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4019) to address the participation of Taiwan in the World Health Organization; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 416 / Nays 0

¶37.18 [Roll No. 124]

YEAS—416

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad

Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—17

Cannon
Conyers
Feeney
Frelinghuysen
Gephardt
Greenwood
Harris
Hastings (FL)
Hinojosa
Hulshof
Jefferson
Kingston
Radanovich
Ros-Lehtinen
Tauzin
Toomey
Weller

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶37.19 H.R. 1779—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1779) to amend the Internal Revenue Code of 1986 to allow penalty-free withdrawals from retirement plans during the period that a military reservist or national guardsman is called to active duty for an extended period, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 415 / Nays 0

¶37.20 [Roll No. 125]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—18

Feeney
Frelinghuysen
Gephardt
Greenwood
Harris
Hastings (FL)
Hinojosa
Hulshof
Jefferson
Kingston
Otter
Radanovich
Ros-Lehtinen
Ruppersberger
Tauzin
Toomey
Weller
Whitfield

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶37.21 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. BURNS, laid before the House the following communication from Kimonia Alfred, office of the Honorable Henry Waxman:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 19, 2004.

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

DEAR MR. SPEAKER:

This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued by the United States Tax Court, for testimony and documents.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the precedents and privileges of the House.

Sincerely,

KIMONIA ALFRED.

¶37.22 RECESS—6:21 P.M.

The SPEAKER pro tempore, Mr. , pursuant to clause 12(a) of rule I, declared the House in recess at 6 o'clock and 21 minutes p.m., subject to the call of the Chair.

¶37.23 AFTER RECESS—7:03 P.M.

The SPEAKER pro tempore, Mr. DREIER, called the House to order.

¶37.24 PROVIDING FOR THE CONSIDERATION OF H.R. 2844

Mr. Lincoln DIAZ-BALART of Florida, by direction of the Committee on

Rules, reported (Rept. No. 108–466) the resolution (H. Res. 602) providing for consideration of the bill (H.R. 2844) to require States to hold special elections to fill vacancies in the House of Representatives not later than 21 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶37.25 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1814. An Act to transfer Federal lands between the Secretary of Agriculture and the Secretary of the Interior; to the Committee on Resources; in addition to the Committee on Agriculture and to the Committee on Education and the Workforce for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶37.26 ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1274. An Act to direct the Administrator of General Services to convey to Fresno County, California, the existing Federal courthouse in that county.

H.R. 2489. An Act to provide for the distribution of judgment funds to the Cowlitz Indian Tribe.

H.R. 3118. An Act to designate the Orville Wright Federal Building and the Wilbur Wright Federal Building in Washington, District of Columbia.

¶37.27 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. KINGSTON, for today.

And then,

¶37.28 ADJOURNMENT

On motion of Mr. Lincoln DIAZ-BALART of Florida, pursuant to the special order of the House agreed to on April 20, 2004, at 7 o'clock and 4 minutes p.m., the House adjourned until 9 a.m. on Thursday, April 22, 2004.

¶37.29 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 602. Resolution providing for consideration of the bill (H.R. 2844) to require States to hold special elections to fill vacancies in the House of Representatives not later than 21 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes (Rept. 108–466). Referred to the House Calendar.

¶37.30 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. JONES of North Carolina:

H.R. 4180. A bill to amend title 10, United States Code, to provide reimbursement for members of the Armed Forces retired for a combat-related disability for travel to military treatment facilities for medical care during the first two years after such retirement; to the Committee on Armed Services.

By Mr. GERLACH (for himself, Mr. WELLER, Mr. HASTINGS of Washington, Mr. GREENWOOD, Mr. VITTER, Mr. SIMMONS, Mr. CANTOR, Mr. HENSARLING, Mr. SHIMKUS, Mr. TOOMEY, Mrs. MILLER of Michigan, Mr. DOOLITTLE, Mr. COX, Mrs. KELLY, Mr. MURPHY, Mr. BARTLETT of Maryland, Mr. SHUSTER, Mr. CRENSHAW, Mr. ROHRABACHER, Mr. BURR, Mr. FORBES, Mr. KELLER, Mr. GILLMOR, Mr. SCHROCK, Mr. HAYWORTH, Mr. HERGER, Mr. MCINNIS, Ms. DUNN, Mr. ROGERS of Alabama, Mr. RYUN of Kansas, Mr. BRADY of Texas, Mr. HAYES, Mr. BALLENGER, Mr. SOUDER, Mr. SMITH of Texas, Mr. GIBBONS, Mr. ISTOOK, Mr. OTTER, Mrs. JOHNSON of Connecticut, Mr. WICKER, Mr. SHAW, Mr. CRANE, Mr. GRAVES, Mr. WILSON of South Carolina, Ms. PRYCE of Ohio, Mr. TIBERI, Mrs. JO ANN DAVIS of Virginia, Mr. BARRETT of South Carolina, Mr. ENGLISH, Mr. PICKERING, Mr. CHOCOLA, Mr. PORTER, Mr. HALL, Mr. TERRY, Mr. REHBERG, and Mr. SWEENEY):

H.R. 4181. A bill to amend the Internal Revenue Code of 1986 to permanently extend the increased standard deduction, and the 15-percent individual income tax rate bracket expansion, for married taxpayers filing joint returns; to the Committee on Ways and Means.

By Ms. LEE (for herself, Mr. GREENWOOD, Ms. WOOLSEY, Mr. ABERCROMBIE, Mrs. CHRISTENSEN, Mr. DEFAZIO, Mr. MCNULTY, Mr. TOWNS, Mr. OWENS, Mr. BROWN of Ohio, Ms. NORTON, Ms. JACKSON-LEE of Texas, Mr. MEEKS of New York, Mr. HINCHEY, Mr. FROST, Mr. CASE, Ms. SCHAKOWSKY, Mrs. JONES of Ohio, Mr. STARK, Ms. CARSON of Indiana, Mr. HOEFFEL, Mr. LANTOS, Mr. MORAN of Virginia, Mrs. LOWEY, Mrs. CAPPS, Ms. SLAUGHTER, Ms. BALDWIN, Mr. KUCINICH, Mr. WAXMAN, Mr. SERRANO, Mrs. DAVIS of California, Mr. DAVIS of Illinois, Ms. CORRINE BROWN of Florida, Mr. FARR, Mr. CLYBURN, Mr. GRIJALVA, Mr. SMITH of Washington, Mr. KENNEDY of Rhode Island, Ms. WATSON, Mr. ROTHMAN, Ms. MAJETTE, Mrs. TAUSCHER, Mr. SANDERS, Ms. MCCOLLUM, Ms. HARMAN, Mr. CUMMINGS, Mr. ACKERMAN, Ms. LORETTA SANCHEZ of California, Mr. BISHOP of Georgia, Ms. MILLENDER-MCDONALD, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEWIS of Georgia, Mr. CROWLEY, Mr. WYNN, Mr. THOMPSON of Mississippi, Mr. HOLT, Mr. WEINER, Mr. RANGEL, Ms. LOFGREN, Ms. SOLIS, Mr. FORD, Ms. KILPATRICK, Mr. WATT, Mr. PAYNE, Mrs. NAPOLITANO, Ms. ESHOO, Mr. SCHIFF, Mr. GONZALEZ, Mr. BALLANCE, Mr. RUSH, and Mr. MEEK of Florida):

H.R. 4182. A bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes; to the Committee on Energy and Commerce.

By Mr. COOPER:

H.R. 4183. A bill making further emergency supplemental appropriations for fiscal year 2004 for military operations in Iraq and Afghanistan; to the Committee on Appropriations.

By Mr. CUMMINGS (for himself and Ms. CORRINE BROWN of Florida):

H.R. 4184. A bill to require United States assistance for the repair, maintenance, or construction of the transportation infrastructure of Iraq to be provided in the form of loans subject to repayment in full to the United States Government; to the Committee on International Relations.

By Mr. DREIER:

H.R. 4185. A bill to improve the coordination of the Federal Government in identifying and responding to weak or failing countries that endanger international security or stability, to improve the coordination and conduct of pre-conflict stabilization operations and post-conflict reconstruction operations, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOLEY (for himself, Mr. MATSUI, Mr. MCINNIS, Mr. HERGER, Mr. ENGLISH, Mr. BOEHNER, and Mr. CHABOT):

H.R. 4186. A bill to amend the Internal Revenue Code of 1986 to provide for the creation of disaster protection funds by property and casualty insurance companies for the payment of policyholders' claims arising from future catastrophic events; to the Committee on Ways and Means.

By Mr. KING of Iowa (for himself, Mr. BRADY of Texas, Mr. JONES of North Carolina, Mr. AKIN, Mr. HERGER, Mr. BURTON of Indiana, Mr. PITTS, Mr. FRANKS of Arizona, Mr. COLE, Mr. CAMP, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. NORWOOD, Mr. SHADEGG, Mr. SMITH of Texas, Mr. WELDON of Florida, Mr. LINDER, Mr. WILSON of South Carolina, Mr. UPTON, Mr. PAUL, Mr. GIBBONS, Ms. HARRIS, Mr. BASS, Mrs. MILLER of Michigan, Mr. PEARCE, Mrs. MYRICK, and Mrs. CUBIN):

H.R. 4187. A bill to amend the Help America Vote Act of 2002 to require voting systems to produce a verifiable paper record of each vote cast and to ensure the security of electronic data, and for other purposes; to the Committee on House Administration.

By Mr. LOBIONDO (for himself and Mr. MCINTYRE):

H.R. 4188. A bill to amend chapter 1606 of title 10, United States Code, to increase the amount of basic educational assistance for members of the Selected Reserve, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LUCAS of Oklahoma:

H.R. 4189. A bill to modify and improve the funding structure of the Environmental Quality Incentives Program; to the Committee on Agriculture.

By Mr. MARKEY:

H.R. 4190. A bill to require the Secretary of Labor to declare that operating power driven amusement park rides is a hazardous occupation for the purposes of certain child labor provisions of the Fair Labor Standards Act of 1938; to the Committee on Education and the Workforce.

By Ms. MILLENDER-MCDONALD:

H.R. 4191. A bill to amend the Foreign Assistance Act of 1961 to provide for the establishment of a network of pediatric centers in certain developing countries to provide treatment and care for children with HIV/AIDS, and for other purposes; to the Committee on International Relations.

By Ms. SLAUGHTER (for herself, Ms. DEGETTE, Mr. GREENWOOD, Mrs. JOHNSON of Connecticut, Mr. ALLEN, Mr. BAIRD, Ms. BALDWIN, Ms. BERKLEY, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BROWN of Ohio, Mrs. CAPPS, Mr. CARDIN, Mrs. CHRISTENSEN, Mr. CROWLEY, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DELAURO, Mr. DOGGETT, Mr. DOOLEY of California, Mr. EMANUEL, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GONZALEZ, Mr. GRIJALVA, Ms. HARMAN, Mr. HINCHEY, Mr. HOEFFEL, Ms. NORTON, Mr. HOLT, Mr. HONDA, Ms. HOOLEY of Oregon, Mr. INSLEE, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Mr. JACKSON of Illinois, Mr. KENNEDY of Rhode Island, Ms. KILPATRICK, Mr. LARSEN of Washington, Ms. LEE, Ms. LOFGREN, Mrs. LOWEY, Mrs. MALONEY, Ms. MAJETTE, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. MCDERMOTT, Ms. MILLENDER-MCDONALD, Mr. MORAN of Virginia, Mr. NADLER, Mr. OLVER, Ms. PELOSI, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Ms. LINDA T. SANCHEZ of California, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SHAYS, Mr. SIMMONS, Ms. SOLIS, Mr. TIERNEY, Mrs. JONES of Ohio, Mr. UDALL of Colorado, Mr. VAN HOLLEN, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, Mr. WU, and Mr. WYNN):

H.R. 4192. A bill to expand access to preventive health care services and education programs that help reduce unintended pregnancy, reduce infection with sexually transmitted disease, and reduce the number of abortions; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. AKIN (for himself, Mr. SKELTON, Mr. TANCREDO, Mr. DOOLITTLE, Mrs. MYRICK, Mr. KING of Iowa, Mr. GARRETT of New Jersey, Mr. SHADEGG, Mr. BARTLETT of Maryland, Mr. MILLER of Florida, Mr. SESSIONS, Mr. FROST, Mr. LIPINSKI, Mr. WILSON of South Carolina, Mr. COOPER, Mr. ADERHOLT, Mr. REYES, Mr. WOLF, Mr. PALLONE, Mr. KIRK, Mr. HOSTETTLER, Mr. HUNTER, Mr. SPRATT, Mr. FLAKE, Mr. ISAKSON, Mr. HAYWORTH, and Mr. CASE):

H. Con. Res. 407. Concurrent resolution saluting the life and courage of the late Commander Lloyd ''Pete'' Bucher, United States Navy (retired), who commanded the U.S.S. Pueblo (AGER-2) at the time of its capture by North Korea on January 23, 1968; to the Committee on Armed Services.

By Ms. DEGETTE (for herself, Mr. UDALL of Colorado, Mr. HEFLEY, Mrs. MUSGRAVE, Mr. BEAUPREZ, Mr. MCINNIS, and Mr. TANCREDO):

H. Con. Res. 408. Concurrent resolution congratulating the University of Denver men's hockey team for winning the 2004 NCAA men's hockey national championship, and for other purposes; to the Committee on Education and the Workforce.

By Mr. PORTER (for himself, Mr. BOEHNER, Mr. MCKEON, Mr. NORWOOD, Mr. EHLERS, Mr. DEMINT, Mrs. MUSGRAVE, Mrs. BLACKBURN, Mr. KIND, Ms. MCCOLLUM, and Mr. CASE):

H. Res. 600. A resolution congratulating charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education, and for other purposes; to the Committee on Education and the Workforce.

By Mr. EMANUEL (for himself, Mr. FOLEY, Mr. DINGELL, Mr. WAMP, and Mr. HOEFFEL):

H. Res. 601. A resolution recognizing the importance of designating the Republic of Poland as a program country for purposes of the visa waiver program under section 217 of the Immigration and Nationality Act and urging the Secretary of Homeland Security and the Secretary of State to assist Poland in qualifying for such program; to the Committee on the Judiciary.

¶37.31 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

290. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 27 memorializing the United States Congress to address the gap between services offered to children in kinship care arrangements and services offered to children in foster care situations; to the Committee on Education and the Workforce.

291. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 18 memorializing the United States Congress to allocate federal funding for the creation of the National Recovery Training Institute in Louisiana; to the Committee on Energy and Commerce.

292. Also, a memorial of the House of Representatives of the State of Kansas, relative to House Resolution No. 6029 memorializing the United States Congress to amend current law so that children of state employees are eligible for health care benefits under HealthWave; to the Committee on Energy and Commerce.

293. Also, a memorial of the Legislature of the State of Washington, relative to House Joint Memorial No. 4004 memorializing the United States Congress to pass the Calling for 211 Act, HR3111 and SB1630; to the Committee on Energy and Commerce.

294. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to Senate Joint Resolution No. 79 memorializing the United States Congress to enact the State Waste Empowerment and Enforcement Provision Act of 2003 (HR 1123); to the Committee on Energy and Commerce.

295. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 193 memorializing the United States Congress to increase the level of federal funds available to the states for DNA testing; to the Committee on the Judiciary.

296. Also, a memorial of the Legislature of the State of West Virginia, relative to House Concurrent Resolution No. 30 memorializing the United States Congress to broaden the eligibility categories of membership in veterans' organizations; to the Committee on the Judiciary.

¶37.32 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 290: Ms. VELAZQUEZ, Mr. SERRANO, Mr. BROWN of Ohio, and Mr. BURR.
H.R. 348: Mr. VITTER, Ms. BORDALLO, Ms. WATERS, and Mr. RODRIGUEZ.
H.R. 504: Mr. PAYNE.
H.R. 677: Mr. HYDE, Mr. NETHERCUTT, Mr. SHERMAN, Ms. WATERS, and Ms. WOOLSEY.
H.R. 685: Mr. ISRAEL and Mr. VAN HOLLEN.
H.R. 745: Mr. CARDOZA and Mr. DEUTSCH.
H.R. 767: Mr. MURPHY.
H.R. 792: Mrs. WILSON of New Mexico.
H.R. 814: Mr. CHANDLER.
H.R. 843: Mr. RODRIGUEZ.
H.R. 857: Mr. SHUSTER.
H.R. 879: Mr. STRICKLAND, Mr. DEFAZIO, and Mr. ROTHMAN.
H.R. 883: Mr. LIPINSKI.
H.R. 930: Mr. SIMMONS.
H.R. 980: Mr. MICHAUD.
H.R. 1057: Mr. KENNEDY of Minnesota.
H.R. 1084: Mrs. JO ANN DAVIS of Virginia.
H.R. 1117: Mr. HERGER.
H.R. 1160: Mr. MEEKS of New York, Mr. JOHN, and Mr. EMANUEL.
H.R. 1173: Mr. FEENEY and Mr. MILLER of Florida.
H.R. 1205: Mr. ALLEN, Mr. FILNER, Mr. BELL, and Mr. PALLONE.
H.R. 1233: Mr. BRADLEY of New Hampshire.
H.R. 1345: Mr. STARK.
H.R. 1359: Ms. WOOLSEY.
H.R. 1709: Ms. NORTON.
H.R. 1726: Mrs. MCCARTHY of New York.
H.R. 1746: Mr. TANNER.
H.R. 1749: Mr. PITTS.
H.R. 1779: Mrs. JO ANN DAVIS of Virginia, Ms. ROS-LEHTINEN, and Mr. SHAW.
H.R. 1873: Mr. MILLER of Florida, Mr. HASTINGS of Florida, and Mr. SESSIONS.
H.R. 2176: Mr. DAVIS of Florida.
H.R. 2198: Mr. SCHIFF.
H.R. 2455: Mr. ABERCROMBIE and Mr. SHERMAN.
H.R. 2490: Mrs. DAVIS of California.
H.R. 2612: Mr. REYES.
H.R. 2700: Ms. MILLENDER-MCDONALD.
H.R. 2719: Mr. BRADLEY of New Hampshire.
H.R. 2773: Mr. OWENS.
H.R. 2823: Mrs. CAPITO and Mr. HOLT.
H.R. 2863: Mr. CLYBURN.
H.R. 2890: Mr. WAMP.
H.R. 2971: Mr. CUMMINGS.
H.R. 3092: Mr. SHERMAN.
H.R. 3171: Mr. RANGEL.
H.R. 3242: Mr. BISHOP of New York, Mr. LOBIONDO, Mr. ANDREWS, Mr. HASTINGS of Washington, Mr. STUPAK, and Mr. MORAN of Virginia.
H.R. 3308: Mrs. BIGGERT and Mr. JOHNSON of Illinois.
H.R. 3352: Mr. SCOTT of Virginia.
H.R. 3359: Mr. ROTHMAN.
H.R. 3363: Mr. JOHN.
H.R. 3378: Mr. KILDEE, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Mrs. DAVIS of California, Mr. ALLEN, Mr. DEFAZIO, Mr. INSLEE, Mr. WELDON of Florida, Mr. SANDERS, Mr. GOSS, and Mr. GRIJALVA.
H.R. 3412: Mr. BARTLETT of Maryland.
H.R. 3441: Mr. MICHAUD, Mr. RAHALL, Mr. MARSHALL, Mr. BERRY, and Mr. WEINER.
H.R. 3444: Ms. LEE and Ms. WOOLSEY.
H.R. 3474: Mrs. DAVIS of California and Mr. ROTHMAN.
H.R. 3480: Mr. SHERMAN.
H.R. 3528: Mr. PASCRELL.
H.R. 3545: Mr. ALLEN.
H.R. 3612: Mr. FILNER.
H.R. 3619: Mr. COOPER, Mr. CHANDLER, Mr. MILLER of North Carolina, Mr. PRICE of North Carolina, and Mr. CLYBURN.
H.R. 3684: Mrs. MALONEY, Mr. BISHOP of New York, Mr. SIMMONS, Mr. SMITH of Washington, and Mr. ABERCROMBIE.
H.R. 3696: Mr. SANDLIN.
H.R. 3707: Mr. DUNCAN, Mr. BALLANCE, Mr. VISCLOSKY, Mr. WU, Ms. ROYBAL-ALLARD, Mr. LEVIN, and Mr. RAMSTAD.
H.R. 3712: Mrs. TAUSCHER, Ms. LEE, and Mr. LARSON of Connecticut.
H.R. 3736: Mr. DEMINT and Mr. DEFAZIO.
H.R. 3755: Mr. JEFFERSON.
H.R. 3777: Mr. TURNER of Texas.
H.R. 3795: Mr. RUPPERSBERGER, Mr. MILLER of Florida, Mr. ANDREWS, and Mr. BURNS.
H.R. 3798: Mr. ETHERIDGE, Mr. MICHAUD, Mr. GEORGE MILLER of California, Mr. INSLEE, and Ms. DELAURO.
H.R. 3800: Mr. MORAN of Kansas, Mr. ENGLISH, Mr. REHBERG, and Mr. HAYWORTH.

H.R. 3803: Mr. BERMAN and Mr. OWENS.
H.R. 3880: Mr. LYNCH, Mr. SIMMONS, and Mr. RANGEL.
H.R. 3881: Ms. SOLIS, Mr. CUMMINGS, Mr. ROSS, Mr. SANDERS, and Mr. HOLT.
H.R. 3901: Mr. GOODLATTE and Mr. SESSIONS.
H.R. 3950: Ms. GINNY BROWN-WAITE of Florida.
H.R. 3960: Mr. BELL, Mr. DAVIS of Illinois, Ms. SCHAKOWSKY, Mr. BRADY of Pennsylvania, and Mr. OWENS.
H.R. 3968: Mr. SANDERS.
H.R. 3980: Mr. LAMPSON, Mr. STENHOLM, Mr. MARIO DIAZ-BALART of Florida, Mr. GORDON, Mr. HONDA, Mr. SMITH of Texas, Mr. BOEHLERT, Mr. CASE, Mr. ACEVEDO-VILÁ, Mr. JOHN, Mr. MCINTYRE, Ms. JACKSON-LEE of Texas, Mr. BLUMENAUER, Mr. HILL, Mr. GOODE, Mr. COOPER, Mr. BURGESS, Ms. HART, Mr. COLE, Mr. SESSIONS, Ms. GRANGER, Mr. THORNBERRY, Mr. BRADY of Texas, Mr. SAM JOHNSON of Texas, and Mr. PEARCE.
H.R. 3990: Mr. KLECZKA.
H.R. 4023: Mr. JEFFERSON, Mr. HINOJOSA, Mr. GONZALEZ, Mr. BRADLEY of New Hampshire, Mr. MCNULTY, Mr. GRIJALVA, Mr. ROSS, and Mr. TURNER of Texas.
H.R. 4057: Mr. BURR.
H.R. 4061: Mr. BRADY of Pennsylvania.
H.R. 4076: Mr. DINGELL, Mrs. CAPPS, Mr. FILNER, Ms. LEE, Mr. MCDERMOTT, Mr. SANDERS, and Mr. GRIJALVA.
H.R. 4082: Mr. HOLT and Mr. MCDERMOTT.
H.R. 4095: Ms. LOFGREN, Mr. PAYNE, and Mr. OWENS.
H.R. 4101: Ms. ESHOO.
H.R. 4109: Mr. SIMMONS, Mr. ISSA, Mr. REYNOLDS, Mr. FOLEY, Mr. GIBBONS, Mrs. WILSON of New Mexico, and Mr. BURTON of Indiana.
H.R. 4116: Mr. WALSH, Mr. KING of New York, Mr. LATOURETTE, Mr. MCINTYRE, Mr. PORTER, Mr. BARRETT of South Carolina, Mr. PUTNAM, Mrs. JOHNSON of Connecticut, Mr. OSE, Mr. SULLIVAN, Ms. HART, Mr. CARTER, Mr. MURPHY, Mr. BONNER, Mr. AKIN, Mr. PENCE, Mr. PEARCE, Mr. COLE, Mr. KLINE, Mr. BOEHNER, Mr. ROGERS of Michigan, Mr. SHUSTER, Mr. FORBES, Mr. FRANKS of Arizona, Mrs. MYRICK, Mr. KNOLLENBERG, Mr. WELLER, Mr. ROHRABACHER, Mr. CALVERT, Mr. LEWIS of California, Mr. WILSON of South Carolina, Mr. MARIO DIAZ-BALART of Florida, Mrs. WILSON of New Mexico, Mr. EHLERS, Mr. HEFLEY, Mr. DEAL of Georgia, Mrs. BIGGERT, Mr. FARR, Mr. NEY, Mr. PETRI, Mr. MORAN of Virginia, Mr. PETERSON of Minnesota, Mr. HAYWORTH, Mr. DOOLITTLE, Mr. HERGER, Mr. BARTLETT of Maryland, Mr. SMITH of Michigan, Mr. UPTON, Mr. BASS, Mr. TIBERI, Mr. BURNS, and Mr. ISSA.
H.R. 4149: Ms. HART and Mr. VAN HOLLEN.
H.J. Res. 45: Mrs. TAUSCHER.
H.J. Res. 48: Mr. CALVERT.
H.J. Res. 83: Mr. FROST.
H. Con. Res. 285: Mr. BRADLEY of New Hampshire.
H. Con. Res. 366: Mr. ETHERIDGE, Mr. RODRIGUEZ, Mr. EMANUEL, Mr. LARSEN of Washington, and Mr. BERMAN.
H. Con. Res. 378: Mr. UDALL of Colorado, Mr. HONDA, Mr. OWENS, Ms. WATSON, Mr. KUCINICH, Ms. KAPTUR, Mr. RYAN of Ohio, Mr. GORDON, Mr. LAMPSON, Ms. SCHAKOWSKY, Mr. GRIJALVA, Mr. DOGGETT, Mr. JOHNSON of Illinois, Mr. RAHALL, Mr. UDALL of New Mexico, Mr. HOEKSTRA, Mr. HINCHEY, Mr. BURNS, and Ms. MCCOLLUM.
H. Con. Res. 396: Mr. KUCINICH and Ms. NORTON.
H. Con. Res. 399: Mr. MEEHAN, Mr. GRIJALVA, Mr. PAYNE, Mr. MCNULTY, Mr. EVANS, and Mr. GALLEGLY.
H. Con. Res. 403: Mr. ADERHOLT, Mr. TANCREDO, Mr. PAYNE, Mr. RANGEL, Mr. MCGOVERN, Mrs. CAPPS, Mr. SNYDER, Mr. ABERCROMBIE, Mr. FILNER, Mr. DEFAZIO, Mr. SMITH of New Jersey, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ALLEN, Mr. BACHUS, Mr. GREEN of Wisconsin, Mrs. TAUSCHER, Ms. ROYBAL-ALLARD, Mr. SHIMKUS, Mr. ROYCE, Mr. PITTS, Ms. SCHAKOWSKY, Mr. NEUGEBAUER, Mr. AKIN, Mr. KIRK, Ms. WOOLSEY, and Mr. ENGLISH.
H. Con. Res. 406: Ms. HARRIS.
H. Res. 307: Mr. MCNULTY.
H. Res. 419: Mr. FRANK of Massachusetts.
H. Res. 466: Mr. TOWNS, Mr. BERMAN, and Mr. PASCRELL.
H. Res. 528: Mr. MANZULLO, Mr. DAVIS of Illinois, and Mr. MENENDEZ.
H. Res. 550: Mr. NEAL of Massachusetts, Mr. WAMP, Mr. SIMMONS, Mrs. TAUSCHER, and Mr. HEFLEY.
H. Res. 567: Mr. BOUCHER, Mr. STARK, Mr. BISHOP of New York, Mr. BELL, Mr. GONZALEZ, Mr. BARRETT of South Carolina, Mr. SOUDER, Mr. PETRI, Mr. BRADLEY of New Hampshire, Mr. PICKERING, Mr. BACHUS, Mr. BARTLETT of Maryland, Ms. BALDWIN, Mr. KLECZKA, Mr. DUNCAN, Mr. WALDEN of Oregon, Mr. TANNER, Mr. WOLF, Mr. TIBERI, Mr. HULSHOF, Mr. SMITH of Washington, Mr. KENNEDY of Rhode Island, Mr. TURNER of Texas, Mr. ISAKSON, Ms. MCCARTHY of Missouri, Mr. LEACH, Mr. BOYD, Mr. BASS, Mrs. MUSGRAVE, Mr. FILNER, Mr. BERRY, and Mr. CULBERSON.

¶37.33 PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

77. The SPEAKER presented a petition of Amon Re, a Citizen of Albuquerque, New Mexico, relative to a letter and complaint directed to the United States federal government and its Congress; to the Committee on the Judiciary.

78. Also, a petition of Gregory T. Howard, a Citizen of Toledo, Ohio, relative to a letter discussing a legal matter; to the Committee on the Judiciary.

79. Also, a petition of Deputy Secretary, Department of Natural Resources, State of Louisiana, relative to the 2003 Evaluation Report to the U.S. Congress on the Effectiveness of Coastal Wetlands Planning, Protection and Restoration Act Projects on behalf of the Louisiana Coastal Wetlands Conservation and Restoration Task Force; jointly to the Committees on Resources and Transportation and Infrastructure.

¶37.34 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4090: Mr. ENGLISH.

THURSDAY, APRIL 22, 2004 (38)

The House was called to order by the SPEAKER.

¶38.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, April 21, 2004.

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

¶38.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

7715. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Extra Long Staple Cotton Outside Storage and Strength Adjustment for Loan (RIN: 0560-AH03) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7716. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Tuberculosis in Cattle and Bison; State and Zone Designations; Delay of Compliance Date [Docket No. 03-072-2] received March 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7717. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Japanese Beetle; Domestic Quarantine and Regulations [Docket No. 03-057-2] received March 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7718. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule — Animal Welfare; Transportation of Animals on Foreign Air Carriers [Docket No. 02-012-2] (RIN: 0579-AB51) received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7719. A letter from the Director, Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule — Emergency Conservation Program (RIN: 0560-AG26) received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7720. A letter from the Director, Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule — Tree Assistance Program (RIN: 0560-AG83) received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7721. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule — Electronic Commerce; Organization; Standards of Conduct and Referral of Known or Suspected Criminal Violations; Loan Policies and Operations; Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Borrower Rights (RIN: 3052-AB69) received March 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7722. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule — Loan Policies and Operations; Borrower Rights; Effective Interest Rate Disclosure (RIN: 3052-AC04) received April 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7723. A letter from the Secretary, Department of Homeland Security, transmitting a report of a violation of the Antideficiency Act which occurred in the Coast Guard's annual Operating Expenses appropriation accounts, pursuant to 31 U.S.C. 1341; to the Committee on Appropriations.

7724. A letter from the Principal Deputy Under Secretary of Defense, Department of Defense, transmitting Authorization of the enclosed list of officers to wear the insignia of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

7725. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Truth in Lending [Regulation Z; Docket No. R-1167] received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7726. A letter from the Legal Counsel, CDFI Fund, Department of the Treasury, transmitting the Department's final rule — Notice of Funds Availability (NOFA) inviting applications for the FY 2004 funding round of the Financial Assistance Component of the

Community Development Financial Institutions Program — received March 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7727. A letter from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting the Department's final rule — Imposition of Special Measures Against Burma — received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7728. A letter from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting the Department's final rule — Imposition of Special Measures Against Myanmar Mayflower bank and Asia Wealth Bank (RIN: 1506-AA63) received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7729. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-P-7634] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7730. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received March 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7731. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7732. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7829] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7733. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7734. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7735. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — List of Communities Eligible for the Sale of Flood Insurance [Docket No. FEMA-7770] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7736. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7827] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7737. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7738. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7739. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received March 31, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7740. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7444] received March 31, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7741. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7742. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7743. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-D-7553] received April 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7744. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Implementation of Requirement in HUD Programs for Use of Data Universal Numbering System (DUNS) Identifier [Docket No. FR-4876-I-01] (RIN: 2501-AD01) received April 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7745. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Changes in Maximum Mortgage Limits for Multifamily Housing [Docket No. FR-4913-F-01] (RIN: 2502-AI19) received March 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7746. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — FHA Inspector Roster [Docket No. FR-4720-F-02] (RIN: 2502-AH76) received March 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7747. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Eligibility of Adjustable Rate Mortgages [Docket No. FR-4745-F-02] (RIN: 2502-AH84) received March 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7748. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Home Equity Conversion Mortgage (HECM) Program; Insurance for Mortgages to Refinance Existing HECM's [Docket No. FR-4667-1-02] (RIN: 2502-AH63) received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7749. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting the annual report to Congress on the operations of the Export-Import Bank of the United States for Fiscal Year 2003, which includes an addendum containing information (as required by the Ex-Im Bank's 2002 reauthorization) on the status of the Bank's information technology and small business outreach, pursuant to 12 U.S.C. 635g(a); to the Committee on Financial Services.

7750. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Prompt Corrective Action; Corporate Credit Unions; Credit Union Service Organizations; Member Business Loans; Regulatory Flexibility Program — received April 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7751. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Share Insurance; Living Trust Accounts — received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7752. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Surety and Guaranty; Maximum Borrowing Authority — received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7753. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Organization and Operations of Federal Credit Unions — received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7754. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Share Insurance and Appendix — received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7755. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Conversion of Insured Credit Unions to Mutual Savings Banks — received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7756. A letter from the Assistant Secretary, Office of Vocational and Adult Education, Department of Education, transmitting the Department's final rule — Smaller Learning Communities Program (RIN: 1830-ZA04) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7757. A letter from the Secretary, Department of Energy, transmitting the Department's Annual Report on Federal Government Energy Management and Conservation Programs during Fiscal Year 2001, pursuant to 42 U.S.C. 6361(c); to the Committee on Energy and Commerce.

7758. A letter from the Secretary, Department of Energy, transmitting draft of proposed legislation ''To reclassify fees paid into the Nuclear Waste Fund as offsetting collections, and for other purposes''; to the Committee on Energy and Commerce.

7759. A letter from the Special Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Crowell, Bonham, Bridgeport, Palestine, Ranger, Stephenville, Wellington, Texas; Apache, Ardmore, Bennington, Cache, Elk City, Lawton, Oklahoma) [MM Docket No. 01-293; RM-10302; RM-10547] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7760. A letter from the Special Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the

Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Clarksville, Texas and Haworth, Oklahoma) [MM Docket No. 01-182; RM-10202] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7761. A letter from the Special Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Ash Fork, Chino Valley, Dolan Springs, Fredonia, Gilbert, Peach Springs, Seligman and Tusayan, Arizona, Moapa Valley, Nevada, and Beaver and Cedar City, Utah) [MM Docket No. 02-12; RM-10356; RM-10551; RM-10553; RM-10554] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7762. A letter from the Special Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Sheffield, Texas) [MB Docket No. 02-350; RM-10600] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7763. A letter from the Special Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Encinal, Texas) [MM Docket No. 01-152; RM-10168] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7764. A letter from the Special Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Boradcast Stations. (Winnsboro and Annona, Texas) [MM Docket No. 01-189; RM-10204] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7765. A letter from the Senior Legal Advisor to Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Nampa, Idaho) [MM Docket No. 01-54; RM-9918] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7766. A letter from the Senior Legal Advisor, Chief Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 76.51 Of the Commission's Rules To Include Merced and Porterville, California in the Fresno-Visalia-Hanford Clovis Television Market [CS Docket No. 00-1] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7767. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Freer, Hebbronville, and Orange Grove, Texas) [MB Docket No. 02-260; RM-10502; RM-10853] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7768. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Fort Collins, Westcliffe and Wheat Ridge, Colorado) [MB Docket No. 03-57; RM-10565] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7769. A letter from the Chief Financial Officer, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Parts 0 and 1 of the Commission's Rules; Implementation of the Debt Collection Improvement Act of 1996 and Adoption of Rules Governing Applications or Requests for Benefits by Deliquent Debtors [MD Docket No. 02-339] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7770. A letter from the Chairman, Nuclear Regulatory Commission, transmitting in accordance with the provisions of Section 261 of the Atomic Energy Act of 1954 (42 U.S.C. 2017), Section 305 of the Energy Reorganization Act of 1974 (42 U.S.C. 5875), and Section 108 of the Inspector General Act of 1988 (31 U.S.C. 105(a)(25)), proposed legislation which authorizes appropriations for FY 2003; to the Committee on Energy and Commerce.

7771. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Addition of Aruba, Netherlands Antilles, East Timor, and Democratic Republic of the Congo, and Update of Country Names, in the Export Administration Regulations [Docket No. 040330104-4104-01] (RIN: 0694-AC83) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7772. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report describing conditions in Hong Kong that are of interest to the United States, covering the period from April 1, 2003, to March 31, 2004, pursuant to Public Law 104—107, section 576; to the Committee on International Relations.

7773. A letter from the Acting Assistant Administrator for Administration and Resources Management, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7774. A letter from the Acting Assistant Administrator for Administration and Resources Management, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7775. A letter from the Acting Assistant Administrator for Administration and Resources Management, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7776. A letter from the Acting Assistant Administrator for Administration and Resources Management, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7777. A letter from the Acting Assistant Administrator for Administration and Resources Management, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7778. A letter from the Acting Assistant Administrator for Administration and Resources Management, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7779. A letter from the Chairman, Tennessee Valley Authority, transmitting the Authority's Annual Performance Report for FY 2003, in accordance with the requirements of the Government Performance and Results Act of 1993; to the Committee on Government Reform.

7780. A letter from the Administrator, Federal Aviation Administration, transmitting Progress of the aircraft cabin air quality activities, pursuant to 49 U.S.C. 40101nt; to the Committee on Transportation and Infrastructure.

7781. A letter from the Assistant Secretary, Occupational Safety and Health Administration, Department of Labor, transmitting the Department's final rule — Procedures for the Handling of Discrimination Complaints under Section 6 of the Pipeline Safety Improvement Act of 2002 (RIN: 1218-AC12) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7782. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendment [Docket No. 30407; Amdt. No. 447] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7783. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Benton, KS. [Docket No. FAA-2003-16756; Airspace Docket No. 03-ACE-94] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7784. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Manual Requirements in Part 135; Correction [Docket No. FAA-2004-17119] received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7785. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Anti-drug and Alcohol Misuse Prevention Programs for Personnel Engaged in Specified Aviation Activities [Docket No. FAA-2002-11301; Notice No. 04-05] received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7786. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30405; Amdt. No. 3090] received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7787. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendment [Docket No. 30406; Amdt. No. 3091] received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7788. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-14, DC-9-15, and DC-9-15F Airplanes; Model DC-9-20, -30, -40, and -50 Series Airplanes; and Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), DC-9-87 (MD-87), MD-88, and MD-90-30 Airplanes [Docket No. FAA-2003-16647; Directorate Docket No. 2002-NM-203-AD; Amendment 39-13520; AD 2004-05-25] (RIN: 2120-AA64) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7789. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lycoming Engines (Formerly Testron Lycoming) AEIO-540, 10-540, LTIO-540, O-540, and TIO-540 Series Reciprocating Engines [Docket No. 2002-NE-31-AD; Amendment 39-13519; AD 2004-05-24] (RIN: 2120-AA64) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7790. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Lancair Company

Models LC40-550FG and LC42-550FG Airplanes [Docket No. 2004-CE-07-AD; Amendment 39-13535; AD 2004-06-09] (RIN: 2120-AA64) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7791. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Series Airplanes [Docket No. 2004-NM-43-AD; Amendment 39-13546; AD 2004-07-02] (RIN: 2120-AA64) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7792. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Mystere-Falcon 50 Series Airplanes [Docket No. 2002-NM-232-AD; Amendment 39-13547; AD 2004-07-03] (RIN: 2120-AA64) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7793. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited (Jetstram) Model 4101 Airplanes [Docket No. 2002-NM-63-AD; Amendment 39-13543; AD 2004-06-17] (RIN: 2120-AA64) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7794. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-100 Series Airplanes [Docket No. 2002-NM-300-AD; Amendment 39-13542; AD 2004-06-16] (RIN: 2120-AA64) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7795. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Construction or Alteration in the Vicinity of the Private Residence of the President of the United States [Docket No. FAA-2003-14972; Special Federal Aviation Regulation No. 98] (RIN: 2120-AH83) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7796. A letter from the Senior Attorney, RSPA, Department of Transportation, transmitting the Department's final rule — Harmoniation with the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions [Docket No. RSPA-03-13658(HM-215E)] (RIN: 2137-AD41) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7797. A letter from the Chairman, Federal Maritime Commission, transmitting the 42nd Annual Report of the Federal Maritime Commission for fiscal year 2003, pursuant to 46 U.S.C. app. 1118; to the Committee on Transportation and Infrastructure.

7798. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's final rule — Optional Rider for Proof of Additional NVOCC Financial Responsibility [Docket No. 04-02] received April 13, 1004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7799. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule — Regulations Governing Fees for Service Performed in Connection with Licensing and Related Services-2002 New Fees — received April 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7800. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule — Electronic Filing Option for Certain Documents — received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7801. A letter from the Acting Director, NIST, Department of Commerce, transmitting the Department's final rule — Professional Research Experience Program (PREP); Availability of Funds [Docket No.: 040318097-4097-01] (RIN: 0693-ZA57) received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7802. A letter from the Acting Director, NIST, Department of Commerce, transmitting the Department's final rule — Small Grant Programs; Availability of Funds [Docket No.:040205042-4042-01] (RIN: 0693-ZA54) received March 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7803. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Government Property — Instructions for Preparing NASA Form 1018 (RIN: 2700-AC73) received April 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7804. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — NASA Grant and Cooperative Agreement Handbook — Grant and Cooperative Agreement Announcement Numbering (RIN: 2700-AC98) received April 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7805. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Performance Period Limitations (RIN: 2700-AC94) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7806. A letter from the Deputy Assistant Administrator, OAR, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — NOAA Climate and Global Change Program, FY 2005 Program Announcement [Docket No. 000616180-4095-08] (RIN: 0648-ZA91) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7807. A letter from the Secretary, Department of Labor, transmitting the first report of the President's National Hire Veterans Committee, pursuant to 38 U.S.C. 4100 Note; to the Committee on Veterans' Affairs.

7808. A letter from the Secretary, Department of State, transmitting the 2003 Annual Report on United Nations voting practices, pursuant to 22 U.S.C. 2414a; jointly to the Committees on International Relations and Appropriations.

¶38.3 RECESS FOR RECEPTION OF FORMER MEMBERS—9:08 A.M.

The SPEAKER, pursuant to the to the special order agreed to on April 20, 2004, declared the House in recess at 9 o'clock and 8 minutes a.m., subject to the call of the Chair.

¶38.4 AFTER RECESS—10:45 A.M.

The SPEAKER pro tempore, Mr. LAHOOD, called the House to order.

¶38.5 PROCEEDINGS DURING RECESS

On motion of Mr. KLINE, by unanimous consent, the proceedings had during the recess to receive former Members were ordered to be printed in the RECORD.

¶38.6 ORDER OF BUSINESS—CONSIDERATION OF H.R. 2844

On motion of Mr. HASTINGS of Washington, by unanimous consent,

Ordered, That during consideration of the bill (H.R. 2844) to require States to hold special elections to fill vacancies in the House of Representatives not later than 21 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes, pursuant to House Resolution 602, that the committee amendment in the nature of a substitute recommended by the Committee on the Judiciary be considered as an original bill for the purpose of amendment; and that the amendment placed at the desk be in order in lieu of the amendment printed in part B of House Report 108–466 and numbered 3.

¶38.7 PROVIDING FOR THE CONSIDERATION OF H.R. 2844

Mr. HASTINGS of Washington, by direction of the Committee on Rules, called up the following resolution (H. Res. 602):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2844) to require States to hold special elections to fill vacancies in the House of Representatives not later than 21 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 3(c)(4) of rule XIII are waived. General debate shall be confined to the bill and shall not exceed 60 minutes, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any

amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

Mr. HASTINGS of Washington moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Mr. FROST objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 210 / Nays ..... 198 }

¶38.8 [Roll No. 126]

YEAS—210

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

NAYS—198

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hill
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—25

Carter
Davis, Tom
DeMint
Duncan
Edwards
Forbes
Fossella
Gallegly
Gephardt
Greenwood
Hall
Hastings (FL)
Hinojosa
Hulshof
Hunter
Jackson-Lee (TX)
Lucas (KY)
Millender-McDonald
Miller (FL)
Mollohan
Peterson (PA)
Pombo
Shuster
Tauzin
Toomey

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Mr. FROST demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 212 / Nays ..... 197 }

¶38.9 [Roll No. 127]

AYES—212

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

NOES—197

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn

Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hill
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—24

Cannon
Carter
Davis, Tom
DeMint
Duncan
Edwards
Forbes
Gallegly
Gephardt
Greenwood
Hastings (FL)
Hinojosa
Hulshof
Hunter
Jackson-Lee (TX)
Lucas (KY)
Millender-McDonald
Mollohan
Peterson (PA)
Pombo
Shuster
Strickland
Tauzin
Toomey

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶38.10 CONTINUITY IN REPRESENTATION

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to House Resolution 602 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2844) to require States to hold special elections to fill vacancies in the House of Representatives not later than 21 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes.

The SPEAKER pro tempore, Mr. LAHOOD, by unanimous consent, designated Mr. SIMPSON as Chairman of the Committee of the Whole; and after some time spent therein,

¶38.11 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, submitted by Mr. LARSON of Connecticut:

In section 26(b)(2) of the Revised Statutes of the United States, as proposed to be added by the bill, strike ''45 days'' and insert ''75 days''.

It was decided in the negative ..... { Yeas ..... 179 / Nays 229

¶38.12 [Roll No. 128]

AYES—179

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardoza
Carson (IN)
Carson (OK)
Chandler
Clay
Conyers
Cooper
Costello
Cramer
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hill
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wu
Wynn

NOES—229

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

NOT VOTING—25

Cardin
Carter
Clyburn
DeMint
Duncan
Forbes
Gallegly
Gephardt
Goss
Hastings (FL)
Hinchey
Hinojosa
Hulshof
Jackson-Lee (TX)
Jones (OH)
Millender-McDonald
Mollohan
Peterson (PA)
Pombo
Shuster
Smith (MI)
Sullivan
Tauzin
Toomey
Young (AK)

So the amendment was not agreed to.

¶38.13 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2, submitted by Mr. LARSON of Connecticut:

Amend paragraph (3) of section 26(b) of the Revised Statutes of the United States, as proposed to be added by the bill, to read as follows:

''(3) ELIGIBILITY OF CANDIDATES.—

''(A) IN GENERAL.—A candidate shall be eligible to run in a special election held in a State under this subsection if the candidate meets such requirements as may apply under State law.

''(B) EXTENSION OF DEADLINE FOR ELECTION.—A State may extend the deadline provided under paragraph (2) for a special election to the extent the State considers necessary to prepare balloting materials and distribute absentee ballots which include the

names of all eligible candidates, and to otherwise ensure that all eligible candidates are given sufficient time to prepare for and participate in the election.''.

It was decided in the negative ..... { Yeas ..... 188 / Nays 217

¶38.14 [Roll No. 129]

AYES—188

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardoza
Carson (IN)
Carson (OK)
Chandler
Clay
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hefley
Hill
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wu
Wynn

NOES—217

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

NOT VOTING—28

Cardin
Carter
Clyburn
Collins
Cox
DeMint
Duncan
Emerson
Forbes
Gallegly
Gephardt
Goss
Hastings (FL)
Hinchey
Hinojosa
Hulshof
Jackson-Lee (TX)
Jones (OH)
Millender-McDonald
Mollohan
Neugebauer
Peterson (PA)
Pombo
Shuster
Smith (MI)
Tauzin
Toomey
Young (AK)

So the amendment was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. LAHOOD, assumed the Chair.

When Mr. SIMPSON, Chairman, pursuant to House Resolution 602, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Continuity in Representation Act of 2004''.

SEC. 2. REQUIRING SPECIAL ELECTIONS TO BE HELD TO FILL VACANCIES IN HOUSE IN EXTRAORDINARY CIRCUMSTANCES.

Section 26 of the Revised Statutes of the United States (2 U.S.C. 8) is amended—

(1) by striking ''The time'' and inserting ''(a) IN GENERAL.—Except as provided in subsection (b), the time''; and

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

''(b) SPECIAL RULES IN EXTRAORDINARY CIRCUMSTANCES.—

''(1) IN GENERAL.—In extraordinary circumstances, the executive authority of any State in which a vacancy exists in its representation in the House of Representatives shall issue a writ of election to fill such vacancy by special election.

''(2) TIMING OF SPECIAL ELECTION.—A special election held under this subsection to fill a vacancy shall take place not later than 45 days after the Speaker of the House of Representatives announces that the vacancy exists, unless a regularly scheduled general election for the office involved is to be held at any time during the 75-day period which begins on the date of the announcement of the vacancy.

''(3) NOMINATIONS BY PARTIES.—If a special election is to be held under this subsection, not later than 10 days after the Speaker announces that the vacancy exists, the political parties of the State that are authorized to nominate candidates by State law may each nominate one candidate to run in the election.

''(4) EXTRAORDINARY CIRCUMSTANCES.—

''(A) IN GENERAL.—In this subsection, 'extraordinary circumstances' occur when the Speaker of the House of Representatives announces that vacancies in the representation from the States in the House exceed 100.

''(B) JUDICIAL REVIEW.—If any action is brought for declaratory or injunctive relief to challenge an announcement made under subparagraph (A), the following rules shall apply:

''(i) Not later than 2 days after the announcement, the action shall be filed in the United States District Court having jurisdiction in the district of the Member of the House of Representatives whose seat has been announced to be vacant and shall be heard by a 3-judge court convened pursuant to section 2284 of title 28, United States Code.

''(ii) A copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives.

''(iii) A final decision in the action shall be made within 3 days of the filing of such action and shall not be reviewable.

''(iv) The executive authority of the State that contains the district of the Member of the House of Representatives whose seat has been announced to be vacant shall have the right to intervene either in support of or opposition to the position of a party to the case regarding the announcement of such vacancy.

''(5) PROTECTING ABILITY OF ABSENT MILITARY AND OVERSEAS VOTERS TO PARTICIPATE IN SPECIAL ELECTIONS.—

''(A) DEADLINE FOR TRANSMITTAL OF ABSENTEE BALLOTS.—In conducting a special election held under this subsection to fill a vacancy in its representation, the State shall ensure to the greatest extent practicable (including through the use of electronic means) that absentee ballots for the election are transmitted to absent uniformed services voters and overseas voters (as such terms are defined in the Uniformed and Overseas Citizens Absentee Voting Act) not later than 15 days after the Speaker of the House of Representatives announces that the vacancy exists.

''(B) PERIOD FOR BALLOT TRANSIT TIME.—Notwithstanding the deadlines referred to in paragraphs (2) and (3), in the case of an individual who is an absent uniformed services voter or an overseas voter (as such terms are defined in the Uniformed and Overseas Citizens Absentee Voting Act), a State shall accept and process any otherwise valid ballot or other election material from the voter so long as the ballot or other material is received by the appropriate State election official not later than 45 days after the State

transmits the ballot or other material to the voter.

''(6) RULE OF CONSTRUCTION REGARDING FEDERAL ELECTION LAWS.—Nothing in this subsection may be construed to affect the application to special elections under this subsection of any Federal law governing the administration of elections for Federal office (including any law providing for the enforcement of any such law), including, but not limited to, the following:

''(A) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.), as amended.

''(B) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.), as amended.

''(C) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.), as amended.

''(D) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), as amended.

''(E) The Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), as amended.

''(F) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), as amended.

''(G) The Help America Vote Act of 2002 (42 U.S.C. 15301 et seq.), as amended.''.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. WATT moved to recommit the bill to the Committee on House Administration with instructions to report the bill back to the House forthwith with the following amendment:

In section 26(b) of the Revised Statutes of the United States, as proposed to be added by the bill, add at the end the following new paragraph:

''(5) RULE OF CONSTRUCTION REGARDING FEDERAL ELECTION LAWS.—Nothing in this subsection may be construed to affect the application to special elections under this subsection of any Federal law governing the administration of elections for Federal office (including any law providing for the enforcement of any such law), including, but not limited to, the following:

''(A) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.), as amended.

''(B) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.), as amended.

''(C) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.), as amended.

''(D) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), as amended.

''(E) The Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), as amended.

''(F) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), as amended.

''(G) The Help America Vote Act of 2002 (42 U.S.C. 15301 et seq.), as amended.''.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the ayes had it.

So the motion to recommit with instructions was agreed to.

Mr. SENSENBRENNER, on behalf of the Committee on House Administration and pursuant to the foregoing order of the House reported the bill back to the House with said amendment.

The question being put, viva voce,

Will the House agree to said amendment?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

So the amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Mr. SENSENBRENNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 306 / Nays ..... 97 }

¶38.15 [Roll No. 130]

YEAS—306

Abercrombie
Ackerman
Aderholt
Akin
Baca
Bachus
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole
Conyers
Cooper
Costello
Cox
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emerson
Engel
English
Etheridge
Everett
Fattah
Feeney
Ferguson
Flake
Foley
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoeffel
Hoekstra
Holden
Hooley (OR)
Hostettler
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jefferson
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Latham
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McHugh
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sandlin
Saxton
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Velázquez
Vitter
Walden (OR)
Walsh
Wamp
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (FL)

NAYS—97

Alexander
Allen
Andrews
Baird
Baldwin
Bell
Berkley
Berry
Brady (PA)
Brown (OH)
Clay
Cramer
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeGette
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Emanuel
Eshoo
Evans
Farr
Filner
Frost
Gonzalez
Gordon
Grijalva
Gutierrez
Hefley
Hill
Holt
Honda
Hoyer
Inslee
Jackson (IL)
John
Johnson (CT)
Johnson, E. B.
Kaptur
Kennedy (RI)
Kilpatrick
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Lucas (OK)
Lynch
Majette
Matsui
McCollum
McDermott
McGovern
McInnis
Meehan
Menendez
Michaud
Miller, George
Nadler
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pelosi
Peterson (MN)
Pomeroy
Rohrabacher
Ross
Rothman
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Schiff
Serrano
Slaughter
Solis
Stark
Strickland
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Tierney
Van Hollen
Visclosky
Waters
Watson
Waxman
Woolsey

NOT VOTING—30

Boehlert
Cardin
Carter
Clyburn
Collins
Delahunt
DeMint
Duncan
Forbes
Gallegly
Gephardt
Hastings (FL)
Hinchey
Hinojosa
Houghton
Hulshof
Jackson-Lee (TX)
Jones (OH)
Millender-McDonald
Mollohan
Nunes
Payne
Peterson (PA)
Pombo
Shuster
Smith (MI)
Tauzin
Taylor (NC)
Toomey
Young (AK)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

By unanimous consent, the title was amended so as to read: ''An Act to require States to hold special elections to fill vacancies in the House of Representatives not later than 45 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes.''.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶38.16 ADJOURNMENT OVER

On motion of Mr. DELAY, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Monday, April 26, 2004 at noon; and further, that when the House adjourns on Monday, April 26, 2004, it adjourn to meet at 12:30 p.m. on Tuesday, April 27, 2004, for morning-hour debate.

¶38.17 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. DELAY, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, April 28, 2004, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶38.18 COMMUNICATION FROM THE MINORITY LEADER—APPOINTMENT—HELP AROUND THE WORLD COMMISSION

The SPEAKER pro tempore, Mr. LAHOOD, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
April 21, 2004.

Hon. J. DENNIS HASTERT,
Speaker of the House,
House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 637(d)(1) of the HELP Commission Act (P.L. 108–199), I hereby appoint Mr. Lynn C. Fritz of California, Mr. C. Payne Lucas of Washington, D.C. and Mr. Jeffery D. Sachs of New York, to the Helping To Enhance The Livelihood Of People (HELP) Around The Globe Commission.

Best regards,

NANCY PELOSI.

¶38.19 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Evans, one of his secretaries.

¶38.20 MESSAGE FROM THE PRESIDENT—SCIENCE AND ENGINEERING INDICATORS-2004

The SPEAKER pro tempore, Mr. BURNS, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Consistent with 42 U.S.C. 1863(j)(1), I transmit herewith a report prepared for the Congress and the Administration by the National Science Board entitled, ''Science and Engineering Indicators—2004.'' This report represents the sixteenth in the series examining key aspects of the status of science and engineering in the United States.

GEORGE W. BUSH.

THE WHITE HOUSE, *April 22, 2004.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Science.

¶38.21 BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on April 22, 2004, he presented to the President of the United States, for his approval, the following bills.

H.R. 1274. An Act to direct the Administrator of General Services to convey to Fresno County, California, the existing Federal courthouse in that county.

H.R. 2489. An Act to provide for the distribution of judgment funds to the Cowlitz Indian Tribe.

H.R. 3118. An Act to designate the Orville Wright Federal Building and the Wilbur Wright Federal Building in Washington, District of Columbia.

¶38.22 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. CARDIN, for today after 3 p.m.;

To Ms. JACKSON-LEE of Texas, for today; and

To Mr. TAUZIN, for the week of April 19.

And then,

¶38.23 ADJOURNMENT

On motion of Mr. KING of Iowa, pursuant to the previous order of the House, at 8 o'clock and 34 minutes p.m., the House adjourned until noon on Monday, April 26, 2004.

¶38.24 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. House Concurrent Resolution 388. Resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service (Rept. 108–467). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. House Concurrent Resolution 389. Resolution authorizing the use of the Capitol Grounds for the D.C. Special Olympics Law Enforcement Torch Run (Rept. 108–468). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. House Concurrent Resolution 376. Resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby (Rept. 108–469). Referred to the House Calendar.

¶38.25 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ISTOOK:

H.R. 4193. A bill to amend the Internal Revenue Code of 1986 to allow for the expansion of areas designated as renewal communities based on 2000 census data and to treat certain census tracts with low populations as low-income communities for purposes of the new markets tax credit; to the Committee on Ways and Means.

By Mrs. CUBIN:

H.R. 4194. A bill to reduce temporarily the royalty required to be paid for sodium produced on Federal lands, and for other purposes; to the Committee on Resources.

By Mr. MENENDEZ (for himself, Mr. HOLT, Mr. PALLONE, Mr. ANDREWS, Mr. PASCRELL, Mr. ROTHMAN, and Mr. PAYNE):

H.R. 4195. A bill to amend part D of title XVIII of the Social Security Act to improve the coordination of prescription drug coverage provided under retiree plans and State pharmaceutical assistance programs with the prescription drug benefit provided under the Medicare Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIRK:

H.R. 4196. A bill to authorize the conveyance of certain environmentally sensitive land at former Fort Sheridan, Illinois, for the purpose of ensuring the permanent protection of the lands; to the Committee on Armed Services.

By Mr. BONNER:

H.R. 4197. A bill to suspend temporarily the duty on othro nitro aniline; to the Committee on Ways and Means.

By Mr. BONNER:

H.R. 4198. A bill to suspend temporarily the duty on Bis (2,2,6,6,-tetramethyl-4-piperidyl) sebaceate; to the Committee on Ways and Means.

By Mr. BONNER:

H.R. 4199. A bill to suspend temporarily the duty on 2,5-thiophenediybis(5-tert-butyl-1,3-benzoxazole); to the Committee on Ways and Means.

By Mr. HUNTER (for himself and Mr. SKELTON) (both by request):

H.R. 4200. A bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2005, and for other purposes; to the Committee on Armed Services.

By Mr. BONNER:

H.R. 4201. A bill to suspend temporarily the duty on Tetrakis ((2,4-di-tert-butylphenyl)4,4-biphenylenediphonite); to the Committee on Ways and Means.

By Mr. BOUCHER (for himself, Mr. MORAN of Virginia, and Mr. TOM DAVIS of Virginia):

H.R. 4202. A bill to designate additional National Forest System lands in the State of Virginia as wilderness, to establish the Seng Mountain and Crawfish Valley Scenic Areas, to provide for the development of trail plans for the wilderness areas and scenic areas, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COBLE:

H.R. 4203. A bill to suspend temporarily the duty on nitrocellulose; to the Committee on Ways and Means.

By Mr. CONYERS (for himself, Mr. BERMAN, Mr. NADLER, Mr. WATT, Ms. LOFGREN, Ms. JACKSON-LEE of Texas, Ms. WATERS, Mr. MEEHAN, Mr. DELAHUNT, Mr. WEXLER, Ms. BALDWIN, Mr. WEINER, Mr. SCHIFF, Ms. LINDA T. SANCHEZ of California, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Mr. BACA, Mr. BAIRD, Mr. BECERRA, Mr. BELL, Ms. BERKLEY, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. BLUMENAUER, Mrs. BONO, Mr. BOSWELL, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDIN, Ms. CARSON of Indiana, Mr. CASE, Mrs. CHRISTENSEN, Mr. CLAY, Mr. COOPER, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. DAVIS of Florida, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DEGETTE, Ms. DELAURO, Mr. DEUTSCH, Mr. DICKS, Mr. DINGELL, Mr. DOGGETT, Mr. DOYLE, Mr. EMANUEL, Mr. ENGEL, Ms. ESHOO, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. FOLEY, Mr. FORD, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GEPHARDT, Mr. GONZALEZ, Mr. GRIJALVA, Mr. GUTIERREZ, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HOEFFEL, Mr. HOLT, Mr. HONDA, Mr. HOYER, Mr. INSLEE, Mr. ISRAEL, Mr. JACKSON of Illinois, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JOHNSON of Connecticut, Mrs. JONES of Ohio, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. KIND, Mr. KLECZKA, Mr. KOLBE, Mr. KUCINICH, Mr. LAMPSON, Mr. LANGEVIN, Mr. LANTOS, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Mr. LEACH, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LOBIONDO, Mrs. LOWEY, Mr. LYNCH, Ms. MAJETTE, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mrs. MALONEY, Mr. MARKEY, Mr. MATHESON, Mr. MATSUI, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. MENENDEZ, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. MOLLOHAN, Mr. MOORE, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR, Mr. PAYNE, Ms. PELOSI, Mr. PRICE of North Carolina, Mr. RANGEL, Mr. RODRIGUEZ, Ms. ROS-LEHTINEN, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUPPERSBERGER, Mr. RUSH, Mr. SABO, Mr. SANDERS, Ms. LORETTA SANCHEZ of California, Mr. SANDLIN, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. SHAYS, Mr. SHERMAN, Mr. SIMMONS, Mr. SKELTON, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. SNYDER, Ms. SOLIS, Mr. SPRATT, Mr. STARK, Mr. STRICKLAND, Mr. STUPAK, Mrs. TAUSCHER, Mr. THOMPSON of California, Mr. THOMPSON of Mississippi, Mr. TIERNEY, Mr. TOWNS, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Ms. VELAZQUEZ, Mr. VISCLOSKY, Mr. WALSH, Ms. WATSON, Mr. WAXMAN, Ms. WOOLSEY, Mr. WU, and Mr. WYNN):

H.R. 4204. A bill to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; to the Committee on the Judiciary.

By Mr. COX:

H.R. 4205. A bill to amend the Internal Revenue Code of 1986 to allow a credit for the installation of hydrogen fueling stations; to the Committee on Ways and Means.

By Mr. CUNNINGHAM (for himself, Mr. MARKEY, Mr. MATSUI, and Mr. LEWIS of California):

H.R. 4206. A bill to provide for various energy efficiency programs and tax incentives, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO (for herself, Mr. OBERSTAR, Mr. RANGEL, Mr. SANDERS, Mr. EMANUEL, Mr. LYNCH, Mr. LEVIN, Ms. LEE, Mr. BRADY of Pennsylvania, Ms. SCHAKOWSKY, Mr. FORD, Ms. WATERS, Ms. MILLENDER-MCDONALD, Mr. RODRIGUEZ, Mr. ETHERIDGE, Mr. FRANK of Massachusetts, Mr. CONYERS, Ms. BALDWIN, Ms. CARSON of Indiana, Mr. FROST, Ms. SOLIS, Mr. MICHAUD, Mr. SERRANO, Mr. BISHOP of New York, Mr. MCGOVERN, Mr. HOEFFEL, Mr. BERMAN, Mr. MARSHALL, Mr. OWENS, Ms. WOOLSEY, Mr. VAN HOLLEN, Mr. CROWLEY, and Ms. SLAUGHTER):

H.R. 4207. A bill to amend the Internal Revenue Code of 1986 to increase the refundability of the child tax credit; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts:

H.R. 4208. A bill to discourage the abuse of stock options by executives of public companies by preventing unjust enrichment through the recapture of profits when shareholders suffer losses; to the Committee on Financial Services.

By Ms. GRANGER:

H.R. 4209. A bill to amend the Internal Revenue Code of 1986 to allow a credit for the purchase of idling reduction systems for diesel-powered on-highway vehicles; to the Committee on Ways and Means.

By Mr. LOBIONDO (for himself and Mr. ALLEN):

H.R. 4210. A bill to amend the Farm Credit Act of 1971 to support the commercial fishing industry; to the Committee on Agriculture.

By Mr. PALLONE:

H.R. 4211. A bill to amend the Health Care Quality Improvement Act of 1986 to expand the National Practitioner Data Bank; to the Committee on Energy and Commerce.

By Mr. SCHIFF:

H.R. 4212. A bill to promote the national security of the United States by facilitating the removal of potential nuclear weapons materials from vulnerable sites around the world, and for other purposes; to the Committee on International Relations.

By Mr. SIMMONS (for himself, Mrs. JOHNSON of Connecticut, Mr. SHAYS, Ms. DELAURO, and Mr. LARSON of Connecticut):

H.R. 4213. A bill to provide uniform criteria for the administrative acknowledgment and recognition of Indian tribes, and for other purposes; to the Committee on Resources.

By Mr. SMITH of New Jersey (for himself and Mr. FERGUSON):

H.R. 4214. A bill to require a report on acts of anti-Semitism around the world; to the Committee on International Relations.

By Ms. VELAZQUEZ (for herself, Mr. ACEVEDO-VILA, Mr. GUTIERREZ, and Ms. LEE):

H.R. 4215. A bill to amend the Public Health Service Act to prohibit discrimination regarding exposure to hazardous substances, and for other purposes; to the Committee on Energy and Commerce.

By Mr. VITTER:

H.R. 4216. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit of $500 to public safety volunteers; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina (for himself, Mr. BARTLETT of Maryland, Mr. JOHN, Mr. ALEXANDER, Mr. CASE, Mr. JEFFERSON, Mr. GREEN of Wisconsin, Mr. BLUMENAUER, Mr. BAKER, Mr. DEFAZIO, Mr. WALDEN of Oregon, Mrs. CAPITO, Mr. MCCRERY, and Mr. YOUNG of Alaska):

H.R. 4217. A bill to amend title 32, United States Code, to rename the National Guard Challenge Program as the National Guard Youth Challenge Program, to increase the maximum Federal share of the costs of State programs under the National Youth Guard Challenge Program, and for other purposes; to the Committee on Armed Services.

By Ms. LEE (for herself, Mr. SHAYS, Ms. JACKSON-LEE of Texas, Mrs. JONES of Ohio, Mr. WAXMAN, Mrs. MALONEY, Mrs. CHRISTENSEN, Ms. MILLENDER-MCDONALD, Mr. TIERNEY, Ms. NORTON, Mr. DAVIS of Illinois, Mr. RANGEL, Mr. GRIJALVA, Mr. LEWIS of Georgia, Ms. WATSON, Mr. MORAN of Virginia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SANDERS, Mr. HOEFFEL, Mr. PAYNE, Ms. BERKLEY, Mr. CONYERS, Mr. MCDERMOTT, Ms. WATERS, Ms. BALDWIN, Mr. GREENWOOD, Mr. MEEKS of New York, Ms. SLAUGHTER, Ms. HARMAN, Mr. BRADY of Pennsylvania, Mr. FROST, Mr. CROWLEY, Ms. MCCARTHY of Missouri, Mr. CUMMINGS, Mrs. LOWEY, Ms. MCCOLLUM, Ms. KILPATRICK, Mr. VAN HOLLEN, Mr. FARR, Ms. WOOLSEY, Mr. ABERCROMBIE, Ms. CARSON of Indiana, Mr. GONZALEZ, Mr. MEEK of Florida, Mr. STARK, Mr. WEINER, Mr. HINCHEY, Ms. SCHAKOWSKY, Mrs. DAVIS of California, Ms. LINDA T. SANCHEZ of California, and Mr. WYNN):

H. Res. 603. A resolution commending the marchers, expressing the belief that each individual has the right to manage his or her own fertility, recognizing that the expression of sexuality is a lifelong aspect of human development, trusting individuals to make responsible choices related to having children, supporting loving families in all of their relationship forms, and celebrating the March for Women's Lives in which individuals make their voices heard through collective pro-choice power; to the Committee on the Judiciary.

By Mr. SCHIFF (for himself, Mr. BOEHLERT, Mr. VAN HOLLEN, Mr. CULBERSON, Ms. JACKSON-LEE of Texas, Mr. GRIJALVA, Mr. EVANS, Mr. CARDOZA, Ms. LEE, Mr. ENGLISH, Mr. MARKEY, Mr. DEFAZIO, Mr. SHERMAN, Mr. SMITH of Michigan, Mr. FARR, Mr. HALL, Mr. HOLT, Mrs. TAUSCHER, Mr. BOUCHER, Mr. ALLEN, Mr. CROWLEY, Mr. MCDERMOTT, Ms. LOFGREN, Mr. BOSWELL, Mr. HINOJOSA, Mr. HASTINGS of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FILNER, Mr. KIND, Mr. KENNEDY of Rhode Island, Mr. UDALL of New Mexico, Ms. WOOLSEY, Mr. BRADY of Pennsylvania, Mr. ABERCROMBIE, Ms. HART, Mr. MCNULTY, and Mr. SERRANO):

H. Res. 604. A resolution establishing the Congressional Science Competition for conducting academic competitions in the sciences among high school students in Congressional districts, and for other purposes; to the Committee on House Administration.

By Mr. TIERNEY (for himself, Mr. ABERCROMBIE, Ms. BERKLEY, Mr. BOSWELL, Mr. BURTON of Indiana, Mr. CASE, Mr. DELAHUNT, Mr. DOGGETT, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Mr. KENNEDY of Rhode Island, Mr. KIND, Ms. LEE, Mrs. MALONEY, Mr. MOORE, Mrs. MCCARTHY of New York, Mr. PICKERING, Mr. SANDLIN, Mr. SCHIFF, Mr. SMITH of New Jersey, Mr. TURNER of Texas, Mr. VAN HOLLEN, Mr. WAXMAN, Mr. WELDON of Pennsylvania, Ms. LOFGREN, Mr. STARK, and Mr. TERRY):

H. Res. 605. A resolution recognizing the importance of increasing awareness of autism, supporting programs for increased research and improved treatment of autism, improving training and support for individuals with autism and those who care for individuals with autism, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELLER:

H. Res. 606. A resolution commending Kankakee County, the Kankakee River Basin Partnership, the Illinois Department of Natural Resources (IDNR), The Nature Conservancy (TNC), the Illinois Clean Energy Community Foundation, and local citizens for their work in preserving the Kankakee Sands Ecosystem in Kankakee County, Illinois; to the Committee on Resources.

¶38.26 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

297. The SPEAKER presented a memorial of the Legislature of the State of Washington, relative to Engrossed Senate Joint Memorial No. 8050 memorializing the U.S. Congress and the Dept. of Agriculture be fully aware of the current expertise that exists as the Washington Animal Disease Diagnostic Laboratory & College of Veterinary Medicine at Washington State University and the head start this institution has to fulfill needs on projects related to TSEs including an ability to develop a BSE test for live cattle; conduct an itemized list of enhanced TSE research projects; or administer a quick surveillance BSE testing program for the state or the to the Committee on Agriculture.

298. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 105 memorializing the United States Congress to give strong consideration to both increasing the current mission and adding additional missions to Mountain Home Air Force Base; to the Committee on Armed Services.

299. Also, a memorial of the Legislature of the State of Washington, relative to Engrossed Senate Joint Memorial No. 8039 memorializing the President of the United States, the Congress, and the Department of Defense to recognize the strategic importance of Washington State's military bases to our nation's security and not make them victims of this round of the Base Realignment and Closure process; to the Committee on Armed Services.

300. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 106 notifying the United States Congress that the Idaho Legislature is committed to maintaining the states as sole regulators of the business of insurance, and continue to support state efforts to streamline, simplify and modernize insurance regulation; to the Committee on Financial Services.

301. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Resolution No. 20 notifying the United States Congress of the Idaho Legislature's commitment to maintaining the role of the states in enforcement of consumer protection laws and in dual regulation of financial institutions, and it opposes any federal rule that undermines this state authority, including the OCC's rules preempting state consumer protection laws and enforcement that apply to national banks, their operating subsidiaries and agents; to the Committee on Financial Services.

302. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 108 memorializing the United States Congress to support amendments to the No Child Left Behind Act that will allow determinations of "adequate yearly progress" to be made on the basis of individual student growth from year to year; target options for choice & supplemental services to specific subgroups that fail to make adequate yearly progress ; provide flexibility & more reasonable rules for English Language Learners; & permit states to identify those schools that fail to meet adequate yearly progress for two consecutive years in the same subject to the Committee on Education and the Workforce.

303. Also, a memorial of the House of Delegates of the State of West Virginia, relative to House Resolution No. 6 memorializing the President and Congress of the United States to amend the No Child Left Behind Act to include a mechanism for a waiver from its provisions for school accountability that shall automatically be granted to states such as West Virginia that have successfully increased student achievement through their own standards and accountability reforms; to the Committee on Education and the Workforce.

304. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Resolution No. 17 memorializing the United States Congress to amend Section 1917(b)(1)(C) of the Social Security Act (49 Stat. 620, 42 U.S.C. 1396p(b)(1)(C)) by deleting May 14, 1993 as the deadline for approval by states of long-term care partnership plans; to the Committee on Energy and Commerce.

305. Also, a memorial of the Legislature of the State of Maine, relative to H.P. 1442 Joint Resolution memorializing the President, Congress, and the Postal Service of the United States to maintain current levels of service; to the Committee on Government Reform.

306. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Resolution No. 27 memorializing the United States Government to conduct salmon survival evaluations in the 2004 spill year, the goal of which should be to determine if it is possible to achieve the same or greater levels of survival and biological benefit to migrating fish as is currently achieved while reducing the amount of water spilled, thus decreasing the adverse impacts on the region's power supply; to the Committee on Resources.

307. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 579 memorializing the President of the United States and the Pennsylvania Congressional Delegation to do all in their power to encourage the United States Department of Justice to review its September 11, 2002, refusal to classify Christopher Kangas as a

''public safety officer'' under the Public Safety Benefits Act of 1976; to the Committee on the Judiciary.

308. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 109 commending the United States Congress for its efforts to date to increase transit funding for Idaho and to apply a higher federal match to transit projects due to the presence of significant federal lands in a state; to the Committee on Transportation and Infrastructure.

309. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Resolution No. 15 supporting the passage of H.R. 871, to amend the national Highway System Designation Act of 1995; to the Committee on Transportation and Infrastructure.

310. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Resolution No. 22 memorializing the President of the United States and the Congress to support and expand the Idaho National Laboratory; to the Committee on Science.

311. Also, a memorial of the Legislature of the State of Washington, relative to Senate Joint Memorial No. 8040 memorializing the President of the United States to insure the U.S. Department of Veterans Affairs health care system in Washington State will be adequate to serve the current and future demands of the state's veterans; to the Committee on Veterans' Affairs.

312. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Resolution No. 18 memorializing the United States Congress, that in negotiating any national trade agreements, to recognize the economic impact of such trade agreements on the states and consider those impacts to maintain viable economic health of agricultural industries as well as all industries, with an emphasis on fair trade, rather than free trade; as well as to renegotiate the provisions of CAFTA to limit sugar exports from the Central American countries to fairly protect sugarbeet and cane growers in the United States; to the Committee on Ways and Means.

313. Also, a memorial of the Legislature of the State of Washington, relative to House Joint Memorial No. 4031 memorializing the President and the Congress of the United States to extend and make retroactive the federal temporary unemployment compensation program; to the Committee on Ways and Means.

314. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Resolution No. 21 supporting the concurrent receipt of military retirement pay and disability compensation; jointly to the Committees on Armed Services and Veterans' Affairs.

315. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 110 memorializing the congressional delegation representing the state of Idaho to work toward enactment of the Clearwater Basin Project Act; jointly to the Committees on Resources and Agriculture.

316. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 107 memorializing the United States Congress to preserve access to, and the historic use of, backcountry airstrips by introducing into Congress legislation which will preserve backcountry landing strips on currently-owned federal lands and any future federal acquisition of lands; jointly to the Committees on Resources, Agriculture, and Transportation and Infrastructure.

¶38.27 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 97: Mr. PALLONE, Mr. SANDLIN, Mr. PAYNE, and Mr. BRADLEY of New Hampshire.
H.R. 121: Mr. VAN HOLLEN.
H.R. 300: Mr. KLINE, Mr. BURNS, and Mr. KINGSTON.
H.R. 333: Mr. RANGEL.
H.R. 348: Mr. REYES and Mr. HOEFFEL.
H.R. 391: Mr. FOLEY.
H.R. 476: Mr. CASE, Mr. PASCRELL, and Mr. SCOTT of Georgia.
H.R. 548: Mr. WELDON of Pennsylvania.
H.R. 584: Mr. PAYNE.
H.R. 623: Mr. LANGEVIN.
H.R. 648: Mr. FRANKS of Arizona.
H.R. 676: Ms. BALDWIN and Mr. SANDERS.
H.R. 713: Mr. LEWIS of Kentucky, Mr. BRADLEY of New Hampshire, and Mr. PASTOR.
H.R. 716: Mr. KIRK.
H.R. 775: Mr. CARSON of Oklahoma and Mr. KLINE.
H.R. 806: Ms. SCHAKOWSKY and Mr. LIPINSKI.
H.R. 832: Mr. ALLEN.
H.R. 852: Mr. KUCINICH.
H.R. 857: Ms. DEGETTE.
H.R. 918: Mr. TERRY, Mr. FERGUSON, and Mr. MCDERMOTT.
H.R. 962: Mr. WYNN.
H.R. 1043: Mr. KIND and Mr. BOEHLERT.
H.R. 1083: Mr. STRICKLAND, Mr. JENKINS, and Mr. SPRATT.
H.R. 1084: Mr. GREEN of Wisconsin.
H.R. 1105: Mr. GEPHARDT.
H.R. 1117: Mr. HALL.
H.R. 1136: Mr. LEVIN.
H.R. 1173: Mr. WALSH.
H.R. 1225: Mr. REYES.
H.R. 1231: Mrs. JOHNSON of Connecticut.
H.R. 1306: Mr. MORAN of Virginia.
H.R. 1345: Mr. DEUTSCH and Ms. CARSON of Indiana.
H.R. 1359: Mr. MORAN of Virginia.
H.R. 1480: Mr. HONDA.
H.R. 1501: Ms. PELOSI, Mr. TOWNS, Mrs. MALONEY, Mr. BACA, Mr. DOOLEY of California, Mrs. DAVIS of California, Mr. ORTIZ, Mr. PALLONE, Ms. DELAURO, Mr. GORDON, Ms. WATSON, Ms. LORETTA SANCHEZ of California, Ms. LINDA T. SANCHEZ of California, Mr. ABERCROMBIE, and Mr. RODRIGUEZ.
H.R. 1552: Mr. VITTER.
H.R. 1639: Mrs. JONES of Ohio.
H.R. 1700: Mr. MICHAUD.
H.R. 1734: Ms. JACKSON-LEE of Texas, Mr. FILNER, and Mr. CASTLE.
H.R. 1735: Mr. GRIJALVA, Mr. MICHAUD, Ms. LOFGREN, and Ms. SOLIS.
H.R. 1736: Mr. PRICE of North Carolina.
H.R. 1749: Mr. BOEHLERT.
H.R. 1755: Mr. FRANKS of Arizona.
H.R. 1762: Mr. KLECZKA.
H.R. 1769: Mr. BISHOP of New York.
H.R. 1871: Mr. HOEFFEL.
H.R. 1873: Mr. MORAN of Virginia.
H.R. 1919: Mr. SAXTON and Mr. DEFAZIO.
H.R. 2011: Mr. HOYER.
H.R. 2157: Mr. HOBSON and Mr. SANDERS.
H.R. 2181: Mr. UPTON.
H.R. 2201: Mr. UDALL of New Mexico.
H.R. 2217: Mrs. DAVIS of California.
H.R. 2227: Mr. HINOJOSA.
H.R. 2265: Mr. HERGER.
H.R. 2394: Mr. HILL and Mr. CHANDLER.
H.R. 2494: Mr. LEACH.
H.R. 2525: Mr. DOOLEY of California, Mr. HINJOSA, and Ms. JACKSON-LEE of Texas.
H.R. 2527: Mr. PASCRELL.
H.R. 2536: Mr. GRIJALVA.
H.R. 2621: Mr. MCDERMOTT.
H.R. 2699: Mr. PORTMAN, Mr. EHLERS, Mr. GUTKNECHT, Mr. BOEHLERT, Mr. WYNN, Mr. ROSS, and Mr. EMANUEL.
H.R. 2711: Mr. OTTER.
H.R. 2735: Ms. SCHAKOWSKY and Mrs. NORTHUP.
H.R. 2828: Ms. GINNY BROWN-WAITE of Florida.
H.R. 2941: Mr. BACA.
H.R. 2952: Mr. MOORE.
H.R. 2959: Mr. FRANK of Massachusetts, Mr. BOYD, and Ms. PRYCE of Ohio.
H.R. 3004: Mr. HOLT.
H.R. 3111: Mr. MARSHALL, Mr. SHAW, Mr. DAVIS of Illinois, and Mr. KING of New York.
H.R. 3127: Mr. FILNER and Mr. MORAN of Virginia.
H.R. 3194: Mr. CUNNINGHAM, Mr. RUSH, Mr. PALLONE, Mr. FROST, and Mr. SMITH of New Jersey.
H.R. 3204: Mr. PITTS.
H.R. 3220: Mr. CROWLEY and Mr. DAVIS of Alabama.
H.R. 3242: Mr. COLLINS.
H.R. 3307: Mr. OSBORNE.
H.R. 3308: Mr. SIMPSON and Mr. OTTER.
H.R. 3309: Ms. JACKSON-LEE of Texas, Mr. RANGEL, and Mr. GRIJALVA.
H.R. 3355: Mr. DEUTSCH.
H.R. 3359: Mr. MORAN of Virginia.
H.R. 3378: Mr. OWENS, Mr. WEXLER, Mr. WEINER, Mr. UDALL of New Mexico, Mr. SERRANO, Mr. GALLEGLY, and Mr. HONDA.
H.R. 3422: Ms. WATSON.
H.R. 3446: Ms. LOFGREN, Ms. DELAURO, Mr. SHAW, Mr. MEEHAN, and Mr. NADLER.
H.R. 3450: Mr. ABERCROMBIE, Mr. GORDON, Ms. HOOLEY of Oregon, Mr. HINOJOSA, and Mr. LANGEVIN.
H.R. 3563: Mr. BURNS.
H.R. 3567: Mrs. JONES of Ohio, Mr. THOMSPON of Mississippi, Mr. PALLONE, and Mr. DEUTSCH.
H.R. 3574: Mr. LANTOS and Mr. JONES of North Carolina.
H.R. 3593: Mr. GRIJALVA and Ms. NORTON.
H.R. 3696: Mr. GEORGE MILLER of California.
H.R. 3716: Mr. GREENWOOD, Mr. CRAMER, and Mr. MARSHALL.
H.R. 3719: Mr. PAYNE and Mr. FARR.
H.R. 3729: Mr. ANDREWS, Mr. HONDA, and Mr. CASE.
H.R. 3731: Ms. SCHAKOWSKY.
H.R. 3737: Ms. NORTON.
H.R. 3751: Mr. VAN HOLLEN.
H.R. 3779: Ms. LEE and Mr. MCCOTTER.
H.R. 3800: Mr. COLLINS, Mr. BALLENGER, Ms. DUNN, and Mr. NUNES.
H.R. 3801: Mr. ROGERS of Alabama, Mr. TOM DAVIS of Virginia, and Mr. MILLER of Florida.
H.R. 3802: Mr. ETHERIDGE, Mr. MOORE, Mr. INSLEE, Mr. PASCRELL, and Mr. MORAN of Virginia.
H.R. 3858: Mr. BAKER, Mrs. WILSON of New Mexico, Mr. BRADLEY of New Hampshire, Mr. WELDON of Florida, Mr. STENHOLM, and Mr. DICKS.
H.R. 3889: Mr. WICKER and Mr. GREEN of Wisconsin.
H.R. 3903: Mr. QUINN and Mr. SNYDER.
H.R. 3916: Mr. LEACH.
H.R. 3950: Mr. ENGLISH.
H.R. 3968: Mr. DOGGETT and Mr. WAXMAN.
H.R. 3980: Mr. HALL, Ms. ROS-LEHTINEN, Mr. CARTER, Mr. PRICE of North Carolina, Mr. CULBERSON, Mrs. CAPITO, and Mr. LUCAS of Oklahoma.
H.R. 3987: Mr. GRIJALVA and Ms. JACKSON-LEE of Texas.
H.R. 3988: Mr. TOWNS, Mr. KILDEE, Mr. OWENS, Mr. BRADY of Pennsylvania, Ms. NORTON, Mr. RUSH, Mr. KUCINICH, Mr. HASTINGS of Florida, Mr. HOEFFEL, Mr. SANDERS, and Mr. FROST.
H.R. 4016: Mr. CONYERS and Mr. TERRY.
H.R. 4026: Mr. SIMMONS and Mr. WHITFIELD.
H.R. 4057: Mr. GREEN of Wisconsin.
H.R. 4061: Ms. MILLENDER-MCDONALD, Ms. HARRIS, Mr. HONDA, Mr. HASTINGS of Florida, Mr. GREENWOOD, and Mr. HOEFFEL.
H.R. 4063: Mr. CUMMINGS.
H.R. 4065: Mrs. WILSON of New Mexico, Mr. MILLER of Florida, Mr. GINGREY, Mr. ENGLISH, Mr. SMITH of New Jersey, Mr. MCCOTTER, and Ms. HART.
H.R. 4067: Mr. BLUMENAUER, Ms. LEE, Mr. HINCHEY, Mr. CASE, Mr. HONDA, Mr. MCDERMOTT, and Mr. CASTLE.

H.R. 4108: Mr. BEREUTER, Mr. FERGUSON, Mr. CROWLEY, Mr. ANDREWS, Mrs. MALONEY, Mr. EMANUEL, Mr. HINCHEY, Mr. FORD, Ms. MCCARTHY of Missouri, Mr. MCGOVERN, Mr. TIBERI, Ms. PELOSI, Mr. ACKERMAN, and Mr. GERLACH.

H.R. 4126: Mr. BRADLEY of New Hampshire, Mr. GOODE, Mr. BARTLETT of Maryland, Mr. NETHERCUTT, Mr. MCCOTTER, Mr. MANZULLO, Mr. MILLER of Florida, and Mr. GARRETT of New Jersey.

H.R. 4131: Ms. PRYCE of Ohio.

H.R. 4142: Mr. GARRETT of New Jersey and Mrs. MUSGRAVE.

H.R. 4143: Mr. SHAYS.

H.R. 4147: Mr. FROST, Mr. GRIJALVA, and Mr. KUCINICH.

H.R. 4150: Mr. KING of New York.

H.R. 4169: Mr. BURTON of Indiana, Mr. OWENS, and Mr. MICHAUD.

H.R. 4181: Mr. WAMP, Mr. ROGERS of Michigan, Mr. WELDON of Florida, Mr. BURNS, Mr. BOEHNER, and Mr. BROWN of South Carolina.

H.R. 4182: Mr. DOOLEY of California, Mr. PRICE of North Carolina, Mr. MCDERMOTT, and Mr. ACEVEDO-VILA.

H.R. 4185: Mr. SOUDER and Ms. HARRIS.

H.R. 4192: Mr. CARDOZA, Mr. FARR, Mr. LEVIN, Mr. SABO, Mr. GUTIERREZ, Mr. MEEKS of New York, Mr. RUSH, Mr. DELAHUNT, Mr. GREEN of Texas, Mr. LAMPSON, Mr. BELL, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.J. Res. 72: Mr. DAVIS of Illinois, Mr. POMEROY, Mr. FARR, Mr. DEFAZIO, and Mr. PASCRELL.

H.J. Res. 91: Mr. FILNER.

H. Con. Res. 98: Mr. CULBERSON.

H. Con. Res. 218: Mr. MARIO DIAZ-BALART of Florida.

H. Con. Res. 224: Mr. DUNCAN.

H. Con. Res. 242: Mr. VAN HOLLEN.

H. Con. Res. 261: Ms. LEE, Ms. DELAURO, Mr. BISHOP of Georgia, Mr. PAYNE, Ms. JACKSON-LEE of Texas, Mr. THOMPSON of Mississippi, Mr. SERRANO, Mr. CUMMINGS, Mrs. CHRISTENSEN, Mr. REYES, Mr. OWENS, Mr. KENNEDY of Rhode Island, Ms. SCHAKOWSKY, Mr. KUCINICH, Mr. CONYERS, Ms. CORRINE BROWN of Florida, Mr. ROSS, and Mr. ROTHMAN.

H. Con. Res. 298: Mr. BAKER and Mr. BROWN of South Carolina.

H. Con. Res. 330: Mr. SIMMONS, Mr. DEUTSCH, and Mr. HINOJOSA.

H. Con. Res. 332: Mr. CRAMER and Mr. SKELTON.

H. Con. Res. 366: Mr. RUPPERSBERGER, Mr. ISRAEL, Ms. LOFGREN, Mr. OLVER, Mr. MICHAUD, Mr. JACKSON of Illinois, Mr. SMITH of Washington, Mr. WATT, Mr. TAYLOR of Mississippi, Mr. LANGEVIN, Mr. DAVIS of Alabama, Mr. INSLEE, and Mr. BALLANCE.

H. Con. Res. 371: Mr. CRAMER.

H. Con. Res. 375: Mr. HONDA, Mr. CUMMINGS, Mr. LAHOOD, and Mr. LANGEVIN.

H. Con. Res. 378: Mrs. NAPOLITANO, Mrs. LOWEY, Mr. MICHAUD, and Mr. DEUTSCH.

H. Con. Res. 390: Mr. RUPPERSBERGER, Mr. PALLONE, Mr. BACHUS, Mr. CRAMER, and Mr. DEUTSCH.

H. Con. Res. 391: Mr. WEXLER and Mr. KENNEDY of Rhode Island.

H. Con. Res. 392: Ms. NORTON and Mr. FILNER.

H. Con. Res. 396: Ms. ESHOO and Ms. SLAUGHTER.

H. Con. Res. 406: Mr. BRADY of Pennsylvania.

H. Res. 313: Mr. CASE and Mr. PASCRELL.

H. Res. 516: Mr. DOYLE.

H. Res. 550: Mr. JENKINS and Mr. ALLEN.

H. Res. 575: Mr. WAMP.

H. Res. 577: Mr. BLUNT, Mr. PAYNE, Mr. BLUMENAUER, Mr. BERMAN, and Mr. GALLEGLY.

H. Res. 596: Ms. DELAURO, Mr. ENGLISH, Mr. MURTHA, Ms. HARRIS, Mr. BEREUTER, Mr. FROST, and Mr. NEY.

H. Res. 598: Mr. BOEHNER, Mr. BURR, Mr. CASE, Mr. CUNNINGHAM, Mrs. DAVIS of California, Mr. EDWARDS, Mr. ETHERIDGE, Mr. HOLT, Mr. KENNEDY of Rhode Island, Mr. MCKEON, Mr. MCINTYRE, Mr. MILLER of Florida, Mr. MORAN of Virginia, Mr. RYUN of Kansas, Mr. SIMMONS, Mrs. TAUSCHER, and Mr. TERRY.

MONDAY, APRIL 26, 2004 (39)

¶39.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. PETRI, who laid before the House the following communication:

WASHINGTON, DC,
April 26, 2004.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

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

¶39.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. PETRI, announced he had examined and approved the Journal of the proceedings of Thursday, April 22, 2004.

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

¶39.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

7809. A letter from the Assistant Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Disclosure Regarding Market Timing and Selective Disclosure of Portfolio Holdings (RIN: 3235-AI99) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7810. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Indirect Food Additives; Polymers; Technical Amendment [Docket No. 1996F-0176] received April 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7811. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Food Labeling and Indirect Food Additives Regulations; Technical Amendment — received April 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7812. A letter from the Assistant Bureau Chief, International Bureau, Policy Division, Federal Communications Commission, transmitting the Commission's final rule — International Settlements Policy Reform [IB Docket No. 02-324]; International Settlement Rates [IB Docket No. 96-261] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7813. A letter from the Legal Advisor/Chief, Wireless Telecommunications Bureau, Mobility Division, Federal Communications Commission, transmitting the Commission's final rule — Review of Quiet Zones Application Procedures [WT Docket No. 01-319] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7814. A letter from the Legal Advisor/Chief, Wireless Telecommunications Bureau, Mobility Division, Federal Communications Commission, transmitting the Commission's final rule — Year 2000 Biennial Regulatory Review--Amendment of Part 22 of the Commission's Rules to Modify or Eliminate Outdated Rules Affecting the Cellular Radiotelephone Service and other Commercial Mobile Radio Services [WT Docket No. 01-108] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7815. A letter from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — International Bureau Filing System (IBFS) — received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7816. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Subsistence Harvest in Alaska; Subsistence Harvest Regulations for Migratory Birds in Alaska during the Spring/Summer 2004 Subsistence Season (RIN: 1018-AJ27) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7817. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Determination of Endangered Status and Prudency Determination for Designation of Critical Habitat for Two Plant Species from the Commonwealth of the Northern Mariana Islands (RIN: 1018-AG09) received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7818. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Establishment of an Additional Manatee Protection Area in Lee County, Florida (RIN: 1018-AT65) received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7819. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Clarification of Substituted Federal Enforcement for Parts of Missouri's Permanent Regulatory Program and Findings on the Status of Missouri's Permanent Regulatory Program — received April 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7820. A letter from the Director, Regulations Management, Office of Regulation, Policy and Management, Department of Veterans Affairs, transmitting the Department's final rule — Board of Veterans' Appeals: Rules of Practice--Notice Procedures Relating to Withdrawal of Services by a Representative (RIN: 2900-AL45) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

7821. A letter from the Acting Chief, Publication and Regulations, Internal Revenue Service, transmitting the Service's final rule — Allocation and Apportionment of Expenses; Alternative Method for Determining Tax Book Value of Assets [TD 9120] (RIN: 1545-BA92) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7822. A letter from the Acting Chief, Publication and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Taxation of fringe benefits (Rev. Rul. 2004-36) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7823. A letter from the Acting Chief, Publication and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Publication of Inflation Adjustment Factor, Nonconventional Source Fuel Credit, and Reference Price for Calendar Year 2003 — received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7824. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2004-25) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7825. A letter from the Acting Chief, Publication and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Frivolous arguments to avoid concerning statutory and nonstatutory stock options [Notice 2004-28] received March 31, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7826. A letter from the Acting Chief, Publication and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Loss Deduction for Diminution in Value of Stock Attributable to Corporate Misconduct [Notice 2004-27] received March 31, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7827. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Intercompany Financing Using Guaranteed Payments [Notice 2004-31] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7828. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rate Update [Notice 2004-32] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7829. A letter from the Acting Chief, Publication and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Announcement and Report Concerning Advance Pricing Agreements — received March 31, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7830. A letter from the Acting Chief, Publication and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Tax Return Preparers — Electronic Filing [TD 9119] (RIN: 1545-BC12) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7831. A letter from the Acting Chief, Publication and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Changes in accounting periods and in methods of accounting (Rev. Proc. 2004-23) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7832. A letter from the Acting Chief, Publication and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rate Modification [Notice 2004-34] received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7833. A letter from the Acting Chief, Publication and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out Inventories (Rev. Rul. 2004-42) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7834. A letter from the Acting Chief, Publication and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Low-Income Housing Credit (Rev. Rul. 2004-40) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7835. A letter from the Acting Chief, Publication and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Election of Alternative Deficit Reduction Contribution (Announcement 2004-38) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7836. A letter from the Acting Chief, Publication and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Transition Relief-Prescription Drugs [Notice 2004-25] received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7837. A letter from the Acting Chief, Publication and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — HSAs-Preventive Care [Notice 2004-23] received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7838. A letter from the Acting Chief, Publication and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Rules and Regulations. (Rev. Proc. 2004-24) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶39.4 MESSAGE FROM THE SENATE

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

S. 2329. An Act to protect crime victims' rights.

¶39.5 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2329. An Act to protect crime victims rights; to the Committee on the Judiciary.

And then,

¶39.6 ADJOURNMENT

On motion of the SPEAKER pro tempore, Mr. PETRI, by unanimous consent and pursuant to the special order of the House agreed to on April 22, 2004, at 12 o'clock and 3 minutes p.m., declared the House adjourned until 12:30 p.m. on Tuesday, April 27, 2004.

¶39.7 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1349: Mr. ROTHMAN.

H.R. 1630: Mr. PASTOR.

H.R. 2173: Ms. MCCARTHY of Missouri and Mr. GONZALEZ.

H.R. 2176: Mr. SOUDER, Mr. EMANUEL, Mr. MCGOVERN, and Mr. PAYNE.

H.R. 2318: Mr. GONZALEZ and Mr. MEEK of Florida.

H.R. 2490: Mr. FATTAH.

H.R. 2905: Ms. SLAUGHTER, Mr. ROGERS of Alabama, and Mr. WALDEN of Oregon.

H.R. 3832: Mr. SHAYS.

H.R. 4187: Mr. SHAYS.

H. Con. Res. 406: Mrs. MUSGRAVE.

H. Res. 402: Ms. SLAUGHTER.

TUESDAY, APRIL 27, 2004 (40)

¶40.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. BOOZMAN, who laid before the House the following communication:

WASHINGTON, DC,
April 27, 2004.

I hereby appoint the Honorable JOHN BOOZMAN to act as Speaker pro tempore on this day.

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

¶40.2 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 328. A concurrent resolution recognizing and honoring the United States Armed Forces and supporting the goals and objectives of a National Military Appreciation Month.

¶40.3 MORNING-HOUR DEBATE

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to the order of the House of Tuesday, January 7, 2003, recognized Members for morning-hour debate.

¶40.4 RECESS—12:57 P.M.

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 57 minutes p.m., until 2 p.m.

¶40.5 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. SCHROCK, called the House to order.

¶40.6 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. SCHROCK, announced he had examined and approved the Journal of the proceedings of Monday, April 26, 2004.

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

¶40.7 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

7839. A letter from the Alternate OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule — Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)/TRICARE; Implementation of the Pharmacy Benefits Program (RIN: 0720-AA63) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7840. A letter from the Alternate OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule — TRICARE; Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Special Supplemental Food Program for Women, Infants, and Children Overseas (RIN: 0720-AA75) received March 31, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7841. A letter from the Alternate OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule — Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)/TRICARE; Implementation of the Pharmacy Benefits Program (RIN: 0720-AA63) received March 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7842. A letter from the Acting Assistant Secretary for Communications and Information, Department of Commerce, transmitting the Department's final rule — Technology

Opportunities Program [Docket No. 981203295-4044-09] received April 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7843. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Humam Services, transmitting the Department's final rule — Prior Notice of Imported Food Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 [Docket No. 02N-0278] (RIN: 0910-AC41) received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7844. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Removal of Delegations of Authority and Conforming Changes to Regulations [Docket No. 2004N-0142] received April 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7845. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Prescription Drug Marketing Act of 1987; Prescription Drug Amendments of 1992; Policies, Requirements, and Administrative Procedures; Delay of Effective Date [Docket No. 1992N-0297] (RIN: 0905-AC81) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7846. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Prescription Drug Marketing Act of 1987; Prescription Drug Amendments of 1992; Policies, Requirements, and Administrative Procedures; Delay of Effective Date; Correction [Docket No. 1992N-0297] (RIN: 0905-AC81) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7847. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Biological Products; Bacterial Vaccines and Toxoids; Implementation of Efficacy Review; Correction [Docket No. 1980N-0208] received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7848. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Drug Labeling; Orally Ingested Over-the-Counter Drug Products Containing Calcium, Magnesium, and Potassium [Docket No. 1995N-0254] received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7849. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Drug Labeling; Sodium Labeling for Over-the-Counter Drugs; Technical Amendment; Termination of Delay of Effective Date; Compliance Dates [Docket No. 900N-0309] received April 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7850. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Change of Address; Technical Amendment — received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7851. A letter from the Deputy Assistant Secretary for Labor-Management Programs, Department of Labor, transmitting the Department's final rule — Obligations of Federal Contractors and Subcontractors; Notice of Employee Rights Concerning Payment of Union Dues or Fees (RIN: 1215-AB33) received April 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7852. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Special Emergency Procurement [FAC 2001-20; FAR Case 2003-022] (RIN: 9000-AJ88) received March 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7853. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Purchases from Federal Prison Industries — Requirement for Market Research [FAC 2001-21; FAR Case 2003-023] (RIN: 9000-AJ91) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7854. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule — Federal Acquisition Circular 2001-22; Introduction — received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7855. A letter from the Deputy Archivist, National Archives and Records Administration, transmitting the Administration's final rule — Publication of Revised Bylaws of the Interagency Security Classification Appeals Panel [Directive No. 1: Appendix A] Received April 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7856. A letter from the Secretary, Administrative Committee of the Federal Register, National Archives and Records Administration, transmitting the Administration's final rule — Price Changes to Federal Register Publications (RIN: 3095-AB35) received April 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7857. A letter from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Service, transmitting the Department's final rule — Medicare Program; Manufacturer Submission of Manufacturer's Average Sales Price (ASP) Data for Medicare Part B Drugs and Biologicals [CMS-1380-IFC] (RIN: 0938-AN05) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

¶40.8 RHODE ISLAND VETERANS POST OFFICE BUILDING

Mr. CANNON moved to suspend the rules and pass the bill (H.R. 3942) to redesignate the facility of the United States Postal Service located at 7 Commercial Boulevard in Middletown, Rhode Island, as the ''Rhode Island Veterans Post Office Building''.

The SPEAKER pro tempore, Mr. SCHROCK, recognized Mr. CANNON and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SCHROCK, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CANNON demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SCHROCK, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶40.9 HONORING LIFE OF MELVIN JONES AND CONTRIBUTIONS OF LIONS CLUBS INTERNATIONAL

Mr. CANNON moved to suspend the rules and agree to the following resolution (H. Res. 399):

Whereas Melvin Jones was born in the Cavalry Outpost at Fort Thomas, Arizona, on January 13, 1879;

Whereas Melvin Jones experienced early success in the insurance industry and that success led to his sole ownership of an insurance agency;

Whereas although many business clubs of the time exhibited a self-interested attitude, Melvin Jones had a vision of an organization of businessmen focused on volunteerism and community service;

Whereas the Association of Lions Clubs, known today as Lions Clubs International, was begun on June 17, 1917, when 20 delegates gathered in the East Room of the Hotel LaSalle in Chicago;

Whereas, while Melvin Jones passed away on June 1, 1961, his legacy lives on;

Whereas, for over 85 years, Lions Clubs International has honored Melvin Jones' legacy by following the simple rule that he insisted be included in the organization's Constitution: ''No club shall hold out as one of its objects, financial benefits to its members.'';

Whereas Lions Clubs International counts over 46,000 clubs and 1.4 million members, and constitutes the largest network of service clubs in the world; and

Whereas Lions Clubs International continues to embrace its motto ''We Serve'' by performing a wide range of services, including cleaning local parks, supporting advances in medical technology, bringing sight to the blind, mentoring children, and organizing Liberty Day celebrations: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the life and legacy of volunteerism and community service of Melvin Jones; and

(2) recognizes the contributions and service of Lions Clubs International to communities and those in need throughout the world.

The SPEAKER pro tempore, Mr. SCHROCK, recognized Mr. CANNON and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SCHROCK, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CANNON demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SCHROCK, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶40.10 FINANCIAL LITERACY MONTH

Mr. CANNON moved to suspend the rules and agree to the following resolution (H. Res. 578):

Whereas the financial services industry in the United States benefits millions of people in the United States, providing products and services that allow individuals and families to build homes, buy cars, finance educations, start businesses, and meet everyday needs;

Whereas personal financial education is essential to ensure that individuals are prepared to manage money, credit, and debt, and become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens, yet a study completed in 2002 by the Jump$tart Coalition for Personal Financial Literacy found that high school seniors knew less about principles of basic personal finance than did high school seniors 5 years earlier;

Whereas financial education has been linked to lower delinquency rates for mortgage borrowers, higher participation and contribution rates in retirement plans, improved spending and saving habits, higher net worth, and positive knowledge, attitude, and behavior changes, yet a survey completed in 2002 by the National Council on Economic Education found that a decreasing number of States include personal finance in education standards for students in kindergarten through high school;

Whereas expanding access to the mainstream financial system provides individuals with lower cost, safer options for managing finances and building wealth and is likely to lead to increased economic activity and growth, yet between 25,000,000 and 56,000,000 people over the age of 18 do not use mainstream, insured financial institutions and are considered ''unbanked'';

Whereas personal financial management skills and lifelong habits develop during childhood, and 55 percent of college students acquire their first credit card during their first year in college, yet only 26 percent of people between the ages of 13 and 21 reported that their parents actively taught them how to manage money;

Whereas although more than 42,000,000 people in the United States participate in qualified cash or deferred arrangements described in section 401(k) of the Internal Revenue Code of 1986 (commonly referred to as ''401(k) plans''), a Retirement Confidence Survey conducted in 2002 found that only 32 percent of workers surveyed have calculated how much money they will need to save for retirement, and 25 percent of workers have done no specific planning for retirement;

Whereas financial literacy empowers individuals to make wise financial decisions in an increasingly complex economy, and only 30 percent of those surveyed in an Employee Benefit Trend Study conducted in 2003 are confident in their ability to make the right financial decisions for themselves and their families;

Whereas personal savings as a percentage of personal income decreased from 7.5 percent in the early 1980s to 2.3 percent in the first 3 quarters of 2003;

Whereas Congress sought to implement a national strategy for coordination of Federal financial literacy efforts through the establishment of the Financial Literacy and Education Commission in 2003, the designation of the Office of Financial Education of the Department of the Treasury to provide support for the Commission, and requirements that the Commission's materials, website, toll-free hotline, and national multimedia campaign be multilingual; and

Whereas the National Council on Economic Education, its State Councils and Centers for Economic Education, the Jump$tart Coalition for Personal Financial Literacy, its State affiliates, and its partner organizations have designated April as ''Financial Literacy Month'' to educate the public about the need for increased financial literacy for youth in the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Financial Literacy Month; and

(2) requests that the President issue a proclamation calling on the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe the month with appropriate programs and activities.

The SPEAKER pro tempore, Mr. SCHROCK, recognized Mr. CANNON and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SCHROCK, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CANNON demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SCHROCK, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶40.11 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. SCHROCK, laid before the House the following communication from Kathy Wyszynski, Associate Administrator, Office of Human Resources:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,
Washington, DC, April 27, 2004.

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

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with an administrative subpoena, issued by the New York City Department of Investigations, for certain payroll documents.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

KATHY WYSZYNSKI,
Associate Administrator,
Office of Human Resources.

¶40.12 RECESS—3:03 P.M.

The SPEAKER pro tempore, Mr. SCHROCK, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 3 minutes p.m., until approximately 6:30 p.m..

¶40.13 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mr. SIMPSON, called the House to order.

¶40.14 PROVIDING FOR THE CONSIDERATION OF H.R. 4181

Mrs. MYRICK, by direction of the Committee on Rules, reported (Rept. No. 108–470) the resolution (H. Res. 607) providing for consideration of the bill (H.R. 4181) to amend the Internal Revenue Code of 1986 to permanently extend the increased standard deduction, and the 15-percent individual income tax rate bracket expansion, for married taxpayers filing joint returns.

When said resolution and report were referred to the House Calendar and ordered printed.

¶40.15 H.R. 3942—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3942) to redesignate the facility of the United States Postal Service located at 7 Commercial Boulevard in Middletown, Rhode Island, as the ''Rhode Island Veterans Post Office Building''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 395 / Nays 0

¶40.16 [Roll No. 131]

YEAS—395

Abercrombie	Cantor	Edwards
Ackerman	Capito	Ehlers
Aderholt	Capps	Emanuel
Akin	Capuano	Emerson
Alexander	Cardoza	Engel
Allen	Carson (IN)	English
Andrews	Carson (OK)	Eshoo
Baca	Carter	Etheridge
Bachus	Case	Evans
Baird	Castle	Everett
Baker	Chabot	Farr
Baldwin	Chandler	Fattah
Ballance	Chocola	Feeney
Ballenger	Clay	Ferguson
Barrett (SC)	Clyburn	Filner
Bartlett (MD)	Coble	Flake
Barton (TX)	Cole	Foley
Bass	Conyers	Forbes
Beauprez	Cooper	Ford
Becerra	Costello	Fossella
Bell	Cox	Franks (AZ)
Bereuter	Cramer	Frelinghuysen
Berkley	Crane	Frost
Berry	Crowley	Gallegly
Biggert	Cubin	Garrett (NJ)
Bilirakis	Culberson	Gerlach
Bishop (GA)	Cummings	Gibbons
Bishop (NY)	Cunningham	Gilchrest
Bishop (UT)	Davis (AL)	Gillmor
Blackburn	Davis (CA)	Gingrey
Blumenauer	Davis (FL)	Gonzalez
Blunt	Davis (IL)	Goode
Boehlert	Davis (TN)	Goodlatte
Boehner	Davis, Jo Ann	Gordon
Bonilla	Davis, Tom	Goss
Bono	Deal (GA)	Granger
Boozman	DeFazio	Graves
Boswell	DeGette	Green (TX)
Boucher	DeLauro	Green (WI)
Boyd	DeLay	Grijalva
Bradley (NH)	DeMint	Gutierrez
Brady (TX)	Deutsch	Gutknecht
Brown (SC)	Diaz-Balart, L.	Hall
Brown, Corrine	Diaz-Balart, M.	Harman
Brown-Waite, Ginny	Dicks	Harris
	Dingell	Hastings (WA)
Burgess	Doggett	Hayes
Burns	Doolittle	Hayworth
Burton (IN)	Doyle	Hefley
Calvert	Dreier	Hensarling
Camp	Duncan	Herger
Cannon	Dunn	Hill

Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—38

Berman
Bonner
Brady (PA)
Brown (OH)
Burr
Buyer
Cardin
Collins
Crenshaw
Delahunt
Dooley (CA)
Frank (MA)
Gephardt
Greenwood
Hart
Hastings (FL)
Hoeffel
Jones (OH)
Kucinich
Lipinski
Lucas (OK)
Mollohan
Nadler
Ose
Platts
Rohrabacher
Rothman
Rush
Shuster
Smith (NJ)
Souder
Stark
Strickland
Tauzin
Toomey
Waters
Wexler
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶40.17 H. RES. 399—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 399) honoring the life and legacy of Melvin Jones and recognizing the contributions of Lions Clubs International.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 395 / Nays 0

¶40.18 [Roll No. 132]

YEAS—395

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—38

Berman
Bonner
Brady (PA)
Brown (OH)
Burr
Buyer
Cannon
Cardin
Collins
Crenshaw
Delahunt
Dooley (CA)
Frank (MA)
Gephardt
Greenwood
Hart
Hastings (FL)
Hoeffel
Jones (OH)
Kucinich
Lipinski
Lucas (OK)
Mollohan
Nadler
Ose
Platts
Rohrabacher
Rothman
Shuster
Smith (NJ)
Souder
Stark
Strickland
Tauzin
Toomey
Waters
Wexler
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶40.19 H. RES. 578—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule

XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 578) supporting the goals and ideals of Financial Literacy Month, and for other purposes.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 391 / Nays 0

¶40.20 [Roll No. 133]

YEAS—391

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Burgess
Burns
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—42

Becerra
Berman
Bonner
Brady (PA)
Brown (OH)
Brown-Waite, Ginny
Burr
Buyer
Cardin
Collins
Crenshaw
Delahunt
Dooley (CA)
Frank (MA)
Gephardt
Greenwood
Hart
Hastings (FL)
Hoeffel
Jones (OH)
Kucinich
Lipinski
Lucas (OK)
Miller, George
Mollohan
Musgrave
Nadler
Platts
Rohrabacher
Rothman
Ruppersberger
Sessions
Shuster
Smith (NJ)
Souder
Stark
Strickland
Tauzin
Toomey
Waters
Wexler
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶40.21 COMMITTEE RESIGNATION—MAJORITY

The SPEAKER pro tempore, Mr. BURGESS, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 23, 2004.

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

DEAR MR. SPEAKER: Please accept this letter as my resignation as a member of the Select Committee on Homeland Security, effective immediately. I realize that I served on the Select Committee due to my role as Chairman of the Energy and Commerce Committee. I no longer hold the position of Chairman, thus I resign from the other.

Thank you for your assistance in this matter.

Sincerely,

W.J. ''BILLY'' TAUZIN,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶40.22 SELECT COMMITTEE ON HOMELAND SECURITY

The SPEAKER pro tempore, Mr. BURGESS, announced that the Speaker, pursuant to section 4 of House Resolution 5, 108th Congress, and the order of the House of December 8, 2003, appointed the following Member of the House to the Select Committee on Homeland Security to fill the existing vacancy thereon: Mr. BARTON of Texas, to rank immediately after Mr. BOEHLERT of New York.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶40.23 SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2022. An Act to designate the Federal building located at 250 West Cherry Street in Carbondale, Illinois the ''Senator Paul Simon Federal Building''.

¶40.24 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. CARDIN, for today and April 28;

To Mr. CRENSHAW, for today;

To Mr. HASTINGS of Florida, for today and balance of the week;

To Mr. LUCAS of Oklahoma, for today;

To Mr. SMITH of New Jersey, for April 27 through 29; and

To Ms. WATERS, for today.

And then,

¶40.25 ADJOURNMENT

On motion of Ms. KAPTUR, at 8 o'clock and 40 minutes p.m., the House adjourned.

¶40.26 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BARTON: Committee on Energy and Commerce. H.R. 3866. A bill to amend the Controlled Substances Act to provide increased penalties for anabolic steroid offenses near sports facilities, and for other purposes; with an amendment (Rept. 108–461 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mrs. MYRICK: Committee on Rules. House Resolution 607. Resolution providing for the consideration of the bill (H.R. 4181) to amend the Internal Revenue Code of 1986 to permanently extend the increased standard deduction, and the 15-percent individual income tax bracket expansion, for married taxpayer filing joint returns (Rept. 108–470). Referred to the House Calendar.

Mr. BARTON: Committee on Energy and Commerce. House Resolution 516. Resolution supporting the goals of National Manufacturing Week, congratulating manufacturers and their employees for their contributions to growth and innovation, and recognizing the challenges facing the manufacturing sector; with amendments (Rept. 108–471). Referred to the House Calendar.

¶40.27 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 1914. Referral to the Committee on Ways and Means extended for a period ending not later than July 6, 2004.

H.R. 2179. Referral to the Committee on the Judiciary extended for a period ending not later than June 1, 2004.

H.R. 2768. Referral to the Committee on Ways and Means extended for a period ending not later than July 6, 2004.

H.R. 3277. Referral to the Committee on Ways and Means extended for a period ending not later than July 6, 2004.

¶40.28 REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. OXLEY: Committee on Financial Services. H.R. 1914. A bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement (Rept. 108–472 Pt. 1); referred to the Committee on Ways and Means for a period ending not later than July 6, 2004, for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(s), rule X.

Mr. OXLEY: Committee on Financial Services. H.R. 2179. A bill to enhance the authority of the Securities and Exchange Commission to investigate, punish, and deter securities laws violations, and to improve its ability to return funds to defrauded investors, and for other purposes, with an amendment; referred to the Committee on Judiciary for a period ending not later than June 1, 2004, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X.

Mr. OXLEY: Committee on Financial Services. H.R. 2768. A bill to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall (Rept. 108–473 Pt. 1); referred to the Committee on Ways and Means for a period ending not later than July 6, 2004, for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(s), rule X.

Mr. OXLEY: Committee on Financial Services. H.R. 3277. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center (Rept. 108–474 Pt. 1); referred to the Committee on Ways and Means for a period ending not later than July 6, 2004, for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(s), rule X.

¶40.29 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. BIGGERT (for herself, Mr. DAVIS of Tennessee, Mr. BOEHLERT, and Mr. JOHNSON of Illinois):

H.R. 4218. A bill to amend the High-Performance Computing Act of 1991; to the Committee on Science.

By Mr. PETRI (for himself, Mr. YOUNG of Alaska, Mr. OBERSTAR, and Mr. LIPINSKI):

H.R. 4219. A bill to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, Resources, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BORDALLO (for herself, Mr. SHERMAN, Mrs. CHRISTENSEN, Mr. FALEOMAVAEGA, Mr. MCINTYRE, Ms. NORTON, and Mr. OWENS):

H.R. 4220. A bill to amend the Fair Credit Reporting Act to protect the credit records of consumers who are affected by federally declared disasters, and for other purposes; to the Committee on Financial Services.

By Mr. ENGLISH:

H.R. 4221. A bill to amend the Internal Revenue Code of 1986 to reduce for individuals the maximum rate of tax on unrecaptured section 1250 gain from 25 percent to 15 percent; to the Committee on Ways and Means.

By Mr. MOORE (for himself, Mr. TIAHRT, Mr. RYUN of Kansas, and Mr. MORAN of Kansas):

H.R. 4222. A bill to designate the facility of the United States Postal Service located at 550 Nebraska Avenue in Kansas City, Kansas, as the ''Newell George Post Office Building''; to the Committee on Government Reform.

By Mr. NUNES (for himself, Mr. SHERWOOD, Mr. GREEN of Wisconsin, Mr. CARDOZA, Mr. POMBO, Mr. MCCOTTER, Mr. RADANOVICH, Mr. MARIO DIAZ-BALART of Florida, Mr. PEARCE, Mr. SIMPSON, Mr. PETERSON of Minnesota, and Mr. LATOURETTE):

H.R. 4223. A bill to require the Commodity Credit Corporation to support the development of a domestic casein and milk protein concentrate industry, and for other purposes; to the Committee on Agriculture.

By Ms. SCHAKOWSKY (for herself and Mr. WAXMAN):

H.R. 4224. A bill to require revisions to the Federal Acquisition Regulation to require executive agencies to seek commercial, volume, or other discounts for purchases made with the Governmentwide commercial purchase card, and for other purposes; to the Committee on Government Reform.

By Mrs. MYRICK:

H. Res. 607. A resolution providing for consideration of the bill (H.R. 4181) to amend the Internal Revenue Code of 1986 to permanently extend the increased standard deduction, and the 15-percent individual income tax bracket expansion, for married taxpayers filing joint returns.

¶40.30 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. GRAVES.
H.R. 303: Mr. OWENS.
H.R. 327: Mr. MEEHAN.
H.R. 348: Mr. TIERNEY.
H.R. 369: Ms. DELAURO.
H.R. 442: Mr. SHAYS.
H.R. 548: Mr. EMANUEL, Mr. SERRANO, Mr. GONZALEZ, Mr. MEEKS of New York, Ms. MCCARTHY of Missouri, Mr. BRADY of Pennsylvania, Mr. NADLER, Ms. LEE, Mr. BOUCHER, Mr. BERMAN, Mr. CAPUANO, Mr. MENENDEZ, Mr. SKELTON, Mr. OWENS, and Ms. SLAUGHTER.
H.R. 715: Mrs. NAPOLITANO and Ms. MCCARTHY of Missouri.
H.R. 717: Mr. CROWLEY and Mrs. TAUSCHER.
H.R. 727: Mr. FORD, Mr. OLVER, and Mr. HOLT.
H.R. 776: Ms. SLAUGHTER.
H.R. 785: Mr. BURNS, Mr. CHANDLER, and Mr. ROGERS of Kentucky.
H.R. 840: Mr. BONNER.
H.R. 843: Mr. MICHAUD.
H.R. 857: Mr. CRENSHAW and Mr. CHABOT.
H.R. 869: Mr. CUMMINGS and Mr. FILNER.
H.R. 870: Mrs. MILLER of Michigan.
H.R. 879: Mr. HINOJOSA and Mr. PAYNE.
H.R. 962: Mr. BOUCHER.
H.R. 1051: Ms. LORETTA SANCHEZ of California.
H.R. 1084: Mr. TIBERI and Mr. EHLERS.
H.R. 1160: Mr. BOSWELL and Ms. JACKSON-LEE of Texas.
H.R. 1206: Mr. CULBERSON.
H.R. 1214: Mr. KIND, Mr. LYNCH, Mr. BOOZMAN, and Mr. NADLER.
H.R. 1305: Ms. MAJETTE, Mr. HINOJOSA, Mr. BURTON of Indiana, and Mr. MICA.
H.R. 1345: Mr. PRICE of North Carolina and Mr. RUPPERSBERGER.
H.R. 1360: Mrs. MILLER of Michigan.
H.R. 1414: Ms. KILPATRICK.
H.R. 1430: Mr. RAHALL.
H.R. 1575: Mr. PAYNE.
H.R. 1634: Mr. ABERCROMBIE, Mr. COX, and Mr. BISHOP of Utah.
H.R. 1653: Mr. BOUCHER.
H.R. 1684: Mrs. MCCARTHY of New York, Mr. ACKERMAN, Mr. KENNEDY of Rhode Island, and Ms. KILPATRICK.
H.R. 1689: Mrs. CAPPS and Ms. NORTON.
H.R. 1735: Mr. TIERNEY, and Mr. UDALL of New Mexico.
H.R. 1784: Mr. MCCOTTER and Ms. BALDWIN.
H.R. 1910: Mr. ISAKSON.
H.R. 2145: Mrs. LOWEY.
H.R. 2198: Mr. TOWNS, Mr. MORAN of Virginia, Mr. MCGOVERN, Mr. NADLER, Mr. PUTNAM, Mr. MEEHAN, Ms. CARSON of Indiana, Mr. ACEVEDO-VILA, and Mr. MICHAUD.
H.R. 2318: Mr. JEFFERSON.
H.R. 2404: Mr. SMITH of New Jersey.
H.R. 2416: Mr. GRIJALVA.
H.R. 2511: Mr. DOYLE and Mr. SAXTON.
H.R. 2569: Mr. OWENS.
H.R. 2638: Mr. COX.
H.R. 2671: Mr. KLINE.
H.R. 2677: Mr. WAXMAN.
H.R. 2728: Mr. SAM JOHNSON of Texas.
H.R. 2729: Mr. SAM JOHNSON of Texas.
H.R. 2730: Mr. SAM JOHNSON of Texas.
H.R. 2731: Mr. SAM JOHNSON of Texas.
H.R. 2807: Mrs. DAVIS of California.
H.R. 2850: Mr. PRICE of North Carolina.
H.R. 2941: Mrs. NAPOLITANO.
H.R. 2945: Mr. EMANUEL.
H.R. 3015: Mr. RUSH, Mrs. CHRISTENSEN, and Mr. DEUTSCH.
H.R. 3090: Mr. MCNULTY and Mr. BRADY of Pennsylvania.
H.R. 3142: Mr. FILNER and Mrs. NAPOLITANO.
H.R. 3191: Mr. EVERETT.
H.R. 3203: Mrs. CHRISTENSEN.
H.R. 3213: Ms. HARRIS.
H.R. 3247: Mr. MATHESON and Mr. BOUCHER.
H.R. 3324: Mr. MORAN of Virginia.
H.R. 3350: Ms. ROYBAL-ALLARD.
H.R. 3444: Mr. LANTOS.
H.R. 3474: Ms. MCCOLLUM, Mr. SHIMKUS, Mr. SCOTT of Virginia, Mr. TIERNEY, Mr. GINGREY, Mr. DOYLE, Mr. MCKEON, Mr. MICA, and Mr. GIBBONS.
H.R. 3528: Mr. ENGEL.
H.R. 3539: Ms. ROS-LEHTINEN, Mr. MEEKS of New York, Mr. HAYWORTH, and Mr. TOM DAVIS of Virginia.
H.R. 3619: Mr. BALLANCE, Mrs. TAUSCHER, Mr. SPRATT, and Ms. BERKLEY.
H.R. 3640: Mr. KUCINICH and Mr. MEEHAN.
H.R. 3641: Mr. CLAY and Mr. DAVIS of Illinois.

H.R. 3683: Ms. NORTON.
H.R. 3763: Mr. BRADY of Pennsylvania.
H.R. 3777: Mr. WICKER, Mr. CHOCOLA, Mr. DOOLEY of California, Mr. OBERSTAR, Mr. WILSON of South Carolina, and Mr. HALL.
H.R. 3784: Mr. HERGER and Mr. BARTLETT of Maryland.
H.R. 3791: Mr. TERRY.
H.R. 3799: Mr. LEWIS of Kentucky, Mr. HALL, Mr. BISHOP of Utah, Mr. JONES of North Carolina, and Mr. MCCOTTER.
H.R. 3803: Ms. MCCARTHY of Missouri.
H.R. 3866: Mr. CASTLE.
H.R. 3871: Ms. HARMAN, Mr. GONZALEZ, Mr. BERMAN, Mr. PALLONE, Mr. ETHERIDGE, and Mr. MARKEY.
H.R. 3927: Ms. BALDWIN.
H.R. 3936: Mr. TIERNEY and Mr. RENZI.
H.R. 3972: Mr. GARRETT of New Jersey.
H.R. 3976: Mr. GARRETT of New Jersey.
H.R. 4026: Mr. MANZULLO, Mr. BOOZMAN, and Mr. JOHN.
H.R. 4039: Mrs. MUSGRAVE, Ms. BERKLEY, and Mr. GREENWOOD.
H.R. 4059: Mr. KIND, Mr. FROST, and Mr. EMANUEL.
H.R. 4061: Mr. MCGOVERN, Mr. DOGGETT, Mr. GEORGE MILLER of California, Mr. MEEK of Florida, Mr. FILNER, Mr. DICKS, Mr. OWENS, Mr. BURTON of Indiana, and Mr. MCCOTTER.
H.R. 4065: Mr. BRADLEY of New Hampshire, Mr. GRIJALVA, and Ms. HARRIS.
H.R. 4072: Ms. DELAURO.
H.R. 4097: Mrs. CHRISTENSEN and Mr. WEXLER.
H.R. 4101: Mr. LIPINSKI and Mr. FILNER.
H.R. 4104: Ms. HOOLEY of Oregon, Mr. MCGOVERN, and Mr. HOEFFEL.
H.R. 4116: Mr. FROST, Mr. GRIJALVA, and Mr. GORDON.
H.R. 4126: Mr. TIBERI.
H.R. 4154: Mrs. CHRISTENSEN.
H.R. 4181: Mr. BOEHLERT, Mr. ISAKSON, Mr. BAKER, Mr. WOLF, Mr. KIRK, Mr. MCCOTTER, Mr. NUSSLE, Mrs. BIGGERT, Mr. STEARNS, Mr. FOSSELLA, Mr. DEMINT, Mr. JOHNSON of Illinois, Mr. BURGESS, Mr. BACHUS, Mr. REYNOLDS, Mr. PENCE, Mr. KNOLLENBERG, Mr. GILCHREST, Mr. CULBERSON, Mr. RAMSTAD, Mr. CARTER, Mr. MILLER of Florida, Mr. PUTNAM, Mr. BOOZMAN, Mr. COLE, Mr. SMITH of New Jersey, Mr. BISHOP of Utah, Mr. CALVERT, Mr. KINGSTON, Mr. JONES of North Carolina, Mr. WALDEN of Oregon, Mr. TURNER of Ohio, and Mr. FRELINGHUYSEN.
H.R. 4182: Mr. GEORGE MILLER of California and Mr. MCGOVERN.
H.R. 4184: Mr. OWENS.
H.R. 4207: Mrs. MCCARTHY of New York and Mr. BROWN of Ohio.
H. Con. Res. 247: Mr. WALDEN of Oregon.
H. Con. Res. 298: Mr. CANTOR, Mr. BACHUS, Mr. MCCOTTER, Mr. GUTKNECHT, and Mr. HERGER.
H. Con. Res. 310: Mr. WELDON of Florida.
H. Con. Res. 366: Mr. SHERMAN, Mrs. MALONEY, Mr. LYNCH, Mr. MARKEY, Ms. JACKSON-LEE of Texas, Ms. MILLENDER-MCDONALD, Mrs. NAPOLITANO, Mr. CLYBURN, Mrs. TAUSCHER, Mr. SCOTT of Virginia, Mr. OBERSTAR, Mr. MEEHAN, and Mr. MCINTYRE.
H. Con. Res. 371: Ms. LINDA T. SANCHEZ of California, Mr. STUPAK, Mr. LANGEVIN, and Mr. MOORE.
H. Con. Res. 377: Mrs. MUSGRAVE.
H. Con. Res. 378: Mr. DAVIS of Florida, Mr. TIERNEY, and Mr. PEARCE.
H. Con. Res. 380: Mr. GREEN of Texas, Mr. HOYER, Mr. MOORE, Mr. PAYNE, and Ms. SLAUGHTER.
H. Con. Res. 396: Mr. PAYNE.
H. Con. Res. 399: Mr. HONDA.
H. Con. Res. 403: Mr. RAMSTAD, Mr. DEUTSCH, Ms. HARRIS, Ms. MCCOLLUM, Mr. HONDA, Mr. OLVER, Mrs. MUSGRAVE, Mr. SOUDER, Mr. CONYERS, Mr. SPRATT, Mr. FRANKS of Arizona, Mr. GRIJALVA, Ms. NORTON, Mr. RAHALL, Mr. MEEHAN, Mr. ACKERMAN, Mr. CUMMINGS, Ms. DELAURO, Ms. LORETTA SANCHEZ of California, Mr. FRANK of Massachusetts, Mr. LANTOS, Mr. JOHNSON of Illinois, Mr. MCNULTY, Mr. LEACH, Mr. FLAKE, Mr. SANDERS, Ms. KAPTUR, and Mr. GILCHREST.
H. Res. 60: Mr. ROTHMAN.
H. Res. 103: Mr. DOYLE.
H. Res. 313: Mr. GREEN of Wisconsin.
H. Res. 508: Mr. STENHOLM, Mr. MORAN of Virginia, Mr. LAMPSON, Ms. MCCARTHY of Missouri, Mr. CASE, Ms. LEE, Mr. CAPUANO, Mr. BRADY of Pennsylvania, Mr. MOORE, Mr. RANGEL, Mr. HASTINGS of Florida, Ms. CARSON of Indiana, Mr. MCDERMOTT, Ms. KILPATRICK, Mr. LEVIN, Mr. BISHOP of Georgia, Mr. CUMMINGS, Mr. RUPPERSBERGER, Ms. NORTON, Ms. MILLENDER-MCDONALD, Ms. CORRINE BROWN of Florida, Ms. WATERS, Mr. TOWNS, Mr. DAVIS of Alabama, Mr. SCOTT of Virginia, Mr. RUSH, Mr. OWENS, Ms. JACKSON-LEE of Texas, Ms. BORDALLO, Mr. SCOTT of Georgia, Mr. VAN HOLLEN, Mr. CONYERS, Mr. FORD, Mr. RYAN of Ohio, Mr. ISRAEL, Mr. RODRIGUEZ, Mr. MEEK of Florida, Mr. ENGEL, Mr. MCNULTY, Mr. OBERSTAR, Ms. SLAUGHTER, Mr. LANTOS, Mr. CLYBURN, and Mrs. JO ANN DAVIS of Virginia.
H. Res. 567: Mr. LATHAM, Mr. UDALL of Colorado, Mr. DEMINT, Mr. BOSWELL, Mr. KIND, Ms. JACKSON-LEE of Texas, Mr. NORWOOD, Mr. CRAMER, Mr. CASTLE, Mr. NETHERCUTT, Mr. GREEN of Wisconsin, Mr. GINGREY, Mr. TOM DAVIS of Virginia, Mr. MARSHALL, and Mr. WEXLER.
H. Res. 568: Mr. BAKER, Mr. MILLER of Florida, Mr. WAMP, Mr. BEREUTER, Mr. GIBBONS, and Mr. HAYES.
H. Res. 570: Mr. MEEKS of New York and Mr. BALLENGER.
H. Res. 596: Mr. SHERMAN, Mr. WEXLER, and Ms. KAPTUR.
H. Res. 598: Mr. BALLANCE, Mr. BARTLETT of Maryland, Mr. BEREUTER, Mr. BONILLA, Mr. BURGESS, Mr. CARTER, Mr. COSTELLO, Mr. CRENSHAW, Mrs. JO ANN DAVIS of Virginia, Mr. EVERETT, Mr. GONZALEZ, Mr. ISSA, Mr. JONES of North Carolina, Mrs. KELLY, Mr. LEWIS of California, Mr. LEWIS of Kentucky, Mr. MORAN of Kansas, Mr. OTTER, Mr. POMEROY, Mr. RODRIGUEZ, Ms. LORETTA SANCHEZ of California, Mr. SAXTON, Mr. SCHROCK, Mr. SIMPSON, Mr. SYNDER, Mrs. BLACKBURN, Mr. ROSS, Mr. KIRK, Mr. ORTIZ, Mr. WALDEN of Oregon, Mrs. MYRICK, Mr. FEENEY, Mr. CANTOR, Mr. WILSON of South Carolina, Mr. PENCE, Mr. DAVIS of Tennessee, Mr. MCINNIS, Mr. COOPER, Mr. LANGEVIN, Mr. TURNER of Texas, Mr. GORDON, Mr. MOORE, Mr. HILL, Mr. KILDEE, Mr. THOMPSON of California, Ms. ESHOO, MR. MCDERMOTT, and Mr. LUCAS of Kentucky.
H. Res. 603: Mr. HASTINGS of Florida.
H. Res. 605: Mr. SESSIONS, Ms. HART, Mr. EMANUEL, Mr. BAKER, and Mr. DOYLE.

¶40.31 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 195: Ms. BERKLEY.

WEDNESDAY, APRIL 28, 2004 (41)

¶41.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. MILLER of Florida, who laid before the House the following communication:

WASHINGTON, DC,
April 28, 2004.

I hereby appoint the Honorable JEFF MILLER to act as Speaker pro tempore on this day.

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

¶41.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. MILLER of Florida, announced he had examined and approved the Journal of the proceedings of Tuesday, April 27, 2004.

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

¶41.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

7858. A letter from the Asst. General Counsel, Regulatory Services Division, Department of Education, transmitting the Department's final rule — Impact Aid Programs (RIN: 1810-AA96) received April 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7859. A letter from the Asst. General Counsel, Regulatory Services Division, Department of Education, transmitting the Department's final rule — Smaller Learning Communities Program (RIN: 1830-ZA04) received April 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7860. A letter from the Assistant Secretary, Office of Elementary and Secondary Education, Department of Education, transmitting the Department's final rule — Impact Aid Programs (RIN: 1810-AA96) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7861. A letter from the Director, Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, Department of Labor, transmitting the Department's final rule — Underground Coal Mine Ventilation—Safety Standards for the Use of a Belt Entry as an Intake Air Course To Ventilate Working Sections and Areas Where Mechanized Mining Equipment Is Being Installed or Removed (RIN: 1219-AA76) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7862. A letter from the Director, Corporate Policy and Research Dept., Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received March 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7863. A letter from the Director, Corporate Policy and Research Dept., Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7864. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendments to the Federal Rules of Bankruptcy Procedure that have been adopted by the Court, pursuant to 28 U.S.C. 2075; (H. Doc. No. 108–181); to the Committee on the Judiciary and ordered to be printed.

7865. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendments to the Federal Rules of Criminal Procedure that have been adopted by the Court, pursuant to 28 U.S.C. 2072; (H. Doc. No. 108–182); to the Committee on the Judiciary and ordered to be printed.

7866. A letter from the Regulations Coordinator, ACF, Department of Health and

Human Services, transmitting the Department's final rule — Tribal Child Support Enforcement Programs (RIN: 0970-AB73) received March 31, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7867. A letter from the Administrator, Office of Workforce Security, Department of Labor, transmitting the Department's final rule — Unemployment Insurance Program Letter (UIPL) 14-01 — Treatment of Indian Tribes Under Federal Unemployment Compensation Law — Amendments made by the Consolidated Appropriations Act, 2001 — received April 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7868. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Health Savings Accounts (Rev. Proc. 2004-22) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7869. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Health Savings Accounts (Rev. Rul. 2004-38) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶41.4 MESSAGE FROM THE SENATE

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

S. 2315. An Act to amend the Communications Satellite Act of 1962 to extend the deadline for the INTELSAT initial public offering.

The message also announced that pursuant to section 128, of Public Law 108–132, the Chair, on behalf of the Majority Leader, appoints the following individual to the Commission on Review of Overseas Military Facility Structure of the United States: Admiral Thomas Lopez of Virginia.

¶41.5 HIGHWAY TRUST FUND

Mr. PETRI moved to suspend the rules and pass the bill (H.R. 4219) to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

The SPEAKER pro tempore, Mr. MILLER of Florida, recognized Mr. PETRI and Mr. OBERSTAR, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. MILLER of Florida, announced that two-thirds of the Members present had voted in the affirmative.

Mr. OBERSTAR demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. MILLER of Florida, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶41.6 WILKIE D. FERGUSON, JR. UNITED STATES COURTHOUSE

Mr. LATOURETTE moved to suspend the rules and pass the bill of the Senate (S. 1904) to designate the United States courthouse located at 400 North Miami Avenue in Miami, Florida, as the ''Wilkie D. Ferguson, Jr. United States Courthouse''.

The SPEAKER pro tempore, Mr. MILLER of Florida, recognized Mr. LATOURETTE and Mr. THOMPSON of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SIMMONS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. THOMPSON of California demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SIMMONS, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶41.7 GREATER WASHINGTON SOAP BOX DERBY

Mr. LATOURETTE moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 376):

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF SOAP BOX DERBY RACES ON CAPITOL GROUNDS.

The Greater Washington Soap Box Derby Association (in this resolution referred to as the ''Association'') shall be permitted to sponsor a public event, soap box derby races, on the Capitol Grounds on June 19, 2004, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

SEC. 2. CONDITIONS.

The event to be carried out under this resolution shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board; except that the Association shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. STRUCTURES AND EQUIPMENT.

For the purposes of this resolution, the Association is authorized to erect upon the Capitol Grounds, subject to the approval of the Architect of the Capitol, such stage, sound amplification devices, and other related structures and equipment as may be required for the event to be carried out under this resolution.

SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements that may be required to carry out the event under this resolution.

SEC. 5. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event to be carried out under this resolution.

The SPEAKER pro tempore, Mr. SIMMONS, recognized Mr. LATOURETTE and Mr. THOMPSON of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. SIMMONS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶41.8 RONALD REAGAN FEDERAL BUILDING

Mr. LATOURETTE moved to suspend the rules and pass the bill of the Senate (S. 2043) to designate a Federal building in Harrisburg, Pennsylvania, as the ''Ronald Reagan Federal Building''.

The SPEAKER pro tempore, Mr. SIMMONS, recognized Mr. LATOURETTE and Mr. THOMPSON of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SIMMONS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶41.9 NATIONAL PEACE OFFICERS' MEMORIAL SERVICE

Mr. LATOURETTE moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 388); as amended:

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE.

(a) IN GENERAL.—The National Fraternal Order of Police and its auxiliary (in this resolution referred to as the ''sponsor'') shall be permitted to sponsor a public event, the 23rd annual National Peace Officers' Memorial Service (in this resolution jointly referred to as the ''event''), on the Capitol Grounds, in order to honor the law enforcement officers who died in the line of duty during 2003.

(b) DATE OF EVENT.—The event shall be held on May 15, 2004, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

(1) free of admission charge and open to the public; and

(2) arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

Subject to the approval of the Architect of the Capitol, the sponsor is authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment, as may be required for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

The SPEAKER pro tempore, Mr. SIMMONS, recognized Mr. LATOURETTE and Mr. THOMPSON of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. SIMMONS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶41.10 CAPITAL ACCESS FOR GROWING BUSINESS

Mrs. KELLY moved to suspend the rules and pass the bill (H.R. 3170) to amend the Investment Company Act of 1940 to provide incentives for small business investment, and for other purposes.

The SPEAKER pro tempore, Mr. SIMMONS, recognized Mrs. KELLY and Ms. VELAZQUEZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SIMMONS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶41.11 PROVIDING FOR THE CONSIDERATION OF H.R. 4181

Mrs. MYRICK, by direction of the Committee on Rules, called up the following resolution (H. Res. 607):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4181) to amend the Internal Revenue Code of 1986 to permanently extend the increased standard deduction, and the 15-percent individual income tax rate bracket expansion, for married taxpayers filing joint returns. The bill shall be considered as read for amendment. The amendment printed in part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) the further amendment printed in part B of the report of the Committee on Rules, if offered by Representative Rangel of New York or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Mrs. MYRICK, the previous question was ordered on the resolution to its adoption or rejection and, under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶41.12 H.R. 4219—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4219) to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 410 / Nays 0

¶41.13 [Roll No. 134]

YEAS—410

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman

Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—23

Bonner
Cardin
Davis (IL)
DeMint
Fattah
Gephardt
Gordon
Greenwood
Hastings (FL)
Hoeffel
Kilpatrick
Kleczka
Millender-McDonald
Pascrell
Rohrabacher
Rothman
Shuster
Smith (NJ)
Tauzin
Tiahrt
Toomey
Waters
Wexler

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶41.14 S. 1904—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill of the Senate (S. 1904) to designate the United States courthouse located at 400 North Miami Avenue in Miami, Florida, as the ''Wilkie D. Ferguson, Jr. United States Courthouse''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 408 / Nays 0

¶41.15 [Roll No. 135]

YEAS—408

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—25

Blunt
Bonner
Burton (IN)
Cardin
Davis (IL)
DeMint
Fattah
Gephardt
Gordon
Greenwood
Hastings (FL)
Hoeffel
Kilpatrick
Kleczka
Mollohan
Rohrabacher
Rothman
Schiff
Shuster
Smith (NJ)
Tauzin
Tiahrt
Toomey
Waters
Wexler

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶41.16 RECESS—12:23 P.M.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 23 minutes p.m., subject to the call of the Chair.

¶41.17 AFTER RECESS—1:50 P.M.

The SPEAKER pro tempore, Mr. LAHOOD, called the House to order.

¶41.18 MARRIAGE TAX PENALTY RELIEF

Mr. WELLER, pursuant to House Resolution 607, called up the bill (H.R. 4181) to amend the Internal Revenue Code of 1986 to permanently extend the increased standard deduction, and the 15-percent individual income tax rate bracket expansion, for married taxpayers filing joint returns.

Pending consideration of said bill.

Pursuant to House Resolution 607, the following amendment printed in part A of House Report 108-470 was considered as adopted:

Page 4, strike lines 11 through 14 (Section 3 of the bill) and insert the following:

SEC. 3. REPEAL OF SUNSET.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to the amendments made by title III of such Act.

When said bill, as amended, was considered and read twice.

After debate,

Pursuant to House Resolution 607, Mr. RANGEL submitted the following further amendment in the nature of a

substitute printed in part B of House Report 108-470:

Strike all after the enacting clause and insert the following:

SECTION 1. EXTENSION OF INCREASED STANDARD DEDUCTION FOR MARRIED TAXPAYERS FILING JOINT RETURNS.

(a) IN GENERAL.—Paragraph (2) of section 63(c) of the Internal Revenue Code of 1986 (relating to basic standard deduction) is amended to read as follows:

''(2) BASIC STANDARD DEDUCTION.—For purposes of paragraph (1), the basic standard deduction is—

''(A) 200 percent of the dollar amount in effect under subparagraph (C) for the taxable year in the case of—

''(i) a joint return, or

''(ii) a surviving spouse (as defined in section 2(a)),

''(B) $4,400 in the case of a head of household (as defined in section 2(b)), or

''(C) $3,000 in any other case.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 63(c)(4) of such Code is amended by striking ''(2)(D)'' each place it occurs and inserting ''(2)(C)''.

(2) Section 63(c) of such Code is amended by striking paragraph (7).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 2. EXTENSION OF INCREASED EARNED INCOME CREDIT FOR MARRIED TAXPAYERS FILING JOINT RETURNS.

(a) IN GENERAL.—Subparagraph (B) of section 32(b)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

''(B) JOINT RETURNS.—In the case of a joint return filed by an eligible individual and such individual's spouse, the phaseout amount determined under subparagraph (A) shall be increased by $3,000.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 3. EXTENSION OF 15-PERCENT INDIVIDUAL INCOME TAX RATE BRACKET EXPANSION FOR MARRIED TAXPAYERS FILING JOINT RETURNS.

(a) IN GENERAL.—Paragraph (8) of section 1(f) of the Internal Revenue Code of 1986 (relating to phaseout of marriage penalty in 15-percent bracket) is amended to read as follows:

''(8) ELIMINATION OF MARRIAGE PENALTY IN 15-PERCENT BRACKET.—With respect to taxable years beginning after December 31, 2004, in prescribing the tables under paragraph (1)—

''(A) the maximum taxable income in the 15 percent rate bracket in the table contained in subsection (a) (and the minimum taxable income in the next higher taxable income bracket in such table) shall be 200 percent of the maximum taxable income in the 15-percent rate bracket in the table contained in subsection (c) (after any other adjustment under this subsection), and

''(B) the comparable taxable income amounts in the table contained in subsection (d) shall be ½ of the amounts determined under subparagraph (A).''.

(b) CONFORMING AMENDMENT.—The heading for subsection (f) of section 1 of such Code is amended by striking ''PHASEOUT'' and inserting ''ELIMINATION''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 4. BENEFITS EXTENSION NOT TO INCREASE FEDERAL BUDGET DEFICIT.

(a) IN GENERAL.—Section 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(j) ADDITIONAL TAX ON HIGH INCOME TAXPAYERS.—The amount determined under subsection (a), (b), (c), or (d), as the case may be, shall be increased by 3.6 percent of so much of adjusted gross income as exceeds $1,000,000 in the case of individuals to whom subsection (a) applies ($500,000 in any other case).''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 5. REPEAL OF SUNSET APPLICABLE TO BENEFITS EXTENDED BY THIS ACT.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to the amendments made by sections 301, 302, and 303 of such Act.

SEC. 6. BENEFITS OF ACT NOT DENIED BY REASON OF ALTERNATIVE MINIMUM TAX.

(a) MINIMUM TAX.—The amount of the minimum tax imposed by section 55 of the Internal Revenue Code of 1986 shall be determined as if sections 1, 3, and 5 of this Act had not been enacted.

(b) CREDITS.—In applying section 26(a)(1) of such Code, the amount referred to in subparagraph (B) thereof shall be reduced (but not below zero) by the amount of the reduction in the taxpayer's regular tax liability by reason of sections 1, 3, and 5 of this Act.

After debate,

Pursuant to House Resolution 607, the previous question was ordered on the bill, as amended, and on the further amendment in the nature of a substitute.

The question being put, viva voce,

Will the House agree to said further amendment in the nature of a substitute?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the nays had it.

Mr. BECERRA objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 189 / Nays ..... 226 }

¶41.19 [Roll No. 136]

YEAS—189

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardoza
Carson (IN)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Watson
Watt
Waxman
Weiner
Wilson (NM)
Woolsey
Wu
Wynn

NAYS—226

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

Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Bonilla
Bonner
Cardin
DeMint
Gephardt
Granger
Hastings (FL)
Kilpatrick
Nussle
Rohrabacher
Rothman
Ryun (KS)
Smith (NJ)
Tauzin
Thompson (CA)
Toomey
Waters
Wexler

So the further amendment in the nature of a substitute was not agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. STENHOLM moved to recommit the bill to the Committee on Ways and Means with instructions to report the bill back to the House forthwith with the following amendment:

At the end of the bill, add the following new section:

Sec. 4 TAX REDUCTIONS CONTINGENT ON AVAILABLE DEBT LIMIT.

No provision of this Act shall take effect unless the Secretary of the Treasury certifies that, upon enactment, the public debt limit set forth in subsection (b) of section 3101 of title 31, United States Code, is sufficient to allow for the increased borrowing required as a result of this Act over the next 10 years.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the nays had it.

Mr. STENHOLM demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 199 / Nays ..... 220 }

¶41.20 [Roll No. 137]

YEAS—199

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Watson
Watt
Waxman
Weiner
Woolsey
Wu
Wynn

NAYS—220

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

NOT VOTING—14

Bonner
Cardin
DeMint
Hastings (FL)
Kilpatrick
Rohrabacher
Rothman
Smith (NJ)
Tancredo
Tauzin
Thompson (CA)
Toomey
Waters
Wexler

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Mr. WELLER demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 323 / Nays ..... 95 }

¶41.21 [Roll No. 138]

AYES—323

Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Everett
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jenkins
John
Johnson (CT)

Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larson (CT)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Marshall
Matheson
Matsui
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Meek (FL)
Meeks (NY)
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner (OH)
Udall (CO)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Wamp
Weiner
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—95

Abercrombie
Andrews
Becerra
Berman
Berry
Blumenauer
Brady (PA)
Capps
Capuano
Carson (IN)
Conyers
Cooper
Crowley
Cummings
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Emanuel
Evans
Farr
Fattah
Frank (MA)
Green (TX)
Grijalva
Hill
Hinchey
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jones (OH)
Kanjorski
Kucinich
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Majette
Markey
McCarthy (MO)
McCollum
McDermott
McGovern
McNulty
Meehan
Menendez
Miller, George
Mollohan
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Rangel
Roybal-Allard
Rush
Sabo
Sánchez, Linda T.
Schakowsky
Scott (VA)
Serrano
Slaughter
Smith (WA)
Solis
Stark
Stenholm
Tanner
Taylor (MS)
Tierney
Towns
Turner (TX)
Udall (NM)
Velázquez
Visclosky
Watson
Watt
Waxman
Woolsey

NOT VOTING—15

Bonner
Cardin
DeMint
Gutierrez
Hastings (FL)
Kilpatrick
Rohrabacher
Rothman
Smith (NJ)
Tauzin
Thompson (CA)
Toomey
Waters
Weldon (FL)
Wexler

So the bill was passed.

By unanimous consent, the title was amended so as to read: ''An Act to amend the Internal Revenue Code of 1986 to permanently extend the marriage penalty relief provided under the Economic Growth and Tax Relief Reconciliation Act of 2001.''.

A motion to reconsider the votes whereby said bill was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶41.22 ADJOURNMENT OVER

On motion of Mr. DELAY, by unanimous consent,

Ordered, That when the House adjourns on Friday, April 30, 2004, it adjourn to meet on Tuesday, May 4, 2004, at 12:30 p.m. for morning-hour debate.

¶41.23 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. DELAY, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, May 5, 2004, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶41.24 COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The SPEAKER pro tempore, Mr. LAHOOD, announced that the Speaker, pursuant to 22 United States Code 3003 note, and the order of the House of December 8, 2003, appointed the following Member of the House to the Commission on Security and Cooperation in Europe: Mr. MCINTYRE.

¶41.25 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2315. An Act to amend the Communications Satellite Act of 1962 to extend the deadline for the INTELSAT initial public offering; to the Committee on Energy and Commerce.

¶41.26 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. ROHRABACHER, for the week of April 27; and

To Mr. TAUZIN, for the week of April 27.

And then,

¶41.27 ADJOURNMENT

On motion of Mr. ABERCROMBIE, at 9 o'clock and 58 minutes p.m., the House adjourned.

¶41.28 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BARTON: Committee on Energy and Commerce. H.R. 2771. A bill to amend the Safe Drinking Water Act to reauthorize the New York City Watershed Protection Program (Rept. 108–476). Referred to the Committee of the Whole House on the State of the Union.

¶41.29 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Texas (for himself, Mr. WEXLER, Mr. KELLER, Mr. CRANE, Mr. CRENSHAW, Mr. HYDE, Mr. FEENEY, Mr. SHAW, Mr. FOLEY, Ms. ROS-LEHTINEN, Mr. DEUTSCH, Mr. BURTON of Indiana, Ms. GINNY BROWN-WAITE of Florida, Mr. MEEK of Florida, Mr. CUNNINGHAM, Mr. PAYNE, Mr. GREEN of Wisconsin, Mr. BONILLA, Ms. HART, Mr. KING of Iowa, Mr. CARTER, Mrs. BLACKBURN, Ms. HARRIS, Mr. BOYD, Mr. HASTINGS of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. PENCE, Ms. BERKLEY, Mr. ROTHMAN, Mr. ENGEL, Mr. CANNON, Mr. FORBES, Mr. MARIO DIAZ-BALART of Florida, and Mr. HOSTETTLER):

H.R. 4225. A bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. MICA, and Mr. DEFAZIO):

H.R. 4226. A bill to amend title 49, United States Code, to make certain conforming changes to provisions governing the registration of aircraft and the recordation of instruments in order to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment, known as the ''Cape Town Treaty''; to the Committee on Transportation and Infrastructure.

By Mr. SIMMONS (for himself, Mrs. JOHNSON of Connecticut, Mr. SHAYS, Mr. PICKERING, Mr. AKIN, Mr. HAYWORTH, and Mr. BROWN of South Carolina):

H.R. 4227. A bill to amend the Internal Revenue Code of 1986 to extend to 2005 the alternative minimum tax relief available in 2003 and 2004 and to index such relief for inflation; to the Committee on Ways and Means.

By Mr. TOM DAVIS of Virginia (for himself and Mr. HUNTER):

H.R. 4228. A bill to provide for an improved acquisition system; to the Committee on Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 4229. A bill to amend title 38, United States Code, to make improvements to certain life insurance programs, administered by the Secretary of Veterans Affairs for veterans with service-connected disabilities, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LANTOS (for himself, Ms. ROS-LEHTINEN, Mr. WAXMAN, Mr. KIRK, and Mr. LEWIS of Georgia):

H.R. 4230. A bill to authorize the establishment within the Department of State of an Office to Monitor and Combat Anti-Semitism, to require inclusion in annual Department of State reports of information concerning acts of anti-Semitism around the world, and for other purposes; to the Committee on International Relations.

By Mr. SIMMONS:

H.R. 4231. A bill to provide for a pilot program in the Department of Veterans Affairs to improve recruitment and retention of nurses, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BRADY of Texas:

H.R. 4232. A bill to redesignate the facility of the United States Postal Service located at 4025 Feather Lakes Way in Kingwood, Texas, as the ''Congressman Jack Fields Post Office''; to the Committee on Government Reform.

By Mrs. CAPITO:

H.R. 4233. A bill to provide for comprehensive fire safety standards for upholstered furniture, mattresses, bedclothing, and candles; to the Committee on Energy and Commerce.

By Mr. FRANK of Massachusetts (for himself and Mr. MATSUI):

H.R. 4234. A bill to amend title II of the Social Security Act to restrict the application of the windfall elimination provision to individuals whose combined monthly income from benefits under such title and other monthly periodic payments exceeds $2,500 and to provide for a graduated implementation of such provision on amounts above such $2,500 amount; to the Committee on Ways and Means.

By Mr. FROST (for himself, Mr. ACKERMAN, Mr. WAXMAN, Ms. SCHAKOWSKY, and Mr. LANTOS):

H.R. 4235. A bill to allow the export or other provision of oil to Israel; to the Committee on International Relations.

By Mr. GUTIERREZ (for himself, Mr. PAUL, Mr. SHERMAN, Mr. OTTER, Mr. TOWNS, Mr. BACA, Ms. LEE, Mrs. MALONEY, Mr. BRADY of Pennsylvania, Ms. CARSON of Indiana, Mr. PRICE of North Carolina, Mr. LIPINSKI, Mr. ACEVEDO-VILA, Ms. WATERS, Mr. RANGEL, Mr. NADLER, Mr. SANDERS, Mr. HINCHEY, Ms. SLAUGHTER, Mr. OWENS, Mr. RUSH, Mr. WEINER, Mr. DAVIS of Illinois, Mr. CLAY, Mr. SERRANO, Ms. SCHAKOWSKY, Mr. GRIJALVA, Mr. MORAN of Virginia, Ms. BALDWIN, and Mr. BARTLETT of Maryland):

H.R. 4236. A bill to provide for congressional disapproval of certain regulations issued by the Comptroller of the Currency, in accordance with section 802 of title 5, United States Code; to the Committee on Financial Services.

By Mr. GUTIERREZ (for himself, Mr. PAUL, Mr. SHERMAN, Mr. OTTER, Mr. TOWNS, Mr. BACA, Ms. LEE, Mrs. MALONEY, Mr. BRADY of Pennsylvania, Ms. CARSON of Indiana, Mr. PRICE of North Carolina, Mr. LIPINSKI, Mr. ACEVEDO-VILA, Ms. WATERS, Mr. RANGEL, Mr. NADLER, Mr. SANDERS, Mr. HINCHEY, Ms. SLAUGHTER, Mr. OWENS, Mr. RUSH, Mr. WEINER, Mr. DAVIS of Illinois, Mr. CLAY, Mr. SERRANO, Ms. SCHAKOWSKY, Mr. GRIJALVA, Mr. MORAN of Virginia, Ms. BALDWIN, and Mr. BARTLETT of Maryland):

H.R. 4237. A bill to provide for congressional disapproval of certain regulations issued by the Comptroller of the Currency, in accordance with section 802 of title 5, United States Code; to the Committee on Financial Services.

By Mr. HINCHEY:

H.R. 4238. A bill to amend the Internal Revenue Code of 1986 to allow a $1,000 refundable credit for individuals who are active members of volunteer firefighting and emergency medical service organizations; to the Committee on Ways and Means.

By Mr. HUNTER:

H.R. 4239. A bill to provide a civil action for a minor injured by exposure to an entertainment product containing material that is harmful to minors, and for other purposes; to the Committee on the Judiciary.

By Mr. KOLBE (for himself, Mr. RENZI, Mr. GRIJALVA, Mr. PASTOR, Mr. HAYWORTH, Mr. FRANKS of Arizona, Mr. SHADEGG, and Mr. FLAKE):

H.R. 4240. A bill to amend the National Trails System Act to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study on the feasibility of designating the Arizona Trail as a national scenic trail or a national historic trail; to the Committee on Resources.

By Mr. LYNCH:

H.R. 4241. A bill to amend chapter 89 of title 5, United States Code, and the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to require coverage of hearing aids under the Federal Employees Health Benefits Program and private group and individual insurance; to the Committee on Government Reform, and in addition to the Committees on Education and the Workforce, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PEARCE (for himself and Mr. LEWIS of California):

H.R. 4242. A bill to transfer jurisdiction over certain public lands from the Bureau of Land Management to the Department of Defense; to the Committee on Resources.

By Mr. RYAN of Ohio:

H.R. 4243. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for the costs of college textbooks; to the Committee on Ways and Means.

By Mr. STUPAK:

H.R. 4244. A bill to designate the visitor center at the U.S.S. Arizona Memorial in Hawaii as the ''Pearl Harbor Memorial Site Visitor Center''; to the Committee on Resources.

By Mr. WALSH:

H.R. 4245. A bill to amend title 36, United States Code, to grant a Federal charter to the Irish American Cultural Institute; to the Committee on the Judiciary.

By Mrs. WILSON of New Mexico:

H.R. 4246. A bill to amend the Defense Base Closure and Realignment Act of 1990 to specify the criteria to be used by the Secretary of Defense in making recommendations in 2005 for the closure or realignment of military installations inside the United States under such Act; to the Committee on Armed Services.

By Mr. MORAN of Kansas (for himself, Ms. KAPTUR, Mr. BALLENGER, Mr. DINGELL, Mr. HALL, Mr. HOUGHTON, Mr. HYDE, Mr. SMITH of New Jersey, and Mr. REGULA):

H. Con. Res. 409. Concurrent resolution recognizing with humble gratitude the more than 16,000,000 veterans who served in the United States Armed Forces during World War II and the Americans who supported the war effort on the home front and celebrating the completion of the National World War II Memorial on the National Mall in the District of Columbia; to the Committee on Veterans' Affairs, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORBES:

H. Res. 608. A resolution expressing the sense of the House of Representatives that the Department of Defense should rectify deficiencies in the military postal system to ensure that members of the Armed Forces stationed overseas are able to receive and send mail in a timely manner as well as receive and send election ballots in time to be counted in the 2004 elections; to the Committee on Armed Services.

By Mr. GREEN of Wisconsin (for himself, Mr. ENGLISH, and Mr. BALLENGER):

H. Res. 609. A resolution expressing the sense of the House of Representatives that the importation into the United States of products and services of foreign nationals who violate the intellectual property rights of persons under United States laws should be prohibited; to the Committee on Ways and Means.

By Mr. LYNCH (for himself and Mr. TIAHRT):

H. Res. 610. A resolution expressing the sense of the House of Representatives with respect to the level of funding provided to the National Institutes of Health for carrying out the Autoimmune Diseases Research Plan; to the Committee on Energy and Commerce.

By Mr. BISHOP of New York (for himself, Ms. SCHAKOWSKY, and Mr. BROWN of Ohio):

H. Res. 611. A resolution expressing the sense of the House of Representatives that the President should immediately communicate to the members of the Organization of Petroleum Exporting Countries (OPEC) cartel and non-OPEC countries that participate in the cartel of crude oil producing countries the position of the United States that urgent action must be taken to increase world crude oil supplies so as to achieve stable crude oil prices, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶41.30 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 109: Ms. WOOLSEY.
H.R. 121: Ms. DELAURO.
H.R. 284: Mr. GALLEGLY.
H.R. 348: Mr. UDALL of New Mexico.
H.R. 356: Mr. LANTOS.
H.R. 391: Mr. LEWIS of Kentucky.
H.R. 434: Mr. BISHOP of Utah and Mr. SHAYS.
H.R. 446: Mr. OLVER.
H.R. 548: Mr. CONYERS, Mr. GEPHARDT, Mr. PASCRELL, Mr. DINGELL, Mr. LEVIN, Mr. BECERRA, and Mr. PAYNE.
H.R. 577: Mr. LIPINSKI.
H.R. 714: Mr. DUNCAN.
H.R. 716: Mr. LAMPSON, Mr. ROTHMAN, and Mr. SCOTT of Georgia.
H.R. 728: Mr. LEWIS of California.
H.R. 775: Mr. BACHUS.
H.R. 806: Mr. KOLBE.
H.R. 847: Mr. ISRAEL.
H.R. 869: Mr. FROST.
H.R. 890: Mr. PITTS.
H.R. 970: Mr. DICKS and Mr. LARSEN of Washington.
H.R. 979: Ms. BERKLEY.
H.R. 996: Mr. AKIN.
H.R. 1057: Ms. LEE, Mr. HOEFFEL, Mr. GUTIERREZ, Ms. KAPTUR, Mr. BURNS, Ms. BALDWIN, and Mr. GINGREY.
H.R. 1084: Mrs. WILSON of New Mexico.
H.R. 1117: Mr. BASS.
H.R. 1173: Mr. PUTNAM.
H.R. 1306: Ms. KILPATRICK.
H.R. 1336: Mr. RYUN of Kansas and Mr. RUPPERSBERGER.
H.R. 1355: Mr. BROWN of Ohio.
H.R. 1523: Mr. MANZULLO, Mr. MEEKS of New York, Mr. JEFFERSON, Mr. LEACH, and Mr. RUSH.
H.R. 1563: Mr. HASTINGS of Florida.
H.R. 1653: Mr. WOLF.
H.R. 1655: Mr. ALLEN and Mr. JEFFERSON.

H.R. 1673: Mr. SABO and Ms. MCCOLLUM.
H.R. 1700: Mr. SENSENBRENNER.
H.R. 1726: Mr. OWENS.
H.R. 1735: Mr. PORTER, Mr. BRADY of Pennsylvania, Mr. HINOJOSA, Mr. PAYNE, and Ms. HOOLEY of Oregon.
H.R. 1796: Mr. FERGUSON.
H.R. 1812: Mr. VAN HOLLEN.
H.R. 1930: Mr. JACKSON of Illinois, Ms. NORTON, and Mr. RUSH.
H.R. 1931: Mr. MCCOTTER.
H.R. 1989: Mr. GOODE.
H.R. 2151: Ms. NORTON, Mr. TOWNS, and Mr. FOSSELLA.
H.R. 2198: Ms. LOFGREN and Mr. PASTOR.
H.R. 2237: Ms. NORTON and Mr. MARKEY.
H.R. 2238: Mr. CASE.
H.R. 2318: Ms. WATERS, Mr. CLYBURN, and Mr. CUMMINGS.
H.R. 2358: Mr. CARSON of Oklahoma.
H.R. 2387: Mr. SCOTT of Virginia, Mr. CRAMER, Mr. MCGOVERN, Mr. LANGEVIN, Ms. ESHOO, and Mr. HOLDEN.
H.R. 2612: Mr. TIERNEY and Mr. UDALL of New Mexico.
H.R. 2797: Mr. SAM JOHNSON of Texas.
H.R. 2824: Mr. SOUDER and Mr. HOLT.
H.R. 2900: Mr. NEY, Mr. KENNEDY of Minnesota, Mr. TOM DAVIS of Virginia, and Mr. GORDON.
H.R. 2932: Mr. ANDREWS.
H.R. 2959: Mr. GONZALEZ, Mr. HASTINGS of Florida, Mr. POMEROY, Mr. LEACH, Mr. ROGERS of Alabama, Mr. ANDREWS, Mr. SHAYS, Mr. BISHOP of Georgia, Mrs. MILLER of Michigan, Mr. PETERSON of Minnesota, Mr. RUPPERSBERGER, Mr. MCCOTTER, Mr. MCDERMOTT, Mr. BELL, Mr. DAVIS of Illinois, Mrs. EMERSON, Mr. KING of Iowa, Mr. SPRATT, Mr. JONES of North Carolina, Mr. GREEN of Texas, and Ms. BERKLEY.
H.R. 2966: Mr. LARSEN of Washington.
H.R. 2967: Mr. ENGLISH.
H.R. 3069: Mrs. MYRICK.
H.R. 3085: Mr. ACKERMAN, Mrs. MCCARTHY of New York, Ms. ROYBAL-ALLARD, Ms. VELAZQUEZ, and Mr. PASTOR.
H.R. 3193: Mr. WELDON of Pennsylvania, Mr. RADANOVICH, Mr. BOEHLERT, Mr. TAYLOR of North Carolina, Mr. WELDON of Florida, Mr. MOLLOHAN, Mrs. EMERSON, Mr. WALDEN of Oregon, and Mr. HAYWORTH.
H.R. 3194: Ms. MCCARTHY of Missouri and Mr. BOUCHER.
H.R. 3243: Mr. WEXLER, Mr. FERGUSON, Mr. BOOZMAN, and Mr. COOPER.
H.R. 3246: Mr. JOHN, Mr. ROGERS of Alabama, and Mr. BOEHLERT.
H.R. 3296: Ms. HART.
H.R. 3441: Mr. GUTIERREZ, Mr. CHANDLER, and Ms. SCHAKOWSKY.
H.R. 3446: Mr. THOMPSON of Mississippi, Mr. CLYBURN, and Ms. MAJETTE.
H.R. 3458: Mr. NETHERCUTT, Mr. MCNULTY, Mr. ACEVEDO-VILA, Mr. MEEKS of New York, Mr. GRIJALVA, and Ms. JACKSON-LEE of Texas.
H.R. 3459: Mrs. MCCARTHY of New York.
H.R. 3476: Mr. BARRETT of South Carolina, Mr. MILLER of Florida, Mr. LATHAM, Mrs. MUSGRAVE, Mr. LINCOLN DIAZ-BALART of Florida, Mr. PAYNE, Mr. CARDIN, and Mr. GREEN of Wisconsin.
H.R. 3524: Mr. ROTHMAN.
H.R. 3558: Mr. BRADY of Pennsylvania and Mrs. CAPPS.
H.R. 3574: Mr. GREEN of Texas.
H.R. 3602: Mr. EHLERS, Mr. SANDLIN, Mr. BOEHLERT, Mr. GOODE, Mr. LAMPSON, and Mr. HINOJOSA.
H.R. 3615: Ms. SCHAKOWSKY, Mr. EVANS, Mr. ABERCROMBIE, Ms. MCCOLLUM, Mr. GRIJALVA, Mrs. MALONEY, Mr. MEEKS of New York, Mr. KENNEDY of Rhode Island, Mr. ACKERMAN, and Mr. TOWNS.
H.R. 3755: Mr. ROSS, Mrs. EMERSON, Ms. BERKLEY, and Mr. BRADLEY of New Hampshire.
H.R. 3763: Mr. CANTOR, Mr. BOEHLERT, and Mr. ROGERS of Kentucky.
H.R. 3777: Mr. SMITH of Michigan, Mr. MOORE, Mr. LUCAS of Kentucky, Mr. SHIMKUS, Ms. JACKSON-LEE of Texas, and Mr. CAMP.
H.R. 3800: Mrs. JO ANN DAVIS of Virginia.
H.R. 3816: Mr. BOSWELL, Mr. MCNULTY, Ms. DELAURO, and Ms. MCCOLLUM.
H.R. 3829: Mr. HOUGHTON.
H.R. 3831: Ms. LEE.
H.R. 3857: Mr. PORTMAN.
H.R. 3858: Mr. PORTMAN and Mr. STARK.
H.R. 3880: Ms. LOFGREN, Mr. ENGLISH, and Ms. ROYBAL-ALLARD.
H.R. 3896: Mr. FLAKE.
H.R. 3918: Mr. CLAY, Mr. CUMMINGS, Ms. KILPATRICK, Mr. MEEK of Florida, Mr. RUSH, Mr. TOWNS, Mr. OWENS, and Mr. LEWIS of Georgia.
H.R. 3920: Mr. SCHROCK, Mr. CARTER, and Mr. SOUDER.
H.R. 3941: Mr. GARRETT of New Jersey.
H.R. 3965: Mr. GREEN of Wisconsin and Ms. KAPTUR.
H.R. 3968: Mr. RUPPERSBERGER.
H.R. 4023: Mr. ABERCROMBIE.
H.R. 4033: Mr. SPRATT.
H.R. 4048: Mr. COLLINS.
H.R. 4052: Mr. FRANK of Massachusetts, Mr. ENGLISH, and Mr. MCHUGH.
H.R. 4060: Mr. BLUMENAUER.
H.R. 4061: Mr. BEREUTER, Mr. GREEN of Wisconsin, Mr. MORAN of Virginia, Mr. SIMMONS, Mr. TANCREDO, Mr. SANDERS, Mr. KUCINICH, Mr. PUTNAM, and Ms. CARSON of Indiana.
H.R. 4065: Mr. OWENS and Mr. RENZI.
H.R. 4076: Mr. NADLER, Mr. MARKEY, and Ms. NORTON.
H.R. 4077: Mr. OTTER.
H.R. 4078: Mr. BURTON of Indiana and Mr. HOSTETTLER.
H.R. 4101: Mrs. TAUSCHER.
H.R. 4116: Mr. WICKER.
H.R. 4126: Mr. OTTER and Mr. LATOURETTE.
H.R. 4130: Mr. PICKERING and Mrs. MALONEY.
H.R. 4131: Mr. SIMMONS.
H.R. 4142: Mr. FRANKS of Arizona.
H.R. 4156: Mr. TERRY and Ms. BALDWIN.
H.R. 4176: Mr. BALLANCE, Mr. PRICE of North Carolina, Mr. COBLE, Mrs. MYRICK, Mr. BALLENGER, Mr. TAYLOR of North Carolina, Mr. WATT, Mr. JONES of North Carolina, Mr. MILLER of North Carolina, Mr. MCINTYRE, Mr. ETHERIDGE, and Mr. BURR.
H.R. 4180: Ms. BORDALLO, Mr. BARTLETT of Maryland, and Mr. ACEVEDO-VILA.
H.R. 4181: Ms. ROS-LEHTINEN, Mr. COLLINS, Mr. KLINE, and Mr. BRADLEY of New Hampshire.
H.R. 4187: Mr. KLINE.
H.R. 4188: Mr. WILSON of South Carolina, Mr. TAYLOR of Mississippi, Mr. EVANS, Mr. ETHERIDGE, and Mr. MILLER of Florida.
H.R. 4192: Mr. ABERCROMBIE, Mr. OWENS, Mr. UDALL of New Mexico, Mr. HINOJOSA, Mr. MCGOVERN, Mr. TOWNS, Mr. KIND, and Mr. KLECZKA.
H.R. 4203: Mr. BURR, Mr. BOUCHER, and Mr. BALLENGER.
H.R. 4207: Mr. GRIJALVA and Mr. SPRATT.
H.R. 4217: Mr. LAHOOD, Mr. KIND, Mr. WHITFIELD, Mr. EVANS, Mr. STEARNS, Mr. SIMMONS, Mr. SCHROCK, Ms. HOOLEY of Oregon, Mr. ETHERIDGE, Mr. SAXTON, Mr. HOLT, Mr. VITTER, Mr. BRADY of Pennsylvania, Mr. OWENS, and Mr. RAHALL.
H.J. Res. 28: Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Ms. LEE, Mrs. JONES of Ohio, Mr. LEWIS of Georgia, Mr. DAVIS of Alabama, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. OWENS, Mr. JEFFERSON, Mr. CLYBURN, Mrs. CHRISTENSEN, Ms. CARSON of Indiana, Mr. PAYNE, Mr. DAVIS of Illinois, Ms. JACKSON-LEE of Texas, and Mr. TOWNS.
H.J. Res. 29: Mr. JEFFERSON, Mr. CLYBURN, and Ms. CARSON of Indiana.
H.J. Res. 30: Mr. CLYBURN, Ms. CARSON of Indiana, Mr. PAYNE, Mr. DAVIS of Illinois, Ms. JACKSON-LEE of Texas, and Mr. TOWNS.
H.J. Res. 31: Mr. CONYERS.
H.J. Res. 32: Mr. CONYERS.
H.J. Res. 33: Mr. CONYERS.
H.J. Res. 34: Mr. CONYERS.
H.J. Res. 35: Mr. CONYERS.
H. Con. Res. 30: Mr. DAVIS of Florida, Mr. GRIJALVA, Mr. EMANUEL, Mr. BISHOP of Georgia, Mr. VAN HOLLEN, Mr. RAMSTAD, Mr. MCDERMOTT, Mr. PITTS, Mr. CARDIN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. SABO, and Mr. MCGOVERN.
H. Con. Res. 247: Mr. LARSEN of Washington.
H. Con. Res. 276: Mr. PALLONE and Mr. GRIJALVA.
H. Con. Res. 325: Mr. RUPPERSBERGER.
H. Con. Res. 332: Ms. LORETTA SANCHEZ of California and Mr. STUPAK.
H. Con. Res. 366: Mr. UDALL of Colorado, Mr. MOLLOHAN, Mr. CRAMER, and Mr. SNYDER.
H. Con. Res. 375: Mr. MCCOTTER, Ms. SOLIS, and Mr. WEXLER.
H. Con. Res. 385: Mr. ANDREWS, Mr. ACKERMAN, Mr. SCHIFF, Mr. FROST, Mr. SPRATT, Mr. MEEHAN, and Mr. WEXLER.
H. Con. Res. 396: Mr. ROTHMAN.
H. Con. Res. 403: Mr. BELL, Mr. GALLEGLY, Mr. CLAY, and Mr. TIERNEY.
H. Con. Res. 406: Mr. WEXLER, Mr. EVANS, and Mr. SHIMKUS.
H. Res. 466: Mr. RAHALL and Mr. WATT.
H. Res. 575: Ms. KAPTUR.
H. Res. 576: Mr. GOODLATTE.
H. Res. 594: Ms. MAJETTE, Mr. GINGREY, Mr. BURNS, Mr. NORWOOD, Mr. KINGSTON, Mr. SCOTT of Georgia, and Mr. BISHOP of Georgia.
H. Res. 596: Mr. WELDON of Pennsylvania.
H. Res. 598: Mr. KLINE, Mr. SCOTT of Virginia, Mr. MCHUGH, Mr. FORBES, Mr. CARSON of Oklahoma, and Mr. COLLINS.
H. Res. 605: Mr. GRIJALVA, Mr. GREENWOOD, Mr. ALLEN, and Mr. ROTHMAN.

THURSDAY, APRIL 29, 2004 (42)

The House was called to order by the SPEAKER.

¶42.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, April 28, 2004.

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

¶42.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

7870. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revocation of Tolerance Exemptions for Certain Biopesticides [OPP-2003-0416; FRL-7353-5] received April 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7871. A letter from the Assistant Secretary of Defense for Health Affairs, Department of Defense, transmitting Report on the quality of health care furnished under the health care programs of the Department of Defense covering FY 2002, pursuant to 10 U.S.C. 1071 Public Law 106—65, section 723; to the Committee on Armed Services.

7872. A letter from the Acting Under Secretary, Department of Defense, transmitting the Secretary's certification that the full-up, system level Live Fire Test and Evaluation (LFT&E) of the Department of the Navy's lead CVN 21 aircraft carrier would be unreasonably expensive and impracticable, pursuant to 10 U.S.C. 2366(c)(1); to the Committee on Armed Services.

7873. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Edward G. Anderson III, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

7874. A letter from the Acting Under Secretary, Department of Defense, transmitting a report presenting the specific amounts of staff-years of technical effort to be allocated for each defense federally funded research and development center (FFRDC) during FY 2005, pursuant to Public Law 108—87, section 8029(e); to the Committee on Armed Services.

7875. A letter from the Acting Under Secretary, Department of Defense, transmitting pursuant to section 2433 of title 10, United States Code, certification with respect to the Evolved Expendable Launch Vehicle (EELV) major defense acquisition program that: such acquisition program is essential to the national security; there are no alternatives to such acquisition program which will provide equal or greater military capability at less cost; the new estimates of the program acquisition unit cost or procurement unit cost are reasonable; and the management structure for the acquisition program is adequate to manage and control program acquisition cost or procurement unit cost; to the Committee on Armed Services.

7876. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to the Republic of Korea pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

7877. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Food Additives Permitted in Feed and Drinking Water of Animals; Natamycin [Docket No. 1995F-0221] received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7878. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Registration of Food Facilities Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002; Reopening of Comment Period [Docket No. 2002N-0276] received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7879. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Prior Notice of Imported Food Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002; Reopening of Comment Period [Docket No. 2002N-0278] received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7880. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Secondary Direct Food Additives Permitted in Food for Human Consumption [Docket No. 2002F-0181] received April 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7881. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Bar Code Label Requirement for Human Drug Products and Biological Products; Correction [Docket No. 2002N-0204] received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7882. A letter from the Deputy Assistant Administrator, Office of Diversion Control, DEA, Department of Justice, transmitting the Department's final rule — Schedules of Controlled Substances: Extension of Temporary Placement of Alpha-Methyltryptamine (AMT) and 5-Methoxy-N, N-Diisopropyltryptamine (5-MeO-DIPT) in Schedule I of the Controlled Substances Act [Docket No. DEA-251E] received April 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7883. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Air Quality Designations and Classifications for the 8-Hour Ozone National Ambient Air Quality Standards; Early Action Compact Areas with Deferred Effective Dates [OAR-2003-0083; FRL-7651-8] (RIN: 2060-) received April 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7884. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Arizona [AZ 116-0059a; FRL-7651-1] received April 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7885. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans, Finding of Attainment, and Designation of Areas for Air Quality Planning Purposes; 1-Hour Ozone Standard, East Kern County, California [CA 118-PLANa; FRL-7641-7] received April 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7886. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Attainment of the 1-Hour Ozone Standard; Determination Regarding Applicability of Certain Clean Air Act Requirements; Approval and Promulgation of Oxone Attainment Plan; San Francisco Bay Area, California [CA258-0442(A); FRL-7645-7] received April 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7887. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval of RFP for Capacity Building Project in NIS — received April 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7888. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion [SW-FRL-7651-4] received April 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7889. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Interim Final Action to Stay and Defer Sanctions Based on Attainment of the 1-hour Ozone Standard for the San Francisco Bay Area, California [CA258-0442(B); FRL-7645-8] received April 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7890. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Kern County Air Pollution Control District [CA 218-0433a; FRL-7640-7] received April 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7891. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California States Implementation Plan, San Joaquin Valley Unifed Air Pollution Control District [CA 083-0436a; FRL-7650-4] received April 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7892. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District [CA 304-0446a; FRL-7651-3] received April 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7893. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — South Dakota; Final Authorization of State Hazardous Waste Management Program Revision [FRL-7653-2] received April 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7894. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act (''Appliance Labeling Rule'') — received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7895. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the activities of the Multinational Force and Observers (MFO) and certain financial information concerning U.S. Government participation in that organization, pursuant to 22 U.S.C. 3425; to the Committee on International Relations.

7896. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Israel (Transmittal No. DDTC-001-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7897. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Japan (Transmittal No. DTC 009-04), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

7898. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

7899. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia that was declared in Executive Order 12978 of October 21, 1995; to the Committee on International Relations.

7900. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Tome H. Walters, Jr., United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

7901. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2004-27 on Waiving Prohibition

on United States Military Assistance to Parties to the Rome Statute Establishing the International Criminal Court, pursuant to 22 U.S.C. 7421 et. seq; to the Committee on International Relations.

7902. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a letter to inform that the Departments of State, Defense, and Commerce are engaged in an ongoing review of the United States Munitions List (USML), resulting in the proposed removal from the USML, and transfer to the Commerce Control List, of items from Category XIV, as required by Section 38(f) of the Arms Control Export Act, as amended; to the Committee on International Relations.

7903. A letter from the Inspector General, Department of Defense, transmitting In complicance with the Federal Activities Inventory Reform (FAIR) Act of 1998, Public Law 105-270, an inventory of commercial and inherently government activities for FY 2003; to the Committee on Government Reform.

7904. A letter from the Chairman, National Endowment for the Humanities, transmitting the Performance Report of the National Endowment for the Humanities for Fiscal Year 2003; to the Committee on Government Reform.

7905. A letter from the Administrator, Office of Management and Budget, transmitting the annual report required by the Paperwork Reduction Act (PRA) entitled ''Managing Information Collection — Information Collection Budget of the United States Government,'' pursuant to 44 U.S.C. 3504(e)(2); to the Committee on Government Reform.

7906. A letter from the Director, Regulations and Forms Services, Department of Homeland Security, transmitting the Department's ''Major'' final rule — Adjustment of the Immigration Benefit Application Fee Schedule [CIS No. 2233-02] (RIN: 1615-AA84) received April 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7907. A letter from the Assistant Attorney General, Department of Justice, transmitting the report for FY 2001 and 2002 on the status of correctional job training and placement programs in the United States and the activities of the Office of Correctional Job Training and Placement (OCJTP), as required by Section 20418 of the Violent Crime Control and Law Enforcement Act of 1994; to the Committee on the Judiciary.

7908. A letter from the Acting Assistant Director, Civil Division, Torts Branch, Department of Justice, transmitting the Department's ''Major'' final rule — Civil Division; Claims Under the Radiation Exposure Compensation Act Amendments of 2000; Amendments Contained in the 21st Century Department of Justice Appropriations Authorization Act of 2002 [Docket No. CIV101F; AG Order No. 2711-2004] (RIN: 1105-AA75) received April 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7909. A letter from the Senior Staff Attorney, United States Court of Appeals for the First Circuit, transmitting an opinion of the United States Court of Appeals for the First Circuit (No. 03-9006 — In re Bankvest Capital Corp. (March 15, 2004)); to the Committee on the Judiciary.

7910. A letter from the Acting Administrator, Centers for Medicare & Medicaid Services, Department of Health and Human Services, transmitting notification of the belief that the report mandated by section 4630 of the Balanced Budget Act (BBA) of 1997 would no longer be useful to Congress; jointly to the Committees on Ways and Means and Energy and Commerce.

¶42.3 APPOINTMENT OF SPEAKER PRO TEMPORE TO SIGN ENROLLMENTS

The SPEAKER laid before the House a communication, which was read as follows:

WASHINGTON, DC,
April 29, 2004.

I hereby appoint the Honorable MAC THORNBERRY to act as Speaker pro tempore to sign enrolled bills and joint resolutions through May 4, 2004.

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

By unanimous consent, the appointment was approved.

And then,

¶42.4 ADJOURNMENT

On motion of Mr. COBLE, at 10 o'clock and 10 minutes a.m., the House adjourned.

¶42.5 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RENZI (for himself and Mr. PORTER):

H.R. 4247. A bill to amend title 28, United States Code, to provide for the appointment of additional Federal circuit judges, to divide the Ninth Judicial Circuit of the United States into 3 circuits, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself and Mr. EVANS):

H.R. 4248. A bill to amend title 38, United States Code, to extend the authority of the Secretary of Veterans Affairs to make grants to expand or modify existing comprehensive service programs for homeless veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. PELOSI (for herself and Mr. CASTLE):

H.R. 4249. A bill to require the Secretary of the Treasury to mint coins in commemoration of the Old Mint at San Francisco, otherwise known as the ''Granite Lady'', and for other purposes; to the Committee on Financial Services.

By Mr. PRICE of North Carolina (for himself, Ms. CORRINE BROWN of Florida, Mr. DAVIS of Florida, Mr. HASTINGS of Florida, Ms. JACKSON-LEE of Texas, Mr. DAVIS of Illinois, Ms. LEE, Mr. BALLANCE, Mr. CLAY, Mr. FORD, Mr. OWENS, Mr. PAYNE, Mr. TOWNS, Mr. WATT, Mr. WYNN, Mr. BERMAN, Mr. DINGELL, Mr. HINCHEY, Mr. BRADY of Pennsylvania, Mr. CASE, Mr. GRIJALVA, Mr. SERRANO, Mr. SHERMAN, and Mr. HOLT):

H.R. 4250. A bill to amend the National Voter Registration Act of 1993 to require States to provide notice and an opportunity for review prior to removing any individual from the official list of eligible voters by reason of criminal conviction or mental incapacity; to the Committee on House Administration.

By Mr. SMITH of New Jersey (for himself, Mr. EVANS, Mr. SIMMONS, Mr. BILIRAKIS, Ms. CORRINE BROWN of Florida, Mr. REYES, Mr. WILSON of South Carolina, Mr. BAKER, Mrs. MALONEY, Mr. MILLER of Florida, Mr. BURTON of Indiana, Mr. SANDERS, Mr. CASE, Mr. BARTLETT of Maryland, Mr. HOEFFEL, Mr. CALVERT, Mr. HAYES, Mr. SAXTON, Mr. JONES of North Carolina, Mr. LOBIONDO, and Mr. FERGUSON):

H.J. Res. 93. A joint resolution recognizing the 60th anniversary of the Allied landing at Normandy during World War II; to the Committee on Armed Services.

By Mr. GOODE (for himself, Mr. KING of Iowa, Mr. DOOLITTLE, Mr. BURTON of Indiana, Mr. JONES of North Carolina, and Mr. BARTLETT of Maryland):

H.J. Res. 94. A joint resolution proposing an amendment to the Constitution of the United States to establish English as the official language of the United States; to the Committee on the Judiciary.

By Mr. LANTOS (for himself, Mr. BERMAN, Mr. SHERMAN, Mr. ACKERMAN, Mr. ABERCROMBIE, Mr. CROWLEY, Mr. KIRK, Mr. FALEOMAVAEGA, Ms. ROS-LEHTINEN, Ms. MCCOLLUM, Ms. LEE, Mr. MCGOVERN, Mr. KING of New York, Mr. EVANS, Mr. PAYNE, Mr. WEXLER, Mr. BROWN of Ohio, Mr. PITTS, Mr. ROHRABACHER, Mr. SOUDER, Mr. ENGEL, Mr. BLUMENAUER, Mr. MEEKS of New York, Mr. CHANDLER, Mr. HOEFFEL, Mr. KUCINICH, Mr. TANCREDO, Mr. SNYDER, Ms. WATSON, Mr. DEFAZIO, Mr. SMITH of New Jersey, Mr. ANDREWS, Mr. MENENDEZ, and Mr. DELAHUNT):

H.J. Res. 95. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; to the Committee on Ways and Means.

By Mr. CANTOR (for himself, Mr. SCOTT of Virginia, and Mr. FORBES):

H. Res. 612. A resolution recognizing and honoring the firefighters, police, public servants, civilians, and private businesses who responded to the devastating fire in Richmond, Virginia, on March 26, 2004; to the Committee on Government Reform.

¶42.6 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 3921: Mr. PASTOR.

FRIDAY, APRIL 30, 2004 (43)

¶43.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. THORNBERRY, who laid before the House the following communication:

WASHINGTON, DC,
April 30, 2004.

I hereby appoint the Honorable MAC THORNBERRY to act as Speaker pro tempore on this day.

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

¶43.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. THORNBERRY, announced he had examined and approved the Journal of the proceedings of Thursday, April 29, 2004.

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

¶43.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

7911. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Fees for Product Review and Approval — received April 27, 2004, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Agriculture.

7912. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Fees for Review of the Rule Enforcement Programs of Contract Markets and Registered Futures Association — received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7913. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Classical Swine Fever Status of France and Spain [Docket No. 98-090-7] (RIN: 0579-AB03) received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7914. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Cattle From Australia and New Zealand; Testing Exemptions [Docket No. 99-071-3] received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7915. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Golden Nematode; Regulated Area [Docket No. 03-082-2] received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7916. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Certification Program for Imported Articles of Pelargonium spp. and Solanum spp. To Prevent Introduction of Potato Brown Rot [Docket No. 03-019-2] received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7917. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Tuberculosis in Cattle and Bison; State and Zone Designation; Michigan [Docket No. 02-112-3] received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7918. A letter from the Director, Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting the Department's final rule — Flexible Marketing Allotments for Sugar (RIN: 0560-AH08) received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7919. A letter from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department's final rule — General Requirements for Cooperative Services Grant Programs, Value-Added Producer Grants, Agriculture Innovation Centers and Rural Cooperative Development Grants (RIN: 0570-AA40) received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7920. A letter from the Chairman and Chief Executive Officer, Farm Credit Admininstration, transmitting the Administration's final rule — Loan Policies and Operations; Disclosure to Shareholders; Disclosure to Investors in Systemwide and Consolidated Bank Debt Obligations of the Farm Credit System (RIN: 3052-AC07) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7921. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to Mexico, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

7922. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Interim Final Determination to Stay and/or Defer Sanctions, South Coast Air Quality Management District [CA 304-0446c; FRL-7651-6] received April 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7923. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 04-04 which informs of an intent to sign a Project Arrangement for the Distribution and Fate of Energetics between the United States and Canada, pursuant to 22 U.S.C. 2767(f); to the Committee on Armed Services.

7924. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to the Republic of Korea (Transmittal No. DTC-011-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7925. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-418, ''Unemployment Compensation and Domestic Violence Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

7926. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-417, ''Disposal of District-Owned Surplus Real Property in Ward 8 Temporary Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

7927. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-416, ''Commission on Selection and Tenure of Administrative Law Judges Non-Liability Temporary Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

7928. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-415, ''Freedom Way Designation Act of 2004,''pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

7929. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-414, ''Language Access Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

7930. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting notice on leasing systems for the Cook Inlet, Sale 191, scheduled to be held in May 2004, pursuant to 43 U.S.C. 1337(a)(8); to the Committee on Resources.

7931. A letter from the Senior Staff Attorney, United States Court of Appeals for the First Circuit, transmitting an opinion of the United States Court of Appeals for the First Circuit (No.03-9006 — In re Bankvest Capital Corp. (March 15, 2004)); to the Committee on the Judiciary.

7932. A letter from the Secretary, Department of Transportation, transmitting the Nineteenth Annual Report of Accomplishments Under the Airport Improvement Program for Fiscal Year 2000, pursuant to 49 U.S.C. 47131; to the Committee on Transportation and Infrastructure.

7933. A letter from the United States Trade Representative, transmitting the report of the Advisory Committee for Trade Policy and Negotiations, and the policy, sectoral, and functional trade advisory committees duly constituted under said Acts, on the proposed free trade agreement between the United States and the Dominican Republic, pursuant to 19 U.S.C. 2155(e)(1); to the Committee on Ways and Means.

7934. A letter from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting the Corporation's annual Management Report for FY 2003, pursuant to 31 U.S.C. 9106; jointly to the Committees on International Relations and Government Reform.

¶43.4 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate had passed without amendment a bill and a concurrent resolution of the House of the following titles:

H.R. 4219. An Act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

H. Con. Res. 376. A concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

The message also announced that the Senate had passed bills of the following titles in which the concurrence of the House is requested:

S. 150. An Act to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act.

S. 2267. An Act to amend section 29(k) of the Small Business Act to establish funding priorities for women's business centers.

¶43.5 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2267. An Act to amend section 29(k) of the Small Business Act to establish funding priorities for women's business centers; to the Committee on Small Business.

¶43.6 ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker.

H.R. 4219. An Act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

¶43.7 SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1904. An Act to designate the United States courthouse located at 400 North Miami Avenue in Miami, Florida, as the ''Wilkie D. Ferguson, Jr. United States Courthouse.''

S. 2043. An Act to designate a Federal building in Harrisburg, Pennsylvania, as the ''Ronald Reagan Federal Building.''

And then,

¶43.8 ADJOURNMENT

The SPEAKER pro tempore, Mr. THORNBERRY, by unanimous consent, and pursuant to the special order of the House agreed to on Wednesday, April 28, at 10 o'clock and 3 minutes a.m., declared the House adjourned until 12:30 p.m. on Tuesday, May 4, 2004.

¶43.9 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. LOBIONDO, and Mr. FILNER):

H.R. 4251. A bill to amend various laws relating to maritime transportation, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ANDREWS:

H.R. 4252. A bill to amend the Elementary and Secondary Education Act of 1965 to authorize grants for the repair, renovation, alteration, and construction of public elementary and secondary school facilities; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 4253. A bill to amend title 4, United States Code, to require the display at half-staff of the flag of the United States on National Workers Memorial Day; to the Committee on the Judiciary.

By Mr. BOSWELL:

H.R. 4254. A bill to authorize the Speaker of the House of Representatives and the President Pro Tempore of the Senate to make appropriate arrangements for the presentation, on behalf of Congress, of gold medals to the Meskwaki Code Talkers in recognition of their contributions to the Nation during World War II, and for other purposes; to the Committee on Financial Services.

By Mr. INSLEE:

H.R. 4255. A bill to prevent deceptive software transmission practices in order to safeguard computer privacy, maintain computer control, and protect Internet commerce; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California (for himself, Mr. WAXMAN, Mr. OWENS, Mr. LYNCH, Mr. MICHAUD, Ms. LINDA T. SANCHEZ of California, Ms. LEE, Mr. HOEFFEL, Mr. MORAN of Virginia, Ms. SLAUGHTER, Mr. ABERCROMBIE, Mr. SERRANO, Mr. DELAHUNT, Ms. DELAURO, Ms. SOLIS, Mr. SHERMAN, Mr. MATSUI, Mr. TIERNEY, Mr. MENENDEZ, Mr. BACA, Ms. WATSON, Mr. LANGEVIN, Mr. CROWLEY, Mr. ACKERMAN, Ms. MCCOLLUM, Mr. BERMAN, Mr. INSLEE, Mr. VAN HOLLEN, Mr. EVANS, Mr. WYNN, Mr. KUCINICH, Mr. NADLER, Ms. CORRINE BROWN of Florida, Mr. DICKS, Mr. GONZALEZ, Mr. HINCHEY, Mr. BROWN of Ohio, Ms. KILPATRICK, Mrs. JONES of Ohio, Ms. MCCARTHY of Missouri, Ms. NORTON, Ms. WATERS, Mr. KLECZKA, Mr. CUMMINGS, Mr. COSTELLO, Mr. RANGEL, Mr. WEINER, Ms. WOOLSEY, Mr. GRIJALVA, Mr. DAVIS of Illinois, Mr. ISRAEL, Mr. KENNEDY of Rhode Island, Mr. GUTIERREZ, Mr. BISHOP of New York, Ms. CARSON of Indiana, Mr. ALLEN, Mr. RYAN of Ohio, Mr. RODRIGUEZ, Mr. UDALL of New Mexico, Mr. OLVER, Mr. OBEY, Mr. FRANK of Massachusetts, Mr. STARK, Mr. SANDERS, Mr. CAPUANO, Mr. HINOJOSA, Ms. LOFGREN, Mr. KILDEE, Mr. ANDREWS, Mr. HOLT, Mr. GEPHARDT, Mr. HONDA, Mr. SABO, Mr. MEEHAN, Ms. BALDWIN, Mr. WU, and Mr. MEEKS of New York):

H.R. 4256. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; to the Committee on Education and the Workforce.

By Mr. OTTER (for himself, Mr. OBERSTAR, Mr. SIMPSON, Mr. PETERSON of Minnesota, Mr. KILDEE, Mr. MARSHALL, Mr. POMEROY, Mr. PAUL, Mr. ROSS, Mr. MCHUGH, Ms. SCHAKOWSKY, Mr. KENNEDY of Minnesota, Mr. BEREUTER, and Mr. NETHERCUTT):

H.R. 4257. A bill to amend title XVIII of the Social Security Act to clarify payment for clinical laboratory tests furnished by critical access hospitals under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE (for himself, Mr. FALEOMAVAEGA, Mr. ROHRABACHER, Ms. BORDALLO, Mr. HOUGHTON, Ms. WATSON, Mr. BOOZMAN, Mr. CARDOZA, Mrs. CHRISTENSEN, Mr. ACEVEDO-VILA, Mr. ABERCROMBIE, and Mr. CASE):

H. Con. Res. 410. Concurrent resolution recognizing the 25th anniversary of the adoption of the Constitution of the Republic of the Marshall Islands and recognizing the Marshall Islands as a staunch ally of the United States, committed to principles of democracy and freedom for the Pacific region and throughout the world; to the Committee on International Relations.

By Mr. RYUN of Kansas:

H. Con. Res. 411. Concurrent resolution to express the sense of the Congress regarding the 50th anniversary of the Supreme Court decision in Brown v. Board of Education of Topeka; to the Committee on the Judiciary.

By Mr. WHITFIELD (for himself, Mr. BEREUTER, Mr. PRICE of North Carolina, and Mr. WEXLER):

H. Con. Res. 412. Concurrent resolution relating to the reunification of Cyprus; to the Committee on International Relations.

By Mr. TOM DAVIS of Virginia (for himself, Mr. SMITH of New Jersey, Ms. LOFGREN, and Ms. LORETTA SANCHEZ of California):

H. Res. 613. A resolution recognizing and honoring the tenth anniversary of Vietnam Human Rights Day; to the Committee on Government Reform.

By Mrs. MUSGRAVE:

H. Res. 614. A resolution supporting the goals of a National Motorcycle Safety and Awareness Month; to the Committee on Transportation and Infrastructure.

By Ms. ROS-LEHTINEN (for herself, Mr. BLUNT, Mr. LANTOS, Mr. PENCE, Mrs. JO ANN DAVIS of Virginia, Mr. MCCOTTER, Mr. CROWLEY, and Mr. ACKERMAN):

H. Res. 615. A resolution expressing the sense of the House of Representatives in support of full membership of Israel in the Western European and Others Group (WEOG) at the United Nations; to the Committee on International Relations.

By Ms. ROS-LEHTINEN (for herself, Mr. PENCE, Mrs. JO ANN DAVIS of Virginia, Mr. MCCOTTER, and Mr. BLUNT):

H. Res. 616. A resolution condemning the recent increase in acts of anti-Semitism in members countries of the European Union, and for other purposes; to the Committee on International Relations.

By Ms. ROS-LEHTINEN (for herself, Mr. PENCE, Mrs. JO ANN DAVIS of Virginia, Mr. MCCOTTER, Mr. CROWLEY, Mr. BLUNT, and Mr. LANTOS):

H. Res. 617. A resolution expressing support for the accession of Israel to the Organization for Economic Co-operation and Development (OECD); to the Committee on International Relations.

¶43.10 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

317. The SPEAKER presented a memorial of the Senate of the State of Kansas, relative to Senate Resolution No. 1834 memorializing the President and Congress of the United States to hold harmless those states which, as a result of their own educational accountability systems, meet or exceed requirements of or standards of the No Child Left Behind Act of 2001; to the Committee on Education and the Workforce.

318. Also, a memorial of the Senate of the State of Vermont, relative to Senate Resolution No. 23, memorializing the Congress of the United States to amend the No Child Left Behind Act to include a mechanism for a waiver from its provisions for school accountability that shall be granted to states whose systems of standards and accountability result in high student achievement; to the Committee on Education and the Workforce.

¶43.11 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 203: Mr. SHAYS.
H.R. 432: Mr. LIPINSKI.
H.R. 1057: Mr. MORAN of Kansas and Mr. FROST.
H.R. 2023: Mrs. MCCARTHY of New York.
H.R. 2173: Mr. ISRAEL and Mr. STENHOLM.
H.R. 2260: Mr. WILSON of South Carolina, Mr. GINGREY, Mr. RODRIGUEZ, Mr. GOODE, Mr. CUMMINGS, Mr. GREENWOOD, and Mr. SHIMKUS.
H.R. 2404: Ms. HARRIS and Mr. LATOURETTE.
H.R. 2562: Mr. ROSS.
H.R. 2728: Mr. WILSON of South Carolina.
H.R. 2729: Mr. WILSON of South Carolina.
H.R. 2730: Mr. WILSON of South Carolina.
H.R. 2731: Mr. WILSON of South Carolina.
H.R. 3090: Mr. OWENS.
H.R. 3266: Mrs. NAPOLITANO.
H.R. 3755: Mr. ABERCROMBIE, Mr. ISRAEL, Mr. SULLIVAN, and Mr. STENHOLM.
H.R. 3802: Mr. SMITH of New Jersey, Ms. SLAUGHTER, and Mr. RUPPERSBERGER.
H.R. 3889: Mr. CRAMER.
H.R. 3978: Mr. FOSSELLA.
H.R. 4102: Mr. ALLEN, Mr. COSTELLO, Mr. ROSS, Mr. RUSH, Ms. HOOLEY of Oregon, Mr. DAVIS of Illinois, and Mr. OWENS.
H.R. 4124: Mr. SNYDER.
H.R. 4155: Mr. MCDERMOTT.
H.R. 4231: Mr. SMITH of New Jersey.
H.J. Res. 93: Mr. FILNER, Mr. ROTHMAN, Mr. MCGOVERN, Mr. PENCE, Mr. BRADY of Pennsylvania, and Mr. HILL.
H. Con. Res. 366: Mr. MEEK of Florida.
H. Con. Res. 479: Mr. NEAL of Massachusetts and Mr. TIERNEY.

TUESDAY, MAY 4, 2004 (44)

¶44.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. BURNS, who laid before the House the following communication:

WASHINGTON, DC,
May 4, 2004.

I hereby appoint the Honorable MAX BURNS to act as Speaker pro tempore on this day.

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

Whereupon, pursuant to the order of the House of Tuesday, January 20, 2004, Members were recognized for morning-hour debate.

¶44.2 RECESS—1:10 P.M.

The SPEAKER pro tempore, Mr. BURNS, pursuant to clause 12(a) of

rule I, declared the House in recess at 1 o'clock and 10 minutes p.m., until 2 p.m.

¶44.3 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. TERRY, called the House to order.

¶44.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. TERRY, announced he had examined and approved the Journal of the proceedings of Friday, April 30, 2004.

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

¶44.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

7935. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Eligibility of Suspended Health Care Providers to Receive Payment of Federal Employees Health Benefits Program Funds; Financial Sanctions of Health Care Providers Participating in the Federal Health Benefits Program (RIN: 3206-AJ42) received March 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7936. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Redefinition of the North Dakota and Duluth, MN, Appropriated Fund Wage Areas (RIN: 3206-AJ78) received March 31, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7937. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Safe Harbor Agreements and Candidate Conservation Agreements with Assurances; Revisions to the Regulations (RIN: 1018-AI85) received April 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7938. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Oil and Gas an Sulphur Operations in the Outer Continental — Relief or Reduction in Royalty Rates — Deep Gas Provisions (RIN: 1010-AD01) received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7939. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — New Mexico Regulatory Program [NM-043-FOR] received April 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7940. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Determination of Threatened Status for the Beluga Sturgeon (Huso huso) (RIN: 1018-AI11) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7941. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction [Docket No. 001005281-0369-02; I.D. 031804A] received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7942. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 031124287-4060-02; I.D. 040804B] received April 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7943. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No. 031124287-4060-02; I.D. 040504B] received April 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7944. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Amendment 16-2 [Docket No. 031125288-4102-02; I.D. 110303A] (RIN: 0648-AR35) received April 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7945. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update on Future of the EP Determination Letter Program [Announcement 2004-32] received April 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7946. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Request for Comments on Revenue Procedure for Pre-Approved Plans [Announcement 2004-33] received April 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7947. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Split-Interest Trust Distributions to Private Foundations: Distributable Amount [Notice 2004-36] received April 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7948. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Distributions to Private Foundations from Trusts or Estates; Net Investment Income [Notice 2004-35] received April 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7949. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Partner's Distributive Share: Foreign Tax Expenditures [TD 9121] (RIN: 1545-BD11) received April 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7950. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2004-44) received April 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7951. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance under Section 1502; Stock Basis after a Group Structure Change [TD 9122] (RIN: 1545-BC28) received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7952. A letter from the Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Title II Cost of Living Increases in Primary Insurance Accounts (RIN: 0960-AF14) received April 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶44.6 EDUCATION OF MILITARY CHILDREN

Mr. HAYES moved to suspend the rules and agree to the resolution (H. Res. 598):

Whereas there are approximately 750,000 school-aged children of members of the active duty Armed Forces in the United States;

Whereas there are approximately 650,000 of these military children served in public schools across the United States;

Whereas there are approximately 100,500 military children served in Department of Defense Education Activity schools in the United States and overseas;

Whereas schools serving military installations stress the importance of being aware of what is happening in the world and the impact of world events on the lives of military families;

Whereas schools serving military installations can provide students a sense of safety and reassurance;

Whereas schools serving military installations understand the importance of providing a normal environment and regular routine for children of parents in the military before learning can ever take place;

Whereas such schools can offer increased counseling for military children due to the deployment of family members;

Whereas such schools can offer additional counseling for staff, many of whom are spouses, parents, brothers, and sisters of deployed members of the Armed Forces;

Whereas schools serving military installations often have additional security measures in place and are continually looking at further security measures for their schools;

Whereas schools serving military installations serve students whose parents can be deployed for long periods of time and often with short notice;

Whereas teachers and counselors working in schools serving military installations are trained to work with military children and their classmates when there is a service-related incident or death;

Whereas school districts surrounding military installations can assist other school districts impacted by National Guard and Reserve deployments with support for students; and

Whereas the Impact Aid program provides support for military impacted schools in their efforts to serve students: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the contributions of the teachers, administration, and staff of Military Impacted Schools and the Department of Defense Education Activity schools worldwide; and

(2) commends the teachers in military impacted communities who work on the front lines at home to educate students during times of peace and times of conflict.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. HAYES and Mr. RYAN of Ohio, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof,

the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶44.7 CONGRATULATING CHARTER SCHOOLS

Mr. PORTER moved to suspend the rules and agree to the resolution (H. Res. 600); as amended:

Whereas charter schools deliver high-quality education and challenge our students to reach their potential;

Whereas charter schools provide thousands of our families with diverse and innovative educational options for their children;

Whereas charter schools are public schools authorized by a designated public entity and are responding to the needs of our communities, families, and students and promote the principles of quality, choice, and innovation;

Whereas in exchange for the flexibility and autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other operations;

Whereas 41 States, the District of Columbia, and the Commonwealth of Puerto Rico have passed laws authorizing charter schools;

Whereas nearly 3,000 charter schools are now operating in 37 States, the District of Columbia, and the Commonwealth of Puerto Rico and serving 750,000 students;

Whereas over the last 10 years, Congress has provided more than $1,000,000,000 in support to the charter school movement through facilities financing assistance and grants for planning, startup, implementation, and dissemination;

Whereas charter schools improve their students' achievement and stimulate improvement in traditional public schools;

Whereas charter schools must meet the student achievement accountability requirements included by the No Child Left Behind Act of 2001, and contained in the Elementary and Secondary Education Act of 1965, in the same manner as traditional public schools, and often set higher and additional individual goals, to ensure that they are of high quality and truly accountable to the public;

Whereas charter schools give parents new freedom to choose their public school, charter schools routinely measure parental satisfaction levels, and charter schools must prove their ongoing success to parents, policymakers, and their communities;

Whereas nearly 40 percent of charter schools report having a waiting list, and the total number of students on all such waiting lists is enough to fill over 1,000 average-sized charter schools;

Whereas charter schools nationwide serve a higher percentage of low-income and minority students than the traditional public system;

Whereas charter schools have enjoyed broad bipartisan support from the Administration, the Congress, State Governors and legislatures, educators, and parents across the United States; and

Whereas the fifth annual National Charter Schools Week, to be held May 3 to 7, 2004, is an event sponsored by charter schools and grassroots charter school organizations across the United States to recognize the significant impacts, achievements, and innovations of charter schools: Now, therefore, be it—

Resolved, That—

(1) the House of Representatives acknowledges and commends charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education and improving and strengthening our public school system;

(2) the House of Representatives supports the fifth annual National Charter Schools Week; and

(3) it is the sense of the House of Representatives that the President should issue a proclamation calling on the people of the United States to conduct appropriate programs, ceremonies, and activities to demonstrate support for charter schools during this week long celebration in communities throughout the United States.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. PORTER and Mr. RYAN of Ohio, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. PORTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶44.8 SCHOOL-BASED MUSIC EDUCATION

Mr. PORTER moved to suspend the rules and agree to the concurrent resolution (H. Con. Res. 380); as amended:

Whereas school music programs enhance intellectual development and enrich the academic environment for students of all ages;

Whereas students who participate in school music programs are less likely to be involved with drugs, gangs, or alcohol and have better attendance in school;

Whereas the skills gained through sequential music instruction, including discipline and the ability to analyze, solve problems, communicate, and work cooperatively, are vital for success in the 21st century workplace;

Whereas the majority of students attending public schools in inner city neighborhoods have virtually no access to music education, which places them at a disadvantage compared to their peers in other communities;

Whereas local budget cuts are predicted to lead to significant curtailment of school music programs, thereby depriving millions of students of an education that includes music;

Whereas the arts are a core academic subject, and music is an essential element of the arts; and

Whereas every student in the United States should have an opportunity to reap the benefits of music education: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) it is the sense of the Congress that music education grounded in rigorous instruction is an important component of a well-rounded academic curriculum and should be available to every student in every school; and

(2) the Congress recognizes NAMM, the International Music Products Association for its efforts to designate a Music in Our Schools Month in order to highlight the important role that school music programs play in the academic and social development of children.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. PORTER and Mr. RYAN of Ohio, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. PORTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶44.9 UNIVERSITY OF CONNECTICUT HUSKIES

Mr. SIMMONS moved to suspend the rules and agree to the resolution (H. Res. 599):

Whereas the University of Connecticut is the first school to win both the men and women's Division I basketball National Championship titles in the same year;

Whereas the University of Connecticut Huskies men's basketball team won its second National Collegiate Athletic Association championship by defeating Georgia Tech by the score of 82–73;

Whereas the University of Connecticut Huskies women's basketball team won its fifth National Collegiate Athletic Association championship by defeating the University of Tennessee by the score of 70–61;

Whereas Emeka Okafor was named Co-National Player of the Year, National Defensive Player of the Year, and the Final Four Most Outstanding Player;

Whereas Diana Taurasi was named the national women's Player of the Year, the Final Four Most Outstanding Player and received the Nancy Lieberman Award;

Whereas University of Connecticut Huskies men's head coach Jim Calhoun has led his team to two National Championships in six years, making him one of just seven coaches to ever win two titles during his coaching career;

Whereas University of Connecticut Huskies women's head coach Geno Auriemma has led his team to three consecutive National Championship titles, only the second coach to accomplish this feat, and five titles overall.

Whereas the high caliber of the University of Connecticut Huskies in both athletics and academics has significantly advanced the sport of college basketball and provided inspiration for future generations of young men and women alike; and

Whereas the University of Connecticut Huskies' championship season has rallied Connecticut residents of all ages behind a common purpose and triggered a wave of euphoria across the State: Now, therefore, be it

Resolved, That the House of Representatives commends the University of Connecticut Huskies men's and women's basketball teams for winning the 2004 National Collegiate Athletic Championships.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. SIMMONS and Mr. RYAN of Ohio, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SIMMONS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. ISAKSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶44.10 UNIVERSITY OF DENVER MEN'S HOCKEY TEAM

Mr. ISAKSON moved to suspend the rules and agree to the concurrent resolution (H. Con. Res. 408):

Whereas on Saturday, April 10, 2004, the University of Denver men's hockey team won its 6th national hockey championship, their first such win since 1969;

Whereas the team was led by goaltender Adam Berkhoel, who finished the game with a shutout, only the 3rd shutout in hockey national championship game history; the first occurring in 1968 when the University of Denver beat North Dakota by a score of 4–0;

Whereas Adam Berkhoel made 24 saves in the 2004 championship game and was named Most Outstanding Player of the Frozen Four;

Whereas Gabe Gauthier scored the 2004 championship game's only goal in the first period, assisted by Connor James;

Whereas the Pioneers kept the Black Bears scoreless despite a 3-man advantage for Maine with 2 minutes to go in the 3rd period;

Whereas the roster of the Pioneers' 2004 team also included Max Bull, Ryan Caldwell, Matt Carle, J.D. Corbin, Lukas Dora, Jeff Drummond, Glenn Fisher, Jon Foster, Luke Fulghum, Jussi Halme, Michael Handza, Ryan Helgason, Jon James, Greg Keith, Danny King, Matt Laatsch, Nick Larson, Scott McConnell, Brock McMorris, Ted O'Leary, Jeff Rogers, Brett Skinner, Kevin Ulanski, and Adrian Veideman;

Whereas Head Coach George Gwozdecky and his coaching staff, including Assistant Coach Steve Miller, Assistant Coach Seth Appert, Director of Hockey Operations David Tenzer, and Volunteer Assistant Coach Chris LaPerle, deserve much credit for the outstanding determination and accomplishments of their team; and

Whereas the students, alumni, faculty, and supporters of the University of Denver Pioneers are to be congratulated for their commitment and pride in their 2004 national champion men's hockey team: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) congratulates the University of Denver men's hockey team for winning the 2004 NCAA men's hockey national championship;

(2) recognizes the achievements of all the team's players, coaches, and support staff and invites them to the United States Capitol Building to be honored;

(3) requests that the President recognize the achievements of the University of Denver men's hockey team and invite the team members to the White House for an appropriate ceremony honoring a national championship team; and

(4) directs the Clerk of the House of Representatives to make available to the University of Denver enrolled copies of this resolution for appropriate display and to transmit an enrolled copy of this resolution to each coach and member of the 2004 NCAA men's hockey national championship team.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. ISAKSON and Mr. RYAN of Ohio, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶44.11 KENNESAW STATE UNIVERSITY OWLS

Mr. ISAKSON moved to suspend the rules and agree to the resolution (H. Res. 594):

Whereas on March 27, 2004, the Kennesaw State University Owls defeated the University of Southern Indiana Screaming Eagles in Bakersfield, California, to win the 2004 NCAA Division II Men's Basketball National Championship;

Whereas 2004 marks the Kennesaw State University Owls' first NCAA Division II Men's Basketball National Championship;

Whereas the Kennesaw State University Owls won their final 26 consecutive games and achieved a 35–4 season record in the 2003–2004 season;

Whereas the Kennesaw State University Owls were undefeated in the Peach Belt Conference in the 2003–2004 season, and they became the first team from the Peach Belt Conference to win the Division II National Championship;

Whereas the Kennesaw State University Owls were led to victory by Head Coach Tony Ingle, Assistant Coaches Jeff Jones and Stace Tedford, Graduate Assistant Greg Matta, Bench Coach Ron Smith, Student Assistant Tony Ingle, Jr., and Head Athletic Trainer Karen Pfeifer;

Whereas the Kennesaw State University Owls' team of outstanding players, including Will Davis, Darrell Fisher, Terrence Hill, Israel Ingle, Georgy Joseph, Kenan Knight, Rey Luque, Kevin McDonald, Reggie McKoy, Taylor Patternson, Tobias Seldon, Cardale Talley, Justin Thompson, and Tommy Thompson contributed extraordinary performances both throughout the regular season and during the postseason in the Peach Belt Conference Tournament and the NCAA Division II Men's Basketball Tournament;

Whereas the Kennesaw State University Owls' senior guard Terrence Hill, who CBS named the game's Most Valuable Player, was critical to the team's championship, scoring a game-high 26 points and making 8 of 16 field goal attempts, including 4 of 7 attempts at 3-point shots;

Whereas Kennesaw State University, located in Kennesaw, Georgia, is headed by President Betty L. Siegel and has an enrollment of 15,600 students; and

Whereas the Kennesaw State University Owls men's basketball team has brought great pride to Kennesaw State University, the city of Kennesaw, and the State of Georgia: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Kennesaw State University Owls for winning the 2004 NCAA Division II Men's Basketball National Championship;

(2) recognizes the contributions of the Kennesaw State University Owls' players, coaches, staff, faculty, families, and supporters in winning the 2004 NCAA Division II Men's Basketball National Championship;

(3) commends the city of Kennesaw, Georgia, for its enthusiastic support of the Kennesaw State University Owls; and

(4) hopes that the high academic and athletic standards set by the Kennesaw State University Owls will continue to inspire fans and young players around the world by producing student athletes of a high caliber.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. ISAKSON and Mr. RYAN of Ohio, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶44.12 RECESS—3:59 P.M.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 59 minutes p.m., until approximately 6:30 p.m.

¶44.13 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mrs. BIGGERT, called the House to order.

¶44.14 PROVIDING FOR THE CONSIDERATION OF H.R. 4227

Mr. Lincoln DIAZ-BALART of Florida, by direction of the Committee on Rules, reported (Rept. No. 108–477) the resolution (H. Res. 619) providing for consideration of the bill (H.R. 4227) to amend the Internal Revenue Code of 1986 to extend to 2005 the alternative minimum tax relief available in 2003 and 2004 and to index such relief for inflation.

When said resolution and report were referred to the House Calendar and ordered printed.

¶44.15 H. RES. 600—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 600) congratulating charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 396; Nays ..... 0; Answered present 3

¶44.16 [Roll No. 139]

YEAS—396

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—3

Ackerman
Strickland
Tierney

NOT VOTING—34

Bell
Bono
Boyd
Brown, Corrine
Burr
Burton (IN)
Buyer
Carson (IN)
Chabot
Culberson
Delahunt
DeMint
Doggett
Edwards
English
Gephardt
Hulshof
Kanjorski
Knollenberg
Kucinich
McInnis
Murtha
Musgrave
Nethercutt
Platts
Portman
Reynolds
Rohrabacher
Slaughter
Solis
Tauzin
Toomey
Turner (OH)
Visclosky

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶44.17 H. CON. RES. 380—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 380) recognizing the benefits and importance of school-based music education; as amended.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 402; Nays 0

¶44.18 [Roll No. 140]

YEAS—402

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley

Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—31

Bono
Boyd
Brown, Corrine
Burr
Burton (IN)
Buyer
Cannon
Carson (IN)
Chabot
Culberson
Delahunt
DeMint
Doggett
English
Gephardt
Hulshof
Kanjorski
Kucinich
McInnis
Murtha
Nethercutt
Portman
Reynolds
Rohrabacher
Smith (MI)
Solis
Sullivan
Tauzin
Turner (OH)
Visclosky
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶44.19 H. RES. 599—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 599) congratulating the University of Connecticut Huskies for winning the 2004 National Collegiate Athletic Association Division I men and women's basketball championships.

The question being put,

Will the House suspend the rules and agree to said resolution.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 401; Nays ..... 0; Answered present 2 }

¶44.20 [Roll No. 141]

YEAS—401

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED "PRESENT"—2

Gingrey
Hayes

NOT VOTING—30

Berman
Bishop (UT)
Bono
Boyd
Brown, Corrine
Burr
Burton (IN)
Buyer
Carson (IN)
Chabot
Culberson
Delahunt
DeMint
Doggett
English
Gephardt
Hulshof
Kanjorski
Kucinich
McInnis
Murtha
Nethercutt
Portman
Rangel
Reynolds
Rohrabacher
Solis
Tauzin
Turner (OH)
Visclosky

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶44.21 NOTICE—MOTION TO INSTRUCT CONFEREES—S. CON. RES. 95

Mr. MOORE, pursuant to clause 7(c)(1) of rule XXII, announced his intention to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the concurrent resolution of the Senate (S. Con. Res. 95) setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009, to agree to the pay-as-you-go enforcement provisions within the scope of the conference regarding direct spending increases and tax cuts in the House and Senate. In complying with this instruction, such managers shall be instructed to recede to the Senate on the provisions contained in section 408 of the Senate concurrent resolution (relating

to pay-as-you-go point of order regarding all legislation increasing the deficit as a result of direct spending increases and tax cuts).

¶44.22 BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on April 30, 2004, he presented to the President of the United States, for his approval, the following bill.

H.R. 4219. An Act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

¶44.23 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mrs. BONO, for today and balance of the week;

To Ms. CARSON of Indiana, for today;

To Mr. KANJORSKI, for today;

To Mr. ROHRABACHER, for today; and

To Ms. SOLIS, for today and balance of the week.

And then,

¶44.24 ADJOURNMENT

On motion of Mr. WHITFIELD, at 11 o'clock and 41 minutes p.m., the House adjourned.

¶44.25 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LINDER: Committee on Rules. House Resolution 619. Resolution providing for consideration of the bill (H.R. 4227) to amend the Internal Revenue Code of 1986 to extend to 2005 the alternative minimum tax relief available in 2003 and 2004 and to index such relief for inflation (Rept. 108–477). Referred to the House Calendar.

Mr. HYDE: Committee on International Relations. H.R. 4011. A bill to promote human rights and freedom in the Democratic People's Republic of Korea, and for other purposes; with an amendment (Rept. 108–478, Pt. 1). Ordered to be printed.

¶44.26 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 4011. Referral to the Committee on the Judiciary extended for a period ending not later than July 6, 2004.

¶44.27 PUBLIC BILLS AND RESOLUTIONS

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TURNER of Texas (for himself, Mr. ANDREWS, Mrs. CHRISTENSEN, Mr. DICKS, Ms. HARMAN, Mr. HOYER, Ms. JACKSON-LEE of Texas, Mr. LANGEVIN, Ms. LOFGREN, Mr. LUCAS of Kentucky, Mr. MEEK of Florida, Ms. NORTON, Mrs. LOWEY, Ms. MILLENDER-MCDONALD, Mr. PALLONE, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 4258. A bill to promote technological advancements that will dramatically reduce the timeframe for the development of new medical countermeasures to treat or prevent disease caused by infectious disease agents or toxins that, through natural processes or intentional introduction, may pose a significant risk to public health now or in the future; to the Committee on Energy and Commerce, and in addition to the Committees on Armed Services, and Homeland Security (Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PLATTS (for himself, Mr. TOM DAVIS of Virginia, Mr. WAXMAN, Mr. TOWNS, Mrs. BLACKBURN, Mr. COX, and Mr. TURNER of Texas):

H.R. 4259. A bill to amend title 31, United States Code, to improve the financial accountability requirements applicable to the Department of Homeland Security, to establish requirements for the Future Years Homeland Security Program of the Department, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Homeland Security (Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BALDWIN (for herself, Mr. BURTON of Indiana, and Ms. LEE):

H.R. 4260. A bill to provide for the reduction of mercury in the environment; to the Committee on Energy and Commerce.

By Mr. CUMMINGS (for himself, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Mr. CONYERS, Mr. MEEKS of New York, Ms. JACKSON-LEE of Texas, Ms. KILPATRICK, Mr. RUPPERSBERGER, Mr. WYNN, Mrs. JONES of Ohio, Ms. LEE, Mr. VAN HOLLEN, Ms. MILLENDER-MCDONALD, Mr. PAYNE, Mr. RUSH, Mr. HASTINGS of Florida, and Mr. BALLANCE):

H.R. 4261. A bill to authorize the Secretary of Education to make grants to States to establish statewide screening programs for children who are 5 to 7 years of age to prevent reading failure; to the Committee on Education and the Workforce.

By Mr. GUTIERREZ (for himself, Mr. MENENDEZ, Ms. PELOSI, Mr. CONYERS, Ms. JACKSON-LEE of Texas, Mr. BERMAN, Ms. LINDA T. SANCHEZ of California, Mr. GRIJALVA, Mr. FARR, Mr. ABERCROMBIE, Ms. SCHAKOWSKY, Mr. FILNER, Ms. SOLIS, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Mr. BACA, Mr. HINOJOSA, Mr. ACEVEDO-VILÁ, Mr. GONZALEZ, Mr. RANGEL, Mrs. NAPOLITANO, Mr. BECERRA, Mr. PASTOR, Mr. CROWLEY, Ms. LOFGREN, Mr. SERRANO, and Ms. VELÁZQUEZ):

H.R. 4262. A bill to provide for earned adjustment to reward work, reunify families, establish a temporary worker program that protects United States and foreign workers and strengthen national security under the immigration laws of the United States; to the Committee on the Judiciary.

By Mr. FRANK of Massachusetts (for himself, Ms. PELOSI, Mr. CAPUANO, Mr. COOPER, Mr. CROWLEY, Mr. DAVIS of Alabama, Mr. DELAHUNT, Mr. ISRAEL, Mrs. LOWEY, Mr. LYNCH, Mr. MCGOVERN, Mrs. MALONEY, Mr. MARKEY, Mr. MENENDEZ, Mr. GEORGE MILLER of California, Mr. NADLER, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. SABO, Ms. LORETTA SANCHEZ of California, Mr. SANDERS, Mr. SANDLIN, Mr. SHERMAN, Mr. TIERNEY, and Mr. WAXMAN):

H.R. 4263. A bill to clarify the calculation of per-unit costs payable under expiring annual contributions contracts for tenant-based rental assistance that are renewed in fiscal year 2004; to the Committee on Financial Services.

By Mr. GREEN of Wisconsin (for himself, Mr. GALLEGLY, Mr. COBLE, Mr. BARTLETT of Maryland, Mr. ANDREWS, Mr. MEEHAN, and Mr. WEXLER):

H.R. 4264. A bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes; to the Committee on the Judiciary.

By Mr. GREEN of Wisconsin:

H.R. 4265. A bill to provide that when a company makes a charitable donation of equipment, the company is generally not liable for harm later caused by that equipment, and for other purposes; to the Committee on the Judiciary.

By Mr. HOLT:

H.R. 4266. A bill to reduce until December 31, 2006, the duty on potassium sorbate; to the Committee on Ways and Means.

By Mr. HOLT:

H.R. 4267. A bill to reduce until December 31, 2006, the duty on sorbic acid; to the Committee on Ways and Means.

By Ms. NORTON (for herself, Mr. WAXMAN, Mr. HOYER, Ms. SOLIS, Mr. MARKEY, Mr. MORAN of Virginia, Mr. WYNN, Mr. FATTAH, and Mr. VAN HOLLEN):

H.R. 4268. A bill to amend the Safe Drinking Water Act to ensure that the District of Columbia and States are provided a safe, lead free supply of drinking water; to the Committee on Energy and Commerce.

By Ms. NORTON (for herself, Mr. TOM DAVIS of Virginia, Mr. WOLF, Mr. HOYER, Mr. MORAN of Virginia, Mr. WYNN, Mr. CUMMINGS, and Mr. VAN HOLLEN):

H.R. 4269. A bill to establish an annual Federal infrastructure support contribution for the District of Columbia, and for other purposes; to the Committee on Government Reform.

By Mr. OWENS:

H.R. 4270. A bill to amend the Occupational Safety and Health Act of 1970 to modify the provisions relating to citations and penalties; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself, Mr. OBERSTAR, Mr. HYDE, Mr. KING of New York, and Mr. PAYNE):

H.R. 4271. A bill to require the Secretary of State, in consultation with the heads of other appropriate departments and agencies, to conduct an economic impact study on the dual gateway policy of the Government of Ireland before the United States takes any action that could lead to the discontinuation of the policy; to the Committee on International Relations.

By Mr. SMITH of Washington:

H.R. 4272. A bill to amend the Military Construction Authorization Act for Fiscal Year 2002 to modify the terms and scope of a land exchange involving Fort Lewis, Washington, authorized between the Secretary of the Army and the Nisqually Tribe and affecting the interests of the Bonneville Power Administration; to the Committee on Armed Services.

By Mr. YOUNG of Florida:

H.R. 4273. A bill to establish formally the United States Military Cancer Institute, to require the Institute to promote the health

of members of the Armed Forces and their dependents by enhancing cancer research and treatment, to provide for a study of the epidemiological causes of cancer among various ethnic groups for cancer prevention and early detection efforts, and for other purposes; to the Committee on Armed Services.

By Ms. LOFGREN:

H.J. Res. 96. A joint resolution proposing an amendment to the Constitution of the United States regarding the appointment of individuals to serve as Members of the House of Representatives when, in a national emergency, a significant number of Members are unable to serve due to death, resignation, or incapacity; to the Committee on the Judiciary.

By Mrs. CAPITO (for herself, Mr. GEORGE MILLER of California, Ms. SLAUGHTER, Mrs. MILLER of Michigan, Ms. GINNY BROWN-WAITE of Florida, Mrs. BLACKBURN, Mrs. BIGGERT, Ms. PRYCE of Ohio, Mrs. BONO, Mrs. NORTHUP, Mrs. WILSON of New Mexico, Ms. ROS-LEHTINEN, Mrs. MYRICK, Mrs. JOHNSON of Connecticut, Mrs. KELLY, Ms. SOLIS, Ms. MILLENDER-MCDONALD, Ms. KAPTUR, Ms. CORRINE BROWN of Florida, Mrs. JONES of Ohio, Mrs. MCCARTHY of New York, Ms. JACKSON-LEE of Texas, Ms. ROYBAL-ALLARD, Ms. DELAURO, Mrs. MALONEY, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. HARMAN, Ms. WATERS, Ms. MCCARTHY of Missouri, Ms. BALDWIN, Ms. NORTON, Ms. BERKLEY, Ms. PELOSI, and Mrs. LOWEY):

H. Con. Res. 413. Concurrent resolution honoring the contributions of the women, symbolized by ''Rosie the Riveter'', who served on the homefront during World War II, and for other purposes; to the Committee on Education and the Workforce.

By Mr. CONYERS (for himself, Mr. SENSENBRENNER, Mr. PAYNE, Ms. LORETTA SANCHEZ of California, Mr. HASTERT, Ms. PELOSI, Mr. BLUNT, Mr. HYDE, Mr. COBLE, Mr. BERMAN, Mr. SMITH of Texas, Mr. GOODLATTE, Mr. NADLER, Mr. GALLEGLY, Mr. SCOTT of Virginia, Mr. CHABOT, Mr. WATT, Mr. JENKINS, Ms. LOFGREN, Mr. BACHUS, Mr. HOSTETTLER, Ms. JACKSON-LEE of Texas, Mr. KELLER, Ms. WATERS, Ms. HART, Mr. DELAHUNT, Mr. PENCE, Mr. WEXLER, Mr. FORBES, Ms. BALDWIN, Mr. FEENEY, Mr. WEINER, Mr. SCHIFF, Ms. LINDA T. SANCHEZ of California, Mr. SHIMKUS, Mrs. JONES of Ohio, Mr. FARR, Mr. MCDERMOTT, Mr. TIERNEY, Ms. WATSON, Mr. MEEKS of New York, Mr. ISRAEL, Mr. MORAN of Virginia, Mr. WOLF, Mr. CASTLE, Mr. GOODE, Mr. WILSON of South Carolina, Ms. ROS-LEHTINEN, Mr. MORAN of Kansas, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MENENDEZ, Ms. KAPTUR, Mr. ROTHMAN, Mr. SANDERS, Ms. LEE, Mrs. MALONEY, Mr. HOEFFEL, Mr. STARK, Ms. MAJETTE, Mr. BECERRA, Mr. SCHROCK, Mr. DOGGETT, Mr. DEMINT, and Mr. MOORE):

H. Con. Res. 414. Concurrent resolution expressing the sense of the Congress that, as Congress recognizes the 50th anniversary of the Brown v. Board of Education decision, all Americans are encouraged to observe this anniversary with a commitment to continuing and building on the legacy of Brown; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H. Res. 618. A resolution recognizing the importance of The Call of the Wild on the occasion of the 101st anniversary of the publication of the novel by Jack London; to the Committee on Government Reform.

By Mr. COX:

H. Res. 620. A resolution commemorating the 50th anniversary of the landmark United States Supreme Court decision in the case of Brown v. Board of Education; to the Committee on the Judiciary.

By Mr. GREEN of Wisconsin (for himself, Mr. HOLDEN, Mr. STRICKLAND, and Mr. SWEENEY):

H. Res. 621. A resolution supporting the goals and ideals of National Correctional Officers and Employees Week; to the Committee on the Judiciary.

By Mr. HEFLEY (for himself, Mr. TOM DAVIS of Virginia, Mr. WAXMAN, and Mr. STUPAK):

H. Res. 622. A resolution supporting the goals and ideals of Peace Officers Memorial Day; to the Committee on Government Reform.

By Mr. LARSON of Connecticut:

H. Res. 623. A resolution regarding the potential incapacity of Members of the House of Representatives; to the Committee on House Administration.

By Mrs. MYRICK:

H. Res. 624. A resolution supporting the goals and ideals of National Transparency Day, which promotes the financial transparency of charitable organizations; to the Committee on Ways and Means.

¶44.28 MEMORIALS

Under clause 3 of rule XII,

319. The SPEAKER presented a memorial of the Legislature of the State of Maine, relative to H.P. 1458 Joint Resolution memorializing the President and Congress of the United States to not cut the budget for emergency responders; to the Committee on Transportation and Infrastructure.

¶44.29 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. CARTER introduced a bill (H.R. 4274) for the relief of Rona Ramon, Asaf Ramon, Tal Ramon, Yiftach Ramon, and Noah Ramon; which was referred to the Committee on the Judiciary.

¶44.30 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. STEARNS.
H.R. 58: Mr. BALLANCE.
H.R. 97: Mr. JOHN, Mr. BURNS, and Mr. LANTOS.
H.R. 111: Mr. CHANDLER.
H.R. 206: Mr. FILNER.
H.R. 290: Mrs. CAPITO, Mr. TOWNS, Mr. LATOURETTE, and Mr. COOPER.
H.R. 296: Ms. BALDWIN.
H.R. 300: Mr. REHBERG.
H.R. 303: Mr. WELDON of Pennsylvania.
H.R. 572: Mr. FROST.
H.R. 579: Mr. DEMINT.
H.R. 677: Mr. LARSEN of Washington, Mr. MEEK of Florida, and Mrs. TAUSCHER.
H.R. 685: Ms. LEE.
H.R. 713: Mrs. JO ANN DAVIS of Virginia.
H.R. 745: Mr. MEEK of Florida, Mr. ORTIZ, and Mr. MORAN of Virginia.
H.R. 775: Mr. MANZULLO.
H.R. 857: Mr. BROWN of South Carolina, Mr. KINGSTON, Mr. SIMPSON, Mr. ROGERS of Kentucky, Mr. KELLER, Mr. YOUNG of Florida, Mr. BRADLEY of New Hampshire, Mr. BALLENGER, Mr. EHLERS, and Ms. HARRIS.
H.R. 887: Mr. LIPINSKI.
H.R. 1057: Mr. SANDLIN, Mr. GREENWOOD, Mr. WEINER, Mr. BROWN of South Carolina, and Mr. COLE.
H.R. 1105: Mr. DAVIS of Alabama.
H.R. 1117: Mr. CALVERT, Mr. GILLMOR, Mr. NEUGEBAUER, and Mr. ROYCE.
H.R. 1155: Mr. SIMMONS.
H.R. 1160: Mr. THORNBERRY.
H.R. 1205: Mr. WYNN, Mr. FATTAH, Mr. DAVIS of Alabama, and Mr. BECERRA.
H.R. 1281: Mr. OSBORNE.
H.R. 1322: Ms. LINDA T. SANCHEZ of California.
H.R. 1345: Mr. JEFFERSON and Mr. CHANDLER.
H.R. 1422: Mr. SCOTT of Virginia and Mr. BOUCHER.
H.R. 1472: Mr. EVANS.
H.R. 1700: Mr. FILNER and Mrs. MCCARTHY of New York.
H.R. 1731: Mr. GALLEGLY.
H.R. 1735: Mr. THOMPSON of Mississippi, Mr. SIMMONS, Mr. MCDERMOTT, and Mr. MARKEY.
H.R. 1793: Mr. SULLIVAN and Mrs. MUSGRAVE.
H.R. 1795: Mr. GOODE.
H.R. 1873: Mr. FILNER and Mr. BAIRD.
H.R. 1919: Ms. BORDALLO, Mr. DOYLE, Mr. GONZALEZ, and Mr. BRADLEYof New Hampshire.
H.R. 2037: Mr. SERRANO.
H.R. 2068: Mr. KILDEE, Ms. NORTON, Mrs. CAPPS, Mr. BRADY of Pennsylvania, Mr. BOUCHER, Mrs. DAVIS of California, Mr. HASTINGS of Florida, and Mr. MATSUI.
H.R. 2069: Mrs. CAPPS and Mr. BRADY of Pennsylvania.
H.R. 2107: Mr. CHANDLER and Mr. LARSEN of Washington.
H.R. 2118: Ms. NORTON.
H.R. 2157: Mr. RODRIGUEZ and Mr. ISRAEL.
H.R. 2193: Mr. CARDOZA.
H.R. 2206: Ms. WATERS and Mr. CUNNINGHAM.
H.R. 2239: Mr. BECERRA, Mr. NEAL of Massachusetts, Mr. BALLANCE, Ms. SOLIS, Mr. BISHOP of Georgia, and Mr. LAMPSON.
H.R. 2293: Mrs. MUSGRAVE.
H.R. 2404: Mr. BROWN of Ohio, Mr. NADLER, Mr. LAHOOD, and Mr. ACKERMAN.
H.R. 2426: Mr. BECERRA.
H.R. 2442: Mr. HILL, Mr. HASTINGS of Florida, Mr. DAVIS of Illinois, Ms. ESHOO, Mr. RUSH, Ms. BALDWIN, Mr. BAIRD, Mr. CAPUANO, Mr. STUPAK, Mr. OLVER and Mr. BRADY of Pennsylvania.
H.R. 2509: Mr. MCHUGH.
H.R. 2524: Mr. MCGOVERN.
H.R. 2525: Mr. GONZALEZ.
H.R. 2527: Mr. MCGOVERN.
H.R. 2536: Mr. PRICE of North Carolina.
H.R. 2718: Mr. THOMPSON of Mississippi.
H.R. 2727: Ms. HARMAN.
H.R. 2728: Mr. MCKEON and Mr. PAUL.
H.R. 2729: Mr. MCKEON.
H.R. 2730: Mr. MCKEON and Mr. PAUL.
H.R. 2731: Mr. MCKEON and Mr. PAUL.
H.R. 2797: Mr. RANGEL.
H.R. 2890: Mr. CALVERT.
H.R. 2929: Mr. SHADEGG and Mr. BASS.
H.R. 3066: Mr. SHERWOOD.
H.R. 3069: Mr. RENZI and Mr. HERGER.
H.R. 3090: Mr. OLVER and Mr. CLYBURN.
H.R. 3109: Mr. BLUNT and Mr. MCCOTTER.
H.R. 3203: Mr. FOSSELLA.
H.R. 3204: Mrs. CHRISTENSEN and Ms. PELOSI.
H.R. 3281: Mr. SMITH of Washington, Mr. PASCRELL, Mr. WEXLER, Mr. EHLERS, and Mr. PRICE of North Carolina.
H.R. 3283: Mr. PORTMAN.
H.R. 3309: Ms. ROS-LEHTINEN and Ms. DELAURO.
H.R. 3324: Mr. OLVER.
H.R. 3337: Mrs. CAPPS.
H.R. 3360: Mr. LAMPSON, Mr. ANDREWS, and Mr. VAN HOLLEN.
H.R. 3361: Ms. SOLIS, Mr. DAVIS of Illinois, and Mr. MATSUI.
H.R. 3386: Mr. OBERSTAR.
H.R. 3422: Mr. DAVIS of Illinois.
H.R. 3424: Mr. KENNEDY of Rhode Island.
H.R. 3474: Mr. JENKINS, Mr. BISHOP of Utah, and Mr. RAMSTAD.
H.R. 3476: Mr. RYUN of Kansas, Mr. BRADLEY of New Hampshire, Mr. ANDREWS, and Mr. MANZULLO.

H.R. 3513: Mr. MOORE.
H.R. 3604: Mr. MCCRERY and Mr. BISHOP of Georgia.
H.R. 3615: Mr. DAVIS of Illinois, Mr. CUMMINGS, Mr. MCGOVERN, Mr. BLUMENAUER, Mr. HOEFFEL, Mr. HOLT, Mr. FALEOMAVAEGA, Mr. KANJORSKI, Mr. TURNER of Texas, Mr. GREEN of Texas, Mr. MOORE, and Ms. MAJETTE.
H.R. 3684: Mrs. TAUSCHER, Mr. NETHERCUTT, Mr. SCHIFF, and Mr. WYNN.
H.R. 3729: Mr. DAVIS of Florida, Ms. LOFGREN, Mr. MICHAUD, Mr. ALLEN, Mr. PAYNE, Ms. HART, Mr. NADLER, Mr. MORAN of Kansas, Mr. TERRY, Mr. DAVIS of Illinois, Mr. MENENDEZ, Mr. HINOJOSA, and Mr. MCCOTTER.
H.R. 3755: Mr. NETHERCUTT, Mr. FILNER, Mr. NEUGEBAUER, Mr. GORDON, Mr. ALEXANDER, and Mr. FOSSELLA.
H.R. 3780: Ms. MAJETTE.
H.R. 3801: Mr. ISAKSON, Mr. DUNCAN, Mr. BURTON of Indiana, Mr. DEMINT, Mr. NEUGEBAUER, and Mr. CANNON.
H.R. 3815: Ms. MCCARTHY of Missouri, Mr. LAMPSON, and Mr. CUNNINGHAM.
H.R. 3834: Mr. HAYWORTH.
H.R. 3865: Mrs. CHRISTENSEN.
H.R. 3880: Mr. FROST and Mr. POMEROY.
H.R. 3908: Mr. LATOURETTE.
H.R. 3916: Mr. COSTELLO, Mr. HOUGHTON, and Ms. PELOSI.
H.R. 3933: Mr. PITTS.
H.R. 3936: Mr. SCHIFF.
H.R. 3951: Mr. RYAN of Ohio.
H.R. 3960: Mr. CUMMINGS and Mr. CONYERS.
H.R. 3965: Ms. LEE.
H.R. 3980: Mr. LINCOLN DIAZ-BALART of Florida, Ms. LOFGREN, Mr. UDALL of Colorado, Mr. MEEK of Florida, Mr. DEUTSCH, Ms. CORRINE BROWN of Florida, Mr. HASTINGS of Florida, and Mr. DAVIS of Tennessee.
H.R. 3988: Mr. ANDREWS, Ms. BORDALLO, Mr. CLAY, Mr. DAVIS of Illinois, Mr. FORD, Mr. FRANK of Massachusetts, Ms. MCCARTHY of Missouri, Ms. MILLENDER-MCDONALD, Mr. PALLONE, Mr. RANGEL, and Mr. THOMPSON of Mississippi.
H.R. 3991: Ms. ROYBAL-ALLARD.
H.R. 3996: Mr. FARR and Mr. WEXLER.
H.R. 4008: Mr. CALVERT.
H.R. 4011: Mr. COLE, Mr. ROHRABACHER, Mr. SHIMKUS, and Ms. BORDALLO.
H.R. 4023: Mr. LARSON of Connecticut.
H.R. 4026: Mrs. BLACKBURN and Mr. LAHOOD.
H.R. 4048: Mr. BRADLEY of New Hampshire, Mr. DEMINT, and Mr. BURTON of Indiana.
H.R. 4051: Mr. BRADLEY of New Hampshire.
H.R. 4061: Mr. WELLER, Mr. SHIMKUS, Ms. SCHAKOWSKY, Mr. STARK, Mr. RAMSTAD, Mr. WOLF, Mr. BELL, Mr. LINCOLN DIAZ-BALART of Florida, Mr. EHLERS, Mr. PENCE, Ms. KAPTUR, Mr. WYNN, Mr. RANGEL, Mr. SMITH of New Jersey, Mr. WHITFIELD, Mrs. BONO, Mr. WAXMAN, Mr. KING of New York, Mr. SULLIVAN, Ms. NORTON, Mr. GRIJALVA, Mr. WAMP, Ms. ROS-LEHTINEN, Mrs. BIGGERT, and Mr. ACKERMAN.
H.R. 4072: Mr. ROTHMAN and Ms. BORDALLO.
H.R. 4076: Ms. SCHAKOWSKY.
H.R. 4095: Mr. RUPPERSBERGER.
H.R. 4103: Mr. BLUMENAUER and Ms. JACKSON-LEE of Texas.
H.R. 4104: Mr. CASE, Mr. MCCARTHY of Missouri, and Mr. FORD.
H.R. 4147: Mr. DAVIS of Illinois, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, and Ms. WATSON.
H.R. 4169: Mr. RENZI, Mr. WEXLER, and Mr. WELLER.
H.R. 4178: Mr. NADLER, Mr. MCDERMOTT, Mr. BRADY of Pennsylvania, Mr. RANGEL, Mr. CAPUANO, Mrs. JONES of Ohio, Mr. ISRAEL, Mr. JOHN, Ms. MCCARTHY of Missouri, Mr. JEFFERSON, Mr. FORD, Mr. HONDA, Mr. LAMPSON, Ms. LOFGREN, Mr. KENNEDY of Rhode Island, Mr. CONYERS, Ms. JACKSON-LEE of Texas, Ms. LEE, Mr. BROWN of Ohio, Mr. STARK, Mr. CARDIN, Mr. HOLDEN, Mr. FILNER, Ms. CARSON of Indiana, Mr. RODRIGUEZ, Mrs. CHRISTENSEN, Mr. FROST, Mr. MORAN of Virginia, Mr. RUPPERSBERGER, Mr. BISHOP of Georgia, Mr. ROTHMAN, Mr. MOORE, Mr. MEEKS of New York, Mr. WAXMAN, Mr. ROSS, Mr. CUMMINGS, Mr. DICKS, Mr. HASTINGS of Florida, Mr. FARR, Ms. NORTON, Mr. REYES, Ms. MAJETTE, Ms. MILLENDER-MCDONALD, Mr. OWENS, Ms. CORRINE BROWN of Florida, Mr. WYNN, Mr. TOWNS, Mr. THOMPSON of California, Mr. DINGELL, Ms. WATERS, and Mr. RUSH.
H.R. 4180: Mr. STENHOLM.
H.R. 4182: Ms. LINDA T. SANCHEZ of California and Mr. DICKS.
H.R. 4185: Mr. BEREUTER.
H.R. 4205: Mr. WAMP and Mr. CALVERT.
H.R. 4207: Mr. NADLER, Mr. STARK, Ms. MCCOLLUM, Mr. HASTINGS of Florida, Mrs. MALONEY, Mrs. CHRISTENSEN, Mr. GEORGE MILLER of California, Mr. LAMPSON, Ms. KILPATRICK, Mr. BISHOP of Georgia, Mr. LANTOS, Mr. FALEOMAVAEGA, Mr. THOMPSON of Mississippi, Mr. CLAY, and Mr. GREEN of Texas.
H.R. 4212: Mr. TURNER of Texas.
H.R. 4217: Mr. RENZI, Mr. SPRATT, Mr. PASTOR, Mr. MOLLOHAN, Mr. GRIJALVA, and Mr. ACEVEDO-VILA.
H.R. 4227: Mr. WICKER, Mr. FOLEY, Mr. MCCOTTER, Mr. ROGERS of Alabama, Mrs. KELLY, Mr. WILSON of South Carolina, Mr. BARRETT of South Carolina, Mr. ROGERS of Michigan, Mr. SIMPSON, Mr. DEMINT, Mr. SHIMKUS, Mr. HENSARLING, Mr. CRANE, Mr. BRADY of Texas, Mr. DOOLITTLE, Mr. OTTER, Mr. GILCHREST, Mr. ENGLISH, Mr. CANTOR, Ms. PRYCE of Ohio, Mr. BOEHNER, Mr. HOUGHTON, Mr. CHOCOLA, Mrs. MILLER of Michigan, Mr. FOSSELLA, Mr. BLUNT, Mr. HASTINGS of Washington, Mr. LATOURETTE, Mr. FRELINGHUYSEN, Mrs. BIGGERT, Mr. ISAKSON, Mr. UPTON, Mr. PORTER, Mr. RAMSTAD, Mr. KING of Iowa, Mr. BACHUS, Mr. BRADLEY of New Hampshire, Mr. COLLINS, Ms. HART, Mr. JOHNSON of Illinois, Mr. WAMP, Mrs. BLACKBURN, Mr. SHUSTER, Mr. SCHROCK, Mr. GIBBONS, Mrs. MYRICK, Mr. MILLER of Florida, Mr. KINGSTON, Mrs. MUSGRAVE, Mr. MURPHY, Mr. STEARNS, Mr. WELDON of Florida, Mr. WOLF, Mr. TERRY, Mr. WELLER, Mr. BAKER, Mr. WALDEN of Oregon, Mr. NORWOOD, Mr. SAM JOHNSON of Texas, Mr. SESSIONS, Mr. BURR, Mr. BEAUPREZ, Mr. KING of New York, Mr. CANNON, Mr. PENCE, Mr. OSE, Mr. SENSENBRENNER, Mr. KNOLLENBERG, Mr. FLAKE, Mr. GILLMOR, Mr. KLINE, Mr. JONES of North Carolina, Mr. RYUN of Kansas, Mr. COLE, Ms. HARRIS, Mr. BOEHLERT, and Mr. HERGER.
H.R. 4233: Mr. LANGEVIN and Mr. BROWN of Ohio.
H.R. 4235: Mr. SCHIFF, Mrs. LOWEY, Mr. MARKEY, Mr. RODRIGUEZ, Mr. ISRAEL, Mr. CARDOZA, and Mr. WEINER.
H.R. 4239: Mr. AKIN.
H.R. 4246: Mr. PEARCE and Mr. HOLT.
H.J. Res. 94: Mr. CALVERT.
H. Con. Res. 98: Mr. BEAUPREZ.
H. Con. Res. 247: Mr. DELAHUNT.
H. Con. Res. 252: Mr. KENNEDY of Rhode Island.
H. Con. Res. 276: Mr. DAVIS of Illinois.
H. Con. Res. 285: Mr. GINGREY.
H. Con. Res. 298: Mr. ISTOOK and Mr. CRANE.
H. Con. Res. 366: Mr. WU, Mr. MILLER of North Carolina, Mr. BELL, Mr. PRICE of North Carolina, Mr. LARSON of Connecticut, Mr. REYES, Mr. LIPINSKI, Mr. THOMPSON of California, and Mr. HINOJOSA.
H. Con. Res. 371: Mr. PLATTS.
H. Con. Res. 380: Mr. PORTER, Mr. ETHERIDGE, Mr. FOLEY, and Mr. RYAN of Ohio.
H. Con. Res. 384: Ms. WATERS, Ms. CORRINE BROWN of Florida, Mr. DEFAZIO, Mr. SERRANO, Ms. SLAUGHTER, Mr. SANDLIN, Mr. STARK, Mr. KUCINICH, Mr. THOMPSON of Mississippi, Mr. CUMMINGS, Mr. GONZALEZ, and Mr. MARKEY.
H. Con. Res. 392: Mr. TIERNEY and Mr. OBERSTAR.
H. Con. Res. 396: Mr. WAXMAN and Mr. PRICE of North Carolina.
H. Con. Res. 398: Mr. CARTER, Ms. HARMAN, Mr. CARSON of Oklahoma, Mr. KING of New York, Mr. PITTS, Mr. MCCOTTER, Mr. SMITH of New Jersey, Ms. BERKLEY, Mr. PENCE, Mr. ENGEL, Mr. BURTON of Indiana, Mr. BEREUTER, Mr. WELLER, Mr. SCHIFF, Mr. HOEFFEL, Mr. LAMPSON, Mrs. BIGGERT, Ms. HOOLEY of Oregon, Mr. ETHERIDGE, Mr. CRAMER, Mr. SOUDER, Mr. FEENEY, Mr. SULLIVAN, Ms. HARRIS, Mr. NUNES, Mr. MARKEY, Mr. BOOZMAN, Mr. PORTER, Mr. WEINER, Mr. WEXLER, Mr. FRANK of Massachusetts, Mr. RAMSTAD, Mr. CHANDLER, Mr. TERRY, Mrs. TAUSCHER, Mrs. KELLY, Mr. PRICE of North Carolina, Mr. STRICKLAND, and Mrs. BLACKBURN.
H. Con. Res. 403: Mr. BROWN of Ohio, Mr. GOODE, Ms. CARSON of Indiana, Ms. MILLENDER-MCDONALD, Mr. STARK, Mr. CAPUANO, Ms. ESHOO, Mr. DAVIS of Illinois, Mr. BERMAN, Mr. BURTON of Indiana, Mr. WEXLER, Ms. MAJETTE, Mr. WELLER, Mr. WAXMAN, Mr. ETHERIDGE, Mr. DELAHUNT, Mr. SHAYS, and Mr. GEORGE MILLER of California.
H. Con. Res. 410: Mr. BURTON of Indiana.
H. Con. Res. 412: Ms. GRANGER.
H. Res. 38: Mr. RANGEL.
H. Res. 402: Mr. MCCOTTER and Ms. MCCARTHY of Missouri.
H. Res. 466: Ms. EDDIE BERNICE JOHNSON of Texas.
H. Res. 560: Mr. SCHIFF, Mr. LYNCH, Mr. SIMMONS, Mr. SCOTT of Georgia, Mr. SKELTON, Mr. ENGLISH, Mr. VAN HOLLEN, Mr. DAVIS of Tennessee, Mr. CUMMINGS, Ms. LEE, Mr. MATSUI, Mr. LANTOS, Mr. PAYNE, Mr. RODRIGUEZ, Mr. MORAN of Virginia, Mr. FROST, Mr. MCNULTY, Mr. HINCHEY, Mr. ACEVEDO-VILA, Mr. KILDEE, Mr. MILLER of Florida, Mr. GONZALEZ, Mr. CLAY, Mr. COSTELLO, Mr. JACKSON of Illinois, Mr. PASTOR, Mr. ROSS, Mr. BISHOP of New York, Mr. VITTER, and Mr. ROTHMAN.
H. Res. 568: Mr. TERRY and Mr. BURGESS.
H. Res. 570: Mr. ACEVEDO-VILA, Mr. CONYERS, and Mr. CAPUANO.
H. Res. 579: Mr. PRICE of North Carolina.
H. Res. 596: Mr. BERMAN.
H. Res. 598: Ms. HARRIS, Mr. LAMPSON, Mr. LARSEN of Washington, Mr. ABERCROMBIE, Mr. COBLE, Mr. SHIMKUS, Mr. FILNER, Mr. SANDLIN, Ms. MILLENDER-MCDONALD, Mr. UPTON, Mr. COLE, Mr. PORTER, Mr. BURNS, Mr. MCCOTTER, and Mr. PICKERING.
H. Res. 600: Mr. WILSON of South Carolina, Mr. CASTLE, Mr. ROGERS of Michigan, Mr. CHOCOLA, and Mr. HOEKSTRA.
H. Res. 601: Mr. LIPINSKI.
H. Res. 604: Mr. LAMPSON, Mr. GUTIERREZ, Ms. MILLENDER-MCDONALD, Ms. CARSON of Indiana, Mr. MEEKS of New York, Mr. FALEOMAVAEGA, Mr. CONYERS, and Mr. DAVIS of Florida.
H. Res. 605: Mr. FROST, Mr. MATSUI, Mr. PORTER, Mr. MILLER of Florida, Mr. PUTNAM, and Mr. MCCOTTER.
H. Res. 608: Mr. BLUNT, Mr. PORTMAN, Mr. DREIER, Mr. SIMMONS, Mr. WILSON of South Carolina, Mr. PICKERING, Mr. BURR, Mr. CRANE, Mr. CARTER, Mr. OTTER, Mr. GREENWOOD, Mr. NORWOOD, Mr. BACHUS, Mr. TERRY, Mrs. MALONEY, Ms. GINNY BROWN-WAITE of Florida, and Mr. GALLEGLY.

¶44.31 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 898: Mrs. MYRICK.

WEDNESDAY, MAY 5, 2004 (45)

The House was called to order by the SPEAKER.

¶45.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Tuesday, May 4, 2004.

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

¶45.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

7953. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Buy-to-Budget Acquisition of End Items [DFARS Case 2002-D036] received April 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7954. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Multiyear Contracting Authority Revisions [DFARS Case 2002-D041] received April 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7955. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Contract Period for Task and Delivery Order Contracts [DFARS Case 2003-D097] received April 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7956. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Community Technology Centers Program (RIN: 1830-ZA05) received April 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7957. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Family Educational Rights and Privacy Act (RIN: 1855-AA00) received April 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7958. A letter from the Assistant Secretary of Labor, Employment and Training Administration, Department of Labor, transmitting the Department's final rule — Senior Community Service Employment Program (RIN: 1205-AB28) received April 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7959. A letter from the Senior Regulatory Officer, Wage and Hour Div., Department of Labor, transmitting the Department's final rule — Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales and Computer Employees (RIN: 1215-AA14) received April 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7960. A letter from the Special Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Mangum and Erick, Oklahoma) [MM Docket No. 01-218; RM-10237] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7961. A letter from the Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting the Office's final rule — Agency Use of Appropriated Funds for Child Care Costs for Lower Income Employees (RIN: 3206-AJ77) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7962. A letter from the Federal Register Certifying Officer, Department of the Treasury, transmitting the Department's final rule — Indorsement and Payment of Checks Drawn on the United States Treasury (RIN: 1510-AA45) received March 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7963. A letter from the Acting Under Secretary and Acting Director, U.S. Patent and Trademark Office, Department of Commerce, transmitting the Department's final rule — Revision of Patent Term Extension and Patent Term Adjustment Provisions [Docket No. 2003-P-029] (RIN: 0651-AB71) received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7964. A letter from the Acting Assistant Counsel for Regulatory Law, Office of Environment, Safety, and Health, Department of Energy, transmitting the Department's final rule — Guidelines for Physician Panel Determinations on Worker Requests for Assistance in Filing for State Worker's Compensation Benefits; Procedural Amendments (RIN: 1901-AB13) received April 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7965. A letter from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting the Department's final rule — Smoking/No Smoking Areas [BOP-1084-F] (RIN: 1120-AA79) received April 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7966. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Re-Issuance of the NASA FAR Supplement Subchapters A and B Consistent with the Federal Acquisition Regulations System Guidance and Policy (RIN: 2700-AC65) received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7967. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — NASA Grant and Cooperative Agreement Handbook — Certifications, Disclosures, and Assurances (RIN: 2700-AC96) received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7968. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Re-Issuance of NASA FAR Supplement Subchapter D (RIN: 2700-AC84) received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7969. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Re-Issuance of NASA FAR Supplement Parts 1813 and 1817 (RIN: 2700-AC83) received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7970. A letter from the Director, Regulations Management, National Cemetery Administration, Department of Veterans Affairs, transmitting the Department's final rule — State Cemetery Grants (RIN: 2900-AH46) received April 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

7971. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Board of Veterans' Appeals: Rules of Practice — Medical Opinions From the Veterans Health Administration (RIN: 2900-AK52) received April 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

7972. A letter from the Chief, Regulations & Procedures Division, Alcohol & Tobacco Tax & Trade Bureau, Department of the Treasury, transmitting the Department's final rule — Temecula Valley Viticultural Area (2001R-280P) [T.D. TTB-10; Re: ATF Notice No. 958] (RIN: 1513-AA40) received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶45.3 PROVIDING FOR THE CONSIDERATION OF H.R. 4227

Mr. LINDER, by direction of the Committee on Rules, called up the following resolution (H. Res. 619):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4227) to amend the Internal Revenue Code of 1986 to extend to 2005 the alternative minimum tax relief available in 2003 and 2004 and to index such relief for inflation. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Rangel of New York or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

Mr. LINDER moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. KOLBE, announced that the yeas had it.

Mr. HASTINGS of Florida objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 220 / Nays ..... 201 }

¶45.4 [Roll No. 142]

YEAS—220

Aderholt	Blunt	Burton (IN)
Akin	Boehlert	Buyer
Bachus	Boehner	Calvert
Baker	Bonilla	Camp
Ballenger	Bonner	Cannon
Barrett (SC)	Boozman	Cantor
Bartlett (MD)	Bradley (NH)	Capito
Bass	Brady (TX)	Carter
Beauprez	Brown (SC)	Castle
Bereuter	Brown-Waite, Ginny	Chabot
Biggert	Burgess	Chocola
Bilirakis	Burns	Coble
Bishop (UT)	Burr	Cole
Blackburn		Collins

Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—201

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—12

Ballance
Barton (TX)
Bono
Boyd
DeMint
Filner
Greenwood
Kaptur
Reynolds
Solis
Tauzin
Walsh

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. KOLBE, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶45.5 MIDDLE-CLASS ALTERNATIVE MINIMUM TAX

Mr. ENGLISH, pursuant to House Resolution 619, called up the bill (H.R. 4227) to amend the Internal Revenue Code of 1986 to extend to 2005 the alternative minimum tax relief available in 2003 and 2004 and to index such relief for inflation.

When said bill was considered and read twice.

After debate,

Pursuant to House Resolution 619, the following amendment in the nature of a substitute was submitted by Mr. NEAL of Massachusetts:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''AMT Reform Act of 2004''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of 1986 Code; table of contents.
Sec. 2. Statement of Congressional findings and purposes.

TITLE I—TEMPORARY RELIEF FROM THE ALTERNATIVE MINIMUM TAX; FRAMEWORK FOR REFORM

Sec. 101. Temporary relief from the alternative minimum tax.
Sec. 102. Framework for reform.

TITLE II—RESTRICTIONS ON TAX SHELTERS

Subtitle A—Provisions Designed To Curtail Tax Shelters

Sec. 201. Clarification of economic substance doctrine.
Sec. 202. Penalty for failing to disclose reportable transaction.
Sec. 203. Accuracy-related penalty for listed transactions and other reportable transactions having a significant tax avoidance purpose.
Sec. 204. Penalty for understatements attributable to transactions lacking economic substance, etc.
Sec. 205. Modifications of substantial understatement penalty for nonreportable transactions.
Sec. 206. Tax shelter exception to confidentiality privileges relating to taxpayer communications.
Sec. 207. Disclosure of reportable transactions.
Sec. 208. Modifications to penalty for failure to register tax shelters.
Sec. 209. Modification of penalty for failure to maintain lists of investors.
Sec. 210. Penalty on promoters of tax shelters.
Sec. 211. Increases in penalties for aiding and abetting understatements.

Subtitle B—Enron-Related Tax Shelter Provisions

Sec. 221. Limitation on transfer or importation of built-in losses.
Sec. 222. No reduction of basis under section 734 in stock held by partnership in corporate partner.
Sec. 223. Expanded disallowance of deduction for interest on convertible debt.
Sec. 224. Expanded authority to disallow tax benefits under section 269.
Sec. 225. Modification of interaction between subpart F and passive foreign investment company rules.

SEC. 2. STATEMENT OF CONGRESSIONAL FINDINGS AND PURPOSES.

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

(1) The current alternative minimum tax (hereinafter referred to as the ''AMT'') was enacted in 1986 with the stated purpose of ensuring that individuals with relatively large incomes would pay some minimum amount of Federal income tax, notwithstanding the fact that the individuals could have used otherwise allowable tax preferences to reduce their regular tax to zero.

(2) The AMT, when enacted, affected a very small percentage of individuals. Approximately 0.1 percent of all individuals were subject to the AMT in 1987.

(3) During the 1990's virtually all items that have been traditionally considered to be tax preferences were removed from the AMT.

(4) As a result, virtually all AMT liability now is attributable to 3 items that few people would consider to be tax preferences: the deduction for personal exemptions, the deduction for State and local taxes, and miscellaneous itemized deductions.

(5) In 1993, adjustments to minimum tax rates were made to correspond to adjustments made in regular income tax rates. The 1993 legislation also increased the amount of the AMT exemption.

(6) The percentage of individuals subject to the AMT did not increase as a result of the 1993 changes. The percentage in 1992 was 0.3 percent. It was 0.3 percent in 1994.

(7) The first significant increase in the percentage of individuals paying the AMT occurred by reason of the Taxpayer Relief Act of 1997. Some of the benefits of the capital gains tax reduction provided in the 1997 Act were taken back by the AMT. As a result of the 1997 Act, the percentage of individuals paying the AMT doubled in less than 2 years.

(8) Even after the impact of the 1997 Act, the number of individuals subject to the AMT was extremely small until the enactment of the tax reductions by the Economic Growth and Tax Relief Reconciliation Act of 2001. Less than 1 percent of individuals were subject to the AMT before 2001.

(9) The Economic Growth and Tax Relief Reconciliation Act of 2001 contained reductions in the regular income tax rates but not in the minimum tax rates. As a result, the number of individuals subject to the AMT is projected to skyrocket. In the future—

(A) 92 percent of all households with income between $100,000 and $500,000 will be subject to the minimum tax;

(B) 73 percent of households with income between $75,000 and $100,000 will be subject to the minimum tax; and

(C) 37 percent of households with income between $50,000 and $75,000 will be subject to the minimum tax.———

(10) The AMT has a substantial marriage penalty that has never been addressed by recent ''marriage penalty repeal'' legislation. Married couples are 20 times more likely to be on the minimum tax than single individuals.

(11) More than one-half of the promised tax reductions in the recent marriage penalty bill passed by the House of Representatives will be taken back by the AMT.

(12) The AMT disproportionately applies to families with children. Ninety-seven percent of families with children and with incomes between $75,000 and $100,000 will be subject to the AMT.

(13) The current AMT means that many of the tax reductions enacted in 2001 and 2003 are essentially temporary regardless of whether Congress makes them permanent by repealing the sunset contained in the 2001 Act. On average, the AMT will take back—

(A) 15.3 percent of the benefits of the recent tax cuts from families with incomes between $50,000 and $70,000;

(B) 37.2 percent of the benefits from families with incomes between $75,000 and $100,000;

(C) 65 percent of the benefits from families with incomes between $100,000 and $200,000; and

(D) 71.8 percent of the benefits from families with incomes between $200,000 and $500,000.

(14) Only extremely wealthy taxpayers will retain most of the benefits of the recent tax cuts. Taxpayers making more than $1,000,000 will find only 8 percent of their tax reductions taken back by the AMT.

(15) The Bush Administration's Fiscal Year 2005 Budget recommends that the recent tax reductions be made permanent. Accomplishing that goal requires a total reform of the AMT.

(b) PURPOSE.—It is the purpose of this Act to—

(1) provide significant temporary relief from the alternative minimum tax; and

(2) to provide a framework for a total reform of the alternative minimum tax.

TITLE I—TEMPORARY RELIEF FROM THE ALTERNATIVE MINIMUM TAX; FRAMEWORK FOR REFORM

SEC. 101. TEMPORARY RELIEF FROM THE ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Section 55 (relating to alternative minimum tax imposed) is amended by adding at the end the following new subsection:

''(f) EXEMPTION FOR INDIVIDUALS FOR TAXABLE YEARS BEGINNING IN 2005.—For any taxable year beginning in 2005, in the case of an individual—

''(1) IN GENERAL.—The tentative minimum tax of the taxpayer shall be zero if the adjusted gross income of the taxpayer (as determined for purposes of the regular tax) is equal to or less than the threshold amount.

''(2) PHASEIN OF LIABILITY ABOVE EXEMPTION LEVEL.—In the case of a taxpayer whose adjusted gross income exceeds the threshold amount but does not exceed $145,000 ($290,000 in the case of a joint return), the tax imposed by subsection (a) shall be the amount which bears the same ratio to such tax (determined without regard to this subsection) as—

''(A) the excess of—

''(i) the adjusted gross income of the taxpayer (as determined for purposes of the regular tax), over

''(ii) the threshold amount, bears to

''(B) $20,000 ($40,000 in the case of a joint return).

''(3) THRESHOLD AMOUNT.—For purposes of this paragraph, the term 'threshold amount' means $125,000 ($250,000 in the case of a joint return).

''(4) ESTATES AND TRUSTS.—This subsection shall not apply to any estate or trust.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 102. FRAMEWORK FOR REFORM.

(a) RECOMMENDATIONS BY THE SECRETARY OF THE TREASURY.—Not later than 30 days after the enactment of this Act, the Secretary of the Treasury shall submit to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate detailed legislative recommendations designed to reform the alternative minimum tax. Unless the Secretary determines that it is not feasible, such recommendations shall include changes designed to ensure that the percentage of individuals paying the minimum tax would be reduced to the level in effect before the enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001 (which is less than 1 percent). The Secretary shall include with such recommendations estimates of their revenue cost.

(b) ACTION BY COMMITTEE ON WAYS AND MEANS.—Not later than August 1, 2004, the Committee on Ways and Means of the House of Representatives shall report legislation providing permanent reform of the alternative minimum tax. Such legislation shall be designed so that the percentage of individuals subject to the minimum tax will be restored to the level in effect before the enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001 (which is less than 1 percent).

TITLE II—RESTRICTIONS ON TAX SHELTERS

Subtitle A—Provisions Designed To Curtail Tax Shelters

SEC. 201. CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.

(a) IN GENERAL.—Section 7701 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

''(n) CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE; ETC.—

''(1) GENERAL RULES.—

''(A) IN GENERAL.—In any case in which a court determines that the economic substance doctrine is relevant for purposes of this title to a transaction (or series of transactions), such transaction (or series of transactions) shall have economic substance only if the requirements of this paragraph are met.

''(B) DEFINITION OF ECONOMIC SUBSTANCE.—For purposes of subparagraph (A)—

''(i) IN GENERAL.—A transaction has economic substance only if—

''(I) the transaction changes in a meaningful way (apart from Federal tax effects) the taxpayer's economic position, and

''(II) the taxpayer has a substantial nontax purpose for entering into such transaction and the transaction is a reasonable means of accomplishing such purpose.

In applying subclause (II), a purpose of achieving a financial accounting benefit shall not be taken into account in determining whether a transaction has a substantial nontax purpose if the origin of such financial accounting benefit is a reduction of income tax.

''(ii) SPECIAL RULE WHERE TAXPAYER RELIES ON PROFIT POTENTIAL.—A transaction shall not be treated as having economic substance by reason of having a potential for profit unless—

''(I) the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected, and

''(II) the reasonably expected pre-tax profit from the transaction exceeds a risk-free rate of return.

''(C) TREATMENT OF FEES AND FOREIGN TAXES.—Fees and other transaction expenses and foreign taxes shall be taken into account as expenses in determining pre-tax profit under subparagraph (B)(ii).

''(2) SPECIAL RULES FOR TRANSACTIONS WITH TAX-INDIFFERENT PARTIES.—

''(A) SPECIAL RULES FOR FINANCING TRANSACTIONS.—The form of a transaction which is in substance the borrowing of money or the acquisition of financial capital directly or indirectly from a tax-indifferent party shall not be respected if the present value of the deductions to be claimed with respect to the transaction is substantially in excess of the present value of the anticipated economic returns of the person lending the money or providing the financial capital. A public offering shall be treated as a borrowing, or an acquisition of financial capital, from a tax-indifferent party if it is reasonably expected that at least 50 percent of the offering will be placed with tax-indifferent parties.

''(B) ARTIFICIAL INCOME SHIFTING AND BASIS ADJUSTMENTS.—The form of a transaction with a tax-indifferent party shall not be respected if—

''(i) it results in an allocation of income or gain to the tax-indifferent party in excess of such party's economic income or gain, or

''(ii) it results in a basis adjustment or shifting of basis on account of overstating the income or gain of the tax-indifferent party.

''(3) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

''(A) ECONOMIC SUBSTANCE DOCTRINE.—The term 'economic substance doctrine' means the common law doctrine under which tax benefits under subtitle A with respect to a transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

''(B) TAX-INDIFFERENT PARTY.—The term 'tax-indifferent party' means any person or entity not subject to tax imposed by subtitle A. A person shall be treated as a tax-indifferent party with respect to a transaction if the items taken into account with respect to the transaction have no substantial impact on such person's liability under subtitle A.

''(C) EXCEPTION FOR PERSONAL TRANSACTIONS OF INDIVIDUALS.—In the case of an individual, this subsection shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

''(D) TREATMENT OF LESSORS.—In applying paragraph (1)(B)(ii) to the lessor of tangible property subject to a lease—

''(i) the expected net tax benefits with respect to the leased property shall not include the benefits of—

''(I) depreciation,

''(II) any tax credit, or

''(III) any other deduction as provided in guidance by the Secretary, and

''(ii) subclause (II) of paragraph (1)(B)(ii) shall be disregarded in determining whether any of such benefits are allowable.

''(4) OTHER COMMON LAW DOCTRINES NOT AFFECTED.—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law, and the requirements of this subsection shall be construed as being in addition to any such other rule of law.

''(5) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection. Such regulations may include exemptions from the application of this subsection.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 202. PENALTY FOR FAILING TO DISCLOSE REPORTABLE TRANSACTION.

(a) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6707 the following new section:

''SEC. 6707A. PENALTY FOR FAILURE TO INCLUDE REPORTABLE TRANSACTION INFORMATION WITH RETURN OR STATEMENT.

''(a) IMPOSITION OF PENALTY.—Any person who fails to include on any return or statement any information with respect to a reportable transaction which is required under section 6011 to be included with such return or statement shall pay a penalty in the amount determined under subsection (b).

''(b) AMOUNT OF PENALTY.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amount of the penalty under subsection (a) shall be $50,000.

''(2) LISTED TRANSACTION.—The amount of the penalty under subsection (a) with respect to a listed transaction shall be $100,000.

''(3) INCREASE IN PENALTY FOR LARGE ENTITIES AND HIGH NET WORTH INDIVIDUALS.—

''(A) IN GENERAL.—In the case of a failure under subsection (a) by—

''(i) a large entity, or

''(ii) a high net worth individual,

the penalty under paragraph (1) or (2) shall be twice the amount determined without regard to this paragraph.

''(B) LARGE ENTITY.—For purposes of subparagraph (A), the term 'large entity' means, with respect to any taxable year, a person (other than a natural person) with gross receipts in excess of $10,000,000 for the taxable year in which the reportable transaction occurs or the preceding taxable year. Rules similar to the rules of paragraph (2) and subparagraphs (B), (C), and (D) of paragraph (3) of section 448(c) shall apply for purposes of this subparagraph.

''(C) HIGH NET WORTH INDIVIDUAL.—For purposes of subparagraph (A), the term 'high net worth individual' means, with respect to a reportable transaction, a natural person whose net worth exceeds $2,000,000 immediately before the transaction.

''(c) DEFINITIONS.—For purposes of this section—

''(1) REPORTABLE TRANSACTION.—The term 'reportable transaction' means any transaction with respect to which information is required to be included with a return or statement because, as determined under regulations prescribed under section 6011, such transaction is of a type which the Secretary determines as having a potential for tax avoidance or evasion.

''(2) LISTED TRANSACTION.—Except as provided in regulations, the term 'listed transaction' means a reportable transaction which is the same as, or substantially similar to, a transaction specifically identified by the Secretary as a tax avoidance transaction for purposes of section 6011.

''(d) AUTHORITY TO RESCIND PENALTY.—

''(1) IN GENERAL.—The Commissioner of Internal Revenue may rescind all or any portion of any penalty imposed by this section with respect to any violation if—

''(A) the violation is with respect to a reportable transaction other than a listed transaction,

''(B) the person on whom the penalty is imposed has a history of complying with the requirements of this title,

''(C) it is shown that the violation is due to an unintentional mistake of fact;

''(D) imposing the penalty would be against equity and good conscience, and

''(E) rescinding the penalty would promote compliance with the requirements of this title and effective tax administration.

''(2) DISCRETION.—The exercise of authority under paragraph (1) shall be at the sole discretion of the Commissioner and may be delegated only to the head of the Office of Tax Shelter Analysis. The Commissioner, in the Commissioner's sole discretion, may establish a procedure to determine if a penalty should be referred to the Commissioner or the head of such Office for a determination under paragraph (1).

''(3) NO APPEAL.—Notwithstanding any other provision of law, any determination under this subsection may not be reviewed in any administrative or judicial proceeding.

''(4) RECORDS.—If a penalty is rescinded under paragraph (1), the Commissioner shall place in the file in the Office of the Commissioner the opinion of the Commissioner or the head of the Office of Tax Shelter Analysis with respect to the determination, including—

''(A) the facts and circumstances of the transaction,

''(B) the reasons for the rescission, and

''(C) the amount of the penalty rescinded.

''(5) REPORT.—The Commissioner shall each year report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate—

''(A) a summary of the total number and aggregate amount of penalties imposed, and rescinded, under this section, and

''(B) a description of each penalty rescinded under this subsection and the reasons therefor.

''(e) PENALTY REPORTED TO SEC.—In the case of a person—

''(1) which is required to file periodic reports under section 13 or 15(d) of the Securities Exchange Act of 1934 or is required to be consolidated with another person for purposes of such reports, and

''(2) which—

''(A) is required to pay a penalty under this section with respect to a listed transaction,

''(B) is required to pay a penalty under section 6662A with respect to any reportable transaction at a rate prescribed under section 6662A(c), or

''(C) is required to pay a penalty under section 6662B with respect to any noneconomic substance transaction,

the requirement to pay such penalty shall be disclosed in such reports filed by such person for such periods as the Secretary shall specify. Failure to make a disclosure in accordance with the preceding sentence shall be treated as a failure to which the penalty under subsection (b)(2) applies.

''(f) COORDINATION WITH OTHER PENALTIES.—The penalty imposed by this section is in addition to any penalty imposed under this title.''.

(b) CONFORMING AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by inserting after the item relating to section 6707 the following:

''Sec. 6707A. Penalty for failure to include reportable transaction information with return or statement.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns and statements the due date for which is after the date of the enactment of this Act.

SEC. 203. ACCURACY-RELATED PENALTY FOR LISTED TRANSACTIONS AND OTHER REPORTABLE TRANSACTIONS HAVING A SIGNIFICANT TAX AVOIDANCE PURPOSE.

(a) IN GENERAL.—Subchapter A of chapter 68 is amended by inserting after section 6662 the following new section:

''SEC. 6662A. IMPOSITION OF ACCURACY-RELATED PENALTY ON UNDERSTATEMENTS WITH RESPECT TO REPORTABLE TRANSACTIONS.

''(a) IMPOSITION OF PENALTY.—If a taxpayer has a reportable transaction understatement for any taxable year, there shall be added to the tax an amount equal to 20 percent of the amount of such understatement.

''(b) REPORTABLE TRANSACTION UNDERSTATEMENT.—For purposes of this section—

''(1) IN GENERAL.—The term 'reportable transaction understatement' means the sum of—

''(A) the product of—

''(i) the amount of the increase (if any) in taxable income which results from a difference between the proper tax treatment of an item to which this section applies and the taxpayer's treatment of such item (as shown on the taxpayer's return of tax), and

''(ii) the highest rate of tax imposed by section 1 (section 11 in the case of a taxpayer which is a corporation), and

''(B) the amount of the decrease (if any) in the aggregate amount of credits determined under subtitle A which results from a difference between the taxpayer's treatment of an item to which this section applies (as shown on the taxpayer's return of tax) and the proper tax treatment of such item.

For purposes of subparagraph (A), any reduction of the excess of deductions allowed for the taxable year over gross income for such year, and any reduction in the amount of capital losses which would (without regard to section 1211) be allowed for such year, shall be treated as an increase in taxable income.

''(2) ITEMS TO WHICH SECTION APPLIES.—This section shall apply to any item which is attributable to—

''(A) any listed transaction, and

''(B) any reportable transaction (other than a listed transaction) if a significant purpose of such transaction is the avoidance or evasion of Federal income tax.

''(c) HIGHER PENALTY FOR NONDISCLOSED LISTED AND OTHER AVOIDANCE TRANSACTIONS.—

''(1) IN GENERAL.—Subsection (a) shall be applied by substituting '30 percent' for '20 percent' with respect to the portion of any reportable transaction understatement with respect to which the requirement of section 6664(d)(2)(A) is not met.

''(2) RULES APPLICABLE TO ASSERTION AND COMPROMISE OF PENALTY.—

''(A) IN GENERAL.—Only upon the approval by the Chief Counsel for the Internal Revenue Service or the Chief Counsel's delegate at the national office of the Internal Revenue Service may a penalty to which paragraph (1) applies be included in a 1st letter of

proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals. If such a letter is provided to the taxpayer, only the Commissioner of Internal Revenue may compromise all or any portion of such penalty.

''(B) APPLICABLE RULES.—The rules of paragraphs (2), (3), (4), and (5) of section 6707A(d) shall apply for purposes of subparagraph (A).

''(d) DEFINITIONS OF REPORTABLE AND LISTED TRANSACTIONS.—For purposes of this section, the terms 'reportable transaction' and 'listed transaction' have the respective meanings given to such terms by section 6707A(c).

''(e) SPECIAL RULES.—

''(1) COORDINATION WITH PENALTIES, ETC., ON OTHER UNDERSTATEMENTS.—In the case of an understatement (as defined in section 6662(d)(2))—

''(A) the amount of such understatement (determined without regard to this paragraph) shall be increased by the aggregate amount of reportable transaction understatements and noneconomic substance transaction understatements for purposes of determining whether such understatement is a substantial understatement under section 6662(d)(1), and

''(B) the addition to tax under section 6662(a) shall apply only to the excess of the amount of the substantial understatement (if any) after the application of subparagraph (A) over the aggregate amount of reportable transaction understatements and noneconomic substance transaction understatements.

''(2) COORDINATION WITH OTHER PENALTIES.—

''(A) APPLICATION OF FRAUD PENALTY.—References to an underpayment in section 6663 shall be treated as including references to a reportable transaction understatement and a noneconomic substance transaction understatement.

''(B) NO DOUBLE PENALTY.—This section shall not apply to any portion of an understatement on which a penalty is imposed under section 6662B or 6663.

''(3) SPECIAL RULE FOR AMENDED RETURNS.—Except as provided in regulations, in no event shall any tax treatment included with an amendment or supplement to a return of tax be taken into account in determining the amount of any reportable transaction understatement or noneconomic substance transaction understatement if the amendment or supplement is filed after the earlier of the date the taxpayer is first contacted by the Secretary regarding the examination of the return or such other date as is specified by the Secretary.

''(4) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this subsection, the term 'noneconomic substance transaction understatement' has the meaning given such term by section 6662B(c).

''(5) CROSS REFERENCE.—

''For reporting of section 6662A(c) penalty to the Securities and Exchange Commission, see section 6707A(e).''.

(b) DETERMINATION OF OTHER UNDERSTATEMENTS.—Subparagraph (A) of section 6662(d)(2) is amended by adding at the end the following flush sentence:

''The excess under the preceding sentence shall be determined without regard to items to which section 6662A applies and without regard to items with respect to which a penalty is imposed by section 6662B.''.

(c) REASONABLE CAUSE EXCEPTION.—

(1) IN GENERAL.—Section 6664 is amended by adding at the end the following new subsection:

''(d) REASONABLE CAUSE EXCEPTION FOR REPORTABLE TRANSACTION UNDERSTATEMENTS.—

''(1) IN GENERAL.—No penalty shall be imposed under section 6662A with respect to any portion of a reportable transaction understatement if it is shown that there was a reasonable cause for such portion and that the taxpayer acted in good faith with respect to such portion.

''(2) SPECIAL RULES.—Paragraph (1) shall not apply to any reportable transaction understatement unless—

''(A) the relevant facts affecting the tax treatment of the item are adequately disclosed in accordance with the regulations prescribed under section 6011,

''(B) there is or was substantial authority for such treatment, and

''(C) the taxpayer reasonably believed that such treatment was more likely than not the proper treatment.

A taxpayer failing to adequately disclose in accordance with section 6011 shall be treated as meeting the requirements of subparagraph (A) if the penalty for such failure was rescinded under section 6707A(d).

''(3) RULES RELATING TO REASONABLE BELIEF.—For purposes of paragraph (2)(C)—

''(A) IN GENERAL.—A taxpayer shall be treated as having a reasonable belief with respect to the tax treatment of an item only if such belief—

''(i) is based on the facts and law that exist at the time the return of tax which includes such tax treatment is filed, and

''(ii) relates solely to the taxpayer's chances of success on the merits of such treatment and does not take into account the possibility that a return will not be audited, such treatment will not be raised on audit, or such treatment will be resolved through settlement if it is raised.

''(B) CERTAIN OPINIONS MAY NOT BE RELIED UPON.—

''(i) IN GENERAL.—An opinion of a tax advisor may not be relied upon to establish the reasonable belief of a taxpayer if—

''(I) the tax advisor is described in clause (ii), or

''(II) the opinion is described in clause (iii).

''(ii) DISQUALIFIED TAX ADVISORS.—A tax advisor is described in this clause if the tax advisor—

''(I) is a material advisor (within the meaning of section 6111(b)(1)) who participates in the organization, management, promotion, or sale of the transaction or who is related (within the meaning of section 267(b) or 707(b)(1)) to any person who so participates,

''(II) is compensated directly or indirectly by a material advisor with respect to the transaction,

''(III) has a fee arrangement with respect to the transaction which is contingent on all or part of the intended tax benefits from the transaction being sustained,

''(IV) has an arrangement with respect to the transaction which provides that contractual disputes between the taxpayer and the advisor are to be settled by arbitration or which limits damages by reference to fees paid to the advisor for such transaction, or

''(V) as determined under regulations prescribed by the Secretary, has a disqualifying financial interest with respect to the transaction.

''(iii) DISQUALIFIED OPINIONS.—For purposes of clause (i), an opinion is disqualified if the opinion—

''(I) is based on unreasonable factual or legal assumptions (including assumptions as to future events),

''(II) unreasonably relies on representations, statements, findings, or agreements of the taxpayer or any other person,

''(III) does not identify and consider all relevant facts,

''(IV) is not signed by all individuals who are principal authors of the opinion, or

''(V) fails to meet any other requirement as the Secretary may prescribe.''.

(2) CONFORMING AMENDMENT.—The heading for subsection (c) of section 6664 is amended by inserting ''FOR UNDERPAYMENTS'' after ''EXCEPTION''.

(d) CONFORMING AMENDMENTS.—

(1) Subparagraph (C) of section 461(i)(3) is amended by striking ''section 6662(d)(2)(C)(iii)'' and inserting ''section 1274(b)(3)(C)''.

(2) Paragraph (3) of section 1274(b) is amended—

(A) by striking ''(as defined in section 6662(d)(2)(C)(iii))'' in subparagraph (B)(i), and

(B) by adding at the end the following new subparagraph:

''(C) TAX SHELTER.—For purposes of subparagraph (B), the term 'tax shelter' means—

''(i) a partnership or other entity,

''(ii) any investment plan or arrangement, or

''(iii) any other plan or arrangement,

if a significant purpose of such partnership, entity, plan, or arrangement is the avoidance or evasion of Federal income tax.''.

(3) Section 6662(d)(2) is amended by striking subparagraphs (C) and (D).

(4) Section 6664(c)(1) is amended by striking ''this part'' and inserting ''section 6662 or 6663''.

(5) Subsection (b) of section 7525 is amended by striking ''section 6662(d)(2)(C)(iii)'' and inserting ''section 1274(b)(3)(C)''.

(6)(A) The heading for section 6662 is amended to read as follows:

''SEC. 6662. IMPOSITION OF ACCURACY-RELATED PENALTY ON UNDERPAYMENTS.''.

(B) The table of sections for part II of subchapter A of chapter 68 is amended by striking the item relating to section 6662 and inserting the following new items:

''Sec. 6662. Imposition of accuracy-related penalty on underpayments.

''Sec. 6662A. Imposition of accuracy-related penalty on understatements with respect to reportable transactions.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 204. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

(a) IN GENERAL.—Subchapter A of chapter 68 is amended by inserting after section 6662A the following new section:

''SEC. 6662B. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

''(a) IMPOSITION OF PENALTY.—If a taxpayer has an noneconomic substance transaction understatement for any taxable year, there shall be added to the tax an amount equal to 40 percent of the amount of such understatement.

''(b) REDUCTION OF PENALTY FOR DISCLOSED TRANSACTIONS.—Subsection (a) shall be applied by substituting '20 percent' for '40 percent' with respect to the portion of any noneconomic substance transaction understatement with respect to which the relevant facts affecting the tax treatment of the item are adequately disclosed in the return or a statement attached to the return.

''(c) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this section—

''(1) IN GENERAL.—The term 'noneconomic substance transaction understatement' means any amount which would be an understatement under section 6662A(b)(1) if section 6662A were applied by taking into account items attributable to noneconomic substance transactions rather than items to which section 6662A would apply without regard to this paragraph.

''(2) NONECONOMIC SUBSTANCE TRANSACTION.—The term 'noneconomic substance transaction' means any transaction if—

''(A) there is a lack of economic substance (within the meaning of section 7701(n)(1)) for the transaction giving rise to the claimed benefit or the transaction was not respected under section 7701(n)(2), or

''(B) the transaction fails to meet the requirements of any similar rule of law.

''(d) RULES APPLICABLE TO COMPROMISE OF PENALTY.—

''(1) IN GENERAL.—If the 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals has been sent with respect to a penalty to which this section applies, only the Commissioner of Internal Revenue may compromise all or any portion of such penalty.

''(2) APPLICABLE RULES.—The rules of paragraphs (2), (3), (4), and (5) of section 6707A(d) shall apply for purposes of paragraph (1).

''(e) COORDINATION WITH OTHER PENALTIES.—Except as otherwise provided in this part, the penalty imposed by this section shall be in addition to any other penalty imposed by this title.

''(f) CROSS REFERENCES.—

''(1) For coordination of penalty with understatements under section 6662 and other special rules, see section 6662A(e).

''(2) For reporting of penalty imposed under this section to the Securities and Exchange Commission, see section 6707A(e).''.

(b) CLERICAL AMENDMENT.—The table of sections for part II of subchapter A of chapter 68 is amended by inserting after the item relating to section 6662A the following new item:

''Sec. 6662B. Penalty for understatements attributable to transactions lacking economic substance, etc.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 205. MODIFICATIONS OF SUBSTANTIAL UNDERSTATEMENT PENALTY FOR NONREPORTABLE TRANSACTIONS.

(a) SUBSTANTIAL UNDERSTATEMENT OF CORPORATIONS.—Section 6662(d)(1)(B) (relating to special rule for corporations) is amended to read as follows:

''(B) SPECIAL RULE FOR CORPORATIONS.—In the case of a corporation other than an S corporation or a personal holding company (as defined in section 542), there is a substantial understatement of income tax for any taxable year if the amount of the understatement for the taxable year exceeds the lesser of—

''(i) 10 percent of the tax required to be shown on the return for the taxable year (or, if greater, $10,000), or

''(ii) $10,000,000.''.

(b) REDUCTION FOR UNDERSTATEMENT OF TAXPAYER DUE TO POSITION OF TAXPAYER OR DISCLOSED ITEM.—

(1) IN GENERAL.—Section 6662(d)(2)(B)(i) (relating to substantial authority) is amended to read as follows:

''(i) the tax treatment of any item by the taxpayer if the taxpayer had reasonable belief that the tax treatment was more likely than not the proper treatment, or''.

(2) CONFORMING AMENDMENT.—Section 6662(d) is amended by adding at the end the following new paragraph:

''(3) SECRETARIAL LIST.—For purposes of this subsection, section 6664(d)(2), and section 6694(a)(1), the Secretary may prescribe a list of positions for which the Secretary believes there is not substantial authority or there is no reasonable belief that the tax treatment is more likely than not the proper tax treatment. Such list (and any revisions thereof) shall be published in the Federal Register or the Internal Revenue Bulletin.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 206. TAX SHELTER EXCEPTION TO CONFIDENTIALITY PRIVILEGES RELATING TO TAXPAYER COMMUNICATIONS.

(a) IN GENERAL.—Section 7525(b) (relating to section not to apply to communications regarding corporate tax shelters) is amended to read as follows:

''(b) SECTION NOT TO APPLY TO COMMUNICATIONS REGARDING TAX SHELTERS.—The privilege under subsection (a) shall not apply to any written communication which is—

''(1) between a federally authorized tax practitioner and—

''(A) any person,

''(B) any director, officer, employee, agent, or representative of the person, or

''(C) any other person holding a capital or profits interest in the person, and

''(2) in connection with the promotion of the direct or indirect participation of the person in any tax shelter (as defined in section 1274(b)(3)(C)).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to communications made on or after the date of the enactment of this Act.

SEC. 207. DISCLOSURE OF REPORTABLE TRANSACTIONS.

(a) IN GENERAL.—Section 6111 (relating to registration of tax shelters) is amended to read as follows:

''SEC. 6111. DISCLOSURE OF REPORTABLE TRANSACTIONS.

''(a) IN GENERAL.—Each material advisor with respect to any reportable transaction shall make a return (in such form as the Secretary may prescribe) setting forth—

''(1) information identifying and describing the transaction,

''(2) information describing any potential tax benefits expected to result from the transaction, and

''(3) such other information as the Secretary may prescribe.

Such return shall be filed not later than the date specified by the Secretary.

''(b) DEFINITIONS.—For purposes of this section—

''(1) MATERIAL ADVISOR.—

''(A) IN GENERAL.—The term 'material advisor' means any person—

''(i) who provides any material aid, assistance, or advice with respect to organizing, managing, promoting, selling, implementing, or carrying out any reportable transaction, and

''(ii) who directly or indirectly derives gross income in excess of the threshold amount for such aid, assistance, or advice.

''(B) THRESHOLD AMOUNT.—For purposes of subparagraph (A), the threshold amount is—

''(i) $50,000 in the case of a reportable transaction substantially all of the tax benefits from which are provided to natural persons, and

''(ii) $250,000 in any other case.

''(2) REPORTABLE TRANSACTION.—The term 'reportable transaction' has the meaning given to such term by section 6707A(c).

''(c) REGULATIONS.—The Secretary may prescribe regulations which provide—

''(1) that only 1 person shall be required to meet the requirements of subsection (a) in cases in which 2 or more persons would otherwise be required to meet such requirements,

''(2) exemptions from the requirements of this section, and

''(3) such rules as may be necessary or appropriate to carry out the purposes of this section.''.

(b) CONFORMING AMENDMENTS.—

(1) The item relating to section 6111 in the table of sections for subchapter B of chapter 61 is amended to read as follows:

''Sec. 6111. Disclosure of reportable transactions.''.

(2)(A) So much of section 6112 as precedes subsection (c) thereof is amended to read as follows:

''SEC. 6112. MATERIAL ADVISORS OF REPORTABLE TRANSACTIONS MUST KEEP LISTS OF ADVISEES.

''(a) IN GENERAL.—Each material advisor (as defined in section 6111) with respect to any reportable transaction (as defined in section 6707A(c)) shall maintain, in such manner as the Secretary may by regulations prescribe, a list—

''(1) identifying each person with respect to whom such advisor acted as such a material advisor with respect to such transaction, and

''(2) containing such other information as the Secretary may by regulations require.

This section shall apply without regard to whether a material advisor is required to file a return under section 6111 with respect to such transaction.''.

(B) Section 6112 is amended by redesignating subsection (c) as subsection (b).

(C) Section 6112(b), as redesignated by subparagraph (B), is amended—

(i) by inserting ''written'' before ''request'' in paragraph (1)(A), and

(ii) by striking ''shall prescribe'' in paragraph (2) and inserting ''may prescribe''.

(D) The item relating to section 6112 in the table of sections for subchapter B of chapter 61 is amended to read as follows:

''Sec. 6112. Material advisors of reportable transactions must keep lists of advisees.''.

(3)(A) The heading for section 6708 is amended to read as follows:

''SEC. 6708. FAILURE TO MAINTAIN LISTS OF ADVISEES WITH RESPECT TO REPORTABLE TRANSACTIONS.''.

(B) The item relating to section 6708 in the table of sections for part I of subchapter B of chapter 68 is amended to read as follows:

''Sec. 6708. Failure to maintain lists of advisees with respect to reportable transactions.''.

(c) REQUIRED DISCLOSURE NOT SUBJECT TO CLAIM OF CONFIDENTIALITY.—Subparagraph (A) of section 6112(b)(1), as redesignated by subsection (b)(2)(B), is amended by adding at the end the following new flush sentence:

''For purposes of this section, the identity of any person on such list shall not be privileged.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions with respect to which material aid, assistance, or advice referred to in section 6111(b)(1)(A)(i) of the Internal Revenue Code of 1986 (as added by this section) is provided after the date of the enactment of this Act.

SEC. 208. MODIFICATIONS TO PENALTY FOR FAILURE TO REGISTER TAX SHELTERS.

(a) IN GENERAL.—Section 6707 (relating to failure to furnish information regarding tax shelters) is amended to read as follows:

''SEC. 6707. FAILURE TO FURNISH INFORMATION REGARDING REPORTABLE TRANSACTIONS.

''(a) IN GENERAL.—If a person who is required to file a return under section 6111(a) with respect to any reportable transaction—

''(1) fails to file such return on or before the date prescribed therefor, or

''(2) files false or incomplete information with the Secretary with respect to such transaction,

such person shall pay a penalty with respect to such return in the amount determined under subsection (b).

''(b) AMOUNT OF PENALTY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the penalty imposed under subsection (a) with respect to any failure shall be $50,000.

''(2) LISTED TRANSACTIONS.—The penalty imposed under subsection (a) with respect to any listed transaction shall be an amount equal to the greater of—

''(A) $200,000, or

''(B) 50 percent of the gross income derived by such person with respect to aid, assistance, or advice which is provided with respect to the listed transaction before the date the return including the transaction is filed under section 6111.

Subparagraph (B) shall be applied by substituting '75 percent' for '50 percent' in the case of an intentional failure or act described in subsection (a).

''(c) CERTAIN RULES TO APPLY.—The provisions of section 6707A(d) shall apply to any penalty imposed under this section.

''(d) REPORTABLE AND LISTED TRANSACTIONS.—The terms 'reportable transaction' and 'listed transaction' have the respective meanings given to such terms by section 6707A(c).''.

(b) CLERICAL AMENDMENT.—The item relating to section 6707 in the table of sections for part I of subchapter B of chapter 68 is amended by striking ''tax shelters'' and inserting ''reportable transactions''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns the due date for which is after the date of the enactment of this Act.

SEC. 209. MODIFICATION OF PENALTY FOR FAILURE TO MAINTAIN LISTS OF INVESTORS.

(a) IN GENERAL.—Subsection (a) of section 6708 is amended to read as follows:

''(a) IMPOSITION OF PENALTY.—

''(1) IN GENERAL.—If any person who is required to maintain a list under section 6112(a) fails to make such list available upon written request to the Secretary in accordance with section 6112(b)(1)(A) within 20 business days after the date of the Secretary's request, such person shall pay a penalty of $10,000 for each day of such failure after such 20th day.

''(2) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed by paragraph (1) with respect to the failure on any day if such failure is due to reasonable cause.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to requests made after the date of the enactment of this Act.

SEC. 210. PENALTY ON PROMOTERS OF TAX SHELTERS.

(a) PENALTY ON PROMOTING ABUSIVE TAX SHELTERS.—Section 6700(a) is amended by adding at the end the following new sentence: ''Notwithstanding the first sentence, if an activity with respect to which a penalty imposed under this subsection involves a statement described in paragraph (2)(A), the amount of the penalty shall be equal to 50 percent of the gross income derived (or to be derived) from such activity by the person on which the penalty is imposed.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to activities after the date of the enactment of this Act.

SEC. 211. INCREASES IN PENALTIES FOR AIDING AND ABETTING UNDERSTATEMENTS.

(a) IN GENERAL.—Section 6701(b) is amended to read as follows:

''(b) AMOUNT OF PENALTY.—

''(1) IN GENERAL.—The amount of the penalty imposed by subsection (a) shall be the greater of—

''(A) $2,000, or

''(B) 50 percent of the gross income derived (or to be derived) from the activity giving rise to the penalty.

''(2) CORPORATIONS.—If the return, affidavit, claim, or other document relates to the tax liability of a corporation, paragraph (1)(A) shall be applied by substituting '$20,000' for '$2,000'.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to activities after the date of the enactment of this Act.

Subtitle B—Enron-Related Tax Shelter Provisions

SEC. 221. LIMITATION ON TRANSFER OR IMPORTATION OF BUILT-IN LOSSES.

(a) IN GENERAL.—Section 362 (relating to basis to corporations) is amended by adding at the end the following new subsection:

''(e) LIMITATIONS ON BUILT-IN LOSSES.—

''(1) LIMITATION ON IMPORTATION OF BUILT-IN LOSSES.—

''(A) IN GENERAL.—If in any transaction described in subsection (a) or (b) there would (but for this subsection) be an importation of a net built-in loss, the basis of each property described in subparagraph (B) which is acquired in such transaction shall (notwithstanding subsections (a) and (b)) be its fair market value immediately after such transaction.

''(B) PROPERTY DESCRIBED.—For purposes of subparagraph (A), property is described in this subparagraph if—

''(i) gain or loss with respect to such property is not subject to tax under this subtitle in the hands of the transferor immediately before the transfer, and

''(ii) gain or loss with respect to such property is subject to such tax in the hands of the transferee immediately after such transfer.

In any case in which the transferor is a partnership, the preceding sentence shall be applied by treating each partner in such partnership as holding such partner's proportionate share of the property of such partnership.

''(C) IMPORTATION OF NET BUILT-IN LOSS.—For purposes of subparagraph (A), there is an importation of a net built-in loss in a transaction if the transferee's aggregate adjusted bases of property described in subparagraph (B) which is transferred in such transaction would (but for this paragraph) exceed the fair market value of such property immediately after such transaction.

''(2) LIMITATION ON TRANSFER OF BUILT-IN LOSSES IN SECTION 351 TRANSACTIONS.—

''(A) IN GENERAL.—If—

''(i) property is transferred by a transferor in any transaction which is described in subsection (a) and which is not described in paragraph (1) of this subsection, and

''(ii) the transferee's aggregate adjusted bases of such property so transferred would (but for this paragraph) exceed the fair market value of such property immediately after such transaction,

then, notwithstanding subsection (a), the transferee's aggregate adjusted bases of the property so transferred shall not exceed the fair market value of such property immediately after such transaction.

''(B) ALLOCATION OF BASIS REDUCTION.—The aggregate reduction in basis by reason of subparagraph (A) shall be allocated among the property so transferred in proportion to their respective built-in losses immediately before the transaction.

''(C) EXCEPTION FOR TRANSFERS WITHIN AFFILIATED GROUP.—Subparagraph (A) shall not apply to any transaction if the transferor owns stock in the transferee meeting the requirements of section 1504(a)(2). In the case of property to which subparagraph (A) does not apply by reason of the preceding sentence, the transferor's basis in the stock received for such property shall not exceed its fair market value immediately after the transfer.''.

(b) COMPARABLE TREATMENT WHERE LIQUIDATION.—Paragraph (1) of section 334(b) (relating to liquidation of subsidiary) is amended to read as follows:

''(1) IN GENERAL.—If property is received by a corporate distributee in a distribution in a complete liquidation to which section 332 applies (or in a transfer described in section 337(b)(1)), the basis of such property in the hands of such distributee shall be the same as it would be in the hands of the transferor; except that the basis of such property in the hands of such distributee shall be the fair market value of the property at the time of the distribution—

''(A) in any case in which gain or loss is recognized by the liquidating corporation with respect to such property, or

''(B) in any case in which the liquidating corporation is a foreign corporation, the corporate distributee is a domestic corporation, and the corporate distributee's aggregate adjusted bases of property described in section 362(e)(1)(B) which is distributed in such liquidation would (but for this subparagraph) exceed the fair market value of such property immediately after such liquidation.''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to transactions after the date of the enactment of this Act.

(2) LIQUIDATIONS.—The amendment made by subsection (b) shall apply to liquidations after the date of the enactment of this Act.

SEC. 222. NO REDUCTION OF BASIS UNDER SECTION 734 IN STOCK HELD BY PARTNERSHIP IN CORPORATE PARTNER.

(a) IN GENERAL.—Section 755 is amended by adding at the end the following new subsection:

''(c) NO ALLOCATION OF BASIS DECREASE TO STOCK OF CORPORATE PARTNER.—In making an allocation under subsection (a) of any decrease in the adjusted basis of partnership property under section 734(b)—

''(1) no allocation may be made to stock in a corporation (or any person which is related (within the meaning of section 267(b) or 707(b)(1)) to such corporation) which is a partner in the partnership, and

''(2) any amount not allocable to stock by reason of paragraph (1) shall be allocated under subsection (a) to other partnership property in such manner as the Secretary may prescribe.

Gain shall be recognized to the partnership to the extent that the amount required to be allocated under paragraph (2) to other partnership property exceeds the aggregate adjusted basis of such other property immediately before the allocation required by paragraph (2).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions after the date of the enactment of this Act.

SEC. 223. EXPANDED DISALLOWANCE OF DEDUCTION FOR INTEREST ON CONVERTIBLE DEBT.

(a) IN GENERAL.—Paragraph (2) of section 163(l) is amended by inserting ''or equity held by the issuer (or any related party) in any other person'' after ''or a related party''.

(b) CAPITALIZATION ALLOWED WITH RESPECT TO EQUITY OF PERSONS OTHER THAN ISSUER AND RELATED PARTIES.—Section 163(l) is amended by redesignating paragraphs (4) and (5) as paragraphs (5) and (6) and by inserting after paragraph (3) the following new paragraph:

''(4) CAPITALIZATION ALLOWED WITH RESPECT TO EQUITY OF PERSONS OTHER THAN ISSUER AND RELATED PARTIES.—If the disqualified debt instrument of a corporation is payable in equity held by the issuer (or any related party) in any other person (other than a related party), the basis of such equity shall be increased by the amount not allowed as a deduction by reason of paragraph (1) with respect to the instrument.''.

(c) EXCEPTION FOR CERTAIN INSTRUMENTS ISSUED BY DEALERS IN SECURITIES.—Section 163(l), as amended by subsection (b), is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7) and by inserting

after paragraph (4) the following new paragraph:

''(5) EXCEPTION FOR CERTAIN INSTRUMENTS ISSUED BY DEALERS IN SECURITIES.—For purposes of this subsection, the term 'disqualified debt instrument' does not include indebtedness issued by a dealer in securities (or a related party) which is payable in, or by reference to, equity (other than equity of the issuer or a related party) held by such dealer in its capacity as a dealer in securities. For purposes of this paragraph, the term 'dealer in securities' has the meaning given such term by section 475.''.

(c) CONFORMING AMENDMENTS.—Paragraph (3) of section 163(l) is amended—

(1) by striking ''or a related party'' in the material preceding subparagraph (A) and inserting ''or any other person'', and

(2) by striking ''or interest'' each place it appears.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to debt instruments issued after the date of the enactment of this Act.

SEC. 224. EXPANDED AUTHORITY TO DISALLOW TAX BENEFITS UNDER SECTION 269.

(a) IN GENERAL.—Subsection (a) of section 269 (relating to acquisitions made to evade or avoid income tax) is amended to read as follows:

''(a) IN GENERAL.—If—

''(1)(A) any person or persons acquire, directly or indirectly, control of a corporation, or

''(B) any corporation acquires, directly or indirectly, property of another corporation and the basis of such property, in the hands of the acquiring corporation, is determined by reference to the basis in the hands of the transferor corporation, and

''(2) the principal purpose for which such acquisition was made is evasion or avoidance of Federal income tax,

then the Secretary may disallow such deduction, credit, or other allowance. For purposes of paragraph (1)(A), control means the ownership of stock possessing at least 50 percent of the total combined voting power of all classes of stock entitled to vote or at least 50 percent of the total value of all shares of all classes of stock of the corporation.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to stock and property acquired after the date of the enactment of this Act.

SEC. 225. MODIFICATION OF INTERACTION BETWEEN SUBPART F AND PASSIVE FOREIGN INVESTMENT COMPANY RULES.

(a) LIMITATION ON EXCEPTION FROM PFIC RULES FOR UNITED STATES SHAREHOLDERS OF CONTROLLED FOREIGN CORPORATIONS.—Paragraph (2) of section 1297(e) (relating to passive foreign investment company) is amended by adding at the end the following flush sentence:

''Such term shall not include any period if the earning of subpart F income by such corporation during such period would result in only a remote likelihood of an inclusion in gross income under section 951(a)(1)(A)(i).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of controlled foreign corporations beginning after the date of the enactment of this Act, and to taxable years of United States shareholders with or within which such taxable years of controlled foreign corporations end.

Amend the title so as to read: ''A bill to provide for significant temporary relief from the alternative minimum tax and for a framework for a total reform of the alternative minimum tax.''.

After debate,

Pursuant to House Resolution 619, the previous question was ordered on the bill and the amendment in the nature of a substitute.

The question being put, viva voce,

Will the House agree to said amendment in the nature of a substitute?

The SPEAKER pro tempore, Mr. BASS, announced that the nays had it.

Mr. NEAL of Massachusetts, objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 197 / Nays 228

¶45.6 [Roll No. 143]

YEAS—197

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—228

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

NOT VOTING—8

Bono
Boyd
DeMint
Filner
Greenwood
Matsui
Solis
Tauzin

So the amendment in the nature of a substitute was not agreed to.

The bill was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. BASS, announced that the yeas had it.

Mr. ENGLISH demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 333 / Nays 89

¶45.7 [Roll No. 144]

YEAS—333

Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boswell
Boucher
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (OK)
Carter
Castle
Chabot
Chandler
Chocola
Clay
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Marshall
Matheson
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Udall (CO)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Wamp
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—89

Abercrombie
Andrews
Baird
Becerra
Berman
Berry
Blumenauer
Brady (PA)
Capps
Capuano
Carson (IN)
Case
Clyburn
Conyers
Cooper
Davis (FL)
Davis (IL)
DeLauro
Dicks
Dingell
Doyle
Emanuel
Fattah
Frank (MA)
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Hill
Hinchey
Holt
Hoyer
Inslee
Jackson (IL)
Kanjorski
Kilpatrick
Kucinich
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Markey
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McNulty
Menendez
Mollohan
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Payne
Pelosi
Rangel
Rothman
Roybal-Allard
Rush
Sabo
Sánchez, Linda T.
Schakowsky
Scott (VA)
Serrano
Sherman
Smith (WA)
Spratt
Stark
Stenholm
Taylor (MS)
Thompson (CA)
Tierney
Towns
Turner (TX)
Udall (NM)
Velázquez
Visclosky
Watson
Watt
Waxman
Wexler
Woolsey

NOT VOTING—11

Bono
Boyd
Cummings
DeMint
Filner
Greenwood
Honda
Jackson-Lee (TX)
Solis
Tauzin
Waters

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶45.8 MOTION TO INSTRUCT CONFEREES—S. CON. RES. 95

Mr. MOORE submitted the privileged motion to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the concurrent resolution of the Senate (S. Con. Res. 95) setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009, to agree to the pay-as-you-go enforcement provisions within the scope of the conference regarding direct spending increases and tax cuts in the House and Senate. In complying with this instruction, such managers shall be instructed to recede to the Senate on the provisions contained in section 408 of the Senate concurrent resolution (relating to pay-as-you-go point of order regarding all legislation increasing the deficit as a result of direct spending increases and tax cuts).

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. ADERHOLT, announced that the nays had it.

Mr. MOORE demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The SPEAKER pro tempore, Mr. ADERHOLT, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶45.9 AUTISM AWARENESS

Mr. BILIRAKIS moved to suspend the rules and agree to the following resolution (H. Res. 605); as amended:

Whereas the Autism Society of America, Cure Autism Now, the National Alliance for Autism Research, Unlocking Autism, and numerous other organizations commemorate April of each year as ''National Autism Awareness Month'';

Whereas autism is a developmental disorder that is typically diagnosed during the first three years of life, robbing individuals of their ability to communicate and interact with others;

Whereas autism affects an estimated 1 of every 166 children in the United States;

Whereas autism is four times more likely to be found in boys than in girls and can affect anyone, regardless of race, ethnicity, or other factors;

Whereas the cost of specialized treatment in a developmental center for individuals with autism is approximately $80,000 per individual per year;

Whereas the cost of special education programs for school-aged children with autism is often more than $30,000 per child per year;

Whereas the total cost nationally of caring for individuals with autism is estimated at more than $90,000,000,000 per year; and

Whereas despite the fact that autism is one of the most common developmental disorders, many professionals in the medical and educational fields are still unaware of the best methods to diagnose and treat the disorder: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of ''National Autism Awareness Month'';

(2) recognizes and commends the parents and relatives of children with autism for their sacrifice and dedication in providing for the special needs of children with autism and for absorbing significant financial costs for specialized education and support services;

(3) supports aggressive research to determine the causes of autism, identify the best methods of early intervention and treatment, expand programs for individuals with autism across their lifespan, and promote understanding of the special needs of individuals with autism;

(4) commends the Department of Health and Human Services for implementing programs to study the epidemiology of autism and related disorders and advancing autism research at the Centers for Disease Control and Prevention and the National Institutes of Health;

(5) stresses the need to begin early intervention services soon after an individual has been diagnosed with autism, noting that

early intervention strategies are the primary therapeutic options for individuals with autism and early intervention significantly improves outcomes for individuals with autism and can reduce the level of funding and services needed later in life;

(6) supports the Federal Government's commitment to provide States with part of the costs needed to educate children with disabilities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.);

(7) encourages more Americans to pursue the teaching profession and to be trained with the skills necessary to teach, assist, and respond to special needs students, including those students with autism; and

(8) recognizes the importance of worker training programs that meet the needs of developmentally disabled individuals, including those individuals with autism, and notes that people with autism can be, and are, productive members of the workforce if they are given appropriate support, training, and early intervention services.

The SPEAKER pro tempore, Mr. ADERHOLT, recognized Mr. BILIRAKIS and Mr. BROWN of Ohio, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. ADERHOLT, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BILIRAKIS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. ADERHOLT, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶45.10 MOTION TO INSTRUCT CONFEREES TO S. CON. RES. 95—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ADERHOLT, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on the motion by Mr. MOORE to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses to the House amendment to the concurrent resolution of the Senate (S. Con. Res. 95) setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009, to agree to the pay-as-you-go enforcement provisions within the scope of the conference regarding direct spending increases and tax cuts in the House and Senate. In complying with this instruction, such managers shall be instructed to recede to the Senate on the provisions contained in section 408 of the Senate concurrent resolution (relating to pay-as-you-go point of order regarding all legislation increasing the deficit as a result of direct spending increases and tax cuts).

The question being put,

Will the House agree to said motion?

The vote was taken by electronic device.

It was decided in the negative { Yeas ..... 208 / Nays 215

¶45.11 [Roll No. 145]

YEAS—208

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bass
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kind
Kleczka
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—215

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

NOT VOTING—11

Bono
Boyd
DeMint
Emerson
Filner
Greenwood
Kilpatrick
Meek (FL)
Ose
Solis
Tauzin

So the motion to instruct the managers on the part of the House was not agreed to.

A motion to reconsider the vote whereby said motion was not agreed to was, by unanimous consent, laid on the table.

¶45.12 H. RES. 605—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ISAKSON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 605) recognizing the importance of increasing awareness of autism, supporting programs for increased research and improved treatment of autism, improving training and support for individuals with autism and those who care for individuals with autism, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 421 / Nays 0

¶45.13 [Roll No. 146]

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶45.14 COMMUNICATIONS SATELLITE

On motion of Mr. UPTON, by unanimous consent, the Committee on Energy and Commerce was discharged from further consideration of the bill of the Senate (S. 2315) to amend the Communications Satellite Act of 1962 to extend the deadline for the INTELSAT initial public offering.

When said bill was considered, read twice, ordered to be read a third time, was read a third time by title, and passed.

Ordered, That the Clerk notify the Senate thereof.

¶45.15 SAFE DRINKING WATER

Mr. GILLMOR moved to suspend the rules and pass the bill (H.R. 2771) to amend the Safe Drinking Water Act to reauthorize the New York City Watershed Protection Program.

The SPEAKER pro tempore, Mr. ISAKSON, recognized Mr. GILLMOR and Ms. SCHAKOWSKY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. ISAKSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶45.16 SMALL PUBLIC HOUSING

Mr. BEREUTER moved to suspend the rules and pass the bill (H.R. 27) to amend the United States Housing Act of 1937 to exempt small public housing agencies from the requirement of preparing an annual public housing agency plan; as amended.

The SPEAKER pro tempore, Mr. CHOCOLA, recognized Mr. BEREUTER and Ms. WATERS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CHOCOLA, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶45.17 LAO PEOPLE'S DEMOCRACTIC REPUBLIC

Mr. BURTON of Indiana moved to suspend the rules and agree to the following resolution (H. Res. 402):

Whereas, in 1975, the Kingdom of Laos, a constitutional monarchy and important ally of the United States during the Vietnam War, was overthrown by the Marxist Lao People's Revolutionary Party with the assistance of the People's Army of North Vietnam;

Whereas the Lao People's Democratic Republic was established as a one-party regime in 1975 following the communist takeover;

Whereas tens of thousands of Laotian and Hmong people, a prominent highland minority group, were killed or died at the hands of communist forces while attempting to flee the Lao communist regime, and many others perished in reeducation and labor camps;

Whereas tens of thousands of Laotian and Hmong became refugees, eventually resettling in the United States where they now reside as American citizens and lead constructive lives as members of their communities;

Whereas the only political party allowed by law in Laos is the communist Lao People's Revolutionary Party;

Whereas, in 1989, Laos held its first elections since the establishment of the Lao People's Democratic Republic, but only candidates who were approved by the communist Lao People's Revolutionary Party were allowed to seek public office;

Whereas, in 1991, Laos adopted its first constitution which purports to guarantee the people of Laos a wide range of freedoms, including the freedoms of speech, assembly, and religion;

Whereas the Lao People's Revolutionary Party Congress meets every five years and controls or influences the organs of the state in Laos, including the armed forces, the security services, and the National Assembly;

Whereas the Lao People's Revolutionary Party promulgates the five-year state plans that control the economy and do not need to receive the approval of the National Assembly;

Whereas, in 1999, peaceful pro-democracy demonstrations held by Laotian students in the capital of Vientiane calling for political and economic reforms were suppressed by force by the Lao government, which arrested many of the students;

Whereas Amnesty International reports that many Laotian student leaders from the 1999 pro-democracy demonstrations continue to be held by the Lao government and languish in the Lao prison system or remain unaccounted for;

Whereas, in 2001, Olivier Dupuis, a Member of the European Parliament, was arrested and jailed in Laos along with a group of pro-democracy activists after peacefully protesting for the release of the Lao students and for democratic and human rights reforms in Laos;

Whereas international election monitors are currently not permitted to enter Laos to monitor elections;

Whereas Laos remains a one-party communist state that continues to prohibit the organizing of opposition political parties to the Lao People's Revolutionary Party;

Whereas, in 2002, elections for the Lao People's Democratic National Assembly were held nearly a year earlier than scheduled and excluded all candidates from political parties other than the Lao People's Revolutionary Party, as well as all overseas Laotians;

Whereas Amnesty International and other independent human rights organizations are not permitted to enter Laos to monitor or investigate the human rights situation or reports of alleged human rights violations;

Whereas, in 2003, the United States Commission on International Religious Freedom issued a country report on religious persecution in Laos, recommending that the President designate Laos as a ''country of particular concern'';

Whereas the Department of State reported in its most recent Country Report on Human Rights Practices in Laos that Laos restricts its citizens from enjoying the freedoms of speech, assembly, and religion, and from undertaking activities to change their government;

Whereas, in 2003, the United Nations Committee on Elimination of Racial Discrimination stated that the Lao government had failed to honor its obligations, and the Committee expressed its grave concerns at the information it had received of serious and repeated human rights violations in Laos;

Whereas, in October 2003, Amnesty International issued a statement detailing its concern about the use of starvation by the Lao government as a weapon of war against civilians in Laos and the deteriorating situation facing thousands of family members of ethnic minority groups, predominantly the Hmong;

Whereas, in 2003, Amnesty International's International Secretariat, in a statement further detailing its concerns about Laos, condemned in the strongest terms the use of starvation as a weapon of war against civilians and cited it as a clear and serious violation of the Geneva Conventions that Laos has ratified;

Whereas because many Laotians and Hmong, including those in the overseas communities, are not members of the Lao People's Revolutionary Party, they do not meet with its approval as political candidates, but they are nevertheless successful businessmen, technocrats, and community and religious leaders with democratic aspirations and concern for the people of Laos; and

Whereas the United States has a vital interest in the worldwide promotion of democratic principles and respect for human rights, and supports democratic reforms in Laos: Now, therefore, be it

Resolved, That the House of Representatives strongly supports the following points and urges the Government of the Lao People's Democratic Republic, the United Nations, the European Union, and the Association of South East Asian Nations—

(1) to work to provide unrestricted access to Laos by international election monitors for upcoming presidential and National Assembly elections;

(2) to work to provide unrestricted access to Laos, including special closed military zones and closed provinces, by international human rights organizations, the United Nations, the United States Commission on International Religious Freedom, and humanitarian aid organizations;

(3) to work to ensure that opposition political parties and their candidates are allowed to run for public office in multi-party elections without regard to gender, race, ethnicity, religion, economic standing, or political affiliation, and that all adult citizens of Laos, including overseas Laotian citizens,

are permitted to vote and run for public office;

(4) to allow the citizens of Laos to assemble and peacefully protest against the Government of Laos, the Lao People's Revolutionary Party, and individual public officials, and to freely organize opposition groups and independent political parties;

(5) to heed the call by the United Nations Committee on Elimination of Racial Discrimination for the Lao People's Revolutionary Party to halt immediately all acts of violence against the Hmong population and provide them with humanitarian assistance;

(6) to work to gain the immediate release of those students and their family members arrested and jailed in connection with the 1999 pro-democracy demonstrations, as well as all other political prisoners, prisoners of conscience, and those jailed for their religious beliefs or ethnicity; and

(7) to work to implement the recommendations of the United States Commission on International Religious Freedom with respect to promoting religious freedom in Laos.

The SPEAKER pro tempore, Mr. CHOCOLA, recognized Mr. BURTON of Indiana and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. COLE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. COLE, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Thursday, May 6, 2004.

¶45.18 DR. WANG BINGZHANG

Mr. BURTON of Indiana moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 326):

Whereas Dr. Wang Bingzhang is a permanent resident of the United States and his sister and daughter are United States citizens;

Whereas Dr. Wang received his Ph.D. at McGill University in Canada in coronary-arterial research and is a well-respected leader of the overseas Chinese pro-democracy movement and the founder of China Spring magazine;

Whereas Dr. Wang is currently serving a life sentence in prison in the People's Republic of China and is suffering from gastritis, varicose veins, phlebitis, and depression;

Whereas Dr. Wang was abducted in northern Vietnam in June 2002 after meeting with a Chinese labor activist;

Whereas Dr. Wang was driven to the border between Vietnam and the People's Republic of China and forced back to China by boat;

Whereas Dr. Wang was blindfolded and bound and held in various places in Guangxi Province and his captors demanded a $10,000,000 ransom, which Dr. Wang was unable to pay;

Whereas Dr. Wang although provided his captors with the names and telephone numbers of his relatives, they were never contacted;

Whereas Dr. Wang was finally taken to a Buddhist temple in Fangchenggang City in southern Guangxi Province where his abductors unexpectedly left and moments later he was ''rescued'' by the Chinese police;

Whereas Dr. Wang was detained by the Chinese police and then transported to Nanning, the capital of Guangxi Province;

Whereas Dr. Wang was held incommunicado for six months, during which time the Government of the People's Republic of China denied any knowledge of his whereabouts;

Whereas on December 4, 2002, the Chinese Government reversed itself, admitting that Dr. Wang had been in its custody since July 3, 2002;

Whereas on December 5, 2002, Dr. Wang was charged with ''offenses of espionage'' and ''the conduct of terrorist activities'';

Whereas on January 22, 2003, Dr. Wang was tried by the Intermediate People's Court in the city of Shenzhen in Guangdong Province;

Whereas Dr. Wang's trial lasted only half a day and was closed to the public because the Chinese Government indicated that ''state secrets'' might be revealed, thereby precluding family members, supporters, and reporters from attending;

Whereas at the trial, Dr. Wang declared himself innocent of all charges;

Whereas at the trial, the Chinese Government refused to release any evidence of Dr. Wang's wrongdoing;

Whereas at the trial, Dr. Wang was denied the right to due process, specifically the right to the presumption of innocence, the right to adequate time and facilities to prepare for his own defense, the right to a fair trial before an independent and impartial tribunal, the right to call witnesses on his own behalf, the right to cross-examine witnesses testifying against him, and in general, the lack of other due process guarantees that would ensure his adequate defense and a full hearing;

Whereas Dr. Wang's trial represented the first time the Chinese Government had brought charges against a pro-democracy dissident under its new terrorism laws;

Whereas although Dr. Wang was convicted and sentenced to life in prison on February 10, 2003, Dr. Wang's lawyers stated that there was insufficient evidence to convict him;

Whereas Dr. Wang's lawyers immediately appealed the court's verdict, but the appeal was rejected on February 28, 2003;

Whereas a human rights petition was submitted on Dr. Wang's behalf to the United Nations Arbitrary Working Group of the Office of the United Nations High Commissioner for Human Rights;

Whereas the petition claimed that Dr. Wang was being arbitrarily detained and that the judicial standards employed in his trial fell far short of internationally recognized standards for judicial proceedings under provisions of the United Nations Universal Declaration of Human Rights;

Whereas in its opinion, the United Nations Working Group noted that Dr. Wang is an internationally recognized pro-democracy activist as opposed to the Chinese Government's characterization of Dr. Wang as an individual who advocates violence and suggests the use of methods such as kidnapping and bombings to achieve his goals, and that Dr. Wang had boasted of carrying out many violent terrorist activities;

Whereas in its opinion, the United Nations Working Group further noted that the Chinese Government offered ''no evidence of any specific occasion on which Wang made the alleged calls to violence'' and that ''[o]ther than the kidnapping of which Wang himself was a victim, as the Government itself acknowledges, no information has been given about other kidnappings or acts of violence initiated by Wang'';

Whereas in its opinion, the United Nations Working Group further stated that ''Wang, during his first five months in detention, did not have knowledge of the charges, the right to legal counsel, or the right to judicial review of the arrest and detention; and that, after that date, he did not benefit from the right to the presumption of innocence, the right to adequate time and facilities for defense, the right to a fair trial before an independent and impartial tribunal, the right to a speedy trial and the right to cross-examine witnesses'';

Whereas in conclusion, the United Nations Working Group declared that ''the detention of Wang Bingzhang is arbitrary, being in contravention of articles 9, 10 and 11 of the Universal Declaration of Human Rights'' and requested ''the [Chinese] Government to take the necessary steps to remedy the situation of Wang Bingzhang and bring it into conformity with the standards and principles set forth in the Universal Declaration of Human Rights'';

Whereas the United States Congressional-Executive Commission on China made the following recommendation in its 2003 annual report: ''The President and the Congress should increase diplomatic efforts to hold the Chinese government to [its commitments on human rights matters during the December 2002 U.S.-China human rights dialogue], particularly the release of those arbitrarily detained'';

Whereas the report also stated the following: ''The Chinese [G]overnment has also taken advantage of the global war on terrorism to persecute . . . political dissidents. In February 2003, Wang Bingzhang, a U.S. permanent resident and veteran pro-democracy activist, was convicted of 'leading a terrorism organization' and 'spying' and sentenced to life imprisonment''; and

Whereas the report finally noted that ''[i]n July 2003, the UN Working Group on Arbitrary Detention declared that Wang's arrest and imprisonment violated international law'': Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) Dr. Wang Bingzhang, a permanent resident of the United States, is being arbitrarily detained in the People's Republic of China in violation of international law;

(2) the United States Government should request the Government of the People's Republic of China to release Dr. Wang, permitting him to immediately return to the United States; and

(3) the President should make the immediate release of Dr. Wang by the Government of the People's Republic of China a top priority of United States foreign policy.

The SPEAKER pro tempore, Mr. COLE, recognized Mr. BURTON of Indiana and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. COLE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. COLE, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Thursday, May 6, 2004.

¶45.19 NUCLEAR WEAPONS IN IRAN

Mr. BURTON of Indiana moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 398):

Whereas the United States has for years attempted to alert the international community to Iran's covert nuclear activities in support of an intention to develop a nuclear weapon, contrary to its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT);

Whereas Iran's covert activities to develop the means to produce nuclear weapons are finally beginning to be revealed to the international community;

Whereas Iran did not declare to the International Atomic Energy Agency (IAEA) the existence of the Natanz Pilot Fuel Enrichment Plant and the production-scale Fuel Enrichment Facility under construction at Natanz until February 2003, after the existence of the plant and facility was revealed by an opposition group;

Whereas it is estimated that the Pilot Fuel Enrichment Plant could produce enough highly enriched uranium for a nuclear weapon every year-and-a-half to two years;

Whereas it is estimated that the Natanz Fuel Enrichment Facility could, when completed, produce enough highly enriched uranium for as many as 25–30 nuclear weapons per year;

Whereas in his report of June 6, 2003, the Director-General of the IAEA stated that Iran had failed to meet its obligations under its Safeguards Agreement with the IAEA to report all nuclear material imported into Iran—specifically, the importation of uranium hexafluoride from China in 1991—the processing and use of that material, and the facilities involved in the use and processing of the material;

Whereas the IAEA Board of Governors urged Iran in June 2003 to promptly rectify its failures to meet its obligations under its Safeguards Agreement, not to introduce nuclear material into the Natanz Pilot Fuel Enrichment Plant, and to cooperate fully with the Agency in resolving questions about its nuclear activities;

Whereas the IAEA Director General reported to the Board of Governors in August 2003 that, after further investigation, Iran failed to disclose additional nuclear activities as required by its Safeguards Agreement and continued to fail to resolve questions about its undeclared uranium enrichment activities;

Whereas the IAEA Board of Governors on September 12, 2003, called on Iran to suspend all further uranium enrichment and any plutonium reprocessing activities, disclose all its nuclear activities, and cooperate fully with the Agency, and to sign, ratify, and fully implement the Additional Protocol between Iran and the IAEA for the application of safeguards to strengthen investigation of all nuclear activities within Iran, and requested all third countries to cooperate closely and fully with the Agency in resolving questions about Iran's nuclear program;

Whereas IAEA inspectors and officials continued to confront Iran with discrepancies in its explanations of its nuclear activities;

Whereas on October 9, 2003, in a letter to the Director General of the IAEA, Iran finally confirmed that it had conducted research on uranium conversion processes at the Esfahan Nuclear Technology Centre and the Tehran Nuclear Research Centre, despite its earlier denials of such activities;

Whereas on October 21, 2003, Iran and the Foreign Ministers of France, Germany, and the United Kingdom issued a joint statement in which Iran indicated that it had decided to suspend all uranium enrichment and reprocessing activities as defined by the IAEA;

Whereas this statement also foresaw the provision of unspecified nuclear technical cooperation once Iran had satisfied international concerns about its nuclear development program;

Whereas in a subsequent letter on October 23, 2003, Iran further admitted that it had tested uranium enrichment centrifuges at the Kalaye Electric Company between 1998 and 2002 using its previously undeclared imported uranium hexafluoride from China;

Whereas in that same letter, Iran admitted that it had a laser uranium enrichment program, in which it used 30 kg of uranium not previously declared to the IAEA, another violation of its Safeguards Agreement;

Whereas in that same letter, Iran also admitted that it had irradiated 7 kg of uranium dioxide targets and reprocessed them to extract plutonium, another violation of its legal obligation to disclose such activities under its Safeguards Agreement;

Whereas Iran told the IAEA on November 10, 2003, that it would sign and ratify the Additional Protocol agreement for further safeguards, and would act in accordance with the Additional Protocol pending its full entry-into-force;

Whereas on November 10, 2003, Iran further informed the IAEA Director General that it had decided to suspend all enrichment and reprocessing activities in Iran, not to produce feed material for enrichment processes, and not to import enrichment related items;

Whereas the IAEA, through its investigative and forensic activities in Iran and elsewhere, has uncovered and confronted Iran in numerous lies about its nuclear activities;

Whereas the Director General of the IAEA reported to the IAEA Board of Governors on November 10, 2003, that Iran has concealed many aspects of its nuclear activities from the IAEA, which constituted breaches of its obligations under its Safeguards Agreement;

Whereas despite Iran's subsequent pledge to, once again, fully disclose all of its nuclear activities to the IAEA, the Director General of the IAEA, in his report of February 24, 2004, found that Iran continued to engage in deception regarding its nuclear activities, including failing to disclose a more sophisticated enrichment program using more advanced enrichment centrifuge technology imported from foreign sources, and noncredible explanations involving experiments to create a highly toxic isotope of polonium that is useful as a neutron initiator in nuclear weapons and a firm indicator of a nuclear weapons development program;

Whereas these deceptions by Iran were continuing violations of Iran's Safeguards Agreement and of Iran's previous assurances to the IAEA and the international community for full transparency;

Whereas despite Iran's commitment to the IAEA and to France, Germany, and the United Kingdom that it would suspend uranium enrichment activities, it has repeatedly emphasized that this suspension is temporary and continued to import and manufacture uranium enrichment centrifuge parts and equipment, allowing it to resume and expand its uranium enrichment activities whenever it chooses;

Whereas the statements on February 25, 2004, of Hassan Rowhani, Secretary of the Supreme National Security Council of Iran, that Iran was not required to reveal to the IAEA its research into more sophisticated "P2" uranium enrichment centrifuges, and that Iran has other projects which it has no intention of declaring to the IAEA, are contrary to—

(1) Iran's commitment to the IAEA in a letter on October 16, 2003, by the Vice President of Iran and President of Iran's Atomic Energy Organization that Iran would present a "full picture of its nuclear activities" and "full transparency";

(2) its commitment to the foreign ministers of the United Kingdom, France, and Germany of October 21, 2003, to full transparency and to resolve all outstanding issues; and

(3) its statement to the IAEA's Board of Governors of September 12, 2003, of its commitment to full transparency and to "leave no stone unturned" to assure the IAEA of its peaceful objectives;

Whereas it is abundantly clear that Iran remains committed to a nuclear weapons program;

Whereas Libya received enrichment equipment and technology, and a nuclear weapons design, from the same nuclear black market that Iran has used, raising the question of whether Iran, as well, received a nuclear weapon design that it has refused to reveal to international inspectors;

Whereas the Ministry of the Atomic Energy of the Russian Federation has recently announced that it will soon conclude an agreement to supply Iran with enriched nuclear fuel for the Bushehr nuclear power reactor, ignoring the need to sanction Iran to persuade it to cease its nuclear weapons development program;

Whereas the IAEA Board of Governors' resolution of March 13, 2004, which was adopted unanimously, noted with "serious concern that the declarations made by Iran in October 2003 did not amount to the complete and final picture of Iran's past and present nuclear programme considered essential by the Board's November 2003 resolution", and also noted that the Agency has discovered that Iran had hidden more advanced centrifuge associated research, manufacturing, and testing activities; two mass spectrometers used in the laser enrichment program; and designs for hot cells to handle highly radioactive materials;

Whereas the same resolution also noted "with equal concern that Iran has not resolved all questions regarding the development of its enrichment technology to its current extent, and that a number of other questions remain unresolved, including the sources of all HEU contamination in Iran; the location, extent and nature of work undertaken on the basis of the advanced centrifuge design; the nature, extent, and purpose of activities involving the planned heavy-water reactor; and evidence to support claims regarding the purpose of polonium-210 experiments";

Whereas Hassan Rowhani on March 13, 2004, declared that IAEA inspections would be indefinitely suspended as a protest against the IAEA Board of Governors' resolution of March 13, 2004, and while Iran subsequently agreed to readmit inspectors by March 27, 2004, this suspension calls into serious question Iran's commitment to full transparency about its nuclear activities; and

Whereas Iran's pattern of deception and concealment in dealing with the IAEA, the Foreign Ministers of France, Germany, and the United Kingdom, and the international community, its receipt from other countries of the means to enrich uranium, and its repeated breaches of its IAEA Safeguards Agreement, indicate that Iran has also violated its legal obligation under article II of the NPT not to acquire or seek assistance in acquiring nuclear weapons: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) condemns in the strongest possible terms Iran's continuing deceptions and falsehoods to the International Atomic Energy Agency (IAEA) and the international community about its nuclear programs and activities;

(2) calls upon all State Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), including the United States, to use all appropriate means to deter, dissuade, and prevent Iran from acquiring nuclear weapons, including ending all nuclear and other cooperation with Iran (including the provision of dual use items), until Iran fully implements the Additional Protocol between Iran and the IAEA for the application of safeguards;

(3) declares that Iran, through its many breaches for 18 years of its Safeguards Agreement with the IAEA, has forfeited the right to be trusted with development of a nuclear fuel cycle, especially with uranium conversion and enrichment and plutonium reprocessing technology, equipment, and facilities;

(4) declares that the recent revelations of Iran's nondisclosure of additional enrichment and nuclear-weapons-applicable research activities, as detailed in the report of February 24, 2004, by the Director General of the IAEA, along with the statement by the Government of Iran that it will not disclose other research programs, constitute ample evidence of Iran's continuing policy of noncompliance with the letter and spirit of its obligations under its Safeguards Agreement and the Additional Protocol;

(5) demands that Iran immediately and permanently cease all efforts to acquire nuclear fuel cycle capabilities and to immediately, unconditionally, and permanently cease all nuclear enrichment activities, including manufacturing and importing related equipment;

(6) demands that Iran honor its stated commitments and legal obligations to grant the IAEA inspectors full unrestricted access and cooperate fully with the investigation of its nuclear activities and demonstrate a new openness and honesty about all its nuclear programs;

(7) contrasts Iran's behavior with Libya's, in which Libya's decision to renounce and dismantle its nuclear weapons program and to provide full, complete, and transparent disclosure of all its nuclear activities has enabled the IAEA to rapidly understand and verify with high confidence the extent and scope of Libya's program;

(8) calls upon the members of the European Union not to resume discussions with Iran on multilateral trade agreements until such time that Iran has verifiably and permanently ceased all nuclear weapons development activity, including a permanent cessation of uranium conversion and enrichment and plutonium reprocessing activities;

(9) further calls upon the European Union to consider what further measures, including sanctions, may be necessary to persuade Iran to fulfill its obligations and commitments to the IAEA;

(10) in light of ongoing revelations of the noncompliance of the Government of Iran regarding its obligations under the NPT and pledges to the IAEA, and in light of the consequent and ongoing questions and concerns of the IAEA, the United States, and the international community regarding Iran's military nuclear activities—

(A) urges Japan to ensure that Japanese commercial entities not proceed with the development of Iran's Azadegan oil field;

(B) urges France and Malaysia to ensure that French and Malaysian commercial entities not proceed with their agreement for further cooperation in expanding Iran's liquid natural gas production field;

(C) calls on all countries to intercede with their commercial entities to ensure that these entities refrain from or cease all investment and investment-related activities that support Iran's energy industry; and

(D) calls on the President to enforce the provisions of the Iran and Libya Sanctions Act of 1996 to discourage foreign commercial entities from investing in Iran's energy industry;

(11) deplores any effort by any country to provide any nuclear power-related assistance whatsoever to Iran, and calls upon Russia to suspend nuclear cooperation with Iran and not conclude a nuclear fuel supply agreement for the Bushehr reactor, until the conditions of paragraph (8) are satisfied;

(12) calls upon the governments of the countries whose nationals and corporations are implicated in assisting Iranian nuclear activities, especially Pakistan, Malaysia, the United Arab Emirates, and Germany, to fully investigate such assistance, to grant the IAEA full access to individuals, sites, and all information related to the investigations, and to immediately review and rectify their export control laws, regulations, and practices in order to prevent further assistance to countries seeking to develop nuclear programs that could support the development of nuclear weapons;

(13) urges the IAEA Board of Governors, at its earliest opportunity, to report to the United Nations Security Council that Iran is in noncompliance with its agreements with the IAEA;

(14) urges the President of the United States to provide whatever financial, material, or intelligence resources are necessary to the IAEA to enable it to fully investigate Iran's nuclear activities;

(15) urges the United Nations Security Council, the Nuclear Suppliers Group, the Zangger Committee, and other relevant international entities to declare that nonnuclear-weapon states under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), who commit violations of their safeguards agreements regarding uranium enrichment or plutonium reprocessing, or engage in activities which could support a military nuclear program, thereby forfeit their right under the NPT to engage in nuclear fuel-cycle activities;

(16) further urges the United Nations Security Council to consider measures necessary to support the inspection efforts by the IAEA and to prevent Iran from further engaging in clandestine nuclear activities; and

(17) urges the President to keep the Congress fully and currently informed concerning the matters addressed in this resolution.

The SPEAKER pro tempore, Mr. COLE, recognized Mr. BURTON of Indiana and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. COLE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. COLE, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Tuesday, May 6, 2004.

¶45.20 RECESS—11:50 P.M.

The SPEAKER pro tempore, Mr. COLE, pursuant to clause 12(a) of rule I, declared the House in recess at 11 o'clock and 50 minutes p.m., subject to the call of the Chair.

THURSDAY, MAY 6 (LEGISLATIVE DAY OF MAY 5), 2004

¶45.21 AFTER RECESS—7:46 A.M.

The SPEAKER pro tempore, Mr. HASTINGS of Washington, called the House to order.

¶45.22 PROVIDING FOR THE CONSIDERATION OF H. RES. 627

Mr. Lincoln DIAZ-BALART of Florida, by direction of the Committee on Rules, reported (Rept. No. 108–480) the resolution (H. Res. 628) providing for consideration of the resolution (H. Res. 627) deploring the abuse of persons in United States custody in Iraq, regardless of the circumstances of their detention, urging the Secretary of the Army to bring to swift justice any member of the Armed Forces who has violated the Uniform Code of Military Justice, expressing the deep appreciation of the Nation to the courageous and honorable members of the Armed Forces who have selflessly served, or are currently serving, in Operation Iraqi Freedom, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶45.23 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BOYD, for May 4 and balance of the week; and

To Ms. KILPATRICK, for today after 3 p.m.

And then,

¶45.24 ADJOURNMENT

On motion of Mr. Lincoln DIAZ-BALART of Florida, at 7 o'clock and 48 minutes a.m., Thursday, May 6 (legislative day of May 5), 2004, the House adjourned until 10 a.m., Thursday, May 6, 2004.

¶45.25 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on International Relations. H.R. 4061. A bill to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries (Rept. 108–479). Referred to the Committee of the Whole House on the State of the Union.

[May 6 (legislative day of May 5), 2004]

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 628. Resolution providing for consideration of the resolution (H. Res. 627) deploring the abuse of persons in United States custody in Iraq, regardless of the circumstances of their detention, urging the Secretary of the Army to bring to swift justice any member of the Armed Forces who has violated the Uniform Code of Military Justice, expressing the deep appreciation of the Nation to the courageous and honorable members of the Armed Forces who have selflessly served, or are currently serving, in Operation Iraqi Freedom, and for

other purposes (Rept. 108–480). Referred to the House Calendar.

¶45.26 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SESSIONS (for himself, Mr. HASTINGS of Washington, Mr. CRANE, Mr. KINGSTON, Mr. SHIMKUS, Mr. HENSARLING, Mr. COX, Mr. PICKERING, Mr. BURR, Mr. BROWN of South Carolina, Mr. ROYCE, Mr. BAKER, Mr. BRADY of Texas, Mr. HAYWORTH, Mr. BLUNT, Mr. REHBERG, Mr. OTTER, Mr. WILSON of South Carolina, Mr. FLAKE, Mr. AKIN, Mr. SMITH of New Jersey, Ms. PRYCE of Ohio, Mr. BACHUS, Mr. SWEENEY, Mr. MURPHY, Mr. KIRK, Mr. FOSSELLA, Mr. RYUN of Kansas, Mr. BARRETT of South Carolina, Mr. JENKINS, Mr. HAYES, Mr. FEENEY, Mr. ROGERS of Michigan, Ms. GINNY BROWN-WAITE of Florida, Mr. RAMSTAD, Mr. SCHROCK, Mr. STEARNS, Mr. VITTER, Mr. DREIER, Mr. GIBBONS, Mr. CHOCOLA, Mrs. BIGGERT, Mr. WICKER, Mr. BURGESS, Mr. SIMMONS, Mr. TIBERI, Mrs. MILLER of Michigan, Mr. GARRETT of New Jersey, Mr. MARIO DIAZ-BALART of Florida, and Mr. CANTOR):

H.R. 4275. A bill to amend the Internal Revenue Code of 1986 to permanently extend the 10-percent individual income tax rate bracket; to the Committee on Ways and Means.

By Mr. CARSON of Oklahoma:

H.R. 4276. A bill to promote rural safety and improve rural law enforcement; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 4277. A bill to amend title 49, United States Code, to establish the Pipeline Safety Administration in the Department of Transportation; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCKEON (for himself and Mr. BOEHNER):

H.R. 4278. A bill to amend the Assistive Technology Act of 1998 to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes; to the Committee on Education and the Workforce.

By Mr. MCCRERY (for himself and Mr. ROYCE):

H.R. 4279. A bill to amend the Internal Revenue Code of 1986 to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements; to the Committee on Ways and Means.

By Mr. GREENWOOD (for himself, Mr. COX, and Mr. BARTON of Texas):

H.R. 4280. A bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAM JOHNSON of Texas (for himself, Mr. DOOLEY of California, Ms. VELAZQUEZ, Mr. BOEHNER, and Mr. BURNS):

H.R. 4281. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees; to the Committee on Education and the Workforce.

By Mr. ABERCROMBIE (for himself, Mr. CASE, Mr. RAHALL, Mr. YOUNG of Alaska, and Mr. FALEOMAVAEGA):

H.R. 4282. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity, and for other purposes; to the Committee on Resources.

By Mr. BOEHNER (for himself and Mr. MCKEON):

H.R. 4283. A bill to amend and extend the Higher Education Act of 1965; to the Committee on Education and the Workforce.

By Mr. FLAKE (for himself, Mr. PENCE, Mr. DAVIS of Tennessee, Mr. BURTON of Indiana, Mr. STENHOLM, Mr. BALLENGER, Mr. MATHESON, Mr. CHABOT, Mr. TANCREDO, Mr. SMITH of Michigan, Mr. PITTS, Mr. AKIN, Mr. BARTLETT of Maryland, Mrs. BLACKBURN, Mr. CANTOR, Mr. CARTER, Mr. CHOCOLA, Mrs. CUBIN, Mr. DOOLITTLE, Mr. FEENEY, Mr. GARRETT of New Jersey, Mr. GINGREY, Mr. GUTKNECHT, Ms. HART, Mr. HENSARLING, Mr. HERGER, Mr. JONES of North Carolina, Mrs. KELLY, Mr. KING of Iowa, Mr. KLINE, Mrs. MUSGRAVE, Mrs. MYRICK, Mr. RYAN of Wisconsin, Mr. SHADEGG, and Mr. TOOMEY):

H.R. 4284. A bill to require the withholding of United States contributions to the United Nations until the President certifies that the United Nations is cooperating in the investigation of the United Nations Oil-for-Food Program; to the Committee on International Relations.

By Mr. GIBBONS (for himself, Mr. PORTER, and Ms. BERKLEY):

H.R. 4285. A bill to provide for the conveyance of certain public land in Clark County, Nevada, for use as a heliport; to the Committee on Resources.

By Mr. HINCHEY:

H.R. 4286. A bill to provide for public library construction and technology enhancement; to the Committee on Education and the Workforce.

By Mr. HOUGHTON (for himself, Ms. SLAUGHTER, Mr. SHAW, Mrs. EMERSON, Mr. ROGERS of Alabama, Mr. HOBSON, Mr. REYNOLDS, and Mr. WALSH):

H.R. 4287. A bill to amend the Harmonized Tariff Schedule of the United States relating to imports of certain wool products, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL:

H.R. 4288. A bill to amend the Internal Revenue Code of 1986 to increase the exemption amounts for individuals under the alternative minimum tax; to the Committee on Ways and Means.

By Mr. LUCAS of Oklahoma:

H.R. 4289. A bill to amend the Internal Revenue Code of 1986 to allow the low-income housing credit without regard to whether moderate rehabilitation assistance is provided with respect to a building; to the Committee on Ways and Means.

By Mr. MCDERMOTT (for himself and Mr. CLAY):

H.R. 4290. A bill to provide for data-mining reports to Congress; to the Committee on Government Reform.

By Mr. MEEHAN:

H.R. 4291. A bill to direct the Secretary of the Interior to conduct a boundary study to evaluate the significance of the Colonel James Barrett Farm in the Commonwealth of Massachusetts and the suitability and feasibility of its inclusion in the National Park System as part of the Minute Man National Historical Park, and for other purposes; to the Committee on Resources.

By Mr. MORAN of Virginia (for himself, Mr. CONYERS, Ms. NORTON, Mr. WEXLER, Mr. EMANUEL, Mrs. MALONEY, and Mr. VAN HOLLEN):

H.R. 4292. A bill to ban the transfer of 50 caliber sniper weapons, and otherwise regulate the weapons in the same manner as machine guns are regulated; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 4293. A bill to modify the boundary of the Mary McLeod Bethune Council House National Historic Site in Washington, District of Columbia; to the Committee on Resources.

By Ms. NORTON:

H.R. 4294. A bill to designate the annex to the E. Barrett Prettyman Federal Building and United States Courthouse located at 333 Constitution Ave. Northwest in Washington, District of Columbia, as the ''Judge William B. Bryant Annex to the E. Barrett Prettyman Federal Building and United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. OSBORNE:

H.R. 4295. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income interest received on loans secured by agricultural real property; to the Committee on Ways and Means.

By Mr. POMEROY:

H.R. 4296. A bill to reauthorize and revise the Child Care Access Means Parents in School Program (CCAMPIS); to the Committee on Education and the Workforce.

By Mr. SIMPSON (for himself and Mr. OTTER):

H.R. 4297. A bill to provide loan guarantees for renewable energy projects using biomass material; to the Committee on Agriculture.

By Mr. WAMP (for himself, Mr. DUNCAN, Mr. DAVIS of Tennessee, and Mr. JENKINS):

H.R. 4298. A bill to improve the efficiency of the Department of Energy's Energy Employees Occupational Illness Compensation Program, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HYDE (for himself, Mr. SMITH of New Jersey, and Mr. LANTOS):

H. Con. Res. 415. Concurrent resolution urging the Government of Ukraine to ensure a democratic, transparent, and fair election process for the presidential election on October 31, 2004; to the Committee on International Relations.

By Mr. LATHAM (for himself, Mr. CHANDLER, Mr. GORDON, Mr. BISHOP of Georgia, Mr. SCOTT of Georgia, Mr. PRICE of North Carolina, Mr. LEWIS of Kentucky, and Mr. ROSS):

H. Con. Res. 416. Concurrent resolution designating the second week of March 2005 as ''Extension Living Well Week''; to the Committee on Agriculture.

By Mr. FLAKE:

H. Res. 625. A resolution recognizing, and supporting efforts to enhance the public

awareness of, the social problem of child abuse and neglect; to the Committee on Education and the Workforce.

By Ms. SLAUGHTER (for herself, Mr. HINCHEY, Mr. WAXMAN, Mr. PAYNE, Mr. MEEHAN, Mr. MCDERMOTT, Mr. LEVIN, Mr. MCGOVERN, Mr. HASTINGS of Florida, Mr. RANGEL, Mr. MATSUI, Mr. STARK, Mr. ABERCROMBIE, Ms. NORTON, Mrs. MALONEY, Ms. ESHOO, Mr. MORAN of Virginia, Mr. MARKEY, and Mr. KILDEE):

H. Res. 626. A resolution honoring the life and accomplishments of Mary McGrory; to the Committee on Government Reform.

By Mr. HUNTER:

H. Res. 627. A resolution deploring the abuse of persons in United States custody in Iraq, regardless of the circumstances of their detention, urging the Secretary of the Army to bring to swift justice any member of the Armed Forces who has violated the Uniform Code of Military Justice, expressing the deep appreciation of the Nation to the courageous and honorable members of the Armed Forces who have selflessly served, or are currently serving, in Operation Iraqi Freedom, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶45.27 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 72: Mr. ANDREWS.
H.R. 73: Mr. MENENDEZ.
H.R. 107: Mr. BELL.
H.R. 121: Ms. WOOLSEY.
H.R. 284: Mr. CARTER.
H.R. 348: Mr. FOLEY.
H.R. 391: Mr. BACHUS.
H.R. 548: Mr. CASE, Mr. ENGLISH, Mr. HILL, Mr. LIPINSKI, Mr. NUNES, and Mr. MORAN of Kansas.
H.R. 572: Mr. WELDON of Florida.
H.R. 676: Mrs. MALONEY and Mrs. JONES of Ohio.
H.R. 767: Mr. FERGUSON.
H.R. 786: Mr. PUTNAM.
H.R. 792: Mr. FORD, Mr. DUNCAN, Mr. SPRATT, Mr. BALLANCE, Mr. KING of Iowa, Mr. HOSTETTLER, Mr. WU, Mr. DEFAZIO, Mr. UDALL of Colorado, Mr. TIERNEY, Mr. MCINTYRE, Mr. ROGERS of Alabama, Mr. COLE, and Mr. NORWOOD.
H.R. 918: Mr. HAYWORTH and Mr. LEACH.
H.R. 962: Ms. BERKLEY, Mr. BECERRA, and Mr. FARR.
H.R. 1057: Mr. LUCAS of Kentucky
H.R. 1070: Mr. FOLEY.
H.R. 1080: Mr. SHAW.
H.R. 1102: Mr. CHANDLER.
H.R. 1105: Mr. HILL.
H.R. 1214: Mr. WICKER, Mr. WELLER, and Mr. LAHOOD.
H.R. 1228: Mr. FRANK of Massachusetts and Mr. MCDERMOTT.
H.R. 1268: Mr. MILLER of North Carolina.
H.R. 1301: Ms. HOOLEY of Oregon.
H.R. 1305: Mr. OBERSTAR, Ms. HARRIS, Mr. KLINE, Mr. LEWIS of Kentucky, Mr. CARTER, Mr. KINGSTON, Mr. BRADY of Texas, Mr. DEMINT, Mr. COSTELLO, Mr. DAVIS of Florida, Mr. WELLER, and Mrs. MILLER of Michigan.
H.R. 1306: Mr. SCHIFF.
H.R. 1313: Mr. LAHOOD and Mr. JACKSON of Illinois.
H.R. 1325: Mr. RUPPERSBERGER.
H.R. 1336: Mr. MOLLOHAN and Mr. HOYER.
H.R. 1508: Mr. BALLANCE.
H.R. 1523: Mr. LANTOS, Mr. BEREUTER, Mr. MICA, Mr. WILSON of South Carolina, and Mr. STENHOLM.
H.R. 1565: Mr. KENNEDY of Rhode Island.
H.R. 1639: Ms. SLAUGHTER.
H.R. 1653: Mr. RYUN of Kansas.
H.R. 1655: Mr. LEWIS of Georgia and Mr. LAHOOD.
H.R. 1688: Mr. RANGEL, Mr. PAYNE, Ms. LOFGREN, and Mr. ETHERIDGE.
H.R. 1708: Mr. HASTINGS of Florida.
H.R. 1824: Mr. MCINNIS and Mr. MEEHAN.
H.R. 1935: Mr. MCDERMOTT, Mr. BRADY of Pennsylvania, Mr. BROWN of Ohio, Mr. FALEOMAVAEGA, and Mr. RANGEL.
H.R. 2023: Mr. KIRK.
H.R. 2154: Mr. KLINE.
H.R. 2182: Mr. GOODLATTE.
H.R. 2256: Mr. FILNER.
H.R. 2303: Mr. WELDON of Florida.
H.R. 2379: Mr. SMITH of Michigan.
H.R. 2387: Mr. MURPHY and Mrs. NAPOLITANO.
H.R. 2404: Mr. RAHALL.
H.R. 2505: Mr. MANZULLO.
H.R. 2568: Mr. UDALL of Colorado.
H.R. 2587: Mr. SHUSTER.
H.R. 2705: Mr. ISAKSON.
H.R. 2728: Mr. OTTER.
H.R. 2729: Mr. OTTER.
H.R. 2730: Mr. OTTER.
H.R. 2731: Mr. OTTER.
H.R. 2743: Mr. BALLENGER, Mr. ENGLISH, and Mr. BLUNT.
H.R. 2885: Mr. NEUGEBAUER and Mr. CRANE.
H.R. 2897: Mr. LANTOS and Mr. ACEVEDO-VILA.
H.R. 2929: Mr. GREENWOOD.
H.R. 2959: Mr. SMITH of New Jersey.
H.R. 2966: Mr. GIBBONS and Mr. PEARCE.
H.R. 2968: Mr. VAN HOLLEN, Mr. TOM DAVIS of Virginia, Mr. FRANK of Massachusetts, Mr. GREENWOOD, Mr. SESSIONS, and Mr. GOODLATTE.
H.R. 2987: Mr. MCDERMOTT.
H.R. 3049: Mr. ABERCROMBIE.
H.R. 3069: Mr. HOEKSTRA.
H.R. 3090: Mr. MCGOVERN.
H.R. 3178: Mr. CALVERT.
H.R. 3180: Mr. RANGEL.
H.R. 3192: Ms. LINDA T. SANCHEZ of California and Mr. BOUCHER.
H.R. 3194: Mr. BRADLEY of New Hampshire, Mr. WALSH, and Mr. TOWNS.
H.R. 3201: Mr. GERLACH.
H.R. 3324: Ms. WOOLSEY.
H.R. 3350: Mr. BORDALLO.
H.R. 3352: Ms. MCCOLLUM.
H.R. 3378: Ms. NORTON and Mr. RANGEL.
H.R. 3388: Mr. RYUN of Kansas, Mr. GORDON, and Mr. GERLACH.
H.R. 3424: Mr. UDALL of New Mexico and Mr. DELAHUNT.
H.R. 3436: Ms. LOFGREN.
H.R. 3438: Mr. RAHALL, Mr. BURTON of Indiana, and Ms. ROS-LEHTINEN.
H.R. 3446: Mr. MOLLOHAN and Mr. BELL.
H.R. 3474: Mr. TANNER.
H.R. 3485: Mr. PAUL.
H.R. 3508: Mr. CROWLEY.
H.R. 3523: Mr. SOUDER and Mr. LARSEN of Washington.
H.R. 3539: Mr. STRICKLAND.
H.R. 3579: Mr. PORTER, MS. KAPTUR, Mr. CASE, Mr. GUTIERREZ, and Mr. KILDEE.
H.R. 3619: Mr. DAVIS of Florida, Mr. RUPPERSBERGER, Mr. OBEY, and Mr. ETHERIDGE.
H.R. 3719: Ms. CORRINE BROWN of Florida, Mr. ISRAEL, Mr. OLVER, Mr. KENNEDY of Rhode Island, Mrs. DAVIS of California, Mr. MCDERMOTT, and Mr. CASE.
H.R. 3755: Mr. DAVIS of Alabama.
H.R. 3763: Mr. TAYLOR of North Carolina, Mr. PASTOR, Mrs. BIGGERT, Mr. STEARNS, Ms. GRANGER, and Mr. MORAN of Kansas.
H.R. 3777: Mrs. EMERSON, Mr. CARDOZA, and Mr. BALLANCE.
H.R. 3799: Mr. BARRETT of South Carolina and Mr. TERRY.
H.R. 3803: Ms. BORDALLO.
H.R. 3815: Mr. GRIJALVA and Mr. WYNN.
H.R. 3816: Mr. GORDON and Mr. LARSEN of Washington.
H.R. 3819: Mr. HASTINGS of Washington.
H.R. 3820: Ms. SCHAKOWSKY.
H.R. 3888: Mr. DUNCAN.
H.R. 3901: Mrs. KELLY and Mr. TERRY.
H.R. 3936: Mr. BRADLEY of New Hampshire.
H.R. 3965: Mr. SERRANO, Mr. MCNULTY, Mrs. JONES of Ohio, Mr. MCINTYRE, Mr. LYNCH, Mr. HOEFFEL, Ms. NORTON, Mr. RUPPERSBERGER, Mr. RODRIGUEZ, Mr. GEORGE MILLER of California, Mr. KIND, Mr. OBERSTAR, Mr. HASTINGS of Florida, and Ms. MILLENDER-MCDONALD.
H.R. 3968: Mr. REYES and Mr. WYNN.
H.R. 3988: Mr. HINOJOSA and Mr. PAYNE.
H.R. 4018: Mr. CROWLEY.
H.R. 4021: Mr. CROWLEY and Mr. PALLONE.
H.R. 4023: Mr. HALL.
H.R. 4039: Mr. SHUSTER and Mr. HOLDEN.
H.R. 4043: Mr. FROST.
H.R. 4057: Mr. LEWIS of California and Mr. KING of New York.
H.R. 4061: Mr. JONES of Ohio, Ms. WOOLSEY, Ms. MCCARTHY of Missouri, Mr. SABO, Mr. MEEKS of New York, Mr. MCINTYRE, Mr. MCHUGH, Mr. GALLEGLY, Mr. CUMMINGS, and Ms. DELAURO.
H.R. 4063: Mr. TOWNS and Mr. PALLONE.
H.R. 4067: Mr. WEINER, Mr. NEAL of Massachusetts, Mr. OWENS, Mrs. CAPPS, Mr. ACEVEDO-VILA, Mr. ALLEN, Mr. MCGOVERN, Mr. SCHIFF, Mr. MCNULTY, Mrs. DAVIS of California, and Mr. FILNER.
H.R. 4076: Mr. STARK.
H.R. 4103: Mr. MCNULTY, Mr. BELL, Mr. SHAW, Mr. RAMSTAD, Mr. ENGLISH, Mr. HULSHOF, Mr. MCINNIS, Mr. MCCRERY, and Mr. LEWIS of Kentucky.
H.R. 4107: Ms. GINNY BROWN-WAITE of Florida, Mr. FERGUSON, Mr. EHLERS, Mr. WILSON of South Carolina, Mr. HAYES, Mr. TERRY, Mr. SHIMKUS, Mr. WOLF, Mr. SANDERS, Mr. JOHNSON of Illinois, Mr. ENGEL, Mr. OBERSTAR, Mr. MICHAUD, Mr. MCNULTY, Mr. DEUTSCH, Mr. SCHIFF, Mrs. MCCARTHY of New York, Mr. JOHN, Mr. LARSON of Connecticut, Mr. MORAN of Virginia, Mr. MCINTYRE, Mr. GREEN of Texas, Mr. MCGOVERN, Ms. NORTON, Mr. LARSEN of Washington, and Mr. STRICKLAND.
H.R. 4126: Mr. SESSIONS, Mr. JOHNSON of Illinois, Mr. GRAVES, Mr. BURTON of Indiana, Mr. COLLINS, Mr. HOSTETTLER, Mr. GINGREY, and Mr. SANDLIN.
H.R. 4155: Mr. RUSH, Mr. HONDA, and Mrs. MCCARTHY of New York.
H.R. 4169: Mrs. MCCARTHY of New York and Mr. SHAW.
H.R. 4217: Mr. WALSH, Mr. MCINTYRE, Mr. BURNS, Mr. GINGREY, Mrs. NAPOLITANO, and Ms. MAJETTE.
H.R. 4230: Mr. CARDOZA, Mr. WEINER, Mr. ACKERMAN, Mr. BROWN of Ohio, Mr. HASTINGS of Florida, Mr. VAN HOLLEN, Mr. FILNER, Mr. SANDLIN, Mr. ISRAEL, Mr. BURTON of Indiana, Mrs. LOWEY, Mr. MCNULTY, Mr. GARRETT of New Jersey and Mr. FROST.
H.R. 4242: Mr. BISHOP of Utah and Mr. CANNON.
H.R. 4246: Mr. GALLEGLY and Mr. LARSEN of Washington.
H.R. 4255: Mr. SHAYS.
H.R. 4256: Mr. PAYNE and Mrs. DAVIS of California.
H.R. 4262: Mrs. MCCARTHY of New York.
H.J. Res. 56: Mr. OXLEY.
H.J. Res. 93: Ms. LOFGREN and Mr. PETERSON of Minnesota.
H.J. Res. 95: Mr. FRANK of Massachusetts, Ms. BERKLEY, Mrs. NAPOLITANO, Mr. STARK, Mr. GRIJALVA, Mr. GALLEGLY, and Mr. RANGEL.
H. Con. Res. 111: Mr. OSBORNE.
H. Con. Res. 163: Mr. LAMPSON, Mr. MCDERMOTT, Mr. DOGGETT, Mr. FOSSELLA, Mr. RANGEL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GRIJALVA, Mr. STENHOLM, and Mr. MCCOTTER.

H. Con. Res. 321: Mrs. LOWEY.

H. Con. Res. 326: Mr. RYAN of Ohio.

H. Con. Res. 332: Mr. FOLEY, Mr. LARSON of Connecticut, Mr. DAVIS of Illinois, and Mr. GUTKNECHT.

H. Con. Res. 378: Mr. POMEROY, Mr. CALVERT, Mr. RUSH, Ms. MAJETTE, Mr. HOLT, and Mr. HOLDEN.

H. Con. Res. 398: Mr. PICKERING, Mr. RENZI, Mr. HOYER, and Mrs. MCCARTHY of New York.

H. Con. Res. 411: Mr. HASTERT, Mr. DELAY, and Mrs. BLACKBURN.

H. Con. Res. 414: Ms. BERKLEY.

H. Res. 466: Mr. MENENDEZ.

H. Res. 508: Mr. FALEOMAVAEGA, Mr. KILDEE, Mr. MARKEY, Mr. JEFFERSON, Ms. LOFGREN, Mr. HONDA, Mr. ETHERIDGE, Mr. MCGOVERN, Mr. SPRATT, Mrs. DAVIS of California, Mr. STRICKLAND, Mr. PALLONE, Mr. WAXMAN, Mr. CLAY, Mr. SCHIFF, Mr. GRIJALVA, Ms. MAJETTE, Mr. ROTHMAN, Mr. STARK, Mr. FARR, Mr. UDALL of Colorado, and Mr. DOYLE.

H. Res. 550: Mr. HILL, Ms. KAPTUR, Mr. CARTER, Mr. RENZI, and Mr. STEARNS.

H. Res. 567: Mr. ROTHMAN, Mr. GIBBONS, Mr. TAYLOR of Mississippi, and Mr. BAKER.

H. Res. 568: Mr. NEY, Mr. DOOLITTLE, and Mr. GALLEGLY.

H. Res. 605: Mr. FRANK of Massachusetts, Mr. GREEN of Texas, Ms. BORDALLO, and Ms. ROS-LEHTINEN.

H. Res. 622: Mrs. JO ANN DAVIS of Virginia.

THURSDAY, MAY 6, 2004 (46)

¶46.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. FOSSELLA, who laid before the House the following communication:

WASHINGTON, DC,
May 6, 2004.

I hereby appoint the Honorable VITO FOSSELLA to act as Speaker pro tempore on this day.

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

¶46.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. FOSSELLA, announced he had examined and approved the Journal of the proceedings of Wednesday, May 5, 2004.

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

¶46.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

7973. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Sweet Onions Grown in the Walla Walla Valley of Southeast Washington and Northeast Oregon; Establishment of Special Purpose Shipping Regulations and Modification of Reporting Requirements [Docket No. FV04-956-1 IFR] received April 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7974. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Melons Grown in South Texas; Increased Assessment Rate [Docket No. FV04-979-1 FR] received April 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7975. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Raisins Produced From Grapes Grown in California; Final Free and Reserve Percentages for 2003-04 Crop Natural (Sun-Dried) Seedless Raisins [Docket No. FV04-989-1 IFR] received April 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7976. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Almonds Grown in California; Decreased Assessment Rate [Docket No. FV04-981-1 FIR] received April 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7977. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Grapes Grown in a Designated Area of Southeastern California; Establishment of Reporting Requirements [Docket No. FV04-925-1 IFR] received April 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7978. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Nectarines and Peaches Grown in California; Revision of Handling Requirements for Fresh Nectarines and Peaches [Docket No. FV04-916/917-02 IFR] received April 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7979. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Cranberries Grown in the States of Massachusetts, et al.; Order Amending Marketing Agreement and Order No. 929 [Docket Nos. AO-341-A6; FV02-929-1] received April 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7980. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Pistachios Grown in California; Order Regulating Handling [Docket Nos. AO-F&V-983-2; FV02-983-01] received April 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7981. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Imported Fire Ant; Additions to Quarantined Areas [Docket No. 03-109-1] received May 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7982. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Infectious Salmon Anemia; Payment of Indemnity [Docket No. 01-126-2] (RIN: 0579-AB37) received May 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7983. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pesticides; Tolerance Exemptions for Active and Inert Ingredients for Use in Antimicrobial Formulations (Food-Contact Surface Sanitizing Solutions) [OPP-2003-0368; FRL-7335-4] received April 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7984. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Geraniol; Exemption from the Requirement of a Tolerance [OPP-2004-0068; FRL-7351-1] received April 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7985. A letter from the Principal Deputy Under Secretary, Department of Defense, transmitting Authorization of the enclosed list of officers to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

7986. A letter from the Principal Deputy Under Secretary, Department of Defense, transmitting Authorization of Lieutenant General Dan K. McNeill, United States Army, to wear the insignia of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

7987. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—HOME Investment Partnerships Program; American Dream Downpayment Initiative [Docket No. FR-4832-1-01] (RIN: 2501-AC93) received April 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7988. A letter from the Assistant Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting the Commission's final rule—Foreign Bank Exemption From the Insider Lending Prohibition of Exchange Act Section 13(k) [Release No. 34-49616, International Series Release No. 1275; File No. S7-15-03] (RIN: 3235-AI81) received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7989. A letter from the Deputy Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting the Commission's final rule—Mandated Electronic Filing for Form ID [Release Nos. 33-8410, 34-49585, 35-27837, 39-2420, IC-26241; File No. S7-14-04] (RIN: 3235-AJ09) received April 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7990. A letter from the Secretary, Department of Education, transmitting the Department's final rule—Family Educational Rights and Privacy Act (RIN: 1855-AA00) received May 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7991. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Final Rule to Implement the 8-Hour Ozone National Ambient Air Quality Standard—Phase 1 [OAR 2003-0079, FRL-7651-7] (RIN: 2060-AJ99) received April 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7992. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Service's final rule—In Vitro Dermal Absorption Rate Testing of Certain Chemicals of Interest to the Occupational Safety and Health Administration [OPPT-2003-0006; FRL-7312-2] (RIN: 2070-AD42) received April 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7993. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the Arizona State Implementation Plan, Pinal County Air Quality Control District [AZ 063-0048; FRL-7638-2] received April 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7994. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 06-04 which informs of our intent to sign a Memorandum of Understanding (MOU) between the United States and Japan for Ballistic Missile Defense, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

7995. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 05-04 which informs of our intent to sign a Memorandum of Understanding (MOU) between the United States and Australia for Ballistic Missile Defense, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

7996. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed amendment to a manufacturing license agreement for the export of defense articles or defense services to Japan (Transmittal No. DDTC 029-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7997. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to South Korea, Turkey, Spain, Saudi Arabia, and Chile (Transmittal No. DDTC 007-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7998. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to Japan (Transmittal No. DDTC 021-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7999. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to Canada and the United Kingdom (Transmittal No. DDTC 022-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8000. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services with the United Kingdom (Transmittal No. DDTC 013-04), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

8001. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Revisions to the Export Administration Regulations based on the 2003 Missile Technology Control Regime Plenary Agreements [Docket No. 040414116-4116-01] (RIN: 0694-AD01) received May 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8002. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Amendment to the Export Administration Regulations: Correction to ECCN 1C355 on the Commerce Control List [Docket No. 040206045-4045-01] (RIN: 0694-AC87) received May 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8003. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Revision of Export and Reexport Restrictions on Libya [Docket No. 040422128-4128-01] (RIN: 0694-AD14) received May 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8004. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Protective Equipment Export License Jurisdiction [Docket No. 040220063-4063-01] (RIN: 0694-AC64) received May 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8005. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Amendment to the International Traffic in Arms Regulations: United States Munitions List [Public Notice Z] (RIN: 1400-ZA10) received May 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8006. A letter from the Assistant Director, Executive & Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8007. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8008. A letter from the Inspector General, Office of Personnel Management, transmitting the semiannual report on the activities of the Inspector General and the Management Response for the period of April 1, 2003 to September 30, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8009. A letter from the Chairman, Election Assistance Commission, transmitting the Commission's FY 2003 Annual Report, submitted in accordance with Section 207 of the Help America Vote Act of 2002 (HAVA); to the Committee on House Administration.

8010. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Lexington, TN [Docket No. FAA-2003-16622; Airspace Docket No. 03-ASO-21] received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8011. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Use of Section 106 Grant Funds to Achieve Environmental Results—received April 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8012. A letter from the Executive Vice President, Tennessee Valley Authority, transmitting a copy of the Authority's statistical summary for Fiscal Year 2003, pursuant to 16 U.S.C. 831h(a); to the Committee on Transportation and Infrastructure.

8013. A letter from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting the Department's ''Major'' final rule—Medicare Program; Prospective Payment System for Long-Term Care Hospitals: Annual Payment Rate Updates and Policy Changes [CMS-1263-F] (RIN: 0938-AM84) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8014. A letter from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting the Department's ''Major'' final rule—Medicare Program; Changes to the Criteria for Being Classified as an Inpatient Rehabilitation Facility [CMS-1262-F] (RIN: 0938-AM71) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8015. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Electing Mark to Market for Marketable Stock [TD 9123] (RIN: 1545-AY17) received May 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8016. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—At-Risk Limitations; Interest Other Than That of a Creditor [TD 9124] (RIN: 1545-BA69) received May 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8017. A letter from the SSA Regulations Officer, Social Security Administration, transmitting the Administration's final rule—Special Benefits for Certain World War II Veterans; Reporting Requirements, Suspension and Termination Events, Overpayments and Underpayments, Administrative Review Process, Claimant Representation, and Federal Administration of State Recognition Payments (RIN: 0960-AF72) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶46.4 MESSAGE FROM THE SENATE

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

S.J. Res. 34. A joint resolution designating May 29, 2004, on the occasion of the dedication of the National World War II Memorial, as Remembrance of World War II Veterans Day.

The message also announced that pursuant to section 637, title VI of Public Law 108–199, the Chair, on behalf of the Majority Leader, appoints the following individual to serve as member of the Helping to Enhance the Livelihood of People (HELP) Around the Globe Commission: Dr. Marty LaVor of Virginia.

The message also announced that pursuant to Public Law 100–175, as amended by Public Laws 102–375, 103–171, and 106–501, the Chair, on behalf of the Majority Leader, after consultation with the members of the Committee on Health, Education, Labor, and Pensions, and the Committee on Aging, appoints the following individuals as members of the Policy Committee to the White House Conference on Aging: the Senator from Iowa [Mr. GRASSLEY]; and the Senator from Idaho [Mr. CRAIG].

The message also announced that in accordance with sections 1928a–1928d of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senators as members of the Senate Delegation to the North Atlantic Treaty Organization Parliamentary Assembly during the Second Session of One Hundred Eighth Congress: Senator ERNEST F. HOLLINGS of South Carolina; and Senator ZELL MILLER of Georgia.

The message also announced that pursuant to sections 276h–276K of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the Senator from New Mexico [Mr. BINGAMAN] a member of the Senate Delegation, to the Mexico-United States Interparliamentary Group conference during the Second Session of the One Hundred Eighth Congress.

¶46.5 WORDS TAKEN DOWN

Mr. BURGESS, during one minute speeches addressed the House and, during the course of his remarks,

Mr. FILNER demanded that certain words be taken down.

The Clerk read the words taken down as follows:

''Now we are all outraged and saddened by the photos of mistreatment of the Iraqi prisoners we have seen on our television screens. The abusers will be punished. The commanding officers will likely have their careers in ruins, but I just want to caution the leaders on the other side, indeed candidates who are running for the highest office in this land, that this response is reminiscent of the response that a candidate named KERRY 30 years ago had before the Senate committee where he condemned all of our troops in Vietnam. This is not the case of our brave men and women over in Iraq today.''

The SPEAKER pro tempore, Mr. FOSSELLA, ruled and said:

In the opinion of the Chair, while personal attacks on a presumptive candidate are not in order, general references to past statements or positions by such a candidate are not, as with the reported choice of words, necessarily prohibited under the rules.

¶46.6 COAST GUARD APPROPRIATIONS

On motion of Mr. LoBIONDO, by unanimous consent, the bill (H.R. 2443) to authorize appropriations for the Coast Guard for the fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes; together with the amendments of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. LoBIONDO, it was,

Resolved, That the House disagree to the amendments of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

¶46.7 MOTION TO INSTRUCT CONFEREES—H.R. 2443

Mr. FILNER moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on H.R. 2443, be instructed to insist on the language contained in section 415 of the House bill that requires foreign-flag vessels security plans approved by the United States Coast Guard before entering a port in the United States.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House now order the previous question on said motion?

The SPEAKER pro tempore, Mr. FOSSELLA, announced that the yeas had it.

Mr. FILNER objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. FOSSELLA, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

The point of no quorum was considered as withdrawn.

¶46.8 PROVIDING FOR THE CONSIDERATION OF H. RES. 627

Mr. HASTINGS of Washington, by direction of the Committee on Rules, called up the following resolution (H. Res. 628):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the resolution (H. Res. 627) deploring the abuse of persons in United States custody in Iraq, regardless of the circumstances of their detention, urging the Secretary of the Army to bring to swift justice any member of the Armed Forces who has violated the Uniform Code of Military Justice, expressing the deep appreciation of the Nation to the courageous and honorable members of the Armed Forces who have selflessly served, or are currently serving, in Operation Iraqi Freedom, and for other purposes. The resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for a division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services; and (2) one motion to recommit which may not contain instructions.

When said resolution was considered.

After debate,

Mr. HASTINGS of Washington moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Mr. McGOVERN objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 218 / Nays ..... 201 }

¶46.9 [Roll No. 147]

YEAS—218

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

NAYS—201

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky

Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—14

Baca
Bono
Boyd
DeMint
Greenwood
Jenkins
Johnson (IL)
Lewis (KY)
Meeks (NY)
Menendez
Saxton
Solis
Tauzin
Wilson (SC)

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶46.10 MOTION TO INSTRUCT CONFEREES ON H.R. 2443—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LINDER, pursuant to clause 8, rule XX, announced the unfinished business to be the question on the motion, by Mr. FILNER to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the bill (H.R. 2443) to authorize appropriations for the Coast Guard for the fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. LINDER, announced that yeas had it.

Mr. FILNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 395; Nays ..... 19 }

¶46.11 [Roll No. 148]

YEAS—395

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Bachus
Baird
Baker
Baldwin
Ballance
Barrett (SC)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Boehner
Bonner
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—19

Bartlett (MD)
Blunt
Bonilla
Cantor
Chocola
DeLay
Dreier
Gilchrest
Graves
Hensarling
Johnson, Sam
Kingston
Portman
Putnam
Sullivan
Tancredo
Taylor (NC)
Thomas
Tiberi

NOT VOTING—19

Baca
Ballenger
Bono
Boyd
Brady (TX)
DeMint
Ford
Green (TX)
Greenwood
Hunter
Jenkins
Latham
Lewis (KY)
Meeks (NY)
Menendez
Miller, George
Solis
Tauzin
Wilson (SC)

So the motion was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶46.12 H. RES. 402—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LINDER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 402) expressing the sense of the House of Representatives regarding the urgent need for freedom, democratic reform, and international monitoring of elections, human rights, and religious liberty in the Lao People's Democratic Republic.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 408; Nays ..... 1; Answered present 1 }

¶46.13 [Roll No. 149]

YEAS—408

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom

Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

ANSWERED ''PRESENT''—1

Miller, George

NOT VOTING—23

Baca
Barrett (SC)
Bono
Boyd
Brady (TX)
Carter
DeMint
Diaz-Balart, L.
Dooley (CA)
Ferguson
Frelinghuysen
Greenwood
Jenkins
Johnson (CT)
Latham
Lewis (KY)
Lofgren
Meeks (NY)
Menendez
Rogers (MI)
Solis
Tauzin
Wilson (SC)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶46.14 DEPLORING THE ABUSE OF PERSONS IN UNITED STATES CUSTODY IN IRAQ

On motion of Mr. HUNTER, pursuant to House Resolution 628, the House considered the resolution (H. Res. 627):

Whereas the American people and the world are dismayed by revelations of abuses inflicted upon detainees at the Abu Ghraib prison in Baghdad;

Whereas the military justice process so far has resulted in charges being brought against six individuals, three of whom have been recommended for trial by court martial;

Whereas the investigation by the United States Central Command has identified problems of leadership, chain of command, and training that contributed to the instances of abuse;

Whereas the Congress was not fully informed of the existence, or the seriousness, of those abuses or of the investigation of those abuses until after they had been disclosed in the national media;

Whereas such abuses are offensive to the principles and values of the American people and the United States military, are incompatible with the professionalism, dedication, standards and training required of individuals who serve in the United States military, and contradict the policies, orders, and laws of the United States and the United States military and undermine the ability of the United States military to achieve its mission in Iraq;

Whereas the vast majority of members of the Armed Forces have upheld the highest possible standards of professionalism and morality in the face of illegal tactics and terrorist attacks and attempts on their lives;

Whereas members of the Armed Forces have planned and conducted, frequently at great peril and cost, military operations in a manner carefully intended to prevent or minimize injury to Iraqi civilians and property;

Whereas over 138,000 members of the United States Armed Forces serving in Iraq, a total force comprised of active, National Guard, and Reserve personnel, are executing a courageous and determined mission to rebuild and rehabilitate a proud nation after liberating it from the tyranny, oppression, and genocide of Saddam Hussein's evil regime;

Whereas the Department of Defense has awarded members of the Armed Forces serving in Operation Iraqi Freedom at least 3,767 Purple Hearts, as well as thousands of commendations for valor, including at least 4 Distinguished Service Crosses, 127 Silver Stars, and over 16,000 Bronze Stars;

Whereas members of the Armed Forces, United States citizens, over 30 Coalition partners, and patriotic Iraqis are working to finally return the government of Iraq to the Iraqi people after decades of despotism;

Whereas since the deposing of Saddam Hussein, the Iraqi people have enjoyed substantial improvements in essential services, including major water, sewage, power, infrastructure, transportation, telecommunications, and food security projects that already benefit millions more citizens than under the Ba'ath Party regime;

Whereas the quality of life for Iraqis has significantly improved in the areas of food availability, health services, and educational opportunities since the downfall of the Hussein government; and

Whereas security provided by the United States Armed Forces, the Coalition partners of the United States, and the Iraqi people has permitted the adoption by Iraq of a Transitional Administrative Law, with the promise of a sovereign Iraqi Interim Government, national elections, a constitution, and democracy: Now, therefore, be it

Resolved, That the House of Representatives—

(1) deplores and condemns the abuse of persons in United States custody in Iraq, regardless of the circumstances of their detention;

(2) declares that the alleged crimes of a handful of individuals should not detract from the commendable sacrifices of over 300,000 members of the United States Armed Forces who have served, or who are serving, in Operation Iraqi Freedom;

(3) reaffirms and reinforces the American principle that any and all individuals under the custody and care of the United States Armed Forces shall be afforded proper and humane treatment;

(4) urges the Secretary of the Army to conduct a full and thorough investigation into any and all allegations of mistreatment or abuse of detainees in Iraq;

(5) urges the Secretary of the Army and appropriate military authorities to undertake corrective action to address chain of command deficiencies and the systemic deficiencies identified in the incidents in question;

(6) urges the Secretary of the Army to bring to swift justice any member of the Armed Forces who has violated the Uniform Code of Military Justice to ensure that their actions are not allowed to impugn the integrity of the United States Armed Forces or undermine the United States mission in Iraq;

(7) reaffirms the need for Congress to be frequently updated on the status of efforts by the Department of Defense to address and resolve issues identified in this resolution;

(8) expresses the deep appreciation of the Nation to the courageous and honorable members of the Armed Forces who have selflessly served, or who are currently serving, in Operation Iraqi Freedom;

(9) expresses the support and thanks of the Nation to the families and friends of the soldiers, Marines, airmen, sailors, and Coast Guardsmen who have served, or who are serving, in Operation Iraqi Freedom; and

(10) expresses the continuing solidarity and support of the House of Representatives and the American people for the partnership of the United States with the Iraqi people in building a viable Iraqi government and a secure nation.

When said resolution was considered.

After debate,

The previous question having been ordered by said resolution.

Mr. HOYER moved to recommit the resolution to the Committee on Armed Services with instructions to report the same back to the House forthwith with the following amendments:

Strike the preamble and insert the following:

Whereas the American people and the world abhor the abuses inflicted upon detainees at the Abu Ghraib prison in Baghdad;

Whereas the investigation by the United States Central Command has identified problems of leadership, chain of command, and training that contributed to the instances of abuse;

Whereas the Congress was not adequately informed of the existence, or the seriousness, of those abuses or of the investigation of those abuses until after they had been disclosed in the national media;

Whereas such abuses are offensive to the principles and values of the American people and the United States military, are incompatible with the professionalism, dedication, standards and training required of individuals who serve in the United States military, and contradict the policies, orders, and laws of the United States and the United States military and undermine the ability of the United States military to achieve its mission in Iraq;

Whereas the vast majority of members of the Armed Forces have upheld the highest possible standards of professionalism and morality in the face of terrorist attacks and other attempts on their lives;

Whereas members of the Armed Forces have planned and conducted, frequently at great peril and cost, military operations in a manner carefully intended to prevent or minimize injury to Iraqi civilians and property;

Whereas over 138,000 members of the United States Armed Forces serving in Iraq, a total force comprised of active, National Guard, and Reserve personnel, are executing with courage and skill a mission to rebuild and rehabilitate Iraq and return the Government of Iraq to the Iraqi people; and

Whereas the Department of Defense has awarded members of the Armed Forces serving in Operation Iraqi Freedom at least 3,767 Purple Hearts, as well as thousands of commendations for valor, including at least 4 Distinguished Service Crosses, 127 Silver Stars, and over 16,000 Bronze Stars: Now, therefore, be it

Strike all after the resolving clause and insert the following:

That the House of Representatives—

(1) strenuously deplores and condemns the abuse of persons in United States custody in Iraq, regardless of the circumstances of their detention;

(2) reaffirms the American principle that any and all individuals under the custody and care of the United States Armed Forces shall be afforded proper and humane treatment;

(3) urges the Secretary of Defense to conduct a full and thorough investigation into any and all allegations of mistreatment or abuse of detainees in Iraq;

(4) urges the Secretary of Defense to ensure that corrective actions are taken to address chain of command deficiencies and the systemic deficiencies identified in the incidents in question;

(5) urges the Secretary of Defense to bring to swift justice any member of the Armed Forces who has violated the Uniform Code of Military Justice to ensure that their actions do not further impugn the integrity of the United States Armed Forces or further undermine the United States mission in Iraq;

(6) urges the Attorney General to bring to swift justice any United States civilian contractor or other United States civilian whose conduct in connection with the treatment of detainees in Iraq is in violation of law so to ensure that their actions do not further undermine the United States mission in Iraq;

(7) affirms the need for bipartisan congressional investigations to be conducted immediately into these allegations of abuse, including allegations of abuse by United States civilian contractor personnel or other United States civilians, and into the chain of command and other systemic deficiencies, including the command atmosphere that contributed to such abuse;

(8) reaffirms the need for Congress to be frequently updated on the status of efforts by the Department of Defense to address and resolve issues identified in this resolution;

(9) expresses the deep appreciation of the Nation to the courageous and honorable members of the Armed Forces who have selflessly served, or who are currently serving, in Operation Iraqi Freedom;

(10) declares that the alleged crimes of some individuals should not detract from the commendable sacrifices of over 300,000 members of the United States Armed Forces who have served, or who are serving, in Operation Iraqi Freedom;

(11) expresses the support and thanks of the Nation to the families and friends of the soldiers, Marines, airmen, sailors, and Coast Guardsmen who have served, or who are serving, in Operation Iraqi Freedom; and

(12) expresses the continuing solidarity and support of the House of Representatives and the American people for the efforts of the United States with the Iraqi people in building a viable Iraqi government and a secure nation.

Pending consideration of said motion,

¶46.15 POINT OF ORDER

During the reading of the motion, Mr. HUNTER made a point of order against the motion, and said:

''Mr. Speaker, I make a point of order that the motion contains instructions not allowed under H. Res. 628.''

Mr. HOYER was recognized and said:

''Mr. Speaker, is it the contention that the rule, as presented and as passed by the majority, prevents the minority from offering a substantive substitute under the rule so that the alternative felt to be preferable by the minority may not be heard? Is that the condition under which the rule places the minority?''

The SPEAKER pro tempore, Mr. SIMPSON, sustained the point of order, and said:

''Although the Chair ordinarily would await the reading in full before broaching a question of order, the Chair is uniquely responsible to intervene in the present circumstances.

''The Chair finds that the motion includes instructions, in unambiguous contravention of House Resolution 628. Therefore, the motion is not in order as a matter of form and without regard to its content.

''The point of order is sustained.''

Mr. HOYER appealed the ruling of the Chair.

Mr. HOYER, withdrew his appeal.

On motion of Mr. HOYER, by unanimous consent, the motion to recommit with instructions was ordered to be printed in the RECORD in its entirety.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. HUNTER demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 365 / Nays 50

¶46.16 [Roll No. 150]

AYES—365

Ackerman	Crowley	Hayes
Aderholt	Cubin	Hayworth
Akin	Culberson	Hefley
Alexander	Cunningham	Hensarling
Allen	Davis (AL)	Herger
Andrews	Davis (CA)	Hill
Bachus	Davis (FL)	Hinojosa
Baird	Davis (IL)	Hobson
Baker	Davis (TN)	Hoeffel
Baldwin	Davis, Tom	Hoekstra
Ballance	Deal (GA)	Holden
Ballenger	DeFazio	Holt
Barrett (SC)	DeGette	Honda
Bartlett (MD)	Delahunt	Hooley (OR)
Barton (TX)	DeLauro	Hostettler
Bass	DeLay	Houghton
Beauprez	Deutsch	Hulshof
Becerra	Diaz-Balart, L.	Hunter
Bell	Diaz-Balart, M.	Hyde
Bereuter	Dicks	Isakson
Berkley	Dingell	Israel
Berman	Doggett	Issa
Berry	Dooley (CA)	Istook
Biggert	Doolittle	Jackson (IL)
Bilirakis	Doyle	Jefferson
Bishop (GA)	Dreier	Johnson (CT)
Bishop (NY)	Duncan	Johnson (IL)
Bishop (UT)	Dunn	Johnson, E. B.
Blackburn	Edwards	Johnson, Sam
Boehlert	Ehlers	Jones (NC)
Boehner	Emanuel	Kanjorski
Bonilla	Emerson	Keller
Bonner	Engel	Kelly
Boozman	English	Kennedy (MN)
Boswell	Eshoo	Kennedy (RI)
Boucher	Etheridge	Kildee
Bradley (NH)	Evans	Kind
Brady (PA)	Everett	King (IA)
Brady (TX)	Farr	King (NY)
Brown (SC)	Feeney	Kingston
Brown, Corrine	Ferguson	Kirk
Brown-Waite, Ginny	Filner	Kleczka
	Flake	Kline
Burgess	Foley	Knollenberg
Burns	Forbes	Kolbe
Burr	Ford	LaHood
Burton (IN)	Fossella	Lampson
Buyer	Franks (AZ)	Langevin
Calvert	Frelinghuysen	Lantos
Camp	Frost	Larsen (WA)
Cannon	Gallegly	Larson (CT)
Cantor	Garrett (NJ)	LaTourette
Capito	Gephardt	Leach
Capps	Gerlach	Levin
Capuano	Gibbons	Lewis (CA)
Cardin	Gilchrest	Linder
Cardoza	Gillmor	Lipinski
Carson (IN)	Gingrey	LoBiondo
Carson (OK)	Gonzalez	Lofgren
Carter	Goode	Lowey
Case	Goodlatte	Lucas (KY)
Castle	Gordon	Lucas (OK)
Chabot	Goss	Lynch
Chandler	Granger	Majette
Chocola	Graves	Maloney
Clay	Green (TX)	Manzullo
Coble	Green (WI)	Marshall
Cole	Gutknecht	Matheson
Collins	Hall	Matsui
Cooper	Harman	McCarthy (MO)
Costello	Harris	McCarthy (NY)
Cramer	Hart	McCotter
Crane	Hastert	McInnis
Crenshaw	Hastings (WA)	McIntyre

McKeon
McNulty
Meehan
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Pascrell
Pastor
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—50

Abercrombie
Blumenauer
Brown (OH)
Clyburn
Conyers
Cummings
Fattah
Frank (MA)
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Hoyer
Inslee
Jackson-Lee (TX)
Jones (OH)
Kaptur
Kilpatrick
Kucinich
Lee
Lewis (GA)
Markey
McCollum
McDermott
McGovern
Meek (FL)
Millender-McDonald
Miller, George
Mollohan
Oberstar
Olver
Owens
Pallone
Paul
Payne
Pelosi
Rangel
Ryan (OH)
Sabo
Schakowsky
Serrano
Stark
Strickland
Towns
Velázquez
Waters
Watson
Watt
Waxman
Woolsey

NOT VOTING—19

Baca
Blunt
Bono
Boyd
Cox
Davis, Jo Ann
DeMint
Greenwood
Jenkins
John
Latham
Lewis (KY)
McCrery
McHugh
Meeks (NY)
Oxley
Solis
Tauzin
Wilson (SC)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶46.17 H. CON. RES. 326—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 326) expressing the sense of Congress regarding the arbitrary detention of Dr. Wang Bingzhang by the Government of the People's Republic of China and urging his immediate release.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 399 / Nays 0

¶46.18 [Roll No. 151]

YEAS—399

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Bachus
Baird
Baker
Baldwin
Ballance
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Bonilla
Bonner
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McDermott
McGovern
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—34

Baca
Ballenger
Berkley
Blunt
Boehner
Bono
Boyd
Brady (TX)
Burgess
Buyer
Davis, Jo Ann
Delahunt
DeMint
Doyle
Gephardt
Greenwood
Hastings (WA)
Jenkins
John
Latham
Lewis (KY)
McCollum
McCrery
McHugh
McNulty
Meeks (NY)
Neal (MA)
Oxley
Peterson (PA)
Reyes
Solis
Tauzin
Turner (TX)
Wilson (SC)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶46.19 H. CON. RES. 398—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 398) expressing the concern of congress over Iran's development of the means to produce nuclear weapons.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 376; Nays ..... 3; Answered present 14

¶46.20 [Roll No. 152]

YEAS—376

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Bachus
Baird
Baker
Baldwin
Ballance
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Bonilla
Bonner
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Fattah
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graves
Green (TX)
Green (WI)
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McGovern
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Wu
Wynn
Young (AK)

NAYS—3

Conyers
Kucinich
Paul

ANSWERED ''PRESENT''—14

Capuano
Filner
Hinchey
Kanjorski
Lee
McDermott
Miller, George
Mollohan
Rahall
Serrano
Stark
Waters
Watson
Woolsey

NOT VOTING—40

Baca
Ballenger
Berkley
Blunt
Boehner
Bono
Boyd
Burgess
Cole
Davis, Jo Ann
Delahunt
DeMint
Doyle
Farr
Feeney
Gephardt
Granger
Greenwood
Gutierrez
Hastings (WA)
Hunter
Jenkins
John
Latham
Lewis (KY)
McCollum
McCrery
McHugh
McNulty
Meeks (NY)
Neal (MA)
Oxley
Peterson (PA)
Reyes
Solis
Spratt
Tauzin
Turner (TX)
Wilson (SC)
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶46.21 ADJOURNMENT OVER

On motion of Mr. DELAY, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Monday, May 10, 2004, at noon; and further, that when the House adjourns on Monday, May 10, 2004, it adjourn to meet on Tuesday, May 11, 2004, at 12:30 p.m. for morning-hour debate.

¶46.22 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. DELAY, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, May 12, 2004, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶46.23 APPOINTMENT OF CONFEREES—H.R. 2443

The SPEAKER pro tempore, Mr. COLE, by unanimous consent, appointed the following Members as managers on the part of the House to the conference with the Senate on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2443) to authorize appropriations for the Coast Guard for the fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes:

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendments, and modifications committed to conference: Messrs. YOUNG of Alaska, COBLE, DUNCAN, HOEKSTRA, LOBIONDO, SIMMONS, MARIO DIAZ-BALART of Florida, OBERSTAR, FILNER, BISHOP of New York and LAMPSON.

For consideration of the House bill and Senate amendments, and modifications committed to conference: Mr. COX and Mr. THOMPSON of Mississippi.

Ordered, That the Clerk notify the Senate thereof.

¶46.24 SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2315. An Act to amend the Communications Satellite Act of 1962 to extend the deadline for the INTELSAT initial public offering.

¶46.25 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BACA, for today; and

To Mr. TAUZIN, for the week of May 3.

And then,

¶46.26 ADJOURNMENT

On motion of Mr. SANDERS, pursuant to the previous order of the House, at 7 o'clock and 10 minutes p.m., the House adjourned until noon on Monday, May 10, 2004,

¶46.27 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE. Committee on International Relations. H.R. 4060. A bill to amend the Peace Corps Act to establish an Ombudsman and an Office of Safety and Security of the Peace Corps, and for other purposes (Rept. 108–481 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

¶46.28 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 4060. Referral to the Committee on Government Reform extended for a period ending not later than May 6, 2004.

¶46.29 DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII. The Committee on Government Reform discharged from further consideration. H.R. 4060 referred to the Committee of the Whole House on the State of the Union.

¶46.30 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HINOJOSA (for himself, Mr. LAMPSON, Mr. RODRIGUEZ, Mr. GREEN of Texas, Mr. FROST, Mr. PAUL, Mr. GONZALEZ, Mr. REYES, Mr. ORTIZ, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BELL, Mr. EDWARDS, Mr. STENHOLM, Mr. SANDLIN, Mr. DOGGETT, Mr. TURNER of Texas, Mr. CULBERSON, Mr. BRADY of Texas, Mr. HENSARLING, Mr. HALL, Mr. SAM JOHNSON of Texas, Mr. CARTER, Mr. SMITH of Texas, Ms. GRANGER, Mr. THORNBERRY, Mr. DELAY, Mr. NEUGEBAUER, Mr. SESSIONS, Mr. BARTON of Texas, Mr. BONILLA, and Mr. BURGESS):

H.R. 4299. A bill to designate the facility of the United States Postal Service located at 410 South Jackson Road in Edinburg, Texas, as the ''Dr. Miguel A. Nevarez Post Office Building''; to the Committee on Government Reform.

By Mr. ISSA (for himself, Mrs. BONO, and Mr. CALVERT):

H.R. 4300. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project; to the Committee on Resources.

By Mr. TERRY (for himself, Mr. BEREUTER, and Mr. OSBORNE):

H.R. 4301. A bill to authorize an additional district judgeship for the district of Nebraska; to the Committee on the Judiciary.

By Mr. TOM DAVIS of Virginia (for himself and Ms. NORTON):

H.R. 4302. A bill to amend title 21, District of Columbia Official Code, to enact the provisions of the Mental Health Civil Commitment Act of 2002 which affect the Commission on Mental Health and require action by Congress in order to take effect; to the Committee on Government Reform.

By Mr. BERMAN (for himself and Mr. KNOLLENBERG):

H.R. 4303. A bill to authorize the Secretary of State to make grants to American-sponsored schools in Arab and other predominantly Muslim countries to provide full or partial merit-based scholarships for children from lower- and middle-income families of such countries to attend such schools, and for other purposes; to the Committee on International Relations.

By Mr. BOSWELL (for himself, Ms. PELOSI, Mr. HOYER, Mr. MENENDEZ, Mr. GEORGE MILLER of California, Ms. DELAURO, Mr. MATSUI, Mr. RANGEL, Mr. DINGELL, Mr. BERRY, Mr. BROWN of Ohio, Mr. STARK, Ms. SCHAKOWSKY, Mr. MCDERMOTT, Mr. PALLONE, Mr. GREEN of Texas, Mr. DOGGETT, Mr. ALLEN, Mr. SANDLIN, Ms. SOLIS, Mr. FROST, Mr. SERRANO, Ms. JACKSON-LEE of Texas, Mr. GRIJALVA, Mr. HOEFFEL, Ms. ESHOO, Mr. KILDEE, Mr. WEINER, Mr. FARR, Mr. WEXLER, Mr. HASTINGS of Florida, Mr. OLVER, Mr. NADLER, Mr. HINCHEY, Mr. TIERNEY, Mr. LANTOS, Mr. MORAN of Virginia, Mrs. MALONEY, Mr. ABERCROMBIE, Ms. KILPATRICK, Mr. CLAY, Mr. KENNEDY of Rhode Island, Ms. WATERS, Mr. JACKSON of Illinois, Mr. HONDA, Ms. WATSON, Mr. RODRIGUEZ, Mr. GUTIERREZ, Mr. OBERSTAR, Mrs. LOWEY, Ms. LOFGREN, and Ms. SLAUGHTER):

H.R. 4304. A bill to amend the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to eliminate overpayments to health maintenance organizations and other private plans under part C of title XVIII of the Social Security Act; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Pennsylvania:

H.R. 4305. A bill to amend title 18, United States Code, to increase protections for children from obscene material on the Internet; to the Committee on the Judiciary.

By Mr. CANNON (for himself and Mr. ANDREWS):

H.R. 4306. A bill to amend section 274A of the Immigration and Nationality Act to improve the process for verifying an individual's eligibility for employment; to the Committee on the Judiciary.

By Mr. CHOCOLA (for himself, Mr. DAVIS of Tennessee, Mr. COLE, Mr. BEAUPREZ, Mr. HOSTETTLER, Mrs. WILSON of New Mexico, Mr. MILLER of Florida, Mr. FEENEY, Mr. CHABOT, Mr. WILSON of South Carolina, Mrs. MYRICK, Mr. JONES of North Carolina, Mrs. MUSGRAVE, Mr. GARRETT of New Jersey, Mr. SHADEGG, Mr. KLINE, Mr. FRANKS of Arizona, Ms. GINNY BROWN-WAITE of Florida, Mr. GREEN of Wisconsin, Mr. PENCE, Mr. DUNCAN, Mr. PEARCE, Mr. HASTINGS of Washington, Mr. CARTER, Mr. EHLERS, Mr. MURPHY, Mr. BARRETT of South Carolina, Mr. SENSENBRENNER, Ms. HART, Mr. DOOLITTLE, Mr. CANNON, Mr. TURNER of Ohio, Mr. BOYD, Mr. GOODE, Mr. MARIO DIAZ-BALART of Florida, Mr. SOUDER, Mr. QUINN, and Mr. GERLACH):

H.R. 4307. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for increasing employment; to the Committee on Ways and Means.

By Mr. FLAKE (for himself, Mrs. CHRISTENSEN, Ms. BORDALLO, Mr. FALEOMAVAEGA, and Mr. ACEVEDO-VILA):

H.R. 4308. A bill to ensure consultation with the governments of the territories of the United States with respect to trade policy and trade agreements; to the Committee on Ways and Means.

By Mr. HILL:

H.R. 4309. A bill to amend the Clean Air Act to provide needed flexibility to States regarding the designation of certain counties as nonattainment areas for ozone under the 8-hour ozone standard, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LAHOOD (for himself, Mr. EMANUEL, Mr. HINCHEY, Mr. JEFFERSON, Mr. LATOURETTE, Mr. MANZULLO, Mr. SHIMKUS, and Mrs. JONES of Ohio):

H.R. 4310. A bill to direct the Secretary of Commerce to make noninterest bearing loans to State and local governments solely for the purpose of funding capital projects, and for other purposes; to the Committee on Government Reform.

By Mr. MARKEY:

H.R. 4311. A bill to reinstate the Federal Communications Commission's rules for the description of video programming; to the Committee on Energy and Commerce.

By Mr. MARKEY (for himself, Mr. TURNER of Texas, Mr. ISRAEL, Ms. LORETTA SANCHEZ of California, Mr. DICKS, Ms. HARMAN, Mr. CARDIN, Ms. SLAUGHTER, Mrs. LOWEY, Ms. NORTON, Ms. LOFGREN, Ms. MCCARTHY of Missouri, Ms. JACKSON-LEE of Texas, Mrs. CHRISTENSEN, Mr. LUCAS of Kentucky, Mr. LANGEVIN, Mr. MEEK of Florida, Mr. ACEVEDO-VILA, Mr. STARK, and Mr. GREEN of Texas):

H.R. 4312. A bill to enhance aviation security; to the Committee on Transportation and Infrastructure.

By Mr. NADLER (for himself, Ms. LINDA T. SANCHEZ of California, Mr. FRANK of Massachusetts, Mr. FROST, Ms. KAPTUR, Mr. MCGOVERN, Ms. DELAURO, Mr. GRIJALVA, Mr. RUSH, and Ms. BALDWIN):

H.R. 4313. A bill to direct the Secretary of Education to provide grants to States to establish and carry out or continue to carry out antiharassment programs; to the Committee on Education and the Workforce.

By Mr. RAMSTAD:

H.R. 4314. A bill to ensure that the total amount of funds awarded to a State under part A of title I of the Elementary and Secondary Education Act of 1965 for fiscal year 2004 is not less than the total amount of funds awarded to the State under such part for fiscal year 2003; to the Committee on Education and the Workforce.

By Mr. REHBERG:

H.R. 4315. A bill to prohibit the Secretary of the Army from releasing water from Fort Peck Dam if the water level of Fort Peck Lake is 20 feet or more below the reservoir's full pool, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. SCHAKOWSKY (for herself, Mr. ANDREWS, Mr. CONYERS, Ms. DELAURO, Mr. DEUTSCH, Mr. FILNER, Mr. FROST, Mr. HOEFFEL, Mr. HOLDEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MCCARTHY of New York, Mr. MEEK of Florida, Mr. NADLER, Ms. NORTON, Ms. ROYBAL-ALLARD, Ms. LINDA T. SANCHEZ of California, and Mr. VISCLOSKY):

H.R. 4316. A bill to amend the Public Health Service Act to establish direct care registered nurse-to-patient staffing ratio requirements in hospitals, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TURNER of Texas (for himself, Mr. BARTON of Texas, Mr. BELL, Mr. BURGESS, Mr. CARTER, Mr. CULBERSON, Mr. EDWARDS, Mr. FROST, Mr. GREEN of Texas, Mr. HENSARLING, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LAMPSON, Mr. PAUL, Mr. REYES, Mr. SANDLIN, Mr. STENHOLM, and Mr. DELAY):

H.R. 4317. A bill to name the Department of Veterans Affairs outpatient clinic located in Lufkin, Texas, as the ''Charles Wilson Department of Veterans Affairs Outpatient Clinic''; to the Committee on Veterans' Affairs.

By Mr. WEINER:

H.R. 4318. A bill to amend the Higher Education Act of 1965 to require institutions of

higher education to widely distribute information describing their procedures for receiving and responding to complaints concerning harassment; to the Committee on Education and the Workforce.

By Mr. PORTER (for himself, Mr. PAYNE, Mr. BALLANCE, Mr. MCDERMOTT, Mr. RUPPERSBERGER, Mr. FROST, Mr. OWENS, Mr. DUNCAN, Mr. UPTON, Mr. WILSON of South Carolina, Mr. COX, Mr. CUNNINGHAM, Mr. EHLERS, Mr. SCOTT of Georgia, Mr. BAIRD, Mr. SPRATT, Mr. MEEKS of New York, Ms. PRYCE of Ohio, Mr. GIBBONS, Mr. ROGERS of Alabama, Mr. RANGEL, Ms. CORRINE BROWN of Florida, Mr. SIMMONS, Mr. HOSTETTLER, Mr. CRAMER, Mr. ISAKSON, and Mr. CAPUANO):

H. Con. Res. 417. Concurrent resolution honoring the Tuskegee Airmen and their contribution in creating an integrated United States Air Force, the world's foremost Air and Space Supremacy Force; to the Committee on Armed Services.

By Mr. LANTOS (for himself, Mr. LEACH, Mr. FALEOMAVAEGA, and Mr. HYDE):

H. Con. Res. 418. Concurrent resolution recognizing the importance in history of the 150th anniversary of the establishment of diplomatic relations between the United States and Japan; to the Committee on International Relations.

By Mr. YOUNG of Alaska:

H. Con. Res. 419. Concurrent resolution recognizing National Transportation Week and applauding the men and women who keep America moving; to the Committee on Government Reform.

By Mr. RANGEL:

H. Res. 629. A resolution impeaching Donald Rumsfeld, Secretary of Defense; to the Committee on the Judiciary.

By Mr. SABO (for himself, Mr. GUTKNECHT, Mr. KENNEDY of Minnesota, Mr. KLINE, Ms. MCCOLLUM, Mr. OBERSTAR, Mr. PETERSON of Minnesota, and Mr. RAMSTAD):

H. Res. 630. A resolution commending the University of Minnesota Golden Gophers for winning the 2003-2004 National Collegiate Athletic Association Division I National Collegiate Women's Ice Hockey Championship; to the Committee on Education and the Workforce.

By Mr. STEARNS:

H. Res. 631. A resolution expressing the sense of the House of Representatives that there should be established an ''Electrical Safety Month''; to the Committee on Government Reform.

By Mr. TANCREDO (for himself, Mr. SMITH of New Jersey, Mr. RYAN of Ohio, and Ms. KAPTUR):

H. Res. 632. A resolution urging the Government of Romania to provide equitable, prompt, and fair restitution to the Romanian Greek Catholic Church, the Roman Catholic Church, the Evangelical Lutheran Church, the Unitarian Church, the Hungarian Reformed Church, the Jewish community, and other affected religious communities for property confiscated by the former Communist government in Romania; to the Committee on International Relations.

By Mr. UDALL of New Mexico:

H. Res. 633. A resolution expressing the sense of the House of Representatives that there is a critical need to increase awareness and education about hepatitis C; to the Committee on Energy and Commerce.

¶46.31 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

320. The SPEAKER presented a memorial of the Senate of the State of Georgia, relative to Senate Resolution No. 755 memorializing the Congress of the United States to consider creating a national preserve or other similar federal property to protect land and other natural resources in a continuous corridor of the Ocmulgee and Altamaha Rivers in central and south Georgia; to the Committee on Resources.

321. Also, a memorial of the General Assembly of the State of Iowa, relative to Senate Resolution No. 148 memorializing the Congress of the United States to authorize and appropriate funding to the National Park Service to assist state and local governments and private landowners in developing a comprehensive plan to preserve and restore the Loess Hills in Iowa; to the Committee on Resources.

322. Also, a memorial of the Senate of the Commonwealth of Kentucky, relative to Senate Resolution No. 168 memorializing the Congress of the United States to direct the construction of Interstate 66 through the Purchase Area of Western Kentucky; to the Committee on Transportation and Infrastructure.

323. Also, a memorial of the House of Representatives of the Commonwealth of Kentucky, relative to House Resolution No. 225 memorializing the Congress of the United States to direct the construction of Interstate 66 through the Purchase Area of Western Kentucky; to the Committee on Transportation and Infrastructure.

324. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 682 memorializing the Department of Veterans Affairs to further evaluate the negative effects of the proposed realignment of veterans services and to consider alternative measures for the provision and enhancement of quality health care for veterans in the Commonwealth of Pennsylvania; to the Committee on Veterans' Affairs.

¶46.32 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. BURTON of Indiana.
H.R. 141: Mr. SCHROCK.
H.R. 371: Mr. JACKSON of Illinois, Mr. WEINER, Mrs. MCCARTHY of New York, Mr. FILNER, Mr. GORDON, and Mr. MCCOTTER.
H.R. 525: Mr. GILCHREST and Mr. PICKERING.
H.R. 548: Mr. KANJORSKI.
H.R. 623: Mr. PRICE of North Carolina.
H.R. 677: Mr. RUPPERSBERGER.
H.R. 687: Mrs. KELLY.
H.R. 713: Mr. ISAKSON.
H.R. 716: Mrs. MYRICK.
H.R. 757: Mr. THOMPSON of Mississippi.
H.R. 834: Mr. ROGERS of Alabama.
H.R. 857: Mr. LINCOLN DIAZ-BALART of Florida, Mr. COX, Mr. HYDE, and Mr. MARIO DIAZ-BALART of Florida.
H.R. 1022: Mr. OLVER.
H.R. 1057: Mr. DEUTSCH.
H.R. 1084: Mr. SHIMKUS.
H.R. 1227: Mr. EDWARDS.
H.R. 1231: Mr. KNOLLENBERG.
H.R. 1551: Mr. HOEFFEL and Mr. BRADY of Pennsylvania.
H.R. 1567: Mr. BONNER and Mr. BALLENGER.
H.R. 1910: Mr. RUPPERSBERGER and Mr. MEEKS of New York.
H.R. 1930: Ms. CARSON of Indiana and Ms. KILPATRICK.
H.R. 1935: Ms. LOFGREN and Mr. PALLONE.
H.R. 2085: Mr. HALL.
H.R. 2151: Ms. BALDWIN and Mr. ROSS.
H.R. 2198: Mr. TIERNEY, Mr. LANTOS, Mr. RANGEL, Mrs. JO ANN DAVIS of Virginia, and Mr. LYNCH.
H.R. 2295: Mr. COOPER.
H.R. 2305: Mr. SHAYS.
H.R. 2442: Mr. BECERRA, Ms. DELAURO, Mr. ISRAEL, and Mr. BOEHLERT.
H.R. 2735: Mr. BISHOP of Utah.
H.R. 2762: Mr. BRADLEY of New Hampshire.
H.R. 2890: Mr. BURR.
H.R. 2905: Mr. PLATTS.
H.R. 2933: Mr. KLINE.
H.R. 2959: Ms. BALDWIN, Mr. GIBBONS, Mr. THOMPSON of Mississippi, Ms. MAJETTE, Mr. GILCHREST, Mr. KIRK, Ms. DELAURO, Mr. SIMMONS, Mr. TANCREDO, Mr. SCHIFF, Mr. LUCAS of Kentucky, Mr. ALLEN, Mr. LEWIS of Kentucky, Mr. SANDERS, Ms. SCHAKOWSKY, and Mr. SIMPSON.
H.R. 3015: Mr. ENGEL.
H.R. 3035: Mr. FOLEY.
H.R. 3165: Mr. WELDON of Florida.
H.R. 3193: Mrs. CAPITO, Mr. POMBO, and Mr. CHANDLER.
H.R. 3204: Mr. BONILLA, Mr. BAIRD, Mr. CARDIN, Mrs. DAVIS of California, Ms. DEGETTE, Mr. FRANK of Massachusetts, Mr. LEVIN, Mrs. MCCARTHY of New York, and Mr. TANNER.
H.R. 3242: Ms. LOFGREN, Mr. ISAKSON, Mr. BURR, Mr. RUPPERSBERGER, Mr. WALDEN of Oregon, Mr. BOUCHER, and Mr. SHERWOOD.
H.R. 3337: Ms. WOOLSEY.
H.R. 3356: Mr. LEWIS of Kentucky.
H.R. 3458: Mr. PASTOR, Mr. HINOJOSA, and Mr. FRANK of Massachusetts.
H.R. 3476: Mr. CAPUANO.
H.R. 3615: Mr. BISHOP of Georgia, Mr. CONYERS, Mr. PASTOR, Mr. BAIRD, Mr. PALLONE, Ms. WOOLSEY, and Ms. CORRINE BROWN of Florida.
H.R. 3692: Mr. FROST, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Ms. MILLENDER-MCDONALD, Mr. PASTOR, Mr. RUSH, Mr. TOWNS, Mr. WEXLER, Ms. LOFGREN, Ms. SLAUGHTER, Mr. WALSH, and Mr. LAHOOD.
H.R. 3736: Ms. HART and Mr. OSBORNE.
H.R. 3777: Mr. DAVIS of Tennessee.
H.R. 3800: Mr. GOODLATTE.
H.R. 3815: Ms. JACKSON-LEE of Texas and Mr. BISHOP of New York.
H.R. 3840: Ms. DUNN.
H.R. 3864: Mr. UDALL of Colorado.
H.R. 3921: Mr. GRIJALVA.
H.R. 3952: Mr. ROYCE, Mr. SESSIONS, Mr. JONES of North Carolina, Mr. AKIN, Mr. BARTLETT of Maryland, and Mr. GILLMOR.
H.R. 3968: Mr. ALLEN.
H.R. 3981: Mr. ROGERS of Alabama.
H.R. 3988: Mr. BROWN of Ohio, Mr. DAVIS of Alabama, and Ms. LOFGREN.
H.R. 3990: Mr. ENGLISH and Mr. PETRI.
H.R. 4026: Mr. OSBORNE.
H.R. 4033: Mr. FORD.
H.R. 4035: Mr. RANGEL, Mr. STARK, Mr. BECERRA, Mr. SPRATT, Mr. BROWN of Ohio, Mr. CUMMINGS, Ms. SCHAKOWSKY, Ms. ROS-LEHTINEN, and Ms. LOFGREN.
H.R. 4039: Mr. WILSON of South Carolina.
H.R. 4052: Mr. ANDREWS and Mr. STUPAK.
H.R. 4056: Mr. MCINNIS.
H.R. 4057: Ms. HART.
H.R. 4064: Mr. NORWOOD, Mr. BEREUTER, Mr. MANZULLO, Mr. DOOLITTLE, Mr. MILLER of Florida, Mr. LEWIS of Kentucky, Mr. KLINE, and Mr. BRADY of Texas.
H.R. 4065: Mr. SIMMONS.
H.R. 4101: Mr. LEVIN and Ms. LEE.
H.R. 4102: Mr. HOLT, Mr. WU, Mr. CASE, and Mrs. DAVIS of California.
H.R. 4104: Mr. MOORE and Mr. TURNER of Texas.
H.R. 4107: Mr. OWENS, Mr. RANGEL, Mr. BALLANCE, Mr. CONYERS, Mr. TOWNS, Mr. LANTOS, Mr. MEEHAN, Mr. GRIJALVA, Mr. SIMMONS, Mr. SHERWOOD, Mr. ENGLISH, Mr. CARDIN, Mr. UDALL of Colorado, and Mr. GREENWOOD.
H.R. 4108: Mr. CUMMINGS, Mr. SULLIVAN, Mr. CARDIN, Mr. WAXMAN, Mr. MARKEY, Mr. GUTIERREZ, Ms. MCCOLLUM, Mr. MILLER of North Carolina, Mr. GORDON, Ms. LEE, Ms. HART, Mr. DAVIS of Alabama, and Mr. MEEKS of New York.

H.R. 4116: Mr. MILLER of North Carolina.
H.R. 4149: Ms. ESHOO and Mr. CUNNINGHAM.
H.R. 4150: Mr. FOLEY, Mr. PENCE, and Mr. BAKER.
H.R. 4188: Mr. MCKEON, Mr. BURR, Mr. SIMMONS, and Mr. FERGUSON.
H.R. 4192: Mr. BRADY of Pennsylvania, Mr. EVANS, Mr. CUMMINGS, Mr. RANGEL, and Mr. MENENDEZ.
H.R. 4203: Mr. TAYLOR of North Carolina, Mr. JONES of North Carolina, Mr. HAYES, Mr. MILLER of North Carolina, Mr. SOUDER, Mrs. MYRICK, and Mr. GOODE.
H.R. 4205: Mr. DAVIS of Florida and Mr. SWEENEY.
H.R. 4207: Mr. GONZALEZ and Ms. BERKLEY.
H.R. 4210: Mr. TAYLOR of Mississippi.
H.R. 4217: Mr. SULLIVAN, Mr. RUPPERSBERGER, Mr. LUCAS of Oklahoma, Mr. CARSON of Oklahoma, Mr. ROSS, Mr. TAUZIN, and Mr. CLYBURN.
H.R. 4263: Ms. WATERS, Mr. SCOTT of Georgia, Mr. BECERRA, Ms. ESHOO, Ms. MCCOLLUM, Mr. DICKS, Mr. SMITH of Washington, Mr. WATT, Ms. LOFGREN, Mr. PASCRELL, Ms. BORDALLO, Mr. MEEKS of New York, Mr. ENGEL, Mr. MCDERMOTT, Mr. PALLONE, and Mr. CASE.
H.R. 4279: Mr. RAMSTAD, Mr. BRADY of Texas, and Mr. HULSHOF.
H.R. 4280: Mr. SCOTT of Georgia.
H.R. 4281: Mrs. EMERSON.
H.R. 4282: Ms. BORDALLO.
H.R. 4290: Mr. CONYERS and Mr. SANDERS.
H.J. Res. 60: Mr. BRADLEY of New Hampshire.
H. Con. Res. 319: Mr. MCGOVERN, Mr. ENGEL, Mr. SHIMKUS, Mr. GRIJALVA, Mr. WEXLER, Ms. BERKLEY, Mr. CHABOT, Mr. CROWLEY, and Mr. BURTON of Indiana.
H. Con. Res. 363: Ms. HARRIS and Mr. WEXLER.
H. Con. Res. 371: Mr. WHITFIELD and Mr. MARSHALL.
H. Con. Res. 391: Mr. LANTOS, Mr. BAIRD, Mr. LARSON of Connecticut, Mr. MARKEY, Mr. SCHIFF, and Ms. MILLENDER-MCDONALD.
H. Con. Res. 398: Mr. BAIRD.
H. Con. Res. 403: Mr. PRICE of North Carolina, Mr. NEAL of Massachusetts, Mr. ENGEL, Mr. WELDON of Florida, Mr. INSLEE, Mr. LIPINSKI, Mr. BURNS, Mr. GORDON, Mr. OSBORNE, and Mr. PASTOR.
H. Con. Res. 405: Mr. WOLF and Mr. FOLEY.
H. Con. Res. 409: Mr. POMBO.
H. Con. Res. 410: Mr. REHBERG.
H. Con. Res. 414: Mr. DELAY, Mr. GREENWOOD, Mrs. BLACKBURN, Mr. CARTER, Mr. FLAKE, and Mrs. JO ANN DAVIS of Virginia.
H. Res. 567: Mr. LEVIN and Mr. HOEKSTRA.
H. Res. 575: Mrs. TAUSCHER.
H. Res. 577: Mr. ENGEL and Mr. HOEFFEL.
H. Res. 604: Mr. STENHOLM, Ms. SLAUGHTER, and Mr. MILLER of North Carolina.
H. Res. 615: Mr. SMITH of New Jersey, Mr. CHANDLER, Mr. ENGEL, Mr. BERMAN, Mr. WEXLER, Mr. CHABOT, Mr. SHIMKUS, Mr. SAXTON, Mr. BURTON of Indiana, Mr. FOLEY, Mr. MCNULTY, Mr. SHERMAN, and Mr. OTTER.
H. Res. 616: Mr. MCNULTY, Mr. SMITH of New Jersey, Mr. CHANDLER, Mr. ENGEL, Mr. BERMAN, Mr. WEXLER, Mr. CHABOT, Mr. SHIMKUS, Mr. BURTON of Indiana, and Mr. SHERMAN.
H. Res. 622: Mr. RAMSTAD.
H. Res. 626: Ms. PELOSI.

¶46.33 PETITIONS, ETC.

Under clause 3 of rule XII,

80. The SPEAKER presented a petition of the Board of Supervisors, La Crosse County, Wisconsin, relative to Resolution No. 3-4104, memorializing the Congress of the United States to authorize funding to construct 1,200-foot locks on the upper Mississippi and Illinois River system; which was referred jointly to the Committees on Resources and Transportation and Infrastructure.

¶46.34 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1078: Mr. KING of Iowa.

MONDAY, MAY 10, 2004 (47)

¶47.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. PEARCE, who laid before the House the following communication:

WASHINGTON, DC,
May 10, 2004.

I hereby appoint the Honorable STEVAN PEARCE to act as Speaker pro tempore on this day.

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

¶47.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. PEARCE, announced he had examined and approved the Journal of the proceedings of Thursday, May 6, 2004.

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

¶47.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

8018. A communication from the President of the United States, transmitting requests for FY 2005 budget amendments for the Departments of Agriculture, Defense, Education, Energy, Homeland Security, Housing and Urban Development, the Interior, Labor, and the Treasury; the Corps of Engineers; the National Aeronautics and Space Administration; and the Securities and Exchange Commission. In addition FY 2004 language proposals for the Departments of Health and Human Services and the Treasury and FY 2005 budget amendments for the legislative branch are enclosed; (H. Doc. No. 108—183); to the Committee on Appropriations and ordered to be printed.

8019. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Miles 93.0 to 96.0, Above Head of Passes, New Orleans, LA [COTP New Orleans-04-007] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8020. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile Marker 95.0 to Mile Marker 99.0, Glendale, WV [COTP Pittsburgh-04-001] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8021. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Neches River; Beaumont, TX [COTP Port Arthur-03-024] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8022. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal Between light 6 on the Neches River and light 49 on the Port Arthur Canal; Port Arthur, TX [COTP Port Arthur-04-001] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8023. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Display, Sabine-Neches Canal between mile marker 284 and 285, Port Arthur, TX [COTP Port Arthur-04-002] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8024. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Emergency Barge Product Transfer, Intracoastal Waterway between mile marker 310 and 312, High Island, TX [COTP Port Arthur-04-003] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8025. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; San Diego Bay, San Diego, CA [COTP San Diego 03-037] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8026. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Havasu Landing Resort and Casino, Lake Havasu, California [COTP San Diego 04-001] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8027. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone, Waters Adjacent to National City Marine Terminal, San Diego, CA [COTP San Diego 04-002] (RIN: 2115-AA97) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8028. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; San Diego Bay, San Diego, CA [COTP San Diego 04-003] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8029. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Waters Surrounding Coast Guard Activities San Diego, California [COTP San Diego 04-004] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8030. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; — Lake Havasu, California. [COTP San Diego 04-005] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8031. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Shag Slough, Cache Slough, the Sacramento

River, Suisan Bay, Carquinez Strait, and Mare Island Strait, California [COTP San Francisco Bay 04-001] (RIN: 1626-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8032. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-03-177] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8033. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-04-003] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8034. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-04-007] (RIN: 1625-AA00) received April 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8035. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-04-013] (RIN: 1625- AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8036. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-04-028] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8037. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-04-038] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8038. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Kwigillingok, AK [Docket No. FAA-2003-16584; Airspace Docket No. 03-AAL-25] received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8039. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Ruby, AK [Docket No. FAA-2003-16586; Airspace Docket No. 03-AAL-24] received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8040. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Jamestown, KY [Docket No. FAA-2004-16904; Airspace Docket No. 04-ASO-2] received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8041. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Juneau, AK [Docket No. FAA-2003-16587; Airspace Docket No. 03-AAL-22] received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8042. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Hays, KS [Docket No. FAA-2004-16989; Airspace Docket No. 04-ACE-7] received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8043. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Revocation of Class D Airspace Area; Chicago, IL [Docket No. FAA-2003-15398; Airspace Docket No. 03-AGL-09] received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8044. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation Model S-76 A, B, and C Helicopters [Docket No. 2003-SW-45-AD; Amendment 39-13530; AD 2004-06-04] (RIN: 2120-AA64) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8045. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No. 2001-NM-239-AD; Amendment 39-13529; AD 2004-06-03] (RIN: 2120-AA64) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8046. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No. 2002-NM-18-AD; Amendment 39-13528; AD 2004-06-02] (RIN: 2120-AA64) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8047. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-12 and PC-12/45 Airplanes [Docket No. 2003-CE-55-AD; Amendment 39-13531; AD 2004-06-05] (RIN: 2120-AA64) Received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8048. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-100 Series Airplanes [Docket No. 2001-NM-400-AD; Amendment 39-13527; AD 2004-06-01] (RIN: 2120-AA64) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8049. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Deutschland (RRD) (Formerly Rolls-Royce, plc) TAY 611-8, TAY 620-15, TAY 650-15, and TAY 651-54 Series Turbofan Engines [Docket No. 2004-NE-11-AD; Amendment 39-13517; AD 2004-05-22] (RIN: 2120-AA64) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8050. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -300, -400, -500 Series Airplanes [Docket No. 95-NM-111-AD; Amendment 39-13544; AD 2004-06-18] (RIN: 2120-AA64) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8051. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasiliera de Aeronautica S.A. (EMBRAER) Model EMB-120 Series Airplanes [Docket No. FAA-2003-16645; Directorate Docket No. 2003-NM-113-AD; Amendment 39-13533; AD 2004-06-07] (RIN: 2120-AA64) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8052. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-401 and -402 Airplanes [Docket No. 2002-NM-120-AD; Amendment 39-13534; AD 2004-06-08] (RIN: 2120-AA64) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8053. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-301, -321, -322, -341, and -342 Series Airplanes; and Model A340-211, -212, -213, -311, -312, -313 Series Airplanes [Docket No. 2001-NM-380-AD; Amendment 39-13537; AD 2004-06-11] (RIN: 2120-AA64) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8054. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400F Series Airplanes [Docket No. 2002-NM-288-AD; Amendment 39-13538; AD 2004-06-12] (RIN: 2120-AA64) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8055. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319 and A320 Series Airplanes [Docket No. 2001-NM-339-AD; Amendment 39-13539; AD 2004-06-13] (RIN: 2120-AA64) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8056. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes [Docket No. 2003-NM-115-AD; Amendment 39-13540; AD 2004-06-14] (RIN: 2120-AA64) Received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8057. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-10, DC-9-20, DC-9-30, DC-9-40, and DC-9-50 Series Airplanes [Docket No. 99-NM-255-AD; Amendment 39-13549; AD 2004-07-05] (RIN: 2120-AA64) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶47.4 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed bills and concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. 622. An Act to amend title XIX of the Social Security Act to provide families of

disabled children with the opportunity to purchase coverage under the Medicaid program for such children, and for other purposes.

S. 2092. An Act to address the participation of Taiwan in the World Health Organization.

S. 2264. An Act to require report on the conflict in Uganda, and for other purposes.

S. 2292. An Act to require a report on acts of anti-Semitism around the world.

S. Con. Res. 99. Concurrent resolution condemning the Government of the Republic of the Sudan for its participation and complicity in the attacks against innocent civilians in the impoverished Darfur region of western Sudan.

S. Con. Res. 100. Concurrent resolution celebrating 10 years of majority rule in the Republic of South Africa and recognizing the momentous social and economic achievements of South Africa since the institution of democracy in that country.

S. Con . Res. 102. Concurrent resolution to express the sense of the Congress regarding the 50th anniversary of the Supreme Court decision in Brown v. Board of Education of Topeka.

¶47.5 SENATE BILLS AND CONCURRENT RESOLUTIONS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 622. An Act to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the Medicaid program for such children, and for other purposes; to the Committee on Energy and Commerce.

S. 2264. An Act to require a report on the conflict in Uganda, and for other purposes; to the Committee on International Relations.

S. 2292. An Act to require a report on acts of anti-Semitism around the world; to the Committee on International Relations.

S. Con. Res. 100. Concurrent resolution celebrating 10 years of majority rule in the Republic of South Africa and recognizing the momentous social and economic achievements of South Africa since the institution of democracy in that country; to the Committee on International Relations.

S. Con Res. 102. Concurrent resolution to express the sense of the Congress regarding the 50th anniversary of the Supreme Court decision in Brown v. Board of Education of Topeka; to the Committee on the Judiciary.

And then,

¶47.6 ADJOURNMENT

On motion of the SPEAKER pro tempore, Mr. PEARCE, by unanimous consent and pursuant to the previous order of the House agreed to on Thursday, May 6, at 12 o'clock and 3 minutes p.m., declared the House adjourned until 12:30 p.m. on Tuesday, May 11, 2004.

¶47.7 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SENSENBRENNER (for himself and Mr. CONYERS):

H.R. 4319. A bill to complete the codification of title 46, United States Code, ''Shipping'', as positive law; to the Committee on the Judiciary.

By Mr. SENSENBRENNER (for himself and Mr. CONYERS):

H.R. 4320. A bill to revise, codify, and enact without substantive change certain general and permanent laws, related to public contracts, as title 41, United States Code, ''Public Contracts''; to the Committee on the Judiciary.

By Mr. LYNCH:

H.R. 4321. A bill to amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate and disclose lowest possible prices for prescription drug prices for Medicare beneficiaries; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEY (for himself, Mr. REGULA, Ms. PRYCE of Ohio, Mr. OXLEY, Mr. LATOURETTE, and Mr. TIBERI):

H. Res. 634. A resolution congratulating the Kenyon College Ladies swimming and diving team for winning the 2004 National Collegiate Athletic Association Division III Women's Swimming and Diving National Championship; to the Committee on Education and the Workforce.

By Mr. NEY (for himself, Mr. REGULA, Ms. PRYCE of Ohio, Mr. OXLEY, Mr. LATOURETTE, and Mr. TIBERI):

H. Res. 635. A resolution congratulating the Kenyon College Lords swimming and diving team for winning the 2004 National Collegiate Athletic Association Division III Men's Swimming and Diving National Championship; to the Committee on Education and the Workforce.

¶47.8 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 218: Mr. MILLER of North Carolina.

H.R. 813: Mr. OLVER.

H.R. 1043: Mr. BISHOP of New York, Mr. GORDON, and Mr. LOBIONDO.

H.R. 1160: Mr. CHANDLER, Mr. MARKEY, and Mr. OSE.

H.R. 2885: Mr. MCINTYRE.

H.R. 3352: Mr. NADLER.

H.R. 3801: Mr. BOOZMAN, Mr. PETERSON of Minnesota, and Mr. BISHOP of Utah.

H.R. 3952: Mr. FEENEY and Mr. PAUL.

H.R. 4257: Mr. THOMPSON of Mississippi, Mr. SANDERS, Mr. GILLMOR, Mrs. BLACKBURN, and Mr. CARSON of Oklahoma.

H.J. Res. 93: Mr. FROST, Ms. GINNY BROWN-WAITE of Florida, Mr. VAN HOLLEN, and Mr. RODRIGUEZ.

H. Con. Res. 409: Mr. PORTER.

H. Res. 479: Mr. ALLEN.

TUESDAY, MAY 11, 2004 (48)

¶48.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. PENCE, who laid before the House the following communication:

WASHINGTON, DC,
May 11, 2004.

I hereby appoint the Honorable MIKE PENCE to act as Speaker pro tempore on this day.

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

Whereupon, pursuant to the order of the House of Tuesday, January 20, 2004, Members were recognized for morning-hour debate.

¶48.2 RECESS—1:12 P.M.

The SPEAKER pro tempore, Mr. PENCE, pursuant to clause 12(a) of rule I, declared the House in recess at 1 o'clock and 12 minutes p.m., until 2 p.m.

¶48.3 AFTER RECESS—2 P.M.

The SPEAKER called the House to order.

¶48.4 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Monday, May 10, 2004.

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

¶48.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

8058. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-419, ''Practice of Naturopathic Medicine Licensing Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on the Judiciary.

8059. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-420, ''Mount Vernon Triangle Business Improvement District Temporary Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on the Judiciary.

8060. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-04-006] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8061. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety zone; Portland, Maine, Tow of Rig Pride Rio de Janeiro [CGD01-04-010] (RIN: 1625-AA00) received April 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8062. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Indian River, Cocoa Village Mardi Gras, Cocoa, FL [COTP Jacksonville 04-001] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8063. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Severe Ice Conditions, Buzzards Bay, Massachusetts [CGD01-04-011] (RIN: 1625-AA97) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8064. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Presidential Visit, Boston, MA [CGD01-04-028] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8065. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake

Eustis, Eustis, FL [COTP Jacksonville 04-002] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8066. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Military Ocean Terminal Sunny Point and Lower Cape Fear River, Brunswick County, NC [CGD05-03-205] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8067. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Ohio River mile marker 374.5 to mile marker 867.5 [COTP Louisville, KY 03-035] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8068. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Ohio River Mile 600.7 to 609.0, Louisville, KY [COTP Louisville-04-001] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8069. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia. [CGD05-03-215] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8070. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia. [CGD05-03-216] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8071. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mississippi Sound, Pascagoula, MS [COTP Mobile-03-025] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8072. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Hampton Roads, Elizabeth River, Intracoastal Waterway, Virginia. [CGD05-04-001] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8073. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico, Orange Beach, AL [COTP Mobile-03-026] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8074. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Hampton Roads, Elizabeth River, Intracoastal Waterway, Virginia [CGD05-04-004] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8075. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Presidential Visit to Gulfport, MS [COTP Mobile-03-028] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8076. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones, Pascagoula Ship Channel, MS; Mobile Ship Channel, AL; Pensacola and Escambia Bay, and Choctawhatchee and East Bay, FL [COTP Mobile-03-033] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8077. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia. [CGD05-04-005] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8078. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; ICW from Pensacola, FL to Panama City, FL, Mobile Bay, Pensacola Bay, Escambia Bay, Pascagoula Ship Channel, Bayou Casotte Channel, Choctawhatchee Bay [COTP Mobile-03-034] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8079. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, VA [CGD05-04-026] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8080. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Escambia River Mile 0.0, U.S. 90 Bridge, Pensacola, FL [COTP Mobile-04-002] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8081. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, VA [CGD05-04-029] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8082. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Hathaway Highway 98 Bridge, Panama City, FL [COTP Mobile-04-003] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8083. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, VA [CGD05-04-030] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8084. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Old St. George Island Bridge, Apalachicola Bay, FL [COTP Mobile-04-004] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8085. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; US 90 Bridge, Escambia River, Pensacola, FL [COTP Mobile-04-005] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8086. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Hathaway Highway 98 Bridge, Panama City, FL [COTP Mobile-04-006] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8087. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; U.S. Military Submerged Vehicle Recovery Operation, Outer Apra Harbor, Guam [COTP Guam 04-005] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8088. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, VA [CGD05-04-031] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8089. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; U.S. Navy Underwater Detonation Operation Agat Bay, Guam [COTP Guam 04-004] (RIN: 1625-AA00) Received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8090. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, VA [CGD05-04-032] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8091. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, VA [CGD05-04-033] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8092. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia. [CGD05-04-034] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8093. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia. [CGD05-04-036] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8094. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone;

Chesapeake Bay, Hampton Roads, VA [CGD05-04-042] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8095. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia [CGD05-04-006] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8096. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, VA [CGD05-04-044] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8097. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia [CGD05-04-007] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8098. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, VA [CGD05-04-045] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8099. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia [CGD05-04-008] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8100. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, VA [CGD05-04-046] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8101. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Patapsco River; Baltimore, Maryland [CGD05-04-048] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8102. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Potomac River, Washington, D.C. and Arlington and Fairfax Counties, Virginia [CGD05-04-014] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8103. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia. [CGD05-04-050] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8104. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ice Conditions, Upper Potomac River and its tributaries, Maryland and Virginia [CGD05-04-020] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8105. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia [CGD05-04-023] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8106. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Raccoon Creek, New Jersey [CGD05-04-056] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8107. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Virginia [CGD05-04-025] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8108. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone Regulations, Blair and Sitcum Waterways, Commencement Bay, Puget Sound, Washington and SS CAPE ORLANDO, SS CAPE ISABELA, SS CAPE INSCRIPTION [CGD13-04-006] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8109. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Patapsco River; Baltimore, Maryland [COTP Baltimore 04-001] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8110. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Charleston Harbor, Cooper River, S.C. [COTP Charleston-04-018] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8111. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Charleston, SC [COTP Charleston 04-034] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8112. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway Mile Marker 539, Ingleside, TX [COTP Corpus Christi-03-007] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8113. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Corpus Christi Ship Channel, Port Aransas, TX [COTP Corpus Christi-04-001] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8114. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; University of Miami Crew Regatta, Indian Creek, Miami Beach, FL [CGD07-04-016] (RIN: 1625-AA08) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8115. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; U.S. Navy Underwater Detonation Operation North of Glass Breakwater, Guam [COTP Guam 04-003] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8116. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Miami Beach Winter Sprints, Miami, FL [CGD07-04-004] (RIN: 1625-AA08) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8117. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; USCGC ALDER (WLB 216) Launch, Menominee River, Marinette, Wisconsin. [CGD09-04-002] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8118. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Department of Homeland Security Anniversary Boat Parade, Port of Miami, Miami, FL [CGD07-04-020] (RIN: 1625-AA08) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8119. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Captain of the Port Detroit Zone, Renaissance Center. [CGD09-04-007] (RIN: 2115-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶48.6 TOMOCHICHI UNITED STATES COURTHOUSE

Mr. LATOURETTE moved to suspend the rules and pass the bill (H.R. 2523) to designate the United States Courthouse located at 125 Bull Street in Savannah, Georgia, as the ''Tomochichi United States Courthouse''.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. LATOURETTE and Mr. HONDA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶48.7 D.C. SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN

Mr. LATOURETTE moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 389):

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF USE OF CAPITOL GROUNDS FOR D.C. SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN.

On June 4, 2004, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate, the 2004 District of Columbia Special Olympics Law Enforcement Torch Run (in this resolution referred to as the ''event'') may be run through the Capitol Grounds as part of the journey of the Special Olympics torch to the District of Columbia Special Olympics summer games.

SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such actions as may be necessary to carry out the event.

SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.

The Architect of the Capitol may prescribe conditions for physical preparations for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. LATOURETTE and Mr. HONDA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶48.8 MILITARY POSTAL SYSTEM

Mr. FORBES moved to suspend the rules and agree to the following resolution (H. Res. 608):

Whereas the members of the Armed Forces who are currently serving in very dangerous regions of the world deserve a modernized military postal system capable of improving the delivery and tracking of mail to United States forces serving in remote locations;

Whereas the current system relies on outmoded and labor intensive manual sorting processes that result in undue delays and the inability of the Department of Defense to track mail and determine the timeliness of mail delivery;

Whereas the manual sorting of mail intended for deployed members of the Armed Forces unnecessarily requires hours of labor from many troops, which could be used for other, more critical, duties if automation were used;

Whereas the very least our Nation can do for the members of our Armed Forces who are deployed halfway around the world and risking their lives to protect our freedoms is to ensure that they are able to receive the comfort of a letter from those waiting at home;

Whereas mail destined for deployed members of the Armed Forces that is delayed for long periods of time, or not delivered at all, negatively affects the morale of our deployed forces and their families at home;

Whereas the members of our Armed Forces have an unquestionable right to vote in the upcoming election, and the military postal system must not disenfranchise any military absentee voters because of delays in transmitting voting materials;

Whereas with the current military postal system it is not possible to determine the rate of ''Undeliverable as Addressed'' mail, it is therefore not possible to guarantee that all United States forces wishing to vote will be able to do so;

Whereas according to the recent General Accounting Office Report entitled ''Operation Iraqi Freedom: Long-standing Problems Hampering Mail Delivery Need to be Resolved,'' many of the same problems that plagued the military postal system during Operation Desert Storm have continued unabated and are now being experienced in Operation Iraqi Freedom, more than 12 years later;

Whereas according to the same General Accounting Office report, the Department of Defense does not have the ability to adequately assess the timeliness of mail and election ballot delivery because it does not have a reliable, accurate system in place;

Whereas according to the same General Accounting Office report, more than half of sampled members of the Armed Forces were dissatisfied with mail delivery, many waiting 4 weeks or longer to receive mail;

Whereas recent samplings of mail intended for deployed members of the Armed Forces shows that a percentage far exceeding the standard set for domestic mail is ''Undeliverable as Addressed'' and indicates that a large portion of our deployed troops are not receiving their mail;

Whereas the Military Postal Service Agency does not have the authority to formulate and effectively implement a joint service solution to the mail problems in the Iraq Theatre and the Department of Defense has not appointed a single agency to address military postal matters;

Whereas the recent court action in the United States District Court for the Middle District of Pennsylvania, which granted the government's request to extend Pennsylvania's deadline for receipt of ballots from qualified overseas voters, correctly recognizes that mail operations can significantly impact voting rights and, in addition, is sufficient forewarning that the military mail system needs to be resolved before the next election; and

Whereas for at least 52 years, reformers have been attempting to improve the ability of the members of our Armed Forces to vote, as evidenced by a letter from President Harry S. Truman to Congress, dated from 1952, which clearly echoes the challenges we face: ''Many of those in uniform are serving overseas, or in parts of the country distant from their homes. They are unable to return to their States either to register or to vote. Yet these men and women who are serving their country and in many cases risking their lives, deserve above all others to exercise the right to vote in this election year. At a time when these young people are defending our country and its free institutions, the least we at home can do is to make sure that they are able to enjoy the rights they are being asked to fight to preserve.'': Now, therefore, be it

Resolved, That it is the sense of House of Representatives that—

(1) it is in the interest of the United States to immediately resolve long-standing military mail delivery problems so that our troops may receive mail from their families when they most need it;

(2) it is in the interest of the United States to immediately resolve long-standing military mail delivery problems so that our troops are not disenfranchised in the 2004 election;

(3) the Secretary of Defense should establish a system that expedites the delivery of election ballots to the members of our Armed Forces so that they may be counted in the election;

(4) the Secretary of Defense should establish a system that accurately tracks military postal transit times; and

(5) the House of Representatives stands ready to assist in resolving these issues.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. FORBES and Ms. BORDALLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. FORBES demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until later in the week.

¶48.9 MARY ANN COLLURA POST OFFICE BUILDING

Mrs. MILLER of Michigan, moved to suspend the rules and pass the bill (H.R. 3939) to redesignate the facility of the United States Postal Service located at 14-24 Abbott Road in Fair Lawn, New Jersey, as the ''Mary Ann Collura Post Office Building''.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mrs. MILLER of Michigan and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PUTNAM, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof,

the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶48.10 DR. MIGUEL A. NEVAREZ POST OFFICE BUILDING

Mrs. MILLER of Michigan moved to suspend the rules and pass the bill (H.R. 4299) to designate the facility of the United States Postal Service located at 410 South Jackson Road in Edinburg, Texas, as the ''Dr. Miguel A. Nevarez Post Office Building''.

The SPEAKER pro tempore, Mr. PUTNAM, recognized Mrs. MILLER of Michigan and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PUTNAM, announced that two-thirds of the Members present had voted in the affirmative.

Mr. DAVIS of Illinois demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PUTNAM, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶48.11 PEACE OFFICERS MEMORIAL DAY

Mrs. MILLER of Michigan moved to suspend the rules and agree to the following resolution (H. Res. 622):

Whereas the well-being of all people of the United States is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas more than 957,500 law enforcement personnel, the highest amount ever in the United States, serve their fellow citizens as guardians of peace;

Whereas peace officers are on the front line in preserving the right of the children of the United States to receive an education in a crime-free environment, a right that is all too often threatened by the insidious fear caused by violence in schools;

Whereas 145 peace officers across the Nation were killed in the line of duty during 2003, well below the decade-long average of 166 deaths annually, and a major drop from 2001 when 230 officers were killed, including 72 officers in the September 11th terrorist attacks;

Whereas every year, 1 out of every 9 peace officers is assaulted, 1 out of every 25 peace officers is injured, and 1 out of every 4,400 peace officers is killed in the line of duty;

Whereas section 136 of title 36, United States Code, requests that the President issue each year a proclamation designating May 15 as Peace Officers Memorial Day in honor of Federal, State, and local officers killed or disabled in the line of duty; and

Whereas on May 15, 2004, more than 20,000 peace officers are expected to gather in Washington, D.C. to join with the families of their recently fallen comrades to honor those comrades and all others who went before them: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Peace Officers Memorial Day to honor Federal, State, and local peace officers killed or disabled in the line of duty; and

(2) calls upon the people of the United States to observe such a day with appropriate ceremonies and respect.

The SPEAKER pro tempore, Mr. PUTNAM, recognized Mrs. MILLER of Michigan and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. PUTNAM, announced that two-thirds of the Members present had voted in the affirmative.

Mr. DAVIS of Illinois demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PUTNAM, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶48.12 VIETNAM HUMAN RIGHTS DAY

Mrs. MILLER of Michigan moved to suspend the rules and agree to the following resolution (H. Res. 613):

Whereas May 11, 2004, is the 14th anniversary of the issuance of the Manifesto of the Non-Violent Movement for Human Rights in Vietnam and the tenth anniversary of Vietnam Human Rights Day, as designated on May 11, 1994, by Public Law 103–258;

Whereas Vietnam Human Rights Day recognizes the important contributions of the author of the Manifesto, Dr. Nguyen Dan Que, and uncounted numbers of innocent Vietnamese, including religious leaders and ethnic minorities who have been tortured, imprisoned, or held under house arrest by the Socialist Republic of Vietnam because of their nonviolent struggle for freedom and human rights;

Whereas the Manifesto, which calls upon Hanoi to respect basic human rights, accept a multiparty system, and restore the right of the Vietnamese people to choose their own form of government through free and fair elections, reflects the will and aspirations of the people of Vietnam;

Whereas the leaders of the Socialist Republic of Vietnam are expanding diplomatic and trade relations with the rest of the world; and

Whereas the United States, as leader of the free world, has a special responsibility to safeguard freedom and promote the protection of human rights throughout the world: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors and recognizes the 10th anniversary of Vietnam Human Rights Day;

(2) supports the designation of a ''Vietnam Human Rights Day''; and

(3) urges all Americans to share in this commemoration so as to have a greater appreciation of the role Vietnam Human Rights Day has played in helping to defend and further the liberties and freedom of all Vietnamese people.

The SPEAKER pro tempore, Mr. PUTNAM, recognized Mrs. MILLER of Michigan and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. PUTNAM, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶48.13 CONTRIBUTIONS OF INDIA

Mr. BEREUTER moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 352):

Whereas India is the largest democratic country in the world and enjoys a close and mutual friendship with the United States based on common values and common interests;

Whereas people of Indian origin who have for decades immigrated to the United States have made extraordinary contributions to the United States, helping to make the United States a more efficient and prosperous country;

Whereas these contributions have spanned disciplines ranging from science, technology, business development, and public service, to social justice, philanthropy, literature, and the arts;

Whereas generations of doctors and nurses of Indian origin have attended to the sick in large cities as well as in rural regions of the United States that are otherwise underserved;

Whereas people of Indian origin have designed defense systems that protect United States naval ships while at sea, and have contributed to engineering, designing, and participating in the United States space shuttle program, at great personal sacrifice;

Whereas people of Indian origin have invented many of the technologies that power the computer and the internet, have created and directed laboratories that produced significant breakthroughs in modern medicine, and have taught at, and are leaders of, many United States institutions of higher learning;

Whereas people of Indian origin have made invaluable contributions to the vitality and viability of the United States economy through creative entrepreneurship and leadership in both large and small businesses;

Whereas people of Indian origin have shared and integrated their rich culture into the fabric of American daily life;

Whereas trade with India integrates a democratic country of more than one billion people into the flow of commerce, offering the United States a large and rapidly growing market and unlocking vast reservoirs of talent;

Whereas the United States is India's largest trading partner and a major source of foreign direct investment and foreign institutional investment in India;

Whereas United States exports to India are growing at 25 percent, making India one of the fastest growing foreign markets for United States goods and services;

Whereas India's industrial tariffs have fallen from 150 percent in 1988 to a peak rate of 20 percent today;

Whereas United States exports to India will accelerate as India continues reducing tariffs and instituting liberalization measures in its trade and investment regime, thereby expanding the trade relationship of the two countries and bringing mutual benefits;

Whereas India has been a key partner in the war against terrorism;

Whereas India and the United States have agreed to increase cooperation in the areas of nuclear activities, civilian space programs, high-technology trade, and missile defense;

Whereas multi-faceted cooperation between India and the United States will strengthen the bonds of friendship and commerce between the two countries, lead to the peaceful use of space technology, and increase global stability and security; and

Whereas United States efforts, whether in combating global HIV/AIDS, pursuing nuclear non-proliferation, promoting democracy, enhancing stability of the world economy, eliminating poverty, fighting terrorism, and expanding and strengthening global trade, will be more effective and successful with India as a strategic partner: Now therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) honors the contributions of people of Indian origin to the Untied States, and

(2) is committed to working together with India towards promoting peace, prosperity, and freedom among all countries of the world.

The SPEAKER pro tempore, Mr. PUTNAM, recognized Mr. BEREUTER and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. HAYES, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HAYES, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until later in the week.

¶48.14 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

¶48.15 EUROPEAN UNION

Mr. BEREUTER moved to suspend the rules and agree to the following resolution (H. Res. 577); as amended:

Whereas on May 9, 1950, 6 countries of Europe, committed to promoting a united Europe, founded the European Coal and Steel Community (ECSC), which has evolved into the European Union (EU);

Whereas in November 1953 the United States sent its first diplomatic observers to the European Coal and Steel Community;

Whereas in 1954 the High Authority of the European Coal and Steel Community commissioned the United States law firm of Clearly and Gottlieb to open an Information Office in Washington, District of Columbia, thus establishing the first official presence of the precursor to the European Union in the United States;

Whereas on November 18, 2003, Secretary of State Colin Powell, while in Brussels, Belgium, dedicating a plaque commemorating 50 years of cooperation between the United States and the European Union stated that ''the United States embraces the European Union as a global partner for peace and security . . . and that the world's best hope for meeting [global] challenges still rests, in large part, on a deep, broad, and lasting partnership between Europe and the United States'';

Whereas although differences of opinion have existed on a broad array of issues over the past 50 years, there remains an important foundation of shared values across the Atlantic which reaffirms that the current strengths and common interests of the United States and the European Union far outweigh the differences;

Whereas an effective political partnership between the United States and the European Union has continued to develop over the past 50 years in many areas of vital common interest which has resulted in the United States and European Union consistently and effectively working together for prosperous, stable, and democratic world;

Whereas the events of the past several years, including the events of September 11, 2001, have increased the need for forceful and coordinated strategic cooperation between the United States and the European Union on economic, trade, and domestic and foreign security matters;

Whereas the economic foundations for the United States-European Union partnership are a central and irreversible reality of the world economy;

Whereas to effectively manage the United States-European Union partnership, closer institutional linkages and other mechanisms to facilitate more direct and continuous United States-European Union dialogue are necessary; and

Whereas in May 2004, an event commemorating 50 years of relations between the United States and the European Union will take place in Washington, District of Columbia: Now, therefore, be it

Resolved, That the House of Representatives—

(1) celebrates the 50th anniversary of relations between the United States and the European Union;

(2) commends the United States mission to the European Union and the mission of the European Commission to the United States for the professional representation of the interests of the United States and European Union over the past 50 years;

(3) recognizes that continued cooperation between the United States and the European Union is essential to resolving international disputes, promoting peace, expanding global economic opportunity, combating global threats, and being prepared to respond to unforeseen events; and

(4) encourages enhanced United States-European Union strategic discussion and institutional cooperation, including increased discussions between representatives of the United States Congress and the European Parliament through the Transatlantic Legislator's Dialogue.

The SPEAKER pro tempore, Mr. HAYES, recognized Mr. BEREUTER and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. HAYES, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HAYES, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶48.16 FATHER THADDEUS NGUYEN VAN LY

Mr. SMITH of New Jersey moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 378); as amended:

Whereas in February 2001, Father Thaddeus Nguyen Van Ly, a Roman Catholic priest was formally invited to testify before the United States Commission on International Religious Freedom but was denied permission to leave the Socialist Republic of Vietnam and thus, instead, submitted written testimony critical of Vietnam which was read into the Commission record on February 13, 2001;

Whereas Father Ly's testimony before the Commission documents numerous specific actions of the Government of Vietnam against religious freedom which he classified as collectively being ''extremely cruel'' and requiring a ''non-violent and persistent campaign'' to achieve full religious freedom for all people in Vietnam;

Whereas Father Ly has been detained by the Government of Vietnam since February 2001, when it placed Father Ly under administrative detention—as a direct response to his testimony, branding him a traitor for ''slandering'' the Communist party and ''distorting'' the religious policy of the Government of Vietnam;

Whereas the Government of Vietnam issued a second decree suspending Father Ly's ability to ''carry on any religious responsibility and functions'' and later formally removed Father Ly from his church, detained him, and denied him access to adequate legal counsel;

Whereas on October 19, 2001, the Thua Thien Hue Provincial People's Court convicted Father Ly of all charges after a one day, closed trial, without the benefit of counsel and sentenced him to two years in prison for violating the terms of his administrative detention, thirteen years in prison for ''damaging the Government's unity policy'', and 5 years of administrative probation upon release from prison;

Whereas after pleas from United States Government officials and the world community Father Ly's sentence was reduced by 5 years;

Whereas in June 2001, Father Ly's nephews Nguygen Vu Viet, age 27, and Nguyen Truc Cuong, age 36, and his niece Nguyen Thi Hoa, age 44, were arrested for allegedly being in contact and receiving support from organizations in the United States concerning the religious situation in Vietnam and disseminating information concerning the detention of Father Ly;

Whereas after their cases generated much concern in Congress, Nguyen Thi Hoa, Nguyen Vu Viet and Nguyen Truc Cuong all have been or are expected to be released shortly;

Whereas on November 27, 2003, the United Nations Working Group on Arbitrary Detention issued Opinion No. 20/2003 stating ''the Group is convinced that [Father Ly] has been arrested and detained only for his opinions . . . [and] the deprivation of the liberty of Father Thaddeus Nguyen Van Ly is arbitrary, as being in contravention of Article 19 of the Universal Declaration of Human Rights and of Article 19 of the International Covenant on Civil and Political Rights'';

Whereas Father Ly has been deprived of his basic human rights by being denied his ability to exercise freedom of opinion and expression; and

Whereas the arbitrary imprisonment and the violation of the human rights of citizens

of Vietnam are sources of continuing, grave concern to Congress;

Whereas continuing concerns regarding human rights in Vietnam were recently highlighted by large demonstrations in the Central Highlands on April 10 and 11, 2004, in which thousands of Montagnards gathered on Easter weekend to protest their treatment by the Government of Vietnam, including the confiscation of tribal lands and ongoing restrictions on religious activities; and

Whereas although the Government of Vietnam has attempted to control information about the April 2004 protests and access to the Central Highlands, reputable human rights organizations have reported that the protests were met with a violent response and that many demonstrators were arrested, injured, or are in hiding, and that others were killed: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) Congress—

(A) condemns and deplores the arbitrary detention of Father Thaddeus Nguyen Van Ly by the Government of the Socialist Republic of Vietnam and calls for his immediate and unconditional release;

(B) condemns and deplores the violations of freedom of speech, religion, movement, association, and the lack of due process afforded to individuals in Vietnam;

(C) strongly urges the Government of Vietnam to consider the implications of its actions for the broader relationship between the United States and the Socialist Republic of Vietnam, including the impact on trade relations;

(D) urges the Government of Vietnam to allow unfettered access to the Central Highlands by foreign diplomats, the international press, and nongovernmental organizations; and

(E) condemns the extent of the violence used against Montagnard protesters on April 10 and 11, 2004, and the use of any violence against peaceful protests and demonstrations; and

(2) it is the sense of Congress that the United States—

(A) should make the immediate release of Father Ly a top concern;

(B) should continue to urge the Government of Vietnam to comply with internationally recognized standards for basic freedoms and human rights;

(C) should make it clear to the Government of Vietnam that the detention of Father Ly and other persons and the infliction of human rights violations on these individuals are not in the interest of Vietnam because they create obstacles to improved bilateral relations and cooperation with the United States; and

(D) should reiterate the deep concern of the United States regarding the continued imprisonment of Father Ly, and other persons whose human rights are being violated, and discuss their legal status and immediate humanitarian needs with the Government of Vietnam.

The SPEAKER pro tempore, Mr. HAYES, recognized Mr. SMITH of New Jersey and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. HAYES, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HAYES, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed, until later in the week.

¶48.17 SERVICEMEN'S READJUSTMENT 60TH ANNIVERSARY

Mr. SMITH of New Jersey moved to suspend the rules and pass the joint resolution (H.J. Res. 91) recognizing the 60th anniversary of the Servicemen's Readjustment Act of 1944.

The SPEAKER pro tempore, Mr. HAYES, recognized Mr. SMITH of New Jersey and Mr. MICHAUD, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said joint resolution?

The SPEAKER pro tempore, Mr. HAYES, announced that two-thirds of the Members present had voted in the affirmative.

Mr. MICHAUD demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HAYES, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until later in the week.

¶48.18 NATIONAL WORLD WAR II MEMORIAL

Mr. SMITH of New Jersey moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 409):

Whereas the National World War II Memorial on the National Mall in the District of Columbia will be the first national memorial to both recognize the courage, bravery, and unselfish dedication of the members of the United States Armed Forces who served in World War II and those who served on the home front and acknowledge the commitment and achievement of the entire American people in that conflict;

Whereas World War II veteran Roger Durbin of Berkey, Ohio, first proposed the construction of a National World War II memorial, and Congresswoman Marcy Kaptur of Ohio introduced legislation to establish the memorial in the District of Columbia to honor members of the Armed Forces who served in World War II and to commemorate the participation of the United States in that war;

Whereas, in Public Law 103–32 (107 Stat. 90; 40 U.S.C. 8903 note), approved May 25, 1993, Congress authorized the American Battle Monuments Commission, an independent Federal agency, to design and construct the memorial;

Whereas the location selected as the site for the memorial, the Rainbow Pool site on the National Mall at the east end of the Reflecting Pool between the Lincoln Memorial and the Washington Monument, was dedicated on November 11, 1995;

Whereas, in an open competition, the American Battle Monuments Commission selected Friedrich St. Florian as the design architect for the memorial, and his final architectural design was approved by the Commission of Fine Arts, the National Capital Planning Commission, and the Secretary of Interior;

Whereas the late Representative Bob Stump of Arizona, who served as Chairman of the Committee on Veterans' Affairs and the Committee on Armed Services of the House of Representatives, sponsored several measures to expedite the funding and construction of the memorial, which were enacted as sections 601, 602, and 603 of Public Law 106–117 and Public Law 107–11;

Whereas after eight years of planning, six years of public deliberation, and four years of fund raising, construction began on the memorial in September 2001;

Whereas the memorial would not have been possible without the efforts and dedication of National Chairman Senator Robert J. Dole and National Co-Chairman Frederick W. Smith, who were instrumental in raising over $194,000,000 for the construction of the memorial;

Whereas these generous contributions came from hundreds of thousands of individual Americans, as well as corporations, foundations, veterans groups, fraternal and professional organizations, States, communities, and schools;

Whereas actor Tom Hanks, the Advertising Council, and the History Channel played a key role in increasing public awareness of the heroic achievements of American World War II veterans and the war effort and in raising support for the memorial;

Whereas President George W. Bush will formally dedicate the memorial on May 29, 2004;

Whereas the memorial will be a monument to the selfless sacrifice and undaunted courage of the members of the United States Armed Forces who served in World War II and a place of remembrance to honor the more than 400,000 American servicemen and servicewomen who died in that conflict defending the United States; and

Whereas the memorial will be a source of inspiration for current and future generations of Americans, giving visitors to the memorial a new appreciation for the accomplishments of America's World War II generation, which united in the quest to free the world from tyranny: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress recognizes with humble gratitude the more than 16,000,000 veterans who served in the United States Armed Forces during World War II and the Americans who supported the war effort on the home front and celebrates the completion of the National World War II Memorial on the National Mall in the District of Columbia.

The SPEAKER pro tempore, Mr. HAYES, recognized Mr. SMITH of New Jersey and Mr. RYAN of Ohio, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. SIMMONS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. RYAN of Ohio demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SIMMONS, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until later in the week.

¶48.19 RECESS—5:55 P.M.

The SPEAKER pro tempore, Mr. SIMMONS, pursuant to clause 12(a) of rule I, declared the House in recess at 5 o'clock and 55 minutes p.m., until approximately 6:30 p.m.

¶48.20 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mr. MURPHY, called the House to order.

¶48.21 H.R. 4299—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. MURPHY, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4299) to designate the facility of the United States Postal Service located at 410 South Jackson Road in Edinburg, Texas, as the ''Dr. Miguel A. Nevarez Post Office Building''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 405 / Nays 0

¶48.22 [Roll No. 153]

YEAS—405

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stearns
Stenholm
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—28

Brown, Corrine
Buyer
Carter
DeMint
Dingell
Edwards
Gerlach
Gonzalez
Green (WI)
Hoeffel
Isakson
John
Kingston
Kucinich
Lipinski
Maloney
McNulty
Mollohan
Murtha
Reyes
Rohrabacher
Souder
Stark
Strickland
Stupak
Sweeney
Tauzin
Visclosky

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶48.23 H. RES. 622—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. MURPHY, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 622) supporting the goals and ideals of Peace Officers Memorial Day.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 404 / Nays 0

¶48.24 [Roll No. 154]

YEAS—404

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

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

NOT VOTING—29

Brown, Corrine
Buyer
Carter
Davis (TN)
DeMint
Dingell
Edwards
Feeney
Gerlach
Gonzalez
Green (WI)
Hoeffel
John
Kingston
Kucinich
Lipinski
Maloney
McNulty
Mollohan
Murtha
Reyes
Rohrabacher
Souder
Stark
Strickland
Stupak
Sweeney
Tauzin
Visclosky

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶48.25 H. RES. 577—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. MURPHY, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 577) recognizing 50 years of relations between the United States Government and the European Union; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 397 / Nays 7

¶48.26 [Roll No. 155]

YEAS—397

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stearns
Stenholm
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—7

Akin
Johnson, Sam
Jones (NC)
LaHood
Miller (FL)
Musgrave
Paul

NOT VOTING—29

Blackburn
Brown, Corrine
Buyer
Carter
DeMint
Dingell
Edwards
Gerlach
Gonzalez
Green (WI)
Hoeffel
John
Kingston
Kucinich
Lipinski
Lynch
McNulty
Mollohan
Murtha
Reyes
Rohrabacher
Souder
Stark
Strickland
Stupak
Sweeney
Tauzin
Visclosky
Weller

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶48.27 NOTICE—MOTION TO INSTRUCT CONFEREES—S. CON. RES. 95

Mr. POMEROY, pursuant to clause 7(c)(1) of rule XXII, announced his intention to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the House amendment to the concurrent resolution of the Senate (S. Con. Res. 95) setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009, to agree to the pay-

as-you-go enforcement provisions within the scope of the conference regarding direct spending increases and tax cuts in the House and Senate. In complying with this instruction, such managers shall be instructed to recede to the Senate on the provisions contained in section 408 of the Senate concurrent resolution (relating to the pay-as-you-go point of order regarding all legislation increasing the deficit as a result of direct spending increases and tax cuts).

¶48.28 MESSAGE FROM THE PRESIDENT—NATIONAL EMERGENCY WITH RESPECT TO SYRIA

The SPEAKER pro tempore, Mr. MURPHY, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Consistent with subsection 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b) (IEEPA), and section 301 of the National Emergencies Act, 50 U.S.C. 1631, I hereby report that I have issued an Executive Order (order) in which I declared a national emergency with respect to the threat constituted by certain actions of the Government of Syria. Further, in accordance with subsection 5(b) of the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (SAA), Public Law 108–75, this message also constitutes the report on my exercise of the waiver authority pursuant to that statute.

On December 12, 2003, I signed into law the SAA in order to strengthen the ability of the United States to effectively confront the threat to U.S. national security posed by Syria's support for terrorism, its military presence in Lebanon, its pursuit of weapons of mass destruction, and its actions to undermine U.S. and international efforts with respect to the stabilization and reconstruction of Iraq. These policies by the Government of Syria directly threaten regional stability and undermine the U.S. goal of a comprehensive Middle East peace. Despite many months of diplomatic efforts to convince the Government of Syria to change its behavior, Syria has not taken significant, concrete steps to address the full range of U.S. concerns, which were clearly conveyed by Secretary of State Powell to Syrian President Asad in May 2003. I find the actions, policies, and circumstances described above sufficiently grave to constitute a threat to the national security, foreign policy, and economy of the United States, and thus have declared a national emergency to address that threat.

In implementation of subsection 5(a) of the SAA, in the order I directed that action be taken to prohibit the export to Syria of products of the United States other than food and medicine, including but not limited to items on the United States Munitions List or Commerce Control List, and I prohibited commercial air services between Syria and the United States by aircraft of any air carrier owned or controlled by Syria, as well as certain non-traffic stops by such aircraft.

It is important to the national security interests of the United States, however, that certain discrete categories of exports continue in order to support activities of the United States Government and United Nations agencies, to facilitate travel by United States persons, for certain humanitarian purposes, to help maintain aviation safety, and to promote the exchange of information. Also, it is important to U.S. national security interests that aviation-related sanctions take into account humanitarian and diplomatic concerns as well as the international obligations of the United States.

Accordingly, I have waived the application of subsections 5(a)(1) and 5(a)(2)(A) of the SAA to permit the export and reexport of: products in support of activities of the United States Government to the extent that such exports would not otherwise fall within my constitutional authority to conduct the Nation's foreign affairs and protect national security; medicines on the Commerce Control List and medical devices; aircraft parts and components for purposes of flight safety; exports and reexports consistent with the 5(a)(2)(D) waiver outlined below; information and informational materials, as well as telecommunications equipment and associated items to promote the free flow of information; certain software and technology; products in support of United Nations operations; and, certain exports and reexports of a temporary nature. These items are further identified in the Department of Commerce's General Order No. 2, as issued consistent with my order. I have also waived the application of subsection 5(a)(2)(D) to permit the following with respect to aircraft of any air carrier owned or controlled by Syria: takeoffs or landings of such aircraft when chartered by the Government of Syria to transport Syrian government officials to the United States on official Syrian government business; takeoffs or landings for non-traffic stops of such aircraft that are not engaged in scheduled international air services; takeoffs and landings associated with an emergency; and overflights of U.S. territory.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 11, 2004*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 108–184).

¶48.29 PROVIDING FOR THE CONSIDERATION OF H.R. 4275

Mr. SESSIONS, by direction of the Committee on Rules, reported (Rept. No. 108–483) the resolution (H. Res. 637) providing for consideration of the bill (H.R. 4275) to amend the Internal Revenue Code of 1986 to permanently extend the 10-percent individual income tax rate printed.

When said resolution and report were referred to the House Calendar and ordered printed.

¶48.30 PROVIDING FOR THE CONSIDERATION OF H.R. 4279, H.R. 4280, AND H.R. 4281

Mr. SESSIONS, by direction of the Committee on Rules, reported (Rept. No. 108–484) the resolution (H. Res. 638) providing for consideration of the bill (H.R. 4279) to amend the Internal Revenue Code of 1986 to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements; for consideration of the bill (H.R. 4280) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system; and for consideration of the bill (H.R. 4281) to amend title I of the Employees Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees.

When said resolution and report were referred to the House Calendar and ordered printed.

¶48.31 NOTICE—MOTION TO INSTRUCT CONFEREES—H.R. 2660

Mr. George MILLER of California, pursuant to clause 7(c)(1) of rule XXII, announced his intention to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2660) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, to insist on reporting an amendment to prohibit the Department of Labor from using funds under the Act to implement any portion of a regulation that would make any employee ineligible for overtime pay who would otherwise qualify for overtime pay under regulations under section 13 of the Fair Labor Standards Act in effect September 3, 2003, except that nothing in the amendment shall affect the increased salary requirements provided in such regulations as specified in section 541 of title 29 of the Code of Federal Regulations, as promulgated on April 23, 2004.

¶48.32 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. KINGSTON, for today;

To Mr. McNULTY, for today;

To Mr. REYES, for today and balance of the week;

To Mr. ROHRBACHER, for today;

To Mr. STUPAK, for today; and

To Mr. TAUZIN, for today and balance of the week.

And then,

¶48.33 ADJOURNMENT

On motion of Mr. BURGESS, at 11 o'clock and 48 minutes p.m., the House adjourned.

¶48.34 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 3879. A bill to authorize appropriations for the Coast Guard for fiscal year 2005, to amend various laws administered by the Coast Guard, and for other purposes; with amendments (Rept. 108–482). Referred to the Committee of the Whole House on the State of the Union.

Mr. SESSIONS: Committee on Rules. House Resolution 637. Resolution providing for consideration of the bill (H.R. 4275) to amend the Internal Revenue Code of 1986 to permanently extend the 10-percent individual income tax rate bracket (Rept. 108–483). Referred to the House Calendar.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 638. Resolution providing for consideration of the bill (H.R. 4279) to amend the Internal Revenue Code of 1986 to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements; for consideration of the bill (H.R. 4280) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on health care delivery system; and for consideration of the bill (H.R. 4281) to amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small business with respect to medical care for their employees (Rept. 108–484). Referred to the House Calendar.

¶48.35 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HUNTER (for himself and Mr. COX):

H.R. 4322. A bill to provide for the establishment of the headquarters for the Department of Homeland Security in the District of Columbia, to require the transfer of administrative jurisdiction over the Nebraska Avenue Naval Complex in the District of Columbia to serve as the location for the headquarters, to facilitate the acquisition by the Department of the Navy of suitable replacement facilities, and for other purposes; to the Committee on Armed Services.

By Mr. HUNTER (for himself, Mr. SKELTON, and Mr. TOM DAVIS of Virginia):

H.R. 4323. A bill to amend title 10, United States Code, to provide rapid acquisition authority to the Secretary of Defense to respond to combat emergencies; to the Committee on Armed Services.

By Mr. TOM DAVIS of Virginia (for himself, Mrs. JO ANN DAVIS of Virginia, and Mr. MURPHY):

H.R. 4324. A bill to amend title 5, United States Code, to eliminate the provisions limiting certain election opportunities available to individuals participating in the Thrift Savings Plan, and for other purposes; to the Committee on Government Reform.

By Ms. BALDWIN (for herself, Mr. TIERNEY, Mr. MCDERMOTT, Ms. SCHAKOWSKY, Mr. GRIJALVA, Mr. CONYERS, Ms. LEE, Ms. JACKSON-LEE of Texas, and Mr. OBEY):

H.R. 4325. A bill to guarantee for all Americans quality, affordable, and comprehensive health insurance coverage; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURGESS:

H.R. 4326. A bill to authorize an outpatient clinic to be established in Denton, Texas, for the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. CLAY (for himself, Mr. AKIN, Mr. GEPHARDT, Mr. SKELTON, Ms. MCCARTHY of Missouri, Mr. GRAVES, Mr. BLUNT, Mrs. EMERSON, and Mr. HULSHOF):

H.R. 4327. A bill to designate the facility of the United States Postal Service located at 7450 Natural Bridge Road in St. Louis, Missouri, as the ''Vitilas 'Veto' Reid Post Office Building''; to the Committee on Government Reform.

By Mr. FORBES:

H.R. 4328. A bill to suspend temporarily the duty on 3-Cyclohexene-1-carboxylic acid, 6-[(di-2-propenylamino)carbonyl]-,(1R,6R)-rel-, reaction products with pentafluoroiodoethane-tetrefluoroethylene telomer, ammonium salt; to the Committee on Ways and Means.

By Mr. FORBES:

H.R. 4329. A bill to suspend temporarily the duty on Glycine, N,N-Bis[2-hydroxy-3-(2-propenyloxy)propyl]-, monosodium salt, reaction products with ammonium hydroxide and pentafluoroiodoethane-tetrafluoroethylyene telomer; to the Committee on Ways and Means.

By Mr. FORBES:

H.R. 4330. A bill to suspend temporarily the duty on 5,5-bis[(y,w-perfluoroC4-20alkylthio)methyl]-2-hydroxy-2-oxo -1,3,2-dioxaphosphorinane, ammonium salt and 2,2-bis[(y,w-perfluoroC4-20alkylthio)methyl]-3-hydroxy proply phosphate, di-ammonium salt and Di-[2,2-bis@(y,w-perfluoroC4-20alkylthio)methyl]-3-hydroxy proply phosphate, ammonium salt and 2,2-bis[(y,w-perfluoroC4-20alkylthio)methyl]-1,3-di-(dihydro genphosphate)-propane, tetra-ammonium salt; to the Committee on Ways and Means.

By Mr. FORBES:

H.R. 4331. A bill to suspend temporarily the duty on 1(3H)-Isobenzofuranone, 3,3-bis(2-methyl-1-octyl-1H-indol-3-yl)-; to the Committee on Ways and Means.

By Mr. GIBBONS (for himself, Mr. PORTER, and Ms. BERKLEY):

H.R. 4332. A bill to provide for the proper development of Federal lands in Clark County, Nevada, to best promote public welfare and economic development consistent with surrounding airport usage; to the Committee on Resources.

By Ms. HOOLEY of Oregon (for herself, Mr. STENHOLM, Mr. CASE, Mr. EMANUEL, Mr. GRIJALVA, Mr. FARR, Mr. HOEFFEL, Mr. MCINTYRE, Mr. DEFAZIO, Mr. SANDLIN, Mr. TOWNS, and Ms. LEE):

H.R. 4333. A bill to provide for homeland security grant coordination and simplification, and for other purposes; to the Committee on Homeland Security (Select), and in addition to the Committees on Transportation and Infrastructure, the Judiciary, Energy and Commerce, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. KELLY (for herself and Mr. SWEENEY):

H.R. 4334. A bill to establish a Tick-Borne Disorders Advisory Committee, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. MCCARTHY of New York (for herself, Mr. KING of New York, and Mr. ISRAEL):

H.R. 4335. A bill to amend the Public Health Service Act to provide for a program of screenings and education regarding children with sudden cardiac arrhythmia syndromes; to the Committee on Energy and Commerce.

By Ms. NORTON:

H.R. 4336. A bill to amend part C of title XVIII of the Social Security Act to prohibit the operation of the Medicare comparative cost adjustment (CCA) program in the District of Columbia; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PEARCE:

H.R. 4337. A bill to amend title 49, United States Code, relating to the assurance required of owners and operators of airports with respect to long-term leases for construction of hangars; to the Committee on Transportation and Infrastructure.

By Mr. PLATTS (for himself, Mrs. JO ANN DAVIS of Virginia, Mr. AKIN, Mr. GREEN of Wisconsin, Mr. ROSS, Mr. BARRETT of South Carolina, and Mr. GRIJALVA):

H.R. 4338. A bill to amend the Internal Revenue Code of 1986 to provide that the credit for adoption expenses shall be permanent and to repeal the 5-year limitation on carry forwards of unused credit; to the Committee on Ways and Means.

By Mr. PLATTS (for himself, Mr. FROST, Mr. WYNN, Mr. GREEN of Wisconsin, Mr. WELDON of Pennsylvania, and Mr. ROGERS of Kentucky):

H.R. 4339. A bill to amend the Internal Revenue Code of 1986 to allow volunteer firefighters a deduction for personal safety clothing; to the Committee on Ways and Means.

By Mr. SWEENEY (for himself and Mr. MCNULTY):

H.R. 4340. A bill to require investigations by institutions of higher education of violent felonies occurring on campus; to the Committee on Education and the Workforce.

By Mr. YOUNG of Alaska (for himself and Mr. OBERSTAR):

H. Con. Res. 420. Concurrent resolution applauding the men and women who keep America moving and recognizing National Transportation Week; to the Committee on Transportation and Infrastructure.

By Mr. MCGOVERN (for himself and Mr. LEACH):

H. Res. 636. A resolution expressing the sense of the House of Representatives encouraging the active engagement of the United States in world affairs and urging the Secretary of State to coordinate with implementing partners to create an online database of international exchange programs and related opportunities; to the Committee on International Relations.

By Mr. SESSIONS:

H. Res. 637. A resolution providing for consideration of the bill (H.R. 4275) to amend the Internal Revenue Code of 1986 to permanently extend the 10-percent individual income tax rate bracket.

By Ms. PRYCE of Ohio:

H. Res. 638. A resolution providing for consideration of the bill (H.R. 4279) to amend the Internal Revenue Code of 1986 to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements; for consideration of the bill (H.R. 4280) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system; and for consideration of the bill (H.R. 4281) to amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees.

¶48.36 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. GOSS and Mr. SESSIONS.
H.R. 63: Mr. SIMMONS.
H.R. 66: Mr. SIMMONS.
H.R. 117: Mr. TERRY.
H.R. 218: Mr. CHANDLER.
H.R. 371: Mr. ABERCROMBIE, Mr. HOLDEN, Mr. DICKS, and Ms. LEE.
H.R. 450: Mr. MICHAUD.
H.R. 463: Mr. MCCOTTER.
H.R. 504: Mr. MORAN of Virginia.
H.R. 770: Ms. JACKSON-LEE of Texas.
H.R. 857: Ms. JACKSON-LEE of Texas.
H.R. 996: Mr. BOOZMAN, Mr. FEENEY, Mr. BOSWELL, Mr. BONNER, Mr. GRAVES, and Mr. HOSTETTLER.
H.R. 997: Mr. HEFLEY.
H.R. 1057: Mr. BISHOP of Utah, Mr. HINCHEY, and Mr. SNYDER.
H.R. 1101: Mr. COOPER.
H.R. 1120: Mr. BOSWELL.
H.R. 1231: Mr. STARK.
H.R. 1258: Ms. DEGETTE.
H.R. 1288: Mr. ROSS and Mr. RUPPERSBERGER.
H.R. 1306: Mr. CLAY.
H.R. 1414: Mr. UDALL of Colorado.
H.R. 1478: Mr. RUPPERSBERGER.
H.R. 1613: Mr. RANGEL, Mr. ACEVEDO-VILA, Mr. ORTIZ, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MAJETTE, Mr. REYES, and Mr. FORD.
H.R. 1653: Mr. DEMINT.
H.R. 1735: Mrs. LOWEY, Mr. UDALL of Colorado, Mr. CALVERT, and Ms. SCHAKOWSKY.
H.R. 1811: Mr. MCCOTTER and Ms. NORTON.
H.R. 1935: Mr. SCHIFF.
H.R. 1981: Mr. ACEVEDO-VILA.
H.R. 2213: Ms. SOLIS.
H.R. 2323: Mr. MCHUGH.
H.R. 2404: Mr. YOUNG of Florida.
H.R. 2490: Ms. WOOLSEY.
H.R. 2525: Ms. LINDA T. SANCHEZ of California.
H.R. 2728: Mr. BARRETT of South Carolina.
H.R. 2729: Mr. BARRETT of South Carolina.
H.R. 2730: Mr. BARRETT of South Carolina.
H.R. 2731: Mr. BARRETT of South Carolina.
H.R. 2759: Mr. LANGEVIN.
H.R. 2773: Ms. MILLENDER-MCDONALD, Ms. BORDALLO, Mr. GREEN of Texas, and Ms. JACKSON-LEE of Texas.
H.R. 2801: Mr. MCDERMOTT, Ms. WATSON, and Mr. FILNER.
H.R. 2821: Mr. BARTLETT of Maryland and Mrs. WILSON of New Mexico.
H.R. 2929: Mr. GONZALEZ.
H.R. 2933: Mr. OSBORNE.
H.R. 2967: Mr. MILLER of North Carolina.
H.R. 3000: Ms. NORTON.
H.R. 3103: Mr. SHAYS.
H.R. 3309: Mr. FALEOMAVAEGA and Mr. PASTOR.
H.R. 3313: Mr. DEMINT, Mr. HUNTER, Mr. HERGER, Mr. POMBO, Mr. HALL, and Mr. KINGSTON.
H.R. 3352: Mr. HOLT.
H.R. 3378: Mr. ENGEL, Mr. CRENSHAW, and Mr. BLUMENAUER.
H.R. 3424: Mr. WEINER, Ms. WATSON, and Mr. GREEN of Texas.
H.R. 3425: Mr. KIND, Ms. KAPTUR, and Mr. DELAHUNT.
H.R. 3459: Ms. DELAURO, Mr. NADLER, and Mr. FRANK of Massachusetts.
H.R. 3473: Mrs. CUBIN, Mr. SMITH of Texas, and Mr. HOLDEN.
H.R. 3474: Mr. BURR and Mr. FOLEY
H.R. 3545: Mr. RANGEL.
H.R. 3573: Mr. BURTON of Indiana.
H.R. 3582: Mr. WATT.
H.R. 3602: Mr. BAKER, Mr. MCDERMOTT, and Mr. PLATTS.
H.R. 3609: Mr. CRANE.
H.R. 3615: Ms. BERKLEY, Mr. MARKEY, Mr. WYNN, Ms. KAPTUR, Mr. EMANUEL, Ms. LOFGREN, and Mr. WEXLER.
H.R. 3716: Mr. COSTELLO, Mr. MILLER of Florida, and Mr. COBLE.
H.R. 3739: Mr. FOLEY.
H.R. 3777: Mr. HOEKSTRA.
H.R. 3779: Mr. WEXLER.
H.R. 3795: Ms. MILLENDER-MCDONALD, Mr. GONZALEZ, Mr. OSBORNE, and Mr. MENENDEZ.
H.R. 3798: Mr. UDALL of Colorado.
H.R. 3802: Mr. DAVIS of Illinois and Mr. ABERCROMBIE.
H.R. 3815: Mr. KILDEE and Mr. GREEN of Texas.
H.R. 3831: Mr. FERGUSON.
H.R. 3832: Mr. SHERMAN.
H.R. 3849: Mr. SMITH of Washington and Mr. UDALL of New Mexico.
H.R. 3880: Mrs. MILLER of Michigan.
H.R. 3881: Mr. MILLER of North Carolina, Mr. LANGEVIN, Mr. UDALL of New Mexico, Mr. GONZALEZ, Mr. SNYDER, Mrs. DAVIS of California, Mr. ISRAEL, Mrs. MCCARTHY of New York, Mr. MCINTYRE, Ms. KAPTUR, Mr. RODRIGUEZ, and Mr. HASTINGS of Florida.
H.R. 3927: Mr. ROTHMAN.
H.R. 3951: Mr. BERRY.
H.R. 3952: Ms. GINNY BROWN-WAITE of Florida, Mr. NEY, and Mr. BURGESS.
H.R. 3956: Mr. WEINER.
H.R. 3963: Mrs. LOWEY.
H.R. 3965: Mr. LANTOS, Ms. CARSON of Indiana, Mr. WYNN, Ms. SCHAKOWSKY, Ms. LOFGREN, Mr. POMEROY, Mr. GREEN of Texas, and Mr. ACEVEDO-VILA.
H.R. 3974: Ms. LEE.
H.R. 3980: Mr. GOODLATTE.
H.R. 3988: Mr. JEFFERSON, Ms. LEE, Mr. RODRIGUEZ, Mr. MEEKS of New York, and Mr. GUTIERREZ.
H.R. 4011: Mr. BALLENGER, Mr. HONDA, and Mr. EVANS.
H.R. 4039: Mr. JONES of North Carolina, Mr. RODRIGUEZ, Mr. BRADY of Pennsylvania, and Mr. WELDON of Pennsylvania.
H.R. 4057: Mrs. BIGGERT.
H.R. 4067: Mr. LANTOS, Mr. FATTAH, Mr. CLAY, and Ms. SCHAKOWSKY.
H.R. 4101: Mr. CASE, Mr. SABO, and Mr. BLUMENAUER.
H.R. 4155: Mr. BISHOP of New York, Mr. LAMPSON, Mr. NADLER, and Mrs. MALONEY.
H.R. 4156: Mr. MCDERMOTT.
H.R. 4182: Mr. LEVIN and Mr. MENENDEZ.
H.R. 4187: Mr. BRADLEY of New Hampshire.
H.R. 4204: Mr. ACEVEDO-VILA.
H.R. 4205: Mrs. BONO.
H.R. 4206: Mr. BOEHLERT and Mr. HOLT.
H.R. 4233: Mr. RUPPERSBERGER and Mr. ALEXANDER.
H.R. 4235: Mr. MCNULTY and Mr. WEXLER.
H.R. 4260: Mr. ACEVEDO-VILA, Ms. BORDALLO, Mr. PALLONE, Mr. CASE, and Mr. SANDERS.
H.R. 4275: Mr. MCCOTTER, Mr. WOLF, Mr. SENSENBRENNER, Mr. WELDON of Florida, Mr. GREEN of Wisconsin, Mr. BARTLETT of Maryland, Mr. BOOZMAN, Mr. RYAN of Wisconsin, Mr. JONES of North Carolina, Mr. SOUDER, Mr. GILCHREST, Mr. WELLER, Mr. FORBES, Mr. BEAUPREZ, Mr. GILLMOR, Mr. TERRY, Mr. ISAKSON, Mr. MILLER of Florida, Mr. BOEHLERT, Mr. ROGERS of Alabama, Mrs. CAPITO, Ms. HART, Mr. KNOLLENBERG, Mr. BOEHNER, Mr. PENCE, Mr. KELLER, and Mr. PUTNAM.
H.R. 4279: Mrs. MILLER of Michigan, Mr. CRANE, Mr. MCINNIS, Mr. SAM JOHNSON of Texas, Mrs. CAPITO, Mr. GINGREY, Mr. MCCOTTER, Mr. BOEHNER, Mrs. BIGGERT, Mr. PAUL, Mr. MILLER of Florida, and Mr. CANTOR.
H.R. 4280: Mr. SHAYS, Mrs. BIGGERT, Mrs. MILLER of Michigan, Mr. CRANE, Mr. BURTON of Indiana, Mr. SAM JOHNSON of Texas, Mr. SHUSTER, Mr. MCINNIS, Mrs. CAPITO, Mr. GINGREY, Mr. BURNS, Mr. BURGESS, Mr. MURTHA, Mr. PITTS, Mr. BOEHNER, Mr. KELLER, Mr. GOODE, and Mr. HAYWORTH.
H.R. 4281: Mr. SHAYS, Mr. KOLBE, Mrs. MILLER of Michigan, Mr. CRANE, Mr. BALLENGER, Mr. GREENWOOD, Mrs. CAPITO, Mrs. BLACKBURN, Mr. PEARCE, Mr. MCINNIS, Mr. BURGESS, and Mr. KELLER.
H.R. 4284: Mr. HAYWORTH.
H.R. 4295: Mr. MORAN of Kansas.
H.R. 4313: Ms. SCHAKOWSKY, Mr. NEAL of Massachusetts, and Mr. KUCINICH.
H.J. Res. 62: Mr. RANGEL.
H.J. Res. 91: Mr. DINGELL, Mr. RODRIGUEZ, and Mr. MCCOTTER.
H.J. Res. 93: Mr. SKELTON.
H. Con. Res. 247: Mr. BAKER.
H. Con. Res. 257: Ms. CORRINE BROWN of Florida and Mr. BURGESS.
H. Con. Res. 311: Mr. KING of New York.
H. Con. Res. 319: Mr. HONDA and Mr. GORDON.
H. Con. Res. 356: Mr. BRADY of Pennsylvania.
H. Con. Res. 363: Mr. GALLEGLY.
H. Con. Res. 366: Mrs. DAVIS of California, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MORAN of Virginia, and Mr. SMITH of New Jersey.
H. Con. Res. 381: Mr. BRADLEY of New Hampshire, Mr. ANDREWS, and Mr. ROTHMAN.
H. Con. Res. 392: Ms. LINDA T. SANCHEZ of California, Mr. LEWIS of Georgia, Mr. HOLT, Mr. RANGEL, Mr. ALLEN, and Mrs. CHRISTENSEN.
H. Con. Res. 403: Mr. UDALL of Colorado, Mr. EVANS, and Mr. SCHIFF.
H. Con. Res. 409: Mr. MCCOTTER, Mr. KIND, Mr. RADANOVICH, and Ms. ROS-LEHTINEN.
H. Con. Res. 410: Mr. PAYNE.
H. Con. Res. 414: Mr. RYUN of Kansas, Mr. COX, Mr. CANTOR, Mr. TOM DAVIS of Virginia, and Mr. BROWN of South Carolina.
H. Res. 103: Mr. MCCOTTER.
H. Res. 142: Mr. HONDA.
H. Res. 466: Mr. CASE and Mr. ROTHMAN.
H. Res. 550: Mr. PRICE of North Carolina, Mr. CAPUANO, Mr. DAVIS of Illinois, Mr. DOYLE, Ms. ESHOO, Mr. DINGELL, and Mr. BELL.
H. Res. 573: Mr. LEVIN, Mr. KILDEE, Mr. CAMP, Mr. MCCOTTER, Mrs. MALONEY, Mr. STUPAK, Mr. CONYERS, and Mr. DINGELL.
H. Res. 596: Mr. HUNTER.
H. Res. 604: Mr. MCGOVERN, Mr. RODRIGUEZ, Mr. CRAMER, and Mr. LANTOS.
H. Res. 608: Mr. GOODE, Mr. SCHROCK, Mr. JOHNSON of Illinois, Mr. NEY, Mr. BOOZMAN, Mr. VITTER, Ms. DELAURO, Mr. HAYES, Mr. MILLER of Florida, Mr. ROGERS of Alabama, Mr. DOOLITTLE, Ms. HARRIS, Mr. PORTER, Mr. BURNS, Mr. GINGREY, Mr. SMITH of New Jersey, Mrs. JO ANN DAVIS of Virginia, Ms. BORDALLO, Mr. ROYCE, Mr. DEMINT, Mr. COX, Mr. JONES of North Carolina, Mr. MCCOTTER, Mr. FERGUSON, Mr. BARTLETT of Maryland, and Mr. PETRI.
H. Res. 612: Mr. SCHROCK and Mrs. JO ANN DAVIS of Virginia.
H. Res. 613: Mr. MORAN of Virginia, Mr. ROHRABACHER, Mr. ROYCE, and Mr. WOLF.
H. Res. 615: Ms. BERKLEY, Mr. NORWOOD, Mr. BURR, Mr. FILNER, Mr. KING of New York, and Mr. BROWN of South Carolina.
H. Res. 616: Mr. KING of New York.
H. Res. 617: Mr. SMITH of New Jersey, Mr. CHANDLER, Mr. ENGEL, Mr. BERMAN, Mr. WEXLER, Mr. CHABOT, Mr. SHIMKUS, Mr. BURTON of Indiana, Mr. MCNULTY, Mr. SHERMAN, Ms. BERKLEY, Mr. NORWOOD, Mr. KING of New York, Mr. BROWN of South Carolina, and Mr. SAXTON.
H. Res. 622: Mr. PORTER.
H. Res. 625: Mr. COX.
H. Res. 626: Mr. GRIJALVA and Mr. BRADY of Pennsylvania.

WEDNESDAY, MAY 12, 2004 (49)

¶49.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. LAHOOD,

who laid before the House the following communication:

WASHINGTON, DC,
May 12, 2004.

I hereby appoint the Honorable RAY LAHOOD to act as Speaker pro tempore on this day.

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

¶49.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. LAHOOD, announced he had examined and approved the Journal of the proceedings of Tuesday, May 11, 2004.

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

¶49.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

8120. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Mississippi Sound, Pascagoula, MS [COTP Mobile-04-007] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8121. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Hathaway Highway 98 Bridge, Panama City, FL [COTP Mobile-04-008] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8122. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Bayou Teche, 2 miles south of the Nelson Bridge extending to 3 miles north of the Nelson Bridge, New Iberia, LA [COTP Morgan City-03-007] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8123. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Bayou Penchant, Amelia, LA [COTP Morgan City-03-008] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8124. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Houma Navigational Canal between the 2-Mile Board and the Cat Island Sea Buoy, Cocodrie, LA [COTP Morgan City-04-002] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8125. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; 50 feet North and South of the Burlington Northern Sante Fe (BNSF) Railroad Bridge, Morgan City Port Allen Landslide Route, Bayou Boeuf, Mile 1.5, Amelia, LA [COTP Morgan City-04-003] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8126. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Ouachita River, Mile Marker 168.0 to 168.7, Monroe, LA [COTP New Orleans-03-030] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8127. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Ouachita River, Mile Marker 109.70 to 110.20, Columbia, LA [COTP New Orleans-03-032] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8128. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Lower Mississippi River, Mile Marker 94.0 to 96.0, Above Head of Passes, New Orleans, LA [COTP New Orleans-03-033] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8129. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zones; Lower Mississippi River Mile Markers 89.0 to 103.0 and 229.0 to 235.0, Above Head of Passes, LA [COTP nEw Orleans-03-035] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8130. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Treasure Chest Casino, Lake Pontchartrain, Kenner, LA [COTP New Orleans-04-001] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8131. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; South Shore, Lake Pontchartrain, Metairie, LA [COTP New Orleans-04-002] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8132. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Lower Mississippi River, Mile 430.0 to Mile 0.0, Head of Passes, LA [COTP New Orleans-04-003] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8133. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Lower Mississippi River, Mile Marker 94.0 to 96.0, Above Head of Passes, New Orleans, LA [COTP New Orleans-04-004] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8134. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Inner Harbor Navigational Canal, New Orleans, LA [COTP New Orleans-04-005] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8135. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Krewe of Choctaw Boat Parade, Lower Mississippi River, Mile 94.8 to Mile 96.8, Above Head of Passes, New Orleans, LA [COTP New Orleans-04-006] (RIN: 1625-AA00) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8136. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757-200 and -200CB Series Airplanes [Docket No. 2000-NM-404-AD; Amendment 39-13551; AD 2004-07-07] (RIN: 2120-AA64) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8137. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9-15 Airplane [Docket No. 2003-NM-31-AD; Amendment 39-13552; AD 2004-07-08] (RIN: 2120-AA64) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8138. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9-14, DC-9-15, DC-9-15F, DC-9-31, DC-9-32, DC-9-32 (VC-9C), DC-9-32F, DC-9-32F (C-9A, C-9B), CD-9-33F, DC-9-34, and DC-9-34F Airplanes; and Model DC-9-21, DC-9-41, and DC-9-51 Series Airplanes [Docket No. 2003-NM-58-AD; Amendment 39-13548; AD 2004-07-04] (RIN: 2120-AA64) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8139. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; AeroSpace Technologies of Australia Pty Ltd Airplanes [Docket No. 2000-CE-43-AD; Amendment 39-13536; AD 2004-06-10] (RIN: 2120-AA64) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8140. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700& 701), and CL-600-2D24 (Regional Jet Series 900) Series Airplanes [Docket No. 2004-NM-41-AD; Amendment 39-13545; AD 2004-07-01] (RIN: 2120-AA64) received April 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶49.4 PROVIDING FOR THE CONSIDERATION OF H.R. 4279, H.R. 4280, AND H.R. 4281

Ms. PRYCE of Ohio, by direction of the Committee on Rules, called up the following resolution (H. Res. 638):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4279) to amend the Internal Revenue Code of 1986 to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution, if offered by Representative Rangel of New York or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one

hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 2. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4280) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce; and (2) one motion to recommit.

SEC. 3. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4281) to amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; (2) the amendment in the nature of a substitute printed in part B of the report of the Committee on Rules, if offered by Representative Kind of Wisconsin or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 4. (a) In the engrossment of H.R. 4279, the Clerk shall—

(1) await the disposition of H.R. 4280 and H.R. 4281;

(2) add the respective texts of H.R. 4280 and H.R. 4281, as passed by the House, as new matter at the end of H.R. 4279;

(3) conform the title of H.R. 4279 to reflect the addition of the text of H.R. 4280 or H.R. 4281 to the engrossment;

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

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

(b) Upon the addition of the text of H.R. 4280 or H.R. 4281 to the engrossment of H.R. 4279, H.R. 4280 or H.R. 4281 (as the case may be) shall be laid on the table.

(c) If H.R. 4279 is disposed of without reaching the stage of engrossment as contemplated in subsection (a), H.R. 4280 shall be treated in the manner specified for H.R. 4279 in subsections (a) and (b), and only H.R. 4281 shall be laid on the table.

When said resolution was considered.

After debate,

On motion of Ms. PRYCE of Ohio, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Ms. SLAUGHTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶49.5 PROVIDING FOR THE CONSIDERATION OF H.R. 4275

Mr. SESSIONS, by direction of the Committee on Rules, called up the following resolution (H. Res. 637):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4275) to amend the Internal Revenue Code of 1986 to permanently extend the 10-percent individual income tax rate bracket. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Rangel of New York or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

Mr. SESSIONS moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Mr. FROST objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 221 / Nays ..... 203 }

¶49.6 [Roll No. 156]

YEAS—221

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

NAYS—203

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)

Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—9

Burton (IN)
Davis (FL)
DeFazio
DeMint
Gallegly
John
McNulty
Reyes
Tauzin

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶49.7 H. RES. 638—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced the unfinished business to be the question on the motion ordering the previous question on the resolution (H. Res. 638) providing for consideration of the bill (H.R. 4279) to amend the Internal Revenue Code of 1986 to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements; for consideration of the bill (H.R. 4280) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system; and for consideration of the bill (H.R. 4281) to amend title I of the Employees Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 222 / Nays ..... 202 }

¶49.8 [Roll No. 157]

YEAS—222

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

NAYS—202

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—9

Cooper
Davis (FL)
DeMint
Emerson
Gallegly
McNulty
Reyes
Tauzin
Tiahrt

So the previous question was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Ms. SLAUGHTER demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 224 / Nays ..... 203 }

¶49.9 [Roll No. 158]

AYES—224

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly

Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—203

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—6

DeMint
Dunn
Gutknecht
McNulty
Reyes
Tauzin

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶49.10 MOTION TO INSTRUCT CONFEREES—H.R. 2660

Mr. George MILLER of California submitted the privileged motion to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2660) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, to insist on reporting an amendment to prohibit the Department of Labor from using funds under the Act to implement any portion of a regulation that would make any employee ineligible for overtime pay who would otherwise qualify for overtime pay under regulations under section 13 of the Fair Labor Standards Act in effect September 3, 2003, except that nothing in the amendment shall affect the increased salary requirements provided in such regulations as specified in section 541 of title 29 of the Code of Federal Regulations, as promulgated on April 23, 2004.

Pending consideration of said motion,

Mr. DELAY moved to lay the motion on the table.

The question being put, viva voce,

Will the House lay on the table the motion?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Mr. George MILLER of California demanded a recorded vote on the motion to lay on the table the motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 222 / Nays 205

¶49.11 [Roll No. 159]

AYES—222

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

NOES—205

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson

Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—6

DeMint
English
McNulty
Reyes
Ross
Tauzin

So the motion to lay the motion on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶49.12 H. RES. 608—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 608) expressing the sense of the House of Representatives that the Department of Defense should rectify deficiencies in the military postal system to ensure that members of the Armed Forces stationed overseas are able to receive and send mail in a timely manner as well as receive and send election ballots in time to be counted in the 2004 elections.

The question being put,

Will the House suspend the rules and agree to resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 421 / Nays 0

¶49.13 [Roll No. 160]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—12

DeMint
Gutierrez
Issa
Larson (CT)
Lipinski
McNulty
Oberstar
Regula
Reyes
Sessions
Tauzin
Tiahrt

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶49.14 DISPOSITION OF HEALTH BENEFITS

Mr. MCCRERY, pursuant to House Resolution 638, called up the bill (H.R. 4279) to amend the Internal Revenue Code of 1986 to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements.

When said bill was considered and read twice.

After debate,

Pursuant to House Resolution 638, the following amendment in the nature of a substitute, printed in Part A of House Report 108-484, was submitted by Mr. STARK:

Strike all after the enacting clause and insert the following:

TITLE I—DISPOSITION OF UNUSED HEALTH BENEFITS IN CAFETERIA PLANS AND FLEXIBLE SPENDING ARRANGEMENTS

SEC. 101. DISPOSITION OF UNUSED HEALTH BENEFITS IN CAFETERIA PLANS AND FLEXIBLE SPENDING ARRANGEMENTS.

(a) IN GENERAL.—Section 125 of the Internal Revenue Code of 1986 (relating to cafeteria plans) is amended by redesignating subsections (h) and (i) as subsections (i) and (j), respectively, and by inserting after subsection (g) the following:

''(h) CONTRIBUTIONS OF CERTAIN UNUSED HEALTH BENEFITS.—

''(1) IN GENERAL.—For purposes of this title, a plan or other arrangement shall not fail to be treated as a cafeteria plan solely because qualified benefits under such plan include a health flexible spending arrangement under which not more than $500 of unused health benefits may be carried forward to the succeeding plan year of such health flexible spending arrangement.

''(2) HEALTH FLEXIBLE SPENDING ARRANGEMENT.—For purposes of this subsection, the term 'health flexible spending arrangement' means a flexible spending arrangement (as defined in section 106(c)) that is a qualified

benefit and only permits reimbursement for expenses for medical care (as defined in section 213(d)(1), without regard to subparagraphs (C) and (D) thereof).

''(3) UNUSED HEALTH BENEFITS.—For purposes of this subsection, with respect to an employee, the term 'unused health benefits' means the excess of—

''(A) the maximum amount of reimbursement allowable to the employee for a plan year under a health flexible spending arrangement, over

''(B) the actual amount of reimbursement for such year under such arrangement.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2003.

TITLE II—ENRON-RELATED TAX SHELTER PROVISIONS

SEC. 201. LIMITATION ON TRANSFER OR IMPORTATION OF BUILT-IN LOSSES.

(a) IN GENERAL.—Section 362 of the Internal Revenue Code of 1986 (relating to basis to corporations) is amended by adding at the end the following new subsection:

''(e) LIMITATIONS ON BUILT-IN LOSSES.—

''(1) LIMITATION ON IMPORTATION OF BUILT-IN LOSSES.—

''(A) IN GENERAL.—If in any transaction described in subsection (a) or (b) there would (but for this subsection) be an importation of a net built-in loss, the basis of each property described in subparagraph (B) which is acquired in such transaction shall (notwithstanding subsections (a) and (b)) be its fair market value immediately after such transaction.

''(B) PROPERTY DESCRIBED.—For purposes of subparagraph (A), property is described in this subparagraph if—

''(i) gain or loss with respect to such property is not subject to tax under this subtitle in the hands of the transferor immediately before the transfer, and

''(ii) gain or loss with respect to such property is subject to such tax in the hands of the transferee immediately after such transfer.

In any case in which the transferor is a partnership, the preceding sentence shall be applied by treating each partner in such partnership as holding such partner's proportionate share of the property of such partnership.

''(C) IMPORTATION OF NET BUILT-IN LOSS.—For purposes of subparagraph (A), there is an importation of a net built-in loss in a transaction if the transferee's aggregate adjusted bases of property described in subparagraph (B) which is transferred in such transaction would (but for this paragraph) exceed the fair market value of such property immediately after such transaction.

''(2) LIMITATION ON TRANSFER OF BUILT-IN LOSSES IN SECTION 351 TRANSACTIONS.—

''(A) IN GENERAL.—If—

''(i) property is transferred by a transferor in any transaction which is described in subsection (a) and which is not described in paragraph (1) of this subsection, and

''(ii) the transferee's aggregate adjusted bases of such property so transferred would (but for this paragraph) exceed the fair market value of such property immediately after such transaction,

then, notwithstanding subsection (a), the transferee's aggregate adjusted bases of the property so transferred shall not exceed the fair market value of such property immediately after such transaction.

''(B) ALLOCATION OF BASIS REDUCTION.—The aggregate reduction in basis by reason of subparagraph (A) shall be allocated among the property so transferred in proportion to their respective built-in losses immediately before the transaction.

''(C) EXCEPTION FOR TRANSFERS WITHIN AFFILIATED GROUP.—Subparagraph (A) shall not apply to any transaction if the transferor owns stock in the transferee meeting the requirements of section 1504(a)(2). In the case of property to which subparagraph (A) does not apply by reason of the preceding sentence, the transferor's basis in the stock received for such property shall not exceed its fair market value immediately after the transfer.''.

(b) COMPARABLE TREATMENT WHERE LIQUIDATION.—Paragraph (1) of section 334(b) of such Code (relating to liquidation of subsidiary) is amended to read as follows:

''(1) IN GENERAL.—If property is received by a corporate distributee in a distribution in a complete liquidation to which section 332 applies (or in a transfer described in section 337(b)(1)), the basis of such property in the hands of such distributee shall be the same as it would be in the hands of the transferor; except that the basis of such property in the hands of such distributee shall be the fair market value of the property at the time of the distribution—

''(A) in any case in which gain or loss is recognized by the liquidating corporation with respect to such property, or

''(B) in any case in which the liquidating corporation is a foreign corporation, the corporate distributee is a domestic corporation, and the corporate distributee's aggregate adjusted bases of property described in section 362(e)(1)(B) which is distributed in such liquidation would (but for this subparagraph) exceed the fair market value of such property immediately after such liquidation.''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to transactions after the date of the enactment of this Act.

(2) LIQUIDATIONS.—The amendment made by subsection (b) shall apply to liquidations after the date of the enactment of this Act.

SEC. 202. NO REDUCTION OF BASIS UNDER SECTION 734 IN STOCK HELD BY PARTNERSHIP IN CORPORATE PARTNER.

(a) IN GENERAL.—Section 755 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(c) NO ALLOCATION OF BASIS DECREASE TO STOCK OF CORPORATE PARTNER.—In making an allocation under subsection (a) of any decrease in the adjusted basis of partnership property under section 734(b)—

''(1) no allocation may be made to stock in a corporation (or any person which is related (within the meaning of section 267(b) or 707(b)(1)) to such corporation) which is a partner in the partnership, and

''(2) any amount not allocable to stock by reason of paragraph (1) shall be allocated under subsection (a) to other partnership property in such manner as the Secretary may prescribe.

Gain shall be recognized to the partnership to the extent that the amount required to be allocated under paragraph (2) to other partnership property exceeds the aggregate adjusted basis of such other property immediately before the allocation required by paragraph (2).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions after the date of the enactment of this Act.

SEC. 203. EXPANDED DISALLOWANCE OF DEDUCTION FOR INTEREST ON CONVERTIBLE DEBT.

(a) IN GENERAL.—Paragraph (2) of section 163(l) of the Internal Revenue Code of 1986 is amended by inserting ''or equity held by the issuer (or any related party) in any other person'' after ''or a related party''.

(b) CAPITALIZATION ALLOWED WITH RESPECT TO EQUITY OF PERSONS OTHER THAN ISSUER AND RELATED PARTIES.—Section 163(l) of such Code is amended by redesignating paragraphs (4) and (5) as paragraphs (5) and (6) and by inserting after paragraph (3) the following new paragraph:

''(4) CAPITALIZATION ALLOWED WITH RESPECT TO EQUITY OF PERSONS OTHER THAN ISSUER AND RELATED PARTIES.—If the disqualified debt instrument of a corporation is payable in equity held by the issuer (or any related party) in any other person (other than a related party), the basis of such equity shall be increased by the amount not allowed as a deduction by reason of paragraph (1) with respect to the instrument.''.

(c) EXCEPTION FOR CERTAIN INSTRUMENTS ISSUED BY DEALERS IN SECURITIES.—Section 163(l) of such Code, as amended by subsection (b), is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7) and by inserting after paragraph (4) the following new paragraph:

''(5) EXCEPTION FOR CERTAIN INSTRUMENTS ISSUED BY DEALERS IN SECURITIES.—For purposes of this subsection, the term 'disqualified debt instrument' does not include indebtedness issued by a dealer in securities (or a related party) which is payable in, or by reference to, equity (other than equity of the issuer or a related party) held by such dealer in its capacity as a dealer in securities. For purposes of this paragraph, the term 'dealer in securities' has the meaning given such term by section 475.''.

(d) CONFORMING AMENDMENTS.—Paragraph (3) of section 163(l) of such Code is amended—

(1) by striking ''or a related party'' in the material preceding subparagraph (A) and inserting ''or any other person'', and

(2) by striking ''or interest'' each place it appears.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to debt instruments issued after the date of the enactment of this Act.

SEC. 204. EXPANDED AUTHORITY TO DISALLOW TAX BENEFITS UNDER SECTION 269.

(a) IN GENERAL.—Subsection (a) of section 269 of the Internal Revenue Code of 1986 (relating to acquisitions made to evade or avoid income tax) is amended to read as follows:

''(a) IN GENERAL.—If—

''(1)(A) any person or persons acquire, directly or indirectly, control of a corporation, or

''(B) any corporation acquires, directly or indirectly, property of another corporation and the basis of such property, in the hands of the acquiring corporation, is determined by reference to the basis in the hands of the transferor corporation, and

''(2) the principal purpose for which such acquisition was made is evasion or avoidance of Federal income tax,

then the Secretary may disallow such deduction, credit, or other allowance. For purposes of paragraph (1)(A), control means the ownership of stock possessing at least 50 percent of the total combined voting power of all classes of stock entitled to vote or at least 50 percent of the total value of all shares of all classes of stock of the corporation.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to stock and property acquired after the date of the enactment of this Act.

SEC. 205. MODIFICATION OF INTERACTION BETWEEN SUBPART F AND PASSIVE FOREIGN INVESTMENT COMPANY RULES.

(a) LIMITATION ON EXCEPTION FROM PFIC RULES FOR UNITED STATES SHAREHOLDERS OF CONTROLLED FOREIGN CORPORATIONS.—Paragraph (2) of section 1297(e) of the Internal Revenue Code of 1986 (relating to passive foreign investment company) is amended by adding at the end the following flush sentence:

''Such term shall not include any period if the earning of subpart F income by such corporation during such period would result in

only a remote likelihood of an inclusion in gross income under section 951(a)(1)(A)(i).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of controlled foreign corporations beginning after the date of the enactment of this Act, and to taxable years of United States shareholders with or within which such taxable years of controlled foreign corporations end.

TITLE III—PREVENTION OF CORPORATE EXPATRIATION TO AVOID UNITED STATES INCOME TAX

SEC. 301. PREVENTION OF CORPORATE EXPATRIATION TO AVOID UNITED STATES INCOME TAX.

(a) IN GENERAL.—Paragraph (4) of section 7701(a) of the Internal Revenue Code of 1986 (defining domestic) is amended to read as follows:

''(4) DOMESTIC.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'domestic' when applied to a corporation or partnership means created or organized in the United States or under the law of the United States or of any State unless, in the case of a partnership, the Secretary provides otherwise by regulations.

''(B) CERTAIN CORPORATIONS TREATED AS DOMESTIC.—

''(i) IN GENERAL.—The acquiring corporation in a corporate expatriation transaction shall be treated as a domestic corporation.

''(ii) CORPORATE EXPATRIATION TRANSACTION.—For purposes of this subparagraph, the term 'corporate expatriation transaction' means any transaction if—

''(I) a nominally foreign corporation (referred to in this subparagraph as the 'acquiring corporation') acquires, as a result of such transaction, directly or indirectly substantially all of the properties held directly or indirectly by a domestic corporation, and

''(II) immediately after the transaction, more than 80 percent of the stock (by vote or value) of the acquiring corporation is held by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation.

''(iii) LOWER STOCK OWNERSHIP REQUIREMENT IN CERTAIN CASES.—Subclause (II) of clause (ii) shall be applied by substituting '50 percent' for '80 percent' with respect to any nominally foreign corporation if—

''(I) such corporation does not have substantial business activities (when compared to the total business activities of the expanded affiliated group) in the foreign country in which or under the law of which the corporation is created or organized, and

''(II) the stock of the corporation is publicly traded and the principal market for the public trading of such stock is in the United States.

''(iv) PARTNERSHIP TRANSACTIONS.—The term 'corporate expatriation transaction' includes any transaction if—

''(I) a nominally foreign corporation (referred to in this subparagraph as the 'acquiring corporation') acquires, as a result of such transaction, directly or indirectly properties constituting a trade or business of a domestic partnership,

''(II) immediately after the transaction, more than 80 percent of the stock (by vote or value) of the acquiring corporation is held by former partners of the domestic partnership or related foreign partnerships (determined without regard to stock of the acquiring corporation which is sold in a public offering related to the transaction), and

''(III) the acquiring corporation meets the requirements of subclauses (I) and (II) of clause (iii).

''(v) SPECIAL RULES.—For purposes of this subparagraph—

''(I) a series of related transactions shall be treated as 1 transaction, and

''(II) stock held by members of the expanded affiliated group which includes the acquiring corporation shall not be taken into account in determining ownership.

''(vi) OTHER DEFINITIONS.—For purposes of this subparagraph—

''(I) NOMINALLY FOREIGN CORPORATION.—The term 'nominally foreign corporation' means any corporation which would (but for this subparagraph) be treated as a foreign corporation.

''(II) EXPANDED AFFILIATED GROUP.—The term 'expanded affiliated group' means an affiliated group (as defined in section 1504(a) without regard to section 1504(b)).

''(III) RELATED FOREIGN PARTNERSHIP.—A foreign partnership is related to a domestic partnership if they are under common control (within the meaning of section 482), or they shared the same trademark or tradename.''

(b) EFFECTIVE DATES.—The amendment made by this section shall apply to taxable years beginning after the date of enactment of this Act.

After debate,

Pursuant to House Resolution 638, the previous question was ordered on the bill and the amendment in the nature of a substitute.

The question being put, viva voce,

Will the House agree to said amendment in the nature of a substitute?

The SPEAKER pro tempore, Mr. QUINN, announced that the nays had it.

Mr. STARK demanded a recorded vote on agreeing to said amendment in the nature of a substitute, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 197 / Nays 230

¶49.15 [Roll No. 161]

AYES—197

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Chandler
Clay
Clyburn
Conyers
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—230

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

Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

DeMint
Kolbe
Regula
Reyes
Simmons
Tauzin

So the amendment in the nature of a substitute was not agreed to.

The bill was ordered to be engrossed and read a third time, was read a third time by title.

Mr. STARK moved to recommit the bill to the Committee on Ways and Means with instructions to report the bill back to the House forthwith with the following amendment:

At the end of the bill, add the following new section:

SEC. 2. SOCIAL SECURITY AND MEDICARE TRUST FUNDS HELD HARMLESS.

Nothing in this Act shall be construed as affecting the amount of transfers to any trust fund established by title II or XVIII of the Social Security Act.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. LATHAM, announced that the nays had it.

Mr. STARK demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 202 / Nays ..... 224 }

¶49.16 [Roll No. 162]

AYES—202

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wu
Wynn

NOES—224

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

NOT VOTING—7

Aderholt
DeMint
Owens
Reyes
Scott (GA)
Tauzin
Woolsey

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. LATHAM, announced that the yeas had it.

Mr. McCRERY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 273 / Nays ..... 152 }

¶49.17 [Roll No. 163]

YEAS—273

Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berkley
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Holden
Honda
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Majette
Maloney
Manzullo
Matheson
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McKeon
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney

Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Udall (CO)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—152

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berman
Berry
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Clay
Clyburn
Conyers
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gephardt
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Hill
Hinchey
Hoeffel
Holt
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lynch
Markey
Marshall
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Skelton
Smith (WA)
Solis
Spratt
Stark
Stenholm
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Woolsey

NOT VOTING—8

Aderholt
DeMint
Obey
Radanovich
Reyes
Scott (GA)
Tauzin
Wexler

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶49.18 H. CON. RES. 352—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LATHAM, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 352) recognizing the contributions of people of Indian origin to the United States and the benefits of working together with India towards promoting peace, prosperity, and freedom among all countries of the world.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 415; Nays ..... 2; Answered present 2 }

¶49.19 [Roll No. 164]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Johnson, Sam
Paul

ANSWERED ''PRESENT''—2

DeFazio
Sanders

NOT VOTING—14

Buyer
Cubin
DeMint
Duncan
Feeney
Istook
Kennedy (RI)
Miller, George
Rangel
Reyes
Roybal-Allard
Scott (GA)
Tauzin
Weller

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶49.20 ACCESSIBLE LOW-COST HEALTHCARE

On motion of Mr. SENSENBRENNER, pursuant to House Resolution 638, the House considered the bill (H.R. 4280) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

When said bill was considered and read twice.

After debate,

The previous question having been ordered by said resolution.

The bill was ordered to be engrossed and read a third time, was read a third time by title.

Mr. CONYERS moved to recommit the bill to the Committee on the Judiciary and the Committee on Energy and Commerce with instructions to report the bill back to the House forthwith with the following amendments:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Medical Malpractice and Insurance Reform Act of 2004''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—LIMITING FRIVOLOUS MEDICAL MALPRACTICE LAWSUITS

Sec. 101. Statute of limitations.
Sec. 102. Health care specialist affidavit.
Sec. 103. Sanctions for frivolous actions and pleadings.
Sec. 104. Mandatory mediation.
Sec. 105. Limitation on punitive damages.
Sec. 106. Use of savings to benefit providers through reduced premiums.
Sec. 107. Definitions.
Sec. 108. Applicability.

TITLE II—INDEPENDENT ADVISORY COMMISSION ON MEDICAL MALPRACTICE INSURANCE

Sec. 201. Establishment.
Sec. 202. Duties.
Sec. 203. Report.
Sec. 204. Membership.
Sec. 205. Director and staff; experts and consultants.
Sec. 206. Powers.
Sec. 207. Authorization of appropriations.

TITLE I—LIMITING FRIVOLOUS MEDICAL MALPRACTICE LAWSUITS

SEC. 101. STATUTE OF LIMITATIONS.

(a) IN GENERAL.—A medical malpractice action shall be barred unless the complaint is filed within 3 years after the right of action accrues.

(b) ACCRUAL.—A right of action referred to in subsection (a) accrues upon the last to occur of the following dates:

(1) The date of the injury.

(2) The date on which the claimant discovers, or through the use of reasonable diligence should have discovered, the injury.

(3) The date on which the claimant becomes 18 years of age.

(c) APPLICABILITY.—This section shall apply to any injury occurring after the date of the enactment of this Act.

SEC. 102. HEALTH CARE SPECIALIST AFFIDAVIT.

(a) REQUIRING SUBMISSION WITH COMPLAINT.—No medical malpractice action may be brought by any individual unless, at the time the individual brings the action (except as provided in subsection (b)(1)), it is accompanied by the affidavit of a qualified specialist that includes the specialist's statement of belief that, based on a review of the available medical record and other relevant material, there is a reasonable and meritorious cause for the filing of the action against the defendant.

(b) EXTENSION IN CERTAIN INSTANCES.—

(1) IN GENERAL.—Subject to paragraph (2), subsection (a) shall not apply with respect to an individual who brings a medical malpractice action without submitting an affidavit described in such subsection if, as of the time the individual brings the action, the individual has been unable to obtain adequate medical records or other information necessary to prepare the affidavit.

(2) DEADLINE FOR SUBMISSION WHERE EXTENSION APPLIES.—In the case of an individual who brings an action for which paragraph (1) applies, the action shall be dismissed unless the individual (or the individual's attorney) submits the affidavit described in subsection (a) not later than 90 days after obtaining the information described in such paragraph.

(c) QUALIFIED SPECIALIST DEFINED.—In subsection (a), a ''qualified specialist'' means, with respect to a medical malpractice action, a health care professional who is reasonably believed by the individual bringing the action (or the individual's attorney)—

(1) to be knowledgeable in the relevant issues involved in the action;

(2) to practice (or to have practiced) or to teach (or to have taught) in the same area of health care or medicine that is at issue in the action; and

(3) in the case of an action against a physician, to be board certified in a specialty relating to that area of medicine.

(d) CONFIDENTIALITY OF SPECIALIST.—Upon a showing of good cause by a defendant, the court may ascertain the identity of a specialist referred to in subsection (a) while preserving confidentiality.

SEC. 103. SANCTIONS FOR FRIVOLOUS ACTIONS AND PLEADINGS.

(a) SIGNATURE REQUIRED.—Every pleading, written motion, and other paper in any medical malpractice action shall be signed by at least 1 attorney of record in the attorney's individual name, or, if the party is not represented by an attorney, shall be signed by the party. Each paper shall state the signer's address and telephone number, if any. An unsigned paper shall be stricken unless omission of the signature is corrected promptly after being called to the attention of the attorney or party.

(b) CERTIFICATE OF MERIT.—(1) A medical malpractice action shall be dismissed unless the attorney or unrepresented party presenting the complaint certifies that, to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances,—

(A) it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

(B) the claims and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law; and

(C) the allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation and discovery.

(2) By presenting to the court (whether by signing, filing, submitting, or later advocating) a pleading, written motion, or other paper, an attorney or unrepresented party is certifying that to the best of the person's knowledge, information and belief, formed after an inquiry reasonable under the circumstances—

(A) it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

(B) the claims, defenses, and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law; and

(C) the allegations and other factual contentions have evidentiary support or, if specifically so identified, are reasonable based on a lack of information or belief.

(c) MANDATORY SANCTIONS.—

(1) FIRST VIOLATION.—If, after notice and a reasonable opportunity to respond, a court, upon motion or upon its own initiative, determines that subsection (b) has been violated, the court shall find each attorney or party in violation in contempt of court and shall require the payment of costs and attorneys fees. The court may also impose additional appropriate sanctions, such as striking the pleadings, dismissing the suit, and sanctions plus interest, upon the person in violation, or upon both such person and such person's attorney or client (as the case may be).

(2) SECOND VIOLATION.—If, after notice and a reasonable opportunity to respond, a court, upon motion or upon its own initiative, determines that subsection (b) has been violated and that the attorney or party with respect to which the determination was made has committed one previous violation of subsection (b) before this or any other court, the court shall find each such attorney or party in contempt of court and shall require the payment of costs and attorneys fees, and require such person in violation (or both such person and such person's attorney or client (as the case may be)) to pay a monetary fine. The court may also impose additional appropriate sanctions, such as striking the pleadings, dismissing the suit and sanctions plus interest, upon such person in violation, or upon both such person and such person's attorney or client (as the case may be).

(3) THIRD VIOLATION.—If, after notice and a reasonable opportunity to respond, a court, upon motion or upon its own initiative, determines that subsection (b) has been violated and that the attorney or party with respect to which the determination was made has committed more than one previous violation of subsection (b) before this or any other court, the court shall find each such attorney or party in contempt of court, refer each such attorney to one or more appropriate State bar associations for disciplinary proceedings, require the payment of costs and attorneys fees, and require such person in violation (or both such person and such person's attorney or client (as the case may be)) to pay a monetary fine. The court may also impose additional appropriate sanctions, such as striking the pleadings, dismissing the suit, and sanctions plus interest, upon such person in violation, or upon both such person and such person's attorney or client (as the case may be).

SEC. 104. MANDATORY MEDIATION.

(a) IN GENERAL.—In any medical malpractice action, before such action comes to trial, mediation shall be required. Such mediation shall be conducted by one or more mediators who are selected by agreement of the parties or, if the parties do not agree, who are qualified under applicable State law and selected by the court.

(b) REQUIREMENTS.—Mediation under subsection (a) shall be made available by a State subject to the following requirements:

(1) Participation in such mediation shall be in lieu of any alternative dispute resolution method required by any other law or by any contractual arrangement made by or on behalf of the parties before the commencement of the action.

(2) Each State shall disclose to residents of the State the availability and procedures for resolution of consumer grievances regarding the provision of (or failure to provide) health care services, including such mediation.

(3) Each State shall provide that such mediation may begin before or after, at the option of the claimant, the commencement of a medical malpractice action.

(4) The Attorney General, in consultation with the Secretary of Health and Human Services, shall, by regulation, develop requirements with respect to such mediation to ensure that it is carried out in a manner that—

(A) is affordable for the parties involved;

(B) encourages timely resolution of claims;

(C) encourages the consistent and fair resolution of claims; and

(D) provides for reasonably convenient access to dispute resolution.

(c) FURTHER REDRESS AND ADMISSIBILITY.—Any party dissatisfied with a determination reached with respect to a medical malpractice claim as a result of an alternative dispute resolution method applied under this section shall not be bound by such determination. The results of any alternative dispute resolution method applied under this section, and all statements, offers, and communications made during the application of such method, shall be inadmissible for purposes of adjudicating the claim.

SEC. 105. LIMITATION ON PUNITIVE DAMAGES.

(a) IN GENERAL.—Punitive damages may not be awarded in a medical malpractice action, except upon proof of—

(1) gross negligence;

(2) reckless indifference to life; or

(3) an intentional act, such as voluntary intoxication or impairment by a physician, sexual abuse or misconduct, assault and battery, or falsification of records.

(b) ALLOCATION.—In such a case, the award of punitive damages shall be allocated 50 percent to the claimant and 50 percent to a trustee appointed by the court, to be used by such trustee in the manner specified in subsection (d). The court shall appoint the Secretary of Health and Human Services as such trustee.

(c) EXCEPTION.—This section shall not apply with respect to an action if the applicable State law provides (or has been construed to provide) for damages in such an action that are only punitive or exemplary in nature.

(d) TRUST FUND.—

(1) IN GENERAL.—This subsection applies to amounts allocated to the Secretary of Health and Human Services as trustee under subsection (b).

(2) AVAILABILITY.—Such amounts shall, to the extent provided in advance in appropriations Acts, be available for use by the Secretary of Health and Human Services under paragraph (3) and shall remain so available until expended.

(3) USE.—

(A) Subject to subparagraph (B), the Secretary of Health and Human Services, acting through the Director of the Agency for Healthcare Research and Quality, shall use the amounts to which this subsection applies for activities to reduce medical errors and improve patient safety.

(B) The Secretary of Health and Human Services may not use any part of such amounts to establish or maintain any system that requires mandatory reporting of medical errors.

(C) The Secretary of Health and Human Services shall promulgate regulations to establish programs and procedures for carrying out this paragraph.

(4) INVESTMENT.—

(A) The Secretary of Health and Human Services shall invest the amounts to which this subsection applies in such amounts as such Secretary determines are not required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States. For such purpose, such obligations may be acquired on original issue at the issue price, or by purchase of outstanding obligations at the market price.

(B) Any obligation acquired by the Secretary in such Secretary's capacity as trustee of such amounts may be sold by the Secretary at the market price.

SEC. 106. USE OF SAVINGS TO BENEFIT PROVIDERS THROUGH REDUCED PREMIUMS.

(a) IN GENERAL.—Notwithstanding any other provision of this title, a provision of this title may be applied by a court to the benefit of a party insured by a medical malpractice liability insurance company only if the court—

(1) determines the amount of savings realized by the company as a result; and

(2) requires the company to pay an amount equal to the amount of such savings to a trustee appointed by the court, to be distributed by such trustee in a manner that has the effect of benefiting health care providers insured by the company through reduced premiums for medical malpractice liability insurance.

(b) DEFINITION.—For purposes of this section, the term ''medical malpractice liability insurance company'' means an entity in the business of providing an insurance policy under which the entity makes payment in settlement (or partial settlement) of, or in satisfaction of a judgment in, a medical malpractice action or claim.

SEC. 107. DEFINITIONS.

In this title, the following definitions apply:

(1) ALTERNATIVE DISPUTE RESOLUTION METHOD.—The term ''alternative dispute resolution method'' means a method that provides for the resolution of medical malpractice claims in a manner other than through medical malpractice actions.

(2) CLAIMANT.—The term ''claimant'' means any person who alleges a medical malpractice claim, and any person on whose behalf such a claim is alleged, including the decedent in the case of an action brought through or on behalf of an estate.

(3) HEALTH CARE PROFESSIONAL.—The term ''health care professional'' means any individual who provides health care services in a State and who is required by the laws or regulations of the State to be licensed or certified by the State to provide such services in the State.

(4) HEALTH CARE PROVIDER.—The term ''health care provider'' means any organization or institution that is engaged in the delivery of health care services in a State and that is required by the laws or regulations of the State to be licensed or certified by the State to engage in the delivery of such services in the State.

(5) INJURY.—The term ''injury'' means any illness, disease, or other harm that is the subject of a medical malpractice action or a medical malpractice claim.

(6) MANDATORY.—The term ''mandatory'' means required to be used by the parties to attempt to resolve a medical malpractice claim notwithstanding any other provision of an agreement, State law, or Federal law.

(7) MEDIATION.—The term ''mediation'' means a settlement process coordinated by a neutral third party and without the ultimate rendering of a formal opinion as to factual or legal findings.

(8) MEDICAL MALPRACTICE ACTION.—The term ''medical malpractice action'' means an action in any State or Federal court against a physician, or other health professional, who is licensed in accordance with the requirements of the State involved that—

(A) arises under the law of the State involved;

(B) alleges the failure of such physician or other health professional to adhere to the relevant professional standard of care for the service and specialty involved;

(C) alleges death or injury proximately caused by such failure; and

(D) seeks monetary damages, whether compensatory or punitive, as relief for such death or injury.

(9) MEDICAL MALPRACTICE CLAIM.—The term ''medical malpractice claim'' means a claim forming the basis of a medical malpractice action.

(10) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, and any other territory or possession of the United States.

SEC. 108. APPLICABILITY.

(a) IN GENERAL.—Except as provided in section 104, this title shall apply with respect to any medical malpractice action brought on or after the date of the enactment of this Act.

(b) FEDERAL COURT JURISDICTION NOT ESTABLISHED ON FEDERAL QUESTION GROUNDS.—Nothing in this title shall be construed to establish any jurisdiction in the district courts of the United States over medical malpractice actions on the basis of section 1331 or 1337 of title 28, United States Code.

TITLE II—INDEPENDENT ADVISORY COMMISSION ON MEDICAL MALPRACTICE INSURANCE

SEC. 201. ESTABLISHMENT.

(a) FINDINGS.—The Congress finds as follows:

(1) The sudden rise in medical malpractice premiums in regions of the United States can threaten patient access to doctors and other health providers.

(2) Improving patient access to doctors and other health providers is a national priority.

(b) ESTABLISHMENT.—There is established a national commission to be known as the ''Independent Advisory Commission on Medical Malpractice Insurance'' (in this title referred to as the ''Commission'').

SEC. 202. DUTIES.

(a) IN GENERAL.—(1) The Commission shall evaluate the effectiveness of health care liability reforms in achieving the purposes specified in paragraph (2) in comparison to the effectiveness of other legislative proposals to achieve the same purposes.

(2) The purposes referred to in paragraph (1) are to—

(A) improve the availability of health care services;

(B) reduce the incidence of ''defensive medicine'';

(C) lower the cost of health care liability insurance;

(D) ensure that persons with meritorious health care injury claims receive fair and adequate compensation; and

(E) provide an increased sharing of information in the health care system which will reduce unintended injury and improve patient care.

(b) CONSIDERATIONS.—In formulating proposals on the effectiveness of health care liability reform in comparison to these alternatives, the Commission shall, at a minimum, consider the following:

(1) Alternatives to the current medical malpractice tort system that would ensure

adequate compensation for patients, preserve access to providers, and improve health care safety and quality.

(2) Modifications of, and alternatives to, the existing State and Federal regulations and oversight that affect, or could affect, medical malpractice lines of insurance.

(3) State and Federal reforms that would distribute the risk of medical malpractice more equitably among health care providers.

(4) State and Federal reforms that would more evenly distribute the risk of medical malpractice across various categories of providers.

(5) The effect of a Federal medical malpractice reinsurance program administered by the Department of Health and Human Services.

(6) The effect of a Federal medical malpractice insurance program, administered by the Department of Health and Human Services, to provide medical malpractice insurance based on customary coverage terms and liability amounts in States where such insurance is unavailable or is unavailable at reasonable and customary terms.

(7) Programs that would reduce medical errors and increase patient safety, including new innovations in technology and management.

(8) The effect of State policies under which—

(A) any health care professional licensed by the State has standing in any State administrative proceeding to challenge a proposed rate increase in medical malpractice insurance; and

(B) a provider of medical malpractice insurance in the State may not implement a rate increase in such insurance unless the provider, at minimum, first submits to the appropriate State agency a description of the rate increase and a substantial justification for the rate increase.

(9) The effect of reforming antitrust law to prohibit anticompetitive activities by medical malpractice insurers.

(10) Programs to facilitate price comparison of medical malpractice insurance by enabling any health care provider to obtain a quote from each medical malpractice insurer to write the type of coverage sought by the provider.

(11) The effect of providing Federal grants for geographic areas that have a shortage of one or more types of health providers as a result of the providers making the decision to cease or curtail providing health services in the geographic areas because of the costs of maintaining malpractice insurance.

SEC. 203. REPORT.

(a) IN GENERAL.—The Commission shall transmit to Congress—

(1) an initial report not later than 180 days after the date of the initial meeting of the Commission; and

(2) a report not less than each year thereafter until the Commission terminates.

(b) CONTENTS.—Each report transmitted under this section shall contain a detailed statement of the findings and conclusions of the Commission.

(c) VOTING AND REPORTING REQUIREMENTS.—With respect to each proposal or recommendation contained in the report submitted under subsection (a), each member of the Commission shall vote on the proposal or recommendation, and the Commission shall include, by member, the results of that vote in the report.

SEC. 204. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 15 members appointed by the Comptroller General of the United States.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The membership of the Commission shall include individuals with national recognition for their expertise in health finance and economics, actuarial science, medical malpractice insurance, insurance regulation, health care law, health care policy, health care access, allopathic and osteopathic physicians, other providers of health care services, patient advocacy, and other related fields, who provide a mix of different professionals, broad geographic representations, and a balance between urban and rural representatives.

(2) INCLUSION.—The membership of the Commission shall include the following:

(A) Two individuals with expertise in health finance and economics, including one with expertise in consumer protections in the area of health finance and economics.

(B) Two individuals with expertise in medical malpractice insurance, representing both commercial insurance carriers and physician-sponsored insurance carriers.

(C) An individual with expertise in State insurance regulation and State insurance markets.

(D) An individual representing physicians.

(E) An individual with expertise in issues affecting hospitals, nursing homes, nurses, and other providers.

(F) Two individuals representing patient interests.

(G) Two individuals with expertise in health care law or health care policy.

(H) An individual with expertise in representing patients in malpractice lawsuits.

(3) MAJORITY.—The total number of individuals who are directly involved with the provision or management of malpractice insurance, representing physicians or other providers, or representing physicians or other providers in malpractice lawsuits, shall not constitute a majority of the membership of the Commission.

(4) ETHICAL DISCLOSURE.—The Comptroller General of the United States shall establish a system for public disclosure by members of the Commission of financial or other potential conflicts of interest relating to such members.

(c) TERMS.—

(1) IN GENERAL.—The terms of the members of the Commission shall be for 3 years except that the Comptroller General of the United States shall designate staggered terms for the members first appointed.

(2) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(3) COMPENSATION.—Members of the Commission shall be compensated in accordance with section 1805(c)(4) of the Social Security Act.

(4) CHAIRMAN; VICE CHAIRMAN.—The Comptroller General of the United States shall designate at the time of appointment a member of the Commission as Chairman and a member as Vice Chairman. In the case of vacancy of the Chairmanship or Vice Chairmanship, the Comptroller General may designate another member for the remainder of that member's term.

(5) MEETINGS.—

(A) IN GENERAL.—The Commission shall meet at the call of the Chairman.

(B) INITIAL MEETING.—The Commission shall hold an initial meeting not later than the date that is 1 year after the date of the enactment of this title, or the date that is 3 months after the appointment of all the members of the Commission, whichever occurs earlier.

SEC. 205. DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.

Subject to such review as the Comptroller General of the United States deems necessary to assure the efficient administration of the Commission, the Commission may—

(1) employ and fix the compensation of an Executive Director (subject to the approval of the Comptroller General) and such other personnel as may be necessary to carry out its duties;

(2) seek such assistance and support as may be required in the performance of its duties from appropriate Federal departments and agencies;

(3) enter into contracts or make other arrangements, as may be necessary for the conduct of the work of the Commission;

(4) make advance, progress, and other payments which relate to the work of the Commission;

(5) provide transportation and subsistence for persons serving without compensation; and

(6) prescribe such rules and regulations as it deems necessary with respect to the internal organization and operation of the Commission.

SEC. 206. POWERS.

(a) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairman, the head of that department or agency shall furnish that information to the Commission on an agreed upon schedule.

(b) DATA COLLECTION.—In order to carry out its functions, the Commission shall—

(1) utilize existing information, both published and unpublished, where possible, collected and assessed either by its own staff or under other arrangements made in accordance with this section;

(2) carry out, or award grants or contracts for, original research and experimentation, where existing information is inadequate; and

(3) adopt procedures allowing any interested party to submit information for the Commission's use in making reports and recommendations.

(c) ACCESS OF GENERAL ACCOUNTING OFFICE TO INFORMATION.—The Comptroller General of the United States shall have unrestricted access to all deliberations, records, and nonproprietary data of the Commission, immediately upon request.

(d) PERIODIC AUDIT.—The Commission shall be subject to periodic audit by the Comptroller General of the United States.

SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this title for each of fiscal years 2004 through 2008.

(b) REQUESTS FOR APPROPRIATIONS.—The Commission shall submit requests for appropriations in the same manner as the Comptroller General of the United States submits requests for appropriations, but amounts appropriated for the Commission shall be separate from amounts appropriated for the Comptroller General.

Amend the title so as to read: ''A bill to limit frivolous medical malpractice lawsuits, to reform the medical malpractice insurance business in order to reduce the cost of medical malpractice insurance, to enhance patient access to medical care, and for other purposes.''.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. SWEENEY, announced that the nays had it.

Mr. CONYERS objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 193 / Nays ..... 231 }

¶49.21 [Roll No. 165]

YEAS—193

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—231

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

NOT VOTING—9

Brown-Waite, Ginny
DeMint
Hyde
Istook
Lantos
Lowey
Reyes
Scott (GA)
Tauzin

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. SWEENEY, announced that the yeas had it.

Mr. GREENWOOD demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 229 / Nays ..... 197 }

¶49.22 [Roll No. 166]

AYES—229

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

NOES—197

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Coble
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Ford
Frost
Gephardt
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel

Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kleczka
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—7

DeMint
Hyde
Lantos
Lowey
Reyes
Scott (GA)
Tauzin

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶49.23 ORDER OF BUSINESS—CONSIDERATION OF H. CON. RES. 414

On motion of Mr. SENSENBRENNER, by unanimous consent,

Ordered, That it may be in order at any time, without intervention of any point of order, to consider the concurrent resolution (H. Con. Res. 414) expressing the sense of the Congress that, as Congress recognizes the 50th anniversary of the Brown v. Board of Education decision, all Americans are encouraged to observe this anniversary with a commitment to continuing and building on the legacy of Brown3; the concurrent resolution shall be considered as read for amendment; and the previous question shall be considered as ordered on the concurrent resolution to final adoption without intervening motion or demand for a division of the question except: (1) 30 minutes of debate on the concurrent resolution equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit.

¶49.24 H. CON. RES. 378—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SWEENEY, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 378) calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Thaddeus Nguyen Van Ly, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 424 / Nays 1

¶49.25 [Roll No. 167]

YEAS—424

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—8

Abercrombie
DeMint
Hyde
Lantos
Lowey
Reyes
Scott (GA)
Tauzin

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶49.26 H. CON. RES. 409—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SWEENEY, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent

resolution (H. Con. Res. 409) recognizing with humble gratitude the more than 16,000,000 veterans who served in the United States Armed Forces during World War II and the Americans who supported the war effort on the home front and celebrating the completion of the National World War II Memorial on the National Mall in the District of Columbia.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 422 / Nays 0

¶49.27 [Roll No. 168]

YEAS—422

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

Cantor
DeMint
Hyde
Lantos
Lowey
Otter
Reyes
Scott (GA)
Stenholm
Tauzin
Wicker

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶49.28 NOTICE—MOTION TO INSTRUCT CONFEREES—H.R. 2660

Mr. George MILLER of California, pursuant to clause 7(c)(1) of rule XXII, announced his intention to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2660) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; to insist on reporting an amendment to prohibit the Department of Labor from using funds under the Act to implement any portion of a regulation that would make any employee ineligible for overtime pay who would otherwise qualify for overtime pay under regulations under section 13 of the Fair Labor Standards Act in effect September 3, 2003, except that nothing in the amendment shall affect the increased salary requirements provided in such regulations as specified in section 541 of title 29 of the Code of Federal Regulations, as promulgated on April 23, 2004.

¶49.29 MOTION TO INSTRUCT CONFEREES—S. CON. RES. 95

Mr. POMEROY submitted the privileged motion instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the House amendment on the concurrent resolution of the Senate (S. Con. Res. 95) setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009, to agree to the pay-as-you-go enforcement provisions within the scope of the conference regarding direct spending increases and tax cuts in the House and Senate. In complying with this instruction, such managers shall be instructed to recede to the Senate on the provisions contained in section 408 of the Senate concurrent resolution (relating to the pay-as-you-go point of order regarding all legislation increasing the deficit as a result of direct spending increases and tax cuts).

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. CHOCOLA, announced that the nays had it.

Mr. POMEROY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CHOCOLA, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed, until Thursday, May 13, 2004.

¶49.30 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. McNULTY, for today before 2 p.m.; and

To Mr. SCOTT of Georgia, for today after 3 p.m. and May 13.

And then,

¶49.31 ADJOURNMENT

On motion of Mr. INSLEE, at midnight the House adjourned.

¶49.32 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. House Concurrent Resolution 414. Resolution expressing the sense of the Congress that, as Congress recognizes the 50th anniversary of the Brown v. Board of Education decision, all Americans are encouraged to observe this anniversary with a commitment to continuing and building on the legacy of Brown (Rept. 108–485). Referred to the House Calendar.

¶49.33 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MCHUGH (for himself, Mr. DAVIS of Illinois, Mr. TOM DAVIS of Virginia, Mr. WAXMAN, Mrs. MILLER of Michigan, Mr. BURTON of Indiana, Mr. SCHROCK, Mr. SHAYS, Mr. OWENS, Mrs. MALONEY, Mr. MICA, Mr. LATOURETTE, Mr. LEWIS of Kentucky, Mr. PLATTS, Mr. CANNON, Mr. PUTNAM, Mr. DUNCAN, Mr. DEAL of Georgia, Ms. WATSON, Mr. LYNCH, Ms. NORTON, Mr. MURPHY, Mr. TURNER of Ohio, Mr. CARTER, Mrs. BLACKBURN, Mr. TIBERI, and Ms. HARRIS):

H.R. 4341. A bill to reform the postal laws of the United States; to the Committee on Government Reform.

By Mr. CHABOT (for himself, Mr. ROYCE, Mr. SHADEGG, and Mr. BRADY of Texas):

H.R. 4342. A bill to protect crime victims' rights; to the Committee on the Judiciary.

By Mr. NORWOOD (for himself, Mr. SAM JOHNSON of Texas, Mr. BALLENGER, Mr. DEMINT, Mr. ISAKSON, Mrs. BIGGERT, Mr. KELLER, Mr. WILSON of South Carolina, Mr. KLINE, Mr. CARTER, Mrs. MUSGRAVE, Mrs. BLACKBURN, Mr. BOEHNER, Mr. AKIN, Mr. BARTLETT of Maryland, Mr. BURTON of Indiana, Mr. COBLE, Mr. DEAL of Georgia, Mr. DOOLITTLE, Mr. JONES of North Carolina, Mr. KING of Iowa, Mr. KINGSTON, Mr. LINDER, Mr. MILLER of Florida, Mr. OTTER, Mr. PENCE, Mr. SOUDER, Mr. VITTER, Mr. BARRETT of South Carolina, Mr. BROWN of South Carolina, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, and Mr. BURNS):

H.R. 4343. A bill to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board; to the Committee on Education and the Workforce.

By Mr. FOLEY (for himself, Mr. HASTINGS of Florida, and Mr. MARIO DIAZ-BALART of Florida):

H.R. 4344. A bill to authorize water resources projects for Indian River Lagoon-South and Southern Golden Gates Estates, Collier County, in the State of Florida; to the Committee on Transportation and Infrastructure.

By Ms. GINNY BROWN-WAITE of Florida (for herself and Mrs. DAVIS of California):

H.R. 4345. A bill to amend title 38, United States Code, to increase the maximum amount of home loan guaranty available under the home loan guaranty program of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BISHOP of Georgia (for himself, Mr. SKELTON, Mr. EVANS, Mr. EDWARDS, and Mr. MURTHA):

H.R. 4346. A bill to amend title 10, United States Code, to clarify requirements relating to predeployment and postdeployment medical exams of certain members of the Armed Forces; to the Committee on Armed Services.

By Mr. HYDE (for himself, Mr. LAMPSON, Mr. LANTOS, Mr. CHABOT, Mr. GREENWOOD, Mr. HOUGHTON, Mr. MCHUGH, Mr. WOLF, Mr. BURTON of Indiana, Ms. HARRIS, Mr. FOLEY, Mr. KING of New York, Ms. JACKSON-LEE of Texas, Mr. GREEN of Texas, Mr. BOEHLERT, Mr. SHIMKUS, Mr. BERMAN, Mr. SMITH of New Jersey, Mr. TURNER of Texas, Mr. FROST, Mr. MORAN of Virginia, and Mr. CARDOZA):

H.R. 4347. A bill to amend the International Child Abduction Remedies Act to provide that the National Center for Missing and Exploited Children and its employees, when carrying out activities delegated by the United States Central Authority under that Act, have the protections under the Federal Tort Claims Act, to amend title 28, United States Code, to give district courts of the United States jurisdiction over competing State custody determinations, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on International Relations, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA:

H.R. 4348. A bill to amend the Federal Credit Union Act to allow greater access to international remittance services, and for other purposes; to the Committee on Financial Services.

By Mr. BISHOP of New York (for himself and Mr. ISRAEL):

H.R. 4349. A bill to reinstate Department of Energy Order No. 202-03-2; to the Committee on Energy and Commerce.

By Mr. DINGELL (for himself, Mr. BROWN of Ohio, Mr. RANGEL, Mr. STARK, Mr. WAXMAN, Ms. PELOSI, Mr. GEORGE MILLER of California, Mr. PALLONE, Mr. ABERCROMBIE, Mr. ALLEN, Mr. BACA, Mr. BOUCHER, Mrs. CAPPS, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Florida, Ms. DEGETTE, Ms. DELAURO, Mr. DEUTSCH, Mr. DOYLE, Mr. EMANUEL, Mr. ENGEL, Ms. ESHOO, Mr. EVANS, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GEPHARDT, Mr. GONZALEZ, Mr. GORDON, Mr. GREEN of Texas, Mr. GRIJALVA, Mr. HINCHEY, Mr. HOEFFEL, Ms. JACKSON-LEE of Texas, Mrs. JONES of Ohio, Mr. KILDEE, Ms. KILPATRICK, Mr. KIND, Ms. LEE, Mr. LYNCH, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. MARKEY, Mr. MATSUI, Mr. MEEKS of New York, Mr. MENENDEZ, Mr. MOORE, Mr. MORAN of Virginia, Mr. NADLER, Mrs. NAPOLITANO, Mr. PASTOR, Mr. PAYNE, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Mr. RUPPERSBERGER, Mr. RUSH, Mr. SANDLIN, Ms. SCHAKOWSKY, Mr. SCOTT of Virginia, Mr. SERRANO, Ms. SLAUGHTER, Ms. SOLIS, Mr. STRICKLAND, Mr. STUPAK, Mr. TIERNEY, Mr. WEINER, Mr. WYNN, Mr. JACKSON of Illinois, Mr. ANDREWS, Mr. LEVIN, Mr. KENNEDY of Rhode Island, Mr. OLVER, Mr. HOLT, Mr. KLECZKA, Ms. WATERS, Mr. BISHOP of New York, Ms. WOOLSEY, Mrs. DAVIS of California, Mr. RYAN of Ohio, Mr. VAN HOLLEN, Mr. HONDA, Mr. MICHAUD, Mr. ALEXANDER, Mr. WEXLER, Ms. LINDA T. SANCHEZ of California, Mr. DELAHUNT, Mr. CLAY, Mr. HOYER, and Mr. KUCINICH):

H.R. 4350. A bill to amend titles XIX and XXI of the Social Security Act to provide for FamilyCare coverage for parents of enrolled children, and for other purposes; to the Committee on Energy and Commerce.

By Mr. EMANUEL:

H.R. 4351. A bill to amend the Internal Revenue Code of 1986 to restrict the use of abusive tax shelters; to the Committee on Ways and Means.

By Mr. EMANUEL (for himself, Mr. BROWN of Ohio, Ms. LEE, Mr. LANTOS, Mr. MCGOVERN, Mr. ISRAEL, Mr. STARK, Ms. SCHAKOWSKY, Ms. HOOLEY of Oregon, Mr. GRIJALVA, and Ms. DELAURO):

H.R. 4352. A bill to amend the Internal Revenue Code of 1986 to deny a deduction for the portion of employer-provided vacation flights in excess of the amount of such flights which is treated as employee compensation; to the Committee on Ways and Means.

By Mr. LATOURETTE:

H.R. 4353. A bill to require the Secretary of Housing and Urban Development to provide tenant-based rental housing vouchers for certain residents of federally assisted housing; to the Committee on Financial Services.

By Mrs. MALONEY (for herself, Ms. PRYCE of Ohio, Mr. WAXMAN, Mr. GRIJALVA, Mr. SERRANO, Mrs. JONES of Ohio, Ms. MILLENDER-MCDONALD, Ms. BALDWIN, Ms. CARSON of Indiana, Mr. GEORGE MILLER of California, Ms. ROYBAL-ALLARD, Ms. NORTON, Mrs. MCCARTHY of New York, Ms. BERKLEY, Ms. LOFGREN, Mr. FROST, Mr. GONZALEZ, Mr. KILDEE, Ms. SLAUGHTER, Ms. SCHAKOWSKY, Ms. DELAURO, Ms. LEE, Mr. HINCHEY, Mr. CASTLE, Mr. LANTOS, Mr. OWENS, Mrs. CAPITO, Ms. LINDA T. SANCHEZ of California, Mr. BRADY of Pennsylvania, Mr. VAN HOLLEN, Mr. SCHIFF, Mr. CROWLEY, Mr. NETHERCUTT, Mr. FORD, Mr. HASTINGS of Florida, Ms. ESHOO, Mr. STARK, Mr. CONYERS, Ms. WATERS, Mr. TOWNS, Ms. BORDALLO, and Ms. SOLIS):

H.R. 4354. A bill to improve the health of women through the establishment of Offices of Women's Health within the Department of Health and Human Services; to the Committee on Energy and Commerce.

By Ms. LORETTA SANCHEZ of California (for herself, Mr. TURNER of Texas, Mr. MARKEY, Mr. DICKS, Ms. HARMAN, Mr. DEFAZIO, Mrs. LOWEY, Mr. ANDREWS, Ms. MCCARTHY of Missouri, Ms. JACKSON-LEE of Texas, Mrs. CHRISTENSEN, Mr. LANGEVIN, Mr. MEEK of Florida, and Mr. CHANDLER):

H.R. 4355. A bill to strengthen port security by establishing an improved container security regime, to expand on the Maritime Transportation Security Act of 2002, to strengthen the Coast Guard port security mission, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SANDLIN (for himself, Ms. PELOSI, Mr. RANGEL, Mr. DINGELL,

Mr. STARK, Mr. BROWN of Ohio, Mr. PALLONE, Mr. WAXMAN, Mr. HOYER, Mr. MENENDEZ, Mr. BERRY, Mr. GEORGER MILLER of California, Mr. GEPHARDT, Mr. ROSS, Mr. MATSUI, Mr. STENHOLM, Mr. LAMPSON, Mr. HOEFFEL, Mrs. JONES of Ohio, Mr. KILDEE, Mr. GRIJALVA, Mr. RUPPERSBERGER, Mr. MCDERMOTT, Mr. TOWNS, Ms. SLAUGHTER, Mr. GREEN of Texas, Mr. MARKEY, Mr. LYNCH, Mr. CROWLEY, Ms. MILLENDER-MCDONALD, Mr. BOUCHER, Mrs. CHRISTENSEN, Mr. JACKSON of Illinois, Ms. ROYBAL-ALLARD, Mr. RODRIGUEZ, Mr. NADLER, Mr. CONYERS, Ms. DELAURO, Ms. KILPATRICK, Mr. SERRANO, Ms. LEE, Mr. EVANS, Mr. TIERNEY, Mr. ISRAEL, Ms. MCCOLLUM, Mr. LANTOS, Mr. GUTIERREZ, Ms. WATERS, Mr. ALEXANDER, Ms. WOOLSEY, Mrs. DAVIS of California, Ms. JACKSON-LEE of Texas, Mrs. MCCARTHY of New York, Mr. HINCHEY, Mr. ABERCROMBIE, Mr. VAN HOLLEN, Mr. TURNER of Texas, Ms. LINDA T. SANCHEZ of California, Mr. EMANUEL, Mr. MOORE, Ms. CARSON of Indiana, Mr. STUPAK, Mr. BISHOP of New York, Mr. CASE, Mr. WEINER, Ms. SCHAKOWSKY, Ms. SOLIS, Mr. FROST, Mr. WEXLER, Mr. HOLT, Mr. CUMMINGS, Mr. CARDOZA, Mr. BISHOP of Georgia, Mr. ENGEL, Mrs. CAPPS, Mr. HONDA, Mr. SCHIFF, Mr. MICHAUD, Mr. DELAHUNT, Mr. CHANDLER, Mr. CLAY, Mr. OLVER, Mr. REYES, Mr. SCOTT of Georgia, Mr. ORTIZ, Mr. CAPUANO, and Mr. ALLEN):

H.R. 4356. A bill to amend the Internal Revenue Code of 1986 to provide tax subsidies to encourage small employers to offer affordable health coverage to their employees through qualified health pooling arrangements, to encourage the establishment and operation of these arrangements, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK (for himself, Mr. BROWN of Ohio, Mr. RANGEL, Mr. DINGELL, Mr. WAXMAN, Ms. PELOSI, Mr. GEORGE MILLER of California, Mr. PALLONE, Mr. ACKERMAN, Mr. ALEXANDER, Mr. ALLEN, Mr. BACA, Mr. BERRY, Mr. BISHOP of New York, Mr. BOUCHER, Mrs. CAPPS, Mr. CARDIN, Ms. CARSON of Indiana, Mr. CLAY, Mr. CROWLEY, Mrs. DAVIS of California, Ms. DELAURO, Mr. DELAHUNT, Mr. DEUTSCH, Mr. EMANUEL, Mr. ENGEL, Mr. EVANS, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GEPHARDT, Mr. GORDON, Mr. GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HINCHEY, Mr. HOEFFEL, Mr. HOLT, Mr. HOYER, Mr. JACKSON of Illinois, Mrs. JONES of Ohio, Ms. KAPTUR, Mr. KILDEE, Ms. KILPATRICK, Mr. KLECZKA, Mr. KUCINICH, Mr. LANTOS, Ms. JACKSON-LEE of Texas, Mr. LYNCH, Mrs. MALONEY, Mr. MARKEY, Mr. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. MEEKS of New York, Mr. MENENDEZ, Mr. MICHAUD, Mr. NADLER, Mrs. NAPOLITANO, Mr. OLVER, Mr. OWENS, Mr. PASTOR, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Mr. SANDERS, Mr. SANDLIN, Ms. LINDA T. SANCHEZ of California, Ms. SCHAKOWSKY, Mr. SCOTT of Virginia, Mr. SERRANO, Ms. SLAUGHTER, Ms. SOLIS, Mr. STRICKLAND, Mr. STUPAK, Mr. THOMPSON of Mississippi, Mr. TIERNEY, Mr. TOWNS, Mr. VAN HOLLEN, Ms. WATERS, Mr. WEINER, Mr. WEXLER, and Ms. WOOLSEY):

H.R. 4357. A bill to amend title XVIII of the Social Security Act and the Employee Retirement Income Security Act of 1974 to provide access to Medicare benefits for individuals ages 55 to 65, to amend the Internal Revenue Code of 1986 to allow a refundable and advanceable credit against income tax for payment of such premiums, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MCCARTHY of Missouri (for herself, Mr. SKELTON, Mr. BLUNT, Mr. MOORE, Mr. CLAY, Mr. GRAVES, Mrs. EMERSON, Mr. GEPHARDT, and Mr. AKIN):

H. Con. Res. 421. Concurrent resolution recognizing the Liberty Memorial Museum in Kansas City, Missouri, as ''America's National World War I Museum'', and for other purposes; to the Committee on Armed Services.

By Ms. MCCOLLUM:

H. Res. 639. A resolution condemning the abuse of Iraqi prisoners at Abu Ghraib prison, urging a full and complete investigation to ensure justice is served, and expressing support for all Americans serving nobly in Iraq; to the Committee on Armed Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BELL (for himself, Mr. MCDERMOTT, Ms. MILLENDER-MCDONALD, Mr. STARK, Mr. NADLER, Mr. GRIJALVA, Ms. WOOLSEY, Mr. BLUMENAUER, Ms. ESHOO, Mr. BERMAN, Mr. HOEFFEL, Ms. MCCOLLUM, Ms. KAPTUR, Mr. ACKERMAN, Mr. FARR, Mr. OBERSTAR, Ms. JACKSON-LEE of Texas, Mr. TOWNS, Mr. PAYNE, Ms. CORRINE BROWN of Florida, Mr. LANTOS, Ms. SCHAKOWSKY, Mr. DELAHUNT, Ms. LEE, Mr. MARKEY, Mr. FATTAH, Mr. VAN HOLLEN, Mr. SANDERS, Mr. OLVER, Mrs. MALONEY, Mr. MCGOVERN, Mr. STRICKLAND, Ms. WATSON, Mr. WAXMAN, Mr. BRADY of Pennsylvania, Ms. MAJETTE, Mr. WEXLER, and Mr. CONYERS):

H. Res. 640. A resolution of inquiry requesting that the Secretary of Defense transmit to the House of Representatives before the expiration of the 14-day period beginning on the date of the adoption of this resolution any picture, photograph, video, communication, or report produced in conjunction with any completed Department of Defense investigation conducted by Major General Antonio M. Taguba relating to allegations of torture or allegations of violations of the Geneva Conventions of 1949 at Abu Ghraib prison in Iraq or any completed Department of Defense investigation relating to the abuse or alleged abuse of a prisoner of war or detainee by any civilian contractor working in Iraq who is employed on behalf of the Department of Defense; to the Committee on Armed Services.

By Mr. PLATTS:

H. Res. 641. A resolution supporting the goals and ideals of Pancreatic Cancer Awareness Month; to the Committee on Government Reform.

¶49.34 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 104: Mr. SNYDER.
H.R. 284: Mr. LATHAM.
H.R. 290: Mrs. BLACKBURN and Mr. HALL.
H.R. 434: Mr. BRADLEY of New Hampshire, Mr. JENKINS, and Mr. MORAN of Kansas.
H.R. 548: Mr. ABERCROMBIE.
H.R. 571: Mr. NETHERCUTT and Mr. PASTOR.
H.R. 573: Mr. CASE.
H.R. 594: Mrs. CHRISTENSEN, Mr. TANCREDO, Mr. REGULA, and Mrs. LOWEY.
H.R. 716: Mr. RODRIGUEZ.
H.R. 745: Mr. COOPER.
H.R. 781: Mr. PETERSON of Minnesota, Mr. MICHAUD, Mr. RAMSTAD, Mr. MCGOVERN, Mr. MEEHAN, and Mr. TIBERI.
H.R. 806: Mr. SERRANO.
H.R. 821: Mr. TIERNEY.
H.R. 839: Mr. SPRATT, Ms. BALDWIN, Ms. MAJETTE, Mr. PASTOR, Mr. SENSENBRENNER, Mr. KIND, Mr. JONES of North Carolina, Ms. ROS-LEHTINEN, Mr. BOUCHER, Mr. MCINTYRE, and Mr. OSBORNE.
H.R. 857: Mr. GILLMOR.
H.R. 970: Mr. LEWIS of Kentucky.
H.R. 976: Mr. SNYDER.
H.R. 1004: Mr. OLVER.
H.R. 1051: Mr. DEFAZIO.
H.R. 1083: Mr. ADERHOLT and Mr. NETHERCUTT.
H.R. 1120: Mr. GRIJALVA.
H.R. 1155: Mr. PETERSON of Minnesota, Mr. ANDREWS, Mr. BASS, Mr. BRADLEY of New Hampshire, and Mr. MICHAUD.
H.R. 1160: Mr. CAPUANO.
H.R. 1200: Mrs. JONES of Ohio.
H.R. 1205: Mr. WEINER, Mr. ORTIZ, Ms. CORRINE BROWN of Florida, Mr. LYNCH, and Mr. RUSH.
H.R. 1206: Mrs. MUSGRAVE.
H.R. 1222: Mr. ROGERS of Kentucky.
H.R. 1229: Mr. BISHOP of Utah and Mr. ISAKSON.
H.R. 1311: Mr. GALLEGLY, Mr. CLYBURN, Mr. ENGEL, Mr. DAVIS of Tennessee, BRADLEY of New Hampshire, and Mr. BARRETT of South Carolina.
H.R. 1359: Mr. STRICKLAND.
H.R. 1483: Mr. SERRANO.
H.R. 1567: Mr. MICA.
H.R. 1684: Mr. DAVIS of Florida, Mr. CASE, and Mr. HASTINGS of Florida.
H.R. 1700: Mr. WAMP, Mr. BURTON of Indiana, and Mr. HINCHEY.
H.R. 1734: Mr. LAMPSON, Mr. BOEHLERT, Mr. BARTLETT of Maryland, and Mr. BELL.
H.R. 1775: Mr. HOSTETTLER.
H.R. 1824: Mr. MCINTYRE and Mr. WELLER.
H.R. 1919: Mr. PALLONE, Mrs. MUSGRAVE, and Mr. GREENWOOD.
H.R. 2037: Ms. CORRINE BROWN of Florida.
H.R. 2042: Mr. MENENDEZ.
H.R. 2217: Mr. SERRANO.
H.R. 2379: Mr. HINOJOSA.
H.R. 2513: Mr. CHANDLER.
H.R. 2674: Mr. DOYLE, Mr. RODRIGUEZ, and Mr. GRIJALVA.
H.R. 2747: Mr. MOORE and Mr. NETHERCUTT.
H.R. 2900: Mr. BROWN of South Carolina.
H.R. 2950: Mrs. BONO, Mr. SESSIONS, and Mr. BOEHNER.
H.R. 2968: Mr. LAHOOD.
H.R. 3142: Mr. CONYERS.
H.R. 3178: Mr. UPTON, Mr. MILLER of Florida, and Mr. NADLER.
H.R. 3213: Mr. COLLINS.
H.R. 3340: Mr. HYDE, Mr. CRANE, and Mr. KIRK.
H.R. 3356: Mr. MILLER of Florida.
H.R. 3425: Mr. MATSUI.
H.R. 3441: Mr. WHITFIELD, Mr. WEXLER, Mr. TURNER of Texas, and Mr. WU.
H.R. 3458: Mr. SANDERS and Ms. NORTON.
H.R. 3473: Mr. SANDLIN and Mr. CASE.

H.R. 3476: Mr. BISHOP of New York and Mr. MEEHAN.
H.R. 3523: Mr. GREEN of Texas, Mr. STUPAK, and Mr. BRADY of Pennsylvania.
H.R. 3634: Mrs. MCCARTHY of New York, Mrs. CHRISTENSEN, Mr. MOLLOHAN, and Mr. GREEN of Texas.
H.R. 3660: Mr. RYAN of Ohio and Mr. ANDREWS.
H.R. 3705: Mr. FRANK of Massachusetts.
H.R. 3707: Mr. DOYLE, Mr. WOLF, Mrs. CAPPS, Mr. FARR, Mr. OBERSTAR, Mr. CARSON of Oklahoma, and Ms. CORRINE BROWN of Florida.
H.R. 3722: Mr. TANCREDO, Mr. JONES of North Carolina, and Mr. GARRETT of New Jersey.
H.R. 3729: Mrs. MCCARTHY of New York, Mr. MOORE, Mr. HOLDEN, Mr. ROTHMAN, Mr. NEAL of Massachusetts, Mr. LYNCH, Mr. WAMP, Mr. EHLERS, and Mr. BALLANCE.
H.R. 3763: Mr. UPTON and Mr. OSBORNE.
H.R. 3776: Mr. CARDIN.
H.R. 3802: Mr. HOLT, Mrs. JOHNSON of Connecticut, and Mr. BEREUTER.
H.R. 3831: Ms. WOOLSEY.
H.R. 3865: Mr. DEFAZIO.
H.R. 3884: Mr. RODRIGUEZ.
H.R. 3951: Mr. COSTELLO.
H.R. 3965: Mr. KUCINICH.
H.R. 4033: Mr. MILLER of North Carolina.
H.R. 4051: Mr. BOUCHER, Ms. LOFGREN, and Mr. BISHOP of New York.
H.R. 4056: Mr. BURGESS.
H.R. 4064: Mr. HEFLEY, Mr. HALL, Mr. RAMSTAD, Mr. BURTON of Indiana, Mr. JENKINS, and Mr. GUTKNECHT.
H.R. 4065: Mrs. MUSGRAVE.
H.R. 4082: Mr. FALEOMAVAEGA.
H.R. 4096: Mr. GREEN of Wisconsin and Ms. MILLENDER-MCDONALD.
H.R. 4103: Mr. WEINER.
H.R. 4111: Mr. PETERSON of Minnesota.
H.R. 4113: Mr. NETHERCUTT, Mr. OTTER, Mr. HOLT, and Mr. TERRY.
H.R. 4116: Mr. ABERCROMBIE.
H.R. 4130: Mr. GREENWOOD, Mr. BLUMENAUER, Mr. PRICE of North Carolina, and Mr. GRIJALVA.
H.R. 4143: Mr. RUPPERSBERGER.
H.R. 4175: Mr. FILNER, Mr. GUTIERREZ, Mr. HOLDEN, Mr. BRADY of Pennsylvania, Mr. GRIJALVA, and Mr. RODRIGUEZ.
H.R. 4183: Mr. BOUCHER and Mr. SKELTON.
H.R. 4190: Mr. NEAL of Massachusetts.
H.R. 4207: Mr. ISRAEL, Mr. DOGGETT, and Mr. JACKSON of Illinois.
H.R. 4214: Mr. SHIMKUS, Mrs. MUSGRAVE, Mr. CRANE, Mr. BURR, Mr. FEENEY, Mr. RENZI, and Mr. GERLACH.
H.R. 4229: Mr. PALLONE, Ms. BORDALLO, Mr. WYNN, and Mr. BOUCHER.
H.R. 4249: Mr. SHERMAN, Mr. HONDA, Mr. LANTOS, Mr. MCDERMOTT, Mrs. TAUSCHER, Ms. LEE, Ms. ESHOO, and Mr. GRIJALVA.
H.R. 4275: Mrs. JO ANN DAVIS of Virginia, and Mr. KING of New York.
H.R. 4280: Mr. MANZULLO, and Mr. PLATTS.
H.J. Res. 28: Mr. FATTAH, Ms. KILPATRICK, Ms. NORTON, Mr. SCOTT of Virginia, Ms. WATERS, and Ms. MILLENDER-MCDONALD.
H.J. Res. 29: Mr. BISHOP of Georgia, Mr. SCOTT of Virginia, and Ms. WATERS.
H.J. Res. 30: Mr. BISHOP of Georgia, Mr. FATTAH, Mrs. JONES of Ohio, Ms. KILPATRICK, Ms. NORTON, Mr. SCOTT of Virginia, Ms. WATERS, and Ms. MILLENDER-MCDONALD.
H. Con. Res. 360: Mr. CAPUANO, Ms. LOFGREN, Mr. GRIJALVA, Mr. FROST, Mr. DAVIS of Alabama, Mr. FILNER, Mr. CUMMINGS, Mr. JACKSON of Illinois, Mr. PAYNE, Ms. KILPATRICK, Mr. BISHOP of Georgia, Mr. SCOTT of Georgia, Mr. WYNN, Mr. CLAY, Ms. WATSON, Mr. KENNEDY of Rhode Island, Mr. BALLANCE, Mr. CLYBURN, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MAJETTE, Mr. MEEK of Florida, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, Mr. WATT, Mr. UPTON, Mr. HYDE, Mr. BRADY of Pennsylvania, Mr. MOORE, Mr. TURNER of Texas, Mr. SERRANO, and Mr. GUTIERREZ.
H. Con. Res. 378: Mr. BURR, Mr. BROWN of Ohio, Ms. BERKLEY, Ms. SOLIS, and Mr. PLATTS.
H. Con. Res. 384: Mr. WAXMAN.
H. Con. Res. 394: Mr. SCOTT of Virginia.
H. Con. Res. 414: Ms. PRYCE of Ohio.
H. Res. 466: Mr. PLATTS and Mr. PASTOR.
H. Res. 567: Mr. KILDEE, Mr. DAVIS of Tennessee, Mr. SCHIFF, Mr. CAMP, and Mr. SHAYS.
H. Res. 621: Mr. TURNER of Texas.

THURSDAY, MAY 13, 2004 (50)

The House was called to order by the SPEAKER.

¶50.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, May 12, 2004.

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

¶50.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

8141. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pyraflufen-ethyl; Pesticide Tolerance [OPP-2004-0094; FRL-7358-2] received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8142. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Harpin Protein; Exemption from the Requirement of a Tolerance [OPP-2004-0097; FRL-7356-5] received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8143. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Rhamnolipid Biosurfactant; Exemption from the Requirement of a Tolerance; Technical Correction [OPP-2003-0281; FRL-7356-2] received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8144. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of General William J. Begert III, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

8145. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Ronald T. Kadish, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

8146. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills [OAR-2002-0045, FRL-7657-2] (RIN: 2060-AK53) received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8147. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Motor Vehicle and Engine Compliance Program Fees for: Light-Duty Vehicles; Light-Duty Trucks; Heavy-Duty Vehicles and Engines; Nonroad Engines; and Motorcycles [OAR-2003-09; FRL-7656-9] (RIN: 2060-AJ62) received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8148. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Wisconsin: Kewaunee County Ozone Maintenance Plan Update [WI119-01a; FRL-7657-6] received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8149. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Sulfur Dioxide Attainment Demonstration for the City of Weirton Including Clay and Butler Magisterial Districts in Hancock County [WV065-6034a; FRL-7653-8] received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8150. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of South Dakota; Revisions to the Administrative Rules of South Dakota and New Source Performance Standards Delegation [SIP NO. SD-001-0017a; FRL-7652-3] received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8151. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of the Defense's proposed lease of defense articles to the Government of Turkey (Transmittal No. 03-04), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

8152. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

8153. A letter from the Deputy Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997, as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003; to the Committee on International Relations.

8154. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8155. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8156. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8157. A letter from the Deputy General Counsel and Designated Reporting Official, Office of National Drug Control Policy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8158. A letter from the Office of the General Counsel, Selective Service System, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8159. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Individual Fishing Quota Program; Community Purchase [Docket No. 030922237-4111-02; I.D.082503D] (RIN: 0648-AQ98) received May 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8160. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish by Vessels Using Non-Pelagic Trawl Gear in the Red King Crab Savings Subarea [Docket No. 031124287-4060-02; I.D.042204A] received May 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8161. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Recordkeeping and Reporting [Docket No. 031016262-4107-02; I.D.100603E] (RIN: 0648-AR08) received May 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8162. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Recordkeeping and Reporting Requirements; Regulatory Amendment to Modify Seafood Dealer Reporting Requirements [Docket No. 040109009-4085-02; I.D. 121803D] (RIN: 0648-AR79) received May 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8163. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Spiny Dogfish Fishery [Docket No. 040311088-4119-02; I.D.030104A] (RIN: 0648-AQ81) received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8164. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Tilefish Fishery; Reinstatement of Permit Requirements for the Tilefish Fishery [Docket No. 040122024-4105-02; I.D.010904A] (RIN: 0648-AR75) received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8165. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone (EEZ) Off the Coast of Alaska; Recordkeeping and Reporting [Docket No. 040115020-4124-02; I.D.010204B] (RIN: 0648-AR07) received May 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

¶50.3 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment concurrent resolutions of the House of the following titles:

H. Con. Res. 388. A concurrent resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

H. Con. Res. 389. A concurrent resolution authorizing the use of the Capitol Grounds for the D.C. Special Olympics Law Enforcement Torch Run.

The message also announced that the Senate has passed concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. Con. Res. 107. A concurrent resolution recognizing the significance of the 30th anniversary of the American Association for the Advancement of Science Congressional Science and Engineering Fellowship Program, and reaffirming the commitment of Congress to support the use of science in governmental decisionmaking through such program.

S. Con. Res. 108. A concurrent resolution supporting the goals and ideals of Tinnitus Awareness Week.

¶50.4 50TH ANNIVERSARY BROWN V. BOARD OF EDUCATION

On motion of Mr. SENSENBRENNER, pursuant to the previous order of the House of May 12, 2004, called up the concurrent resolution (H. Con. Res. 414) expressing the sense of the Congress that, as Congress recognizes the 50th anniversary of the Brown v. Board of Education decision, all Americans are encouraged to observe this anniversary with a commitment to continuing and building on the legacy of Brown.

When said concurrent resolution was considered and read twice.

After debate,

Pursuant to the previous order of the House of May 12, 2004, the previous question was ordered on the concurrent resolution.

The question being put, viva voce,

Will the House agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. OSE, announced that the yeas had it.

Mr. SENSENBRENNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. OSE, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶50.5 10-PERCENT INDIVIDUAL INCOME TAX

Mr. RYAN of Wisconsin, pursuant to House Resolution 637, called up the bill (H.R. 4275) to amend the Internal Revenue Code of 1986 to permanently extend the 10-percent individual income tax rate bracket.

When said bill was considered and read twice.

After debate,

Pursuant to House Resolution 637, the following amendment in the nature of a substitute was submitted by Mr. TANNER:

Strike all after the enacting clause and insert the following:

SECTION 1. EXTENSION OF 10-PERCENT INDIVIDUAL INCOME TAX RATE BRACKET.

(a) IN GENERAL.—Clause (i) of section 1(i)(1)(B) of the Internal Revenue Code of 1986 (relating to the initial bracket amount) is amended to read as follows:

''(i) $14,000 in the case of subsection (a),''.

(b) INFLATION ADJUSTMENT BEGINNING IN 2004.—Section 1(i)(1)(C) of such Code (relating to inflation adjustment) is amended to read as follows:

''(C) INFLATION ADJUSTMENT.—In prescribing the tables under subsection (f) which apply with respect to taxable years beginning in calendar years after 2003—

''(i) the cost-of-living adjustment used in making adjustments to the initial bracket amount shall be determined under subsection (f)(3) by substituting '2002' for '1992' in subparagraph (B) thereof, and

''(ii) such adjustment shall not apply to the amount referred to in subparagraph (B)(iii).

If any amount after adjustment under the preceding sentence is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

(d) REPEAL OF SUNSET.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to—

(1) paragraph (1) of section 1(i) of the Internal Revenue Code of 1986, and

(2) the amendments made by paragraphs (1) and (7) of section 101(c) of such Act.

SEC. 2. BENEFITS OF ACT NOT DENIED BY REASON OF ALTERNATIVE MINIMUM TAX.

(a) MINIMUM TAX.—The amount of the minimum tax imposed by section 55 of the Internal Revenue Code of 1986 shall be determined as if section 1 of this Act had not been enacted.

(b) CREDITS.—In applying section 26(a)(1) of such Code, the amount referred to in subparagraph (B) thereof shall be reduced (but not below zero) by the amount of the reduction in the taxpayer's regular tax liability by reason of section 1 of this Act.

SEC. 3. BENEFITS EXTENSION NOT TO INCREASE FEDERAL BUDGET DEFICIT.

(a) IN GENERAL.—Section 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(j) ADDITIONAL TAX ON HIGH INCOME TAXPAYERS.—In the case of taxable years beginning in calendar year 2005, 2006, 2007, 2008, 2009, or 2010, the amount determined under subsection (a), (b), (c), or (d), as the case may be, shall be increased by 1.9 percent of so much of adjusted gross income as exceeds $1,000,000 in the case of individuals to whom subsection (a) applies ($500,000 in any other case).''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 4. REQUIREMENT THAT CONGRESS BALANCE BUDGET.

(a) IN GENERAL.—Notwithstanding the provisions of section 1 of this Act and any other provision of law, title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall take effect in the form as originally enacted unless Congress meets the requirements of subsection (b).

(b) REQUIREMENTS.—Congress meets the requirements of this subsection if—

(1) before September 1, 2010, Congress has enacted comprehensive Federal budget legislation, and

(2) the Director of the Office of Management and Budget certifies in September of 2010 that such legislation—

(A) will result in a balanced Federal budget by fiscal year 2014, determined by taking into account the costs of the foregoing provisions of this Act and without taking into account the receipts and disbursements of the Social Security and Medicare Trust Funds, and

(B) will permit the general fund of the Treasury to repay amounts previously borrowed from the Social Security and Medicare Trust Funds without requiring large foreign central bank purchases.

After debate,

Pursuant to House Resolution 637, the previous question was ordered on the bill and the amendment in the nature of a substitute.

The question being put, viva voce,

Will the House agree to said amendment?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the nays had it.

Mr. TANNER objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 190 / Nays ..... 227 }

¶50.6 [Roll No. 169]

YEAS—190

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hefley
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—227

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

NOT VOTING—16

Blunt
Capito
Deal (GA)
DeMint
Filner
Goss
Hulshof
Israel
Lewis (GA)
Majette
Quinn
Reyes
Scott (GA)
Shadegg
Tauzin
Young (AK)

So the amendment in the nature of a substitute was not agreed to.

The bill was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. RYAN of Wisconsin demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 344 / Nays ..... 76 }

¶50.7 [Roll No. 170]

AYES—344

Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley (OR)
Hostettler
Hunter
Hyde
Isakson
Issa
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar

Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Saxton
Schiff
Schrock
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Wamp
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—76

Abercrombie
Andrews
Ballance
Becerra
Berry
Blumenauer
Brady (PA)
Capps
Carson (IN)
Conyers
Cooper
Cummings
Davis (FL)
Davis (IL)
DeGette
Dicks
Dingell
Doggett
Doyle
Emanuel
Fattah
Frank (MA)
Grijalva
Hastings (FL)
Hill
Hinchey
Holt
Houghton
Hoyer
Inslee
Jackson (IL)
Jefferson
Kanjorski
Kucinich
Larsen (WA)
Lee
McCarthy (MO)
McDermott
McGovern
Menendez
Mollohan
Murtha
Napolitano
Neal (MA)
Pallone
Pascrell
Pastor
Payne
Pelosi
Rangel
Roybal-Allard
Ruppersberger
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Scott (VA)
Serrano
Sherman
Smith (WA)
Solis
Stark
Stenholm
Tanner
Taylor (MS)
Thompson (CA)
Tierney
Towns
Turner (TX)
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Wexler
Woolsey

NOT VOTING—13

Deal (GA)
DeMint
Filner
Goss
Hulshof
Israel
Lewis (GA)
Majette
Quinn
Reyes
Scott (GA)
Shadegg
Tauzin

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶50.8 MOTION TO INSTRUCT ON S. CON. RES 95—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced the unfinished business to be the motion by Mr. POMEROY, to instruct conferees on the concurrent resolution of the Senate (S. Con. Res. 95) setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009.

The question being put,

Will the House agree to said motion?

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 207 / Nays 211

¶50.9 [Roll No. 171]

YEAS—207

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bass
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—211

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

NOT VOTING—15

Deal (GA)
DeMint
Filner
Goode
Hulshof
Israel
King (IA)
Lewis (GA)
Majette
Murtha
Quinn
Reyes
Scott (GA)
Shadegg
Tauzin

So the motion was not agreed to.

A motion to reconsider the vote whereby the motion was not agreed to was, by unanimous consent, laid on the table.

¶50.10 EMPLOYMENT RETIREMENT INCOME SECURITY

Mr. BOEHNER, pursuant to House Resolution 638, called up the bill (H.R. 4281) to amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with respect to medical care for their employees.

When said bill was considered and read twice.

After debate,

Pursuant to House Resolution 638, the following amendment in the nature of a substitute printed in part B of House Report 108-484 was submitted by Mr. KIND:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Small Employer Health Benefits Program Act of 2004''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Establishment of Small Employer Health Benefits Program (SEHBP).

''PART 8—SMALL EMPLOYER HEALTH BENEFITS PROGRAM

''Sec. 801. Establishment of program.
''Sec. 802. Contracts with qualifying insurers.
''Sec. 803. Additional conditions.
''Sec. 804. Dissemination of information.
''Sec. 805. Subsidies.
''Sec. 806. Authorization of appropriations.

SEC. 2. ESTABLISHMENT OF SMALL EMPLOYER HEALTH BENEFITS PROGRAM (SEHBP).

(a) IN GENERAL.—Subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by adding after part 7 the following new part:

''PART 8—SMALL EMPLOYER HEALTH BENEFITS PROGRAM (SEHBP)

"SEC. 801. ESTABLISHMENT OF PROGRAM.

''(a) IN GENERAL.—The Secretary shall establish, in accordance, with this part, a program under which—

''(1) qualifying small employers (as defined in subsection (b)) are provided access to qualifying health insurance coverage (as defined in subsection (c)) for their employees, and

''(2) such employees may elect alternative forms of coverage offered by various health insurance issuers.

''(b) QUALIFYING SMALL EMPLOYER DEFINED; OTHER DEFINITIONS.—For purposes of this part:

''(1) QUALIFYING SMALL EMPLOYER.—

''(A) IN GENERAL.—The term 'qualifying small employer' means a small employer (as defined in paragraph (2)) that—

''(i) elects to offer health insurance coverage provided under this part to each employee who has been employed by that employer for 3 months or longer; and

''(ii) elects, with respect to an employee electing coverage under qualified health insurance coverage, to pay at least 50 percent of the total premium for qualifiing health insurance coverage provided under this part.

''(B) ELECTIONS.—Elections under sub paragraph (A) may be filed with the Secretary during the 180-day period beginning with the first enrollment period occurring under section 803 and during open enrollment periods occurring thereafter under such section. Such elections shall be filed in such form and manner as shall be prescribed by the Secretary.

''(C) PART-TIME EMPLOYMENT.—Under regulations of the Secretary, in the case of an employee serving in a position in which service is customarily less than 1,500 hours per year, the reference in subparagraph (A) (ii) to '50 percent' shall be deemed a percentage reduced to a percentage that bears the same ratio to 50 percent as the number of hours of service per year customarily in such position bears to 1,500.

''(2) SMALL EMPLOYER.—The term 'small employer' means, with respect to a year under the program, an employer who employed an average of fewer than 100 employees on business days during the preceding calendar year and who employs at least 1 employee on the first day of such year under the program.

''(3) SEHBP.—The term 'SEHBP' means the small employer health benefits program provided under this part.

''(c) QUALIFYING HEALTH INSURANCE COVERAGE.—For purposes of this part, the term 'qualifying health insurance coverage' means health insurance coverage that meets the following requirements:

''(1) The coverage is offered by a health insurance issuer.

''(2) The benefits under such coverage are equivalent to or greater than the lower level of benefits provided under the service benefit plan described in section 8903(l) of title 5, United States Code.

''(3) The coverage includes, with respect to an employee that elects coverage, coverage of the same dependents that would be covered if the coverage were offered under FEHBP.

''(4) (A) Subject to subparagraph (B), there is no underwriting, through a preexisting condition limitation, differential benefits, or different premium levels, or otherwise, with respect to such coverage for covered employees or their dependents.

''(B) The premiums charged for such coverage are community-rated for employees within any State and may vary only—

''(i) by individual or family enrollment, and

''(ii) to the extent permitted under the laws of such State relating to health insurance coverage offered in the small group market, on the basis of geography.

''(d) OTHER TERMS.—

''(1) HEALTH INSURANCE COVERAGE; HEALTH INSURANCE ISSUER; HEALTH STATUS-RELATED FACTOR.—The terms 'health insurance coverage', 'health insurance issuer', 'health status-related factor' have the meanings provided such terms in section 733.

''(2) SMALL GROUP MARKET.—The term 'small group market' has the meaning provided such term in section 2791(e)(5) of the Public Health Service Act (42 U.S.C. 300gg–91(e)(5)).

''(3) FEHBP.—The term 'FEHBP' means the Federal Employees Health Benefits Program under chapter 89 of title 5, United States Code.

''(e) TREATMENT OF PARTNERSHIPS AND SELF-EMPLOYED INDIVIDUALS.—For purposes of this part, and for purposes of applying section 3 to this part and to part 5 as it applies to this part, in any case in which qualifying health insurance coverage is, or is to be, provided under a plan, fund, or program to individuals covered thereunder—

''(1) if such plan, fund, or program is maintained by a partnership, the term 'employer' (as defined in section 3(5)) includes the partnership in relation to the partners, and the term 'employee' (as defined in section 3(6)) includes any partner in relation to the partnership; and

''(2) if such plan, fund, or program is maintained by a self-employed individual, the term 'employer' (as defined in section 3(5)) and the term 'employee' (as defined in section 3(6)) shall include such individual.

"SEC. 802. CONTRACTS WITH QUALIFYING INSURERS.

''(a) IN GENERAL.—The Secretary shall enter into contracts with health insurance issuers for the offering of qualifying health insurance coverage under this part in the States in such manner as to offer coverage to employees of employers that elect to offer coverage under this part. Nothing in this part shall be construed as requiring the Secretary to enter into arrangements with all such issuers seeking to offer qualifying health insurance coverage in a State.

''(b) CONTINUED REGULATION.—Nothing in this part shall be construed as preempting State laws applicable to health insurance issuers that offer coverage under this part in such State.

''(c) COORDINATION WITH STATE INSURANCE COMMISSIONERS.—The Secretary shall coordinate with the insurance commissioners for the various States in establishing a process for handling and resolving any complaints relating to health insurance coverage offered under this part, to the extent necessary to augment processes otherwise available under State law.

"SEC. 803. ADDITIONAL CONDITIONS.

''(a) LIMITATION ON ENROLLMENT PERIODS.—The Secretary may limit the periods of times during which employees may elect coverage offered under this part, but such election shall be consistent with the elections permitted for employees under FEHBP and shall provide for at least annual open enrollment periods and enrollment at the time of initial eligibility to enroll and upon appropriate changes in family circumstances.

''(b) AUTHORIZING USE OF STATES IN MAKING ARRANGEMENTS FOR COVERAGE.—In lieu of the coverage otherwise arranged by the Secretary under this part, the Secretary may enter an arrangement with a State under which a State arranges for the provision of qualifying health insurance coverage to qualifying small employers in such manner as the Secretary would otherwise arrange for such coverage.

''(c) USE OF FEHBP MODEL.—The Secretary shall carry out the SEHBP using the model of the FEHBP to the extent practicable and consistent with the provisions of this part, and, in carrying out such model, the Secretary shall, to the maximum extent practicable, negotiate the most affordable and substantial coverage possible for small employers.

"SEC. 804. DISSEMINATION OF INFORMATION.

''The Secretary shall widely disseminate information about SEHBP through the media, the Internet, public service announcements, and other employer and employee directed communications.

"SEC. 805. SUBSIDIES.

''(a) EMPLOYER SUBSIDIES.—

''(1) ENROLLMENT DISCOUNT.—

''(A) IN GENERAL.—In the case of a qualifying small employer who is eligible under subparagraph (B), the portion of the total premium for coverage otherwise payable by such employer under this part shall be reduced by 5 percent. Such reduction shall not cause an increase in the portion of the total premium payable by employees.

''(B) EMPLOYERS ELIGIBLE FOR DISCOUNTS.—A qualifying small employer is eligible under this subparagraph if such employer employed an average of fewer than 25 employees on business days during the preceding calendar year.

''(2) EMPLOYER PREMIUM SUBSIDY.—

''(A) IN GENERAL.—The Secretary shall provide to qualifying small employers who. are eligible under subparagraph (C) and who elect to offer health insurance coverage under this part a subsidy for premiums paid by the employer for coverage of employees whose individual income (as determined by the Secretary) is at or below 200 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section) for an individual.

''(B) SUBSIDY SCALED ACCORDING TO SIZE OF EMPLOYER.—The subsidy provided under subparagraph (A) shall be designed so that the subsidy equals, for any calendar year—

''(i) 50 percent of the portion of the premium payable by the employer for the coverage, in the case of eligible qualifyng small employers who employ an average of fewer than 11 employees on business days during the preceding calendar year;

''(ii) 35 percent of the portion of the premium payable by the employer for the coverage, in the case of eligible qualifying small employers who employ an average of more than 10 employees but fewer than 26 employees on business days during the preceding calendar year; and

''(iii) 25 percent of the portion of the premium payable by the employer for the coverage, in the case of eligible qualifying small employers who employ an average of more than 25 employees but fewer than 51 employees on business days during the preceding calendar year.

''(C) EMPLOYERS ELIGIBLE FOR PREMIUM SUBSIDY.—A qualifying small employer is eligible under this subparagraph if such employer employed an average of fewer than 50

employees on business days during the preceding calendar year.

''(b) EMPLOYEE SUBSIDIES.—

'' (1) IN GENERAL.—The Secretary shall provide subsidies to employees of qualifying small employers in any case in which the family income of the employee (as determined by the Secretary) is at or below 200 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section) for a family of the size involved.

''(2) AMOUNT OF SUBSIDY.—Such subsidies shall be in an amount equal to the excess of the portion of the total premium for coverage otherwise payable by the employee under this part for any period, over 5 percent of the family income (as determined under paragraph (1) (A)) of the employee for such period.

''(3) COORDINATION OF SUBSIDIES.—Notwithstanding paragraph (1), under regulations of the Secretary, an employee may be entitled to subsidies under this subsection for any period only if such employee is not eligible for subsidies for such period under any Federal or State health insurance subsidy program (including a program under title V, XIX, or XXI of the Social Security Act). For purposes of this paragraph, an employee is 'eligible' for a subsidy under a program if such employee is entitled to such subsidy or would, upon filing application therefore, be entitled to such subsidy.

''(4) AUTHORITY TO EXPAND ELIGIBILITY.—The Secretary may, to the extent of available funding, provide for expansion of the subsidy program under this subsection to employees whose family income (as defined by the Secretary) is at or below 300 percent of the poverty line (as determined under paragraph (1)).

''(c) LIMITATIONS.—For purposes of this section—

''(1) RESTRICTIONS ON TREATMENT OF EMPLOYMENT RELATIONSHIP.—Section 801(e) shall not apply.

''(2) REQUIREMENT OF MULTIPLE EMPLOYEES.—A small employer shall not be treated as a qualifying small employer with respect to an applicable year unless the employer employs at least 2 employees on the first day of such year.

''(d) PROCEDURES.—The Secretary shall establish by regulation applications, methods, and procedures for carrying out this section, including measures to ascertain or confirm levels of income.

"SEC. 806. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated, for the period beginning with fiscal year 2005 and ending with fiscal year 2014, $50,000,000,000 to carry out this part, including the establishment of subsidies under section 805.''.

(b) REPORT ON OFFERING NATIONAL HEALTH PLANS.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Labor shall report to Congress the Secretary's recommendations regarding the feasibility of offering national health plans under part 8 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, as added by subsection (a).

(c) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 734 the following new items:

''PART 8—SMALL EMPLOYER HEALTH BENEFITS PROGRAM (SEHBP)

''Sec. 801. Establishment of program.
''Sec. 802. Contracts with qualifying insurers.
''Sec. 803. Additional conditions.
''Sec. 804. Dissemination of information.
''Sec. 805. Subsidies.
''Sec. 806. Authorization of appropriations.''.

After debate,

Pursuant to House Resolution 638, the previous question was ordered on the bill and the amendment in the nature of a substitute.

The question being put, viva voce,

Will the House agree to said amendment in the nature of a substitute?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that the nays had it.

Mr. KIND demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative { Yeas ..... 193 / Nays 224

¶50.11 [Roll No. 172]

YEAS—193

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—224

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

NOT VOTING—16

Aderholt
Deal (GA)
DeGette
DeMint
Filner
Ford
Hulshof
Israel
Majette
McInnis
Nethercutt
Reyes
Scott (GA)
Shadegg
Shimkus
Tauzin

So the amendment in the nature of a substitute was not agreed to.

The bill was ordered to be engrossed and read a third time, was read a third time by title.

Mrs. MCCARTHY of New York, moved to recommit the bill to the Committee on Education and the Workforce with instructions to report the bill back to the House forthwith with the following amendment:

Page 13, insert after line 7 the following:

''(e) PROTECTION OF EXISTING GROUP HEALTH PLAN COVERAGE.—

''(1) IN GENERAL.—The requirements of this section are not met with respect to an association health plan if—

''(A) during the 1-year period preceding the date of the enactment of the Small Business Health Fairness Act of 2004, any participating employer of the plan maintained another group health plan providing a type of coverage described in paragraph (2), and

''(B) such association health plan does not provide such type of coverage.

''(2) TYPES OF COVERAGE.—A type of coverage is described in this paragraph if it consists of—

''(A) coverage for breast cancer screening and tests recommended by a physician,

''(B) coverage for the expenses of pregnancy and childbirth,

''(C) coverage for well child care, or

''(D) direct access to those obstetric or gynecological services which are provided by the plan.

''(3) PREDECESSORS AND CONTROLLED GROUPS.—For purposes of this subsection, a predecessor of an employer or any member of the employer's controlled group shall be treated as the employer. For purposes of this paragraph, the term 'controlled group' means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that the nays had it.

Mrs. MCCARTHY of New York, demanded a recorded vote on the motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 196 / Nays 218

¶50.12 [Roll No. 173]

AYES—196

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—218

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

NOT VOTING—19

Aderholt
Deal (GA)
DeGette
DeMint
Filner
Granger
Hulshof
Israel
Linder
Majette
McInnis
Meehan
Nethercutt
Reyes
Scott (GA)
Shadegg
Shimkus
Smith (MI)
Tauzin

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that the yeas had it.

Mr. CARDIN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 252 / Nays ..... 162 / Answered present 1

¶50.13 [Roll No. 174]

YEAS—252

Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hunter
Hyde
Isakson
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Neugebauer

Ney
Northup
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Velázquez
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—162

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Chandler
Conyers
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ford
Frank (MA)
Gephardt
Gordon
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Jackson (IL)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rangel
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

ANSWERED "PRESENT"—1

Norwood

NOT VOTING—18

Aderholt
Deal (GA)
DeGette
DeMint
Filner
Granger
Hulshof
Israel
Majette
McInnis
Meehan
Nethercutt
Reyes
Scott (GA)
Shadegg
Shimkus
Smith (MI)
Tauzin

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

Pursuant to section 4 of House Resolution 638, the text of H.R. 4280 and H.R. 4281 will be appended to the engrossment of H.R. 4279; and H.R. 4280 and H.R. 4281 shall be laid on the table.

¶50.14 H.J. RES. 91—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LATOURETTE, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the joint resolution (H.J. Res. 91) recognizing the 60th anniversary of the Servicemen's Readjustment Act of 1944.

The question being put,

Will the House suspend the rules and pass said joint resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 409 / Nays 0

¶50.15 [Roll No. 175]

YEAS—409

Abercrombie
Ackerman
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graves
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—24

Aderholt
Berman
Cummings
Deal (GA)
DeGette
DeMint
Diaz-Balart, M.
Filner
Granger
Green (TX)
Hulshof
Israel
Linder
Majette
McInnis
Meehan
Nethercutt
Reyes
Rodriguez
Scott (GA)
Shadegg
Shimkus
Smith (MI)
Tauzin

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said joint resolution was passed.

A motion to reconsider the vote whereby the rules were suspended and said joint resolution was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said joint resolution.

¶50.16 H. CON. RES. 414—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LATOURETTE, pursuant to clause 8, rule XX, announced the further unfinished business to be the question on agreeing to the concurrent resolution (H. Con. Res. 414) expressing the sense of the Congress that, as Congress recognizes the 50th anniversary of the Brown v. Board of Education decision, all Americans are encouraged to observe this anniversary with a commitment to continuing and building on the legacy of Brown.

The question being put,

Will the House agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 406 / Nays 1

¶50.17 [Roll No. 176]

YEAS—406

Abercrombie
Ackerman
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graves
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—26

Aderholt
Berman
Deal (GA)
DeGette
DeMint
Doolittle
Filner
Granger
Green (TX)
Hulshof
Israel
Jones (OH)
Linder
Majette
McInnis
Meehan
Nethercutt
Reyes
Rodriguez
Sanders
Scott (GA)
Shadegg
Shimkus
Smith (MI)
Stearns
Tauzin

So the concurrent resolution was agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶50.18 ADJOURNMENT OVER

On motion of Mr. DELAY, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday, May 17, 2004, for morning-hour debate, and further, when the House adjourns on Monday, May 17, 2004, it adjourn to meet at 9 a.m. on Tuesday, May 18, 2004, for morning-hour debate, as though after May 31, 2004, thereafter to resume its session at 10 a.m.

¶50.19 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. DELAY, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, May 19, 2004, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶50.20 MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore, Mr. LATOURETTE, announced that the Speaker, pursuant to 22 United States Code 276h, the order of the House of December 8, 2003, and clause 10 of rule I, appointed the following Members of the House to the Mexico-United States Interparliamentary Group: Messrs. KOLBE, Chairman, BALLENGER, Vice Chairman, DREIER, BARTON of Texas, MANZULLO, WELLER, and STENHOLM.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶50.21 SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 108. A concurrent resolution supporting the goals and ideals of Tinnitus Awareness Week; to the Committee on Energy and Commerce.

¶50.22 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. ISRAEL, for today; and

To Mr. SHADEGG, for today and balance of the week.

And then,

¶50.23 ADJOURNMENT

On motion of Mr. WHITFIELD, pursuant to the previous order of the House, at 8 o'clock and 49 minutes p.m., the House adjourned until 12:30 p.m. on Monday, May 17, 2004.

¶50.24 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 2729. A bill to amend the Occupational Safety and Health Act of 1970 to provide for greater efficiency at the

Occupational Safety and Health Review Commission; with an amendment (Rept. 108–486). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 2728. A bill to amend the Occupational Safety and Health Act of 1970 to provide for adjudicative flexibility with regard to an employer filing of a notice of contest following the issuance of a citation by the Occupational Safety and Health Administration: with an amendment (Rept. 108–487). Referred to the Committee of the Whole House on the State of the Union.

¶50.25 REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 2730. A bill to amend the Occupational Safety and Health Act of 1970 to provide for an independent review of citations issued by the Occupational Safety and Health Administration, with an amendment; referred to the Committee on Judiciary for a period ending not later than May 17, 2004, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X (Rept. 108–488, Pt. 1). Ordered to be printed.

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 2731. A bill to amend the Occupational Safety and Health Act of 1970 to provide for the award of attorney's fees and costs to very small employers when they prevail in litigation prompted by the issuance of citations by the Occupational Safety and Health Administration, with an amendment; referred to the Committee on Judiciary for a period ending not later than May 17, 2004, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X (Rept. 108–489, Pt. 1).

¶50.26 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KNOLLENBERG (for himself and Mr. GREEN of Wisconsin):

H.R. 4358. A bill to amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks; to the Committee on the Judiciary.

By Mr. PORTER (for himself, Mr. BLUNT, Mr. CANTOR, Mr. OTTER, Mr. CRANE, Mr. PICKERING, Mr. BROWN of South Carolina, Mr. SIMPSON, Mr. KINGSTON, Mr. BAKER, Mr. BURNS, Mr. WICKER, Mr. HAYWORTH, Mrs. MYRICK, Mr. FOSSELLA, Mr. ROGERS of Alabama, Mr. ISTOOK, Mr. SCHROCK, Mr. MARIO DIAZ-BALART of Florida, Mr. KIRK, Mr. MURPHY, Mr. SENSENBRENNER, Mr. BARRETT of South Carolina, Mr. WELDON of Florida, Mr. BACHUS, Mr. GIBBONS, Mr. SIMMONS, Mr. AKIN, Mr. SHIMKUS, Mr. ROGERS of Michigan, Mr. WILSON of South Carolina, Mr. DEMINT, Mr. KING of Iowa, Ms. HART, Mrs. CAPITO, Mr. RYUN of Kansas, Mr. SESSIONS, Mr. BEAUPREZ, Mrs. MILLER of Michigan, Mr. GINGREY, Mr. GILCHREST, Mr. DOOLITTLE, Mr. DUNCAN, Mrs. JO ANN DAVIS of Virginia, Mr. SMITH of New Jersey, Mr. CAMP, Mr. TIBERI, Mr. GILLMOR, Mr. FORBES, Mr. SOUDER, Mr. FRELINGHUYSEN, Ms. PRYCE of Ohio, Mr. OSE, and Mr. MANZULLO):

H.R. 4359. A bill to amend the Internal Revenue Code of 1986 to increase the child tax credit; to the Committee on Ways and Means.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 4360. A bill to provide for continuing Federal reimbursement of emergency health services furnished to illegal aliens through foreign aid funds; to the Committee on International Relations, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON (for herself, Mr. TURNER of Texas, Ms. LORETTA SANCHEZ of California, Mr. MARKEY, Mr. DICKS, Mr. FRANK of Massachusetts, Ms. HARMAN, Ms. SLAUGHTER, Mr. DEFAZIO, Mr. ANDREWS, Ms. LOFGREN, Ms. MCCARTHY of Missouri, Ms. JACKSON-LEE of Texas, Mr. PASCRELL, Mrs. CHRISTENSEN, Mr. ETHERIDGE, Mr. LUCAS of Kentucky, Mr. LANGEVIN, Mr. MEEK of Florida, Mr. CHANDLER, Mrs. MALONEY, and Mr. MATSUI):

H.R. 4361. A bill to provide for the security of public transportation systems in the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of Washington:

H.R. 4362. A bill to authorize the Secretary of the Interior to accept a parcel of Federal land in the State of Washington in trust for the Nisqually Tribe, to ensure that the acceptance of such land does not adversely affect the Bonneville Power Administration, and for other purposes; to the Committee on Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREEN of Wisconsin (for himself, Mr. FORD, Mr. NEY, Mr. KENNEDY of Minnesota, and Mr. LUCAS of Kentucky):

H.R. 4363. A bill to facilitate self-help housing homeownership opportunities; to the Committee on Financial Services.

By Mr. HYDE:

H.R. 4364. A bill to amend the Foreign Assistance Act of 1961 to require the governments of low income oil-producing countries to meet certain requirements relating to their oil revenues in order to be eligible to receive United States economic assistance; to the Committee on International Relations, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOGGETT (for himself, Mr. SHAYS, Mr. LEACH, Mr. ANDREWS, Mr. BLUMENAUER, Mr. COOPER, Mr. MARKEY, Mr. SCHIFF, Mr. EMANUEL, Mr. GRIJALVA, Mr. TAYLOR of Mississippi, Mr. MORAN of Virginia, Mr. KUCINICH, Mr. MCGOVERN, Mr. SANDERS, Ms. DELAURO, Ms. LEE, Mr. TIERNEY, Mr. MCDERMOTT, and Mr. STARK):

H.R. 4365. A bill to amend the Internal Revenue Code of 1986 to eliminate the inflation adjustment of the phaseout of the credit for producing fuel from a nonconventional source and to repeal the extension of the credit for facilities producing synthetic fuels from coal; to the Committee on Ways and Means.

By Mr. MARKEY:

H.R. 4366. A bill to prohibit the transfer of personal information to any person outside the United States, without notice and consent, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MATHESON:

H.R. 4367. A bill to amend title 38, United States Code, to provide entitlement to educational assistance under the Montgomery GI Bill for members of the Selected Reserve who aggregate more than 2 years of active duty service in any five year period, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAXTON (for himself and Mr. YOUNG of Alaska):

H.R. 4368. A bill to transfer the National Oceanic and Atmospheric Administration to the Department of the Interior; to the Committee on Resources, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHIMKUS (for himself, Mr. THOMPSON of California, Mr. HUNTER, and Mr. SKELTON):

H.R. 4369. A bill to amend title 10, United States Code, to require the Secretary of the Army to establish a combat service recognition ribbon, similar to the Navy Combat Action Ribbon, to recognize participation in combat by members of the Army, regardless of branch; to the Committee on Armed Services.

By Mr. MCGOVERN (for himself, Mrs. EMERSON, Mr. LANTOS, Mr. WOLF, Mr. BEREUTER, Mr. HOUGHTON, Mr. PAYNE, Mr. WEXLER, Mr. DELAHUNT, Ms. LEE, Mr. CROWLEY, Ms. MCCOLLUM, Ms. KAPTUR, Mr. HOEFFEL, Mr. BLUMENAUER, Mr. OTTER, Mr. KIND, Mr. LEACH, Mr. FALEOMAVAEGA, Mr. MOORE, and Mr. MORAN of Kansas):

H. Con. Res. 422. Concurrent resolution concerning the importance of the distribution of food in schools to hungry or malnourished children around the world; to the Committee on International Relations.

By Ms. KAPTUR:

H. Con. Res. 423. Concurrent resolution authorizing the use of the Capitol Grounds for activities associated with the dedication of the National World War II Memorial; to the Committee on Transportation and Infrastructure.

By Mr. SHADEGG:

H. Con. Res. 424. Concurrent resolution honoring past and current members of the Armed Forces of the United States and encouraging Americans to wear red poppies on Memorial Day; to the Committee on Armed Services.

By Mr. SMITH of New Jersey (for himself and Mr. CARDIN):

H. Con. Res. 425. Concurrent resolution expressing the sense of Congress in support of the ongoing work of the Organization for Security and Cooperation in Europe (OSCE) in combating anti-Semitism, racism, xenophobia, discrimination, intolerance, and related violence; to the Committee on International Relations.

By Mr. WEXLER (for himself, Mr. BROWN of Ohio, Mr. ROHRABACHER, and Mr. CHABOT):

H. Con. Res. 426. Concurrent resolution supporting the goals and ideals of Taiwanese-American Heritage Week; to the Committee on International Relations.

By Mr. PRICE of North Carolina (for himself, Mr. BEREUTER, and Mr. FROST):

H. Res. 642. A resolution providing for the establishment of a commission in the House of Representatives to assist parliaments in emerging democracies; to the Committee on International Relations.

¶50.27 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

325. The SPEAKER presented a memorial of the Legislature of the State of Maine, relative to H.P. 1461 Joint Resolution memorializing the Congress of the United States to continue its support and advocacy for the military bases in Maine; to the Committee on Armed Services.

326. Also, a memorial of the Senate of the State of Illinois, relative to Senate Resolution No. 102 memorializing the United States Congress to investigate and determine why the cost of motor fuel is so high and climbing; to the Committee on Energy and Commerce.

327. Also, a memorial of the Legislature of the State of Florida, relative to House Memorial No. 25 memorializing the United States Congress to pass legislation to change the existing formula for the distribution of Medicaid funds from a formula based on per capita income to one based on total taxable resources and the poverty rate; to the Committee on Energy and Commerce.

328. Also, a memorial of the Senate of the State of Illinois, relative to Senate Resolution No. 447 memorializing the government of the Russian Federation and the Russian oil company LUKoil to open up its drilling site in the Baltic Sea, known as D-6, off the coast of Lithuania for inspection by international organizations and Lithuanian authorities; and memorializing the government officials, the judiciary, and the media in Lithuania to address the current political crisis surrounding the office of the President in Lithuania in a forthright and transparent manner; to the Committee on International Relations.

329. Also, a memorial of the Legislature of the State of Florida, relative to House Memorial No. 335 memorializing the United States Congress to enact a proposed amendment to the Constitution of the United States to protect the rights of crime victims; to the Committee on the Judiciary.

¶50.28 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 97: Mr. SIMMONS, Mr. PORTER, Mr. DAVIS of Alabama, Mr. BISHOP of New York, and Mr. MILLER of Florida.

H.R. 107: Mr. MCDERMOTT, Mr. ABERCROMBIE, and Mr. RAHALL.

H.R. 111: Mr. PORTER.

H.R. 504: Mr. VAN HOLLEN.

H.R. 614: Mr. MILLER of Florida.

H.R. 677: Mr. DOOLEY of California and Mr. VAN HOLLEN.

H.R. 713: Mr. CUMMINGS and Mr. RUPPERSBERGER.

H.R. 767: Mr. MCHUGH.

H.R. 779: Ms. LEE, Mr. CASE, Ms. ESHOO, Mr. KUCINICH, and Mr. MORAN of Virginia.

H.R. 791: Mr. WELLER.

H.R. 813: Ms. LINDA T. SANCHEZ of California.

H.R. 814: Mr. RUPPERSBERGER.

H.R. 833: Mr. TIBERI and Ms. GINNY BROWN-WAITE of Florida.

H.R. 834: Mr. THORNBERRY.

H.R. 847: Mr. GRIJALVA.

H.R. 857: Mr. STRICKLAND.

H.R. 879: Mr. ACEVEDO-VILA.

H.R. 947: Mr. CHANDLER.

H.R. 1043: Ms. SLAUGHTER and Mr. RUSH.

H.R. 1057: Mr. MOORE.

H.R. 1083: Mr. BONNER.

H.R. 1084: Mr. GOODLATTE.

H.R. 1155: Mr. NETHERCUTT.

H.R. 1214: Mr. SOUDER.

H.R. 1305: Mr. HOEKSTRA and Mr. PICKERING.

H.R. 1306: Mr. BALLANCE.

H.R. 1555: Mrs. CAPPS, Mr. CONYERS, Mr. FILNER, Mr. SABO, Mr. TAYLOR of Mississippi, and Ms. WATERS.

H.R. 1575: Mr. SENSENBRENNER.

H.R. 1634: Mr. KIND.

H.R. 1653: Mrs. WILSON of New Mexico.

H.R. 1728: Mr. RAHALL.

H.R. 1775: Mr. GOODE.

H.R. 1778: Mr. HERGER.

H.R. 1811: Mr. TURNER of Texas.

H.R. 1861: Mr. MCGOVERN.

H.R. 1884: Mr. LATOURETTE, Mr. TAYLOR of North Carolina, and Mr. BALLANCE.

H.R. 1935: Mr. KILDEE.

H.R. 1998: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. QUINN.

H.R. 2023: Mr. WAMP.

H.R. 2151: Mr. WOLF.

H.R. 2157: Ms. BORDALLO.

H.R. 2182: Mr. KILDEE, Mr. EHLERS, Mrs. MILLER of Michigan, and Mr. STUPAK.

H.R. 2217: Mr. GRIJALVA.

H.R. 2262: Mr. BISHOP of New York.

H.R. 2263: Mr. WELLER.

H.R. 2274: Ms. LINDA T. SANCHEZ of California.

H.R. 2284: Mr. SANDLIN.

H.R. 2387: Mr. COOPER.

H.R. 2402: Mr. HOEFFEL and Ms. JACKSON-LEE of Texas.

H.R. 2680: Mr. BISHOP of New York, Mr. LEVIN, Mrs. MALONEY, Mr. KANJORSKI, and Ms. LINDA T. SANCHEZ of California.

H.R. 2699: Mr. WHITFIELD, Mr. MATHESON, Ms. HARRIS, Mr. COLLINS, Mrs. MYRICK, Mr. CRANE, and Mr. RADANOVICH.

H.R. 2735: Mr. LANTOS and Mr. STRICKLAND.

H.R. 2823: Mr. MOORE.

H.R. 2850: Mr. CARDOZA.

H.R. 2871: Mr. BLUMENAUER, Mr. HINOJOSA, and Ms. BERKLEY.

H.R. 2885: Mr. CRAMER and Mr. FERGUSON.

H.R. 2897: Mr. FILNER, Mr. MEEKS of New York, and Mr. RUSH.

H.R. 2959: Mr. MENENDEZ, Mr. MORAN of Virginia, Mr. OLVER, Mrs. MUSGRAVE, Mr. CLAY, Mr. DEAL of Georgia, Mr. BURR, Mr. BECERRA, Mr. BOSWELL, Mr. BISHOP of New York, Ms. MCCOLLUM, Mr. SMITH of Washington, Mrs. MCCARTHY of New York, and Mr. LARSEN of Washington.

H.R. 2997: Mr. GILLMOR and Mr. SMITH of Washington.

H.R. 3000: Ms. MILLENDER-MCDONALD and Mr. GRIJALVA.

H.R. 3005: Ms. MCCOLLUM.

H.R. 3015: Mr. TERRY.

H.R. 3049: Mr. PALLONE.

H.R. 3069: Mr. MCCOTTER, Mr. TANCREDO, Mr. JONES of North Carolina, and Mr. SHIMKUS.

H.R. 3085: Mr. FILNER.

H.R. 3103: Mr. ROGERS of Michigan.

H.R. 3111: Mr. LARSON of Connecticut, Mr. OLVER, Mr. CONYERS, Mr. BOOZMAN, Mr. NETHERCUTT, and Mr. COOPER.

H.R. 3165: Mr. MILLER of Florida, Mr. GREEN of Wisconsin, and Ms. ROS-LEHTINEN.

H.R. 3193: Mr. ROGERS of Kentucky.

H.R. 3194: Mr. JENKINS.

H.R. 3204: Mrs. EMERSON, Mr. GOODE, Mr. GUTKNECHT, Mr. GARY G. MILLER of California, Mr. SHIMKUS, Mr. SMITH of Michigan, Mr. TIAHRT, Ms. MAJETTE, Mr. ABERCROMBIE, Mr. BACA, Ms. BALDWIN, Mr. BALLANCE, Mr. BERMAN, Mr. BISHOP of New York, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Ms. CARSON of Indiana, Mr. CLAY, Mr. CLYBURN, Mr. COSTELLO, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. DAVIS of Florida, Mr. DELAHUNT, Mr. EMANUEL, Mr. ENGEL, Mr. ETHERIDGE, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. GORDON, Mr. GREEN of Texas, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HONDA, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Ms. KILPATRICK, Mr. KLECZKA, Mr. LANTOS, Ms. LEE, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mrs. LOWEY, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. MCNULTY, Mr. MEEHAN, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. MENENDEZ, Ms. MILLENDER-MCDONALD, Mr. MOLLOHAN, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. OBERSTAR, Mr. ORTIZ, Mr. OWENS, Mr. PASCRELL, Mr. PRICE of North Carolina, Mr. RAHALL, Mr. RANGEL, Mr. RODRIGUEZ, Mr. ROTHMAN, Mr. RUPPERSBERGER, Mr. RUSH, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SANDERS, Mr. SANDLIN, Ms. SCHAKOWSKY, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SKELTON, Ms. SLAUGHTER, Ms. SOLIS, Mr. STUPAK, Mr. THOMPSON of Mississippi, Mr. TIERNEY, Mr. TOWNS, Ms. VELAZQUEZ, Ms. WATSON, Mr. WATT, Ms. WOOLSEY, and Mr. WYNN.

H.R. 3242: Ms. ROS-LEHTINEN, Ms. GINNY BROWN-WAITE of Florida, Mr. MATSUI, Ms. HOOLEY of Oregon, Mr. PRICE of North Carolina, Mr. PLATTS, Mr. GORDON, and Ms. LEE.

H.R. 3244: Mr. DELAHUNT.

H.R. 3274: Mr. ISAKSON.

H.R. 3318: Mr. LINDA T. SANCHEZ of California.

H.R. 3339: Mr. LARSON of Connecticut.

H.R. 3367: Mr. LAHOOD.

H.R. 3386: Mr. GRIJALVA.

H.R. 3412: Mr. LEACH and Mr. SENSENBRENNER.

H.R. 3459: Mr. BERMAN and Mr. MCNULTY.

H.R. 3474: Mr. GREEN of Wisconsin and Ms. ESHOO.

H.R. 3479: Mr. ACEVEDO-VILA, Mrs. CHRISTENSEN, Mr. FALEOMAVAEGA, and Mr. ORTIZ.

H.R. 3482: Mr. UDALL of Colorado.

H.R. 3558: Ms. JACKSON-LEE of Texas.

H.R. 3615: Ms. DELAURO, Mr. DOYLE, and Mr. KILDEE.

H.R. 3676: Mr. NEAL of Massachusetts, Mr. COSTELLO, and Mr. PLATTS.

H.R. 3716: Mr. BRADLEY of New Hampshire, Mr. JONES of North Carolina, and Mr. RUPPERSBERGER.

H.R. 3756: Mr. HILL, Mr. FOLEY, and Mrs. EMERSON.

H.R. 3777: Mr. MORAN of Kansas.

H.R. 3780: Mr. DAVIS of Illinois.

H.R. 3785: Mr. DAVIS of Florida, Mr. FOLEY, Ms. ROS-LEHTINEN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. SHAW, Mr. HASTINGS of Florida, Mr. WELDON of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. PUTNAM, Mr. MILLER of Florida, Mr. BOYD, Mr. BILIRAKIS, Ms. HARRIS, Mr. KELLER, Mr. DEUTSCH, Mr. WEXLER, and Mr. MEEK of Florida.

H.R. 3801: Mr. COLLINS and Mr. MCCOTTER.

H.R. 3815: Mr. TIERNEY and Mr. PASTOR.

H.R. 3840: Mr. HASTINGS of Washington.

H.R. 3858: Mr. SMITH of Washington, Mr. MENENDEZ, Mr. HASTINGS of Washington, and Mr. BAIRD.

H.R. 3881: Mr. ACKERMAN, Mr. CHANDLER, and Mr. TURNER of Texas.

H.R. 3888: Mr. CHANDLER.

H.R. 3889: Mr. STARK.

H.R. 3903: Mr. MILLER of North Carolina.

H.R. 3924: Mr. DAVIS of Illinois.

H.R. 3927: Mr. COSTELLO.

H.R. 3952: Mr. OTTER.

H.R. 3960: Mr. CASE.

H.R. 3965: Mr. RANGEL and Mr. PLATTS.

H.R. 3981: Mr. BROWN of South Carolina.

H.R. 4011: Mrs. JOANN DAVIS of Virginia, Mr. GRIJALVA, and Mr. WEXLER.

H.R. 4016: Mr. CLAY, Mr. CHANDLER, and Mr. BACHUS.

H.R. 4026: Mr. LARSEN of Washington and Mr. TURNER of Texas.

H.R. 4035: Ms. BALDWIN.

H.R. 4048: Mr. AKIN, Mr. ROSS, Mr. BOUCHER, Mr. BOOZMAN, Mr. HENSARLING, Mr. BISHOP of Utah, Mr. MCCOTTER, Mr. PETERSON of Minnesota, and Mr. BARRETT of South Carolina.

H.R. 4057: Mr. GREENWOOD.
H.R. 4072: Mr. MEEKS of New York.
H.R. 4101: Mr. MARKEY.
H.R. 4107: Ms. SLAUGHTER, Ms. LORETTA SANCHEZ of California, Mr. LYNCH, Mr. HOLDEN, Mr. ABERCROMBIE, Mr. NEAL of Massachusetts, Mr. LAMPSON, Mr. LANGEVIN, Mr. PALLONE, Mr. ACEVEDO-VILA, Ms. HOOLEY of Oregon, Mr. KILDEE, Mr. BERMAN, Mr. DAVIS of Tennessee, Mr. MCDERMOTT, Mr. LOBIONDO, Mrs. JO ANN DAVIS of Virginia, Mr. SAXTON, Mr. DELAHUNT, Mr. FRANK of Massachusetts, Mr. BRADY of Pennsylvania, Mr. FROST, and Mr. SHAYS.
H.R. 4111: Mr. CHANDLER.
H.R. 4116: Mr. GREENWOOD, Mr. RAHALL, Mr. LANTOS, Mr. LATHAM, Mr. KIND, Mr. MCGOVERN, Mr. ROTHMAN, Mr. TIERNEY, Mr. MARSHALL, Mr. BOYD, Mr. STARK, Mr. DOGGETT, Mr. NEAL of Massachusetts, Mr. KLECZKA, Mr. HINCHEY, Mrs. CAPPS, Mr. LEWIS of Georgia, Ms. LOFGREN, Mr. JACKSON of Illinois, Mr. BACA, Mr. BELL, Mr. BAIRD, Mr. UDALL of New Mexico, Mrs. MCCARTHY of New York, Mr. HOLDEN, Mr. KANJORSKI, Mr. FATTAH, Mr. DOYLE, Mr. OLVER, Mr. MURTHA, Mr. MICHAUD, Mr. CAPUANO, Mr. STUPAK, Mr. LARSON of Connecticut, Mr. BROWN of Ohio, Mrs. JONES of Ohio, Mr. RYAN of Ohio, Mr. CHANDLER, Mr. ETHERIDGE, and Mrs. SESSIONS.
H.R. 4126: Mr. CANTOR, Mr. PETERSON of Minnesota, Mr. BISHOP of Utah, Mr. RAMSTAD, Mr. CULBERSON, Mr. ROSS, Mr. RYUN of Kansas, Mr. AKIN, Mr. HALL, and Mr. DOOLITTLE.
H.R. 4156: Mr. ROGERS of Kentucky.
H.R. 4169: Mr. GARRETT of New Jersey, Mr. WAMP, and Mrs. KELLY.
H.R. 4177: Mr. WU and Mr. KIND.
H.R. 4180: Mr. RANGEL.
H.R. 4203: Mr. MARSHALL and Mr. UPTON.
H.R. 4217: Mr. DEMINT, Mr. BRADLEY of New Hampshire, Mr. MORAN of Virginia, Mr. COLLINS, and Mr. PICKERING.
H.R. 4230: Mr. MORAN of Virginia, Mr. WYNN, Mr. BERMAN, Ms. SCHAKOWSKY, Mr. ROTHMAN, Mr. WEXLER, Mrs. MCCARTHY of New York, and Mr. HOEFFEL.
H.R. 4234: Mr. RANGEL, Ms. LOFGREN, Mr. MCNULTY, Mr. KUCINICH, Mr. JOHNSON of Illinois, and Mr. JOHN.
H.R. 4236: Mr. BISHOP of New York.
H.R. 4237: Mr. BISHOP of New York.
H.R. 4239: Mr. NEY.
H.R. 4260: Ms. WATSON, Mr. BRADY of Pennsylvania, and Mr. GRIJALVA.
H.R. 4262: Mr. HONDA and Mr. LANTOS.
H.R. 4263: Mr. MEEHAN, Mr. LANGEVIN, Mr. ALLEN, Mr. HINCHEY, Mr. WU, Mrs. CAPPS, Mr. LIPINSKI, Ms. LEE, Mr. BRADY of Pennsylvania, Mr. LARSEN of Washington, Mr. ETHERIDGE, Mr. BACA, Mr. COSTELLO, Mr. BROWN of Ohio, Mr. CLAY, Mr. BAIRD, Ms. HOOLEY of Oregon, Mr. EMANUEL, Ms. KAPTUR, Mr. FATTAH, Mr. GUTIERREZ, Mr. ABERCROMBIE, Mr. KILDEE, Mrs. MCCARTHY of New York, Ms. CARSON of Indiana, Mr. PETERSON of Minnesota, Ms. MILLENDER-MCDONALD, Mr. RYAN of Ohio, Mr. UDALL of Colorado, Mr. RODRIQUEZ, Ms. VELAZQUEZ, Mr. GEPHARDT, Mr. HINOJOSA, Mr. ACKERMAN, Mr. KANJORSI, Mr. FORD, Mr. MILLER of North Carolina, Mr. STARK, Mr. MATHESON, Mr. BERMAN, Ms. LINDA T. SANCHEZ of California, Mr. RANGEL, Mr. BISHOP of Georgia, Mr. MICHAUD, Mr. SCHIFF, Mr. VAN HOLLEN, Mrs. DAVIS of California, and Ms. WOOLSEY.
H.R. 4276: Mr. DAVIS of Tennessee, Mr. PETERSON of Minnesota, Mr. STENHOLM, and Mr. ROSS.
H.R. 4290: Ms. SLAUGHTER.
H.R. 4325: Mr. STARK.
H.R. 4333: Ms. LINDA T. SANCHEZ of California and Mr. FROST.
H.R. 4346: Ms. LEE, Mr. LEWIS of Georgia, Mr. RUSH, Mr. MCGOVERN, Mr. BRADY of Pennsylvania, Mr. GRIJALVA, Mr. REYES, Mr. MCDERMOTT, Mr. SCHIFF, Mr. TOWNS, and Mr. ETHERIDGE.
H.R. 4356: Mr. HINOJOSA, Mr. BERMAN, Ms. BALDWIN, Mr. MCNULTY, and Mr. BACA.
H.J. Res. 94: Mr. TANCREDO, Mr. PETERSON of Minnesota, and Mrs. JO ANN DAVIS of Virginia.
H.J. Res. 95: Mr. ALLEN, Mr. BAIRD, Mrs. MALONEY, Ms. DELAURO, Mr. VAN HOLLEN, and Mr. SANDERS.
H. Con. Res. 257: Mr. DOYLE and Ms. LEE.
H. Con. Res. 318: Mr. GREEN of Wisconsin.
H. Con. Res. 366: Mr. MEEKS of New York.
H. Con. Res. 375: Mr. SCHROCK and Mr. WAXMAN.
H. Con. Res. 391: Ms. DELAURO.
H. Con. Res. 392: Mr. NEAL of Massachusetts and Mrs. NAPOLITANO.
H. Con. Res. 399: Mr. SNYDER, Ms. NORTON, Ms. SCHAKOWSKY, and Ms. MCCOLLUM.
H. Con. Res. 403: Mr. HINCHEY, Mr. MICHAUD, Mr. VISCLOSKY, Mrs. MALONEY, and Ms. ROS-LEHTINEN.
H. Con. Res. 421: Mr. HULSHOF.
H. Res. 129: Mr. DAVIS of Illinois.
H. Res. 550: Mr. PEARCE.
H. Res. 556: Mr. MARKEY.
H. Res. 621: Mr. FROST.

MONDAY, MAY 17, 2004 (51)

¶51.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. PETRI, who laid before the House the following communication:

WASHINGTON, DC,
May 17, 2004.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

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

¶51.2 MESSAGE FROM THE SENATE

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

H.R. 1350. An Act to reauthorize the Individuals with Disabilities Education Act, and for other purposes.

¶51.3 MORNING-HOUR DEBATE

The SPEAKER pro tempore, Mr. PETRI, pursuant to the order of the House of Tuesday, January 7, 2003, recognized Members for morning-hour debate.

¶51.4 RECESS—1:03 P.M.

The SPEAKER pro tempore, Mr. PETRI, pursuant to clause 12(a) of rule I, declared the House in recess at 1 o'clock 3 minutes p.m. until 2 p.m.

¶51.5 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. CULBERSON, called the House to order.

¶51.6 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. CULBERSON, announced he had examined and approved the Journal of the proceedings of Thursday, May 13, 2004.

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

¶51.7 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

8166. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Procedures for Reestablishing a Region as Free of a Disease [Docket No. 02–001–2] (RIN: 0579–AB53) received May 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8167. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Highly Pathogenic Avian Influenza; Additional Restrictions [Docket No. 04–011–1] received May 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8168. A communication from the President of the United States, transmitting request for a FY 2005 budget amendment to establish a contingent emergency reserve fund to support operations in Iraq and Afghanistan; (H. Doc. No. 108–185); to the Committee on Appropriations and ordered to be printed.

8169. A letter from the Under Secretary, Acquisition, Technology, and Logistics, Department of Defense, transmitting a report on activities and programs for countering proliferation and NBC terrorism, pursuant to Public Law 103–337, section 1503; to the Committee on Armed Services.

8170. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA–D–7555] received May 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8171. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule—Changes in Flood Elevation Determinations—received May 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8172. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule—Final Flood Elevation Determinations—received May 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8173. A letter from the Director, FDIC Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance: Interim Capital Treatment of Consolidated Asset-Backed Commercial Paper Program Assets; Extension (RIN: 3064–AC74); Department of the Treasury, Office of the Comptroller of the Currency [Docket No. 04-] (RIN: 1557–AC76); Federal Reserve System [Regulations H and Y; Docket No. R–1156]; Department of the Treasury, Office of Thrift Supervision [No. 2004-] (RIN: 1550–AB79) received May 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8174. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits—received May 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8175. A letter from the Director, Defense Security Cooperation Agency, transmitting reports in accordance with Section 36(a) of the Arms Export Control Act, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

8176. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Kentucky Regulatory Program [KY–244–

FOR] received May 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8177. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Federal Oil Valuation (RIN: 1010–AD04) received May 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

¶51.8 BEND PINE NURSERY LAND CONVEYANCE

Mr. RADANOVICH moved to suspend the rules and pass the bill (H.R. 3505) to amend the Bend Pine Nursery Land Conveyance Act to specify the recipients and consideration for conveyance of the Bend Pine Nursery, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. RADANOVICH and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶51.9 TIMUCUAN ECOLOGICAL AND HISTORIC PRESERVE

Mr. RADANOVICH moved to suspend the rules and pass the bill (H.R. 3768) to expand the Timucuan Ecological and Historic Preserve, Florida; as amended.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. RADANOVICH and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶51.10 NATIONAL WAR PERMANENT TRIBUTE HISTORICAL DATABASE

Mr. RADANOVICH moved to suspend the rules and pass the bill (H.R. 2201) to authorize the establishment of a national database for purposes of identifying, locating, and cataloging the many memorials and permanent tributes to America's veterans.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. RADANOVICH and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶51.11 NATIONAL TRANSPORTATION WEEK

Mr. PORTER moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 420):

Whereas the United States transportation system is an extensive, inter-related public and private network of roads, airports, railroads, transit routes, waterways, terminals, ports, and pipelines;

Whereas millions of people and businesses rely on this expanding system to get to work, embark on vacations, conduct business, and ship goods within the United States and abroad;

Whereas this system links regions and connects small and large cities and urban and rural areas;

Whereas transportation contributes to economic activity and to a nation's global competitiveness as a service, an industry, and an infrastructure;

Whereas the transportation sector accounts for 11 percent of the United States Gross Domestic Product;

Whereas the transportation sector employs over 11 million Americans;

Whereas the average household spends about 20 percent of its income on transportation, more than on any other expense except housing;

Whereas the President has proclaimed, by Executive Order, May 16 through May 22, 2004, as National Transportation Week;

Whereas Congress, by joint resolution approved May 16, 1957 (36 U.S.C. 120), designated the third Friday in May of each year as ''National Defense Transportation Day'' and, by joint resolution approved May 14, 1962 (36 U.S.C. 133), declared that the week during which that Friday falls be designated as ''National Transportation Week''; and

Whereas National Transportation Week provides an opportunity for the transportation community to join together for greater awareness about the importance of transportation and for making youth aware of transportation-related careers: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the 108th Congress—

(1) applauds the men and women who keep America moving;

(2) recognizes National Transportation Week by supporting the goals of that Week; and

(3) urges all Americans to become more aware of the benefits and contributions of transportation to the United States economy.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. PORTER and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. PORTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶51.12 NATIONAL WORLD WAR II MEMORIAL

Mr. PORTER moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 423):

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF USE OF CAPITOL GROUNDS FOR NATIONAL WORLD WAR II MEMORIAL DEDICATION.

The Capitol Grounds may be used for a public event providing additional space in conjunction with the dedication of the National World War II Memorial on May 29, 2004, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

SEC. 2. CONDITIONS.

The event to be carried out under this resolution shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

SEC. 3. STRUCTURES AND EQUIPMENT.

For the purposes of this resolution, the Architect of the Capitol is authorized to erect on Capitol Grounds such stage, sound amplification devices, and other related structures and equipment as may be required for the event to be carried out under this resolution.

SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements that may be required to carry out the event under this resolution.

SEC. 5. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 5104(c); 60 Stat. 718), concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event to be carried out under this resolution.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. PORTER and Ms. Eddie Bernice JOHNSON of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. PORTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶51.13 RENEWAL COMMUNITIES

Mr. HOUGHTON moved to suspend the rules and pass the bill (H.R. 4193) to amend the Internal Revenue Code of 1986 to allow for the expansion of areas designated as renewal communities based on 2000 census data and to treat certain census tracts with low populations as low-income communities for purposes of the new markets tax credit.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. HOUGHTON and Mr. McDERMOTT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶51.14 UNDOCUMENTED ALIEN EMERGENCY MEDICAL ASSISTANCE

Mr. BARTON moved to suspend the rules and pass the bill (H.R. 3722) to amend section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to impose conditions on Federal reimbursement of emergency health services furnished to undocumented aliens.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. BARTON and Ms. SOLIS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

Ms. SOLIS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed, until a later date.

¶51.15 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communictated to the House by Ms. Wanda Evans, one of his secretaries.

¶51.16 ATTACK ON CIVILIANS IN SUDAN

Mr. GREEN of Wisconsin, moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 403):

Whereas, since early 2003, a conflict between forces of the Government of the Republic of the Sudan, including militia forces backed by the Government, and rebel forces in the impoverished Darfur region of western Sudan has resulted in attacks by ground and air forces of the Government of Sudan against innocent civilians and undefended villages in the region;

Whereas Sudanese Government forces and government supported militia forces have also engaged in the use of rape as a weapon of war, the abduction of children, the destruction of food and water sources, and the deliberate and systematic manipulation and denial of humanitarian assistance for the people of the Darfur region;

Whereas, on December 18, 2003, United Nations Undersecretary General for Humanitarian Affairs Jan Egeland declared that the Darfur region was probably ''the world's worst humanitarian catastrophe'', and in April 2004 reported to the United Nations Security Council that in Darfur, ''a sequence of deliberate actions has been observed that seem aimed at achieving a specific objective: the forcible and long-term displacement of the targeted communities which may also be termed 'ethnic cleansing' '';

Whereas, on February 17, 2004, Amnesty International reported that it ''continues to receive details of horrifying attacks against civilians in villages by government warplanes, soldiers, and pro-government militia'';

Whereas, on February 18, 2004, United Nations Special Envoy for Humanitarian Affairs in Sudan Tom Eric Vraalsen declared, following a trip to the Darfur region, that ''aid workers are unable to reach the vast majority [of the displaced]'';

Whereas Doctors Without Borders, the Nobel Peace Prize-winning medical humanitarian relief organization and one of the few aid groups on the ground in the Darfur region, reported that the region is the scene of ''catastrophic mortality rates'';

Whereas, on April 20, the United Nations Office of the High Commissioner for Human Rights delayed the release of a report citing gross human rights abuses, crimes against humanity, and war crimes committed in Darfur in a bid to gain access to Sudan for investigators;

Whereas the Government of Sudan continues to deny humanitarian assistance for the people of the Darfur region by denying them unrestricted access to humanitarian aid organizations;

Whereas attacks on civilians in Darfur continue despite an April 8, 2004, temporary cease-fire agreement;

Whereas nearly 3,000,000 people affected by the conflict in the Darfur region have remained beyond the reach of aid agencies trying to provide essential humanitarian assistance, and United Nations aid agencies estimate that they have been able to reach only 15 percent of people in need and that more than 700,000 people have been displaced within Sudan in the past year; and

Whereas the United States delegation to the 60th Session of the United Nations Commission on Human Rights sponsored a resolution condemning the Government of Sudan for grave violations of human rights and humanitarian law occurring in the Darfur region: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) strongly condemns the Government of the Republic of the Sudan and militia groups supported by the Government of Sudan for attacks against innocent civilians in the impoverished Darfur region of western Sudan, in violation of Article 3 of the Geneva Conventions, done at Geneva August 12, 1949, and entered into force October 21, 1950, which specifically prohibit attacks on civilians, and demands that the Government of Sudan immediately take actions to cease these attacks;

(2) urges the Government of Sudan to immediately disarm and disband government supported militia groups;

(3) urges the Government of Sudan and all parties to honor commitments made in the cease-fire agreement of April 8, 2004;

(4) calls on the Government of Sudan to grant full, unconditional, and immediate access to Darfur to humanitarian aid organizations, the human rights investigation and humanitarian teams of the United Nations, including protection officers, and an international monitoring team in compliance with the temporary cease-fire agreement that is based in Darfur and has the support of the United States and the European Union;

(5) encourages the Administrator of the United States Agency for International Development to work with donors to immediately deliver humanitarian assistance to Darfur, including the delivery of food by air if necessary;

(6) calls on the Secretary of State to develop a plan for further bilateral and multilateral action in the event the Government of Sudan fails to immediately undertake the actions called for in paragraph (3), including a plan to seek a Security Council resolution addressing the Darfur situation;

(7) deplores the inaction of some member states of the United Nations and the failure of the United Nations Human Rights Commission to take strong action with respect to the crisis in Darfur;

(8) urges the President to direct the United States Representative to the United Nations to—

(A) seek an official investigation by the United Nations to determine if crimes against humanity have been committed by the Government of Sudan and government-supported militia groups in the Darfur region; and

(B) work with the international community to ensure that the individuals responsible for crimes against humanity in Darfur are held accountable for their actions; and

(9) strongly urges the President to impose targeted sanctions, including a ban on travel to the United States and freezing of personal assets, against officials and other individuals of the Government of Sudan, as well as Janjaweed militia commanders, who are responsible for war crimes and crimes against humanity in the Darfur region.

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Mr. GREEN of Wisconsin and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to clause 8, rule

XX, announced that further proceedings on the motion were postponed.

¶51.17 PERMISSION TO FILE REPORT

On motion of Mr. MURPHY, by unanimous consent, the Committee on Government Reform was granted permission to file a supplemental report on the bill (H.R. 2432) to amend the Paperwork Act and titles 5 and 31, United States Code, to reform Federal paperwork and regulatory processes.

¶51.18 OSCAR SCOTT WOODY POST OFFICE BUILDING

Mr. MURPHY moved to suspend the rules and pass the bill (H.R. 3740) to designate the facility of the United States Postal Service located at 223 South Main Street in Roxboro, North Carolina, as the ''Oscar Scott Woody Post Office Building''.

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Mr. MURPHY and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. MURPHY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed, until a later date.

¶51.19 BOBBY MARSHALL GENTRY POST OFFICE BUILDING

Mr. MURPHY moved to suspend the rules and pass the bill (H.R. 4176) to designate the facility of the United States Postal Service located at 122 West Elwood Avenue in Raeford, North Carolina, as the ''Bobby Marshall Gentry Post Office Building''.

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Mr. MURPHY and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. MURPHY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed, until a later date.

¶51.20 RECESS—4:29 P.M.

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to clause 12(a) of rule I, declared the House in recess at 4 o'clock and 29 minutes p.m. until approximately 6:30 p.m.

¶51.21 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mr. DUNCAN, called the House to order.

¶51.22 MESSAGE FROM THE PRESIDENT—CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO BURMA

The SPEAKER pro tempore, Mr. DUNCAN, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. I have sent the enclosed notice, stating that the Burma emergency is to continue beyond May 20, 2004, to the Federal Register for publication. The most recent notice continuing this emergency was published in the Federal Register on May 19, 2003.

The crisis between the United States and Burma, constituted by the actions and policies of the Government of Burma, including its policies of committing large-scale repression of the democratic opposition in Burma that led to the declaration of a national emergency on May 20, 1997, has not been resolved. These actions and policies are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency with respect to Burma and maintain in force the sanctions against Burma to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 17, 2004*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 108–186).

¶51.23 H. CON. RES. 420—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. DUNCAN, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 420) applauding the men and women who keep America moving and recognizing National Transportation Week.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 360 / Nays 0

¶51.24 [Roll No. 177]

YEAS—360

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Baca
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)

Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—73

Allen
Andrews
Bachus
Becerra
Bell
Blumenauer
Brady (PA)
Brown, Corrine
Burr
Burton (IN)
Carson (IN)
Carson (OK)
Clay
Clyburn
Collins
Cummings
Davis (AL)
DeFazio
DeMint
English
Flake
Forbes
Fossella
Gephardt
Gingrey
Gutierrez
Gutknecht
Isakson
Istook
Jenkins
Johnson (IL)
Kilpatrick
Knollenberg
Kucinich
Leach
Lipinski
Lowey
Maloney
Meeks (NY)
Miller (NC)
Moore
Moran (KS)
Murtha
Neal (MA)
Ney
Oberstar
Owens
Payne
Peterson (PA)
Platts
Pomeroy
Price (NC)
Pryce (OH)
Rangel
Reyes
Rogers (MI)
Ros-Lehtinen
Rush
Ryun (KS)
Sanders
Shays
Slaughter
Smith (TX)
Sweeney
Tanner
Tauzin
Taylor (NC)
Tiahrt
Towns
Velázquez
Wamp
Weiner
Woolsey

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶51.25 H. CON. RES. 423—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. DUNCAN, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 423) authorizing the use of the Capitol Grounds for activities associated with the dedication of the National World War II Memorial.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 364 / Nays ..... 0 }

¶51.26 [Roll No. 178]

YEAS—364

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Baca
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—69

Allen
Andrews
Bachus
Becerra
Bell
Blumenauer
Brady (PA)
Brown, Corrine
Burr
Burton (IN)
Carson (IN)
Carson (OK)
Clay
Clyburn
Collins
Cummings
Davis (AL)
DeFazio
DeMint
English
Flake
Forbes
Fossella
Gephardt
Gingrey
Gutierrez
Isakson
Istook
Jenkins
Kilpatrick
Knollenberg
Kucinich
Leach
Lipinski
Lowey
Meeks (NY)
Miller (NC)
Moore
Moran (KS)
Murtha
Neal (MA)
Ney
Oberstar
Owens
Payne
Peterson (PA)
Pomeroy
Price (NC)
Pryce (OH)
Rangel
Reyes
Rogers (MI)
Ros-Lehtinen
Rush
Ryun (KS)
Sanders
Shays
Slaughter
Smith (TX)
Sweeney
Tanner
Tauzin
Taylor (NC)
Tiahrt
Towns
Velázquez
Wamp
Weiner
Woolsey

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶51.27 H. CON. RES. 403—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. DUNCAN, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 403) condemning the Government of the Republic of the Sudan for its attacks against innocent civilians in the impoverished Darfur region of western Sudan; as amended.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 360 / Nays 1

¶51.28 [Roll No. 179]

YEAS—360

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Baca
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Kolbe
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—72

Allen
Andrews
Bachus
Becerra
Bell
Blumenauer
Brady (PA)
Brown, Corrine
Burr
Burton (IN)
Carson (IN)
Carson (OK)
Clay
Clyburn
Collins
Cummings
Davis (AL)
DeFazio
DeMint
English
Flake
Forbes
Fossella
Gephardt
Gingrey
Gutierrez
Hensarling
Isakson
Istook
Jenkins
Kilpatrick
Knollenberg
Kucinich
Lampson
Leach
Lipinski
Lowey
Meeks (NY)
Miller (NC)
Moore
Moran (KS)
Murtha
Neal (MA)
Ney
Northup
Oberstar
Owens
Oxley
Payne
Peterson (PA)
Pomeroy
Price (NC)
Pryce (OH)
Rangel
Reyes
Rogers (MI)
Rush
Ryun (KS)
Sanders
Shays
Slaughter
Smith (TX)
Sweeney
Tanner
Tauzin
Taylor (NC)
Tiahrt
Towns
Velázquez
Wamp
Weiner
Woolsey

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶51.29 NOTICE—MOTION TO INSTRUCT CONFEREES—H.R. 2660

Mr. George MILLER of California, pursuant to clause 7(c)(1) of rule XXII, announced his intention to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate on the bill (H.R. 2660) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; to insist on reporting an amendment to prohibit the Department of Labor from using funds under the Act to implement any portion of a regulation that would make any employee ineligible for overtime pay who would otherwise qualify for overtime pay under regulations under section 13 of the Fair Labor Standards Act in effect September 3, 2003, except that nothing in the amendment shall affect the increased salary requirements provided in such regulations as specified in section 541 of title 29 of the Code of Federal Regulations, as promulgated on April 23, 2004.

¶51.30 NOTICE—MOTION TO INSTRUCT CONFEREES—H. CON. RES. 95

Mr. STENHOLM, pursuant to clause 7(c)(1) of rule XXII, announced his intention to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the House amendment to the concurrent resolution of the Senate (S. Con. Res. 95) be instructed, within the scope of the conference, to reject provisions that provide for an increase in the statutory debt limit.

¶51.31 PROVIDING FOR THE CONSIDERATION OF H.R. 4359

Mr. DREIER, by direction of the Committee on Rules, reported (Rept. No. 108–496) the resolution (H. Res. 644) providing for consideration of the bill (H.R. 4359) to amend the Internal Revenue Code of 1986 to increase the child tax credit.

When said resolution and report were referred to the House Calendar and ordered printed.

¶51.32 PROVIDING FOR THE CONSIDERATION OF H.R. 2728, H.R. 2729, H.R. 2730, H.R. 2731, AND H.R. 2432

Mr. DREIER, by direction of the Committee on Rules, reported (Rept. No. 108–497) the resolution (H. Res. 645) providing consideration of the bills (H.R. 2728) to amend the Occupational Safety and Health Act of 1970 to provide for adjudicative flexibility with regard to an employer filing of a notice of contest following the issuance of a citation by the Occupational Safety and Health Administration; (H.R. 2729) to amend the Occupational Safety and Health Act of 1970 to provide for greater efficiency at the Occupational Safety and Health Review Commission; (H.R. 2730) to amend the Occupational Safety and Health Act of 1970 to provide for an independent review of citations issued by the Occupational Safety and Health Administration; (H.R. 2731) to amend the Occupational Safety and Health Act of 1970 to provide for the award of attorney's fees and costs to very small employers when they prevail in litigation prompted by the issuance of citations by the Occupational Safety and Health Administration; and (H.R. 2432) to amend the Paperwork Reduction Act and titles 5 and 31, United States Code, to reform Federal paperwork and regulatory processes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶51.33 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BACHUS, for today;

To Ms. CARSON of Indiana, for today;

To Mr. DeFAZIO, for today;

To Mr. ENGLISH of Pennsylvania, for today;

To Ms. KILPATRICK, for today;

To Mr. LEACH, for today and balance of the week;

To Mr. TAUZIN, for today and balance of the week;

To Mr. TIAHRT, for today; and

To Ms. WOOLSEY, for today.

And then,

¶51.34 ADJOURNMENT

On motion of Mr. DELAHUNT, at 10 o'clock and 58 minutes p.m., the House adjourned.

¶51.35 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports and committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[The following reports were filed on May 14, 2004]

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 2432. A bill to amend the Paperwork Reduction Act and titles 5 and 31, United States Code, to reform Federal paperwork and regulatory processes; with an amendment (Rept. 108–490 Pt. 1). Ordered to be printed.

Mr. HUNTER. Committee on Armed Services. H.R. 4200. A bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2005, and for other purposes; with amendments (Rept. 108–491). Referred to the Committee of the Whole House on the State of the Union.

[Filed on May 17, 2004]

Mr. TOM DAVIS of Virginia: Committee on Government Reform. Supplemental report on H.R. 2432. A bill to amend the Paperwork Reduction Act and titles 5 and 31, United States Code, to reform Federal paperwork and regulatory processes (Rept. 108–490, Pt. 2).

Mr. POMBO: Committee on Resources. H.R. 2201. A bill to authorize the establishment of a national database for purposes of identifying, locating, and cataloging the many memorials and permanent tributes to America's veterans (Rept. 108–492, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 3768. A bill to expand the Timucuan Ecological and Historic Preserve, Florida; with an amendment (Rept. 108–493). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 3505. A bill to amend the Bend Pine Nursery Land Conveyance Act to specify the recipients and consideration for conveyance of the Bend Pine Nursery, and for other purposes; with an amendment (Rept. 108–494). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 265. A bill to provide for an adjustment of the boundaries of Mount Rainier National Park, and for other purposes; with an amendment (Rept. 108–495). Referred to the Committee of the Whole House on the State of the Union.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 644. Resolution providing for consideration of the bill (H.R. 4359) to amend the Internal Revenue Code of 1986 to increase the child tax credit (Rept. 108–496). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 645. Resolution providing for consideration of the bill (H.R. 2728) to amend the Occupational Safety and Health Act of 1970 to provide for the adjudicative flexibility with regard to an employer filing of a notice of contest following the issuance of a citation by the Occupational Safety and Health Administration; for consideration of the bill (H.R. 2729) to amend the Occupational Safety and Health Act of 1970 to provide for greater efficiency at the Occupational Safety and Health Review Commission; for consideration of the bill (H.R. 2730) to amend the Occupational Safety and Health Act of 1970 to provide for an independent review of citations issued by the Occupational Safety and Health Administration; for consideration of the bill (H.R. 2731) to amend the Occupational Safety and Health Act of 1970 to provide for the award of attorney's fees and costs to very small employers when they prevail in litigation prompted by the issuance of citations by the Occupational Safety and Health Administration; and for consideration of the bill (H.R. 2432) to amend the Paperwork Reduction Act and titles 5 and 31, United States Code, to reform Federal paperwork and regulatory processes. (Rept. 108–497). Referred to the House Calendar.

¶51.36 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[The following action occurred on May 14, 2004]

H.R. 2432. Referral to the Committee on the Budget extended for a period ending not later than May 14, 2004.

[The following action occurred on May 17, 2004]

H.R. 2201. Referral to the Committee on Veterans' Affairs extended for a period ending not later than May 17, 2004.

¶51.37 DISCHARGE OF COMMITTEE

[The following action occurred on May 14, 2004]

Pursuant to clause 2 of rule XII the Committee on the Budget discharged from further consideration. H.R. 2432 referred to the Committee of the Whole House on the State of the Union.

[The following actions occurred on May 17, 2004]

Pursuant to clause 2 of rule XII the Committee on Veterans' Affairs discharged from further consideration. H.R. 2201 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committee on the Judiciary discharged from further consideration. H.R. 2730 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committee on the Judiciary discharged from further consideration. H.R. 2731 referred to the Committee of the Whole House on the State of the Union.

¶51.38 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. PETRI (for himself and Mr. GEORGE MILLER of California):

H.R. 4370. A bill to ensure that the Direct Loan Program is a competitive alternative to the Federal Family Education Loan Program for schools and students; to the Committee on Education and the Workforce.

By Mr. LAHOOD (for himself, Mr. EMANUEL, Mr. JEFFERSON, Mr. LATOURETTE, Mr. SHIMKUS, Mr. HINCHEY, Mrs. JONES of Ohio, Mr. MANZULLO, and Mr. QUINN):

H.R. 4371. A bill to direct the Secretary of Commerce to make noninterest bearing loans to State and local governments solely for the purpose of funding capital projects, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CANTOR (for himself and Mr. KENNEDY of Minnesota):

H.R. 4372. A bill to amend the Internal Revenue Code of 1986 to provide for the carryforward of $500 of unused benefits in cafeteria plans and flexible spending arrangements for dependent care assistance; to the Committee on Ways and Means.

By Mr. CAPUANO:

H.R. 4373. A bill to preserve the preeminence of the United States in scientific research by improving the Visas Mantis security check program through a reduction of processing times and improvement in efficiency under such program; to the Committee on the Judiciary.

By Mr. HINCHEY:

H.R. 4374. A bill to require Medicare providers to disclose publicly staffing and performance in order to promote improved consumer information and choice; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT (for himself and Mr. MCHUGH):

H.R. 4375. A bill to direct the Secretary of the Treasury to mint coins in commemoration of the battlefields of the Revolutionary War and the War of 1812, and for other purposes; to the Committee on Financial Services.

By Mrs. KELLY (for herself, Mrs. JOHNSON of Connecticut, Mr. MICHAUD, Ms. SLAUGHTER, Ms. MAJETTE, and Mr. UDALL of New Mexico):

H.R. 4376. A bill to amend the Small Business Act to establish funding priorities for women's business centers for fiscal year 2004; to the Committee on Small Business.

By Mrs. MALONEY (for herself, Mr. GRIJALVA, Mr. CONYERS, Mr. JACKSON of Illinois, Mrs. CAPPS, Ms. MILLENDER-MCDONALD, Mr. LANTOS, Mr. CROWLEY, Ms. JACKSON-LEE of Texas, Ms. WOOLSEY, Mr. NADLER, Mr. FILNER, Ms. SCHAKOWSKY, Mr. FRANK of Massachusetts, Ms. LEE, Ms. DELAURO, and Mr. SHAYS):

H.R. 4377. A bill to provide for the review by the Commissioner of Food and Drugs of the process by which the Food and Drug Administration made the decision not to approve the commercial distribution of the emergency-contraceptive drug Plan B as an over-the-counter drug, and for other purposes; to the Committee on Energy and Commerce.

By Ms. BALDWIN (for herself, Mr. MCDERMOTT, Mr. CONYERS, Mr. SCOTT of Georgia, Mr. BROWN of Ohio, Ms. KAPTUR, Mr. BERMAN, Ms. LOFGREN,

Mr. FROST, Mr. CAPUANO, Ms. LEE, Mrs. JONES of Ohio, Mr. GRIJALVA, Mr. KUCINICH, Mr. RAHALL, Ms. SLAUGHTER, Mr. OWENS, Mr. HONDA, Mr. HOYER, Mr. THOMPSON of Mississippi, Ms. JACKSON-LEE of Texas, Mr. WATT, and Mr. SANDERS):

H. Con. Res. 427. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued in honor of Charles Hamilton Houston; to the Committee on Government Reform.

By Ms. HARMAN:

H. Con. Res. 428. Concurrent resolution recommending that Congress not provide funds for fiscal year 2005 for the deployment of ground-based, strategic, mid-course, ballistic missile defense system components that have not met operational testing requirements and, instead, provide needed funding for programs designed to keep America's ports secure from terrorist attacks; to the Committee on Armed Services, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CANNON (for himself, Mr. MATHESON, Mr. FALEOMAVAEGA, Mr. FLAKE, Mr. BISHOP of Utah, and Mr. MCKEON):

H. Res. 643. A resolution congratulating the Brigham Young University men's volleyball team for winning the 2004 National Collegiate Athletic Association Division I–II men's volleyball championship; to the Committee on Education and the Workforce.

By Ms. PRYCE of Ohio:

H. Res. 644. A resolution providing for consideration of the bill (H.R. 4359) to amend the Internal Revenue Code of 1986 to increase the child tax credit.

By Mr. SESSIONS:

H. Res. 645. A resolution providing for consideration of the bill (H.R. 2728) to amend the Occupational Safety and Health Act of 1970 to provide for the adjudicative flexibility with regard to an employer filing of a notice of contest following the issuance of a citation by the Occupational Safety and Health Administration; for consideration of the bill (H.R. 2729) to amend the Occupational Safety and Health Act of 1970 to provide for greater efficiency at the Occupational Safety and Health Review Commission; for consideration of the bill (H.R. 2730) to amend the Occupational Safety and Health Act of 1970 to provide for an independent review of citations issued by the Occupational Safety and Health Administration; for consideration of the bill (H.R. 2731) to amend the Occupational Safety and Health Act of 1970 to provide for the award of attorney's fees and costs to very small employers when they prevail in litigation prompted by the issuance of citations by the Occupational Safety and Health Administration; and for consideration of the bill (H.R. 2432) to amend the Paperwork Reduction Act and titles 5 and 31, United States Code, to reform Federal paperwork and regulatory processes.

¶51.39 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. ANDREWS.
H.R. 218: Mr. RUPPERSBERGER.
H.R. 236: Ms. PELOSI.
H.R. 577: Mr. RUSH.
H.R. 742: Mr. MCDERMOTT.
H.R. 811: Mr. PICKERING.
H.R. 857: Mr. LAMPSON.
H.R. 972: Mr. LEACH.
H.R. 996: Mr. SHUSTER and Mr. LAMPSON.
H.R. 1043: Mr. HALL.
H.R. 1080: Mr. PETRI.
H.R. 1149: Ms. LOFGREN.
H.R. 1288: Ms. MCCARTHY of Missouri.
H.R. 1565: Mr. STARK.
H.R. 1746: Ms. JACKSON-LEE of Texas, Mr. RUPPERSBERGER, Mr. DICKS, Mr. LUCAS of Kentucky, Mr. BECERRA, Mrs. KELLY, Mr. HONDA, Mr. WU, Mr. KING of Iowa, Mr. HEFLEY, and Mr. BOEHLERT.
H.R. 1812: Ms. WATSON and Mrs. DAVIS of California.
H.R. 2032: Mr. PASCRELL, Mr. MORAN of Virginia, and Mr. WELDON of Pennsylvania.
H.R. 2151: Mr. KING of New York.
H.R. 2258: Mrs. MCCARTHY of New York.
H.R. 2527: Mr. CUMMINGS, Mr. KENNEDY of Rhode Island, Mr. DAVIS of Illinois, and Mr. ENGEL.
H.R. 2705: Mr. SHERWOOD.
H.R. 2880: Mr. OSBORNE.
H.R. 2901: Mr. TOWNS.
H.R. 2950: Mr. NEY, Mr. BELL, and Mr. ISAKSON.
H.R. 2983: Mr. PALLONE.
H.R. 3023: Mr. KILDEE.
H.R. 3085: Mr. PICKERING.
H.R. 3142: Mr. GOSS, Ms. BERKLEY, and Mr. MILLER of North Carolina.
H.R. 3165: Mr. ENGLISH.
H.R. 3178: Mr. BACHUS.
H.R. 3192: Ms. LOFGREN, Mr. BRADY of Pennsylvania, and Mr. BROWN of Ohio.
H.R. 3194: Mr. ADERHOLT, Mr. MCGOVERN, Mr. SHUSTER, and Mr. MEEK of Florida.
H.R. 3340: Mr. HASTERT.
H.R. 3350: Mr. MCGOVERN.
H.R. 3355: Mr. CASE.
H.R. 3438: Mr. CAMP.
H.R. 3458: Mr. BRADY of Pennsylvania.
H.R. 3459: Mr. OLVER.
H.R. 3460: Mr. FEENEY and Mr. SAXTON.
H.R. 3473: Mr. GOODLATTE.
H.R. 3474: Mr. DAVIS of Alabama.
H.R. 3476: Mr. PETERSON of Minnesota and Mr. LARSEN of Washington.
H.R. 3480: Mr. EMANUEL.
H.R. 3519: Ms. DELAURO.
H.R. 3591: Mr. FORD.
H.R. 3593: Mr. DEUTSCH.
H.R. 3619: Ms. HARMAN, Mr. CRAMER, and Mr. MARSHALL.
H.R. 3684: Mr. MEEHAN and Mr. REGULA.
H.R. 3755: Mr. GONZALEZ, Mr. MANZULLO, Mr. REHBERG, Mr. PLATTS, and Ms. NORTON.
H.R. 3779: Ms. MAJETTE.
H.R. 3831: Mr. PRICE of North Carolina.
H.R. 3859: Mr. JOHN, Mr. TIERNEY, Mr. ANDREWS, Mr. HOLT, Mr. SANDERS, Mr. PASCRELL, Ms. LORETTA SANCHEZ of California and Ms. ESHOO.
H.R. 4023: Mr. BACA and Mr. CHANDLER.
H.R. 4026: Mr. ISRAEL and Mr. HULSHOF.
H.R. 4039: Mr. PLATTS and Mr. WYNN.
H.R. 4067: Mr. MARKEY and Mr. WEXLER.
H.R. 4104: Mr. BISHOP of Georgia.
H.R. 4116: Mr. SCHIFF, Mr. MOORE, Mr. KILDEE, Mr. BLUMENAUER, Mr. STENHOLM, Mr. DINGELL, Mr. BERRY, Mr. NADLER, Mr. SANDLIN, Mr. MATSUI, Mr. EDWARDS, Mr. SKELTON, Mr. HOYER, Mr. PAYNE, Mr. KENNEDY of Rhode Island, Mr. MCDERMOTT, and Mr. FRANK of Massachusetts.
H.R. 4122: Mr. HINOJOSA.
H.R. 4150: Mr. KENNEDY of Minnesota and Mr. BILIRAKIS.
H.R. 4155: Mr. BOSWELL and Mr. ENGEL.
H.R. 4156: Mr. PETERSON of Minnesota and Mr. MCHUGH.
H.R. 4169: Mr. LAMPSON, Ms. JACKSON-LEE of Texas, and Mr. PETERSON of Minnesota.
H.R. 4192: Mr. CLAY, Mr. PAYNE, Mr. CASE, Mr. ENGEL, and Mr. PALLONE.
H.R. 4205: Mr. RENZI.
H.R. 4233: Mr. MARKEY.
H.R. 4256: Mr. SCOTT of Virginia.
H.R. 4258: Mr. HOEFFEL, Mr. HOLT, Mr. FROST, Mr. MATSUI, and Ms. MCCARTHY of Missouri.
H.R. 4260: Mr. MCDERMOTT, Ms. MCCOLLUM, and Ms. LINDA T. SANCHEZ of California.
H.R. 4284: Mr. MURPHY, Mr. BEAUPREZ, Mr. EVERETT, Mr. BARRETT of South Carolina, and Mr. CULBERSON.
H.R. 4290: Mr. FILNER and Mr. GRIJALVA.
H.R. 4341: Mr. CLAY.
H.R. 4343: Mr. SULLIVAN.
H.R. 4346: Mr. OBEY, Mr. ENGEL, Ms. JACKSON-LEE of Texas, Ms. NORTON, Mr. EMANUEL, Mr. CONYERS, Mrs. MALONEY, Mr. WYNN, Mr. ACEVEDO-VILA, and Mr. ISRAEL.
H.R. 4356: Mr. MCGOVERN.
H.R. 4359: Mr. BRADY of Texas, Mr. KNOLLENBERG, Mr. ENGLISH, Mr. MCCOTTER, Mrs. BIGGERT, Mr. WOLF, and Mr. BOEHLERT.
H. Con. Res. 163: Mr. BERMAN and Mr. GUTIERREZ.
H. Con. Res. 261: Mr. CLYBURN, Ms. BALDWIN, and Mr. WYNN.
H. Con. Res. 298: Mr. ADERHOLT, Mr. DUNCAN, and Mr. HENSARLING.
H. Con. Res. 366: Ms. MAJETTE.
H. Con. Res. 390: Ms. DELAURO, Mr. STUPAK, Mrs. KELLY, Mr. CULBERSON, Ms. MCCARTHY of Missouri, Mr. LYNCH, Mr. BONNER, and Mr. BOYD.
H. Con. Res. 391: Mr. CHANDLER.
H. Con. Res. 403: Mr. MORAN of Virginia and Mr. BARRETT of South Carolina.
H. Con. Res. 413: Mr. RUPPERSBERGER, Mrs. CAPPS, Ms. SCHAKOWSKY, Mr. BURGESS, Mr. PEARCE, Mr. SCOTT of Georgia, Mr. UPTON, Mr. FRANK of Massachusetts, Mr. BEREUTER, Mr. VAN HOLLEN, Mr. CUNNINGHAM, Mr. BROWN of South Carolina, Mr. KNOLLENBERG, Ms. MAJETTE, Ms. HARRIS, Ms. KILPATRICK, Mr. FILNER, Mr. ROGERS of Alabama, Mr. BELL, Mr. SANDERS, Mr. BEAUPREZ, Ms. LOFGREN, Mrs. CHRISTENSEN, and Mr. FROST.
H. Res. 471: Mr. ENGEL.
H. Res. 550: Ms. MCCARTHY of Missouri and Mr. DICKS.
H. Res. 640: Mr. GREEN of Texas and Ms. DELAURO.

TUESDAY, MAY 18, 2004 (52)

¶52.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 9 a.m. by the SPEAKER pro tempore, Mr. BISHOP of Utah, who laid before the House the following communication:

WASHINGTON, DC,
May 18, 2004.

I hereby appoint the Honorable ROB BISHOP to act as Speaker pro tempore on this day.

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

¶52.2 MESSAGE FROM THE SENATE

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

S. Con. Res. 103. A concurrent resolution honoring the contributions of the women, symbolized by ''Rosie the Riveter'', who served on the homefront during World War II, and for other purposes.

¶52.3 MORNING-HOUR DEBATE

The SPEAKER pro tempore, Mr. BISHOP of Utah, pursuant to the order of the House of Tuesday, January 20, 2004, recognized Members for morning-hour debate.

¶52.4 RECESS—9:01 A.M.

The SPEAKER pro tempore, Mr. BISHOP of Utah, pursuant to clause

12(a) of rule I, declared the House in recess at 9 o'clock and 1 minute a.m., until 10 a.m.

¶52.5 AFTER RECESS—10 A.M.

The SPEAKER pro tempore, Mr. BASS, called the House to order.

¶52.6 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. BASS, announced he had examined and approved the Journal of the proceedings of Monday, May 17, 2004.

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

¶52.7 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

8178. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Phosphomannose Isomerase and the Genetic Material Necessary for Its Production in All Plants; Exemption from the Requirement of a Tolerance [OPP-2004-0135; FRL-7358-9] received May 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8179. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's ''Major'' final rule — Control of Emissions of Air Pollution from Nonroad Diesel Engines and Fuel [OAR-2003-0012; FRL-7662-4] (RIN: 2060-AK27) received May 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8180. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan; San Joaquin Valley Unified Air Pollution Control District [CA 280-0444; FRL-7657-3] received May 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8181. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [R07-OAR-2004-MO-0001 FRL-7661-4] received May 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8182. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [CA269-0452; FRL-7659-8] received May 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8183. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Revisions to the 2005 ROP Plan for the Cecil County Portion of the Philadelphia-Wilmington-Trenton 1-Hour Ozone Nonattainment Area to Reflect the Use of MOBILE6 [MD161-3110a; FRL-7648-3] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8184. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Section 112(l) Authority for Hazardous Air Pollutants; Equivalency by Permit Provisions; National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry; Commonwealth of Virginia [VA001-1001a; FRL-7648-4] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8185. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Clean Air Act Reclassification, San Joaquin Valley Nonattainment Area; California; Ozone [CA 112-RECLAS, FRL-7648-8] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8186. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Conditional Approval and Promulgation of Implementation Plans: Michigan: Oxides of Nitrogen Rules [MI84-02; FRL-7647-6] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8187. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Interim Final Determination that State Has Corrected a Deficiency in the Arizona State Implementation Plan, Arizona Department of Environmental Quality [AZ 126-0074b; FRL-7650-3] received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8188. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Environmental Performance Track Program [OA-2004-0001; FRL-7650-6] (RIN: 2090-AA13) received April 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

¶52.8 PROVIDING FOR THE CONSIDERATION OF H.R. 2728, H.R. 2729, H.R. 2730, H.R. 2731, AND H.R. 2432

Mr. SESSIONS, by direction of the Committee on Rules, called up the following resolution (H. Res. 645):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2728) to amend the Occupational Safety and Health Act of 1970 to provide for adjudicative flexibility with regard to an employer filing of a notice of contest following the issuance of a citation by the Occupational Safety and Health Administration. The bill shall be considered as read for amendment. The amendment recommended by the Committee on Education and the Workforce now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit with or without instructions.

SEC. 2. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2729) to amend the Occupational Safety and Health Act of 1970 to provide for greater efficiency at the Occupational Safety and Health Review Commission. The bill shall be considered as read for amendment. The amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit with or without instructions.

SEC. 3. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2730) to amend the Occupational Safety and Health Act of 1970 to provide for an independent review of citations issued by the Occupational Safety and Health Administration. The bill shall be considered as read for amendment. The amendment recommended by the Committee on Education and the Workforce now printed in the bill, modified by the amendment printed in part B of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit with or without instructions.

SEC. 4. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2731) to amend the Occupational Safety and Health Act of 1970 to provide for the award of attorney's fees and costs to very small employers when they prevail in litigation prompted by the issuance of citations by the Occupational Safety and Health Administration. The bill shall be considered as read for amendment. The amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill, modified by the amendment printed in part C of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit with or without instructions.

SEC. 5. At any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2432) to amend the Paperwork Reduction Act and titles 5 and 31, United States Code, to reform Federal paperwork and regulatory processes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Government Reform now printed in the bill. The committee amendment in the nature of a substitute shall be consider as read. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in part D of the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject

to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 6. (a) In the engrossment of H.R. 2728, the Clerk shall—

(1) await the disposition of all the bills contemplated in sections 2–5;

(2) add the respective texts of all the bills contemplated in sections 2–5, as passed by the House, as new matter at the end of H.R. 2728;

(3) conform the title of H.R. 2728 to reflect the addition to the engrossment of the text of all the bills contemplated in sections 2–5 that have passed the House;

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

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

(b) Upon the addition to the engrossment of H.R. 2728 of the text of the bills contemplated in sections 2–5 that have passed the House, such bills shall be laid on the table.

(c) If H.R. 2728 is disposed of without reaching the stage on engrossment as contemplated in subsection (a), the bill that first passes the House as contemplated in section 2–5 shall be treated in the manner specified for H.R. 2728 in subsections (a) and (b), and only the other bills contemplated in sections 2–5 that have passed the House shall be laid on the table.

When said resolution was considered.

After debate,

On motion of Mr. SESSIONS, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. BASS, announced that the yeas had it.

Mr. HASTINGS of Florida objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 219 / Nays ..... 195 }

¶52.9 [Roll No. 180]

YEAS—219

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

NAYS—195

Abercrombie
Ackerman
Alexander
Allen
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wu
Wynn

NOT VOTING—19

Andrews
Berman
Boucher
Brown, Corrine
DeMint
Deutsch
Dunn
Forbes
Istook
Leach
Lewis (GA)
Lowey
Oberstar
Rangel
Shays
Tauzin
Towns
Wexler
Young (AK)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶52.10 MOTION TO INSTRUCT CONFEREES—H.R. 2660

Mr. George MILLER of California submitted the privileged motion to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate on the bill (H.R. 2660) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; to insist on reporting an amendment to prohibit the Department of Labor from using funds under the Act to implement any portion of a regulation that would make any employee ineligible for overtime pay who would otherwise qualify for overtime pay under regulations under section 13 of the Fair Labor Standards Act in effect September 3, 2003, except that nothing in the amendment shall affect the increased salary requirements provided in such regulations as specified in section 541 of title 29 of the Code of Federal Regulations, as promulgated on April 23, 2004.

Pending consideration of said motion,

Mr. DELAY moved to lay the motion on the table.

The question being put, viva voce,

Will the House lay on the table the motion?

The SPEAKER pro tempore, Mr. BASS, announced that the yeas had it.

Mr. George MILLER of California demanded a recorded vote on the motion to lay on the table the motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 216 / Nays 199

¶52.11 [Roll No. 181]

AYES—216

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

NOES—199

Abercrombie
Ackerman
Alexander
Allen
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wu
Wynn

NOT VOTING—18

Andrews
Berman
Brown, Corrine
DeMint
Deutsch
Forbes
Franks (AZ)
Istook
Leach
Oberstar
Peterson (PA)
Rangel
Shays
Smith (MI)
Tauzin
Towns
Wexler
Young (AK)

So the motion to lay the motion on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶52.12 H.R. 3722—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3722) to amend section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to impose conditions on Federal reimbursement of emergency health services furnished to undocumented aliens.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 88 / Nays 331

¶52.13 [Roll No. 182]

YEAS—88

Aderholt
Akin
Bachus
Barrett (SC)
Bass
Bereuter
Bishop (UT)
Blackburn
Boozman
Boucher
Bradley (NH)
Burton (IN)
Buyer
Carter
Coble
Collins
Cox
Culberson
Cunningham
Deal (GA)
Doolittle
Duncan
Everett
Feeney
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gingrey
Goode
Goodlatte
Gutknecht
Hall
Hayes
Hayworth
Hefley
Hoekstra
Hostettler
Hulshof
Hunter
Isakson
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kelly
King (IA)
Kingston
Kline
Manzullo
McCotter
McCrery
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Norwood
Otter
Paul
Pence
Pitts
Platts
Radanovich
Ramstad
Rehberg
Rogers (AL)
Rohrabacher
Royce
Schrock
Sensenbrenner
Shimkus
Shuster
Simpson
Smith (TX)
Stearns
Sullivan
Tancredo
Taylor (MS)
Taylor (NC)
Toomey
Vitter
Wamp
Weldon (FL)
Whitfield
Wicker
Wilson (SC)

NAYS—331

Abercrombie
Ackerman
Alexander
Allen
Baca
Baird
Baker
Baldwin
Ballance
Ballenger
Bartlett (MD)
Barton (TX)
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Flake
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gephardt
Gilchrest
Gillmor
Gonzalez
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hensarling
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)

Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Regula
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Simmons
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—14

Andrews
Brown, Corrine
DeMint
Deutsch
Forbes
Herger
Istook
Leach
Oberstar
Rangel
Shays
Tauzin
Wexler
Young (AK)

So, less than two-thirds of the Members present having voted in favor thereof, the rules were not suspended and said bill was not passed.

¶52.14 OCCUPATIONAL SAFETY AND HEALTH SMALL BUSINESS DAY IN COURT

On motion of Mr. BOEHNER, pursuant to House Resolution 645, the House considered the bill (H.R. 2728) to amend the Occupational Safety and Health Act of 1970 to provide for adjudicative flexibility with regard to an employer filing of a notice of contest following the issuance of a citation by the Occupational Safety and Health Administration.

Pending consideration of said bill.

Pursuant to House Resolution 645, the following amendment, recommended by the Committee on Education and the Workforce, was considered as agreed to:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Occupational Safety and Health Small Business Day in Court Act of *2004*''.

SEC. 2. CONTESTING CITATIONS UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT.

(a) CITATION.—The second sentence of section 10(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 659(a)) is amended by inserting ''(unless such failure results from mistake, inadvertence, surprise, or excusable neglect)'' after ''assessment of penalty''.

(b) FAILURE TO CORRECT.—The second sentence of section 10(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 659(b)) is amended by inserting ''(unless such failure results from mistake, inadvertence, surprise, or excusable neglect)'' after ''assessment of penalty''.

When said bill, as amended, was considered and read twice.

After debate,

Pursuant to House Resolution 645, the previous question was ordered on the bill, as amended.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. TERRY, announced that the yeas had it.

Mr. OWENS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶52.15 OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION EFFICIENCY

On motion of Mr. BOEHNER, pursuant to House Resolution 645, the House considered the bill (H.R. 2729) to amend the Occupational Safety and Health Act of 1970 to provide for greater efficiency at the Occupational Safety and Health Review Commission.

Pending consideration of said bill.

Pursuant to House Resolution 645, the following amendment in the nature of a substitute, recommended by the Committee on Education and the Workforce, as modified by the amendment in part A of House Report 108-497, was considered as agreed to:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Occupational Safety and Health Review Commission Efficiency Act of 2004''.

SEC. 2. OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

(a) AMENDMENTS.—Section 12 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 661) is amended as follows:

(1) In subsection (a), by striking the word ''three'' and inserting in lieu thereof, the word ''five'' and by inserting the word ''legal'' before the word ''training''.

(2) In subsection (b) by striking all after the words ''except that'' and inserting in lieu thereof: ''the President may extend the term of a member for no more than 365 consecutive days to allow a continuation in service at the pleasure of the President after the expiration of that member's term until a successor nominated by the President has been confirmed to serve. Any vacancy caused by the death, resignation, or removal of a member before the expiration of a term, for which he or she was appointed shall be filled only for the remainder of such expired term. A member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.''.

(3) In subsection (f), by striking ''two'' the first place it appears and inserting ''three''.

(b) NEW POSITIONS.—Of the two vacancies for membership on the Commission created by this section, one shall be filled by the President for a term expiring on April 27, 2006, and the other shall be filled by the President for a term expiring on April 27, 2008.

When said bill, as amended, was considered and read twice.

After debate,

Pursuant to House Resolution 645, the previous question was ordered on the bill, as amended.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. REHBERG, announced that the yeas had it.

Mr. BOEHNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. REHBERG, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶52.16 OCCUPATIONAL SAFETY AND HEALTH INDEPENDENT REVIEW OF OSHA CITATIONS

On motion of Mr. BOEHNER, pursuant to House Resolution 645, the House considered the bill (H.R. 2730) to amend the Occupational Safety and Health Act of 1970 to provide for an independent review of citations issued by the Occupational Safety and Health Administration.

Pending consideration of said bill.

Pursuant to House Resolution 645, the following amendment in the nature of a substitute, recommended by the Committee on Education and the Workforce, as modified by the amendment printed in part B of House Report 108-497, was considered as agreed to:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Occupational Safety and Health Independent Review of OSHA Citations Act of 2004''.

SEC. 2. INDEPENDENT REVIEW.

Section 11(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 660) is amended by adding the following at the end thereof: ''The conclusions of the Commission with respect to all questions of law that are subject to agency deference under governing court precedent shall be given deference if reasonable.''.

When said bill, as amended, was considered and read twice.

After debate,

Pursuant to House Resolution 645, the previous question was ordered on the bill, as amended.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. GILLMOR, announced that the yeas had it.

Mr. OWENS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. GILLMOR, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶52.17 H.R. 2728—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. GILLMOR, pursuant to clause 8, rule XX, announced the unfinished business to be the question on the passage of the bill (H.R. 2728) to amend the Occupational Safety and Health Act of 1970 to provide for adjudicative flexibility with regard to an employer filing of a notice of contest following the issuance of a citation by the Occupational Safety and Health Administration.

The question being put,

Will the House pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 251 / Nays 177

¶52.18 [Roll No. 183]

YEAS—251

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

NAYS—177

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardoza
Carson (IN)
Carson (OK)
Chandler
Clay
Clyburn
Conyers
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOT VOTING—5

DeMint
Deutsch
Gephardt
Leach
Tauzin

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶52.19 H.R. 2729—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. GILLMOR, pursuant to clause 8 of rule XX, announced the further unfinished business to be the question on the passage of the bill (H.R. 2729) to amend the Occupational Safety and Health Act of 1970 to provide for greater efficiency at the Occupational Safety and Health Review Commission.

The question being put,

Will the House pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 228 / Nays 199

¶52.20 [Roll No. 184]

YEAS—228

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

NAYS—199

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)

Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—6

Burton (IN)
DeMint
Deutsch
Leach
Pitts
Tauzin

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶52.21 H.R. 2730—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. GILLMOR, pursuant to clause 8 of rule XX, announced the further unfinished business to be the question on the passage of the bill (H.R. 2730) to amend the Occupational Safety and Health Act of 1970 to provide for an independent review of citations issued by the Occupational Safety and Health Administration.

The question being put,

Will the House pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 224 / Nays ..... 204 }

¶52.22 [Roll No. 185]

YEAS—224

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

NAYS—204

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—5

DeMint
Deutsch
Hayes
Leach
Tauzin

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶52.23 H.R. 3740—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. GILLMOR, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3740) to designate the facility of the United States Postal Service located at 223 South Main Street in Roxboro, North Carolina, as the ''Oscar Scott Woody Post Office Building''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 422 / Nays ..... 0 }

¶52.24 [Roll No. 186]

YEAS—422

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass

Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

DeMint
Deutsch
Evans
Hensarling
Kennedy (RI)
Leach
Lucas (OK)
Murphy
Peterson (MN)
Pitts
Tauzin

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶52.25 OCCUPATIONAL SAFETY AND HEALTH SMALL EMPLOYER ACCESS TO JUSTICE

On motion of Mr. BOEHNER, pursuant to House Resolution 645, the House considered the bill (H.R. 2731) to amend the Occupational Safety and Health Act of 1970 to provide for the award of attorney's fees and costs to very small employers when they prevail in litigation prompted by the issuance of citation by the Occupational Safety and Health Administration.

Pending consideration of said bill.

Pursuant to House Resolution 645, the following amendment in the nature of a substitute, recommended by the Committee on Education an the Workforce, as modified by the amendment in part C of House Report 108-497, was considered as agreed to:

Strike out all after the enacting clause and insert:

SEC. 1. SHORT TITLE.

This Act may be cited as the ''Occupational Safety and Health Small Employer Access to Justice Act of 2004''.

SEC. 2. AWARD OF ATTORNEY'S FEES AND COSTS.

The Occupational Safety and Health Act of 1970 (29 U.S.C. 651 and following) is amended by redesignating sections 32 through 34 as sections 33 through 35 and inserting the following new section after section 31:

''SEC. 32 AWARD OF ATTORNEYS' FEES AND COSTS.

''(a) ADMINISTRATIVE PROCEEDINGS.—An employer who—

''(1) is the prevailing party in any adversary adjudication instituted under this Act, and

''(2) had not more than 100 employees and a net worth of not more than $7,000,000 at the time of the adversary adjudication was initiated,

shall be awarded fees and other expenses as a prevailing party under section 504 of title 5, United States Code, in accordance with the provisions of that section, but without regard to whether the position of the Secretary was substantially justified or special circumstances make an award unjust. For purposes of this section the term 'adversary adjudication' has the meaning given that term in section 504(b)(1)(C) of title 5, United States Code.

''(b) PROCEEDINGS.—An employer who—

''(1) is the prevailing party in any proceeding for judicial review of any action instituted under this Act, and

''(2) had not more than 100 employees and a net worth of not more than $7,000,000 at the time the action addressed under subsection (1) was filed,

shall be awarded fees and other expenses as a prevailing party under section 2412(d) of title 28, United States Code, in accordance with the provisions of that section, but without regard to whether the position of the United States was substantially justified or special circumstances make an award unjust. Any appeal of a determination of fees pursuant to subsection (a) of this subsection shall be determined without regard to whether the position of the United States was substantially justified or special circumstances make an award unjust.

''(c) APPLICABILITY.—

''(1) COMMISSION PROCEEDINGS.—Subsection (a) of this section applies to proceedings commenced on or after the date of enactment of this section.

''(2) COURT PROCEEDINGS.—Subsection (b) of this section applies to proceedings for judicial review commenced on or after the date of enactment of this section.''.

When said bill, as amended, was considered and read twice.

After debate,

Pursuant to House Resolution 645, the previous question was ordered on the bill, as amended.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. QUINN, announced that the yeas had it.

Mr. NORWOOD demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. QUINN, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶52.26 PAPERWORK AND REGULATORY IMPROVEMENTS

The SPEAKER pro tempore, Mr. QUINN, pursuant to House Resolution 645 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R.

2432) to amend the Paperwork Reduction Act and titles 5 and 31, United States Code, to reform Federal paperwork and regulatory processes.

The SPEAKER pro tempore, Mr. QUINN, by unanimous consent, designated Mr. ADERHOLT as Chairman of the Committee of the Whole; and after some time spent therein,

¶52.27 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. WAXMAN:

Add at the end the following new title:

TITLE II—COMMISSION ON POLITICIZATION OF SCIENCE IN THE REGULATORY PROCESS

SEC. 201. ESTABLISHMENT OF COMMISSION.

There is established in the legislative branch the Independent Commission on Politicization of Science in the Regulatory Process (in this Act referred to as the ''Commission'').

SEC. 202. DUTIES.

The Commission shall carry out the following duties:

(1) Examine and evaluate executive branch regulatory activities and associated decisions to determine the extent to which political considerations have undermined the quality and use of science. As part of this examination and evaluation, the Commission shall consider the regulatory activities and associated decisions listed in—

(A) ''Politics and Science in the Bush Administration,'' an August 2003 report prepared by the minority staff of the Committee on Government Reform of the House of Representatives; and

(B) ''Scientific Integrity in Policymaking,'' a March 2004 report prepared by the Union of Concerned Scientists, which was accompanied by a statement of concern signed by 20 Nobel Laureates and other distinguished scientists.

(2) Report to Congress and the President on its findings and conclusions, as well as make recommendations to Congress and the President on measures that can be taken to enhance the integrity of science in executive branch regulatory activities and associated decisions.

SEC. 203. COMPOSITION OF COMMISSION.

(a) MEMBERS.—The Commission shall be composed of 10 members, of whom—

(1) 1 member shall be appointed by the President, who shall serve as chairman of the Commission;

(2) 1 member shall be jointly appointed by the minority leader of the Senate and the minority leader of the House of Representatives, who shall serve as vice chairman of the Commission;

(3) 2 members shall be appointed by the majority leader of the Senate;

(4) 2 members shall be appointed by the Speaker of the House of Representatives;

(5) 2 members shall be appointed by the minority leader of the Senate; and

(6) 2 members shall be appointed by the minority leader of the House of Representatives.

(b) QUALIFICATIONS; INITIAL MEETING.—

(1) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government.

(2) OTHER QUALIFICATIONS.—Individuals that shall be appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in scientific professions, governmental service, and public administration.

(3) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed within 45 days following the enactment of this Act.

(4) MEETINGS.—The Commission shall meet and begin the operations of the Commission as soon as practicable. After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members.

(c) QUORUM; VACANCIES.—Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(d) CONFLICTS OF INTEREST.—Each member appointed to the Commission shall submit a financial disclosure report pursuant to the Ethics in Government Act of 1978, notwithstanding the minimum required rate of compensation or time period employed.

SEC. 204. POWERS OF COMMISSION.

(a) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this title, hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission or such designated subcommittee or designated member may determine advisable.

(b) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties of this Act.

(c) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Federal Government, information, suggestions, estimates, and statistics for the purposes of this Act. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairman, the chairman of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive Orders.

(d) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(e) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(f) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

SEC. 205. STAFF OF COMMISSION.

(a) IN GENERAL.—

(1) APPOINTMENT AND COMPENSATION.—The chairman, in consultation with vice chairman, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The staff director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to members of the Commission.

(b) DETAILEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(c) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

SEC. 206. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—Each member of the Commission may be compensated at a rate not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

SEC. 207. REPORTS OF COMMISSION; TERMINATION.

(a) INTERIM REPORTS.—The Commission may submit to Congress and the President interim reports containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(b) FINAL REPORT.—Not later than 18 months after the date of the enactment of this Act, the Commission shall submit to Congress and the President a final report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

SEC. 208. TERMINATION.

(a) IN GENERAL.—The Commission, and all the authorities of this Act, shall terminate 60 days after the date on which the final report is submitted under subsection (b).

(b) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees

of Congress concerning its reports and disseminating the final report.

SEC. 209. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated funds not to exceed $5,000,000 for purposes of the activities of the Commission under this Act.

(b) DURATION OF AVAILABILITY.—Amounts made available to the Commission under subsection (a) shall remain available until the termination of the Commission.

At the end of section 2, insert the following:

TITLE I—AMENDMENTS RELATING TO PAPERWORK REDUCTION

Redesignate sections 3, 4, 5, and 6 as sections 101, 102, 103, and 104, respectively.

It was decided in the negative ..... { Yeas ..... 201 / Nays 226

¶52.28 [Roll No. 187]

AYES—201

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—226

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

NOT VOTING—6

DeMint
Deutsch
Hayworth
Hunter
Leach
Tauzin

So the amendment was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. BONNER, assumed the Chair.

When Mr. BEREUTER, Acting Chairman, pursuant to House Resolution 645, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Paperwork and Regulatory Improvements Act of 2004''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) In 1980, in the Paperwork Reduction Act, Congress established the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget. OIRA's principal responsibility is to reduce the paperwork burden on the public that results from the collection of information by or for the Federal Government. In 2002, OIRA estimated that the paperwork burden imposed on the public was 7.7 billion hours, at a cost of $230 billion. The Internal Revenue Service accounted for 83 percent of the paperwork burden.

(2) In 1995, Congress amended the Paperwork Reduction Act and established annual governmentwide paperwork reduction goals of 10 percent for each of fiscal years 1996 and 1997, and 5 percent for each of fiscal years 1998 through 2001, but the paperwork burden increased, rather than decreased, in each of those fiscal years and fiscal year 2002. Both the Office of Management and Budget and the Internal Revenue Service need to devote additional attention to paperwork reduction.

(3) In 2002, the House Report accompanying the Treasury and General Government Appropriations Act, 2003 (House Report 107–575) stated, ''The Office of Management and Budget has reported that paperwork burdens on Americans have increased in each of the last six years. Since the Internal Revenue Service imposes over 80 percent of these paperwork burdens, the Committee believes that OMB should work to identify and review proposed and existing IRS paperwork.''.

(4) One key to success in paperwork reduction is the Office of Management and Budget's systematic review of every new and revised agency paperwork proposal. Recent statutory exemptions from that office's review responsibility, especially those without any stated justification, should be removed.

(5) In 2000, researchers Mark Crain of George Mason University and Thomas Hopkins of the Rochester Institute of Technology, in their October 2001 publication titled ''The Impact of Regulatory Costs on Small Firms'', estimated that Americans spend $843 billion annually to comply with Federal regulations. Congress has a responsibility to review major rules (as defined by section 804 of title 5, United States Code) proposed by agencies, especially regulatory alternatives and the costs and benefits associated with each of them. In 2000, in the Truth in Regulating Act, Congress established new responsibility within the General Accounting Office to assist Congress with this responsibility.

(6) In 1996, because of the increasing costs and incompletely estimated benefits of Federal rules and paperwork, Congress required the Office of Management and Budget for the first time to submit an annual report to Congress on the total costs and benefits to the public of Federal rules and paperwork requirements, including an assessment of the effects of Federal rules on the private sector and State and local governments. In 1998, Congress changed the annual report's due date to coincide with the due date of the President's budget, so that Congress and the public could be given an opportunity to simultaneously review both the on-budget and off-budget costs associated with the regulatory and paperwork requirements of each Federal agency. In 2000, Congress made this a permanent annual reporting requirement.

(7) The Office of Management and Budget requires agencies to submit annual budget and paperwork burden estimates in order to

prepare certain required reports for Congress, but it does not require agencies to submit estimates on costs and benefits of agency rules and paperwork. The Office of Management and Budget needs to require agencies to submit such estimates on costs and benefits to help prepare the annual accounting statement and associated report required under section 624 of the Treasury and General Government Appropriations Act, 2001.

SEC. 3. REDUCTION OF TAX PAPERWORK.

Section 3504 of title 44, United States Code, is amended by adding at the end the following new subsection:

''(i) In carrying out subsection (c)(3), the Director shall (in consultation with the Internal Revenue Service and the Office of Tax Policy of the Department of the Treasury and the Office of Advocacy of the Small Business Administration) conduct a review of the collections of information conducted by the Internal Revenue Service to identify actions that the Internal Revenue Service can take to reduce the information collection burden imposed on small business concerns, consistent with section 3520(c)(1) of this chapter. The Director shall include the results of the review in the annual report that the Director submits under section 3514 of this chapter for fiscal year 2006.''.

SEC. 4. REPEAL OF EXEMPTIONS FROM PAPERWORK REDUCTION ACT, ETC.

(a) REPEALS.—The following provisions of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171) are repealed:

(1) Subparagraphs (A) and (C) of section 1601(c)(2).

(2) Section 1601(c)(3).

(3) Section 2702(b)(1)(A).

(4) Section 2702(b)(2)(A).

(5) Section 2702(c).

(6) Subparagraphs (A) and (C) of section 6103(b)(2).

(7) Section 6103(b)(3).

(8) Subparagraphs (A) and (C) of section 10105(d)(2).

(9) Section 10105(d)(3).

(b) EFFECTIVE DATE.—The repeals of the provisions listed in subsection (a) shall take effect 180 days after the date of the enactment of this Act.

SEC. 5. AMENDMENT OF TRUTH IN REGULATING ACT TO MAKE PERMANENT PILOT PROJECT FOR REPORT ON RULES.

(a) PERMANENT AUTHORITY.—THE PURPOSE OF THIS SECTION IS TO MAKE PERMANENT THE AUTHORITY TO REQUEST THE PERFORMANCE OF REGULATORY ANALYSIS TO ENHANCE CONGRESSIONAL RESPONSIBILITY FOR REGULATORY DECISIONS DEVELOPED UNDER THE LAWS ENACTED BY CONGRESS. THE TRUTH IN REGULATING ACT OF 2000 (PUBLIC LAW 106–312; 5 U.S.C. 801 NOTE) IS AMENDED—

*(1) in the heading for section 4, by striking ''**PILOT PROJECT FOR**'',*

(2) in section 5, by striking ''$5,200,000 for each of fiscal years 2000 through 2002'' and inserting ''$5,000,000 for each fiscal year beginning after September 30, 2004''; and

(3) in section 6—

(A) in the heading, by striking ''AND DURATION OF PILOT PROJECT'';

(B) in subsection (a), by striking ''(a) EFFECTIVE DATE.—''; and

(C) by striking subsections (b) and (c).

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect 90 days after the date of the enactment of this Act.

SEC. 6. IMPROVED REGULATORY ACCOUNTING.

(a) REQUIREMENT FOR AGENCIES TO SUBMIT INFORMATION ON REGULATIONS AND PAPERWORK TO OMB.—Section 624 of the Treasury and General Government Appropriations Act, 2001 (as enacted into law by Public Law 106–554; 114 Stat. 2763A–161), is amended

(1) by redesignating subsections (b), (c), and (d) as subsection (c), (d), and (e), respectively, and

(2) by inserting after subsection (a) the following new subsection:

''(b) AGENCY SUBMISSIONS TO OMB.—To carry out subsection (a), the Director of the Office of Management and Budget shall require each agency annually to submit to the Office of Management and Budget an estimate of the total annual costs and benefits of Federal rules and paperwork, to the extent feasible—

''(1) for the agency in the aggregate; and

''(2) for each agency program.''.

(b) REGULATORY BUDGETING.—(1) Chapter 11 of title 31, United States Code, is amended by adding at the end the following new section:

''§ 1120. Regulatory budgeting

''(a) The Director of the Office of Management and Budget, after consultation with the head of each agency, shall designate not less than three agencies (or offices within an agency) to participate in a study on regulatory budgeting for fiscal years 2006 and 2007. The designated agencies shall include three regulatory agencies or offices from among the following: the Department of Labor, the Department of Transportation, the Department of Health and Human Services, and the Environmental Protection Agency.

''(b) The study shall address the preparation of regulatory budgets. Such budgets shall include the presentation of the varying estimated levels of benefits that would be associated with the different estimated levels of costs with respect to the regulatory alternatives under consideration by the agency (or office within the agency).

''(c) The Director of the Office of Management and Budget shall include, in the accounting statement and associated report submitted to Congress for calendar year 2006 under section 624 of the Treasury and General Government Appropriations Act, 2001 (as enacted into law by Public Law 106–554; 114 Stat. 2763A–161), a presentation of the different levels of estimated regulatory benefits and costs with respect to the regulatory alternatives under consideration for one or more of the major regulatory programs of each of the agencies designated under subsection (a).

''(d) In the accounting statement and associated report submitted to Congress for calendar year 2009 under section 624 of the Treasury and General Government Appropriations Act, 2001 (as so enacted), the Director of the Office of Management and Budget, after consultation with the Committees on the Budget and on Government Reform of the House of Representatives and the Committees on the Budget and on Governmental Affairs of the Senate, shall include a report on the study on regulatory budgeting. The report shall—

''(1) assess the feasibility and advisability of including a regulatory budget as part of the annual budget submitted under section 1105;

''(2) describe any difficulties encountered by the Office of Management and Budget and the participating agencies in conducting the study; and

''(3) recommend, to the extent the President considers necessary or expedient, proposed legislation regarding regulatory budgets.

(e) The report on the study on regulatory budgeting required under subsection (d) shall also be submitted directly to the Committees on the Budget and on Government Reform of the House of Representatives and the Committees on the Budget and on Governmental Affairs of the Senate.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1120. Regulatory budgeting.''.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. BONNER, announced that the yeas had it.

Mr. OSE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 373 / Nays ..... 54 }

¶52.29 [Roll No. 188]

YEAS—373

Abercrombie	Davis (FL)	Hyde
Ackerman	Davis (TN)	Inslee
Aderholt	Davis, Jo Ann	Isakson
Akin	Davis, Tom	Israel
Alexander	Deal (GA)	Issa
Baca	DeGette	Istook
Bachus	Delahunt	Jackson-Lee (TX)
Baird	DeLauro	Jefferson
Baker	DeLay	Jenkins
Ballance	Diaz-Balart, L.	John
Ballenger	Diaz-Balart, M.	Johnson (CT)
Barrett (SC)	Dicks	Johnson (IL)
Bartlett (MD)	Doggett	Johnson, E. B.
Barton (TX)	Dooley (CA)	Johnson, Sam
Bass	Doolittle	Jones (NC)
Beauprez	Doyle	Kanjorski
Becerra	Dreier	Kaptur
Bell	Duncan	Keller
Bereuter	Dunn	Kelly
Berkley	Edwards	Kennedy (MN)
Berry	Ehlers	Kennedy (RI)
Biggert	Emanuel	Kildee
Bilirakis	Emerson	Kilpatrick
Bishop (GA)	English	Kind
Bishop (NY)	Eshoo	King (IA)
Bishop (UT)	Etheridge	King (NY)
Blackburn	Evans	Kingston
Blunt	Everett	Kirk
Boehlert	Farr	Kline
Boehner	Fattah	Knollenberg
Bonilla	Feeney	Kolbe
Bonner	Ferguson	LaHood
Bono	Flake	Lampson
Boozman	Foley	Langevin
Boswell	Forbes	Lantos
Boucher	Ford	Larsen (WA)
Boyd	Fossella	Larson (CT)
Bradley (NH)	Franks (AZ)	Latham
Brady (TX)	Frelinghuysen	LaTourette
Brown (SC)	Frost	Levin
Brown, Corrine	Gallegly	Lewis (CA)
Brown-Waite, Ginny	Garrett (NJ)	Lewis (KY)
Burgess	Gephardt	Linder
Burns	Gerlach	Lipinski
Burr	Gibbons	LoBiondo
Burton (IN)	Gilchrest	Lofgren
Buyer	Gillmor	Lowey
Calvert	Gingrey	Lucas (KY)
Camp	Gonzalez	Lucas (OK)
Cannon	Goode	Lynch
Cantor	Goodlatte	Majette
Capito	Gordon	Maloney
Cardin	Goss	Manzullo
Cardoza	Granger	Marshall
Carson (IN)	Graves	Matheson
Carson (OK)	Green (TX)	Matsui
Carter	Green (WI)	McCarthy (MO)
Case	Greenwood	McCarthy (NY)
Castle	Gutierrez	McCotter
Chabot	Gutknecht	McCrery
Chandler	Hall	McGovern
Chocola	Harman	McHugh
Clay	Harris	McInnis
Clyburn	Hart	McIntyre
Coble	Hastings (WA)	McKeon
Cole	Hayes	McNulty
Collins	Hefley	Meek (FL)
Cooper	Hensarling	Meeks (NY)
Costello	Herger	Menendez
Cox	Hill	Mica
Cramer	Hinojosa	Michaud
Crane	Hobson	Millender-McDonald
Crenshaw	Hoeffel	Miller (FL)
Crowley	Hoekstra	Miller (MI)
Cubin	Holden	Miller (NC)
Culberson	Hooley (OR)	Miller, Gary
Cummings	Hostettler	Moore
Cunningham	Houghton	Moran (KS)
Davis (AL)	Hoyer	Moran (VA)
Davis (CA)	Hulshof	
	Hunter	

Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pascrell
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—54

Allen
Andrews
Baldwin
Berman
Blumenauer
Brady (PA)
Brown (OH)
Capps
Capuano
Conyers
Davis (IL)
DeFazio
Dingell
Engel
Filner
Frank (MA)
Grijalva
Hastings (FL)
Hinchey
Holt
Honda
Jackson (IL)
Jones (OH)
Kleczka
Kucinich
Lee
Lewis (GA)
Markey
McCollum
McDermott
Meehan
Miller, George
Mollohan
Nadler
Oberstar
Olver
Owens
Pallone
Pastor
Payne
Rothman
Rush
Sabo
Sánchez, Linda T.
Schakowsky
Sherman
Slaughter
Solis
Stark
Tierney
Van Hollen
Watson
Waxman
Woolsey

NOT VOTING—6

DeMint
Deutsch
Hayworth
Leach
Smith (MI)
Tauzin

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.0

¶52.30 H.R. 2731—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BONNER, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on the passage of the bill (H.R. 2731) to amend the Occupational Safety and Health Act of 1970 to provide for the award of attorney's fees and costs to very small employers when they prevail in litigation prompted by the issuance of citation by the Occupational Safety and Health Administration.

The question being put,

Will the House pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 233 / Nays 194

¶52.31 [Roll No. 189]

YEAS—233

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

NAYS—194

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOT VOTING—6

DeMint
Deutsch
Hayworth
Leach
Pryce (OH)
Tauzin

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

Pursuant to section 6 of House Resolution 645, the texts of H.R. 2729, H.R. 2730, H.R. 2731, and H.R. 2432 will be appended to the engrossment of H.R. 2728; and H.R. 2729, H.R. 2730, H.R. 2731, and H.R. 2432 shall be laid on the table.

¶52.32 H.R. 4176—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BONNER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4176) to designate the facility of the United States Postal Service located at 122 West Elwood Avenue in Raeford, North Carolina, as the ''Bobby Marshall Gentry Post Office Building''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 421 / Nays 0

¶52.33 [Roll No. 190]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hayes
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—12

Brady (TX)
Davis (AL)
DeMint
Deutsch
Gephardt
Hastings (WA)
Hayworth
Larson (CT)
Leach
Moran (VA)
Pearce
Tauzin

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶52.34 NOTICE—MOTION TO INSTRUCT CONFEREES—S. CON. RES. 95

Mr. PRICE of North Carolina, pursuant to clause 7(c)(1) of rule XXII, announced his intention to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the House amendment to the concurrent resolution of the Senate (S. Con. Res. 95) setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009, to agree to the pay-as-you-go enforcement provisions within the scope of the conference regarding direct spending increases and tax cuts in the House and Senate. In complying with this instruction, such managers shall be instructed to recede to the Senate on the provisions contained in section 408 of the Senate concurrent resolution (relating to the pay-as-you-go point of order regarding all legislation increasing the deficit as a result of direct spending increases and tax cuts).

¶52.35 MOTION TO INSTRUCT CONFEREES—S. CON. RES. 95

Mr. STENHOLM submitted the privileged motion to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the House amendment to the concurrent resolution of the Senate (S. Con. Res. 95) setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009, within the scope of the conference, to reject provisions that provide for an increase in the statutory debt limit.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. KLINE, announced that the yeas had it.

Mr. NUSSLE objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. KLINE, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Wednesday, May 19, 2004.

The point of no quorum was considered as withdrawn.

¶52.36 RECESS—11:36 P.M.

The SPEAKER pro tempore, Mr. CARTER, pursuant to clause 12(a) of rule I, declared the House in recess at 11 o'clock and 36 minutes p.m., subject to the call of the Chair.

WEDNESDAY, MAY 19 (LEGISLATIVE DAY OF MAY 18), 2004

¶52.37 AFTER RECESS—6:08 A.M.

The SPEAKER pro tempore, Mr. SHAYS, called the House to order.

¶52.38 SUBMISSION OF CONFERENCE REPORT—S. CON. RES. 95

Mr. NUSSLE submitted a conference report (Rept. No. 108–498) on the concurrent resolution of the Senate (S. Con. Res. 95) setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009; together with a statement thereon, for printing in the RECORD under the rule.

¶52.39 RECESS—6:09 A.M.

The SPEAKER pro tempore, Mr. SHAYS, pursuant to clause 12(a) of rule I, declared the House in recess at 6 o'clock and 9 minutes a.m., subject to the call of the Chair.

¶52.40 AFTER RECESS—9:54 A.M.

The SPEAKER pro tempore, Mr. DREIER, called the House to order.

¶52.41 PROVIDING FOR THE CONSIDERATION OF H.R. 4200

Mr. HASTINGS of Washington, by direction of the Committee on Rules, reported (Rept. No. 108–499) the resolution (H. Res. 648) providing for consideration of the bill (H.R. 4200) to authorize appropriations for the fiscal year 2005 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2005, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶52.42 PROVIDING FOR CONSIDERATION OF THE CONFERENCE REPORT TO ACCOMPANY S. CON. RES. 95

Mr. HASTINGS of Washington, by direction of the Committee on Rules, reported (Rept. No. 108–500) the resolution (H. Res. 649) providing for consideration of the conference report to accompany the concurrent resolution of the Senate (S. Con. Res. 95) setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶52.43 SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 103. A concurrent resolution honoring the contributions of the women, symbolized by ''Rosie the Riveter'', who served on the homefront during World War II, and for other purposes; to the Committee on Education and the Workforce.

¶52.44 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. HAYWORTH, for today after 5 p.m. and May 19.

And then,

¶52.45 ADJOURNMENT

On motion of Mr. HASTINGS of Washington, at 9 o'clock and 55 minutes a.m., Wednesday, May 19 (Legislative day of May 18) 2004, the House adjourned.

¶52.46 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Filed on May 19, (legislative day of May 18), 2004]

Mr. NUSSLE: Committee of Conference. Conference report on S. Con. Res. 95. A resolution setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009 (Rept. 108–498). Ordered to be printed.

Mrs. MYRICK: Committee on Rules. House Resolution 648. Resolution providing for consideration of the bill (H.R. 4200) to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2005, and for other purposes (Rept. 108–499). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 649. Resolution providing for the consideration of the conference report to accompany the concurrent resolution (S. Con. Res. 95) setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009, and for other purposes (Rept. 108–500). Referred to the House Calendar.

¶52.47 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. MALONEY (for herself, Mr. KING of New York, Mr. HINCHEY, Mr. TOWNS, Mr. WALSH, Mr. NADLER, Mr. SERRANO, Mr. WEINER, Mrs. MCCARTHY of New York, and Mr. ISRAEL):

H.R. 4378. A bill to amend title 10, United States Code, to provide that members of the National Guards who served in the counties declared disasters in response to the September 11, 2001, terrorist attacks, and who served under State duty so that they could immediately assist in the response to the terrorist attacks should have that service counted as Federal active duty for purposes of military retirement credit; to the Committee on Armed Services.

By Ms. BALDWIN:

H.R. 4379. A bill to amend the Internal Revenue Code of 1986 to increase the amount which may be excluded from the gross income of an employee for dependent care assistance with respect to dependent care services provided during a taxable year, to adjust such amount each year by the rate of inflation for such year, and for other purposes; to the Committee on Ways and Means.

By Mr. BILIRAKIS:

H.R. 4380. A bill to designate the facility of the United States Postal Service located at 4737 Mile Stretch Drive in Holiday, Florida, as the ''Sergeant First Class Paul Ray Smith Post Office Building''; to the Committee on Government Reform.

By Mr. BOOZMAN (for himself, Mr. SNYDER, Mr. BERRY, and Mr. ROSS):

H.R. 4381. A bill to designate the facility of the United States Postal Service located at 2811 Springdale Avenue in Springdale, Arkansas, as the ''Harvey and Bernice Jones Post Office Building''; to the Committee on Government Reform.

By Ms. CORRINE BROWN of Florida (for herself and Mr. CRENSHAW):

H.R. 4382. A bill to designate the United States courthouse at 300 North Hogan Street, Jacksonville, Florida, as the ''Judge Bryan Simpson United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. DEAL of Georgia (for himself and Mr. NORWOOD):

H.R. 4383. A bill to ensure the continuation of successful fish mitigation programs; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH (for himself and Mr. GREENWOOD):

H.R. 4384. A bill to amend the Internal Revenue Code of 1986 to provide parity in reporting requirements for national party committees and unregulated political organizations, and for other purposes; to the Committee on Ways and Means.

By Mr. LYNCH:

H.R. 4385. A bill to provide for the suspension from Federal procurement and nonprocurement activities of persons that have not paid a fine resulting from a violation of the Occupational Safety and Health Act of 1970 that causes the death of an employee; to the Committee on Education and the Workforce, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mr. SHAYS, Mr. RANGEL, Mr. NADLER, and Mr. MCNULTY):

H.R. 4386. A bill to direct the Secretary of Homeland Security to procure the development and provision of improved and up-to-date communications equipment for the New York City Fire Department, including radios; to the Committee on Energy and Commerce.

By Mr. MEEHAN:

H.R. 4387. A bill to extend military extraterritorial jurisdiction to cover not only personnel and contractor personnel of the Department of Defense, but also personnel and contractor personnel of any Federal agency or provisional authority supporting the mission of the Department of Defense overseas, and for other purposes; to the Committee on the Judiciary.

By Mr. UDALL of New Mexico:

H.R. 4388. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to include certain nuclear weapons program workers in the Special Exposure Cohort under the compensation program established by that Act; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATOURETTE (for himself, Mr. CASE, Mr. HOEKSTRA, Mr. BROWN of South Carolina, and Mr. PICKERING):

H. Con. Res. 429. Concurrent resolution recognizing the sacrifices of individuals working in Iraq under United States Government contracts, expressing sympathy to those individuals injured or taken captive in Iraq, and expressing condolences to the families of those individuals killed in Iraq; to the Committee on Government Reform.

By Mr. YOUNG of Florida:

H. Con. Res. 430. Concurrent resolution recognizing the importance of early diagnosis, proper treatment, and enhanced public awareness of Tourette Syndrome and supporting the goals and ideals of National Tourette Syndrome Awareness Month; to the Committee on Energy and Commerce.

By Mr. DAVIS of Illinois (for himself, Mr. BILIRAKIS, Mr. CAPUANO, Mr. BONILLA, Mr. ROSS, Mr. OWENS, Ms. CORRINE BROWN of Florida, Mr. MATSUI, Mr. THOMPSON of California, Mr. BALLANCE, Mr. LYNCH, Mr. ABERCROMBIE, Mr. CASE, Ms. BORDALLO, Mr. JOHN, Mr. MEEHAN, Mr. SERRANO, Mr. MCNULTY, Mr. TOWNS, Mr. STENHOLM, Mr. WAXMAN, Mr. BISHOP of Georgia, Mr. RODRIGUEZ, Mr. MCINTYRE, Mr. MCGOVERN, Mr. BELL, Mr. CONYERS, Ms. SLAUGHTER, Mr. CARDOZA, Mr. SANDERS, Mr. SCOTT of

Virginia, Ms. LOFGREN, Mr. BEREUTER, and Mr. THOMPSON of Mississippi):

H. Res. 646. A resolution expressing the sense of the House of Representatives that there should be established a National Community Health Center Week to raise awareness of health services provided by community, migrant, public housing, and homeless health centers; to the Committee on Government Reform.

By Mr. DEAL of Georgia:

H. Res. 647. A resolution supporting the goals of National Marina Day and urging marinas to continue providing environmentally friendly gateways to boating; to the Committee on Transportation and Infrastructure.

¶52.48 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 141: Mr. LEWIS of Kentucky.
H.R. 218: Mr. GRIJALVA.
H.R. 290: Mr. RUSH.
H.R. 296: Mr. BOUCHER.
H.R. 371: Mr. BRADY of Pennsylvania, Mr. KUCINICH, and Mr. BERMAN.
H.R. 491: Mr. MARSHALL.
H.R. 571: Mr. BURR.
H.R. 687: Mr. SWEENEY.
H.R. 713: Mr. GERLACH and Mr. THOMPSON of California.
H.R. 857: Mr. GRAVES, Ms. GINNY BROWN-WAITE of Florida, and Mr. GONZALEZ.
H.R. 974: Mr. MARSHALL.
H.R. 1043: Mr. BILIRAKIS.
H.R. 1097: Ms. MILLENDER-MCDONALD.
H.R. 1117: Mr. OWENS.
H.R. 1155: Mr. DAVIS of Alabama and Mr. SCHIFF.
H.R. 1222: Mr. BAIRD.
H.R. 1310: Mr. MARSHALL.
H.R. 1534: Ms. WATSON.
H.R. 1567: Mr. GARRETT of New Jersey.
H.R. 1700: Ms. DELAURO and Mr. MENENDEZ.
H.R. 1735: Mr. RYAN of Ohio.
H.R. 1811: Mr. SIMMONS.
H.R. 1838: Ms. LINDA T. SANCHEZ of California.
H.R. 1906: Mr. RODRIGUEZ.
H.R. 2118: Mr. SCHIFF.
H.R. 2203: Ms. ROS-LEHTINEN.
H.R. 2296: Mrs. JOHNSON of Connecticut.
H.R. 2387: Mr. KILDEE, Mr. LAMPSON, and Ms. MAJETTE.
H.R. 2494: Mr. OSBORNE.
H.R. 2527: Ms. NORTON, Ms. LORETTA SANCHEZ of California, Mr. WYNN, Mr. DEFAZIO, and Ms. MAJETTE.
H.R. 2536: Mr. SIMMONS.
H.R. 2709: Mrs. LOWEY.
H.R. 2807: Mr. HINOJOSA.
H.R. 2824: Ms. DELAURO and Mr. TERRY.
H.R. 3000: Mr. RANGEL.
H.R. 3014: Mr. PRICE of North Carolina.
H.R. 3015: Mr. HOEKSTRA.
H.R. 3058: Mr. BERRY.
H.R. 3099: Mr. RANGEL.
H.R. 3184: Mr. OBERSTAR.
H.R. 3292: Mr. DOOLEY of California and Mr. BERMAN.
H.R. 3307: Mr. PETERSON of Minnesota.
H.R. 3323: Mr. MCNULTY.
H.R. 3386: Mr. STARK.
H.R. 3420: Mr. NADLER, Mr. SHERMAN, Mr. HOLT, and Mr. PAYNE.
H.R. 3470: Mr. KING of New York.
H.R. 3474: Ms. ROYBAL-ALLARD, Mr. LOBIONDO, Ms. LOFGREN, and Mr. BURTON of Indiana.
H.R. 3480: Mr. CONYERS and Mr. FRANK of Massachusetts.
H.R. 3482: Mr. OBERSTAR.
H.R. 3558: Mrs. BONO and Mr. STARK.
H.R. 3579: Mr. RODRIGUEZ.
H.R. 3716: Mr. NEAL of Massachusetts.
H.R. 3779: Mr. ENGLISH and Mr. BAIRD.
H.R. 3799: Mr. STEARNS and Mr. COLLINS.
H.R. 3803: Mr. ISRAEL.
H.R. 3924: Mrs. WILSON of New Mexico.
H.R. 3927: Mr. VAN HOLLEN.
H.R. 3951: Mr. BAIRD and Mr. CAMP.
H.R. 3965: Mr. MCDERMOTT.
H.R. 3974: Mr. RUSH and Mr. SANDERS.
H.R. 4063: Mr. ALLEN.
H.R. 4065: Mr. BURGESS.
H.R. 4113: Mr. ENGLISH.
H.R. 4125: Mr. PAYNE.
H.R. 4126: Mr. BARRETT of South Carolina, Mr. BOUCHER, Mr. CALVERT, Mr. CHANDLER, and Mr. NEUGEBAUER.
H.R. 4155: Mr. MCHUGH and Mr. OWENS.
H.R. 4203: Mr. GILLMOR.
H.R. 4217: Mr. COSTELLO and Mr. CALVERT.
H.R. 4235: Mr. BERMAN.
H.R. 4260: Mr. OWENS.
H.R. 4270: Mr. GEORGE MILLER of California, Ms. DELAURO, Mr. ANDREWS, Mr. PAYNE, Ms. WOOLSEY, and Mr. KUCINICH.
H.R. 4290: Ms. LEE.
H.R. 4307: Mrs. MILLER of Michigan, Mr. MANZULLO, Mr. FROST, Mr. NEUGEBAUER, Mr. SULLIVAN, and Mr. SESSIONS.
H.R. 4334: Mr. KIRK and Mr. MCNULTY.
H.R. 4341: Mr. WELDON of Pennsylvania, Mrs. EMERSON, and Mr. LANTOS.
H.R. 4346: Mr. STENHOLM, Mr. JOHN, Mr. NADLER, Mr. RYAN of Ohio, Mr. SCOTT of Virginia, Mr. SCOTT of Georgia, Mr. MEEK of Florida, Mrs. CHRISTENSEN, Mr. GREEN of Texas, Ms. BALDWIN, Mr. VAN HOLLEN, Ms. BORDALLO, Mr. BROWN of Ohio, Mr. DAVIS of Illinois, Mr. DEFAZIO, Mrs. DAVIS of California, Mr. FARR, Ms. BERKLEY, Mr. HONDA, Mr. HOLDEN, Mr. KILDEE, Mr. FATTAH, Ms. KAPTUR, Mr. KUCINICH, Ms. MCCARTHY of Missouri, Ms. KILPATRICK, Mr. MCINTYRE, Ms. MILLENDER-MCDONALD, and Mr. MORAN of Kansas.
H.R. 4347: Mr. PAYNE, Mr. CRAMER, Mr. ACKERMAN, Mrs. JOHNSON of Connecticut, and Mr. ENGLISH.
H.R. 4349: Mrs. MCCARTHY of New York.
H.R. 4363: Mr. GRIJALVA and Mr. ETHERIDGE.
H.R. 4370: Ms. MAJETTE and Mr. CROWLEY.
H.J. Res. 56: Mr. BILIRAKIS.
H.J. Res. 93: Mrs. MILLER of Michigan and Mr. PICKERING.
H. Con. Res. 163: Mr. OWENS.
H. Con. Res. 257: Ms. LOFGREN, Mr. GRIJALVA, and Mr. BILIRAKIS.
H. Con. Res. 330: Mr. MOORE.
H. Con. Res. 371: Mr. BONNER, Mr. UDALL of Colorado, Mr. BOYD, and Mr. CAMP.
H. Con. Res. 384: Mr. GRIJALVA, Mr. MORAN of Virginia, Mr. PALLONE, Ms. WOOLSEY, and Ms. KAPTUR.
H. Con. Res. 391: Ms. SCHAKOWSKY.
H. Con. Res. 400: Mr. BISHOP of New York, Mr. COOPER, Mr. STENHOLM, Mr. HILL, Mr. ROSS, Mr. BISHOP of Georgia, Mr. CARDOZA, Mr. WOLF, Mr. WAMP, Mr. JENKINS, Mr. GRIJALVA, Mr. FROST, Mrs. BLACKBURN, Mr. MICHAUD, Mr. TURNER of Texas, Mr. BERRY, Mr. CASE, Mr. MCINTYRE, Mr. ALEXANDER, Mr. CRAMER, Mr. MOORE, Mr. ISRAEL, Mr. THOMPSON of California, Mr. POMEROY, Mr. BOSWELL, Mr. LUCAS of Kentucky, Mr. TANNER, Mr. SCHIFF, Mr. BACHUS, Mr. VITTER, Mr. ACEVEDO-VILA, Mr. PASTOR, Mr. MATHESON, Mr. GORDON, Mr. UDALL of Colorado, Mr. SCOTT of Virginia, Ms. HARRIS, and Mr. CHOCOLA.
H. Con. Res. 405: Mr. PETERSON of Minnesota and Mr. DUNCAN.
H. Con. Res. 406: Mr. GRIJALVA, Mr. HONDA, and Mr. SANDERS.
H. Con. Res. 427: Mr. MEEKS of New York.
H. Res. 60: Mr. MILLER of North Carolina.
H. Res. 514: Mr. CASE.
H. Res. 570: Mr. KUCINICH.
H. Res. 611: Mr. PETERSON of Minnesota, Mr. BOYD, Mr. RYAN of Ohio, Mr. ETHERIDGE, Mr. KILDEE, Mr. LANGEVIN, Ms. KILPATRICK, Mr. HOLDEN, Mr. ENGEL, and Mr. MICHAUD.
H. Res. 621: Mr. MCHUGH, Mr. MCNULTY, and Mr. MCDERMOTT.
H. Res. 640: Mr. RANGEL.
H. Res. 642: Mr. LANTOS.

WEDNESDAY. MAY 19, 2004 (53)

¶53.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. LATHAM, who laid before the House the following communication:

WASHINGTON, DC,
May 19, 2004.

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

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

¶53.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. LATHAM, announced he had examined and approved the Journal of the proceedings of Tuesday, May 18, 2004.

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

¶53.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8189. A letter from the Deputy Chief of Naval Operations (Manpower and Personnel), Department of Defense, transmitting notification of a decision to implement performance by the Most Efficient Organization (MEO) for the Public Works Center Norfolk, VA, Detachments Philadelphia and Mechanicsburg, PA, and Earle, NJ (initiative number NC20010758); to the Committee on Armed Services.

8190. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Admiral James O. Ellis, Jr., United States Navy, and his advancement to the grade of admiral on the retired list; to the Committee on Armed Services.

8191. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Richard E. Brown III, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

8192. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Algeria pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

8193. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Japan for defense articles and services (Transmittal No. 04-06), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

8194. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to Poland (Transmittal No. DDTC 005-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8195. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to Israel (Transmittal No. DDTC 026-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8196. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed transfer of major defense equipment from the Government of Switzerland (GOS) (Transmittal RSAT-3-04), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

8197. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's annual report on entitled, ''Patterns of Global Terrorism: 2003,'' pursuant to 22 U.S.C. 2656f; to the Committee on International Relations.

8198. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979; to the Committee on International Relations.

8199. A letter from the Under Secretary for Industry and Security, Department of Commerce, transmitting the Department's report entitled, ''Imposition of Foreign Policy Controls on Protective and Detection Equipment and Components, not Specially Designed for Military Use,'' pursuant to Section 6 of the Export Administration Act of 1979, as amended; to the Committee on International Relations.

8200. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on ''Overseas Surplus Property,'' pursuant to Public Law 105–277, section 2215; to the Committee on International Relations.

8201. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Secretary's determination that five countries are not cooperating fully with U.S. antiterrorism efforts: Cuba, Iran, Libya, North Korea, and Syria, pursuant to 22 U.S.C. 2781; to the Committee on International Relations.

8202. A letter from the Archivist of the United States, National Archives and Records Administration, transmitting a report on a proposed archival depository for the Presidential records and other historical materials of the Clinton administration, pursuant to 44 U.S.C. 2112; to the Committee on Government Reform.

8203. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures; Inseason Adjustments; Corrections [Docket No. 031216314-3314-01; I.D. 041904C] received May 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8204. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures; Inseason Adjustments; Pacific Halibut Fisheries; Corrections [Docket No. 031216314-3314-01; I.D. 042604D] (RIN: 0648-AR54) received May 12, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8205. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock Sole/Flathead Sole/''Other flatfish'' Fishery Category by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area [Docket No. 031124287-4060-02; I.D. 041404B] received May 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8206. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 031125292-4061-02; I.D. 042304C] received May 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8207. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Extension of Marine Reserves [Docket No. 0312173020-4126-02; I.D. 112403D] (RIN: 0648-AR66) received May 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8208. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Amendment [Docket No. 040112010-4114-02; I.D. 122203A] (RIN: 0648-AN17) received May 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8209. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting Final Feasibility Report and Final Environmental Impact Statement, dated September 2000, discussing the construction of ecosystem restoration and recreation improvements along the Wolf River, Memphis, Tennessee, as authorized by Section 101(b)(25) of the Water Resources Development Act of 2000; to the Committee on Transportation and Infrastructure.

8210. A letter from the Administrator, General Services Administration, transmitting an informational copy of the General Services Administration's Fiscal Year 2005 Capital Investment and Leasing Program, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

8211. A letter from the Secretary, Department of Labor, transmitting the Department's report entitled, ''2003 Findings on the Worst Forms of Child Labor,'' pursuant to 19 U.S.C. 2464; to the Committee on Ways and Means.

8212. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Reduction of Tax Attributes Due to Discharge of Indebtedness [TD 9127] (RIN: 1545-BC47) received May 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8213. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out Inventories (Rev. Rul. 2004-48) received May 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8214. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability. (Rev. Proc. 2004-26) received May 12, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8215. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Changes in accounting periods and in methods of accounting. (Rev. Proc. 2004-32) received May 12, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8216. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit or abatement; determination of correct tax liability. (Rev. Proc. 2004-29) received May 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8217. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Losses Reported from Inflated Basis Assets from Lease Stripping Transactions — received May 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8218. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Expenses and interest relating to tax-exempt income (Rev. Rul. 2004-47) received May 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8219. A letter from the Acting Chief, Publication and Reg. Branch, Internal Revenue Service, transmitting the Service's final rule — Qualified Amended Returns [Notice 2004-38] received May 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8220. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Deduction for Interest on Qualified Education Loans [TD 9125] (RIN: 1545-AW01) received May 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8221. A letter from the Acting Chief, Publications and Reg. Branch, Internal Revenue Service, transmitting the Service's final rule — Son of Boss Settlement Iniative (Announcement 2004-46) received May 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8222. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 704(b) and Capital Account Revaluations [TD 9126] (RIN: 1545-BB10) received May 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8223. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Capital Gains Dividends of RICs and REITs [Notice 2004-39] received May 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8224. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Health Savings Accounts — Interaction with Other Health Arrangements (Rev. Rul. 2004-45) received May 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8225. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rates Update [Notice 2004-40] received May 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶53.4 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 923. An Act to amend the Small Business Investment Act of 1958 to allow certain premier certified lenders to elect to maintain an alternative loss reserve.

H.R. 3104. An Act to provide for the establishment of separate campaign medals to be awarded to members of the uniformed services who participate in Operation Enduring Freedom and to members of the uniformed services who participate in Operation Iraqi Freedom.

¶53.5 PROVIDING FOR THE CONSIDERATION OF THE CONFERENCE REPORT TO ACCOMPANY S. CON. RES. 95

Mr. HASTINGS of Washington, by direction of the Committee on Rules, called up the following resolution (H. Res. 649):

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the concurrent resolution (S. Con. Res. 95) setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The conference report shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget.

SEC. 2. (a) Upon adoption in the House of the conference report to accompany Senate Concurrent Resolution 95, and until a concurrent resolution on the budget for fiscal year 2005 has been adopted by the Congress—

(1) the provisions of the conference report and its joint explanatory statement shall have force and effect in the House; and

(2) for purposes of title III of the Congressional Budget Act of 1974, the conference report shall be considered adopted by the Congress.

(b) Nothing in this section may be construed to engage rule XXVII.

SEC. 3. The House being in possession of the official papers, the managers on the part of the House at the conference on the disagreeing votes of the two Houses on H.R. 2660 shall be, and they are hereby, discharged to the end that H.R. 2660 and its accompanying papers, be, and they are hereby, laid on the table.

When said resolution was considered.

After debate,

¶53.6 POINT OF ORDER

During debate Mr. HASTINGS of Washington made a point of order, and said:

''My point of order is when a Member yields time to another Member, does that Member have responsibility to abide by the time he was yielded to speak?''

The SPEAKER pro tempore, Mr. LATHAM, spoke to the point of order, and said:

''The gentleman's point of order is sustained. All Members are reminded to heed the gavel.''

After further debate,

Mr. HASTINGS of Washington moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. LATHAM, announced that the yeas had it.

Mr. McGOVERN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LATHAM, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶53.7 PROVIDING FOR THE CONSIDERATION OF H.R. 4200

Mrs. MYRICK, by direction of the Committee on Rules, called up the following resolution (H. Res. 648):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4200) to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2005, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. After general debate the bill shall be considered for amendment under the five-minute rule.

SEC. 2. (a) It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived.

(b) No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 3 of this resolution.

(c) Each amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report (except as specified in section 4 of this resolution), may be offered only by a Member designated in the report, shall be considered as read, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. Each amendment printed in the report shall be debatable for 10 minutes (unless otherwise specified in the report) equally divided and controlled by the proponent and an opponent and shall not be subject to amendment (except that the chairman and ranking minority member of the Committee on Armed Services each may offer one pro forma amendment for the purpose of further debate on any pending amendment).

(d) All points of order against amendments printed in the report of the Committee on Rules or amendments en bloc described in section 3 of this resolution are waived.

SEC. 3. It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report of the Committee on Rules accompanying this resolution not earlier disposed of. Amendments en bloc offered pursuant to this section shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

SEC. 4. The Chairman of the Committee of the Whole may recognize for consideration of any amendment printed in the report of the Committee on Rules accompanying this resolution out of the order printed, but not sooner than one hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

SEC. 5. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

Mrs. MYRICK moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. ISAKSON, announced that the yeas had it.

Mr. FROST demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. ISAKSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶53.8 HONORING ARMED FORCES MEMBERS

Mr. SCHROCK moved to suspend the rules and agree to the concurrent resolution (H. Con. Res. 424):

Whereas the red poppy was the first living plant that sprouted in the battlefields devastated by fighting during World War I;

Whereas red poppies grew abundantly in the trenches and craters of the war-torn battlefields in Northern France and Belgium;

Whereas during World War I, the bloom of red poppies each year and the coming of the warm weather brought hope to those still fighting in the trenches of France and Belgium;

Whereas in 1915, the red poppy inspired Canadian Colonel John McCrae to write the poem ''In Flanders Fields'' in remembrance of the thousands of soldiers who perished during the three battles of Ypres in Belgium;

Whereas in 1918, John McCrae's poem inspired Moina Belle Michael of Athens, Georgia, to write her own poem entitled ''We Shall Keep the Faith'', in which she promised to wear a red poppy to memorialize American soldiers killed in World War I, and later to raise millions of dollars to support and employ disabled American veterans of all wars;

Whereas on November 11, 1921, the first Poppy Day was held in the United Kingdom and was a national success;

Whereas the red poppy is a symbol of sacrifice throughout the world;

Whereas the red poppy has been worn in the United States for more than 80 years as a way to remember those individuals who died fighting for freedom and democracy around the world and to raise money to help disabled veterans; and

Whereas in 2004, wearing a red poppy on Memorial Day is especially timely considering the sacrifices United States soldiers are making in Iraq and Afghanistan for freedom, democracy, and security: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress honors past and current members of the Armed Forces of the United States and their families by encouraging every American to wear a red poppy on Memorial Day as a sign of admiration and thanks to those individuals who died to preserve freedom and democracy in the United States.

The SPEAKER pro tempore, Mr. ISAKSON, recognized Mr. SCHROCK and Ms. BORDALLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. HASTINGS of Washington, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SHADEGG demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HASTINGS of Washington, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶53.9 H. RES. 649—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HASTINGS of Washington, pursuant to clause 8, rule XX, announced the unfinished business to be the question on ordering the previous question on the resolution (H. Res. 649) providing for consideration of the conference report to accompany the concurrent resolution of the Senate (S. Con. Res. 95) setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009, and for other purposes.

The question being put,

Will the House order the previous question on said resolution?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 220 / Nays ..... 204 }

¶53.10 [Roll No. 191]

YEAS—220

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

NAYS—204

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—9

Davis (AL)
Deutsch
Hayworth
Johnson, Sam
Leach
Norwood
Simmons
Tauzin
Weldon (PA)

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. MILLER of Florida, announced that the yeas had it.

Mr. FROST demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 220 / Nays ..... 204 }

¶53.11 [Roll No. 192]

AYES—220

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin

Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—204

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—9

Davis (AL)
Deutsch
Hayworth
Johnson, Sam
Leach
Norwood
Peterson (PA)
Tauzin
Weldon (PA)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

Pursuant to section 3 of House Resolution 649, the House being in possession of the official papers, the managers on the part of the House at the conference on the disagreeing votes of the two Houses on H.R. 2660 shall be, and they are hereby, discharged to the end that H.R. 2660 and its accompanying papers be, and they are hereby, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶53.12 H. RES. 648—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. MILLER of Florida, pursuant to clause 8, rule XX, announced the unfinished business to be the question on ordering the previous question on the resolution (H. Res. 648) providing for consideration of the bill (H.R. 4200) to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2005, and for other purposes.

The question being put,

Will the House order the previous question on said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 220 / Nays 204

¶53.13 [Roll No. 193]

YEAS—220

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

NAYS—204

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren

Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—9

Davis (AL)
Deutsch
Emerson
Hayworth
Johnson, Sam
Leach
Norwood
Tauzin
Weldon (PA)

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. MILLER of Florida, announced that the yeas had it.

Mr. FROST demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 220 / Nays 205

¶53.14 [Roll No. 194]

AYES—220

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

NOES—205

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hefley
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—8

Davis (AL)
Deutsch
Hayworth
Johnson, Sam
Leach
Norwood
Tauzin
Weldon (PA)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶53.15 H. CON. RES. 424—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. MILLER of Florida, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 424) honoring past and current members of the Armed Forces of the United States and encouraging Americans to wear red poppies on Memorial Day.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 419 / Nays 0

¶53.16 [Roll No. 195]

YEAS—419

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest

Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—14

Baird
Conyers
Davis (AL)
Deutsch
Hayworth
Johnson, Sam
Kingston
Leach
Norwood
Nussle
Radanovich
Reynolds
Tauzin
Weldon (PA)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶53.17 MOTIONS TO INSTRUCT CONFEREES VITIATED—S. CON. RES. 95

The SPEAKER pro tempore, Mr. MILLER of Florida, under clause 7(c) of rule XXII, announced the filing of the conference report on (S. Con. Res. 95) an original concurrent resolution setting forth the budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009, has vitiated that the following two motions to instruct conferees on that measure: (1) the motion to instruct offered by Representative Stenholm which was debated yesterday and on which further proceedings were postponed under clause 8 of rule XX; and (2) the motion to instruct on which Representative Price of North Carolina provided notice on May 18, 2004.

¶53.18 COMMUNICATION FROM THE MINORITY LEADER—APPOINTMENT—POLICY COMMITTEE OF THE WHITE HOUSE CONFERENCE ON AGING

The SPEAKER pro tempore, Mr. MILLER of Florida, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, May 19, 2004.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 211 of the Older Americans Act Amendments of 2000 (42 U.S.C. 3001 note), I hereby appoint Barbara Kennelly of Connecticut and Robert B. Blancato of Virginia, to the Policy Committee of the White House Conference on Aging.

Best regards,

NANCY PELOSI.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶53.19 DEFENSE AUTHORIZATION FY 2005

The SPEAKER pro tempore, Mr. MILLER of Florida, pursuant to House Resolution 648 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 4200) to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2005, and for other purposes.

The SPEAKER pro tempore, Mr. MILLER of Florida, by unanimous consent, designated Mr. HASTINGS of Washington as Chairman of the Committee of the Whole; and after some time spent therein,

¶53.20 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. GOODE:

At the end of title X, insert the following new section:

SEC. ____. ASSIGNMENT OF MEMBERS TO ASSIST BUREAU OF BORDER SECURITY AND BUREAU OF CITIZENSHIP AND IMMIGRATION SERVICES OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) ASSIGNMENT AUTHORITY OF SECRETARY OF DEFENSE.—Chapter 18 of title 10, United States Code, is amended by inserting after section 374 the following new section:

"§ 374a. Assignment of members to assist border patrol and control

''(a) ASSIGNMENT AUTHORIZED.—Upon submission of a request consistent with subsection (b), the Secretary of Defense may assign members of the Army, Navy, Air Force, and Marine Corps to assist—

''(1) the Bureau of Border Security of the Department of Homeland Security in preventing the entry of terrorists, drug traffickers, and illegal aliens into the United States; and

''(2) the United States Customs Service of the Department of Homeland Security in the inspection of cargo, vehicles, and aircraft at points of entry into the United States to prevent the entry of weapons of mass destruction, components of weapons of mass destruction, prohibited narcotics or drugs, or other terrorist or drug trafficking items.

''(b) REQUEST FOR ASSIGNMENT.—The assignment of members under subsection (a) may occur only if—

''(1) the assignment is at the request of the Secretary of Homeland Security; and

''(2) the request is accompanied by a certification by the Secretary of Homeland Security that the assignment of members pursuant to the request is necessary to respond to a threat to national security posed by the entry into the United States of terrorists, drug traffickers, or illegal aliens.

''(c) TRAINING PROGRAM REQUIRED.—The Secretary of Homeland Security and the Secretary of Defense, shall establish a training program to ensure that members receive general instruction regarding issues affecting law enforcement in the border areas in which the members may perform duties under an assignment under subsection (a). A member may not be deployed at a border location pursuant to an assignment under subsection (a) until the member has successfully completed the training program.

''(d) CONDITIONS OF USE.—(1) Whenever a member who is assigned under subsection (a) to assist the Bureau of Border Security or the United States Customs Service is performing duties at a border location pursuant to the assignment, a civilian law enforcement officer from the agency concerned shall accompany the member.

''(2) Nothing in this section shall be construed to—

''(A) authorize a member assigned under subsection (a) to conduct a search, seizure, or other similar law enforcement activity or to make an arrest; and

''(B) supersede section 1385 of title 18 (popularly known as the 'Posse Comitatus Act').

''(e) ESTABLISHMENT OF ONGOING JOINT TASK FORCES.—(1) The Secretary of Homeland Security may establish ongoing joint task forces if the Secretary of Homeland Security determines that the joint task force, and the assignment of members to the joint task force, is necessary to respond to a

threat to national security posed by the entry into the United States of terrorists, drug traffickers, or illegal aliens.

''(2) If established, the joint task force shall fully comply with the standards as set forth in this section.

''(f) NOTIFICATION REQUIREMENTS.—The Secretary of Homeland Security shall provide to the Governor of the State in which members are to be deployed pursuant to an assignment under subsection (a) and to local governments in the deployment area notification of the deployment of the members to assist the Department of Homeland Security under this section and the types of tasks to be performed by the members.

''(g) REIMBURSEMENT REQUIREMENT.—Section 377 of this title shall apply in the case of members assigned under subsection (a).

''(h) TERMINATION OF AUTHORITY.—No assignment may be made or continued under subsection (a) after September 30, 2006.''.

(b) COMMENCEMENT OF TRAINING PROGRAM.—The training program required by subsection (c) of section 374a of title 10, United States Code, as added by subsection (a), shall be established as soon as practicable after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 374 the following new item:

''374a. Assignment of members to assist border patrol and control.''.

It was decided in the affirmative ..... { Yeas ..... 231 / Nays ..... 191 }

¶53.21 [Roll No. 196]

AYES—231

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Duncan
Dunn
Emerson
English
Etheridge
Everett
Feeney
Ferguson
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Jones (NC)
Kaptur
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
LaHood
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Spratt
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (NC)
Thomas
Tiahrt
Tiberi
Toomey
Turner (OH)
Udall (CO)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—191

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Brady (PA)
Brown, Corrine
Burgess
Burr
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Chandler
Clay
Conyers
Cooper
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeGette
DeLauro
Deutsch
Dicks
Doggett
Dooley (CA)
Doyle
Dreier
Edwards
Ehlers
Emanuel
Engel
Eshoo
Evans
Farr
Filner
Flake
Frank (MA)
Frost
Gephardt
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lofgren
Lucas (OK)
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Price (NC)
Putnam
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Souder
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Towns
Turner (TX)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weller
Wexler
Whitfield
Wilson (NM)
Woolsey
Wu
Wynn

NOT VOTING—11

Delahunt
Fattah
Ford
Hayworth
Johnson, Sam
Jones (OH)
Kingston
Leach
Norwood
Portman
Tauzin

So the amendment was agreed to.

¶53.22 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mrs. DAVIS of California:

Add at the end of title VII the following new section:

SEC. 723. LIMITING RESTRICTION OF USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES TO PERFORM ABORTIONS TO FACILITIES IN THE UNITED STATES.

Section 1093(b) of title 10, United States Code, is amended by inserting ''in the United States'' after ''Defense''.

It was decided in the negative ..... { Yeas ..... 202 / Nays ..... 221 }

¶53.23 [Roll No. 197]

AYES—202

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bass
Becerra
Bell
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Dunn
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Foley
Frank (MA)
Frelinghuysen
Frost
Gephardt
Gilchrest
Gonzalez
Gordon
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Isakson
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kilpatrick
Kind
Kirk
Kleczka
Kolbe
Kucinich
Lampson
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—221

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)

Beauprez	Gutknecht	Oxley
Bereuter	Hall	Paul
Berry	Harris	Pearce
Bilirakis	Hart	Pence
Bishop (UT)	Hastings (WA)	Peterson (MN)
Blackburn	Hayes	Peterson (PA)
Blunt	Hefley	Petri
Boehner	Hensarling	Pickering
Bonilla	Herger	Pitts
Bonner	Hobson	Platts
Boozman	Hoekstra	Pombo
Brady (TX)	Holden	Porter
Brown (SC)	Hostettler	Putnam
Brown-Waite, Ginny	Hulshof	Quinn
Burgess	Hunter	Radanovich
Burns	Hyde	Rahall
Burr	Issa	Regula
Burton (IN)	Istook	Rehberg
Buyer	Jenkins	Renzi
Calvert	John	Reynolds
Camp	Johnson (IL)	Rogers (AL)
Cannon	Jones (NC)	Rogers (KY)
Cantor	Kanjorski	Rogers (MI)
Carter	Keller	Rohrabacher
Chabot	Kennedy (MN)	Ros-Lehtinen
Chocola	Kildee	Ross
Coble	King (IA)	Royce
Cole	King (NY)	Ryan (WI)
Collins	Kline	Ryun (KS)
Costello	Knollenberg	Saxton
Cox	LaHood	Schrock
Crane	Langevin	Sensenbrenner
Crenshaw	Latham	Sessions
Cubin	LaTourette	Shadegg
Culberson	Lewis (CA)	Sherwood
Cunningham	Lewis (KY)	Shimkus
Davis (TN)	Linder	Shuster
Davis, Jo Ann	Lipinski	Simpson
Davis, Tom	LoBiondo	Skelton
Deal (GA)	Lucas (KY)	Smith (MI)
DeLay	Lucas (OK)	Smith (NJ)
DeMint	Lynch	Smith (TX)
Diaz-Balart, L.	Manzullo	Souder
Diaz-Balart, M.	Marshall	Stearns
Doolittle	McCotter	Stenholm
Doyle	McCrery	Stupak
Dreier	McInnis	Sullivan
Duncan	McIntyre	Sweeney
Ehlers	McKeon	Tancredo
Emerson	McNulty	Taylor (MS)
English	Mica	Taylor (NC)
Everett	Michaud	Terry
Feeney	Miller (FL)	Thornberry
Ferguson	Miller (MI)	Tiahrt
Flake	Miller, Gary	Tiberi
Forbes	Mollohan	Toomey
Fossella	Moran (KS)	Turner (OH)
Franks (AZ)	Murphy	Upton
Gallegly	Murtha	Vitter
Garrett (NJ)	Musgrave	Walsh
Gerlach	Myrick	Wamp
Gibbons	Nethercutt	Weldon (FL)
Gillmor	Neugebauer	Weldon (PA)
Gingrey	Ney	Weller
Goode	Northup	Whitfield
Goodlatte	Nunes	Wicker
Goss	Nussle	Wilson (NM)
Granger	Oberstar	Wilson (SC)
Graves	Ortiz	Wolf
Green (WI)	Osborne	Young (AK)
	Otter	Young (FL)

NOT VOTING—10

Delahunt	Johnson, Sam	Portman
Fattah	Kingston	Tauzin
Ford	Leach	
Hayworth	Norwood	

So the amendment was not agreed to.

The SPEAKER pro tempore, Mr. SIMPSON, assumed the Chair.

When Mr. SWEENEY, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶53.24 CONGRESSIONAL BUDGET FY 2005

Mr. NUSSLE, pursuant to House Resolution 649, called up the following conference report (Rept. No. 108–498):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the concurrent resolution (S. Con. Res. 95), setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2005.

(a) DECLARATION.—Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2005 as authorized by section 301 of the Congressional Budget Act of 1974 (2 U.S.C. 632).

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2005.

TITLE I—LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts for the budget year.
Sec. 102. Social security.
Sec. 103. Major functional categories.

TITLE II—RECONCILIATION

Subtitle A—Senate

Sec. 201. Reconciliation in the Senate.

Subtitle B—House of Representatives

Sec. 211. Reconciliation in the House of Representatives.

TITLE III—RESERVE FUNDS AND ADJUSTMENTS

Subtitle A—Reserve Funds

Sec. 301. Deficit neutral reserve fund for health insurance for the uninsured.
Sec. 302. Deficit neutral reserve fund for higher education.
Sec. 303. Deficit neutral reserve fund for Montgomery GI Bill benefits.
Sec. 304. Deficit neutral reserve fund for Postal Service reform.
Sec. 305. Deficit neutral reserve fund for the Family Opportunity Act.
Sec. 306. Deficit neutral reserve fund for eliminating survivor benefit plan-social security offset.
Sec. 307. Reserve fund for pending legislation.

Subtitle B—Adjustments With Respect to Discretionary Spending

Sec. 311. Adjustment for surface transportation.
Sec. 312. Adjustment for wildland fire suppression.
Sec. 313. Mechanism for adjusting appropriate discretionary levels.

TITLE IV—BUDGET ENFORCEMENT

Subtitle A—Enforcement

Sec. 401. Restrictions on advance appropriations.
Sec. 402. Emergency legislation.
Sec. 403. Exemption of overseas contingency operations.
Sec. 404. Discretionary spending limits in the Senate.
Sec. 405. Adjustments to reflect changes in concepts and definitions.
Sec. 406. Application and effect of changes in allocations and aggregates.
Sec. 407. Pay-as-you-go point of order in the Senate.
Sec. 408. Compliance with section 13301 of the Budget Enforcement Act of 1990.

Subtitle B—Report Submissions

Sec. 411. Submission of report on defense savings.
Sec. 412. Submission of report on homeland security.

Subtitle C—Exercise of Rulemaking Powers

Sec. 421. Exercise of rulemaking powers.

TITLE V—REQUIRED LEVELS AND AMOUNTS FOR OUTYEARS.

Sec. 501. Recommended levels and amounts.
Sec. 502. Social security.
Sec. 503. Major functional categories.

TITLE VI—SENSE OF THE SENATE AND SENSE OF THE HOUSE

Subtitle A—Sense of the Senate

Sec. 601. Sense of the Senate on budget process reform.
Sec. 602. Sense of the Senate on budget process reform with regard to the creation of bipartisan commissions to combat waste, fraud, and abuse and to promote spending efficiency.
Sec. 603. Sense of the Senate on the relationship between annual deficit spending and increases in debt service costs.
Sec. 604. Sense of the senate regarding the costs of the medicare prescription drug program.
Sec. 605. Sense of the Senate on returning stability to payments under medicare physician fee schedule.
Sec. 606. Sense of the Senate supporting funding restoration for agriculture research and extension.
Sec. 607. Sense of the Senate concerning a national animal identification program.
Sec. 608. Sense of the Senate regarding contributions to the global fund to fight aids, tuberculosis, and malaria.
Sec. 609. Sense of the Senate concerning child nutrition funding.
Sec. 610. Sense of the Senate regarding compensation for exposure to toxic substances at the Department of Energy.
Sec. 611. Sense of the Senate regarding tax incentives for certain rural communities.
Sec. 612. Sense of the Senate concerning summer food pilot projects.
Sec. 613. Sense of the Senate regarding closing the ''tax gap''.

Subtitle B—Sense of the House

Sec. 621. Sense of the House on entitlement reform.

Subtitle C—Sense of Congress

Sec. 631. Sense of Congress on spending accountability.

TITLE I—LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS FOR THE BUDGET YEAR.

The following budgetary levels are appropriate for fiscal year 2005:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution—

(A) The recommended level of Federal revenue for fiscal year 2005 is $1,454,637,000,000.

(B) The amount by which the aggregate level of Federal revenues should be changed for fiscal year 2005 is −$28,194,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate level of total new budget authority for fiscal year 2005 is $2,005,068,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate level of total budget outlays for fiscal year 2005 is $1,996,028,000,000.

(4) DEFICIT.—For purposes of the enforcement of this resolution, the amount of the deficit for fiscal year 2005 is $541,391,000,000.

(5) DEBT SUBJECT TO LIMIT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate level of the public debt for fiscal year 2005 is $8,073,946,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate level of the debt held by the public for fiscal year 2005 is $4,762,355,000,000.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amount of revenues of the Federal Old-Age

and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for fiscal year 2005 is $572,309,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amount of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for fiscal year 2005 is $396,157,000,000.

(c) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses for fiscal year 2005 are $4,249,000,000 in new budget authority and $4,264,000,000 in outlays.

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority and budget outlays for fiscal year 2005 for each major functional category are:

(1) National Defense (050): $472,157,000,000 in new budget authority and $474,298,000,000 in outlays.

(2) International Affairs (150): $28,920,000,000 in new budget authority and $32,795,000,000 in outlays.

(3) General Science, Space, and Technology (250): $23,928,000,000 in new budget authority and $23,278,000,000 in outlays.

(4) Energy (270): $3,027,000,000 in new budget authority and $1,380,000,000 in outlays.

(5) Natural Resources and Environment (300): $32,128,000,000 in new budget authority and $31,418,000,000 in outlays.

(6) Agriculture (350): $21,797,000,000 in new budget authority and $21,035,000,000 in outlays.

(7) Commerce and Housing Credit (370): $9,284,000,000 in new budget authority and $3,258,000,000 in outlays.

(8) Transportation (400): $71,789,000,000 in new budget authority and $68,560,000,000 in outlays.

(9) Community and Regional Development (450): $13,612,000,000 in new budget authority and $17,386,000,000 in outlays.

(10) Education, Training, Employment, and Social Services (500): $92,818,000,000 in new budget authority and $90,716,000,000 in outlays.

(11) Health (550): $252,426,000,000 in new budget authority and $250,025,000,000 in outlays.

(12) Medicare (570): $287,878,000,000 in new budget authority and $288,987,000,000 in outlays.

(13) Income Security (600): $339,157,000,000 in new budget authority and $345,660,000,000 in outlays.

(14) Social Security (650): $15,214,000,000 in new budget authority and $15,214,000,000 in outlays.

(15) Veterans Benefits and Services (700): $70,832,000,000 in new budget authority and $68,855,000,000 in outlays.

(16) Administration of Justice (750): $41,945,000,000 in new budget authority and $41,773,000,000 in outlays.

(17) General Government (800): $17,383,000,000 in new budget authority and $17,975,000,000 in outlays.

(18) Net Interest (900): $270,436,000,000 in new budget authority and $270,436,000,000 in outlays.

(19) Allowances (920): −$7,158,000,000 in new budget authority and −$14,516,000,000 in outlays.

(20) Undistributed Offsetting Receipts (950): −$52,505,000,000 in new budget authority and −$52,505,000,000 in outlays.

TITLE II—RECONCILIATION

Subtitle A—Senate

SEC. 201. RECONCILIATION IN THE SENATE.

(a) TAX RELIEF.—The Committee on Finance of the Senate shall report a reconciliation bill not later than September 30, 2004, that consists of changes in laws within its jurisdiction sufficient to reduce revenues by not more than $22,900,000,000 and to increase outlays by not more than $4,600,000,000 for the period of fiscal years 2005 through 2009.

(b) INCREASE IN STATUTORY DEBT LIMIT.—The Committee on Finance of the Senate shall report a reconciliation bill not later than September 10, 2004, that consists solely of changes in laws within its jurisdiction to increase the statutory debt limit by $689,946,000,000.

Subtitle B—House of Representatives

SEC. 211. RECONCILIATION IN THE HOUSE OF REPRESENTATIVES.

(a) TAX RELIEF.—The Committee on Ways and Means of the House shall report a reconciliation bill not later than September 30, 2004, that consists of changes in laws within its jurisdiction sufficient to reduce revenues by not more than $22,900,000,000 and to increase outlays by not more than $4,600,000,000 for the period of fiscal years 2005 through 2009.

(b) CONFORMING ADJUSTMENT.—Upon the reporting of a recommendation pursuant to section 211(a), or an amendment thereto, that shall be deemed to have complied with the directions under section 211 of this resolution by virtue of section 310(c) of the Congressional Budget Act of 1974, the chairman of the Committee on the Budget of the House may file with the House appropriately revised allocations, functional levels, and aggregates to carry out this subsection.

TITLE III—RESERVE FUNDS AND ADJUSTMENTS

Subtitle A—Reserve Funds

SEC. 301. DEFICIT NEUTRAL RESERVE FUND FOR HEALTH INSURANCE FOR THE UNINSURED.

(a) SENATE.—If the Committee on Finance or the Committee on Health, Education, Labor, and Pensions of the Senate reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that provides health insurance or expands access to care for the uninsured (including a measure providing for tax deductions for the purchase of health insurance or other measures and including legislation to reallocate and maintain expiring SCHIP funds rather than allowing such funds to revert to the Treasury), increases access to health insurance through lowering costs, and does not increase the costs of current health insurance coverage, the chairman of the Committee on the Budget of the Senate may revise allocations of new budget authority and outlays, the revenue aggregates, and other appropriate aggregates to reflect such legislation, to the extent that such legislation would not increase the deficit for fiscal year 2005 and for the period of fiscal years 2005 through 2009.

(b) HOUSE.—In the House, if legislation is reported, or if an amendment thereto is offered or a conference report thereon is submitted, that provides health insurance for the uninsured, the chairman of the Committee on the Budget may revise the allocations for that committee and appropriate aggregates to take into account the budgetary effects of such measure for that purpose, to the extent the measure would not increase the deficit for fiscal year 2005 and for the period of fiscal years 2005 through 2009.

SEC. 302. DEFICIT NEUTRAL RESERVE FUND FOR HIGHER EDUCATION.

(a) IN GENERAL.—If the Committee on Health, Education, Labor, and Pensions of the Senate or the Committee on Education and Workforce in the House reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that reauthorizes the Higher Education Act of 1965, the appropriate chairman of the Committee on the Budget may revise the allocations for that committee and appropriate aggregates to take into account the budgetary effects of such measure for that purpose, to the extent the measure would not increase the deficit for fiscal year 2005 and for the period of fiscal years 2005 through 2009.

(b) SENSE OF SENATE.—It is the sense of the Senate that this resolution contemplates that—

(1) the provisions necessary to achieve the deficit neutrality in subsection (a) may be offered as amendments on the Senate floor;

(2) the Committee on Health, Education, Labor, and Pensions will not be limited to spending reductions within its committee's jurisdiction to satisfy the requirements in subsection (a) in such an amendment; and

(3) the committee may report a bill with up to $5,000,000,000 in new spending for higher education programs provided that provisions necessary to achieve deficit neutrality may be offered as amendments on the Senate floor.

SEC. 303. DEFICIT NEUTRAL RESERVE FUND FOR MONTGOMERY GI BILL BENEFITS.

If the Committee on Armed Services of the Senate or the appropriate committee of the House reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that increases benefit levels under the Montgomery GI Bill for members of the Selected Reserves, the appropriate chairman of the Committee on the Budget may revise the allocations for that committee and appropriate aggregates to take into account the budgetary effects of such measure for that purpose, to the extent the measure would not increase the deficit for fiscal year 2005 and for the period of fiscal years 2005 through 2009.

SEC. 304. DEFICIT NEUTRAL RESERVE FUND FOR POSTAL SERVICE REFORM.

If the Committee on Governmental Affairs of the Senate or the Committee on Government Reform of the House reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that reforms the United States Postal Service to improve its long-term economic viability and provides for increased financial transparency, the appropriate chairman of the Committee on the Budget may revise the allocations for that committee and appropriate aggregates to take into account the budgetary effects of such measure for that purpose, to the extent the measure would not increase the deficit for fiscal year 2005 and for the period of fiscal years 2005 through 2009.

SEC. 305. DEFICIT NEUTRAL RESERVE FUND FOR THE FAMILY OPPORTUNITY ACT.

If the Committee on Energy and Commerce of the House or the Committee on Finance of the Senate reports legislation, or if an amendment thereto is offered or a conference report thereon is submitted, that provides medicaid coverage for children with special needs (the Family Opportunity Act), the appropriate chairman of the Committee on the Budget may revise the allocations for that committee and appropriate aggregates to take into account the budgetary effects of such measure for that purpose, to the extent the measure would not increase the deficit for fiscal year 2005 and for the period of fiscal years 2005 through 2009.

SEC. 306. DEFICIT NEUTRAL RESERVE FUND FOR ELIMINATING SURVIVOR BENEFIT PLAN-SOCIAL SECURITY OFFSET.

If the Committee on Armed Services of the House or Senate reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that increases the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, the appropriate chairman of the Committee on the Budget may revise the allocations for that committee and appropriate aggregates to take into account the budgetary effects of such measure for that purpose, to the extent the measure would not increase the deficit for fiscal year 2005 and for the period of fiscal years 2005 through 2009.

SEC. 307. RESERVE FUND FOR PENDING LEGISLATION.

In the House, for any bill that provides for the safe importation of FDA-approved prescription

drugs or places limits on medical malpractice litigation, that has passed the House in the first session of the 108th Congress and, after the date of adoption of this concurrent resolution, is enacted into law, the chairman of the Committee on the Budget may make the appropriate adjustments in the allocations and aggregates to reflect any resulting savings from any such measure.

Subtitle B—Adjustments With Respect to Discretionary Spending

SEC. 311. ADJUSTMENT FOR SURFACE TRANSPORTATION.

(a) IN GENERAL.—If the Committee on Transportation and Infrastructure of the House or the Committee on Environment and Public Works, the Committee on Banking, Housing, and Urban Affairs, or the Committee on Commerce, Science, and Transportation of the Senate reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides new budget authority for the budget accounts or portions thereof in the highway and transit categories as defined in subparagraphs (B) and (C) of section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 in excess of—

(1) for fiscal year 2005: $42,657,000,000;
(2) for fiscal year 2006: $43,635,000,000;
(3) for fiscal year 2007: $45,709,000,000;
(4) for fiscal year 2008: $46,945,000,000; or
(5) for fiscal year 2009: $47,732,000,000;

the appropriate chairman of the Committee on the Budget may revise the appropriate budget aggregates and increase the allocation of new budget authority to such committee for fiscal year 2005 and for the period of fiscal years 2005 through 2009 to the extent such excess is offset by a reduction in mandatory outlays from the Highway Trust Fund or an increase in receipts appropriated to such fund (for the applicable fiscal year) caused by such legislation or any previously enacted legislation. In the Senate, any increase in receipts shall be reported from the Committee on Finance.

(b) ADJUSTMENT FOR OUTLAYS.—For fiscal year 2005, in the House and the Senate, if a bill or joint resolution is reported, or if an amendment thereto is offered or a conference report thereon is submitted, that changes obligation limitations such that the total limitations are in excess of $41,204,000,000 for fiscal year 2005 for programs, projects, and activities within the highway and transit categories as defined in subparagraphs (B) and (C) of sections 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985, and if legislation has been enacted that satisfies the conditions set forth in subsection (a) for such fiscal year, the appropriate chairman of the Committee on the Budget may increase the allocation of outlays and appropriate aggregates for such fiscal year for the committee reporting such measure by the amount of outlays that corresponds to such excess obligation limitations, but not to exceed the amount of such excess that was offset pursuant to subsection (a).

SEC. 312. ADJUSTMENT FOR WILDLAND FIRE SUPPRESSION.

(a) FINDINGS.—Congress makes the following findings:

(1) Due to the expansion of the wildland urban interface, severe drought conditions in many regions of the country, and the poor health of the Nation's forests and rangelands, the Forest Service and the Department of the Interior regularly spend more than the amount appropriated for fire suppression, and then borrow from other accounts to pay for fire suppression.

(2) This borrowing has a negative effect on many Forest Service and Department of the Interior programs.

(3) This resolution provides an amount equal to the 10-year average for fire suppression in fiscal year 2005.

(4) The Forest Service and the Department of the Interior should address cost containment within the fire suppression account, and report to Congress regarding how funds appropriated pursuant to this section are used.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the adjustment authorized by this section shall only be made if—

(1) the wildland fire suppression accounts in the Interior Appropriations bill are funded at the 10-year average;

(2) there are insufficient funds in such accounts; and

(3) the current fire season is of sufficient severity to require appropriations in excess of the base amount.

(c) CAP ADJUSTMENT.—

(1) DEFINITION.—For this subsection, the term ''base amount'' refers to the average of the obligations of the 10 fiscal years preceding the current year for wildfire suppression in the Forest Service and in the Department of the Interior, calculated by the Director of the Congressional Budget Office in consultation with the chairmen of the Committees on the Budget and Appropriations. The Director of the Congressional Budget Office shall provide such information for fiscal year 2005 in a letter to the chairmen of such committees.

(2) ADJUSTMENTS FOR FISCAL YEAR 2005.—If any bill, joint resolution, amendment, or conference report provides new budget authority for wildland fire suppression in fiscal year 2005 that would cause the level of total new budget authority for wildland fire suppression to exceed the base amount for such fiscal year, then the chairman of the Committee on the Budget may adjust the appropriate allocations and other budgetary levels by the amount of excess new budget authority provided by that measure for that purpose (and the outlays flowing therefrom), but the adjustment for new budget authority may not exceed—

(A) for the Forest Service for fiscal year 2005, $400,000,000; and

(B) for the Department of the Interior for fiscal year 2005, $100,000,000.

(3) FISCAL YEAR 2004.—

(A) SENATE.—In the Senate, if any bill, joint resolution, amendment, or conference report provides new budget authority for wildland fire suppression in fiscal year 2004, then the chairman of the Committee on the Budget may determine that such amount of new budget authority (and outlays flowing therefrom) shall not be counted for the purposes of the Congressional Budget Act of 1974 and this resolution, if such amounts for that fiscal year do not exceed the following levels of new budget authority—

(i) for the Forest Service, $400,000,000; and

(ii) for the Department of the Interior, $100,000,000.

(B) HOUSE.—In the House, if any bill, joint resolution, amendment, or conference report provides new budget authority for wildland fire suppression in fiscal year 2004, then the chairman of the Committee on the Budget may adjust the appropriate allocations and other budgetary levels by the amount of new budget authority provided by that measure for that purpose (and the outlays flowing therefrom), but the adjustment for new budget authority may not exceed—

(i) for the Forest Service, $400,000,000; and

(ii) for the Department of the Interior, $100,000,000.

SEC. 313. MECHANISM FOR ADJUSTING APPROPRIATE DISCRETIONARY LEVELS.

(a) SECTION 504 COMPLIANCE.—In the House and the Senate, whenever the Committee on Appropriations reports the first bill or joint resolution making regular appropriations for fiscal year 2005, the appropriate chairman of the Committee on the Budget may revise the committee's allocation in this resolution by $4,630,000,000 in new budget authority and $14,240,000,000 in outlays and make conforming adjustments to other levels in this resolution.

(b) FUNDING FOR PROJECT BIOSHIELD.—In the House and the Senate, on the same day that the Committee on Appropriations reports as provided in subsection (a), the appropriate chairman of the Committee on the Budget may also revise the allocations to the Committee on Appropriations, discretionary spending limits, and other appropriate levels and limits in this resolution by $2,528,000,000 in new budget authority and $276,000,000 in outlays for Project Bioshield for fiscal year 2005.

TITLE IV—BUDGET ENFORCEMENT

Subtitle A—Enforcement

SEC. 401. RESTRICTIONS ON ADVANCE APPROPRIATIONS.

(a) SENATE.—

(1) POINT OF ORDER.—Except as provided in paragraph (2), it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would provide an advance appropriation.

(2) EXCEPTION.—An advance appropriation may be provided for fiscal year 2006 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading ''Accounts Identified for Advance Appropriations'' in an aggregate amount not to exceed $23,158,000,000 in new budget authority.

(3) WAIVER AND APPEALS.—

(A) WAIVER.—In the Senate, paragraph (1) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under paragraph (1).

(B) PROCEDURE.—A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(C) CONFERENCE REPORT.—If a point of order is sustained under paragraph (1) against a conference report in the Senate, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

(4) ADVANCE APPROPRIATION.—In this subsection, the term ''advance appropriation'' means any discretionary new budget authority in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2005 that first becomes available for any fiscal year after 2005.

(5) REPEAL.—Section 501 of H. Con. Res. 95 (108th Congress) is repealed.

(b) HOUSE.—

(1) IN GENERAL.—(A) In the House, except as provided in paragraph (2), an advance appropriation may not be reported in a bill or joint resolution making a general appropriation or continuing appropriation, and may not be in order as an amendment thereto.

(B) Managers on the part of the House may not agree to a Senate amendment that would violate subparagraph (A) unless specific authority to agree to the amendment first is given by the House by a separate vote with respect thereto.

(2) LIMITATION.—In the House, an advance appropriation may be provided for fiscal year 2006 for programs, projects, activities or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading ''Accounts Identified for Advance Appropriations, Part A'' in an aggregate amount not to exceed $23,158,000,000 in new budget authority, and an advance appropriation may be provided for fiscal year 2007 for any program identified in such statement under the heading ''Accounts Identified for Advance Appropriations, Part B''.

(3) DEFINITION.—In this subsection, the term ''advance appropriation'' means any discretionary new budget authority in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2005 that first becomes available for any fiscal year after 2005.

SEC. 402. EMERGENCY LEGISLATION.

(a) EXEMPTION OF EMERGENCY PROVISIONS.—

(1) IN GENERAL.—In the House and Senate, if a bill, joint resolution, amendment, or conference report designates a provision as an emergency requirement pursuant to this section, then the new budget authority, new entitlement authority, outlays, and receipts resulting therefrom shall not count for purposes of sections 302, 303, 311, and 401 of the Congressional Budget Act of 1974 or any concurrent resolution on the budget and, in the Senate only, shall not count for the purpose of sections 404 (relating to discretionary spending limits in the Senate) and 407 (relating to the pay-go requirement) of this resolution.

(2) DESIGNATIONS.—

(A) GUIDANCE.—If a provision of legislation is designated as an emergency requirement under paragraph (1), the committee report and any joint explanatory statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in subparagraph (B). If such legislation is to be considered by the House without being reported, then the committee shall cause the explanation to be published in the Congressional Record in advance of floor consideration.

(B) CRITERIA.—

(i) IN GENERAL.—Any such provision is an emergency requirement if the underlying situation poses a threat to life, property, or national security and is—

(I) sudden, quickly coming into being, and not building up over time;

(II) an urgent, pressing, and compelling need requiring immediate action;

(III) subject to clause (ii), unforeseen, unpredictable, and unanticipated; and

(IV) not permanent, temporary in nature.

(ii) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(b) POINT OF ORDER IN THE SENATE.—

(1) DEFINITIONS.—In this subsection, the terms ''direct spending'', ''receipts'', and ''appropriations for discretionary accounts'' means any provision of a bill, joint resolution, amendment, motion, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) POINT OF ORDER.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(3) WAIVER AND APPEAL.—Paragraph (2) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(4) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of paragraph (2), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this section.

(5) FORM OF THE POINT OF ORDER.—A point of order under paragraph (2) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(6) CONFERENCE REPORTS.—If a point of order is sustained under paragraph (2) against a conference report, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

(7) EXCEPTION FOR DEFENSE SPENDING.—Paragraph (2) shall not apply against an emergency designation for a provision making discretionary appropriations in the defense category.

(c) REPEAL.—Section 502 of H. Con. Res. 95 (108th Congress) is repealed.

SEC. 403. EXEMPTION OF OVERSEAS CONTINGENCY OPERATIONS.

In the House and Senate, if a bill, joint resolution, amendment, or a conference report makes supplemental appropriations for fiscal year 2005 for overseas contingency operations related to the global war on terrorism, then the new budget authority, new entitlement authority, and outlays resulting from the provisions of such measure that are designated pursuant to this section as making appropriations for such contingency operations shall not count for purposes of sections 302, 303, and 401 of the Congressional Budget Act of 1974 and, in the Senate only, shall not count for the purpose of section 404 (relating to discretionary spending limits in the Senate and 407 (relating to the pay-go requirement) of this resolution, except that the amounts that are not counted for purposes of this section shall not exceed $50,000,000,000 in new budget authority.

SEC. 404. DISCRETIONARY SPENDING LIMITS IN THE SENATE.

(a) DISCRETIONARY SPENDING LIMITS.—In the Senate and as used in this section, the term ''discretionary spending limit'' means for fiscal year 2005—

(1) $812,773,000,000 in new budget authority and $818,285,000,000 in outlays for the discretionary category;

(2) for the highway category, $33,393,000,000 in outlays; and

(3) for the mass transit category, $1,488,000,000 in new budget authority, and $6,726,000,000 in outlays.

(b) DISCRETIONARY SPENDING POINT OF ORDER IN THE SENATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, it shall not be in order in the Senate to consider any bill or joint resolution or amendment, motion, or conference report thereon that would exceed any of the discretionary spending limits in this section.

(2) WAIVER.—This subsection may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(3) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(c) ADJUSTMENTS.—

(1) IN GENERAL.—

(A) CHAIRMAN.—After the reporting of a bill or joint resolution, or the offering of an amendment thereto or the submission of a conference report thereon, the chairman of the Committee on the Budget may make the adjustments set forth in subparagraph (B) for the amount of new budget authority in that measure (if that measure meets the requirements set forth in paragraph (2)) and the outlays flowing from that budget authority.

(B) MATTERS TO BE ADJUSTED.—The adjustments referred to in subparagraph (A) are to be made to—

(i) the discretionary spending limits, if any, set forth in the appropriate concurrent resolution on the budget;

(ii) the allocations made pursuant to the appropriate concurrent resolution on the budget pursuant to section 302(a) of the Congressional Budget Act of 1974; and

(iii) the budgetary aggregates as set forth in the appropriate concurrent resolution on the budget.

(2) AMOUNTS OF ADJUSTMENTS.—The adjustment referred to in paragraph (1) shall be—

(A) an amount provided for transportation under section 311;

(B) an amount provided for fire suppression pursuant to section 312; and

(C) the amounts provided in section 313.

(3) REPORTING REVISED SUBALLOCATIONS.—Following any adjustment made under paragraph (1), the Committee on Appropriations of the Senate shall report appropriately revised suballocations under section 302(b) to carry out this subsection.

(d) REPEAL.—Section 504 of H. Con. Res. 95 (108th Congress) is repealed.

SEC. 405. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

(a) CHANGES IN CONCEPTS AND DEFINITIONS.—In the House and Senate, upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the chairman of the Committee on the Budget shall make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

(b) MISCELLANEOUS ADJUSTMENTS.—

(1) SENATE.—In the Senate, for fiscal year 2005, if a bill is reported, or an amendment thereto is offered or a conference report thereon is submitted, that changes offsetting receipts collected from the Power Marketing Administration into offsetting collections credited against the allocation of the Committee on Appropriations, the chairman of the Committee on the Budget may adjust the appropriate allocations and levels by the amount of new budget authority provided by that measure (and outlays flowing therefrom) for the Army Corps of Engineers and the Pick-Sloan Missouri Basin Project within the Bureau of Reclamation, but not to exceed the amount of forgone offsetting receipts.

(2) HOUSE.—In the House, the chairman of the Committee on the Budget may reduce the revenue aggregates and increase the allocations to the Committee on Ways and Means and other appropriate spending aggregates for legislation that extends the child tax credit, other than measures considered pursuant to section 211, to the extent such adjustments are deficit neutral for fiscal year 2005 and for the period covered by this resolution.

SEC. 406. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution—

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the appropriate Committee on the Budget; and

(2) such chairman may make any other necessary adjustments to such levels to carry out this resolution.

(d) AMENDMENT IN THE HOUSE.—In the House, for purposes of titles II and III, the term ''amendment'' or ''amendment thereto'' means an amendment offered or an amendment made in order as original text, or considered as adopted by special order of the House.

(e) ALLOCATIONS.—The allocations set forth in the joint explanatory statement accompanying this resolution made under section 302(a)(1) of the Congressional Budget Act of 1974 shall be for fiscal year 2005 and (except in the case of the Committee on Appropriations) for the period of fiscal years covered by this resolution.

SEC. 407. PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.

(a) POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for any one of the three applicable time periods as measured in paragraphs (5) and (6).

(2) APPLICABLE TIME PERIODS.—For purposes of this subsection, the term ''applicable time period'' means any 1 of the 3 following periods:

(A) The first year covered by the most recently adopted concurrent resolution on the budget.

(B) The period of the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget.

(C) The period of the 5 fiscal years following the first 5 fiscal years covered in the most recently adopted concurrent resolution on the budget.

(3) DIRECT-SPENDING LEGISLATION.—For purposes of this subsection and except as provided in paragraph (4), the term ''direct-spending legislation'' means any bill, joint resolution, amendment, motion, or conference report that affects direct spending as that term is defined by, and interpreted for purposes of, the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) EXCLUSION.—For purposes of this subsection, the terms ''direct-spending legislation'' and ''revenue legislation'' do not include—

(A) any concurrent resolution on the budget;

(B) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990; or

(C) any legislation considered pursuant to title II of this resolution.

(5) BASELINE.—Estimates prepared pursuant to this section shall—

(A) use the baseline surplus or deficit used for the most recently adopted concurrent resolution on the budget; and

(B) be calculated under the requirements of subsections (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal years beyond those covered by that concurrent resolution on the budget.

(6) PRIOR SURPLUS.—If direct spending or revenue legislation increases the on-budget deficit or causes an on-budget deficit when taken individually, it must also increase the on-budget deficit or cause an on-budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under paragraph (5)(A), except that direct spending or revenue effects resulting in net deficit reduction enacted pursuant to reconciliation instructions since the beginning of that same calendar year shall not be available.

(b) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

(e) REPEAL.—Section 505 of H. Con. Res. 95 (108th Congress) is repealed.

(f) SUNSET.—This section shall expire on April 15, 2005.

SEC. 408. COMPLIANCE WITH SECTION 13301 OF THE BUDGET ENFORCEMENT ACT OF 1990.

(a) IN GENERAL.—In the House, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974 and section 13301 of the Budget Enforcement Act of 1990, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocation under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration.

(b) SPECIAL RULE.—In the House, for purposes of applying section 302(f) of the Congressional Budget Act of 1974, estimates of the level of total new budget authority and total outlays provided by a measure shall include any discretionary amounts provided for the Social Security Administration.

Subtitle B—Report Submissions

SEC. 411. SUBMISSION OF REPORT ON DEFENSE SAVINGS.

Not later than June 25, 2004, the Committees on Armed Services of the House and the Senate shall submit to the relevant Committee on the Budget (and publish in the Congressional Record) its findings that identify $2,000,000,000 in savings from (1) activities that are determined to be of a low priority to the successful execution of current military operations; and (2) activities that are determined to be wasteful or unnecessary to national defense. Funds identified should be reallocated to programs and activities that directly contribute to enhancing the combat capabilities of the U.S. military forces with an emphasis on force protection, munitions and surveillance capabilities.

SEC. 412. SUBMISSION OF REPORT ON HOMELAND SECURITY.

In the House and Senate, not later than June 25, 2004, the Select Committee on Homeland Security and the Committee on Governmental Affairs respectively, shall submit to the corresponding Committees on the Budget (and publish in the Congressional Record) a report identifying no less than $150,000,000 in savings from—

(1) activities that are determined to be of low priority to the successful execution of current domestic homeland security operations; and

(2) activities that are determined to be wasteful or unnecessary to homeland security.

Funds identified should be accompanied by recommendations on reallocation to programs and activities that are considered top priority activities or directly contribute to enhancing the defense of our homeland.

Subtitle C—Exercise of Rulemaking Powers

SEC. 421. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate and the House, respectively, and as such they shall be considered as part of the rules of each House, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change those rules (so far as they relate to that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

TITLE V—REQUIRED LEVELS AND AMOUNTS FOR OUTYEARS.

SEC. 501. RECOMMENDED LEVELS AND AMOUNTS.

In accordance with section 301(a) of the Congressional Budget Act of 1974 (requiring levels for at least 4 years following the budget year), the following budgetary levels are appropriate for the fiscal years 2006 through 2009:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution—

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2006: $1,634,152,000,000.
Fiscal year 2007: $1,753,744,000,000.
Fiscal year 2008: $1,844,828,000,000.
Fiscal year 2009: $1,950,926,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2006: −$21,416,000,000.
Fiscal year 2007: $0.
Fiscal year 2008: $0.
Fiscal year 2009: $0.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2006: $2,068,452,000,000.
Fiscal year 2007: $2,178,188,000,000.
Fiscal year 2008: $2,287,795,000,000.
Fiscal year 2009: $2,398,895,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2006: $2,082,187,000,000.
Fiscal year 2007: $2,155,801,000,000.
Fiscal year 2008: $2,254,981,000,000.
Fiscal year 2009: $2,363,019,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2006: $448,035,000,000.
Fiscal year 2007: $402,057,000,000.
Fiscal year 2008: $410,153,000,000.
Fiscal year 2009: $412,093,000,000.

(5) DEBT SUBJECT TO LIMIT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2006: $8,645,824,000,000.
Fiscal year 2007: $9,168,812,000,000.
Fiscal year 2008: $9,699,909,000,000.
Fiscal year 2009: $10,235,831,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of the debt held by the public are as follows:

Fiscal year 2006: $5,030,718,000,000.
Fiscal year 2007: $5,237,335,000,000.
Fiscal year 2008: $5,436,448,000,000.
Fiscal year 2009: $5,623,726,000,000.

SEC. 502. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2006: $600,872,000,000.
Fiscal year 2007: $629,263,000,000.
Fiscal year 2008: $658,631,000,000.
Fiscal year 2009: $689,510,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2006: $406,380,000,000.
Fiscal year 2007: $419,538,000,000.
Fiscal year 2008: $433,728,000,000.
Fiscal year 2009: $450,526,000,000.

(c) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2006:
(A) New budget authority, $4,334,000,000.
(B) Outlays, $4,273,000,000.
Fiscal year 2007:
(A) New budget authority, $4,429,000,000.
(B) Outlays, $4,361,000,000.
Fiscal year 2008:
(A) New budget authority, $4,526,000,000.
(B) Outlays, $4,455,000,000.
Fiscal year 2009:
(A) New budget authority, $4,626,000,000.

(B) Outlays, $4,552,000,000.

SEC. 503. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority and budget outlays for fiscal years 2006 through 2009 for each major functional category are:

(1) National Defense (050):
Fiscal year 2006:
(A) New budget authority, $432,366,000,000.
(B) Outlays, $452,218,00,000.
Fiscal year 2007:
(A) New budget authority, $442,103,000,000.
(B) Outlays, $434,750,000,000.
Fiscal year 2008:
(A) New budget authority, $452,073,000,000.
(B) Outlays, $438,532,000,000.
Fiscal year 2009:
(A) New budget authority, $462,069,000,000.
(B) Outlays, $447,384,000,000.

(2) International Affairs (150):
Fiscal year 2006:
(A) New budget authority, $30,619,000,000.
(B) Outlays, $32,248,000,000.
Fiscal year 2007:
(A) New budget authority, $31,291,000,000.
(B) Outlays, $29,599,000,000.
Fiscal year 2008:
(A) New budget authority, $31,977,000,000.
(B) Outlays, $28,793,000,000.
Fiscal year 2009:
(A) New budget authority, $32,677,000,000.
(B) Outlays, $29,123,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 2006:
(A) New budget authority, $24,406,000,000.
(B) Outlays, $23,864,000,000.
Fiscal year 2007:
(A) New budget authority, $24,943,000,000.
(B) Outlays, $24,316,000,000.
Fiscal year 2008:
(A) New budget authority, $25,491,000,000.
(B) Outlays, $24,755,000,000.
Fiscal year 2009:
(A) New budget authority, $26,052,000,000.
(B) Outlays, $25,287,000,000.

(4) Energy (270):
Fiscal year 2006:
(A) New budget authority, $3,122,000,000.
(B) Outlays, $1,866,000,000.
Fiscal year 2007:
(A) New budget authority, $3,253,000,000.
(B) Outlays, $1,619,000,000.
Fiscal year 2008:
(A) New budget authority, $3,090,000,000.
(B) Outlays, $1,113,000,000.
Fiscal year 2009:
(A) New budget authority, $2,730,000,000.
(B) Outlays, $1,318,000,000.

(5) Natural Resources and Environment (300):
Fiscal year 2006:
(A) New budget authority, $32,942,000,000.
(B) Outlays, $32,931,000,000.
Fiscal year 2007:
(A) New budget authority, $33,755,000,000.
(B) Outlays, $33,655,000,000.
Fiscal year 2008:
(A) New budget authority, $34,443,000,000.
(B) Outlays, $34,118,000,000.
Fiscal year 2009:
(A) New budget authority, $35,923,000,000.
(B) Outlays, $35,413,000,000.

(6) Agriculture (350):
Fiscal year 2006:
(A) New budget authority, $23,914,000,000.
(B) Outlays, $22,748,000,000.
Fiscal year 2007:
(A) New budget authority, $24,920,000,000.
(B) Outlays, $23,758,000,000.
Fiscal year 2008:
(A) New budget authority, $24,865,000,000.
(B) Outlays, $23,735,000,000.
Fiscal year 2009:
(A) New budget authority, $25,928,000,000.
(B) Outlays, $24,917,000,000.

(7) Commerce and Housing Credit (370):
Fiscal year 2006:
(A) New budget authority, $8,720,000,000.
(B) Outlays, $4,292,000,000.
Fiscal year 2007:
(A) New budget authority, $8,191,000,000.
(B) Outlays, $2,744,000,000.
Fiscal year 2008:
(A) New budget authority, $8,154,000,000.
(B) Outlays, $1,485,000,000.
Fiscal year 2009:
(A) New budget authority, $8,014,000,000.
(B) Outlays, $1,202,000,000.

(8) Transportation (400):
Fiscal year 2006:
(A) New budget authority, $73,253,000,000.
(B) Outlays, $71,302,000,000.
Fiscal year 2007:
(A) New budget authority, $75,911,000,000.
(B) Outlays, $73,633,000,000.
Fiscal year 2008:
(A) New budget authority, $77,709,000,000.
(B) Outlays, $75,611,000,000.
Fiscal year 2009:
(A) New budget authority, $79,072,000,000.
(B) Outlays, $77,027,000,000.

(9) Community and Regional Development (450):
Fiscal year 2006:
(A) New budget authority, $13,607,000,000.
(B) Outlays, $14,457,000,000.
Fiscal year 2007:
(A) New budget authority, $13,905,000,000.
(B) Outlays, $14,231,000,000.
Fiscal year 2008:
(A) New budget authority, $14,127,000,000.
(B) Outlays, $14,032,000,000.
Fiscal year 2009:
(A) New budget authority, $14,439,000,000.
(B) Outlays, $14,318,000,000.

(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2006:
(A) New budget authority, $95,108,000,000.
(B) Outlays, $93,772,000,000.
Fiscal year 2007:
(A) New budget authority, $97,167,000,000.
(B) Outlays, $95,389,000,000.
Fiscal year 2008:
(A) New budget authority, $99,113,000,000.
(B) Outlays, $97,331,000,000.
Fiscal year 2009:
(A) New budget authority, $101,229,000,000.
(B) Outlays, $99,469,000,000.

(11) Health (550):
Fiscal year 2006:
(A) New budget authority, $257,888,000,000.
(B) Outlays, $257,875,000,000.
Fiscal year 2007:
(A) New budget authority, $272,290,000,000.
(B) Outlays, $271,481,000,000.
Fiscal year 2008:
(A) New budget authority, $292,081,000,000.
(B) Outlays, $291,298,000,000.
Fiscal year 2009:
(A) New budget authority, $314,270,000,000.
(B) Outlays, $311,345,000,000.

(12) Medicare (570):
Fiscal year 2006:
(A) New budget authority, $322,742,000,000.
(B) Outlays, $322,339,000,000.
Fiscal year 2007:
(A) New budget authority, $362,593,000,000.
(B) Outlays, $362,827,000,000.
Fiscal year 2008:
(A) New budget authority, $387,739,000,000.
(B) Outlays, $387,718,000,000.
Fiscal year 2009:
(A) New budget authority, $414,248,000,000.
(B) Outlays, $413,776,000,000.

(13) Income Security (600):
Fiscal year 2006:
(A) New budget authority, $342,290,000,000.
(B) Outlays, $345,570,000,000.
Fiscal year 2007:
(A) New budget authority, $343,329,000,000.
(B) Outlays, $345,588,000,000.
Fiscal year 2008:
(A) New budget authority, $356,872,000,000.
(B) Outlays, $358,513,000,000.
Fiscal year 2009:
(A) New budget authority, $366,779,000,000.
(B) Outlays, $367,788,000,000.

(14) Social Security (650):
Fiscal year 2006:
(A) New budget authority, $16,779,000,000.
(B) Outlays, $16,779,000,000.
Fiscal year 2007:
(A) New budget authority, $18,269,000,000.
(B) Outlays, $18,269,000,000.
Fiscal year 2008:
(A) New budget authority, $20,218,000,000.
(B) Outlays, $20,218,000,000.
Fiscal year 2009:
(A) New budget authority, $22,229,000,000.
(B) Outlays, $22,229,000,000.

(15) Veterans Benefits and Services (700):
Fiscal year 2006:
(A) New budget authority, $69,263,000,000.
(B) Outlays, $68,135,000,000.
Fiscal year 2007:
(A) New budget authority, $67,925,000,000.
(B) Outlays, $66,976,000,000.
Fiscal year 2008:
(A) New budget authority, $71,702,000,000.
(B) Outlays, $70,938,000,000.
Fiscal year 2009:
(A) New budget authority, $72,937,000,000.
(B) Outlays, $72,132,000,000.

(16) Administration of Justice (750):
Fiscal year 2006:
(A) New budget authority, $40,338,000,000.
(B) Outlays, $40,851,000,000.
Fiscal year 2007:
(A) New budget authority, $41,111,000,000.
(B) Outlays, $41,209,000,000.
Fiscal year 2008:
(A) New budget authority, $41,990,000,000.
(B) Outlays, $41,682,000,000.
Fiscal year 2009:
(A) New budget authority, $42,889,000,000.
(B) Outlays, $42,492,000,000.

(17) General Government (800):
Fiscal year 2006:
(A) New budget authority, $17,840,000,000.
(B) Outlays, $17,685,000,000.
Fiscal year 2007:
(A) New budget authority, $18,267,000,000.
(B) Outlays, $17,917,000,000.
Fiscal year 2008:
(A) New budget authority, $18,204,000,000.
(B) Outlays, $17,849,000,000.
Fiscal year 2009:
(A) New budget authority, $18,645,000,000.
(B) Outlays, $18,096,000,000.

(18) Net Interest (900):
Fiscal year 2006:
(A) New budget authority, $318,053,000,000.
(B) Outlays, $318,053,000,000.
Fiscal year 2007:
(A) New budget authority, $362,002,000,000.
(B) Outlays, $362,002,000,000.
Fiscal year 2008:
(A) New budget authority, $393,729,000,000.
(B) Outlays, $393,729,000,000.
Fiscal year 2009:
(A) New budget authority, $419,915,000,000.
(B) Outlays, $419,915,000,000.

(19) Allowances (920):
Fiscal year 2006:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2007:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2008:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2009:
(A) New budget authority, $0.
(B) Outlays, $0.

(20) Undistributed Offsetting Receipts (950):
Fiscal year 2006:
(A) New budget authority, −$54,798,000,000.
(B) Outlays, −$54,798,000,000.
Fiscal year 2007:
(A) New budget authority, −$63,037,000,000.
(B) Outlays, −$64,162,000,000.
Fiscal year 2008:
(A) New budget authority, −$65,782,000,000.
(B) Outlays, −$66,469,000,000.

Fiscal year 2009:

(A) New budget authority, −$61,150,000,000.

(B) Outlays, −$60,212,000,000.

TITLE VI—SENSE OF THE SENATE AND SENSE OF THE HOUSE

Subtitle A—Sense of the Senate

SEC. 601. SENSE OF THE SENATE ON BUDGET PROCESS REFORM.

It is the sense of the Senate that Congress and the President should work together to enact budget process reform legislation that would include mechanisms to restrain Government spending. Such legislation may include—

(1) deficit targets that, when exceeded, would result in across-the-board reductions in Federal spending except Social Security, Medicare, and Veterans' benefits;

(2) revision of the content of budget resolutions to increase their focus on aggregate levels, and to include easily understood enforcement tools such as—

(A) discretionary spending limits;

(B) pay-as-you-go; and

(C) explicit committee allocations;

(3) emergency spending procedures which budget for emergency needs;

(4) pay-as-you-go limitations which apply to non-budget expenditures;

(5) limitations on unauthorized appropriations; and

(6) enhanced rescission or constitutional line-item veto authority for the President.

SEC. 602. SENSE OF THE SENATE ON BUDGET PROCESS REFORM WITH REGARD TO THE CREATION OF BIPARTISAN COMMISSIONS TO COMBAT WASTE, FRAUD, AND ABUSE AND TO PROMOTE SPENDING EFFICIENCY.

(a) WASTE, FRAUD, AND ABUSE.—It is the sense of the Senate that legislation should be enacted that would create a bipartisan commission for the purpose of—

(1) submitting recommendations on ways to eliminate waste, fraud, and abuse; and

(2) to provide recommendations on ways in which to achieve cost savings through enhancing program efficiencies in all discretionary and entitlement programs.

The findings of the commission should be made on an annual basis, and should be presented in conjunction with the submission of the President's budget request to Congress.

(b) EFFICIENCY.—It is the sense of the Senate that a bipartisan commission should be established to—

(1) audit Federal domestic agencies, and programs within such agencies, with the express purpose of providing Congress with recommendations, and legislation;

(2) implement those recommendations; and

(3) realign or eliminate government agencies and programs that are duplicative, inefficient, outdated, irrelevant, or have failed to accomplish their intended purpose.

The findings of the commission should be made on an annual basis, and should be presented in conjunction with the submission of the President's budget request to Congress.

SEC. 603. SENSE OF THE SENATE ON THE RELATIONSHIP BETWEEN ANNUAL DEFICIT SPENDING AND INCREASES IN DEBT SERVICE COSTS.

It is the sense of the Senate that the Congressional Budget Office shall consult with the Committee on the Budget of the Senate in order to prepare a report containing a discussion of—

(1) the relationship between annual deficit spending and increases in debt service costs;

(2) the relationship between incremental increases in discretionary spending and debt service costs; and

(3) the feasibility of providing estimates of debt service costs in the cost estimates prepared pursuant to section 308 of the Congressional Budget Act of 1974.

SEC. 604. SENSE OF THE SENATE REGARDING THE COSTS OF THE MEDICARE PRESCRIPTION DRUG PROGRAM.

It is the sense of the Senate that the Committee on Finance of the Senate should report a bill that consists of changes in laws within its jurisdiction sufficient to ensure that spending within part D of the Medicare Prescription Drug Benefit program in fiscal years 2005 through 2013 does not exceed the total of $409,000,000,000 as estimated by the Congressional Budget Office.

SEC. 605. SENSE OF THE SENATE ON RETURNING STABILITY TO PAYMENTS UNDER MEDICARE PHYSICIAN FEE SCHEDULE.

It is the sense of the Senate that, while recent actions by Congress have helped address the immediate reductions in reimbursement, further action by Congress is urgently needed to put in place a new formula or mechanism for updating Medicare physician fees in 2006 and thereafter, in order to ensure—

(1) the long-term stability of the Medicare payment system for physicians and other health care professionals, such that payment rates keep pace with practice cost increases; and

(2) future access to physicians' services for Medicare beneficiaries.

SEC. 606. SENSE OF THE SENATE SUPPORTING FUNDING RESTORATION FOR AGRICULTURE RESEARCH AND EXTENSION.

It is the sense of the Senate that in making appropriations and revenue decisions, the Senate supports—

(1) the restoration of the 33 accounts of the Cooperative State Research, Education, and Extension Service;

(2) the fiscal year 2005 funding of the National Research Initiative; and

(3) the fiscal year 2005 funding of competitive research programs of the Cooperative State Research, Education, and Extension Service in an amount that is adequate to—

(A) fight obesity and stave off chronic diseases;

(B) combat insects and animal and plant diseases;

(C) establish new crops, improved livestock, and economic opportunities for producers; and

(D) keep pathogens and other dangers out of the air, water, soil, plants, and animals.

SEC. 607. SENSE OF THE SENATE CONCERNING A NATIONAL ANIMAL IDENTIFICATION PROGRAM.

It is the sense of the Senate that in making appropriations and revenue decisions, the Senate supports—

(1) the development and implementation of a national animal identification program recognizing the need for resources to carry out the implementation of the plan;

(2) the provision by the Secretary of Agriculture of a time-line for the development and implementation of the program as soon as practicable after the date of approval of this concurrent resolution;

(3) the provision by the Secretary of Agriculture to ensure the Animal and Plant Health Inspection Service, State animal health agencies, and agricultural producers are provided funds necessary to implement a national animal identification program; and

(4) the establishment of a program that is not overly burdensome to agricultural producers and ensures the privacy of information of agricultural producers.

SEC. 608. SENSE OF THE SENATE REGARDING CONTRIBUTIONS TO THE GLOBAL FUND TO FIGHT AIDS, TUBERCULOSIS, AND MALARIA.

It is the sense of the Senate that appropriations Acts should provide sufficient funds to continue matching contributions from other sources to The Global Fund to Fight AIDS, Tuberculosis, and Malaria on a 1 to 2 basis.

SEC. 609. SENSE OF THE SENATE CONCERNING CHILD NUTRITION FUNDING.

It is the sense of the Senate that the levels in this concurrent resolution assume additional funds for the reauthorization of Federal child nutrition programs.

SEC. 610. SENSE OF THE SENATE REGARDING COMPENSATION FOR EXPOSURE TO TOXIC SUBSTANCES AT THE DEPARTMENT OF ENERGY.

It is the sense of the Senate that—

(1) claims for occupational illness, which are determined to be caused by exposure to toxic substances at Department of Energy facilities under subtitle D of the EEOICPA, should be promptly, equitably, and efficiently compensated;

(2) administrative and technical changes should be made to the EEOICPA to—

(A) improve claims processing and review by physicians panels to ensure cost-effective and efficient consideration and determination of workers' claims;

(B) provide for membership in additional special exposure cohorts; and

(C) address eligibility issues at facilities with residual radiation; and

(3) the President and Congress should work together at the earliest opportunity to develop a plan that effectively resolves the issue of a lack of a willing payor for many claims that are determined under subtitle D of the EEOICPA to be related to exposure to a toxic substance at Department of Energy facilities.

SEC. 611. SENSE OF THE SENATE REGARDING TAX INCENTIVES FOR CERTAIN RURAL COMMUNITIES.

It is the sense of the Senate that if tax relief measures are enacted in accordance with the assumptions in the budget resolution in this session of Congress, such legislation should include incentives to help rural communities attract individuals to live and work and start and grow a business in those communities.

SEC. 612. SENSE OF THE SENATE CONCERNING SUMMER FOOD PILOT PROJECTS.

It is the sense of the Senate that sufficient funds should be provided to the Food and Nutrition Service and other appropriate agencies within the Department of Agriculture to enable those agencies to expand the summer food pilot projects established under section 18(f) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)) to all States of the United States and to all service institutions (including service institutions described in section 13(a)(7) of that Act).

SEC. 613. SENSE OF THE SENATE REGARDING CLOSING THE "TAX GAP".

It is the sense of the Senate that the Internal Revenue Service should be provided the resources necessary to increase enforcement activities that would be concentrated on efforts to reduce the tax gap substantially by the end of fiscal year 2009.

Subtitle B—Sense of the House

SEC. 621. SENSE OF THE HOUSE ON ENTITLEMENT REFORM.

(a) FINDINGS.—The House finds that welfare was successfully reformed through the application of work requirements, education and training opportunity, and time limits on eligibility.

(b) SENSE OF THE HOUSE.—It is the sense of the House that authorizing committees should—

(1) systematically review all means-tested entitlement programs and track beneficiary participation across programs and time;

(2) enact legislation to develop common eligibility requirements for means-tested entitlement programs;

(3) enact legislation to accurately rename means-tested entitlement programs;

(4) enact legislation to coordinate program benefits in order to limit to a reasonable period of time the Government dependency of means-tested entitlement program participants;

(5) evaluate the costs of, and justifications for, nonmeans-tested, nonretirement-related entitlement programs; and

(6) identify and utilize resources that have conducted cost-benefit analyses of participants in multiple means- and nonmeans-tested entitlement programs to understand their cumulative costs and collective benefits.

Subtitle C—Sense of Congress

SEC. 631. SENSE OF CONGRESS ON SPENDING ACCOUNTABILITY.

It is the sense of Congress that—

(1) authorizing committees should actively engage in oversight utilizing—

(A) the plans and goals submitted by executive agencies pursuant to the Government Performance and Results Act of 1993; and

(B) the performance evaluations submitted by such agencies (that are based upon the Program Assessment Rating Tool which is designed to improve agency performance);

in order to enact legislation to eliminate waste, fraud, and abuse to ensure the efficient use of taxpayer dollars;

(2) all Federal programs should be periodically reauthorized and funding for unauthorized programs should be level-funded in fiscal year 2005 unless there is a compelling justification;

(3) committees should submit written justifications for earmarks and should consider not funding those most egregiously inconsistent with national policy;

(4) the fiscal year 2005 budget resolution should be vigorously enforced and legislation should be enacted establishing statutory limits on appropriations and a pay-as-you-go rule for new and expanded entitlement programs; and

(5) Congress should make every effort to offset nonwar-related supplemental appropriations.

And the House agree to the same.

JIM NUSSLE,
ROB PORTMAN,
Managers on the Part of the House.

DON NICKLES,
PETE DOMENICI,
CHUCK GRASSLEY,
JUDD GREGG,
Managers on the Part of the Senate.

When said conference report was considered.

After debate,

By unanimous consent, the previous question was ordered on the conference report to its adoption or rejection.

The question being put,

Will the House agree to said conference report?

The SPEAKER pro tempore, Mr. SIMPSON, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 216 / Nays 213

¶53.25 [Roll No. 198]

YEAS—216

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

NAYS—213

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Franks (AZ)
Frost
Gephardt
Gerlach
Gonzalez
Goode
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hefley
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—5

Ballance
Delahunt
Hayworth
Leach
Tauzin

So the conference report was agreed to.

Ordered, That the Clerk notify the Senate thereof.

¶53.26 DEFENSE AUTHORIZATION FY 2005

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to House Resolution 648 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4200) to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2005, and for other purposes.

Mr. SWEENEY, Acting Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

¶53.27 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. HUNTER:

At the end of subtitle A of title XII (page 424, after line 12), insert the following new section:

SEC. ___. SENSE OF CONGRESS CONCERNING THE ABUSE OF PERSONS IN CUSTODY IN IRAQ.

It is the sense of Congress that—

(1) the abuses inflicted upon detainees at the Abu Ghraib prison in Baghdad, Iraq, are offensive to the principles and values of the American people and the United States military, are incompatible with the professionalism, dedication, standards and training required of individuals who serve in the United States military, and contradict the policies, orders, and laws of the United States and the United States military and undermine the ability of the United States military to achieve its mission in Iraq.

(2) the vast majority of members of the Armed Forces have upheld the highest possible standards of professionalism and morality in the face of illegal tactics and terrorist attacks and attempts on their lives.

(3) the abuse of persons in United States custody in Iraq is appropriately condemned and deplored by the American people;

(4) the Armed Forces are moving swiftly and decisively to identify, try, and punish persons who were responsible or culpable for such abuse;

(5) the Secretary of the Army must continue to conduct a full and thorough investigation into any and all allegations of mistreatment or abuse of detainees in Iraq;

(6) the Secretary of the Army and appropriate military authorities must continue to

undertake corrective action to address chain of command deficiencies and the systemic deficiencies identified in the incidents in question;

(7) the American principle and tradition of affording proper and humane treatment to persons under the custody of the United States Armed Forces must be reaffirmed;

(8) the alleged crimes of a handful of individuals should not detract from the commendable sacrifices of over 300,000 members of the United States Armed Forces who have served, or who are serving, in Operation Iraqi Freedom; and

(9) the United States expresses its continuing solidarity and support for its partnership with the Iraqi people in building a viable Iraqi government and a secure nation.

It was decided in the affirmative ..... { Yeas ..... 416 / Nays 4

¶53.28 [Roll No. 199]

AYES—416

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—4

Conyers
Kucinich
Lee
Woolsey

NOT VOTING—13

Baird
Ballance
Burr
Delahunt
Dooley (CA)
Emerson
Gephardt
Hayworth
Jones (NC)
Leach
Murtha
Smith (WA)
Tauzin

So the amendment was agreed to.

After some further time,

The SPEAKER pro tempore, Mr. FEENEY, assumed the Chair.

When Mr. SIMPSON, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶53.29 ORDER OF BUSINESS—FURTHER CONSIDERATION OF H.R. 4200

On motion of Mr. HUNTER, by unanimous consent, that during further consideration of H.R. 4200, pursuant to House Resolution 648, the amendments placed at the desk shall be in order as though printed in House Report 108-499 and numbered 29, 30, 31, and 32; the amendment numbered 13 in that report be modified in the form placed at the desk; and the amendments and the modification placed at the desk shall be considered as read for the purposes of this unanimous consent request.

¶53.30 ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 923. An Act to amend the Small Business Investment Act of 1958 to allow certain premier certified lenders to elect to maintain an alternative loss reserve.

H.R. 3104. An Act to provide for the establishment of separate campaign medals to be awarded to members of the uniformed services who participate in Operation Enduring Freedom and to members of the uniformed services who participate in Operation Iraqi Freedom.

And then,

¶53.31 ADJOURNMENT

On motion of Mr. McDERMOTT, at 11 o'clock and 20 minutes p.m., the House adjourned.

¶53.32 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMAS: Committee on Ways and Means. H.R. 4103. A bill to extend and modify the trade benefits under the African Growth and Opportunity Act; with an amendment (Rept. 108–501). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 2912. A bill to reaffirm the inherent sovereign rights of the Osage Tribe to determine its membership and form of government (Rept. 108–502). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. House Joint Resolution 83. Resolution proposing an amendment to the Constitution of the United States regarding the appointment of individuals to fill vacancies in the House of Representatives; adversely (Rept. 108–503). Referred to the House Calendar.

¶53.33 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ISSA:

H.R. 4389. A bill to authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California, and for other purposes; to the Committee on Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PRICE of North Carolina (for himself and Mr. SHAYS):

H.R. 4390. A bill to extend the Military Extraterritorial Jurisdiction Act (MEJA) to provide for the arrest and commitment of contractor personnel who commit Federal

offenses or war crimes while supporting the mission of the Department of Defense overseas; to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Texas (for himself, Mr. SHAW, Mr. BERMAN, Mr. MCKEON, Mr. SAM JOHNSON of Texas, and Mr. MICHAUD):

H.R. 4391. A bill to amend title II of the Social Security Act to repeal the windfall elimination provision and protect the retirement of public servants; to the Committee on Ways and Means.

By Mr. WELLER (for himself, Mrs. BIGGERT, Mr. TOM DAVIS of Virginia, Mr. HONDA, Mrs. JOHNSON of Connecticut, and Mr. MANZULLO):

H.R. 4392. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income for certain education and training expenses, and for other purposes; to the Committee on Ways and Means.

By Mr. CASE:

H.R. 4393. A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating certain lands along the northern coast of Maui, Hawaii, as a unit of the National Park System; to the Committee on Resources.

By Mr. BROWN of Ohio (for himself, Mr. NEAL of Massachusetts, Ms. DELAURO, and Mr. WAXMAN):

H.R. 4394. A bill to make ineligible for Federal contract awards any expatriated corporations and any companies that do business with, or own foreign subsidiaries that do business with, state sponsors of terrorism or foreign terrorist organizations; to the Committee on Government Reform.

By Mr. CARSON of Oklahoma (for himself and Mr. SULLIVAN):

H.R. 4395. A bill to amend the Controlled Substances Act with respect to the regulation of ephedrine alkaloids, including ephedrine and pseudoesphedrine; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEMINT (for himself, Mr. NORWOOD, and Mrs. MUSGRAVE):

H.R. 4396. A bill to amend the Fair Labor Standards Act of 1938 to clarify the exemption from the minimum wage and overtime compensation requirements of that Act for certain construction engineering and design professionals; to the Committee on Education and the Workforce.

By Mr. ENGLISH:

H.R. 4397. A bill to temporarily exempt scrapping of naval vessels and Maritime Administration vessels from certain environmental statutes governing handling of hazardous materials; to the Committee on Energy and Commerce, and in addition to the Committees on Armed Services, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HONDA (for himself, Ms. ESHOO, and Mr. CARDOZA):

H.R. 4398. A bill to amend the Harmonized Tariff Schedule of the United States to provide that the calculation of the duty imposed on imported cherries that are provisionally preserved does not include the weight of the preservative materials of the cherries; to the Committee on Ways and Means.

By Mrs. KELLY:

H.R. 4399. A bill to establish certain conditions on the Secretary of Veterans Affairs implementing any recommendation of the CARES Commission that would have the effect of eliminating or severely reducing any medical service provided to veterans throughout the United States at Department of Veterans Affairs medical facilities; to the Committee on Veterans' Affairs.

By Mrs. LOWEY (for herself, Mr. TURNER of Texas, Ms. LORETTA SANCHEZ of California, Mr. DICKS, Ms. SLAUGHTER, Mr. DEFAZIO, Mr. ANDREWS, Ms. NORTON, Ms. MCCARTHY of Missouri, Ms. JACKSON-LEE of Texas, Mr. ETHERIDGE, Mr. LANGEVIN, Mr. SANDLIN, Mr. GRIJALVA, Mr. TOWNS, Ms. LEE, Mr. REYES, Mr. GUTIERREZ, Mrs. MALONEY, Mr. LANTOS, Mr. MATSUI, Mr. DELAHUNT, Mr. CARDOZA, Mr. HOEFFEL, Mr. CASE, Mr. FROST, Mr. SKELTON, Mr. HASTINGS of Florida, Mr. GREEN of Texas, Mr. MOORE, Mrs. CAPPS, Mr. NADLER, Ms. ROYBAL-ALLARD, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WYNN, Ms. KILPATRICK, Mr. TIERNEY, Mr. ACEVEDO-VILA, and Mr. LUCAS of Kentucky):

H.R. 4400. A bill to establish the Office of Wireless Public Safety Interoperable Communications, to provide grants and other support to achieve communications interoperability in the United States, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security (Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MYRICK:

H.R. 4401. A bill to suspend temporarily the duty on 9,10-Anthracenedione, 1,8-dihydroxy-4-nitro-5-(phenylamino)-; 9,10-Anthracenedione, 1,5-dihydroxy-4-nitro-8-(phenylamino)-; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 4402. A bill to suspend temporarily the duty on 2-Naphthalenesulfonic acid, 6-[(2,4-diaminophenyl)azo]-3-[[4-[[4-[[7-[(2,4-diaminophenyl azo]-1-hydroxy-3-sulfo-2-naphthalenyl]azo]phenyl]amino]-3-sulfophenyl]azo]-4-hydroxy-, trisodium salt; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 4403. A bill to suspend temporarily the duty on Bis-Ethylhexyloxyphenol Methoxyphenol Triazine; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 4404. A bill to suspend temporarily the duty on Benzamide, 3-amino-N-[2-[[2-(sulfooxy)ethyl]sulfonyl]ethyl]-; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 4405. A bill to suspend temporarily the duty on Methylene Bis-Benzotriazolyl Tetramethylbutylphenol; to the Committee on Ways and Means.

By Mr. SENSENBRENNER (for himself and Mr. HOSTETTLER):

H.R. 4406. A bill to reform the judicial review process of orders of removal for purposes of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. UDALL of Colorado:

H.R. 4407. A bill to authorize appropriations for the National Institute of Standards and Technology for fiscal years 2005, 2006, 2007, and 2008, and for other purposes; to the Committee on Science.

By Mr. COLLINS:

H. Con. Res. 431. Concurrent resolution urging the Government of Vietnam to provide to the United States all information in the possession of Vietnam regarding Americans unaccounted for from the Vietnam War, and for other purposes; to the Committee on International Relations.

By Mr. SULLIVAN:

H. Res. 650. A resolution expressing the sense of the House with respect to the life and work of Tony Randall; to the Committee on Government Reform.

¶53.34 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

330. The SPEAKER presented a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 63 memorializing the President and Congress of the United States to pass legislation to allow prescription drugs to be imported from Canada; to the Committee on Energy and Commerce.

331. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 64 expressing disappointment in the lack of support the current administration has shown toward veterans of the armed forces, and memorializing Congress to increase funding for the continuation and expansion of veterans benefits and services; to the Committee on Veterans' Affairs.

¶53.35 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. JACKSON-LEE of Texas introduced a bill (H.R. 4408) for the relief of Jen-Hui Tsai; which was referred to the Committee on the Judiciary.

¶53.36 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 82: Mr. OWENS.
H.R. 83: Mr. OWENS.
H.R. 85: Mr. OWENS.
H.R. 163: Mrs. CHRISTENSEN.
H.R. 284: Mr. GARY G. MILLER of California and Mr. LANTOS.
H.R. 333: Ms. NORTON.
H.R. 527: Mr. CHANDLER.
H.R. 716: Mr. CHANDLER.
H.R. 742: Mr. COLLINS and Mr. LANGEVIN.
H.R. 806: Mrs. TAUSCHER and Mr. WICKER.
H.R. 843: Mr. TIERNEY.
H.R. 1043: Mr. PAYNE.
H.R. 1105: Mr. CHANDLER.
H.R. 1155: Mr. MEEHAN, Mr. WEINER, and Mr. ALLEN.
H.R. 1310: Mr. ISAKSON.
H.R. 1322: Mr. RODRIGUEZ.
H.R. 1477: Ms. WOOLSEY.
H.R. 1638: Mr. LARSON of Connecticut and Mr. Chandler.
H.R. 1639: Mr. MILLER of North Carolina, Mr. STARK, and Mr. RANGEL.
H.R. 1716: Mr. BILIRAKIS.
H.R. 1735: Mr. PETERSON of Minnesota.
H.R. 1746: Mr. SWEENEY and Mr. GOODE.
H.R. 1782: Mr. WATT.
H.R. 1793: Mr. KLINE.
H.R. 1805: Mr. CHANDLER.
H.R. 1824: Mr. SANDLIN.
H.R. 1830: Mr. OWENS.
H.R. 1884: Mr. WATT.
H.R. 1935: Mrs. LOWEY and Mr. UDALL of Colorado.
H.R. 1993: Mr. TOWNS.
H.R. 2133: Mr. RYAN of Wisconsin and Mr. WHITFIELD.
H.R. 2217: Mr. MCDERMOTT and Mr. BOUCHER.
H.R. 2293: Mr. BARTLETT of Maryland.
H.R. 2366: Mr. CHANDLER.
H.R. 2387: Mr. WEXLER.
H.R. 2394: Mr. MCINTYRE and Mr. DOGGETT.
H.R. 2402: Mr. VAN HOLLEN and Mr. FORD.
H.R. 2527: Ms. WATSON and Mr. LARSEN of Washington.
H.R. 2568: Mr. CHANDLER.
H.R. 2621: Mr. LYNCH and Ms. LEE.

H.R. 2627: Mrs. MUSGRAVE.
H.R. 2674: Mr. DOGGETT, Mr. FROST, Mr. MCDERMOTT, Mr. OWENS, and Mr. GORDON.
H.R. 2699: Mr. WAMP, Mr. HILL, Mr. ALEXANDER, Mr. STENHOLM, and Mr. LUCAS of Kentucky.
H.R. 2863: Mr. LARSEN of Washington.
H.R. 2956: Mr. CHANDLER.
H.R. 3066: Mr. COOPER.
H.R. 3069: Mr. WILSON of South Carolina and Mr. NEY.
H.R. 3078: Mr. BAIRD.
H.R. 3111: Mr. BOEHLERT, Mr. BILIRAKIS, Mr. PLATTS, Mr. UDALL of Colorado, and Mr. ANDREWS.
H.R. 3192: Mr. CHANDLER.
H.R. 3306: Mr. OWENS.
H.R. 3313: Mr. COLLINS, Mr. CUNNINGHAM, and Mr. RYUN of Kansas.
H.R. 3412: Ms. NORTON.
H.R. 3422: Mr. BAIRD.
H.R. 3441: Ms. DELAURO.
H.R. 3474: Mr. LANGEVIN.
H.R. 3574: Mr. CASE, Mr. SCHIFF, Mr. POMBO, and Mr. ROGERS of Michigan.
H.R. 3596: Mr. EMANUEL, Mrs. LOWEY, Ms. GRANGER, Mr. ISAKSON, and Mr. WILSON of South Carolina.
H.R. 3619: Mr. CASE and Mr. THOMPSON of Mississippi.
H.R. 3716: Mr. DINGELL.
H.R. 3737: Mr. MORAN of Virginia.
H.R. 3743: Mr. CHANDLER.
H.R. 3779: Mrs. LOWEY.
H.R. 3798: Mr. MARSHALL.
H.R. 3801: Mr. BRADLEY of New Hampshire and Mr. SESSIONS.
H.R. 3803: Mr. BOUCHER and Mr. BISHOP of Georgia.
H.R. 3810: Mr. ALLEN.
H.R. 3831: Mr. FRANK of Massachusetts.
H.R. 3936: Mr. BILIRAKIS.
H.R. 3950: Mr. SESSIONS.
H.R. 3953: Mr. SOUDER and Mr. GRIJALVA.
H.R. 3960: Mr. EVANS.
H.R. 3968: Ms. LINDA T. SANCHEZ of California and Mrs. MCCARTHY of New York.
H.R. 3988: Mr. LAMPSON, Ms. LINDA T. SANCHEZ of California, Mr. MENENDEZ, Mr. LANTOS, and Mr. SCOTT of Virginia.
H.R. 4032: Mr. PETERSON of Minnesota.
H.R. 4043: Mr. RUSH and Ms. MILLENDER-MCDONALD.
H.R. 4057: Ms. CARSON of Indiana and Mr. ENGLISH.
H.R. 4097: Mr. BOEHLERT, Mr. MCNULTY, Mr. SERRANO, Mr. WALSH, Mr. FROST, and Mr. DOGGETT.
H.R. 4103: Mr. OWENS.
H.R. 4108: Mr. LEVIN, Mr. ACEVEDO-VILA, Mr. RODRIGUEZ, Mr. SHAW, Mr. HASTINGS of Florida, Mr. FROST, Mr. PRICE of North Carolina, Mr. ROTHMAN, Mrs. MCCARTHY of New York, and Ms. DELAURO.
H.R. 4175: Mr. BILIRAKIS.
H.R. 4191: Ms. LEE, Mr. MEEKS of New York, Ms. JACKSON-LEE of Texas, Ms. NORTON, Mr. PAYNE, and Mr. LEWIS of Georgia.
H.R. 4212: Mr. BERMAN and Mr. STARK.
H.R. 4248: Mr. BILIRAKIS.
H.R. 4255: Mr. SERRANO, Mr. BAIRD, Mr. LARSEN of Washington, and Mr. HOLT.
H.R. 4256: Mrs. NAPOLITANO and Mr. RUSH.
H.R. 4257: Mrs. EMERSON, Mr. OSBORNE, Mr. ROGERS of Kentucky, and Mr. COSTELLO.
H.R. 4263: Mr. BLUMENAUER, Mr. LARSON of Connecticut, Mr. GORDON, Mr. ROSS, Mr. THOMPSON of Mississippi, Mr. MOORE, Mr. OWENS, Mr. HASTINGS of Florida, Mr. INSLEE, Mr. NETHERCUTT, Ms. DELAURO, and Mr. DEUTSCH.
H.R. 4264: Mr. VITTER.
H.R. 4312: Mr. FROST, Mr. MATSUI, Mr. MCNULTY, Mr. SKELTON, Ms. HASTINGS of Florida, Mr. MOORE, Mrs. CAPPS, Mr. NADLER, Ms. ROYAL-ALLARD, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MALONEY, and Mr. WYNN.
H.R. 4341: Mr. RUSH, Mr. FORD, Ms. MCCARTHY of Missouri, Mr. BOUCHER, and Mr. MCINTYRE.
H.R. 4343: Mr. PITTS.
H.R. 4346: Mr. COOPER, Mr. LAMPSON, Mr. FROST, Mr. MORAN of Virginia, Mr. LUCAS of Kentucky, Mr. OWENS, Mr. ROSS, Mr. GUTIERREZ, Mr. FILNER, Ms. DELAURO, Mr. THOMPSON of California, Mr. PALLONE, Ms. WATERS, Mrs. MCCARTHY of New York, Mr. STRICKLAND, Mr. FRANK of Massachusetts, Mr. TURNER of Texas, Mr. ROTHMAN, Mr. MEEKS of New York, Mr. BELL, Mr. JACKSON of Illinois, Mr. SANDERS, Mr. DAVIS of Tennessee, Mr. TAYLOR of Mississippi, Mr. FALEOMAVAEGA, Mr. THOMPSON of Mississippi, Ms. CORRINE BROWN of Florida, and Mr. CUMMINGS.
H.R. 4359: Mr. COLE, Mr. CHOCOLA, Mr. KLINE, Mr. FEENEY, Mr. NEUGEBAUER, Mr. BURGESS, Ms. HARRIS, Mr. TERRY, Mr. JOHNSON of Illinois, and Mrs. BLACKBURN.
H.R. 4363: Mr. SOUDER.
H.R. 4370: Mr. MCDERMOTT, Mr. MCNULTY, Mr. STARK, Mr. KUCINICH, Mr. DOGGETT, and Mr. GRIJALVA.
H.R. 4377: Mr. BELL.
H.R. 4378: Mrs. LOWEY and Mr. MCNULTY.
H.R. 4384: Mr. SHAW.
H.J. Res. 56: Mrs. MILLER of Michigan.
H.J. Res. 94: Mr. CULBERSON.
H. Con. Res. 298: Ms. HARRIS, Mr. SAM JOHNSON of Texas, and Mr. COLLINS.
H. Con. Res. 366: Mr. GONZALEZ.
H. Con. Res. 399: Ms. BORDALLO and Mr. DAVIS of Illinois.
H. Con. Res. 416: Mr. BOOZMAN, Mr. PASTOR, Mr. ETHERIDGE, and Mr. MARSHALL.
H. Con. Res. 422: Mr. EMANUEL, Mr. CAPUANO, Mr. NEAL of Massachusetts, Mr. FRANK of Massachusetts, and Mr. MEEHAN.
H. Res. 550: Mrs. LOWEY, Mr. HOEFFEL, and Mr. WEXLER.
H. Res. 604: Mrs. LOWEY.
H. Res. 642: Mr. UDALL of Colorado.

¶53.37 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3473: Mr. CAMP.

THURSDAY, MAY 20, 2004 (54)

The House was called to order by the SPEAKER.

¶54.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, May 19, 2004.

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

¶54.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

8226. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Importation of Orchids of the Genus Phalaenopsis From Taiwan in Growing Media [Docket No. 98-035-5] (RIN: 0579-AB75) received May 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8227. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Veterinary Diagnostic Services User Fees [Docket No. 00-024-2] (RIN: 0579-AB22) received May 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8228. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Pine Shoot Beetle; Additions to Quatantined Areas [Docket No. 03-102-2] received May 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8229. A letter from the Regulatory Contact, Grain Inspection, Packers and Stockyard Administration, Department of Agriculture, transmitting the Department's final rule—Fees for Official Inspection and Official Weighing Services (RIN: 0580-AA80) received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8230. A letter from the Congressional Review Coordinator, APHIS, Department of Homeland Security, transmitting the Department's final rule—Karnal Bunt; Compensation for Custom Harvesters in Northern Texas [Docket No. 03-052-1] received May 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8231. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Isoxadifen-ethyl; Pesticide Tolerance [OPP-2004-0093; FRL-7355-8] received May 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8232. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Indoxacarb; Time-Limited Pesticide Tolerance [OPP-2004-0130; FRL-7359-1] received May 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8233. A letter from the Secretary, Department of State, transmitting the 2003 Annual Report on United Nations voting practices, pursuant to 22 U.S.C. 2414a; to the Committee on Appropriations.

8234. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Bay Area Air Quality Management District, Monterey Bay Unified Air Pollution Control District, and Ventura County Air Pollution Control District [CA 169-0440a; FRL-7665-2] received May 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8235. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California and Nevada State Implementation Plans, Ventura County Air Pollution Control District and Clark County Department of Air Quality Management [CA 151-0449a; FRL-7660-6] received May 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8236. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Finding of Failure to Submit Required State Implementation Plan Revision for the Metropolitan Washington, DC Ozone Nonattainment Area; Maryland [MD168-3110; FRL-7665-6] received May 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8237. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; Illinois [IL221-1a; FRL-7657-8] received May 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8238. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; New Jersey; Motor Vehicle Enhanced Inspection and Maintenance Program [Region II Docket No. NJ68-275; FRL-

7661-1] received May 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8239. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Indiana [IN 140-4a; FRL-7658-9] received May 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8240. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; The 2005 ROP Plan for the Pennsylvania Portion of the Philadelphia-Wilmington-Trenton Severe Area Sever 1-Hour Ozone Nonattainment Area: [PA213-4026; FRL-7663-7] received May 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8241. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Missouri Update to Materials Incorporated by Reference [MO-194-1194; FRL-7658-5] received May 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8242. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that effective April 18, 2004, the 15% Danger Pay Allowance for Sierra Leone was terminated based on improved security conditions and the fact that warfare conditions have ceased, pursuant to 5 U.S.C. 5928; to the Committee on International Relations.

8243. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that effective March 7, 2004, a 15% Danger Pay Allowance for Haiti has been established based on the threat of attacks on U.S. facilities endangering the lives of U.S. Government civilians, pursuant to 5 U.S.C. 5928; to the Committee on International Relations.

8244. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report concerning Cuban emigration policies, pursuant to Public Law 105—277, section 2245; to the Committee on International Relations.

8245. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Pursuant to the Anti-Economic Discrimination Act of 1994, part C of Title V, Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, as amended (Public Law 103-236), the Secretary's determination suspending prohibitions on certain sales and leases under the Anti-Economic Discrimination Act of 1994 and the accompanying Memorandum of Justification; to the Committee on International Relations.

8246. A letter from the Executive Director, Christopher Columbus Fellowship Foundation, transmitting pursuant to the Accountability of Tax Dollars Act, the Foundation's quarterly financial statement, prepared by the U.S. General Services Administration; to the Committee on Government Reform.

8247. A letter from the Acting Assistant Secretary of the Army for Financial Management and Comptroller, Department of Defense, transmitting a report on the Army's Annual Financial Statement for FY 2003; to the Committee on Government Reform.

8248. A letter from the Inspector General, Department of Homeland Security, transmitting notice that in compliance with the Accountability of Tax Dollars Act of 2002, the Office of Inspector General has initiated the audit of the Department of Homeland Security's consolidated financial statements as of and for the year ending September 30, 2004; to the Committee on Government Reform.

8249. A letter from the Assistant Secretary for Administration and Management, Department of Labor, transmitting pursuant to Title II, Section 203, of the Notification and Federal Employee Antidiscrimination and Retaliation Act (No Fear Act), the Department's annual report; to the Committee on Government Reform.

8250. A letter from the President, Federal Financing Bank, transmitting the Annual Management Report of the Federal Financing Bank for fiscal year 2003, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

8251. A letter from the Senior Vice President, Tennessee Valley Authority, transmitting the Authority's first annual report, pursuant to Public Law 107–174, section 203(a); to the Committee on Government Reform.

8252. A letter from the Chief Justice, Supreme Court of the United States, transmitting a copy of the Report of the Proceedings of the Judicial Conference of the United States, held in Washington D.C., on September 23, 2003, pursuant to 28 U.S.C. 331; to the Committee on the Judiciary.

8253. A letter from the Secretary to the Council, Council of the District of Columbia, transmitting a copy of Council Resolution 15-514, ''Sense of the Council on Opposing a Constitutional Marriage Amendment Resolution of 2004,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on the Judiciary.

8254. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Report on Denial of Visas to Confiscators of American Property, pursuant to Public Law 105–277, section 8; to the Committee on the Judiciary.

8255. A letter from the Secretary, Department of Homeland Security, transmitting as conducted by the United States Coast Guard, a report on Safety Management Code Report & Policy, pursuant to Public Law 105–383, section 306; to the Committee on Transportation and Infrastructure.

8256. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Chesapeake Bay, Hampton Roads, Elizabeth River, VA. [CGD05-04-081] (RIN: 1625-AA00) received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8257. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Metro North Railroad Bridge over the Norwalk River, Norwalk, Connecticut [CGD01-04-035] (RIN: 1625-AA00) received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8258. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security and Safety Zone; M/V Spirit of Ontario, Lake Ontario, NY [CGD09-04-012] (RIN: 1625-AA00) received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8259. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; McCellan-Kerr Arkansas River Mile 307 to 309.5, Fort Smith, AR [COTP Memphis-04-002] (RIN: 1625-AA00) received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8260. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Transit of Rig Pride Portland, Portland, Maine [CGD01-04-040] (RIN: 1625-AA00) received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8261. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operating Regulations; Snake River, Burbank, WA [CGD13-04-004] received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8262. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operating Regulation; Illinois Waterway, Joliet, IL [CGD08-04-016] (RIN: 1625-AA09) received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8263. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Stono River, mile 11.0 at Johns Island, SC. [CGD07-04-021] (RIN: 1625-AA09) received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8264. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations: Newtown Creek, Dutch Kills, English Kills, and their tributaries, NY. [CGD01-04-039] received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8265. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Gulf Intracoastal Waterway, Galveston, TX. [CGD08-04-017] received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8266. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Loxahatchee River, Palm Beach County, FL [CGD07-04-019] received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8267. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulation; Mare Island Strait, Napa River, Vallego, CA. [CGD11-03-006] (RIN: 1625-AA09) received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8268. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulation; Atlantic Intracoastal Waterway, miles 1062.6 and 1064.0 in Fort Lauderdale, Broward County, FL. [CGD07-03-166] (RIN: 1625-AA09) received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8269. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Regulated Navigation Area; USCG Station Port Huron, Port Huron, Michigan, Lake Huron [CGD09-03-287] (RIN: 1625-AA11) received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8270. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Coast Guard Station Fire Island, Fire Island, NY

[CGD01-03-025] (RIN: 1625-AA00) received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8271. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Update of Rules on Aids to Navigation Affecting Buoys, Sound Signals, International Rules at Sea, Communications Procedures, and Large Navigational Buoys [USCG-2001-10714] (RIN: 1625-AA34) received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8272. A letter from the Secretary, Department of Veterans Affairs, transmitting the Department's Capital Asset Realignment for Enhanced Services (CARES) Decision, pursuant to Public Law 108—170, section 222; to the Committee on Veterans' Affairs.

8273. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's FY 2001 report entitled, ''Implementation of the Waste Isolation Pilot Plant Land Withdrawal Act'' required under Section 23(a)(2) of the Act; jointly to the Committees on Energy and Commerce and Armed Services.

8274. A letter from the Secretary, Department of Labor, transmitting the Department's report on the Office of Workers' Compensation Programs' administration of the Energy Employees Occupational Illness Compensation Program Act of 222 (EEOICPA) analyzing claims for benefits under the EEOICPA that have been either accepted or denied through December 31, 2003, pursuant to Public Law 108–136, section 3134; jointly to the Committees on the Judiciary and Education and the Workforce.

¶54.3 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bills and a concurrent resolution of the House of the following titles:

H.R. 408. An Act to provide for expansion of Sleeping Bear Dunes National Lakeshore.

H.R. 708. An Act to require the conveyance of certain National Forest System lands in Mendocino National Forest, California, to provide for the use of the proceeds from such conveyance for National Forest purposes, and for other purposes.

H.R. 856. An Act to authorize the Secretary of the Interior to revise a repayment contract with the Tom Green County Water Control and Improvement District No. 1, San Angelo project, Texas, and for other purposes.

H.R. 1598. An Act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in projects within the San Diego Creek Watershed, California, and for other purposes.

H. Con. Res. 414. Concurrent resolution expressing the sense of the Congress that, as Congress recognizes the 50th anniversary of the Brown v. Board of Education decision, all Americans are encouraged to observe this anniversary with a commitment to continuing and building on the legacy of Brown.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House if requested, bills of the House of the following titles:

H.R. 417. An Act to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California.

H.R. 1528. An Act to amend the Internal Revenue Code of 1986 to protect taxpayers and ensure accountability of the Internal Revenue Service.

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

S. 15. An Act to amend the Public Health Service Act to provide protections and countermeasures against chemical, radiological, or nuclear agents that may be used in a terrorist attack against the United States by giving the National Institutes of Health contracting flexibility, infrastructure improvements, and expediting the scientific peer review process, and streamlining the Food and Drug Administration approval process of countermeasures.

S. 213. An Act to clear title to certain real property in New Mexico associated with the Middle Rio Grande Projects, and for other purposes.

S. 524. An Act to expand the boundaries of the Fort Donelson National Battlefield to authorize the acquisition and interpretation of lands associated with the campaign that resulted in the capture of the fort in 1862, and for other purposes.

S. 943. An Act to authorize the Secretary of the Interior to contract with the city of Cheyenne, Wyoming, for the storage of the city's water in the Kendrick Project, Wyoming.

S. 960. An Act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in the State of Hawaii and to amend the Hawaii Water Resources Act of 2000 to modify the water resources study.

S. 1107. An Act to enhance the recreational Fee Demonstration Program for the National Park Service, and for other purposes.

S. 1167. An Act to resolve boundary conflicts in Barry and Stone Counties in the State of Missouri.

S. 1516. An Act to further the purposes of the Reclamation Projects Authorization and Adjustment Act of 1992 by directing the Secretary of the Interior, acting through the Commissioner of Reclamation, to carry out an assessment and demonstration program to control salt cedar and Russian olive, and for other purposes.

S. 1576. An Act to revise the boundary of Harpers Ferry National Historical Park, and for other purposes.

S. 1577. An Act to extend the deadline for commencement of construction of a hydroelectric project in the State of Wyoming.

S. 1848. An Act to amend the Bend Pine Nursery Land Conveyance Act to direct the Secretary of Agriculture to sell the Bend Pine Nursery Administrative Site in the State of Oregon.

S. 2178. An Act to make technical corrections to laws relating to certain units of the National Park System and to National Park programs.

¶54.4 RESIGNATION OF PARLIAMENTARIAN

The SPEAKER laid before the House a communication, which was read as follows:

THE SPEAKER'S ROOMS,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 20, 2004.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: After forty years of service in the Office of Parliamentarian, I believe that the time is appropriate for me to submit my resignation in completion of a wonderfully satisfying career under seven Speakers. By this action, I shall with your permission remain available to fulfill the requirement in law to publish precedents accumulated during my tenure and that of my beloved predecessor, the late Wm. Holmes Brown.

This decision is made especially difficult by the loyal support and friendship you have shown to me, Mr. Speaker. You have enabled my office to serve the House and all its Members at a time of profound institutional change, by coping with new pressures and realities while mindful of the importance of continuity of the practices and precedents of the House and of the dignity and integrity of its proceedings. Speaker Foley, who appointed me to this position, other Speakers, and Minority Leaders, whose personal friendships I have also cherished, have likewise been particularly supportive of this office.

One need only refer to the prefaces of Hinds', Cannon's, and Deschler's Precedents to gain a sense of the extent of the procedural evolution in the House for the first 190 years of the Republic, and then compare with that documented history the nature and pace of more recent changes, to understand the enormity of contemporary developments. Along the way, important matters of Constitutional separation of powers and continuity of government have occupied high profile status requiring the attention of my office. Numerous incremental changes have considerably altered the procedural landscape during my career. Examples include increased turnover in Membership, committee seniority status, budgetary disciplines, appropriations practices, an ethics process, televised proceedings, multiplicity of committee jurisdictions, oversight and authorization prerequisites, the impact of changing Senate processes, disposition of matters in conference, review of Executive actions, authorities to recess, to postpone and cluster votes and consolidate amendments, an issue-specific super-majority vote requirement, electronic capabilities, committee report availabilities, five-minute rule and other special rule variations, and the interaction between traditional spontaneity of the House's proceedings and trends toward relative predictability of time constraints and issues presented.

I believe that the longstanding tradition of the role of the Chair in rendering impartial and proper decisions has been maintained and appreciated despite the switch in party majorities and despite occasional efforts to appeal various rulings. It has been reassuring when bipartisan majorities understand and support the rulings of the Chair solely on the basis of their propriety as nonpartisan institutional standards with precedential significance. Respect for appropriate means of disagreement remains the foundation upon which so much depends. I express special gratitude to those Members on both sides of the aisle who served as fair and effective presiding officers during this time. We share a unique bond.

In fact, my decision is made easier by the certain realization that my office is immediately capable of providing all required services to the House. That is made possible by the total dedication and competence of my deputies, assistants and clerks. Beyond the fact that they offer to the House more than 100 years in cumulative nonpartisan professional experience, they are my dear friends whose institutional loyalty and commitment have been unfailing. Together, with frequent infusions of humor and with an essential ability to communicate honestly with all who inquire, they serve in the public interest. In retrospect many of my own most valuable experiences were as Deputy and Assistant, in furtherance of the office's collective response to questions. I am particularly proud of the involvement of my office in the preparation of the recodification of the Rules in the 106th Congress working with a

bi-partisan task force. By this letter through you Mr. Speaker, I also wish to honor the many staff who, over the years, have respected and protected the collegial traditions of the House by their professionalism and by being true to Speaker O'Neill's reminder of the abiding ''importance of being nice''.

My affection for the House which began when Parliamentarian Lewis Deschler hired me in 1964 has been sustaining. It has been nurtured by occasional skepticism, by the never-ending nuances of questions and responses which have confronted the House, by cherished relationships with Members and staff past and present, and by exchanges with parliamentarians from over the world. I expect to communicate the value of this unique experience to young people contemplating public service. Thank you, Mr. Speaker, for having permitted me this opportunity, and for your friendship.

With your permission, this resignation will take effect May 31, 2004.

Very respectfully yours,

CHARLES W. JOHNSON,
Parliamentarian.

The SPEAKER announced, with great regret, that the Chair accepts the resignation of the distinguished Parliamentarian of the House, Charles W. Johnson, effective May 31, 2004.

¶54.5 APPOINTMENT—PARLIAMENTARIAN

The SPEAKER, pursuant to section 287a of title 2, United States Code, appointed John V. Sullivan, as Parliamentarian of the House of Representatives to succeed Charles W. Johnson, resigned.

¶54.6 HONORING CHARLES W. JOHNSON, III, PARLIAMENTARIAN OF THE HOUSE

The SPEAKER submitted the following resolution (H. Res. 651):

Whereas Charles W. Johnson was appointed to the Office of the Parliamentarian of the House of Representatives in May 1964 and, over the ensuing 40 years has continuously served in that Office under seven successive Speakers, the past 10 years as Parliamentarian of the House of Representatives under the appointments of three successive Speakers;

Whereas Charles W. Johnson has unfailingly endeavored to apply pertinent precedent to every parliamentary question, in recognition of the principle that fidelity to precedent promotes procedural fairness and legitimacy; and

Whereas Charles W. Johnson has institutionalized in the Office of the Parliamentarian his demonstrated commitment to consistency in parliamentary analysis: Now, therefore, be it

Resolved, That the House of Representatives expresses its profound gratitude to the Honorable Charles W. Johnson for his unrivaled record of devoted service and steady, impartial guidance as its Parliamentarian.

When said resolution was considered.

After debate,

On motion of Mr. DREIER, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶54.7 DEFENSE AUTHORIZATION FY 2005

The SPEAKER pro tempore, Mr. BURGESS, pursuant to House Resolution 648 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4200) to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2005, and for other purposes.

Mr. LAHOOD, Acting Chairman of the Committee of the Whole, assumed the chair; and after some time spent therein,

¶54.8 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. KENNEDY of Minnesota:

Strike section 2821 (page 514, beginning line 19) and insert the following new section:

SEC. 2821. PREPARATION OF REPORTS AS PART OF 2005 BASE CLOSURE ROUND REGARDING FUTURE INFRASTRUCTURE REQUIREMENTS FOR THE ARMED FORCES.

Section 2912 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as added by section 3001 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1342), is amended by adding at the end the following new subsection:

''(e) INFRASTRUCTURE-RELATED REPORTS.—

''(1) REQUIRED REPORTS.—The Secretary shall prepare the following reports related to infrastructure requirements for the Armed Forces:

''(A) A report containing the Integrated Global Presence and Basing Strategy of the Department of Defense, including the location of long-term overseas installations, installations to be used for rotational purposes, and forward operating locations, anticipated rotational plans and policies, and domestic and overseas infrastructure requirements associated with the strategy.

''(B) A report describing the anticipated infrastructure requirements associated with the probable end-strength levels and major military force units (including land force divisions, carrier and other major combatant vessels, air wings, and other comparable units) for each of the Armed Forces resulting from force transformation.

''(C) A report describing the anticipated infrastructure requirements related to expected changes in the active component versus reserve component personnel mix of the Armed Forces.

''(D) A report describing the anticipated infrastructure requirements associated with the so-called '10–30–30 objective' of the Secretary to ensure that military forces are capable of deployment overseas within 10 days in sufficient strength to defeat an enemy within 30 days and be ready for redeployment within 30 days after the end of combat operations.

''(E) A report containing the results of a complete reassessment of the infrastructure necessary to support the force structure described in the force-structure plan prepared under paragraph (1) of subsection (a) and describing any resulting excess infrastructure and infrastructure capacity, which were previously required by paragraph (2) of such subsection. The reassessment shall be based on actual infrastructure, facility, and space requirements for the Armed Forces rather than a comparative study between 1989 and 2003.

''(F) A report describing the anticipated infrastructure requirements associated with the assessment prepared by the Secretary pursuant to section 2822 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1726), in which Congress required the Secretary to assess the probable threats to national security and determine the potential, prudent, surge requirements for the Armed Forces and military installations to meet those threats.

''(2) TIME FOR SUBMISSION OF REPORTS.—The Secretary shall submit the reports required by paragraph (1) to the congressional defense committees at the same time as the Secretary transmits the recommendations for the closure or realignment of military installations under section 2914(a).''.

It was decided in the negative ..... { Yeas ..... 162 / Nays ..... 259 }

¶54.9 [Roll No. 200]

AYES—162

Aderholt
Akin
Andrews
Bachus
Baker
Baldwin
Ballenger
Barrett (SC)
Barton (TX)
Berkley
Berman
Biggert
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Boozman
Boswell
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Camp
Cantor
Capito
Cardin
Case
Castle
Chabot
Chocola
Coble
Collins
Cooper
Cox
Cramer
Crane
Cubin
Culberson
Davis (FL)
Davis (IL)
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLay
DeMint
Dicks
Doggett
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
English
Eshoo
Feeney
Flake
Frank (MA)
Garrett (NJ)
Gilchrest
Gillmor
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hastings (WA)
Hayworth
Hensarling
Herger
Hoekstra
Inslee
Isakson
Istook
Johnson (CT)
Johnson (IL)
Kelly
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Larsen (WA)
Latham
Lee
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
McCollum
McCrery
McDermott
McHugh
Miller (NC)
Moran (VA)
Myrick
Neugebauer
Northup
Nussle
Oberstar
Obey
Ose
Otter
Oxley
Pence
Peterson (PA)
Petri
Pitts
Porter
Portman
Price (NC)
Radanovich
Ramstad
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ruppersberger
Rush
Ryan (WI)
Sabo
Sanchez, Loretta
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Sherman
Simpson
Smith (TX)
Smith (WA)
Snyder
Stark
Stenholm
Taylor (NC)
Terry
Thomas
Thornberry
Toomey
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Wamp
Waxman
Weldon (PA)
Weller
Whitfield
Wilson (SC)

NOES—259

Abercrombie
Ackerman
Alexander
Allen
Baca
Baird
Bartlett (MD)
Bass
Becerra
Bell
Bereuter
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Boehlert
Bonilla
Bono
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Burns
Burr
Burton (IN)
Buyer
Calvert
Cannon
Capps
Capuano
Cardoza
Carson (IN)
Chandler
Clay
Clyburn
Cole
Conyers
Costello
Crenshaw
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (TN)
Davis, Jo Ann
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doyle

Emanuel
Emerson
Engel
Etheridge
Evans
Everett
Farr
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Gephardt
Gerlach
Gibbons
Gingrey
Gonzalez
Goss
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hart
Hastings (FL)
Hayes
Hefley
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kleczka
LaHood
Lampson
Langevin
Lantos
Larson (CT)
LaTourette
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCotter
McGovern
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Nunes
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Peterson (MN)
Pickering
Platts
Pombo
Pomeroy
Pryce (OH)
Putnam
Quinn
Rahall
Rangel
Regula
Rehberg
Reyes
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ryan (OH)
Ryun (KS)
Sánchez, Linda T.
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Sherwood
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson
Watt
Weiner
Weldon (FL)
Wexler
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—12

Ballance
Beauprez
Carson (OK)
Carter
Deutsch
Dooley (CA)
Fattah
Johnson, Sam
Leach
Matsui
Norwood
Tauzin

So the amendment was not agreed to.

¶54.10 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. WELDON of Pennsylvania:

At the end of subtitle A of title XII (page 424, after line 12), insert the following new section:

SEC. 12 . SENSE OF CONGRESS ON DESTRUCTION OF ABU GHRAIB PRISON IN IRAQ.

(a) FINDINGS.—Congress makes the following findings:

(1) Under the regime of Saddam Hussein, the Abu Ghraib prison in Iraq was one of the world's most notorious prisons.

(2) Under that regime, as many as 50,000 men and women were jammed into the prison at one time in 12 feet by 12 feet cells.

(3) Under that regime, many people were tortured and executed in the Abu Ghraib prison.

(4) Recent activities have further highlighted the horrible memories that Abu Ghraib stands for.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Secretary of Defense should assist the Iraqi Government, with the approval of that government, in destroying the Abu Ghraib prison and replacing it with a modern detention facility.

It was decided in the affirmative ..... { Yeas ..... 308 / Nays 114

¶54.11 [Roll No. 201]

AYES—308

Abercrombie
Ackerman
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Ballenger
Bass
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boehlert
Boehner
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burns
Burr
Burton (IN)
Buyer
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Castle
Chandler
Chocola
Clay
Clyburn
Cole
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Ferguson
Filner
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Gordon
Goss
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayworth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley (OR)
Hostettler
Hulshof
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Manzullo
Markey
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Menendez
Mica
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (PA)
Pickering
Pitts
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spratt
Stark
Strickland
Stupak
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn

NOES—114

Aderholt
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bilirakis
Blackburn
Blunt
Bonilla
Bonner
Bono
Boozman
Brady (TX)
Brown-Waite, Ginny
Burgess
Calvert
Cannon
Carter
Case
Chabot
Coble
Collins
Conyers
Cooper
Cubin
Cunningham
Deal (GA)
DeLay
Doggett
Doolittle
Duncan
Everett
Feeney
Flake
Fossella
Franks (AZ)
Garrett (NJ)
Gingrey
Goode
Goodlatte
Granger
Graves
Hayes
Hefley
Hensarling
Herger
Hoekstra
Honda
Houghton
Hunter
Isakson
Istook
Jefferson
Jenkins
John
Jones (NC)
Keller
King (IA)
King (NY)
Kingston
Lewis (CA)
Linder
Lucas (OK)
Majette
Marshall
McCotter
McCrery
McInnis
McKeon
Meek (FL)
Meeks (NY)
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Nethercutt
Neugebauer
Ney
Northup
Ose
Otter
Paul
Payne
Peterson (MN)
Petri
Pombo
Putnam
Radanovich
Rangel
Rodriguez
Rogers (AL)
Rohrabacher
Saxton
Sensenbrenner
Sessions
Simmons
Simpson
Smith (MI)
Snyder
Stearns
Stenholm
Sullivan
Sweeney
Tanner
Thornberry
Tiahrt
Upton
Vitter
Wamp
Waters
Watt
Young (AK)
Young (FL)

NOT VOTING—11

Ballance
Carson (OK)
Deutsch
Dooley (CA)
Fattah
Hoyer
Johnson, Sam
Leach
Matsui
Norwood
Tauzin

So the amendment was agreed to.

¶54.12 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. SKELTON:

At the end of title V (page 200, after line 24), insert the following new section:

SEC. 598. DEPARTMENT OF DEFENSE POLICY AND PROCEDURES ON PREVENTION AND RESPONSE TO SEXUAL ASSAULTS INVOLVING MEMBERS OF THE ARMED FORCES.

(a) COMPREHENSIVE POLICY ON PREVENTION AND RESPONSE TO SEXUAL ASSAULTS.—(1) Not later than January 1, 2005, the Secretary of Defense shall develop a comprehensive policy for the Department of Defense on the prevention of and response to sexual assaults involving members of the Armed Forces.

(2) The policy shall be based on the recommendations of the Department of Defense Task Force on Care for Victims of Sexual Assaults and on such other matters as the Secretary considers appropriate.

(b) ELEMENTS OF COMPREHENSIVE POLICY.—The policy developed under subsection (a) shall address the following matters:

(1) Prevention measures.

(2) Education and training on prevention and response.

(3) Investigation of complaints by command and law enforcement personnel.

(4) Medical treatment of victims.

(5) Confidential reporting of incidents.

(6) Victim advocacy and intervention.

(7) Oversight by commanders of administrative and disciplinary actions in response to substantiated incidents of sexual assault.

(8) Disposition of victims of sexual assault, including review by appropriate authority of administrative separation actions involving victims of sexual assault.

(9) Disposition of members of the Armed Forces accused of sexual assault.

(10) Liaison and collaboration with civilian agencies on the provision of services to victims of sexual assault.

(11) Uniform collection of data on the incidence of sexual assaults and on disciplinary actions taken in substantiated cases of sexual assault.

(c) REPORT ON IMPROVEMENT OF CAPABILITY TO RESPOND TO SEXUAL ASSAULTS.—Not later than March 1, 2005, the Secretary of Defense shall submit to Congress a proposal for such legislation as the Secretary considers necessary to enhance the capability of the Department of Defense to address matters relating to sexual assaults involving members of the Armed Forces.

(d) APPLICATION OF COMPREHENSIVE POLICY TO MILITARY DEPARTMENTS.—The Secretary shall ensure that, to the maximum extent practicable, the policy developed under subsection (a) is implemented uniformly by the military departments.

(e) POLICIES AND PROCEDURES OF MILITARY DEPARTMENTS.—(1) Not later than March 1, 2005, the Secretaries of the military departments shall prescribe regulations, or modify current regulations, on the policies and procedures of the military departments on the prevention of and response to sexual assaults involving members of the Armed Forces in order—

(A) to conform such policies and procedures to the policy developed under subsection (a); and

(B) to ensure that such policies and procedures include the elements specified in paragraph (2).

(2) The elements specified in this paragraph are as follows:

(A) A program to promote awareness of the incidence of sexual assaults involving members of the Armed Forces.

(B) A program to provide victim advocacy and intervention for members of the Armed Force concerned who are victims of sexual assault, which program shall make available, at home stations and in deployed locations, trained advocates who are readily available to intervene on behalf of such victims.

(C) Procedures for members of the Armed Force concerned to follow in the case of an incident of sexual assault involving a member of such Armed Force, including—

(i) specification of the person or persons to whom the alleged offense should be reported;

(ii) specification of any other person whom the victim should contact;

(iii) procedures for the preservation of evidence; and

(iv) procedures for confidential reporting and for contacting victim advocates.

(D) Procedures for disciplinary action in cases of sexual assault by members of the Armed Force concerned.

(E) Other sanctions authorized to be imposed in substantiated cases of sexual assault, whether forcible or nonforcible, by members of the Armed Force concerned.

(F) Training on the policies and procedures for all members of the Armed Force concerned, including specific training for members of the Armed Force concerned, including specific training for members of the Armed Force concerned who process allegations of sexual assault against members of such Armed Force.

(G) Any other matters that the Secretary of Defense considers appropriate.

(f) ANNUAL ASSESSMENT OF POLICIES AND PROCEDURES.—Not later than January 15, 2006, and each year thereafter, each Secretary of a military department shall conduct an assessment of the implementation during the preceding fiscal year of the policies and procedures of such department on the prevention of and response to sexual assaults involving members of the Armed Forces in order to determine the effectiveness of such policies and procedures during such fiscal year in providing an appropriate response to such sexual assaults.

(g) ANNUAL REPORTS.—(1) Not later than April 1, 2005, and January 15 of each year thereafter, each Secretary of a military department shall submit to the Secretary of Defense a report on the sexual assaults involving members of the Armed Force concerned during the preceding year.

(2) Each report on an Armed Force under paragraph (1) shall contain the following:

(A) The number of sexual assaults against members of the Armed Force, and the number of sexual assaults by members of the Armed Force, that were reported to military officials during the year covered by such report, and the number of the cases so reported cases that were substantiated.

(B) A synopsis of and the disciplinary action taken in each substantiated case.

(C) The policies, procedures, and processes implemented by the Secretary concerned during the year covered by such report in response to incidents of sexual assault involving members of the Armed Force concerned.

(D) A plan for the actions that ware to be taken in the year following the year covered by such report on the prevention of and response to sexual assault involving members of the Armed Forces concerned.

(3) Each report under paragraph (1) in 2006, 2007, and 2008 shall also include the assessment conducted by the Secretary concerned under subsection (f).

(4) The Secretary of Defense shall transmit to the Committees on Armed Services of the Senate and the House of Representatives each report submitted to the Secretary under this subsection, together with the comments of the Secretary on each such report on 2004 not alter than May 1, 2005, and shall transmit the report on any year after 2004 not later than March 15 of the year following such year.

(h) REQUIREMENT TO DEVELOP DEFINITION OF SEXUAL ASSAULT.—Prior to developing policies and programs on the prevention of and response to sexual assaults, the Department of Defense, in consultation with the Service Secretaries, shall develop a definition of sexual assault that is uniform for all the Armed Forces, including but not limited to rape, acquaintance rape, sexual assault, and other criminal offenses.

It was decided in the affirmative { Yeas ..... 410; Nays ..... 0 }

¶54.13 [Roll No. 202]

AYES—410

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel

Regula	Shadegg	Tiberi
Rehberg	Shaw	Tierney
Renzi	Shays	Toomey
Reyes	Sherman	Towns
Reynolds	Sherwood	Turner (OH)
Rodriguez	Shimkus	Turner (TX)
Rogers (AL)	Shuster	Udall (CO)
Rogers (KY)	Simmons	Udall (NM)
Rogers (MI)	Simpson	Upton
Rohrabacher	Skelton	Van Hollen
Ros-Lehtinen	Slaughter	Velázquez
Ross	Smith (MI)	Visclosky
Rothman	Smith (NJ)	Vitter
Roybal-Allard	Smith (TX)	Walden (OR)
Royce	Smith (WA)	Walsh
Ruppersberger	Snyder	Wamp
Rush	Solis	Waters
Ryan (OH)	Souder	Watson
Ryan (WI)	Stark	Watt
Ryun (KS)	Stearns	Waxman
Sabo	Stenholm	Weiner
Sánchez, Linda T.	Strickland	Weldon (FL)
	Sullivan	Weldon (PA)
Sanchez, Loretta	Sweeney	Weller
Sanders	Tancredo	Wexler
Sandlin	Tanner	Whitfield
Saxton	Tauscher	Wicker
Schakowsky	Taylor (MS)	Wilson (NM)
Schiff	Taylor (NC)	Wilson (SC)
Schrock	Terry	Wolf
Scott (GA)	Thomas	Woolsey
Scott (VA)	Thompson (CA)	Wu
Sensenbrenner	Thompson (MS)	Wynn
Serrano	Thornberry	Young (AK)
Sessions	Tiahrt	Young (FL)

NOT VOTING—23

Ballance	Fattah	Norwood
Brown (OH)	Hoyer	Pelosi
Cantor	Johnson, Sam	Pence
Carson (OK)	Leach	Radanovich
Carter	Matsui	Spratt
Cole	McCrery	Stupak
Deutsch	Miller, George	Tauzin
Dooley (CA)	Murphy	

So the amendment was agreed to.

The SPEAKER pro tempore, Mr. SIMPSON, assumed the Chair.

When Mr. LAHOOD, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶54.14 HARMONIZED TARIFF SCHEDULE AMENDMENT

On motion of Mr. CRANE, by unanimous consent, the bill (H.R. 1047) to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. CRANE, it was,

Resolved, That the House disagree to the amendment of the Senate and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Thereupon, the SPEAKER pro tempore, Mr. SIMPSON, by unanimous consent, appointed the following Members as managers on the part of the House at said conference:

From the Committee on Ways and Means, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. THOMAS, CRANE, SHAW, RANGEL, and LEVIN.

Ordered, That the Clerk notify the Senate thereof.

¶54.15 PERMISSION TO FILE REPORT

On motion of Mr. EVERETT, by unanimous consent, the Committee on Armed Services was granted permission to file a supplemental report on the bill (H.R. 4200) to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2005, and for other purposes, for the purpose of providing the Ramseyer Report as prepared by the House office of legislative counsel.

¶54.16 DEFENSE AUTHORIZATION FY 2005

The SPEAKER pro tempore, Mr. BURGESS, pursuant to House Resolution 648 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4200) to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2005, and for other purposes.

Mr. LAHOOD, Acting Chairman of the Committee of the Whole, assumed the chair; and after some time spent therein,

The SPEAKER pro tempore, Mr. BARRETT of South Carolina, assumed the Chair.

When Mr. UPTON, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶54.17 PROVIDING FOR THE CONSIDERATION OF H.R. 4359

Ms. PRYCE of Ohio, by direction of the Committee on Rules, called up the following resolution (H. Res. 644):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4359) to amend the Internal Revenue Code of 1986 to increase the child tax credit. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Rangel of New York or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Ms. PRYCE of Ohio, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. UPTON, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶54.18 MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Ms. Wanda Evans, one of his secretaries.

¶54.19 DEFENSE AUTHORIZATION FY 2005

The SPEAKER pro tempore, Mr. KNOLLENBERG, pursuant to House Resolution 648 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4200) to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2005, and for other purposes.

Mr. UPTON, Acting Chairman, assumed the chair; and after some time spent therein,

¶54.20 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mrs. TAUSCHER:

At the end of title II, insert the following new section:

SEC. 2___. ADDITIONAL AMOUNTS FOR ORDNANCE TECHNOLOGY AND FOR STRATEGIC CAPABILITY MODERNIZATION.

(a) AIR FORCE CONVENTIONAL MUNITIONS.—The amount in section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $25,000,000, of which—

(1) $10,000,000 is to be available in program element 0602602F, Conventional Munitions, for ordnance technology applicable to defeat of weapons of mass destruction and hardened, deeply buried targets; and

(2) $15,000,000 is to be available in program element 0603601F, Conventional Weapons Technology, for ordnance technology applicable to defeat of weapons of mass destruction and hardened, deeply buried targets.

(b) DEFENSE-WIDE STRATEGIC CAPABILITY MODERNIZATION.—The amount in section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by $11,557,000, to be available for program element 0603910D8Z, Strategic Capability Modernization.

(c) OFFSET.—The amount in section 3101(a)(1) for weapons activities is hereby reduced by $36,557,000, of which—

(1) $27,557,000 is to be derived from the Stockpile Services Robust Nuclear Earth Penetrator study; and

(2) $9,000,000 is to be derived from the Stockpile Services Advanced Concepts program.

It was decided in the negative ..... { Yeas ..... 204 / Nays 214

¶54.21 [Roll No. 203]

AYES—204

Abercrombie	Blumenauer	Case
Ackerman	Boehlert	Chandler
Alexander	Boswell	Clay
Allen	Boucher	Clyburn
Andrews	Boyd	Conyers
Baca	Brady (PA)	Cooper
Baird	Brown (OH)	Costello
Baldwin	Brown, Corrine	Cramer
Bell	Capps	Cummings
Berkley	Capuano	Davis (AL)
Berman	Cardin	Davis (CA)
Berry	Cardoza	Davis (FL)
Bishop (NY)	Carson (IN)	Davis (IL)

Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Gilchrest
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hefley
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Petri
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—214

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

NOT VOTING—16

Ballance
Becerra
Burr
Crowley
Deutsch
Doolittle
Fattah
Fossella
Gephardt
Johnson, Sam
LaTourette
Leach
Norwood
Quinn
Tauzin
Walsh

So the amendment was not agreed to.

¶54.22 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. RYUN of Kansas:

At the end of title XII (page 432, after line 16), insert the following new section:

SEC. 12__. MILITARY EDUCATIONAL EXCHANGES BETWEEN SENIOR OFFICERS AND OFFICIALS OF THE UNITED STATES AND TAIWAN.

(a) DEFENSE EXCHANGES.—The Secretary of Defense shall undertake a program of senior military officer and senior official exchanges with Taiwan designed to improve Taiwan's defenses against the People's Liberation Army of the People's Republic of China.

(b) EXCHANGES DESCRIBED.—For the purposes of this section, the term ''exchange'' means an activity, exercise, event, or observation opportunity between Armed Forces personnel or Department of Defense officials of the United States and armed forces personnel and officials of Taiwan.

(c) FOCUS OF EXCHANGES.—The senior military officer and senior official exchanges undertaken pursuant to subsection (a) shall include exchanges focused on the following, especially as they relate to defending Taiwan against potential submarine attack and potential missile attack:

(1) Threat analysis.

(2) Military doctrine.

(3) Force planning.

(4) Logistical support.

(5) Intelligence collection and analysis.

(6) Operational tactics, techniques, and procedures.

(d) CIVIL-MILITARY AFFAIRS.—The senior military officer and senior official exchanges undertaken pursuant to subsection (a) shall include activities and exercises focused on civil-military relations, including parliamentary relations.

(e) LOCATION OF EXCHANGES.—The senior military officer and senior official exchanges undertaken pursuant to subsection (a) shall be conducted in both the United States and Taiwan.

(f) DEFINITIONS.—For purposes of this section:

(1) The term ''senior military officer'' means a general or flag officer of the Armed Forces on active duty.

(2) The term ''senior official'' means a civilian official of the Department of Defense at the level of Deputy Assistant Secretary of Defense or above.

It was decided in the affirmative { Yeas ..... 290 / Nays ..... 132 }

¶54.23 [Roll No. 204]

AYES—290

Ackerman
Aderholt
Akin
Andrews
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Berkley
Berman
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoeffel
Hoekstra
Holden
Hooley (OR)
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Langevin
Lantos
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pallone
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Rush
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanders
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons

Simpson	Terry	Waxman
Slaughter	Thomas	Weiner
Smith (MI)	Thompson (CA)	Weldon (FL)
Smith (NJ)	Tiahrt	Weller
Smith (TX)	Tiberi	Wexler
Souder	Toomey	Whitfield
Stearns	Turner (OH)	Wicker
Stenholm	Udall (NM)	Wilson (NM)
Stupak	Upton	Wilson (SC)
Sullivan	Vitter	Wolf
Sweeney	Walden (OR)	Wu
Tancredo	Wamp	Young (AK)
Taylor (NC)	Watson	Young (FL)

NOES—132

Abercrombie	Hinchey	Payne
Alexander	Hinojosa	Petri
Allen	Holt	Pomeroy
Baca	Honda	Price (NC)
Bachus	Houghton	Rahall
Baird	Hoyer	Rangel
Bereuter	Inslee	Renzi
Berry	Israel	Reyes
Biggert	Jackson (IL)	Rodriguez
Bishop (NY)	Kanjorski	Rothman
Blumenauer	Kind	Roybal-Allard
Boucher	Kleczka	Ruppersberger
Boyd	Kolbe	Ryan (OH)
Capps	Kucinich	Sabo
Cardin	LaHood	Sanchez, Loretta
Cardoza	Lampson	Sandlin
Clay	Larsen (WA)	Schakowsky
Clyburn	Larson (CT)	Scott (VA)
Conyers	Lee	Serrano
Cooper	Levin	Shays
Crowley	Lewis (GA)	Skelton
Davis (AL)	Lipinski	Smith (WA)
Davis (CA)	Manzullo	Snyder
Davis (TN)	Marshall	Solis
DeFazio	McCarthy (MO)	Spratt
DeGette	McCarthy (NY)	Stark
Delahunt	McCollum	Strickland
DeLauro	McDermott	Tanner
Dicks	McGovern	Tauscher
Doggett	Meehan	Taylor (MS)
Dooley (CA)	Meek (FL)	Thompson (MS)
Emanuel	Miller, George	Thornberry
Evans	Moore	Tierney
Farr	Moran (VA)	Towns
Filner	Nadler	Turner (TX)
Ford	Napolitano	Udall (CO)
Gephardt	Oberstar	Van Hollen
Gonzalez	Obey	Velázquez
Gordon	Olver	Visclosky
Goss	Ortiz	Waters
Green (TX)	Owens	Watt
Grijalva	Pascrell	Weldon (PA)
Gutierrez	Pastor	Woolsey
Hill	Paul	Wynn

NOT VOTING—11

Ballance	Fattah	Quinn
Becerra	Johnson, Sam	Tauzin
Burr	Leach	Walsh
Deutsch	Norwood	

So the amendment was agreed to.

The SPEAKER pro tempore, Mr. SWEENEY, assumed the Chair.

When Mr. UPTON, Acting Chairman, pursuant to House Resolution 648, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Defense Authorization Act for Fiscal Year 2005''.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; findings.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.

Subtitle B—Program Matters

Sec. 111. Multiyear procurement authority for the light-weight 155-millimeter howitzer program.
Sec. 112. DDG–51 modernization program.
Sec. 113. Repeal of authority for pilot program for flexible funding of cruiser conversions and overhauls.
Sec. 114. Force protection for asymmetric threat environment.
Sec. 115. Allocation of equipment authorized by this title to be made on basis of units deployed or preparing to deploy.
Sec. 116. Multiyear procurement authority for KC–767 tanker aircraft acquisition program.
Sec. 117. Other matters relating to KC–767 tanker aircraft acquisition program.
Sec. 118. Additional amount for patriot missile procurement.
Sec. 119. Transfer of certain Army procurement funds.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for defense science and technology.
Sec. 203. Program increases.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Future Combat Systems program strategy.
Sec. 212. Collaborative program for research and development of vacuum electronics technologies.
Sec. 213. Annual Comptroller General report on Joint Strike Fighter program.
Sec. 214. Amounts for United States Joint Forces Command to be derived only from Defense-wide amounts.
Sec. 215. Space Based Radar.
Sec. 216. Mark–54 Torpedo Product Improvement Program.

Subtitle C—Missile Defense

Sec. 221. Fielding of ballistic missile defense capabilities.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and Maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Other Department of Defense programs.
Sec. 304. Reimbursement of members of the Armed Forces who purchased protective body armor during shortage of defense stocks of body armor.
Sec. 305. Reduction in authorization for Air Force operations and maintenance.
Sec. 306. Elimination of backlog in processing forensic evidence collection kits and acquisition of sufficient stocks of such kits.

Subtitle B—Environmental Provisions

Sec. 311. Report regarding encroachment issues affecting Utah Test and Training Range, Utah.

Subtitle C—Workplace and Depot Issues

Sec. 321. Simplification of annual reporting requirements concerning funds expended for depot maintenance and repair workloads.
Sec. 322. Repeal of annual reporting requirement concerning management of depot employees.
Sec. 323. Public-private competition for work performed by civilian employees of Department of Defense.
Sec. 324. Public-private competition pilot program.
Sec. 325. Sense of Congress on equitable legal standing for civilian employees.
Sec. 326. Competitive sourcing reporting requirement.

Subtitle D—Information Technology

Sec. 331. Preparation of Department of Defense plan for transition to Internet Protocol version 6.
Sec. 332. Defense business enterprise architecture, system accountability, and conditions for obligation of funds for defense business system modernization.
Sec. 333. Establishment of joint program office to improve interoperability of battlefield management command and control systems.

Subtitle E—Readiness Reporting Requirements

Sec. 341. Annual report on Department of Defense operation and financial support for military museums.
Sec. 342. Report on Department of Defense programs for prepositioning of material and equipment.

Subtitle F—Other Matters

Sec. 351. Extension of Arsenal Support Program Initiative.
Sec. 352. Limitation on preparation or implementation of Mid-Range Financial Improvement Plan.
Sec. 353. Procurement of follow-on contracts for the operation of five Champion-class T-5 tank vessels.
Sec. 354. Sense of Congress on America's National World War I Museum.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revision in permanent active duty end strength minimum levels.
Sec. 403. Maximum number of reserve personnel authorized to be on active duty for operational support.
Sec. 404. Accounting and management of reserve component personnel performing active duty or full-time National Guard duty for operational support.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2005 limitation on number of non-dual status technicians.

Subtitle C—Authorizations of Appropriations

Sec. 421. Military personnel.
Sec. 422. Armed Forces Retirement Home.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—General and Flag Officer Matters

Sec. 501. Length of service for service chiefs.
Sec. 502. Repeal of requirement that Deputy Chiefs and Assistant Chiefs of Naval Operations be selected from officers in the line of the Navy.
Sec. 503. Increase in age limit for deferral of mandatory retirement for up to 10 senior general and flag officers.
Sec. 504. Increased flexibility for voluntary retirement for military officers.
Sec. 505. Repeal of requirement that no more than 50 percent of active duty general and flag officers be in grades above brigadier general and rear admiral (lower half).
Sec. 506. Revision to terms for assistants to the Chairman of the Joint Chiefs of Staff for National Guard and Reserve matters.
Sec. 507. Succession for position of Chief, National Guard Bureau.
Sec. 508. Title of Vice Chief of the National Guard Bureau changed to Director of the Joint Staff of the National Guard Bureau.
Sec. 509. Two-year extension of authority to waive requirement that Reserve chiefs and National Guard Directors have significant joint duty experience.
Sec. 510. Repeal of distribution requirements for Naval Reserve flag officers.

Subtitle B—Other Officer Personnel Policy Matters

Sec. 511. Transition of active-duty list officer force to all regular status.
Sec. 512. Mandatory retention on active duty to qualify for retirement pay.
Sec. 513. Distribution in grade of Marine Corps Reserve officers in an active status in grades below brigadier general
Sec. 514. Tuition assistance for officers.

Subtitle C—Reserve Component Matters

Sec. 521. Revision to statutory purpose of the reserve components.
Sec. 522. Improved access to reserve component members for enhanced training.
Sec. 523. Status under disability retirement system for reserve members released from active duty due to inability to perform within 30 days of call to active duty.
Sec. 524. Federal civil service military leave for Reserve and National Guard civilian technicians.
Sec. 525. Expanded educational assistance authority for officers commissioned through ROTC program at military junior colleges.
Sec. 526. Effect of appointment or commission as officer on eligibility for Selected Reserve education loan repayment program for enlisted members.
Sec. 527. Number of Starbase academies in a State.
Sec. 528. Comptroller General assessment of integration of active and reserve components of the Navy.
Sec. 529. Operational activities conducted by the National Guard under authority of title 32.
Sec. 530. Army program for assignment of active component advisers to units of the Selected Reserve.

Subtitle D—Joint Officer Management

Sec. 531. Strategic plan to link joint officer development to overall missions and goals of Department of Defense.
Sec. 532. Joint requirements for promotion to flag or general officer grade.
Sec. 533. Clarification of tours of duty qualifying as a joint duty assignment.
Sec. 534. Reserve joint special officer qualification requirements.

Subtitle E—Professional Military Education

Sec. 541. Improvement to professional military education in the Department of Defense.
Sec. 542. Ribbons to recognize completion of joint professional military education.
Sec. 543. Increase in number of private-sector civilians who may be enrolled for instruction at National Defense University.
Sec. 544. Requirement for completion of Phase I joint professional military education before promotion to colonel or Navy captain.

Subtitle F—Other Education and Training Matters

Sec. 551. College First delayed enlistment program.
Sec. 552. Standardization of authority to confer degrees on graduates of Community College of the Air Force with authority for other schools of Air University.
Sec. 553. Change in titles of heads of the Naval Postgraduate School.
Sec. 554. Increase from two years to three years in period for which educational leave of absence may be authorized.
Sec. 555. Correction to disparate treatment of disabilities sustained during accession training.
Sec. 556. Prayer at military service academy activities.
Sec. 557. Revision to conditions on service of officers as service academy superintendents.
Sec. 558. Codification of prohibition on imposition of certain charges and fees at the service academies.
Sec. 559. Qualifications of the dean of the faculty of United States Air Force Academy.
Sec. 560A. Board of visitors of United States Air Force Academy.
Sec. 560B. Establishment of college financial assistance program for District of Columbia National Guard.

Subtitle G—Medals and Decorations and Special Promotions and Appointments

Sec. 561. Separate military campaign medals to recognize service in Operation Enduring Freedom and service in Operation Iraqi Freedom.
Sec. 562. Eligibility of all uniformed services personnel for National Defense Service Medal.
Sec. 563. Authority to appoint Brigadier General Charles E. Yeager, United States Air Force (retired), to the grade of major general on the retired list.
Sec. 564. Posthumous commission of William Mitchell in the grade of major general in the Army.
Sec. 565. Requirements for award of combat infantryman badge and combat medical badge with respect to service in Korea after July 28, 1953.
Sec. 566. Army combat recognition ribbon.

Subtitle H—Military Justice Matters

Sec. 571. Review on how sexual offenses are covered by Uniform Code of Military Justice.
Sec. 572. Service time not lost when confined in connection with trial if confinement excused as unavoidable.
Sec. 573. Clarification of authority of military legal assistance counsel to provide military legal assistance without regard to licensing requirements.

Subtitle I—Administrative and Management Matters

Sec. 581. Three-year extension of limitation on reductions of personnel of agencies responsible for review and correction of military records.
Sec. 582. Staffing and funding for Defense Prisoner of War/Missing Personnel office (DPMO).
Sec. 583. Permanent ID cards for retiree dependents age 70 and older.
Sec. 584. Authority to provide civilian clothing to members traveling in connection with medical evacuation.
Sec. 585. Authority to accept donation of frequent traveler miles, credits, and tickets to facilitate rest and recuperation travel of deployed members of the Armed Forces and their families.
Sec. 586. Limitation on amendment or cancellation of Department of Defense directive relating to reasonable access to military installations for certain personal commercial solicitation.
Sec. 587. Annual identification of reasons for discharges from the Armed Forces during preceding fiscal year.
Sec. 588. Authority for Federal recognition of National Guard commissioned officers appointed from former Coast Guard personnel.
Sec. 589. Study of blended wing concept for the Air Force.
Sec. 590. Continuation of impact aid assistance on behalf of dependents of certain members despite change in status of member.

Subtitle J—Other Matters

Sec. 591. Employment preferences for spouses of certain Department of Defense civilian employees subject to relocation agreements.
Sec. 592. Repeal of requirement to conduct electronic voting demonstration project for the Federal election to be held in November 2004.
Sec. 593. Examination of sexual assault in the Armed Forces by the defense task force established to examine sexual harassment and violence at the military service academies.
Sec. 594. Renewal of pilot program for treating GED and home school diploma recipients as high school graduates for determinations of eligibility for enlistment.
Sec. 595. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 596. Senior Reserve Officer Training Corps and recruiter access at institutions of higher education.
Sec. 597. Reports on transformation milestones.

Sec. 598. Department of Defense policy and procedures on prevention and response to sexual assaults involving members of the Armed Forces.
Sec. 599. Authority for removal of remains of certain persons interred in United States military cemeteries overseas.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Increase in basic pay for fiscal year 2005.
Sec. 602. Authority to provide family separation basic allowance for housing.
Sec. 603. Geographic basis for basic allowance for housing during short changes of station for professional military education or training.
Sec. 604. Immediate lump-sum reimbursement for unusual nonrecurring expenses incurred by members serving outside continental United States.
Sec. 605. Income replacement payments for Reserves experiencing extended and frequent mobilization for active duty service.
Sec. 606. Authority for certain members deployed in combat zones to receive limited advances on their future basic pay.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. One-year extension of bonus and special pay authorities.
Sec. 612. Reduction in required service commitment to receive accession bonus for registered nurses.
Sec. 613. Increase in maximum monthly rate authorized for hardship duty pay.
Sec. 614. Termination of assignment incentive pay for members placed on terminal leave.
Sec. 615. Consolidation of reenlistment and enlistment bonus authorities for regular and reserve components.
Sec. 616. Revision of authority to provide foreign language proficiency pay.
Sec. 617. Eligibility of reserve component members for critical skills retention bonus and expansion of authority to provide bonus.
Sec. 618. Eligibility of new reserve component officers for accession or affiliation bonus for officers in critical skills.
Sec. 619. Eligibility of reserve component members for incentive bonus for conversion to military occupational specialty to ease personnel shortage.
Sec. 620. Availability of hazardous duty incentive pay for military firefighters.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Expansion of travel and transportation allowances to assist survivors of a deceased member to attend burial ceremony of the member.
Sec. 632. Transportation of family members incident to the serious illness or injury of members of the uniformed services.
Sec. 633. Reimbursement of members for certain lodging costs incurred in connection with student dependent travel.

Subtitle D—Retired Pay and Survivor Benefits

Sec. 641. Computation of benefits under Survivor Benefit Plan for surviving spouses over age 62.
Sec. 642. Open enrollment period for Survivor Benefit Plan commencing October 1, 2005.
Sec. 643. Source of funds for Survivor Benefit Plan annuities for Department of Defense beneficiaries over age 62.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits

Sec. 651. Consolidation and reorganization of legislative provisions regarding defense commissary system and exchanges and other morale, welfare, and recreation activities.
Sec. 652. Consistent State treatment of Department of Defense Nonappropriated Fund Health Benefits Program.
Sec. 653. Cooperation and assistance for qualified scouting organizations serving dependents of members of the Armed Forces and civilian employees overseas.

Subtitle F—Other Matters

Sec. 661. Repeal of requirement that members entitled to basic allowance for subsistence pay subsistence charges while hospitalized.
Sec. 662. Clarification of education loans qualifying for education loan repayment program for reserve component health professions officers.
Sec. 663. Survey and analysis of effect of extended and frequent mobilization of Reservists for active duty service on Reservist income.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Enhanced Benefits for Reserves

Sec. 701. Demonstration project for TRICARE coverage for Ready Reserve members.
Sec. 702. Comptroller General report on the cost and feasibility of providing private health insurance stipends for members of the Ready Reserves.
Sec. 703. Improvement of medical services for activated members of the Ready Reserve and their families.
Sec. 704. Modification of waiver of certain deductibles under TRICARE program.
Sec. 705. Authority for payment by United States of additional amounts billed by health care providers to activated Reserve members.
Sec. 706. Extension of transitional health care benefits after separation from active duty.

Subtitle B—Other Benefits Improvements

Sec. 711. Coverage of certain young children under TRICARE dental program.
Sec. 712. Comptroller General report on provision of health and support services for exceptional family member program enrollees.
Sec. 713. Exceptional eligibility for TRICARE prime remote.
Sec. 714. Transition to home health care benefit under sub-acute care program.
Sec. 715. Requirement relating to prescription drug benefits for Medicare-eligible enrollees under defense health care plans.
Sec. 716. Professional accreditation of military dentists.
Sec. 717. Addition of certain unremarried former spouses to persons eligible for dental insurance plan of retirees of the uniformed services.
Sec. 718. Waiver of collection of payments due from certain persons unaware of loss of CHAMPUS eligibility.

Subtitle C—Planning, Programming, and Management

Sec. 721. Pilot program for transformation of health care delivery.
Sec. 722. Study of provision of travel reimbursement to hospitals for certain military disability retirees.
Sec. 723. Study of mental health services.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Amendments to General Contracting Authorities, Procedures, and Limitations

Sec. 801. Rapid acquisition authority to respond to combat emergencies.
Sec. 802. Defense acquisition workforce changes.
Sec. 803. Limitation on task and delivery order contracts.
Sec. 804. Funding for contract cancellation ceilings for certain multiyear procurement contracts.
Sec. 805. Increased threshold for requiring contractors to provide specified employee information to cooperative agreement holders.
Sec. 806. Extension of authority for use of simplified acquisition procedures.
Sec. 807. Authority to adjust acquisition-related dollar thresholds for inflation.

Subtitle B—United States Defense Industrial Base Provisions

Sec. 811. Defense trade reciprocity.
Sec. 812. Amendments to domestic source requirements.
Sec. 813. Three-year extension of restriction on acquisition of polyacrylonitrile (PAN) carbon fiber from foreign sources.
Sec. 814. Grant program for defense contractors to implement strategies to avoid outsourcing of jobs.
Sec. 815. Preference for domestic freight forwarding services.

Subtitle C—Other Acquisition Matters

Sec. 821. Sustainment and modernization plans for existing systems while replacement systems are under development.
Sec. 822. Review and demonstration project relating to contractor employees.
Sec. 823. Defense acquisition workforce limitation and reports.
Sec. 824. Provision of information to Congress to enhance transparency in contracting.
Sec. 825. Requirement to treat sureties in same manner as financing institutions when contractors default.
Sec. 826. Provisions relating to creation of jobs in the United States by defense contractors.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Sec. 901. Change in title of Secretary of the Navy to Secretary of the Navy and Marine Corps.

Sec. 902. Transfer of Center for the Study of Chinese Military Affairs from National Defense University to United States-China Economic and Security Review Commission.
Sec. 903. Transfer to Secretary of the Army of responsibility for Assembled Chemical Weapons Alternatives Program.
Sec. 904. Modification of obligated service requirements under National Security Education Program.
Sec. 905. Change of membership of certain councils.
Sec. 906. Actions to prevent the abuse of detainees.
Sec. 907. Responses to congressional inquiries.
Sec. 908. Secretary of Defense guidance on identification and internal transmission of critical information.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. Transfer authority.
Sec. 1002. Budget justification documents for operation and maintenance.
Sec. 1003. Retention of fees from intellectual property licenses.
Sec. 1004. Authority to waive claims of the United States when amounts recoverable are less than costs of collection.
Sec. 1005. Repeal of funding restrictions concerning development of medical countermeasures against biological warfare threats.
Sec. 1006. Report on budgeting for exchange rates for foreign currency fluctuations.
Sec. 1007. Fiscal year 2004 transfer authority.
Sec. 1008. Report on amounts remitted and reimbursed during fiscal year 2004 under section 1007 of Public Law 108–136.

Subtitle B—Naval Vessels and Shipyards

Sec. 1011. Authority for award of contracts for ship dismantling on net-cost basis.
Sec. 1012. Independent study to assess cost effectiveness of the Navy ship construction program.
Sec. 1013. Authority to transfer specified former naval vessels to certain foreign countries.
Sec. 1014. Limitation on leasing of foreign-built vessels.

Subtitle C—Sunken Military Craft

Sec. 1021. Preservation of title to sunken military craft and associated contents.
Sec. 1022. Prohibitions.
Sec. 1023. Permits.
Sec. 1024. Penalties.
Sec. 1025. Liability for damages.
Sec. 1026. Relationship to other laws.
Sec. 1027. Encouragement of agreements with foreign countries.
Sec. 1028. Definitions.

Subtitle D—Counter-Drug Activities

Sec. 1031. Continuation of authority to use Department of Defense funds for unified counterdrug and counterterrorism campaign in Colombia.
Sec. 1032. Limitation on number of United States military personnel in Colombia.

Subtitle E—Reports

Sec. 1041. Study of continued requirement for two-crew manning for ballistic missile submarines.
Sec. 1042. Study of effect on defense industrial base of elimination of United States domestic firearms manufacturing base.
Sec. 1043. Study of extent and quality of training provided to members of the Armed Services to prepare for post-conflict operations.

Subtitle F—Security Matters

Sec. 1051. Use of National Driver Register for personnel security investigations and determinations.
Sec. 1052. Standards for disqualification from eligibility for Department of Defense security clearance.

Subtitle G—Transportation-Related Matters

Sec. 1061. Use of military aircraft to transport mail to and from overseas locations.
Sec. 1062. Reorganization and clarification of certain provisions relating to control and supervision of transportation within the Department of Defense.
Sec. 1063. Determination of whether private air carriers are controlled by United States citizens for purposes of eligibility for Government contracts for transportation of passengers or supplies.
Sec. 1064. Evaluation of whether to prohibit certain offers for transportation of security-sensitive cargo.
Sec. 1065. Phased implementation of new program for transporting household goods of members of the Armed Forces.

Subtitle H—Other Matters

Sec. 1071. Two-year extension of authority of the Secretary of Defense to engage in commercial activities as security for intelligence collection activities abroad.
Sec. 1072. Assistance for study of feasibility of biennial international air trade show in the United States and for initial implementation.
Sec. 1073. Technical and clerical amendments.
Sec. 1074. Commission on the long-term implementation of the new strategic posture of the United States.
Sec. 1075. Liability protection for certain Department of Defense volunteers working in the maritime environment.
Sec. 1076. Transfer of historic F3A-1 Brewster Corsair aircraft.
Sec. 1077. Assignment of members to assist Bureau of Border Security and Bureau of Citizenship and Immigration Services of the Department of Homeland Security.
Sec. 1078. Authority to accept certain voluntary services.
Sec. 1079. Transfer of excess department of defense personal property suitable for firefighting use to support Federal excess personal property program.
Sec. 1080. Expansion of Department of Defense excess personal property disposal program to include health agencies.
Sec. 1081. Placement of memorial in Arlington National Cemetery honoring noncitizens killed in the line of duty while serving in the Armed Forces of the United States.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

Sec. 1101. Payment of Federal employee health benefit premiums for mobilized Federal employees.
Sec. 1102. Foreign language proficiency pay.
Sec. 1103. Pay parity for civilian intelligence personnel.
Sec. 1104. Pay parity for senior executives in nonappropriated fund instrumentalities.
Sec. 1105. Prohibition of unauthorized wearing or use of civilian medals or decorations.

TITLE XII—MATTERS RELATING TO OTHER NATIONS

Subtitle A—Matters Relating to Iraq, Afghanistan, and Global War on Terrorism

Sec. 1201. Documentation of conditions in Iraq under former dictatorial government as part of transition to post-dictatorial government.
Sec. 1202. Support of military operations to combat terrorism.
Sec. 1203. Commanders' Emergency Response Program.
Sec. 1204. Status of Iraqi security forces.
Sec. 1205. Guidance and report required on contractors supporting deployed forces in Iraq.
Sec. 1206. Findings and sense of Congress concerning Army Specialist Joseph Darby.
Sec. 1207. Sense of Congress concerning the abuse of persons in custody in Iraq.
Sec. 1208. Sense of Congress regarding limitation on use of funds for the reconstruction of Iraq.
Sec. 1209. Sense of Congress on destruction of Abu Ghraib prison in Iraq.

Subtitle B—Other Matters

Sec. 1211. Assignment of allied naval personnel to submarine safety programs.
Sec. 1212. Expansion of entities of the People's Republic of China subject to certain presidential authorities when operating in the United States.
Sec. 1213. Report by President on Global Peace Operations Initiative.
Sec. 1214. Procurement sanctions against foreign persons that transfer certain defense articles and services to the People's Republic of China.
Sec. 1215. Military educational exchanges between senior officers and officials of the United States and Taiwan.

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
Sec. 1302. Funding allocations.
Sec. 1303. Temporary authority to waive limitation on funding for chemical weapons destruction facility in Russia.

TITLE XIV—EXPORT CONTROL AND COUNTERPROLIFERATION MATTERS

Subtitle A—Export Controls

Sec. 1401. Definitions under Arms Export Control Act.
Sec. 1402. Exemption from licensing requirements for export of significant military equipment.
Sec. 1403. Cooperative projects with friendly foreign countries.
Sec. 1404. Licensing requirement for export of militarily critical technologies.
Sec. 1405. Control of exports of United States weapons technology to the People's Republic of China.
Sec. 1406. Strengthening international export controls.

Subtitle B—Counterproliferation Matters

Sec. 1411. Defense international counterproliferation programs.

Sec. 1412. Defense counterproliferation fellowship program.

Subtitle C—Initiatives Relating to Countries of Former Soviet Union

Sec. 1421. Silk Road initiative.
Sec. 1422. Teller-Kurchatov nonproliferation fellowships.
Sec. 1423. Collaboration to reduce the risks of a launch of Russian nuclear weapons.

TITLE XV—AUTHORIZATION FOR INCREASED COSTS DUE TO OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM

Sec. 1501. Purpose.

Subtitle A—Authorization of Appropriations

Sec. 1511. Army procurement.
Sec. 1512. Navy and Marine Corps procurement.
Sec. 1513. Air Force procurement.
Sec. 1514. Defense-wide activities procurement.
Sec. 1515. Operation and maintenance.
Sec. 1516. Defense health program.
Sec. 1517. Military personnel.
Sec. 1518. Treatment as additional authorizations.
Sec. 1519. Transfer authority.
Sec. 1520. Designation of emergency authorizations.

Subtitle B—Personnel Provisions

Sec. 1531. Three-year increase in active Army strength levels.
Sec. 1532. Three-year increase in active Marine Corps strength levels.
Sec. 1533. Extension of increased rates for imminent danger pay and family separation allowance.

Subtitle C—Financial Management Matters

Sec. 1541. Revised funding methodology for military retiree health care benefits.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Modification of authority to carry out certain fiscal year 2004 projects.
Sec. 2106. Modification of authority to carry out certain fiscal year 2003 project.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Improvements to military family housing units.
Sec. 2403. Energy conservation projects.
Sec. 2404. Authorization of appropriations, Defense Agencies.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
Sec. 2702. Extension of authorizations of certain fiscal year 2002 projects.
Sec. 2703. Extension and renewal of authorizations of certain fiscal year 2001 projects.
Sec. 2704. Effective date.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Increase in certain thresholds for carrying out unspecified minor military construction projects.
Sec. 2802. Assessment of vulnerability of military installations to terrorist attack and annual report on military construction requirements related to antiterrorism and force protection.
Sec. 2803. Change in threshold for congressional notification regarding use of operation and maintenance funds for facility repair.
Sec. 2804. Reporting requirements regarding military family housing requirements for general officers and flag officers.
Sec. 2805. Congressional notification of deviations from authorized cost variations for military construction projects and military family housing projects.
Sec. 2806. Repeal of limitation on use of alternative authority for acquisition and improvement of military family housing.
Sec. 2807. Temporary authority to accelerate design efforts for military construction projects carried out using design-build selection procedures.
Sec. 2808. Exchange or sale of reserve component facilities to acquire replacement facilities.
Sec. 2809. One-year extension of temporary, limited authority to use operation and maintenance funds for construction projects outside the United States.
Sec. 2810. Consideration of combination of military medical treatment facilities and health care facilities of Department of Veterans Affairs.

Subtitle B—Real Property and Facilities Administration

Sec. 2811. Increase in certain thresholds for reporting real property transactions.
Sec. 2812. Reorganization of existing administrative provisions relating to real property transactions.
Sec. 2813. Treatment of money rentals from golf course at Rock Island Arsenal, Illinois.
Sec. 2814. Number of contracts authorized department-wide under demonstration program on reduction in long-term facility maintenance costs.
Sec. 2815. Repeal of Commission on Review of Overseas Military Facility Structure of the United States.
Sec. 2816. Designation of Airmen Leadership School at Luke Air Force Base, Arizona, in honor of John J. Rhodes, a former minority leader of the House of Representatives.
Sec. 2817. Elimination of reversionary interests clouding United States title to property used as Navy homeports.
Sec. 2818. Report on feasibility of veterans memorial at Marine Corps Air Station, El Toro, California.

Subtitle C—Base Closure and Realignment

Sec. 2821. Two-year postponement of 2005 base closure and realignment round and submission of reports regarding future infrastructure requirements for the armed forces.
Sec. 2822. Establishment of specific deadline for submission of revisions to force-structure plan and infrastructure inventory for next base closure round.
Sec. 2823. Specification of final selection criteria for next base closure round.
Sec. 2824. Requirement for unanimous vote of Defense Base Closure and Realignment Commission to add to or otherwise expand closure and realignment recommendations made by Secretary of Defense.
Sec. 2825. Adherence to certain authorities on preservation of military depot capabilities during any subsequent round of base closures and realignments.

Subtitle D—Land Conveyances

PART I—ARMY CONVEYANCES

Sec. 2831. Transfer of administrative jurisdiction, Defense Supply Center, Columbus, Ohio.
Sec. 2832. Land conveyance, Fort Hood, Texas.
Sec. 2833. Land conveyance, Army National Guard Facility, Seattle, Washington.
Sec. 2834. Modification of land exchange and consolidation, Fort Lewis, Washington.

PART II—NAVY CONVEYANCES

Sec. 2841. Transfer of jurisdiction, Nebraska Avenue Naval Complex, District of Columbia.
Sec. 2842. Land conveyance, Navy property, former Fort Sheridan, Illinois.
Sec. 2843. Land exchange, Naval Air Station, Patuxent River, Maryland.

PART III—AIR FORCE CONVEYANCES

Sec. 2851. Land exchange, Maxwell Air Force Base, Alabama.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Defense environmental management.
Sec. 3103. Other defense activities.
Sec. 3104. Defense nuclear waste disposal.

Subtitle B—Program Authorizations, Restrictions, and Limitations

Sec. 3111. Extension of authority for appointment of certain scientific, engineering, and technical personnel.

Sec. 3112. Requirements for baseline of projects under Facilities and Infrastructure Recapitalization Program.

Subtitle C—Other Matters

Sec. 3131. Transfers and reprogrammings of National Nuclear Security Administration funds.
Sec. 3132. National Academy of Sciences study on management by Department of Energy of high-level radioactive waste.
Sec. 3133. Contract to review Waste Isolation Pilot Plant, New Mexico.
Sec. 3134. Additional amount for defense site acceleration completion.
Sec. 3135. Improvements to energy employees occupational illness compensation program.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Authorized uses of National Defense Stockpile funds.
Sec. 3302. Relaxation of quantity restrictions on disposal of manganese ferro in National Defense Stockpile.
Sec. 3303. Revision of earlier authority to dispose of certain materials in National Defense Stockpile.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

TITLE XXXV—MARITIME ADMINISTRATION

Sec. 3501. Authorization of appropriations for Maritime Administration.
Sec. 3502. Extension of authority to provide war risk insurance for merchant marine vessels.

TITLE XXXVI—SMALL BUSINESS ADMINISTRATION

Sec. 3601. Addition of landscaping and pest control services to list of designated industry groups participating in the small business competitiveness demonstration program.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2005 for procurement for the Army as follows:

(1) For aircraft, $2,805,941,000.
(2) For missiles, $1,414,321,000.
(3) For weapons and tracked combat vehicles, $1,739,695,000.
(4) For ammunition, $1,729,402,000.
(5) For other procurement, $4,313,640,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2005 for procurement for the Navy as follows:

(1) For aircraft, $8,912,667,000.
(2) For weapons, including missiles and torpedoes, $2,253,454,000.
(3) For ammunition, $870,840,000.
(4) For shipbuilding and conversion, $10,120,027,000.
(5) For other procurement, $4,876,725,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2005 for procurement for the Marine Corps in the amount of $1,315,103,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2005 for procurement for the Air Force as follows:

(1) For aircraft, $13,649,174,000.
(2) For ammunition, $1,396,457,000.
(3) For missiles, $4,638,313,000.
(4) For other procurement, $13,229,257,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2005 for Defense-wide procurement in the amount of $2,950,702,000.

Subtitle B—Program Matters

SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR THE LIGHT-WEIGHT 155–MILLIMETER HOWITZER PROGRAM.

The Secretary of the Army and the Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, jointly enter into a multiyear contract, beginning with the fiscal year 2005 program year, for procurement of the light-weight 155-millimeter howitzer.

SEC. 112. DDG–51 MODERNIZATION PROGRAM.

(a) ACCELERATION OF MODERNIZATION PROGRAM.—The Secretary of the Navy shall accelerate the program for in-service modernization of the DDG–51 class of destroyers. As part of that modernization program, the Secretary shall include additional emphasis on determining a means to reduce crew size from approximately 300 to about 200.

(b) REPORT.—Not later than March 31, 2005, the Secretary of the Navy shall submit to the congressional defense committees a report on the steps taken as of that date to carry out subsection (a).

SEC. 113. REPEAL OF AUTHORITY FOR PILOT PROGRAM FOR FLEXIBLE FUNDING OF CRUISER CONVERSIONS AND OVERHAULS.

Section 126 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1410; 10 U.S.C. 7291 note) is repealed.

SEC. 114. FORCE PROTECTION FOR ASYMMETRIC THREAT ENVIRONMENT.

(a) REQUIREMENT FOR ASYMMETRIC THREAT ASSESSMENT.—(1) The Secretary of Defense shall require the Secretary of each military department to perform an assessment of the survivability and suitability against asymmetrical threats of each of the following military systems under the jurisdiction of that Secretary:

(A) Each manned ground system or warfighter survivability system that may be required to deploy in an asymmetrical threat environment.

(B) Each manned airborne system that may be required to deploy in an asymmetrical threat environment.

(2) For each system covered by paragraph (1), the Secretary concerned shall establish the key performance parameters for survivability and suitability against asymmetric threats.

(3) The assessments under paragraph (1) shall be completed not later than July 1, 2005.

(4) The Secretary of each military department shall review annually the assessments under paragraph (1) conducted by that Secretary to ensure that the assessments remains relevant to the asymmetric threat environment.

(b) REQUIREMENT FOR FORCE PROTECTION.—(1) The Secretary of Defense shall require the Secretary of each military department, for each system covered by subsection (a)(1) under that Secretary's jurisdiction, either to—

(A) take each of the force protection or survivability steps specified in paragraph (2); or

(B) restrict the system from deployment to an asymmetrical threat environment.

(2) The force protection or survivability steps for a system covered by subsection (a)(1) are the following:

(A) Development of force protection or survivability enhancements for the system that meet the key performance parameters established for that system under subsection (a)(2).

(B) Budgeting for in-service modification programs for the system to provide force protection and survivability enhancements developed under subparagraph (A).

(C) Development of tactics, techniques, and procedures for the system to maximize force protection and survivability.

(c) WAIVER.—The Secretary of Defense may waive the applicability of subsection (b) to a system covered by subsection (a)(1) if the Secretary determines that, but for such a waiver, the Department would be unable to meet national security objectives. Whenever the Secretary makes such a determination and authorizes such a waiver, the Secretary shall submit notice of such waiver and of the Secretary's determination and the reasons therefor in writing to the congressional defense committees.

(d) REQUIREMENT FOR NEW DEVELOPMENT MILITARY ACQUISITION PROGRAMS.—The Secretary of Defense shall require the Secretary of each military department, for each military acquisition program that has not entered low-rate initial production as of the date of the enactment of this Act, to include in the development of that program—

(1) as part of the system requirements development, assessments of war-fighter survivability and of system suitability against asymmetrical threats; and

(2) as part of the documentation of system requirements, requirements for key performance parameters for force protection and survivability.

(e) ASYMMETRICAL THREAT ENVIRONMENT.—For purposes of this section, the term ''asymmetrical threat environment'', with respect to a manned system, means a security, stability, or peacekeeping operation in which the system is deployed or any other such environment in which an asymmetrical threat may exist (or, in the case of a manned airborne system, another such environment in which airborne operations would subject the system to a ground-based asymmetrical threat).

SEC. 115. ALLOCATION OF EQUIPMENT AUTHORIZED BY THIS TITLE TO BE MADE ON BASIS OF UNITS DEPLOYED OR PREPARING TO DEPLOY.

The Secretary of Defense shall provide that, in the allocation to operational units of equipment acquired using funds authorized to be appropriated by this title, priority shall be given to units that are deployed to, or preparing to deploy to, Operation Iraqi Freedom or Operation Enduring Freedom, regardless of the status of those units as active, Guard, or reserve component units.

SEC. 116. MULTIYEAR PROCUREMENT AUTHORITY FOR KC–767 TANKER AIRCRAFT ACQUISITION PROGRAM.

(a) MULTIYEAR PROCUREMENT AUTHORITY.—(1) The Secretary of the Air Force may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract, beginning with the fiscal year 2005 program year, for procurement of 80 KC–767 tanker aircraft.

(2) Notwithstanding subsection (k) of section 2306b of title 10, United States Code, a contract under this subsection may be for any period not in excess of eight program years.

(b) LIMITATION.—Subsection (b) of section 135 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1413; 10 U.S.C. 2401a note) is repealed.

(c) RELATIONSHIP TO PREVIOUS LAW.—The multiyear procurement authority in subsection (a) may not be executed under section 135 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law

108–136; 117 Stat. 1413; 10 U.S.C. 2401a note) or under section 8159 of the Department of Defense Appropriations Act, 2002 (division A of Public Law 107–117).

SEC. 117. OTHER MATTERS RELATING TO KC–767 TANKER AIRCRAFT ACQUISITION PROGRAM.

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

(1) aerial refueling capability for the Armed Forces is a critical combat force multiplier;

(2) the Nation must expeditiously proceed with a program to replace the Air Force's aging fleet of aerial refueling tankers;

(3) in pursuing an aerial refueling tanker program, the Department of Defense should take full advantage of the United States commercial aircraft production base; and

(4) anyone suspected of involvement in improper or illegal activities associated with such a program should be investigated and, if warranted, prosecuted to the fullest extent of the law.

(b) REQUIREMENT FOR RENEGOTIATION OF CONTRACT.—The Secretary of the Air Force shall enter into one or more contracts for the Air Force multiyear tanker aircraft program no later than March 1, 2005, provided that any such contract is negotiated after June 1, 2004.

(c) REVIEW BY OUTSIDE PANEL.—(1) The Secretary of Defense shall establish a panel of experts from outside the Department of Defense to review any proposed contract for the multiyear tanker aircraft program. The panel shall be comprised of individuals who, by reason of education, training, or experience, have expertise relevant to the evaluation of a proposed contract for the lease or procurement of aircraft under that program.

(2) The panel shall review any proposed contract for the multiyear tanker aircraft program to assess, and assist the Secretary of the Air Force in determining, whether the Air Force would under that contract obtain the best value for funds expended. The panel shall serve in whatever manner the Secretary of Defense determines is appropriate to provide an independent review of any such proposed contract. The Secretary shall provide for the panel to make a determination of, and to advise the Secretary of the Air Force on, what would constitute a fair and reasonable contract for that program.

(d) REPORT.—The Secretary of Defense shall provide for the panel established under subsection (c) to submit a report providing the results of its review to the Secretary of the Air Force and the congressional defense committees.

(e) MULTIYEAR TANKER AIRCRAFT PROGRAM DEFINED.—In this section, the term ''multiyear tanker aircraft program'' means the program for—

(1) lease of no more than 20 aerial refueling aircraft for the Air Force authorized under section 8159 of the Department of Defense Appropriations Act, 2002 (division A of Public Law 107–117; 115 Stat. 2284), subject to section 135(a) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1413); and

(2) procurement of no more than 80 KC–767 tanker aircraft for which a multiyear procurement contract is authorized by section 116(a) of this Act.

(f) INTERPRETATION.—Section 134 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1412) is amended by adding at the end the following new subsection:

''(c) INTERPRETATION.—Nothing in subsection (b) or section 1111 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1215) is intended to prohibit the Secretary of the Air Force from executing the program described in section 135(a) of this Act and section 116 of the National Defense Authorization Act for Fiscal Year 2005.''.

SEC. 118. ADDITIONAL AMOUNT FOR PATRIOT MISSILE PROCUREMENT.

(a) ADDITIONAL AMOUNTS.—The amount in section 101 for Army procurement, missiles, is hereby increased by $90,000,000, to be available for Patriot missiles.

(b) OFFSETTING REDUCTIONS.—(1) The amount in section 101 for Other Support Space Programs is hereby decreased by $27,000,000, to be derived from Titan Space Boosters (SPACE).

(2) The amount in section 301(4) for operation and maintenance, Air Force, is hereby reduced by $15,000,000, to be derived from the transportation working capital fund.

(3) The amount in section 201(4) for research, development, test, and evaluation, defense-wide, is hereby reduced by $48,000,000, to be derived from the Ballistic Missile Defense System Interceptor program element (PE 63886C).

SEC. 119. TRANSFER OF CERTAIN ARMY PROCUREMENT FUNDS.

(a) INCREASE FOR CERTAIN HELICOPTER ITEMS.—The amount provided in section 101(1) for procurement of aircraft for the Army is hereby increased by $4,000,000, of which—

(1) $2,000,000 shall be available for procurement of the Aircraft Wireless Intercom System; and

(2) $2,000,000 shall be available for procurement of bladefold kits for Apache Helicopters.

(b) OFFSET.—The amount provided in section 101(5) for Other Procurement, Army, is hereby reduced by $4,000,000, to be derived from amounts for Information Systems.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2005 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $9,478,164,000.

(2) For the Navy, $16,047,841,000.

(3) For the Air Force, $21,527,967,000.

(4) For Defense-wide activities, $21,074,389,000, of which $305,135,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR DEFENSE SCIENCE AND TECHNOLOGY.

(a) FISCAL YEAR 2005.—Of the amounts authorized to be appropriated by section 201, $11,067,698,000 shall be available for the Defense Science and Technology Program, including basic research, applied research, and advanced technology development projects.

(b) BASIC RESEARCH, APPLIED RESEARCH, AND ADVANCED TECHNOLOGY DEVELOPMENT DEFINED.—For purposes of this section, the term ''basic research, applied research, and advanced technology development'' means work funded in program elements for defense research and development under Department of Defense category 6.1, 6.2, or 6.3.

SEC. 203. PROGRAM INCREASES.

(a) NANO-COMPOSITE HARD-COAT FOR AIRCRAFT CANOPIES.—The amount provided in section 201(2) for research development, test and evaluation, Navy, is hereby increased by $5,000,000, to be available for Nano-composite hard-coat for aircraft canopies in Program Element 0205633N.

(b) COMMAND-AND-CONTROL SERVICE LEVEL MANAGEMENT.—The amount provided in section 201(3) for research development, test and evaluation, Air Force, is hereby increased by $5,000,000, to be available for command-and-control service level management in Program Element 0207443F for best-commercial practices and enterprise wide architectures for military command-and-control applications.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. FUTURE COMBAT SYSTEMS PROGRAM STRATEGY.

(a) PROGRAM STRATEGY REQUIRED.—The Secretary of the Army shall establish and implement a program strategy for the Future Combat Systems acquisition program of the Army. The purpose of the program strategy shall be to provide an effective, affordable, producible, and supportable military capability with a realistic schedule and a robust cost estimate.

(b) ELEMENTS OF PROGRAM STRATEGY.—The program strategy shall—

(1) require the release, at the design readiness review, of not less than 90 percent of engineering drawings for the building of prototypes;

(2) require, before facilitating production or contracting for items with long lead times, that an acceptable demonstration be carried out of the performance of the information network, including the performance of the Joint Tactical Radio System and the Warfighter Information Network-Tactical; and

(3) require, before the initial production decision, that an acceptable demonstration be carried out of the collective capability of each system to meet system-of-systems requirements when integrated with the information network.

(c) REQUIRED SUBMISSIONS TO CONGRESS.—Before convening the Milestone B update for the Future Combat Systems acquisition program required by the Future Combat Systems acquisition decision memorandum, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to Congress each of the following documents:

(1) The independent cost estimate with respect to the program prepared by the cost analysis improvement group of the Office of the Secretary of Defense.

(2) A report, prepared by an independent panel, on the maturity levels of the critical technologies with respect to the program, including an assessment of those technologies that are likely to require a decision to use an alternative approach.

(3) A report, prepared by the chief information officer of the Army, describing—

(A) the status of the development and integration of the network and the command, control, computers, communications, intelligence, surveillance, and reconnaissance components; and

(B) the progress made toward meeting the requirements for network-centric capabilities as set forth by such officer.

(4) A report identifying the key performance parameters with respect to the program, with all objectives and thresholds quantified, together with the supporting analytical rationale.

(d) LIMITATION ON FUNDING.—(1) Except as provided in paragraph (2), the Secretary of the Army may not obligate, from amounts made available for fiscal year 2005, more than $2,200,000,000 for the Future Combat Systems acquisition program.

(2) The limitation in paragraph (1) shall not apply after the Secretary of the Army submits to Congress the Secretary's certification that the Secretary has established and implemented the program strategy required by subsection (a).

SEC. 212. COLLABORATIVE PROGRAM FOR RESEARCH AND DEVELOPMENT OF VACUUM ELECTRONICS TECHNOLOGIES.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall establish a program for research and development in advanced vacuum

electronics to meet the requirements of the Department of Defense electromagnetic systems.

(b) DESCRIPTION OF PROGRAM.—The program under subsection (a) shall be carried out collaboratively by the Director of Defense Research and Engineering, the Secretary of the Navy, the Secretary of the Air Force, the Secretary of the Army, and other appropriate elements of the Department of Defense. The program shall include the following activities:

(1) Activities needed for development and maturation of advanced vacuum electronics technologies needed to meet the requirements of the Department of Defense.

(2) Identification of legacy and developmental electromagnetic systems for use of advanced vacuum electronics under the program.

(c) REPORT.—Not later than January 31, 2005, the Director of Defense Research and Engineering shall submit to the congressional defense committees a report on the implementation of the program under subsection (a). The report shall include the following:

(1) Identification of the officer to have lead responsibility for carrying out the program.

(2) A description of the management plan for the program and any agreements relating to that plan.

(3) A schedule for the program.

(4) Identification of the funding required for fiscal year 2006 and for the future-years defense program to carry out the program.

(5) A list of program capability goals and objectives.

(d) FUNDING.—Of the funds authorized to be appropriated in section 201—

(1) $13,500,000 shall be available in program element 62771N for applied research in vacuum electronics; and

(2) $5,000,000 shall be available in program element 63771N for advanced technology development in vacuum electronics.

SEC. 213. ANNUAL COMPTROLLER GENERAL REPORT ON JOINT STRIKE FIGHTER PROGRAM.

(a) ANNUAL GAO REVIEW.—The Comptroller General shall conduct an annual review of the Joint Strike Fighter aircraft program and shall, not later than March 15 of each year, submit to Congress a report on the results of the most recent review. With each such report, the Comptroller General shall submit a certification as to whether the Comptroller General has had access to sufficient information to enable the Comptroller General to make informed judgments on the matters covered by the report.

(b) MATTERS TO BE INCLUDED.—Each report on the Joint Strike Fighter aircraft program under subsection (a) shall include the following with respect to system development and demonstration under the program:

(1) The extent to which such system development and demonstration is meeting established goals, including the goals established for performance, cost, and schedule.

(2) The plan for such system development and demonstration (leading to production) for the fiscal year that begins in the year in which the report is submitted.

(3) The Comptroller General's conclusion regarding whether such system development and demonstration (leading to production) is likely to be completed at a total cost not in excess of the amount specified (or to be specified) for such purpose in the Selected Acquisition report for the Joint Strike Fighter aircraft program under section 2432 of title 10, United States Code, for the first quarter of the fiscal year during which the report of the Comptroller General is submitted.

(c) REQUIREMENT TO SUPPORT ANNUAL GAO REVIEW.—The Secretary of Defense and the prime contractor for the Joint Strike Fighter aircraft program shall provide to the Comptroller General such information on that program as the Comptroller General considers necessary to carry out the responsibilities of the Comptroller General under this section, including such information as is necessary for the purposes of subsection (b)(3).

(d) TERMINATION.—No report is required under this section after the report that, under subsection (a), is required to be submitted not later than March 15, 2009.

SEC. 214. AMOUNTS FOR UNITED STATES JOINT FORCES COMMAND TO BE DERIVED ONLY FROM DEFENSE-WIDE AMOUNTS.

(a) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 232. United States Joint Forces Command: amounts for research, development, test, and evaluation to be derived only from Defense-wide amounts

"(a) REQUIREMENT.—Amounts for research, development, test, and evaluation for the United States Joint Forces Command shall be derived only from amounts made available to the Department of Defense for Defense-wide research, development, test, and evaluation.

"(b) SEPARATE DISPLAY IN BUDGET.—Any amount in the budget submitted to Congress under section 1105 of title 31 for any fiscal year for research, development, test, and evaluation for the United States Joint Forces Command shall be set forth under the account of the Department of Defense for Defense-wide research, development, test, and evaluation.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"232. United States Joint Forces Command: amounts for research, development, test, and evaluation to be derived only from Defense-wide amounts.".

SEC. 215. SPACE BASED RADAR.

(a) LIMITATION.—In carrying out the Space Based Radar program, the Secretary of Defense may not authorize that program to proceed into the system development and procurement phase referred to as Milestone B until the Secretary—

(1) submits to the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate a report described in subsection (b); and

(2) a period of 30 days has elapsed after the date on which such report is submitted.

(b) REPORT.—A report under this subsection is a report on the Space Based Radar program in which the Secretary of Defense sets forth the following with respect to that program:

(1) A description of the technical system concept selected.

(2) A description of the concept of operations associated with the technical system concept selected.

(3) An independent cost estimate for development and procurement under the program.

(4) The acquisition strategy for the program.

SEC. 216. MARK–54 TORPEDO PRODUCT IMPROVEMENT PROGRAM.

Of the amount provided in section 201 for research, development, test, and evaluation for the Navy, $2,000,000 within the budget line designated as line 120 shall be available for the Mark-54 Torpedo Product Improvement Program.

Subtitle C—Ballistic Missile Defense

SEC. 221. FIELDING OF BALLISTIC MISSILE DEFENSE CAPABILITIES.

(a) AUTHORITY.—Funds described in subsection (b) may, upon approval by the Secretary of Defense, be used for the development and fielding of ballistic missile defense capabilities.

(b) COVERED FUNDS.—Subsection (a) applies to funds appropriated for fiscal year 2005 or fiscal year 2006 for research, development, test, and evaluation for the Missile Defense Agency.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SECTION 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2005 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $25,838,611,000.

(2) For the Navy, $29,523,490,000.

(3) For the Marine Corps, $3,637,615,000.

(4) For the Air Force, $27,143,566,000.

(5) For Defense-wide activities, $17,317,406,000.

(6) For the Army Reserve, $2,003,728,000.

(7) For the Naval Reserve, $1,240,038,000.

(8) For the Marine Corps Reserve, $188,696,000

(9) For the Air Force Reserve, $2,226,790,000

(10) For the Army National Guard, $4,425,686,000.

(11) For the Air National Guard, $4,448,938,000.

(12) For the United States Court of Appeals for the Armed Forces, $10,825,000.

(13) For Environmental Restoration, Army, $400,948,000.

(14) For Environmental Restoration, Navy, $266,820,000.

(15) For Environmental Restoration, Air Force, $397,368,000.

(16) For Environmental Restoration, Defense-wide, $23,684,000

(17) For Environmental Restoration, Formerly Used Defense Sites, $216,516,000.

(18) For Overseas Humanitarian, Disaster, and Civic Aid programs, $59,000,000.

(19) For Cooperative Threat Reduction programs, $409,200,000.

(20) For the Overseas Contingency Operations Transfer Fund, $5,000,000.

(21) For the Defense Industrial Base Capabilities Fund, $50,000,000

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2005 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $372,886,000.

(2) For the National Defense Sealift Fund, $1,219,252,000.

(3) For the Defense Working Capital Fund, Defense Commissary, $1,175,000,000

SEC. 303. OTHER DEPARTMENT OF DEFENSE PROGRAMS.

(a) DEFENSE HEALTH PROGRAM.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2005 for expenses, not otherwise provided for, for the Defense Health Program, $17,811,586,000, of which—

(1) $17,374,544,000 is for Operation and Maintenance;

(2) $72,407,000 is for Research, Development, Test, and Evaluation; and

(3) $364,635,000 is for Procurement.

(b) CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.—(1) Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2005 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, $1,371,990,000, of which—

(A) $1,138,801,000 is for Operation and Maintenance;

(B) $154,209,000 is for Research, Development, Test, and Evaluation; and

(C) $78,980,000 is for Procurement.

(2) Amounts authorized to be appropriated under paragraph (1) are authorized for—

(A) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(B) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

(c) DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2005 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, $852,697,000.

(d) DEFENSE INSPECTOR GENERAL.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2005 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, $193,562,000, of which—

(1) $191,362,000 is for Operation and Maintenance;

(2) $2,100,000 is for Research, Development, Test, and Evaluation; and

(3) $100,000 is for Procurement.

SEC. 304. REIMBURSEMENT OF MEMBERS OF THE ARMED FORCES WHO PURCHASED PROTECTIVE BODY ARMOR DURING SHORTAGE OF DEFENSE STOCKS OF BODY ARMOR.

(a) REIMBURSEMENT AUTHORIZED.—The Secretary of Defense may reimburse a member of the Armed Forces for the cost of protective body armor purchased by the member, or by another person on behalf of the member, for use by the member while deployed in connection with Operation Noble Eagle, Operation Enduring Freedom, or Operation Iraqi Freedom if the member was not issued protective body armor before the member became engaged in operations in areas or situations described in section 310(a)(2) of title 37, United States Code.

(b) DURATION OF AUTHORITY.—Reimbursement may be provided under subsection (a) for protective body armor purchased during the period beginning on September 11, 2001, and ending on December 31, 2003. Not later than 60 days after the date of the enactment of this Act, the Secretary shall implement regulations to expedite the provision of such reimbursement.

SEC. 305. REDUCTION IN AUTHORIZATION FOR AIR FORCE OPERATIONS AND MAINTENANCE.

The amount authorized to be appropriated in section 301(4) is hereby reduced by $10,000,000, to be derived from the transportation working capital fund.

SEC. 306. ELIMINATION OF BACKLOG IN PROCESSING FORENSIC EVIDENCE COLLECTION KITS AND ACQUISITION OF SUFFICIENT STOCKS OF SUCH KITS.

The Secretary of Defense shall take such steps as may be necessary to eliminate the current backlog in the processing of forensic evidence collection kits used by the Department of Defense, to shorten the time period between the use of such kits and their processing in the future, and to ensure an adequate supply of such kits for all domestic and overseas United States military installations, including the military service academies, and for units of the Armed Forces deployed in theaters of operation.

Subtitle B—Environmental Provisions

SEC. 311. REPORT REGARDING ENCROACHMENT ISSUES AFFECTING UTAH TEST AND TRAINING RANGE, UTAH.

(a) REPORT REQUIRED.—The Secretary of the Air Force shall prepare a report that outlines current and anticipated encroachments on the use and utility of the special use airspace of the Utah Test and Training Range in the State of Utah, including encroachments brought about through actions of other Federal agencies. The Secretary shall include such recommendations as the Secretary considers appropriate regarding any legislative initiatives necessary to address encroachment problems identified by the Secretary in the report.

(b) SUBMISSION OF REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit the report to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate.

Subtitle C—Workplace and Depot Issues

SEC. 321. SIMPLIFICATION OF ANNUAL REPORTING REQUIREMENTS CONCERNING FUNDS EXPENDED FOR DEPOT MAINTENANCE AND REPAIR WORKLOADS.

Subsection (d) of section 2466 of title 10, United States Code, is amended to read as follows:

''(d) ANNUAL REPORT AND REVIEW.—(1) Not later than April 1 of each year, the Secretary of Defense shall submit to Congress a report identifying, for each of the armed forces (other than the Coast Guard) and each Defense Agency, the percentage of the funds referred to in subsection (a) that was expended during the preceding fiscal year, and are projected to be expended in the current fiscal year and next fiscal year, for performance of depot-level maintenance and repair workloads by the public and private sectors.

''(2) Not later than 60 days after the date on which the Secretary submits a report under paragraph (1), the Comptroller General shall submit to Congress the Comptroller General's views on whether—

''(A) the Department of Defense has complied with the requirements of subsection (a) during the preceding fiscal year covered by the report; and

''(B) the expenditure projections for the current fiscal year and next fiscal year are reasonable.''.

SEC. 322. REPEAL OF ANNUAL REPORTING REQUIREMENT CONCERNING MANAGEMENT OF DEPOT EMPLOYEES.

(a) REPEAL.—Section 2472 of title 10, United States Code, is amended—

(1) by striking ''(a) PROHIBITION ON MANAGEMENT BY END STRENGTH.—''; and

(2) by striking subsection (b).

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

''§ 2472. Prohibition on management of depot employees by end strength''.

(2) The table of sections at the beginning of chapter 146 of such title is amended by striking the item relating to section 2472 and inserting the following new item:

''2472. Prohibition on management of depot employees by end strength.''.

SEC. 323. PUBLIC-PRIVATE COMPETITION FOR WORK PERFORMED BY CIVILIAN EMPLOYEES OF DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Section 2461(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5)(A) A function of the Department of Defense performed by 10 or more civilian employees may not be converted, in whole or in part, to performance by a contractor unless, the conversion is based on the results of a public-private competition process that—

''(i) formally compares the cost of civilian employee performance of the function with the costs of performance by a contractor;

''(ii) creates an agency tender, including a most efficient organization plan, in accordance with Office of Management and Budget Circular A–76, as implemented on May 29, 2003;

''(iii) determines whether the submitted offers meet the needs of the Department of Defense with respect to factors other than cost, including quality and reliability;

''(iv) requires continued performance of the function by civilian employees if the cost of performance of the function by a contractor would, over all performance periods required by the solicitation, cost less than—

''(I) 10 percent of the personnel-related costs for performance of that activity or function in the agency tender; or

''(II) $10,000,000; and

''(v) provides no advantage to an offeror for a proposal to reduce costs for the Department of Defense by—

''(I) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of such function under a contract; or

''(II) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than that which is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5.

''(B) Any modification, reorganization, division, or other change in the organization of a function of the Department of Defense so that is performed by less than 10 civilian employees of the Department of Defense and, therefore, excluded from subparagraph (A), is prohibited.

''(C) Any function that is performed by civilian employees of the Department of Defense and is proposed to be reengineered, reorganized, modernized, upgraded, expanded, or changed in order to become more efficient, but the civilian employees would still provide essentially the same service, is subject to the competition requirement in subparagraph (A).

''(D) The cost savings requirement specified in subparagraph (A) does not apply to any contracts for special studies and analyses, construction services, architectural services, medical services, scientific and technical services related to (but not in support of) research and development, and depot-level maintenance and repair services.

''(E) The Secretary of Defense may waive the competition requirement in specific instances if—

''(i) the written waiver is prepared by the Secretary of Defense, or the relevant Assistant Secretary or agency head;

''(ii) the written waiver is accompanied by a detailed determination that national security interests are so compelling as to preclude compliance with the requirement for a public-private competition; and

''(iii) a copy of the waiver is published in the Federal Register within 10 working days after the date on which the waiver is invoked, although use of the waiver need not be delayed until its publication.''.

(b) RELATION TO PILOT PROGRAM.—Paragraph (5) of section 2461(b) of title 10, United States Code, as added by subsection (a) shall not apply with respect to the pilot program for best-value source selection for performance of information technology services authorized by section 336 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1444; 10 U.S.C. 2461 note).

SEC. 324. PUBLIC-PRIVATE COMPETITION PILOT PROGRAM.

(a) PURPOSE.—The Secretary of Defense shall establish a pilot program to examine the use of the public-private competition process of Office of Management and Budget Circular A–76 on new requirements, as defined by such Circular, and functions currently being performed by contractors that could be performed by civilian employees.

(b) DURATION.—The Secretary of Defense shall carry out the pilot program during fiscal years 2005 and 2006.

(c) REQUIREMENT FOR PUBLIC-PRIVATE COMPETITION FOR NEW WORK.—(1) By the end of the pilot project, the Secretary of Defense shall have allowed civilian employees to compete through the standard competition process of Office of Management and Budget Circular A–76 for new requirements, as defined by such Circular, that are approximately one-tenth in value of the funds spent by the Department of Defense during the two fiscal years of the pilot project on all functions that are considered new requirements, as defined by such Circular.

(2) The Department of Defense shall not receive credit towards compliance with the pilot program for subjecting to public-private competition—

(A) any contract to be awarded to small business concerns that meet the requirements under section 3(a) of the Small Business Act (15 U.S.C. 632(a)) and regulations under that section;

(B) any contract to be performed by contractor employees who are represented by a private sector labor union; or

(C) any contract related to special studies and analyses, construction services, architectural services, medical services, scientific and technical services related to (but not in support of) research and development, and depot-level maintenance and repair services.

(d) FUNCTIONS PERFORMED BY CONTRACTORS.—(1) By the end of the pilot project, the Secretary of Defense shall have subjected a number of contractor employees to public-private competition through the standard competition process of Office of Management and Budget Circular A–76 that is approximately one-tenth of the number of civilian employees subject to public-private competition during the two fiscal years of the pilot project.

(2) The Department of Defense shall, to the extent possible, subject to public-private competition those positions held by contractor employees that are associated with functions that are or have been performed at least in part by Federal employees at any time on or after October 1, 1980; and

(3) Subsection (c)(2) shall also apply to this subsection.

(e) WAIVER.—The implementation of the pilot project may be waived if—

(1) the written waiver is prepared by the Secretary of Defense;

(2) the written waiver is accompanied by a detailed determination that national security interests are so compelling as to preclude compliance with the competition requirement; and

(3) a copy of the waiver is published in the Federal Register within 10 working days after the date on which the waiver is invoked, although use of the waiver need not be delayed until its publication.

(f) REPORT.—At the end of each fiscal year of the pilot program, the Inspector General of the Department of Defense shall submit to Congress a report on the results of the pilot program, including the extent to which the Department of Defense complied with the requirements of this section.

SEC. 325. SENSE OF CONGRESS ON EQUITABLE LEGAL STANDING FOR CIVILIAN EMPLOYEES.

It is the sense of Congress that, in order to ensure that, when public-private competitions are held, they are conducted as fairly, effectively, and efficiently as possible, competing parties, both Department of Defense civilian employees (or their representatives) and contractors (or their representatives) should receive comparable treatment throughout the competition regarding access to relevant information and legal standing to challenge the way a competition has been conducted at all appropriate forums, including the General Accounting Office and the United States Court of Federal Claims.

SEC. 326. COMPETITIVE SOURCING REPORTING REQUIREMENT.

(a) REPORT REQUIRED.—Not later than February 1, 2005, the Inspector General of the Department of Defense shall submit to Congress a report addressing whether the Department of Defense—

(1) employs a sufficient number of adequately trained civilian employees to conduct satisfactorily, taking into account equity, efficiency and expeditiousness, all of the public-private competitions that are scheduled to be undertaken by the Department of Defense during the next fiscal year (including a sufficient number of employees to formulate satisfactorily the performance work statements and most efficient organization plans for the purposes of such competitions) and to administer any resulting contracts; and

(2) has implemented a comprehensive and reliable system to track and assess the cost and quality of the performance of functions of the Department of Defense by service contractors, to update the records of such costs and the assessments each fiscal quarter, and to make such information available in reports to Congress and the public, including through the use of electronic means, except that proprietary information and information to which section 552(b)(1) of title 5, United States Code, applies shall be excised from information published or reports made available.

(b) ELEMENTS OF TRACKING SYSTEM.—The system of the Department of Defense for tracking cost and quality of performance of a function under a service contract shall include at least the following data elements:

(1) The contract number and the applicable Federal supply class or service code.

(2) The name, business address, and business telephone of the agency official who supervises the service contract.

(3) The statutory, regulatory, or other authority for entering into the service contract and, if a public-private competition was not used in the determination of whether to provide for performance of the activity or function by a contractor, an explanation of the reasons for not doing so.

(4) The cost to the Department of Defense of conducting the public-private competition under Office of Management and Budget Circular A–76, if one was undertaken, including the cost of consultants as well as civilian employees.

(5) In the case of a function formerly performed by civilian employees, the actual cost of the performance by such employees.

(6) The cost to the Department of Defense of civilian employee performance of the function under the most efficient organization plan.

(7) The anticipated cost of contractor performance, based on the award.

(8) The cost to the Department of Defense for performance of the function by the contractor.

(9) A description of the quality control process used by the agency in connection with monitoring the contract performance (including the applicable quality control standards and the frequency of the quality control reports), together with an assessment of whether the contractor achieved, exceeded, or failed to achieve the quality control standards.

(c) ASSESSMENT OF TRACKING SYSTEM.—The Inspector General of the Department of Defense shall include in the report required by subsection (a) an assessment of the comprehensiveness and reliability of the Department of Defense system for tracking cost and quality of performance of a function under a service contract, including compliance with each of the requirements specified in subsection (b). The Inspector General shall base the assessment on an audit of a representative sample of service contracts. The report shall also include recommendations by the Inspector General regarding how weaknesses identified in the Department of Defense infrastructure for competitive sourcing can be rectified, whether through the use of different processes or the availability of additional employees, additional training, or additional resources.

Subtitle D—Information Technology

SEC. 331. PREPARATION OF DEPARTMENT OF DEFENSE PLAN FOR TRANSITION TO INTERNET PROTOCOL VERSION 6.

(a) TRANSITION PLAN.—The Secretary of Defense shall prepare a plan to provide for the transition of Department of Defense information technology systems to Internet Protocol version 6 from the present use of Internet Protocol version 4 and other network protocols. The plan shall outline the networking and security system equipment that will need to be replaced, including the timing and costs of such replacement, address how the current and new networks and security systems will be managed, and assess the potential impact of the transition, include any proposed measures to alleviate any adverse affects. In preparing the transition plan, the Secretary shall compare private industry plans for the transition to Internet Protocol version 6.

(b) TESTING AND EVALUATION FOR INTERNET PROTOCOL.—To determine whether a change to the use of Internet Protocol version 6 will support Department of Defense requirements, the Secretary of Defense shall provide for a rigorous, real-world end-to-end testing of Internet Protocol version 6, as proposed for use by the Department, to evaluate the following:

(1) The ability of Internet Protocol version 6, with its ''best effort'' quality of service, to satisfactory support the Department's multiple applications and other information technology systems, including the use of Internet Protocol version 6 over bandwidth-constrained tactical circuits.

(2) The ability of the Department's networks using Internet Protocol version 6 to respond to, and perform under, heavy loading of the core networks.

(c) SUBMISSION OF PLAN AND RESULTS.—Not later than March 31, 2005, the Secretary of Defense shall submit to the congressional defense committees a report containing the transition plan prepared under subsection (a) and the results of the tests conducted under subsection (b).

SEC. 332. DEFENSE BUSINESS ENTERPRISE ARCHITECTURE, SYSTEM ACCOUNTABILITY, AND CONDITIONS FOR OBLIGATION OF FUNDS FOR DEFENSE BUSINESS SYSTEM MODERNIZATION.

(a) IN GENERAL.—(1) Chapter 131 of title 10, United States Code, is amended by inserting before section 2223 the following new section:

''§ 2222. Defense business systems: architecture, accountability, and modernization

''(a) CONDITIONS FOR OBLIGATION OF FUNDS FOR DEFENSE BUSINESS SYSTEM MODERNIZATION.—Effective January 1, 2005, funds

appropriated to the Department of Defense may not be obligated for a defense business system modernization that will have a total cost in excess of $1,000,000 unless—

''(1) the approval authority designated for the defense business system certifies to the Defense Business Systems Management Committee established by section 186 of this title that the defense business system modernization—

''(A) is in compliance with the enterprise architecture developed under subsection (b), or such compliance is waived in writing by the approval authority as a result of the investment review process conducted under subsection (d) for the defense business system modernization; and

''(B) will be acquired or developed in a manner consistent with the system acquisition regulations and instructions of the Department of Defense; and

''(2) the Defense Business Systems Management Committee approves the certification by the approval authority.

''(b) ENTERPRISE ARCHITECTURE FOR DEFENSE BUSINESS SYSTEMS.—Not later than September 30, 2005, the Secretary of Defense, acting through the Defense Business Systems Management Committee, shall develop—

''(1) an enterprise architecture to cover all defense business systems, and the functions and activities supported by defense business systems, which shall be sufficiently defined to effectively guide, constrain, and permit implementation of interoperable defense business system solutions and consistent with the policies and procedures established by the Director of the Office of Management and Budget, and

''(2) a transition plan for implementing the enterprise architecture for defense business systems.

''(c) APPROVAL AUTHORITIES AND ACCOUNTABILITY FOR DEFENSE BUSINESS SYSTEMS.—The Secretary of Defense shall delegate responsibility for the planning, design, acquisition, deployment, operation, maintenance, modernization, and oversight of defense business systems as follows:

''(1) The Under Secretary of Defense for Acquisition, Technology and Logistics shall be responsible and accountable for any defense business system the primary purpose of which is to support acquisition activities, logistics activities, or installations and environment activities of the Department of Defense.

''(2) The Under Secretary of Defense (Comptroller) shall be responsible and accountable for any defense business system the primary purpose of which is to support financial management activities or strategic planning and budgeting activities of the Department of Defense.

''(3) The Under Secretary of Defense for Personnel and Readiness shall be responsible and accountable for any defense business system the primary purpose of which is to support human resource management activities of the Department of Defense.

''(4) The Assistant Secretary of Defense for Networks and Information Integration and the Chief Information Officer of the Department of Defense shall be responsible and accountable for any defense business system the primary purpose of which is to support information technology infrastructure or information assurance activities of the Department of Defense.

''(5) The Deputy Secretary of Defense or an Under Secretary of Defense, as designated by the Secretary of Defense, shall be responsible for any defense business system the primary purpose of which is to support any activity of the Department of Defense not covered by paragraphs (1) through (4).

''(d) DEFENSE BUSINESS SYSTEM INVESTMENT REVIEW.—(1) The Secretary of Defense shall require each approval authority designated under subsection (c) to establish, not later than March 15, 2005, an investment review process, consistent with section 11312 of title 40, to review the planning, design, acquisition, development, deployment, operation, maintenance, modernization, and project cost benefits and risks of all defense business systems for which the approval authority is responsible. The investment review process so established shall specifically address the responsibilities of approval authorities under subsection (a).

''(2) The review of defense business systems under the investment review process shall include the following:

''(A) Review and approval by an investment review board of each defense business system as an investment before the obligation of funds on the system.

''(B) Periodic review, but not less than annually, of every defense business system investment.

''(C) Representation on each investment review board by appropriate officials from among the armed forces, combatant commands, the Joint Chiefs of Staff, and Defense Agencies.

''(D) Use of threshold criteria to ensure an appropriate level of review within the Department of Defense of, and accountability for, defense business system investments depending on scope, complexity, and cost.

''(e) BUDGET INFORMATION.—In the materials that the Secretary submits to Congress in support of the budget submitted by the President to Congress under section 1105 of title 31 for fiscal year 2006 and fiscal years thereafter, the Secretary of Defense shall—

''(1) identify the approval authority for each defense business system; and

''(2) for each defense business system for which funding is proposed in the budget—

''(A) certify that the defense business system complies with the defense business enterprise architecture; or

''(B) explain why funds for such system are necessary to maintain a mission critical or mission essential system of the Department of Defense, notwithstanding its noncompliance with the defense business enterprise architecture.

''(f) CONGRESSIONAL REPORTS.—Not later than March 15 of each year from 2005 through 2009, the Secretary of Defense shall submit to the congressional defense committees a report on Department of Defense compliance with the requirements of this section. The first report shall define plans and commitments for meeting the requirements of subsection (a), including specific milestones and performance measures. Subsequent reports shall—

''(1) describe actions taken and planned for meeting the requirements of subsection (a), including—

''(A) specific milestones and actual performance against specified performance measures, and any revision of such milestones and performance measures; and

''(B) specific actions on the defense business system modernizations submitted for certification under such subsection;

''(2) identify the number of defense business system modernizations so certified;

''(3) identify any defense business system modernization with an obligation in excess of $1,000,000 during the preceding fiscal year that was not certified under subsection (a), and the reasons for the waiver; and

''(4) discuss specific improvements in business operations and cost savings resulting from successful defense business systems modernization efforts.

''(g) DEFINITIONS.—In this section:

''(1) The term 'approval authority', with respect to a defense business system, means the Department of Defense official responsible for the defense business system, as designated by subsection (c).

''(2) The term 'defense business system' means an information system, other than a national security system, operated by, for, or on behalf of the Department of Defense, including financial systems, mixed systems, financial data feeder systems, and information technology and information assurance infrastructure, used to support business activities, such as acquisition, financial management, logistics, strategic planning and budgeting, installations and environment, and human resource management.

''(3) The term 'defense business system modernization' means—

''(A) the acquisition or development of a new defense business system; or

''(B) any significant modification or enhancement of an existing defense business system (other than necessary to maintain current services).

''(4) The term 'enterprise architecture' has the meaning given that term in section 3601(4) of title 44.

''(5) The terms 'information system' and 'information technology' have the meanings given those terms in section 11101 of title 40.

''(6) The term 'national security system' has the meaning given that term in section 2315 of this title.''.

(2) The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 2223 the following new item:

''2222. Defense business systems: architecture, accountability, and modernization.''.

(b) DEFENSE BUSINESS SYSTEM MANAGEMENT COMMITTEE.—Chapter 7 of such title is amended by adding at the end the following new section:

''§ 186. Defense business system management Committee

''(a) ESTABLISHMENT.—The Secretary of Defense shall establish a Defense Business Systems Management Committee, to be composed of the following persons:

''(1) The Deputy Secretary of Defense, who shall serve as the chairman of the Committee.

''(2) The Under Secretary of Defense for Acquisition, Logistics, and Technology.

''(3) The Under Secretary of Defense for Personnel and Readiness.

''(4) The Under Secretary of Defense (Comptroller).

''(5) The Assistant Secretary of Defense for Networks and Information Integration.

''(6) The Secretaries of the military departments and the heads of the Defense Agencies.

''(7) Such additional personnel of the Department of Defense (including personnel assigned to the Joint Chiefs of Staff and combatant commands) as are designated by the Secretary of Defense.

''(b) DUTIES.—(1) In addition to any other matters assigned to the Committee by the Secretary of Defense, the Committee shall—

''(A) recommend to the Secretary of Defense policies and procedures necessary to effectively integrate the requirements of section 2222 of this title into all business activities and any transformation, reform, reorganization, or process improvement initiatives undertaken within the Department of Defense; and

''(B) review and approve any major update of the defense business enterprise architecture developed under subsection (b) of section 2222 of this title, including evolving the architecture, and of defense business systems modernization plans.

''(2) The Committee shall be responsible for coordinating defense business system modernization initiatives to maximize benefits and minimize costs for the Department

of Defense and periodically report to the Secretary on the status of defense business system modernization efforts.

''(3) The Committee shall ensure that funds are obligated for defense business system modernization in a manner consistent with section 2222 of this title.

''(c) DEFINITIONS.—In this section, the terms 'defense business system' and 'defense business system modernization' have the meanings given such terms in section 2222 of this title.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''186. Defense Business System Management Committee.''.

(c) DELEGATION OF ADMINISTRATIVE RESPONSIBILITY.—The delegation of responsibility for the planning, design, acquisition, deployment, operation, maintenance, modernization, and oversight of defense business systems required by subsection (c) of section 2222 of title 10, United States Code, as added by subsection (a)(1), shall be completed not later than 60 days after the date of the enactment of this Act.

(d) RELATION TO ANNUAL REGISTRATION REQUIREMENTS.—Nothing in sections 186 and 2222 of title 10, United States Code, as added by this section, shall be construed to alter the requirements of section 8084 of the Department of Defense Appropriations Act, 2004 (Public Law 108–87; 117 Stat. 1091), with regard to information technology systems (as defined in subsection (d) of such section).

(e) REPEAL OF OBSOLETE FINANCIAL MANAGEMENT ENTERPRISE ARCHITECTURE REQUIREMENTS.—Section 1004 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 10 U.S.C. 113 note) is repealed.

SEC. 333. ESTABLISHMENT OF JOINT PROGRAM OFFICE TO IMPROVE INTEROPERABILITY OF BATTLEFIELD MANAGEMENT COMMAND AND CONTROL SYSTEMS.

(a) OFFICE FOR FAMILY OF INTEROPERABLE PICTURES.—The Secretary of Defense shall designate a single joint program office in the Department of Defense for the management of battlefield management command and control systems of the Armed Forces, known as the ''Family of Interoperable Pictures'', to improve the interoperability of such systems so that members of the Armed Forces may access a common operational picture of the battlefield. The office shall include at a minimum the Single Integrated Air Picture, the Single Integrated Ground Picture, the Single Integrated Maritime Picture, the Special Operations Forces Picture, and the Single Integrated Space Picture. The Secretary shall provide for the head of the office to be selected on a rotating basis among related offices of the Army, Navy, Air Force, and Marine Corps.

(b) COMMON SYSTEMS ARCHITECTURE.—The Secretary of Defense shall develop, implement, and maintain a common systems architecture for all battlefield management command and control systems included in the Family of Interoperable Pictures.

(c) CONSOLIDATED PROGRAM ELEMENTS.—All funds for development and procurement related to the Family of Interoperable Pictures shall be consolidated under the office designated under subsection (a).

(d) PROGRAM DEVELOPMENT.—The head of the office designated under subsection (a), subject to the authority, direction, and control of the Secretary of Defense, shall—

(1) establish and control the performance specifications for the battlefield management command and control systems included in the Family of Interoperable Pictures;

(2) establish and control the standards for development of the software and equipment for the Family of Interoperable Pictures;

(3) establish and control the standards for operation of the Family of Interoperable Pictures; and

(4) develop a single, unified concept of operations for all users of the Family of Interoperable Pictures.

Subtitle E—Readiness Reporting Requirements

SEC. 341. ANNUAL REPORT ON DEPARTMENT OF DEFENSE OPERATION AND FINANCIAL SUPPORT FOR MILITARY MUSEUMS.

(a) REPORT REQUIRED.—Chapter 23 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 489. Annual report on Department of Defense operation and financial support for military museums

''(a) REPORT REQUIRED.—As part of the budget materials submitted to Congress in connection with the submission of the budget for a fiscal year pursuant to section 1105 of title 31, but in no case later than March 15 of each year, the Secretary of Defense shall submit a report identifying all museums that, during the preceding fiscal year—

''(1) were operated by the Department of Defense or a military department; or

''(2) were otherwise supported using funds appropriated to the Department of Defense.

''(b) CONTENT OF REPORT.—For each museum identified in a report under this section, the Secretary of Defense shall include in the report the following:

''(1) The purpose and functions of the museum and the justification for the museum

''(2) A description of the facilities dedicated to the museum.

''(3) An itemized listing of the funds appropriated to the Department of Defense that were obligated to support the museum during the fiscal year covered by the report, as well as any other Federal funds, funds from a nonappropriated fund instrumentality account of the Department of Defense, and non-Federal funds obligated to support the museum.

''(4) The number of civilian employees of the Department of Defense who serve full-time or part-time at the museum.

''(5) The number of members of the armed forces who serve full-time or part-time at the museum.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''489. Annual report on Department of Defense operation and financial support for military museums.''.

SEC. 342. REPORT ON DEPARTMENT OF DEFENSE PROGRAMS FOR PREPOSITIONING OF MATERIAL AND EQUIPMENT.

(a) SECRETARY OF DEFENSE ASSESSMENT AND REPORT.—(1) The Secretary of Defense shall conduct an assessment of the programs of the Department of Defense for the prepositioning of material and equipment. Such assessment shall particularly focus on how those programs will be incorporated into achievement of the goals of the Secretary of Defense (referred to as the ''10–30–30'' goals) for the Armed Forces to have the capability, from the onset of a contingency situation, of deploying forces to a distant theater within 10 days, defeating an enemy within 30 days, and being ready for an additional conflict within another 30 days.

(2) The Secretary shall submit to Congress a report on such assessment not later than October 1, 2005.

(b) MATTERS TO BE INCLUDED.—The assessment under subsection (a) shall include the prepositioning programs of each of the Armed Forces and of the United States Special Operations Command as well as assessment of each of the following:

(1) Use of prepositioned equipment as part of Operation Iraqi Freedom and Operation Enduring Freedom and potential solutions to identified challenges.

(2) Changes to doctrine, strategy, and transportation plans to support the goals of the Secretary described in subsection (a) and referred to as the 10–30–30 goals in light of the current lift constraints facing both land and sea components of lift as well as the emerging mobility requirements.

(3) Modifications of the prepositioning programs of the Armed Forces in order to adapt to pending modularity concepts, future force structure changes, and new sea basing concepts in relation to current and potential areas of instability.

(4) Joint operations and training that include theater opening requirements at potential aerial and sea ports of debarkation, joint force reception capabilities, joint theater distribution operations, and use of joint prepositioned stocks and systems.

Subtitle F—Other Matters

SEC. 351. EXTENSION OF ARSENAL SUPPORT PROGRAM INITIATIVE.

(a) DURATION OF PROGRAM.—Subsection (a) of section 343 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 10 U.S.C. 4551 note) is amended by striking ''2004'' and inserting ''2008''.

(b) ADDITIONAL REPORT REQUIRED.—Subsection (g) of such section is amended—

(1) in paragraph (1), by striking ''2004'' and inserting ''2008''; and

(2) in paragraph (2), by striking ''2003'' and inserting ''2007''.

SEC. 352. LIMITATION ON PREPARATION OR IMPLEMENTATION OF MID-RANGE FINANCIAL IMPROVEMENT PLAN.

Amounts appropriated to the Department of Defense for fiscal year 2005 for operation and maintenance may not be obligated for the purpose of preparing or implementing the Mid-Range Financial Improvement Plan until the Secretary of Defense submits a report to the congressional defense committees containing, for each of the military departments and the Defense Agencies—

(1) an explanation of the manner in which funds will be used for such purpose during that fiscal year; and

(2) an estimate of the costs for future fiscal years to prepare and implement the plan.

SEC. 353. PROCUREMENT OF FOLLOW-ON CONTRACTS FOR THE OPERATION OF FIVE CHAMPION-CLASS T–5 TANK VESSELS.

The Secretary of the Navy may consider bids or proposals for the follow-on contracts for the Department of the Navy contracts for the operation of five Champion-class T–5 tank vessels only from an entity that is a citizen under section 2 of the Shipping Act, 1916 (46 App. U.S.C. 802).

SEC. 354. SENSE OF CONGRESS ON AMERICA'S NATIONAL WORLD WAR I MUSEUM.

(a) FINDINGS.—The Congress finds as follows:

(1) The Liberty Memorial Museum in Kansas City, Missouri, was built in 1926 in honor of those individuals who served in World War I in defense of liberty and the Nation.

(2) The Liberty Memorial Association, a nonprofit organization which originally built the Liberty Memorial Museum, is responsible for the finances, operations, and collections management of the Liberty Memorial Museum.

(3) The Liberty Memorial Museum is the only public museum in the Nation that exists for the exclusive purpose of interpreting

the experiences of the United States and its allies in the World War I years (1914–1918), both on the battlefield and on the home front.

(4) The Liberty Memorial Museum project began after the 1918 Armistice through the efforts of a large-scale, grassroots civic and fundraising effort by the citizens and veterans of the Kansas City metropolitan area. After the conclusion of a national architectural design competition, ground was broken in 1921, construction began in 1923, and the Liberty Memorial Museum was opened to the public in 1926.

(5) In 1994, the Liberty Memorial Museum closed for a massive restoration and expansion project. The restored museum reopened to the public on Memorial Day, 2002, during a gala rededication ceremony.

(6) Exhibits prepared for the original museum buildings presaged the dramatic, underground expansion of core exhibition gallery space, with over 30,000 square feet of new interpretive and educational exhibits currently in development. The new exhibits, along with an expanded research library and archives, will more fully utilize the many thousands of historical objects, books, maps, posters, photographs, diaries, letters, and reminiscences of World War I participants that are preserved for posterity in the Liberty Memorial Museum's collections. The new core exhibition is scheduled to open on Veterans Day, 2006.

(7) The City of Kansas City, the State of Missouri, and thousands of private donors and philanthropic foundations have contributed millions of dollars to build and later to restore this national treasure. The Liberty Memorial Museum continues to receive the strong support of residents from the States of Missouri and Kansas and across the Nation.

(8) Since the restoration and rededication of 2002, the Liberty Memorial Museum has attracted thousands of visitors from across the United States and many foreign countries.

(9) There remains a need to preserve in a museum setting evidence of the honor, courage, patriotism, and sacrifice of those Americans who offered their services and who gave their lives in defense of liberty during World War I, evidence of the roles of women and African Americans during World War I, and evidence of other relevant subjects.

(10) The Liberty Memorial Museum seeks to educate a diverse group of audiences through its comprehensive collection of historical materials, emphasizing eyewitness accounts of the participants on the battlefield and the home front and the impact of World War I on individuals, then and now. The Liberty Memorial Museum continues to actively acquire and preserve such materials.

(11) A great opportunity exists to use the invaluable resources of the Liberty Memorial Museum to teach the ''Lessons of Liberty'' to the Nation's schoolchildren through on-site visits, classroom curriculum development, distance learning, and other educational initiatives.

(12) The Liberty Memorial Museum should always be the Nation's museum of the national experience in the World War I years (1914–1918), where people go to learn about this critical period and where the Nation's history of this monumental struggle will be preserved so that generations of the 21st century may understand the role played by the United States in the preservation and advancement of democracy, freedom, and liberty in the early 20th century.

(13) This initiative to recognize and preserve the history of the Nation's sacrifices in World War I will take on added significance as the Nation approaches the centennial observance of this event.

(14) It is fitting and proper to refer to the Liberty Memorial Museum as ''America's National World War I Museum''.

(b) SENSE OF CONGRESS.—The Congress—

(1) recognizes the Liberty Memorial Museum in Kansas City, Missouri, including the museum's future and expanded exhibits, collections, library, archives, and educational programs, as ''America's National World War I Museum'';

(2) recognizes that the continuing collection, preservation, and interpretation of the historical objects and other historical materials held by the Liberty Memorial Museum enhance the knowledge and understanding of the Nation's people of the American and allied experience during the World War I years (1914–1918), both on the battlefield and on the home front;

(3) commends the ongoing development and visibility of ''Lessons of Liberty'' educational outreach programs for teachers and students throughout the Nation; and

(4) encourages the need for present generations to understand the magnitude of World War I, how it shaped the Nation, other countries, and later world events, and how the sacrifices made then helped preserve liberty, democracy, and other founding principles for generations to come.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2005, as follows:

(1) The Army, 482,400.

(2) The Navy, 365,900.

(3) The Marine Corps, 175,000.

(4) The Air Force, 359,700.

SEC. 402. REVISION IN PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVELS.

Effective October 1, 2004, section 691(b) of title 10, United States Code, is amended as follows:

(1) NAVY.—Paragraph (2) is amended by striking ''373,800'' and inserting ''365,900''.

(2) AIR FORCE.—Paragraph (4) is amended by striking ''359,300'' and inserting ''359,700''.

SEC. 403. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2005, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

(1) The Army National Guard of the United States, 10,300.

(2) The Army Reserve, 5,000.

(3) The Naval Reserve, 6,200.

(4) The Marine Corps Reserve, 2,500.

(5) The Air National Guard of the United States, 10,100.

(6) The Air Force Reserve, 3,600.

SEC. 404. ACCOUNTING AND MANAGEMENT OF RESERVE COMPONENT PERSONNEL PERFORMING ACTIVE DUTY OR FULL-TIME NATIONAL GUARD DUTY FOR OPERATIONAL SUPPORT.

(a) STRENGTH AUTHORIZATIONS.—Section 115 of title 10, United States Code, is amended—

(1) in subsection (a)(1)(A), by inserting ''unless on active duty pursuant to subsection (b)'' after ''active-duty personnel'';

(2) in subsection (a)(1)(B), by inserting ''unless on active duty or full-time National Guard duty pursuant to subsection (b)'' after ''reserve personnel'';

(3) by redesignating subsections (b), (c), (d), (e), (f), (g) and (h) as subsections (c), (d), (e), (f), (g), (h) and (i), respectively; and

(4) by inserting after subsection (a) the following new subsection (b):

''(b) CERTAIN RESERVES ON ACTIVE DUTY TO BE AUTHORIZED BY LAW.—(1) Congress shall annually authorize the maximum number of members of a reserve component permitted to be on active duty or full-time National Guard duty at any given time who are called or ordered to—

''(A) active duty under section 12301(d) of this title for the purpose of providing operational support, as prescribed in regulation issued by the Secretary of Defense;

''(B) full-time National Guard duty under section 502(f)(2) of title 32 for the purpose of providing operational support when authorized by the Secretary of Defense;

''(C) active duty under section 12301(d) of this title or full-time National Guard duty under section 502(f) of title 32 for the purpose of preparing for and performing funeral honors functions for funerals of veterans under section 1491 of this title;

''(D) active duty or retained on active duty under sections 12301(g) of this title while in a captive status; or

''(E) active duty or retained on active duty under 12301(h) or 12322 of this title for the purpose of medical evaluation or treatment.

''(2) A member of a reserve component who exceeds either of the following limits shall be included in the strength authorized under subparagraph (A) or subparagraph (B), as appropriate, of subsection (a)(1):

''(A) A call or order to active duty or full-time National Guard duty that specifies a period greater than three years.

''(B) The cumulative periods of active duty and full-time National Guard duty performed by the member exceed 1095 days in the previous 1460 days.

''(3) In determining the period of active service under paragraph (2), the following periods of active service performed by a member shall not be included:

''(A) All periods of active duty performed by a member who has not previously served in the Selected Reserve of the Ready Reserve.

''(B) All periods of active duty or full-time National Guard duty for which the member is exempt from strength accounting under paragraphs (1) through (7) of subsection (i).''.

(b) LIMITATION ON APPROPRIATIONS.—Subsection (c) of such section (as redesignated by subsection (a)(3)) is amended—

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

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

(3) by inserting after paragraph (2) the following new paragraph:

''(3) the use of reserve component personnel to perform active duty or full-time National Guard duty under subsection (b) unless the strength for such personnel for that reserve component for that fiscal year has been authorized by law.''.

(c) AUTHORITY FOR SECRETARY OF DEFENSE VARIANCES IN MAXIMUM STRENGTHS.—Subsection (f) of such section (as redesignated by subsection (a)(2)) is amended—

(1) by striking ''END'' in the heading;

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

(3) by striking the period at the end of paragraph (3) and inserting ''; and''; and

(4) by adding at the end the following new paragraph:

''(4) increase the maximum strength authorized pursuant to subsection (b)(1) for a fiscal year for certain reserves on active duty for any of the reserve components by a number equal to not more than 10 percent of that strength.''.

(d) CONFORMING AMENDMENTS TO SECTION 115.—Such section is further amended as follows:

(1) Subsection (e) (as redesignated by subsection (a)(3)) is amended—

(A) in paragraph (1), by striking ''subsection (a) or (c)'' and inserting ''subsection (a) or (d)''; and

(B) in paragraph (2)—

(i) by striking ''subsections (a) and (c)''; and inserting ''subsections (a) and (d)'';

(ii) by striking ''pursuant to subsection (e)) and subsection (c)'' and inserting ''pursuant to subsection (f)) and subsection (d)'' each place it appears.

(2) Subsection (g) (as redesignated by subsection (a)(3)) is amended by striking ''subsection (e)(1)'' in paragraph (2) and inserting ''subsection (f)(1)''.

(3) Subsection (i) (as redesignated by subsection (a)(3)) is amended to read as follows:

''(i) CERTAIN PERSONNEL EXCLUDED FROM COUNTING FOR ACTIVE-DUTY END STRENGTHS.—In counting personnel for the purpose of the end strengths authorized pursuant to subsection (a)(1), persons in the following categories shall be excluded:

''(1) Members of a reserve component ordered to active duty under section 12301(a) of this title.

''(2) Members of a reserve component in an active status ordered to active duty under section 12301(b) of this title.

''(3) Members of the Ready Reserve ordered to active duty under section 12302 of this title.

''(4) Members of the Selected Reserve of the Ready Reserve or members of the Individual Ready Reserve mobilization category described in section 10144(b) of this title ordered to active duty under section 12304 of this title.

''(5) Members of the National Guard called into Federal service under section 12406 of this title.

''(6) Members of the militia called into Federal service under chapter 15 of this title.

''(7) Members of reserve components on active duty for training.

''(8) Members of the Selected Reserve of the Ready Reserve on active duty to support programs described in section 1203(b) of the Cooperative Threat Reduction Act of 1993 (22 U.S.C. 5952(b)).

''(9) Members of the National Guard on active duty or full-time National Guard duty for the purpose of carrying out drug interdiction and counter-drug activities under section 112 of title 32.

''(10) Members of a reserve component on active duty under section 10(b)(2) of the Military Selective Service Act (50 U.S.C. App. 460(b)(2)) for the administration of the Selective Service System.

''(11) Members of the National Guard on full-time National Guard duty for the purpose of providing command, administrative, training, or support services for the National Guard Challenge Program authorized by section 509 of title 32.''.

(e) MILITARY TO MILITARY CONTACT STRENGTH ACCOUNTING.—Subsection (f) of section 168 of such title is amended to read as follows:

''(f) ACTIVE DUTY END STRENGTHS.—A member of a reserve component who is engaged in activities authorized under this section shall not be counted for purposes of the following personnel strength limitations:

''(1) The end strength for active-duty personnel authorized pursuant to section 115(a)(1) of this title for the fiscal year in which the member carries out the activities referred to under this section.

''(2) The authorized daily average for members in pay grades E–8 and E–9 under section 517 of this title for the calendar year in which the member carries out such activities.

(3) The authorized strengths for commissioned officers under section 523 of this title for the fiscal year in which the member carries out such activities.

(f) E–8 AND E–9 STRENGTH ACCOUNTING.—Subsection (a) of section 517 of such title is amended by striking ''(other than for training) in connection with organizing, administering, recruiting, instructing, or training the reserve component of an armed force.'' and inserting ''as authorized under section 115(a)(1)(B) or 115(b) of this title, or excluded from counting for active duty end strengths under section 115(i) of this title.''.

(g) FIELD GRADE OFFICER STRENGTH ACCOUNTING.—(1) Paragraph (1) of section 523(b) of such title is amended to read as follows:

''(A) on active duty as authorized under section 115(a)(1)(B) or 115(b)(1) of this title, or excluded from counting for active duty end strengths under section 115(i) of this title;

''(B) on active duty under section 10211, 10302 through 10305, or 12402 of this title or under section 708 of title 32; or

''(C) on full-time National Guard duty.''; and

(2) Paragraph (7) of section 523(b) is amended by striking ''Reserve or retired officers'' and inserting ''Retired officers''.

(h) ACTIVE GUARD AND RESERVE FIELD GRADE OFFICER STRENGTH ACCOUNTING.—Paragraph (2) of section 12011(e) of such title is amended to read as follows:

''(2) Full-time National Guard duty (other than for training) under section 502(f) of title 32, except for duty under section 115(b)(1)(B) and (C) of this title and section 115(i)(9) of this title.''.

(i) WARRANT OFFICER ACTIVE-DUTY LIST EXCLUSION.—Paragraph (1) of section 582 of such title is amended to read as follows:

''(1) Reserve warrant officers—

''(A) on active duty as authorized under section 115(a)(1)(B) or 115(b)(1) of this title, or excluded from counting for active duty end strengths under section 115(i) of this title; or

''(B) on full-time National Guard duty.''.

(j) OFFICER ACTIVE-DUTY LIST, APPLICABILITY OF CHAPTER.—Paragraph (1) of section 641 of such is amended to read as follows:

''(1) Reserve officers—

''(A) on active duty authorized under section 115(a)(1)(B) or 115(b)(1) of this title, or excluded from counting for active duty end strengths under section 115(i) of this title;

''(B) on active duty under section 3038, 5143, 5144, 8038, 10211, 10301 through 10305, 10502, 10505, 10506(a), 10506(b), 10507, or 12402 of this title or section 708 of title 32; or

''(C) on full-time National Guard duty.''.

(k) STRENGTH ACCOUNTING FOR MEMBERS PERFORMING DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.—Section 112 of title 32, United States Code, is amended—

(1) by striking subsection (e);

(2) by redesignating subsections (f), (g), (h) and (i) as subsections (e), (f), (g) and (h) respectively; and

(3) in paragraph (1) of subsection (e), as redesignated by paragraph (2), by striking ''for a period of more than 180 days'' each place it appears.

(l) REPORT.—Not later than June 1, 2005, the Secretary of Defense shall report to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives the Secretary's recommendations regarding the exemptions provided in paragraphs (8) through (11) by section 115(i) of title 10, United States Code, as amended by this section. The recommendations shall address the manner in personnel covered by those exemptions shall be accounted for in authorizations provided by section 115 of such title. The objective of the analysis should be to terminate the need for such exemptions after September 30, 2006.

(m) REGULATIONS.—The Secretary of Defense shall prescribe by regulation the meaning of the term ''operational support'' for purposes of paragraph (1) of subsection (b) of section 115 of title 10, United States Code, as added by subsection (a).

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2005, as follows:

(1) The Army National Guard of the United States, 350,000.

(2) The Army Reserve, 205,000.

(3) The Naval Reserve, 83,400.

(4) The Marine Corps Reserve, 39,600.

(5) The Air National Guard of the United States, 106,800.

(6) The Air Force Reserve, 76,100.

(7) The Coast Guard Reserve, 10,000.

(b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2005, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 26,476.

(2) The Army Reserve, 14,970.

(3) The Naval Reserve, 14,152.

(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United States, 12,225.

(6) The Air Force Reserve, 1,900.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2005 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 7,299.

(2) For the Army National Guard of the United States, 25,076.

(3) For the Air Force Reserve, 9,954.

(4) For the Air National Guard of the United States, 22,956.

SEC. 414. FISCAL YEAR 2005 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—(1) Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2005, may not exceed the following:

(A) For the Army National Guard of the United States, 1,600.

(B) For the Air National Guard of the United States, 350.

(2) The number of non-dual status technicians employed by the Army Reserve as of September 30, 2005, may not exceed 795.

(3) The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2005, may not exceed 90.

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term ''non-dual status technician'' has the meaning given that term in section 10217(a) of title 10, United States Code.

Subtitle C—Authorizations of Appropriations

SEC. 421. MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2005 a total of $104,647,558,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2005.

SEC. 422. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2005 from the Armed Forces Retirement Home Trust Fund the sum of $61,195,000 for the operation of the Armed Forces Retirement Home.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—General and Flag Officer Matters

SEC. 501. LENGTH OF SERVICE FOR SERVICE CHIEFS.

(a) CHIEF OF STAFF OF THE ARMY.—Paragraph (1) of section 3033(a) of title 10, United States Code, is amended—

(1) by striking ''for a period of four years'' in the first sentence; and

(2) by striking the second and third sentences and inserting the following: ''The Chief of Staff serves at the pleasure of the President for a term of four years. The President may extend the service of an officer as Chief of Staff for an additional period of not to exceed two years. In time of war or during a national emergency declared by Congress, the President may extend the service of an officer as Chief of Staff for such additional periods as the President determines necessary, except that the total period of an officer's service as Chief of Staff may not exceed eight years.''.

(b) CHIEF OF NAVAL OPERATIONS.—Paragraph (1) of section 5033(a) of such title is amended by striking the third and fourth sentences and inserting the following: ''The Chief of Naval Operations serves at the pleasure of the President. The President may extend the service of an officer as Chief of Naval Operations for an additional period of not to exceed two years. In time of war or during a national emergency declared by Congress, the President may extend the service of an officer as Chief of Naval Operations for such additional periods as the President determines necessary, except that the total period of an officer's service as Chief of Naval Operations may not exceed eight years.''.

(c) COMMANDANT OF THE MARINE CORPS.—Paragraph (1) of section 5043(a) of such title is amended by striking the third and fourth sentences and inserting the following: ''The Commandant serves at the pleasure of the President. The President may extend the service of an officer as Commandant for an additional period of not to exceed two years. In time of war or during a national emergency declared by Congress, the President may extend the service of an officer as Commandant for such additional periods as the President determines necessary, except that the total period of an officer's service as Commandant may not exceed eight years.''.

(d) CHIEF OF STAFF OF THE AIR FORCE.—Paragraph (1) of section 8033(a) of such title is amended to read as follows:

(1) by striking ''for a period of four years'' in the first sentence; and

(2) by striking the second and third sentences and inserting the following: ''The Chief of Staff serves at the pleasure of the President for a period of four years. The President may extend the service of an officer as Chief of Staff for an additional period of not to exceed two years. In time of war or during a national emergency declared by Congress, the President may extend the service of an officer as Chief of Staff for such additional periods as the President determines necessary, except that the total period of an officer's service as Chief of Staff may not exceed eight years.''.

SEC. 502. REPEAL OF REQUIREMENT THAT DEPUTY CHIEFS AND ASSISTANT CHIEFS OF NAVAL OPERATIONS BE SELECTED FROM OFFICERS IN THE LINE OF THE NAVY.

(a) DEPUTY CHIEFS OF NAVAL OPERATIONS.—Section 5036(a) of title 10, United States Code, is amended by striking ''in the line''.

(b) ASSISTANT CHIEFS OF NAVAL OPERATIONS.—Section 5037(a) of such title is amended by striking ''in the line''.

SEC. 503. INCREASE IN AGE LIMIT FOR DEFERRAL OF MANDATORY RETIREMENT FOR UP TO 10 SENIOR GENERAL AND FLAG OFFICERS.

Section 1251(b) of title 10, United States Code, is amended by striking ''64 years of age'' and inserting ''66 years of age''.

SEC. 504. INCREASED FLEXIBILITY FOR VOLUNTARY RETIREMENT FOR MILITARY OFFICERS.

(a) IN GENERAL.—Section 1370 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''except as provided in paragraph (2)'' and inserting ''subject to paragraphs (2) and (3)''; and

(ii) by striking '', for not less than six months'';

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by striking paragraph (2) and inserting the following:

''(2) In order to be eligible for voluntary retirement under this title in a grade below the grade of lieutenant colonel or commander, a commissioned officer of the Army, Navy, Air Force, or Marine Corps covered by paragraph (1) must have served on active duty in that grade for not less than six months.

''(3)(A) In order to be eligible for voluntary retirement in a grade above major or lieutenant commander and below brigadier general or rear admiral (lower half), a commissioned officer of the Army, Navy, Air Force, or Marine Corps covered by paragraph (1) must have served on active duty in that grade for not less than three years, except that the Secretary of Defense may authorize the Secretary of the military department concerned to reduce such period to a period not less than two years.

''(B) In order to be eligible for voluntary retirement in a grade above colonel or captain, in the case of the Navy, a commissioned officer of the Army, Navy, Air Force, or Marine Corps covered by paragraph (1) must have served on active duty in that grade for not less than one year.

''(C) An officer in a grade above major general or rear admiral may be retired in the highest grade in which the officer served on active duty satisfactorily for not less than one year, upon approval by the Secretary of the military department concerned and concurrence by the Secretary of Defense. The function of the Secretary of Defense under the preceding sentence may only be delegated to a civilian official in the Office of the Secretary of Defense appointed by the President, by and with the advice and consent of the Senate.

''(D) The President may waive subparagraph (A), (B) or (C) in individual cases involving extreme hardship or exceptional or unusual circumstances. The authority of the President under the preceding sentence may not be delegated.'';

(2) in subsection (b), by inserting ''or whose service on active duty in that grade was not determined to be satisfactory by the Secretary of the military department concerned'' after ''specified in subsection (a)'';

(3) by striking subsection (c); and

(4) by redesignating subsection (d) as subsection (c) and in that subsection—

(A) in paragraph (3)—

(i) in subparagraph (A)—

(I) by inserting ''(i)'' after ''(3)(A)'';

(II) by inserting ''and below brigadier general or rear admiral (lower half)'' after ''lieutenant commander'';

(III) by inserting '', except that the Secretary of Defense may authorize the Secretary of the military department concerned to reduce such period to a period not less than two years'' after ''three years''; and

(IV) by adding at the end the following new clauses:

''(ii) In order to be credited with satisfactory service in a grade above colonel or captain, in the case of the Navy, a person covered by paragraph (1) must have served satisfactorily in that grade (as determined by the Secretary of the military department concerned) as a reserve commissioned officer in active status, or in a retired status on active duty, for not less than one year.

''(iii) An officer covered by paragraph (1) who is in a grade above the grade of major general or rear admiral may be retired in the highest grade in which the officer served satisfactorily for not less than one year, upon approval by the Secretary of the military department concerned and concurrence by the Secretary of Defense. The function of the Secretary of Defense under the preceding sentence may only be delegated to a civilian official in the Office of the Secretary of Defense appointed by the president, by and with the advice and consent of the Senate.'';

(ii) in subparagraphs (D) and (E), by striking subparagraph (A)'' and inserting ''subparagraph (A)(i)''; and

(iii) by striking subparagraph (F); and

(B) by striking paragraphs (5) and (6); and

(5) by striking subsection (e).

(b) CONFORMING AMENDMENTS.—Section 1406(i)(2) of such title is amended—

(1) in the paragraph heading, by striking ''MEMBERS'' and all that follows through ''SATISFACTORILY'' and inserting ''ENLISTED MEMBERS REDUCED IN GRADE'';

(2) by striking ''a member'' and inserting ''an enlisted member'';

(3) by striking ''1998—'' and all that follows through ''is reduced in'' and inserting ''1998, is reduced in'';

(4) by striking ''; or'' and inserting a period; and

(5) by striking subparagraph (B).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the determination of the retired grade of members of the Armed Forces retiring on or after the date of the enactment of this Act.

SEC. 505. REPEAL OF REQUIREMENT THAT NO MORE THAN 50 PERCENT OF ACTIVE DUTY GENERAL AND FLAG OFFICERS BE IN GRADES ABOVE BRIGADIER GENERAL AND REAR ADMIRAL (LOWER HALF).

(a) REPEAL OF DISTRIBUTION REQUIREMENT.—Subsection (a) of section 525 of title 10, United States Code, is repealed.

(b) REORGANIZATION OF SECTION.—Such section is further amended—

(1) by striking ''(b)(1) No appointment'' and inserting ''(a) LIMITATION ON NUMBER OF GENERAL AND FLAG OFFICERS IN SENIOR GRADES.—(1) No appointment''; and

(2) by striking ''(3) An officer'' and inserting ''(b) SPECIAL RULES AND EXCEPTIONS.—(1) An officer''; and

(3) by redesignating paragraphs (4), (5), (6), (7), and (8) as paragraphs (2), (3), (4), (5), and (6), respectively.

(c) CONFORMING AMENDMENTS.—(1) Subsection (b) of such section (as designated by subsection (a)(2)) is amended as follows:

(A) Paragraph (1) (as redesignated by subsection (a)(2)), paragraph (2)(A) (as redesignated by subsection (a)(3)), and paragraph (6) (as redesignated by subsection (a)(3)) are amended by striking ''paragraph (1) or (2)'' and inserting ''subsection (a)''.

(B) Paragraph (3)(A) (as so redesignated) is amended by striking ''under the first sentence of paragraph (1) or (2), as applicable'' and inserting ''under subsection (a)''.

(C) Paragraph (4) (as so redesignated) and the first and third sentences of paragraph (5) (as so redesignated) are amended by striking ''paragraph (1)'' and inserting ''subsection (a)(1)''.

(D) The second sentence of paragraph (5) (as so redesignated) is amended by striking ''paragraph (1) or (2)'' and inserting ''subsection (a)(2)''.

(2) Subsection (c) of such section is amended—

(A) by striking ''(c)(1)'' and inserting '(c) 'REALLOCATION AUTHORITY.—(1)'';

(B) in paragraph (1)(A), by striking ''subsection (b)(1)'' and inserting ''subsection (a)(1)'';

(C) in paragraph (1)(B), by striking ''subsection (b)(2)'' and inserting ''subsection (a)(2)''; and

(D) in paragraph (3)(A), by striking ''subsection (b)'' and inserting ''subsections (a) and (b)''.

(3) Subsection (d) of such section is amended by inserting ''SPECIAL RULE FOR OFFICERS FORMERLY ON JOINT CHIEFS OF STAFF.—'' after ''(d)''.

(d) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 525. Distribution in grade: general and flag officers on active duty".

(2) The item relating to such section in the table of sections at the beginning of chapter 32 of such title is amended to read as follows:

''525. Distribution in grade: general and flag officers on active duty.''.

SEC. 506. REVISION TO TERMS FOR ASSISTANTS TO THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF FOR NATIONAL GUARD AND RESERVE MATTERS.

(a) CODIFICATION AND REVISION.—Chapter 5 of title 10, United States Code, is amended by adding at the end a new section 156 consisting of—

(1) the following section heading:

"§ 156. Assistants to the Chairman for National Guard matters and for Reserve matters";

and

(2) a text consisting of the text of subsections (a) through (f)(1) of section 901 of the National Defense Authorization Act for Fiscal Year 1998 (10 U.S.C. 155 note), revised—

(A) in subsection (c), by deleting ''two years'' and inserting ''four years''; and

(B) in subsection (f), by deleting ''(1)''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''156. Assistants to the Chairman for National Guard members and for Reserve matters.''.

(c) CONFORMING REPEAL.—Section 901 of the National Defense Authorization Act for Fiscal Year 1998 (10 U.S.C. 155 note) is repealed.

SEC. 507. SUCCESSION FOR POSITION OF CHIEF, NATIONAL GUARD BUREAU.

(a) DESIGNATION OF SENIOR OFFICER IN NATIONAL GUARD BUREAU.—Section 10502 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) SUCCESSION.—(1) Unless otherwise directed by the President or Secretary of Defense, when there is a vacancy in the office of the Chief of the National Guard Bureau or in the event the Chief of the National Guard Bureau is unable to perform the duties of that office, the senior of the officers specified in paragraph (2) shall serve as the acting Chief until a successor is appointed or the Chief once again is able to perform the duties of that office.

''(2) The officers specified in this paragraph are the following:

''(A) The senior officer of the Army National Guard of the United States on duty with the National Guard Bureau.

''(B) The senior officer of the Air National Guard of the United States on duty with the National Guard Bureau.''.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 10502. Chief of the National Guard Bureau: appointment; adviser on National Guard matters; grade; succession".

(2) The item relating to such section in the table of sections at the beginning of chapter 1011 of such title is amended to read as follows:

''10502. Chief of the National Guard Bureau: appointment; adviser on National Guard matters; grade; succession.''.

(c) REPEALER.—Subsections (d) and (e) of section 10505 of such title are repealed.

SEC. 508. TITLE OF VICE CHIEF OF THE NATIONAL GUARD BUREAU CHANGED TO DIRECTOR OF THE JOINT STAFF OF THE NATIONAL GUARD BUREAU.

(a) IN GENERAL.—Section 10505 of title 10, United States Code, as amended by section 507(c), is amended by striking ''Vice Chief of the National Guard Bureau'' each place it appears in subsections (a), (b), and (c) and inserting ''Director of the Joint Staff of the National Guard Bureau''.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 10505. Director of the Joint Staff of the National Guard Bureau".

(2) The item relating to such section in the table of sections at the beginning of chapter 1011 of such title is amended to read as follows:

''10505. Director of the Joint Staff of the National Guard Bureau.''.

SEC. 509. TWO-YEAR EXTENSION OF AUTHORITY TO WAIVE REQUIREMENT THAT RESERVE CHIEFS AND NATIONAL GUARD DIRECTORS HAVE SIGNIFICANT JOINT DUTY EXPERIENCE.

(a) EXTENSION.—Sections 3038(b)(4), 5143(b)(4), 5144(b)(4), 8038(b)(4), and 10506(a)(3)(D) of title 10, United States Code, are amended by striking ''December 31, 2004,'' and inserting ''December 31, 2006,''.

(b) FUTURE COMPLIANCE.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a plan for ensuring that all officers selected after December 31, 2006, for recommendation for appointment as a Reserve chief or National Guard director have significant joint duty experience, as required by law, and may be so recommended without requirement for a wavier of such requirement. Such plan shall be developed in coordination with the Chairman of the Joint Chiefs of Staff.

SEC. 510. REPEAL OF DISTRIBUTION REQUIREMENTS FOR NAVAL RESERVE FLAG OFFICERS.

Subsection (c) of 12004 of title 10, United States Code, is amended—

(1) by striking ''(1)'' after ''(c)''; and

(2) by striking the second sentence and all that follows through the end of the subsection.

Subtitle B—Other Officer Personnel Policy Matters

SEC. 511. TRANSITION OF ACTIVE-DUTY LIST OFFICER FORCE TO ALL REGULAR STATUS.

(a) REPEAL OF REQUIREMENT THAT ACTIVE-DUTY OFFICERS SERVE IN A RESERVE COMPONENT FOR AT LEAST ONE YEAR BEFORE RECEIVING A REGULAR COMMISSION.—Section 532 of title 10, United States Code, is amended by striking subsection (e).

(b) REVISION TO QUALIFICATIONS FOR ORIGINAL APPOINTMENT AS A COMMISSIONED OFFICER.—(1) Section 532 of such title is further amended by adding at the end the following new subsection:

''(f) The Secretary of Defense may waive the requirement of paragraph (1) of subsection (a) with respect to a person who has been lawfully admitted to the United States for permanent residence when the Secretary determines that the national security so requires, but only for an original appointment in a grade below the grade of major or lieutenant commander.''.

(2) Section 619(d) of such title is amended by adding at the end the following new paragraph:

''(5) An officer of the Army, Air Force, or Marine Corps in the grade of captain, or of the Navy in the grade of lieutenant, who is not a citizen of the United States.''.

(c) REPEAL OF LIMITATIONS ON TOTAL STRENGTH OF REGULAR COMMISSIONED OFFICERS ON ACTIVE-DUTY.—Section 522 of such title is repealed. The table of sections at the beginning of chapter 31 of such title is amended by striking the item relating to that section.

(d) AUTHORITY FOR ORIGINAL APPOINTMENT OF REGULAR OFFICERS IN JUNIOR GRADES TO BE MADE BY PRESIDENT ALONE.—Section 531(a) of such title is amended to read as follows:

''(a)(1) Original appointments in the grades of second lieutenant, first lieutenant, and captain in the Regular Army, Regular Air Force, and Regular Marine Corps and in the grades of ensign, lieutenant (junior grade), and lieutenant in the Regular Navy shall be made by the President alone.

''(2) Original appointments in the grades of major, lieutenant colonel, and colonel in the Regular Army, Regular Air Force, and Regular Marine Corps and in the grades of lieutenant commander, commander, and captain in the Regular Navy shall be made by the President, by and with the advice and consent of the Senate.''.

(e) TERMINATION OF REQUIREMENT OF 6 YEARS SERVICE IN A RESERVE COMPONENT FOR NONREGULAR SERVICE RETIREMENT ELIGIBILITY.—(1) Section 12731(a)(3) of such title is amended by inserting after ''(3)'' the following: ''in the case of a person who completed the service requirements of paragraph (2) before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2005,''.

(f) ALL REGULAR OFFICER APPOINTMENTS FOR STUDENTS ATTENDING UNIVERSITY OF HEALTH SCIENCES.—Section 2114(b) of such title is amended by striking the first two

sentences and inserting the following: ''They shall be appointed in a regular component of the uniformed services and shall serve on active duty as a second lieutenant or ensign (or the equivalent).''.

SEC. 512. MANDATORY RETENTION ON ACTIVE DUTY TO QUALIFY FOR RETIREMENT PAY.

Section 12686(a) of title 10, United States Code, is amended by inserting ''(other than the retirement system under chapter 1223 of this title)'' after ''retirement system''.

SEC. 513. DISTRIBUTION IN GRADE OF MARINE CORPS RESERVE OFFICERS IN AN ACTIVE STATUS IN GRADES BELOW BRIGADIER GENERAL

The table in section 12005(c)(1) of title 10, United States Code, is amended to read as follows:

''Colonel	2 percent
Lieutenant colonel	8 percent
Major	16 percent
Captain	39 percent
First lieutenant and second lieutenant (when combined with the number authorized for general officer grades under section 12004 of this title)	35 percent.''.

SEC. 514. TUITION ASSISTANCE FOR OFFICERS.

(a) AUTHORITY TO REDUCE OR WAIVE ACTIVE DUTY SERVICE OBLIGATION.—Subsection (b) of section 2007 of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b)'';

(2) by inserting ''or full-time National Guard duty'' after ''active duty'' each place it appears; and

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

''(2) Notwithstanding paragraph (1), the Secretary of the military department may reduce or waive the active duty service obligation—

''(A) in the case of a commissioned officer who is subject to mandatory separation;

''(B) in the case of a commissioned officer who has completed the period of active duty service in support of a contingency operation; or

''(C) in other exigent circumstances as determined by the Secretary.'.

(b). INCREASE IN TUITION ASSISTANCE AUTHORIZED FOR ARMY OFFICERS IN THE SELECTED RESERVE.—Paragraph (1) of section 2007(c) of title 10, United States Code, is amended to read as follows:

''(1) Subject to paragraphs (2) and (3), the Secretary of the Army may pay the charges of an educational institution for the tuition or expenses of an officer in the Selected Reserve of the Army National Guard or the Army Reserve for education or training of such officer.''.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) may, at the discretion of the Secretary concerned, be applied to a service obligation incurred by an officer serving on active duty as of the date of the enactment of this Act.

Subtitle C—Reserve Component Matters

SEC. 521. REVISION TO STATUTORY PURPOSE OF THE RESERVE COMPONENTS.

Subsection 10102 of title 10, United States Code, is amended by striking '', during'' and all that follows through ''planned mobilization,''.

SEC. 522. IMPROVED ACCESS TO RESERVE COMPONENT MEMBERS FOR ENHANCED TRAINING.

(a) RESERVE COMPONENTS GENERALLY.—Section 12301 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''(other than for training)'';

(2) in subsection (c)—

(A) in the first sentence, by striking ''(other than for training)'' and inserting ''as provided in subsection (a)''; and

(B) in the second sentence, by striking ''ordered to active duty (other than for training)'' and inserting ''so ordered to active duty''; and

(3) in subsection (e), by striking ''(other than for training)'' and inserting ''as provided in subsection (a)''.

(b) READY RESERVE.—Section 12302 of such title is amended by striking ''(other than for training)'' in subsections (a) and (c).

(c) ORDER TO ACTIVE DUTY OTHER THAN DURING WAR OR NATIONAL EMERGENCY.—Section 12304(a) of such title is amended by striking ''(other than for training)''.

(d) STANDBY RESERVE.—Section 12306 of such title is amended—

(1) in subsection (a), by striking ''(other than for training) only''; and

(2) in subsection (b), by striking ''(other than for training)'' in paragraphs (1) and (2) and inserting ''as provided in section 12301(a) of this title''.

(d) STANDBY RESERVE.—Section 12306 of such title is amended by striking ''(other than for training)'' each place it appears and inserting ''as provided in section 12301(a)''.

SEC. 523. STATUS UNDER DISABILITY RETIREMENT SYSTEM FOR RESERVE MEMBERS RELEASED FROM ACTIVE DUTY DUE TO INABILITY TO PERFORM WITHIN 30 DAYS OF CALL TO ACTIVE DUTY.

(a) IN GENERAL.—Chapter 61 of title 10, United States Code, is amended by inserting after section 1206 the following new section:

''§ 1206a. Reserve component members unable to perform duties when ordered to active duty: disability system processing

''(a) MEMBERS RELEASED FROM ACTIVE DUTY WITHIN 30 DAYS.—A member of a reserve component who is ordered to active duty for a period of more than 30 days and is released from active duty within 30 days of commencing such period of active duty for a reason stated in subsection (b) shall be considered for all purposes under this chapter to have been serving under an order to active duty for a period of 30 days or less.

''(b) APPLICABLE REASONS FOR RELEASE.—Subsection (a) applies in the case of a member released from active duty because of a failure to meet—

''(1) physical standards for retention; or

''(2) medical or dental standards for deployment due to a preexisting condition not aggravated during the period of active duty.

''(c) SAVINGS PROVISION FOR MEDICAL CARE PROVIDED WHILE ON ACTIVE DUTY.—Notwithstanding subsection (a), any benefit under chapter 55 of this title received by a member described in subsection (a) or a dependent of such member before or during the period of active duty shall not be subject to recoupment or otherwise affected.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1206 the following new item:

''1206a. Reserve component members unable to perform duties when ordered to active duty: disability system processing.''.

SEC. 524. FEDERAL CIVIL SERVICE MILITARY LEAVE FOR RESERVE AND NATIONAL GUARD CIVILIAN TECHNICIANS.

Section 6323(d)(1) of title 5, United States Code is amended by striking ''(other than active duty during a war or national emergency declared by the President or Congress)''.

SEC. 525. EXPANDED EDUCATIONAL ASSISTANCE AUTHORITY FOR OFFICERS COMMISSIONED THROUGH ROTC PROGRAM AT MILITARY JUNIOR COLLEGES.

(a) FINANCIAL ASSISTANCE PROGRAM FOR SERVICE ON ACTIVE DUTY.—Section 2107(c) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(5)(A) The Secretary of the Army may provide an individual who received a commission as a Reserve officer in the Army from a military junior college through a program under this chapter and who does not have a baccalaureate degree with financial assistance for pursuit of a baccalaureate degree.

''(B) Such assistance is in addition to any financial assistance provided under paragraph (1), (3), or (4).

''(C) The agreement and reimbursement requirements established in section 2005 of this title are applicable to financial assistance under this paragraph.

''(D) An officer receiving financial assistance under this paragraph shall be attached to the unit of the Army at the educational institution at which the officer is pursuing a baccalaureate degree and shall be considered to be a member of the Senior Reserve Officers' Training Corps on inactive duty for training, as defined in section 101(23) of title 38.

''(E) A qualified officer who did not previously receive financial assistance under this section is eligible to receive educational assistance under this paragraph.

''(F) A Reserve officer may not be called or ordered to active duty for a deployment while participating in the program under this paragraph.

''(G) Any service obligation incurred by an officer under an agreement entered into under this paragraph shall be in addition to any service obligation incurred by that officer under any other provision of law or agreement.

''(H) The amount obligated during any fiscal year under this paragraph and paragraph (4) of section 2107a(c) of this title may not exceed a total of $1,500,000.''.

(b) FINANCIAL ASSISTANCE PROGRAM FOR SERVICE IN TROOP PROGRAM UNITS.—Section 2107a(c) of such title is amended by adding at the end the following new paragraphs:

''(4)(A) The Secretary of the Army may provide an individual who received a commission as a Reserve officer in the Army from a military junior college through a program under this chapter and who does not have a baccalaureate degree with financial assistance for pursuit of a baccalaureate degree.

''(B) Such assistance is in addition to any provided under paragraph (1) or (2).

''(C) The agreement and reimbursement requirements established in section 2005 of this title are applicable to financial assistance under this paragraph.

''(D) An officer receiving financial assistance under this paragraph shall be attached to the unit of the Army at the educational institution at which the officer is pursuing a baccalaureate degree and shall be considered to be a member of the Senior Reserve Officers' Training Corps on inactive duty for training, as defined in section 101(23) of title 38.

''(E) A qualified officer who did not previously receive financial assistance under this section is eligible to receive educational assistance under this paragraph.

''(F) A Reserve officer may not be called or ordered to active duty for a deployment while participating in the program under this paragraph.

''(G) Any service obligation incurred by an officer under an agreement entered into under this paragraph shall be in addition to any service obligation incurred by that officer under any other provision of law or agreement.''.

''(H) As provided in subparagraph (H) of section 2107(c)(5) of this title, the amount obligated during any fiscal year under this

paragraph and paragraph (5) of section 2107(c) of this title may not exceed a total of $1,500,000.''.

(c) REPEAL OF SUNSET PROVISION FOR FINANCIAL ASSISTANCE PROGRAM FOR STUDENTS NOT ELIGIBLE FOR ADVANCED TRAINING.—Section 2103a of such title is amended by striking subsection (d).

(d) ANNUAL IMPLEMENTATION REPORT.—The Secretary of the Army shall submit to the Committees on Armed Services of the Senate and House of Representatives an annual report, for each of the next six years after the enactment of this Act, providing information on the experience of the Department of Defense during the preceding year under paragraph (5) of section 2107(c) of title 10, United States Code, as added by subsection (a), and under paragraph (4) of section 2107a(c) of title 10, United States Code, as added by subsection (b). The report for with respect to any year shall be submitted not later March 31 of the following year.

SEC. 526. EFFECT OF APPOINTMENT OR COMMISSION AS OFFICER ON ELIGIBILITY FOR SELECTED RESERVE EDUCATION LOAN REPAYMENT PROGRAM FOR ENLISTED MEMBERS.

(a) CONTINUATION OF LOAN REPAYMENT.—Section 16301(a) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking ''The Secretary'' in the first sentence and inserting ''Except as provided in paragraph (3), the Secretary of Defense''; and

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

''(3) In the case of a commitment made by the Secretary of Defense after the date of the enactment of this paragraph to repay a loan under paragraph (1) conditioned upon the performance by the borrower of service as an enlisted member under paragraph (2), the Secretary shall repay the loan for service performed by the borrower as an officer (rather than as an enlisted member) in the case of a borrower who, after such commitment is entered into and while performing service as an enlisted member, accepts an appointment or commission as a warrant officer or commissioned officer of the Selected Reserve.''.

(b) LIMITATION ON FISCAL YEAR 2005 OBLIGATIONS.—During fiscal year 2005, obligations incurred under section 16301 of title 10, United States Code, as amended by subsection (a), to make loan repayments on behalf of members of the reserve components who accept an appointment or commission as a warrant officer or commissioned officer of the Selected Reserve may not exceed $1,000,000.

SEC. 527. NUMBER OF STARBASE ACADEMIES IN A STATE.

Paragraph (3) of section 2193b(c) of title 10, United States Code, is amended to read as follows:

''(3)(A) Subject to subparagraph (B), the Secretary may not support the establishment in any State of more than two academies.

''(B) The Secretary may waive the limitation in subparagraph (A). Any such waiver shall be made under criteria to be prescribed by the Secretary.''.

SEC. 528. COMPTROLLER GENERAL ASSESSMENT OF INTEGRATION OF ACTIVE AND RESERVE COMPONENTS OF THE NAVY.

(a) ASSESSMENT.—The Comptroller General shall review the plan of the Secretary of the Navy for, and implementation by the Secretary of, initiatives undertaken within the Navy to improve the integration of the active and reserve components of the Navy in peacetime and wartime operations resulting from—

(1) the Naval Reserve Redesign Study carried out by the Navy: and

(2) the zero-based review of reserve component force structure undertaken by the commander of the Fleet Forces Command of the Navy during fiscal year 2004.

(b) REPORT.—No later than March 31, 2005, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the results of the review under subsection (a). The Comptroller General shall include in the report recommendations for improved active and reserve component integration in the Navy.

(c) LIMITATION.—No funds appropriated or otherwise made available by this Act may be obligated or expended to decommission a Naval Reserve or Marine Corps Reserve aviation squadron until 90 days after the date on which the report required by subsection (b) is submitted to the Committees on Armed Services of the Senate and House of Representatives.

(d) MATTERS TO BE EXAMINED.—In conducting the review, the Comptroller General shall examine the following:

(1) The criteria the Navy used to determine the following with respect to integration of the active and reserve components of the Navy:

(A) The future mix of active and reserve component force structure.

(B) Organization of command and control elements.

(C) Manpower levels.

(D) Basing changes.

(2) The extent to which the plans of the Navy for improving the integration of the active and reserve components of the Navy considered each of the following:

(A) The new Fleet Response Plan of the Navy.

(B) The flexible deployment concept.

(C) Global operations.

(D) Emerging mission requirements.

(E) Other evolving initiatives.

(3) The manner in which the timing of the execution of planned active and reserve integration initiatives will correlate with the funding of those initiatives, including consideration of an evaluation of the adequacy of the funding allocated to those integration initiatives.

(4) For naval aviation forces, the extent to which the active and reserve component integration plans of the Navy will affect factors such as—

(A) common training and readiness standards for active and reserve forces;

(B) reserve component access to the same equipment as the active component;

(C) relationships between command and headquarters elements of active and reserve forces; and

(D) trends in the use by the Navy of units referred to as ''associate'' units or ''blended'' units.

(E) Basing of future aviation forces.

(F) Employment of Naval Reserve aviation forces and personnel in peacetime and wartime operations.

SEC. 529. OPERATIONAL ACTIVITIES CONDUCTED BY THE NATIONAL GUARD UNDER AUTHORITY OF TITLE 32.

(a) IN GENERAL.—Title 32, United States Code, is amended by adding at the end the following new chapter:

''CHAPTER 9—OPERATIONS OF A NATIONAL OR FEDERAL INTEREST

''Sec.
''901. Operational activities.
''902. Operational duty.
''903. Funding assistance.
''904. Operations requests.

''§ 901. Operational activities

''The Secretary of Defense may provide funds in advance or on a reimbursable basis to a Governor to employ National Guard units and individuals to conduct operational activities that the Secretary determines to be in the national interest. The Secretary of Defense shall prescribe regulations to implement this chapter.

''§ 902. Operational duty

''All duty performed under this chapter shall be considered to be full-time National Guard duty under section 502(f) of this title. Members of the National Guard performing full-time National Guard duty in the Active Guard and Reserve Program may support or execute operational activities performed by the National Guard under this chapter.

''§ 903. Funding assistance

''When the Secretary of Defense determines that certain operational activities of the National Guard are in the national interest under section 901 of this title, the Secretary shall provide funds to a State in an amount that the Secretary determines is appropriate for the following costs of the operational activities from funds available to the Department for related purposes:

''(1) The pay, allowances, clothing, subsistence, gratuities, travel, and related expenses of personnel of the National Guard of that State.

''(2) The operation and maintenance of the equipment and facilities of the National Guard of that State.

''(3) The procurement of services and equipment, and the leasing of equipment, for the National Guard of that State.

''§ 904. Operations requests

''(a) REQUESTS.—A Governor of a State may request funding assistance for the operational activities of the National Guard of that State from the Secretary of Defense. Any such request shall include the following:

''(1) The specific intended operational activities of the National Guard of that State.

''(2) An explanation of why the operational activities are in the national interest.

''(3) A certification that operational activities are to be conducted at a time when the personnel involved are not in Federal service.

''(4) A certification that participation by National Guard personnel in the operational activities is service in addition to training required under section 502 of this title.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of such title is amended by adding at the end the following new item:

''9. Operations of a National or Federal Interest ..... 901''.

(c) CONFORMING AMENDMENT.—Section 115(h) of title 10, United States Code, is amended by adding at the end the following new subsection:

''(i) CERTAIN FULL-TIME NATIONAL GUARD DUTY PERSONNEL EXCLUDED FROM COUNTING FOR FULL-TIME NATIONAL GUARD DUTY END STRENGTHS.—In counting full-time National Guard duty personnel for the purpose of end-strengths authorized pursuant to subsection (a)(1), persons involuntarily performing operational activities under chapter 9 of title 32 shall be excluded.''.

SEC. 530. ARMY PROGRAM FOR ASSIGNMENT OF ACTIVE COMPONENT ADVISERS TO UNITS OF THE SELECTED RESERVE.

(a) CHANGE IN MINIMUM NUMBER REQUIRED TO BE ASSIGNED.—Section 414(c)(1) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 10 U.S.C. 12001 note) is amended by striking ''5,000'' and inserting ''3,500''.

(b) LIMITATION ON REDUCTIONS.—Notwithstanding the amendment made by subsection (a), the Secretary of the Army may not reduce the number of active component Reserve support personnel below the number of such personnel as of the date of the enactment of this Act until the report required by subsection (c) has been submitted.

(c) REPORT.—Not later than March 31, 2005, the Secretary of the Army shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the support by active components of the Army for training and readiness of the Army National Guard and Army Reserve. The report shall include an evaluation and determination of each of the following:

(1) The effect on the ability of the Army to improve such training and readiness resulting from the reduction under the amendment made by subsection (a) in the minimum number of active component Reserve support personnel.

(2) The adequacy of having 3,500 members of the Army (the minimum number required under the law as so amended) assigned as active component Reserve support personnel in order to meet emerging training requirements in the Army reserve components in connection with unit and force structure conversions and preparations for wartime deployment

(3) The nature and effectiveness of efforts by the Army to reallocate the 3,500 personnel assigned as active component Reserve support personnel to higher priority requirements and to expand the use of reservists on active duty to meet reserve component training needs.

(4) Whether the Army is planning further reductions in the number of active component Reserve support personnel and, if so, the scope and rationale for those reductions.

(5) Whether an increase in Army reserve component full-time support personnel will be required to replace the loss of active component Reserve support personnel.

(d) DEFINITION.—In this section, the term ''active component Reserve support personnel'' means the active component Army personnel assigned as advisers to units of the Selected Reserve of the Ready Reserve of the Army pursuant to section 414 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 10 U.S.C. 12001 note).

Subtitle D—Joint Officer Management

SEC. 531. STRATEGIC PLAN TO LINK JOINT OFFICER DEVELOPMENT TO OVERALL MISSIONS AND GOALS OF DEPARTMENT OF DEFENSE.

(a) PLAN REQUIRED.—(1) The Secretary of Defense shall develop a strategic plan for joint officer management and joint professional military education that links joint officer development to the accomplishment of the overall missions and goals of the Department of Defense, as set forth in the most recent national military strategy under section 153(d) of title 10, United States Code. Such plan shall be developed for the purpose of ensuring that sufficient numbers of qualified officers are available as necessary to meet the needs of the Department for qualified officers who are operationally effective in the joint environment.

(2) The Secretary shall develop the strategic plan with the advice of the Chairman of the Joint Chiefs of Staff.

(b) MATTERS TO BE INCLUDED.—As part of the strategic plan under subsection (a), the Secretary shall include the following:

(1) A statement of the levels of joint officer resources needed to be available to properly support the overall missions of the Department of Defense, with such resources to be specified by the number of officers with the joint specialty, the number of officers required for service in joint duty assignment positions, and the training and education resources required.

(2) An assessment of the available and projected joint officer development resources (including officers, educational and training resources, and availability of joint duty assignment positions and tours of duty) necessary to achieve the levels specified under paragraph (1).

(3) Identification of any problems or issues arising from linking resources for joint officer development to accomplishment of the objective of meeting the levels specified under paragraph (1) to resolve those problems and issues and plans.

(4) A description of the process for identification of the requirement for joint specialty officers.

(5) A description of the career development and management of joint specialty officers and of any changes to be made to facilitate achievement of the levels of resources specified in paragraph (1), including additional education requirements, promotion opportunities, and assignments to fill joint assignments.

(c) INCLUSION OF RESERVE COMPONENT OFFICERS.—In developing the strategic plan required by subsection (a), the Secretary shall include joint officer development for officers on the reserve active-status list in the plan.

(d) REPORT.—The Secretary shall submit the plan developed under this section to the Committees on Armed Services of the Senate and House of Representatives not later than January 15, 2006.

(e) ADDITIONAL ASSESSMENT.—Not later than January 15, 2007, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives, as a follow-on to the report under subsection (d), a report providing an assessment of, and initiatives to improve, the performance in joint matters of the following:

(1) Senior civilian officers and employees in the Office of the Secretary of Defense, the Defense Agencies, and the military departments.

(2) Senior noncommissioned officers.

(3) Senior leadership in the reserve components.

SEC. 532. JOINT REQUIREMENTS FOR PROMOTION TO FLAG OR GENERAL OFFICER GRADE.

(a) EFFECTIVE DATE FOR JOINT SPECIALTY OFFICER REQUIREMENT.—Subsection (a)(2) of section 619a of title 10, United States Code, is amended by striking ''September 30, 2007'' and inserting ''September 30, 2008''.

(b) EXCEPTION TO JOINT DUTY REQUIREMENT FOR OFFICERS SERVING IN JOINT DUTY ASSIGNMENT WHEN CONSIDERED FOR PROMOTION.—Subsection (b)(4) of such section is amended by striking ''if—'' and all that follows through ''(B) the officer's'' and inserting ''if the officer's''.

SEC. 533. CLARIFICATION OF TOURS OF DUTY QUALIFYING AS A JOINT DUTY ASSIGNMENT.

(a) CONSECUTIVE TOURS OF DUTY IN JOINT DUTY ASSIGNMENTS.—Section 668(c) of title 10, United States Code, is amended by striking ''within the same organization''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall not apply in the case of a joint duty assignment completed by an officer before the date of the enactment of this Act, except in the case of an officer has continued in joint duty assignments, without a break in service in such assignments, between the end of such assignment and the date of the enactment of this Act.

SEC. 534. AUTHORITY FOR RESERVE OFFICERS TO QUALIFY AS JOINT SPECIAL OFFICERS.

(a) AUTHORITY.—Subsection (a) of section 661 of title 10, United States Code, is amended by striking ''on the active-duty list''.

(b) NOMINATIONS FOR SELECTION.—Subsection (b) of such section is amended in the second sentence—

(1) by striking ''and'' after ''military department,''; and

(2) by inserting after ''such date,'' the following: '', and each reserve component officer in an active status who is not on the active-duty list,''.

(c) CONFORMING AMENDMENTS.—(1) Section 662 of such title is amended—

(A) in subsection (a), by inserting ''on the active-duty list'' after ''qualifications of officers'' in the matter preceding paragraph (1); and

(B) in subsection (b), by inserting ''on the active-duty list'' after ''preceding fiscal year of officers'' in the first sentence.

(2)(A) The heading of such section is amended to read as follows:

''§ 662. Promotion policy objectives for joint officers on the active-duty list''.

(B) The item relating to such section in the table of sections at the beginning of chapter 38 of such title is amended to read as follows:

''662. Promotion policy objectives for joint officers on the active-duty list.''.

(d) ANNUAL REPORT TO CONGRESS.—(1) Section 667 of such title is amended—

(A) by redesignating paragraph (18) as paragraph (19); and

(B) by inserting after paragraph (17) the following new paragraph (18):

''(18) The implementation of authority under section 661 of this title to certify reserve component officers as joint specialty officers, together with the number of reserve component officers who were so certified during the reporting period.''.

(2) The Secretary of Defense shall include in the annual report of the Secretary to Congress for fiscal year 2005, as part of the material included in that report pursuant to paragraph (18) of section 667 of title 10, United States Code, a summary of the joint officer management policies adopted for reserve component officers pursuant to the amendments made by subsections (a) and (b).

Subtitle E—Professional Military Education

SEC. 541. IMPROVEMENT TO PROFESSIONAL MILITARY EDUCATION IN THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Part III of subtitle A of title 10, United States Code, is amended—

(1) by redesignating chapter 107 as chapter 106A; and

(2) by inserting before chapter 108 the following new chapter:

''CHAPTER 107—PROFESSIONAL MILITARY EDUCATION

''Sec.
''2151. Definitions
''2152. Professional military education: general requirements.
''2153. Capstone course: newly selected general and flag officers.
''2154. Joint professional military education: three-phase approach.
''2155. Intermediate level service colleges: written examination for selection for attendance.
''2156. Joint professional military education phase II program of instruction.
''2157. Intermediate and senior level service colleges; Joint Forces Staff College: duration of principle course of instruction.
''2158. Annual report to Congress.

***''§ 2151. Definitions**

(a) JOINT PROFESSIONAL MILITARY EDUCATION.—Joint professional military education consists of the rigorous and thorough instruction and examination of officers of the armed forces in an environment designed to promote a theoretical and practical in-depth understanding of joint matters and, specifically, of the subject matter covered. The subject matter to be covered by joint professional military education shall include at least the following:

''(1) Integrated employment of land, sea, and air forces.

''(2) National military strategy.

''(3) Strategic planning.

''(4) Contingency planning.

''(5) Command and control of combat operations under unified command.

''(6) Joint and combined operations.

''(7) Joint doctrine.

''(8) Joint logistics.

''(9) Joint communications.

''(10) Joint intelligence.

''(11) Campaign planning.

''(12) Joint military command and control systems and the interface of those systems with national command systems.

''(13) Joint force development, including mobilization.

''(14) Joint requirements development.

''(15) Military history.

''(16) Awareness of cultures in areas outside of the United States where United States forces may operate or of forces of foreign countries with whom United States forces may operate.

''(b) OTHER DEFINITIONS.—In this chapter:

''(1) The term 'senior level service school' means any of the following:

''(A) The Army War College.

''(B) The College of Naval Warfare.

''(C) The Air War College.

''(D) The Marine Corps University.

''(2) The term 'intermediate level service school' means any of the following:

''(A) The United States Army Command and General Staff College.

''(B) The College of Naval Command and Staff.

''(C) The Air Command and Staff College.

''(D) The Marine Corps Command and Staff College.

"§ 2152. Joint professional military education: general requirements

''(a) IN GENERAL.—The Secretary of Defense shall implement a coherent and comprehensive framework for the joint professional military education of officers, including officers nominated under section 661 of this title for the joint specialty.

"§ 2153. Capstone course: newly selected general and flag officers

''(a) REQUIREMENT.—Each officer selected for promotion to the grade of brigadier general or, in the case of the Navy, rear admiral (lower half) shall be required, after such selection, to attend a military education course designed specifically to prepare new general and flag officers to work with the other armed forces.

''(b) WAIVER AUTHORITY.—(1) Subject to paragraph (2), the Secretary of Defense may waive subsection (a)—

''(A) in the case of an officer whose immediately previous assignment was in a joint duty assignment and who is thoroughly familiar with joint matters;

''(B) when necessary for the good of the service;

''(C) in the case of an officer whose proposed selection for promotion is based primarily upon scientific and technical qualifications for which joint requirements do not exist (as determined under regulations prescribed under section 619(e)(4) of this title); and

''(D) in the case of a medical officer, dental officer, veterinary officer, medical service officer, nurse, biomedical science officer, or chaplain.

''(2) The authority of the Secretary of Defense to grant a waiver under paragraph (1) may only be delegated to the Deputy Secretary of Defense, an Under Secretary of Defense, or an Assistant Secretary of Defense. Such a waiver may be granted only on a case-by-case basis in the case of an individual officer.

"§ 2154. Joint professional military education: three-phase approach

''(a) THREE-PHASE APPROACH.—The Secretary of Defense shall implement a three-phase approach to joint professional military education, as follows:

''(1) There shall be a course of instruction, designated and certified by the Secretary of Defense as Phase I instruction, consisting all the elements of a joint professional military education (as specified in section 2151(a) of this title), in addition to the principal curriculum taught to all officers at an intermediate level service school.

''(2) There shall be a course of instruction, designated and certified by the Secretary of Defense as Phase II instruction, consisting of a joint professional military education curriculum taught in residence at—

''(A) the Joint Forces Staff College; or

''(B) a senior level service school that has been designated and certified by the Secretary of Defense as a joint professional military education institution.

''(3) There shall be a course of instruction, designated and certified by the Secretary of Defense as the Capstone course, for officers selected for promotion to the grade of brigadier general or, in the case of the Navy, rear admiral (lower half) and offered in accordance with section 2153 of this title.

''(b) SEQUENCED APPROACH.—The Secretary shall require the sequencing of joint professional military education so that the standard sequence of assignments for such education requires an officer to complete Phase I instruction before proceeding to Phase II instruction, as provided in section 2156(a) of this title.

"§ 2155. Intermediate level service school: written examination for selection for attendance

''(a) REQUIREMENT.—The Secretary of each military department shall require that performance on a comprehensive written examination shall constitute not less than 20 percent of the evaluation criteria for selection of any officer for full-time attendance at an intermediate level service school under the jurisdiction of the Secretary. Such an examination shall be designed so as to require substantive knowledge of military history, national military strategy, service and joint doctrine, and such other subjects as the Secretary may require. Such an examination shall be required for each class entering an intermediate level service school after September 30, 2007.

''(b) SELECTION FROM DIFFERENT SERVICE.—The Secretary of a military department, in considering candidates for full-time attendance at an intermediate level service school under the jurisdiction of the Secretary who are officers of an armed force other than the armed force that administers that service school, shall consider such an officer to be qualified for selection for such attendance if the officer has met all the requirements for attendance at the equivalent intermediate level service school of that officer's own armed force.

"§ 2156. Joint professional military education phase II program of instruction

''(a) PREREQUISITE OF COMPLETION OF JOINT PROFESSIONAL MILITARY EDUCATION I PROGRAM OF INSTRUCTION.—(1) After September 30, 2009, an officer of the armed forces may not be accepted for, or assigned to, a program of instruction designated by the Secretary of Defense as joint professional military education Phase II unless the officer has successfully completed a program of instruction designated by the Secretary of Defense as joint professional military education Phase I.

''(2) The Chairman of the Joint Chiefs of Staff may grant exceptions to the requirement under paragraph (1). Such an exception may be granted only on a case-by-case basis for compelling cause, as determined by the Chairman. An officer selected to receive such an exception shall be required to demonstrate a knowledge of joint matters and other aspects of the Phase I curriculum that, to the satisfaction of the Chairman, qualifies the officer to meet the minimum requirements established for entry into Phase II instruction without first completing Phase I instruction. The number of officers selected to attend an offering of the principal course of instruction at the Joint Forces Staff College or a senior level service school designated by the Secretary of Defense as a joint professional military education institution who have not completed Phase I instruction should comprise no more than 10 percent of the total number of officers selected.

''(b) PHASE II REQUIREMENTS.—The Secretary shall require that the curriculum for Phase II joint professional military education at any school—

''(1) focus on developing joint attitudes and perspectives and honing joint warfighting skills; and

''(2) be structured —

''(A) so as to adequately prepare students to perform effectively in an assignment to a joint, multiservice organization; and

''(B) so that students progress from a basic knowledge of joint matters learned in Phase I instruction to the level of expertise necessary for successful performance in the joint arena.

''(c) CURRICULUM CONTENT.—In addition to the subjects specified in section 2151(a) of this title, the curriculum for Phase II joint professional military education shall include the following:

''(1) National security strategy.

''(2) Theater strategy and campaigning.

''(3) Joint planning processes and systems.

''(4) Joint, interagency, and multinational capabilities and the integration of those capabilities.

''(d) STUDENT RATIO; FACULTY RATIO.—(1) For courses of instruction in a Phase II program of instruction that is offered at senior level service school that has been designated by the Secretary of Defense as a joint professional military education institution—

''(1) the percentage of students enrolled in any such course who are officers of the armed force that administers the school may not exceed 60 percent, with the remaining services proportionally represented; and

''(2) of the faculty at the school who are active-duty officers who provide instruction in such courses, the percentage who are officers of the armed force that administers the school may not exceed 60 percent, with the remaining services proportionally represented.

"§ 2157. Intermediate and senior level service schools; Joint Forces Staff College: duration of principle course of instruction

''(a) SERVICE SCHOOLS.—The duration of the principal course of instruction offered at each intermediate level service school and each senior level service school may not be less than 10 months of resident instruction. The Secretary of Defense may waive the requirement in the preceding sentence during a period of war or during a national emergency declared by the President or the Congress.

''(b) JOINT FORCES STAFF COLLEGE.—(1) The duration of the principal course of instruction offered at the Joint Forces Staff College may not be less than 10 weeks of resident instruction.

''(2) In this subsection, the term 'principal course of instruction' means any course of instruction offered at the Joint Forces Staff College as Phase II joint professional military education.

"§ 2158. Annual report to Congress

''The Secretary of Defense shall include in the annual report of the Secretary to Congress under section 113(c) of this title, for the period covered by the report, the following information (which shall be shown for the Department of Defense as a whole and separately for the Army, Navy, Air Force, and Marine Corps and each reserve component):

''(1) The number of officers who successfully completed a joint professional military education phase II course and were not selected for promotion.

''(2) The number of officer students and faculty members assigned by each service to the professional military schools of the other services and to the joint schools.''.

(b) TRANSFER OF OTHER PROVISIONS.—Subsections (b) and (c) of section 663 of title 10, United States Code, are transferred to section 2151 of such title, as added by subsection (a), and added at the end thereof.

(c) CONFORMING AMENDMENTS.—(1) Section 663 of such title, as amended by subsection (b), is further amended—

(A) by striking subsections (a) and (e); and

(B) by striking ''(d) POST-EDUCATION JOINT DUTY ASSIGNMENTS.—(1) The'' and inserting ''(a) JOINT SPECIALTY OFFICERS.—The'';

(C) by striking ''(2)(A) The Secretary'' and inserting ''(b) OTHER OFFICERS.—(1) The Secretary'';

(D) by striking ''in subparagraph (B)' and inserting ''in paragraph (2)'';

(E) by striking ''(B) The Secretary'' and inserting ''(2) The Secretary''; and

(F) by striking ''in subparagraph (B)' and inserting ''in paragraph (1)''.

(2)(A) The heading of such section is amended to read as follows:

"§ 633. Joint duty assignments after completion of joint professional military education".

(B) The item relating to that section in the table of sections at the beginning of chapter 38 of such title is amended to read as follows:

''633. Joint duty assignments after completion of joint professional military education.''.

(d) CONFORMING REPEAL.—Section 1123(b) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1556) is repealed.

(e) CLERICAL AMENDMENT.—The tables of chapters at the beginning of subtitle A, and at the beginning of part III of subtitle A, of title 10, United States Code, are amended by striking the item relating to chapter 107 and inserting the following:

"106A. Educational Assistance for Persons Enlisting for Active Duty 2141
"107. Professional Military Education ..... 2151".

SEC. 542. RIBBONS TO RECOGNIZE COMPLETION OF JOINT PROFESSIONAL MILITARY EDUCATION.

(a) IN GENERAL.—(1) Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1134. Joint professional military education ribbon: award

''(a) JPME I.—The Secretary of Defense may award a ribbon, of appropriate design, as approved by the Secretary, to any person who successfully completes a program of instruction approved by the Secretary as qualifying for credit as the Joint Professional Military Education Phase I program of instruction.

''(b) JPME II.—The Secretary of Defense may award a device, of appropriate design, as approved by the Secretary, for wear with the ribbon awarded under subsection (a), to any person who successfully completes a program of instruction approved by the Secretary as qualifying for credit as the Joint Professional Military Education Phase II course of instruction.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1134. Joint professional military education ribbon: award.''.

(b) EFFECTIVE DATE.—Section 1134 of title 10, United States Code, as added by subsection (a), shall apply with respect to the successful completion of a joint professional military education program of instruction after November 29, 1989.

SEC. 543. INCREASE IN NUMBER OF PRIVATE-SECTOR CIVILIANS WHO MAY BE ENROLLED FOR INSTRUCTION AT NATIONAL DEFENSE UNIVERSITY.

Section 2167(a) of title 10, United States Code, is amended by striking ''10'' and inserting ''20''.

SEC. 544. REQUIREMENT FOR COMPLETION OF PHASE I JOINT PROFESSIONAL MILITARY EDUCATION BEFORE PROMOTION TO COLONEL OR NAVY CAPTAIN.

(a) IN GENERAL.—Chapter 36 of title 10, United States Code, is amended by inserting after section 619a the following new section:

"§ 619b. Eligibility for consideration for promotion: joint professional military education required before promotion to colonel or Navy captain; exceptions

''(a) GENERAL RULE.—After September 30, 2007, an officer on the active-duty list of the Army, Air Force, or Marine Corps may not be appointed to the grade of colonel, and an officer on the active-duty list of the Navy may not be appointed to the grade of captain, unless the officer has successfully completed a program of instruction approved by the Secretary as qualifying for credit as the Joint Professional Military Education Phase I or Phase II program of instruction.

''(b) EXCEPTIONS.—Subject to subsection (c), the Secretary of Defense may waive subsection (a) in the following circumstances:

''(1) When necessary for the good of the service.

''(2) In the case of an officer whose proposed selection for promotion is based primarily upon scientific and technical qualifications for which joint requirements do not exist.

''(3) In the case of—

''(A) a medical officer, dental officer, veterinary officer, medical service officer, nurse, or biomedical science officer;

''(B) a chaplain; or

''(C) a judge advocate.

''(c) WAIVER TO BE INDIVIDUAL.—A waiver may be granted under subsection (b) only on a case-by-case basis in the case of an individual officer.

''(d) SPECIAL RULE FOR GOOD-OF-THE-SERVICE WAIVER.—In the case of a waiver under subsection (b)(1), the Secretary shall provide that the first duty assignment as a colonel or Navy captain of the officer for whom the waiver is granted shall be to a program of joint professional military education.

''(e) LIMITATION ON DELEGATION OF WAIVER AUTHORITY.—The authority of the Secretary of Defense to grant a waiver under subsection (b) (other than under paragraph (1) of that subsection) may be delegated only to the Deputy Secretary of Defense, an Under Secretary of Defense, or an Assistant Secretary of Defense.

''(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section. The regulations shall specifically identify for purposes of subsection (b)(2) those categories of officers for which selection for promotion to colonel or, in the case of the Navy, captain is based primarily upon scientific and technical qualifications for which joint requirements do not exist.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''619b. Eligibility for consideration for promotion: joint professional military education required before promotion to colonel or Navy captain; exceptions.''.

Subtitle F—Other Education and Training Matters

SEC. 551. COLLEGE FIRST DELAYED ENLISTMENT PROGRAM.

(a) CODIFICATION AND EXTENSION OF ARMY PROGRAM.—(1) Chapter 31 of title 10, United States Code, is amended by inserting after section 510 the following new section:

"§ 511. College First Program

''(a) PROGRAM AUTHORITY.—The Secretary of each military department may establish a program to increase the number of, and the level of the qualifications of, persons entering the armed forces as enlisted members by encouraging recruits to pursue higher education or vocational or technical training before entry into active service.

''(b) DELAYED ENTRY WITH ALLOWANCE FOR HIGHER EDUCATION.—The Secretary concerned may—

''(1) exercise the authority under section 513 of this title—

''(A) to accept the enlistment of a person as a Reserve for service in the Selected Reserve or Individual Ready Reserve of a reserve component, notwithstanding the scope of the authority under subsection (a) of that section, in the case of the Army National Guard of the United States or Air National Guard of the United States; and

''(B) to authorize, notwithstanding the period limitation in subsection (b) of that section, a delay of the enlistment of any such person in a regular component under that subsection for the period during which the person is enrolled in, and pursuing a program of education at, an institution of higher education, or a program of vocational or technical training, on a full-time basis that is to be completed within the maximum period of delay determined for that person under subsection (c); and

''(2) subject to paragraph (2) of subsection (d) and except as provided in paragraph (3) of that subsection, pay an allowance to a person accepted for enlistment under paragraph (1)(A) for each month of the period during which that person is enrolled in and pursuing a program described in paragraph (1)(B).

''(c) MAXIMUM PERIOD OF DELAY.—The period of delay authorized a person under paragraph (1)(B) of subsection (b) may not exceed the 30-month period beginning on the date of the person's enlistment accepted under paragraph (1)(A) of such subsection.

''(d) ALLOWANCE.—(1) The monthly allowance paid under subsection (b)(2) shall be equal to the amount of the subsistence allowance provided for certain members of the Senior Reserve Officers' Training Corps with the corresponding number of years of participation under section 209(a) of title 37. The Secretary concerned may supplement that stipend by an amount not to exceed $225 per month.

''(2) An allowance may not be paid to a person under this section for more than 24 months.

''(3) A member of the Selected Reserve of a reserve component may be paid an allowance under this section only for months during which the member performs satisfactorily as a member of a unit of the reserve

component that trains as prescribed in section 10147(a)(1) of this title or section 502(a) of title 32. Satisfactory performance shall be determined under regulations prescribed by the Secretary concerned.

''(4) An allowance under this section is in addition to any other pay or allowance to which a member of a reserve component is entitled by reason of participation in the Ready Reserve of that component.

''(e) RECOUPMENT OF ALLOWANCE.—(1) A person who, after receiving an allowance under this section, fails to complete the total period of service required of that person in connection with delayed entry authorized for the person under section 513 shall repay the United States the amount which bears the same ratio to the total amount of that allowance paid to the person as the unserved part of the total required period of service bears to the total period.

''(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

''(3) A discharge of a person in bankruptcy under title 11 that is entered less than five years after the date on which the person was, or was to be, enlisted in the regular Army pursuant to the delayed entry authority under section 513 does not discharge that person from a debt arising under paragraph (1).

''(4) The Secretary concerned may waive, in whole or in part, a debt arising under paragraph (1) in any case for which the Secretary determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

''(f) SPECIAL PAY AND BONUSES.—Upon enlisting in the regular component of the member's armed force, a person who initially enlisted as a Reserve under this section may, at the discretion of the Secretary concerned, be eligible for all regular special pays, bonuses, education benefits, and loan repayment programs.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 510 the following new item:

''511. College First Program''.

(b) REPEAL OF ARMY COLLEGE FIRST PROGRAM.—Section 573 of the National Defense Authorization Act for Fiscal Year 2000 (10 U.S.C. 513 note) is repealed. The Secretary of the Army shall treat the program under section 511 of title 10, United States Code, as added by subsection (a), as a continuation of the program under the section repealed by the preceding sentence.

(c) EFFECTIVE DATE.—Section 511 of title 10, United States Code, as added by subsection (a), and the repeal made by subsection (b) shall take effect on October 1, 2004.

(d) LIMITATION ON FISCAL YEAR 2005 OBLIGATIONS.—During fiscal year 2005, obligations incurred under section 511 of title 10, United States Code, as added by subsection (a), to pay allowances to persons accepted for enlistment as a Reserve for service in the Selected Reserve or Individual Ready Reserve of a reserve component using the expanded authority provided by the amendment made by subsection (a) may not exceed $5,000,000. The authority to pay allowances under such section shall not be considered to be an expanded authority to the extent that the authority to pay such allowances was available under section 573 of the National Defense Authorization Act for Fiscal Year 2000 (10 U.S.C. 513 note), before the repeal of such section by subsection (b).

SEC. 552. STANDARDIZATION OF AUTHORITY TO CONFER DEGREES ON GRADUATES OF COMMUNITY COLLEGE OF THE AIR FORCE WITH AUTHORITY FOR OTHER SCHOOLS OF AIR UNIVERSITY.

(a) CHANGE IN DEGREE CONFERRING AUTHORITY.—Section 9315(c) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ''Air Education and Training Command of the Air Force'' and inserting ''Air University''; and

(2) in paragraph (2), by striking ''Air Education and Training Command of the Air Force'' and inserting ''Air University''.

(b) CONFORMING AND STYLISTIC AMENDMENTS.—(1) Subsection (a) of section 9317 of such title is amended—

(1) by striking ''may confer—'' and inserting ''may confer degrees as follows:'';

(2) by striking ''the'' in paragraphs (1), (2), and (3) after the paragraph designation and inserting ''The'';

(3) by striking the semicolon at the end of paragraph (1) and inserting a period;

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

(5) by adding at the end the following new paragraph:

''(4) An associate level degree upon graduates of the Community College of the Air Force.''.

(c) CLERICAL AMENDMENTS.—The heading for such section, and the item relating to such section in the table of sections at the beginning of chapter 901 of such title, are amended by striking the matter between the colon and the last word.

SEC. 553. CHANGE IN TITLES OF HEADS OF THE NAVAL POSTGRADUATE SCHOOL.

(a) PRESIDENT OF THE SCHOOL.—(1)(A) Section 7042 of title 10, United States Code, is amended by striking ''Superintendent'' each place it appears in the text and inserting ''President''.

(B) The heading of such section is amended to read as follows:

"§ 7042. President; assistants".

(2)(A) Section 7044 of such title is amended by striking ''Superintendent'' and inserting ''President of the school'';

(B) Sections 7048(a) and 7049(e) of such title are amended by striking ''Superintendent'' and inserting ''President'';

(b) PROVOST AND ACADEMIC DEAN.—(1)(A) Subsection (a) of section 7043 of title 10, United States Code, is amended to read as follows:

''(a) There is at the Naval Postgraduate School the civilian position of Provost and Academic Dean. The Provost and Academic Dean shall be appointed, to serve for periods of not more than five years, by the Secretary of the Navy after consultation with the Naval Postgraduate School Board of Advisors and consideration of the recommendation of the leadership and faculty of the Naval Postgraduate School.''.

(B) Subsection (b) of such section is amended by striking ''Academic Dean'' and inserting ''Provost and Academic Dean''.

(C) The heading of such section is amended to read as follows:

"§ 7043. Provost and Academic Dean".

(2) Section 5102(c)(10) of title 5, United States Code, is amended by striking ''Academic Dean'' and inserting ''Provost and Academic Dean''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 605 of such title is amended by striking the items related to sections 7042 and 7043 and inserting the following new items:

''7042. President; assistants.
''7043. Provost and Academic Dean.''.

SEC. 554. INCREASE FROM TWO YEARS TO THREE YEARS IN PERIOD FOR WHICH EDUCATIONAL LEAVE OF ABSENCE MAY BE AUTHORIZED.

Section 708(a) of title 10, United States Code, is amended by striking ''two years'' and inserting ''three years''.

SEC. 555. CORRECTION TO DISPARATE TREATMENT OF DISABILITIES SUSTAINED DURING ACCESSION TRAINING.

(a) ELIGIBILITY OF ACADEMY CADETS AND MIDSHIPMEN FOR DISABILITY RETIRED PAY.—(1) Section 1217 of title 10, United States Code, is amended to read as follows:

"§ 1217. Cadets, midshipmen, and aviation cadets: applicability of chapter

''(a) This chapter applies to cadets at the United States Military Academy, the United States Air Force Academy, and the United States Coast Guard Academy and midshipmen of the Navy, but only with respect to physical disabilities incurred after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2005.

''(b) Monthly cadet pay and monthly midshipman pay under section 203(c) of title 37 shall be considered to be basic pay for purposes of this chapter and the computation of retired pay and severance and separation pay to which entitlement is established under this chapter.''.

(2) The item related to section 1217 in the table of sections at the beginning of chapter 61 of such title is amended to read as follows:

''1217. Cadets, midshipmen, and aviation cadets: applicability of chapter.''.

(b) MEDICAL AND DENTAL CARE FOR SENIOR ROTC MEMBERS AND APPLICANTS.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1074a the following new section:

"§ 1074b. Medical and dental care: members of, and designated applicants for membership in, Senior ROTC

''(a) Under joint regulations prescribed by the administering Secretaries, the following persons are entitled to the benefits described in subsection (b):

''(1) A member of, and a designated applicant for membership in, Senior ROTC who incurs or aggravates an injury, illness, or disease in the line of duty while performing duties pursuant to section 2109 of this title.

''(2) A member of, and a designated applicant for membership in, Senior ROTC who incurs or aggravates an injury, illness, or disease while traveling directly to or from the place at which that member or applicant is to perform or has performed duties pursuant to section 2109 of this title.

''(3) Each member of, and each designated applicant for membership in, Senior ROTC who incurs or aggravates an injury, illness, or disease in the line of duty while remaining overnight immediately before the commencement of duties performed pursuant to section 2109 of this title or, while remaining overnight, between successive periods of performing duties pursuant to section 2109 of this title, at or in the vicinity of the site of the duties performed pursuant to section 2109 of this title, if the site is outside reasonable commuting distance from the residence of the member or designated applicant.

''(b) A person described in subsection (a) is entitled to—

''(1) the medical and dental care appropriate for the treatment of the injury, illness, or disease of that person until the resulting disability cannot be materially improved by further hospitalization or treatment; and

''(2) subsistence during hospitalization.

''(c) A member of, and each designated applicant for membership in, Senior ROTC is not entitled to benefits under subsection (b) if the injury, illness, or disease or aggravation of an injury, illness, or disease of that

person described in subsection (a)(2) is the result of the gross negligence or the misconduct of the member or applicant for membership in Senior ROTC.

''(d) In this section, the term 'Senior ROTC' means a program under chapter 103 of this title.''.

(2) Section 1074b of title 10, United States Code, as added by paragraph (1), shall apply with respect to injuries, illnesses, and diseases incurred or aggravated on or after the date of the enactment of this Act.

(3) The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1074a the following new item:

''1074b. Medical and dental care: members of, and designated applicants for membership in, Senior ROTC.''.

SEC. 556. PRAYER AT MILITARY SERVICE ACADEMY ACTIVITIES.

(a) AUTHORITY OF SUPERINTENDENT.—The Superintendent of a service academy may have in effect such policy as the Superintendent considers appropriate with respect to the offering of a voluntary, nondenominational prayer at an otherwise authorized activity of the academy, subject to such limitations as the President may prescribe.

(b) SERVICE ACADEMIES.—For purposes of this section, the term ''service academy'' means any of the following:

(1) The United States Military Academy.

(2) The United States Naval Academy.

(3) The United States Air Force Academy.

SEC. 557. REVISION TO CONDITIONS ON SERVICE OF OFFICERS AS SERVICE ACADEMY SUPERINTENDENTS.

(a) REPEAL OF REQUIREMENT THAT OFFICERS RETIRE AFTER SERVICE AS SUPERINTENDENT.—Sections 3921, 6371, and 8921 of title 10, United States Code, are repealed.

(b) MINIMUM THREE-YEAR TOUR OF DUTY AS SUPERINTENDENT.—

(1) MILITARY ACADEMY.—Section 4333a of such title is amended to read as follows:

''§ 4333a. Superintendent: length of assignment

''An officer who is detailed to the position of Superintendent of the Academy shall be so detailed for a period of not less than three years. In any case in which an officer serving as Superintendent is reassigned or retires before having completed three years service as Superintendent, or otherwise leaves that position (other than due to death) without having completed three years service in that position, the Secretary of the Army shall submit to Congress notice that such officer left the position of Superintendent without having completed three years service in that position, together with a statement of the reasons why that officer did not complete three years service in that position.''.

(2) NAVAL ACADEMY.—Section 6951a of such title is amended—

(A) by striking the second sentence of subsection (b); and

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

''(c) An officer who is detailed to the position of Superintendent shall be so detailed for a period of not less than three years. In any case in which an officer serving as Superintendent is reassigned or retires before having completed three years service as Superintendent, or otherwise leaves that position (other than due to death) without having completed three years service in that position, the Secretary of the Navy shall submit to Congress notice that such officer left the position of Superintendent without having completed three years service in that position, together with a statement of the reasons why that officer did not complete three years service in that position.''.

(3) AIR FORCE ACADEMY.—Section 9333a of such title is amended to read as follows:

''§ 9333a. Superintendent: length of assignment

''An officer who is detailed to the position of Superintendent of the Academy shall be so detailed for a period of not less than three years. In any case in which an officer serving as Superintendent is reassigned or retires before having completed three years service as Superintendent, or otherwise leaves that position (other than due to death) without having completed three years service in that position, the Secretary of the Air Force shall submit to Congress notice that such officer left the position of Superintendent without having completed three years service in that position, together with a statement of the reasons why that officer did not complete three years service in that position.''.

(b) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of chapter 367 of such title is amended by striking the item relating to section 3921.

(2) The table of sections at the beginning of chapter 403 of such title is amended to read as follows:

''4333a. Superintendent: length of assignment.''

(3) The table of sections at the beginning of chapter 573 of such title is amended by striking the item relating to section 6371.

(4) The table of sections at the beginning of chapter 867 of such title is amended by striking the item relating to section 8921.

(5) The table of sections at the beginning of chapter 903 of such title is amended to read as follows:

''9333a. Superintendent: length of assignment.''

SEC. 558. CODIFICATION OF PROHIBITION ON IMPOSITION OF CERTAIN CHARGES AND FEES AT THE SERVICE ACADEMIES.

(a) UNITED STATES MILITARY ACADEMY.—(1) Chapter 403 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 4359. Cadets: charges and fees for attendance; limitation

''(a) PROHIBITION.—Except as provided in subsection (b), no charge or fee for tuition, room, or board for attendance at the Academy may be imposed unless the charge or fee is specifically authorized by a law enacted after October 5, 1994.

''(b) EXCEPTION.—The prohibition specified in subsection (a) does not apply with respect to any item or service provided to cadets for which a charge or fee is imposed as of October 5, 1994. The Secretary of Defense shall notify Congress of any change made by the Academy in the amount of a charge or fee authorized under this subsection.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''4359. Cadets: charges and fees for attendance; limitation.''.

(b) UNITED STATES NAVAL ACADEMY.—(1) Chapter 603 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 6978. Midshipmen: charges and fees for attendance; limitation

''(a) PROHIBITION.—Except as provided in subsection (b), no charge or fee for tuition, room, or board for attendance at the Naval Academy may be imposed unless the charge or fee is specifically authorized by a law enacted after October 5, 1994.

''(b) EXCEPTION.—The prohibition specified in subsection (a) does not apply with respect to any item or service provided to midshipmen for which a charge or fee is imposed as of October 5, 1994. The Secretary of Defense shall notify Congress of any change made by the Naval Academy in the amount of a charge or fee authorized under this subsection.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''4359. Midshipmen: charges and fees for attendance; limitation.''.

(c) UNITED STATES AIR FORCE ACADEMY.—(1) Chapter 903 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 9359. Cadets: charges and fees for attendance; limitation

''(a) PROHIBITION.—Except as provided in subsection (b), no charge or fee for tuition, room, or board for attendance at the Academy may be imposed unless the charge or fee is specifically authorized by a law enacted after October 5, 1994.

''(b) EXCEPTION.—The prohibition specified in subsection (a) does not apply with respect to any item or service provided to cadets for which a charge or fee is imposed as of October 5, 1994. The Secretary of Defense shall notify Congress of any change made by the Academy in the amount of a charge or fee authorized under this subsection.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''9359. Cadets: charges and fees for attendance; limitation.''.

(d) UNITED STATES COAST GUARD ACADEMY.—(1) Chapter 9 of title 14, United States Code, is amended by adding at the end the following new section:

''§ 197. Cadets: charges and fees for attendance; limitation

''(a) PROHIBITION.—Except as provided in subsection (b), no charge or fee for tuition, room, or board for attendance at the Academy may be imposed unless the charge or fee is specifically authorized by a law enacted after October 5, 1994.

''(b) EXCEPTION.—The prohibition specified in subsection (a) does not apply with respect to any item or service provided to cadets for which a charge or fee is imposed as of October 5, 1994. The Secretary of Homeland Security shall notify Congress of any change made by the Academy in the amount of a charge or fee authorized under this subsection.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''197. Cadets: charges and fees for attendance; limitation.''.

(e) UNITED STATES MERCHANT MARINE ACADEMY.—Section 1303 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1295b), is amended by adding at the end the following new subsection:

''(j) LIMITATION ON CHARGES AND FEES FOR ATTENDANCE.—

''(1) Except as provided in paragraph (2), no charge or fee for tuition, room, or board for attendance at the Academy may be imposed unless the charge or fee is specifically authorized by a law enacted after October 5, 1994.

''(2)The prohibition specified in paragraph (1) does not apply with respect to any item or service provided to cadets for which a charge or fee is imposed as of October 5, 1994. The Secretary of Transportation shall notify Congress of any change made by the Academy in the amount of a charge or fee authorized under this paragraph.''.

(f) REPEAL OF CODIFIED PROVISION.—Section 553 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 4331 note) is repealed.

SEC. 559. QUALIFICATIONS OF THE DEAN OF THE FACULTY OF UNITED STATES AIR FORCE ACADEMY.

Section 9335(a) of title 10, United States Code, is amended by inserting before the period at the end of the second sentence the following: '', except that, if the Dean is not an officer on active duty, the Dean shall be a retired officer or former officer, and a person may not be appointed or assigned as Dean unless that person holds the highest academic degree in that person's academic field''.

SEC. 560A. BOARD OF VISITORS OF UNITED STATES AIR FORCE ACADEMY.

Section 9355 of title 10, United States Code, is amended to read as follows:

"§ 9355. Board of Visitors

''(a) A Board of Visitors to the Academy is constituted annually. The Board consists of the following members:

''(1) Six persons designated by the President.

''(2) Four persons designated by the Speaker of the House of Representatives, three of whom shall be members of the House of Representatives and the fourth of whom may not be a member of the House of Representatives.

''(3) Three persons designated by the Vice President or the President pro tempore of the Senate, two of whom shall be members of the Senate and the third of whom may not be a member of the Senate.

''(4) The chairman of the Committee on Armed Services of the House of Representatives, or his designee.

''(5) The chairman of the Committee on Armed Services of the Senate, or his designee.

''(b)(1) The persons designated by the President serve for three years each except that any member whose term of office has expired shall continue to serve until his successor is designated. The President shall designate persons each year to succeed the members designated by the President whose terms expire that year.

''(2) At least two of the members designated by the President shall be graduates of the Academy.

''(c)(1) If a member of the Board dies or resigns or is terminated as a member of the board under paragraph (2), a successor shall be designated for the unexpired portion of the term by the official who designated the member.

''(2) If a member of the Board fails to attend two successive Board meetings, except in a case in which an absence is approved in advance, for good cause, by the Board chairman, such failure shall be grounds for termination from membership on the Board. A person designated for membership on the Board shall be provided notice of the provisions of this paragraph at the time of such designation.

''(d) The Board should meet at least four times a year, with at least two of those meetings at the Academy. The Board or its members may make other visits to the Academy in connection with the duties of the Board. Board meetings should last at least one full day. Board members shall have access to the Academy grounds and the cadets, faculty, staff, and other personnel of the Academy for the purposes of the duties of the Board.

''(e)(1) The Board shall inquire into the morale, discipline, and social climate, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy that the Board decides to consider.

''(2) The Secretary of the Air Force and the Superintendent of the Academy shall provide the Board candid and complete disclosure, consistent with applicable laws concerning disclosure of information, of all institutional problems.

''(3) The Board shall recommend appropriate action.

''(f) Within 30 days after any meeting of the Board, the Board shall submit a written report concurrently to the Secretary of Defense, through the Secretary of the Air Force, and to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives with its views and recommendations pertaining to the Academy.

''(g) Upon approval by the Secretary, the Board may call in advisers for consultation.

''(h) While performing duties as a member of the Board, each member of the Board and each adviser shall be reimbursed under Government travel regulations for travel expenses.''.

SEC. 560B. ESTABLISHMENT OF COLLEGE FINANCIAL ASSISTANCE PROGRAM FOR DISTRICT OF COLUMBIA NATIONAL GUARD.

(a) AUTHORITY.—Under regulations prescribed by the Secretary of Defense, the Secretary concerned may, in recognition of the unique position of the District of Columbia in the Federal system, provide financial assistance to eligible members of the National Guard of the District of Columbia for expenses of such a member while enrolled in an approved institution of higher education in a degree, certificate, or other program (including a program of study abroad approved for credit by the institution of higher education) leading to a recognized educational credential at the institution of higher education. Any such assistance may be provided only during the program applicability period specified in subsection (i).

(b) AUTHORITY SUBJECT TO AVAILABILITY OF APPROPRIATIONS.—The authority provided in subsection (a) is subject to the availability of appropriations for that purpose.

(c) ELIGIBILITY.—To be eligible for financial assistance under this section, a member of the National Guard of the District of Columbia must—

(1) be a member of the National Guard of the District of Columbia for not less than the 12 consecutive months preceding the commencement of the tuition assistance and continue to be such a member while receiving such assistance;

(2) agree to serve one year in the National Guard of the District of Columbia for each academic year of assistance provided;

(3) be enrolled or accepted for enrollment in a program of education referred to in subsection (a) at an institution of higher education; and

(4) if already enrolled, maintain satisfactory progress in the course of study the member is pursuing in accordance with section 484(c) of the Higher Education Act of 1965 (20 U.S.C. 1091(c)).

(d) COVERED EXPENSES.—Expenses for which financial assistance may be provided under this section are the following:

(1) Tuition and fees charged by an approved institution of higher education involved.

(2) The cost of books.

(3) Laboratory expenses.

(e) AMOUNT.—(1) The amount of financial assistance provided to a member of the National Guard of the District of Columbia under this section shall be prescribed by the Secretary concerned, but may not exceed $2,500 for any academic year. The Secretary concerned shall prorate assistance under this section for members who pursue a program of education on less than a full-time basis.

(2) A member may not receive more than $12,500 under this section.

(f) CONSTRUCTION.—Nothing in this section shall be construed to require an institution of higher education to alter the institution's admissions policies or standards in any manner to enable a member of the National Guard of the District of Columbia to enroll in the institution.

(g) DEFINITIONS.—In this section:

(1) The term ''approved institution of higher education'' means an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that—

(A) is eligible to participate in the student financial assistance programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and

(B) has entered into an agreement with the Secretary concerned containing such conditions as the Secretary may specify, including a requirement that the institution use the funds made available under this section to supplement and not supplant assistance that otherwise would be provided to eligible students from the District of Columbia National Guard.

(2) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of the Army, in the case of the Army National Guard of the District of Columbia; and

(B) the Secretary of the Air Force, in the case of the Air National Guard of the District of Columbia.

(h) ANNUAL REPORT.—At the close of each year during which the program under this section is in effect, the Secretary of Defense shall submit to the congressional defense committees a report on the effectiveness of the program in improving recruiting and retention for the District of Columbia National Guard. Each such report shall include such recommendations for changes in law or policy as the Secretary considers appropriate. In the first such report, the Secretary shall include an analysis of means for improving the effectiveness as a recruitment and retention incentive of any program providing tuition assistance for members of the District of Columbia National Guard in existence as of the date of the enactment of this Act.

(i) PROGRAM APPLICABILITY PERIOD.—Financial assistance may be provided under this section to eligible members of the National Guard of the District of Columbia for periods of instruction that begin during the three-year period beginning on the date of the enactment of this Act.

Subtitle G—Medals and Decorations and Special Promotions and Appointments

SEC. 561. SEPARATE MILITARY CAMPAIGN MEDALS TO RECOGNIZE SERVICE IN OPERATION ENDURING FREEDOM AND SERVICE IN OPERATION IRAQI FREEDOM.

(a) REQUIREMENT.—The President shall establish a campaign medal specifically to recognize service by members of the uniformed services in Operation Enduring Freedom and a separate campaign medal specifically to recognize service by members of the uniformed services in Operation Iraqi Freedom.

(b) ELIGIBILITY.—Subject to such limitations as may be prescribed by the President, eligibility for a campaign medal established pursuant to subsection (a) shall be set forth in regulations to be prescribed by the Secretary concerned (as defined in section 101 of title 10, United States Code). In the case of regulations prescribed by the Secretaries of the military departments, the regulations shall be subject to approval by the Secretary of Defense and shall be uniform throughout the Department of Defense.

SEC. 562. ELIGIBILITY OF ALL UNIFORMED SERVICES PERSONNEL FOR NATIONAL DEFENSE SERVICE MEDAL.

The President shall revise the criteria for eligibility for the decoration known as

the National Defense Service Medal so as to extend such eligibility, with respect to service on or after September 11, 2001, to members of all of the uniformed services.

SEC. 563. AUTHORITY TO APPOINT BRIGADIER GENERAL CHARLES E. YEAGER, UNITED STATES AIR FORCE (RETIRED), TO THE GRADE OF MAJOR GENERAL ON THE RETIRED LIST.

The President is authorized to appoint, by and with the advice and consent of the Senate, Brigadier General Charles E. Yeager, United States Air Force (retired), to the grade of major general on the retired list of the Air Force. Any such appointment shall not affect the retired pay or other benefits of Charles E. Yeager or any benefits to which any other person is or may become entitled based upon his service.

SEC. 564. POSTHUMOUS COMMISSION OF WILLIAM MITCHELL IN THE GRADE OF MAJOR GENERAL IN THE ARMY.

(a) AUTHORITY.—The President, by and with the advice and consent of the Senate, may issue posthumously a commission as major general, United States Army, in the name of the late William Mitchell, formerly a colonel, United States Army, who resigned his commission on February 1, 1926.

(b) DATE OF COMMISSION.—A commission issued under subsection (a) shall issue as of the date of the death of William Mitchell on February 19, 1936.

(c) PROHIBITION OF BENEFITS.—No person is entitled to receive any bonus, gratuity, pay, allowance, or other financial benefit by reason of the enactment of this section.

SEC. 565. REQUIREMENTS FOR AWARD OF COMBAT INFANTRYMAN BADGE AND COMBAT MEDICAL BADGE WITH RESPECT TO SERVICE IN KOREA AFTER JULY 28, 1953.

(a) STANDARDIZATION OF REQUIREMENTS WITH OTHER GEOGRAPHIC AREAS.—(1) Chapter 357 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 3757. Korean defense service: Combat Infantryman Badge; Combat Medical Badge

''The Secretary of the Army shall provide that, with respect to service in the Republic of Korea after July 28, 1953, eligibility of a member of the Army for the Combat Infantryman Badge or the Combat Medical Badge shall be met under criteria and eligibility requirements that, as nearly as practicable, are identical to those applicable, at the time of such service in the Republic of Korea, to service elsewhere without regard to specific location or special circumstances. In particular, such eligibility shall be established—

''(1) without any requirement for service by the member in an area designated as a 'hostile fire area' (or by any similar designation) or that the member have been authorized hostile fire pay;

''(2) without any requirement for a minimum number of instances (in excess of one) in which the member was engaged with the enemy in active ground combat involving an exchange of small arms fire; and

''(3) without any requirement for personal recommendation or approval by commanders in the member's chain of command other than is generally applicable for service at locations outside the Republic of Korea.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''3757. Korean defense service: Combat Infantryman Badge; Combat Medical Badge.''.

(b) APPLICABILITY TO SERVICE BEFORE DATE OF ENACTMENT.—The Secretary of the Army shall establish procedures to provide for the implementation of section 3757 of title 10, United States Code, as added by subsection (a), with respect to service in the Republic of Korea during the period between July 28, 1953, and the date of the enactment of this Act. Such procedures shall include a requirement for submission of an application for award of a badge under that section with respect to service before the date of the enactment of this Act and the furnishing of such information as the Secretary may specify.

SEC. 566. ARMY COMBAT RECOGNITION RIBBON.

(a) REQUIREMENT SIMILAR TO THAT FOR NAVY COMBAT ACTION RIBBBON .—(1) Chapter 357 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 3757. Combat recognition ribbon

''(a) REQUIREMENT.—The Secretary of the Army shall establish a combat recognition ribbon to recognize participation by members of the Army in combat. The Secretary shall award the combat recognition ribbon to each member of the Army who meets the criteria for that ribbon based upon service performed after August 1, 1990.

''(b) CRITERIA FOR AWARD.—The Secretary shall establish the criteria for award of the combat recognition ribbon. To the maximum extent practicable, the criteria for the award of such ribbon shall be based upon, and be similar to, the criteria for award of the Navy Combat Action Ribbon, including any special criteria for service during a particular period of time or in a specific location.

''(c) LIMITATION.—The combat recognition ribbon may not be awarded to a member of the Army with respect to the same period of service as service for which the member was awarded the Combat Infantryman Badge or the Combat Medic Badge.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''3757. Combat recognition ribbon.''.

(b) IMPLEMENTATION FOR SERVICE BEFORE DATE OF ENACTMENT.—The Secretary of the Army shall establish procedures to provide for the implementation of section 3757 of title 10, United States Code, as added by subsection (a), with respect to service during the period beginning on August 1, 1990, and ending on the date of the enactment of this Act. Such procedures shall include a requirement for submission of an application for award of a ribbon under that section with respect to service before the date of the enactment of this Act and the furnishing of such information as the Secretary may specify. Such procedures shall be established not later than 180 days after the date of the enactment of this Act.

Subtitle H—Military Justice Matters

SEC. 571. REVIEW ON HOW SEXUAL OFFENSES ARE COVERED BY UNIFORM CODE OF MILITARY JUSTICE.

(a) REVIEW REQUIRED.—The Secretary of Defense shall review the Uniform Code of Military Justice and the Manual for Courts-Martial with the objective of determining what changes are required to improve the ability of the military justice system to address issues relating to sexual assault and to conform the Uniform Code of Military Justice and the Manual for Courts-Martial more closely to other Federal laws and regulations that address such issues.

(b) REPORT.—Not later than March 1, 2005, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the review carried out under subsection (a). The report shall include the recommendations of the Secretary for revisions to the Uniform Code of Military Justice and, for each such revision, the rationale behind that revision.

SEC. 572. SERVICE TIME NOT LOST WHEN CONFINED IN CONNECTION WITH TRIAL IF CONFINEMENT EXCUSED AS UNAVOIDABLE.

Section 972 of title 10, United States Code, is amended in each of subsections (a)(3) and (b)(3) by inserting after ''the trial'' the following: '', unless such confinement is excused as unavoidable''.

SEC. 573. CLARIFICATION OF AUTHORITY OF MILITARY LEGAL ASSISTANCE COUNSEL TO PROVIDE MILITARY LEGAL ASSISTANCE WITHOUT REGARD TO LICENSING REQUIREMENTS.

Section 1044 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e)(1) Notwithstanding any law regarding the licensure of attorneys, a judge advocate or civilian attorney who is authorized to provide military legal assistance is authorized to provide that assistance in any jurisdiction, subject to such regulations as may be prescribed by the Secretary concerned.

''(2) In this subsection, the term 'military legal assistance' includes—

''(A) legal assistance provided under this section; and

''(B) legal assistance contemplated by sections 1044a, 1044b, 1044c, and 1044d of this title.''.

Subtitle I—Management and Administrative Matters

SEC. 581. THREE-YEAR EXTENSION OF LIMITATION ON REDUCTIONS OF PERSONNEL OF AGENCIES RESPONSIBLE FOR REVIEW AND CORRECTION OF MILITARY RECORDS.

Section 1559(a) of title 10, United States Code, is amended by striking ''During fiscal years 2003, 2004, and 2005,'' and inserting ''Before October 1, 2008,''.

SEC. 582. STAFFING AND FUNDING FOR DEFENSE PRISONER OF WAR/MISSING PERSONNEL OFFICE (DPMO).

(a) MINIMUM LEVEL OF STAFFING.—Subparagraph (B) of section 1501(a)(5) of title 10, United States Code, is amended to read as follows:

''(B)(i) For any fiscal year—

''(I) the number of full-time Department of Defense personnel permanently assigned or detailed to the office shall be not less than 46 members of the armed forces and not less than 69 civilian employees of the Department of Defense; and

''(II) the number of permanent positions authorized for the office shall be not less than 46 positions for members of the armed forces and not less than 69 positions for civilian employees.

''(ii) No reductions below the numbers assigned or authorized under clause (i) may be made unless expressly authorized by law.

''(iii) If for any reason the number of military or civilian personnel assigned to the office should fall below the required level under clause (i)(I), the Secretary of Defense shall promptly notify the Committees on Armed Services of the Senate and House of Representatives of the number of personnel so assigned and of the Secretary's plan to restore the staffing levels of the office to at least the required minimums under clause (i). The Secretary shall publish such notice and plan in the Federal Register.''.

(b) MINIMUM LEVEL OF FUNDING.—Subparagraph (C) of such section is amended to read as follows:

''(C) For any fiscal year, the level of funding allocated to the office shall be not less than $16,000,000 unless a lower level of funding is expressly required by law.''.

SEC. 583. PERMANENT ID CARDS FOR RETIREE DEPENDENTS AGE 70 AND OLDER.

(a) IN GENERAL.—(1) Chapter 53 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1060b. Military ID cards: dependents and survivors of retirees; issuance of permanent ID card after attaining 70 years of age

''(a) PERMANENT ID CARD AFTER AGE 70.—In issuing military ID cards to retiree dependents, the Secretary concerned shall issue a permanent ID card (not subject to renewal) to any such retiree dependent who has attained 70 years of age. Such a permanent ID card shall be issued upon the expiration, after the retiree dependent attains 70 years of age, of any earlier, renewable military ID card or, if earlier, upon the request of such a retiree dependent after attaining age 70.

''(b) DEFINITIONS.—In this section:

''(1) The term 'military ID card' means a card or other form of identification used for purposes of demonstrating eligibility for any benefit from the Department of Defense.

''(2) The term ''retiree dependent'' means a person who is a dependent of a retired member of the uniformed services, or a survivor of a deceased retired member of the uniformed services, who is eligible for any benefit from the Department of Defense.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1060b. Military ID cards: dependents and survivors of retirees; issuance of permanent ID card after attaining 70 years of age.''.

(b) EFFECTIVE DATE.—Section 1060b of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2004.

SEC. 584. AUTHORITY TO PROVIDE CIVILIAN CLOTHING TO MEMBERS TRAVELING IN CONNECTION WITH MEDICAL EVACUATION.

(a) AUTHORITY.—Section 1047 of title 10, United States Code, is amended—

(1) by inserting ''(b) CERTAIN ENLISTED MEMBERS.—'' before ''The Secretary''; and

(2) by inserting after the section heading the following:

''(a) MEMBERS TRAVELING IN CONNECTION WITH MEDICAL EVACUATION.—The Secretary of the military department concerned may furnish civilian clothing to a member at a cost not to exceed $250, or reimburse a member for the purchase of civilian clothing in an amount not to exceed $250, in the case of a member who—

''(1) is medically evacuated for treatment in a medical facility by reason of an illness or injury incurred or aggravated while on active duty; or

''(2) after being medically evacuated as described in paragraph (1), is in an authorized travel status from a medical facility to another location approved by the Secretary.''.

(b) EFFECTIVE DATE.—Subsection (a) of section 1047 of title 10, United States Code, as added by subsection (a) shall take effect on October 1, 2004.

SEC. 585. AUTHORITY TO ACCEPT DONATION OF FREQUENT TRAVELER MILES, CREDITS, AND TICKETS TO FACILITATE REST AND RECUPERATION TRAVEL OF DEPLOYED MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.

(a) OPERATION HERO MILES.—Chapter 155 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2613. Acceptance of frequent traveler miles, credits, and tickets; use to facilitate rest and recuperation travel of deployed members and their families

''(a) AUTHORITY TO ACCEPT DONATION OF TRAVEL BENEFITS.—Subject to subsection (c), the Secretary of Defense may accept from any person or government agency the donation of travel benefits for the purposes of use under subsection (d).

''(b) TRAVEL BENEFIT DEFINED.—In the section, the term ''travel benefit'' means frequent traveler miles, credits for tickets, or tickets for air or surface transportation issued by an air carrier or a surface carrier, respectively, that serves the public.

''(c) CONDITION ON AUTHORITY TO ACCEPT DONATION.—The Secretary may accept a donation of a travel benefit under this section only if the air or surface carrier that is the source of the benefit consents to such donation. Any such donation shall be under such terms and conditions as the surface carrier may specify, and the travel benefit so donated may be used only in accordance with the rules established by the carrier.

''(d) USE OF DONATED TRAVEL BENEFITS.—A travel benefit accepted under this section may be used only for the purpose of—

''(1) facilitating the travel of a member of the armed forces who—

''(A) is deployed on active duty away from the permanent duty station of the member; and

''(B) is granted, during such deployment, rest and recuperative leave, emergency leave, convalescent leave, or another form of leave authorized for the member; or

''(2) facilitating the travel of family members of a member described in paragraph (1) in order to be reunited with the member.

''(e) ADMINISTRATION.—The Secretary shall designate a single office in the Department of Defense to carry out this section. That office shall be responsible for developing rules and procedures to facilitate the acceptance and distribution of travel benefit under this section.

''(f) STATUS OF BENEFITS RECEIVED.—A member of the armed forces, or a family member of a member of the armed forces, who receives a travel benefit under this section is deemed to recognize no income from the receipt or use of such benefit. A donors of a travel benefit under this section is deemed to obtain no tax benefit from such donation.

''(g) FAMILY MEMBER DEFINED.—In this section, the term 'family member' has the meaning given that term in section 411h(b)(1) of title 37.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2613. Acceptance of frequent traveler miles, credits, and tickets; use to facilitate rest and recuperation travel of deployed members and their families.''.

SEC. 586. LIMITATION ON AMENDMENT OR CANCELLATION OF DEPARTMENT OF DEFENSE DIRECTIVE RELATING TO REASONABLE ACCESS TO MILITARY INSTALLATIONS FOR CERTAIN PERSONAL COMMERCIAL SOLICITATION.

An amendment to Department of Defense Directive 1344.7, ''Personal Commercial Solicitation on DoD Installations'', or cancellation of that directive, shall not take effect until after the end of the one-year period beginning on the date on which a report containing the results of the investigation regarding insurance premium allotment processing, which is underway as of the date of the enactment of this Act, is submitted to the Committee on Armed Services and the Committee on Government Reform of the House of Representatives and the Committee on Armed Services and the Committee on Governmental Affairs of the Senate.

SEC. 587. ANNUAL IDENTIFICATION OF REASONS FOR DISCHARGES FROM THE ARMED FORCES DURING PRECEDING FISCAL YEAR.

Not later than January 1 each year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on discharges from the Army, Navy, Air Force, and Marine Corps during the preceding fiscal year. Each such report shall show, in the aggregate and for each of those Armed Forces, the following:

(1) The total number of persons discharged during the preceding fiscal year.

(2) For each separation code, and for each reenlistment eligibility code, used by the Armed Forces, the number of those discharged persons assigned that code.

(3) For the persons assigned each such separation code, classification of discharges by age, by sex, by race, by military rank or grade, by time in service, by unit (shown at the small unit level), by military occupational specialty (or the equivalent), and by reenlistment eligibility code.

SEC. 588. AUTHORITY FOR FEDERAL RECOGNITION OF NATIONAL GUARD COMMISSIONED OFFICERS APPOINTED FROM FORMER COAST GUARD PERSONNEL.

Section 305(a) of title 32, United States Code, is amended—

(1) by striking ''Army, Navy, Air Force, or Marine Corps'' in paragraphs (2), (3), and (4) and inserting ''armed forces''; and

(2) by striking ''or the United States Air Force Academy'' in paragraph (5) and inserting ''the United States Air Force Academy, or the United States Coast Guard Academy''.

SEC. 589. STUDY OF BLENDED WING CONCEPT FOR THE AIR FORCE.

(a) STUDY REQUIRED.—Not later than March 1, 2005, the Secretary of the Air Force shall submit to Congress a report on the blended wing concept for the Air Force. The report shall include the Secretary's findings as to the characteristics and locations that are considered favorable for a blended wing, a description of the manner in which current blended wings are functioning, and a statement of the current and future plans of the Air Force to implement the blended wing concept.

(b) SELECTION CRITERIA.—The report shall include a description of the criteria and attributes that the Secretary requires when choosing units to become blended wings.

SEC. 590. CONTINUATION OF IMPACT AID ASSISTANCE ON BEHALF OF DEPENDENTS OF CERTAIN MEMBERS DESPITE CHANGE IN STATUS OF MEMBER.

(a) SPECIAL RULE.—For purposes of computing the amount of a payment for an eligible local educational agency under subsection (a) of section 8003 of the Elementary and Secondary Education Act (20 U.S.C. 7703) for school year 2004–2005, the Secretary of Education shall continue to count as a child enrolled in a school of such agency under such subsection any child who—

(1) would be counted under paragraph (1)(B) of such subsection to determine the number of children who were in average daily attendance in the school; but

(2) due to the deployment of both parents or legal guardians of the child, the deployment of a parent or legal guardian having sole custody of the child, or the death of a military parent or legal guardian while on active duty (so long as the child resides on Federal property (as defined in section 8013(5) of such Act (7 U.S.C. 7713(5))), is not eligible to be so counted.

(b) TERMINATION.—The special rule provided under subsection (a) applies only so long as the children covered by such subsection remain in average daily attendance at a school in the same local educational

agency they attended before their change in eligibility status.

Subtitle J—Other Matters

SEC. 591. EMPLOYMENT PREFERENCES FOR SPOUSES OF CERTAIN DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES SUBJECT TO RELOCATION AGREEMENTS.

(a) SPOUSES OF CERTAIN CIVILIAN EMPLOYEES.—(1) Section 1784 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(h) INCLUSION OF SPOUSES OF CERTAIN DOD CIVILIAN EMPLOYEES SUBJECT TO RELOCATION AGREEMENTS.—(1) For the purposes of this section, the spouse of a civilian employee described in paragraph (2) shall be considered to be the spouse of a member of the armed forces.

''(2) An employee described in this paragraph is a Department of Defense employee who, pursuant to a mandatory mobility agreement executed as a condition of employment or pursuant to another civilian mobility program of the Department of Defense, has had a change of permanent duty assignment (A) that was based on the needs of the Government, and (B) that required a relocation of the employee's residence.''.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

''§ 1784. Employment opportunities: military spouses; certain Department of Defense civilian spouses subject to relocation agreements''.

(2) The item relating to such section in the table of sections at the beginning of subchapter I of chapter 88 of such title is amended to read as follows:

''1784. Employment opportunities: military spouses; certain Department of Defense civilian spouses subject to relocation agreements.''.

(c) EFFECTIVE DATE.—Subsection (h) of section 1784 of title 10, United States Code, as added by subsection (a), shall apply only with respect to spouses of employees described in paragraph (2) of that subsection who relocate their residence as a result of a permanent duty assignment specified in that paragraph that is effective on or after the date of the enactment of this Act.

SEC. 592. REPEAL OF REQUIREMENT TO CONDUCT ELECTRONIC VOTING DEMONSTRATION PROJECT FOR THE FEDERAL ELECTION TO BE HELD IN NOVEMBER 2004.

Section 1604 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1277; 42 U.S.C. 1977ff note) is repealed.

SEC. 593. EXAMINATION OF SEXUAL ASSAULT IN THE ARMED FORCES BY THE DEFENSE TASK FORCE ESTABLISHED TO EXAMINE SEXUAL HARASSMENT AND VIOLENCE AT THE MILITARY SERVICE ACADEMIES.

(a) EXTENSION OF TASK FORCE.—(1) The task force in the Department of Defense established by the Secretary of Defense pursuant to section 526 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1466) to examine matters relating to sexual harassment and violence at the United States Military Academy and United States Naval Academy shall continue in existence for a period of at least 18 months after the date as of which the task force would otherwise be terminated pursuant to subsection (i) of that section.

(2) Upon the completion of the functions of the task force referred to in paragraph (1) pursuant to section 526 of the National Defense Authorization Act for Fiscal Year 2004, the name of the task force shall be changed to the Defense Task Force on Sexual Assault in the Military Services, and the task force shall then carry out the functions specified in this section. The task force shall not begin to carry out the functions specified in this section until it has completed its functions under such section 526.

(b) EXAMINATION OF MATTERS RELATING TO SEXUAL ASSAULT IN THE ARMED FORCES.—The task force shall conduct an examination of matters relating to sexual assault in cases in which members of the Armed Forces are either victims or commit acts of sexual assault.

(c) RECOMMENDATIONS.—The Task Force shall include in its report under subsection (e) recommendations of ways by which civilian officials within the Department of Defense and leadership within the Armed Forces may more effectively address matters relating to sexual assault. That report shall include an assessment of, and recommendations (including any recommendations for changes in law) for measures to improve, with respect to sexual assault, the following:

(1) Victim care and advocacy programs.

(2) Effective prevention.

(3) Collaboration among military investigative organizations with responsibility or jurisdiction.

(4) Coordination between military and civilian communities, including local support organizations.

(5) Reporting procedures, data collection, and tracking.

(6) Oversight of sexual assault programs.

(7) Military justice issues.

(8) Other issues identified by the task force relating to sexual assault.

(d) METHODOLOGY.—In carrying out its examination under subsection (b) and in formulating its recommendations under subsection (c), the task force shall consider the findings and recommendations of previous reviews and investigations of sexual assault conducted by the Department of Defense and the Armed Forces.

(e) REPORT.—(1) Not later than one year after the initiation of its examination under subsection (b), the task force shall submit to the Secretary of Defense and the Secretaries of the Army, Navy, and Air Force a report on the activities of the task force and on the activities of the Department of Defense and the Armed Forces to respond to sexual assault.

(2) The report shall include the following:

(A) A description of any barrier to implementation of improvements as a result of previous efforts to address sexual assault.

(B) Other areas of concern not previously addressed in prior reports

(C) The findings and conclusions of the task force.

(D) Any recommendations for changes to policy and law that the task force considers appropriate.

(3) Within 90 days after receipt of the report under paragraph (1), the Secretary of Defense shall submit the report, together with the Secretary's evaluation of the report, to the Committees on Armed Services of the Senate and House of Representatives.

(f) TERMINATION.—The task force shall terminate 90 days after the date on which the report of the task force is submitted to the Committees on Armed Services of the Senate and House of Representatives pursuant to subsection (e)(3).

SEC. 594. RENEWAL OF PILOT PROGRAM FOR TREATING GED AND HOME SCHOOL DIPLOMA RECIPIENTS AS HIGH SCHOOL GRADUATES FOR DETERMINATIONS OF ELIGIBILITY FOR ENLISTMENT.

Section 571(e) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (10 U.S.C. 520 note) is amended to read as follows:

''(e) DURATION OF PILOT PROGRAM.—The pilot program shall be in effect during the period beginning on October 1, 2004, and ending on September 30, 2005.''.

SEC. 595. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) CONTINUATION OF DEPARTMENT OF DEFENSE PROGRAM FOR FISCAL YEAR 2005.—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $50,000,000 shall be available only for the purpose of providing educational agencies assistance to local educational agencies.

(b) NOTIFICATION.—Not later than June 30, 2005, the Secretary of Defense shall notify each local educational agency that is eligible for educational agencies assistance for fiscal year 2005 of—

(1) that agency's eligibility for the assistance; and

(2) the amount of the assistance for which that agency is eligible.

(c) DISBURSEMENT OF FUNDS.—The Secretary of Defense shall disburse funds made available under subsection (a) not later than 30 days after the date on which notification to the eligible local educational agencies is provided pursuant to subsection (b).

(d) DEFINITIONS.—In this section:

(1) The term ''educational agencies assistance'' means assistance authorized under section 386(b) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 7703 note).

(2) The term ''local educational agency'' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 596. SENIOR RESERVE OFFICER TRAINING CORPS AND RECRUITER ACCESS AT INSTITUTIONS OF HIGHER EDUCATION.

(a) CERTIFICATION OF COMPLIANCE WITH ROTC ACCESS PROVISIONS.—Subsection (a) of section 983 of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''No funds'';

(2) by striking ''prevents—'' and inserting ''prevents, either (or both) of the following:'';

(3) by striking ''(1) the'' and inserting ''(A) The'';

(4) by striking ''; or'' and inserting a period;

(5) by striking ''(2) a'' and inserting ''(B) A''; and

(6) by adding at the end the following:

''(2)(A) Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2005 and annually thereafter, the Secretary of Defense shall request from each institution of higher education that has students participating in a Senior Reserve Officer Training Corps program during the then-current academic year of that institution a certification that such institution, during the next academic year of the institution, will—

''(i) permit the Secretary of each military department to maintain a unit of the Senior Officer Training Corps (in accordance with subsection (a)) at that institution (or any subelement of that institution), should such Secretary elect to maintain such a unit; and

''(ii) if the Secretary of the military department concerned elects not to establish or maintain a unit of the Senior Reserve Officer Training Corps at that institution, permit a student of that institution (or any subelement of that institution) to enroll in a unit of the Senior Reserve Officer Training Corps at another institution of higher education.

''(B) Any certification under subparagraph (A) shall be made by the president of

the institution (or equivalent highest ranking administrative official) and shall be submitted to the Secretary of Defense no later than 90 days after receipt of the request from the Secretary.

''(C) In the case of any institution from which a certification is requested under subparagraph (A), if the Secretary of Defense does not receive a certification in accordance with subparagraph (B), or if the certification does not state that the university will comply with both clauses (i) and (ii) of subparagraph (A) during its next academic year, the Secretary shall make a determination under paragraph (1) as to whether the institution has a policy or practice described in that paragraph.''.

(b) EQUAL TREATMENT OF MILITARY RECRUITERS WITH OTHER RECRUITERS.—Subsection (b)(1) of such section is amended—

(1) by striking ''entry to campuses'' and inserting ''access to campuses''; and

(2) by inserting before the semicolon at the end the following: ''in a manner that is at least equal in quality and scope to the access to campuses and to students that is provided to any other employer''.

(c) PROHIBITION OF FUNDING FOR POST-SECONDARY SCHOOLS THAT PREVENT ROTC ACCESS OR MILITARY RECRUITING.—(1) Subsection (d) of such section is amended—

(A) in paragraph (1)—

(i) by striking ''limitation established in subsection (a) applies'' and inserting ''limitations established in subsections (a) and (b) apply'';

(ii) in subparagraph (B), by inserting ''for any department or agency for which regular appropriations are made'' after ''made available''; and

(iii) by adding at the end the following new subparagraphs:

''(C) Any funds made available for the Department of Homeland Security.

''(D) Any funds made available for the National Nuclear Security Administration of the Department of Energy.

''(E) Any funds made available for the Department of Transportation.

''(F) Any funds made available for the Central Intelligence Agency.''; and

(B) by striking paragraph (2).

(2)(A) Subsection (b) of such section is amended by striking ''subsection (d)(2)'' and inserting ''subsection (d)(1)''.

(B) Subsection (e) of such section is amended by inserting '', to the head of each other department and agency the funds of which are subject to the determination,'' after ''Secretary of Education''.

(d) CODIFICATION AND EXTENSION OF EXCLUSION OF AMOUNTS TO COVER INDIVIDUAL PAYMENTS.—Subsection (d) of such section, as amended by subsection (c)(1), is further amended—

(1) by striking ''The'' after ''(1)'' and inserting ''Except as provided in paragraph (2), the''; and

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

''(2) Any Federal funding specified in paragraph (1) that is provided to an institution of higher education, or to an individual, to be available solely for student financial assistance, related administrative costs, or costs associated with attendance, may be used for the purpose for which the funding is provided.''.

(e) CONFORMING AMENDMENTS.—Subsections (a) and (b) of such section are amended by striking ''(including a grant of funds to be available for student aid)''.

(f) CONFORMING REPEAL OF CODIFIED PROVISION.—Section 8120 of the Department of Defense Appropriations Act, 2000 (Public Law 106–79; 10 U.S.C. 983 note), is repealed

(g) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to funds appropriated for fiscal year 2005 and thereafter.

SEC. 597. REPORTS ON TRANSFORMATION MILESTONES.

(a) MILITARY TO CIVILIAN CONVERSIONS.—Not later than January 31, 2005, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report providing information as to the number of positions in the Department of Defense converted during the previous fiscal year from performance by military personnel to performance by civilian personnel. The report shall include—

(1) a description of the skill set of the positions converted;

(2) specification of the total cost of such conversions and how that cost is being paid for; and

(3) the number of positions in the Department of Defense projected for such conversion during the period from March 1, 2005, to January 31, 2006.

(b) CIVILIAN SKILLS CORPS FEASIBILITY STUDY.—(1) The Secretary of Defense shall conduct an Armed Forces-wide study of how a system to embed certain civilian expertise skill sets within the military on a temporary basis could be implemented. The study shall include consideration of all skills sets in which, as determined by the Secretary of Defense, there is a significant shortfall within the Armed Forces or which are high value, but of uncertain need. The study shall examine the feasibility of implementing a personnel system that expands the capability of the Armed Forces to rapidly access civilian volunteers with needed expertise outside of the reserve components.

(2) The Secretary shall submit to the congressional defense committees a report on the results of the study under paragraph (1) not later than March 31, 2005.

(c) MILITARY-TO-MILITARY CONVERSIONS.—Not later than March 31 of each of 2005, 2006, and 2007, the Secretary of Defense shall submit to the congressional defense committees a report on the milestones within the multiyear transformation for internal military-to-military transitions. Each such report shall include—

(1) the number of units and personnel transferred and retrained within the previous fiscal year and what their new unit designations are; and

(2) a description of the transformation goals for the upcoming fiscal year and whether the previous years goals were met and why or why not.

(d) TRANSFORMATION TO BRIGADE STRUCTURE FOR THE ARMY.—No later than March 31 of each year, the Secretary of Defense shall submit to the congressional defense committees a report on the status of the internal transformation of the Army from a division-orientated system to a brigade-orientated one. Such a report shall be submitted for each year until the Secretary of the Army certifies to those committees that the transformation of the Army to brigade level units has been completed.

SEC. 598. DEPARTMENT OF DEFENSE POLICY AND PROCEDURES ON PREVENTION AND RESPONSE TO SEXUAL ASSAULTS INVOLVING MEMBERS OF THE ARMED FORCES.

(a) COMPREHENSIVE POLICY ON PREVENTION AND RESPONSE TO SEXUAL ASSAULTS.—(1) Not later than January 1, 2005, the Secretary of Defense shall develop a comprehensive policy for the Department of Defense on the prevention of and response to sexual assaults involving members of the Armed Forces.

(2) The policy shall be based on the recommendations of the Department of Defense Task Force on Care for Victims of Sexual Assaults and on such other matters as the Secretary considers appropriate.

(b) ELEMENTS OF COMPREHENSIVE POLICY.—The policy developed under subsection (a) shall address the following matters:

(1) Prevention measures.

(2) Education and training on prevention and response.

(3) Investigation of complaints by command and law enforcement personnel.

(4) Medical treatment of victims.

(5) Confidential reporting of incidents.

(6) Victim advocacy and intervention.

(7) Oversight by commanders of administrative and disciplinary actions in response to substantiated incidents of sexual assault.

(8) Disposition of victims of sexual assault, including review by appropriate authority of administrative separation actions involving victims of sexual assault.

(9) Disposition of members of the Armed Forces accused of sexual assault.

(10) Liaison and collaboration with civilian agencies on the provision of services to victims of sexual assault.

(11) Uniform collection of data on the incidence of sexual assaults and on disciplinary actions taken in substantiated cases of sexual assault.

(c) REPORT ON IMPROVEMENT OF CAPABILITY TO RESPOND TO SEXUAL ASSAULTS.—Not later than March 1, 2005, the Secretary of Defense shall submit to Congress a proposal for such legislation as the Secretary considers necessary to enhance the capability of the Department of Defense to address matters relating to sexual assaults involving members of the Armed Forces.

(d) APPLICATION OF COMPREHENSIVE POLICY TO MILITARY DEPARTMENTS.—The Secretary shall ensure that, to the maximum extent practicable, the policy developed under subsection (a) is implemented uniformly by the military departments.

(e) POLICIES AND PROCEDURES OF MILITARY DEPARTMENTS.—(1) Not later than March 1, 2005, the Secretaries of the military departments shall prescribe regulations, or modify current regulations, on the policies and procedures of the military departments on the prevention of and response to sexual assaults involving members of the Armed Forces in order—

(A) to conform such policies and procedures to the policy developed under subsection (a); and

(B) to ensure that such policies and procedures include the elements specified in paragraph (2).

(2) The elements specified in this paragraph are as follows:

(A) A program to promote awareness of the incidence of sexual assaults involving members of the Armed Forces.

(B) A program to provide victim advocacy and intervention for members of the Armed Force concerned who are victims of sexual assault, which program shall make available, at home stations and in deployed locations, trained advocates who are readily available to intervene on behalf of such victims.

(C) Procedures for members of the Armed Force concerned to follow in the case of an incident of sexual assault involving a member of such Armed Force, including—

(i) specification of the person or persons to whom the alleged offense should be reported;

(ii) specification of any other person whom the victim should contact;

(iii) procedures for the preservation of evidence; and

(iv) procedures for confidential reporting and for contacting victim advocates.

(D) Procedures for disciplinary action in cases of sexual assault by members of the Armed Force concerned.

(E) Other sanctions authorized to be imposed in substantiated cases of sexual assault, whether forcible or nonforcible, by members of the Armed Force concerned.

(F) Training on the policies and procedures for all members of the Armed Force

concerned, including specific training for members of the Armed Force concerned who process allegations of sexual assault against members of such Armed Force.

(G) Any other matters that the Secretary of Defense considers appropriate.

(f) ANNUAL ASSESSMENT OF POLICIES AND PROCEDURES.—Not later than January 15, 2006, and each year thereafter, each Secretary of a military department shall conduct an assessment of the implementation during the preceding fiscal year of the policies and procedures of such department on the prevention of and response to sexual assaults involving members of the Armed Forces in order to determine the effectiveness of such policies and procedures during such fiscal year in providing an appropriate response to such sexual assaults.

(g) ANNUAL REPORTS.—(1) Not later than April 1, 2005, and January 15 of each year thereafter, each Secretary of a military department shall submit to the Secretary of Defense a report on the sexual assaults involving members of the Armed Force concerned during the preceding year.

(2) Each report on an Armed Force under paragraph (1) shall contain the following:

(A) The number of sexual assaults against members of the Armed Force, and the number of sexual assaults by members of the Armed Force, that were reported to military officials during the year covered by such report, and the number of the cases so reported cases that were substantiated.

(B) A synopsis of and the disciplinary action taken in each substantiated case.

(C) The policies, procedures, and processes implemented by the Secretary concerned during the year covered by such report in response to incidents of sexual assault involving members of the Armed Force concerned.

(D) A plan for the actions that are to be taken in the year following the year covered by such report on the prevention of and response to sexual assault involving members of the Armed Forces concerned.

(3) Each report under paragraph (1) in 2006, 2007, and 2008 shall also include the assessment conducted by the Secretary concerned under subsection (f).

(4) The Secretary of Defense shall transmit to the Committees on Armed Services of the Senate and the House of Representatives each report submitted to the Secretary under this subsection, together with the comments of the Secretary on each such report. The Secretary shall transmit the report on 2004 not later than May 1, 2005, and shall transmit the report on any year after 2004 not later than March 15 of the year following such year.

(h) REQUIREMENT TO DEVELOP DEFINITION OF SEXUAL ASSAULT.—Prior to developing policies and programs on the prevention of and response to sexual assaults, the Department of Defense, in consultation with the Service Secretaries, shall develop a definition of sexual assault that is uniform for all the Armed Forces, including but not limited to rape, acquaintance rape, sexual assault, and other criminal offenses.

SEC. 599. AUTHORITY FOR REMOVAL OF REMAINS OF CERTAIN PERSONS INTERRED IN UNITED STATES MILITARY CEMETERIES OVERSEAS.

(a) REMOVAL AND TRANSPORTATION OF REMAINS.—Upon receipt from a qualifying survivor of an application with respect to a person interred in a United States overseas military cemetery, the Secretary of Defense may, upon approval of such application, provide for—

(1) the removal of the remains of that person from the cemetery in which interred; and

(2) transportation of such remains to a location in the United States selected by such qualifying survivor.

(b) REQUIREMENT FOR APPROVAL OF APPLICATIONS.—(1) An application under this section may be approved only if the application presents sufficient evidence that, at the time of the initial disposition decision (as defined in paragraph (2)), there was a misunderstanding or error related to that disposition decision that the Secretary finds warrants approval of the application.

(2) In paragraph (1), the term ''initial disposition decision'', with respect to the remains of a person who died outside the United States and was interred in a United States overseas military cemetery, means a decision by a family member (or other designated person) as to the disposition (in accordance with laws and regulations in effect at the time) of the remains of the person with respect to whom the application is submitted, such decision being to have the remains interred in a United States overseas military cemetery (rather than to have those remains transported to the United States for interment or other disposition in the United States).

(c) ABMC ASSISTANCE.—The American Battle Monuments Commission shall provide the Secretary of Defense with such assistance as the Secretary may require in carrying out this section with respect to cemeteries under the jurisdiction of the Commission.

(d) TIME FOR APPLICATION.—An application under subsection (a) must be submitted to the Secretary of Defense not later than the end of the two-year period beginning on the date of the enactment of this Act.

(e) NO EXPENDITURE OF FEDERAL FUNDS.—No costs associated with the removal and transportation of remains provided for under subsection (a) may be paid by the United States.

(f) DEFINITIONS.—For purposes of this section:

(1) UNITED STATES OVERSEAS MILITARY CEMETERY.—The term ''United States overseas military cemetery'' means a cemetery located in a foreign country that is administered by the Secretary of a military department or the American Battle Monuments Commission.

(2) QUALIFYING SURVIVORS.—The term ''qualifying survivor'' means the following, in the order specified.

(A) The surviving spouse.

(B) All surviving children (including adoptive children), acting concurrently.

(C) A birth parent or, if both survive, both birth parents, acting concurrently.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SECTION 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 2005.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2005 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2005, the rates of monthly basic pay for members of the uniformed services are increased by 3.5 percent.

SEC. 602. AUTHORITY TO PROVIDE FAMILY SEPARATION BASIC ALLOWANCE FOR HOUSING.

Section 403(d) of title 37, United States Code, is amended—

(1) in paragraph (1), by striking ''is entitled to'' and inserting ''may be paid''; and

(2) in paragraph (4), by striking the first sentence and inserting the following new sentence: ''A family separation basic allowance for housing paid to a member under this subsection is in addition to any other allowance or per diem that the member receives under this title.''

SEC. 603. GEOGRAPHIC BASIS FOR BASIC ALLOWANCE FOR HOUSING DURING SHORT CHANGES OF STATION FOR PROFESSIONAL MILITARY EDUCATION OR TRAINING.

Section 403(d)(3) of title 37, United States Code, is amended by adding at the end the following new subparagraph:

''(C) If the member is reassigned for a permanent change of station or permanent change of assignment from a duty station in the continental United States to another duty station in the continental United States for a period of not more than one year for the purpose of participating in professional military education or training classes, the Secretary concerned may base the amount of the basic allowance for housing for the member on the duty station to which the member is reassigned or the area in which the dependents reside, whichever the Secretary concerned determines to be most equitable.''.

SEC. 604. IMMEDIATE LUMP-SUM REIMBURSEMENT FOR UNUSUAL NONRECURRING EXPENSES INCURRED BY MEMBERS SERVING OUTSIDE CONTINENTAL UNITED STATES.

(a) ELIGIBILITY FOR REIMBURSEMENT.—Section 405 of title 37, United States Code, is amended by adding at the end the following new subsection:

''(d) LUMP-SUM REIMBURSEMENT FOR NONRECURRING EXPENSES.—In addition to providing a per diem under this section, the Secretary concerned may reimburse a member for actual expenses of a nonrecurring nature that the member incurs incident to serving on duty outside of the continental United States. The types of expenses for which reimbursement may be provided under this paragraph shall be limited to those expenses directly related to the conditions or location of the duty outside of the continental United States and either of a nature or a magnitude not normally incurred by members assigned to duty inside the continental United States. In determining the per diem to be paid under this section, the Secretary concerned shall not consider expenses for which reimbursement is provided under this paragraph.''.

(b) USE OF DEFINED TERM CONTINENTAL UNITED STATES.—(1) Subsection (a) of such section is amended by striking ''outside of the United States or in Hawaii or Alaska'' and inserting ''outside of the continental United States''.

(2) The heading of such section is amended to read as follows:

''§ 405. Travel and transportation allowances: per diem while on duty outside the continental United States''.

(3) The table of sections at the beginning of chapter 7 of such title is amended by striking the item relating to section 405 and inserting the following new item:

''405. Travel and transportation allowances: per diem while on duty outside the continental United States.''.

SEC. 605. INCOME REPLACEMENT PAYMENTS FOR RESERVES EXPERIENCING EXTENDED AND FREQUENT MOBILIZATION FOR ACTIVE DUTY SERVICE.

(a) IN GENERAL.—(1) Chapter 19 of title 37, United States Code, is amended by adding at the end the following new section:

''§ 910. Replacement of lost income: involuntarily mobilized reserve component members subject to extended and frequent active duty service

''(a) PAYMENT REQUIRED.—The Secretary concerned shall pay to an eligible member of a reserve component of the armed forces an amount equal to the monthly active-duty income differential of the member, as determined by the Secretary. The payments shall be made on a monthly basis.

''(b) ELIGIBILITY.—Subject to subsection (c), a reserve component member is entitled to a payment under this section for any full month of active duty of the member, while on active duty under an involuntary mobilization order, following the date on which the member—

''(1) completes 12 continuous months of service on active duty under such an order;

''(2) completes 18 months on active duty during the previous 60 months under such an order; or

''(3) is involuntarily mobilized for service on active duty six months or less following the member's separation from the member's previous period of active duty.

''(c) MINIMUM AND MAXIMUM PAYMENT AMOUNTS.—(1) A payment under this section shall be made to a member for a month only if the amount of the monthly active-duty income differential for the month is greater than $50.

''(2) Notwithstanding the amount determined under subsection (d) for a member for a month, the monthly payment to a member under this section may not exceed $3,000.

''(d) MONTHLY ACTIVE-DUTY INCOME DIFFERENTIAL.—For purposes of this section, the monthly active-duty income differential of a member is the difference between—

''(1) the average monthly civilian income of the member; and

''(2) the member's total monthly military compensation.

''(e) DEFINITIONS.—In this section:

''(1) The term 'average monthly civilian income', with respect to a member of a reserve component, means the amount, determined by the Secretary concerned, of the earned income of the member for either the 12 months preceding the member's mobilization or the 12 months covered by the member's most recent Federal income tax filing, divided by 12.

''(2) The term 'total monthly military compensation' means the amount, computed on a monthly basis, of the sum of—

''(A) the amount of the regular military compensation (RMC) of the member; and

''(B) any amount of special pay or incentive pay and any allowance (other than an allowance included in regular military compensation) that is paid to the member on a monthly basis.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''910. Replacement of lost income: involuntarily mobilized reserve component members subject to extended and frequent active duty service.''.

(b) EFFECTIVE DATE.—Section 910 of title 37, United States Code, as added by subsection (a), shall apply for months after December 2004.

SEC. 606. AUTHORITY FOR CERTAIN MEMBERS DEPLOYED IN COMBAT ZONES TO RECEIVE LIMITED ADVANCES ON THEIR FUTURE BASIC PAY.

(a) ADVANCEMENT OF BASIC PAY.—(1) Chapter 3 of title 37, United States Code, is amended by adding at the end the following new section:

''§ 212. Advancement of basic pay: members deployed in combat zones for more than one year

''(a) ELIGIBILITY; AMOUNT ADVANCED.—(1) If a member of the armed forces is assigned to duty in an area for which special pay under section 310 of this title is available and the assignment is pursuant to orders specifying an assignment of one year or more (or the assignment is otherwise extended beyond one year), the member may request, during the period of the assignment, the advanced payment of not more than three months of the basic pay of the member.

''(2) A request by a member described in paragraph (1) for the advanced payment of a single month of basic pay shall be granted. The Secretary concerned may grant a request for a second or third month of advanced basic pay during the assignment for the member upon a showing of financial hardship.

''(b) RECOUPMENT OF ADVANCED PAY.—The Secretary concerned shall recoup an advance made on the basic pay of a member under this section in equal installments over a one-year period beginning as provided in subsection (c). If the member is serving on active duty for any month during the recoupment period, the amount of the installment for the month shall be deducted from the basic pay of the member for that month. The estate of a deceased member shall not be required to repay an advance made to the member under this section.

''(c) COMMENCEMENT OF RECOUPMENT.—(1) Except as provided in paragraph (2), the recoupment of basic pay advanced to a member under this section shall commence beginning with the first month that begins after the end of the assignment of the member to duty in an area for which special pay under section 310 of this title is available

''(2) A member of a reserve component who receives an advancement of basic pay under this section shall commence repayment of the advance beginning with the first month that begins after the the advanced pay is received.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''212. Advancement of basic pay: members deployed in combat zones for more than one year.''.

(b) EFFECTIVE DATE.—Section 212 of title 37, United States Code, as added by subsection (a), shall take effect October 1, 2004.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF BONUS AND SPECIAL PAY AUTHORITIES.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

(b) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of such title is amended by striking ''January 1, 2005'' and inserting ''January 1, 2006''.

(c) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

(d) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of such title is amended by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

(e) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of such title is amended by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

(f) ACCESSION BONUS FOR DENTAL OFFICERS.—Section 302h(a)(1) of such title is amended by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

(g) ACCESSION BONUS FOR PHARMACY OFFICERS.—Section 302j(a) of such title is amended by striking ''the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 and ending on September 30, 2004'' and inserting ''October 30, 2000, and ending on December 31, 2005''.

(h) REENLISTMENT BONUS FOR ACTIVE AND RESERVE MEMBERS.—Section 308(g) of such title is amended by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

(i) ENLISTMENT BONUS FOR ACTIVE AND RESERVE MEMBERS.—Section 309(e) of such title is amended by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

(j) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e) of such title is amended by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

(k) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

(l) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

(m) RETENTION BONUS FOR MEMBERS WHO HAVE CRITICAL MILITARY SKILLS OR MEET OTHER CRITERIA.—Section 323(i) of such title is amended by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

(n) ACCESSION OR AFFILIATION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.—Section 324(g) of such title is amended by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

SEC. 612. REDUCTION IN REQUIRED SERVICE COMMITMENT TO RECEIVE ACCESSION BONUS FOR REGISTERED NURSES.

(a) REDUCTION.—Section 302d(a)(1) of title 37, United States Code, is amended by striking ''four years'' and inserting ''three years''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 2004, and apply with respect to written agreements referred to in section 302d(a)(1) of title 37, United States Code, entered into on or after that date.

SEC. 613. INCREASE IN MAXIMUM MONTHLY RATE AUTHORIZED FOR HARDSHIP DUTY PAY.

(a) INCREASE.—Section 305(a) of title 37, United States Code, is amended by striking ''$300'' and inserting ''$750''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 2004.

SEC. 614. TERMINATION OF ASSIGNMENT INCENTIVE PAY FOR MEMBERS PLACED ON TERMINAL LEAVE.

(a) TERMINATION.—Subsection (e) of section 307a of title 37, United States Code, is amended to read as follows:

''(e) STATUS NOT AFFECTED BY TEMPORARY DUTY OR LEAVE.—The service of a member in an assignment referred to in subsection (a) shall not be considered discontinued during any period that the member is not performing service in the assignment by reason of —

''(1) the performance by the member of temporary duty pursuant to orders; or

''(2) the absence of the member for authorized leave, unless the member is placed on terminal leave and will not be returning to the assignment.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to agreements under section 307a(b) of title 37, United States Code, entered into on or after the date of the enactment of this Act.

SEC. 615. CONSOLIDATION OF REENLISTMENT AND ENLISTMENT BONUS AUTHORITIES FOR REGULAR AND RESERVE COMPONENTS.

(a) CONSOLIDATED REENLISTMENT BONUS AUTHORITY; ELIGIBILITY CRITERIA.—(1) Paragraph (1) of subsection (a) of section 308 of title 37, United States Code, is amended—

(A) by striking the matter preceding subparagraph (A) and inserting ''The Secretary concerned may pay a bonus under paragraph (2) to a member of the armed forces serving in a regular component or reserve component of the armed force if the member—'';

(B) by striking subparagraph (A) and inserting the following new subparagraph:

''(A) has completed at least 17 months of service in a regular or reserve component of the armed forces, but not more than 18 years of total military service;''; and

(C) by striking subparagraph (D) and all that follows through the period at the end of such paragraph and inserting the following:

''(D) reenlists or voluntarily extends the member's enlistment for a period of at least three years in a regular component or reserve component of the armed forces.''.

(2) Paragraph (3) of such subsection is amended by striking ''16 years'' and inserting ''20 years''.

(3) Paragraph (5) of such subsection is amended to read as follows:

''(5) The Secretary of Defense, and the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, may waive all or part of the eligibility requirements specified in paragraph (1) in time of war or national emergency.''.

(4) Subsection (b) of such section is amended—

(A) by inserting ''(1)'' after ''(b)''; and

(B) by adding at the end the following new paragraph:

''(2) Notwithstanding the schedule established for making partial bonus payments under paragraph (1), a member of a reserve component entitled to a bonus under this section who is called or ordered to active duty shall be paid, during that period of active duty, any amount of the bonus that becomes payable to the member during that period of active duty.''.

(5) Subsection (g) of such section is amended by striking ''an active-duty reenlistment'' and inserting ''a reenlistment''.

(b) CONSOLIDATED ENLISTMENT BONUS AUTHORITY.—Section 309(a) of such title is amended—

(1) by striking the first sentence and inserting the following: ''(1) The Secretary concerned may pay a bonus this section to a person who enlists in a regular component or reserve component of the armed forces for a period of at least two years.''; and

(2) by inserting after the first sentence, as so amended, the following new paragraph:

''(2) The amount of a bonus under this section may not exceed $20,000.''.

(c) REPEAL OF SEPARATE REENLISTMENT AND ENLISTMENT BONUS AUTHORITY FOR RESERVE COMPONENTS.—(1) Sections 308b, 308c, 308g, 308h, and 308i of such title are repealed.

(2) The table of sections at the beginning of chapter 5 of such title is amended by striking the items relating to sections 308b, 308c, 308h, and 308i.

(d) EFFECTIVE DATE.——(1) Except as provided by paragraphs (2) and (3), the amendments made by this section shall take effect October 1, 2004, and the amendments made by subsections (a) and (b) shall apply to reenlistments, the voluntary extension of enlistments, and enlistments referred to in section 308(a)(1) or 309(a) of title 37, United States Code, entered into on or after that date.

(2) The amendments made by subsection (c) shall take effect December 31, 2004, except that the repeal of section 308g of title 37, United States Code, shall take effect on the date of the enactment of this Act.

(3) In the case of a member of the Armed Forces who, on or before December 31, 2004, reenlisted, voluntarily extended the enlistment of the member, or enlisted in a reserve component of the Armed Forces, section 308b, 308c, 308h, or 308i of title 37, United States Code, whichever applies to the member, and as in effect on December 31, 2004, shall continue to apply with respect to the payment of a bonus under such section to the member.

(e) LIMITATION ON FISCAL YEAR 2005 OBLIGATIONS.—During fiscal year 2005, obligations incurred under sections 308 and 309 of title 37, United States Code, to provide reenlistment and enlistment bonuses to members of the uniformed services using the expanded authority provided by the amendments made by subsections (a) and (b) may not exceed $20,000,000. The bonus authority available under such sections shall not be considered to be an expanded authority to the extent that the authority was available under a provision of law specified in subsection (c), before the repeal of the provision by such subsection.

SEC. 616. REVISION OF AUTHORITY TO PROVIDE FOREIGN LANGUAGE PROFICIENCY PAY.

(a) IN GENERAL.—(1) Section 316 of title 37, United States Code, is amended to read as follows:

''§ 316. Special pay: bonus for members with foreign language proficiency

''(a) BONUS AUTHORIZED.—The Secretary concerned may pay an annual bonus under this section to a member of the uniformed services who—

''(1) is qualified in a uniformed services specialty requiring proficiency in a foreign language identified by the Secretary concerned as a foreign language in which it is necessary to have personnel proficient because of national defense or public health considerations;

''(2) received training, under regulations prescribed by the Secretary concerned, designed to develop a proficiency in such a foreign language;

''(3) is assigned to duties requiring a proficiency in such a foreign language; or

''(4) is proficient in a foreign language for which the uniformed service may have a critical need, as determined by the Secretary concerned.

''(b) CERTIFICATION OF PROFICIENCY.—Except as provided in subsection (e), for a member described in subsection (a) to be eligible to receive or retain a bonus under this section, the Secretary concerned shall certify the member as being proficient in the foreign language for which bonus is offered.

''(c) DURATION OF CERTIFICATION.—Except as provided in subsection (e), the certification of a member as being proficient in a foreign language for purposes of receipt of a bonus under this section shall expire at the end of the 12-month period beginning on the first day of the first month beginning on or after the certification date.

''(d) BONUS AMOUNT; PAYMENT METHOD.—The maximum amount of the bonus paid under this section to a member may not exceed $12,000 for the 12-month period covered by the certification of the member. The Secretary concerned may pay the bonus in a single lump sum at the beginning of the certification period or in installments.

''(e) CERTIFICATION INTERRUPTED BY CONTINGENCY OPERATION.—(1) The Secretary concerned may waive the certification requirement under subsection (b) and pay a bonus under this section to a member described in subsection (a) who was previously certified in a foreign language, but whose certification expired under subsection (c), if—

''(A) the member is assigned to duty in connection with a contingency operation; and

''(B) the Secretary concerned determines that the member is unable to schedule or complete the certification required by subsection (b) because of that assignment.

''(2) For purposes of determining the amount of a bonus to be paid to a member under the authority of this subsection, the Secretary concerned shall treat the date on which the member was assigned to duty in connection with the contingency operation as equivalent to a certification date. In the case of a member whose certification expires during such duty assignment, the Secretary shall commence the next 12-month period effective as of the date on which the prior certification period expired.

''(3) A member who receives a bonus under the authority of this subsection shall complete the certification required by subsection (b) for the foreign language for which the bonus was paid not later than the end of the 180-day period beginning on the date on which the member is released from the assignment in connection with the contingency operation. The Secretary concerned may extend that period for a member in accordance with regulations prescribed under subsection (h). If the member fails to obtain the required certification before the end of the authorized period, the Secretary concerned may require the member to repay all or a portion of the bonus, in the manner provided in subsection (g).

''(f) RELATIONSHIP TO OTHER PAY OR ALLOWANCE.—A bonus under this section is in addition to any other pay or allowance payable to a member under any other provision of law.

''(g) REPAYMENT OF BONUS.—(1) The Secretary concerned may require a member who receives a bonus under this section, but who does not satisfy an eligibility requirement specified in subsection (a) for the entire certification period, to repay to the United States an amount which bears the same ratio to the total amount of the bonus paid to the member as the unsatisfied portion of the certification period bears to the entire certification period.

''(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States. A discharge in bankruptcy under title 11 that is entered for the member less than five years after the expiration of the certification period does not discharge the member from a debt arising under this paragraph. This paragraph applies to any case commenced under title 11 after the date of the enactment of this section.

''(h) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under the jurisdiction of the Secretary, by the Secretary of Homeland Security for the Coast Guard when the Coast Guard is not operating as a service in the Navy, by the Secretary of Health and Human Services for the Commissioned Corps of the Public Health Service, and by the Secretary of Commerce for the National Oceanic and Atmospheric Administration.''.

(2) The table of sections at the beginning of chapter 5 of such title is amended by striking the item relating to section 316 and inserting the following new item:

''316. Special pay: bonus for members with foreign language proficiency.''.

(b) CONFORMING AMENDMENTS.—(1) Section 316a of title 37, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 5 of such title is amended by striking the item relating to section 316a.

SEC. 617. ELIGIBILITY OF RESERVE COMPONENT MEMBERS FOR CRITICAL SKILLS RETENTION BONUS AND EXPANSION OF AUTHORITY TO PROVIDE BONUS.

(a) INCLUSION OF RESERVE COMPONENT MEMBERS.—Section 323 of title 37, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''who is serving on active duty and'' by inserting ''who is serving on active duty in a regular component or in an active status in a reserve component and who''; and

(B) in paragraph (1), by inserting '', or remain in an active status in a reserve component,'' after ''remain on active duty'';

(2) in subsection (e)(2), by inserting ''or service in a reserve component'' after ''period of active duty''; and

(3) in subsection (g), by striking ''active duty'' and inserting ''service''.

(b) INCLUSION OF MEMBERS SERVING PURSUANT TO INDEFINITE REENLISTMENT.—Subsection (a) of such section is further amended—

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

(2) in paragraph (2)—

(A) by inserting ''other than an enlisted member referred to in paragraph (3),'' after ''enlisted member,''; and

(B) by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(3) in the case of an enlisted member serving pursuant to an indefinite reenlistment, the member executes a written agreement to remain on active duty, or remain in an active status in a reserve component, for a period of at least one year.''.

(c) ADDITIONAL CRITERIA FOR BONUS.—Such section is further amended—

(1) in subsection (a), by striking ''designated critical military skill'' and inserting ''critical military skill designated under subsection (b) or satisfies such other criteria for the bonus established under such subsection'';

(2) in subsection (b)—

(A) by striking ''DESIGNATION OF CRITICAL SKILLS.—'' and inserting ''BASIS FOR BONUS.—(1)''; and

(B) by adding at the end the following new paragraph:

''(2) The Secretary of Defense, and the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, may establish such other criteria as the Secretary considers appropriate under which a retention bonus will be provided to an officer or enlisted member of the armed forces under subsection (a).''; and

(3) in subsection (h)(1), by striking ''qualified in the critical military skills for which the bonuses were offered'' and inserting ''who were offered the bonuses''.

(d) REPEAL OF SEPARATE SPECIAL AND INCENTIVE PAY AUTHORITIES FOR RESERVE COMPONENTS.—(1) Sections 302g, 308d, and 308e of such title are repealed.

(2) In the case of a member of the Armed Forces who, on or before December 31, 2004, entered into a written agreement under section 302g or 308e of title 37, United States Code, such section 302g or 308e, whichever applies to the member, and as in effect on December 31, 2004, shall continue to apply after that date with respect to the payment of special pay under such section to the member during the term of the agreement.

(e) CLERICAL AMENDMENTS.—(1) The heading of section 323 of such title is amended to read as follows:

''§ 323 Special pay: retention incentives for members qualified in a critical military skill or who satisfy other eligibility criteria''.

(2) The table of sections at the beginning of chapter 5 of such title is amended—

(A) by striking the items relating to sections 302g, 308d, and 308e; and

(B) by striking the item relating to section 323 and inserting the following new item:

''323. Special pay: retention incentives for members qualified in a critical military skill or who satisfy other eligibility criteria.''.

(f) EFFECTIVE DATE.—(1) Except as provided by paragraph (2), the amendments made by this section shall take effect October 1, 2004, and the amendments made by subsections (a), (b), and (c) shall apply to agreements, reenlistments, and the voluntary extension of enlistments referred to in section 323(a) of title 37, United States Code, entered into on or after that date.

(2) The amendments made by subsections (d)(1) and (e)(2)(A) shall take effect December 31, 2004.

(g) LIMITATION ON FISCAL YEAR 2005 OBLIGATIONS.—During fiscal year 2005, obligations incurred under section 323 of title 37, United States Code, to provide retention bonuses to members of the uniformed services using the expanded authority provided by the amendments made by subsections (a), (b), and (c) may not exceed $10,000,000. The bonus authority available under such section shall not be considered to be an expanded authority to the extent that the authority was available under a provision of law specified in subsection (d), before the repeal of the provision by such subsection.

SEC. 618. ELIGIBILITY OF NEW RESERVE COMPONENT OFFICERS FOR ACCESSION OR AFFILIATION BONUS FOR OFFICERS IN CRITICAL SKILLS.

(a) ELIGIBILITY.—Subsection (a) of section 324 of title 37, United States Code, is amended to read as follows:

''(a) BONUS AUTHORIZED.—(1) The Secretary concerned may pay a bonus under this section—

''(A) to a person who executes a written agreement to accept a commission or an appointment as an officer of armed forces and serve on active duty in a designated critical officer skill or serve in a reserve component of an armed force in a designated critical officer skill; or

''(B) to an officer of an armed force, including a warrant officer, but excluding an officer who has previously served in the Selected Reserve or an officer who is entitled to retired pay, who executes a written agreement to serve in a reserve component of an armed force in a designated critical officer skill after being discharged or released from active duty under honorable conditions, once the officer affiliates with a unit or position in the reserve component.

''(2) The written agreement under paragraph (1) between the Secretary concerned and a person or officer shall specify the period during which the person or officer will be required to serve in a designated critical officer skill to maintain entitlement to the bonus payment.''.

(b) AMOUNT OF BONUS.—Subsection (c) of such section is amended to read as follows:

''(c) AMOUNT OF BONUS.—The Secretary concerned shall determine the amount of a bonus to be paid under subsection (a), except that a person may not receive a total of more than $60,000 in payments under this section''.

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (d), by striking ''accession'' both places it appears;

(2) in subsection (e)—

(A) in the subsection heading, by striking ''ACCESSION''; and

(B) by striking ''an accession bonus'' and inserting ''a bonus''; and

(3) in subsection (f), by striking ''active duty'' and ''accession'' each place it appears.

(d) CLERICAL AMENDMENTS.—(1) The heading of section 324 of such title is amended to read as follows:

''§ 324. Special pay: accession or affiliation bonus for officers in designated critical skills''.

(2) The table of sections at the beginning of chapter 5 of such title is amended by striking the item relating to section 324 and inserting the following new item:

''324. Special pay: accession or affiliation bonus for officers in designated critical skills.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect October 1, 2004, and apply to agreements referred to in section 324(a) of title 37, United States Code entered into on or after that date.

(f) LIMITATION ON FISCAL YEAR 2005 OBLIGATIONS.—During fiscal year 2005, obligations incurred under section 324 of title 37, United States Code, as amended by subsections (a) and (b), to provide accession and affilliation bonuses to members of the Armed Forces not previously eligible for such a bonus under such section may not exceed $5,000,000.

SEC. 619. ELIGIBILITY OF RESERVE COMPONENT MEMBERS FOR INCENTIVE BONUS FOR CONVERSION TO MILITARY OCCUPATIONAL SPECIALTY TO EASE PERSONNEL SHORTAGE.

(a) ELIGIBILITY.—Section 326 of title 37, United States Code, is amended—

(1) in subsection (a), by inserting ''of a regular or reserve component'' after ''an eligible member'';

(2) in subsection (b)—

(A) by striking ''if—'' and all that follows through ''at the time'' and inserting ''if, at the time''; and

(B) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(3) in subsection (c)(2), by inserting ''regular or reserve component of the'' after ''chief personnel officer of the''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect October 1, 2004, and apply to agreements referred to in section 326(a) of title 37, United States Code, entered into on or after that date.

(c) LIMITATION ON FISCAL YEAR 2005 OBLIGATIONS.—During fiscal year 2005, obligations incurred under section 326 of title 37, United States Code, as amended by subsection (a), to provide incentive bonuses to members of a reserve component of the Armed Forces may not exceed $3,000,000.

SEC. 620. AVAILABILITY OF HAZARDOUS DUTY INCENTIVE PAY FOR MILITARY FIREFIGHTERS.

(a) ADDITIONAL TYPE OF DUTY ENTITLED TO PAY.—Subsection (a) of section 301 of title 37, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (12);

(2) by redesignating paragraph (13) as paragraph (14); and

(3) by inserting after paragraph (12) the following new paragraph:

''(13) involving regular participating as a firefighting crew member, as determined by the Secretary concerned; or''.''.

(b) MONTHLY AMOUNT OF PAY.—Subsection (c) of such section is amended—

(1) in paragraph (1), by striking ''(12)'' and inserting ''(13)''; and

(2) in paragraph (2)(A), by striking ''(13)'' and inserting ''(14)''.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) and (b) shall take effect October 1, 2004.

Subtitle C—Travel and Transportation Allowances

SEC. 631. EXPANSION OF TRAVEL AND TRANSPORTATION ALLOWANCES TO ASSIST SURVIVORS OF A DECEASED MEMBER TO ATTEND BURIAL CEREMONY OF THE MEMBER.

(a) AUTHORIZED TRAVEL LOCATIONS.—Subsection (b) of section 411f of title 37, United States Code, is amended to read as follows:

''(b) AUTHORIZED LOCATIONS FOR TRAVEL; DURATION AND RATES.—(1) The allowances under subsection (a) may be provided for travel and transportation by eligible relatives of the deceased member to the place selected pursuant to section 1482(a)(8) of title 10 for disposition of the remains of the deceased member.

''(2) The allowances may not exceed the rates for two days and the time necessary for the travel.''.

(b) ELIGIBLE RELATIVES.—Subsection (c)(1)(C) of such section is amended by striking ''If no person described in subparagraph (A) or (B) is provided travel and transportation allowances under subsection (a)(1), the'' and inserting ''The''.

(c) LIMITATION ON FISCAL YEAR 2005 OBLIGATIONS.—During fiscal year 2005, obligations incurred under section 411f of title 37, United States Code, as amended by subsections (a) and (b), to provide travel and transportation allowances, not previously available under such section, to survivors of deceased members of the uniformed services, and to provide such allowances to persons not previously eligible for such allowances, may not exceed $2,000,000.

SEC. 632. TRANSPORTATION OF FAMILY MEMBERS INCIDENT TO THE SERIOUS ILLNESS OR INJURY OF MEMBERS OF THE UNIFORMED SERVICES.

(a) REMOVAL OF LIMITATION ON NUMBER OF FAMILY MEMBERS.—Subsection (a)(1) of section 411h of title 37, United States Code, is amended by striking ''not more than two family members'' and inserting ''a family member''.

(b) FAMILY MEMBERS DESCRIBED.—Subsection (b)(1) of such section is amended—

(1) by striking ''and'' at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(E) other persons approved by the Secretary concerned.''.

(c) AVAILABILITY OF PER DIEM.—Such section is further amended—

(1) in subsection (a)(1), by inserting ''travel and'' before ''transportation''; and

(2) in subsection (c)—

(A) by inserting ''(1)'' after ''(c)'' ; and

(B) by adding at the end the following new paragraph:

''(2) In addition to the transportation authorized by subsection (a), the Secretary concerned may provide a per diem allowance or reimbursement for the actual and necessary expenses of the travel, or a combination thereof, but not to exceed the rates established under section 404(d) of this title.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2004, and apply to transportation described in section 411h of title 37, United States Code, provided on or after that date.

(e) LIMITATION ON FISCAL YEAR 2005 OBLIGATIONS.—During fiscal year 2005, obligations incurred under section 411h of title 37, United States Code, as amended by subsections (a) and (b), to provide travel and transportation allowances, not previously available under such section, to family members of seriously ill or injured members of the uniformed services, and to provide such allowances to persons not previously eligible for such allowances, may not exceed $3,000,000.

SEC. 633. REIMBURSEMENT OF MEMBERS FOR CERTAIN LODGING COSTS INCURRED IN CONNECTION WITH STUDENT DEPENDENT TRAVEL.

Section 430(b) of title 37, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) The transportation allowance paid to a member under paragraph (1) may include reimbursement, at a rate prescribed by the Secretaries concerned, for lodging costs incurred during the annual trip for which the allowance is paid when, for reasons beyond the control of the dependent child of the member, the child is required to procure accommodations while en route between the child's school and the member's duty station.''.

Subtitle D—Retired Pay and Survivor Benefits

SEC. 641. COMPUTATION OF BENEFITS UNDER SURVIVOR BENEFIT PLAN FOR SURVIVING SPOUSES OVER AGE 62.

(a) PHASED INCREASE IN BASIC ANNUITY.—

(1) STANDARD ANNUITY.—

(A) INCREASE TO 55 PERCENT.—Clause (i) of subsection (a)(1)(B) of section 1451 of title 10, United States Code, is amended by striking ''35 percent of the base amount.'' and inserting ''the product of the base amount and the percent applicable to the month, as follows:

''(I) For a month before October 2005, the applicable percent is 35 percent.

''(II) For months after September 2005 and before April 2006, the applicable percent is 40 percent.

''(III) For months after March 2006 and before April 2007, the applicable percent is 45 percent.

''(IV) For months after March 2007 and before April 2008, the applicable percent is 50 percent.

''(V) For months after March 2008, the applicable percent is 55 percent.''.

(B) COORDINATION WITH SAVINGS PROVISION UNDER PRIOR LAW.—Clause (ii) of such subsection is amended by striking '', at the time the beneficiary becomes entitled to the annuity,''.

(2) RESERVE-COMPONENT ANNUITY.—Subsection (a)(2)(B)(i)(I) of such section is amended by striking ''35 percent'' and inserting ''the percent specified under subsection (a)(1)(B)(i) as being applicable for the month''.

(3) SURVIVORS OF ELIGIBLE PERSONS DYING ON ACTIVE DUTY, ETC.—

(A) INCREASE TO 55 PERCENT.—Clause (i) of subsection (c)(1)(B) of such section is amended—

(i) by striking ''35 percent'' and inserting ''the applicable percent''; and

(ii) by adding at the end the following: ''The percent applicable for a month under the preceding sentence is the percent specified under subsection (a)(1)(B)(i) as being applicable for that month.''.

(B) COORDINATION WITH SAVINGS PROVISION UNDER PRIOR LAW.—Clause (ii) of such subsection is amended by striking '', at the time the beneficiary becomes entitled to the annuity,''.

(4) CLERICAL AMENDMENT.—The heading for subsection (d)(2)(A) of such section is amended to read as follows: ''COMPUTATION OF ANNUITY.—''.

(b) CORRESPONDING PHASED ELIMINATION OF SUPPLEMENTAL ANNUITY.—

(1) PHASED REDUCTION OF SUPPLEMENTAL ANNUITY.—Section 1457(b) of title 10, United States Code, is amended—

(A) by striking ''5, 10, 15, or 20 percent'' and inserting ''the applicable percent''; and

(B) by inserting after the first sentence the following: ''The percent used for the computation shall be an even multiple of 5 percent and, whatever the percent specified in the election, may not exceed 20 percent for months before October 2005, 15 percent for months after September 2005 and before April 2006, 10 percent for months after March 2006 and before April 2007, and 5 percent for months after March 2007 and before April 2008.''.

(2) REPEAL UPON IMPLEMENTATION OF 55 PERCENT SBP ANNUITY.—Effective on April 1, 2008, chapter 73 of such title is amended—

(A) by striking subchapter III; and

(B) by striking the item relating to subchapter III in the table of subchapters at the beginning of that chapter.

(c) RECOMPUTATION OF ANNUITIES.—

(1) PERIODIC RECOMPUTATION REQUIRED.—Effective on the first day of each month specified in paragraph (2)—

(A) each annuity under section 1450 of title 10, United States Code, that commenced before that month, is computed under a provision of section 1451 of that title amended by subsection (a), and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that provision, as so amended, had been used for the initial computation of the annuity; and

(B) each supplemental survivor annuity under section 1457 of such title that commenced before that month and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that section, as amended by this section, had been used for the initial computation of the supplemental survivor annuity.

(2) TIME FOR RECOMPUTATION.—The requirement under paragraph (1) for recomputation of certain annuities applies with respect to the following months:

(A) October 2005.

(B) April 2006.

(C) April 2007.

(D) April 2008.

(d) RECOMPUTATION OF RETIRED PAY REDUCTIONS FOR SUPPLEMENTAL SURVIVOR ANNUITIES.—The Secretary of Defense shall take such actions as are necessitated by the amendments made by subsection (b) and the requirements of subsection (c)(1)(B) to ensure that the reductions in retired pay under section 1460 of title 10, United States Code, are adjusted to achieve the objectives set forth in subsection (b) of that section.

SEC. 642. OPEN ENROLLMENT PERIOD FOR SURVIVOR BENEFIT PLAN COMMENCING OCTOBER 1, 2005.

(a) PERSONS NOT CURRENTLY PARTICIPATING IN SURVIVOR BENEFIT PLAN.—

(1) ELECTION OF SBP COVERAGE.—An eligible retired or former member may elect to participate in the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, during the open enrollment period specified in subsection (f).

(2) ELECTION OF SUPPLEMENTAL ANNUITY COVERAGE.—An eligible retired or former member who elects under paragraph (1) to participate in the Survivor Benefit Plan at the maximum level may also elect during the open enrollment period to participate in the Supplemental Survivor Benefit Plan established under subchapter III of chapter 73 of title 10, United States Code.

(3) ELIGIBLE RETIRED OR FORMER MEMBER.—For purposes of paragraphs (1) and (2), an eligible retired or former member is a member or former member of the uniformed services who on the day before the first day of the open enrollment period is not a participant in the Survivor Benefit Plan and—

(A) is entitled to retired pay; or

(B) would be entitled to retired pay under chapter 1223 of title 10, United States Code, but for the fact that such member or former member is under 60 years of age.

(4) STATUS UNDER SBP OF PERSONS MAKING ELECTIONS.—

(A) STANDARD ANNUITY.—A person making an election under paragraph (1) by reason of eligibility under paragraph (3)(A) shall be treated for all purposes as providing a standard annuity under the Survivor Benefit Plan.

(B) RESERVE-COMPONENT ANNUITY.—A person making an election under paragraph (1) by reason of eligibility under paragraph (3)(B) shall be treated for all purposes as providing a reserve-component annuity under the Survivor Benefit Plan.

(b) ELECTION TO INCREASE COVERAGE UNDER SBP.—A person who on the day before the first day of the open enrollment period is

a participant in the Survivor Benefit Plan but is not participating at the maximum base amount or is providing coverage under the Plan for a dependent child and not for the person's spouse or former spouse may, during the open enrollment period, elect to—

(1) participate in the Plan at a higher base amount (not in excess of the participant's retired pay); or

(2) provide annuity coverage under the Plan for the person's spouse or former spouse at a base amount not less than the base amount provided for the dependent child.

(c) ELECTION FOR CURRENT SBP PARTICIPANTS TO PARTICIPATE IN SUPPLEMENTAL SBP.—

(1) ELECTION.—A person who is eligible to make an election under this paragraph may elect during the open enrollment period to participate in the Supplemental Survivor Benefit Plan established under subchapter III of chapter 73 of title 10, United States Code.

(2) PERSONS ELIGIBLE.—Except as provided in paragraph (3), a person is eligible to make an election under paragraph (1) if on the day before the first day of the open enrollment period the person is a participant in the Survivor Benefit Plan at the maximum level, or during the open enrollment period the person increases the level of such participation to the maximum level under subsection (b) of this section, and under that Plan is providing annuity coverage for the person's spouse or a former spouse.

(3) LIMITATION ON ELIGIBILITY FOR CERTAIN SBP PARTICIPANTS NOT AFFECTED BY TWO-TIER ANNUITY COMPUTATION.—A person is not eligible to make an election under paragraph (1) if (as determined by the Secretary concerned) the annuity of a spouse or former spouse beneficiary of that person under the Survivor Benefit Plan will be computed under section 1451(e) of title 10, United States Code. However, such a person may during the open enrollment period waive the right to have that annuity computed under such section. Any such election is irrevocable. A person making such a waiver may make an election under paragraph (1) as in the case of any other participant in the Survivor Benefit Plan.

(d) MANNER OF MAKING ELECTIONS.—An election under this section must be made in writing, signed by the person making the election, and received by the Secretary concerned before the end of the open enrollment period. Any such election shall be made subject to the same conditions, and with the same opportunities for designation of beneficiaries and specification of base amount, that apply under the Survivor Benefit Plan or the Supplemental Survivor Benefit Plan, as the case may be. A person making an election under subsection (a) to provide a reserve-component annuity shall make a designation described in section 1448(e) of title 10, United States Code.

(e) EFFECTIVE DATE FOR ELECTIONS.—Any such election shall be effective as of the first day of the first calendar month following the month in which the election is received by the Secretary concerned.

(f) OPEN ENROLLMENT PERIOD DEFINED.—The open enrollment period is the two-year period beginning on October 1, 2005.

(g) EFFECT OF DEATH OF PERSON MAKING ELECTION WITHIN TWO YEARS OF MAKING ELECTION.—If a person making an election under this section dies before the end of the two-year period beginning on the effective date of the election, the election is void and the amount of any reduction in retired pay of the person that is attributable to the election shall be paid in a lump sum to the person who would have been the deceased person's beneficiary under the voided election if the deceased person had died after the end of such two-year period.

(h) APPLICABILITY OF CERTAIN PROVISIONS OF LAW.—The provisions of sections 1449, 1453, and 1454 of title 10, United States Code, are applicable to a person making an election, and to an election, under this section in the same manner as if the election were made under the Survivor Benefit Plan or the Supplemental Survivor Benefit Plan, as the case may be.

(i) ADDITIONAL PREMIUM.—The Secretary of Defense may require that the premium for a person making an election under subsection (a)(1) or (b) include, in addition to the amount required under section 1452(a) of title 10, United States Code, an amount determined under regulations prescribed by the Secretary of Defense for the purposes of this subsection. Any such amount shall be stated as a percentage of the base amount of the person making the election and shall reflect the number of years that have elapsed since the person retired, but may not exceed 4.5 percent of that person's base amount.

(j) REPORT CONCERNING OPEN SEASON.—Not later than July 1, 2005, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the open season authorized by this section for the Survivor Benefit Plan. The report shall include the following:

(1) A description of the Secretary's plans for implementation of the open season.

(2) The Secretary's estimates of the costs associated with the open season, including any anticipated effect of the open season on the actuarial status of the Department of Defense Military Retirement Fund.

(3) Any recommendation by the Secretary for further legislative action.

SEC. 643. SOURCE OF FUNDS FOR SURVIVOR BENEFIT PLAN ANNUITIES FOR DEPARTMENT OF DEFENSE BENEFICIARIES OVER AGE 62.

(a) IN GENERAL.—Chapter 74 of title 10, United States Code, is amended as follows:

(1) Section 1465(b) of such title is amended by adding at the end the following new paragraph:

''(4) At the same time that the Secretary of Defense makes the determination required by paragraph (1) for any fiscal year, the Secretary shall determine the amount of the Treasury contribution to be made to the Fund for the next fiscal year under section 1466(b)(2)(E) of this title. That amount shall be determined in the same manner as the determination under paragraph (1) of the total amount of Department of Defense contributions to be made to the Fund during that fiscal year under section 1466(a) of this title, except that for purposes of this paragraph the Secretary, in making the calculations required by subparagraphs (A) and (B) of that paragraph, shall use the single level percentages determined under subsection (c)(5), rather than those determined under subsection (c)(1).''.

(4) Section 1465(c) of such title is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting before the semicolon at the end the following: ''and as if benefits under subchpater II of chapter 73 of this title for beneficiaries 62 years of age and older were computed for any fiscal year on the basis of the percentage of 35 percent, rather than any percentage otherwise applicable for that computation for that fiscal year''; and

(ii) in subparagraph (B), by inserting before the period at the end the following: ''and as if benefits under subchapter II of chapter 73 of this title for beneficiaries 62 years of age and older were computed for any fiscal year on the basis of the percentage of 35 percent, rather than any percentage otherwise applicable for that computation for that fiscal year'';

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following new paragraph (5):

''(5) Whenever the Secretary carries out an actuarial valuation under paragraph (1), the Secretary shall include as part of such valuation the following:

''(A) A determination of a single level percentage determined in the same manner as applies under subparagraph (A) of paragraph (1), but determined as if benefits under subchapter II of chapter 73 of this title for beneficiaries 62 years of age and older were computed for any fiscal year on the basis of the percentage of 35 percent, rather than any percentage otherwise applicable for that computation for that fiscal year.

''(B) A determination of a single level percentage determined in the same manner as applies under subparagraph (B) of paragraph (1), but determined as if benefits under subchapter II of chapter 73 of this title for beneficiaries 62 years of age and older were computed for any fiscal year on the basis of the percentage of 35 percent, rather than any percentage otherwise applicable for that computation for that fiscal year.

Such single level percentages shall be used for the purposes of subsection (b)(4).''.

(5) Section 1466(b) of such title is amended—

(A) in paragraph (1), by inserting ''1465(b)(4),'' after ''1465(b)(3),''; and

(B) by adding at the end of paragraph (2) the following new subparagraph:

''(E) The amount for that year determined by the Secretary of Defense under section 1465(b)(4) of this title for the cost to the Fund arising from increased amounts payable from the Fund by reason of benefits under subchapter II of chapter 73 of this title for beneficiaries 62 years of age and older being computed for any fiscal year on the basis of the percentage greater than 35 percent.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as of October 1, 2004. If this Act is enacted after that date, the Secretary of Defense shall provide for such administrative adjustments as necessary to provide for payments made for any period during fiscal year 2005 before the date of the enactment of this Act to be treated as having been made in accordance with such amendments and for the provisions of those amendments to be implemented as if enacted as of September 30, 2004.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits

SEC. 651. CONSOLIDATION AND REORGANIZATION OF LEGISLATIVE PROVISIONS REGARDING DEFENSE COMMISSARY SYSTEM AND EXCHANGES AND OTHER MORALE, WELFARE, AND RECREATION ACTIVITIES.

(a) PROVISIONS RELATED TO COMMISSARY STORES.—Chapter 147 of title 10, United States Code, is amended—

(1) by striking the table of sections at the beginning of the chapter and sections 2481, 2483, 2485, and 2487;

(2) by redesignating sections 2482, 2484, and 2486 as sections 2485, 2483 and 2484, respectively;

(3) by inserting after the chapter heading the following:

''Subchapter	Sec.
''I. Defense Commissary System	2481
''II. Relationship, Continuation, and Common Policies of Defense Commissary and Exchange Systems	2487
''III. Morale, Welfare, and Recreation Programs and Nonappropriated Fund Instrumentalities	2491

''SUBCHAPTER I—DEFENSE COMMISSARY SYSTEM

''Sec.

''2481. Existence and purpose of defense commissary system.

''2482. Commissary stores: criteria for establishment or closure; store size.

''2483. Commissary stores: use of appropriated funds to cover operating expenses.

''2484. Commissary stores: merchandise that may be sold; uniform surcharges and pricing.

''2485. Commissary stores: operation.

''§ 2481. Existence and purpose of defense commissary system

''(a) EXISTENCE OF SYSTEM.—The Secretary of the Defense shall operate, using funds appropriated to the Department of Defense, a world-wide system of commissary stores that sell, at reduced prices, food and other merchandise consistent with societal norms for product selection in commercial large-scale grocery stores in the United States to members of the uniformed services on active duty, members of the uniformed services entitled to retired pay, dependents of such members, and patrons authorized to use the system under chapter 54 of this title.

''(b) PURPOSE OF SYSTEM.—The purpose of the defense commissary system is to enhance the quality of life of members of the uniformed services, retired members, dependents of such members, and other authorized patrons and to provide such members with an additional nonmonetary compensation in recognition of their service to the United States.

''(c) REDUCES PRICES DEFINED.—In this section, the term 'reduced prices' means prices for food and other merchandise determined using the price setting process specified in section 2484 of this title.

''§ 2482. Commissary stores: criteria for establishment or closure; store size

''(a) PRIMARY CONSIDERATION FOR ESTABLISHMENT.—The needs of members of the uniformed services on active duty and their dependents shall be the primary consideration whenever the Secretary of Defense—

''(1) assesses the need to establish a commissary store; and

''(2) selects the actual location for the store.

''(b) STORE SIZE.—In determining the size of a commissary store, the Secretary of Defense shall take into consideration the number of all authorized patrons of the defense commissary system who are likely to use the store.

''(c) CLOSURE CONSIDERATIONS.—(1) Whenever assessing whether to close a commissary store, the effect of the closure on the quality of life of members of the uniformed services and their dependents using the store and on the welfare and security of the military community in which the commissary is located shall be the primary consideration. In all cases, the quality of life for military patrons shall take priority over any consideration of economic criteria relative to store financial performance.

''(2) The Secretary of Defense shall give the quality of life for members of a reserve component the same priority as the quality of life for active duty members whenever assessing whether to close a commissary store, including when the assessment is undertaken as a result of the closure or realignment of a military installation under a base closure law.

''(d) CONGRESSIONAL NOTIFICATION.—The closure of a commissary store shall not take effect until the end of the 90-day period beginning on the date on which the Secretary of Defense submits to Congress written notice of the reasons supporting the closure. The written notice shall include an assessment of the impact closure will have on the quality of life for military patrons and the welfare and security of the military community in which the commissary is located.'';

(4) by inserting sections 2483 and 2484, as redesignated by paragraph (2), after section 2482, as added by paragraph (3);

(5) in section 2484, as redesignated by paragraph (2)—

(A) by striking subsections (a), (b), (c), and (g);

(B) by redesignating subsections (d), (e), and (f) as subsections (f), (g), and (h), respectively;

(C) by inserting before subsection (f), as so redesignated, the following new subsections:

''(a) IN GENERAL.—As provided in section 2481(a) of this title, commissary stores are intended to be similar to commercial grocery stores and may sell merchandise similar to that sold in commercial grocery stores. The Secretary of Defense shall ensure that the design and format of commissary stores are consistent with modern grocery store stockage and format.

''(b) REQUIRED COMMISSARY MERCHANDISE CATEGORIES.—Merchandise sold in, at, or by commissary stores shall include items in the following categories:

''(1) Meat, poultry, and seafood.

''(2) Nonalcoholic beverages.

''(3) Produce.

''(4) Grocery food, whether stored chilled, frozen, or at room temperature.

''(5) Dairy products.

''(6) Bakery and delicatessen items.

''(7) Nonfood grocery items.

''(8) Health and beauty aids.

''(9) Magazines and periodicals.

''(10) Telephone cards, greeting cards, and film and one-time use cameras.

''(c) INCLUSION OF GENERAL MERCHANDISE ITEMS.—(1) Among the various defense retail systems—

''(A) commissary stores shall be the primary Department of Defense-operated store for the sale of items described in paragraphs (1) through (7) of subsection (b); and

''(B) exchange stores shall continue to maintain the exclusive right to operate convenience stores, shopettes, and troop stores, including such stores established to support contingency operations.

''(2) Merchandise sold in commissary stores may include such general merchandise items as the Secretary of Defense may prescribe, except that the Secretary may not exclude seasonal items, tobacco products, pet supplies, batteries, potted plants and floral bouquets, women's hosiery, and school supplies, to the extent such products have been available in commissary stores before June 1, 2004, unless the Secretary determines that space or other considerations preclude the sale of all or some of the specified items. The Secretary shall provide notice to Congress of any reduction in the availability of such items at least 30 days before the reduction takes effect.

''(3) A military exchange may be considered as the vendor for the purchase of tobacco products, greeting cards, and film and one-time use cameras and shall serve as the vendor for telephone cards. Subsections (e) and (f) shall not apply to the pricing of such an item when a military exchange serves as the vendor of the item. Commissary store and exchange prices shall be comparable for such an item.

''(4) During the two-year period ending March 31, 2007, the Secretary shall maintain sales data for commissary stores and exchange stores regarding the items identified in subsection (b)(10). Not later than August 1, 2007, the Secretary shall submit to Congress a report containing such sales data.

''(d) EXCLUDED GOODS OR SERVICES.—Commissary stores shall not offer film development services.

''(e) UNIFORM SALES PRICE SURCHARGE.—The Secretary of Defense shall apply a uniform surcharge equal to not more than five percent on the sales prices established under subsection (f) for each item of merchandise sold in, at, or by commissary stores.'';

(D) in subsection (f), as so redesignated, by striking ''(consistent with this section and section 2685 of this title)'' in paragraph (1);

(E) in subsection (h), as so redesignated, by striking ''Subsections (c) and (d)'' and inserting ''Subsections (e) and (f)''; and

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

''(i) USE OF SURCHARGE FOR CONSTRUCTION, REPAIR, IMPROVEMENT, AND MAINTENANCE.—(1)(A) The Secretary of Defense may use the proceeds from the surcharges imposed under subsection (e) only—

''(i) to acquire (including acquisition by lease), construct, convert, expand, improve, repair, maintain, and equip the physical infrastructure of commissary stores and central product processing facilities of the defense commissary system; and

''(ii) to cover environmental evaluation and construction costs related to activities described in clause (i), including costs for surveys, administration, overhead, planning, and design.

''(B) In subparagraph (A), the term 'physical infrastructure' includes real property, utilities, and equipment (installed and free standing and including computer equipment), necessary to provide a complete and usable commissary store or central product processing facility.

''(2)(A) The Secretary of Defense may authorize a nonappropriated fund instrumentality of the United States to enter into a contract for construction of a shopping mall or similar facility for a commissary store and one or more nonappropriated fund instrumentality activities. The Secretary may use the proceeds of surcharges under subsection (e) to reimburse the nonappropriated fund instrumentality for the portion of the cost of the contract that is attributable to construction of the commissary store or to pay the contractor directly for that portion of such cost.

''(B) In subparagraph (A), the term 'construction', with respect to a facility, includes acquisition, conversion, expansion, installation, or other improvement of the facility.

''(3) The Secretary of Defense, with the approval of the Director of the Office of Management and Budget, may obligate anticipated proceeds from the surcharges under subsection (e) for any use specified in paragraph (1) or (2), without regard to fiscal year limitations, if the Secretary determines that such obligation is necessary to carry out any use of such adjustments or surcharges specified in such paragraph.

''(4) Revenues received by the Secretary of Defense from the following sources or activities of commissary store facilities shall be available for the purposes set forth in paragraphs (1), (2), and (3):

''(A) Sale of recyclable materials.

''(B) Sale of excess and surplus property.

''(C) License fees.

''(D) Royalties.

''(E) Fees paid by sources of products in order to obtain favorable display of the products for resale, known as business related management fees.'';

(6) by inserting section 2485, as redesignated by paragraph (2), after section 2484, as amended by paragraph (5); and

(7) in section 2485, as redesignated by paragraph (2)—

(A) in subsection (a)(2), by adding at the end the following new sentence: ''Until December 31, 2009, the Defense Commissary Agency is not required to conduct any cost-comparison study under the policies and procedures of Office of Management and Budget Circular A–76 relating to the possible contracting out of commissary store functions.'';

(B) in subsection (b)(2), by striking ''section 2484'' and inserting ''section 2483'';

(C) in subsection (c)(2), by adding at the end the following new sentences: ''The chairman of the governing board shall be a commissioned officer or member of the senior executive service who has demonstrated experience or knowledge relevant to the management of the defense commissary system. In selecting other members of the governing board, the Secretary shall give priority to persons with experience related to logistics, military personnel, military entitlements or other experiences of value of management of commissaries.''; and

(D) by adding at the end the following new subsections:

''(d) ASSIGNMENT OF ACTIVE DUTY MEMBERS.—(1) Except as provided in paragraph (2), members of the armed forces on active duty may not be assigned to the operation of a commissary store.

''(2)(A) The Secretary of Defense may assign an officer on the active-duty list to serve as the Director of the Defense Commissary Agency.

''(B) Not more than 18 members (in addition to the officer referred to in subparagraph (A)) of the armed forces on active duty may be assigned to the Defense Commissary Agency. Members who may be assigned under this subparagraph to regional headquarters of the agency shall be limited to enlisted members assigned to duty as advisers in the regional headquarters responsible for overseas commissaries and to veterinary specialists.

''(e) REIMBURSEMENT FOR USE OF COMMISSARY FACILITIES BY MILITARY DEPARTMENTS.—(1) The Secretary of a military department shall pay the Defense Commissary Agency the amount determined under paragraph (2) for any use of a commissary facility by the military department for a purpose other than commissary sales or operations in support of commissary sales.

''(2) The amount payable under paragraph (1) for use of a commissary facility by a military department shall be equal to the share of depreciation of the facility that is attributable to that use, as determined under regulations prescribed by the Secretary of Defense.

''(3) The Director of the Defense Commissary Agency shall credit amounts paid under paragraph (1) for use of a facility to an appropriate account to which proceeds of a surcharge applied under section 2484(e) of this title are credited.

''(4) This subsection applies with respect to a commissary facility that is acquired, constructed, converted, expanded, installed, or otherwise improved (in whole or in part) with the proceeds of a surcharge applied under section 2484(e) of this title.

''(f) DONATION OF UNUSABLE FOOD.—(1) The Secretary of Defense may donate food described in paragraph (2) to any of the following entities:

''(A) A charitable nonprofit food bank that is designated by the Secretary of Defense or the Secretary of Health and Human Services as authorized to receive such donations.

''(B) A State or local agency that is designated by the Secretary of Defense or the Secretary of Health and Human Services as authorized to receive such donations.

''(C) A chapter or other local unit of a recognized national veterans organization that provides services to persons without adequate shelter and is designated by the Secretary of Veterans Affairs as authorized to receive such donations.

''(D) A not-for-profit organization that provides care for homeless veterans and is designated by the Secretary of Veterans Affairs as authorized to receive such donations.

''(2) Food that may be donated under this subsection is commissary store food, mess food, meals ready-to-eat (MREs), rations known as humanitarian daily rations (HDRs), and other food available to the Secretary of Defense that—

''(A) is certified as edible by appropriate food inspection technicians;

''(B) would otherwise be destroyed as unusable; and

''(C) in the case of commissary store food, is unmarketable and unsaleable.

''(3) In the case of commissary store food, a donation under this subsection shall take place at the site of the commissary store that is donating the food.

''(4) This subsection does not authorize any service (including transportation) to be provided in connection with a donation under this subsection.

''(g) COLLECTION OF DISHONORED CHECKS.—(1) The Secretary of Defense may impose a charge for the collection of a check accepted at a commissary store that is not honored by the financial institution on which the check is drawn. The imposition and amounts of charges shall be consistent with practices of commercial grocery stores regarding dishonored checks.

''(2)(A) The following persons are liable to the United States for the amount of a check referred to in paragraph (1) that is returned unpaid to the United States, together with any charge imposed under that paragraph:

''(i) The person who presented the check.

''(ii) Any person whose status and relationship to the person who presented the check provide the basis for that person's eligibility to make purchases at a commissary store.

''(B) Any amount for which a person is liable under subparagraph (A) may be collected by deducting and withholding such amount from any amounts payable to that person by the United States.

''(3) Amounts collected as charges imposed under paragraph (1) shall be credited to the commissary trust revolving fund.

''(4) Appropriated funds may be used to pay any costs incurred in the collection of checks and charges referred to in paragraph (1). An appropriation account charged a cost under the preceding sentence shall be reimbursed the amount of that cost out of funds in the commissary trust revolving fund.

''(5) In this subsection, the term 'commissary trust revolving fund' means the trust revolving fund maintained by the Department of Defense for surcharge collections and proceeds of sales of commissary stores.

''(h) RELEASE OF CERTAIN COMMERCIALLY VALUABLE INFORMATION TO PUBLIC.—(1) The Secretary of Defense may limit the release to the public of any information described in paragraph (2) if the Secretary determines that it is in the best interest of the Department of Defense to limit the release of such information. If the Secretary determines to limit the release of any such information, the Secretary may provide for limited release of such information in accordance with paragraph (3).

''(2) Paragraph (1) applies to the following:

''(A) Information contained in the computerized business systems of commissary stores or the Defense Commissary Agency that is collected through or in connection with the use of electronic scanners in commissary stores, including the following information:

''(i) Data relating to sales of goods or services.

''(ii) Demographic information on customers.

''(iii) Any other information pertaining to commissary transactions and operations.

''(B) Business programs, systems, and applications (including software) relating to commissary operations that were developed with funding derived from commissary surcharges.

''(3)(A) The Secretary of Defense may, using competitive procedures, enter into a contract to sell information described in paragraph (2).

''(B) The Secretary of Defense may release, without charge, information on an item sold in commissary stores to the manufacturer or producer of that item or an agent of the manufacturer or producer.

''(C) The Secretary of Defense may, by contract entered into with a business, grant to the business a license to use business programs referred to in paragraph (2)(B), including software used in or comprising any such program. The fee charged for the license shall be based on the costs of similar programs developed and marketed by businesses in the private sector, determined by means of surveys.

''(D) Each contract entered into under this paragraph shall specify the amount to be paid for information released or a license granted under the contract, as the case may be.

''(4) Information described in paragraph (2) may not be released, under paragraph (3) or otherwise, in a form that identifies any customer or that provides information making it possible to identify any customer.

''(5) Amounts received by the Secretary under this section shall be credited to funds derived from commissary surcharges applied under section 2484(e) of this title, shall be merged with those funds, and shall be available for the same purposes as the funds with which merged.''.

(b) RELATION BETWEEN DEFENSE COMMISSARY AND EXCHANGE SYSTEMS.—Chapter 147 of title 10, United States Code, is further amended—

(1) by inserting after section 2485, as amended by subsection (a)(7), the following:

''SUBCHAPTER II—RELATIONSHIP, CONTINUATION, AND COMMON POLICIES OF DEFENSE COMMISSARY AND EXCHANGE SYSTEMS

''Sec.
''2487. Existence and purpose of defense commissary system.
''2488. Combined exchange and commissary stores.
''2489. Overseas commissary and exchange stores: access and purchase restrictions.

''§ 2487. Relationship between defense commissary system and exchange stores system

''(a) SEPARATE SYSTEMS.—(1) Except as provided in paragraph (2), the defense commissary system and the exchange stores system shall be operated as separate systems of the Department of Defense.

''(2) Paragraph (1) does not apply to the following:

''(A) Combined exchange and commissary stores operated under the authority provided by section 2489 of this title.

''(B) NEXMART stores of the Navy Exchange Service Command established before October 1, 2003.

''(b) CONSOLIDATION OR OTHER ORGANIZATIONAL CHANGES OF DEFENSE RETAIL SYSTEMS.—(1) The operation and administration of the defense retail systems may not be consolidated or otherwise merged unless the consolidation or merger is specifically authorized by an Act of Congress.

''(2) In this subsection, the term 'defense retail systems' means the defense commissary system and exchange stores system and other revenue-generating facilities operated by nonappropriated fund instrumentalities of the Department of Defense for the morale, welfare, and recreation of members of the armed forces'';

(2) by redesignating sections 2488, 2489, 2489a as sections 2495, 2495a, and 2495b, respectively; and

(3) by redesignating sections 2490a and 2492 as sections 2488 and 2489, respectively, and inserting such sections after section 2487, as added by paragraph (1).

(c) MWR PROGRAMS AND NONAPPROPRIATED FUND INSTRUMENTALITIES.—Chapter 147 of title 10, United States Code, is further amended—

(1) by inserting after section 2489, as redesignated and moved by subsection (b)(3), the following:

''SUBCHAPTER III—MORALE, WELFARE, AND RECREATION PROGRAMS AND NONAPPROPRIATED FUND INSTRUMENTALITIES

''Sec.
''2491. Uniform funding and management of morale, welfare, and recreation programs.
''2491a. Department of Defense golf courses: limitation on use of appropriated funds.
''2491b. Use of appropriated funds for operation of Armed Forces Recreation Center, Europe: limitation.
''2491c. Retention of morale, welfare, and recreation funds by military installations: limitation.
''2492. Nonappropriated fund instrumentalities: contracts with other agencies and instrumentalities to provide and obtain goods and services.
''2493. Fisher Houses: administration as nonappropriated fund instrumentality.
''2494. Nonappropriated fund instrumentalities: furnishing utility services for morale, welfare, and recreation purposes.
''2495. Nonappropriated fund instrumentalities: purchase of alcoholic beverages.
''2495a. Overseas package stores: treatment of United States wines.
''2495b. Sale or rental of sexually explicit material prohibited.'';

(2) by redesignating section 2494 as section 2491 and inserting such section after the table of sections at the beginning of subchapter III, as added by paragraph (1);

(3) by redesignating section 2482a as section 2492 and inserting such section before section 2493;

(4) by inserting after section 2493 the following new section:

''§ 2494. Nonappropriated fund instrumentalities: furnishing utility services for morale, welfare, and recreation purposes

''Appropriations for the Department of Defense may be used to provide utility services for—

''(1) buildings on military installations authorized by regulation to be used for morale, welfare, and recreation purposes; and

''(2) other morale, welfare, and recreation activities for members of the armed forces.''; and

(5) by inserting sections 2495, 2495a, and 2495b, as redesignated by subsection (b)(2), after section 2494, as added by paragraph (4).

(d) INCLUSION OF OTHER TITLE 10 PROVISIONS.—Sections 2246, 2247, and 2219 of title 10, United States Code, are—

(1) transferred to chapter 147 of such title;

(2) inserted after section 2491, as redesignated and moved by subsection (c)(2); and

(3) redesignated as sections 2491a, 2491b, and 2491c, respectively.

(e) CONFORMING AMENDMENTS.—(1) Section 977 of title 10, United States Code, is repealed.

(2) Section 2868 of such title is amended by striking ''for—'' and all that follows through the period at the end and inserting ''for buildings constructed at private cost, as authorized by law.''.

(3) Section 367 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1987; 10 U.S.C. 2482 note) is repealed.

(f) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 49 of title 10, United States Code, is amended by striking the item relating to section 977.

(2) The table of sections at the beginning of chapter 132 of such title is amended by striking the item relating to section 2219.

(3) The table of sections at the beginning of subchapter I of chapter 134 of such title is amended by striking the items relating to sections 2246 and 2247.

SEC. 652. CONSISTENT STATE TREATMENT OF DEPARTMENT OF DEFENSE NONAPPROPRIATED FUND HEALTH BENEFITS PROGRAM.

Section 349 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2727) is amended by adding at the end the following new subsection:

''(c) TREATMENT OF PROGRAM AS FEDERAL HEALTH BENEFIT PROGRAM.—(1) No State tax, fee, other monetary payment, or State health plan requirement, may be imposed, directly or indirectly, on the Nonappropriated Fund Uniform Health Benefits Program of the Department of Defense, or on a carrier or an underwriting or plan administration contractor of the Program, to the same extent as such prohibition applies to the health insurance program authorized by chapter 89 of title 5, United States Code, under section 8909(f) of such title.

''(2) Paragraph (1) shall not be construed to exempt the Nonappropriated Fund Uniform Health Benefits Program of the Department of Defense, or any carrier or underwriting or plan administration contractor of the Program from the imposition, payment, or collection of a tax, fee, or other monetary payment on the net income or profit accruing to, or realized by, the Program or by such carrier or contractor from business conducted under the Program, so long as the tax, fee, or payment is applicable to a broad range of business activity.

''(3) In this section, the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, and any political subdivision or other non-Federal authority thereof.''.

SEC. 653. COOPERATION AND ASSISTANCE FOR QUALIFIED SCOUTING ORGANIZATIONS SERVING DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OVERSEAS.

(a) AUTHORITY TO COOPERATE AND PROVIDE ASSISTANCE.—Subsection (a) of section 2606 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''Subject to subsection (b)'' and inserting ''In the interest of promoting the recognized morale, welfare, and recreation of members of the armed forces''; and

(2) in subsection (b), by striking ''and may'' and all that follows through ''armed forces''.

(b) TREATMENT OF ORGANIZATIONS AND EMPLOYEES.—Such section is further amended—

(1) by striking subsections (e) and (f);

(2) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (b) the following new subsections:

''(c) TREATMENT AS NONAPPROPRIATED FUND INSTRUMENTALITIES.—(1) Subject to paragraphs (2) and (3), to the extent a qualified scouting organization is providing services for members of the armed forces and their dependents, or civilian employees of the Department of Defense and their dependents, at a location outside the United States consistent with the regulations prescribed under subsection (b), the qualified scouting organization shall be a nonappropriated fund instrumentality of the Department of Defense.

''(2) Notwithstanding treatment as a nonappropriated fund instrumentality of the Department of Defense, personnel of the qualified scouting organization who are performing duties in connection with cooperation and assistance provided under subsection (a) may continue such policies and procedures related to personnel management and such other policies or procedures established by the qualified scouting organization as the personnel consider appropriate, subject to the approval of the qualified scouting organization.

''(3) A qualified scouting organization operating outside the United States may operate as a private association overseas for the purpose of raising funds. Any funds so raised may not be commingled with amounts retained in a nonappropriated morale, welfare, and recreation account of the Department of Defense.

''(d) TREATMENT AS NONAPPROPRIATED FUND INSTRUMENTALITY EMPLOYEES.—(1) Personnel of a qualified scouting organization who are performing duties in connection with cooperation and assistance provided under subsection (a) for members of the armed forces and their dependents, or civilian employees of the Department of Defense and their dependents, shall be nonappropriated fund instrumentality employees of the United States for any period during which the personnel perform such duties.

''(2) Such personnel of a qualified scouting organization shall receive the same benefits, entitlements, and logistical support as other nonappropriated fund instrumentality employees, except that such personnel—

''(A) shall be allowed to decline to participate in retirement programs or other personnel management policies or procedures available to other nonappropriated fund instrumentality employees and elect to continue the programs, policies or procedures made available by the qualified scouting organization; and

''(B) shall not receive nonappropriated fund instrumentality employment credit nor rehire priority.

''(3) In the regulations prescribed under subsection (b), the Secretary of Defense may authorize the use of funds appropriated to the Department of Defense to pay costs of such personnel of a qualified scouting organization, including reimbursement of the personnel or the qualified scouting organization, in the case of those retirement, personnel management, and other compensation programs regarding which the personnel have elected to continue the programs made available to them by the qualified scouting organization.''.

(c) CONFORMING AND CLERICAL AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting ''AUTHORITY TO COOPERATE AND PROVIDE ASSISTANCE.—'' after ''(a)'';

(2) in subsection (c), by inserting ''BASIS FOR COOPERATION AND ASSISTANCE.—'';

(3) in subsection (e), as redesignated by subsection (b)(2)—

(A) by inserting ''PROVISION OF TRANSPORTATION, SPACE, AND SERVICES.—'' after ''(e)''; and

(B) in the matter preceding paragraph (1), by inserting '', using the authority of subsection (d)(3)'' after ''furnished'';

(4) in subsection (f), as redesignated by subsection (b)(2), by inserting ''TRANSPORTATION OF SUPPLIES.—'' after ''(f)''; and

(5) in subsection (g), by inserting ''DEFINITION.—'' after ''(g)''.

Subtitle F—Other Matters

SEC. 661. REPEAL OF REQUIREMENT THAT MEMBERS ENTITLED TO BASIC ALLOWANCE FOR SUBSISTENCE PAY SUBSISTENCE CHARGES WHILE HOSPITALIZED.

(a) REPEAL.—(1) Section 1075 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 55 of such title is amended by striking the item relating to section 1075.

(b) CONFORMING AMENDMENT REGARDING MILITARY-CIVILIAN HEALTH SERVICES PARTNERSHIP PROGRAM.—Section 1096(c) of such title is amended—

(1) by inserting ''who is a dependent'' after ''covered beneficiary''; and

(2) by striking ''shall pay'' and all that follows through the period at the end of paragraph (2) and inserting ''shall pay the charges prescribed by section 1078 of this title.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 662. CLARIFICATION OF EDUCATION LOANS QUALIFYING FOR EDUCATION LOAN REPAYMENT PROGRAM FOR RESERVE COMPONENT HEALTH PROFESSIONS OFFICERS.

Section 16302(a)(5) of title 10, United States Code, is amended by inserting ''a basic professional qualifying degree (as determined under regulations prescribed by the Secretary of Defense) or graduate education in'' after ''regarding''.

SEC. 663. SURVEY AND ANALYSIS OF EFFECT OF EXTENDED AND FREQUENT MOBILIZATION OF RESERVISTS FOR ACTIVE DUTY SERVICE ON RESERVIST INCOME.

(a) SURVEY OF MOBILIZED RESERVISTS TO DETERMINE DIFFERENTIAL BETWEEN PRIVATE SECTOR INCOME AND MILITARY COMPENSATION.—(1) The Secretary of Defense shall conduct a survey involving members of the reserve components who serve, or have served, on active duty in support of a contingency operation at any time during the period beginning on September 11, 2001, and ending on September 30, 2005, to determine the extent to which such members sustained a reduction in monthly income during the period of the active duty service compared to the average monthly civilian income of the members during the 12 months preceding their mobilization.

(2) At least 50 percent of the total number of members of the reserve components who have served on active duty in support of a contingency operation at any time during the period specified in paragraph (1) shall be included in the survey.

(b) CALCULATION OF INCOME DIFFERENTIAL.—For each member surveyed under subsection (a) who reports that total monthly military compensation during the active duty service of the member was less, or appeared to be less, than the average monthly civilian income of the member, the Secretary of Defense, in cooperation with the member, shall calculate the monthly active-duty income differential for the member.

(c) DEFINITIONS USED IN CONDUCTING SURVEY AND CALCULATIONS.—In this section:

(1) The term ''monthly active-duty income differential'', with respect to a member of a reserve component surveyed under subsection (a), means the difference between—

(A) the average monthly civilian income of the member; and

(B) the total monthly military compensation of the member.

(2) The term ''average monthly civilian income'', with respect to a member of a reserve component surveyed under subsection (a), means the amount, determined by the Secretary of Defense, of the earned income of the member for the 12 months preceding the first mobilization of the member during the period specified in subsection (a)(1), divided by 12.

(3) The term ''total monthly military compensation'', with respect to a member of a reserve component surveyed under subsection (a), means the amount, computed on a monthly basis, of the sum of—

(A) the amount of the regular military compensation (RMC), as defined in section 101(25) of title 37, United States Code, of the member during the period specified in subsection (a)(1); and

(B) any amount of special pay or incentive pay and any allowance (other than an allowance included in regular military compensation) that is paid to the member on a monthly basis during the period specified in subsection (a)(1).

(d) COLLECTION OF DEMOGRAPHIC DATA.—The Secretary of Defense shall collect demographic data regarding each member of a reserve component surveyed under subsection (a), including, at a minimum, data on the following:

(1) Reserve component.

(2) Unit of assignment.

(3) Grade.

(4) Age.

(5) Years of service.

(6) Sex.

(7) Marital status.

(8) Number of dependents.

(9) General category of private-sector employment, as determined by the Secretary, but to include an employment category to cover members who are self-employed.

(10) Military occupational specialty, including specifying all surveyed members who are serving in a critical wartime specialty.

(11) Length of service on active duty during the most recent mobilization.

(12) Number of times mobilized since September 11, 2001.

(e) EFFECT OF INCOME LOSS ON RETENTION.—The Secretary of Defense shall include in the survey a question to solicit information from each member of a reserve component surveyed under subsection (a) regarding the likely effect of a reoccurring monthly active-duty income differential for the member while serving on active duty on the decision of the member to remain in the reserve component.

(f) ANALYSIS OF SURVEY DATA.—(1) At a minimum, the Secretary of Defense shall determine, for each variable listed in paragraphs (2) through (12) of subsection (d), the number of members of the reserve components surveyed under subsection (a) who sustained a monthly active-duty income differential for any month during their active duty service and compare and contrast that number with the number of members who did not experience a monthly active-duty income differential.

(2) The Secretary shall also determine the average amount of the active-duty income differential by reserve component for each variable within the characteristics listed in paragraphs (2) through (12) of subsection (d).

(g) SUBMISSION OF SURVEY RESULTS AND RECOMMENDATIONS.—Not later than January 31, 2006, the Secretary of Defense shall submit to Congress and the Comptroller General a report containing the results of the surveys conducted under subsection (a), including the results of the analysis of survey data required by subsection (e). The Secretary shall include such recommendations as the Secretary considers appropriate regarding alternatives for restoring income lost by members of the reserve components who sustained a monthly active-duty income differential during their active duty service.

(h) COMPTROLLER GENERAL EVALUATION.—Not later than March 31, 2006, the Comptroller General shall submit to Congress an assessment of the findings and recommendations contained in the report of the Secretary of Defense submitted under subsection (g).

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Enhanced Benefits for Reserves

SEC. 701. DEMONSTRATION PROJECT FOR TRICARE COVERAGE FOR READY RESERVE MEMBERS.

(a) DEMONSTRATION PROGRAM.—Section 1076b of title 10, United States Code, is amended to read as follows:

''§ 1076b. TRICARE demonstration project: coverage for members of the Ready Reserve

''(a) IN GENERAL.—(1) The Secretary of Defense shall conduct a demonstration project beginning in fiscal year 2005 to test whether TRICARE coverage for certain Ready Reserve members and their families enhances medical readiness and retention of such members.

''(2) Under the demonstration project required by paragraph (1), within the scope of the project, as established by the Secretary, members of the Ready Reserve may be allowed to enroll for coverage under the TRICARE Standard option of the TRICARE program and receive benefits under such enrollment for any period that the member—

''(A) is not eligible for health care benefits under an employer-sponsored health benefits plan; and

''(B) either—

''(i) is not on active duty; or

''(ii) is on active duty but under a call or order to active duty for a period of 30 days or less.

''(3) A member allowed to enroll in TRICARE Standard under the demonstration project may enroll for self-only coverage or self and family coverage.

''(b) SCOPE OF COVERAGE .—A member and the dependents of a member enrolled in TRICARE Standard under this section shall be entitled to the same benefits and shall pay the same charges as are provided under section 1079 of this title.

''(c) PREMIUMS.—(1) The Secretary of Defense shall charge premiums for coverage pursuant to enrollments under this section. The Secretary shall prescribe a premium for self only coverage and a premium for self and family coverage.

''(2) The monthly amount of the premium in effect for a month for a type of coverage under this section shall be the amount equal to 28 percent of the total amount determined by the Secretary on an appropriate actuarial basis as being reasonable for the coverage.

''(3) The premiums payable by a member under this subsection may be deducted and withheld from basic pay payable to the member under section 204 of title 37 or from compensation payable to the member under section 206 of such title. The Secretary shall prescribe the requirements and procedures applicable to the payment of premiums by members not entitled to such basic pay or compensation.

''(4) Amounts collected as premiums under this subsection shall be credited to the appropriation available for the Defense Health Program Account under section 1100 of this title, shall be merged with sums in

such Account that are available for the fiscal year in which collected, and shall be available under subparagraph (B) of such section for such fiscal year.

''(d) CONDITIONS OF ELIGIBILITY.—(1) The Secretary of Defense may establish other conditions of eligibility, including requiring a member to submit any certification that the Secretary considers appropriate to substantiate the member's assertion that the member is not eligible for health care benefits under any other health benefits plan.

''(2) In the case of any member who is self-employed and not eligible for coverage under any other employer-sponsored health benefits plan, the member shall not be considered eligible to enroll under this section if the member's income in the prior calendar year exceeded $40,000.

''(e) SCOPE AND TERMS OF DEMONSTRATION PROJECT.—The geographic scope and priorities for enrollment under the demonstration program, if any, shall be established by the Secretary of Defense. The Secretary may establish such other terms and conditions for the demonstration project required by subsection (a) as the Secretary determines appropriate to accomplish its purposes.

''(f) TERMINATION OF AUTHORITY.—An enrollment in TRICARE under this section may not continue after December 31, 2007.

''(g) EVALUATION OF DEMONSTRATION AND REPORT TO CONGRESS.—Not later than March 1, 2007, the Secretary shall provide to Congress a report on the results of the demonstration project required by this section. Such report shall include an analysis of the impact of the demonstration on medical readiness and retention of the members who enrolled, an assessment of the costs and benefits of any improvements in medical readiness or retention, and recommendations concerning TRICARE Standard coverage for Ready Reserve members.

''(h) DEFINITION.—In this section, the term 'TRICARE Standard' means the option of the TRICARE program that is also known as the Civilian Health and Medical Program of the Uniformed Services, as defined in section 1072(4) of this title.''.

(b) TERMINATION OF COVERAGE UNDER SUPERSEDED PROVISION OF LAW.—An enrollment in TRICARE under section 1076b of title 10, United States Code, as in effect before the date of the enactment of this Act may not continue after such date.

(c) SITE IDENTIFICATION.—(1) Not later than 60 days after the date of enactment of this Act, the Secretary of Defense, in consultation with the Committees on Armed Services of the Senate and the House of Representatives, shall identify not less than 10 sites that meet the criteria specified in paragraph (2) for the conduct of the demonstration project required under section 1076b of title 10, United States Code, as amended by this section.

(2) For purposes of paragraph (1), the sites selected for the conduct of the demonstration project shall be areas of the United States that include a substantial number of personnel expected to be ordered to active duty for a period of more than 30 days.

(d) INDEPENDENT EVALUATION AND REPORTS.—(1) The Comptroller General shall conduct an evaluation of the demonstration project required under section 1076b of title 10, United States Code (as amended by this section) The evaluation shall include an assessment of the following:

(A) Compliance by the Department of Defense with the requirements under section 1076b of title 10, United States Code (as amended by this section).

(B) A description of the effects of the demonstration project on medical readiness and retention of the participants compared to nonparticipants.

(C) The number of Ready Reserve members and their dependents opting to participate in the demonstration project.

(D) An analysis of how the demonstration project affects the overall accessibility of care in the direct and purchased care systems and a description of the unintended effects (if any) upon the normal treatment priority system.

(E) A description of the difficulties (if any) experienced by the Department of Defense in managing the demonstration project.

(F) Any impact of the demonstration project on employers, including causing them to discontinue health care insurance benefits for employees who are members of the reserves.

(G) A recommendation whether to extend the demonstration project or make the project permanent.

(H) A determination of whether the terms and conditions of the demonstration project should be continued or modified if the project is extended or expanded.

(I) Implications on cost, medical readiness, recruitment, and retention if the demonstration project was made available to all reservists meeting the enrollment criteria throughout the United States and its territories.

(J) Any additional elements that the Comptroller General determines are appropriate to assess the demonstration project.

(2) The Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives—

(A) an interim report on the evaluation under this section not later than 12 months after the date on which the demonstration project begins operation; and

(B) a final report on the evaluation under this section not later than March 1, 2007.

SEC. 702. COMPTROLLER GENERAL REPORT ON THE COST AND FEASIBILITY OF PROVIDING PRIVATE HEALTH INSURANCE STIPENDS FOR MEMBERS OF THE READY RESERVES.

(a) STUDY REQUIRED.—The Comptroller General shall conduct a study on the cost and feasibility of providing a stipend to members of the Ready Reserves to offset the cost of continuing private health insurance coverage for the member's dependents when the member is on active duty for a period of more than 30 days, with the dependents being ineligible to enroll in the TRICARE program and payment of the stipend ending when the member is no longer on active duty.

(b) MATTERS COVERED.—The study shall include the following matters:

(1) Recommendation for a benefit amount and cost to the Department of Defense.

(2) Potential effects on medical readiness, recruitment, and retention.

(3) The extent to which the Reserves and members of their families might participate under the stipend program.

(4) Administrative and management considerations for the Department of Defense.

(5) Impact of pre-existing conditions on continuity of care for dependents.

(6) Possible implications for employers.

(c) REPORT.—Not later than March 31, 2005, the Comptroller General shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the results of the study under this section.

SEC. 703. IMPROVEMENT OF MEDICAL SERVICES FOR ACTIVATED MEMBERS OF THE READY RESERVE AND THEIR FAMILIES.

(a) REQUIREMENT FOR TRICARE COVERAGE FOR DEPENDENTS OF MEMBERS OF RESERVE COMPONENTS CALLED TO ACTIVE DUTY.—Paragraph (1) of section 1074(d) of title 10, United States Code, is amended—

(1) by inserting ''a dependent of'' after ''chapter,'';

(2) by inserting ''a dependent of a member'' after ''treated as being''; and

(3) by striking ''the later of'' and all that follows through the period at the end of subparagraph (B) and inserting ''the date described in paragraph (3).''.

(b) AUTHORITY FOR TRICARE COVERAGE FOR MEMBERS OF RESERVE COMPONENTS CALLED TO ACTIVE DUTY.—Section 1074(d) of such title is further amended—

(1) by striking paragraph (3);

(2) by redesignating paragraph (2) as paragraph (4); and

(3) by inserting after paragraph (1) the following new paragraphs:

''(2) The Secretary of Defense may, beginning on the date described in paragraph (3), provide a member of a reserve component of the armed forces who is issued a delayed-effective-date active-duty order, or is covered by such an order, such medical and dental care (in addition to care for which the member is eligible under section 1074a(f) of this title or other provisions of law) the Secretary determines appropriate.

''(3) The date referred to in paragraphs (1) and (2) with respect to a member is the later of the date that is—

''(A) the date of the issuance of the delayed-effective-date active-duty order; or

''(B) 90 days before the date on which the period of active duty is to commence under such order for that member.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2005.

SEC. 704. MODIFICATION OF WAIVER OF CERTAIN DEDUCTIBLES UNDER TRICARE PROGRAM.

Section 1095d(a) of title 10, United States Code, is amended in paragraphs (1) and (2) by striking ''less than one year'' each place it appears and inserting ''more than 30 days''.

SEC. 705. AUTHORITY FOR PAYMENT BY UNITED STATES OF ADDITIONAL AMOUNTS BILLED BY HEALTH CARE PROVIDERS TO ACTIVATED RESERVE MEMBERS.

Section 1079(h) of title 10, United States Code, is amended by adding at the end of paragraph (4) the following new subparagraph:

''(C) In the case of services billed to a dependent referred to in subsection (a) of a member of a reserve component who is ordered to active duty for a period of more than 30 days in support of a contingency operation under a provision of law referred to in section 101(a)(13)(B) of this title, the regulations shall provide that, in addition to amounts otherwise payable by the United States, the Secretary may pay the amount referred to in subparagraph (B)(i) for the services.''.

SEC. 706. EXTENSION OF TRANSITIONAL HEALTH CARE BENEFITS AFTER SEPARATION FROM ACTIVE DUTY.

(a) EXTENSION OF TRANSITIONAL HEALTH CARE BENEFITS.—Paragraph (3) of section 1145(a) of title 10, United States Code, is amended to read as follows:

''(3) Transitional health care shall be available under this subsection for a period beginning on the date on which the member is separated from active duty and ending on the earlier of—

''(A) 180 days after the date on which the member is separated from active duty; or

''(B) the date on which the member and dependents of the member are covered by a health plan sponsored by an employer.''.

(b) LIMITATION.—During the period beginning on January 1, 2005, and ending on September 30, 2005, not more than $170,000,000 of the amount appropriated pursuant to the authorization for operations and maintenance

for the Defense Health Program in section 303(a) may be used for transitional health care under section 1145(a) of title 10, United States Code, as amended by this section.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to separations from active duty that take effect on or after January 1, 2005.

Subtitle B—Other Benefits Improvements

SEC. 711. COVERAGE OF CERTAIN YOUNG CHILDREN UNDER TRICARE DENTAL PROGRAM.

(a) COVERAGE OF CERTAIN YOUNG CHILDREN.—Section 1076a(k)(2) of title 10, United States Code, is amended by inserting after ''by reason of'' the following: ''the dependent's young age on the date of death of the member of''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 712. COMPTROLLER GENERAL REPORT ON PROVISION OF HEALTH AND SUPPORT SERVICES FOR EXCEPTIONAL FAMILY MEMBER PROGRAM ENROLLEES.

(a) EVALUATION REQUIREMENT.—The Comptroller General shall evaluate the effect of the Exceptional Family Member Program (in this section referred to as ''EFMP'') on health and support services in selected civilian communities near military installations with a high concentration of EFMP enrollees.

(b) MATTERS COVERED.—The evaluation under subsection (a) shall include a discussion of the following:

(1) Communities that have high concentrations of EFMP enrollees that use State and local health and support services.

(2) Needs of EFMP enrollees, if any, that are not met by State and local health and support services.

(3) The burdens, financial and otherwise, placed on State and local health and support services by EFMP enrollees and their families.

(4) The ability of the TRICARE program to meet the needs of EFMP enrollees and their families.

(5) Reasons for any limitations of the TRICARE program, the EFMP, and State and local health and support services in providing assistance to EFMP enrollees and their families.

(6) Recommendations for more effectively meeting the needs of EFMP enrollees and their families.

(c) COMMUNITIES COVERED.—The evaluation under subsection (a) shall examine no fewer than four civilian communities, as determined by the Comptroller General, that have high concentrations of EFMP enrollees and that are near several military installations, including at least two military installations with tenants from more than one of the Armed Forces.

(d) DEFINITIONS.—In this section:

(1) The term ''health and support services'' means services provided to children and other dependents with special needs, including specialized day care, mental health day treatment services, respite services, counseling, and other such services provided for children and other dependents with special needs.

(2) The term ''TRICARE program'' has the meaning given that term in section 1072(7) of title 10, United States Code.

(e) REPORT.—Not later than March 31, 2005, the Comptroller General shall submit to the Armed Services Committees of the Senate and the House of Representatives a report on the results of the evaluation required under subsection (a), with findings and recommendations.

SEC. 713. EXCEPTIONAL ELIGIBILITY FOR TRICARE PRIME REMOTE.

Section 1079(p) of title 10, United States Code, is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph:

''(4) The Secretary of Defense may provide for coverage of a dependent referred to in subsection (a) who is not described in paragraph (3) if the Secretary determines that exceptional circumstances warrant such coverage.''.

SEC. 714. TRANSITION TO HOME HEALTH CARE BENEFIT UNDER SUB-ACUTE CARE PROGRAM.

Section 1074j of title 10, United States Code, is amended in subsection (b)(3)—

(1) by inserting ''(A)'' after ''(3)''; and

(2) by adding at the end the following:

''(B) The Secretary of Defense shall establish procedures for the transition to and implementation of the home health care benefit required by subparagraph (A). The Secretary may provide in such procedures that covered beneficiaries who, before the implementation of such benefit, received home health care under this chapter in excess of such benefit, may continue to receive such care for such time as the Secretary considers appropriate.''.

SEC. 715. REQUIREMENT RELATING TO PRESCRIPTION DRUG BENEFITS FOR MEDICARE-ELIGIBLE ENROLLEES UNDER DEFENSE HEALTH CARE PLANS.

Section 1074g(a)(6) of title 10, United States Code, is amended—

(1) by inserting ''(A)'' after ''(6)''; and

(2) by adding at the end the following:

''(B) For a medicare-eligible beneficiary, the cost-sharing requirements may not be in excess of the cost-sharing requirements applicable to all other beneficiaries covered by section 1086 of this title. For purposes of the preceding sentence, a medicare-eligible beneficiary is a beneficiary eligible for health benefits under section 1086 of this title pursuant to subsection (d)(2) of such section.''.

SEC. 716. PROFESSIONAL ACCREDITATION OF MILITARY DENTISTS.

Section 1077(c) of title 10, United States Code, is amended—

(1) by striking ''A'' and inserting ''(1) Except as provided in paragraph (2), a''; and

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

''(2)(A) Dependents who have not attained age 13 and who are participating under a dental plan established under section 1076a of this title may be treated by post-graduate dental students in eligible dental treatment facilities if—

''(i)(I) treatment of pediatric dental patients is required to comply with American Dental Association accreditation standards; or

''(II) pediatric dental training is required to enable post-graduate dental students to provide dental care for such dependents outside the United States; and

''(ii) there are insufficient numbers of children eligible to be provided dental care under section 1076(a) of this title to meet such standards or training requirements.

''(B) The total number of dependents who may be treated under this paragraph may not exceed 2,000 in any fiscal year.

''(C) In this paragraph, an eligible dental treatment facility is a dental treatment facility with a post-graduate dental education program accredited by the American Dental Association.''.

SEC. 717. ADDITION OF CERTAIN UNREMARRIED FORMER SPOUSES TO PERSONS ELIGIBLE FOR DENTAL INSURANCE PLAN OF RETIREES OF THE UNIFORMED SERVICES.

(a) ELIGIBILITY OF CERTAIN FORMER SPOUSES FOR DENTAL COVERAGE.—(1) Section 1076c(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(6) A person who—

''(i) is an unremarried former spouse of a member described in paragraph (1) or (2);

''(i) is described in section 1072(2)(F)(i) of this title; and

''(ii) does not have dental coverage under an employer-sponsored health plan.''.

(b) EFFECTIVE DATE.—Section 1076c(b)(6) of title 10, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act.

SEC. 718. WAIVER OF COLLECTION OF PAYMENTS DUE FROM CERTAIN PERSONS UNAWARE OF LOSS OF CHAMPUS ELIGIBILITY.

(a) AUTHORITY TO WAIVE COLLECTION.—The Secretary of Defense may waive (in whole or in part) the collection of payments otherwise due from a person described in subsection (b) as a result of the receipt by the person of health benefits under section 1086 of title 10, United States Code, after the termination of the person's eligibility for such benefits and may also authorize continued coverage of benefits under section 1086 of such title for such person for the period described in subsection (c).

(b) PERSONS ELIGIBLE.—A person shall be eligible for relief under subsection (a) if the person—

(1) is a person described in paragraph (1) of subsection (d) of section 1086, of title 10, United States Code;

(2) in the absence of such paragraph, would have been eligible for health benefits under such section;

(3) at the time of the receipt of such benefits, satisfies the criteria specified in subparagraph (B) of paragraph (2) of such subsection; and

(4) was unaware of the loss of eligibility to receive health benefits at the time they were received.

(c) EXTENT OF AUTHORITY.—The authority to waive the collection of payments and to continue coverage of benefits under this section shall apply during the period beginning on July 1, 1999, and ending on December 31, 2004, under terms established by the Secretary of Defense.

(d) QUARTERLY REPORTS.—(1) The Secretary of Defense shall provide quarterly reports to the Committees on Armed Services of the Senate and House of Representatives regarding—

(A) efforts by the Department of Defense to identify persons who satisfy the criteria specified in subparagraph (B) of subsection (d)(2) of section 1086 of title 10, United States Code, and would be eligible for health benefits under such section if the criteria specified in subparagrpah (A) were also satisfied; and

(B) actions taken by the Department with respect to persons identified under subparagraph (B) of this paragraph.

(2) The first report under paragraph (1) shall be submitted not later than 30 days after the end of the first quarter of fiscal year 2005.

Subtitle C—Planning, Programming, and Management

SEC. 721. PILOT PROGRAM FOR TRANSFORMATION OF HEALTH CARE DELIVERY.

(a) FINDINGS.—(1) Congress finds the following:

(A) Historically, providing military health care to military beneficiaries has centered on building a military medical treatment facility and providing a full range of services on a military installation.

(B) Traditionally, in many locations the majority of military personnel and their dependents who are eligible beneficiaries of the military health care system do not live on military installations.

(C) As the cost of repairing, replacing, recapitalizing, or expanding aging military

treatment facilities and maintaining adequate health care services on military installations increases, the Department of Defense will be challenged to find new, more cost-effective ways of providing enhanced health care for military and civilian beneficiaries of the Department of Defense health care system.

(2) In view of these findings, the Secretary of Defense is directed to examine feasible and cost-effective methods for leveraging and expanding non-military health care resources to provide health care to military beneficiaries. Furthermore, the Secretary of Defense shall conduct a pilot program in accordance with this section.

(b) PILOT PROGRAM PURPOSES.—The Secretary of Defense shall conduct a pilot program at one or more military installations for purposes of testing—

(1) the feasibility and cost effectiveness of expanding use of non-military health care resources, particularly in cases in which such use would reduce or eliminate the need for military medical construction projects;

(2) initiatives that build cooperative health care arrangements and agreements between military installations and local and regional non-military health care systems; and

(3) development of an integrated, long range business plan for the delivery of health care services for military beneficiaries, incorporating present and potential future capabilities in the non-military health care sector.

(c) REQUIREMENTS OF PILOT PROGRAM.—In conducting the pilot program, the Secretary of Defense shall—

(1) identify and analyze health care delivery options that range from outsourcing all health care delivery services to the private sector to providing some health care services in military facilities located on the installation;

(2) determine the cost avoidance or savings resulting from innovative partnerships between the Department of Defense and the private sector and limiting recapitalization costs in military facilities;

(3) study the potential, viability, cost efficiency, and health care effectiveness of Department of Defense health care providers delivering health care in civilian community hospitals;

(4) determine the opportunities for and barriers to coordinating and leveraging the use of existing health care resources, including Federal, State, local, and contractor assets; and

(5) develop recommendations for a model health care delivery system that may be used at other military installations.

(d) CONSULTATION REQUIREMENTS.—The Secretary of Defense shall develop the pilot program in consultation with the Secretaries of the military departments, representatives from the military installation selected for the pilot program, Federal, State, and local entities, and the TRICARE managed care support contractor with responsibility for that installation.

(e) SELECTION OF MILITARY INSTALLATION.—The pilot program shall be implemented at one or more military installations selected by the Secretary of Defense. At least one of the selected military installations shall meet the following criteria:

(1) The military installation is an Army installation located in a rural area.

(2) The military installation has members of the Armed Forces on active duty and members of reserve components of the Armed Forces that use the installation as a training and operational base, with members routinely deploying in support of the global war on terrorism.

(3) The number of members of the Armed Forces on active duty permanently assigned to the military installation is expected to increase over the next five years.

(4) One or more partnerships exist at the military installation with civilian health care entities in the form of limited specialty care services in the military medical treatment facility on the installation.

(5) There is a military treatment facility on the installation that does not have inpatient or trauma center care capabilities.

(6) There is a civilian community hospital within 15 miles of the military installation with limited capability to expand inpatient care beds, intensive care, and specialty services.

(7) There is no civilian hospital with a trauma center within 50 miles from the military installation.

(f) DURATION OF PILOT PROGRAM.—Implementation of the pilot program developed under this subsection shall begin not later than May 1, 2005, and shall be conducted during fiscal years 2005, 2006, and 2007.

(g) FUNDS.—For fiscal year 2005, not more than $5,000,000 of the amount appropriated pursuant to the authorization for operations and maintenance for the Defense Health Program in section 303(a) may be used to conduct the pilot program under this section.

(h) REPORTS.—Not later than July 1, 2005, the Secretary of Defense shall submit an interim report to the Committees on Armed Services of the Senate and of the House of Representatives describing the details of the pilot program. Not later than July 1, 2007, the Secretary of Defense shall submit to such committees a final report describing the results of the pilot program with recommendations for a model health care delivery system for other military installations.

SEC. 722. STUDY OF PROVISION OF TRAVEL REIMBURSEMENT TO HOSPITALS FOR CERTAIN MILITARY DISABILITY RETIREES.

(a) STUDY.—The Secretary of Defense shall conduct a study of the feasibility, and of the desirability, of providing that a member of the uniformed services retired under chapter 61 of title 10, United States Code, for a combat-related disability (as defined in section 1413a(e) of that title) shall be provided reimbursement for the travel expenses of such member for travel, during the two-year period beginning on the date of the retirement of the member, to a military treatment facility for medical care. The Secretary shall include in that study consideration of whether reimbursement under such a plan should, as nearly as practicable, be under the same terms and conditions, and at the same rate, as apply to beneficiary travel reimbursement provided by the Secretary of Veterans Affairs under section 111 of title 38, United States Code.

(b) REPORT.—The Secretary of Defense shall submit to the congressional defense committees a report providing the results of the study under subsection (a). Such report shall be submitted not later than March 1, 2005.

SEC. 723. STUDY OF MENTAL HEALTH SERVICES.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study of mental health services available to members of the Armed Forces.

(b) PERSONS COVERED.—The study shall evaluate the availability and effectiveness of existing mental health treatment and screening resources—

(1) for members of the Armed Forces during a deployment to a combat theater;

(2) for members of the Armed Forces returning from a deployment to a combat theater, both—

(A) in the short-term, post-deployment period; and

(B) in the long-term, following the post-deployment period;

(3) for the families of members of the Armed Forces who have been deployed to a combat theater during the time of the deployment;

(4) for the families of members of the Armed Forces who have been deployed to a combat theater after the member has returned from the deployment; and

(5) for members of the Armed Forces and their families described in this subsection who are members of Reserve components.

(c) ASSESSMENT OF OBSTACLES.—The study shall provide an assessment of existing obstacles that prevent members of the Armed Forces and military families in need of mental health services from obtaining these services, including—

(1) the extent to which existing confidentiality regulations, or lack thereof, inhibit members of the Armed Forces from seeking mental health treatment;

(2) the implications that a decision to seek mental health services can have on a military career;

(3) the extent to which a social stigma exists within the Armed Forces that prevents members of the Armed Forces and military families from seeking mental health treatment within the Department of Defense and the individual Armed Forces;

(4) the extent to which logistical obstacles, particularly with respect to members of the Armed Forces and families residing in rural areas, deter members in need of mental health services from obtaining them; and

(5) the extent to which members of the Armed Forces and their families are prevented or hampered from obtaining mental health treatment due to the cost of such services.

(d) IDENTIFICATION OF PROBLEMS UNIQUE TO RESERVES.—The study shall identify potential problems in obtaining mental health treatment that are unique to members of Reserve components.

(e) REPORT.—The Secretary of Defense shall submit to Congress a report on the study conducted under this section not later than 90 days after the date of the enactment of this Act. The report shall contain the results of the study and make specific recommendations—

(1) for improving the effectiveness and accessibility of mental health services provided by Department of Defense to the persons listed in subsection (b), including recommendations to ensure appropriate referrals and a seamless transition to the care of the Department of Veterans Affairs following separation from the Armed Forces;

(2) for removing or mitigating any obstacles identified under subsection (c); and

(3) for steps that can be taken by the Department of Defense or Congress to bring parity to mental health services available to members of Reserve components and members of the Armed Forces on active duty.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 801. RAPID ACQUISITION AUTHORITY TO RESPOND TO COMBAT EMERGENCIES.

(a) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2410p. Rapid acquisition authority to respond to combat emergencies

"(a) RAPID ACQUISITION AUTHORITY.—The Secretary of Defense may rapidly acquire, in accordance with this section, equipment needed by a combatant commander to eliminate a combat capability deficiency that has resulted in combat fatalities.

"(b) PROCESS FOR RAPID ACQUISITION.—Not later than 30 days after the date of the

enactment of this section, the Secretary of Defense shall develop a process for the rapid acquisition authority provided by subsection (a) and submit to Congress a detailed explanation of the process, including procedures to be followed in carrying out the process. The process shall provide for the following:

''(1) A requirement that the process may be used only to acquire the minimum amount of equipment needed until the needs of the combatant commander can be fulfilled under existing acquisition statutes, policies, directives, and regulations.

''(2) A goal of awarding a contract for the equipment within 15 days after receipt of a request from a commander.

''(3) In a case in which the equipment cannot be acquired without an extensive delay, a requirement for an interim solution to minimize the combat capability deficiency and combat fatalities until the equipment can be acquired.

''(4) Waiver of the applicability of all policies, directives, and regulations related to—

''(A) the establishment of the requirement for the equipment;

''(B) the research, development, test, and evaluation of the equipment; and

''(C) the solicitation and selection of sources, and the award of the contract, for procurement of the equipment.

''(5) Such other procedures or requirements as the Secretary considers appropriate.

''(c) WAIVER OF CERTAIN STATUTES.—For purposes of exercising the authority provided by subsection (a) with respect to equipment, laws relating to the following shall not apply:

''(A) The establishment of the requirement for the equipment.

''(B) The research, development, test, and evaluation of the equipment.

''(C) The solicitation and selection of sources, and the award of the contract, for procurement of the equipment.

''(d) LIMITATIONS.—The rapid acquisition authority provided by subsection (a) may be used only—

''(1) after the Secretary of Defense, without delegation, determines in writing that there exists a combat capability deficiency that has resulted in combat fatalities; and

''(2) to acquire equipment in an amount aggregating not more than $100,000,000 during a fiscal year.

''(e) SOURCE OF FUNDS.—For acquisitions under this section to be made during any fiscal year, the Secretary may use any funds made available to the Department of Defense for that fiscal year.

''(f) NOTIFICATION TO CONGRESS AFTER EACH USE OF AUTHORITY.—The Secretary of Defense shall notify the congressional defense committees within 15 days after each use of the authority provided by subsection (a). Each such notice shall identify the equipment to be acquired, the amount to be expended for such acquisition, and the source of funds for such acquisition.

''(g) COMBATANT COMMANDER.—In this section, the term 'combatant commander' means the commander of a unified combatant command with authority for the conduct of operations in a specific area of responsibility or who otherwise has authority to conduct operations at the direction of the President or Secretary of Defense.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2410p. Rapid acquisition authority to respond to combat emergencies.''.

SEC. 802. DEFENSE ACQUISITION WORKFORCE CHANGES.

(a) SELECTION CRITERIA AND PROCEDURES.—Section 1732(b)(1)(A) of title 10, United States Code, is amended by striking ''within grade GS–13 or above of the General Schedule'' and inserting ''in any position designated by the Secretary of Defense''.

(b) CRITICAL ACQUISITION POSITIONS.—Section 1733 of such title is amended by striking subsection (b) and inserting the following:

''(b) DESIGNATION OF CRITICAL ACQUISITION.—(1) The Secretary of Defense shall designate the acquisition positions in the Department of Defense that are critical acquisition positions. Such positions shall include the following:

''(A) Program executive officer.

''(B) Program manager of a major defense acquisition program (as defined in section 2430 of this title) or of a significant nonmajor defense acquisition program (as defined in section 1737(a)(3) of this title).

''(C) Deputy program manager of a major defense acquisition program.

''(D) Any other acquisition position of significant responsibility determined by the Secretary to be critical.

''(2) The Secretary shall annually publish a list of the positions designated under this subsection.''.

(c) SCHOLARSHIP PROGRAMS.—Section 1742 of such title is amended—

(1) by inserting ''(a) PROGRAMS.—'' at the beginning of the text; and

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

''(b) SCHOLARSHIP PROGRAM REQUIREMENTS.—With respect to any scholarship program conducted under this section, the Secretary of Defense and the participant shall agree in writing to the terms of the scholarship. The agreement shall include the obligations of the Secretary and the participant, as well as actions available for either party to take if there is a failure to meet the obligations under the agreement.''.

SEC. 803. LIMITATION ON TASK AND DELIVERY ORDER CONTRACTS.

Subsection 2304a(f) of title 10, United States Code, is amended to read as follows:

''(f) CONTRACT PERIOD.—The head of an agency entering into a task or delivery order contract under this section may provide for the contract to cover any base period up to five years and may extend the contract period for one or more successive periods pursuant to an option provided in the contract or a modification to the contract.''.

SEC. 804. FUNDING FOR CONTRACT CEILINGS FOR CERTAIN MULTIYEAR PROCUREMENT CONTRACTS.

(a) MULTIYEAR CONTRACTS RELATING TO PROPERTY.—Section 2306b(g) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''Before any'';

(2) by striking ''Committee'' through ''House of Representatives'' and inserting ''congressional defense committees''; and

(3) by adding at the end the following new paragraph:

''(2) In the case of a contract described in subsection (a) with a cancellation ceiling described in paragraph (1), if the budget for the contract does not include proposed funding for the costs of contract cancellation up to the cancellation ceiling established in the contract, the head of the agency concerned shall, as part of the certification required by subsection (i)(1)(A), give written notification to the congressional defense committees of—

''(A) the cancellation ceiling amounts planned for each program year in the proposed multiyear procurement contract, together with the reasons for the amounts planned;

''(B) the extent to which costs of contract cancellation are not included in the budget for the contract; and

''(C) a financial risk assessment of not including budgeting for costs of contract cancellation, including proposed funding sources to meet such cancellation costs if the contract is canceled.''.

(b) MULTIYEAR CONTRACTS RELATING TO SERVICES.—Section 2306c(d) of title 10, United States Code, is amended—

(1) in paragraphs (1), (3), and (4), by striking ''committees of Congress named in paragraph (5)'' and inserting ''congressional defense committees'' each place it appears; and

(2) by amending paragraph (5) to read as follows:

''(5) In the case of a contract described in subsection (a) with a cancellation ceiling described in paragraph (4), if the budget for the contract does not include proposed funding for the costs of contract cancellation up to the cancellation ceiling established in the contract, the head of the agency concerned shall give written notification to the congressional defense committees of—

''(A) the cancellation ceiling amounts planned for each program year in the proposed multiyear procurement contract, together with the reasons for the amounts planned;

''(B) the extent to which costs of contract cancellation are not included in the budget for the contract; and

''(C) a financial risk assessment of not including budgeting for costs of contract cancellation, including proposed funding sources to meet such cancellation costs if the contract is canceled.''

SEC. 805. INCREASED THRESHOLD FOR REQUIRING CONTRACTORS TO PROVIDE SPECIFIED EMPLOYEE INFORMATION TO COOPERATIVE AGREEMENT HOLDERS.

Section 2416(d) of title 10, United States Code, is amended by striking ''$500,000'' and inserting ''$1,000,000''.

SEC. 806. EXTENSION OF AUTHORITY FOR USE OF SIMPLIFIED ACQUISITION PROCEDURES.

Section 4202(e) of the Clinger-Cohen Act (division D of Public Law 104–106; 110 Stat. 652; 10 U.S.C. 2304 note) is amended by striking ''January 1, 2006'' and inserting ''October 1, 2009''.

SEC. 807. AUTHORITY TO ADJUST ACQUISITION-RELATED DOLLAR THRESHOLDS FOR INFLATION.

(a) INFLATION ADJUSTMENT AUTHORITY.—The FAR Council and the heads of executive agencies may adjust the dollar thresholds in procurement laws in order to maintain the constant dollar value of the threshold, taking into account the effect of inflation on the threshold.

(b) LIMITATION ON EXERCISE OF AUTHORITY.—Adjustments of dollar thresholds under subsection (a) may be carried out—

(1) by the FAR Council only with respect to procurement laws that apply to executive agencies generally; and

(2) by the head of an executive agency only with respect to procurement laws that apply to that agency exclusively.

(c) ADDITIONAL REQUIREMENTS.—In adjusting a threshold under subsection (a), the FAR Council and the head of an agency shall—

(2) consult with the Director of the Office of Management and Budget;

(3) round the threshold, to facilitate implementation; and

(4) publish the adjusted threshold in the Federal Register.

(d) EXCLUSIONS.—This section does not apply to—

(1) dollar thresholds in sections 3141 through 3144, 3146, and 3147 of title 40, United States Code;

(2) dollar thresholds in the Service Contract Act of 1965 (41 U.S.C. 351, et seq.); or

(3) dollar thresholds established by the United States Trade Representative pursuant to title III of the Trade Agreements Act of 1979 (19 U.S.C. 2511 et seq.).

(e) DEFINITIONS.—In this section:

(1) The term ''procurement law'' means any provision of law that sets forth policies, procedures, requirements, or restrictions for the procurement of property or services by the Federal Government.

(2) The terms ''executive agency'' and ''procurement'' have the meanings provided by section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1))

(3) The term ''FAR Council'' means the Federal Acquisition Regulatory Council established under section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421)).

Subtitle B—United States Defense Industrial Base Provisions

SEC. 811. DEFENSE TRADE RECIPROCITY.

(a) IN GENERAL.—Chapter 148 of title 10, United States Code, is amended by inserting after section 2532 the following new section:

"§ 2532a. Defense trade reciprocity

''(a) POLICY.—(1) It is the policy of Congress that procurement regulations used in the conduct of trade in defense articles and defense services shall be based on the principle of fair trade and reciprocity consistent with United States national security, including the need to ensure comprehensive manufacturing capability in the United States defense industrial base for military system essential items.

''(2) The Secretary of Defense shall make every effort to ensure that the policies and practices of the Department of Defense reflect the goal of establishing an equitable trading relationship between the United States and its foreign defense trade partners, including ensuring that United States firms and United States employment in the defense sector are not disadvantaged by unilateral procurement practices by foreign governments, such as the imposition of offset agreements or similar requirements in defense procurements by those governments. In pursuing this goal, the Secretary shall—

''(A) develop a comprehensive defense acquisition trade policy that provides the necessary guidance and incentives for the elimination of offset agreements as an accepted practice in defense trade; and

''(B) review and make necessary modifications to existing acquisition policies and strategies, and review and seek to make necessary modifications to existing memoranda of understanding, cooperative project agreements, or related agreements with foreign defense trade partners, to reflect this goal.

''(b) REQUIREMENT.—The Secretary of Defense may not enter into a contract, or approve or permit any subcontract under a contract entered into by the Department of Defense, for the procurement of any defense article or defense service from a foreign firm unless the country in which the foreign firm performs substantially all of its manufacturing, production, and research and development activities in the performance of the contract (or subcontract) agrees to apply offset agreements to the procurement of defense articles and defense services from the United States firms in the same manner and to the same degree as such agreements are applied by the Department of Defense to the procurement of defense articles and defense services from that country.

''(c) EXCEPTION.—Subsection (b) does not apply to a contract or subcontract for the procurement of a defense article or defense service from a foreign firm if the Secretary of Defense determines in writing, with respect to the specific contract or subcontract, that an exception to subsection (b) is necessary for the Department to be able to meet national security objectives.

''(d) NOTIFICATION REQUIRED WHEN EXCEPTION APPLIED.—The Secretary of Defense may not apply an exception under subsection (c) until—

''(1) a notification of the intent to apply such exception is submitted to the congressional defense committees and published in the Federal Register; and

''(2) a period of 30 days has expired after the date on which such notification is so submitted and published.

''(e) AUTHORITY TO APPLY EXCEPTION NOT DELEGABLE.—The authority of the Secretary to apply the exception under subsection (c) may not be delegated to any officer or employee in a position at a level lower than the position of the Under Secretary of Defense for Acquisition, Technology, and Logistics.–

''(f) REGULATIONS.—The Secretary shall prescribe regulations to implement this section in the Department of Defense supplement to the Federal Acquisition Regulation.

''(g) EFFECTIVE DATE.—This section and the regulations prescribed under this section shall apply to contracts and subcontracts entered into on and after the date occurring one year after the date of the enactment of this Act.

''(h) DEFINITIONS.—In this section:

''(1) The term 'foreign firm' means a business entity that performs substantially all of its manufacturing, production, and research and development activities outside of the United States.

''(2) The term 'United States firm' means a business entity that performs substantially all of its manufacturing, production, and research and development activities in the United States.

''(3) The term 'foreign defense trade partner' means a foreign country with respect to which there is—

''(A) a memorandum of understanding or related agreement described in section 2531(a) of title 10, United States Code; or

''(B) a cooperative project agreement described in section 27 of the Arms Export Control Act (22 U.S.C. 2767).

''(4) The term 'offset agreement' has the meaning provided that term by section 36(e) of the Arms Export Control Act (22 U.S.C. 2776(e)).

''(5) The terms 'defense article' and 'defense service' have the meanings provided those terms by section 47(7) of the Arms Export Control Act (22 U.S.C. 2794(7)).

''(6) The term 'military system essential item' means an item on the military system essential item breakout list produced pursuant to section 813(b) of the National Defense Authorization Act for Fiscal Year 2004 (P.L. 108–136; 117 Stat. 1544).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2532a. Defense trade reciprocity.''.

SEC. 812. AMENDMENTS TO DOMESTIC SOURCE REQUIREMENTS.

(a) NOTICE.—Section 2533a of title 10, United States Code, is amended by adding at the end the following new subsection:

''(k) NOTIFICATION REQUIRED WHEN CERTAIN EXCEPTIONS APPLIED.—(1) Funds appropriated or otherwise available to the Department of Defense may not be used to enter into a contract to procure an item described in subsection (b) pursuant to an exception set forth in subsection (c) or (e) until—

''(A) a notification of the intent to apply such exception is submitted to Congress and posted on the website maintained by the General Services Administration known as FedBizOpps.gov (or any successor site); and

''(B) a period of 15 days has expired after the date on which such notification is so submitted and published.

''(2) In any case in which the Secretary of Defense or the Secretary of the military department concerned intends to apply or applies the exception set forth in subsection (d)(1), the Secretary concerned shall submit to Congress a notification of such intent or such application during the period beginning six months before the date of application of such exception and ending six months after the date of application of such exception.''.

(b) CLOTHING MATERIALS AND COMPONENTS COVERED.—Subsection (b) of section 2533a of title 10, United States Code, is amended in paragraph (1)(B) by inserting before the semicolon the following: ''and the materials and components thereof, other than sensors, electronics, or other items added to, and not normally associated with, clothing (and the materials and components thereof)''.

SEC. 813. THREE-YEAR EXTENSION OF RESTRICTION ON ACQUISITION OF POLYACRYLONITRILE (PAN) CARBON FIBER FROM FOREIGN SOURCES.

The Secretary of Defense shall delay by three years the phase-out of the restriction on acquisition of polyacrylonitrile (PAN) carbon fiber from foreign sources (described in subpart 225.7103 of the Department of Defense supplement to the Federal Acquisition Regulation). In implementing such delay, the Secretary shall revise the appplicable regulations to ensure that such restriction applies to—

(1) solicitations and contracts issued on or before May 31, 2006, for major systems that are not yet in production; and

(2) solicitations and contracts issued during the period beginning June 1, 2006, and ending May 31, 2008, for major systems that are not yet in engineering and manufacturing development.

SEC. 814. GRANT PROGRAM FOR DEFENSE CONTRACTORS TO IMPLEMENT STRATEGIES TO AVOID OUTSOURCING OF JOBS.

(a) GRANT PROGRAM AUTHORIZED.—The Secretary of Defense may make grants under this section for fiscal year 2005 to qualified defense contractor groups for the purposes described in subsection (b).

(b) GRANT PURPOSES.—A grant may be made under this section for the purpose of implementing a strategy to avoid the outsourcing of jobs by a defense contractor, including the following strategies:

(1) Cost-cutting measures.

(2) Retraining programs.

(3) Technology development.

(4) Plant upgrades.

(c) APPLICATION.—A grant may not be awarded under this section unless an application is submitted to, and approved by, the Secretary. Such an application—

(1) shall be submitted by a qualified defense contractor group in such form and manner as the Secretary may require; and

(2) shall contain—

(A) a description of the strategy proposed for avoiding the outsourcing of at least 10 jobs in the performance of a defense contract by the defense contractor concerned; and

(B) such other information as the Secretary may require.

(d) DEFINITIONS.—In this section:

(1) The term ''qualified defense contractor group'', with respect to a defense contractor, is a group or person representing—

(A) management of the contractor;

(B) a labor organization that represents employees of the contractor; or

(C) employees of the contractor.

(2) The term ''outsourcing'', with respect to a defense contract, includes the performance outside the United States of work under the contract.

(e) FEDERAL SHARE.—The Federal share of the costs of the strategy carried out with a grant under this section may not exceed 50 percent.

(f) USE OF DEFENSE INDUSTRIAL CAPABILITIES FUND FOR GRANTS.—(1) Notwithstanding section 814(c) of the National Defense Authorization Act for Fiscal Year 2004 (P.L. 108–136; 117 Stat. 1545), amounts in the Defense Industrial Base Capabilities Fund may be used for grants under this section.

(2) For fiscal year 2005, up to $50,000,000 of amounts available in such Fund may be used to carry out this section.

(g) AUTHORIZATION OF FUNDS.—There are authorized to be appropriated to the Defense Industrial Base Capabilities Fund $50,000,000 for purposes of providing grants under this section.

SEC. 815. PREFERENCE FOR DOMESTIC FREIGHT FORWARDING SERVICES.

(a) PREFERENCE.—In the procurement of transportation services described in subsection (b), the Secretary of Defense shall give preference to any freight forwarder that—

(1) certifies to the Department of Defense that it is owned and controlled by citizens of the United States; and

(2) offers services at fair and reasonable rates.

(b) SERVICES COVERED.—Subsection (a) applies to transportation services to, from, or within Iraq or Afghanistan, and warehousing, logistics, or other similar services performed within Iraq or Afghanistan.

Subtitle C—Other Acquisition Matters

SEC. 821. SUSTAINMENT AND MODERNIZATION PLANS FOR EXISTING SYSTEMS WHILE REPLACEMENT SYSTEMS ARE UNDER DEVELOPMENT.

(a) EXISTING SYSTEMS TO BE MAINTAINED WHILE REPLACEMENT SYSTEMS ARE UNDER DEVELOPMENT.—(1) Chapter 144 of title 10, United States Code, is amended by inserting after section 2436 the following new section:

"§ 2437. Development of major defense acquisition programs: sustainment and modernization of system to be replaced

''(a) REQUIREMENT FOR SUSTAINING AND MODERNIZING EXISTING FORCES.—(1) The Secretary of Defense shall require that, whenever a new major defense acquisition program begins development, the defense acquisition authority responsible for that program shall develop a plan (to be known as a sustainment and modernization plan) for the existing system that the system under development is intended to replace. Any such sustainment and modernization plan shall provide for budgeting, sustaining, and modernizing the existing system until the replacement system to be developed under the major defense acquisition program is fielded and assumes the majority responsibility for the mission of the existing system. This section does not apply to a major defense acquisition that reaches initial operational capability before October 1, 2008.

''(2) In this section, the term ''defense acquisition authority'' means the Secretary of a military department or the commander of the United States Special Operations Command.

''(b) SUSTAINMENT AND MODERNIZATION PLAN.—The Secretary of Defense shall require that each sustainment and modernization plan under this section include, at a minimum, the following:

''(1) The milestone schedule for the development of the major defense acquisition program, including low-rate initial production, initial operational capability, full-rate production, full operational capability, and the date when the replacement system assumes the majority responsibility for the mission of the existing system.

''(2) An analysis of the existing system to determine the following:

''(A) A sustainment plan and budget requirements necessary to provide service life extension to the existing system at acceptable reliability and availability rates.

''(B) A modernization plan and budget requirements necessary to maintain mission capability against the relevant threats.

''(C) A modernization plan and budget requirements necessary—

''(i) to transfer mature technologies from the new system or other systems so that the mission capability of the existing system is enhanced against relevant threats; and

''(ii) to provide interoperability with the new system during the period from initial fielding until the new system assumes the majority of responsibility for the mission of the existing system.

''(c) ANNUAL REVIEW.—Each fiscal year, before the submission to Congress of the President's budget for the next fiscal year, the Secretary of Defense shall review the schedule performance of each replacement major defense acquisition program for which a sustainment and modernization plan has been developed under this section to compare that performance with the schedule set forth under subsection (b)(1). If the schedule for the program has changed, then the Secretary shall notify the congressional defense committees of such change.

''(d) EXCEPTIONS.—Subsection (a) shall not apply to a major defense acquisition program if the Secretary of Defense determines that—

''(1) the existing system is no longer relevant to the mission;

''(2) the mission has been eliminated;

''(3) the mission has been consolidated with another mission in such a manner that another existing system can adequately meet the mission requirements; or

''(4) the duration of time until the new system assumes the majority of responsibility for the existing system's mission is sufficiently short so that mission availability, capability, interoperability, and force protection requirements are maintained.

''(e) WAIVER.—The Secretary of Defense may waive the applicability of subsection (a) to a major defense acquisition program if the Secretary determines that, but for such a waiver, the Department would be unable to meet national security objectives. Whenever the Secretary makes such a determination and authorizes such a waiver, the Secretary shall submit notice of such waiver and of the Secretary's determination and the reasons therefor in writing to the congressional defense committees.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2436 the following new item:

''2437. Development of major defense acquisition programs: sustainment and modernization of system to be replaced.''.

(b) APPLICATION TO EXISTING PROGRAMS IN DEVELOPMENT.—Section 2437 of title 10, United States Code, as added by subsection (a), shall apply with respect to a major defense acquisition program that is under development as of the date of the enactment of this Act and is not expected to reach initial operational capability before October 1, 2008. The Secretary of Defense shall require that a sustainment and modernization plan under that section be developed not later than one year after the date of the enactment of this Act for the existing system that the system under development is intended to replace.

SEC. 822. REVIEW AND DEMONSTRATION PROJECT RELATING TO CONTRACTOR EMPLOYEES.

(a) GENERAL REVIEW.—(1) The Secretary of Defense shall conduct a review of policies, procedures, practices, and penalties of the Department of Defense relating to employees of defense contractors for purposes of ensuring that the Department of Defense is in compliance with Executive Order No. 12989 (relating to a prohibition on entering into contracts with contractors that are not in compliance with the Immigration and Nationality Act).

(2) In conducting the review, the Secretary shall—

(A) identify potential weaknesses and areas for improvement in existing policies, procedures, practices, and penalties;

(B) develop and implement reforms to strengthen, upgrade, and improve policies, procedures, practices, and penalties of the Department of Defense and its contractors; and

(C) review and analyze reforms developed pursuant to this paragraph to identify for purposes of national implementation those which are most efficient and effective.

(3) The review under this subsection shall be completed not later than 180 days after the date of the enactment of this Act.

(b) DEMONSTRATION PROJECT.—The Secretary of Defense shall conduct a demonstration project in accordance with this section, in one or more regions selected by the Secretary, for purposes of promoting greater contracting opportunities for contractors offering effective, reliable staffing plans to perform defense contracts that ensure all contract personnel employed for such projects, including management employees, professional employees, craft labor personnel, and administrative personnel, are lawful residents or persons properly authorized to be employed in the United States and properly qualified to perform services required under the contract. The demonstration project shall focus on contracts for construction, renovation, maintenance, and repair services for military installations.

(c) DEMONSTRATION PROJECT PROCUREMENT PROCEDURES.—As part of the demonstration project under subsection (b), the Secretary of Defense shall conduct a competition in which there is a provision in contract solicitations and request for proposal documents to require significant weight or credit be allocated to—

(1) reliable, effective workforce programs offered by prospective contractors that provide background checks and other measures to ensure the contractor is in compliance with the Immigration and Nationality Act; and

(2) reliable, effective project staffing plans offered by prospective contractors that specify for all contract employees (including management employees, professionals, and craft labor personnel) the skills, training, and qualifications of such persons and the labor supply sources and hiring plans or procedures used for employing such persons.

(d) IMPLEMENTATION OF DEMONSTRATION PROJECT.—The Secretary of Defense shall begin operation of the demonstration project required under this section after completion of the review under subsection (a), but in no event later than 270 days after the date of the enactment of this Act.

(e) REPORT ON DEMONSTRATION PROJECT.—Not later than six months after award of a contract under the demonstration project, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report setting forth a review of the demonstration project and recommendations on the actions, if any, that can be implemented to ensure compliance by the Department of Defense with Executive Order No. 12989.

(f) DEFINITION.—In this section, the term ''military installation'' means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility, which is located within any of the several States, the District

of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, or Guam. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

SEC. 823. DEFENSE ACQUISITION WORKFORCE LIMITATION AND REPORTS.

(a) DEFENSE ACQUISITION AND SUPPORT PERSONNEL LIMITATION.—(1) Effective October 1, 2005, the number of defense acquisition and support personnel in the Department of Defense may not exceed 95 percent of the baseline number.

(2) For purposes of paragraph (1), the baseline number is the number of defense acquisition and support personnel as of October 1, 2004.

(3) All determinations of personnel strengths for purposes of this section shall be on the basis of full-time equivalent positions.

(b) GAO STUDY AND REPORT ON DEFENSE ACQUISITION AND SUPPORT PERSONNEL.—(1) The Comptroller General shall conduct a study of Department of Defense management of defense acquisition and support personnel. The study shall include—

(A) an analysis of the number and structure of defense acquisition and support personnel; and

(B) an assessment of the size, mission, composition, and projected workload requirements of defense acquisition and support personnel.

(2) The Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the study conducted under this subsection not later than March 1, 2005.

(c) DEFENSE ACQUISITION UNIVERSITY STUDY AND REPORT ON DEFENSE ACQUISITION AND SUPPORT PERSONNEL.—(1) The Defense Acquisition University shall conduct a study of all the training programs offered to defense acquisition and support personnel.

(2) The Defense Acquisition University shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the study conducted under this subsection not later than March 1, 2005. The report shall include—

(A) the number of individuals currently certified within the field they are working in; and

(B) recommendations on how to improve education and productivity for defense acquisition and support personnel, including recommendations for additional training program requirements.

(d) DEFINITION.—In this section, the term ''defense acquisition and support personnel'' means members of the Armed Forces and civilian personnel (other than civilian personnel who are employed at a maintenance depot) who are assigned to, or employed in, acquisition organizations of the Department of Defense (as specified in Department of Defense Instruction numbered 5000.58, dated January 14, 1992), and any other organization that, as determined by the Secretary, has acquisition as its predominant mission.

SEC. 824. PROVISION OF INFORMATION TO CONGRESS TO ENHANCE TRANSPARENCY IN CONTRACTING.

Upon request of the chairman or ranking member of the Committee on Armed Services of the Senate or House of Representatives, the Secretary of Defense shall provide, with respect to any contract or task or delivery order under a task or delivery order contract entered into by the Department of Defense, within 14 days after receipt of the request, unredacted copies of any documents required to be maintained in the contracting office contract file, the contract administration office contract file, and the paying office contract file pursuant to subpart 4.8 of the Federal Acquisition Regulation, including—

(1) copies of the contract and all modifications;

(2) orders issued under the contract;

(3) justifications and approvals;

(4) any government estimate of contract price;

(5) source selection documentation;

(6) cost or price analysis;

(7) audit reports;

(8) justification for type of contract;

(9) authority for deviations from regulations, statutory requirements, or other restrictions;

(10) bills, invoices, vouchers, and supporting documents; and

(11) records of payments or receipts.

SEC. 825. REQUIREMENT TO TREAT SURETIES IN SAME MANNER AS FINANCING INSTITUTIONS WHEN CONTRACTORS DEFAULT.

(a) AMENDMENT TO TITLE 31.—Section 3727(c) of title 31, United States Code, is amended by inserting ''surety on a bond provided in connection with a contract or other'' before ''financing institution''.

(b) AMENDMENT TO REVISED STATUTES.—Section 3737(b) of the Revised Statutes (41 U.S.C. 15) is amended in the first sentence by inserting ''surety on a bond provided in connection with a contract,'' before ''or other financing institution''.

SEC. 826. PROVISIONS RELATING TO CREATION OF JOBS IN THE UNITED STATES BY DEFENSE CONTRACTORS.

(a) AUTHORITY TO EXCLUDE CERTAIN SOURCES ON BASIS OF CREATION OF JOBS IN UNITED STATES.—Section 2304(b)(1) of title 10, United States Code, is amended—

(1) by striking ''or'' at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting ''; or''; and

(3) by adding at the end the following new subparagraph:

''(G) would create jobs in the United States.''.

(b) REQUIREMENT TO INCLUDE CREATION OF JOBS IN UNITED STATES AS EVALATION FACTOR.—(1) Section 2305(a)(3)(A) of title 10, United States Code, is amended—

(A) by striking ''and'' at the end of clause (ii);

(B) by redesignating clause (iii) as clause (iv); and

(C) by inserting after clause (ii) the following new clause:

''(iii) shall include the creation of jobs in the United States as an evaluation factor that must be considered in the evaluation of proposals; and''.

(2) Section 2305(a)(3)(B) of such title is amended by striking ''clause (iii)'' and inserting ''clause (iv)''.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

SEC. 901. CHANGE IN TITLE OF SECRETARY OF THE NAVY TO SECRETARY OF THE NAVY AND MARINE CORPS.

(a) CHANGE IN TITLE.—The position of the Secretary of the Navy is hereby redesignated as the Secretary of the Navy and Marine Corps.

(b) REFERENCES.—Any reference to the Secretary of the Navy in any law, regulation, document, record, or other paper of the United States shall be considered to be a reference to the Secretary of the Navy and Marine Corps.

SEC. 902. TRANSFER OF CENTER FOR THE STUDY OF CHINESE MILITARY AFFAIRS FROM NATIONAL DEFENSE UNIVERSITY TO UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION.

(a) TRANSFER.—The Center for the Study of Chinese Military Affairs established by section 914 of the National Defense Authorization Act for Fiscal Year 2000 (10 U.S.C. 2165 note) is transferred from the National Defense University of the Department of Defense to the United States-China Economic and Security Review Commission.

(b) CONFORMING AMENDMENT.—Subsection (a) of section 914 of the National Defense Authorization Act for 2000 (10 U.S.C. 2165 note) is amended to read as follows:

''(a) ESTABLISHMENT.—There shall be a Center for the Study of Chinese Military Affairs organized under the United States-China Economic and Security Review Commission established by section 1238 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002).''.

(c) REPEAL OF OBSOLETE PROVISIONS.—Such section is further amended by striking subsections (d) and (e).

(d) TECHNICAL AMENDMENTS TO COMMISSION CHARTER.—(1) Section 1238(c) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002) is amended—

(1) in paragraph (1)—

(A) by striking ''(beginning in 2002)''; and

(B) by adding at the end the following new sentence: ''The report shall include a full discussion of the activities of the Commission under each of the subparagraphs of paragraph (2).''; and

(2) in paragraph (2)—

(A) by striking the matter preceding subparagraph (A) and inserting the following:

''(2) AREAS OF FOCUS.—The Commission shall focus, in lieu of any other area of work or study, on the following:''; and

(B) by replacing subparagraphs (A) through (J) with the text of subparagraphs (A) through (I) of section 2(c)(2) of division P of Public Law 108–7 (22 U.S.C. 7002 note).

(2) Section 2(c)(2) of division P of Public Law 108–7 (22 U.S.C. 7002 note) is repealed.

(e) EFFECTIVE DATE.—Subsection (a) and the amendment made by subsection (b) shall take effect at the end of the 90-day period beginning on the date of the enactment of this Act.

SEC. 903. TRANSFER TO SECRETARY OF THE ARMY OF RESPONSIBILITY FOR ASSEMBLED CHEMICAL WEAPONS ALTERNATIVES PROGRAM.

Effective January 1, 2005, the text of section 142 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 1521 note) is amended to read as follows:

''(a) PROGRAM MANAGEMENT.—(1) The program manager for the Assembled Chemical Weapons Alternatives program shall report to the Secretary of the Army.

''(2) The Secretary of the Army shall provide for that program to be managed as part of the management organization within the Department of the Army specified in section 1412(e) of Public Law 99–145 (50 U.S.C. 1521(e)).

''(b) CONTINUED IMPLEMENTATION OF PREVIOUSLY SELECTED ALTERNATIVE TECHNOLOGIES.—(1) In carrying out the destruction of lethal chemical munitions at Pueblo Chemical Depot, Colorado, the Secretary of the Army shall continue to implement fully the alternative technology for such destruction at that depot selected by the Under Secretary of Defense for Acquisition, Technology, and Logistics on July 16, 2002.

''(2) In carrying out the destruction of lethal chemical munitions at Blue Grass Army

Depot, Kentucky, the Secretary of the Army shall continue to implement fully the alternative technology for such destruction at that depot selected by the Under Secretary of Defense for Acquisition, Technology, and Logistics on February 3, 2003.''.

SEC. 904. MODIFICATION OF OBLIGATED SERVICE REQUIREMENTS UNDER NATIONAL SECURITY EDUCATION PROGRAM.

(a) IN GENERAL.—Subsection (b)(2) of section 802 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902) is amended by striking subparagraphs (A) and (B), as added by section 925(a) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1578), and inserting the following:

''(A) in the case of a recipient of a scholarship, as soon as practicable but in no case later than three years after the completion by the recipient of the study for which scholarship assistance was provided under the program, the recipient shall work for a period of one year—

''(i) in a national security position that the Secretary certifies is appropriate to use the unique language and region expertise acquired by the recipient pursuant to such study in the Department of Defense, in any element of the intelligence community, in the Department of Homeland Security, or in the Department of State; or

''(ii) in such a position in any other Federal department or agency not referred to in clause (i) if the recipient demonstrates to the Secretary that no position is available in a Federal department or agency specified in clause (i); or

''(B) in the case of a recipient of a fellowship, as soon as practicable but in no case later than two years after the completion by the recipient of the study for which fellowship assistance was provided under the program, the recipient shall work for a period equal to the duration of assistance provided under the program, but in no case less than one year—

''(i) in a position described in subparagraph (A)(i) that the Secretary certifies is appropriate to use the unique language and region expertise acquired by the recipient pursuant to such study; or

''(ii) in such a position in any other Federal department or agency not referred to in clause (i) if the recipient demonstrates to the Secretary that no position is available in a Federal department or agency specified in clause (i); and''.

(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out the amendment made by subsection (a). In prescribing such regulations, the Secretary shall establish standards that recipients of scholarship and fellowship assistance under the program under such section 802 are required to demonstrate to satisfy the requirement of a good faith effort to gain employment as required under subparagraphs (A) and (B) of subsection (b)(2) of such section.

(c) APPLICABILITY.—(1) The amendment made by subsection (a) shall apply with respect to service agreements entered into under the David L. Boren National Security Education Act of 1991 on or after the date of the enactment of this Act.

(2) The amendment made by subsection (a) shall not affect the force, validity, or terms of any service agreement entered into under the David L. Boren National Security Education Act of 1991 before the date of the enactment of this Act that is in force as of that date.

SEC. 905. CHANGE OF MEMBERSHIP OF CERTAIN COUNCILS.

(a) MEMBERSHIP OF ARMED FORCES POLICY COUNCIL.—Section 171(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(14) The Commandant of the Coast Guard, for discussion of matters pertaining to the Coast Guard.''.

(b) MEMBERSHIP OF COUNCIL UNDER SECTION 179.—Subsection (a) of section 179 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4) The Under Secretary of Defense for Policy.''.

(b) CONFORMING AND CLARIFYING AMENDMENTS.—Such subsection is further amended in the matter preceding paragraph (1)—

(1) by striking ''Joint''; and

(2) by striking ''composed of three members as follows:'' and inserting ''operated as a joint activity of the Department of Defense and the Department of Energy. The membership of the Council is comprised of the following officers of those departments:''.

(c) OTHER TECHNICAL AND CLARIFYING AMENDMENTS.—Such section is further amended as follows:

(1) Subsection (c)(3)(B) is amended by striking ''appointed'' and inserting ''designated''.

(2) Subsection (e) is amended by striking ''In addition'' and all that follows through ''also'' and inserting ''The Council shall''.

(3) Subsection (f) is amended by striking ''Committee on'' the first place it appears and all that follows through ''Representatives'' and inserting ''congressional defense committees''.

(d) STYLISTIC AMENDMENTS.—Such section is further amended as follows:

(1) Subsection (a) is amended by inserting ''ESTABLISHMENT; MEMBERSHIP.—'' after ''(a)''.

(2) Subsection (b) is amended by inserting ''CHAIRMAN; MEETINGS.—'' after ''(b)''.

(3) Subsection (c) is amended by inserting ''STAFF AND ADMINISTRATIVE SERVICES; STAFF DIRECTOR.—'' after ''(c)''.

(4) Subsection (d) is amended by inserting ''RESPONSIBILITIES.—'' after ''(d)''.

(5) Subsection (e) is amended by inserting ''REPORT ON DIFFICULTIES RELATING TO SAFETY OR RELIABILITY.—'' after ''(e)''.

(6) Subsection (f) is amended by inserting ''ANNUAL REPORT.—'' after ''(f)''.

(e) FURTHER CONFORMING AMENDMENT.—Section 3212(e) of the National Nuclear Security Administration Act (50 U.S.C. 2402(e)) is amended—

(1) by striking ''JOINT'' in the subsection heading; and

(2) by striking ''Joint''.

SEC. 906. ACTIONS TO PREVENT THE ABUSE OF DETAINEES.

(a) POLICIES REQUIRED.—The Secretary of Defense shall prescribe policies regarding procedures for the Armed Forces and other elements of the Department of Defense and contractor personnel of the Department of Defense intended to prevent the conditions leading to acts of abuse of detainees who are held by the United States as part of the Global War on Terrorism. Policies under this subsection shall be prescribed not later than 120 days after the date of the enactment of this Act.

(b) MATTERS TO BE INCLUDED.—In order to achieve the objective stated in subsection (a), the policies on the prevention of abuse of detainees under that subsection shall specify, at a minimum, procedures for the following:

(1) Ensuring that commanders of detention facilities and commanders of interrogation facilities provide all assigned personnel (including contractor personnel) with training, and documented acknowledgement of receiving training, regarding the Geneva Convention Relative to the Treatment of Prisoners of War and established Standing Operating Procedures for the treatment of detainees. Training provided under this paragraph to contractor personnel shall be at least comparable in degree to that provided to members of the Armed Forces.

(2) Providing all detainees with information, in their own language, of the protections afforded under the Geneva Convention Relative to the Treatment of Prisoners of War.

(3) Conducting periodic unannounced and announced inspections of prisons and other areas where detainees are held in order to provide continued oversight of interrogation and detention operations.

(4) Prohibiting contact between male guards and female detainees and between female guards and male detainees, except under exigent circumstances.

(c) REPORTS TO CONGRESS.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

(1) a copy of the policies prescribed pursuant to subsection (a), immediately after those policies are prescribed; and

(2) a report on the implementation of those policies, not later than one year after the date on which those policies are prescribed.

SEC. 907. RESPONSES TO CONGRESSIONAL INQUIRIES.

(a) IN GENERAL.—(1) Chapter 3 of title 10, United States Code, is amended by inserting after section 113a the following new section:

''§ 113b. Response to congressional inquiries

''Whenever the Secretary of Defense or any other official of the Department of Defense is requested by the chairman of the Committee on Armed Services of the Senate or the chairman of the Committee on Armed Services of the House of Representatives to respond to a question or inquiry submitted by the chairman or another member of that committee pursuant to a committee hearing or other activity, the Secretary (or other official) shall respond to the request, in writing, within 21 days of the date on which the request is transmitted to the Secretary (or other official).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 113a the following new item:

''113b. Response to congressional inquiries.''.

SEC. 908. SECRETARY OF DEFENSE GUIDANCE ON IDENTIFICATION AND INTERNAL TRANSMISSION OF CRITICAL INFORMATION.

(a) DEFENSE GUIDANCE.—The Secretary of Defense shall establish criteria for determining the types of critical information required to be made known expeditiously to senior decision makers in the Department of Defense. The types of information specified should be matters of extraordinary significance and potential strategic impact and should be immediately necessary to facilitate timely information management in the high-level, decision-making process affecting successful mission accomplishment. The Secretary may from time to time modify the list to suit the current strategic situation, as necessary. The Secretary should provide to the Secretaries of the military departments, the commanders of deployed forces, and other elements of the Department of Defense guidance for the purposes of identifying those critical information requirements.

(b) MATTERS TO BE INCLUDED.—The guidance under subsection (a) shall include, at a minimum, requirement for identification of the following:

(1) Any incident that may require a military contingency based on the incident's nature, gravity, or potential for significant adverse consequences to United States citizens, military personnel, or assets, including an

incident that provides opportunities for significant adverse publicity of a nature that could have a strategic impact.

(2) Any event, development, or situation that can be reasonably assumed to escalate into a significant adverse incident described in paragraph (1).

(3) Any deficiency or error in policy, standards, or training that can be reasonably assumed to foster significant adverse incidents described in paragraph (1).

(c) POLICY FOR TRANSMISSION OF INFORMATION TO OSD.—The Secretary of Defense shall establish a policy for the transmission from any element of the Department of Defense as expeditiously as possible to the Secretary of Defense and the Joint Chiefs of Staff of any report, assessment, or evaluation commissioned from any level within the Department of Defense that results in the identification of any of the items on the list required by subsection (a). As part of that policy, the Secretary should establish a timetable for transmission of any such report, assessment, or evaluation to the responsible major command upon receipt of the final document by the commissioning authority.

(d) TIME FOR ISSUANCE OF GUIDANCE.—The Secretary of Defense shall establish the list required by subsection (a) and issue the guidance required by that subsection not later than 90 days after the date of the enactment of this Act.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2005 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $3,000,000,000. Of such amount, $500,000,000 may be used only for a transfer from an account for an active component to an account for a reserve component, or from an account of a reserve component to an account of an active component, of the same Armed Force.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred;

(2) may not be used to provide authority for an item that has been denied authorization by Congress; and

(3) may not be combined with the authority provided under section 1519.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. BUDGET JUSTIFICATION DOCUMENTS FOR OPERATION AND MAINTENANCE.

(a) IN GENERAL.—(1) Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 232. Operations and maintenance budget presentation

''(a) IN GENERAL.—In this section

''(1) The term 'O&M justification documents' means Department of Defense budget justification documents with respect to accounts for operation and maintenance submitted to the congressional defense committees in support of the Department of Defense component of the President's budget for any fiscal year.

''(2) The term 'President's budget' means the budget of the President submitted to Congress under section 1105 of title 31 for any fiscal year.

''(3) The term 'current year' means the fiscal year during which the President's budget is submitted in any year.

''(b) IDENTIFICATION OF BASELINE AMOUNTS IN O&M JUSTIFICATION DOCUMENTS.—In any case in which the amount requested in the President's budget for a fiscal year for a Department of Defense operations and maintenance program, project, or activity is different from the amount appropriated for that program, project, or activity for the current year, the O&M justification documents supporting that budget shall identify that appropriated amount and the difference between that amount and the amount requested in the budget, stated as an amount and as a percentage.

''(c) PERSONAL SERVICE CONTRACTS.—In the O&M justification documents for any fiscal year, costs programmed in the budget for that fiscal year for Department of Defense for personal service contracts, and the number of personal service contractors to be used by the Department of Defense during that fiscal year who will be compensated at an annual rate in excess of the annual rate of salary of the Vice President under section 104 of title 3, shall be separately set forth and identified.

''(d) NAVY SUBACTIVITIES FOR SHIP DEPOT MAINTENANCE AND FOR INTERMEDIATE SHIP MAINTENANCE.—In the O&M justification documents for the Navy for any fiscal year, amounts requested for ship depot maintenance and amounts requested for intermediate ship maintenance shall be set forth as separate budget subactivity groups.

''(e) CIVILIAN AVERAGE SALARY COSTS.—In the O&M justification documents for any fiscal year, average civilian salary costs, shown by subactivity group, shall be set forth as a component of the personnel summary exhibit.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''232. Operations and maintenance budget presentation.''.

(b) COMPONENTS OF LINE ITEMS FOR OTHER COSTS AND OTHER CONTRACTS.—Not later than March 1, 2005, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the component elements of the line items identified as ''Other Costs'' and ''Other Contracts'' in the exhibit identified as ''Summary of Price and Program Changes'' in the budget justification materials submitted to those committees in support of the budget for fiscal year 2006.

SEC. 1003. RETENTION OF FEES FROM INTELLECTUAL PROPERTY LICENSES.

(a) IN GENERAL.—Chapter 165 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2788. Licensing of intellectual property of the military departments; authority to charge and retain fees

''(a) AUTHORITY TO RETAIN FEES.—(1) Under regulations prescribed by the Secretary of Defense, the Secretary concerned may license trademarks, service marks, certification marks, and collective marks owned by a military department and may retain and expend fees received from such licensing in accordance with subsection (b).

''(2) In this section, the terms 'trademark', 'service mark', 'certification mark', 'collective mark', and 'mark' have the meanings given those terms in section 45 of the Trademark Act of 1946 (15 U.S.C. 1127).

''(b) USE OF LICENSING FEES.—(1) Funds received by a military department from licensing under subsection (a)(1) shall be used for the expenses incurred by the department in securing the registration of marks owned by the department and in licensing those marks.

''(2) If the amount of fees received by a military department during any fiscal year from the licensing of marks exceeds the anticipated expenses under paragraph (1) during that year, the Secretary concerned may designate those funds as excess and expend them as provided in paragraph (3).

''(3) Not more than 50 percent of any such excess funds shall be available for military personnel recruiting and retention activities of the department. The remainder of such funds shall be available for morale, welfare, and recreation activities of the department.

''(4) Funds received pursuant to subsection (a)(1) shall remain available for two years after the end of the fiscal year during which the funds are received.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2788. Licensing of intellectual property of the military departments; authority to charge and retain fees.''.

SEC. 1004. AUTHORITY TO WAIVE CLAIMS OF THE UNITED STATES WHEN AMOUNTS RECOVERABLE ARE LESS THAN COSTS OF COLLECTION.

(a) AUTHORITY.—Chapter 165 of title 10, United States Code, is amended by inserting after section 2780 the following new section:

"§ 2780a. Debt collection: general waiver authority for small amounts owed the United States

''(a) AUTHORITY.—In the case of an indebtedness to the United States described in subsection (b) that is for an amount that is less than the threshold amount specified in subsection (c), the Secretary of Defense may, under regulations prescribed under this section, cancel the indebtedness and waive recovery of the amount owed. Such authority may be used only when, based on a cost-benefit analysis, the Secretary determines that the costs of collection are expected to exceed the amount recoverable.

''(b) COVERED DEBTS.—(1) Except as provided in paragraph (2), this section applies with respect to amounts owed to the United States that arise out of the activities of, or that are referred to, the Department of Defense (including amounts owed by members of the armed forces and Department of Defense civilian personnel).

''(2) The authority under this section does not apply to amounts owed to the United States arising out of activities of the Department of Defense that have been referred to another executive agency for collection action or that are otherwise within the purview of another executive agency.

''(c) MAXIMUM AMOUNT WAIVABLE.—The threshold amount referred to in subsection (a) is the micropurchase threshold amount in effect under section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428).

''(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the purposes of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2780 the following new item:

''2780a. Debt collection: general waiver authority for small amounts owed the United States.''.

SEC. 1005. REPEAL OF FUNDING RESTRICTIONS CONCERNING DEVELOPMENT OF MEDICAL COUNTERMEASURES AGAINST BIOLOGICAL WARFARE THREATS.

(a) REPEAL.—Section 2370a of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of such title is amended by striking the item relating to that section.

SEC. 1006. REPORT ON BUDGETING FOR EXCHANGE RATES FOR FOREIGN CURRENCY FLUCTUATIONS.

(a) SECRETARY OF DEFENSE REPORT.—(1) Not later than December 1, 2004, the Secretary Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the foreign currency exchange rate projection used in annual Department of Defense budget presentations.

(2) In the report under paragraph (1), the Secretary shall—

(A) identify alternative approaches for selecting foreign currency exchange rates that would produce more realistic estimates of amounts required to be appropriated or otherwise made available for the Department of Defense to accommodate foreign currency exchange rate fluctuations;

(B) address the advantages and disadvantages of each approach identified pursuant to subparagraph (A);

(C) identify the Secretary's preferred approach among the alternatives identified pursuant to subparagraph (A) and provide the Secretary's rationale for preferring that approach.

(3) In identifying alternative approaches pursuant to paragraph (2)(A), the Secretary shall examine—

(A) approaches used by other Federal departments and agencies; and

(B) the feasibility of using private economic forecasting.

(b) COMPTROLLER GENERAL REVIEW AND REPORT.—The Comptroller General of the United States shall review the report under subsection (a), including the basis for the Secretary's conclusions stated in the report, and shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the Comptroller General's conclusions with respect to that report. Such report shall be submitted not later than January 15, 2005.

SEC. 1007. FISCAL YEAR 2004 TRANSFER AUTHORITY.

Section 1001(a)(2) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1582) is amended by striking ''$2,500,000,000'' and inserting ''$3,000,000,000''.

SEC. 1008. REPORT ON AMOUNTS REMITTED AND REIMBURSED DURING FISCAL YEAR 2004 UNDER SECTION 1007 OF PUBLIC LAW 108–136.

Not later than 30 days after the end of fiscal year 2004, the Secretary of Defense shall submit to the congressional defense committees a report on amounts remitted and reimbursed during fiscal year 2004 under section 1007 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1585; 10 U.S.C. 2241 note).

Subtitle B—Naval Vessels and Shipyards

SEC. 1011. AUTHORITY FOR AWARD OF CONTRACTS FOR SHIP DISMANTLING ON NET-COST BASIS.

(a) IN GENERAL.—Chapter 633 of title 10, United States Code, is amended by inserting after section 7305 the following new section:

''§ 7305a. Vessels stricken from Naval Vessel Register: contracts for dismantling on net-cost basis

''(a) AUTHORITY FOR NET-COST BASIS CONTRACTS.—When the Secretary of the Navy awards a contract for the dismantling of a vessel stricken from the Naval Vessel Register, the Secretary may award the contract on a net-cost basis.

''(b) RETENTION BY CONTRACTOR OF PROCEEDS OF SALE OF SCRAP AND REUSABLE ITEMS.—When the Secretary awards a contract on a net-cost basis under subsection (a), the Secretary shall provide in the contract that the contractor may retain the proceeds from the sale of scrap and reusable items removed from the vessel dismantled under the contract.

''(c) DEFINITIONS.—In this section:

''(1) The term 'net-cost basis', with respect to a contract for the dismantling of a vessel, means that the amount to be paid to the contractor under the contract for dismantling and for removal and disposal of hazardous waste material is discounted by the offeror's estimate of the value of scrap and reusable items that the contractor will remove from the vessel during performance of the contract.

''(2) The term 'scrap' means personal property that has no value except for its basic material content.

''(3) The term 'reusable item' means a demilitarized component or a removable portion of a vessel or equipment that the Secretary of the Navy has identified as excess to the needs of the Navy but which has potential resale value on the open market.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7305 the following new item:

''7305a. Vessels stricken from Naval Vessel Register: contracts for dismantling on net-cost basis.''.

SEC. 1012. INDEPENDENT STUDY TO ASSESS COST EFFECTIVENESS OF THE NAVY SHIP CONSTRUCTION PROGRAM.

(a) STUDY.—The Secretary of Defense shall provide for a study, to be conducted by an entity independent of the Department of Defense, of the cost effectiveness of the ship construction program of the Navy. The purpose of the study shall be to examine both—

(1) a variety of approaches by which the Navy ship construction program could be made more efficient in the near term; and

(2) a variety of approaches by which, with a nationally integrated effort over the next decade, the United States shipbuilding industry might be made competitive globally.

(b) NEAR TERM IMPROVEMENTS IN EFFICIENCY.—With respect to the examination under subsection (a)(1) of approaches by which the Navy ship construction program could be made more efficient in the near term, the Secretary shall provide for the entity conducting the study—

(1) to determine, with respect to each approach so examined, the cost savings that could result from implementation of that approach over each of the next 10 years;

(2) to recommend one or more of the approaches examined under subsection (a)(1) for implementation; and

(3) for each approach recommended under paragraph (2) for implementation, to develop a concept and implementation plan by which the recommended improvements could best be phased into the naval ship construction program.

(c) GLOBAL COMPETITIVENESS OF UNITED STATES SHIPBUILDING INDUSTRY.—With respect to the examination under subsection (a)(2) of approaches by which, with a nationally integrated effort over the next decade, the United States shipbuilding industry might be made competitive globally, the Secretary shall provide for the entity conducting the study—

(1) to develop a plan to modernize the United States shipbuilding infrastructure within the next decade in order to make the United States shipbuilding industry more competitive globally; and

(2) to estimate the resources required to carry out a modernization plan developed under paragraph (1).

(d) REPORT.—Not later than June 1, 2005, the Secretary of Defense shall submit to the congressional defense committees a report providing the results of the study under subsection (a). The report shall include the matters specified in subsections (b) and (c).

SEC. 1013. AUTHORITY TO TRANSFER SPECIFIED FORMER NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

(a) AUTHORITY TO TRANSFER BY GRANT.—The Prsident is authorized to transfer vessels to foreign countries on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as follows:

(1) CHILE.—The ''SPRUANCE'' class destroyer O'BANNON (DD–987) to the Government of Chile.

(2) PORTUGAL.—The ''OLIVER HAZARD PERRY'' class guided missile frigate GEORGE PHILIP (FFG–12) to the Government of Portugal.

(b) AUTHORITY TO TRANSFER BY SALE.—The President is authorized to transfer on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761) the ''ANCHORAGE'' class dock landing ship ANCHORAGE (LSD–36) to the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act).

(c) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to another country on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) pursuant to authority provided by subsection (a) shall not be counted for the purposes of subsection (g) of that section in the aggregate value of excess defense articles transferred to countries under that section in any fiscal year.

(d) COSTS OF TRANSFERS.—Any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient (notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j (e)) in the case of a transfer authorized to be made on a grant basis under subsection (a)).

(e) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

(f) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under this section shall expire at the end of the two-year period beginning on the date of the enactment of this Act.

SEC. 1014. LIMITATION ON LEASING OF FOREIGN-BUILT VESSELS.

(a) IN GENERAL.—(1) Chapter 141 of title 10, United States Code, is amended by inserting after section 2401a the following new section:

''§ 2401b. Limitation on lease of foreign-built vessels

''(a) LIMITATION.—The Secretary of a military department may not make a contract for a lease or charter of a vessel for a

term of more than 12 months (including all options to renew or extend the contract) if the hull, a major component of the hull, or superstructure of the vessel is constructed in a foreign shipyard.

''(b) PRESIDENTIAL WAIVER FOR NATIONAL SECURITY INTEREST.—(1) The President may authorize exceptions to the limitation in subsection (a) when the President determines that it is in the national security interest of the United States to do so.

''(2) The President shall transmit notice to Congress of any such determination, and no contract may be made pursuant to the exception authorized until the end of the 30-day period beginning on the date on which the notice of the determination is received by Congress.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2401a the following new item:

''2401b. Limitation on lease of foreign-built vessels.''.

(b) EFFECTIVE DATE.—Section 2401b of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts entered into after the date of the enactment of this Act.

Subtitle C—Sunken Military Craft

SEC. 1021. PRESERVATION OF TITLE TO SUNKEN MILITARY CRAFT AND ASSOCIATED CONTENTS.

Right, title, and interest of the United States in and to any United States sunken military craft shall not be extinguished by the passage of time, regardless of when the sunken military craft sank.

SEC. 1022. PROHIBITIONS.

(a) UNAUTHORIZED ACTIVITIES DIRECTED AT SUNKEN MILITARY CRAFT.—No person shall engage in or attempt to engage in any activity directed at a sunken military craft that disturbs, removes, or injures any sunken military craft, except—

(1) as authorized by a permit under this subtitle;

(2) as authorized by regulations issued under this subtitle; or

(3) as otherwise authorized by law.

(b) POSSESSION OF SUNKEN MILITARY CRAFT.—No person may possess, disturb, remove, or injure any sunken military craft in violation of—

(1) this section; or

(2) any prohibition, rule, regulation, ordinance, or permit that applies under any other applicable Federal, foreign, or other law.

(c) LIMITATIONS ON APPLICATION.—

(1) ACTIONS BY UNITED STATES.—This section shall not apply to actions taken by, or at the direction of, the United States.

(2) FOREIGN PERSONS.—This section shall not apply to any action by a person who is not a citizen, national, or resident alien of the United States, except in accordance with—

(A) generally recognized principles of international law;

(B) an agreement between the United States and the foreign country of which the person is a citizen; or

(C) in the case of an individual who is a crew member or other individual on a foreign vessel or foreign aircraft, an agreement between the United States and the flag State of the foreign vessel or aircraft that applies to the individual.

(3) LOAN OF SUNKEN MILITARY CRAFT.—This section does not prohibit the loan of United States sunken military craft in accordance with regulations issued by the Secretary concerned.

SEC. 1023. PERMITS.

(a) IN GENERAL.—The Secretary concerned may issue a permit authorizing a person to engage in an activity otherwise prohibited by section 1022 with respect to a United States military craft, for archaeological, historical, or educational purposes, in accordance with regulations issued by such Secretary that implement this section.

(b) CONSISTENCY WITH OTHER LAWS.—The Secretary concerned shall require that any activity carried out under a permit issued by such Secretary under this section must be consistent with all requirements and restrictions that apply under any other provision of Federal law.

(c) CONSULTATION.—In carrying out this section (including the issuance after the date of the enactment of this Act of regulations implementing this section), the Secretary concerned shall consult with the head of each Federal agency having authority under Federal law with respect to activities directed at sunken military craft or the locations of such craft.

SEC. 1024. PENALTIES.

(a) IN GENERAL.—Any person who violates this subtitle, or any regulation or permit issued under this subtitle, shall be liable to the United States for a civil penalty under this section.

(b) ASSESSMENT AND AMOUNT.—The Secretary concerned may assess a civil penalty under this section, after notice and an opportunity for a hearing, of not more than $100,000 for each violation.

(c) CONTINUING VIOLATIONS.—Each day of a continued violation of this subtitle or a regulation or permit issued under this subtitle shall constitute a separate violation for purposes of this section.

SEC. 1025. LIABILITY FOR DAMAGES.

(a) IN GENERAL.—Any person who engages in an activity in violation of section 1022 or any regulation or permit issued under this subtitle that disturbs, removes, or injures any United States sunken military craft shall pay the United States enforcement costs and damages resulting from such disturbance, removal, or injury.

(b) INCLUDED DAMAGES.—Damages referred to in subsection (a) may include—

(1) the reasonable costs incurred in storage, restoration, care, maintenance, conservation, and curation of any sunken military craft that is disturbed, removed, or injured in violation of section 1022 or any regulation or permit issued under this subtitle; and

(2) the cost of retrieving, from the site where the sunken military craft was disturbed, removed, or injured, any information of an archaeological, historical, or cultural nature.

SEC. 1026. RELATIONSHIP TO OTHER LAWS.

(a) IN GENERAL.—Except to the extent that an activity is undertaken as a subterfuge for activities prohibited by this subtitle, nothing in this subtitle is intended to affect—

(1) any activity that is not directed at a sunken military craft; or

(2) the traditional high seas freedoms of navigation, including—

(A) the laying of submarine cables and pipelines;

(B) operation of vessels;

(C) fishing; or

(D) other internationally lawful uses of the sea related to such freedoms.

(b) INTERNATIONAL LAW.—This subtitle and any regulations implementing this subtitle shall be applied in accordance with generally recognized principles of international law and in accordance with the treaties, conventions, and other agreements to which the United States is a party.

(c) LAW OF FINDS.—The law of finds shall not apply to any United States sunken military craft, wherever located.

(d) LAW OF SALVAGE.—No salvage rights or awards shall be granted with respect to any sunken military craft without the express permission of the United States.

(e) LAW OF CAPTURE OR PRIZE.—Nothing in this subtitle is intended to alter the international law of capture or prize with respect to sunken military craft.

(f) LIMITATION OF LIABILITY.—Nothing in sections 4281 through 4287 and 4289 of the Revised Statutes (46 U.S.C. App. 181 et seq.) or section 3 of the Act of February 13, 1893 (chapter 105; 27 Stat. 445; 46 U.S.C. App. 192), shall limit the liability of any person under this section.

(g) AUTHORITIES OF THE COMMANDANT OF THE COAST GUARD.—Nothing in this subtitle is intended to preclude or limit the application of any other law enforcement authorities of the Commandant of the Coast Guard.

(h) PRIOR DELEGATIONS, AUTHORIZATIONS, AND RELATED REGULATIONS.—Nothing in this subtitle shall invalidate any prior delegation, authorization, or related regulation that is consistent with this subtitle.

(i) CRIMINAL LAW.—Nothing in this subtitle is intended to prevent the United States from pursuing criminal sanctions for plundering of wrecks, larceny of Government property, or violation of any applicable criminal law.

SEC. 1027. ENCOURAGEMENT OF AGREEMENTS WITH FOREIGN COUNTRIES.

The Secretary of State, in consultation with the Secretary of Defense, is encouraged to negotiate and conclude bilateral and multilateral agreements with foreign countries with regard to sunken military craft consistent with this subtitle.

SEC. 1028. DEFINITIONS.

In this subtitle:

(1) ASSOCIATED CONTENTS.—The term ''associated contents'' means—

(A) the equipment, cargo, and contents of a sunken military craft that are within its debris field; and

(B) the remains and personal effects of the crew and passengers of a sunken military craft that are within its debris field.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of a military department.

(3) SUNKEN MILITARY AIRCRAFT.—The term ''sunken military aircraft'' means any sunken military aircraft that was owned or operated by the United States when it sank.

(4) SUNKEN MILITARY CRAFT.—The term ''sunken military craft'' means any sunken military vessel, sunken military aircraft, or associated contents, or any portion thereof, the title to which has not been abandoned or transferred in a manner prescribed by the United States.

(5) SUNKEN MILITARY VESSEL.—The term ''sunken military vessel'' means any sunken warship or naval auxiliary of the United States that is a public vessel as that term is used in the Act of March 3, 1925 (chapter 428; 46 U.S.C. App. 781 et seq.), popularly known as the Public Vessels Act.

(6) UNITED STATES CONTIGUOUS ZONE.—The term ''United States contiguous zone'' means the contiguous zone of the United States under Presidential Proclamation 7219, dated September 2, 1999.

(7) UNITED STATES INTERNAL WATERS.—The term ''United States internal waters'' means all waters of the United States on the landward side of the baseline from which the breadth of the United States territorial sea is measured.

(8) UNITED STATES TERRITORIAL SEA.—The term ''United States territorial sea'' means the waters of the United States territorial sea under Presidential Proclamation 5928, dated December 27, 1988.

(9) UNITED STATES WATERS.—The term ''United States waters'' means United States internal waters, the United States territorial sea, and the United States contiguous zone.

Subtitle D—Counter-Drug Activities

SEC. 1031. CONTINUATION OF AUTHORITY TO USE DEPARTMENT OF DEFENSE FUNDS FOR UNIFIED COUNTERDRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—During fiscal years 2005 and 2006, the Secretary of Defense may use funds made available to the Department of Defense for drug interdiction and counter-drug activities to provide assistance to the Government of Colombia—

(1) to support a unified campaign against narcotics trafficking in Colombia;

(2) to support a unified campaign against activities by designated terrorist organizations, such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC); and

(3) to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations.

(b) RELATION TO OTHER ASSISTANCE AUTHORITY.—The authority provided by subsection (a) is in addition to other provisions of law authorizing the provision of assistance to the Government of Colombia.

SEC. 1032. LIMITATION ON NUMBER OF UNITED STATES MILITARY PERSONNEL IN COLOMBIA.

(a) LIMITATION.—None of the funds available to the Department of Defense for any fiscal year may be used to support or maintain more than 500 members of the Armed Forces on duty in the Republic of Colombia at any time.

(b) EXCLUSION OF CERTAIN MEMBERS.—For purposes of determining compliance with the limitation in subsection (a), the Secretary of Defense may exclude the following military personnel:

(1) A member of the Armed Forces in the Republic of Colombia for the purpose of rescuing or retrieving United States military or civilian Government personnel, except that the period for which such a member may be so excluded may not exceed 30 days unless expressly authorized by law.

(2) A member of the Armed Forces assigned to the United States Embassy in Colombia as an attaché, as a member of the security assistance office, or as a member of the Marine Corps security contingent.

(3) A member of the Armed Forces in Colombia to participate in relief efforts in responding to a natural disaster.

(4) Nonoperational transient military personnel.

(5) A member of the Armed Forces making a port call from a military vessel in Colombia.

Subtitle E—Reports

SEC. 1041. STUDY OF CONTINUED REQUIREMENT FOR TWO-CREW MANNING FOR BALLISTIC MISSILE SUBMARINES.

(a) STUDY AND DETERMINATION.—The Secretary of Defense shall conduct a study of whether the practice of using two alternating crews (referred to as the ''Gold Crew'' and the ''Blue Crew'') for manning of ballistic missile submarines (SSBNs) continues to be justified under the changed circumstances since the end of the Cold War and, based on that study, shall make a determination of whether that two-crew manning practice should be continued or should be modified or terminated.

(b) REPORT.—Not later than six months after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report providing notice of the Secretary's determination under subsection (a) and the reasons for that determination.

SEC. 1042. STUDY OF EFFECT ON DEFENSE INDUSTRIAL BASE OF ELIMINATION OF UNITED STATES DOMESTIC FIREARMS MANUFACTURING BASE.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing in detail the effect on both military readiness and the defense industrial base that would result from the elimination of the United States domestic firearms manufacturing base.

SEC. 1043. STUDY OF EXTENT AND QUALITY OF TRAINING PROVIDED TO MEMBERS OF THE ARMED SERVICES TO PREPARE FOR POST-CONFLICT OPERATIONS.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study to determine the extent to which members of the Armed Forces assigned to duty in support of contingency operations receive training in preparation for post-conflict operations and to evaluate the quality of such training

(b) MATTERS INCLUDED IN STUDY.—As part of the study under subsection (a), the Secretary shall specifically evaluate the following:

(1) The doctrine, training, and leader-development system necessary to enable members of the Armed Forces to successfully operate in post-conflict operations.

(2) The adequacy of curricula at military educational facilities to ensure that the Armed Forces has a cadre of members skilled in post-conflict duties, foreign languages, and foreign cultures.

(3) The training time and resources available to members and units to develop cultural awareness about ethnic backgrounds, religious beliefs, and political loyalties of the people living in areas in which the Armed Forces operate.

(4) The organization of the combatant commands to conduct post-conflict operations.

(c) SUBMISSION OF STUDY RESULTS.—Not later than March 15, 2005, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the results of the study conducted under this section.

Subtitle F—Security Matters

SEC. 1051. USE OF NATIONAL DRIVER REGISTER FOR PERSONNEL SECURITY INVESTIGATIONS AND DETERMINATIONS.

Section 30305(b) of title 49, United States Code, is amended—

(1) by redesignating paragraphs (9) through (11) as paragraphs (10) through (12), respectively; and

(2) by inserting after paragraph (8) the following new paragraph:

''(9) An individual who has or is seeking access to national security information for purposes of Executive Order No. 12968, or any successor Executive order, or an individual who is being investigated for Federal employment under authority of Executive Order No. 10450, or any successor Executive order, may request the chief driver licensing official of a State to provide information about the individual pursuant to subsection (a) of this section to a Federal department or agency that is authorized to investigate the individual for the purpose of assisting in the determination of the eligibility of the individual for access to national security information or for Federal employment. A Federal department or agency that receives such information about an individual may use it in accordance with applicable law.''.

SEC. 1052. STANDARDS FOR DISQUALIFICATION FROM ELIGIBILITY FOR DEPARTMENT OF DEFENSE SECURITY CLEARANCE.

(a) DISQUALIFIED PERSONS.—Subsection (c)(1) of section 986 of title 10, United States Code, is amended—

(1) by striking ''and'' and inserting '', was''; and

(2) and inserting before the period at the end the following: '', and was incarcerated as a result of that sentence for not less than one year''.

(b) WAIVER AUTHORITY.—Subsection (d) of such section is amended to read as follows:

''(d) WAIVER AUTHORITY.—In a meritorious case, an exception to the prohibition in subsection (a) may be authorized for a person described in paragraph (1) or (4) of subsection (c) if there are mitigating factors. Any such waiver may be authorized only in accordance with standards and procedures prescribed by, or under the authority of, an Executive orders or other guidance issued by the President.''.

Subtitle G—Transportation-Related Matters

SEC. 1061. USE OF MILITARY AIRCRAFT TO TRANSPORT MAIL TO AND FROM OVERSEAS LOCATIONS.

(a) AUTHORITY FOR USE OF MILITARY AIRCRAFT.—Section 3401 of title 39, United States Code, is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1)(A), by striking ''title 49,'' and inserting ''title 49, or on military aircraft at rates not to exceed those so fixed and determined for scheduled United States air carriers,''; and

(B) in the sentence following paragraph (3), by striking ''carriers'' each place it appears and inserting ''carriers and military aircraft''; and

(2) in subsection (c)—

(A) in the first sentence, by striking ''title 49,'' and inserting ''title 49, or on military aircraft at rates not to exceed those so fixed and determined for scheduled United States air carriers,''; and

(B) in the second sentence—

(i) by inserting ''and military aircraft'' after ''carriers'' the first place it appears; and

(ii) by striking ''by air carriers other than scheduled United States air carriers'' and inserting ''by other than scheduled United States air carriers and military aircraft''.

(b) DEFINITION.—Such section is further amended by adding at the end the following new subsection:

''(g) In this section, the term 'military aircraft' means an aircraft owned, operated, or chartered by the Department of Defense.''.

SEC. 1062. REORGANIZATION AND CLARIFICATION OF CERTAIN PROVISIONS RELATING TO CONTROL AND SUPERVISION OF TRANSPORTATION WITHIN THE DEPARTMENT OF DEFENSE.

(a) TRANSFER OF CERTAIN TRANSPORTATION AUTHORITIES.—Sections 4744, 4745, 4746, and 4747 of title 10, United States Code, are transferred to chapter 157 of such title, inserted (in that order) at the end of such chapter, and redesignated as sections 2648, 2649, 2650, and 2651, respectively.

(b) CLARIFICATION OF APPLICABILITY OF TRANSFERRED AUTHORITIES THROUGHOUT THE DEPARTMENT OF DEFENSE.—(1) Section 2648 of such title, as transferred and redesignated by subsection (a), is amended—

(A) by striking ''Secretary of the Army'' in the matter preceding paragraph (1) and inserting ''Secretary of Defense'';

(B) by striking ''Army transport agencies'' in the matter preceding paragraph (1) and all that follows through ''military transport agency of''; and

(C) by striking paragraphs (1), (2), and (3);

(D) by redesignating paragraph (4), (5), (6), and (7) as paragraphs (1), (2), (3), and (4), respectively;

(E) by redesignating paragraph (8) as paragraph (5) and in that paragraph striking ''persons described in clauses (1), (2), (4), (5),

and (7)'' and inserting ''members of the armed forces, officers and employees of the Department of Defense or the Coast Guard, and persons described i paragraphs (1), (2), and (4)''; and

(F) by striking ''clause (7) or (8)'' in the last sentence and inserting ''paragraph (4) or (5)''.

(2) Section 2649 of such title, as transferred and redesignated by subsection (a), is amended—

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

''§ 2649. Civilian passengers and commercial cargoes: transportation on Department of Defense vessels'';

(B) by striking ''(1) on vessels'' and all that follows through ''Department of the Army'';

(C) by striking ''any transport agency of''; and

(D) by striking ''Secretary of the Army'' and all that follows through ''be transported'' and inserting ''Secretary of Defense, be transported''.

(3) Section 2650 of such title, as transferred and redesignated by subsection (a), is amended—

(A) in the matter preceding paragraph (1), by striking ''Army transport agencies'' and all that follows through ''military transport agency of'';

(B) in paragraph (1), by striking ''Secretary of the Army'' and inserting ''Secretary of Defense''; and

(C) in paragraph (4), by striking ''by air— '' and all that follows through ''the transportation cannot'' and inserting ''by air, the transportation cannot''.

(4) Section 2651 of such title, as transferred and redesignated by subsection (a), is amended by striking ''Army transport agencies'' and all that follows and inserting ''the Department of Defense, under regulations and at rates to be prescribed by the Secretary of Defense.''.

(c) REPEAL OF SUPERSEDED AND OBSOLETE PROVISIONS.—The following sections of such title are repealed: sections 4741, 4743, 9741, 9743, and 9746.

(d) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of chapter 157 of such title is amended by adding at the end the following new items:

''2648. Persons and supplies: sea transportation.
''2649. Civilian passengers and commercial cargoes: transportation on Department of Defense vessels.
''2650. Civilian personnel in Alaska.
''2651. Passengers and merchandise to Guam: sea transport.''.

(2) The table of sections at the beginning of chapter 447 of such title is amended by striking the items relating to sections 4741, 4743, 4744, 4745, 4746, and 4747.

(3) The table of sections at the beginning of chapter 947 of such title is amended by striking the items relating to sections 9741, 9743, and 9746.

SEC. 1063. DETERMINATION OF WHETHER PRIVATE AIR CARRIERS ARE CONTROLLED BY UNITED STATES CITIZENS FOR PURPOSES OF ELIGIBILITY FOR GOVERNMENT CONTRACTS FOR TRANSPORTATION OF PASSENGERS OR SUPPLIES.

Section 2710 of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11; 117 Stat. 601), is amended by adding at the end the following new sentence: ''Any determination for purposes of this section of whether (in accordance with the first proviso of this section) an air carrier is effectively controlled by citizens of the United States shall be made by, or shall be based on determinations made by, the Secretary of Transportation.''.

SEC. 1064. EVALUATION OF WHETHER TO PROHIBIT CERTAIN OFFERS FOR TRANSPORTATION OF SECURITY-SENSITIVE CARGO.

(a) EVALUATION REQUIREMENT.—The Secretary of Defense shall evaluate whether, and under what circumstances, in the award of service contracts for domestic freight transportation for security-sensitive cargo (such as arms, ammunitions, explosive, and classified material), the Secretary should not consider an offer or tender from more than one motor carrier that is part of a group of motor carriers under common financial or administrative control. In conducting the evaluation, the Secretary shall seek industry comment.

(b) REPORT.—Not later than January 1, 2005, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the results of the evaluation conducted under subsection (a).

SEC. 1065. PHASED IMPLEMENTATION OF NEW PROGRAM FOR TRANSPORTING HOUSEHOLD GOODS OF MEMBERS OF THE ARMED FORCES.

The Secretary of Defense may not implement the new program for the transportation of household goods of members of the Armed Forces and their dependents beyond phase I of the program, which includes the testing of electronic bill processing at 14 sites, until the Secretary submits to Congress a report evaluating whether Phase I met its objectives and whether it is in the best interest of the Department of Defense and members of the Armed Forces to move forward to Phase II of the program.

Subtitle H—Other Matters

SEC. 1071. TWO-YEAR EXTENSION OF AUTHORITY OF THE SECRETARY OF DEFENSE TO ENGAGE IN COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTION ACTIVITIES ABROAD.

Section 431(a) of title 10, United States Code, is amended by striking ''December 31, 2004'' and inserting ''December 31, 2006''.

SEC. 1072. ASSISTANCE FOR STUDY OF FEASIBILITY OF BIENNIAL INTERNATIONAL AIR TRADE SHOW IN THE UNITED STATES AND FOR INITIAL IMPLEMENTATION.

(a) ASSISTANCE FOR COMMUNITY FEASIBILITY STUDY.—(1) The Secretary of Defense shall provide assistance to a community selected under subsection (d) for expenses of a study by that community of the feasibility of the establishment and operation of a biennial international air trade show in the area of that community.

(2) The Secretary shall provide for the community to submit to the Secretary a report containing the results of the study not later than September 30, 2005. The Secretary shall promptly submit the report to Congress, together with such comments on the report as the Secretary considers appropriate.

(b) ASSISTANCE FOR IMPLEMENTATION.—If the community conducting the study under subsection (a) determines that the establishment and operation of such an air show is feasible and should be implemented, the Secretary shall provide assistance to the community for the initial expenses of implementing such an air show in the selected community.

(c) AMOUNT OF ASSISTANCE.—The amount of assistance provided by the Secretary under subsections (a) and (b)—

(1) may not exceed a total of $1,000,000, to be derived from amounts available for operation and maintenance for the Air Force for fiscal year 2005 or later fiscal years; and

(2) may not exceed one-half of the cost of the study and may not exceed one-half the cost of such initial implementation.

(d) SELECTION OF COMMUNITY.—The Secretary shall select a community for purposes of subsection (a) through the use of competitive procedures. In making such selection, the Secretary shall give preference to those communities that already sponsor an air show, have demonstrated a history of supporting air shows with local resources, and have a significant role in the aerospace community. The community shall be selected not later than March 1, 2005.

SEC. 1073. TECHNICAL AND CLERICAL AMENDMENTS.

(a) CLARIFICATION OF DEFINITION OF ''OPERATIONAL RANGE''.—Section 101(e)(3) of title 10, United States Code, is amended by striking ''Secretary of Defense'' and inserting ''Secretary of a military department''.

(b) AMENDMENTS RELATING TO DEFINITION OF CONGRESSIONAL DEFENSE COMMITTEES.—

(1) Chapter 169 of such title is amended as follows:

(A) Paragraph (4) of section 2801(c) is amended to read as follows:

''(4) The term 'congressional defense committees' includes, with respect to any project to be carried out by, or for the use of, an intelligence component of the Department of Defense—

''(A) the Permanent Select Committee on Intelligence of the House of Representatives; and

''(B) the Select Committee on Intelligence of the Senate.''.

(B) The following sections are amended by striking ''appropriate committees of Congress'' each place it appears and inserting ''congressional defense committees'': sections 2803(b), 2804(b), 2805(b)(2), 2806(c)(2), 2807(b), 2807(c), 2808(b), 2809(f)(1), 2811(d), 2812(c)(1)(A), 2813(c), 2814(a)(2)(A), 2814(g)(1), 2825(b)(1), 2827(b), 2828(f), 2835(g), 2836(f), 2837(c)(2), 2853(c)(2), 2854(b), 2854a(c)(1), 2865(e)(2), 2866(c)(2), 2875(e), 2881a(d)(2), 2881a(e), 2883(f), and 2884(a).

(2) Section 2215 is amended—

(A) by striking ''(a) CERTIFICATION REQUIRED.—'';

(B) by striking ''congressional committees specified in subsection (b)'' and inserting ''congressional defense committees''; and

(C) by striking subsection (b).

(3) Section 2306b(g) is amended by striking ''Committee on'' the first place it appears and all that follows through ''House of Representatives'' and inserting ''congressional defense committees''.

(4) Section 2515(d) is amended—

(A) by striking ''(1)'' before ''The Secretary'';

(B) by striking ''congressional committees specified in paragraph (2)'' and inserting ''congressional defense committees''; and

(C) by striking paragraph (2).

(5) Section 2676(d) is amended by striking ''appropriate committees of Congress'' at the end of the first sentence and inserting ''congressional defense committees''.

(6) Section 2694a is amended by striking ''appropriate committees of Congress'' in subsections (e) and (i)(1) and inserting ''congressional defense committees''.

(c) AMENDMENTS RELATING TO DEFINITION OF BASE CLOSURE LAWS.—

(1) Section 2694a(i) of title 10, United States Code, is amended by striking paragraph (2).

(2) Paragraph (1) of section 1333(i) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2701 note) is amended to read as follows:

''(1) BASE CLOSURE LAW.—The term 'base closure law' has the meaning given such term in section 101(a)(17) of title 10, United States Code.''.

(3) Subsection (b) of section 2814 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law

103–337; 10 U.S.C. 2687 note) is amended to read as follows:

''(b) BASE CLOSURE LAW DEFINED.—In this section, the term 'base closure law' has the meaning given such term in section 101(a)(17) of title 10, United States Code.''.

(4) Subsection (c) of section 3341 of title 5, United States Code, is amended to read as follows:

''(c) For purposes of this section, the term 'base closure law' has the meaning given such term in section 101(a)(17) of title 10.''.

(5)(A) Paragraph (1) of section 554(a) of title 40, United States Code, is amended to read as follows:

''(1) BASE CLOSURE LAW.—The term 'base closure law' has the meaning given that term in section 101(a)(17) of title 10.''.

(B) Subparagraph (B) of section 572(b)(1) of title 40 is amended to read as follows:

''(B) BASE CLOSURE LAW.—The term 'base closure law' has the meaning given that term in section 101(a)(17) of title 10.''.

(d) DEFINITION OF STATE FOR PURPOSES OF SECTION 2694A.—Subsection (i) of section 2694a of title 10, United States Code, as amended by subsections (b)(6) and (c)(1), is further amended—

(1) by inserting after paragraph (1) the following new paragraph (2):

''(2) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, and American Samoa.''; and

(2) by striking paragraph (4).

(e) MISCELLANEOUS AMENDMENTS TO TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) The tables of chapters at the beginning of subtitle A, and at the beginning of part I of subtitle A, are amended by striking ''481'' in the item relating to chapter 23 and inserting ''480''.

(2) Section 130a is amended—

(A) by striking ''Effective October 1, 2002, the'' in subsection (a) and inserting ''The'';

(B) by striking ''baseline number'' in subsection (a) and all that follows through ''means the'' in subsection (c);

(C) by transferring subsection (e) so as to appear before subsection (d) and redesignating that subsection as subsection (b);

(D) by redesignating subsections (d) and (f) as subsection (c) and (d), respectively; and

(E) by striking subsection (g).

(3) Section 437(c) is amended by inserting ''(50 U.S.C. 415b)'' after ''National Security Act of 1947''.

(4) Section 487(d) is amended by striking ''OTHER DEFINITIONS'' and inserting ''INAPPLICABILITY TO COAST GUARD''.

(5) Section 503(c)(1)(B) is amended by striking ''education'' in the second sentence and inserting ''educational''.

(6) Section 632(c)(1) is amended—

(A) by striking ''paragraph (2)'' and inserting ''paragraph (3)''; and

(B) by striking ''under that paragraph'' and inserting ''under that subsection''.

(7) The item relating to section 1076b in the table of sections at the beginning of chapter 55 is amended to read as follows:

''1076b. TRICARE program: coverage for members of the Ready Reserve.''.

(8) Section 1108(e) is amended by striking ''heath'' and inserting ''health''.

(9) Section 1406(g) is amended—

(A) by striking ''section 305'' and inserting ''section 245''; and

(B) by inserting ''(33 U.S.C. 3045)'' after ''of 2002''.

(10) Sections 1448(b)(1)(F), 1448(d)(2)(B), 1448(d)(6)(A), and 1458(j) are amended by striking ''on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2004'' and inserting ''after November 23, 2003,''.

(11) Sections 1463(a), 1465(c)(1)(A), 1465(c)(1)(B), 1465(c)(4)(A), 1465(c)(4)(B), and 1466(b)(2)(D) are amended by striking ''1413, 1413a,'' and inserting ''1413a''.

(12) Section 1557(b) is amended by striking ''Effective October 1, 2002, final'' and inserting ''Final''.

(13) Section 1566 is amended—

(A) in subsection (g)(2), by striking ''the date that is 6 months after the date of the enactment of the Help America Vote Act of 2002'' in the last sentence and inserting ''April 29, 2003''; and

(B) in subsections (h), (i)(1), and (i)(3), by striking ''Armed Forces'' and inserting ''armed forces''.

(14) Sections 1724(d) and 1732(d)(1) are amended by striking ''its decision'' in the second sentence and inserting ''the decision of the Secretary''.

(15) Section 1761(b) is amended—

(A) in the matter preceding paragraph (1), by striking ''provide for—'' and inserting ''provide for the following:'';

(B) in paragraphs (1), (2), and (3), by capitalizing the first letter of the first word;

(C) at the end of paragraphs (1) and (2), by striking the semicolon and inserting a period;

(D) at the end of paragraph (3), by striking ''; and'' and inserting a period; and

(E) by striking paragraph (4).

(16) Section 2193b(c)(2) is amended by striking ''the date of the enactment of this section'' and inserting ''October 5, 1999''.

(17) Section 2224(c) is amended in the matter preceding paragraph (1) by striking ''subtitle II of chapter 35'' and inserting ''subchapter II of chapter 35''.

(18) Section 2349(d) is amended by striking ''section 2350a(i)(3)'' and inserting ''section 2350a(i)(2)''.

(19) Section 2350b(g) is amended—

(A) in the matter preceding paragraph (1), by inserting ''the Secretary of Defense'' after ''authorizing''; and

(B) in paragraph (1), by striking ''the Secretary of Defense''.

(20) Section 2540(b)(2) is amended by inserting '', as in effect on that date'' before the period at the end.

(21) Section 2662(a)(2) is amended—

(A) in the first sentence, by striking ''must include a summarization'' and inserting ''shall include a summary''; and

(B) in the second sentence, by inserting ''of paragraph (1)'' after ''in subparagraph (E)''.

(22) Section 2672a(a) is amended—

(A) in the matter preceding paragraph (1), by inserting ''in any case in which the Secretary determines'' after ''in land'';

(B) in paragraph (1), by striking ''the Secretary determines'' and inserting ''the acquisition''; and

(C) in paragraph (2), by inserting ''the acquisition'' after ''(2)''.

(23) Section 2701 is amended—

(A) in subsection (a)(2), by inserting ''(42 U.S.C. 9620)'' before the period at the end;

(B) in subsection (c)(2), by striking ''of CERCLA (relating to settlements)'' and inserting ''(relating to settlements) of CERCLA (42 U.S.C. 9622)'';

(C) in subsection (e), by inserting ''(42 U.S.C. 9619)'' after ''CERCLA''; and

(D) in subsection (j)(2), by striking ''the Comprehensive'' and all the follows through ''of 1980'' and inserting ''CERCLA''.

(24) Section 2702 is amended by inserting ''(42 U.S.C. 9660(a)(5))'' in the second sentence of subsection (a) before the period at the end.

(25) Section 2703(b) is amended by striking ''The terms'' at the beginning of the second sentence and inserting ''For purposes of the preceding sentence, the terms''.

(26) Section 2704 is amended by inserting ''(42 U.S.C. 9604(i))'' in subsections (c), (e), and (f) after ''CERCLA''.

(27) The second section 3755, added by section 543(b)(1) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2549), is redesignated as section 3756, and the item relating to that section in the table of sections at the beginning of chapter 357 is revised to reflect such redesignation.

(28) Section 4689 is amended by striking ''Building'' after ''Capitol''.

(29) The second section 6257, added by section 543(c)(1) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2549), is redesignated as section 6258, and the item relating to that section in the table of sections at the beginning of chapter 567 is revised to reflect such redesignation.

(30) Section 7102 is amended—

(A) by striking ''AUTHORITY'' at the beginning of subsection (a) and inserting ''MASTER OF MILITARY STUDIES'';

(B) by striking ''MARINE CORPS WAR COLLEGE'' at the beginning of subsection (b) and inserting ''MASTER OF STRATEGIC STUDIES'';

(C) by striking ''COMMAND AND STAFF COLLEGE OF THE MARINE CORPS UNIVERSITY'' at the beginning of subsection (c) and inserting ''MASTER OF OPERATIONAL STUDIES''; and

(D) by striking ''subsections (a) and (b)'' in subsection (d) and inserting ''this section''.

(31) Section 8084 is amended by striking ''capabilty'' and inserting ''capability''.

(32) The second section 8755, added by section 543(d)(1) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2550), is redesignated as section 8756, and the item relating to that section in the table of sections at the beginning of chapter 857 is revised to reflect such redesignation.

(33) The table in section 12012(a) is amended by inserting a colon after ''Air National Guard''.

(f) TITLE 37, UNITED STATES CODE.—Section 323(h) of title 37, United States Code, is amended by striking ''Secretary of Transportation'' and inserting ''Secretary of Homeland Security''.

(g) PUBLIC LAW 108–136.—Effective as of November 24, 2003, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136) is amended as follows:

(1) Sections 832(a) and 834(a) (117 Stat. 1550) are each amended by striking ''such title'' and inserting ''title 10, United States Code,''

(2) Section 931(a)(1) (117 Stat. 1580) is amended by striking ''and donations'' in the first quoted matter and inserting ''or donations''.

(3) Section 2204(b) (117 Stat. 1706) is amended by striking ''section 2101(a)'' each place it appears and inserting ''section 2201(a)''.

(h) PUBLIC LAW 107–314.—Effective as of December 2, 2002, and as if included therein as enacted, section 1064(a)(2) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2654) is amended by inserting ''the item relating to'' after ''is amended by inserting after''.

(i) PUBLIC LAW 101–510.—Section 2902(e)(2)(B) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) in clause (i), by striking ''Subcommittee on Readiness, Sustainability, and Support'' and inserting ''Subcommittee on Readiness and Management Support''; and

(2) in clause (ii), by striking ''Subcommittee on Military Installations and Facilities'' and inserting ''Subcommittee on Readiness''.

(j) NATIONAL SECURITY ACT OF 1947.—Sections 702(a)(6)(B)(iv)(I), 703(a)(6)(B)(iv)(I), and 704(f)(2)(D)(i) of the National Security Act of 1947 are amended by striking ''responsible records'' and inserting ''responsive records''.

(k) CODIFICATION RELATING TO LEAVE FOR ATTENDANCE AT CERTAIN HEARINGS.—Subsection (b) of section 363 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (10 U.S.C. 704 note) is—

(1) transferred to section 704 of title 10, United States Code;

(2) inserted at the end of that section;

(3) redesignated as subsection (c); and

(4) amended—

(A) by striking ''Armed Forces'' each place it appears and inserting ''armed forces'';

(B) in paragraph (1)—

(i) by striking ''Secretary of each'' and all that follows through ''in the Navy,'' and inserting ''Secretary concerned''; and

(ii) by striking ''(as defined in section 101 of title 10, United States Code)''; and

(C) in paragraph (3)—

(i) by striking ''For purposes of this subsection—'' and inserting ''In this subsection:'';

(ii) in subparagraph (A), by striking ''title 10, United States Code'' and inserting ''this title''; and

(iii) in subparagraph (B), by striking ''such term'' and inserting ''that term''.

SEC. 1074. COMMISSION ON THE LONG-TERM IMPLEMENTATION OF THE NEW STRATEGIC POSTURE OF THE UNITED STATES.

(a) ESTABLISHMENT OF COMMISSION.—

(1) ESTABLISHMENT.—There is hereby established a commission to be known as the ''Commission on the Long-Term Implementation of the New Strategic Posture of the United States''. The Secretary of Defense shall enter into a contract with a federally funded research and development center to provide for the organization, management, and support of the Commission. Such contract shall be entered into in consultation with the Secretary of Energy.

(2) COMPOSITION.—(A) The Commission shall be composed of 12 members who shall be appointed by the Secretary of Defense. In selecting individuals for appointment to the Commission, the Secretary of Defense shall consult with the chairman and ranking minority member of the Committee on Armed Services of the Senate and the chairman and ranking minority member of the Committee on Armed Services of the House of Representatives.

(B) Members of the Commission shall be appointed from among private United States citizens with knowledge and expertise in the political, military, operational, and technical aspects of nuclear strategy.

(3) CHAIRMAN OF THE COMMISSION.—The Secretary of Defense shall designate one of the members of the Commission to serve as chairman of the Commission.

(4) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(5) SECURITY CLEARANCES.—All members of the Commission shall hold appropriate security clearances.

(b) DUTIES OF COMMISSION.—

(1) REVIEW OF LONG-TERM IMPLEMENTATION OF THE NUCLEAR POSTURE REVIEW.—The Commission shall examine long-term programmatic requirements to achieve the goals set forth in the report of the Secretary of Defense submitted to Congress on December 31, 2001, providing the results of the Nuclear Posture Review conducted pursuant to section 1041 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654, 1654A–262) and results of periodic assessments of the Nuclear Posture Review. Matters examined by the Commission shall include the following:

(A) The process of establishing requirements for strategic forces and how that process accommodates employment of nonnuclear strike platforms and munitions in a strategic role.

(B) How strategic intelligence, reconnaissance, and surveillance requirements differ from nuclear intelligence, reconnaissance, and surveillance requirements.

(C) The ability of a limited number of strategic platforms to carry out a growing range of nonnuclear strategic strike missions.

(D) The limits of tactical systems to perform nonnuclear global strategic missions in a prompt manner.

(E) An assessment of the ability of the current nuclear stockpile to address the evolving strategic threat environment through 2025.

(2) RECOMMENDATIONS.—The Commission shall include in its report recommendations with respect to the following:

(A) Changes to the requirements process to employ nonnuclear strike platforms and munitions in a strategic role.

(B) Changes to the nuclear stockpile and infrastructure required to preserve a nuclear capability commensurate with the changes to the strategic threat environment through 2025.

(C) Actions the Secretary of Defense and the Secretary of Energy can take to preserve flexibility of the defense nuclear comples while reducing the cost of a Cold War strategic infrastructure.

(D) Identify shortfalls in the strategic modernization programs of the United States that would undermine the ability of the United States to develop new nonnuclear strategic strike capabilities.

(3) COOPERATION FROM GOVERNMENT OFFICIALS.—(A) In carrying out its duties, the Commission shall receive the full and timely cooperation of the Secretary of Defense, the Secretary of Energy, and any other United States Government official in providing the Commission with analyses, briefings, and other information necessary for the fulfillment of its responsibilities.

(B) The Secretary of Energy and the Secretary of Defense shall each designate at least one officer or employee of the Department of Energy and the Department of Defense, respectively, to serve as a liaison officer between the department and the Commission.

(c) REPORTS.—

(1) COMMISSION REPORT.—The Commission shall submit to the Secretary of Defense and the Committees on Armed Services of the Senate and House of Representatives a report on the Commission's findings and conclusions. Such report shall be submitted not later that 28 months after the date of the first meeting of the Commission.

(2) SECRETARY OF DEFENSE RESPONSE.—Not later than one year after the date on which the Commission submits its report under paragraph (1), the Secretary of Defense shall submit to Congress a report—

(A) commenting on the Commission's findings and conclusions; and

(B) explaining what actions, if any, the Secretary intends to take to implement the recommendations of the Commission and, with respect to each such recommendation, the Secretary's reasons for implementing, or not implementing, the recommendation.

(d) HEARINGS AND PROCEDURES.—

(1) HEARINGS.—The Commission may, for the purpose of carrying out the purposes of this section, hold hearings and take testimony.

(2) PROCEDURES.—The federally funded research and development center with which a contract is entered into under subsection (a)(1) shall be responsible for establishing appropriate procedures for the Commission.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, personnel of that department or agency to the Commission to assist it in carrying out its duties.

(e) FUNDING.—Funds for activities of the Commission shall be provided from amounts appropriated for the Department of Defense.

(f) TERMINATION OF COMMISSION.—The Commission shall terminate 60 days after the date of the submission of its report under subsection (c)(1).

(g) IMPLEMENTATION.—

(1) FFRDC CONTRACT.—The Secretary of Defense shall enter into the contract required under subsection (a)(1) not later that 60 days after the date of the enactment of this Act.

(2) FIRST MEETING.—The Commission shall convene its first meeting not later than 60 days after the date as of which all members of the Commission have been appointed.

SEC. 1075. LIABILITY PROTECTION FOR CERTAIN DEPARTMENT OF DEFENSE VOLUNTEERS WORKING IN THE MARITIME ENVIRONMENT.

(a) AUTHORITY TO ACCEPT CERTAIN VOLUNTEER SERVICES.—Subsection (a) of section 1588 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(8) Voluntary services provided to the United States Military Academy, United States Naval Academy, and United States Air Force Academy for the training of cadets and midshipmen.''.

(b) LIABILITY PROTECTION FOR VOLUNTEERS IN MARITIME ENVIRONMENT.—Subparagraph (D) of subsection (d)(1) of such section is amended—

(1) by striking ''and'' after ''this title'' and inserting a comma; and

(2) by inserting before the period at the end the following: '', and chapters 20 and 22 of title 46 (relating to claims for damages or loss on navigable waters)''.

SEC. 1076. TRANSFER OF HISTORIC F3A-1 BREWSTER CORSAIR AIRCRAFT.

(a) AUTHORITY TO CONVEY.—The Secretary of the Navy may convey, without consideration, to Lex Cralley, of Princeton Minnesota (in this section referred to as ''transferee''), all right, title and interest of the United States in and to a F3A-1 Brewster Corsair aircraft (Bureau Number 04634). The conveyance shall be made by means of a deed of gift.

(b) CONDITION OF AIRCRAFT.—The aircraft shall be conveyed under subsection (a) in its current unflyable, ''as is'' condition. The Secretary is not required to repair or alter the condition of the aircraft before conveying ownership of the aircraft.

(c) CONVEYANCE AT NO COST TO THE UNITED STATES.—The conveyance of the aircraft under subsection (a) shall be made at no cost to the United States. Any costs associated with the conveyance and costs of operation and maintenance of the aircraft conveyed shall be borne by the transferee.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with a conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 1077. ASSIGNMENT OF MEMBERS TO ASSIST BUREAU OF BORDER SECURITY AND BUREAU OF CITIZENSHIP AND IMMIGRATION SERVICES OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) ASSIGNMENT AUTHORITY OF SECRETARY OF DEFENSE.—Chapter 18 of title 10, United States Code, is amended by inserting after section 374 the following new section:

"§ 374a. Assignment of members to assist border patrol and control

''(a) ASSIGNMENT AUTHORIZED.—Upon submission of a request consistent with subsection (b), the Secretary of Defense may assign members of the Army, Navy, Air Force, and Marine Corps to assist—

''(1) the Bureau of Border Security of the Department of Homeland Security in preventing the entry of terrorists, drug traffickers, and illegal aliens into the United States; and

''(2) the United States Customs Service of the Department of Homeland Security in the inspection of cargo, vehicles, and aircraft at points of entry into the United States to prevent the entry of weapons of mass destruction, components of weapons of mass destruction, prohibited narcotics or drugs, or other terrorist or drug trafficking items.

''(b) REQUEST FOR ASSIGNMENT.—The assignment of members under subsection (a) may occur only if—

''(1) the assignment is at the request of the Secretary of Homeland Security; and

''(2) the request is accompanied by a certification by the Secretary of Homeland Security that the assignment of members pursuant to the request is necessary to respond to a threat to national security posed by the entry into the United States of terrorists, drug traffickers, or illegal aliens.

''(c) TRAINING PROGRAM REQUIRED.—The Secretary of Homeland Security and the Secretary of Defense, shall establish a training program to ensure that members receive general instruction regarding issues affecting law enforcement in the border areas in which the members may perform duties under an assignment under subsection (a). A member may not be deployed at a border location pursuant to an assignment under subsection (a) until the member has successfully completed the training program.

''(d) CONDITIONS OF USE.—(1) Whenever a member who is assigned under subsection (a) to assist the Bureau of Border Security or the United States Customs Service is performing duties at a border location pursuant to the assignment, a civilian law enforcement officer from the agency concerned shall accompany the member.

''(2) Nothing in this section shall be construed to—

''(A) authorize a member assigned under subsection (a) to conduct a search, seizure, or other similar law enforcement activity or to make an arrest; and

''(B) supersede section 1385 of title 18 (popularly known as the 'Posse Comitatus Act').

''(e) ESTABLISHMENT OF ONGOING JOINT TASK FORCES.—(1) The Secretary of Homeland Security may establish ongoing joint task forces if the Secretary of Homeland Security determines that the joint task force, and the assignment of members to the joint task force, is necessary to respond to a threat to national security posed by the entry into the United States of terrorists, drug traffickers, or illegal aliens.

''(2) If established, the joint task force shall fully comply with the standards as set forth in this section.

''(f) NOTIFICATION REQUIREMENTS.—The Secretary of Homeland Security shall provide to the Governor of the State in which members are to be deployed pursuant to an assignment under subsection (a) and to local governments in the deployment area notification of the deployment of the members to assist the Department of Homeland Security under this section and the types of tasks to be performed by the members.

''(g) REIMBURSEMENT REQUIREMENT.—Section 377 of this title shall apply in the case of members assigned under subsection (a).

''(h) TERMINATION OF AUTHORITY.—No assignment may be made or continued under subsection (a) after September 30, 2006.''.

(b) COMMENCEMENT OF TRAINING PROGRAM.—The training program required by subsection (c) of section 374a of title 10, United States Code, as added by subsection (a), shall be established as soon as practicable after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 374 the following new item:

''374a. Assignment of members to assist border patrol and control.''.

SEC. 1078. AUTHORITY TO ACCEPT CERTAIN VOLUNTARY SERVICES.

Section 1588 of title 10, United States Code, is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

''(8) Voluntary services to support programs of a committee of the Employer Support of the Guard and Reserve as authorized by the Secretary of Defense.''; and

(2) in subsection (f)(1), by inserting ''and (a)(8)'' before the period at the end.

SEC. 1079. TRANSFER OF EXCESS DEPARTMENT OF DEFENSE PERSONAL PROPERTY SUITABLE FOR FIREFIGHTING USE TO SUPPORT FEDERAL EXCESS PERSONAL PROPERTY PROGRAM.

(a) IN GENERAL.—Section 2576b of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''Subject'' and inserting ''Notwithstanding any other provision of law and subject''; and

(B) by striking ''a firefighting agency in a State'' and inserting ''the United States Forest Service'';

(2) in subsections (b)(2) and (c), by striking ''recipient firefighting agency'' and inserting ''Forest Service'; and

(3) by striking subsection (d) and inserting the following new subsections:

''(d) PRIORITY FOR RURAL FIREFIGHTING AGENCIES.—(1) Subject to paragraph (2), the Secretary of Defense shall enter into an agreement with the Secretary of Agriculture to use the existing property disposal program of the Forest Service, known as the Federal Excess Personal Property Program, to facilitate the reutilization of Department of Defense personal property described in subsection (a) by firefighting agencies in rural areas.

''(2) An agreement under paragraph (1) shall not provide for the reutilization of Department of Defense aircraft by the Forest Service until the end of the one-year period beginning on the date on which the Secretary of Agriculture submits a report to the Committee on Agriculture and the Committee on Armed Services of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Armed Services of the Senate detailing measures taken by the Forest Service in response to National Transportation Safety Board Recommendations A-04-29 through A-04-33.

''(3) The transfer of Department of Defense personal property described in subsection (a) to the Forest Service for reutilization by firefighting agencies in rural areas shall be afforded a property disposal priority at least equal to the priority given the military departments and other entities within the Department of Defense.

''(e) DEFINITION OF STATE.—The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States.''.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 2576b. Excess personal property: reutilization to assist firefighting agencies".

(2) The table of sections at the beginning of chapter 153 of such title is amended by striking the item relating to section 2576b and inserting the following new item:

''2576b. Excess personal property: reutilization to assist firefighting agencies.''.

SEC. 1080. EXPANSION OF DEPARTMENT OF DEFENSE EXCESS PERSONAL PROPERTY DISPOSAL PROGRAM TO INCLUDE HEALTH AGENCIES.

(a) INCLUSION OF HEALTH AGENCIES.—Section 2576b of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) TRANSFER TO STATE HEALTH AGENCIES.—The Secretary of Defense may expand the program authorized by this section to include the transfer to State health agencies of personal property of the Department of Defense that the Secretary determines is—

''(1) excess to the needs of the Department of Defense; and

''(2) suitable for use in responding to health or environmental emergencies.''.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 2576b. Excess personal property: reutilization to assist firefighting agencies and health agencies

(2) The table of sections at the beginning of chapter 153 of such title is amended by striking the item relating to section 2576b and inserting the following new item:

''2576b. Excess personal property: reutilization to assist firefighting agencies and health agencies.''.

SEC. 1081. PLACEMENT OF MEMORIAL IN ARLINGTON NATIONAL CEMETERY HONORING NONCITIZENS KILLED IN THE LINE OF DUTY WHILE SERVING IN THE ARMED FORCES OF THE UNITED STATES.

(a) IN GENERAL.—The Secretary of the Army shall place in Arlington National Cemetery a memorial marker honoring the service and sacrifice of noncitizens killed in the line of duty while serving in the Armed Forces of the United States.

(b) APPROVAL OF DESIGN AND SITE.—The Secretary of the Army, in consultation with Secretary of Veterans Affairs, shall approve an appropriate design and site within Arlington National Cemetery for the memorial marker provided for under subsection (a).

(c) USE OF FEDERAL FUNDS.—Federal funds shall not be required or permitted to be used for the design and construction of the memorial marker provided for under subsection (a).

(d) AUTHORITY TO ACCEPT DONATIONS.—(1) The Secretary of the Army may accept gifts and donations of services, money, and property (including personal, tangible, or intangible property) for the design and construction of the memorial marker provided for under subsection (a).

(2) The authority of the Secretary of the Army to accept gifts and donations under paragraph (1) shall expire on the date that is five years after the date of the enactment of this Act.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

SEC. 1101. PAYMENT OF FEDERAL EMPLOYEE HEALTH BENEFIT PREMIUMS FOR MOBILIZED FEDERAL EMPLOYEES.

(a) AUTHORITY TO CONTINUE BENEFIT COVERAGE.—Section 8905a of title 5, United States Code is amended—

(1) in subsection (a), by striking ''paragraph (1) or (2) of'';

(2) in subsection (b)—

(A) in paragraph (1)(B), by striking ''and'' at the end;

(B) in paragraph (2)(C), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(3) any employee who—

''(A) is enrolled in a health benefits plan under this chapter;

''(B) is a member of a Reserve component of the armed forces;

''(C) is called or ordered to active duty in support of a contingency operation (as defined in section 101(a)(13) of title 10);

''(D) is placed on leave without pay or separated from service to perform active duty; and

''(E) serves on active duty for a period of more than 30 consecutive days.''; and

(4) in subsection (e)(1)—

(A) in subparagraph (A), by striking ''or'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following new subparagraph:

''(C) in the case of an employee described in subsection (b)(3), the date which is 24 months after the employee is placed on leave without pay or separated from service to perform active duty.''.

(b) AUTHORITY FOR AGENCIES TO PAY PREMIUMS.—Subparagraph (C) of section 8906(e)(3) of such title is amended by striking ''18 months'' and inserting ''24 months''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to Federal employees called or ordered to active duty on or after September 14, 2001.

SEC. 1102. FOREIGN LANGUAGE PROFICIENCY PAY.

Section 1596a of title 10, United States Code, is amended—

(1) in subsection (a)(2), by striking ''during a contingency operation supported by the armed forces''; and

(2) in subsection (c), by inserting before the period at the end the following: ''and shall not be considered base pay for any purpose''.

SEC. 1103. PAY PARITY FOR CIVILIAN INTELLIGENCE PERSONNEL.

Section 1602 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''in relation to the rates of pay provided in subpart D of part III of title 5 for positions subject to that subpart which have corresponding levels of duties and responsibilities'' and inserting ''in relation to the rates of pay provided for Department of Defense Senior Executive, Senior Level, and other comparable positions''; and

(2) by amending subsection (b) to read as follows:

''(b) PERFORMANCE APPRAISAL SYSTEM.—The positions referred to in subsection (a) shall be subject to a performance appraisal system which, as designed and applied, is certified by the Secretary of Defense as making meaningful distinctions based on relative performance and may be the same performance appraisal system established and implemented within the Department for members of the Senior Executive Service.''.

SEC. 1104. PAY PARITY FOR SENIOR EXECUTIVES IN NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) IN GENERAL.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1599e. Senior executive compensation for nonappropriated fund instrumentalities

''Notwithstanding any provisions of title 5, the Secretary of Defense may regulate the amount of total compensation, including the rate of basic pay, of senior executives employed by Department of Defense nonappropriated fund instrumentalities, to provide for parity with the total compensation, including basic pay, of Department of Defense employees in the Senior Executive Service and other similar senior executive positions.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1599d the following new item:

''1599e. Senior executive compensation for nonappropriated fund instrumentalities.''.

SEC. 1105. PROHIBITION OF UNAUTHORIZED WEARING OR USE OF CIVILIAN MEDALS OR DECORATIONS.

Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1134. Civilian medals or decorations of the Department of Defense

''(a) PROHIBITION.—Except with the written permission of the Secretary of Defense or when authorized by regulations, no person may knowingly—

''(1) wear; or

''(2) use, in connection with any merchandise, retail product, impersonation, solicitation, or commercial activity;

medals, decorations, or other insignia awarded by the Secretary of Defense to recognize Department of Defense civilian employees and other individuals who render service to the Department of Defense.

''(b) AUTHORITY TO ENJOIN VIOLATIONS.—Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other actions as is warranted, including imposing a civil penalty not to exceed $25,000 for each violation, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1134. Civilian medals or decorations of the Department of Defense.''

TITLE XII—MATTERS RELATING TO OTHER NATIONS

Subtitle A—Matters Relating to Iraq, Afghanistan, and Global War on Terrorism

SEC. 1201. DOCUMENTATION OF CONDITIONS IN IRAQ UNDER FORMER DICTATORIAL GOVERNMENT AS PART OF TRANSITION TO POST-DICTATORIAL GOVERNMENT.

(a) FINDINGS.—The Congress makes the following findings:

(1) The regime of Saddam Hussein in Iraq was a dictatorial regime prone to secrecy in the maintenance of its hold on power.

(2) The people of Iraq all suffered as a result of Saddam Hussein's dictatorial control.

(3) Efforts in other post-dictatorial states to document the crimes and abuses of their predecessor dictatorial governments have contributed to the process of national reconciliation and have served as a reminder about the importance of protecting individual rights.

(b) TRANSFER OF CERTAIN DOCUMENTS AND RECORDS.—The Secretary of Defense shall, to the extent practicable, establish a process for expeditiously transferring to indigenous Iraqi entities committed to documenting publicly the nature of the Saddam Hussein regime any documents and records described in subsection (c) that are obtained by United States military forces in Iraq.

(c) COVERED DOCUMENTS AND RECORDS.—The documents and records referred to in subsection (b) are documents and records—

(1) that were created by—

(A) the Government of Iraq between 1968 and May 1, 2003; or

(B) the Ba'ath Socialist Party in Iraq after 1968; and

(2) that provide insight into—

(A) the functioning of the Government of Iraq or the Ba'ath Socialist Party in Iraq; or

(B) the crimes, atrocities, and brutal practices of the Iraqi government towards the people of Iraq during the period between 1968 and May 1, 2003.

SEC. 1202. SUPPORT OF MILITARY OPERATIONS TO COMBAT TERRORISM.

(a) AUTHORITY.—The Secretary of Defense may expend up to $25,000,000 during any fiscal year during which this subsection is in effect to provide support to foreign forces, irregular forces, groups, or individuals engaged in supporting or facilitating ongoing military operations by United States special operations forces to combat terrorism.

(b) INTELLIGENCE ACTIVITIES.—This section does not constitute authority to conduct a covert action, as such term is defined in section 503(e) of the National Security Act of 1947 (50 U.S.C. 413b(e)).

(c) ANNUAL REPORT.—Not later than 30 days after the close of each fiscal year during which subsection (a) is in effect, the Secretary of Defense shall submit to the congressional defense committees a report on support provided under this section during that fiscal year. Each such report shall describe the support provided, including a statement of the recipient of the support and the amount obligated to provide the support.

(d) FISCAL YEAR 2005 LIMITATION.—Support may be provided under subsection (a) during fiscal year 2005 only from funds made available for operations and maintenance pursuant to title XV of this Act.

(e) PERIOD OF AUTHORITY.—The authority under subsection (a) is in effect during each of fiscal years 2005 through 2007.

SEC. 1203. COMMANDERS' EMERGENCY RESPONSE PROGRAM.

(a) FISCAL YEAR 2005 AUTHORITY.—During fiscal year 2005, from funds made available to the Department of Defense for operation and maintenance pursuant to title XV of this Act, not to exceed $300,000,000 may be used, notwithstanding any other provision of law, to provide funds for the Commanders' Emergency Response Program, established by the Administrator of the Coalition Provisional Authority for the purpose of enabling military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi people, and to provide funds for a similar program to assist the people of Afghanistan.

(b) QUARTERLY REPORTS.—The Secretary of Defense shall submit to the congressional defense committees a quarterly report, beginning on January 15, 2005, regarding the

source of funds and the allocation and use of funds made available pursuant to the authorityprovided in this section.

SEC. 1204. STATUS OF IRAQI SECURITY FORCES.

(a) STRATEGIC PLAN.—No later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a strategic plan setting forth the manner in which the United States will achieve the goal of establishing viable and professional Iraqi security forces able to provide for the long-term security of the Iraqi people.

(b) COMPONENTS.—The strategic plan established under subsection (a) shall include at least the following:

(1) Recruiting and retention goals, shown for each service of the Iraqi security forces.

(2) Training plans for each service of the Iraqi security forces.

(3) A description of metrics by which progress toward the goal of Iraqi provision for its own security can be measured.

(4) A description of equipment needs, shown for each service of the Iraqi security forces.

(5) A resourcing plan for achieving the goals of the strategic plan.

(6) Personnel plans in terms of United States military and contractor personnel to be used in training each such service.

(7) A description of challenges faced and opportunities presented in particular regions of Iraq and a plan for addressing those challenges.

(8) A discussion of training and deployment successes and failures to the date of the report and how lessons from those successes and failures will be incorporated into the strategic plan.

(c) SUBSEQUENT REPORTS.—Ninety days following the submission of the strategic plan to Congress under subsection (a) and every 90 days thereafter, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on progress toward meeting the goals established in the strategic plan. Each such report shall address the following:

(1) The number of forces recruited, currently serving, and that have left (along with a break-down of the reasons for leaving) by service over the period in question.

(2) Progress in meeting training goals.

(3) Progress in achieving other metrics as identified in the strategic plan.

(4) A description and analysis of any training incidents and deployment successes and failures, with a discussion of how those incidents and successes will affect future efforts to achieve the goals of the strategic plan.

(d) IRAQI SECURITY FORCES DEFINED.—In this section, the term ''Iraqi security forces'' means the Iraqi Armed Forces (IAF), the Iraqi Civil Defense Corps (ICDC), the Iraqi Police Service (IPS), the Department of Border Enforcement (DBE), and the Facilities Protection Services (FCS).

SEC. 1205. GUIDANCE AND REPORT REQUIRED ON CONTRACTORS SUPPORTING DEPLOYED FORCES IN IRAQ.

(a) GUIDANCE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance on how to manage contractors that support deployed forces and shall direct the Secretaries of the military departments to develop procedures to ensure implementation of the guidance. The guidance shall—

(1) establish policies for the use of contractors to support deployed forces;

(2) delineate the roles and responsibilities of commanders regarding the management and oversight of contractors that support deployed forces; and

(3) integrate into a single document other guidance and doctrine that may affect Department of Defense responsibilities to contractors in locations where members of the Armed Forces are deployed.

(b) REPORT.—Not later than 30 days after issuing the guidance required under subsection (a), the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report containing a discussion of the following:

(1) A description of the process used by the Department of Defense for deciding which security functions in Iraq will be performed by military personnel and which by private security companies.

(2) A discussion of the overall chain of command and oversight mechanisms that are in place to ensure adequate command and supervision of contractor personnel in critical security roles.

(3) An explanation of the rules of engagement for private security personnel throughout Iraq, along with how training in these rules of engagement is being carried out.

(4) A description of mechanisms that exist or that are under consideration to share intelligence and standardize communications procedures among private security companies.

(5) Casualty and fatality figures for each contractor in Iraq supporting deployed forces over the period beginning on May 1, 2003, and ending on the date of the issuance of the guidance.

(6) Disciplinary or criminal actions brought against such contractors during the period covered by the report.

(7) Any incidents of note in Iraq regarding such contractors during the period covered by the report.

(8) A plan for establishing and implementing a process for collecting data on individual contractors, the value of the contracts, and the number of personnel in Iraq performing the following services:

(A) Personal security details.

(B) Non-military site security.

(C) Non-military convoy security.

(D) Interrogation services at interrogation centers operated by the Department of Defense.

SEC. 1206. FINDINGS AND SENSE OF CONGRESS CONCERNING ARMY SPECIALIST JOSEPH DARBY.

(a) FINDINGS.—Congress makes the following findings:

(1) The need to act in accord with one's conscience, risking one's career and even the esteem of one's colleagues by pursuing what is right is especially important today.

(2) While the Department of Defense investigate the horrific abuses in American detention facilities in Iraq, the Nation should bear in mind that the abuses were only brought to light because of the courage of an American soldier.

(3) By alerting his superiors to abuses at Abu Ghraib prison in Iraq, Army Specialist Joseph Darby demonstrated the courage to speak out and do what is right for his country.

(4) Such an action is especially important in light of the many challenges facing the country.

(5) Specialist Darby deserves the Nation's thanks for speaking up and for standing up for what is right.

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

(1) the Secretary of Defense should make every protection available to Army Specialist Joseph Darby and others who demonstrate such courage; and

(2) Specialist Darby should be commended appropriately by the Secretary of the Army.

SEC. 1207. SENSE OF CONGRESS CONCERNING THE ABUSE OF PERSONS IN CUSTODY IN IRAQ.

It is the sense of Congress that—

(1) the abuses inflicted upon detainees at the Abu Ghraib prison in Baghdad, Iraq, are offensive to the principles and values of the American people and the United States military, are incompatible with the professionalism, dedication, standards and training required of individuals who serve in the United States military, and contradict the policies, orders, and laws of the United States and the United States military and undermine the ability of the United States military to achieve its mission in Iraq.

(2) the vast majority of members of the Armed Forces have upheld the highest possible standards of professionalism and morality in the face of illegal tactics and terrorist attacks and attempts on their lives.

(3) the abuse of persons in United States custody in Iraq is appropriately condemned and deplored by the American people;

(4) the Armed Forces are moving swiftly and decisively to identify, try, and punish persons who were responsible or culpable for such abuse;

(5) the Secretary of the Army must continue to conduct a full and thorough investigation into any and all allegations of mistreatment or abuse of detainees in Iraq;

(6) the Secretary of the Army and appropriate military authorities must continue to undertake corrective action to address chain of command deficiencies and the systemic deficiencies identified in the incidents in question;

(7) the American principle and tradition of affording proper and humane treatment to persons under the custody of the United States Armed Forces must be reaffirmed;

(8) the alleged crimes of a handful of individuals should not detract from the commendable sacrifices of over 300,000 members of the United States Armed Forces who have served, or who are serving, in Operation Iraqi Freedom; and

(9) the United States expresses its continuing solidarity and support for its partnership with the Iraqi people in building a viable Iraqi government and a secure nation.

SEC. 1208. SENSE OF CONGRESS REGARDING LIMITATION ON USE OF FUNDS FOR THE RECONSTRUCTION OF IRAQ.

It is the sense of Congress that no funds available to any department or agency of the United States Government may be used to provide assistance for the reconstruction of Iraq unless the President certifies to Congress that the United States Government has entered into an agreement with the Iraqi Governing Council or a transitional government in Iraq under which Iraq agrees that it will expend a significant portion of its revenues generated from oil production for reconstruction activities in Iraq.

SEC. 1209. SENSE OF CONGRESS ON DESTRUCTION OF ABU GHRAIB PRISON IN IRAQ.

(a) FINDINGS.—Congress makes the following findings:

(1) Under the regime of Saddam Hussein, the Abu Ghraib prison in Iraq was one of the world's most notorious prisons.

(2) Under that regime, as many as 50,000 men and women were jammed into the prison at one time in 12 feet by 12 feet cells.

(3) Under that regime, many people were tortured and executed in the Abu Ghraib prison.

(4) Recent activities have further highlighted the horrible memories that Abu Ghraib stands for.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Secretary of Defense should assist the Iraqi Government, with the approval of that government, in destroying the Abu Ghraib prison and replacing it with a modern detention facility.

Subtitle B—Other Matters

SEC. 1211. ASSIGNMENT OF ALLIED NAVAL PERSONNEL TO SUBMARINE SAFETY PROGRAMS.

(a) IN GENERAL.—Chapter 631 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 7234. Submarine safety programs: participation of allied naval personnel

''(a) ACCEPTANCE OF ASSIGNMENT OF FOREIGN NAVAL PERSONNEL.—In order to facilitate the development, standardization, and interoperability of submarine vessel safety and rescue systems and procedures, the Secretary of the Navy may conduct a program under which members of the naval service of any of the member nations of the North Atlantic Treaty Organization and Australia, Japan, the Republic of Korea, and Sweden may be assigned to United States commands to work on such systems and procedures.

''(b) COSTS FOR FOREIGN PERSONNEL.—(1) The United States may not pay the following costs for a member of a foreign naval service sent to the United States under the program authorized by this section:

''(A) Salary.

''(B) Per diem.

''(C) Cost of living.

''(D) Travel costs.

''(E) Cost of language or other training.

''(F) Other costs.

''(2) Paragraph (1) does not apply to the following costs, which may be paid by the United States:

''(A) The cost of temporary duty directed by the United States Navy.

''(B) The cost of training programs conducted to familiarize, orient, or certify members of foreign naval services regarding unique aspects of their assignments.

''(C) Costs incident to the use of the facilities of the United States Navy in the performance of assigned duties.

''(d) APPLICABILITY TO AUTHORITY TO ENTER INTO AGREEMENTS.—The requirements of this section shall apply in the exercise of any authority of the Secretary of the Navy to enter into an agreement with the government of a foreign country, subject to the concurrence of the Secretary of State, to provide for the assignment of members of the naval service of the foreign country to a United States Navy submarine safety program.

''(e) REGULATIONS.—The Secretary of the Navy may prescribe regulations for the application of this section in the exercise of authority referred to in subsection (d).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''7234. Submarine safety programs: participation of allied naval personnel.''.

SEC. 1212. EXPANSION OF ENTITIES OF THE PEOPLE'S REPUBLIC OF CHINA SUBJECT TO CERTAIN PRESIDENTIAL AUTHORITIES WHEN OPERATING IN THE UNITED STATES.

Section 1237(b)(4)(B)(i) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (50 U.S.C. 1701 note) is amended by inserting after ''the People's Liberation Army'' the following: '', by a ministry of the government of the People's Republic of China, or by an entity affiliated with the defense industrial base of the People's Republic of China''.

SEC. 1213. REPORT BY PRESIDENT ON GLOBAL PEACE OPERATIONS INITIATIVE.

Not later than one year after the date of the enactment of this Act, the President shall submit to the Congress a report on the Global Peace Operations Initiative. The report shall include the following elements:

(1) A summary of the goals of the Global Peace Operations Initiative and the timetable for achieving those goals.

(2) An examination of the mechanisms by which the United States will ensure that foreign countries acquiring new capabilities as a result of that Initiative will use those capabilities to the national security benefit of the United States.

(3) An examination of the mechanisms by which the United States will ensure that training and equipment provided under that Initiative are used solely for the purposes of peacekeeping and peace enforcement operations.

(4) An examination of the human rights practices of potential recipients under that Initiative, to include a discussion of each potential recipient's commitment to representative government.

(5) As assessment of the financial resources required to carry out that Initiative during fiscal years 2005 through 2009.

(6) An assessment of the effectiveness of the program of the Department of State referred to as the African Contingency Operations and Training Assistance program and the capacity of that program to be expanded.

(7) A review that compares and contrasts the basic military skills required of warfighters and the skills needed for peacekeeping and peace enforcement operations.

(8) An assessment of the ability of military forces in the developing world to absorb, retain, and use the advanced skills and capabilities needed for effective peacekeeping and peace enforcement operations.

(9) A proposal for providing sufficient resources to the Department of State to conduct the Global Peace Operations Initiative without significant financial contributions from the Department of Defense.

(10) An explanation of the reasons of the Administration for proposing to exempt the Global Peace Operations Initiative from existing law related to the type of military and police training the United States may provide to foreign countries.

(11) An examination of the costs and benefits of transferring responsibility for the training and equipping of foreign military and security forces from the Department of State to the Department of Defense, including an identification of any increased resources that will be provided to the Department of Defense should the Department of Defense become responsible for that activity.

SEC. 1214. PROCUREMENT SANCTIONS AGAINST FOREIGN PERSONS THAT TRANSFER CERTAIN DEFENSE ARTICLES AND SERVICES TO THE PEOPLE'S REPUBLIC OF CHINA.

(a) DECLARATION OF POLICY.—Congress declares that it is the policy of the United States to deny the People's Republic of China such defense goods and defense technology that could be used to threaten the United States or undermine the security of Taiwan or the stability of the Western Pacific region.

(b) PROCUREMENT SANCTION.—(1) The Secretary of Defense may not procure, by contract or otherwise, any goods or services from—

(A) any foreign person the Secretary of Defense determines has, with actual knowledge, on or after the date of the enactment of this Act, exported, transferred, or otherwise provided to governmental or nongovernmental entities of the People's Republic of China any item or class of items on the United States Munitions List (or any item or class of items that are identical, substantially identical, or directly competitive to an item or class of items on the United States Munitions List); and

(B) any foreign person the Secretary of Defense determines—

(i) is a successor entity to a person referred to in paragraph (1);

(ii) is a parent or subsidiary of a person referred to in paragraph (1); or

(iii) is an affiliate of a person referred to in paragraph (1) if that affiliate is controlled in fact by such person.

(2) The prohibition under paragraph (1) with respect to a foreign person shall last for a period of five years after a determination is made by the Secretary of Defense with respect to that person under paragraph (1)(A).

(c) PUBLIC AVAILABILITY OF LIST OF SANCTIONED PERSONS.—(1) The Secretary of Defense shall annually publish in the Federal Register a current list of any foreign persons sanctioned under subsection (b). The removal of foreign persons from, and the addition of foreign persons to, the list shall also be so published.

(2) The Secretary shall maintain the list published under paragraph (1) on the Internet website of the Department of Defense.

(d) REMOVAL FROM LIST OF SANCTIONED PERSONS.—The Secretary of Defense may remove a person from the list of sanctioned persons referred to in subsection (c) only after the five-year prohibition period imposed under subsection (b) with respect to the person has expired.

(e) EXCEPTIONS.—(1) Subsection (b) shall not apply—

(A) to contracts, or subcontracts under such contracts, in existence on the date of the enactment of this Act, including options under such contracts;

(B) if the Secretary of Defense determines in writing that the person to which the sanctions would otherwise be applied is a sole source supplier of the goods or services being procured, that the goods or services are essential, and that alternative sources are not readily or reasonably available;

(C) in the case of a contract for routine servicing and maintenance, if the Secretary of Defense determines in writing alternative sources for performing the contract are not readily or reasonably available; or

(D) if the Secretary of Defense determines in writing that goods or services proposed to be procured under the contract are essential to the national security of the United States.

(2) Determinations under paragraph (1) shall be published in the Federal Register.

(f) DEFINITIONS.—In this section:

(1) The term ''foreign person'' has the meaning given the term in section 14 of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701).

(2) The term ''United States Munitions List'' means the list referred to in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

SEC. 1215. MILITARY EDUCATIONAL EXCHANGES BETWEEN SENIOR OFFICERS AND OFFICIALS OF THE UNITED STATES AND TAIWAN.

(a) DEFENSE EXCHANGES.—The Secretary of Defense shall undertake a program of senior military officer and senior official exchanges with Taiwan designed to improve Taiwan's defenses against the People's Liberation Army of the People's Republic of China.

(b) EXCHANGES DESCRIBED.—For the purposes of this section, the term ''exchange'' means an activity, exercise, event, or observation opportunity between Armed Forces personnel or Department of Defense officials of the United States and armed forces personnel and officials of Taiwan.

(c) FOCUS OF EXCHANGES.—The senior military officer and senior official exchanges undertaken pursuant to subsection (a) shall include exchanges focused on the following, especially as they relate to defending Taiwan against potential submarine attack and potential missile attack:

(1) Threat analysis.

(2) Military doctrine.

(3) Force planning.

(4) Logistical support.

(5) Intelligence collection and analysis.

(6) Operational tactics, techniques, and procedures.

(d) CIVIL-MILITARY AFFAIRS.—The senior military officer and senior official exchanges undertaken pursuant to subsection (a) shall include activities and exercises focused on civil-military relations, including parliamentary relations.

(e) LOCATION OF EXCHANGES.—The senior military officer and senior official exchanges undertaken pursuant to subsection (a) shall be conducted in both the United States and Taiwan.

(f) DEFINITIONS.—For purposes of this section:

(1) The term ''senior military officer'' means a general or flag officer of the Armed Forces on active duty.

(2) The term ''senior official'' means a civilian official of the Department of Defense at the level of Deputy Assistant Secretary of Defense or above.

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF CTR PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note).

(b) FISCAL YEAR 2005 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term ''fiscal year 2005 Cooperative Threat Reduction funds'' means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the amount authorized to be appropriated to the Department of Defense for fiscal year 2005 in section 301(19) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $58,522,000.

(2) For nuclear weapons transportation security in Russia, $26,284,000.

(3) For nuclear weapons storage security in Russia, $48,720,000.

(4) For activities designated as Other Assessments/Administrative Support, $14,267,000.

(5) For defense and military contacts, $8,000,000.

(6) For chemical weapons destruction in Russia, $158,400,000.

(7) For biological weapons proliferation prevention in the former Soviet Union, $55,013,000.

(8) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, $40,030,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2005 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (8) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2005 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—(1) Subject to paragraphs (2) and (3), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2005 for a purpose listed in any of the paragraphs in subsection (a) in excess of the specific amount authorized for that purpose.

(2) An obligation of funds for a purpose stated in any of the paragraphs in subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

(3) The Secretary may not, under the authority provided in paragraph (1), obligate amounts for a purpose stated in any of paragraphs (5) through (8) of subsection (a) in excess of 125 percent of the specific amount authorized for such purpose.

SEC. 1303. TEMPORARY AUTHORITY TO WAIVE LIMITATION ON FUNDING FOR CHEMICAL WEAPONS DESTRUCTION FACILITY IN RUSSIA.

(a) TEMPORARY AUTHORITY.—Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 22 U.S.C. 5952 note) shall not apply if the President submits to Congress a written certification that includes—

(1) a statement as to why a waiver of the conditions described in such section 1305 is important to the national security interests of the United States;

(2) a full and complete justification for the waiver of the conditions; and

(3) a plan to promote a full and accurate disclosure by Russia regarding the size, content, status, and location of its chemical weapons stockpile.

(b) EXPIRATION.—The authority in subsection (a) shall expire on September 30, 2005.

TITLE XIV—EXPORT CONTROLS AND COUNTERPROLIFERATION MATTERS

Subtitle A—Export Control Matters

SEC. 1401. DEFINITIONS UNDER ARMS EXPORT CONTROL ACT.

Section 47 of the Arms Export Control Act (22 U.S.C. 2794) is amended—

(1) in paragraph (10)—

(A) by moving the margin two ems to the left; and

(B) by striking ''and'' at the end;

(2) in paragraph (11)—

(A) by moving the margin two ems to the left; and

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

(3) by adding at the end the following:

''(12) 'license' means a document bearing the word license issued by the United States Government agency charged with implementing section 38 of this Act, which permits the export or import of a defense article or defense service;

''(13) 'agent' means a representative or emissary of a government other than an officer or employee of the government; and

''(14) 'exporting agent' means a freight forwarder or other consignee designated on a license application who is authorized to act on behalf of and the control of the license applicant.''.

SEC. 1402. EXEMPTION FROM LICENSING REQUIREMENTS FOR EXPORT OF SIGNIFICANT MILITARY EQUIPMENT.

Section 38(b)(2) of the Arms Export Control Act (22 U.S.C. 2778(b)(2)) is amended—

(1) by striking ''(2) Except'' and inserting ''(2)(A) Except'';

(2) by striking ''(A) for official'' and inserting ''(i) for official'' and further by striking ''(B) for carrying out'' and inserting ''(ii) for carrying out''; and

(3) by adding at the end the following:

''(B) The President may not establish an exemption in regulation or otherwise from the license requirements of this section for the export of a defense article that is significant military equipment (other than a firearm that is intended for personal use).''.

SEC. 1403. COOPERATIVE PROJECTS WITH FRIENDLY FOREIGN COUNTRIES.

Section 27 of the Arms Export Control Act (22 U.S.C. 2767) is amended—

(1) in subsection (g) to read as follows:

''(g) Unless the President states in his certification that an emergency exists which requires the immediate approval of the cooperative agreement in the national security interests of the United States (in which case the President shall set forth in the certification a justification for this determination), an agreement shall not be signed if, within the 30-day period specified in subsection (f), a joint resolution prohibiting the agreement is enacted into law.''; and

(2) by adding at the end the following:

''(k) A license shall be required for the export of defense articles or defense services relating to a cooperative project by any person required to be registered under section 38(b)(1)(A)(i) whenever such export is made pursuant to, or in furtherance of, a private contract, purchase order, or similar commercial arrangement with a foreign corporation.''.

SEC. 1404. LICENSING REQUIREMENT FOR EXPORT OF MILITARILY CRITICAL TECHNOLOGIES.

(a) LICENSING REQUIREMENT.—The President shall require a license under the Export Administration Regulations of the Department of Commerce (15 C.F.R. part 730 et seq.) or the International Traffic in Arms Regulations (22 C.F.R. part 120 et seq.), as the case may be, for the export of goods or technologies included on the Militarily Critical Technologies List.

(b) DEFINITION.—In this section, the term ''Militarily Critical Technologies List'' means the list required to be developed by the Secretary of Defense pursuant to section 5(d)(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2404(d)(2)), as such list was effect on January 20, 2004, and includes any goods or technologies that have been added to the list after that date.

SEC. 1405. CONTROL OF EXPORTS OF UNITED STATES WEAPONS TECHNOLOGY TO THE PEOPLE'S REPUBLIC OF CHINA.

A dual use good or technology subject to the jurisdiction of the Export Administration Regulations of the Department of Commerce (15 C.F.R. part 730 et seq.) and a defense article or defense service subject to the jurisdiction of the International Traffic in Arms Regulations (22 C.F.R. part 120 et seq.) may be exported to a foreign person or a foreign country that has previously exported any such item to the military, intelligence, police, or internal security services of the Government of the People's Republic of China that would be prohibited for export to China if subject to United States export control laws only if—

(1) a license for such export is approved under the Export Administration Regulations or the International Traffic in Arms Regulations and the Secretary of Defense concurs in the approval of such license; and

(2) the foreign person or foreign country agrees in writing not to transfer title to or

possession of, or otherwise provide access to, the licensed items, unless the President provides written consent thereto.

SEC. 1406. STRENGTHENING INTERNATIONAL EXPORT CONTROLS.

(a) FINDING.—The Congress recognizes that the international export control system, as currently constituted, is insufficient to achieve the national security interests of the United States.

(b) NATIONAL EXPORT CONTROL POLICY.—It is the policy of the United States to seek continued negotiations of a strengthened international export control system for the control of arms and militarily-sensitive goods and technology to countries of concern.

(c) PRESIDENTIAL REPORTING REQUIREMENT.—(1) Not later than 180 days after the date of the enactment of this Act, and every six months thereafter, the President shall submit to the committees referred to in subsection (d) a report setting forth the President's plan for effecting a strengthened international export control system capable of achieving the national security interests of the United States.

(2) The report shall include—

(A) an evaluation of the effectiveness of the current international export control system;

(B) a plan for negotiating and implementing a strengthened international export control system capable of achieving the national security interests of the United States; and

(C) challenges to and progress in negotiating and implementing that plan.

(d) COMMITTEES; CLASSIFICATION OF REPORT.—(1) The report required by subsection (c) shall be submitted to—

(A) the Committee on Armed Services, the Committee on International Relations, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Banking, Housing and Urban Affairs, and the Select Committee on Intelligence of the Senate.

(2) The report shall be submitted in unclassified form and, as necessary, in classified form.

Subtitle B—Counterproliferation Matters

SEC. 1411. DEFENSE INTERNATIONAL COUNTERPROLIFERATION PROGRAMS.

(a) INTERNATIONAL SECURITY PROGRAM TO PREVENT UNAUTHORIZED TRANSFER AND TRANSPORTATION OF WMDS.—Subsection (b) of section 1424 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2333) is amended to read as follows:

''(b) OTHER COUNTRIES.—The Secretary of Defense may carry out programs under subsection (a) in a country other than a country specified in that subsection if the Secretary determines that there exists in that country a significant threat of the unauthorized transfer and transportation of nuclear, biological, or chemical weapons or related materials.''.

(b) INTERNATIONAL TRAINING PROGRAM TO DETER WMD PROLIFERATION.—Section 1504(e)(3)(A) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2918) is amended—

(1) by striking ''The training program referred to in paragraph (1)(B) is a'' and inserting 'The Secretary of Defense may participate in a'';

(2) by inserting ''of'' after ''acquisition'';

(3) by striking ''and'' after ''countries''; and

(4) by inserting before the period at the end the following: '', and in other countries in which, as determined by the Secretary of Defense, there exists a significant threat of such proliferation and acquisition''.

SEC. 1412. DEFENSE COUNTERPROLIFERATION FELLOWSHIP PROGRAM.

(a) PROGRAM AUTHORIZED.—Chapter 101 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2015. Defense counterproliferation fellowship program

''(a) PROGRAM AUTHORITY.—The Secretary of Defense may carry out a program under which foreign military defense personnel are selected to attend Department of Defense courses and programs in counterproliferation and nonproliferation matters in order to improve the ability of the foreign military defense personnel to contribute to halting the illicit acquisition or transportation of weapons of mass destruction or of materials that support the development or use of such weapons.

''(b) AUTHORITY TO PAY FOR COSTS OF PARTICIPANTS.—The Secretary of Defense may pay for all costs (including transportation, travel, and subsistence costs) associated with the attendance by a participant at courses and programs in the program under this section.

''(c) PARTICIPANTS.—(1) The following persons may be selected for participation in the program under this section:

''(A) Foreign military officers.

''(B) Foreign ministry of defense officials.

''(2) Participants in the program shall be selected by the Secretary of Defense based upon recommendations made by the commanders of the regional unified combatant commands.

''(d) AUTHORIZED PROGRAM ACTIVITIES.—Participants in the program may be selected for attendance at, and may be authorize to attend, any of the following:

''(1) Department of Defense professional military educational institutions.

''(2) Regional centers for security studies of the Department of Defense.

''(e) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the administration of the program under this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2015. Defense counterproliferation fellowship program.''.

Subtitle C—Initiatives Relating to Countries of Former Soviet Union

SEC. 1421. SILK ROAD INITIATIVE.

(a) FINDINGS.—Congress makes the following findings:

(1) A number of independent states of the former Soviet Union have been helpful to the United States in the war on terrorism.

(2) Such states are new and struggling democracies and would benefit considerably from assistance to create sustainable jobs for their underemployed or unemployed scientists, engineers, and technicians who were formerly engaged in activities to develop and produce weapons of mass destruction for the Russian Federation or other such state.

(b) POLICIES.—(1) It is the policy of the United States to seek to establish and promote programs to prevent the proliferation, from scientists, engineers, and technicians of the Russian Federation and other independent states of the former Soviet Union to countries of proliferation concern, of expertise to develop and produce weapons of mass destruction.

(2) It is also the policy of the United States to seek to assist independent states of the former Soviet Union that have been helpful to the United States in the war on terrorism so as to promote the creation of jobs that foster economic stability and democracy.

(c) PROGRAM AUTHORIZED.—(1) The Secretary of Energy may carry out a program, to be known as the Silk Road Initiative, to promote non-weapons-related employment opportunities in the United States and in Silk Road nations for scientists, engineers, and technicians formerly engaged in activities to develop and produce weapons of mass destruction in Silk Road nations. The program should—

(A) incorporate best practices under the former Initiatives for Proliferation Prevention program; and

(B) facilitate commercial partnerships between private entities in the United States and scientists, engineers, and technicians in the Silk Road nations.

(2) Before implementing the program with respect to multiple Silk Road nations, the Secretary of Energy shall carry out a pilot program with respect to one Silk Road nation selected by the Secretary. It is the sense of Congress that the Secretary should select the Republic of Georgia.

(d) SILK ROAD NATIONS DEFINED.—In this section, the Silk Road nations are Armenia, Azerbaijan, the Republic of Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan.

(e) FUNDING.—Of the funds authorized to be appropriated to the Department of Energy for nonproliferation and international security for fiscal year 2005, $10,000,000 may be used to carry out this section.

SEC. 1422. TELLER-KURCHATOV NONPROLIFERATION FELLOWSHIPS.

(a) IN GENERAL.—(1) From amounts made available to carry out this section, the Administrator for Nuclear Security may carry out a program under which the Administrator awards, to scientists employed at the Kurchatov Institute of the Russian Federation and scientists employed at Lawrence Livermore National Laboratory, international exchange fellowships, to be known as Teller-Kurchatov Nonproliferation Fellowships, in the nuclear nonproliferation sciences.

(2) The purpose of the program shall be to provide opportunities for advancement in the field of nuclear nonproliferation to scientists who, as demonstrated by their academic or professional achievements, show particular promise of making significant contributions in that field.

(3) A fellowship awarded to a scientist under the program shall be for study and training at (and, where appropriate, at an institution of higher education in the vicinity of)—

(A) the Kurchatov Institute, in the case of a scientist employed at Lawrence Livermore National Laboratory; and

(B) Lawrence Livermore National Laboratory, in the case of a scientist employed at the Kurchatov Institute.

(4) The duration of a fellowship under the program may not exceed two years, except that the Administrator may provide for a longer duration in an individual case to the extent warranted by extraordinary circumstances, as determined by the Administrator.

(5) In a calendar year, the Administrator may not award more than—

(A) one fellowship to a scientist employed at the Kurchatov Institute; and

(B) one fellowship to a scientist employed at Lawrence Livermore National Laboratory.

(6) A fellowship under the program shall include—

(A) travel expenses;

(B) any tuition and fees at an institution of higher education for study or training under the fellowship; and

(C) any other expenses that the Administrator considers appropriate, such as room and board.

(b) DEFINITIONS.—In this section:

(1) The term ''institution of higher education'' means a college, university, or other educational institution that is empowered by an appropriate authority, as determined by the Administrator, to award degrees higher than the baccalaureate level.

(2) The term ''nuclear nonproliferation sciences'' means bodies of scientific knowledge relevant to developing or advancing the means to prevent or impede the proliferation of nuclear weaponry.

(3) The term ''scientist'' means an individual who has a degree from an institution of higher education in a science that has practical application in the field of nuclear nonproliferation.

(c) FUNDING.—Of the funds authorized to be appropriated to the Department of Energy for nonproliferation and international security for fiscal year 2005, $10,000,000 may be used to carry out this section.

SEC. 1423. COLLABORATION TO REDUCE THE RISKS OF A LAUNCH OF RUSSIAN NUCLEAR WEAPONS.

(a) FINDINGS.—Congress finds that, despite the ending of the Cold War more than a decade ago, the nuclear postures and strategic command and control systems of the Russian Federation pose risks that a nuclear ballistic missile could be launched as the result of an accident, misinformation, miscalculation, or unauthorized use. Such risks are posed as a result of factors including the following:

(1) The high state of readiness of the Russian Federation's nuclear forces.

(2) The remote locations of much of the Russian Federation's nuclear forces.

(3) The inadequacy of the Russian Federation's early-warning information.

(4) The very short time that would be available to the President of the Russian Federation if the President were informed that a nuclear ballistic missile attack was or might be underway.

(5) The possibility that the Russian Federation, because of concerns that much of its nuclear forces would not survive a nuclear attack, may have a nuclear deterrence posture reliant upon launching a retaliatory nuclear strike when it believes a nuclear ballistic missile attack against it is or might be underway.

(6) Deficiencies in the security and control of the nuclear forces of the Russian Federation that could result in unauthorized personnel gaining control of a nuclear-armed missile or warhead.

(7) The susceptibility of nuclear strategic command and control systems and early-warning systems to an intrusion or accident that could create the false appearance that a nuclear ballistic missile attack is or might be underway.

(b) REPORT.—(1) Not later than November 1, 2005, the Secretary of Defense shall submit to Congress a report on the collaborative measures that the United States and the Russian Federation could take to reduce the risks that a nuclear ballistic missile could be launched as the result of an accident, misinformation, miscalculation, or unauthorized use. For each such measure, the report shall provide—

(A) specific comments on the advisability of the measure in terms of the potential contribution of the measure to the national security interests of the United States, including the potential contribution of the measure in improving relations between the United States and the Russian Federation; and

(B) a description of the obstacles and opportunities associated with pursuing the measure.

(2) In addition to any other measure that the Secretary considers appropriate, the report required by paragraph (1) shall cover the following measures:

(A) The future of the Joint Data Exchange Center.

(B) Potential topics for discussion between high-level military leaders of the United States and of the Russian Federation on reducing the risk that a nuclear ballistic missile could be launched as the result of an accident, misinformation, miscalculation, or unauthorized use.

TITLE XV—AUTHORIZATION FOR INCREASED COSTS DUE TO OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM

SEC. 1501. PURPOSE.

The purpose of this title is to authorize appropriations for the Department of Defense for fiscal year 2005, in addition to amounts otherwise authorized by this Act, to provide funds for additional costs due to Operation Iraqi Freedom and Operation Enduring Freedom.

Subtitle A—Authorization of Appropriations

SEC. 1511. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2005 for procurement accounts of the Army in amounts as follows:

(1) For aircraft, $498,300,000.

(2) For missiles, $42,800,000.

(3) For weapons and tracked combat vehicles, $201,900,000.

(4) For ammunition, $78,750,000.

(5) For other procurement, $1,567,410,000.

(6) For National Guard and Reserve equipment, $50,000,000.

SEC. 1512. NAVY AND MARINE CORPS PROCUREMENT.

(a) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2005 for the procurement account for the Marine Corps in the amount of $98,190,000.

(b) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2005 for the procurement account for ammunition for the Navy and the Marine Corps in the amount of $38,402,000.

SEC. 1513. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2005 for the procurement account for aircraft for the Air Force in amount of $99,000,000.

SEC. 1514. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2005 for the procurement account for Defense-wide procurement in the amount of $720,000,000.

SEC. 1515. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2005 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $9,607,113,000.

(2) For the Navy, $256,500,000.

(3) For the Marine Corps, $2,398,735,000.

(4) For the Air Force, $1,635,000,000.

(5) For Defense-wide, $2,327,900,000.

SEC. 1516. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2005 for expenses, not otherwise provided for, for the Defense Health Program, in the amount of $75,000,000, for Operation and Maintenance.

SEC. 1517. MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel accounts for fiscal year 2005 a total of $5,305,000,000.

SEC. 1518. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1519. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2005 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $2,500,000,000. The transfer authority provided in this section is in addition to any other transfer authority available to the Secretary of Defense.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred;

(2) may not be used to provide authority for an item that has been denied authorization by Congress; and

(3) may not be combined with the authority under section 1001.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1520. DESIGNATION OF EMERGENCY AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are available upon the enactment of this Act and are designated for emergency contingency operations related to the global war on terrorism.

Subtitle B—Personnel Provisions

SEC. 1531. THREE-YEAR INCREASE IN ACTIVE ARMY STRENGTH LEVELS.

(a) AUTHORIZED END STRENGTHS.—(1) The end strength level authorized for the Army for fiscal year 2005 under section 401 is hereby increased by 10,000.

(2) For fiscal years 2006 and 2007, the Army is authorized strengths for active duty personnel as follows:

(A) As of September 30, 2006, 502,400.

(B) As of September 30, 2007, 512,400.

(b) STATUTORY MINIMUM ACTIVE STRENGTH LEVEL.—The minimum strength for the Army under section 691(b) of title 10, United States Code (notwithstanding the number specified in paragraph (1) of that section)—

(1) for the period beginning on October 1, 2004, and ending on September 30, 2005, shall be the number specified in section 401(1) of this Act, increased by 10,000;

(2) for the period beginning on October 1, 2005, and ending on September 30, 2006, shall be 502,400; and

(3) for the period beginning on October 1, 2006, and ending on September 30, 2007, shall be 512,400.

(c) NOTICE TO CONGRESS.—If the Secretary of Defense, in consultation with the Secretary of the Army, determines that adjustments are necessary to the minimum end-strength level for the Army in effect at any time pursuant to subsection (b), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report providing

the Secretary's recommendations and rationale for such an adjustment. Such a report must be submitted before the submission of the budget request for the fiscal year for which the change would be effective.

SEC. 1532. THREE-YEAR INCREASE IN ACTIVE MARINE CORPS STRENGTH LEVELS.

(a) AUTHORIZED END STRENGTHS.—(1) The end strength level authorized for the Marine Corps for fiscal year 2005 under section 401 is hereby increased by 3,000.

(2) For fiscal years 2006 and 2007, the Marine Corps is authorized strengths for active duty personnel as follows:

(A) As of September 30, 2006, 181,000.

(B) As of September 30, 2007, 184,000.

(b) STATUTORY MINIMUM ACTIVE STRENGTH LEVEL.—The minimum strength for the Marine Corps under section 691(b) of title 10, United States Code (notwithstanding the number specified in paragraph (3) of that section)—

(1) for the period beginning on October 1, 2004, and ending on September 30, 2005, shall be the number specified in section 401(3) of this Act, increased by 3,000;

(2) for the period beginning on October 1, 2005, and ending on September 30, 2006, shall be 181,000; and

(3) for the period beginning on October 1, 2006, and ending on September 30, 2007, shall be 184,000.

(c) NOTICE TO CONGRESS.—If the Secretary of Defense, in consultation with the Secretary of the Navy, determines that adjustments are necessary to the minimum end-strength level for the Marine Corps in effect at any time pursuant to subsection (b), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report providing the Secretary's recommendations and rationale for such an adjustment. Such a report must be submitted before the submission of the budget request for the fiscal year for which the change would be effective.

SEC. 1533. EXTENSION OF INCREASED RATES FOR IMMINENT DANGER PAY AND FAMILY SEPARATION ALLOWANCE.

(a) IMMINENT DANGER PAY.—(1) Subsection (e) of section 310 of title 37, United States Code, is amended by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

(2) Effective January 1, 2006, such section is further amended—

(A) in subsection (a), by striking ''$150'' and inserting ''$225''; and

(B) by striking subsection (e).

(b) FAMILY SEPARATION ALLOWANCE.—(1) Subsection (e) of section 427 of such title is amended by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

(2) Effective January 1, 2006, such section is further amended—

(A) in subsection (a)(1), by striking ''$100'' and inserting ''$250''; and

(B) by striking subsection (e).

Subtitle C—Financial Management Matters

SEC. 1541. REVISED FUNDING METHODOLOGY FOR MILITARY RETIREE HEALTH CARE BENEFITS.

(a) REVISION.—Section 1116 of title 10, United States Code, is amended to read as follows:

''§ 1116. Payments into the Fund

''(a) At the beginning of each fiscal year after September 30, 2005, the Secretary of the Treasury shall promptly pay into the Fund from the General Fund of the Treasury—

''(1) the amount certified to the Secretary by the Secretary of Defense under subsection (c), which shall be the contribution to the Fund for that fiscal year required by section 1115; and

''(2) the amount determined by each administering Secretary under section 1111(c) as the contribution to the Fund on behalf of the members of the uniformed services under the jurisdiction of that Secretary.

''(b) At the beginning of each fiscal year, the Secretary of Defense shall determine the sum of the following:

''(1) The amount of the payment for that year under the amortization schedule determined by the Board of Actuaries under section 1115(a) of this title for the amortization of the original unfunded liability of the Fund.

''(2) The amount (including any negative amount) of the Department of Defense contribution for that year as determined by the Secretary of Defense under section 1115(b) of this title.

''(3) The amount (including any negative amount) for that year under the most recent amortization schedule determined by the Secretary of Defense under section 1115(c)(2) of this title for the amortization of any cumulative unfunded liability (or any gain) to the Fund resulting from changes in benefits.

'(4) The amount (including any negative amount) for that year under the most recent amortization schedule determined by the Secretary of Defense under section 1115(c)(3) of this title for the amortization of any cumulative actuarial gain or loss to the Fund resulting from actuarial assumption changes.

''(5) The amount (including any negative amount) for that year under the most recent amortization schedule determined by the Secretary of Defense under section 1115(c)(4) of this title for the amortization of any cumulative actuarial gain or loss to the Fund resulting from actuarial experience.

''(c) The Secretary of Defense shall promptly certify the amount determined under subsection (b) each year to the Secretary of the Treasury.''.

(b) CONFORMING AMENDMENTS.—(1) Section 1111(c) of title 10, United States Code, is amended in the last sentence by striking ''1116'' and all that follows through the end of the sentence and inserting ''1115(b) of this title, and such contributions shall be paid into the Fund as provided in section 1116(a).''.

(2) Section 1115(a) of such title is amended by striking ''1116(c)'' and inserting ''1116''.

(3) Section 1115(b) of such title is amended—

(A) by striking ''(1) The Secretary of Defense'' and all that follows through ''of this title.'' and inserting ''The Secretary of Defense shall determine, before the beginning of each fiscal year after September 30, 2005, the total amount of the Department of Defense contribution to be made to the Fund for that fiscal year for purposes of section 1116(b)(2).'';

(B) by striking paragraph (2);

(C) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(D) in each of paragraphs (1) and (2), as so redesignated, by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(E) in paragraph (2)(B), as so redesignated, by striking ''subparagraph (A)(ii)'' and inserting ''paragraph (1)(B)''.

(4) Section 1115(c)(1) of such title is amended by striking ''and section 1116(a) of this title''.

(5) Section 1115(c)(5) of such title is amended by striking ''1116(c)'' and inserting ''1116''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2005.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SECTION 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 2005''.

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Anniston Army Depot	$23,690,000
Alaska	Fort Richardson	$24,300,000
	Fort Wainwright	$92,459,000
California	Fort Irwin	$38,100,000
Colorado	Fort Carson	$59,508,000
Georgia	Fort Benning	$73,627,000
	Fort Gillem	$5,800,000
	Fort McPherson	$4,900,000
	Fort Stewart/Hunter Army Air Field	$65,495,000
Hawaii	Helemano Military Reservation	$75,300,000
	Hickam Air Force	$11,200,000
	Schofield Barracks	$241,792,000
Kansas	Fort Riley	$44,050,000
Kentucky	Fort Campbell	$89,600,000
	Fort Knox	$73,850,000
Louisiana	Fort Polk	$70,953,000
Maryland	Fort Detrick	$4,000,000
Missouri	Fort Leonard Wood	$21,450,000
New Jersey	Picatinny Arsenal	$9,900,000
New Mexico	White Sands Missile Range	$33,000,000
New York	Fort Drum	$13,650,000
	Fort Hamilton	$7,600,000
	Hancock Field	$6,000,000
	Military Entrance Processing Station, Buffalo	$6,200,000
	United States Military Academy, West Point	$60,000,000
North Carolina	Fort Bragg	$111,687,000
Oklahoma	Fort Sill	$17,800,000
Texas	Camp Bullis	$5,300,000

Army: Inside the United States—Continued

State	Installation or Location	Amount
Virginia	Fort Bliss	$19,400,000
	Fort Hood	$88,888,000
	Fort A.P. Hill	$3,975,000
	Fort Lee	$4,250,000
Washington	Fort Myer	$49,526,000
	Fort Lewis	$48,000,000
	Total	$1,505,250,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Germany	Grafenwoehr	$77,200,000
Italy	Livorno	$26,000,000
Korea	Camp Humphreys	$12,000,000
	Total	$115,200,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, for the purposes and in the amounts, set forth in the following table:

Army: Family Housing

State	Installation or Location	Purpose	Amount
Alaska	Fort Richardson	92 Units	$42,000,000
	Fort Wainwright	246 Units	$124,000,000
Arizona	Fort Huachuca	205 Units	$41,000,000
	Yuma Proving Ground	55 Units	$14,900,000
Kansas	Fort Riley	126 Units	$33,000,000
New Mexico	White Sands Missile Range	156 Units	$31,000,000
Oklahoma	Fort Sill	247 Units	$47,000,000
Virginia	Fort Lee	218 Units	$46,000,000
	Fort Monroe	68 Units	$16,000,000
	Total		$394,900,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $29,209,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $211,990,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2004, for military construction, land acquisition and military family housing functions of the Department of the Army in the total amount of $3,428,815,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $1,335,750,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $115,200,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $20,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $161,209,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $636,099,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $926,507,000.

(6) For the construction of phase 2 of a barracks complex, 5th & 16th Street, at Fort Stewart/Hunter Army Air Field, Georgia, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1697), $32,950,000.

(7) For the construction of phase 3 of a barracks complex renewal, Capron Road, at Schofield Barracks, Hawaii, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1283) and as amended by section 2105 of the Military Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1697), $48,000,000.

(8) For the construction of phase 2 of the Lewis & Clark instructional facility at Fort Leavenworth, Kansas, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2681), $44,000,000.

(9) For the construction of phase 2 of a barracks complex at Wheeler Sack Army Air Field at Fort Drum, New York, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1697), $48,000,000.

(10) For the construction of phase 2 of a barracks complex, Bastogne Drive, Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1697), $48,000,000.

(11) For the construction of phase 3 of a maintenance complex at Fort Sill, Oklahoma, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2681), $13,100,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $41,000,000 (the balance of the amount authorized under section 2101(a) to upgrade Drum Road, Helemano Military Reservation, Hawaii).

(3) $25,000,000 (the balance of the amount authorized under section 2101(a) for construction of a vehicle maintenance facility, Schofield Barracks, Hawaii).

(3) $25,000,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks complex, Fort Campbell, Kentucky).

(4) $22,000,000 (the balance of the amount authorized under section 2101(a) for construction of trainee barracks, Basic Training Complex 1, Fort Knox, Kentucky).

(5) $25,500,000 (the balance of the amount authorized under section 2101(a) for construction of a library and learning facility, United States Military Academy, West Point, New York).

(6) $31,000,000 (the balance of the amount authorized under section 2101(a) for a barracks complex renewal project, Fort Bragg, North Carolina).

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2004 PROJECTS.

(a) MODIFICATION OF INSIDE THE UNITED STATES PROJECTS.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of

Public Law 108–136; 117 Stat. 1697) is amended—

(1) in the item relating to Fort Stewart/Hunter Army Air Field, Georgia, by striking ''$113,500,000'' in the amount column and inserting ''$114,450,000'';

(2) in the item relating to Fort Drum, New York, by striking ''$130,700,000'' in the amount column and inserting ''$135,700,000''; and

(3) by striking the amount identified as the total in the amount column and inserting ''$1,043,150,000''.

(b) CONFORMING AMENDMENTS.—Section 2104(b) of that Act (117 Stat. 1700) is amended—

(1) in paragraph (2), by striking ''$32,000,000'' and inserting ''$32,950,000''; and

(2) in paragraph (4), by striking ''$43,000,000'' and inserting ''$48,000,000''.

SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2003 PROJECT.

(a) MODIFICATION OF INSIDE THE UNITED STATES PROJECT.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2681), as amended by section 2105(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1700), is further amended—

(1) in the item relating to Fort Sill, Oklahoma, by striking ''$39,652,000'' in the amount column and inserting ''$40,752,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$1,157,267,000''.

(b) CONFORMING AMENDMENT.—Section 2104(b)(6) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2684) is amended by striking ''$25,000,000'' and inserting ''$26,100,000''.

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Arizona	Marine Corps Air Station, Yuma	$26,670,000
California	Marine Corps Air-Ground Task Force Training Center, Twentynine Palms	$15,700,000
	Marine Corps Air Station, Camp Pendleton	$11,540,000
	Marine Corps Base, Camp Pendleton	$26,915,000
	Marine Corps Logistics Base, Barstow	$4,930,000
	Naval Air Facility, El Centro	$54,331,000
	Naval Air Station, North Island	$10,180,000
	Naval Surface Warfare Center, Division Corona	$9,850,000
Connecticut	Naval Submarine Base, New London	$50,302,000
District of Columbia	Naval Observatory, Washington	$3,239,000
Florida	Eglin Air Force Base	$2,060,000
	Naval Station, Mayport	$6,200,000
Georgia	Strategic Weapons Facility Atlantic, Kings Bay	$16,000,000
Hawaii	Naval Shipyard, Pearl Harbor	$5,100,000
Illinois	Naval Training Center, Great Lakes	$74,781,000
Indiana	Naval Surface Warfare Center, Crane	$10,580,000
Louisiana	Joint Reserve Base/Naval Air Station, New Orleans	$6,030,000
Maryland	Naval Surface Warfare Center, Indian Head	$23,000,000
North Carolina	Marine Corps Air Station, New River	$35,140,000
	Marine Corps Base, Camp Lejeune	$11,030,000
Nevada	Naval Air Station, Fallon	$4,980,000
South Carolina	Marine Corps Air Station, Beaufort	$5,480,000
Virginia	Camp Elmore Marine Corps Detachment	$13,500,000
	Marine Corps Air Facility, Quantico	$21,180,000
	Marine Corps Combat Development Command, Quantico	$24,140,000
	Naval Air Station, Oceana	$2,770,000
	Naval Amphibious Base, Little Creek	$9,550,000
	Naval Station, Norfolk	$4,330,000
	Naval Weapons Station, Yorktown	$9,870,000
Washington	Naval Air Station, Whidbey Island	$1,990,000
	Naval Shipyard, Puget Sound	$23,455,000
	Naval Station, Bremerton	$74,125,000
	Strategic Weapons Facility Pacific, Bangor	$131,090,000
	Total	$730,038,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Bahamas	Naval Undersea Warfare Center, Andros Islands	$20,750,000
Diego Garcia	Naval Support Facility, Diego Garcia	$17,500,000
Guam	Naval Public Works Center, Guam	$20,700,000
	Naval Station, Guam	$12,500,000
Italy	Sigonella	$22,550,000
Spain	Naval Station, Rota	$32,700,000
	Total	$126,700,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(3), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations and in the amount, set forth in the following table:

Navy: Unspecified Worldwide

Location	Installation or Location	Amount
	Unspecified Worldwide	$148,640,000
	Total	$148,640,000

SEC. 2202. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, for the purposes and in the amounts, set forth in the following table:

Navy: Family Housing

State	Installation or Location	Purpose	Amount
North Carolina	Marine Corps Air Station, Cherry Point	198 Units	$27,002,000

Navy: Family Housing—Continued

State	Installation or Location	Purpose	Amount
	Total		$27,002,000

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $112,105,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2004, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,913,273,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $631,908,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $126,700,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2201(c), $98,560,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $12,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $93,804,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $139,107,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $696,304,000.

(7) For the construction of increment 2 of the tertiary sewage treatment plant at Marine Corps Base, Camp Pendleton, California, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1703), $25,690,000.

(8) For the construction of increment 2 of the general purpose berthing pier at Naval Weapons Station, Earle, New Jersey, authorized by section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1704), $49,200,000.

(9) For the construction of increment 2 of pier 11 replacement at Naval Station, Norfolk, Virginia, authorized by section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1704), $40,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1), (2) and (3) of subsection (a).

(2) $21,000,000 (the balance of the amount authorized under section 2201(a) for apron and hangar recapitalization, Naval Air Facility, El Centro, California).

(3) $40,000,000 (the balance of the amount authorized under section 2201(a) for construction of bachelor enlisted quarters, Naval Station, Bremerton, Washington).

(4) $95,320,000 (the balance of the amount authorized under section 2201(a) for construction of a limited area processing and storage complex, Strategic Weapons Facility Pacific, Bangor, Washington).

(5) $34,098,000 (the balance of the amount authorized under section 2201(c) for construction of a White Side complex at an unspecified location worldwide).

(6) $15,982,000 (the balance of the amount authorized under section 2201(c) for construction of a presidential helicopter programs support facility at an unspecified location).

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alaska	Elmendorf Air Force Base	$26,057,000
Arizona	Davis-Monthan Air Force Base	$17,029,000
	Luke Air Force Base	$17,900,000
Arkansas	Little Rock Air Force Base	$8,931,000
California	Beale Air Force Base	$10,186,000
	Edwards Air Force Base	$9,965,000
	Travis Air Force Base	$18,894,000
Colorado	Buckley Air Force Base	$12,247,000
Florida	Tyndall Air Force Base	$29,162,000
Georgia	Moody Air Force Base	$9,600,000
	Robins Air Force Base	$21,570,000
Hawaii	Hickam Air Force Base	$25,900,000
Louisiana	Barksdale Air Force Base	$13,800,000
Maryland	Andrews Air Force Base	$17,100,000
Mississippi	Columbus Air Force Base	$7,700,000
Missouri	Whiteman Air Force Base	$7,600,000
New Mexico	Kirtland Air Force Base	$9,200,000
North Carolina	Pope Air Force Base	$15,150,000
Ohio	Wright-Patterson Air Force Base	$9,200,000
South Carolina	Shaw Air Force Base	$7,000,000
Tennessee	Arnold Air Force Base	$24,500,000
Texas	Dyess Air Force Base	$3,300,000
	Lackland Air Force Base	$2,596,000
	Laughlin Air Force Base	$6,900,000
	Sheppard Air Force Base	$50,284,000
Utah	Hill Air Force Base	$18,013,000
Wyoming	F.E. Warren Air Force Base	$5,500,000
	Total	$405,284,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Germany	Ramstein Air Base	$25,404,000
Greenland	Thule Air Base	$19,800,000
Guam	Andersen Air Force Base	$19,593,000
Italy	Aviano Air Base	$6,760,000
Japan	Misawa Air Base	$6,700,000
Korea	Kunsan Air Base	$37,100,000
	Osan Air Base	$18,600,000
Portugal	Lajes Field, Azores	$5,689,000
Spain	Naval Station, Rota	$14,153,000
United Kingdom	Royal Air Force Lakenheath	$5,500,000

Air Force: Outside the United States—Continued

Country	Installation or Location	Amount
	Total	$159,299,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(3), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations, and in the amount, set forth in the following table:

Air Force: Unspecified Worldwide

Location	Installation or Location	Amount
	Classified Locations	$26,121,000
	Unspecified Worldwide	$28,794,000
	Total	$54,915,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, for the purposes and in the amounts, set forth in the following table:

Air Force: Family Housing

State	Installation or Location	Purpose	Amount
Arizona	Davis-Monthan Air Force Base	250 Units	$48,500,000
California	Edwards Air Force Base	218 Units	$41,202,000
	Vandenberg Air Force Base	120 Units	$30,906,000
Florida	MacDill Air Force Base	61 Units	$21,723,000
	MacDill Air Force Base	Housing Maintenance Facility	$1,250,000
Idaho	Mountain Home Air Force Base	147 Units	$39,333,000
Mississippi	Columbus Air Force Base	Housing Management Facility	$711,000
Missouri	Whiteman Air Force Base	160 Units	$37,087,000
Montana	Malmstrom Air Force Base	115 Units	$29,910,000
North Carolina	Seymour Johnson Air Force Base	167 Units	$32,693,000
North Dakota	Grand Forks Air Force Base	90 Units	$26,169,000
	Minot Air Force Base	142 Units	$37,087,000
South Carolina	Charleston Air Force Base	Fire Station	$1,976,000
South Dakota	Ellsworth Air Force Base	75 Units	$21,482,000
Texas	Dyess Air Force Base	127 Units	$28,664,000
	Goodfellow Air Force Base	127 Units	$20,604,000
Germany	Ramstein Air Base	144 Units	$57,691,000
Italy	Aviano Air Base	Housing Office	$2,542,000
Korea	Osan Air Base	117 Units	$46,834,000
United Kingdom	Royal Air Force Lakenheath	154 Units	$43,976,000
	Total		$570,340,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $38,266,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $238,353,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2004, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,500,249,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $405,284,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $159,299,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2301(c), $54,915,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $13,000,000.

(5) For architectural and engineering services and construction design, under section 2807 of title 10, United States Code, $166,126,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design and improvement of military family housing and facilities, $846,959,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $854,666,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a).

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or Location	Amount
Defense Intelligence Agency	Bolling Air Force Base, District of Columbia	$6,000,000
Defense Logistics Agency	Defense Distribution Depot, New Cumberland, Pennsylvania	$22,300,000
	Defense Distribution Depot, Richmond, Virginia	$10,100,000
	Defense Fuel Support Point, Naval Air Station, Oceana, Virginia	$3,589,000
	Defense Supply Center, Columbus, Ohio	$5,500,000
	Marina Corps Air Station, Cherry Point, North Carolina	$22,700,000
	Naval Air Station, Kingsville, Texas	$3,900,000
	Naval Station, Pearl Harbor, Hawaii	$3,500,000
	Tinker Air Force Base, Oklahoma	$5,400,000
	Travis Air Force Base, California	$15,100,000
Missile Defense Agency	Huntsville, Alabama	$19,560,000
National Security Agency	Fort Meade, Maryland	$15,007,000
Special Operations Command	Corona, California	$13,600,000
	Fleet Combat Training Center, Dam Neck, Virginia	$5,700,000
	Fort A.P. Hill, Virginia	$1,500,000
	Fort Bragg, North Carolina	$42,888,000
	Fort Stewart/Hunter Army Air Field, Georgia	$17,600,000
	Hurlburt Field, Florida	$2,500,000

Defense Agencies: Inside the United States—Continued

Agency	Installation or Location	Amount
TRICARE Management Activity	Naval Amphibious Base, Little Creek, Virginia	$33,200,000
	Naval Air Station, North Island, California	$1,000,000
	Buckley Air Force Base, Colorado	$2,100,000
	Defense Language Institute, Presidio, Monterey	$6,700,000
	Fort Belvoir, Virginia	$100,000,000
	Fort Benning, Georgia	$7,100,000
	Langley Air Force Base, Virginia	$50,800,000
	Marine Corps Recruit Depot, Parris Island, South Carolina	$25,000,000
	Naval Air Station, Jacksonville, Florida	$28,438,000
	Total	$470,782,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or Location	Amount
Defense Education Activity	Grafenwoehr, Germany	$36,247,000
	Naval Station, Guam	$26,964,000
	Vilseck, Germany	$9,011,000
Defense Logistics Agency	Defense Fuel Support Point, Lajes Field, Portugal	$19,113,000
	Misawa Air Base, Japan	$19,900,000
Special Operations Command	Naval Station, Guam, Marianas Islands	$2,200,000
	Royal Air Force Mildenhall, United Kingdom	$10,200,000
TRICARE Management Activity	Diego Garcia	$3,800,000
	Grafenwoehr, Germany	$13,000,000
	Total	$140,435,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(3), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations, and in the amount, set forth in the following table:

Defense Agencies: Unspecified Worldwide

Location	Installation or Location	Amount
Special Operations Command	Classified Locations	$7,400,000
	Unspecified Worldwide	$2,900,000
	Total	$10,300,000

SEC. 2402. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(9)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed $49,000.

SEC. 2403. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(7), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code, in the amount of $50,000,000.

SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) MODIFICATION OF INSIDE THE UNITED STATES PROJECTS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2004, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $1,089,063,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $413,782,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $140,435,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2401(c), $10,300,000.

(4) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $20,938,000.

(5) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(6) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $63,482,000.

(7) For Energy Conservation projects authorized by section 2404 of this Act, $50,000,000.

(8) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $246,116,000.

(9) For military family housing functions:

(A) For improvement of military family housing and facilities, $49,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $49,575,000.

(C) For credit to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code, $2,500,000.

(10) For the construction of phase 6 of an ammunition demilitarization facility at Pueblo Depot Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $44,792,000.

(11) For the construction of phase 5 of an ammunition demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act of 2002 (division B of Public Law 107–107; 115 Stat. 1298), and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $37,094,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1), (2) and (3) of subsection (a).

(2) $57,000,000 (the balance of the amount authorized under section 2401(a) for hospital replacement, Fort Belvoir, Virginia).

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2004, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of $165,800,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2004, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $393,225,000; and

(B) for the Army Reserve, $116,955,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $30,955,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $184,620,000; and

(B) for the Air Force Reserve, $107,520,000.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2007; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2008.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2007; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2008 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2002 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1301), authorizations set forth in the tables in subsection (b), as provided in section 2101 or 2302 of that Act, shall remain in effect until October 1, 2005, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2006, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 2002 Project Authorizations

State	Installation or Location	Project	Amount
Alaska	Fort Wainwright	Power plant cooling tower	$23,000,000
Hawaii	Pohakuloa Training Area	Parker Ranch land acquisition	$1,500,000

Air Force: Extension of 2002 Project Authorizations

State	Installation or Location	Project	Amount
Colorado	Buckley Air Force Base	Family housing (55 Units)	$11,400,000
Louisiana	Barksdale Air Force Base	Family housing (56 Units)	$7,300,000

SEC. 2703. EXTENSION AND RENEWAL OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2001 PROJECTS.

(a) EXTENSION AND RENEWAL.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–407)), authorizations set forth in the tables in subsection (b), as provided in section 2102 or 2401 of that Act and, in the case of the authorization set forth in the first table in subsection (b), extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1716), shall remain in effect until October 1, 2005, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2006, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 2001 Project Authorization

State	Installation or Location	Project	Amount
South Carolina	Fort Jackson	Family housing (1 unit)	$250,000

Defense Agencies: Extension of 2001 Project Authorizations

Agency	Installation or Location	Project	Amount
Defense Finance and Accounting Service	Kleber Kaserne, Germany	Building renovation	$7,400,000
Defense Education Activity	Osan Air Base, Korea	Osan Elementary School addition	$843,000

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI of this Act shall take effect on the later of—

(1) October 1, 2004; or

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SECTION 2801. INCREASE IN CERTAIN THRESHOLDS FOR CARRYING OUT UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.

(a) ADVANCE APPROVAL AND CONGRESSIONAL NOTIFICATION THRESHOLD.—Subsection (b)(1) of section 2805 of title 10, United States Code, is amended by striking ''$750,000'' and inserting ''$1,000,000''.

(b) USE OF OPERATION AND MAINTENANCE FUNDS THRESHOLD.—Subsection (c) of such section is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

''(1) Except as provided in paragraphs (2) and (3), the Secretary concerned may spend from appropriations available for operation and maintenance amounts necessary to carry out an unspecified minor military construction project costing not more than $1,500,000.''; and

(2) in paragraph (3), by striking ''limitations'' and inserting ''limitation''.

SEC. 2802. ASSESSMENT OF VULNERABILITY OF MILITARY INSTALLATIONS TO TERRORIST ATTACK AND ANNUAL REPORT ON MILITARY CONSTRUCTION REQUIREMENTS RELATED TO ANTITERRORISM AND FORCE PROTECTION.

(a) ANNUAL ASSESSMENT AND REPORT.—Section 2808 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d) ANTITERRORISM AND FORCE PROTECTION ASSESSMENTS AND MILITARY CONSTRUCTION REQUIREMENTS.—(1) The Secretary of Defense shall develop common guidance and criteria to be used by the Secretary concerned—

''(A) to assess the vulnerability of military installations located inside and outside of the United States to terrorist attack;

''(B) to develop construction standards designed to reduce the vulnerability of structures to terrorist attack and improve the security of the occupants of such structures;

''(C) to prepare and carry out military construction projects, such as gate and fenceline construction, to improve the physical security of military installations; and

''(D) to assist in prioritizing such projects within the military construction budget of each of the armed forces.

''(2) The Secretary of Defense shall require vulnerability assessments of military installations to be conducted, at regular intervals, using the criteria developed under paragraph (1).

''(3) As part of the budget materials submitted to Congress in connection with the submission of the budget for a fiscal year pursuant to section 1105 of title 31, but in no case later than March 15 of each year, the Secretary of Defense shall submit a report describing—

''(A) the location and results of the vulnerability assessments conducted during the preceding fiscal year;

''(B) the military construction requirements anticipated to be necessary during the next three fiscal years to improve the physical security of military installations; and

''(C) the extent to which funds are not requested in the Department of Defense budget for the next fiscal year to meet those requirements.

''(4) In the case of the report required under paragraph (3) to be submitted in 2006, the Secretary of Defense shall include a certification by the Secretary that since September 11, 2001, vulnerability assessments have been undertaken at all major military installations. The Secretary shall indicate the basis by which the Secretary differentiated between major and nonmajor military installations for purposes of making the certification.''.

(b) STYLISTIC AND CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

''§ 2808. Construction authority related to declaration of war or national emergency; construction requirements related to antiterrorism and force protection''.

(2) Such section is further amended—

(A) in subsection (a), by inserting ''CONSTRUCTION AUTHORITY; LIMITATION.—'' after ''(a)'';

(B) in subsection (b), by inserting ''CONGRESSIONAL NOTIFICATION.—'' after ''(b)''; and

(C) in subsection (c), by inserting ''TERMINATION.—'' after ''(c)''.

(3) The table of sections at the beginning of chapter 169 of such title is amended by striking the item relating to section 2808 and inserting the following new item:

''2808. Construction authority related to declaration of war or national emergency; construction requirements related to antiterrorism and force protection.''.

SEC. 2803. CHANGE IN THRESHOLD FOR CONGRESSIONAL NOTIFICATION REGARDING USE OF OPERATION AND MAINTENANCE FUNDS FOR FACILITY REPAIR.

Section 2811(d) of title 10, United States Code, is amended by striking ''$10,000,000'' and inserting ''$7,500,000''.

SEC. 2804. REPORTING REQUIREMENTS REGARDING MILITARY FAMILY HOUSING REQUIREMENTS FOR GENERAL OFFICERS AND FLAG OFFICERS.

(a) ANNUAL REPORT ON COST OF GENERAL AND FLAG OFFICERS QUARTERS.—Section 2831 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) ANNUAL REPORT OF COST OF GENERAL OFFICERS AND FLAG OFFICERS QUARTERS.—As part of the budget materials submitted to Congress in connection with the submission of the budget for a fiscal year pursuant to section 1105 of title 31, but in no case later than March 30 of each year, the Secretary of Defense shall submit a report—

''(1) identifying family housing units used, or intended for use, as quarters for general officers or flag officers for which the total operation and maintenance costs, utility costs, and repair costs are anticipated to exceed $20,000 in the next fiscal year; and

''(2) specifying the total of such costs for each unit of family housing identified under paragraph (1).''.

(b) REPORT ON NEED FOR SUCH QUARTERS IN NATIONAL CAPITAL REGION.—The Secretary of Defense shall prepare a report analyzing anticipated needs in the National Capital Region for family housing units for general officers and flag officers. In conducting the analysis, the Secretary shall consider the extent of available housing in the National Capital Region and the necessity of providing housing for general officers and flag officers in secure locations.

(c) REPORT ON WORLD-WIDE INVENTORY OF SUCH QUARTERS.—The Secretary of Defense shall prepare a report containing a worldwide inventory of family housing units for general officers and flag officers and identifying annual expenditures for each such unit for operation and maintenance, utilities, and repair for each for the fiscal years 2000 through 2004.

(d) SUBMISSION OF REPORTS.—The reports required by subsections (b) and (c) shall be submitted to the congressional defense committees not later than March 30, 2005.

(e) DEFINITIONS.—In this section:

(1) The terms ''general officer'' and ''flag officer'' have the meanings given such terms in section 101(b) of title 10, United States Code.

(2) The term ''National Capital Region'' has the meaning given such term in section 2674(f) of such title.

SEC. 2805. CONGRESSIONAL NOTIFICATION OF DEVIATIONS FROM AUTHORIZED COST VARIATIONS FOR MILITARY CONSTRUCTION PROJECTS AND MILITARY FAMILY HOUSING PROJECTS.

Section 2853(c)(3) of title 10, United States Code, is amended by inserting before the period at the end the following: ''or, if over sooner, a period of 14 days has elapsed after the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title''.

SEC. 2806. REPEAL OF LIMITATION ON USE OF ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY FAMILY HOUSING.

Effective October 1, 2005, subsection (g) of section 2883 of title 10, United States Code, is amended to read as follows:

''(g) LIMITATION ON USE OF AUTHORITY TO ACQUIRE OR CONSTRUCT MILITARY UNACCOMPANIED HOUSING.—The total value in budget authority of all contracts and investments undertaken using the authorities provided in this subchapter for the acquisition or construction of military unaccompanied housing shall not exceed $150,000,000.''.

SEC. 2807. TEMPORARY AUTHORITY TO ACCELERATE DESIGN EFFORTS FOR MILITARY CONSTRUCTION PROJECTS CARRIED OUT USING DESIGN-BUILD SELECTION PROCEDURES.

Section 2305a of title 10, United States Code, is amended by adding at the end the following new subsection:

''(f) SPECIAL AUTHORITY FOR MILITARY CONSTRUCTION PROJECTS.—(1) The Secretary of a military department, and the Secretary of Defense with respect to matters concerning the Defense Agencies, may use funds available to the Secretary under section 2807(a) or 18233(e) of this title to accelerate the design effort in connection with a military construction project for which the two-phase selection procedures described in subsection (c) are used to select the contractor for both the design and construction portion of the project before the project is specifically authorized by law and before funds are appropriated for the construction portion of the project. Notwithstanding the limitations contained in such sections, use of such funds for the design portion of a military construction project may continue despite the subsequent authorization of the project. The advance notice requirement of section 2807(b) of this title shall continue to apply whenever the estimated cost of the design portion of the project exceeds the amount specified in such section.

''(2) Any military construction contract that provides for an accelerated design effort, as authorized by paragraph (1), shall include as a condition of the contract that the liability of the United States in a termination for convenience may not exceed costs above the costs attributable to the final design of the project.

''(3) Not more than 36 military construction projects containing the accelerated design effort authorized by paragraph (1) may be carried out.

''(4) Not later than March 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report evaluating the usefulness of the authority provided by this subsection in expediting the design and construction of military construction projects. The authority provided by this subsection expires September 30, 2008, except that, if the report required by this paragraph is not submitted by March 1, 2007, the authority shall expire on that date.''.

SEC. 2808. EXCHANGE OR SALE OF RESERVE COMPONENT FACILITIES TO ACQUIRE REPLACEMENT FACILITIES.

Section 18233 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(g)(1) The Secretary of Defense may convey, by exchange or sale, an existing facility of a reserve component of the armed forces for the purpose of acquiring a replacement facility under this section or using the proceeds from the sale to acquire a replacement facility under this section, if the Secretary determines it is in the best interests of the United States to acquire the replacement facility by such exchange or sale. The United States shall receive funds or a replacement facility, or a combination of both, having a total value at least equal to the fair market value of the conveyed facility.

''(2) Acquisition of a replacement facility under this subsection may be accomplished by construction, expansion, rehabilitation, or conversion and must result in a fully equipped and operational replacement facility. Nothing in this subsection prohibits the Secretary of Defense from contributing additional funds, in accordance with this section, to obtain a fully equipped and operational replacement facility.

''(3) Funds received under this subsection shall be deposited in a separate account and remain available to the Secretary of Defense, without appropriation, for use in accordance with this subsection. Any funds received under this subsection in connection with a conveyance in excess of the funds required to obtain a fully equipped and operational replacement facility for the conveyed facility may be used by the Secretary for the purposes of subsection (a).''.

SEC. 2809. ONE-YEAR EXTENSION OF TEMPORARY, LIMITED AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.

Section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723) is amended—

(1) in subsections (a) and (d), by striking ''fiscal year 2004'' both places it appears and inserting ''fiscal years 2004 and 2005''; and

(2) in subsection (c)(1), by striking ''in fiscal year 2004'' and inserting ''in a fiscal year''.

SEC. 2810. CONSIDERATION OF COMBINATION OF MILITARY MEDICAL TREATMENT FACILITIES AND HEALTH CARE FACILITIES OF DEPARTMENT OF VETERANS AFFAIRS.

(a) DEPARTMENT OF DEFENSE CONSIDERATION OF JOINT CONSTRUCTION.—(1) Subchapter I of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2816. Consideration of joint construction and use of military medical treatment facilities and health care facilities of the Department of Veterans Affairs

''In the case of the budget submitted under section 1105 of title 31 for any fiscal

year, the Secretary of Defense shall include in the budget justification materials submitted to Congress in support of the budget a certification that, in evaluating for inclusion in the budget for that fiscal year any military construction project for construction in the United States (or a territory or possession of the United States) of a new military medical treatment facility, the Secretary, after consulting with the Secretary of Veterans Affairs, evaluated the feasibility of carrying out the project so as to establish with the Department of Veterans Affairs a joint medical facility that—

''(1) could serve as a facility for health resources sharing between the Department of Defense and the Department of Veterans Affairs; and

''(2) would be no more costly to each Department to construct and operate than separate facilities for each Department.''.

(2) The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''2816. Consideration of joint construction and use of military medical treatment facilities and health care facilities of the Department of Veterans Affairs.''.

(b) DEPARTMENT OF VETERANS AFFAIRS CONSIDERATION OF JOINT CONSTRUCTION.—Section 8104(b) of title 38, United States Code, is amended by adding at the end the following new paragraph:

''(9) In the case of a prospectus proposing the construction of a new or replacement medical facility, the Secretary's certification that the Secretary, after consulting with the Secretary of Defense, evaluated the feasibility of carrying out the project so as to establish with the Department of Defense a joint medical facility that—

''(A) could serve as a facility for health resources sharing between the Department of Defense and the Department of Veterans Affairs; and

''(B) would be no more costly to each Department to construct and operate than separate facilities for each Department.''.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. INCREASE IN CERTAIN THRESHOLDS FOR REPORTING REAL PROPERTY TRANSACTIONS.

(a) GENERAL NOTICE AND WAIT THRESHOLD.—Subsection (a) of section 2662 of title 10, United States Code, is amended by striking ''$750,000'' each place it appears and inserting ''$1,500,000''.

(b) ANNUAL REPORT ON MINOR TRANSACTIONS THRESHOLD.—Subsection (b) of such section is amended by striking ''subsection (a) that involve an estimated value of more than $250,000, but not more than $750,000'' and inserting ''such subsection that involve an estimated value of more than $500,000, but not more than the amount specified in such subsection''.

(c) NOTICE AND WAIT THRESHOLD FOR CERTAIN GSA LEASES.—Subsection (e) of such section is amended by striking ''$750,000'' and inserting ''$1,500,000''.

(d) THRESHOLD FOR ACQUISITION OF LOW-COST INTERESTS IN LAND.—Subsection (a) of section 2672 of such title is amended to read as follows:

''(a) ACQUISITION AUTHORITY.—The Secretary of a military department may acquire any interest in land that—

''(1) the Secretary determines is needed in the interest of national defense; and

''(2) does not cost more than $1,500,000, exclusive of administrative costs and the amounts of any deficiency judgments.''.

(e) TREATMENT MULTIPLE PARCELS UNDER LOW-COST ACQUISITION AUTHORITY.—Subsection (b) of such section is amended to read as follows:

''(b) TREATMENT OF MULTIPLE PARCELS.—This section does not authorize the acquisition, as a part of the same project, of more than one parcel of land unless—

''(1) the parcels are noncontiguous; or

''(2) if contiguous, the total cost for the acquisition of all of the contiguous parcels does not cost more than the amount specified in subsection (a)(2).''.

SEC. 2812. REORGANIZATION OF EXISTING ADMINISTRATIVE PROVISIONS RELATING TO REAL PROPERTY TRANSACTIONS.

(a) LIMITATION ON COMMISSIONS.—(1) Section 2661 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) COMMISSIONS ON LAND PURCHASE CONTRACTS.—The maximum amount payable as a commission on a contract for the purchase of land from funds appropriated for the Department of Defense is two percent of the purchase price.''.

(2) Section 2666 of such title is repealed.

(b) REPEAL OF OBSOLETE AUTHORITY TO ACQUIRE LAND FOR TIMBER PRODUCTION.—Section 2664 of such title is repealed.

(c) AVAILABILITY OF FUNDS FOR ACQUISITION OF CERTAIN INTERESTS IN REAL PROPERTY.—(1) Section 2672 of such title is amended by adding at the end the following new subsection:

''(d) AVAILABILITY OF FUNDS.—Appropriations available to the Department of Defense for operation and maintenance or construction may be used for the acquisition of land or interests in land under this section.''.

(2) Section 2673 of such title is repealed.

(3) Section 2675 of such title is amended—

(A) by inserting before ''The Secretary'' the following ''(a) LEASE AUTHORITY; DURATION.—''; and

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

''(b) AVAILABILITY OF FUNDS.—Appropriations available to the Department of Defense for operation and maintenance or construction may be used for the acquisition of interests in land under this section.''.

(d) STYLISTIC AND CLERICAL AMENDMENTS.—(1) Section 2661 of such title is further amended—

(A) in subsection (a), by inserting ''AVAILABILITY OF OPERATION AND MAINTENANCE FUNDS.—'' after ''(a)'' ; and

(B) in subsection (b), by inserting ''LEASING AND ROAD MAINTENANCE AUTHORITY.—'' after ''(b)''.

(2) The table of sections at the beginning of chapter 159 of such title is amended by striking the items relating to sections 2664, 2666, and 2673.

SEC. 2813. TREATMENT OF MONEY RENTALS FROM GOLF COURSE AT ROCK ISLAND ARSENAL, ILLINOIS.

(a) SUPPORT OF MWR ACTIVITIES.—Section 2667(d) of title 10, United States Code, is amended—

(1) in paragraph (1)(B)—

(A) by redesignating clause (ii) as clause (iii); and

(B) by inserting after clause (i) the following new clause:

''(ii) Money rentals deposited in a nonappropriated morale, welfare, and recreation account under paragraph (3).''; and

(2) by inserting after paragraph (2) the following new paragraph:

''(3) The Secretary of the Army may deposit up to 50 percent of the money rentals received by the United States from a lease involving the golf course at Rock Island Arsenal, Illinois, in the nonappropriated morale, welfare, and recreation account for that installation, to be used for quality-of-life programs at that installation.''.

(b) EFFECTIVE DATE.—Paragraph (3) of section 2667(d) of title 10, United States Code, as added by subsection (a), shall apply to money rentals referred to in such paragraph received by the United States after September 30, 2004.

SEC. 2814. NUMBER OF CONTRACTS AUTHORIZED DEPARTMENT-WIDE UNDER DEMONSTRATION PROGRAM ON REDUCTION IN LONG-TERM FACILITY MAINTENANCE COSTS.

Section 2814 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 10 U.S.C. 2809 note) is amended—

(1) in subsection (a), by striking ''or the Secretary of a military department'' and inserting ''and the Secretaries of the military departments'';

(2) in subsection (b)(1), by striking ''12 contracts per military department'' and inserting ''36 contracts''; and

(3) in subsection (b)(2), by striking ''the date of the enactment of the Bob Stump National Defense Authorization Act for Fiscal Year 2003'' and inserting ''December 2, 2002''.

SEC. 2815. REPEAL OF COMMISSION ON REVIEW OF OVERSEAS MILITARY FACILITY STRUCTURE OF THE UNITED STATES.

Section 128 of the Military Construction Appropriations Act, 2004 (Public Law 108–132; 117 Stat. 1382; 10 U.S.C. 111 note), is repealed.

SEC. 2816. DESIGNATION OF AIRMEN LEADERSHIP SCHOOL AT LUKE AIR FORCE BASE, ARIZONA, IN HONOR OF JOHN J. RHODES, A FORMER MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES.

The Airmen Leadership School at Luke Air Force Base, Arizona, building 156, shall be known and designated as the ''John J. Rhodes Airmen Leadership School''. Any reference to such facility in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the John J. Rhodes Airmen Leadership School.

SEC. 2817. ELIMINATION OF REVERSIONARY INTERESTS CLOUDING UNITED STATES TITLE TO PROPERTY USED AS NAVY HOMEPORTS.

(a) AUTHORITY TO ACQUIRE COMPLETE TITLE.—If real property owned by the United States and used as a Navy homeport is subject to a reversionary interest of any kind, the Secretary of the Navy may enter into an agreement with the holder of the reversionary interest to acquire the reversionary interest and thereby secure for the United States all right, title, and interest in and to the property.

(b) CONSIDERATION.—(1) As consideration for the acquisition of a reversionary interest under subsection (a), the Secretary shall provide the holder of the reversionary interest with in-kind consideration, to be determined pursuant to negotiations between the Secretary and the holder of the reversionary interest. In determining the type and value of any in-kind consideration to be provided for the acquisition of a reversionary interest under subsection (a), the Secretary shall take into account the nature of the reversionary interest, including whether it would require the holder of the reversionary interest to pay for any improvements acquired by the holder as part of the reversion of the real property, and the long-term use and ultimate disposition of the real property if the United States were to acquire all right, title, and interest in and to the real property subject to the reversionary interest.

(2) Cash payments are not authorized as consideration for the acquisition of reversionary interests under subsection (a).

SEC. 2818. REPORT ON FEASIBILITY OF VETERANS MEMORIAL AT MARINE CORPS AIR STATION, EL TORO, CALIFORNIA.

Not later than 30 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to Congress a report on whether the City of Irvine's anticipated

future uses of the former MCAS El Toro property would permit the establishment and maintenance of a veterans memorial at no cost to the Federal Government.

Subtitle C—Base Closure and Realignment

SEC. 2821. TWO-YEAR POSTPONEMENT OF 2005 BASE CLOSURE AND REALIGNMENT ROUND AND SUBMISSION OF REPORTS REGARDING FUTURE INFRASTRUCTURE REQUIREMENTS FOR THE ARMED FORCES.

(a) TWO-YEAR POSTPONEMENT IN SUBMITTAL OF BASE CLOSURE AND REALIGNMENT RECOMMENDATIONS.—Section 2914 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as added by section 3003 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1345), is amended—

(1) in the section heading, by striking ''2005'' and inserting ''2007''; and

(2) in subsection (a), by striking ''May 16, 2005,'' and inserting ''May 16, 2007,''.

(b) COMMISSION REVIEW AND RECOMMENDATIONS.—Subsection (d) of section 2914 of the Defense Base Closure and Realignment Act of 1990 is amended—

(1) in paragraphs (1) and (2), by striking ''September 8, 2005'' both places it appears and inserting ''September 8, 2007''; and

(2) in paragraph (6)—

(A) by striking ''in 2005'' and inserting ''under this section''; and

(B) by striking ''July 1, 2005'' and inserting ''July 1, 2007''.

(c) REVIEW BY PRESIDENT AND TRANSMITTAL TO CONGRESS.—Subsection (e) of section 2914 of the Defense Base Closure and Realignment Act of 1990 is amended—

(1) in paragraph (1)—

(A) by striking ''in 2005'' and inserting ''under this section''; and

(B) by striking ''September 23, 2005'' and inserting ''September 23, 2007'';

(2) in paragraph (2), by striking ''October 20, 2005'' and inserting ''October 20, 2007''; and

(3) in paragraph (3)—

(A) by striking ''November 7, 2005'' and inserting ''November 7, 2007''; and

(B) by striking ''in 2005'' and inserting ''in 2007''.

(d) NEW FORCE STRUCTURE PLAN AND INFRASTRUCTURE INVENTORY; RECERTIFICATION OF NEED FOR ADDITIONAL ROUND.—Section 2912 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as added by section 3001 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1342), is amended—

(1) in the section heading, by striking ''2005'' and inserting ''2007'';

(2) by striking ''fiscal year 2005'' each place it appears and inserting ''fiscal year 2007'';

(3) in subsection (b)(1), by inserting ''for fiscal year 2007'' after ''subsection (a)'';

(4) in subsections (b)(2) and (d), by striking ''in 2005'' each place it appears and inserting ''under section 2914'';

(5) in subsection (d), by striking ''March 15, 2005'' both places it appears and inserting ''March 15, 2007'';

(6) in subsection (d)(4), by striking ''calendar year 2005 and shall terminate on April 15, 2006'' and inserting ''calendar year 2007 and shall terminate on April 15, 2008''; and

(7) in subsection (d)(5), by striking ''second session of the 108th Congress for the activities of the Commission in 2005'' and inserting ''second session of the 109th Congress for the activities of the Commission under section 2914''.

(e) INFRASTRUCTURE-RELATED REPORTING REQUIREMENTS; TERMINATION OF BASE CLOSURE ROUND.—Section 2912 of the Defense Base Closure and Realignment Act of 1990 is further amended by adding at the end the following new subsection:

''(e) INFRASTRUCTURE-RELATED REPORTS.—

''(1) REQUIRED REPORTS.—The Secretary shall prepare the following reports related to infrastructure requirements for the Armed Forces:

''(A) A report containing the Integrated Global Presence and Basing Strategy of the Department of Defense, including the location of long-term overseas installations, installations to be used for rotational purposes, and forward operating locations, anticipated rotational plans and policies, and domestic and overseas infrastructure requirements associated with the strategy.

''(B) A report describing the anticipated infrastructure requirements associated with the probable end-strength levels and major military force units (including land force divisions, carrier and other major combatant vessels, air wings, and other comparable units) for each of the Armed Forces resulting from force transformation.

''(C) A report describing the anticipated infrastructure requirements related to expected changes in the active component versus reserve component personnel mix of the Armed Forces.

''(D) A report describing the anticipated infrastructure requirements associated with the so-called '10–30–30 objective' of the Secretary to ensure that military forces are capable of deployment overseas within 10 days in sufficient strength to defeat an enemy within 30 days and be ready for redeployment within 30 days after the end of combat operations.

''(E) A report containing the results of a complete reassessment of the infrastructure necessary to support the force structure described in the force-structure plan prepared under paragraph (1) of subsection (a) and describing any resulting excess infrastructure and infrastructure capacity, which were previously required by paragraph (2) of such subsection. The reassessment shall be based on actual infrastructure, facility, and space requirements for the Armed Forces rather than a comparative study between 1989 and 2003.

''(F) A report describing the anticipated infrastructure requirements associated with the assessment prepared by the Secretary pursuant to section 2822 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1726), in which Congress required the Secretary to assess the probable threats to national security and determine the potential, prudent, surge requirements for the Armed Forces and military installations to meet those threats.

''(2) TIME FOR SUBMISSION OF REPORTS.—The reports required by paragraph (1) shall be submitted to the congressional defense committees only during the period beginning on January 1, 2006, and ending on March 15, 2006.

''(3) TERMINATION OF ROUND FOR FAILURE TO SUBMIT REPORTS AS REQUIRED.—If the reports required by paragraph (1) are not submitted during the period specified in paragraph (2), the process for the making of recommendations to the Congress for the closure or realignment of military installations and the selection of installations for closure or realignment under this part in 2007 shall be terminated.''.

(f) CONFORMING AMENDMENTS.—(1) Section 2904(a)(3) of the Defense Base Closure and Realignment Act of 1990 is amended by striking ''in the 2005 report'' and inserting ''in a report submitted after 2001''.

(2) Section 2906(e) of such Act is amended by striking ''2005'' and inserting ''2007''.

(3) Section 2906A of such Act is amended—

(A) in the section heading, by striking ''2005'' and inserting ''2007''; and

(B) by striking ''2005'' each place it appears and inserting ''2007''.

(4) Section 2909(a) of such Act is amended by striking ''2006'' and inserting ''2008''.

SEC. 2822. ESTABLISHMENT OF SPECIFIC DEADLINE FOR SUBMISSION OF REVISIONS TO FORCE-STRUCTURE PLAN AND INFRASTRUCTURE INVENTORY FOR NEXT BASE CLOSURE ROUND.

Section 2912(a)(4) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by striking ''as part of the budget justification document submitted to Congress for fiscal year 2006.'' and inserting ''not later than March 15 of the year in which the Secretary will submit, consistent with subsection (e) of this section, the list of the military installations inside the United States that the Secretary recommends for closure or realignment. No revision of the force-structure plan or infrastructure inventory is authorized after that March 15 date.''.

SEC. 2823. SPECIFICATION OF FINAL SELECTION CRITERIA FOR NEXT BASE CLOSURE ROUND.

(a) FINDINGS.—Congress finds the following:

(1) Title XXX of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1342) amended the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) to authorize the Secretary of Defense to conduct an additional round of base realignments and closures.

(2) In section 2822 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1726), approved November 24, 2003, Congress required the Secretary of Defense to assess the probable threats to national security and determine the potential, prudent, surge requirements for the Armed Forces and military installations to meet those threats. Such section specifically requires the Secretary of Defense to use the determination of surge requirements in exercising the authority of the Secretary to conduct the next round of base realignments and closures.

(3) Section 2913 of the Defense Base Closure and Realignment Act of 1990, as added by title XXX of the National Defense Authorization Act for Fiscal Year 2002, specified the process by which the Secretary of Defense was to prepare the criteria to be used by the Secretary in making recommendations for the next round of base realignments and closures and listed certain requirements the Secretary had to comply with as part of the process, including the advance publication of the proposed criteria and the solicitation and consideration of public comments.

(4) In subsection (e) of such section, Congress required the Secretary of Defense to publish in the Federal Register and transmit to Congress not later than February 16, 2004, the final criteria intended to be used by the Secretary in making recommendations for the next round of base realignments and closures. Pursuant to such subsection, the Secretary of Defense published the final selection criteria in the Federal Register on February 12, 2004 (69 Fed. Reg. 6948).

(5) In addition to specifically reserving its right to disapprove the final selection criteria, Congress may modify or otherwise amend the criteria by Act of Congress.

(b) CONGRESSIONAL SPECIFICATION OF FINAL BRAC SELECTION CRITERIA.—Section 2913 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as added by section 3002 of the National Defense

Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1344), is amended to read as follows:

"SEC. 2913. FINAL SELECTION CRITERIA FOR ADDITIONAL ROUND OF BASE CLOSURES AND REALIGNMENTS.

''(a) FINAL SELECTION CRITERIA.—The final criteria to be used by the Secretary in making recommendations for the closure or realignment of military installations inside the United States under this part in any additional round of base closures and realignments are as follows:

''(1) The current and future mission requirements and the impact on operational readiness of the total force of the Department of Defense, including the impact on joint warfighting, training, readiness, and research, development, test, and evaluation of weapons systems and equipment.

''(2) The availability and condition of land, facilities, infrastructure, and associated air and water space (including preservation of training areas suitable for maneuver by ground, naval, or air forces throughout a diversity of climate and terrain areas, the preservation of testing ranges able to accommodate current or future military weapons systems and equipment, and the preservation of staging areas for the use of the Armed Forces in homeland defense missions) at both existing and potential receiving locations.

''(3) The ability to accommodate contingency, mobilization, and future total force requirements at both existing and potential receiving locations to support operations, training, maintenance, and repair.

''(4) Preservation of land, air, and water space, facilities, and infrastructure necessary to support training and operations of military forces determined to be surge requirements by the Secretary of Defense, as required by section 2822 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1726).

''(5) The extent and timing of potential costs and savings of base realignment and closure actions on the entire Federal budget, as well as the Department of Defense, including the number of years, beginning with the date of completion of the closure or realignment, for the savings to exceed the costs. Costs shall include those costs related to potential environmental restoration, waste management, and environmental compliance activities.

''(6) The economic impact on existing communities in the vicinity of military installations.

''(7) The ability of the infrastructure of both the existing and potential receiving communities to support forces, missions, and personnel, including quality of living standards for members of the Armed Forces and their dependents.

''(8) The environmental impact on receiving locations.

''(b) PRIORITY GIVEN TO MILITARY VALUE.—In recommending military installations for closure or realignment, the Secretary shall give priority consideration to the first four criteria specified in subsection (a).

''(c) RELATION TO OTHER MATERIALS.—The final selection criteria specified in subsection (a) shall be the only criteria to be used, along with the force-structure plan and infrastructure inventory referred to in section 2912, in making recommendations for the closure or realignment of military installations inside the United States under this part after December 31, 2003.

''(d) RELATION TO CRITERIA FOR EARLIER ROUNDS.—Section 2903(b), and the selection criteria prepared under such section, shall not apply with respect to the process of making recommendations for the closure or realignment of military installations after December 31, 2003.''.

(c) CONFORMING AMENDMENTS.—The Defense Base Closure and Realignment Act of 1990 is amended—

(1) in section 2912(c)(1)(A), by striking ''criteria prepared under section 2913'' and inserting ''criteria specified in section 2913''; and

(2) in section 2914(a), by striking ''criteria prepared by the Secretary under section 2913'' and inserting ''criteria specified in section 2913''.

SEC. 2824. REQUIREMENT FOR UNANIMOUS VOTE OF DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION TO ADD TO OR OTHERWISE EXPAND CLOSURE AND REALIGNMENT RECOMMENDATIONS MADE BY SECRETARY OF DEFENSE.

Section 2914(d) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as added by section 3003 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 155 Stat, 1346) and amended by section 2854 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2728), is amended—

(1) in paragraph (3), by striking ''TO ADD'' and inserting ''TO CONSIDER ADDITIONS''; and

(2) by striking paragraph (5) and inserting the following new paragraph:

''(5) REQUIREMENTS TO EXPAND CLOSURE OR REALIGNMENT RECOMMENDATIONS.—In the report required under section 2903(d)(2)(A) that is to be transmitted under paragraph (1), the Commission may not make a change in the recommendations of the Secretary that would close a military installation not recommended for closure by the Secretary, would realign a military installation not recommended for closure or realignment by the Secretary, or would expand the extent of the realignment of a military installation recommended for realignment by the Secretary unless—

''(A) at least two members of the Commission visit the military installation before the date of the transmittal of the report; and

''(B) the decision of the Commission to make the change to recommend the closure of the military installation, the realignment of the installation, or the expanded realignment of the installation is unanimous.''.

SEC. 2825. ADHERENCE TO CERTAIN AUTHORITIES ON PRESERVATION OF MILITARY DEPOT CAPABILITIES DURING ANY SUBSEQUENT ROUND OF BASE CLOSURES AND REALIGNMENTS.

The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following new section:

"SEC. 2915. ADHERENCE TO CERTAIN AUTHORITIES ON PRESERVATION OF MILITARY DEPOT CAPABILITIES DURING ANY SUBSEQUENT ROUND OF BASE CLOSURES AND REALIGNMENTS.

''(a) ADHERENCE REQUIRED.—(1) Any base closure and realignment actions under section 2914 or subsequent round of base closure and realignment, and any actions to carry out the closure or realignment of military installations as a result of such actions, shall reflect a strict adherence to the provisions of title 10, United States Code, for the maintenance of government-owned, government-operated depot-level maintenance, repair, and logistics capabilities within the Department of Defense, including the provisions of chapter 146 of such title and other applicable provisions.

''(2) No action to carry out the closure or realignment of military installations in any base closures and realignments under this part after the date of the enactment of this section may include a waiver authorized by paragraph (2) or (3) of section 2464(b) or section 2466(b) of title 10, United States Code.

''(b) BASE CLOSURE AND REALIGNMENT ACTIONS DEFINED.—In this section, the term 'base closure and realignment actions' means the following:

''(1) The preparation by the Secretary of Defense of recommendations on installations for closure or realignment under this part or any subsequent base closure law.

''(2) The review by the Commission of the recommendations referred to in paragraph (1).

''(3) The review by the President of the recommendations referred to in paragraphs (1) and (2).''.

Subtitle D—Land Conveyances

PART I—ARMY CONVEYANCES

SEC. 2831. TRANSFER OF ADMINISTRATIVE JURISDICTION, DEFENSE SUPPLY CENTER, COLUMBUS, OHIO.

(a) TRANSFER REQUIRED.—As soon as practicable after the date of the enactment of this Act, the Secretary of the Army shall transfer, without reimbursement, to the administrative jurisdiction of the Secretary of Veterans Affairs a parcel of real property consisting of approximately 20 acres and comprising a portion of the Defense Supply Center in Columbus, Ohio, for the purpose of permitting the Secretary of Veterans Affairs to use the property as the site for an outpatient clinic.

(b) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary of the Army shall require the Secretary of Veterans Affairs to cover costs to be incurred by the Secretary of the Army, or to reimburse the Secretary of the Army for costs incurred by the Secretary of the Army, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Secretary of Veterans Affairs in advance of the Secretary of the Army incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary of the Army to carry out the conveyance, the Secretary of the Army shall refund the excess amount to the Secretary of Veterans Affairs.

(2) Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary of the Army in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(c) DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal description of the real property to be transferred under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Army.

SEC. 2832. LAND CONVEYANCE, FORT HOOD, TEXAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the Texas A&M University System of the State of Texas (in this section referred to as the ''University System''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 662 acres at Fort Hood, Texas, for the sole purpose of permitting the University System to establish on the property an upper level (junior, senior and graduate) university that will be State-supported, separate from other universities of the University System, and designated as Texas A&M University, Central Texas.

(b) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a), the University System shall pay to the United States an amount equal to the fair market value of the conveyed property, as determined pursuant to an appraisal acceptable to the Secretary.

(2) In lieu of all or a portion of the cash consideration required by paragraph (1), the Secretary may accept in-kind consideration, including the conveyance by the University System of real property acceptable to the Secretary.

(c) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the Secretary determine that the conveyance of the property and the establishment of a university on the property will not adversely impact the operation of Robert Grey Army Airfield, which is located on Fort Hood approximately one mile from the property authorized for conveyance.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the University System.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2833. LAND CONVEYANCE, ARMY NATIONAL GUARD FACILITY, SEATTLE, WASHINGTON.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the State of Washington (in this section referred to as the ''State'') all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 9.747 acres in Seattle, Washington, and comprising a portion of the National Guard Facility, Pier 91, for the purpose of permitting the State to convey the facility unencumbered for economic development purposes.

(b) ADMINISTRATIVE EXPENSES.—(1) The State shall reimburse the Secretary for the administrative expenses incurred by the Secretary in carrying out the conveyance under subsection (a), including expenses related to surveys and legal descriptions, boundary monumentation, environmental surveys, necessary documentation, travel, and deed preparation.

(2) Section 2695(c) of title 10, United States Code, shall apply to any amounts received by the Secretary as reimbursement under this subsection.

(c) EXEMPTION FROM FEDERAL SCREENING.—The conveyance authorized by subsection (a) is exempt from the requirement to screen the property for other Federal use pursuant to sections 2693 and 2696 of title 10, United States Code.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the United States, subject to the requirement for reimbursement under subsection (b).

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2834. MODIFICATION OF LAND EXCHANGE AND CONSOLIDATION, FORT LEWIS, WASHINGTON.

(a) PROPERTY TO BE TRANSFERRED TO SECRETARY OF THE INTERIOR IN TRUST.—Subsection (a)(1) of section 2837 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1315) is amended—

(1) by striking ''may convey to'' and inserting ''may transfer to the Secretary of the Interior, in trust for''; and

(2) by striking ''Washington, in'' and all that follows through the period and inserting ''Washington. The Secretary of the Army may make the transfer under the preceding sentence, and the Secretary of the Interior may accept the property transferred in trust for the Nisqually Tribe under the preceding sentence, only in conjunction with the conveyance described in subsection (b)(2).''.

(b) INCREASE IN ACREAGE TO BE TRANSFERRED.—Such subsection is further amended by striking ''138 acres'' and inserting ''168 acres''.

(c) QUALIFICATION ON PROPERTY TO BE TRANSFERRED.—Subsection (a)(2) of such section is amended—

(1) by striking ''conveyance'' and inserting ''transfer''; and

(2) by striking ''or the right of way described in subsection (c)'' and inserting ''located on the real property transferred under that paragraph''.

(d) CONSIDERATION.—Subsection (b) of such section is amended—

(1) in the matter preceding paragraph (1), by striking ''conveyance'' and inserting ''transfer''; and

(2) in paragraph (2), by striking ''fee title over the acquired property to the Secretary'' and inserting ''to the United States fee title to the property acquired under paragraph (1), free from all liens, encumbrances or other interests other than those, if any, acceptable to the Secretary of the Army''.

(e) TREATMENT OF EXISTING PERMIT RIGHTS; GRANT OF EASEMENT.—Such section is further amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following new subsection:

''(d) TREATMENT OF EXISTING PERMIT RIGHTS; GRANT OF EASEMENT.—(1) The transfer under subsection (a) recognizes and preserves to the Bonneville Power Administration, in perpetuity and without the right of revocation except as provided in paragraph (2), rights in existence at the time of the conveyance under the permit dated February 4, 1949, as amended January 4, 1952, between the Department of the Army and the Bonneville Power Administration with respect to any portion of the property transferred under subsection (a) upon which the Bonneville Power Administration retains transmission facilities. The rights recognized and preserved include the right to upgrade those transmission facilities.

''(2) The permit rights recognized and preserved under paragraph (1) shall terminate only upon the Bonneville Power Administration's relocation of the transmission facilities referred to in paragraph (1), and then only with respect to that portion of those transmission facilities that are relocated.

''(3) The Secretary of the Interior, as trustee for the Nisqually Tribe, shall grant to the Bonneville Power Administration, without consideration and subject to the same rights recognized and preserved in paragraph (1), such additional easements across the property transferred under subsection (a) as the Bonneville Power Administration considers necessary to accommodate the relocation or reconnection of Bonneville Power Administration transmission facilities from property owned by the Tribe and held by the Secretary of the Interior in trust for the Tribe.''.

(f) CONFORMING AMENDMENTS.—(1) Subsection (c) of such section is amended by inserting ''of the Army'' after ''Secretary''.

(2) Subsection (e) of such section (as redesignated by subsection (e)(1)) is amended—

(A) by striking ''conveyed'' and inserting ''transferred'';

(B) by inserting ''of the Army'' after ''Secretary''; and

(C) by striking ''the recipient of the property being surveyed'' and inserting ''the Tribe, in the case of the transfer under subsection (a), and the Secretary of the Army, in the case of the acquisition under subsection (b)''.

(3) Subsection (f) of such section (as redesignated by subsection (e)(1)) is amended—

(A) by inserting ''of the Army'' after ''Secretary'' both place it appears; and

(B) by striking ''conveyances under this section'' and inserting ''transfer under subsection (a) and conveyances under subsections (b)(2) and (c)''.

PART II—NAVY CONVEYANCES

SEC. 2841. TRANSFER OF JURISDICTION, NEBRASKA AVENUE NAVAL COMPLEX, DISTRICT OF COLUMBIA.

(a) TRANSFER REQUIRED.—Except as provided in subsection (b), the Secretary of the Navy shall transfer to the administrative jurisdiction of the Administrator of General Services the parcel of Department of the Navy real property in the District of Columbia known as the Nebraska Avenue Complex for the purpose of permitting the Administrator to use the Complex to accommodate the Department of Homeland Security. The Complex shall be transferred in its existing condition.

(b) AUTHORITY TO RETAIN MILITARY FAMILY HOUSING.—At the option of the Secretary of the Navy, the Secretary may retain administrative jurisdiction over that portion of the Complex that, as of the date of the enactment of this Act, is being used to provide Navy family housing.

(c) TIME FOR TRANSFER.—Not later than January 1, 2005, the Secretary of the Navy shall complete the transfer of administrative jurisdiction over the portion of the Complex required to be transferred under subsection (a).

(d) RELOCATION OF NAVY ACTIVITIES.—As part of the transfer of the Complex under subsection (a), the Secretary of the Navy shall relocate Department of the Navy activities at the Complex to other locations.

(e) PAYMENT OF INITIAL RELOCATION COSTS.—Subject to the availability of appropriations for this purpose, the Secretary of the Department of Homeland Security shall be responsible for the payment of—

(1) all reasonable costs, including costs to move furnishings and equipment, related to the initial relocation of Department of the Navy activities from the Complex under subsection (d); and

(2) all reasonable costs incident to the initial occupancy by such activities of interim leased space, including rental costs for the first year.

(f) PAYMENT OF LONG-TERM RELOCATION COSTS.—

(1) SENSE OF CONGRESS REGARDING PAYMENT.—It is the sense of the Congress that the Secretary of the Navy should receive, from Federal agencies other than the Department of Defense, funds authorized and appropriated for the purpose of covering all reasonable costs, not paid under subsection (e), that are incurred or will be incurred by the Secretary to permanently relocate Department of the Navy activities from the Complex under subsection (d).

(2) SUBMISSION OF COST ESTIMATES.—As soon as practicable after the date of the enactment of this Act , the Secretary of the Navy shall submit to the Director of the Office of Management and Budget and the Congress an initial estimate of the amounts that will be necessary to cover the costs to permanently relocate Department of the Navy activities from the portion of the Complex to be transferred under subsection (a). The Secretary shall include in the estimate anticipated land acquisition and construction

costs. The Secretary shall revise the estimate as necessary whenever information regarding the actual costs for the relocation is obtained.

(g) TREATMENT OF FUNDS.—(1) Funds received by the Secretary of the Navy, from sources outside the Department of Defense, to relocate Department of the Navy activities from the Complex shall be used to pay the costs incurred by the Secretary to permanently relocate Department of the Navy activities from the Complex. A military construction project carried out using such funds is deemed to be an authorized military construction project for purposes of section 2802 of title 10, United States Code. Section 2822 of such title shall continue to apply to any military family housing unit proposed to be constructed or acquired using such funds.

(2) When a decision is made to carry out a military construction project using such funds, the Secretary of the Navy shall notify Congress in writing of that decision, including the justification for the project and the current estimate of the cost of the project. The project may then be carried out only after the end of the 21-day period beginning on the date the notification is received by Congress or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of title 10, United States Code.

(h) EFFECT OF FAILURE TO RECEIVE SUFFICIENT FUNDS FOR RELOCATION COSTS.—

(1) CONGRESSIONAL NOTIFICATION.—At the end of the three-year period beginning on the date of the transfer of the Complex under subsection (a), the Secretary of the Navy shall submit to Congress a report—

(A) specifying the total amount needed to cover both the initial and permanent costs of relocating Department of the Navy activities from the portion of the Complex transferred under subsection (a);

(B) specifying the total amount of the initial relocation costs paid by the Secretary of the Department of Homeland Security under subsection (e); and

(C) specifying the total amount of appropriated funds received by the Secretary of the Navy, from sources outside the Department of Defense, to cover the permanent relocation costs.

(2) ROLE OF OMB.—The Secretary of the Navy shall obtain the assistance and concurrence of the Director of the Office of Management and Budget in determining the total amount needed to cover both the initial and permanent costs of relocating Department of the Navy activities from the portion of the Complex transferred under subsection (a), as required by paragraph (1)(A).

(3) CERTIFICATION REGARDING RELOCATION COSTS.—Not later than 30 days after the date on which the report under paragraph (1) is required to be submitted to Congress, the President shall certify to Congress whether the amounts specified in the report pursuant to subparagraphs (B) and (C) of such paragraph are sufficient to cover both the initial and permanent costs of relocating Department of the Navy activities from the portion of the Complex transferred under subsection (a). The President shall make this certification only after consultation with the Chairman and ranking minority member of the Committee on Armed Services and the Committee on Appropriations of the House of Representatives and the Chairman and ranking minority member of the Committee on Armed Services and the Committee on Appropriations of the Senate.

(4) RESTORATION OF COMPLEX TO NAVY.—If the President certifies under paragraph (3) that amounts referred to in subparagraphs (B) and (C) of paragraph (1) are insufficient to cover Navy relocation costs, the Administrator of General Services, at the request of the Secretary of the Navy, shall restore the Complex to the administrative jurisdiction of the Secretary of the Navy.

(5) NAVY SALE OF COMPLEX.—If administrative jurisdiction over the Complex is restored to the Secretary of the Navy, the Secretary shall convey the Complex by competitive sale. Amounts received by the United States as consideration from any sale under this paragraph shall be deposited in the special account in the Treasury established pursuant to section 572(b) of title 40, United States Code.

SEC. 2842. LAND CONVEYANCE, NAVY PROPERTY, FORMER FORT SHERIDAN, ILLINOIS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without consideration, to the State of Illinois, a political subdivision of the State, or a nonprofit land conservation organization (in this section collectively referred to as the ''grantee''), all right, title, and interest of the United States in and to certain environmentally sensitive land at the former Fort Sheridan, Illinois, consisting of mostly bluffs and ravines, for the purpose of ensuring the permanent protection of the lands.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used or maintained in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to all or any portion of the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) RECONVEYANCE AUTHORIZED.—The Secretary may permit the grantee to convey the real property conveyed under subsection (a) to another eligible entity described in such subsection, subject to the same covenants and terms and conditions as provided in the deed from the United States.

(d) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary shall require the grantee to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the grantee in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the grantee.

(2) Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) EXEMPTION FROM FEDERAL SCREENING.—The conveyance authorized by subsection (a) is exempt from the requirement to screen the property for other Federal use pursuant to sections 2693 and 2696 of title 10, United States Code.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

(h) USE OF ALTERNATE CONVEYANCE AUTHORITY.—In lieu of using the authority provided by this section to convey the real property described in subsection (a), the Secretary may elect to include the property in a conveyance authorized by section 2878 of title 10, United States Code, subject to such terms, reservations, restrictions, and conditions as may be necessary to ensure the permanent protection of the property, if the Secretary determines that a conveyance under such section is advantageous to the interests of the United States.

SEC. 2843. LAND EXCHANGE, NAVAL AIR STATION, PATUXENT RIVER, MARYLAND.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the State of Maryland (in this section referred to as ''State''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately five acres at Naval Air Station, Patuxent River, Maryland, and containing the Point Lookout Lighthouse, other structures related to the lighthouse, and an archaeological site pertaining to the military hospital that was located on the property during the Civil War. The conveyance shall include artifacts pertaining to the military hospital recovered by the Navy and held at the installation.

(b) PROPERTY RECEIVED IN EXCHANGE.—As consideration for the conveyance of the real property under subsection (a), the State shall convey to the United States a parcel of real property consisting of approximately five acres located in Point Lookout State Park, St. Mary's County, Maryland.

(c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary may require the State to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, relocation expenses incurred under subsection (b), and other administrative costs related to the conveyance. If amounts are collected from the State in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to State.

(2) Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the properties to be conveyed under this section shall be determined by surveys satisfactory to the Secretary.

(e) EXEMPTION FROM FEDERAL SCREENING.—The conveyance authorized by subsection (a) is exempt from the requirement to screen the property for other Federal use pursuant to sections 2693 and 2696 of title 10, United States Code.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

PART III—AIR FORCE CONVEYANCES

SEC. 2851. LAND EXCHANGE, MAXWELL AIR FORCE BASE, ALABAMA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to the

City of Montgomery, Alabama (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of all of the Maxwell Heights Housing site at Maxwell Air Force Base, Alabama.

(b) CONSIDERATION.—(1) As consideration for the conveyance of the real property under subsection (a), the City shall convey to the United States a parcel of real property, including improvements thereon, consisting of approximately 35 acres designated as project AL 6–4 that is owned by the City and is contiguous to Maxwell Air Force Base. The Secretary shall have jurisdiction over the real property received under this paragraph.

(2) If the fair market value of the real property received under paragraph (1) is less than the fair market value of the real property conveyed under subsection (a), the Secretary may require the City to make up the difference through the payment of cash, the provision of in-kind consideration, or a combination thereof, to be determined pursuant to negotiations between the Secretary and the City.

(3) The fair market values of the real property to be exchanged under this section shall be determined by appraisals acceptable to the Secretary and the City.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under this section shall be determined by surveys satisfactory to the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2005 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $9,047,700,000, to be allocated as follows:

(1) For weapons activities, $6,577,953,000.

(2) For defense nuclear nonproliferation activities, $1,338,147,000.

(3) For naval reactors, $797,900,000.

(4) For the Office of the Administrator for Nuclear Security, $333,700,000.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out, for weapons activities, the following new plant projects:

Project 05–D–140, project engineering and design, various locations, $11,600,000.

Project 05–D–160, facilities and infrastructure recapitalization program, project engineering and design, various locations, $8,700,000.

Project 05–D–170, project engineering and design, safeguards and security, various locations, $17,000,000.

Project 05–D–401, production bays upgrade, Pantex Plant, Amarillo, Texas, $25,100,000.

Project 05–D–402, beryllium capability project, Y–12 national security complex, Oak Ridge, Tennessee, $3,627,000.

Project 05–D–601, compressed air upgrades project, Y–12 national security complex, Oak Ridge, Tennessee, $4,400,000.

Project 05–D–602, power grid infrastructure upgrade, Los Alamos National Laboratory, Los Alamos, New Mexico, $10,000,000.

Project 05–D–603, new master substation, Sandia National Laboratories, Albuquerque, New Mexico, $600,000.

Project 05–D–701, security perimeter, Los Alamos National Laboratory, Los Alamos, New Mexico, $20,000,000.

SEC. 3102. DEFENSE ENVIRONMENTAL MANAGEMENT.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2005 for environmental management activities in carrying out programs necessary for national security in the amount of $6,863,307,000, to be allocated as follows:

(1) For defense site acceleration completion, $5,876,837,000.

(2) For defense environmental services, $986,470,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2005 for other defense activities in carrying out programs necessary for national security in the amount of $658,618,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2005 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $131,000,000.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. EXTENSION OF AUTHORITY FOR APPOINTMENT OF CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL.

Section 4601 of the Atomic Energy Defense Act (50 U.S.C. 2701) is amended by striking ''September 30, 2004'' and inserting ''September 30, 2006''.

SEC. 3112. REQUIREMENTS FOR BASELINE OF PROJECTS UNDER FACILITIES AND INFRASTRUCTURE RECAPITALIZATION PROGRAM.

Subsection (a) of section 3114 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1744; 50 U.S.C. 2453 note) is amended—

(1) in paragraph (1) by inserting ''of a baseline'' after ''selection''; and

(2) by amending paragraph (2) to read as follows:

''(2)(A) After December 31, 2004, a project may be added to or removed from the Facilities and Infrastructure Recapitalization Program only after the Administrator submits to the congressional defense committees a notice that the Administrator has identified such project for addition or removal and has approved such addition or removal as a modification to the baseline for that program.

''(B) The Administrator may not obligate funds for any project added under subparagraph (A) until a period of 60 days has elapsed after the date on which such committees receive the notice under subparagraph (A) with respect to that project.

''(C) The authority of the Administrator to identify and approve under subparagraph (A) may not be delegated.''.

Subtitle C—Other Matters

SEC. 3131. TRANSFERS AND REPROGRAMMINGS OF NATIONAL NUCLEAR SECURITY ADMINISTRATION FUNDS.

Section 3252 of the National Nuclear Security Administration Act (50 U.S.C. 2452) is amended by adding at the end the following new subsection:

''(d) TRANSFER AND REPROGRAMMING PROCESS.—(1) The Administrator shall have sole jurisdiction within the Department of Energy to submit to Congress or the appropriate congressional committees a notice of, or request for, a transfer or reprogramming of funds of the Administration.

''(2) The functions of the Chief Financial Officer of the Department of Energy shall not apply to a notice or request described in paragraph (1), except to certify whether the funds covered by such notice or request are available.''.

SEC. 3132. NATIONAL ACADEMY OF SCIENCES STUDY ON MANAGEMENT BY DEPARTMENT OF ENERGY OF HIGH-LEVEL RADIOACTIVE WASTE.

(a) REVIEW REQUIRED.—The Secretary of Energy shall enter into an arrangement with the National Research Council of the National Academy of Sciences to carry out a study of the plans of the Department of Energy to manage the waste streams specified in subsection (b) that are not currently planned for disposal in a high-level repository.

(b) COVERED WASTE STREAMS.—The waste streams referred to in subsection (a) are the streams of high-level radioactive waste at—

(1) the Savannah River Site, South Carolina;

(2) the Idaho National Engineering Laboratory, Idaho; and

(3) the Hanford Reservation, Washington.

(c) MATTERS INCLUDED.—The study required by subsection (a) shall evaluate—

(1) the physical, chemical, and radiological characteristics of the waste referred to in subsection (b), including specifically the waste proposed to be left indefinitely in storage tanks;

(2) the probability that such waste, if left indefinitely in storage tanks, will leak into the environment and the range of potential dangers such leakage would represent;

(3) the plans of the Department for the disposal of the high-level radioactive waste that the Department had planned, before certain litigation in Federal district court in 2003 on ''Waste Incidental to Reprocessing'', to reclassify as low-level waste;

(4) treatment and disposal alternatives to the plans referred to in paragraph (3), including, for each such alternative, assessments of the technology approaches and of the implications with respect to cost, worker safety, and long-term environmental and human health;

(5) the adequacy of the plans referred to in subsection (a), including Department of Energy Order No. 435.1, to protect, for the long term, the environment and population surrounding each site referred to in subsection (b); and

(6) any other matters that the National Research Council considers appropriate and directly related to the subject matter of the study.

(d) RECOMMENDATIONS REQUIRED.—In carrying out the study, the National Research Council shall develop recommendations relating to the subject matter of the study. The recommendations shall include—

(1) recommendations for improving the scientific basis for managing the waste covered by the study, including alternative criteria for determining what waste should be managed as ''Waste Incidental to Reprocessing''; and

(2) any other recommendations that the National Research Council considers appropriate and directly related to the subject matter of the study.

(e) REPORTS.—The National Research Council shall submit to the Secretary of Energy and the congressional defense committees—

(1) not later than six months after entering into the arrangement required by subsection (a), an interim report on the study

with respect to the waste proposed to be left indefinitely in storage tanks, including the tentative findings, conclusions, and recommendations with respect to such waste; and

(2) not later than one year after entering into the arrangement required by subsection (a), a final report on the study, including all findings, conclusions, and recommendations.

(f) PROVISION OF INFORMATION.—The Secretary shall make available to the National Research Council all information that the National Research Council considers necessary to carry out, in a timely manner, its responsibilities under this section.

(g) FUNDING.—Of the amounts authorized to be appropriated to the Department of Energy by section 3102, $1,500,000 shall be available only for carrying out the study required by this section.

SEC. 3133. CONTRACT TO REVIEW WASTE ISOLATION PILOT PLANT, NEW MEXICO.

The Secretary of Energy shall enter into a contract to conduct independent reviews and evaluations of the design, construction, and operations of the Waste Isolation Pilot Plant in New Mexico as they relate to the protection of the public health and safety and the environment. The contract shall be for a period of one year and shall be renewable for four additional one-year periods, subject to the authorization and appropriation of funds for such purpose.

SEC. 3134. ADDITIONAL AMOUNT FOR DEFENSE SITE ACCELERATION COMPLETION.

(a) ADDITIONAL AMOUNT.—The amount in section 3102 is hereby increased by $50,000,000, to be available under section 3102(1) for defense site acceleration completion.

(b) OFFSET.—The amount in section 301(4), operation and maintenance, Air Force, is hereby reduced by $50,000,000, to be derived from the transportation capital fund.

SECTION 3135. IMPROVEMENTS TO ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

(a) STATE AGREEMENTS.—Section 3661 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385o) is amended—

(1) in subsection (b) by striking ''Pursuant to agreements under subsection (a), the'' and inserting ''The'';

(2) in subsection (c) by striking ''provided in an agreement under subsection (a), and if''; and

(3) in subsection (e) by striking ''If provided in an agreement under subsection (a)'' and inserting ''If a panel reports a determination under subsection (d)(5)''.

(b) SELECTION OF PANEL MEMBERS.—Section 3661 of that Act (42 U.S.C. 7385o) is further amended in subsection (d) by amending paragraph (2) to read as follows:

''(2) The Secretary of Health and Human Services shall select individuals to serve as panel members based on experience and competency in diagnosing occupational illnesses. For each individual so selected, the Secretary shall appoint that individual as a panel member or obtain by contract the services of that individual as a panel member.''.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2005, $21,268,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. AUTHORIZED USES OF NATIONAL DEFENSE STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2005, the National Defense Stockpile Manager may obligate up to $59,700,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 3302. RELAXATION OF QUANTITY RESTRICTIONS ON DISPOSAL OF MANGANESE FERRO IN NATIONAL DEFENSE STOCKPILE.

Section 3306(a) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1391; 50 U.S.C. 98d note) is amended—

(1) in paragraph (3), by striking ''each of the fiscal years 2004 and 2005'' and inserting ''fiscal year 2004''; and

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

''(4) During fiscal year 2005, 100,000 short tons of high carbon manganese ferro of the highest grade.

SEC. 3303. REVISION OF EARLIER AUTHORITY TO DISPOSE OF CERTAIN MATERIALS IN NATIONAL DEFENSE STOCKPILE.

Section 3303(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 98d note) is amended by striking paragraphs (4) and (5) and inserting the following new paragraphs:

''(4) $785,000,000 by the end of fiscal year 2005; and

''(5) $870,000,000 by the end of fiscal year 2009.''.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated to the Secretary of Energy $20,000,000 for fiscal year 2005 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

TITLE XXXV—MARITIME ADMINISTRATION

SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR MARITIME ADMINISTRATION.

There are authorized to be appropriated to the Secretary of Transportation for the Maritime Administration for fiscal year 2005 (in lieu of amounts authorized for the same purposes by section 3511 of the National Defense Authorization Act for Fiscal Year 2004)—

(1) for expenses necessary for operations and training activities, $109,300,000;

(2) for administrative expenses under the loan guarantee program authorized by title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1271 et seq.), $4,764,000; and

(3) for ship disposal, $35,000,000, of which $2,000,000 shall be for decommissioning, removal, and disposal of the nuclear reactor and hazardous materials on board the vessel SAVANNAH.

SEC. 3502. EXTENSION OF AUTHORITY TO PROVIDE WAR RISK INSURANCE FOR MERCHANT MARINE VESSELS.

(a) EXTENSION.—Section 1214 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1294), is amended by striking ''June 30, 2005'' and inserting ''December 31, 2010''.

(b) INVESTMENT OF ASSETS IN INSURANCE FUND.—Section 1208(a) of such Act (46 U.S.C. App. 1288), is amended by striking the third sentence and inserting the following: ''The Secretary of Transportation may request the Secretary of the Treasury to invest such portion of the Fund as is not, in the judgment of the Secretary of Transportation, required to meet the current needs of the fund. Such investments shall be made by the Secretary of the Treasury in public debt securities of the United States, with maturities suitable to the needs of the fund, and bearing interest rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.''.

TITLE XXXVI—SMALL BUSINESS ADMINISTRATION

SEC. 3601. ADDITION OF LANDSCAPING AND PEST CONTROL SERVICES TO LIST OF DESIGNATED INDUSTRY GROUPS PARTICIPATING IN THE SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM.

(a) IN GENERAL.—Subsection (a) of section 717 of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(5) landscaping and pest control services.''.

(b) LANDSCAPING AND PEST CONTROL SERVICES.—Section 717 of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended—

(1) by redesignating subsection (e) as subsection (f), and

(2) by inserting after subsection (d) the following new subsection:

''(e) LANDSCAPING AND PEST CONTROL SERVICES.—Landscaping and pest control services shall include contract awards assigned to North American Industrial Classification Code 561710 (relating to exterminating and pest control services) or 561730 (relating to landscaping services).''.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. WAXMAN moved to recommit the bill to the Committee on Armed Services with instructions to report the bill back to the House forthwith with the following amendment:

At the end of title X (page 409, after line 13), insert the following new section:

SEC. ____. SENSE OF HOUSE CONCERNING ESTABLISHMENT OF A SELECT COMMITTEE OF THE HOUSE TO INVESTIGATE THE TREATMENT OF DETAINEES HELD IN CONNECTION WITH THE GLOBAL WAR ON TERRORISM.

It is the sense of the House of Representatives—

(1) that there should immediately be established, during the 108th Congress, a select committee of the House to investigate the treatment of detainees (both within and outside the United States) who are held in connection with Operation Iraqi Freedom, Operation Enduring Freedom, or any other operation within the Global War on Terrorism;

(2) that such a select committee should be composed of 10 members, five to be selected by the Speaker and five to be selected by the Democratic leader; and

(3) that such a select committee's investigation should cover, at a minimum, the following:

(A) The treatment of detainees.

(B) The conduct of United States military and civilian personnel operating facilities at which such detainees are held.

(C) The role of any contractor personnel in detention or interrogation activities.

(D) Allegations of abuse at any of those facilities and the response to those allegations by officials at all levels of the United States Government.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. SWEENEY, announced that the nays had it.

Mr. WAXMAN demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 202 / Nays 224

¶54.24 [Roll No. 205]

AYES—202

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—224

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

NOT VOTING—8

Ballance
Burr
Deutsch
Johnson, Sam
Leach
Norwood
Tauzin
Walsh

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. SWEENEY, announced that the yeas had it.

Mr. WAXMAN demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 391 / Nays 34

¶54.25 [Roll No. 206]

AYES—391

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

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

NOES—34

Baldwin
Blumenauer
Capuano
Frank (MA)
Grijalva
Gutierrez
Hinchey
Honda
Jackson (IL)
Kilpatrick
Kucinich
Lee
Lewis (GA)
Markey
McDermott
Miller, George
Nadler
Oberstar
Olver
Owens
Paul
Payne
Rangel
Schakowsky
Serrano
Stark
Towns
Velázquez
Waters
Watson
Watt
Weiner
Woolsey
Wu

NOT VOTING—9

Ballance
Burr
Conyers
Deutsch
Johnson, Sam
Leach
Norwood
Tauzin
Walsh

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

By unanimous consent, the title was amended so as to read: ''An Act to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.''.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶54.26 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. HUNTER, by unanimous consent,

Ordered, That in the engrossment of the foregoing bill the Clerk be authorized to correct section numbers, punctuation, cross references, and the table of contents, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

¶54.27 TAIWAN IN WORLD HEALTH ORGANIZATION

On motion of Mr. DELAY, by unanimous consent, the bill of the Senate (S. 2092) to address the participation of Taiwan in the World Health Organization; was taken from the Speaker's table.

When said bill was considered, read twice, ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶54.28 ADJOURNMENT OF THE TWO HOUSES

Mr. DELAY, submitted the following privileged concurrent resolution (H. Con. Res. 432):

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, May 20, 2004, or Friday, May 21, 2004, it stand adjourned until 2 p.m. on Tuesday, June 1, 2004, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, May 20, 2004, Friday, May 21, 2004, or Saturday, May 22, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, June 1, 2004, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

When said concurrent resolution was considered.

The question being put, viva voce,

Will the House agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. SWEENEY, announced that the yeas had it.

Mr. HINCHEY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 222 / Nays 193

¶54.29 [Roll No. 207]

YEAS—222

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

NAYS—193

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Dooley (CA)

Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOT VOTING—19

Ballance
Burr
Capito
DeMint
Deutsch
English
Greenwood
Johnson, Sam
Jones (OH)
Kaptur
Leach
Maloney
Norwood
Owens
Oxley
Tancredo
Tauzin
Walsh
Weldon (PA)

So the concurrent resolution was agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶54.30 CHILD CREDIT PRESERVATION AND EXPANSION

Mr. CAMP, pursuant to House Resolution 644, called up the bill (H.R. 4359) to amend the Internal Revenue Code of 1986 to increase the child tax credit.

When said bill was considered and read twice.

After debate,

Pursuant to House Resolution 644, the following amendment in the nature of a substitute, printed in House Report 108-496, was submitted by Mr. LEVIN:

Strike all after the enacting clause and insert the following:

SECTION 1. INCREASE IN AND EXPANSION OF CHILD TAX CREDIT.

(a) IN GENERAL.—Subsection (a) of section 24 of the Internal Revenue Code of 1986 (relating to child tax credit) is amended to read as follows:

''(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year with respect to each qualifying child of the taxpayer an amount equal to $1,000.''.

(b) ADJUSTMENT OF CREDIT AMOUNT FOR INFLATION.—Section 24 of such Code is amended by adding at the end the following new subsection:

''(g) INFLATION ADJUSTMENT .—In the case of any taxable year beginning in a calendar year after 2005, the $1,000 amount contained in subsection (a) shall be increased by an amount equal to—

''(1) such dollar amount, multiplied by

''(2) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins,

determined by substituting 'calendar year 2004' for 'calendar year 1992' in subparagraph (B) thereof. Any increase determined under the preceding sentence shall be rounded to the nearest multiple of $50.''.

(c) RESTORATION OF $10,000 THRESHOLD FOR REFUNDABLE PORTION OF CREDIT.—Subsection (d) of section 24 of such Code is amended by striking paragraph (3).

(d) ACCELERATION OF INCREASE IN REFUNDABLE PORTION OF CREDIT.—Clause (i) of section 24(d)(1)(B) of such Code is amended by striking ''(10 percent in the case of taxable years beginning before January 1, 2005)''.

(e) COMBAT PAY TAKEN INTO ACCOUNT IN DETERMINING REFUNDABLE PORTION OF CREDIT.—Paragraph (1) of section 24(d) of such Code is amended by adding at the end the following new sentence: ''For purposes of subparagraph (B), any amount excluded from gross income by reason of section 112 shall be treated as earned income which is taken into account in computing taxable income for the taxable year.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

(g) REPEAL OF SUNSET.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to the provisions of, and amendments made by, sections 201 and 203 of such Act.

SEC. 2. BENEFITS EXTENSION NOT TO INCREASE FEDERAL BUDGET DEFICIT.

(a) IN GENERAL.—Section 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(j) ADDITIONAL TAX ON HIGH INCOME TAXPAYERS.—In the case of taxable years beginning in calendar year 2005, 2006, 2007, 2008, 2009, or 2010, the amount determined under subsection (a), (b), (c), or (d), as the case may be, shall be increased by 2.75 percent of so much of adjusted gross income as exceeds $1,000,000 in the case of individuals to whom subsection (a) applies ($500,000 in any other case).''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 3. REQUIREMENT THAT CONGRESS BALANCE THE BUDGET WITHOUT USING THE MEDICARE AND SOCIAL SECURITY TRUST FUNDS.

(a) IN GENERAL.—Notwithstanding the provisions of section 1 of this Act and any other provision of law, title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall take effect in the form as originally enacted unless Congress meets the requirements of subsection (b).

(b) REQUIREMENTS.—Congress meets the requirements of this subsection if—

(1) before September 1, 2010, Congress has enacted comprehensive Federal budget legislation, and

(2) the Director of the Office of Management and Budget certifies in September of 2010 that such legislation—

(A) will result in a balanced Federal budget by fiscal year 2014, determined by taking into account the costs of the foregoing provisions of this Act and without taking into account the receipts and disbursements of the Social Security and Medicare Trust Funds, and

(B) will substantially reduce the United States Government's reliance on Foreign central bank purchases of its debt obligations.

After debate,

Pursuant to House Resolution 644, the previous question was ordered on the bill and the amendment in the nature of a substitute.

The question was being put, viva voce,

Will the House agree to said amendment in the nature of a substitute?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the nays had it.

Mr. LEVIN objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas 187
Nays 226

¶54.31 [Roll No. 208]

YEAS—187

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson

Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—226

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

NOT VOTING—20

Ballance
Burr
DeMint
Deutsch
Gallegly
Johnson, Sam
LaTourette
Leach
Lipinski
Lofgren
Marshall
McInnis
McIntyre
Menendez
Miller, Gary
Murtha
Norwood
Owens
Rush
Tauzin

So the amendment in the nature of a substitute was not agreed to.

The bill was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. CAMP demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 271 / Nays 139

¶54.32 [Roll No. 209]

AYES—271

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Castle
Chabot
Chandler
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
Engel
English
Etheridge
Feeney
Filner
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hooley (OR)
Hostettler
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Marshall
Matheson
McCarthy (NY)
McCotter
McCrery
McHugh
McKeon
McNulty
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Udall (CO)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—139

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berman
Berry
Blumenauer
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Case
Clay
Clyburn
Conyers
Cooper
Cummings
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Eshoo
Evans
Everett
Farr
Fattah
Frank (MA)
Frost
Gonzalez
Green (TX)
Grijalva
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Majette
Markey
Matsui
McCollum
McDermott
McGovern
Meehan
Meek (FL)
Millender-McDonald
Miller, George
Mollohan
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Rangel
Reyes
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Tanner
Taylor (MS)
Thompson (CA)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Wexler
Wilson (NM)
Woolsey

NOT VOTING—23

Ballance
Blunt
Burr
DeMint
Deutsch
Ferguson
Gallegly
Gutierrez
Johnson, Sam
Leach
Lipinski
Lofgren
McCarthy (MO)
McInnis
McIntyre
Menendez
Miller, Gary
Murtha
Norwood
Owens
Rush
Tauzin
Turner (TX)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶54.33 ADJOURNMENT OVER

On motion of Mr. DELAY, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Monday, May 24, 2004, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 432, in which case the House shall stand adjourned pursuant to that concurrent resolution.

¶54.34 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. DELAY, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, June 2, 2004, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶54.35 APPOINTMENT OF SPEAKER PRO TEMPORE TO SIGN ENROLLMENTS

The SPEAKER pro tempore, Mr. SIMPSON, laid before the House a communication, which was read as follows:

WASHINGTON, DC,
May 20, 2004.

I hereby appoint the Honorable WAYNE T. GILCHREST or, if not available to perform this duty, the Honorable MAC THORNBERRY to act as Speaker pro tempore to sign enrolled bills and joint resolutions through June 1, 2004.

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

By unanimous consent, the appointments were approved.

¶54.36 MESSAGE FROM THE PRESIDENT—NATIONAL EMERGENCY WITH RESPECT TO IRAQ

The SPEAKER pro tempore, Mr. SIMPSON, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the national emergency declared in Executive Order 13303 of May 22, 2003, as expanded in scope by Executive Order 13315 of August 28, 2003, protecting the Development Fund for Iraq and certain other property in which Iraq has an interest, is to continue in effect beyond May 22, 2004, to the *Federal Register* for publication.

The obstacles to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in the country, and the development of political, administrative, and economic institutions in Iraq constituted by the threat of attachment or other judicial process against the Development Fund for Iraq, Iraqi petroleum and petroleum products, and interests therein, and proceeds, obligations, or any financial instruments of any nature whatsoever arising from or related to the sale or marketing thereof, pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency protecting the Development Fund for Iraq, and certain other property in which Iraq has an interest, and to maintain in force the sanctions to respond to this threat.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 20, 2004.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 108–187).

¶54.37 MESSAGE FROM THE PRESIDENT—ARTIC RESEARCH PLAN

The SPEAKER pro tempore, Mr. SIMPSON, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Consistent with the provisions of the Arctic Research and Policy Act of 1984, as amended (15 U.S.C. 408(a)), I transmit herewith the eighth biennial revision (2004–2008) to the United States Arctic Research Plan, as prepared for the Congress and the Administration by the Interagency Arctic Research Policy Committee.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 20, 2004.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Science.

¶54.38 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

¶54.39 FURTHER MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment Concurrent Resolutions of the House of the following titles:

H. Con. Res. 420. A concurrent Resolution applauding the men and women who keep America moving and recognizing National Transportation Week.

H. Con. Res. 424. A concurrent Resolution honoring past and current members of the Armed Forces of the United States and encouraging Americans to wear red poppies on Memorial Day.

H. Con. Res. 432. A concurrent Resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

¶54.40 MESSAGE FROM THE PRESIDENT—2004 REPORT ON U.S. TRADE AND INVESTMENT POLICY FOR SUB-SAHARAN AFRICA

The SPEAKER pro tempore, Mr. BURNS, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Consistent with title I of the Trade and Development Act of 2000, I am providing a report prepared by my Administration entitled ''2004 Comprehensive Report on U.S. Trade and Investment Policy for Sub-Saharan Africa and Implementation of the African Growth and Opportunity Act.''

GEORGE W. BUSH.
THE WHITE HOUSE, *May 20, 2004.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Ways and Means.

¶54.41 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 213. An Act to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, and for other purposes, to the Committee on Resources.

S. 524. An Act to expand the boundaries of the Fort Donelson National Battlefield to authorize the acquisition and interpretation of lands associated with the campaign that resulted in the capture of the fort in 1862, and for other purposes, to the Committee on Resources.

S. 943. An Act to authorize the Secretary of the Interior to contract with the city of Cheyenne, Wyoming, for the storage of the city's water in the Kendrick Project, Wyoming, to the Committee on Resources.

S. 960. An Act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in the State of Hawaii and to amend the Hawaii Water Resources Act of 2000 to modify the water resources study, to the Committee on Resources.

S. 1107. An Act to enhance the Recreational Fee Demonstration Program for the National Park Service, and for other purposes, to the Committee on Resources.

S. 1576. An Act to revise the boundary of Harpers Ferry National Historical Park, and for other purposes, to the Committee on Resources.

S. 1577. An Act to extend the deadline for commencement of construction of a hydroelectric project in the State of Wyoming, to the Committee on Education and the Workforce.

S. 2178. An Act to make technical corrections to laws relating to certain units of the National Park System and to National Park programs, to the Committee on Resources.

¶54.42 ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 408. An Act to provide for expansion of Sleeping Bear Dunes National Lakeshore.

H.R. 708. An Act to require the conveyance of certain National Forest System lands in Mendocino National Forest, California, to provide for the use of the proceeds from such conveyance for National Forest purposes, and for other purposes.

H.R. 856. An Act to authorize the Secretary of the Interior to revise a repayment contract with the Tom Green County Water Control and Improvement District No. 1, San Angelo project, Texas, and for other purposes.

H.R. 1598. An Act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in projects within the San Diego Creek Watershed, California, and for other purposes.

¶54.43 BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House, reports that on May 20, 2004 he presented to the President of the United States, for his approval, the following bills.

H.R. 923. An Act to amend the Small Business Investment Act of 1958 to allow certain premier certified lenders to elect to maintain an alternative loss reserve.

H.R. 3104. An Act to provide for the establishment of separate campaign medals to be

awarded to members of the uniformed services who participate in Operation Enduring Freedom and to members of the uniformed services who participate in Operation Iraqi Freedom.

¶54.44 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BALLANCE, for today;

To Ms. LOFGREN, for today after 6 p.m.; and

To Mr. MCINTYRE, for today after 5 p.m.

And then,

¶54.45 ADJOURNMENT

On motion of Mr. TIAHRT, pursuant to House Concurrent Resolution 432, at 10 o'clock and 4 minutes p.m., the House adjourned until 2 p.m. on Tuesday, June 1, 2004.

¶54.46 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HUNTER: Committee on Armed Services. Supplemental report on H.R. 4200. A bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2005, and for other purposes (Rept. 108–491 Pt. 2).

Mr. SENSENBRENNER: Committee on the Judiciary. S. 1301. An act to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States, and for other purposes; with an amendment (Rept. 108–504). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1678. A bill to amend title 18, United States Code, with respect to false communications about certain criminal violations, and for other purposes; with an amendment (Rept. 108–505). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 2991. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Inland Empire regional recycling project and in the Cucamonga County Water District recycling project (Rept. 108–506). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 3378. A bill to assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries (Rept. 108–507). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 1014. A bill to require Federal land managers to support, and to communicate, coordinate, and cooperate with, designated gateway communities, to improve the ability of gateway communities to participate in Federal land management planning conducted by the Forest Service and agencies of the Department of the Interior, and to respond to the impacts of the public use of the Federal lands administered by these agencies, and for other purposes; with an amendment (Rept. 108–508 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 3846. A bill to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into an agreement or contract with Indian tribes meeting certain criteria to carry out projects to protect Indian forest land; with an amendment (Rept. 108–509 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 3504. A bill to amend the Indian Self-Determination and Education Assistance Act to redesignate the American Indian Education Foundation as the National Fund for Excellence in American Indian Education (Rept. 108–510 Pt. 1). Ordered to be printed.

Mr. POMBO: Committee on Resources. H.R. 3874. A bill to convey for public purposes certain Federal lands in Riverside County, California, that have been identified for disposal; with an amendment (Rept. 108–512). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 2966. A bill to preserve the use and access of pack and saddle stock animals on public lands, including wilderness areas, national monuments, and other specifically designated areas, administered by the National Park Service, the Bureau of Land Management, the United States Fish and Wildlife Service, or the Forest Service where there is a historical tradition of such use, and for other purposes; with an amendment (Rept. 108–513 Pt. 1). Ordered to be printed.

¶54.47 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2966. Referral to the Committee on Agriculture extended for a period ending not later than June 30, 2004.

H.R. 3247. Referral to the Committee on Agriculture extended for a period ending not later than May 20, 2004.

H.R. 1014. Referral to the Committee on Agriculture extended for a period ending not later than May 20, 2004.

H.R. 3846. Referral to the Committee on Agriculture extended for a period ending not later than May 20, 2004.

¶54.48 REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. POMBO: Committee on Resources. H.R. 3247. A bill to provide consistent enforcement authority to the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, and the Forest Service to respond to violations of regulations regarding the management, use, and protection of public lands under the jurisdiction of these agencies, the clarify the purposes for which collected fines may be used, and for other purposes, with an amendment; referred to the Committee on the Judiciary for a period ending not later than June 30, 2004, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X (Rept. 108–511, Pt. 1). Ordered to be printed.

¶54.49 DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Agriculture discharged from further consideration of H.R. 3247.

Pursuant to clause 2 of rule XII the Committee on Agriculture discharged from further consideration. H.R. 1014 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committee on Agriculture discharged from further consideration. H.R. 3846 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committee on the Judiciary discharged from further consideration. H.R. 2120 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

Pursuant to clause 2 of rule XII the Committee on the Judiciary discharged from further consideration. H.R. 2179 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

¶54.50 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GINGREY (for himself, Mr. BOEHNER, Mr. MCKEON, Mr. ISAKSON, Mr. TIBERI, and Mr. WILSON of South Carolina):

H.R. 4409. A bill to reauthorize title II of the Higher Education Act of 1965; to the Committee on Education and the Workforce.

By Mr. WILSON of South Carolina (for himself, Mr. BOEHNER, Mr. MCKEON, Mr. ISAKSON, Mr. GREENWOOD, Mr. EHLERS, Mr. PLATTS, Mr. TIBERI, Mr. KELLER, Mr. COLE, Mr. PORTER, Mr. BAKER, Mr. BRADLEY of New Hampshire, Ms. GINNY BROWN-WAITE of Florida, Mr. FATTAH, Mr. GARRETT of New Jersey, Mr. GRAVES, Mr. HOBSON, Mr. JENKINS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KOLBE, Mr. NUNES, Mr. SHIMKUS, Mr. SIMMONS, Mr. SOUDER, and Mrs. WILSON of New Mexico):

H.R. 4410. A bill to increase the amount of student loans that may be forgiven for highly qualified teachers in mathematics, science, and special education and for reading specialists; to the Committee on Education and the Workforce.

By Mr. BURNS (for himself, Mr. BOEHNER, Mr. MCKEON, Mr. ISAKSON, Mr. UPTON, Mr. WILSON of South Carolina, and Mr. COLE):

H.R. 4411. A bill to amend title VII of the Higher Education Act of 1965 to ensure graduate opportunities in postsecondary education, and for other purposes; to the Committee on Education and the Workforce.

By Mr. SENSENBRENNER (for himself and Mr. CONYERS):

H.R. 4412. A bill to amend the Clayton Act to clarify the application of the antitrust laws in the telecommunications industry; to the Committee on the Judiciary.

By Mr. TERRY (for himself, Mr. GREEN of Texas, Mr. SULLIVAN, and Mr. NUNES):

H.R. 4413. A bill to require certain terms and conditions for the siting, construction, expansion, and operation of liquefied natural gas import terminals, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MEEK of Florida (for himself, Mr. TURNER of Texas, Mr. THOMPSON of Mississippi, Ms. LORETTA SANCHEZ of California, Mr. MARKEY, Mr. DICKS, Mr. FRANK of Massachusetts, Mr. ANDREWS, Ms. NORTON, Ms. LOFGREN, Ms. MCCARTHY of Missouri, Ms. JACKSON-LEE of Texas, Mrs. CHRISTENSEN, Mr. LANGEVIN, Mr. SANDLIN, Mr. MATSUI, Mr. SKELTON, Mr. HASTINGS

of Florida, Mr. GREEN of Texas, Mrs. CAPPS, Mr. NADLER, Ms. ROYBAL-ALLARD, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MALONEY, Mr. WYNN, and Ms. KILPATRICK):

H.R. 4414. A bill to require designation of a senior official within the Office of Management and Budget as the Chief Privacy Officer, and for other purposes; to the Committee on Government Reform.

By Mr. HYDE:

H.R. 4415. A bill to amend the Immigration and Nationality Act to eliminate the ''specialized knowledge'' basis for obtaining nonimmigrant status as an intracompany transferee, to impose an annual numerical limitation on nonimmigrant visas for such transferees, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EHLERS:

H.R. 4416. A bill to establish the Great Lakes Protection and Restoration Committee; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER (for himself, Mr. CONYERS, Mr. HYDE, Mr. LANTOS, Mr. COX, Mr. HOSTETTLER, and Ms. JACKSON-LEE of Texas):

H.R. 4417. A bill to modify certain deadlines pertaining to machine-readable, tamper-resistant entry and exit documents; to the Committee on the Judiciary.

By Mr. CRANE (for himself, Mr. RANGEL, Mr. SHAW, Mr. LEVIN, and Mr. RAMSTAD):

H.R. 4418. A bill to authorize appropriations for fiscal years 2005 and 2006 for the Bureau of Customs and Border Protection and the Bureau of Immigration and Customs Enforcement of the Department of Homeland Security, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DICKS (for himself, Ms. HOOLEY of Oregon, Mr. MATHESON, and Mr. DEFAZIO):

H.R. 4419. A bill making emergency supplemental appropriations for fiscal year 2004 for wildland firefighting costs; to the Committee on Appropriations.

By Mr. SMITH of New Jersey (for himself, Mr. HYDE, Mrs. JO ANN DAVIS of Virginia, Mr. ALEXANDER, Mr. PITTS, Mrs. MYRICK, Mr. SOUDER, Mr. BURGESS, Mr. LINCOLN DIAZ-BALART of Florida, Ms. ROS-LEHTINEN, Mr. ADERHOLT, Mr. TIAHRT, Mr. CRANE, Mr. NEUGEBAUER, Mr. FRANKS of Arizona, Mr. ISTOOK, Mr. AKIN, Mr. STEARNS, Mr. RENZI, Mr. SHIMKUS, Mr. PENCE, Mr. DEMINT, Mr. COLLINS, Mr. BRADY of Texas, Mr. KING of Iowa, Mr. TANCREDO, Mr. RYUN of Kansas, and Mr. TOOMEY):

H.R. 4420. A bill to ensure that women seeking an abortion are fully informed regarding the pain experienced by their unborn child; to the Committee on Energy and Commerce.

By Mr. OBEY:

H.R. 4421. A bill making appropriations for the Environmental Protection Agency for the fiscal year ending September 30, 2005, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBEY:

H.R. 4422. A bill making appropriations for the Departments of Agriculture, Education, Health and Human Services, and Transportation for the fiscal year ending September 30, 2005, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EDWARDS:

H.R. 4423. A bill making appropriations for the Department of Veterans Affairs for the fiscal year ending September 30, 2005, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EDWARDS:

H.R. 4424. A bill making appropriations for military construction and family housing for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 4425. A bill to amend title 10, United States Code, to provide for the Purple Heart to be awarded to prisoners of war who die in captivity under circumstances not otherwise establishing eligibility for the Purple Heart; to the Committee on Armed Services.

By Mr. BACHUS (for himself, Mr. TANCREDO, and Ms. ROS-LEHTINEN):

H.R. 4426. A bill to prohibit certain entities from trading in capital markets in the United States; to the Committee on International Relations.

By Mr. BISHOP of New York (for himself, Mr. ISRAEL, Mr. KING of New York, Mrs. MCCARTHY of New York, Mr. ACKERMAN, Mr. MEEKS of New York, Mr. CROWLEY, Mr. NADLER, Mr. WEINER, Mr. TOWNS, Mr. OWENS, Ms. VELAZQUEZ, Mr. FOSSELLA, Mrs. MALONEY, Mr. RANGEL, Mr. SERRANO, Mr. ENGEL, Mrs. LOWEY, Mrs. KELLY, Mr. SWEENEY, Mr. MCNULTY, Mr. HINCHEY, Mr. MCHUGH, Mr. BOEHLERT, Mr. WALSH, Mr. REYNOLDS, Mr. QUINN, Ms. SLAUGHTER, and Mr. HOUGHTON):

H.R. 4427. A bill to designate the facility of the United States Postal Service located at 73 South Euclid Avenue in Montauk, New York, as the ''Perry B. Duryea, Jr. Post Office''; to the Committee on Government Reform.

By Mr. BLUNT:

H.R. 4428. A bill to extend trade benefits to certain tents imported into the United States; to the Committee on Ways and Means.

By Ms. BORDALLO:

H.R. 4429. A bill to amend subchapter IV of chapter 53 of title 5, United States Code, to provide for wage parity for prevailing rate employees in Guam; to the Committee on Government Reform.

By Mr. CHOCOLA (for himself, Mr. AKIN, Mr. BARRETT of South Carolina, Mr. BEAUPREZ, Ms. GINNY BROWN-WAITE of Florida, Mr. BURGESS, Mr. CARTER, Mr. COLE, Mrs. CUBIN, Mr. CUNNINGHAM, Mr. DEMINT, Mr. FLAKE, Mr. HENSARLING, Mr. HOEKSTRA, Mr. JONES of North Carolina, Mrs. KELLY, Mr. KING of Iowa, Mr. KLINE, Mr. LEWIS of Kentucky, Mrs. MILLER of Michigan, Mrs. MUSGRAVE, Mrs. MYRICK, Mr. NEUGEBAUER, Mrs. NORTHUP, Mr. NORWOOD, Mr. PAUL, Mr. PEARCE, Mr. PENCE, Mr. PITTS, Mr. ROGERS of Michigan, Mr. SHADEGG, Mr. SMITH of Michigan, Mr. SOUDER, Mr. SULLIVAN, Mr. TANCREDO, Mr. TOOMEY, and Mr. WELDON of Florida):

H.R. 4430. A bill to amend chapter 85 of title 28, United States Code, to provide for greater fairness in legal fees payable in civil diversity litigation after an offer of settlement; to the Committee on the Judiciary.

By Mr. COOPER (for himself, Mr. LAMPSON, Mr. CARDOZA, and Mr. DAVIS of Tennessee):

H.R. 4431. A bill to provide for competitive grants for the establishment and expansion of programs that use networks of public, private, and faith-based organizations to recruit and train foster and adoptive parents and provide support services to foster children and their families; to the Committee on Ways and Means.

By Mrs. DAVIS of California (for herself and Mr. PAUL):

H.R. 4432. A bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs; to the Committee on Ways and Means.

By Mr. TOM DAVIS of Virginia (for himself, Mr. WAXMAN, Mr. PLATTS, and Mr. MEEHAN):

H.R. 4433. A bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products; to the Committee on Energy and Commerce.

By Ms. DELAURO:

H.R. 4434. A bill to improve the No Child Left Behind Act of 2001, and for other purposes; to the Committee on Education and the Workforce.

By Ms. DELAURO:

H.R. 4435. A bill to amend the Internal Revenue Code of 1986 to provide for a refundable wage differential credit for activated military reservists; to the Committee on Ways and Means.

By Mr. DEUTSCH (for himself and Mr. HASTINGS of Florida):

H.R. 4436. A bill to reform and improve certain housing programs of the Department of Housing and Urban Development; to the Committee on Financial Services.

By Mr. DINGELL (for himself, Mr. RANGEL, Mr. WAXMAN, Mr. STARK, Mr. BROWN of Ohio, Ms. PELOSI, Mr. MARKEY, Mr. TOWNS, Mr. PALLONE, Mr. RUSH, Mr. STUPAK, Mr. ENGEL, Mr. WYNN, Ms. MCCARTHY of Missouri, Mr. STRICKLAND, Mrs. CAPPS, Mr. JOHN, Mr. ALLEN, Mr. DAVIS of Florida, Mr. BECERRA, Mr. MCNULTY, Mr. DOGGETT, Mr. MATSUI, Mr. SANDLIN, and Mr. DEUTSCH):

H.R. 4437. A bill to amend part D of title XVIII of the Social Security Act to provide for low-income beneficiaries in the Medicare savings programs automatic enrollment and eligibility for low-income subsidies under the Medicare transitional and permanent prescription drug programs; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined

by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EMANUEL (for himself, Mr. EVANS, Mr. EDWARDS, Mr. STRICKLAND, Mr. PETERSON of Minnesota, Mr. FILNER, Mr. GUTIERREZ, Mrs. MCCARTHY of New York, Mr. MCGOVERN, Mr. BOSWELL, Mr. SANDLIN, Mr. MCDERMOTT, Mr. SCHIFF, Mr. BALLANCE, and Mr. RODRIGUEZ):

H.R. 4438. A bill to amend title 38, United States Code, to extend from two years to five years the eligibility of veterans who served in recent hostilities for hospital care, medical services, and nursing home care for any illness; to the Committee on Veterans' Affairs.

By Mr. FLAKE (for himself, Mr. GRIJALVA, Mr. KOLBE, Mr. PASTOR, Mr. SHADEGG, Mr. HAYWORTH, Mr. FRANKS of Arizona, and Mr. RENZI):

H.R. 4439. A bill to require the release of the reversionary interest retained by the United States in connection with the conveyance of portions of former Williams Air Force Base, Arizona, to Arizona State University and Maricopa County Community College District; to the Committee on Education and the Workforce.

By Mr. GALLEGLY (for himself, Mr. HOSTETTLER, and Mr. SMITH of Texas):

H.R. 4440. A bill to amend the Immigration and Nationality Act to render proof of possession by an alien of a consular identification card issued by a foreign mission prima facie evidence that the alien is deportable, to render inadmissible for 10 years any alien who is unlawfully present in the United States and presents such a card to satisfy a Federal identification-related requirement, and for other purposes; to the Committee on the Judiciary.

By Mr. GERLACH:

H.R. 4441. A bill to reform and improve the rental housing voucher program under section 8 of the United States Housing Act of 1937; to the Committee on Financial Services.

By Mr. GIBBONS (for himself, Mr. PORTER, and Ms. BERKLEY):

H.R. 4442. A bill to designate the facility of the United States Postal Service located at 1050 North Hills Boulevard in Reno, Nevada, as the ''Guardians of Freedom Memorial Post Office Building'' and to authorize the installation of a plaque at such site, and for other purposes; to the Committee on Government Reform.

By Mr. HEFLEY (for himself, Mr. SIMPSON, Mr. UDALL of Colorado, and Mr. DUNCAN):

H.R. 4443. A bill to amend the National Historic Preservation Act to extend the authorization of appropriations for the historic preservation fund; to the Committee on Resources.

By Mr. PORTER (for himself, Mr. BOEHNER, Mr. MCKEON, and Mr. TIAHRT):

H.R. 4444. A bill to amend the Workforce Investment Act of 1998 to establish a Personal Reemployment Accounts pilot grant program to assist Americans in returning to work; to the Committee on Education and the Workforce.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. EDWARDS, Mr. CLAY, Ms. LEE, Mr. LEWIS of Georgia, Mrs. JONES of Ohio, Mr. BALLANCE, Mr. DAVIS of Illinois, Mr. SCOTT of Virginia, Ms. KILPATRICK, Mr. HASTINGS of Florida, Mr. BISHOP of Georgia, Mr. WYNN, Mr. CONYERS, Mr. RANGEL, Ms. CARSON of Indiana, and Mrs. CHRISTENSEN):

H.R. 4445. A bill to waive the time limitation specified by law for the award of certain military decorations in order to allow the posthumous award of the Congressional Medal of Honor to Doris Miller for actions while a member of the Navy during World War II; to the Committee on Armed Services.

By Ms. KAPTUR (for herself and Mr. WALSH):

H.R. 4446. A bill to amend the Farm Security and Rural Investment Act of 2002 to reform funding for the Seniors Farmers' Market Nutrition Program, and for other purposes; to the Committee on Agriculture.

By Mr. KOLBE:

H.R. 4447. A bill to revise the boundary of the Fort Bowie National Historic Site, and for other purposes; to the Committee on Resources.

By Ms. LEE:

H.R. 4448. A bill to require the President to seek the establishment of an international commission for monitoring the treatment of persons in United States custody in Iraq; to the Committee on International Relations.

By Ms. LEE (for herself, Mr. PALLONE, Mr. LEACH, Mr. LANTOS, Mr. CROWLEY, Mr. MCDERMOTT, and Mr. BROWN of Ohio):

H.R. 4449. A bill to provide assistance to combat HIV/AIDS in the Republic of India, and for other purposes; to the Committee on International Relations.

By Mr. LEVIN (for himself, Mr. GUTIERREZ, Ms. KAPTUR, Mr. MCNULTY, Mr. KNOLLENBERG, Mr. KUCINICH, Mr. OLVER, Mr. WELDON of Pennsylvania, Mr. PAYNE, Mr. KILDEE, Mr. DAVIS of Illinois, Mr. HINCHEY, and Mr. QUINN):

H.R. 4450. A bill to authorize the Government of Ukraine to establish a memorial on Federal land in the District of Columbia to honor the victims of the Ukrainian famine-genocide of 1932-1933; to the Committee on Resources.

By Mr. MCKEON:

H.R. 4451. A bill to amend the Harmonized Tariff Schedule of the United States to correct the definition of certain non-knit gloves designed for use in sports; to the Committee on Ways and Means.

By Mr. MEEKS of New York:

H.R. 4452. A bill to require funds made available to each Federal department and agency for United States development or humanitarian assistance programs to be made available to foreign countries through the activities of United States organizations or businesses that are owned or controlled by naturalized United States citizens, or aliens lawfully admitted for permanent residence, who are from those foreign countries; to the Committee on International Relations.

By Mr. MORAN of Kansas:

H.R. 4453. A bill to improve access to physicians in medically underserved areas; to the Committee on the Judiciary.

By Mr. NETHERCUTT:

H.R. 4454. A bill to amend title 18, United States Code, to protect and promote the public safety and interstate commerce by establishing Federal criminal penalties and civil remedies for certain violent, threatening, obstructive, and destructive conduct that is intended to injure, intimidate, or interfere with plant or animal enterprises, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 4455. A bill to prohibit discrimination on the basis of certain factors with respect to any aspect of a surety bond transaction; to the Committee on the Judiciary.

By Mr. OBEY:

H.R. 4456. A bill to require labeling of raw agricultural forms of ginseng, including the country of harvest; to the Committee on Agriculture.

By Mr. OTTER (for himself, Mr. FLAKE, Mr. DELAHUNT, Mr. NETHERCUTT, Mr. FARR, and Mr. MCGOVERN):

H.R. 4457. A bill to require congressional renewal of trade and travel restrictions on Cuba; to the Committee on International Relations, and in addition to the Committees on Rules, Ways and Means, Energy and Commerce, Financial Services, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE (for himself, Ms. PELOSI, Mr. RANGEL, Mr. DINGELL, Mr. WAXMAN, Mr. STARK, Mr. BROWN of Ohio, Mr. MENENDEZ, Mr. MATSUI, Ms. SCHAKOWSKY, Mr. MCDERMOTT, Mr. NEAL of Massachusetts, Mr. SANDLIN, Mrs. JONES of Ohio, Mr. PASCRELL, Mr. BERRY, Mr. DOGGETT, Mr. DAVIS of Florida, Mr. CARDIN, Mr. ALLEN, Mr. STUPAK, Ms. SOLIS, Mr. STRICKLAND, Mr. RUSH, Ms. MCCARTHY of Missouri, Mr. WYNN, Mrs. CAPPS, and Mr. GREEN of Texas):

H.R. 4458. A bill to require the repayment of appropriated funds that are illegally disbursed for political purposes by the Centers for Medicare & Medicaid Services; to the Committee on House Administration, and in addition to the Committees on Ways and Means, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMBO:

H.R. 4459. A bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation and in coordination with other Federal, State, and local government agencies, to participate in the funding and implementation of a balanced, long-term groundwater remediation program in California, and for other purposes; to the Committee on Resources.

By Mr. RENZI (for himself, Mr. UDALL of New Mexico, and Mr. MATHESON):

H.R. 4460. A bill to fulfill the United States Government's trust responsibility to serve the educational needs of the Navajo people; to the Committee on Education and the Workforce.

By Mr. RENZI:

H.R. 4461. A bill to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study of certain land adjacent to the Walnut Canyon National Monument in the State of Arizona; to the Committee on Resources.

By Mr. SANDLIN (for himself and Mr. OBEY):

H.R. 4462. A bill making appropriations for homeland security programs within the Departments of Energy, Health and Human Services, and Homeland Security for the fiscal year ending September 30, 2005, and for other purposes; to the Committee on Appropriations.

By Mr. SERRANO (for himself, Mr. CROWLEY, and Mr. ENGEL):

H.R. 4463. A bill to provide for identification of members of the Armed Forces exposed during military service to depleted uranium, to provide for health testing of such members, and for other purposes; to the Committee on Armed Services.

By Mr. SIMMONS:

H.R. 4464. A bill to improve the No Child Left Behind Act of 2001, and for other purposes; to the Committee on Education and the Workforce.

By Mr. STENHOLM:

H.R. 4465. A bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to certified or licensed

teachers; to the Committee on Education and the Workforce.

By Mr. TANCREDO:

H.R. 4466. A bill to amend the Endangered Species Act of 1973 to exclude the Preble's Meadow Jumping Mouse from lists of endangered species and threatened species published under that Act; to the Committee on Resources.

By Mr. THOMPSON of California (for himself, Mr. DAVIS of Tennessee, Mr. STENHOLM, Mr. HILL, Mr. BERRY, Mr. CASE, Mr. ROSS, Mr. HOLDEN, Mr. MOORE, and Mr. SCHIFF):

H.R. 4467. A bill to establish reporting requirements relating to funds made available for military operations in Iraq or for the reconstruction of Iraq, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VISCLOSKY (for himself, Mr. ACEVEDO-VILA, Mr. GRIJALVA, Mr. MCDERMOTT, Mr. TOWNS, Mr. LYNCH, and Mr. SANDLIN):

H.R. 4468. A bill to amend title 38, United States Code, and title 10, United States Code, to provide for an opportunity for active duty personnel to withdraw an election not to participate in the program of educational assistance under the Montgomery GI Bill; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WOOLSEY (for herself, Mr. ABERCROMBIE, Mr. BECERRA, Mr. BERMAN, Ms. BORDALLO, Mr. CASE, Mr. CROWLEY, Mr. FARR, Mr. FILNER, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HONDA, Ms. HOOLEY of Oregon, Mr. LANTOS, Ms. LEE, Ms. LOFGREN, Mr. MATSUI, Mr. MCDERMOTT, Mrs. NAPOLITANO, Ms. PELOSI, Ms. ROYBAL-ALLARD, Mr. TOWNS, and Mr. WU):

H.R. 4469. A bill to authorize appropriations to the Secretary of the Interior for the restoration of the Angel Island Immigration Station in the State of California; to the Committee on Resources.

By Mr. DELAY:

H. Con. Res. 432. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate; considered and agreed to.

By Mr. LANTOS (for himself, Mr. CROWLEY, Mr. ACKERMAN, Mr. WILSON of South Carolina, Mr. PAYNE, Mr. MEEKS of New York, Mr. FALEOMAVAEGA, Ms. MCCARTHY of Missouri, Mr. SCHIFF, Mr. GARRETT of New Jersey, Mr. BROWN of Ohio, Mr. PALLONE, Mr. ABERCROMBIE, Ms. ROS-LEHTINEN, Mr. DOGGETT, Mr. MCDERMOTT, Ms. SOLIS, Mr. TIERNEY, Mr. BERMAN, Ms. MILLENDER-MCDONALD, Mr. MCNULTY, Ms. LEE, Mr. ENGEL, and Mr. MCCOTTER):

H. Con. Res. 433. Concurrent resolution congratulating the Republic of India on the conduct of its recent democratic national elections; to the Committee on International Relations.

By Mr. FILNER:

H. Con. Res. 434. Concurrent resolution commending the persons who were inducted for service in the United States Armed Forces during World War II; to the Committee on Armed Services.

By Mrs. LOWEY (for herself, Mr. MCNULTY, Mr. ALLEN, Mr. MORAN of Virginia, Mr. HINCHEY, Mr. LANGEVIN, Mr. MEEHAN, and Ms. MCCOLLUM):

H. Con. Res. 435. Concurrent resolution supporting the goals and ideals of National Celiac Awareness Month, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PAYNE (for himself, Mr. MEEKS of New York, Mr. RANGEL, Mr. ROYCE, and Mr. LANTOS):

H. Con. Res. 436. Concurrent resolution celebrating 10 years of majority rule in the Republic of South Africa and recognizing the momentous social and economic achievements of South Africa since the institution of democracy in that country; to the Committee on International Relations.

By Mr. ROHRABACHER (for himself and Mr. RYUN of Kansas):

H. Con. Res. 437. Concurrent resolution expressing the sense of the Congress that the President of the United States should request Taiwan's President Chen Shui-bian to deploy Taiwanese Marines to Iraq to join international Coalition forces in the global war on terrorism; to the Committee on International Relations.

By Mr. VAN HOLLEN (for himself, Mr. MURPHY, and Mrs. MALONEY):

H. Con. Res. 438. Concurrent resolution recognizing and honoring the crew of the U.S.S. Pittsburgh for their heroism in March 1945 for rendering aid and assistance to the U.S.S. Franklin and its crew; to the Committee on Armed Services.

By Mr. HASTERT (for himself, Mr. DELAY, and Ms. PELOSI):

H. Res. 651. A resolution expressing the gratitude of the House of Representatives to its Parliamentarian, the Honorable Charles W. Johnson, III; considered and agreed to.

By Mr. BEREUTER (for himself and Mr. WEXLER):

H. Res. 652. A resolution urging the Government of the Republic of Belarus to ensure a democratic, transparent, and fair election process for its parliamentary elections in the fall of 2004; to the Committee on International Relations.

By Mr. HALL (for himself, Mr. BURGESS, Mr. NEUGEBAUER, Mr. SESSIONS, Mr. CARTER, Mr. BRADY of Texas, Mr. HENSARLING, Ms. GRANGER, Mr. STENHOLM, Mr. BONILLA, Mr. SAM JOHNSON of Texas, and Mr. BARTON of Texas):

H. Res. 653. A resolution honoring former President George Herbert Walker Bush on the occasion of his 80th birthday; to the Committee on Government Reform.

By Mr. MEEKS of New York:

H. Res. 654. A resolution recognizing the 38th anniversary of the independence of Guyana and extending best wishes to Guyana for peace and further progress, development, and prosperity; to the Committee on International Relations.

¶54.51 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

332. The SPEAKER presented a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 123 memorializing the federal government to conduct a thorough evaluation of the condition of the 187-acre property situated in Waikane Valley that was used by the United States Marine Corps for ordnance training until 1976, plan for and conduct as thorough a clean-up and removal of ordnance as is technologically possible, conduct an environmental assessment of the potential risk to human health and safety, and return the land to the State of Hawaii; to the Committee on Armed Services.

333. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 77 supporting the Employee Free Choice Act (S. 1925 and H.R. 3619); to the Committee on Education and the Workforce.

334. Also, a memorial of the Legislature of the State of Maine, relative to H.P. 1464, Joint Resolution memorializing the Congress of the United States to support the Farm-to-Cafeteria Projects Act; to the Committee on Education and the Workforce.

335. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 87 recognizing Native Hawaiians as traditional, indigenous knowledge holders and recognizing their collective intellectual property rights; to the Committee on Resources.

336. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 51 memorializing the President and Congress of the United States to support the passage of H.R. 3587 into law; to the Committee on the Judiciary.

337. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 585 memorializing the United States Congress to amend 42 U.S.C. 14132(a)(1) to allow the inclusion in CODIS of DNA profiles of "other persons, whose DNA samples are collected under applicable legal authorities"; to the Committee on the Judiciary.

338. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 114 memorializing the United States Congress to support the passage of S. 68 to improve benefits for certain Filipino veterans of World War II; to the Committee on Veterans' Affairs.

339. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 24 memorializing the President and Congress of the United States to repeal the restriction on the government to negotiate reductions in prescription drug prices with manufacturers; jointly to the Committees on Energy and Commerce and Ways and Means.

340. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 66 memorializing the President and Congress of the United States to release first responder funds to municipalities; jointly to the Committees on Transportation and Infrastructure, the Judiciary, and Energy and Commerce.

¶54.52 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 236: Mr. BLUMENAUER and Mr. DINGELL.

H.R. 296: Mr. MILLER of North Carolina, Mr. RUPPERSBERGER, and Mr. BACHUS.

H.R. 371: Ms. BALDWIN.

H.R. 442: Mr. CHANDLER.

H.R. 586: Mr. VAN HOLLEN.

H.R. 625: Mrs. JONES of Ohio.

H.R. 677: Mr. GRIJALVA and Mr. HUNTER.

H.R. 716: Mr. VAN HOLLEN.

H.R. 727: Mr. WEXLER.

H.R. 742: Mr. VISCLOSKY.

H.R. 745: Mr. ABERCROMBIE.

H.R. 785: Mr. MILLER of North Carolina.

H.R. 792: Mr. MENENDEZ, Mr. CAPUANO, Mr. GILCHREST, Mr. BOEHLERT, Mr. PETERSON of Minnesota, Mr. LEWIS of California, Mr. CHANDLER, Mr. BURR, Mr. FERGUSON, and Mr. BOUCHER.

H.R. 814: Mr. MILLER of North Carolina.

H.R. 823: Mr. CHANDLER.

H.R. 832: Mr. DOYLE.

H.R. 847: Mr. CHANDLER.

H.R. 852: Mr. MCGOVERN.

H.R. 857: Mr. BACHUS.

H.R. 883: Mr. OBERSTAR.

H.R. 918: Mr. EHLERS, Mr. KINGSTON, and Mr. BRADLEY of New Hampshire.

H.R. 934: Mr. CHANDLER.
H.R. 953: Mr. CHANDLER.
H.R. 1034: Mr. CARDOZA, Ms. SCHAKOWSKY, and Ms. BORDALLO.
H.R. 1160: Mr. SULLIVAN and Mr. DINGELL.
H.R. 1191: Mr. CHANDLER.
H.R. 1306: Mr. CHANDLER.
H.R. 1316: Ms. LINDA T. SANCHEZ of California.
H.R. 1406: Mr. SOUDER.
H.R. 1470: Mr. CHANDLER.
H.R. 1639: Mr. HOEFFEL and Mr. MICHAUD.
H.R. 1684: Mr. THOMPSON of California.
H.R. 1689: Mr. OLVER.
H.R. 1716: Mrs. DAVIS of California.
H.R. 1735: Mr. DOGGETT.
H.R. 1736: Mr. MILLER of North Carolina.
H.R. 1742: Mr. MEEHAN.
H.R. 1745: Mr. BLUMENAUER.
H.R. 1746: Mr. CHANDLER.
H.R. 1800: Mr. SABO.
H.R. 1818: Mr. DOOLITTLE, Mr. WEXLER, Mr. BACHUS, Mr. RUPPERSBERGER, Mr. TIAHRT, Mr. WICKER, Mr. MORAN of Virginia, and Mr. BOOZMAN.
H.R. 1863: Mr. CLAY and Mr. HALL.
H.R. 1919: Mr. KILDEE.
H.R. 1930: Mr. FATTAH.
H.R. 2037: Mr. CUMMINGS.
H.R. 2101: Ms. LINDA T. SANCHEZ of California.
H.R. 2133: Mrs. MCCARTHY of New York, Mr. RANGEL, Mr. BRADY of Texas, and Mr. BOEHLERT.
H.R. 2217: Mr. DOGGETT, Mr. MORAN of Virginia, and Mr. WYNN.
H.R. 2237: Mr. MILLER of North Carolina.
H.R. 2239: Mr. DAVIS of Florida.
H.R. 2256: Mr. KILDEE.
H.R. 2262: Mr. CHANDLER.
H.R. 2265: Mr. JEFFERSON.
H.R. 2345: Mr. CASE and Mr. SCHROCK.
H.R. 2353: Ms. BALDWIN, Mr. WALSH, Mr. MCGOVERN, Mr. FROST, Mrs. CHRISTENSEN, Mr. MARKEY, Mr. PALLONE, and Mr. OWENS.
H.R. 2387: Mr. SMITH of Texas and Mr. SERRANO.
H.R. 2394: Mr. SANDERS, Mr. GUTIERREZ, Ms. VELAZQUEZ, Mr. MEEKS of New York, Mrs. MALONEY, Ms. WATERS, Mr. LUCAS of Kentucky, Ms. MCCARTHY of Missouri, Mr. BOSWELL, Mr. ROSS, Mr. WEINER, Mr. STARK, Mr. EVANS, Mrs. MCCARTHY of New York, Mr. BISHOP of New York, Mr. CRAMER, Mrs. NAPOLITANO, Mr. MARSHALL, Ms. WATSON, Mr. RUPPERSBERGER, Mr. HINCHEY, Mr. SCOTT of Georgia, and Mr. BRADY of Pennsylvania.
H.R. 2442: Mr. PASTOR, Ms. SOLIS, Mr. BOUCHER, and Mr. NEAL of Massachusetts.
H.R. 2490: Mr. CHANDLER.
H.R. 2497: Mr. CHANDLER.
H.R. 2598: Mr. CALVERT, Mr. DEUTSCH, Mr. BOEHLERT, Mr. GOSS, Mr. SCHIFF, Mr. VAN HOLLEN, Mr. MCDERMOTT, Mr. CRAMER, Mr. TOWNS, Mr. LAMPSON, Mr. DAVIS of Alabama, Mr. LANGEVIN, Ms. JACKSON-LEE of Texas, Mr. KUCINICH, Mr. SAXTON, Mr. PLATTS, Mr. SNYDER, Mr. SMITH of Washington, Mr. WEXLER, Ms. ROS-LEHTINEN, Mr. BISHOP of Georgia, Mr. TURNER of Texas, Mr. ENGLISH, Mr. TIBERI, Mr. SCOTT of Virginia and Mr. SMITH of New Jersey.
H.R. 2747: Mr. ROGERS of Kentucky and Mr. ENGLISH.
H.R. 2811: Mr. CHANDLER.
H.R. 2890: Mr. ROGERS of Michigan.
H.R. 2935: Mr. RANGEL.
H.R. 2950: Ms. PRYCE of Ohio and Mr. BISHOP of New York.
H.R. 2963: Mr. CARDOZA.
H.R. 2967: Mr. RUPPERSBERGER.
H.R. 2968: Mr. PETERSON of Minnesota.
H.R. 2978: Ms. HARRIS.
H.R. 3069: Mr. KINGSTON.
H.R. 3142: Mr. GIBBONS.
H.R. 3178: Mr. RUPPERSBERGER.
H.R. 3193: Ms. HARRIS, Mr. CAMP, Mr. GERLACH, and Mr. GUTKNECHT.
H.R. 3194: Mr. SIMPSON and Mr. DUNCAN.
H.R. 3250: Mr. GREEN of Wisconsin.
H.R. 3292: Ms. BERKLEY, Mr. STARK, and Mr. SCHIFF.
H.R. 3310: Mrs. CAPITO.
H.R. 3323: Mr. MCGOVERN.
H.R. 3324: Ms. ESHOO.
H.R. 3352: Mr. MARKEY.
H.R. 3425: Mr. BERMAN.
H.R. 3441: Ms. DEGETTE and Mr. DAVIS of Tennessee.
H.R. 3446: Mrs. LOWEY, Mr. BERMAN, Mr. GREENWOOD, and Mr. PLATTS.
H.R. 3459: Mr. WEXLER and Mr. HINCHEY.
H.R. 3474: Ms. LINDA T. SANCHEZ of California and Mrs. BONO.
H.R. 3479: Mr. RODRIGUEZ.
H.R. 3480: Mr. BERMAN, Mr. DOGGETT, Mr. REYES, and Mr. UDALL of Colorado.
H.R. 3483: Mr. STENHOLM, Ms. KILPATRICK, Mr. FROST, Mr. UDALL of Colorado, and Mr. VISCLOSKY.
H.R. 3507: Mr. STARK.
H.R. 3523: Mr. OWENS.
H.R. 3543: Mrs. MUSGRAVE.
H.R. 3579: Ms. BERKLEY, Mr. YOUNG of Alaska, Mr. CALVERT, and Mr. JACKSON of Illinois.
H.R. 3591: Mr. BEREUTER.
H.R. 3602: Mr. SULLIVAN and Mr. SHAW.
H.R. 3619: Mr. JEFFERSON.
H.R. 3641: Mr. CROWLEY.
H.R. 3729: Mr. CUMMINGS, Ms. MCCARTHY of Missouri, Mr. WEINER, and Mr. PETERSON of Minnesota.
H.R. 3764: Mr. VAN HOLLEN, Mr. FRANK of Massachusetts, and Ms. CORRINE BROWN of Florida.
H.R. 3777: Mr. CHANDLER.
H.R. 3795: Mr. GRIJALVA and Mrs. BLACKBURN.
H.R. 3801: Mr. SHAW.
H.R. 3802: Mr. MILLER of North Carolina, Mr. MCCOTTER, Ms. WATSON, and Mr. GUTIERREZ.
H.R. 3803: Mr. ALLEN.
H.R. 3815: Mr. SCHIFF and Mr. ENGEL.
H.R. 3831: Mr. LYNCH and Mr. ROTHMAN.
H.R. 3880: Mr. GRIJALVA and Mr. UDALL of New Mexico.
H.R. 3929: Mr. FROST, Mr. THOMPSON of Mississippi, and Mr. NETHERCUTT.
H.R. 3933: Ms. DUNN.
H.R. 3972: Mr. PRICE of North Carolina.
H.R. 3982: Mr. MATHESON.
H.R. 4026: Mr. MILLER of Florida.
H.R. 4035: Mr. CONYERS.
H.R. 4051: Mr. BRADY of Pennsylvania.
H.R. 4064: Mr. BURNS, Mr. SAM JOHNSON of Texas, and Mr. FORBES.
H.R. 4067: Mr. GEORGE MILLER of California, Mr. CONYERS, Mr. GRIJALVA, and Mr. BERMAN.
H.R. 4091: Mr. AKIN, Mr. FROST, Mr. HINCHEY, and Mr. OWENS.
H.R. 4113: Mr. CANTOR.
H.R. 4116: Mr. TURNER of Texas, Mr. ALLEN, Mr. JONES of North Carolina, Mr. BERMAN, Ms. BALDWIN, Mr. DAVIS of Florida, Mrs. TAUSCHER, Mr. TAYLOR of Mississippi, Mr. WU, Ms. CORRINE BROWN of Florida, Mr. ANDREWS, Mr. ENGEL, Mrs. DAVIS of California, Ms. HOOLEY of Oregon, Ms. DEGETTE, Mr. BECERRA, Mr. RODRIGUEZ, Ms. MCCOLLUM, Mr. MENENDEZ, Mr. EMANUEL, Mr. GREEN of Texas, Mr. ORTIZ, Mr. PASTOR, Mr. REYES, Mr. STRICKLAND, Mr. ALEXANDER, Mr. BOSWELL, Mr. HULSHOF, Mr. BARTON of Texas, Mr. CUNNINGHAM, Mr. BILIRAKIS, Mr. BAKER, Mrs. CUBIN, Mrs. CAPITO, Mr. SIMMONS, Mr. HOSTETTLER, Mr. BRADY of Texas, Mr. GARRETT of New Jersey, Mr. KING of Iowa, Mr. BEREUTER, Mrs. NORTHUP, Mr. SENSENBRENNER, Mr. ENGLISH, Mr. TANCREDO, Mr. RAMSTAD, Mr. FEENEY, Mr. TERRY, Mr. HYDE, Mr. HALL, Mr. BONILLA, Mr. DEMINT, Mr. REYNOLDS, Mr. LOBIONDO, Mr. PETERSON of Pennsylvania, and Mr. OTTER.
H.R. 4117: Mr. ABERCROMBIE, Ms. WATSON, and Ms. SOLIS.
H.R. 4126: Mr. BARTON of Texas and Mr. MARSHALL.
H.R. 4149: Mr. PETERSON of Minnesota.
H.R. 4177: Mr. BAIRD.
H.R. 4182: Mr. BAIRD.
H.R. 4203: Mrs. BLACKBURN and Mr. PETRI.
H.R. 4207: Mr. CUMMINGS.
H.R. 4210: Mr. MICHAUD.
H.R. 4230: Mr. DAVIS of Alabama, Mr. MATSUI, and Ms. BERKLEY.
H.R. 4231: Mr. BILIRAKIS.
H.R. 4232: Mr. RODRIGUEZ, Mr. HALL, Mr. SAM JOHNSON of Texas, Mr. HINOJOSA, Mr. SESSIONS, Mr. ORTIZ, Mr. TURNER of Texas, and Mr. NEUGEBAUER.
H.R. 4249: Mr. GEORGE MILLER of California, Mr. FROST, Mr. STARK, Ms. WOOLSEY, Mr. BERMAN, and Mr. RANGEL.
H.R. 4256: Mr. PRICE of North Carolina.
H.R. 4260: Mr. HASTINGS of Florida and Mr. STARK.
H.R. 4278: Mr. KILDEE, Mr. HOLT, Mr. LANGEVIN, Mr. RAMSTAD, Mr. BALLENGER, Mr. GRIJALVA, Mr. VAN HOLLEN, Mr. ISAKSON, Mr. TOWNS, Mr. HOYER, Mr. KELLER, Mr. WILSON of South Carolina, Mr. BURNS, Ms. MCCOLLUM, Mr. PETRI, Mr. CANNON, Mr. MCNULTY, and Ms. KAPTUR.
H.R. 4313: Mr. VAN HOLLEN.
H.R. 4316: Mr. SANDERS, Mr. BRADY of Pennsylvania, Mr. RANGEL, and Mr. OWENS.
H.R. 4325: Mr. RANGEL.
H.R. 4334: Mr. ENGLISH and Mr. MCHUGH.
H.R. 4341: Mr. POMEROY and Mrs. CUBIN.
H.R. 4345: Mr. BILIRAKIS.
H.R. 4346: Mr. BERRY, Mr. KENNEDY of Rhode Island, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. UDALL of New Mexico, Mr. PAYNE, Mr. SMITH of Washington, Mr. WEXLER, Ms. HOOLEY of Oregon, Mr. RUPPERSBERGER, Mr. WAXMAN, Mr. LANTOS, Mr. RANGEL, Mr. CROWLEY, Mr. ORTIZ, Mr. PRICE of North Carolina, Mr. SERRANO, Mr. LANGEVIN, Ms. LORETTA SANCHEZ of California, Mr. SABO, and Mr. DELAHUNT.
H.R. 4348: Mr. SANDERS, Mr. RODRIGUEZ, Mr. SERRANO, Mr. REYES, and Mrs. NAPOLITANO.
H.R. 4349: Mr. ACKERMAN and Mr. KING of New York.
H.R. 4356: Mr. OWENS.
H.R. 4359: Mr. BOEHNER.
H.R. 4361: Mrs. LOWEY, Ms. KILPATRICK, and Ms. LEE.
H.R. 4363: Ms. HARRIS, Mr. HINOJOSA, Mr. HAYWORTH, Mr. INSLEE, and Ms. ROS-LEHTINEN.
H.R. 4370: Mr. HINCHEY.
H.R. 4377: Mr. UDALL of Colorado.
H.R. 4380: Ms. CORRINE BROWN of Florida, Mr. YOUNG of Florida, Ms. ROS-LEHTINEN, Mr. MILLER of Florida, Ms. HARRIS, and Mr. DAVIS of Florida.
H.R. 4391: Mr. CARTER, MS. GRANGER, Mr. CULBERSON, Mr. RYAN of Wisconsin, Mr. PAUL, Mr. NEUGEGAUER, Mr. DELAY, Mr. MCGOVERN, Mr. JOHN, Mr. SIMMONS, Mrs. BIGGERT, and Mr. STENHOLM.
H.J. Res. 72: Mr. LARSEN of Washington.
H.J. Res. 95: Mr. FORD, Mr. HOLT, Mr. PENCE, Mr. MICHAUD and Mr. LEVIN.
H. Con. Res. 93: Mr. JONES of North Carolina.
H. Con. Res. 182: Mr. BURTON of Indiana.
H. Con. Res. 197: Mr. LAHOOD and Mr. OXLEY.
H. Con. Res. 242: Ms. MCCARTHY of Missouri, and Mr. GREEN of Wisconsin.
H. Con. Res. 252: Mr. OWENS, Mr. GUTIERREZ, and Mr. DEUTSCH.
H. Con. Res. 298: Mr. ROGERS of Alabama.
H. Con. Res. 310: Mr. STENHOLM.
H. Con. Res. 366: Mr. HASTINGS of Florida.
H. Con. Res. 375: Mr. FILNER, Mr. OXLEY, Ms. HARMAN and Mr. LEWIS of California.
H. Con. Res. 392: Mr. MORAN of Virginia and Mrs. MALONEY.
H. Con. Res. 405: Ms. ROS-LEHTINEN and Ms. PRYCE of Ohio.

H. Con. Res. 413: Mr. SHAW, Mr. WEXLER and Mr. BERMAN.

H. Con. Res. 418: Mr. CROWLEY, Mr. ACKERMAN, Ms. MCCARTHY of Missouri, Mr. MCDERMOT, Mr. ABERCROMBIE, Mr. SHIMKUS, Mr. PENCE, Mr. BEREUTER, Mr. BERMAN and Ms. ROS-LEHTINEN.

H. Res. 60: Mr. MENENDEZ.

H. Res. 542: Ms. ROS-LEHTINEN.

H. Res. 567: Mr. UPTON, Mr. ROGERS of Michigan, and Mr. REHBERG.

H. Res. 570: Mr. WYNN, Ms. JACKSON-LEE of Texas, Mr. SWEENEY, Mr. BERMAN, Mr. DELAHUNT, and Ms. WOOLSEY.

H. Res. 586: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 604: Mr. RANGEL.

H. Res. 611: Mr. KANJORSKI and Mr. FROST.

H. Res. 633: Mr. VAN HOLLEN, Mr. GRIJALVA, Mr. SERRANO, Mr. MATSUI, Mr. WAXMAN, and Mr. TOM DAVIS of Virginia.

H. Res. 646: Mr. COOPER, Mr. VAN HOLLEN, Mr. MARKEY, Mr. GRIJALVA, Mr. KENNEDY of Rhode Island, Mrs. CHRISTENSEN, Mr. DOGGETT, Mr. TIERNEY, Mr. STARK, and Mr. MCDERMOTT.

H. Res. 647: Mr. PORTER.

¶54.53 PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

81. The SPEAKER presented a petition of Mr. Joe Sitting Owl White, Principal Chief, Cherokee of Lawrence County, Tennessee, relative to petitioning the United States Congress for redress of grievances; to the Committee on Resources.

82. Also, a petition of Mr. Dwight E. Walker, a Citizen of Texas, relative to an affidavit of pertinent facts; to the Committee on Ways and Means.

83. Also, a petition of the Governor of Kentucky, relative to a letter petitioning for the extension of funding for high risk pools under the Trade Act of 2002; to the Committee on Ways and Means.

¶54.54 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3473: Mr. HOLDEN.

TUESDAY, JUNE 1, 2004 (55)

¶55.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. UPTON, who laid before the House the following communication:

WASHINGTON, DC,
June 1, 2004.

I hereby appoint the Honorable FRED UPTON to act as Speaker pro tempore on this day.

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

¶55.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. UPTON, announced he had examined and approved the Journal of the proceedings of Thursday, May 20, 2004.

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

¶55.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

8275. A letter from the Comptroller, Department of Defense, transmitting the Department's quarterly report as of March 31, 2004, entitled, ''Acceptance of contributions for defense programs, projects and activities; Defense Cooperation Account,'' pursuant to 10 U.S.C. 2608; to the Committee on Armed Services.

8276. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance: Interim Capital Treatment of Consolidated Asset-Backed Commercial Paper Program Assets; Extension [Regulations H and Y; Docket No. R-1156] Department of the Treasury, Office of the Comptroller of the Currency [Docket No. 04-??] (RIN: 1557-AC76); Federal Deposit Insurance Corporation (RIN: 3064-AC74); Department of the Treasury, Office of Thrift Supervision [No. 2004-??] (RIN: 1550- AB79) received May 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8277. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Ninetieth Annual Report of the Board of Governors of the Federal Reserve System covering operations during calendar year 2003; to the Committee on Financial Services.

8278. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Food and Color Additives and Generally Recognized As Safe Substances; Technical Amendments [Docket No. 2004N-0076] received May 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8279. A letter from the Secretary, Department of Health and Human Services, transmitting as required by Section 104(b) of Pub. L. 102-471, the Prescription Drug User Fee Act of 1992 (PDUFA), as amended by the Food and Drug Administration Modernization Act of 1997 (FDAMA), a report stating the FDA's progress in achieving certain performance goals referenced in PDUFA during FY 2003; to the Committee on Energy and Commerce.

8280. A letter from the Secretary, Department of Health and Human Services, transmitting the first annual financial report to Congress required by the Medical Device User Fee and Modernization Act of 2002 (MDUFMA), covering FY 2003; to the Committee on Energy and Commerce.

8281. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's ''Major'' final rule — Revision of Fee Schedules; Fee Recovery for FY 2004 (RIN: 3150-AH37) received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8282. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's report entitled, ''Report to Congress on Abnormal Occurrences, Fiscal Year 2003,'' pursuant to 42 U.S.C. 5848; to the Committee on Energy and Commerce.

8283. A communication from the President of the United States, transmitting notification stating that the national emergency declared in Executive Order 13303 of May 22, 2003, as expanded in scope by Executive Order 13315 of August 28, 2003, protecting the Development Fund for Iraq and certain other property in which Iraq has an interest, is to continue in effect beyond May 22, 2004, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 108–187); to the Committee on International Relations and ordered to be printed.

8284. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — General Order Implementing Syria Accountability and Lebanese Sovereignty Act of 2003 [Docket No. 040108007-4007-01] (RIN: 0694-AC99) received May 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8285. A letter from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting a copy of the Commission's FY 2003 Performance and Accountability Report; to the Committee on Government Reform.

8286. A letter from the Attorney-Advisor, Office of the Federal Register, National Archives and Records Administration, transmitting the Administration's final rule — Address Change for Inspection of Materials Incorporated by Reference — received May 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8287. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule — Official Seals and Logos (RIN: 3095-AB19) received May 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8288. A letter from the Assistant Attorney General, Department of Justice, transmitting a report of activities under the Civil Rights of Institutionalized Persons Act during Fiscal Year 2003, pursuant to 42 U.S.C. 1997f; to the Committee on the Judiciary.

8289. A letter from the Director, Administrative Office of the U.S. Courts, transmitting the annual report on applications for court orders made to federal and state courts to permit the interception of wire, oral, or electronic communications during calendar year 2003, pursuant to 18 U.S.C. 2519(3); to the Committee on the Judiciary.

8290. A letter from the Associate Counsel, Office of General Law, U.S. Patent and Trademark Office, Department of Commerce, transmitting the Department's final rule — Rules of Practice for Trademark-Related Filings Under the Madrid Protocol Implementation Act [Docket No. 2003-T-010] (RIN: 0651-AB45) received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8291. A letter from the Chief, Child Exploitation and Obscenity Section, Department of Justice, transmitting the Department's final rule — Designation of Agencies To Receive and Investigate Reports Required Under the Protection of Children From Sexual Predators Act, as Amended [Docket No. CRM 1001; AG Order No. 2692-2003] (RIN: 1105-AA65) received May 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8292. A letter from the Senior Counsel, Office of Legal Policy, Department of Justice, transmitting the Department's final rule — Regulations Under the DNA Analysis Backlog Elimination Act of 2000 [OAG 101; AG Order No. 2699-2003] (RIN: 1105-AA78) received May 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8293. A letter from the Assistant Secretary, Bureau of Indian Affairs, Department of the Interior, transmitting the Department's final rule — Distribution of Fiscal Year 2004 Indian Reservation Roads Funds (RIN: 1076-AE50) received May 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8294. A letter from the Assistant Chief Counsel, TSA, Department of Homeland Security, transmitting the Department's final rule — Protection of Sensitive Security Information [Docket No. TSA-2003-15569; Amendment No. 1520-1] (RIN: 1652-AA08) received May 12, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8295. A letter from the Chief Counsel, St. Lawrence Seaway Development Corporation, Department of Transportation, transmitting the Department's final rule — Tariff of Tolls [Docket No. SLSDC 04-17202] (RIN: 2135-AA19) received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8296. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BURKHARDT GROB LUFT-UND RAUMFAHRT GmbH & CO KG Models G103 Twin ASTIR, G103 TWIN II, G103 TWIN II ACRO, and G103 C Twin III SL Sailplanes [Docket No. 2003-CE-61-AD; Amendment 39-13582; AD 2004-08-13] (RIN: 2120-AA64) received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8297. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes [Docket No. 2001-NM-288-AD; Amendment 39-13580; AD 2004-08-11] (RIN: 2120-AA64) received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8298. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Glasflugel Models Mosquito and Club Libelle 205 Sailplanes [Docket No. 2003-CE-62-AD; Amendment 39-13583; AD 2004-08-14] (RIN: 2120-AA64) received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8299. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Goodrich Avionics Systems, Inc. TAWS8000 Terrain Awareness Warning System [Docket No. 2003-CE-47-AD; Amendment 39-13584; AD 2004-08-15] (RIN: 2120-AA64) received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8300. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Inc. Model Otter DHC-3 Airplanes [Docket No. 2000-CE-73-AD; Amendment 39-13585; AD 2004-05-01 R1] (RIN: 2120-AA64) received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8301. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Schempp-Hirth Flugzeugbau GmbH Models Ventus-2a, Ventus-2b, Discus-2a, and Discus-2b Sailplanes [Docket No. 2003-CE-59-AD; Amendment 39-13581; AD 2004-08-12] (RIN: 2120-AA64) received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8302. A letter from the Secretary, Department of Transportation, transmitting a report entitled, ''Fundamental Properties of Asphalts and Modified Asphalts-II'' submitted in accordance with Section 6016(e) of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Pub. L. 102-240, and Section 5117(b)(5) of the Transportation Equity Act of the 21st Century (TEA-21); to the Committee on Transportation and Infrastructure.

8303. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the agency's final rule — Award of Grants and Cooperative Agreements for the Special Projects and Programs Authorized by the Agency's FY 2004 Appropriations Act — received May 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8304. A communication from the President of the United States, transmitting the eighth biennial revision (2004-2008) to the United States Arctic Research Plan, pursuant to 15 U.S.C. 4108(a); to the Committee on Science.

8305. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Clauses Authorized for Use in Commercial Acquisitions (RIN: 2700-AD00) received May 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

8306. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — NASA Grant and Cooperative Agreement Handbook — Property Reporting. (RIN: 2700-AC79) received May 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

8307. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Conformance with Federal Acquisition Circular 2001-16 — received May 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

8308. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — NASA Grant and Cooperative Agreement Handbook — Synopses Requirements (RIN: 2700-AC93) received May 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

8309. A communication from the President of the United States, transmitting Consistent with Title I of the Trade and Development Act of 2000, the 2004 Comprehensive Report on U.S. Trade and Investment Policy for Sub-Saharan Africa and Implementation of the African Growth and Opportunity Act; to the Committee on Ways and Means.

8310. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Changes in accounting periods and in methods of accounting. (Rev. Proc. 2004-34) received May 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8311. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Election of Alternative Deficit Reduction Contribution (Announcement 2004-43) received May 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8312. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Taxable Year of Inclusion (Rev. Rul. 2004-52) received May 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8313. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance Regarding Affiliation [Notice 2004-37] received May 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8314. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Changes in accounting periods and methods of accounting. (Rev. Proc. 2004-31) received May 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8315. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Real Estate Mortgage Investment Conduits; Application of Section 446 With Respect to Inducement Fees [TD 9128] 9RIN: 1545-BB73) received May 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8316. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — REMIC Inducement Fees (Rev. Proc. 2004-30) received May 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8317. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters. (Rev. Proc. 2004-28) received May 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8318. A letter from the Acting Under Secretary, Department of Defense, transmitting the Defense Environmental Restoration Program report for FY 2003, pursuant to 10 U.S.C. 2706(a)(1); jointly to the Committees on Armed Services and Energy and Commerce.

8319. A letter from the General Counsel, Department of Defense, transmitting the Department's legislative initiatives for inclusion in the National Defense Authorization Bill for FY 2005; jointly to the Committees on Armed Services and International Relations.

8320. A letter from the Secretary, Department of Energy, transmitting draft of proposed legislation ''To enhance the effectiveness of the counterintelligence programs within the Department of Energy by consolidating them into one program under the direct supervision of the Secretary of Energy, and for other purposes''; jointly to the Committees on Energy and Commerce and Armed Services.

8321. A letter from the Inspector General, Coalition Provisional Authority, transmitting the first quarterly report to Congress as required by Section 3001(i) of Title III of the 2004 Emergency Supplemental Appropriation for Defense and for the Reconstruction of Iraq and Afghanistan (Pub. L. 108-106), dated March 30, 2004; jointly to the Committees on International Relations and Appropriations.

8322. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Presidential Determination 2004-28, the President has exercised the authority provided to him and has issued the required determination to waive certain restrictions on the maintenance of a Palestine Liberation Organization (PLO) Office and on the receipt and expenditure of PLO funds for a period of six months, pursuant to Public Law 108—199, section 534(d); jointly to the Committees on International Relations and Appropriations.

8323. A letter from the Assistant Attorney General, Department of Justice, transmitting a report required by the Foreign Intelligence Surveillance Act of 1978, pursuant to 50 U.S.C. 1807; jointly to the Committees on the Judiciary and Intelligence (Permanent Select).

8324. A letter from the Secretary, Department of Health and Human Services, transmitting the report on ''Access to Information for Performance of Radiation Dose Reconstructions'' under the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA), pursuant to Public Law 108—136; jointly to the Committees on the Judiciary and Education and the Workforce.

8325. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation ''To amend the Federal Insecticide, Fungicide, and Rodenticide Act to implement pesticide-related obligations of the United States

under the international conventions or protocols known as the PIC Convention, the POPs Convention, and the LRTAP POPs Protocol''; jointly to the Committees on Agriculture, the Judiciary, and International Relations.

8326. A letter from the Chairman, Federal Election Commission, transmitting 12 recommendations for legislative action, pursuant to 2 U.S.C. 438(a)(9); jointly to the Committees on House Administration, Ways and Means, and Government Reform.

8327. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the annual reports due to Congress that appear on pages 111-134 of the March 2004 Treasury Bulletin as required by 26 U.S.C. 9602(a), 42 U.S.C. 10222(e)(1), 16 U.S.C. 1606a(c)(1), 42 U.S.C. 2297g(b)(1), and 7 U.S.C. 7101 note; jointly to the Committees on Ways and Means, Energy and Commerce, Transportation and Infrastructure, Resources, Agriculture, and Education and the Workforce.

¶55.4 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate insists upon its amendment to the bill (H.R. 3550) ''An Act to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints: Mr. INHOFE, Mr. WARNER, Mr. BOND, Mr. VOINOVICH, Mr. GRASSLEY, Mr. HATCH, Mr. NICKLES, Mr. LOTT, Mr. SHELBY, Mr. MCCAIN, Mr. MCCONNELL, Mr. JEFFORDS, Mr. REID, Mr. GRAHAM of Florida, Mr. LIEBERMAN, Mrs. BOXER, Mr. DASCHLE, Mr. HOLLINGS, Mr. SARBANES, Mr. BAUCUS, and Mr. CONRAD, to be the conferees on the part of the Senate.

¶55.5 SENATE ENROLLED BILL SIGNED

The SPEAKER pro tempore, Mr. UPTON, announced that pursuant to clause 4, rule I, the Speaker pro tempore, Mr. THORNBERRY signed the following enrolled bill of the Senate on Monday, May 24, 2004:

S. 2092. An Act to address the participation of Taiwan in the World Health Organization.

¶55.6 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. UPTON, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 21, 2004.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 21, 2004 at 1:16 p.m.:

That the Senate passed without amendment H. Con. Res. 409.

That the Senate passed without amendment H. Con. Res. 423.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶55.7 FOCUS: HOPE 35TH ANNIVERSARY

Mrs. MILLER of Michigan moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 295):

Whereas Focus: HOPE began as a civil and human rights organization in 1968 in the wake of the devastating Detroit riots, and was co-founded by the late Father William T. Cunningham, a Roman Catholic priest, and Eleanor M. Josaitis, a suburban housewife, who were inspired to establish Focus: HOPE by the work of Dr. Martin Luther King Jr.;

Whereas Focus: HOPE is committed to bringing together people of all races, faiths, and economic backgrounds to overcome injustice and build racial harmony, and it has grown to one of the largest nonprofit organizations in Michigan;

Whereas the Focus: HOPE mission statement states: ''Recognizing the dignity and beauty of every person, we pledge intelligent and practical action to overcome racism, poverty and injustice. And to build a metropolitan community where all people may live in freedom, harmony, trust and affection. Black and white, yellow, brown and red from Detroit and its suburbs of every economic status, national origin and religious persuasion we join in this covenant.'';

Whereas one of Focus: HOPE's early efforts was to support African-American and female employees in a seminal class action suit against AAA, resulting in one of the finest affirmative action commitments made by any corporation up to that time;

Whereas Focus: HOPE helped to conceive of and develop the Department of Agriculture's Commodity Supplemental Food Program which has been replicated in 32 states, and through this program Focus: HOPE helps to feed 43,000 people per month throughout Southeast Michigan;

Whereas Focus: HOPE has revitalized several city blocks in central Detroit by redeveloping obsolete industrial buildings, beautifying and landscaping Oakman Boulevard, creating pocket parks, and rehabilitating homes in the surrounding areas;

Whereas Focus: HOPE's Machinist Training Institute has been training individuals from Detroit and beyond for careers in advanced manufacturing and precision machining since 1981, and has sent forth nearly 2,500 certified graduates, providing an opportunity for primarily under-represented minority youth, women, and others to gain access to the financial mainstream and learn in-demand skills;

Whereas Focus: HOPE, with assistance from Michigan, the Department of Housing and Urban Development, and other generous private and public partners, has within the last two years invested over $10 million to complete the renovation of the industrial building housing its Machinist Training Institute;

Whereas Focus: HOPE has recognized that manufacturing and information technologies are key to the economic growth and security of Michigan and the United States, and is committed to designing programs that would contribute to the participation of under-represented urban individuals in these critical sectors;

Whereas, in 1982, Focus: HOPE began a for-profit subsidiary that was initiated for community economic development purposes and is now designated with Federal HUBZone status;

Whereas Focus: HOPE created two pioneering programs—FAST TRACK and First Step—designed to help individuals improve their reading and math competencies by a minimum of two grade levels in 4–7 weeks;

Whereas these programs have graduated over 7,000 individuals since their inception, a new offsite training facility in Detroit's Empowerment Zone in southwest Detroit has been established to reach out to individuals in other parts of the city, and the success of the programs has inspired Michigan (in its State-wide FAST BREAK program) and other States to replicate the efforts of Focus: HOPE;

Whereas, in 1987, Focus: HOPE reclaimed and renovated an abandoned building and opened it as a Center for Children, which has now served over 5,000 children of colleagues, students, and neighbors with quality child care, including latchkey, early childhood education, and other educational services;

Whereas Focus: HOPE, through an unprecedented co-operative agreement between the Departments of Defense, Commerce, Education, and Labor, established a National demonstration project—the Center for Advanced Technologies—in which candidates earn associates and bachelors degrees in either manufacturing engineering or technology, and engage in hands-on manufacturing within-real world conditions, producing parts for Daimler Chrysler, Detroit Diesel, Ford Motor Company, General Motors Corporation, the Department of Defense, and others;

Whereas Focus: HOPE has caused over $22 million to be invested in renovating a previously obsolete building to house the Center for Advanced Technologies, transforming the building into a model facility for 21st century advanced manufacturing, education, and research;

Whereas Focus: HOPE has made outstanding contributions toward increasing diversity within the traditional homogeneous science, math, engineering, and technology fields, and 95 percent of currently enrolled degree candidates are African-American, representing perhaps the United States' largest producer of bachelor-degreed minority graduates in manufacturing engineering;

Whereas Focus: HOPE's unique research and development partnership with the Department of Defense has resulted in a nationally recognized demonstration project, the Mobile Parts Hospital, whose Rapid Manufacturing System has recently been deployed to Kuwait in support of the Armed Forces' current operations in Afghanistan and Iraq;

Whereas Focus: HOPE began a community arts program in 1995, presenting multicultural arts programming and gallery exhibitions designed to educate and encourage area residents, while fostering integration in a culturally diverse metropolitan community, and over 43,000 people have viewed sponsored exhibits or participated in this program;

Whereas Focus: HOPE established an Information Technologies Center in 1999, providing Detroit students with industry-certified training programs in network administration, network installation, and desktop and server administration, and has graduated nearly 475 students to date, and has initiated, in collaboration with industry and academia, the design of a new bachelors degree program to educate information management systems engineers;

Whereas Focus: HOPE's initiatives and programs have been nationally recognized for excellence and leadership by such organizations as the Government Accounting Office, the Department of Labor, the International Standards Organization, the National Science Foundation, the Cisco Networking Academy Program, Fortune Magazine, Forbes Magazine, the Aspen Institute, and many others, and former Presidents George H. W. Bush and Bill Clinton have visited Focus: HOPE's campus;

Whereas Focus: HOPE is currently led by Eleanor M. Josaitis, its co-founder and chief executive officer, and she has received honorary degrees from 11 outstanding universities and colleges, was named one of the 100 Most Influential Women in 2002 by Crain's Detroit Business, has been inducted into the Michigan Women's Hall of Fame, has received the Detroit NAACP Presidential

Award, the Arab-American Institute Foundation's Kahlil Gibran Spirit of Humanity Award, as well as many other awards;

Whereas through the generous partnerships and support of individuals from all walks of life, Federal, State, and local government, and foundations and corporations across the United States, the vision of Focus: HOPE will continue to grow and inspire;

Whereas Focus: HOPE has been blessed with an active board of directors and advisory board from the senior most levels of corporate and public America, and has benefited from an annual average of 25,000 volunteers and countless colleagues;

Whereas Focus: HOPE has been a tremendous force for good in the City of Detroit, the State of Michigan, and the United States for the past 35 years;

Whereas Focus: HOPE continues to strive to eliminate racism, poverty, and injustice through the use of passion, persistence, and partnerships, and continues to seek improvement in its quality of service and program operations; and

Whereas Focus: HOPE and its colleagues will continue to identify ways in which it can lead Detroit, the State of Michigan, and the United States into the future with creative urban leadership initiatives: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) congratulates and salutes Focus: HOPE for its remarkable commitment and contributions to Detroit, the State of Michigan, and the United States; and

(2) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to Focus: HOPE and Ms. Eleanor M. Josaitis for appropriate display.

The SPEAKER pro tempore, Mr. UPTON, recognized Mrs. MILLER of Michigan and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. UPTON, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. MILLER of Michigan demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. UPTON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶55.8 RICHMOND FIRE PUBLIC SERVANTS

Mrs. MILLER of Michigan moved to suspend the rules and agree to the following resolution (H. Res. 612); as amended:

Whereas fire kills more Americans than all other natural disasters combined;

Whereas all Americans must work together for the common goal of fire prevention, fire use, and fire suppression;

Whereas firefighters routinely risk their lives to save others, and some sacrifice their lives in the line of duty;

Whereas on March 26, 2004, the Carver Community of Richmond, Virginia, and Virginia Commonwealth University experienced a devastating fire resulting in the condemnation and destruction of numerous buildings and property;

Whereas strong winds quickly spread the fire through several city blocks and a section of the Virginia Commonwealth University campus;

Whereas firefighters, police, public servants, and civilians exhibited resilience and courage in combating the dangerous fire and in dealing with its aftermath;

Whereas the local firefighters who initially answered the call were later assisted by countless firefighters from fire stations throughout the region who united in a determined effort to defeat the blaze and fight the challenging wind, smoke, and heat conditions in order to save the remaining area;

Whereas public, private, and civic organizations worked as a seamless team preserving and protecting human lives, defending property, and providing food and comfort to all affected; and

Whereas all involved met their community's call to duty by providing brave and steadfast assistance and upholding the finest traditions of the Commonwealth of Virginia: Now, therefore, be it

Resolved, That the House of Representatives recognizes and honors the firefighters, police, public servants, civilians, and private businesses who responded to the devastating fire in Richmond, Virginia, on March 26, 2004, and commends them for their dedicated service to the people of the Commonwealth of Virginia.

The SPEAKER pro tempore, Mr. UPTON, recognized Mrs. MILLER of Michigan and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. UPTON, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. MILLER of Michigan demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. UPTON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶55.9 TUSKEGEE AIRMAN

Mr. COLE moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 417):

Whereas the United States is currently combating terrorism around the world and is highly dependent on the global reach and presence provided by the Air Force;

Whereas these operations require the highest skill and devotion to duty from all personnel involved;

Whereas the Tuskegee Airmen proved that such skill and devotion, and not skin color, are the determining factors in aviation;

Whereas the Tuskegee Airmen served honorably in the Second World War struggle against global fascism; and

Whereas the example of the Tuskegee Airmen has encouraged millions of Americans of every race to pursue careers in air and space technology: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the United States Air Force should continue to honor and learn from the example provided by the Tuskegee Airmen as it faces the challenges of the 21st century and the war on terror.

The SPEAKER pro tempore, Mr. UPTON, recognized Mr. COLE and Mr. SNYDER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. UPTON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. COLE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. UPTON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶55.10 60TH ANNIVERSARY OF ALLIED LANDING AT NORMANDY

Mr. RYUN of Kansas moved to suspend the rules and pass the joint resolution of the Senate (S.J. Res. 28) recognizing the 60th anniversary of the Allied landing at Normandy during World War II.

The SPEAKER pro tempore, Mr. UPTON, recognized Mr. RYUN of Kansas and Mr. SNYDER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said joint resolution?

The SPEAKER pro tempore, Mr. MURPHY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. RYUN of Kansas demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. MURPHY, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Wednesday, June 2, 2004.

¶55.11 CHARLES WILSON DEPARTMENT OF VETERANS AFFAIRS CLINIC

Mr. MILLER of Florida moved to suspend the rules and pass the bill (H.R. 4317) to name the Department of Veterans Affairs outpatient clinic located in Lufkin, Texas, as the ''Charles Wilson Department of Veterans Affairs Outpatient Clinic''.

The SPEAKER pro tempore, Mr. MURPHY, recognized Mr. MILLER of Florida and Mr. RODRIGUEZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. MURPHY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶55.12 HEALTH, SAFETY, AND SECURITY OF PEACE CORPS VOLUNTEERS

Mr. SMITH of New Jersey moved to suspend the rules and pass the bill (H.R. 4060) to amend the Peace Corps Act to establish an Ombudsman and an Office of Safety and Security of the Peace Corps, and for other purposes.

The SPEAKER pro tempore, Mr. MURPHY, recognized Mr. SMITH of New Jersey and Ms. LEE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. MURPHY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶55.13 MOUNT RAINIER NATIONAL PARK BOUNDARY

Mr. GIBBONS moved to suspend the rules and pass the bill (H.R. 265) to provide for an adjustment of the boundaries of Mount Rainier National Park, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. MURPHY, recognized Mr. GIBBONS and Mr. RODRIGUEZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. MURPHY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶55.14 OSAGE TRIBE

Mr. GIBBONS moved to suspend the rules and pass the bill (H.R. 2912) to reaffirm the inherent sovereign rights of the Osage Tribe to determine its membership and form of government.

The SPEAKER pro tempore, Mr. MURPHY, recognized Mr. GIBBONS and Mr. RODRIGUEZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. MURPHY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶55.15 NATIONAL GREAT BLACK AMERICANS COMMEMORATION

Mr. GIBBONS moved to suspend the rules and pass the bill of the Senate (S. 1233) to authorize assistance for the National Great Blacks in Wax Museum and Justice Learning Center; as amended.

The SPEAKER pro tempore, Mr. MURPHY, recognized Mr. GIBBONS and Mr. RODRIGUEZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. MURPHY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said amendment.

¶55.16 RECESS—4:02 P.M.

The SPEAKER pro tempore, Mr. MURPHY, pursuant to clause 12(a) of rule I, declared the House in recess at 4 o'clock and 2 minutes p.m., until approximately 6:30 p.m.

¶55.17 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mr. TERRY, called the House to order.

¶55.18 H. CON. RES. 295—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 295) congratulating and saluting Focus: HOPE on the occasion of its 35th anniversary and for its remarkable commitment and contributions to Detroit, the State of Michigan, and the United States.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 374 / Nays 0

¶55.19 [Roll No. 210]

YEAS—374

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bell
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Doyle
Dreier
Dunn
Ehlers
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Majette
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg

Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—59

Abercrombie
Bachus
Ballance
Bass
Becerra
Bereuter
Berkley
Boehner
Brady (PA)
Carson (OK)
Chabot
Collins
Conyers
Costello
Cummings
Davis (AL)
Davis (FL)
DeGette
DeMint
Deutsch
Dicks
Dooley (CA)
Doolittle
Duncan
Edwards
Emanuel
English
Gephardt
Gutierrez
Hefley
Hinchey
Hoeffel
Istook
Jackson-Lee (TX)
John
Jones (OH)
Lynch
Maloney
McCrery
Meehan
Meek (FL)
Michaud
Neal (MA)
Owens
Oxley
Payne
Platts
Rangel
Rogers (KY)
Sandlin
Souder
Sullivan
Sweeney
Tauzin
Towns
Wamp
Waters
Weiner
Woolsey

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶55.20 H. RES. 612—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 612) recognizing and honoring the firefighters, police, public servants, civilians, and private businesses who responded to the devastating fire in Richmond, Virginia, on March 26, 2004; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 377 / Nays ..... 0 }

¶55.21 [Roll No. 211]

YEAS—377

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bell
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Doyle
Dreier
Dunn
Edwards
Ehlers
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Majette
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—56

Abercrombie
Bachus
Ballance
Bass
Becerra
Bereuter
Berkley
Boehner
Brady (PA)
Carson (OK)
Chabot
Collins
Conyers
Costello
Davis (AL)
Davis (FL)
DeGette
DeMint
Deutsch
Dicks
Dooley (CA)
Doolittle
Duncan
Emanuel
English
Gephardt
Gutierrez
Hefley
Hoeffel
Istook
Jackson-Lee (TX)
John
Jones (OH)
Lynch
Maloney
McCrery
Meehan
Meek (FL)
Michaud
Neal (MA)
Owens
Oxley
Payne
Platts
Rangel
Rogers (KY)
Sandlin
Souder
Sullivan
Sweeney
Tauzin
Towns
Wamp
Waters
Weiner
Woolsey

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶55.22 H. CON. RES. 417—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 417) honoring the Tuskegee Airmen and their contribution in creating an integrated United States Air Force, the world's foremost Air and Space Supremacy Force.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 378 / Nays ..... 0 }

¶55.23 [Roll No. 212]

YEAS—378

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballenger
Barrett (SC)

Bartlett (MD)
Barton (TX)
Beauprez
Bell
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Doyle
Dreier
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—55

Abercrombie
Bachus
Ballance
Bass
Becerra
Bereuter
Berkley
Boehner
Brady (PA)
Carson (OK)
Chabot
Collins
Conyers
Costello
Davis (AL)
Davis (FL)
DeGette
DeMint
Deutsch
Dicks
Dooley (CA)
Doolittle
Duncan
Emanuel
Gephardt
Gutierrez
Hefley
Hoeffel
Istook
John
Johnson, E. B.
Jones (OH)
Lynch
McCrery
Meehan
Meek (FL)
Mica
Michaud
Neal (MA)
Owens
Oxley
Payne
Platts
Rangel
Rogers (KY)
Sandlin
Shaw
Smith (MI)
Souder
Sullivan
Tauzin
Towns
Wamp
Weiner
Woolsey

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶55.24 PROVIDING FOR THE CONSIDERATION OF H.R. 444

Mr. HASTINGS of Washington, by direction of the Committee on Rules, reported (Rept. No. 108–518) the resolution (H. Res. 656) providing for consideration of the bill (H.R. 444) to amend the Workforce Investment Act of 1998 to establish a Personal Reemployment Accounts grant program to assist Americans in returning to work.

When said resolution and report were referred to the House Calendar and ordered printed.

¶55.25 PROVIDING FOR THE CONSIDERATION OF H.J. RES. 83

Mr. HASTINGS of Washington, by direction of the Committee on Rules, reported (Rept. No. 108–519) the resolution (H. Res. 657) providing for consideration of the joint resolution (H.J. Res. 83) proposing an amendment to the Constitution of the United States regarding the appointment of individuals to fill vacancies in the House of Representatives.

When said resolution and report were referred to the House Calendar and ordered printed.

¶55.26 SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2092. An Act to assist the participation of Taiwan in the World Health Organization.

¶55.27 BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on May 21, 2004, he presented to the President of the United States, for his approval, the following bills.

H.R. 408. An Act to provide for expansion of Sleeping Bear Dunes National Lakeshore.

H.R. 708. An Act to require the conveyance of certain National Forest System lands in Mendocino National Forest, California, to provide for the use of the proceeds from such conveyance for National Forest purposes, and for other purposes.

H.R. 856. An Act to authorize the Secretary of the Interior to revise a repayment contract with the Tom Green County Water Control and Improvement District No. 1, San Angelo project, Texas, and for other purposes.

H.R. 1598. An Act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in projects within the San Diego Creek Watershed, California, and for other purposes.

¶55.28 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BALLANCE, for today;

To Mr. BECERRA, for today;

To Mr. BEREUTER, for today and June 2 until 4 p.m.;

To Ms. BERKLEY, for today;

To Ms. BORDALLO, for today and June 2;

To Mr. ENGLISH, for today;

To Mr. PLATTS, for today;

To Mr. TAUZIN, for today and balance of the week;

To Mr. WAMP, for today; and

To Ms. WOOLSEY, for today.

And then,

¶55.29 ADJOURNMENT

On motion of Ms. JACKSON-LEE of Texas, at 11 o'clock and 52 minutes p.m., the House adjourned.

¶55.30 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 4278. A bill to amend the Assistive Technology Act of 1998 to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes; with an amendment (Rept. 108–514). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 2010. A bill to protect the voting rights of members of the Armed Services in elections for the Delegate representing American Samoa in the United States House of Representatives, and for other purposes; with an amendment (Rept. 108–515). Referred to the

Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 3785. A bill to authorize the exchange of certain land in Everglades National Park; with an amendment (Rept. 108–516). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. S. 144. An act to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land; with an amendment (Rept. 108–517 Pt. 1). Ordered to be printed.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 656. Resolution providing for consideration of the bill (H.R. 444) to amend the Workforce Investment Act of 1998 to establish a Personal Reemployment Accounts grant program to assist Americans in returning to work (Rept. 108–518). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 657. Resolution providing for consideration of the joint resolution (H.J. Res. 83) proposing an amendment to the Constitution of the United States regarding the appointment of individuals to fill vacancies in the House of Representatives (Rept. 108–519). Referred to the House.

¶55.31 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 180. Referral to the Committee on Rules extended for a period ending not later than July 23, 2004.

H.R. 3358. Referral to the Committee on the Budget extended for a period ending not later than July 23, 2004.

H.R. 3800. Referral to the Committee on the Budget extended for a period ending not later than July 23, 2004.

H.R. 3925. Referral to the Committee on the Budget extended for a period ending not later than July 23, 2004.

S. 144. Referral to the Committee on Agriculture extended for a period ending not later than July 9, 2004.

¶55.32 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. VITTER (for himself, Mr. BAKER, Mr. JEFFERSON, and Mr. TAUZIN):

H.R. 4470. A bill to amend the Federal Water Pollution Control Act to extend the authorization of appropriations for the Lake Pontchartrain Basin Restoration Program from fiscal year 2005 to 2010; to the Committee on Transportation and Infrastructure.

By Mr. RENZI (for himself and Mr. MATHESON):

H.R. 4471. A bill to clarify the loan guarantee authority under title VI of the Native American Housing Assistance and Self-Determination Act of 1996; to the Committee on Financial Services.

By Mr. WELDON of Pennsylvania (for himself, Mr. HOYER, Mr. BOEHLERT, Mr. ANDREWS, Mr. PASCRELL, and Mr. SMITH of Michigan):

H.R. 4472. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to expand the definition of firefighter to include apprentices and trainees, regardless of age or duty limitations; to the Committee on the Judiciary.

By Mr. OBEY (for himself, Mr. GEORGE MILLER of California, Ms. PELOSI, Mr. HOYER, Mrs. LOWEY, Ms. DELAURO, Mr. JACKSON of Illinois, Mr. KENNEDY of Rhode Island, and Ms. ROYBAL-ALLARD):

H.R. 4473. A bill making appropriations for the Department of Education for the fiscal year ending September 30, 2005, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 4474. A bill to designate the facility of the United States Postal Service located at 5505 Stevens Way in San Diego, California, as the ''Earl B. Gilliam Post Office Building''; to the Committee on Government Reform.

By Mr. GRAVES:

H.R. 4475. A bill to amend the Endangered Species Act of 1973 to focus conservation efforts under that Act on the 109 species most in danger of extinction, and for other purposes; to the Committee on Resources.

By Mr. LYNCH:

H.R. 4476. A bill to provide for the security and safety of rail and rail transit transportation systems, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. COX (for himself, Ms. PELOSI, Mr. LANTOS, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, Mr. MCGOVERN, Mr. PAYNE, Mr. ROHRABACHER, Mr. SOUDER, Mr. STRICKLAND, and Mr. WU):

H. Res. 655. A resolution condemning the crackdown on democracy protestors in Tiananmen Square, Beijing, in the People's Republic of China on the 15th anniversary of that tragic massacre; to the Committee on International Relations.

By Mr. GARY G. MILLER of California (for himself, Mr. OXLEY, Mr. FRANK of Massachusetts, Mr. NEY, and Ms. WATERS):

H. Res. 658. A resolution recognizing National Homeownership Month and the importance of homeownership in the United States; to the Committee on Financial Services.

¶55.33 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

341. The SPEAKER presented a memorial of the General Assembly of the Commonwealth of Kentucky, relative to House Concurrent Resolution No. 223 memorializing the House Armed Services Committee as well as the entire United States Congress to adopt H.R. 327 awarding a Medal of Honor posthumously to First Lieutenant Garlin Murl Conner; to the Committee on Armed Services.

342. Also, a memorial of the House of Representatives of the Commonwealth of Kentucky, relative to House Resolution No. 242 memorializing the Congress of the United States of America to enact legislation establishing English as the official language of the United States of America; to the Committee on Education and the Workforce.

343. Also, a memorial of the House of Representatives of the State of Georgia, relative to House Resolution No. 1684 memorializing the Congress of the United States to provide for a domestic energy policy that will ensure an adequate supply of natural gas and develop the appropriate infrastructure; to the Committee on Energy and Commerce.

344. Also, a memorial of the General Assembly of the State of Tennessee, relative to Senate Joint Resolution No. 64 memorializing the Congress of the United States to require, where applicable, that United States government uniforms and equipment be manufactured in the United States; to the Committee on Government Reform.

345. Also, a memorial of the House of Representatives of the State of Georgia, relative to House Resolution No. 1256 memorializing the Congress of the United States to consider creating a national preserve or other similar federal property to protect land and other natural resources and promote hunting and fishing in a continuous corridor of the Ocmulgee and Altamaha Rivers in central and south Georgia; to the Committee on Resources.

346. Also, a memorial of the General Assembly of the State of Ohio, relative to House Concurrent Resolution No. 31 memorializing the Congress of the United States to reauthorize abandoned mine land fee collection authority, to disperse shares of that fee without an appropriation, to release the unappropriated balance in the Abandoned Mine Land Fund, and to consider reevaluating the administration of the Abandoned Mine Land Reclamation Program and the Fund; to the Committee on Resources.

347. Also, a memorial of the House of Representatives of the Commonwealth of Kentucky, relative to House Resolution No. 263 memorializing members of the respective chambers of the Congress of the United States to cosponsor H.R. 2327 and S. 2018 of the 108th Congress of the United States to extend the length of the Lewis and Clark National Historic Trail; to the Committee on Resources.

348. Also, a memorial of the Senate of the Commonwealth of Kentucky, relative to Senate Resolution No. 224 memorializing members of the respective chambers of the Congress of the United States to cosponsor H.R. 2327 and S. 2018 of the 108th Congress of the United States to extend the length of the Lewis and Clark National Historic Trail; to the Committee on Resources.

349. Also, a memorial of the General Assembly of the State of Georgia, relative to House Resolution No. 1343 rescinding, repealing, canceling, voiding, nullifying, and superseding any and all prior applications by the General Assembly heretofore made during any session thereof to the Congress of the United States of America to call a convention pursuant to the terms of Article V of the United States Constitution for proposing one or more amendments to that Constitution and urging the legislatures of other states to do the same; to the Committee on the Judiciary.

¶55.34 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 252: Mr. ANDREWS.

H.R. 290: Mr. EMANUEL and Ms. GRANGER.

H.R. 296: Ms. DUNN, Mr. LARSEN of Washington, Mr. PLATTS, Mr. GREENWOOD, Mr. ALLEN, and Mr. VAN HOLLEN.

H.R. 432: Mr. MCHUGH.

H.R. 504: Mr. ANDREWS.

H.R. 548: Mr. VISCLOSKY.

H.R. 584: Mr. DOOLITTLE.

H.R. 677: Mr. CALVERT, Mr. FALEOMAVAEGA, Mr. POMBO, and Mr. RANGEL.

H.R. 734: Mr. GEORGE MILLER of California.

H.R. 742: Mr. OBERSTAR, Mr. BURTON of Indiana, and Mr. DEMINT.

H.R. 995: Mr. MCGOVERN and Mr. PAUL.

H.R. 1157: Mr. WYNN.

H.R. 1160: Mr. WYNN, Mr. WELDON of Pennsylvania, and Mr. ENGEL.

H.R. 1231: Mr. MARKEY.

H.R. 1328: Mr. MCGOVERN and Mr. PAUL.

H.R. 1563: Mr. CONYERS and Ms. MCCARTHY of Missouri.

H.R. 1684: Mr. LATHAM and Mr. SIMMONS.
H.R. 1734: Mr. TURNER of Texas, Mr. KENNEDY of Rhode Island, Mr. WOLF, and Mr. NEUGEBAUER.
H.R. 1741: Mr. MCGOVERN and Mr. PAUL.
H.R. 1800: Mr. RANGEL.
H.R. 2028: Mr. HALL.
H.R. 2068: Mr. PAYNE.
H.R. 2176: Mr. MCDERMOTT.
H.R. 2198: Mr. LARSON of Connecticut and Mr. SIMMONS.
H.R. 2318: Ms. WATSON, Mr. BECERRA, Mrs. NAPOLITANO, Ms. LORETTA SANCHEZ of California, Mr. CARDOZA, Mr. FARR, Mr. FORD, Mr. SERRANO, and Mr. STENHOLM.
H.R. 2387: Mr. RAMSTAD, Ms. KAPTUR, Mr. DAVIS of Illinois, and Mr. RODRIGUEZ.
H.R. 2404: Mr. REYNOLDS.
H.R. 2413: Mr. RUPPERSBERGER and Mr. BURNS.
H.R. 2464: Mr. STENHOLM.
H.R. 2724: Mr. MEEHAN.
H.R. 2727: Mr. ANDREWS.
H.R. 2787: Mr. MICHAUD.
H.R. 2797: Mr. BURTON of Indiana.
H.R. 2933: Mr. JONES of North Carolina.
H.R. 2959: Mr. BACHUS, Mr. JENKINS, Mr. DEUTSCH, Mr. BLUMENAUER, Mr. CHANDLER, Mr. LARSON of Connecticut, Mr. FOLEY, and Mr. WAXMAN.
H.R. 2967: Mr. STUPAK and Mr. HASTINGS of Florida.
H.R. 3084: Mrs. MCCARTHY of New York.
H.R. 3201: Mr. MCDERMOTT.
H.R. 3213: Mrs. KELLY and Mr. SHAW.
H.R. 3215: Mr. BOEHLERT and Mrs. KELLY.
H.R. 3242: Mr. GILCHREST and Mr. HOYER.
H.R. 3281: Mr. BLUMENAUER.
H.R. 3323: Mr. ANDREWS and Mr. VISCLOSKY.
H.R. 3324: Mr. KILDEE, Mrs. MALONEY, and Mrs. TAUSCHER.
H.R. 3386: Ms. CARSON of Indiana.
H.R. 3459: Mr. FALEOMAVAEGA and Mr. LANTOS.
H.R. 3474: Mrs. BLACKBURN and Mr. LEWIS of Kentucky.
H.R. 3480: Mr. FILNER and Ms. MILLENDER-MCDONALD.
H.R. 3558: Mr. COX, Mr. MCKEON, and Mr. ETHERIDGE.
H.R. 3574: Mr. NUNES and Mr. NETHERCUTT.
H.R. 3619: Ms. Velazquez, Mr. UDALL of Colorado, and Mr. MOLLOHAN.
H.R. 3676: Mr. PETRI.
H.R. 3716: Mr. SANDLIN and Mr. UPTON.
H.R. 3755: Mr. CHANDLER, Mr. BACA, Mr. MARSHALL, and Mr. MURPHY.
H.R. 3780: Ms. WATSON, Mr. WU, Mr. WEXLER, Mrs. MCCARTHY of New York, and Mr. KILDEE.
H.R. 3798: Ms. KILPATRICK.
H.R. 3831: Mr. FILNER and Mr. ACEVEDO-VILA.
H.R. 3847: Mr. MILLER of North Carolina.
H.R. 3860: Mr. REYNOLDS.
H.R. 3896: Mr. CARSON of Oklahoma.
H.R. 3936: Mr. RAHALL.
H.R. 3950: Mr. GILLMOR.
H.R. 3953: Mr. RUPPERSBERGER and Mr. MCHUGH.
H.R. 3965: Mr. HOLDEN.
H.R. 3968: Mr. VAN HOLLEN and Mr. GORDON.
H.R. 4010: Mr. ALLEN.
H.R. 4020: Mr. RAHALL.
H.R. 4026: Mr. GILLMOR, Mr. LARSON of Connecticut, and Mr. CASE.
H.R. 4043: Mr. GORDON.
H.R. 4048: Mr. MARSHALL.
H.R. 4101: Mr. BERMAN.
H.R. 4102: Mr. FATTAH, Mr. MICHAUD, and Mr. TOWNS.
H.R. 4107: Mr. UPTON, Mr. PETERSON of Minnesota, Mr. PRICE of North Carolina, Mr. SNYDER, Mr. FOSSELLA, and Mr. NEY.
H.R. 4109: Mr. BOEHNER, Mr. BASS, Mr. MCCOTTER, Mr. VITTER, and Mr. COX.
H.R. 4126: Mr. CANNON, Mr. KENNEDY of Minnesota, and Mrs. CAPITO.
H.R. 4147: Ms. KAPTUR, Ms. LEE, and Mr. MARSHALL.
H.R. 4175: Mr. RAHALL.
H.R. 4177: Mr. GORDON and Mr. HOEFFEL.
H.R. 4217: Mr. HASTINGS of Washington.
H.R. 4233: Mr. TOWNS.
H.R. 4248: Mr. RAHALL.
H.R. 4256: Mr. MCGOVERN.
H.R. 4261: Mr. OWENS, Mr. CLAY, Mr. MCGOVERN, and Mr. TOWNS.
H.R. 4262: Mr. BLUMENAUER, Mr. EMANUEL, Ms. DEGETTE, and Mrs. CHRISTENSEN.
H.R. 4278: Mr. MCDERMOTT, Mr. OWENS, Mr. PRICE of North Carolina, Mr. SANDERS, Mr. MATHESON, and Mr. FROST.
H.R. 4306: Mr. SWEENEY.
H.R. 4314: Mr. MOORE.
H.R. 4317: Mr. BONILLA, Mr. BRADY of Texas, Mr. GONZALEZ, Mr. HALL, Mr. NEUGEBAUER, Mr. ORTIZ, Mr. RODRIGUEZ, Mr. SESSIONS, and Mr. THORNBERRY.
H.R. 4334: Mr. HINCHEY and Mrs. MCCARTHY of New York.
H.R. 4341: Mr. MOORE, Mr. EVANS, and Mr. ROSS.
H.R. 4361: Mr. TOWNS, Mr. CUMMINGS, and Mr. FATTAH.
H.R. 4363: Mr. CANTOR, Mr. OWENS, Mr. MATHESON, Mr. CHOCOLA, Mr. HOLDEN, Mr. PAYNE, Ms. BORDALLO, and Mr. MURPHY.
H.R. 4370: Mr. BISHOP of New York and Mr. EMANUEL.
H.R. 4375: Mrs. JO ANN DAVIS of Virginia, Mr. SWEENEY, Mr. HINCHEY, and Mr. MARKEY.
H.R. 4384: Mr. CALVERT
H.R. 4400: Ms. DELAURO and Mr. WEINER.
H.R. 4409: Ms. ROS-LEHTINEN.
H.R. 4410: Mr. MCCOTTER, Ms. ROS-LEHTINEN, and Mr. THOMAS.
H.R. 4411: Mr. HOEKSTRA.
H.R. 4416: Mr. GREEN of Wisconsin, Mr. KIRK, Mr. CONYERS, and Mr. UPTON.
H.R. 4420: Mr. CANTOR, and Mrs. NORTHUP.
H.R. 4435: Mr. HOEFFEL, Mr. KENNEDY of Rhode Island, Mr. BROWN of Ohio, Mr. MCGOVERN, and Mr. DELAHUNT.
H.R. 4444: Mr. SIMMONS.
H.R. 4450: Mr. WEINER, Mr. LANTOS, and Mr. HOEFFEL.
H.R. 4457: Mr. BERMAN, Mrs. EMERSON, and Ms. SCHAKOWSKY.
H.R. 4468: Mr. RANGEL, Ms. MAJETTE, Mr. FROST, Mr. MCGOVERN, Mr. SNYDER, Mr. VAN HOLLEN, Mr. FATTAH, Mr. BLUMENAUER, Mr. BROWN of Ohio, and Mr. HOEFFEL.
H.J. Res. 56: Mrs. NORTHUP.
H.J. Res. 93: Mr. MURPHY.
H. Con. Res. 247: Mr. SPRATT.
H. Con. Res. 252: Mr. GORDON.
H. Con. Res. 257: Mrs. MUSGRAVE, Mr. GUTIERREZ, and Mr. RANGEL.
H. Con. Res. 371: Mr. REYNOLDS and Mr. LEVIN.
H. Con. Res. 413: Mr. GILLMOR, Ms. MCCOLLUM, Mr. GRIJALVA, Ms. LINDA T. SANCHEZ of California, Mrs. DAVIS of California, Ms. ESHOO, Ms. LORETTA SANCHEZ of California, Ms. BORDALLO, Ms. WOOLSEY, Ms. WATSON, Ms. HOOLEY of Oregon, Ms. CARSON of Indiana, Mrs. CUBIN, Ms. VELAZQUEZ, Ms. DUNN, Ms. HART, Mrs. NAPOLITANO, Ms. GRANGER, Mrs. MUSGRAVE, Ms. LEE, and Mrs. TAUSCHER.
H. Res. 466: Mr. HOEFFEL, Mr. STENHOLM, and Ms. LORETTA SANCHEZ of California.
H. Res. 550: Mr. SHAYS.
H. Res. 570: Mr. SHIMKUS, Mr. VAN HOLLEN, Mr. FEENEY, Mr. ENGEL, Mr. DEUTSCH, Ms. WATSON, and Mr. BALLANCE.
H. Res. 575: Mr. VAN HOLLEN.
H. Res. 586: Mr. LARSEN of Washington.
H. Res. 604: Mr. OLVER and Mr. ETHERIDGE.
H. Res. 634: Mr. PORTMAN, Mr. TURNER of Ohio, Mr. STRICKLAND, Mr. KUCINICH, Mrs. JONES of Ohio, and Mr. BROWN of Ohio.
H. Res. 635: Mr. PORTMAN, Mr. TURNER of Ohio, Mr. STRICKLAND, Mr. KUCINICH, Mrs. JONES of Ohio, and Mr. BROWN of Ohio.
H. Res. 641: Mr. MCNULTY, Mr. WOLF, Mr. FORD, and Mr. WICKER.

WEDNESDAY, JUNE 2, 2004 (56)

¶56.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. SHAW, who laid before the House the following communication:

WASHINGTON, DC,
June 2, 2004.

I hereby appoint the Honorable E. CLAY SHAW, Jr. to act as Speaker pro tempore on this day.

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

¶56.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. SHAW, announced he had examined and approved the Journal of the proceedings of Tuesday, June 1, 2004.

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

¶56.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

8328. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Extension of Tolerances for Emergency Exemptions (Multiple Chemicals) [OPP–2004–0136; FRL–7358–7] received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8329. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Ultramarine Blue; Exemption from the Requirement of a Tolerance [OPP–2004–0056; FRL–7357–6] received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8330. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Imidacloprid; Pesticide Tolerance [OPP–2004–0090; FRL–7348–1] received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8331. A letter from the Acting Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 04–05, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8332. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to the Republic of Korea pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

8333. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Illinois [IL222-1a; FRL-7666-1] received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8334. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans California — San Joaquin Valley PM-10 Nonattainment Area; Serious Area Plan for Attainment of the 24-Hour and Annual PM-10 Standards [CA 294-0450, FRL-7663-8] received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8335. A letter from the Deputy Associate Administrator, Environmental Protection

Agency, transmitting the Agency's final rule — Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, Commonwealth of Virginia; Control of Emissions from Commercial and Industrial Solid Waste Incinerator Units [VA141-5075a; FRL-7666-5] received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8336. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Final Determination to Extend Deadline for Promulgation of Action on Section 126 Petition From North Carolina [OAR-2004-0076; FRL-7667-3] received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8337. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Proposed Exclusion [FRL-7667-5] received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8338. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Interim Final Determination that State has Corrected a Deficiency in the California State Implementation Plan, Ventura County Air Pollution Control District [CA 169-0440c; FRL-7665-3] received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8339. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, El Dorado County Air Pollution Control District, Feather River Air Quality Management District, Kern County Air Pollution Control District, Sacramento Metropolitan Air Quality Management District, San Bernardino County Air Pollution Control District, Santa Barbara County Air Pollution Control District, and Yolo-Solano Air Pollution Control District [CA 040-0448a; FRL-7662-2] received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8340. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Australia for defense articles and services (Transmittal No. 04-12), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

8341. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services with Canada (Transmittal No. DDTC 027-04), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

8342. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Japan and the United Kingdom (Transmittal No. DTC 030-04), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

8343. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with the United Kingdom and Norway (Transmittal No. DDTC 025-04), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

8344. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract with Colombia (Transmittal No. DTC 130-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8345. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to The Netherlands and Belgium (Transmittal No. DDTC 028-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8346. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the Republic of Korea and Germany (Transmittal No. DDTC 032-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8347. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting the annual report on Military Assistance, Military Exports, and Military Imports for Fiscal Year 2003, as required by Section 655 of the Foreign Assistance Act of 1961 (FAA), as enacted 10 February 1996, by Section 1324 of Pub. L. 104-106, and 21 July 1996, by Section 148 of Pub. L. 104-164; to the Committee on International Relations.

8348. A letter from the Secretary, Department of Health and Human Services, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2003 through March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8349. A letter from the Paralegal, District of Columbia Retirement Board, transmitting the personal financial disclosure statements of Board members, pursuant to D.C. Code section 1–732 and 1–734(a)(1)(A); to the Committee on Government Reform.

8350. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2003 through March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

8351. A letter from the Executive Director, Interstate Commission on the Potomac River Basin, transmitting the audited Sixty-Third Financial Statement for the period October 1, 2002 — September 30, 2003, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

8352. A letter from the Secretary, Department of the Interior, transmitting a draft bill ''To modify the boundary of the Castillo de San Marcos National Monument, in the State of Florida, and for other purposes''; to the Committee on Resources.

8353. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; [Docket No. 2002-NM-335-AD; Amendment 39-13550; AD 2004-07-06] (RIN: 2120-AA64) received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8354. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No. 2002-NM-101-AD; Amendment 39-13554; AD 2004-07-10] (RIN: 2120-AA64) received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8355. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A321-111, -112, and -131 Series Airplanes [Docket No. 2002-NM-17-AD; Amendment 39-13559; AD 2004-07-15] (RIN: 2120-AA64) received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8356. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model C-235 Series Airplanes [Docket No. 2002-NM-160-AD; Amendment 39-13560; AD 2004-07-16] (RIN: 2120-AA64) received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8357. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-400ER Series Airplanes [Docket No. 2002-NM-287-AD; Amendment 39-13555; AD 2004-07-11] received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶56.4 PROVIDING FOR THE CONSIDERATION OF H.R. 444

Ms. PRYCE of Ohio, by direction of the Committee on Rules, called up the following resolution (H. Res. 656):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 444) to amend the Workforce Investment Act of 1998 to establish a Personal Reemployment Accounts grant program to assist Americans in returning to work. The bill shall be considered as read for amendment. In lieu of the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill, an amendment in the nature of a substitute consisting of the text of H.R. 4444 shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit with or without instructions.

SEC. 2. (a) In the engrossment of H.R. 444, the Clerk shall—

(1) await the disposition of H.R. 4409 and H.R. 4410;

(2) add the respective texts of such bills specified in subparagraph (1) as have passed the House, as new matter at the end of H.R. 444;

(3) conform the title of H.R. 444 to reflect the addition to the engrossment of the text of such bills specified in subparagraph (1) as have passed the House;

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

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

(b) Upon the addition to the engrossment of H.R. 444 of the text of each bill specified in subsection (a)(1) that has passed the House, each such bill shall be laid on the table.

(c) If H.R. 444 is disposed of without reaching the stage of engrossment as contemplated in subsection (a), the bill specified in subsection (a)(1) that first passes the House shall be treated in the manner specified for H.R. 444 in subsections (a) and (b), and only the other bill specified in subsection (a)(1) that has passed the House shall be laid on the table.

When said resolution was considered.

After debate,

Ms. PRYCE of Ohio, submitted the following amendment:

In section 2(a)(1), strike ''4410'' and insert ''4411''.

Ms. PRYCE of Ohio, moved the previous question on the resolution and the amendment to their adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. SHAW, announced that the yeas had it.

Ms. SLAUGHTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SHAW, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶56.5 PROVIDING FOR THE CONSIDERATION OF H.J. RES. 83

Mr. HASTINGS of Washington, by direction of the Committee on Rules, called up the following resolution (H. Res. 657):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 83) proposing an amendment to the Constitution of the United States regarding the appointment of individuals to fill vacancies in the House of Representatives. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) 90 minutes of debate on the joint resolution equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit.

When said resolution was considered.

After debate,

Mr. HASTINGS of Washington moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. QUINN, announced that the yeas had it.

Mr. McGOVERN objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 215; Nays ..... 195 }

¶56.6 [Roll No. 213]

YEAS—215

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

NAYS—195

Abercrombie, Ackerman, Alexander, Allen, Andrews, Baca, Baird, Baldwin, Becerra, Bell, Berman, Berry, Bishop (GA), Bishop (NY), Blumenauer, Boswell, Boucher, Boyd, Brady (PA), Brown (OH), Brown, Corrine, Capps, Capuano, Cardin, Cardoza, Carson (IN), Case, Chandler, Clay, Clyburn, Conyers, Cooper, Cramer, Crowley, Cummings, Davis (AL), Davis (CA), Davis (IL), Davis (TN), DeFazio, Delahunt, DeLauro, Dicks, Doggett, Dooley (CA), Doyle, Emanuel, Engel, Eshoo, Evans, Farr, Fattah, Filner, Ford, Frank (MA), Frost, Gephardt, Gonzalez, Gordon, Green (TX), Grijalva, Gutierrez, Harman, Hastings (FL), Hill, Hinchey, Hinojosa, Hoeffel, Holden, Holt, Honda, Hooley (OR), Hoyer, Inslee, Israel, Jackson (IL), Jackson-Lee (TX), Jefferson, John, Johnson, E. B., Kanjorski, Kaptur, Kennedy (RI), Kildee, Kilpatrick, Kind, Kleczka, Kucinich, Lampson, Langevin, Lantos, Larsen (WA), Larson (CT), Lee, Levin, Lewis (GA), Lipinski, Lofgren, Lowey, Lucas (KY), Lynch, Majette, Maloney, Markey, Marshall, Matheson, Matsui, McCarthy (MO), McCarthy (NY), McCollum, McDermott, McGovern, McIntyre, McNulty, Meehan, Meek (FL), Meeks (NY), Menendez, Michaud, Millender-McDonald, Miller (NC), Miller, George, Mollohan, Moore, Moran (VA), Murtha, Nadler, Napolitano, Neal (MA), Oberstar, Obey, Olver, Ortiz, Owens, Pallone, Pascrell, Pastor, Payne, Pelosi, Peterson (MN), Pomeroy, Price (NC), Rahall, Rangel, Reyes, Rodriguez, Ross, Rothman, Roybal-Allard, Ruppersberger, Rush, Ryan (OH), Sabo, Sanchez, Linda T., Sanchez, Loretta, Sanders, Sandlin, Schakowsky, Schiff, Scott (GA), Scott (VA), Serrano, Sherman, Skelton, Slaughter, Smith (WA), Snyder, Solis, Spratt, Stark, Stenholm, Strickland, Stupak, Tanner, Tauscher, Taylor (MS), Thompson (CA), Thompson (MS), Tierney, Towns, Turner (TX), Udall (CO), Udall (NM), Van Hollen, Velazquez, Visclosky, Waters, Watson, Watt, Waxman, Weiner, Wexler, Woolsey, Wu, Wynn

NOT VOTING—23

Bachus, Ballance, Ballenger, Bereuter, Berkley, Carson (OK), Costello, Davis (FL), DeGette, DeMint, Deutsch, Dingell, Edwards, Emerson, Etheridge, Jones (OH), Latham, McCrery, Pearce, Simmons, Tancredo, Tauzin, Wilson (NM)

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. QUINN, announced that the yeas had it.

Mr. FROST demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 211; Nays ..... 200; Answered present 1 }

¶56.7 [Roll No. 214]

AYES—211

Aderholt, Akin, Baker, Barrett (SC), Bartlett (MD), Barton (TX), Bass, Beauprez, Biggert, Bilirakis, Bishop (UT), Blackburn, Blunt, Boehlert, Boehner, Bonilla, Bonner, Bono, Boozman, Bradley (NH), Brady (TX), Brown (SC), Brown-Waite, Ginny, Burgess, Burns, Burr, Burton (IN), Buyer, Calvert, Camp, Cannon, Cantor, Capito, Carter, Castle, Chabot, Chocola, Coble, Cole, Collins, Cox, Crane, Crenshaw, Cubin, Culberson, Cunningham, Davis, Jo Ann, Davis, Tom, Deal (GA), DeLay, Diaz-Balart, L., Diaz-Balart, M., Doolittle, Dreier, Duncan, Dunn, Ehlers, English, Everett, Feeney, Ferguson, Flake, Foley, Forbes, Fossella, Franks (AZ), Frelinghuysen, Gallegly, Garrett (NJ), Gerlach, Gibbons, Gilchrest, Gillmor, Gingrey, Goode, Goodlatte, Goss, Granger, Graves, Green (WI), Greenwood, Gutknecht, Hall, Harris, Hart, Hastings (WA), Hayworth, Hefley, Hensarling, Herger, Hobson, Hoekstra, Hostettler, Houghton, Hulshof, Hyde, Isakson, Issa, Istook, Jenkins, Johnson (CT)

Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
McCotter
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—200

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

ANSWERED "PRESENT"—1

Rohrabacher

NOT VOTING—21

Bachus
Ballance
Ballenger
Bereuter
Berkley
Carson (OK)
Costello
Davis (FL)
DeGette
DeMint
Deutsch
Emerson
Hayes
Hunter
Jones (OH)
McCrery
Northup
Peterson (PA)
Tancredo
Tauzin
Wilson (NM)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶56.8 H. RES. 656—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. QUINN, pursuant to clause 8, rule XX, announced the unfinished business to be the question on ordering the previous question on the resolution and the amendment to (H. Res. 656) providing for consideration of the bill (H.R. 444) to amend the Workforce Investment Act of 1998 to establish a Personal Reemployment Accounts grant program to assist Americans in returning to work.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 214 / Nays 196

¶56.9 [Roll No. 215]

YEAS—214

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

NAYS—196

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—23

Bachus
Ballance
Ballenger
Bereuter
Berkley
Berry
Carson (OK)
Costello
Davis (FL)
DeGette
DeMint
Deutsch
Emerson
Ferguson
Hart
Jones (OH)
Lewis (CA)
McCrery
Mica
Strickland
Tancredo
Tauzin
Wilson (NM)

So the previous question on the resolution and the amendment was ordered.

The question being put, viva voce,

Will the House agree to said amendment?

The SPEAKER pro tempore, Mr. QUINN, announced that the yeas had it.

Mr. SLAUGHTER demanded a recorded vote on agreeing to said amendment which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 320 / Nays 96

¶56.10 [Roll No. 216]

AYES—320

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (CA)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Engel
English
Everett
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hulshof
Hyde
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McHugh
McInnis
McIntyre
McKeon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pascrell
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Upton
Van Hollen
Velazquez
Vitter
Walden (OR)
Walsh
Wamp
Watt
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOES—96

Andrews
Baird
Blumenauer
Brady (PA)
Brown (OH)
Capuano
Chandler
Clay
Conyers
Crowley
Cummings
Davis (AL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Dingell
Edwards
Emanuel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Hinojosa
Honda
Hoyer
Inslee
Jefferson
Johnson, E. B.
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Langevin
Larsen (WA)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Markey
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Rangel
Rothman
Roybal-Allard
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Serrano
Skelton
Slaughter
Stark
Tierney
Towns
Udall (NM)
Visclosky
Waters
Watson
Waxman
Weiner
Wynn

NOT VOTING—17

Bachus
Ballance
Ballenger
Bereuter
Berkley
Carson (OK)
Costello
Davis (FL)
DeGette
DeMint
Deutsch
Emerson
Hunter
Jones (OH)
McCrery
Tauzin
Wilson (NM)

So the amendment was agreed to.

The question being put, viva voce,

Will the House agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. QUINN, announced that the yeas had it.

Ms. SLAUGHTER demanded a recorded vote on agreeing to said resolution, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 220 / Nays 196

¶56.11 [Roll No. 217]

AYES—220

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

NOES—196

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Cramer
Crowley
Cummings
Davis (AL)

Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—17

Bachus
Ballance
Ballenger
Bereuter
Berkley
Carson (OK)
Costello
Davis (FL)
DeGette
DeMint
Deutsch
Emerson
Jones (OH)
McCrery
Tauzin
Towns
Wilson (NM)

So the resolution, as amended, was agreed to.

A motion to reconsider the vote whereby said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶56.12 TEACHER TRAINING ENHANCEMENT

Mr. McKEON moved to suspend the rules and pass the bill (H.R. 4409) to reauthorize title II of the Higher Education Act of 1965.

The SPEAKER pro tempore, Mr. QUINN, recognized Mr. McKEON and Mr. KILDEE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. QUINN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

¶56.13 PRIORITIES FOR GRADUATE STUDIES

Mr. McKEON moved to suspend the rules and pass the bill (H.R. 4411) to amend title VII of the Higher Education Act of 1965 to ensure graduate opportunities in postsecondary education, and for other purposes.

The SPEAKER pro tempore, Mr. QUINN, recognized Mr. McKEON and Mr. KILDEE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. QUINN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

¶56.14 RAVENNA, OHIO LAND CONVEYANCE

Mr. McKEON moved to suspend the rules and pass the bill (H.R. 3908) to provide for the conveyance of the real property located at 1081 West Main Street in Ravenna, Ohio.

The SPEAKER pro tempore, Mr. QUINN, recognized Mr. McKEON and Mr. RYAN of Ohio, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. QUINN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶56.15 ROSIE THE RIVETER

Mr. McKEON moved to suspend the rules and agree to the concurrent resolution (H. Con. Res. 413):

Whereas during World War II, 6,000,000 women stepped forward to work in homefront industries to produce the ships, planes, tanks, trucks, guns, and ammunition that were crucial to achieving an Allied victory;

Whereas women worked in homefront industries as welders, riveters, engineers, designers, and managers, and held other positions that had traditionally been held by men;

Whereas these women demonstrated great skill and dedication in the difficult and often dangerous jobs they held, which enabled them to produce urgently needed military equipment at recordbreaking speeds;

Whereas the need for labor in homefront industries during World War II opened new employment opportunities for women from all walks of life and dramatically increased gender and racial integration in the workplace;

Whereas the service of women on the homefront during World War II marked an unprecedented entry of women into jobs that had traditionally been held by men and created a lasting legacy of the ability of women to succeed in those jobs;

Whereas these women devoted their hearts and souls to their work to assure safety and success for their husbands, sons, and other loved ones on the battle front;

Whereas the needs of working mothers resulted in the creation of child care programs, leading to the lasting legacy of public acceptance of early child development and care outside the home;

Whereas the needs of women on the homefront led to employer-sponsored prepaid and preventative health care never before seen in the United States; and

Whereas in 2000, Congress recognized the significance to the Nation of the industrial achievements on the homefront during World War II and the legacy of the women who worked in those industries through the establishment of the Rosie the Riveter World War II Home Front National Historical Park in Richmond, California, as a unit of the National Park System: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) honors the extraordinary contributions of the women whose dedicated service on the homefront during World War II was instrumental in achieving an Allied victory;

(2) recognizes the lasting legacy of equal employment opportunity and support for child care and health care that developed during the ''Rosie the Riveter'' era; and

(3) calls on the people of the United States to take the opportunity to study, reflect on, and celebrate the stories and accomplishments of women who served the Nation as ''Rosies'' during World War II.

The SPEAKER pro tempore, Mr. SIMPSON, recognized Mr. McKEON and Mr. George MILLER of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. SIMPSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. George MILLER of California demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶56.16 SIMPLE TAX FOR SENIORS

Mr. FOLEY moved to suspend the rules and pass the bill (H.R. 4109) to allow seniors with Social Security and pension income to file their income tax returns on a new Form 1040SR without regard to the amount of interest or taxable income of the senior; as amended.

The SPEAKER pro tempore, Mr. SIMPSON, recognized Mr. FOLEY and Mr. POMEROY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SIMPSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. FOLEY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶56.17 STANDARDS DEVELOPMENT ORGANIZATIONS

Mr. SENSENBRENNER moved to suspend the rules and agree to the following amendment of the Senate to the bill (H.R. 1086) to encourage the development and promulgation of voluntary consensus standards by providing relief under the antitrust laws to standards development organizations with respect to conduct engaged in for the purpose of developing voluntary consensus standards, and for other purposes:

Strike out all after the enacting clause and insert:

TITLE I—STANDARDS DEVELOPMENT ORGANIZATION ADVANCEMENT ACT OF 2003

SEC. 101. SHORT TITLE.

This title may be cited as the ''Standards Development Organization Advancement Act of 2003''.

SEC. 102. FINDINGS.

The Congress finds the following:

(1) In 1993, the Congress amended and renamed the National Cooperative Research Act of 1984 (now known as the National Cooperative Research and Production Act of 1993 (15 U.S.C. 4301 et seq.)) by enacting the National Cooperative Production Amendments of 1993 (Public Law 103–42) to encourage the use of collaborative, procompetitive activity in the form of research and production joint ventures that provide adequate disclosure to the antitrust enforcement agencies about the nature and scope of the activity involved.

(2) Subsequently, in 1995, the Congress in enacting the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) recognized the importance of technical standards developed by voluntary consensus standards bodies to our national economy by requiring the use of such standards to the extent practicable by Federal agencies and by encouraging Federal agency representatives to participate in ongoing standards development activities. The Office of Management and Budget on February 18, 1998, revised Circular A–119 to reflect these changes made in law.

(3) Following enactment of the National Technology Transfer and Advancement Act of 1995, technical standards developed or adopted by voluntary consensus standards bodies have replaced thousands of unique Government standards and specifications allowing the national economy to operate in a more unified fashion.

(4) Having the same technical standards used by Federal agencies and by the private sector permits the Government to avoid the cost of developing duplicative Government standards and to more readily use products and components designed for the commercial marketplace, thereby enhancing quality and safety and reducing costs.

(5) Technical standards are written by hundreds of nonprofit voluntary consensus standards bodies in a nonexclusionary fashion, using thousands of volunteers from the private and public sectors, and are developed under the standards development principles set out in Circular Number A–119, as revised February 18, 1998, of the Office of Management and Budget, including principles that require openness, balance, transparency, consensus, and due process. Such principles provide for—

(A) notice to all parties known to be affected by the particular standards development activity,

(B) the opportunity to participate in standards development or modification,

(C) balancing interests so that standards development activities are not dominated by any single group of interested persons,

(D) readily available access to essential information regarding proposed and final standards,

(E) the requirement that substantial agreement be reached on all material points after the consideration of all views and objections, and

(F) the right to express a position, to have it considered, and to appeal an adverse decision.

(6) There are tens of thousands of voluntary consensus standards available for government use. Most of these standards are kept current through interim amendments and interpretations, issuance of addenda, and periodic reaffirmation, revision, or reissuance every 3 to 5 years.

(7) Standards developed by government entities generally are not subject to challenge under the antitrust laws.

(8) Private developers of the technical standards that are used as Government standards are often not similarly protected, leaving such developers vulnerable to being named as codefendants in lawsuits even though the likelihood of their being held liable is remote in most cases, and they generally have limited resources to defend themselves in such lawsuits.

(9) Standards development organizations do not stand to benefit from any antitrust violations that might occur in the voluntary consensus standards development process.

(10) As was the case with respect to research and production joint ventures before the passage of the National Cooperative Research and Production Act of 1993, if relief from the threat of liability under the antitrust laws is not granted to voluntary consensus standards bodies, both regarding the development of new standards and efforts to keep existing standards current, such bodies could be forced to cut back on standards development activities at great financial cost both to the Government and to the national economy.

SEC. 103. DEFINITIONS.

Section 2 of the National Cooperative Research and Production Act of 1993 (15 U.S.C. 4301) is amended—

(1) in subsection (a) by adding at the end the following:

''(7) The term 'standards development activity' means any action taken by a standards development organization for the purpose of developing, promulgating, revising, amending, reissuing, interpreting, or otherwise maintaining a voluntary consensus standard, or using such standard in conformity assessment activities, including actions relating to the intellectual property policies of the standards development organization.

''(8) The term 'standards development organization' means a domestic or international organization that plans, develops, establishes, or coordinates voluntary consensus standards using procedures that incorporate the attributes of openness, balance of interests, due process, an appeals process, and consensus in a manner consistent with the Office of Management and Budget Circular Number A–119, as revised February 10, 1998. The term 'standards development organization' shall not, for purposes of this Act, include the parties participating in the standards development organization.

''(9) The term 'technical standard' has the meaning given such term in section 12(d)(4) of the National Technology Transfer and Advancement Act of 1995.

''(10) The term 'voluntary consensus standard' has the meaning given such term in Office of Management and Budget Circular Number A–119, as revised February 10, 1998.''; and

(2) by adding at the end the following:

''(c) The term 'standards development activity' excludes the following activities:

''(1) Exchanging information among competitors relating to cost, sales, profitability, prices, marketing, or distribution of any product, process, or service that is not reasonably required for the purpose of developing or promulgating a voluntary consensus standard, or using such standard in conformity assessment activities.

''(2) Entering into any agreement or engaging in any other conduct that would allocate a market with a competitor.

''(3) Entering into any agreement or conspiracy that would set or restrain prices of any good or service.''.

SEC. 104. RULE OF REASON STANDARD.

Section 3 of the National Cooperative Research and Production Act of 1993 (15 U.S.C. 4302) is amended by striking ''of any person in making or performing a contract to carry out a joint venture shall'' and inserting the following: ''of—

''(1) any person in making or performing a contract to carry out a joint venture, or

''(2) a standards development organization while engaged in a standards development activity,

shall''.

SEC. 105. LIMITATION ON RECOVERY.

Section 4 of the National Cooperative Research and Production Act of 1993 (15 U.S.C. 4303) is amended—

(1) in subsections (a)(1), (b)(1), and (c)(1) by inserting '', or for a standards development activity engaged in by a standards development organization against which such claim is made'' after ''joint venture'',

(2) in subsection (e)—

(A) by inserting '', or of a standards development activity engaged in by a standards development organization'' before the period at the end, and

(B) by redesignating such subsection as subsection (f), and

(3) by inserting after subsection (d) the following:

''(e) Subsections (a), (b), and (c) shall not be construed to modify the liability under the antitrust laws of any person (other than a standards development organization) who—

''(1) directly (or through an employee or agent) participates in a standards development activity with respect to which a violation of any of the antitrust laws is found,

''(2) is not a fulltime employee of the standards development organization that engaged in such activity, and

''(3) is, or is an employee or agent of a person who is, engaged in a line of commerce that is likely to benefit directly from the operation of the standards development activity with respect to which such violation is found.''.

SEC. 106. ATTORNEY FEES.

Section 5 of the National Cooperative Research and Production Act of 1993 (15 U.S.C. 4304) is amended—

(1) in subsection (a) by inserting '', or of a standards development activity engaged in by a standards development organization'' after ''joint venture'', and

(2) by adding at the end the following:

''(c) Subsections (a) and (b) shall not apply with respect to any person who—

''(1) directly participates in a standards development activity with respect to which a violation of any of the antitrust laws is found,

''(2) is not a fulltime employee of a standards development organization that engaged in such activity, and

''(3) is, or is an employee or agent of a person who is, engaged in a line of commerce that is likely to benefit directly from the operation of the standards development activity with respect to which such violation is found.''.

SEC. 107. DISCLOSURE OF STANDARDS DEVELOPMENT ACTIVITY.

Section 6 of the National Cooperative Research and Production Act of 1993 (15 U.S.C. 4305) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively,

(B) by inserting ''(1)'' after ''(a)'', and

(C) by adding at the end the following:

''(2) A standards development organization may, not later than 90 days after commencing a standards development activity engaged in for the purpose of developing or promulgating a voluntary consensus standards or not later than 90 days after the date of the enactment of the Standards Development Organization Advancement Act of 2003, whichever is later, file simultaneously with the Attorney General and the Commission, a written notification disclosing—

''(A) the name and principal place of business of the standards development organization, and

''(B) documents showing the nature and scope of such activity.

Any standards development organization may file additional disclosure notifications pursuant to this section as are appropriate to extend the protections of section 4 to standards development activities that are not covered by the initial filing or that have changed significantly since the initial filing.'',

(2) in subsection (b)—

(A) in the 1st sentence by inserting '', or a notice with respect to such standards development activity that identifies the standards development organization engaged in such activity and that describes such activity in general terms'' before the period at the end, and

(B) in the last sentence by inserting ''or available to such organization, as the case may be'' before the period,

(3) in subsection (d)(2) by inserting '', or the standards development activity,'' after ''venture'',

(4) in subsection (e)—

(A) by striking ''person who'' and inserting ''person or standards development organization that'', and

(B) by inserting ''or any standards development organization'' after ''person'' the last place it appears, and

(5) in subsection (g)(1) by inserting ''or standards development organization'' after ''person''.

SEC. 108. RULE OF CONSTRUCTION.

Nothing in this title shall be construed to alter or modify the antitrust treatment under existing law of—

(1) parties participating in standards development activity of standards development organizations within the scope of this title, including the existing standard under which the conduct of the parties is reviewed, regardless of the standard under which the conduct of the standards development organizations in which they participate are reviewed, or

(2) other organizations and parties engaged in standard-setting processes not within the scope of this amendment to the title.

TITLE II—ANTITRUST CRIMINAL PENALTY ENHANCEMENT AND REFORM ACT OF 2003

SEC. 201. SHORT TITLE.

This title may be cited as the ''Antitrust Criminal Penalty Enhancement and Reform Act of 2003''.

Subtitle A—Antitrust Enforcement Enhancements and Cooperation Incentives

SEC. 211. SUNSET.

(a) IN GENERAL.—Except as provided in subsection (b), the provisions of sections 211 through 214 shall cease to have effect 5 years after the date of enactment of this Act.

(b) EXCEPTION.—With respect to an applicant who has entered into an antitrust leniency agreement on or before the date on which the provisions of sections 211 through 214 of this subtitle shall cease to have effect, the provisions of sections 211 through 214 of this subtitle shall continue in effect.

SEC. 212. DEFINITIONS.

In this subtitle:

(1) ANTITRUST DIVISION.—The term ''Antitrust Division'' means the United States Department of Justice Antitrust Division.

(2) ANTITRUST LENIENCY AGREEMENT.—The term ''antitrust leniency agreement,'' or ''agreement,'' means a leniency letter agreement, whether conditional or final, between a person and the Antitrust Division pursuant to the Corporate Leniency Policy of the Antitrust Division in effect on the date of execution of the agreement.

(3) ANTITRUST LENIENCY APPLICANT.—The term ''antitrust leniency applicant,'' or ''applicant,'' means, with respect to an antitrust leniency agreement, the person that has entered into the agreement.

(4) CLAIMANT.—The term ''claimant'' means a person or class, that has brought, or on whose behalf has been brought, a civil action alleging a violation of section 1 or 3 of the Sherman Act or any similar State law, except that the term does not include a State or a subdivision of a State with respect to a civil action brought to recover damages sustained by the State or subdivision.

(5) COOPERATING INDIVIDUAL.—The term ''cooperating individual'' means, with respect to an antitrust leniency agreement, a current or former director, officer, or employee of the antitrust leniency applicant who is covered by the agreement.

(6) PERSON.—The term ''person'' has the meaning given it in subsection (a) of the first section of the Clayton Act.

SEC. 213. LIMITATION ON RECOVERY.

(a) IN GENERAL.—Subject to subsection (d), in any civil action alleging a violation of section 1 or 3 of the Sherman Act, or alleging a violation of any similar State law, based on conduct covered by a currently effective antitrust leniency agreement, the amount of damages recovered by or on behalf of a claimant from an antitrust leniency applicant who satisfies the requirements of subsection (b), together with the amounts so recovered from cooperating individuals who satisfy such requirements, shall not exceed that portion of the actual damages sustained by such claimant which is attributable to the commerce done by the applicant in the goods or services affected by the violation.

(b) REQUIREMENTS.—Subject to subsection (c), an antitrust leniency applicant or cooperating individual satisfies the requirements of this subsection with respect to a civil action described in subsection (a) if the court in which the civil action is brought determines, after considering any appropriate pleadings from the claimant, that the applicant or cooperating individual, as the case may be, has provided satisfactory cooperation to the claimant with respect to the civil action, which cooperation shall include—

(1) providing a full account to the claimant of all facts known to the applicant or cooperating individual, as the case may be, that are potentially relevant to the civil action;

(2) furnishing all documents or other items potentially relevant to the civil action that are in the possession, custody, or control of the applicant or cooperating individual, as the case may be, wherever they are located; and

(3)(A) in the case of a cooperating individual—

(i) making himself or herself available for such interviews, depositions, or testimony in connection with the civil action as the claimant may reasonably require; and

(ii) responding completely and truthfully, without making any attempt either falsely to protect or falsely to implicate any person or entity, and without intentionally withholding any potentially relevant information, to all questions asked by the claimant in interviews, depositions, trials, or any other court proceedings in connection with the civil action; or

(B) in the case of an antitrust leniency applicant, using its best efforts to secure and facilitate from cooperating individuals covered by the agreement the cooperation described in clauses (i) and (ii) and subparagraph (A).

(c) TIMELINESS.—If the initial contact by the antitrust leniency applicant with the Antitrust Division regarding conduct covered by the antitrust leniency agreement occurs after a State, or subdivision of a State, has issued compulsory process in connection with an investigation of allegations of a violation of section 1 or 3 of the Sherman Act or any similar State law based on conduct covered by the antitrust leniency agreement or after a civil action described in subsection (a) has been filed, then the court shall consider, in making the determination concerning satisfactory cooperation described in subsection (b), the timeliness of the applicant's initial cooperation with the claimant.

(d) CONTINUATION.—Nothing in this section shall be construed to modify, impair, or supersede the provisions of sections 4, 4A, and 4C of the Clayton Act relating to the recovery of costs of suit, including a reasonable attorney's fee, and interest on damages, to the extent that such recovery is authorized by such sections.

SEC. 214. RIGHTS, AUTHORITIES, AND LIABILITIES NOT AFFECTED.

Nothing in this subtitle shall be construed to—

(1) affect the rights of the Antitrust Division to seek a stay or protective order in a civil action based on conduct covered by an antitrust leniency agreement to prevent the cooperation described in section 213(b) from impairing or impeding the investigation or prosecution by the Antitrust Division of conduct covered by the agreement;

(2) create any right to challenge any decision by the Antitrust Division with respect to an antitrust leniency agreement; or

(3) affect, in any way, the joint and several liability of any party to a civil action described in section 213(a), other than that of the antitrust leniency applicant and cooperating individuals as provided in section 213(a) of this title.

SEC. 215. INCREASED PENALTIES FOR ANTITRUST VIOLATIONS.

(a) RESTRAINT OF TRADE AMONG THE STATES.—Section 1 of the Sherman Act (15 U.S.C. 1) is amended by—

(1) striking ''$10,000,000'' and inserting ''$100,000,000'';

(2) striking ''$350,000'' and inserting ''$1,000,000''; and

(3) striking ''three'' and inserting ''10''.

(b) MONOPOLIZING TRADE.—Section 2 of the Sherman Act (15 U.S.C. 2) is amended by—

(1) striking ''$10,000,000'' and inserting ''$100,000,000'';

(2) striking ''$350,000'' and inserting ''$1,000,000''; and

(3) striking ''three'' and inserting ''10''.

(c) OTHER RESTRAINTS OF TRADE.—Section 3 of the Sherman Act (15 U.S.C. 3) is amended by—

(1) striking ''$10,000,000'' and inserting ''$100,000,000'';

(2) striking ''$350,000'' and inserting ''$1,000,000''; and

(3) striking ''three'' and inserting ''10''.

Subtitle B—Tunney Act Reform

SEC. 221. PUBLIC INTEREST DETERMINATION.

(a) CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) the purpose of the Tunney Act was to ensure that the entry of antitrust consent judgments is in the public interest; and

(B) it would misconstrue the meaning and Congressional intent in enacting the Tunney

Act to limit the discretion of district courts to review antitrust consent judgments solely to determining whether entry of those consent judgments would make a ''mockery of the judicial function''.

(2) PURPOSES.—The purpose of this section is to effectuate the original Congressional intent in enacting the Tunney Act and to ensure that United States settlements of civil antitrust suits are in the public interest.

(b) PUBLIC INTEREST DETERMINATION.—Section 5 of the Clayton Act (15 U.S.C. 16) is amended—

(1) in subsection (d), by inserting at the end the following: ''Upon application by the United States, the district court may, for good cause (based on a finding that the expense of publication in the Federal Register exceeds the public interest benefits to be gained from such publication), authorize an alternative method of public dissemination of the public comments received and the response to those comments.'';

(2) in subsection (e)—

(A) in the matter before paragraph (1), by—

(i) striking ''court may'' and inserting ''court shall''; and

(ii) inserting ''(1)'' before ''Before''; and

(B) striking paragraphs (1) and (2) and inserting the following:

''(A) the competitive impact of such judgment, including termination of alleged violations, provisions for enforcement and modification, duration of relief sought, anticipated effects of alternative remedies actually considered, whether its terms are ambiguous, and any other competitive considerations bearing upon the adequacy of such judgment that the court deems necessary to a determination of whether the consent judgment is in the public interest; and

''(B) the impact of entry of such judgment upon competition in the relevant market or markets, upon the public generally and individuals alleging specific injury from the violations set forth in the complaint including consideration of the public benefit, if any, to be derived from a determination of the issues at trial.

''(2) Nothing in this section shall be construed to require the court to conduct an evidentiary hearing or to require the court to permit anyone to intervene.''; and

(3) in subsection (g), by inserting ''by any officer, director, employee, or agent of such defendant'' before '', or other person''.

The SPEAKER pro tempore, Mr. SIMPSON, recognized Mr. SENSENBRENNER and Mr. SCOTT of Virginia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said amendment of the Senate?

The SPEAKER pro tempore, Mr. SIMPSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said amendment was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said amendment was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶56.18 ANABOLIC STEROID CONTROL

Mr. SENSENBRENNER moved to suspend the rules and pass the bill (H.R. 3866) to amend the Controlled Substances Act to provide increased penalties for anabolic steroid offenses near sports facilities, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. SIMPSON, recognized Mr. SENSENBRENNER and Mr. SCOTT of Virginia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SIMPSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SENSENBRENNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Thursday, June 3, 2004.

¶56.19 CONTINUITY IN REPRESENTATION

Mr. SENSENBRENNER, pursuant to House Resolution 657, called up the joint resolution (H.J. Res. 83) proposing an amendment to the Constitution of the United States regarding the appointment of individuals to fill vacancies in the House of Representatives.

Pursuant to House Resolution 657, said joint resolution was considered and read twice.

After debate,

The previous question having been ordered by said resoluiton.

The joint resolution was ordered to be engrossed and read a third time, and was read a third time by title.

Ms. LOFGREN moved to recommit the joint resolution to the Committee on the Judiciary with instructions to conduct hearings on the subject matter of the joint resolution.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said joint resolution with instructions?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the nays had it.

Ms. LOFGREN demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 194 / Nays 221

¶56.20 [Roll No. 218]

AYES—194

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Chandler
Clay
Clyburn
Cooper
Cramer
Crowley
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—221

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary

Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Ballance
Bereuter
Carson (OK)
Conyers
Costello
Cummings
Davis (FL)
DeGette
DeMint
Deutsch
Emerson
McCarthy (NY)
Nadler
Napolitano
Pickering
Stark
Tauzin
Wilson (NM)

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said joint resolution?

The SPEAKER pro tempore, Mr. SIMPSON, announced that two-thirds of the Members present had not voted in the affirmative.

Mr. SENSENBRENNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 63; Nays ..... 353; Answered present 2

¶56.21 [Roll No. 219]

YEAS—63

Baird
Bell
Berkley
Blumenauer
Brown (OH)
Capuano
Case
Chandler
Crowley
Davis (TN)
DeFazio
Dicks
Dooley (CA)
Engel
Eshoo
Evans
Frost
Gephardt
Gutierrez
Hastings (FL)
Hinchey
Honda
Hooley (OR)
Inslee
Jones (OH)
Kennedy (RI)
Kilpatrick
Langevin
Larsen (WA)
Larson (CT)
Lowey
Lucas (KY)
Matheson
McCollum
McInnis
Meeks (NY)
Miller (NC)
Miller, George
Oberstar
Pascrell
Payne
Pelosi
Rangel
Rohrabacher
Rothman
Ruppersberger
Ryan (OH)
Sabo
Sanchez, Linda T.
Schakowsky
Schiff
Sherman
Slaughter
Smith (WA)
Souder
Strickland
Tauscher
Towns
Udall (CO)
Vitter
Watson
Waxman
Weiner

NAYS—353

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carter
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
English
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matsui
McCarthy (MO)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Spratt
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—2

Jackson-Lee (TX)
Watt

NOT VOTING—15

Ballance
Carson (OK)
Conyers
Costello
Davis (FL)
DeGette
DeMint
Deutsch
Emerson
McCarthy (NY)
Nadler
Napolitano
Stark
Tauzin
Wilson (NM)

So, two-thirds of the Members present having not voted in favor thereof, said joint resolution was not passed.

A motion to reconsider the vote whereby said joint resolution was not passed was, by unanimous consent, laid on the table.

¶56.22 S.J. RES. 28—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and pass the joint resolution of the Senate (S.J. Res. 28) recognizing the 60th anniversary of the Allied landing at Normandy during World War II.

The question being put,

Will the House suspend the rules and pass said joint resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 419; Nays 0

¶56.23 [Roll No. 220]

YEAS—419

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella

Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—14

Ballance
Carson (OK)
Conyers
Costello
Davis (FL)
DeGette
DeMint
Deutsch
Emerson
McCarthy (NY)
Nadler
Stark
Tauzin
Wilson (NM)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said joint resolution was passed was, by unanimous consent, laid on the table.

A motion to reconsider the vote whereby the rules were suspended and said joint resolution was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶56.24 H. CON. RES. 413—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 413) honoring the contributions of the women, symbolized by ''Rosie the Riveter'', who served on the home front during World War II, and for other purposes.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 417 / Nays 0

¶56.25 [Roll No. 221]

YEAS—417

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—16

Ballance
Carson (OK)
Conyers
Costello
Davis (FL)
DeGette
DeMint
Deutsch
Emerson
Gordon

Gutierrez
McCarthy (NY)
Nadler
Stark
Tauzin
Wilson (NM)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶56.26 H.R. 4109—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4109) to allow seniors with Social Security and pension income to file their income tax returns on a new Form 1040SR without regard to the amount of interest or taxable income of the senior; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 418 / Nays 0

¶56.27 [Roll No. 222]

YEAS—418

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Ballance
Carson (OK)
Costello
Davis (FL)
DeGette
DeMint
Deutsch
Emerson
Gordon
McCarthy (NY)
Nadler
Sherwood
Stark
Tauzin
Wilson (NM)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to allow seniors to file their Federal income tax on a new Form 1040S.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶56.28 TIANANMEN SQUARE

Mr. SMITH of New Jersey, moved to suspend the rules and agree to the following resolution (H. Res. 655):

Whereas the United States was founded on the principle that all men and women are created equal and entitled to the exercise of their basic human rights;

Whereas freedom of expression, assembly, association, and religion are fundamental human rights that belong to all people and are recognized as such under the United Nations Declaration of Human Rights and the International Covenant on Civil and Political Rights;

Whereas the horrific events of June 3–4, 1989, in Tiananmen Square, Beijing, in the People's Republic of China, reminded the world that these universal human rights are denied to the citizens of the most populous nation on earth by the Communist Party that rules in China;

Whereas in recent days the Communist Government of China has stepped up harassment of the relatives of people who lost their lives in the 1989 crackdown on democracy protestors in tinplate Square, in an apparent effort to control dissent ahead of the 15th anniversary of that tragic massacre;

Whereas in recent weeks China's Communist Party leaders have been working to eliminate the residual influence of Zhao Ziyang, who was purged as Communist Party chief for opposing the 1989 crackdown on the Tiananmen protests, and are trying to erase his name from history;

Whereas Zhao was last seen in public on May 19, 1989, when he tearfully begged student protesters to leave Tiananmen Square, and was then promptly put under house arrest and purged;

Whereas the Communist Government of China declared martial law the next day and troops backed by tanks crushed the student movement on June 3–4, 1989;

Whereas the demonstrations in Tiananmen Square were the manifestation of a democratic movement that had begun to spread across China following the death of the former General Secretary of the Communist Party of the People's Republic of China on April 15, 1989, and that had given rise to peaceful protests throughout China calling for the establishment of a dialogue with government and party leaders on democratic reforms, including freedom of expression, freedom of assembly, and the elimination of corruption by government officials;

Whereas after that date thousands of prodemocracy demonstrators continued to protest peacefully in and around Tiananmen Square in Beijing until June 3 and 4, 1989, when Chinese authorities ordered the People's Liberation Army and other security forces to use lethal force to disperse demonstrators in Beijing, especially around Tiananmen Square;

Whereas the report of the Chinese Red Cross on June 7, 1989, and the United States Department of State Country Reports on Human Rights Practices for 1989, gave various estimates of the numbers of people

killed and wounded in 1989 by the People's Liberation Army soldiers and other security forces, and it is now believed by many that thousands were killed;

Whereas 20,000 people nationwide suspected of taking part in the democracy movement were arrested and sentenced without trial to prison or reeducation through labor, and many were reportedly tortured;

Whereas the Communist Government of China continues to suppress dissent by imprisoning pro-democracy activists, journalists, labor union leaders, religious believers, and other individuals in China and Tibet who seek to express their political or religious views in a peaceful manner;

Whereas credible sources estimate that the Communist Government of China continues to imprison as many as 2,000 Tiananmen Square activists, such as Yang Jianli, and denies such activists their basic human rights, such as access to legal counsel, contact with their families, and trials within reasonable times;

Whereas security agents of the People's Republic of China have detained Chinese citizens who were planning activities to commemorate the 15th anniversary of the Tiananmen Square massacre, including the preparation of a video for presentation at this year's United Nations Human Rights Commission meeting in Geneva on the deaths of their relatives and other victims who perished in Tiananmen Square;

Whereas coincident with the 15th anniversary of the Tiananmen Square massacre, the Communist Government of China has frustrated the efforts of Chinese citizens in Hong Kong to establish a gradual and orderly process toward universal suffrage and the democratic election of the legislature and chief executive in Hong Kong as promised at the time of the reversion of Hong Kong to China in 1997 and as envisioned by the Basic Law of the Hong Kong Special Administrative Region;

Whereas despite an unprecedented public protest in Hong Kong on July 1, 2003, reminiscent of protests in Beijing shortly before June 4, 1989, the Standing Committee of the National People's Congress of the People's Republic of China declared on April 26, 2004, that universal suffrage would not apply to the selection of the Chief Executive in Hong Kong in 2007 or to the selection of members of the Legislative Council in Hong Kong in 2008; and

Whereas June 4, 2004, is the 15th anniversary of the date of the Tiananmen Square massacre: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses sympathy to the families of those killed, tortured, and imprisoned as a result of their participation in the democracy protests of June 3–4, 1989, in Tiananmen Square, Beijing, in the People's Republic of China, and to all those persons who have suffered for their efforts to keep that struggle alive during the past 15 years, and to all the people of China who lack fundamental human rights;

(2) commends all persons who are peacefully advocating for democracy and human rights in China;

(3) calls upon those nations participating in the 2008 Olympic Games in Beijing to use opportunities created by the Games to urge China to fully comply with the United Nations Declaration on Human Rights;

(4) calls upon the Communist Government of China, its National People's Congress, and any other groups appointed by the Communist Government of China to honor its pledge of a ''high degree of autonomy'' made at the time of the Hong Kong reversion in 1997, by permitting immediate elections for the Legislative Council of Hong Kong according to rules approved by the Hong Kong people through an election-law convention, referendum, or both, and by leaving all revisions of Hong Kong law to a legislature elected by universal suffrage; and

(5) condemns the ongoing and egregious human rights abuses by the Communist Government of China and calls on that Government to—

(A) reevaluate the official verdict on the June 4, 1989, Tiananmen pro-democracy activities and order formal investigations into the reported killing, torture, and imprisonment of democracy activists with the goal of bringing those responsible to justice;

(B) establish a June Fourth Investigation Committee, the proceedings and findings of which should be accessible to the public, to make a just and independent inquiry into all matters related to June 4, 1989;

(C) release all prisoners of conscience, including those persons still in prison as a result of their participation in the peaceful pro-democracy protests of 1989, provide just compensation to the families of those killed in those protests, and allow those exiled on account of their activities in 1989 to return and live in freedom in China; and

(D) release Dr. Yang Jianli, an organizer of the Tiananmen Square protests of 1989, who has been illegally detained incommunicado by the Communist Government of China since April 26, 2002, and whose wife and 2 children are United States citizens, and put an immediate end to the harassment, detention, and imprisonment of all Chinese citizens exercising their legitimate freedoms of expression, association, and religion.

The SPEAKER pro tempore, Mr. SIMPSON, recognized Mr. SMITH of New Jersey and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. FEENEY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. FEENEY, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Thursday, June 3, 2004.

¶56.29 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BALLANCE, for today and June 3;

To Ms. BERKLEY, for today before 5 p.m.; and

To Mrs. EMERSON, for today and June 3.

And then,

¶56.30 ADJOURNMENT

On motion of Mr. CUMMINGS, at 11 o'clock and 30 minutes p.m., the House adjourned.

¶56.31 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. McGOVERN (for himself, Mr. BRADLEY of New Hampshire, and Mr. EVANS):

H.R. 4477. A bill to amend the Uniform Services Employment and Reemployment Rights Act of 1994 to require employers to post a notice of the rights and duties that apply under that Act; to the Committee on Veterans' Affairs.

By Mr. MANZULLO:

H.R. 4478. A bill to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through July 23, 2004, and for other purposes; to the Committee on Small Business.

By Ms. CARSON of Indiana (for herself, Mr. CLAY, Ms. LEE, Mr. OWENS, Mr. THOMPSON of Mississippi, and Ms. WATSON):

H.R. 4479. A bill to amend the Help America Vote Act of 2002 to prohibit States from denying certain veterans who have been convicted of a felony and who have completed their sentence the opportunity to register to vote or vote; to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TURNER of Ohio (for himself, Mr. BOEHNER, Mr. BRADLEY of New Hampshire, Mr. CHABOT, Mr. CHOCOLA, Mr. ENGLISH, Mr. GERLACH, Mr. GILLMOR, Ms. HART, Mr. HOBSON, Mr. HOEKSTRA, Mrs. JOHNSON of Connecticut, Mr. KLINE, Mr. LATOURETTE, Mr. NEY, Mr. OXLEY, Mr. PORTMAN, Ms. PRYCE of Ohio, Mr. REGULA, Mr. ROGERS of Michigan, Mr. SHAYS, Mr. TIBERI, Mrs. JONES of Ohio, and Mr. WALSH):

H.R. 4480. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers a credit against income tax for expenditures to remediate contaminated sites; to the Committee on Ways and Means.

By Mr. BLUNT (for himself, Mr. GRAVES, Mr. AKIN, Mr. CLAY, Ms. McCARTHY of Missouri, Mr. SKELTON, Mrs. EMERSON, Mr. GEPHARDT, and Mr. HULSHOF):

H.R. 4481. A bill to amend Public Law 86-434 establishing Wilson's Creek National Battlefield in the State of Missouri to expand the boundaries of the park, and for other purposes; to the Committee on Resources.

By Mr. BISHOP of New York:

H.R. 4482. A bill to amend the Marine Protection, Research, and Sanctuaries Act of 1972 to prohibit the dumping of dredged material in certain bodies of water; to the Committee on Transportation and Infrastructure.

By Mr. BROWN of South Carolina:

H.R. 4483. A bill to suspend temporarily the duty on 1,2 Hexanediol; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 4484. A bill to suspend temporarily the duty on 1,2 Octanediol; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 4485. A bill to suspend temporarily the duty on Methyl Salicylate; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 4486. A bill to suspend temporarily the duty on Anisic Aldehyde; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 4487. A bill to suspend temporarily the duty on 1,2 Pentanediol; to the Committee on Ways and Means.

By Mr. CRANE (for himself, Mr. POMEROY, and Mr. RAMSTAD):

H.R. 4488. A bill to amend the Internal Revenue Code of 1986 to allow tax-free distributions from individual retirement accounts for charitable purposes; to the Committee on Ways and Means.

By Mr. GRAVES:

H.R. 4489. A bill to amend title 18, United States Code, to mandate a life sentence for repeat sex offenders; to the Committee on the Judiciary.

By Mr. GRIJALVA:

H.R. 4490. A bill to provide for acquisition of subsurface mineral rights to land owned by the Pascua Yaqui Tribe and land held in trust for the Tribe, and for other purposes; to the Committee on Resources.

By Mr. HOBSON (for himself and Mr. FORD):

H.R. 4491. A bill to amend part B of title XVIII of the Social Security Act to repeal the reduction in Medicare payment for certain items of durable medical equipment; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REGULA (for himself, Mr. LATOURETTE, Mr. BURNS, Mr. WILSON of South Carolina, Mr. RYAN of Ohio, Mr. GORDON, Mr. ENGEL, Mr. WAMP, Mrs. LOWEY, Mr. HINCHEY, Mr. TIERNEY, Ms. HART, Mr. BOSWELL, Mr. SPRATT, Mr. MEEHAN, Mr. NORWOOD, Mr. MURPHY, Mr. BARRETT of South Carolina, Mr. RAHALL, Mr. MCNULTY, Mr. DEMINT, Mr. BROWN of Ohio, Mr. CLYBURN, Mr. SWEENEY, Mr. DOYLE, Mr. BROWN of South Carolina, Mr. MURTHA, and Mr. NEY):

H.R. 4492. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes; to the Committee on Resources.

By Ms. ROYBAL-ALLARD (for herself, Mr. SIMPSON, Mr. SERRANO, Mr. KILDEE, Mr. GORDON, Mr. ANDREWS, Mr. GREEN of Texas, Mr. WALSH, Mr. WEXLER, Mr. MEEHAN, Mr. CUNNINGHAM, and Mr. SCHIFF):

H.R. 4493. A bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SHERWOOD:

H.R. 4494. A bill to designate the Grey Towers National Historic Site in the Commonwealth of Pennsylvania, and for other purposes; to the Committee on Resources.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H. Con. Res. 439. Concurrent resolution honoring the members of the Army Motor Transport Service that served during World War II and participated in the trucking operation known as the Red Ball Express for their service and contribution to the Allied advance following the D-Day invasion; to the Committee on Armed Services.

By Mr. TANCREDO:

H. Con. Res. 440. Concurrent resolution expressing the sense of Congress that the United States should resume normal diplomatic relations with the Republic of China on Taiwan, and for other purposes; to the Committee on International Relations.

By Mr. BELL (for himself and Mr. BRADLEY of New Hampshire):

H. Res. 659. A resolution recognizing the need for consistent information, regulations, and guidelines regarding the safe disposal of used syringes outside medical facilities; to the Committee on Energy and Commerce.

By Mr. SHADEGG (for himself, Mr. FLAKE, Mr. RENZI, Mr. HAYWORTH, Mr. FRANKS of Arizona, Mr. KOLBE, Mr. PASTOR, and Mr. GRIJALVA):

H. Res. 660. A resolution congratulating Randy Johnson of the Arizona Diamondbacks on pitching a perfect game on May 18, 2004; to the Committee on Government Reform.

¶56.32 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. ESHOO introduced A bill (H.R. 4495) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel W. N. RAGLAND; which was referred to the Committee on Transportation and Infrastructure.

¶56.33 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mrs. MILLER of Michigan.
H.R. 99: Mr. TANNER.
H.R. 195: Mr. ANDREWS.
H.R. 303: Mr. CHANDLER.
H.R. 371: Mr. WAXMAN, Mr. GONZALEZ, and Mr. TIERNEY.
H.R. 545: Mr. CHANDLER.
H.R. 584: Mr. BOUCHER.
H.R. 623: Mr. LAHOOD and Mr. GOODE.
H.R. 737: Mr. MILLER of North Carolina.
H.R. 785: Mr. ISAKSON.
H.R. 806: Mr. SIMMONS.
H.R. 876: Mr. RADANOVICH.
H.R. 880: Mr. THOMPSON of Mississippi and Mr. VAN HOLLEN.
H.R. 935: Mr. HOEFFEL.
H.R. 1043: Mr. ROSS and Ms. MAJETTE.
H.R. 1101: Mr. DEUTSCH.
H.R. 1231: Mr. CUNNINGHAM.
H.R. 1295: Mr. ACEVEDO-VILA.
H.R. 1306: Mr. LAMPSON.
H.R. 1310: Mr. PEARCE.
H.R. 1386: Mr. PASTOR, Mr. BAKER, Mr. WAMP, and Mr. KILDEE.
H.R. 1429: Mr. PAUL.
H.R. 1639: Mrs. NAPOLITANO.
H.R. 1716: Mr. BRADLEY of New Hampshire.
H.R. 1746: Mr. WEINER, Mr. KUCINICH, and Mr. CARDOZA.
H.R. 1755: Mr. MARSHALL.
H.R. 1775: Mrs. JO ANN DAVIS of Virginia.
H.R. 1778: Ms. BALDWIN.
H.R. 1784: Ms. LINDA T. SANCHEZ of California.
H.R. 1824: Mr. SENSENBRENNER, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, and Mr. DEUTSCH.
H.R. 1935: Mr. HASTINGS of Florida.
H.R. 2023: Mr. GILLMOR and Mr. NORWOOD.
H.R. 2133: Ms. PRYCE of Ohio and Mr. ISAKSON.
H.R. 2176: Mr. RUPPERSBERGER, Mr. SCOTT of Georgia, and Mr. EDWARDS.
H.R. 2217: Mr. PALLONE, Mrs. MCCARTHY of New York, Mr. OWENS, and Mr. UDALL of New Mexico.
H.R. 2260: Mr. TIERNEY.
H.R. 2300: Mr. GONZALEZ.
H.R. 2318: Mr. BERMAN, Mr. MEEKS of New York, Mr. BELL, Mr. WAXMAN, Mr. WATT, Mr. LEWIS of Georgia, Mr. THOMPSON of Mississippi, Ms. ROYBAL-ALLARD, Ms. VELAZQUEZ, Mr. ABERCROMBIE, Mr. ACKERMAN, and Mr. BERRY.
H.R. 2494: Mr. DEFAZIO.
H.R. 2527: Mr. GONZALEZ, Mr. DELAHUNT, Mr. LANTOS, and Mr. ISRAEL.
H.R. 2699: Mr. BUYER, Mr. JOHNSON of Illinois, Mr. CHANDLER, and Mr. HOEKSTRA.
H.R. 2711: Mr. SCHIFF.
H.R. 2823: Mr. MILLER of North Carolina.
H.R. 2885: Mr. PICKERING, Mr. ROGERS of Alabama, and Mr. BISHOP of Utah.
H.R. 2929: Mr. WAMP.
H.R. 2950: Mr. PETERSON of Minnesota, Mr. MILLER of Florida, Mr. BURTON of Indiana, Mr. WILSON of South Carolina, Mr. WELLER, Mr. RADANOVICH, Mr. QUINN, Mr. MEEK of Florida, and Mr. TURNER of Texas.
H.R. 2963: Mrs. NAPOLITANO.
H.R. 3014: Mr. GRIJALVA.
H.R. 3042: Mr. FOLEY.
H.R. 3085: Mr. ABERCROMBIE, Mr. TOWNS, and Ms. MCCOLLUM.
H.R. 3092: Mr. CHANDLER.
H.R. 3178: Mr. CHANDLER.
H.R. 3273: Mr. WAXMAN.
H.R. 3291: Ms. BORDALLO.
H.R. 3307: Mr. MCINTYRE.
H.R. 3329: Mr. BURGESS.
H.R. 3337: Mrs. TAUSCHER, Mrs. MALONEY, and Ms. ESHOO.
H.R. 3384: Mr. LAMPSON, Mrs. NAPOLITANO, Mr. CONYERS, Mr. LANTOS, Mr. FALEOMAVAEGA, Mr. CUMMINGS, Mr. KENNEDY of Rhode Island, Ms. KILPATRICK, Ms. DEGETTE, and Mr. MCGOVERN.
H.R. 3460: Mr. BURTON of Indiana.
H.R. 3474: Mr. PASTOR.
H.R. 3507: Mr. BACA.
H.R. 3545: Mr. VAN HOLLEN.
H.R. 3558: Ms. WATSON and Mr. SCHIFF.
H.R. 3567: Mr. KUCINICH.
H.R. 3579: Mr. BROWN of South Carolina, Mr. HASTINGS of Florida, and Ms. ROYBAL-ALLARD.
H.R. 3604: Mr. ALEXANDER and Mr. BALLENGER.
H.R. 3615: Mr. DEUTSCH.
H.R. 3684: Mr. LEVIN.
H.R. 3736: Mr. CARSON of Oklahoma.
H.R. 3755: Mrs. MCCARTHY of New York.
H.R. 3777: Mr. HINOJOSA.
H.R. 3780: Mr. HINOJOSA and Mr. WAXMAN.
H.R. 3799: Mr. BARTLETT of Maryland.
H.R. 3803: Mr. HINCHEY.
H.R. 3804: Mr. MCINTYRE.
H.R. 3805: Mr. GRIJALVA, Mr. BERMAN, Ms. ESHOO, Mr. HONDA, and Ms. WOOLSEY.
H.R. 3815: Mr. GREENWOOD.
H.R. 3901: Mr. NUSSLE, Mr. CALVERT, and Mr. WALDEN of Oregon.
H.R. 3920: Mr. BILIRAKIS.
H.R. 3953: Mr. AKIN.
H.R. 3965: Mr. GRIJALVA, Ms. WATSON, Mr. GUTIERREZ, Mrs. CHRISTENSEN, Mr. TOWNS, Ms. MCCOLLUM, Ms. PELOSI, and Ms. LINDA T. SANCHEZ of California.
H.R. 4003: Mr. MCGOVERN.
H.R. 4016: Mr. CRAMER and Mr. COOPER.
H.R. 4035: Mr. EMANUEL, Mr. BERMAN, and Mr. PAYNE.
H.R. 4070: Ms. DELAURO.
H.R. 4076: Mr. WAXMAN.
H.R. 4077: Mr. HOYER and Mr. COBLE.
H.R. 4091: Mr. MILLER of Florida, Mr. GILLMOR, Ms. KILPATRICK, and Mr. ETHERIDGE.
H.R. 4097: Mr. OWENS, Ms. SCHAKOWSKY, Mr. CUMMINGS, and Mr. KILDEE.
H.R. 4101: Mr. KENNEDY of Rhode Island, Mr. VAN HOLLEN, and Mr. ANDREWS.
H.R. 4109: Mr. BRADY of Texas and Mrs. BIGGERT.
H.R. 4116: Mr. GOODLATTE, Mr. POMBO, Mr. CRANE, Mr. DELAY, Mr. CASTLE, Mr. NORWOOD, Mr. DREIER, Mr. GERLACH, Mr. MCCRERY, Mr. BROWN of South Carolina, Mr. MILLER of Florida, Mr. TOM DAVIS of Virginia, Mr. CANTOR, Mr. GILCHREST, Mr. TAYLOR of North Carolina, Mr. HOUGHTON, Mr. SMITH of Texas, Mr. HUNTER, and Mr. THOMPSON of California.
H.R. 4126: Mr. HERGER.
H.R. 4131: Mr. HOSTETTLER.
H.R. 4132: Mr. HOSTETTLER.
H.R. 4133: Mr. HOSTETTLER.
H.R. 4147: Mr. JOHN and Mr. UDALL of Colorado.
H.R. 4149: Mr. FILNER.
H.R. 4152: Mr. KILDEE, Mr. UPTON, Mr. RANGEL, Mr. ROGERS of Michigan, Mr. STARK,

Mr. KNOLLENBERG, and Mr. TAYLOR of North Carolina.

H.R. 4156: Mr. HINOJOSA.

H.R. 4203: Ms. GRANGER and Mr. BLUMENAUER.

H.R. 4232: Mr. GREEN of Texas, Mr. HENSARLING, and Mr. CARTER.

H.R. 4233: Mr. ABERCROMBIE.

H.R. 4242: Mr. RENZI.

H.R. 4250: Mr. ETHERIDGE, Ms. WOOLSEY, Mr. FROST, Mr. JACKSON of Illinois, Mr. DOGGETT, and Mr. LANTOS.

H.R. 4257: Mr. STUPAK, Mr. CHANDLER, and Mr. HASTINGS of Washington.

H.R. 4284: Mr. BRADLEY of New Hampshire.

H.R. 4288: Mrs. LOWEY.

H.R. 4290: Mr. SERRANO.

H.R. 4305: Mr. FOLEY, Mr. LUCAS of Kentucky, and Mr. MEEKS of New York.

H.R. 4306: Mr. SMITH of Texas.

H.R. 4307: Mr. KINGSTON and Mr. PITTS.

H.R. 4345: Mr. BRADLEY of New Hampshire.

H.R. 4347: Mr. WEXLER, Mr. COSTELLO, Ms. MCCARTHY of Missouri, Mr. WELLER, and Mr. CRANE.

H.R. 4348: Mr. HASTINGS of Florida and Mr. FARR.

H.R. 4354: Mr. GUTIERREZ.

H.R. 4363: Mrs. JO ANN DAVIS of Virginia, Mr. SCHROCK, Mr. GILLMOR, Mr. GONZALEZ, Mr. COOPER, Mr. GREENWOOD, Mr. OSBORNE, Mr. WALDEN of Oregon, and Mr. NUNES.

H.R. 4367: Ms. BALDWIN and Mr. MCGOVERN.

H.R. 4376: Mrs. BIGGERT, Ms. GRANGER, and Ms. MILLENDER-MCDONALD.

H.R. 4377: Mr. ANDREWS.

H.R. 4379: Mr. OWENS.

H.R. 4383: Mr. BASS.

H.R. 4391: Mr. HOLT and Mr. FARR.

H.R. 4406: Mr. SMITH of Texas and Mr. DEAL of Georgia.

H.R. 4411: Mr. BRADY of Texas and Ms. ROS-LEHTINEN.

H.R. 4417: Mr. CASE.

H.R. 4437: Mr. KLECZKA, Mr. MCDERMOTT, Mr. BOUCHER, Ms. ESHOO, and Mr. GREEN of Texas.

H.R. 4440: Mr. KING of Iowa, Mr. BURTON of Indiana, Mr. NORWOOD, Mr. MICA, Mr. GOODE, and Mr. FORBES.

H.R. 4445: Mr. MCDERMOTT, Mr. FARR, Mr. RODRIGUEZ, Ms. WATSON, Ms. CORRINE BROWN of Florida, and Mr. MEEK of Florida.

H.R. 4449: Ms. MILLENDER-MCDONALD, Mr. DOGGETT, Mr. FRANK of Massachusetts, Mrs. CHRISTENSEN, Mr. CONYERS, and Ms. JACKSON-LEE of Texas.

H.R. 4457: Ms. LEE.

H.R. 4469: Mr. SOUDER and Mr. OWENS.

H.R. 4471: Ms. WATERS.

H. Con. Res. 111: Mr. PRICE of North Carolina.

H. Con. Res. 314: Mr. VAN HOLLEN.

H. Con. Res. 371: Mr. LUCAS of Kentucky.

H. Con. Res. 405: Mr. GORDON, Mr. SIMMONS, and Mr. CARTER.

H. Con. Res. 413: Ms. DEGETTE, Mr. DEUTSCH, Mrs. JO ANN DAVIS of Virginia, and Mrs. EMERSON.

H. Con. Res. 425: Mr. GERLACH, Mr. WEXLER, Mrs. JO ANN DAVIS of Virginia, Mr. HASTINGS of Florida, Mr. SHIMKUS, Mr. ACKERMAN, Mr. VAN HOLLEN, and Mr. GARRETT of New Jersey.

H. Con. Res. 427: Mr. SNYDER.

H. Con. Res. 435: Mr. LARSEN of Washington and Mr. ISRAEL.

H. Res. 21: Mr. ISRAEL and Mr. GONZALEZ.

H. Res. 466: Mrs. MCCARTHY of New York and Mr. CUMMINGS.

H. Res. 556: Mr. CARDIN.

H. Res. 632: Mr. FRANK of Massachusetts.

H. Res. 647: Mr. ISAKSON.

H. Res. 655: Mr. GEPHARDT, Mr. DEUTSCH, and Mr. MCCOTTER.

¶56.34 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3113: Mr. JACKSON of Illinois.

THURSDAY, JUNE 3, 2004 (57)

The House was called to order by the SPEAKER.

¶57.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, June 2, 2004.

Mr. MCNULTY, pursuant to clause 1, rule I, objected to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER announced that the yeas had it.

Mr. MCNULTY objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared ....
- Yeas 346
- Nays 47
- Answered present 1

¶57.2 [Roll No. 223]

YEAS—346

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cox
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Green (WI)
Greenwood
Gutierrez
Hall
Harman
Harris
Hastings (WA)
Hayes
Hayworth
Hensarling
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hostettler
Houghton
Hoyer
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Paul
Payne
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Sullivan
Sweeney
Tanner
Tauscher
Taylor (NC)
Terry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (FL)

NAYS—47

Baird
Baldwin
Bell
Cooper
Costello
DeFazio
English
Filner
Ford
Graves
Green (TX)
Gutknecht
Hart
Hastings (FL)
Hefley
Hinchey
Hooley (OR)
Hulshof
Johnson, E. B.
Kennedy (MN)
Kucinich
Lampson
Larsen (WA)
LoBiondo
McDermott
McNulty
Miller, George
Olver
Otter
Pastor
Peterson (MN)
Ramstad
Sabo
Sandlin
Schakowsky
Strickland
Stupak
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (CO)
Udall (NM)
Visclosky
Waters
Weller
Wicker
Wu

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—39

Ballance
Bartlett (MD)
Boehlert
Brady (PA)
Burton (IN)
Capuano
Carson (OK)
Conyers
Crane
Cummings
DeGette
Delahunt
DeMint
Deutsch
Emerson
Engel
Fossella
Gerlach
Grijalva
Herger
Hunter
Istook
Jefferson
Johnson, Sam
Kingston
Lynch
Murtha
Rohrabacher
Slaughter
Smith (MI)
Tauzin
Thomas
Thornberry
Velázquez
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Young (AK)

So the Journal was approved.

¶57.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

8358. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to the Republic of Korea for defense articles and services (Transmittal No. 04-07), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

8359. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997; to the Committee on International Relations.

8360. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the Development Fund for Iraq that was declared in Executive Order 13303 of May 22, 2003, as expanded in scope in Executive Order 13315 of August 28, 2003; to the Committee on International Relations.

8361. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report providing information on steps taken by the U.S. Government to bring about an end to the Arab League boycott of Israel and to expand the process of normalization between Israel and the Arab League countries, as requested in Section 535 Division D of the Foreign Operations, Export Financing, and Related Programs Appropriations Act for Fiscal Year 2004 (Pub. L. 108–199); to the Committee on International Relations.

8362. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8363. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8364. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8365. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8366. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8367. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8368. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8369. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8370. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8371. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8372. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule–Federal Acquisition Regulation; Procurement Program for Service-Disabled Veteran-Owned Small Business Concerns [FAC 2001–23; FAR Case 2004–002] (RIN: 9000–AJ92) received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8373. A letter from the Secretary, Department of the Interior, transmitting the annual report entitled, ''Outer Continental Shelf Lease Sales: Evaluation of Bidding Results'' for Fiscal Year 2003, pursuant to 43 U.S.C. 1337(a)(9); to the Committee on Resources.

8374. A letter from the Assistant Secretary for Fish & Wildlife & Parks, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Extension of Amended Special Regulations for the Preble's Meadow Jumping Mouse (RIN: 1018–AJ26) received May 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8375. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Rule To Designate Critical Habitat for the Santa Ana Sucker (Catostomus santaanae) (RIN: 1018–AT57) received May 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8376. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for Astragalus pycnostachyus var. lanisissimus (Ventura Marsh milk-vetch) received May 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8377. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Clarification of Substituted Federal Enforcement for Parts of Missouri's Permanent Regulatory Program and Findings on the Status of Missouri's Permanent Regulatory Program; Correction — received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8378. A letter from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Withdrawal of Regulations Governing Incidental Take Permit Revocation (RIN: 1018–AT64) received May 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8379. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Skates Management in the Groundfish Fisheries of the Gulf of Alaska [Docket No. 031218322–4137–02; I.D. 111903A] (RIN: 0648–AR73) received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8380. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications; Pacific Whiting [Docket No. 031216314–4118–03; I.D. 112803A] (RIN: 0648–AR54) received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8381. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Catch Sharing Plan [Docket No. 040209049–4117–02; I.D. 012204B] (RIN: 0648–AR83) received May 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8382. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures; Inseason Adjustments [Docket No. 031216314; 3314–01; I.D. 050704A] (RIN: 0648–AR54) received May 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8383. A letter from the Assistant Attorney General, Department of Justice, transmitting notification that during FY 2003, no claim was paid from the Victims Compensation Fund established by the Witness Security Reform Act of 1984, Pub. L. 98–473 because no claims were filed, pursuant to 18. U.S.C. 3525(b); to the Committee on the Judiciary.

8384. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model C–212 Series Airplanes [Docket No. 2002–NM–262–AD; Amendment 39–13561; AD 2004–07–17] (RIN: 2120–AA64) received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8385. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD–90–30 Airplanes [Docket No. 2001–NM–226–AD; Amendment 39–13556; AD 2004–07–12] (RIN: 2120–AA64) received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8386. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes [Docket No. 2002-NM-174-AD; Amendment 39–13483; AD 2004–04–03] (RIN: 2120–AA64) received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8387. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4–600, B4–600R, C4–605R Variant F, and F4-600R (Collectively Called A300–600) Series Airplanes; and Model A310 Series Airplanes [Docket No. 2004–NM–57–AD; Amendment 39–13590; AD 2004–09–01] (RIN: 2120–AA64) received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8388. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747–400 and -400D Series Airplanes [Docket No.

2004–NM–42–AD; Amendment 39–13593; AD 2004–09–04] (RIN: 2120–AA64) received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8389. A communication from the President of the United States, transmitting a recommendation to continue in effect a waiver of application of subsections (a) and (b) of section 402 of the Trade Act of 1974 with respect to Vietnam for a further 12-month period and a determination that continuation of the waiver currently in effect for Vietnam will substantially promote the objectives of section 402 of the Act and the reasons for such a determination, pursuant to 19 U.S.C. 2432(c) and (d); (H. Doc. No. 108–191); to the Committee on Ways and Means and ordered to be printed.

8390. A communication from the President of the United States, transmitting notification of his determination that a waiver of the application of subsections (a) and (b) of section 402 of the Trade Act of 1974 with respect to Turkmenistan will substantially promote the objectives of section 402, pursuant to 19 U.S.C. 2432(c) and (d); (H. Doc. No. 108–189); to the Committee on Ways and Means and ordered to be printed.

8391. A communication from the President of the United States, transmitting notification of his determination that a waiver of the application of subsections (a) and (b) of section 402 of the Trade Act of 1974 with respect to the Republic of Belarus will substantially promote the objectives of section 402, pursuant to 19 U.S.C. 2432(c) and (d); (H. Doc. No. 108–190); to the Committee on Ways and Means and ordered to be printed.

8392. A letter from the Vice Chairman, Federal Election Commission, transmitting the Commission's FY 2005 budget request, pursuant to 2 U.S.C. 437d(d)(1); jointly to the Committees on House Administration, Appropriations, and Government Reform.

¶57.4 COMMUNICATION FROM SOUTH DAKOTA SECRETARY OF STATE

The SPEAKER, laid before the House the following communication:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 2, 2004.

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

DEAR MR. SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from The Honorable Chris Nelson, Secretary of State, State of South Dakota, indicating that, according to the unofficial returns of the Special election held June 1, 2004, the Honorable Stephanie Herseth was elected Representative in congress for the At Large Congressional District, State of South Dakota.

With best wishes, I am

Sincerely,

JEFF TRANDAHL.

Attachment.

¶57.5 SWEARING IN OF MEMBER-ELECT

On motion of Ms. PELOSI, by unanimous consent,

Ordered, That, notwithstanding the fact that the certificate of election of Ms. Stephanie Herseth, Representative elect at large of the State of South Dakota, has not been received by the Clerk of the House of Representatives, Ms. STEPHANIE HERSETH be permitted to take the oath of office as prescribed by law, there being no contest and no question with regard to her election.

Ms. Stephanie HERSETH then presented herself at the bar of the House and took the oath of office prescribed by law.

¶57.6 WHOLE NUMBER OF THE HOUSE OF REPRESENTATIVES ADJUSTED

The SPEAKER announced under clause 5(c) of rule XX, that, in light of the administration of the oath to Representative HERSETH, the whole number of the House is adjusted to 435.

¶57.7 MESSAGE FROM THE SENATE

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

S. 1721. An Act to amend the Indian Land Consolidation Act to improve provisions relating to probate of trust and restricted land, and for other purposes.

¶57.8 WORKFORCE INVESTMENT AMENDMENTS

Mr. BOEHNER, pursuant to House Resolution 656, called up the bill (H.R. 444) to amend the Workforce Investment Act of 1998 to establish a Personal Reemployment Accounts grant program to assist Americans in returning to work.

Pending consideration of said bill.

Pursuant to House Resolution 656, in lieu of the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill, the following amendment in the nature of a substitute consisting of the text of H.R 4444 was considered as agreed to:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Worker Reemployment Accounts Act of 2004''.

SEC. 2. GRANTS TO SUPPORT PERSONAL REEMPLOYMENT ACCOUNTS.

Section 171 of the Workforce Investment Act of 1998 is amended by adding at the end the following:

''(e) PERSONAL REEMPLOYMENT ACCOUNTS.—

''(1) DEFINITION.—In this subsection, the term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

''(2) DEMONSTRATION PROJECT.—In addition to the demonstration projects under subsection (b), the Secretary may establish and implement a national demonstration project designed to analyze and provide data on workforce training programs that accelerate the reemployment of unemployed individuals, promote the retention in employment of such individuals, and provide such individuals with enhanced flexibility, choice, and control in obtaining intensive reemployment, training, and supportive services.

''(3) GRANTS.—

''(A) IN GENERAL.—In carrying out the demonstration project, the Secretary shall make grants, on a competitive basis, to eligible entities to provide personal reemployment accounts to eligible individuals. In awarding grants under this subsection the Secretary shall take into consideration awarding grants to eligible entities from diverse geographic areas, including rural areas.

''(B) DURATION.—The Secretary shall make the grants for periods of not less than 2 years and may renew the grant for each of the succeeding 3 years.

''(4) ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means—

''(A) a State; or

''(B) a local board or consortium of local boards.

''(5) USE OF FUNDS.—

''(A) IN GENERAL.—An eligible entity that receives a grant under this subsection shall use the grant funds to provide, through a local area or areas, eligible individuals with personal reemployment accounts. An eligible individual may receive only 1 personal reemployment account.

''(B) GEOGRAPHIC AREA AND AMOUNT.—

''(i) IN GENERAL.—The eligible entity shall establish the amount of a personal reemployment account for each eligible individual participating, which shall be uniform throughout the area represented by the eligible entity, and shall not exceed $3,000.

''(ii) OPTION FOR STATES.—If the eligible entity is a State, the eligible entity may choose to use the grant statewide, if practicable, or only in specified local areas within a State.

''(C) ELIGIBLE INDIVIDUALS.—

''(i) IN GENERAL.—Each eligible entity shall establish eligibility criteria for individuals for personal reemployment accounts in accordance with this subparagraph.

''(ii) ELIGIBILITY CRITERIA REQUIREMENTS.—

''(I) IN GENERAL.—Subject to subclause (II), an individual shall be eligible to receive a personal reemployment account under a grant awarded under this subsection if, beginning after the date of enactment of this subsection, the individual—

''(aa) is identified by the State pursuant to section 303(j)(1) of the Social Security Act (42 U.S.C. 503(j)(1)) as likely to exhaust regular unemployment compensation and in need of job search assistance to make a successful transition to new employment, or the individual's unemployment can be attributed in substantial part to unfair competition from Federal Prison Industries, Incorporated;

''(bb) is receiving regular unemployment compensation under any Federal or State unemployment compensation program administered by the State; and

''(cc) is eligible for not less than 20 weeks of regular unemployment compensation described in item (bb).

''(II) ADDITIONAL ELIGIBILITY AND PRIORITY CRITERIA.—An eligible entity may establish criteria that are in addition to the criteria described in subclause (I) for the eligibility of individuals to receive a personal reemployment account under this subsection. An eligible entity may also establish criteria for priority in the provision of a personal reemployment account to such eligible individuals under a grant awarded under this subsection.

''(iii) TRANSITION RULE.—

''(I) PREVIOUSLY IDENTIFIED AS LIKELY TO EXHAUST UNEMPLOYMENT COMPENSATION.—

''(aa) IN GENERAL.—At the option of the eligible entity, and subject to item (bb), an individual may be eligible to receive a personal reemployment account under this subsection if the individual—

''(AA) during the 13-week period ending the week prior to the date of the enactment of the subsection, was identified by the State pursuant to section 303(j)(1) of the Social Security Act (42 U.S.C. 503(j)(1)) as likely to exhaust regular unemployment compensation and in need of job search assistance to make a successful transition to new employment; and

''(BB) otherwise meets the requirements of clause (ii)(I)(bb) and (cc).

''(bb) ADDITIONAL ELIGIBILITY AND PRIORITY CRITERIA.—An eligible entity may establish criteria that is in addition to the criteria described in item (aa) for the eligibility of individuals to receive a personal reemployment account under this subsection. An eligible entity may also establish criteria for priority in the provision of such accounts to

such eligible individuals under this subsection.

''(II) PREVIOUSLY EXHAUSTED UNEMPLOYMENT COMPENSATION.—At the option of the eligible entity, an individual may be eligible to receive a personal reemployment account under a grant awarded under this subsection if the individual—

''(aa) during the 26-week period ending the week prior to the date of the enactment of this subsection, exhausted all rights to any unemployment compensation; and

''(bb)(AA) is enrolled in training and needs additional support to complete such training, with a priority of service to be provided to such individuals who are training for shortage occupations or high-growth industries; or

''(BB) is separated from employment in an industry or occupation that has experienced declining employment, or no longer provides any employment, in the local labor market during the 2-year period ending on the date of the determination of eligibility of the individual under this subparagraph.

''(iv) NO INDIVIDUAL ENTITLEMENT.—Nothing in this subsection shall be construed to entitle any individual to receive a personal reemployment account.

''(D) LIMITATIONS.—

''(i) INFORMATION AND ATTESTATION.—Prior to the establishment of a personal reemployment account for an eligible individual, the eligible entity receiving a grant, through the one-stop delivery system in the participating local area or areas, shall ensure that the individual—

''(I) is informed of the requirements applicable to the personal reemployment account, including the allowable uses of funds from the account, the limitations on access to services described in paragraph (7)(A)(iii) and a description of such services, and the conditions for receiving a reemployment bonus;

''(II) has the option to develop a personal reemployment plan which will identify the employment goals and appropriate combination of services selected by the individual to achieve the employment goals; and

''(III) signs an attestation that the individual has been given the option to develop a personal reemployment plan in accordance with subclause (II), will comply with the requirements under this subsection relating to the personal reemployment accounts, and will reimburse the account or, if the account has been terminated, the grant awarded under this subsection, for any amounts expended from the account that are not allowable.

''(ii) PERIODIC INTERVIEWS.—If a recipient exhausts his or her rights to any unemployment compensation, and the recipient has a remaining balance in his or her personal reemployment account, the one-stop delivery system shall conduct periodic interviews with the recipient to assist the recipient in meeting his or her individual employment goals.

''(iii) USE OF PERSONAL REEMPLOYMENT ACCOUNTS.—The eligible entity receiving a grant shall ensure that eligible individuals receiving a personal reemployment account use the account in accordance with paragraph (7).

''(6) APPLICATION FOR GRANTS.—To be eligible to receive a grant under this subsection, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

''(A) if the eligible entity is a State—

''(i) assurance that the application was developed in conjunction with the local board or boards and chief elected officials where the personal reemployment accounts shall be made available; and

''(ii) a description of the methods and procedures for providing funds to local areas where the personal reemployment accounts shall be made available; and

''(B) a description of the criteria and methods to be used for determining eligibility for the personal reemployment account, including whether the eligible entity intends to include the optional categories described in paragraph (5)(C)(iii), and the additional criteria and priority for service that the eligible entity intends to apply, if any, pursuant to paragraph (5)(C)(ii)(II);

''(C) a description of the methods or procedures to be used to provide eligible individuals information relating to services and providers;

''(D) a description of safeguards to ensure that funds from the personal reemployment accounts are used for purposes authorized under this subsection and to ensure the quality and integrity of services and providers, consistent with the purpose of providing eligible individuals with enhanced flexibility, choice, and control in obtaining intensive reemployment, training, and supportive services;

''(E) a description of how the eligible entity will coordinate the activities carried out under this subsection with the employment and training activities carried out under section 134 and other activities carried out by local boards through the one-stop delivery system in the State or local area; and

''(F) an assurance that the eligible entity will comply with any evaluation and reporting requirements the Secretary may require.

''(7) USE OF PERSONAL REEMPLOYMENT ACCOUNTS.—

''(A) ALLOWABLE ACTIVITIES.—

''(i) IN GENERAL.—Subject to the requirements contained in clauses (ii) and (iii), a recipient of a personal reemployment account may use amounts in a personal reemployment account to purchase 1 or more of the following:

''(I) Intensive services, including those type of services specified in section 134(d)(3)(C).

''(II) Training services, including those types of services specified in section 134(d)(4)(D).

''(III) Supportive services, except for needs related payments.

''(ii) DELIVERY OF SERVICES.—The following requirements relating to delivery of services shall apply to the grants under this subsection:

''(I) Recipients may use funds from the personal reemployment account to purchase the services described in clause (i) through the one-stop delivery system on a fee-for-service basis, or through other providers, consistent with the safeguards described in paragraph (6)(D).

''(II) The eligible entity, through the one-stop delivery system in the participating local area, may pay costs for such services directly on behalf of the recipient, through a voucher system, or by reimbursement to the recipient upon receipt of appropriate cost documentation.

''(III) Each eligible entity, through the one-stop delivery system in the participating local area, shall make available to recipients information on training providers specified in section 134(d)(4)(F)(ii), information available to the one-stop delivery system on providers of the intensive and supportive services described in clause (i), and information relating to occupations in demand in the local area.

''(iii) LIMITATIONS.—The following limitations shall apply with respect to personal reemployment accounts under this subsection:

''(I) Amounts in a personal reemployment account may be used for up to 1 year from the date of the establishment of the account.

''(II) Each recipient shall submit cost documentation as required by the one-stop delivery system.

''(III) For the 1-year period following the establishment of the account, recipients may not receive intensive, supportive, or training services funded under this title except on a fee-for-services basis as specified in clause (ii)(I).

''(IV) Amounts in a personal reemployment account shall be nontransferable.

''(B) REEMPLOYMENT BONUS.—

''(i) IN GENERAL.—Subject to clause (ii)—

''(I) if a recipient determined eligible under paragraph (5)(C)(ii) obtains full-time employment before the 13th week of unemployment for which unemployment compensation is paid, the balance of his or her personal reemployment account shall be provided directly to the recipient in cash; and

''(II) if a recipient determined eligible under paragraph (5)(C)(iii) obtains full-time employment before the end of the 13th week after the date on which the account is established, the balance of his or her personal reemployment account shall be provided directly to the recipient in cash.

''(ii) LIMITATIONS.—The following limitations shall apply with respect to a recipient described in clause (i):

''(I) 60 percent of the remaining personal reemployment account balance shall be paid to the recipient at the time of employment.

''(II) 40 percent of the remaining personal reemployment account shall be paid to the recipient after 26 weeks of employment retention.

''(iii) EXCEPTION REGARDING SUBSEQUENT EMPLOYMENT.—If a recipient described in clause (i) subsequently becomes unemployed due to a lack of work after receiving the portion of the reemployment bonus specified under clause (ii)(I), the individual may use the amount remaining in the personal reemployment account for the purposes described in subparagraph (A) but may not be eligible for additional cash payments under this subparagraph.

''(8) PROGRAM INFORMATION AND EVALUATION.—

''(A) INFORMATION.—The Secretary may require from eligible entities the collection and reporting on such financial, performance, and other program-related information as the Secretary determines is appropriate to carry out this subsection, including the evaluation described in subparagraph (B).

''(B) EVALUATION.—

''(i) IN GENERAL.—The Secretary, pursuant to the authority provided under section 172, shall, directly or through grants, contracts, or cooperative agreement with appropriate entities, conduct an evaluation of the activities carried out under any grants awarded under this subsection.

''(ii) REPORT.—The report to Congress under section 172(e) relating to the results of the evaluations required under section 172 shall include the recommendation of the Secretary with respect to the use of personal reemployment account as a mechanism to assist individuals in obtaining and retaining employment.''.

When said bill, as amended, was considered and read twice.

After debate,

The previous question having been ordered by said resolution.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. KILDEE moved to recommit the bill to the Committee on Education and the Workforce with instructions to report the bill back to the House forthwith with the following amendments:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be referred to as the ''Emergency Worker Assistance Act''.

SEC. 2. EMERGENCY UNEMPLOYMENT SUPPORT.

Section 171 of the Workforce Investment Act of 1998 (29 U.S.C. 2916) is amended by adding at the end the following new subsection:

''(e) EMERGENCY UNEMPLOYMENT SUPPORT.—

''(1) GRANTS TO STATES.—From the amount appropriated under paragraph (2), the Secretary shall make grants to States to provide financial and employment support to individuals who have exhausted their State unemployment benefits and can no longer receive, after the week of December 20, 2003, Federal extended temporary unemployment compensation, and who continue to be unemployed as of the date of enactment of the Emergency Worker Assistance Act. The eligibility criteria and benefit amounts under this paragraph for such individuals shall be the same as for such individuals prior to December 20, 2003, under the Federal extended temporary unemployment compensation program.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal years 2004 and 2005 such sums as may be necessary to carry out this subsection.''.

Amend the title so as to read: ''A bill to amend the Workforce Investment Act of 1998 to provide continued unemployment support to ensure adequate emergency worker assistance and for other purposes.''

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the nays had it.

Mr. KILDEE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 199 / Nays 216

¶57.9 [Roll No. 224]

YEAS—199

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brown (OH)
Brown, Corrine
Capps
Cardin
Cardoza
Carson (IN)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Goode
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—216

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

NOT VOTING—19

Ballance
Brady (PA)
Burton (IN)
Capuano
Carson (OK)
Chandler
DeGette
DeMint
Deutsch
Emerson
Fossella
Gerlach
Johnson, Sam
Lynch
Quinn
Ruppersberger
Smith (MI)
Tauzin
Watson

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. KILDEE demanded a recorded vote on passage of said bill which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 213 / Nays 203

¶57.10 [Roll No. 225]

AYES—213

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
English
Everett
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula

Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—203

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brown (OH)
Brown, Corrine
Capps
Cardin
Cardoza
Carson (IN)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—18

Ballance
Brady (PA)
Burton (IN)
Capuano
Carson (OK)
DeGette
DeMint
Deutsch
Emerson
Feeney
Fossella
Gerlach
Johnson, Sam
Lynch
Quinn
Smith (MI)
Tauzin
Watson

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

Pursuant to section 2 of House Resolution 656, the texts of H.R. 4409 and H.R. 4411 were appended to the engrossment of H.R. 444; and H.R. 4409 and H.R. 4411 were laid on the table.

¶57.11 H.R. 3866—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3866) to amend the Controlled Substances Act to provide increased penalties for anabolic steroid offenses near sports facilities, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 408 / Nays 3

¶57.12 [Roll No. 226]

YEAS—408

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—3

Flake
Kucinich
Paul

NOT VOTING—23

Andrews
Ballance
Brady (PA)
Brown-Waite, Ginny
Burton (IN)
Capuano
Carson (OK)
Clyburn
DeGette
DeMint
Deutsch
Emerson
Feeney
Fossella
Gerlach
Hobson
Johnson, Sam
Lynch
Pryce (OH)
Quinn
Sabo
Smith (MI)
Tauzin

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was,

by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶57.13 WORKFORCE REINVESTMENT AND ADULT EDUCATION

On motion of Mr. BOEHNER, by unanimous consent, the bill (H.R. 1261) to enhance the workforce investment system of the Nation by strengthening one-stop career centers, providing for more effective governance arrangements, promoting access to a more comprehensive array of employment, training, and related services, establishing a targeted approach to serving youth, and improving performance accountability, and for other purposes; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. BOEHNER, it was,

Resolved, That the House disagree to the amendment of the Senate and ask for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Thereupon, the SPEAKER pro tempore, Mr. OSE, by unanimous consent, appointed the following Members as managers on the part of the House at said conference:

From the Committee on Education and the Workforce, for consideration of the House bill and the amendment of the Senate, and modifications committed to conference: Messrs. BOEHNER, PETRI, MCKEON, CASTLE, ISAKSON, PORTER, KILDEE, HINOJOSA, TIERNEY, and Ms. MCCOLLUM.

Ordered, That the Clerk notify the Senate thereof.

¶57.14 TRANSPORTATION AUTHORIZATION

On motion of Mr. YOUNG of Alaska, by unanimous consent, the bill (H.R. 3550) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. YOUNG of Alaska, it was,

Resolved, That the House disagree to the amendment of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

¶57.15 MOTION TO INSTRUCT CONFEREES—H.R. 3550

Mr. OBERSTAR moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H.R. 3550) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, be instructed to insist on the language contained in section 1101(a)(21)(A) and section 1120(a) of the House bill that establishes and provides funding for a safe routes to school program for the benefit of children in primary and middle schools.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. OSE, announced that the yeas had it.

Mr. YOUNG of Alaska objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 377 / Nays ..... 30 }

¶57.16 [Roll No. 227]

YEAS—377

Abercrombie	Crowley	Hayes
Ackerman	Cubin	Hefley
Aderholt	Cummings	Hensarling
Akin	Cunningham	Herger
Alexander	Davis (AL)	Herseth
Allen	Davis (CA)	Hill
Andrews	Davis (FL)	Hinchey
Baca	Davis (IL)	Hinojosa
Bachus	Davis (TN)	Hobson
Baird	Davis, Jo Ann	Hoeffel
Baker	Davis, Tom	Holden
Baldwin	DeFazio	Holt
Ballenger	Delahunt	Honda
Bartlett (MD)	DeLauro	Hooley (OR)
Barton (TX)	Diaz-Balart, L.	Hostettler
Bass	Diaz-Balart, M.	Houghton
Beauprez	Dicks	Hoyer
Becerra	Dingell	Hulshof
Bell	Doggett	Hunter
Bereuter	Dooley (CA)	Inslee
Berkley	Doolittle	Israel
Berman	Doyle	Issa
Berry	Duncan	Jackson (IL)
Biggert	Edwards	Jackson-Lee (TX)
Bilirakis	Ehlers	Johnson (CT)
Bishop (GA)	Emanuel	Johnson (IL)
Bishop (NY)	Engel	Johnson, E. B.
Blumenauer	English	Jones (NC)
Boehlert	Eshoo	Jones (OH)
Boehner	Etheridge	Kanjorski
Bono	Evans	Kaptur
Boozman	Everett	Keller
Boswell	Farr	Kelly
Boucher	Fattah	Kennedy (MN)
Boyd	Feeney	Kennedy (RI)
Bradley (NH)	Ferguson	Kildee
Brady (TX)	Filner	Kilpatrick
Brown (OH)	Foley	Kind
Brown (SC)	Forbes	King (IA)
Brown, Corrine	Ford	King (NY)
Brown-Waite, Ginny	Fossella	Kirk
Burgess	Frank (MA)	Kleczka
Burns	Frelinghuysen	Kline
Burr	Frost	Knollenberg
Buyer	Gallegly	Kolbe
Calvert	Garrett (NJ)	Kucinich
Camp	Gephardt	LaHood
Capito	Gibbons	Lampson
Capps	Gilchrest	Langevin
Cardin	Gillmor	Lantos
Cardoza	Gingrey	Larsen (WA)
Carson (IN)	Gonzalez	Larson (CT)
Carter	Goode	Latham
Case	Goodlatte	LaTourette
Castle	Gordon	Leach
Chabot	Goss	Lee
Chandler	Granger	Levin
Chocola	Graves	Lewis (CA)
Clay	Green (TX)	Lewis (GA)
Clyburn	Green (WI)	Lewis (KY)
Coble	Greenwood	Lipinski
Cole	Grijalva	LoBiondo
Conyers	Gutierrez	Lofgren
Cooper	Gutknecht	Lowey
Costello	Hall	Lucas (KY)
Cox	Harman	Lucas (OK)
Cramer	Harris	Majette
Crane	Hart	Maloney
Crenshaw	Hastings (FL)	Manzullo
Markey	Pence	Simpson
Marshall	Peterson (MN)	Skelton
Matheson	Peterson (PA)	Smith (NJ)
Matsui	Petri	Smith (TX)
McCarthy (MO)	Pickering	Smith (WA)
McCarthy (NY)	Pitts	Snyder
McCollum	Platts	Solis
McCotter	Pombo	Souder
McCrery	Pomeroy	Spratt
McDermott	Porter	Stark
McGovern	Portman	Stearns
McHugh	Price (NC)	Stenholm
McIntyre	Pryce (OH)	Strickland
McKeon	Putnam	Stupak
McNulty	Radanovich	Sullivan
Meehan	Rahall	Sweeney
Meek (FL)	Ramstad	Tanner
Meeks (NY)	Rangel	Tauscher
Menendez	Regula	Taylor (MS)
Mica	Rehberg	Taylor (NC)
Michaud	Renzi	Terry
Millender-McDonald	Reyes	Thomas
Miller (MI)	Reynolds	Thompson (CA)
Miller (NC)	Rodriguez	Thompson (MS)
Miller, Gary	Rogers (AL)	Tiahrt
Miller, George	Rogers (KY)	Tierney
Mollohan	Rogers (MI)	Towns
Moore	Rohrabacher	Turner (OH)
Moran (KS)	Ros-Lehtinen	Turner (TX)
Moran (VA)	Ross	Udall (CO)
Murphy	Rothman	Udall (NM)
Murtha	Roybal-Allard	Upton
Musgrave	Ruppersberger	Van Hollen
Nadler	Rush	Velázquez
Napolitano	Ryan (OH)	Visclosky
Neal (MA)	Ryan (WI)	Vitter
Nethercutt	Ryun (KS)	Walden (OR)
Neugebauer	Sabo	Walsh
Ney	Sánchez, Linda T.	Wamp
Nunes	Sanchez, Loretta	Waters
Nussle	Sanders	Watson
Oberstar	Sandlin	Watt
Olver	Saxton	Waxman
Ortiz	Schakowsky	Weiner
Osborne	Schiff	Weldon (FL)
Ose	Scott (GA)	Weldon (PA)
Otter	Sensenbrenner	Weller
Owens	Serrano	Wexler
Oxley	Sessions	Whitfield
Pallone	Shaw	Wicker
Pascrell	Shays	Wilson (NM)
Pastor	Sherman	Wolf
Paul	Sherwood	Woolsey
Payne	Shimkus	Wu
Pearce	Shuster	Wynn
Pelosi	Simmons	Young (AK)
		Young (FL)

NAYS—30

Barrett (SC)	Flake	Northup
Bishop (UT)	Franks (AZ)	Norwood
Blackburn	Hayworth	Royce
Blunt	Hoekstra	Schrock
Bonilla	Hyde	Shadegg
Bonner	Isakson	Tancredo
Cannon	Kingston	Thornberry
Cantor	Linder	Tiberi
Culberson	Miller (FL)	Toomey
DeLay	Myrick	Wilson (SC)

NOT VOTING—27

Ballance	Deutsch	Johnson, Sam
Brady (PA)	Dreier	Lynch
Burton (IN)	Dunn	McInnis
Capuano	Emerson	Obey
Carson (OK)	Gerlach	Quinn
Collins	Istook	Scott (VA)
Deal (GA)	Jefferson	Slaughter
DeGette	Jenkins	Smith (MI)
DeMint	John	Tauzin

So the motion to instruct the managers on the part of the House was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶57.17 H. RES. 655—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. OSE, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 655) condemning the crackdown on democracy protestors in Tiananmen Square,

Beijing, in the People's Republic of China on the 15th anniversary of that tragic massacre.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 400 / Nays 1

¶57.18 [Roll No. 228]

YEAS—400

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Duncan
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Majette
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—33

Ballance
Ballenger
Brady (PA)
Burton (IN)
Capuano
Carson (OK)
Collins
Cramer
Deal (GA)
DeGette
DeMint
Deutsch
Dreier
Dunn
Emerson
Gerlach
Houghton
Hunter
Jenkins
John
Johnson, Sam
Lewis (CA)
Lynch
Marshall
McInnis
Obey
Olver
Otter
Quinn
Slaughter
Smith (MI)
Tauzin
Wilson (SC)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶57.19 MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Ms. Wanda Evans, one of his secretaries.

¶57.20 APPOINTMENT OF CONFEREES—H.R. 3550

The SPEAKER pro tempore, Mr. OSE, by unanimous consent, appointed the following Members as managers on the part of the House to the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3550) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes:

From the Committee on Transportation and Infrastructure, for consideration of the House bill (except title IX) and the Senate amendment (except title V), and modifications committed to conference: Messrs. YOUNG of Alaska, PETRI, BOEHLERT, COBLE, DUNCAN, MICA, HOEKSTRA, EHLERS, BACHUS, LATOURETTE, GARY G. MILLER of California, REHBERG, BEAUPREZ, OBERSTAR, RAHALL, LIPINSKI, DEFAZIO, COSTELLO, Ms. NORTON, Mr. NADLER, Mr. MENENDEZ, Ms. CORRINE BROWN of Florida, Mr. FILNER, and Ms. EDDIE BERNICE JOHNSON of Texas.

From the Committee on the Budget, for consideration of sections 8001–8003 of the House bill, and title VI of the Senate amendment, and modifications committed to conference: Messrs. NUSSLE, SHAYS, and SPRATT.

From the Committee on Education and the Workforce, for consideration of sections 1602 and 3030 of the House bill, and sections 1306, 3013, 3032, and 4632 of the Senate amendment, and modifications committed to conference: Mr. BALLENGER, Mrs. BIGGERT, and Mr. GEORGE MILLER of California.

From the Committee on Energy and Commerce, for consideration of provisions of the House bill and Senate amendment relating to Clean Air Act provisions of transportation planning contained in section 6001 of the House bill, and sections 3005 and 3006 of the Senate amendment; and sections 1202, 1824, 1828, and 5203 of the House bill, and sections 1501, 1511, 1522, 1610–1619, 3016, 3023, 4108, 4151, 4152, 4155–4159, 4162, 4172, 4173, 4424, 4481, 4482, 4484, 4662, 8001, and 8002 of the Senate amendment, and modifications committed to conference: Messrs. BARTON of Texas, PICKERING and DINGELL.

From the Committee on Government Reform, for consideration of section 1802 of the Senate amendment, and modifications committed to conference: Messrs. TOM DAVIS of Virginia, SCHROCK, and WAXMAN.

From the Committee on the Judiciary, for consideration of sections 1105, 1207, 1602, 1812, 2011, 3023, 4105, 4108, 4201, 4202, 4204, 5209, 5501, 6001, 6002, 7012, 7019–7022, and 7024 of the House bill, and sections 1512, 1513, 1802, 3006, 3022, 3030, 4104, 4110, 4174, 4226, 4231, 4234, 4265, 4307, 4308, 4315, 4424, 4432, 4440–4442, 4445, 4447, 4462, 4463, 4633, and 4661 of the Senate amendment, and modifications committed to conference: Messrs. SENSENBRENNER, SMITH of Texas, and CONYERS.

From the Committee on Resources, for consideration of sections 1117, 3021, 6002, and 6003 of the House bill, and sections 1501, 1502, 1505, 1511, 1514, 1601, 1603, 3041, and 4521 through 4528 of the Senate amendment, and modifications committed to conference: Messrs. POMBO, GIBBONS and KIND.

From the Committee on Rules, for consideration of sections 8004 and 8005 of the House bill, and modifications committed to conference: Messrs. DREIER, SESSIONS and FROST.

From the Committee on, Science, for consideration of sections 2001, 3013, 3015, 3034, 4112, and Title V of the House bill, and Title II, sections 3014, 3015, 3037, 4102, 4104, 4237, and 4461 of the Senate amendment, and modifications committed to conference: Messrs. GILCHREST, NEUGEBAUER and GORDON.

From the Committee on Ways and Means, for consideration of Title IX of the House bill, and Title V of the Senate amendment, and modifications committed to conference: Messrs. THOMAS, MCCRERY and RANGEL.

For consideration of the House bill and Senate amendment, and modifications committed to conference: Mr. DELAY.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶57.21 COMMITTEE RESIGNATION—MAJORITY

The SPEAKER pro tempore, Mr. OSE, laid before the House the following communication, which was read as follows:

U.S. CONGRESS,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 3, 2004.

Hon. DENNIS HASTERT,
Speaker of the House, House of Representatives, The Capitol, Washington, DC.

DEAR MR. SPEAKER: Effective today, June 3rd, 2004, I hereby resign from the Committee on Agriculture.

Sincerely,

MIKE THOMPSON,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶57.22 COMMITTEE ELECTION—MINORITY

Mr. MENENDEZ, by direction of the Democratic Caucus, submitted the following privileged resolution (H. Res. 661):

Resolved, That the following named Member be and is hereby elected to the following standing committee of the House of Representatives:

COMMITTEE ON AGRICULTURE: Ms. Herseth (to rank immediately after Mr. Marshall).

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶57.23 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. DELAY, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, June 9, 2004, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶57.24 SMALL BUSINESS INVESTMENT

On motion of Mr. MANZULLO, by unanimous consent, the Committee on Small Business was discharged from further consideration of the bill (H.R. 4478) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through July 23, 2004, and for other purposes.

When said bill was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶57.25 MESSAGE FROM THE PRESIDENT—WAIVER REGARDING TURKMENISTAN

The SPEAKER pro tempore, Mr. OSE, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

I hereby transmit the document referred to in subsection 402(d)(1) of the Trade Act of 1974 (the ''Act''), as amended, with respect to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Act to Turkmenistan. This document constitutes my recommendation to continue this waiver for a further 12-month period and includes my determination that continuation of the waiver currently in effect for Turkmenistan will substantially promote the objectives of section 402 of the Act, and my reasons for such determination.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 3, 2004.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Ways and Means and ordered to be printed (H. Doc. 108–189).

¶57.26 MESSAGE FROM THE PRESIDENT—WAIVER REGARDING BELARUS

The SPEAKER pro tempore, Mr. OSE, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

I hereby transmit the document referred to in subsection 402(d)(1) of the Trade Act of 1974 (the ''Act''), as amended, with respect to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Act to the Republic of Belarus. This document constitutes my recommendation to continue this waiver for a further 12-month period and includes my determination that continuation of the waiver currently in effect for Belarus will substantially promote the objectives of section 402 of the Act, and my reasons for such determination.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 3, 2004.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Ways and Means and ordered to be printed (H. Doc. 108–190).

¶57.27 MESSAGE FROM THE PRESIDENT—WAIVER REGARDING VIETNAM

The SPEAKER pro tempore, Mr. OSE, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

I hereby transmit the document referred to in subsection 402(d)(1) of the Trade Act of 1974 (the ''Act''), as amended, with respect to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Act to Vietnam. This document constitutes my recommendation to continue in effect this waiver for a further 12-month period and includes my determination that continuation of the waiver currently in effect for Vietnam will substantially promote the objectives of section 402 of the Act and my reasons for such determination.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 3, 2004.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Ways and Means and ordered to be printed (H. Doc. 108–191).

¶57.28 HOUR OF MEETING

On motion of Mr. SHIMKUS, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at noon on Friday, June 4, 2004.

¶57.29 ADJOURNMENT OVER

On motion of Mr. CULBERSON, by unanimous consent,

Ordered, That when the House adjourns on Friday, June 4, 2004, it adjourn to meet on Tuesday, June 8, 2004, at 12:30 p.m. for morning-hour debate.

¶57.30 APPOINTMENT OF SPEAKER PRO TEMPORE TO SIGN ENROLLMENTS

The SPEAKER laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 3, 2004.

I hereby appoint the Honorable FRANK R. WOLF to act as Speaker pro tempore to sign enrolled bills and joint resolutions through June 8, 2004.

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

By unanimous consent, the appointment was approved.

¶57.31 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1721. An Act to amend the Indian Land Consolidation Act to improve provisions relating to probate of trust and restricted land, and for other purposes, to the Committee on Resources.

¶57.32 SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S.J. Res. 28. A joint resolution recognizing the 60th anniversary of the Allied landing at Normandy during World War II.

¶57.33 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BURTON of Indiana, for today; and

To Mr. CAPUANO, for today.

And then,

¶57.34 ADJOURNMENT

On motion of Mr. KIRK, pursuant to the previous order of the House, at 6 o'clock and 28 minutes p.m., declared the House adjourned until noon on Friday, June 4, 2004.

¶57.35 OATH OF OFFICE/MEMBERS, RESIDENT COMMISSIONER & DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 108th Congress, pursuant to the provisions of 2 U.S.C. 25:

STEPHANIE HERSETH, South Dakota At Large.

¶57.36 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 4114. A bill to amend the Migratory Bird Treaty Act to exclude non-native migratory bird species from the application of that Act, and for other purposes; with an amendment (Rept. 108–520). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 2909. A bill to ensure the continued availability of the Utah Test and Training Range to support the readiness and training needs of the Armed Forces; with an amendment (Rept. 108–521). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 2619. A bill to provide for the expansion of Kilauea Point National Wildlife Refuge; with an amendment (Rept. 108–522). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. S. 1146. An act to implement the recommendations of the Garrison Unit Tribal Advisory Committee by providing authorization for the construction of a rural health care facility on the Fort Berthold Indian Reservation, North Dakota (Rept. 108–523 Pt. 1). Ordered to be printed.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 4175. A bill to increase, effective as of December 1, 2004, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes; with an amendment (Rept. 108–524). Referred to the Committee of the Whole House on the State of the Union.

¶57.37 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker.

H.R. 3266. Referral to the Committees on Transportation and Infrastructure, the Judiciary, and Energy and Commerce extended for a period ending not later than June 14, 2004.

S. 1146. Referral to the Committee on Energy and Commerce extended for a period ending not later than July 9, 2004.

¶57.38 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CASTLE (for himself, Mr. BOEHNER, and Mr. WILSON of South Carolina):

H.R. 4496. A bill to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to strengthen and improve programs under that Act; to the Committee on Education and the Workforce.

By Mr. KIND (for himself, Mr. HINCHEY, Ms. LOFGREN, Mr. OWENS, and Mr. SIMMONS):

H.R. 4497. A bill to establish or expand prekindergarten early learning programs; to the Committee on Education and the Workforce.

By Mr. KIND (for himself, Mr. JOHN, Mr. ANDREWS, Mr. KENNEDY of Rhode Island, Mr. SCHIFF, Mr. SMITH of Washington, and Mr. VAN HOLLEN):

H.R. 4498. A bill to establish a national health program administered by the Office of Personnel Management to offer health benefits plans to individuals who are not Federal employees, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAM JOHNSON of Texas (for himself and Mr. CARTER):

H.R. 4499. A bill to amend the National Labor Relations Act to ensure that certain prevailing parties receive attorneys' fees; to the Committee on Education and the Workforce.

By Mr. BOEHLERT (for himself and Mrs. BIGGERT):

H.R. 4500. A bill to provide for energy research and development; to the Committee on Science, and in addition to the Committees on Resources, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UPTON (for himself, Mr. MARKEY, Mr. BARTON of Texas, and Mr. DINGELL):

H.R. 4501. A bill to extend the statutory license for secondary transmissions under section 119 of title 17, United States Code, and to amend the Communications Act of 1934 with respect to such transmissions, and for other purposes; to the Committee on Energy and Commerce.

By Mr. TERRY (for himself, Mr. PAUL, Mr. NORWOOD, Mr. FEENEY, Mr. PETERSON of Minnesota, Mrs. NORTHUP, Mr. JONES of North Carolina, Mr. KENNEDY of Minnesota, Mr. MCHUGH, and Ms. GINNY BROWN-WAITE of Florida):

H.R. 4502. A bill to amend the Internal Revenue Code of 1986 to provide that distributions from an individual retirement plan, a section 401(k) plan, or a section 403(b) contract shall not be includible in gross income to the extent used to pay long-term care insurance premiums; to the Committee on Ways and Means.

By Mr. BARTON of Texas:

H.R. 4503. A bill to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Science, Ways and Means, Resources, Education and the Workforce, Transportation and Infrastructure, Financial Services, Agriculture, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DELAY (for himself, Mr. HERGER, Mr. CRAMER, Ms. PRYCE of Ohio, Mrs. JOHNSON of Connecticut, Mr. CAMP, Mr. LEWIS of Kentucky, Mr. TOM DAVIS of Virginia, Mr. CARDOZA, Mr. MURPHY, and Ms. NORTON):

H.R. 4504. A bill to improve protections for children and to hold States accountable for the orderly and timely placement of children across State lines, and for other purposes; to the Committee on Ways and Means.

By Mr. GILLMOR:

H.R. 4505. A bill to improve the governance and regulation of mutual funds under the securities laws, and for other purposes; to the Committee on Financial Services.

By Mr. HASTINGS of Florida (for himself, Mr. WEXLER, Mr. FOLEY, Mr. SHAW, and Mr. DEUTSCH):

H.R. 4506. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide assistance for areas that experience a disaster that results in major damage to or destruction of 100 homes or fewer; to the Committee on Transportation and Infrastructure.

By Mr. LOBIONDO (for himself and Mr. LAMPSON):

H.R. 4507. A bill to ensure the continuation and improvement of coastal restoration; to the Committee on Transportation and Infrastructure.

By Mr. NUNES:

H.R. 4508. A bill to amend the National Parks and Recreation Act of 1978 to require the Secretary to permit continued use and occupancy of certain privately owned cabins in the Mineral King Valley in the Sequoia National Park; to the Committee on Resources.

By Mr. REGULA (for himself, Mr. SAM JOHNSON of Texas, and Mr. MATSUI):

H.R. 4509. A bill to authorize the Board of Regents of the Smithsonian Institution to carry out activities in support of the collaborative Very Energetic Radiation Imaging Telescope Array System (VERITAS) project on Kitt Peak near Tucson, Arizona; to the Committee on House Administration.

By Ms. SCHAKOWSKY (for herself and Mr. WAXMAN):

H.R. 4510. A bill to require the Secretary of Defense to provide to Congress copies and descriptions of contracts and task orders in excess of $1,000,000 for work to be performed in Iraq and Afghanistan; to the Committee on Armed Services.

By Ms. WATERS (for herself, Mr. LEACH, Mr. FRANK of Massachusetts, Mr. BACHUS, and Ms. LEE):

H.R. 4511. A bill to provide for the cancellation of debts owed to the International Monetary Fund by poor countries, and for other purposes; to the Committee on Financial Services.

By Mr. WU:

H.R. 4512. A bill to amend part D of title XVIII of the Social Security Act to authorize the Secretary of Health and Human Services to negotiate for lower prices for Medicare prescription drugs and to eliminate the gap in coverage of Medicare prescription drug benefits, to authorize the Secretary of Health and Human Services to promulgate regulations for the reimportation of prescription drugs, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANTOS (for himself, Mr. THOMAS, Mr. KING of New York, Mr. BURTON of Indiana, Mr. SNYDER, Mr. MCGOVERN, Ms. BERKLEY, Mr. EVANS, Ms. MCCOLLUM, Ms. LEE, Mr. HOEFFEL, Mr. PENCE, Mr. CHANDLER, Mr. BERMAN, Mr. DEFAZIO, Mr. BROWN of Ohio, Mr. KIRK, Mr. WEXLER, Mr. KUCINICH, Mr. SHERMAN, Mr. GRIJALVA, Mr. FRANK of Massachusetts, Mr. PITTS, Mr. DELAHUNT, Mr. BLUMENAUER, Mrs. MALONEY, Mr. ENGEL, Mr. LEVIN, Mr. ANDREWS, Ms. DELAURO, Mr. CROWLEY, Mr. ACKERMAN, Mr. ROHRABACHER, Ms. WATSON, Mr. SOUDER, Mr. TANCREDO, Mr. FORD, Ms. ROS-LEHTINEN, and Mr. SMITH of New Jersey):

H.J. Res. 97. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; to the Committee on Ways and Means.

By Mr. KNOLLENBERG (for himself and Mr. SPRATT):

H. Con. Res. 441. Concurrent resolution recognizing the essential role of nuclear power in the national energy policy of the United States and supporting the increased use of nuclear power and the construction and development of new and improved nuclear power generating plants; to the Committee on Energy and Commerce.

By Ms. MCCOLLUM:

H. Con. Res. 442. Concurrent resolution recognizing the 75th anniversary of Amtrak's Empire Builder rail line; to the Committee on Transportation and Infrastructure.

By Mr. PAUL (for himself, Mrs. JO ANN DAVIS of Virginia, Mr. MANZULLO, and Mr. KING of Iowa):

H. Con. Res. 443. Concurrent resolution expressing the sense of the Congress that the United States should formally withdraw its membership from the United Nations Educational, Scientific, and Cultural Organization (UNESCO); to the Committee on International Relations.

By Mr. MENENDEZ:

H. Res. 661. A resolution electing a Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Mr. SENSENBRENNER:

H. Res. 662. A resolution recognizing that Flag Day originated in Ozaukee County, Wisconsin; to the Committee on the Judiciary.

¶57.39 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 107: Mr. WYNN.

H.R. 299: Mr. BISHOP of New York, Mrs. MCCARTHY of New York, and Mr. QUINN.

H.R. 303: Ms. VELAZQUEZ.

H.R. 586: Mr. BROWN of Ohio.

H.R. 677: Mr. CARDOZA.

H.R. 814: Mr. DAVIS of Illinois.

H.R. 839: Mrs. JO ANN DAVIS of Virginia, Mr. CHANDLER, Mr. OWENS, Mr. BURTON of Indiana, Mr. SOUDER, Mr. BILIRAKIS, Mr. HOEKSTRA, Mr. MCDERMOTT, Ms. DELAURO, Ms. NORTON, and Mr. BROWN of South Carolina.

H.R. 852: Mr. ALLEN.

H.R. 962: Mr. CHANDLER.

H.R. 967: Ms. LINDA T. SANCHEZ of California.

H.R. 976: Mr. VAN HOLLEN.

H.R. 1083: Mr. VAN HOLLEN.

H.R. 1149: Ms. BORDALLO and Mr. HINCHEY.

H.R. 1160: Mr. DEUTSCH.

H.R. 1214: Mr. FROST and Mr. UDALL of New Mexico.

H.R. 1258: Mr. FATTAH and Mrs. JONES of Ohio.

H.R. 1322: Mr. EVANS.

H.R. 1336: Mr. HUNTER, Mr. ADERHOLT, Mr. FATTAH, Mr. SMITH of Texas, and Mr. CRAMER.

H.R. 1355: Mr. DEFAZIO, Mr. KILDEE, and Mr. BERRY.

H.R. 1523: Mr. CLAY and Mr. ALEXANDER.

H.R. 1565: Mr. SERRANO.

H.R. 1776: Mr. ADERHOLT and Mr. HOSTETTLER.

H.R. 1910: Mr. LATHAM.

H.R. 2037: Mr. STRICKLAND.

H.R. 2157: Mr. ROTHMAN.

H.R. 2181: Mr. PETRI.

H.R. 2217: Ms. SOLIS.

H.R. 2260: Mr. UDALL of Colorado.

H.R. 2598: Mr. SHUSTER, Mrs. MALONEY, Mr. WALSH, Mr. KANJORSKI, Mr. ACKERMAN, Mr. HOLT, Mr. GILLMOR, Mr. LINCOLN DIAZ-BALART of Florida, Mr. WAXMAN, Mr. WALDEN of Oregon, Mr. KENNEDY of Rhode Island, and Mr. FILNER.

H.R. 2674: Mr. HINCHEY and Mr. DAVIS of Illinois.

H.R. 2683: Mr. MENENDEZ, Mr. MARKEY, Mr. MARSHALL, Mr. ETHERIDGE, Mr. HASTINGS of Florida, Mr. CRAMER, and Mrs. MALONEY.

H.R. 2711: Mrs. JOHNSON of Connecticut.

H.R. 2949: Mr. SMITH of Washington.

H.R. 2968: Mr. GORDON and Mr. FILNER.

H.R. 3180: Mr. STARK.

H.R. 3184: Mr. WEINER.

H.R. 3193: Mr. KENNEDY of Minnesota and Mr. LATOURETTE.

H.R. 3246: Mr. BARRETT of South Carolina.

H.R. 3266: Mr. STENHOLM and Mr. TURNER of Texas.

H.R. 3292: Mr. CROWLEY.

H.R. 3359: Mr. CUMMINGS.

H.R. 3360: Mr. TOM DAVIS of Virginia and Mr. SMITH of New Jersey.

H.R. 3361: Mr. MOORE, Mr. SIMMONS, Mr. OWENS, Mr. EHLERS, Mr. ROTHMAN, Mr. CAPUANO, and Mr. DOGGETT.

H.R. 3422: Ms. ESHOO.

H.R. 3476: Ms. LORETTA SANCHEZ of California and Mr. UDALL of New Mexico.

H.R. 3480: Mr. PASTOR.

H.R. 3539: Mr. MATSUI.

H.R. 3574: Mr. PRICE of North Carolina.

H.R. 3602: Mr. VAN HOLLEN.

H.R. 3615: Mr. MCDERMOTT, Mr. CHANDLER, Mr. KUCINICH, and Mr. STRICKLAND.

H.R. 3619: Mr. JOHN.

H.R. 3634: Mr. CAPUANO.

H.R. 3684: Mr. INSLEE and Mr. RYAN of Wisconsin.

H.R. 3804: Mr. PAUL.

H.R. 3809: Mr. PRICE of North Carolina.

H.R. 3831: Mr. KING of New York.

H.R. 3834: Mr. FROST.

H.R. 3953: Mr. DAVIS of Illinois and Mr. KELLER.

H.R. 3965: Mr. PRICE of North Carolina.

H.R. 3968: Mr. DAVIS of Illinois.

H.R. 3988: Mr. BERMAN, Mr. ETHERIDGE, Mr. FILNER, Mr. GRIJALVA, and Mrs. JONES of Ohio.

H.R. 4016: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 4022: Mr. RANGEL, Mr. DINGELL, Mr. OWENS, and Ms. HART.

H.R. 4052: Mr. EMANUEL.

H.R. 4094: Mrs. BONO.

H.R. 4097: Mr. ORTIZ.

H.R. 4107: Mr. BRADLEY of New Hampshire and Mr. CASE.

H.R. 4116: Mrs. BONO and Mrs. MILLER of Michigan.

H.R. 4130: Mr. DEUTSCH.

H.R. 4131: Mr. DAVIS of Illinois and Mr. ENGLISH.

H.R. 4132: Mr. DAVIS of Illinois and Mr. ENGLISH.

H.R. 4133: Mr. DAVIS of Illinois and Mr. ENGLISH.

H.R. 4155: Mr. TIERNEY.

H.R. 4169: Mr. KUCINICH, Mr. KILDEE, Mr. HINCHEY, and Mr. PRICE of North Carolina.

H.R. 4188: Mr. PAYNE.

H.R. 4192: Mr. MATSUI, Mr. LANTOS, and Mr. KUCINICH.

H.R. 4194: Mr. MARSHALL.

H.R. 4230: Mr. EVANS and Mr. MARSHALL.

H.R. 4264: Mr. CHOCOLA.

H.R. 4290: Mr. STARK.

H.R. 4341: Mr. BOEHLERT, Mr. FRANK of Massachusetts and Ms. SLAUGHTER.

H.R. 4356: Mr. LARSEN of Washington and Mrs. LOWEY.

H.R. 4358: Mr. ROGERS of Michigan, Mr. HOEKSTRA, Mrs. MILLER of Michigan, Mr. UPTON, Mr. MCCOTTER, Mr. EHLERS, Mr. COBLE, Mr. GILLMOR, Ms. KAPTUR, Mr. BALLENGER, and Ms. HART.

H.R. 4363: Mr. SMITH of Washington.

H.R. 4370: Mr. BROWN of South Carolina, Mr. DAVIS of Illinois, and Mr. BACA.

H.R. 4380: Mr. WEXLER, Mr. DEUTSCH, Mr. CRENSHAW, Mr. PUTNAM and Mr. MEEK of Florida.

H.R. 4391: Mr. HULSHOF.

H.R. 4392: Mrs. KELLY and Mr. GORDON.

H.R. 4413: Mr. RENZI and Mr. ENGLISH.

H.R. 4420: Mr. JONES of North Carolina and Mr. GARRETT of New Jersey.

H.R. 4435: Ms. LOFGREN and Mr. FROST.

H.R. 4449: Mr. PAYNE, Mr. MARSHALL, Ms. CORRINE BROWN of Florida, and Mr. FROST.

H.R. 4463: Mrs. LOWEY, Mr. FARR, Mr. KUCINICH, and Mr. MCDERMOTT.

H.R. 4471: Mr. NEY.

H. Con. Res. 366: Mr. LUCAS of Kentucky.

H. Con. Res. 375: Mr. BROWN of Ohio, Ms. ESHOO, and Mr. STENHOLM.

H. Con. Res. 390: Mr. CHANDLER.

H. Con. Res. 396: Mr. FILNER.

H. Con. Res. 418: Mr. EVANS and Mr. PITTS.

H. Con. Res. 427: Mr. RANGEL and Mr. CUMMINGS.

H. Res. 38: Mr. DICKS, Ms. LEE, and Mr. GRIJALVA.

H. Res. 140: Mr. ANDREWS.

H. Res. 267: Mr. HINOJOSA.

H. Res. 596: Ms. ESHOO.

H. Res. 621: Mr. RANGEL and Mr. PALLONE.

H. Res. 633: Mr. FROST.

H. Res. 646: Mr. HOEFFEL, Mr. KILDEE, and Ms. BALDWIN.

¶57.40 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 857: Mr. PICKERING.

FRIDAY, JUNE 4, 2004 (58)

¶58.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. RENZI, who laid before the House the following communication:

WASHINGTON, DC,
June 4, 2004.

I hereby appoint the Honorable RICK RENZI to act as Speaker pro tempore on this day.

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

¶58.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. RENZI, announced he had examined and approved the Journal of the proceedings of Thursday, June 3, 2004.

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

¶58.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

8393. A letter from the Assist. Gen. Counsel, Div. of Regulatory Services, Office of the General Counsel, Department of Education, transmitting the Department's final rule — Institutional Eligibility Under the Higher Education Act of 1965, as Amended (HEA); Patricia Roberts Harris Fellowship Program, Student Assistance General Provisions; Federal Perkins Loan Program; Federal Work-Study Programs; Federal Supplemental Educational Opportunity Grant Program; Federal Family Education Loan Program; William D. Ford Federal Direct Loan Program; Federal Pell Grant Program; and National Early Intervention Scholarship and Partnership Program (RIN: 1840-AC47) Received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8394. A letter from the Assist. Gen. Counsel, Div. of Regulatory Services, Office of the General Counsel, Department of Education, transmitting the Department's final rule — Federal Perkins Loan Program, Federal Family Education Loan Program, and William D. Ford Federal Direct Loan Program (RIN: 1840-AC84) received May 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8395. A letter from the Assistant Secretary for Administration and Management, Department of Labor, transmitting the Department's final rule — Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance From the Department of Labor (RIN: 1291-AA21) received May 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8396. A letter from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's final rule — Class Exemption for the Acquisition and Sale of Trust REIT Shares by Individual Account Plans Sponsored by Trust REITS [Prohibited Transaction Exemption 2004-07; Application Number D-10659] received April 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8397. A letter from the Director, Corp. Policy and Research Dept., Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Participant Notice Voluntary Correction Program (RIN: 1212-AB00) received May 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8398. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-438, ''American College of Cardiology and the American College of Cardiology Foundation Real Property Tax Exemption Act of 2004,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

8399. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-435, ''Retail Incentive Act of 2004,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

8400. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-434, ''Teacher Retirement Incentive Program Temporary Amendment Act of 2004,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

8401. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-433, ''Honoraria Temporary Amendment Act of 2004,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

8402. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-432, ''Use of Fraudulent Temporary Identification Tags and Automobile Forfeiture Temporary Amendment Act of 2004,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

8403. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-426, ''Deed Recordation Tax and Related Amendments Amendment Act of 2004,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

8404. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-425, ''Sibley Memorial Hospital Equitable Real Property Tax Relief Act of 2004,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

8405. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-431, ''Lot 878, Square 456 Tax Exemption Clarification Temporary Act of 2004,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

8406. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-430, ''Lead-Based Paint Abatement and Control Temporary Amendment Act of 2004,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

8407. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-429, ''Lower Income, Long-Term Homeowner Credit Administration Temporary Act of 2004,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

8408. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-428, ''National Capital Medical Center Memorandum of Understanding Approval Act of 2004,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

8409. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-427, ''Office of Administrative Hearings Independence Preservation Amendment Act of 2004,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

8410. A letter from the Vice Chair, United States Sentencing Commission, transmitting the Commission's amendments to the sentencing guidelines, policy statements, and official commentary, pursuant to 28 U.S.C. 994(p); to the Committee on the Judiciary.

¶58.4 MESSAGE FROM THE SENATE

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

S. 2363. An Act to revise and extend the Boys and Girls Clubs of America.

S. Con. Res. 114. A concurrent resolution concerning the importance of the distribution of food in schools to hungry or malnourished children around the world.

The message also announced that the Senate agrees to the amendment of the House of Representatives to the bill (S. 1233) entitled ''An Act to authorize assistance for the National Great Blacks in Wax Museum and Justice Learning Center.''.

¶58.5 SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table, and, under the rule, referred as follows:

S. 2363. An Act to revise and extend the Boys and Girls Clubs of America; to the Committee on the Judiciary.

S. Con. Res. 114. A concurrent resolution concerning the importance of the distribution of food in schools to hungry or malnourished children around the world; to the Committee on International Relations.

And then,

¶58.6 ADJOURNMENT

On motion of the SPEAKER pro tempore, Mr. RENZI, by unanimous consent and pursuant to the special order of the House agreed to on June 3, 2004, at 12 o'clock and 3 minutes p.m., declared the House adjourned until 12:30 p.m. on Tuesday, June 8, 2004.

¶58.7 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 3932. A bill to amend Public Law 99–338 to authorize the continued use of certain lands within the Sequoia National Park by portions of an existing hydroelectric project; with amendments (Rept. 108–525). Referred to the Committee of the Whole House on the State of the Union.

¶58.8 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. POMBO:

H.R. 4513. A bill to provide that in preparing an environmental assessment or environmental impact statement required under section 102 of the National Environmental Policy Act of 1969 with respect to any action authorizing a renewable energy project, no Federal agency is required to identify alternative project locations or actions other than the proposed action and the no action alternative, and for other purposes; to the Committee on Resources.

By Mr. POMBO:

H.R. 4514. A bill to provide for exploration, development, and production of oil and gas resources on the Arctic Coastal Plain of Alaska, and for other purposes; to the Committee on Resources.

By Mr. POMBO:

H.R. 4515. A bill to promote natural gas production from the abundant natural gas hydrate resources on the outer Continental

Shelf and Federal lands in Alaska by providing royalty incentives, and for other purposes; to the Committee on Resources.

By Mrs. BIGGERT (for herself and Mr. DAVIS of Tennessee):

H.R. 4516. A bill to require the Secretary of Energy to carry out a program of research and development to advance high-end computing; to the Committee on Science.

By Mr. BARTON of Texas:

H.R. 4517. A bill to provide incentives to increase refinery capacity in the United States; to the Committee on Energy and Commerce.

By Mr. SMITH of Texas (for himself, Mr. CONYERS, and Mr. BERMAN):

H.R. 4518. A bill to extend the statutory license for secondary transmissions under section 119 of title 17, United States Code; to the Committee on the Judiciary.

By Mr. HINCHEY:

H.R. 4519. A bill to amend the Child Nutrition Act of 1966 to promote better nutrition among school children participating in the school breakfast and lunch programs; to the Committee on Education and the Workforce.

By Mr. THOMAS (for himself, Mr. CRANE, Mr. SHAW, Mrs. JOHNSON of Connecticut, Mr. HOUGHTON, Mr. HERGER, Mr. MCCRERY, Mr. CAMP, Mr. RAMSTAD, Mr. SAM JOHNSON of Texas, Ms. DUNN, Mr. COLLINS, Mr. PORTMAN, Mr. ENGLISH, Mr. HAYWORTH, Mr. HULSHOF, Mr. MCINNIS, Mr. LEWIS of Kentucky, Mr. FOLEY, Mr. BRADY of Texas, and Mr. RYAN of Wisconsin):

H.R. 4520. A bill to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad; to the Committee on Ways and Means, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶58.9 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

350. The SPEAKER presented a memorial of the Senate of the State of Tennessee, relative to Senate Resolution No. 110 memorializing the President and Congress of the United States to restore funding for the Juvenile Accountability Block Grant; to the Committee on Education and the Workforce.

351. Also,a memorial of the General Assembly of the State of Tennessee, relative to Senate Joint Resolution No. 64 memorializing the Congress of the United States to require that government uniforms and equipment be manufactured in the United States; to the Committee on Government Reform.

352. Also,a memorial of the House of Representatives of the State of Louisiana, relative to House Resolution No. 39 memorializing the Congress of the United states to oppose the proposed federal funding cuts to maintenance and operation of locks and dams along the Ouachita and Black River navigational system; to the Committee on Transportation and Infrastructure.

353. Also,a memorial of the Senate of the State of Illinois, relative to Senate Resolution No. 168 supporting the maintaining of the current federal truck size and weight limitations and opposing proposals to experiment with longer and heavier trucks on public highways; to the Committee on Transportation and Infrastructure.

354. Also,a memorial of the Legislature of the State of Hawaii, relative to Senate Concurrent Resolution No. 126 memorializing the Congress of the United States to increase funding for the continuation and expansion of veterans benefits and services; to the Committee on Veterans' Affairs.

355. Also,a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 60 memorializing the Congress of the United States to continue to provide southwest Louisiana veterans a community based outpatient clinic in Jennings, Louisiana; to the Committee on Veterans' Affairs.

¶58.10 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 742: Mr. BARRETT of South Carolina.

H.R. 2950: Mr. CULBERSON, Mr. YOUNG of Alaska, Mr. MEEKS of New York, and Mr. SCHROCK.

H.R. 4433: Mrs. EMERSON, Mr. DAVIS of Illinois, Mr. SHAYS, Mr. TOWNS, Mr. TERRY, Mr. MEEKS of Florida, Mr. KIRK, Mr. JEFFERSON, and Mr. NETHERCUTT.

TUESDAY, JUNE 8, 2004 (59)

¶59.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. BOOZMAN, who laid before the House the following communication:

WASHINGTON, DC,
June 8, 2004.

I hereby appoint the Honorable JOHN BOOZMAN to act as Speaker pro tempore on this day.

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

¶59.2 MESSAGE FROM THE SENATE

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

S. 1887. An Act to amend the Controlled Substances Act to lift the patient limitation on prescribing drug addiction treatments by medical practitioners in group practices.

S. Con. Res. 5. A concurrent resolution expressing support for the celebration in 2004 of the 150th anniversary of the Grand Excursion of 1854.

S. Con. Res. 115. A concurrent resolution authorizing the use of the rotunda of the Capitol for the lying in state of the remains of the late Ronald Wilson Reagan, 40th President of the United States.

¶59.3 MORNING-HOUR DEBATE

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to the order of the House of Tuesday, January 20, 2004, recognized Members for morning-hour debate.

¶59.4 RECESS—12:41 P.M.

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 41 minutes p.m., until 2 p.m.

¶59.5 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. RYAN of Wisconsin, called the House to order.

¶59.6 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. RYAN of Wisconsin, announced he had examined and approved the Journal of the proceedings of Friday, June 4, 2004.

Mr. PITTS, pursuant to clause 1, rule I, demanded a vote on agreeing to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. RYAN of Wisconsin, announced that the yeas had it.

Mr. PITTS objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. RYAN of Wisconsin, pursuant to clause 8, rule XX, announced that the vote would be postponed until later today.

The point of no quorum was considered as withdrawn.

¶59.7 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

8411. A letter from the Director, Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule — 2002 Farm Bill Regulations — Loan Eligibility Provisions (RIN: 0560-AG81) received June 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8412. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Indoxacarb; Tolerances for Residues; Technical Correction [OPP-2004-0169;FRL-7362-4] received June 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8413. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Humates; Exemption from the Requirement of a Tolerance [OPP-2004-0166; FRL-7361-6] received June 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8414. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Streptomyces Iydicus WYEC 108; Exemption from the Requirement of a Tolerance [OPP-2004-0041; FRL-7361-3] received June 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8415. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Novaluron; Pesticide Tolerance [OPP-2004-0125; FRL-7359-2] received June 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8416. A letter from the Acting General Counsel, Department of Defense, transmitting the Department's legislative initiatives for inclusion in the National Defense Authorization Bill for FY 2005; to the Committee on Armed Services.

8417. A letter from the Secretary, Department of Health and Human Services, transmitting a report to Congress on the Native Hawaiian Revolving Loan Fund (NHRLF) for Fiscal Years 2000 and 2001, pursuant to Section 803A(g)(1) of the Native American Programs Act of 1974, as amended; to the Committee on Education and the Workforce.

8418. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's

final rule — Medicaid Programs; Provider Qualifications for Audiologists [CMS-2132-F] (RIN: 0938-AM26) received May 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8419. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Antidiarrheal Drug Products for Over-the-Counter Human Use; Amendment for Final Monograph [Docket No. 1978N-036T] (RIN: 0910-AC82) received June 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8420. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Great Basin Unified Air Pollution Control District and Ventura County Air Pollution Control District [CA 295-0441a; FRL-7667-8] received June 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8421. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; State of Nevada; Nevada Division of Environmental Protection — Bureau of Air Pollution Control [NV053-0076a; FRL-7670-1] received June 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8422. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Capacity Building for Morocco NGOs and the Department of Environment — received June 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8423. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; Minnesota [MN79-3; FRL-7620-5] received June 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8424. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Nevada — Las Vegas Valley PM-10 Nonattainment Area; Serious Area Plan for Attainment for the Annual and 24-Hour PM-10 Standards [NV-040-0075; FRL-7663-4] received June 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8425. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; VOC Emission Standards for Portable Fuel Containers in the Metropolitan Washington, DC Ozone Nonattainment Area [VA 148-5078a; FRL-7671-1] received June 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8426. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revisions to Regulations for General Compliance Activities and Source Surveillance; Correction [VA133-5066a; FRL-7670-8] received June 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8427. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia; VOC Emission Standards for Solvent Metal Cleaning Operations in the Metropolitan Washington, D.C. Ozone Nonattainment Area [VA149-5076a; FRL-7671-6] received June 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8428. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Primary Drinking Water Regulations: Analytical Method for Uranium [OW-2003-0067; FRL-7668-9] (RIN: 2040-AE62) received June 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8429. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Rulemaking on Section 126 Petitions from New York and Connecticut Regarding Sources in Michigan; Revisions of Definition of Applicable Requirement for Title V Operating Permit Programs [FRL-7669-6] (RIN: 2060-AJ36) received June 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8430. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Label for Email Messages Containing Sexually Oriented Material (RIN: 3084-AA96) received May 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8431. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Inspection of Alloy 82/182/600 Materials Used in the Fabrication of Pressurizer Penetrations and Steam Space Piping Connections at Pressurized-Water Reactors — received June 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8432. A letter from the Secretary, Department of Energy, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2003 to March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8433. A letter from the Administrator, Agency for International Development, transmitting the Inspector General's Semiannual Report for the period ending March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8434. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the semiannual report on the activities of the Office of Inspector General for the six-month period ending March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8435. A letter from the Acting Assistant Secretary for Management, Department of the Treasury, transmitting pursuant to Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, a report on the Department's competitive sourcing efforts; to the Committee on Government Reform.

8436. A letter from the Secretary, Department of Homeland Security, transmitting the semiannual report of the Inspector General for the period October 1, 2003 through March 31, 2004, pursuant to Public Law 95—452, section 5; to the Committee on Government Reform.

8437. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report concerning minority employment and recruitment submitted pursuant to Sections 324 and 325(c) in the Foreign Relations Authorization Act for Fiscal Year 2003 (Pub. L. 107-228); to the Committee on Government Reform.

8438. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8439. A letter from the Acting Assistant Administrator, Environmental Protection Agency, transmitting the Agency's 2003 Competitive Sourcing Report, as required by Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199; to the Committee on Government Reform.

8440. A letter from the Chairman, Federal Housing Finance Board, transmitting the semiannual report on the activities of the Office of Inspector General ending March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8441. A letter from the Chairman, National Credit Union Administration, transmitting the semiannual report on the activities of the Inspector General for October 1, 2003, through March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

8442. A letter from the Chairman, National Endowment for the Arts, transmitting the Semiannual Report to the Congress of the Inspector General and the Chairman's Semiannual Report on Final Actions Resulting from Audit Reports for the period of October 1, 2003 through March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8443. A letter from the Chairman, National Endowment for the Humanities, transmitting pursuant to Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004 (Pub. L. 108-199), a report stating that the Endowment did not undertake any competitive sourcing activities in FY 2003, nor is it conducting any such competitions in the current fiscal year; to the Committee on Government Reform.

8444. A letter from the Chairman, National Science Board, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2003 through March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8445. A letter from the Director, Peace Corps, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2003 through March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8446. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft bill ''To modify the boundary of the Harry S. Truman National Historic Site in the State of Missouri, and for other purposes''; to the Committee on Resources.

8447. A letter from the Secretary, Department of Transportation, transmitting the Department's report entitled, ''Buckle Up America: The National Initiative for Increasing Safety Belt Use, Sixth Report To Congress and Fourth Report to the President'' June 2004, as required by House Report 105-188 and Executive Order 13043; to the Committee on Transportation and Infrastructure.

8448. A letter from the Administrator, Small Business Administration, transmitting the Annual Report on Minority Small Business and Capital Ownership Development for Fiscal Year 2003, pursuant to 15 U.S.C. 636(j)(16)(B); to the Committee on Small Business.

8449. A letter from the Comptroller, Department of Defense, transmitting notification of an intent to transfer funds from the Defense Working Capital Funds to the Operation and Maintenance Appropriations of the Army, pursuant to Public Law 108–87, section 8006; jointly to the Committees on Armed Services and Appropriations.

8450. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Elimination of Statement of Intent Procedures for Filing Medicare Claims [CMS-1185-F] (RIN: 0938-AK79) received April 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

¶59.8 RECESS—2:10 P.M.

The SPEAKER pro tempore, Mr. RYAN of Wisconsin, pursuant to clause 12(a) of rule I, declared the House in recess at 2 o'clock and 10 minutes p.m., subject to the call of the Chair.

¶59.9 AFTER RECESS—6:03 P.M.

The SPEAKER called the House to order.

¶59.10 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES
Washington, DC, June 8, 2004.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on June 8, 2004 at 2:37 p.m. and said to contain a message from the President whereby he notifies the Congress of the death of Ronald Reagan.

With Best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶59.11 DEATH OF FORMER PRESIDENT RONALD WILSON REAGAN

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

By this Message, I officially inform you of the death of Ronald Reagan, the fortieth President of the United States.

Ronald Reagan was a great leader and a good man. He had the confidence that comes with conviction, the strength that comes with character, the grace that comes with humility, and the humor that comes with wisdom.

Through his leadership, spirit, and abiding faith in the American people, President Reagan gave our Nation a renewed optimism. With his courage and moral clarity, he enhanced America's security and advanced the spread of peace, liberty, and democracy to millions of people who had lived in darkness and oppression. As America's President, he helped change the world.

The sun has now set on Ronald Reagan's extraordinary American life. Just as he told us that our Nation's best days are yet to come, we know that the same is true for him.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 8, 2004.*

¶59.12 HOUSE OFFERS SYMPATHY TO THE FAMILY OF THE FORTIETH PRESIDENT RONALD WILSON REAGAN

Mr. DELAY, submitted the following privileged resolution (H. Res. 663):

Resolved, That the House of Representatives has learned with profound regret and sorrow of the death of Ronald Wilson Reagan, former President of the United States of America.

Resolved, That the House tenders its deep sympathy to the members of the family of the former President in their bereavement.

Resolved, That in recognition of the many virtues, public and private, of one who served with distinction as President, the Speaker shall appoint a committee of the House to join with such Members of the Senate as may be designated, to attend the funeral services of the former President.

Resolved, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the applicable accounts of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy of the same to the family of the former President.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the former President.

When said resolution was considered.

After debate,

By unanimous consent, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Mr. DELAY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 355 / Nays 0

¶59.13 [Roll No. 229]

YEAS—355

Abercrombie
Aderholt
Akin
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carson (IN)
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doyle
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Farr
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran (KS)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—80

Ackerman
Alexander
Ballance
Becerra
Bilirakis
Brady (PA)
Burns
Capps
Carson (OK)
Carter
Case
Clay
Collins
Conyers
Cubin
Delahunt
DeMint
Deutsch
Dingell
Dooley (CA)
Doolittle
Dunn
English
Evans

Fattah
Frost
Gephardt
Gilchrest
Gonzalez
Graves
Grijalva
Gutierrez
Hastings (FL)
Houghton
Jones (NC)
Kaptur
Kilpatrick
King (NY)
Kingston
Kucinich
Lampson
Larson (CT)
Lee
Lofgren
Lynch
Majette
McCarthy (MO)
McDermott
McInnis
Menendez
Millender-McDonald
Miller, Gary
Mollohan
Moran (VA)
Murtha
Ney
Ose
Payne
Pombo
Rahall
Rangel
Regula
Reyes
Rodriguez
Ros-Lehtinen
Royce
Rush
Sanders
Shadegg
Skelton
Solis
Souder
Spratt
Stark
Stupak
Tauzin
Tiahrt
Turner (TX)
Wexler
Woolsey

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶59.14 APPROVAL OF THE JOURNAL—UNFINISHED BUSINESS

The SPEAKER pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the Chair's approval of the Journal of Friday, June 4, 2004.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER announced that the yeas had it.

Mr. RYAN of Wisconsin demanded a recorded vote on agreeing to the Speaker's approval of the Journal, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

When there appeared ....
Yeas 318
Nays 29
Answered present 1

¶59.15 [Roll No. 230]

AYES—318

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (IN)
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Cooper
Cox
Cramer
Crenshaw
Crowley
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doyle
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Farr
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Hall
Harman
Harris
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Kanjorski
Keller
Kelly
Kennedy (RI)
Kildee
Kind
King (IA)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Langevin
Lantos
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lowey
Lucas (KY)
Lucas (OK)
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Moore
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Stearns
Stenholm
Sullivan
Sweeney
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thornberry
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Upton
Van Hollen
Velázquez
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOES—29

Capuano
Costello
Filner
Gillmor
Hart
Johnson, E. B.
Jones (OH)
Kennedy (MN)
Larsen (WA)
LoBiondo
Moran (KS)
Oberstar
Olver
Otter
Peterson (MN)
Ramstad
Sabo
Sandlin
Slaughter
Strickland
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (CO)
Udall (NM)
Visclosky
Waters
Weller
Wu

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—86

Ackerman
Ballance
Becerra
Bilirakis
Brady (PA)
Burns
Capps
Carson (OK)
Carter
Case
Clay
Collins
Conyers
Crane
Cubin
Cummings
Delahunt
DeMint
Deutsch
Dingell
Dooley (CA)
Doolittle
Dunn
English
Evans
Fattah
Frost
Gephardt
Gilchrest
Gonzalez
Graves
Grijalva
Gutierrez
Gutknecht
Hastings (FL)
Houghton
Jefferson
Jones (NC)
Kaptur
Kilpatrick
King (NY)
Kingston
Kucinich
Lampson
Larson (CT)
Lee
Lofgren
Lynch
Majette
McCarthy (MO)
McDermott
McInnis
Meeks (NY)
Menendez
Millender-McDonald
Miller, Gary
Miller, George
Mollohan
Moran (VA)
Murtha
Ney
Osborne
Ose
Payne
Pombo
Rahall
Rangel
Regula
Reyes
Rodriguez
Ros-Lehtinen
Royce
Rush
Sanders
Shadegg
Skelton
Solis
Souder
Spratt
Stark
Stupak
Tauzin
Tiahrt
Turner (TX)
Wexler
Woolsey

So the Journal was approved.

¶59.16 ORDER OF BUSINESS—CONSIDERATION OF H. RES. 664

On motion of Mr. DELAY, by unanimous consent,

Ordered, That it shall be in order at any time to consider in the House the resolution (H. Res. 664) mourning the passing of President Ronald Reagan and celebrating his service to the people of the United States and his leadership in promoting the cause of freedom for all the people of the world; the resolution shall be considered as read for amendment; the previous question shall be considered as ordered on the resolution to final adoption without intervening motion except (1) two hours of debate on the resolution on the legislative day of June 8, 2004, equally divided and controlled by the Majority Leader and the Minority Leader or their designees; (2) one motion to adjourn offered by the Majority Leader or his designee on the legislative day of June 8, 2004; and (3) three hours of debate on the resolution on the legislative day of June 9, 2004, equally divided and controlled by the Majority Leader and the Minority Leader or their designees; on each demand of the Majority Leader or his designee, it shall be in order to debate the resolution on the legislative day of June 8, 2004, for an additional hour equally divided and controlled by the Majority Leader and the Minority Leader or their designees; and notwithstanding the operation of the previous question, the Chair at any time may postpone further consideration of the resolution until a time designated by the Speaker.

¶59.17 HOUR OF MEETING

On motion of Mr. DELAY, by unanimous consent,

Ordered, That when the House adjourns on Monday, June 14, 2004, it adjourn to meet at 8:30 a.m. on Tuesday, June 15, 2004.

¶59.18 ORDER OF BUSINESS—JOINT MEETING RECESS

On motion of Mr. DELAY, by unanimous consent,

Ordered, That at any time on Tuesday, June 15, 2004, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting of His Excellency Hamid Karzai, President of the Government of the Transitional Islamic State of Afghanistan.

¶59.19 PRIVATE CALENDAR BUSINESS DISPENSED WITH

On motion of Mr. DELAY, by unanimous consent,

Ordered, That business in order on Tuesday, June 15, 2004, under clause 5, rule XV, the Private Calendar rule, be dispensed with.

¶59.20 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. DELAY, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, June 16, 2004, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶59.21 HONORING THE LATE HONORABLE RONALD WILSON REAGAN

Mr. LEWIS of California, pursuant to the previous order of the House, called up the following resolution (H. Res. 664):

Whereas President Ronald Reagan reminded us that our great Nation was founded and built by people with great dreams and the courage to take great risks;

Whereas President Reagan reminded his countrymen of the Nation's calling in world history: ''From our forefathers to our modern day immigrants, we've come from every corner of the earth, from every race and every ethnic background, and we've become a new breed in the world. We're Americans, and we have a rendezvous with destiny.'';

Whereas President Reagan championed freedom and democracy throughout the world, bringing courage to millions of people suffering the bondage of tyranny and oppression;

Whereas on June 12, 1987, President Reagan stood at the Brandenburg Gate, the symbol of communism's brutal oppression, and demanded: ''General Secretary Gorbachev, if you seek peace, if you seek prosperity for the Soviet Union and eastern Europe, if you seek liberalization: Come here to this gate. Mr. Gorbachev, open this gate! Mr. Gorbachev, tear down this wall!'';

Whereas on November 9, 1989, the Berlin Wall was torn down, signifying the end of the Cold War;

Whereas President Reagan, and his wife Nancy, brought dignity and respect to the White House and dedicated their lives to promoting national pride and to bettering the quality of life in the United States and throughout the world;

Whereas on May 16, 2002, Congress bestowed the congressional gold medal in recognition of their service to the Nation;

Whereas Ronald Reagan's eloquence united Americans in times of triumph and tragedy;

Whereas on January 28, 1986, President Reagan comforted a grieving nation as Americans mourned the death of seven American astronauts who ''slipped the surly bonds of earth to touch the face of God'';

Whereas President Reagan spent the twilight of his life as he always lived, leading a fight against Alzheimer's disease with faith, courage, and dignity, with the greatest love for the Nation and eternal optimism for its future;

Whereas by opening his heart to the Nation about his affliction with Alzheimer's disease, President Reagan promoted greater awareness of this condition; and

Whereas President Reagan appealed to the best hopes of the American people, not their worst fears, and to their confidence rather than their doubts: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its deepest appreciation for the profound public service of President Ronald Reagan;

(2) expresses its condolences to Nancy Reagan and to Patti, Michael, Ron, and the entire Reagan family;

(3) calls on the people of the United States to reflect on the record of President Reagan during this national period of remembrance and to remember always his encouraging words: ''We have every right to dream heroic dreams.''; and

(4) directs the Clerk of the House of Representatives to transmit a copy of this resolution to the family of President Reagan.

When said resolution was considered.

After further debate,

The SPEAKER pro tempore, Mr. ROHRABACHER, pursuant to the previous order of the House, announced that further proceedings on the resolution were postponed.

¶59.22 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. ROHRABACHER, laid before the House the following communication from Mr. SCHROCK:

CONGRESS OF THE UNITED STATES,
June 3, 2004.

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

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a criminal subpoena for documents, issued by the United States District Court for the Southern District of Illinois.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

EDWARD L. SCHROCK,
Member of Congress.

¶59.23 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1887. An Act to amend the Controlled Substances Act to lift the patient limitation on prescribing drug addiction treatments by medical practitioners in group practices; to the Committee on Energy and Commerce; in addition to the Committee on the Judiciary for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶59.24 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BECERRA, for today;

To Mr. CASE, for for today and balance of the week;

To Mr. FROST, for today;

To Ms. KILPATRICK, for today;

To Mr. KING of New York, for today;

To Mr. LAMPSON, for today and balance of the week;

To Mr. MENENDEZ, for today;

To Ms. MILLENDER-MCDONALD, for today;

To Mr. Gary G. MILLER of California, for today and June 9;

To Mr. REYES, for today and balance of the week;

To Ms. SOLIS, for today and balance of the week;

To Mr. STUPAK, for today;

To Mr. TAUZIN, for today and balance of the week; and

To Mr. TURNER of Texas, for today and June 9.

And then,

¶59.25 ADJOURNMENT

On motion of Mr. LEWIS of California, at 10 o'clock and 29 minutes p.m., the House adjourned, pursuant to House Resolution 663, out of respect for the late Honorable Ronald Wilson Reagan, former President of the United States.

¶59.26 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 4226. A bill to amend title 49, United States Code, to make certain conforming changes to provisions governing the registration of aircraft and the recordation of instruments in order to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment, known as the ''Cape Town Treaty''; with an amendment (Rept. 108–526). Referred to the Committee of the Whole House on the State of the Union.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 4012. A bill to amend the District of Columbia College Access Act of 1999 to permanently authorize the public school and private school tuition assistance programs established under the Act (Rept. 108–527). Referred to the Committee of the Whole House on the state of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1731. A bill to amend title 18, United States Code, to establish penalties for aggravated identity theft, and for other purposes; with an amendment (Rept. 108–528). Referred to the Committee of the Whole House on the state of the Union.

¶59.27 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RENZI (for himself and Mr. DAVIS of Alabama):

H.R. 4521. A bill to amend section 502 of the Housing Act of 1949 to allow borrowers under the rural single family housing guaranteed loan program to finance the amount of the guarantee fee; to the Committee on Financial Services.

By Ms. JACKSON-LEE of Texas:

H.R. 4522. A bill to provide for the establishment of an independent, Presidentially-appointed Commission to assess the safety of the International Space Station and its crew; to the Committee on Science.

By Mr. ANDREWS:

H.R. 4523. A bill to provide that children's sleepwear shall be manufactured in accordance with stricter flammability standards; to the Committee on Energy and Commerce.

By Mrs. KELLY:

H.R. 4524. A bill to expand the Central Command Rest and Recuperation Leave Program to cover transportation by members of

the Armed Forces who are stationed inside or outside of the United States, but not in an area previously designated for inclusion in the program, and are granted leave in anticipation of deployment overseas in connection with a contingency operation; to the Committee on Armed Services.

By Mr. MILLER of Florida (for himself, Mr. BISHOP of Utah, Mr. BRADLEY of New Hampshire, Mr. DOOLITTLE, Mr. FOLEY, Mr. MCCOTTER, Mr. PENCE, Mr. ROGERS of Alabama, Mr. SOUDER, Mr. WELDON of Florida, Mr. FEENEY, Mr. LINCOLN DIAZ-BALART of Florida, Ms. HARRIS, and Mr. JONES of North Carolina):

H.R. 4525. A bill to require the Secretary of the Treasury to redesign the half dollar coin to commemorate Ronald Wilson Reagan, and for other purposes; to the Committee on Financial Services.

By Mr. PALLONE:

H.R. 4526. A bill to ensure the coordination and integration of Indian tribes in the National Homeland Security strategy and to establish an Office of Tribal Government Homeland Security within the Department of Homeland Security, and for other purposes; to the Committee on Resources.

By Mr. PALLONE:

H.R. 4527. A bill to enhance the criminal penalties for illegal trafficking of archaeological resources, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEY (for himself and Mr. LARSON of Connecticut):

H. Con. Res. 444. Concurrent resolution authorizing the use of the rotunda of the Capitol for the lying in state of the remains of the late Honorable Ronald Wilson Reagan, the fortieth President of the United States; to the Committee on House Administration.

By Mr. PALLONE:

H. Con. Res. 445. Concurrent resolution recognizing the invaluable contribution of Native American Veterans and honoring their service to the Nation; to the Committee on Armed Services.

By Mr. DELAY:

H. Res. 663. A resolution expressing the profound regret and sorrow of the House of Representatives on the death of Ronald Wilson Reagan, former President of the United States of America; considered and agreed to.

By Mr. LEWIS of California (for himself, Mr. WAXMAN, Mr. DREIER, Mr. GEORGE MILLER of California, Mr. COX, Mr. THOMAS, Mr. HUNTER, Mr. GALLEGLY, Mr. HERGER, Mr. ROHRABACHER, Mr. CUNNINGHAM, Mr. DOOLITTLE, Mr. CALVERT, Mr. MCKEON, Mr. POMBO, Mr. ROYCE, Mr. FARR, Mr. RADANOVICH, Ms. LORETTA SANCHEZ of California, Mrs. BONO, Mrs. CAPPS, Mr. GARY G. MILLER of California, Mr. OSE, Mr. ISSA, Mr. NUNES, Ms. LOFGREN, Mr. SCHIFF, Mr. CARDOZA, Mr. SHERMAN, Ms. PELOSI, Mr. COSTELLO, Ms. HARMAN, Mr. BERMAN, Mr. NEUGEBAUER, Mrs. DAVIS of California, Mr. LANTOS, Mr. FILNER, Mr. SHADEGG, Ms. ESHOO, and Mr. MATSUI):

H. Res. 664. A resolution mourning the passing of President Ronald Reagan and celebrating his service to the people of the United States and his leadership in promoting the cause of freedom for all the people of the world; to the Committee on Government Reform.

By Mr. BURTON of Indiana:

H. Res. 665. A resolution providing for enclosing the visitors' galleries of the House of Representatives with a transparent and substantial material; to the Committee on House Administration.

By Mr. BURTON of Indiana (for himself, Mr. WEXLER, and Mr. BLUMENAUER):

H. Res. 666. A resolution congratulating the people and Government of the Republic of Indonesia on successfully completing elections for national, provincial, and regional parliamentary representatives, and praising the growing friendship between the United States and Indonesia; to the Committee on International Relations.

¶59.28 REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIOSN

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 530. A bill for the relief of Tanya Andrea Goudeau (Rept. 108–529). Referred to the Private Calendar.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 712. A bill for the relief of Richi James Lesley (Rept. 108–530). Referred to the Private Calendar.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 867. A bill for the relief of Durreshahwar Durreshahwar, Nida Hasan, Asna Hasan, Anum Hasan, and Iqra Hasan (Rept. 108–531). Referred to the Private Calendar.

Mr. SENSENBRENNER: Committee on the Judiciary. S. 103. An act for the relief of Lindita Idrizi Heath (Rept. 108–532). Referrred to the Private Calendar.

¶59.29 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 122: Mr. DEUTSCH.
H.R. 623: Mr. BOEHLERT and Mr. GORDON.
H.R. 645: Mr. DUNCAN.
H.R. 716: Mr. OLVER.
H.R. 742: Mr. SCOTT of Georgia.
H.R. 745: Mr. LANTOS.
H.R. 756: Mrs. JO ANN DAVIS of Virginia.
H.R. 897: Mr. GEORGE MILLER of California.
H.R. 977: Mr. INSLEE.
H.R. 1002: Mr. RAMSTAD.
H.R. 1039: Ms. ESHOO.
H.R. 1043: Mr. EVANS.
H.R. 1083: Mr. ANDREWS, Mr. LARSON of Connecticut, Mr. MENENDEZ, Mr. WOLF, and Mr. SCHROCK.
H.R. 1084: Mr. UPTON.
H.R. 1102: Mr. UPTON.
H.R. 1155: Mrs. BLACKBURN and Mr. PAYNE.
H.R. 1205: Mr. ENGEL.
H.R. 1214: Mr. DEUTSCH.
H.R. 1231: Ms. WATERS and Mr. DOGGETT.
H.R. 1306: Mr. DEFAZIO.
H.R. 1532: Mr. CHOCOLA.
H.R. 1639: Mr. DOGGETT.
H.R. 1708: Mr. TIERNEY.
H.R. 1716: Ms. HARRIS.
H.R. 1919: Mr. HASTINGS of Florida.
H.R. 2069: Mr. PAYNE.
H.R. 2096: Mr. GRAVES, Mr. DAVIS of Alabama, and Mr. BACA.
H.R. 2135: Mr. COLLINS.
H.R. 2176: Mr. BOOZMAN and Mr. BARTLETT of Maryland.
H.R. 2260: Mr. ABERCROMBIE, Mr. MOORE, and Mr. MICA.
H.R. 2387: Mr. CONYERS, Ms. WOOLSEY, Mr. CAPUANO, and Mr. VAN HOLLEN.
H.R. 2404: Mr. CUNNINGHAM, Mr. JONES of North Carolina, Mr. SMITH of Washington, Mr. TANNER, and Mr. BALLANCE.
H.R. 2464: Mr. EMANUEL.
H.R. 2494: Mr. CASTLE.
H.R. 2509: Mr. RAMSTAD.
H.R. 2621: Ms. DELAURO, Mr. STARK, Mr. JACKSON of Illinois, and Ms. SCHAKOWSKY.
H.R. 2680: Mr. SCHIFF and Mrs. LOWEY.
H.R. 2699: Mr. NUSSLE, Mr. JOHN, and Mr. BROWN of South Carolina.
H.R. 2762: Mr. PAYNE and Mr. KINGSTON.
H.R. 2932: Mr. CUMMINGS.
H.R. 2956: Mr. VAN HOLLEN.
H.R. 3133: Mr. CARDIN.
H.R. 3190: Mr. NUSSLE.
H.R. 3203: Mr. VAN HOLLEN.
H.R. 3266: Ms. JACKSON-LEE of Texas and Mr. PASCRELL.
H.R. 3308: Ms. BALDWIN.
H.R. 3350: Mr. ISRAEL.
H.R. 3425: Mr. BROWN of Ohio.
H.R. 3429: Mr. TERRY.
H.R. 3432: Mr. CUMMINGS.
H.R. 3459: Mr. MATSUI.
H.R. 3473: Mr. GRIJALVA.
H.R. 3474: Mr. GOSS and Mr. GALLEGLY.
H.R. 3545: Mr. ABERCROMBIE and Mr. SHAYS.
H.R. 3558: Mr. ISSA.
H.R. 3574: Ms. MCCOLLUM and Mr. HALL.
H.R. 3575: Mr. DAVIS of Florida, Mr. MEEKS of New York, Mr. SNYDER, Mr. ROSS, and Mr. RANGEL.
H.R. 3582: Mr. CUMMINGS.
H.R. 3615: Mr. RAHALL.
H.R. 3633: Mr. MILLER of Florida.
H.R. 3634: Ms. NORTON.
H.R. 3704: Mr. TERRY.
H.R. 3729: Mr. HOLT, Mr. KING of New York, Mr. ROHRABACHER, Mr. PLATTS, Mr. GEORGE MILLER of California, and Mr. DEUTSCH.
H.R. 3800: Mr. STEARNS.
H.R. 3809: Mr. MEEHAN.
H.R. 3816: Mr. VAN HOLLEN and Mr. FILNER.
H.R. 3831: Mr. CUMMINGS and Mr. HOLT.
H.R. 3924: Mr. ENGLISH.
H.R. 3936: Ms. HARRIS.
H.R. 3953: Mrs. BIGGERT and Mr. KIND.
H.R. 3968: Mr. FILNER, Mr. RAHALL, Mr. EMANUEL, and Mr. MICHAUD.
H.R. 3988: Mr. CUMMINGS and Mrs. DAVIS of California.
H.R. 3999: Mr. GORDON.
H.R. 4011: Mr. DEUTSCH.
H.R. 4022: Mr. GREEN of Texas and Mr. FROST.
H.R. 4026: Ms. VELÁZQUEZ, Mr. UDALL of New Mexico, Mr. PETERSON of Minnesota, Mr. LATHAM, Mr. WILSON of South Carolina, Mr. BACHUS, and Mr. KELLER.
H.R. 4067: Mr. FARR, Ms. WOOLSEY, Ms. MCCOLLUM, and Mr. EVANS.
H.R. 4082: Mr. COOPER, Mr. MEEHAN, Mr. MCINTYRE, Mr. CROWLEY, Mr. SANDERS, and Mr. ROTHMAN.
H.R. 4101: Mr. THOMPSON of California, Mr. CARDIN, and Mr. MCGOVERN.
H.R. 4113: Mr. MATSUI and Mr. KINGSTON.
H.R. 4123: Mr. MCGOVERN.
H.R. 4147: Mr. SCOTT of Georgia.
H.R. 4150: Mr. KLINE.
H.R. 4154: Mr. HINCHEY.
H.R. 4191: Mr. FATTAH, Mr. CROWLEY, Mr. CLYBURN, Mrs. CHRISTENSEN, Ms. CORRINE BROWN of Florida, and Mr. KILDEE.
H.R. 4214: Mr. BRADY of Pennsylvania.
H.R. 4236: Mr. KUCINICH, Mr. MCDERMOTT, and Mr. MCINNIS.
H.R. 4237: Mr. KUCINICH, Mr. MCDERMOTT, and Mr. MCINNIS.
H.R. 4248: Ms. HARRIS.
H.R. 4255: Mr. KUCINICH, Mr. STARK, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. MICHAUD.
H.R. 4256: Ms. BERKLEY and Mr. MCNULTY.
H.R. 4260: Mr. PAYNE.
H.R. 4261: Ms. LINDA T. SÁNCHEZ of California, Mr. FROST, Mr. FATTAH, and Mr. MCNULTY.
H.R. 4262: Mr. TOWNS, Mr. OWENS, and Mr. RUSH.
H.R. 4343: Mr. GALLEGLY, Mr. WICKER, and Mr. HAYES.
H.R. 4357: Ms. BALDWIN, Mr. BERMAN, Mr. ROSS, Mr. OBERSTAR, and Mrs. LOWEY.

H.R. 4363: Mr. DEUTSCH, Mr. SIMMONS, and Mr. MARSHALL.
H.R. 4370: Mr. CUMMINGS, Mr. BEREUTER, and Ms. SCHAKOWSKY.
H.R. 4376: Mr. ALLEN, Mr. MOORE, Mr. BURR, and Mr. COOPER.
H.R. 4379: Ms. WOOLSEY, Mr. DAVIS of Illinois, and Mr. MARSHALL.
H.R. 4387: Ms. KAPTUR, Mr. VAN HOLLEN, Mr. CONYERS, Mr. MCGOVERN, Ms. MCCOLLUM, Mr. BLUMENAUER, Mr. BROWN of Ohio, and Mr. GRIJALVA.
H.R. 4414: Mr. SERRANO, Mr. BECERRA, Mr. GUTIERREZ, and Mr. ACEVEDO-VILÁ.
H.R. 4420: Mr. BAKER, Mrs. BLACKBURN, Mr. BARTLETT of Maryland, Mr. HALL, and Mr. KENNEDY of Minnesota.
H.R. 4425: Mr. ETHERIDGE.
H.R. 4449: Mr. MEEKS of New York, Mr. VAN HOLLEN, Mr. ACKERMAN, Mr. WEXLER, Mr. WEINER, Mr. JACKSON of Illinois, Mr. WYNN, Mr. ETHERIDGE, Mr. FOLEY, and Mr. BELL.
H.R. 4450: Mr. BERMAN and Mrs. LOWEY.
H.R. 4468: Mr. UDALL of New Mexico.
H.R. 4498: Ms. NORTON.
H.R. 4499: Mr. VITTER.
H.J. Res. 56: Mr. TAYLOR of North Carolina, Mr. BURR, and Mr. BONILLA.
H. Con. Res. 213: Mrs. MCCARTHY of New York.
H. Con. Res. 298: Mr. GARRETT of New Jersey and Mr. SCHROCK.
H. Con. Res. 405: Ms. HART, Mr. COOPER, Mrs. CAPITO, Mr. BURNS, Mr. KINGSTON, and Mr. SNYDER.
H. Con. Res. 425: Mr. FROST, Mr. MCINTYRE, and Mr. ADERHOLT.
H. Con. Res. 434: Mr. MCDERMOTT.
H. Con. Res. 443: Mr. BARTLETT of Maryland and Mr. FLAKE.
H. Res. 38: Mr. MEEHAN.
H. Res. 60: Mr. CUMMINGS.
H. Res. 363: Mr. NEAL of Massachusetts.
H. Res. 466: Mr. NADLER.
H. Res. 485: Mr. QUINN.
H. Res. 550: Ms. BALDWIN and Mr. KENNEDY of Rhode Island.
H. Res. 570: Mr. MENENDEZ.
H. Res. 604: Mr. MARSHALL, Mr. PAYNE, and Mr. CUMMINGS.
H. Res. 632: Mrs. MALONEY and Mr. KUCINICH.
H. Res. 662: Mr. GREEN of Wisconsin and Mr. KLECZKA.

WEDNESDAY, JUNE 9, 2004 (60)

The House was called to order by the SPEAKER.

¶60.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Tuesday, June 8, 2004.

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

¶60.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

8451. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Malcolm I. Fages, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

8452. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Garry L. Parks, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

8453. A letter from the Secretary, Department of Labor, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2003 to March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8454. A letter from the Secretary to the Council, Council of the District of Columbia, transmitting a copy of Council Resolution 15-519, ''Transfer of Jurisdiction of the New York Avenue Animal Shelter Expansion Site Resolution of 2004,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

8455. A letter from the Executive Director, National Capital Planning Commission, transmitting the Commission's report on FY 2003 Competitive Sourcing Efforts as required by the Consolidated Appropriations Act, Pub. L. 108-199; to the Committee on Government Reform.

8456. A letter from the Chairman, National Science Board, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2003 through March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8457. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled ''Audit of Advisory Neighborhood Commission 8D for FY 2000 Through 2003, as of March 31, 2003''; to the Committee on Government Reform.

8458. A letter from the Chairman, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period October 1, 2003, through March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Government Reform.

8459. A letter from the Chairman, U.S. Postal Service, transmitting the semiannual report on activities of the Inspector General for the period ending March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

8460. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Class E Airspace; Yakima, WA [Docket FAA-2003-16266; Airspace Docket 01-ANM-11] received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8461. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Kalispell, MT. [Docket FAA 2003-16214; Airspace Docket 02-ANM-11] received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8462. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; District of Columbia, Maryland, Virginia, and West Virginia [Docket No. FAA-2004-17295; Airspace Docket No. 04-AEA-02] received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8463. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and E4 Airspace; Homestead, FL [Docket No. FAA-2004-16861; Airspace Docket No. 04-ASO-1] received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8464. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Akhiok, AK [Docket No. FAA-2004-16914; Airspace Docket No. 04-AAl-01] received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8465. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Parsons, KS. [Docket No. FAA-2004-16986; Airspace Docket No. 04-ACE-4] received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8466. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Clinton, MO. [Docket No. FAA-2004-16984; Airspace Docket No. 04-ACE-2] received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8467. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E2 Airspace; and Modification of Class E5 Airspace; Muscatine, IA. [Docket No. FAA-2004-16985; Airspace Docket No. 04-ACE-3] received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8468. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class D and E Airspace, Amendment of Class E Airspace; New Smyrna Bech, FL [Docket No. FAA-2004-16919; Airspace Docket No. 04-ASO-3] received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8469. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E5 Airspace; Jamestown, KY; Correction [Docket No. FAA-2004-16904; Airspace Docket No. 04-ASO-2] received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8470. A letter from the Chairman, Board of Veterans' Appeals, Department of Veterans Affairs, transmitting a copy of the Report of the Chairman for FY 2003; to the Committee on Veterans' Affairs.

¶60.3 MESSAGE FROM THE SENATE

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

S. Con. Res. 116. A concurrent resolution providing for a conditional adjournment or recess of the Senate and the House of Representatives.

¶60.4 LYING IN STATE OF THE LATE HONORABLE RONALD WILSON REAGAN IN THE CAPITOL ROTUNDA

Mr. EHLERS moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 444):

Resolved by the House of Representatives (the Senate concurring), That in recognition of the long and distinguished service rendered to the Nation and the world by Ronald Wilson Reagan, the 40th President of the United States, the rotunda of the Capitol is authorized to be used for the lying in state of the remains of the late Honorable Ronald Reagan from June 9 until June 11, 2004. The Architect of the Capitol, under the direction of the Speaker of the House of Representatives and the President pro tempore of the

Senate, shall take all steps necessary for carrying out this event.

The SPEAKER pro tempore, Mr. RADANOVICH, recognized Mr. EHLERS and Ms. MILLENDER-McDONALD, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. RADANOVICH, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

¶60.5 LYING IN STATE OF THE LATE HONORABLE RONALD WILSON REAGAN IN THE CAPITOL ROTUNDA

On motion of Mr. EHLERS, by unanimous consent, the following concurrent resolution of the Senate was taken from the Speaker's table (S. Con. Res. 115):

Resolved by the Senate (the House of Representatives concurring), That in recognition of the long and distinguished service rendered to the Nation and to the world, by the late Ronald Wilson Reagan, the 40th President of the United States, his remains be permitted to lie in state in the rotunda of the Capitol from June 9 until June 11, 2004, and the Architect of the Capitol, under the direction of the President pro tempore of the Senate and the Speaker of the House of Representatives, shall take all necessary steps for the accomplishment of that purpose.

When said concurrent resolution was considered.

After debate,

On motion of Mr. EHLERS, the previous question was ordered on the concurrent resolution to its adoption or rejection and, under the operation thereof, the concurrent resolution was agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

By unanimous consent, House Concurrent Resolution 444, a similar concurrent resolution, was laid on the table.

¶60.6 HONORING THE LATE HONORABLE RONALD WILSON REAGAN

Mr. COX, pursuant to the order of the House of June 8, 2004, called up for further consideration the resolution (H. Res. 664) mourning the passing of President Ronald Reagan and celebrating his service to the people of the United States and his leadership in promoting the cause of freedom for all the people of the world.

When said resolution was considered.

After debate,

Pursuant to the order of the House of June 8, 2004, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. HASTINGS of Washington, announced that the yeas had it.

Mr. GRAVES objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 375 / Nays ..... 0 }

¶60.7 [Roll No. 231]

YEAS—375

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carson (IN)
Carter
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Toomey
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—60

Ackerman
Baca
Ballance
Bilirakis
Brady (PA)
Capps
Carson (OK)
Case
Clay
Conyers
DeMint
Deutsch
Dingell
Dunn
Evans
Fossella
Gonzalez
Goss
Grijalva
Gutierrez
Hastings (FL)
Houghton
Kaptur
King (NY)
Lampson
Larson (CT)
Leach
Lee
Lofgren
Lynch
Majette
McCarthy (MO)
McInnis
Miller, Gary
Ney
Ose
Oxley
Payne
Rahall
Rangel
Regula
Reyes
Rodriguez
Ros-Lehtinen
Rush
Sanders
Shadegg
Skelton
Smith (MI)
Solis
Souder
Spratt
Stark
Tauzin
Tiahrt
Towns
Turner (TX)
Waters
Wexler
Woolsey

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶60.8 RESIGNATION AS MEMBER OF HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore, Mr. BURGESS, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 8, 2004.

Hon. J. DENNIS HASTERT,
Speaker of the House,
Captiol, Washington, DC.

DEAR SPEAKER HASTERT: Please accept this letter as official notification of my intention

to resign my position as United States Representative of the First Congressional District of North Carolina due to my current health condition. The effective date of my resignation will be Friday, June 11, 2004.

Although I appreciate the honor, privilege and opportunity to have served the citizens of the First Congressional District of North Carolina during the 108th Congress, at this juncture, I feel that I am no longer able to carry out my requisite duties effectively.

Enclosed herewith please find a copy of the letter that I have tendered to North Carolina's Governor, Mike Easley providing him with notice of my decision to resign.

Respectfully,

FRANK W. BALLANCE, Jr.,
Member of Congress.

Enclosure.

¶60.9 PROVIDING FOR THE ADJOURNMENT OF THE TWO HOUSES

The SPEAKER pro tempore, Mr. BURGESS, laid before the House the following privileged concurrent resolution (S. Con. Res. 116):

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on Wednesday, June 9, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, June 14, 2004, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Wednesday, June 9, 2004, it stand adjourned until 12:30 p.m. on Monday, June 14, 2004, for morning-hour debate, or until the time of any reassembly pursuant to section 2 or this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

When said concurrent resolution was considered and agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶60.10 ORDER OF BUSINESS—FURTHER MARK OF RESPECT

On motion of Mr. DELAY, by unanimous consent,

Ordered, That when the House adjourns, pursuant to Senate Concurrent Resolution 116, it do so as a further mark of respect to the memory of the late Honorable Ronald Wilson Reagan, former President of the United States.

¶60.11 ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1086. An Act to encourage the development and promulgation of voluntary consensus standards by providing relief under the antitrust laws to standards development organizations with respect to conduct engaged in for the purpose of developing voluntary consensus standards, and for other purposes.

¶60.12 SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1233. An Act to authorize assistance for the National Great Blacks in Wax Museum and Justice Learning Center.

¶60.13 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BACA, for today;

To Mr. EVANS, for today and June 8; and

To Mr. KING of New York, for today.

And then,

¶60.14 ADJOURNMENT

On motion of Mr. DELAY, at 3 o'clock and 6 minutes p.m., the House adjourned, pursuant to Senate Concurrent Resolution 116 and the previous order of the House, as a further mark of respect to the memory of the late Honorable Ronald Wilson Reagan, the former President of the United States, until 12:30 p.m., Monday, June 14, 2004.

¶60.15 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 4259. A bill to amend title 31, United States Code, to improve the financial accountability requirements applicable to the Department of Homeland Security, to establish requirements for the Future Years Homeland Security Program of the Department, and for other purposes (Rept. 108–533, Pt. 1). Ordered to be printed.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 4248. A bill to amend title 38, United States Code, to extend the authority of the Secretary of Veterans Affairs to make grants to expand or modify existing comprehensive service programs for homeless veterans, and for other purposes; with an amendment (Rept. 108–534). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4115. A bill to amend the Act of November 2, 1966 (80 Stat. 1112), to allow binding arbitration clauses to be included in all contracts affecting the land within the Salt River Pima-Maricopa Indian Reservation (Rept. 108–535). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 3754. A bill to provide additional civil and criminal remedies for domain name fraud; with an amendment (Rept. 108–536). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4158. A bill to provide for the conveyance to the Government of Mexico of a decommissioned National Oceanic and Atmospheric Administration ship, and for other purposes (Rept. 108–537). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 4231. A bill to provide for a pilot program in the Department of Veterans Affairs to improve recruitment and retention of nurses, and for other purposes; with an amendment (Rept. 108–538). Referred to the Committee of the Whole House on the State of the Union.

¶60.16 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 4259. Referral to the Select Committee on Homeland Security extended for a period ending not later than June 9, 2004.

¶60.17 DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Select Committee on Homeland Security discharged from further consideration. H.R. 4259 referred to the Committee of the Whole House on the State of the Union.

¶60.18 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HAYWORTH:

H.R. 4528. A bill to require the Secretary of the Treasury to redesign the face of $10 Federal reserve notes so as to include a likeness of President Ronald Wilson Reagan, and for other purposes; to the Committee on Financial Services.

By Mr. POMBO:

H.R. 4529. A bill to provide for exploration, development, and production of oil and gas resources on the Arctic Coastal Plain of Alaska, to resolve outstanding issues relating to the Surface Mining Control and Reclamation Act of 1977, to benefit the coal miners of America, and for other purposes; to the Committee on Resources, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HYDE:

H.R. 4530. A bill to amend the National Voter Registration Act of 1993 to require any individual who desires to register or re-register to vote in an election for Federal office to provide the appropriate State election official with proof that the individual is a citizen of the United States to prevent fraud in Federal elections, and for other purposes; to the Committee on House Administration.

By Mr. ACKERMAN:

H.R. 4531. A bill to authorize the Secretary of Health and Human Services to conduct and support research using human pluripotent stem cells; to the Committee on Energy and Commerce.

By Mr. FALEOMAVAEGA:

H.R. 4532. A bill to amend title 10, United States Code, to allow nationals of the United States to attend military service academies and receive Reserve Officers' Training Corps (ROTC) scholarships on the condition that the individual naturalize before graduation; to the Committee on Armed Services.

By Mr. FLAKE (for himself and Mr. SHADEGG):

H.R. 4533. A bill to require the temporary reinstatement of contracts for large air tankers that were canceled on May 10, 2004, by the Secretary of Agriculture and the Secretary of the Interior; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in

each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANGEVIN:

H.R. 4534. A bill to suspend temporarily the duty on Pigment Red 176; to the Committee on Ways and Means.

By Mr. LANGEVIN:

H.R. 4535. A bill to extend the temporary suspension of duty on Pigment Red 208; to the Committee on Ways and Means.

By Mr. LANGEVIN:

H.R. 4536. A bill to extend the temporary suspension of duty on Pigment Yellow 175; to the Committee on Ways and Means.

By Mr. LANGEVIN:

H.R. 4537. A bill to extend the temporary suspension of duty on Pigment Yellow 154; to the Committee on Ways and Means.

By Mr. LANGEVIN:

H.R. 4538. A bill to suspend temporarily the duty on Pigment Yellow 180; to the Committee on Ways and Means.

By Mr. LANGEVIN:

H.R. 4539. A bill to suspend temporarily the duty on Pigment Yellow 214; to the Committee on Ways and Means.

By Mr. LANGEVIN:

H.R. 4540. A bill to suspend temporarily the duty on Acid Blue 80; to the Committee on Ways and Means.

By Mr. LANGEVIN:

H.R. 4541. A bill to extend the temporary suspension of duty on Pigment Red 185; to the Committee on Ways and Means.

By Mr. LANGEVIN:

H.R. 4542. A bill to extend the temporary suspension of duty on Pigment Red 187; to the Committee on Ways and Means.

By Mr. PITTS (for himself and Mrs. JO ANN DAVIS of Virginia):

H.R. 4543. A bill to provide for research on, and services for individuals with, post-abortion depression and psychosis; to the Committee on Energy and Commerce.

By Mr. ROHRABACHER:

H.R. 4544. A bill to provide for a Near-Earth Object Survey program to detect, track, catalogue, and characterize certain near-earth asteroids and comets; to the Committee on Science.

By Mr. WALSH:

H. Con. Res. 446. Concurrent resolution honoring the LeMoyne College men's lacrosse team on winning the NCAA Division II National Championship; to the Committee on Education and the Workforce.

By Mr. WALSH:

H. Con. Res. 447. Concurrent resolution congratulating the Syracuse University men's lacrosse team on winning the NCAA Division I National Championship; to the Committee on Education and the Workforce.

By Mr. YOUNG of Alaska:

H. Con. Res. 448. Concurrent resolution expressing the sense of Congress that an artistic tribute to commemorate the speech given by President Ronald Reagan at the Brandenburg Gate on June 12, 1987, should be placed within the United States Capitol; to the Committee on House Administration.

By Mr. COX (for himself, Mr. LANTOS, Mr. KENNEDY of Minnesota, Mr. SESSIONS, Mr. FALEOMAVAEGA, Mr. MARKEY, Mr. BURTON of Indiana, and Mr. LINCOLN DIAZ-BALART of Florida):

H. Res. 667. A resolution expressing support for freedom in Hong Kong; to the Committee on International Relations.

By Mr. DAVIS of Florida (for himself, Ms. GINNY BROWN-WAITE of Florida, Mr. SHAW, Mr. TOM DAVIS of Virginia, Ms. CORRINE BROWN of Florida, and Mr. YOUNG of Florida):

H. Res. 668. A resolution congratulating the Tampa Bay Lightning for winning the 2004 National Hockey League Stanley Cup championship and for their outstanding performance during the entire 2003-2004 season; to the Committee on Government Reform.

By Mr. DEAL of Georgia:

H. Res. 669. A resolution expressing the sense of Congress with respect to the need to provide prostate cancer patients with meaningful access to information on treatment options, and for other purposes; to the Committee on Energy and Commerce.

¶60.19 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 138: Mr. EDWARDS.
H.R. 296: Mr. POMEROY.
H.R. 583: Mr. BURR.
H.R. 976: Mr. EMANUEL.
H.R. 1165: Ms. BALDWIN.
H.R. 1228: Mr. RAHALL.
H.R. 1268: Mr. THOMPSON of Mississippi.
H.R. 1294: Ms. SCHAKOWSKY.
H.R. 1563: Mr. NADLER and Mr. FILNER.
H.R. 1746: Mr. RAMSTAD and Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 1811: Mr. CHANDLER, Mr. HOYER, Mr. FILNER, Mr. OSBORNE, and Mr. CLAY.
H.R. 1818: Mr. INSLEE, Mr. POMBO, Mr. BRADY of Pennsylvania, Mr. REHBERG, Mr. KIRK, Mr. EMANUEL, and Mrs. BONO.
H.R. 1863: Mr. GREEN of Texas, Mr. MCNULTY, and Mr. LAMPSON.
H.R. 1916: Mr. PETERSON of Minnesota and Mr. HASTINGS of Florida.
H.R. 2071: Mr. GONZALEZ.
H.R. 2217: Mrs. LOWEY.
H.R. 2519: Ms. ROS-LEHTINEN.
H.R. 2807: Mr. DOGGETT.
H.R. 2823: Mr. LEVIN.
H.R. 2832: Mr. RAHALL.
H.R. 2900: Mr. SESSIONS.
H.R. 2933: Mr. RENZI.
H.R. 3035: Mr. EMANUEL.
H.R. 3148: Mr. WEINER, Ms. NORTON, Mr. WELLER, and Mr. MORAN of Virginia.
H.R. 3193: Mr. BOYD, Mrs. NORTHUP, Mr. BURR, and Mr. SHIMKUS.
H.R. 3266: Mr. MARKEY and Mrs. MCCARTHY of New York.
H.R. 3292: Mr. FILNER.
H.R. 3293: Ms. ESHOO and Mr. MCGOVERN.
H.R. 3323: Mrs. MALONEY.
H.R. 3438: Mrs. LOWEY, Mr. LAMPSON, and Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 3474: Mr. OTTER and Ms. MCCARTHY of Missouri.
H.R. 3483: Mr. BOUCHER, Mr. SANDLIN, Mr. RODRIGUEZ, Mr. BELL, Ms. BORDALLO, Mr. HASTINGS of Florida, Mrs. CHRISTENSEN, Mr. BROWN of Ohio, Mr. GRIJALVA, and Mr. PALLONE.
H.R. 3574: Mr. FRANKS of Arizona and Mr. CHANDLER.
H.R. 3579: Mrs. NAPOLITANO, Mr. LARSON of Connecticut, and Mr. BISHOP of New York.
H.R. 3593: Mr. OLVER.
H.R. 3684: Mr. WELDON of Pennsylvania.
H.R. 3938: Mr. OWENS.
H.R. 3953: Mrs. MILLER of Michigan and Mr. EHLERS.
H.R. 3980: Mrs. JO ANN DAVIS of Virginia.
H.R. 4064: Mr. NEUGEBAUER, Mr. SULLIVAN, Mr. HERGER, and Mr. SHAYS.
H.R. 4104: Mrs. TAUSCHER, Mr. GREEN of Texas, Mr. EMANUEL, and Mr. PASCRELL.
H.R. 4116: Mr. SAXTON, Mr. KINGSTON, Mr. BURTON of Indiana, Mr. KELLER, Mr. SAM JOHNSON of Texas, Mr. PAUL, Mr. ISAKSON, Mr. PITTS, Mr. THORNBERRY, and Mr. OSBORNE.
H.R. 4128: Mr. CRANE, Mr. PITTS, Mr. GREEN of Wisconsin, Mr. SOUDER, and Mr. OTTER.
H.R. 4149: Mr. COOPER.
H.R. 4151: Mr. NORWOOD and Mr. GORDON.
H.R. 4156: Mr. PAUL.
H.R. 4217: Mr. JOHNSON of Illinois and Mr. CUMMINGS.
H.R. 4261: Mr. GRIJALVA and Mrs. DAVIS of California.
H.R. 4268: Mr. CUMMINGS.
H.R. 4284: Mr. BURGESS.
H.R. 4290: Mr. GREEN of Texas and Mr. KUCINICH.
H.R. 4334: Mr. WOLF and Mr. PAYNE.
H.R. 4341: Mr. RAHALL.
H.R. 4343: Mr. BRADY of Texas.
H.R. 4348: Mr. GEORGE MILLER of California, Mr. GRIJALVA, and Mr. PAUL.
H.R. 4363: Mr. GORDON, Mr. SHIMKUS, and Mr. MCDERMOTT.
H.R. 4373: Mr. MANZULLO.
H.R. 4380: Ms. GINNY BROWN-WAITE of Florida, Mr. KELLER, and Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 4391: Mr. KELLER, Mr. COLLINS, and Mr. WAXMAN.
H.R. 4399: Mrs. LOWEY.
H.R. 4445: Mr. MORAN of Virginia, Mr. FROST, and Ms. JACKSON-LEE of Texas.
H.R. 4448: Mr. GRIJALVA, Ms. KILPATRICK, Mr. STARK, Mr. BROWN of Ohio, Ms. SCHAKOWSKY, Mr. KUCINICH, and Mr. WYNN.
H.R. 4449: Mr. OLVER.
H.R. 4475: Mr. KING of Iowa.
H.R. 4498: Mr. WU.
H.R. 4499: Mr. NORWOOD and Mr. BRADY of Texas.
H.R. 4520: Mr. FEENEY, Mr. SESSIONS, Mr. BURR, Ms. HARRIS, and Mrs. BLACKBURN.
H.J. Res. 22: Mr. HOYER.
H.J. Res. 94: Mr. KINGSTON.
H. Con. Res. 99: Mr. EMANUEL.
H. Con. Res. 213: Mr. MCDERMOTT and Mr. GUTIERREZ.
H. Con. Res. 247: Mrs. CAPITO.
H. Con. Res. 261: Mr. GONZALEZ.
H. Con. Res. 375: Mr. SIMMONS.
H. Con. Res. 405: Mr. DREIER, Mr. PLATTS, and Mr. PORTER.
H. Con. Res. 435: Mr. FILNER and Mr. COSTELLO.
H. Con. Res. 443: Mr. SAM JOHNSON of Texas and Mr. CULBERSON.
H. Res. 66: Mr. MCINTYRE.
H. Res. 647: Mr. LARSEN of Washington, Mrs. MILLER of Michigan, and Mr. HOEKSTRA.
H. Res. 664: Ms. ROS-LEHTINEN.

¶60.20 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 857: Mr. GRAVES.

MONDAY, JUNE 14, 2004 (61)

¶61.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. THORNBERRY, who laid before the House the following communication:

WASHINGTON, DC,
June 14, 2004.

I hereby appoint the Honorable MAC THORNBERRY to act as Speaker pro tempore on this day.

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

¶61.2 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed bills and a joint resolution of the following titles in which the concurrence of the House is requested.

S. 2017. An Act to designate the United States courthouse and post office building located at 93 Atocha Street in Ponce, Puerto Rico, as the ''Luis A. Ferre United States Courthouse and Post Office Building''.

S. 2214. An Act to designate the facility of the United States Postal Service, located at 3150 Great Northern Avenue in Missoula, Montana, as the ''Mike Mansfield Post Office''.

S. 2415. An Act to designate the facility of the United States Postal Service located at 4141 Postmark Drive, Anchorage, Alaska, as the ''Robert J. Opinsky Post Office Building''.

S.J. Res. 38. A joint resolution providing for the appointment of Eli Broad as a citizen regent of the Board of Regents of the Smithsonian Institution.

¶61.3 MORNING-HOUR DEBATE

The SPEAKER pro tempore, Mr. THORNBERRY, pursuant to the order of the House of Tuesday, January 20, 2004, recognized Members for morning-hour debate.

¶61.4 RECESS—12:42 P.M.

The SPEAKER pro tempore, Mr. THORNBERRY, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 42 minutes p.m., until 2 p.m.

¶61.5 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. PETRI, called the House to order.

¶61.6 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. PETRI, announced he had examined and approved the Journal of the proceedings of Wednesday, June 9, 2004.

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

¶61.7 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

8471. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Chincoteague Channel, Chincoteague, VA [CGD05-03-168] (RIN: 1625-AA09) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8472. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Cheesequake Creek, NJ. [CGD01-04-036] received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8473. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Gulf Intracoastal Waterway, Galveston, TX [CGD08-04-021] received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8474. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Cleveland Harbor, Cleveland, Ohio [CGD09-04-009] (RIN: 2115-AA00) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8475. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Port Valdez and Valdez Narrows, Valdez, AK [COTP Prince William Sound 04-001] (RIN: 1625-AA00) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8476. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Fireworks displays in the Captain of the Port Portland Zone. [CGD13-04-020] (RIN: 1625-AA00) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8477. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Peril Strait, Cozian Reef, Motor Vessel LeConte, Southeast Alaska [COTP Southeast Alaska 04-001] (RIN: 1625-AA00) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8478. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Duluth Harbor, Duluth, Minnesota [CGD09-04-016] (RIN: 2115-AA00) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8479. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; St. Croix, United States Virgin Islands [COTP San Juan-04-044] (RIN: 1625-AA00) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8480. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Francisco Bay, California [COTP San Francisco Bay 04-010] (RIN: 1625-AA00) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8481. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Atlantic Ocean, Vicinity of Cape Henlopen State Park, DE [CGD05-98-043] (RIN: 1615-AA00) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8482. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone, St. Simons Sound and the Atlantic Ocean, GA [COTP Savannah-04-041] (RIN: 1625-AA00) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8483. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones and Regulated Navigation Area; Savannah River, GA [COTP Savannah-04-040] (RIN: 1625-AA00, AA11) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8484. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Portland Rose Festival on Willamette River [CGD13-04-022] (RIN: 1625-AA00) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8485. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Potomac River, Washington, D.C. and Arlington and Fairfax Counties, VA [CGD05-04-057] (RIN: 1625-AA00) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8486. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Nanticoke River, Sharptown, MD [CGD05-03-156] (RIN: 1625-AA08) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8487. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, Sacramento River, San Joaquin River, and connecting waters, California [CGD11 04-001] (RIN: 1625-AA11) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8488. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600 and A300 C4-600 Series Airplanes [Docket No. 2003-NM-80-AD; Amendment 39-13572; AD 2004-08-03] (RIN: 2120-AA64) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8489. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes [Docket No. 2002-NM-212-AD; Amendment 39-13571; AD 2004-08-02] (RIN: 2120-AA64) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8490. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Series Airplanes [Docket No. 2002-NM-256-AD; Amendment 39-13570; AD 2004-08-01] (RIN: 2120-AA64) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8491. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and MD-11F Airplanes [Docket No. 2002-NM-292-AD; Amendment 39-13573; AD 2004-08-04] (RIN: 2120-AA64) received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8492. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Model 500, 501, 550, and 551 Airplanes [Docket No. 2000-NM-65-AD; Amendment 39-13594; AD 2004-09-05] (RIN: 2120-AA64) received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8493. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; HPH s.r.o. Models Glasflugel 304CZ, 304CZ-17, and 304C Sailplanes [Docket No. 2003-CE-63-AD; Amendment 39-13592; AD 2004-09-03] (RIN: 2120-AA64) received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8494. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule —

Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146-100A and -200A Series Airplanes [Docket No. 2001-NM-272-AD; Amendment 39-13575; AD 2004-08-06] (RIN: 2120-AA64) received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8495. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-300 Series Airplanes [Docket No. 2003-NM-125-AD; Amendment 39-13576; AD 2004-08-07] (RIN: 2120-AA64) received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8496. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes; Model A300 B4-600, B4-600R and F4-600R (Collectively Called A300-600) Series Airplanes; and Model A310 Series Airplanes [Docket No. 2001-NM-216-AD; Amendment 39-13578; AD 2004-08-09] (RIN: 2120-AA64) received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8497. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Model G-IV Series Airplanes [Docket No. 2000-NM-101-AD; Amendment 39-13577; AD 2004-08-08] (RIN: 2120-AA64) received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8498. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Correction to Modification of the Houston Class B Airspace Area; TX [FAA Docket No. FAA-2003-17383; Airspace Docket No. 04-AWA-01] (RIN: 2120-AA66) received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8499. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace Greenville Donaldson Center, SC, Amendment of Class E Airspace; Greer, Greenville — Spartanburg Airport, SC, and Amendment of Class Airspace; Greenville, SC. [Docket No. FAA-2004-17341; Airspace Docket No. 02-ASO-4] received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8500. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E2 Airspace; and Modification of Class E5 Airspace; Farmington, MO. [Docket No. FAA-2004-16983; Airspace Docket No. 04-ACE-1] received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8501. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Washington, DC [Docket No. FAA-2004-17081; Airspace Docket No. 04-AEA-01] received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8502. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes [Docket No. 2003-NM-130-AD; Amendment 39-13597; AD 2004-09-08] (RIN: 2120-AA64) received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8503. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 2002-NM-341-AD; Amendment 39-13599; AD 2004-09-10] (RIN: 2120-AA64) received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8504. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-200C Series Airplanes [Docket No. 2003-NM-208-AD; Amendment 39-13598; AD 2004-09-09] (RIN: 2120-AA64) received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8505. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2 Series Airplanes; A300 B4 Series Airplanes; A300 B4-600, B4-600R, F4-600R, and C4-605R Variant F (Collectively Called A300-600) Series Airplanes; and A310 Series Airplanes [Docket No. 2001-NM-111-AD; Amendment 39-13574; AD 2004-08-05] (RIN: 2120-AA64) received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8506. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200, -300, and -300F Series Airplanes [Docket No. 2002-NM-198-AD; Amendment 39-13600; AD 2004-09-11] (RIN: 2120-AA64) received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8507. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No. 2002-NM-163-AD; Amendment 39-13595; AD 2004-09-06] (RIN: 2120-AA64) received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8508. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 2003-NM-47-AD; Amendment 39-13566; AD 2004-07-22] (RIN: 2120-AA64) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8509. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-15, DC-9-31, and DC-9-32 Airplanes [Docket No. 2003-NM-60-AD; Amendment 39-13558; AD 2004-07-14] (RIN: 2120-AA64) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8510. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes [Docket No. 2003-NM-25-AD; Amendment 39-13567; AD 2004-07-23] (RIN: 2120-AA64) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8511. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Mystere-Falcon 50, Mystere-Falcon 900, and Falcon 900 EX Series Airplanes [Docket No. 2003-NM-51-AD; Amendment 39-13568; AD 2004-07-24] (RIN: 2120-AA64) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8512. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF6-80C2 Series Turbofan Engines [Docket No. 2003-NE-46-AD; Amendment 39-13557; AD 2004-07-13] (RIN: 2120-AA64) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8513. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Aircraft Engines CT7 Series Turboprop Engines [Docket No. 99-NE-48-AD; Amendment 39-13553; AD 2004-07-09] (RIN: 2120-AA64) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8514. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, -100B, -100B SUD, -200B, -200C, -200F, -300, 747SR, and 747SP Series Airplanes Equipped With Pratt & Whitney JT9D-3, -7, -7Q, and -7R4G2 Series Engines [Docket No. 2002-NM-207-AD; Amendment 39-13563; AD 2004-07-19] (RIN: 2120-AA64) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8515. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. 2003-NM-157-AD; Amendment 39-13562; AD 2004-07-18] (RIN: 2120-AA64) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8516. A letter from the Senior Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Revisions to Incident Reporting Requirements and the Hazardous Materials Incident Report Form [Docket No. RSPA-99-5013 (HM-229)] (RIN: 2137-AD 21) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8517. A letter from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting the Department's final rule — Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-of-Train Devices [FRA Docket No. PB-9; Notice No. 22] (RIN: 2130-AB52) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8518. A letter from the FMCSA Regulations Officer, Department of Transportation, transmitting the Department's final rule — Minimum Training Requirements for Longer Combination Vehicle (LCV) Operators and LCV Driver-Instructor Requirements; Correction [Docket FMCSA-97-2176] (RIN: 2126-AA08) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8519. A letter from the FMCSA Regulations Officer, Department of Transportation, transmitting the Department's final rule — Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators [Docket No. FMCSA-1997-2199] (RIN: 2126-AA09) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8520. A letter from the Senior Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule — Applicability of the Hazardous Materials Regulations to Loading, Unloading, and Storage

[Docket No. RSPA-98-4952 (HM-223)] (RIN: 2137-AC68) received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶61.8 APPOINTMENT OF FUNERAL COMMITTEE FOR FORMER PRESIDENT RONALD WILSON REAGAN

The SPEAKER pro tempore, Mr. PETRI, pursuant to House Resolution 663, and the order of the House of December 8, 2003, the Speaker appointed himself and the entire Membership of the House to attend the funeral services for former President Ronald Wilson Reagan held Wednesday, June 9, 2004, in the Rotunda of the Capitol and Friday, June 11, 2004, at the Washington National Cathedral.

¶61.9 WHOLE NUMBER OF THE HOUSE OF REPRESENTATIVES ADJUSTED

Under clause 5(c) of rule XX, the Chair announced to the House that, in light of the resignation of the gentleman from North Carolina, [MR. BALLANCE], the whole number of the House is adjusted to 434.

¶61.10 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. PETRI, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES
Washington, DC, June 9, 2004.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following messages from the Secretary of the Senate on June 9, 2004 at 5:59 p.m.:

That the Senate passed S. Res. 373.
That the Senate passed S. Res. 374.
That the Senate passed without amendment H.R. 1822.
That the Senate passed without amendment H.R. 2130.
That the Senate passed without amendment H.R. 2438.
That the Senate passed without amendment H.R. 3029.
That the Senate passed without amendment H.R. 3059.
That the Senate passed without amendment H.R. 3068.
That the Senate passed without amendment H.R. 3234.
That the Senate passed without amendment H.R. 3300.
That the Senate passed without amendment H.R. 3353.
That the Senate passed without amendment H.R. 3536.
That the Senate passed without amendment H.R. 3537.
That the Senate passed without amendment H.R. 3538.
That the Senate passed without amendment H.R. 3690.
That the Senate passed without amendment H.R. 3733.
That the Senate passed without amendment H.R. 3740.
That the Senate passed without amendment H.R. 3769.
That the Senate passed without amendment H.R. 3855.
That the Senate passed without amendment H.R. 3917.
That the Senate passed without amendment H.R. 3939.
That the Senate passed without amendment H.R. 3942.
That the Senate passed without amendment H.R. 4037.
That the Senate passed without amendment H.R. 4176.
That the Senate passed without amendment H.R. 4299.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶61.11 CAPE LOOKOUT FREE ROAMING HORSES

Mr. RENZI moved to suspend the rules and pass the bill (H.R. 2055) to amend Public Law 89-366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore.

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. RENZI and Mr. FALEOMAVAEGA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶61.12 MARINE TURTLE CONSERVATION

Mr. RENZI moved to suspend the rules and pass the bill (H.R. 3378) to assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries; as amended.

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. RENZI and Mr. FALEOMAVAEGA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶61.13 COASTAL MAP REPLACEMENT

Mr. RENZI moved to suspend the rules and pass the bill of the Senate (S. 1663) to replace certain Coastal Barrier Resources System maps; as amended.

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. RENZI and Mr. FALEOMAVAEGA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said amendment.

¶61.14 AMERICAN SAMOA VOTING RIGHTS

Mr. RENZI moved to suspend the rules and pass the bill (H.R. 2010) to protect the voting rights of members of the Armed Services in elections for the Delegate representing American Samoa in the United States House of Representatives, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. RENZI and Mr. FALEOMAVAEGA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶61.15 AFRICAN GROWTH AND OPPORTUNITY

Mr. THOMAS moved to suspend the rules and pass the bill (H.R. 4103) to extend and modify the trade benefits under the African Growth and Opportunity Act; as amended.

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. THOMAS and Mr. LEVIN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶61.16 BURMESE IMPORT RESTRICTIONS

Mr. THOMAS moved to suspend the rules and pass the joint resolution (H.J. Res. 97) approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. THOMAS and Mr. LEVIN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said joint resolution?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PETRI, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶61.17 STROKE TREATMENT AND ONGOING PREVENTION ACT

Mr. PICKERING moved to suspend the rules and pass the bill (H.R. 3658) to amend the Public Health Service Act to strengthen education, prevention, and treatment programs relating to stroke, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. PICKERING and Mr. BROWN of Ohio, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶61.18 PROSTATE CANCER TREATMENT OPTIONS

Mr. DEAL of Georgia moved to suspend the rules and agree to the following resolution (H. Res. 669):

Whereas, in 2004, it is estimated that approximately 230,000 new cases of prostate cancer will be diagnosed in the United States, and nearly 30,000 men in the United States will die from prostate cancer;

Whereas prostate cancer is the second leading cause of cancer death in men in the United States;

Whereas over $4,700,000,000 is spent annually in the United States in direct treatment costs for prostate cancer;

Whereas African American men are diagnosed with and die from prostate cancer more frequently than men of other ethnic backgrounds;

Whereas increased education among health care providers and patients regarding the need for prostate cancer screening tests has resulted in the diagnosis of approximately 86 percent of prostate cancer patients before the cancerous cells have spread appreciably beyond the prostate gland, thereby enhancing the odds of successful treatment;

Whereas the potential complication rates for significant side effects vary among the most common forms of treatment for prostate cancer;

Whereas prostate cancer often strikes elderly people in the United States, highlighting the importance of balancing the potential benefits and risks of various treatments on an individual basis; and

Whereas Congress as a whole, and Members of Congress as individuals, are in unique positions to support the fight against prostate cancer, to help raise public awareness about the need to make screening tests available to all people at risk for prostate cancer, and to provide prostate cancer patients with adequate information to assess the relative benefits and risks of treatment options: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) national and community organizations and health care providers have played a commendable role in supplying information concerning the importance of screening for prostate cancer and the treatment options for patients with prostate cancer; and

(2) the Federal Government and the States should ensure that health care providers supply prostate cancer patients with appropriate information and any other tools necessary for prostate cancer patients to receive readily understandable descriptions of the advantages, disadvantages, benefits, and risks of all medically efficacious treatments for prostate cancer, including brachytherapy, hormonal treatments, external beam radiation, chemotherapy, surgery, and watchful waiting.

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. DEAL of Georgia and Mr. BROWN of Ohio, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

Mr. DEAL of Georgia demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PETRI, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶61.19 HOMELAND SECURITY HEADQUARTERS

Mr. HUNTER moved to suspend the rules and pass the bill (H.R. 4322) to provide for the establishment of the headquarters for the Department of Homeland Security in the District of Columbia, to require the transfer of administrative jurisdiction over the Nebraska Avenue Naval Complex in the District of Columbia to serve as the location for the headquarters, to facilitate the acquisition by the Department of the Navy of suitable replacement facilities, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. HUNTER and Mr. LARSEN of Washington, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to provide for the transfer of the Nebraska Avenue Naval Complex in the District of Columbia to facilitate the establishment of the headquarters for the Department of Homeland Security, to provide for the acquisition by Department of the Navy of suitable replacement facilities, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶61.20 COMBAT EMERGENCY RESPONSE

Mr. HUNTER moved to suspend the rules and pass the bill (H.R. 4323) to amend title 10, United states Code, to provide rapid acquisition authority to the Secretary of Defense to respond to combat emergencies.

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. HUNTER and Mr. LARSEN of Washington, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

Mr. HUNTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PETRI, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶61.21 HONORING ARMY TRANSPORT MOTOR SERVICE

Mr. HUNTER moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 439); as amended:

Whereas June 6, 2004, the 60th anniversary of the World War II D-Day invasion of Normandy, France, was observed by Americans with numerous commemorations of the sacrifices of those who fought to preserve the liberty and freedom of the people of the United States;

Whereas commemoration of those sacrifices and the recollection of those who served should include all who served, including those who performed critical logistics functions;

Whereas after the breakout from the beachheads at Normandy following the D-Day landings, Allied forces began a rapid advance across France, with the result that advancing units in many cases began to outrun their supplies of fuel, food, and ammunition;

Whereas on August 21, 1944, in response to the need for resupply of rapidly advancing forces, the Army Motor Transportation Service created a trucking operation called the Red Ball Express which began operations on August 25, 1944;

Whereas the Red Ball Express was a massive convoy effort to speed supplies to the Allied armies advancing across France;

Whereas the convoy system stretched from Normandy to Paris and eventually to the front in the northeastern borderland of France;

Whereas by ensuring that United States and other Allied soldiers were properly resupplied, the Red Ball Express played a major role in the defeat of Nazi Germany;

Whereas members of the Red Ball Express persevered through arduous driving conditions and constant threats of ground and aerial ambushes and performed their duties with precision and efficiency;

Whereas the Red Ball Express was in operation for 82 days and, by the time Red Ball Express operations were concluded in November 1944, Red Ball Express truckers had delivered over 410,000 tons of fuel, ammunition, food, and other essential supplies for the Allied forces to succeed in Europe;

Whereas, during World War II, many commanders believed that African-Americans were not suitable for combat duties and relegated them to service, support, and supply missions;

Whereas the majority of Red Ball Express drivers were African-Americans;

Whereas the success of the Allied advance through France was made possible by the soldiers who drove the supply trucks; and

Whereas the members of the Army Motor Transport Brigade who participated in the Red Ball Express contributed unselfishly to the war effort despite the indignities and double standards that they endured: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress honors the members of the Army Motor Transport Brigade who during World War II served in the trucking operation known as the Red Ball Express for their service and contribution to the Allied advance following the D-Day invasion in Normandy, France.

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. HUNTER and Mr. LARSEN of Washington, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A concurrent resolution honoring the members of the Army Motor Transport Brigade who during World War II served in the trucking operation known as the Red Ball Express for their service and contribution to the Allied advance following the D-Day invasion of Normandy, France.''.

A motion to reconsider the votes whereby the rules were suspended and said concurrent resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶61.22 CONGRATULATING TAMPA BAY LIGHTNING HOCKEY TEAM

Mr. PUTNAM moved to suspend the rules and agree to the following resolution (H. Res. 668); as amended:

Whereas the Tampa Bay Lightning hockey team has been in existence for 12 seasons;

Whereas on June 7, 2004, the Tampa Bay Lightning won their first National Hockey League Stanley Cup championship by defeating the Calgary Flames hockey team, 4 games to 3;

Whereas head coach John Tortorella led the team to the pinnacle of success;

Whereas John Tortorella was awarded the Jack Adams Award as the National Hockey League's coach of the year after guiding the Tampa Bay Lightning to the Southeast Division title and a top seed in the Eastern Conference with a franchise-best record of 106 points;

Whereas team player Brad Richards was awarded the Conn Smythe Trophy as the most valuable player of the 2004 Stanley Cup playoffs, leading all scorers this postseason by scoring 12 goals and assisting on 14 others;

Whereas Brad Richards, who was the tenth highest scorer in the National Hockey League's regular season, scoring 79 points with 26 goals and 53 assists and incurring just 12 penalty minutes, also was awarded the Lady Byng Trophy for combining sportsmanship with a high standard of play;

Whereas team captain Dave Andreychuk is a symbol of inspiration and greatness to the entire Tampa Bay Lightning organization and fans everywhere by winning the Stanley Cup for the first time during his 22 years in the National Hockey League;

Whereas team player Martin St. Louis was awarded the Hart Trophy as the National Hockey League's 2003–2004 most valuable player during the regular season and the Art Ross Trophy as the League's highest scorer during the regular season, amassing 94 points with 38 goals and 56 assists;

Whereas the Tampa Bay Lightning hockey team is the first hockey team from the State of Florida to win the Stanley Cup; and

Whereas the entire Tampa Bay community is proud of the Tampa Bay Lightning and their extraordinary season and tremendous accomplishment: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Tampa Bay Lightning hockey team for winning the 2004 National Hockey League Stanley Cup championship and for their outstanding performance during the entire 2003–2004 season;

(2) recognizes the achievements of the Tampa Bay Lightning players, coaches, owners, and staff who were instrumental in bringing the Stanley Cup to Tampa Bay; and

(3) congratulates the Tampa Bay community as it celebrates its second major sports championship in less than two years.

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. PUTNAM and Ms. NORTON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶61.23 HONORING FORMER PRESIDENT GEORGE HERBERT WALKER BUSH'S 80TH BIRTHDAY

Mr. CARTER moved to suspend the rules and agree to the following resolution (H. Res. 653); as amended:

Whereas President George Herbert Walker Bush served as the Forty-First President of the United States and brought to the White House a dedication to traditional American values and a commitment to use American strength as a force for good;

Whereas, during his Presidency, the Communist empire dissolved, the Soviet Union ceased to exist, and the Berlin Wall fell;

Whereas, during his Presidency, American troops overthrew the corrupt regime of General Manuel Noriega;

Whereas President George H.W. Bush rallied the United States people, the United Nations, and Congress and sent over 500,000 American military personnel, who were joined by approximately 200,000 military and other personnel from allied nations, as part of Operation Desert Storm, to defeat Iraqi President Saddam Hussein's million-man army which invaded Kuwait and threatened to move into Saudi Arabia;

Whereas President Bush and his very able Secretary of State secured military and financial support from the United Nations, resulting in many nations participating, for the first time ever, in paying their share of the cost of a major war;

Whereas, during World War II, George H.W. Bush answered the call to duty by enlisting in the armed forces on his 18th birthday, becoming the youngest pilot in the Navy when he received his wings, and flying 58 combat missions, including being shot down by Japanese antiaircraft fire and rescued by a United States submarine, for which he was awarded, among other decorations, the Distinguished Flying Cross for bravery in action;

Whereas George H.W. Bush continued his commitment to public service by serving two terms as a Representative in the United States Congress from Texas, serving as Ambassador to the United Nations, Chairman of the Republican National Committee, Chief of the United States Liaison Office in the People's Republic of China, and Director of the Central Intelligence Agency;

Whereas George H.W. Bush campaigned for the Republican nomination for President in 1980 and thereafter was chosen by Ronald Reagan to be his running mate, and subsequently served as Vice President of the

United States with responsibility for several domestic areas, including Federal deregulation and anti-drug programs; and

Whereas, in 1988, George H.W. Bush won the Republican nomination for President and was elected as the Forty-First President of the United States, probably brought the greatest portfolio to the office of the Presidency since Thomas Jefferson, and served our Nation for four years with distinction and integrity: Now, therefore, be it

Resolved, That the House of Representatives honors former President George H.W. Bush on the occasion of his 80th birthday on June 12, 2004, extends its congratulations and best wishes to him and to his family, former First Lady Barbara Bush, and his children, President George W. Bush, the Honorable Jeb Bush, Neil Bush, Marvin Bush, and Dorothy Bush Koch, and pays tribute to his lifetime of service on behalf of the Nation.

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. CARTER and Ms. NORTON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CARTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PETRI, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶61.24 HONORING FUNERAL HONOR GUARDS

Mr. BROWN of South Carolina moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 260):

Whereas it is important that the Nation provide proper respect and fitting recognition to deceased veterans;

Whereas members of the uniformed services of the United States make significant contributions to the general welfare of the United States;

Whereas the furnishing of an honor guard at the interment or memorialization of a deceased veteran shows the proper respect to those who have passed away after serving their country;

Whereas the family of a deceased veteran may request an honor guard service and deserves the comfort of knowing that a respectful service will take place; and

Whereas currently there are many demands placed on active duty units across the country and there are not enough active duty honor guard units available to perform these important services: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress hereby recognizes and honors the service of those outside the active components of the Armed Forces who volunteer their time to participate in funeral honor guards at the interment or memorialization of deceased veterans of the uniformed services of the United States at national cemeteries across the country, as exemplified by the proud work performed by the members of numerous patriotic organizations across the United States.

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. BROWN of South Carolina and Mr. MICHAUD, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶61.25 ENTRY AND EXIT DOCUMENTS

Mr. SENSENBRENNER moved to suspend the rules and pass the bill (H.R. 4417) to modify certain deadlines pertaining to machine-readable, tamper-resistant entry and exit documents.

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. SENSENBRENNER and Mr. KILDEE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶61.26 OZAUKEE COUNTY, WISCONSIN FLAG DAY

Mr. SENSENBRENNER moved to suspend the rules and agree to the following resolution (H. Res. 662):

Whereas on June 14, 1777, the Stars and Stripes was officially adopted as the national flag of the United States;

Whereas in 1885, Bernard John Cigrand, a school teacher from Waubeka, Wisconsin, urged the students at the public school in Fredonia, Wisconsin, to observe June 14 as ''Flag Birthday'';

Whereas Mr. Cigrand placed a ten inch 38-star flag in an inkwell and instructed his students at Stony Hill School to write essays on what the flag meant to them;

Whereas on May 30, 1916, President Woodrow Wilson issued a Presidential Proclamation that officially established June 14 as Flag Day; and

Whereas on August 3, 1949, President Truman signed an Act of Congress designating June 14 of each year as National Flag Day: Now, therefore, be it

Resolved, That the House of Representatives—

(1) urges the people of the United States to study, reflect on, and celebrate the importance of the flag of the United States;

(2) encourages the people of the United States to display the flag of the United States in accordance with the provisions of chapter 1 of title 4, United States Code; and

(3) recognizes that Flag Day originated in Ozaukee County, Wisconsin.

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. SENSENBRENNER and Mr. KILDEE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶61.27 BRIGHAM YOUNG UNIVERSITY MEN'S VOLLEYBALL TEAM

Mr. CASTLE moved to suspend the rules and agree to the following resolution (H. Res. 643):

Whereas on May 8, 2004, the Brigham Young University men's volleyball team won its third national championship in 6 years by overcoming a 10–6 deficit in game 5 to defeat Long Beach State University;

Whereas the Brigham Young University men's volleyball team achieved a 29–4 overall win-loss record, marking the second highest single season win total in Brigham Young University's volleyball history;

Whereas Tom Peterson, the head coach of the men's volleyball team, became the first men's volleyball coach in the National Collegiate Athletic Association's history to win a national championship with 2 different schools;

Whereas team member Carlos Moreno earned the distinction of being selected the Mountain Pacific Sports Federation Player of the Year, the American Volleyball Coaches Association Division I–II National Player of the Year, the Mountain Pacific Sports Federation Tournament Most Valuable Player, and the National Collegiate Athletic Association Tournament Most Outstanding Player; and

Whereas the American Volleyball Coaches Association selected junior Carlos Moreno and senior Fernando Pessoa for the All-America teams with first-team honors, while senior Joe Hillman and sophomore Victor Batista received second-team citations: Now, therefore, be it

Resolved, That the House of Representatives congratulates the Brigham Young University men's volleyball team for winning the 2004 National Collegiate Athletic Association Division I–II men's volleyball championship.

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. CASTLE and Mr. KILDEE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof,

the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶61.28 ASSISTIVE TECHNOLOGY FOR INDIVIDUALS WITH DISABILITIES

Mr. CASTLE moved to suspend the rules and pass the bill (H.R. 4278) to amend the Assistive Technology Act of 1998 to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes; as amended.

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mr. CASTLE and Mr. KILDEE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶61.29 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

¶61.30 HONORING KATHERINE DUNHAM

Mr. CASTLE moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 62):

Whereas Katherine Dunham was born on June 22, 1909, and began formal dance training in her late teens;

Whereas, in the 1930s, Katherine Dunham revolutionized American dance by incorporating the roots of black dance and ritual, and by transforming these elements into choreography accessible to all through the Katherine Dunham Technique;

Whereas Katherine Dunham completed her bachelor's degree in social anthropology at the University of Chicago, was a pioneer in the use of folk and ethnic choreography, and was one of the founders of the anthropological dance movement;

Whereas Katherine Dunham utilized her dance career and public status to draw attention to issues of segregation and the civil rights movement;

Whereas Katherine Dunham founded Les Ballet Negre in 1931, the first black ballet company in the United States;

Whereas Les Ballet Negre became known as the Katherine Dunham Dance Company, touring in more than 60 countries during the 1940s;

Whereas Katherine Dunham was a dancer, choreographer, and director on Broadway, and was the first black choreographer at the Metropolitan Opera;

Whereas, in 1945, Katherine Dunham founded the Dunham School of Dance and Theatre in Manhattan, thereby providing a centralized location for students to immerse themselves in dance technique while also studying topics in the humanities, languages, ethics, philosophy, and drama;

Whereas, in 1967, Katherine Dunham established the Performing Arts Training Center in East St. Louis, Missouri, which enrolled high-risk youth into its programs in fine, performing, and cultural arts;

Whereas Katherine Dunham founded the Katherine Dunham Centers for Arts and Humanities in 1969, and the Katherine Dunham Museum and Children's Workshop in 1977;

Whereas Katherine Dunham went on a 47-day hunger strike in 1993 to call attention to the welfare of Haitians, thereby shifting public opinion concerning the United States' relations with Haiti, and helping to precipitate the return of Haiti's first democratically elected president;

Whereas Katherine Dunham has received 10 honorary doctorates and numerous awards, including the Presidential Medal of Arts, the French Legion of Honor, the NAACP's Lifetime Achievement Award, and the Kennedy Center Honor's Award; and

Whereas Katherine Dunham continues to be an activist, teacher, and mentor to young people throughout the world: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that Katherine Dunham should be recognized for her work as a teacher, dancer, choreographer, and actress, for her dedication to improving the opportunities in the arts that are available to the Nation's youth, and for her lifelong commitment to humanitarian causes around the world.

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mr. CASTLE and Mr. RYAN of Ohio, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶61.31 HONORING LIONEL HAMPTON

Mr. CASTLE moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 63):

Whereas Lionel Hampton was one of the Nation's greatest jazz musicians, composers, and band leaders;

Whereas Lionel Hampton was one of the first musicians to play the vibraphone in jazz, setting the standard for mastery of that instrument;

Whereas Lionel Hampton nurtured and inspired many of the greatest performers of jazz music who would go on to fame in their own right;

Whereas Lionel Hampton shattered the racial barriers of his time when he was recruited to perform with the Benny Goodman band in the 1930s, creating for the first time an integrated public face of jazz music;

Whereas Lionel Hampton, with his performances around the world, was a musical ambassador of goodwill and friendship for the United States;

Whereas Lionel Hampton was never deterred by fame from contributing to the Harlem, New York, community that he viewed as his home;

Whereas Lionel Hampton was active in the development of affordable housing, among them Harlem's Gladys Hampton Houses, named after his late wife, the former Gladys Riddle;

Whereas Lionel Hampton performed at the White House under Republican and Democratic presidents and was honored with the Presidential Gold Medal by President Bill Clinton; and

Whereas Lionel Hampton was born in Louisville, Kentucky on April 20, 1908, and died in New York City on August 31, 2002: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that Lionel Hampton should be honored for his contributions to American music and for his work as an ambassador of goodwill and democracy.

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mr. CASTLE and Mr. RYAN of Ohio, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶61.32 NATIONAL FUND FOR EXCELLENT IN AMERICAN INDIAN EDUCATION

Mr. RENZI moved to suspend the rules and pass the bill (H.R. 3504) to amend the Indian Self-Determination and Education Assistance Act to redesignate the American Indian Education Foundation as the National Fund for Excellence in American Indian Education.

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mr. RENZI and Mr. KILDEE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶61.33 FATHER'S DAY

Mr. OSBORNE moved to suspend the rules and agree to the following resolution (H. Res. 66):

Whereas 40 percent of children who live in fatherless households in the United States have not seen their fathers in at least 1 year, and 50 percent of such children have never visited their fathers' homes;

Whereas approximately 50 percent of all children born in the United States spend at least half of their childhood in families without father figures;

Whereas 3 out of 4 adolescents in the United States report that they do not have adults in their lives that serve as positive role models;

Whereas children who are apart from their biological fathers are, in comparison to other children, 5 times more likely to live in poverty, and more likely to bring weapons and drugs into the classroom, commit other crimes, drop out of school, commit suicide, abuse alcohol or drugs, or become pregnant as teenagers;

Whereas the Federal Government spends billions of dollars to address these social ills and very little to promote responsible fatherhood;

Whereas children with fathers at home tend to do better in school, to be less prone to depression, and to have more successful relationships;

Whereas boys and girls alike demonstrate greater self-control and ability to take initiative when fathers are actively involved in their upbringing;

Whereas promoting responsible fatherhood can help increase the chances that children will grow up with two caring parents;

Whereas the promotion of responsible fatherhood should not denigrate the standing or parenting efforts of single mothers, whose efforts are heroic, lessen the protection of children from abusive parents, cause women to remain in, or enter into, abusive relationships, or compromise the health or safety of a custodial parent;

Whereas a broad array of the Nation's leading family and child development experts agree that it is in the best interests of children and the Nation as a whole to encourage more two-parent families where the father is actively involved with his children;

Whereas in a study of fathers' interaction with their children in intact two-parent families, nearly 90 percent of the fathers surveyed said that being a father is the most fulfilling role a man can have;

Whereas according to a 1996 Gallup poll, 90.3 percent of Americans agree that fathers make a unique contribution to their children's lives;

Whereas married fathers are more likely to have a close, enduring relationship with their children than unmarried fathers; and

Whereas Father's Day is the third Sunday in June: Now, therefore, be it

Resolved, That the House of Representatives—

(1) urges men to understand the level of responsibility fathering a child requires, especially in the encouragement of the moral, academic, and spiritual development of children;

(2) encourages active involvement of fathers in the rearing and development of their children, including the devotion of time, energy, and resources to his children, recognizing that children need not only material support, but even more importantly, a secure and nurturing family environment;

(3) urges mothers to encourage fathers to play an active role in child-rearing;

(4) commends the millions of fathers who serve as wonderful, caring parents for their children;

(5) calls on fathers across the Nation to use Father's Day to reconnect and rededicate themselves to their children's lives, to spend Father's Day with their children, and to express their love and support for their children; and

(6) urges institutions and government entities at every level to promote public policies that encourage and support, and remove barriers to, responsible fatherhood.

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mr. OSBORNE and Mr. RYAN of Ohio, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶61.34 MESSAGE FROM THE PRESIDENT—UNITED STATES/UNITED KINGDOM AGREEMENT FOR COOPERATION ON USE OF ATOMIC ENERGY

The SPEAKER pro tempore, Mrs. BIGGERT, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to section 123d. of the Atomic Energy Act of 1954, as amended, the text of an amendment to the Agreement Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes of July 3, 1958, as amended, and my written approval, authorization, and determination concerning the agreement. The joint unclassified letter submitted to me by the Secretaries of Energy and Defense that provides a summary position on the Amendment is also enclosed.

The Amendment extends for 10 years (until December 31, 2014) provisions that permit the transfer of nonnuclear parts, source, byproduct, special nuclear materials, and other material and technology for nuclear weapons and military reactors, and revises text, principally in the Security Annex, to be consistent with current policies and practices relating to personnel and physical security.

In my judgment, the proposed Amendment meets all statutory requirements. The United Kingdom intends to continue to maintain viable nuclear forces. In light of our previous close cooperation and the fact that the United Kingdom has committed its nuclear forces to the North Atlantic Treaty Organization, I have concluded that it is in our interest to continue to assist them in maintaining a credible nuclear force.

I have approved the Amendment, authorized its execution, and urge that the Congress give it favorable consideration.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 14, 2004*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 108–192).

¶61.35 RECESS—5:36 P.M.

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 12(a) of rule I, declared the House in recess at 5 o'clock and 36 minutes p.m., until approximately 6:30 p.m.

¶61.36 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mr. TIBERI, called the House to order.

¶61.37 H.J. RES. 97—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TIBERI, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the joint resolution (H.J. Res. 97) approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

The question being put,

Will the House suspend the rules and pass said joint resolution?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 372; Nays ..... 2 }

¶61.38 [Roll No. 232]

YEAS—372

Abercrombie	Brown-Waite, Ginny	DeGette
Ackerman	Burgess	Delahunt
Akin	Burns	DeLauro
Alexander	Buyer	DeLay
Allen	Calvert	Diaz-Balart, L.
Baca	Camp	Diaz-Balart, M.
Bachus	Cannon	Dicks
Baird	Cantor	Dingell
Baker	Capito	Doggett
Baldwin	Capps	Doolittle
Ballenger	Capuano	Doyle
Barrett (SC)	Cardin	Dreier
Bartlett (MD)	Cardoza	Duncan
Barton (TX)	Carter	Dunn
Bass	Case	Emanuel
Beauprez	Castle	Emerson
Becerra	Chabot	Engel
Bereuter	Chandler	English
Berkley	Chocola	Eshoo
Berman	Clay	Etheridge
Berry	Clyburn	Evans
Biggert	Coble	Everett
Bishop (GA)	Cole	Farr
Bishop (NY)	Collins	Feeney
Bishop (UT)	Cooper	Ferguson
Blackburn	Costello	Filner
Blumenauer	Cox	Foley
Blunt	Cramer	Forbes
Boehlert	Crane	Fossella
Boehner	Crenshaw	Frank (MA)
Bonilla	Cubin	Franks (AZ)
Bonner	Cummings	Frelinghuysen
Bono	Cunningham	Gallegly
Boozman	Davis (CA)	Gerlach
Boswell	Davis (FL)	Gibbons
Boucher	Davis (IL)	Gilchrest
Boyd	Davis (TN)	Gillmor
Bradley (NH)	Davis, Jo Ann	Gingrey
Brady (PA)	Davis, Tom	Gonzalez
Brady (TX)	Deal (GA)	Goode
Brown (OH)	DeFazio	Goodlatte
Brown (SC)		Gordon

Goss
Granger
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pastor
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (FL)

NAYS—2

Flake
Paul

NOT VOTING—59

Aderholt
Andrews
Bell
Bilirakis
Brown, Corrine
Burr
Burton (IN)
Carson (IN)
Carson (OK)
Conyers
Crowley
Culberson
Davis (AL)
DeMint
Deutsch
Dooley (CA)
Edwards
Ehlers
Fattah
Ford
Frost
Garrett (NJ)
Gephardt
Graves
Gutierrez
Hoeffel
John
Kilpatrick
Lampson
Lantos
Lipinski
Lowey
Meehan
Millender-McDonald
Miller (FL)
Miller, George
Mollohan
Nadler
Neal (MA)
Nussle
Pallone
Pascrell
Payne
Pelosi
Peterson (PA)
Reyes
Rothman
Ruppersberger
Sanders
Schiff
Scott (VA)
Serrano
Shays
Taylor (NC)
Toomey
Velázquez
Watson
Woolsey
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said joint resolution was passed.

A motion to reconsider the vote whereby the rules were suspended and said joint resolution was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said joint resolution.

¶61.39 H. RES. 669—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TIBERI, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 669) expressing the sense of Congress with respect to the need to provide prostate cancer patients with meaningful access to information on treatment options, and for other purposes.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 377 / Nays 3

¶61.40 [Roll No. 233]

YEAS—377

Abercrombie
Ackerman
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pastor
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—3

Flake
Paul
Shadegg

NOT VOTING—53

Aderholt
Bell
Bilirakis
Brown, Corrine
Burr
Burton (IN)
Carson (IN)
Carson (OK)
Conyers
Crowley
Culberson
Davis (AL)
DeMint
Deutsch
Dooley (CA)
Ehlers
Fattah
Ford
Frost
Gephardt
Graves
Gutierrez
Hoeffel
Hunter
John
Kilpatrick
Lampson
Lantos
Lipinski
Lowey
Meehan
Millender-McDonald
Miller (FL)
Miller, George
Mollohan
Nadler
Neal (MA)
Nussle
Pallone
Pascrell
Payne

Pelosi
Peterson (PA)
Reyes
Ruppersberger
Sanders
Serrano
Shays
Taylor (NC)
Toomey
Velázquez
Watson
Woolsey

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶61.41 H.R. 4323—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TIBERI, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4323) to amend title 10, United states Code, to provide rapid acquisition authority to the Secretary of Defense to respond to combat emergencies.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 285 / Nays 97

¶61.42 [Roll No. 234]

YEAS—285

Akin
Alexander
Andrews
Baca
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Cunningham
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Edwards
Emerson
Engel
English
Etheridge
Evans
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoekstra
Holden
Honda
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Menendez
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner (OH)
Turner (TX)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NAYS—97

Abercrombie
Ackerman
Allen
Baldwin
Bartlett (MD)
Becerra
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardoza
Chandler
Clay
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Emanuel
Eshoo
Farr
Filner
Frank (MA)
Grijalva
Harman
Hastings (FL)
Hinchey
Holt
Hooley (OR)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy (RI)
Kleczka
Kucinich
Langevin
Lee
Levin
Lewis (GA)
Lofgren
Lynch
Majette
Maloney
Markey
Matsui
McCollum
McDermott
McGovern
Meek (FL)
Meeks (NY)
Murtha
Napolitano
Oberstar
Obey
Olver
Owens
Pastor
Peterson (MN)
Rahall
Ross
Roybal-Allard
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Sherman
Slaughter
Solis
Stark
Stenholm
Strickland
Stupak
Thompson (CA)
Tierney
Udall (CO)
Udall (NM)
Visclosky
Waters
Watt
Waxman
Weiner
Wynn

NOT VOTING—51

Aderholt
Bell
Bilirakis
Brown, Corrine
Burr
Burton (IN)
Carson (IN)
Carson (OK)
Conyers
Crowley
Culberson
Davis (AL)
DeMint
Deutsch
Dooley (CA)
Ehlers
Fattah
Ford
Frost
Gephardt
Graves
Gutierrez
Hoeffel
John
Kilpatrick
Lampson
Lantos
Lipinski
Lowey
Meehan
Millender-McDonald
Miller (FL)
Miller, George
Mollohan
Nadler
Neal (MA)
Pallone
Pascrell
Payne
Pelosi
Peterson (PA)
Reyes
Ruppersberger
Serrano
Shays
Tancredo
Taylor (NC)
Toomey
Velázquez
Watson
Woolsey

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶61.43 H. RES. 653—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TIBERI, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 653) honoring former President George Herbert Walker Bush on the occasion of his 80th birthday; as amended:

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 381 / Nays 0

¶61.44 [Roll No. 235]

YEAS—381

Abercrombie
Ackerman
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg

Kolbe
Kucinich
LaHood
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pastor
Paul
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—52

Aderholt
Bell
Bilirakis
Brown, Corrine
Burr
Burton (IN)
Carson (IN)
Carson (OK)
Conyers
Crowley
Culberson
Davis (AL)
DeMint
Deutsch
Dooley (CA)
Ehlers
Fattah
Ford
Frost
Gephardt
Graves
Gutierrez
Hoeffel
John
Kilpatrick
Lampson
Lantos
Lipinski
Lowey
Maloney
Meehan
Millender-McDonald
Miller (FL)
Miller, George
Mollohan
Nadler
Neal (MA)
Pallone
Pascrell
Payne
Pelosi
Peterson (PA)
Reyes
Ruppersberger
Serrano
Shays
Taylor (NC)
Toomey
Turner (TX)
Velázquez
Watson
Woolsey

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶61.45 COMMITTEE RESIGNATION—MINORITY

The SPEAKER pro tempore, Mr. TIBERI, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
June 14, 2004.

Hon. J. DENNIS HASTERT,
Speaker of the House, U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: Effective immediately, I hereby resign my seat on the Committee on Resources, pending my appointment to the Committee on Government Reform.

Sincerely,

BETTY MCCOLLUM,
Member of Congress.

¶61.46 COMMITTEE ELECTION—MINORITY

Mr. MENENDEZ, by direction of the Democratic Caucus, submitted the following privileged resolution (H. Res. 670):

Resolved, That the following named Members be and are hereby elected to the following standing committees of the House of Representatives:

COMMITTEE ON AGRICULTURE: Ms. Herseth (to rank immediately after Mr. Chandler).

COMMITTEE ON GOVERNMENT REFORM: Ms. McCollum.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶61.47 ORPHANS AND VULNERABLE CHILDREN IN DEVELOPING COUNTRIES

Ms. ROS-LEHTINEN moved to suspend the rules and pass the bill (H.R. 4061) to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries; as amended.

The SPEAKER pro tempore, Mr. GARRETT of New Jersey, recognized Ms. ROS-LEHTINEN and Ms. LEE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. GARRETT of New Jersey, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶61.48 PROVIDING FOR THE CONSIDERATION OF H.R. 4503 AND H.R. 4517

Mr. HASTINGS of Washington, by direction of the Committee on Rules, reported (Rept. No. 108–539) the resolution (H. Res. 671) providing for consideration of the bill (H.R. 4503) to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes, and for the consideration of the bill (H.R. 4517) to provide incentives to increase refinery capacity in the United States.

When said resolution and report were referred to the House Calendar and ordered printed.

¶61.49 PROVIDING FOR THE CONSIDERATION OF H.R. 4513 AND H.R. 4529

Mr. HASTINGS of Washington, by direction of the Committee on Rules, reported (Rept. No. 108–540) the resolution (H. Res. 672) providing for consideration of the bill (H.R. 4513) to provide that in preparing an environmental assessment or environmental impact statement required under section 102 of the National Environmental Policy Act of 1969 with respect to any action authorizing a renewable energy project, no Federal agency is required to identify alternative project locations or actions other than the proposed action and the no action alternative, and for other purposes, and for the consideration of the bill (H.R. 4529) to provide for exploration, development, and production of oil and gas resources on the Arctic Coastal Plain of Alaska, to resolve outstanding issues relating to the Surface Mining Control and Reclamation Act of 1977, to benefit the coal miners of America, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶61.50 SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2214. An Act to designate the facility of the United States Postal Service located at 3150 Great Northern Avenue in Missoula, Montana, as the ''Mike Mansfield Post Office''; to the Committee on Government Reform.

S. 2415. An Act to designate the facility of the United States Postal Service located at 4141 Postmark Drive, Anchorage, Alaska, as the ''Robert J. Opinsky Post Office Building''; to the Committee on Government Reform.

S.J. Res. 38. A joint resolution providing for the appointment of Eli Broad as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

¶61.51 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. FROST, for today;

To Ms. KILPATRICK, for today;

To Mr. LAMPSON, for today;

To Ms. MILLENDER-MCDONALD, for today;

To Mr. MILLER of Florida, for today;

To Mr. REYES, for today;

To Mr. RUPPERSBERGER, for today; and

To Ms. WOOLSEY, for today.

And then,

¶61.52 ADJOURNMENT

On motion of Mr. MEEK of Florida, pursuant to the special order of the House agreed to on June 8, 2004, at midnight, the House adjourned until 8:30 a.m. on Tuesday, June 15, 2004.

¶61.53 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BARTON: Committee on Energy and Commerce. H.R. 3266. A bill to authorize the Secretary of Homeland Security to make grants to first responders, and for other purposes; with an amendment (Rept. 108–460, Pt. 2). Ordered to be printed.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 671. Resolution providing for consideration of the bill (H.R. 4503) to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes, and for consideration of the bill (H.R. 4517) to provide incentives to increase refinery capacity in the United States (Rept. 108–539). Referred to the House Calendar.

Mr. REYNOLDS: Committee on Rules. House Resolution 672. Resolution providing for consideration of the bill (H.R. 4513) to provide that in preparing an environmental assessment or environmental impact statement required under section 102 of the National Environmental Policy Act of 1969 with respect to any action authorizing a renewable energy project, no Federal agency is required to identify alternative project locations or actions other than the proposed action and the no action alternative, and for other purposes, and for consideration of the bill (H.R. 4529) to provide for exploration, development, and production of oil and gas resources on the Arctic Coastal Plain of Alaska, to resolve outstanding issues relating to the Surface Mining Control and Reclamation Act of 1977, to benefit the coal miners of America, and for other purposes (Rept. 108–540). Referred to the House Calendar.

¶61.54 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII, the following action was taken by the Speaker:

H.R. 3266. Referral to the Committees on Transportation and Infrastructure, the Judiciary, and Energy and Commerce for a period ending not later than June 21, 2004.

¶61.55 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BLUNT (for himself, Mr. RYAN of Wisconsin, Mr. GREEN of Wisconsin, and Mr. MCCOTTER):

By Mr. EHLERS:

H.R. 4546. A bill to provide for the National Oceanic and Atmospheric Administration, to authorize appropriations for the National Oceanic and Atmospheric Administration, and for other purposes; to the Committee on Science, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER:

H.R. 4547. A bill to amend the Controlled Substances Act to protect vulnerable persons from drug trafficking, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOSS:

H.R. 4548. A bill to authorize appropriations for fiscal year 2005 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. POMBO:

H.R. 4549. A bill to provide for exploration, development, and production of oil and gas resources on the Arctic Coastal Plain of Alaska, to resolve outstanding issues relating to the Surface Mining Control and Reclamation Act of 1977, to benefit the coal miners of America, to make related technical changes, and for other purposes; to the Committee on Resources, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TURNER of Texas (for himself, Mr. FRANK of Massachusetts, and Mr. BERMAN):

H.R. 4550. A bill to secure the visa waiver program under section 217 of the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. TURNER of Texas:

H.R. 4551. A bill to establish 4 memorials to the Space Shuttle Columbia in the State of Texas; to the Committee on Resources.

By Mr. BURNS:

H.R. 4552. A bill to suspend temporarily the duty on l-Aspartic acid; to the Committee on Ways and Means.

By Mr. CUNNINGHAM (for himself and Mr. CANTOR):

H.R. 4553. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage manufacturers of computer and television equipment to operate an environmentally sound recycling program for use by consumers who want to discard the equipment; to the Committee on Ways and Means.

By Ms. DELAURO:

H.R. 4554. A bill to designate the facility of the United States Postal Service located at 40 Putnam Avenue in Hamden, Connecticut, as the ''Linda White-Epps Post Office''; to the Committee on Government Reform.

By Mr. DINGELL:

H.R. 4555. A bill to amend the Public Health Service Act to revise and extend provisions relating to mammography quality standards; to the Committee on Energy and Commerce.

By Mr. ETHERIDGE (for himself, Mr. BURR, Mr. COBLE, Mr. MCINTYRE, Mr. HAYES, Mr. MILLER of North Carolina, Mrs. MYRICK, Mr. TAYLOR of North Carolina, Mr. JONES of North Carolina, Mr. BALLENGER, Mr. PRICE of North Carolina, and Mr. WATT):

H.R. 4556. A bill to designate the facility of the United States Postal Service located at 1115 South Clinton Avenue in Dunn, North Carolina, as the ''General William Carey Lee Post Office Building''; to the Committee on Government Reform.

By Mr. GORDON:

H.R. 4557. A bill to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HYDE:

H.R. 4558. A bill to authorize the Comptroller General to conduct audits, evaluations, and investigations of the Millennium Challenge Corporation, to establish the Millennium Challenge Advisory Council, to transfer the Millennium Challenge program to the Foreign Assistance Act of 1961, and for other purposes; to the Committee on International Relations.

By Mr. HYDE:

H.R. 4559. A bill to extend certain trade benefits to countries emerging from political instability, civil strife, or armed conflict; to the Committee on Ways and Means.

By Mr. HYDE:

H.R. 4560. A bill to provide multilateral and bilateral debt relief for developing countries, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on International Relations, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LOFGREN (for herself, Mr. CAMP, Mr. CONYERS, Mr. PORTMAN, Mr. BERMAN, Mr. DELAHUNT, Mr. NADLER, Ms. LINDA T. SANCHEZ of California, and Ms. JACKSON-LEE of Texas):

H.R. 4561. A bill to amend the Immigration and Nationality Act to modify the treatment of adopted children; to the Committee on the Judiciary.

By Mrs. MUSGRAVE:

H.R. 4562. A bill to further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000; to the Committee on Resources.

By Mr. ROHRABACHER (for himself, Mr. HEFLEY, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MCCOTTER, Mr. PENCE, Mr. JONES of North Carolina, Mr. FRANKS of Arizona, Mr. WILSON of South Carolina, Mr. KING of Iowa, Mr. WALSH, and Mr. SOUDER):

H.R. 4563. A bill to require the Secretary of the Treasury to redesign the face of $20 Federal reserve notes so as to include a likeness of President Ronald Wilson Reagan, and for other purposes; to the Committee on Financial Services.

By Mr. WOLF (for himself and Mr. TOM DAVIS of Virginia):

H.R. 4564. A bill to amend title 5, United States Code, to provide for reform relating to employment at the Federal Bureau of Investigation; to the Committee on Government Reform.

By Mr. MENENDEZ:

H. Res. 670. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to.

By Ms. SLAUGHTER (for herself, Mr. REYNOLDS, Mr. HOUGHTON, Mr. QUINN, Mr. MCDERMOTT, Mrs. MCCARTHY of New York, and Mr. MCNULTY):

H. Res. 673. A resolution honoring the life of George Eastman and recognizing his contributions on the anniversary of his birth; to the Committee on Government Reform.

¶61.56 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MARKEY:

H.R. 4565. A bill for the relief of Obain Attouoman; to the Committee on the Judiciary.

By Mr. RAMSTAD:

H.R. 4566. A bill for the relief of Konstantinos Ritos; to the Committee on the Judiciary.

¶61.57 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 99: Mr. PLATTS.
H.R. 117: Mrs. KELLY.
H.R. 218: Mr. DEUTSCH.
H.R. 677: Mr. HOYER and Ms. SOLIS.
H.R. 717: Mr. WAXMAN.
H.R. 834: Mr. CHANDLER.
H.R. 920: Mr. ISRAEL.
H.R. 1004: Mrs. MUSGRAVE.
H.R. 1098: Mr. GUTKNECHT, Mr. FEENEY, Mr. BARRETT of South Carolina, Mr. CHOCOLA, Mr. HERGER, and Mr. COLE.
H.R. 1117: Mrs. MILLER of Michigan.
H.R. 1160: Mr. WEINER.
H.R. 1225: Mr. DOOLEY of California.
H.R. 1567: Mr. PETERSON of Minnesota.
H.R. 1716: Mr. UDALL of New Mexico, Ms. BORDALLO, Mr. HOLDEN, Mr. ABERCROMBIE, Mr. STRICKLAND, and Mr. GUTIERREZ.
H.R. 1873: Mr. LAMPSON.
H.R. 1940: Mr. HINOJOSA.
H.R. 2023: Mr. UPTON, Mr. FERGUSON, Mr. PALLONE, Mr. ANDREWS, Mr. ROTHMAN, and Mr. ROGERS of Michigan.
H.R. 2038: Mr. ACEVEDO-VILA, Mr. EVANS, and Ms. KILPATRICK.
H.R. 2287: Mr. SHUSTER and Mr. STUPAK.
H.R. 2413: Mr. BARTLETT of Maryland.
H.R. 2426: Mr. RANGEL.
H.R. 2541: Mr. PAYNE and Mr. OWENS.
H.R. 2672: Mr. HERGER.
H.R. 2797: Mrs. MCCARTHY of New York and Mr. DUNCAN.
H.R. 2885: Mr. BERRY.
H.R. 2932; Mr. WEINER.
H.R. 2959: Mr. KENNEDY of Rhode Island, Mr. CALVERT, Mr. CLYBURN, Mr. WILSON of South Carolina, Mr. HINCHEY, Mr. ROSS, Mr. CRAMER, and Mr. STARK.
H.R. 3184: Mr. DAVIS of Florida.
H.R. 3193: Mr. MCKEON, Mr. NETHERCUTT, Mr. SHERWOOD, Mr. HASTINGS of Washington, Mr. MCHUGH, and Mr. MORAN of Kansas.
H.R. 3242: Mrs. EMERSON.
H.R. 3266: Mr. OWENS.
H.R. 3339: Mr. DOOLITTLE.
H.R. 3474: Ms. LORETTA SANCHEZ of California and Mr. LEWIS of Georgia.
H.R. 3545: Mr. GRIJALVA.
H.R. 3572: Mr. RUSH.
H.R. 3634: Mr. OWENS.
H.R. 3736: Mr. HALL.
H.R. 3802: Mr. CHANDLER and Mr. PETERSON of Minnesota.
H.R. 3831: Mr. DOOLEY of California.
H.R. 3834: Ms. HARRIS.
H.R. 3847: Mr. PETERSON of Minnesota.
H.R. 3858: Mr. HULSHOF, Mr. LATOURETTE, Mr. COLLINS, Mr. CARSON of Oklahoma, Mrs. DAVIS of California, Mr. PETERSON of Minnesota, Mrs. BIGGERT, Mr. BURGESS, Mrs. MCCARTHY of New York, Ms. GRANGER, Mr. SESSIONS, Mr. GRIJALVA, Mr. WYNN, and Mr. DOOLEY of California.
H.R. 3871: Mr. ANDREWS, Mr. SESSIONS, Mr. SHAYS, Mr. SMITH of Washington, and Mr. ROTHMAN.
H.R. 3919: Mr. ANDREWS and Ms. MCCOLLUM.
H.R. 3953: Mr. MCCOTTER.
H.R. 3972: Mr. PAYNE.
H.R. 4016: Mr. BONNER, Mrs. MALONEY, and Ms. NORTON.
H.R. 4026: Mr. CARTER.
H.R. 4039: Mr. GUTIERREZ and Mr. CUMMINGS.
H.R. 4052: Mr. LINCOLN DIAZ-BALART of Florida and Mr. MICHAUD.
H.R. 4094: Mrs. NAPOLITANO.
H.R. 4101: Mr. PETERSON of Minnesota.
H.R. 4107: Mr. CHABOT.
H.R. 4156: Mr. NUNES and Mr. BEREUTER.
H.R. 4214: Mr. SHAYS, Mr. BEAUPREZ, and Mr. SESSIONS.
H.R. 4217: Mr. CARDIN.
H.R. 4290: Mr. RANGEL.
H.R. 4323: Mr. SAXTON and Mr. MEEHAN.
H.R. 4335: Mr. STRICKLAND, Mr. KILDEE, and Mr. OWENS.
H.R. 4341: Mr. BAIRD, Mr. LAHOOD, Mr. MCDERMOTT, Mr. PAYNE, Mr. WILSON of South Carolina, and Mrs. CAPITO.
H.R. 4343: Mr. HERGER, Mr. PICKERING, and Mr. MCINNIS.
H.R. 4361: Mr. FROST, Mr. HOEFFEL, Mr. OLVER, Mr. LANTOS, Mr. OWENS, and Ms. CARSON of Indiana.
H.R. 4370: Mr. LIPINSKI, Mrs. JOHNSON of Connecticut, and Mr. UPTON.
H.R. 4376: Mr. MCGOVERN, Mr. BRADLEY of New Hampshire, and Mr. BONNER.
H.R. 4380: Mr. WELDON of Florida, Mr. SHAW, and Mr. FEENEY.
H.R. 4383: Mr. CARSON of Oklahoma.
H.R. 4394: Ms. LEE, Mr. DOGGETT, Mrs. MALONEY, Mr. OWENS, and Ms. SCHAKOWSKY.
H.R. 4417: Mr. FOLEY, Mr. BACHUS, Mr. CANNON, Mr. CHABOT, Mr. FEENEY, and Mr. SCOTT of Virginia.
H.R. 4420: Mr. PLATTS, Mr. BACHUS, Mr. LUCAS of Kentucky, Mr. BARRETT of South Carolina, Mr. ISAKSON, Mr. WILSON of South Carolina, and Mr. TAYLOR of Mississippi.
H.R. 4435: Mr. OWENS.
H.R. 4440: Mr. JONES of North Carolina and Mr. FLAKE.
H.R. 4445: Ms. MCCOLLUM and Mr. JEFFERSON.
H.R. 4449: Mr. ABERCROMBIE.
H.R. 4450: Mr. HASTINGS of Florida and Mr. LANGEVIN.
H.R. 4472: Mrs. KELLY.
H.R. 4492: Mr. LEACH.
H.R. 4520: Mr. CANTOR, Mr. BROWN of South Carolina, Mr. JENKINS, Mr. ISAKSON, Mr. WAMP, Mr. WHITFIELD, Mr. DUNCAN, Mr. ROGERS of Kentucky, Mr. KINGSTON, Mr. SMITH of Texas, and Mr. NEUGEBAUER.
H.J. Res. 46: Mr. COLLINS.
H.J. Res. 97: Mr. GALLEGLY, Mr. STARK, and Mr. FALEOMAVAEGA.
H. Con. Res. 213: Mrs. CHRISTENSEN.
H. Con. Res. 247: Mr. OBERSTAR.
H. Con. Res. 260: Mr. MCCOTTER.
H. Con. Res. 314: Mr. RUPPERSBERGER.
H. Con. Res. 377: Mr. ABERCROMBIE.
H. Con. Res. 391: Mr. BISHOP of New York.
H. Con. Res. 425: Mrs. LOWEY, Mr. WOLF, Mr. SHAYS, Mr. ANDREWS, Mr. HINCHEY, Mr. BEAUPREZ, Mrs. MALONEY, and Mr. SESSIONS.
H. Con. Res. 430: Mr. PLATTS, Mr. SESSIONS, Mr. ENGEL, and Mr. OWENS.
H. Con. Res. 448: Mr. DOOLITTLE, Mr. FEENEY, Mr. BURNS, Mr. ROHRABACHER, Mr. BURGESS, Mr. CHOCOLA, Mr. WELLER, Mr. GUTKNECHT, Mr. SIMPSON, and Mr. SWEENEY.
H. Res. 466: Mr. HOLT.
H. Res. 570: Ms. BERKLEY and Mr. JEFFERSON.
H. Res. 596: Mr. HOUGHTON and Mr. DOOLITTLE.
H. Res. 626: Mr. SNYDER.
H. Res. 653: Mr. MCCOTTER.
H. Res. 662: Mr. PETRI and Mr. RYAN of Wisconsin.
H. Res. 666: Mr. BEREUTER.
H. Res. 667: Ms. PELOSI.
H. Res. 668: Ms. HARRIS, Mr. CRENSHAW, Mr. BILIRAKIS, Mr. PUTNAM, Mr. BOYD, Mr. FOLEY, Mr. KELLER, Mr. MARIO DIAZ-BALART of Florida, Mr. MEEK of Florida, Mr. DEUTSCH, Mr. GOSS, Mr. HASTINGS of Florida, Mr. STEARNS, Ms. ROS-LEHTINEN, Mr. MILLER of Florida, Mr. FEENEY, and Mr. LINCOLN DIAZ-BALART of Florida.
H. Res. 669: Mr. DREIER, Mr. NORWOOD, Mr. TOWNS, Mr. COOPER, Mr. PORTER, Mrs. BONO, Mr. BASS, Mr. KINGSTON, Mrs. CAPITO, Mr. CUNNINGHAM, Mr. BURNS, Mr. FORD, and Mr. MCCOTTER.

TUESDAY, JUNE 15, 2004 (62)

¶62.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. KIRK, who laid before the House the following communication:

WASHINGTON, DC,
June 15, 2004.

I hereby appoint the Honorable MARK STEVEN KIRK to act as Speaker pro tempore on this day.

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

¶62.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. KIRK, announced he had examined and approved the Journal of the proceedings of Monday, June 14, 2004.

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

¶62.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

8521. A letter from the Regulations Coordinator, FDA, Department of Health and Human Services, transmitting the Department's final rule — Eligibility Determination for Donors of Human Cells, Tissues, and Cellular and Tissue-Based Products [Docket No. 1997N-0484S] (RIN: 0910-AB27) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8522. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Food Additives Permitted for Direct Addition to Food for Human Consumption; Olestra [Docket No. 1999F-0719] received June 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8523. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Prior Notice of Imported Food Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002; Extension of Comment Period [Docket No. 2002N-0278] received June 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8524. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Dental Devices; Reclassification of Root-Form Endosseous Dental Implants and Endosseous Dental Implant Abutments [Docket No. 2002N-0114] received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8525. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Immunology and Microbiology Devices; Classification of the Immunomagnetic Circulating Cancer Cell Selection and Enumeration System [Docket No. 2004P-0126] received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8526. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services,

transmitting the Department's final rule — Registration of Food Facilities Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002; Technical Amendment [Docket No. 2002N-0276] (RIN: 0910-AC40) received June 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8527. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Revision of the Requirements for Spore-Forming Microorganisms; Confirmation of Effective Date [Docket No. 2003N-0528] received June 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8528. A letter from the Regulations Coordinator, FDA, Department of Health and Human Services, transmitting the Department's final rule — Administrative Detention of Food for Human or Animal Consumption Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 [Docket No. 2002N-0275] (RIN: 0910-AC38) received June 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8529. A letter from the Trial Attorney, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule — Confidential Business Information [Docket No. NHTSA-02-12150; Notice 3] (RIN: 2127-AJ24) received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8530. A letter from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule — Tire Safety Information [Docket No. NHTSA-04-17917] (RIN: 2127-AJ36) received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8531. A letter from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Theft Prevention Standard [Docket No. NHTSA-2002-12231] (RIN: 2127-A146) received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8532. A letter from the Federal Register Liaison Officer, TTB, Department of the Treasury, transmitting the Department's final rule — Columbia Gorge Viticultural Area (2002R-03P) [T.D. TTB-11; Re: Notice No. 11] (RIN: 1513-AC81) received June 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8533. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2004-36) received June 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8534. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Losses. (Rev. Rul. 2004-58) received June 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8535. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Business expenses. (Rev. Rul. 2004-62) received June 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8536. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Wages (Rev. Rul. 2004-60) received June 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8537. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Last-in, first-out inventories. (Rev. Rul. 2004-61) received June 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8538. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Statements to recipients of royalties. (Rev. Rul. 2004-46) received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8539. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2004-54) received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8540. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Coordinated Issue All Industries Foreign Sales Corporations: Advance Payment Transactions — received May 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8541. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Uniform Capitalization of Interest Expense in Safe Harbor Sale and Leaseback Transactions [REG-148399-02] (RIN: 1545-BB62) received May 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8542. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare and State Health Care Programs; Fraud and Abuse: OIG Civil Money Penalties Under the Medicare Prescription Drug Discount Card Program (RIN: 0991-AB30) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

8543. A letter from the Executive Director, Office of Compliance, transmitting notice of adoption of amendments to the Procedural Rules of the Office of Compliance for printing in the Congressional Record, pursuant to Public Law 104—1, section 303(a) (109 Stat. 28); jointly to the Committees on House Administration and Education and the Workforce.

¶62.4 RECESS—8:34 A.M.

The SPEAKER pro tempore, Mr. KIRK, pursuant to the special order of the House of June 8, 2004, declared the House in recess at 8 o'clock and 34 minutes a.m., subject to the call of the Chair.

¶62.5 AFTER RECESS—10:30 A.M.

The SPEAKER pro tempore, Mr. BASS, called the House to order.

¶62.6 PROCEEDINGS DURING RECESS

On motion of Mr. BEREUTER, by unanimous consent, the proceedings had during the recess to receive His Excellency Hamid Karzai, President of the Transitional Islamic State of Afghanistan, were ordered to be printed in the RECORD.

¶62.7 PROVIDING FOR THE CONSIDERATION OF H.R. 4513 AND H.R. 4529

Mr. REYNOLDS, by direction of the Committee on Rules, called up the following resolution (H. Res. 672):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4513) to provide that in preparing an environmental assessment or environmental impact statement required under section 102 of the National Environmental Policy Act of 1969 with respect to any action authorizing a renewable energy project, no Federal agency is required to identify alternative project locations or actions other than the proposed action and the no action alternative, and for other purposes. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Resources; (2) the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, if offered by Representative Pombo of California or his designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read, and shall be separately debatable for ten minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 2. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4529) to provide for exploration, development, and production of oil and gas resources on the Arctic Coastal Plain of Alaska, to resolve outstanding issues relating to the Surface Mining Control and Reclamation Act of 1977, to benefit the coal miners of America, and for other purposes. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, with 50 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Resources and 10 minutes equally divided and controlled by chairman and ranking minority member of the Committee on Ways and Means; (2) the amendment in the nature of a substitute printed in part B of the report of the Committee on Rules accompanying this resolution, if offered by Representative Pombo of California or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for ten minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

Mr. REYNOLDS moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. BASS, announced that the yeas had it.

Mr. HASTINGS of Florida demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶62.8 PROVIDING FOR THE CONSIDERATION OF H.R. 4503 AND H.R. 4517

Mr. HASTINGS of Washington, by direction of the Committee on Rules, called up the following resolution (H. Res. 671):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4503) to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce; 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Resources; and 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit.

SEC. 2. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4517) to provide incentives to increase refinery capacity in the United States. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce; and (2) one motion to recommit.

When said resolution was considered.

After debate,

Mr. HASTINGS of Washington moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. McGOVERN objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 218 / Nays ..... 197 }

¶62.9 [Roll No. 236]

YEAS—218

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

NAYS—197

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—18

Bishop (UT)
Brown-Waite, Ginny
Burton (IN)
Cardoza
Carson (IN)
Carson (OK)
Collins
DeMint
Deutsch
Diaz-Balart, M.
Ehlers
John
Lampson
Millender-McDonald
Olver
Pascrell
Terry
Watson

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. McGOVERN demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 225 / Nays ..... 193 }

¶62.10 [Roll No. 237]

AYES—225

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)

King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—193

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gordon
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pomeroy
Price (NC)
Rahall
Rangel
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—15

Brown-Waite, Ginny
Burton (IN)
Carson (IN)
Carson (OK)
Collins
DeMint
Deutsch
Ehlers
John
Lampson
Millender-McDonald
Pascrell
Turner (TX)
Waters
Watson

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶62.11 H. RES. 672—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced the unfinished business to be the question on the motion ordering the previous question on the resolution (H. Res. 672) providing for consideration of the bill (H.R. 4513) to provide that in preparing an environmental assessment or environmental impact statement required under section 102 of the National Environmental Policy Act of 1969 with respect to any action authorizing a renewable energy project, no Federal agency is required to identify alternative project locations or actions other than the proposed action and the no action alternative, and for other purposes, and for the consideration of the bill (H.R. 4529) to provide for exploration, development, and production of oil and gas resources on the Arctic Coastal Plain of Alaska, to resolve outstanding issues relating to the Surface Mining Control and Reclamation Act of 1977, to benefit the coal miners of America, and for other purposes.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 221 / Nays 198

¶62.12 [Roll No. 238]

YEAS—221

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

NAYS—198

Abercrombie
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo

Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—14

Ackerman
Brown-Waite, Ginny
Burton (IN)
Carson (IN)
Carson (OK)
Collins
DeMint
Deutsch
Ehlers
Lampson
Millender-McDonald
Pascrell
Smith (TX)
Watson

So the previous question was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. HASTINGS of Florida demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 226 / Nays 193

¶62.13 [Roll No. 239]

AYES—226

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

NOES—193

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gordon
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—14

Brown-Waite, Ginny
Burton (IN)
Carson (IN)
Carson (OK)
Collins
DeMint
Deutsch
Ehlers
Hunter
Lampson
Millender-McDonald
Pascrell
Pickering
Watson

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶62.14 HOMELAND SECURITY APPROPRIATIONS FY 2005

Mr. ROGERS of Kentucky submitted a privileged report (Rept. No. 108–541) on the bill (H.R. 4567) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes..

When said bill and report were referred to the Union Calendar and ordered printed.

Pursuant to clause 1 of rule XXI, all points of order were reserved.

¶62.15 INTERIOR APPROPRIATIONS FY 2005

Mr. TAYLOR of North Carolina submitted a privileged report (Rept. No. 108–542) on the bill (H.R. 4568) making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

When said bill and report were referred to the Union Calendar and ordered printed.

Pursuant to clause 1 of rule XXI, all points of order were reserved.

¶62.16 ENVIRONMENTAL ASSESSMENT

Mr. POMBO, pursuant to House Resolution 672, called up the bill (H.R. 4513) to provide that in preparing an environmental assessment or environmental impact statement required under section 102 of the National Environmental Policy Act of 1969 with respect to any action authorizing a renewable energy project, no Federal agency is required to identify alternative project locations or actions other than the proposed action and the no action alternative, and for other purposes.

When said bill was considered and read twice.

After debate,

Mr. POMBO, pursuant to House Resolution 672, called up the following amendment printed in part A of H. Rept. 108-540:

Page 3, beginning at line 13, strike ''or the combustion of''.

Page 3, line 13, insert a comma after ''oil''.

After debate,

Pursuant to House Resolution 672, the previous question was ordered on the on the bill and the amendment.

The question being put, viva voce,

Will the House agree to said amendment?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

So the amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. RAHALL demanded that the vote be taken by the yeas and nays, which

demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶62.17 ENERGY POLICY

Mr. HALL of Texas, pursuant to House Resolution 671, called up the bill (H.R. 4503) to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes.

Pending consideration of said bill.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to House Resolution 671 recognized Mr. HALL of Texas and Mr. DINGELL for 20 minutes each; Mr. POMBO, Mr. RAHALL, Mr. McCRERY and Mr. CARDIN for 5 minutes each.

When said bill was consideration and read twice.

After debate,

The previous question having been ordered by said resolution.

The bill was ordered to be engrossed and read a third time, was read a third time by title.

Mr. DINGELL moved to recommit the bill to the Committee on Energy and Commerce with instructions to report the bill back to the House forthwith with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. FRAUDULENT OR MANIPULATIVE PRACTICES.

(a) UNLAWFUL ACTS.—It shall be unlawful for any entity, directly or indirectly, by the use of any means or instrumentality of interstate commerce or of the mails to use or employ, in the transmission of electric energy in interstate commerce, the sale of electric energy at wholesale in interstate commerce, the transportation of natural gas in interstate commerce, or the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use, any fraudulent, manipulative, or deceptive device or contrivance in contravention of such rules and regulations as the Federal Energy Regulatory Commission may prescribe as necessary or appropriate in the public interest.

(b) APPLICATION OF FEDERAL POWER ACT TO THIS ACT.—The provisions of section 307 through 309 and 313 through 317 of the Federal Power Act shall apply to violations of section 1201 of this Act in the same manner and to the same extent as such provisions apply to entities subject to Part II of the Federal Power Act.

SEC. 2. RULEMAKING ON EXEMPTIONS, WAIVERS, ETC. UNDER FEDERAL POWER ACT.

Part III of the Federal Power Act is amended by inserting the following new section after section 319 and by redesignating sections 320 and 321 as sections 321 and 322, respectively:

"SEC. 320. CRITERIA FOR CERTAIN EXEMPTIONS, WAIVERS, ETC.

''(a) RULE REQUIRED FOR CERTAIN WAIVERS, EXEMPTIONS, ETC.—Not later than 6 months after the enactment of this Act, the Commission shall promulgate a rule establishing specific criteria for providing an exemption, waiver, or other reduced or abbreviated form of compliance with the requirements of sections 204, 301, 304, and 305 (including any prospective blanket order). Such criteria shall be sufficient to insure that any such action taken by the Commission will be consistent with the purposes of such requirements and will otherwise protect the public interest.

''(b) MORATORIUM ON CERTAIN WAIVERS, EXEMPTIONS, ETC.—After the date of enactment of this section, the Commission may not issue, adopt, order, approve, or promulgate any exemption, waiver, or other reduced or abbreviated form of compliance with the requirements of section 204, 301, 304, or 305 (including any prospective blanket order) until after the rule promulgated under subsection (a) has taken effect.

''(c) PREVIOUS FERC ACTION.—The Commission shall undertake a review, by rule or order, of each exemption, waiver, or other reduced or abbreviated form of compliance described in subsection (a) that was taken before the date of enactment of this section. No such action may continue in force and effect after the date 18 months after the date of enactment of this section unless the Commission finds that such action complies with the rule under subsection (a).

''(d) EXEMPTION UNDER 204(F) NOT APPLICABLE.—For purposes of this section, in applying section 204, the provisions of section 204(f) shall not apply.''.

SEC. 3. REPORTING REQUIREMENTS IN ELECTRIC POWER SALES AND TRANSMISSION.

(a) AUDIT TRAILS.—Section 304 of the Federal Power Act is amended by adding the following new subsection at the end thereof:

''(c)(1) The Commission shall, by rule or order, require each person or other entity engaged in the transmission of electric energy in interstate commerce or the sale of electric energy at wholesale in interstate commerce, and each broker, dealer, and power marketer involved in any such transmission or sale, to maintain, and periodically submit to the Commission, such records, in electronic form, of each transaction relating to such transmission or sale as may be necessary to determine whether any person has employed any fraudulent, manipulative, or deceptive device or contrivance in contravention of rules promulgated by the Commission.

''(2) Section 201(f) shall not limit the application of this subsection.''.

(b) NATURAL GAS.—Section 8 of the Natural Gas Act is amended by adding the following new subsection at the end thereof:

''(d) The Commission shall, by rule or order, require each person or other entity engaged in the transportation of natural gas in interstate commerce, or the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use, and each broker, dealer, and power marketer involved in any such transportation or sale, to maintain, and periodically submit to the Commission, such records, in electronic form, of each transaction relating to such transmission or sale as may be necessary to determine whether any person has employed any fraudulent, manipulative, or deceptive device or contrivance in contravention of rules promulgated by the Commission.''.

SEC. 4. TRANSPARENCY.

(a) DEFINITION.—As used in this section the term ''electric power or natural gas information processor'' means any person engaged in the business of—

(1) collecting, processing, or preparing for distribution or publication, or assisting, participating in, or coordinating the distribution or publication of, information with respect to transactions in or quotations involving the purchase or sale of electric power, natural gas, the transmission of electric energy, or the transportation of natural gas, or

(2) distributing or publishing (whether by means of a ticker tape, a communications network, a terminal display device, or otherwise) on a current and continuing basis, information with respect to such transactions or quotations.

The term does not include any bona fide newspaper, news magazine, or business or financial publication of general and regular circulation, any self-regulatory organization, any bank, broker, dealer, building and loan, savings and loan, or homestead association, or cooperative bank, if such bank, broker, dealer, association, or cooperative bank would be deemed to be an electric power or natural gas information processor solely by reason of functions performed by such institutions as part of customary banking, brokerage, dealing, association, or cooperative bank activities, or any common carrier, as defined in section 3 of the Communications Act of 1934, subject to the jurisdiction of the Federal Communications Commission or a State commission, as defined in section 3 of that Act, unless the Commission determines that such carrier is engaged in the business of collecting, processing, or preparing for distribution or publication, information with respect to transactions in or quotations involving the purchase or sale of electric power, natural gas, the transmission of electric energy, or the transportation of natural gas.

(b) PROHIBITION.—No electric power or natural gas information processor may make use of the mails or any means or instrumentality of interstate commerce—

(1) to collect, process, distribute, publish, or prepare for distribution or publication any information with respect to quotations for, or transactions involving the purchase or sale of electric power, natural gas, the transmission of electric energy, or the transportation of natural gas, or

(2) to assist, participate in, or coordinate the distribution or publication of such information in contravention of such rules and regulations as the Federal Energy Regulatory Commission shall prescribe as necessary or appropriate in the public interest to

(A) prevent the use, distribution, or publication of fraudulent, deceptive, or manipulative information with respect to quotations for and transactions involving the purchase or sale of electric power, natural gas, the transmission of electric energy, or the transportation of natural gas;

(B) assure the prompt, accurate, reliable, and fair collection, processing, distribution, and publication of information with respect to quotations for and transactions involving the purchase or sale of electric power, natural gas, the transmission of electric energy, or the transportation of natural gas, and the fairness and usefulness of the form and content of such information;

(C) assure that all such information processors may, for purposes of distribution and publication, obtain on fair and reasonable terms such information with respect to quotations for and transactions involving the purchase or sale of electric power, natural gas, the transmission of electric energy, or the transportation of natural gas as is collected, processed, or prepared for distribution or publication by any exclusive processor of such information acting in such capacity;

(D) assure that, subject to such limitations as the Commission, by rule, may impose as necessary or appropriate for the maintenance of fair and orderly markets, all persons may obtain on terms which are not unreasonably discriminatory such information with respect to quotations for and transactions involving the purchase or sale of

electric power, natural gas, the transmission of electric energy, or the transportation of natural gas as is published or distributed by any electric power or natural gas information processor;

(E) assure that all electricity and natural gas electronic communication networks transmit and direct orders for the purchase and sale of electricity or natural gas in a manner consistent with the establishment and operation of an efficient, fair, and orderly market system for electricity and natural gas; and

(F) assure equal regulation of all markets involving the purchase or sale of electric power, natural gas, the transmission of electric energy, or the transportation of natural gas and all persons effecting transactions involving the purchase or sale of electric power, natural gas, the transmission of electric energy, or the transportation of natural gas.

(c) RELATED COMMODITIES.—For purposes of this section, the phrase ''purchase or sale of electric power, natural gas, the transmission of electric energy, or the transportation of natural gas'' includes the purchase or sale of any commodity (as defined in the Commodities Exchange Act) relating to any such purchase or sale if such commodity is excluded from regulation under the Commodities Exchange Act pursuant to section 2 of that Act.

(d) PROHIBITION.—No person who owns, controls, or is under the control or ownership of a public utility, a natural gas company, or a public utility holding company may own, control, or operate any electronic computer network or other multilateral trading facility utilized to trade electricity or natural gas.

SEC. 5. PENALTIES.

(a) CRIMINAL PENALTIES.—Section 316 of the Federal Power Act (16 U.S.C. 825o(c)) is amended as follows:

(1) By striking ''$5,000'' in subsection (a) and inserting ''$5,000,000 for an individual and $25,000,000 for any other defendant''

(2) By striking ''$500'' in subsection (b) and inserting ''$1,000,000''.

(2) By striking subsection (c).

(b) CIVIL PENALTIES.—Section 316A of the Federal Power Act (16 U.S.C. 825o–1) is amended as follows:

(1) By striking ''section 211, 212, 213, or 214'' each place it appears and inserting ''Part II''.

(2) By striking ''$10,000 for each day that such violation continues'' and inserting ''the greater of $1,000,000 or three times the profit made or gain or loss avoided by reason of such violation''.

(3) By adding the following at the end thereof:

''(c) AUTHORITY OF A COURT TO PROHIBIT PERSONS FROM CERTAIN ACTIVITIES.—In any proceeding under this section, the court may censure, place limitations on the activities, functions, or operations of, suspend or revoke the ability of any entity (without regard to section 201(f)) to participate in the transmission of electric energy in interstate commerce or the sale of electric energy at wholesale in interstate commerce if it finds that such censure, placing of limitations, suspension, or revocation is in the public interest and that one or more of the following applies to such entity:

''(1) Such entity has willfully made or caused to be made in any application or report required to be filed with the Commission or with any other appropriate regulatory agency, or in any proceeding before the Commission, any statement which was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact, or has omitted to state in any such application or report any material fact which is required to be stated therein.

''(2) Such entity has been convicted of any felony or misdemeanor or of a substantially equivalent crime by a foreign court of competent jurisdiction which the court finds—

''(A) involves the purchase or sale of electricity, the taking of a false oath, the making of a false report, bribery, perjury, burglary, any substantially equivalent activity however denominated by the laws of the relevant foreign government, or conspiracy to commit any such offense;

''(B) arises out of the conduct of the business of transmitting electric energy in interstate commerce or selling or purchasing electric energy at wholesale in interstate commerce;

''(C) involves the larceny, theft, robbery, extortion, forgery, counterfeiting, fraudulent concealment, embezzlement, fraudulent conversion, or misappropriation of funds, or securities, or substantially equivalent activity however denominated by the laws of the relevant foreign government; or

''(D) involves the violation of section 152, 1341, 1342, or 1343 or chapter 25 or 47 of title 18, United States Code, or a violation of a substantially equivalent foreign statute.

''(3) Such entity is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from acting as an investment adviser, underwriter, broker, dealer, municipal securities dealer, government securities broker, government securities dealer, transfer agent, foreign person performing a function substantially equivalent to any of the above, or entity or person required to be registered under the Commodity Exchange Act or any substantially equivalent foreign statute or regulation, or as an affiliated person or employee of any investment company, bank, insurance company, foreign entity substantially equivalent to any of the above, or entity or person required to be registered under the Commodity Exchange Act or any substantially equivalent foreign statute or regulation, or from engaging in or continuing any conduct or practice in connection with any such activity, or in connection with the purchase or sale of any security.

''(4) Such entity has willfully violated any provision of this Act.

''(5) Such entity has willfully aided, abetted, counseled, commanded, induced, or procured the violation by any other person of any provision of this Act, or has failed reasonably to supervise, with a view to preventing violations of the provisions of this Act, another person who commits such a violation, if such other person is subject to his supervision. For the purposes of this paragraph no person shall be deemed to have failed reasonably to supervise any other person, if—

''(A) there have been established procedures, and a system for applying such procedures, which would reasonably be expected to prevent and detect, insofar as practicable, any such violation by such other person, and

''(B) such person has reasonably discharged the duties and obligations incumbent upon him by reason of such procedures and system without reasonable cause to believe that such procedures and system were not being complied with.

''(6) Such entity has been found by a foreign financial or energy regulatory authority to have—

''(A) made or caused to be made in any application or report required to be filed with a foreign regulatory authority, or in any proceeding before a foreign financial or energy regulatory authority, any statement that was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact, or has omitted to state in any application or report to the foreign regulatory authority any material fact that is required to be stated therein;

''(B) violated any foreign statute or regulation regarding the transmission or sale of electricity or natural gas;

''(C) aided, abetted, counseled, commanded, induced, or procured the violation by any person of any provision of any statutory provisions enacted by a foreign government, or rules or regulations thereunder, empowering a foreign regulatory authority regarding transactions in electricity or natural gas, or contracts of sale of electricity or natural gas, traded on or subject to the rules of a contract market or any board of trade, or has been found, by a foreign regulatory authority, to have failed reasonably to supervise, with a view to preventing violations of such statutory provisions, rules, and regulations, another person who commits such a violation, if such other person is subject to his supervision.

''(7) Such entity is subject to any final order of a State commission (or any agency or officer performing like functions), State authority that supervises or examines banks, savings associations, or credit unions, State insurance commission (or any agency or office performing like functions), an appropriate Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813(q))), or the National Credit Union Administration, that—

''(A) bars such person from association with an entity regulated by such commission, authority, agency, or officer, or from engaging in the business of securities, insurance, banking, savings association activities, or credit union activities; or

''(B) constitutes a final order based on violations of any laws or regulations that prohibit fraudulent, manipulative, or deceptive conduct.

''(8) Such entity is subject to statutory disqualification within the meaning of section 3(a)(39) of the Securities Exchange Act of 1934.''.

(c) NATURAL GAS ACT PENALTIES.—Section 21 of the Natural Gas Act is amended by adding the following new subsection at the end thereof:

''(c) AUTHORITY OF A COURT TO PROHIBIT PERSONS FROM CERTAIN ACTIVITIES.—In any proceeding under this section, the court may censure, place limitations on the activities, functions, or operations of, suspend or revoke the ability of any entity (without regard to section 201(f)) to participate in the transportation of natural gas in interstate commerce, or the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use if it finds that such censure, placing of limitations, suspension, or revocation is in the public interest and that one or more of the following applies to such entity:

''(1) Such entity has willfully made or caused to be made in any application or report required to be filed with the Commission or with any other appropriate regulatory agency, or in any proceeding before the Commission, any statement which was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact, or has omitted to state in any such application or report any material fact which is required to be stated therein.

''(2) Such entity has been convicted of any felony or misdemeanor or of a substantially equivalent crime by a foreign court of competent jurisdiction which the court finds—

''(A) involves the purchase or sale of natural gas, the taking of a false oath, the making of a false report, bribery, perjury, burglary, any substantially equivalent activity

however denominated by the laws of the relevant foreign government, or conspiracy to commit any such offense;

''(B) arises out of the conduct of the business of transmitting natural gas in interstate commerce, or the selling in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use;

''(C) involves the larceny, theft, robbery, extortion, forgery, counterfeiting, fraudulent concealment, embezzlement, fraudulent conversion, or misappropriation of funds, or securities, or substantially equivalent activity however denominated by the laws of the relevant foreign government; or

''(D) involves the violation of section 152, 1341, 1342, or 1343 or chapter 25 or 47 of title 18, United States Code, or a violation of a substantially equivalent foreign statute.

''(3) Such entity is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from acting as an investment adviser, underwriter, broker, dealer, municipal securities dealer, government securities broker, government securities dealer, transfer agent, foreign person performing a function substantially equivalent to any of the above, or entity or person required to be registered under the Commodity Exchange Act or any substantially equivalent foreign statute or regulation, or as an affiliated person or employee of any investment company, bank, insurance company, foreign entity substantially equivalent to any of the above, or entity or person required to be registered under the Commodity Exchange Act or any substantially equivalent foreign statute or regulation, or from engaging in or continuing any conduct or practice in connection with any such activity, or in connection with the purchase or sale of any security.

''(4) Such entity has willfully violated any provision of this Act.

''(5) Such entity has willfully aided, abetted, counseled, commanded, induced, or procured the violation by any other person of any provision of this Act, or has failed reasonably to supervise, with a view to preventing violations of the provisions of this Act, another person who commits such a violation, if such other person is subject to his supervision. For the purposes of this paragraph no person shall be deemed to have failed reasonably to supervise any other person, if—

''(A) there have been established procedures, and a system for applying such procedures, which would reasonably be expected to prevent and detect, insofar as practicable, any such violation by such other person, and

''(B) such person has reasonably discharged the duties and obligations incumbent upon him by reason of such procedures and system without reasonable cause to believe that such procedures and system were not being complied with.

''(6) Such entity has been found by a foreign financial or energy regulatory authority to have—

''(A) made or caused to be made in any application or report required to be filed with a foreign regulatory authority, or in any proceeding before a foreign financial or energy regulatory authority, any statement that was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact, or has omitted to state in any application or report to the foreign regulatory authority any material fact that is required to be stated therein;

''(B) violated any foreign statute or regulation regarding the transmission or sale of electricity or natural gas;

''(C) aided, abetted, counseled, commanded, induced, or procured the violation by any person of any provision of any statutory provisions enacted by a foreign government, or rules or regulations thereunder, empowering a foreign regulatory authority regarding transactions in electricity or natural gas, or contracts of sale of electricity or natural gas, traded on or subject to the rules of a contract market or any board of trade, or has been found, by a foreign regulatory authority, to have failed reasonably to supervise, with a view to preventing violations of such statutory provisions, rules, and regulations, another person who commits such a violation, if such other person is subject to his supervision.

''(7) Such entity is subject to any final order of a State commission (or any agency or officer performing like functions), State authority that supervises or examines banks, savings associations, or credit unions, State insurance commission (or any agency or office performing like functions), an appropriate Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813(q))), or the National Credit Union Administration, that—

''(A) bars such person from association with an entity regulated by such commission, authority, agency, or officer, or from engaging in the business of securities, insurance, banking, savings association activities, or credit union activities; or

''(B) constitutes a final order based on violations of any laws or regulations that prohibit fraudulent, manipulative, or deceptive conduct.

''(8) Such entity is subject to statutory disqualification within the meaning of section 3(a)(39) of the Securities Exchange Act of 1934.''.

SEC. 6. REVIEW OF PUHCA EXEMPTIONS.

Not later than 12 months after the enactment of this Act the Securities and Exchange Commission shall review each exemption granted to any person under section 3(a) of the Public Utility Holding Company Act of 1935 and shall review the action of persons operating pursuant to a claim of exempt status under section 3 to determine if such exemptions and claims are consistent with the requirements of such section 3(a) and whether or not such exemptions or claims of exemption should continue in force and effect.

SEC. 7. REVIEW OF ACCOUNTING FOR CONTRACTS INVOLVED IN ENERGY TRADING.

Not later than 12 months after the enactment of this Act, the Financial Accounting Standards Board shall submit to the Congress a report of the results of its review of accounting for contracts in energy trading and risk management activities. The review and report shall include, among other issues, the use of mark-to-market accounting and when gains and losses should be recognized, with a view toward improving the transparency of energy trading activities for the benefit of investors, consumers, and the integrity of these markets.

SEC. 8. PROTECTION OF FERC REGULATED SUBSIDIARIES.

Section 205 of the Federal Power Act is amended by adding after subsection (f) the following new subsection:

''(g) RULES AND PROCEDURES TO PROTECT CONSUMERS OF PUBLIC UTILITIES.—Not later than 9 months after the date of enactment of this Act, the Commission shall adopt rules and procedures for the protection of electric consumers from self-dealing, interaffiliate abuse, and other harmful actions taken by persons owning or controlling public utilities. Such rules shall ensure that no asset of a public utility company shall be used as collateral for indebtedness incurred by the holding company of, and any affiliate of, such public utility company, and no public utility shall acquire or own any securities of the holding company or other affiliates of the holding company unless the Commission has determined that such acquisition or ownership is consistent with the public interest and the protection of consumers of such public utility.''.

SEC. 9. REFUNDS UNDER THE FEDERAL POWER ACT.

Section 206(b) of the Federal Power Act is amended as follows:

(1) By amending the first sentence to read as follows: ''In any proceeding under this section, the refund effective date shall be the date of the filing of a complaint or the date of the Commission motion initiating the proceeding, except that in the case of a complaint with regard to market-based rates, the Commission shall establish such earlier refund effective date as is necessary to provide a refund of any rate or charge that is not just and reasonable, as determined by the Commission. To the extent necessary to achieve the purposes of this section, the Commission shall initiate new proceedings, including investigations, and issue appropriate refunds.''.

(2) By striking the second and third sentences.

(3) By striking out ''the refund effective date or by'' and '', whichever is earlier,'' in the fifth sentence.

(4) In the seventh sentence by striking ''through a date fifteen months after such refund effective date'' and insert ''and prior to the conclusion of the proceeding'' and by striking the proviso.

SEC. 10. ACCOUNTS AND REPORTS.

Section 318 of the Federal Power Act is amended by adding the following at the end thereof: ''This section shall not apply to sections 301 and 304 of this Act.''.

SEC. 11. MARKET-BASED RATES.

Section 205 of the Federal Power Act is amended by adding the following new subsection at the end thereof:

''(g) For each public utility granted the authority by the Commission to sell electric energy at market-based rates, the Commission shall review the activities and characteristics of such utility not less frequently than annually to determine whether such rates are just and reasonable. Each such utility shall notify the Commission promptly of any change in the activities and characteristics relied upon by the Commission in granting such public utility the authority to sell electric energy at market-based rates. If the Commission finds that:

''(1) a rate charged by a public utility authorized to sell electric energy at market-based rates is unjust, unreasonable, unduly discriminatory or preferential,

''(2) the public utility has intentionally engaged in an activity that violates any other rule, tariff, or order of the Commission, or

''(3) any violation of section 101 of the Energy Markets Fraud Prevention and Consumer Protection Act of 2002,

the Commission shall issue an order immediately modifying or revoking the authority of that public utility to sell electric energy at market-based rates.''.

SEC. 12. ELECTRIC RELIABILITY STANDARDS.

Part II of the Federal Power Act (16 U.S.C 824 et seq.) is amended by inserting the following new section at the end thereof:

''SEC. 215. ELECTRIC RELIABILITY.

''(a) DEFINITIONS.—For purposes of this section—

''(1) The term 'bulk-power system' means—

''(A) facilities and control systems necessary for operating an interconnected electric energy transmission network (or any portion thereof); and

''(B) electric energy from generation facilities needed to maintain transmission system reliability.

The term does not include facilities used in the local distribution of electric energy.

''(2) The terms 'Electric Reliability Organization' and 'ERO' mean the organization certified by the Commission under subsection (c) the purpose of which is to establish and enforce reliability standards for the bulk-power system, subject to Commission review.

''(3) The term 'reliability standard' means a requirement, approved by the Commission under this section, to provide for reliable operation of the bulk-power system. The term includes requirements for the operation of existing bulk-power system facilities and the design of planned additions or modifications to such facilities to the extent necessary to provide for reliable operation of the bulk-power system, but the term does not include any requirement to enlarge such facilities or to construct new transmission capacity or generation capacity.

''(4) The term 'reliable operation' means operating the elements of the bulk-power system within equipment and electric system thermal, voltage, and stability limits so that instability, uncontrolled separation, or cascading failures of such system will not occur as a result of a sudden disturbance or unanticipated failure of system elements.

''(5) The term 'Interconnection' means a geographic area in which the operation of bulk-power system components is synchronized such that the failure of one or more of such components may adversely affect the ability of the operators of other components within the system to maintain reliable operation of the facilities within their control.

''(6) The term 'transmission organization' means a regional transmission organization, independent system operator, independent transmission provider, or other transmission organization finally approved by the Commission for the operation of transmission facilities.

''(7) The term 'regional entity' means an entity having enforcement authority pursuant to subsection (e)(4).

''(b) JURISDICTION AND APPLICABILITY.—(1) The Commission shall have jurisdiction, within the United States, over the ERO certified by the Commission under subsection (c), any regional entities, and all users, owners and operators of the bulk-power system, including but not limited to the entities described in section 201(f), for purposes of approving reliability standards established under this section and enforcing compliance with this section. All users, owners and operators of the bulk-power system shall comply with reliability standards that take effect under this section.

''(2) The Commission shall issue a final rule to implement the requirements of this section not later than 180 days after the date of enactment of this section.

''(c) CERTIFICATION.—Following the issuance of a Commission rule under subsection (b)(2), any person may submit an application to the Commission for certification as the Electric Reliability Organization (ERO). The Commission may certify one such ERO if the Commission determines that such ERO—

''(1) has the ability to develop and enforce, subject to subsection (e)(2), reliability standards that provide for an adequate level of reliability of the bulk-power system; and

''(2) has established rules that—

''(A) assure its independence of the users and owners and operators of the bulk-power system, while assuring fair stakeholder representation in the selection of its directors and balanced decisionmaking in any ERO committee or subordinate organizational structure;

''(B) allocate equitably reasonable dues, fees, and other charges among end users for all activities under this section;

''(C) provide fair and impartial procedures for enforcement of reliability standards through the imposition of penalties in accordance with subsection (e) (including limitations on activities, functions, or operations, or other appropriate sanctions);

''(D) provide for reasonable notice and opportunity for public comment, due process, openness, and balance of interests in developing reliability standards and otherwise exercising its duties; and

''(E) provide for taking, after certification, appropriate steps to gain recognition in Canada and Mexico.

''(d) RELIABILITY STANDARDS.—(1) The Electric Reliability Organization shall file each reliability standard or modification to a reliability standard that it proposes to be made effective under this section with the Commission.

''(2) The Commission may approve, by rule or order, a proposed reliability standard or modification to a reliability standard if it determines that the standard is just, reasonable, not unduly discriminatory or preferential, and in the public interest. The Commission shall give due weight to the technical expertise of the Electric Reliability Organization with respect to the content of a proposed standard or modification to a reliability standard and to the technical expertise of a regional entity organized on an Interconnection-wide basis with respect to a reliability standard to be applicable within that Interconnection, but shall not defer with respect to the effect of a standard on competition. A proposed standard or modification shall take effect upon approval by the Commission.

''(3) The Electric Reliability Organization shall rebuttably presume that a proposal from a regional entity organized on an Interconnection-wide basis for a reliability standard or modification to a reliability standard to be applicable on an Interconnection-wide basis is just, reasonable, and not unduly discriminatory or preferential, and in the public interest.

''(4) The Commission shall remand to the Electric Reliability Organization for further consideration a proposed reliability standard or a modification to a reliability standard that the Commission disapproves in whole or in part.

''(5) The Commission, upon its own motion or upon complaint, may order the Electric Reliability Organization to submit to the Commission a proposed reliability standard or a modification to a reliability standard that addresses a specific matter if the Commission considers such a new or modified reliability standard appropriate to carry out this section.

''(6) The final rule adopted under subsection (b)(2) shall include fair processes for the identification and timely resolution of any conflict between a reliability standard and any function, rule, order, tariff, rate schedule, or agreement accepted, approved, or ordered by the Commission applicable to a transmission organization. Such transmission organization shall continue to comply with such function, rule, order, tariff, rate schedule or agreement accepted approved, or ordered by the Commission until—

''(A) the Commission finds a conflict exists between a reliability standard and any such provision;

''(B) the Commission orders a change to such provision pursuant to section 206 of this part; and

''(C) the ordered change becomes effective under this part.

If the Commission determines that a reliability standard needs to be changed as a result of such a conflict, it shall order the ERO to develop and file with the Commission a modified reliability standard under paragraph (4) or (5) of this subsection.

''(e) ENFORCEMENT.—(1) The ERO may impose, subject to paragraph (2), a penalty on a user or owner or operator of the bulk-power system for a violation of a reliability standard approved by the Commission under subsection (d) if the ERO, after notice and an opportunity for a hearing—

''(A) finds that the user or owner or operator has violated a reliability standard approved by the Commission under subsection (d); and

''(B) files notice and the record of the proceeding with the Commission.

''(2) A penalty imposed under paragraph (1) may take effect not earlier than the 31st day after the electric reliability organization files with the Commission notice of the penalty and the record of proceedings. Such penalty shall be subject to review by the Commission, on its own motion or upon application by the user, owner or operator that is the subject of the penalty filed within 30 days after the date such notice is filed with the Commission. Application to the Commission for review, or the initiation of review by the Commission on its own motion, shall not operate as a stay of such penalty unless the Commission otherwise orders upon its own motion or upon application by the user, owner or operator that is the subject of such penalty. In any proceeding to review a penalty imposed under paragraph (1), the Commission, after notice and opportunity for hearing (which hearing may consist solely of the record before the electric reliability organization and opportunity for the presentation of supporting reasons to affirm, modify, or set aside the penalty), shall by order affirm, set aside, reinstate, or modify the penalty, and, if appropriate, remand to the electric reliability organization for further proceedings. The Commission shall implement expedited procedures for such hearings.

''(3) On its own motion or upon complaint, the Commission may order compliance with a reliability standard and may impose a penalty against a user or owner or operator of the bulk-power system, if the Commission finds, after notice and opportunity for a hearing, that the user or owner or operator of the bulk-power system has engaged or is about to engage in any acts or practices that constitute or will constitute a violation of a reliability standard.

''(4) The Commission shall establish regulations authorizing the ERO to enter into an agreement to delegate authority to a regional entity for the purpose of proposing reliability standards to the ERO and enforcing reliability standards under paragraph (1) if—

''(A) the regional entity is governed by—

''(i) an independent board;

''(ii) a balanced stakeholder board; or

''(iii) a combination independent and balanced stakeholder board.

''(B) the regional entity otherwise satisfies the provisions of subsection (c)(1) and (2); and

''(C) the agreement promotes effective and efficient administration of bulk-power system reliability.

The Commission may modify such delegation. The ERO and the Commission shall rebuttably presume that a proposal for delegation to a regional entity organized on an Interconnection-wide basis promotes effective and efficient administration of bulk-power system reliability and should be approved. Such regulation may provide that the Commission may assign the ERO's authority to enforce reliability standards under paragraph (1) directly to a regional entity consistent with the requirements of this paragraph.

''(5) The Commission may take such action as is necessary or appropriate against the ERO or a regional entity to ensure compliance with a reliability standard or any Commission order affecting the ERO or a regional entity.

''(6) Any penalty imposed under this section shall bear a reasonable relation to the seriousness of the violation and shall take into consideration the efforts of such user, owner, or operator to remedy the violation in a timely manner.

''(f) CHANGES IN ELECTRICITY RELIABILITY ORGANIZATION RULES.—The Electric Reliability Organization shall file with the Commission for approval any proposed rule or proposed rule change, accompanied by an explanation of its basis and purpose. The Commission, upon its own motion or complaint, may propose a change to the rules of the Electric Reliability Organization. A proposed rule or proposed rule change shall take effect upon a finding by the Commission, after notice and opportunity for comment, that the change is just, reasonable, not unduly discriminatory or preferential, is in the public interest, and satisfies the requirements of subsection (c).

''(g) RELIABILITY REPORTS.—The Electric Reliability Organization shall conduct periodic assessments of the reliability and adequacy of the bulk-power system in North America.

''(h) COORDINATION WITH CANADA AND MEXICO.—The President is urged to negotiate international agreements with the governments of Canada and Mexico to provide for effective compliance with reliability standards and the effectiveness of the Electric Reliability Organization in the United States and Canada or Mexico.

''(i) SAVINGS PROVISIONS.—(1) The Electric Reliability Organization shall have authority to develop and enforce compliance with reliability standards for only the bulk-power system.

''(2) This section does not authorize the Electric Reliability Organization or the Commission to order the construction of additional generation or transmission capacity or to set and enforce compliance with standards for adequacy or safety of electric facilities or services.

''(3) Nothing in this section shall be construed to preempt any authority of any State to take action to ensure the safety, adequacy, and reliability of electric service within that State, as long as such action is not inconsistent with any reliability standard.

''(4) Within 90 days of the application of the Electric Reliability Organization or other affected party, and after notice and opportunity for comment, the Commission shall issue a final order determining whether a State action is inconsistent with a reliability standard, taking into consideration any recommendation of the Electric Reliability Organization.

''(5) The Commission, after consultation with the Electric Reliability Organization and the State taking action, may stay the effectiveness of any State action, pending the Commission's issuance of a final order.

''(j) REGIONAL ADVISORY BODIES.—The Commission shall establish a regional advisory body on the petition of at least two-thirds of the States within a region that have more than one-half of their electric load served within the region. A regional advisory body shall be composed or of one member from each participating State in the region, appointed by the Governor of each State, and may include representatives of agencies, States, and provinces outside the United States. A regional advisory body may provide advice to the Electric Reliability Organization, a regional entity, or the Commission regarding the governance of an existing or proposed regional entity within the same region, whether a standard proposed to apply within the region is just, reasonable, not unduly discriminatory or preferential, and in the public interest, whether fees proposed to be assessed within the region are just, reasonable, not unduly discriminatory or preferential, and in the public interest and any other responsibilities requested by the Commission. The Commission may give deference to the advice of any such regional advisory body if that body is organized on an Interconnection-wide basis.

''(k) APPLICATION TO ALASKA AND HAWAII.—The provisions of this section do not apply to Alaska or Hawaii.''.

SEC. 13. STRATEGIC PETROLEUM RESERVE CONTRACTS.

Section 160 of the Energy Policy and Conservation Act (42 U.S.C. 6240) is amended by inserting after subsection (b) the following new subsection:

''(c) Whenever there is a substantial increase in the market price of a petroleum product which is subject to a contract for delivery to the Reserve, the Secretary shall, to the extent possible under the contract or through renegotiation of the terms and conditions of the contract (including terms and conditions relating to the delivery date), take such actions as are necessary to protect consumers or achieve the objectives described in subsection (b).''.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. ISAKSON, announced that the nays had it.

Mr. DINGELL objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 192 / Nays ..... 230 }

¶62.18 [Roll No. 240]

YEAS—192

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—230

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

Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Bell
Carson (IN)
Carson (OK)
Collins
DeMint
Deutsch
Diaz-Balart, L.
Ehlers
Millender-McDonald
Pascrell
Watson

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that the yeas had it.

Mr. DINGELL demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 244 / Nays 178

¶62.19 [Roll No. 241]

YEAS—244

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Chabot
Chocola
Coble
Cole
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, M.
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Emerson
English
Evans
Everett
Feeney
Ferguson
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kennedy (MN)
King (IA)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Ryun (KS)
Sandlin
Schrock
Scott (GA)
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wynn
Young (AK)
Young (FL)

NAYS—178

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Bass
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Ford
Fossella
Frank (MA)
Frost
Gephardt
Gilchrest
Green (WI)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hoeffel
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ose
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Petri
Price (NC)
Rahall
Rangel
Rohrabacher
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Waters
Watt
Waxman
Weiner
Wexler
Wolf
Woolsey
Wu

NOT VOTING—11

Bell
Carson (IN)
Carson (OK)
Collins
DeMint
Deutsch
Diaz-Balart, L.
Ehlers
Millender-McDonald
Pascrell
Watson

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶62.20 H.R. 4513—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on the passage of the bill (H.R. 4513) to provide that in preparing an environmental assessment or environmental impact statement required under section 102 of the National Environmental Policy Act of 1969 with respect to any action authorizing a renewable energy project, no Federal agency is required to identify alternative project locations or actions other than the proposed action and the no action alternative, and for other purposes.

The question being put,

Will the House pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 229 / Nays 186

¶62.21 [Roll No. 242]

YEAS—229

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Emerson
English
Evans
Everett
Feeney
Flake
Foley
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Rush
Ryan (WI)
Ryun (KS)
Sandlin
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiberi
Towns
Turner (OH)
Upton
Vitter

Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wynn
Young (AK)
Young (FL)

NAYS—186

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Gephardt
Gerlach
Gilchrest
Gordon
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanders
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Wolf
Woolsey
Wu

NOT VOTING—18

Bell
Carson (IN)
Carson (OK)
Collins
Cummings
DeMint
Deutsch
Diaz-Balart, L.
Ehlers
Millender-McDonald
Norwood
Pascrell
Ros-Lehtinen
Sanchez, Loretta
Tauzin
Tiahrt
Toomey
Watson

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶62.22 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

¶62.23 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mrs. BIGGERT, laid before the House the following communication from Mr. HERGER:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 15, 2004.

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

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena for documents issued by the Trinity County Superior Court.

After consultation with the Office of General Counsel, I have determined that partial compliance is consistent with the privileges and precedents of the House.

Sincerely,

WALLY HERGER
Member of Congress

¶62.24 GASOLINE PRICE REDUCTION

Mr. BARTON of Texas moved to suspend the rules and pass the bill (H.R. 4545) to amend the Clean Air Act to reduce the proliferation of boutique fuels, and for other purposes.

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mr. BARTON of Texas and Mr. ALLEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. GARRETT of New Jersey, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ALLEN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. GARRETT of New Jersey, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Wednesday, June 16, 2004.

¶62.25 MESSAGE FROM THE PRESIDENT—FREE TRADE AGREEMENT WITH BAHRAIN

The SPEAKER pro tempore, Mr. GARRETT of New Jersey, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Consistent with section 2105(a)(1)(A) of the Trade Act of 2002, (Public Law 107–210; the ''Trade Act''), I am pleased to notify the Congress of my intent to enter into a Free Trade Agreement (FTA) with the Government of Bahrain.

This agreement will create new opportunities for America's workers, farmers, businesses, and consumers by eliminating barriers in trade with Bahrain. Entering into an FTA with Bahrain will not only strengthen our bilateral ties with this important ally, it will also advance my goal of a U.S.-Middle East Free Trade Area (MEFTA) by 2013.

Consistent with the Trade Act, I am sending this notification at least 90 days in advance of signing the United States-Bahrain FTA. My Administration looks forward to working with the Congress in developing appropriate legislation to approve and implement this free trade agreement.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 15, 2004.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Ways and Means and ordered to be printed (H. Doc. 108–193).

¶62.26 PROVIDING FOR THE CONSIDERATION OF H.R. 4568

Mr. Lincoln DIAZ-BALART of Florida, by direction of the Committee on Rules, reported (Rept. No. 108–544) the resolution (H. Res. 674) providing for consideration of the bill (H.R. 4568) making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶62.27 PROVIDING FOR THE CONSIDERATION OF H.R. 4567

Mr. Lincoln DIAZ-BALART of Florida, by direction of the Committee on Rules, reported (Rept. No. 108–545) the resolution (H. Res. 675) providing for consideration of the bill (H.R. 4567) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶62.28 ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1822. An Act to designate the facility of the United States Postal Service located at 3751 West 6th Street in Los Angeles, California, as the ''Dosan Ahn Chang Ho Post Office''.

H.R. 2130. An Act to redesignate the facility of the United States Postal Service located at 121 Kinderkamack Road in River Edge, New Jersey, as the ''New Bridge Landing Post Office''.

H.R. 2438. An Act to designate the facility of the United States Postal Service located at 115 West Pine Street in Hattiesburg, Mississippi, as the ''Major Henry A. Commiskey, Sr. Post Office Building''.

H.R. 3029. An Act to designate the facility of the United States Postal Service located at 255 North Main Street in Jonesboro, Georgia, as the ''S. Truett Cathy Post Office Building''.

H.R. 3059. An Act to designate the facility of the United States Postal Service located at 304 West Michigan Street in Stuttgart, Arkansas, as the ''Lloyd L. Burke Post Office''.

H.R. 3068. An Act to designate the facility of the United States Postal Service located at 2055 Siesta Drive in Sarasota, Florida, as the ''Brigadier General (AUS–Ret.) John H. McLain Post Office''.

H.R. 3234. An Act to designate the facility of the United States Postal Service located at 14 Chestnut Street in Liberty, New York, as the ''Ben R. Gerow Post Office Building''.

H.R. 3300. An Act to designate the facility of the United States Postal Service located at 15500 Pearl Road in Strongsville, Ohio, as the ''Walter F. Ehrnfelt, Jr. Post Office Building''.

H.R. 3353. An Act to designate the facility of the United States Postal Service located at 525 Main Street in Tarboro, North Carolina, as the ''George Henry White Post Office Building''.

H.R. 3536. An Act to designate the facility of the United States Postal Service located at 210 Main Street in Malden, Illinois, as the ''Army Staff Sgt. Lincoln Hollinsaid Malden Post Office''.

H.R. 3537. An Act to designate the facility of the United States Postal Service located at 185 State Street in Manhattan, Illinois, as the ''Army Pvt. Shawn Pahnke Manhattan Post Office''.

H.R. 3538. An Act to designate the facility of the United States Postal Service located at 201 South Chicago Avenue in Saint Anne, Illinois, as the ''Marine Capt. Ryan Beaupre Saint Anne Post Office''.

H.R. 3690. An Act to designate the facility of the United States Postal Service located at 2 West Main Street in Batavia, New York, as the ''Barber Conable Post Office Building''.

H.R. 3733. An Act to designate the facility of the United States Postal Service located at 410 Huston Street in Altamont, Kansas, as the ''Myron V. George Post Office''.

H.R. 3740. An Act to designate the facility of the United States Postal Service located at 223 South Main Street in Roxboro, North Carolina, as the ''Oscar Scott Woody Post Office Building''.

H.R. 3769. An Act to designate the facility of the United States Postal Service located at 137 East Young High Pike in Knoxville, Tennessee, as the ''Ben Atchley Post Office Building''.

H.R. 3855. An Act to designate the facility of the United States Postal Service located at 607 Pershing Drive in Laclede, Missouri, as the ''General John J. Pershing Post Office''.

H.R. 3917. An Act to designate the facility of the United States Postal Service located at 695 Marconi Boulevard in Copiague, New York, as the ''Maxine S. Postal United States Post Office''.

H.R. 3939. An Act to designate the facility of the United States Postal Service located at 14–24 Abbot Road in Fair Lawn, New Jersey, as the ''Mary Ann Collura Post Office Building''.

H.R. 3942. An Act to designate the facility of the United States Postal Service located at 7 Commercial Boulevard in Middletown, Rhode Island, as the ''Rhode Island Veterans Post Office Building''.

H.R. 4037. An Act to designate the facility of the United States Postal Service located at 475 Kell Farm Drive in Cape Girardeau, Missouri, as the ''Richard G. Wilson Processing and Distribution Facility''.

H.R. 4176. An Act to designate the facility of the United States Postal Service located at 122 West Elwood Avenue in Raeford, North Carolina, as the ''Bobby Marshall Gentry Post Office Building''.

H.R. 4299. An Act to designate the facility of the United States Postal Service located at 410 South Jackson Road in Edinburg, Texas, as the ''Dr. Miguel A. Nevarez Post Office Building''.

¶62.29 BILL PRESENTED TO THE PRESIDENT

Mr. Jeff Trandahl, Clerk of the House reports that on June 10, 2004, he presented to the President of the United States, for his approval, the following bill.

H.R. 1086. An Act to encourage the development and promulgation of voluntary consensus standards by providing relief under the antitrust laws to standards development organizations with respect to conduct engaged in for the purpose of developing voluntary consensus standards, and for other purposes.

¶62.30 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Ms. Ginny BROWN-WAITE of Florida, for today;

To Ms. CARSON of Indiana, for today and June 14; and

To Mr. LAMPSON, for today before 3 p.m.

And then,

¶62.31 ADJOURNMENT

On motion of Mr. GARRETT of New Jersey, at 9 o'clock and 12 minutes p.m., the House adjourned.

¶62.32 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROGERS of Kentucky: Committee on Appropriations. H.R. 4567. A bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108–541). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR of North Carolina: Committee on Appropriations. H.R. 4568. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108–542). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Florida: Committee on Appropriations. Report on the Suballocation on the Budget Allocations for Fiscal Year 2005 (Rept. 108–543). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 674. Resolution providing for consideration of the bill (H.R. 4568) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes. (Rept. 108–544). Referred to the House Calendar.

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 675. Resolution providing for consideration of the bill (H.R. 4567) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes. (Rept. 108–545). Referred to the House Calendar.

¶62.33 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BURNS (for himself, Mr. SCOTT of Georgia, Mr. THOMAS, Mr. KINGSTON, Mr. BISHOP of Georgia, Mr. NORWOOD, Mr. LEWIS of Georgia, Ms. MAJETTE, Mr. ISAKSON, Mr. MARSHALL, Mr. DOOLITTLE, Mr. ISSA, Mr. NUNES, Mr. GALLEGLY, Mr. FARR, Ms. WOOLSEY, Mr. GARY G. MILLER of California, Mr. OSE, Mr. THOMPSON of California, and Mrs. CAPPS):

H.R. 4569. A bill to provide for the development of a national plan for the control and management of Sudden Oak Death, a tree disease caused by the fungus-like pathogen Phytophthora ramorum, and for other purposes; to the Committee on Agriculture.

By Mr. PUTNAM (for himself and Mr. TOM DAVIS of Virginia):

H.R. 4570. A bill to amend provisions of law originally enacted in the Clinger-Cohen Act to enhance agency planning for information security needs; to the Committee on Government Reform.

By Mr. SMITH of Texas (for himself, Mr. SENSENBRENNER, Mr. FORBES, Mr. GREEN of Wisconsin, Mr. GALLEGLY, Mr. CHABOT, Mr. GARRETT of New Jersey, Mr. KING of Iowa, Mr. DELAY, Mr. FRANKS of Arizona, Mr. CULBERSON, Mr. KELLER, Mr. CARTER, Mr. PEARCE, Mr. CALVERT, and Mr. GOODLATTE):

H.R. 4571. A bill to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes; to the Committee on the Judiciary.

By Mr. TAYLOR of Mississippi:

H.R. 4572. A bill to condition United States military cooperation with the government of Bulgaria within the territory of Bulgaria on the certification by the Secretary of Defense that United States citizens and corporations are afforded full due process of law in Bulgaria and that certain United States legal decisions against Bulgarian nationals have been satisfied; to the Committee on Armed Services.

By Mr. BEREUTER (for himself, Mr. BOEHLERT, Mr. LAHOOD, Ms. ESHOO, and Mr. HOLT):

H.R. 4573. A bill to amend the National Security Act of 1947 to provide for enhanced language education and training for members of the intelligence community, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. BEREUTER (for himself, Mr. BOEHLERT, Mr. LAHOOD, Ms. ESHOO, and Mr. HOLT):

H.R. 4574. A bill to amend title VIII of the Intelligence Authorization Act for Fiscal Year 1992, as amended, to revise the funding mechanism for scholarships, fellowships, and grants to institutions under the National Security Education Program, and for other purposes; to the Committee on Intelligence (Permanent Select), and in addition to the Committees on Armed Services, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO (for herself, Ms. BALDWIN, Mrs. CHRISTENSEN, Mr. MCNULTY, Mr. WAXMAN, Ms. SOLIS, Mr. MCDERMOTT, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. ENGEL, Mr. OWENS, Ms. NORTON, Mr. TOWNS, Mr. RANGEL, Ms. CORRINE BROWN of Florida, Mr. KUCINICH, Mr. GRIJALVA, Mr. DELAHUNT, Mr. SERRANO, Mr. LANTOS, Mr. WYNN, Mr. OBERSTAR, Mr. GUTIERREZ, Mr. BACA, Mr. HASTINGS of Florida, Ms. KILPATRICK, Mr. DAVIS of Illinois, Mr. JACKSON of Illinois, Mr. MCGOVERN, Mr. MEEKS of New York, Ms. WATERS, Mr. BRADY of Pennsylvania, Ms. LEE, Mr. EVANS, Mr. GEORGE MILLER of California, Ms. MCCOLLUM, Mrs. MCCARTHY of New York, Ms. MILLENDER-MCDONALD, Mrs. MALONEY, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Mr. KILDEE, Mr. EMANUEL, Mr. SANDLIN, Ms. MCCARTHY of Missouri, Mr. BROWN of Ohio, Mr. STARK, Ms. WOOLSEY, and Mr. LARSON of Connecticut):

H.R. 4575. A bill to provide for paid sick leave to ensure that Americans can address

their own health needs and the health needs of their families; to the Committee on Education and the Workforce, and in addition to the Committees on Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODLATTE (for himself, Mr. STENHOLM, Mr. NEUGEBAUER, Mr. BONILLA, Mr. BOEHNER, Mr. SMITH of Michigan, Mrs. MUSGRAVE, Mr. HAYES, Mr. DOOLEY of California, Mr. ORTIZ, Mr. KENNEDY of Minnesota, Mr. PETERSON of Pennsylvania, Mr. FARR, Mr. CHOCOLA, Mr. BERRY, and Mr. ACEVEDO-VILA):

H.R. 4576. A bill to amend the Agricultural Marketing Act of 1946 to establish a voluntary program for the provision of country of origin information with respect to certain agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. GRIJALVA:

H.R. 4577. A bill to allow binding arbitration clauses to be included in all contracts affecting the land within the Gila River Indian Community Reservation; to the Committee on Resources.

By Mrs. JOHNSON of Connecticut (for herself, Ms. PRYCE of Ohio, Mr. BROWN of Ohio, Mr. GREENWOOD, Mr. RAMSTAD, Mr. BURR, Ms. ESHOO, Mrs. BONO, Mr. MCINNIS, Mr. SHAYS, Mr. NORWOOD, Mr. CAMP, Ms. DUNN, and Mr. WAXMAN):

H.R. 4578. A bill to reauthorize the Children's Hospitals Graduate Medical Education Program; to the Committee on Energy and Commerce.

By Ms. MCCARTHY of Missouri (for herself, Mr. SKELTON, and Mr. BLUNT):

H.R. 4579. A bill to modify the boundary of the Harry S Truman National Historic Site in the State of Missouri, and for other purposes; to the Committee on Resources.

By Mr. MCKEON:

H.R. 4580. A bill to remove certain restrictions on the Mammoth Community Water District's ability to use certain property acquired by that District from the United States; to the Committee on Resources.

By Mr. NUNES (for himself, Mr. RADANOVICH, and Mr. DOOLEY of California):

H.R. 4581. A bill to provide for the conveyance of the former Department of Agriculture Agricultural Research Service laboratory in Fresno, California, to the City of Fresno; to the Committee on Government Reform.

By Mr. PLATTS:

H.R. 4582. A bill to amend the Internal Revenue Code of 1986 to suspend the running of periods of limitation for credit or refund of overpayment of Federal income tax by veterans while their service-connected compensation determinations are pending with the Secretary of Veterans Affairs; to the Committee on Ways and Means.

By Mr. REHBERG (for himself and Mr. PETERSON of Minnesota):

H.R. 4583. A bill to amend the Farm Security and Rural Investment Act of 2002 to base the counter-cyclical payment rate for the 2003 crop year for producers whose farming operations are located in certain declared disaster areas on the total of the partial payments for that crop year; to the Committee on Agriculture.

By Mr. BURNS (for himself and Mr. SCOTT of Georgia):

H. Con. Res. 449. Concurrent resolution honoring the life and accomplishments of Ray Charles, recognizing his contributions to the Nation, and extending condolences to his family on his death; to the Committee on Education and the Workforce.

By Mr. OWENS (for himself, Mr. ACEVEDO-VILA, Mr. ACKERMAN, Ms. BALDWIN, Ms. BERKLEY, Mr. BERMAN, Mr. BERRY, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Ms. CORRINE BROWN of Florida, Mr. CARDOZA, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLYBURN, Mr. CAPUANO, Mr. CONYERS, Mr. CUMMINGS, Mr. COOPER, Mr. CROWLEY, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. DEUTSCH, Mr. ENGEL, Mr. EVERETT, Mr. FATTAH, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. GORDON, Mr. FORD, Mr. HASTINGS of Florida, Mr. HOYER, Ms. JACKSON-LEE of Texas, Mr. JACKSON of Illinois, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KUCINICH, Mr. LANTOS, Mrs. JONES of Ohio, Ms. KILPATRICK, Ms. LEE, Mr. LEWIS of Georgia, Ms. MAJETTE, Mrs. MALONEY, Mr. MCDERMOTT, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. MENENDEZ, Ms. MILLENDER-MCDONALD, Mr. MORAN of Virginia, Mr. NADLER, Ms. NORTON, Mr. PAYNE, Ms. PELOSI, Mr. PICKERING, Mr. RANGEL, Mr. ROTHMAN, Mr. RUSH, Mr. SANDERS, Mr. SANDLIN, Mr. SCOTT of Virginia, Mr. SCOTT of Georgia, Mr. SERRANO, Mr. SMITH of Washington, Mr. SPRATT, Mr. TAYLOR of Mississippi, Mr. THOMPSON of Mississippi, Mr. TOWNS, Mr. UDALL of Colorado, Ms. WATERS, Ms. WATSON, Mr. WATT, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, and Mr. WYNN):

H. Con. Res. 450. Concurrent resolution recognizing the 40th anniversary of the day civil rights organizers Andrew Goodman, James Chaney, and Michael Schwerner gave their lives in the struggle to guarantee the right to vote for every citizen of the United States and encouraging all Americans to observe the anniversary of the deaths of the 3 men by committing themselves to ensuring equal rights, equal opportunities, and equal justice for all people; to the Committee on Government Reform.

By Ms. NORTON (for herself, Mr. SENSENBRENNER, Mr. CONYERS, Mr. CUMMINGS, Mr. LEWIS of Georgia, Ms. MAJETTE, Mr. MEEK of Florida, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, Mr. OWENS, Mr. PAYNE, Mr. RANGEL, Mr. RUSH, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. THOMPSON of Mississippi, Mr. TOWNS, Ms. WATERS, Ms. WATSON, Mr. WATT, Mr. WYNN, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLYBURN, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. FATTAH, Mr. FORD, Mr. HASTINGS of Florida, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Ms. KILPATRICK, and Ms. LEE):

H. Res. 676. A resolution recognizing and honoring the 40th anniversary of congressional passage of the Civil Rights Act of 1964; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶62.34 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 445: Mr. SERRANO.
H.R. 742: Ms. BERKLEY.
H.R. 756: Mr. FOSSELLA.
H.R. 786: Mr. HENSARLING.
H.R. 832: Mr. MENENDEZ.
H.R. 962: Mr. GONZALEZ.
H.R. 1214: Mr. EVANS.
H.R. 1310: Mr. PETRI.
H.R. 1345: Mr. HALL.
H.R. 1348: Mr. MORAN of Virginia.
H.R. 1639: Mr. FROST.
H.R. 1660: Mr. HOSTETTLER.
H.R. 1716: Mr. RODRIGUEZ, Ms. HOOLEY of Oregon, Ms. HERSETH, and Mr. BAKER.
H.R. 2071: Mr. BASS and Mr. CONYERS.
H.R. 2085: Mrs. CHRISTENSEN.
H.R. 2198: Mr. ANDREWS.
H.R. 2213: Mr. MCGOVERN.
H.R. 2260: Mr. ROGERS of Kentucky, Mr. BERMAN, Ms. LINDA T. SANCHEZ of California, Mr. KILDEE, and Ms. BALDWIN.
H.R. 2387: Mr. WAXMAN.
H.R. 2490: Mr. BOEHLERT.
H.R. 2536: Mr. DELAHUNT and Mr. PASTOR.
H.R. 2681: Mr. HOLT and Mr. FILNER.
H.R. 2699: Mr. PRYCE of Ohio, Mr. SULLIVAN, Mr. BASS, Mrs. WILSON of New Mexico, Mr. LAMPSON, Mr. LEACH, Mr. MILLER of Florida, and Mr. STEARNS.
H.R. 2735: Mr. WICKER, Mr. MILLER of North Carolina, Mr. SANDLIN, Mr. GILLMOR, Ms. SLAUGHTER, Mr. HOLT, and Mr. MARKEY.
H.R. 2821: Mr. PITTS and Mr. BACHUS.
H.R. 2950: Mr. LARSON of Connecticut, Mr. SANDLIN, and Mr. PETRI.
H.R. 2986: Mr. LAMPSON.
H.R. 3090: Mr. FILNER.
H.R. 3103: Mr. DELAHUNT and Mr. BACHUS.
H.R. 3281: Mr. MOORE, Mr. MCNULTY, Mr. MARKEY, Mr. CUMMINGS, and Mr. GEORGE MILLER of California.
H.R. 3313: Mr. PETRI and Mr. RAHALL.
H.R. 3460: Mr. CROWLEY.
H.R. 3482: Mr. MOORE AND MR. BOEHLERT.
H.R. 3513: Mr. KENNEDY of Rhode Island.
H.R. 3527: Mr. TURNER of Ohio.
H.R. 3574: Mr. CRAMER, Mr. FOLEY, Mr. BILIRAKIS, and Mr. WILSON of South Carolina.
H.R. 3619: Mr. SKELTON.
H.R. 3673: Mr. VAN HOLLEN.
H.R. 3692: Mr. NADLER, Mr. PAYNE, Mr. CUMMINGS, Mr. ETHERIDGE, Mr. GRIJALVA, Mr. GEORGE MILLER of California, and Ms. WATSON.
H.R. 3719: Mr. ANDREWS, Mr. LANTOS, Mr. PALLONE, and Mr. SANDERS.
H.R. 3777: Mr. MILLER of Florida.
H.R. 3780: Ms. MCCARTHY of Missouri and Mr. HINCHEY.
H.R. 3799: Mr. VITTER and Mr. SULLIVAN.
H.R. 3816: Mr. GUTIERREZ and Mr. RYAN of Ohio.
H.R. 3965: Mr. KENNEDY of Minnesota, Mr. CHANDLER, Mr. HOLT, Mr. KILDEE, Mr. WEINER, Mr. WEXLER, and Mr. CASE.
H.R. 3988: Mr. CASE.
H.R. 4032: Mr. UDALL of New Mexico and Mr. GUTIERREZ.
H.R. 4035: Mr. MCDERMOTT and Mr. HASTINGS of Florida.
H.R. 4110: Ms. WATERS and Mr. CALVERT.
H.R. 4169: Mr. PAYNE and Mr. KLINE.
H.R. 4187: Mr. ENGLISH and Mr. ISSA.
H.R. 4218: Mr. EHLERS and Ms. WOOLSEY.
H.R. 4225: Mr. KENNEDY of Rhode Island.
H.R. 4256: Ms. ESHOO.
H.R. 4263: Mr. KUCINICH, Ms. SCHAKOWSKY, Mr. PAYNE, Mr. STRICKLAND, Mr. MATSUI, Mr. LANTOS, Mr. CUMMINGS, Mr. KENNEDY of Rhode Island, and Ms. JACKSON-LEE of Texas.
H.R. 4282: Mr. GRIJALVA and Mr. MORAN of Virginia.
H.R. 4284: Mr. WILSON of South Carolina, Mr. MILLER of Florida, Mr. RYUN of Kansas, and Mr. ENGLISH.
H.R. 4335: Mr. RANGEL.
H.R. 4341: Mr. DAVIS of Tennessee and Mr. BRADLEY of New Hampshire.
H.R. 4343: Mrs. MYRICK and Mr. KOLBE.

H.R. 4345: Ms. HARRIS and Mr. BACHUS.

H.R. 4346: Mr. ANDREWS, Ms. SCHAKOWSKY, Ms. MAJETTE, Mr. STUPAK, Mr. OBERSTAR, Ms. WOOLSEY, Mr. WEINER, Mr. JEFFERSON, Mrs. LOWEY, Mr. BAIRD, and Ms. MCCOLLUM.

H.R. 4355: Mr. GONZALEZ, Mr. HOEFFEL, Mr. MCINTYRE, Mr. SANDLIN, Mr. FRANK of Massachusetts, Mr. FROST, Mr. MOORE, Ms. LEE, Mr. WYNN, Mr. CASE, Mr. GEORGE MILLER of California, Ms. KILPATRICK, Mr. OWENS, Mrs. CAPPS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CARDIN, Mrs. MALONEY, Mr. MATSUI, Mr. SKELTON, Mr. HASTINGS of Florida, Mr. GREEN of Texas, Mr. NADLER, and Ms. ROYBAL-ALLARD.

H.R. 4363: Mr. WALSH and Mr. DOYLE.

H.R. 4380: Mr. BOYD, Mr. MARIO DIAZ-BALART of Florida, Mr. GOSS, Mr. HASTINGS of Florida, and Mr. STEARNS.

H.R. 4414: Mr. EMANUEL, Mr. OWENS, and Mr. CARDOZA.

H.R. 4458: Mr. DEUTSCH and Mr. TOWNS.

H.R. 4463: Mr. OWENS, Mr. FILNER, and Mr. RANGEL.

H.R. 4469: Ms. SOLIS, Mr. SMITH of Washington, and Mr. STARK.

H.R. 4499: Mr. HERGER, Mr. PENCE, and Mr. MCINNIS.

H.R. 4520: Mr. NETHERCUTT and Mr. CARTER.

H.R. 4523: Mr. WELDON of Pennsylvania.

H. Con. Res. 47: Mr. CAPUANO.

H. Con. Res. 111: Mr. RUSH.

H. Con. Res. 323: Ms. VELÁZQUEZ.

H. Con. Res. 366: Mr. DAVIS of Florida and Ms. ESHOO.

H. Con. Res. 392: Ms. SCHAKOWSKY and Mr. HASTINGS of Florida.

H. Con. Res. 410: Mr. SMITH of New Jersey, Mr. CHABOT, and Mr. PENCE.

H. Res. 38: Ms. SLAUGHTER.

H. Res. 60: Mr. EMANUEL.

H. Res. 129: Mr. ROTHMAN.

H. Res. 528: Mr. WILSON of South Carolina and Mr. GREENWOOD.

H. Res. 596: Mr. PENCE.

H. Res. 632: Mr. GILLMOR.

H. Res. 652: Mr. LANTOS, Mr. MCCOTTER, and Mr. GALLEGLY.

WEDNESDAY, JUNE 16, 2004 (63)

¶63.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. BEREUTER, who laid before the House the following communication:

WASHINGTON, DC,
June 16, 2004.

I hereby appoint the Honorable DOUG BEREUTER to act as Speaker pro tempore on this day.

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

¶63.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. BEREUTER, announced he had examined and approved the Journal of the proceedings of Tuesday, June 15, 2004.

Mr. GILLMOR, pursuant to clause 1, rule I, demanded a vote on agreeing to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. BEREUTER, announced that the yeas had it.

Mr. GILLMOR objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. BEREUTER, pursuant to clause 8, rule XX, announced that the vote would be postponed until later today.

The point of no quorum was considered as withdrawn.

¶63.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

8544. A letter from the Director, Economic and Policy Analysis Staff, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — 2002 Farm Bill — Conservation Reserve Program — Long-Term Policy (RIN: 0560-AG74) received May 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8545. A letter from the Assistant Director, Directives and Regulations Branch, Department of Agriculture, transmitting the Department's final rule — Sale and Disposal of National Forest System Timber; Timber Sale Contracts, Modification of Contracts (RIN: 0596-AC16) received May 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8546. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Animal Welfare; Definition of Animal [Docket No. 98-106-3] (RIN: 0579-AB69) received June 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8547. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Plum Pox Compensation [Docket No. 00-035-3] (RIN: 0579-AB19) received June 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8548. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Spring Viremia of Carp; Payment of Indemnity [Docket No. 02-091-1] received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8549. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Karnal Bunt; Regulated Areas [Docket No. 04-038-1] received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8550. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Gypsy Moth Generally Infested Areas [Docket No. 04-025-1] received June 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8551. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Pine Shoot Beetle; Additions to Quarantined Areas [Docket No. 04-036-1] received June 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8552. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Fenpyroximate; Pesticide Tolerance [OPP-2004-0174; FRL-7362-9] received June 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8553. A letter from the Chairman and Chief Executive, Farm Credit Administration, transmitting the Administration's final rule — Loan Policies and Operations; Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; OFI Lending (RIN: 3052-AB96) received May 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8554. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Iowa [R07-OAR-2004-IA-0001; FRL-7672-3] received June 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8555. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Underground Storage Tank Program: Approved State Program for Virginia [FRL-7658-3] received June 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8556. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Underground Storage Tank Program: Approved State Program for West Virginia [FRL-7657-4] received June 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8557. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Illinois; Definition of Volatile Organic Material or Volatile Organic Compound [IL218-2a; FRL-7661-8] received June 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8558. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans for Texas; Approval of Section 179B Demonstration of Attainment, Volatile Organic Compounds and Nitrogen Oxides Motor Vehicle Emissions Budgets for Conformity for the El Paso Ozone Nonattainment Area [TX-70-2-7347a; FRL-7672-7] received June 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8559. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans Georgia: Approval of Revisions to the State Implementation Plan [GA-62, GA-64-200418; FRL-7672-4] received June 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8560. A letter from the Chief Counsel, Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule — Alphabetical Listing of Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, Specially Designated Global Terrorists, Foreign Terrorist Organizations, and Specially Designated Traffickers. — received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8561. A letter from the Secretary, Department of the Interior, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2003 through March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8562. A letter from the Secretary, Department of Housing and Urban Development, transmitting the Department's FY 2005 Annual Performance Plan; to the Committee on Government Reform.

8563. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's semiannual report on the activities of the Office of Inspector General for the period October 1, 2003 to March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

8564. A letter from the President, Legal Services Corporation, transmitting the semiannual report on the activities of the Office

of Inspector General for the period October 1, 2003 to March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8565. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the semiannual report of the Inspector General of the National Aeronautics and Space Administration for the period ending March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8566. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled ''Review of the Financial Operations of the Village Learning Center Public Charter School''; to the Committee on Government Reform.

8567. A letter from the Chairman, Securities and Exchange Commission, transmitting the Office of Inspector General Semiannual Report to Congress and Management's Response for the period of six months ending March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8568. A letter from the Administrator, Small Business Administration, transmitting the semiannual report of the Office of Inspector General for the period October 1, 2003 through March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8569. A letter from the Executive Director, Office of Compliance, transmitting notice of adoption of amendments to the Procedural Rules of the Office of Compliance for printing in the Congressional Record, pursuant to Public Law 104—1, section 303(b) (109 Stat. 28); jointly to the Committees on House Administration and Education and the Workforce.

¶63.4 MESSAGE FROM THE SENATE

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

S. 2238. An Act to amend the National Flood Insurance Act of 1968 to reduce losses to properties for which repetitive flood insurance claim payments have been made.

S. 2362. An Act to authorize construction of a Smithsonian Astrophysical Observatory instrumentation support control building and associated site development on Kitt Peak, Arizona, and for other purposes.

The message also announced that pursuant to sections 276d–276g of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senator as a member of the Senate Delegation to the Canada-United States Interparliamentary Group during the Second Session of the One Hundred Eighth Congress: the Senator from Hawaii [Mr. AKAKA].

¶63.5 REFINERY REVITALIZATION

Mr. BARTON of Texas, pursuant to House Resolution 671, called up the bill (H.R. 4517) to provide incentives to increase refinery capacity in the United States.

When said bill was considered and read twice.

After debate,

The previous question having been ordered by said resolution.

The bill was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. LINDER, announced that the yeas had it.

Mrs. CAPPS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LINDER, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶63.6 RECESS—11:38 A.M.

The SPEAKER pro tempore, Mr. LINDER, pursuant to clause 12(a) of rule I, declared the House in recess at 11 o'clock and 38 minutes a.m., subject to the call of the Chair.

¶63.7 AFTER RECESS—1:15 P.M.

The SPEAKER pro tempore, Mr. FOSSELLA, called the House to order.

¶63.8 PROVIDING FOR THE CONSIDERATION OF H.R. 4568

Mr. HASTINGS of Washington, by direction of the Committee on Rules, called up the following resolution (H. Res. 674):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4568) making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: in title I, the sixth proviso under the heading ''Wildland Fire Management,'' the final proviso under the heading ''United States Geological Survey, Administrative Provisions,'' and section 113; in title II, the fourteenth proviso under the heading ''Wildland Fire Management'' and the final sentence of the sixth paragraph under the heading ''Administrative Provisions, Forest Service''; in title III, section 317, the proviso in section 319, and sections 324, 328, 331, and 333. Where points of order are waived against part of a paragraph or section, points of order against a provision in another part of such paragraph or section may be made only against such provision and not against the entire paragraph or section. During consideration of the bill for amendment, the Chairman of the Committee on the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On the motion of Mr. HASTINGS of Washington, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. FOSSELLA, announced that the yeas had it.

Ms. SLAUGHTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. FOSSELLA, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶63.9 PROVIDING FOR THE CONSIDERATION OF H.R. 4567

Mr. Lincoln DIAZ-BALART of Florida, by direction of the Committee on Rules, called up the following resolution (H. Res. 675):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4567) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: the proviso under the heading ''United States Visitor and Immigrant Status Indicator Technology''; the proviso under the heading ''Customs and Border Protection, Automation Modernization''; the proviso under the heading ''Immigration and Customs Enforcement, Automation Modernization''; the final proviso under the heading ''Transportation Security Administration, Aviation Security''; the words ''notwithstanding any other provision of law'' under the heading ''State and Local Programs''; the second proviso under the heading ''National Pre-Disaster Mitigation Fund''; section 512; the final proviso in section 513; sections 514, 515, 519, and 520; all after the word ''met'' in section 524; section 525, and subsection 526(b). Where points of order are waived against part of a paragraph or section, points of order against a provision in another part of such paragraph or section may be made only against such provision and not against the entire paragraph or section. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill

for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered. After debate,

Mr. Lincoln DIAZ-BALART of Florida moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. FLAKE, announced that the yeas had it.

Ms. SLAUGHTER objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 224 / Nays ..... 205 }

¶63.10 [Roll No. 243]

YEAS—224

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

NAYS—205

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—4

DeMint
Hastings (FL)
Osborne
Platts

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that the yeas had it.

Ms. SLAUGHTER demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 234 / Nays ..... 197 }

¶63.11 [Roll No. 244]

AYES—234

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

NOES—197

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell

Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Chandler
Clay
Clyburn
Conyers
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—2

DeMint
Hastings (FL)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶63.12 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Evans, one of his secretaries.

¶63.13 H. RES. 674—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the resolution (H. Res. 674) providing for consideration of the bill (H.R. 4568) making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

The question being put,

Will the House agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 428 / Nays 1

¶63.14 [Roll No. 245]

YEAS—428

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Strickland

NOT VOTING—4

Davis (FL)
Delahunt
DeMint
Hastings (FL)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶63.15 H.R. 4517—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to clause 8 of rule XX, announced the further unfinished business to be the question on the passage of the bill (H.R. 4517) to provide incentives to increase refinery capacity in the United States.

The question being put,

Will the House pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 239 / Nays 192

¶63.16 [Roll No. 246]

YEAS—239

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Biggert
Bilirakis

Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Edwards
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Young (AK)
Young (FL)

NAYS—192

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Fossella
Frank (MA)
Frost
Gephardt
Gerlach
Gilchrest
Gonzalez
Gordon
Grijalva
Gutierrez
Hill
Hinchey
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kind
Kirk
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Ramstad
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

NOT VOTING—2

DeMint
Hastings (FL)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶63.17 H.R. 4545—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4545) to amend the Clean Air Act to reduce the proliferation of boutique fuels, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 236 / Nays 194

¶63.18 [Roll No. 247]

YEAS—236

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

NAYS—194

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bass
Becerra
Bell
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Castle
Chandler
Clay
Clyburn
Cooper
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Fossella
Frank (MA)
Gephardt
Gerlach
Gonzalez
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
King (NY)
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty

Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Wolf
Woolsey
Wu
Wynn

NOT VOTING—3

Conyers
DeMint
Hastings (FL)

So, less than two-thirds of the Members present having voted in favor thereof, the rules were not suspended and said bill was not passed.

¶63.19 MESSAGE FROM THE PRESIDENT—NATIONAL EMERGENCY WITH RESPECT TO RUSSIAN FEDERATION FISSILE MATERIAL

The SPEAKER pro tempore, Mr. BOOZMAN, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the FEDERAL REGISTER and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the FEDERAL REGISTER for publication, stating that the emergency declared with respect to the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation is to continue beyond June 21, 2004. The most recent notice continuing this emergency was published in the FEDERAL REGISTER on June 12, 2003 (68 Fed. Reg. 35149).

It remains a major national security goal of the United States to ensure that fissile material removed from Russian nuclear weapons pursuant to various arms control and disarmament agreements is dedicated to peaceful uses, subject to transparency measures, and protected from diversion to activities of proliferation concern. The accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency declared with respect to the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation and maintain in force these emergency authorities to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 16, 2004.*

The message, together with the accompanying papers, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 108–194).

¶63.20 COMMITTEE RESIGNATION—MINORITY

The SPEAKER pro tempore, Mr. BOOZMAN, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC 20515, June 15, 2004.

The Hon. DENNIS HASTERT,
Speaker of the House, U.S. House of Representatives,
Washington, DC 20515.

DEAR MR. SPEAKER: Effective immediately, I hereby resign my seat on the Committee on Veterans Affairs.

Sincerely,

SILVESTRE REYES,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶63.21 COMMITTEE ELECTION—MINORITY

Mr. MENENDEZ, by direction of the Democratic Caucus, submitted the following privileged resolution (H. Res. 678):

Resolved, That the following named Member be and is hereby elected to the following standing committees of the House of Representatives:

COMMITTEE ON RESOURCES: Ms. Herseth (to rank immediately after Ms. Bordallo).

COMMITTEE ON VETERANS AFFAIRS: Ms. Herseth.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶63.22 INTERIOR APPROPRIATIONS FY 2005

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to House Resolution 674 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 4568) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

The SPEAKER pro tempore, Mr. BOOZMAN, by unanimous consent, designated Mr. LATOURETTE as Chairman of the Committee of the Whole;

The Acting Chairman, Mr. ISAKSON assumed the Chair; and after some time spent therein,

¶63.23 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendments en bloc, as modified, submitted by Ms. SLAUGHTER:

Page 47, line 4, after ''Appropriations'' insert ''*Provided further*, That amounts otherwise appropriated by this Act for motor vehicle lease, purchase or service costs at the Department of the Interior are reduced by $13,500,000 and, not later than 30 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a listing of the amounts by account of the reductions made pursuant to this proviso''.

Page 103, line 14, strike ''$120,972,000'' and insert ''$130,972,000''.

Page 104, line 5, strike ''$122,377,000'' and insert ''$125,877,000''.

It was decided in the affirmative ..... { Yeas ..... 241 / Nays 185

¶63.24 [Roll No. 248]

AYES—241

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballenger
Bass
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown, Corrine
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gilchrest
Gonzalez
Gordon
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Harris
Hart
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McHugh
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Simpson
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney

Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (OH)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOES—185

Aderholt
Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Dunn
Emerson
Everett
Feeney
Flake
Forbes
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McCotter
McCrery
McInnis
McIntyre
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Petri
Pickering
Pitts
Pombo
Portman
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (TX)
Upton
Vitter
Walden (OR)
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Brown (OH)
DeMint
Filner
Gephardt
Hastings (FL)
McDermott
Meeks (NY)

So the amendments en bloc, as modified, were agreed to.

¶63.25 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 5, submitted by Mr. TANCREDO:

In title II, in the item relating to ''NATIONAL FOREST SYSTEM'', insert after the first dollar amount the following ''(increased by $23,000,000)''.

In title II, in the item relating to ''NATIONAL ENDOWMENT FOR THE ARTS—GRANTS AND ADMINISTRATION'', insert after the first dollar amount the following: (''reduced by $60,000,000)''.

It was decided in the negative ..... { Yeas ..... 112 / Nays 313

¶63.26 [Roll No. 249]

AYES—112

Aderholt
Akin
Bachus
Barrett (SC)
Bartlett (MD)
Beauprez
Blackburn
Blunt
Boehner
Bonilla
Bonner
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Cannon
Cantor
Carter
Chabot
Coble
Collins
Cox
Crane
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeFazio
DeLay
Diaz-Balart, M.
Doolittle
Emerson
Everett
Feeney
Flake
Forbes
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hall
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Istook
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kingston
Kline
Lewis (KY)
Linder
Manzullo
McInnis
Miller (FL)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Otter
Paul
Pence
Petri
Pickering
Pitts
Pombo
Renzi
Rogers (AL)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (MI)
Souder
Stearns
Sullivan
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Tiahrt
Toomey
Vitter
Weldon (FL)
Wicker
Wilson (SC)

NOES—313

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballenger
Barton (TX)
Bass
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (SC)
Brown, Corrine
Burns
Burr
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chandler
Chocola
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Goss
Granger
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Harris
Hart
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Bishop (UT)
Brown (OH)
DeMint
Filner
Gephardt
Hastings (FL)
McDermott
Meeks (NY)

So the amendment was not agreed to.

¶63.27 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment, submitted by Ms. HOOLEY:

Page 68, line 5, insert after the dollar amount the following: ''(increased by $6,000,000)''.

Page 69, line 10, insert after the dollar amount the following: ''(increased by $6,000,000)''.

Page 85, line 3, insert after the dollar amount the following: ''(reduced by $6,000,000)''.

It was decided in the negative ..... { Yeas ..... 186 / Nays 241

¶63.28 [Roll No. 250]

AYES—186

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Beauprez
Becerra
Bell
Berkley
Berman
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Chandler
Clay
Clyburn
Conyers
Cooper
Cox
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Edwards

Emanuel
Engel
Evans
Farr
Fattah
Flake
Ford
Frank (MA)
Franks (AZ)
Frost
Green (WI)
Grijalva
Gutierrez
Harman
Hastings (WA)
Hayworth
Hefley
Herseth
Hill
Hinchey
Holden
Holt
Honda
Hooley (OR)
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McInnis
Meehan
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller, George
Moore
Moran (KS)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Rahall
Rangel
Renzi
Rodriguez
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shadegg
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tancredo
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Walden (OR)
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—241

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Costello
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Eshoo
Etheridge
Everett
Feeney
Ferguson
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Greenwood
Gutknecht
Hall
Harris
Hart
Hayes
Hensarling
Herger
Hinojosa
Hobson
Hoeffel
Hoekstra
Hostettler
Houghton
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Majette
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McIntyre
McKeon
McNulty
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ryun (KS)
Sandlin
Saxton
Schrock
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Brown (OH)
DeMint
Filner
Gephardt
Hastings (FL)
Meeks (NY)

So the amendment was not agreed to.

The SPEAKER pro tempore, Mrs. BIGGERT, assumed the Chair.

When Mr. OSE, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶63.29 ADVERSE REPORT ON H. RES. 640

Mr. HUNTER, by direction of the Committee on Armed Forces, adversely reported (Rept. No. 108–547) the resolution (H. Res. 640) of inquiry requesting that the Secretary of Defense transmit to the House of Representatives before the expiration of the 14-day period beginning on the date of the adoption of this resolution any picture, photograph, video, communication, or report produced in conjunction with any completed Department of Defense investigation conducted by Major General Antonio M. Taguba relating to allegations of torture or allegations of violations of the Geneva Conventions of 1949 at Abu Ghraib prison in Iraq or any completed Department of Defense investigation relating to the abuse or alleged abuse of a prisoner of war or detainee by any civilian contractor working in Iraq who is employed on behalf of the Department of Defense; referred to the House Calendar and ordered printed.

¶63.30 INTERIOR APPROPRIATIONS FY 2005

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to House Resolution 674 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4568) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

Mr. THORNBERRY, Acting Chairman, assumed the chair; and after some time spent therein,

¶63.31 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment, submitted by Mr. SANDERS:

Page 85, Line 3, after the dollar amount insert (''increased by $1,000,000, decreased by $1,000,000'').

It was decided in the negative { Yeas ..... 199 / Nays ..... 227 }

¶63.32 [Roll No. 251]

AYES—199

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ford
Frank (MA)
Frost
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—227

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon

Cantor
Capito
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (OK)
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

DeMint
Filner
Gephardt
Granger
Hastings (FL)
Kingston
LaTourette

So the amendment was not agreed to.

¶63.33 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, submitted by Mr. RAHALL:

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

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds made available by this Act may be used to adversely affect the physical integrity of Indian Sacred Sites on Federal lands (as such terms are defined in Executive Order 13007, dated May 24, 1996).

It was decided in the negative { Yeas ..... 209 / Nays ..... 215 }

¶63.34 [Roll No. 252]

AYES—209

Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Camp
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Forbes
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—215

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

NOT VOTING—9

DeMint
Filner
Gephardt
Granger
Hastings (FL)
Kingston
LaTourette
Oxley
Weller

So the amendment was not agreed to.

¶63.35 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2, submitted by Mr. CHABOT:

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

SEC. ____. None of the funds made available in this Act may be used for the planning, designing, studying, or construction of forest development roads in the Tongass National Forest for the purpose of harvesting timber by private entities or individuals.

It was decided in the affirmative { Yeas ..... 222 / Nays ..... 205 }

¶63.36 [Roll No. 253]

AYES—222

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bass
Becerra
Bell
Berkley
Berman
Biggert
Bilirakis
Bishop (NY)
Blumenauer
Boehlert
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Buyer
Capito
Capps
Cardin
Cardoza
Carson (IN)
Case
Castle
Chabot
Chandler
Clay
Clyburn
Conyers
Cooper
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dingell
Doggett
Dooley (CA)
Doyle
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Ford
Frank (MA)
Frost
Garrett (NJ)
Gerlach
Gonzalez
Gordon
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez

Harman
Hart
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Petri
Pitts
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Rodriguez
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tauscher
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Woolsey
Wu
Wynn

NOES—205

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bereuter
Berry
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capuano
Carson (OK)
Carter
Chocola
Coble
Cole
Collins
Costello
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, M.
Dicks
Doolittle
Dreier
Duncan
Dunn
Edwards
Emerson
Everett
Feeney
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Graves
Gutknecht
Hall
Harris
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson, Sam
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Larsen (WA)
Latham
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (KY)
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pombo
Porter
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ross
Ryun (KS)
Schrock
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Toomey
Turner (OH)
Turner (TX)
Vitter
Walden (OR)
Wamp
Weldon (FL)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

DeMint
Filner
Gephardt
Granger
Hastings (FL)
LaTourette

So the amendment was agreed to.

¶63.37 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 3, submitted by Mr. UDALL of New Mexico:

Add at the end (before the short title) the following new title:

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds appropriated or made available by this Act may be used to finalize or implement the proposed revisions to subpart A of part 219 of title 36, Code of Federal Regulations, relating to National Forest System Planning for Land and Resource Management Plans, as described in the proposed rule published in the Federal Register on December 6, 2002 (67 Fed. Reg. 72770).

It was decided in the negative { Yeas ..... 195 / Nays ..... 230 }

¶63.38 [Roll No. 254]

AYES—195

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Ehlers
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Ferguson
Ford
Frank (MA)
Frost
Gerlach
Gilchrest
Gonzalez
Gordon
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—230

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Edwards
Emerson
English
Etheridge
Everett
Feeney
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Goss
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)

Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Blunt
DeMint
Filner
Gephardt
Granger
Hastings (FL)
LaTourette
Terry

So the amendment was not agreed to.

¶63.39 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment, submitted by Mr. FLAKE:

Page 47, line 8, after the first dollar amount insert ''(increased by $15,000,000)''.

Page 99, line 10, after the dollar amount insert ''(reduced by $13,000,000)''.

Page 104, line 5, after the dollar amount insert ''(reduced by $2,000,000)''.

It was decided in the negative ..... { Yeas ..... 94 / Nays 332

¶63.40 [Roll No. 255]

AYES—94

Bachus
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Berkley
Bishop (UT)
Bono
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Cannon
Cantor
Carter
Chabot
Cox
Davis, Jo Ann
Deal (GA)
Doolittle
Dunn
Emerson
Feeney
Flake
Franks (AZ)
Garrett (NJ)
Gibbons
Gingrey
Goodlatte
Graves
Green (WI)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hostettler
Hulshof
Hunter
Issa
John
Jones (NC)
Kelly
King (IA)
Kingston
Lewis (KY)
Linder
Matheson
McCrery
McInnis
McKeon
Miller (FL)
Moran (KS)
Musgrave
Myrick
Nethercutt
Norwood
Otter
Paul
Pearce
Pence
Petri
Pickering
Pombo
Pomeroy
Porter
Radanovich
Rehberg
Renzi
Rogers (KY)
Rohrabacher
Royce
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Souder
Stearns
Strickland
Stupak
Tancredo
Tanner
Thornberry
Toomey
Turner (TX)
Vitter
Walden (OR)
Whitfield
Wicker
Wilson (NM)

NOES—332

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballenger
Barton (TX)
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burns
Burr
Buyer
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Duncan
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gilchrest
Gillmor
Gonzalez
Goode
Gordon
Goss
Green (TX)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hyde
Inslee
Isakson
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pitts
Platts
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Sullivan
Sweeney
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—7

Blunt
DeMint
Filner
Gephardt
Granger
Hastings (FL)
LaTourette

So the amendment was not agreed to.

The SPEAKER pro tempore, Mr. GARRETT of New Jersey, assumed the Chair.

When Mr. THORNBERRY, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶63.41 APPROVAL OF THE JOURNAL—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. GARRETT of New Jersey, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the Chair's approval of the Journal of Tuesday, June 15, 2004.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. GARRETT of New Jersey, announced that the yeas had it.

So the Journal was approved.

¶63.42 RECESS—11:55 P.M.

The SPEAKER pro tempore, Mr. GARRETT of New Jersey, pursuant to clause 12(a) of rule I, declared the House in recess at 11 o'clock and 55 minutes p.m., subject to the call of the Chair.

THURSDAY, JUNE 17 (LEGISLATIVE DAY OF JUNE 16), 2004

¶63.43 AFTER RECESS—8:45 A.M.

The SPEAKER pro tempore, Mr. DREIER, called the House to order.

¶63.44 PROVIDING FOR THE CONSIDERATION OF H.R. 4520

Mr. REYNOLDS, by direction of the Committee on Rules, reported (Rept. No. 108–549) the resolution (H. Res. 681) providing for consideration of the bill (H.R. 4520) to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad.

When said resolution and report were referred to the House Calendar and ordered printed.

¶63.45 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2362. An Act to authorize construction of a Smithsonian Astrophysical Observatory instrumentation support control building and associated site development on Kitt Peak, Arizona, and for other purposes; to the Committee on House Appropriations.

¶63.46 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. HASTINGS of Florida, for today after 1 p.m. and the balance of the week.

And then,

¶63.47 ADJOURNMENT

On motion of Mr. REYNOLDS, at 8 o'clock and 46 minutes a.m., the House adjourned.

¶63.48 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

Mr. OXLEY: Committee on Financial Services. H.R. 4363. A bill to facilitate self-help housing homeownership opportunities; with an amendment (Rept. 108–546). Referred to the Committee of the Whole House on the State of the Union.

Mr. HUNTER: Committee on Armed Services. House Resolution 640. Resolution of inquiry requesting that the Secretary of Defense transmit to the House of Representatives before the expiration of the 14-day period beginning on the date of the adoption of this resolution any picture, photograph, video, communication, or report produced in conjunction with any completed Department of Defense investigation conducted by Major General Antonio M. Taguba relating to allegations of torture or allegations of violations of the Geneva Conventions of 1949 at Abu Ghraib prison in Iraq or any completed Department of Defense investigation relating to the abuse or alleged abuse of a prisoner of war or detainee by any civilian contractor working in Iraq who is employed on behalf of the Department of Defense; adversely (Rept. 108–547). Referred to the House Calendar.

Mr. THOMAS: Committee on Ways and Means. H.R. 4520. A bill to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad; with an amendment (Rept. 108–548, Pt. 1). Ordered to be printed.

¶63.49 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 4520. Referral to the Committee on Agriculture extended for a period ending not later than June 16, 2004.

¶63.50 DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Agriculture discharged from further consideration. H.R. 4520 referred to the Committee of the Whole House on the State of the Union.

[Submitted June 17 (legislative day of June 16), 2004]

Mr. REYNOLDS: Committee on Rules. House Resolution 681. Resolution providing for consideration of the bill (H.R. 4520) to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad (Rept. 108–549). Referred to the House Calendar.

¶63.51 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GOSS (for himself, Mr. BEREUTER, Mr. BOEHLERT, Mr. GIBBONS, Mr. LAHOOD, Mr. CUNNINGHAM, Mr. HOEKSTRA, Mr. BURR, Mr. EVERETT, Mr. GALLEGLY, and Mr. COLLINS):

H.R. 4584. A bill to amend the National Security Act of 1947 to improve the organization and operation of the intelligence community, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. HOYER:

H.R. 4585. A bill to authorize the Secretary of Education to award grants for the support of full-service community schools, and for other purposes; to the Committee on Education and the Workforce.

By Mr. SMITH of Texas (for himself and Mr. FORBES):

H.R. 4586. A bill to provide that making limited portions of audio or video content of motion pictures imperceptible by or for the owner or other lawful possessor of an authorized copy of that motion picture for private home viewing, and the use of technology therefore, is not an infringement of copyright or of any right under the Trademark Act of 1946; to the Committee on the Judiciary.

By Ms. KILPATRICK (for herself, Ms. SLAUGHTER, Ms. LORETTA SANCHEZ of California, Ms. JACKSON-LEE of Texas, Mrs. DAVIS of California, Mrs. TAUSCHER, Mrs. MALONEY, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 4587. A bill to amend title 10, United States Code, to establish in the Department of Defense an Office of the Victim Advocate, to prescribe the functions of that office, and for other purposes; to the Committee on Armed Services.

By Mr. HINOJOSA (for himself, Mr. REYES, Mr. RODRIGUEZ, Mr. BONILLA, and Mr. ORTIZ):

H.R. 4588. A bill to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects and activities under that Act, and for other purposes; to the Committee on Resources.

By Mr. HERGER:

H.R. 4589. A bill to reauthorize the Temporary Assistance for Needy Families block grant program through September 30, 2004, and for other purposes; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 4590. A bill to require that reimbursement provided to members of the Armed Forces who purchased their own protective body armor when military-issue body armor was unavailable include reimbursement for the cost to deliver the body armor to the member; to the Committee on Armed Services.

By Mr. BERMAN (for himself and Mr. DELAHUNT):

H.R. 4591. A bill to restore civil liberties under the First Amendment, the Immigration and Nationality Act, and the Foreign Intelligence Surveillance Act; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BLUMENAUER (for himself, Mr. WALDEN of Oregon, Ms. HOOLEY of Oregon, and Mr. CHABOT):

H.R. 4592. A bill to establish a national demonstration project to improve intervention programs for the most disadvantaged children and youth, and for other purposes; to the Committee on Education and the Workforce.

By Mr. GIBBONS (for himself, Mr. PORTER, and Ms. BERKLEY):

H.R. 4593. A bill to establish wilderness areas, promote conservation, improve public land, and provide for the high quality development in Lincoln County, Nevada, and for other purposes; to the Committee on Resources.

By Mr. JEFFERSON:

H.R. 4594. A bill to amend the Internal Revenue Code of 1986 to double the maximum new market tax credits, and for other purposes; to the Committee on Ways and Means.

By Mr. MARKEY (for himself, Mr. SMITH of New Jersey, Mr. MENENDEZ, Ms. JACKSON-LEE of Texas, Mr. GREEN of Texas, Mr. KILDEE, Mr. MANZULLO, Ms. MCCARTHY of Missouri, Mr. MEEHAN, Mr. NEAL of Massachusetts, Mr. KIND, Mr. KENNEDY of Rhode Island, and Mr. MCDERMOTT):

H.R. 4595. A bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NETHERCUTT:

H.R. 4596. A bill to amend Public Law 97-435 to extend the authorization for the Secretary of the Interior to release certain conditions contained in a patent concerning certain land conveyed by the United States to Eastern Washington University until December 31, 2009; to the Committee on Resources.

By Mr. REYNOLDS (for himself, Mr. MCHUGH, Mr. SANDERS, Mr. ETHERIDGE, Mr. OBEY, Mr. SIMMONS, Mr. BOEHLERT, Mr. MCGOVERN, Mrs. JOHNSON of Connecticut, Mr. QUINN, Mr. HOUGHTON, Mr. WALSH, Mr. TURNER of Texas, Ms. SLAUGHTER, Mr. OLVER, Mr. HINCHEY, Mr. SWEENEY, Mr. MCNULTY, Mr. LATOURETTE, Mrs. KELLY, and Mr. LANGEVIN):

H.R. 4597. A bill to establish regional dairy marketing areas to stabilize the price of milk and support the income of dairy producers; to the Committee on Agriculture.

By Mr. STUPAK (for himself, Mr. SMITH of New Jersey, Mr. WELDON of Florida, Ms. KILPATRICK, Mr. WAMP, Ms. DEGETTE, Mr. BURTON of Indiana, Ms. DELAURO, Mr. DOYLE, Mr. BACA, and Mr. GORDON):

H.R. 4598. A bill to provide for the establishment of certain restrictions with respect to drugs containing isotretinoin (including the drug marketed as Accutane); to the Committee on Energy and Commerce.

By Mr. WILSON of South Carolina:

H.R. 4599. A bill to amend title 10, United States Code, to provide eligibility for reduced non-regular service military retired pay before age 60, and for other purposes; to the Committee on Armed Services.

By Mr. UPTON (for himself, Mr. MARKEY, Mr. BARTON of Texas, Mr. DINGELL, Mr. BOUCHER, Mr. TERRY, Mr. TOWNS, Mr. JOHN, Mr. ENGEL, Mr. ROGERS of Michigan, Mr. BUYER, Mrs. CAPPS, Mr. WYNN, Mr. GORDON, Mr. GILLMOR, Mr. GREEN of Texas, Mrs. BONO, Ms. SCHAKOWSKY, Mr. STEARNS, Mr. PICKERING, Mr. DAVIS of Florida, Mr. BURR, Mr. SHIMKUS, and Mr. GONZALEZ):

H.R. 4600. A bill to amend section 227 of the Communications Act of 1934 to clarify the prohibition on junk fax transmissions; to the Committee on Energy and Commerce.

By Mr. YOUNG of Alaska:

H.R. 4601. A bill to amend that Alaska Native Claims Settlement Act to recognize Alexander Creek as Native village, and for other purposes; to the Committee on Resources.

By Mr. YOUNG of Alaska:

H.R. 4602. A bill to authorize the subdivision and dedication of restricted land owned by Alaska Natives; to the Committee on Resources.

By Ms. JACKSON-LEE of Texas (for herself, Mr. SCOTT of Virginia, Mr. LEWIS of Georgia, Ms. SCHAKOWSKY, Ms. WATSON, Ms. KILPATRICK, Mr. TOWNS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KUCINICH, Ms. SOLIS, Mr. MEEKS of New York, Mrs. JONES

of Ohio, Ms. CORRINE BROWN of Florida, Mr. RUSH, and Mr. CLAY):

H. Con. Res. 451. Concurrent resolution expressing the sense of Congress regarding the establishment of a scholarship fund to make tuition grants available to eligible former students who were denied an education in Prince Edward County, Virginia, when the public schools closed rather than comply with the Supreme Court's decision in Brown v. Board of Education; to the Committee on Education and the Workforce.

By Mr. LAMPSON (for himself, Mr. SIMMONS, Ms. LOFGREN, Ms. CARSON of Indiana, Mr. LIPINSKI, Mr. MCDERMOTT, Mr. ENGLISH, Mr. DINGELL, Mr. SHERMAN, Mr. FROST, Mr. RYAN of Ohio, Mr. MCCOTTER, Mr. MCNULTY, Mr. GREEN of Texas, Ms. WOOLSEY, Mr. DEUTSCH, Ms. JACKSON-LEE of Texas, Mr. SANDLIN, and Mr. BELL):

H. Con. Res. 452. Concurrent resolution recognizing and honoring America's labor movement, supporting the designation of a National Labor History Month, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BISHOP of Georgia (for himself, Mrs. JONES of Ohio, Mr. MEEK of Florida, Mr. JEFFERSON, Mr. WYNN, Mr. CLAY, Ms. WATSON, Ms. LEE, Mr. DAVIS of Illinois, Ms. JACKSON-LEE of Texas, Mr. OWENS, Ms. KILPATRICK, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. THOMPSON of Mississippi, Ms. WATERS, Mr. LEWIS of Georgia, Mr. CLYBURN, Mr. SCOTT of Virginia, Mr. WATT, Mr. MEEKS of New York, Ms. NORTON, Mr. CUMMINGS, and Mr. PAYNE):

H. Res. 677. A resolution honoring the life and tremendous artistic and social contributions of Ray Charles, one of the world's most influential and prolific musicians; to the Committee on Education and the Workforce.

By Mr. MENENDEZ:

H. Res. 678. A resolution electing a Member to certain standing committees of the House of Representatives.

By Mr. CONYERS (for himself, Ms. KILPATRICK, Ms. PELOSI, Mr. DINGELL, Mr. KILDEE, Mr. LEVIN, Mr. STUPAK, Mr. ROGERS of Michigan, and Mr. KNOLLENBERG):

H. Res. 679. A resolution congratulating the Detroit Pistons on winning the 2004 National Basketball Association Championship; to the Committee on Government Reform.

By Mr. GIBBONS:

H. Res. 680. A resolution to urge the resolution of claims related to the confiscation of certain property by the Government of Italy; to the Committee on International Relations.

¶63.52 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 570: Ms. MILLENDER-MCDONALD.
H.R. 584: Mr. TURNER of Texas.
H.R. 623: Mr. ORTIZ.
H.R. 786: Mr. PETRI.
H.R. 882: Mr. BOOZMAN.
H.R. 962: Mr. HASTINGS of Florida.
H.R. 1002: Mr. SIMMONS.
H.R. 1279: Mr. CASE.
H.R. 1305: Mr. PUTNAM.
H.R. 1336: Mr. BACA, Mr. COLLINS, Mr. KLECZKA, Mr. ALEXANDER, and Mr. OTTER.
H.R. 1355: Mr. HOEFFEL and Ms. WATERS.
H.R. 1523: Ms. HOOLEY of Oregon.
H.R. 1634: Mr. MCNULTY.
H.R. 1700: Mr. TURNER of Ohio.
H.R. 1769: Mr. GRIJALVA and Mr. CLYBURN.
H.R. 1823: Mr. CROWLEY.
H.R. 1870: Mr. WICKER.
H.R. 1873: Mr. HOLT.
H.R. 2023: Ms. NORTON.
H.R. 2173: Ms. BERKLEY.
H.R. 2176: Mr. ISTOOK.
H.R. 2213: Mr. CUMMINGS.
H.R. 2215: Ms. DELAURO, Ms. JACKSON-LEE of Texas, and Mr. FILNER.
H.R. 2265: Mr. NUSSLE.
H.R. 2394: Ms. KAPTUR, Mr. EMANUEL, Mr. KLECZKA, and Mrs. LOWEY.
H.R. 2404: Ms. HART and Mr. MEEKS of New York.
H.R. 2435: Mr. MCDERMOTT.
H.R. 2511: Mr. SERRANO.
H.R. 2598: Mr. BRADY of Pennsylvania, Mr. MORAN of Virginia, Mr. QUINN, Mr. BERMAN, Mrs. TAUSCHER, Mrs. DAVIS of California, Mr. VITTER, Mr. OBERSTAR, and Mr. GREEN of Texas.
H.R. 2665: Mr. NADLER.
H.R. 2895: Mr. GARRETT of New Jersey.
H.R. 2929: Mr. OTTER.
H.R. 2945: Mr. CUMMINGS.
H.R. 2950: Mr. HILL, Mr. GARRETT of New Jersey, and Mr. GREEN of Texas.
H.R. 2974: Mr. DEFAZIO and Mr. OWENS.
H.R. 3014: Mrs. MCCARTHY of New York.
H.R. 3069: Mr. WICKER, Mr. JOHNSON of Illinois, Mr. COLLINS, Mrs. MILLER of Michigan, and Mr. WHITFIELD.
H.R. 3085: Mr. CUMMINGS, Mr. GREEN of Texas, and Mr. WEXLER.
H.R. 3119: Mr. CASE.
H.R. 3193: Mr. DELAY, Mr. BASS, and Mr. WHITFIELD.
H.R. 3246: Mr. TIAHRT.
H.R. 3408: Mr. CUMMINGS and Ms. LINDA T. SANCHEZ of California.
H.R. 3441: Mr. ETHERIDGE, Ms. LORETTA SANCHEZ of California, Mr. STUPAK, and Mr. DOGGETT.
H.R. 3474: Mr. JACKSON of Illinois.
H.R. 3545: Mr. ANDREWS.
H.R. 3634: Mr. RANGEL.
H.R. 3643: Mr. PALLONE, Mrs. MUSGRAVE, Mr. RENZI, and Mr. OWENS.
H.R. 3712: Mr. LARSEN of Washington, Mr. FILNER, and Ms. LINDA T. SANCHEZ of California.
H.R. 3716: Mr. ROHRABACHER.
H.R. 3755: Mr. SIMMONS.
H.R. 3779: Mr. EVANS.
H.R. 3831: Mr. OWENS and Mr. MEEHAN.
H.R. 3834: Mr. DEUTSCH and Mr. GONZALEZ.
H.R. 3858: Mr. MILLER of North Carolina, Ms. BALDWIN, Mr. ENGEL, Mr. CARDIN, Mr. FEENEY, Mr. INSLEE, Mr. HOSTETTLER, Mr. MILLER of Florida, Mrs. MALONEY, Ms. ESHOO, Mr. CUMMINGS, Mr. CLYBURN, Mr. KLECZKA, Mr. OLVER, Mr. COOPER, and Mr. GREEN of Wisconsin.
H.R. 3921: Mr. HOLT.
H.R. 3934: Mr. ROTHMAN.
H.R. 3968: Mr. ANDREWS.
H.R. 3987: Mr. SANDERS, Ms. MILLENDER-MCDONALD, Ms. BORDALLO, Mr. TOM DAVIS of Virginia, and Mr. RANGEL.
H.R. 3988: Mr. HINCHEY.
H.R. 4033: Ms. MAJETTE.
H.R. 4101: Mr. MORAN of Virginia.
H.R. 4113: Mr. NEAL of Massachusetts.
H.R. 4116: Mr. CANNON, Mr. FLAKE, Mr. DELAHUNT, Mr. BOUCHER, Mr. GALLEGLY, Mr. WALDEN of Oregon, Mr. CULBERSON, Mr. FRELINGHUYSEN, Mr. SHERWOOD, MR. TAUZIN, and Mr. GARY G. MILLER of California.
H.R. 4117: Mr. MEEHAN.
H.R. 4126: Mr. STRICKLAND.
H.R. 4156: Mrs. CHRISTENSEN.
H.R. 4204: Mr. SCOTT of Georgia.
H.R. 4217: Ms. GINNY BROWN-WAITE of Florida.
H.R. 4225: Mr. RENZI.
H.R. 4284: Mr. HUNTER.
H.R. 4290: Ms. WOOLSEY.
H.R. 4304: Mr. BERMAN, Mr. VISCLOSKY, Mr. LANGEVIN, Ms. WOOLSEY, AND MRS. DAVIS of California.
H.R. 4341: Mr. BILIRAKIS, Mr. MORAN of Virginia, and Mr. LUCAS of Kentucky.
H.R. 4346: Mr. HOEFFEL and Mr. SANDLIN.
H.R. 4354: Mr. BERMAN, Mr. FILNER, and Mr. MCDERMOTT.
H.R. 4367: Mr. GRIJALVA, Ms. NORTON, Mr. UDALL of New Mexico, Mr. FROST, and Mr. RANGEL.
H.R. 4380: Mr. FOLEY and Mr. MICA.
H.R. 4384: Mr. FRANKS of Arizona.
H.R. 4410: Mr. VITTER.
H.R. 4420: Mr. MILLER of Florida, Mr. GOODE, Mr. HENSARLING, and Mr. ROGERS of Alabama.
H.R. 4448: Mr. OLVER.
H.R. 4449: Mr. RANGEL.
H.R. 4450: Mr. RANGEL, Mr. CONYERS, and Mr. BISHOP of Georgia.
H.R. 4469: Mr. BACA, Mrs. CAPPS, Mrs. DAVIS of California, Ms. ESHOO, Ms. MILLENDER-MCDONALD, Mr. DOOLEY of California, Mr. GEORGE MILLER of California, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. SHERMAN, Mrs. TAUSCHER, Mr. THOMPSON of California, Ms. WATERS, Ms. WATSON, and Mr. WAXMAN.
H.R. 4476: Mrs. MCCARTHY of New York, Mr. FROST, Mrs. MALONEY, Mr. OWENS, and Mr. RANGEL.
H.R. 4491: Mr. GOODE, Mr. LATOURETTE, Mr. NUSSLE, Mr. BOEHLERT, Mr. COOPER, Mr. ROSS, AND Mr. VISCLOSKY.
H.R. 4520: Ms. GRANGER and Mr. CULBERSON.
H.R. 4525: Mr. CRANE, Mr. HENSARLING, Mr. GUTKNECHT, Mr. BRADY of Texas, Mr. COLE, Mr. HERGER, Mr. WILSON of South Carolina, Mrs. MYRICK, Mr. RYAN of Wisconsin, Mr. BARRETT of South Carolina, and Mr. KING of Iowa.
H.R. 4528: Mr. SOUDER, Ms. GINNY BROWN-WAITE of Florida, Mr. CANTOR, Mr. LEWIS of Kentucky, Mr. WILSON of South Carolina, Mr. NEUGEBAUER, Mr. MANZULLO, Mr. BALLENGER, Mr. HENSARLING, Mr. TIBERI, Mr. PEARCE, Mr. BARTLETT of Maryland, Mr. KING of Iowa, Mr. SIMMONS, Mr. BURGESS, and Mr. JONES of North Carolina.
H.R. 4531: Mrs. MCCARTHY of New York and Mr. GREEN of Texas.
H.R. 4533: Mr. REHBERG and Mr. RENZI.
H.R. 4543: Mr. SMITH of New Jersey, Mr. PENCE, Mr. BARTLETT of Maryland, Mr. NORWOOD, Mr. GARRETT of New Jersey, Mr. GREEN of Wisconsin, Mrs. CUBIN, Mrs. BLACKBURN, Mr. GOODLATTE, Mr. CHABOT, Mr. AKIN, Mr. BRADY of Texas, Mrs. MYRICK, Mr. FEENEY, Mr. WELDON of Florida, Mr. GOODE, Mr. SESSIONS, Mr. BURTON of Indiana, Mr. DOOLITTLE, Mr. RYAN of Wisconsin, Mr. CHOCOLA, Mr. COLE, Mr. FRANKS of Arizona, Mr. KLINE, Mr. SHADEGG, and Mr. HOSTETTLER.
H.R. 4571: Mr. NORWOOD and Mr. HERGER.
H.R. 4573: Mr. BOSWELL and Mr. REYES.
H.R. 4574: Mr. BOSWELL and Mr. REYES.
H. Con. Res. 213: Ms. ESHOO.
H. Con. Res. 218: Mr. BILIRAKIS.
H. Con. Res. 405: Mr. KELLER.
H. Con. Res. 436: Ms. CORRINE BROWN of Florida, Mrs. CHRISTENSEN, Mr. CLYBURN, Mr. CONYERS, Mr. CUMMINGS, Mr. JEFFERSON, Mr. MEEK of Florida, Ms. MILLENDER-MCDONALD, Ms. NORTON, Mr. RUSH, Mr. TOWNS, and Ms. JACKSON-LEE of Texas.
H. Con. Res. 438: Mr. LYNCH.
H. Con. Res. 443: Mr. SOUDER and Mr. NORWOOD.
H. Con. Res. 448: Mr. GILCHREST.
H. Con. Res. 450: Mr. FROST.
H. Res. 632: Mr. WOLF.
H. Res. 673: Mr. WALSH.

THURSDAY, JUNE 17, 2004 (64)

The House was called to order by the SPEAKER.

¶64.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, June 16, 2004.

Mr. TERRY, pursuant to clause 1, rule I, demanded a vote on agreeing to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER announced that the yeas had it.

Mr. TERRY objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pursuant to clause 8, rule XX, announced that the vote would be postponed until later today.

The point of no quorum was considered as withdrawn.

¶64.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

8570. A letter from the Register Liaison Officer, Department of Defense, transmitting the Department's final rule — TRICARE Program; Inclusion of Anesthesiologist Assistants as Authorized Providers; Coverage of Cardiac Rehabilitation in Freestanding Cardiac Rehabilitation Facilities. (RIN: 0720-AA76) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8571. A letter from the Register Liaison Officer, Department of Defense, transmitting the Department's final rule — TRICARE Program; Inclusion of Anesthesiologist Assistants as Authorized Providers; Coverage of Cardiac Rehabilitation in Freestanding Cardiac Rehabilitation Facilities. (RIN: 0720-AA76) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8572. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Multiyear Procurement Authority for Environmental Services for Military Installations [DFARS Case 2003-D004] received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8573. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Berry Amendment Changes [DFARS Case 2003-D099] received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8574. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Timothy A. Kinnan, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

8575. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of the enclosed list of officers of the United States Air Force to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8576. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization for Major General Roger A. Brady and Brigadier General Michael A. Collings of the United States Air Force to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8577. A letter from the Attorney Advisor, Maritime Administration, Department of Transportation, transmitting the Department's final rule — Merchant Marine Training [Docket Number: MARAD-2004-17760] (RIN: 2133-AB60) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8578. A letter from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting the Department's final rule — Government Securities Act Regulations; Protection of Customer Securities and Balances (RIN: 1505-AA94) received June 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8579. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers; Extension of Term of Arrangement (RIN: 1660-AA29) received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8580. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7829] received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8581. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Organization and Operations of Federal Credit Unions; Description of NCUA — received May 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8582. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — OMB Control Numbers — received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8583. A letter from the Assistant Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Disclosure of Breakpoint Discounts by Mutual Funds [Release Nos. 33-8427; 34-49817; IC-26464l File No. S7-28-03] (RIN: 3235-AI95) received June 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8584. A letter from the Assistant Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Alternative Net Capital Requirements for Broker-Dealers That Are Part of Consolidated Supervised Entities [Release No. 34-49830; File No. S7-21-03] (RIN: 3235-AI96) received June 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8585. A letter from the Assistant Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Supervised Investment Bank Holding Companies [Release No. 34-49831; File No. S7-22-03] (RIN: 3235-AI97) received June 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8586. A letter from the Assistant Secretary, Office of Special Education and Rehabilitative Service, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research — Disability and Rehabilitation Research Projects and Centers Program — Rehabilitation Engineering Research Centers (RIN: 1820-ZA33) received June 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8587. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad with Belgium, Greece, Turkey, Israel, Poland, and the Republic of Korea (Transmittal No. DDTC 024-04), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

8588. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad with Germany (Transmittal No. DTC 004-04), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

8589. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Sweden (Transmittal No. DDTC 045-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8590. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract with Japan (Transmittal No. DDTC 053-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8591. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to South Korea (Transmittal No. DDTC-043-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8592. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

8593. A letter from the Chair, Commission on International Religious Freedom, transmitting the Commission's 2004 Annual Report, pursuant to 22 U.S.C. 6412 Public Law 105—292 section 102; to the Committee on International Relations.

8594. A letter from the Director, Defense Security Cooperation Agency, transmitting in accordance with Section 21(c)(2) of the Arms Export Control Act, Executive Order 11598 and Department of Defense Directive 5105.65, a report on the death of an employee of Vinnell Arabia; to the Committee on International Relations.

8595. A letter from the Chairman of the Board, Pension Benefit Guaranty Corporation, transmitting the semiannual report on activities of the Inspector General of the Pension Benefit Guaranty Corporation for the period October 1, 2003 through March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

8596. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8597. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8598. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies

Reform Act of 1998; to the Committee on Government Reform.

8599. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8600. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8601. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8602. A letter from the Secretary, Department of Energy, transmitting in response to the annual Competitive Sourcing reporting requirement contained in section 647(b) of Division F of the Consolidated Appropriations Act, for FY 2004, Pub. L. 108-199, a report on the Department's Competitive Sourcing program for FY 2003; to the Committee on Government Reform.

8603. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8604. A letter from the Chair, Equal Employment Opportunity Commission, transmitting the semiannual report on the activities of the Inspector General and management's report for the period ending March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8605. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting Pursuant to Section 3(a) of the Government in the Sunshine Act, 5 U.S.C. 552(b)(j), the Commission's annual report for calendar year 2003; to the Committee on Government Reform.

8606. A letter from the Chairman and General Counsel, National Labor Relations Board, transmitting the semiannual report on the activities of the Office of Inspector General of the National Labor Relations Board for the period October 1, 2003 through March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

8607. A letter from the Acting Director, National Science Foundation, transmitting as required by Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Foundation's report on its competitive sourcing efforts for FY 2003; to the Committee on Government Reform.

8608. A letter from the Commissioner, Social Security Administration, transmitting the Adminstration's annual inventory as required by Public Law 105-270, the Federal Activities Inventory Reform (FAIR) Act of 1998; to the Committee on Government Reform.

8609. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft bill ''To modify the boundary of the Wilson's Creek National Battlefield in the State of Missouri, and for other purposes''; to the Committee on Resources.

8610. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Iowa Regulatory Program [IA-013-FOR] received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8611. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — West Virginia Regulatory Program [WV-101-FOR] received June 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8612. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Maryland Regulatory Program [MD-053-FOR] received June 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8613. A letter from the Assistant Secretary, National Park Service, Department of the Interior, transmitting the Department's final rule — Canyonlands National Park — Salt Crrek Canyon (RIN: 1024-AD23) received June 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8614. A letter from the Director, National Oceanic and Atmospheric Administration, transmitting the 2003 report on the Status of Fisheries of the United States, pursuant to Section 304 of the Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act on October 11, 1996; to the Committee on Resources.

8615. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Highly Migratory Species Fisheries [Docket No. 031125294-4091-02; I.D. 102903C] (RIN: 0648-AP42) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8616. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Temporary Closure for the Shore-based Whiting Sector [Docket No. 031216314-4118-03; I.D. 052004B] (RIN: 0648-AR54) received June 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8617. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; 2004 Management Measures [Docket No. 040429135-4135-01; I.D. 042204G] (RIN: 0648-AS03) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8618. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Sea Turtle Conservation: Additional Exception to Sea Turtle Take Prohibitions [Docket No. 040127028-4130-02; I.D. 012104B] (RIN: 0648-AR69) received June 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8619. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Designation of the AT1 Group of Transient Killer Whales as a Depleted Stock Under the Marine Mammal Protection Act (MMPA) [Docket No. 031003245-4160-02; I.D. 122702A] (RIN: 0648-AR14) received June 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8620. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Dolphin and Wahoo Fishery off the Atlantic States [Docket No. 031007250-4079-02; I.D. 091503E] (RIN: 0648-AO63) received May 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8621. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Rock Sole in the Bering Sea and Aleutian Islands Area [Docket No. 031124287-4060-02; I.D. 051804B] received June 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8622. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting in accordance with the Federal Activities Inventory Reform Act of 1998, the Department's FY 2003 inventory of commercial and inherently governmental activities; to the Committee on the Judiciary.

8623. A letter from the Secretaries, Departments of Defense and Veterans Affairs, transmitting a report for FY 2003 regarding the implementation of the health coordination and sharing activities portion of the National Defense Authorization Act of 2003 (Pub. L. 107-314) and an estimate of the cost to prepare this report, as required by Title 38, Chapter 1, Section 116, pursuant to 38 U.S.C. 8111(f); jointly to the Committees on Armed Services and Veterans' Affairs.

¶64.3 PROVIDING FOR THE CONSIDERATION OF H.R. 4520

Mr. REYNOLDS, by direction of the Committee on Rules, called up the following resolution (H. Res. 681):

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 4520) to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad. The bill shall be considered as read for amendment. The amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

Mr. REYNOLDS moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that the yeas had it.

Mr. McGOVERN objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 233 / Nays ..... 193 }

¶64.4 [Roll No. 256]

YEAS—233

Aderholt	Baker	Bartlett (MD)
Akin	Ballenger	Barton (TX)
Bachus	Barrett (SC)	Bass

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

NAYS—193

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—7

Conyers
DeMint
Gephardt
Hastings (FL)
Kilpatrick
Quinn
Ruppersberger

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that the yeas had it.

Mr. McGOVERN demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 230 / Nays 195

¶64.5 [Roll No. 257]

AYES—230

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

NOES—195

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone

Pascrell	Sanchez, Loretta	Tauscher
Pastor	Sanders	Taylor (MS)
Payne	Sandlin	Thompson (CA)
Pelosi	Schakowsky	Thompson (MS)
Peterson (MN)	Schiff	Tierney
Platts	Scott (VA)	Towns
Pomeroy	Serrano	Turner (TX)
Price (NC)	Shays	Udall (CO)
Rahall	Sherman	Udall (NM)
Rangel	Skelton	Van Hollen
Reyes	Slaughter	Velazquez
Rodriguez	Smith (WA)	Visclosky
Ross	Snyder	Waters
Rothman	Solis	Watson
Roybal-Allard	Spratt	Watt
Rush	Stark	Weiner
Ryan (OH)	Stenholm	Wexler
Sabo	Strickland	Woolsey
Sanchez, Linda T.	Stupak	Wu
	Tanner	Wynn

NOT VOTING—8

Conyers	Hastings (FL)	Ruppersberger
DeMint	Kilpatrick	Waxman
Gephardt	Quinn	

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶64.6 AMERICAN JOBS CREATION

Mr. THOMAS, pursuant to House Resolution 681, called up the bill (H.R. 4520) to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad.

Pending consideration of said bill.

Pursuant to House Resolution 681, the following amendment in the nature of a substitute recommended by the Committee on Ways and Means printed in the bill, modified by the amendment printed in House Report 108-549, was considered as agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the ''American Jobs Creation Act of 2004''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; etc.

TITLE I—END SANCTIONS AND REDUCE CORPORATE TAX RATES FOR DOMESTIC MANUFACTURING AND SMALL CORPORATIONS

Sec. 101. Repeal of exclusion for extraterritorial income.

Sec. 102. Reduced corporate income tax rate for domestic production activities income.

Sec. 103. Reduced corporate income tax rate for small corporations.

TITLE II—JOB CREATION TAX INCENTIVES FOR MANUFACTURERS, SMALL BUSINESSES, AND FARMERS

Subtitle A—Small Business Expensing

Sec. 201. 2-year extension of increased expensing for small business.

Subtitle B—Depreciation

Sec. 211. Recovery period for depreciation of certain leasehold improvements and restaurant property.

Sec. 212. Modification of depreciation allowance for aircraft.

Sec. 213. Modification of placed in service rule for bonus depreciation property.

Subtitle C—S Corporation Reform and Simplification

Sec. 221. Members of family treated as 1 shareholder.

Sec. 222. Increase in number of eligible shareholders to 100.

Sec. 223. Expansion of bank S corporation eligible shareholders to include IRAs.

Sec. 224. Disregard of unexercised powers of appointment in determining potential current beneficiaries of ESBT.

Sec. 225. Transfer of suspended losses incident to divorce, etc.

Sec. 226. Use of passive activity loss and at-risk amounts by qualified subchapter S trust income beneficiaries.

Sec. 227. Exclusion of investment securities income from passive income test for bank S corporations.

Sec. 228. Treatment of bank director shares.

Sec. 229. Relief from inadvertently invalid qualified subchapter S subsidiary elections and terminations.

Sec. 230. Information returns for qualified subchapter S subsidiaries.

Sec. 231. Repayment of loans for qualifying employer securities.

Subtitle D—Alternative Minimum Tax Relief

Sec. 241. Foreign tax credit under alternative minimum tax.

Sec. 242. Expansion of exemption from alternative minimum tax for small corporations.

Sec. 243. Income averaging for farmers not to increase alternative minimum tax.

Subtitle E—Restructuring of Incentives for Alcohol Fuels, Etc.

Sec. 251. Reduced rates of tax on gasohol replaced with excise tax credit; repeal of other alcohol-based fuel incentives; etc.

Sec. 252. Alcohol fuel subsidies borne by general fund.

Subtitle F—Stock Options and Employee Stock Purchase Plan Stock Options

Sec. 261. Exclusion of incentive stock options and employee stock purchase plan stock options from wages.

Subtitle G—Incentives to Reinvest Foreign Earnings in United States

Sec. 271. Incentives to reinvest foreign earnings in United States.

Subtitle H—Other Incentive Provisions

Sec. 281. Special rules for livestock sold on account of weather-related conditions.

Sec. 282. Payment of dividends on stock of cooperatives without reducing patronage dividends.

Sec. 283. Capital gain treatment under section 631(b) to apply to outright sales by landowners.

Sec. 284. Distributions from publicly traded partnerships treated as qualifying income of regulated investment companies.

Sec. 285. Improvements related to real estate investment trusts.

Sec. 286. Treatment of certain dividends of regulated investment companies.

Sec. 287. Taxation of certain settlement funds.

Sec. 288. Expansion of human clinical trials qualifying for orphan drug credit.

Sec. 289. Simplification of excise tax imposed on bows and arrows.

Sec. 290. Repeal of excise tax on fishing tackle boxes.

Sec. 291. Sonar devices suitable for finding fish.

Sec. 292. Income tax credit to distilled spirits wholesalers for cost of carrying Federal excise taxes on bottled distilled spirits.

Sec. 293. Suspension of occupational taxes relating to distilled spirits, wine, and beer.

Sec. 294. Modification of unrelated business income limitation on investment in certain small business investment companies.

Sec. 295. Election to determine taxable income from certain international shipping activities using per ton rate.

Sec. 296. Charitable contribution deduction for certain expenses incurred in support of Native Alaskan subsistence whaling.

TITLE III—TAX REFORM AND SIMPLIFICATION FOR UNITED STATES BUSINESSES

Sec. 301. Interest expense allocation rules.

Sec. 302. Recharacterization of overall domestic loss.

Sec. 303. Reduction to 2 foreign tax credit baskets.

Sec. 304. Look-thru rules to apply to dividends from noncontrolled section 902 corporations.

Sec. 305. Attribution of stock ownership through partnerships to apply in determining section 902 and 960 credits.

Sec. 306. Clarification of treatment of certain transfers of intangible property.

Sec. 307. United States property not to include certain assets of controlled foreign corporation.

Sec. 308. Election not to use average exchange rate for foreign tax paid other than in functional currency.

Sec. 309. Repeal of withholding tax on dividends from certain foreign corporations.

Sec. 310. Provide equal treatment for interest paid by foreign partnerships and foreign corporations.

Sec. 311. Look-thru treatment of payments between related controlled foreign corporations under foreign personal holding company income rules.

Sec. 312. Look-thru treatment for sales of partnership interests.

Sec. 313. Repeal of foreign personal holding company rules and foreign investment company rules.

Sec. 314. Determination of foreign personal holding company income with respect to transactions in commodities.

Sec. 315. Modifications to treatment of aircraft leasing and shipping income.

Sec. 316. Modification of exceptions under subpart F for active financing.

TITLE IV—EXTENSION OF CERTAIN EXPIRING PROVISIONS

Sec. 401. Allowance of nonrefundable personal credits against regular and minimum tax liability.

Sec. 402. Extension of research credit.

Sec. 403. Extension of credit for electricity produced from certain renewable resources.

Sec. 404. Indian employment tax credit.

Sec. 405. Work opportunity credit.

Sec. 406. Welfare-to-work credit.

Sec. 407. Certain expenses of elementary and secondary school teachers.

Sec. 408. Extension of accelerated depreciation benefit for property on Indian reservations.

Sec. 409. Charitable contributions of computer technology and equipment used for educational purposes.

Sec. 410. Expensing of environmental remediation costs.

Sec. 411. Availability of medical savings accounts.

Sec. 412. Taxable income limit on percentage depletion for oil and natural gas produced from marginal properties.

Sec. 413. Qualified zone academy bonds.
Sec. 414. District of Columbia.
Sec. 415. Extension of certain New York Liberty Zone bond financing.
Sec. 416. Disclosures relating to terrorist activities.
Sec. 417. Disclosure of return information relating to student loans.
Sec. 418. Cover over of tax on distilled spirits.
Sec. 419. Joint review of strategic plans and budget for the Internal Revenue Service.
Sec. 420. Parity in the application of certain limits to mental health benefits.
Sec. 421. Combined employment tax reporting project.
Sec. 422. Clean-fuel vehicles.

TITLE V—DEDUCTION OF STATE AND LOCAL GENERAL SALES TAXES

Sec. 501. Deduction of State and local general sales taxes in lieu of State and local income taxes.

TITLE VI—REVENUE PROVISIONS

Subtitle A—Provisions to Reduce Tax Avoidance Through Individual and Corporate Expatriation

Sec. 601. Tax treatment of expatriated entities and their foreign parents.
Sec. 602. Excise tax on stock compensation of insiders in expatriated corporations.
Sec. 603. Reinsurance of United States risks in foreign jurisdictions.
Sec. 604. Revision of tax rules on expatriation of individuals.
Sec. 605. Reporting of taxable mergers and acquisitions.
Sec. 606. Studies.

Subtitle B—Provisions Relating to Tax Shelters

PART I—TAXPAYER-RELATED PROVISIONS

Sec. 611. Penalty for failing to disclose reportable transactions.
Sec. 612. Accuracy-related penalty for listed transactions, other reportable transactions having a significant tax avoidance purpose, etc.
Sec. 613. Tax shelter exception to confidentiality privileges relating to taxpayer communications.
Sec. 614. Statute of limitations for taxable years for which required listed transactions not reported.
Sec. 615. Disclosure of reportable transactions.
Sec. 616. Failure to furnish information regarding reportable transactions.
Sec. 617. Modification of penalty for failure to maintain lists of investors.
Sec. 618. Penalty on promoters of tax shelters.
Sec. 619. Modifications of substantial understatement penalty for nonreportable transactions.
Sec. 620. Modification of actions to enjoin certain conduct related to tax shelters and reportable transactions.
Sec. 621. Penalty on failure to report interests in foreign financial accounts.
Sec. 622. Regulation of individuals practicing before the Department of the Treasury.

PART II—OTHER PROVISIONS

Sec. 631. Treatment of stripped interests in bond and preferred stock funds, etc.
Sec. 632. Minimum holding period for foreign tax credit on withholding taxes on income other than dividends.
Sec. 633. Disallowance of certain partnership loss transfers.
Sec. 634. No reduction of basis under section 734 in stock held by partnership in corporate partner.
Sec. 635. Repeal of special rules for FASITs.
Sec. 636. Limitation on transfer of built-in losses on REMIC residuals.
Sec. 637. Clarification of banking business for purposes of determining investment of earnings in United States property.
Sec. 638. Alternative tax for certain small insurance companies.
Sec. 639. Denial of deduction for interest on underpayments attributable to nondisclosed reportable transactions.
Sec. 640. Clarification of rules for payment of estimated tax for certain deemed asset sales.
Sec. 641. Recognition of gain from the sale of a principal residence acquired in a like-kind exchange within 5 years of sale.
Sec. 642. Prevention of mismatching of interest and original issue discount deductions and income inclusions in transactions with related foreign persons.
Sec. 643. Exclusion from gross income for interest on overpayments of income tax by individuals.
Sec. 644. Deposits made to suspend running of interest on potential underpayments.
Sec. 645. Partial payment of tax liability in installment agreements.
Sec. 646. Affirmation of consolidated return regulation authority.

PART III—LEASING

Sec. 647. Reform of tax treatment of certain leasing arrangements.
Sec. 648. Limitation on deductions allocable to property used by governments or other tax-exempt entities.
Sec. 649. Effective date.

Subtitle C—Reduction of Fuel Tax Evasion

Sec. 651. Exemption from certain excise taxes for mobile machinery.
Sec. 652. Taxation of aviation-grade kerosene.
Sec. 653. Dye injection equipment.
Sec. 654. Authority to inspect on-site records.
Sec. 655. Registration of pipeline or vessel operators required for exemption of bulk transfers to registered terminals or refineries.
Sec. 656. Display of registration.
Sec. 657. Penalties for failure to register and failure to report.
Sec. 658. Collection from customs bond where importer not registered.
Sec. 659. Modifications of tax on use of certain vehicles.
Sec. 660. Modification of ultimate vendor refund claims with respect to farming.
Sec. 661. Dedication of revenues from certain penalties to the Highway Trust Fund.
Sec. 662. Taxable fuel refunds for certain ultimate vendors.
Sec. 663. Two-party exchanges.
Sec. 664. Simplification of tax on tires.

Subtitle D—Nonqualified Deferred Compensation Plans

Sec. 671. Treatment of nonqualified deferred compensation plans.

Subtitle E—Other Revenue Provisions

Sec. 681. Qualified tax collection contracts.
Sec. 682. Treatment of charitable contributions of patents and similar property.
Sec. 683. Increased reporting for noncash charitable contributions.
Sec. 684. Donations of motor vehicles, boats, and aircraft.
Sec. 685. Extension of amortization of intangibles to sports franchises.
Sec. 686. Modification of continuing levy on payments to Federal venders.
Sec. 687. Modification of straddle rules.
Sec. 688. Addition of vaccines against hepatitis A to list of taxable vaccines.
Sec. 689. Addition of vaccines against influenza to list of taxable vaccines.
Sec. 690. Extension of IRS user fees.
Sec. 691. COBRA fees.

TITLE VII—MARKET REFORM FOR TOBACCO GROWERS

Sec. 701. Short title.
Sec. 702. Effective date.

Subtitle A—Termination of Federal Tobacco Quota and Price Support Programs

Sec. 711. Termination of tobacco quota program and related provisions.
Sec. 712. Termination of tobacco price support program and related provisions.
Sec. 713. Continuation of Liability and No Net Loss Assessments to Prevent Losses on Price Support Loans.

Subtitle B—Transitional Payments to Tobacco Quota Holders and Active Producers of Tobacco

Sec. 721. Definitions of active tobacco producer and quota holder.
Sec. 722. Payments to tobacco quota holders.
Sec. 723. Transition payments for active producers of quota tobacco.
Sec. 724. Resolution of disputes.
Sec. 725. Source of funds for payments.

TITLE VIII—TRADE PROVISIONS

Sec. 801. Ceiling fans.
Sec. 802. Certain steam generators, and certain reactor vessel heads, used in nuclear facilities.

TITLE I—END SANCTIONS AND REDUCE CORPORATE TAX RATES FOR DOMESTIC MANUFACTURING AND SMALL CORPORATIONS

SEC. 101. REPEAL OF EXCLUSION FOR EXTRATERRITORIAL INCOME.

(a) IN GENERAL.—Section 114 is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1) Subpart E of part III of subchapter N of chapter 1 (relating to qualifying foreign trade income) is hereby repealed.

(2) The table of subparts for such part III is amended by striking the item relating to subpart E.

(3) The table of sections for part III of subchapter B of chapter 1 is amended by striking the item relating to section 114.

(4) The second sentence of section 56(g)(4)(B)(i) is amended by striking ''114 or''.

(5) Section 275(a) is amended—

(A) by inserting ''or'' at the end of paragraph (4)(A), by striking ''or'' at the end of paragraph (4)(B) and inserting a period, and by striking subparagraph (C), and

(B) by striking the last sentence.

(6) Paragraph (3) of section 864(e) is amended—

(A) by striking:

''(3) TAX-EXEMPT ASSETS NOT TAKEN INTO ACCOUNT.—

''(A) IN GENERAL.—For purposes of''; and inserting:

''(3) TAX-EXEMPT ASSETS NOT TAKEN INTO ACCOUNT.—For purposes of'', and

(B) by striking subparagraph (B).

(7) Section 903 is amended by striking ''114, 164(a),'' and inserting ''164(a)''.

(8) Section 999(c)(1) is amended by striking ''941(a)(5),''.

(c) EFFECTIVE DATE.—Except as provided in subsection (d), the amendments made by this section shall apply to transactions after December 31, 2004.

(d) TRANSITIONAL RULE FOR 2005 AND 2006.—

(1) IN GENERAL.—In the case of transactions during 2005 or 2006, the amount includable in gross income by reason of the amendments made by this section shall not exceed the applicable percentage of the amount which would have been so included but for this subsection.

(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage shall be as follows:

(A) For 2005, the applicable percentage shall be 20 percent.

(B) For 2006, the applicable percentage shall be 40 percent.

(e) REVOCATION OF ELECTION TO BE TREATED AS DOMESTIC CORPORATION.—If, during the 1-year period beginning on the date of the enactment of this Act, a corporation for which an election is in effect under section 943(e) of the Internal Revenue Code of 1986 revokes such

election, no gain or loss shall be recognized with respect to property treated as transferred under clause (ii) of section 943(e)(4)(B) of such Code to the extent such property—

(1) was treated as transferred under clause (i) thereof, or

(2) was acquired during a taxable year to which such election applies and before May 1, 2003, in the ordinary course of its trade or business.

The Secretary of the Treasury (or such Secretary's delegate) may prescribe such regulations as may be necessary to prevent the abuse of the purposes of this subsection.

(f) BINDING CONTRACTS.—The amendments made by this section shall not apply to any transaction in the ordinary course of a trade or business which occurs pursuant to a binding contract—

(1) which is between the taxpayer and a person who is not a related person (as defined in section 943(b)(3) of such Code, as in effect on the day before the date of the enactment of this Act), and

(2) which is in effect on January 14, 2002, and at all times thereafter.

For purposes of this subsection, a binding contract shall include a purchase option, renewal option, or replacement option which is included in such contract and which is enforceable against the seller or lessor.

SEC. 102. REDUCED CORPORATE INCOME TAX RATE FOR DOMESTIC PRODUCTION ACTIVITIES INCOME.

(a) LIMITATION ON TAX ON QUALIFIED PRODUCTION ACTIVITIES INCOME.—Section 11 is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and by inserting after subsection (b) the following new subsection:

''(c) LIMITATION ON TAX ON QUALIFIED PRODUCTION ACTIVITIES INCOME.—

''(1) IN GENERAL.—If a corporation has qualified production activities income for any taxable year, the tax imposed by this section shall not exceed the sum of—

''(A) a tax computed at the rates and in the manner as if this subsection had not been enacted on the taxable income reduced by the amount of qualified production activities income, plus

''(B) a tax equal to 32 percent (34 percent in the case of taxable years beginning before January 1, 2007) of the qualified production activities income (or, if less, taxable income).

''(2) QUALIFIED PRODUCTION ACTIVITIES INCOME.—

''(A) IN GENERAL.—The term 'qualified production activities income' for any taxable year means an amount equal to the excess (if any) of—

''(i) the taxpayer's domestic production gross receipts for such taxable year, over

''(ii) the sum of—

''(I) the cost of goods sold that are allocable to such receipts,

''(II) other deductions, expenses, or losses directly allocable to such receipts, and

''(III) a ratable portion of other deductions, expenses, and losses that are not directly allocable to such receipts or another class of income.

''(B) ALLOCATION METHOD.—The Secretary shall prescribe rules for the proper allocation of items of income, deduction, expense, and loss for purposes of determining income attributable to domestic production activities.

''(3) DOMESTIC PRODUCTION GROSS RECEIPTS.—For purposes of this subsection, the term 'domestic production gross receipts' means the gross receipts of the taxpayer which are derived from—

''(A) any lease, rental, license, sale, exchange, or other disposition of—

''(i) qualifying production property which was manufactured, produced, grown, or extracted in whole or in significant part by the taxpayer within the United States, or

''(ii) any qualified film produced by the taxpayer, or

''(B) construction, engineering, or architectural services performed in the United States for construction projects in the United States.

''(4) QUALIFYING PRODUCTION PROPERTY.—For purposes of this subsection, the term 'qualifying production property' means—

''(A) tangible personal property,

''(B) any computer software, and

''(C) any property described in section 168(f)(4).

''(5) QUALIFIED FILM.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified film' means any property described in section 168(f)(3) if not less than 50 percent of the total compensation relating to the production of such property is compensation for services performed in the United States by actors, production personnel, directors, and producers.

''(B) EXCEPTION.—Such term does not include property with respect to which records are required to be maintained under section 2257 of title 18, United States Code.

''(6) RELATED PERSONS.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'domestic production gross receipts' shall not include any gross receipts of the taxpayer derived from property leased, licensed, or rented by the taxpayer for use by any related person.

''(B) RELATED PERSON.—For purposes of subparagraph (A), a person shall be treated as related to another person if such persons are treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414, except that determinations under subsections (a) and (b) of section 52 shall be made without regard to section 1563(b).''.

(b) SPECIAL RULE RELATING TO ELECTION TO TREAT CUTTING OF TIMBER AS A SALE OR EXCHANGE.—In the case of a corporation, any election under section 631(a) of the Internal Revenue Code of 1986 made for a taxable year ending on or before the date of the enactment of this Act may be revoked by the taxpayer for any taxable year ending after such date. For purposes of determining whether such taxpayer may make a further election under such section, such election (and any revocation under this section) shall not be taken into account.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 103. REDUCED CORPORATE INCOME TAX RATE FOR SMALL CORPORATIONS.

(a) IN GENERAL.—Subsection (b) of section 11 (relating to tax imposed on corporations) is amended by redesignating paragraph (2) as paragraph (6) and by striking paragraph (1) and inserting the following new paragraphs:

''(1) FOR TAXABLE YEARS BEGINNING AFTER 2012.—In the case of taxable years beginning after 2012, the amount of the tax imposed by subsection (a) shall be determined in accordance with the following table:

''If taxable income is:	*The tax is:*
Not over $50,000	*15% of taxable income.*
Over $50,000 but not over $75,000.	*$7,500, plus 25% of the excess over $50,000.*
Over $75,000 but not over $20,000,000.	*$13,750, plus 32% of the excess over $75,000.*
Over $20,000,000	*$6,389,750, plus 35% of the excess over $20,000,000.*

''(2) FOR TAXABLE YEARS BEGINNING IN 2011 OR 2012.—In the case of taxable years beginning in 2011 or 2012, the amount of the tax imposed by subsection (a) shall be determined in accordance with the following table:

''If taxable income is:	*The tax is:*
Not over $50,000	*15% of taxable income.*
Over $50,000 but not over $75,000.	*$7,500, plus 25% of the excess over $50,000.*
Over $75,000 but not over $5,000,000.	*$13,750, plus 32% of the excess over $75,000.*
Over $5,000,000 but not over $10,000,000.	*$1,589,750, plus 34% of the excess over $5,000,000.*
Over $10,000,000	*$3,289,750, plus 35% of the excess over $10,000,000.*

''(3) FOR TAXABLE YEARS BEGINNING IN 2008, 2009, OR 2010.—In the case of taxable years beginning in 2008, 2009, or 2010, the amount of the tax imposed by subsection (a) shall be determined in accordance with the following table:

''If taxable income is:	*The tax is:*
Not over $50,000	*15% of taxable income.*
Over $50,000 but not over $75,000.	*$7,500, plus 25% of the excess over $50,000.*
Over $75,000 but not over $1,000,000.	*$13,750, plus 32% of the excess over $75,000.*
Over $1,000,000 but not over $10,000,000.	*$309,750, plus 34% of the excess over $1,000,000.*
Over $10,000,000	*$3,369,750, plus 35% of the excess over $10,000,000.*

''(4) FOR TAXABLE YEARS BEGINNING IN 2005, 2006, OR 2007.—In the case of taxable years beginning in 2005, 2006, or 2007, the amount of the tax imposed by subsection (a) shall be determined in accordance with the following table:

''If taxable income is:	*The tax is:*
Not over $50,000	*15% of taxable income.*
Over $50,000 but not over $75,000.	*$7,500, plus 25% of the excess over $50,000.*
Over $75,000 but not over $1,000,000.	*$13,750, plus 33% of the excess over $75,000.*
Over $1,000,000 but not over $10,000,000.	*$319,000, plus 34% of the excess over $1,000,000.*
Over $10,000,000	*$3,379,000, plus 35% of the excess over $10,000,000.*

''(5) PHASEOUT OF LOWER RATES FOR CERTAIN TAXPAYERS.—

''(A) GENERAL RULE FOR YEARS BEFORE 2013.—

''(i) IN GENERAL.—In the case of taxable years beginning before 2013 with respect to a corporation which has taxable income in excess of the applicable amount for any taxable year, the amount of tax determined under paragraph (1), (2), (3) or (4) for such taxable year shall be increased by the lesser of (I) 5 percent of such excess, or (II) the maximum increase amount.

''(ii) MAXIMUM INCREASE AMOUNT.—For purposes of clause (i)—

''In the case of any taxable year beginning during:	***The applicable amount is:***	***The maximum increase amount is:***
2005, 2006, or 2007	*$1,000,000*	*$21,000*
2008, 2009, or 2010	*$1,000,000*	*$30,250*
2011 or 2012	*$5,000,000*	*$110,250.*

''(B) HIGHER INCOME CORPORATIONS.—In the case of a corporation which has taxable income in excess of $20,000,000 ($15,000,000 in the case of taxable years beginning before 2013), the amount of the tax determined under the foregoing provisions of this subsection shall be increased by an additional amount equal to the lesser of (i) 3 percent of such excess, or (ii) $610,250 ($100,000 in the case of taxable years beginning before 2013).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 904(b)(3)(D)(ii) is amended to read as follows:

''(ii) in the case of a corporation, section 1201(a) applies to such taxable year.''.

(2) Section 1201(a) is amended by striking ''the last 2 sentences of section 11(b)(1)'' and inserting ''section 11(b)(5)''.

(3) Section 1561(a) is amended—

(A) by striking ''the last 2 sentences of section 11(b)(1)'' and inserting ''section 11(b)(5)'', and

(B) by striking ''such last 2 sentences'' and inserting ''section 11(b)(5)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

TITLE II—JOB CREATION TAX INCENTIVES FOR MANUFACTURERS, SMALL BUSINESSES, AND FARMERS

Subtitle A—Small Business Expensing

SEC. 201. 2-YEAR EXTENSION OF INCREASED EXPENSING FOR SMALL BUSINESS.

Subsections (b), (c), and (d) of section 179 are each amended by striking ''2006'' each place it appears and inserting ''2008''.

Subtitle B—Depreciation

SEC. 211. RECOVERY PERIOD FOR DEPRECIATION OF CERTAIN LEASEHOLD IMPROVEMENTS AND RESTAURANT PROPERTY.

(a) 15-YEAR RECOVERY PERIOD.—Subparagraph (E) of section 168(e)(3) (relating to classification of certain property) is amended by

striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting a comma, and by adding at the end the following new clauses:

''(iv) any qualified leasehold improvement property placed in service before January 1, 2006, and

''(v) any qualified restaurant property placed in service before January 1, 2006.''

(b) QUALIFIED LEASEHOLD IMPROVEMENT PROPERTY.—Subsection (e) of section 168 is amended by adding at the end the following new paragraph:

''(6) QUALIFIED LEASEHOLD IMPROVEMENT PROPERTY.—The term 'qualified leasehold improvement property' has the meaning given such term in section 168(k)(3) except that the following special rules shall apply:

''(A) IMPROVEMENTS MADE BY LESSOR.—In the case of an improvement made by the person who was the lessor of such improvement when such improvement was placed in service, such improvement shall be qualified leasehold improvement property (if at all) only so long as such improvement is held by such person.

''(B) EXCEPTION FOR CHANGES IN FORM OF BUSINESS.—Property shall not cease to be qualified leasehold improvement property under subparagraph (A) by reason of—

''(i) death,

''(ii) a transaction to which section 381(a) applies,

''(iii) a mere change in the form of conducting the trade or business so long as the property is retained in such trade or business as qualified leasehold improvement property and the taxpayer retains a substantial interest in such trade or business,

''(iv) the acquisition of such property in an exchange described in section 1031, 1033, or 1038 to the extent that the basis of such property includes an amount representing the adjusted basis of other property owned by the taxpayer or a related person, or

''(v) the acquisition of such property by the taxpayer in a transaction described in section 332, 351, 361, 721, or 731 (or the acquisition of such property by the taxpayer from the transferee or acquiring corporation in a transaction described in such section), to the extent that the basis of the property in the hands of the taxpayer is determined by reference to its basis in the hands of the transferor or distributor.''.

(c) QUALIFIED RESTAURANT PROPERTY.—Subsection (e) of section 168 (as amended by subsection (b)) is further amended by adding at the end the following new paragraph:

''(7) QUALIFIED RESTAURANT PROPERTY.—The term 'qualified restaurant property' means any section 1250 property which is an improvement to a building if—

''(A) such improvement is placed in service more than 3 years after the date such building was first placed in service, and

''(B) more than 50 percent of the building's square footage is devoted to preparation of, and seating for on-premises consumption of, prepared meals.''.

(d) REQUIREMENT TO USE STRAIGHT LINE METHOD.—

(1) Paragraph (3) of section 168(b) is amended by adding at the end the following new subparagraphs:

''(G) Qualified leasehold improvement property described in subsection (e)(6).

''(H) Qualified restaurant property described in subsection (e)(7).''.

(2) Subparagraph (A) of section 168(b)(2) is amended by inserting before the comma ''not referred to in paragraph (3)''.

(e) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) is amended by adding at the end the following new items:

''(E)(iv) 39
''(E)(v) ..... 39''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 212. MODIFICATION OF DEPRECIATION ALLOWANCE FOR AIRCRAFT.

(a) AIRCRAFT TREATED AS QUALIFIED PROPERTY.—

(1) IN GENERAL.—Paragraph (2) of section 168(k) is amended by redesignating subparagraphs (C) through (F) as subparagraphs (D) through (G), respectively, and by inserting after subparagraph (B) the following new subparagraph:

''(C) CERTAIN AIRCRAFT.—The term 'qualified property' includes property—

''(i) which meets the requirements of clauses (ii) and (iii) of subparagraph (A),

''(ii) which is an aircraft which is not a transportation property (as defined in subparagraph (B)(iii)) other than for agricultural or firefighting purposes,

''(iii) which is purchased and on which such purchaser, at the time of the contract for purchase, has made a nonrefundable deposit of the lesser of—

''(I) 10 percent of the cost, or

''(II) $100,000, and

''(iv) which has—

''(I) an estimated production period exceeding 4 months, and

''(II) a cost exceeding $200,000.''.

(2) PLACED IN SERVICE DATE.—Clause (iv) of section 168(k)(2)(A) is amended by striking ''subparagraph (B)'' and inserting ''subparagraphs (B) and (C)''.

(b) CONFORMING AMENDMENTS.—

(1) Section 168(k)(2)(B) is amended by adding at the end the following new clause:

''(iv) APPLICATION OF SUBPARAGRAPH.—This subparagraph shall not apply to any property which is described in subparagraph (C).''.

(2) Section 168(k)(4)(A)(ii) is amended by striking ''paragraph (2)(C)'' and inserting ''paragraph (2)(D)''.

(3) Section 168(k)(4)(B)(iii) is amended by inserting ''and paragraph (2)(C)'' after ''of this paragraph)''.

(4) Section 168(k)(4)(C) is amended by striking ''subparagraphs (B) and (D)'' and inserting ''subparagraphs (B), (C), and (E)''.

(5) Section 168(k)(4)(D) is amended by striking ''Paragraph (2)(E)'' and inserting ''Paragraph (2)(F)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 101 of the Job Creation and Worker Assistance Act of 2002.

SEC. 213. MODIFICATION OF PLACED IN SERVICE RULE FOR BONUS DEPRECIATION PROPERTY.

(a) IN GENERAL.—Section 168(k)(2)(D) (relating to special rules) is amended by adding at the end the following new clause:

''(iii) SYNDICATION.—For purposes of subparagraph (A)(ii), if—

''(I) property is originally placed in service after September 10, 2001, by the lessor of such property,

''(II) such property is sold by such lessor or any subsequent purchaser within 3 months after the date so placed in service (or, in the case of multiple units of property subject to the same lease, within 3 months after the date the final unit is placed in service, so long as the period between the time the first unit is placed in service and the time the last unit is placed in service does not exceed 12 months), and

''(III) the user of such property after the last sale during such 3-month period remains the same as when such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date of such last sale, so long as no previous owner of such property elects the application of this subsection with respect to such property.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 101 of the Job Creation and Worker Assistance Act of 2002; except that the parenthetical material in section 168(k)(2)(D)(iii)(II) of the Internal Revenue Code of 1986, as added by this section, shall apply to property sold after June 4, 2004.

Subtitle C—S Corporation Reform and Simplification

SEC. 221. MEMBERS OF FAMILY TREATED AS 1 SHAREHOLDER.

(a) IN GENERAL.—Paragraph (1) of section 1361(c) (relating to special rules for applying subsection (b)) is amended to read as follows:

''(1) MEMBERS OF FAMILY TREATED AS 1 SHAREHOLDER.—

''(A) IN GENERAL.—For purpose of subsection (b)(1)(A)—

''(i) except as provided in clause (ii), a husband and wife (and their estates) shall be treated as 1 shareholder, and

''(ii) in the case of a family with respect to which an election is in effect under subparagraph (D), all members of the family shall be treated as 1 shareholder.

''(B) MEMBERS OF THE FAMILY.—For purpose of subparagraph (A)(ii)—

''(i) IN GENERAL.—The term 'members of the family' means the common ancestor, lineal descendants of the common ancestor, and the spouses (or former spouses) of such lineal descendants or common ancestor.

''(ii) COMMON ANCESTOR.—For purposes of this paragraph, an individual shall not be considered a common ancestor if, as of the later of the effective date of this paragraph or the time the election under section 1362(a) is made, the individual is more than 3 generations removed from the youngest generation of shareholders who would (but for this clause) be members of the family. For purposes of the preceding sentence, a spouse (or former spouse) shall be treated as being of the same generation as the individual to which such spouse is (or was) married.

''(C) EFFECT OF ADOPTION, ETC.—In determining whether any relationship specified in subparagraph (B) exists, the rules of section 152(b)(2) shall apply.

''(D) ELECTION.—An election under subparagraph (A)(ii)—

''(i) may, except as otherwise provided in regulations prescribed by the Secretary, be made by any member of the family, and

''(ii) shall remain in effect until terminated as provided in regulations prescribed by the Secretary.''.

(b) RELIEF FROM INADVERTENT INVALID ELECTION OR TERMINATION.—Section 1362(f) (relating to inadvertent invalid elections or terminations), as amended by section 229, is amended—

(1) by inserting ''or section 1361(c)(1)(A)(ii)'' after ''section 1361(b)(3)(B)(ii),'' in paragraph (1), and

(2) by inserting ''or section 1361(c)(1)(D)(iii)'' after ''section 1361(b)(3)(C),'' in paragraph (1)(B).

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2004.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to elections and terminations made after December 31, 2004.

SEC. 222. INCREASE IN NUMBER OF ELIGIBLE SHAREHOLDERS TO 100.

(a) IN GENERAL.—Section 1361(b)(1)(A) (defining small business corporation) is amended by striking ''75'' and inserting ''100''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 223. EXPANSION OF BANK S CORPORATION ELIGIBLE SHAREHOLDERS TO INCLUDE IRAS.

(a) IN GENERAL.—Section 1361(c)(2)(A) (relating to certain trusts permitted as shareholders) is amended by inserting after clause (v) the following new clause:

''(vi) In the case of a corporation which is a bank (as defined in section 581), a trust which constitutes an individual retirement account under section 408(a), including one designated as a Roth IRA under section 408A, but only to

the extent of the stock held by such trust in such bank as of the date of the enactment of this clause.''.

(b) TREATMENT AS SHAREHOLDER.—Section 1361(c)(2)(B) (relating to treatment as shareholders) is amended by adding at the end the following new clause:

''(vi) In the case of a trust described in clause (vi) of subparagraph (A), the individual for whose benefit the trust was created shall be treated as a shareholder.''.

(c) SALE OF BANK STOCK IN IRA RELATING TO S CORPORATION ELECTION EXEMPT FROM PROHIBITED TRANSACTION RULES.—Section 4975(d) (relating to exemptions) is amended by striking ''or'' at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting ''; or'', and by adding at the end the following new paragraph:

''(16) a sale of stock held by a trust which constitutes an individual retirement account under section 408(a) to the individual for whose benefit such account is established if—

''(A) such stock is in a bank (as defined in section 581),

''(B) such stock is held by such trust as of the date of the enactment of this paragraph,

''(C) such sale is pursuant to an election under section 1362(a) by such bank,

''(D) such sale is for fair market value at the time of sale (as established by an independent appraiser) and the terms of the sale are otherwise at least as favorable to such trust as the terms that would apply on a sale to an unrelated party,

''(E) such trust does not pay any commissions, costs, or other expenses in connection with the sale, and

''(F) the stock is sold in a single transaction for cash not later than 120 days after the S corporation election is made.''.

(d) CONFORMING AMENDMENT.—Section 512(e)(1) is amended by inserting ''1361(c)(2)(A)(vi) or'' before ''1361(c)(6)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 224. DISREGARD OF UNEXERCISED POWERS OF APPOINTMENT IN DETERMINING POTENTIAL CURRENT BENEFICIARIES OF ESBT.

(a) IN GENERAL.—Section 1361(e)(2) (defining potential current beneficiary) is amended—

(1) by inserting ''(determined without regard to any power of appointment to the extent such power remains unexercised at the end of such period)'' after ''of the trust'' in the first sentence, and

(2) by striking ''60-day'' in the second sentence and inserting ''1-year''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 225. TRANSFER OF SUSPENDED LOSSES INCIDENT TO DIVORCE, ETC.

(a) IN GENERAL.—Section 1366(d)(2) (relating to indefinite carryover of disallowed losses and deductions) is amended to read as follows:

''(2) INDEFINITE CARRYOVER OF DISALLOWED LOSSES AND DEDUCTIONS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), any loss or deduction which is disallowed for any taxable year by reason of paragraph (1) shall be treated as incurred by the corporation in the succeeding taxable year with respect to that shareholder.

''(B) TRANSFERS OF STOCK BETWEEN SPOUSES OR INCIDENT TO DIVORCE.—In the case of any transfer described in section 1041(a) of stock of an S corporation, any loss or deduction described in subparagraph (A) with respect such stock shall be treated as incurred by the corporation in the succeeding taxable year with respect to the transferee.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 226. USE OF PASSIVE ACTIVITY LOSS AND AT-RISK AMOUNTS BY QUALIFIED SUBCHAPTER S TRUST INCOME BENEFICIARIES.

(a) IN GENERAL.—Section 1361(d)(1) (relating to special rule for qualified subchapter S trust) is amended—

(1) by striking ''and'' at the end of subparagraph (A),

(2) by striking the period at the end of subparagraph (B) and inserting '', and'', and

(3) by adding at the end the following new subparagraph:

''(C) for purposes of applying sections 465 and 469 to the beneficiary of the trust, the disposition of the S corporation stock by the trust shall be treated as a disposition by such beneficiary.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers made after December 31, 2004.

SEC. 227. EXCLUSION OF INVESTMENT SECURITIES INCOME FROM PASSIVE INCOME TEST FOR BANK S CORPORATIONS.

(a) IN GENERAL.—Section 1362(d)(3) (relating to where passive investment income exceeds 25 percent of gross receipts for 3 consecutive taxable years and corporation has accumulated earnings and profits) is amended by adding at the end the following new subparagraph:

''(F) EXCEPTION FOR BANKS; ETC.—In the case of a bank (as defined in section 581), a bank holding company (within the meaning of section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(a))), or a financial holding company (within the meaning of section 2(p) of such Act), the term 'passive investment income' shall not include—

''(i) interest income earned by such bank or company, or

''(ii) dividends on assets required to be held by such bank or company, including stock in the Federal Reserve Bank, the Federal Home Loan Bank, or the Federal Agricultural Mortgage Bank or participation certificates issued by a Federal Intermediate Credit Bank.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 228. TREATMENT OF BANK DIRECTOR SHARES.

(a) IN GENERAL.—Section 1361 (defining S corporation) is amended by adding at the end the following new subsection:

''(f) RESTRICTED BANK DIRECTOR STOCK.—

''(1) IN GENERAL.—Restricted bank director stock shall not be taken into account as outstanding stock of the S corporation in applying this subchapter (other than section 1368(f)).

''(2) RESTRICTED BANK DIRECTOR STOCK.—For purposes of this subsection, the term 'restricted bank director stock' means stock in a bank (as defined in section 581), a bank holding company (within the meaning of section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(a))), or a financial holding company (within the meaning of section 2(p) of such Act), registered with the Federal Reserve System, if such stock—

''(A) is required to be held by an individual under applicable Federal or State law in order to permit such individual to serve as a director, and

''(B) is subject to an agreement with such bank or company (or a corporation which controls (within the meaning of section 368(c)) such bank or company) pursuant to which the holder is required to sell back such stock (at the same price as the individual acquired such stock) upon ceasing to hold the office of director.

''(3) CROSS REFERENCE.—

''For treatment of certain distributions with respect to restricted bank director stock, see section 1368(f).''.

(b) DISTRIBUTIONS.—Section 1368 (relating to distributions) is amended by adding at the end the following new subsection:

''(f) RESTRICTED BANK DIRECTOR STOCK.—If a director receives a distribution (not in part or full payment in exchange for stock) from an S corporation with respect to any restricted bank director stock (as defined in section 1361(f)), the amount of such distribution—

''(1) shall be includable in gross income of the director, and

''(2) shall be deductible by the corporation for the taxable year of such corporation in which or with which ends the taxable year in which such amount is included in the gross income of the director.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 229. RELIEF FROM INADVERTENTLY INVALID QUALIFIED SUBCHAPTER S SUBSIDIARY ELECTIONS AND TERMINATIONS.

(a) IN GENERAL.—Section 1362(f) (relating to inadvertent invalid elections or terminations) is amended—

(1) by inserting '', section 1361(b)(3)(B)(ii),'' after ''subsection (a)'' in paragraph (1),

(2) by inserting '', section 1361(b)(3)(C),'' after ''subsection (d)'' in paragraph (1)(B),

(3) by amending paragraph (3)(A) to read as follows:

''(A) so that the corporation for which the election was made is a small business corporation or a qualified subchapter S subsidiary, as the case may be, or'',

(4) by amending paragraph (4) to read as follows:

''(4) the corporation for which the election was made, and each person who was a shareholder in such corporation at any time during the period specified pursuant to this subsection, agrees to make such adjustments (consistent with the treatment of such corporation as an S corporation or a qualified subchapter S subsidiary, as the case may be) as may be required by the Secretary with respect to such period,'', and

(5) by inserting ''or a qualified subchapter S subsidiary, as the case may be'' after ''S corporation'' in the matter following paragraph (4).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 230. INFORMATION RETURNS FOR QUALIFIED SUBCHAPTER S SUBSIDIARIES.

(a) IN GENERAL.—Section 1361(b)(3)(A) (relating to treatment of certain wholly owned subsidiaries) is amended by inserting ''and in the case of information returns required under part III of subchapter A of chapter 61'' after ''Secretary''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 231. REPAYMENT OF LOANS FOR QUALIFYING EMPLOYER SECURITIES.

(a) IN GENERAL.—Subsection (f) of section 4975 (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

''(7) S CORPORATION REPAYMENT OF LOANS FOR QUALIFYING EMPLOYER SECURITIES.—A plan shall not be treated as violating the requirements of section 401 or 409 or subsection (e)(7), or as engaging in a prohibited transaction for purposes of subsection (d)(3), merely by reason of any distribution (as described in section 1368(a)) with respect to S corporation stock that constitutes qualifying employer securities, which in accordance with the plan provisions is used to make payments on a loan described in subsection (d)(3) the proceeds of which were used to acquire such qualifying employer securities (whether or not allocated to participants). The preceding sentence shall not apply in the case of a distribution which is paid with respect to any employer security which is allocated to a participant unless the plan provides that employer securities with a fair market value of not less than the amount of such distribution are allocated to such participant for the year which (but for the preceding sentence) such distribution would have been allocated to such participant.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions with respect to S corporation stock made after December 31, 2004.

Subtitle D—Alternative Minimum Tax Relief

SEC. 241. FOREIGN TAX CREDIT UNDER ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—

(1) Subsection (a) of section 59 is amended by striking paragraph (2) and by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) Section 53(d)(1)(B)(i)(II) is amended by striking ''and if section 59(a)(2) did not apply''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 242. EXPANSION OF EXEMPTION FROM ALTERNATIVE MINIMUM TAX FOR SMALL CORPORATIONS.

(a) IN GENERAL.—Subparagraphs (A) and (B) of section 55(e)(1) are each amended by striking ''$7,500,000'' each place it appears and inserting ''$20,000,000''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 243. INCOME AVERAGING FOR FARMERS NOT TO INCREASE ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Subsection (c) of section 55 (defining regular tax) is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following new paragraph:

''(2) COORDINATION WITH INCOME AVERAGING FOR FARMERS.—Solely for purposes of this section, section 1301 (relating to averaging of farm income) shall not apply in computing the regular tax liability.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2003.

Subtitle E—Restructuring of Incentives for Alcohol Fuels, Etc.

SEC. 251. REDUCED RATES OF TAX ON GASOHOL REPLACED WITH EXCISE TAX CREDIT; REPEAL OF OTHER ALCOHOL-BASED FUEL INCENTIVES; ETC.

(a) EXCISE TAX CREDIT FOR ALCOHOL FUEL MIXTURES.—

(1) IN GENERAL.—Subsection (f) of section 6427 is amended to read as follows:

''(f) ALCOHOL FUEL MIXTURES.—

''(1) IN GENERAL.—The amount of credit which would (but for section 40(c)) be determined under section 40(a)(1) for any period—

''(A) shall, with respect to taxable events occurring during such period, be treated—

''(i) as a payment of the taxpayer's liability for tax imposed by section 4081, and

''(ii) as received at the time of the taxable event, and

''(B) to the extent such amount of credit exceeds such liability for such period, shall (except as provided in subsection (k)) be paid subject to subsection (i)(3) by the Secretary without interest.

''(2) SPECIAL RULES.—

''(A) ONLY CERTAIN ALCOHOL TAKEN INTO ACCOUNT.—For purposes of paragraph (1), section 40 shall be applied—

''(i) by not taking into account alcohol with a proof of less than 190, and

''(ii) by treating as alcohol the alcohol gallon equivalent of ethyl tertiary butyl ether or other ethers produced from such alcohol.

''(B) TREATMENT OF REFINERS.—For purposes of paragraph (1), in the case of a mixture—

''(i) the alcohol in which is described in subparagraph (A)(ii), and

''(ii) which is produced by any person at a refinery prior to any taxable event,

section 40 shall be applied by treating such person as having sold such mixture at the time of its removal from the refinery (and only at such time) to another person for use as a fuel.

''(3) MIXTURES NOT USED AS FUEL.—Rules similar to the rules of subparagraphs (A) and (D) of section 40(d)(3) shall apply for purposes of this subsection.

''(4) TERMINATION.—This section shall apply only to periods to which section 40 applies, determined by substituting in section 40(e)—

''(A) 'December 31, 2010' for 'December 31, 2007', and

''(B) 'January 1, 2011' for 'January 1, 2008'.''

(2) REVISION OF RULES FOR PAYMENT OF CREDIT.—Paragraph (3) of section 6427(i) is amended to read as follows:

''(3) SPECIAL RULE FOR ALCOHOL MIXTURE CREDIT.—

''(A) IN GENERAL.—A claim may be filed under subsection (f)(1)(B) by any person for any period—

''(i) for which $200 or more is payable under such subsection (f)(1)(B), and

''(ii) which is not less than 1 week.

In the case of an electronic claim, this subparagraph shall be applied without regard to clause (i).

''(B) PAYMENT OF CLAIM.—Notwithstanding subsection (f)(1)(B), if the Secretary has not paid pursuant to a claim filed under this section within 45 days of the date of the filing of such claim (20 days in the case of an electronic claim), the claim shall be paid with interest from such date determined by using the overpayment rate and method under section 6621.

''(C) TIME FOR FILING CLAIM.—No claim filed under this paragraph shall be allowed unless filed on or before the last day of the first quarter following the earliest quarter included in the claim.''

(b) REPEAL OF OTHER INCENTIVES FOR FUEL MIXTURES.—

(1) Subsection (b) of section 4041 is amended to read as follows:

''(b) EXEMPTION FOR OFF-HIGHWAY BUSINESS USE.—

''(1) IN GENERAL.—No tax shall be imposed by subsection (a) or (d)(1) on liquids sold for use or used in an off-highway business use.

''(2) TAX WHERE OTHER USE.—If a liquid on which no tax was imposed by reason of paragraph (1) is used otherwise than in an off-highway business use, a tax shall be imposed by paragraph (1)(B), (2)(B), or (3)(A)(ii) of subsection (a) (whichever is appropriate) and by the corresponding provision of subsection (d)(1) (if any).

''(3) OFF-HIGHWAY BUSINESS USE DEFINED.—For purposes of this subsection, the term 'off-highway business use' has the meaning given to such term by section 6421(e)(2); except that such term shall not, for purposes of subsection (a)(1), include use in a diesel-powered train.''

(2) Section 4041(k) is hereby repealed.

(3) Section 4081(c) is hereby repealed.

(4) Section 4091(c) is hereby repealed.

(c) TRANSFERS TO HIGHWAY TRUST FUND.—(1) Paragraph (4) of section 9503(b) is amended by adding ''or'' at the end of subparagraph (C), by striking the comma at the end of subparagraph (D) and inserting a period, and by striking subparagraphs (E) and (F).

(2) SUBSECTION (c).—

(A) The amendments made by subsection (c)(1) shall apply to taxes imposed after September 30, 2003.

(B) The amendments made by subsection (c)(2) shall apply to taxes imposed after September 30, 2006.

(d) CONFORMING AMENDMENTS.—

(1) Subsection (c) of section 40 is amended to read as follows:

''(c) COORDINATION WITH EXCISE TAX BENEFITS.—The amount of the credit determined under this section with respect to any alcohol shall, under regulations prescribed by the Secretary, be properly reduced to take into account the benefit provided with respect to such alcohol under section 6427(f).''

(2) Subparagraph (B) of section 40(d)(4) is amended by striking ''under section 4041(k) or 4081(c)'' and inserting ''under section 6427(f)''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided by paragraph (2), the amendments made by this section shall apply to fuel sold or used after September 30, 2004.

(2) Paragraph (4) of section 9503(b), as amended by paragraph (1), is further amended by adding ''or'' at the end of subparagraph (B), by striking the comma at the end of subparagraph (C) and inserting a period, and by striking subparagraph (D).

SEC. 252. ALCOHOL FUEL SUBSIDIES BORNE BY GENERAL FUND.

(a) TRANSFERS TO FUND.—Section 9503(b)(1) is amended by adding at the end the following new flush sentence:

''For purposes of this paragraph, the amount of taxes received under section 4081 shall include any amount treated as a payment under section 6427(f)(1)(A) and shall not be reduced by the amount paid under section 6427(f)(1)(B).''.

(b) TRANSFERS FROM FUND.—Subparagraph (A) of section 9503(c)(2) is amended by adding at the end the following new sentence: ''Clauses (i)(III) and (ii) shall not apply to claims under section 6427(f)(1)(B).''

(c) EFFECTIVE DATE.—

(1) SUBSECTION (a).—The amendment made by subsection (a) shall apply to taxes received after September 30, 2004.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to amounts paid after September 30, 2004, and (to the extent related to section 34 of the Internal Revenue Code of 1986) to fuel used after such date.

Subtitle F—Stock Options and Employee Stock Purchase Plan Stock Options

SEC. 261. EXCLUSION OF INCENTIVE STOCK OPTIONS AND EMPLOYEE STOCK PURCHASE PLAN STOCK OPTIONS FROM WAGES.

(a) EXCLUSION FROM EMPLOYMENT TAXES.—

(1) SOCIAL SECURITY TAXES.—

(A) Section 3121(a) (relating to definition of wages) is amended by striking ''or'' at the end of paragraph (20), by striking the period at the end of paragraph (21) and inserting ''; or'', and by inserting after paragraph (21) the following new paragraph:

''(22) remuneration on account of—

''(A) a transfer of a share of stock to any individual pursuant to an exercise of an incentive stock option (as defined in section 422(b)) or under an employee stock purchase plan (as defined in section 423(b)), or

''(B) any disposition by the individual of such stock.''.

(B) Section 209(a) of the Social Security Act is amended by striking ''or'' at the end of paragraph (17), by striking the period at the end of paragraph (18) and inserting ''; or'', and by inserting after paragraph (18) the following new paragraph:

''(19) Remuneration on account of—

''(A) a transfer of a share of stock to any individual pursuant to an exercise of an incentive stock option (as defined in section 422(b) of the Internal Revenue Code of 1986) or under an employee stock purchase plan (as defined in section 423(b) of such Code), or

''(B) any disposition by the individual of such stock.''.

(2) RAILROAD RETIREMENT TAXES.—Subsection (e) of section 3231 is amended by adding at the end the following new paragraph:

''(12) QUALIFIED STOCK OPTIONS.—The term 'compensation' shall not include any remuneration on account of—

''(A) a transfer of a share of stock to any individual pursuant to an exercise of an incentive stock option (as defined in section 422(b)) or under an employee stock purchase plan (as defined in section 423(b)), or

''(B) any disposition by the individual of such stock.''.

(3) UNEMPLOYMENT TAXES.—Section 3306(b) (relating to definition of wages) is amended by striking ''or'' at the end of paragraph (17), by striking the period at the end of paragraph (18) and inserting ''; or'', and by inserting after paragraph (18) the following new paragraph:

''(19) remuneration on account of—

''(A) a transfer of a share of stock to any individual pursuant to an exercise of an incentive stock option (as defined in section 422(b)) or under an employee stock purchase plan (as defined in section 423(b)), or

''(B) any disposition by the individual of such stock.''.

(b) WAGE WITHHOLDING NOT REQUIRED ON DISQUALIFYING DISPOSITIONS.—Section 421(b) (relating to effect of disqualifying dispositions) is amended by adding at the end the following new sentence: ''No amount shall be required to be deducted and withheld under chapter 24 with respect to any increase in income attributable to a disposition described in the preceding sentence.''.

(c) WAGE WITHHOLDING NOT REQUIRED ON COMPENSATION WHERE OPTION PRICE IS BETWEEN 85 PERCENT AND 100 PERCENT OF VALUE OF STOCK.—Section 423(c) (relating to special rule where option price is between 85 percent and 100 percent of value of stock) is amended by adding at the end the following new sentence: ''No amount shall be required to be deducted and withheld under chapter 24 with respect to any amount treated as compensation under this subsection.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to stock acquired pursuant to options exercised after the date of the enactment of this Act.

Subtitle G—Incentives to Reinvest Foreign Earnings in United States

SEC. 271. INCENTIVES TO REINVEST FOREIGN EARNINGS IN UNITED STATES.

(a) IN GENERAL.—Subpart F of part III of subchapter N of chapter 1 (relating to controlled foreign corporations) is amended by adding at the end the following new section:

''SEC. 965. TEMPORARY DIVIDENDS RECEIVED DEDUCTION.

''(a) DEDUCTION.—

''(1) IN GENERAL.—In the case of a corporation which is a United States shareholder, there shall be allowed as a deduction an amount equal to 85 percent of the dividends which are received by such shareholder from controlled foreign corporations during the election period.

''(2) DIVIDENDS PAID INDIRECTLY FROM CONTROLLED FOREIGN CORPORATIONS.—If, within the election period, a United States shareholder receives a distribution from a controlled foreign corporation which is excluded from gross income under section 959(a), such distribution shall be treated for purposes of this section as a dividend to the extent of any amount included in income by such United States shareholder under section 951(a)(1)(A) as a result of any dividend paid during the election period to—

''(A) such controlled foreign corporation from another controlled foreign corporation that is in a chain of ownership described in section 958(a), or

''(B) any other controlled foreign corporation in such chain of ownership, but only to the extent of distributions described in section 959(b) which are made during the election period to the controlled foreign corporation from which such United States shareholder received such distribution.

''(b) LIMITATIONS.—

''(1) IN GENERAL.—The amount of dividends taken into account under subsection (a) shall not exceed the greater of—

''(A) $500,000,000,

''(B) the amount shown on the applicable financial statement as earnings permanently reinvested outside the United States, or

''(C) in the case of an applicable financial statement which fails to show a specific amount of earnings permanently reinvested outside the United States and which shows a specific amount of tax liability attributable to such earnings, the amount of such earnings determined in such manner as the Secretary may prescribe.

Except as provided in subparagraph (C), if there is no statement or such statement fails to show a specific amount of such earnings or liability, such amount shall be treated as being zero for purposes of this paragraph.

''(2) DIVIDENDS MUST BE EXTRAORDINARY.—The amount of dividends taken into account under subsection (a) shall not exceed the excess (if any) of—

''(A) the dividends received during the taxable year by such shareholder from controlled foreign corporations, over

''(B) the annual average for the base period years of—

''(i) the dividends received during each base period year by such shareholder from such corporations,

''(ii) the amounts includible in such shareholder's gross income for each base period year under section 951(a)(1)(B) with respect to such corporations, and

''(iii) the amounts that would have been included for each base period year but for section 959(a) with respect to such corporations.

The amount taken into account under clause (iii) for any base period year shall not include any amount which is not includible in gross income by reason of an amount described in clause (ii) with respect to a prior taxable year.

''(3) REQUIREMENT TO INVEST IN UNITED STATES.—Subsection (a) shall not apply to any dividend received by a United States shareholder unless the amount of the dividend is invested in the United States pursuant to a plan describing the expenditures to be made with such amount—

''(A) which, before the dividend is received, is approved by the president or chief executive officer of such shareholder, and

''(B) which is approved by the Board of Directors (or management committee) of such shareholder no later than its first meeting on or after the date the dividend is received.

''(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) ELECTION PERIOD.—The term 'election period' means—

''(A) if this section applies to the taxpayer's last taxable year beginning before the date of the enactment of this section, any 6-month or shorter period during such year which is after the date of the enactment of this section and which is selected by the taxpayer, and

''(B) if this section applies to the taxpayer's first taxable year beginning on or after such date, the 1st 6 months of such taxable year.

''(2) APPLICABLE FINANCIAL STATEMENT.—The term 'applicable financial statement' means the most recently audited financial statement (including notes and other documents which accompany such statement)—

''(A) which is certified on or before March 31, 2003, as being prepared in accordance with generally accepted accounting principles, and

''(B) which is used for the purposes of a statement or report—

''(i) to creditors,

''(ii) to shareholders, or

''(iii) for any other substantial nontax purpose.

In the case of a corporation required to file a financial statement with the Securities and Exchange Commission, such term means the most recent such statement filed on or before March 31, 2003.

''(3) BASE PERIOD YEARS.—The base period years are the 3 taxable years—

''(A) which are among the 5 most recent taxable years ending on or before March 31, 2003, and

''(B) which are determined by disregarding—

''(i) 1 taxable year for which the sum of the amounts described in clauses (i), (ii), and (iii) of subsection (b)(2)(B) is the largest, and

''(ii) 1 taxable year for which such sum is the smallest.

Rules similar to the rules of subparagraphs (A) and (B) of section 41(f)(3) shall apply for purposes of this paragraph.

''(4) COORDINATION WITH DIVIDENDS RECEIVED DEDUCTION.—No deduction shall be allowed under section 243 or 245 for any dividend for which a deduction is allowed under this section.

''(d) DENIAL OF FOREIGN TAX CREDIT.—

''(1) IN GENERAL.—No credit shall be allowed under section 901 for any taxes paid or accrued (or treated as paid or accrued) with respect to the deductible portion of any dividend or of any amount described in subsection (a)(2). No deduction shall be allowed under this chapter for any tax for which credit is not allowable by reason of the preceding sentence.

''(2) DEDUCTIBLE PORTION.—For purposes of paragraph (1), unless the taxpayer otherwise specifies, the deductible portion of any dividend is the amount which bears the same ratio to the amount of such dividend as the amount allowed as a deduction under subsection (a) for the taxable year bears to the amount described in subsection (b)(2)(A) for such year.

''(e) INCREASE IN TAX ON INCLUDED AMOUNTS NOT REDUCED BY CREDITS, ETC.—

''(1) IN GENERAL.—Any tax under this chapter by reason of nondeductible CFC dividends shall not be treated as tax imposed by this chapter for purposes of determining—

''(A) the amount of any credit allowable under this chapter, or

''(B) the amount of the tax imposed by section 55.

Subparagraph (A) shall not apply to the credit under section 53 or to the credit under section 27(a) with respect to taxes attributable to such dividends.

''(2) INCLUSIONS MAY NOT BE OFFSET BY NET OPERATING LOSSES.—

''(A) IN GENERAL.—The taxable income of any United States shareholder for any taxable year shall in no event be less than the amount of nondeductible CFC dividends received during such year.

''(B) COORDINATION WITH SECTION 172.—The nondeductible CFC dividends for any taxable year shall not be taken into account—

''(i) in determining under section 172 the amount of any net operating loss for such taxable year, and

''(ii) in determining taxable income for such taxable year for purposes of the 2nd sentence of section 172(b)(2).

''(3) NONDEDUCTIBLE CFC DIVIDENDS.—For purposes of this subsection, the term 'nondeductible CFC dividends' means the excess of the amount of dividends taken into account under subsection (a) over the deduction allowed under subsection (a) for such dividends.

''(f) ELECTION.—This section shall apply for the taxpayer's first taxable year beginning on or after the date of the enactment of this section if the taxpayer elects its application for such taxable year. The taxpayer may elect to apply this section to the taxpayer's last taxable year beginning before the date of the enactment of this section in lieu of such first taxable year.''

(b) ALTERNATIVE MINIMUM TAX.—Subparagraph (C) of section 56(g)(4) is amended by adding at the end the following new clause:

''(v) SPECIAL RULE FOR CERTAIN DISTRIBUTIONS FROM CONTROLLED FOREIGN CORPORATIONS.—Clause (i) shall not apply to any deduction allowable under section 965.''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart F of part III of subchapter N of chapter 1 is amended by adding at the end the following new item:

''Sec. 965. Temporary dividends received deduction.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending on or after the date of the enactment of this Act.

Subtitle H—Other Incentive Provisions

SEC. 281. SPECIAL RULES FOR LIVESTOCK SOLD ON ACCOUNT OF WEATHER-RELATED CONDITIONS.

(a) RULES FOR REPLACEMENT OF INVOLUNTARILY CONVERTED LIVESTOCK.—Subsection (e) of section 1033 (relating to involuntary conversions) is amended—

(1) by striking ''CONDITIONS.—For purposes'' and inserting ''CONDITIONS.—

''(1) IN GENERAL.—For purposes'', and

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

''(2) EXTENSION OF REPLACEMENT PERIOD.—

''(A) IN GENERAL.—In the case of drought, flood, or other weather-related conditions described in paragraph (1) which result in the area being designated as eligible for assistance by the Federal Government, subsection (a)(2)(B) shall be applied with respect to any converted property by substituting '4 years' for '2 years'.

''(B) FURTHER EXTENSION BY SECRETARY.—The Secretary may extend on a regional basis the period for replacement under this section (after the application of subparagraph (A)) for such additional time as the Secretary determines appropriate if the weather-related conditions which resulted in such application continue for more than 3 years.''.

(b) INCOME INCLUSION RULES.—Subsection (e) of section 451 (relating to special rule for proceeds from livestock sold on account of drought, flood, or other weather-related conditions) is amended by adding at the end the following new paragraph:

''(3) SPECIAL ELECTION RULES.—If section 1033(e)(2) applies to a sale or exchange of livestock described in paragraph (1), the election under paragraph (1) shall be deemed valid if made during the replacement period described in such section.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any taxable year with respect to which the due date (without regard to extensions) for the return is after December 31, 2002.

SEC. 282. PAYMENT OF DIVIDENDS ON STOCK OF COOPERATIVES WITHOUT REDUCING PATRONAGE DIVIDENDS.

(a) IN GENERAL.—Subsection (a) of section 1388 (relating to patronage dividend defined) is amended by adding at the end the following: ''For purposes of paragraph (3), net earnings shall not be reduced by amounts paid during the year as dividends on capital stock or other proprietary capital interests of the organization to the extent that the articles of incorporation or bylaws of such organization or other contract with patrons provide that such dividends are in addition to amounts otherwise payable to patrons which are derived from business done with or for patrons during the taxable year.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions in taxable years beginning after the date of the enactment of this Act.

SEC. 283. CAPITAL GAIN TREATMENT UNDER SECTION 631(b) TO APPLY TO OUTRIGHT SALES BY LANDOWNERS.

(a) IN GENERAL.—The first sentence of section 631(b) (relating to disposal of timber with a retained economic interest) is amended by striking ''retains an economic interest in such timber'' and inserting ''either retains an economic interest in such timber or makes an outright sale of such timber''.

(b) CONFORMING AMENDMENTS.—

(1) The third sentence of section 631(b) is amended by striking ''The date of disposal'' and inserting ''In the case of disposal of timber with a retained economic interest, the date of disposal''.

(2) The heading for section 631(b) is amended by striking ''WITH A RETAINED ECONOMIC INTEREST''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales after December 31, 2004.

SEC. 284. DISTRIBUTIONS FROM PUBLICLY TRADED PARTNERSHIPS TREATED AS QUALIFYING INCOME OF REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Paragraph (2) of section 851(b) (defining regulated investment company) is amended to read as follows:

''(2) at least 90 percent of its gross income is derived from—

''(A) dividends, interest, payments with respect to securities loans (as defined in section 512(a)(5)), and gains from the sale or other disposition of stock or securities (as defined in section 2(a)(36) of the Investment Company Act of 1940, as amended) or foreign currencies, or other income (including but not limited to gains from options, futures or forward contracts) derived with respect to its business of investing in such stock, securities, or currencies, and

''(B) distributions or other income derived from an interest in a qualified publicly traded partnership (as defined in subsection (h)); and''.

(b) SOURCE FLOW-THROUGH RULE NOT TO APPLY.—The last sentence of section 851(b) is amended by inserting ''(other than a qualified publicly traded partnership as defined in subsection (h))'' after ''derived from a partnership''.

(c) LIMITATION ON OWNERSHIP.—Subsection (c) of section 851 is amended by redesignating paragraph (5) as paragraph (6) and inserting after paragraph (4) the following new paragraph:

''(5) The term 'outstanding voting securities of such issuer' shall include the equity securities of a qualified publicly traded partnership (as defined in subsection (h)).''.

(d) DEFINITION OF QUALIFIED PUBLICLY TRADED PARTNERSHIP.—Section 851 is amended by adding at the end the following new subsection:

''(h) QUALIFIED PUBLICLY TRADED PARTNERSHIP.—For purposes of this section, the term 'qualified publicly traded partnership' means a publicly traded partnership described in section 7704(b) other than a partnership which would satisfy the gross income requirements of section 7704(c)(2) if qualifying income included only income described in subsection (b)(2)(A).''.

(e) DEFINITION OF QUALIFYING INCOME.—Section 7704(d)(4) is amended by striking ''section 851(b)(2)'' and inserting ''section 851(b)(2)(A)''.

(f) LIMITATION ON COMPOSITION OF ASSETS.—Subparagraph (B) of section 851(b)(3) is amended to read as follows:

''(B) not more than 25 percent of the value of its total assets is invested in—

''(i) the securities (other than Government securities or the securities of other regulated investment companies) of any one issuer,

''(ii) the securities (other than the securities of other regulated investment companies) of two or more issuers which the taxpayer controls and which are determined, under regulations prescribed by the Secretary, to be engaged in the same or similar trades or businesses or related trades or businesses, or

''(iii) the securities of one or more qualified publicly traded partnerships (as defined in subsection (h)).''.

(g) APPLICATION OF SPECIAL PASSIVE ACTIVITY RULE TO REGULATED INVESTMENT COMPANIES.—Subsection (k) of section 469 (relating to separate application of section in case of publicly traded partnerships) is amended by adding at the end the following new paragraph:

''(4) APPLICATION TO REGULATED INVESTMENT COMPANIES.—For purposes of this section, a regulated investment company (as defined in section 851) holding an interest in a qualified publicly traded partnership (as defined in section 851(h)) shall be treated as a taxpayer described in subsection (a)(2) with respect to items attributable to such interest.''.

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 285. IMPROVEMENTS RELATED TO REAL ESTATE INVESTMENT TRUSTS.

(a) EXPANSION OF STRAIGHT DEBT SAFE HARBOR.—Section 856 (defining real estate investment trust) is amended—

(1) in subsection (c) by striking paragraph (7), and

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

''(m) SAFE HARBOR IN APPLYING SUBSECTION (c)(4).—

''(1) IN GENERAL.—In applying subclause (III) of subsection (c)(4)(B)(iii), except as otherwise determined by the Secretary in regulations, the following shall not be considered securities held by the trust:

''(A) Straight debt securities of an issuer which meet the requirements of paragraph (2).

''(B) Any loan to an individual or an estate.

''(C) Any section 467 rental agreement (as defined in section 467(d)), other than with a person described in subsection (d)(2)(B).

''(D) Any obligation to pay rents from real property (as defined in subsection (d)(1)).

''(E) Any security issued by a State or any political subdivision thereof, the District of Columbia, a foreign government or any political subdivision thereof, or the Commonwealth of Puerto Rico, but only if the determination of any payment received or accrued under such security does not depend in whole or in part on the profits of any entity not described in this subparagraph or payments on any obligation issued by such an entity,

''(F) Any security issued by a real estate investment trust.

''(G) Any other arrangement as determined by the Secretary.

''(2) SPECIAL RULES RELATING TO STRAIGHT DEBT SECURITIES.—

''(A) IN GENERAL.—For purposes of paragraph (1)(A), securities meet the requirements of this paragraph if such securities are straight debt, as defined in section 1361(c)(5) (without regard to subparagraph (B)(iii) thereof).

''(B) SPECIAL RULES RELATING TO CERTAIN CONTINGENCIES.—For purposes of subparagraph (A), any interest or principal shall not be treated as failing to satisfy section 1361(c)(5)(B)(i) solely by reason of the fact that—

''(i) the time of payment of such interest or principal is subject to a contingency, but only if—

''(I) any such contingency does not have the effect of changing the effective yield to maturity, as determined under section 1272, other than a change in the annual yield to maturity which does not exceed the greater of ¼ of 1 percent or 5 percent of the annual yield to maturity, or

''(II) neither the aggregate issue price nor the aggregate face amount of the issuer's debt instruments held by the trust exceeds $1,000,000 and not more than 12 months of unaccrued interest can be required to be prepaid thereunder, or

''(ii) the time or amount of payment is subject to a contingency upon a default or the exercise of a prepayment right by the issuer of the debt, but only if such contingency is consistent with customary commercial practice.

''(C) SPECIAL RULES RELATING TO CORPORATE OR PARTNERSHIP ISSUERS.—In the case of an issuer which is a corporation or a partnership, securities that otherwise would be described in paragraph (1)(A) shall be considered not to be so described if the trust holding such securities and any of its controlled taxable REIT subsidiaries (as defined in subsection (d)(8)(A)(iv)) hold any securities of the issuer which—

''(i) are not described in paragraph (1) (prior to the application of this subparagraph), and

''(ii) have an aggregate value greater than 1 percent of the issuer's outstanding securities determined without regard to paragraph (3)(A)(i).

''(3) LOOK-THROUGH RULE FOR PARTNERSHIP SECURITIES.—

''(A) IN GENERAL.—For purposes of applying subclause (III) of subsection (c)(4)(B)(iii)—

''(i) a trust's interest as a partner in a partnership (as defined in section 7701(a)(2)) shall not be considered a security, and

''(ii) the trust shall be deemed to own its proportionate share of each of the assets of the partnership.

''(B) DETERMINATION OF TRUST'S INTEREST IN PARTNERSHIP ASSETS.—For purposes of subparagraph (A), with respect to any taxable year beginning after the date of the enactment of this subparagraph—

''(i) the trust's interest in the partnership assets shall be the trust's proportionate interest in any securities issued by the partnership (determined without regard to subparagraph (A)(i) and paragraph (4), but not including securities described in paragraph (1)), and

''(ii) the value of any debt instrument shall be the adjusted issue price thereof, as defined in section 1272(a)(4).

''(4) CERTAIN PARTNERSHIP DEBT INSTRUMENTS NOT TREATED AS A SECURITY.—For purposes of applying subclause (III) of subsection (c)(4)(B)(iii)—

''(A) any debt instrument issued by a partnership and not described in paragraph (1) shall not be considered a security to the extent of the trust's interest as a partner in the partnership, and

''(B) any debt instrument issued by a partnership and not described in paragraph (1) shall not be considered a security if at least 75 percent of the partnership's gross income (excluding gross income from prohibited transactions) is derived from sources referred to in subsection (c)(3).

''(5) SECRETARIAL GUIDANCE.—The Secretary is authorized to provide guidance (including through the issuance of a written determination, as defined in section 6110(b)) that an arrangement shall not be considered a security held by the trust for purposes of applying subclause (III) of subsection (c)(4)(B)(iii) notwithstanding that such arrangement otherwise could be considered a security under subparagraph (F) of subsection (c)(5).''.

(b) CLARIFICATION OF APPLICATION OF LIMITED RENTAL EXCEPTION.—Subparagraph (A) of section 856(d)(8) (relating to special rules for taxable REIT subsidiaries) is amended to read as follows:

''(A) LIMITED RENTAL EXCEPTION.—

''(i) IN GENERAL.—The requirements of this subparagraph are met with respect to any property if at least 90 percent of the leased space of the property is rented to persons other than taxable REIT subsidiaries of such trust and other than persons described in paragraph (2)(B).

''(ii) RENTS MUST BE SUBSTANTIALLY COMPARABLE.—Clause (i) shall apply only to the extent that the amounts paid to the trust as rents from real property (as defined in paragraph (1) without regard to paragraph (2)(B)) from such property are substantially comparable to such rents paid by the other tenants of the trust's property for comparable space.

''(iii) TIMES FOR TESTING RENT COMPARABILITY.—The substantial comparability requirement of clause (ii) shall be treated as met with respect to a lease to a taxable REIT subsidiary of the trust if such requirement is met under the terms of the lease—

''(I) at the time such lease is entered into,

''(II) at the time of each extension of the lease, including a failure to exercise a right to terminate, and

''(III) at the time of any modification of the lease between the trust and the taxable REIT subsidiary if the rent under such lease is effectively increased pursuant to such modification.

With respect to subclause (III), if the taxable REIT subsidiary of the trust is a controlled taxable REIT subsidiary of the trust, the term 'rents from real property' shall not in any event include rent under such lease to the extent of the increase in such rent on account of such modification.

''(iv) CONTROLLED TAXABLE REIT SUBSIDIARY.—For purposes of clause (iii), the term 'controlled taxable REIT subsidiary' means, with respect to any real estate investment trust, any taxable REIT subsidiary of such trust if such trust owns directly or indirectly—

''(I) stock possessing more than 50 percent of the total voting power of the outstanding stock of such subsidiary, or

''(II) stock having a value of more than 50 percent of the total value of the outstanding stock of such subsidiary.

''(v) CONTINUING QUALIFICATION BASED ON THIRD PARTY ACTIONS.—If the requirements of clause (i) are met at a time referred to in clause (iii), such requirements shall continue to be treated as met so long as there is no increase in the space leased to any taxable REIT subsidiary of such trust or to any person described in paragraph (2)(B).

''(vi) CORRECTION PERIOD.—If there is an increase referred to in clause (v) during any calendar quarter with respect to any property, the requirements of clause (iii) shall be treated as met during the quarter and the succeeding quarter if such requirements are met at the close of such succeeding quarter.''.

(c) DELETION OF CUSTOMARY SERVICES EXCEPTION.—Subparagraph (B) of section 857(b)(7) (relating to redetermined rents) is amended by striking clause (ii) and by redesignating clauses (iii), (iv), (v), (vi), and (vii) as clauses (ii), (iii), (iv), (v), and (vi), respectively.

(d) CONFORMITY WITH GENERAL HEDGING DEFINITION.—Subparagraph (G) of section 856(c)(5) (relating to treatment of certain hedging instruments) is amended to read as follows:

''(G) TREATMENT OF CERTAIN HEDGING INSTRUMENTS.—Except to the extent provided by regulations, any income of a real estate investment trust from a hedging transaction (as defined in clause (ii) or (iii) of section 1221(b)(2)(A)) which is clearly identified pursuant to section 1221(a)(7), including gain from the sale or disposition of such a transaction, shall not constitute gross income under paragraph (2) to the extent that the transaction hedges any indebtedness incurred or to be incurred by the trust to acquire or carry real estate assets.''.

(e) CONFORMITY WITH REGULATED INVESTMENT COMPANY RULES.—Clause (i) of section 857(b)(5)(A) (relating to imposition of tax in case of failure to meet certain requirements) is amended by striking ''90 percent'' and inserting ''95 percent''.

(f) SAVINGS PROVISIONS.—

(1) RULES OF APPLICATION FOR FAILURE TO SATISFY SECTION 856(c)(4).—Section 856(c) (relating to definition of real estate investment trust) is amended by inserting after paragraph (6) the following new paragraph:

''(7) RULES OF APPLICATION FOR FAILURE TO SATISFY PARAGRAPH (4).—

''(A) DE MINIMIS FAILURE.—A corporation, trust, or association that fails to meet the requirements of paragraph (4)(B)(iii) for a particular quarter shall nevertheless be considered to have satisfied the requirements of such paragraph for such quarter if—

''(i) such failure is due to the ownership of assets the total value of which does not exceed the lesser of—

''(I) 1 percent of the total value of the trust's assets at the end of the quarter for which such measurement is done, and

''(II) $10,000,000, and

''(ii)(I) the corporation, trust, or association, following the identification of such failure, disposes of assets in order to meet the requirements of such paragraph within 6 months after the last day of the quarter in which the corporation, trust or association's identification of the failure to satisfy the requirements of such paragraph occurred or such other time period prescribed by the Secretary and in the manner prescribed by the Secretary, or

''(II) the requirements of such paragraph are otherwise met within the time period specified in subclause (I).

''(B) FAILURES EXCEEDING DE MINIMIS AMOUNT.—A corporation, trust, or association that fails to meet the requirements of paragraph (4) for a particular quarter shall nevertheless be considered to have satisfied the requirements of such paragraph for such quarter if—

''(i) such failure involves the ownership of assets the total value of which exceeds the de minimis standard described in subparagraph (A)(i) at the end of the quarter for which such measurement is done,

''(ii) following the corporation, trust, or association's identification of the failure to satisfy the requirements of such paragraph for a particular quarter, a description of each asset that causes the corporation, trust, or association to fail to satisfy the requirements of such paragraph at the close of such quarter of any taxable year is set forth in a schedule for such quarter filed in accordance with regulations prescribed by the Secretary,

''(iii) the failure to meet the requirements of such paragraph for a particular quarter is due to reasonable cause and not due to willful neglect,

''(iv) the corporation, trust, or association pays a tax computed under subparagraph (C), and

''(v)(I) the corporation, trust, or association disposes of the assets set forth on the schedule specified in clause (ii) within 6 months after the last day of the quarter in which the corporation, trust or association's identification of the failure to satisfy the requirements of such paragraph occurred or such other time period prescribed by the Secretary and in the manner prescribed by the Secretary, or

''(II) the requirements of such paragraph are otherwise met within the time period specified in subclause (I).

''(C) TAX.—For purposes of subparagraph (B)(iv)—

''(i) TAX IMPOSED.—If a corporation, trust, or association elects the application of this subparagraph, there is hereby imposed a tax on the failure described in subparagraph (B) of such corporation, trust, or association. Such tax shall be paid by the corporation, trust, or association.

''(ii) TAX COMPUTED.—The amount of the tax imposed by clause (i) shall be the greater of—

''(I) $50,000, or

''(II) the amount determined (pursuant to regulations promulgated by the Secretary) by multiplying the net income generated by the assets described in the schedule specified in subparagraph (B)(ii) for the period specified in clause (iii) by the highest rate of tax specified in section 11.

''(iii) PERIOD.—For purposes of clause (ii)(II), the period described in this clause is the period beginning on the first date that the failure to satisfy the requirements of such paragraph (4) occurs as a result of the ownership of such assets and ending on the earlier of the date on which the trust disposes of such assets or the end of the first quarter when there is no longer a failure to satisfy such paragraph (4).

''(iv) ADMINISTRATIVE PROVISIONS.—For purposes of subtitle F, the taxes imposed by this subparagraph shall be treated as excise taxes with respect to which the deficiency procedures of such subtitle apply.''.

(2) MODIFICATION OF RULES OF APPLICATION FOR FAILURE TO SATISFY SECTIONS 856(c)(2) OR 856(c)(3).—Paragraph (6) of section 856(c) (relating to definition of real estate investment trust) is amended by striking subparagraphs (A) and (B), by redesignating subparagraph (C) as subparagraph (B), and by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

''(A) following the corporation, trust, or association's identification of the failure to meet the requirements of paragraph (2) or (3), or of both such paragraphs, for any taxable year, a description of each item of its gross income described in such paragraphs is set forth in a schedule for such taxable year filed in accordance with regulations prescribed by the Secretary, and''.

(3) REASONABLE CAUSE EXCEPTION TO LOSS OF REIT STATUS IF FAILURE TO SATISFY REQUIREMENTS.—Subsection (g) of section 856 (relating to termination of election) is amended—

(A) in paragraph (1) by inserting before the period at the end of the first sentence the following: ''unless paragraph (5) applies'', and

(B) by adding at the end the following new paragraph:

''(5) ENTITIES TO WHICH PARAGRAPH APPLIES.—This paragraph applies to a corporation, trust, or association—

''(A) which is not a real estate investment trust to which the provisions of this part apply for the taxable year due to one or more failures to comply with one or more of the provisions of this part (other than subsection (c)(6) or (c)(7) of section 856),

''(B) such failures are due to reasonable cause and not due to willful neglect, and

''(C) if such corporation, trust, or association pays (as prescribed by the Secretary in regulations and in the same manner as tax) a penalty of $50,000 for each failure to satisfy a provision of this part due to reasonable cause and not willful neglect.''.

(4) DEDUCTION OF TAX PAID FROM AMOUNT REQUIRED TO BE DISTRIBUTED.—Subparagraph (E) of section 857(b)(2) is amended by striking ''(7)'' and inserting ''(7) of this subsection, section 856(c)(7)(B)(iii), and section 856(g)(1).''.

(5) EXPANSION OF DEFICIENCY DIVIDEND PROCEDURE.—Subsection (e) of section 860 is amended by striking ''or'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ''; or'', and by adding at the end the following new paragraph:

''(4) a statement by the taxpayer attached to its amendment or supplement to a return of tax for the relevant tax year.''.

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2000.

(2) SUBSECTIONS (c) THROUGH (f).—The amendments made by subsections (c), (d), (e), and (f) shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 286. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) TREATMENT OF CERTAIN DIVIDENDS.—

(1) NONRESIDENT ALIEN INDIVIDUALS.—Section 871 (relating to tax on nonresident alien individuals) is amended by redesignating subsection (k) as subsection (l) and by inserting after subsection (j) the following new subsection:

''(k) EXEMPTION FOR CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.—

''(1) INTEREST-RELATED DIVIDENDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), no tax shall be imposed under paragraph (1)(A) of subsection (a) on any interest-related dividend received from a regulated investment company.

''(B) EXCEPTIONS.—Subparagraph (A) shall not apply—

''(i) to any interest-related dividend received from a regulated investment company by a person to the extent such dividend is attributable to interest (other than interest described in subparagraph (E) (i) or (iii)) received by such company on indebtedness issued by such person or by any corporation or partnership with respect to which such person is a 10-percent shareholder,

''(ii) to any interest-related dividend with respect to stock of a regulated investment company unless the person who would otherwise be required to deduct and withhold tax from such dividend under chapter 3 receives a statement (which meets requirements similar to the requirements of subsection (h)(5)) that the beneficial owner of such stock is not a United States person, and

''(iii) to any interest-related dividend paid to any person within a foreign country (or any interest-related dividend payment addressed to, or for the account of, persons within such foreign country) during any period described in subsection (h)(6) with respect to such country.

Clause (iii) shall not apply to any dividend with respect to any stock which was acquired on or before the date of the publication of the Secretary's determination under subsection (h)(6).

''(C) INTEREST-RELATED DIVIDEND.—For purposes of this paragraph, an interest-related dividend is any dividend (or part thereof) which is designated by the regulated investment company as an interest-related dividend in a written notice mailed to its shareholders not later than 60 days after the close of its taxable year. If the aggregate amount so designated with respect to a taxable year of the company (including amounts so designated with respect to dividends paid after the close of the taxable year described in section 855) is greater than the qualified net interest income of the company for such taxable year, the portion of each distribution which shall be an interest-related dividend shall be only that portion of the amounts so designated which such qualified net interest income bears to the aggregate amount so designated.

''(D) QUALIFIED NET INTEREST INCOME.—For purposes of subparagraph (C), the term 'qualified net interest income' means the qualified interest income of the regulated investment company reduced by the deductions properly allocable to such income.

''(E) QUALIFIED INTEREST INCOME.—For purposes of subparagraph (D), the term 'qualified interest income' means the sum of the following amounts derived by the regulated investment company from sources within the United States:

''(i) Any amount includible in gross income as original issue discount (within the meaning of section 1273) on an obligation payable 183 days or less from the date of original issue (without regard to the period held by the company).

''(ii) Any interest includible in gross income (including amounts recognized as ordinary income in respect of original issue discount or market discount or acquisition discount under part V of subchapter P and such other amounts as regulations may provide) on an obligation which is in registered form; except that this clause shall not apply to—

''(I) any interest on an obligation issued by a corporation or partnership if the regulated investment company is a 10-percent shareholder in such corporation or partnership, and

''(II) any interest which is treated as not being portfolio interest under the rules of subsection (h)(4).

''(iii) Any interest referred to in subsection (i)(2)(A) (without regard to the trade or business of the regulated investment company).

''(iv) Any interest-related dividend includable in gross income with respect to stock of another regulated investment company.

''(F) 10-PERCENT SHAREHOLDER.—For purposes of this paragraph, the term '10-percent shareholder' has the meaning given such term by subsection (h)(3)(B).

''(2) SHORT-TERM CAPITAL GAIN DIVIDENDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), no tax shall be imposed under paragraph (1)(A) of subsection (a) on any short-term capital gain dividend received from a regulated investment company.

''(B) EXCEPTION FOR ALIENS TAXABLE UNDER SUBSECTION (a)(2).—Subparagraph (A) shall not apply in the case of any nonresident alien individual subject to tax under subsection (a)(2).

''(C) SHORT-TERM CAPITAL GAIN DIVIDEND.—For purposes of this paragraph, a short-term capital gain dividend is any dividend (or part thereof) which is designated by the regulated investment company as a short-term capital gain dividend in a written notice mailed to its shareholders not later than 60 days after the close of its taxable year. If the aggregate amount so designated with respect to a taxable year of the company (including amounts so designated with respect to dividends paid after the close of the taxable year described in section 855) is greater than the qualified short-term gain of the company for such taxable year, the portion of each distribution which shall be a short-term capital gain dividend shall be only that portion of the amounts so designated which such qualified short-term gain bears to the aggregate amount so designated.

''(D) QUALIFIED SHORT-TERM GAIN.—For purposes of subparagraph (C), the term 'qualified short-term gain' means the excess of the net short-term capital gain of the regulated investment company for the taxable year over the net long-term capital loss (if any) of such company for such taxable year. For purposes of this subparagraph—

''(i) the net short-term capital gain of the regulated investment company shall be computed by treating any short-term capital gain dividend includible in gross income with respect to stock of another regulated investment company as a short-term capital gain, and

''(ii) the excess of the net short-term capital gain for a taxable year over the net long-term capital loss for a taxable year (to which an election under section 4982(e)(4) does not apply) shall be determined without regard to any net capital loss or net short-term capital loss attributable to transactions after October 31 of such year, and any such net capital loss or net short-term capital loss shall be treated as arising on the 1st day of the next taxable year.

To the extent provided in regulations, clause (ii) shall apply also for purposes of computing the taxable income of the regulated investment company.''

(2) FOREIGN CORPORATIONS.—Section 881 (relating to tax on income of foreign corporations not connected with United States business) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

''(e) TAX NOT TO APPLY TO CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.—

''(1) INTEREST-RELATED DIVIDENDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), no tax shall be imposed under paragraph (1) of subsection (a) on any interest-related dividend (as defined in section 871(k)(1)) received from a regulated investment company.

''(B) EXCEPTION.—Subparagraph (A) shall not apply—

''(i) to any dividend referred to in section 871(k)(1)(B), and

''(ii) to any interest-related dividend received by a controlled foreign corporation (within the meaning of section 957(a)) to the extent such dividend is attributable to interest received by the regulated investment company from a person who is a related person (within the meaning of section 864(d)(4)) with respect to such controlled foreign corporation.

''(C) TREATMENT OF DIVIDENDS RECEIVED BY CONTROLLED FOREIGN CORPORATIONS.—The rules of subsection (c)(5)(A) shall apply to any interest-related dividend received by a controlled foreign corporation (within the meaning of section 957(a)) to the extent such dividend is attributable to interest received by the regulated investment company which is described in clause (ii) of section 871(k)(1)(E) (and not described in clause (i) or (iii) of such section).

''(2) SHORT-TERM CAPITAL GAIN DIVIDENDS.—No tax shall be imposed under paragraph (1) of subsection (a) on any short-term capital gain dividend (as defined in section 871(k)(2)) received from a regulated investment company.''.

(3) WITHHOLDING TAXES.—

(A) Section 1441(c) (relating to exceptions) is amended by adding at the end the following new paragraph:

''(12) CERTAIN DIVIDENDS RECEIVED FROM REGULATED INVESTMENT COMPANIES.—

''(A) IN GENERAL.—No tax shall be required to be deducted and withheld under subsection (a) from any amount exempt from the tax imposed by section 871(a)(1)(A) by reason of section 871(k).

''(B) SPECIAL RULE.—For purposes of subparagraph (A), clause (i) of section 871(k)(1)(B) shall not apply to any dividend unless the regulated investment company knows that such dividend is a dividend referred to in such clause. A similar rule shall apply with respect to the exception contained in section 871(k)(2)(B).''.

(B) Section 1442(a) (relating to withholding of tax on foreign corporations) is amended—

(i) by striking ''and the reference in section 1441(c)(10)'' and inserting ''the reference in section 1441(c)(10)'', and

(ii) by inserting before the period at the end the following: '', and the references in section 1441(c)(12) to sections 871(a) and 871(k) shall be treated as referring to sections 881(a) and 881(e) (except that for purposes of applying subparagraph (A) of section 1441(c)(12), as so modified, clause (ii) of section 881(e)(1)(B) shall not apply to any dividend unless the regulated investment company knows that such dividend is a dividend referred to in such clause)''.

(b) ESTATE TAX TREATMENT OF INTEREST IN CERTAIN REGULATED INVESTMENT COMPANIES.—Section 2105 (relating to property without the United States for estate tax purposes) is amended by adding at the end the following new subsection:

''(d) STOCK IN A RIC.—

''(1) IN GENERAL.—For purposes of this subchapter, stock in a regulated investment company (as defined in section 851) owned by a nonresident not a citizen of the United States shall not be deemed property within the United States in the proportion that, at the end of the quarter of such investment company's taxable year immediately preceding a decedent's date of death (or at such other time as the Secretary may designate in regulations), the assets of the investment company that were qualifying assets with respect to the decedent bore to the total assets of the investment company.

''(2) QUALIFYING ASSETS.—For purposes of this subsection, qualifying assets with respect to a decedent are assets that, if owned directly by the decedent, would have been—

''(A) amounts, deposits, or debt obligations described in subsection (b) of this section,

''(B) debt obligations described in the last sentence of section 2104(c), or

''(C) other property not within the United States.''

(c) TREATMENT OF REGULATED INVESTMENT COMPANIES UNDER SECTION 897.—

(1) Paragraph (1) of section 897(h) is amended by striking ''REIT'' each place it appears and inserting ''qualified investment entity''.

(2) Paragraphs (2) and (3) of section 897(h) are amended to read as follows:

''(2) SALE OF STOCK IN DOMESTICALLY CONTROLLED ENTITY NOT TAXED.—The term 'United States real property interest' does not include any interest in a domestically controlled qualified investment entity.

''(3) DISTRIBUTIONS BY DOMESTICALLY CONTROLLED QUALIFIED INVESTMENT ENTITIES.—In the case of a domestically controlled qualified investment entity, rules similar to the rules of subsection (d) shall apply to the foreign ownership percentage of any gain.''

(3) Subparagraphs (A) and (B) of section 897(h)(4) are amended to read as follows:

''(A) QUALIFIED INVESTMENT ENTITY.—The term 'qualified investment entity' means any real estate investment trust and any regulated investment company.

''(B) DOMESTICALLY CONTROLLED.—The term 'domestically controlled qualified investment entity' means any qualified investment entity in which at all times during the testing period less than 50 percent in value of the stock was held directly or indirectly by foreign persons.''

(4) Subparagraphs (C) and (D) of section 897(h)(4) are each amended by striking ''REIT'' and inserting ''qualified investment entity''.

(5) The subsection heading for subsection (h) of section 897 is amended by striking ''REITS'' and inserting ''CERTAIN INVESTMENT ENTITIES''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to dividends with respect to taxable years of regulated investment companies beginning after December 31, 2004.

(2) ESTATE TAX TREATMENT.—The amendment made by subsection (b) shall apply to estates of decedents dying after December 31, 2004.

(3) CERTAIN OTHER PROVISIONS.—The amendments made by subsection (c) (other than paragraph (1) thereof) shall take effect after December 31, 2004.

SEC. 287. TAXATION OF CERTAIN SETTLEMENT FUNDS.

(a) IN GENERAL.—Subsection (g) of section 468B (relating to clarification of taxation of certain funds) is amended to read as follows:

''(g) CLARIFICATION OF TAXATION OF CERTAIN FUNDS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), nothing in any provision of law shall be construed as providing that an escrow account, settlement fund, or similar fund is not subject to current income tax. The Secretary shall prescribe regulations providing for the taxation of any such account or fund whether as a grantor trust or otherwise.

''(2) EXEMPTION FROM TAX FOR CERTAIN SETTLEMENT FUNDS.—An escrow account, settlement fund, or similar fund shall be treated as beneficially owned by the United States and shall be exempt from taxation under this subtitle if—

''(A) it is established pursuant to a consent decree entered by a judge of a United States District Court,

''(B) it is created for the receipt of settlement payments as directed by a government entity for the sole purpose of resolving or satisfying one or more claims asserting liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980,

''(C) the authority and control over the expenditure of funds therein (including the expenditure of contributions thereto and any net earnings thereon) is with such government entity, and

''(D) upon termination, any remaining funds will be disbursed to such government entity for use in accordance with applicable law.

For purposes of this paragraph, the term 'government entity' means the United States, any State or political subdivision thereof, the District of Columbia, any possession of the United States, and any agency or instrumentality of any of the foregoing.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 288. EXPANSION OF HUMAN CLINICAL TRIALS QUALIFYING FOR ORPHAN DRUG CREDIT.

(a) IN GENERAL.—Paragraph (2) of section 45C(b) (relating to qualified clinical testing expenses) is amended by adding at the end the following new subparagraph:

''(C) TREATMENT OF CERTAIN EXPENSES INCURRED BEFORE DESIGNATION.—For purposes of subparagraph (A)(ii)(I), if a drug is designated under section 526 of the Federal Food, Drug, and Cosmetic Act not later than the due date (including extensions) for filing the return of tax under this subtitle for the taxable year in which the application for such designation of such drug was filed, such drug shall be treated as having been designated on the date that such application was filed.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to expenses incurred after the date of the enactment of this Act.

SEC. 289. SIMPLIFICATION OF EXCISE TAX IMPOSED ON BOWS AND ARROWS.

(a) BOWS.—Paragraph (1) of section 4161(b) (relating to bows) is amended to read as follows:

''(1) BOWS.—

''(A) IN GENERAL.—There is hereby imposed on the sale by the manufacturer, producer, or importer of any bow which has a peak draw weight of 30 pounds or more, a tax equal to 11 percent of the price for which so sold.

''(B) ARCHERY EQUIPMENT.—There is hereby imposed on the sale by the manufacturer, producer, or importer—

''(i) of any part or accessory suitable for inclusion in or attachment to a bow described in subparagraph (A), and

''(ii) of any quiver or broadhead suitable for use with an arrow described in paragraph (2),

a tax equal to 11 percent of the price for which so sold.''.

(b) ARROWS.—Subsection (b) of section 4161 (relating to bows and arrows, etc.) is amended by redesignating paragraph (3) as paragraph (4) and inserting after paragraph (2) the following:

''(3) ARROWS.—

''(A) IN GENERAL.—There is hereby imposed on the sale by the manufacturer, producer, or importer of any arrow, a tax equal to 12 percent of the price for which so sold.

''(B) EXCEPTION.—In the case of any arrow of which the shaft or any other component has been previously taxed under paragraph (1) or (2)—

''(i) section 6416(b)(3) shall not apply, and

''(ii) the tax imposed by subparagraph (A) shall be an amount equal to the excess (if any) of—

''(I) the amount of tax imposed by this paragraph (determined without regard to this subparagraph), over

''(II) the amount of tax paid with respect to the tax imposed under paragraph (1) or (2) on such shaft or component.

''(C) ARROW.—For purposes of this paragraph, the term 'arrow' means any shaft described in paragraph (2) to which additional components are attached.''.

(c) CONFORMING AMENDMENTS.—Section 4161(b)(2) is amended—

(1) by inserting ''(other than broadheads)'' after ''point'', and

(2) by striking ''ARROWS.—'' in the heading and inserting ''ARROW COMPONENTS.—''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to articles sold by the manufacturer, producer, or importer after December 31, 2004.

SEC. 290. REPEAL OF EXCISE TAX ON FISHING TACKLE BOXES.

(a) REPEAL.—Paragraph (6) of section 4162(a) (defining sport fishing equipment) is amended by striking subparagraph (C) and by redesignating subparagraphs (D) through (J) as subparagraphs (C) through (I), respectively.

(b) EFFECTIVE DATE.—The amendments made this section shall apply to articles sold by the manufacturer, producer, or importer after December 31, 2004.

SEC. 291. SONAR DEVICES SUITABLE FOR FINDING FISH.

(a) NOT TREATED AS SPORT FISHING EQUIPMENT.—Subsection (a) of section 4162 (relating to sport fishing equipment defined) is amended by inserting ''and'' at the end of paragraph (8), by striking '', and'' at the end of paragraph (9) and inserting a period, and by striking paragraph (10).

(b) CONFORMING AMENDMENT.—Section 4162 is amended by striking subsection (b) and by redesignating subsection (c) as subsection (b).

(c) EFFECTIVE DATE.—The amendments made this section shall apply to articles sold by the manufacturer, producer, or importer after December 31, 2004.

SEC. 292. INCOME TAX CREDIT TO DISTILLED SPIRITS WHOLESALERS FOR COST OF CARRYING FEDERAL EXCISE TAXES ON BOTTLED DISTILLED SPIRITS.

(a) IN GENERAL.—Subpart A of part I of subchapter A of chapter 51 (relating to gallonage and occupational taxes) is amended by adding at the end the following new section:

''SEC. 5011. INCOME TAX CREDIT FOR WHOLESALER'S AVERAGE COST OF CARRYING EXCISE TAX.

''(a) IN GENERAL.—For purposes of section 38, in the case of an eligible wholesaler, the amount of the distilled spirits wholesalers credit for any taxable year is the amount equal to the product of—

''(1) the number of cases of bottled distilled spirits—

''(A) which were bottled in the United States, and

''(B) which are purchased by such wholesaler during the taxable year directly from the bottler of such spirits, and

''(2) the average tax-financing cost per case for the most recent calendar year ending before the beginning of such taxable year.

''(b) ELIGIBLE WHOLESALER.—For purposes of this section, the term 'eligible wholesaler' means any person who holds a permit under the Federal Alcohol Administration Act as a wholesaler of distilled spirits.

''(c) AVERAGE TAX-FINANCING COST.—

''(1) IN GENERAL.—For purposes of this section, the average tax-financing cost per case for any calendar year is the amount of interest which would accrue at the deemed financing rate during a 60-day period on an amount equal to the deemed Federal excise per case.

''(2) DEEMED FINANCING RATE.—For purposes of paragraph (1), the deemed financing rate for any calendar year is the average of the corporate overpayment rates under paragraph (1) of section 6621(a) (determined without regard to the last sentence of such paragraph) for calendar quarters of such year.

''(3) DEEMED FEDERAL EXCISE TAX BASED ON CASE.—For purposes of paragraph (1), the deemed Federal excise tax per case of 12 80-proof 750ml bottles is $22.83.

''(4) NUMBER OF CASES IN LOT.—For purposes of this section, the number of cases in any lot of distilled spirits shall be determined by dividing the number of liters in such lot by 9.''

(b) CONFORMING AMENDMENTS.—

(1) Subsection (b) of section 38 is amended by striking ''plus'' at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting '', plus'', and by adding at the end the following new paragraph:

''(16) in the case of an eligible wholesaler (as defined in section 5011(b)), the distilled spirits wholesalers credit determined under section 5011(a).''

(2) Subsection (d) of section 39 (relating to carryback and carryforward of unused credits) is amended by adding at the end the following new paragraph:

''(11) NO CARRYBACK OF SECTION 5011 CREDIT BEFORE JANUARY 1, 2005.—No portion of the unused business credit for any taxable year which is attributable to the credit determined under section 5011(a) may be carried back to a taxable year beginning before January 1, 2005.''.

(3) The table of sections for subpart A of part I of subchapter A of chapter 51 is amended by adding at the end the following new item:

''Sec. 5011. Income tax credit for wholesaler's average cost of carrying excise tax.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 293. SUSPENSION OF OCCUPATIONAL TAXES RELATING TO DISTILLED SPIRITS, WINE, AND BEER.

(a) IN GENERAL.—Subpart G of part II of subchapter A of chapter 51 is amended by redesignating section 5148 as section 5149 and by inserting after section 5147 the following new section:

''SEC. 5148. SUSPENSION OF OCCUPATIONAL TAX.

''(a) IN GENERAL.—Notwithstanding sections 5081, 5091, 5111, 5121, and 5131, the rate of tax imposed under such sections for the suspension period shall be zero. During such period, persons engaged in or carrying on a trade or business covered by such sections shall register under section 5141 and shall comply with the recordkeeping requirements under this part.

''(b) SUSPENSION PERIOD.—For purposes of subsection (a), the suspension period is the period beginning on July 1, 2004, and ending on June 30, 2007.''.

(b) CONFORMING AMENDMENT.—Section 5117 is amended by adding at the end the following new subsection:

''(d) SPECIAL RULE DURING SUSPENSION PERIOD.—Except as provided in subsection (b) or by the Secretary, during the suspension period (as defined in section 5148) it shall be unlawful for any dealer to purchase distilled spirits for resale from any person other than a wholesale dealer in liquors who is required to keep records under section 5114.''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart G of part II of subchapter A of chapter 51 is amended by striking the last item and inserting the following new items:

''Sec. 5148. Suspension of occupational tax.

''Sec. 5149. Cross references.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 294. MODIFICATION OF UNRELATED BUSINESS INCOME LIMITATION ON INVESTMENT IN CERTAIN SMALL BUSINESS INVESTMENT COMPANIES.

(a) IN GENERAL.—Paragraph (6) of section 514(c) (relating to acquisition indebtedness) is amended to read as follows:

''(6) CERTAIN FEDERAL FINANCING.—

''(A) IN GENERAL.—For purposes of this section, the term 'acquisition indebtedness' does not include—

''(i) an obligation, to the extent that it is insured by the Federal Housing Administration, to finance the purchase, rehabilitation, or construction of housing for low and moderate income persons, or

''(ii) indebtedness incurred by a small business investment company licensed under the Small Business Investment Act of 1958 and formed after the date of the enactment of the American Jobs Creation Act of 2004, if such indebtedness is evidenced by a debenture—

''(I) issued by such company under section 303(a) of such Act, and

''(II) held or guaranteed by the Small Business Administration.

''(B) LIMITATION.—Subparagraph (A)(ii) shall not apply with respect to any small business investment company during any period that—

''(i) any organization which is exempt from tax under this title (other than a governmental unit) owns more than 25 percent of the capital or profits interest in such company, or

''(ii) organizations which are exempt from tax under this title (including governmental units other than any agency or instrumentality of the United States) own, in the aggregate, 50 percent or more of the capital or profits interest in such company.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to indebtedness incurred by small business investment companies formed after the date of the enactment of the American Jobs Creation Act of 2004.

SEC. 295. ELECTION TO DETERMINE TAXABLE INCOME FROM CERTAIN INTERNATIONAL SHIPPING ACTIVITIES USING PER TON RATE.

(a) IN GENERAL.—Chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after subchapter Q the following new subchapter:

''Subchapter R—Election To Determine Taxable Income From Certain International Shipping Activities Using per Ton Rate

''Sec. 1352. Alternative tax on qualifying shipping activities.

''Sec. 1353. Taxable income from qualifying shipping activities.

''Sec. 1354. Qualifying shipping tax election; revocation; termination.

''Sec. 1355. Definitions and special rules.

''Sec. 1356. Qualifying shipping activities.

''Sec. 1357. Items not subject to regular tax; depreciation; interest.

''Sec. 1358. Allocation of credits, income, and deductions.

''Sec. 1359. Disposition of qualifying shipping assets.

''SEC. 1352. ALTERNATIVE TAX ON QUALIFYING SHIPPING ACTIVITIES.

''(a) IN GENERAL.—The taxable income of an electing corporation from qualifying shipping activities shall be the amount determined under this subchapter, and the corporate percentages of the items of income, gain, loss, deduction, or credit of an electing corporation and of other members of the electing group of such corporation which would otherwise be taken into account by reason of its qualifying shipping activities shall be taken into account to the extent provided in section 1357.

''(b) ALTERNATIVE TAX.—The taxable income of an electing corporation from qualifying shipping activities, if otherwise taxable under section 11, 55, 882, 887, or 1201(a) shall be subject to tax only under this section at the maximum rate specified in section 11(b). The income of a foreign corporation shall not be subject to tax under this subchapter to the extent its income is excludible from gross income under section 883(a)(1).

''SEC. 1353. TAXABLE INCOME FROM QUALIFYING SHIPPING ACTIVITIES.

''(a) IN GENERAL.—For purposes of this subchapter, the taxable income of an electing corporation from qualifying shipping activities shall be its corporate income percentage of the sum of the amounts determined under subsection (b) for each qualifying vessel operated by such electing corporation or other electing entity.

''(b) AMOUNTS.—For purposes of subsection (a), the amount of taxable income of an electing entity for each qualifying vessel shall equal the product of—

''(1) the daily notional taxable income from the operation of the qualifying vessel in United States foreign trade, and

''(2) the number of days during the taxable year that the electing entity operated such vessel as a qualifying vessel in United States foreign trade.

''(c) DAILY NOTIONAL TAXABLE INCOME.—For purposes of subsection (b), the daily notional taxable income from the operation of a qualifying vessel is 40 cents for each 100 tons of the net tonnage of the vessel, up to 25,000 net tons, and 20 cents for each 100 tons of the net tonnage of the vessel, in excess of 25,000 net tons.

''(d) MULTIPLE OPERATORS OF VESSEL.—If 2 or more persons have a joint interest in a qualifying vessel and are treated as operators of that vessel, the taxable income from the operation of such vessel for that time (as determined under this section) shall be allocated among such persons on the basis of their ownership and charter interests in such vessel or on such other basis as the Secretary may prescribe by regulations.

''(e) NONCORPORATE PERCENTAGE.—Notwithstanding any contrary provision of this subchapter, the noncorporate percentage of any item of income, gain, loss, deduction, or credit of any member of an electing group shall be taken into account for all purposes of this subtitle as if this subchapter were not in effect.

''SEC. 1354. QUALIFYING SHIPPING TAX ELECTION; REVOCATION; TERMINATION.

''(a) IN GENERAL.—Except as provided in subsections (b) and (f), a qualifying shipping tax election may be made in respect of any qualifying entity.

''(b) CONDITION OF ELECTION.—An election may be made by a member of a controlled group under this subsection for any taxable year only if all qualifying entities that are members of the controlled group join in the election.

''(c) WHEN MADE.—An election under subsection (a) may be made by a qualifying entity in such form as prescribed by the Secretary. Such election shall be filed with the qualifying entity's return for the first taxable year to which the election shall apply, by the due date for such return (including any applicable extensions).

''(d) YEARS FOR WHICH EFFECTIVE.—An election under subsection (a) shall be effective for the taxable year of the qualifying entity for which it is made and for all succeeding taxable years of the entity, until such election is terminated under subsection (e).

''(e) TERMINATION.—

''(1) BY REVOCATION.—

''(A) IN GENERAL.—An election under subsection (a) may be terminated by revocation.

''(B) WHEN EFFECTIVE.—Except as provided in subparagraph (C)—

''(i) a revocation made during the taxable year and on or before the 15th day of the 3rd month thereof shall be effective on the 1st day of such taxable year, and

''(ii) a revocation made during the taxable year but after such 15th day shall be effective on the 1st day of the following taxable year.

''(C) REVOCATION MAY SPECIFY PROSPECTIVE DATE.—If the revocation specifies a date for revocation which is on or after the day on which the revocation is made, the revocation shall be effective on and after the date so specified.

''(2) BY ENTITY CEASING TO BE QUALIFYING ENTITY.—

''(A) IN GENERAL.—An election under subsection (a) shall be terminated whenever (at any time on or after the 1st day of the 1st taxable year for which the entity is an electing entity) such entity ceases to be a qualifying entity.

''(B) WHEN EFFECTIVE.—Any termination under this paragraph shall be effective on and after the date of cessation.

''(f) ELECTION AFTER TERMINATION.—If a qualifying entity has made an election under subsection (a) and if such election has been terminated under subsection (e), such entity (and any successor entity) shall not be eligible to make an election under subsection (a) for any taxable year before its 5th taxable year which begins after the 1st taxable year for which such termination is effective, unless the Secretary consents to such election.

"SEC. 1355. DEFINITIONS AND SPECIAL RULES.

''(a) DEFINITIONS.—For purposes of this subchapter:

''(1) The term 'controlled group' means any group of trusts and business entities whose members would be treated as a single employer under the rules of section 52(a) (without regard to paragraphs (1) and (2) thereof) and section 52(b)(1).

''(2) The term 'corporate income percentage' means the least aggregate share, expressed as a percentage, of any item of income or gain of an electing corporation or electing group of which such corporation is a member from qualifying shipping activities that would, but for an election in effect under this subchapter, be required to be reported on the Federal income tax return of an electing corporation during any taxable period. In the case of an electing group which includes two or more electing corporations, the corporate income percentage of each such corporation shall be determined on the basis of such corporations' direct and indirect ownership and charter interests in qualifying vessels of the electing group or on such other basis as the Secretary may prescribe by regulations.

''(3) The term 'corporate loss percentage' means the greatest aggregate share, expressed as a percentage, of any item of loss, deduction or credit of an electing corporation or electing group of which such corporation is a member from qualifying shipping activities that would, but for an election in effect under this subchapter, be required to be reported on the Federal income tax return of an electing corporation during any taxable period.

''(4) The term 'corporate percentages' means the corporate income percentage and the corporate loss percentage.

''(5) The term 'electing corporation' means any C corporation that is an electing entity or that would, but for an election in effect under this subchapter, be required to report any item of income, gain, loss, deduction, or credit of an electing entity on its Federal income tax return.

''(6) The term 'electing entity' means any qualifying entity for which an election is in effect under this subchapter.

''(7) The term 'electing group' means a controlled group of which one or more members is an electing entity.

''(8) The term 'noncorporate percentage' means the difference between one hundred percent and the corporate income percentage or corporate loss percentage, as applicable.

''(9) The term 'qualifying entity' means a trust or business entity that—

''(A) operates one or more qualifying vessels, and

''(B) meets the shipping activity requirement in subsection (c).

''(10) The term 'qualifying shipping assets' means any qualifying vessel and other assets which are used in core qualifying activities as described in section 1356(b).

''(11) The term 'qualifying vessel' means a self-propelled (or a combination self-propelled and non-self-propelled) United States flag vessel of not less than 10,000 deadweight tons used in the United States foreign trade.

''(12) The term 'United States domestic trade' means the transportation of goods or passengers between places in the United States.

''(13) The term 'United States flag vessel' means any vessel documented under the laws of the United States.

''(14) The term 'United States foreign trade' means the transportation of goods or passengers between a place in the United States and a foreign place or between foreign places.

''(b) OPERATING A VESSEL.—For purposes of this subchapter:

''(1) Except as provided in paragraph (2), an entity is treated as operating any vessel owned by, or chartered (including a time charter) to, the entity.

''(2) An entity is treated as operating a vessel that it has chartered out on bareboat charter terms only if—

''(A) the vessel is temporarily surplus to the entity's requirements and the term of the charter does not exceed three years; or

''(B) the vessel is bareboat chartered to a member of a controlled group which includes such entity or to an unrelated third party that sub-bareboats or time charters the vessel to a member of such controlled group (including the owner).

''(c) SHIPPING ACTIVITY REQUIREMENT.—For purposes of this section, the shipping activity requirement is met for a taxable year only by an entity described in paragraph (1), (2), or (3).

''(1) An entity in the first taxable year of its qualifying shipping tax election if, for the preceding taxable year, the test in paragraph (4) is met.

''(2) An entity in the second or any subsequent taxable year of its qualifying shipping tax election if, for each of the two preceding taxable years, the test in paragraph (4) is met.

''(3) An entity that would be described in paragraph (1) or (2) if the test in paragraph (4) were applied on an aggregate basis to the controlled group of which such entity is a member, and vessel charters between members of the controlled group were disregarded.

''(4) The test in this paragraph is met if on average at least 25 percent of the aggregate tonnage of qualifying vessels operated by the entity were owned by the entity or chartered to the entity on bareboat charter terms. For purposes of the preceding sentence, vessels chartered (including time chartered) to an entity by a member of a controlled group which includes the entity, or by a third party that bareboat charters the vessels from the entity or a member of the entity's controlled group, shall be treated as chartered to the entity on bareboat charter terms.

''(d) EFFECT OF TEMPORARILY CEASING TO OPERATE A QUALIFYING VESSEL.—

''(1) A temporary cessation by an electing entity in operation of a qualifying vessel shall be disregarded for purposes of subsections (b) and (c) if the electing entity gives timely notice to the Secretary stating—

''(A) that it has temporarily ceased to operate the qualifying vessel, and

''(B) its intention to resume operating the qualifying vessel.

''(2) Notice shall be deemed timely if given not later than the due date (including extensions) for the electing entity's tax return (as set forth in section 6072(b)) for the taxable year in which the temporary cessation begins.

''(3) The treatment provided by paragraph (1) shall continue until the earlier of—

''(A) the electing entity abandoning its intention to resume operation of the qualifying vessel, or

''(B) the electing entity resuming operation of the qualifying vessel.

''(e) EFFECT OF TEMPORARILY OPERATING A QUALIFYING VESSEL IN THE UNITED STATES DOMESTIC TRADE.—

''(1) The temporary operation in the United States domestic trade of any qualifying vessel which had been used in the United States foreign trade shall be disregarded for purposes of this subchapter if the electing entity gives timely notice to the Secretary stating—

''(A) that it temporarily operates or has operated in the United States domestic trade a qualifying vessel which had been used in the United States foreign trade, and

''(B) its intention to resume operation of the vessel in the United States foreign trade.

''(2) Notice shall be deemed timely if given not later than the due date (including extensions) for the electing entity's tax return (as set forth in section 6072(b)) for the taxable year in which the temporary cessation begins.

''(3) The treatment provided by paragraph (1) shall continue until the earlier of—

''(A) the electing entity abandoning its intention to resume operations of the vessel in the United States foreign trade, or

''(B) the electing entity resuming operation of the vessel in the United States foreign trade.

''(f) EFFECT OF CHANGE IN USE.—

''(1) Except as provided in subsection (e), a vessel that is used other than for operations in the United States foreign trade on other than a temporary basis ceases to be a qualifying vessel when such use begins.

''(2) For purposes of this subsection, a change in use of a vessel, other than a commencement of operation in the United States domestic trade, is taken to be permanent unless there are circumstances indicating that it is temporary.

''(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.

"SEC. 1356. QUALIFYING SHIPPING ACTIVITIES.

''(a) QUALIFYING SHIPPING ACTIVITIES.—For purposes of this subchapter the 'qualifying shipping activities' of an electing entity consist of—

''(1) core qualifying activities,

''(2) qualifying secondary activities, and

''(3) qualifying incidental activities.

''(b) CORE QUALIFYING ACTIVITIES.—

''(1) The 'core qualifying activities' of an electing entity are—

''(A) its activities in operating qualifying vessels in United States foreign trade, and

''(B) other activities of the electing entity and other members of its electing group that are an integral part of its business of operating qualifying vessels in United States foreign trade, including ownership or operation of barges, containers, chassis, and other equipment that are the complement of, or used in connection with, a qualifying vessel in United States foreign trade, the inland haulage of cargo shipped, or to be shipped, on qualifying vessels in United States foreign trade, and the provision of terminal, maintenance, repair, logistical, or other vessel, container, or cargo-related services that are an integral part of operating qualifying vessels in United States foreign trade.

''(2) 'Core qualifying activities' do not include the provision by an entity of facilities or services to any person, other than—

''(A) another member of such entity's electing group,

''(B) a consignor, consignee, or other customer of such entity's business of operating qualifying vessels in United States foreign trade, or

''(C) a member of an alliance, joint venture, pool, partnership or similar undertaking involving the operation of qualifying vessels in United States foreign trade of which such entity is a member.

''(c) QUALIFYING SECONDARY ACTIVITIES.—For purposes of this subsection—

''(1) the term 'secondary activities' means activities that are not core qualifying activities, and—

''(A) are the active management or operation of vessels in the United States foreign trade,

''(B) the provision of vessel, container, or cargo-related facilities or services to any person, or

''(C) such other activities as may be prescribed by the Secretary pursuant to regulations, and

''(2) the 'qualified secondary activities' of an electing entity are its secondary activities and the secondary activities of other members of its electing group, but only to the extent that, without regard to this subchapter, the aggregate gross income derived by the electing entity and the other members of its electing group from such activities does not exceed 20 percent of the aggregate gross income derived by the electing entity and the other members of its electing group from their core qualifying activities.

''(d) QUALIFYING INCIDENTAL ACTIVITIES.—Shipping-related activities carried on by an electing entity or another member of its electing group are qualified incidental activities of the electing entity if—

''(1) incidental to its core qualifying activities,

''(2) not qualifying secondary activities, and

''(3) without regard to this subchapter, the aggregate gross income derived by the electing entity and other members of its electing group from such activities does not exceed 0.1 percent of such entities' aggregate gross income from their core qualifying activities.

"SEC. 1357. ITEMS NOT SUBJECT TO REGULAR TAX; DEPRECIATION; INTEREST.

''(a) EXCLUSION FROM GROSS INCOME.—Gross income of an electing entity shall not include the corporate income percentage of—

''(1) income from qualifying shipping activities in the United States foreign trade,

''(2) income from money, bank deposits and other temporary investments which are reasonably necessary to meet the working capital requirements of qualifying shipping activities, and

''(3) income from money or other intangible assets accumulated pursuant to a plan to purchase qualifying shipping assets.

''(b) ELECTING GROUP MEMBER.—Gross income of a member of an electing group that is not an electing entity shall not include the corporate income percentage of its income from qualifying shipping activities that are taken into account under this subchapter as qualifying shipping activities of an electing entity.

''(c) DENIAL OF LOSSES, DEDUCTIONS, AND CREDITS.—

''(1) GENERAL RULE.—Subject to paragraph (2), the corporate loss percentage of each item of loss, deduction (other than for interest expense), or credit of any taxpayer with respect to any activity the income from which is excluded from gross income under this section shall be disallowed.

''(2) DEPRECIATION.—Notwithstanding paragraph (1), the deduction for depreciation of a qualifying shipping asset shall be allowed in determining the adjusted basis of such asset for purposes of determining gain from its disposition.

''(A) Except as provided in subparagraph (B), the straight line method of depreciation shall apply to the corporate income percentage of qualifying shipping assets the income from operation of which is excluded from gross income under this section.

''(B) Subparagraph (A) shall not apply to any qualifying shipping asset which is subject to a charter entered into prior to the effective date of this subchapter.

''(3) INTEREST.—The corporate loss percentage of an electing entity's interest expense shall be disallowed in the ratio that the fair market value of its qualifying vessel assets bears to the fair market value of its total assets.

''(d) SECTION INAPPLICABLE TO UNRELATED PERSONS.—This section shall not apply to a taxpayer that is not a member of an electing group.

"SEC. 1358. ALLOCATION OF CREDITS, INCOME, AND DEDUCTIONS.

''(a) QUALIFYING SHIPPING ACTIVITIES.—For purposes of this chapter, the qualifying shipping activities of an electing entity shall be treated as a separate trade or business activity from all other activities conducted by the entity.

''(b) EXCLUSION OF CREDITS OR DEDUCTIONS.—

''(1) No deduction shall be allowed against the taxable income of an electing corporation from qualifying shipping activities, and no credit shall be allowed against the tax imposed by section 1352(b).

''(2) No deduction shall be allowed for any net operating loss attributable to the qualifying shipping activities of a corporation to the extent that such loss is carried forward by the corporation from a taxable year preceding the first taxable year for which such corporation was an electing corporation.

''(c) TRANSACTIONS NOT AT ARM'S LENGTH.—Section 482 shall apply in accordance with this subsection to a transaction or series of transactions—

''(1) as between an electing entity and another person, or

''(2) as between an entity's qualifying shipping activities and other activities carried on by it.

"SEC. 1359. DISPOSITION OF QUALIFYING SHIPPING ASSETS.

''(a) IN GENERAL.—If an electing entity sells or disposes of qualifying shipping assets (as defined in subsection (c)) in an otherwise taxable transaction, at the election of the entity no gain shall be recognized if replacement qualifying shipping assets are acquired during the period specified in subsection (b), except to the extent that the amount realized upon such sale or disposition exceeds the cost of the replacement qualifying shipping assets.

''(b) PERIOD WITHIN WHICH PROPERTY MUST BE REPLACED.—The period referred to in subsection (a) shall be the period beginning one year prior to the disposition of the qualifying shipping assets and ending—

''(1) 3 years after the close of the first taxable year in which the gain is realized, or

''(2) subject to such terms and conditions as may be specified by the Secretary, on such later date as the Secretary may designate on application by the taxpayer. Such application shall be made at such time and in such manner as the Secretary may by regulations prescribe.

''(c) TIME FOR ASSESSMENT OF DEFICIENCY ATTRIBUTABLE TO GAIN.—If an electing entity has made the election provided in subsection (a), then—

''(1) the statutory period for the assessment of any deficiency, for any taxable year in which any part of the gain is realized, attributable to such gain shall not expire prior to the expiration of 3 years from the date the Secretary is notified by the entity (in such manner as the Secretary may by regulations prescribe) of the replacement tonnage tax property or of an intention not to replace, and

''(2) such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of section 6212(c) or the provisions of any other law or rule of law which would otherwise prevent such assessment.

''(d) BASIS OF REPLACEMENT QUALIFYING SHIPPING ASSETS.—In the case of replacement qualifying shipping assets purchased by an electing entity which resulted in the nonrecognition of any part of the gain realized as the result of a sale or other disposition of qualifying shipping assets, the basis shall be the cost of such property decreased in the amount of the gain not so recognized; and if the property purchased consists of more than one piece of property, the basis determined under this sentence shall be allocated to the purchased properties in proportion to their respective costs.

''(e) REPLACEMENT QUALIFYING SHIPPING ASSETS MUST BE ACQUIRED FROM UNRELATED PERSON IN CERTAIN CASES.—

''(1) IN GENERAL.—Subsection (a) shall not apply if the replacement qualifying shipping assets are acquired from a related person except to the extent that the related person acquired the replacement qualifying shipping assets from an unrelated person during the period applicable under subsection (b).

''(2) RELATED PERSON.—For purposes of this subsection, a person is related to another person if the person bears a relationship to the other person described in section 267(b) or 707(b)(1).''

(b) TECHNICAL AND CONFORMING AMENDMENT.—The second sentence of section 56(g)(4)(B)(i), as amended by this Act, is further amended by inserting ''or 1357'' after ''section 139A''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 296. CHARITABLE CONTRIBUTION DEDUCTION FOR CERTAIN EXPENSES INCURRED IN SUPPORT OF NATIVE ALASKAN SUBSISTENCE WHALING.

(a) IN GENERAL.—Section 170 (relating to charitable, etc., contributions and gifts), as amended by this Act, is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

''(n) EXPENSES PAID BY CERTAIN WHALING CAPTAINS IN SUPPORT OF NATIVE ALASKAN SUBSISTENCE WHALING.—

''(1) IN GENERAL.—In the case of an individual who is recognized by the Alaska Eskimo Whaling Commission as a whaling captain charged with the responsibility of maintaining and carrying out sanctioned whaling activities and who engages in such activities during the taxable year, the amount described in paragraph (2) (to the extent such amount does not exceed $10,000 for the taxable year) shall be treated for purposes of this section as a charitable contribution.

''(2) AMOUNT DESCRIBED.—

''(A) IN GENERAL.—The amount described in this paragraph is the aggregate of the reasonable and necessary whaling expenses paid by the taxpayer during the taxable year in carrying out sanctioned whaling activities.

''(B) WHALING EXPENSES.—For purposes of subparagraph (A), the term 'whaling expenses' includes expenses for—

''(i) the acquisition and maintenance of whaling boats, weapons, and gear used in sanctioned whaling activities,

''(ii) the supplying of food for the crew and other provisions for carrying out such activities, and

''(iii) storage and distribution of the catch from such activities.

''(3) SANCTIONED WHALING ACTIVITIES.—For purposes of this subsection, the term 'sanctioned whaling activities' means subsistence bowhead whale hunting activities conducted pursuant to the management plan of the Alaska Eskimo Whaling Commission.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to contributions made after December 31, 2004.

TITLE III—TAX REFORM AND SIMPLIFICATION FOR UNITED STATES BUSINESSES

SEC. 301. INTEREST EXPENSE ALLOCATION RULES.

(a) ELECTION TO ALLOCATE ON WORLDWIDE BASIS.—Section 864 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

''(f) ELECTION TO ALLOCATE INTEREST, ETC. ON WORLDWIDE BASIS.—For purposes of this subchapter, at the election of the worldwide affiliated group—

''(1) ALLOCATION AND APPORTIONMENT OF INTEREST EXPENSE.—

''(A) IN GENERAL.—The taxable income of each domestic corporation which is a member of a worldwide affiliated group shall be determined by allocating and apportioning interest expense of each member as if all members of such group were a single corporation.

''(B) TREATMENT OF WORLDWIDE AFFILIATED GROUP.—The taxable income of the domestic members of a worldwide affiliated group from sources outside the United States shall be determined by allocating and apportioning the interest expense of such domestic members to such income in an amount equal to the excess (if any) of—

''(i) the total interest expense of the worldwide affiliated group multiplied by the ratio which the foreign assets of the worldwide affiliated group bears to all the assets of the worldwide affiliated group, over

''(ii) the interest expense of all foreign corporations which are members of the worldwide affiliated group to the extent such interest expense of such foreign corporations would have been allocated and apportioned to foreign source income if this subsection were applied to a group consisting of all the foreign corporations in such worldwide affiliated group.

''(C) WORLDWIDE AFFILIATED GROUP.—For purposes of this paragraph, the term 'worldwide affiliated group' means a group consisting of—

''(i) the includible members of an affiliated group (as defined in section 1504(a), determined without regard to paragraphs (2) and (4) of section 1504(b)), and

''(ii) all controlled foreign corporations in which such members in the aggregate meet the ownership requirements of section 1504(a)(2) either directly or indirectly through applying paragraph (2) of section 958(a) or through applying rules similar to the rules of such paragraph to stock owned directly or indirectly by domestic partnerships, trusts, or estates.

''(2) ALLOCATION AND APPORTIONMENT OF OTHER EXPENSES.—Expenses other than interest which are not directly allocable or apportioned to any specific income producing activity shall be allocated and apportioned as if all members of the affiliated group were a single corporation. For purposes of the preceding sentence, the term 'affiliated group' has the meaning given such term by section 1504 (determined without regard to paragraph (4) of section 1504(b)).

''(3) TREATMENT OF TAX-EXEMPT ASSETS; BASIS OF STOCK IN NONAFFILIATED 10-PERCENT OWNED CORPORATIONS.—The rules of paragraphs (3) and (4) of subsection (e) shall apply for purposes of this subsection, except that paragraph (4) shall be applied on a worldwide affiliated group basis.

''(4) TREATMENT OF CERTAIN FINANCIAL INSTITUTIONS.—

''(A) IN GENERAL.—For purposes of paragraph (1), any corporation described in subparagraph (B) shall be treated as an includible corporation for purposes of section 1504 only for purposes of applying this subsection separately to corporations so described.

''(B) DESCRIPTION.—A corporation is described in this subparagraph if—

''(i) such corporation is a financial institution described in section 581 or 591,

''(ii) the business of such financial institution is predominantly with persons other than related persons (within the meaning of subsection (d)(4)) or their customers, and

''(iii) such financial institution is required by State or Federal law to be operated separately from any other entity which is not such an institution.

''(C) TREATMENT OF BANK AND FINANCIAL HOLDING COMPANIES.—To the extent provided in regulations—

''(i) a bank holding company (within the meaning of section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(a)),

''(ii) a financial holding company (within the meaning of section 2(p) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(p)), and

''(iii) any subsidiary of a financial institution described in section 581 or 591, or of any such bank or financial holding company, if such subsidiary is predominantly engaged (directly or indirectly) in the active conduct of a banking, financing, or similar business,

shall be treated as a corporation described in subparagraph (B).

''(5) ELECTION TO EXPAND FINANCIAL INSTITUTION GROUP OF WORLDWIDE GROUP.—

''(A) IN GENERAL.—If a worldwide affiliated group elects the application of this subsection, all financial corporations which—

''(i) are members of such worldwide affiliated group, but

''(ii) are not corporations described in paragraph (4)(B),

shall be treated as described in paragraph (4)(B) for purposes of applying paragraph (4)(A). This subsection (other than this paragraph) shall apply to any such group in the same manner as this subsection (other than this paragraph) applies to the pre-election worldwide affiliated group of which such group is a part.

''(B) FINANCIAL CORPORATION.—For purposes of this paragraph, the term 'financial corporation' means any corporation if at least 80 percent of its gross income is income described in section 904(d)(2)(C)(ii) and the regulations thereunder which is derived from transactions with persons who are not related (within the meaning of section 267(b) or 707(b)(1)) to the corporation. For purposes of the preceding sentence, there shall be disregarded any item of income or gain from a transaction or series of transactions a principal purpose of which is the qualification of any corporation as a financial corporation.

''(C) ANTIABUSE RULES.—In the case of a corporation which is a member of an electing financial institution group, to the extent that such corporation—

''(i) distributes dividends or makes other distributions with respect to its stock after the date of the enactment of this paragraph to any member of the pre-election worldwide affiliated group (other than to a member of the electing financial institution group) in excess of the greater of—

''(I) its average annual dividend (expressed as a percentage of current earnings and profits) during the 5-taxable-year period ending with the taxable year preceding the taxable year, or

''(II) 25 percent of its average annual earnings and profits for such 5-taxable-year period, or

''(ii) deals with any person in any manner not clearly reflecting the income of the corporation (as determined under principles similar to the principles of section 482),

an amount of indebtedness of the electing financial institution group equal to the excess distribution or the understatement or overstatement of income, as the case may be, shall be recharacterized (for the taxable year and subsequent taxable years) for purposes of this paragraph as indebtedness of the worldwide affiliated group (excluding the electing financial institution group). If a corporation has not been in existence for 5 taxable years, this subparagraph shall be applied with respect to the period it was in existence.

''(D) ELECTION.—An election under this paragraph with respect to any financial institution group may be made only by the common parent of the pre-election worldwide affiliated group and may be made only for the first taxable year beginning after December 31, 2008, in which such affiliated group includes 1 or more financial corporations. Such an election, once made, shall apply to all financial corporations which are members of the electing financial institution group for such taxable year and all subsequent years unless revoked with the consent of the Secretary.

''(E) DEFINITIONS RELATING TO GROUPS.—For purposes of this paragraph—

''(i) PRE-ELECTION WORLDWIDE AFFILIATED GROUP.—The term 'pre-election worldwide affiliated group' means, with respect to a corporation, the worldwide affiliated group of which such corporation would (but for an election under this paragraph) be a member for purposes of applying paragraph (1).

''(ii) ELECTING FINANCIAL INSTITUTION GROUP.—The term 'electing financial institution group' means the group of corporations to which this subsection applies separately by reason of the application of paragraph (4)(A) and which includes financial corporations by reason of an election under subparagraph (A).

''(F) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out this subsection, including regulations—

''(i) providing for the direct allocation of interest expense in other circumstances where such allocation would be appropriate to carry out the purposes of this subsection,

''(ii) preventing assets or interest expense from being taken into account more than once, and

''(iii) dealing with changes in members of any group (through acquisitions or otherwise) treated under this paragraph as an affiliated group for purposes of this subsection.

''(6) ELECTION.—An election to have this subsection apply with respect to any worldwide affiliated group may be made only by the common parent of the domestic affiliated group referred to in paragraph (1)(C) and may be made only for the first taxable year beginning after December 31, 2008, in which a worldwide affiliated group exists which includes such affiliated group and at least 1 foreign corporation. Such an election, once made, shall apply to such common parent and all other corporations which are members of such worldwide affiliated group for such taxable year and all subsequent years unless revoked with the consent of the Secretary.''.

(b) EXPANSION OF REGULATORY AUTHORITY.—Paragraph (7) of section 864(e) is amended—

(1) by inserting before the comma at the end of subparagraph (B) ''and in other circumstances where such allocation would be appropriate to carry out the purposes of this subsection'', and

(2) by striking ''and'' at the end of subparagraph (E), by redesignating subparagraph (F) as subparagraph (G), and by inserting after subparagraph (E) the following new subparagraph:

''(F) preventing assets or interest expense from being taken into account more than once, and''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 302. RECHARACTERIZATION OF OVERALL DOMESTIC LOSS.

(a) GENERAL RULE.—Section 904 is amended by redesignating subsections (g), (h), (i), (j), and (k) as subsections (h), (i), (j), (k), and (l) respectively, and by inserting after subsection (f) the following new subsection:

''(g) RECHARACTERIZATION OF OVERALL DOMESTIC LOSS.—

''(1) GENERAL RULE.—For purposes of this subpart and section 936, in the case of any taxpayer who sustains an overall domestic loss for any taxable year beginning after December 31, 2006, that portion of the taxpayer's taxable income from sources within the United States for each succeeding taxable year which is equal to the lesser of—

''(A) the amount of such loss (to the extent not used under this paragraph in prior taxable years), or

''(B) 50 percent of the taxpayer's taxable income from sources within the United States for such succeeding taxable year,

shall be treated as income from sources without the United States (and not as income from sources within the United States).

''(2) OVERALL DOMESTIC LOSS DEFINED.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'overall domestic loss' means any domestic loss to the extent such loss offsets taxable income from sources without the United States for the taxable year or for any preceding taxable year by reason of a carryback. For purposes of the preceding sentence, the term 'domestic loss' means the amount by which the gross income for the taxable year from sources within the United States is exceeded by the sum of the deductions properly apportioned or allocated thereto (determined without

regard to any carryback from a subsequent taxable year).

''(B) TAXPAYER MUST HAVE ELECTED FOREIGN TAX CREDIT FOR YEAR OF LOSS.—The term 'overall domestic loss' shall not include any loss for any taxable year unless the taxpayer chose the benefits of this subpart for such taxable year.

''(3) CHARACTERIZATION OF SUBSEQUENT INCOME.—

''(A) IN GENERAL.—Any income from sources within the United States that is treated as income from sources without the United States under paragraph (1) shall be allocated among and increase the income categories in proportion to the loss from sources within the United States previously allocated to those income categories.

''(B) INCOME CATEGORY.—For purposes of this paragraph, the term 'income category' has the meaning given such term by subsection (f)(5)(E)(i).

''(4) COORDINATION WITH SUBSECTION (f).—The Secretary shall prescribe such regulations as may be necessary to coordinate the provisions of this subsection with the provisions of subsection (f).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 535(d)(2) is amended by striking ''section 904(g)(6)'' and inserting ''section 904(h)(6)''.

(2) Subparagraph (A) of section 936(a)(2) is amended by striking ''section 904(f)'' and inserting ''subsections (f) and (g) of section 904''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to losses for taxable years beginning after December 31, 2006.

SEC. 303. REDUCTION TO 2 FOREIGN TAX CREDIT BASKETS.

(a) IN GENERAL.—Paragraph (1) of section 904(d) (relating to separate application of section with respect to certain categories of income) is amended to read as follows:

''(1) IN GENERAL.—The provisions of subsections (a), (b), and (c) and sections 902, 907, and 960 shall be applied separately with respect to—

''(A) passive category income, and

''(B) general category income.''

(b) CATEGORIES.—Paragraph (2) of section 904(d) is amended by striking subparagraph (B), by redesignating subparagraph (A) as subparagraph (B), and by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

''(A) CATEGORIES.—

''(i) PASSIVE CATEGORY INCOME.—The term 'passive category income' means passive income and specified passive category income.

''(ii) GENERAL CATEGORY INCOME.—The term 'general category income' means income other than passive category income.''

(c) SPECIFIED PASSIVE CATEGORY INCOME.—Subparagraph (B) of section 904(d)(2), as so redesignated, is amended by adding at the end the following new clause:

''(v) SPECIFIED PASSIVE CATEGORY INCOME.—The term 'specified passive category income' means—

''(I) dividends from a DISC or former DISC (as defined in section 992(a)) to the extent such dividends are treated as income from sources without the United States,

''(II) taxable income attributable to foreign trade income (within the meaning of section 923(b)), and

''(III) distributions from a FSC (or a former FSC) out of earnings and profits attributable to foreign trade income (within the meaning of section 923(b)) or interest or carrying charges (as defined in section 927(d)(1)) derived from a transaction which results in foreign trade income (as defined in section 923(b)).''

(d) TREATMENT OF FINANCIAL SERVICES.—Paragraph (2) of section 904(d) is amended by striking subparagraph (D), by redesignating subparagraph (C) as subparagraph (D), and by inserting before subparagraph (D) (as so redesignated) the following new subparagraph:

''(C) TREATMENT OF FINANCIAL SERVICES INCOME AND COMPANIES.—

''(i) IN GENERAL.—Financial services income shall be treated as general category income in the case of—

''(I) a member of a financial services group, and

''(II) any other person if such person is predominantly engaged in the active conduct of a banking, insurance, financing, or similar business.

''(ii) FINANCIAL SERVICES GROUP.—The term 'financial services group' means any affiliated group (as defined in section 1504(a) without regard to paragraphs (2) and (3) of section 1504(b)) which is predominantly engaged in the active conduct of a banking, insurance, financing, or similar business. In determining whether such a group is so engaged, there shall be taken into account only the income of members of the group that are—

''(I) United States corporations, or

''(II) controlled foreign corporations in which such United States corporations own, directly or indirectly, at least 80 percent of the total voting power and value of the stock.

''(iii) PASS-THRU ENTITIES.—The Secretary shall by regulation specify for purposes of this subparagraph the treatment of financial services income received or accrued by partnerships and by other pass-thru entities which are not members of a financial services group.''

(e) CONFORMING AMENDMENTS.—

(1) Clause (iii) of section 904(d)(2)(B) (relating to exceptions from passive income), as so redesignated, is amended by striking subclause (I) and by redesignating subclauses (II) and (III) as subclauses (I) and (II), respectively.

(2) Clause (i) of section 904(d)(2)(D) (defining financial services income), as so redesignated, is amended by adding ''or'' at the end of subclause (I) and by striking subclauses (II) and (III) and inserting the following new subclause:

''(II) passive income (determined without regard to subparagraph (B)(iii)(II)).''

(3) Section 904(d)(2)(D) (defining financial services income), as so redesignated, is amended by striking clause (iii).

(4) Paragraph (3) of section 904(d) is amended to read as follows:

''(3) LOOK-THRU IN CASE OF CONTROLLED FOREIGN CORPORATIONS.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, dividends, interest, rents, and royalties received or accrued by the taxpayer from a controlled foreign corporation in which the taxpayer is a United States shareholder shall not be treated as passive category income.

''(B) SUBPART F INCLUSIONS.—Any amount included in gross income under section 951(a)(1)(A) shall be treated as passive category income to the extent the amount so included is attributable to passive category income.

''(C) INTEREST, RENTS, AND ROYALTIES.—Any interest, rent, or royalty which is received or accrued from a controlled foreign corporation in which the taxpayer is a United States shareholder shall be treated as passive category income to the extent it is properly allocable (under regulations prescribed by the Secretary) to passive category income of the controlled foreign corporation.

''(D) DIVIDENDS.—Any dividend paid out of the earnings and profits of any controlled foreign corporation in which the taxpayer is a United States shareholder shall be treated as passive category income in proportion to the ratio of—

''(i) the portion of the earnings and profits attributable to passive category income, to

''(ii) the total amount of earnings and profits.

''(E) LOOK-THRU APPLIES ONLY WHERE SUBPART F APPLIES.—If a controlled foreign corporation meets the requirements of section 954(b)(3)(A) (relating to de minimis rule) for any taxable year, for purposes of this paragraph, none of its foreign base company income (as defined in section 954(a) without regard to section 954(b)(5)) and none of its gross insurance income (as defined in section 954(b)(3)(C)) for such taxable year shall be treated as passive category income, except that this sentence shall not apply to any income which (without regard to this sentence) would be treated as financial services income. Solely for purposes of applying subparagraph (D), passive income of a controlled foreign corporation shall not be treated as passive category income if the requirements of section 954(b)(4) are met with respect to such income.

''(F) COORDINATION WITH HIGH-TAXED INCOME PROVISIONS.—

''(i) In determining whether any income of a controlled foreign corporation is passive category income, subclause (II) of paragraph (2)(B)(iii) shall not apply.

''(ii) Any income of the taxpayer which is treated as passive category income under this paragraph shall be so treated notwithstanding any provision of paragraph (2); except that the determination of whether any amount is high-taxed income shall be made after the application of this paragraph.

''(G) DIVIDEND.—For purposes of this paragraph, the term 'dividend' includes any amount included in gross income in section 951(a)(1)(B). Any amount included in gross income under section 78 to the extent attributable to amounts included in gross income in section 951(a)(1)(A) shall not be treated as a dividend but shall be treated as included in gross income under section 951(a)(1)(A).

''(H) LOOK-THRU APPLIES TO PASSIVE FOREIGN INVESTMENT COMPANY INCLUSION.—If—

''(i) a passive foreign investment company is a controlled foreign corporation, and

''(ii) the taxpayer is a United States shareholder in such controlled foreign corporation,

any amount included in gross income under section 1293 shall be treated as income in a separate category to the extent such amount is attributable to income in such category.''

(5) TREATMENT OF INCOME TAX BASE DIFFERENCES.—Paragraph (2) of section 904(d) is amended by redesignating subparagraphs (H) and (I) as subparagraphs (I) and (J), respectively, and by inserting after subparagraph (G) the following new subparagraph:

''(H) TREATMENT OF INCOME TAX BASE DIFFERENCES.—Tax imposed under the law of a foreign country or possession of the United States on an amount which does not constitute income under United States tax principles shall be treated as imposed on income described in paragraph (1)(B).''

(6) Paragraph (2) of section 904(d) is amended by adding at the end the following new subparagraph:

''(K) TRANSITIONAL RULES FOR 2007 CHANGES.—For purposes of paragraph (1)—

''(i) taxes carried from any taxable year beginning before January 1, 2007, to any taxable year beginning on or after such date, with respect to any item of income, shall be treated as described in the subparagraph of paragraph (1) in which such income would be described were such taxes paid or accrued in a taxable year beginning on or after such date, and

''(ii) the Secretary may by regulations provide for the allocation of any carryback of taxes with respect to income to such a taxable year for purposes of allocating such income among the separate categories in effect for such taxable year.''.

(7) Section 904(j)(3)(A)(i) is amended by striking ''subsection (d)(2)(A)'' and inserting ''subsection (d)(2)(B)''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 304. LOOK-THRU RULES TO APPLY TO DIVIDENDS FROM NONCONTROLLED SECTION 902 CORPORATIONS.

(a) IN GENERAL.—Section 904(d)(4) (relating to look-thru rules apply to dividends from noncontrolled section 902 corporations) is amended to read as follows:

''(4) LOOK-THRU APPLIES TO DIVIDENDS FROM NONCONTROLLED SECTION 902 CORPORATIONS.—

''(A) IN GENERAL.—For purposes of this subsection, any dividend from a noncontrolled section 902 corporation with respect to the taxpayer shall be treated as income described in a subparagraph of paragraph (1) in proportion to the ratio of—

''(i) the portion of earnings and profits attributable to income described in such subparagraph, to

''(ii) the total amount of earnings and profits.

''(B) EARNINGS AND PROFITS OF CONTROLLED FOREIGN CORPORATIONS.—In the case of any distribution from a controlled foreign corporation to a United States shareholder, rules similar to the rules of subparagraph (A) shall apply in determining the extent to which earnings and profits of the controlled foreign corporation which are attributable to dividends received from a noncontrolled section 902 corporation may be treated as income in a separate category.

''(C) SPECIAL RULES.—For purposes of this paragraph—

''(i) EARNINGS AND PROFITS.—

''(I) IN GENERAL.—The rules of section 316 shall apply.

''(II) REGULATIONS.—The Secretary may prescribe regulations regarding the treatment of distributions out of earnings and profits for periods before the taxpayer's acquisition of the stock to which the distributions relate.

''(ii) INADEQUATE SUBSTANTIATION.—If the Secretary determines that the proper subparagraph of paragraph (1) in which a dividend is described has not been substantiated, such dividend shall be treated as income described in paragraph (1)(A).

''(iii) COORDINATION WITH HIGH-TAXED INCOME PROVISIONS.—Rules similar to the rules of paragraph (3)(F) shall apply for purposes of this paragraph.

''(iv) LOOK-THRU WITH RESPECT TO CARRYOVER OF CREDIT.—Rules similar to subparagraph (A) also shall apply to any carryforward under subsection (c) from a taxable year beginning before January 1, 2003, of tax allocable to a dividend from a noncontrolled section 902 corporation with respect to the taxpayer. The Secretary may by regulations provide for the allocation of any carryback of tax allocable to a dividend from a noncontrolled section 902 corporation to such a taxable year for purposes of allocating such dividend among the separate categories in effect for such taxable year.''.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (E) of section 904(d)(1) is hereby repealed.

(2) Section 904(d)(2)(C)(iii) is amended by adding ''and'' at the end of subclause (I), by striking subclause (II), and by redesignating subclause (III) as subclause (II).

(3) The last sentence of section 904(d)(2)(D) is amended to read as follows: ''Such term does not include any financial services income.''.

(4) Section 904(d)(2)(E) is amended—

(A) by inserting ''or (4)'' after ''paragraph (3)'' in clause (i), and

(B) by striking clauses (ii) and (iv) and by redesignating clause (iii) as clause (ii).

(5) Section 904(d)(3)(F) is amended by striking ''(D), or (E)'' and inserting ''or (D)''.

(6) Section 864(d)(5)(A)(i) is amended by striking ''(C)(iii)(III)'' and inserting ''(C)(iii)(II)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 305. ATTRIBUTION OF STOCK OWNERSHIP THROUGH PARTNERSHIPS TO APPLY IN DETERMINING SECTION 902 AND 960 CREDITS.

(a) IN GENERAL.—Subsection (c) of section 902 is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

''(7) CONSTRUCTIVE OWNERSHIP THROUGH PARTNERSHIPS.—Stock owned, directly or indirectly, by or for a partnership shall be considered as being owned proportionately by its partners. Stock considered to be owned by a person by reason of the preceding sentence shall, for purposes of applying such sentence, be treated as actually owned by such person. The Secretary may prescribe such regulations as may be necessary to carry out the purposes of this paragraph, including rules to account for special partnership allocations of dividends, credits, and other incidents of ownership of stock in determining proportionate ownership.''.

(b) CLARIFICATION OF COMPARABLE ATTRIBUTION UNDER SECTION 901(b)(5).—Paragraph (5) of section 901(b) is amended by striking ''any individual'' and inserting ''any person''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxes of foreign corporations for taxable years of such corporations beginning after the date of the enactment of this Act.

SEC. 306. CLARIFICATION OF TREATMENT OF CERTAIN TRANSFERS OF INTANGIBLE PROPERTY.

(a) IN GENERAL.—Subparagraph (C) of section 367(d)(2) is amended by adding at the end the following new sentence: ''For purposes of applying section 904(d), any such amount shall be treated in the same manner as if such amount were a royalty.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts treated as received pursuant to section 367(d)(2) of the Internal Revenue Code of 1986 on or after August 5, 1997.

SEC. 307. UNITED STATES PROPERTY NOT TO INCLUDE CERTAIN ASSETS OF CONTROLLED FOREIGN CORPORATION.

(a) IN GENERAL.—Section 956(c)(2) (relating to exceptions from property treated as United States property) is amended by striking ''and'' at the end of subparagraph (J), by striking the period at the end of subparagraph (K) and inserting a semicolon, and by adding at the end the following new subparagraphs:

''(L) securities acquired and held by a controlled foreign corporation in the ordinary course of its business as a dealer in securities if—

''(i) the dealer accounts for the securities as securities held primarily for sale to customers in the ordinary course of business, and

''(ii) the dealer disposes of the securities (or such securities mature while held by the dealer) within a period consistent with the holding of securities for sale to customers in the ordinary course of business; and

''(M) an obligation of a United States person which—

''(i) is not a domestic corporation, and

''(ii) is not—

''(I) a United States shareholder (as defined in section 951(b)) of the controlled foreign corporation, or

''(II) a partnership, estate, or trust in which the controlled foreign corporation, or any related person (as defined in section 954(d)(3)), is a partner, beneficiary, or trustee immediately after the acquisition of any obligation of such partnership, estate, or trust by the controlled foreign corporation.''.

(b) CONFORMING AMENDMENT.—Section 956(c)(2) is amended by striking ''and (K)'' in the last sentence and inserting '', (K), and (L)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2004, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

SEC. 308. ELECTION NOT TO USE AVERAGE EXCHANGE RATE FOR FOREIGN TAX PAID OTHER THAN IN FUNCTIONAL CURRENCY.

(a) IN GENERAL.—Paragraph (1) of section 986(a) (relating to determination of foreign taxes and foreign corporation's earnings and profits) is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

''(D) ELECTIVE EXCEPTION FOR TAXES PAID OTHER THAN IN FUNCTIONAL CURRENCY.—

''(i) IN GENERAL.—At the election of the taxpayer, subparagraph (A) shall not apply to any foreign income taxes the liability for which is denominated in any currency other than in the taxpayer's functional currency.

''(ii) APPLICATION TO QUALIFIED BUSINESS UNITS.—An election under this subparagraph may apply to foreign income taxes attributable to a qualified business unit in accordance with regulations prescribed by the Secretary.

''(iii) ELECTION.—Any such election shall apply to the taxable year for which made and all subsequent taxable years unless revoked with the consent of the Secretary.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 309. REPEAL OF WITHHOLDING TAX ON DIVIDENDS FROM CERTAIN FOREIGN CORPORATIONS.

(a) IN GENERAL.—Paragraph (2) of section 871(i) (relating to tax not to apply to certain interest and dividends) is amended by adding at the end the following new subparagraph:

''(D) Dividends paid by a foreign corporation which are treated under section 861(a)(2)(B) as income from sources within the United States.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2004.

SEC. 310. PROVIDE EQUAL TREATMENT FOR INTEREST PAID BY FOREIGN PARTNERSHIPS AND FOREIGN CORPORATIONS.

(a) IN GENERAL.—Paragraph (1) of section 861(a) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) in the case of a foreign partnership, which is predominantly engaged in the active conduct of a trade or business outside the United States, any interest not paid by a trade or business engaged in by the partnership in the United States and not allocable to income which is effectively connected (or treated as effectively connected) with the conduct of a trade or business in the United States.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 311. LOOK-THRU TREATMENT OF PAYMENTS BETWEEN RELATED CONTROLLED FOREIGN CORPORATIONS UNDER FOREIGN PERSONAL HOLDING COMPANY INCOME RULES.

(a) IN GENERAL.—Subsection (c) of section 954, as amended by this Act, is amended by adding after paragraph (4) the following new paragraph:

''(5) LOOK-THRU IN THE CASE OF RELATED CONTROLLED FOREIGN CORPORATIONS.—For purposes of this subsection, dividends, interest, rents, and royalties received or accrued from a controlled foreign corporation which is a related person (as defined in subsection (b)(9)) shall not be treated as foreign personal holding company income to the extent attributable or properly allocable (determined under rules similar to the rules of subparagraphs (C) and (D) of section 904(d)(3)) to income of the related person which is not subpart F income (as defined in section 952). For purposes of this paragraph, interest shall include factoring income which is treated as income equivalent to interest for purposes of paragraph (1)(E). The Secretary shall prescribe such regulations as may be appropriate to prevent the abuse of the purposes of this paragraph.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2004, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

SEC. 312. LOOK-THRU TREATMENT FOR SALES OF PARTNERSHIP INTERESTS.

(a) IN GENERAL.—Section 954(c) (defining foreign personal holding company income), as amended by this Act, is amended by adding after paragraph (5) the following new paragraph:

''(6) LOOK-THRU RULE FOR CERTAIN PARTNERSHIP SALES.—

''(A) IN GENERAL.—In the case of any sale by a controlled foreign corporation of an interest in a partnership with respect to which such corporation is a 25-percent owner, such corporation shall be treated for purposes of this subsection as selling the proportionate share of the assets of the partnership attributable to such interest. The Secretary shall prescribe such regulations as may be appropriate to prevent abuse of the purposes of this paragraph, including regulations providing for coordination of this paragraph with the provisions of subchapter K.

''(B) 25-PERCENT OWNER.—For purposes of this paragraph, the term '25-percent owner' means a controlled foreign corporation which owns directly 25 percent or more of the capital or profits interest in a partnership. For purposes of the preceding sentence, if a controlled foreign corporation is a shareholder or partner of a corporation or partnership, the controlled foreign corporation shall be treated as owning directly its proportionate share of any such capital or profits interest held directly or indirectly by such corporation or partnership.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2004, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

SEC. 313. REPEAL OF FOREIGN PERSONAL HOLDING COMPANY RULES AND FOREIGN INVESTMENT COMPANY RULES.

(a) GENERAL RULE.—The following provisions are hereby repealed:

(1) Part III of subchapter G of chapter 1 (relating to foreign personal holding companies).

(2) Section 1246 (relating to gain on foreign investment company stock).

(3) Section 1247 (relating to election by foreign investment companies to distribute income currently).

(b) EXEMPTION OF FOREIGN CORPORATIONS FROM PERSONAL HOLDING COMPANY RULES.—

(1) IN GENERAL.—Subsection (c) of section 542 (relating to exceptions) is amended—

(A) by striking paragraph (5) and inserting the following:

''(5) a foreign corporation,'',

(B) by striking paragraphs (7) and (10) and by redesignating paragraphs (8) and (9) as paragraphs (7) and (8), respectively,

(C) by inserting ''and'' at the end of paragraph (7) (as so redesignated), and

(D) by striking ''; and'' at the end of paragraph (8) (as so redesignated) and inserting a period.

(2) TREATMENT OF INCOME FROM PERSONAL SERVICE CONTRACTS.—Paragraph (1) of section 954(c) is amended by adding at the end the following new subparagraph:

''(I) PERSONAL SERVICE CONTRACTS.—

''(i) Amounts received under a contract under which the corporation is to furnish personal services if—

''(I) some person other than the corporation has the right to designate (by name or by description) the individual who is to perform the services, or

''(II) the individual who is to perform the services is designated (by name or by description) in the contract, and

''(ii) amounts received from the sale or other disposition of such a contract.

This subparagraph shall apply with respect to amounts received for services under a particular contract only if at some time during the taxable year 25 percent or more in value of the outstanding stock of the corporation is owned, directly or indirectly, by or for the individual who has performed, is to perform, or may be designated (by name or by description) as the one to perform, such services.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 1(h) is amended—

(A) in paragraph (10), by inserting ''and'' at the end of subparagraph (F), by striking subparagraph (G), and by redesignating subparagraph (H) as subparagraph (G), and

(B) by striking ''a foreign personal holding company (as defined in section 552), a foreign investment company (as defined in section 1246(b)), or'' in paragraph (11)(C)(iii).

(2) Section 163(e)(3)(B), as amended by section 642(a) of this Act, is amended by striking ''which is a foreign personal holding company (as defined in section 552), a controlled foreign corporation (as defined in section 957), or'' and inserting ''which is a controlled foreign corporation (as defined in section 957) or''.

(3) Paragraph (2) of section 171(c) is amended—

(A) by striking '', or by a foreign personal holding company, as defined in section 552'', and

(B) by striking '', or foreign personal holding company''.

(4) Paragraph (2) of section 245(a) is amended by striking ''foreign personal holding company or''.

(5) Section 267(a)(3)(B), as amended by section 642(b) of this Act, is amended by striking ''to a foreign personal holding company (as defined in section 552), a controlled foreign corporation (as defined in section 957), or'' and inserting ''to a controlled foreign corporation (as defined in section 957) or''.

(6) Section 312 is amended by striking subsection (j).

(7) Subsection (m) of section 312 is amended by striking '', a foreign investment company (within the meaning of section 1246(b)), or a foreign personal holding company (within the meaning of section 552)''.

(8) Subsection (e) of section 443 is amended by striking paragraph (3) and by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(9) Subparagraph (B) of section 465(c)(7) is amended by adding ''or'' at the end of clause (i), by striking clause (ii), and by redesignating clause (iii) as clause (ii).

(10) Paragraph (1) of section 543(b) is amended by inserting ''and'' at the end of subparagraph (A), by striking '', and'' at the end of subparagraph (B) and inserting a period, and by striking subparagraph (C).

(11) Paragraph (1) of section 562(b) is amended by striking ''or a foreign personal holding company described in section 552''.

(12) Section 563 is amended—

(A) by striking subsection (c),

(B) by redesignating subsection (d) as subsection (c), and

(C) by striking ''subsection (a), (b), or (c)'' in subsection (c) (as so redesignated) and inserting ''subsection (a) or (b)''.

(13) Subsection (d) of section 751 is amended by adding ''and'' at the end of paragraph (2), by striking paragraph (3), by redesignating paragraph (4) as paragraph (3), and by striking ''paragraph (1), (2), or (3)'' in paragraph (3) (as so redesignated) and inserting ''paragraph (1) or (2)''.

(14) Paragraph (2) of section 864(d) is amended by striking subparagraph (A) and by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(15)(A) Subparagraph (A) of section 898(b)(1) is amended to read as follows:

''(A) which is treated as a controlled foreign corporation for any purpose under subpart F of part III of this subchapter, and''.

(B) Subparagraph (B) of section 898(b)(2) is amended by striking ''and sections 551(f) and 554, whichever are applicable,''.

(C) Paragraph (3) of section 898(b) is amended to read as follows:

''(3) UNITED STATES SHAREHOLDER.—The term 'United States shareholder' has the meaning given to such term by section 951(b), except that, in the case of a foreign corporation having related person insurance income (as defined in section 953(c)(2)), the Secretary may treat any person as a United States shareholder for purposes of this section if such person is treated as a United States shareholder under section 953(c)(1).''.

(D) Subsection (c) of section 898 is amended to read as follows:

''(c) DETERMINATION OF REQUIRED YEAR.—

''(1) IN GENERAL.—The required year is—

''(A) the majority U.S. shareholder year, or

''(B) if there is no majority U.S. shareholder year, the taxable year prescribed under regulations.

''(2) 1-MONTH DEFERRAL ALLOWED.—A specified foreign corporation may elect, in lieu of the taxable year under paragraph (1)(A), a taxable year beginning 1 month earlier than the majority U.S. shareholder year.

''(3) MAJORITY U.S. SHAREHOLDER YEAR.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'majority U.S. shareholder year' means the taxable year (if any) which, on each testing day, constituted the taxable year of—

''(i) each United States shareholder described in subsection (b)(2)(A), and

''(ii) each United States shareholder not described in clause (i) whose stock was treated as owned under subsection (b)(2)(B) by any shareholder described in such clause.

''(B) TESTING DAY.—The testing days shall be—

''(i) the first day of the corporation's taxable year (determined without regard to this section), or

''(ii) the days during such representative period as the Secretary may prescribe.''.

(16) Clause (ii) of section 904(d)(2)(A) is amended to read as follows:

''(ii) CERTAIN AMOUNTS INCLUDED.—Except as provided in clause (iii), the term 'passive income' includes, except as provided in subparagraph (E)(iii) or paragraph (3)(I), any amount includible in gross income under section 1293 (relating to certain passive foreign investment companies).''.

(17)(A) Subparagraph (A) of section 904(h)(1), as redesignated by section 302, is amended by adding ''or'' at the end of clause (i), by striking clause (ii), and by redesignating clause (iii) as clause (ii).

(B) The paragraph heading of paragraph (2) of section 904(h), as so redesignated, is amended by striking ''FOREIGN PERSONAL HOLDING OR''.

(18) Section 951 is amended by striking subsections (c) and (d) and by redesignating subsections (e) and (f) as subsections (c) and (d), respectively.

(19) Paragraph (3) of section 989(b) is amended by striking '', 551(a),''.

(20) Paragraph (5) of section 1014(b) is amended by inserting ''and before January 1, 2005,'' after ''August 26, 1937,''.

(21) Subsection (a) of section 1016 is amended by striking paragraph (13).

(22)(A) Paragraph (3) of section 1212(a) is amended to read as follows:

''(3) SPECIAL RULES ON CARRYBACKS.—A net capital loss of a corporation shall not be carried back under paragraph (1)(A) to a taxable year—

''(A) for which it is a regulated investment company (as defined in section 851), or

''(B) for which it is a real estate investment trust (as defined in section 856).''.

(B) The amendment made by subparagraph (A) shall apply to taxable years beginning after December 31, 2004.

(23) Section 1223 is amended by striking paragraph (10) and by redesignating the following paragraphs accordingly.

(24) Subsection (d) of section 1248 is amended by striking paragraph (5) and by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(25) Paragraph (2) of section 1260(c) is amended by striking subparagraphs (H) and (I) and by redesignating subparagraph (J) as subparagraph (H).

(26)(A) Subparagraph (F) of section 1291(b)(3) is amended by striking ''551(d), 959(a),'' and inserting ''959(a)''.

(B) Subsection (e) of section 1291 is amended by inserting ''(as in effect on the day before the

date of the enactment of the American Jobs Creation Act of 2004)'' after ''section 1246''.

(27) Paragraph (2) of section 1294(a) is amended to read as follows:

''(2) ELECTION NOT PERMITTED WHERE AMOUNTS OTHERWISE INCLUDIBLE UNDER SECTION 951.—The taxpayer may not make an election under paragraph (1) with respect to the undistributed PFIC earnings tax liability attributable to a qualified electing fund for the taxable year if any amount is includible in the gross income of the taxpayer under section 951 with respect to such fund for such taxable year.''.

(28) Section 6035 is hereby repealed.

(29) Subparagraph (D) of section 6103(e)(1) is amended by striking clause (iv) and redesignating clauses (v) and (vi) as clauses (iv) and (v), respectively.

(30) Subparagraph (B) of section 6501(e)(1) is amended to read as follows:

''(B) CONSTRUCTIVE DIVIDENDS.—If the taxpayer omits from gross income an amount properly includible therein under section 951(a), the tax may be assessed, or a proceeding in court for the collection of such tax may be done without assessing, at any time within 6 years after the return was filed.''.

(31) Subsection (a) of section 6679 is amended—

(A) by striking ''6035, 6046, and 6046A'' in paragraph (1) and inserting ''6046 and 6046A'', and

(B) by striking paragraph (3).

(32) Sections 170(f)(10)(A), 508(d), 4947, and 4948(c)(4) are each amended by striking ''556(b)(2),'' each place it appears.

(33) The table of parts for subchapter G of chapter 1 is amended by striking the item relating to part III.

(34) The table of sections for part IV of subchapter P of chapter 1 is amended by striking the items relating to sections 1246 and 1247.

(35) The table of sections for subpart A of part III of subchapter A of chapter 61 is amended by striking the item relating to section 6035.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2004, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

(2) SUBSECTION (C)(29).—The amendments made by subsection (c)(29) shall apply to disclosures of return or return information with respect to taxable years beginning after December 31, 2004.

SEC. 314. DETERMINATION OF FOREIGN PERSONAL HOLDING COMPANY INCOME WITH RESPECT TO TRANSACTIONS IN COMMODITIES.

(a) IN GENERAL.—Clauses (i) and (ii) of section 954(c)(1)(C) (relating to commodity transactions) are amended to read as follows:

''(i) arise out of commodity hedging transactions (as defined in paragraph (4)(A)),

''(ii) are active business gains or losses from the sale of commodities, but only if substantially all of the controlled foreign corporation's commodities are property described in paragraph (1), (2), or (8) of section 1221(a), or''.

(b) DEFINITION AND SPECIAL RULES.—Subsection (c) of section 954 is amended by adding after paragraph (3) the following new paragraph:

''(4) DEFINITION AND SPECIAL RULES RELATING TO COMMODITY TRANSACTIONS.—

''(A) COMMODITY HEDGING TRANSACTIONS.—For purposes of paragraph (1)(C)(i), the term 'commodity hedging transaction' means any transaction with respect to a commodity if such transaction—

''(i) is a hedging transaction as defined in section 1221(b)(2), determined—

''(I) without regard to subparagraph (A)(ii) thereof,

''(II) by applying subparagraph (A)(i) thereof by substituting 'ordinary property or property described in section 1231(b)' for 'ordinary property', and

''(III) by substituting 'controlled foreign corporation' for 'taxpayer' each place it appears, and

''(ii) is clearly identified as such in accordance with section 1221(a)(7).

''(B) TREATMENT OF DEALER ACTIVITIES UNDER PARAGRAPH (1)(C).—Commodities with respect to which gains and losses are not taken into account under paragraph (2)(C) in computing a controlled foreign corporation's foreign personal holding company income shall not be taken into account in applying the substantially all test under paragraph (1)(C)(ii) to such corporation.

''(C) REGULATIONS.—The Secretary shall prescribe such regulations as are appropriate to carry out the purposes of paragraph (1)(C) in the case of transactions involving related parties.''.

(c) MODIFICATION OF EXCEPTION FOR DEALERS.—Clause (i) of section 954(c)(2)(C) is amended by inserting ''and transactions involving physical settlement'' after ''(including hedging transactions''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after December 31, 2004.

SEC. 315. MODIFICATIONS TO TREATMENT OF AIRCRAFT LEASING AND SHIPPING INCOME.

(a) ELIMINATION OF FOREIGN BASE COMPANY SHIPPING INCOME.—Section 954 (relating to foreign base company income) is amended—

(1) by striking paragraph (4) of subsection (a) (relating to foreign base company shipping income), and

(2) by striking subsection (f) (relating to foreign base company shipping income).

(b) SAFE HARBOR FOR CERTAIN LEASING ACTIVITIES.—Subparagraph (A) of section 954(c)(2) is amended by adding at the end the following new sentence: ''For purposes of the preceding sentence, rents derived from leasing an aircraft or vessel in foreign commerce shall not fail to be treated as derived in the active conduct of a trade or business if, as determined under regulations prescribed by the Secretary, the active leasing expenses are not less than 10 percent of the profit on the lease.''

(c) CONFORMING AMENDMENTS.—

(1) Section 952(c)(1)(B)(iii) is amended by striking subclause (I) and redesignating subclauses (II) through (VI) as subclauses (I) through (V), respectively.

(2) Subsection (b) of section 954 is amended—

(A) by striking ''the foreign base company shipping income,'' in paragraph (5),

(B) by striking paragraphs (6) and (7), and

(C) by redesignating paragraph (8) as paragraph (6).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2004, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

SEC. 316. MODIFICATION OF EXCEPTIONS UNDER SUBPART F FOR ACTIVE FINANCING.

(a) IN GENERAL.—Section 954(h)(3) is amended by adding at the end the following:

''(E) DIRECT CONDUCT OF ACTIVITIES.—For purposes of subparagraph (A)(ii)(II), an activity shall be treated as conducted directly by an eligible controlled foreign corporation or qualified business unit in its home country if the activity is performed by employees of a related person and—

''(i) the related person is an eligible controlled foreign corporation the home country of which is the same as the home country of the corporation or unit to which subparagraph (A)(ii)(II) is being applied,

''(ii) the activity is performed in the home country of the related person, and

''(iii) the related person is compensated on an arm's-length basis for the performance of the activity by its employees and such compensation is treated as earned by such person in its home country for purposes of the home country's tax laws.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of such foreign corporations beginning after December 31, 2004, and to taxable years of United States shareholders with or within which such taxable years of such foreign corporations end.

TITLE IV—EXTENSION OF CERTAIN EXPIRING PROVISIONS

SEC. 401. ALLOWANCE OF NONREFUNDABLE PERSONAL CREDITS AGAINST REGULAR AND MINIMUM TAX LIABILITY.

(a) IN GENERAL.—Paragraph (2) of section 26(a) is amended—

(1) by striking ''RULE FOR 2000, 2001, 2002, AND 2003.—'' and inserting ''RULE FOR TAXABLE YEARS 2000 THROUGH 2005.—'', and

(2) by striking ''or 2003,'' and inserting ''2003, 2004, or 2005,''.

(b) CONFORMING PROVISIONS.—

(1) Section 904(h) is amended by striking ''or 2003'' and inserting ''2003, 2004, or 2005''.

(2) The amendments made by sections 201(b), 202(f), and 618(b) of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to taxable years beginning during 2004 or 2005.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 402. EXTENSION OF RESEARCH CREDIT.

(a) EXTENSION.—

(1) IN GENERAL.—Section 41(h)(1)(B) (relating to termination) is amended by striking ''June 30, 2004'' and inserting ''December 31, 2005''.

(2) CONFORMING AMENDMENT.—Section 45C(b)(1)(D) is amended by striking ''June 30, 2004'' and inserting ''December 31, 2005''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to amounts paid or incurred after June 30, 2004.

SEC. 403. EXTENSION OF CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.

(a) IN GENERAL.—Subparagraphs (A) and (B) of section 45(c)(3) (defining qualified facility) are both amended by striking ''2004'' and inserting ''2006''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to facilities placed in service after December 31, 2003.

SEC. 404. INDIAN EMPLOYMENT TAX CREDIT.

Section 45A(f) (relating to termination) is amended by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

SEC. 405. WORK OPPORTUNITY CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 51(c)(4) is amended by striking ''December 31, 2003'' and inserting ''December 31, 2005''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals who begin work for the employer after December 31, 2003.

SEC. 406. WELFARE-TO-WORK CREDIT.

(a) IN GENERAL.—Subsection (f) of section 51A is amended by striking ''December 31, 2003'' and inserting ''December 31, 2005''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals who begin work for the employer after December 31, 2003.

SEC. 407. CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) (relating to certain trade and business deductions of employees) is amended by striking ''or 2003'' and inserting '', 2003, 2004, or 2005''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2003.

SEC. 408. EXTENSION OF ACCELERATED DEPRECIATION BENEFIT FOR PROPERTY ON INDIAN RESERVATIONS.

Paragraph (8) of section 168(j) (relating to termination) is amended by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

SEC. 409. CHARITABLE CONTRIBUTIONS OF COMPUTER TECHNOLOGY AND EQUIPMENT USED FOR EDUCATIONAL PURPOSES.

(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) (relating to special rule for contributions of computer technology and equipment for educational purposes) is amended by striking ''December 31, 2003'' and inserting ''December 31, 2005''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2003.

SEC. 410. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) IN GENERAL.—Subsection (h) of section 198 (relating to termination) is amended by striking ''December 31, 2003'' and inserting ''December 31, 2005''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to expenditures paid or incurred after December 31, 2003.

SEC. 411. AVAILABILITY OF MEDICAL SAVINGS ACCOUNTS.

(a) IN GENERAL.—Paragraphs (2) and (3)(B) of section 220(i) (defining cut-off year) are each amended by striking ''2003'' each place it appears in the text and headings and inserting ''2005''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 220(j) is amended—

(A) in the text by striking ''or 2002'' each place it appears and inserting ''2002, or 2004'', and

(B) in the heading by striking ''OR 2002'' and inserting ''2002, OR 2004''.

(2) Subparagraph (A) of section 220(j)(4) is amended by striking ''and 2002'' and inserting ''2002, and 2004''.

(3) Subparagraph (C) of section 220(j)(2) is amended to read as follows:

''(C) NO LIMITATION FOR 2000 OR 2003.—The numerical limitation shall not apply for 2000 or 2003.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2004.

(d) TIME FOR FILING REPORTS, ETC.—

(1) The report required by section 220(j)(4) of the Internal Revenue Code of 1986 to be made on August 1, 2004, shall be treated as timely if made before the close of the 90-day period beginning on the date of the enactment of this Act.

(2) The determination and publication required by section 220(j)(5) of such Code with respect to calendar year 2004 shall be treated as timely if made before the close of the 120-day period beginning on the date of the enactment of this Act. If the determination under the preceding sentence is that 2004 is a cut-off year under section 220(i) of such Code, the cut-off date under such section 220(i) shall be the last day of such 120-day period.

SEC. 412. TAXABLE INCOME LIMIT ON PERCENTAGE DEPLETION FOR OIL AND NATURAL GAS PRODUCED FROM MARGINAL PROPERTIES.

(a) IN GENERAL.—Subparagraph (H) of section 613A(c)(6) is amended by striking ''January 1, 2004'' and inserting ''January 1, 2006''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2003.

SEC. 413. QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Paragraph (1) of section 1397E(e) is amended by striking ''and 2003'' and inserting ''2003, 2004, and 2005''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to obligations issued after the date of the enactment of this Act.

SEC. 414. DISTRICT OF COLUMBIA.

(a) DISTRICT OF COLUMBIA ENTERPRISE ZONE.—Subsection (f) of section 1400 is amended by striking ''December 31, 2003'' both places it appears and inserting ''December 31, 2005''.

(b) TAX-EXEMPT ECONOMIC DEVELOPMENT BONDS.—Subsection (b) of section 1400A is amended by striking ''December 31, 2003'' and inserting ''December 31, 2005''.

(c) ZERO PERCENT CAPITAL GAINS RATE.—

(1) Section 1400B is amended by striking ''January 1, 2004'' each place it appears and inserting ''January 1, 2006''.

(2) Subsections (e)(2) and (g)(2) of section 1400B are each amended by striking ''2008'' each place it appears in the headings and text and inserting ''2010''.

(3) Subsection (d) of section 1400F is amended by striking ''December 31, 2008'' and inserting ''December 31, 2010''.

(d) FIRST-TIME HOMEBUYER CREDIT.—Subsection (i) of section 1400C is amended by striking ''January 1, 2004'' and inserting ''January 1, 2006''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) TAX-EXEMPT ECONOMIC DEVELOPMENT BONDS.—The amendment made by subsection (b) shall apply to obligations issued after December 31, 2003.

SEC. 415. EXTENSION OF CERTAIN NEW YORK LIBERTY ZONE BOND FINANCING.

Subparagraph (D) of section 1400L(d)(2) is amended by striking ''2005'' and inserting ''2010''.

SEC. 416. DISCLOSURES RELATING TO TERRORIST ACTIVITIES.

(a) IN GENERAL.—Clause (iv) of section 6103(i)(3)(C) and subparagraph (E) of section 6103(i)(7) are both amended by striking ''December 31, 2003'' and inserting ''December 31, 2005''.

(b) DISCLOSURE OF TAXPAYER IDENTITY TO LAW ENFORCEMENT AGENCIES INVESTIGATING TERRORISM.—Subparagraph (A) of section 6103(i)(7) is amended by adding at the end the following new clause:

''(v) TAXPAYER IDENTITY.—For purposes of this subparagraph, a taxpayer's identity shall not be treated as taxpayer return information.''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsection (a) shall apply to disclosures on or after the date of the enactment of this Act.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall take effect as if included in section 201 of the Victims of Terrorism Tax Relief Act of 2001.

SEC. 417. DISCLOSURE OF RETURN INFORMATION RELATING TO STUDENT LOANS.

Section 6103(l)(13)(D) (relating to termination) is amended by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

SEC. 418. COVER OVER OF TAX ON DISTILLED SPIRITS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking ''January 1, 2004'' and inserting ''January 1, 2006''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to articles brought into the United States after December 31, 2003.

SEC. 419. JOINT REVIEW OF STRATEGIC PLANS AND BUDGET FOR THE INTERNAL REVENUE SERVICE.

(a) IN GENERAL.—Paragraph (2) of section 8021(f) (relating to joint reviews) is amended by striking ''2004'' and inserting ''2005''.

(b) REPORT.—Subparagraph (C) of section 8022(3) (regarding reports) is amended—

(1) by striking ''2004'' and inserting ''2005'', and

(2) by striking ''with respect to—'' and all that follows and inserting ''with respect to the matters addressed in the joint review referred to in section 8021(f)(2).''.

(c) TIME FOR JOINT REVIEW.—The joint review required by section 8021(f)(2) of the Internal Revenue Code of 1986 to be made before June 1, 2004, shall be treated as timely if made before June 1, 2005.

SEC. 420. PARITY IN THE APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

(a) IN GENERAL.—Subsection (f) of section 9812 is amended by striking ''and'' at the end of paragraph (1), by striking paragraph (2), and by inserting after paragraph (1) the following new paragraphs:

''(2) on or after January 1, 2004, and before the date of the enactment of American Jobs Creation Act of 2004, and

''(3) after December 31, 2005.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to benefits for services furnished on or after December 31, 2003.

SEC. 421. COMBINED EMPLOYMENT TAX REPORTING PROJECT.

(a) IN GENERAL.—Paragraph (1) of section 976(b) of the Taxpayer Relief Act of 1997 (111 Stat. 898) is amended by striking ''for a period ending with the date which is 5 years after the date of the enactment of this Act'' and inserting ''during the period ending on December 31, 2005''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to disclosures on or after the date of the enactment of this Act.

SEC. 422. CLEAN-FUEL VEHICLES.

(a) CREDIT FOR QUALIFIED ELECTRIC VEHICLES.—Paragraph (2) of section 30(b) (relating to phaseout) is amended to read as follows:

''(2) PHASEOUT.—In the case of any qualified electric vehicle placed in service after December 31, 2005, the credit otherwise allowable under subsection (a) (determined after the application of paragraph (1)) shall be reduced by 75 percent.''.

(b) DEDUCTION FOR QUALIFIED CLEAN-FUEL VEHICLE PROPERTY.—Subparagraph (B) of section 179A(b)(1) (relating to phaseout) is amended to read as follows:

''(B) PHASEOUT.—In the case of any qualified clean-fuel vehicle property placed in service after December 31, 2005, the limit otherwise applicable under subparagraph (A) shall be reduced by 75 percent.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2003.

TITLE V—DEDUCTION OF STATE AND LOCAL GENERAL SALES TAXES

SEC. 501. DEDUCTION OF STATE AND LOCAL GENERAL SALES TAXES IN LIEU OF STATE AND LOCAL INCOME TAXES.

(a) IN GENERAL.—Subsection (b) of section 164 (relating to definitions and special rules) is amended by adding at the end the following:

''(5) GENERAL SALES TAXES.—For purposes of subsection (a)—

''(A) ELECTION TO DEDUCT STATE AND LOCAL SALES TAXES IN LIEU OF STATE AND LOCAL INCOME TAXES.—

''(i) IN GENERAL.—At the election of the taxpayer for the taxable year, subsection (a) shall be applied—

''(I) without regard to the reference to State and local income taxes, and

''(II) as if State and local general sales taxes were referred to in a paragraph thereof.

''(B) DEFINITION OF GENERAL SALES TAX.—The term 'general sales tax' means a tax imposed at one rate with respect to the sale at retail of a broad range of classes of items.

''(C) SPECIAL RULES FOR FOOD, ETC.—In the case of items of food, clothing, medical supplies, and motor vehicles—

''(i) the fact that the tax does not apply with respect to some or all of such items shall not be taken into account in determining whether the tax applies with respect to a broad range of classes of items, and

''(ii) the fact that the rate of tax applicable with respect to some or all of such items is lower than the general rate of tax shall not be taken into account in determining whether the tax is imposed at one rate.

''(D) ITEMS TAXED AT DIFFERENT RATES.—Except in the case of a lower rate of tax applicable with respect to an item described in subparagraph (C), no deduction shall be allowed under this paragraph for any general sales tax imposed with respect to an item at a rate other than the general rate of tax.

''(E) COMPENSATING USE TAXES.—A compensating use tax with respect to an item shall be treated as a general sales tax. For purposes of the preceding sentence, the term 'compensating use tax' means, with respect to any item, a tax which—

''(i) is imposed on the use, storage, or consumption of such item, and

''(ii) is complementary to a general sales tax, but only if a deduction is allowable under this paragraph with respect to items sold at retail in the taxing jurisdiction which are similar to such item.

''(F) SPECIAL RULE FOR MOTOR VEHICLES.—In the case of motor vehicles, if the rate of tax exceeds the general rate, such excess shall be disregarded and the general rate shall be treated as the rate of tax.

''(G) SEPARATELY STATED GENERAL SALES TAXES.—If the amount of any general sales tax is separately stated, then, to the extent that the amount so stated is paid by the consumer (other than in connection with the consumer's trade or business) to the seller, such amount shall be treated as a tax imposed on, and paid by, such consumer.

''(H) AMOUNT OF DEDUCTION TO BE DETERMINED UNDER TABLES.—

''(i) IN GENERAL.—The amount of the deduction allowed under this paragraph shall be determined under tables prescribed by the Secretary.

''(ii) REQUIREMENTS FOR TABLES.—The tables prescribed under clause (i)—

''(I) shall reflect the provisions of this paragraph,

''(II) shall be based on the average consumption by taxpayers on a State-by-State basis, as determined by the Secretary, taking into account filing status, number of dependents, adjusted gross income, and rates of State and local general sales taxation, and

''(III) need only be determined with respect to adjusted gross incomes up to the applicable amount (as determined under section 68(b)).

''(I) APPLICATION OF PARAGRAPH.—This paragraph shall apply to taxable years beginning after December 31, 2003, and before January 1, 2006.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

TITLE VI—REVENUE PROVISIONS

Subtitle A—Provisions to Reduce Tax Avoidance Through Individual and Corporate Expatriation

SEC. 601. TAX TREATMENT OF EXPATRIATED ENTITIES AND THEIR FOREIGN PARENTS.

(a) IN GENERAL.—Subchapter C of chapter 80 (relating to provisions affecting more than one subtitle) is amended by adding at the end the following new section:

''SEC. 7874. RULES RELATING TO EXPATRIATED ENTITIES AND THEIR FOREIGN PARENTS.

''(a) TAX ON INVERSION GAIN OF EXPATRIATED ENTITIES.—

''(1) IN GENERAL.—The taxable income of an expatriated entity for any taxable year which includes any portion of the applicable period shall in no event be less than the inversion gain of the entity for the taxable year.

''(2) EXPATRIATED ENTITY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'expatriated entity' means—

''(i) the domestic corporation or partnership referred to in subparagraph (B)(i) with respect to which a foreign corporation is a surrogate foreign corporation, and

''(ii) any United States person who is related (within the meaning of section 267(b) or 707(b)(1)) to a domestic corporation or partnership described in clause (i).

''(B) SURROGATE FOREIGN CORPORATION.—A foreign corporation shall be treated as a surrogate foreign corporation if, pursuant to a plan (or a series of related transactions)—

''(i) the entity completes after March 4, 2003, the direct or indirect acquisition of substantially all of the properties held directly or indirectly by a domestic corporation or substantially all of the properties constituting a trade or business of a domestic partnership,

''(ii) after the acquisition at least 60 percent of the stock (by vote or value) of the entity is held—

''(I) in the case of an acquisition with respect to a domestic corporation, by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation, or

''(II) in the case of an acquisition with respect to a domestic partnership, by former partners of the domestic partnership by reason of holding a capital or profits interest in the domestic partnership, and

''(iii) after the acquisition the expanded affiliated group which includes the entity does not have substantial business activities in the foreign country in which, or under the law of which, the entity is created or organized, when compared to the total business activities of such expanded affiliated group.

An entity otherwise described in clause (i) with respect to any domestic corporation or partnership trade or business shall be treated as not so described if, on or before March 4, 2003, such entity acquired directly or indirectly more than half of the properties held directly or indirectly by such corporation or more than half of the properties constituting such partnership trade or business, as the case may be.

''(b) DEFINITIONS AND SPECIAL RULES.—

''(1) EXPANDED AFFILIATED GROUP.—The term 'expanded affiliated group' means an affiliated group as defined in section 1504(a) but without regard to section 1504(b)(3), except that section 1504(a) shall be applied by substituting 'more than 50 percent' for 'at least 80 percent' each place it appears.

''(2) CERTAIN STOCK DISREGARDED.—There shall not be taken into account in determining ownership under subsection (a)(2)(B)(ii)—

''(A) stock held by members of the expanded affiliated group which includes the foreign corporation, or

''(B) stock of such foreign corporation which is sold in a public offering related to the acquisition described in subsection (a)(2)(B)(i).

''(3) PLAN DEEMED IN CERTAIN CASES.—If a foreign corporation acquires directly or indirectly substantially all of the properties of a domestic corporation or partnership during the 4-year period beginning on the date which is 2 years before the ownership requirements of subsection (a)(2)(B)(ii) are met, such actions shall be treated as pursuant to a plan.

''(4) CERTAIN TRANSFERS DISREGARDED.—The transfer of properties or liabilities (including by contribution or distribution) shall be disregarded if such transfers are part of a plan a principal purpose of which is to avoid the purposes of this section.

''(5) SPECIAL RULE FOR RELATED PARTNERSHIPS.—For purposes of applying subsection (a)(2)(B)(ii) to the acquisition of a trade or business of a domestic partnership, except as provided in regulations, all partnerships which are under common control (within the meaning of section 482) shall be treated as 1 partnership.

''(6) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to determine whether a corporation is a surrogate foreign corporation, including regulations—

''(A) to treat warrants, options, contracts to acquire stock, convertible debt interests, and other similar interests as stock, and

''(B) to treat stock as not stock.

''(c) OTHER DEFINITIONS.—For purposes of this section—

''(1) APPLICABLE PERIOD.—The term 'applicable period' means the period—

''(A) beginning on the first date properties are acquired as part of the acquisition described in subsection (a)(2)(B)(i), and

''(B) ending on the date which is 10 years after the last date properties are acquired as part of such acquisition.

''(2) INVERSION GAIN.—The term 'inversion gain' means the income or gain recognized by reason of the transfer during the applicable period of stock or other properties by an expatriated entity, and any income received or accrued during the applicable period by reason of a license of any property by an expatriated entity—

''(A) as part of the acquisition described in subsection (a)(2)(B)(i), or

''(B) after such acquisition if the transfer or license is to a foreign related person.

Subparagraph (B) shall not apply to property described in section 1221(a)(1) in the hands of the expatriated entity.

''(3) FOREIGN RELATED PERSON.—The term 'foreign related person' means, with respect to any expatriated entity, a foreign person which—

''(A) is related (within the meaning of section 267(b) or 707(b)(1)) to such entity, or

''(B) is under the same common control (within the meaning of section 482) as such entity.

''(d) SPECIAL RULES.—

''(1) CREDITS NOT ALLOWED AGAINST TAX ON INVERSION GAIN.—Credits (other than the credit allowed by section 901) shall be allowed against the tax imposed by this chapter on an expatriated entity for any taxable year described in subsection (a) only to the extent such tax exceeds the product of—

''(A) the amount of the inversion gain for the taxable year, and

''(B) the highest rate of tax specified in section 11(b)(1).

For purposes of determining the credit allowed by section 901, inversion gain shall be treated as from sources within the United States.

''(2) SPECIAL RULES FOR PARTNERSHIPS.—In the case of an expatriated entity which is a partnership—

''(A) subsection (a)(1) shall apply at the partner rather than the partnership level,

''(B) the inversion gain of any partner for any taxable year shall be equal to the sum of—

''(i) the partner's distributive share of inversion gain of the partnership for such taxable year, plus

''(ii) gain recognized for the taxable year by the partner by reason of the transfer during the applicable period of any partnership interest of the partner in such partnership to the surrogate foreign corporation, and

''(C) the highest rate of tax specified in the rate schedule applicable to the partner under this chapter shall be substituted for the rate of tax referred to in paragraph (1).

''(3) COORDINATION WITH SECTION 172 AND MINIMUM TAX.—Rules similar to the rules of paragraphs (3) and (4) of section 860E(a) shall apply for purposes of subsection (a).

''(4) STATUTE OF LIMITATIONS.—

''(A) IN GENERAL.—The statutory period for the assessment of any deficiency attributable to the inversion gain of any taxpayer for any pre-inversion year shall not expire before the expiration of 3 years from the date the Secretary is notified by the taxpayer (in such manner as the Secretary may prescribe) of the acquisition described in subsection (a)(2)(B)(i) to which such gain relates and such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.

''(B) PRE-INVERSION YEAR.—For purposes of subparagraph (A), the term 'pre-inversion year' means any taxable year if—

''(i) any portion of the applicable period is included in such taxable year, and

''(ii) such year ends before the taxable year in which the acquisition described in subsection (a)(2)(B)(i) is completed.

''(e) SPECIAL RULE FOR TREATIES.—Nothing in section 894 or 7852(d) or in any other provision of law shall be construed as permitting an exemption, by reason of any treaty obligation of the United States heretofore or hereafter entered into, from the provisions of this section.

''(f) REGULATIONS.—The Secretary shall provide such regulations as are necessary to carry out this section, including regulations providing for such adjustments to the application of this section as are necessary to prevent the avoidance of the purposes of this section, including the avoidance of such purposes through—

''(1) the use of related persons, pass-through or other noncorporate entities, or other intermediaries, or

''(2) transactions designed to have persons cease to be (or not become) members of expanded affiliated groups or related persons.''.

(b) CONFORMING AMENDMENT.—The table of sections for subchapter C of chapter 80 is amended by adding at the end the following new item:

''Sec. 7874. Rules relating to expatriated entities and their foreign parents.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after March 4, 2003.

SEC. 602. EXCISE TAX ON STOCK COMPENSATION OF INSIDERS IN EXPATRIATED CORPORATIONS.

(a) IN GENERAL.—Subtitle D is amended by inserting after chapter 44 end the following new chapter:

''CHAPTER 45—PROVISIONS RELATING TO EXPATRIATED ENTITIES

''Sec. 4985. Stock compensation of insiders in expatriated corporations.

''SEC. 4985. STOCK COMPENSATION OF INSIDERS IN EXPATRIATED CORPORATIONS.

''(a) IMPOSITION OF TAX.—In the case of an individual who is a disqualified individual with respect to any expatriated corporation, there is hereby imposed on such person a tax equal to 15 percent of the value (determined under subsection (b)) of the specified stock compensation held (directly or indirectly) by or for the benefit of such individual or a member of such individual's family (as defined in section 267) at any time during the 12-month period beginning on the date which is 6 months before the expatriation date.

''(b) VALUE.—For purposes of subsection (a)—

''(1) IN GENERAL.—The value of specified stock compensation shall be—

''(A) in the case of a stock option (or other similar right) or a stock appreciation right, the fair value of such option or right, and

''(B) in any other case, the fair market value of such compensation.

''(2) DATE FOR DETERMINING VALUE.—The determination of value shall be made—

''(A) in the case of specified stock compensation held on the expatriation date, on such date,

''(B) in the case of such compensation which is canceled during the 6 months before the expatriation date, on the day before such cancellation, and

''(C) in the case of such compensation which is granted after the expatriation date, on the date such compensation is granted.

''(c) TAX TO APPLY ONLY IF SHAREHOLDER GAIN RECOGNIZED.—Subsection (a) shall apply to any disqualified individual with respect to an expatriated corporation only if gain (if any) on any stock in such corporation is recognized in whole or part by any shareholder by reason of the acquisition referred to in section 7874(a)(2)(B)(i) with respect to such corporation.

''(d) EXCEPTION WHERE GAIN RECOGNIZED ON COMPENSATION.—Subsection (a) shall not apply to—

''(1) any stock option which is exercised on the expatriation date or during the 6-month period before such date and to the stock acquired in such exercise, if income is recognized under section 83 on or before the expatriation date with respect to the stock acquired pursuant to such exercise, and

''(2) any other specified stock compensation which is exercised, sold, exchanged, distributed, cashed-out, or otherwise paid during such period in a transaction in which income, gain, or loss is recognized in full.

''(e) DEFINITIONS.—For purposes of this section—

''(1) DISQUALIFIED INDIVIDUAL.—The term 'disqualified individual' means, with respect to a corporation, any individual who, at any time during the 12-month period beginning on the date which is 6 months before the expatriation date—

''(A) is subject to the requirements of section 16(a) of the Securities Exchange Act of 1934 with respect to such corporation or any member of the expanded affiliated group which includes such corporation, or

''(B) would be subject to such requirements if such corporation or member were an issuer of equity securities referred to in such section.

''(2) EXPATRIATED CORPORATION; EXPATRIATION DATE.—

''(A) EXPATRIATED CORPORATION.—The term 'expatriated corporation' means any corporation which is an expatriated entity (as defined in section 7874(a)(2)). Such term includes any predecessor or successor of such a corporation.

''(B) EXPATRIATION DATE.—The term 'expatriation date' means, with respect to a corporation, the date on which the corporation first becomes an expatriated corporation.

''(3) SPECIFIED STOCK COMPENSATION.—

''(A) IN GENERAL.—The term 'specified stock compensation' means payment (or right to payment) granted by the expatriated corporation (or by any member of the expanded affiliated group which includes such corporation) to any person in connection with the performance of services by a disqualified individual for such corporation or member if the value of such payment or right is based on (or determined by reference to) the value (or change in value) of stock in such corporation (or any such member).

''(B) EXCEPTIONS.—Such term shall not include—

''(i) any option to which part II of subchapter D of chapter 1 applies, or

''(ii) any payment or right to payment from a plan referred to in section 280G(b)(6).

''(4) EXPANDED AFFILIATED GROUP.—The term 'expanded affiliated group' means an affiliated group (as defined in section 1504(a) without regard to section 1504(b)(3)); except that section 1504(a) shall be applied by substituting 'more than 50 percent' for 'at least 80 percent' each place it appears.

''(f) SPECIAL RULES.—For purposes of this section—

''(1) CANCELLATION OF RESTRICTION.—The cancellation of a restriction which by its terms will never lapse shall be treated as a grant.

''(2) PAYMENT OR REIMBURSEMENT OF TAX BY CORPORATION TREATED AS SPECIFIED STOCK COMPENSATION.—Any payment of the tax imposed by this section directly or indirectly by the expatriated corporation or by any member of the expanded affiliated group which includes such corporation—

''(A) shall be treated as specified stock compensation, and

''(B) shall not be allowed as a deduction under any provision of chapter 1.

''(3) CERTAIN RESTRICTIONS IGNORED.—Whether there is specified stock compensation, and the value thereof, shall be determined without regard to any restriction other than a restriction which by its terms will never lapse.

''(4) PROPERTY TRANSFERS.—Any transfer of property shall be treated as a payment and any right to a transfer of property shall be treated as a right to a payment.

''(5) OTHER ADMINISTRATIVE PROVISIONS.—For purposes of subtitle F, any tax imposed by this section shall be treated as a tax imposed by subtitle A.

''(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.''

(b) DENIAL OF DEDUCTION.—

(1) IN GENERAL.—Paragraph (6) of section 275(a) is amended by inserting ''45,'' before ''46,''.

(2) $1,000,000 LIMIT ON DEDUCTIBLE COMPENSATION REDUCED BY PAYMENT OF EXCISE TAX ON SPECIFIED STOCK COMPENSATION.—Paragraph (4) of section 162(m) is amended by adding at the end the following new subparagraph:

''(G) COORDINATION WITH EXCISE TAX ON SPECIFIED STOCK COMPENSATION.—The dollar limitation contained in paragraph (1) with respect to any covered employee shall be reduced (but not below zero) by the amount of any payment (with respect to such employee) of the tax imposed by section 4985 directly or indirectly by the expatriated corporation (as defined in such section) or by any member of the expanded affiliated group (as defined in such section) which includes such corporation.''

(c) CONFORMING AMENDMENTS.—

(1) The last sentence of section 3121(v)(2)(A) is amended by inserting before the period ''or to any specified stock compensation (as defined in section 4985) on which tax is imposed by section 4985''.

(2) The table of chapters for subtitle D is amended by inserting after the item relating to chapter 44 the following new item:

''Chapter 45. Provisions relating to expatriated entities.''

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on March 4, 2003; except that periods before such date shall not be taken into account in applying the periods in subsections (a) and (e)(1) of section 4985 of the Internal Revenue Code of 1986, as added by this section.

SEC. 603. REINSURANCE OF UNITED STATES RISKS IN FOREIGN JURISDICTIONS.

(a) IN GENERAL.—Section 845(a) (relating to allocation in case of reinsurance agreement involving tax avoidance or evasion) is amended by striking ''source and character'' and inserting ''amount, source, or character''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to any risk reinsured after the date of the enactment of this Act.

SEC. 604. REVISION OF TAX RULES ON EXPATRIATION OF INDIVIDUALS.

(a) EXPATRIATION TO AVOID TAX.—

(1) IN GENERAL.—Subsection (a) of section 877 (relating to treatment of expatriates) is amended to read as follows:

''(a) TREATMENT OF EXPATRIATES.—

''(1) IN GENERAL.—Every nonresident alien individual to whom this section applies and who, within the 10-year period immediately preceding the close of the taxable year, lost United States citizenship shall be taxable for such taxable year in the manner provided in subsection (b) if the tax imposed pursuant to such subsection (after any reduction in such tax under the last sentence of such subsection) exceeds the tax which, without regard to this section, is imposed pursuant to section 871.

''(2) INDIVIDUALS SUBJECT TO THIS SECTION.—This section shall apply to any individual if—

''(A) the average annual net income tax (as defined in section 38(c)(1)) of such individual for the period of 5 taxable years ending before the date of the loss of United States citizenship is greater than $124,000,

''(B) the net worth of the individual as of such date is $2,000,000 or more, or

''(C) such individual fails to certify under penalty of perjury that he has met the requirements of this title for the 5 preceding taxable years or fails to submit such evidence of such compliance as the Secretary may require.

In the case of the loss of United States citizenship in any calendar year after 2004, such $124,000 amount shall be increased by an amount equal to such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting '2003' for '1992' in subparagraph (B) thereof. Any increase under the preceding sentence shall be rounded to the nearest multiple of $1,000.''.

(2) REVISION OF EXCEPTIONS FROM ALTERNATIVE TAX.—Subsection (c) of section 877 (relating to tax avoidance not presumed in certain cases) is amended to read as follows:

''(c) EXCEPTIONS.—

''(1) IN GENERAL.—Subparagraphs (A) and (B) of subsection (a)(2) shall not apply to an individual described in paragraph (2) or (3).

''(2) DUAL CITIZENS.—

''(A) IN GENERAL.—An individual is described in this paragraph if—

''(i) the individual became at birth a citizen of the United States and a citizen of another country and continues to be a citizen of such other country, and

''(ii) the individual has had no substantial contacts with the United States.

''(B) SUBSTANTIAL CONTACTS.—An individual shall be treated as having no substantial contacts with the United States only if the individual—

''(i) was never a resident of the United States (as defined in section 7701(b)),

''(ii) has never held a United States passport, and

''(iii) was not present in the United States for more than 30 days during any calendar year which is 1 of the 10 calendar years preceding the individual's loss of United States citizenship.

''(3) CERTAIN MINORS.—An individual is described in this paragraph if—

''(A) the individual became at birth a citizen of the United States,

''(B) neither parent of such individual was a citizen of the United States at the time of such birth,

''(C) the individual's loss of United States citizenship occurs before such individual attains age 18½, and

''(D) the individual was not present in the United States for more than 30 days during any calendar year which is 1 of the 10 calendar years preceding the individual's loss of United States citizenship.''.

(3) CONFORMING AMENDMENT.—Section 2107(a) is amended to read as follows:

''(a) TREATMENT OF EXPATRIATES.—A tax computed in accordance with the table contained in section 2001 is hereby imposed on the transfer of the taxable estate, determined as provided in section 2106, of every decedent nonresident not a citizen of the United States if the date of death occurs during a taxable year with respect to which the decedent is subject to tax under section 877(b).''.

(b) SPECIAL RULES FOR DETERMINING WHEN AN INDIVIDUAL IS NO LONGER A UNITED STATES CITIZEN OR LONG-TERM RESIDENT.—Section 7701 (relating to definitions) is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

''(n) SPECIAL RULES FOR DETERMINING WHEN AN INDIVIDUAL IS NO LONGER A UNITED STATES CITIZEN OR LONG-TERM RESIDENT.—An individual who would (but for this subsection) cease to be treated as a citizen or resident of the United States shall continue to be treated as a citizen or resident of the United States, as the case may be, until such individual—

''(1) gives notice of an expatriating act or termination of residency (with the requisite intent to relinquish citizenship or terminate residency) to the Secretary of State or the Secretary of Homeland Security, and

''(2) provides a statement in accordance with section 6039G.''.

(c) PHYSICAL PRESENCE IN THE UNITED STATES FOR MORE THAN 30 DAYS.—Section 877 (relating to expatriation to avoid tax) is amended by adding at the end the following new subsection:

''(g) PHYSICAL PRESENCE.—

''(1) IN GENERAL.—This section shall not apply to any individual to whom this section would otherwise apply for any taxable year during the 10-year period referred to in subsection (a) in which such individual is physically present in the United States at any time on more than 30 days in the calendar year ending in such taxable year, and such individual shall be treated for purposes of this title as a citizen or resident of the United States, as the case may be, for such taxable year.

''(2) EXCEPTION.—

''(A) IN GENERAL.—In the case of an individual described in any of the following subparagraphs of this paragraph, a day of physical presence in the United States shall be disregarded if the individual is performing services in the United States on such day for an employer. The preceding sentence shall not apply if—

''(i) such employer is related (within the meaning of section 267 and 707) to such individual, or

''(ii) such employer fails to meet such requirements as the Secretary may prescribe by regulations to prevent the avoidance of the purposes of this paragraph.

Not more than 30 days during any calendar year may be disregarded under this subparagraph.

''(B) INDIVIDUALS WITH TIES TO OTHER COUNTRIES.—An individual is described in this subparagraph if—

''(i) the individual becomes (not later than the close of a reasonable period after loss of United States citizenship or termination of residency) a citizen or resident of the country in which—

''(I) such individual was born,

''(II) if such individual is married, such individual's spouse was born, or

''(III) either of such individual's parents were born, and

''(ii) the individual becomes fully liable for income tax in such country.

''(C) MINIMAL PRIOR PHYSICAL PRESENCE IN THE UNITED STATES.—An individual is described in this subparagraph if, for each year in the 10-year period ending on the date of loss of United States citizenship or termination of residency, the individual was physically present in the United States for 30 days or less. The rule of section 7701(b)(3)(D)(ii) shall apply for purposes of this subparagraph.''.

(d) TRANSFERS SUBJECT TO GIFT TAX.—

(1) IN GENERAL.—Subsection (a) of section 2501 (relating to taxable transfers) is amended by striking paragraph (4), by redesignating paragraph (5) as paragraph (4), and by striking paragraph (3) and inserting the following new paragraph:

''(3) EXCEPTION.—

''(A) CERTAIN INDIVIDUALS.—Paragraph (2) shall not apply in the case of a donor to whom section 877(b) applies for the taxable year which includes the date of the transfer.

''(B) CREDIT FOR FOREIGN GIFT TAXES.—The tax imposed by this section solely by reason of this paragraph shall be credited with the amount of any gift tax actually paid to any foreign country in respect of any gift which is taxable under this section solely by reason of this paragraph.''

(2) TRANSFERS OF CERTAIN STOCK.—Subsection (a) of section 2501 is amended by adding at the end the following new paragraph:

''(5) TRANSFERS OF CERTAIN STOCK.—

''(A) IN GENERAL.—In the case of a transfer of stock in a foreign corporation described in subparagraph (B) by a donor to whom section 877(b) applies for the taxable year which includes the date of the transfer—

''(i) section 2511(a) shall be applied without regard to whether such stock is situated within the United States, and

''(ii) the value of such stock for purposes of this chapter shall be its U.S.-asset value determined under subparagraph (C).

''(B) FOREIGN CORPORATION DESCRIBED.—A foreign corporation is described in this subparagraph with respect to a donor if—

''(i) the donor owned (within the meaning of section 958(a)) at the time of such transfer 10 percent or more of the total combined voting power of all classes of stock entitled to vote of the foreign corporation, and

''(ii) such donor owned (within the meaning of section 958(a)), or is considered to have owned (by applying the ownership rules of section 958(b)), at the time of such transfer, more than 50 percent of—

''(I) the total combined voting power of all classes of stock entitled to vote of such corporation, or

''(II) the total value of the stock of such corporation.

''(C) U.S.-ASSET VALUE.—For purposes of subparagraph (A), the U.S.-asset value of stock shall be the amount which bears the same ratio to the fair market value of such stock at the time of transfer as—

''(i) the fair market value (at such time) of the assets owned by such foreign corporation and situated in the United States, bears to

''(ii) the total fair market value (at such time) of all assets owned by such foreign corporation.''

(e) ENHANCED INFORMATION REPORTING FROM INDIVIDUALS LOSING UNITED STATES CITIZENSHIP.—

(1) IN GENERAL.—Subsection (a) of section 6039G is amended to read as follows:

''(a) IN GENERAL.—Notwithstanding any other provision of law, any individual to whom section 877(b) applies for any taxable year shall provide a statement for such taxable year which includes the information described in subsection (b).''.

(2) INFORMATION TO BE PROVIDED.—Subsection (b) of section 6039G is amended to read as follows:

''(b) INFORMATION TO BE PROVIDED.—Information required under subsection (a) shall include—

''(1) the taxpayer's TIN,

''(2) the mailing address of such individual's principal foreign residence,

''(3) the foreign country in which such individual is residing,

''(4) the foreign country of which such individual is a citizen,

''(5) information detailing the income, assets, and liabilities of such individual,

''(6) the number of days during any portion of which that the individual was physically present in the United States during the taxable year, and

''(7) such other information as the Secretary may prescribe.''.

(3) INCREASE IN PENALTY.—Subsection (d) of section 6039G is amended to read as follows:

''(d) PENALTY.—If—

''(1) an individual is required to file a statement under subsection (a) for any taxable year, and

''(2) fails to file such a statement with the Secretary on or before the date such statement is required to be filed or fails to include all the information required to be shown on the statement or includes incorrect information,

such individual shall pay a penalty of $10,000 unless it is shown that such failure is due to reasonable cause and not to willful neglect.''.

(4) CONFORMING AMENDMENT.—Section 6039G is amended by striking subsections (c), (f), and (g) and by redesignating subsections (d) and (e) as subsection (c) and (d), respectively.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who expatriate after June 3, 2004.

SEC. 605. REPORTING OF TAXABLE MERGERS AND ACQUISITIONS.

(a) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by inserting after section 6043 the following new section:

''SEC. 6043A. RETURNS RELATING TO TAXABLE MERGERS AND ACQUISITIONS.

''(a) IN GENERAL.—According to the forms or regulations prescribed by the Secretary, the acquiring corporation in any taxable acquisition shall make a return setting forth—

''(1) a description of the acquisition,

''(2) the name and address of each shareholder of the acquired corporation who is required to recognize gain (if any) as a result of the acquisition,

''(3) the amount of money and the fair market value of other property transferred to each such shareholder as part of such acquisition, and

''(4) such other information as the Secretary may prescribe.

To the extent provided by the Secretary, the requirements of this section applicable to the acquiring corporation shall be applicable to the acquired corporation and not to the acquiring corporation.

''(b) NOMINEES.—According to the forms or regulations prescribed by the Secretary—

''(1) REPORTING.—Any person who holds stock as a nominee for another person shall furnish in the manner prescribed by the Secretary to such other person the information provided by the corporation under subsection (d).

''(2) REPORTING TO NOMINEES.—In the case of stock held by any person as a nominee, references in this section (other than in subsection (c)) to a shareholder shall be treated as a reference to the nominee.

''(c) TAXABLE ACQUISITION.—For purposes of this section, the term 'taxable acquisition' means any acquisition by a corporation of stock in or property of another corporation if any shareholder of the acquired corporation is required to recognize gain (if any) as a result of such acquisition.

''(d) STATEMENTS TO BE FURNISHED TO SHAREHOLDERS.—According to the forms or regulations prescribed by the Secretary, every person required to make a return under subsection (a) shall furnish to each shareholder whose name is required to be set forth in such return a written statement showing—

''(1) the name, address, and phone number of the information contact of the person required to make such return,

''(2) the information required to be shown on such return with respect to such shareholder, and

''(3) such other information as the Secretary may prescribe.

The written statement required under the preceding sentence shall be furnished to the shareholder on or before January 31 of the year following the calendar year during which the taxable acquisition occurred.''

(b) ASSESSABLE PENALTIES.—

(1) Subparagraph (B) of section 6724(d)(1) (relating to definitions) is amended by redesignating clauses (ii) through (xviii) as clauses (iii) through (xix), respectively, and by inserting after clause (i) the following new clause:

''(ii) section 6043A(a) (relating to returns relating to taxable mergers and acquisitions),''.

(2) Paragraph (2) of section 6724(d) is amended by redesignating subparagraphs (F) through (BB) as subparagraphs (G) through (CC), respectively, and by inserting after subparagraph (E) the following new subparagraph:

''(F) subsections (b) and (d) of section 6043A (relating to returns relating to taxable mergers and acquisitions).''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6043 the following new item:

''Sec. 6043A. Returns relating to taxable mergers and acquisitions.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to acquisitions after the date of the enactment of this Act.

SEC. 606. STUDIES.

(a) TRANSFER PRICING RULES.—The Secretary of the Treasury or the Secretary's delegate shall conduct a study regarding the effectiveness of current transfer pricing rules and compliance efforts in ensuring that cross-border transfers and other related-party transactions, particularly transactions involving intangible assets, service contracts, or leases cannot be used improperly to shift income out of the United States. The study shall include a review of the contemporaneous documentation and penalty rules under section 6662 of the Internal Revenue Code of 1986, a review of the regulatory and administrative guidance implementing the principles of section 482 of such Code to transactions involving intangible property and services and to cost-sharing arrangements, and an examination of whether increased disclosure of cross-border transactions should be required. The study shall set forth specific recommendations to address all abuses identified in the study. Not later than June 30, 2005, such Secretary or delegate shall submit to the Congress a report of such study.

(b) INCOME TAX TREATIES.—The Secretary of the Treasury or the Secretary's delegate shall conduct a study of United States income tax treaties to identify any inappropriate reductions in United States withholding tax that provide opportunities for shifting income out of the United States, and to evaluate whether existing anti-abuse mechanisms are operating properly. The study shall include specific recommendations to address all inappropriate uses of tax treaties. Not later than June 30, 2005, such Secretary or delegate shall submit to the Congress a report of such study.

(c) IMPACT OF CORPORATE EXPATRIATION PROVISIONS.—The Secretary of the Treasury or the Secretary's delegate shall conduct a study of the impact of the provisions of this title on corporate expatriation. The study shall include such recommendations as such Secretary or delegate may have to improve the impact of such provisions in carrying out the purposes of this title. Not later than December 31, 2005, such Secretary or delegate shall submit to the Congress a report of such study.

Subtitle B—Provisions Relating to Tax Shelters

Part I—Taxpayer-Related Provisions

SEC. 611. PENALTY FOR FAILING TO DISCLOSE REPORTABLE TRANSACTIONS.

(a) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6707 the following new section:

"SEC. 6707A. PENALTY FOR FAILURE TO INCLUDE REPORTABLE TRANSACTION INFORMATION WITH RETURN.

''(a) IMPOSITION OF PENALTY.—Any person who fails to include on any return or statement any information with respect to a reportable transaction which is required under section 6011 to be included with such return or statement shall pay a penalty in the amount determined under subsection (b).

''(b) AMOUNT OF PENALTY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the amount of the penalty under subsection (a) shall be—

''(A) $10,000 in the case of a natural person, and

''(B) $50,000 in any other case.

''(2) LISTED TRANSACTION.—The amount of the penalty under subsection (a) with respect to a listed transaction shall be—

''(A) $100,000 in the case of a natural person, and

''(B) $200,000 in any other case.

''(c) DEFINITIONS.—For purposes of this section—

''(1) REPORTABLE TRANSACTION.—The term 'reportable transaction' means any transaction with respect to which information is required to be included with a return or statement because, as determined under regulations prescribed under section 6011, such transaction is of a type which the Secretary determines as having a potential for tax avoidance or evasion.

''(2) LISTED TRANSACTION.—The term 'listed transaction' means a reportable transaction which is the same as, or substantially similar to, a transaction specifically identified by the Secretary as a tax avoidance transaction for purposes of section 6011.

''(d) AUTHORITY TO RESCIND PENALTY.—

''(1) IN GENERAL.—The Commissioner of Internal Revenue may rescind all or any portion of any penalty imposed by this section with respect to any violation if—

''(A) the violation is with respect to a reportable transaction other than a listed transaction, and

''(B) rescinding the penalty would promote compliance with the requirements of this title and effective tax administration.

''(2) NO JUDICIAL APPEAL.—Notwithstanding any other provision of law, any determination under this subsection may not be reviewed in any judicial proceeding.

''(3) RECORDS.—If a penalty is rescinded under paragraph (1), the Commissioner shall place in the file in the Office of the Commissioner the opinion of the Commissioner or the head of the Office of Tax Shelter Analysis with respect to the determination, including—

''(A) a statement of the facts and circumstances relating to the violation,

''(B) the reasons for the rescission, and

''(C) the amount of the penalty rescinded.

''(e) COORDINATION WITH OTHER PENALTIES.—The penalty imposed by this section shall be in addition to any other penalty imposed by this title.''

(b) CONFORMING AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by inserting after the item relating to section 6707 the following:

''Sec. 6707A. Penalty for failure to include reportable transaction information with return.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns and statements the due date for which is after the date of the enactment of this Act.

(d) REPORT.—The Commissioner of Internal Revenue shall annually report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate—

(1) a summary of the total number and aggregate amount of penalties imposed, and rescinded, under section 6707A of the Internal Revenue Code of 1986, and

(2) a description of each penalty rescinded under section 6707(c) of such Code and the reasons therefore.

SEC. 612. ACCURACY-RELATED PENALTY FOR LISTED TRANSACTIONS, OTHER REPORTABLE TRANSACTIONS HAVING A SIGNIFICANT TAX AVOIDANCE PURPOSE, ETC.

(a) IN GENERAL.—Subchapter A of chapter 68 is amended by inserting after section 6662 the following new section:

"SEC. 6662A. IMPOSITION OF ACCURACY-RELATED PENALTY ON UNDERSTATEMENTS WITH RESPECT TO REPORTABLE TRANSACTIONS.

''(a) IMPOSITION OF PENALTY.—If a taxpayer has a reportable transaction understatement for any taxable year, there shall be added to the tax an amount equal to 20 percent of the amount of such understatement.

''(b) REPORTABLE TRANSACTION UNDERSTATEMENT.—For purposes of this section—

''(1) IN GENERAL.—The term 'reportable transaction understatement' means the sum of—

''(A) the product of—

''(i) the amount of the increase (if any) in taxable income which results from a difference between the proper tax treatment of an item to which this section applies and the taxpayer's treatment of such item (as shown on the taxpayer's return of tax), and

''(ii) the highest rate of tax imposed by section 1 (section 11 in the case of a taxpayer which is a corporation), and

''(B) the amount of the decrease (if any) in the aggregate amount of credits determined under subtitle A which results from a difference between the taxpayer's treatment of an item to which this section applies (as shown on the taxpayer's return of tax) and the proper tax treatment of such item.

For purposes of subparagraph (A), any reduction of the excess of deductions allowed for the

taxable year over gross income for such year, and any reduction in the amount of capital losses which would (without regard to section 1211) be allowed for such year, shall be treated as an increase in taxable income.

''(2) ITEMS TO WHICH SECTION APPLIES.—This section shall apply to any item which is attributable to—

''(A) any listed transaction, and

''(B) any reportable transaction (other than a listed transaction) if a significant purpose of such transaction is the avoidance or evasion of Federal income tax.

''(c) HIGHER PENALTY FOR NONDISCLOSED TRANSACTIONS.—Subsection (a) shall be applied by substituting '30 percent' for '20 percent' with respect to the portion of any reportable transaction understatement with respect to which the requirement of section 6664(d)(2)(A) is not met.

''(d) DEFINITIONS OF REPORTABLE AND LISTED TRANSACTIONS.—For purposes of this section, the terms 'reportable transaction' and 'listed transaction' have the respective meanings given to such terms by section 6707A(c).

''(e) SPECIAL RULES.—

''(1) COORDINATION WITH PENALTIES, ETC., ON OTHER UNDERSTATEMENTS.—In the case of an understatement (as defined in section 6662(d)(2))—

''(A) the amount of such understatement (determined without regard to this paragraph) shall be increased by the aggregate amount of reportable transaction understatements for purposes of determining whether such understatement is a substantial understatement under section 6662(d)(1), and

''(B) the addition to tax under section 6662(a) shall apply only to the excess of the amount of the substantial understatement (if any) after the application of subparagraph (A) over the aggregate amount of reportable transaction understatements.

''(2) COORDINATION WITH OTHER PENALTIES.—

''(A) APPLICATION OF FRAUD PENALTY.—References to an underpayment in section 6663 shall be treated as including references to a reportable transaction understatement.

''(B) NO DOUBLE PENALTY.—This section shall not apply to any portion of an understatement on which a penalty is imposed under section 6663.

''(3) SPECIAL RULE FOR AMENDED RETURNS.—Except as provided in regulations, in no event shall any tax treatment included with an amendment or supplement to a return of tax be taken into account in determining the amount of any reportable transaction understatement if the amendment or supplement is filed after the earlier of the date the taxpayer is first contacted by the Secretary regarding the examination of the return or such other date as is specified by the Secretary.''

(b) DETERMINATION OF OTHER UNDERSTATEMENTS.—Subparagraph (A) of section 6662(d)(2) is amended by adding at the end the following flush sentence:

''The excess under the preceding sentence shall be determined without regard to items to which section 6662A applies.''

(c) REASONABLE CAUSE EXCEPTION.—

(1) IN GENERAL.—Section 6664 is amended by adding at the end the following new subsection:

''(d) REASONABLE CAUSE EXCEPTION FOR REPORTABLE TRANSACTION UNDERSTATEMENTS.—

''(1) IN GENERAL.—No penalty shall be imposed under section 6662A with respect to any portion of a reportable transaction understatement if it is shown that there was a reasonable cause for such portion and that the taxpayer acted in good faith with respect to such portion.

''(2) SPECIAL RULES.—Paragraph (1) shall not apply to any reportable transaction understatement unless—

''(A) the relevant facts affecting the tax treatment of the item are adequately disclosed in accordance with the regulations prescribed under section 6011,

''(B) there is or was substantial authority for such treatment, and

''(C) the taxpayer reasonably believed that such treatment was more likely than not the proper treatment.

A taxpayer failing to adequately disclose in accordance with section 6011 shall be treated as meeting the requirements of subparagraph (A) if the penalty for such failure was rescinded under section 6707A(d).

''(3) RULES RELATING TO REASONABLE BELIEF.—For purposes of paragraph (2)(C)—

''(A) IN GENERAL.—A taxpayer shall be treated as having a reasonable belief with respect to the tax treatment of an item only if such belief—

''(i) is based on the facts and law that exist at the time the return of tax which includes such tax treatment is filed, and

''(ii) relates solely to the taxpayer's chances of success on the merits of such treatment and does not take into account the possibility that a return will not be audited, such treatment will not be raised on audit, or such treatment will be resolved through settlement if it is raised.

''(B) CERTAIN OPINIONS MAY NOT BE RELIED UPON.—

''(i) IN GENERAL.—An opinion of a tax advisor may not be relied upon to establish the reasonable belief of a taxpayer if—

''(I) the tax advisor is described in clause (ii), or

''(II) the opinion is described in clause (iii).

''(ii) DISQUALIFIED TAX ADVISORS.—A tax advisor is described in this clause if the tax advisor—

''(I) is a material advisor (within the meaning of section 6111(b)(1)) and participates in the organization, management, promotion, or sale of the transaction or is related (within the meaning of section 267(b) or 707(b)(1)) to any person who so participates,

''(II) is compensated directly or indirectly by a material advisor with respect to the transaction,

''(III) has a fee arrangement with respect to the transaction which is contingent on all or part of the intended tax benefits from the transaction being sustained, or

''(IV) as determined under regulations prescribed by the Secretary, has a disqualifying financial interest with respect to the transaction.

''(iii) DISQUALIFIED OPINIONS.—For purposes of clause (i), an opinion is disqualified if the opinion—

''(I) is based on unreasonable factual or legal assumptions (including assumptions as to future events),

''(II) unreasonably relies on representations, statements, findings, or agreements of the taxpayer or any other person,

''(III) does not identify and consider all relevant facts, or

''(IV) fails to meet any other requirement as the Secretary may prescribe.''

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 6664(c) is amended by striking ''this part'' and inserting ''section 6662 or 6663''.

(B) The heading for subsection (c) of section 6664 is amended by inserting ''FOR UNDERPAYMENTS'' after ''EXCEPTION''.

(d) REDUCTION IN PENALTY FOR SUBSTANTIAL UNDERSTATEMENT OF INCOME TAX NOT TO APPLY TO TAX SHELTERS.—Subparagraph (C) of section 6662(d)(2) (relating to substantial understatement of income tax) is amended to read as follows:

''(C) REDUCTION NOT TO APPLY TO TAX SHELTERS.—

''(i) IN GENERAL.—Subparagraph (B) shall not apply to any item attributable to a tax shelter.

''(ii) TAX SHELTER.—For purposes of clause (i), the term 'tax shelter' means—

''(I) a partnership or other entity,

''(II) any investment plan or arrangement, or

''(III) any other plan or arrangement,

if a significant purpose of such partnership, entity, plan, or arrangement is the avoidance or evasion of Federal income tax.''

(e) CONFORMING AMENDMENTS.—

(1) Sections 461(i)(3)(C), 1274(b)(3), and 7525(b) are each amended by striking ''section 6662(d)(2)(C)(iii)'' and inserting ''section 6662(d)(2)(C)(ii)''.

(2) The heading for section 6662 is amended to read as follows:

''SEC. 6662. IMPOSITION OF ACCURACY-RELATED PENALTY ON UNDERPAYMENTS.''

(3) The table of sections for part II of subchapter A of chapter 68 is amended by striking the item relating to section 6662 and inserting the following new items:

''Sec. 6662. Imposition of accuracy-related penalty on underpayments.

''Sec. 6662A. Imposition of accuracy-related penalty on understatements with respect to reportable transactions.''

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 613. TAX SHELTER EXCEPTION TO CONFIDENTIALITY PRIVILEGES RELATING TO TAXPAYER COMMUNICATIONS.

(a) IN GENERAL.—Section 7525(b) (relating to section not to apply to communications regarding corporate tax shelters) is amended to read as follows:

''(b) SECTION NOT TO APPLY TO COMMUNICATIONS REGARDING TAX SHELTERS.—The privilege under subsection (a) shall not apply to any written communication which is—

''(1) between a federally authorized tax practitioner and—

''(A) any person,

''(B) any director, officer, employee, agent, or representative of the person, or

''(C) any other person holding a capital or profits interest in the person, and

''(2) in connection with the promotion of the direct or indirect participation of the person in any tax shelter (as defined in section 6662(d)(2)(C)(ii)).''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to communications made on or after the date of the enactment of this Act.

SEC. 614. STATUTE OF LIMITATIONS FOR TAXABLE YEARS FOR WHICH REQUIRED LISTED TRANSACTIONS NOT REPORTED.

(a) IN GENERAL.—Section 6501(c) (relating to exceptions) is amended by adding at the end the following new paragraph:

''(10) LISTED TRANSACTIONS.—If a taxpayer fails to include on any return or statement for any taxable year any information with respect to a listed transaction (as defined in section 6707A(c)(2)) which is required under section 6011 to be included with such return or statement, the time for assessment of any tax imposed by this title with respect to such transaction shall not expire before the date which is 1 year after the earlier of—

''(A) the date on which the Secretary is furnished the information so required, or

''(B) the date that a material advisor (as defined in section 6111) meets the requirements of section 6112 with respect to a request by the Secretary under section 6112(b) relating to such transaction with respect to such taxpayer.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years with respect to which the period for assessing a deficiency did not expire before the date of the enactment of this Act.

SEC. 615. DISCLOSURE OF REPORTABLE TRANSACTIONS.

(a) IN GENERAL.—Section 6111 (relating to registration of tax shelters) is amended to read as follows:

''SEC. 6111. DISCLOSURE OF REPORTABLE TRANSACTIONS.

''(a) IN GENERAL.—Each material advisor with respect to any reportable transaction shall make a return (in such form as the Secretary may prescribe) setting forth—

''(1) information identifying and describing the transaction,

''(2) information describing any potential tax benefits expected to result from the transaction, and

''(3) such other information as the Secretary may prescribe.

Such return shall be filed not later than the date specified by the Secretary.

''(b) DEFINITIONS.—For purposes of this section—

''(1) MATERIAL ADVISOR.—

''(A) IN GENERAL.—The term 'material advisor' means any person—

''(i) who provides any material aid, assistance, or advice with respect to organizing, managing, promoting, selling, implementing, or carrying out any reportable transaction, and

''(ii) who directly or indirectly derives gross income in excess of the threshold amount (or such other amount as may be prescribed by the Secretary) for such advice or assistance.

''(B) THRESHOLD AMOUNT.—For purposes of subparagraph (A), the threshold amount is—

''(i) $50,000 in the case of a reportable transaction substantially all of the tax benefits from which are provided to natural persons, and

''(ii) $250,000 in any other case.

''(2) REPORTABLE TRANSACTION.—The term 'reportable transaction' has the meaning given to such term by section 6707A(c).

''(c) REGULATIONS.—The Secretary may prescribe regulations which provide—

''(1) that only 1 person shall be required to meet the requirements of subsection (a) in cases in which 2 or more persons would otherwise be required to meet such requirements,

''(2) exemptions from the requirements of this section, and

''(3) such rules as may be necessary or appropriate to carry out the purposes of this section.''

(b) CONFORMING AMENDMENTS.—

(1) The item relating to section 6111 in the table of sections for subchapter B of chapter 61 is amended to read as follows:

''Sec. 6111. Disclosure of reportable transactions.''

(2) So much of section 6112 as precedes subsection (c) thereof is amended to read as follows:

"SEC. 6112. MATERIAL ADVISORS OF REPORTABLE TRANSACTIONS MUST KEEP LISTS OF ADVISEES, ETC.

''(a) IN GENERAL.—Each material advisor (as defined in section 6111) with respect to any reportable transaction (as defined in section 6707A(c)) shall (whether or not required to file a return under section 6111 with respect to such transaction) maintain (in such manner as the Secretary may by regulations prescribe) a list—

''(1) identifying each person with respect to whom such advisor acted as a material advisor with respect to such transaction, and

''(2) containing such other information as the Secretary may by regulations require.''

(3) Section 6112 is amended—

(A) by redesignating subsection (c) as subsection (b),

(B) by inserting ''written'' before ''request'' in subsection (b)(1) (as so redesignated), and

(C) by striking ''shall prescribe'' in subsection (b)(2) (as so redesignated) and inserting ''may prescribe''.

(4) The item relating to section 6112 in the table of sections for subchapter B of chapter 61 is amended to read as follows:

''Sec. 6112. Material advisors of reportable transactions must keep lists of advisees, etc.''

(5)(A) The heading for section 6708 is amended to read as follows:

"SEC. 6708. FAILURE TO MAINTAIN LISTS OF ADVISEES WITH RESPECT TO REPORTABLE TRANSACTIONS."

(B) The item relating to section 6708 in the table of sections for part I of subchapter B of chapter 68 is amended to read as follows:

''Sec. 6708. Failure to maintain lists of advisees with respect to reportable transactions.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions with respect to which material aid, assistance, or advice referred to in section 6111(b)(1)(A)(i) of the Internal Revenue Code of 1986 (as added by this section) is provided after the date of the enactment of this Act.

SEC. 616. FAILURE TO FURNISH INFORMATION REGARDING REPORTABLE TRANSACTIONS.

(a) IN GENERAL.—Section 6707 (relating to failure to furnish information regarding tax shelters) is amended to read as follows:

"SEC. 6707. FAILURE TO FURNISH INFORMATION REGARDING REPORTABLE TRANSACTIONS.

''(a) IN GENERAL.—If a person who is required to file a return under section 6111(a) with respect to any reportable transaction—

''(1) fails to file such return on or before the date prescribed therefore, or

''(2) files false or incomplete information with the Secretary with respect to such transaction,

such person shall pay a penalty with respect to such return in the amount determined under subsection (b).

''(b) AMOUNT OF PENALTY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the penalty imposed under subsection (a) with respect to any failure shall be $50,000.

''(2) LISTED TRANSACTIONS.—The penalty imposed under subsection (a) with respect to any listed transaction shall be an amount equal to the greater of—

''(A) $200,000, or

''(B) 50 percent of the gross income derived by such person with respect to aid, assistance, or advice which is provided with respect to the listed transaction before the date the return is filed under section 6111.

Subparagraph (B) shall be applied by substituting '75 percent' for '50 percent' in the case of an intentional failure or act described in subsection (a).

''(c) RESCISSION AUTHORITY.—The provisions of section 6707A(d) (relating to authority of Commissioner to rescind penalty) shall apply to any penalty imposed under this section.

''(d) REPORTABLE AND LISTED TRANSACTIONS.—For purposes of this section, the terms 'reportable transaction' and 'listed transaction' have the respective meanings given to such terms by section 6707A(c).''

(b) CLERICAL AMENDMENT.—The item relating to section 6707 in the table of sections for part I of subchapter B of chapter 68 is amended by striking ''tax shelters'' and inserting ''reportable transactions''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns the due date for which is after the date of the enactment of this Act.

SEC. 617. MODIFICATION OF PENALTY FOR FAILURE TO MAINTAIN LISTS OF INVESTORS.

(a) IN GENERAL.—Subsection (a) of section 6708 is amended to read as follows:

''(a) IMPOSITION OF PENALTY.—

''(1) IN GENERAL.—If any person who is required to maintain a list under section 6112(a) fails to make such list available upon written request to the Secretary in accordance with section 6112(b) within 20 business days after the date of such request, such person shall pay a penalty of $10,000 for each day of such failure after such 20th day.

''(2) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed by paragraph (1) with respect to the failure on any day if such failure is due to reasonable cause.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to requests made after the date of the enactment of this Act.

SEC. 618. PENALTY ON PROMOTERS OF TAX SHELTERS.

(a) PENALTY ON PROMOTING ABUSIVE TAX SHELTERS.—Section 6700(a) is amended by adding at the end the following new sentence: ''Notwithstanding the first sentence, if an activity with respect to which a penalty imposed under this subsection involves a statement described in paragraph (2)(A), the amount of the penalty shall be equal to 50 percent of the gross income derived (or to be derived) from such activity by the person on which the penalty is imposed.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to activities after the date of the enactment of this Act.

SEC. 619. MODIFICATIONS OF SUBSTANTIAL UNDERSTATEMENT PENALTY FOR NONREPORTABLE TRANSACTIONS.

(a) SUBSTANTIAL UNDERSTATEMENT OF CORPORATIONS.—Section 6662(d)(1)(B) (relating to special rule for corporations) is amended to read as follows:

''(B) SPECIAL RULE FOR CORPORATIONS.—In the case of a corporation other than an S corporation or a personal holding company (as defined in section 542), there is a substantial understatement of income tax for any taxable year if the amount of the understatement for the taxable year exceeds the lesser of—

''(i) 10 percent of the tax required to be shown on the return for the taxable year (or, if greater, $10,000), or

''(ii) $10,000,000.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 620. MODIFICATION OF ACTIONS TO ENJOIN CERTAIN CONDUCT RELATED TO TAX SHELTERS AND REPORTABLE TRANSACTIONS.

(a) IN GENERAL.—Section 7408 (relating to action to enjoin promoters of abusive tax shelters, etc.) is amended by redesignating subsection (c) as subsection (d) and by striking subsections (a) and (b) and inserting the following new subsections:

''(a) AUTHORITY TO SEEK INJUNCTION.—A civil action in the name of the United States to enjoin any person from further engaging in specified conduct may be commenced at the request of the Secretary. Any action under this section shall be brought in the district court of the United States for the district in which such person resides, has his principal place of business, or has engaged in specified conduct. The court may exercise its jurisdiction over such action (as provided in section 7402(a)) separate and apart from any other action brought by the United States against such person.

''(b) ADJUDICATION AND DECREE.—In any action under subsection (a), if the court finds—

''(1) that the person has engaged in any specified conduct, and

''(2) that injunctive relief is appropriate to prevent recurrence of such conduct,

the court may enjoin such person from engaging in such conduct or in any other activity subject to penalty under this title.

''(c) SPECIFIED CONDUCT.—For purposes of this section, the term 'specified conduct' means any action, or failure to take action, subject to penalty under section 6700, 6701, 6707, or 6708.''

(b) CONFORMING AMENDMENTS.—

(1) The heading for section 7408 is amended to read as follows:

"SEC. 7408. ACTIONS TO ENJOIN SPECIFIED CONDUCT RELATED TO TAX SHELTERS AND REPORTABLE TRANSACTIONS."

(2) The table of sections for subchapter A of chapter 76 is amended by striking the item relating to section 7408 and inserting the following new item:

''Sec. 7408. Actions to enjoin specified conduct related to tax shelters and reportable transactions.''

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on the day after the date of the enactment of this Act.

SEC. 621. PENALTY ON FAILURE TO REPORT INTERESTS IN FOREIGN FINANCIAL ACCOUNTS.

(a) IN GENERAL.—Section 5321(a)(5) of title 31, United States Code, is amended to read as follows:

''(5) FOREIGN FINANCIAL AGENCY TRANSACTION VIOLATION.—

''(A) PENALTY AUTHORIZED.—The Secretary of the Treasury may impose a civil money penalty on any person who violates, or causes any violation of, any provision of section 5314.

''(B) AMOUNT OF PENALTY.—

''(i) IN GENERAL.—Except as provided in subparagraph (C), the amount of any civil penalty imposed under subparagraph (A) shall not exceed $5,000.

''(ii) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under subparagraph (A) with respect to any violation if—

''(I) such violation was due to reasonable cause, and

''(II) the amount of the transaction or the balance in the account at the time of the transaction was properly reported.

''(C) WILLFUL VIOLATIONS.—In the case of any person willfully violating, or willfully causing any violation of, any provision of section 5314—

''(i) the maximum penalty under subparagraph (B)(i) shall be increased to the greater of—

''(I) $25,000, or

''(II) the amount (not exceeding $100,000) determined under subparagraph (D), and

''(ii) subparagraph (B)(ii) shall not apply.

''(D) AMOUNT.—The amount determined under this subparagraph is—

''(i) in the case of a violation involving a transaction, the amount of the transaction, or

''(ii) in the case of a violation involving a failure to report the existence of an account or any identifying information required to be provided with respect to an account, the balance in the account at the time of the violation.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to violations occurring after the date of the enactment of this Act.

SEC. 622. REGULATION OF INDIVIDUALS PRACTICING BEFORE THE DEPARTMENT OF THE TREASURY.

(a) CENSURE; IMPOSITION OF PENALTY.—

(1) IN GENERAL.—Section 330(b) of title 31, United States Code, is amended—

(A) by inserting '', or censure,'' after ''Department'', and

(B) by adding at the end the following new flush sentence:

''The Secretary may impose a monetary penalty on any representative described in the preceding sentence. If the representative was acting on behalf of an employer or any firm or other entity in connection with the conduct giving rise to such penalty, the Secretary may impose a monetary penalty on such employer, firm, or entity if it knew, or reasonably should have known, of such conduct. Such penalty shall not exceed the gross income derived (or to be derived) from the conduct giving rise to the penalty. Any such penalty imposed on an individual may be in addition to, or in lieu of, any suspension, disbarment, or censure of such individual.''

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to actions taken after the date of the enactment of this Act.

(b) TAX SHELTER OPINIONS, ETC.—Section 330 of such title 31 is amended by adding at the end the following new subsection:

''(d) Nothing in this section or in any other provision of law shall be construed to limit the authority of the Secretary of the Treasury to impose standards applicable to the rendering of written advice with respect to any entity, transaction plan or arrangement, or other plan or arrangement, which is of a type which the Secretary determines as having a potential for tax avoidance or evasion.''

Part II—Other Provisions

SEC. 631. TREATMENT OF STRIPPED INTERESTS IN BOND AND PREFERRED STOCK FUNDS, ETC.

(a) IN GENERAL.—Section 1286 (relating to tax treatment of stripped bonds) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

''(f) TREATMENT OF STRIPPED INTERESTS IN BOND AND PREFERRED STOCK FUNDS, ETC.—In the case of an account or entity substantially all of the assets of which consist of bonds, preferred stock, or a combination thereof, the Secretary may by regulations provide that rules similar to the rules of this section and 305(e), as appropriate, shall apply to interests in such account or entity to which (but for this subsection) this section or section 305(e), as the case may be, would not apply.''

(b) CROSS REFERENCE.—Subsection (e) of section 305 is amended by adding at the end the following new paragraph:

''(7) CROSS REFERENCE.—

''For treatment of stripped interests in certain accounts or entities holding preferred stock, see section 1286(f).''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to purchases and dispositions after the date of the enactment of this Act.

SEC. 632. MINIMUM HOLDING PERIOD FOR FOREIGN TAX CREDIT ON WITHHOLDING TAXES ON INCOME OTHER THAN DIVIDENDS.

(a) IN GENERAL.—Section 901 is amended by redesignating subsection (l) as subsection (m) and by inserting after subsection (k) the following new subsection:

''(l) MINIMUM HOLDING PERIOD FOR WITHHOLDING TAXES ON GAIN AND INCOME OTHER THAN DIVIDENDS ETC.—

''(1) IN GENERAL.—In no event shall a credit be allowed under subsection (a) for any withholding tax (as defined in subsection (k)) on any item of income or gain with respect to any property if—

''(A) such property is held by the recipient of the item for 15 days or less during the 30-day period beginning on the date which is 15 days before the date on which the right to receive payment of such item arises, or

''(B) to the extent that the recipient of the item is under an obligation (whether pursuant to a short sale or otherwise) to make related payments with respect to positions in substantially similar or related property.

This paragraph shall not apply to any dividend to which subsection (k) applies.

''(2) EXCEPTION FOR TAXES PAID BY DEALERS.—

''(A) IN GENERAL.—Paragraph (1) shall not apply to any qualified tax with respect to any property held in the active conduct in a foreign country of a business as a dealer in such property.

''(B) QUALIFIED TAX.—For purposes of subparagraph (A), the term 'qualified tax' means a tax paid to a foreign country (other than the foreign country referred to in subparagraph (A)) if—

''(i) the item to which such tax is attributable is subject to taxation on a net basis by the country referred to in subparagraph (A), and

''(ii) such country allows a credit against its net basis tax for the full amount of the tax paid to such other foreign country.

''(C) DEALER.—For purposes of subparagraph (A), the term 'dealer' means—

''(i) with respect to a security, any person to whom paragraphs (1) and (2) of subsection (k) would not apply by reason of paragraph (4) thereof if such security were stock, and

''(ii) with respect to any other property, any person with respect to whom such property is described in section 1221(a)(1).

''(D) REGULATIONS.—The Secretary may prescribe such regulations as may be appropriate to carry out this paragraph, including regulations to prevent the abuse of the exception provided by this paragraph and to treat other taxes as qualified taxes.

''(3) EXCEPTIONS.—The Secretary may by regulation provide that paragraph (1) shall not apply to property where the Secretary determines that the application of paragraph (1) to such property is not necessary to carry out the purposes of this subsection.

''(4) CERTAIN RULES TO APPLY.—Rules similar to the rules of paragraphs (5), (6), and (7) of subsection (k) shall apply for purposes of this subsection.

''(5) DETERMINATION OF HOLDING PERIOD.—Holding periods shall be determined for purposes of this subsection without regard to section 1235 or any similar rule.''

(b) CONFORMING AMENDMENT.—The heading of subsection (k) of section 901 is amended by inserting ''ON DIVIDENDS'' after ''TAXES''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or accrued more than 30 days after the date of the enactment of this Act.

SEC. 633. DISALLOWANCE OF CERTAIN PARTNERSHIP LOSS TRANSFERS.

(a) TREATMENT OF CONTRIBUTED PROPERTY WITH BUILT-IN LOSS.—Paragraph (1) of section 704(c) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following:

''(C) if any property so contributed has a built-in loss—

''(i) such built-in loss shall be taken into account only in determining the amount of items allocated to the contributing partner, and

''(ii) except as provided in regulations, in determining the amount of items allocated to other partners, the basis of the contributed property in the hands of the partnership shall be treated as being equal to its fair market value at the time of contribution.

For purposes of subparagraph (C), the term 'built-in loss' means the excess of the adjusted basis of the property (determined without regard to subparagraph (C)(ii)) over its fair market value at the time of contribution.''

(b) SPECIAL RULES FOR TRANSFERS OF PARTNERSHIP INTEREST IF THERE IS SUBSTANTIAL BUILT-IN LOSS.—

(1) ADJUSTMENT OF PARTNERSHIP BASIS REQUIRED.—Subsection (a) of section 743 (relating to optional adjustment to basis of partnership property) is amended by inserting before the period ''or unless the partnership has a substantial built-in loss immediately after such transfer''.

(2) ADJUSTMENT.—Subsection (b) of section 743 is amended by inserting ''or which has a substantial built-in loss immediately after such transfer'' after ''section 754 is in effect''.

(3) SUBSTANTIAL BUILT-IN LOSS.—Section 743 is amended by adding at the end the following new subsection:

''(d) SUBSTANTIAL BUILT-IN LOSS.—

''(1) IN GENERAL.—For purposes of this section, a partnership has a substantial built-in loss with respect to a transfer of an interest in a partnership if the partnership's adjusted basis in the partnership property exceeds by more than $250,000 the fair market value of such property.

''(2) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out the purposes of paragraph (1) and section 734(d), including regulations aggregating related partnerships and disregarding property acquired by the partnership in an attempt to avoid such purposes.''

(4) ALTERNATIVE RULES FOR ELECTING INVESTMENT PARTNERSHIPS.—

(A) IN GENERAL.—Section 743 is amended by adding at the end the following new subsection:

''(e) ALTERNATIVE RULES FOR ELECTING INVESTMENT PARTNERSHIPS.—

''(1) NO ADJUSTMENT OF PARTNERSHIP BASIS.—For purposes of this section, an electing investment partnership shall not be treated as having a substantial built-in loss with respect to any transfer occurring while the election under paragraph (6)(A) is in effect.

''(2) LOSS DEFERRAL FOR TRANSFEREE PARTNER.—In the case of a transfer of an interest in

an electing investment partnership, the transferee partner's distributive share of losses (without regard to gains) from the sale or exchange of partnership property shall not be allowed except to the extent that it is established that such losses exceed the loss (if any) recognized by the transferor (or any prior transferor to the extent not fully offset by a prior disallowance under this paragraph) on the transfer of the partnership interest.

''(3) NO REDUCTION IN PARTNERSHIP BASIS.—Losses disallowed under paragraph (2) shall not decrease the transferee partner's basis in the partnership interest.

''(4) EFFECT OF TERMINATION OF PARTNERSHIP.—This subsection shall be applied without regard to any termination of a partnership under section 708(b)(1)(B).

''(5) CERTAIN BASIS REDUCTIONS TREATED AS LOSSES.—In the case of a transferee partner whose basis in property distributed by the partnership is reduced under section 732(a)(2), the amount of the loss recognized by the transferor on the transfer of the partnership interest which is taken into account under paragraph (2) shall be reduced by the amount of such basis reduction.

''(6) ELECTING INVESTMENT PARTNERSHIP.—For purposes of this subsection, the term 'electing investment partnership' means any partnership if—

''(A) the partnership makes an election to have this subsection apply,

''(B) the partnership would be an investment company under section 3(a)(1)(A) of the Investment Company Act of 1940 but for an exemption under paragraph (1) or (7) of section 3(c) of such Act,

''(C) such partnership has never been engaged in a trade or business,

''(D) substantially all of the assets of such partnership are held for investment,

''(E) at least 95 percent of the assets contributed to such partnership consist of money,

''(F) no assets contributed to such partnership had an adjusted basis in excess of fair market value at the time of contribution,

''(G) all partnership interests of such partnership are issued by such partnership pursuant to a private offering and during the 24-month period beginning on the date of the first capital contribution to such partnership,

''(H) the partnership agreement of such partnership has substantive restrictions on each partner's ability to cause a redemption of the partner's interest, and

''(I) the partnership agreement of such partnership provides for a term that is not in excess of 15 years.

The election described in subparagraph (A), once made, shall be irrevocable except with the consent of the Secretary.

''(7) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out the purposes of this subsection, including regulations for applying this subsection to tiered partnerships.''.

(B) INFORMATION REPORTING.—Section 6031 is amended by adding at the end the following new subsection:

''(f) ELECTING INVESTMENT PARTNERSHIPS.—In the case of any electing investment partnership (as defined in section 743(e)(6)), the information required under subsection (b) to be furnished to any partner to whom section 743(e)(2) applies shall include such information as is necessary to enable the partner to compute the amount of losses disallowed under section 743(e).''.

(5) CLERICAL AMENDMENTS.—

(A) The section heading for section 743 is amended to read as follows:

"SEC. 743. SPECIAL RULES WHERE SECTION 754 ELECTION OR SUBSTANTIAL BUILT-IN LOSS."

(B) The table of sections for subpart C of part II of subchapter K of chapter 1 is amended by striking the item relating to section 743 and inserting the following new item:

''Sec. 743. Special rules where section 754 election or substantial built-in loss.''

(c) ADJUSTMENT TO BASIS OF UNDISTRIBUTED PARTNERSHIP PROPERTY IF THERE IS SUBSTANTIAL BASIS REDUCTION.—

(1) ADJUSTMENT REQUIRED.—Subsection (a) of section 734 (relating to optional adjustment to basis of undistributed partnership property) is amended by inserting before the period ''or unless there is a substantial basis reduction''.

(2) ADJUSTMENT.—Subsection (b) of section 734 is amended by inserting ''or unless there is a substantial basis reduction'' after ''section 754 is in effect''.

(3) SUBSTANTIAL BASIS REDUCTION.—Section 734 is amended by adding at the end the following new subsection:

''(d) SUBSTANTIAL BASIS REDUCTION.—

''(1) IN GENERAL.—For purposes of this section, there is a substantial basis reduction with respect to a distribution if the sum of the amounts described in subparagraphs (A) and (B) of subsection (b)(2) exceeds $250,000.

''(2) REGULATIONS.—

"For regulations to carry out this subsection, see section 743(d)(2)."

(4) CLERICAL AMENDMENTS.—

(A) The section heading for section 734 is amended to read as follows:

"SEC. 734. ADJUSTMENT TO BASIS OF UNDISTRIBUTED PARTNERSHIP PROPERTY WHERE SECTION 754 ELECTION OR SUBSTANTIAL BASIS REDUCTION."

(B) The table of sections for subpart B of part II of subchapter K of chapter 1 is amended by striking the item relating to section 734 and inserting the following new item:

''Sec. 734. Adjustment to basis of undistributed partnership property where section 754 election or substantial basis reduction.''

(d) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendment made by subsection (a) shall apply to contributions made after the date of the enactment of this Act.

(2) SUBSECTION (b).—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by subsection (b) shall apply to transfers after the date of the enactment of this Act.

(B) TRANSITION RULE.—In the case of an electing investment partnership which is in existence on June 4, 2004, section 743(e)(6)(H) of the Internal Revenue Code of 1986, as added by this section, shall not apply to such partnership and section 743(e)(6)(I) of such Code, as so added, shall be applied by substituting ''20 years'' for ''15 years''.

(3) SUBSECTION (c).—The amendments made by subsection (c) shall apply to distributions after the date of the enactment of this Act.

SEC. 634. NO REDUCTION OF BASIS UNDER SECTION 734 IN STOCK HELD BY PARTNERSHIP IN CORPORATE PARTNER.

(a) IN GENERAL.—Section 755 is amended by adding at the end the following new subsection:

''(c) NO ALLOCATION OF BASIS DECREASE TO STOCK OF CORPORATE PARTNER.—In making an allocation under subsection (a) of any decrease in the adjusted basis of partnership property under section 734(b)—

''(1) no allocation may be made to stock in a corporation (or any person related (within the meaning of sections 267(b) and 707(b)(1)) to such corporation) which is a partner in the partnership, and

''(2) any amount not allocable to stock by reason of paragraph (1) shall be allocated under subsection (a) to other partnership property.

Gain shall be recognized to the partnership to the extent that the amount required to be allocated under paragraph (2) to other partnership property exceeds the aggregate adjusted basis of such other property immediately before the allocation required by paragraph (2).''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions after the date of the enactment of this Act.

SEC. 635. REPEAL OF SPECIAL RULES FOR FASITS.

(a) IN GENERAL.—Part V of subchapter M of chapter 1 (relating to financial asset securitization investment trusts) is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (6) of section 56(g) is amended by striking ''REMIC, or FASIT'' and inserting ''or REMIC''.

(2) Clause (ii) of section 382(l)(4)(B) is amended by striking ''a REMIC to which part IV of subchapter M applies, or a FASIT to which part V of subchapter M applies,'' and inserting ''or a REMIC to which part IV of subchapter M applies,''.

(3) Paragraph (1) of section 582(c) is amended by striking '', and any regular interest in a FASIT,''.

(4) Subparagraph (E) of section 856(c)(5) is amended by striking the last sentence.

(5)(A) Section 860G(a)(1) is amended by adding at the end the following new sentence: ''An interest shall not fail to qualify as a regular interest solely because the specified principal amount of the regular interest (or the amount of interest accrued on the regular interest) can be reduced as a result of the nonoccurrence of 1 or more contingent payments with respect to any reverse mortgage loan held by the REMIC if, on the startup day for the REMIC, the sponsor reasonably believes that all principal and interest due under the regular interest will be paid at or prior to the liquidation of the REMIC.''.

(B) The last sentence of section 860G(a)(3) is amended by inserting '', and any reverse mortgage loan (and each balance increase on such loan meeting the requirements of subparagraph (A)(iii)) shall be treated as an obligation secured by an interest in real property'' before the period at the end.

(6) Paragraph (3) of section 860G(a) is amended by adding ''and'' at the end of subparagraph (B), by striking '', and'' at the end of subparagraph (C) and inserting a period, and by striking subparagraph (D).

(7) Section 860G(a)(3), as amended by paragraph (6), is amended by adding at the end the following new sentence: ''For purposes of subparagraph (A), if more than 50 percent of the obligations transferred to, or purchased by, the REMIC are originated by the United States or any State (or any political subdivision, agency, or instrumentality of the United States or any State) and are principally secured by an interest in real property, then each obligation transferred to, or purchased by, the REMIC shall be treated as secured by an interest in real property.''.

(8)(A) Section 860G(a)(3)(A) is amended by striking ''or'' at the end of clause (i), by inserting ''or'' at the end of clause (ii), and by inserting after clause (ii) the following new clause:

''(iii) represents an increase in the principal amount under the original terms of an obligation described in clause (i) or (ii) if such increase—

''(I) is attributable to an advance made to the obligor pursuant to the original terms of the obligation,

''(II) occurs after the startup day, and

''(III) is purchased by the REMIC pursuant to a fixed price contract in effect on the startup day.''.

(B) Section 860G(a)(7)(B) is amended to read as follows:

''(B) QUALIFIED RESERVE FUND.—For purposes of subparagraph (A), the term 'qualified reserve fund' means any reasonably required reserve to—

''(i) provide for full payment of expenses of the REMIC or amounts due on regular interests in the event of defaults on qualified mortgages or lower than expected returns on cash flow investments, or

''(ii) provide a source of funds for the purchase of obligations described in clause (ii) or (iii) of paragraph (3)(A).

The aggregate fair market value of the assets held in any such reserve shall not exceed 50 percent of the aggregate fair market value of all of

the assets of the REMIC on the startup day, and the amount of any such reserve shall be promptly and appropriately reduced to the extent the amount held in such reserve is no longer reasonably required for purposes specified in clause (i) or (ii) of this subparagraph.''.

(9) Subparagraph (C) of section 1202(e)(4) is amended by striking ''REMIC, or FASIT'' and inserting ''or REMIC''.

(10) Clause (xi) of section 7701(a)(19)(C) is amended—

(A) by striking ''and any regular interest in a FASIT,'', and

(B) by striking ''or FASIT'' each place it appears.

(11) Subparagraph (A) of section 7701(i)(2) is amended by striking ''or a FASIT''.

(12) The table of parts for subchapter M of chapter 1 is amended by striking the item relating to part V.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on January 1, 2005.

(2) EXCEPTION FOR EXISTING FASITS.—Paragraph (1) shall not apply to any FASIT in existence on the date of the enactment of this Act to the extent that regular interests issued by the FASIT before such date continue to remain outstanding in accordance with the original terms of issuance.

SEC. 636. LIMITATION ON TRANSFER OF BUILT-IN LOSSES ON REMIC RESIDUALS.

(a) IN GENERAL.—Section 362 (relating to basis to corporations) is amended by adding at the end the following new subsection:

''(e) LIMITATION ON TRANSFER OF BUILT-IN LOSSES ON REMIC RESIDUALS IN SECTION 351 TRANSACTIONS.—If—

''(1) a residual interest (as defined in section 860G(a)(2)) in a REMIC is transferred in any transaction which is described in subsection (a), and

''(2) the transferee's adjusted basis in such residual interest would (but for this paragraph) exceed its fair market value immediately after such transaction,

then, notwithstanding subsection (a), the transferee's adjusted basis in such residual interest shall not exceed its fair market value (whether or not greater than zero) immediately after such transaction.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to transactions after the date of the enactment of this Act.

SEC. 637. CLARIFICATION OF BANKING BUSINESS FOR PURPOSES OF DETERMINING INVESTMENT OF EARNINGS IN UNITED STATES PROPERTY.

(a) IN GENERAL.—Subparagraph (A) of section 956(c)(2) is amended to read as follows:

''(A) obligations of the United States, money, or deposits with persons described in paragraph (4);''.

(b) ELIGIBLE PERSONS.—Section 956(c) (relating to exceptions to definition of United States property) is amended by adding at the end the following new paragraph:

''(4) FINANCIAL SERVICES PROVIDERS.—

''(A) IN GENERAL.—For purposes of paragraph (2)(A), a person is described in this paragraph if at least 80 percent of the person's income is from the active conduct of a banking business which is derived from persons who are not related persons.

''(B) SPECIAL RULES.—For purposes of subparagraph (A) all related persons shall be treated as 1 person in applying the 80-percent test.

''(C) RELATED PERSON.—For purposes of this paragraph, a person is a related person to another person if—

''(i) the related person bears a relationship to such person specified in section 267(b) or 707(b)(1), or

''(ii) such persons are members of the same controlled group of corporations (as defined in section 1563(a), except that 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears therein).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 638. ALTERNATIVE TAX FOR CERTAIN SMALL INSURANCE COMPANIES.

(a) IN GENERAL.—Clause (i) of section 831(b)(2)(A) is amended by striking ''$1,200,000'' and inserting ''$1,890,000''.

(b) INFLATION ADJUSTMENT.—Paragraph (2) of section 831(b) is amended by adding at the end the following new subparagraph:

''(C) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2004, the $1,890,000 amount in subparagraph (A) shall be increased by an amount equal to—

''(i) $1,890,000, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2003' for 'calendar year 1992' in subparagraph (B) thereof.

If the amount as adjusted under the preceding sentence is not a multiple of $1,000, such amount shall be rounded to the next lowest multiple of $1,000.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 639. DENIAL OF DEDUCTION FOR INTEREST ON UNDERPAYMENTS ATTRIBUTABLE TO NONDISCLOSED REPORTABLE TRANSACTIONS.

(a) IN GENERAL.—Section 163 (relating to deduction for interest) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) INTEREST ON UNPAID TAXES ATTRIBUTABLE TO NONDISCLOSED REPORTABLE TRANSACTIONS.—No deduction shall be allowed under this chapter for any interest paid or accrued under section 6601 on any underpayment of tax which is attributable to the portion of any reportable transaction understatement (as defined in section 6662A(b)) with respect to which the requirement of section 6664(d)(2)(A) is not met.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions in taxable years beginning after the date of the enactment of this Act.

SEC. 640. CLARIFICATION OF RULES FOR PAYMENT OF ESTIMATED TAX FOR CERTAIN DEEMED ASSET SALES.

(a) IN GENERAL.—Paragraph (13) of section 338(h) (relating to tax on deemed sale not taken into account for estimated tax purposes) is amended by adding at the end the following: ''The preceding sentence shall not apply with respect to a qualified stock purchase for which an election is made under paragraph (10).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to transactions occurring after the date of the enactment of this Act.

SEC. 641. RECOGNITION OF GAIN FROM THE SALE OF A PRINCIPAL RESIDENCE ACQUIRED IN A LIKE-KIND EXCHANGE WITHIN 5 YEARS OF SALE.

(a) IN GENERAL.—Section 121(d) (relating to special rules for exclusion of gain from sale of principal residence) is amended by adding at the end the following new paragraph:

''(10) PROPERTY ACQUIRED IN LIKE-KIND EXCHANGE.—If a taxpayer acquired property in an exchange to which section 1031 applied, subsection (a) shall not apply to the sale or exchange of such property if it occurs during the 5-year period beginning with the date of the acquisition of such property.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales or exchanges after the date of the enactment of this Act.

SEC. 642. PREVENTION OF MISMATCHING OF INTEREST AND ORIGINAL ISSUE DISCOUNT DEDUCTIONS AND INCOME INCLUSIONS IN TRANSACTIONS WITH RELATED FOREIGN PERSONS.

(a) ORIGINAL ISSUE DISCOUNT.—Section 163(e)(3) (relating to special rule for original issue discount on obligation held by related foreign person) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) SPECIAL RULE FOR CERTAIN FOREIGN ENTITIES.—

''(i) IN GENERAL.—In the case of any debt instrument having original issue discount which is held by a related foreign person which is a foreign personal holding company (as defined in section 552), a controlled foreign corporation (as defined in section 957), or a passive foreign investment company (as defined in section 1297), a deduction shall be allowable to the issuer with respect to such original issue discount for any taxable year before the taxable year in which paid only to the extent such original issue discount (reduced by properly allowable deductions and qualified deficits under section 952(c)(1)(B)) is includible during such prior taxable year in the gross income of a United States person who owns (within the meaning of section 958(a)) stock in such corporation.

''(ii) SECRETARIAL AUTHORITY.—The Secretary may by regulation exempt transactions from the application of clause (i), including any transaction which is entered into by a payor in the ordinary course of a trade or business in which the payor is predominantly engaged.''.

(b) INTEREST AND OTHER DEDUCTIBLE AMOUNTS.—Section 267(a)(3) is amended—

(1) by striking ''The Secretary'' and inserting: ''(A) IN GENERAL.—The Secretary'', and

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

''(B) SPECIAL RULE FOR CERTAIN FOREIGN ENTITIES.—

''(i) IN GENERAL.—Notwithstanding subparagraph (A), in the case of any item payable to a foreign personal holding company (as defined in section 552), a controlled foreign corporation (as defined in section 957), or a passive foreign investment company (as defined in section 1297), a deduction shall be allowable to the payor with respect to such amount for any taxable year before the taxable year in which paid only to the extent that an amount attributable to such item (reduced by properly allowable deductions and qualified deficits under section 952(c)(1)(B)) is includible during such prior taxable year in the gross income of a United States person who owns (within the meaning of section 958(a)) stock in such corporation.

''(ii) SECRETARIAL AUTHORITY.—The Secretary may by regulation exempt transactions from the application of clause (i), including any transaction which is entered into by a payor in the ordinary course of a trade or business in which the payor is predominantly engaged and in which the payment of the accrued amounts occurs within 8½ months after accrual or within such other period as the Secretary may prescribe.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments accrued on or after the date of the enactment of this Act.

SEC. 643. EXCLUSION FROM GROSS INCOME FOR INTEREST ON OVERPAYMENTS OF INCOME TAX BY INDIVIDUALS.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 (relating to items specifically excluded from gross income) is amended by inserting after section 139A the following new section:

''SEC. 139B. EXCLUSION FROM GROSS INCOME FOR INTEREST ON OVERPAYMENTS OF INCOME TAX BY INDIVIDUALS.

''(a) IN GENERAL.—In the case of an individual, gross income shall not include interest paid under section 6611 on any overpayment of tax imposed by this subtitle.

''(b) EXCEPTION.—Subsection (a) shall not apply in the case of a failure to claim items resulting in the overpayment on the original return if the Secretary determines that the principal purpose of such failure is to take advantage of subsection (a).

''(c) SPECIAL RULE FOR DETERMINING MODIFIED ADJUSTED GROSS INCOME.—For purposes of

this title, interest not included in gross income under subsection (a) shall not be treated as interest which is exempt from tax for purposes of sections 32(i)(2)(B) and 6012(d) or any computation in which interest exempt from tax under this title is added to adjusted gross income.''.

(b) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 is amended by inserting after the item relating to section 139A the following new item:

''Sec. 139B. Exclusion from gross income for interest on overpayments of income tax by individuals.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to interest received in calendar years beginning after the date of the enactment of this Act.

SEC. 644. DEPOSITS MADE TO SUSPEND RUNNING OF INTEREST ON POTENTIAL UNDERPAYMENTS.

(a) IN GENERAL.—Subchapter A of chapter 67 (relating to interest on underpayments) is amended by adding at the end the following new section:

''SEC. 6603. DEPOSITS MADE TO SUSPEND RUNNING OF INTEREST ON POTENTIAL UNDERPAYMENTS, ETC.

''(a) AUTHORITY TO MAKE DEPOSITS OTHER THAN AS PAYMENT OF TAX.—A taxpayer may make a cash deposit with the Secretary which may be used by the Secretary to pay any tax imposed under subtitle A or B or chapter 41, 42, 43, or 44 which has not been assessed at the time of the deposit. Such a deposit shall be made in such manner as the Secretary shall prescribe.

''(b) NO INTEREST IMPOSED.—To the extent that such deposit is used by the Secretary to pay tax, for purposes of section 6601 (relating to interest on underpayments), the tax shall be treated as paid when the deposit is made.

''(c) RETURN OF DEPOSIT.—Except in a case where the Secretary determines that collection of tax is in jeopardy, the Secretary shall return to the taxpayer any amount of the deposit (to the extent not used for a payment of tax) which the taxpayer requests in writing.

''(d) PAYMENT OF INTEREST.—

''(1) IN GENERAL.—For purposes of section 6611 (relating to interest on overpayments), a deposit which is returned to a taxpayer shall be treated as a payment of tax for any period to the extent (and only to the extent) attributable to a disputable tax for such period. Under regulations prescribed by the Secretary, rules similar to the rules of section 6611(b)(2) shall apply.

''(2) DISPUTABLE TAX.—

''(A) IN GENERAL.—For purposes of this section, the term 'disputable tax' means the amount of tax specified at the time of the deposit as the taxpayer's reasonable estimate of the maximum amount of any tax attributable to disputable items.

''(B) SAFE HARBOR BASED ON 30-DAY LETTER.—In the case of a taxpayer who has been issued a 30-day letter, the maximum amount of tax under subparagraph (A) shall not be less than the amount of the proposed deficiency specified in such letter.

''(3) OTHER DEFINITIONS.—For purposes of paragraph (2)—

''(A) DISPUTABLE ITEM.—The term 'disputable item' means any item of income, gain, loss, deduction, or credit if the taxpayer—

''(i) has a reasonable basis for its treatment of such item, and

''(ii) reasonably believes that the Secretary also has a reasonable basis for disallowing the taxpayer's treatment of such item.

''(B) 30-DAY LETTER.—The term '30-day letter' means the first letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals.

''(4) RATE OF INTEREST.—The rate of interest allowable under this subsection shall be the Federal short-term rate determined under section 6621(b), compounded daily.

''(e) USE OF DEPOSITS.—

''(1) PAYMENT OF TAX.—Except as otherwise provided by the taxpayer, deposits shall be treated as used for the payment of tax in the order deposited.

''(2) RETURNS OF DEPOSITS.—Deposits shall be treated as returned to the taxpayer on a last-in, first-out basis.''.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 67 is amended by adding at the end the following new item:

''Sec. 6603. Deposits made to suspend running of interest on potential underpayments, etc.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to deposits made after the date of the enactment of this Act.

(2) COORDINATION WITH DEPOSITS MADE UNDER REVENUE PROCEDURE 84–58.—In the case of an amount held by the Secretary of the Treasury or his delegate on the date of the enactment of this Act as a deposit in the nature of a cash bond deposit pursuant to Revenue Procedure 84–58, the date that the taxpayer identifies such amount as a deposit made pursuant to section 6603 of the Internal Revenue Code (as added by this Act) shall be treated as the date such amount is deposited for purposes of such section 6603.

SEC. 645. PARTIAL PAYMENT OF TAX LIABILITY IN INSTALLMENT AGREEMENTS.

(a) IN GENERAL.—

(1) Section 6159(a) (relating to authorization of agreements) is amended—

(A) by striking ''satisfy liability for payment of'' and inserting ''make payment on'', and

(B) by inserting ''full or partial'' after ''facilitate''.

(2) Section 6159(c) (relating to Secretary required to enter into installment agreements in certain cases) is amended in the matter preceding paragraph (1) by inserting ''full'' before ''payment''.

(b) REQUIREMENT TO REVIEW PARTIAL PAYMENT AGREEMENTS EVERY TWO YEARS.—Section 6159 is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and inserting after subsection (c) the following new subsection:

''(d) SECRETARY REQUIRED TO REVIEW INSTALLMENT AGREEMENTS FOR PARTIAL COLLECTION EVERY TWO YEARS.—In the case of an agreement entered into by the Secretary under subsection (a) for partial collection of a tax liability, the Secretary shall review the agreement at least once every 2 years.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to agreements entered into on or after the date of the enactment of this Act.

SEC. 646. AFFIRMATION OF CONSOLIDATED RETURN REGULATION AUTHORITY.

(a) IN GENERAL.—Section 1502 is amended by adding at the end the following new sentence: ''In carrying out the preceding sentence, the Secretary may prescribe rules that are different from the provisions of chapter 1 that would apply if such corporations filed separate returns.''.

(b) RESULT NOT OVERTURNED.—Notwithstanding the amendment made by subsection (a), the Internal Revenue Code of 1986 shall be construed by treating Treasury Regulation §1.1502-20(c)(1)(iii) (as in effect on January 1, 2001) as being inapplicable to the factual situation in Rite Aid Corporation and Subsidiary Corporations v. United States, 255 F.3d 1357 (Fed. Cir. 2001).

(c) EFFECTIVE DATE.—This section, and the amendment made by this section, shall apply to taxable years beginning before, on, or after the date of the enactment of this Act.

Part III—Leasing

SEC. 647. REFORM OF TAX TREATMENT OF CERTAIN LEASING ARRANGEMENTS.

(a) CLARIFICATION OF RECOVERY PERIOD FOR TAX-EXEMPT USE PROPERTY SUBJECT TO LEASE.—Subparagraph (A) of section 168(g)(3) (relating to special rules for determining class life) is amended by inserting ''(notwithstanding any other subparagraph of this paragraph)'' after ''shall''.

(b) LIMITATION ON DEPRECIATION PERIOD FOR SOFTWARE LEASED TO TAX-EXEMPT ENTITY.—Paragraph (1) of section 167(f) is amended by adding at the end the following new subparagraph:

''(C) TAX-EXEMPT USE PROPERTY SUBJECT TO LEASE.—In the case of computer software which would be tax-exempt use property as defined in subsection (h) of section 168 if such section applied to computer software, the useful life under subparagraph (A) shall not be less than 125 percent of the lease term (within the meaning of section 168(i)(3)).''.

(c) LEASE TERM TO INCLUDE RELATED SERVICE CONTRACTS.—Subparagraph (A) of section 168(i)(3) (relating to lease term) is amended by striking ''and'' at the end of clause (i), by redesignating clause (ii) as clause (iii), and by inserting after clause (i) the following new clause:

''(ii) the term of a lease shall include the term of any service contract or similar arrangement (whether or not treated as a lease under section 7701(e))—

''(I) which is part of the same transaction (or series of related transactions) which includes the lease, and

''(II) which is with respect to the property subject to the lease or substantially similar property, and''.

(d) EXPANSION OF SHORT-TERM LEASE EXEMPTION FOR QUALIFIED TECHNOLOGICAL EQUIPMENT.—Subparagraph (A) of section 168(h)(3) is amended by adding at the end the following new sentence: ''Notwithstanding subsection (i)(3)(A)(i), in determining a lease term for purposes of the preceding sentence, there shall not be taken into account any option of the lessee to renew at the fair market value rent determined at the time of renewal; except that the aggregate period not taken into account by reason of this sentence shall not exceed 24 months.''

SEC. 648. LIMITATION ON DEDUCTIONS ALLOCABLE TO PROPERTY USED BY GOVERNMENTS OR OTHER TAX-EXEMPT ENTITIES.

(a) IN GENERAL.—Subpart C of part II of subchapter E of chapter 1 (relating to taxable year for which deductions taken) is amended by adding at the end the following new section:

''SEC. 470. LIMITATION ON DEDUCTIONS ALLOCABLE TO PROPERTY USED BY GOVERNMENTS OR OTHER TAX-EXEMPT ENTITIES.

''(a) LIMITATION ON LOSSES.—Except as otherwise provided in this section, a tax-exempt use loss for any taxable year shall not be allowed.

''(b) DISALLOWED LOSS CARRIED TO NEXT YEAR.—Any tax-exempt use loss with respect to any tax-exempt use property which is disallowed under subsection (a) for any taxable year shall be treated as a deduction with respect to such property in the next taxable year.

''(c) DEFINITIONS.—For purposes of this section—

''(1) TAX-EXEMPT USE LOSS.—The term 'tax-exempt use loss' means, with respect to any taxable year, the amount (if any) by which—

''(A) the sum of—

''(i) the aggregate deductions (other than interest) directly allocable to a tax-exempt use property, plus

''(ii) the aggregate deductions for interest properly allocable to such property, exceed

''(B) the aggregate income from such property.

''(2) TAX-EXEMPT USE PROPERTY.—The term 'tax-exempt use property' has the meaning given to such term by section 168(h) (without regard to paragraphs (1)(C) and (3) thereof and determined as if property described in section 167(f)(1)(B) were tangible property). Such term shall not include property which would (but for this sentence) be tax-exempt use property solely by reason of section 168(h)(6) if any credit is allowable under section 42 or 47 with respect to such property.

''(d) EXCEPTION FOR CERTAIN LEASES.—This section shall not apply to any lease of property which meets the requirements of all of the following paragraphs:

''(1) AVAILABILITY OF FUNDS.—

''(A) IN GENERAL.—A lease of property meets the requirements of this paragraph if (at any time during the lease term) not more than an allowable amount of funds are—

''(i) subject to any arrangement referred to in subparagraph (B), or

''(ii) set aside or expected to be set aside,

to or for the benefit of the lessor or any lender, or to or for the benefit of the lessee to satisfy the lessee's obligations or options under the lease. For purposes of clause (ii), funds shall be treated as set aside or expected to be set aside only if a reasonable person would conclude, based on the facts and circumstances, that such funds are set aside or expected to be set aside.

''(B) ARRANGEMENTS.—The arrangements referred to in this subparagraph include a defeasance arrangement, a loan by the lessee to the lessor or any lender, a deposit arrangement, a letter of credit collateralized with cash or cash equivalents, a payment undertaking agreement, prepaid rent (within the meaning of the regulations under section 467), a sinking fund arrangement, a guaranteed investment contract, financial guaranty insurance, and any similar arrangement (whether or not such arrangement provides credit support).

''(C) ALLOWABLE AMOUNT.—

''(i) IN GENERAL.—Except as otherwise provided in this subparagraph, the term 'allowable amount' means an amount equal to 20 percent of the lessor's adjusted basis in the property at the time the lease is entered into.

''(ii) HIGHER AMOUNT PERMITTED IN CERTAIN CASES.—To the extent provided in regulations, a higher percentage shall be permitted under clause (i) where necessary because of the creditworthiness of the lessee. In no event may such regulations permit a percentage of more than 50 percent.

''(iii) OPTION TO PURCHASE OTHER THAN AT FAIR MARKET VALUE.—If under the lease the lessee has the option to purchase the property for a fixed price or for other than the fair market value of the property (determined at the time of exercise), the allowable amount at the time such option may be exercised may not exceed 50 percent of the price at which such option may be exercised.

''(iv) NO ALLOWABLE AMOUNT FOR CERTAIN ARRANGEMENTS.—The allowable amount shall be zero with respect to any arrangement which involves—

''(I) a loan from the lessee to the lessor or a lender,

''(II) any deposit received, letter of credit issued, or payment undertaking agreement entered into by a lender otherwise involved in the transaction, or

''(III) in the case of a transaction which involves a lender, any credit support made available to the lessor in which any such lender does not have a claim that is senior to the lessor.

For purposes of subclause (I), the term 'loan' shall not include any amount treated as a loan under section 467 with respect to a section 467 rental agreement.

''(2) LESSOR MUST MAKE SUBSTANTIAL EQUITY INVESTMENT.—

''(A) IN GENERAL.—A lease of property meets the requirements of this paragraph if—

''(i) the lessor—

''(I) has at the time the lease is entered into an unconditional at-risk equity investment (as determined by the Secretary) in the property of at least 20 percent of the lessor's adjusted basis in the property as of that time, and

''(II) maintains such investment throughout the term of the lease, and

''(ii) the fair market value of the property at the end of the lease term is reasonably expected to be equal to at least 20 percent of such basis.

''(B) RISK OF LOSS.—For purposes of clause (ii), the fair market value at the end of the lease term shall be reduced to the extent that a person other than the lessor bears a risk of loss in the value of the property.

''(C) PARAGRAPH NOT TO APPLY TO SHORT-TERM LEASES.—This paragraph shall not apply to any lease with a lease term of 5 years or less.

''(3) LESSEE MAY NOT BEAR MORE THAN MINIMAL RISK OF LOSS.—

''(A) IN GENERAL.—A lease of property meets the requirements of this paragraph if there is no arrangement under which the lessee bears—

''(i) any portion of the loss that would occur if the fair market value of the leased property were 25 percent less than its reasonably expected fair market value at the time the lease is terminated, or

''(ii) more than 50 percent of the loss that would occur if the fair market value of the leased property at the time the lease is terminated were zero.

''(B) EXCEPTION.—The Secretary may by regulations provide that the requirements of this paragraph are not met where the lessee bears more than a minimal risk of loss.

''(C) PARAGRAPH NOT TO APPLY TO SHORT-TERM LEASES.—This paragraph shall not apply to any lease with a lease term of 5 years or less.

''(e) SPECIAL RULES.—

''(1) TREATMENT OF FORMER TAX-EXEMPT USE PROPERTY.—

''(A) IN GENERAL.—In the case of any former tax-exempt use property—

''(i) any deduction allowable under subsection (b) with respect to such property for any taxable year shall be allowed only to the extent of any net income (without regard to such deduction) from such property for such taxable year, and

''(ii) any portion of such unused deduction remaining after application of clause (i) shall be treated as a deduction allowable under subsection (b) with respect to such property in the next taxable year.

''(B) FORMER TAX-EXEMPT USE PROPERTY.—For purposes of this subsection, the term 'former tax-exempt use property' means any property which—

''(i) is not tax-exempt use property for the taxable year, but

''(ii) was tax-exempt use property for any prior taxable year.

''(2) DISPOSITION OF ENTIRE INTEREST IN PROPERTY.—If during the taxable year a taxpayer disposes of the taxpayer's entire interest in tax-exempt use property (or former tax-exempt use property), rules similar to the rules of section 469(g) shall apply for purposes of this section.

''(3) COORDINATION WITH SECTION 469.—This section shall be applied before the application of section 469.

''(4) COORDINATION WITH SECTIONS 1031 AND 1033.—

''(A) IN GENERAL.—Sections 1031(a) and 1033(a) shall not apply if—

''(i) the exchanged or converted property is tax-exempt use property subject to a lease which was entered into before March 13, 2004, and which would not have met the requirements of subsection (d) had such requirements been in effect when the lease was entered into, or

''(ii) the replacement property is tax-exempt use property subject to a lease which does not meet the requirements of subsection (d).

''(B) ADJUSTED BASIS.—In the case of property acquired by the lessor in a transaction to which section 1031 or 1033 applies, the adjusted basis of such property for purposes of this section shall be equal to the lesser of—

''(i) the fair market value of the property as of the beginning of the lease term, or

''(ii) the amount which would be the lessor's adjusted basis if such sections did not apply to such transaction.

''(f) OTHER DEFINITIONS.—For purposes of this section—

''(1) RELATED PARTIES.—The terms 'lessor', 'lessee', and 'lender' each include any related party (within the meaning of section 197(f)(9)(C)(i)).

''(2) LEASE TERM.—The term 'lease term' has the meaning given to such term by section 168(i)(3).

''(3) LENDER.—The term 'lender' means, with respect to any lease, a person that makes a loan to the lessor which is secured (or economically similar to being secured) by the lease or the leased property.

''(4) LOAN.—The term 'loan' includes any similar arrangement.

''(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the provisions of this section, including regulations which—

''(1) allow in appropriate cases the aggregation of property subject to the same lease, and

''(2) provide for the determination of the allocation of interest expense for purposes of this section.''.

(b) CONFORMING AMENDMENT.—The table of sections for subpart C of part II of subchapter E of chapter 1 is amended by adding at the end the following new item:

''Sec. 470. Limitation on deductions allocable to property used by governments or other tax-exempt entities.''.

SEC. 649. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in this section, the amendments made by this part shall apply to leases entered into after March 12, 2004.

(b) EXCEPTION.—

(1) IN GENERAL.—The amendments made by this part shall not apply to qualified transportation property.

(2) QUALIFIED TRANSPORTATION PROPERTY.—For purposes of paragraph (1), the term ''qualified transportation property'' means domestic property subject to a lease with respect to which a formal application—

(A) was submitted for approval to the Federal Transit Administration (an agency of the Department of Transportation) after June 30, 2003, and before March 13, 2004,

(B) is approved by the Federal Transit Administration before January 1, 2005, and

(C) includes a description of such property and the value of such property.

(3) EXCHANGES AND CONVERSION OF TAX-EXEMPT USE PROPERTY.—Section 470(e)(4) of the Internal Revenue Code of 1986, as added by this section, shall apply to property exchanged or converted after the date of the enactment of this Act.

Subtitle C—Reduction of Fuel Tax Evasion

SEC. 651. EXEMPTION FROM CERTAIN EXCISE TAXES FOR MOBILE MACHINERY.

(a) EXEMPTION FROM TAX ON HEAVY TRUCKS AND TRAILERS SOLD AT RETAIL.—

(1) IN GENERAL.—Section 4053 (relating to exemptions) is amended by adding at the end the following new paragraph:

''(8) MOBILE MACHINERY.—Any vehicle which consists of a chassis—

''(A) to which there has been permanently mounted (by welding, bolting, riveting, or other means) machinery or equipment to perform a construction, manufacturing, processing, farming, mining, drilling, timbering, or similar operation if the operation of the machinery or equipment is unrelated to transportation on or off the public highways,

''(B) which has been specially designed to serve only as a mobile carriage and mount (and a power source, where applicable) for the particular machinery or equipment involved, whether or not such machinery or equipment is in operation, and

''(C) which, by reason of such special design, could not, without substantial structural modification, be used as a component of a vehicle designed to perform a function of transporting any load other than that particular machinery or equipment or similar machinery or equipment requiring such a specially designed chassis.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the day after the date of the enactment of this Act.

(b) EXEMPTION FROM TAX ON USE OF CERTAIN VEHICLES.—

(1) IN GENERAL.—Section 4483 (relating to exemptions) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

''(g) EXEMPTION FOR MOBILE MACHINERY.—No tax shall be imposed by section 4481 on the use of any vehicle described in section 4053(8).''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the day after the date of the enactment of this Act.

(c) EXEMPTION FROM TAX ON TIRES.—

(1) IN GENERAL.—Section 4072(b)(2) is amended by adding at the end the following flush sentence: ''Such term shall not include tires of a type used exclusively on vehicles described in section 4053(8).''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the day after the date of the enactment of this Act.

(d) REFUND OF FUEL TAXES.—

(1) IN GENERAL.—Section 6421(e)(2) (defining off-highway business use) is amended by adding at the end the following new subparagraph:

''(C) USES IN MOBILE MACHINERY.—

''(i) IN GENERAL.—The term 'off-highway business use' shall include any use in a vehicle which meets the requirements described in clause (ii).

''(ii) REQUIREMENTS FOR MOBILE MACHINERY.—The requirements described in this clause are—

''(I) the design-based test, and

''(II) the use-based test.

''(iii) DESIGN-BASED TEST.—For purposes of clause (ii)(I), the design-based test is met if the vehicle consists of a chassis—

''(I) to which there has been permanently mounted (by welding, bolting, riveting, or other means) machinery or equipment to perform a construction, manufacturing, processing, farming, mining, drilling, timbering, or similar operation if the operation of the machinery or equipment is unrelated to transportation on or off the public highways,

''(II) which has been specially designed to serve only as a mobile carriage and mount (and a power source, where applicable) for the particular machinery or equipment involved, whether or not such machinery or equipment is in operation, and

''(III) which, by reason of such special design, could not, without substantial structural modification, be used as a component of a vehicle designed to perform a function of transporting any load other than that particular machinery or equipment or similar machinery or equipment requiring such a specially designed chassis.

''(iv) USE-BASED TEST.—For purposes of clause (ii)(II), the use-based test is met if the use of the vehicle on public highways was less than 7,500 miles during the taxpayer's taxable year.''.

(2) NO TAX-FREE SALES.—Subsection (b) of section 4082, as amended by section 652, is amended by inserting before the period at the end ''and such term shall not include any use described in section 6421(e)(2)(C)''.

(3) ANNUAL REFUND OF TAX PAID.—Section 6427(i)(2) (relating to exceptions) is amended by adding at the end the following new subparagraph:

''(C) NONAPPLICATION OF PARAGRAPH.—This paragraph shall not apply to any fuel used solely in any off-highway business use described in section 6421(e)(2)(C).''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 652. TAXATION OF AVIATION-GRADE KEROSENE.

(a) RATE OF TAX.—

(1) IN GENERAL.—Subparagraph (A) of section 4081(a)(2) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) in the case of aviation-grade kerosene, 21.8 cents per gallon.''.

(2) COMMERCIAL AVIATION.—Paragraph (2) of section 4081(a) is amended by adding at the end the following new subparagraph:

''(C) TAXES IMPOSED ON FUEL USED IN COMMERCIAL AVIATION.—In the case of aviation-grade kerosene which is removed from any refinery or terminal directly into the fuel tank of an aircraft for use in commercial aviation, the rate of tax under subparagraph (A)(iv) shall be 4.3 cents per gallon.''.

(3) CERTAIN REFUELER TRUCKS, TANKERS, AND TANK WAGONS TREATED AS TERMINAL.—Subsection (a) of section 4081 is amended by adding at the end the following new paragraph:

''(3) CERTAIN REFUELER TRUCKS, TANKERS, AND TANK WAGONS TREATED AS TERMINAL.—

''(A) IN GENERAL.—In the case of aviation-grade kerosene which is removed from any terminal directly into the fuel tank of an aircraft (determined without regard to any refueler truck, tanker, or tank wagon which meets the requirements of subparagraph (B)), a refueler truck, tanker, or tank wagon shall be treated as part of such terminal if—

''(i) such truck, tanker, or wagon meets the requirements of subparagraph (B) with respect to an airport, and

''(ii) except in the case of exigent circumstances identified by the Secretary in regulations, no vehicle registered for highway use is loaded with aviation-grade kerosene at such terminal.

''(B) REQUIREMENTS.—A refueler truck, tanker, or tank wagon meets the requirements of this subparagraph with respect to an airport if such truck, tanker, or wagon—

''(i) is loaded with aviation-grade kerosene at such terminal located within such airport and delivers such kerosene only into aircraft at such airport,

''(ii) has storage tanks, hose, and coupling equipment designed and used for the purposes of fueling aircraft,

''(iii) is not registered for highway use, and

''(iv) is operated by—

''(I) the terminal operator of such terminal, or

''(II) a person that makes a daily accounting to such terminal operator of each delivery of fuel from such truck, tanker, or wagon.

''(C) REPORTING.—The Secretary shall require under section 4101(d) reporting by such terminal operator of—

''(i) any information obtained under subparagraph (B)(iv)(II), and

''(ii) any similar information maintained by such terminal operator with respect to deliveries of fuel made by trucks, tankers, or wagons operated by such terminal operator.''.

(4) LIABILITY FOR TAX ON AVIATION-GRADE KEROSENE USED IN COMMERCIAL AVIATION.—Subsection (a) of section 4081 is amended by adding at the end the following new paragraph:

''(4) LIABILITY FOR TAX ON AVIATION-GRADE KEROSENE USED IN COMMERCIAL AVIATION.—For purposes of paragraph (2)(C), the person who uses the fuel for commercial aviation shall pay the tax imposed under such paragraph. For purposes of the preceding sentence, fuel shall be treated as used when such fuel is removed into the fuel tank.''.

(5) NONTAXABLE USES.—

(A) IN GENERAL.—Section 4082 is amended by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and by inserting after subsection (d) the following new subsection:

''(e) AVIATION-GRADE KEROSENE.—In the case of aviation-grade kerosene which is exempt from the tax imposed by section 4041(c) (other than by reason of a prior imposition of tax) and which is removed from any refinery or terminal directly into the fuel tank of an aircraft, the rate of tax under section 4081(a)(2)(A)(iv) shall be zero.''.

(B) CONFORMING AMENDMENTS.—

(i) Subsection (b) of section 4082 is amended by adding at the end the following new flush sentence:

''The term 'nontaxable use' does not include the use of aviation-grade kerosene in an aircraft.''.

(ii) Section 4082(d) is amended by striking paragraph (1) and by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(6) NONAIRCRAFT USE OF AVIATION-GRADE KEROSENE.—

(A) IN GENERAL.—Subparagraph (B) of section 4041(a)(1) is amended by adding at the end the following new sentence: ''This subparagraph shall not apply to aviation-grade kerosene.''.

(B) CONFORMING AMENDMENT.—The heading for paragraph (1) of section 4041(a) is amended by inserting ''AND KEROSENE'' after ''DIESEL FUEL''.

(b) COMMERCIAL AVIATION.—Section 4083 is amended by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and by inserting after subsection (a) the following new subsection:

''(b) COMMERCIAL AVIATION.—For purposes of this subpart, the term 'commercial aviation' means any use of an aircraft in a business of transporting persons or property for compensation or hire by air, unless properly allocable to any transportation exempt from the taxes imposed by sections 4261 and 4271 by reason of section 4281 or 4282 or by reason of section 4261(h).''.

(c) REFUNDS.—

(1) IN GENERAL.—Paragraph (4) of section 6427(l) is amended to read as follows:

''(4) REFUNDS FOR AVIATION-GRADE KEROSENE.—

''(A) NO REFUND OF CERTAIN TAXES ON FUEL USED IN COMMERCIAL AVIATION.—In the case of aviation-grade kerosene used in commercial aviation (as defined in section 4083(b)) (other than supplies for vessels or aircraft within the meaning of section 4221(d)(3)), paragraph (1) shall not apply to so much of the tax imposed by section 4081 as is attributable to—

''(i) the Leaking Underground Storage Tank Trust Fund financing rate imposed by such section, and

''(ii) so much of the rate of tax specified in section 4081(a)(2)(A)(iv) as does not exceed 4.3 cents per gallon.

''(B) PAYMENT TO ULTIMATE, REGISTERED VENDOR.—With respect to aviation-grade kerosene, if the ultimate purchaser of such kerosene waives (at such time and in such form and manner as the Secretary shall prescribe) the right to payment under paragraph (1) and assigns such right to the ultimate vendor, then the Secretary shall pay the amount which would be paid under paragraph (1) to such ultimate vendor, but only if such ultimate vendor—

''(i) is registered under section 4101, and

''(ii) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).''.

(2) TIME FOR FILING CLAIMS.—Subparagraph (A) of section 6427(i)(4) is amended—

(A) by striking ''subsection (l)(5)'' both places it appears and inserting ''paragraph (4)(B) or (5) of subsection (l)'', and

(B) by striking ''the preceding sentence'' and inserting ''subsection (l)(5)''.

(3) CONFORMING AMENDMENT.—Subparagraph (B) of section 6427(l)(2) is amended to read as follows:

''(B) in the case of aviation-grade kerosene—

''(i) any use which is exempt from the tax imposed by section 4041(c) other than by reason of a prior imposition of tax, or

''(ii) any use in commercial aviation (within the meaning of section 4083(b)).''.

(d) REPEAL OF PRIOR TAXATION OF AVIATION FUEL.—

(1) IN GENERAL.—Part III of subchapter A of chapter 32 is amended by striking subpart B and by redesignating subpart C as subpart B.

(2) CONFORMING AMENDMENTS.—

(A) Section 4041(c) is amended to read as follows:

''(c) AVIATION-GRADE KEROSENE.—

''(1) IN GENERAL.—There is hereby imposed a tax upon aviation-grade kerosene—

''(A) sold by any person to an owner, lessee, or other operator of an aircraft for use in such aircraft, or

''(B) used by any person in an aircraft unless there was a taxable sale of such fuel under subparagraph (A).

''(2) EXEMPTION FOR PREVIOUSLY TAXED FUEL.—No tax shall be imposed by this subsection on the sale or use of any aviation-grade kerosene if tax was imposed on such liquid under section 4081 and the tax thereon was not credited or refunded.

''(3) RATE OF TAX.—The rate of tax imposed by this subsection shall be the rate of tax specified in section 4081(a)(2)(A)(iv) which is in effect at the time of such sale or use.''.

(B) Section 4041(d)(2) is amended by striking ''section 4091'' and inserting ''section 4081''.

(C) Section 4041 is amended by striking subsection (e).

(D) Section 4041 is amended by striking subsection (i).

(E) Sections 4101(a), 4103, 4221(a), and 6206 are each amended by striking '', 4081, or 4091'' and inserting ''or 4081''.

(F) Section 6416(b)(2) is amended by striking ''4091 or''.

(G) Section 6416(b)(3) is amended by striking ''or 4091'' each place it appears.

(H) Section 6416(d) is amended by striking ''or to the tax imposed by section 4091 in the case of refunds described in section 4091(d)''.

(I) Section 6427(j)(1) is amended by striking '', 4081, and 4091'' and inserting ''and 4081''.

(J)(i) Section 6427(l)(1) is amended to read as follows:

''(1) IN GENERAL.—Except as otherwise provided in this subsection and in subsection (k), if any diesel fuel or kerosene on which tax has been imposed by section 4041 or 4081 is used by any person in a nontaxable use, the Secretary shall pay (without interest) to the ultimate purchaser of such fuel an amount equal to the aggregate amount of tax imposed on such fuel under section 4041 or 4081, as the case may be, reduced by any payment made to the ultimate vendor under paragraph (4)(B).''.

(ii) Paragraph (5)(B) of section 6427(l) is amended by striking ''Paragraph (1)(A) shall not apply to kerosene'' and inserting ''Paragraph (1) shall not apply to kerosene (other than aviation-grade kerosene)''.

(K) Subparagraph (B) of section 6724(d)(1) is amended by striking clause (xv) and by redesignating the succeeding clauses accordingly.

(L) Paragraph (2) of section 6724(d) is amended by striking subparagraph (W) and by redesignating the succeeding subparagraphs accordingly.

(M) Paragraph (1) of section 9502(b) is amended by adding ''and'' at the end of subparagraph (B) and by striking subparagraphs (C) and (D) and inserting the following new subparagraph:

''(C) section 4081 with respect to aviation gasoline and aviation-grade kerosene, and''.

(N) The last sentence of section 9502(b) is amended to read as follows:

''There shall not be taken into account under paragraph (1) so much of the taxes imposed by section 4081 as are determined at the rate specified in section 4081(a)(2)(B).''.

(O) Subsection (b) of section 9508 is amended by striking paragraph (3) and by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(P) Section 9508(c)(2)(A) is amended by striking ''sections 4081 and 4091'' and inserting ''section 4081''.

(Q) The table of subparts for part III of subchapter A of chapter 32 is amended to read as follows:

''Subpart A. Motor and aviation fuels.

''Subpart B. Special provisions applicable to fuels tax.''.

(R) The heading for subpart A of part III of subchapter A of chapter 32 is amended to read as follows:

''Subpart A—Motor and Aviation Fuels''.

(S) The heading for subpart B of part III of subchapter A of chapter 32, as redesignated by paragraph (1), is amended to read as follows:

''Subpart B—Special Provisions Applicable to Fuels Tax''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to aviation-grade kerosene removed, entered, or sold after September 30, 2004.

(f) FLOOR STOCKS TAX.—

(1) IN GENERAL.—There is hereby imposed on aviation-grade kerosene held on October 1, 2004, by any person a tax equal to—

(A) the tax which would have been imposed before such date on such kerosene had the amendments made by this section been in effect at all times before such date, reduced by

(B) the tax imposed before such date under section 4091 of the Internal Revenue Code of 1986, as in effect on the day before the date of the enactment of this Act.

(2) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—The person holding the kerosene on October 1, 2004, to which the tax imposed by paragraph (1) applies shall be liable for such tax.

(B) METHOD AND TIME FOR PAYMENT.—The tax imposed by paragraph (1) shall be paid at such time and in such manner as the Secretary of the Treasury (or the Secretary's delegate) shall prescribe, including the nonapplication of such tax on de minimis amounts of kerosene.

(3) TRANSFER OF FLOOR STOCK TAX REVENUES TO TRUST FUNDS.—For purposes of determining the amount transferred to any trust fund, the tax imposed by this subsection shall be treated as imposed by section 4081 of the Internal Revenue Code of 1986—

(A) at the Leaking Underground Storage Tank Trust Fund financing rate under such section to the extent of 0.1 cents per gallon, and

(B) at the rate under section 4081(a)(2)(A)(iv) to the extent of the remainder.

(4) HELD BY A PERSON.—For purposes of this section, kerosene shall be considered as held by a person if title thereto has passed to such person (whether or not delivery to the person has been made).

(5) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the tax imposed by section 4081 of such Code shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock tax imposed by paragraph (1) to the same extent as if such tax were imposed by such section.

SEC. 653. DYE INJECTION EQUIPMENT.

(a) IN GENERAL.—Section 4082(a)(2) (relating to exemptions for diesel fuel and kerosene) is amended by inserting ''by mechanical injection'' after ''indelibly dyed''.

(b) DYE INJECTOR SECURITY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall issue regulations regarding mechanical dye injection systems described in the amendment made by subsection (a), and such regulations shall include standards for making such systems tamper resistant.

(c) PENALTY FOR TAMPERING WITH OR FAILING TO MAINTAIN SECURITY REQUIREMENTS FOR MECHANICAL DYE INJECTION SYSTEMS.—

(1) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by adding after section 6715 the following new section:

''SEC. 6715A. TAMPERING WITH OR FAILING TO MAINTAIN SECURITY REQUIREMENTS FOR MECHANICAL DYE INJECTION SYSTEMS.

''(a) IMPOSITION OF PENALTY—

''(1) TAMPERING.—If any person tampers with a mechanical dye injection system used to indelibly dye fuel for purposes of section 4082, such person shall pay a penalty in addition to the tax (if any).

''(2) FAILURE TO MAINTAIN SECURITY REQUIREMENTS.—If any operator of a mechanical dye injection system used to indelibly dye fuel for purposes of section 4082 fails to maintain the security standards for such system as established by the Secretary, then such operator shall pay a penalty in addition to the tax (if any).

''(b) AMOUNT OF PENALTY.—The amount of the penalty under subsection (a) shall be—

''(1) for each violation described in paragraph (1), the greater of—

''(A) $25,000, or

''(B) $10 for each gallon of fuel involved, and

''(2) for each—

''(A) failure to maintain security standards described in paragraph (2), $1,000, and

''(B) failure to correct a violation described in paragraph (2), $1,000 per day for each day after which such violation was discovered or such person should have reasonably known of such violation.

''(c) JOINT AND SEVERAL LIABILITY.—

''(1) IN GENERAL.—If a penalty is imposed under this section on any business entity, each officer, employee, or agent of such entity or other contracting party who willfully participated in any act giving rise to such penalty shall be jointly and severally liable with such entity for such penalty.

''(2) AFFILIATED GROUPS.—If a business entity described in paragraph (1) is part of an affiliated group (as defined in section 1504(a)), the parent corporation of such entity shall be jointly and severally liable with such entity for the penalty imposed under this section.''.

(2) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by adding after the item related to section 6715 the following new item:

''Sec. 6715A. Tampering with or failing to maintain security requirements for mechanical dye injection systems.''.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (c) shall take effect on the 180th day after the date on which the Secretary issues the regulations described in subsection (b).

SEC. 654. AUTHORITY TO INSPECT ON-SITE RECORDS.

(a) IN GENERAL.—Section 4083(d)(1)(A) (relating to administrative authority), as previously amended by this Act, is amended by striking ''and'' at the end of clause (i) and by inserting after clause (ii) the following new clause:

''(iii) inspecting any books and records and any shipping papers pertaining to such fuel, and''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 655. REGISTRATION OF PIPELINE OR VESSEL OPERATORS REQUIRED FOR EXEMPTION OF BULK TRANSFERS TO REGISTERED TERMINALS OR REFINERIES.

(a) IN GENERAL.—Section 4081(a)(1)(B) (relating to exemption for bulk transfers to registered terminals or refineries) is amended—

(1) by inserting ''by pipeline or vessel'' after ''transferred in bulk'', and

(2) by inserting '', the operator of such pipeline or vessel,'' after ''the taxable fuel''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2004.

(c) PUBLICATION OF REGISTERED PERSONS.—Beginning on July 1, 2004, the Secretary of the Treasury (or the Secretary's delegate) shall periodically publish a current list of persons registered under section 4101 of the Internal Revenue Code of 1986 who are required to register under such section.

SEC. 656. DISPLAY OF REGISTRATION.

(a) IN GENERAL.—Subsection (a) of section 4101 (relating to registration) is amended—

(1) by striking ''Every'' and inserting the following:

''(1) IN GENERAL.—Every'', and

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

''(2) DISPLAY OF REGISTRATION.—Every operator of a vessel required by the Secretary to register under this section shall display proof of

registration through an electronic identification device prescribed by the Secretary on each vessel used by such operator to transport any taxable fuel.''.

(b) CIVIL PENALTY FOR FAILURE TO DISPLAY REGISTRATION.—

(1) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6716 the following new section:

''SEC. 6717. FAILURE TO DISPLAY TAX REGISTRATION ON VESSELS.

''(a) FAILURE TO DISPLAY REGISTRATION.—Every operator of a vessel who fails to display proof of registration pursuant to section 4101(a)(2) shall pay a penalty of $500 for each such failure. With respect to any vessel, only one penalty shall be imposed by this section during any calendar month.

''(b) MULTIPLE VIOLATIONS.—In determining the penalty under subsection (a) on any person, subsection (a) shall be applied by increasing the amount in subsection (a) by the product of such amount and the aggregate number of penalties (if any) imposed with respect to prior months by this section on such person (or a related person or any predecessor of such person or related person).

''(c) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this section with respect to any failure if it is shown that such failure is due to reasonable cause.''.

(2) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by inserting after the item relating to section 6716 the following new item:

''Sec. 6717. Failure to display tax registration on vessels.''.

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall take effect on October 1, 2004.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to penalties imposed after September 30, 2004.

SEC. 657. PENALTIES FOR FAILURE TO REGISTER AND FAILURE TO REPORT.

(a) INCREASED PENALTY.—Subsection (a) of section 7272 (relating to penalty for failure to register) is amended by inserting ''($10,000 in the case of a failure to register under section 4101)'' after ''$50''.

(b) INCREASED CRIMINAL PENALTY.—Section 7232 (relating to failure to register under section 4101, false representations of registration status, etc.) is amended by striking ''$5,000'' and inserting ''$10,000''.

(c) ASSESSABLE PENALTY FOR FAILURE TO REGISTER.—

(1) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6717 the following new section:

''SEC. 6718. FAILURE TO REGISTER.

''(a) FAILURE TO REGISTER.—Every person who is required to register under section 4101 and fails to do so shall pay a penalty in addition to the tax (if any).

''(b) AMOUNT OF PENALTY.—The amount of the penalty under subsection (a) shall be—

''(1) $10,000 for each initial failure to register, and

''(2) $1,000 for each day thereafter such person fails to register.

''(c) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this section with respect to any failure if it is shown that such failure is due to reasonable cause.''.

(2) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by inserting after the item relating to section 6717 the following new item:

''Sec. 6718. Failure to register.''.

(d) ASSESSABLE PENALTY FOR FAILURE TO REPORT.—

(1) IN GENERAL.—Part II of subchapter B of chapter 68 (relating to assessable penalties) is amended by adding at the end the following new section:

''SEC. 6725. FAILURE TO REPORT INFORMATION UNDER SECTION 4101.

''(a) IN GENERAL.—In the case of each failure described in subsection (b) by any person with respect to a vessel or facility, such person shall pay a penalty of $10,000 in addition to the tax (if any).

''(b) FAILURES SUBJECT TO PENALTY.—For purposes of subsection (a), the failures described in this subsection are—

''(1) any failure to make a report under section 4101(d) on or before the date prescribed therefore, and

''(2) any failure to include all of the information required to be shown on such report or the inclusion of incorrect information.

''(c) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this section with respect to any failure if it is shown that such failure is due to reasonable cause.''.

(2) CLERICAL AMENDMENT.—The table of sections for part II of subchapter B of chapter 68 is amended by adding at the end the following new item:

''Sec. 6725. Failure to report information under section 4101.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to penalties imposed after September 30, 2004.

SEC. 658. COLLECTION FROM CUSTOMS BOND WHERE IMPORTER NOT REGISTERED.

(a) TAX AT POINT OF ENTRY WHERE IMPORTER NOT REGISTERED.—Subpart B of part III of subchapter A of chapter 32, as redesignated by section 652(d), is amended by adding after section 4103 the following new section:

''SEC. 4104. COLLECTION FROM CUSTOMS BOND WHERE IMPORTER NOT REGISTERED.

''(a) IN GENERAL.—The importer of record shall be jointly and severally liable for the tax imposed by section 4081(a)(1)(A)(iii) if, under regulations prescribed by the Secretary, any other person that is not a person who is registered under section 4101 is liable for such tax.

''(b) COLLECTION FROM CUSTOMS BOND.—If any tax for which any importer of record is liable under subsection (a), or for which any importer of record that is not a person registered under section 4101 is otherwise liable, is not paid on or before the last date prescribed for payment, the Secretary may collect such tax from the Customs bond posted with respect to the importation of the taxable fuel to which the tax relates. For purposes of determining the jurisdiction of any court of the United States or any agency of the United States, any action by the Secretary described in the preceding sentence shall be treated as an action to collect the tax from a bond described in section 4101(b)(1) and not as an action to collect from a bond relating to the importation of merchandise.''.

(b) CONFORMING AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 32, as redesignated by section 652(d), is amended by adding after the item related to section 4103 the following new item:

''Sec. 4104. Collection from Customs bond where importer not registered.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fuel entered after September 30, 2004.

SEC. 659. MODIFICATIONS OF TAX ON USE OF CERTAIN VEHICLES.

(a) PRORATION OF TAX WHERE VEHICLE SOLD.—

(1) IN GENERAL.—Subparagraph (A) of section 4481(c)(2) (relating to where vehicle destroyed or stolen) is amended by striking ''destroyed or stolen'' both places it appears and inserting ''sold, destroyed, or stolen''.

(2) CONFORMING AMENDMENT.—The heading for section 4481(c)(2) is amended by striking ''DESTROYED OR STOLEN'' and inserting ''SOLD, DESTROYED, OR STOLEN''.

(b) REPEAL OF INSTALLMENT PAYMENT.—

(1) Section 6156 (relating to installment payment of tax on use of highway motor vehicles) is repealed.

(2) The table of sections for subchapter A of chapter 62 is amended by striking the item relating to section 6156.

(c) ELECTRONIC FILING.—Section 4481 is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

''(e) ELECTRONIC FILING.—Any taxpayer who files a return under this section with respect to 25 or more vehicles for any taxable period shall file such return electronically.''.

(d) REPEAL OF REDUCTION IN TAX FOR CERTAIN TRUCKS.—Section 4483 is amended by striking subsection (f).

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable periods beginning after the date of the enactment of this Act.

SEC. 660. MODIFICATION OF ULTIMATE VENDOR REFUND CLAIMS WITH RESPECT TO FARMING.

(a) IN GENERAL.—

(1) REFUNDS.—Section 6427(l) is amended by adding at the end the following new paragraph:

''(6) REGISTERED VENDORS PERMITTED TO ADMINISTER CERTAIN CLAIMS FOR REFUND OF DIESEL FUEL AND KEROSENE SOLD TO FARMERS.—

''(A) IN GENERAL.—In the case of diesel fuel or kerosene used on a farm for farming purposes (within the meaning of section 6420(c)), paragraph (1) shall not apply to the aggregate amount of such diesel fuel or kerosene if such amount does not exceed 250 gallons (as determined under subsection (i)(5)(A)(iii)).

''(B) PAYMENT TO ULTIMATE VENDOR.—The amount which would (but for subparagraph (A)) have been paid under paragraph (1) with respect to any fuel shall be paid to the ultimate vendor of such fuel, if such vendor—

''(i) is registered under section 4101, and

''(ii) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).''.

(2) FILING OF CLAIMS.—Section 6427(i) is amended by inserting at the end the following new paragraph:

''(5) SPECIAL RULE FOR VENDOR REFUNDS WITH RESPECT TO FARMERS.—

''(A) IN GENERAL.—A claim may be filed under subsection (l)(6) by any person with respect to fuel sold by such person for any period—

''(i) for which $200 or more ($100 or more in the case of kerosene) is payable under subsection (l)(6),

''(ii) which is not less than 1 week, and

''(iii) which is for not more than 250 gallons for each farmer for which there is a claim.

Notwithstanding subsection (l)(1), paragraph (3)(B) shall apply to claims filed under the preceding sentence.

''(B) TIME FOR FILING CLAIM.—No claim filed under this paragraph shall be allowed unless filed on or before the last day of the first quarter following the earliest quarter included in the claim.''.

(3) CONFORMING AMENDMENTS.—

(A) Section 6427(l)(5)(A) is amended to read as follows:

''(A) IN GENERAL.—Paragraph (1) shall not apply to diesel fuel or kerosene used by a State or local government.''.

(B) The heading for section 6427(l)(5) is amended by striking ''FARMERS AND''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuels sold for nontaxable use after the date of the enactment of this Act.

SEC. 661. DEDICATION OF REVENUES FROM CERTAIN PENALTIES TO THE HIGHWAY TRUST FUND.

(a) IN GENERAL.—Subsection (b) of section 9503 (relating to transfer to Highway Trust Fund of amounts equivalent to certain taxes) is amended by redesignating paragraph (5) as paragraph (6) and inserting after paragraph (4) the following new paragraph:

''(5) CERTAIN PENALTIES.—There are hereby appropriated to the Highway Trust Fund amounts equivalent to the penalties paid under sections 6715, 6715A, 6717, 6718, 6725, 7232, and 7272 (but only with regard to penalties under such section related to failure to register under section 4101).''.

(b) CONFORMING AMENDMENTS.—

(1) The heading of subsection (b) of section 9503 is amended by inserting ''AND PENALTIES'' after ''TAXES''.

(2) The heading of paragraph (1) of section 9503(b) is amended by striking ''IN GENERAL'' and inserting ''CERTAIN TAXES''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to penalties assessed after October 1, 2004.

SEC. 662. TAXABLE FUEL REFUNDS FOR CERTAIN ULTIMATE VENDORS.

(a) IN GENERAL.—Paragraph (4) of section 6416(a) (relating to abatements, credits, and refunds) is amended to read as follows:

''(4) REGISTERED ULTIMATE VENDOR TO ADMINISTER CREDITS AND REFUNDS OF GASOLINE TAX.—

''(A) IN GENERAL.—For purposes of this subsection, if an ultimate vendor purchases any gasoline on which tax imposed by section 4081 has been paid and sells such gasoline to an ultimate purchaser described in subparagraph (C) or (D) of subsection (b)(2) (and such gasoline is for a use described in such subparagraph), such ultimate vendor shall be treated as the person (and the only person) who paid such tax, but only if such ultimate vendor is registered under section 4101. For purposes of this subparagraph, if the sale of gasoline is made by means of a credit card, the person extending the credit to the ultimate purchaser shall be deemed to be the ultimate vendor.

''(B) TIMING OF CLAIMS.—The procedure and timing of any claim under subparagraph (A) shall be the same as for claims under section 6427(i)(4), except that the rules of section 6427(i)(3)(B) regarding electronic claims shall not apply unless the ultimate vendor has certified to the Secretary for the most recent quarter of the taxable year that all ultimate purchasers of the vendor covered by such claim are certified and entitled to a refund under subparagraph (C) or (D) of subsection (b)(2).''.

(b) CREDIT CARD PURCHASES OF DIESEL FUEL OR KEROSENE BY STATE AND LOCAL GOVERNMENTS.—Section 6427(l)(5)(C) (relating to nontaxable uses of diesel fuel, kerosene, and aviation fuel) is amended by adding at the end the following new flush sentence: ''For purposes of this subparagraph, if the sale of diesel fuel or kerosene is made by means of a credit card, the person extending the credit to the ultimate purchaser shall be deemed to be the ultimate vendor.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2004.

SEC. 663. TWO-PARTY EXCHANGES.

(a) IN GENERAL.—Subpart B of part III of subchapter A of chapter 32, as amended by this Act, is amended by adding after section 4104 the following new section:

''SEC. 4105. TWO-PARTY EXCHANGES.

''(a) IN GENERAL.—In a two-party exchange, the delivering person shall not be liable for the tax imposed under section 4081(a)(1)(A)(ii).

''(b) TWO-PARTY EXCHANGE.—The term 'two-party exchange' means a transaction, other than a sale, in which taxable fuel is transferred from a delivering person registered under section 4101 as a taxable fuel registrant fuel to a receiving person who is so registered where all of the following occur:

''(1) The transaction includes a transfer from the delivering person, who holds the inventory position for taxable fuel in the terminal as reflected in the records of the terminal operator.

''(2) The exchange transaction occurs before or contemporaneous with completion of removal across the rack from the terminal by the receiving person.

''(3) The terminal operator in its books and records treats the receiving person as the person that removes the taxable fuel across the terminal rack for purposes of reporting the transaction to the Secretary.

''(4) The transaction is the subject of a written contract.''.

(b) CONFORMING AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 32, as amended by this Act, is amended by adding after the item relating to section 4104 the following new item:

''Sec. 4105. Two-party exchanges.''.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 664. SIMPLIFICATION OF TAX ON TIRES.

(a) IN GENERAL.—Subsection (a) of section 4071 is amended to read as follows:

''(a) IMPOSITION AND RATE OF TAX.—There is hereby imposed on taxable tires sold by the manufacturer, producer, or importer thereof a tax at the rate of 9.4 cents (4.7 cents in the case of a biasply tire) for each 10 pounds so much of the maximum rated load capacity thereof as exceeds 3,500 pounds.''

(b) TAXABLE TIRE.—Section 4072 is amended by redesignating subsections (a) and (b) as subsections (b) and (c), respectively, and by inserting before subsection (b) (as so redesignated) the following new subsection:

''(a) TAXABLE TIRE.—For purposes of this chapter, the term 'taxable tire' means any tire of the type used on highway vehicles if wholly or in part made of rubber and if marked pursuant to Federal regulations for highway use.''

(c) EXEMPTION FOR TIRES SOLD TO DEPARTMENT OF DEFENSE.—Section 4073 is amended to read as follows:

''SEC. 4073. EXEMPTIONS.

''The tax imposed by section 4071 shall not apply to tires sold for the exclusive use of the Department of Defense or the Coast Guard.''

(d) CONFORMING AMENDMENTS.—

(1) Section 4071 is amended by striking subsection (c) and by moving subsection (e) after subsection (b) and redesignating subsection (e) as subsection (c).

(2) The item relating to section 4073 in the table of sections for part II of subchapter A of chapter 32 is amended to read as follows:

''Sec. 4073. Exemptions.''

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to sales in calendar years beginning more than 30 days after the date of the enactment of this Act.

Subtitle D—Nonqualified Deferred Compensation Plans

SEC. 671. TREATMENT OF NONQUALIFIED DEFERRED COMPENSATION PLANS.

(a) IN GENERAL.—Subpart A of part I of subchapter D of chapter 1 is amended by adding at the end the following new section:

''SEC. 409A. INCLUSION IN GROSS INCOME OF DEFERRED COMPENSATION UNDER NONQUALIFIED DEFERRED COMPENSATION PLANS.

''(a) RULES RELATING TO CONSTRUCTIVE RECEIPT.—

''(1) IN GENERAL.—

''(A) GROSS INCOME INCLUSION.—In the case of a nonqualified deferred compensation plan, all compensation deferred under the plan for all taxable years (to the extent not subject to a substantial risk of forfeiture and not previously included in gross income) shall be includible in gross income for the taxable year unless at all times during the taxable year the plan meets the requirements of paragraphs (2), (3), and (4) and is operated in accordance with such requirements.

''(B) INTEREST ON TAX LIABILITY PAYABLE WITH RESPECT TO PREVIOUSLY DEFERRED COMPENSATION.—

''(i) IN GENERAL.—If compensation is required to be included in gross income under subparagraph (A) for a taxable year, the tax imposed by this chapter for such taxable year shall be increased by the amount of interest determined under clause (ii).

''(ii) INTEREST.—For purposes of clause (i), the interest determined under this clause for any taxable year is the amount of interest at the underpayment rate plus 1 percentage point on the underpayments that would have occurred had the deferred compensation been includible in gross income for the taxable year in which first deferred or, if later, the first taxable year in which such deferred compensation is not subject to a substantial risk of forfeiture.

''(2) DISTRIBUTIONS.—

''(A) IN GENERAL.—The requirements of this paragraph are met if the plan provides that compensation deferred under the plan may not be distributed earlier than—

''(i) separation from service as determined by the Secretary (except as provided in subparagraph (B)(i)),

''(ii) the date the participant becomes disabled (within the meaning of subparagraph (C)),

''(iii) death,

''(iv) a specified time (or pursuant to a fixed schedule) specified under the plan at the date of the deferral of such compensation,

''(v) to the extent provided by the Secretary, a change in the ownership or effective control of the corporation, or in the ownership of a substantial portion of the assets of the corporation, or

''(vi) the occurrence of an unforeseeable emergency.

''(B) SPECIAL RULES.—

''(i) SPECIFIED EMPLOYEES.—In the case of specified employees, the requirement of subparagraph (A)(i) is met only if distributions may not be made earlier than 6 months after the date of separation from service. For purposes of the preceding sentence, a specified employee is a key employee (as defined in section 416(i)) of a corporation the stock in which is publicly traded on an established securities market or otherwise.

''(ii) UNFORESEEABLE EMERGENCY.—For purposes of subparagraph (A)(vi)—

''(I) IN GENERAL.—The term 'unforeseeable emergency' means a severe financial hardship to the participant resulting from a sudden and unexpected illness or accident of the participant, the participant's spouse, or a dependent (as defined in section 152(a)) of the participant, loss of the participant's property due to casualty, or other similar extraordinary and unforeseeable circumstances arising as a result of events beyond the control of the participant.

''(II) LIMITATION ON DISTRIBUTIONS.—The requirement of subparagraph (A)(vi) is met only if, as determined under regulations of the Secretary, the amounts distributed with respect to an emergency do not exceed the amounts necessary to satisfy such emergency plus amounts necessary to pay taxes reasonably anticipated as a result of the distribution, after taking into account the extent to which such hardship is or may be relieved through reimbursement or compensation by insurance or otherwise or by liquidation of the participant's assets (to the extent the liquidation of such assets would not itself cause severe financial hardship).

''(C) DISABLED.—For purposes of subparagraph (A)(ii), a participant shall be considered disabled if the participant—

''(i) is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or can be expected to last for a continuous period of not less than 12 months, or

''(ii) is, by reason of any medically determinable physical or mental impairment which can be expected to result in death or can be expected to last for a continuous period of not less than 12 months, receiving income replacement benefits for a period of not less than 3 months under an accident and health plan covering employees of the participant's employer.

''(3) ACCELERATION OF BENEFITS.—The requirements of this paragraph are met if the plan

does not permit the acceleration of the time or schedule of any payment under the plan, except as provided in regulations by the Secretary.

''(4) ELECTIONS.—

''(A) IN GENERAL.—The requirements of this paragraph are met if the requirements of subparagraphs (B) and (C) are met.

''(B) INITIAL DEFERRAL DECISION.—The requirements of this subparagraph are met if the plan provides that compensation for services performed during a taxable year may be deferred at the participant's election only if the election to defer such compensation is made not later than the close of the preceding taxable year or at such other time as provided in regulations. In the case of the first year in which a participant becomes eligible to participate in the plan, such election may be made with respect to services to be performed subsequent to the election within 30 days after the date the participant becomes eligible to participate in such plan.

''(C) CHANGES IN TIME AND FORM OF DISTRIBUTION.—The requirements of this subparagraph are met if, in the case of a plan which permits under a subsequent election a delay in a payment or a change in the form of payment—

''(i) the plan requires that such election may not take effect until at least 12 months after the date on which the election is made,

''(ii) in the case an election related to a payment not described in clause (ii), (iii), or (vi) of paragraph (2)(A), the plan requires that the first payment with respect to which such election is made be deferred for a period of not less than 5 years from the date such payment would otherwise have been made, and

''(iii) the plan requires that any election related to a payment described in paragraph (2)(A)(iv) may not be made less than 12 months prior to the date of the first scheduled payment under such paragraph.

''(b) RULES RELATING TO FUNDING.—

''(1) OFFSHORE PROPERTY IN A TRUST.—In the case of assets set aside (directly or indirectly) in a trust (or other arrangement determined by the Secretary) for purposes of paying deferred compensation under a nonqualified deferred compensation plan, for purposes of section 83 such assets shall be treated as property transferred in connection with the performance of services whether or not such assets are available to satisfy claims of general creditors—

''(A) at the time set aside if such assets are located outside of the United States, or

''(B) at the time transferred if such assets are subsequently transferred outside of the United States.

''(2) EMPLOYER'S FINANCIAL HEALTH.—In the case of compensation deferred under a nonqualified deferred compensation plan, there is a transfer of property within the meaning of section 83 with respect to such compensation as of the earlier of—

''(A) the date on which the plan first provides that assets will become restricted to the provision of benefits under the plan in connection with a change in the employer's financial health, or

''(B) the date on which assets are so restricted.

''(3) INCOME INCLUSION FOR OFFSHORE TRUSTS AND EMPLOYER'S FINANCIAL HEALTH.—For each taxable year that assets treated as transferred under this subsection remain set aside in a trust or other arrangement subject to paragraph (1) or (2), any increase in value in, or earnings with respect to, such assets shall be treated as an additional transfer of property under this subsection (to the extent not previously included in income).

''(4) INTEREST ON TAX LIABILITY PAYABLE WITH RESPECT TO TRANSFERRED PROPERTY.—

''(A) IN GENERAL.—If amounts are required to be included in gross income by reason of paragraph (1) or (2) for a taxable year, the tax imposed by this chapter for such taxable year shall be increased by the amount of interest determined under subparagraph (B).

''(B) INTEREST.—The interest determined under this subparagraph for any taxable year is the amount of interest at the underpayment rate plus 1 percentage point on the underpayments that would have occurred had the amounts so required to be included in gross income by paragraph (1) or (2) been includible in gross income for the taxable year in which first deferred or, if later, the first taxable year in which such deferred compensation is not subject to a substantial risk of forfeiture.

''(c) NO INFERENCE ON EARLIER INCOME INCLUSION OR REQUIREMENT OF LATER INCLUSION.—Nothing in this section shall be construed to prevent the inclusion of amounts in gross income under any other provision of this chapter or any other rule of law earlier than the time provided in this section. Any amount included in gross income under this section shall not be required to be included in gross income under any other provision of this chapter or any other rule of law later than the time provided in this section.

''(d) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) NONQUALIFIED DEFERRED COMPENSATION PLAN.—The term 'nonqualified deferred compensation plan' means any plan that provides for the deferral of compensation, other than—

''(A) a qualified employer plan, and

''(B) any bona fide vacation leave, sick leave, compensatory time, disability pay, or death benefit plan.

''(2) QUALIFIED EMPLOYER PLAN.—The term 'qualified employer plan' means—

''(A) any plan, contract, pension, account, or trust described in subparagraph (A) or (B) of section 219(g)(5), and

''(B) any eligible deferred compensation plan (within the meaning of section 457(b)) of an employer described in section 457(e)(1)(A).

''(3) PLAN INCLUDES ARRANGEMENTS, ETC.—The term 'plan' includes any agreement or arrangement, including an agreement or arrangement that includes one person.

''(4) SUBSTANTIAL RISK OF FORFEITURE.—The rights of a person to compensation are subject to a substantial risk of forfeiture if such person's rights to such compensation are conditioned upon the future performance of substantial services by any individual.

''(5) TREATMENT OF EARNINGS.—References to deferred compensation shall be treated as including references to income (whether actual or notional) attributable to such compensation or such income.

''(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations—

''(1) providing for the determination of amounts of deferral in the case of a nonqualified deferred compensation plan which is a defined benefit plan,

''(2) relating to changes in the ownership and control of a corporation or assets of a corporation for purposes of subsection (a)(2)(A)(v),

''(3) exempting arrangements from the application of subsection (b) if such arrangements will not result in an improper deferral of United States tax and will not result in assets being effectively beyond the reach of creditors,

''(4) defining financial health for purposes of subsection (b)(2), and

''(5) disregarding a substantial risk of forfeiture in cases where necessary to carry out the purposes of this section.''.

(b) W–2 FORMS.—

(1) IN GENERAL.—Subsection (a) of section 6051 (relating to receipts for employees) is amended by striking ''and'' at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting '', and'', and by inserting after paragraph (12) the following new paragraph:

''(13) the total amount of deferrals under a nonqualified deferred compensation plan (within the meaning of section 409A(d)).''.

(2) THRESHOLD.—Subsection (a) of section 6051 is amended by adding at the end the following: ''In the case of the amounts required to be shown by paragraph (13), the Secretary (by regulation) may establish a minimum amount of deferrals below which paragraph (13) does not apply and may provide that paragraph (13) does not apply with respect to amounts of deferrals which are not reasonably ascertainable.''.

(c) CONFORMING AND CLERICAL AMENDMENTS.—

(1) Section 414(b) is amended by inserting ''409A,'' after ''408(p),''.

(2) Section 414(c) is amended by inserting ''409A,'' after ''408(p),''.

(3) The table of sections for such subpart A of part I of subchapter D of chapter 1 is amended by adding at the end the following new item:

''Sec. 409A. Inclusion in gross income of deferred compensation under nonqualified deferred compensation plans.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to amounts deferred after June 3, 2004.

(2) CERTAIN AMOUNTS DEFERRED IN 2004 UNDER CERTAIN IRREVOCABLE ELECTIONS AND BINDING ARRANGEMENTS.—The amendments made by this section shall not apply to amounts deferred after June 3, 2004, and before January 1, 2005, pursuant to an irrevocable election or binding arrangement made before June 4, 2004.

(3) EARNINGS ATTRIBUTABLE TO AMOUNT PREVIOUSLY DEFERRED.—The amendments made by this section shall apply to earnings on deferred compensation only to the extent that such amendments apply to such compensation.

(e) GUIDANCE RELATING TO CHANGE OF OWNERSHIP OR CONTROL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall issue guidance on what constitutes a change in ownership or effective control for purposes of section 409A of the Internal Revenue Code of 1986, as added by this section.

(f) GUIDANCE RELATING TO TERMINATION OF CERTAIN EXISTING ARRANGEMENTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall issue guidance providing a limited period during which an individual participating in a nonqualified deferred compensation plan adopted before June 4, 2004, may, without violating the requirements of paragraphs (2), (3), and (4) of section 409A(a)(2) of the Internal Revenue Code of 1986 (as added by this section), terminate participation or cancel an outstanding deferral election with regard to amounts earned after June 3, 2004, if such amounts are includible in income as earned.

Subtitle E—Other Revenue Provisions

SEC. 681. QUALIFIED TAX COLLECTION CONTRACTS.

(a) CONTRACT REQUIREMENTS.—

(1) IN GENERAL.—Subchapter A of chapter 64 (relating to collection) is amended by adding at the end the following new section:

"SEC. 6306. QUALIFIED TAX COLLECTION CONTRACTS.

''(a) IN GENERAL.—Nothing in any provision of law shall be construed to prevent the Secretary from entering into a qualified tax collection contract.

''(b) QUALIFIED TAX COLLECTION CONTRACT.—For purposes of this section, the term 'qualified tax collection contract' means any contract which—

''(1) is for the services of any person (other than an officer or employee of the Treasury Department)—

''(A) to locate and contact any taxpayer specified by the Secretary,

''(B) to request full payment from such taxpayer of an amount of Federal tax specified by the Secretary and, if such request cannot be met by the taxpayer, to offer the taxpayer an installment agreement providing for full payment of such amount during a period not to exceed 5 years, and

''(C) to obtain financial information specified by the Secretary with respect to such taxpayer,

''(2) prohibits each person providing such services under such contract from committing any act or omission which employees of the Internal Revenue Service are prohibited from committing in the performance of similar services,

''(3) prohibits subcontractors from—

''(A) having contacts with taxpayers,

''(B) providing quality assurance services, and

''(C) composing debt collection notices, and

''(4) permits subcontractors to perform other services only with the approval of the Secretary.

''(c) FEES.—The Secretary may retain and use an amount not in excess of 25 percent of the amount collected under any qualified tax collection contract for the costs of services performed under such contract. The Secretary shall keep adequate records regarding amounts so retained and used. The amount credited as paid by any taxpayer shall be determined without regard to this subsection.

''(d) NO FEDERAL LIABILITY.—The United States shall not be liable for any act or omission of any person performing services under a qualified tax collection contract.

''(e) APPLICATION OF FAIR DEBT COLLECTION PRACTICES ACT.—The provisions of the Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.) shall apply to any qualified tax collection contract, except to the extent superseded by section 6304, section 7602(c), or by any other provision of this title.

''(f) CROSS REFERENCES.—

''(1) For damages for certain unauthorized collection actions by persons performing services under a qualified tax collection contract, see section 7433A.

''(2) For application of Taxpayer Assistance Orders to persons performing services under a qualified tax collection contract, see section 7811(a)(4).''.

(2) CONFORMING AMENDMENTS.—

(A) Section 7809(a) is amended by inserting ''6306,'' before ''7651''.

(B) The table of sections for subchapter A of chapter 64 is amended by adding at the end the following new item:

''Sec. 6306. Qualified Tax Collection Contracts.''.

(b) CIVIL DAMAGES FOR CERTAIN UNAUTHORIZED COLLECTION ACTIONS BY PERSONS PERFORMING SERVICES UNDER QUALIFIED TAX COLLECTION CONTRACTS.—

(1) In general.—Subchapter B of chapter 76 (relating to proceedings by taxpayers and third parties) is amended by inserting after section 7433 the following new section:

''SEC. 7433A. CIVIL DAMAGES FOR CERTAIN UNAUTHORIZED COLLECTION ACTIONS BY PERSONS PERFORMING SERVICES UNDER QUALIFIED TAX COLLECTION CONTRACTS.

''(a) IN GENERAL.—Subject to the modifications provided by subsection (b), section 7433 shall apply to the acts and omissions of any person performing services under a qualified tax collection contract (as defined in section 6306(b)) to the same extent and in the same manner as if such person were an employee of the Internal Revenue Service.

''(b) MODIFICATIONS.—For purposes of subsection (a)—

''(1) Any civil action brought under section 7433 by reason of this section shall be brought against the person who entered into the qualified tax collection contract with the Secretary and shall not be brought against the United States.

''(2) Such person and not the United States shall be liable for any damages and costs determined in such civil action.

''(3) Such civil action shall not be an exclusive remedy with respect to such person.

''(4) Subsections (c), (d)(1), and (e) of section 7433 shall not apply.''.

(2) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 76 is amended by inserting after the item relating to section 7433 the following new item:

''Sec. 7433A. Civil damages for certain unauthorized collection actions by persons performing services under qualified tax collection contracts.''.

(c) APPLICATION OF TAXPAYER ASSISTANCE ORDERS TO PERSONS PERFORMING SERVICES UNDER A QUALIFIED TAX COLLECTION CONTRACT.—Section 7811 (relating to taxpayer assistance orders) is amended by adding at the end the following new subsection:

''(g) APPLICATION TO PERSONS PERFORMING SERVICES UNDER A QUALIFIED TAX COLLECTION CONTRACT.—Any order issued or action taken by the National Taxpayer Advocate pursuant to this section shall apply to persons performing services under a qualified tax collection contract (as defined in section 6306(b)) to the same extent and in the same manner as such order or action applies to the Secretary.''.

(d) INELIGIBILITY OF INDIVIDUALS WHO COMMIT MISCONDUCT TO PERFORM UNDER CONTRACT.—Section 1203 of the Internal Revenue Service Restructuring Act of 1998 (relating to termination of employment for misconduct) is amended by adding at the end the following new subsection:

''(e) INDIVIDUALS PERFORMING SERVICES UNDER A QUALIFIED TAX COLLECTION CONTRACT.—An individual shall cease to be permitted to perform any services under any qualified tax collection contract (as defined in section 6306(b) of the Internal Revenue Code of 1986) if there is a final determination by the Secretary of the Treasury under such contract that such individual committed any act or omission described under subsection (b) in connection with the performance of such services.''.

(e) EFFECTIVE DATE.—The amendments made to this section shall take effect on the date of the enactment of this Act.

SEC. 682. TREATMENT OF CHARITABLE CONTRIBUTIONS OF PATENTS AND SIMILAR PROPERTY.

(a) IN GENERAL.—Subparagraph (B) of section 170(e)(1) is amended by striking ''or'' at the end of clause (i), by adding ''or'' at the end of clause (ii), and by inserting after clause (ii) the following new clause:

''(iii) of any patent, copyright (other than a copyright described in section 1221(a)(3) or 1231(b)(1)(C)), trademark, trade name, trade secret, know-how, software (other than software described in section 197(e)(3)(A)(i)), or similar property, or applications or registrations of such property,''.

(b) CERTAIN DONEE INCOME FROM INTELLECTUAL PROPERTY TREATED AS AN ADDITIONAL CHARITABLE CONTRIBUTION.—Section 170 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) CERTAIN DONEE INCOME FROM INTELLECTUAL PROPERTY TREATED AS AN ADDITIONAL CHARITABLE CONTRIBUTION.—

''(1) TREATMENT AS ADDITIONAL CONTRIBUTION.—In the case of a taxpayer who makes a qualified intellectual property contribution, the deduction allowed under subsection (a) for each taxable year of the taxpayer ending on or after the date of such contribution shall be increased (subject to the limitations under subsection (b)) by the applicable percentage of qualified donee income with respect to such contribution which is properly allocable to such year under this subsection.

''(2) REDUCTION IN ADDITIONAL DEDUCTIONS TO EXTENT OF INITIAL DEDUCTION.—With respect to any qualified intellectual property contribution, the deduction allowed under subsection (a) shall be increased under paragraph (1) only to the extent that the aggregate amount of such increases with respect to such contribution exceed the amount allowed as a deduction under subsection (a) with respect to such contribution determined without regard to this subsection.

''(3) QUALIFIED DONEE INCOME.—For purposes of this subsection, the term 'qualified donee income' means any net income received by or accrued to the donee which is properly allocable to the qualified intellectual property.

''(4) ALLOCATION OF QUALIFIED DONEE INCOME TO TAXABLE YEARS OF DONOR.—For purposes of this subsection, qualified donee income shall be treated as properly allocable to a taxable year of the donor if such income is received by or accrued to the donee for the taxable year of the donee which ends within or with such taxable year of the donor.

''(5) 10-YEAR LIMITATION.—Income shall not be treated as properly allocable to qualified intellectual property for purposes of this subsection if such income is received by or accrued to the donee after the 10-year period beginning on the date of the contribution of such property.

''(6) BENEFIT LIMITED TO LIFE OF INTELLECTUAL PROPERTY.—Income shall not be treated as properly allocable to qualified intellectual property for purposes of this subsection if such income is received by or accrued to the donee after the expiration of the legal life of such property.

''(7) APPLICABLE PERCENTAGE.—For purposes of this subsection, the term 'applicable percentage' means the percentage determined under the following table which corresponds to a taxable year of the donor ending on or after the date of the qualified intellectual property contribution:

''Taxable Year of Donor Ending on or After Date of Contribution:	Applicable Percentage:
1st	100
2nd	100
3rd	90
4th	80
5th	70
6th	60
7th	50
8th	40
9th	30
10th	20
11th	10
12th	10.

''(8) QUALIFIED INTELLECTUAL PROPERTY CONTRIBUTION.—For purposes of this subsection, the term 'qualified intellectual property contribution' means any charitable contribution of qualified intellectual property—

''(A) the amount of which taken into account under this section is reduced by reason of subsection (e)(1), and

''(B) with respect to which the donor informs the donee at the time of such contribution that the donor intends to treat such contribution as a qualified intellectual property contribution for purposes of this subsection and section 6050L.

''(9) QUALIFIED INTELLECTUAL PROPERTY.—For purposes of this subsection, the term 'qualified intellectual property' means property described in subsection (e)(1)(B)(iii) (other than property contributed to or for the use of an organization described in subsection (e)(1)(B)(ii)).

''(10) OTHER SPECIAL RULES.—

''(A) APPLICATION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.—Any increase under this subsection of the deduction provided under subsection (a) shall be treated for purposes of subsection (b) as a deduction which is attributable to a charitable contribution to the donee to which such increase relates.

''(B) NET INCOME DETERMINED BY DONEE.—The net income taken into account under paragraph (3) shall not exceed the amount of such income reported under section 6050L(b)(1).

''(C) DEDUCTION LIMITED TO 12 TAXABLE YEARS.—Except as may be provided under subparagraph (D)(i), this subsection shall not apply with respect to any qualified intellectual property contribution for any taxable year of the donor after the 12th taxable year of the donor which ends on or after the date of such contribution.

''(D) REGULATIONS.—The Secretary may issue regulations or other guidance to carry out the

purposes of this subsection, including regulations or guidance—

''(i) modifying the application of this subsection in the case of a donor or donee with a short taxable year, and

''(ii) providing for the determination of an amount to be treated as net income of the donee which is properly allocable to qualified intellectual property in the case of a donee who uses such property to further a purpose or function constituting the basis of the donee's exemption under section 501 (or, in the case of a governmental unit, any purpose described in section 170(c)) and does not possess a right to receive any payment from a third party with respect to such property.''.

(c) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Section 6050L (relating to returns relating to certain dispositions of donated property) is amended to read as follows:

''SEC. 6050L. RETURNS RELATING TO CERTAIN DONATED PROPERTY.

''(a) DISPOSITIONS OF DONATED PROPERTY.—

''(1) IN GENERAL.—If the donee of any charitable deduction property sells, exchanges, or otherwise disposes of such property within 2 years after its receipt, the donee shall make a return (in accordance with forms and regulations prescribed by the Secretary) showing—

''(A) the name, address, and TIN of the donor,

''(B) a description of the property,

''(C) the date of the contribution,

''(D) the amount received on the disposition, and

''(E) the date of such disposition.

''(2) DEFINITIONS.—For purposes of this subsection—

''(A) CHARITABLE DEDUCTION PROPERTY.—The term 'charitable deduction property' means any property (other than publicly traded securities) contributed in a contribution for which a deduction was claimed under section 170 if the claimed value of such property (plus the claimed value of all similar items of property donated by the donor to 1 or more donees) exceeds $5,000.

''(B) PUBLICLY TRADED SECURITIES.—The term 'publicly traded securities' means securities for which (as of the date of the contribution) market quotations are readily available on an established securities market.

''(b) QUALIFIED INTELLECTUAL PROPERTY CONTRIBUTIONS.—

''(1) IN GENERAL.—Each donee with respect to a qualified intellectual property contribution shall make a return (at such time and in such form and manner as the Secretary may by regulations prescribe) with respect to each specified taxable year of the donee showing—

''(A) the name, address, and TIN of the donor,

''(B) a description of the qualified intellectual property contributed,

''(C) the date of the contribution, and

''(D) the amount of net income of the donee for the taxable year which is properly allocable to the qualified intellectual property (determined without regard to paragraph (10)(B) of section 170(m) and with the modifications described in paragraphs (5) and (6) of such section).

''(2) DEFINITIONS.—For purposes of this subsection—

''(A) IN GENERAL.—Terms used in this subsection which are also used in section 170(m) have the respective meanings given such terms in such section.

''(B) SPECIFIED TAXABLE YEAR.—The term 'specified taxable year' means, with respect to any qualified intellectual property contribution, any taxable year of the donee any portion of which is part of the 10-year period beginning on the date of such contribution.

''(c) STATEMENT TO BE FURNISHED TO DONORS.—Every person making a return under subsection (a) or (b) shall furnish a copy of such return to the donor at such time and in such manner as the Secretary may by regulations prescribe.''.

(2) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter A of chapter 61 is amended by striking the item relating to section 6050L and inserting the following new item:

''Sec. 6050L. Returns relating to certain donated property.''.

(d) COORDINATION WITH APPRAISAL REQUIREMENTS.—Subclause (I) of section 170(f)(11)(A)(ii), as added by section 683, is amended by inserting ''subsection (e)(1)(B)(iii) or'' before ''section 1221(a)(1)''.

(e) ANTI-ABUSE RULES.—The Secretary of the Treasury may prescribe such regulations or other guidance as may be necessary or appropriate to prevent the avoidance of the purposes of section 170(e)(1)(B)(iii) of the Internal Revenue Code of 1986 (as added by subsection (a)), including preventing—

(1) the circumvention of the reduction of the charitable deduction by embedding or bundling the patent or similar property as part of a charitable contribution of property that includes the patent or similar property,

(2) the manipulation of the basis of the property to increase the amount of the charitable deduction through the use of related persons, pass-thru entities, or other intermediaries, or through the use of any provision of law or regulation (including the consolidated return regulations), and

(3) a donor from changing the form of the patent or similar property to property of a form for which different deduction rules would apply.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after June 3, 2004.

SEC. 683. INCREASED REPORTING FOR NONCASH CHARITABLE CONTRIBUTIONS.

(a) IN GENERAL.—Subsection (f) of section 170 (relating to disallowance of deduction in certain cases and special rules) is amended by adding after paragraph (10) the following new paragraph:

''(11) QUALIFIED APPRAISAL AND OTHER DOCUMENTATION FOR CERTAIN CONTRIBUTIONS.—

''(A) IN GENERAL.—

''(i) DENIAL OF DEDUCTION.—In the case of an individual, partnership, or corporation, no deduction shall be allowed under subsection (a) for any contribution of property for which a deduction of more than $500 is claimed unless such person meets the requirements of subparagraphs (B), (C), and (D), as the case may be, with respect to such contribution.

''(ii) EXCEPTIONS.—

''(I) READILY VALUED PROPERTY.—Subparagraphs (C) and (D) shall not apply to cash, property described in section 1221(a)(1), and publicly traded securities (as defined in section 6050L(a)(2)(B)).

''(II) REASONABLE CAUSE.—Clause (i) shall not apply if it is shown that the failure to meet such requirements is due to reasonable cause and not to willful neglect.

''(B) PROPERTY DESCRIPTION FOR CONTRIBUTIONS OF MORE THAN $500.—In the case of contributions of property for which a deduction of more than $500 is claimed, the requirements of this subparagraph are met if the individual, partnership or corporation includes with the return for the taxable year in which the contribution is made a description of such property and such other information as the Secretary may require. The requirements of this subparagraph shall not apply to a C corporation which is not a personal service corporation or a closely held C corporation.

''(C) QUALIFIED APPRAISAL FOR CONTRIBUTIONS OF MORE THAN $5,000.—In the case of contributions of property for which a deduction of more than $5,000 is claimed, the requirements of this subparagraph are met if the individual, partnership, or corporation obtains a qualified appraisal of such property and attaches to the return for the taxable year in which such contribution is made such information regarding such property and such appraisal as the Secretary may require.

''(D) SUBSTANTIATION FOR CONTRIBUTIONS OF MORE THAN $500,000.—In the case of contributions of property for which a deduction of more than $500,000 is claimed, the requirements of this subparagraph are met if the individual, partnership, or corporation attaches to the return for the taxable year a qualified appraisal of such property.

''(E) QUALIFIED APPRAISAL.—For purposes of this paragraph, the term 'qualified appraisal' means, with respect to any property, an appraisal of such property which is treated for purposes of this paragraph as a qualified appraisal under regulations or other guidance prescribed by the Secretary.

''(F) AGGREGATION OF SIMILAR ITEMS OF PROPERTY.—For purposes of determining thresholds under this paragraph, property and all similar items of property donated to 1 or more donees shall be treated as 1 property.

''(G) SPECIAL RULE FOR PASS-THRU ENTITIES.—In the case of a partnership or S corporation, this paragraph shall be applied at the entity level, except that the deduction shall be denied at the partner or shareholder level.

''(H) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to carry out the purposes of this paragraph, including regulations that may provide that some or all of the requirements of this paragraph do not apply in appropriate cases.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after June 3, 2004.

SEC. 684. DONATIONS OF MOTOR VEHICLES, BOATS, AND AIRCRAFT.

(a) IN GENERAL.—Subsection (f) of section 170 (relating to disallowance of deduction in certain cases and special rules) is amended by adding after paragraph (11) the following new paragraph:

''(12) CONTRIBUTIONS OF MOTOR VEHICLES, BOATS, AND AIRCRAFT.—

''(A) IN GENERAL.—Except as provided in regulations or other guidance, in the case of a contribution of a specified vehicle to which paragraph (8) applies, no deduction shall be allowed under subsection (a) for such contribution unless the taxpayer obtains a qualified appraisal of the specified vehicle on or before the date of such contribution.

''(B) EXCEPTION FOR INVENTORY PROPERTY.—Subparagraph (A) shall not apply to property which is described in section 1221(a)(1).

''(C) SPECIFIED VEHICLE.—For purposes of this paragraph, the term 'specified vehicle' means any—

''(i) motor vehicle manufactured primarily for use on public streets, roads, and highways,

''(ii) boat, or

''(iii) aircraft.

''(D) QUALIFIED APPRAISAL.—For purposes of this paragraph, the term 'qualified appraisal' means any appraisal which is treated for purposes of this paragraph as a qualified appraisal under regulations or other guidance prescribed by the Secretary.

''(E) REGULATIONS OR OTHER GUIDANCE.—The Secretary shall prescribe such regulations or other guidance as may be necessary to carry out the purposes of this paragraph.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to contributions made after June 3, 2004.

SEC. 685. EXTENSION OF AMORTIZATION OF INTANGIBLES TO SPORTS FRANCHISES.

(a) IN GENERAL.—Section 197(e) (relating to exceptions to definition of section 197 intangible) is amended by striking paragraph (6) and by redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively.

(b) CONFORMING AMENDMENTS.—

(1)(A) Section 1056 (relating to basis limitation for player contracts transferred in connection with the sale of a franchise) is repealed.

(B) The table of sections for part IV of subchapter O of chapter 1 is amended by striking the item relating to section 1056.

(2) Section 1245(a) (relating to gain from disposition of certain depreciable property) is amended by striking paragraph (4).

(3) Section 1253 (relating to transfers of franchises, trademarks, and trade names) is amended by striking subsection (e).

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to property acquired after the date of the enactment of this Act.

(2) SECTION 1245.—The amendment made by subsection (b)(2) shall apply to franchises acquired after the date of the enactment of this Act.

SEC. 686. MODIFICATION OF CONTINUING LEVY ON PAYMENTS TO FEDERAL VENDERS.

(a) IN GENERAL.—Section 6331(h) (relating to continuing levy on certain payments) is amended by adding at the end the following new paragraph:

''(3) INCREASE IN LEVY FOR CERTAIN PAYMENTS.—Paragraph (1) shall be applied by substituting '100 percent' for '15 percent' in the case of any specified payment due to a vendor of goods or services sold or leased to the Federal Government.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 687. MODIFICATION OF STRADDLE RULES.

(a) RULES RELATING TO IDENTIFIED STRADDLES.—

(1) IN GENERAL.—Subparagraph (A) of section 1092(a)(2) (relating to special rule for identified straddles) is amended to read as follows:

''(A) IN GENERAL.—In the case of any straddle which is an identified straddle—

''(i) paragraph (1) shall not apply with respect to identified positions comprising the identified straddle,

''(ii) if there is any loss with respect to any identified position of the identified straddle, the basis of each of the identified offsetting positions in the identified straddle shall be increased by an amount which bears the same ratio to the loss as the unrecognized gain with respect to such offsetting position bears to the aggregate unrecognized gain with respect to all such offsetting positions, and

''(iii) any loss described in clause (ii) shall not otherwise be taken into account for purposes of this title.''.

(2) IDENTIFIED STRADDLE.—Section 1092(a)(2)(B) (defining identified straddle) is amended—

(A) by striking clause (ii) and inserting the following:

''(ii) to the extent provided by regulations, the value of each position of which (in the hands of the taxpayer immediately before the creation of the straddle) is not less than the basis of such position in the hands of the taxpayer at the time the straddle is created, and'', and

(B) by adding at the end the following new flush sentence:

''The Secretary shall prescribe regulations which specify the proper methods for clearly identifying a straddle as an identified straddle (and the positions comprising such straddle), which specify the rules for the application of this section for a taxpayer which fails to properly identify the positions of an identified straddle, and which specify the ordering rules in cases where a taxpayer disposes of less than an entire position which is part of an identified straddle.''.

(3) UNRECOGNIZED GAIN.—Section 1092(a)(3) (defining unrecognized gain) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) SPECIAL RULE FOR IDENTIFIED STRADDLES.—For purposes of paragraph (2)(A)(ii), the unrecognized gain with respect to any identified offsetting position shall be the excess of the fair market value of the position at the time of the determination over the fair market value of the position at the time the taxpayer identified the position as a position in an identified straddle.''.

(4) CONFORMING AMENDMENT.—Section 1092(c)(2) is amended by striking subparagraph (B) and by redesignating subparagraph (C) as subparagraph (B).

(b) PHYSICALLY SETTLED POSITIONS.—Section 1092(d) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

''(8) SPECIAL RULES FOR PHYSICALLY SETTLED POSITIONS.—For purposes of subsection (a), if a taxpayer settles a position which is part of a straddle by delivering property to which the position relates (and such position, if terminated, would result in a realization of a loss), then such taxpayer shall be treated as if such taxpayer—

''(A) terminated the position for its fair market value immediately before the settlement, and

''(B) sold the property so delivered by the taxpayer at its fair market value.''.

(c) REPEAL OF STOCK EXCEPTION.—

(1) IN GENERAL.—Paragraph (3) of section 1092(d) (relating to definitions and special rules) is amended to read as follows:

''(3) SPECIAL RULES FOR STOCK.—For purposes of paragraph (1)—

''(A) IN GENERAL.—The term 'personal property' includes—

''(i) any stock which is a part of a straddle at least 1 of the offsetting positions of which is a position with respect to such stock or substantially similar or related property, or

''(ii) any stock of a corporation formed or availed of to take positions in personal property which offset positions taken by any shareholder.

''(B) RULE FOR APPLICATION.—For purposes of determining whether subsection (e) applies to any transaction with respect to stock described in subparagraph (A)(ii), all includible corporations of an affiliated group (within the meaning of section 1504(a)) shall be treated as 1 taxpayer.''.

(2) CONFORMING AMENDMENT.—Section 1258(d)(1) is amended by striking ''; except that the term 'personal property' shall include stock''.

(d) HOLDING PERIOD FOR DIVIDEND EXCLUSION.—The last sentence of section 246(c) is amended by inserting: '', other than a qualified covered call option to which section 1092(f) applies'' before the period at the end.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to positions established on or after the date of the enactment of this Act.

SEC. 688. ADDITION OF VACCINES AGAINST HEPATITIS A TO LIST OF TAXABLE VACCINES.

(a) IN GENERAL.—Paragraph (1) of section 4132(a) (defining taxable vaccine) is amended by redesignating subparagraphs (I), (J), (K), and (L) as subparagraphs (J), (K), (L), and (M), respectively, and by inserting after subparagraph (H) the following new subparagraph:

''(I) Any vaccine against hepatitis A.''

(b) EFFECTIVE DATE.—

(1) SALES, ETC.—The amendments made by subsection (a) shall apply to sales and uses on or after the first day of the first month which begins more than 4 weeks after the date of the enactment of this Act.

(2) DELIVERIES.—For purposes of paragraph (1) and section 4131 of the Internal Revenue Code of 1986, in the case of sales on or before the effective date described in such paragraph for which delivery is made after such date, the delivery date shall be considered the sale date.

SEC. 689. ADDITION OF VACCINES AGAINST INFLUENZA TO LIST OF TAXABLE VACCINES.

(a) IN GENERAL.—Section 4132(a)(1) (defining taxable vaccine), as amended by this Act, is amended by adding at the end the following new subparagraph:

''(N) Any trivalent vaccine against influenza.''.

(b) EFFECTIVE DATE.—

(1) SALES, ETC.—The amendment made by this section shall apply to sales and uses on or after the later of—

(A) the first day of the first month which begins more than 4 weeks after the date of the enactment of this Act, or

(B) the date on which the Secretary of Health and Human Services lists any vaccine against influenza for purposes of compensation for any vaccine-related injury or death through the Vaccine Injury Compensation Trust Fund.

(2) DELIVERIES.—For purposes of paragraph (1) and section 4131 of the Internal Revenue Code of 1986, in the case of sales on or before the effective date described in such paragraph for which delivery is made after such date, the delivery date shall be considered the sale date.

SEC. 690. EXTENSION OF IRS USER FEES.

(a) IN GENERAL.—Section 7528(c) (relating to termination) is amended by striking ''December 31, 2004'' and inserting ''September 30, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to requests after the date of the enactment of this Act.

SEC. 691. COBRA FEES.

(a) USE OF MERCHANDISE PROCESSING FEE.—Section 13031(f) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)) is amended—

(1) in paragraph (1), by aligning subparagraph (B) with subparagraph (A); and

(2) in paragraph (2), by striking ''commercial operations'' and all that follows through ''processing.'' and inserting ''customs revenue functions as defined in section 415 of the Homeland Security Act of 2002 (other than functions performed by the Office of International Affairs referred to in section 415(8) of that Act), and for automation (including the Automation Commercial Environment computer system), and for no other purpose. To the extent that funds in the Customs User Fee Account are insufficient to pay the costs of such customs revenue functions, customs duties in an amount equal to the amount of such insufficiency shall be available, to the extent provided for in appropriations Acts, to pay the costs of such customs revenue functions in the amount of such insufficiency, and shall be available for no other purpose. The provisions of the first and second sentences of this paragraph specifying the purposes for which amounts in the Customs User Fee Account may be made available shall not be superseded except by a provision of law which specifically modifies or supersedes such provisions.''.

(b) REIMBURSEMENT OF APPROPRIATIONS FROM COBRA FEES.—Section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)) is amended by adding at the end the following:

''(E) Nothing in this paragraph shall be construed to preclude the use of appropriated funds, from sources other than the fees collected under subsection (a), to pay the costs set forth in clauses (i), (ii), and (iii) of subparagraph (A).''.

(c) SENSE OF CONGRESS; EFFECTIVE PERIOD FOR COLLECTING FEES; STANDARD FOR SETTING FEES.—

(1) SENSE OF CONGRESS.—The Congress finds that—

(A) the fees set forth in paragraphs (1) through (8) of subsection (a) of section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 have been reasonably related to the costs of providing customs services in connection with the activities or items for which the fees have been charged under such paragraphs; and

(B) the fees collected under such paragraphs have not exceeded, in the aggregate, the amounts paid for the costs described in subsection (f)(3)(A) incurred in providing customs services in connection with the activities or items for which the fees were charged under such paragraphs.

(2) EFFECTIVE PERIOD; STANDARD FOR SETTING FEES.—Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 is amended to read as follows:

''(3)(A) Fees may not be charged under paragraphs (9) and (10) of subsection (a) after September 30, 2014.

''(B)(i) Subject to clause (ii), Fees may not be charged under paragraphs (1) through (8) of subsection (a) after September 30, 2014.

''(ii) In fiscal year 2006 and in each succeeding fiscal year for which fees under paragraphs (1) through (8) of subsection (a) are authorized—

''(I) the Secretary of the Treasury shall charge fees under each such paragraph in amounts that are reasonably related to the costs of providing customs services in connection with the activity or item for which the fee is charged under such paragraph, except that in no case may the fee charged under any such paragraph exceed by more than 10 percent the amount otherwise prescribed by such paragraph;

''(II) the amount of fees collected under such paragraphs may not exceed, in the aggregate, the amounts paid in that fiscal year for the costs described in subsection (f)(3)(A) incurred in providing customs services in connection with the activity or item for which the fees are charged under such paragraphs;

''(III) a fee may not be collected under any such paragraph except to the extent such fee will be expended to pay the costs described in subsection (f)(3)(A) incurred in providing customs services in connection with the activity or item for which the fee is charged under such paragraph; and

''(IV) any fee collected under any such paragraph shall be available for expenditure only to pay the costs described in subsection (f)(3)(A) incurred in providing customs services in connection with the activity or item for which the fee is charged under such paragraph.''.

(d) CLERICAL AMENDMENTS.—Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 is amended—

(1) in subsection (a)(5)(B), by striking ''$1.75'' and inserting ''$1.75.'';

(2) in subsection (b)—

(A) in paragraph (1)(A), by aligning clause (iii) with clause (ii);

(B) in paragraph (7), by striking ''paragraphs'' and inserting ''paragraph''; and

(C) in paragraph (9), by aligning subparagraph (B) with subparagraph (A); and

(3) in subsection (e)(2), by aligning subparagraph (B) with subparagraph (A).

(e) STUDY OF ALL FEES COLLECTED BY DEPARTMENT OF HOMELAND SECURITY.—The Secretary of the Treasury shall conduct a study of all the fees collected by the Department of Homeland Security, and shall submit to the Congress, not later than September 30, 2005, a report containing the recommendations of the Secretary on—

(1) what fees should be eliminated;

(2) what the rate of fees retained should be; and

(3) any other recommendations with respect to the fees that the Secretary considers appropriate.

TITLE VII—MARKET REFORM FOR TOBACCO GROWERS

SEC. 701. SHORT TITLE.

This title may be cited as the ''Fair and Equitable Tobacco Reform Act of 2004''.

SEC. 702. EFFECTIVE DATE.

This title and the amendments made by this title shall apply beginning with the 2005 marketing year of each kind of tobacco.

Subtitle A—Termination of Federal Tobacco Quota and Price Support Programs

SEC. 711. TERMINATION OF TOBACCO QUOTA PROGRAM AND RELATED PROVISIONS.

(a) MARKETING QUOTAS.—Part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) is repealed.

(b) PROCESSING.—Section 9(b) of the Agricultural Adjustment Act (7 U.S.C. 609(b)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended—

(1) in paragraph (2), by striking ''tobacco,''; and

(2) in paragraph (6)(B)(i), by striking '', or, in the case of tobacco, is less than the fair exchange value by not more than 10 per centum,''.

(c) DECLARATION OF POLICY.—Section 2 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1282) is amended by striking ''tobacco,''.

(d) DEFINITIONS.—Section 301(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1301(b)) is amended—

(1) in paragraph (3)—

(A) by striking subparagraph (C); and

(B) by redesignating subparagraph (D) as subparagraph (C);

(2) in paragraph (6)(A), by striking ''tobacco,'';

(3) in paragraph (10)—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B);

(4) in paragraph (11)(B), by striking ''and tobacco'';

(5) in paragraph (12), by striking ''tobacco,'';

(6) in paragraph (14)—

(A) in subparagraph (A), by striking ''(A)''; and

(B) by striking subparagraphs (B), (C), and (D);

(7) by striking paragraph (15);

(8) in paragraph (16)—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B);

(9) by striking paragraph (17); and

(10) by redesignating paragraph (16) as paragraph (15).

(e) PARITY PAYMENTS.—Section 303 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1303) is amended in the first sentence by striking ''rice, or tobacco,'' and inserting ''or rice,''.

(f) ADMINISTRATIVE PROVISIONS.—Section 361 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1361) is amended by striking ''tobacco,''.

(g) ADJUSTMENT OF QUOTAS.—Section 371 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1371) is amended—

(1) in the first sentence of subsection (a), by striking ''rice, or tobacco'' and inserting ''or rice''; and

(2) in the first sentence of subsection (b), by striking ''rice, or tobacco'' and inserting ''or rice''.

(h) REGULATIONS.—Section 375 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1375) is amended—

(1) in subsection (a), by striking ''peanuts, or tobacco'' and inserting ''or peanuts''; and

(2) by striking subsection (c).

(i) EMINENT DOMAIN.—Section 378 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1378) is amended—

(1) in the first sentence of subsection (c), by striking ''cotton, and tobacco'' and inserting ''and cotton''; and

(2) by striking subsections (d), (e), and (f).

(j) BURLEY TOBACCO FARM RECONSTITUTION.—Section 379 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1379) is amended—

(1) in subsection (a)—

(A) by striking ''(a)''; and

(B) in paragraph (6), by striking '', but this clause (6) shall not be applicable in the case of burley tobacco''; and

(2) by striking subsections (b) and (c).

(k) ACREAGE-POUNDAGE QUOTAS.—Section 4 of the Act of April 16, 1955 (Public Law 89–12; 7 U.S.C. 1314c note), is repealed.

(l) BURLEY TOBACCO ACREAGE ALLOTMENTS.—The Act of July 12, 1952 (7 U.S.C. 1315), is repealed.

(m) TRANSFER OF ALLOTMENTS.—Section 703 of the Food and Agriculture Act of 1965 (7 U.S.C. 1316) is repealed.

(n) ADVANCE RECOURSE LOANS.—Section 13(a)(2)(B) of the Food Security Improvements Act of 1986 (7 U.S.C. 1433c–1(a)(2)(B)) is amended by striking ''tobacco and''.

(o) TOBACCO FIELD MEASUREMENT.—Section 1112 of the Omnibus Budget Reconciliation Act of 1987 (Public Law 100–203) is amended by striking subsection (c).

SEC. 712. TERMINATION OF TOBACCO PRICE SUPPORT PROGRAM AND RELATED PROVISIONS.

(a) TERMINATION OF TOBACCO PRICE SUPPORT AND NO NET COST PROVISIONS.—Sections 106, 106A, and 106B of the Agricultural Act of 1949 (7 U.S.C. 1445, 1445–1, 1445–2) are repealed.

(b) PARITY PRICE SUPPORT.—Section 101 of the Agricultural Act of 1949 (7 U.S.C. 1441) is amended—

(1) in the first sentence of subsection (a), by striking ''tobacco (except as otherwise provided herein), corn,'' and inserting ''corn'';

(2) by striking subsections (c), (g), (h), and (i);

(3) in subsection (d)(3)—

(A) by striking '', except tobacco,''; and

(B) by striking ''and no price support shall be made available for any crop of tobacco for which marketing quotas have been disapproved by producers;''; and

(4) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(c) DEFINITION OF BASIC AGRICULTURAL COMMODITY.—Section 408(c) of the Agricultural Act of 1949 (7 U.S.C. 1428(c)) is amended by striking ''tobacco,''.

(d) POWERS OF COMMODITY CREDIT CORPORATION.—Section 5 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c) is amended by inserting ''(other than tobacco)'' after ''agricultural commodities'' each place it appears.

SEC. 713. CONTINUATION OF LIABILITY AND NO NET LOSS ASSESSMENTS TO PREVENT LOSSES ON PRICE SUPPORT LOANS.

(a) LIABILITY.—The amendments made by this subtitle shall not affect the liability of any person under any provision of law so amended with respect to any crop of tobacco planted before the effective date applicable to that kind of tobacco under section 702.

(b) ASSESSMENT AUTHORITY.—

(1) ASSESSMENTS TO COVER OUTSTANDING LOAN COSTS.—The Commodity Credit Corporation shall impose and collect an assessment on the sale of 2005 and subsequent crops of each kind of tobacco and on the importation of tobacco in such amounts as may be necessary to obtain funds sufficient to cover any losses incurred by the Corporation with respect to price support loans that—

(A) were made for that kind of tobacco under section 106 of the Agricultural Act of 1949 (7 U.S.C. 1445), before the repeal of such section by section 712 of this Act; and

(B) remain outstanding on or after the date of the enactment of this Act.

(2) ADMINISTRATION.—Assessments under paragraph (1) shall be administered in the manner provided for in section 106B of the Agricultural Act of 1949 (7 U.S.C. 1445–2), as in effect the day before the date of the enactment of this Act. To cover the costs of administering such assessments, the Commodity Credit Corporation shall use funds remaining in the No Net Cost Tobacco Funds and No Net Cost Tobacco Accounts established pursuant to sections 106A and 106B of the Agricultural Act of 1949 (7 U.S.C. 1445–1, 1445–2).

Subtitle B—Transitional Payments to Tobacco Quota Holders and Active Producers of Tobacco

SEC. 721. DEFINITIONS OF ACTIVE TOBACCO PRODUCER AND QUOTA HOLDER.

In this subtitle:

(1) ACTIVE TOBACCO PRODUCER.—The term ''active tobacco producer'' means an owner, operator, landlord, tenant, or sharecropper who—

(A) shared in the risk of producing tobacco on a farm where tobacco was produced or considered planted pursuant to a tobacco farm marketing quota or farm acreage allotment established under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) for the 2004 marketing year; and

(B) was actively engaged on that farm.

(2) CONSIDERED PLANTED.—The term ''considered planted'' means tobacco that was planted, but failed to be produced as a result of a natural disaster, as determined by the Secretary.

(3) TOBACCO QUOTA HOLDER.—The term ''tobacco quota holder'' means a person that was an owner of a farm, as of July 1, 2004, for which a basic tobacco farm marketing quota or farm acreage allotment for quota tobacco was established for the 2004 tobacco marketing year.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 722. PAYMENTS TO TOBACCO QUOTA HOLDERS.

(a) PAYMENT REQUIRED.—The Secretary shall make payments to each eligible tobacco quota holder for the termination of tobacco marketing quotas and related price support under subtitle A, which shall constitute full and fair compensation for any losses relating to such termination.

(b) ELIGIBILITY.—To be eligible to receive a payment under this section, a person shall submit to the Secretary an application containing such information as the Secretary may require to demonstrate to the satisfaction of the Secretary that the person satisfies the definition of tobacco quota holder. The application shall be submitted within such time, in such form, and in such manner as the Secretary may require.

(c) INDIVIDUAL BASE QUOTA LEVEL.—

(1) IN GENERAL.—The Secretary shall establish a base quota level applicable to each eligible tobacco quota holder identified under subsection (b).

(2) POUNDAGE QUOTAS.—Subject to adjustment under subsection (d), for each kind of tobacco for which the marketing quota is expressed in pounds, the base quota level for each tobacco quota holder shall be equal to the basic tobacco marketing quota under the Agriculture Adjustment Act of 1938 for the marketing year in effect on the date of the enactment of this Act for quota tobacco on the farm owned by the tobacco quota holder.

(3) MARKETING QUOTAS OTHER THAN POUNDAGE QUOTAS.—Subject to adjustment under subsection (d), for each kind of tobacco for which there is marketing quota or allotment on an acreage basis, the base quota level for each tobacco quota holder shall be the amount equal to the product obtained by multiplying—

(A) the basic tobacco farm marketing quota or allotment for the marketing year in effect on the date of the enactment of this Act, as established by the Secretary for quota tobacco on the farm owned by the tobacco quota holder; by

(B) the average county production yield per acre for the county in which the farm is located for the kind of tobacco for that marketing year.

(d) TREATMENT OF CERTAIN CONTRACTS AND AGREEMENTS.—

(1) EFFECT OF PURCHASE CONTRACT.—If there was an agreement for the purchase of all or part of a farm described in subsection (c) as of the date of the enactment of this Act, and the parties to the sale are unable to agree to the disposition of eligibility for payments under this section, the Secretary, taking into account any transfer of quota that has been agreed to, shall provide for the equitable division of the payments among the parties by adjusting the determination of who is the tobacco quota holder with respect to particular pounds of the quota.

(2) EFFECT OF AGREEMENT FOR PERMANENT QUOTA TRANSFER.—If the Secretary determines that there was in existence, as of the day before the date of the enactment of this Act, an agreement for the permanent transfer of quota, but that the transfer was not completed by that date, the Secretary shall consider the tobacco quota holder to be the party to the agreement that, as of that date, was the owner of the farm to which the quota was to be transferred.

(e) TOTAL PAYMENT AMOUNTS BASED ON 2002 MARKETING YEAR.—

(1) CALCULATION OF ANNUAL PAYMENT AMOUNT.—During fiscal years 2005 through 2009, the Secretary shall make payments to all eligible tobacco quota holders identified under subsection (b) in an annual amount equal to the product obtained by multiplying, for each kind of tobacco—

(A) $1.40 per pound; by

(B) the total national basic marketing quota established under the Agriculture Adjustment Act of 1938 for the 2002 marketing year for that kind of tobacco.

(2) MARKETING QUOTAS OTHER THAN POUNDAGE QUOTAS.—For each kind of tobacco for which there is a marketing quota or allotment on an acreage basis, the Secretary shall convert the tobacco farm marketing quotas or allotments established under the Agriculture Adjustment Act of 1938 for the 2002 marketing year for that kind of tobacco as the Secretary considers appropriate.

(f) INDIVIDUAL PAYMENT AMOUNTS.—The annual payment amount for each eligible tobacco quota holder with respect to a kind of tobacco under this section shall bear the same ratio to the amount determined by the Secretary under subsection (e) with respect to that kind of tobacco as the individual base quota level of that eligible tobacco quota holder under subsection (c) with respect to that kind of tobacco bears to the total base quota levels of all eligible tobacco quota holders with respect to that kind of tobacco.

(g) DEATH OF TOBACCO QUOTA HOLDER.—If a tobacco quota holder who is entitled to payments under this section dies and is survived by a spouse or one or more dependents, the right to receive the payments shall transfer to the surviving spouse or, if there is no surviving spouse, to the estate of the tobacco quota holder.

SEC. 723. TRANSITION PAYMENTS FOR ACTIVE PRODUCERS OF QUOTA TOBACCO.

(a) TRANSITION PAYMENTS REQUIRED.—The Secretary shall make transition payments under this section to eligible active producers of quota tobacco.

(b) ELIGIBILITY.—To be eligible to receive a transition payment under this section, a person shall submit to the Secretary an application containing such information as the Secretary may require to demonstrate to the satisfaction of the Secretary that the person satisfies the definition of active producer of quota tobacco. The application shall be submitted within such time, in such form, and in such manner as the Secretary may require.

(c) CURRENT PRODUCTION BASE.—The Secretary shall establish a production base applicable to each eligible active producer of quota tobacco identified under subsection (b). A producer's production base shall be equal to the quantity, in pounds, of quota tobacco subject to the basic marketing quota marketed or considered planted by the producer under the Agriculture Adjustment Act of 1938 for the marketing year in effect on the date of the enactment of this Act.

(d) TOTAL PAYMENT AMOUNTS BASED ON 2002 MARKETING YEAR.—

(1) CALCULATION OF ANNUAL PAYMENT AMOUNT.—During fiscal years 2005 through 2009, the Secretary shall make payments to all eligible active producers of quota tobacco identified under subsection (b) in an annual amount equal to the product obtained by multiplying, for each kind of tobacco—

(A) $0.60 per pound; by

(B) the total national effective marketing quota established under the Agriculture Adjustment Act of 1938 for the 2002 marketing year for that kind of tobacco.

(2) MARKETING QUOTAS OTHER THAN POUNDAGE QUOTAS.—For each kind of tobacco for which there is a marketing quota or allotment on an acreage basis, the Secretary shall convert the tobacco farm marketing quotas or allotments established under the Agriculture Adjustment Act of 1938 for the 2002 marketing year for that kind of tobacco to a poundage basis before executing the mathematical equation specified in paragraph (1).

(e) INDIVIDUAL PAYMENT AMOUNTS.—The annual payment amount for each eligible active producer of quota tobacco identified under subsection (b) with respect to a kind of tobacco under this section shall bear the same ratio to the amount determined by the Secretary under subsection (d) with respect to that kind of tobacco as the individual production base of that eligible active producer under subsection (c) with respect to that kind of tobacco bears to the total production bases determined under that subsection for all eligible active producers of that kind of tobacco.

(f) DEATH OF TOBACCO PRODUCER.—If a tobacco producer who is entitled to payments under this section dies and is survived by a spouse or one or more dependents, the right to receive the payments shall transfer to the surviving spouse or, if there is no surviving spouse, to the estate of the tobacco producer.

SEC. 724. RESOLUTION OF DISPUTES.

Any dispute regarding the eligibility of a person to receive a payment under this subtitle, or the amount of the payment, shall be resolved by the county committee established under section 8 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h) for the county or other area in which the farming operation of the person is located.

SEC. 725. SOURCE OF FUNDS FOR PAYMENTS.

There is hereby appropriated to the Secretary, from amounts in the general fund of the Treasury, such amounts as the Secretary needs in order to make the payments required by sections 722 and 723, except that such amounts shall not exceed the lesser of—

(1) amounts received in the Treasury under chapter 52 of the Internal Revenue Code of 1986 (relating to tobacco products and cigarette papers and tubes) during the period beginning on October 1, 2004, and ending on September 30, 2009, or

(2) $9,600,000,000.

TITLE VIII—TRADE PROVISIONS

SEC. 801. CEILING FANS.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

''	9902.84.14	Ceiling fans for permanent installation (provided for in subheading 8414.51.00)	Free	No change	No change	On or before 12/31/2006	''.

(b) EFFECTIVE DATE.—The amendment made by this section applies to goods entered, or withdrawn from warehouse, for consumption on or after the 15th day after the date of enactment of this Act.

SEC. 802. CERTAIN STEAM GENERATORS, AND CERTAIN REACTOR VESSEL HEADS, USED IN NUCLEAR FACILITIES.

(a) CERTAIN STEAM GENERATORS.—Heading 9902.84.02 of the Harmonized Tariff Schedule of the United States is amended by striking ''12/31/2006'' and inserting ''12/31/2008''.

(b) CERTAIN REACTOR VESSEL HEADS.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

''	9902.84.03	Reactor vessel heads for nuclear reactors (provided for in subheading 8401.40.00)	Free	No change	No change	On or before 12/31/2008	''.

(c) EFFECTIVE DATE.—

(1) SUBSECTION (a).—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to goods entered, or withdrawn from warehouse, for consumption on or after the 15th day after the date of the enactment of this Act.

When said bill, as amended, was considered and read twice.

After debate,

Pursuant to House Resolution 681, the previous question was ordered on the bill, as amended.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. RANGEL moved to recommit the bill to the Committee on Ways and Means with instructions to report the bill back to the House forthwith with the following amendments:

Strike all after the enacting clause other than title VII and insert before title VII the following:

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the ''American Jobs Creation Act of 2004''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; etc.

TITLE I—ELIMINATE TRADE SANCTIONS AND REDUCE CORPORATE AND NONCORPORATE TAX RATES FOR DOMESTIC PRODUCERS

Sec. 101. Repeal of exclusion for extraterritorial income.
Sec. 102. Deduction relating to income attributable to United States production activities.

TITLE II—ADDITIONAL BUSINESS BENEFITS

Subtitle A—Small Business Expensing

Sec. 201. 2-year extension of increased expensing for small business.

Subtitle B—S Corporation Reform and Simplification

Sec. 211. Members of family treated as 1 shareholder.
Sec. 212. Increase in number of eligible shareholders to 100.
Sec. 213. Expansion of bank S corporation eligible shareholders to include IRAs.
Sec. 214. Disregard of unexercised powers of appointment in determining potential current beneficiaries of ESBT.
Sec. 215. Transfer of suspended losses incident to divorce, etc.
Sec. 216. Use of passive activity loss and at-risk amounts by qualified subchapter S trust income beneficiaries.
Sec. 217. Exclusion of investment securities income from passive income test for bank S corporations.
Sec. 218. Treatment of bank director shares.
Sec. 219. Relief from inadvertently invalid qualified subchapter S subsidiary elections and terminations.
Sec. 220. Information returns for qualified subchapter S subsidiaries.
Sec. 221. Repayment of loans for qualifying employer securities.

Subtitle C—Toll Tax on Excess Qualified Foreign Distribution Amount

Sec. 231. Toll tax on excess qualified foreign distribution amount.

TITLE III—EXTENSION OF EXPIRING PROVISIONS

Sec. 301. Allowance of nonrefundable personal credits against regular and minimum tax liability.
Sec. 302. Extension of research credit.
Sec. 303. Extension of credit for electricity produced from certain renewable resources.
Sec. 304. Indian employment tax credit.
Sec. 305. Work opportunity credit.
Sec. 306. Welfare-to-work credit.
Sec. 307. Certain expenses of elementary and secondary school teachers.
Sec. 308. Extension of accelerated depreciation benefit for property on Indian reservations.
Sec. 309. Charitable contributions of computer technology and equipment used for educational purposes.
Sec. 310. Expensing of environmental remediation costs.
Sec. 311. Availability of medical savings accounts.
Sec. 312. Taxable income limit on percentage depletion for oil and natural gas produced from marginal properties.
Sec. 313. Qualified zone academy bonds.
Sec. 314. District of Columbia.
Sec. 315. Extension of certain New York liberty zone bond financing.
Sec. 316. Disclosures relating to terrorist activities.
Sec. 317. Disclosure of return information relating to student loans.
Sec. 318. Cover over of tax on distilled spirits.
Sec. 319. Joint review of strategic plans and budget for the Internal Revenue Service.
Sec. 320. Parity in the application of certain limits to mental health benefits.
Sec. 321. Combined employment tax reporting project.
Sec. 322. Clean-fuel vehicles.

TITLE IV—PERMANENT DEDUCTION FOR STATE AND LOCAL GENERAL RETAIL SALES TAXES

Sec. 401. Deduction of State and local general sales taxes in lieu of State and local income taxes.

TITLE V—PROVISIONS TO PREVENT TAX AVOIDANCE THROUGH INDIVIDUAL AND CORPORATE EXPATRIATION

Subtitle A—Individual Expatriation

Sec. 501. Imposition of mark-to-market tax on individuals who expatriate.

Subtitle B—Corporate Expatriation

Sec. 511. Prevention of corporate expatriation to avoid United States income tax.

TITLE VI—OTHER REVENUE OFFSETS

Subtitle A—Provisions Designed To Curtail Tax Shelters

Sec. 601. Clarification of economic substance doctrine.
Sec. 602. Penalty for failing to disclose reportable transaction.
Sec. 603. Accuracy-related penalty for listed transactions and other reportable transactions having a significant tax avoidance purpose.
Sec. 604. Penalty for understatements attributable to transactions lacking economic substance, etc.
Sec. 605. Modifications of substantial understatement penalty for nonreportable transactions.
Sec. 606. Tax shelter exception to confidentiality privileges relating to taxpayer communications.
Sec. 607. Disclosure of reportable transactions.
Sec. 608. Modifications to penalty for failure to register tax shelters.
Sec. 609. Modification of penalty for failure to maintain lists of investors.
Sec. 610. Modification of actions to enjoin certain conduct related to tax shelters and reportable transactions.
Sec. 611. Understatement of taxpayer's liability by income tax return preparer.
Sec. 612. Penalty on failure to report interests in foreign financial accounts.
Sec. 613. Frivolous tax submissions.
Sec. 614. Regulation of individuals practicing before the department of treasury.
Sec. 615. Penalty for promoting abusive tax shelters.
Sec. 616. Statute of limitations for taxable years for which required listed transactions not reported.
Sec. 617. Denial of deduction for interest on underpayments attributable to nondisclosed reportable and noneconomic substance transactions.
Sec. 618. Authorization of appropriations for tax law enforcement.
Sec. 619. Penalty for aiding and abetting the understatement of tax liability.
Sec. 620. Study on information sharing among law enforcement agencies.

Subtitle B—Enron-Related Tax Shelter Provisions

Sec. 631. Limitation on transfer or importation of built-in losses.
Sec. 632. No reduction of basis under section 734 in stock held by partnership in corporate partner.
Sec. 633. Repeal of special rules for FASITs.
Sec. 634. Expanded disallowance of deduction for interest on convertible debt.
Sec. 635. Expanded authority to disallow tax benefits under section 269.
Sec. 636. Modification of interaction between subpart F and passive foreign investment company rules.

Subtitle C—Restructuring of Incentives for Alcohol Fuels, Etc.

Sec. 641. Reduced rates of tax on gasohol replaced with excise tax credit; repeal of other alcohol-based fuel incentives; etc.
Sec. 642. Alcohol fuel subsidies borne by general fund.

Subtitle D—Reduction of Fuel Tax Evasion

Sec. 651. Exemption from certain excise taxes for mobile machinery.
Sec. 652. Taxation of aviation-grade kerosene.
Sec. 653. Dye injection equipment.
Sec. 654. Authority to inspect on-site records.
Sec. 655. Registration of pipeline or vessel operators required for exemption of bulk transfers to registered terminals or refineries.
Sec. 656. Display of registration.
Sec. 657. Penalties for failure to register and failure to report.
Sec. 658. Collection from customs bond where importer not registered.

Sec. 659. Modifications of tax on use of certain vehicles.
Sec. 660. Modification of ultimate vendor refund claims with respect to farming.
Sec. 661. Dedication of revenues from certain penalties to the highway trust fund.
Sec. 662. Taxable fuel refunds for certain ultimate vendors.
Sec. 663. Two-party exchanges.
Sec. 664. Simplification of tax on tires.
Subtitle E—Prevention of Tax Avoidance Through Treaty Shopping
Sec. 671. Denial of treaty benefits for certain deductible payments.
Sec. 672. Transfer price reduced by deflected tax haven income.
Subtitle F—Additions to List of Taxable Vaccines
Sec. 681. Addition of vaccines against hepatitis A to list of taxable vaccines.
Sec. 682. Addition of vaccines against influenza to list of taxable vaccines.
Subtitle G—Other Provisions
Sec. 691. IRS user fees made permanent.
Sec. 692. Cobra fees.

TITLE I—ELIMINATE TRADE SANCTIONS AND REDUCE CORPORATE AND NON-CORPORATE TAX RATES FOR DOMESTIC PRODUCERS

SEC. 101. REPEAL OF EXCLUSION FOR EXTRATERRITORIAL INCOME.

(a) IN GENERAL.—Section 114 of the Internal Revenue Code of 1986 is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1)(A) Subpart E of part III of subchapter N of chapter 1 (relating to qualifying foreign trade income) is hereby repealed.

(B) The table of subparts for such part III is amended by striking the item relating to subpart E.

(2) The table of sections for part III of subchapter B of chapter 1 is amended by striking the item relating to section 114.

(3) The second sentence of section 56(g)(4)(B)(i) is amended by striking ''or under section 114''.

(4) Section 275(a) is amended—

(A) by inserting ''or'' at the end of paragraph (4)(A), by striking ''or'' at the end of paragraph (4)(B) and inserting a period, and by striking subparagraph (C), and

(B) by striking the last sentence.

(5) Paragraph (3) of section 864(e) is amended—

(A) by striking:

''(3) TAX-EXEMPT ASSETS NOT TAKEN INTO ACCOUNT.—

''(A) IN GENERAL.—For purposes of''; and inserting:

''(3) TAX-EXEMPT ASSETS NOT TAKEN INTO ACCOUNT.—For purposes of'', and

(B) by striking subparagraph (B).

(6) Section 903 is amended by striking ''114, 164(a),'' and inserting ''164(a)''.

(7) Section 999(c)(1) is amended by striking ''941(a)(5),''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to transactions occurring after December 31, 2004.

(2) BINDING CONTRACTS.—The amendments made by this section shall not apply to any transaction in the ordinary course of a trade or business which occurs pursuant to a binding contract—

(A) which is between the taxpayer and a person who is not a related person (as defined in section 943(b)(3) of such Code, as in effect on the day before the date of the enactment of this Act), and

(B) which is in effect on September 17, 2003, and at all times thereafter.

(d) REVOCATION OF SECTION 943(e) ELECTIONS.—

(1) IN GENERAL.—In the case of a corporation that elected to be treated as a domestic corporation under section 943(e) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of this Act)—

(A) the corporation may revoke such election, effective as of the close of December 31, 2004, and

(B) if the corporation does revoke such election—

(i) such corporation shall be treated as a domestic corporation transferring (as of December 31, 2004) all of its property to a foreign corporation in connection with an exchange described in section 354 of the Internal Revenue Code of 1986, and

(ii) no gain or loss shall be recognized on such transfer.

(2) EXCEPTION.—Subparagraph (B)(ii) of paragraph (1) shall not apply to gain on any asset held by the revoking corporation if—

(A) the basis of such asset is determined in whole or in part by reference to the basis of such asset in the hands of the person from whom the revoking corporation acquired such asset,

(B) the asset was acquired by transfer (not as a result of the election under section 943(e) of such Code) occurring on or after the 1st day on which its election under section 943(e) of such Code was effective, and

(C) a principal purpose of the acquisition was the reduction or avoidance of tax (other than a reduction in tax under section 114 of such Code, as in effect on the day before the date of the enactment of this Act).

(e) GENERAL TRANSITION.—

(1) IN GENERAL.—In the case of a taxable year ending after the date of the enactment of this Act and beginning before January 1, 2007, for purposes of chapter 1 of such Code, each current FSC/ETI beneficiary shall be allowed a deduction equal to the transition amount determined under this subsection with respect to such beneficiary for such year.

(2) CURRENT FSC/ETI BENEFICIARY.—The term ''current FSC/ETI beneficiary'' means any corporation which entered into one or more transactions during its taxable year beginning in calendar year 2001 with respect to which FSC/ETI benefits were allowable.

(3) TRANSITION AMOUNT.—For purposes of this subsection—

(A) IN GENERAL.—The transition amount applicable to any current FSC/ETI beneficiary for any taxable year is the phaseout percentage of the base period amount.

(B) PHASEOUT PERCENTAGE.—

(i) IN GENERAL.—In the case of a taxpayer using the calendar year as its taxable year, the phaseout percentage shall be determined under the following table:

"Years:	The phaseout percentage is:
2005	80
2006	60
2007 and thereafter	0

(ii) SPECIAL RULE FOR FISCAL YEAR TAXPAYERS.—In the case of a taxpayer not using the calendar year as its taxable year, the phaseout percentage is the weighted average of the phaseout percentages determined under the preceding provisions of this paragraph with respect to calendar years any portion of which is included in the taxpayer's taxable year. The weighted average shall be determined on the basis of the respective portions of the taxable year in each calendar year.

(4) BASE PERIOD AMOUNT.—For purposes of this subsection, the base period amount is the aggregate FSC/ETI benefits for the taxpayer's taxable year beginning in calendar year 2001.

(5) FSC/ETI BENEFIT.—For purposes of this subsection, the term 'FSC/ETI benefit' means—

(A) amounts excludable from gross income under section 114 of such Code, and

(B) the exempt foreign trade income of related foreign sales corporations from property acquired from the taxpayer (determined without regard to section 923(a)(5) of such Code (relating to special rule for military property), as in effect on the day before the date of the enactment of the FSC Repeal and Extraterritorial Income Exclusion Act of 2000).

In determining the FSC/ETI benefit there shall be excluded any amount attributable to a transaction with respect to which the taxpayer is the lessor unless the leased property was manufactured or produced in whole or in significant part by the taxpayer.

(6) SPECIAL RULE FOR FARM AND HORTICULTURAL COOPERATIVES.—Determinations under this subsection with respect to an organization described in section 943(g)(1) of such Code, as in effect on the day before the date of the enactment of this Act, shall be made at the cooperative level and the purposes of this subsection shall be carried out in a manner similar to section 199(h)(2) of such Code, as added by this Act. Such determinations shall be in accordance with such requirements and procedures as the Secretary may prescribe.

(7) CERTAIN RULES TO APPLY.—Rules similar to the rules of section 41(f) of such Code shall apply for purposes of this subsection.

(8) COORDINATION WITH BINDING CONTRACT RULE.—The deduction determined under paragraph (1) for any taxable year shall be reduced by the phaseout percentage of any FSC/ETI benefit realized for the taxable year by reason of subsection (c)(2) or section 5(c)(1)(B) of the FSC Repeal and Extraterritorial Income Exclusion Act of 2000.

(9) SPECIAL RULE FOR CERTAIN TAXABLE YEARS WHICH INCLUDE DECEMBER 31, 2004.—In the case of a taxable year which is not a calendar year and which includes December 31, 2004, the deduction allowed under this subsection to any current FSC/ETI beneficiary shall in no event exceed—

(A) 100 percent of such beneficiary's base period amount, reduced by

(B) the aggregate FSC/ETI benefits of such beneficiary with respect to transactions occurring during the portion of the taxable year ending on December 31, 2004.

SEC. 102. DEDUCTION RELATING TO INCOME ATTRIBUTABLE TO UNITED STATES PRODUCTION ACTIVITIES.

(a) IN GENERAL.—Part VII of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations) is amended by adding at the end the following new section:

"SEC. 199. INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES.

''(a) IN GENERAL.—There shall be allowed as a deduction an amount equal to 10 percent of the qualified production activities income of the taxpayer for the taxable year.

''(b) PHASEIN.—In the case of taxable years beginning in 2005, 2006, or 2007, subsection (a) shall be applied by substituting for the percentage contained therein the transition percentage determined under the following table:

"Taxable years beginning in:	The transition percentage is:
2005	3
2006	6
2007	9

''(c) QUALIFIED PRODUCTION ACTIVITIES INCOME.—For purposes of this section, the term 'qualified production activities income' means the product of—

''(1) the portion of the modified taxable income of the taxpayer which is attributable to domestic production activities, and

''(2) the domestic/worldwide fraction.

''(d) DETERMINATION OF INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES.—For purposes of this section—

''(1) IN GENERAL.—The portion of the modified taxable income which is attributable to domestic production activities is so much of the modified taxable income for the taxable year as does not exceed—

''(A) the taxpayer's domestic production gross receipts for such taxable year, reduced by

''(B) the sum of—

''(i) the costs of goods sold that are allocable to such receipts,

''(ii) other deductions, expenses, or losses directly allocable to such receipts, and

''(iii) a proper share of other deductions, expenses, and losses that are not directly allocable to such receipts or another class of income.

''(2) ALLOCATION METHOD.—The Secretary shall prescribe rules for the proper allocation of items of income, deduction, expense, and loss for purposes of determining income attributable to domestic production activities.

''(3) SPECIAL RULE FOR DETERMINING COSTS.—

''(A) For purposes of determining costs under clause (i) of paragraph (1)(B), any item or service brought into the United States shall be treated as acquired by purchase, and its cost shall be treated as not less than its value in the United States, determined immediately after it was brought into the United States. A similar rule shall apply in determining the adjusted basis of leased or rented property where the lease or rental gives rise to domestic production gross receipts.

''(B) In the case of any property described in subparagraph (A) that had been exported by the taxpayer for further manufacture, the increase in cost (or adjusted basis) under subparagraph (A) shall not exceed the difference between the value of the property when exported and the value of the property when brought back into the United States after the further manufacture.

''(4) MODIFIED TAXABLE INCOME.—The term 'modified taxable income' means taxable income computed without regard to the deduction allowable under this section.

''(e) DOMESTIC PRODUCTION GROSS RECEIPTS.—For purposes of this section—

''(1) IN GENERAL.—The term 'domestic production gross receipts' means the gross receipts of the taxpayer which are derived from—

''(A) any sale, exchange, or other disposition of, or

''(B) any lease, rental or license of,

qualifying production property which was manufactured, produced, grown, or extracted in whole or in significant part by the taxpayer within the United States.

''(2) SPECIAL RULES FOR CERTAIN PROPERTY.—In the case of any qualifying production property described in subsection (f)(1)(C)—

(A) such property shall be treated for purposes of paragraph (1) as produced in significant part by the taxpayer within the United States if more than 50 percent of the aggregate development and production costs are incurred by the taxpayer within the United States, and

(B) if a taxpayer acquires such property before such property begins to generate substantial gross receipts, any development or production costs incurred before the acquisition shall be treated as incurred by the taxpayer for purposes of subparagraph (A) and paragraph (1).

''(f) QUALIFYING PRODUCTION PROPERTY.—For purposes of this section—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'qualifying production property' means—

''(A) any tangible personal property,

''(B) any computer software, and

''(C) any property described in paragraph (3) or (4) of section 168(f), including any underlying copyright or trademark.

Subparagraph (C) shall not apply to any property with respect to which records are required to be maintained under section 2257 of title 18, United States Code.

''(2) EXCLUSIONS FROM QUALIFYING PRODUCTION PROPERTY.—The term 'qualifying production property' shall not include—

''(A) consumable property that is sold, leased, or licensed by the taxpayer as an integral part of the provision of services,

''(B) oil or gas (or any primary product thereof),

''(C) electricity,

''(D) water supplied by pipeline to the consumer,

''(E) utility services, or

''(F) any property (not described in paragraph (1)(B)) which is a film, tape, recording, book, magazine, newspaper, or similar property the market for which is primarily topical or otherwise essentially transitory in nature.

''(3) SPECIAL RULE FOR NONCORPORATE TAXPAYERS.—In the case of a taxpayer other than a corporation subject to tax under section 11, the term 'qualifying production property' only includes—

''(A) agricultural or horticultural products, including timber, and

''(B) other tangible personal property not described in subparagraph (B) or (C) of paragraph (1) and not described in section 1221(a)(3).

''(g) DOMESTIC/WORLDWIDE FRACTION.—For purposes of this section—

''(1) IN GENERAL.—The term 'domestic/worldwide fraction' means a fraction (not greater than 1)—

''(A) the numerator of which is the value of the domestic production of the taxpayer, and

''(B) the denominator of which is the value of the worldwide production of the taxpayer.

''(2) VALUE OF DOMESTIC PRODUCTION.—The value of domestic production is the excess (if any) of—

''(A) the domestic production gross receipts, over

''(B) the cost of purchased inputs allocable to such receipts that are deductible under this chapter for the taxable year.

''(3) PURCHASED INPUTS.—

''(A) IN GENERAL.—Purchased inputs are any of the following items acquired by purchase:

''(i) Services (other than services of employees) used in manufacture, production, growth, or extraction activities.

''(ii) Items consumed in connection with such activities.

''(iii) Items incorporated as part of the property being manufactured, produced, grown, or extracted.

''(B) SPECIAL RULE.—Rules similar to the rules of subsection (d)(3) shall apply for purposes of this subsection.

''(4) VALUE OF WORLDWIDE PRODUCTION.—

''(A) IN GENERAL.—The value of worldwide production shall be determined under the principles of paragraph (2), except that—

''(i) worldwide production gross receipts shall be taken into account, and

''(ii) paragraph (3)(B) shall not apply.

''(B) WORLDWIDE PRODUCTION GROSS RECEIPTS.—The worldwide production gross receipts is the amount that would be determined under subsection (e) if such subsection were applied without any reference to the United States.

''(h) DEFINITIONS AND SPECIAL RULES.—

''(1) UNITED STATES.—For purposes of this section, the term 'United States' includes the Commonwealth of Puerto Rico and any other possession of the United States.

''(2) EXCLUSION FOR PATRONS OF AGRICULTURAL AND HORTICULTURAL COOPERATIVES.—

''(A) IN GENERAL.—If any amount described in paragraph (1) or (3) of section 1385 (a)—

''(i) is received by a person from an organization to which part I of subchapter T applies which is engaged in the marketing of agricultural or horticultural products, and

''(ii) is allocable to the portion of the qualified production activities income of the organization which is deductible under subsection (a) (determined as if the organization were a corporation if it is not) and designated as such by the organization in a written notice mailed to its patrons during the payment period described in section 1382(a),

then such person shall be allowed an exclusion from gross income with respect to such amount. The taxable income of the organization shall not be reduced under section 1382 by the portion of any such amount with respect to which an exclusion is allowable to a person by reason of this paragraph.

''(B) SPECIAL RULES.—For purposes of applying subparagraph (A), in determining the qualified production activities income of the organization under this section—

''(i) there shall not be taken into account in computing the organization's modified taxable income any deduction allowable under subsection (b) or (c) of section 1382 (relating to patronage dividends, per-unit retain allocations, and nonpatronage distributions), and

''(ii) the organization shall be treated as having manufactured, produced, grown, or extracted in whole or significant part any qualifying production property marketed by the organization which its patrons have so manufactured, produced, grown, or extracted.

''(3) SPECIAL RULES FOR PARTNERSHIPS AND S CORPORATIONS.—For purposes of this section, a partner's distributive share of any partnership item shall be taken into account as if directly realized by the partner. A rule similar to the rule of the preceding sentence shall apply in the case of a shareholder in an S Corporation.

''(4) SPECIAL RULE FOR AFFILIATED GROUPS.—

''(A) IN GENERAL.—All members of an expanded affiliated group shall be treated as a single corporation for purposes of this section.

''(B) EXPANDED AFFILIATED GROUP.—The term 'expanded affiliated group' means an affiliated group as defined in section 1504(a), determined—

''(i) by substituting '50 percent' for '80 percent' each place it appears, and

''(ii) without regard to paragraphs (2) and (4) of section 1504(b).

For purposes of determining the domestic/worldwide fraction under subsection (g), clause (ii) shall be applied by also disregarding paragraphs (3) and (8) of section 1504(b).

''(5) COORDINATION WITH MINIMUM TAX.—The deduction under this section shall be allowed for purposes of the tax imposed by section 55; except that for purposes of section 55, alternative minimum taxable income shall be taken into account in determining the deduction under this section.

''(6) ORDERING RULE.—The amount of any other deduction allowable under this chapter shall be determined as if this section had not been enacted.

''(7) TRADE OR BUSINESS REQUIREMENT.—This section shall be applied by only taking into account items which are attributable to the actual conduct of a trade or business.

''(8) COORDINATION WITH TRANSITION RULES.—For purposes of this section—

''(A) domestic production gross receipts shall not include gross receipts from any

transaction if the binding contract transition relief of section 101(c)(2) of the American Jobs Creation Act of 2004 applies to such transaction, and

''(B) any deduction allowed under section 101(e) of such Act shall be disregarded in determining the portion of the taxable income which is attributable to domestic production gross receipts.''.

(b) CLERICAL AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 is amended by adding at the end the following new item:

''Sec. 199. Income attributable to domestic production activities.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years ending after December 31, 2004.

(2) APPLICATION OF SECTION 15.—Section 15 of the Internal Revenue Code of 1986 shall apply to the amendments made by this section as if they were changes in a rate of tax.

TITLE II—ADDITIONAL BUSINESS BENEFITS

Subtitle A—Small Business Expensing

SEC. 201. 2-YEAR EXTENSION OF INCREASED EXPENSING FOR SMALL BUSINESS.

Subsections (b), (c), and (d) of section 179 are each amended by striking ''2006'' each place it appears and inserting ''2008''.

Subtitle B—S Corporation Reform and Simplification

SEC. 211. MEMBERS OF FAMILY TREATED AS 1 SHAREHOLDER.

(a) IN GENERAL.—Paragraph (1) of section 1361(c) (relating to special rules for applying subsection (b)) is amended to read as follows:

''(1) MEMBERS OF FAMILY TREATED AS 1 SHAREHOLDER.—

''(A) IN GENERAL.—For purpose of subsection (b)(1)(A)—

''(i) except as provided in clause (ii), a husband and wife (and their estates) shall be treated as 1 shareholder, and

''(ii) in the case of a family with respect to which an election is in effect under subparagraph (D), all members of the family shall be treated as 1 shareholder.

''(B) MEMBERS OF THE FAMILY.—For purpose of subparagraph (A)(ii)—

''(i) IN GENERAL.—The term 'members of the family' means the common ancestor, lineal descendants of the common ancestor, and the spouses (or former spouses) of such lineal descendants or common ancestor.

''(ii) COMMON ANCESTOR.—For purposes of this paragraph, an individual shall not be considered a common ancestor if, as of the later of the effective date of this paragraph or the time the election under section 1362(a) is made, the individual is more than 3 generations removed from the youngest generation of shareholders who would (but for this clause) be members of the family. For purposes of the preceding sentence, a spouse (or former spouse) shall be treated as being of the same generation as the individual to which such spouse is (or was) married.

''(C) EFFECT OF ADOPTION, ETC.—In determining whether any relationship specified in subparagraph (B) exists, the rules of section 152(b)(2) shall apply.

''(D) ELECTION.—An election under subparagraph (A)(ii)—

''(i) may, except as otherwise provided in regulations prescribed by the Secretary, be made by any member of the family, and

''(ii) shall remain in effect until terminated as provided in regulations prescribed by the Secretary.''.

(b) RELIEF FROM INADVERTENT INVALID ELECTION OR TERMINATION.—Section 1362(f) (relating to inadvertent invalid elections or terminations), as amended by section 219, is amended—

(1) by inserting ''or section 1361(c)(1)(A)(ii)'' after ''section 1361(b)(3)(B)(ii),'' in paragraph (1), and

(2) by inserting ''or section 1361(c)(1)(D)(iii)'' after ''section 1361(b)(3)(C),'' in paragraph (1)(B).

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2004.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to elections and terminations made after December 31, 2004.

SEC. 212. INCREASE IN NUMBER OF ELIGIBLE SHAREHOLDERS TO 100.

(a) IN GENERAL.—Section 1361(b)(1)(A) (defining small business corporation) is amended by striking ''75'' and inserting ''100''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 213. EXPANSION OF BANK S CORPORATION ELIGIBLE SHAREHOLDERS TO INCLUDE IRAS.

(a) IN GENERAL.—Section 1361(c)(2)(A) (relating to certain trusts permitted as shareholders) is amended by inserting after clause (v) the following new clause:

''(vi) In the case of a corporation which is a bank (as defined in section 581), a trust which constitutes an individual retirement account under section 408(a), including one designated as a Roth IRA under section 408A, but only to the extent of the stock held by such trust in such bank as of the date of the enactment of this clause.''.

(b) TREATMENT AS SHAREHOLDER.—Section 1361(c)(2)(B) (relating to treatment as shareholders) is amended by adding at the end the following new clause:

''(vi) In the case of a trust described in clause (vi) of subparagraph (A), the individual for whose benefit the trust was created shall be treated as a shareholder.''.

(c) SALE OF BANK STOCK IN IRA RELATING TO S CORPORATION ELECTION EXEMPT FROM PROHIBITED TRANSACTION RULES.—Section 4975(d) (relating to exemptions) is amended by striking ''or'' at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting ''; or'', and by adding at the end the following new paragraph:

''(16) a sale of stock held by a trust which constitutes an individual retirement account under section 408(a) to the individual for whose benefit such account is established if—

''(A) such stock is in a bank (as defined in section 581),

''(B) such stock is held by such trust as of the date of the enactment of this paragraph,

''(C) such sale is pursuant to an election under section 1362(a) by such bank,

''(D) such sale is for fair market value at the time of sale (as established by an independent appraiser) and the terms of the sale are otherwise at least as favorable to such trust as the terms that would apply on a sale to an unrelated party,

''(E) such trust does not pay any commissions, costs, or other expenses in connection with the sale, and

''(F) the stock is sold in a single transaction for cash not later than 120 days after the S corporation election is made.''.

(d) CONFORMING AMENDMENT.—Section 512(e)(1) is amended by inserting ''1361(c)(2)(A)(vi) or'' before ''1361(c)(6)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 214. DISREGARD OF UNEXERCISED POWERS OF APPOINTMENT IN DETERMINING POTENTIAL CURRENT BENEFICIARIES OF ESBT.

(a) IN GENERAL.—Section 1361(e)(2) (defining potential current beneficiary) is amended—

(1) by inserting ''(determined without regard to any power of appointment to the extent such power remains unexercised at the end of such period)'' after ''of the trust'' in the first sentence, and

(2) by striking ''60-day'' in the second sentence and inserting ''1-year''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 215. TRANSFER OF SUSPENDED LOSSES INCIDENT TO DIVORCE, ETC.

(a) IN GENERAL.—Section 1366(d)(2) (relating to indefinite carryover of disallowed losses and deductions) is amended to read as follows:

''(2) INDEFINITE CARRYOVER OF DISALLOWED LOSSES AND DEDUCTIONS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), any loss or deduction which is disallowed for any taxable year by reason of paragraph (1) shall be treated as incurred by the corporation in the succeeding taxable year with respect to that shareholder.

''(B) TRANSFERS OF STOCK BETWEEN SPOUSES OR INCIDENT TO DIVORCE.—In the case of any transfer described in section 1041(a) of stock of an S corporation, any loss or deduction described in subparagraph (A) with respect such stock shall be treated as incurred by the corporation in the succeeding taxable year with respect to the transferee.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 216. USE OF PASSIVE ACTIVITY LOSS AND AT-RISK AMOUNTS BY QUALIFIED SUBCHAPTER S TRUST INCOME BENEFICIARIES.

(a) IN GENERAL.—Section 1361(d)(1) (relating to special rule for qualified subchapter S trust) is amended—

(1) by striking ''and'' at the end of subparagraph (A),

(2) by striking the period at the end of subparagraph (B) and inserting '', and'', and

(3) by adding at the end the following new subparagraph:

''(C) for purposes of applying sections 465 and 469 to the beneficiary of the trust, the disposition of the S corporation stock by the trust shall be treated as a disposition by such beneficiary.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers made after December 31, 2004.

SEC. 217. EXCLUSION OF INVESTMENT SECURITIES INCOME FROM PASSIVE INCOME TEST FOR BANK S CORPORATIONS.

(a) IN GENERAL.—Section 1362(d)(3) (relating to where passive investment income exceeds 25 percent of gross receipts for 3 consecutive taxable years and corporation has accumulated earnings and profits) is amended by adding at the end the following new subparagraph:

''(F) EXCEPTION FOR BANKS; ETC.—In the case of a bank (as defined in section 581), a bank holding company (within the meaning of section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(a))), or a financial holding company (within the meaning of section 2(p) of such Act), the term 'passive investment income' shall not include—

''(i) interest income earned by such bank or company, or

''(ii) dividends on assets required to be held by such bank or company, including stock in the Federal Reserve Bank, the Federal Home Loan Bank, or the Federal Agricultural Mortgage Bank or participation certificates issued by a Federal Intermediate Credit Bank.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 218. TREATMENT OF BANK DIRECTOR SHARES.

(a) IN GENERAL.—Section 1361 (defining S corporation) is amended by adding at the end the following new subsection:

''(f) RESTRICTED BANK DIRECTOR STOCK.—

''(1) IN GENERAL.—Restricted bank director stock shall not be taken into account as outstanding stock of the S corporation in applying this subchapter (other than section 1368(f)).

''(2) RESTRICTED BANK DIRECTOR STOCK.—For purposes of this subsection, the term 'restricted bank director stock' means stock in a bank (as defined in section 581), a bank holding company (within the meaning of section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(a))), or a financial holding company (within the meaning of section 2(p) of such Act), registered with the Federal Reserve System if such stock—

''(A) is required to be held by an individual under applicable Federal or State law in order to permit such individual to serve as a director, and

''(B) is subject to an agreement with such bank or company (or a corporation which controls (within the meaning of section 368(c)) such bank or company) pursuant to which the holder is required to sell back such stock (at the same price as the individual acquired such stock) upon ceasing to hold the office of director.

''(3) CROSS REFERENCE.—

"For treatment of certain distributions with respect to restricted bank director stock, see section 1368(f).".

(b) DISTRIBUTIONS.—Section 1368 (relating to distributions) is amended by adding at the end the following new subsection:

''(f) RESTRICTED BANK DIRECTOR STOCK.—If a director receives a distribution (not in part or full payment in exchange for stock) from an S corporation with respect to any restricted bank director stock (as defined in section 1361(f)), the amount of such distribution—

''(1) shall be includible in gross income of the director, and

''(2) shall be deductible by the corporation for the taxable year of such corporation in which or with which ends the taxable year in which such amount in included in the gross income of the director.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 219. RELIEF FROM INADVERTENTLY INVALID QUALIFIED SUBCHAPTER S SUBSIDIARY ELECTIONS AND TERMINATIONS.

(a) IN GENERAL.—Section 1362(f) (relating to inadvertent invalid elections or terminations) is amended—

(1) by inserting '', section 1361(b)(3)(B)(ii),'' after ''subsection (a)'' in paragraph (1),

(2) by inserting '', section 1361(b)(3)(C),'' after ''subsection (d)'' in paragraph (1)(B),

(3) by amending paragraph (3)(A) to read as follows:

''(A) so that the corporation for which the election was made is a small business corporation or a qualified subchapter S subsidiary, as the case may be, or'',

(4) by amending paragraph (4) to read as follows:

''(4) the corporation for which the election was made, and each person who was a shareholder in such corporation at any time during the period specified pursuant to this subsection, agrees to make such adjustments (consistent with the treatment of such corporation as an S corporation or a qualified subchapter S subsidiary, as the case may be) as may be required by the Secretary with respect to such period,'', and

(5) by inserting ''or a qualified subchapter S subsidiary, as the case may be'' after ''S corporation'' in the matter following paragraph (4).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 220. INFORMATION RETURNS FOR QUALIFIED SUBCHAPTER S SUBSIDIARIES.

(a) IN GENERAL.—Section 1361(b)(3)(A) (relating to treatment of certain wholly owned subsidiaries) is amended by inserting ''and in the case of information returns required under part III of subchapter A of chapter 61'' after ''Secretary''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 221. REPAYMENT OF LOANS FOR QUALIFYING EMPLOYER SECURITIES.

(a) IN GENERAL.—Subsection (f) of section 4975 (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

''(7) S CORPORATION REPAYMENT OF LOANS FOR QUALIFYING EMPLOYER SECURITIES.—A plan shall not be treated as violating the requirements of section 401 or 409 or subsection (e)(7), or as engaging in a prohibited transaction for purposes of subsection (d)(3), merely by reason of any distribution (as described in section 1368(a)) with respect to S corporation stock that constitutes qualifying employer securities, which in accordance with the plan provisions is used to make payments on a loan described in subsection (d)(3) the proceeds of which were used to acquire such qualifying employer securities (whether or not allocated to participants). The preceding sentence shall not apply in the case of a distribution which is paid with respect to any employer security which is allocated to a participant unless the plan provides that employer securities with a fair market value of not less than the amount of such distribution are allocated to such participant for the year which (but for the preceding sentence) such distribution would have been allocated to such participant.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions with respect to S corporation stock made after December 31, 2004.

Subtitle C—Toll Tax on Excess Qualified Foreign Distribution Amount

SEC. 231. TOLL TAX ON EXCESS QUALIFIED FOREIGN DISTRIBUTION AMOUNT.

(a) IN GENERAL.—Subpart F of part III of subchapter N of chapter 1 is amended by adding at the end the following new section:

"SEC. 965. TOLL TAX IMPOSED ON EXCESS QUALIFIED FOREIGN DISTRIBUTION AMOUNT.

''(a) TOLL TAX IMPOSED ON EXCESS QUALIFIED FOREIGN DISTRIBUTION AMOUNT.—If a corporation elects the application of this section, a tax shall be imposed on the taxpayer in an amount equal to 5.25 percent of—

''(1) the taxpayer's excess qualified foreign distribution amount, and

''(2) the amount determined under section 78 which is attributable to such excess qualified foreign distribution amount.

Such tax shall be imposed in lieu of the tax imposed under section 11 or 55 on the amounts described in paragraphs (1) and (2) for the taxable year.

''(b) EXCESS QUALIFIED FOREIGN DISTRIBUTION AMOUNT.—For purposes of this section—

''(1) IN GENERAL.—The term 'excess qualified foreign distribution amount' means the excess (if any) of—

''(A) the aggregate dividends received by the taxpayer during the taxable year which are—

''(i) from 1 or more corporations which are controlled foreign corporations in which the taxpayer is a United States shareholder on the date such dividends are paid, and

''(ii) described in a domestic reinvestment plan which—

''(I) is approved by the taxpayer's president, chief executive officer, or comparable official before the payment of such dividends and subsequently approved by the taxpayer's board of directors, management committee, executive committee, or similar body, and

''(II) provides for the reinvestment of such dividends in the United States (other than as payment for executive compensation), including as a source for the funding of worker hiring and training, infrastructure, research and development, capital investments, or the financial stabilization of the corporation for the purposes of job retention or creation, over

''(B) the base dividend amount.

''(2) BASE DIVIDEND AMOUNT.—The term 'base dividend amount' means an amount designated under subsection (c)(7), but not less than the average amount of dividends received during the fixed base period from 1 or more corporations which are controlled foreign corporations in which the taxpayer is a United States shareholder on the date such dividends are paid.

''(3) FIXED BASE PERIOD.—

''(A) IN GENERAL.—The term 'fixed base period' means each of 3 taxable years which are among the 5 most recent taxable years of the taxpayer ending on or before December 31, 2002, determined by disregarding—

''(i) the 1 taxable year for which the taxpayer had the highest amount of dividends from 1 or more corporations which are controlled foreign corporations relative to the other 4 taxable years, and

''(ii) the 1 taxable year for which the taxpayer had the lowest amount of dividends from such corporations relative to the other 4 taxable years.

''(B) SHORTER PERIOD.—If the taxpayer has fewer than 5 taxable years ending on or before December 31, 2002, then in lieu of applying subparagraph (A), the fixed base period shall include all the taxable years of the taxpayer ending on or before December 31, 2002.

''(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) DIVIDENDS.—The term 'dividend' has the meaning given such term by section 316, except that the term shall include amounts described in section 951(a)(1)(B), but shall not include amounts described in sections 78 and 959.

''(2) CONTROLLED FOREIGN CORPORATIONS AND UNITED STATES SHAREHOLDERS.—The term 'controlled foreign corporation' has the meaning given such term by section 957(a) and the term 'United States shareholder' has the meaning given such term by section 951(b).

''(3) FOREIGN TAX CREDITS.—The amount of any income, war, profits, or excess profit taxes paid (or deemed paid under sections 902 and 960) or accrued by the taxpayer with respect to the excess qualified foreign distribution amount for which a credit would be allowable under section 901 in the absence of this section, shall be reduced by 85 percent. No deduction shall be allowed under this chapter for the portion of any tax for which credit is not allowable by reason of the preceding sentence.

''(4) FOREIGN TAX CREDIT LIMITATION.—For purposes of section 904, there shall be disregarded 85 percent of—

''(A) the excess qualified foreign distribution amount,

''(B) the amount determined under section 78 which is attributable to such excess qualified foreign distribution amount, and

''(C) the amounts (including assets, gross income, and other relevant bases of apportionment) which are attributable to the excess qualified foreign distribution amount which would, determined without regard to

this section, be used to apportion the expenses, losses, and deductions of the taxpayer under section 861 and 864 in determining its taxable income from sources without the United States.

For purposes of applying subparagraph (C), the principles of section 864(e)(3)(A) shall apply.

''(5) TREATMENT OF ACQUISITIONS AND DISPOSITIONS.—Rules similar to the rules of section 41(f)(3) shall apply in the case of acquisitions or dispositions of controlled foreign corporations occurring on or after the first day of the earliest taxable year taken into account in determining the fixed base period.

''(6) TREATMENT OF CONSOLIDATED GROUPS.—Members of an affiliated group of corporations filing a consolidated return under section 1501 shall be treated as a single taxpayer for purposes of this section.

''(7) DESIGNATION OF DIVIDENDS.—Subject to subsection (b)(2), the taxpayer shall designate the particular dividends received during the taxable year from 1 or more corporations which are controlled foreign corporations in which it is a United States shareholder which are dividends excluded from the excess qualified foreign distribution amount. The total amount of such designated dividends shall equal the base dividend amount.

''(8) TREATMENT OF EXPENSES, LOSSES, AND DEDUCTIONS.—Any expenses, losses, or deductions of the taxpayer allowable under subchapter B—

''(A) shall not be applied to reduce the amounts described in subsection (a)(1), and

''(B) shall be applied to reduce other income of the taxpayer (determined without regard to the amounts described in subsection (a)(1)).

''(d) ELECTION.—

''(1) IN GENERAL.—An election under this section shall be made on the taxpayer's timely filed income tax return for the first taxable year (determined by taking extensions into account) ending 120 days or more after the date of the enactment of this section, and, once made, may be revoked only with the consent of the Secretary.

''(2) ALL CONTROLLED FOREIGN CORPORATIONS.—The election shall apply to all corporations which are controlled foreign corporations in which the taxpayer is a United States shareholder during the taxable year.

''(3) CONSOLIDATED GROUPS.—If a taxpayer is a member of an affiliated group of corporations filing a consolidated return under section 1501 for the taxable year, an election under this section shall be made by the common parent of the affiliated group which includes the taxpayer and shall apply to all members of the affiliated group.

''(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary and appropriate to carry out the purposes of this section, including regulations under section 55 and regulations addressing corporations which, during the fixed base period or thereafter, join or leave an affiliated group of corporations filing a consolidated return.''.

(b) CONFORMING AMENDMENT.—The table of sections for subpart F of part III of subchapter N of chapter 1 is amended by adding at the end the following new item:

''Sec. 965. Toll tax imposed on excess qualified foreign distribution amount.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply only to the first taxable year of the electing taxpayer ending 120 days or more after the date of the enactment of this Act.

TITLE III—EXTENSION OF EXPIRING PROVISIONS

SEC. 301. ALLOWANCE OF NONREFUNDABLE PERSONAL CREDITS AGAINST REGULAR AND MINIMUM TAX LIABILITY.

(a) IN GENERAL.—Paragraph (2) of section 26(a) is amended—

(1) by striking ''RULE FOR 2000, 2001, 2002, AND 2003.—'' and inserting ''RULE FOR TAXABLE YEARS 2000 THROUGH 2005.—'', and

(2) by striking ''or 2003,'' and inserting ''2003, 2004, or 2005,''.

(b) CONFORMING PROVISIONS.—

(1) Section 904(h) is amended by striking ''or 2003'' and inserting ''2003, 2004, or 2005''.

(2) The amendments made by sections 201(b), 202(f), and 618(b) of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to taxable years beginning during 2004 or 2005.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 302. EXTENSION OF RESEARCH CREDIT.

(a) EXTENSION.—

(1) IN GENERAL.—Section 41(h)(1)(B) (relating to termination) is amended by striking ''June 30, 2004'' and inserting ''December 31, 2005''.

(2) CONFORMING AMENDMENT.—Section 45C(b)(1)(D) is amended by striking ''June 30, 2004'' and inserting ''December 31, 2005''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to amounts paid or incurred after the date of the enactment of this Act.

SEC. 303. EXTENSION OF CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.

(a) IN GENERAL.—Subparagraphs (A) and (B) of section 45(c)(3) (defining qualified facility) are both amended by striking ''2004'' and inserting ''2006''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to electricity produced and sold after December 31, 2003.

SEC. 304. INDIAN EMPLOYMENT TAX CREDIT.

Section 45A(f) (relating to termination) is amended by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

SEC. 305. WORK OPPORTUNITY CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 51(c)(4) is amended by striking ''December 31, 2003'' and inserting ''December 31, 2005''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals who begin work for the employer after December 31, 2003.

SEC. 306. WELFARE-TO-WORK CREDIT.

(a) IN GENERAL.—Subsection (f) of section 51A is amended by striking ''December 31, 2003'' and inserting ''December 31, 2005''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals who begin work for the employer after December 31, 2003.

SEC. 307. CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) (relating to certain trade and business deductions of employees) is amended by striking ''or 2003'' and inserting '', 2003, 2004, or 2005''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2003.

SEC. 308. EXTENSION OF ACCELERATED DEPRECIATION BENEFIT FOR PROPERTY ON INDIAN RESERVATIONS.

Paragraph (8) of section 168(j) (relating to termination) is amended by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

SEC. 309. CHARITABLE CONTRIBUTIONS OF COMPUTER TECHNOLOGY AND EQUIPMENT USED FOR EDUCATIONAL PURPOSES.

(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) (relating to special rule for contributions of computer technology and equipment for educational purposes) is amended by striking ''December 31, 2003'' and inserting ''December 31, 2005''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2003.

SEC. 310. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) IN GENERAL.—Subsection (h) of section 198 (relating to termination) is amended by striking ''December 31, 2003'' and inserting ''December 31, 2005''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to expenditures paid or incurred after December 31, 2003.

SEC. 311. AVAILABILITY OF MEDICAL SAVINGS ACCOUNTS.

(a) IN GENERAL.—Paragraphs (2) and (3)(B) of section 220(i) (defining cut-off year) are each amended by striking ''2003'' each place it appears in the text and headings and inserting ''2004''.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (A) of section 220(j)(4) is amended by striking ''and 2002'' and inserting ''2002, and 2004''.

(2) Subparagraph (C) of section 220(j)(2) is amended to read as follows:

''(C) NO LIMITATION FOR 2000 OR 2003.—The numerical limitation shall not apply for 2000 or 2003.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2004.

(d) TIME FOR FILING REPORTS.—The report required by section 220(j)(4) of the Internal Revenue Code of 1986 to be made on August 1, 2004, shall be treated as timely if made before the close of the 90-day period beginning on the date of the enactment of this Act.

SEC. 312. TAXABLE INCOME LIMIT ON PERCENTAGE DEPLETION FOR OIL AND NATURAL GAS PRODUCED FROM MARGINAL PROPERTIES.

(a) IN GENERAL.—Subparagraph (H) of section 613A(c)(6) is amended by striking ''January 1, 2004'' and inserting ''January 1, 2006''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2003.

SEC. 313. QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Paragraph (1) of section 1397E(e) is amended by striking ''and 2003'' and inserting ''2003, 2004, and 2005''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to obligations issued after the date of the enactment of this Act.

SEC. 314. DISTRICT OF COLUMBIA.

(a) DISTRICT OF COLUMBIA ENTERPRISE ZONE.—Subsection (f) of section 1400 is amended by striking ''December 31, 2003'' both places it appears and inserting ''December 31, 2005''.

(b) TAX-EXEMPT ECONOMIC DEVELOPMENT BONDS.—Subsection (b) of section 1400A is amended by striking ''December 31, 2003'' and inserting ''December 31, 2005''.

(c) ZERO PERCENT CAPITAL GAINS RATE.—

(1) Section 1400B is amended by striking ''January 1, 2004'' each place it appears and inserting ''January 1, 2006''.

(2) Subsections (e)(2) and (g)(2) of section 1400B are each amended by striking ''2008'' each place it appears in the headings and text and inserting ''2010''.

(3) Subsection (d) of section 1400F is amended by striking ''December 31, 2008'' and inserting ''December 31, 2010''.

(d) FIRST-TIME HOMEBUYER CREDIT.—Subsection (i) of section 1400C is amended by

striking ''January 1, 2004'' and inserting ''January 1, 2006''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) TAX-EXEMPT ECONOMIC DEVELOPMENT BONDS.—The amendment made by subsection (b) shall apply to obligations issued after December 31, 2003.

SEC. 315. EXTENSION OF CERTAIN NEW YORK LIBERTY ZONE BOND FINANCING.

Subparagraph (D) of section 1400L(d)(2) is amended by striking ''2005'' and inserting ''2009''.

SEC. 316. DISCLOSURES RELATING TO TERRORIST ACTIVITIES.

(a) IN GENERAL.—Clause (iv) of section 6103(i)(3)(C) and subparagraph (E) of section 6103(i)(7) are both amended by striking ''December 31, 2003'' and inserting ''December 31, 2005''.

(b) DISCLOSURE OF TAXPAYER IDENTITY TO LAW ENFORCEMENT AGENCIES INVESTIGATING TERRORISM.—Subparagraph (A) of section 6103(i)(7) is amended by adding at the end the following new clause:

''(v) TAXPAYER IDENTITY.—For purposes of this subparagraph, a taxpayer's identity shall not be treated as taxpayer return information.''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsection (a) shall apply to disclosures on or after the date of the enactment of this Act.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall take effect as if included in section 201 of the Victims of Terrorism Tax Relief Act of 2001.

SEC. 317. DISCLOSURE OF RETURN INFORMATION RELATING TO STUDENT LOANS.

Section 6103(l)(13)(D) (relating to termination) is amended by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

SEC. 318. COVER OVER OF TAX ON DISTILLED SPIRITS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking ''January 1, 2004'' and inserting ''January 1, 2006''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to articles brought into the United States after December 31, 2003.

SEC. 319. JOINT REVIEW OF STRATEGIC PLANS AND BUDGET FOR THE INTERNAL REVENUE SERVICE.

(a) IN GENERAL.—Paragraph (2) of section 8021(f) (relating to joint reviews) is amended by striking ''2004'' and inserting ''2005''.

(b) REPORT.—Subparagraph (C) of section 8022(3) (regarding reports) is amended—

(1) by striking ''2004'' and inserting ''2005'', and

(2) by striking ''with respect to—'' and all that follows and inserting ''with respect to the matters addressed in the joint review referred to in section 8021(f)(2).''.

(c) TIME FOR JOINT REVIEW.—The joint review required by section 8021(f)(2) of the Internal Revenue Code of 1986 to be made before June 1, 2004, shall be treated as timely if made before June 1, 2005.

SEC. 320. PARITY IN THE APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

(a) IN GENERAL.—Subsection (f) of section 9812 is amended—

(1) by striking ''and'' at the end of paragraph (1), by striking paragraph (2), and by inserting after paragraph (1) the following new paragraphs:

''(2) on or after January 1, 2004, and before the date of the enactment of American Jobs Creation Act of 2004, and

''(3) after December 31, 2005.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to benefits for services furnished on or after December 31, 2003.

SEC. 321. COMBINED EMPLOYMENT TAX REPORTING PROJECT.

(a) IN GENERAL.—Paragraph (1) of section 976(b) of the Taxpayer Relief Act of 1997 (111 Stat. 898) is amended by striking ''for a period ending with the date which is 5 years after the date of the enactment of this Act'' and inserting ''during the period ending on December 31, 2005''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to disclosures on or after the date of the enactment of this Act.

SEC. 322. CLEAN-FUEL VEHICLES.

(a) CREDIT FOR QUALIFIED ELECTRIC VEHICLES.—Paragraph (2) of section 30(b) (relating to phaseout) is amended to read as follows:

''(2) PHASEOUT.—In the case of any qualified electric vehicle placed in service after December 31, 2005, the credit otherwise allowable under subsection (a) (determined after the application of paragraph (1)) shall be reduced by 75 percent.''.

(b) DEDUCTION FOR QUALIFIED CLEAN-FUEL VEHICLE PROPERTY.—Subparagraph (B) of section 179A(b)(1) (relating to phaseout) is amended to read as follows:

''(B) PHASEOUT.—In the case of any qualified clean-fuel vehicle property placed in service after December 31, 2005, the limit otherwise applicable under subparagraph (A) shall be reduced by 75 percent.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2003.

TITLE IV—PERMANENT DEDUCTION FOR STATE AND LOCAL GENERAL RETAIL SALES TAXES

SEC. 401. DEDUCTION OF STATE AND LOCAL GENERAL SALES TAXES IN LIEU OF STATE AND LOCAL INCOME TAXES.

(a) IN GENERAL.—Subsection (b) of section 164 (relating to definitions and special rules) is amended by adding at the end the following:

''(5) GENERAL SALES TAXES.—For purposes of subsection (a)—

''(A) ELECTION TO DEDUCT STATE AND LOCAL SALES TAXES IN LIEU OF STATE AND LOCAL INCOME TAXES.—

''(i) IN GENERAL.—At the election of the taxpayer for the taxable year, subsection (a) shall be applied—

''(I) without regard to the reference to State and local income taxes, and

''(II) as if State and local general sales taxes were referred to in a paragraph thereof.

''(B) DEFINITION OF GENERAL SALES TAX.—The term 'general sales tax' means a tax imposed at one rate with respect to the sale at retail of a broad range of classes of items.

''(C) SPECIAL RULES FOR FOOD, ETC.—In the case of items of food, clothing, medical supplies, and motor vehicles—

''(i) the fact that the tax does not apply with respect to some or all of such items shall not be taken into account in determining whether the tax applies with respect to a broad range of classes of items, and

''(ii) the fact that the rate of tax applicable with respect to some or all of such items is lower than the general rate of tax shall not be taken into account in determining whether the tax is imposed at one rate.

''(D) ITEMS TAXED AT DIFFERENT RATES.—Except in the case of a lower rate of tax applicable with respect to an item described in subparagraph (C), no deduction shall be allowed under this paragraph for any general sales tax imposed with respect to an item at a rate other than the general rate of tax.

''(E) COMPENSATING USE TAXES.—A compensating use tax with respect to an item shall be treated as a general sales tax. For purposes of the preceding sentence, the term 'compensating use tax' means, with respect to any item, a tax which—

''(i) is imposed on the use, storage, or consumption of such item, and

''(ii) is complementary to a general sales tax, but only if a deduction is allowable under this paragraph with respect to items sold at retail in the taxing jurisdiction which are similar to such item.

''(F) SPECIAL RULE FOR MOTOR VEHICLES.—In the case of motor vehicles, if the rate of tax exceeds the general rate, such excess shall be disregarded and the general rate shall be treated as the rate of tax.

''(G) SEPARATELY STATED GENERAL SALES TAXES.—If the amount of any general sales tax is separately stated, then, to the extent that the amount so stated is paid by the consumer (other than in connection with the consumer's trade or business) to the seller, such amount shall be treated as a tax imposed on, and paid by, such consumer.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

TITLE V—PROVISIONS TO PREVENT TAX AVOIDANCE THROUGH INDIVIDUAL AND CORPORATE EXPATRIATION

Subtitle A—Individual Expatriation

SEC. 501. IMPOSITION OF MARK-TO-MARKET TAX ON INDIVIDUALS WHO EXPATRIATE.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

''SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

''(a) GENERAL RULES.—For purposes of this subtitle—

''(1) MARK TO MARKET.—Except as provided in subsections (d) and (f), all property of a covered expatriate to whom this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

''(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

''(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

''(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence.

''(3) EXCLUSION FOR CERTAIN GAIN.—

''(A) IN GENERAL.—The amount which, but for this paragraph, would be includible in the gross income of any individual by reason of this section shall be reduced (but not below zero) by $600,000. For purposes of this paragraph, allocable expatriation gain taken into account under subsection (f)(2) shall be treated in the same manner as an amount required to be includible in gross income.

''(B) COST-OF-LIVING ADJUSTMENT.—

''(i) IN GENERAL.—In the case of an expatriation date occurring in any calendar year after 2004, the $600,000 amount under subparagraph (A) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2003' for 'calendar year 1992' in subparagraph (B) thereof.

''(ii) ROUNDING RULES.—If any amount after adjustment under clause (i) is not a multiple of $1,000, such amount shall be rounded to the next lower multiple of $1,000.

''(4) ELECTION TO CONTINUE TO BE TAXED AS UNITED STATES CITIZEN.—

''(A) IN GENERAL.—If a covered expatriate elects the application of this paragraph—

''(i) this section (other than this paragraph and subsection (i)) shall not apply to the expatriate, but

''(ii) in the case of property to which this section would apply but for such election, the expatriate shall be subject to tax under this title in the same manner as if the individual were a United States citizen.

''(B) REQUIREMENTS.—Subparagraph (A) shall not apply to an individual unless the individual—

''(i) provides security for payment of tax in such form and manner, and in such amount, as the Secretary may require,

''(ii) consents to the waiver of any right of the individual under any treaty of the United States which would preclude assessment or collection of any tax which may be imposed by reason of this paragraph, and

''(iii) complies with such other requirements as the Secretary may prescribe.

''(C) ELECTION.—An election under subparagraph (A) shall apply to all property to which this section would apply but for the election and, once made, shall be irrevocable. Such election shall also apply to property the basis of which is determined in whole or in part by reference to the property with respect to which the election was made.

''(b) ELECTION TO DEFER TAX.—

''(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

''(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

''(3) TERMINATION OF POSTPONEMENT.—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

''(4) SECURITY.—

''(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided to the Secretary with respect to such property.

''(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

''(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2) for the property, or

''(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.

''(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer consents to the waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

''(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to an interest in a trust with respect to which gain is required to be recognized under subsection (f)(1).

''(7) INTEREST.—For purposes of section 6601—

''(A) the last date for the payment of tax shall be determined without regard to the election under this subsection, and

''(B) section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

''(c) COVERED EXPATRIATE.—For purposes of this section—

''(1) IN GENERAL.—Except as provided in paragraph (2), the term 'covered expatriate' means an expatriate.

''(2) EXCEPTIONS.—An individual shall not be treated as a covered expatriate if—

''(A) the individual—

''(i) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

''(ii) has not been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) during the 5 taxable years ending with the taxable year during which the expatriation date occurs, or

''(B)(i) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

''(ii) the individual has been a resident of the United States (as so defined) for not more than 5 taxable years before the date of relinquishment.

''(d) EXEMPT PROPERTY; SPECIAL RULES FOR PENSION PLANS.—

''(1) EXEMPT PROPERTY.—This section shall not apply to the following:

''(A) UNITED STATES REAL PROPERTY INTERESTS.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expatriation date, meet the requirements of section 897(c)(2).

''(B) SPECIFIED PROPERTY.—Any property or interest in property not described in subparagraph (A) which the Secretary specifies in regulations.

''(2) SPECIAL RULES FOR CERTAIN RETIREMENT PLANS.—

''(A) IN GENERAL.—If a covered expatriate holds on the day before the expatriation date any interest in a retirement plan to which this paragraph applies—

''(i) such interest shall not be treated as sold for purposes of subsection (a)(1), but

''(ii) an amount equal to the present value of the expatriate's nonforfeitable accrued benefit shall be treated as having been received by such individual on such date as a distribution under the plan.

''(B) TREATMENT OF SUBSEQUENT DISTRIBUTIONS.—In the case of any distribution on or after the expatriation date to or on behalf of the covered expatriate from a plan from which the expatriate was treated as receiving a distribution under subparagraph (A), the amount otherwise includible in gross income by reason of the subsequent distribution shall be reduced by the excess of the amount includible in gross income under subparagraph (A) over any portion of such amount to which this subparagraph previously applied.

''(C) TREATMENT OF SUBSEQUENT DISTRIBUTIONS BY PLAN.—For purposes of this title, a retirement plan to which this paragraph applies, and any person acting on the plan's behalf, shall treat any subsequent distribution described in subparagraph (B) in the same manner as such distribution would be treated without regard to this paragraph.

''(D) APPLICABLE PLANS.—This paragraph shall apply to—

''(i) any qualified retirement plan (as defined in section 4974(c)),

''(ii) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

''(iii) to the extent provided in regulations, any foreign pension plan or similar retirement arrangements or programs.

''(e) DEFINITIONS.—For purposes of this section—

''(1) EXPATRIATE.—The term 'expatriate' means—

''(A) any United States citizen who relinquishes citizenship, and

''(B) any long-term resident of the United States who—

''(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

''(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

''(2) EXPATRIATION DATE.—The term 'expatriation date' means—

''(A) the date an individual relinquishes United States citizenship, or

''(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

''(3) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing United States citizenship on the earliest of—

''(A) the date the individual renounces such individual's United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

''(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

''(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

''(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

''(4) LONG-TERM RESIDENT.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

''(f) SPECIAL RULES APPLICABLE TO BENEFICIARIES' INTERESTS IN TRUST.—

''(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is determined under paragraph (3) to hold an interest in a trust on the day before the expatriation date—

''(A) the individual shall not be treated as having sold such interest,

''(B) such interest shall be treated as a separate share in the trust, and

''(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

''(ii) the separate trust shall be treated as having sold its assets on the day before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

''(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii). In determining the amount of such distribution, proper adjustments shall be made for liabilities of the trust allocable to an individual's share in the trust.

''(2) SPECIAL RULES FOR INTERESTS IN QUALIFIED TRUSTS.—

''(A) IN GENERAL.—If the trust interest described in paragraph (1) is an interest in a qualified trust—

''(i) paragraph (1) and subsection (a) shall not apply, and

''(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).

''(B) AMOUNT OF TAX.—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

''(i) the highest rate of tax imposed by section 1(e) for the taxable year which includes the day before the expatriation date, multiplied by the amount of the distribution, or

''(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

''(C) DEFERRED TAX ACCOUNT.—For purposes of subparagraph (B)(ii)—

''(i) OPENING BALANCE.—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect to the trust interest if such gain had been included in gross income under subsection (a).

''(ii) INCREASE FOR INTEREST.—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues), for periods after the 90th day after the expatriation date, by using the rates and method applicable under section 6621 for underpayments of tax for such periods, except that section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

''(iii) DECREASE FOR TAXES PREVIOUSLY PAID.—The balance in the tax deferred account shall be reduced—

''(I) by the amount of taxes imposed by subparagraph (A) on any distribution to the person holding the trust interest, and

''(II) in the case of a person holding a nonvested interest, to the extent provided in regulations, by the amount of taxes imposed by subparagraph (A) on distributions from the trust with respect to nonvested interests not held by such person.

''(D) ALLOCABLE EXPATRIATION GAIN.—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary's interest in a trust is the amount of gain which would be allocable to such beneficiary's vested and nonvested interests in the trust if the beneficiary held directly all assets allocable to such interests.

''(E) TAX DEDUCTED AND WITHHELD.—

''(i) IN GENERAL.—The tax imposed by subparagraph (A)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.

''(ii) EXCEPTION WHERE FAILURE TO WAIVE TREATY RIGHTS.—If an amount may not be deducted and withheld under clause (i) by reason of the distributee failing to waive any treaty right with respect to such distribution—

''(I) the tax imposed by subparagraph (A)(ii) shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax, and

''(II) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on the other beneficiary.

''(F) DISPOSITION.—If a trust ceases to be a qualified trust at any time, a covered expatriate disposes of an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then, in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—

''(i) the tax determined under paragraph (1) as if the day before the expatriation date were the date of such cessation, disposition, or death, whichever is applicable, or

''(ii) the balance in the tax deferred account immediately before such date.

Such tax shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the estate the amount of such tax imposed on the other beneficiary.

''(G) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

''(i) QUALIFIED TRUST.—The term 'qualified trust' means a trust which is described in section 7701(a)(30)(E).

''(ii) VESTED INTEREST.—The term 'vested interest' means any interest which, as of the day before the expatriation date, is vested in the beneficiary.

''(iii) NONVESTED INTEREST.—The term 'nonvested interest' means, with respect to any beneficiary, any interest in a trust which is not a vested interest. Such interest shall be determined by assuming the maximum exercise of discretion in favor of the beneficiary and the occurrence of all contingencies in favor of the beneficiary.

''(iv) ADJUSTMENTS.—The Secretary may provide for such adjustments to the bases of assets in a trust or a deferred tax account, and the timing of such adjustments, in order to ensure that gain is taxed only once.

''(v) COORDINATION WITH RETIREMENT PLAN RULES.—This subsection shall not apply to an interest in a trust which is part of a retirement plan to which subsection (d)(2) applies.

''(3) DETERMINATION OF BENEFICIARIES' INTEREST IN TRUST.—

''(A) DETERMINATIONS UNDER PARAGRAPH (1).—For purposes of paragraph (1), a beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar adviser.

''(B) OTHER DETERMINATIONS.—For purposes of this section—

''(i) CONSTRUCTIVE OWNERSHIP.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

''(ii) TAXPAYER RETURN POSITION.—A taxpayer shall clearly indicate on its income tax return—

''(I) the methodology used to determine that taxpayer's trust interest under this section, and

''(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

''(g) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

''(1) any period during which recognition of income or gain is deferred shall terminate on the day before the expatriation date, and

''(2) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

''(h) IMPOSITION OF TENTATIVE TAX.—

''(1) IN GENERAL.—If an individual is required to include any amount in gross income under subsection (a) for any taxable year, there is hereby imposed, immediately before the expatriation date, a tax in an amount equal to the amount of tax which would be imposed if the taxable year were a short taxable year ending on the expatriation date.

''(2) DUE DATE.—The due date for any tax imposed by paragraph (1) shall be the 90th day after the expatriation date.

''(3) TREATMENT OF TAX.—Any tax paid under paragraph (1) shall be treated as a payment of the tax imposed by this chapter for the taxable year to which subsection (a) applies.

''(4) DEFERRAL OF TAX.—The provisions of subsection (b) shall apply to the tax imposed by this subsection to the extent attributable to gain includible in gross income by reason of this section.

''(i) SPECIAL LIENS FOR DEFERRED TAX AMOUNTS.—

''(1) IMPOSITION OF LIEN.—

''(A) IN GENERAL.—If a covered expatriate makes an election under subsection (a)(4) or (b) which results in the deferral of any tax imposed by reason of subsection (a), the deferred amount (including any interest, additional amount, addition to tax, assessable penalty, and costs attributable to the deferred amount) shall be a lien in favor of the United States on all property of the expatriate located in the United States (without regard to whether this section applies to the property).

''(B) DEFERRED AMOUNT.—For purposes of this subsection, the deferred amount is the amount of the increase in the covered expatriate's income tax which, but for the election under subsection (a)(4) or (b), would have occurred by reason of this section for the taxable year including the expatriation date.

''(2) PERIOD OF LIEN.—The lien imposed by this subsection shall arise on the expatriation date and continue until—

''(A) the liability for tax by reason of this section is satisfied or has become unenforceable by reason of lapse of time, or

''(B) it is established to the satisfaction of the Secretary that no further tax liability may arise by reason of this section.

''(3) CERTAIN RULES APPLY.—The rules set forth in paragraphs (1), (3), and (4) of section 6324A(d) shall apply with respect to the lien imposed by this subsection as if it were a lien imposed by section 6324A.

''(j) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.''.

(b) INCLUSION IN INCOME OF GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—Section 102 (relating to gifts, etc. not included in gross income) is amended by adding at the end the following new subsection:

''(d) GIFTS AND INHERITANCES FROM COVERED EXPATRIATES.—

''(1) IN GENERAL.—Subsection (a) shall not exclude from gross income the value of any property acquired by gift, bequest, devise, or inheritance from a covered expatriate after the expatriation date. For purposes of this subsection, any term used in this subsection which is also used in section 877A shall have

the same meaning as when used in section 877A.

''(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Paragraph (1) shall not apply to any property if either—

''(A) the gift, bequest, devise, or inheritance is—

''(i) shown on a timely filed return of tax imposed by chapter 12 as a taxable gift by the covered expatriate, or

''(ii) included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate, or

''(B) no such return was timely filed but no such return would have been required to be filed even if the covered expatriate were a citizen or long-term resident of the United States.''.

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—Section 7701(a) is amended by adding at the end the following new paragraph:

''(48) TERMINATION OF UNITED STATES CITIZENSHIP.—

''(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)(3).

''(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.''.

(d) CONFORMING AMENDMENTS.—

(1) Section 877 is amended by adding at the end the following new subsection:

''(g) APPLICATION.—This section shall not apply to an expatriate (as defined in section 877A(e)) whose expatriation date (as so defined) occurs after the date of the enactment of this subsection.''.

(2) Section 2107 is amended by adding at the end the following new subsection:

''(f) APPLICATION.—This section shall not apply to any expatriate subject to section 877A.''.

(3) Section 2501(a)(3) is amended by adding at the end the following new subparagraph:

''(F) APPLICATION.—This paragraph shall not apply to any expatriate subject to section 877A.''.

(4)(A) Paragraph (1) of section 6039G(d) is amended by inserting ''or 877A'' after ''section 877''.

(B) The second sentence of section 6039G(e) is amended by inserting ''or who relinquishes United States citizenship (within the meaning of section 877A(e)(3))'' after ''877(a))''.

(C) Section 6039G(f) is amended by inserting ''or 877A(e)(2)(B)'' after ''877(e)(1)''.

(e) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

''Sec. 877A. Tax responsibilities of expatriation.''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs after the date of the enactment of this Act.

(2) GIFTS AND BEQUESTS.—Section 102(d) of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to gifts and bequests received after the date of the enactment of this Act, from an individual or the estate of an individual whose expatriation date (as so defined) occurs after such date.

(3) DUE DATE FOR TENTATIVE TAX.—The due date under section 877A(h)(2) of the Internal Revenue Code of 1986, as added by this section, shall in no event occur before the 90th day after the date of the enactment of this Act.

Subtitle B—Corporate Expatriation

SEC. 511. PREVENTION OF CORPORATE EXPATRIATION TO AVOID UNITED STATES INCOME TAX.

(a) IN GENERAL.—Paragraph (4) of section 7701(a) of the Internal Revenue Code of 1986 (defining domestic) is amended to read as follows:

''(4) DOMESTIC.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'domestic' when applied to a corporation or partnership means created or organized in the United States or under the law of the United States or of any State unless, in the case of a partnership, the Secretary provides otherwise by regulations.

''(B) CERTAIN CORPORATIONS TREATED AS DOMESTIC.—

''(i) IN GENERAL.—The acquiring corporation in a corporate expatriation transaction shall be treated as a domestic corporation.

''(ii) CORPORATE EXPATRIATION TRANSACTION.—For purposes of this subparagraph, the term 'corporate expatriation transaction' means any transaction if—

''(I) a nominally foreign corporation (referred to in this subparagraph as the 'acquiring corporation') acquires, as a result of such transaction, directly or indirectly substantially all of the properties held directly or indirectly by a domestic corporation, and

''(II) immediately after the transaction, more than 80 percent of the stock (by vote or value) of the acquiring corporation is held by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation.

''(iii) LOWER STOCK OWNERSHIP REQUIREMENT IN CERTAIN CASES.—Subclause (II) of clause (ii) shall be applied by substituting '50 percent' for '80 percent' with respect to any nominally foreign corporation if—

''(I) such corporation does not have substantial business activities (when compared to the total business activities of the expanded affiliated group) in the foreign country in which or under the law of which the corporation is created or organized, and

''(II) the stock of the corporation is publicly traded and the principal market for the public trading of such stock is in the United States.

''(iv) PARTNERSHIP TRANSACTIONS.—The term 'corporate expatriation transaction' includes any transaction if—

''(I) a nominally foreign corporation (referred to in this subparagraph as the 'acquiring corporation') acquires, as a result of such transaction, directly or indirectly properties constituting a trade or business of a domestic partnership,

''(II) immediately after the transaction, more than 80 percent of the stock (by vote or value) of the acquiring corporation is held by former partners of the domestic partnership or related foreign partnerships (determined without regard to stock of the acquiring corporation which is sold in a public offering related to the transaction), and

''(III) the acquiring corporation meets the requirements of subclauses (I) and (II) of clause (iii).

''(v) SPECIAL RULES.—For purposes of this subparagraph—

''(I) a series of related transactions shall be treated as 1 transaction, and

''(II) stock held by members of the expanded affiliated group which includes the acquiring corporation shall not be taken into account in determining ownership.

''(vi) OTHER DEFINITIONS.—For purposes of this subparagraph—

''(I) NOMINALLY FOREIGN CORPORATION.—The term 'nominally foreign corporation' means any corporation which would (but for this subparagraph) be treated as a foreign corporation.

''(II) EXPANDED AFFILIATED GROUP.—The term 'expanded affiliated group' means an affiliated group (as defined in section 1504(a) without regard to section 1504(b)).

''(III) RELATED FOREIGN PARTNERSHIP.—A foreign partnership is related to a domestic partnership if they are under common control (within the meaning of section 482), or they shared the same trademark or tradename.''

(b) EFFECTIVE DATES.—The amendment made by this section shall apply to taxable years beginning after December 31, 2004.

TITLE VI—OTHER REVENUE OFFSETS

Subtitle A—Provisions Designed To Curtail Tax Shelters

SEC. 601. CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.

(a) IN GENERAL.—Section 7701 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

''(n) CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE; ETC.—

''(1) GENERAL RULES.—

''(A) IN GENERAL.—In any case in which a court determines that the economic substance doctrine is relevant for purposes of this title to a transaction (or series of transactions), such transaction (or series of transactions) shall have economic substance only if the requirements of this paragraph are met.

''(B) DEFINITION OF ECONOMIC SUBSTANCE.—For purposes of subparagraph (A)—

''(i) IN GENERAL.—A transaction has economic substance only if—

''(I) the transaction changes in a meaningful way (apart from Federal tax effects) the taxpayer's economic position, and

''(II) the taxpayer has a substantial nontax purpose for entering into such transaction and the transaction is a reasonable means of accomplishing such purpose.

In applying subclause (II), a purpose of achieving a financial accounting benefit shall not be taken into account in determining whether a transaction has a substantial nontax purpose if the origin of such financial accounting benefit is a reduction of income tax.

''(ii) SPECIAL RULE WHERE TAXPAYER RELIES ON PROFIT POTENTIAL.—A transaction shall not be treated as having economic substance by reason of having a potential for profit unless—

''(I) the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected, and

''(II) the reasonably expected pre-tax profit from the transaction exceeds a risk-free rate of return.

''(C) TREATMENT OF FEES AND FOREIGN TAXES.—Fees and other transaction expenses and foreign taxes shall be taken into account as expenses in determining pre-tax profit under subparagraph (B)(ii).

''(2) SPECIAL RULES FOR TRANSACTIONS WITH TAX-INDIFFERENT PARTIES.—

''(A) SPECIAL RULES FOR FINANCING TRANSACTIONS.—The form of a transaction which is in substance the borrowing of money or the acquisition of financial capital directly or indirectly from a tax-indifferent party shall not be respected if the present value of the deductions to be claimed with respect to the transaction is substantially in excess of the present value of the anticipated economic returns of the person lending the money or providing the financial capital. A public offering shall be treated as a borrowing, or an acquisition of financial capital, from a tax-

indifferent party if it is reasonably expected that at least 50 percent of the offering will be placed with tax-indifferent parties.

''(B) ARTIFICIAL INCOME SHIFTING AND BASIS ADJUSTMENTS.—The form of a transaction with a tax-indifferent party shall not be respected if—

''(i) it results in an allocation of income or gain to the tax-indifferent party in excess of such party's economic income or gain, or

''(ii) it results in a basis adjustment or shifting of basis on account of overstating the income or gain of the tax-indifferent party.

''(3) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

''(A) ECONOMIC SUBSTANCE DOCTRINE.—The term 'economic substance doctrine' means the common law doctrine under which tax benefits under subtitle A with respect to a transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

''(B) TAX-INDIFFERENT PARTY.—The term 'tax-indifferent party' means any person or entity not subject to tax imposed by subtitle A. A person shall be treated as a tax-indifferent party with respect to a transaction if the items taken into account with respect to the transaction have no substantial impact on such person's liability under subtitle A.

''(C) EXCEPTION FOR PERSONAL TRANSACTIONS OF INDIVIDUALS.—In the case of an individual, this subsection shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

''(D) TREATMENT OF LESSORS.—In applying paragraph (1)(B)(ii) to the lessor of tangible property subject to a lease—

''(i) the expected net tax benefits with respect to the leased property shall not include the benefits of—

''(I) depreciation,

''(II) any tax credit, or

''(III) any other deduction as provided in guidance by the Secretary, and

''(ii) subclause (II) of paragraph (1)(B)(ii) shall be disregarded in determining whether any of such benefits are allowable.

''(4) OTHER COMMON LAW DOCTRINES NOT AFFECTED.—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law, and the requirements of this subsection shall be construed as being in addition to any such other rule of law.

''(5) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection. Such regulations may include exemptions from the application of this subsection.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 602. PENALTY FOR FAILING TO DISCLOSE REPORTABLE TRANSACTION.

(a) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6707 the following new section:

''SEC. 6707A. PENALTY FOR FAILURE TO INCLUDE REPORTABLE TRANSACTION INFORMATION WITH RETURN OR STATEMENT.

''(a) IMPOSITION OF PENALTY.—Any person who fails to include on any return or statement any information with respect to a reportable transaction which is required under section 6011 to be included with such return or statement shall pay a penalty in the amount determined under subsection (b).

''(b) AMOUNT OF PENALTY.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amount of the penalty under subsection (a) shall be $50,000.

''(2) LISTED TRANSACTION.—The amount of the penalty under subsection (a) with respect to a listed transaction shall be $100,000.

''(3) INCREASE IN PENALTY FOR LARGE ENTITIES AND HIGH NET WORTH INDIVIDUALS.—

''(A) IN GENERAL.—In the case of a failure under subsection (a) by—

''(i) a large entity, or

''(ii) a high net worth individual,

the penalty under paragraph (1) or (2) shall be twice the amount determined without regard to this paragraph.

''(B) LARGE ENTITY.—For purposes of subparagraph (A), the term 'large entity' means, with respect to any taxable year, a person (other than a natural person) with gross receipts in excess of $10,000,000 for the taxable year in which the reportable transaction occurs or the preceding taxable year. Rules similar to the rules of paragraph (2) and subparagraphs (B), (C), and (D) of paragraph (3) of section 448(c) shall apply for purposes of this subparagraph.

''(C) HIGH NET WORTH INDIVIDUAL.—For purposes of subparagraph (A), the term 'high net worth individual' means, with respect to a reportable transaction, a natural person whose net worth exceeds $2,000,000 immediately before the transaction.

''(c) DEFINITIONS.—For purposes of this section—

''(1) REPORTABLE TRANSACTION.—The term 'reportable transaction' means any transaction with respect to which information is required to be included with a return or statement because, as determined under regulations prescribed under section 6011, such transaction is of a type which the Secretary determines as having a potential for tax avoidance or evasion.

''(2) LISTED TRANSACTION.—Except as provided in regulations, the term 'listed transaction' means a reportable transaction which is the same as, or substantially similar to, a transaction specifically identified by the Secretary as a tax avoidance transaction for purposes of section 6011.

''(d) AUTHORITY TO RESCIND PENALTY.—

''(1) IN GENERAL.—The Commissioner of Internal Revenue may rescind all or any portion of any penalty imposed by this section with respect to any violation if—

''(A) the violation is with respect to a reportable transaction other than a listed transaction,

''(B) the person on whom the penalty is imposed has a history of complying with the requirements of this title,

''(C) it is shown that the violation is due to an unintentional mistake of fact;

''(D) imposing the penalty would be against equity and good conscience, and

''(E) rescinding the penalty would promote compliance with the requirements of this title and effective tax administration.

''(2) DISCRETION.—The exercise of authority under paragraph (1) shall be at the sole discretion of the Commissioner and may be delegated only to the head of the Office of Tax Shelter Analysis. The Commissioner, in the Commissioner's sole discretion, may establish a procedure to determine if a penalty should be referred to the Commissioner or the head of such Office for a determination under paragraph (1).

''(3) NO APPEAL.—Notwithstanding any other provision of law, any determination under this subsection may not be reviewed in any administrative or judicial proceeding.

''(4) RECORDS.—If a penalty is rescinded under paragraph (1), the Commissioner shall place in the file in the Office of the Commissioner the opinion of the Commissioner or the head of the Office of Tax Shelter Analysis with respect to the determination, including—

''(A) the facts and circumstances of the transaction,

''(B) the reasons for the rescission, and

''(C) the amount of the penalty rescinded.

''(5) REPORT.—The Commissioner shall each year report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate—

''(A) a summary of the total number and aggregate amount of penalties imposed, and rescinded, under this section, and

''(B) a description of each penalty rescinded under this subsection and the reasons therefore.

''(e) PENALTY REPORTED TO SEC.—In the case of a person—

''(1) which is required to file periodic reports under section 13 or 15(d) of the Securities Exchange Act of 1934 or is required to be consolidated with another person for purposes of such reports, and

''(2) which—

''(A) is required to pay a penalty under this section with respect to a listed transaction,

''(B) is required to pay a penalty under section 6662A with respect to any reportable transaction at a rate prescribed under section 6662A(c), or

''(C) is required to pay a penalty under section 6662B with respect to any noneconomic substance transaction,

the requirement to pay such penalty shall be disclosed in such reports filed by such person for such periods as the Secretary shall specify. Failure to make a disclosure in accordance with the preceding sentence shall be treated as a failure to which the penalty under subsection (b)(2) applies.

''(f) COORDINATION WITH OTHER PENALTIES.—The penalty imposed by this section is in addition to any penalty imposed under this title.''.

(b) DISCLOSURE BY SECRETARY.—

(1) IN GENERAL.—Section 6103 is amended by redesignating subsection (q) as subsection (r) and by inserting after subsection (p) the following new subsection:

''(q) DISCLOSURE RELATING TO PAYMENTS OF CERTAIN PENALTIES.—Notwithstanding any other provision of this section, the Secretary shall make public the name of any person required to pay a penalty described in section 6707A(e)(2) and the amount of the penalty.''.

(2) RECORDS.—Section 6103(p)(3)(A) is amended by striking ''or (n)'' and inserting ''(n), or (q)''.

(c) CONFORMING AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by inserting after the item relating to section 6707 the following:

''Sec. 6707A. Penalty for failure to include reportable transaction information with return or statement.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to returns and statements the due date for which is after the date of the enactment of this Act.

SEC. 603. ACCURACY-RELATED PENALTY FOR LISTED TRANSACTIONS AND OTHER REPORTABLE TRANSACTIONS HAVING A SIGNIFICANT TAX AVOIDANCE PURPOSE.

(a) IN GENERAL.—Subchapter A of chapter 68 is amended by inserting after section 6662 the following new section:

''SEC. 6662A. IMPOSITION OF ACCURACY-RELATED PENALTY ON UNDERSTATEMENTS WITH RESPECT TO REPORTABLE TRANSACTIONS.

''(a) IMPOSITION OF PENALTY.—If a taxpayer has a reportable transaction understatement for any taxable year, there shall be added to the tax an amount equal to 20 percent of the amount of such understatement.

''(b) REPORTABLE TRANSACTION UNDERSTATEMENT.—For purposes of this section—

''(1) IN GENERAL.—The term 'reportable transaction understatement' means the sum of—

''(A) the product of—

''(i) the amount of the increase (if any) in taxable income which results from a difference between the proper tax treatment of an item to which this section applies and the taxpayer's treatment of such item (as shown on the taxpayer's return of tax), and

''(ii) the highest rate of tax imposed by section 1 (section 11 in the case of a taxpayer which is a corporation), and

''(B) the amount of the decrease (if any) in the aggregate amount of credits determined under subtitle A which results from a difference between the taxpayer's treatment of an item to which this section applies (as shown on the taxpayer's return of tax) and the proper tax treatment of such item.

For purposes of subparagraph (A), any reduction of the excess of deductions allowed for the taxable year over gross income for such year, and any reduction in the amount of capital losses which would (without regard to section 1211) be allowed for such year, shall be treated as an increase in taxable income.

''(2) ITEMS TO WHICH SECTION APPLIES.—This section shall apply to any item which is attributable to—

''(A) any listed transaction, and

''(B) any reportable transaction (other than a listed transaction) if a significant purpose of such transaction is the avoidance or evasion of Federal income tax.

''(c) HIGHER PENALTY FOR NONDISCLOSED LISTED AND OTHER AVOIDANCE TRANSACTIONS.—

''(1) IN GENERAL.—Subsection (a) shall be applied by substituting '30 percent' for '20 percent' with respect to the portion of any reportable transaction understatement with respect to which the requirement of section 6664(d)(2)(A) is not met.

''(2) RULES APPLICABLE TO ASSERTION AND COMPROMISE OF PENALTY.—

''(A) IN GENERAL.—Only upon the approval by the Chief Counsel for the Internal Revenue Service or the Chief Counsel's delegate at the national office of the Internal Revenue Service may a penalty to which paragraph (1) applies be included in a 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals. If such a letter is provided to the taxpayer, only the Commissioner of Internal Revenue may compromise all or any portion of such penalty.

''(B) APPLICABLE RULES.—The rules of paragraphs (2), (3), (4), and (5) of section 6707A(d) shall apply for purposes of subparagraph (A).

''(d) DEFINITIONS OF REPORTABLE AND LISTED TRANSACTIONS.—For purposes of this section, the terms 'reportable transaction' and 'listed transaction' have the respective meanings given to such terms by section 6707A(c).

''(e) SPECIAL RULES.—

''(1) COORDINATION WITH PENALTIES, ETC., ON OTHER UNDERSTATEMENTS.—In the case of an understatement (as defined in section 6662(d)(2))—

''(A) the amount of such understatement (determined without regard to this paragraph) shall be increased by the aggregate amount of reportable transaction understatements and noneconomic substance transaction understatements for purposes of determining whether such understatement is a substantial understatement under section 6662(d)(1), and

''(B) the addition to tax under section 6662(a) shall apply only to the excess of the amount of the substantial understatement (if any) after the application of subparagraph (A) over the aggregate amount of reportable transaction understatements and noneconomic substance transaction understatements.

''(2) COORDINATION WITH OTHER PENALTIES.—

''(A) APPLICATION OF FRAUD PENALTY.—References to an underpayment in section 6663 shall be treated as including references to a reportable transaction understatement and a noneconomic substance transaction understatement.

''(B) NO DOUBLE PENALTY.—This section shall not apply to any portion of an understatement on which a penalty is imposed under section 6662B or 6663.

''(3) SPECIAL RULE FOR AMENDED RETURNS.—Except as provided in regulations, in no event shall any tax treatment included with an amendment or supplement to a return of tax be taken into account in determining the amount of any reportable transaction understatement or noneconomic substance transaction understatement if the amendment or supplement is filed after the earlier of the date the taxpayer is first contacted by the Secretary regarding the examination of the return or such other date as is specified by the Secretary.

''(4) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this subsection, the term 'noneconomic substance transaction understatement' has the meaning given such term by section 6662B(c).

''(5) CROSS REFERENCE.—

"For reporting of section 6662A(c) penalty to the Securities and Exchange Commission, see section 6707A(e).".

(b) DETERMINATION OF OTHER UNDERSTATEMENTS.—Subparagraph (A) of section 6662(d)(2) is amended by adding at the end the following flush sentence:

''The excess under the preceding sentence shall be determined without regard to items to which section 6662A applies and without regard to items with respect to which a penalty is imposed by section 6662B.''.

(c) REASONABLE CAUSE EXCEPTION.—

(1) IN GENERAL.—Section 6664 is amended by adding at the end the following new subsection:

''(d) REASONABLE CAUSE EXCEPTION FOR REPORTABLE TRANSACTION UNDERSTATEMENTS.—

''(1) IN GENERAL.—No penalty shall be imposed under section 6662A with respect to any portion of a reportable transaction understatement if it is shown that there was a reasonable cause for such portion and that the taxpayer acted in good faith with respect to such portion.

''(2) SPECIAL RULES.—Paragraph (1) shall not apply to any reportable transaction understatement unless—

''(A) the relevant facts affecting the tax treatment of the item are adequately disclosed in accordance with the regulations prescribed under section 6011,

''(B) there is or was substantial authority for such treatment, and

''(C) the taxpayer reasonably believed that such treatment was more likely than not the proper treatment.

A taxpayer failing to adequately disclose in accordance with section 6011 shall be treated as meeting the requirements of subparagraph (A) if the penalty for such failure was rescinded under section 6707A(d).

''(3) RULES RELATING TO REASONABLE BELIEF.—For purposes of paragraph (2)(C)—

''(A) IN GENERAL.—A taxpayer shall be treated as having a reasonable belief with respect to the tax treatment of an item only if such belief—

''(i) is based on the facts and law that exist at the time the return of tax which includes such tax treatment is filed, and

''(ii) relates solely to the taxpayer's chances of success on the merits of such treatment and does not take into account the possibility that a return will not be audited, such treatment will not be raised on audit, or such treatment will be resolved through settlement if it is raised.

''(B) CERTAIN OPINIONS MAY NOT BE RELIED UPON.—

''(i) IN GENERAL.—An opinion of a tax advisor may not be relied upon to establish the reasonable belief of a taxpayer if—

''(I) the tax advisor is described in clause (ii), or

''(II) the opinion is described in clause (iii).

''(ii) DISQUALIFIED TAX ADVISORS.—A tax advisor is described in this clause if the tax advisor—

''(I) is a material advisor (within the meaning of section 6111(b)(1)) who participates in the organization, management, promotion, or sale of the transaction or who is related (within the meaning of section 267(b) or 707(b)(1)) to any person who so participates,

''(II) is compensated directly or indirectly by a material advisor with respect to the transaction,

''(III) has a fee arrangement with respect to the transaction which is contingent on all or part of the intended tax benefits from the transaction being sustained,

''(IV) has an arrangement with respect to the transaction which provides that contractual disputes between the taxpayer and the advisor are to be settled by arbitration or which limits damages by reference to fees paid to the advisor for such transaction, or

''(V) as determined under regulations prescribed by the Secretary, has a disqualifying financial interest with respect to the transaction.

''(iii) DISQUALIFIED OPINIONS.—For purposes of clause (i), an opinion is disqualified if the opinion—

''(I) is based on unreasonable factual or legal assumptions (including assumptions as to future events),

''(II) unreasonably relies on representations, statements, findings, or agreements of the taxpayer or any other person,

''(III) does not identify and consider all relevant facts,

''(IV) is not signed by all individuals who are principal authors of the opinion, or

''(V) fails to meet any other requirement as the Secretary may prescribe.''.

(2) CONFORMING AMENDMENT.—The heading for subsection (c) of section 6664 is amended by inserting ''FOR UNDERPAYMENTS'' after ''EXCEPTION''.

(d) CONFORMING AMENDMENTS.—

(1) Subparagraph (C) of section 461(i)(3) is amended by striking ''section 6662(d)(2)(C)(iii)'' and inserting ''section 1274(b)(3)(C)''.

(2) Paragraph (3) of section 1274(b) is amended—

(A) by striking ''(as defined in section 6662(d)(2)(C)(iii))'' in subparagraph (B)(i), and

(B) by adding at the end the following new subparagraph:

''(C) TAX SHELTER.—For purposes of subparagraph (B), the term 'tax shelter' means—

''(i) a partnership or other entity,

''(ii) any investment plan or arrangement, or

''(iii) any other plan or arrangement,

if a significant purpose of such partnership, entity, plan, or arrangement is the avoidance or evasion of Federal income tax.''.

(3) Section 6662(d)(2) is amended by striking subparagraphs (C) and (D).

(4) Section 6664(c)(1) is amended by striking ''this part'' and inserting ''section 6662 or 6663''.

(5) Subsection (b) of section 7525 is amended by striking ''section 6662(d)(2)(C)(iii)'' and inserting ''section 1274(b)(3)(C)''.

(6)(A) The heading for section 6662 is amended to read as follows:

"SEC. 6662. IMPOSITION OF ACCURACY-RELATED PENALTY ON UNDERPAYMENTS.".

(B) The table of sections for part II of subchapter A of chapter 68 is amended by striking the item relating to section 6662 and inserting the following new items:

''Sec. 6662. Imposition of accuracy-related penalty on underpayments.

''Sec. 6662A. Imposition of accuracy-related penalty on understatements with respect to reportable transactions.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 604. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

(a) IN GENERAL.—Subchapter A of chapter 68 is amended by inserting after section 6662A the following new section:

''SEC. 6662B. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

''(a) IMPOSITION OF PENALTY.—If a taxpayer has an noneconomic substance transaction understatement for any taxable year, there shall be added to the tax an amount equal to 40 percent of the amount of such understatement.

''(b) REDUCTION OF PENALTY FOR DISCLOSED TRANSACTIONS.—Subsection (a) shall be applied by substituting '20 percent' for '40 percent' with respect to the portion of any noneconomic substance transaction understatement with respect to which the relevant facts affecting the tax treatment of the item are adequately disclosed in the return or a statement attached to the return.

''(c) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this section—

''(1) IN GENERAL.—The term 'noneconomic substance transaction understatement' means any amount which would be an understatement under section 6662A(b)(1) if section 6662A were applied by taking into account items attributable to noneconomic substance transactions rather than items to which section 6662A would apply without regard to this paragraph.

''(2) NONECONOMIC SUBSTANCE TRANSACTION.—The term 'noneconomic substance transaction' means any transaction if—

''(A) there is a lack of economic substance (within the meaning of section 7701(n)(1)) for the transaction giving rise to the claimed benefit or the transaction was not respected under section 7701(n)(2), or

''(B) the transaction fails to meet the requirements of any similar rule of law.

''(d) RULES APPLICABLE TO COMPROMISE OF PENALTY.—

''(1) IN GENERAL.—If the 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals has been sent with respect to a penalty to which this section applies, only the Commissioner of Internal Revenue may compromise all or any portion of such penalty.

''(2) APPLICABLE RULES.—The rules of paragraphs (2), (3), (4), and (5) of section 6707A(d) shall apply for purposes of paragraph (1).

''(e) COORDINATION WITH OTHER PENALTIES.—Except as otherwise provided in this part, the penalty imposed by this section shall be in addition to any other penalty imposed by this title.

''(f) CROSS REFERENCES.—

''(1) For coordination of penalty with understatements under section 6662 and other special rules, see section 6662A(e).

''(2) For reporting of penalty imposed under this section to the Securities and Exchange Commission, see section 6707A(e).''.

(b) CLERICAL AMENDMENT.—The table of sections for part II of subchapter A of chapter 68 is amended by inserting after the item relating to section 6662A the following new item:

''Sec. 6662B. Penalty for understatements attributable to transactions lacking economic substance, etc.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 605. MODIFICATIONS OF SUBSTANTIAL UNDERSTATEMENT PENALTY FOR NONREPORTABLE TRANSACTIONS.

(a) SUBSTANTIAL UNDERSTATEMENT OF CORPORATIONS.—Section 6662(d)(1)(B) (relating to special rule for corporations) is amended to read as follows:

''(B) SPECIAL RULE FOR CORPORATIONS.—In the case of a corporation other than an S corporation or a personal holding company (as defined in section 542), there is a substantial understatement of income tax for any taxable year if the amount of the understatement for the taxable year exceeds the lesser of—

''(i) 10 percent of the tax required to be shown on the return for the taxable year (or, if greater, $10,000), or

''(ii) $10,000,000.''.

(b) REDUCTION FOR UNDERSTATEMENT OF TAXPAYER DUE TO POSITION OF TAXPAYER OR DISCLOSED ITEM.—

(1) IN GENERAL.—Section 6662(d)(2)(B)(i) (relating to substantial authority) is amended to read as follows:

''(i) the tax treatment of any item by the taxpayer if the taxpayer had reasonable belief that the tax treatment was more likely than not the proper treatment, or''.

(2) CONFORMING AMENDMENT.—Section 6662(d) is amended by adding at the end the following new paragraph:

''(3) SECRETARIAL LIST.—For purposes of this subsection, section 6664(d)(2), and section 6694(a)(1), the Secretary may prescribe a list of positions for which the Secretary believes there is not substantial authority or there is no reasonable belief that the tax treatment is more likely than not the proper tax treatment. Such list (and any revisions thereof) shall be published in the Federal Register or the Internal Revenue Bulletin.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 606. TAX SHELTER EXCEPTION TO CONFIDENTIALITY PRIVILEGES RELATING TO TAXPAYER COMMUNICATIONS.

(a) IN GENERAL.—Section 7525(b) (relating to section not to apply to communications regarding corporate tax shelters) is amended to read as follows:

''(b) SECTION NOT TO APPLY TO COMMUNICATIONS REGARDING TAX SHELTERS.—The privilege under subsection (a) shall not apply to any written communication which is—

''(1) between a federally authorized tax practitioner and—

''(A) any person,

''(B) any director, officer, employee, agent, or representative of the person, or

''(C) any other person holding a capital or profits interest in the person, and

''(2) in connection with the promotion of the direct or indirect participation of the person in any tax shelter (as defined in section 1274(b)(3)(C)).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to communications made on or after the date of the enactment of this Act.

SEC. 607. DISCLOSURE OF REPORTABLE TRANSACTIONS.

(a) IN GENERAL.—Section 6111 (relating to registration of tax shelters) is amended to read as follows:

''SEC. 6111. DISCLOSURE OF REPORTABLE TRANSACTIONS.

''(a) IN GENERAL.—Each material advisor with respect to any reportable transaction shall make a return (in such form as the Secretary may prescribe) setting forth—

''(1) information identifying and describing the transaction,

''(2) information describing any potential tax benefits expected to result from the transaction, and

''(3) such other information as the Secretary may prescribe.

Such return shall be filed not later than the date specified by the Secretary.

''(b) DEFINITIONS.—For purposes of this section—

''(1) MATERIAL ADVISOR.—

''(A) IN GENERAL.—The term 'material advisor' means any person—

''(i) who provides any material aid, assistance, or advice with respect to organizing, managing, promoting, selling, implementing, insuring, or carrying out any reportable transaction, and

''(ii) who directly or indirectly derives gross income in excess of the threshold amount for such aid, assistance, or advice.

''(B) THRESHOLD AMOUNT.—For purposes of subparagraph (A), the threshold amount is—

''(i) $50,000 in the case of a reportable transaction substantially all of the tax benefits from which are provided to natural persons, and

''(ii) $250,000 in any other case.

''(2) REPORTABLE TRANSACTION.—The term 'reportable transaction' has the meaning given to such term by section 6707A(c).

''(c) REGULATIONS.—The Secretary may prescribe regulations which provide—

''(1) that only 1 person shall be required to meet the requirements of subsection (a) in cases in which 2 or more persons would otherwise be required to meet such requirements,

''(2) exemptions from the requirements of this section, and

''(3) such rules as may be necessary or appropriate to carry out the purposes of this section.''.

(b) CONFORMING AMENDMENTS.—

(1) The item relating to section 6111 in the table of sections for subchapter B of chapter 61 is amended to read as follows:

''Sec. 6111. Disclosure of reportable transactions.''.

(2)(A) So much of section 6112 as precedes subsection (c) thereof is amended to read as follows:

''SEC. 6112. MATERIAL ADVISORS OF REPORTABLE TRANSACTIONS MUST KEEP LISTS OF ADVISEES.

''(a) IN GENERAL.—Each material advisor (as defined in section 6111) with respect to any reportable transaction (as defined in section 6707A(c)) shall maintain, in such manner as the Secretary may by regulations prescribe, a list—

''(1) identifying each person with respect to whom such advisor acted as such a material advisor with respect to such transaction, and

''(2) containing such other information as the Secretary may by regulations require.

This section shall apply without regard to whether a material advisor is required to file a return under section 6111 with respect to such transaction.''.

(B) Section 6112 is amended by redesignating subsection (c) as subsection (b).

(C) Section 6112(b), as redesignated by subparagraph (B), is amended—

(i) by inserting ''written'' before ''request'' in paragraph (1)(A), and

(ii) by striking ''shall prescribe'' in paragraph (2) and inserting ''may prescribe''.

(D) The item relating to section 6112 in the table of sections for subchapter B of chapter 61 is amended to read as follows:

''Sec. 6112. Material advisors of reportable transactions must keep lists of advisees.''.

(3)(A) The heading for section 6708 is amended to read as follows:

"SEC. 6708. FAILURE TO MAINTAIN LISTS OF ADVISEES WITH RESPECT TO REPORTABLE TRANSACTIONS.".

(B) The item relating to section 6708 in the table of sections for part I of subchapter B of chapter 68 is amended to read as follows:

"Sec. 6708. Failure to maintain lists of advisees with respect to reportable transactions.".

(c) REQUIRED DISCLOSURE NOT SUBJECT TO CLAIM OF CONFIDENTIALITY.—Subparagraph (A) of section 6112(b)(1), as redesignated by subsection (b)(2)(B), is amended by adding at the end the following new flush sentence:

"For purposes of this section, the identity of any person on such list shall not be privileged.".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to transactions with respect to which material aid, assistance, or advice referred to in section 6111(b)(1)(A)(i) of the Internal Revenue Code of 1986 (as added by this section) is provided after the date of the enactment of this Act.

(2) NO CLAIM OF CONFIDENTIALITY AGAINST DISCLOSURE.—The amendment made by subsection (c) shall take effect as if included in the amendments made by section 142 of the Deficit Reduction Act of 1984.

SEC. 608. MODIFICATIONS TO PENALTY FOR FAILURE TO REGISTER TAX SHELTERS.

(a) IN GENERAL.—Section 6707 (relating to failure to furnish information regarding tax shelters) is amended to read as follows:

"SEC. 6707. FAILURE TO FURNISH INFORMATION REGARDING REPORTABLE TRANSACTIONS.

"(a) IN GENERAL.—If a person who is required to file a return under section 6111(a) with respect to any reportable transaction—

"(1) fails to file such return on or before the date prescribed therefor, or

"(2) files false or incomplete information with the Secretary with respect to such transaction,

such person shall pay a penalty with respect to such return in the amount determined under subsection (b).

"(b) AMOUNT OF PENALTY.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the penalty imposed under subsection (a) with respect to any failure shall be $50,000.

"(2) LISTED TRANSACTIONS.—The penalty imposed under subsection (a) with respect to any listed transaction shall be an amount equal to the greater of—

"(A) $200,000, or

"(B) 50 percent of the gross income derived by such person with respect to aid, assistance, or advice which is provided with respect to the listed transaction before the date the return including the transaction is filed under section 6111.

Subparagraph (B) shall be applied by substituting '75 percent' for '50 percent' in the case of an intentional failure or act described in subsection (a).

"(c) CERTAIN RULES TO APPLY.—The provisions of section 6707A(d) shall apply to any penalty imposed under this section.

"(d) REPORTABLE AND LISTED TRANSACTIONS.—The terms 'reportable transaction' and 'listed transaction' have the respective meanings given to such terms by section 6707A(c).".

(b) CLERICAL AMENDMENT.—The item relating to section 6707 in the table of sections for part I of subchapter B of chapter 68 is amended by striking "tax shelters" and inserting "reportable transactions".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns the due date for which is after the date of the enactment of this Act.

SEC. 609. MODIFICATION OF PENALTY FOR FAILURE TO MAINTAIN LISTS OF INVESTORS.

(a) IN GENERAL.—Subsection (a) of section 6708 is amended to read as follows:

"(a) IMPOSITION OF PENALTY.—

"(1) IN GENERAL.—If any person who is required to maintain a list under section 6112(a) fails to make such list available upon written request to the Secretary in accordance with section 6112(b)(1)(A) within 20 business days after the date of the Secretary's request, such person shall pay a penalty of $10,000 for each day of such failure after such 20th day.

"(2) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed by paragraph (1) with respect to the failure on any day if such failure is due to reasonable cause.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to requests made after the date of the enactment of this Act.

SEC. 610. MODIFICATION OF ACTIONS TO ENJOIN CERTAIN CONDUCT RELATED TO TAX SHELTERS AND REPORTABLE TRANSACTIONS.

(a) IN GENERAL.—Section 7408 (relating to action to enjoin promoters of abusive tax shelters, etc.) is amended by redesignating subsection (c) as subsection (d) and by striking subsections (a) and (b) and inserting the following new subsections:

"(a) AUTHORITY TO SEEK INJUNCTION.—A civil action in the name of the United States to enjoin any person from further engaging in specified conduct may be commenced at the request of the Secretary. Any action under this section shall be brought in the district court of the United States for the district in which such person resides, has his principal place of business, or has engaged in specified conduct. The court may exercise its jurisdiction over such action (as provided in section 7402(a)) separate and apart from any other action brought by the United States against such person.

"(b) ADJUDICATION AND DECREE.—In any action under subsection (a), if the court finds—

"(1) that the person has engaged in any specified conduct, and

"(2) that injunctive relief is appropriate to prevent recurrence of such conduct,

the court may enjoin such person from engaging in such conduct or in any other activity subject to penalty under this title.

"(c) SPECIFIED CONDUCT.—For purposes of this section, the term 'specified conduct' means any action, or failure to take action, which is—

"(1) subject to penalty under section 6700, 6701, 6707, or 6708, or

"(2) in violation of any requirement under regulations issued under section 320 of title 31, United States Code.".

(b) CONFORMING AMENDMENTS.—

(1) The heading for section 7408 is amended to read as follows:

"SEC. 7408. ACTIONS TO ENJOIN SPECIFIED CONDUCT RELATED TO TAX SHELTERS AND REPORTABLE TRANSACTIONS.".

(2) The table of sections for subchapter A of chapter 67 is amended by striking the item relating to section 7408 and inserting the following new item:

"Sec. 7408. Actions to enjoin specified conduct related to tax shelters and reportable transactions.".

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on the day after the date of the enactment of this Act.

SEC. 611. UNDERSTATEMENT OF TAXPAYER'S LIABILITY BY INCOME TAX RETURN PREPARER.

(a) STANDARDS CONFORMED TO TAXPAYER STANDARDS.—Section 6694(a) (relating to understatements due to unrealistic positions) is amended—

(1) by striking "realistic possibility of being sustained on its merits" in paragraph (1) and inserting "reasonable belief that the tax treatment in such position was more likely than not the proper treatment",

(2) by striking "or was frivolous" in paragraph (3) and inserting "or there was no reasonable basis for the tax treatment of such position", and

(3) by striking "UNREALISTIC" in the heading and inserting "IMPROPER".

(b) AMOUNT OF PENALTY.—Section 6694 is amended—

(1) by striking "$250" in subsection (a) and inserting "$1,000", and

(2) by striking "$1,000" in subsection (b) and inserting "$5,000".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to documents prepared after the date of the enactment of this Act.

SEC. 612. PENALTY ON FAILURE TO REPORT INTERESTS IN FOREIGN FINANCIAL ACCOUNTS.

(a) IN GENERAL.—Section 5321(a)(5) of title 31, United States Code, is amended to read as follows:

"(5) FOREIGN FINANCIAL AGENCY TRANSACTION VIOLATION.—

"(A) PENALTY AUTHORIZED.—The Secretary of the Treasury may impose a civil money penalty on any person who violates, or causes any violation of, any provision of section 5314.

"(B) AMOUNT OF PENALTY.—

"(i) IN GENERAL.—Except as provided in subparagraph (C), the amount of any civil penalty imposed under subparagraph (A) shall not exceed $10,000.

"(ii) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under subparagraph (A) with respect to any violation if—

"(I) such violation was due to reasonable cause, and

"(II) the amount of the transaction or the balance in the account at the time of the transaction was properly reported.

"(C) WILLFUL VIOLATIONS.—In the case of any person willfully violating, or willfully causing any violation of, any provision of section 5314—

"(i) the maximum penalty under subparagraph (B)(i) shall be increased to the greater of—

"(I) $100,000, or

"(II) 50 percent of the amount determined under subparagraph (D), and

"(ii) subparagraph (B)(ii) shall not apply.

"(D) AMOUNT.—The amount determined under this subparagraph is—

"(i) in the case of a violation involving a transaction, the amount of the transaction, or

"(ii) in the case of a violation involving a failure to report the existence of an account or any identifying information required to be provided with respect to an account, the balance in the account at the time of the violation.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to violations occurring after the date of the enactment of this Act.

SEC. 613. FRIVOLOUS TAX SUBMISSIONS.

(a) CIVIL PENALTIES.—Section 6702 is amended to read as follows:

"SEC. 6702. FRIVOLOUS TAX SUBMISSIONS.

"(a) CIVIL PENALTY FOR FRIVOLOUS TAX RETURNS.—A person shall pay a penalty of $5,000 if—

"(1) such person files what purports to be a return of a tax imposed by this title but which—

"(A) does not contain information on which the substantial correctness of the self-assessment may be judged, or

"(B) contains information that on its face indicates that the self-assessment is substantially incorrect; and

''(2) the conduct referred to in paragraph (1)—

''(A) is based on a position which the Secretary has identified as frivolous under subsection (c), or

''(B) reflects a desire to delay or impede the administration of Federal tax laws.

''(b) CIVIL PENALTY FOR SPECIFIED FRIVOLOUS SUBMISSIONS.—

''(1) IMPOSITION OF PENALTY.—Except as provided in paragraph (3), any person who submits a specified frivolous submission shall pay a penalty of $5,000.

''(2) SPECIFIED FRIVOLOUS SUBMISSION.—For purposes of this section—

''(A) SPECIFIED FRIVOLOUS SUBMISSION.—The term 'specified frivolous submission' means a specified submission if any portion of such submission—

''(i) is based on a position which the Secretary has identified as frivolous under subsection (c), or

''(ii) reflects a desire to delay or impede the administration of Federal tax laws.

''(B) SPECIFIED SUBMISSION.—The term 'specified submission' means—

''(i) a request for a hearing under—

''(I) section 6320 (relating to notice and opportunity for hearing upon filing of notice of lien), or

''(II) section 6330 (relating to notice and opportunity for hearing before levy), and

''(ii) an application under—

''(I) section 6159 (relating to agreements for payment of tax liability in installments),

''(II) section 7122 (relating to compromises), or

''(III) section 7811 (relating to taxpayer assistance orders).

''(3) OPPORTUNITY TO WITHDRAW SUBMISSION.—If the Secretary provides a person with notice that a submission is a specified frivolous submission and such person withdraws such submission within 30 days after such notice, the penalty imposed under paragraph (1) shall not apply with respect to such submission.

''(c) LISTING OF FRIVOLOUS POSITIONS.—The Secretary shall prescribe (and periodically revise) a list of positions which the Secretary has identified as being frivolous for purposes of this subsection. The Secretary shall not include in such list any position that the Secretary determines meets the requirement of section 6662(d)(2)(B)(ii)(II).

''(d) REDUCTION OF PENALTY.—The Secretary may reduce the amount of any penalty imposed under this section if the Secretary determines that such reduction would promote compliance with and administration of the Federal tax laws.

''(e) PENALTIES IN ADDITION TO OTHER PENALTIES.—The penalties imposed by this section shall be in addition to any other penalty provided by law.''.

(b) TREATMENT OF FRIVOLOUS REQUESTS FOR HEARINGS BEFORE LEVY.—

(1) FRIVOLOUS REQUESTS DISREGARDED.—Section 6330 (relating to notice and opportunity for hearing before levy) is amended by adding at the end the following new subsection:

''(g) FRIVOLOUS REQUESTS FOR HEARING, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of a request for a hearing under this section or section 6320 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.''.

(2) PRECLUSION FROM RAISING FRIVOLOUS ISSUES AT HEARING.—Section 6330(c)(4) is amended—

(A) by striking ''(A)'' and inserting ''(A)(i)'';

(B) by striking ''(B)'' and inserting ''(ii)'';

(C) by striking the period at the end of the first sentence and inserting ''; or''; and

(D) by inserting after subparagraph (A)(ii) (as so redesignated) the following:

''(B) the issue meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A).''.

(3) STATEMENT OF GROUNDS.—Section 6330(b)(1) is amended by striking ''under subsection (a)(3)(B)'' and inserting ''in writing under subsection (a)(3)(B) and states the grounds for the requested hearing''.

(c) TREATMENT OF FRIVOLOUS REQUESTS FOR HEARINGS UPON FILING OF NOTICE OF LIEN.—Section 6320 is amended—

(1) in subsection (b)(1), by striking ''under subsection (a)(3)(B)'' and inserting ''in writing under subsection (a)(3)(B) and states the grounds for the requested hearing'', and

(2) in subsection (c), by striking ''and (e)'' and inserting ''(e), and (g)''.

(d) TREATMENT OF FRIVOLOUS APPLICATIONS FOR OFFERS-IN-COMPROMISE AND INSTALLMENT AGREEMENTS.—Section 7122 is amended by adding at the end the following new subsection:

''(e) FRIVOLOUS SUBMISSIONS, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of an application for an offer-in-compromise or installment agreement submitted under this section or section 6159 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.''.

(e) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by striking the item relating to section 6702 and inserting the following new item:

''Sec. 6702. Frivolous tax submissions.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to submissions made and issues raised after the date on which the Secretary first prescribes a list under section 6702(c) of the Internal Revenue Code of 1986, as amended by subsection (a).

SEC. 614. REGULATION OF INDIVIDUALS PRACTICING BEFORE THE DEPARTMENT OF TREASURY.

(a) CENSURE; IMPOSITION OF PENALTY.—

(1) IN GENERAL.—Section 330(b) of title 31, United States Code, is amended—

(A) by inserting '', or censure,'' after ''Department'', and

(B) by adding at the end the following new flush sentence:

''The Secretary may impose a monetary penalty on any representative described in the preceding sentence. If the representative was acting on behalf of an employer or any firm or other entity in connection with the conduct giving rise to such penalty, the Secretary may impose a monetary penalty on such employer, firm, or entity if it knew, or reasonably should have known, of such conduct. Such penalty shall not exceed the gross income derived (or to be derived) from the conduct giving rise to the penalty and may be in addition to, or in lieu of, any suspension, disbarment, or censure of the representative.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to actions taken after the date of the enactment of this Act.

(b) TAX SHELTER OPINIONS, ETC.—Section 330 of such title 31 is amended by adding at the end the following new subsection:

''(d) Nothing in this section or in any other provision of law shall be construed to limit the authority of the Secretary of the Treasury to impose standards applicable to the rendering of written advice with respect to any entity, transaction plan or arrangement, or other plan or arrangement, which is of a type which the Secretary determines as having a potential for tax avoidance or evasion.''.

SEC. 615. PENALTY FOR PROMOTING ABUSIVE TAX SHELTERS.

(a) PENALTY FOR PROMOTING ABUSIVE TAX SHELTERS.—Section 6700 (relating to promoting abusive tax shelters, etc.) is amended—

(1) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively,

(2) by striking ''a penalty'' and all that follows through the period in the first sentence of subsection (a) and inserting ''a penalty determined under subsection (b)'', and

(3) by inserting after subsection (a) the following new subsections:

''(b) AMOUNT OF PENALTY; CALCULATION OF PENALTY; LIABILITY FOR PENALTY.—

''(1) AMOUNT OF PENALTY.—The amount of the penalty imposed by subsection (a) shall not exceed 100 percent of the gross income derived (or to be derived) from such activity by the person or persons subject to such penalty.

''(2) CALCULATION OF PENALTY.—The penalty amount determined under paragraph (1) shall be calculated with respect to each instance of an activity described in subsection (a), each instance in which income was derived by the person or persons subject to such penalty, and each person who participated in such an activity.

''(3) LIABILITY FOR PENALTY.—If more than 1 person is liable under subsection (a) with respect to such activity, all such persons shall be jointly and severally liable for the penalty under such subsection.

''(c) PENALTY NOT DEDUCTIBLE.—The payment of any penalty imposed under this section or the payment of any amount to settle or avoid the imposition of such penalty shall not be deductible by the person who is subject to such penalty or who makes such payment.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to activities after the date of the enactment of this Act.

SEC. 616. STATUTE OF LIMITATIONS FOR TAXABLE YEARS FOR WHICH REQUIRED LISTED TRANSACTIONS NOT REPORTED.

(a) IN GENERAL.—Section 6501(c) (relating to exceptions) is amended by adding at the end the following new paragraph:

''(10) LISTED TRANSACTIONS.—If a taxpayer fails to include on any return or statement for any taxable year any information with respect to a listed transaction (as defined in section 6707A(c)(2)) which is required under section 6011 to be included with such return or statement, the time for assessment of any tax imposed by this title with respect to such transaction shall not expire before the date which is 1 year after the earlier of—

''(A) the date on which the Secretary is furnished the information so required; or

''(B) the date that a material advisor (as defined in section 6111) meets the requirements of section 6112 with respect to a request by the Secretary under section 6112(b) relating to such transaction with respect to such taxpayer.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years with respect to which the period for assessing a deficiency did not expire before the date of the enactment of this Act.

SEC. 617. DENIAL OF DEDUCTION FOR INTEREST ON UNDERPAYMENTS ATTRIBUTABLE TO NONDISCLOSED REPORTABLE AND NONECONOMIC SUBSTANCE TRANSACTIONS.

(a) IN GENERAL.—Section 163 (relating to deduction for interest) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) INTEREST ON UNPAID TAXES ATTRIBUTABLE TO NONDISCLOSED REPORTABLE TRANSACTIONS AND NONECONOMIC SUBSTANCE TRANSACTIONS.—No deduction shall be allowed under this chapter for any interest

paid or accrued under section 6601 on any underpayment of tax which is attributable to—

''(1) the portion of any reportable transaction understatement (as defined in section 6662A(b)) with respect to which the requirement of section 6664(d)(2)(A) is not met, or

''(2) any noneconomic substance transaction understatement (as defined in section 6662B(c)).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions in taxable years beginning after the date of the enactment of this Act.

SEC. 618. AUTHORIZATION OF APPROPRIATIONS FOR TAX LAW ENFORCEMENT.

There is authorized to be appropriated $300,000,000 for each fiscal year beginning after September 30, 2003, for the purpose of carrying out tax law enforcement to combat tax avoidance transactions and other tax shelters, including the use of offshore financial accounts to conceal taxable income.

SEC. 619. PENALTY FOR AIDING AND ABETTING THE UNDERSTATEMENT OF TAX LIABILITY.

(a) IN GENERAL.—Section 6701(a) (relating to imposition of penalty) is amended—

(1) by inserting ''the tax liability or'' after ''respect to,'' in paragraph (1),

(2) by inserting ''aid, assistance, procurement, or advice with respect to such'' before ''portion'' both places it appears in paragraphs (2) and (3), and

(3) by inserting ''instance of aid, assistance, procurement, or advice or each such'' before ''document'' in the matter following paragraph (3).

(b) AMOUNT OF PENALTY.—Subsection (b) of section 6701 (relating to penalties for aiding and abetting understatement of tax liability) is amended to read as follows:

''(b) AMOUNT OF PENALTY; CALCULATION OF PENALTY; LIABILITY FOR PENALTY.—

''(1) AMOUNT OF PENALTY.—The amount of the penalty imposed by subsection (a) shall not exceed 100 percent of the gross income derived (or to be derived) from such aid, assistance, procurement, or advice provided by the person or persons subject to such penalty.

''(2) CALCULATION OF PENALTY.—The penalty amount determined under paragraph (1) shall be calculated with respect to each instance of aid, assistance, procurement, or advice described in subsection (a), each instance in which income was derived by the person or persons subject to such penalty, and each person who made such an understatement of the liability for tax.

''(3) LIABILITY FOR PENALTY.—If more than 1 person is liable under subsection (a) with respect to providing such aid, assistance, procurement, or advice, all such persons shall be jointly and severally liable for the penalty under such subsection.''.

(c) PENALTY NOT DEDUCTIBLE.—Section 6701 is amended by adding at the end the following new subsection:

''(g) PENALTY NOT DEDUCTIBLE.—The payment of any penalty imposed under this section or the payment of any amount to settle or avoid the imposition of such penalty shall not be deductible by the person who is subject to such penalty or who makes such payment.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to activities after the date of the enactment of this Act.

SEC. 620. STUDY ON INFORMATION SHARING AMONG LAW ENFORCEMENT AGENCIES.

(a) STUDY.—The Secretary of the Treasury shall, jointly with the Attorney General, the Securities and Exchange Commission, and the Commissioner of Internal Revenue, study the effectiveness of, and ways to improve, the sharing of information related to the promotion of prohibited tax shelters or tax avoidance schemes and other potential violations of Federal laws.

(b) REPORT.—The Secretary shall, not later than 1 year after the date of the enactment of this Act, report to the appropriate committees of the Congress the results of the study under subsection (a), including any recommendations for legislation.

Subtitle B—Enron-Related Tax Shelter Provisions

SEC. 631. LIMITATION ON TRANSFER OR IMPORTATION OF BUILT-IN LOSSES.

(a) IN GENERAL.—Section 362 (relating to basis to corporations) is amended by adding at the end the following new subsection:

''(e) LIMITATIONS ON BUILT-IN LOSSES.—

''(1) LIMITATION ON IMPORTATION OF BUILT-IN LOSSES.—

''(A) IN GENERAL.—If in any transaction described in subsection (a) or (b) there would (but for this subsection) be an importation of a net built-in loss, the basis of each property described in subparagraph (B) which is acquired in such transaction shall (notwithstanding subsections (a) and (b)) be its fair market value immediately after such transaction.

''(B) PROPERTY DESCRIBED.—For purposes of subparagraph (A), property is described in this subparagraph if—

''(i) gain or loss with respect to such property is not subject to tax under this subtitle in the hands of the transferor immediately before the transfer, and

''(ii) gain or loss with respect to such property is subject to such tax in the hands of the transferee immediately after such transfer.

In any case in which the transferor is a partnership, the preceding sentence shall be applied by treating each partner in such partnership as holding such partner's proportionate share of the property of such partnership.

''(C) IMPORTATION OF NET BUILT-IN LOSS.—For purposes of subparagraph (A), there is an importation of a net built-in loss in a transaction if the transferee's aggregate adjusted bases of property described in subparagraph (B) which is transferred in such transaction would (but for this paragraph) exceed the fair market value of such property immediately after such transaction.

''(2) LIMITATION ON TRANSFER OF BUILT-IN LOSSES IN SECTION 351 TRANSACTIONS.—

''(A) IN GENERAL.—If—

''(i) property is transferred by a transferor in any transaction which is described in subsection (a) and which is not described in paragraph (1) of this subsection, and

''(ii) the transferee's aggregate adjusted bases of such property so transferred would (but for this paragraph) exceed the fair market value of such property immediately after such transaction,

then, notwithstanding subsection (a), the transferee's aggregate adjusted bases of the property so transferred shall not exceed the fair market value of such property immediately after such transaction.

''(B) ALLOCATION OF BASIS REDUCTION.—The aggregate reduction in basis by reason of subparagraph (A) shall be allocated among the property so transferred in proportion to their respective built-in losses immediately before the transaction.

''(C) EXCEPTION FOR TRANSFERS WITHIN AFFILIATED GROUP.—Subparagraph (A) shall not apply to any transaction if the transferor owns stock in the transferee meeting the requirements of section 1504(a)(2). In the case of property to which subparagraph (A) does not apply by reason of the preceding sentence, the transferor's basis in the stock received for such property shall not exceed its fair market value immediately after the transfer.''.

(b) COMPARABLE TREATMENT WHERE LIQUIDATION.—Paragraph (1) of section 334(b) (relating to liquidation of subsidiary) is amended to read as follows:

''(1) IN GENERAL.—If property is received by a corporate distributee in a distribution in a complete liquidation to which section 332 applies (or in a transfer described in section 337(b)(1)), the basis of such property in the hands of such distributee shall be the same as it would be in the hands of the transferor; except that the basis of such property in the hands of such distributee shall be the fair market value of the property at the time of the distribution—

''(A) in any case in which gain or loss is recognized by the liquidating corporation with respect to such property, or

''(B) in any case in which the liquidating corporation is a foreign corporation, the corporate distributee is a domestic corporation, and the corporate distributee's aggregate adjusted bases of property described in section 362(e)(1)(B) which is distributed in such liquidation would (but for this subparagraph) exceed the fair market value of such property immediately after such liquidation.''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to transactions after December 31, 2003.

(2) LIQUIDATIONS.—The amendment made by subsection (b) shall apply to liquidations after December 31, 2003.

SEC. 632. NO REDUCTION OF BASIS UNDER SECTION 734 IN STOCK HELD BY PARTNERSHIP IN CORPORATE PARTNER.

(a) IN GENERAL.—Section 755 is amended by adding at the end the following new subsection:

''(c) NO ALLOCATION OF BASIS DECREASE TO STOCK OF CORPORATE PARTNER.—In making an allocation under subsection (a) of any decrease in the adjusted basis of partnership property under section 734(b)—

''(1) no allocation may be made to stock in a corporation (or any person which is related (within the meaning of section 267(b) or 707(b)(1)) to such corporation) which is a partner in the partnership, and

''(2) any amount not allocable to stock by reason of paragraph (1) shall be allocated under subsection (a) to other partnership property in such manner as the Secretary may prescribe.

Gain shall be recognized to the partnership to the extent that the amount required to be allocated under paragraph (2) to other partnership property exceeds the aggregate adjusted basis of such other property immediately before the allocation required by paragraph (2).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions after February 13, 2003.

SEC. 633. REPEAL OF SPECIAL RULES FOR FASITS.

(a) IN GENERAL.—Part V of subchapter M of chapter 1 (relating to financial asset securitization investment trusts) is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (6) of section 56(g) is amended by striking ''REMIC, or FASIT'' and inserting ''or REMIC''.

(2) Clause (ii) of section 382(l)(4)(B) is amended by striking ''a REMIC to which part IV of subchapter M applies, or a FASIT to which part V of subchapter M applies,'' and inserting ''or a REMIC to which part IV of subchapter M applies,''.

(3) Paragraph (1) of section 582(c) is amended by striking '', and any regular interest in a FASIT,''.

(4) Subparagraph (E) of section 856(c)(5) is amended by striking the last sentence.

(5)(A) Section 860G(a)(1) is amended by adding at the end the following new sentence: ''An interest shall not fail to qualify as a regular interest solely because the specified principal amount of the regular interest

(or the amount of interest accrued on the regular interest) can be reduced as a result of the nonoccurrence of 1 or more contingent payments with respect to any reverse mortgage loan held by the REMIC if, on the startup day for the REMIC, the sponsor reasonably believes that all principal and interest due under the regular interest will be paid at or prior to the liquidation of the REMIC.''.

(B) The last sentence of section 860G(a)(3) is amended by inserting '', and any reverse mortgage loan (and each balance increase on such loan meeting the requirements of subparagraph (A)(iii)) shall be treated as an obligation secured by an interest in real property'' before the period at the end.

(6) Paragraph (3) of section 860G(a) is amended by adding ''and'' at the end of subparagraph (B), by striking '', and'' at the end of subparagraph (C) and inserting a period, and by striking subparagraph (D).

(7) Section 860G(a)(3), as amended by paragraph (6), is amended by adding at the end the following new sentence: ''For purposes of subparagraph (A), if more than 50 percent of the obligations transferred to, or purchased by, the REMIC are originated by the United States or any State (or any political subdivision, agency, or instrumentality of the United States or any State) and are principally secured by an interest in real property, then each obligation transferred to, or purchased by, the REMIC shall be treated as secured by an interest in real property.''.

(8)(A) Section 860G(a)(3)(A) is amended by striking ''or'' at the end of clause (i), by inserting ''or'' at the end of clause (ii), and by inserting after clause (ii) the following new clause:

''(iii) represents an increase in the principal amount under the original terms of an obligation described in clause (i) or (ii) if such increase—

''(I) is attributable to an advance made to the obligor pursuant to the original terms of the obligation,

''(II) occurs after the startup day, and

''(III) is purchased by the REMIC pursuant to a fixed price contract in effect on the startup day.''.

(B) Section 860G(a)(7)(B) is amended to read as follows:

''(B) QUALIFIED RESERVE FUND.—For purposes of subparagraph (A), the term 'qualified reserve fund' means any reasonably required reserve to—

''(i) provide for full payment of expenses of the REMIC or amounts due on regular interests in the event of defaults on qualified mortgages or lower than expected returns on cash flow investments, or

''(ii) provide a source of funds for the purchase of obligations described in clause (ii) or (iii) of paragraph (3)(A).

The aggregate fair market value of the assets held in any such reserve shall not exceed 50 percent of the aggregate fair market value of all of the assets of the REMIC on the startup day, and the amount of any such reserve shall be promptly and appropriately reduced to the extent the amount held in such reserve is no longer reasonably required for purposes specified in clause (i) or (ii) of this subparagraph.''.

(9) Subparagraph (C) of section 1202(e)(4) is amended by striking ''REMIC, or FASIT'' and inserting ''or REMIC''.

(10) Clause (xi) of section 7701(a)(19)(C) is amended—

(A) by striking ''and any regular interest in a FASIT,'', and

(B) by striking ''or FASIT'' each place it appears.

(11) Subparagraph (A) of section 7701(i)(2) is amended by striking ''or a FASIT''.

(12) The table of parts for subchapter M of chapter 1 is amended by striking the item relating to part V.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on February 14, 2003.

(2) EXCEPTION FOR EXISTING FASITS.—Paragraph (1) shall not apply to any FASIT in existence on the date of the enactment of this Act to the extent that regular interests issued by the FASIT before such date continue to remain outstanding in accordance with the original terms of issuance.

SEC. 634. EXPANDED DISALLOWANCE OF DEDUCTION FOR INTEREST ON CONVERTIBLE DEBT.

(a) IN GENERAL.—Paragraph (2) of section 163(l) is amended by inserting ''or equity held by the issuer (or any related party) in any other person'' after ''or a related party''.

(b) CAPITALIZATION ALLOWED WITH RESPECT TO EQUITY OF PERSONS OTHER THAN ISSUER AND RELATED PARTIES.—Section 163(l) is amended by redesignating paragraphs (4) and (5) as paragraphs (5) and (6) and by inserting after paragraph (3) the following new paragraph:

''(4) CAPITALIZATION ALLOWED WITH RESPECT TO EQUITY OF PERSONS OTHER THAN ISSUER AND RELATED PARTIES.—If the disqualified debt instrument of a corporation is payable in equity held by the issuer (or any related party) in any other person (other than a related party), the basis of such equity shall be increased by the amount not allowed as a deduction by reason of paragraph (1) with respect to the instrument.''.

(c) EXCEPTION FOR CERTAIN INSTRUMENTS ISSUED BY DEALERS IN SECURITIES.—Section 163(l), as amended by subsection (b), is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7) and by inserting after paragraph (4) the following new paragraph:

''(5) EXCEPTION FOR CERTAIN INSTRUMENTS ISSUED BY DEALERS IN SECURITIES.—For purposes of this subsection, the term 'disqualified debt instrument' does not include indebtedness issued by a dealer in securities (or a related party) which is payable in, or by reference to, equity (other than equity of the issuer or a related party) held by such dealer in its capacity as a dealer in securities. For purposes of this paragraph, the term 'dealer in securities' has the meaning given such term by section 475.''.

(d) CONFORMING AMENDMENTS.—Paragraph (3) of section 163(l) is amended—

(1) by striking ''or a related party'' in the material preceding subparagraph (A) and inserting ''or any other person'', and

(2) by striking ''or interest'' each place it appears.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to debt instruments issued after February 13, 2003.

SEC. 635. EXPANDED AUTHORITY TO DISALLOW TAX BENEFITS UNDER SECTION 269.

(a) IN GENERAL.—Subsection (a) of section 269 (relating to acquisitions made to evade or avoid income tax) is amended to read as follows:

''(a) IN GENERAL.—If—

''(1)(A) any person or persons acquire, directly or indirectly, control of a corporation, or

''(B) any corporation acquires, directly or indirectly, property of another corporation and the basis of such property, in the hands of the acquiring corporation, is determined by reference to the basis in the hands of the transferor corporation, and

''(2) the principal purpose for which such acquisition was made is evasion or avoidance of Federal income tax,

then the Secretary may disallow such deduction, credit, or other allowance. For purposes of paragraph (1)(A), control means the ownership of stock possessing at least 50 percent of the total combined voting power of all classes of stock entitled to vote or at least 50 percent of the total value of all shares of all classes of stock of the corporation.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to stock and property acquired after February 13, 2003.

SEC. 636. MODIFICATION OF INTERACTION BETWEEN SUBPART F AND PASSIVE FOREIGN INVESTMENT COMPANY RULES.

(a) LIMITATION ON EXCEPTION FROM PFIC RULES FOR UNITED STATES SHAREHOLDERS OF CONTROLLED FOREIGN CORPORATIONS.—Paragraph (2) of section 1297(e) (relating to passive foreign investment company) is amended by adding at the end the following flush sentence:

''Such term shall not include any period if the earning of subpart F income by such corporation during such period would result in only a remote likelihood of an inclusion in gross income under section 951(a)(1)(A)(i).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of controlled foreign corporations beginning after February 13, 2003, and to taxable years of United States shareholders with or within which such taxable years of controlled foreign corporations end.

Subtitle C—Restructuring of Incentives for Alcohol Fuels, Etc.

SEC. 641. REDUCED RATES OF TAX ON GASOHOL REPLACED WITH EXCISE TAX CREDIT; REPEAL OF OTHER ALCOHOL-BASED FUEL INCENTIVES; ETC.

(a) EXCISE TAX CREDIT FOR ALCOHOL FUEL MIXTURES.—

(1) IN GENERAL.—Subsection (f) of section 6427 is amended to read as follows:

''(f) ALCOHOL FUEL MIXTURES.—

''(1) IN GENERAL.—The amount of credit which would (but for section 40(c)) be determined under section 40(a)(1) for any period—

''(A) shall, with respect to taxable events occurring during such period, be treated—

''(i) as a payment of the taxpayer's liability for tax imposed by section 4081, and

''(ii) as received at the time of the taxable event, and

''(B) to the extent such amount of credit exceeds such liability for such period, shall (except as provided in subsection (k)) be paid subject to subsection (i)(3) by the Secretary without interest.

''(2) SPECIAL RULES.—

''(A) ONLY CERTAIN ALCOHOL TAKEN INTO ACCOUNT.—For purposes of paragraph (1), section 40 shall be applied—

''(i) by not taking into account alcohol with a proof of less than 190, and

''(ii) by treating as alcohol the alcohol gallon equivalent of ethyl tertiary butyl ether or other ethers produced from such alcohol.

''(B) TREATMENT OF REFINERS.—For purposes of paragraph (1), in the case of a mixture—

''(i) the alcohol in which is described in subparagraph (A)(ii), and

''(ii) which is produced by any person at a refinery prior to any taxable event,

section 40 shall be applied by treating such person as having sold such mixture at the time of its removal from the refinery (and only at such time) to another person for use as a fuel.

''(3) MIXTURES NOT USED AS FUEL.—Rules similar to the rules of subparagraphs (A) and (D) of section 40(d)(3) shall apply for purposes of this subsection.

''(4) TERMINATION.—This section shall apply only to periods to which section 40 applies, determined by substituting in section 40(e)—

''(A) 'December 31, 2010' for 'December 31, 2007', and

''(B) 'January 1, 2011' for 'January 1, 2008'.''

(2) REVISION OF RULES FOR PAYMENT OF CREDIT.—Paragraph (3) of section 6427(i) is amended to read as follows:

''(3) SPECIAL RULE FOR ALCOHOL MIXTURE CREDIT.—

''(A) IN GENERAL.—A claim may be filed under subsection (f)(1)(B) by any person for any period—

''(i) for which $200 or more is payable under such subsection (f)(1)(B), and

''(ii) which is not less than 1 week.

In the case of an electronic claim, this subparagraph shall be applied without regard to clause (i).

''(B) PAYMENT OF CLAIM.—Notwithstanding subsection (f)(1)(B), if the Secretary has not paid pursuant to a claim filed under this section within 45 days of the date of the filing of such claim (20 days in the case of an electronic claim), the claim shall be paid with interest from such date determined by using the overpayment rate and method under section 6621.

''(C) TIME FOR FILING CLAIM.—No claim filed under this paragraph shall be allowed unless filed on or before the last day of the first quarter following the earliest quarter included in the claim.''

(b) REPEAL OF OTHER INCENTIVES FOR FUEL MIXTURES.—

(1) Subsection (b) of section 4041 is amended to read as follows:

''(b) EXEMPTION FOR OFF-HIGHWAY BUSINESS USE.—

''(1) IN GENERAL.—No tax shall be imposed by subsection (a) or (d)(1) on liquids sold for use or used in an off-highway business use.

''(2) TAX WHERE OTHER USE.—If a liquid on which no tax was imposed by reason of paragraph (1) is used otherwise than in an off-highway business use, a tax shall be imposed by paragraph (1)(B), (2)(B), or (3)(A)(ii) of subsection (a) (whichever is appropriate) and by the corresponding provision of subsection (d)(1) (if any).

''(3) OFF-HIGHWAY BUSINESS USE DEFINED.—For purposes of this subsection, the term 'off-highway business use' has the meaning given to such term by section 6421(e)(2); except that such term shall not, for purposes of subsection (a)(1), include use in a diesel-powered train.''

(2) Section 4041(k) is hereby repealed.

(3) Section 4081(c) is hereby repealed.

(4) Section 4091(c) is hereby repealed.

(c) TRANSFERS TO HIGHWAY TRUST FUND.—Paragraph (4) of section 9503(b) is amended by adding ''or'' at the end of subparagraph (B), by striking the comma at the end of subparagraph (C) and inserting a period, and by striking subparagraphs (D), (E), and (F).

(d) CONFORMING AMENDMENTS.—

(1) Subsection (c) of section 40 is amended to read as follows:

''(c) COORDINATION WITH EXCISE TAX BENEFITS.—The amount of the credit determined under this section with respect to any alcohol shall, under regulations prescribed by the Secretary, be properly reduced to take into account the benefit provided with respect to such alcohol under section 6427(f).''

(2) Subparagraph (B) of section 40(d)(4) is amended by striking ''under section 4041(k) or 4081(c)'' and inserting ''under section 6427(f)''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided by paragraph (2), the amendments made by this section shall apply to fuel sold or used after September 30, 2004.

(2) SUBSECTION (c).—The amendments made by subsection (c) shall apply to taxes imposed after September 30, 2003.

SEC. 642. ALCOHOL FUEL SUBSIDIES BORNE BY GENERAL FUND.

(a) TRANSFERS TO FUND.—Section 9503(b)(1) is amended by adding at the end the following new flush sentence:

''For purposes of this paragraph, the amount of taxes received under section 4081 shall include any amount treated as a payment under section 6427(f)(1)(A) and shall not be reduced by the amount paid under section 6427(f)(1)(B).''.

(b) TRANSFERS FROM FUND.—Subparagraph (A) of section 9503(c)(2) is amended by adding at the end the following new sentence: ''Clauses (i)(III) and (ii) shall not apply to claims under section 6427(f)(1)(B).''

(c) EFFECTIVE DATE.—

(1) SUBSECTION (a).—The amendment made by subsection (a) shall apply to taxes received after September 30, 2004.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to amounts paid after September 30, 2004, and (to the extent related to section 34 of the Internal Revenue Code of 1986) to fuel used after such date.

Subtitle D—Reduction of Fuel Tax Evasion

SEC. 651. EXEMPTION FROM CERTAIN EXCISE TAXES FOR MOBILE MACHINERY.

(a) EXEMPTION FROM TAX ON HEAVY TRUCKS AND TRAILERS SOLD AT RETAIL.—

(1) IN GENERAL.—Section 4053 (relating to exemptions) is amended by adding at the end the following new paragraph:

''(8) MOBILE MACHINERY.—Any vehicle which consists of a chassis—

''(A) to which there has been permanently mounted (by welding, bolting, riveting, or other means) machinery or equipment to perform a construction, manufacturing, processing, farming, mining, drilling, timbering, or similar operation if the operation of the machinery or equipment is unrelated to transportation on or off the public highways,

''(B) which has been specially designed to serve only as a mobile carriage and mount (and a power source, where applicable) for the particular machinery or equipment involved, whether or not such machinery or equipment is in operation, and

''(C) which, by reason of such special design, could not, without substantial structural modification, be used as a component of a vehicle designed to perform a function of transporting any load other than that particular machinery or equipment or similar machinery or equipment requiring such a specially designed chassis.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the day after the date of the enactment of this Act.

(b) EXEMPTION FROM TAX ON USE OF CERTAIN VEHICLES.—

(1) IN GENERAL.—Section 4483 (relating to exemptions) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

''(g) EXEMPTION FOR MOBILE MACHINERY.—No tax shall be imposed by section 4481 on the use of any vehicle described in section 4053(8).''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the day after the date of the enactment of this Act.

(c) EXEMPTION FROM TAX ON TIRES.—

(1) IN GENERAL.—Section 4072(b)(2) is amended by adding at the end the following flush sentence: ''Such term shall not include tires of a type used exclusively on vehicles described in section 4053(8).''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the day after the date of the enactment of this Act.

(d) REFUND OF FUEL TAXES.—

(1) IN GENERAL.—Section 6421(e)(2) (defining off-highway business use) is amended by adding at the end the following new subparagraph:

''(C) USES IN MOBILE MACHINERY.—

''(i) IN GENERAL.—The term 'off-highway business use' shall include any use in a vehicle which meets the requirements described in clause (ii).

''(ii) REQUIREMENTS FOR MOBILE MACHINERY.—The requirements described in this clause are—

''(I) the design-based test, and

''(II) the use-based test.

''(iii) DESIGN-BASED TEST.—For purposes of clause (ii)(I), the design-based test is met if the vehicle consists of a chassis—

''(I) to which there has been permanently mounted (by welding, bolting, riveting, or other means) machinery or equipment to perform a construction, manufacturing, processing, farming, mining, drilling, timbering, or similar operation if the operation of the machinery or equipment is unrelated to transportation on or off the public highways,

''(II) which has been specially designed to serve only as a mobile carriage and mount (and a power source, where applicable) for the particular machinery or equipment involved, whether or not such machinery or equipment is in operation, and

''(III) which, by reason of such special design, could not, without substantial structural modification, be used as a component of a vehicle designed to perform a function of transporting any load other than that particular machinery or equipment or similar machinery or equipment requiring such a specially designed chassis.

''(iv) USE-BASED TEST.—For purposes of clause (ii)(II), the use-based test is met if the use of the vehicle on public highways was less than 7,500 miles during the taxpayer's taxable year.''.

(2) NO TAX-FREE SALES.—Subsection (b) of section 4082, as amended by section 652, is amended by inserting before the period at the end ''and such term shall not include any use described in section 6421(e)(2)(C)''.

(3) ANNUAL REFUND OF TAX PAID.—Section 6427(i)(2) (relating to exceptions) is amended by adding at the end the following new subparagraph:

''(C) NONAPPLICATION OF PARAGRAPH.—This paragraph shall not apply to any fuel used solely in any off-highway business use described in section 6421(e)(2)(C).''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 652. TAXATION OF AVIATION-GRADE KEROSENE.

(a) RATE OF TAX.—

(1) IN GENERAL.—Subparagraph (A) of section 4081(a)(2) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) in the case of aviation-grade kerosene, 21.8 cents per gallon.''.

(2) COMMERCIAL AVIATION.—Paragraph (2) of section 4081(a) is amended by adding at the end the following new subparagraph:

''(C) TAXES IMPOSED ON FUEL USED IN COMMERCIAL AVIATION.—In the case of aviation-grade kerosene which is removed from any refinery or terminal directly into the fuel tank of an aircraft for use in commercial aviation, the rate of tax under subparagraph (A)(iv) shall be 4.3 cents per gallon.''.

(3) CERTAIN REFUELER TRUCKS, TANKERS, AND TANK WAGONS TREATED AS TERMINAL.—Subsection (a) of section 4081 is amended by adding at the end the following new paragraph:

''(3) CERTAIN REFUELER TRUCKS, TANKERS, AND TANK WAGONS TREATED AS TERMINAL.—

''(A) IN GENERAL.—In the case of aviation-grade kerosene which is removed from any terminal directly into the fuel tank of an aircraft (determined without regard to any refueler truck, tanker, or tank wagon which meets the requirements of subparagraph (B)), a refueler truck, tanker, or tank wagon shall be treated as part of such terminal if—

''(i) such truck, tanker, or wagon meets the requirements of subparagraph (B) with respect to an airport, and

''(ii) except in the case of exigent circumstances identified by the Secretary in regulations, no vehicle registered for highway use is loaded with aviation-grade kerosene at such terminal.

''(B) REQUIREMENTS.—A refueler truck, tanker, or tank wagon meets the requirements of this subparagraph with respect to an airport if such truck, tanker, or wagon—

''(i) is loaded with aviation-grade kerosene at such terminal located within such airport and delivers such kerosene only into aircraft at such airport,

''(ii) has storage tanks, hose, and coupling equipment designed and used for the purposes of fueling aircraft,

''(iii) is not registered for highway use, and

''(iv) is operated by—

''(I) the terminal operator of such terminal, or

''(II) a person that makes a daily accounting to such terminal operator of each delivery of fuel from such truck, tanker, or wagon.

''(C) REPORTING.—The Secretary shall require under section 4101(d) reporting by such terminal operator of—

''(i) any information obtained under subparagraph (B)(iv)(II), and

''(ii) any similar information maintained by such terminal operator with respect to deliveries of fuel made by trucks, tankers, or wagons operated by such terminal operator.''.

(4) LIABILITY FOR TAX ON AVIATION-GRADE KEROSENE USED IN COMMERCIAL AVIATION.—Subsection (a) of section 4081 is amended by adding at the end the following new paragraph:

''(4) LIABILITY FOR TAX ON AVIATION-GRADE KEROSENE USED IN COMMERCIAL AVIATION.—For purposes of paragraph (2)(C), the person who uses the fuel for commercial aviation shall pay the tax imposed under such paragraph. For purposes of the preceding sentence, fuel shall be treated as used when such fuel is removed into the fuel tank.''.

(5) NONTAXABLE USES.—

(A) IN GENERAL.—Section 4082 is amended by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and by inserting after subsection (d) the following new subsection:

''(e) AVIATION-GRADE KEROSENE.—In the case of aviation-grade kerosene which is exempt from the tax imposed by section 4041(c) (other than by reason of a prior imposition of tax) and which is removed from any refinery or terminal directly into the fuel tank of an aircraft, the rate of tax under section 4081(a)(2)(A)(iv) shall be zero.''.

(B) CONFORMING AMENDMENTS.—

(i) Subsection (b) of section 4082 is amended by adding at the end the following new flush sentence:

''The term 'nontaxable use' does not include the use of aviation-grade kerosene in an aircraft.''.

(ii) Section 4082(d) is amended by striking paragraph (1) and by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(6) NONAIRCRAFT USE OF AVIATION-GRADE KEROSENE.—

(A) IN GENERAL.—Subparagraph (B) of section 4041(a)(1) is amended by adding at the end the following new sentence: ''This subparagraph shall not apply to aviation-grade kerosene.''.

(B) CONFORMING AMENDMENT.—The heading for paragraph (1) of section 4041(a) is amended by inserting ''AND KEROSENE'' after ''DIESEL FUEL''.

(b) COMMERCIAL AVIATION.—Section 4083 is amended by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and by inserting after subsection (a) the following new subsection:

''(b) COMMERCIAL AVIATION.—For purposes of this subpart, the term 'commercial aviation' means any use of an aircraft in a business of transporting persons or property for compensation or hire by air, unless properly allocable to any transportation exempt from the taxes imposed by sections 4261 and 4271 by reason of section 4281 or 4282 or by reason of section 4261(h).''.

(c) REFUNDS.—

(1) IN GENERAL.—Paragraph (4) of section 6427(l) is amended to read as follows:

''(4) REFUNDS FOR AVIATION-GRADE KEROSENE.—

''(A) NO REFUND OF CERTAIN TAXES ON FUEL USED IN COMMERCIAL AVIATION.—In the case of aviation-grade kerosene used in commercial aviation (as defined in section 4083(b)) (other than supplies for vessels or aircraft within the meaning of section 4221(d)(3)), paragraph (1) shall not apply to so much of the tax imposed by section 4081 as is attributable to—

''(i) the Leaking Underground Storage Tank Trust Fund financing rate imposed by such section, and

''(ii) so much of the rate of tax specified in section 4081(a)(2)(A)(iv) as does not exceed 4.3 cents per gallon.

''(B) PAYMENT TO ULTIMATE, REGISTERED VENDOR.—With respect to aviation-grade kerosene, if the ultimate purchaser of such kerosene waives (at such time and in such form and manner as the Secretary shall prescribe) the right to payment under paragraph (1) and assigns such right to the ultimate vendor, then the Secretary shall pay the amount which would be paid under paragraph (1) to such ultimate vendor, but only if such ultimate vendor—

''(i) is registered under section 4101, and

''(ii) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).''.

(2) TIME FOR FILING CLAIMS.—Subparagraph (A) of section 6427(i)(4) is amended—

(A) by striking ''subsection (l)(5)'' both places it appears and inserting ''paragraph (4)(B) or (5) of subsection (l)'', and

(B) by striking ''the preceding sentence'' and inserting ''subsection (l)(5)''.

(3) CONFORMING AMENDMENT.—Subparagraph (B) of section 6427(l)(2) is amended to read as follows:

''(B) in the case of aviation-grade kerosene—

''(i) any use which is exempt from the tax imposed by section 4041(c) other than by reason of a prior imposition of tax, or

''(ii) any use in commercial aviation (within the meaning of section 4083(b)).''.

(d) REPEAL OF PRIOR TAXATION OF AVIATION FUEL.—

(1) IN GENERAL.—Part III of subchapter A of chapter 32 is amended by striking subpart B and by redesignating subpart C as subpart B.

(2) CONFORMING AMENDMENTS.—

(A) Section 4041(c) is amended to read as follows:

''(c) AVIATION-GRADE KEROSENE.—

''(1) IN GENERAL.—There is hereby imposed a tax upon aviation-grade kerosene—

''(A) sold by any person to an owner, lessee, or other operator of an aircraft for use in such aircraft, or

''(B) used by any person in an aircraft unless there was a taxable sale of such fuel under subparagraph (A).

''(2) EXEMPTION FOR PREVIOUSLY TAXED FUEL.—No tax shall be imposed by this subsection on the sale or use of any aviation-grade kerosene if tax was imposed on such liquid under section 4081 and the tax thereon was not credited or refunded.

''(3) RATE OF TAX.—The rate of tax imposed by this subsection shall be the rate of tax specified in section 4081(a)(2)(A)(iv) which is in effect at the time of such sale or use.''.

(B) Section 4041(d)(2) is amended by striking ''section 4091'' and inserting ''section 4081''.

(C) Section 4041 is amended by striking subsection (e).

(D) Section 4041 is amended by striking subsection (i).

(E) Sections 4101(a), 4103, 4221(a), and 6206 are each amended by striking '', 4081, or 4091'' and inserting ''or 4081''.

(F) Section 6416(b)(2) is amended by striking ''4091 or''.

(G) Section 6416(b)(3) is amended by striking ''or 4091'' each place it appears.

(H) Section 6416(d) is amended by striking ''or to the tax imposed by section 4091 in the case of refunds described in section 4091(d)''.

(I) Section 6427(j)(1) is amended by striking '', 4081, and 4091'' and inserting ''and 4081''.

(J)(i) Section 6427(l)(1) is amended to read as follows:

''(1) IN GENERAL.—Except as otherwise provided in this subsection and in subsection (k), if any diesel fuel or kerosene on which tax has been imposed by section 4041 or 4081 is used by any person in a nontaxable use, the Secretary shall pay (without interest) to the ultimate purchaser of such fuel an amount equal to the aggregate amount of tax imposed on such fuel under section 4041 or 4081, as the case may be, reduced by any payment made to the ultimate vendor under paragraph (4)(B).''.

(ii) Paragraph (5)(B) of section 6427(l) is amended by striking ''Paragraph (1)(A) shall not apply to kerosene'' and inserting ''Paragraph (1) shall not apply to kerosene (other than aviation-grade kerosene)''.

(K) Subparagraph (B) of section 6724(d)(1) is amended by striking clause (xv) and by redesignating the succeeding clauses accordingly.

(L) Paragraph (2) of section 6724(d) is amended by striking subparagraph (W) and by redesignating the succeeding subparagraphs accordingly.

(M) Paragraph (1) of section 9502(b) is amended by adding ''and'' at the end of subparagraph (B) and by striking subparagraphs (C) and (D) and inserting the following new subparagraph:

''(C) section 4081 with respect to aviation gasoline and aviation-grade kerosene, and''.

(N) The last sentence of section 9502(b) is amended to read as follows:

''There shall not be taken into account under paragraph (1) so much of the taxes imposed by section 4081 as are determined at the rate specified in section 4081(a)(2)(B).''.

(O) Subsection (b) of section 9508 is amended by striking paragraph (3) and by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(P) Section 9508(c)(2)(A) is amended by striking ''sections 4081 and 4091'' and inserting ''section 4081''.

(Q) The table of subparts for part III of subchapter A of chapter 32 is amended to read as follows:

''Subpart A. Motor and aviation fuels.

''Subpart B. Special provisions applicable to fuels tax.''.

(R) The heading for subpart A of part III of subchapter A of chapter 32 is amended to read as follows:

"Subpart A—Motor and Aviation Fuels".

(S) The heading for subpart B of part III of subchapter A of chapter 32, as redesignated by paragraph (1), is amended to read as follows:

"Subpart B—Special Provisions Applicable to Fuels Tax".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to aviation-grade kerosene removed, entered, or sold after September 30, 2004.

(f) FLOOR STOCKS TAX.—

(1) IN GENERAL.—There is hereby imposed on aviation-grade kerosene held on October 1, 2004, by any person a tax equal to—

(A) the tax which would have been imposed before such date on such kerosene had the amendments made by this section been in effect at all times before such date, reduced by

(B) the tax imposed before such date under section 4091 of the Internal Revenue Code of 1986, as in effect on the day before the date of the enactment of this Act.

(2) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—The person holding the kerosene on October 1, 2004, to which the tax imposed by paragraph (1) applies shall be liable for such tax.

(B) METHOD AND TIME FOR PAYMENT.—The tax imposed by paragraph (1) shall be paid at such time and in such manner as the Secretary of the Treasury (or the Secretary's delegate) shall prescribe, including the non-application of such tax on de minimis amounts of kerosene.

(3) TRANSFER OF FLOOR STOCK TAX REVENUES TO TRUST FUNDS.—For purposes of determining the amount transferred to any trust fund, the tax imposed by this subsection shall be treated as imposed by section 4081 of the Internal Revenue Code of 1986—

(A) at the Leaking Underground Storage Tank Trust Fund financing rate under such section to the extent of 0.1 cents per gallon, and

(B) at the rate under section 4081(a)(2)(A)(iv) to the extent of the remainder.

(4) HELD BY A PERSON.—For purposes of this section, kerosene shall be considered as held by a person if title thereto has passed to such person (whether or not delivery to the person has been made).

(5) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the tax imposed by section 4081 of such Code shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock tax imposed by paragraph (1) to the same extent as if such tax were imposed by such section.

SEC. 653. DYE INJECTION EQUIPMENT.

(a) IN GENERAL.—Section 4082(a)(2) (relating to exemptions for diesel fuel and kerosene) is amended by inserting ''by mechanical injection'' after ''indelibly dyed''.

(b) DYE INJECTOR SECURITY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall issue regulations regarding mechanical dye injection systems described in the amendment made by subsection (a), and such regulations shall include standards for making such systems tamper resistant.

(c) PENALTY FOR TAMPERING WITH OR FAILING TO MAINTAIN SECURITY REQUIREMENTS FOR MECHANICAL DYE INJECTION SYSTEMS.—

(1) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by adding after section 6715 the following new section:

"SEC. 6715A. TAMPERING WITH OR FAILING TO MAINTAIN SECURITY REQUIREMENTS FOR MECHANICAL DYE INJECTION SYSTEMS.

''(a) IMPOSITION OF PENALTY—

''(1) TAMPERING.—If any person tampers with a mechanical dye injection system used to indelibly dye fuel for purposes of section 4082, such person shall pay a penalty in addition to the tax (if any).

''(2) FAILURE TO MAINTAIN SECURITY REQUIREMENTS.—If any operator of a mechanical dye injection system used to indelibly dye fuel for purposes of section 4082 fails to maintain the security standards for such system as established by the Secretary, then such operator shall pay a penalty in addition to the tax (if any).

''(b) AMOUNT OF PENALTY.—The amount of the penalty under subsection (a) shall be—

''(1) for each violation described in paragraph (1), the greater of—

''(A) $25,000, or

''(B) $10 for each gallon of fuel involved, and

''(2) for each—

''(A) failure to maintain security standards described in paragraph (2), $1,000, and

''(B) failure to correct a violation described in paragraph (2), $1,000 per day for each day after which such violation was discovered or such person should have reasonably known of such violation.

''(c) JOINT AND SEVERAL LIABILITY.—

''(1) IN GENERAL.—If a penalty is imposed under this section on any business entity, each officer, employee, or agent of such entity or other contracting party who willfully participated in any act giving rise to such penalty shall be jointly and severally liable with such entity for such penalty.

''(2) AFFILIATED GROUPS.—If a business entity described in paragraph (1) is part of an affiliated group (as defined in section 1504(a)), the parent corporation of such entity shall be jointly and severally liable with such entity for the penalty imposed under this section.''.

(2) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by adding after the item related to section 6715 the following new item:

''Sec. 6715A. Tampering with or failing to maintain security requirements for mechanical dye injection systems.''.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (c) shall take effect on the 180th day after the date on which the Secretary issues the regulations described in subsection (b).

SEC. 654. AUTHORITY TO INSPECT ON-SITE RECORDS.

(a) IN GENERAL.—Section 4083(d)(1)(A) (relating to administrative authority), as previously amended by this Act, is amended by striking ''and'' at the end of clause (i) and by inserting after clause (ii) the following new clause:

''(iii) inspecting any books and records and any shipping papers pertaining to such fuel, and''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 655. REGISTRATION OF PIPELINE OR VESSEL OPERATORS REQUIRED FOR EXEMPTION OF BULK TRANSFERS TO REGISTERED TERMINALS OR REFINERIES.

(a) IN GENERAL.—Section 4081(a)(1)(B) (relating to exemption for bulk transfers to registered terminals or refineries) is amended—

(1) by inserting ''by pipeline or vessel'' after ''transferred in bulk'', and

(2) by inserting '', the operator of such pipeline or vessel,'' after ''the taxable fuel''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2004.

(c) PUBLICATION OF REGISTERED PERSONS.—Beginning on July 1, 2004, the Secretary of the Treasury (or the Secretary's delegate) shall periodically publish a current list of persons registered under section 4101 of the Internal Revenue Code of 1986 who are required to register under such section.

SEC. 656. DISPLAY OF REGISTRATION.

(a) IN GENERAL.—Subsection (a) of section 4101 (relating to registration) is amended—

(1) by striking ''Every'' and inserting the following:

''(1) IN GENERAL.—Every'', and

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

''(2) DISPLAY OF REGISTRATION.—Every operator of a vessel required by the Secretary to register under this section shall display proof of registration through an electronic identification device prescribed by the Secretary on each vessel used by such operator to transport any taxable fuel.''.

(b) CIVIL PENALTY FOR FAILURE TO DISPLAY REGISTRATION.—

(1) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6716 the following new section:

"SEC. 6717. FAILURE TO DISPLAY TAX REGISTRATION ON VESSELS.

''(a) FAILURE TO DISPLAY REGISTRATION.—Every operator of a vessel who fails to display proof of registration pursuant to section 4101(a)(2) shall pay a penalty of $500 for each such failure. With respect to any vessel, only one penalty shall be imposed by this section during any calendar month.

''(b) MULTIPLE VIOLATIONS.—In determining the penalty under subsection (a) on any person, subsection (a) shall be applied by increasing the amount in subsection (a) by the product of such amount and the aggregate number of penalties (if any) imposed with respect to prior months by this section on such person (or a related person or any predecessor of such person or related person).

''(c) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this section with respect to any failure if it is shown that such failure is due to reasonable cause.''.

(2) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by inserting after the item relating to section 6716 the following new item:

''Sec. 6717. Failure to display tax registration on vessels.''.

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall take effect on October 1, 2004.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to penalties imposed after September 30, 2004.

SEC. 657. PENALTIES FOR FAILURE TO REGISTER AND FAILURE TO REPORT.

(a) INCREASED PENALTY.—Subsection (a) of section 7272 (relating to penalty for failure to register) is amended by inserting ''($10,000 in the case of a failure to register under section 4101)'' after ''$50''.

(b) INCREASED CRIMINAL PENALTY.—Section 7232 (relating to failure to register under section 4101, false representations of registration status, etc.) is amended by striking ''$5,000'' and inserting ''$10,000''.

(c) ASSESSABLE PENALTY FOR FAILURE TO REGISTER.—

(1) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6717 the following new section:

"SEC. 6718. FAILURE TO REGISTER.

''(a) FAILURE TO REGISTER.—Every person who is required to register under section 4101 and fails to do so shall pay a penalty in addition to the tax (if any).

''(b) AMOUNT OF PENALTY.—The amount of the penalty under subsection (a) shall be—

''(1) $10,000 for each initial failure to register, and

''(2) $1,000 for each day thereafter such person fails to register.

''(c) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this section with respect to any failure if it is shown that such failure is due to reasonable cause.''.

(2) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by inserting after the item relating to section 6717 the following new item:

''Sec. 6718. Failure to register.''.

(d) ASSESSABLE PENALTY FOR FAILURE TO REPORT.—

(1) IN GENERAL.—Part II of subchapter B of chapter 68 (relating to assessable penalties) is amended by adding at the end the following new section:

"SEC. 6725. FAILURE TO REPORT INFORMATION UNDER SECTION 4101.

''(a) IN GENERAL.—In the case of each failure described in subsection (b) by any person with respect to a vessel or facility, such person shall pay a penalty of $10,000 in addition to the tax (if any).

''(b) FAILURES SUBJECT TO PENALTY.—For purposes of subsection (a), the failures described in this subsection are—

''(1) any failure to make a report under section 4101(d) on or before the date prescribed therefor, and

''(2) any failure to include all of the information required to be shown on such report or the inclusion of incorrect information.

''(c) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this section with respect to any failure if it is shown that such failure is due to reasonable cause.''.

(2) CLERICAL AMENDMENT.—The table of sections for part II of subchapter B of chapter 68 is amended by adding at the end the following new item:

''Sec. 6725. Failure to report information under section 4101.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to penalties imposed after September 30, 2004.

SEC. 658. COLLECTION FROM CUSTOMS BOND WHERE IMPORTER NOT REGISTERED.

(a) TAX AT POINT OF ENTRY WHERE IMPORTER NOT REGISTERED.—Subpart B of part III of subchapter A of chapter 32, as redesignated by section 652(d), is amended by adding after section 4103 the following new section:

"SEC. 4104. COLLECTION FROM CUSTOMS BOND WHERE IMPORTER NOT REGISTERED.

''(a) IN GENERAL.—The importer of record shall be jointly and severally liable for the tax imposed by section 4081(a)(1)(A)(iii) if, under regulations prescribed by the Secretary, any other person that is not a person who is registered under section 4101 is liable for such tax.

''(b) COLLECTION FROM CUSTOMS BOND.—If any tax for which any importer of record is liable under subsection (a), or for which any importer of record that is not a person registered under section 4101 is otherwise liable, is not paid on or before the last date prescribed for payment, the Secretary may collect such tax from the Customs bond posted with respect to the importation of the taxable fuel to which the tax relates. For purposes of determining the jurisdiction of any court of the United States or any agency of the United States, any action by the Secretary described in the preceding sentence shall be treated as an action to collect the tax from a bond described in section 4101(b)(1) and not as an action to collect from a bond relating to the importation of merchandise.''.

(b) CONFORMING AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 32, as redesignated by section 652(d), is amended by adding after the item related to section 4103 the following new item:

''Sec. 4104. Collection from Customs bond where importer not registered.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fuel entered after September 30, 2004.

SEC. 659. MODIFICATIONS OF TAX ON USE OF CERTAIN VEHICLES.

(a) PRORATION OF TAX WHERE VEHICLE SOLD.—

(1) IN GENERAL.—Subparagraph (A) of section 4481(c)(2) (relating to where vehicle destroyed or stolen) is amended by striking ''destroyed or stolen'' both places it appears and inserting ''sold, destroyed, or stolen''.

(2) CONFORMING AMENDMENT.—The heading for section 4481(c)(2) is amended by striking ''DESTROYED OR STOLEN'' and inserting ''SOLD, DESTROYED, OR STOLEN''.

(b) REPEAL OF INSTALLMENT PAYMENT.—

(1) Section 6156 (relating to installment payment of tax on use of highway motor vehicles) is repealed.

(2) The table of sections for subchapter A of chapter 62 is amended by striking the item relating to section 6156.

(c) ELECTRONIC FILING.—Section 4481 is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

''(e) ELECTRONIC FILING.—Any taxpayer who files a return under this section with respect to 25 or more vehicles for any taxable period shall file such return electronically.''.

(d) REPEAL OF REDUCTION IN TAX FOR CERTAIN TRUCKS.—Section 4483 is amended by striking subsection (f).

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable periods beginning after the date of the enactment of this Act.

SEC. 660. MODIFICATION OF ULTIMATE VENDOR REFUND CLAIMS WITH RESPECT TO FARMING.

(a) IN GENERAL.—

(1) REFUNDS.—Section 6427(l) is amended by adding at the end the following new paragraph:

''(6) REGISTERED VENDORS PERMITTED TO ADMINISTER CERTAIN CLAIMS FOR REFUND OF DIESEL FUEL AND KEROSENE SOLD TO FARMERS.—

''(A) IN GENERAL.—In the case of diesel fuel or kerosene used on a farm for farming purposes (within the meaning of section 6420(c)), paragraph (1) shall not apply to the aggregate amount of such diesel fuel or kerosene if such amount does not exceed 250 gallons (as determined under subsection (i)(5)(A)(iii)).

''(B) PAYMENT TO ULTIMATE VENDOR.—The amount which would (but for subparagraph (A)) have been paid under paragraph (1) with respect to any fuel shall be paid to the ultimate vendor of such fuel, if such vendor—

''(i) is registered under section 4101, and

''(ii) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).''.

(2) FILING OF CLAIMS.—Section 6427(i) is amended by inserting at the end the following new paragraph:

''(5) SPECIAL RULE FOR VENDOR REFUNDS WITH RESPECT TO FARMERS.—

''(A) IN GENERAL.—A claim may be filed under subsection (l)(6) by any person with respect to fuel sold by such person for any period—

''(i) for which $200 or more ($100 or more in the case of kerosene) is payable under subsection (l)(6),

''(ii) which is not less than 1 week, and

''(iii) which is for not more than 250 gallons for each farmer for which there is a claim.

Notwithstanding subsection (l)(1), paragraph (3)(B) shall apply to claims filed under the preceding sentence.

''(B) TIME FOR FILING CLAIM.—No claim filed under this paragraph shall be allowed unless filed on or before the last day of the first quarter following the earliest quarter included in the claim.''.

(3) CONFORMING AMENDMENTS.—

(A) Section 6427(l)(5)(A) is amended to read as follows:

''(A) IN GENERAL.—Paragraph (1) shall not apply to diesel fuel or kerosene used by a State or local government.''.

(B) The heading for section 6427(l)(5) is amended by striking ''FARMERS AND''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuels sold for nontaxable use after the date of the enactment of this Act.

SEC. 661. DEDICATION OF REVENUES FROM CERTAIN PENALTIES TO THE HIGHWAY TRUST FUND.

(a) IN GENERAL.—Subsection (b) of section 9503 (relating to transfer to Highway Trust Fund of amounts equivalent to certain taxes) is amended by redesignating paragraph (5) as paragraph (6) and inserting after paragraph (4) the following new paragraph:

''(5) CERTAIN PENALTIES.—There are hereby appropriated to the Highway Trust Fund amounts equivalent to the penalties paid under sections 6715, 6715A, 6717, 6718, 6725, 7232, and 7272 (but only with regard to penalties under such section related to failure to register under section 4101).''.

(b) CONFORMING AMENDMENTS.—

(1) The heading of subsection (b) of section 9503 is amended by inserting ''AND PENALTIES'' after ''TAXES''.

(2) The heading of paragraph (1) of section 9503(b) is amended by striking ''IN GENERAL'' and inserting ''CERTAIN TAXES''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to penalties assessed after October 1, 2004.

SEC. 662. TAXABLE FUEL REFUNDS FOR CERTAIN ULTIMATE VENDORS.

(a) IN GENERAL.—Paragraph (4) of section 6416(a) (relating to abatements, credits, and refunds) is amended to read as follows:

''(4) REGISTERED ULTIMATE VENDOR TO ADMINISTER CREDITS AND REFUNDS OF GASOLINE TAX.—

''(A) IN GENERAL.—For purposes of this subsection, if an ultimate vendor purchases any gasoline on which tax imposed by section 4081 has been paid and sells such gasoline to an ultimate purchaser described in subparagraph (C) or (D) of subsection (b)(2) (and such gasoline is for a use described in such subparagraph), such ultimate vendor shall be treated as the person (and the only person) who paid such tax, but only if such ultimate vendor is registered under section 4101. For purposes of this subparagraph, if the sale of gasoline is made by means of a credit card, the person extending the credit to the ultimate purchaser shall be deemed to be the ultimate vendor.

''(B) TIMING OF CLAIMS.—The procedure and timing of any claim under subparagraph (A) shall be the same as for claims under section 6427(i)(4), except that the rules of section 6427(i)(3)(B) regarding electronic claims shall not apply unless the ultimate vendor has certified to the Secretary for the most recent quarter of the taxable year that all ultimate purchasers of the vendor covered by such claim are certified and entitled to a refund under subparagraph (C) or (D) of subsection (b)(2).''.

(b) CREDIT CARD PURCHASES OF DIESEL FUEL OR KEROSENE BY STATE AND LOCAL GOVERNMENTS.—Section 6427(l)(5)(C) (relating to nontaxable uses of diesel fuel, kerosene, and aviation fuel) is amended by adding at the end the following new flush sentence: ''For purposes of this subparagraph, if the sale of diesel fuel or kerosene is made by means of a credit card, the person extending the credit to the ultimate purchaser shall be deemed to be the ultimate vendor.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2004.

SEC. 663. TWO-PARTY EXCHANGES.

(a) IN GENERAL.—Subpart B of part III of subchapter A of chapter 32, as amended by this Act, is amended by adding after section 4104 the following new section:

"SEC. 4105. TWO-PARTY EXCHANGES.

''(a) IN GENERAL.—In a two-party exchange, the delivering person shall not be

liable for the tax imposed under section 4081(a)(1)(A)(ii).

''(b) TWO-PARTY EXCHANGE.—The term 'two-party exchange' means a transaction, other than a sale, in which taxable fuel is transferred from a delivering person registered under section 4101 as a taxable fuel registrant fuel to a receiving person who is so registered where all of the following occur:

''(1) The transaction includes a transfer from the delivering person, who holds the inventory position for taxable fuel in the terminal as reflected in the records of the terminal operator.

''(2) The exchange transaction occurs before or contemporaneous with completion of removal across the rack from the terminal by the receiving person.

''(3) The terminal operator in its books and records treats the receiving person as the person that removes the taxable fuel across the terminal rack for purposes of reporting the transaction to the Secretary.

''(4) The transaction is the subject of a written contract.''.

(b) CONFORMING AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 32, as amended by this Act, is amended by adding after the item relating to section 4104 the following new item:

''Sec. 4105. Two-party exchanges.''.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 664. SIMPLIFICATION OF TAX ON TIRES.

(a) IN GENERAL.—Subsection (a) of section 4071 is amended to read as follows:

''(a) IMPOSITION AND RATE OF TAX.—There is hereby imposed on taxable tires sold by the manufacturer, producer, or importer thereof a tax at the rate of 9.4 cents (4.7 cents in the case of a biasply tire) for each 10 pounds so much of the maximum rated load capacity thereof as exceeds 3,500 pounds.''

(b) TAXABLE TIRE.—Section 4072 is amended by redesignating subsections (a) and (b) as subsections (b) and (c), respectively, and by inserting before subsection (b) (as so redesignated) the following new subsection:

''(a) TAXABLE TIRE.—For purposes of this chapter, the term 'taxable tire' means any tire of the type used on highway vehicles if wholly or in part made of rubber and if marked pursuant to Federal regulations for highway use.''

(c) EXEMPTION FOR TIRES SOLD TO DEPARTMENT OF DEFENSE.—Section 4073 is amended to read as follows:

''SEC. 4073. EXEMPTIONS.

''The tax imposed by section 4071 shall not apply to tires sold for the exclusive use of the Department of Defense or the Coast Guard.''

(d) CONFORMING AMENDMENTS.—

(1) Section 4071 is amended by striking subsection (c) and by moving subsection (e) after subsection (b) and redesignating subsection (e) as subsection (c).

(2) The item relating to section 4073 in the table of sections for part II of subchapter A of chapter 32 is amended to read as follows:

''Sec. 4073. Exemptions.''

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to sales in calendar years beginning more than 30 days after the date of the enactment of this Act.

Subtitle E—Prevention of Tax Avoidance Through Treaty Shopping

SEC. 671. DENIAL OF TREATY BENEFITS FOR CERTAIN DEDUCTIBLE PAYMENTS.

(a) IN GENERAL.—Section 894 (relating to income affected by treaty) is amended by adding at the end the following new subsection:

''(d) DENIAL OF TREATY BENEFITS FOR CERTAIN DEDUCTIBLE PAYMENTS.—

''(1) IN GENERAL.—A foreign entity shall not be entitled under any income tax treaty of the United States with a foreign country to any reduced rate of any withholding tax imposed by this title on any deductible foreign payment unless such entity is predominantly owned by individuals who are residents of such foreign country.

''(2) DEDUCTIBLE FOREIGN PAYMENT.—For purposes of paragraph (1), the term 'deductible foreign payment' means any payment—

''(A) which is made by a domestic entity directly or indirectly to a related person which is a foreign entity, and

''(B) which is allowable as a deduction under this chapter.

''(3) DOMESTIC AND FOREIGN ENTITIES; RELATED PERSON.—For purposes of this subsection—

''(A) DOMESTIC ENTITY.—The term 'domestic entity' means any domestic corporation or domestic partnership.

''(B) FOREIGN ENTITY.—The term 'foreign entity' means any foreign corporation or foreign partnership.

''(C) RELATED PERSON.—The term 'related person' has the meaning given such term by section 954(d)(3) (determined by substituting 'domestic entity' for 'controlled foreign corporation' each place it appears).

''(4) PREDOMINANT OWNERSHIP.—For purposes of this subsection—

''(A) IN GENERAL.—An entity is predominantly owned by individuals who are residents of a foreign country if—

''(i) in the case of a corporation, more than 50 percent (by value) of the stock of such corporation is owned (within the meaning of section 883(c)(4)) by individuals who are residents of such foreign country, or

''(ii) in the case of a partnership, more than 50 percent (by value) of the beneficial interests in such partnership are so owned.

''(B) PUBLICLY TRADED CORPORATIONS.—A foreign corporation also shall be treated as predominantly owned by individuals who are residents of a foreign country if—

''(i)(I) the stock of such corporation is primarily and regularly traded on an established securities market in such foreign country, and

''(II) such corporation has activities within such foreign country which are substantial in relation to the total activities of such corporation and its related persons, or

''(ii) such corporation is wholly owned (directly or indirectly) by another foreign corporation which is described in clause (i).

''(C) SPECIAL RULE.—

''(i) IN GENERAL.—A foreign corporation shall be treated as meeting the requirements of subparagraph (A) if—

''(I) such requirements would be met if '30 percent' were substituted for '50 percent' in subparagraph (A)(i),

''(II) the treaty country is a member of a multinational economic association such as the European Union, and

''(III) at least 50 percent of the value of the stock of the corporation is owned (within the meaning of section 883(c)(4)) by individuals who are residents of the treaty country or other qualified foreign countries.

''(ii) QUALIFIED FOREIGN COUNTRY.—For purposes of this subparagraph, the term 'qualified foreign country' means any foreign country if—

''(I) such foreign country is a member of the multinational economic association of which the treaty country is a member, and

''(II) such foreign country has a tax treaty with the United States providing a withholding tax rate reduction which is not less than the withholding tax rate reduction applicable (without regard to this subsection) to the payment received by such foreign corporation.

''(5) EXCEPTION FOR CORPORATIONS WITH SUBSTANTIAL BUSINESS ACTIVITIES IN TREATY COUNTRY.—Paragraph (1) shall not apply to a payment received by a foreign corporation if such corporation has substantial business activities in the treaty country and if such corporation establishes to the satisfaction of the Secretary that the payment is subject to an effective rate of income tax imposed by such country greater than 90 percent of the maximum rate of tax specified in section 11.

''(6) EXCEPTION FOR PAYMENTS RECEIVED BY CONTROLLED FOREIGN CORPORATION.—Paragraph (1) shall not apply to any deductible foreign payment made by a corporation if the recipient of the payment is a controlled foreign corporation and the payor is a United States shareholder (as defined in section 951(b)) of such corporation.

''(7) CONDUIT PAYMENTS.—Under regulations prescribed by the Secretary, paragraph (1) shall not apply to a payment received by a foreign entity referred to in paragraph (1) if—

''(A) within a reasonable period after such entity receives such payment, such entity makes a comparable payment directly or indirectly to another related person,

''(B) such related person is a resident of a foreign country with which the United States has an income tax treaty,

''(C) such related person is predominantly owned by individuals who are residents of such country, and

''(D) the withholding tax rate applicable under such treaty is equal to or greater than the withholding tax rate applicable (without regard to this paragraph) to the payment received by such foreign entity.

A similar rule shall apply where the payment is includible in the gross income of a related person by reason of a foreign law comparable to subpart F of part III of subchapter N.''

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 672. TRANSFER PRICE REDUCED BY DEFLECTED TAX HAVEN INCOME.

(a) IN GENERAL.—Section 482 (relating to allocation of income and deductions among taxpayers) is amended by inserting ''(a) IN GENERAL.—'' before ''In the case of two or more'' and by adding at the end the following new subsection:

''(b) SPECIAL RULE FOR RELATED-PARTY INBOUND AND OUTBOUND TRANSACTIONS.—

''(1) IN GENERAL.—In the case of property or services to which this subsection applies, the transfer price under this section for such property or service shall be the transfer price determined without regard to this subsection—

''(A) in the case of a related-party inbound transaction, reduced by the deflected tax haven income with respect to such property or service, or

''(B) in the case of a related-party outbound transaction, increased by the deflected tax haven income with respect to such property or service.

''(2) PROPERTY OR SERVICES TO WHICH SUBSECTION APPLIES.—

''(A) IN GENERAL.—This subsection applies to any property or services if there is a related-party inbound or outbound transaction with respect to such property or services.

''(B) RELATED-PARTY INBOUND TRANSACTION.—A related-party inbound transaction is any transaction where—

''(i) property is acquired directly or indirectly by a foreign-controlled domestic corporation from a foreign related person, or

''(ii) the services are performed directly or indirectly for a foreign-controlled domestic corporation by a foreign related person.

''(C) RELATED-PARTY OUTBOUND TRANSACTION.—A related-party outbound transaction is any transaction where—

''(i) property is sold directly or indirectly by a foreign-controlled domestic corporation to a foreign related person, or

''(ii) services are performed directly or indirectly by a foreign-controlled domestic corporation for a foreign related person.

''(3) DEFLECTED TAX HAVEN INCOME.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'deflected tax haven income' means income (whether in the form of profits, commissions, fees, or otherwise) derived by a foreign related person in connection with any transaction related to property or services to which this subsection applies if such income would be treated as foreign base company sales income (as defined in section 954(d)) or foreign base company services income (as defined in section 954(e)) were such foreign related person treated as a controlled foreign corporation.

''(B) EXCEPTION FOR INCOME SUBJECT TO FOREIGN TAXES.—

''(i) HIGH TAXES.—Such term shall not include any item of income with respect to which the requirements of section 954(b)(4) are met.

''(ii) OTHER TAXES.—If the taxpayer establishes to the satisfaction of the Secretary that an item of income was subject to an income tax imposed by a foreign country and the effective rate of such tax (and such effective rate was not greater than 90 percent of the maximum rate of tax specified in section 11), the term 'deflected tax haven income' shall not include the same proportion of such income as such effective rate of tax bears to 90 percent.

''(4) OTHER DEFINITIONS.—For purposes of this subsection—

''(A) FOREIGN RELATED PERSON.—The term 'foreign related person' means any foreign person who is related (within the meaning of subsection (a)) to the foreign-controlled domestic corporation.

''(B) FOREIGN-CONTROLLED DOMESTIC CORPORATION.—The term 'foreign-controlled domestic corporation' means any domestic corporation which is 25-percent foreign-owned (as defined in section 6038A(c)).''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property acquired, and services performed, after the date of the enactment of this Act.

Subtitle F—Additions to List of Taxable Vaccines

SEC. 681. ADDITION OF VACCINES AGAINST HEPATITIS A TO LIST OF TAXABLE VACCINES.

(a) IN GENERAL.—Paragraph (1) of section 4132(a) (defining taxable vaccine) is amended by redesignating subparagraphs (I), (J), (K), and (L) as subparagraphs (J), (K), (L), and (M), respectively, and by inserting after subparagraph (H) the following new subparagraph:

''(I) Any vaccine against hepatitis A.''

(b) EFFECTIVE DATE.—

(1) SALES, ETC.—The amendments made by subsection (a) shall apply to sales and uses on or after the first day of the first month which begins more than 4 weeks after the date of the enactment of this Act.

(2) DELIVERIES.—For purposes of paragraph (1) and section 4131 of the Internal Revenue Code of 1986, in the case of sales on or before the effective date described in such paragraph for which delivery is made after such date, the delivery date shall be considered the sale date.

SEC. 682. ADDITION OF VACCINES AGAINST INFLUENZA TO LIST OF TAXABLE VACCINES.

(a) IN GENERAL.—Section 4132(a)(1) (defining taxable vaccine), as amended by this Act, is amended by adding at the end the following new subparagraph:

''(N) Any trivalent vaccine against influenza.''.

(b) EFFECTIVE DATE.—

(1) SALES, ETC.—The amendment made by this section shall apply to sales and uses on or after the later of—

(A) the first day of the first month which begins more than 4 weeks after the date of the enactment of this Act, or

(B) the date on which the Secretary of Health and Human Services lists any vaccine against influenza for purposes of compensation for any vaccine-related injury or death through the Vaccine Injury Compensation Trust Fund.

(2) DELIVERIES.—For purposes of paragraph (1) and section 4131 of the Internal Revenue Code of 1986, in the case of sales on or before the effective date described in such paragraph for which delivery is made after such date, the delivery date shall be considered the sale date.

Subtitle G—Other Provisions

SEC. 691. IRS USER FEES MADE PERMANENT.

(a) IN GENERAL.—Section 7528 (relating to Internal Revenue Service user fees) is amended by striking subsection (c).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to requests after the date of the enactment of this Act.

SEC. 692. COBRA FEES.

(a) USE OF MERCHANDISE PROCESSING FEE.—Section 13031(f) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)) is amended—

(1) in paragraph (1), by aligning subparagraph (B) with subparagraph (A); and

(2) in paragraph (2), by striking ''commercial operations'' and all that follows through ''processing.'' and inserting ''customs revenue functions as defined in section 415 of the Homeland Security Act of 2002 (other than functions performed by the Office of International Affairs referred to in section 415(8) of that Act), and for automation (including the Automation Commercial Environment computer system), and for no other purpose. To the extent that funds in the Customs User Fee Account are insufficient to pay the costs of such customs revenue functions, customs duties in an amount equal to the amount of such insufficiency shall be available, to the extent provided for in appropriations Acts, to pay the costs of such customs revenue functions in the amount of such insufficiency, and shall be available for no other purpose. The provisions of the first and second sentences of this paragraph specifying the purposes for which amounts in the Customs User Fee Account may be made available shall not be superseded except by a provision of law which specifically modifies or supersedes such provisions.''.

(b) REIMBURSEMENT OF APPROPRIATIONS FROM COBRA FEES.—Section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)) is amended by adding at the end the following:

''(E) Nothing in this paragraph shall be construed to preclude the use of appropriated funds, from sources other than the fees collected under subsection (a), to pay the costs set forth in clauses (i), (ii), and (iii) of subparagraph (A).''.

(c) SENSE OF CONGRESS; EFFECTIVE PERIOD FOR COLLECTING FEES; STANDARD FOR SETTING FEES.—

(1) SENSE OF CONGRESS.—The Congress finds that—

(A) the fees set forth in paragraphs (1) through (8) of subsection (a) of section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 have been reasonably related to the costs of providing customs services in connection with the activities or items for which the fees have been charged under such paragraphs; and

(B) the fees collected under such paragraphs have not exceeded, in the aggregate, the amounts paid for the costs described in subsection (f)(3)(A) incurred in providing customs services in connection with the activities or items for which the fees were charged under such paragraphs.

(2) EFFECTIVE PERIOD; STANDARD FOR SETTING FEES.—Section 13031(j) of the Consolidated Omnibus Budget Reconciliation Act of 1985 is amended by striking paragraph (3).

(d) CLERICAL AMENDMENTS.—Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 is amended—

(1) in subsection (a)(5)(B), by striking ''$1.75'' and inserting ''$1.75.'';

(2) in subsection (b)—

(A) in paragraph (1)(A), by aligning clause (iii) with clause (ii);

(B) in paragraph (7), by striking ''paragraphs'' and inserting ''paragraph''; and

(C) in paragraph (9), by aligning subparagraph (B) with subparagraph (A); and

(3) in subsection (e)(2), by aligning subparagraph (B) with subparagraph (A).

(e) STUDY OF ALL FEES COLLECTED BY DEPARTMENT OF HOMELAND SECURITY.—The Secretary of the Treasury shall conduct a study of all the fees collected by the Department of Homeland Security, and shall submit to the Congress, not later than September 30, 2005, a report containing the recommendations of the Secretary on—

(1) what fees should be eliminated;

(2) what the rate of fees retained should be; and

(3) any other recommendations with respect to the fees that the Secretary considers appropriate.

Amend subsection (c) of section 641 of the bill as amended above to read as follows:

(c) TRANSFERS TO HIGHWAY TRUST FUND.—

(1) Paragraph (4) of section 9503(b) is amended by adding ''or'' at the end of subparagraph (C), by striking the comma at the end of subparagraph (D) and inserting a period, and by striking subparagraphs (E) and (F).

(2) Paragraph (4) of section 9503(b), as amended by paragraph (1), is further amended by adding ''or'' at the end of subparagraph (B), by striking the comma at the end of subparagraph (C) and inserting a period, and by striking subparagraph (D).

Amend paragraph (2) of section 641(e) of the bill as amended above to read as follows:

(2) SUBSECTION (c).—

(A) The amendments made by subsection (c)(1) shall apply to taxes imposed after September 30, 2003.

(B) The amendments made by subsection (c)(2) shall apply to taxes imposed after September 30, 2006

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that the nays had it.

Mr. RANGEL objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 193 / Nays ..... 235 }

¶64.7 [Roll No. 258]

YEAS—193

Abercrombie	Allen	Baird
Ackerman	Andrews	Baldwin
Alexander	Baca	Becerra

Bell
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—235

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

NOT VOTING—5

Conyers
DeMint
Hastings (FL)
Kilpatrick
Quinn

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that the yeas had it.

Mr. LEVIN demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 251 / Nays 178

¶64.8 [Roll No. 259]

AYES—251

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Barton (TX)
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carson (OK)
Carter
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (FL)
Davis (IL)
Davis (TN)
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Etheridge
Everett
Feeney
Ferguson
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Hobson
Hoekstra
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Majette
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Ruppersberger
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Scott (GA)
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Sullivan
Sweeney
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Vitter
Walden (OR)
Walsh
Wamp
Watt
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wu
Young (AK)

NOES—178

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bartlett (MD)
Bass
Becerra
Bell
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Castle
Clay
Costello
Crowley
Cummings
Davis (CA)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Flake
Frank (MA)
Gephardt
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Hefley
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kind
Kirk
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Maloney
Manzullo
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller, George
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Northup
Oberstar
Obey
Olver
Ortiz

Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Platts
Pomeroy
Rahall
Rangel
Reyes
Rodriguez
Rohrabacher
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Solis
Stark
Strickland
Stupak
Tancredo
Tauscher
Taylor (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Waters
Watson
Waxman
Weiner
Wexler
Wilson (NM)
Wolf
Woolsey
Wynn
Young (FL)

NOT VOTING—5

Conyers
DeMint
Hastings (FL)
Kilpatrick
Quinn

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶64.9 APPROVAL OF THE JOURNAL—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LATOURETTE, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the Chair's approval of the Journal of Wednesday, June 16, 2004.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that the yeas had it.

Mr. ROGERS of Michigan demanded a recorded vote on agreeing to the Chair's approval of said Journal which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

It was decided in the affirmative ..... { Yeas ..... 342; Nays ..... 67; Answered present 1

¶64.10 [Roll No. 260]

AYES—342

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cox
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Lee
Lewis (KY)
Linder
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McHugh
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Paul
Payne
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sanchez, Linda T.
Sanders
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stearns
Sullivan
Sweeney
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tierney
Toomey
Turner (OH)
Turner (TX)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—67

Baird
Baldwin
Brady (PA)
Capuano
Cooper
Costello
Crane
DeFazio
Dicks
English
Evans
Filner
Ford
Fossella
Graves
Green (TX)
Gutknecht
Hart
Hefley
Hinchey
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kennedy (MN)
Kennedy (RI)
Kucinich
Larsen (WA)
Levin
Lewis (GA)
LoBiondo
Majette
McDermott
McGovern
McNulty
Menendez
Miller, George
Moran (KS)
Oberstar
Olver
Otter
Pastor
Peterson (MN)
Porter
Ramstad
Sabo
Sanchez, Loretta
Sandlin
Schakowsky
Stark
Stenholm
Strickland
Stupak
Tanner
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiberi
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Weller
Wicker
Wu

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—23

Abercrombie
Boucher
Conyers
DeLay
DeMint
Doggett
Emerson
Gephardt
Harris
Hastings (FL)
Isakson
Kilpatrick
Lewis (CA)
Lipinski
Manzullo
McInnis
Nethercutt
Pombo
Quinn
Ross
Saxton
Slaughter
Smith (WA)

So the Journal was approved.

¶64.11 INTERIOR APPROPRIATIONS FY 2005

The SPEAKER pro tempore, Mr. LATOURETTE, pursuant to House Resolution 674 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4568) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

Mrs. BIGGERT, Acting Chairman, assumed the chair; and after some time spent therein,

¶64.12 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 18, submitted by Mr. HINCHEY:

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

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds made available in this Act may be used to kill, or assist other persons in killing, any bison in the Yellowstone National Park herd.

It was decided in the negative ..... { Yeas ..... 202; Nays 215

¶64.13 [Roll No. 261]

AYES—202

Ackerman
Allen
Andrews
Baird
Baldwin
Bass
Becerra
Bell
Berkley
Biggert
Bishop (NY)
Blumenauer
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Case
Castle
Chandler
Clay
Clyburn
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Doyle
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Frank (MA)
Frelinghuysen
Gephardt
Gerlach
Gonzalez
Goode
Gordon
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Harman
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee

Kind
Kirk
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Platts
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Snyder
Solis
Spratt
Stark
Strickland
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Woolsey
Wu
Wynn

NOES—215

Abercrombie
Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Berry
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Chabot
Chocola
Coble
Cole
Collins
Cooper
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Emerson
Everett
Feeney
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frost
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Goodlatte
Goss
Granger
Graves
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kline
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Osborne
Ose
Otter
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Schrock
Scott (GA)
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Souder
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Toomey
Turner (OH)
Turner (TX)
Vitter
Walden (OR)
Walsh
Weldon (FL)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Bereuter
Berman
Conyers
Cox
DeMint
Hastings (FL)
Isakson
Kilpatrick
Kingston
Knollenberg
Lipinski
Nethercutt
Oxley
Reyes
Smith (MI)
Smith (WA)

So the amendment was not agreed to.

¶64.14 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 14, as modified, submitted by Mr. SANDERS:

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

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds made available by this Act shall be used to maintain more than 647,000,000 barrels of crude oil in the Strategic Petroleum Reserve.

It was decided in the negative ..... { Yeas ..... 152 / Nays 267

¶64.15 [Roll No. 262]

AYES—152

Abercrombie
Ackerman
Andrews
Baca
Baird
Baldwin
Becerra
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Carson (IN)
Chandler
Clay
Clyburn
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
DeFazio
Delahunt
DeLauro
Doggett
Doyle
Emanuel
Engel
English
Eshoo
Evans
Farr
Fattah
Filner
Forbes
Frank (MA)
Gephardt
Goode
Goodlatte
Green (TX)
Greenwood
Grijalva
Gutierrez
Herseth
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kind
Kleczka
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Peterson (MN)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Scott (VA)
Simmons
Skelton
Slaughter
Solis
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (NM)
Velazquez
Visclosky
Waters
Watson
Watt
Weiner
Wexler
Woolsey
Wu

NOES—267

Aderholt
Akin
Alexander
Allen
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Berkley
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Tom
Deal (GA)
DeGette
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Etheridge
Everett
Feeney
Ferguson
Flake
Foley
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Gordon
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoekstra
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Israel
Issa
Istook
Jefferson
Jenkins
John
Johnson, Sam
Keller
Kennedy (MN)
King (IA)
King (NY)
Kirk
Kline
Kolbe
LaHood
Lampson
Lantos
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Majette
Manzullo
Marshall
Matheson
McCarthy (MO)
McCotter
McCrery
McHugh
McInnis
McKeon
Menendez
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ryan (WI)
Ryun (KS)
Sabo
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Udall (CO)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Wamp
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—14

Bereuter
Berman
Conyers
DeMint
Hastings (FL)
Isakson
Kilpatrick
Kingston

Knollenberg	Nethercutt	Serrano
Lipinski	Reyes	Smith (WA)

So the amendment was not agreed to.

¶64.16 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4, submitted by Mr. HOLT:

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

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds made available in this Act may be used to permit recreational snowmobile use in Yellowstone National Park, the John D. Rockefeller Jr. Memorial Parkway, and Grand Teton National Park.

It was decided in the negative ..... { Yeas ..... 198 / Nays 224

¶64.17 [Roll No. 263]

AYES—198

Abercrombie	Gillmor	Miller (NC)
Ackerman	Gonzalez	Miller, George
Andrews	Gordon	Mollohan
Baca	Goss	Moore
Baird	Green (TX)	Moran (KS)
Baldwin	Greenwood	Moran (VA)
Becerra	Grijalva	Nadler
Bell	Gutierrez	Napolitano
Berkley	Harman	Neal (MA)
Berry	Hill	Obey
Biggert	Hinchey	Olver
Bishop (NY)	Hinojosa	Owens
Blumenauer	Hoeffel	Pallone
Bono	Holden	Pascrell
Boucher	Holt	Pastor
Brady (PA)	Honda	Payne
Brown (OH)	Hooley (OR)	Pelosi
Brown, Corrine	Hoyer	Price (NC)
Capito	Inslee	Rahall
Capps	Israel	Rangel
Capuano	Jackson (IL)	Rodriguez
Cardin	Jackson-Lee (TX)	Rothman
Carson (IN)	Jefferson	Roybal-Allard
Carson (OK)	Johnson (CT)	Rush
Case	Johnson (IL)	Ryan (OH)
Castle	Johnson, E. B.	Sabo
Chabot	Jones (OH)	Sanchez, Linda T.
Chandler	Kanjorski	Saxton
Clay	Kaptur	Schakowsky
Clyburn	Kelly	Schiff
Cooper	Kennedy (RI)	Scott (GA)
Costello	Kildee	Scott (VA)
Crowley	Kirk	Serrano
Cummings	Kleczka	Shays
Davis (AL)	Kucinich	Sherman
Davis (CA)	Lampson	Simmons
Davis (FL)	Langevin	Skelton
Davis (IL)	Lantos	Slaughter
Davis (TN)	Larsen (WA)	Smith (NJ)
DeFazio	Larson (CT)	Snyder
DeGette	Leach	Solis
Delahunt	Lee	Souder
DeLauro	Levin	Spratt
Deutsch	Lewis (GA)	Stark
Dicks	LoBiondo	Strickland
Dingell	Lofgren	Tauscher
Doggett	Lowey	Thompson (CA)
Dooley (CA)	Lynch	Thompson (MS)
Doyle	Majette	Tierney
Edwards	Maloney	Towns
Ehlers	Markey	Turner (TX)
Emanuel	Marshall	Udall (CO)
Engel	Matsui	Udall (NM)
English	McCarthy (MO)	Van Hollen
Eshoo	McCarthy (NY)	Velazquez
Etheridge	McCollum	Visclosky
Evans	McDermott	Walsh
Farr	McGovern	Watson
Fattah	McIntyre	Watt
Ferguson	McNulty	Waxman
Foley	Meehan	Weiner
Ford	Meek (FL)	Wexler
Frank (MA)	Meeks (NY)	Whitfield
Frost	Menendez	Woolsey
Garrett (NJ)	Millender-McDonald	Wu
Gephardt		Wynn
Gilchrest		

NOES—224

Aderholt	Goodlatte	Pence
Akin	Granger	Peterson (MN)
Alexander	Graves	Peterson (PA)
Allen	Green (WI)	Petri
Bachus	Gutknecht	Pickering
Baker	Hall	Pitts
Ballenger	Harris	Platts
Barrett (SC)	Hart	Pombo
Bartlett (MD)	Hastings (WA)	Pomeroy
Barton (TX)	Hayes	Porter
Bass	Hayworth	Portman
Beauprez	Hefley	Pryce (OH)
Bilirakis	Hensarling	Putnam
Bishop (GA)	Herger	Quinn
Bishop (UT)	Herseth	Radanovich
Blackburn	Hobson	Ramstad
Blunt	Hoekstra	Regula
Boehlert	Hostettler	Rehberg
Boehner	Houghton	Renzi
Bonilla	Hulshof	Reynolds
Bonner	Hunter	Rogers (AL)
Boozman	Hyde	Rogers (KY)
Boswell	Issa	Rogers (MI)
Boyd	Istook	Rohrabacher
Bradley (NH)	Jenkins	Ros-Lehtinen
Brady (TX)	John	Ross
Brown (SC)	Johnson, Sam	Royce
Brown-Waite, Ginny	Jones (NC)	Ruppersberger
Burgess	Keller	Ryan (WI)
Burns	Kennedy (MN)	Ryun (KS)
Burr	Kind	Sanchez, Loretta
Burton (IN)	King (IA)	Sanders
Buyer	King (NY)	Sandlin
Calvert	Kingston	Schrock
Camp	Kline	Sensenbrenner
Cannon	Knollenberg	Sessions
Cantor	Kolbe	Shadegg
Cardoza	LaHood	Shaw
Carter	Latham	Sherwood
Chocola	LaTourette	Shimkus
Coble	Lewis (CA)	Shuster
Cole	Lewis (KY)	Simpson
Collins	Linder	Smith (MI)
Cox	Lucas (KY)	Smith (TX)
Cramer	Lucas (OK)	Stearns
Crane	Manzullo	Stenholm
Crenshaw	Matheson	Stupak
Cubin	McCotter	Sullivan
Culberson	McCrery	Sweeney
Cunningham	McHugh	Tancredo
Davis, Jo Ann	McInnis	Tanner
Davis, Tom	McKeon	Tauzin
Deal (GA)	Mica	Taylor (MS)
DeLay	Michaud	Taylor (NC)
Diaz-Balart, L.	Miller (FL)	Terry
Diaz-Balart, M.	Miller (MI)	Thomas
Doolittle	Miller, Gary	Thornberry
Dreier	Murphy	Tiahrt
Duncan	Murtha	Tiberi
Dunn	Musgrave	Toomey
Emerson	Myrick	Turner (OH)
Everett	Neugebauer	Upton
Feeney	Ney	Vitter
Filner	Northup	Walden (OR)
Flake	Norwood	Wamp
Forbes	Nunes	Waters
Fossella	Nussle	Weldon (FL)
Franks (AZ)	Oberstar	Weldon (PA)
Frelinghuysen	Ortiz	Weller
Gallegly	Osborne	Wicker
Gerlach	Ose	Wilson (NM)
Gibbons	Otter	Wilson (SC)
Gingrey	Oxley	Wolf
Goode	Paul	Young (AK)
	Pearce	Young (FL)

NOT VOTING—11

Bereuter	Hastings (FL)	Nethercutt
Berman	Isakson	Reyes
Conyers	Kilpatrick	Smith (WA)
DeMint	Lipinski	

So the amendment was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. HASTINGS of Washington, assumed the Chair.

When Mr. BASS, Acting Chairman, pursuant to House Resolution 674, reported the bill back to the House with sundry amendments adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendments, reported from the Committee of the Whole House on the state of the Union, were agreed to:

Page 47, line 4, after ''Appropriations'' insert ''*Provided further*, That amounts otherwise appropriated by this Act for motor vehicle lease, purchase or service costs at the Department of the Interior are reduced by $13,500,000 and, not later than 30 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a listing of the amounts by account of the reductions made pursuant to this proviso''.

Page 103, line 14, strike ''$120,972,000'' and insert ''$130,972,000''.

Page 104, line 5, strike ''$122,377,000'' and insert ''$125,877,000''.

At the end of the bill, before the short title, insert the following new section:

Sec. . None of the funds provided under this Act may be used for the salaries and expenses of any employee for the expenditure of any fee collected under Section 315(f) of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in Section 101(c) of Public Law 104–134) for the costs, in whole or in part, of the biological monitoring for a species that is included in a list published under the Endangered Species Act of 1973 (16 U.S.C. 1533(c)), or that is a candidate for inclusion in such a list.

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

SEC. ____. None of the funds made available in this Act may be used for the planning, designing, studying, or construction of forest development roads in the Tongass National Forest for the purpose of harvesting timber by private entities or individuals.

At the end of the bill, before the short title, insert:

SEC. . ''The Secretary of the Interior shall submit a report to Congress 30 days after the enactment of this act with a date certain of when and whether the public will have full access to the Statue of Liberty including all areas that were closed after 9/11.''

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. HASTINGS of Washington, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered, and the call was taken by electronic device.

affirmative ..... { Yeas ..... 334 / Nays 86

¶64.18 [Roll No. 264]

YEAS—334

Abercrombie	Boehlert	Cantor
Ackerman	Boehner	Capito
Aderholt	Bonilla	Cardin
Akin	Bonner	Cardoza
Alexander	Bono	Carson (IN)
Baca	Boozman	Carson (OK)
Bachus	Boucher	Carter
Baird	Boyd	Case
Baker	Bradley (NH)	Castle
Ballenger	Brady (PA)	Chabot
Barrett (SC)	Brady (TX)	Chandler
Bartlett (MD)	Brown (SC)	Chocola
Barton (TX)	Brown, Corrine	Clay
Bass	Brown-Waite, Ginny	Clyburn
Beauprez	Burgess	Coble
Bell	Burns	Cole
Berkley	Burr	Collins
Biggert	Burton (IN)	Costello
Bilirakis	Buyer	Cox
Bishop (GA)	Calvert	Cramer
Bishop (UT)	Camp	Crane
Blackburn	Cannon	Crenshaw
Blunt		Crowley

Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Etheridge
Everett
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Herseth
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Issa
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Maloney
Manzullo
Marshall
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Sandlin
Saxton
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stenholm
Stupak
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—86

Allen
Andrews
Baldwin
Becerra
Berry
Bishop (NY)
Blumenauer
Boswell
Brown (OH)
Capps
Capuano
Cooper
DeGette
Delahunt
DeLauro
Dingell
Emanuel
Eshoo
Evans
Farr
Flake
Frank (MA)
Franks (AZ)
Grijalva
Gutierrez
Hensarling
Hinchey
Hoeffel
Holt
Honda
Hostettler
Israel
Jackson (IL)
Jackson-Lee (TX)
Kind
King (IA)
Kleczka
Kucinich
Larson (CT)
Lee
Lewis (GA)
Lofgren
Lynch
Majette
Markey
Matheson
McCarthy (MO)
McGovern
Menendez
Michaud
Miller (FL)
Miller, George
Nadler
Obey
Owens
Pallone
Pascrell
Paul
Payne
Petri
Rahall
Rohrabacher
Royce
Sanchez, Linda T.
Sanders
Schakowsky
Schiff
Sensenbrenner
Shays
Solis
Stark
Stearns
Strickland
Sullivan
Tanner
Tiahrt
Tierney
Toomey
Udall (CO)
Van Hollen
Velazquez
Waters
Waxman
Weiner
Woolsey
Wu

NOT VOTING—13

Bereuter
Berman
Conyers
DeMint
Hastings (FL)
Isakson
Jones (NC)
Kilpatrick
Lipinski
Nethercutt
Reyes
Schrock
Smith (WA)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶64.19 HOMELAND SECURITY APPROPRIATIONS FY 2005

The SPEAKER pro tempore, Mr. HASTINGS of Washington, pursuant to House Resolution 675 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 4567) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

The SPEAKER pro tempore, Mr. HASTINGS of Washington, by unanimous consent, designated Mr. GILLMOR as Chairman of the Committee of the Whole; and after some time spent therein,

¶64.20 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 17, submitted by Mr. DEFAZIO:

Page 14, strike the provision beginning on line 5.

It was decided in the negative ..... { Yeas ..... 180 / Nays 228

¶64.21 [Roll No. 265]

AYES—180

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chandler
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Green (TX)
Grijalva
Gutierrez
Hayworth
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Oberstar
Obey
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Porter
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Snyder
Solis
Spratt
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Waters
Watson
Watt
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—228

Aderholt
Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (IN)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Jones (NC)
Keller
Kennedy (MN)
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Olver
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Portman
Price (NC)
Pryce (OH)

Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—25

Ballenger
Bereuter
Berman
Clay
DeMint
Dicks
Dooley (CA)
Gephardt
Gordon
Goss
Harman
Hastings (FL)
Isakson
Johnson, Sam
Lipinski
Murtha
Neal (MA)
Nethercutt
Pickering
Slaughter
Smith (WA)
Stark
Tauzin
Waxman
Young (AK)

So the amendment was not agreed to.

After some further time,

FRIDAY, JUNE 18 (LEGISLATIVE DAY OF JUNE 17), 2004

¶64.22 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 3, submitted by Mr. SWEENEY:

In title III, under the heading ''Office for State and Local Government Coordination and Preparedness__State and local programs'', after the second dollar amount insert ''(reduced by $450,000,000)''

In title III, under the heading ''Office for State and Local Government Coordination and Preparedness__State and local programs'', after the fourth dollar amount insert ''(increased by $450,000,000)''.

It was decided in the negative ..... { Yeas ..... 171 / Nays 237

¶64.23 [Roll No. 266]

AYES—171

Ackerman
Akin
Andrews
Baca
Becerra
Bell
Berkley
Bishop (NY)
Blumenauer
Boehlert
Bonilla
Brady (PA)
Brady (TX)
Brown, Corrine
Burgess
Calvert
Cantor
Capuano
Cardin
Carter
Chabot
Conyers
Cooper
Costello
Cox
Crenshaw
Crowley
Culberson
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
Delahunt
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Doyle
Dreier
Emanuel
Engel
Eshoo
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Granger
Green (TX)
Greenwood
Grijalva
Gutierrez
Harris
Hinchey
Hoeffel
Holt
Honda
Houghton
Hoyer
Hyde
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jones (OH)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kilpatrick
King (NY)
Kirk
Kline
Kolbe
Lampson
Lantos
Lee
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lynch
Maloney
Markey
McCarthy (MO)
McCarthy (NY)
McGovern
McHugh
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, Gary
Miller, George
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Reynolds
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Sanchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shays
Sherman
Smith (NJ)
Smith (TX)
Solis
Sullivan
Sweeney
Tancredo
Tauscher
Thompson (CA)
Tiberi
Tierney
Towns
Udall (CO)
Van Hollen
Velazquez
Walsh
Watson
Weiner
Wexler
Wolf
Woolsey
Wynn

NOES—237

Abercrombie
Aderholt
Alexander
Allen
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Camp
Cannon
Capito
Capps
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chandler
Chocola
Clyburn
Coble
Cole
Collins
Cramer
Crane
Cubin
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
DeLauro
Doggett
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Etheridge
Evans
Everett
Forbes
Franks (AZ)
Frost
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hooley (OR)
Hostettler
Hulshof
Hunter
Inslee
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kanjorski
Kaptur
Kildee
Kind
King (IA)
Kingston
Kleczka
Knollenberg
Kucinich
LaHood
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Majette
Manzullo
Marshall
Matheson
Matsui
McCollum
McCotter
McCrery
McDermott
McInnis
McIntyre
McKeon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Mollohan
Moore
Moran (KS)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pomeroy
Price (NC)
Rahall
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ross
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Schrock
Sensenbrenner
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Toomey
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Visclosky
Vitter
Walden (OR)
Wamp
Waters
Watt
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wu
Young (FL)

NOT VOTING—25

Ballenger
Bereuter
Berman
Clay
DeMint
Dicks
Dooley (CA)
Gephardt
Gordon
Goss
Harman
Hastings (FL)
Isakson
Johnson, Sam
Lipinski
Murtha
Neal (MA)
Nethercutt
Pickering
Slaughter
Smith (WA)
Stark
Tauzin
Waxman
Young (AK)

So the amendment was not agreed to.

The SPEAKER pro tempore, Mr. GARRETT of New Jersey, assumed the Chair.

When Mr. GILLMOR, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶64.24 BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on June 16, 2004, he presented to the President of the United States, for his approval, the following bills.

H.R. 1822. An Act to designate the facility of the United States Postal Service located at 3751 West 6th Street in Los Angeles, California, as the ''Dosan Ahn Chang Ho Post Office''.

H.R. 2130. An Act to redesignate the facility of the United States Postal Service located at 121 Kinderkamack Road in River Edge, New Jersey, as the ''New Bridge Landing Post Office''.

H.R. 2438. An Act to designate the facility of the United States Postal Service located at 115 West Pine Street in Hattiesburg, Mississippi, as the ''Major Henry A. Commiskey, Sr. Post Office Building''.

H.R. 3029. An Act to designate the facility of the United States Postal Service located at 255 North Main Street in Jonesboro, Georgia, as the ''S. Truett Cathy Post Office Building''.

H.R. 3059. An Act to designate the facility of the United States Postal Service located at 304 West Michigan Street in Stuttgart, Arkansas, as the ''Lloyd L. Burke Post Office''.

H.R. 3068. An Act to designate the facility of the United States Postal Service located at 2055 Siesta Drive in Sarasota, Florida, as the ''Brigadier General (AUS-Ret.) John H. McLain Post Office''.

H.R. 3234. An Act to designate the facility of the United States Postal Service located at 14 Chestnut Street in Liberty, New York, as the ''Ben R. Gerow Post Office Building''.

H.R. 3300. An Act to designate the facility of the United States Postal Service located at 15500 Pearl Road in Strongsville, Ohio, as the ''Walter F. Ehrnfelt, Jr. Post Office Building''.

H.R. 3353. An Act to designate the facility of the United States Postal Service located at 525 Main Street in Tarboro, North Carolina, as the ''George Henry White Post Office Building''.

H.R. 3536. An Act to designate the facility of the United States Postal Service located at 210 Main Street in Malden, Illinois, as the ''Army Staff Sgt. Lincoln Hollinsaid Malden Post Office''.

H.R. 3537. An Act to designate the facility of the United States Postal Service located

at 185 State Street in Manhattan, Illinois, as the ''Army Pvt. Shawn Pahnke Manhattan Post Office''.

H.R. 3538. An Act to designate the facility of the United States Postal Service located at 201 South Chicago Avenue in Saint Anne, Illinois, as the ''Marine Capt. Ryan Beaupre Saint Anne Post Office''.

H.R. 3690. An Act to designate the facility of the United States Postal Service located at 2 West Main Street in Batavia, New York, as the ''Barber Conable Post Office Building''.

H.R. 3733. An Act to designate the facility of the United States Postal Service located at 410 Huston Street in Altamount, Kansas, as the ''Myron V. George Post Office Building''.

H.R. 3740. An Act to designate the facility of the United States Postal Service located at 223 South Main Street in Roxboro, North Carolina, as the ''Oscar Scott Woody Post Office Building''.

H.R. 3769. An Act to designate the facility of the United States Postal Service located at 137 East Young High Pike in Knoxville, Tennessee, as the ''Ben Atchley Post Office Building''.

H.R. 3855. An Act to designate the facility of the United States Postal Service located at 607 Pershing Drive in Laclede, Missouri, as the ''General John J. Pershing Post Office Building''.

H.R. 3917. An Act to designate the facility of the United States Postal Service located at 695 Marconi Boulevard in Copiague, New York, as the ''Maxine S. Postal United States Post Office''.

H.R. 3939. An Act to redesignate the facility of the United States Postal Service located at 14–24 Abbott Road in Fair Lawn, New Jersey, as the ''Mary Ann Collura Post Office Building''.

H.R. 3942. An Act to redesignate the facility of the United States Postal Service located at 7 Commercial Boulevard in Middletown, Rhode Island, as the ''Rhode Island Veterans Post Office Building''.

H.R. 4037. An Act to designate the facility of the United States Postal Service located at 475 Kell Farm Drive in Cape Girardeau, Missouri, as the ''Richard G. Wilson Processing and Distribution Facility''.

H.R. 4176. An Act to designate the facility of the United States Postal Service located at 122 West Elwood Avenue in Raeford, North Carolina, as the ''Bobby Marshall Gentry Post Office Building''.

H.R. 4299. An Act to designate the facility of the United States Postal Service located at 410 South Jackson Road in Edinburg, Texas, as the ''Dr. Miguel A. Nevarez Post Office Building''.

¶64.25 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BEREUTER, for today after 6 p.m. through June 26;

To Ms. KILPATRICK, for today; and

To Mr. REYES, for today after 5:30 p.m. and balance of the week.

And then,

¶64.26 ADJOURNMENT

On motion of Mrs. BONO, at 12 o'clock and 33 minutes a.m. Friday, June 18 (legislative day of June 17), 2004, the House adjourned.

¶64.27 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OXLEY: Committee on Financial Services. H.R. 4471. A bill to clarify the loan guarantee authority under title VI of the Native American Housing Assistance and Self-Determination Act of 1996 (Rept. 108–550). Referred to the Committee of the Whole House on the State of the Union.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 3797. A bill to authorize improvements in the operations of the government of the District of Columbia, and for other purposes (Rept. 108–551 Pt. 1).

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 3751. A bill to require that the Office of Personnel Management study and present options under which dental and vision benefits could be made available to Federal employees and retirees and other appropriate classes of individuals; with amendments (Rept. 108–552). Referred to the Committee of the Whole House on the State of the Union.

¶64.28 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 3797. Referral to the Committees on Education and the Workforce and Financial Services extended for a period ending not later than June 17, 2004.

¶64.29 DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committees on Education and the Workforce and Financial Services discharged from further consideration. H.R. 3797 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

¶64.30 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FILNER:

H.R. 4603. A bill to amend the Internal Revenue Code of 1986 to provide for the nonrecognition of gain on real property held by individuals or small businesses which is involuntarily converted as the result of the exercise of eminent domain, without regard to whether such property is replaced; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska (for himself, Mr. QUINN, and Mr. PORTER):

H.R. 4604. A bill to improve railroad security and to authorize railroad security funding, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GEORGE MILLER of California (for himself, Ms. PELOSI, Mr. KILDEE, Mr. HOYER, Mr. OWENS, Mr. PAYNE, Mr. ANDREWS, Mr. CLYBURN, Mr. MENENDEZ, Ms. WOOLSEY, Mr. HINOJOSA, Mrs. MCCARTHY of New York, Mr. TIERNEY, Mr. KIND, Mr. KUCINICH, Mr. WU, Mr. HOLT, Mr. DAVIS of Illinois, Mr. GRIJALVA, Ms. MAJETTE, Mr. RYAN of Ohio, and Mr. BISHOP of New York):

H.R. 4605. A bill to provide for review of determinations on whether schools and local educational agencies made adequate yearly progress for the 2002-2003 school year taking into consideration subsequent regulations and guidance applicable to those determinations, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BACA (for himself, Mrs. NAPOLITANO, Mr. CALVERT, Ms. MILLENDER-MCDONALD, Ms. LINDA T. SANCHEZ of California, and Mr. GARY G. MILLER of California):

H.R. 4606. A bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation and in coordination with other Federal, State, and local government agencies, to participate in the funding and implementation of a balanced, long-term groundwater remediation program in California, and for other purposes; to the Committee on Resources.

By Mr. EHLERS (for himself and Mr. GILCHREST) (both by request):

H.R. 4607. A bill to establish the National Oceanic and Atmospheric Administration (NOAA), to amend the organization and functions of the NOAA Advisory Committee on Oceans and Atmosphere, and for other purposes; to the Committee on Resources, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAHOOD (for himself, Mr. HASTERT, Mr. JOHNSON of Illinois, Mr. DAVIS of Illinois, Mr. RUSH, Mr. HYDE, Mr. EVANS, Mr. MANZULLO, Mr. KIRK, Mr. JACKSON of Illinois, Mr. LIPINSKI, Mr. SHIMKUS, Mr. EMANUEL, Ms. SCHAKOWSKY, Mr. CRANE, Mrs. BIGGERT, Mr. WELLER, Mr. GUTIERREZ, Mr. COSTELLO, Mr. LEWIS of California, Mr. SANDLIN, Mr. WOLF, Mr. MILLER of Florida, Mr. PORTMAN, Mr. UPTON, Mr. FROST, Mr. PETRI, and Mr. BILIRAKIS):

H.R. 4608. A bill to name the Department of Veterans Affairs outpatient clinic located in Peoria, Illinois, as the ''Bob Michel Department of Veterans Affairs Outpatient Clinic''; to the Committee on Veterans' Affairs.

By Mr. MEEHAN:

H.R. 4609. A bill to amend title 18, United States Code, to modify the definition of the United States for the purposes of the prohibition against torture; to the Committee on the Judiciary.

By Mr. PICKERING (for himself and Ms. ESHOO):

H.R. 4610. A bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes; to the Committee on Energy and Commerce.

By Mr. VITTER:

H.R. 4611. A bill to enable increased gasoline supplies and otherwise ensure lower gasoline prices in the United States; to the Committee on Energy and Commerce, and in addition to the Committees on Resources, Agriculture, Transportation and Infrastructure, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARRETT of New Jersey:

H. Con. Res. 453. Concurrent resolution celebrating the establishment of democracy in Iraq and urging the people of the United States and of other countries in all communities and congregations to ring bells on June 30, 2004, to commemorate the restoration of freedom to the people of Iraq; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCINNIS:

H. Con. Res. 454. Concurrent resolution commemorating over half a century of adjudication under the McCarran Amendment of rights to the use of water; to the Committee on the Judiciary.

By Mr. PALLONE:

H. Con. Res. 455. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued to promote public awareness of, and increased research relating to, Chrohn's Disease; to the Committee on Government Reform.

By Mr. UDALL of Colorado (for himself, Mrs. CHRISTENSEN, Mr. GRIJALVA, Mr. OLVER, Mr. MCNULTY, Mr. ACEVEDO-VILA, Ms. BORDALLO, Ms. LINDA T. SANCHEZ of California, Mr. STENHOLM, Ms. ROYBAL-ALLARD, and Mr. GORDON):

H. Con. Res. 456. Concurrent resolution recognizing that prevention of suicide is a compelling national priority; to the Committee on Energy and Commerce.

¶64.31 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 99: Mr. SMITH of New Jersey, Mr. GORDON, and Mr. DEAL of Georgia.
H.R. 111: Mr. BILIRAKIS.
H.R. 112: Mr. SMITH of Texas.
H.R. 290: Mr. DOGGETT, Ms. ROS-LEHTINEN, Mr. STRICKLAND, and Mr. NORWOOD.
H.R. 716: Mr. REYES.
H.R. 1083: Mr. EMANUEL and Mrs. JO ANN DAVIS of Virginia.
H.R. 1359: Mr. VITTER and Mr. PRICE of North Carolina.
H.R. 1477: Mr. BERMAN.
H.R. 1639: Mr. LANTOS.
H.R. 1684: Mr. MARKEY and Mr. RAHALL.
H.R. 1688: Ms. ESHOO and Mr. PRICE of North Carolina.
H.R. 1693: Mr. GREEN of Wisconsin.
H.R. 1716: Mr. CHANDLER.
H.R. 2023: Mr. PASCRELL, Mr. RANGEL, Mrs. BONO, and Mr. PAYNE.
H.R. 2032: Mr. KANJORSKI.
H.R. 2037: Mr. WATT.
H.R. 2173: Mr. RANGEL and Mr. MCNULTY.
H.R. 2305: Mr. GRIJALVA.
H.R. 2491: Mr. STRICKLAND.
H.R. 2505: Mr. OLVER.
H.R. 2585: Mr. KENNEDY of Rhode Island.
H.R. 2727: Mr. SIMMONS.
H.R. 2863: Ms. CORRINE BROWN of Florida and Mr. SHUSTER.
H.R. 2890: Mr. OTTER.
H.R. 2966: Mr. MCCOTTER.
H.R. 3015: Mr. GONZALEZ.
H.R. 3069: Mr. HYDE, Mr. PEARCE, Mr. GARY G. MILLER of California, and Mr. TIAHRT.
H.R. 3085: Mr. MCGOVERN.
H.R. 3111: Mr. DEAL of Georgia, Mrs. CAPPS, Mr. VAN HOLLEN, Mr. PETERSON of Minnesota, Mr. MILLER of North Carolina, Mr. CUMMINGS, Mr. GREENWOOD, Mr. EMANUEL, Mr. DUNCAN, Mr. STENHOLM, and Mr. WELDON of Florida.
H.R. 3142: Mr. BEREUTER, Mr. STARK, and Mr. GILCHREST.
H.R. 3148: Mr. COOPER, Mr. RUPPERSBERGER, Ms. LINDA T. SANCHEZ of California, Mr. VAN HOLLEN, Mr. TIERNEY, Mr. KUCINICH, Mr. CLAY, Mr. LYNCH, Mrs. MALONEY, Ms. MCCOLLUM, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CORRINE BROWN of Florida, Mr. SHIMKUS, Mr. WYNN, Mr. SCOTT of Georgia, Mrs. JONES of Ohio, Ms. KILPATRICK, Mr. THOMPSON of Mississippi, Mr. STARK, Mr. HILL, Mr. HONDA, Mr. EMANUEL, Ms. SCHAKOWSKY, Mr. CLYBURN, Mr. GUTIERREZ, Mr. WATT, Mr. ANDREWS, Mr. ROTHMAN, Mr. RUSH, Mr. GRIJALVA, Mr. EVANS, Mr. OWENS, Mr. BACA, Mr. ETHERIDGE, Mr. BOSWELL, Mrs. TAUSCHER, Ms. JACKSON-LEE of Texas, Mr. BROWN of Ohio, Mr. DINGELL, Mr. MCGOVERN, Mr. KENNEDY of Minnesota, Mr. RENZI, Ms. CARSON of Indiana, Mrs. BONO, Mr. PLATTS, Mr. FOSSELLA, and Mr. RAMSTAD.
H.R. 3193: Mr. LINDER, Mr. BOEHNER, Mr. SWEENEY, Ms. GRANGER, Mr. TIBERI, Mr. KANJORSKI, Mr. ROYCE, Mr. CRENSHAW, Mr. CARDOZA, and Mr. BOSWELL.
H.R. 3242: Mr. MILLER of North Carolina.
H.R. 3281: Ms. DEGETTE, Mr. HOLT, and Mr. STARK.
H.R. 3307: Mr. ISAKSON.
H.R. 3446: Mr. SPRATT.
H.R. 3595: Mr. GREEN of Texas.
H.R. 3602: Mr. PAYNE, Mr. OWENS, Mr. SERRANO, and Mr. REYES.
H.R. 3684: Mr. ALLEN.
H.R. 3707: Mr. TIERNEY, Mr. GEORGE MILLER of California, Mr. MEEK of Florida, Mr. NADLER, Mr. GRIJALVA, Mr. STUPAK, and Mr. SYNDER.
H.R. 3765: Mr. FARR, Mr. MCKEON, Mr. COX, Mr. LANTOS, Mr. GIBBONS, Mr. SAXTON, Mr. GARY G. MILLER of California, Mrs. BONO, Mrs. NAPOLITANO, Mr. BACA, and Mr. SYNDER.
H.R. 3796: Mr. CARSON of Oklahoma.
H.R. 3810: Mr. HINCHEY.
H.R. 3820: Mr. SHERMAN.
H.R. 3847: Mr. ESHOO.
H.R. 3889: Mr. BARRETT of South Carolina.
H.R. 3927: Mr. KIRK.
H.R. 4026: Mr. ROGERS of Michigan, Mr. SANDLIN, Mr. FROST, Mr. ALEXANDER, and Mr. BOSWELL.
H.R. 4039: Mr. CALVERT.
H.R. 4067: Mr. MORAN of Virginia, Mrs. LOWEY, Mr. GUTIERREZ, and Mr. HOEFFEL.
H.R. 4082: Mr. SNYDER and Mr. STARK.
H.R. 4110: Mr. SHAYS, Mr. SHERMAN, Ms. HARRIS, Mr. OSE, Mr. BEREUTER, Mr. RANGEL, Mr. OWENS, and Mr. MCDERMOTT.
H.R. 4131: Mr. KING of New York.
H.R. 4154: Ms. BERKLEY.
H.R. 4169: Mr. WALSH.
H.R. 4177: Mr. MILLER of North Carolina.
H.R. 4188: Mr. SOUDER and Mr. RANGEL.
H.R. 4214: Mr. OWENS.
H.R. 4287: Ms. SCHAKOWSKY.
H.R. 4316: Mr. DAVIS of Tennessee, Ms. KAPTUR, Mr. GORDON, Mr. KUCINICH, Mr. HINCHEY, and Ms. BALDWIN.
H.R. 4334: Mr. WEXLER.
H.R. 4342: Mr. GREEN of Texas.
H.R. 4346: Mr. SNYDER.
H.R. 4347: Mr. CONYERS.
H.R. 4356: Mr. PAYNE.
H.R. 4358: Mr. MCGOVERN.
H.R. 4370: Mr. GARRETT of New Jersey and Mr. WEXLER.
H.R. 4377: Mr. BAIRD.
H.R. 4391: Mr. BILIRAKIS and Mr. FILNER.
H.R. 4399: Mr. ENGEL.
H.R. 4430: Mr. OTTER, Mr. EVERETT, Mr. THORNBERRY, and Mr. TURNER of Ohio.
H.R. 4440: Mr. GARRETT of New Jersey.
H.R. 4530: Mr. TANCREDO.
H.R. 4571: Mr. FEENEY.
H.R. 4575: Ms. WATSON and Mr. HONDA.
H.R. 4600: Mr. EHLERS.
H.J. Res. 28: Mr. GUTIERREZ and Mr. KENNEDY of Rhode Island.
H.J. Res. 29: Mr. GUTIERREZ and Mr. KENNEDY of Rhode Island.
H.J. Res. 30: Mr. GUTIERREZ and Mr. KENNEDY of Rhode Island.
H.J. Res. 72: Ms. SOLIS.
H. Con. Res. 319: Mr. WOLF, Mr. SMITH of Washington, Mr. WAXMAN, Mr. LEVIN, Mr. MARSHALL, Mr. FROST, Mr. GALLEGLY, and Mr. KIRK.
H. Con. Res. 425: Ms. MCCARTHY of Missouri.
H. Con. Res. 435: Mr. OWENS.
H. Con. Res. 442: Mr. MCDERMOTT and Mr. POMEROY.
H. Res. 466: Mr. CONYERS.
H. Res. 615: Mrs. MUSGRAVE, Mr. SCHIFF, Mr. FRANK of Massachusetts, Mr. KENNEDY of Minnesota, Mr. WILSON of South Carolina, Mr. SOUDER, Mr. BARRETT of South Carolina, Mr. HOEFFEL, Mrs. LOWEY, Mr. MATSUI, Ms. SCHAKOWSKY, Mr. GARRETT of New Jersey, Mr. FEENEY, Mr. WAXMAN, and Mr. LINCOLN DIAZ-BALART of Florida.
H. Res. 617: Ms. SCHAKOWSKY, Mr. SOUDER, Mr. GARRETT of New Jersey, Mr. WAXMAN, and Mrs. MUSGRAVE.
H. Res. 667: Mr. DEUTSCH.

¶64.32 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3308: Mr. BEAUPREZ.

FRIDAY, JUNE 18, 2004 (65)

The House was called to order by the SPEAKER.

¶65.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Thursday, June 17, 2004.

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

¶65.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

8624. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Sulfuryl Fluoride; Pesticide Tolerance; Technical Correction [OPP–2003–0373; FRL–7346–1] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8625. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Air Quality Designations and Classifications for the 8-Hour National Ambient Air Quality Standards; Deferral of Effective Date [OAR–2003–0083; FRL–7775–5] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8626. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Air Quality Designations and Classifications for the 8-Hour Ozone National Ambient Air Quality Standards; Early Action Compact Areas With Deferred Effective Dates [OAR–2003–0083–1; FRL–7774–8] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8627. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Delaware; Update to Materials Incorporated by Reference [DE101–1037; FRL–7668–1] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8628. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans Georgia: Approval of Revisions to the State Implementation Plan [GA–62, GA–64–200418; FRL–7672–4] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8629. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Florida Broward County Aviation Department Variance [R04–OAR–2003–FL–0001–200414(f); FRL–7773–8] received June 16, 2004, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Energy and Commerce.

8630. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Ohio [OH–159–1a; FRL–7774–7] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8631. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants; National Emission Standards for Emission of Radionuclides Other Than Radon From Department of Energy Facilities; National Emission Standards for Radionuclide Emissions from Federal Facilities Other Than Nuclear Regulatory Commission Licenses and Not Covered by Subpart H; Final Amendment—Correction [FRL–7773–5] (RIN: 2060–AI90) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8632. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone; Allowance System for Controlling HCFC Production, Import and Export [OAR–2003–0130; FRL–7774–1] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8633. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Transportation Conformity Rule Amendment for the New 8-hour Ozone and PM2.5 National Ambient Air Quality Standards and Miscellaneous Revisions for Existing Areas; Transportation Conformity Rule Amendment: Response to Court Decision and Additional Rule Changes [FRL–7774–6] (RIN: 2060–AL73) (RIN: 2060–AI56) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8634. A letter from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Implementation of Section 25 of the Cable Television Consumer Protection and Competition Act of 1992; Direct Broadcast Satellite Public Interest Obligations; Sua Sponte Reconsideration [MM Docket No. 93–25] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8635. A letter from the Legal Advisor to Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Part 76 of the Commission's Rules to Extend Interference Protection in the Marine and Aeronautical Distress and Safety Frequency 406.025 MHz [MB Docket No. 03–50] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8636. A letter from the Deputy Chief, WCB/PPD, Federal Communications Commission, transmitting the Commission's final rule—Access Charge Reform [CC Docket No. 96–262]; Reform of Access Charges Imposed by Competitive Local Exchange Carriers; Petition of Z-Tel Communications, Inc. For Temporary Waiver of Commission Rule 61.26(d) to Facilitate Deployment of Competitive Service in Certain Metropolitan Statistical Areas [CCB/CPD File No. 01–19] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8637. A letter from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Bloomington, Indiana) [MM Docket No. 03–230; RM–10816] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8638. A letter from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Station. (Ocilla and Ambrose, Georgia) [MB Docket No. 03–246; RM–10830] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8639. A letter from the Legal Advisor to Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Colby, Kansas) [MB Docket No. 04–11; RM–10841] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8640. A letter from the Legal Advisor to Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Jackson, Mississippi) [MM Docket No. 01–43; RM–10041] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8641. A letter from the Deputy Chief, WCB/TAPD, Federal Communications Commission, transmitting the Commission's final rule—Lifeline and Link-Up [WC Docket No. 03–109] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8642. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) FM Table of Allotments, FM Broadcast Stations. (Vinton, Louisiana, Crystal Beach, Lumbarton, and Winnie, Texas) [MB Docket No. 02–212; RM–10516; RM–10618] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8643. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Post, O'Donnell and Roaring Springs, Texas) [MM Docket No. 01–271; RM–10278; RM–10380] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8644. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Cameron, First Mesa, Flagstaff, Dewey-Humboldt, Parker, Bagdad, Globe, Safford, Grand Canyon Village, Gilbert, and Chino Valley, Arizona) [MM Docket No. 02–73; RM–10356; RM–10551; RM–10553; RM–10554] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8645. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Ashland, Coaling, Cordova, Decartur, Dora, Hackleburg, Hobson City, Holly Pond, Killen, Midfield, Scottsboro, Sylaocauga, and Tuscaloosa, Alabama, Atlanta, Georgia, and Pulaski, Tennessee) [MB Docket No. 03–77; RM–10660; RM–10835] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8646. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Mt. Vernon and Okawville, Illinois) [MB Docket No. 03–196; RM–10626] Reclassification of License of Station KEZK-FM, St. Louis, Missouri—received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8647. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Encinal, Texas) [MB Docket No. 02–349; RM–10600] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8648. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Linden and Marion, Alabama) MB Docket No. 03–162; RM–10723] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8649. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) FM Table of Allotments, FM Broadcast Stations. (Russellville and Littleville, Alabama) [MB Docket No. 04–12; RM–10834] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8650. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Pakistan (Transmittal No. DDTC 014–04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8651. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan (Transmittal No. DDTC 034–04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8652. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services sold commercially under a contract with Japan (Transmittal No. DDTC 036–04), pursuant to 22 U.S.C. 2776(c) 22 U.S.C. 2776(d); to the Committee on International Relations.

8653. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services under contract with Japan (Transmittal No. DDTC 033–04), pursuant to 22 U.S.C. 2776(c) 22 U.S.C. 2776(d); to the Committee on International Relations.

8654. A letter from the Administrator, National Nuclear Security Administration, Department of Energy, transmitting an amendment to the Agreement Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes, having been negotiated and approved by the President pursuant to the Atomic Energy Act of 1954, as amended; to the Committee on International Relations.

8655. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting as required by Section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1641(c) and section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), the six-month periodic report on the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938 of November 14, 1994; to the Committee on International Relations.

8656. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to Section 620C(c) of the Foreign Assistance Act of 1961, as amended, and in accordance with section 1(a)(6) of Executive Order 13313, a report prepared by the Department of State and the National Security Council on the progress toward a negotiated solution of the Cyprus question covering the period February 1, 2004 through March 31, 2004; to the Committee on International Relations.

8657. A letter from the Secretary, Department of Education, transmitting the semiannual report of the activities of the Office of Inspector General during the six month period ending March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8658. A letter from the Director, Office of Personnel Policy, Department of the Interior, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8659. A letter from the Director, Office of Personnel Policy, Department of the Interior, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8660. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8661. A letter from the Chairman, Nuclear Regulatory Commission, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108–199, the Commission's report on FY 2003 Competitive Sourcing Efforts; to the Committee on Government Reform.

8662. A letter from the Director, Office of National Drug Control Policy, transmitting a report on the ''Fiscal Year 2003 Accounting of Drug Control Funds,'' pursuant to 21 U.S.C. 1704(d); to the Committee on Government Reform.

8663. A letter from the Secretary to the Board, Railroad Retirement Board, transmitting in accordance with Division F, Section 647(b) of Pub. L. 108–199, the Board's FY 2003 report on competitive sourcing efforts; to the Committee on Government Reform.

8664. A letter from the Chairman, Tennessee Valley Authority, transmitting the report in compliance with the Government in the Sunshine Act for Calendar Year 2003, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

8665. A letter from the Director, U.S. Trade and Development Agency, transmitting the Agency's report on FY 2003 competitive sourcing efforts as required by Section 647(b) of Division F of the Consolidated Appropriations Act, 2004, Pub. L. 108–199; to the Committee on Government Reform.

8666. A letter from the Staff Director, United States Commission on Civil Rights, transmitting the FY 2003 annual report under the Federal Managers' Financial Integrity Act (FMFIA), pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

8667. A letter from the Commissioner, Social Security Administration, transmitting the 2004 Annual Report of the Supplemental Security Income Program, pursuant to Public Law 104—193, section 231 (110 Stat. 2197); to the Committee on Ways and Means.

8668. A letter from the Chairman, U.S. International Trade Commission, transmitting pursuant to Section 2104(f) of the Trade Act of 2002, a report on the Commission's investigation entitled ''U.S.-Australia Free Trade Agreement: Potential Economywide and Selected Sectoral Effects, Inv. No. TA 2104–11''; to the Committee on Ways and Means.

¶65.3 HOMELAND SECURITY APPROPRIATIONS FY 2005

The SPEAKER pro tempore, Mr. Mario DIAZ-BALART of Florida, pursuant to House Resolution 675 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4567) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

Mr. GILLMOR, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

¶65.4 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Ms. JACKSON-LEE of Texas:

Page 33, line 24, after the dollar amount insert the following: ''(reduced by $10,000,000)''.

Page 34, line 22, after the dollar amount insert the following: ''(increased by $10,000,000)''.

It was decided in the negative { Yeas ..... 137 / Nays 269

¶65.5 [Roll No. 267]

AYES—137

Ackerman
Alexander
Andrews
Baca
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Doggett
Edwards
Engel
Etheridge
Evans
Fattah
Filner
Forbes
Ford
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Harman
Hinchey
Hinojosa
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kucinich
Lampson
Lantos
Larson (CT)
Lee
Lowey
Majette
Maloney
Marshall
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller (NC)
Moore
Nadler
Napolitano
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Skelton
Slaughter
Solis
Spratt
Tanner
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson
Watt
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—269

Abercrombie
Aderholt
Akin
Allen
Bachus
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonilla
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Eshoo
Feeney
Ferguson
Flake
Foley
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Israel
Issa
Istook
Jackson (IL)
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Langevin
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Markey
Matheson
Matsui
McCollum
McCotter
McCrery
McHugh
McInnis
McKeon
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Osborne
Ose
Otter
Oxley
Pascrell
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—27

Baird
Baker
Ballenger
Bereuter
Berman
Boehlert
Boehner
Collins
DeMint
Emanuel
Everett
Farr
Gerlach
Gibbons
Greenwood
Gutierrez
Hastings (FL)
Hoeffel
Isakson
John
Lewis (GA)
Lipinski
Menendez
Quinn
Reyes
Smith (WA)
Waxman

So the amendment was not agreed to.

¶65.6 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment, submitted by Ms. DELAURO :

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

SEC. ____. None of the funds appropriated by this Act may be used to issue an order under a task and delivery order contract to entities not in compliance with section 835 of Public Law 107–296.

It was decided in the negative ..... { Yeas ..... 182 / Nays 221

¶65.7 [Roll No. 268]

AYES—182

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baldwin
Bass
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Costello
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Doyle
Duncan
Edwards
Emerson
Engel
Eshoo
Evans
Fattah
Filner
Frank (MA)
Frost
Gephardt
Gonzalez
Goode
Green (TX)
Grijalva
Hayes
Herseth
Hill
Hinchey
Hinojosa
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
LoBiondo
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller, George
Mollohan
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Sherwood
Simmons
Skelton
Slaughter
Smith (NJ)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (MS)
Tierney
Towns
Van Hollen
Velazquez
Visclosky
Vitter
Wamp
Waters
Watson
Weiner
Wexler
Whitfield
Wilson (NM)
Woolsey
Wu
Wynn

NOES—221

Aderholt
Akin
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Cooper
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (FL)
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Dreier
Dunn
Ehlers
English
Etheridge
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Issa
Istook
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lofgren
Lucas (KY)
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Walden (OR)
Walsh
Watt
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—30

Baird
Baker
Ballenger
Bereuter
Berman
Boehlert
Boehner
Buyer
Collins
Crowley
DeMint
Emanuel
Everett
Farr
Gerlach
Gibbons
Goodlatte
Gutierrez
Hastings (FL)
Hoeffel
Isakson
John
Lewis (GA)
Lipinski
Menendez
Pence
Quinn
Reyes
Smith (WA)
Waxman

So the amendment was not agreed to.

¶65.8 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, submitted by Ms. ROYBAL-ALLARD:

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

SEC. ____. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of the Bureau of Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

It was decided in the affirmative ..... { Yeas ..... 242 / Nays 163

¶65.9 [Roll No. 269]

AYES—242

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baldwin
Barton (TX)
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Burr
Buyer
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Coble
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Edwards
Emerson
Engel
English
Eshoo
Etheridge
Evans
Fattah
Ferguson
Filner
Foley
Forbes
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Goode
Gordon
Green (TX)
Green (WI)
Grijalva
Harman
Hayworth
Hefley
Herseth
Hill
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Platts
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Shimkus
Simmons
Skelton
Slaughter
Smith (NJ)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson

Watt
Weiner
Weldon (PA)
Wexler
Wolf
Woolsey
Wu
Wynn

NOES—163

Akin
Bachus
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Calvert
Camp
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Cole
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Deal (GA)
DeLay
Diaz-Balart, M.
Doolittle
Dreier
Dunn
Ehlers
Feeney
Flake
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Goodlatte
Goss
Granger
Graves
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Issa
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCrery
McInnis
McKeon
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Pombo
Porter
Portman
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shuster
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Sullivan
Tauzin
Terry
Thornberry
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—28

Baird
Baker
Ballenger
Bereuter
Berman
Boehlert
Boehner
Collins
DeMint
Emanuel
Everett
Farr
Gerlach
Gibbons
Gutierrez
Hastings (FL)
Hoeffel
Isakson
John
Lipinski
Menendez
Pryce (OH)
Quinn
Reyes
Smith (WA)
Thomas
Waxman
Weldon (FL)

So the amendment was agreed to.

¶65.10 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. TANCREDO:

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

SEC. _____. None of the funds made available in this Act may be used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

It was decided in the negative ..... { Yeas ..... 148 / Nays ..... 259 }

¶65.11 [Roll No. 270]

AYES—148

Aderholt
Akin
Bachus
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Bonilla
Bonner
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Camp
Cantor
Carter
Chabot
Coble
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
Doolittle
Dreier
Duncan
Emerson
Feeney
Flake
Foley
Forbes
Franks (AZ)
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Greenwood
Gutknecht
Harris
Hayes
Hayworth
Hefley
Herger
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Issa
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kelly
King (IA)
Kingston
Kline
Kolbe
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Ney
Norwood
Ose
Otter
Paul
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Putnam
Radanovich
Ramstad
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rohrabacher
Royce
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Tiahrt
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (SC)
Young (AK)
Young (FL)

NOES—259

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baldwin
Barton (TX)
Becerra
Bell
Berkley
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Burr
Calvert
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chandler
Chocola
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dunn
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Fattah
Ferguson
Filner
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gephardt
Gonzalez
Gordon
Goss
Green (TX)
Green (WI)
Grijalva
Hall
Harman
Hart
Hastings (WA)
Hensarling
Herseth
Hill
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Petri
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Reynolds
Rodriguez
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Sherwood
Simmons
Skelton
Slaughter
Smith (NJ)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Walsh
Waters
Watson
Watt
Weiner
Weller
Wexler
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

NOT VOTING—26

Baird
Baker
Ballenger
Bereuter
Berman
Boehlert
Boehner
Collins
DeMint
Emanuel
Everett
Farr
Gerlach
Gibbons
Gutierrez
Hastings (FL)
Hoeffel
Isakson
John
Lipinski
Menendez
Quinn
Reyes
Smith (WA)
Thomas
Waxman

So the amendment was not agreed to.

¶65.12 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 9, submitted by Mrs. MALONEY:

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

SEC. ____. None of the funds made available in title III for discretionary grants for use in high-threat, high density urban areas and for rail and transit security, under the heading ''Office for State and Local Government Coordination and Preparedness__State and local programs'', may be used for more than 80 grants.

It was decided in the negative ..... { Yeas ..... 113 / Nays ..... 292 }

¶65.13 [Roll No. 271]

AYES—113

Ackerman
Alexander
Becerra
Bell
Berkley
Bishop (NY)
Blumenauer
Brady (PA)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Chabot
Clay
Conyers
Cooper
Crowley
Davis (CA)
Davis (IL)
Davis, Tom
Delahunt
Dooley (CA)
Doyle
Engel
Eshoo
Fattah
Ferguson
Filner
Ford
Fossella
Frank (MA)
Frelinghuysen
Gephardt
Gonzalez
Green (TX)
Grijalva
Harman
Hinchey
Hoekstra
Holt
Houghton
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kelly
Kennedy (MN)
King (NY)
Lantos
Larson (CT)
Lee
Lofgren
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott

McGovern
McHugh
McNulty
Meehan
Meeks (NY)
Millender-McDonald
Miller, Gary
Miller, George
Moran (VA)
Nadler
Napolitano
Neal (MA)
Owens
Pallone
Pascrell
Payne
Pelosi
Porter
Rangel
Reynolds
Rodriguez
Rohrabacher
Rothman
Roybal-Allard
Ruppersberger
Rush
Sanchez, Linda T.
Sanchez, Loretta
Sandlin
Schiff
Scott (GA)
Serrano
Shays
Sherman
Shimkus
Slaughter
Solis
Stark
Sweeney
Tancredo
Tauscher
Thompson (CA)
Towns
Van Hollen
Velazquez
Watson
Weiner
Woolsey

NOES—292

Abercrombie
Aderholt
Akin
Allen
Andrews
Baca
Bachus
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Case
Castle
Chandler
Chocola
Clyburn
Coble
Cole
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Etheridge
Evans
Feeney
Flake
Foley
Forbes
Franks (AZ)
Frost
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Holden
Honda
Hooley (OR)
Hostettler
Hulshof
Hunter
Hyde
Inslee
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Majette
Manzullo
Marshall
Matheson
McCollum
McCotter
McCrery
McInnis
McIntyre
McKeon
Meek (FL)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Saxton
Schrock
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watt
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—28

Baird
Baker
Ballenger
Bereuter
Berman
Boehlert
Boehner
Collins
DeMint
Emanuel
Everett
Farr
Gerlach
Gibbons
Gutierrez
Hastings (FL)
Hoeffel
Isakson
John
Lipinski
Menendez
Quinn
Reyes
Schakowsky
Smith (WA)
Thomas
Tierney
Waxman

So the amendment was not agreed to.

¶65.14 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. SABO:

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

SEC. ____. For the Privacy Officer of the Department of Homeland Security to conduct privacy impact assessments of proposed rules as authorized by section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142), hereby derived from the amount provided in this Act for ''Aviation Security'', $2,000,000.

It was decided in the negative { Yeas ..... 199 / Nays ..... 205 }

¶65.15 [Roll No. 272]

AYES—199

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baldwin
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chabot
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Engel
Eshoo
Etheridge
Evans
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Green (WI)
Grijalva
Harman
Herseth
Hill
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kingston
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—205

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

NOT VOTING—29

Baird
Baker
Ballenger
Bereuter
Berman
Boehlert

Boehner
Collins
DeMint
Emanuel
Everett
Farr
Gerlach
Gibbons
Gutierrez
Hastings (FL)
Hobson
Hoeffel
Isakson
John
Lipinski
Menendez
Quinn
Reyes
Schakowsky
Smith (WA)
Thomas
Tierney
Waxman

So the amendment was not agreed to.

¶65.16 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 10, submitted by Mr. MARKEY:

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

SEC. ____. None of the funds made available in this Act may be used to approve, renew, or implement any aviation cargo security plan that permits the transporting of unscreened or uninspected cargo on passenger planes.

It was decided in the negative ..... { Yeas ..... 191 / Nays 211

¶65.17 [Roll No. 273]

AYES—191

Abercrombie
Ackerman
Aderholt
Alexander
Andrews
Baca
Baldwin
Bass
Becerra
Berry
Bilirakis
Bishop (NY)
Blumenauer
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown-Waite, Ginny
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Castle
Chabot
Chandler
Conyers
Cooper
Cramer
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Eshoo
Etheridge
Evans
Fattah
Ferguson
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gephardt
Gordon
Green (WI)
Grijalva
Harman
Hayworth
Hefley
Herseth
Hill
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kanjorski
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Ney
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Payne
Pelosi
Pitts
Pomeroy
Porter
Price (NC)
Ramstad
Rangel
Rodriguez
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Scott (VA)
Serrano
Shays
Sherman
Shimkus
Simmons
Skelton
Slaughter
Smith (NJ)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Vitter
Watson
Watt
Weiner
Wexler
Woolsey

NOES—211

Akin
Allen
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bell
Berkley
Biggert
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Bonilla
Bonner
Bono
Boozman
Boswell
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carson (OK)
Carter
Chocola
Clay
Clyburn
Coble
Cole
Costello
Cox
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Feeney
Filner
Flake
Forbes
Franks (AZ)
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Issa
Istook
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson, Sam
Jones (OH)
Keller
Kennedy (MN)
King (IA)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Majette
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Northup
Norwood
Nunes
Nussle
Oberstar
Osborne
Otter
Oxley
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pombo
Portman
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ruppersberger
Ryan (OH)
Sandlin
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shuster
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thompson (MS)
Thornberry
Tiahrt
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—31

Baird
Baker
Ballenger
Bereuter
Berman
Boehlert
Boehner
Collins
DeMint
Emanuel
Everett
Farr
Gerlach
Gibbons
Greenwood
Gutierrez
Harris
Hastings (FL)
Hoeffel
Isakson
John
Kaptur
Lipinski
Menendez
Quinn
Reyes
Schakowsky
Smith (WA)
Thomas
Tierney
Waxman

So the amendment was not agreed to.

¶65.18 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment, submitted by Ms. VELAZQUEZ:

At the end of the bill insert the following section:

SEC. ___. PROHIBITION AGAINST USE OF FUNDS TO ENTER INTO STATEWIDE CONTRACTS FOR SECURITY GUARD SERVICES.

None of the funds in this Act may be used by the Federal Protective Service to replace any existing contract for security guard services with statewide contracts for security guard services.

It was decided in the negative ..... { Yeas ..... 201 / Nays 205

¶65.19 [Roll No. 274]

AYES—201

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baldwin
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Harman
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kleczka
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—205

Aderholt
Akin
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Blackburn
Blunt
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Cox
Crane

Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hostettler
Houghton
Hulshof
Hunter
Hyde
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tauzin
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—27

Baird
Baker
Ballenger
Bereuter
Berman
Boehlert
Boehner
Collins
DeMint
Emanuel
Everett
Farr
Gerlach
Gibbons
Gutierrez
Hastings (FL)
Isakson
John
Lipinski
Menendez
Quinn
Reyes
Schakowsky
Smith (WA)
Thomas
Tierney
Waxman

So the amendment was not agreed to.

The SPEAKER pro tempore, Mr. GOODLATTE, assumed the Chair.

When Mr. SHIMKUS, Acting Chairman, pursuant to House Resolution 675, reported the bill back to the House with sundry amendments adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendments, reported from the Committee of the Whole House on the state of the Union, were agreed to:

Page 2, line 16, insert after the dollar amount the following: ''(reduced by $50,000,000)''.

Page 25, line 24, insert after the dollar amount the following: ''(increased by $50,000,000, which increase is available for grants under section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a))''.

In title I, in the item relating to ''OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT'', insert after the first dollar amount the following: ''(reduced by $450,000)''.

In title II, in the item relating to ''CUSTOMS AND BORDER PROTECTION—SALARIES AND EXPENSES'', insert after the first dollar amount the following: ''(increased by $450,000)''.

Page 33, line 26, insert before the period the following:

: *Provided further*, That of the total amount provided under this heading, $5,000,000 shall be for the Under Secretary to prepare an analysis of requiring key resources and critical infrastructure to provide information related to actual and potential vulnerabilities to ensure that the Department has timely and efficient access to such information, as authorized by section 201(d) of such Act (6 U.S.C. 121(d))

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

SEC. ____. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

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

SEC. ____. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of the Bureau of Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. GOODLATTE, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative { Yeas ..... 400 / Nays ..... 5 }

¶65.20 [Roll No. 275]

YEAS—400

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—5

Berry	Flake	Sánchez, Linda T.
Capuano	Paul	

NOT VOTING—29

Baird	Everett	Maloney
Baker	Farr	Menendez
Ballenger	Gephardt	Quinn
Bereuter	Gerlach	Reyes
Berman	Gibbons	Schakowsky
Boehlert	Gutierrez	Smith (WA)
Boehner	Hastings (FL)	Thomas
Collins	Isakson	Tierney
DeMint	John	Waxman
Emanuel	Lipinski	

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶65.21 DEFENSE APPROPRIATIONS FY 2005

Mr. LEWIS of California, submitted a privileged report (Rept. No. 108–553) on the bill (H.R. 4613) making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

When said bill and report were referred to the Union Calendar and ordered printed.

Pursuant to clause 1 of rule XXI, all points of order were reserved.

¶65.22 ENERGY AND WATER APPROPRIATIONS FY 2005

Mr. YOUNG of Florida, submitted a privileged report (Rept. No. 108–554) on the bill (H.R. 4614) making appropriations for energy and water development for the fiscal year ending September 30, 2005, and for other purposes.

When said bill and report were referred to the Union Calendar and ordered printed.

Pursuant to clause 1 of rule XXI, all points of order were reserved.

¶65.23 ADJOURNMENT OVER

On motion of Mr. DELAY, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Monday, June 21, 2004, at 12:30 p.m. for morning-hour debate.

¶65.24 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. DELAY, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, June 23, 2004, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶65.25 CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore, Mr. GOODLATTE, announced that the Speaker, pursuant to 22 United States Code 276d, clause 10 of rule I, and the order of the House of December 8, 2003, appointed to the United States delegation of the Canada-United States Interparliamentary Group, the following Members: Messrs. HOUGHTON, New York, Chairman, DREIER, SHAW, STEARNS, MANZULLO, SMITH of Michigan, ENGLISH, SOUDER, and TANCREDO.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶65.26 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. GARRETT of New Jersey, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, June 18, 2004.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 18, 2004 at 3:24 p.m.:

That the Senate passed without amendment H.R. 3378.

That the Senate passed without amendment H.R. 3504.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶65.27 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. ISAKSON, for today; and

To Mr. GERLACH, for today.

And then,

¶65.28 ADJOURNMENT

On motion of Mr. DREIER, pursuant to the previous order of the House, at 7 o'clock and 8 minutes p.m., the House adjourned until 12:30 p.m. on Monday, June 21, 2004.

¶65.29 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LEWIS of California: Committee on Appropriations. H.R. 4613. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes. (Rept. 108–553). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOBSON: Committee on Appropriations. H.R. 4614. A bill making appropriations for energy and water development for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108–554). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 3706. A bill to adjust the boundary of the John Muir National Historic Site, and for other purposes (Rept. 108–555). Referred to the Committee of the Whole House on the State of the Union.

¶65.30 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. WALDEN of Oregon (for himself and Mr. DAVIS of Florida):

H.R. 4612. A bill to amend the Federal Food, Drug, and Cosmetic Act to create a uniform certification standard for Internet pharmacies and to prohibit Internet pharmacies from engaging in certain advertising activities, to prohibit the use of certain bank instruments for purchases associated with illegal Internet pharmacies, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COBLE (for himself, Mr. CONYERS, Mr. HYDE, and Mr. FRANK of Massachusetts):

H.R. 4615. A bill to modify the application of the antitrust laws to permit collective development and implementation of a standard contract form for playwrights for the licensing of their plays; to the Committee on the Judiciary.

By Mrs. DAVIS of California (for herself, Mr. EVANS, and Mr. MICHAUD):

H.R. 4616. A bill to amend title 38, United States Code, to extend for four years the operation of the demonstration project of the Secretary of Veterans Affairs to guarantee hybrid adjustable rate mortgages for the construction or purchase of homes by veterans; to the Committee on Veterans' Affairs.

By Mr. DOOLITTLE:

H.R. 4617. A bill to amend the Small Tracts Act to facilitate the exchange of small tracts of land, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL (for himself, Mr. ISRAEL, Mr. NADLER, Mr. MCNULTY, Mr. ACKERMAN, Ms. SLAUGHTER, Mrs. MCCARTHY of New York, Mr. TOWNS, Mr. MEEKS of New York, Mr. SWEENEY, Mr. SERRANO, Mr. BISHOP of New York, Mr. FOSSELLA, Mr. CROWLEY, Mr. KING of New York, Mr. OWENS, Mr. WALSH, Mr. RANGEL, Mr. REYNOLDS, Ms. VELAZQUEZ, Mrs. LOWEY, Mr. HINCHEY, Mr. WEINER, Mrs. MALONEY, Mr. HOUGHTON, Mrs. KELLY, Mr. BOEHLERT, Mr. MCHUGH, and Mr. QUINN):

H.R. 4618. A bill to designate the facility of the United States Postal Service located at 10 West Prospect Street in Nanuet, New York, as the ''Anthony I. Lombardi Memorial Post Office Building''; to the Committee on Government Reform.

By Mr. GERLACH:

H.R. 4619. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Ukraine; to the Committee on Ways and Means.

By Mr. NETHERCUTT (for himself and Mr. HASTINGS of Washington):

H.R. 4620. A bill to confirm the authority of the Secretary of Agriculture and the Commodity Credit Corporation to enter into memorandums of understanding with a State regarding the collection of approved State commodity assessments on behalf of the State from the proceeds of marketing assistance loans; to the Committee on Agriculture.

By Mr. RENZI (for himself, Mr. BROWN of Ohio, Mr. STRICKLAND, Mr. FLAKE, Ms. KAPTUR, Mr. KUCINICH, and Mr. SMITH of New Jersey):

H.R. 4621. A bill to amend title 38, United States Code, to provide that an injury or death sustained as a result of participation in a medical research program of the Department of Veterans Affairs shall be treated for purpose of benefits under laws administered by the Secretary of Veterans Affairs in the same manner as if the injury were incurred

as a result of military service, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SIMPSON (for himself, Mr. DINGELL, Mr. PALLONE, Mr. WAXMAN, Mr. NORWOOD, Ms. ROYBAL-ALLARD, Mr. CRAMER, Mr. MCNULTY, Mr. BLUNT, Mr. LINDER, Mr. BOUCHER, Mr. PASTOR, Mrs. CHRISTENSEN, Mr. TOWNS, Mr. DICKS, Mr. ANDREWS, Mr. MEEHAN, Mr. KENNEDY of Rhode Island, Mr. SERRANO, Mr. MCINTYRE, Mr. MATSUI, Mr. LARSEN of Washington, Mr. ENGEL, Mr. CONYERS, Mr. CUNNINGHAM, Mrs. MCCARTHY of New York, Mr. KILDEE, Mr. PASCRELL, Ms. BORDALLO, Mr. SHUSTER, Mr. FERGUSON, Mr. LOBIONDO, Mr. TURNER of Texas, Mr. BROWN of Ohio, Mr. STUPAK, Mr. STRICKLAND, Mr. SIMMONS, and Mr. ALLEN):

H.R. 4622. A bill to provide disadvantaged children with access to dental services; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of New Mexico:

H.R. 4623. A bill to authorize the Secretary of the Interior to provide financial assistance to the Eastern New Mexico Rural Water Authority for the planning, design, and construction of the Eastern New Mexico Rural Water System, and for other purposes; to the Committee on Resources.

By Ms. WATSON:

H.R. 4624. A bill to designate the facility of the United States Postal Service located at 4960 West Washington Boulevard in Los Angeles, California, as the ''Ray Charles Post Office Building''; to the Committee on Government Reform.

By Mrs. JO ANN DAVIS of Virginia:

H.J. Res. 98. A joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States; to the Committee on Resources.

By Mr. THOMPSON of Mississippi (for himself, Mr. LEWIS of Georgia, Mr. BISHOP of Georgia, Mr. CLAY, Mr. CLYBURN, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. FATTAH, Mr. FORD, Mr. JACKSON of Illinois, Mr. JEFFERSON, Mr. MEEKS of New York, Ms. NORTON, Mr. OWENS, Mr. RANGEL, Mr. RUSH, Mr. TOWNS, Ms. WATERS, Ms. WATSON, and Mr. WYNN):

H. Con. Res. 457. Concurrent resolution expressing the sense of Congress with respect to the murders of James E. Chaney, Michael Schwerner, and Andrew Goodman; to the Committee on the Judiciary.

By Mr. UDALL of Colorado:

H. Res. 682. A resolution supporting the goals and ideas of National Time Out Day to promote the adoption of the Joint Commission on Accreditation of Healthcare Organization's universal protocol for preventing errors in the operating room; to the Committee on Energy and Commerce.

¶65.31 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

356. The SPEAKER presented a memorial of the Legislature of the State of New Hampshire, relative to House Concurrent Resolution No. 17 memorializing the United States Congress to posthumously promote Colonel Edward Ephraim Cross to brigadier general; to the Committee on Armed Services.

357. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 40 memorializing the United States Congress to provide funding for the Louisiana University of Medical Sciences, Inc., College of Primary Care Medicine; to the Committee on Energy and Commerce.

358. Also, a memorial of the House of Delegates of the Commonwealth of Virginia, relative to House Joint Resolution No. 247 memorializing the United States Congress to enact the State Waste Empowerment and Enforcement Provision Act of 2003 (H.R. 1123); to the Committee on Energy and Commerce.

359. Also, a memorial of the House of Delegates of the Commonwealth of Virginia, relative to House Joint Resolution No. 187 memorializing the United States Congress to propose a constitutional amendment to protect the fundamental institution of marriage as a union between a man and a woman; to the Committee on the Judiciary.

360. Also, a memorial of the House of Delegates of the Commonwealth of Virginia, relative to House Joint Resolution No. 194 rescinding and withdrawing all past resolutions of the General Assembly applying to the Congress of the United States to call a constitutional convention to amend the Constitution of the United States; to the Committee on the Judiciary.

361. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Resolution No. 65 memorializing the United States Congress to oppose the proposed federal funding cuts to maintenance and operation of locks and dams along the Ouachita and Black River navigational system; to the Committee on Transportation and Infrastructure.

362. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 234 memorializing the United States Congress to provide funding for the dredging of canals around the city of Gibraltar; to the Committee on Transportation and Infrastructure.

¶65.32 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 58: Mr. ISTOOK.
H.R. 97: Ms. MILLENDER-MCDONALD.
H.R. 107: Mr. COX.
H.R. 548: Ms. HERSETH.
H.R. 577: Mr. RODRIGUEZ and Mr. NADLER.
H.R. 792: Mr. GREEN of Texas and Mr. LAMPSON.
H.R. 1105: Mr. WU.
H.R. 1359: Mrs. JONES of Ohio.
H.R. 1555: Mr. BERMAN, Ms. DEGETTE, and Ms. MAJETTE.
H.R. 1736: Mr. EMANUEL and Mr. ETHERIDGE.
H.R. 1811: Mr. MICHAUD, Mr. GRIJALVA, and Mr. RAMSTAD.
H.R. 1823: Mr. MCNULTY
H.R. 1914: Mr. CALVERT.
H.R. 1919: Mr. SERRANO.
H.R. 2011: Mr. MARKEY.
H.R. 2023: Ms. BORDALLO.
H.R. 2247: Mr. EMANUEL.
H.R. 2442: Ms. VELAZQUEZ and Mrs. KELLY.
H.R. 2674: Ms. WATSON, Mr. CUMMINGS, and Mr. RANGEL.
H.R. 2814: Mr. BEREUTER.
H.R. 2929: Mr. DOOLITTLE and Mr. UPTON.
H.R. 2959: Mr. SANDLIN.
H.R. 2966: Mr. FILNER.
H.R. 3148: Ms. WATSON, Mr. GREEN of Texas, Mr. HASTINGS of Florida, Mr. GREENWOOD, Mr. KILDEE, Mr. MCDERMOTT, Mr. COSTELLO, Mr. SULLIVAN, Mr. FARR, Mr. GREEN of Wisconsin, Mr. PETRI, and Mr. CRANE.
H.R. 3193: Mr. GILLMOR.
H.R. 3266: Mr. LANGEVIN, Mr. WEINER, Mr. SMITH of Texas, Mr. HUNTER, Mr. BOEHLERT, Mr. HOLDEN, Mr. GALLEGLY, Mr. NADLER, Mrs. CHRISTENSEN, Mr. CARDIN, MR. GONZALEZ, Mr. DICKS, Mr. FEENEY, Ms. HARMAN, Mr. KELLER, Mr. ANDREWS, Mr. MEEK of Florida, Mr. WELDON of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. ROGERS of Michigan, Mr. GOSS, Mr. GOODLATTE, Mr. HOLT, Mr. LEWIS of California, and Mr. BECERRA.
H.R. 3361: Ms. NORTON.
H.R. 3523: Mr. GONZALEZ.
H.R. 3634: Mr. PAYNE.
H.R. 3729: Mr. LOBIONDO, Mrs. LOWEY, Mr. BROWN of South Carolina, Mrs. BLACKBURN, Mr. KIND, and Mr. GARRETT of New Jersey.
H.R. 3764: Mr. FILNER.
H.R. 3799: Mr. HERGER.
H.R. 3858: Mr. AKIN.
H.R. 3886: Mr. MORAN of Kansas and Mr. MOORE.
H.R. 3921: Mr. ALLEN.
H.R. 3947: Mr. BISHOP of Georgia and Mrs. LOWEY.
H.R. 3965: Mr. TIERNEY.
H.R. 3988: Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Mr. CONYERS, Mr. LEWIS of Georgia, Mr. ALLEN, and Ms. WATSON.
H.R. 4046: Mr. WELLER, Mr. MCDERMOTT, Mr. BISHOP of Georgia, Mr. BACA, Mr. ACKERMAN, Mr. GONZALEZ, and Mr. MCNULTY.
H.R. 4101: Mr. EHLERS and Mr. SAXTON.
H.R. 4110: Mr. MCKEON, Ms. SCHAKOWSKY, Ms. WOOLSEY, and Mr. GALLEGLY.
H.R. 4234: Mr. WAXMAN, Mr. DEUTSCH, and Mr. COSTELLO.
H.R. 4258: Mr. SANDLIN, Mr. LEWIS of Georgia, Mr. HILL, Ms. HOOLEY of Oregon, Mrs. JONES of Ohio, Mr. GREEN of Texas, Mr. SKELTON, Mr. HASTINGS of Florida, Mr. MOORE, Mrs. CAPPS, Mr. NADLER, Ms. ROYBAL-ALLARD, Mrs. MALONEY, and Ms. KILPATRICK.
H.R. 4276: Mr. LARSEN of Washington.
H.R. 4306: Mr. FORD.
H.R. 4341: Ms. BERKLEY.
H.R. 4365: Mr. BERMAN.
H.R. 4367: Mr. TURNER of Texas, Mr. SCHIFF, and Mr. ORTIZ.
H.R. 4395: Mr. LARSEN of Washington.
H.R. 4420: Mr. FORBES and Mr. BOOZMAN.
H.R. 4423: Mr. PASTOR and Mr. FRANK of Massachusetts.
H.R. 4425: Ms. NORTON, Mr. DOYLE, and Mr. WEXLER.
H.R. 4431: Mr. OWENS, Mr. GREEN of Texas, and Mr. FORD.
H.R. 4472: Mr. PLATTS.
H.R. 4530: Mr. GALLEGLY.
H.R. 4550: Mr. DICKS, Mr. CARDOZA, and Mr. SANDLIN.
H.R. 4561: Mr. OWENS, Mr. MCDERMOTT, Mr. KENNEDY of Rhode Island, Ms. MCCARTHY of Missouri, Mr. MCNULTY, Mr. WAXMAN, Mr. GRIJALVA, Mr. FARR, Mr. PAUL, and Mr. PAYNE.
H.R. 4597: Mr. KING of New York.
H. Con. Res. 332: Mr. CRENSHAW.
H. Con. Res. 344: Mr. CROWLEY.
H. Con. Res. 375: Ms. WATSON, Ms. BERKLEY, and Mr. CALVERT.
H. Con. Res. 377: Mr. SESSIONS.
H. Con. Res. 434: Mr. RANGEL.
H. Con. Res. 436: Mr. EDDIE BERNICE JOHNSON of Texas, Mr. BISHOP of Georgia, Ms. WATSON, Mr. CLAY, and Mr. SCOTT of Virginia.
H. Con. Res. 440: Mr. SOUDER and Mr. FRANKS of Arizona.
H. Con. Res. 442: Mr. KLINE.
H. Con. Res. 449: Mr. NORWOOD, Mr. ISAKSON, Mr. LEWIS of Georgia, Mr. KINGSTON, Mr. MARSHALL, Ms. MAJETTE, Mr. LINDER, Mr. ROSS, Mrs. MCCARTHY of New York, Mr. GRIJALVA, Mr. OTTER, Mr. GONZALEZ, Mr. MCGOVERN, Mr. SHIMKUS, Mr. FORD, Mr. SERRANO, Mr. HAYWORTH, and Mr. RUSH.

H. Res. 629: Mr. STARK
H. Res. 632: Mr. WEXLER.
H. Res. 667: Mr. ROHRABACHER, Mr. KING of Iowa, Mr. ROYCE, Mr. VITTER, Mr. WILSON of South Carolina, Mr. SOUDER, Mr. MCGOVERN, Mr. FRANK of Massachusetts, Mr. SMITH of New Jersey, Mr. HAYWORTH, and Mr. SMITH of Michigan.

MONDAY, JUNE 21, 2004 (66)

¶66.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. RENZI, who laid before the House the following communication:

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, June 21, 2004.

I hereby appoint the Honorable RICK RENZI to act as Speaker pro tempore on this day.

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

Whereupon, pursuant to the order of the House of Tuesday, January 20, 2004, Members were recognized for morning-hour debate.

¶66.2 RECESS—12:43 P.M.

The SPEAKER pro tempore, Mr. RENZI, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 43 minutes until 2 p.m.

¶66.3 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. TERRY, called the House to order.

¶66.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. TERRY, announced he had examined and approved the Journal of the proceedings of Friday, June 18, 2004.

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

¶66.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

8669. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Israel for defense articles and services (Transmittal No. 04-09), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

8670. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

8671. A letter from the Chairman, Consumer Product Safety Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2003 through March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8672. A letter from the Secretary, Department of the Agriculture, transmitting the Department's Report to Congress on Fiscal Year 2003 Competitive Sourcing Efforts in accordance with section 647(b) of Division F of the Consolidated Appropriations Act, 2004, Pub. L. 108-199; to the Committee on Government Reform.

8673. A letter from the Secretary, Department of Agriculture, transmitting the Department's competitive sourcing policy and FY 2004 budget for contracting out in accordance with Division A of the Consolidated Appropriations Act, 2004, Pub. L. 108-199; to the Committee on Government Reform.

8674. A letter from the Secretary, Department of Veterans Affairs, transmitting the semiannual report on activities of the Inspector General for the period October 1, 2003, through March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8675. A letter from the Secretary, Department of Veterans Affairs, transmitting in accordance with Section 647(b) of the Transportation and Treasury Appropriations Act, FY 2004 Pub. L. 108-199 and the Office of Management and Budget Memorandum 04-07, the Department's Report to Congress on FY 2003 Competitive Sourcing Efforts; to the Committee on Government Reform.

8676. A letter from the Director, National Gallery of Art, transmitting in response to OMB Memorandum 04-07, dated February 26, 2004, the National Gallery of Art's FY 2003 Inventory of Commercial and Inherently Governmental Activities Report; to the Committee on Government Reform.

8677. A letter from the Deputy Director for Management, Office of Management and Budget, transmitting the Administration's competitive sourcing initiative for FY 2003, in accordance with Section 647(b) of the Transportation, Treasury, and Independent Agencies Appropriations Act, FY 2004 (Division F of the Consolidated Appropriations Act, Pub. L. 108-199); to the Committee on Government Reform.

8678. A letter from the Regulations Officer, FHA, Department of Transportation, transmitting the Department's final rule — National Standards for Traffic Control Devices; the Manual on Uniform Traffic Control Devices for Streets and Highways; Specific Service and General Service Signing for 24-Hour Pharmacies [Docket No. FHWA-2004-17321] (RIN: 2125-AF02) received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8679. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company Model 1900C Airplanes [Docket No. 2003-CE-27-AD; Amendment 39-13620; AD 2004-09-30] (RIN: 2120-AA64) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8680. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International Inc. (formerly AlliedSignal Inc., Garrett Turbine Engine Company, and AiResearch Manufacturing Company of Arizona) TPE331-10 and -11 Series Turboprop Engines [Docket No. 2003-NE-02-AD; Amendment 39-13619; AD 2004-09-29] (RIN: 2120-AA64) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8681. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-7-100 Series Airplanes [Docket No. 2003-NM-153-AD; Amendment 39-13612; AD 2000-02-07 R1] (RIN: 2120-AA64) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8682. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF6-80E1 Model Turbofan Engines [Docket No. 2001-NE-45-AD; Amendment 39-13625; AD 2004-09-34] (RIN: 2120-AA64) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8683. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Oshkosh, NE. [Docket No. FAA-2004-17427; Airspace Docket No. 04-ACE-27] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8684. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Superior, NE. [Docket No. FAA-2004-17432; Airspace Docket No. 04-ACE-30] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8685. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Minden, NE. [Docket No. FAA-2004-17426; Airspace Docket No. 04-ACE-26] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8686. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Holdrege, NE. [Docket No. FAA-2004-17425; Airspace Docket No. 04-ACE-25] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8687. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS332C, L, and L1 Helicopters; Correction [Docket No. 2002-SW-45-AD; Amendment 39-13471; AD 2004-03-27] (RIN: 2120-AA64) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8688. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS355E, F, F1, F2, and N Helicopters [Docket No. 2003-SW-56-AD; Amendment 39-13495; AD 2004-01-51] (RIN: 2120-AA64) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8689. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-8-70 and -70F Series Airplanes [Docket No. 2001-NM-133-AD; Amendment 39-13532; AD 2004-06-06] (RIN: 2120-AA64) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8690. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Engine Components Incorporated (ECi) Reciprocating [Docket No. 2004-NE-07-AD; Amendment 39-13579; AD 2004-08-10] (RIN: 2120-AA64) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8691. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SF340A and SAAB 340B Series Airplanes [Docket No. 2002-NM-146-AD; Amendment 39-13626; AD 2004-09-35] (RIN: 2120-AA64) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8692. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB

340B Series Airplanes Equipped with Hamilton Sundstrand Propellers [Docket No. 2002-NM-200-AD; Amendment 39-13630; AD 2004-09-39] (RIN: 2120-AA64) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8693. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes [Docket No. 2002-NM-261-AD; Amendment 39-13610; AD 2004-09-21] (RIN: 2120-AA64) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8694. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes [Docket No. 2002-NM-NM-259-AD; Amendment 39-13615; AD 2004-09-25] (RIN: 2120-AA64) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8695. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Aerospace LP Model 1125 Westwind Astra Series Airplanes [Docket No. 2001-NM-402-AD; Amendment 39-13609; AD 2004-09-20] (RIN: 2120-AA64) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8696. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Model Hawker 800XP Airplanes [Docket No. 2002-NM-277-AD; Amendment 39-13616; AD 2004-09-26] (RIN: 2120-AA64) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8697. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-102, -103, -106, -201, -202, -301, -311, and -315 Series Airplanes [Docket No. 2004-NM-38-AD; Amendment 39-13623; AD 2004-03-14 R1] (RIN: 2120-AA64) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8698. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400 and 747-400D Series Airplanes [Docket No. 2003-NM-93-AD; Amendment 39-13624; AD 2004-09-33] (RIN: 2120-AA64) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8699. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-300 Series Airplanes [Docket No. 2003-NM-138-AD; Amendment 39-13611; AD 2004-09-22] (RIN: 2120-AA64) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8700. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727 Series Airplanes [Docket No. 2002-NM-273-AD; Amendment 39-13627; AD 2004-09-36] (RIN: 2120-AA64) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8701. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-300 Series Airplanes [Docket No. 2003-NM-121-AD; Amendment 39-13629; AD 2004-09-38] (RIN: 2120-AA64) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8702. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney JT9D-3A, -7, -7A, -7AH, -7H, -7F, -7J, -20, and -20J Turbofan Engines [Docket No. 2003-NE-34-AD; Amendment 39-13631; AD 2004-10-01] (RIN: 2120-AA64) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8703. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification to Congress regarding the Incidental Capture of Sea Turtles in Commercial Shrimping Operations, pursuant to Public Law 101—162, section 609(b); jointly to the Committees on Resources and Appropriations.

8704. A letter from the Administrator, Small Business Administration, transmitting a proposed legislative package containing provisions to implement the President's Fiscal Year 2005 Budget, provisions amending the SBA's existing statutory authority and other legislative initiatives relating to SBA programs and services; jointly to the Committees on Small Business, the Judiciary, and Government Reform.

¶66.6 EXPRESSING GRATITUDE FOR AMERICA'S COMMUNITY BANKS

Mr. RENZI moved to suspend the rules and agree to the following resolution (H. Res. 591):

Whereas, since our Nation's founding, community banks have supported their communities as they prospered and grew, and today more than 8,700 community banks continue the tradition of giving back to their local communities through nearly 40,000 banking offices;

Whereas, with more than $2,275,000,000,000 in assets, community banks know that when money stays in town it becomes a renewable resource, creating an economic cycle that constantly revitalizes and stimulates local communities;

Whereas community banks are working citizens in their communities in every sense of the word with more than 514,000 full-time and part-time employees;

Whereas these banks have made significant contributions to the economic well-being of our Nation through their financial support, their dedication as good neighbors and, above all, their service as financially sound and reliable sources of economic lifeblood in our communities;

Whereas the Nation's community banks focus on the prosperity of individuals and small businesses in their hometowns and have reinvested, on average, 95 percent of their loan portfolio in their own communities through home mortgages and small business, agricultural, and student loans;

Whereas community banks play a significant role in local economic development efforts by financing new businesses and stimulating the economy to produce jobs and new opportunities and, as a group, they contribute an important and strong part of the Nation's economic fabric;

Whereas community banks have made nearly 3,160,000 loans to small businesses, totaling over $275,500,000,000 and nearly 720,500 loans to small farms, totaling nearly $37,500,000,000;

Whereas community banks also enjoy the trust of their customers; indeed, community banks are just neighbors are helping neighbors build their homes, save for higher education, plan for retirement and fulfill other dreams; and

Whereas community banks have long helped in the development of our communities and the Nation as a whole, and are fully prepared to make many more contributions: Now, therefore, be it

Resolved, That—

(1) the House of Representatives expresses its gratitude for the contributions made by America's community banks to the Nation's economic well-being and prosperity; and

(2) it is the sense of the House of Representatives that—

(A) a ''Community Banking Month'' should be designated to raise public awareness of, and public appreciation for, the contributions of the helpful institutions that are our Nation's community banks; and

(B) the President should issue a proclamation calling on the people of the United States to observe the month with appropriate programs and activities.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. RENZI and Mr. CAPUANO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. RENZI demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶66.7 HOMEOWNERSHIP OPPORTUNITIES FOR NATIVE AMERICANS

Mr. RENZI moved to suspend the rules and pass the bill (H.R. 4471) to clarify the loan guarantee authority under title VI of the Native American Housing Assistance and Self-Determination Act of 1996.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. RENZI and Mr. CAPUANO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶66.8 HELPING HANDS FOR HOMEOWNERSHIP

Mr. GREEN of Wisconsin moved to suspend the rules and pass the bill (H.R. 4363) to facilitate self-help housing homeownership opportunities; as amended.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. GREEN of Wisconsin and Mr. CAPUANO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. GREEN of Wisconsin demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶66.9 FLOOD INSURANCE REFORM

Mr. GREEN of Wisconsin moved to suspend the rules and pass the bill of the Senate (S. 2238) a bill to amend the National Flood Insurance Act of 1968 to reduce losses to properties for which repetitive flood insurance claim payments have been made.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. GREEN of Wisconsin and Mr. FRANK of Massachusetts, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶66.10 TECHNICAL CORRECTION TO S. 2238

Mr. GREEN of Wisconsin, by unanimous consent, submitted the following concurrent resolution (H. Con. Res. 458):

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (S. 2238) to amend the National Flood Insurance Act of 1968 to reduce losses to properties for which repetitive flood insurance claim payments have been made, the Secretary of the Senate shall strike ''Blumenaur'' each place such term appears and insert ''Blumenauer''.

When said concurrent resolution was considered and agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶66.11 OPM PROVIDE STUDY ON ADDITIONAL HEALTH BENEFITS FOR FEDERAL EMPLOYEES AND RETIREES

Mrs. MILLER of Michigan moved to suspend the rules and pass the bill (H.R. 3751) to require that the Office of Personnel Management study and present options under which dental and vision benefits could be made available to Federal employees and retirees and other appropriate classes of individuals; as amended.

The SPEAKER pro tempore, Mr. TERRY, recognized Mrs. MILLER of Michigan and Ms. NORTON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to require that the Office of Personnel Management study current practices under which dental, vision, and hearing benefits are made available to Federal employees, annuitants, and other classes of individuals, and to require that the Office also present options and recommendations relating to how additional dental, vision, and hearing benefits could be made so available.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶66.12 2004 DISTRICT OF COLUMBIA OMNIBUS AUTHORIZATION

Mrs. MILLER of Michigan moved to suspend the rules and pass the bill (H.R. 3797) to authorize improvements in the operations of the government of the District of Columbia, and for other purposes.

The SPEAKER pro tempore, Mr. TERRY, recognized Mrs. MILLER of Michigan and Ms. NORTON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶66.13 NEWELL GEORGE POST OFFICE BUILDING

Mrs. MILLER of Michigan moved to suspend the rules and pass the bill (H.R. 4222) to designate the facility of the United States Postal Service located at 550 Nebraska Avenue in Kansas City, Kansas, as the ''Newell George Post Office Building''.

The SPEAKER pro tempore, Mr. TERRY, recognized Mrs. MILLER of Michigan and Ms. NORTON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶66.14 40TH ANNIVERSARY OF THE DEATH OF CIVIL RIGHTS ORGANIZERS

Mrs. MILLER of Michigan moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 450):

Whereas Andrew Goodman, James Chaney, and Michael Schwerner were civil rights organizers who participated in the Freedom Summer Project organized by the Council of Federated Organizations to register African Americans in the Deep South to vote;

Whereas on June 21, 1964, after leaving the scene of a firebombed church in Longdale, Mississippi, Andrew Goodman, James Chaney, and Michael Schwerner were murdered by members of the Ku Klux Klan who opposed their efforts to establish equal rights for African Americans;

Whereas June 21, 2004, is the 40th anniversary of the day Andrew Goodman, James Chaney, and Michael Schwerner sacrificed their lives in the fight against racial and social injustice while working to guarantee the right to vote for every citizen of the United States;

Whereas the deaths of the 3 men brought attention to the struggle to guarantee equal rights for African Americans which led to the passage of monumental civil rights legislation, including the Civil Rights Act of 1964 and the Voting Rights Act of 1965;

Whereas the courage and sacrifice of Andrew Goodman, James Chaney, and Michael Schwerner should encourage all citizens of the United States, and especially young people, to dedicate themselves to the ideals of freedom, justice, and equality; and

Whereas citizens throughout the United States will commemorate the 40th anniversary of the deaths of Andrew Goodman, James Chaney, and Michael Schwerner to honor the contributions they made to the Nation: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the 40th anniversary of the day civil rights organizers Andrew Goodman, James Chaney, and Michael Schwerner gave their lives; and

(2) encourages all Americans to observe the anniversary of the deaths of the 3 men by

committing themselves to the fundamental principles of freedom, equality, and democracy.

The SPEAKER pro tempore, Mr. TERRY, recognized Mrs. MILLER of Michigan and Ms. NORTON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶66.15 CONGRATULATING RANDY JOHNSON OF THE ARIZONA DIAMONDBACKS

Mrs. MILLER of Michigan moved to suspend the rules and agree to the following resolution (H. Res. 660):

Whereas on May 18, 2004, Randy Johnson of the Arizona Diamondbacks became only the 17th pitcher in Major League Baseball history to throw a perfect game;

Whereas at age 40 Randy Johnson is the oldest pitcher in Major League Baseball history to throw a perfect game;

Whereas Randy Johnson is only the 5th pitcher in Major League Baseball history to throw no-hitters in both the American and National Leagues;

Whereas throughout his 17 years in Major League Baseball, Randy Johnson has won a World Series, been named World Series co-MVP, thrown 2 no-hitters, won Cy Young Awards in both the American and National Leagues, and set multiple strikeout records, trailing only Nolan Ryan, Roger Clemens, and Steve Carlton on the all-time strikeout leaders list;

Whereas by pitching a perfect game Randy Johnson joins an elite class of pitchers that spans the ages and includes some of the all-time baseball greats, including John Ward of the Providence Giants, John Richmond of the Worcester Brown Stockings, Cy Young of the Boston Pilgrims, Addie Joss of the Cleveland Indians, Charlie Robertson of the Chicago White Sox, Don Larsen of the New York Yankees, Jim Bunning of the Philadelphia Phillies, Sandy Koufax of the Los Angeles Dodgers, Catfish Hunter of the Oakland Athletics, Len Barker of the Cleveland Indians, Mike Witt of the California Angels, Tom Browning of the Cincinnati Reds, Dennis Martinez of the Montreal Expos, Kenny Rogers of the Texas Rangers, David Wells of the New York Yankees, and David Cone of the New York Yankees;

Whereas during his perfect game Randy Johnson threw only 117 pitches, 87 of which were strikes, struck out 13 of the 27 hitters he faced, and had his last pitch clocked at 98 miles per hour; and

Whereas Randy Johnson is considered one of the best pitchers in baseball today, and his perfect game only adds to his impressive list of accomplishments and his reputation as one of the dominant pitchers in baseball history: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates Randy Johnson of the Arizona Diamondbacks on pitching a perfect game on May 18, 2004; and

(2) recognizes Randy Johnson for a brilliant career.

The SPEAKER pro tempore, Mr. TERRY, recognized Mrs. MILLER of Michigan and Mr. LEWIS of Georgia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. MILLER of Michigan demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶66.16 CONGRATULATING THE DETROIT PISTONS

Mrs. MILLER of Michigan moved to suspend the rules and agree to the following resolution (H. Res. 679):

Whereas on June 15, 2004, the Detroit Pistons defeated the Los Angeles Lakers to win the 2004 National Basketball Association (NBA) Championship;

Whereas the Pistons defeated the Milwaukee Bucks four games to one in the first round of the playoffs;

Whereas the Pistons defeated the defending Eastern Conference Champion New Jersey Nets four games to three in the hard fought Eastern Conference Semifinals;

Whereas the Pistons defeated the Indiana Pacers, the number one seeded team in the Eastern Conference, four games to two in the Eastern Conference Finals;

Whereas the Pistons defeated the Lakers four games to one in the NBA Finals, winning their first NBA Championship since 1990 and becoming the first Eastern Conference team to win the championship since 1998;

Whereas the gritty offense of the Pistons was lead by Richard Hamilton, who averaged more than 21.5 points and 4.2 per assists per game throughout the NBA playoffs;

Whereas Rasheed Wallace overcame a foot injury to provide 26 points and 13 rebounds in the crucial game four victory;

Whereas Ben Wallace, a two-time NBA defensive player of the year and three-time member of the NBA All-Defensive First Team, brought the working-class mind-set to the Pistons and symbolizes the Pistons stifling defense;

Whereas Tayshaun Prince played tenacious defense and prevented Lakers superstar Kobe Bryant from being an effective scorer against the Pistons;

Whereas Chauncey Billups was voted the Most Valuable Player of the Finals for his outstanding performance throughout the NBA playoffs, averaging 21 points and 5.2 assists while only committing 2.6 turnovers per game;

Whereas Head Coach Larry Brown did an outstanding job preparing the Pistons for victory over an exceptional Lakers team and became the first head coach to win both the NBA and National Collegiate Athletic Association (NCAA) Basketball Championships;

Whereas former Piston and current President of Basketball Operations Joe Dumars, Coach Brown, and assistant coaches John Kuester, Mike Woodson, Dave Hanners, Herb Brown, and Igor Stefan Kokoskov have provided strong leadership and solid coaching, resulting in a basketball team in which teamwork and hard work are the rule and not the exception;

Whereas Pistons fans have shown undying support for their team, leading the league in attendance in a year where attendance records were broken throughout the NBA;

Whereas the Pistons exemplify what can be achieved by a talented group of players working together for a common goal;

Whereas the Pistons have shown that basketball remains a team sport and have reminded fans that the game is still a team game with fundamentals at its heart and soul;

Whereas sportswriter Eric Neel wrote of the Pistons, ''Once upon a time, there was a shared ball on offense and a shared responsibility on defense. In their Game 5 victory, as in the previous four games, it was that time all over again. We've got retro jerseys and throwback sneaks, now we've got a world champion from back in the day, to go with them.'';

Whereas the success of the Pistons is a result of contributions from the entire roster of players, including Chauncey Billups, Elden Campbell, Darvin Ham, Richard Hamilton, Lindsey Hunter, Mike James, Darko Milicic, Mehmet Okur, Tayshaun Prince, Ben Wallace, Rasheed Wallace, and Corliss Williamson; and

Whereas the Pistons displayed tremendous strength, ability, and perseverance during the 2003–2004 season, attributes that are reflective of the hardworking people of the metropolitan Detroit region and the State of Michigan, and have epitomized the team slogan ''Goin' to work. Every night.'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Detroit Pistons for winning the 2004 National Basketball Association (NBA) Championship and for their outstanding performance during the entire 2003–2004 season; and

(2) recognizes the achievements of all the players, coaches, and staff of the Pistons, who were instrumental in helping the Pistons win a third NBA Championship.

The SPEAKER pro tempore, Mr. TERRY, recognized Mrs. MILLER of Michigan and Mr. LEWIS of Georgia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶66.17 WESTERN SHOSHONE CLAIMS DISTRIBUTION

Mr. GIBBONS moved to suspend the rules and pass the bill (H.R. 884) to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326-A-1, 326-A-3, and 326-K, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. GIBBONS and Mr. RAHALL, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶66.18 TRIBAL FOREST PROTECTION

Mr. GIBBONS moved to suspend the rules and pass the bill (H.R. 3846) to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into an agreement or contract with Indian tribes meeting certain criteria to carry out projects to protect Indian forest land; as amended.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. GIBBONS and Mr. RAHALL, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶66.19 BEND PINE NURSERY LAND CONVEYANCE

Mr. GIBBONS moved to suspend the rules and pass the bill of the Senate (S. 1848) to amend the Bend Pine Nursery Land Conveyance Act to direct the Secretary of Agriculture to sell the, Bend Pine Nursery Administration Site in the State of Oregon.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. GIBBONS and Mr. RAHALL, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶66.20 JOHN MUIR NATIONAL HISTORIC SITE

Mr. GIBBONS moved to suspend the rules and pass the bill (H.R. 3706) to adjust the boundary of the John Muir National Historic Site, and for other purposes.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. GIBBONS and Mr. RAHALL, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶66.21 RECESS—3:48 P.M.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 48 minutes p.m., until approximately 6:30 p.m.

¶66.22 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mrs. BLACKBURN, called the House to order.

¶66.23 H. RES. 591—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. BLACKBURN, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 591) expressing the gratitude of the House of Representatives for the contributions made by America's community banks to the Nation's economic well-being and prosperity and the sense of the House of Representatives that a month should be designated as ''Community Banking Month''.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 364 / Nays 0

¶66.24 [Roll No. 276]

YEAS—364

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carter
Case
Castle
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McHugh
McIntyre
McKeon
McNulty
Meek (FL)
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)

Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—69

Baker
Ballenger
Becerra
Bereuter
Berman
Boyd
Burr
Capps
Carson (IN)
Carson (OK)
Chabot
Collins
Cummings
Davis (AL)
DeMint
Deutsch
Doggett
Emanuel
Engel
Everett
Frost
Gallegly
Gephardt
Gutierrez
Hastings (FL)
Hinojosa
Hoekstra
Hulshof
Isakson
Jenkins
John
Kennedy (RI)
Lipinski
Majette
Matsui
McGovern
McInnis
Meehan
Meeks (NY)
Menendez
Miller (FL)
Murtha
Owens
Pelosi
Peterson (PA)
Porter
Portman
Putnam
Reyes
Rogers (MI)
Ros-Lehtinen
Royce
Rush
Sanders
Schakowsky
Shays
Stark
Sweeney
Tauzin
Taylor (NC)
Toomey
Turner (OH)
Vitter
Wamp
Waxman
Weiner
Weller
Wexler
Wilson (SC)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶66.25 H.R. 4363—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. BLACKBURN, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4363) to facilitate self-help housing homeownership opportunities; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 368 / Nays ..... 0 }

¶66.26 [Roll No. 277]

YEAS—368

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carter
Case
Castle
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McHugh
McIntyre
McKeon
McNulty
Meek (FL)
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—65

Baker
Ballenger
Becerra
Bereuter
Berman
Boyd
Burr
Carson (IN)
Carson (OK)
Chabot
Collins
Davis (AL)
DeMint
Deutsch
Doggett
Emanuel
Engel
Everett
Frost
Gallegly
Gephardt
Gutierrez
Hastings (FL)
Hinojosa
Hoekstra
Hulshof
Isakson
Jenkins
John
Kennedy (RI)
Lipinski
Majette
Matsui
McGovern
McInnis
Meehan
Meeks (NY)
Menendez
Miller (FL)
Murtha
Owens
Pelosi
Peterson (PA)
Porter
Portman
Putnam
Reyes
Rogers (MI)
Ros-Lehtinen
Royce
Rush
Sanders
Shays
Stark
Sweeney
Tauzin
Taylor (NC)
Toomey
Turner (OH)
Vitter
Wamp
Waxman
Weiner
Wexler
Wilson (SC)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶66.27 H. RES. 660—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. BLACKBURN, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 660) congratulating Randy Johnson of the Arizona Diamondbacks on pitching a perfect game on May 18, 2004.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 367 / Nays ..... 0 }

¶66.28 [Roll No. 278]

YEAS—367

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Case
Castle
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier

Duncan
Dunn
Edwards
Ehlers
Emerson
English
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McHugh
McIntyre
McKeon
McNulty
Meek (FL)
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—66

Baker
Ballenger
Becerra
Bereuter
Berman
Boyd
Burr
Carson (IN)
Carson (OK)
Carter
Chabot
Collins
Davis (AL)
DeMint
Deutsch
Doggett
Emanuel
Engel
Everett
Ford
Frost
Gallegly
Gephardt
Gutierrez
Hastings (FL)
Hinojosa
Hoekstra
Hulshof
Isakson
Jenkins
John
Majette
Matsui
McGovern
McInnis
Meehan
Meeks (NY)
Menendez
Miller (FL)
Murtha
Owens
Pelosi
Peterson (PA)
Porter
Portman
Putnam
Reyes
Rogers (MI)
Ros-Lehtinen
Royce
Rush
Sanders
Shays
Stark
Sweeney
Tauzin
Taylor (NC)
Toomey
Turner (OH)
Vitter
Wamp
Waxman
Weiner
Wexler
Wilson (SC)
Wynn

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶66.29 PROVIDING FOR THE CONSIDERATION OF H.R. 4613

Mrs. MYRICK, by direction of the Committee on Rules, reported (Rept. No. 108–559) the resolution (H. Res. 683) providing for consideration of the bill (H.R. 4613) making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶66.30 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BECERRA, for today;

To Ms. CARSON of Indiana, for today;

To Mr. EMANUEL, for today and June 18;

To Mr. FROST, for today;

To Mr. HASTINGS of Florida, for today;

To Mr. McINNIS, for today through June 23;

To Mr. PORTER, for today;

To Mr. PUTNAM, for today;

To Mr. REYES, for today and June 22; and

To Mr. TAUZIN, for today and balance of the week.

And then,

¶66.31 ADJOURNMENT

On motion of Mr. ROHRABACHER, at 11 o'clock and 34 minutes p.m., the House adjourned.

¶66.32 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 3266. A bill to authorize the Secretary of Homeland Security to make grants to first responders, and for other purposes; with amendments (Rept. 108–460, Pt. 3). Ordered to be printed.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 3266. A bill to authorize the Secretary of Homeland Security to make grants to first responders, and for other purposes; with an amendment (Rept. 108–460, Pt. 4). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 3742. A bill to designate the United States courthouse and post office building located at 93 Atocha Street in Ponce, Puerto Rico, as the ''Luis A. Ferre United States Courthouse and Post Office Building'' (Rept. 108–556). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 3884. A bill to designate the Federal building and United States courthouse located at 615 East Houston Street in San Antonio, Texas, as the ''Hipolito F. Garcia Federal Building and United States Courthouse'' (Rept. 108–557). Referred to the House Calendar.

Mr. GOSS: Permanent Select Committee on Intelligence. H.R. 4548. A bill to authorize appropriations for fiscal year 2005 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; with an amendment (Rept. 108–558). Referred to the Committee of the Whole House on the State of the Union.

Mrs. MYRICK: Committee on Rules. House Resolution 683. Resolution providing for consideration of the bill (H.R. 4613) making appropriations for the Department of Defense for the fiscal year ending September 30, 2005 (Rept. 108–559). Referred to the House Calendar.

¶66.33 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. CUBIN:

H.R. 4625. A bill to reduce temporarily the royalty required to be paid for sodium produced on Federal lands, and for other purposes; to the Committee on Resources.

By Mr. GREENWOOD (for himself and Mr. GREEN of Texas):

H.R. 4626. A bill to amend title XVIII of the Social Security Act to provide for coverage of screening ultrasound for abdominal aortic aneurysms under part B of the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BERKLEY:

H.R. 4627. A bill to redirect the Nuclear Waste Fund established under the Nuclear Waste Policy Act of 1982 into research, development, and utilization of risk-decreasing technologies for the onsite storage and eventual reduction of radiation levels of nuclear waste, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Science, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DINGELL (for himself, Mr. ANDREWS, Mr. BERRY, Mr. STENHOLM, Mr. GEORGE MILLER of California, Mr. WAXMAN, Mr. STARK, Mr. RANGEL, Mr. BROWN of Ohio, Ms. PELOSI, Mr. HOYER, Mr. EDWARDS, Mr. MENENDEZ, Mr. FROST, Mr. SANDLIN, Mr. DAVIS of Florida, Mr. MEEHAN, Mr. LAMPSON, Mr. HOLDEN, Mr. GREEN of Texas, Mr. BELL, Mr. MOORE, Mr. TURNER of

Texas, Mr. PALLONE, Mrs. CAPPS, Mr. MEEKS of New York, Ms. SCHAKOWSKY, Mrs. MALONEY, Ms. DELAURO, Ms. WATERS, Mr. LARSON of Connecticut, Mr. JACKSON of Illinois, Mr. KENNEDY of Rhode Island, Ms. SLAUGHTER, Mr. SERRANO, Mr. LIPINSKI, Mr. ETHERIDGE, Mr. BOSWELL, Mr. STRICKLAND, Mr. HOLT, Ms. KAPTUR, Mr. ACKERMAN, Mr. HINCHEY, Mr. MCNULTY, Mr. GORDON, Ms. DEGETTE, Ms. KILPATRICK, Mr. SPRATT, Mr. SKELTON, Mr. CONYERS, Mr. DOYLE, Mr. OBERSTAR, Mr. STUPAK, Mr. SHERMAN, Mrs. MCCARTHY of New York, Ms. LINDA T. SANCHEZ of California, and Mrs. TAUSCHER):

H.R. 4628. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARRETT of New Jersey (for himself, Mr. FEENEY, Mr. CHOCOLA, Mr. WILSON of South Carolina, Mr. SHADEGG, Mr. HOSTETTLER, Mr. PENCE, Mr. FRANKS of Arizona, Mr. ISTOOK, Mrs. CUBIN, Mr. GOODE, Mr. DOOLITTLE, Mr. BURTON of Indiana, Mr. KINGSTON, Mr. NORWOOD, Mrs. MUSGRAVE, Mr. WELDON of Florida, Mr. ENGLISH, Mr. PAUL, Mr. WOLF, Mr. SOUDER, and Mr. ISAKSON):

H.R. 4629. A bill to amend the Internal Revenue Code of 1986 to modify the alternative minimum tax on individuals by permitting the deduction for State and local taxes and to adjust the exemption amounts for inflation; to the Committee on Ways and Means.

By Ms. HOOLEY of Oregon:

H.R. 4630. A bill to amend title 10, United States Code, to provide that an officer of the Army or Air Force on the active-duty list may not be promoted to brigadier general unless the officer has had a duty assignment of at least one year involving the administration of the National Guard or Reserves; to the Committee on Armed Services.

By Mr. KUCINICH (for himself and Mr. LATOURETTE):

H.R. 4631. A bill to fund capital projects of State and local governments, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Financial Services, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MEEKS of New York (for himself, Mr. BISHOP of New York, Mr. ISRAEL, Mr. KING of New York, Mrs. MCCARTHY of New York, Mr. ACKERMAN, Mr. CROWLEY, Mr. NADLER, Mr. WEINER, Mr. TOWNS, Mr. OWENS, Ms. VELAZQUEZ, Mr. FOSSELLA, Mrs. MALONEY, Mr. RANGEL, Mr. SERRANO, Mr. ENGEL, Mrs. LOWEY, Mrs. KELLY, Mr. SWEENEY, Mr. MCNULTY, Mr. HINCHEY, Mr. MCHUGH, Mr. BOEHLERT, Mr. WALSH, Mr. REYNOLDS, Mr. QUINN, Ms. SLAUGHTER, and Mr. HOUGHTON):

H.R. 4632. A bill to designate the facility of the United States Postal Service located at 19504 Linden Boulevard in St. Albans, New York, as the ''Archie Spigner Post Office Building''; to the Committee on Government Reform.

By Mr. MATSUI:

H.J. Res. 99. A joint resolution providing for the appointment of Eli Broad as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

By Mr. MCCOTTER (for himself and Mr. DINGELL):

H.J. Res. 100. A joint resolution recognizing the 100th anniversary year of the founding of the Ford Motor Company, which has been a significant part of the social, economic, and cultural heritage of the United States and many nations and a revolutionary industrial and global institution, and congratulating the Ford Motor Company for its achievements; to the Committee on Energy and Commerce.

By Mr. GREEN of Wisconsin:

H. Con. Res. 458. Concurrent resolution directing the Secretary of the Senate to make technical corrections in the enrollment of the bill S. 2238; considered and agreed to.

By Mrs. CAPITO (for herself and Mr. KANJORSKI):

H. Con. Res. 459. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to honor coal miners; to the Committee on Government Reform.

By Mr. CHOCOLA:

H. Res. 684. A resolution honoring David Scott Tidmarsh, the 2004 Scripps National Spelling Bee Champion; to the Committee on Government Reform.

¶66.34 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

363. The SPEAKER presented a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 13 memorializing the United States Congress to provide sufficient funding for full implementation of the ''No Child Left Behind Act'' of 2001; to the Committee on Education and the Workforce.

364. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 20 memorializing the United States Congress to support an amendment to the proposed federal budget for Fiscal Year 2005 to fully fund the No Child Left Behind Act of 2001; to the Committee on Education and the Workforce.

365. Also, a memorial of the Legislature of the State of Hawaii, relative to Senate Concurrent Resolution No. 18 supporting the courageous leadership of the Unified Buddhist Church of Vietnam and the urgent need for religious freedom and related human rights in the Socialist Republic of Vietnam; to the Committee on International Relations.

366. Also, a memorial of the Legislature of the State of Hawaii, relative to Senate Concurrent Resolution No. 97 memorializing the President and Congress of the United States to support the passage of H.R. 3587 to benefit Filipino World War II veterans and their families; to the Committee on the Judiciary.

367. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 23 memorializing the United States Congress to take appropriate action to expedite the approval process necessary for foreign teachers to teach in the state's French immersion program; to the Committee on the Judiciary.

368. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 61 memorializing the United States Congress to appropriate funds for design and construction assistance for water-related environmental infrastructure and resource development and protection projects in Louisiana; to the Committee on Transportation and Infrastructure.

369. Also, a memorial of the Legislature of the State of Hawaii, relative to Senate Concurrent Resolution No. 203 memorializing the United States Congress to support the passage of S. 68, relating to improving benefits for Filipino veterans of World War II; to the Committee on Veterans' Affairs.

370. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 257 memorializing the United States Congress to implement a 36 percent federal wagering tax on gross receipts at Native American casinos and to redistribute the revenues to the states of origin; to the Committee on Ways and Means.

¶66.35 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 218: Mr. BLUMENAUER.
H.R. 303: Mr. HILL.
H.R. 434: Mr. ISTOOK.
H.R. 584: Mr. BISHOP of Georgia.
H.R. 1043: Ms. HOOLEY of Oregon and Ms. DELAURO.
H.R. 1231: Mr. COLLINS
H.R. 1316: Mr. LEWIS of Georgia.
H.R. 1329: Ms. ROS-LEHTINEN.
H.R. 1563: Mr. HINCHEY.
H.R. 1684: Ms. WOOLSEY.
H.R. 1863: Mr. PRICE of North Carolina.
H.R. 2023: Mr. TERRY, Mr. ACEVEDO-VILLA and Mr. SAXTON.
H.R. 2125: Mr. CHANDLER.
H.R. 2291: Mr. CHANDLER.
H.R. 2505: Mr. PETERSON of Minnesota and Mr. SMITH of New Jersey.
H.R. 2727: Mr. DOGGETT.
H.R. 2852: Mr. RYAN of Ohio.
H.R. 2929: Mr. BURNS.
H.R. 3113: Mr. GARRETT of New Jersey.
H.R. 3180: Mr. OLVER.
H.R. 3193: Mr. KNOLLENBERG, Mr. BILIRAKIS, Mr. LEWIS of California, and Mr. STRICKLAND.
H.R. 3266: Mr. LANTOS, Mr. MEEHAN, Mrs. DAVIS of California, Mr. SMITH of New Jersey, Mrs. MALONEY, and Mr. LEWIS of Georgia.
H.R. 3355: Mr. HOLDEN.
H.R. 3476: Mr. SMITH of New Jersey and Mr. LOBIONDO.
H.R. 3523: Mr. GUTIERREZ and Mr. LEWIS of Georgia.
H.R. 3579: Mr. LAMPSON.
H.R. 3619: Mr. SWEENEY.
H.R. 3634: Mr. RAMSTAD.
H.R. 3801: Mr. GINGREY.
H.R. 3831: Mr. BLUMENAUER.
H.R. 3834: Mr. CALVERT.
H.R. 4016: Mr. TOWNS.
H.R. 4104: Mr. LANGEVIN.
H.R. 4108: Mr. DOYLE, Ms. JACKSON-LEE of Texas, Mr. LATHAM, Mr. MURPHY, Mr. MOORE, Mr. DOGGETT, Mr. WELDON of Florida, and Mr. PALLONE.
H.R. 4155: Mr. GONZALEZ.
H.R. 4202: Mr. SCOTT of Virginia.
H.R. 4206: Mr. WALSH.
H.R. 4212: Ms. LEE, Mrs. TAUSCHER, Mr. CARDOZA, Ms. ESHOO, and Ms. WOOLSEY.
H.R. 4214: Mr. CANTOR and Mr. WEXLER.
H.R. 4256: Mr. CLAY.
H.R. 4257: Mr. MORAN of Kansas.
H.R. 4261: Mr. CARDIN and Mr. THOMPSON of Mississippi.
H.R. 4295: Mr. TERRY.
H.R. 4370: Mr. MATSUI and Mr. RUPPERSBERGER.
H.R. 4391: Mr. EDWARDS.
H.R. 4413: Mr. OTTER, Mr. FROST, and Mr. GONZALEZ.
H.R. 4430: Mr. CALVERT and Mr. UPTON.
H.R. 4440: Mr. GOODLATTE and Mr. ADERHOLT.
H.R. 4499: Mr. CULBERSON.

H.R. 4530: Mr. BUYER and Mr. SAM JOHNSON of Texas.

H.R. 4578: Mr. HALL, Mr. MCDERMOTT, Mr. OBERSTAR, Mr. DICKS, Mr. HOBSON, Mr. REGULA, and Mr. GREEN of Texas.

H.R. 4586: Mr. BOUCHER.

H.R. 4595: Mr. WAXMAN, Mr. HOLDEN, Mr. SAXTON, Mrs. MCCARTHY of New York, and Mr. OLVER.

H.R. 4600: Mr. ALLEN, Mr. SHAYS, and Mr. MEEKS of New York.

H.R. 4605: Mr. ALLEN, Mr. MICHAUD, Mrs. JONES of Ohio, and Mr. MEEKS of New York.

H. Con. Res. 319: Ms. ESHOO, Mr. MCCOTTER, Mr. ACKERMAN, and Mr. SHERMAN.

H. Con. Res. 425: Mr. TURNER of Texas, Mr. MATSUI, Mr. CANTOR, Mr. CROWLEY, and Mr. RENZI.

H. Con. Res. 430: Mr. NEY and Mr. REGULA.

H. Con. Res. 436: Mr. ENGEL, Mrs. MCCOLLUM, Mr. TANCREDO, Mr. LEACH, Mr. HOUGHTON, Ms. ROS-LEHTINEN, and Mr. FLAKE.

H. Con. Res. 443: Mr. SIMPSON and Mr. DUNCAN.

H. Con. Res. 449: Mr. ETHERIDGE, Mr. WILSON of South Carolina, Mr. MOORE, Mr. COLLINS, Mr. MCCOTTER, and Ms. MILLENDER-MCDONALD.

H. Con. Res. 450: Mr. WICKER, Mr. SNYDER, Ms. KAPTUR, Mr. BAIRD, Mr. KILDEE, Mr. ROSS, Mr. RODRIGUEZ, Ms. SCHAKOWSKY, and Mr. MCCOTTER.

H. Con. Res. 456: Mr. WAMP.

H. Res. 466: Mr. SNYDER.

H. Res. 550: Mr. WEINER.

H. Res. 567: Mr. SHUSTER and Mr. COLE.

H. Res. 591: Mr. MCCOTTER.

H. Res. 604: Mr. RUPPERSBERGER and Mr. ENGEL.

H. Res. 667: Mr. AKIN, Mr. FOLEY, Ms. LORETTA SANCHEZ of California, Mr. CROWLEY, Mr. BLUNT, Mr. BERMAN, Ms. ROS-LEHTINEN, Mr. DELAY, Mr. BARTON of Texas, and Mr. WELLER.

H. Res. 679: Mr. HOEKSTRA, MR. EHLERS, Mr. CAMP, Mr. SMITH of Michigan, Mrs. MILLER of Michigan, and Mr. MCCOTTER.

¶66.36 PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

84. The SPEAKER presented a petition of the Township Council of the Township of Mahwah, New Jersey, relative to a resolution petitioning the United States Congress to adopt the appropriate legislation to reduce cable television costs, increase customer satisfaction, encourage competition in the cable and satellite markets and prevent the cable industry from discriminating against potential customers; to the Committee on Energy and Commerce.

85. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 117 of 2004 petitioning the United States Congress to take all steps necessary to ensure that the phrase ''under God'' remains in the Pledge of Allegiance; to the Committee on the Judiciary.

86. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 154 of 2004 petitioning the United States Congress to pass S. 1684 and H.R. 1886; jointly to the Committees on Energy and Commerce and Education and the Workforce.

87. Also, a petition of the Council of the City of Parma Heights, Ohio, relative to Resolution No. 2004-5 supporting the Breast Cancer Patient Protection Act of 2003; jointly to the Committees on Energy and Commerce and Education and the Workforce.

88. Also, a petition of the citizens of the Town of Leverett, Massachusetts, relative to a resolution petitioning national governments to increase dialogue, work conscientiously to build trust, and maintain and strengthen the Nuclear Non-Proliferation Treaty (NPT); that nuclear-weapon states and de facto nuclear-weapon states, including non-parties to NPT, immediately cease all nuclear development programs, including those intended for space, and bring the Comprehensive Test Ban Treaty into force forwith; and that nations begin to map the road to a nuclear-weapons free world; jointly to the Committees on International Relations and Armed Services.

89. Also, a petition of the Board of Supervisors, La Crosse County, Wisconsin, relative to Resolution No. 3-4104, petitioning the Congress of the United States to authorize funding to construct 1,200-foot locks on the upper Mississippi and Illinois River system; jointly to the Committees on Resources and Transportation and Infrastructure.

¶66.37 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 163: Ms. NORTON.

TUESDAY, JUNE 22, 2004 (67)

¶67.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 9 a.m. by the SPEAKER pro tempore, Mr. BURNS, who laid before the House the following communication:

WASHINGTON, DC,
June 22, 2004.

I hereby appoint the Honorable MAX BURNS to act as Speaker pro tempore on this day.

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

¶67.2 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 4322. An Act to provide for the transfer of the Nebraska Avenue Naval Complex in the District of Columbia to facilitate the establishment of the headquarters for the Department of Homeland Security, to provide for the acquisition by the Department of the Navy of suitable replacement facilities, and for other purposes.

H. Con. Res. 458. A concurrent resolution directing the Secretary of the Senate to make technical corrections in the enrollment of the bill S. 2238.

The message also announced that pursuant to section 214 of title II, Public Law 107–252, the Chair, on behalf of the Majority Leader, appoints the following individual to serve as a member of the Election Assistance Board of Advisors: Wesley R. Kliner, Jr. of Tennessee.

The message also announced that pursuant to section 411(b)(1)(B), Public Law 108–176, the Chair, on behalf of the Majority Leader, appoints the following individual to serve as a member of the National Commission on Small Community Air Service: Philip H. Trenary, of Tennessee.

¶67.3 MORNING-HOUR DEBATE

The SPEAKER pro tempore, Mr. BURNS, pursuant to the order of the House of Tuesday, January 20, 2004, recognized Members for morning-hour debate.

¶67.4 RECESS—9:02 A.M.

The SPEAKER pro tempore, Mr. BURNS, pursuant to clause 12(a) of rule I, declared the House in recess at 9 o'clock and 2 minutes a.m., until 10 a.m.

¶67.5 AFTER RECESS—10 A.M.

The SPEAKER pro tempore, Mr. HEFLEY, called the House to order.

¶67.6 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. HEFLEY, announced he had examined and approved the Journal of the proceedings of Monday, June 21, 2004.

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

¶67.7 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

8705. A letter from the Acting Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 00-01, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8706. A letter from the Secretary, Department of Transportation, transmitting a report of a violation of the Antideficiency Act, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

8707. A letter from the Secretary, Department of Health and Human Services, transmitting an enclosure, previously omitted, from the original report to Congress on the Native Hawaiian Revolving Loan Fund (NHRLF) for Fiscal Years 2000 and 2001, pursuant to Section 803A(g)(1) of the Native American Programs Act of 1974, as amended; to the Committee on Education and the Workforce.

8708. A letter from the Assistant Secretary for Policy, Management, and Budget, Department of the Interior, transmitting in accordance with Section 647(b) of the Consolidated Appropriations Act, FY 2004 Pub. L. 108-199, the Department's Report to Congress on FY 2003 Competitive Sourcing Efforts; to the Committee on Government Reform.

8709. A letter from the Assistant Secretary for Administration and Management, Department of Health and Human Services, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum 04-07, the Department's Report to Congress on FY 2003 Competitive Sourcing Activities; to the Committee on Government Reform.

8710. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum 04-07, the Department's Report to Congress on FY 2003 Competitive Sourcing Efforts; to the Committee on Government Reform.

8711. A letter from the Assistant Secretary for Administration and Management, Competitive Sourcing Official, Department of Labor, transmitting in accordance with Section 647(b) of Title VI of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Department's Report to Congress on FY 2003 Competitive Sourcing Efforts; to the Committee on Government Reform.

8712. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Department's Report to Congress on FY 2003 Competitive Sourcing Activities; to the Committee on Government Reform.

8713. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8714. A letter from the Director, Office of Management, Federal Housing Finance Board, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Board's Report to Congress on FY 2003 Competitive Sourcing Efforts; to the Committee on Government Reform.

8715. A letter from the Chairman, Occupational Safety and Health Review Commission, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Commission's Report to Congress on FY 2003 Competitive Sourcing Activities; to the Committee on Government Reform.

8716. A letter from the Director, Office of Personnel Management, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum 04-07, the Office's Report to Congress on FY 2003 Competitive Sourcing Efforts; to the Committee on Government Reform.

8717. A letter from the Office of the General Counsel, Selective Service System, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8718. A letter from the Commissioner, Social Security Administration, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum 04-07, the Administration's Report to Congress on FY 2003 Competitive Sourcing Efforts; to the Committee on Government Reform.

8719. A letter from the President, John F. Kennedy Center for the Preforming Arts, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum 04-07, the Center's Report to Congress on FY 2003 and 2004 Competitive Sourcing Efforts; to the Committee on Government Reform.

8720. A letter from the Secretary, Department of Energy, transmitting proposed legislation to amend Section 161k of the Atomic Energy Act of 1954 to provide executive protection authorities for the Department of Energy (DOE) Federal protective force; jointly to the Committees on Energy and Commerce and the Judiciary.

8721. A letter from the Administrator, National Aeronautics and Space Administration, transmitting proposed legislation ''To authorize appropriations to the National Aeronautics and Space Administration for science, aeronautics, and exploration; space flight capabilities; and Inspector General, and for other purposes''; jointly to the Committees on Science, Government Reform, and Small Business.

¶67.8 KENYON COLLEGE LADIES SWIMMING AND DIVING TEAMS

Mr. TIBERI moved to suspend the rules and agree to the resolution (H. Res. 634):

Whereas on March 13, 2004, the Kenyon College Ladies swimming and diving team won the National Collegiate Athletic Association (NCAA) Division III Women's Swimming and Diving National Championship for the 20th time with a score of 506 points;

Whereas the Ladies won 10 of the 20 championship events, including all five relay events for the second straight season;

Whereas Head Coach Jim Steen has won 41 NCAA Division III Swimming and Diving National Championships as coach of both the men's and women's swimming and diving teams at Kenyon College;

Whereas the dedication of each swimmer, diver, coach, trainer, and manager of the Ladies allowed the swimming and diving team to reach the pinnacle of team achievement;

Whereas the students, alumni, and faculty of Kenyon College and other supporters of Kenyon College swimming and diving are to be congratulated for their commitment and pride in the Kenyon College swimming and diving program; and

Whereas the 20 national titles won by the Ladies are the most by any women's athletic program in any division of the NCAA and makes the Ladies swimming and diving team the most successful sports program in women's collegiate athletics history: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Kenyon College Ladies swimming and diving team for winning the 2004 National Collegiate Athletic Association Division III Women's Swimming and Diving National Championship;

(2) recognizes the achievements of all the swimmers, divers, coaches, trainers, and managers who were instrumental in helping the Kenyon College Ladies win the 2004 NCAA Division III Women's Swimming and Diving National Championship; and

(3) recognizes the 20 NCAA Division III national championships won by the Kenyon College Ladies swimming and diving team as an accomplishment unparalleled in any sport in the history of women's collegiate athletics.

The SPEAKER pro tempore, Mr. HEFLEY, recognized Mr. TIBERI and Ms. WOOLSEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. HEFLEY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶67.9 KENYON COLLEGE LORDS SWIMMING AND DIVING TEAMS

Mr. TIBERI moved to suspend the rules and agree to the resolution (H. Res. 635):

Whereas on March 20, 2004, the Kenyon College Lords men's swimming and diving team won the National Collegiate Athletic Association Division III Men's Swimming and Diving National Championship for the 25th consecutive year with a score of 678.5 points;

Whereas the Lords won 11 of the 20 championship events, including all five relay events for the third consecutive season;

Whereas Head Coach Jim Steen has won 41 NCAA Division III Swimming and Diving National Championships as coach of both the men's and women's swimming and diving teams at Kenyon College;

Whereas the dedication of each swimmer, diver, coach, trainer, and manager of the Lords allowed the swimming and diving team to reach the pinnacle of team achievement;

Whereas the students, alumni, and faculty of Kenyon College and other supporters of Kenyon College swimming and diving are to be congratulated for their commitment and pride in the Kenyon College swimming and diving program; and

Whereas the 25 consecutive national titles won by the Lords is a record unmatched by any team in any sport in any division of the NCAA and makes the Lords swimming and diving team the most successful sports program in collegiate athletics history: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Kenyon College Lords swimming and diving team for winning the 2004 National Collegiate Athletic Association Division III Men's Swimming and Diving National Championship;

(2) recognizes the achievements of all the swimmers, divers, coaches, trainers, and managers who were instrumental in helping the Kenyon College Lords win the 2004 NCAA Division III Men's Swimming and Diving National Championship; and

(3) recognizes the 25 consecutive NCAA Division III national championships won by the Kenyon College Lords swimming and diving team as an accomplishment unparalleled in any sport in the history of collegiate athletics.

The SPEAKER pro tempore, Mr. HEFLEY, recognized Mr. TIBERI and Ms. WOOLSEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. HEFLEY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶67.10 UNIVERSITY OF MINNESOTA GOLDEN GOPHERS

Mr. KLINE moved to suspend the rules and agree to the resolution (H. Res. 630):

Whereas on Sunday, March 28, 2004, the University of Minnesota Golden Gophers defeated Harvard University in the National Collegiate Athletic Association (NCAA) Division I National Collegiate Women's Ice Hockey Championship game by a score of 6 to 2, having defeated Dartmouth College by a score of 5 to 1 in the semifinal;

Whereas during the 2003–2004 season, the Gophers won an outstanding 30 out of 36 games, while losing only 4 and tying 2;

Whereas the University of Minnesota Golden Gophers women's ice hockey team is the only women's team at the University to win an NCAA championship;

Whereas sophomores Krissy Wendell, Natalie Darwitz, and Allie Sanchez and juniors Jody Horak and Kelly Stephens were selected for the 2003–2004 NCAA All-Tournament team, and Krissy Wendell was named the tournament's Most Valuable Player;

Whereas sophomore Krissy Wendell was named to the Jofa Women's University Division Ice Hockey All-American first team, and sophomore Natalie Darwitz was named to the Jofa Women's University Division Ice Hockey All-American second team;

Whereas seniors Kelsey Bills, La Toya Clarke, Melissa Coulombe, and Jerilyn Glenn made tremendous contributions to the University of Minnesota Golden Gophers women's ice hockey program;

Whereas the University of Minnesota Golden Gophers women's ice hockey head coach Laura Halldorson has been named the American Hockey Coaches Association's Division I Women's Coach of the Year for the third time since 1998; and

Whereas all of the team's players showed tremendous dedication throughout the season toward their goal of winning the national championship: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the University of Minnesota women's ice hockey team for winning the 2003–2004 National Collegiate Athletic Association Division I Women's Ice Hockey Championship;

(2) recognizes the achievements of all the team's players, coaches, and support staff and invites them to the United States Capitol to be honored; and

(3) directs the Clerk of the House of Representatives to transmit an enrolled copy of this resolution to the President of the University of Minnesota.

The SPEAKER pro tempore, Mr. HEFLEY, recognized Mr. KLINE and Ms. WOOLSEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. HEFLEY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶67.11 HONORING RAY CHARLES

Mr. BURNS moved to suspend the rules and agree to the concurrent resolution (H. Con. Res. 449):

Whereas Ray Charles was born Ray Charles Robinson in Albany, Georgia, on September 23, 1930, the first child of Aretha and Baily Robinson;

Whereas Ray Charles and the Robinson family battled grinding poverty, the Depression, segregation, and young Ray's loss of his sight to glaucoma when he was only 6 years old, but they never gave up hoping and working for a better life;

Whereas while attending the St. Augustine School for the Deaf and Blind in St. Augustine, Florida, Ray Charles learned to read Braille and type, and he developed his musical gifts by learning to compose and arrange music by ear;

Whereas Ray Charles began his career as a professional musician without financial resources, in an era of segregation, and he struggled in poverty for years before attaining success;

Whereas out of his struggle and sacrifice Ray Charles gave the world the classic songs, ''I Got A Woman'', ''Born to Lose'', ''Hit the Road, Jack'', ''I Can't Stop Loving You'', ''Crying Time'', ''Living for the City'', ''Busted'', ''Hard Times'', ''Ruby'', ''The Right Time'', ''Let the Good Times Roll'', ''What'd I Say?'', and ''Hallelujah, I Love Her So'';

Whereas Ray Charles demonstrated a unique ability to perform music in nearly every musical style, whether blues, jazz, gospel, country-western, or rock and roll;

Whereas Ray Charles transformed ''Georgia on My Mind'', an old Stuart Gorrell and Hoagy Carmichael tune from 1930, into a song which is instantly recognized throughout the world and the official song of his native State of Georgia;

Whereas with his unique style of arrangement, Ray Charles gave new life for a new century to one of America's best-known patriotic songs, ''America the Beautiful'';

Whereas during his most productive musical years, Ray Charles provided unfailing personal and financial support to Dr. Martin Luther King, Jr., in the struggle to end the practice of racial segregation which had divided the Nation;

Whereas Ray Charles extended his commitment to social reform beyond the United States, publicly opposing apartheid in South Africa and anti-Semitism worldwide;

Whereas Ray Charles was one of the most influential and recognized voices of American music throughout the world, whose influence spanned generations and musical genres; and

Whereas with the death of Ray Charles on June 10, 2004, in Beverly Hills, California, the Nation has lost one of its most prolific and influential musicians: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) honors the life and accomplishments of Ray Charles Robinson;

(2) recognizes Ray Charles for his invaluable contributions to the Nation, the State of Georgia, and the American musical heritage; and

(3) extends condolences to the family of Ray Charles on the death of a remarkable man.

The SPEAKER pro tempore, Mr. HEFLEY, recognized Mr. BURNS and Ms. WOOLSEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. HEFLEY, announced that two-thirds of the Members present had voted in the affirmative.

Ms. WOOLSEY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HEFLEY, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶67.12 BLUES MUSIC

Mr. BURNS moved to suspend the rules and agree to the concurrent resolution (H. Con. Res. 13); as amended:

Whereas blues music is the most influential form of music indigenous to the United States, providing the roots for contemporary music heard around the world such as rock and roll, jazz, rhythm and blues, and country, and even influencing classical music;

Whereas the blues is a national historic treasure, which needs to be preserved and studied for the benefit of future generations;

Whereas blues music documents twentieth-century United States history, especially during the Great Depression and in the areas of race relations and pop culture;

Whereas the various forms of blues music trace the transformation of the United States from a rural, agricultural society to an urban, industrialized country;

Whereas the blues is an important facet of African-American culture in the twentieth century;

Whereas every year, people in the United States hold hundreds of blues festivals, and millions of new or reissued blues albums are released;

Whereas blues musicians from the United States, whether old or new, male or female, are recognized and revered worldwide as unique and important ambassadors of the United States and its music;

Whereas it is important to educate the young people of the United States so that they understand that the music they listen to today has its roots and traditions in the blues; and

Whereas there are many living legends of blues music in the United States who should be recognized and have their stories captured and preserved for future generations: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the importance of blues music with respect to many cultural developments in United States history;

(2) calls on the people of the United States to take the opportunity to study, reflect on, and celebrate the importance of the blues; and

(3) requests that the President issue a proclamation calling on the people of the United States and interested organizations to observe the importance of the blues with appropriate ceremonies, activities, and educational programs.

The SPEAKER pro tempore, Mr. HEFLEY, recognized Mr. BURNS and Ms. WOOLSEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution; as amended?

The SPEAKER pro tempore, Mr. GRAVES, announced that two-thirds of the Members present had voted in the affirmative.

Mr. WOOLSEY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. GRAVES, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶67.13 DRIVER'S LICENSES

Mr. LATOURETTE moved to suspend the rules and agree to the concurrent resolution (H. Con. Res. 56):

Whereas many people in the United States who are blind or otherwise visually impaired have the ability to travel throughout their communities without assistance;

Whereas visually impaired individuals encounter hazards that a pedestrian with average vision could easily avoid, many of which involve crossing streets and roadways;

Whereas the white cane and guide dog should be generally recognized as aids to mobility for visually impaired individuals;

Whereas many States do not require candidates for driver's licenses to associate the use of the white cane or guide dog with potentially visually impaired individuals; and

Whereas visually impaired individuals have had their white canes and guide dogs run over by motor vehicles, have been struck by the side-view mirrors of motor vehicles, and have suffered serious personal injury and death as the result of being hit by motor vehicles: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that each State should require any candidate for a driver's license in such State to demonstrate, as a condition of obtaining a driver's license, an ability to associate the use of the white cane and guide dog with visually impaired individuals and to exercise greatly increased caution when driving in proximity to a potentially visually impaired individual.

The SPEAKER pro tempore, Mr. GRAVES, recognized Mr. LATOURETTE and Ms. MILLENDER-McDONALD, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. GRAVES, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶67.14 LUIS A. FERRE UNITED STATES COURTHOUSE AND POST OFFICE BUILDING

Mr. LATOURETTE moved to suspend the rules and pass the bill of the Senate (S. 2017) to designate the United States courthouse and post office building located at 93 Atocha Street in Ponce, Puerto Rico, as the ''Luis A. Ferre United States Courthouse and Post Office Building''.

The SPEAKER pro tempore, Mr. GRAVES, recognized Mr. LATOURETTE and Ms. MILLENDER-McDONALD, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. GRAVES, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶67.15 CAPE TOWN TREATY IMPLEMENTATION

Mr. MICA moved to suspend the rules and pass the bill (H.R. 4226) to amend title 49, United States Code, to make certain conforming changes to provisions governing the registration of aircraft and the recordation of instruments in order to implement the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment, known as the ''Cape Town Treaty''; as amended.

The SPEAKER pro tempore, Mr. GRAVES, recognized Mr. MICA and Ms. MILLENDER-McDONALD, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. GRAVES, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶67.16 WORKING FAMILIES ASSISTANCE

Mr. CANTOR moved to suspend the rules and pass the bill (H.R. 4372) to amend the Internal Revenue Code of 1986 to provide for the carry forward of $500 of unused benefits in cafeteria plans and flexible spending arrangements for dependent care assistance.

The SPEAKER pro tempore, Mr. GRAVES, recognized Mr. CANTOR and Mr. CARDIN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. GRAVES, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶67.17 TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

Mr. HERGER moved to suspend the rules and pass the bill (H.R. 4589) to reauthorize the Temporary Assistance for Needy Families block grant program through September 30, 2005, and for other purposes.

The SPEAKER pro tempore, Mr. GRAVES, recognized Mr. HERGER and Mr. CARDIN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SIMPSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶67.18 NATIONAL HOMEOWNERSHIP MONTH

Mr. Gary G. MILLER of California moved to suspend the rules and agree to the resolution (H. Res. 658):

Whereas the President of the United States has designated the month of June as National Homeownership Month each of the last two years and will do the same in 2004;

Whereas the national homeownership rate in the United States has reached a record high of 68.6 percent and, for the first time, more than half of all minority families are homeowners;

Whereas the people of the United States are one of the best-housed populations in the world;

Whereas owning a home is a fundamental part of the American dream and is the largest personal investment many families will ever make;

Whereas homeownership provides economic security for homeowners by aiding them in building wealth over time and strengthens communities through a greater stake among homeowners in local schools, civic organizations, and churches;

Whereas improving homeownership opportunities requires the commitment and cooperation of the private, public, and nonprofit sectors, including the Federal Government and State and local governments; and

Whereas the current laws of the United States encourage homeownership and should continue to do so in the future: Now, therefore, be it

Resolved, That the House of Representatives—

(1) fully supports the goals and ideals of National Homeownership Month; and

(2) recognizes the importance of homeownership in building strong communities and families.

The SPEAKER pro tempore, Mr. SIMPSON, recognized Mr. Gary G. MILLER of California and Mr. SCOTT of Georgia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SIMPSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SCOTT of Georgia demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶67.19 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. SIMPSON, laid before the House the

following communication from Barbara Donnelly, Deputy District Director, Office of the Honorable Dale E. Kildee:

DALE E. KILDEE,
HOUSE OF REPRESENTATIVES,
5th District, MI, June 21, 2004.

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

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena for documents issued by the United States District Court for the Eastern District of Michigan.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

BARBARA DONNELLY,
Deputy District Director.

¶67.20 PROVIDING FOR THE CONSIDERATION OF H.R. 4613

Mrs. MYRICK, by direction of the Committee on Rules, called up the following resolution (H. Res. 683):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4613) making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. Points of order against provisions in the bill, as amended, for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. Upon the adoption of this resolution it shall be in order, any rule of the House to the contrary notwithstanding, to consider concurrent resolutions providing for adjournment of the House and Senate during the month of July.

When said resolution was considered.

After debate,

Mrs. MYRICK moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. FROST objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 220 / Nays ..... 196 }

¶67.21 [Roll No. 279]

YEAS—220

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

NAYS—196

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—17

Bereuter
Berman
Carson (IN)
Collins
DeMint
Deutsch
Dreier
Gephardt
Hastings (FL)
Jones (OH)
McInnis
Miller, George
Mollohan
Rangel
Reyes
Schrock
Tauzin

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. FROST demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 221 / Nays ..... 197 }

¶67.22 [Roll No. 280]

AYES—221

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)

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

NOES—197

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Bartlett (MD)
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—15

Bereuter
Berman
Carson (IN)
Collins
DeMint
Deutsch
Gephardt
Green (TX)
Hastings (FL)
McInnis
Mollohan
Rangel
Reyes
Schrock
Tauzin

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶67.23 H. CON. RES. 449—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 449) honoring the life and accomplishments of Ray Charles, recognizing his contributions to the Nation, and extending condolences to his family on his death.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 419 / Nays ..... 0 }

¶67.24 [Roll No. 281]

YEAS—419

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky

Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—14

Bereuter
Berman
Carson (IN)
Collins
DeMint
Deutsch
Ford
Gephardt
Hastings (FL)
McInnis
Mollohan
Reyes
Schrock
Tauzin

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶67.25 H. CON. RES. 13—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 13) recognizing the importance of blues music, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution; as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 410 / Nays 0

¶67.26 [Roll No. 282]

YEAS—410

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—23

Akin
Bereuter
Berman
Blunt
Carson (IN)
Collins
Crane
DeLay
DeMint
Deutsch
Gephardt
Gingrey
Hastings (FL)
Hinojosa
Hunter
McInnis
Mollohan
Oxley
Pickering
Reyes
Schrock
Tauzin
Turner (TX)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution; as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution; as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶67.27 ORDER OF BUSINESS—CONSIDERATION OF H. RES. 685

On motion of Mr. YOUNG of Florida, by unanimous consent,

Ordered, That it may be in order at any time to consider in the House the resolution (H. Res. 685) revising the concurrent resolution on the budget for fiscal year 2005 as it applies in the House of Representatives;

Ordered further, That the resolution be considered as read for amendment; and that the previous question be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except 90 minutes of debate on the resolution equally divided and controlled by the Majority Leader and Minority Leader or their designees.

¶67.28 DEFENSE APPROPRIATIONS FY 2005

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to House Resolution 683 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 4613) making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

The SPEAKER pro tempore, Mr. SIMPSON, by unanimous consent, designated Mr. CAMP as Chairman of the Committee of the Whole; and after some time spent therein,

The Committee rose informally to receive a message from the President.

The SPEAKER pro tempore, Mr. SIMPSON, assumed the Chair.

¶67.29 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

The Committee resumed its sitting; and after some further time spent therein,

¶67.30 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. INSLEE:

At the end of the bill, add the following new title:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds appropriated by this Act may be used to waive or modify regulations promulgated under chapter 43, 71, 75, or 77 of title 5, United States Code.

It was decided in the negative ..... { Yeas ..... 202 / Nays 218

¶67.31 [Roll No. 283]

AYES—202

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wolf
Woolsey
Wu
Wynn

NOES—218

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

NOT VOTING—13

Bereuter
Berman
Carson (IN)
DeMint
Deutsch
Gephardt
Hastings (FL)
Hinojosa
McInnis
Mollohan
Reyes
Tauzin
Whitfield

So the amendment was not agreed to.

The SPEAKER pro tempore, Mr. LINDER, assumed the Chair.

When Mr. CAMP, Chairman, pursuant to House Resolution 683, reported the bill, as amended, back to the House with sundry further amendments adopted by the Committee.

The previous question having been ordered by said resolution.

The following sundry further amendments, reported from the Committee of the Whole House on the state of the Union, were agreed to:

On page 115, insert the following new section at the end of title VIII:

''SEC. ____. The Secretary of Defense shall provide a report to the congressional defense committees not later than July 30, 2004, that addresses how the Department of Defense (DoD) is improving the dud rate of cluster munitions to meet existing DoD policies. This report shall address: (1) the types and quantities of munitions systems that employ cluster munitions presently in DoD's inventory that do and do not meet the 1-percent dud rate policy; (2) DoD efforts to ensure the development of cluster munitions that meet the 1-percent dud rate policy, including a list of programs funded in fiscal year 2005; and (3) a schedule describing the DoD cluster munitions inventory profile from the present until the time this inventory will meet the 1-percent dud rate policy.''

On page 118, line 3, strike the comma after ''*Provided*'' and insert a comma after ''*further*''.

On page 122, line 10, add a comma after the word ''*further*''.

On page 134, line 4, insert before ''not less'' the following:

'', the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate''.

On page 138, insert the following two new sections at the end of title IX:

''SEC. ____. From within funds made available in chapter 1 of this title, the Secretary of Defense shall use such funds as necessary to provide to Congress, not later than 4 months after the date of the enactment of this Act, a list of all contracts entered into by the Department of Defense for the provision of security, translation, and interrogation services in Iraq, Afghanistan, or Guantanamo Bay, and the amount of each such contract.

SEC. ____. None of the funds made available in chapter 1 of this title may be used to fund any contract in contravention of section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6)).''

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. LINDER, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 403 / Nays 17

¶67.32 [Roll No. 284]

YEAS—403

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito

Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—17

Conyers
Honda
Jackson (IL)
Jackson-Lee (TX)
Kucinich
Lee
Lewis (GA)
McDermott
Owens
Paul
Payne
Schakowsky
Stark
Waters
Watson
Watt
Woolsey

NOT VOTING—13

Bereuter
Berman
Carson (IN)
DeMint
Deutsch
Gephardt
Hastings (FL)
Hinojosa
McInnis
Mollohan
Reyes
Tauzin
Whitfield

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶67.33 H. RES. 658—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LINDER, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 658) recognizing National Homeownership Month and the importance of homeownership in the United States.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 415 / Nays 2

¶67.34 [Roll No. 285]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)

Walsh	Weldon (FL)	Wolf
Wamp	Weldon (PA)	Woolsey
Waters	Weller	Wu
Watson	Wexler	Wynn
Watt	Wicker	Young (AK)
Waxman	Wilson (NM)	Young (FL)
Weiner	Wilson (SC)	

NAYS—2

Flake	Paul

NOT VOTING—16

Bereuter	Hastings (FL)	Reyes
Berman	Hinojosa	Stark
Carson (IN)	Lantos	Tauzin
DeMint	McInnis	Whitfield
Deutsch	Mollohan	
Gephardt	Myrick	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶67.35 COMMISSION ON THE ABRAHAM LINCOLN STUDY ABROAD FELLOWSHIP PROGRAM

The SPEAKER pro tempore, Mr. LINDER, announced that the Speaker, pursuant to section 104(c)(1) of the Consolidated Appropriations Act, 2004, (Public Law 108-199), and the order of the House of December 8, 2003, appointed, on the part of the House, to the Commission on the Abraham Lincoln Study Abroad Fellowship Program: Messrs. Mark Kirk, Wilmette, Illinois; John C. Peters, DeKalb, Illinois; and S. Kerry Cooper, College Station, Texas.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶67.36 COMMUNICATION FROM THE MINORITY LEADER—APPOINTMENT—COMMISSION ON THE ABRAHAM LINCOLN STUDY ABROAD FELLOWSHIP PROGRAM

The SPEAKER pro tempore, Mr. LINDER, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, June 22, 2004.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 104(c)(1) of the Consolidated Appropriations Act, 2004 (P.L. 108–199), I hereby appoint to the Commission on the Abraham Lincoln Study Abroad Fellowship Program, Representative Louise Slaughter of New York, Dr. Mary M. Dwyer of Lake Forest, Illinois, and Ms. Mora McLean of New York.

Best regards,

NANCY PELOSI.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶67.37 MESSAGE FROM THE PRESIDENT—ICELAND LETHAL WHALING PROGRAM

The SPEAKER pro tempore, Mr. LINDER, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

On June 16, 2004, Secretary of Commerce Donald Evans certified under section 8 of the Fisherman's Protective Act of 1967, as amended (the ''Pelly Amendment'') (22 U.S.C. 1978), that Iceland has conducted whaling activities that diminish the effectiveness of the International Whaling Commission (IWC) conservation program. This message constitutes my report to the Congress consistent with subsection (b) of the Pelly Amendment.

The certification of the Secretary of Commerce is the first against Iceland for its lethal research whaling program. In 2003, Iceland announced that it would begin a lethal research whaling program and planned to take 250 minke, fin, and sei whales for research purposes. The United States expressed strong opposition to Iceland's decision, in keeping with our longstanding policy against lethal research whaling. Iceland's proposal was criticized at the June 2003 IWC Annual Meeting by a majority of members of the IWC Scientific Committee, and the IWC passed a resolution that urged Iceland not to commence this program. In addition, the United States, along with 22 other nations, issued a joint protest asking Iceland to halt the program immediately. The United States believe the Icelandic research whaling program is of questionable scientific validity. Scientific data relevant to the management of whale stocks can be collected by non-lethal techniques. Since Iceland's 2003 announcement, Iceland reduced its proposed take to 38 minke whales and in implementing its lethal research program, killed 36 whales last year. For this year, Iceland has proposed taking 25 minke whales. The United States welcomes this decision to reduce the take and to limit it to minke whales, and we appreciate Iceland's constructive work with the United States at the IWC on a variety of whaling issues. These adjustments, however, do not change our assessment that Iceland's lethal research whaling program is of questionable scientific validity and diminishes the effectiveness of the IWC's conservation program.

In his letter of June 16, 2004, Secretary Evans expressed his concern for these actions, and I share these concerns. I also concur in his recommendation that the use of trade sanctions is not the course of action needed to resolve our current differences with Iceland over research whaling activities. Accordingly, I am not directing the Secretary of the Treasury to impose trade sanctions on Icelandic products for the whaling activities that led to certification by the Secretary of Commerce. However, to ensure that this issue continues to receive the highest level of attention, I am directing U.S. delegations attending future bilateral meetings with Iceland regarding whaling issues to raise our concerns and seek ways to halt these whaling actions. I am also directing the Secretaries of State and Commerce to keep this situation under close review and to continue to work with Iceland to encourage it to cease its lethal scientific research whaling activities. I believe these diplomatic efforts hold the most promise of effecting change in Iceland's research whaling program, and do not believe that imposing import prohibitions would further our objectives.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 22, 2004.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations and the Committee on Resources and ordered to be printed (H. Doc. 108–195).

¶67.38 PROVIDING FOR THE CONSIDERATION OF H.R. 4548

Mr. SESSIONS, by direction of the Committee on Rules, reported (Rept. No. 108–561) the resolution (H. Res. 686) providing for consideration of the bill (H.R. 4548) to authorize appropriations for fiscal year 2005 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶67.39 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Ms. CARSON of Indiana, for today; and

To Mr. HASTINGS of Florida, for today.

And then,

¶67.40 ADJOURNMENT

On motion of Mr. ABERCROMBIE, at 11 o'clock and 2 minutes p.m., the House adjourned.

¶67.41 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. COBLE: Committee on the Judiciary. H.R. 218. A bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns; with an amendment (Rept. 108–560). Referred to the Committee of the Whole House on the State of the Union.

Mrs. MYRICK: Committee on Rules. House Resolution 686. Resolution providing for consideration of the bill (H.R. 4548) to authorize appropriations for fiscal year 2005 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. 108–561). Referred to the House Calendar.

¶67.42 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RANGEL:

H.R. 4633. A bill to award a congressional gold medal to Ray Charles in recognition of

his many contributions to the Nation; to the Committee on Financial Services.

By Mr. SESSIONS (for himself, Mr. BAKER, Mrs. KELLY, Mr. CANTOR, and Ms. PRYCE of Ohio):

H.R. 4634. A bill to extend the terrorism insurance program of the Department of the Treasury; to the Committee on Financial Services.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. PETRI, and Mr. LIPINSKI):

H.R. 4635. A bill to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, Resources, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GORDON (for himself, Mr. CALVERT, and Mr. BAIRD):

H.R. 4636. A bill to provide for research on and standards for remediation of closed methamphetamine production laboratories, and for other purposes; to the Committee on Science, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELLER:

H.R. 4637. A bill to amend title 10, United States Code, to provide for the payment of Combat-Related Special Compensation under that title to members of the Armed Forces retired for disability with less than 20 years of active military service who were awarded the Purple Heart; to the Committee on Armed Services.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 4638. A bill to amend the Federal Water Pollution Control Act to impose limitations on wetlands mitigation activities carried out through the condemnation of private property; to the Committee on Transportation and Infrastructure.

By Ms. DELAURO (for herself, Mr. STARK, Mr. MCDERMOTT, Mr. COOPER, Mr. CONYERS, and Ms. SLAUGHTER):

H.R. 4639. A bill to ensure that advertising campaigns paid for by the Federal Government are unbiased, and for other purposes; to the Committee on Government Reform.

By Mr. TOM DAVIS of Virginia (for himself, Mr. SHAYS, Mr. CANNON, Mr. BISHOP of Utah, and Mr. PLATTS):

H.R. 4640. A bill to establish the District of Columbia as a Congressional district for purposes of representation in the House of Representatives, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH (for himself, Mr. HOLDEN, Mr. VAN HOLLEN, Mr. MCDERMOTT, Mrs. MALONEY, Ms. HART, Mr. WELDON of Pennsylvania, Mr. MCGOVERN, and Mr. GRIJALVA):

H.R. 4641. A bill to authorize the President to take certain actions to protect archaeological or ethnological materials of Afghanistan; to the Committee on Ways and Means.

By Mr. FERGUSON:

H.R. 4642. A bill to provide for the extension of the New Jersey Coastal Heritage Trail into the Township of Woodbridge, New Jersey; to the Committee on Resources.

By Mr. FERGUSON:

H.R. 4643. A bill to authorize the Director of the Federal Emergency Management Agency to make grants to fire departments for the acquisition of thermal imaging cameras; to the Committee on Transportation and Infrastructure.

By Mrs. JOHNSON of Connecticut (for herself, Mr. PRICE of North Carolina, and Mr. CARDOZA):

H.R. 4644. A bill to make aliens ineligible to receive visas and exclude aliens from admission into the United States for nonpayment of child support; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LUCAS of Kentucky:

H.R. 4645. A bill to authorize the Secretary of the Army to provide Federal assistance for environmental infrastructure projects in northern and northeastern Kentucky; to the Committee on Transportation and Infrastructure.

By Mr. MCHUGH:

H.R. 4646. A bill to amend title 18, United States Code, to provide for the holding of Federal district court in Plattsburgh, New York, and for other purposes; to the Committee on the Judiciary.

By Mr. MCKEON:

H.R. 4647. A bill to provide for certain lands to be held in trust for the Utu Utu Gwaitu Paiute Tribe; to the Committee on Resources.

By Mr. NUSSLE:

H.R. 4648. A bill to amend part C of the Balanced Budget and Emergency Deficit Control Act of 1985 to establish a pay-as-you-go requirement for mandatory spending; to the Committee on the Budget.

By Mr. NUSSLE:

H.R. 4649. A bill to amend part C of the Balanced Budget and Emergency Deficit Control Act of 1985 to extend the discretionary spending limits; to the Committee on the Budget.

By Mr. TIAHRT:

H.R. 4650. A bill to amend the Act entitled ''An Act to provide for the construction of the Cheney division, Wichita Federal reclamation project, Kansas, and for other purposes'' to authorize the Equus Beds Division of the Wichita Project; to the Committee on Resources.

By Mr. DELAY (for himself, Mr. HOYER, Mr. HYDE, and Mr. LANTOS):

H. Con. Res. 460. Concurrent resolution regarding the security of Israel and the principles of peace in the Middle East; to the Committee on International Relations.

By Mrs. BIGGERT (for herself, Mr. KANJORSKI, Mr. BACHUS, Mr. BAKER, Mr. BOEHLERT, Mr. BURTON of Indiana, Mr. CANTOR, Mrs. CAPITO, Mr. CASTLE, Mr. COBLE, Mr. CRANE, Mr. ENGLISH, Mr. FEENEY, Mr. GERLACH, Mr. GILLMOR, Mr. GREEN of Wisconsin, Ms. HARRIS, Ms. HART, Mr. HENSARLING, Mr. ISAKSON, Mr. JONES of North Carolina, Mr. KELLER, Mrs. KELLY, Mr. KNOLLENBERG, Mr. LATHAM, Mr. LATOURETTE, Mr. LEWIS of Georgia, Mr. LUCAS of Oklahoma, Mr. MANZULLO, Mr. GARY G. MILLER of California, Mr. OSE, Mr. PORTER, Mr. PUTNAM, Mr. REYNOLDS, Mr. SHAYS, Mr. SHUSTER, Mr. SIMMONS, Mr. SOUDER, Mr. TERRY, Mr. TIBERI, Mr. LEACH, Mr. TOOMEY, Mr. GORDON, Mr. CLAY, Mr. CROWLEY, Mr. FRANK of Massachusetts, Mr. HINOJOSA, Mr. HOLDEN, Mr. JOHN, Mrs. MALONEY, Mr. MARSHALL, Mr. MILLER of North Carolina, Mr. POMEROY, Mr. SANDLIN, Mr. SCOTT of Virginia, Mr. PETRI, Mr. BARRETT of South Carolina, and Mr. GARRETT of New Jersey):

H. Con. Res. 461. Concurrent resolution expressing the sense of Congress regarding the importance of life insurance, and recognizing and supporting National Life Insurance Awareness Month; to the Committee on Government Reform.

By Mr. OBEY:

H. Res. 685. A resolution revising the concurrent resolution on the budget for fiscal year 2005 as it applies in the House of Representatives; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MCCOLLUM:

H. Res. 687. A resolution recognizing United Nations International Day in Support of Victims of Torture and reaffirming the commitment of the United States to eliminate torture in all countries, and for other purposes; to the Committee on International Relations.

By Mr. NUNES (for himself, Mr. POMBO, and Mr. CARDOZA):

H. Res. 688. A resolution commending the Government of Portugal and the Portuguese people for their long-standing friendship, stalwart leadership, and unwavering support of the United States in the effort to combat international terrorism; to the Committee on International Relations.

¶67.43 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

371. The SPEAKER presented a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 42 memorializing the Congress of the United States to amend the No Child Left Behind Act of 2001 to include waivers to help states meet the requirements of this law; to the Committee on Education and the Workforce.

372. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 191 memorializing the United States Congress to repeal the changes made by the Bush Administration to the Clean Air Act in 2002; to the Committee on Energy and Commerce.

373. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 718 recognizing the month of May 2004 as ''Amyotrophic Lateral Sclerosis Awareness Month'' in Pennsylvania and memorializing the President and Congress of the United States to enact legislation to provide additional funding for research in order to find a treatment and cure for ALS; to the Committee on Energy and Commerce.

374. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 153 H.D. 1 memorializing the United Nations to consider establishing in Hawaii a center for the advancement of global health, welfare, education, and peace by and for children, youth, and families; to the Committee on International Relations.

375. Also, a memorial of the House of Delegates of the Commonwealth of Virginia, relative to House Resolution No. 4 memorializing the Congress of the United States to propose for ratification an amendment to the Constitution of the United States to prohibit federal courts from ordering or instructing any state or local unit of government to levy or increase taxes; to the Committee on the Judiciary.

376. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 202 memorializing Hawaii's congressional delegation to introduce federal legislation to provide additional resources to expand visa processing capacity in the Consular Section of the United States Embassy in Seoul in the Republic of Korea,

and to include the Republic of Korea in the Visa Waiver Program; to the Committee on the Judiciary.

377. Also, a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to Resolutions memorializing the United States Congress to make the Republic of Poland eligible for the United States Department of State's Visa Waiver Program; to the Committee on the Judiciary.

378. Also, a memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to Senate Concurrent Resolution No. 98 of the 2003-2004 Session of the General Assembly acknowledging the key role of the Clean Water State Revolving Fund Program; to the Committee on Transportation and Infrastructure.

379. Also, a memorial of the Senate of the State of Kansas, relative to Senate Resolution No. 1868 memorializing the United States Congress to enact and fully fund the proposed vision for space exploration to enable the United States to remain a leader in the exploration and development of space; to the Committee on Science.

380. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 258 memorializing the United States Congress to support the passage of S. 68, relating to improving benefits for Filipino veterans of World War II; to the Committee on Veterans' Affairs.

¶67.44 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 107: Mrs. CHRISTENSEN.
H.R. 623: Mr. MATSUI and Mr. MCCOTTER.
H.R. 716: Mr. CAPUANO.
H.R. 717: Mr. OLVER and Mr. MARKEY.
H.R. 962: Ms. CARSON of Indiana.
H.R. 1043: Mrs. WILSON of New Mexico, Mr. CROWLEY, Mr. JACKSON of Illinois, and Mr. MEEKS of New York.
H.R. 1422: Mr. GREENWOOD.
H.R. 1523: Mr. PICKERING.
H.R. 1653: Mr. HAYES.
H.R. 1709: Mr. CAPUANO.
H.R. 1716: Ms. CORRINE BROWN of Florida.
H.R. 1758: Mr. LEACH.
H.R. 1823: Mr. SAXTON.
H.R. 2023: Mr. MENENDEZ.
H.R. 2239: Mr. MARKEY and Mrs. MCCARTHY of New York.
H.R. 2283: Mr. HERGER, Mr. VITTER, and Mr. HOSTETTLER.
H.R. 2426: Ms. BERKLEY.
H.R. 2490: Mr. KIND.
H.R. 2510: Mr. MCKEON, Mr. ISSA, Mr. HERGER, Mr. GARY G. MILLER of California, and Mr. LEWIS of California.
H.R. 2541: Ms. WATSON and Ms. WOOLSEY.
H.R. 2705: Mr. VISCLOSKY.
H.R. 2743: Mr. JONES of North Carolina.
H.R. 2900: Mr. LEWIS of Georgia.
H.R. 2950: Mr. DOYLE.
H.R. 3193: Mr. LINCOLN DIAZ-BALART of Florida, Mr. SHADEGG, and Mr. GALLEGLY.
H.R. 3213: Mr. COX.
H.R. 3299: Mr. GRIJALVA.
H.R. 3307: Mr. GINGREY.
H.R. 3350: Mr. LAMPSON.
H.R. 3352: Mr. NEAL of Massachusetts.
H.R. 3444: Mr. LEWIS of Georgia.
H.R. 3476: Mr. HALL.
H.R. 3484: Mr. RENZI.
H.R. 3563: Mr. FOLEY.
H.R. 3575: Mr. THOMPSON of Mississippi.
H.R. 3602: Mr. PICKERING, Mr. BISHOP of Georgia, and Mr. CUMMINGS.
H.R. 3716: Mr. BARRETT of South Carolina.
H.R. 3755: Mr. TERRY.
H.R. 3779: Mr. MICHAUD.
H.R. 3831: Ms. VELAZQUEZ, Mr. GUTIERREZ, Mr. SHERMAN, Mrs. MALONEY, Ms. HARMAN, Ms. SCHAKOWSKY, Mr. LARSON of Connecticut, Mr. ENGEL, Mrs. JONES of Ohio, Mr. KENNEDY of Rhode Island, Mr. ABERCROMBIE, Mr. MEEKS of New York, Mr. SERRANO, Mr. WEINER, Mr. ISRAEL, Mrs. LOWEY, Mr. KLECZKA, Ms. JACKSON-LEE of Texas, Ms. DELAURO, Mr. GEORGE MILLER of California, Mr. OLVER, Mr. SCOTT of Virginia, Mr. MCGOVERN, Mr. MEEK of Florida, Mr. WATT, Mr. NADLER, Mr. EMANUEL, Mr. MORAN of Virginia, Ms. MCCOLLUM, Mr. LANTOS, Ms. MILLENDER-MCDONALD, Mr. DEUTSCH, Mr. DOYLE, Mr. CARDIN, Ms. BALDWIN, Mrs. TAUSCHER, Mr. DICKS, Mr. LEVIN, Mr. MILLER of North Carolina, Mr. PASCRELL, Mr. BRADY of Pennsylvania, Ms. DEGETTE, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. FATTAH, Mr. HOEFFEL, Mr. KUCINICH, Mr. GRIJALVA, Mr. GEPHARDT, Mr. CLAY, Mrs. NAPOLITANO, Mr. STARK, Ms. LOFGREN, Mr. ACKERMAN, Mr. WU, Mr. PAYNE, Ms. KAPTUR, Ms. CORRINE BROWN of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. NEAL of Massachusetts, Ms. ROYBAL-ALLARD, Ms. SOLIS, Mr. ANDREWS, Mr. TIERNEY, Mr. BISHOP of New York, Ms. MCCARTHY of Missouri, and Mr. DAVIS of Florida.
H.R. 3849: Mrs. WILSON of New Mexico.
H.R. 3881: Mr. NETHERCUTT.
H.R. 3929: Mr. SESSIONS.
H.R. 3972: Mr. ETHERIDGE.
H.R. 3979: Mr. JEFFERSON.
H.R. 4039: Mr. WALDEN of Oregon, Mr. WEXLER, and Mr. PICKERING.
H.R. 4053: Mr. KENNEDY of Minnesota.
H.R. 4107: Mr. INSLEE, Mr. ROSS, Mr. PLATTS, Mrs. CAPPS, and Ms. MCCOLLUM.
H.R. 4117: Mr. JACKSON of Illinois.
H.R. 4182: Mr. UDALL of Colorado and Mr. FRANK of Massachusetts.
H.R. 4206: Mrs. DAVIS of California, Mr. ENGLISH, and Mr. MCHUGH.
H.R. 4230: Mr. FRANK of Massachusetts.
H.R. 4255: Ms. ROYBAL-ALLARD and Mr. MCDERMOTT.
H.R. 4305: Mr. PITTS.
H.R. 4306: Ms. LOFGREN and Ms. DUNN.
H.R. 4312: Ms. LEE.
H.R. 4325: Mr. OWENS.
H.R. 4342: Mr. GARRETT of New Jersey.
H.R. 4361: Mrs. CAPPS, Ms. DELAURO, Ms. BERKLEY, and Mr. JACKSON of Illinois.
H.R. 4391: Mr. LEWIS of Kentucky, Mr. SCHIFF, Mr. FROST, and Mr. ENGLISH.
H.R. 4392: Mr. BOUCHER.
H.R. 4415: Mr. MICA.
H.R. 4416: Mr. ENGLISH, Mr. LATOURETTE, and Mr. QUINN.
H.R. 4449: Mr. STARK.
H.R. 4459: Mr. BACA.
H.R. 4472: Mr. MCGOVERN, Mr. SIMMONS, and Mr. VITTER.
H.R. 4528: Mr. DUNCAN, Mr. SENSENBRENNER, Mr. CULBERSON, Mr. TANCREDO, and Mr. RAMSTAD.
H.R. 4530: Mr. GOODE.
H.R. 4533: Mr. GRIJALVA.
H.R. 4553: Mr. OWENS.
H.R. 4571: Mr. CANNON.
H.R. 4595: Mr. GREEN of Wisconsin, Mr. MCNULTY, Mr. VAN HOLLEN, Mr. RAMSTAD, and Mr. HOEFFEL.
H.R. 4608: Mr. SNYDER.
H.R. 4628: Ms. ROYBAL-ALLARD, Mr. KOEFFEL, Ms. MCCOLLUM, Mr. CARDIN, Mr. DOGGETT, Mr. GRIJALVA, Mr. KILDEE, Ms. JACKSON-LEE of Texas, Ms. BERKLEY, Mr. ROSS, Mr. NADLER, Mr. LANGEVIN, Mr. LEVIN, Mr. ENGEL, Mr. TIERNEY, Mr. KIND, Mr. OWENS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TOWNS, and Ms. ESHOO.
H. Con. Res. 111: Mr. MEEKS of New York.
H. Con. Res. 319: Mr. SCHIFF, Mr. PITTS, and Mr. WELLER.
H. Con. Res. 356: Mr. UDALL of New Mexico.
H. Con. Res. 418: Ms. WATSON, Ms. LEE, Mr. BURTON of Indiana, Mr. KING of New York, Mr. HOUGHTON, Mrs. NAPOLITANO, Mr. CHANDLER, and Mr. SCHIFF.
H. Con. Res. 442: Mr. SABO, Mr. BLUMENAUER, Mr. PETERSON of Minnesota, Mr. OBERSTAR, Mr. REHBERG, and Mr. KIND.
H. Res. 617: Mr. WELLER.
H. Res. 667: Mr. KIRK, Mr. BROWN of Ohio, Mr. HERGER, Mr. STEARNS, Mr. HUNTER, Mr. WALSH, Mr. ISSA, and Mr. WICKER.
H. Res. 676: Mr. CHABOT, Mr. SMITH of Texas, and Mr. GREENWOOD.
H. Res. 684: Mr. PENCE, Mr. BURTON of Indiana, Mr. HOSTETTLER, Ms. CARSON of Indiana, Mr. VISCLOSKY, Mr. HILL, Mr. BUYER, and Mr. SOUDER.

¶67.45 PETITIONS, ETC.

Under clause 3 of rule XII,

90. The SPEAKER presented a petition of the Bear River Band of Rohnerville Rancheria's Tribal Council, California, relative to Resolution No. 04-64 supporting the BIA/Tribal Budget Advisory Council recommending a new Executive Order requiring the OMB to consult on an annual basis with federally recognized tribes to develop a budget fulfilling the obligation of the United States to American Indians and Alaska Natives; which was referred to the Committee on Resources.

WEDNESDAY, JUNE 23, 2004 (68)

¶68.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. SHAW, who laid before the House the following communication:

WASHINGTON, DC,
June 23, 2004.

I hereby appoint the Honorable E. CLAY SHAW, Jr. to act as Speaker pro tempore on this day.

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

¶68.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. SHAW, announced he had examined and approved the Journal of the proceedings of Tuesday, June 22, 2004.

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

¶68.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

8722. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Lieutenant General James E. Cartwright, United States Marine Corps, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8723. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of the Defense's proposed lease of defense articles to the Former Yugoslav Republic of Macedonia (Transmittal No. 02–04), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

8724. A letter from the Director, Defense Security Cooperation Agency, transmitting reports in accordance with Section 36(a) of the Arms Export Control Act, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

8725. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad with France, Belgium, Germany

and the United Kingdom (Transmittal No. DDTC 037–04), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

8726. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usablefissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000; to the Committee on International Relations.

8727. A letter from the Secretary, Department of Education, transmitting the thirtieth Semiannual Report to Congress on Audit Follow-Up, covering the six-month period ending March 31, 2004 in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8728. A letter from the Secretary, Smithsonian Institution, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108–199, the Institution's Report to Congress on FY 2003 Competitive Sourcing Efforts; to the Committee on Government Reform.

8729. A letter from the Director of Congressional Relations, Central Intelligence Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8730. A letter from the Secretary, Department of Education, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108–199, and the Office of Management and Budget Memorandum 04–07, the Department's Report to Congress on FY 2003 Competitive Sourcing Efforts; to the Committee on Government Reform.

8731. A letter from the Chairman, U.S. Parole Commission, Department of Justice, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act for the calendar year 2003, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

8732. A letter from the Administrator, Environmental Protection Agency, transmitting the semiannual report on activities of the Inspector General for the period October 1, 2003, through March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8733. A letter from the Managing Director, Federal Home Loan Banks, transmitting the 2003 management reports of the 12 Federal Home Loan Banks (FHLBanks), Resolution Funding Corporation (REFCORP) and the Financing Corporation (FICO), pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

8734. A letter from the Chairman, International Trade Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2003 through March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

8735. A letter from the Executive Director for Operations, Nuclear Regulatory Commission, transmitting a report on Year 2003 Inventory of Commercial Activities and Inherently Governmental Functions, in accordance with the Federal Activities Inventory Reform Act (FAIR) of 1998 and with the Office of Management and Budget (OMB) Circular No. A–76, ''Performance of Commercial Activities''; to the Committee on Government Reform.

8736. A letter from the Assistant Secretary For Fish and Wildlife and Parks, Department of the Interior, transmitting a draft bill ''To modify the boundary of the Seip Earthwood unit of the Hopewell Culture National Historical Park in the State of Ohio, and for other purposes''; to the Committee on Resources.

8737. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft bill ''To revise the designation of wilderness areas in Cumberland Island National Seashore, and for other purposes''; to the Committee on Resources.

8738. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Excelsior Springs, MO. [Docket No. FAA–2004–17147; Airspace Docket No. 04–ACE–13] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8739. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Gideon, MO. [Docket No. FAA–2004–17150; Airspace Docket No. 04–ACE–16] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8740. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Cassville, MO. [Docket No. FAA–2004–17152; Airspace Docket No. 04–ACE–18] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8741. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Moberly, MO. [Docket No. FAA–2004–17420; Airspace Docket No. 04–ACE–21] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8742. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Gothenburg, NE. [Docket No. FAA–2004–17423; Airspace Docket No. 04–ACE–24] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8743. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Johnson, KS. [Docket No. FAA–2004–17151; Airspace Docket No. 04–ACE–17] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8744. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Platinum, AK [Docket No. FAA–2003–17042; Airspace Docket No. 04–AAL–03] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8745. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Wales, AK [Docket No. FAA–2004–17019; Airspace Docket No. 04–AAL–02] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8746. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Fulton, MO. [Docket No. FAA–2004–17149; Airspace Docket No. 04–ACE–15] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8747. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dassault Model Mystere-Falcon 50 Series Airplanes [Docket No. 2002–NM–204–AD; Amendment 39–13617; AD 2004–09–27] (RIN: 2120–AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8748. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class D Airspace; Denton, TX [Docket No. FAA–2004–17261; Airspace Docket No. 2004–ASW–09] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8749. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Galliano, LA [Docket No. FAA–2004–17259; Airspace Docket No. 2004–ASW–07] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8750. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Clayton, NM [Docket No. FAA–2004–17260; Airspace Docket No. 2004–ASW–08] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8751. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Wahoo, NE. [Docket No. FAA–2004–17725; Airspace Docket No. 04–ACE–37] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8752. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Ogallala, NE. [Docket No. FAA–2004–17724; Airspace Docket No. 04–ACE–36] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8753. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; North Platte, NE. [Docket No. FAA–2004–17723; Airspace Docket No. 04–ACE–35] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8754. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Restricted Area 5115, NM; and Restricted Areas 6316, 6317, and 6318, TX [Docket No. FAA–2004–17612; Airspace Docket No. 04–ASW–03] (RIN: 2120–AA66) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8755. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Restricted Area 2204, Oliktok Point; AK [Docket No. FAA–2003–15410; Airspace Docket No. 03–AAL–1] (RIN: 2120–AA66) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8756. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Lynchburg, VA [Docket No. FAA–2004–17296; Airspace Docket No. 04–AEA–03] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8757. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; McCook, NE. [Docket No. FAA–2004–17722; Airspace Docket No. 04–ACE–34] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8758. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Mosby, MO. [Docket No. FAA–2004–17721; Airspace Docket No. 04–ACE–33] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8759. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Oshkosh, NE. [Docket No. FAA–2004–17427; Airspace Docket No. 04–ACE–27] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8760. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Federal Airway 137. [Docket No. FAA–2003–16437; Airspace Docket No. 03–AWP–02] (RIN: 2120–AA66) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8761. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Hamilton, MT. [Docket No. FAA 2003–16070; Airspace Docket 03–ANM–05] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8762. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 777–200 Series Airplanes [Docket No. 2003–NM–50–AD; Amendment 39–13675; AD 2004–12–15] (RIN: 2120–AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8763. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328–100 Series Airplanes [Docket No. 2003–NM–56–AD; Amendment 39–13674; AD 2004–12–14] (RIN: 2120–AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8764. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–11 and –11F Airplanes [Docket No. 2003–NM–75–AD; Amendment 39–13668; AD 2004–12–09] (RIN: 2120–AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8765. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL–600–2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. 2001–NM–321–AD; Amendment 39–13633; AD 2004–10–03] (RIN: 2120–AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8766. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model EC 130 B4 and AS 350 B3 Helicopters [Docket No. 2003–SW–29–AD; Amendment 39–13650; AD 2004–11–05] (RIN: 2120–AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8767. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes [Docket No. 2003–NM–18–AD; Amendment 39–13647; AD 2004–11–02] (RIN: 2120–AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8768. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Lycoming Engines (formerly Textron Lycoming), Direct-Drive Reciprocating Engines [Docket No. 89–ANE–10–AD; Amendment 39–13644; AD 2004–10–14] (RIN: 2120–AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8769. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Alexander Schleicher GmbH & Co. Segelflugzeugbau Model ASH 25M Sailplanes [Docket No. 2003–CE–64–AD; Amendment 39–13638; AD 2004–10–08] (RIN: 2120–AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8770. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; GARMIN International Inc. GTX 330 Mode S Transponders and GTX 330D Diversity Mode S Transponders [Docket No. 2003–CE–39–AD; Amendment 39–13645; AD 2004–10–15] (RIN: 2120–AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8771. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–600, –700, –700C, –800, and –900 Series Airplanes Equipped with Certain Honeywell Start Converter Units [Docket No. 2001–NM–291–AD; Amendment 39–13640; AD 2004–10–10] (RIN: 2120–AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶68.4 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 4589. An Act to reauthorize the Temporary Assistance for Needy Families block grant program through September 30, 2004, and for other purposes.

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

S.J. Res. 33. An Act expressing support for freedom in Hong Kong.

¶68.5 PROVIDING FOR THE CONSIDERATION OF H.R. 4548

Mrs. MYRICK, by direction of the Committee on Rules, called up the following resolution (H. Res. 686):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4548) to authorize appropriations for fiscal year 2005 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

Mrs. MYRICK moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. OSE, announced that the yeas had it.

Ms. SLAUGHTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. OSE, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶68.6 HIGHWAY TRUST FUND EXTENSION

Mr. YOUNG of Alaska moved to suspend the rules and pass the bill (H.R. 4635) to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

The SPEAKER pro tempore, Mr. OSE, recognized Mr. YOUNG of Alaska and Mr. OBERSTAR, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SIMMONS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. OBERSTAR demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SIMMONS, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶68.7 IMPROVING INTERNATIONAL ORGANIZATIONS

Ms. ROS-LEHTINEN moved to suspend the rules and pass the bill (H.R. 4053) to improve the workings of international organizations and multilateral institutions, and for other purposes.

The SPEAKER pro tempore, Mr. SIMMONS, recognized Ms. ROS-LEHTINEN and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SIMMONS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SIMMONS, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶68.8 PEACE IN THE MIDDLE EAST

Ms. ROS-LEHTINEN moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 460):

Whereas the United States is hopeful that a peaceful resolution of the Israeli-Palestinian conflict can be achieved;

Whereas the United States is strongly committed to the security of Israel and its well-being as a Jewish state;

Whereas Israeli Prime Minister Ariel Sharon has proposed an initiative intended to enhance the security of Israel and further the cause of peace in the Middle East;

Whereas President George W. Bush and Prime Minister Sharon have subsequently engaged in a dialogue with respect to this initiative;

Whereas President Bush, as part of that dialogue, expressed the support of the United States for Prime Minister Sharon's initiative in a letter dated April 14, 2004;

Whereas in the April 14, 2004, letter the President stated that in light of new realities on the ground in Israel, including already existing major Israeli population centers, it is unrealistic to expect that the outcome of final status negotiations between Israel and the Palestinians will be a full and complete return to the armistice lines of 1949, but realistic to expect that any final status agreement will only be achieved on the basis of mutually agreed changes that reflect these realities;

Whereas the President acknowledged that any agreed, just, fair, and realistic framework for a solution to the Palestinian refugee issue as part of any final status agreement will need to be found through the establishment of a permanent alternative and the settling of Palestinian refugees there rather than in Israel;

Whereas the principles expressed in President Bush's letter will enhance the security of Israel and advance the cause of peace in the Middle East;

Whereas there will be no security for Israelis or Palestinians until Israel and the Palestinians, and all countries in the region and throughout the world, join together to fight terrorism and dismantle terrorist organizations;

Whereas the United States remains committed to the security of Israel, including secure, recognized, and defensible borders, and to preserving and strengthening the capability of Israel to deter enemies and defend itself against any threat;

Whereas Israel has the right to defend itself against terrorism, including the right to take actions against terrorist organizations that threaten the citizens of Israel;

Whereas the President stated on June 24, 2002, his vision of two states, Israel and Palestine, living side-by-side in peace and security and that vision can only be fully realized when terrorism is defeated, so that a new state may be created based on rule of law and respect for human rights; and

Whereas President Bush announced on March 14, 2003, that in order to promote a lasting peace, all Arab states must oppose terrorism, support the emergence of a peaceful and democratic Palestine, and state clearly that they will live in peace with Israel: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) strongly endorses the principles articulated by President Bush in his letter dated April 14, 2004, to Israeli Prime Minister Ariel Sharon which will strengthen the security and well-being of the State of Israel; and

(2) supports continuing efforts with others in the international community to build the capacity and will of Palestinian institutions to fight terrorism, dismantle terrorist organizations, and prevent the areas from which Israel has withdrawn from posing a threat to the security of Israel.

The SPEAKER pro tempore, Mr. SIMMONS, recognized Ms. ROS-LEHTINEN and Mr. LANTOS, each for 20 minutes.

After debate,

By unanimous consent, the time for debate was extended by 20 minutes to be equally divided and controlled by Ms. ROS-LEHTINEN and Mr. LANTOS.

After further debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. HASTINGS of Washington, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HASTINGS of Washington, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶68.9 40TH ANNIVERSARY OF THE CIVIL RIGHTS

Mr. SENSENBRENNER moved to suspend the rules and agree to the following resolution (H. Res. 676):

Whereas 2004 marks the 40th anniversary of congressional passage of the Civil Rights Act of 1964 (Public Law 88–352);

Whereas the Civil Rights Act of 1964 was the result of decades of struggle and sacrifice of many Americans who fought for equality and justice;

Whereas generations of Americans of every background supported Federal legislation to eliminate discrimination against African Americans;

Whereas a civil rights movement developed to achieve the goal of equal rights for all Americans;

Whereas President John F. Kennedy on June 11, 1963, in a nationally televised address proposed that Congress pass a civil rights act to address the problem of invidious discrimination;

Whereas a broad coalition of civil rights, labor, and religious organizations, culminating in the 1963 march on Washington, created national support for civil rights legislation;

Whereas during consideration of the bill a historic prohibition against discrimination based on sex was added;

Whereas the Congress of the United States passed the Civil Rights Act of 1964, and President Lyndon Johnson signed the bill into law on July 2, 1964;

Whereas the Civil Rights Act of 1964, among other things, prohibited the use of Federal funds in a discriminatory fashion, barred unequal application of voter registration requirements, encouraged the desegregation of public schools and authorized the United States Attorney General to file suits to force desegregation, banned discrimination in hotels, motels, restaurants, theaters, and all other places of public accommodations engaged in interstate commerce, and established the Equal Employment Opportunity Commission;

Whereas title VII of the Act not only prohibited discrimination by employers on the basis of race, color, national origin, and religion but sex as well, thereby recognizing the national problem of sex discrimination in the workplace;

Whereas the Congress of the United States has amended the Civil Rights Act of 1964 from time to time, with major changes that strengthened the Act;

Whereas the 1972 amendments, among other things, gave the Equal Employment Opportunity Commission litigation authority, thereby giving the EEOC the right to sue nongovernment respondents, made State and local governments subject to title VII of the Act, made educational institutions subject to title VII of the Act, and made the Federal Government subject to title VII, thereby prohibiting Federal executive agencies from

discriminating on the basis of race, color, sex, religion, and national origin;

Whereas the 1991 amendments to the Civil Rights Act overruled several Supreme Court decisions rendered in the late 1980s and allowed for the recovery of fees and costs in lawsuits where plaintiff prevailed, for jury trials, and for the recovery of compensatory and punitive damages in intentional employment discrimination cases, and also expanded title VII protections to include congressional and high level political appointees;

Whereas the Civil Rights Act of 1964 is the most comprehensive civil rights legislation in our Nation's history; and

Whereas we applaud all those whose support and efforts lead to passage of the Civil Rights Act of 1964: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes and honors the 40th anniversary of congressional passage of the Civil Rights Act of 1964; and

(2) encourages all Americans to recognize and celebrate the important historical milestone of the congressional passage of the Civil Rights Act of 1964.

The SPEAKER pro tempore, Mr. HASTINGS of Washington, recognized Mr. SENSENBRENNER and Mr. SCOTT of Virginia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. HASTINGS of Washington, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SCOTT of Virginia demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HASTINGS of Washington, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Thursday, June 24, 2004.

¶68.10 IDENTITY THEFT PENALTY ENHANCEMENT

Mr. SENSENBRENNER moved to suspend the rules and pass the bill (H.R. 1731) to amend title 18, United States Code, to establish penalties for aggravated identity theft, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. HASTINGS of Washington, recognized Mr. SENSENBRENNER and Mr. SCOTT of Virginia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. HASTINGS of Washington, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶68.11 LAW ENFORCEMENT OFFICERS SAFETY

Mr. SENSENBRENNER moved to suspend the rules and pass the bill (H.R. 218) to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns; as amended.

The SPEAKER pro tempore, Mr. HASTINGS of Washington, recognized Mr. SENSENBRENNER and Mr. SCOTT of Virginia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶68.12 HOME LOAN GUARANTIES FOR VETERANS

Mr. BROWN of South Carolina moved to suspend the rules and pass the bill (H.R. 4345) to amend title 38, United States Code, to increase the maximum amount of home loan guaranty available under the home loan guaranty program of the Department of Veterans Affairs, and for other purposes.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. BROWN of South Carolina and Mrs. DAVIS of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶68.13 H. RES. 686—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced the unfinished business to be the question on the motion ordering the previous question on the resolution (H. Res. 686) providing for consideration of the bill (H.R. 4548) to authorize appropriations for the fiscal year 2005 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 222 / Nays 200

¶68.14 [Roll No. 286]

YEAS—222

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

NAYS—200

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—11

Bereuter
Berman
Carson (IN)
DeMint
Deutsch
Gephardt
Greenwood
Hastings (FL)
Israel
Tauzin
Weldon (PA)

So the previous question was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. TERRY, announced that the yeas had it.

Ms. SLAUGHTER demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 220 / Nays ..... 200 }

¶68.15 [Roll No. 287]

AYES—220

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

NOES—200

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—13

Bereuter
Berman
Buyer
Carson (IN)
Cox
DeMint
Deutsch
Gephardt
Greenwood
Hastings (FL)
Israel
Tauzin
Weldon (PA)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶68.16 H.R. 4635—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4635) to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 418 / Nays ..... 0 }

¶68.17 [Roll No. 288]

YEAS—418

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)

Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Bereuter
Berman
Carson (IN)
DeMint
Deutsch
Gephardt
Greenwood
Hastings (FL)
Hunter
Israel
Jones (OH)
Meek (FL)
Tauzin
Taylor (NC)
Weldon (PA)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶68.18 H.R. 4053—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4053) to improve the workings of international organizations and multilateral institutions, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 365 / Nays 56

¶68.19 [Roll No. 289]

YEAS—365

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Castle
Chabot
Chandler
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (WA)
Hefley
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)

Walsh
Waters
Watson
Watt
Waxman
Weiner
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—56

Aderholt
Akin
Barrett (SC)
Bartlett (MD)
Bishop (UT)
Bonner
Burgess
Cannon
Carter
Chocola
Coble
Collins
Cubin
Culberson
Davis, Jo Ann
Deal (GA)
Duncan
Emerson
Everett
Feeney
Flake
Forbes
Franks (AZ)
Garrett (NJ)
Goode
Goodlatte
Harris
Hayes
Hayworth
Hensarling
Herger
Hoekstra
Hostettler
Isakson
Johnson, Sam
Jones (NC)
King (IA)
Manzullo
Miller (FL)
Moran (KS)
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pence
Renzi
Schrock
Shadegg
Smith (MI)
Tancredo
Tiahrt
Toomey
Wamp
Weldon (FL)

NOT VOTING—12

Bereuter
Berman
Carson (IN)
DeMint
Deutsch
Gephardt
Hastings (FL)
Israel
Meek (FL)
Souder
Tauzin
Weldon (PA)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶68.20 H. CON. RES. 460—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 460) regarding the security of Israel and the principles of peace in the Middle East.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 407; Nays ..... 9; Answered present 3 }

¶68.21 [Roll No. 290]

YEAS—407

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—9

Conyers
Dingell
Kilpatrick
Kucinich
Lee
Paul
Stark
Waters
Woolsey

ANSWERED "PRESENT"—3

Payne
Watson
Watt

NOT VOTING—14

Bereuter
Berman
Boucher
Carson (IN)
DeMint
Deutsch
Gephardt
Hastings (FL)
Israel
Kirk
Meek (FL)
Neugebauer
Tauzin
Weldon (PA)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶68.22 INTELLIGENCE AUTHORIZATION FY 2005

The SPEAKER pro tempore, Mr. TERRY, pursuant to House Resolution 686 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 4548) to authorize appropriations for fiscal year 2005 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The SPEAKER pro tempore, Mr. TERRY, by unanimous consent, designated Mr. SIMPSON as Chairman of the Committee of the Whole; and after some time spent therein,

¶68.23 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 3, as modified, submitted by Mr. BOEHLERT:

At the end of title III (page 11, after line 8), insert the following new section:

SEC. 304. SENSE OF CONGRESS ON THE DISMANTLING AND REMOVAL OF LIBYA'S WEAPONS OF MASS DESTRUCTION.

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

(1) Libya has been listed as a state sponsor of terrorism by the Department of State each year since 1979.

(2) A German court found the Libyan Government guilty of the East Berlin La Belle disco bombing of 1986, in which two US servicemen were killed.

(3) A Scottish court in January 2001 found a former Libyan official guilty of the 1988 bombing of Pan Am Flight 103.

(4) Libya received and deserved world's condemnations for these horrific acts against innocents.

(5) ''As a result of Libya's support for international terrorism and its destabilizing role in the international community, the United States maintained a comprehensive economic embargo on Libya for more than two decades, which was aided by multilateral sanctions imposed by United Nations Security Council Resolutions 731 and 742 in 1992, and which together hobbled the development of the Libyan economy.''

(6) In March 2003, while Coalition Forces were preparing to liberate Iraq, Libya once again quietly approached members of the intelligence services of the United States and United Kingdom and indicted a willingness to discuss Libya's weapons of mass destruction programs, as it had previously in the 1990's.

(7) On December 19, 2003, after nine months of intense negotiations, Libya publicly announced that it was prepared to eliminate all elements of its clandestine nuclear and chemical weapons programs.

(8) The United States, the United Kingdom, partners in the Proliferation Security Initiative and key arms control agencies, including the International Atomic Energy Agency (IAEA) and the Organization for the Prohibition of Chemical Weapons (OPCW), have worked in a multilateral and concerted fashion with Libya in an effort to completely dismantle Libya's weapons of mass destruction programs and the means to deliver them.

(9) Because of the hard work by the men and women of the intelligence community, United States policymakers were able to work successfully to convince Libya to relinquish its WMD programs.

(10) On January 27, 2004, a cargo plane flew from Libya to Knoxville, Tennessee, carrying 55,000 pounds of equipment and documents relating to Libya's nuclear weapons and missile programs.

(11) Documents relating to those programs indicate that Libya had purchased a virtual ''turnkey facility'' to produce parts for gas centrifuges together with assistance to assemble and test these centrifuges, and was otherwise attempting to develop a large uranium enrichment plant which could have produced enough fuel for several nuclear bombs a year.

(12) On January 24, 2004, Libya announced that it would accede to the Chemical Weapons Convention (CWC).

(13) On March 4, 2004, Libya submitted its Chemical Weapons Convention declaration, including a full declaration of its chemical weapons, an inventory of its production capacity, a description of any industrial activity that could be involved in making illegal weapons, and a plan for destroying any banned materials.

(14) All of Libya's known chemical munitions have since been destroyed and the country's stocks of mustard gas have been consolidated within a single secure facility under the supervision of the OPCW.

(15) On May 6, 2004, a cargo ship departed Libya for the United States carrying an additional 1,000 tons of weapons of mass destruction equipment, including centrifuge parts and components needed to enrich uranium, the Libyan uranium conversion facility and all associated equipment, five SCUD-C missiles and launchers, and two partial missiles.

(16) In testimony before the Committee on International Relations of the House of Representatives on May 10, 2004, Assistant Secretary of State for Verification and Compliance, Paula DeSutter, indicated that Libya had signed the additional protocol for the IAEA in Vienna and announced ''the complete dismantlement of Libya's longest range and most sophisticated missiles and the elimination of all of Libya's declared chemical munitions''.

(17) International inspectors and monitors are expected to remain on the ground with full cooperation from Libya to ensure that Libya possesses no biological weapons programs and that its weapons of mass destruction programs have been fully dismantled and or converted to civilian use.

(18) The United States and Libya currently are engaged in talks to enter a third phase of negotiations focused on follow-up, verification, and long-term monitoring to ensure that Libya's weapons of mass destruction programs and the means to deliver them have been completely dismantled, as well as plans for the retraining of Libyan scientists and technicians for peaceful work.

(19) Libya's cooperation with international inspectors and revelations about procurement networks have helped identify numerous black market suppliers in an ''international supermarket'' for nuclear parts and weapons designs that also has aided such countries as Iran, Syria, and North Korea.

(20) Other countries voluntarily have dismantled their weapons of mass destruction programs, but Libya is the first and only country on the Department of State's list of State Sponsors of Terrorism to do so.

(21) Libya's decision to shed it pariah status and divest itself of its weapons of mass destruction programs can be directly attributed to decades of United States and multilateral economic sanctions against Libya, the demonstrated resolve of the United States in the global war against terrorism, the liberation of Iraq by United States Armed Forces and Coalition Forces, and the adoption of policies in targeting and seizing shipments of such weapons.

(22) It is appropriate to pursue a policy of cautious and deliberate re-engagement with Libya based upon verifiable results, but the United States should not restore full diplomatic relations with Libya unless and until Libya has—

(A) agreed and submitted to comprehensive monitoring of the full dismantling of its weapons of mass destruction programs;

(B) severed all links to and support for acts of international terrorism;

(C) ceased all support for insurgency groups which have destabilized countries in Africa;

(D) demonstrated respect for human rights and the rule of law;

(E) implemented its pledge to cooperate in the further investigation of the destruction of Pan Am Flight 103; and

(F) settled all legal claims relating to past acts of international terrorism, including but not limited to the bombings of Pan Am Flight 103 and the La Belle Discotheque.

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

(1) the world has been made safer with the dismantling and removal of Libya's weapons of mass destruction and the means to deliver them;

(2) this would not have been possible if not for decades of United States and multilateral sanctions against Libya, the demonstrated resolve of the United States in the global war on terror and the liberation of Iraq by United States and Coalition Forces;

(3) the President and previous Administrations should be commended for having the courage to undertake those policies which persuaded Libya to agree to relinquish such weapons; and

(4) other countries such as Iran, Syria, and North Korea, should follow Libya's example, and voluntarily dismantle their weapons of mass destruction and submit their programs to international inspections.

It was decided in the affirmative ..... { Yeas ..... 335 / Nays 83

¶68.24 [Roll No. 291]

AYES—335

Ackerman
Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Majette
Manzullo
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Menendez
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner

Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Watson
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—83

Abercrombie
Allen
Baldwin
Becerra
Berkley
Blumenauer
Brown (OH)
Capps
Capuano
Conyers
Costello
Cummings
Davis (IL)
Delahunt
DeLauro
Doggett
Emanuel
Farr
Filner
Frank (MA)
Grijalva
Gutierrez
Hinchey
Honda
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Kanjorski
Kilpatrick
Kleczka
Kucinich
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lynch
Maloney
Markey
McCollum
McGovern
Meehan
Meeks (NY)
Michaud
Millender-McDonald
Miller, George
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pascrell
Pastor
Paul
Payne
Rahall
Roybal-Allard
Rush
Sabo
Sanders
Schakowsky
Scott (VA)
Serrano
Sherman
Slaughter
Solis
Stark
Strickland
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watt
Waxman
Woolsey

NOT VOTING—15

Bereuter
Berman
Buyer
Carson (IN)
Clay
DeMint
Deutsch
Gephardt
Hastings (FL)
Israel
McDermott
Moran (VA)
Rangel
Tauzin
Weiner

So the amendment was agreed to.

¶68.25 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4, submitted by Mr. Sam JOHNSON of Texas:

At the end of title III (page 11, after line 8), insert the following new section:

SEC. 304. SENSE OF CONGRESS THAT THE APPREHENSION, DETENTION, AND INTERROGATION OF TERRORISTS ARE FUNDAMENTAL TO THE SUCCESSFUL PROSECUTION OF THE GLOBAL WAR ON TERROR.

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

(1) Throughout the 1980s and 1990s, the people of the United States were too often brutalized again and again by deadly terrorist violence, as evidenced by the hundreds of American deaths in the Beirut and Lockerbie bombings, the attack on the World Trade Center in 1993, the destruction of the Khobar Towers military barracks, the bombing of the American embassies in Kenya and Tanzania, and the vicious attacks on the USS Cole in 2000.

(2) The terrorist violence targeted against the United States became more emboldened after each attack, culminating in the deadly attacks on the World Trade Center and the Pentagon on September 11, 2001, which killed thousands of innocent Americans, including innocent women and children.

(3) Since September 11, 2001, the citizens of the United States have remained the priority target of terrorist violence, with journalists and employees of non-governmental organizations being held hostage, tortured, and decapitated in the name of terror.

(4) Congress has authorized the President to use all necessary and appropriate means to defeat terrorism ; and on numerous occasions since September 11, 2001, and throughout the Global War on Terror, the interrogation of detainees has yielded valuable intelligence that has saved the lives of American military personnel and American citizens at home and abroad.

(5) The interrogation of detainees has also provided highly valuable insights into the structure of terrorist organizations, their target selection process, and the identities of key operational and logistical personnel that were previously unknown to the Intelligence Community.

(6) The lawful interrogation of detainees is consistent with the United States Constitution.

(7) The abuses against detainees documented at Abu Ghraib prison in Iraq were deplorable aberrations that were not part of United States policy and were not in keeping with the finest traditions of the United States military and the honorable men and women who serve.

(8) The loss of interrogation-derived information would have a disastrous effect on the Nation's intelligence collection and counterterrorism efforts and would constitute a damaging reversal in the Global War on Terror during this critical time.

(9) The apprehension, detention, and interrogation of terrorists are essential elements to successfully waging the Global War on Terror.

(10) The interrogation of detainees can and should continue by the United States within the bounds of the United States Constitution and the laws of the United States of America.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the apprehension, detention, and interrogation of terrorists are fundamental to the successful prosecution of the Global War on Terror.

It was decided in the affirmative { Yeas ..... 366 / Nays 51

¶68.26 [Roll No. 292]

AYES—366

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Issa
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Manzullo
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—51

Abercrombie
Baldwin
Blumenauer
Capuano
Conyers
Cummings
Delahunt
DeLauro
Dicks
Doggett
Farr
Filner
Frank (MA)
Grijalva
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kilpatrick
Kleczka
Kucinich
Larson (CT)
Lee
Levin
Lewis (GA)

Maloney
Markey
Matsui
McCollum
Millender-McDonald
Miller, George
Nadler
Owens
Pastor
Payne
Schakowsky
Scott (VA)
Serrano
Slaughter
Solis
Stark
Stupak
Tauscher
Thompson (CA)
Tierney
Velázquez
Waters
Watson
Watt
Woolsey

NOT VOTING—16

Bereuter
Berman
Buyer
Carson (IN)
Clay
DeMint
Deutsch
Gephardt
Hastings (FL)
Israel
Linder
McDermott
Moran (VA)
Rangel
Tauzin
Weiner

So the amendment was agreed to.

¶68.27 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 5, submitted by Mr. ROGERS of Michigan:

At the end of title III (page 11, after line 8), insert the following new section:

SEC. 304. SENSE OF CONGRESS ON SUPPORT FOR THE EFFORTS OF THE INTELLIGENCE COMMUNITY.

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

(1) The men and women of the intelligence community are the backbone of the Nation's efforts to gather and collect the intelligence which is vital to the national security of the United States.

(2) The men and women of the intelligence community are great patriots who perform their jobs without fan fair and all too often without receiving the proper credit.

(3) The men and women of the intelligence community are combating vastly different threats to the Nation's security compared to their Cold War colleagues.

(4) Threats to the United States have evolved through the use of technology and non-state actions, demanding alternatives to traditional diplomatic actions.

(5) The 1995 ''Deutch Guidelines'' regarding the recruitment of foreign assets impeded human intelligence collection efforts and contributed to the creation of a risk averse environment. Despite repeated efforts by the intelligence oversight committees of Congress to convince the Director of Central Intelligence to drop the guidelines, these guidelines stood until formally repealed in 2001 by an Act of Congress.

(6) The President's budget request for the intelligence community fell by 11 percent from 1993 to 1995.

(7) Congress cut the President's budget request for the intelligence community each year from 1992 through 1994.

(8) The cutbacks in resources and political support during the middle of the previous decade has caused nearly irreversible damage.

(9) Widespread risk aversion in clandestine HUMINT collection and intelligence analysis resulted from lack of resources and, more importantly, of political support for the mission during the middle of the previous decade.

(10) Unnecessarily cumbersome legal impediments to the clandestine HUMINT collection mission were raised during the middle of the previous decade, leaving our intelligence officers unable to penetrate legitimate target organizations, such as terrorist groups.

(11) Congress and the current President have worked cooperatively to restore funding, personnel levels, and political support for intelligence.

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

(1) the intelligence community should be revitalized by investing in the missions, people, and capabilities of the community; and

(2) the efforts of the men and women of the intelligence community should be recognized and commended.

It was decided in the affirmative { Yeas ..... 222 / Nays ..... 195 }

¶68.28 [Roll No. 293]

AYES—222

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

NOES—195

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chandler
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Wexler
Woolsey
Wu
Wynn

NOT VOTING—16

Bereuter
Berman
Buyer
Carson (IN)
Clay
DeMint
Deutsch
Gephardt
Hastings (FL)
Israel
Kolbe
McDermott
Moran (VA)
Rangel
Tauzin
Weiner

So the amendment was agreed to.

¶68.29 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 7, submitted by Mr. SHAYS:

At the end of title III (page 11, after line 8), insert the following new section:

SEC. 304. SENSE OF CONGRESS.

It is the Sense of Congress that the head of each element of the intelligence community, including the Central Intelligence Agency, the Federal Bureau of Investigation, and the intelligence elements of the Department of Defense, the Department of State, and the Department of the Treasury should make available upon a request from a committee of Congress with jurisdiction over matters relating to the Office of the Iraq Oil-for-Food Program of the United Nations, any information and documents in the possession or control of such element in connection with any investigation of that Office by such a committee.

It was decided in the affirmative ..... { Yeas ..... 419 / Nays ..... 0 }

¶68.30 [Roll No. 294]

AYES—419

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—14

Bereuter
Berman
Buyer
Carson (IN)
Clay
DeMint
Deutsch
Gephardt
Hastings (FL)
Israel
McDermott
Rangel
Tauzin
Weiner

So the amendment was agreed to.

¶68.31 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 8, submitted by Mr. KUCINICH:

At the end of title III (page 11, after line 8), insert the following new section:

SEC. 304. INSPECTOR GENERAL REPORT ON EVIDENCE OF RELATIONSHIP BETWEEN SADDAM HUSSEIN AND AL-QAEDA.

(a) AUDIT.—The Inspector General of the Central Intelligence Agency shall conduct an audit of the evidence of any relationship, existing before September 11, 2001, between the regime of Saddam Hussein and al-Qaeda, referenced in all intelligence reporting of the Central Intelligence Agency, including products, briefings and memoranda, distributed to the White House and Congress.

(b) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Inspector General shall submit to Congress a report on the audit conducted under subsection (a).

It was decided in the affirmative ..... { Yeas ..... 343 / Nays ..... 76 }

¶68.32 [Roll No. 295]

AYES—343

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Bachus
Baldwin
Bartlett (MD)
Bass
Beauprez
Becerra
Bell
Berkley
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hayes
Hayworth
Hefley
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hoyer
Hulshof
Inslee
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
Kirk
Kleczka
Kline
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McGovern
McHugh
McInnis
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sessions
Shays
Sherman
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi

Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—76

Aderholt
Akin
Baird
Baker
Ballenger
Barrett (SC)
Barton (TX)
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Brady (TX)
Burgess
Cannon
Cantor
Carter
Collins
Culberson
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Everett
Feeney
Flake
Fossella
Franks (AZ)
Garrett (NJ)
Granger
Hart
Hastings (WA)
Hensarling
Herger
Hostettler
Houghton
Hunter
Hyde
Jenkins
Johnson, Sam
Kelly
King (NY)
Kingston
Knollenberg
Lewis (KY)
Lucas (OK)
McCrery
McKeon
Mica
Miller (MI)
Murphy
Musgrave
Neugebauer
Oxley
Petri
Putnam
Radanovich
Rogers (AL)
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Shadegg
Shaw
Sherwood
Souder
Tancredo
Taylor (NC)
Thornberry
Wamp
Weldon (FL)
Whitfield
Wilson (SC)

NOT VOTING—14

Bereuter
Berman
Buyer
Carson (IN)
Clay
DeMint
Deutsch
Gephardt
Hastings (FL)
Israel
McDermott
Rangel
Tauzin
Weiner

So the amendment was agreed to.

¶68.33 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 9, submitted by Mr. SIMMONS:

At the end of title III (page 11, after line 8), insert the following new section:

SEC. 304. REPORT ON USE OF OPEN SOURCE INTELLIGENCE.

Not later than 6 months after the date of the enactment of this Act, the Director of Central Intelligence shall submit to Congress an unclassified report on progress made by the intelligence community with respect to the use of Open Source Intelligence (OSINT).

It was decided in the affirmative ..... { Yeas ..... 417 / Nays 1

¶68.34 [Roll No. 296]

AYES—417

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—1

Abercrombie

NOT VOTING—15

Bereuter
Berman
Buyer
Carson (IN)
Clay
DeMint
Deutsch
Gephardt
Hastings (FL)
Israel
McDermott
Rangel
Tauzin
Terry
Weiner

So the amendment was agreed to.

¶68.35 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 10, submitted by Mr. REYES:

At the end of title III, insert the following new section:

SEC. 304. REQUIREMENT FOR IMMEDIATE SUBMITTAL OF DOCUMENTS RELATING TO DETAINEES OF THE UNITED STATES.

(a) WITHHOLDING OF 25 PERCENT OF FUNDING FOR CERTAIN PROGRAMS.—25 percent of amounts otherwise available to carry out the functions or duties under the following programs may not be obligated or expended until the date on which all of the documents described in subsection (b) are submitted to the appropriate congressional committees:

(1) The Central Intelligence Agency Program.

(2) The Army Tactical Intelligence and Related Activities Program.

(3) The General Defense Intelligence Program.

(4) The Joint Military Intelligence Program.

(b) DOCUMENTS DESCRIBED.—The documents referred to in subsection (a) are all documents, including reports, correspondence, legal memoranda, and electronic communications related to the handling and treatment of detainees under the custody and control of the United States or individuals held on behalf of the United States in Iraq, Afghanistan, Guantanamo Bay, Cuba, and elsewhere.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ''appropriate congressional committees'' means the following:

(1) The Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

(2) The Permanent Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

It was decided in the negative ..... { Yeas ..... 149 / Nays 270

¶68.36 [Roll No. 297]

AYES—149

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Becerra
Bell
Berry
Bishop (GA)
Blumenauer
Brady (PA)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Clyburn
Conyers
Cramer
Crowley

Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kilpatrick
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCollum
McGovern
McIntyre
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mollohan
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Rahall
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Solis
Stark
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—270

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

NOT VOTING—14

Bereuter
Berman
Buyer
Carson (IN)
Clay
DeMint
Deutsch
Gephardt
Hastings (FL)
Israel
McDermott
Rangel
Tauzin
Weiner

So the amendment was not agreed to.

The SPEAKER pro tempore, Mr. ISAKSON, assumed the Chair.

When Mr. SIMPSON, Chairman, pursuant to House Resolution 686, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

Ms. HARMAN demanded a separate vote on the amendment numbered 4, on page 11, after line 8, the Sam JOHNSON of Texas amendment.

The question being put, viva voce,

Will the House agree to the following amendment numbered 4 of Sam JOHNSON of Texas on which a separate vote had been demanded?

At the end of title III (page 11, after line 8), insert the following new section:

SEC. 304. SENSE OF CONGRESS THAT THE APPREHENSION, DETENTION, AND INTERROGATION OF TERRORISTS ARE FUNDAMENTAL TO THE SUCCESSFUL PROSECUTION OF THE GLOBAL WAR ON TERROR.

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

(1) Throughout the 1980s and 1990s, the people of the United States were too often brutalized again and again by deadly terrorist violence, as evidenced by the hundreds of American deaths in the Beirut and Lockerbie bombings, the attack on the World Trade Center in 1993, the destruction of the Khobar Towers military barracks, the bombing of the American embassies in Kenya and Tanzania, and the vicious attacks on the USS Cole in 2000.

(2) The terrorist violence targeted against the United States became more emboldened after each attack, culminating in the deadly attacks on the World Trade Center and the Pentagon on September 11, 2001, which killed thousands of innocent Americans, including innocent women and children.

(3) Since September 11, 2001, the citizens of the United States have remained the priority target of terrorist violence, with journalists and employees of non-governmental organizations being held hostage, tortured, and decapitated in the name of terror.

(4) Congress has authorized the President to use all necessary and appropriate means to defeat terrorism ; and on numerous occasions since September 11, 2001, and throughout the Global War on Terror, the interrogation of detainees has yielded valuable intelligence that has saved the lives of American military personnel and American citizens at home and abroad.

(5) The interrogation of detainees has also provided highly valuable insights into the structure of terrorist organizations, their target selection process, and the identities of key operational and logistical personnel that were previously unknown to the Intelligence Community.

(6) The lawful interrogation of detainees is consistent with the United States Constitution.

(7) The abuses against detainees documented at Abu Ghraib prison in Iraq were deplorable aberrations that were not part of United States policy and were not in keeping with the finest traditions of the United States military and the honorable men and women who serve.

(8) The loss of interrogation-derived information would have a disastrous effect on the Nation's intelligence collection and counterterrorism efforts and would constitute a damaging reversal in the Global War on Terror during this critical time.

(9) The apprehension, detention, and interrogation of terrorists are essential elements to successfully waging the Global War on Terror.

(10) The interrogation of detainees can and should continue by the United States within the bounds of the United States Constitution and the laws of the United States of America.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the apprehension, detention, and interrogation of terrorists are fundamental to the successful prosecution of the Global War on Terror.

The SPEAKER pro tempore, Mr. ISAKSON, announced that the ayes had it.

Ms. HARMAN demanded a recorded vote on agreeing to said amendment, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 304 / Nays 116

¶68.37 [Roll No. 298]

AYES—304

Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)

Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Etheridge
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hobson
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOES—116

Abercrombie
Ackerman
Allen
Baldwin
Becerra
Berkley
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Clyburn
Conyers
Costello
Cummings
Davis (AL)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Emanuel
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Grijalva
Gutierrez
Harman
Hinchey
Hinojosa
Hoeffel
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kilpatrick
Kleczka
Kucinich
Langevin
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCollum
McGovern
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pastor
Payne
Pelosi
Rahall
Rodriguez
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Scott (VA)
Serrano
Slaughter
Solis
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wynn

NOT VOTING—14

Bereuter
Berman
Buyer
Carson (IN)
Clay
DeMint
Deutsch
Fossella
Gephardt
Hastings (FL)
Israel
McDermott
Rangel
Tauzin

So the amendment was agreed to.

The following amendment reported from the Committee of the Whole House on the State of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Intelligence Authorization Act for Fiscal Year 2005''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified schedule of authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Intelligence Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence activities.
Sec. 303. Assistant Director of Central Intelligence for Information Management.
Sec. 304. Reports on Pakistani efforts to curb proliferation of weapons of mass destruction and to fight terrorism.
Sec. 305. Sense of Congress on the dismantling and removal of Libya's weapons of mass destruction.
Sec. 306. Sense of Congress that the apprehension, detention, and interrogation of terrorists are fundamental to the successful prosecution of the global war on terror.
Sec. 307. Sense of Congress on support for the efforts of the intelligence community.
Sec. 308. Sense of Congress.
Sec. 309. Inspector general report on evidence of relationship between Saddam Hussein and al-Qaeda.
Sec. 310. Report on use of open source intelligence.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

Sec. 401. Permanent extension of Central Intelligence Agency voluntary separation incentive program.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

Sec. 501. National Security Agency Emerging Technologies Panel.

TITLE VI—EDUCATION

Subtitle A—National Security Education Program

Sec. 601. Provision for annual funding.
Sec. 602. Modification of obligated service requirements under the National Security Education Program.
Sec. 603. Improvements to the National Flagship Language Initiative.
Sec. 604. Establishment of scholarship program for English language studies for heritage community citizens of the United States within the National Security Education Program.

Subtitle B—Improvement in Intelligence Community Foreign Language Skills

Sec. 611. Assistant Director of Central Intelligence for Language and Education.
Sec. 612. Requirement for foreign language proficiency for advancement to certain senior level positions in the intelligence community.
Sec. 613. Advancement of foreign languages critical to the intelligence community.
Sec. 614. Pilot project for Civilian Linguist Reserve Corps.
Sec. 615. Codification of establishment of the National Virtual Translation Center.
Sec. 616. Report on recruitment and retention of qualified instructors of the Defense Language Institute.

TITLE VII—REFORM OF DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS

Sec. 701. Designation of foreign terrorist organizations.
Sec. 702. Inclusion in annual Department of State country reports on terrorism of information on terrorist groups that seek weapons of mass destruction and groups that have been designated as foreign terrorist organizations.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2005 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.
(2) The Department of Defense.
(3) The Defense Intelligence Agency.
(4) The National Security Agency.
(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
(6) The Department of State.
(7) The Department of the Treasury.
(8) The Department of Energy.
(9) The Department of Justice.
(10) The Federal Bureau of Investigation.
(11) The National Reconnaissance Office.
(12) The National Geospatial-Intelligence Agency.
(13) The Coast Guard.
(14) The Department of Homeland Security.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2005, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those

specified in the classified Schedule of Authorizations prepared to accompany the bill H.R. 4548 of the One Hundred Eighth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2005 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall notify promptly the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever the Director exercises the authority granted by this section.

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of Central Intelligence for fiscal year 2005 the sum of $318,395,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2006.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of Central Intelligence are authorized 310 full-time personnel as of September 30, 2005. Personnel serving in such elements may be permanent employees of the Intelligence Community Management Account or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are also authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2005 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for research and development shall remain available until September 30, 2006.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2005, there are also authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2005 any officer or employee of the United States or a member of the Armed Forces who is detailed to the staff of the Intelligence Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

(e) NATIONAL DRUG INTELLIGENCE CENTER.—

(1) IN GENERAL.—Of the amount authorized to be appropriated in subsection (a), $37,811,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, testing, and evaluation purposes shall remain available until September 30, 2006, and funds provided for procurement purposes shall remain available until September 30, 2007.

(2) TRANSFER OF FUNDS.—The Director of Central Intelligence shall transfer to the Attorney General funds available for the National Drug Intelligence Center under paragraph (1). The Attorney General shall utilize funds so transferred for the activities of the National Drug Intelligence Center.

(3) LIMITATION.—Amounts available for the National Drug Intelligence Center may not be used in contravention of the provisions of section 103(d)(1) of the National Security Act of 1947 (50 U.S.C. 403–3(d)(1)).

(4) AUTHORITY.—Notwithstanding any other provision of law, the Attorney General shall retain full authority over the operations of the National Drug Intelligence Center.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2005 the sum of $239,400,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. ASSISTANT DIRECTOR OF CENTRAL INTELLIGENCE FOR INFORMATION MANAGEMENT.

(a) ESTABLISHMENT OF POSITION WITHIN THE OFFICE OF THE DIRECTOR OF CENTRAL INTELLIGENCE.—Subsection (e)(2) of section 102 of the National Security Act of 1947 (50 U.S.C. 403) is amended—

(1) by striking subparagraph (G); and

(2) by inserting after subparagraph (F) the following new subparagraph (G):

''(G) The Assistant Director of Central Intelligence for Information Management.''.

(b) DUTIES.—Section 102 of such Act (50 U.S.C. 403) is amended—

(1) by striking subsection (h); and

(2) by inserting after subsection (g) the following new subsection (h):

''(h) ASSISTANT DIRECTOR OF CENTRAL INTELLIGENCE FOR INFORMATION MANAGEMENT.—(1) To assist the Director of Central Intelligence in carrying out the Director's responsibilities under this Act, there shall be an Assistant Director of Central Intelligence for Information Management who shall be appointed by the President, by and with the advice and consent of the Senate. The Assistant Director of Central Intelligence for Information Management is the chief information officer of the intelligence community.

''(2) Subject to the direction of the Director of Central Intelligence, the Assistant Director of Central Intelligence for Information Management shall—

''(A) manage activities relating to the information technology infrastructure and enterprise architecture requirements of the intelligence community;

''(B) have procurement approval authority over all information technology items related to the enterprise architectures of all intelligence community components;

''(C) direct and manage all information technology-related procurement for the intelligence community; and

''(D) ensure that all expenditures for information technology and research and development activities are consistent with the intelligence community enterprise architecture and the strategy of the Director of Central Intelligence for such architecture.

''(3) An individual serving in the position of Assistant Director of Central Intelligence for Information Management may not, while so serving, serve as the chief information officer of any other agency or department, or component thereof, of the United States.''.

(c) REFERENCES.—Any reference to the Assistant Director of Central Intelligence for Administration in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to the Assistant Director of Central Intelligence for Information Management.

SEC. 304. REPORTS ON PAKISTANI EFFORTS TO CURB PROLIFERATION OF WEAPONS OF MASS DESTRUCTION AND TO FIGHT TERRORISM.

(a) IN GENERAL.—The Director of Central Intelligence shall submit to the appropriate committees of Congress classified reports on the following matters:

(1) The efforts by the Government of Pakistan, or individuals or entities in Pakistan, to acquire or transfer weapons of mass destruction and related technologies, or missile equipment and technology, to any other nation, entity, or individual.

(2) The steps taken by the Government of Pakistan to combat proliferation of weapons of mass destruction and related technologies.

(3) The steps taken by the Government of Pakistan to safeguard nuclear weapons and related technologies in the possession of the Government of Pakistan.

(4) The size of the stockpile of fissile material of the Government of Pakistan and whether any additional fissile material has been produced.

(5) The efforts by the Government of Pakistan to fight Al Qaeda and the Taliban as well as to dismantle terrorist networks operating inside of Pakistan.

(6) The efforts by the Government of Pakistan to establish and strengthen democratic institutions in Pakistan.

(b) DEADLINE FOR SUBMITTAL OF REPORTS.—(1) The Director of Central Intelligence shall submit the first report required under subsection (a) not later than 90 days after the date of the enactment of this Act.

(2) The Director shall submit subsequent reports required under subsection (a) on April 1 of 2005, 2006, 2007, 2008, and 2009.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means the following:

(A) The Committee on Appropriations, the Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Foreign Relations of the Senate.

(B) The Committee on Appropriations, the Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Committee on International Relations of the House of Representatives.

(2) WEAPONS OF MASS DESTRUCTION.—The term ''weapons of mass destruction'' has the meaning given such term in section 1403(1) of the Defense Against Weapons of Mass Destruction Act of 1996. (Public Law 104–201).

(3) MISSILE EQUIPMENT AND TECHNOLOGY.—The term ''missile equipment and technology'' has the meaning given such term in section 74(a)(5) of the Arms Export Control Act (22 U.S.C. 2797c(a)(5)).

SEC. 305. SENSE OF CONGRESS ON THE DISMANTLING AND REMOVAL OF LIBYA'S WEAPONS OF MASS DESTRUCTION.

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

(1) Libya has been listed as a state sponsor of terrorism by the Department of State each year since 1979.

(2) A German court found the Libyan Government guilty of the East Berlin La Belle disco bombing of 1986, in which two US servicemen were killed.

(3) A Scottish court in January 2001 found a former Libyan official guilty of the 1988 bombing of Pan Am Flight 103.

(4) Libya received and deserved world's condemnations for these horrific acts against innocents.

(5) As a result of Libya's support for international terrorism and its destabilizing role in the international community, the United States maintained a comprehensive economic embargo on Libya for more than two decades, which was aided by multilateral sanctions imposed by United Nations Security Council Resolutions 731 and 742 in 1992, and which together hobbled the development of the Libyan economy.

(6) In March 2003, while Coalition Forces were preparing to liberate Iraq, Libya once again quietly approached members of the intelligence services of the United States and United Kingdom and indicted a willingness to discuss Libya's weapons of mass destruction programs, as it had previously in the 1990's.

(7) On December 19, 2003, after nine months of intense negotiations, Libya publicly announced that it was prepared to eliminate all elements of its clandestine nuclear and chemical weapons programs.

(8) The United States, the United Kingdom, partners in the Proliferation Security Initiative and key arms control agencies, including the International Atomic Energy Agency (IAEA) and the Organization for the Prohibition of Chemical Weapons (OPCW), have worked in a multilateral and concerted fashion with Libya in an effort to completely dismantle Libya's weapons of mass destruction programs and the means to deliver them.

(9) Because of the hard work by the men and women of the intelligence community, United States policymakers were able to work successfully to convince Libya to relinquish its WMD programs.

(10) On January 27, 2004, a cargo plane flew from Libya to Knoxville, Tennessee, carrying 55,000 pounds of equipment and documents relating to Libya's nuclear weapons and missile programs.

(11) Documents relating to those programs indicate that Libya had purchased a virtual ''turnkey facility'' to produce parts for gas centrifuges together with assistance to assemble and test these centrifuges, and was otherwise attempting to develop a large uranium enrichment plant which could have produced enough fuel for several nuclear bombs a year.

(12) On January 24, 2004, Libya announced that it would accede to the Chemical Weapons Convention (CWC).

(13) On March 4, 2004, Libya submitted its Chemical Weapons Convention declaration, including a full declaration of its chemical weapons, an inventory of its production capacity, a description of any industrial activity that could be involved in making illegal weapons, and a plan for destroying any banned materials.

(14) All of Libya's known chemical munitions have since been destroyed and the country's stocks of mustard gas have been consolidated within a single secure facility under the supervision of the OPCW.

(15) On May 6, 2004, a cargo ship departed Libya for the United States carrying an additional 1,000 tons of weapons of mass destruction equipment, including centrifuge parts and components needed to enrich uranium, the Libyan uranium conversion facility and all associated equipment, five SCUD-C missiles and launchers, and two partial missiles.

(16) In testimony before the Committee on International Relations of the House of Representatives on May 10, 2004, Assistant Secretary of State for Verification and Compliance, Paula DeSutter, indicated that Libya had signed the additional protocol for the IAEA in Vienna and announced ''the complete dismantlement of Libya's longest range and most sophisticated missiles and the elimination of all of Libya's declared chemical munitions''.

(17) International inspectors and monitors are expected to remain on the ground with full cooperation from Libya to ensure that Libya possesses no biological weapons programs and that its weapons of mass destruction programs have been fully dismantled and or converted to civilian use.

(18) The United States and Libya currently are engaged in talks to enter a third phase of negotiations focused on follow-up, verification, and long-term monitoring to ensure that Libya's weapons of mass destruction programs and the means to deliver them have been completely dismantled, as well as plans for the retraining of Libyan scientists and technicians for peaceful work.

(19) Libya's cooperation with international inspectors and revelations about procurement networks have helped identify numerous black market suppliers in an ''international supermarket'' for nuclear parts and weapons designs that also has aided such countries as Iran, Syria, and North Korea.

(20) Other countries voluntarily have dismantled their weapons of mass destruction programs, but Libya is the first and only country on the Department of State's list of State Sponsors of Terrorism to do so.

(21) Libya's decision to shed it pariah status and divest itself of its weapons of mass destruction programs can be directly attributed to decades of United States and multilateral economic sanctions against Libya, the demonstrated resolve of the United States in the global war against terrorism, the liberation of Iraq by United States Armed Forces and Coalition Forces, and the adoption of policies in targeting and seizing shipments of such weapons.

(22) It is appropriate to pursue a policy of cautious and deliberate re-engagement with Libya based upon verifiable results, but the United States should not restore full diplomatic relations with Libya unless and until Libya has—

(A) agreed and submitted to comprehensive monitoring of the full dismantling of its weapons of mass destruction programs;

(B) severed all links to and support for acts of international terrorism;

(C) ceased all support for insurgency groups which have destabilized countries in Africa;

(D) demonstrated respect for human rights and the rule of law;

(E) implemented its pledge to cooperate in the further investigation of the destruction of Pan Am Flight 103; and

(F) settled all legal claims relating to past acts of international terrorism, including but not limited to the bombings of Pan Am Flight 103 and the La Belle Discotheque.

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

(1) the world has been made safer with the dismantling and removal of Libya's weapons of mass destruction and the means to deliver them;

(2) this would not have been possible if not for decades of United States and multilateral sanctions against Libya, the demonstrated resolve of the United States in the global war on terror, and in the liberation of Iraq by United States and Coalition Forces;

(3) the President and previous Administrations should be commended for having the courage to undertake those policies which persuaded Libya to agree to relinquish such weapons; and

(4) other countries such as Iran, Syria, and North Korea, should follow Libya's example, and voluntarily dismantle their weapons of mass destruction and submit their programs to international inspections.

SEC. 306. SENSE OF CONGRESS THAT THE APPREHENSION, DETENTION, AND INTERROGATION OF TERRORISTS ARE FUNDAMENTAL TO THE SUCCESSFUL PROSECUTION OF THE GLOBAL WAR ON TERROR.

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

(1) Throughout the 1980s and 1990s, the people of the United States were too often brutalized again and again by deadly terrorist violence, as evidenced by the hundreds of American deaths in the Beirut and Lockerbie bombings, the attack on the World Trade Center in 1993, the destruction of the Khobar Towers military barracks, the bombing of the American embassies in Kenya and Tanzania, and the vicious attacks on the USS Cole in 2000.

(2) The terrorist violence targeted against the United States became more emboldened after each attack, culminating in the deadly attacks on the World Trade Center and the Pentagon on September 11, 2001, which killed thousands of innocent Americans, including innocent women and children.

(3) Since September 11, 2001, the citizens of the United States have remained the priority target of terrorist violence, with journalists and employees of non-governmental organizations being held hostage, tortured, and decapitated in the name of terror.

(4) Congress has authorized the President to use all necessary and appropriate means to defeat terrorism ; and on numerous occasions since September 11, 2001, and throughout the Global War on Terror, the interrogation of detainees has yielded valuable intelligence that has saved the lives of American military personnel and American citizens at home and abroad.

(5) The interrogation of detainees has also provided highly valuable insights into the structure of terrorist organizations, their target selection process, and the identities of key operational and logistical personnel that were previously unknown to the Intelligence Community.

(6) The lawful interrogation of detainees is consistent with the United States Constitution.

(7) The abuses against detainees documented at Abu Ghraib prison in Iraq were deplorable aberrations that were not part of United States policy and were not in keeping with the finest traditions of the United States military and the honorable men and women who serve.

(8) The loss of interrogation-derived information would have a disastrous effect on the Nation's intelligence collection and counterterrorism efforts and would constitute a damaging reversal in the Global War on Terror during this critical time.

(9) The apprehension, detention, and interrogation of terrorists are essential elements to successfully waging the Global War on Terror.

(10) The interrogation of detainees can and should continue by the United States within the bounds of the United States Constitution

and the laws of the United States of America.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the apprehension, detention, and interrogation of terrorists are fundamental to the successful prosecution of the Global War on Terror.

SEC. 307. SENSE OF CONGRESS ON SUPPORT FOR THE EFFORTS OF THE INTELLIGENCE COMMUNITY.

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

(1) The men and women of the intelligence community are the backbone of the Nation's efforts to gather and collect the intelligence which is vital to the national security of the United States.

(2) The men and women of the intelligence community are great patriots who perform their jobs without fan fair and all too often without receiving the proper credit.

(3) The men and women of the intelligence community are combating vastly different threats to the Nation's security compared to their Cold War colleagues.

(4) Threats to the United States have evolved through the use of technology and non-state actions, demanding alternatives to traditional diplomatic actions.

(5) The 1995 ''Deutch Guidelines'' regarding the recruitment of foreign assets impeded human intelligence collection efforts and contributed to the creation of a risk averse environment. Despite repeated efforts by the intelligence oversight committees of Congress to convince the Director of Central Intelligence to drop the guidelines, these guidelines stood until formally repealed in 2001 by an Act of Congress.

(6) The President's budget request for the intelligence community fell by 11 percent from 1993 to 1995.

(7) Congress cut the President's budget request for the intelligence community each year from 1992 through 1994.

(8) The cutbacks in resources and political support during the middle of the previous decade has caused nearly irreversible damage.

(9) Widespread risk aversion in clandestine HUMINT collection and intelligence analysis resulted from lack of resources and, more importantly, of political support for the mission during the middle of the previous decade.

(10) Unnecessarily cumbersome legal impediments to the clandestine HUMINT collection mission were raised during the middle of the previous decade, leaving our intelligence officers unable to penetrate legitimate target organizations, such as terrorist groups.

(11) Congress and the current President have worked cooperatively to restore funding, personnel levels, and political support for intelligence.

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

(1) the intelligence community should be revitalized by investing in the missions, people, and capabilities of the community; and

(2) the efforts of the men and women of the intelligence community should be recognized and commended.

SEC. 308. SENSE OF CONGRESS.

It is the Sense of Congress that the head of each element of the intelligence community, including the Central Intelligence Agency, the Federal Bureau of Investigation, and the intelligence elements of the Department of Defense, the Department of State, and the Department of the Treasury should make available upon a request from a committee of Congress with jurisdiction over matters relating to the Office of the Iraq Oil-for-Food Program of the United Nations, any information and documents in the possession or control of such element in connection with any investigation of that Office by such a committee.

SEC. 309. INSPECTOR GENERAL REPORT ON EVIDENCE OF RELATIONSHIP BETWEEN SADDAM HUSSEIN AND AL-QAEDA.

(a) AUDIT.—The Inspector General of the Central Intelligence Agency shall conduct an audit of the evidence of any relationship, existing before September 11, 2001, between the regime of Saddam Hussein and al-Qaeda, referenced in all intelligence reporting of the Central Intelligence Agency, including products, briefings and memoranda, distributed to the White House and Congress.

(b) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Inspector General shall submit to Congress a report on the audit conducted under subsection (a).

SEC. 310. REPORT ON USE OF OPEN SOURCE INTELLIGENCE.

Not later than 6 months after the date of the enactment of this Act, the Director of Central Intelligence shall submit to Congress an unclassified report on progress made by the intelligence community with respect to the use of Open Source Intelligence (OSINT).

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. PERMANENT EXTENSION OF CENTRAL INTELLIGENCE AGENCY VOLUNTARY SEPARATION INCENTIVE PROGRAM.

(a) EXTENSION OF PROGRAM.—Section 2 of the Central Intelligence Agency Voluntary Separation Pay Act (50 U.S.C. 403–4 note) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

(b) TERMINATION OF FUNDS REMITTANCE REQUIREMENT.—(1) Section 2 of such Act (50 U.S.C. 403–4 note) is further amended by striking subsection (i).

(2) Section 4(a)(2)(B)(ii) of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 8331 note) is amended by striking '', or section 2 of the Central Intelligence Agency Voluntary Separation Pay Act (Public Law 103–36; 107 Stat. 104)''.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 501. NATIONAL SECURITY AGENCY EMERGING TECHNOLOGIES PANEL.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following new section:

''SEC. 19. (a) There is established the National Security Agency Emerging Technologies Panel. The panel is a standing panel of the National Security Agency. The panel shall be appointed by, and shall report directly to, the Director.

''(b) The National Security Agency Emerging Technologies Panel shall study and assess, and periodically advise the Director on, the research, development, and application of existing and emerging science and technology advances, advances on encryption, and other topics.

''(c) The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the National Security Agency Emerging Technologies Panel.''.

TITLE VI—EDUCATION

Subtitle A—National Security Education Program

SEC. 601. PROVISION FOR ANNUAL FUNDING.

(a) IN GENERAL.—Title VIII of the Intelligence Authorization Act for Fiscal Year 1992 (Public Law 102–183; 105 Stat. 1271), as amended by section 311(c) of the Intelligence Authorization Act for Fiscal Year 1994 (Public Law 103–178; 107 Stat. 2037), is amended by adding at the end of section 810 the following new subsection:

''(c) FUNDING FROM INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT FOR FISCAL YEARS BEGINNING WITH FISCAL YEAR 2005.—In addition to amounts that may be made available to the Secretary under the Fund for a fiscal year, the Director of Central Intelligence shall transfer to the Secretary from amounts appropriated for the Intelligence Community Management Account for each fiscal year, beginning with fiscal year 2005, $8,000,000, to carry out the scholarship, fellowship, and grant programs under subparagraphs (A), (B), and (C), respectively, of section 802(a)(1).''.

(b) CONFORMING AMENDMENT.—Section 802(a)(2) of such Act (50 U.S.C. 1902(a)(2)) is amended in the matter preceding subparagraph (A) by inserting ''or from a transfer under section 810(c)'' after ''National Security Education Trust Fund''.

SEC. 602. MODIFICATION OF OBLIGATED SERVICE REQUIREMENTS UNDER THE NATIONAL SECURITY EDUCATION PROGRAM.

(a) IN GENERAL.—Subsection (b)(2) of section 802 of title VIII of the Intelligence Authorization Act for Fiscal Year 1992 (Public Law 102–183; 105 Stat. 1273), as amended by section 925(a) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1578), is amended by striking subparagraphs (A) and (B), and inserting the following:

''(A) in the case of a recipient of a scholarship, as soon as practicable but in no case later than three years after the completion by the recipient of the study for which scholarship assistance was provided under the program, the recipient shall work for a period of one year—

''(i) in a national security position that the Secretary certifies is appropriate to use the unique language and region expertise acquired by the recipient pursuant to such study in the Department of Defense, in any element of the intelligence community, in the Department of Homeland Security, or in the Department of State; or

''(ii) in such a position in any other Federal department or agency not referred to in clause (i) if the recipient demonstrates to the Secretary that no position is available in a Federal department or agency specified in clause (i); or

''(B) in the case of a recipient of a fellowship, as soon as practicable but in no case later than two years after the completion by the recipient of the study for which fellowship assistance was provided under the program, the recipient shall work for a period equal to the duration of assistance provided under the program, but in no case less than one year—

''(i) in a position described in subparagraph (A)(i) that the Secretary certifies is appropriate to use the unique language and region expertise acquired by the recipient pursuant to such study; or

''(ii) in such a position in any other Federal department or agency not referred to in clause (i) if the recipient demonstrates to the Secretary that no position is available in a Federal department or agency specified in clause (i); and''.

(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out the amendment made by subsection (a). In prescribing such regulations, the Secretary shall establish standards that recipients of scholarship and fellowship assistance under the program under such section 802 are required to demonstrate to satisfy the requirement of a good faith effort to gain employment as required under subparagraphs (A) and (B) of subsection (b)(2) of such section.

(c) APPLICABILITY.—(1) The amendment made by subsection (a) shall apply with respect to service agreements entered into under the David L. Boren National Security Education Act of 1991 on or after the date of the enactment of this Act.

(2) The amendment made by subsection (a) shall not affect the force, validity, or terms of any service agreement entered into under the David L. Boren National Security Education Act of 1991 before the date of the enactment of this Act that is in force as of that date.

SEC. 603. IMPROVEMENTS TO THE NATIONAL FLAGSHIP LANGUAGE INITIATIVE.

(a) INCREASE IN ANNUAL FUNDING.—Title VIII of the Intelligence Authorization Act for Fiscal Year 1992 (Public Law 102–183; 105 Stat. 1271), as amended by section 311(c) of the Intelligence Authorization Act for Fiscal Year 1994 (Public Law 103–178; 107 Stat. 2037) and by section 333(b) of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2397), is amended by striking section 811 and inserting the following new section 811:

"SEC. 811. FUNDING FOR THE NATIONAL FLAGSHIP LANGUAGE INITIATIVE.

''(a) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS 2003 and 2004.—In addition to amounts that may be made available to the Secretary under the Fund for a fiscal year, there is authorized to be appropriated to the Secretary for each fiscal year, beginning with fiscal year 2003, $10,000,000, to carry out the grant program for the National Flagship Language Initiative under section 802(a)(1)(D).

''(b) FUNDING FROM INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT FOR FISCAL YEARS BEGINNING WITH FISCAL YEAR 2005.—In addition to amounts that may be made available to the Secretary under the Fund for a fiscal year, the Director of Central Intelligence shall transfer to the Secretary from amounts appropriated for the Intelligence Community Management Account for each fiscal year, beginning with fiscal year 2005, $12,000,000, to carry out the grant program for the National Flagship Language Initiative under section 802(a)(1)(D).

''(c) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts made available under this section shall remain available until expended.''.

(b) REQUIREMENT FOR EMPLOYMENT AGREEMENTS.—(1) Section 802(i) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902(i)) is amended by adding at the end the following new paragraph:

''(5)(A) In the case of an undergraduate or graduate student that participates in training in programs under paragraph (1), the student shall enter into an agreement described in subsection (b), other than such a student who has entered into such an agreement pursuant to subparagraph (A)(ii) or (B)(ii) of section 802(a)(1).

''(B) In the case of an employee of an agency or department of the Federal Government that participates in training in programs under paragraph (1), the employee shall agree in writing—

''(i) to continue in the service of the agency or department of the Federal Government employing the employee for the period of such training;

''(ii) to continue in the service of such agency or department employing the employee following completion of such training for a period of two years for each year, or part of the year, of such training;

''(iii) to reimburse the United States for the total cost of such training (excluding the employee's pay and allowances) provided to the employee if, before the completion by the employee of the training, the employment of the employee by the agency or department is terminated due to misconduct by the employee or by the employee voluntarily; and

''(iv) to reimburse the United States if, after completing such training, the employment of the employee by the agency or department is terminated either by the agency or department due to misconduct by the employee or by the employee voluntarily, before the completion by the employee of the period of service required in clause (ii), in an amount that bears the same ratio to the total cost of the training (excluding the employee's pay and allowances) provided to the employee as the unserved portion of such period of service bears to the total period of service under clause (ii).

''(C) Subject to subparagraph (D), the obligation to reimburse the United States under an agreement under subparagraph (A) is for all purposes a debt owing the United States.

''(D) The head of an element of the intelligence community may release an employee, in whole or in part, from the obligation to reimburse the United States under an agreement under subparagraph (A) when, in the discretion of the head of the element, the head of the element determines that equity or the interests of the United States so require.''.

(2) The amendment made by paragraph (1) shall apply to training that begins on or after the date that is 90 days after the date of the enactment of this Act.

(c) INCREASE IN THE NUMBER OF PARTICIPATING EDUCATIONAL INSTITUTIONS.—The Secretary of Defense shall take such steps as the Secretary determines will increase the number of qualified educational institutions that receive grants under the National Flagship Language Initiative to establish, operate, or improve activities designed to train students in programs in a range of disciplines to achieve advanced levels of proficiency in those foreign languages that the Secretary identifies as being the most critical in the interests of the national security of the United States.

(d) CLARIFICATION OF AUTHORITY TO SUPPORT STUDIES ABROAD.—Educational institutions that receive grants under the National Flagship Language Initiative may support students who pursue total immersion foreign language studies overseas of foreign languages that are critical to the national security of the United States.

SEC. 604. ESTABLISHMENT OF SCHOLARSHIP PROGRAM FOR ENGLISH LANGUAGE STUDIES FOR HERITAGE COMMUNITY CITIZENS OF THE UNITED STATES WITHIN THE NATIONAL SECURITY EDUCATION PROGRAM.

(a) SCHOLARSHIP PROGRAM FOR ENGLISH LANGUAGE STUDIES FOR HERITAGE COMMUNITY CITIZENS OF THE UNITED STATES.—(1) Subsection (a)(1) of section 802 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902) is amended—

(A) by striking ''and'' at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(E) awarding scholarships to students who—

''(i) are United States citizens who—

''(I) are native speakers (commonly referred to as heritage community residents) of a foreign language that is identified as critical to the national security interests of the United States who should be actively recruited for employment by Federal security agencies with a need for linguists; and

''(II) are not proficient at a professional level in the English language with respect to reading, writing, and interpersonal skills required to carry out the national security interests of the United States, as determined by the Secretary,

to enable such students to pursue English language studies at an institution of higher education of the United States to attain proficiency in those skills; and

''(ii) enter into an agreement to work in a national security position or work in the field of education in the area of study for which the scholarship was awarded in a similar manner (as determined by the Secretary) as agreements entered into pursuant to subsection (b)(2)(A).''.

(2) The matter following subsection (a)(2) of such section is amended—

(A) in the first sentence, by inserting ''or for the scholarship program under paragraph (1)(E)'' after ''under paragraph (1)(D) for the National Flagship Language Initiative described in subsection (i)''; and

(B) by adding at the end the following: ''For the authorization of appropriations for the scholarship program under paragraph (1)(E), see section 812.''.

(3) Section 803(d)(4)(E) of such Act (50 U.S.C. 1903(d)(4)(E)) is amended by inserting before the period the following: ''and section 802(a)(1)(E) (relating to scholarship programs for advanced English language studies by heritage community residents)''.

(b) FUNDING.—The David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.) is amended by adding at the end the following new section:

"SEC. 812. FUNDING FOR SCHOLARSHIP PROGRAM FOR CERTAIN HERITAGE COMMUNITY RESIDENTS.

''(a) FUNDING FROM INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.—In addition to amounts that may be made available to the Secretary under the Fund for a fiscal year, the Director of Central Intelligence shall transfer to the Secretary from amounts appropriated for the Intelligence Community Management Account for each fiscal year, beginning with fiscal year 2005, $4,000,000, to carry out the scholarship programs for English language studies by certain heritage community residents under section 802(a)(1)(E).

''(b) AVAILABILITY OF FUNDS.—Amounts made available under subsection (a) shall remain available until expended.''.

Subtitle B—Improvement in Intelligence Community Foreign Language Skills

SEC. 611. ASSISTANT DIRECTOR OF CENTRAL INTELLIGENCE FOR LANGUAGE AND EDUCATION.

(a) IN GENERAL.—Section 102 of the National Security Act of 1947 (50 U.S.C. 403) is amended—

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

''(i) ASSISTANT DIRECTOR OF CENTRAL INTELLIGENCE FOR LANGUAGE AND EDUCATION.—(1) To assist the Director of Central Intelligence in carrying out the Director's responsibilities under this Act, there shall be an Assistant Director of Central Intelligence for Language and Education who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) The Assistant Director of Central Intelligence for Language and Education shall carry out the following duties:

''(A) Overseeing and coordinating requirements for foreign language education and training of the intelligence community.

''(B) Establishing policy, standards, and priorities relating to such requirements.

''(C) Identifying languages that are critical to the capability of the intelligence community to carry out national security activities of the United States.

''(D) Monitoring the allocation of resources for foreign language education and training in order to ensure the requirements of the intelligence community with respect to foreign language proficiency are met.'';

(2) in subsection (d)(2) by adding at the end the following:

''(E) Through the Assistant Director of Central Intelligence for Language and Education, ensuring the foreign language education and training requirements of the intelligence community are met.''; and

(3) in subsection (e)(2)—

(A) by redesignating subparagraph (H) as subparagraph (I); and

(B) by inserting after subparagraph (G) the following new subparagraph (H):

''(H) The Assistant Director of Central Intelligence for Education and Language.''.

(b) REPORTS.—Not later than 1 year after the date on which the Assistant Director of Central Intelligence for Language and Education is first appointed under section 102(i) of the National Security Act of 1947, as added by subsection (a), the Assistant Director shall submit to Congress the following reports:

(1) A report that identifies—

(A) skills and processes involved in learning a foreign language; and

(B) characteristics and teaching techniques that are most effective in teaching foreign languages.

(2)(A) A report that identifies foreign language heritage communities, particularly such communities that include speakers of languages that are critical to the national security of the United States.

(B) For purposes of subparagraph (A), the term ''foreign language heritage community'' means a community of residents or citizens of the United States—

(i) who are native speakers of, or who have fluency in, a foreign language; and

(ii) who should be actively recruited for employment by Federal security agencies with a need for linguists.

(3) A report on—

(A) the estimated cost of establishing a program under which the heads of elements of the intelligence community agree to repay employees of the intelligence community for any student loan taken out by that employee for the study of foreign languages critical for the national security of the United States; and

(B) the effectiveness of such a program in recruiting and retaining highly qualified personnel in the intelligence community.

SEC. 612. REQUIREMENT FOR FOREIGN LANGUAGE PROFICIENCY FOR ADVANCEMENT TO CERTAIN SENIOR LEVEL POSITIONS IN THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Section 104 of the National Security Act of 1947 (50 U.S.C. 403–4) is amended by adding at the end the following new subsection:

''(i) REQUIREMENT FOR FOREIGN LANGUAGE PROFICIENCY FOR CERTAIN SENIOR LEVEL POSITIONS IN THE CENTRAL INTELLIGENCE AGENCY.—(1) An individual may not be appointed to a position in the Senior Intelligence Service in the Directorate of Intelligence or the Directorate of Operations of the Central Intelligence Agency unless the Director of Central Intelligence determines that the individual—

''(A) has been certified as having a professional speaking and reading proficiency in a foreign language, such proficiency being at least level 3 on the Interagency Language Roundtable Language Skills Level or commensurate proficiency level on such other indicator of proficiency as the Director determines to be appropriate; and

''(B) is able to effectively communicate the priorities of the United States and exercise influence in that foreign language.

''(2) The Director shall carry out this subsection through the Assistant Director of Central Intelligence for Language and Education.''.

(b) CONFORMING AMENDMENT.—Subsection (i) of section 102 of the National Security Act of 1947 (50 U.S.C. 403), as added by section 611(a), is amended in paragraph (2) by adding at the end the following new subparagraph:

''(E) Making determinations under section 104(i).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to appointments made on or after the date that is one year after the date of the enactment of this Act.

(d) REPORT ON EXCEPTIONS.—The Director of Central Intelligence shall submit to Congress a report that identifies positions within the Senior Intelligence Service in the Directorate of Intelligence or the Directorate of Operations of the Central Intelligence Agency that should be exempt from the requirements of section 104(i) of the National Security Act of 1947, as added by subsection (a), and that includes the rationale for the exemption of each such position identified by the Director.

SEC. 613. ADVANCEMENT OF FOREIGN LANGUAGES CRITICAL TO THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Title X of the National Security Act of 1947 (50 U.S.C.) is amended—

(1) by inserting before section 1001 (50 U.S.C. 441g) the following:

"Subtitle A—Science and Technology";

and

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

"Subtitle B—Foreign Languages Program

''PROGRAM ON ADVANCEMENT OF FOREIGN LANGUAGES CRITICAL TO THE INTELLIGENCE COMMUNITY

''SEC. 1011. (a) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense and the Director of Central Intelligence may jointly establish a program to advance foreign languages skills in languages that are critical to the capability of the intelligence community to carry out national security activities of the United States (hereinafter in this subtitle referred to as the 'Foreign Languages Program').

''(b) IDENTIFICATION OF REQUISITE ACTIONS.—In order to carry out the Foreign Languages Program, the Secretary of Defense and the Director of Central Intelligence shall jointly determine actions required to improve the education of personnel in the intelligence community in foreign languages that are critical to the capability of the intelligence community to carry out national security activities of the United States to meet the long-term intelligence needs of the United States.

''EDUCATION PARTNERSHIPS

''SEC. 1012. (a) IN GENERAL.—In carrying out the Foreign Languages Program, the head of an element of an intelligence community entity may enter into one or more education partnership agreements with educational institutions in the United States in order to encourage and enhance the study of foreign languages that are critical to the capability of the intelligence community to carry out national security activities of the United States in educational institutions.

''(b) ASSISTANCE PROVIDED UNDER EDUCATIONAL PARTNERSHIP AGREEMENTS.—Under an educational partnership agreement entered into with an educational institution pursuant to this section, the head of an element of an intelligence community entity may provide the following assistance to the educational institution:

''(1) The loan of equipment and instructional materials of the element of the intelligence community entity to the educational institution for any purpose and duration that the head determines to be appropriate.

''(2) Notwithstanding any other provision of law relating to transfers of surplus property, the transfer to the educational institution of any computer equipment, or other equipment, that is—

''(A) commonly used by educational institutions;

''(B) surplus to the needs of the entity; and

''(C) determined by the head of the element to be appropriate for support of such agreement.

''(3) The provision of dedicated personnel to the educational institution—

''(A) to teach courses in foreign languages that are critical to the capability of the intelligence community to carry out national security activities of the United States; or

''(B) to assist in the development of such courses and materials for the institution.

''(4) The involvement of faculty and students of the educational institution in research projects of the element of the intelligence community entity.

''(5) Cooperation with the educational institution in developing a program under which students receive academic credit at the educational institution for work on research projects of the element of the intelligence community entity.

''(6) The provision of academic and career advice and assistance to students of the educational institution.

''(7) The provision of cash awards and other items that the head of the element of the intelligence community entity determines to be appropriate.

''VOLUNTARY SERVICES

''SEC. 1013. (a) AUTHORITY TO ACCEPT SERVICES.—Notwithstanding section 1342 of title 31, United States Code, and subject to subsection (b), the Foreign Languages Program under section 1011 shall include authority for the head of an element of an intelligence community entity to accept from any individual who is dedicated personnel (as defined in section 1016(3)) voluntary services in support of the activities authorized by this subtitle.

''(b) REQUIREMENTS AND LIMITATIONS.—(1) In accepting voluntary services from an individual under subsection (a), the head of the element shall—

''(A) supervise the individual to the same extent as the head of the element would supervise a compensated employee of that element providing similar services; and

''(B) ensure that the individual is licensed, privileged, has appropriate educational or experiential credentials, or is otherwise qualified under applicable law or regulations to provide such services.

''(2) In accepting voluntary services from an individual under subsection (a), the head of an element of the intelligence community entity may not—

''(A) place the individual in a policy-making position, or other position performing inherently government functions; or

''(B) except as provided in subsection (e), compensate the individual for the provision of such services.

''(c) AUTHORITY TO RECRUIT AND TRAIN INDIVIDUALS PROVIDING SERVICES.—The head of an element of an intelligence community entity may recruit and train individuals to provide voluntary services accepted under subsection (a).

''(d) STATUS OF INDIVIDUALS PROVIDING SERVICES.—(1) Subject to paragraph (2), while providing voluntary services accepted under subsection (a) or receiving training under subsection (c), an individual shall be considered to be an employee of the Federal Government only for purposes of the following provisions of law:

''(A) Subchapter I of chapter 81 of title 5, United States Code (relating to compensation for work-related injuries).

''(B) Section 552a of title 5, United States Code (relating to maintenance of records on individuals).

''(C) Chapter 11 of title 18, United States Code (relating to conflicts of interest).

''(2)(A) With respect to voluntary services accepted under paragraph (1) provided by an individual that are within the scope of the services so accepted, the individual is deemed to be a volunteer of a governmental entity or nonprofit institution for purposes

of the Volunteer Protection Act of 1997 (42 U.S.C. 14501 et seq.).

''(B) In the case of any claim against such an individual with respect to the provision of such services, section 4(d) of such Act (42 U.S.C. 14503(d)) shall not apply.

''(3) Acceptance of voluntary services under this section shall have no bearing on the issuance or renewal of a security clearance.

''(e) COMPENSATION FOR WORK-RELATED INJURIES.—For purposes of determining the compensation for work-related injuries payable under chapter 81 of title 5, United States Code, to an individual providing voluntary services accepted under subsection (a), the monthly pay of the individual for such services is deemed to be equal to the amount determined by multiplying—

''(1) the average monthly number of hours that the individual provided the services, by

''(2) the minimum wage determined in accordance with section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)).

''(f) REIMBURSEMENT OF INCIDENTAL EXPENSES.—(1) The head of an element of the intelligence community entity may reimburse an individual for incidental expenses incurred by the individual in providing voluntary services accepted under subsection (a). The head of an element of the intelligence community entity shall determine which expenses are eligible for reimbursement under this subsection.

''(2) Reimbursement under paragraph (1) may be made from appropriated or non-appropriated funds.

''(g) AUTHORITY TO INSTALL EQUIPMENT.—(1) The head of an element of the intelligence community may install telephone lines and any necessary telecommunication equipment in the private residences of individuals who provide voluntary services accepted under subsection (a).

''(2) The head of an element of the intelligence community may pay the charges incurred for the use of equipment installed under paragraph (1) for authorized purposes.

''(3) Notwithstanding section 1348 of title 31, United States Code, the head of an element of the intelligence community entity may use appropriated funds or non-appropriated funds of the element in carrying out this subsection.

''REGULATIONS

''SEC. 1014. (a) IN GENERAL.—The Secretary of Defense and the Director of Central Intelligence jointly shall promulgate regulations necessary to carry out the Foreign Languages Program authorized under this subtitle.

''(b) ELEMENTS OF THE INTELLIGENCE COMMUNITY.—Each head of an element of an intelligence community entity shall prescribe regulations to carry out sections 1012 and 1013 with respect to that element including the following:

''(1) Procedures to be utilized for the acceptance of voluntary services under section 1013.

''(2) Procedures and requirements relating to the installation of equipment under section 1013(g).

''DEFINITIONS

''SEC. 1015. In this subtitle:

''(1) The term 'intelligence community entity' means an agency, office, bureau, or element referred to in subparagraphs (B) through (K) of section 3(4).

''(2) The term 'educational institution' means—

''(A) a local educational agency (as that term is defined in section 9101(26) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(26))),

''(B) an institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002) other than institutions referred to in subsection (a)(1)(C) of such section), or

''(C) any other nonprofit institution that provides instruction of foreign languages in languages that are critical to the capability of the intelligence community to carry out national security activities of the United States.

''(3) The term 'dedicated personnel' means employees of the intelligence community and private citizens (including former civilian employees of the Federal Government who have been voluntarily separated, and members of the United States Armed Forces who have been honorably discharged or generally discharged under honorable circumstances, and rehired on a voluntary basis specifically to perform the activities authorized under this subtitle).

"Subtitle C—Additional Education Provisions

''ASSIGNMENT OF INTELLIGENCE COMMUNITY PERSONNEL AS LANGUAGE STUDENTS

''SEC. 1021. (a) IN GENERAL.—The Director of Central Intelligence, acting through the heads of the elements of the intelligence community, may assign employees of such elements in analyst positions requiring foreign language expertise as students at accredited professional, technical, or other institutions of higher education for training at the graduate or undergraduate level in foreign languages required for the conduct of duties and responsibilities of such positions.

''(b) AUTHORITY FOR REIMBURSEMENT OF COSTS OF TUITION AND TRAINING.—(1) The Director may reimburse an employee assigned under subsection (a) for the total cost of the training described in subsection (a), including costs of educational and supplementary reading materials.

''(2) The authority under paragraph (1) shall apply to employees who are assigned on a full-time or part-time basis.

''(3) Reimbursement under paragraph (1) may be made from appropriated or non-appropriated funds.

''(c) RELATIONSHIP TO COMPENSATION AS AN ANALYST.—Reimbursement under this section to an employee who is an analyst is in addition to any benefits, allowances, travels, or other compensation the employee is entitled to by reason of serving in such an analyst position.''.

(b) CLERICAL AMENDMENT.—The table of contents for the National Security Act of 1947 is amended by striking the item relating to section 1001 and inserting the following new items:

''Subtitle A—Science and Technology

''Sec. 1001. Scholarships and work-study for pursuit of graduate degrees in science and technology.

''Subtitle B—Foreign Languages Program

''Sec. 1011. Program on advancement of foreign languages critical to the intelligence community.

''Sec. 1012. Education partnerships.

''Sec. 1013. Voluntary services.

''Sec. 1014. Regulations.

''Sec. 1015. Definitions.

''Subtitle C—Additional Education Provisions

''Sec. 1021. Assignment of intelligence community personnel as language students.''.

SEC. 614. PILOT PROJECT FOR CIVILIAN LINGUIST RESERVE CORPS.

(a) PILOT PROJECT.—The Director of Central Intelligence shall conduct a pilot project to establish a Civilian Linguist Reserve Corps comprised of United States citizens with advanced levels of proficiency in foreign languages who would be available upon a call of the President to perform such service or duties with respect to such foreign languages in the Federal Government as the President may specify.

(b) CONDUCT OF PROJECT.—Taking into account the findings and recommendations contained in the report required under section 325 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2393), in conducting the pilot project under subsection (a) the Director of Central Intelligence shall—

(1) identify several foreign languages that are critical for the national security of the United States;

(2) identify United States citizens with advanced levels of proficiency in those foreign languages who would be available to perform the services and duties referred to in subsection (a); and

(3) implement a call for the performance of such services and duties.

(c) DURATION OF PROJECT.—The pilot project under subsection (a) shall be conducted for a three-year period.

(d) AUTHORITY TO ENTER INTO CONTRACTS.—The Director of Central Intelligence may enter into contracts with appropriate agencies or entities to carry out the pilot project under subsection (a).

(e) REPORTS.—(1) The Director of Central Intelligence shall submit to Congress an initial and a final report on the pilot project conducted under subsection (a).

(2) Each report required under paragraph (1) shall contain information on the operation of the pilot project, the success of the pilot project in carrying out the objectives of the establishment of a Civilian Linguist Reserve Corps, and recommendations for the continuation or expansion of the pilot project.

(3) The final report shall be submitted not later than 6 months after the completion of the project.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director of Central Intelligence for each of fiscal years 2005, 2006, and 2007 in order to carry out the pilot project under subsection (a) such sums as are specified in the classified Schedule of Authorizations referred to section 102.

SEC. 615. CODIFICATION OF ESTABLISHMENT OF THE NATIONAL VIRTUAL TRANSLATION CENTER.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by adding at the end the following new section:

''NATIONAL VIRTUAL TRANSLATION CENTER

''SEC. 119. (a) IN GENERAL.—There is an element of the intelligence community known as the National Virtual Translation Center under the direction of the Director of Central Intelligence.

''(b) FUNCTION.—The National Virtual Translation Center shall provide for timely and accurate translations of foreign intelligence for all other elements of the intelligence community.

''(c) FACILITATING ACCESS TO TRANSLATIONS.—In order to minimize the need for a central facility for the National Virtual Translation Center, the Center shall—

''(1) use state-of-the-art communications technology;

''(2) integrate existing translation capabilities in the intelligence community; and

''(3) use remote-connection capacities.

''(d) USE OF SECURE FACILITIES.—Personnel of the National Virtual Translation Center may carry out duties of the Center at any location that—

''(1) has been certified as a secure facility by an agency or department of the United States; and

''(2) the Director of Central Intelligence determines to be appropriate for such purpose.''.

(b) CLERICAL AMENDMENT.—The table of sections for that Act is amended by inserting after the item relating to section 118 the following new item:

''Sec. 119. National Virtual Translation Center.''.

SEC. 616. REPORT ON RECRUITMENT AND RETENTION OF QUALIFIED INSTRUCTORS OF THE DEFENSE LANGUAGE INSTITUTE.

(a) STUDY.—The Secretary of Defense shall conduct a study on methods to improve the recruitment and retention of qualified foreign language instructors at the Foreign Language Center of the Defense Language Institute. In conducting the study, the Secretary shall consider, in the case of a foreign language instructor who is an alien, to expeditiously adjust the status of the alien from a temporary status to that of an alien lawfully admitted for permanent residence.

(b) REPORT.—(1) Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on the study conducted under subsection (a), and shall include in that report recommendations for such changes in legislation and regulation as the Secretary determines to be appropriate.

(2) DEFINITION.—In this subsection, the term ''appropriate congressional committees'' means the following:

(A) The Select Committee on Intelligence and the Committee on Armed Services of the Senate.

(B) The Permanent Select Committee on Intelligence and the Committee on Armed Services of the House of Representatives.

TITLE VII—REFORM OF DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS

SEC. 701. DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS.

(a) PERIOD OF DESIGNATION.—Section 219(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1189(a)(4)) is amended—

(1) in subparagraph (A)—

(A) by striking ''Subject to paragraphs (5) and (6), a'' and inserting ''A''; and

(B) by striking ''for a period of 2 years beginning on the effective date of the designation under paragraph (2)(B)'' and inserting ''until revoked under paragraph (5) or (6) or set aside pursuant to subsection (c)'';

(2) by striking subparagraph (B) and inserting the following:

''(B) REVIEW OF DESIGNATION UPON PETITION.—

''(i) IN GENERAL.—The Secretary shall review the designation of a foreign terrorist organization under the procedures set forth in clauses (iii) and (iv) if the designated organization files a petition for revocation within the petition period described in clause (ii).

''(ii) PETITION PERIOD.—For purposes of clause (i)—

''(I) if the designated organization has not previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date on which the designation was made; or

''(II) if the designated organization has previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date of the determination made under clause (iv) on that petition.

''(iii) PROCEDURES.—Any foreign terrorist organization that submits a petition for revocation under this subparagraph must provide evidence in that petition that the relevant circumstances described in paragraph (1) have changed in such a manner as to warrant revocation with respect to the organization.

''(iv) DETERMINATION.—

''(I) IN GENERAL.—Not later than 180 days after receiving a petition for revocation submitted under this subparagraph, the Secretary shall make a determination as to such revocation.

''(II) CLASSIFIED INFORMATION.—The Secretary may consider classified information in making a determination in response to a petition for revocation. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c).

''(III) PUBLICATION OF DETERMINATION.—A determination made by the Secretary under this clause shall be published in the Federal Register.

''(IV) PROCEDURES.—Any revocation by the Secretary shall be made in accordance with paragraph (6).''; and

(3) by adding at the end the following:

''(C) OTHER REVIEW OF DESIGNATION.—

''(i) IN GENERAL.—If in a 6-year period no review has taken place under subparagraph (B), the Secretary shall review the designation of the foreign terrorist organization in order to determine whether such designation should be revoked pursuant to paragraph (6).

''(ii) PROCEDURES.—If a review does not take place pursuant to subparagraph (B) in response to a petition for revocation that is filed in accordance with that subparagraph, then the review shall be conducted pursuant to procedures established by the Secretary. The results of such review and the applicable procedures shall not be reviewable in any court.

''(iii) PUBLICATION OF RESULTS OF REVIEW.—The Secretary shall publish any determination made pursuant to this subparagraph in the Federal Register.''.

(b) ALIASES.—Section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) AMENDMENTS TO A DESIGNATION.—

''(1) IN GENERAL.—The Secretary may amend a designation under this subsection if the Secretary finds that the organization has changed its name, adopted a new alias, dissolved and then reconstituted itself under a different name or names, or merged with another organization.

''(2) PROCEDURE.—Amendments made to a designation in accordance with paragraph (1) shall be effective upon publication in the Federal Register. Subparagraphs (B) and (C) of subsection (a)(2) shall apply to an amended designation upon such publication. Paragraphs (2)(A)(i), (4), (5), (6), (7), and (8) of subsection (a) shall also apply to an amended designation.

''(3) ADMINISTRATIVE RECORD.—The administrative record shall be corrected to include the amendments as well as any additional relevant information that supports those amendments.

''(4) CLASSIFIED INFORMATION.—The Secretary may consider classified information in amending a designation in accordance with this subsection. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c).''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) is amended—

(1) in subsection (a)—

(A) in paragraph (3)(B), by striking ''subsection (b)'' and inserting ''subsection (c)'';

(B) in paragraph (6)(A)—

(i) in the matter preceding clause (i), by striking ''or a redesignation made under paragraph (4)(B)'' and inserting ''at any time, and shall revoke a designation upon completion of a review conducted pursuant to subparagraphs (B) and (C) of paragraph (4)''; and

(ii) in clause (i), by striking ''or redesignation'';

(C) in paragraph (7), by striking '', or the revocation of a redesignation under paragraph (6),''; and

(D) in paragraph (8)—

(i) by striking '', or if a redesignation under this subsection has become effective under paragraph (4)(B),''; and

(ii) by striking ''or redesignation''; and

(2) in subsection (c), as so redesignated—

(A) in paragraph (1), by striking ''of the designation in the Federal Register,'' and all that follows through ''review of the designation'' and inserting ''in the Federal Register of a designation, an amended designation, or a determination in response to a petition for revocation, the designated organization may seek judicial review'';

(B) in paragraph (2), by inserting '', amended designation, or determination in response to a petition for revocation'' after ''designation'';

(C) in paragraph (3), by inserting '', amended designation, or determination in response to a petition for revocation'' after ''designation''; and

(D) in paragraph (4), by inserting '', amended designation, or determination in response to a petition for revocation'' after ''designation'' each place that term appears.

(d) SAVINGS PROVISION.—For purposes of applying section 219 of the Immigration and Nationality Act on or after the date of enactment of this Act, the term ''designation'', as used in that section, includes all redesignations made pursuant to section 219(a)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1189(a)(4)(B)) prior to the date of enactment of this Act, and such redesignations shall continue to be effective until revoked as provided in paragraph (5) or (6) of section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

SEC. 702. INCLUSION IN ANNUAL DEPARTMENT OF STATE COUNTRY REPORTS ON TERRORISM OF INFORMATION ON TERRORIST GROUPS THAT SEEK WEAPONS OF MASS DESTRUCTION AND GROUPS THAT HAVE BEEN DESIGNATED AS FOREIGN TERRORIST ORGANIZATIONS.

(a) INCLUSION IN REPORTS.—Section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f) is amended—

(1) in subsection (a)(2)—

(A) by inserting ''any terrorist group known to have obtained or developed, or to have attempted to obtain or develop, weapons of mass destruction,'' after ''during the preceding five years,''; and

(B) by inserting ''any group designated by the Secretary as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189),'' after ''Export Administration Act of 1979,'';

(2) in subsection (b)(1)(C)(iii), by striking ''and'' at the end;

(3) in subsection (b)(1)(C)—

(A) by redesignating clause (iv) as clause (v); and

(B) by inserting after clause (iii) the following new clause:

''(iv) providing weapons of mass destruction, or assistance in obtaining or developing such weapons, to terrorists or terrorist groups; and''; and

(4) in subsection (b)(2)—

(A) by redesignating subparagraphs (C), (D), and (E) as (D), (E), and (F), respectively; and

(B) by inserting after subparagraph (B) the following new subparagraph:

''(C) efforts by those groups to obtain or develop weapons of mass destruction;''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply beginning with the first report under section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f), submitted more than one year after the date of the enactment of this Act.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. PETERSON of Minnesota moved to recommit the bill to the Permanent Select Committee on Intelligence with instructions to report the bill back to the House forthwith with the following amendment:

At the end of title I (page 8, after line 4), insert the following new section:

SEC. 105. INCREASE IN AUTHORIZATION OF APPROPRIATIONS TO FULLY FUND THE NATIONAL FOREIGN INTELLIGENCE PROGRAM.

(a) INCREASE.—The amounts authorized to be appropriated under section 101 for the conduct of the intelligence and intelligence-related activities of the elements listed in such section for the Contingency Emergency Reserve, as specified in the classified Schedule of Authorizations referred to in section 102, are increased 100 percent, and such classified Schedule of Authorizations is modified accordingly.

(b) USE FOR COUNTERTERRORISM ACTIVITIES OF THE INTELLIGENCE COMMUNITY.—Amounts appropriated pursuant to the increase in authorization of appropriations under subsection (a) may only be used for counterterrorism activities of the intelligence community.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. ISAKSON, announced that the nays had it.

Mr. PETERSON of Minnesota demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 197 / Nays 224

¶68.38 [Roll No. 299]

YEAS—197

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chandler
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—224

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

NOT VOTING—13

Bereuter
Berman
Buyer
Carson (IN)
Clay
DeMint
Deutsch
Gephardt
Hastings (FL)
Israel
McDermott
Rangel
Tauzin

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. ISAKSON, announced that the yeas had it.

Mr. LAHOOD demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 360 / Nays 61

¶68.39 [Roll No. 300]

AYES—360

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Etheridge
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall

Harman
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Issa
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Owens
Oxley
Pascrell
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—61

Abercrombie
Baldwin
Becerra
Blumenauer
Capps
Capuano
Conyers
Davis (IL)
DeLauro
Duncan
Eshoo
Evans
Farr
Fattah
Filner
Green (TX)
Grijalva
Holt
Honda
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Kilpatrick
Kleczka
Kucinich
Larson (CT)
Lee
Lewis (GA)
Lofgren
Markey
Matsui
Miller, George
Mollohan
Napolitano
Oberstar
Obey
Olver
Otter
Pallone
Pastor
Paul
Payne
Reyes
Roybal-Allard
Rush
Ryan (OH)
Schakowsky
Serrano
Slaughter
Solis
Stark
Tauscher
Thompson (CA)
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Woolsey

NOT VOTING—13

Bereuter
Berman
Buyer
Carson (IN)
Clay
DeMint
Deutsch
Gephardt
Hastings (FL)
Israel
McDermott
Rangel
Tauzin

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶68.40 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. GOSS, by unanimous consent,

Ordered, That in the engrossment of the foregoing bill the Clerk be authorized to make such technical and conforming changes as necessary to reflect the actions of the House.

¶68.41 ORDER OF BUSINESS—CONSIDERATION OF H. RES. 691

On motion of Mr. TIAHRT, by unanimous consent,

Ordered, That it shall be in order at any time to consider the resolution (H. Res. 691) congratulating the Interim Government of Iraq on its forthcoming assumption of sovereign authority of Iraq, in the House; the resolution shall be considered as read for amendment; the resolution shall be debatable for one hour equally divided and controlled by the Majority Leader and the Minority Leader or their designees; and the previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question.

¶68.42 FURTHER MESSAGE FROM THE SENATE

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

S. 2507. An Act to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to reauthorize child nutrition programs, and for other purposes.

¶68.43 RECESS—MIDNIGHT

The SPEAKER pro tempore, Mr. GERLACH, pursuant to clause 12(a) of rule I, declared the House in recess at midnight, subject to the call of the Chair.

THURSDAY, JUNE 24 (LEGISLATIVE DAY OF JUNE 23), 2004

¶68.44 AFTER RECESS—8 A.M.

The SPEAKER pro tempore, Mr. DREIER, called the House to order.

¶68.45 PROVIDING FOR THE CONSIDERATION OF H.R. 4663

Mr. HASTINGS of Washington, by direction of the Committee on Rules, reported (Rept. No. 108–566) the resolution (H. Res. 692) providing for consideration of the bill (H.R. 4663) to amend part C of the Balanced Budget and Emergency Deficit Control Act of 1985 to extend the discretionary spending limits and pay-as-you-go through fiscal year 2009.

When said resolution and report were referred to the House Calendar and ordered printed.

¶68.46 WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII

Mr. HASTINGS of Washington, by direction of the Committee on Rules, reported (Rept. No. 108–567) the resolution (H. Res. 693) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules.

When said resolution and report were referred to the House Calendar and ordered printed.

¶68.47 ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3378. An Act to assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries.

H.R. 3504. An Act to amend the Indian Self-Determination and Education Assistance Act to redesignate the American Indian Education Foundation as the National Fund for Excellence in American Indian Education.

H.R. 4322. An Act to provide for the transfer of the Nebraska Avenue Naval Complex in the District of Columbia to facilitate the establishment of the headquarters for the Department of Homeland Security, to provide for the acquisition by the Department of the Navy of suitable replacement facilities, and for other purposes.

H.R. 4589. An Act to reauthorize the Temporary Assistance for Needy Families block grant program through September 30, 2004, and for other purposes.

¶68.48 SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1848. An Act to amend the Bend Pine Nursery Land Conveyance Act to direct the Secretary of Agriculture to sell the Bend Pine Nursery Administrative Site in the State of Oregon.

S. 2238. An Act to amend the National Flood Insurance Act of 1968 to reduce losses to properties for which repetitive flood insurance claim payments have been made.

¶68.49 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. HASTINGS of Florida, for today and the balance of the week; and

To Mr. ISRAEL, for today.

And then,

¶68.50 ADJOURNMENT

On motion of Mr. HASTINGS of Washington, at 8 o'clock and 2 minutes a.m., Thursday, June 24, (legislative day of June 23), 2004, the House adjourned.

¶68.51 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 1156. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to increase the ceiling on the Federal share of the costs of phase I of the Orange County, California, Regional Water Reclamation Project (Rept. 108–562). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 646. A bill to expand the boundaries of the Fort Donelson National Battlefield to authorize the acquisition and interpretation of lands associated with the campaign that resulted in the capture of the fort in 1862, and for other purposes; with an amendment (Rept. 108–563). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 142. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Inland Empire regional water recycling project, to authorize the Secretary to carry out a program to assist agencies in projects to construct regional brine lines in California, and to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project; with amendments (Rept. 108–564). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 4056. A bill to encourage the establishment of both long-term and short-term programs to address the threat of man-portable air defense systems (MANPADS) to commercial aviation; with an amendment (Rept. 108–565 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

¶68.52 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 4056. Referral to the Committee on International Relations extended for a period ending not later than June 23, 2004.

¶68.53 DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on International Relations discharged from further consideration. H.R. 4056 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

[Submitted June 24 (legislative day, June 23), 2004]

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 692. Resolution providing for consideration of the bill (H.R. 4663) to amend part C of the Balanced Budget and Emergency Deficit Control Act of 1985 to extend the discretionary spending limits and pay-as-you-go through fiscal year 2009 (Rept. 108–566). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 693. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 108–567). Referred to the House Calendar.

¶68.54 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Michigan:

H.R. 4651. A bill to establish a Federal interagency task force to promote the benefits, safety, and potential uses of agricultural biotechnology outside the United States to improve human and animal nutrition, increase crop productivity, and improve agricultural sustainability while ensuring the safety of food and the environment, and for other purposes; to the Committee on International Relations.

By Mr. NUSSLE (for himself and Mr. LATHAM):

H.R. 4652. A bill to amend the Clean Air Act to prohibit the use of methyl tertiary butyl ether as a fuel additive, to require Federal fleet vehicles to use ethanol fuel, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANCREDO:

H.R. 4653. A bill to amend the Internal Revenue Code of 1986 to provide that the medical expenses of a child with special needs shall be allowable as a medical expense deduction without regard to the 7.5 percent adjusted gross income threshold; to the Committee on Ways and Means.

By Mr. PORTMAN (for himself, Mr. LANTOS, Mr. BALLENGER, Mr. ROYCE, Ms. ROS-LEHTINEN, Mr. LEACH, Mr. GALLEGLY, Mr. WEXLER, Mr. FALEOMAVAEGA, Mr. SHERMAN, Mr. CHABOT, Mr. HOUGHTON, Mr. WELLER, Mr. BROWN of Ohio, Mr. PICKERING, Mr. OXLEY, Mr. CARDIN, Ms. SLAUGHTER, Mr. CAMP, Mr. TANNER, Mr. HOBSON, Mr. SHAW, Mr. FORD, Mr. EHLERS, Mr. LATOURETTE, Mr. GUTIERREZ, Mr. ENGLISH, Ms. PRYCE of Ohio, Mr. TIBERI, and Mrs. TAUSCHER):

H.R. 4654. A bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2007, and for other purposes; to the Committee on International Relations.

By Mr. MCGOVERN (for himself and Mr. LANTOS):

H.R. 4655. A bill to amend the Internal Revenue Code of 1986 to provide to employers a tax credit for compensation paid during the period employees are performing service as members of the Ready Reserve or the National Guard; to the Committee on Ways and Means.

By Mr. HONDA:

H.R. 4656. A bill to provide for the establishment of the Nanomanufacturing Investment Partnership, and for other purposes; to the Committee on Science.

By Mr. TOM DAVIS of Virginia (for himself and Mr. HOYER):

H.R. 4657. A bill to amend the Balanced Budget Act of 1997 to improve the administration of Federal pension benefit payments for District of Columbia teachers, police officers, and fire fighters, and for other purposes; to the Committee on Government Reform.

By Mr. SMITH of New Jersey (for himself and Mr. EVANS):

H.R. 4658. A bill to amend the Servicemembers Civil Relief Act to make certain improvements and technical corrections to that Act; to the Committee on Veterans' Affairs.

By Mr. BROWN of South Carolina (for himself, Mr. MICHAUD, and Mr. SMITH of New Jersey):

H.R. 4659. A bill to amend chapter 43 of title 38, United States Code, to extend the period for which an individual may elect to continue employer-sponsored health care coverage under the Uniform Services Employment and Reemployment Rights Act of 1994, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LANTOS (for himself, Mr. HYDE, Mr. BERMAN, Mr. BURTON of Indiana, Mr. FALEOMAVAEGA, Ms. ROS-LEHTINEN, Mr. BROWN of Ohio, Mr. BALLENGER, Mr. ENGEL, Mr. HOUGHTON, Mr. MEEKS of New York, Mr. GREEN of Wisconsin, Ms. LEE, Mr. WELLER, Mr. CROWLEY, Mr. MCCOTTER, Mr. HOEFFEL, Mr. BLUMENAUER, Mr. SCHIFF, and Ms. MCCOLLUM):

H.R. 4660. A bill to amend the Millennium Challenge Act of 2003 to extend the authority to provide assistance to countries seeking to become eligible countries for purposes of that Act; to the Committee on International Relations.

By Mr. GOODLATTE (for himself, Ms. LOFGREN, and Mr. SMITH of Texas):

H.R. 4661. A bill to amend title 18, United States Code, to discourage spyware, and for other purposes; to the Committee on the Judiciary.

By Mr. SHADEGG (for himself, Mr. BARTLETT of Maryland, Mr. CANNON, Mr. TOM DAVIS of Virginia, Mr. DEAL of Georgia, Mr. FEENEY, Mr. FLAKE, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GINGREY, Mr. HOEKSTRA, Mr. JONES of North Carolina, Mr. KING of Iowa, Mr. OTTER, Mr. PENCE, Mr. RYAN of Wisconsin, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SMITH of New Jersey, Mr. TOOMEY, and Mr. WILSON of South Carolina):

H.R. 4662. A bill to amend the Public Health Service Act to provide for cooperative governing of individual health insurance coverage offered in interstate commerce; to the Committee on Energy and Commerce.

By Mr. NUSSLE:

H.R. 4663. A bill to amend part C of the Balanced Budget and Emergency Deficit Control Act of 1985 to establish discretionary spending limits and a pay-as-you-go requirement for mandatory spending; to the Committee on the Budget.

By Mr. BLUMENAUER (for himself, Mr. GEORGE MILLER of California, Mr. GREENWOOD, and Mr. WU):

H.R. 4664. A bill to direct the Secretary of Education to provide grants to establish sustainability centers, charged with developing and implementing integrated environmental, economic, and social sustainability programs through administrative and operational practices as well as multidisciplinary research, education, and outreach at institutions of higher education; to the Committee on Education and the Workforce.

By Mr. CONYERS (for himself and Ms. HARRIS):

H.R. 4665. A bill to protect America's food supply and facilitate lawful importation of safe and unadulterated food products; to the Committee on Energy and Commerce.

By Mr. DINGELL:

H.R. 4666. A bill to provide for and approve the settlement of certain land claims of the Sault Ste. Marie Tribe of Chippewa Indians; to the Committee on Resources.

By Mr. DUNCAN:

H.R. 4667. A bill to authorize and facilitate hydroelectric power licensing of the Tapoco Project, and for other purposes; to the Committee on Resources, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL (for himself and Mr. GALLEGLY):

H.R. 4668. A bill to designate the third floor of the Ellis Island Immigration Museum, located on Ellis Island in New York Harbor, as the ''Bob Hope Memorial Library''; to the Committee on the Judiciary.

By Mr. HEFLEY:

H.R. 4669. A bill to require the Secretary of the Treasury to mint coins in commemoration of Ronald Wilson Reagan, the 40th President of the United States; to the Committee on Financial Services.

By Mr. HOLT (for himself, Mr. HOUGHTON, Mr. BOEHLERT, Mr. MORAN of Virginia, Mr. HONDA, Mr. GORDON, Mr. MCDERMOTT, Mr. WAXMAN, Mr. OLVER, Mr. GREENWOOD, Mr. CASTLE, Mr. VAN HOLLEN, Mr. FROST, Mr. BERMAN, Mr. RUPPERSBERGER, and Mr. EHLERS):

H.R. 4670. A bill to provide for the establishment of a Center for Scientific and Technical Assessment; to the Committee on Science.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Ms. DUNN, Ms. SLAUGHTER, Mrs. CAPITO, Ms. SOLIS, Ms. GINNY BROWN-WAITE of Florida, Mrs. MALONEY, Mrs. BIGGERT, Mr. HOBSON, Mr. OSBORNE, and Ms. SCHAKOWSKY):

H.R. 4671. A bill to authorize assistance for education and health care for women and children in Iraq during the reconstruction of Iraq and thereafter, to authorize assistance for the enhancement of political participation, economic empowerment, civil society, and personal security for women in Iraq, to state the sense of Congress on the preservation and protection of the human rights of women and children in Iraq, and for other purposes; to the Committee on International Relations.

By Mr. KENNEDY of Rhode Island (for himself and Mr. LANGEVIN):

H.R. 4672. A bill to amend part C of title XVIII of the Social Security Act to prohibit the comparative cost adjustment (CCA) program from operating in the State of Rhode Island; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KLECZKA:

H.R. 4673. A bill to require warning labels on consumer products containing radio frequency identification devices, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MARKEY:

H.R. 4674. A bill to prohibit the return of persons by the United States, for purposes of detention, interrogation, or trial, to countries engaging in torture or other inhuman treatment of persons; to the Committee on International Relations.

By Mrs. MYRICK:

H.R. 4675. A bill to amend the Caribbean Basin Economic Recovery Act to increase the quantity of T-shirts that may receive duty-free treatment during the 1-year period beginning October 1, 2003; to the Committee on Ways and Means.

By Mr. PORTMAN (for himself, Mr. DAVIS of Illinois, Mr. SOUDER, Mrs. JONES of Ohio, Mr. CHABOT, and Mr. CANNON):

H.R. 4676. A bill to reauthorize the grant program of the Department of Justice for reentry of offenders into the community, to establish a task force on Federal programs and activities relating to the reentry of offenders into the community, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HYDE (for himself and Mr. LANTOS):

H. Con. Res. 462. Concurrent resolution reaffirming unwavering commitment to the Taiwan Relations Act, and for other purposes; to the Committee on International Relations.

By Mr. FILNER:

H. Con. Res. 463. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to honor law enforcement officers killed in the line of duty; to the Committee on Government Reform.

By Mr. HAYES (for himself, Mr. HOSTETTLER, Mr. DEFAZIO, Mr. NETHERCUTT, Mr. HOBSON, Mr. PETERSON of Minnesota, Mr. MEEK of Florida, Mr. DEUTSCH, Mr. CARDOZA, Mr. MOLLOHAN, and Mr. HINOJOSA):

H. Con. Res. 464. Concurrent resolution honoring the 10 communities selected to receive the 2004 All-America City Award; to the Committee on Government Reform.

By Mr. CONYERS (for himself, Ms. PELOSI, Mr. HOYER, Mr. MENENDEZ, Mr. CLYBURN, Mr. DINGELL, Mr. OBEY, Mr. RANGEL, Mr. WAXMAN, Mr. SKELTON, Mr. LANTOS, and Mr. HINCHEY):

H. Res. 689. A resolution of inquiry requesting the President and directing certain other Federal officials to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the President and those officials relating to the treatment of prisoners or detainees in Iraq, Afghanistan, or Guantanamo Bay; to the Committee on Armed Services.

By Mr. WAXMAN (for himself, Ms. PELOSI, Mr. HOYER, Mr. MENENDEZ, Mr. CLYBURN, Mr. SKELTON, Mr. DINGELL, Mr. CONYERS, Mr. OBEY, Mr. RANGEL, Mr. HINCHEY, and Mr. SPRATT):

H. Res. 690. A resolution creating a select committee to investigate the abuses of detainees held in United States custody in connection with Operation Iraqi Freedom, Operation Enduring Freedom, or any operation within the Global War on Terrorism, in particular those abuses that have been documented by thousands of photographs and on video at Abu Ghraib prison; to the Committee on Rules.

By Mr. HYDE (for himself, Mr. LANTOS, Mr. HUNTER, and Mr. SKELTON):

H. Res. 691. A resolution congratulating the Interim Government of Iraq on its forthcoming assumption of sovereign authority in Iraq; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶68.55 ADDITIONAL SPONSORST

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 290: Mr. DINGELL and Mr. MCCOTTER.
H.R. 296: Mr. RAHALL and Mr. PICKERING.
H.R. 584: Mr. MCINTYRE.
H.R. 742: Mr. FRANKS of Arizona and Ms. BORDALLO.
H.R. 775: Mr. FEENEY.
H.R. 936: Mr. GUTIERREZ.
H.R. 1051: Mrs. TAUSCHER.
H.R. 1160: Mr. ALEXANDER.
H.R. 1231: Mr. KLINE.
H.R. 1310: Mr. BISHOP of Georgia.
H.R. 1357: Mr. BISHOP of Georgia.
H.R. 1504: Mr. BARTLETT of Maryland.
H.R. 1587: Mr. MCCOTTER.
H.R. 1716: Mr. SANDLIN.
H.R. 1726: Mr. JONES of North Carolina.
H.R. 1755: Mr. ROGERS of Alabama.
H.R. 1769: Mr. OLVER and Mr. PAYNE.
H.R. 2096: Mr. CHANDLER.
H.R. 2217: Mr. BISHOP of Georgia.
H.R. 2256: Mr. PETERSON of Minnesota.
H.R. 2260: Mr. TANCREDO and Ms. SOLIS.
H.R. 2311: Mr. MCCOTTER.
H.R. 2505: Mr. WAXMAN.
H.R. 2699: Mr. GORDON, Mr. ISRAEL, and Mr. HEFLEY.
H.R. 2711: Mr. RUPPERSBERGER, Mr. CUMMINGS, and Mr. THOMPSON OF MISSISSIPPI.
H.R. 2735: Mr. LUCAS of Kentucky and Mr. HOEFFEL.
H.R. 2814: Mr. MATSUI.
H.R. 2890: Mr. GREEN of Wisconsin.
H.R. 3085: Mr. VITTER.
H.R. 3148: Mr. JOHNSON of Illinois, Mr. HALL, Mr. MURPHY, Ms. MCCARTHY of Missouri, Mr. HAYWORTH, Mr. ENGLISH, Ms. GINNY BROWN-WAITE of Florida, Mr. CONYERS, Mrs. CAPITO, Mr. LEWIS of California, Mr. RANGEL, Mr. ACEVEDO-VILLA, Mrs. CHRISTENSEN, Mr. JACKSON of Illinois, Mr. BEAUPREZ, Mr. ENGEL, Mr. HYDE, Mr. MORAN of Kansas, Mr. KIND, and Ms. KAPTUR.
H.R. 3313: Mr. MCCOTTER and Mr. JENKINS.
H.R. 3384: Mr. RUPPERSBERGER, Mr. WEXLER, and Mr. WAXMAN.
H.R. 3450: Mr. GUTIERREZ and Mr. UDALL of Colorado.
H.R. 3574: Mr. EHLERS.
H.R. 3579: Mr. MILLER of Florida and Ms. LORETTA SANCHEZ of California.
H.R. 3609: Mr. DUNCAN.
H.R. 3683: Mrs. MCCARTHY of New York.
H.R. 3693: Mr. NADLER.
H.R. 3780: Mr. BROWN of Ohio, Mr. GUTIERREZ, and Ms. ESHOO.
H.R. 3801: Mr. KLINE.
H.R. 3809: Mr. PALLONE, Mr. SANDERS, and Mr. MARKEY.
H.R. 3814: Mr. RENZI.
H.R. 3815: Mr. GONZALEZ and Mr. LEWIS of Georgia.
H.R. 3831: Mr. INSLEE.
H.R. 3845: Mr. BRADY of Pennsylvania.
H.R. 3921: Ms. BORDALLO.
H.R. 3953: Mr. LARSEN of Washington.
H.R. 3974: Mr. CUMMINGS, Ms. WATERS, and Mr. KUCINICH.
H.R. 3988: Mr. GONZALEZ and Ms. WOOLSEY.
H.R. 4003: Mr. GUTIERREZ.
H.R. 4155: Mr. SCHIFF.
H.R. 4205: Ms. ROS-LEHTINEN and Mr. OWENS.
H.R. 4242: Mr. FRANKS of Arizona.
H.R. 4262: Mr. MCDERMOTT, Ms. WOOLSEY, Ms. LEE, Mrs. JONES of Ohio, and Ms. DELAURO.
H.R. 4290: Mr. INSLEE.
H.R. 4334: Mr. HASTINGS of Florida.
H.R. 4343: Mr. MANZULLO.
H.R. 4348: Ms. LEE, Mr. MCDERMOTT, and Mr. GUTIERREZ.
H.R. 4350: Mr. GUTIERREZ.
H.R. 4367: Mr. SANDLIN.
H.R. 4391: Mr. OWENS, Ms. GINNY BROWN-WAITE of Florida, and Mr. SESSIONS.
H.R. 4394: Mr. MCGOVERN.
H.R. 4414: Ms. BERKLEY.
H.R. 4426: Mr. SMITH of New Jersey, Mr. PITTS, and Mr. ADERHOLT.
H.R. 4433: Ms. MAJETTE, Mrs. KELLY, Mr. THOMPSON of Mississippi, Mr. MEEKS of New York, Mr. LEACH, Mr. FRANK of Massachusetts, and Mr. LARSEN of Washington.
H.R. 4440: Mr. SHIMKUS, Mr. MCHUGH, and Mr. SIMPSON.
H.R. 4448: Mr. WEXLER.
H.R. 4504: Mr. CANTOR and Mr. PRICE of North Carolina.
H.R. 4533: Mr. PASTOR.

H.R. 4573: Ms. HARMAN.
H.R. 4574: Ms. HARMAN.
H.R. 4575: Mr. FRANK of Massachusetts.
H.R. 4578: Mr. SESSIONS and Mr. SMITH of Washington.
H.R. 4592: Mr. RANGEL.
H.R. 4600: Mr. LEWIS of Kentucky, Mr. TIBERI, Mr. STRICKLAND, and Mr. GOODE.
H.R. 4626: Mr. SANDLIN and Ms. DUNN.
H.R. 4628: Mr. BOUCHER, Mr. PASTOR, and Mr. MATSUI.
H.R. 4629: Mr. FOSSELLA and Mr. SAXTON.
H.R. 4634: Mr. BLUNT, Mr. ROGERS of Michigan, Mr. CUNNINGHAM, Mr. KING of New York, Ms. NORTON, and Mrs. CAPITO.
H.R. 4640: Mr. ENGLISH.
H. Con. Res. 111: Ms. MILLENDER-MCDONALD.
H. Con. Res. 218: Mr. TIBERI.
H. Con. Res. 304: Mr. PRICE of North Carolina and Mr. MEEHAN.
H. Con. Res. 366: Mr. CHANDLER.
H. Con. Res. 392: Ms. BORDALLO and Ms. EDDIE BERNICE JOHNSON of Texas.
H. Con. Res. 399: Mr. GUTIERREZ.
H. Con. Res. 422: Mr. MCCOTTER.
H. Con. Res. 425: Ms. MCCOLLUM.
H. Con. Res. 436: Mrs. JONES of Ohio and Mr. MCCOTTER.
H. Con. Res. 459: Mr. HOLDEN, Mr. SHUSTER, Mr. FORD, and Mr. MURTHA.
H. Res. 129: Mrs. LOWEY.
H. Res. 471: Mr. CLAY.
H. Res. 567: Mr. BISHOP of Georgia and Mr. MENENDEZ.
H. Res. 596: Mr. LATOURETTE.
H. Res. 650: Mr. ISRAEL.
H. Res. 652: Mr. DEUTSCH, Mr. BERMAN, Mr. BLUMENAUER, Mr. BURTON of Indiana, Ms. KAPTUR, Mr. KING of New York, Mr. LEACH, Mr. SMITH of New Jersey, Mrs. JO ANN DAVIS of Virginia, Mr. ENGEL, and Mr. BELL.
H. Res. 667: Mr. BAKER, Mr. MENENDEZ, and Mr. MCCOTTER.
H. Res. 673: Mr. FROST.
H. Res. 676: Ms. HART and Mr. BACHUS.
H. Res. 688: Mr. NEAL of Massachusetts, Mr. KENNEDY of Rhode Island, Ms. ROS-LEHTINEN, and Mr. PORTER.

¶68.56 PETITIONS, ETC.

Under clause 3 of rule XII,

91. The SPEAKER presented a petition of Mr. Gregory D. Watson, a Citizen of Austin, Texas, relative to a petition urging the United States Congress to enact legislation that would reinstate the $500 paper currency denomination, bearing the likenesses of the late President Reagan and the United States Supreme Court Building; which was referred to the Committee on Financial Services.

¶68.57 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1205: Mr. CARSON of Oklahoma.
H.R. 3720: Mr. WEXLER.
H.R. 3800: Mr. DAVIS of Tennessee.
H.R. 4107: Mr. DAVIS of Tennessee.

THURSDAY, JUNE 24, 2004 (69)

The House was called to order by the SPEAKER.

¶69.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, June 23, 2004.

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

¶69.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

8772. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Contracting for Architect-Engineer Services [DFARS Case 2003-D105] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8773. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Fish, Shellfish, and Seafood Products [DFARS Case 2002-D034] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8774. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Follow-On Production Contracts for Products Developed Pursuant to Prototype Projects [DFARS Case 2002-D023] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8775. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Production Surveillance and Reporting [DFARS Case 2002-D015] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8776. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-D-7557] received June 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8777. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7446] received June 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8778. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received June 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8779. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7833] received June 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8780. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received June 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8781. A letter from the Assistant Secretary for Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research (RIN: 1820-ZA34) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8782. A letter from the Assistant Secretary for Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research (RIN: 1820-ZA37) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8783. A letter from the Assistant Secretary for Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research (RIN: 1820-ZA26) received May 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8784. A letter from the Deputy Under Secretary, Department of Education, transmitting the Department's final rule — Safe Schools/Healthy Students (RIN: 1865-ZA02) received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8785. A letter from the Director, OSHA Standards and Guidance, Department of Labor, transmitting the Department's final rule — Mechanical Power Transmission Apparatus; Mechanical Power Presses; Telecommunications; Hydrogen — received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8786. A letter from the Assistant Secretary for Employee Benefits Security Administration, Department of Labor, transmitting the Department's final rule — Health Care Continuation Coverage (RIN: 1210-AA60) Received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8787. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received June 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8788. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Requirements for Liquid Medicated Animal Feed and Free-Choice Medicated Animal Feed [Docket No. 1993P-0174] received June 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8789. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Medical Device Reports; Reports of Corrections and Removals; Establishment Registration and Device Listing; Premarket Approval Supplements; Quality System Regulation; Importation of Electronic Products; Technical Amendment; Correction — received May 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8790. A letter from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule — Review of Part 15 and other Parts of the Commission's Rules [ET Docket No. 01-278; RM-9375; RM-10051] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8791. A letter from the Legal Advisor, Office of the Bureau Chief, WTB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Part 97 of the Rules Governing the Amateur Radio Services [Dkt No.04-140, RM-10313, R M-10352, RM-10353, RM-10354, RM-10355, RM-10412, RM-10413, RM-10492, RM-10521, RM-10582, RM-10620, RM-10621] Amendment of Section 97.111 of the Amateur Radio Service Rules to Limit Transmissions of Information Bulletins; Conforming Amendments to Part 97 of the Commission's Rules to Implement

the Worlds Radio Conference 1997 Final Acts; Amendment of Part 97 to Provide Color-coded License Documents; Amendment of Part 97 to Allow Instant Temporary Licensing; Amendment of the Amateur Service Rules to Limit to the Committee on Energy and Commerce.

8792. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Chase City, Virginia, and Creedmoor, Ahoskie, Gatesville, and Nashville, North Carolina) [MB Docket No. 03-232; RM-10819] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8793. A letter from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) FM Table of Allotments, FM Broadcast Stations. (Glasgow and Bowling Green, Kentucky) [MB Docket No. 04-42; RM-10850] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8794. A letter from the Legal Advisor to Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Anniston, Alabama) [MB Docket No. 03-229; RM-10795] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8795. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Arlington, The Dalles, Moro, Fossil, Astoria, Gladstone, Portland, Tillamook, Coos Bay, Springfield-Eugene, Manzanita and Hermiston, Oregon, and Covington, Trout Lake, Shoreline, Bellingham, Forks, Hoquiam, Aberdeen, Walla Walla, Kent, College Place, Long Beach and Ilwaco, Washington) [MB Docket No. 02-136; RM-10458; RM-10663, RM-10667, RM-10668] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8796. A letter from the Attorney Advisor, Federal Communications Commission, transmitting the Commission's final rule — Amendment of the Commission's Rules Regarding Dedicated Short-Range Communication Services in the 5.850-5.925 GHz Band (5.9 GHz Band) [WT Docket No. 01-90] Amendment of Parts 2 and 90 of the Commission's Rules to Allocate the 5.850-5.925 GHz Band to the Mobile Service for Dedicated Short Range Communications of Intelligent Transportation Services [ET Docket No. 98-95; RM-9096] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8797. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Arthur and Hazelton, North Dakota) [MB Docket No. 03-208; RM-10793] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8798. A letter from the Legal Advisor to Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Roswell, New Mexico) [MB Docket No. 04-16; RM-10840] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8799. A letter from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of the Commission's Space Station Licensing Rules and Policies [IB Docket No. 02-34] Mitigation of Orbital Debris [IB Docket No. 02-54] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8800. A letter from the Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of the Commission's Space Station Licensing Rules and Regulations [IB Docket No. 02-34] 2000 Biennial Regulatory Review — Streamlining and Other Revisions of Part 25 of the Commission's Rules Governing the Licensing of, and Spectrum Usage by, Satellite Network Earth Stations and Space Stations [IB Docket No. 00-248] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8801. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Voluntary Fire Protection Requirements for Light Water Reactors; Adoption of NFPA 805 as a Risk-Informed, Performance-Based Alternative (RIN: 3150-AG48) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8802. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule — Methods of Withdrawing Funds From the Thrift Savings Plan; Court Orders and Legal Processes Affecting Thrift Savings Plan Accounts; Loan Program; Thrift Savings Plan— received June 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8803. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Change in Federal Wage System Survey Job (RIN: 3206-AJ79) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8804. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Pay Administration (General) (RIN: 3206-AK47) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8805. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Physicians' Comparability Allowances (RIN: 3206-AJ96) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8806. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Federal Employees Health Benefits Program: Modification of Two-Option Limitation for Health Benefits Plans and Continuation of Coverage for Annuitants Whose Plan Terminates an Option (RIN: 3206-AK48) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8807. A letter from the Attorney Advisor, Federal Communications Commission, transmitting the Commission's final rule — Amendments to Parts 1, 2, 27, and 90 of the Commission's Rules to License Services in the 216-220 MHz, 1390-1395 MHz, 1427-1429 MHz, 1429-1432 MHz, 1432-1435 MHz, 1670-1675 MHz, and 2385-2390 MHz Government Transfer Bands [WT Docket No. 02-8; RM-9267, RM-9692, RM-9797, RM-9854, RM-9882] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8808. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #1 — Adjustments of the Commercial Fishery from the U.S. — Canada Border to Cape Falcon, Oregon [Docket No. 040429134-4135-01; I.D. 051704B] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8809. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Zone Off Alaska; ''Other Flatfish'' in the Bering Sea and Aleutian Islands [Docket No. 031124287-4060-02; I.D. 060104A] received June 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8810. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfish Sole in the Bering Sea and Aleutian Islands [Docket No. 031124287-4060-02; I.D. 060304C] received June 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8811. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of the Quarter II Fishery for Loligo Squid [Docket No.031104274-4011-02; I.D. 060804G] received June 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8812. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Groundfish Observer Program [Docket 980702167-4150-03; I.D. 031901A] (RIN: 0648-AK26] received June 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8813. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Amendment 13 Regulatory Amendment [Docket No. 040112010-4167-03; I.D.122203A] (RIN: 0648-AN17) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8814. A letter from the Deputy Assistant Administrator for Operations, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Wildlife; Sea Turtle Conservation Requirements [Docket No. 040412113-4152-01; I.D. 040104C] (RIN: 0648-AS02) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8815. A letter from the Acting Under Secretary and Acting Director, U.S. Patent and Trademark Office, Department of Commerce, transmitting the Department's final rule — Changes to Representation of Others Before The United States Patent and Trademark Office [Docket No. 2002-C-005] (RIN: 0651-AB55) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8816. A letter from the Acting Under Secretary and Acting Director, U.S. Patent and Trademark Office, Department of Commerce, transmitting the Department's final rule — Revision of Power of Attorney and Assignment Practice [Docket No.: 2003-P-019] (RIN:

0651-AB63) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8817. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Procedures for Designating Classes of Employees as Members of the Special Exposure Cohort under the Energy Employees Occupations Illness Compensation Program Act of 2000; Final Rule (RIN: 0920-AA07) received May 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8818. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Representations and Certifications—Other Than Commercial Items (RIN: 2700-AC97) received April 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

8819. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Compensation for labor or personal services (Rev. Proc. 2004-37) received June 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8820. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Compensation for Injuries or Sickness (Also Amounts received Under Accident and Health Plans) (Rev. Rul. 2004-55) received June 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8821. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rates Update [Notice 2004-42] received June 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶69.3 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment, a bill of the House of the following title:

H.R. 4635. An Act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

¶69.4 PROVIDING FOR THE CONSIDERATION OF H.R. 4663

Mr. HASTINGS of Washington, by direction of the Committee on Rules, called up the following resolution (H. Res. 692):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4663) to amend part C of the Balanced Budget and Emergency Deficit Control Act of 1985 to extend the discretionary spending limits and pay-as-you-go through fiscal year 2009. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against the bill are waived. No amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except that upon adoption of an amendment in the nature of a substitute, only the last amendment printed in the report of the Committee on Rules shall be in order. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

Mr. HASTINGS of Washington moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that the yeas had it.

Ms. SLAUGHTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LATOURETTE, pursuant to clause 8, rule XX, announced that further proceedings on ordering the previous question on the resolution were postponed.

¶69.5 BUDGET REVISION FOR FISCAL YEAR 2005

Mr. DELAY, pursuant to the order of the House of June 22, 2004, called up the resolution (H. Res. 685):

Resolved, That the conference report on Senate Concurrent Resolution 95, and the accompanying joint explanatory statement, as made applicable to the House by section 2 of House Resolution 649, shall have force and effect in the House as though such conference report and accompanying statement included the following modifications:

(1) In section 101 (relating to recommended levels and amounts for the budget year):

(A) In paragraph (4) (relating to the deficit), the amount of the deficit for fiscal year 2005 shall be reduced by $4,675,000,000.

(B) In paragraph (1) (relating to Federal revenues), the recommended level of Federal revenues for fiscal year 2005 shall be increased by $12,285,000,000 and the amount by which the aggregate level of Federal revenues should be changed shall be increased by $12,285,000,000.

(C) In paragraph (2) (relating to new budget authority), the appropriate level of total new budget authority for fiscal year 2005 shall be increased by $14,200,000,000.

(D) In paragraph (3) (relating to budget outlays), the appropriate level of total budget outlays for fiscal year 2005 shall be increased by $7,610,000,000.

(2) In section 103 (relating to major functional categories):

(A) In paragraph (1) (relating to National Defense (050)), the amount of new budget authority shall be increased by $1,000,000,000 and the amount of outlays shall be increased by $740,000,000, to improve the quality of life and provide livable housing for military personnel and their families.

(B) In paragraph (5) (relating to Natural Resources and Environment (300)), the amount of new budget authority shall each be increased by $825,000,000 and the amount of outlays shall be increased by $550,000,000, to provide clean water and open spaces for future generations.

(C) In paragraph (6) (relating to Agriculture (350)), the amount of new budget authority shall be increased by $380,000,000 and the amount of outlays shall be increased by $330,000,000, to inspect and secure our Nation's food supply and to improve economic opportunities, infrastructure, and the quality of life for rural Americans.

(D) In paragraph (10) (relating to Education, Training, Employment, and Social Services (500)), the amount of new budget authority shall be increased by $6,075,000,000 and the amount of outlays shall be increased by $2,430,000,000, to create opportunities for our children and young adults, and to address the needs of low-income communities and assist the long-term unemployed.

(E) In paragraph (11) (relating to Health (550)), the amount of new budget authority shall each be increased by $1,370,000,000 and the amount of outlays shall be increased by $530,000,000, to provide health care for children and others in need, control infectious diseases, foster medical research, and alleviate shortages of nurses and other health professionals .

(F) In paragraph (13) (relating to Income Security (600)), the amounts of new budget authority shall each be increased by $250,000,000 and the amount of outlays shall be increased by $170,000,000, to help States provide energy assistance to poor and alleviate the impact of refugees on State and local communities.

(G) In paragraph (15) (relating to Veterans Benefits and Series (700)), the amounts of new budget authority shall each be increased by $1,300,000,000(for a total of $2,500,000,000 above the President's request) and the amount of outlays shall be increased by $1,210,000,000, to maintain quality health care for veterans.

(H) To improve our hometown response capabilities, strengthen our borders and meet our security mandates, amounts of new budget authority and outlays for fiscal year 2005 shall be further modified as follows:

(i) In paragraph (9) (relating to community and regional development (450)), increase new budget authority by $1,200,000,000 and outlays by $240,000,000.

(ii) In paragraph (16) (relating to Administration of Justice (750)), increase new budget authority by $950,000,000 and outlays by $830,000,000.

(iii) In paragraph (8) (relating to Transportation (400)), increase new budget authority by $550,000,000 and outlays by $460,000,000.

(iv) In paragraph (11) (relating to Health (550)), increase new budget authority by $300,000,000 and outlays by $120,000,000.

(3) On page 113 of House Report 108–498, the section 302(a) allocation made to the Committee on Appropriations shall be adjusted by modifying amounts in the table titled ''Allocation Spending Authority to House Committees for Budget Year 2005–Committees on Appropriations'' as follows:

(A) By increasing the amount for ''Discretionary Action: General Purpose: BA'' and the amount for ''Total Discretionary Action BA:'' by $14,2000,000,000.

(B) By increasing the amount for ''Discretionary Action: General Purpose: OT'' and the amount for ''After Section 313 Adjustments of Discretionary OT:'' shall each be increased by $7,610,000.

(4) In section 211 (relating to reconciliation in the House of Representatives), by inserting at the end the following new subsection:

''(c) REDUCTION IN TAX CUTS FOR TAXPAYERS WITH INCOMES ABOVE $1,000,000.—The Committee on Ways and Means shall also include in the reconciliation bill reported pursuant to subsection (a) changes in tax laws sufficient to increase revenues by $18,900,000,000, to be achieved by reducing or offsetting the tax reductions received during tax year 2005 by taxpayers with adjusted gross income above $1,000,000 for taxpayers filing joint returns and comparable amounts for taxpayers with other filing statuses as a result of the Economic Growth and Tax Relief Reconciliation Act of 2001 and the Jobs and Growth and Tax Relief Reconciliation Act of 2003.''.

When said resolution was considered.

After debate,

Pursuant to the order of the House of June 22, 2004, the previous question was ordered on the resolution.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. FOSSELLA, announced that the yeas had it.

Mr. NUSSLE objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 184 / Nays ..... 230 }

¶69.6 [Roll No. 301]

YEAS—184

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NAYS—230

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

NOT VOTING—19

Barton (TX)
Bereuter
Berman
Brown (OH)
Carson (IN)
DeMint
Deutsch
Doyle
Gephardt
Granger
Hastings (FL)
Jones (OH)
Linder
McDermott
Meeks (NY)
Quinn
Reyes
Smith (TX)
Tauzin

So the resolution was not agreed to.

A motion to reconsider the vote whereby said resolution was not agreed to was, by unanimous consent, laid on the table.

¶69.7 H. RES. 692—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. FOSSELLA, pursuant to clause 8, rule XX, announced the unfinished business to be the question on ordering the previous question on the resolution (H. Res. 692) providing for consideration of the bill (H.R. 4663) to amend part C of the Balanced Budget and Emergency Deficit Control Act of 1985 to extend the discretionary spending limits and pay-as-you-go through fiscal year 2009.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 217 / Nays ..... 197 }

¶69.8 [Roll No. 302]

YEAS—217

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner

Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—197

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—19

Barton (TX)
Bereuter
Berman
Brown (OH)
Carson (IN)
Cole
DeMint
Deutsch
Gephardt
Granger
Hastings (FL)
Jones (OH)
Linder
McDermott
Meeks (NY)
Quinn
Smith (TX)
Tauzin
Tiberi

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. FOSSELLA, announced that the yeas had it.

Ms. SLAUGHTER demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 217 / Nays 197

¶69.9 [Roll No. 303]

AYES—217

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

NOES—197

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—19

Barton (TX)
Bereuter
Berman
Brown (OH)
Carson (IN)
DeMint
Deutsch
Gephardt
Granger
Gutknecht
Hastings (FL)
Jones (OH)
Kirk
Linder
McDermott
Meeks (NY)
Quinn
Smith (TX)
Tauzin

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶69.10 H. RES. 676—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. FOSSELLA, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 676) recognizing and honoring the 40th anniversary of congressional passage of the Civil Rights Act of 1964.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 414 / Nays 1

¶69.11 [Roll No. 304]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Becerra
Bell
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—18

Barton (TX)
Bereuter
Berman
Brown (OH)
Carson (IN)
DeMint
Deutsch
Doolittle
Gephardt
Granger
Hastings (FL)
Jones (OH)
Linder
McDermott
Meeks (NY)
Quinn
Smith (TX)
Tauzin

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶69.12 CHILD NUTRITION AND WIC REAUTHORIZATION FY 2004

On motion of Mr. BOEHNER, by unanimous consent, the bill of the Senate (S. 2507) to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to reauthorize child nutrition programs, and for other purposes; was taken from the Speaker's table.

When said bill was considered, read twice, ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶69.13 CONGRATULATING INTERIM GOVERNMENT OF IRAQ

Mr. HYDE, pursuant to the special order of the House of June 23, 2004, called up the resolution (H. Res. 691) congratulating the Interim Government of Iraq on its forthcoming assumption of sovereign authority in Iraq.

When said resolution was considered and read twice.

After debate,

Pursuant to the special order of the House of June 23, 2004, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. KUCINICH demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶69.14 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

¶69.15 MESSAGE FROM THE PRESIDENT—NATIONAL EMERGENCY WITH RESPECT TO THE WESTERN BALKANS

The SPEAKER pro tempore, Mr. SIMPSON, laid before the House a message from the President, which was read as follows:

To the Congress of The United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the FEDERAL REGISTER and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Western Balkans emergency is to continue in effect beyond June 26, 2004, to the *Federal Register* for publication. The most recent notice continuing this emergency was published in the *Federal Register* on June 24, 2003, 68 Fed. Reg. 37389.

The crisis constituted by the actions of persons engaged in, or assisting, sponsoring, or supporting, (i) extremist violence in the former Yugoslav Republic of Macedonia, and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia or United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo, that led to the declaration of a national emergency on June 26, 2001, has not been resolved. Subsequent to the declaration

of the national emergency, acts obstructing implementation of the Ohrid Framework Agreement of 2001 in the former Yugoslav Republic of Macedonia, have also become a concern. All of these actions are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to the Western Balkans and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 24, 2004*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 108–196).

¶69.16 SPENDING CONTROL

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to House Resolution 692 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 4663) to amend part C of the Balanced Budget and Emergency Deficit Control Act of 1985 to establish discretionary spending limits and a pay-as-you-go requirement for mandatory spending.

The SPEAKER pro tempore, Mr. SIMPSON, by unanimous consent, designated Mr. LATOURETTE as Chairman of the Committee of the Whole.

The Acting Chairman, Mr. BOOZMAN assumed the Chair; and after some time spent therein,

¶69.17 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, submitted by Mr. BRADY of Texas:

Page 2, after line 3, insert the following: ''TITLE I—EXTENSION OF DISCRETIONARY SPENDING LIMITS AND PAY-AS-YOU-GO REQUIREMENTS''.

Redesignate sections 2 through 9 as sections 101 through 108, respectively, and on page 10, after line 21, add the following new title:

TITLE II—ESTABLISHMENT OF FEDERAL AGENCY SUNSET COMMISSION

SEC. 201. REVIEW AND ABOLISHMENT OF FEDERAL AGENCIES.

(a) SCHEDULE FOR REVIEW.—Not later than one year after the date of the enactment of this Act, the Federal Agency Sunset Commission established under section 202 (in this title referred to as the ''Commission'') shall submit to Congress a schedule for review by the Commission, at least once every 12 years (or less, if determined appropriate by Congress), of the abolishment or reorganization of each agency.

(b) REVIEW OF AGENCIES PERFORMING RELATED FUNCTIONS.—In determining the schedule for review of agencies under subsection (a), the Commission shall provide that agencies that perform similar or related functions be reviewed concurrently to promote efficiency and consolidation.

(c) ABOLISHMENT OF AGENCIES.—

(1) IN GENERAL.—Each agency shall—

(A) be reviewed according to the schedule created pursuant to this section; and

(B) be abolished not later than one year after the date that the Commission completes its review of the agency pursuant to such schedule, unless the agency is reauthorized by the Congress.

(2) EXTENSION.—The deadline for abolishing an agency may be extended for an additional two years after the date described in paragraph (1)(B) if the Congress enacts legislation extending such deadline by a vote of a super majority of the House of Representatives and the Senate.

SEC. 202. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the ''Federal Agency Sunset Commission''.

(b) COMPOSITION.—The Commission shall be composed of 12 members (in this title referred to as the ''members'') who shall be appointed as follows:

(1) Six members shall be appointed by the Speaker of the House of Representatives, one of whom may include the Speaker of the House of Representatives, with minority members appointed with the consent of the minority leader of the House of Representatives.

(2) Six members shall be appointed by the majority leader of the Senate, one of whom may include the majority leader of the Senate, with minority members appointed with the consent of the minority leader of the Senate.

(c) QUALIFICATIONS OF MEMBERS.—

(1) IN GENERAL.—(A) Of the members appointed under subsection (b)(1), four shall be members of the House of Representatives (not more than two of whom may be of the same political party), and two shall be an individual described in subparagraph (C).

(B) Of the members appointed under subsection (b)(2), four shall be members of the Senate (not more than two of whom may be of the same political party) and two shall be an individual described in subparagraph (C).

(C) An individual under this subparagraph is an individual—

(i) who is not a member of Congress; and

(ii) with expertise in the operation and administration of Government programs.

(2) CONTINUATION OF MEMBERSHIP.—If a member was appointed to the Commission as a Member of Congress and the member ceases to be a Member of Congress, that member shall cease to be a member of the Commission. The validity of any action of the Commission shall not be affected as a result of a member becoming ineligible to serve as a member for the reasons described in this paragraph.

(d) INITIAL APPOINTMENTS.—All initial appointments to the Commission shall be made not later than 90 days after the date of the enactment of this Act.

(e) CHAIRMAN; VICE CHAIRMAN.—

(1) INITIAL CHAIRMAN.—An individual shall be designated by the Speaker of the House of Representatives from among the members initially appointed under subsection (b)(1) to serve as chairman of the Commission for a period of 2 years.

(2) INITIAL VICE-CHAIRMAN.—An individual shall be designated by the majority leader of the Senate from among the individuals initially appointed under subsection (b)(2) to serve as vice-chairman of the Commission for a period of two years.

(3) ALTERNATE APPOINTMENTS OF CHAIRMEN AND VICE-CHAIRMEN.—Following the termination of the two-year period described in paragraphs (1) and (2), the Speaker and the majority leader shall alternate every two years in appointing the chairman and vice-chairman of the Commission.

(f) TERMS OF MEMBERS.—

(1) MEMBERS OF CONGRESS.—Each member appointed to the Commission who is a member of Congress shall serve for a term of six years, except that, of the members first appointed under paragraphs (1) and (2) of subsection (b), 2 members shall be appointed to serve a term of three years under each such paragraph.

(2) OTHER MEMBERS.—Each member of the Commission who is not a member of Congress shall serve for a term of three years.

(3) TERM LIMIT.—(A) A member of the Commission who is a member of Congress and who serves more than three years of a term may not be appointed to another term as a member.

(B) A member of the Commission who is not a member of Congress and who serves as a member of the Commission for more than 56 months may not be appointed to another term as a member.

(g) POWERS OF COMMISSION.—

(1) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this title, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers appropriate. The Commission may administer oaths to witnesses appearing before it.

(2) OBTAINING INFORMATION.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out its duties under this title. Upon request of the Chairman, the head of that department or agency shall furnish that information to the Commission in a full and timely manner.

(3) SUBPOENA POWER.—(A) The Commission may issue a subpoena to require the attendance and testimony of witnesses and the production of evidence relating to any matter under investigation by the Commission.

(B) If a person refuses to obey an order or subpoena of the Commission that is issued in connection with a Commission proceeding, the Commission may apply to the United States district court in the judicial district in which the proceeding is held for an order requiring the person to comply with the subpoena or order.

(4) IMMUNITY.—The Commission is an agency of the United States for purposes of part V of title 18, United States Code (relating to immunity of witnesses).

(5) CONTRACT AUTHORITY.—The Commission may contract with and compensate government and private agencies or persons for services without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

(h) COMMISSION PROCEDURES.—

(1) MEETINGS.—The Commission shall meet at the call of the Chairman.

(2) QUORUM.—Seven members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(i) PERSONNEL MATTERS.—

(1) COMPENSATION.—Members shall not be paid by reason of their service as members.

(2) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(3) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Chairman. The Director shall be paid at a rate not to exceed the maximum rate of basic pay payable for GS–15 of the General Schedule.

(4) STAFF.—The Director may appoint and fix the pay of additional personnel as the Director considers appropriate.

(5) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Commission shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with

the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(j) OTHER ADMINISTRATIVE MATTERS.—

(1) POSTAL AND PRINTING SERVICES.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the United States.

(2) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its duties under this title.

(3) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(k) SUNSET OF COMMISSION.—The Commission shall terminate on December 31, 2026, unless reauthorized by Congress.

SEC. 203. REVIEW OF EFFICIENCY AND NEED FOR FEDERAL AGENCIES.

(a) IN GENERAL.—The Commission shall review the efficiency and public need for each agency in accordance with the criteria described in section 204.

(b) RECOMMENDATIONS; REPORT TO CONGRESS.—The Commission shall submit to Congress and the President not later than September 1 of each year a report containing—

(1) an analysis of the efficiency of operation and public need for each agency to be reviewed in the year in which the report is submitted pursuant to the schedule submitted to Congress under section 201;

(2) recommendations on whether each such agency should be abolished or reorganized;

(3) recommendations on whether the functions of any other agencies should be consolidated, transferred, or reorganized in an agency to be reviewed in the year in which the report is submitted pursuant to the schedule submitted to Congress under section 201; and

(4) recommendations for administrative and legislative action with respect to each such agency, but not including recommendations for appropriation levels.

(c) DRAFT LEGISLATION.—The Commission shall submit to Congress and the President not later than September 1 of each year a draft of legislation to carry out the recommendations of the Commission under subsection (b).

(d) INFORMATION GATHERING.—The Commission shall—

(1) conduct public hearings on the abolishment of each agency reviewed under subsection (b);

(2) provide an opportunity for public comment on the abolishment of each such agency;

(3) require the agency to provide information to the Commission as appropriate; and

(4) consult with the General Accounting Office, the Office of Management and Budget, the Comptroller General, and the chairman and ranking minority members of the committees of Congress with oversight responsibility for the agency being reviewed regarding the operation of the agency.

(e) USE OF PROGRAM INVENTORY.—The Commission shall use the program inventory prepared under section 208 in reviewing the efficiency and public need for each agency under subsection (a).

SEC. 204. CRITERIA FOR REVIEW.

The Commission shall evaluate the efficiency and public need for each agency pursuant to section 203(a) using the following criteria:

(1) The effectiveness, and the efficiency of the operation of, the programs carried out by each such agency.

(2) Whether the programs carried out by the agency are cost-effective.

(3) Whether the agency has acted outside the scope of its original authority, and whether the original objectives of the agency have been achieved.

(4) Whether less restrictive or alternative methods exist to carry out the functions of the agency.

(5) The extent to which the jurisdiction of, and the programs administered by, the agency duplicate or conflict with the jurisdiction and programs of other agencies.

(6) The potential benefits of consolidating programs administered by the agency with similar or duplicative programs of other agencies, and the potential for consolidating such programs.

(7) The number and types of beneficiaries or persons served by programs carried out by the agency.

(8) The extent to which any trends, developments, and emerging conditions that are likely to affect the future nature and extent of the problems or needs that the programs carried out by the agency are intended to address.

(9) The extent to which the agency has complied with the provisions contained in the Government Performance and Results Act of 1993 (Public Law 103–62; 107 Stat. 285).

(10) The promptness and effectiveness with which the agency seeks public input and input from State and local governments on the efficiency and effectiveness of the performance of the functions of the agency.

(11) Whether the agency has worked to enact changes in the law that are intended to benefit the public as a whole rather than the specific business, institution, or individuals that the agency regulates.

(12) The extent to which the agency has encouraged participation by the public as a whole in making its rules and decisions rather than encouraging participation solely by those it regulates.

(13) The extent to which the public participation in rulemaking and decisionmaking of the agency has resulted in rules and decisions compatible with the objectives of the agency.

(14) The extent to which the agency complies with section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act'').

(15) The extent to which the agency complies with equal employment opportunity requirements regarding equal employment opportunity.

(16) The extent of the regulatory, privacy, and paperwork impacts of the programs carried out by the agency.

(17) The extent to which the agency has coordinated with State and local governments in performing the functions of the agency.

(18) The potential effects of abolishing the agency on State and local governments.

(19) The extent to which changes are necessary in the authorizing statutes of the agency in order that the functions of the agency can be performed in the most efficient and effective manner.

SEC. 205. COMMISSION OVERSIGHT.

(a) MONITORING OF IMPLEMENTATION OF RECOMMENDATIONS.—The Commission shall monitor implementation of laws enacting provisions that incorporate recommendations of the Commission with respect to abolishment or reorganization of agencies.

(b) MONITORING OF OTHER RELEVANT LEGISLATION.—

(1) IN GENERAL.—The Commission shall review and report to Congress on all legislation introduced in either house of Congress that would establish—

(A) a new agency;

(B) a new program to be carried out by an existing agency.

(2) REPORT TO CONGRESS.—The Commission shall include in each report submitted to Congress under paragraph (1) an analysis of whether—

(A) the functions of the proposed agency or program could be carried out by one or more existing agencies;

(B) the functions of the proposed agency or program could be carried out in a less restrictive manner than the manner proposed in the legislation; and

(C) the legislation provides for public input regarding the performance of functions by the proposed agency or program.

SEC. 206. RULEMAKING AUTHORITY.

The Commission may promulgate such rules as necessary to carry out this title.

SEC. 207. RELOCATION OF FEDERAL EMPLOYEES.

If the position of an employee of an agency is eliminated as a result of the abolishment of an agency in accordance with this title, there shall be a reasonable effort to relocate such employee to a position within another agency.

SEC. 208. PROGRAM INVENTORY.

(a) PREPARATION.—The Comptroller General and the Director of the Congressional Budget Office, in cooperation with the Director of the Congressional Research Service, shall prepare an inventory of Federal programs (in this title referred to as the ''program inventory'') within each agency.

(b) PURPOSE.—The purpose of the program inventory is to advise and assist the Congress and the Commission in carrying out the requirements of this title. Such inventory shall not in any way bind the committees of the Senate or the House of Representatives with respect to their responsibilities under this title and shall not infringe on the legislative and oversight responsibilities of such committees. The Comptroller General shall compile and maintain the inventory and the Director of the Congressional Budget Office shall provide budgetary information for inclusion in the inventory.

(c) INVENTORY CONTENT.—The program inventory shall set forth for each program each of the following matters:

(1) The specific provision or provisions of law authorizing the program.

(2) The committees of the Senate and the House of Representatives which have legislative or oversight jurisdiction over the program.

(3) A brief statement of the purpose or purposes to be achieved by the program.

(4) The committees which have jurisdiction over legislation providing new budget authority for the program, including the appropriate subcommittees of the Committees on Appropriations of the Senate and the House of Representatives.

(5) The agency and, if applicable, the subdivision thereof responsible for administering the program.

(6) The grants-in-aid, if any, provided by such program to State and local governments.

(7) The next reauthorization date for the program.

(8) A unique identification number which links the program and functional category structure.

(9) The year in which the program was originally established and, where applicable, the year in which the program expires.

(10) Where applicable, the year in which new budget authority for the program was last authorized and the year in which current authorizations of new budget authority expire.

(d) BUDGET AUTHORITY.—The report also shall set forth for each program whether the new budget authority provided for such programs is—

(1) authorized for a definite period of time;

(2) authorized in a specific dollar amount but without limit of time;

(3) authorized without limit of time or dollar amounts;

(4) not specifically authorized; or

(5) permanently provided,

as determined by the Director of the Congressional Budget Office.

(e) CBO INFORMATION.—For each program or group of programs, the program inventory also shall include information prepared by the Director of the Congressional Budget Office indicating each of the following matters:

(1) The amounts of new budget authority authorized and provided for the program for each of the preceding four fiscal years and, where applicable, the four succeeding fiscal years.

(2) The functional and subfunctional category in which the program is presently classified and was classified under the fiscal year 2001 budget.

(3) The identification code and title of the appropriation account in which budget authority is provided for the program.

(f) MUTUAL EXCHANGE OF INFORMATION.—The General Accounting Office, the Congressional Research Service, and the Congressional Budget Office shall permit the mutual exchange of available information in their possession which would aid in the compilation of the program inventory.

(g) ASSISTANCE BY EXECUTIVE BRANCH.—The Office of Management and Budget, and the Executive agencies and the subdivisions thereof shall, to the extent necessary and possible, provide the General Accounting Office with assistance requested by the Comptroller General in the compilation of the program inventory.

SEC. 209. DEFINITION OF AGENCY.

As used in this title, the term ''agency'' has the meaning given that term by section 105 of title 5, United States Code, except that such term includes an advisory committee as that term is defined in section 102(2) of the Federal Advisory Committee Act.

SEC. 210. OFFSET OF AMOUNTS APPROPRIATED.

Amounts appropriated to carry out this title shall be offset by a reduction in amounts appropriated to carry out programs of other Federal agencies.

It was decided in the affirmative ..... { Yeas ..... 272 / Nays 140

¶69.18 [Roll No. 305]

AYES—272

Aderholt
Akin
Alexander
Baca
Bachus
Baird
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bell
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graves
Green (TX)
Green (WI)
Gutknecht
Hall
Harman
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Lampson
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Moore
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pascrell
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wu
Young (AK)

NOES—140

Abercrombie
Ackerman
Allen
Andrews
Baker
Baldwin
Becerra
Berkley
Bishop (GA)
Bishop (NY)
Blumenauer
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Chandler
Clay
Clyburn
Conyers
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frelinghuysen
Greenwood
Grijalva
Gutierrez
Hinchey
Holt
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kolbe
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
Meek (FL)
Menendez
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ose
Owens
Pallone
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Scott (VA)
Serrano
Sherman
Simpson
Slaughter
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Van Hollen
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Wolf
Woolsey
Wynn
Young (FL)

NOT VOTING—21

Barton (TX)
Bereuter
Berman
Carson (IN)
Collins
Davis, Tom
Deutsch
Gephardt
Granger
Harris
Hastings (FL)
Hastings (WA)
Jefferson
Jones (OH)
McDermott
Meeks (NY)
Mollohan
Rothman
Roybal-Allard
Tauzin
Velázquez

So the amendment was agreed to.

¶69.19 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2, submitted by Mr. CHOCOLA:

Page 2, after line 3, insert the following:

TITLE I—EXTENSION OF DISCRETIONARY SPENDING LIMITS AND PAY-AS-YOU-GO REQUIREMENTS

Redesignate sections 2 through 9 as sections 101 through 108, respectively; on page 5, lines 23 and 24, strike ''paragraphs'' and insert ''paragraph''; on page 6, line 5, insert quotation marks after the period and strike line 6 and all that follows thereafter through page 7, line 12; on page 7, line 13, strike ''(c)'' and insert ''(b)''; and on page 7, strike line 25 and insert the following: ''covered by subsection (b) or (c) of section 316 of the Congressional Budget Act of 1974''.

At the end, add the following new titles:

TITLE II—ONE-PAGE BUDGET RESOLUTIONS

SEC. 201. ONE-PAGE BUDGET RESOLUTIONS.

(a) CONTENT OF ANNUAL CONCURRENT RESOLUTIONS ON THE BUDGET.—Section 301(a)(4) of the Congressional Budget Act of 1974 is amended to read as follows:

''(4) subtotals of new budget authority and outlays for nondefense discretionary spending, defense discretionary spending, direct spending (excluding interest), interest, and emergencies (for the reserve fund in section 316(b) and for military operations in section 316(c));''.

(b) ADDITIONAL MATTERS IN CONCURRENT RESOLUTION.—Section 301(b) of the Congressional Budget Act of 1974 is amended as follows:

(1) Strike paragraphs (2), (4), and (6) through (9).

(2) After paragraph (1), insert the following new paragraph:

''(2) require such other congressional procedures, relating to the budget, as may be appropriate to carry out the purposes of this Act;''.

(3) At the end of paragraph (3), insert ''and'' and redesignate paragraph (5) as paragraph (4) and in such paragraph strike the semicolon and insert a period.

(c) REQUIRED CONTENTS OF REPORT.—Section 301(e)(2) of the Congressional Budget Act of 1974 is amended as follows:

(1) Redesignate subparagraphs (A), (B), (C), (D), (E), and (F) as subparagraphs (B), (C), (E), (F), and (G), respectively.

(2) Before subparagraph (B) (as redesignated), insert the following new subparagraph:

''(A) new budget authority and outlays for each major functional category, based on allocations of the total levels set forth pursuant to subsection (a)(1);''.

(3) In subparagraph (C) (as redesignated), strike ''mandatory'' and insert ''direct spending''.

(d) ADDITIONAL CONTENTS OF REPORT.—Section 301(e)(3) of the Congressional Budget

Act of 1974 is amended by striking ''and'' at the end of subparagraph (D), by striking the period and inserting ''; and'' at the end of subparagraph (E), and by adding at the end the following new subparagraph:

''(F) reconciliation directives described in section 310.''.

(e) PRESIDENT'S BUDGET SUBMISSION TO THE CONGRESS.—(1) The first two sentences of section 1105(a) of title 31, United States Code, are amended to read as follows:

''On or after the first Monday in January but not later than the first Monday in February of each year the President shall submit a budget of the United States Government for the following fiscal year which shall set forth the following levels:

''(A) totals of new budget authority and outlays;

''(B) total Federal revenues and the amount, if any, by which the aggregate level of Federal revenues should be increased or decreased by bills and resolutions to be reported by the appropriate committees;

''(C) the surplus or deficit in the budget;

''(D) subtotals of new budget authority and outlays for nondefense discretionary spending, defense discretionary spending, direct spending (excluding interest), interest, and emergencies (for the reserve fund in section 316(b) and for military operations in section 316(c)); and

''(E) the public debt.

Each budget submission shall include a budget message and summary and supporting information and, as a separately delineated statement, the levels required in the preceding sentence for at least each of the 4 ensuing fiscal years.''.

(2) The third sentence of section 1105(a) of title 31, United States Code, is amended by inserting ''submission'' after ''budget''.

(f) CONFORMING AMENDMENTS TO SECTION 310 REGARDING RECONCILIATION DIRECTIVES.—(1) Section 310(a) of such Act is amended by striking ''A'' and inserting ''The joint explanatory statement accompanying the conference report on a''.

(2) The first sentence of section 310(b) of such Act is amended by striking ''If'' and inserting ''If the joint explanatory statement accompanying the conference report on''.

(3) Section 310(c)(1) of such Act is amended by inserting ''the joint explanatory statement accompanying the conference report on'' after ''pursuant to''.

TITLE III—EMERGENCIES

SEC. 301. REPEAL OF ADJUSTMENTS FOR EMERGENCIES.

(a) ELIMINATION OF EMERGENCY DESIGNATION.—Sections 251(b)(2)(A), 252(e), and 252(d)(4)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985 are repealed.

(b) ELIMINATION OF ADJUSTMENTS.—Section 314(b) of the Congressional Budget Act of 1974 is amended by striking paragraph (1) and by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively.

(c) CONFORMING AMENDMENT.—Clause 2 of rule XXI of the Rules of the House of Representatives is amended by repealing paragraph (e) and by redesignating paragraph (f) as paragraph (e).

SEC. 302. OMB EMERGENCY CRITERIA.

(a) DEFINITION OF EMERGENCY.—Section 3 of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding at the end the following new paragraph:

''(11)(A) The term 'emergency' means a situation that—

''(i) requires new budget authority and outlays (or new budget authority and the outlays flowing therefrom) for the prevention or mitigation of, or response to, loss of life or property, or a threat to national security; and

''(ii) is unanticipated.

''(B) As used in subparagraph (A), the term 'unanticipated' means that the situation is—

''(i) sudden, which means quickly coming into being or not building up over time;

''(ii) urgent, which means a pressing and compelling need requiring immediate action;

''(iii) unforeseen, which means not predicted or anticipated as an emerging need; and

''(iv) temporary, which means not of a permanent duration.''.

(b) CONFORMING AMENDMENT.—The term 'emergency' has the meaning given to such term in section 3 of the Congressional Budget and Impoundment Control Act of 1974.''.

SEC. 303. DEVELOPMENT OF GUIDELINES FOR APPLICATION OF EMERGENCY DEFINITION.

Not later than 5 months after the date of enactment of this Act, the chairmen of the Committees on the Budget (in consultation with the President) shall, after consulting with the chairmen of the Committees on Appropriations and applicable authorizing committees of their respective Houses and the Directors of the Congressional Budget Office and the Office of Management and Budget, jointly publish in the Congressional Record guidelines for application of the definition of emergency set forth in section 3(11) of the Congressional Budget and Impoundment Control Act of 1974.

SEC. 304. RESERVE FUND FOR EMERGENCIES IN PRESIDENT'S BUDGET.

Section 1105(f) of title 31, United States Code is amended by adding at the end the following new sentences: ''Such budget submission shall also comply with the requirements of subsections (b) and (c) of section 316 of the Congressional Budget Act of 1974 and, in the case of any budget authority requested for an emergency, such submission shall include a detailed justification of why such emergency is an emergency within the meaning of section 3(11) of the Congressional Budget Act of 1974.''.

SEC. 305. BUDGETING FOR EMERGENCIES.

(a) EMERGENCIES.—Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

''EMERGENCIES

''SEC. 316. (a) ADJUSTMENTS.—

''(1) IN GENERAL.—After the reporting of a bill or joint resolution or the submission of a conference report thereon that provides budget authority for any emergency as identified pursuant to subsection (d) that is not covered by subsection (c)—

''(A) the chairman of the Committee on the Budget of the House of Representatives or the Senate shall determine and certify, pursuant to the guidelines referred to in section 303 of the Spending Control Act of 2004, the portion (if any) of the amount so specified that is for an emergency within the meaning of section 3(11); and

''(B) such chairman shall make the adjustment set forth in paragraph (2) for the amount of new budget authority (or outlays) in that measure and the outlays flowing from that budget authority.

''(2) MATTERS TO BE ADJUSTED.—The adjustments referred to in paragraph (1) are to be made to the allocations made pursuant to the appropriate concurrent resolution on the budget pursuant to section 302(a) and shall be in an amount not to exceed the amount reserved for emergencies pursuant to the requirements of subsection (b).

''(b) RESERVE FUND FOR NONMILITARY EMERGENCIES.—The amount set forth in the reserve fund for emergencies for budget authority and outlays for a fiscal year pursuant to section 301(a)(4) shall equal—

''(1) the average of the enacted levels of budget authority for emergencies (other than those covered by subsection (c)) in the 5 fiscal years preceding the current year; and

''(2) the average of the levels of outlays for emergencies in the 5 fiscal years preceding the current year flowing from the budget authority referred to in paragraph (1), but only in the fiscal year for which such budget authority first becomes available for obligation.

''(c) TREATMENT OF EMERGENCIES TO FUND CERTAIN MILITARY OPERATIONS.—Whenever the Committee on Appropriations reports any bill or joint resolution that provides budget authority for any emergency that is a threat to national security and the funding of which carries out a military operation authorized by a declaration of war or a joint resolution authorizing the use of military force (or economic assistance funding in furtherance of such operation) and the report accompanying that bill or joint resolution, pursuant to subsection (d), identifies any provision that increases outlays or provides budget authority (and the outlays flowing therefrom) for such emergency, the enactment of which would cause the total amount of budget authority or outlays provided for emergencies for the budget year in the joint resolution on the budget (pursuant to section 301(a)(4)) to be exceeded:

''(1) Such bill or joint resolution shall be referred to the Committee on the Budget of the House or the Senate, as the case may be, with instructions to report it without amendment, other than that specified in paragraph (2), within 5 legislative days of the day in which it is reported from the originating committee. If the Committee on the Budget of either House fails to report a bill or joint resolution referred to it under this subparagraph within such 5-day period, the committee shall be automatically discharged from further consideration of such bill or joint resolution and such bill or joint resolution shall be placed on the appropriate calendar.

''(2) An amendment to such a bill or joint resolution referred to in this subsection shall only consist of an exemption from section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 of all or any part of the provisions that provide budget authority (and the outlays flowing therefrom) for such emergency if the committee determines, pursuant to the guidelines referred to in section 303 of the Spending Control Act of 2004, that such budget authority is for an emergency within the meaning of section 3(11).

''(3) If such a bill or joint resolution is reported with an amendment specified in paragraph (2) by the Committee on the Budget of the House of Representatives or the Senate, then the budget authority and resulting outlays that are the subject of such amendment shall not be included in any determinations under section 302(f) or 311(a) for any bill, joint resolution, amendment, motion, or conference report.

''(d) COMMITTEE NOTIFICATION OF EMERGENCY LEGISLATION.—Whenever the Committee on Appropriations or any other committee of either House (including a committee of conference) reports any bill or joint resolution that provides budget authority for any emergency, the report accompanying that bill or joint resolution (or the joint explanatory statement of managers in the case of a conference report on any such bill or joint resolution) shall identify all provisions that provide budget authority and the outlays flowing therefrom for such emergency and include a statement of the reasons why such budget authority meets the definition of an emergency pursuant to the guidelines referred to in section 303 of the Spending Control Act of 2004.''.

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the

item relating to section 315 the following new item:

''Sec. 316. Emergencies.''.

SEC. 306. APPLICATION OF SECTION 306 TO EMERGENCIES IN EXCESS OF AMOUNTS IN RESERVE FUND.

Section 306 of the Congressional Budget Act of 1974 is amended by inserting at the end the following new sentence: ''No amendment reported by the Committee on the Budget (or from the consideration of which such committee has been discharged) pursuant to section 316(c) may be amended.''.

SEC. 307. UP-TO-DATE TABULATIONS.

Section 308(b)(2) of the Congressional Budget Act of 1974 is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ''; and'', and by adding at the end the following new subparagraph:

''(D) shall include an up-to-date tabulation of amounts remaining in the reserve fund for emergencies.''.

It was decided in the negative ..... { Yeas ..... 126 / Nays 290

¶69.20 [Roll No. 306]

AYES—126

Akin
Bachus
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Boozman
Boswell
Brady (TX)
Burgess
Burns
Burton (IN)
Camp
Cannon
Carter
Castle
Chabot
Chocola
Coble
Cole
Cox
Crane
Cubin
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Duncan
Dunn
Ehlers
Feeney
Flake
Foley
Forbes
Fossella
Franks (AZ)
Garrett (NJ)
Gerlach
Gingrey
Goode
Goodlatte
Green (TX)
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hayworth
Hensarling
Herger
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Isakson
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kirk
Kline
Leach
Manzullo
McCrery
McInnis
McKeon
Miller (FL)
Miller, Gary
Moore
Moran (KS)
Murtha
Musgrave
Myrick
Neugebauer
Ney
Norwood
Otter
Pearce
Pence
Petri
Pitts
Platts
Pryce (OH)
Radanovich
Ramstad
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Smith (MI)
Smith (WA)
Souder
Stearns
Sullivan
Tancredo
Thornberry
Tiberi
Toomey
Upton
Vitter
Weller
Wilson (NM)
Wilson (SC)

NOES—290

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Boehlert
Bonilla
Bonner
Bono
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burr
Buyer
Calvert
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Edwards
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gibbons
Gilchrest
Gillmor
Gonzalez
Gordon
Goss
Graves
Grijalva
Gutierrez
Hall
Harman
Hayes
Hefley
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Moran (VA)
Murphy
Nadler
Napolitano
Neal (MA)
Nethercutt
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pombo
Pomeroy
Porter
Portman
Price (NC)
Putnam
Quinn
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (KY)
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—17

Barton (TX)
Bereuter
Berman
Blumenauer
Carson (IN)
Collins
Davis, Tom
Deutsch
Gephardt
Granger
Hastings (FL)
Hastings (WA)
Jones (OH)
McDermott
Mollohan
Rothman
Tauzin

So the amendment was not agreed to.

¶69.21 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 3, submitted by Mr. CASTLE:

At the end, add the following new section:

SEC. . ESTABLISHMENT OF MACROECONOMIC CONGRESSIONAL BUDGETS.

(a) MACROECONOMIC CATEGORIES.—Section 301(a) of the Congressional Budget Act of 1974 (2 U.S.C. 632(a)) is amended by striking paragraph (4) and by redesignating paragraphs (5) through (7) as paragraphs (4) through (6), respectively.

(b) ADDITIONAL MATTERS.—Section 301(b) of the Congressional Budget Act of 1974 (2 U.S.C. 632(b)) is amended by striking ''and'' at the end of paragraph (8), by striking the period and inserting ''; and'' at the end of paragraph (9), and by adding at the end the following new paragraph:

''(10) set forth appropriate levels for each fiscal year covered by such concurrent resolution for new budget authority and outlays for each major functional category established by the Committees on the Budget (after consultation with each other), based on allocations of the total levels set forth pursuant to subsection (a)(1).''.

It was decided in the negative ..... { Yeas ..... 185 / Nays 230

¶69.22 [Roll No. 307]

AYES—185

Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Cole
Cox
Crane
Crenshaw
Culberson
Davis (TN)
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hayworth
Hensarling
Herger
Herseth
Hoekstra
Holden
Hostettler
Hulshof
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Manzullo
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nussle
Osborne
Ose
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Portman
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Simmons
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden (OR)
Wamp
Weldon (PA)
Whitfield
Wicker
Wilson (SC)

NOES—230

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baldwin

Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Chandler
Clay
Clyburn
Coble
Cooper
Costello
Cramer
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graves
Grijalva
Gutierrez
Hayes
Hefley
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kleczka
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran (VA)
Murphy
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pombo
Pomeroy
Porter
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Renzi
Reyes
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Sherwood
Simpson
Slaughter
Smith (NJ)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—18

Barton (TX)
Bereuter
Berman
Carson (IN)
Case
Collins
Conyers
Davis, Tom
Deutsch
Gephardt
Granger
Hastings (FL)
Hastings (WA)
Jones (OH)
McDermott
Mollohan
Rothman
Tauzin

So the amendment was not agreed to.

¶69.23 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4, submitted by Mr. HENSARLING:

Page 2, after line 3, insert the following:

TITLE I—EXTENSION OF DISCRETIONARY SPENDING LIMITS AND PAY-AS-YOU-GO REQUIREMENTS

Redesignate sections 2 through 9 as sections 101 through 108, respectively, and, at the end, add the following new titles:

TITLE II—SPENDING CAPS ON GROWTH OF ENTITLEMENTS AND MANDATORIES

SEC. 201. SPENDING CAPS ON GROWTH OF ENTITLEMENTS AND MANDATORIES.

(a) CONTROL OF ENTITLEMENTS AND MANDATORIES.—The Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding after section 252 the following new section:

"SEC. 252A. ENFORCING CONTROLS ON DIRECT SPENDING.

"(a) CAP ON GROWTH OF ENTITLEMENTS.—Effective for fiscal year 2005 and for each ensuing fiscal year, the total level of direct spending for all direct spending programs, projects, and activities (excluding social security) for any such fiscal year shall not exceed the total level of spending for all such programs, projects, and activities for the previous fiscal year after the direct spending for each such program, project, or activity is increased by the higher of the change in the Consumer Price Index for All Urban Consumers or the inflator (if any) applicable to that program, project, or activity and the growth in eligible population for such, project, or activity.

"(b) SEQUESTRATION.—Within 15 days after Congress adjourns to end a session (other than of the second session of the One Hundred Eighth Congress), and on the same day as a sequestration (if any) under section 251, there shall be a sequestration to reduce the amount of direct spending for the fiscal year beginning in the year the Congress adjourns by any amount necessary to reduce such spending to the level set forth in subsection (a) unless that amount is less than $250,000,000.

"(c) UNIFORM REDUCTIONS; LIMITATIONS.—The amount required to be sequestered for the fiscal year under subsection (a) shall be obtained from nonexempt direct spending accounts by actions taken in the following order:

"(1) FIRST.—The reductions in the programs specified in section 256(a) (National Wool Act and special milk), section 256(b) (student loans), and section 256(c) (foster care and adoption assistance) shall be made.

"(2) SECOND.—Any additional reductions that may be required shall be achieved by reducing each remaining nonexempt direct spending account by the uniform percentage necessary to achieve those additional reductions, except that—

"(A) the low-income programs specified in section 256(d) shall not be reduced by more than 2 percent;

"(B) the retirement and veterans benefits specified in sections 256(f), (g), and (h) shall not be reduced by more than 2 percent in the manner specified in that section; and

"(C) the medicare programs shall not be reduced by more than 2 percent in the manner specified in section 256(i).

The limitations set forth in subparagraphs (A), (B), and (C) shall be applied iteratively, and after each iteration the uniform percentage applicable to all other programs under this paragraph shall be increased (if necessary) to a level sufficient to achieve the reductions required by this paragraph.

"(d) EXCLUSION OF MEDICARE PRESCRIPTION DRUG PROGRAM UNTIL FULLY OPERATIONAL.—For purposes of this section with respect to the limitation under subsection (a) for a fiscal year before fiscal year 2008, direct spending programs and direct spending shall not be construed to include part D of title XVIII of the Social Security Act (or spending under part C of such title that is attributable to such part D).".

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents set forth in 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding after the item relating to section 252 the following new item:

"Sec. 252A. Enforcing controls on direct spending.".

SEC. 202. EXEMPT PROGRAMS AND ACTIVITIES.

Section 255 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

"SEC. 255. EXEMPT PROGRAMS AND ACTIVITIES.

"(a) SOCIAL SECURITY BENEFITS; TIER I RAILROAD RETIREMENT BENEFITS; AND CERTAIN MEDICARE BENEFITS.—(1) Benefits payable under the old-age, survivors, and disability insurance program established under title II of the Social Security Act, and benefits payable under section 3(a), 3(f)(3), 4(a), or 4(f) of the Railroad Retirement Act of 1974, shall be exempt from reduction under any order issued under this part.

"(2) Payments made under part A of title XVIII (relating to part A medicare hospital insurance benefits) of the Social Security Act and payments made under part C of such title (relating to the Medicare Advantage program) insofar as they are attributable to part A of such title shall be exempt from reduction under any order issued under this part.

"(b) DESCRIPTIONS AND LISTS.—The following budget accounts or activities shall be exempt from sequestration:

"(1) net interest;

"(2) all payments to trust funds from excise taxes or other receipts or collections properly creditable to those trust funds;

"(3) all payments from one Federal direct spending budget account to another Federal budget account; and all intragovernmental funds including those from which funding is derived primarily from other Government accounts, except to the extent that such funds are augmented by direct appropriations for the fiscal year for which the order is in effect;

"(4) activities resulting from private donations, bequests, or voluntary contributions to the Government;

"(5) payments from any revolving fund or trust-revolving fund (or similar activity) that provides deposit insurance or other Government insurance, Government guarantees, or any other form of contingent liability, to the extent those payments result from contractual or other legally binding commitments of the Government at the time of any sequestration;

"(6) credit liquidating and financing accounts;

"(7) the following accounts, which largely fulfill requirements of the Constitution or otherwise make payments to which the Government is committed:

"Administration of Territories, Northern Mariana Islands Covenant grants (14–0412–0–1–806);

"Armed Forces Retirement Home Trust Fund, payment of claims (84–8930–0–7–705);

"Bureau of Indian Affairs, miscellaneous payments to Indians (14–230–0–1–452);

"Bureau of Indian Affairs, miscellaneous trust funds, tribal trust funds (14–9973–0–7–999);

"Claims, defense;

"Claims, judgments, and relief act (20–185–0–1–806);

"Compact of Free Association, economic assistance pursuant to Public Law 99 (14–0414–0–1–806);

"Compensation of the President (11–0001–0–1–802);

"Customs Service, miscellaneous permanent appropriations (20–9992–0–2–852);

''Eastern Indian land claims settlement fund (14–2202–0–1–806);

''Farm Credit Administration, Limitation on Administration Expenses (78–4131–0–3–351);

''Farm Credit System Financial Assistance Corporation, interest payments (20–1850–0–1–351);

''Internal Revenue collections of Puerto Rico (20–5737–0–2–852);

''Panama Canal Commission, operating expenses and capital outlay (95–5190–0–2–403);

''Payments of Vietnam and USS Pueblo prisoner-of-war claims (15–0104–0–1–153);

''Payments to copyright owners (03–5175–0–2–376);

''Payments to health care trust funds (75–0580–0–1–571);

''Payments to social security trust funds (75–0404–0–1–651);

''Payments to the United States territories, fiscal assistance (14–0418–0–1–801);

''Payments to widows and heirs of deceased Members of Congress (00–0215–0–1–801);

''Pension Benefit Guaranty Corporation Fund (16–4204–0–3–601);

''Salaries of Article III judges;

''Washington Metropolitan Area Transit Authority, interest payments (46–0300–0–1–401);

''(8) the following noncredit special, revolving, or trust-revolving funds:

''Coinage profit fund (20–5811–0–2–803);

''Comptroller of the Currency;

''Director of the Office of Thrift Supervision;

''Exchange Stabilization Fund (20–4444–0–3–155);

''Federal Housing Finance Board;

''Foreign Military Sales trust fund (11–82232–0–7–155);

''National Credit Union Administration, central liquidating facility (25–4470–0–3–373);

''National Credit Union Administration, credit union insurance fund (25–4468–0–3–373);

''National Credit Union Administration operating fund (25–4056–0–3–373); and

''Resolution Trust Corporation Revolving Fund (22–4055–0–3–373);

''(9) Thrift Savings Fund;

''(10) appropriations for the District of Columbia to the extent they are appropriations of locally raised funds;

''(11)(A) any amount paid as regular unemployment compensation by a State from its account in the Unemployment Trust Fund (established by section 904(a) of the Social Security Act);

''(B) any advance made to a State from the Federal unemployment account (established by section 904(g) of such Act) under title XII of such Act and any advance appropriated to the Federal unemployment account pursuant to section 1203 of such Act; and

''(C) any payment made from the Federal Employees Compensation Account (as established under section 909 of such Act) for the purpose of carrying out chapter 85 of title 5, United States Code, and funds appropriated or transferred to or otherwise deposited in such Account; and

''(12)(A) FDIC, Bank Insurance Fund (51–4064–0–3–373);

''(B) FDIC, FSLIC Resolution Fund (51–4065–0–3–373); and

''(C) FDIC, Savings Association Insurance Fund (51–4066–0–3–373);

''(c) FEDERAL RETIREMENT AND DISABILITY ACCOUNTS.—The following Federal retirement and disability accounts shall be exempt from reduction under any order issued under this part:

''Civil service retirement and disability fund (24–8135–0–7–602).

''Black Lung Disability Trust Fund (20–8144–0–7–601).

''Foreign Service Retirement and Disability Fund (19–8186–0–7–602).

''District of Columbia Judicial Retirement and Survivors Annuity Fund (20–8212–0–7–602).

''Judicial Survivors' Annuities Fund (10–8110–0–7–602).

''Payments to the Railroad Retirement Accounts (60–0113–0–1–601).

''Tax Court Judges Survivors Annuity Fund (23–8115–0–7–602).

''Employees Life Insurance Fund (24–8424–0–8–602).

''(d) FEDERAL ADMINISTRATIVE EXPENSES.—

''(1) Notwithstanding any provision of law other than paragraph (3), administrative expenses incurred by the departments and agencies, including independent agencies, of the Government in connection with any program, project, activity, or account shall be subject to reduction pursuant to any sequestration order, without regard to any exemption, exception, limitation, or special rule otherwise applicable with respect to such program, project, activity, or account, and regardless of whether the program, project, activity, or account is self-supporting and does not receive appropriations.

''(2) Payments made by the Government to reimburse or match administrative costs incurred by a State or political subdivision under or in connection with any program, project, activity, or account shall not be considered administrative expenses of the Government for purposes of this section, and shall be subject to sequestration to the extent (and only to the extent) that other payments made by the Government under or in connection with that program, project, activity, or account are subject to that reduction or sequestration; except that Federal payments made to a State as reimbursement of administrative costs incurred by that State under or in connection with the unemployment compensation programs specified in subsection (a)(11) shall be subject to reduction or sequestration under this part notwithstanding the exemption otherwise granted to such programs under that subsection.

''(3) Notwithstanding any other provision of law, the administrative expenses of the following programs shall be exempt from sequestration:

''(A) Comptroller of the Currency.

''(B) Federal Deposit Insurance Corporation.

''(C) Office of Thrift Supervision.

''(D) National Credit Union Administration.

''(E) National Credit Union Administration, central liquidity facility.

''(F) Federal Retirement Thrift Investment Board.

''(G) Resolution Funding Corporation.

''(H) Resolution Trust Corporation.

''(I) Board of Governors of the Federal Reserve System.

''(e) VETERANS' PROGRAMS.—The following programs shall be exempt from reduction under any order issued under this part:

''General Post Funds (36–8180–0–7–705).

''Veterans Insurance and Indemnities (36–0120–0–1–701).

''Service-Disabled Veterans Insurance Funds (36–4012–0–3–701).

''Veterans Reopened Insurance Fund (36–4010–0–3–701).

''Servicemembers' Group Life Insurance Fund (36–4009–0–3–701).

''Post-Vietnam Era Veterans Education Account (36–8133–0–7–702).

''National Service Life Insurance Fund (36–8132–0–7–701).

''United States Government Life Insurance Fund (36–8150–0–7–701).

''Veterans Special Life Insurance Fund (36–8455–0–8–701).

''(f) OPTIONAL EXEMPTION OF DEFENSE AND HOMELAND SECURITY ACCOUNTS.—

''(1) IN GENERAL.—The President may, with respect to any defense or homeland security account, exempt that account from sequestration or provide for a lower uniform percentage reduction than would otherwise apply.

''(2) LIMITATION.—The President may not use the authority provided by paragraph (1) unless the President notifies the Congress of the manner in which such authority will be exercised on or before the date specified in section 254(a) for the budget year.''.

SEC. 203. EXCEPTIONS, LIMITATIONS, AND SPECIAL RULES.

(a) IN GENERAL.—Section 256 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

''SEC. 256. EXCEPTIONS, LIMITATIONS, AND SPECIAL RULES.

''(a) NATIONAL WOOL ACT AND THE SPECIAL MILK PROGRAM.—Automatic spending increases are increases in outlays due to changes in indexes in the following programs:

''(1) National Wool Act; and

''(2) Special milk program.

In those programs all amounts other than the automatic spending increases shall be exempt from reduction under any sequestration order.

''(b) STUDENT LOANS.—For all student loans under part B or D of title IV of the Higher Education Act of 1965 made during the period when a sequestration order under section 254 is in effect as required by section 252 or 253, origination fees under sections 438(c)(2) and 455(c) of that Act shall each be increased by 0.50 percentage point.

''(c) FOSTER CARE AND ADOPTION ASSISTANCE PROGRAMS.—Any sequestration order shall make the reduction otherwise required under the foster care and adoption assistance programs (established by part E of title IV of the Social Security Act) only with respect to payments and expenditures made by States in which increases in foster care maintenance payment rates or adoption assistance payment rates (or both) are to take effect during the fiscal year involved, and only to the extent that the required reduction can be accomplished by applying a uniform percentage reduction to the Federal matching payments that each such State would otherwise receive under section 474 of that Act (for such fiscal year) for that portion of the State's payments attributable to the increases taking effect during that year. No State's matching payments from the Government for foster care maintenance payments or for adoption assistance maintenance payments may be reduced by a percentage exceeding the applicable domestic sequestration percentage. No State may, after the date of the enactment of this Act, make any change in the timetable for making payments under a State plan approved under part E of title IV of the Social Security Act which has the effect of changing the fiscal year in which expenditures under such part are made.

''(d) LOW-INCOME PROGRAMS.—(1) Benefit payments or payments to States or other entities for the programs listed in paragraph (2) shall not be reduced by more than 2 percent under any sequestration order. When reduced under an end-of-session sequestration order, those benefit reductions shall occur starting with the payment made at the start of January. When reduced under a within-session sequestration order, those benefit reductions shall occur starting with the next periodic payment.

''(2) The programs referred to in paragraph (1) are the following:

''Child Nutrition (12–3539–0–1–605).

''Food Stamp Programs (12–3505–0–1–605).

''Grants to States for Medicaid (75–0512–0–1–551).

''State Children's Health Insurance Fund (75–0515–0–1–551).

''Supplemental Security Income Program (75–0406–0–1–609).

''Temporary Assistance for Needy Families (75–1552–0–1–609).

''Special supplemental nutrition program for women, infants, and children (WIC) (12–3510–0–1–605).

''(e) VETERANS' MEDICAL CARE.—The maximum permissible reduction in budget authority for Veterans' medical care (36–0160–0–1–703) for any fiscal year, pursuant to an order issued under section 254, shall be 2 percent.

''(f) FEDERAL RETIREMENT PROGRAMS.—

''(1) For each of the programs listed in paragraph (2) and except as provided in paragraph (3), monthly (or other periodic) benefit payments shall be reduced by the uniform percentage applicable to direct spending sequestrations for such programs, which shall in no case exceed 2 percent under any sequestration order. When reduced under an end-of-session sequestration order, those benefit reductions shall occur starting with the payment made at the start of January or 7 weeks after the order is issued, whichever is later. When reduced under a within-session sequestration order, those benefit reductions shall occur starting with the next periodic payment.

''(2) The programs subject to paragraph (1) are:

''Central Intelligence Agency Retirement and Disability Fund (56–3400–0–1–054).

''Comptrollers General Retirement System (05–0107–0–1–801).

''Judicial Officer' Retirement Fund (10–8122–0–7–602).

''Claims Judges' Retirement Fund (10–8124–0–7–602).

''Pensions for former Presidents (47–0105–0–1–802).

''National Oceanic and Atmospheric Administration Retirement (13–1450–0–1–306).

''Railroad Industry Pension Fund (60–8011–0–7–601).

''Retired pay, Coast Guard (70–0602–0–1–403).

''Retirement pay and medical benefits for commissioned officers, Public Health Service (75–0379–0–1–551).

''Payments to Civil Service Retirement and Disability Fund (24–0200–0–1–805).

''Payments to the Foreign Service Retirement and Disability Fund (72–1036–0–1–153).

''Payments to Judiciary Trust Funds (10–0941–0–1–752).

''(g) VETERANS PROGRAMS.—To achieve the total percentage reduction required by any order issued under this part, the percentage reduction that shall apply to payments under the following programs shall in no event exceed 2 percent:

''Canteen Service Revolving Fund (36–4014–0–3–705).

''Medical Center Research Organizations (36–4026–0–3–703).

''Disability Compensation Benefits (36–0102–0–1–701).

''Education Benefits (36–0137–0–1–702).

''Vocational Rehabilitation and Employment Benefits (36–0135–0–1–702).

''Pensions Benefits (36–0154–0–1–701).

''Burial Benefits (36–0139–0–1–701).

''Guaranteed Transitional Housing Loans For Homeless Veterans Program Account (36–1119–0–1–704).

''Housing Direct Loan Financing Account (36–4127–0–1–704).

''Housing Guaranteed Loan Financing Account (36–4129–0–3–704).

''Vocational Rehabilitation and Education Direct Loan Financing Account (36–4259–0–3–702).

''(h) MILITARY HEALTH CARE AND RETIREMENT.—To achieve the total percentage reduction in military retirement required by any order issued under this part, the percentage reduction that shall apply to payments under the Military retirement fund (97–8097–0–7–602), payments to the military retirement fund (97–0040–0–1–054), and the Defense Health Program (97–0130–0–1–051) shall in no event exceed 2 percent.

''(i) MEDICARE PROGRAM.—

''(1) CALCULATION OF REDUCTION IN INDIVIDUAL PAYMENT AMOUNTS.—To achieve the total percentage reduction in those programs required by any order issued under this part, the percentage reduction that shall apply to payments under the health insurance programs under title XVIII of the Social Security Act (other than payments described in section 255(a)(2)) that are subject to such order for services furnished after any sequestration order is issued shall be such that the reduction made in payments under that order shall achieve the required total percentage reduction in those payments for that fiscal year as determined on a 12-month basis. However, the percentage reduction under any such program shall in no case exceed 2 percent under any sequestration order.

''(2) TIMING OF APPLICATION OF REDUCTIONS.—If a reduction is made under paragraph (1) in payment amounts pursuant to a sequestration order, the reduction shall be applied to payment for services furnished after the effective date of the order.

''(3) NO INCREASE IN BENEFICIARY CHARGES IN ASSIGNMENT-RELATED CASES.—If a reduction in payment amounts is made under paragraph (1) for services for which payment under part B of title XVIII of the Social Security Act is made on the basis of an assignment described in section 1842(b)(3)(B)(ii), in accordance with section 1842(b)(6)(B), or under the procedure described in section 1870(f)(1) of such Act, the person furnishing the services shall be considered to have accepted payment of the reasonable charge for the services, less any reduction in payment amount made pursuant to a sequestration order, as payment in full.

''(4) APPLICATION TO PARTS C AND D.—The reductions otherwise required under parts C and D of title XVIII of the Social Security Act with respect to a fiscal year shall be applied to the calendar year that begins after the end of the fiscal year to which the applicable sequestration order applies.

''(j) FEDERAL PAY.—

''(1) IN GENERAL.—For purposes of any order issued under section 254, new budget authority to pay Federal personnel shall be reduced by the applicable uniform percentage, but no sequestration order may reduce or have the effect of reducing the rate of pay to which any individual is entitled under any statutory pay system (as increased by any amount payable under section 5304 of title 5, United States Code, or section 302 of the Federal Employees Pay Comparability Act of 1990) or the rate of any element of military pay to which any individual is entitled under title 37, United States Code, or any increase in rates of pay which is scheduled to take effect under section 5303 of title 5, United States Code, section 1009 of title 37, United States Code, or any other provision of law.

''(2) DEFINITIONS.—For purposes of this subsection:

''(A) The term 'statutory pay system' shall have the meaning given that term in section 5302(1) of title 5, United States Code.

''(B) The term 'elements of military pay' means—

''(i) the elements of compensation of members of the uniformed services specified in section 1009 of title 37, United States Code,

''(ii) allowances provided members of the uniformed services under sections 403a and 405 of such title, and

''(iii) cadet pay and midshipman pay under section 203(c) of such title.

''(C) The term 'uniformed services' shall have the meaning given that term in section 101(3) of title 37, United States Code.

''(k) CHILD SUPPORT ENFORCEMENT PROGRAM.—Any sequestration order shall accomplish the full amount of any required reduction in expenditures under sections 455 and 458 of the Social Security Act by reducing the Federal matching rate for State administrative costs under such program, as specified (for the fiscal year involved) in section 455(a) of such Act, to the extent necessary to reduce such expenditures by that amount.

''(l) EXTENDED UNEMPLOYMENT COMPENSATION.—(1) A State may reduce each weekly benefit payment made under the Federal-State Extended Unemployment Compensation Act of 1970 for any week of unemployment occurring during any period with respect to which payments are reduced under an order issued under this title by a percentage not to exceed the percentage by which the Federal payment to the State under section 204 of such Act is to be reduced for such week as a result of such order.

''(2) A reduction by a State in accordance with subparagraph (A) shall not be considered as a failure to fulfill the requirements of section 3304(a)(11) of the Internal Revenue Code of 1954.

''(m) COMMODITY CREDIT CORPORATION.—

''(1) POWERS AND AUTHORITIES OF THE COMMODITY CREDIT CORPORATION.—This title shall not restrict the Commodity Credit Corporation in the discharge of its authority and responsibility as a corporation to buy and sell commodities in world trade, to use the proceeds as a revolving fund to meet other obligations and otherwise operate as a corporation, the purpose for which it was created.

''(2) REDUCTION IN PAYMENTS MADE UNDER CONTRACTS.—(A) Payments and loan eligibility under any contract entered into with a person by the Commodity Credit Corporation prior to the time any sequestration order has been issued shall not be reduced by an order subsequently issued. Subject to subparagraph (B), after any sequestration order is issued for a fiscal year, any cash payments made by the Commodity Credit Corporation—

''(i) under the terms of any one-year contract entered into in or after such fiscal year and after the issuance of the order; and

''(ii) out of an entitlement account,

to any person (including any producer, lender, or guarantee entity) shall be subject to reduction under the order.

''(B) Each contract entered into with producers or producer cooperatives with respect to a particular crop of a commodity and subject to reduction under subparagraph (A) shall be reduced in accordance with the same terms and conditions. If some, but not all, contracts applicable to a crop of a commodity have been entered into prior to the issuance of any sequestration order, the order shall provide that the necessary reduction in payments under contracts applicable to the commodity be uniformly applied to all contracts for succeeding crops of the commodity, under the authority provided in paragraph (3).

''(3) DELAYED REDUCTION IN OUTLAYS PERMISSIBLE.—Notwithstanding any other provision of this title, if any sequestration order is issued with respect to a fiscal year, any reduction under the order applicable to contracts described in paragraph (2) may provide for reductions in outlays for the account involved to occur in the fiscal years following the fiscal year to which the order applies.

''(4) UNIFORM PERCENTAGE RATE OF REDUCTION AND OTHER LIMITATIONS.—All reductions described in paragraph (2) that are required to be made in connection with any sequestration order with respect to a fiscal year—

''(A) shall be made so as to ensure that outlays for each program, project, activity, or account involved are reduced by a percentage rate that is uniform for all such programs, projects, activities, and accounts, and

may not be made so as to achieve a percentage rate of reduction in any such item exceeding the rate specified in the order; and

''(B) with respect to commodity price support and income protection programs, shall be made in such manner and under such procedures as will attempt to ensure that—

''(i) uncertainty as to the scope of benefits under any such program is minimized;

''(ii) any instability in market prices for agricultural commodities resulting from the reduction is minimized; and

''(iii) normal production and marketing relationships among agricultural commodities (including both contract and non-contract commodities) are not distorted.

In meeting the criterion set out in clause (iii) of subparagraph (B) of the preceding sentence, the President shall take into consideration that reductions under an order may apply to programs for two or more agricultural commodities that use the same type of production or marketing resources or that are alternative commodities among which a producer could choose in making annual production decisions.

''(5) CERTAIN AUTHORITY NOT TO BE LIMITED.—Nothing in this title shall limit or reduce in any way any appropriation that provides the Commodity Credit Corporation with funds to cover the Corporation's net realized losses.

''(n) POSTAL SERVICE FUND.—Notwithstanding any other provision of law, any sequestration of the Postal Service Fund shall be accomplished by a payment from that Fund to the General Fund of the Treasury, and the Postmaster General of the United States shall make the full amount of that payment during the fiscal year to which the presidential sequestration order applies.

''(o) EFFECTS OF SEQUESTRATION.—The effects of sequestration shall be as follows:

''(1) Budgetary resources sequestered from any account other than an entitlement trust, special, or revolving fund account shall revert to the Treasury and be permanently canceled.

''(2) Except as otherwise provided, the same percentage sequestration shall apply to all programs, projects, and activities within a budget account (with programs, projects, and activities as delineated in the appropriation Act or accompanying report for the relevant fiscal year covering that account, or for accounts not included in appropriation Acts, as delineated in the most recently submitted President's budget).

''(3) Administrative regulations or similar actions implementing a sequestration shall be made within 120 days of the sequestration order. To the extent that formula allocations differ at different levels of budgetary resources within an account, program, project, or activity, the sequestration shall be interpreted as producing a lower total appropriation, with that lower appropriation being obligated as though it had been the pre-sequestration appropriation and no sequestration had occurred.

''(4) Except as otherwise provided, obligations in sequestered direct spending accounts shall be reduced in the fiscal year in which a sequestration occurs and in all succeeding fiscal years.

''(5) If an automatic spending increase is sequestered, the increase (in the applicable index) that was disregarded as a result of that sequestration shall not be taken into account in any subsequent fiscal year.

''(6) Except as otherwise provided, sequestration in accounts for which obligations are indefinite shall be taken in a manner to ensure that obligations in the fiscal year of a sequestration and succeeding fiscal years are reduced, from the level that would actually have occurred, by the applicable sequestration percentage.''.

(b) CONFORMING AMENDMENT.—The table of contents set forth in 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by amending the item relating to section 256 to read as follows:

''Sec. 256. Exceptions, limitations, and special rules.''.

SEC. 204. TECHNICAL AND CONFORMING AMENDMENTS.

The Balanced Budget and Emergency Deficit Control Act of 1985 is amended as follows:

(1) Section 251(a)(1) is amended by inserting '', section 252A,'' after ''section 252''.

(2) Section 254(c)(4)(B) is amended by inserting ''or section 252A'' after ''section 252''.

(3) Section 254(c) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) DIRECT SPENDING CONTROL SEQUESTRATION REPORTS.—The preview reports shall set forth, for the current year and the budget year, estimates for each of the following:

''(A) The total level of direct spending for all programs, projects, and activities (excluding social security).

''(B) The sequestration percentage or (if the required sequestration percentage is greater than the maximum allowable percentage for medicare) percentages necessary to comply with section 252A.''.

(4) Section 254(f) is amended by redesignating paragraphs (4) and (5) as paragraphs (5) and (6) and by inserting after paragraph (3) the following new paragraph:

''(4) DIRECT SPENDING CONTROL SEQUESTRATION REPORTS.—The final reports shall contain all the information required in the direct spending control sequestration preview reports. In addition, these reports shall contain, for the budget year, for each account to be sequestered, estimates of the baseline level of sequesterable budgetary resources and resulting outlays and the amount of budgetary resources to be sequestered and resulting outlay reductions. The reports shall also contain estimates of the effects on outlays of the sequestration in each outyear for direct spending programs.''.

(5) Section 258C(a)(1) is amended by inserting '', 252A,'' after ''section 252''.

TITLE III—LONG-TERM UNFUNDED OBLIGATIONS AND OTHER AMENDMENTS

SEC. 301. LONG-TERM UNFUNDED OBLIGATIONS.

(a) IN GENERAL.—Title IV of the Congressional Budget Act of 1974 is amended by adding at the end the following:

PART C—LONG-TERM UNFUNDED OBLIGATIONS

''SEC. 441. ANALYSIS OF LONG-TERM UNFUNDED OBLIGATIONS.

''Beginning in fiscal year 2006, the President's budget shall include an analysis of long-term unfunded obligations. This analysis shall include:

''(1) An analysis of the impact of long-term unfunded obligations in applicable entitlement programs on the long-term level of unified budget outlays and the unified budget surplus or deficit, in relation to the projected level of the Gross Domestic Product.

''(2) A report on the impact of legislation enacted during the previous session of Congress that increases the long-term unfunded obligation in any applicable group of entitlement program.

''(3) An analysis of the impact of legislation proposed in the President's budget on the long-term unfunded obligation in any applicable entitlement program.

''SEC. 442. STANDARD FOR DETERMINING INCREASE IN LONG-TERM UNFUNDED OBLIGATION.

''For the purpose of this part, legislation shall be considered to increase the long-term unfunded obligation of an applicable group of entitlement programs if it either—

''(1) increases the excess of the discounted present value of the expenditures of programs in the group above the discounted present value of the dedicated receipts of programs in the group over a long-term estimating period by more than an applicable threshold; or

''(2) increases the dollar level of the expenditures of programs in the group above the dedicated receipts of programs in the group above the dedicated receipts of programs in the group in the last year of the estimating period by more than the applicable threshold.

''SEC. 443. LONG-TERM UNFUNDED OBLIGATION ANALYSES BY CONGRESSIONAL BUDGET OFFICE.

''The Director of the Congressional Budget Office shall, to the extent practicable, prepare for each bill or resolution of a public character reported by any committee of the House of Representatives or the Senate (except the Committee on Appropriations of each House), and submit to such committee—

''(1) an estimate of any increase of the long-term unfunded obligation of any applicable entitlement program which would be incurred in carrying out such bill or resolution as measured by the increase of the excess of the discounted present value of the expenditures of such program above the discounted present value of the dedicated receipts of such program over a long-term estimating period by more than an applicable threshold; and

''(2) an estimate of any increase in the dollar level of the expenditures of such program above the dedicated receipts of such program above the dedicated receipts of such program in the last year of the estimating period by more than the applicable threshold.

The estimates and description so submitted shall be included in the report accompanying such bill or resolution if timely submitted to such committee before such report is filed.

''SEC. 444. DEFINITIONS.

''As used in this part—

''(1) the term 'applicable entitlement program' shall be defined as any one of the following programs:

''(A) Old Age, Survivors, and Disability Insurance.

''(B) Medicare (combined hospital insurance and supplemental medical insurance).

''(C) Civilian retirement and disability (combined Civil Service Retirement System and Federal Employees Retirement System).

''(D) Foreign Service Retirement and Disability (combined Foreign Service Retirement and Disability System and Foreign Service Pension System).

''(E) Retired Employees Health Benefits.

''(F) Military Retirement System.

''(G) Uniformed Services Retiree Health Care System.

''(H) Railroad Retirement System (combined Rail Industry Pension Fund, Social Security Equivalent Benefit Account, and National Railroad Retirement Investment Trust).

''(I) Supplemental Security Income (SSI).

''(J) For estimates made on or after January 1, 2006, veterans disability compensation.

''(K) Any other entitlement program with regularly available long-term estimates.

''(2) The term 'entitlement program with regularly available long-term estimates' means a program for which the Director of the Congressional Budget Office, in consultation with the Committees on the Budget of the House of Representatives and the Senate and the Director of the Office of Management and Budget, has determined that it is feasible to make long-term estimates of expenditures and dedicated receipts based on explicit demographic, economic, and other estimating assumptions. The Director shall

notify the House and Senate Committees on the Budget in writing, whenever he or she makes such a determination.

''(3) The term 'applicable group of entitlement programs' shall be defined as any of the following:

''(A) Old Age, Survivors, and Disability Insurance.

''(B) All applicable entitlement programs except Old Age, Survivors, and Disability Insurance.

''(4) The term 'long-term estimating period' shall be defined as 75 years, starting with the current year, for all applicable entitlement programs except for Old Age, Survivors, and Disability Insurance. For Old Age, Survivors, and Disability Insurance, the term shall be defined as the infinite period of years utilized in the most recent annual report of the Board of Trustees provided pursuant to section 201(c)(2) of the Social Security Act.

''(5) The term 'last year of the estimating period' shall be defined as the 75th year of the long-term estimating period.

''(6) The term 'dedicated receipts' shall be defined, for all applicable entitlement programs other than Medicare, as taxes and fees received from the public, payments received from Federal agencies on behalf of Federal agency employees who are participants in the program, transfers received by the program under section 7(c)(2) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(c)(2)), and transfers from the general fund of amounts equivalent to income tax receipts under section 86 of the Internal Revenue Code. Dedicated receipts shall not include payments from the general fund to amortize a program's unfunded liability or payments of interest on a program's trust fund holdings. For Medicare, 'dedicated receipts' shall be defined according to section 801(c)(3) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

''(7) The term 'expenditures' shall be defined, for all applicable entitlement programs other than Medicare, to include benefit payments, administrative expenses to the extent paid from a dedicated fund, and transfers to other programs made under section 7(c)(2) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(c)(2)). For Medicare, 'expenditures' shall be defined according to section 801(c)(4) of the Medicare prescription Drug, Improvement, and Modernization Act of 2003.

''(8) The term 'applicable threshold' shall be defined as:

''(A) For a group of applicable entitlement programs over a long-term estimating period—

''(i) 0.02 percent of the present value of the taxable payroll of the group of programs over the estimating period, for legislation affecting Old Age, Survivors, and Disability Insurance or Medicare; and

''(ii) 1 percent of the present value of the expenditures over the estimating period of the programs in the group that are affected by the legislation.

''(B) For a group of applicable entitlement programs in the last year of the estimating period—

''(i) 0.02 percent of the taxable payroll of the group of programs in that year, for legislation affecting Old Age, Survivors, and Disability Insurance or Medicare;

''(ii) 0.01 percent of Gross Domestic Product in that year; or

''(iii) 1 percent of the expenditures in that year of the programs in the group that are affected by the legislation.''.

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding after the item relating to section 428 the following:

''PART C—LONG-TERM UNFUNDED OBLIGATIONS

''Sec. 441. Analysis of long-term unfunded obligations.

''Sec. 442. Standard for determining increase in long-term unfunded obligation.

''Sec. 443. Long-term unfunded obligation analyses by congressional budget office.

''Sec. 444. Definitions.

It was decided in the negative ..... { Yeas ..... 96 / Nays 317

¶69.24 [Roll No. 308]

AYES—96

Akin
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bishop (UT)
Blackburn
Blunt
Boehner
Brady (TX)
Burgess
Burns
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Cole
Cox
Crane
Cubin
Culberson
Deal (GA)
DeLay
DeMint
Diaz-Balart, M.
Doolittle
Duncan
Dunn
Feeney
Flake
Forbes
Franks (AZ)
Garrett (NJ)
Gibbons
Gingrey
Goode
Goodlatte
Green (WI)
Gutknecht
Hall
Harris
Hayworth
Hefley
Hensarling
Hoekstra
Hostettler
Isakson
Istook
Johnson, Sam
Keller
Kennedy (MN)
King (IA)
Kingston
Kline
Manzullo
McKeon
Miller (FL)
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Norwood
Ose
Otter
Paul
Pearce
Pence
Pitts
Pombo
Putnam
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (MI)
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Thornberry
Tiahrt
Toomey
Vitter
Wamp
Weldon (FL)
Wilson (SC)

NOES—317

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Becerra
Bell
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burr
Burton (IN)
Buyer
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Goss
Graves
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hayes
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—20

Barton (TX)
Bereuter
Berman
Carson (IN)
Collins
Davis, Tom
Deutsch
Gephardt
Granger
Hart
Hastings (FL)
Hastings (WA)
Herger
Issa
Jones (OH)
McDermott
Mollohan
Ros-Lehtinen
Rothman
Tauzin

So the amendment was not agreed to.

¶69.25 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 5, submitted by Mr. HENSARLING:

At the end, add the following new section:

SEC. . GOVERNMENT SHUTDOWN PROTECTION.

(a) IN GENERAL.—Chapter 13 of title 31, United States Code, is amended by inserting after section 1310 the following new section:

''§ 1311. Continuing appropriations

''(a)(1) If any regular appropriation bill for a fiscal year does not become law before the beginning of such fiscal year or a joint resolution making continuing appropriations is not in effect, there are appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, such sums as may be necessary to continue any project or activity for which funds were provided in the preceding fiscal year—

''(A) in the corresponding regular appropriation Act for such preceding fiscal year; or

''(B) if the corresponding regular appropriation bill for such preceding fiscal year did not become law, then in a joint resolution making continuing appropriations for such preceding fiscal year.

''(2) Appropriations and funds made available, and authority granted, for a project or activity for any fiscal year pursuant to this section shall be at a rate of operations not in excess of the lower of—

''(A) the rate of operations provided for in the regular appropriation Act providing for such project or activity for the preceding fiscal year;

''(B) in the absence of such an Act, the rate of operations provided for such project or activity pursuant to a joint resolution making continuing appropriations for such preceding fiscal year;

''(C) the rate of operations provided for in the regular appropriation bill as passed by the House of Representatives or the Senate for the fiscal year in question, except that the lower of these two versions shall be ignored for any project or activity for which there is a budget request if no funding is provided for that project or activity in either version; or

''(D) the annualized rate of operations provided for in the most recently enacted joint resolution making continuing appropriations for part of that fiscal year or any funding levels established under the provisions of this Act.

''(3) Appropriations and funds made available, and authority granted, for any fiscal year pursuant to this section for a project or activity shall be available for the period beginning with the first day of a lapse in appropriations and ending with the earlier of—

''(A) the date on which the applicable regular appropriation bill for such fiscal year becomes law (whether or not such law provides for such project or activity) or a continuing resolution making appropriations becomes law, as the case may be; or

''(B) the last day of such fiscal year.

''(b) An appropriation or funds made available, or authority granted, for a project or activity for any fiscal year pursuant to this section shall be subject to the terms and conditions imposed with respect to the appropriation made or funds made available for the preceding fiscal year, or authority granted for such project or activity under current law.

''(c) Appropriations and funds made available, and authority granted, for any project or activity for any fiscal year pursuant to this section shall cover all obligations or expenditures incurred for such project or activity during the portion of such fiscal year for which this section applies to such project or activity.

''(d) Expenditures made for a project or activity for any fiscal year pursuant to this section shall be charged to the applicable appropriation, fund, or authorization whenever a regular appropriation bill or a joint resolution making continuing appropriations until the end of a fiscal year providing for such project or activity for such period becomes law.

''(e) This section shall not apply to a project or activity during a fiscal year if any other provision of law (other than an authorization of appropriations)—

''(1) makes an appropriation, makes funds available, or grants authority for such project or activity to continue for such period; or

''(2) specifically provides that no appropriation shall be made, no funds shall be made available, or no authority shall be granted for such project or activity to continue for such period.

''(f) For purposes of this section, the term 'regular appropriation bill' means any annual appropriation bill making appropriations, otherwise making funds available, or granting authority, for any of the following categories of projects and activities:

''(1) Agriculture, rural development, Food and Drug Administration, and related agencies programs.

''(2) The Departments of Commerce, Justice, and State, the Judiciary, and related agencies.

''(3) The Department of Defense.

''(4) The government of the District of Columbia and other activities chargeable in whole or in part against the revenues of the District.

''(5) Energy and water development.

''(6) Foreign operations, export financing, and related programs.

''(7) The Department of Homeland Security.

''(8) The Department of the Interior and related agencies.

''(9) The Departments of Labor, Health and Human Services, and Education, and related agencies.

''(10) The Legislative Branch.

''(11) Military construction, family housing, and base realignment and closure for the Department of Defense.

''(12) The Departments of Transportation and Treasury, and independent agencies.

''(13) The Departments of Veterans Affairs and Housing and Urban Development, and sundry independent agencies, boards, commissions, corporations, and offices.''.

(b) CLERICAL AMENDMENT.—The analysis of chapter 13 of title 31, United States Code, is amended by inserting after the item relating to section 1310 the following new item:

''1311. Continuing appropriations.''

It was decided in the negative { Yeas ..... 111 / Nays 304

¶69.26 [Roll No. 309]

AYES—111

Akin
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Boehner
Brady (TX)
Brown-Waite, Ginny
Burr
Cannon
Cantor
Chabot
Chocola
Coble
Cole
Cox
Crane
Cubin
Davis, Jo Ann
Deal (GA)
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Duncan
Dunn
English
Feeney
Flake
Foley
Forbes
Fossella
Franks (AZ)
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Hulshof
Isakson
Issa
Johnson, Sam
Keller
Kennedy (MN)
King (IA)
Kline
Linder
Manzullo
McCrery
McInnis
McKeon
Mica
Miller (FL)
Moran (KS)
Musgrave
Myrick
Neugebauer
Norwood
Nunes
Nussle
Ose
Otter
Paul
Pence
Pitts
Pombo
Radanovich
Ramstad
Reynolds
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Smith (MI)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thomas
Tiberi
Toomey
Upton
Vitter
Walden (OR)
Wilson (NM)
Wilson (SC)

NOES—304

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Becerra
Bell
Berkley
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gilchrest
Gonzalez
Gordon
Goss
Graves
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hayes
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hunter
Hyde
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—18

Barton (TX)
Bereuter
Berman
Carson (IN)
Collins
Davis, Tom
Deutsch
Evans
Gephardt
Granger
Hastings (FL)
Hastings (WA)
Jones (OH)
McDermott
Mollohan
Rothman
Tauzin
Waters

So the amendment was not agreed to.

The SPEAKER pro tempore, Mr. TERRY, assumed the Chair.

When Mr. LATOURETTE, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶69.27 ORDER OF BUSINESS—FURTHER CONSIDERATION OF H.R. 4663

On motion of Mr. DREIER, by unanimous consent,

Ordered, That during further consideration of H.R. 4663, pursuant to House Resolution 692, amendment numbered 18 in House Report 108-566 may be considered out of sequence in the Committee of the Whole House on the State of the Union, and that the amendment may be withdrawn by its proponent after debate thereon.

¶69.28 SPENDING CONTROL

The SPEAKER pro tempore, Mr. TERRY, pursuant to House Resolution 692 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4663) to amend part C of the Balanced Budget and Emergency Deficit Control Act of 1985 to establish discretionary spending limits and a pay-as-you-go requirement for mandatory spending.

Mr. BASS, Acting Chairman, assumed the chair; and after some time spent therein,

¶69.29 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 6, submitted by Mr. KIRK:

At the end, add the following new section:

SEC. . ANNUAL CBO REPORTS ON ENTITLEMENT SPENDING.

Section 202(e) of the Congressional Budget Act of 1974 is amended by adding at the end the following new paragraph:

''(4) On or before February 15 of each year, the Director shall submit to the Committees on the Budget of the House of Representatives and the Senate, a report for the fiscal year ending on September 30 of the preceding year, with respect to entitlement spending, including (A) a comparison of actual spending for entitlements, on an account by account basis, with projected spending for such entitlements assumed in the concurrent resolution of the budget for that fiscal year and (B) an identification of those entitlements for which the actual spending exceeded the projected spending.''.

It was decided in the affirmative ..... { Yeas ..... 289 / Nays 121

¶69.30 [Roll No. 310]

AYES—289

Akin
Alexander
Bachus
Baird
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
Delahunt
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Eshoo
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hobson
Hoeffel
Hoekstra
Holden
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Lampson
Langevin
Lantos
Larsen (WA)
Latham
Leach
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Marshall
Matheson
McCarthy (NY)
McCotter
McCrery
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Murphy
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pascrell
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sandlin
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wu

NOES—121

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Baker
Baldwin
Becerra
Bell
Berkley
Bishop (GA)
Bishop (NY)
Boehner
Bonilla
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Cardin
Clay
Clyburn
Conyers
Crowley
Cummings
Davis (AL)
Davis (IL)
DeGette
DeLauro
Dicks
Dingell
Doggett
Edwards
Emanuel
Engel
Etheridge
Evans
Everett
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Grijalva
Gutierrez
Hinchey
Hinojosa
Holt
Honda
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kaptur
Kildee
Kilpatrick
Kucinich
LaHood
Larson (CT)
LaTourette
Lee
Lewis (CA)
Lewis (GA)
Lowey
Markey
Matsui
McCarthy (MO)
McCollum
McGovern
McHugh
Menendez
Millender-McDonald
Moran (VA)
Murtha
Nadler
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Payne
Pelosi
Porter
Quinn
Radanovich
Rahall
Rangel
Reyes
Rodriguez
Rogers (KY)
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanders
Saxton
Schakowsky
Serrano
Simpson
Slaughter
Solis
Stark
Strickland
Thompson (MS)
Towns
Velázquez
Visclosky
Waters
Watson
Waxman
Weiner
Wexler
Whitfield
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—23

Barton (TX)
Bereuter
Berman
Carson (IN)
Collins
Davis, Tom
Deutsch
Doyle
Fossella
Gephardt
Goss
Granger
Hastings (FL)
Hastings (WA)
Jones (OH)
Kanjorski
Kleczka
McDermott
Meeks (NY)
Mollohan
Rothman
Tauzin
Watt

So the amendment was agreed to.

¶69.31 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 7, submitted by Mr. RYAN of Wisconsin:

At the end, add the following new sections:

SEC. . JOINT BUDGET RESOLUTIONS.

(a) DEFINITIONS.—Paragraph (4) of section 3 of the Congressional Budget Act of 1974 is amended to read as follows:

''(4) the term 'joint resolution on the budget' means—

''(A) a joint resolution setting forth the congressional budget for the United States Government for a fiscal year as provided in section 301; and

''(B) any other joint resolution revising the congressional budget for the United States Government for a fiscal year as described in section 304.''.

(b) JOINT RESOLUTION ON THE BUDGET.—(1) Section 301(a) of the Congressional Budget Act of 1974 is amended by striking ''concurrent resolution'' each place it appears including in the caption and inserting ''joint resolution''.

(2) Section 301(b) of such Act is amended by striking ''concurrent resolution'' each place it appears including in the caption and inserting ''joint resolution''.

(3) Section 301(c) of such Act is amended by striking ''concurrent resolution'' each place it appears and inserting ''joint resolution''.

(4) Section 301(e) of such Act is amended by striking ''concurrent resolution'' each place it appears and inserting ''joint resolution''.

(5) Section 301(f) of such Act is amended by striking ''concurrent resolution'' each place it appears and inserting ''joint resolution''.

(6) Section 301(g) of such Act is amended by striking ''concurrent resolution'' each place it appears and inserting ''joint resolution''.

(7) Section 301(h) of such Act is amended by striking ''concurrent resolution'' and inserting ''joint resolution''.

(8) Section 301(i) of such Act is amended by striking ''concurrent resolution'' each place it appears and inserting ''joint resolution''.

(9) The section heading of section 301 of such Act is amended by striking ''**ANNUAL ADOPTION OF CONCURRENT**'' and inserting ''**ANNUAL ADOPTION OF JOINT**''.

(10) The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking ''Annual adoption of the concurrent'' in the item relating to section 301 and inserting ''Annual adoption of the joint''.

(11) Section 302 of such Act is amended by striking ''concurrent resolution'' each place it appears and inserting ''joint resolution''.

(12) Section 303 of such Act, including the heading, is amended by striking ''concurrent resolution'' each place it appears and inserting ''joint resolution''.

(13) The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking ''Concurrent'' in the item relating to section 303 and inserting ''Joint''.

(14) Section 304 of such Act is amended by striking ''concurrent resolution'', including in the heading, each place it appears and inserting ''joint resolution''.

(15) The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking ''Concurrent'' in the item relating to section 304 and inserting ''Joint''.

(16) Section 305 of such Act is amended by striking ''concurrent resolution'', including in the heading, each place it appears and inserting ''joint resolution''.

(17) Section 308 of such Act is amended by striking ''concurrent resolution'' each place it appears and inserting ''joint resolution''.

(18) Section 310 of such Act is amended by striking ''concurrent resolution'' each place it appears and inserting ''joint resolution''.

(19) Section 311 of such Act is amended by striking ''concurrent resolution'' each place it appears and inserting ''joint resolution''.

SEC. . BUDGET REQUIRED BEFORE SPENDING BILLS MAY BE CONSIDERED; FALLBACK PROCEDURES IF PRESIDENT VETOES JOINT BUDGET RESOLUTION.

(a) AMENDMENTS TO SECTION 302.—Section 302(a) of the Congressional Budget Act of 1974 is amended by striking paragraph (5).

(b) AMENDMENTS TO SECTION 303 AND CONFORMING AMENDMENTS.—(1) Section 303 of the Congressional Budget Act of 1974 is amended—

(A) in subsection (b), by striking paragraph (2), by inserting ''or'' at the end of paragraph (1), and by redesignating paragraph (3) as paragraph (2); and

(B) by striking its section heading and inserting the following new section heading: ''CONSIDERATION OF BUDGET-RELATED LEGISLATION BEFORE BUDGET BECOMES LAW''.

(2) Section 302(g)(1) of the Congressional Budget Act of 1974 is amended by striking ''and, after April 15, section 303(a)''.

(3)(A) Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting ''303(a),'' before ''305(b)(2),''.

(B) Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting ''303(a),'' before ''305(b)(2),''.

(C) Subsection (e) of section 904 of the Congressional Budget Act of 1974 is repealed.

(c) EXPEDITED PROCEDURES UPON VETO OF JOINT RESOLUTION ON THE BUDGET.—(1) Title III of the Congressional Budget Act of 1974 is amended by adding after section 315 the following new section:

''EXPEDITED PROCEDURES UPON VETO OF JOINT RESOLUTION ON THE BUDGET

''SEC. 316. (a) SPECIAL RULE.—If the President vetoes a joint resolution on the budget for a fiscal year, the majority leader of the House of Representatives or Senate (or his designee) may introduce a concurrent resolution on the budget or joint resolution on the budget for such fiscal year. If the Committee on the Budget of either House fails to report such concurrent or joint resolution referred to it within five calendar days (excluding Saturdays, Sundays, or legal holidays except when that House of Congress is in session) after the date of such referral, the committee shall be automatically discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar.

''(b) PROCEDURE IN THE HOUSE OF REPRESENTATIVES AND THE SENATE.—

''(1) Except as provided in paragraph (2), the provisions of section 305 for the consideration in the House of Representatives and in the Senate of joint resolutions on the budget and conference reports thereon shall also apply to the consideration of concurrent resolutions on the budget introduced under subsection (a) and conference reports thereon.

''(2) Debate in the Senate on any concurrent resolution on the budget or joint resolution on the budget introduced under subsection (a), and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours and in the House such debate shall be limited to not more than 3 hours.

''(c) CONTENTS OF CONCURRENT RESOLUTIONS.—Any concurrent resolution on the budget introduced under subsection (a) shall be in compliance with section 301.

''(d) EFFECT OF CONCURRENT RESOLUTION ON THE BUDGET.—Notwithstanding any other provision of this title, whenever a concurrent resolution on the budget described in subsection (a) is agreed to, then the aggregates, allocations, and reconciliation directives (if any) contained in the report accompanying such concurrent resolution or in such concurrent resolution shall be considered to be the aggregates, allocations, and reconciliation directives for all purposes of sections 302, 303, and 311 for the applicable fiscal years and such concurrent resolution shall be deemed to be a joint resolution for all purposes of this title and the Rules of the House of Representatives and any reference to the date of enactment of a joint resolution on the budget shall be deemed to be a reference to the date agreed to when applied to such concurrent resolution.''.

(2) The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 315 the following new item:

''Sec. 316. Expedited procedures upon veto of joint resolution on the budget.''.

(e) LIMITATION ON CONTENTS OF BUDGET RESOLUTIONS.—Section 305 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

''(e) LIMITATION ON CONTENTS.—(1) It shall not be in order in the House of Representatives or in the Senate to consider any joint resolution on the budget or any amendment thereto or conference report thereon that contains any matter referred to in paragraph (2).

''(2) Any joint resolution on the budget or any amendment thereto or conference report thereon that contains any matter not permitted in section 301(a) or (b) shall not be treated in the House of Representatives or the Senate as a budget resolution under subsection (a) or (b) or as a conference report on a budget resolution under subsection (c) of this section.''.

It was decided in the negative ..... { Yeas ..... 97 / Nays 312

¶69.32 [Roll No. 311]

AYES—97

Akin
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Beauprez
Biggert
Bilirakis
Blackburn
Boehlert
Boehner
Brady (TX)
Brown-Waite, Ginny
Burgess
Burns
Camp
Cardin
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Crane
Cubin
Davis (FL)
DeMint
Diaz-Balart, M.
Doggett
Duncan
English
Feeney
Flake
Franks (AZ)
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hayworth
Hensarling
Herger
Hoekstra
Hostettler
Hulshof
Isakson
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kirk
Kline
Langevin
Linder
Lucas (KY)
Manzullo
Matheson
McInnis
Miller (FL)
Moore
Musgrave
Myrick
Neugebauer
Nussle
Otter
Paul
Pence
Peterson (MN)
Portman
Ramstad
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Souder
Stearns
Stenholm
Tancredo
Terry
Thornberry
Toomey
Upton
Vitter
Walden (OR)
Wilson (SC)

NOES—312

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Bass
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burr
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carson (OK)
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Dicks
Dingell
Dooley (CA)
Doolittle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gilchrest
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hayes
Hefley
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery

McGovern	Platts	Smith (TX)
McHugh	Pombo	Smith (WA)
McIntyre	Pomeroy	Snyder
McKeon	Porter	Solis
McNulty	Price (NC)	Spratt
Meehan	Pryce (OH)	Stark
Meek (FL)	Putnam	Strickland
Meeks (NY)	Quinn	Stupak
Menendez	Radanovich	Sullivan
Mica	Rahall	Sweeney
Michaud	Rangel	Tanner
Millender-McDonald	Regula	Tauscher
Miller (MI)	Rehberg	Taylor (MS)
Miller (NC)	Renzi	Taylor (NC)
Miller, Gary	Reyes	Thomas
Miller, George	Reynolds	Thompson (CA)
Moran (KS)	Rodriguez	Thompson (MS)
Moran (VA)	Rogers (AL)	Tiahrt
Murphy	Rogers (KY)	Tiberi
Murtha	Rogers (MI)	Tierney
Nadler	Ros-Lehtinen	Towns
Napolitano	Ross	Turner (OH)
Neal (MA)	Roybal-Allard	Turner (TX)
Nethercutt	Ruppersberger	Udall (CO)
Ney	Rush	Udall (NM)
Northup	Ryan (OH)	Van Hollen
Norwood	Sabo	Velázquez
Nunes	Sánchez, Linda T.	Visclosky
Oberstar	Sanchez, Loretta	Walsh
Obey	Sanders	Wamp
Olver	Sandlin	Waters
Ortiz	Saxton	Watson
Osborne	Schiff	Waxman
Ose	Scott (GA)	Weiner
Owens	Scott (VA)	Weldon (FL)
Oxley	Serrano	Weldon (PA)
Pallone	Shaw	Weller
Pascrell	Sherman	Wexler
Pastor	Sherwood	Whitfield
Payne	Shuster	Wicker
Pearce	Simmons	Wilson (NM)
Pelosi	Simpson	Wolf
Peterson (PA)	Skelton	Woolsey
Petri	Slaughter	Wu
Pickering	Smith (MI)	Wynn
Pitts	Smith (NJ)	Young (AK)
		Young (FL)

NOT VOTING—24

Barton (TX)	Doyle	Kanjorski
Bereuter	Fossella	Kleczka
Berman	Gephardt	McDermott
Carson (IN)	Goss	Mollohan
Collins	Granger	Rothman
Cox	Hastings (FL)	Schakowsky
Davis, Tom	Hastings (WA)	Tauzin
Deutsch	Jones (OH)	Watt

So the amendment was not agreed to.

¶69.33 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 8, submitted by Mr. RYAN of Wisconsin:

At the end, add the following new sections:

SEC. . ESTABLISHMENT OF BUDGET PROTECTION MANDATORY ACCOUNT.

(a) BUDGET PROTECTION MANDATORY ACCOUNT.—Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following new sections:

''BUDGET PROTECTION MANDATORY ACCOUNT

''SEC. 316. (a) ESTABLISHMENT OF ACCOUNT.—The chairman of the Committee on the Budget of the House of Representatives and of the Senate shall each maintain an account to be known as the 'Budget Protection Mandatory Account'. The Account shall be divided into entries corresponding to the House or Senate committees, as applicable, that received allocations under section 302(a) in the most recently adopted concurrent resolution on the budget, except that it shall not include the Committee on Appropriations of that House and each entry shall consist of the 'First Year Budget Protection Balance' and the 'Five Year Budget Protection Balance'.

''(b) COMPONENTS.—Each entry shall consist only of amounts credited to it under subsection (c). No entry of a negative amount shall be made.

''(c) CREDITING OF AMOUNTS TO ACCOUNT.—(1) Whenever a Member or Senator, as the case may be, offers an amendment to a bill that reduces the amount of mandatory budget authority provided either under current law or proposed to be provided by the bill under consideration, that Member or Senator may state the portion of such reduction achieved in the first year covered by the most recently adopted concurrent resolution on the budget and in addition the portion of such reduction achieved in the first five years covered by the most recently adopted concurrent resolution on the budget that shall be—

''(A) credited to the First Year Budget Protection Balance and the Five Year Budget Protection Balance in the House or Senate, as applicable;

''(B) used to offset an increase in other new budget authority;

''(C) allowed to remain within the applicable section 302(a) allocation; or

''(D) used to offset a decrease in receipts.

If no such statement is made, the amount of reduction in new budget authority resulting from the amendment shall be credited to the First Year Budget Protection Balance and the Five Year Budget Protection Balance, as applicable, if the amendment is agreed to.

''(2) Except as provided by paragraph (3), the chairman of the Committee on the Budget of the House or Senate, as applicable, shall, upon the engrossment of any bill, other than an appropriation bill, by the House or Senate, as applicable, credit to the applicable entry balances amounts of new budget authority and outlays equal to the net amounts of reductions in budget authority and in outlays resulting from amendments agreed to by that House to that bill.

''(3) When computing the net amounts of reductions in budget authority and in outlays resulting from amendments agreed to by the House or Senate, as applicable, to a bill, the chairman of the Committee on the Budget of that House shall only count those portions of such amendments agreed to that were so designated by the Members or Senators offering such amendments as amounts to be credited to the First Year Budget Protection Balance and the Five Year Budget Protection Balance, or that fall within the last sentence of paragraph (1).

''(4) The chairman of the Committee on the Budget of the House and of the Senate shall each maintain a running tally of the amendments adopted reflecting increases and decreases of budget authority in the bill as reported to its House. This tally shall be available to Members or Senators during consideration of any bill by that House.

''(d) CALCULATION OF LOCK-BOX SAVINGS IN HOUSE AND SENATE.—For the purposes of enforcing section 302(a), upon the engrossment of any bill, other than an appropriation bill, by the House or Senate, as applicable, the amount of budget authority and outlays calculated pursuant to subsection (c)(3) shall be counted against the 302(a) allocation provided to the applicable committee or committees of that House which reported the bill as if the amount calculated pursuant to subsection (c)(3) was included in the bill just engrossed.

''(e) DEFINITION.—As used in this section, the term 'appropriation bill' means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of fiscal year 2005 or any subsequent fiscal year, as the case may be.''.

SEC. . ESTABLISHMENT OF BUDGET PROTECTION DISCRETIONARY ACCOUNT.

''BUDGET PROTECTION DISCRETIONARY ACCOUNT

''SEC. 317. (a) ESTABLISHMENT OF ACCOUNT.—The chairman of the Committee on the Budget of the House of Representatives and of the Senate shall each maintain an account to be known as the 'Budget Protection Discretionary Account'. The Account shall be divided into entries corresponding to the subcommittees of the Committee on Appropriations of that House and each entry shall consist of the 'Budget Protection Balance'.

''(b) COMPONENTS.—Each entry shall consist only of amounts credited to it under subsection (c). No entry of a negative amount shall be made.

''(c) CREDITING OF AMOUNTS TO ACCOUNT.—(1) Whenever a Member or Senator, as the case may be, offers an amendment to an appropriation bill to reduce new budget authority in any account, that Member or Senator may state the portion of such reduction that shall be—

''(A) credited to the Budget Protection Balance;

''(B) used to offset an increase in new budget authority in any other account;

''(C) allowed to remain within the applicable section 302(b) suballocation or

''(D) used to offset a decrease in receipts.

If no such statement is made, the amount of reduction in new budget authority resulting from the amendment shall be credited to the Budget Protection Balance, as applicable, if the amendment is agreed to.

''(2) Except as provided by paragraph (3), the chairman of the Committee on the Budget of the House or Senate, as applicable, shall, upon the engrossment of any appropriation bill by the House or Senate, as applicable, credit to the applicable entry balances amounts of new budget authority and outlays equal to the net amounts of reductions in budget authority and in outlays resulting from amendments agreed to by that House to that bill.

''(3) When computing the net amounts of reductions in new budget authority and in outlays resulting from amendments agreed to by the House or Senate, as applicable, to an appropriation bill, the chairman of the Committee on the Budget of that House shall only count those portions of such amendments agreed to that were so designated by the Members offering such amendments as amounts to be credited to the Budget Protection Balance, or that fall within the last sentence of paragraph (1).

''(4) The chairman of the Committee on the Budget of the House and of the Senate shall each maintain a running tally of the amendments adopted reflecting increases and decreases of budget authority in the bill as reported to its House. This tally shall be available to Members or Senators during consideration of any bill by that House.

''(d) CALCULATION OF LOCK-BOX SAVINGS IN HOUSE AND SENATE.—(1) For the purposes of enforcing section 302(a), upon the engrossment of any appropriation bill by the House or Senate, as applicable, the amount of budget authority and outlays calculated pursuant to subsection (c)(3) shall be counted against the 302(a) allocation provided to the Committee on Appropriations as if the amount calculated pursuant to subsection (c)(3) was included in the bill just engrossed.

''(2) For purposes of enforcing section 302(b), upon the engrossment of any appropriation bill by the House or Senate, as applicable, the 302(b) allocation provided to the subcommittee for the bill just engrossed shall be deemed to have been reduced by the amount of budget authority and outlays calculated, pursuant to subsection (c)(3).

''(e) DEFINITION.—As used in this section, the term 'appropriation bill' means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of fiscal year 2005 or any subsequent fiscal year, as the case may be.''.

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 315 the following new items:

''Sec. 316. Budget protection mandatory account.

''Sec. 317. Budget protection discretionary account.''.

SEC. . REVENUE ADJUSTMENT.

If an amendment is designated to be used to offset a decrease in receipts for a fiscal year pursuant to section 316(c)(1)(D) or section 317(c)(1)(D) of the Congressional Budget Act of 1974, then the applicable level of revenues for such fiscal year for purposes of section 311(a) of such Act shall be reduced by the amount of such amendment.

It was decided in the negative ..... { Yeas ..... 137 / Nays 272

¶69.34 [Roll No. 312]

AYES—137

Akin
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Biggert
Bishop (UT)
Blackburn
Boehlert
Boehner
Boswell
Bradley (NH)
Brady (TX)
Brown-Waite, Ginny
Burgess
Burns
Burr
Camp
Cannon
Capito
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Crane
Cubin
Davis (FL)
Davis (TN)
Deal (GA)
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Duncan
Dunn
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hoekstra
Hostettler
Hulshof
Isakson
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kline
Langevin
Linder
LoBiondo
Lucas (KY)
Manzullo
Matheson
McCrery
McInnis
McIntyre
McKeon
Miller (FL)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Norwood
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Pitts
Putnam
Radanovich
Ramstad
Renzi
Reynolds
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Smith (MI)
Smith (TX)
Smith (WA)
Souder
Stearns
Stenholm
Tancredo
Tanner
Terry
Thornberry
Toomey
Turner (TX)
Upton
Vitter
Walden (OR)
Wilson (NM)
Wilson (SC)

NOES—272

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Becerra
Bell
Berkley
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bonilla
Bonner
Bono
Boozman
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burton (IN)
Buyer
Calvert
Cantor
Capps
Capuano
Cardin
Cardoza
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dicks
Dingell
Dooley (CA)
Doolittle
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gilchrest
Gonzalez
Gordon
Graves
Green (TX)
Grijalva
Gutierrez
Hayes
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson, E. B.
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
Lofgren
Lowey
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McGovern
McHugh
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (PA)
Petri
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Rangel
Regula
Rehberg
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sullivan
Sweeney
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Wamp
Waters
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—24

Barton (TX)
Bereuter
Berman
Carson (IN)
Collins
Cox
Davis, Tom
Deutsch
Doyle
Fossella
Gephardt
Goss
Granger
Hastings (FL)
Hastings (WA)
Jones (OH)
Kanjorski
Kleczka
Lewis (CA)
McDermott
Mollohan
Rothman
Tauzin
Watt

So the amendment was not agreed to.

¶69.35 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 9, submitted by Mr. RYAN of Wisconsin:

At the end, add the following new section:

SEC. . ENHANCED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS.

(a) IN GENERAL.—Part B of title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 681 et seq.) is amended by redesignating sections 1013 through 1017 as sections 1014 through 1018, respectively, and by inserting after section 1012 the following new section:

''ENHANCED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS

''SEC. 1013. (a) PROPOSED RESCISSION OF BUDGET AUTHORITY IDENTIFIED AS WASTEFUL SPENDING.—The President may propose, at the time and in the manner provided in subsection (b), the rescission of any budget authority provided in an appropriation Act that he identifies as wasteful spending. If the President proposes a rescission of budget authority, he may also propose to reduce the appropriate discretionary spending limits for new budget authority and outlays flowing therefrom set forth in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 by an amount that does not exceed the amount of the proposed rescission. Funds made available for obligation under this procedure may not be proposed for rescission again under this section.

''(b) TRANSMITTAL OF SPECIAL MESSAGE.—

''(1) The President may transmit to Congress a special message proposing to rescind amounts of budget authority and include with that special message a draft bill that, if enacted, would only rescind that budget authority unless the President also proposes a reduction in the appropriate discretionary spending limits set forth in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985. That bill shall clearly identify the amount of budget authority that is proposed to be rescinded for each program, project, or activity to which that budget authority relates.

''(2) In the case of an appropriation Act that includes accounts within the jurisdiction of more than one subcommittee of the Committee on Appropriations, the President in proposing to rescind budget authority under this section shall send a separate special message and accompanying draft bill for accounts within the jurisdiction of each subcommittee.

''(3) Each special message shall specify, with respect to the budget authority proposed to be rescinded, the following:

''(A) The amount of budget authority which he proposes to be rescinded.

''(B) Any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific project or governmental functions involved.

''(C) The reasons why the budget authority should be rescinded, including why he considers it to be wasteful spending.

''(D) To the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed rescission.

''(E) All facts, circumstances, and considerations relating to or bearing upon the proposed rescission and the decision to effect the proposed rescission, and to the maximum extent practicable, the estimated effect of the proposed rescission upon the objects, purposes, and programs for which the budget authority is provided.

''(F) A reduction in the appropriate discretionary spending limits set forth in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, if proposed by the President.

''(c) PROCEDURES FOR EXPEDITED CONSIDERATION.—

''(1)(A) Before the close of the second legislative day of the House of Representatives after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of the House of Representatives shall introduce (by request) the draft bill accompanying that special message. If the bill is not introduced as provided in the preceding sentence, then,

on the third legislative day of the House of Representatives after the date of receipt of that special message, any Member of that House may introduce the bill.

''(B) The bill shall be referred to the Committee on Appropriations. The committee shall report the bill without substantive revision and with or without recommendation. The bill shall be reported not later than the seventh legislative day of that House after the date of receipt of that special message. If that committee fails to report the bill within that period, that committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

''(C) A vote on final passage of the bill shall be taken in the House of Representatives on or before the close of the 10th legislative day of that House after the date of the introduction of the bill in that House. If the bill is passed, the Clerk of the House of Representatives shall cause the bill to be engrossed, certified, and transmitted to the Senate within one calendar day of the day on which the bill is passed.

''(2)(A) A motion in the House of Representatives to proceed to the consideration of a bill under this section shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

''(B) Debate in the House of Representatives on a bill under this section shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion to further limit debate shall not be debatable. It shall not be in order to move to recommit a bill under this section or to move to reconsider the vote by which the bill is agreed to or disagreed to.

''(C) Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill under this section shall be decided without debate.

''(D) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a bill under this section shall be governed by the Rules of the House of Representatives. It shall not be in order in the House of Representatives to consider any rescission bill introduced pursuant to the provisions of this section under a suspension of the rules or under a special rule.

''(3) A bill transmitted to the Senate pursuant to paragraph (1)(D) shall be referred to its Committee on Appropriations. That committee shall report the bill without substantive revision and with or without recommendation. The bill shall be reported not later than the seventh legislative day of the Senate after it receives the bill. A committee failing to report the bill within such period shall be automatically discharged from consideration of the bill, and the bill shall be placed upon the appropriate calendar.

''(4)(A) A motion in the Senate to proceed to the consideration of a bill under this section shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

''(B) Debate in the Senate on a bill under this section, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (C)), shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

''(C) Debate in the Senate or any debatable motion or appeal in connection with a bill under this section shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control of the passage of a bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

''(D) A motion in the Senate to further limit debate on a bill under this section is not debatable. A motion to recommit a bill under this section is not in order.

''(d) AMENDMENT AND DIVISIONS PROHIBITED.—No amendment to a bill considered under this section shall be in order in either the House of Representatives or the Senate. It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole) or in the Senate. No motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House to suspend the application of this subsection by unanimous consent.

''(e) REQUIREMENT TO MAKE AVAILABLE FOR OBLIGATION.—Any amount of budget authority proposed to be rescinded in a special message transmitted to Congress under subsection (b) shall be made available for obligation on the day after the date on which either House rejects the bill transmitted with that special message.

''(f) DEFINITIONS.—For purposes of this section:

''(1) The term 'appropriation Act' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations.

''(2) The term 'legislative day' means, with respect to either House of Congress, any day of session.

''(3) The term 'rescind' means, with respect to an appropriation Act, to reduce the amount of budget authority appropriated in that Act, and reducing budget authority shall include reducing obligation limitations set forth in that Act.''.

(b) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking ''and 1017'' and inserting ''1012, and 1017''; and

(2) in subsection (d), by striking ''section 1017'' and inserting ''sections 1012 and 1017''.

(c) CONFORMING AMENDMENTS.—

(1) Section 1011 of the Congressional Budget Act of 1974 (2 U.S.C. 682(5)) is amended by repealing paragraphs (3) and (5) and by redesignating paragraph (4) as paragraph (3).

(2) Section 1014 of such Act (2 U.S.C. 685) is amended—

(A) in subsection (b)(1), by striking ''or the reservation''; and

(B) in subsection (e)(1), by striking ''or a reservation'' and by striking ''or each such reservation''.

(3) Section 1015(a) of such Act (2 U.S.C. 686) is amended by striking ''is to establish a reserve or'', by striking ''the establishment of such a reserve or'', and by striking ''reserve or'' each other place it appears.

(4) Section 1017 of such Act (2 U.S.C. 687) is amended—

(A) in subsection (a), by striking ''rescission bill introduced with respect to a special message or'';

(B) in subsection (b)(1), by striking ''rescission bill or'', by striking ''bill or'' the second place it appears, by striking ''rescission bill with respect to the same special message or'', and by striking '', and the case may be,'';

(C) in subsection (b)(2), by striking ''bill or'' each place it appears;

(D) in subsection (c), by striking ''rescission'' each place it appears and by striking ''bill or'' each place it appears;

(E) in subsection (d)(1), by striking ''rescission bill or'' and by striking '', and all amendments thereto (in the case of a rescission bill)'';

(F) in subsection (d)(2)—

(i) by striking the first sentence;

(ii) by amending the second sentence to read as follows: ''Debate on any debatable motion or appeal in connection with an impoundment resolution shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event that the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee.'';

(iii) by striking the third sentence; and

(iv) in the fourth sentence, by striking ''rescission bill or'' and by striking ''amendment, debatable motion,'' and by inserting 'debatable motion';

(G) in paragraph (d)(3), by striking the second and third sentences; and

(H) by striking paragraphs (4), (5), (6), and (7) of paragraph (d).

(d) CLERICAL AMENDMENTS.—The table of sections for subpart B of title X of the Congressional Budget and Impoundment Control Act of 1974 is amended by redesignating the item relating to sections 1014 through 1018 as items 1015 through 1019, respectively, and by inserting after the item relating to section 1012 the following new item:

''Sec. 1013. Enhanced consideration of certain proposed rescissions.''.

It was decided in the negative ..... { Yeas ..... 174 / Nays 237

¶69.36 [Roll No. 313]

AYES—174

Akin	Doggett	Kind
Alexander	Dooley (CA)	King (IA)
Andrews	Duncan	Kirk
Ballenger	Dunn	Kline
Barrett (SC)	Ehlers	Lampson
Bartlett (MD)	English	Langevin
Bass	Etheridge	Linder
Beauprez	Feeney	LoBiondo
Biggert	Ferguson	Lofgren
Bilirakis	Flake	Lucas (KY)
Bishop (UT)	Foley	Majette
Blackburn	Forbes	Manzullo
Blunt	Franks (AZ)	Marshall
Boehlert	Frost	Matheson
Boehner	Gallegly	McCrery
Bonner	Garrett (NJ)	McInnis
Boozman	Gibbons	McIntyre
Boswell	Gilchrest	McKeon
Boyd	Gillmor	Miller (FL)
Bradley (NH)	Gingrey	Miller, Gary
Brady (TX)	Goode	Moran (KS)
Brown-Waite, Ginny	Goodlatte	Murphy
	Gordon	Musgrave
Burns	Green (WI)	Myrick
Burr	Greenwood	Neugebauer
Camp	Gutknecht	Norwood
Cannon	Harman	Nunes
Cantor	Harris	Nussle
Capito	Hart	Osborne
Cardin	Hayworth	Ose
Cardoza	Hefley	Otter
Case	Hensarling	Pence
Castle	Herger	Peterson (MN)
Chabot	Herseth	Petri
Chocola	Hoeffel	Pitts
Coble	Hoekstra	Platts
Cole	Hooley (OR)	Pombo
Cooper	Hostettler	Porter
Cox	Hoyer	Portman
Crane	Hulshof	Price (NC)
Cubin	Isakson	Pryce (OH)
Davis (FL)	Issa	Putnam
Davis (TN)	John	Radanovich
Deal (GA)	Johnson (CT)	Ramstad
DeFazio	Johnson, E. B.	Rehberg
DeMint	Keller	Rohrabacher
Diaz-Balart, L.	Kelly	Ros-Lehtinen
Diaz-Balart, M.	Kennedy (MN)	Royce

Ruppersberger
Ryan (WI)
Ryun (KS)
Sandlin
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Spratt
Stearns
Stenholm
Tanner
Taylor (MS)
Terry
Thornberry
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Vitter
Walden (OR)
Wilson (NM)
Wilson (SC)

NOES—237

Abercrombie
Ackerman
Aderholt
Allen
Baca
Bachus
Baird
Baker
Baldwin
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bonilla
Bono
Boucher
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Buyer
Calvert
Capps
Capuano
Carson (OK)
Carter
Chandler
Clay
Clyburn
Conyers
Costello
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Jo Ann
DeGette
Delahunt
DeLauro
DeLay
Dicks
Dingell
Doolittle
Doyle
Dreier
Edwards
Emanuel
Emerson
Engel
Eshoo
Evans
Everett
Farr
Fattah
Filner
Ford
Frank (MA)
Frelinghuysen
Gerlach
Gonzalez
Graves
Green (TX)
Grijalva
Gutierrez
Hall
Hayes
Hill
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Houghton
Hunter
Hyde
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
King (NY)
Kingston
Knollenberg
Kolbe
Kucinich
LaHood
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Lowey
Lucas (OK)
Lynch
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McGovern
McHugh
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Peterson (PA)
Pickering
Pomeroy
Quinn
Rahall
Regula
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ross
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Shaw
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Solis
Souder
Stark
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Van Hollen
Velázquez
Visclosky
Walsh
Wamp
Waters
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—22

Barton (TX)
Bereuter
Berman
Carson (IN)
Collins
Davis, Tom
Deutsch
Fossella
Gephardt
Goss
Granger
Hastings (FL)
Hastings (WA)
Jones (OH)
Kleczka
McDermott
Mollohan
Rangel
Rothman
Schiff
Tauzin
Watt

So the amendment was not agreed to.

¶69.37 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment in the nature of a substitute numbered 15, submitted by Mr. SPRATT:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Budget Enforcement Act of 2004''.

SEC. 2. EXTENSION OF DISCRETIONARY SPENDING LIMITS.

(a) DISCRETIONARY SPENDING LIMITS.—(1) Section 251(c)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 (relating to fiscal year 2004) is amended—

(A) in subparagraph (A), by striking ''$31,834,000,000'' and inserting ''$28,052,000,000''; and

(B) in subparagraph (B), by striking ''$1,462,000,000'' and inserting ''$1,436,000,000'' and by striking ''$6,629,000,000'' and inserting ''$6,271,000,000''.

(2) Section 251(c)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting a dash after ''2005'', by redesignating the remaining portion of such paragraph as subparagraph (D) and by moving it two ems to the right, and by inserting after the dash the following new subparagraphs:

''(A) for the general purpose discretionary category: $832,474,000,000 in new budget authority and $870,895,000,000 in outlays;

''(B) for the highway category: $30,585,000,000 in outlays; and

''(C) for the mass transit category: $1,554,000,000 in new budget authority and $6,787,000,000 in outlays; and''.

(3) Section 251(c)(3) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting a dash after ''2006'', by redesignating the remaining portion of such paragraph as subparagraph (D) and by moving it two ems to the right, and by inserting after the dash the following new subparagraphs:

''(A) for the general purpose discretionary category: $856,879,000,000 in new budget authority and $865,993,000,000 in outlays;

''(B) for the highway category: $33,271,000,000 in outlays; and

''(C) for the mass transit category: $1,671,000,000 in new budget authority and $7,585,000,000 in outlays; and''.

(4) Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by redesignating paragraphs (4) through (9) as paragraphs (7) through (12) and inserting after paragraph (3) the following new paragraphs:

''(4) with respect to fiscal year 2007—

''(A) for the highway category: $35,248,000,000 in outlays; and

''(B) for the mass transit category: $1,785,000,000 in new budget authority and $8,110,000,000 in outlays;

''(5) with respect to fiscal year 2008—

''(A) for the highway category: $36,587,000,000 in outlays; and

''(B) for the mass transit category: $1,890,000,000 in new budget authority and $8,517,000,000 in outlays; and

''(6) with respect to fiscal year 2009—

''(A) for the highway category: $37,682,000,000 in outlays; and

''(B) for the mass transit category: $2,017,000,000 in new budget authority and $8,968,000,000 in outlays;''.

(b) DEFINITIONS.—Section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in subparagraph (B), by—

(A) striking ''the Transportation Equity Act for the 21st Century and the Surface Transportation Extension Act of 2003'' and inserting ''the Transportation Equity Act: A Legacy for Users''; and

(B) inserting before the period at the end the following new clauses:

''(v) 69-8158-0-7-401 (Motor Carrier Safety Grants).

''(vi) 69-8159-0-7-401 (Motor Carrier Safety Operations and Programs).'';

(2) in subparagraph (C), by—

(A) inserting ''(and successor accounts)'' after ''budget accounts''; and

(B) striking ''the Transportation Equity Act for the 21st Century and the Surface Transportation Extension Act of 2003 or for which appropriations are provided pursuant to authorizations contained in those Acts (except that appropriations provided pursuant to section 5338(h) of title 49, United States Code, as amended by the Transportation Equity Act for the 21st Century, shall not be included in this category)'' and inserting ''the Transportation Equity Act: A Legacy for Users or for which appropriations are provided pursuant to authorizations contained in that Act''; and

(3) in subparagraph (D)(ii), by striking ''section 8103 of the Transportation Equity Act for the 21st Century'' and inserting ''section 8103 of the Transportation Equity Act: A Legacy for Users''.

SEC. 3. ADJUSTMENTS TO ALIGN HIGHWAY SPENDING WITH REVENUES.

Subparagraphs (B) through (E) of section 251(b)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 are amended to read as follows:

''(B) ADJUSTMENT TO ALIGN HIGHWAY SPENDING WITH REVENUES.—(i) When the President submits the budget under section 1105 of title 31, United States Code, OMB shall calculate and the budget shall make adjustments to the highway category for the budget year and each outyear as provided in clause (ii)(I)(cc).

''(ii)(I)(aa) OMB shall take the actual level of highway receipts for the year before the current year and subtract the sum of the estimated level of highway receipts in subclause (II) plus any amount previously calculated under item (bb) for that year.

''(bb) OMB shall take the current estimate of highway receipts for the current year and subtract the estimated level of receipts for that year.

''(cc) OMB shall add one-half of the sum of the amount calculated under items (aa) and (bb) to the obligation limitations set forth in the section 8103 of the Transportation Equity Act: A Legacy for Users and, using current estimates, calculate the outlay change resulting from the change in obligations for the budget year and the first outyear and the outlays flowing therefrom through subsequent fiscal years. After making the calculations under the preceding sentence, OMB shall adjust the amount of obligations set forth in that section for the budget year and the first outyear by adding one-half of the sum of the amount calculated under items (aa) and (bb) to each such year.

''(II) The estimated level of highway receipts for the purposes of this clause are—

''(aa) for fiscal year 2004, $30,572,000,000;

''(bb) for fiscal year 2005, $34,260,000,000;

''(cc) for fiscal year 2006, $35,586,000,000;

''(dd) for fiscal year 2007, $36,570,000,000;

''(ee) for fiscal year 2008, $37,603,000,000; and

''(ff) for fiscal year 2009, $38,651,000,000.

''(III) In this clause, the term 'highway receipts' means the governmental receipts credited to the highway account of the Highway Trust Fund.

''(C) In addition to the adjustment required by subparagraph (B), when the President

submits the budget under section 1105 of title 31, United States Code, for fiscal year 2006, 2007, 2008, or 2009, OMB shall calculate and the budget shall include for the budget year and each outyear an adjustment to the limits on outlays for the highway category and the mass transit category equal to—

''(i) the outlays for the applicable category calculated assuming obligation levels consistent with the estimates prepared pursuant to subparagraph (D), as adjusted, using current technical assumptions; minus

''(ii) the outlays for the applicable category set forth in the subparagraph (D) estimates, as adjusted.

''(D)(i) When OMB and CBO submit their final sequester report for fiscal year 2004, that report shall include an estimate of the outlays for each of the categories that would result in fiscal years 2005 through 2009 from obligations at the levels specified in section 8103 of the Transportation Equity Act: A Legacy for Users using current assumptions.

''(ii) When the President submits the budget under section 1105 of title 31, United States Code, for fiscal year 2006, 2007, 2008, or 2009, OMB shall adjust the estimates made in clause (i) by the adjustments by subparagraphs (B) and (C).

''(E) OMB shall consult with the Committees on the Budget and include a report on adjustments under subparagraphs (B) and (C) in the preview report.''.

SEC. 4. LEVEL OF OBLIGATION LIMITATIONS.

(a) HIGHWAY CATEGORY.—For the purposes of section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, the level of obligation limitations for the highway category is—

(1) for fiscal year 2004, $34,309,000,000;
(2) for fiscal year 2005, $35,671,000,000;
(3) for fiscal year 2006, $36,719,000,000;
(4) for fiscal year 2007, $37,800,000,000;
(5) for fiscal year 2008, $38,913,000,000; and
(6) for fiscal year 2009, $40,061,000,000.

(b) MASS TRANSIT CATEGORY.—For the purposes of section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, the level of obligation limitations for the mass transit category is—

(1) for fiscal year 2004, $7,266,000,000;
(2) for fiscal year 2005, $7,750,000,000;
(3) for fiscal year 2006, $8,266,000,000;
(4) for fiscal year 2007, $8,816,000,000;
(5) for fiscal year 2008, $9,403,000,000; and
(6) for fiscal year 2009, $10,029,000,000.

For purposes of this subsection, the term ''obligation limitations'' means the sum of budget authority and obligation limitations.

SEC. 5. EXTENSION OF PAY-AS-YOU-GO REQUIREMENT.

Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended ''2002'' both places it appears and inserting ''2009''.

SEC. 6. REPORTS.

Subsections (c)(2) and (f)(2)(A) of section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 are amended by striking ''2002'' and inserting ''2006 (or 2009 solely for purposes of enforcing the discretionary spending limits for the highway and mass transit categories)''.

SEC. 7. EXPIRATION.

Section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking ''2002'' and inserting ''2006 (or 2009 solely for purposes of enforcing the discretionary spending limits for the highway and mass transit categories)'' and by striking ''2006'' and inserting ''2013''.

SEC. 8. TECHNICAL CORRECTIONS TO THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.

Part C of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended as follows:

(1) In section 250(a), strike ''SEC. 256. GENERAL AND SPECIAL SEQUESTRATION RULES'' and insert ''Sec. 256. General and special sequestration rules'' in the item relating to section 256.

(2) In subparagraphs (F), (G), (H), (I), (J), and (K) of section 250(c)(4), insert ''subparagraph'' after ''described in'' each place it appears.

(3) In section 250(c)(18), insert ''of'' after ''expenses''.

(4) In section 251(b)(1)(A), strike ''committees'' the first place it appears and insert ''Committees''.

(5) In section 251(b)(1)(C)(i), strike ''fiscal years'' and insert ''fiscal year''.

(6) In section 251(b)(1)(D)(ii), strike ''fiscal years'' and insert ''fiscal year''.

(7) In section 252(b)(2)(B), insert ''the'' before ''budget year''.

(8) In section 252(c)(1)(C)(i), strike ''paragraph (1)'' and insert ''subsection (b)''.

(9) In section 254(c)(3)(A), strike ''subsection'' and insert ''section''.

(10) In section 254(f)(4), strike ''subsection'' and insert ''section'' and strike ''sequesterable'' and insert ''sequestrable''.

(11) In section 255(g)(1)(B), move the fourteenth undesignated clause 2 ems to the right.

(12) In section 255(g)(2), insert ''and'' after the semicolon at the end of the next-to-last undesignated clause.

(13) In section 255(h)—

(A) strike ''and'' after the semicolon in the ninth undesignated clause;

(B) insert ''and'' after the semicolon at the end of the tenth undesignated clause; and

(C) strike the semicolon at the end and insert a period.

(14) In section 256(k)(1), strike ''paragraph (5)'' and insert ''paragraph (6)''.

(15) In section 257(b)(2)(A)(i), strike ''differenes'' and insert ''differences''.

It was decided in the negative { Yeas ..... 179 / Nays ..... 233 }

¶69.38 [Roll No. 314]

AYES—179

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rangel
Reyes
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salnchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velalzquez
Visclosky
Waters
Watson
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—233

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

NOT VOTING—21

Barton (TX)	Deutsch	Kleczka
Bereuter	Fossella	McDermott
Berman	Gephardt	Mollohan
Cannon	Granger	Rothman
Carson (IN)	Hastings (FL)	Sullivan
Collins	Hastings (WA)	Tauzin
Davis, Tom	Jones (OH)	Watt

So the amendment in the nature of a substitute was not agreed to.

After some further time,

¶69.39 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment in the nature of a substitute numbered 16, submitted by Mr. HENSARLING:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Family Budget Protection Act of 2004''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Effective date.

TITLE I—A SIMPLE AND BINDING BUDGET

Subtitle A—Joint Budget Resolutions

Sec. 101. Declaration of purposes for the Budget Act.
Sec. 102. The timetable.
Sec. 103. Annual joint resolutions on the budget.
Sec. 104. Budget required before spending bills may be considered
Sec. 105. Amendments to effectuate joint resolutions on the budget.

Subtitle B—Budgeting for Emergencies

Sec. 111. Purpose.
Sec. 112. Repeal of adjustments for emergencies.
Sec. 113. OMB emergency criteria.
Sec. 114. Development of guidelines for application of emergency definition.
Sec. 115. Reserve fund for emergencies in President's budget.
Sec. 116. Adjustments and reserve fund for emergencies in joint budget resolutions.
Sec. 117. Application of section 306 to emergencies in excess of amounts in reserve fund.
Sec. 118. Up-to-date tabulations.
Sec. 119. Prohibition on amendments to emergency reserve fund.

Subtitle C—Biennial Budget Option

Sec. 121. Effective date.
Sec. 122. Revision of timetable.
Sec. 123. Amendments to the Congressional Budget and Impoundment Control Act of 1974.
Sec. 124. Amendments to Rules of House of Representatives.
Sec. 125. Amendments to title 31, United States Code.
Sec. 126. Two-year appropriations; title and style of appropriation Acts.
Sec. 127. Multiyear authorizations.
Sec. 128. Government strategic and performance plans on a biennial basis.
Sec. 129. Biennial appropriation bills.
Sec. 130. Assistance by Federal agencies to standing committees of the Senate and the House of Representatives.

Subtitle D—Prevention of Government Shutdown

Sec. 141. Amendment to title 31.

Subtitle E—The Baseline

Sec. 151. Elimination of inflation adjustment.
Sec. 152. The President's budget.
Sec. 153. The congressional budget.
Sec. 154. Congressional Budget Office reports to committees.
Sec. 155. Treatment of emergencies.

TITLE II—PUTTING A LID ON THE FEDERAL BUDGET

Subtitle A—Spending Safeguards on the Growth of Entitlements and Mandatories

Sec. 201. Spending caps on growth of entitlements and mandatories.
Sec. 202. Exempt programs and activities.
Sec. 203. Exceptions, limitations, and special rules.
Sec. 204. Point of order.
Sec. 205. Technical and conforming amendments.
Sec. 206. Establishment of Family Budget Protection Mandatory Account.

Subtitle B—Discretionary Spending Limits

Sec. 211. Enforcing discretionary spending limits.
Sec. 212. Establishment of Family Budget Protection Discretionary Account.
Sec. 213. Revenue adjustment.

Subtitle C—Long-term Unfunded Obligations

Sec. 221. Long-term unfunded obligations.
Sec. 222. Points of order.
Sec. 223. Social security.

TITLE III—COMBATING WASTE, FRAUD, AND ABUSE.

Subtitle A—Sunsetting

Sec. 301. Reauthorization of discretionary programs and unearned entitlements.
Sec. 302. Point of order.
Sec. 303. Decennial sunsetting.

Subtitle B—Enhanced Rescissions of Budget Authority Identified by the President as Wasteful Spending

Sec. 311. Enhanced consideration of certain proposed rescissions.

Subtitle C—Commission to Eliminate Waste, Fraud, and Abuse

Sec. 331. Establishment of Commission.
Sec. 332. Duties of the Commission.
Sec. 333. Powers of the Commission.
Sec. 334. Commission personnel matters.
Sec. 335. Termination of the Commission.
Sec. 336. Congressional consideration of reform proposals.
Sec. 337. Authorization of appropriations.

TITLE IV—TRUTH IN ACCOUNTING

Subtitle A—Accrual Funding of Pensions and Retirement Pay for Federal Employees and Uniformed Services Personnel

Sec. 401. Civil Service Retirement System.
Sec. 402. Central Intelligence Agency Retirement and Disability System.
Sec. 403. Foreign Service Retirement and Disability System.
Sec. 404. Public Health Service Commissioned Corps Retirement System.
Sec. 405. National Oceanic and Atmospheric Administration Commissioned Officer Corps Retirement System.
Sec. 406. Coast Guard Military Retirement System.

Subtitle B—Accrual Funding of Post-Retirement Health Benefits Costs for Federal Employees

Sec. 411. Federal employees health benefits fund.
Sec. 412. Funding uniformed services health benefits for all retirees.
Sec. 413. Effective date.

Subtitle C—Limit on the Public Debt

Sec. 421. Findings.
Sec. 422. Purpose.
Sec. 423. Limit on public debt.

Subtitle D—Risk-Assumed Budgeting

Sec. 431. Federal insurance programs.

TITLE V—MAINTAINING A COMMITMENT TO THE FAMILY BUDGET

Subtitle A—Further Enforcement Amendments

Sec. 501. Super-majority points of order in the House of Representatives and the Senate.
Sec. 502. Budget resolution enforcement point of order.
Sec. 503. Point of order waiver protection.

Subtitle B—The Byrd Rule

Sec. 511. Limitation on Byrd Rule.

Subtitle C—Treatment of Extraneous Appropriations in Omnibus Appropriation Measures

Sec. 521. Treatment of extraneous appropriations.

SEC. 2. EFFECTIVE DATE.

Except as otherwise specifically provided, this Act and the amendments made by this Act shall become effective on the date of enactment of this Act and shall apply with respect to fiscal years beginning after September 30, 2004.

TITLE I—A SIMPLE AND BINDING BUDGET

Subtitle A—Joint Budget Resolutions

SEC. 101. DECLARATION OF PURPOSES FOR THE BUDGET ACT.

Paragraphs (1) and (2) of section 2 of the Congressional Budget and Impoundment Control Act of 1974 are amended to read as follows:

''(1) to assure effective control over the budgetary process;

''(2) to facilitate the determination each year of the appropriate level of Federal revenues and expenditures by the Congress and the President;''.

SEC. 102. THE TIMETABLE.

Section 300 of the Congressional Budget Act of 1974 is amended to read as follows:

''TIMETABLE

''SEC. 300. The timetable with respect to the congressional budget process for any fiscal year is as follows:

"On or before:	Action to be completed:
First Monday in February.	President submits his budget.
February 15	Congressional Budget Office submits report to Budget Committees.
Not later than 6 weeks after President submits budget.	Committees submit views and estimates to Budget Committees.
April 1	Senate Budget Committee reports joint resolution on the budget.
April 15	Congress completes action on joint resolution on the budget.
June 10	House Appropriations Committee reports last annual appropriation bill.
June 15	Congress completes action on reconciliation legislation.
June 30	House completes action on annual appropriation bills.
October 1	Fiscal year begins.''.

SEC. 103. ANNUAL JOINT RESOLUTIONS ON THE BUDGET.

(a) CONTENT OF ANNUAL JOINT RESOLUTIONS ON THE BUDGET.—Section 301(a)(4) of the Congressional Budget Act of 1974 is amended to read as follows:

''(4) subtotals of new budget authority and outlays for nondefense discretionary spending, defense discretionary spending, direct spending (excluding interest), and interest; and for emergencies (for the reserve fund in section 316(b) and for military operations in section 316(c));''.

(b) ADDITIONAL MATTERS IN JOINT RESOLUTION.—Section 301(b) of the Congressional Budget Act of 1974 is amended as follows:

(1) Strike paragraphs (2), (4), and (6) through (9).

(2) After paragraph (3), insert ''and'' and redesignate paragraph (5) as paragraph (4) and in such paragraph strike the semicolon and insert a period.

(c) REQUIRED CONTENTS OF REPORT.—Section 301(e)(2) of the Congressional Budget Act of 1974 is amended as follows:

(1) Redesignate subparagraphs (A), (B), (C), (D), (E), and (F) as subparagraphs (B), (C), (E), (F), (H), and (I), respectively.

(2) Before subparagraph (B) (as redesignated), insert the following new subparagraph:

''(A) new budget authority and outlays for each major functional category, based on allocations of the total levels set forth pursuant to subsection (a)(1);''.

(3) In subparagraph (C) (as redesignated), strike ''mandatory'' and insert ''direct spending''.

(4) After subparagraph (C) (as redesignated), insert the following new subparagraph:

''(D) a measure, as a percentage of gross domestic product, of total outlays, total Federal revenues, the surplus or deficit, and new outlays for nondefense discretionary spending, defense spending, and direct spending as set forth in such resolution;''.

(5) After subparagraph (F) (as redesignated), insert the following new subparagraph:

''(G) if the joint resolution on the budget includes any allocation to a committee other than the Committee on Appropriations of levels in excess of current law levels, a justification for not subjecting any program, project, or activity (for which the allocation is made) to annual discretionary appropriations;''.

(d) ADDITIONAL CONTENTS OF REPORT.—Section 301(e)(3) of the Congressional Budget Act of 1974 is amended as follows:

(1) Redesignate subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively, strike subparagraphs (C) and (D), and redesignate subparagraph (E) as subparagraph (D).

(2) Before subparagraph (B), insert the following new subparagraph:

''(A) reconciliation directives described in section 310;''.

(e) PRESIDENT'S BUDGET SUBMISSION TO THE CONGRESS.—(1) The first two sentences of section 1105(a) of title 31, United States Code, are amended to read as follows:

''On or after the first Monday in January but not later than the first Monday in February of each year the President shall submit a budget of the United States Government for the following fiscal year which shall set forth the following levels:

''(A) totals of new budget authority and outlays;

''(B) total Federal revenues and the amount, if any, by which the aggregate level of Federal revenues should be increased or decreased by bills and resolutions to be reported by the appropriate committees;

''(C) the surplus or deficit in the budget;

''(D) subtotals of new budget authority and outlays for nondefense discretionary spending, defense discretionary spending, direct spending (excluding interest), and interest, and for emergencies (for the reserve fund in section 316(b) and for military operations in section 316(c)); and

''(E) the public debt.

Each budget submission shall include a budget message and summary and supporting information and, as a separately delineated statement, the levels required in the preceding sentence for at least each of the 9 ensuing fiscal years.''.

(2) The third sentence of section 1105(a) of title 31, United States Code, is amended by inserting ''submission'' after ''budget''.

(f) LIMITATION ON CONTENTS OF BUDGET RESOLUTIONS.—Section 305 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

''(e) LIMITATION ON CONTENTS.—(1) It shall not be in order in the House of Representatives or in the Senate to consider any joint resolution on the budget or any amendment thereto or conference report thereon that contains any matter referred to in paragraph (2).

''(2) Any joint resolution on the budget or any amendment thereto or conference report thereon that contains any matter not permitted in section 301(a) or (b) shall not be treated in the House of Representatives or the Senate as a budget resolution under subsection (a) or (b) or as a conference report on a budget resolution under subsection (c) of this section.''.

SEC. 104. BUDGET REQUIRED BEFORE SPENDING BILLS MAY BE CONSIDERED

(a) AMENDMENTS TO SECTION 302.—Section 302(a) of the Congressional Budget Act of 1974 is amended by striking paragraph (5).

(b) AMENDMENTS TO SECTION 303 AND CONFORMING AMENDMENTS.—(1) Section 303 of the Congressional Budget Act of 1974 is amended by striking ''(a) IN GENERAL.—'', by striking ''as reported to the House or Senate'', by striking ''to become effective'' in paragraph (1), and by striking subsections (b) and (c); and

(2) by striking its section heading and inserting the following new section heading: ''CONSIDERATION OF BUDGET-RELATED LEGISLATION BEFORE BUDGET BECOMES LAW''.

(c) ADDITIONAL AMENDMENTS.—(1) Section 302(g)(1) of the Congressional Budget Act of 1974 is amended by striking ''and, after April 15, section 303''.

(2)(A) Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting ''303,'' before ''305(b)(2),''.

(B) Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting ''303,'' before ''305(b)(2),''.

(d) EXPEDITED PROCEDURES UPON VETO OF JOINT RESOLUTION ON THE BUDGET.—(1) Title III of the Congressional Budget Act of 1974 (as amended by section 116) is further amended by adding after section 316 the following new section:

''EXPEDITED PROCEDURES UPON VETO OF JOINT RESOLUTION ON THE BUDGET

''SEC. 317. (a) SPECIAL RULE.—If the President vetoes a joint resolution on the budget for a fiscal year, the majority leader of the House of Representatives or Senate (or his designee) may introduce a concurrent resolution on the budget or joint resolution on the budget for such fiscal year. If the Committee on the Budget of either House fails to report such concurrent or joint resolution referred to it within five calendar days (excluding Saturdays, Sundays, or legal holidays except when that House of Congress is in session) after the date of such referral, the committee shall be automatically discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar.

''(b) PROCEDURE IN THE HOUSE OF REPRESENTATIVES AND THE SENATE.—

''(1) Except as provided in paragraph (2), the provisions of section 305 for the consideration in the House of Representatives and in the Senate of joint resolutions on the budget and conference reports thereon shall also apply to the consideration of concurrent resolutions on the budget introduced under subsection (a) and conference reports thereon.

''(2) Debate in the Senate on any concurrent resolution on the budget or joint resolution on the budget introduced under subsection (a), and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours and in the House such debate shall be limited to not more than 3 hours.

''(c) CONTENTS OF CONCURRENT RESOLUTIONS.—Any concurrent resolution on the budget introduced under subsection (a) shall be in compliance with section 301.

''(d) EFFECT OF CONCURRENT RESOLUTION ON THE BUDGET.—Notwithstanding any other provision of this title, whenever a concurrent resolution on the budget described in subsection (a) is agreed to, then the aggregates, allocations, and reconciliation directives (if any) contained in the report accompanying such concurrent resolution or in such concurrent resolution shall be considered to be the aggregates, allocations, and reconciliation directives for all purposes of sections 302, 303, and 311 for the applicable fiscal years and such concurrent resolution shall be deemed to be a joint resolution for all purposes of this title and the Rules of the House of Representatives and any reference to the date of enactment of a joint resolution on the budget shall be deemed to be a reference to the date agreed to when applied to such concurrent resolution.''.

(2) The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 316 the following new item:

''Sec. 317. Expedited procedures upon veto of joint resolution on the budget.''.

SEC. 105. AMENDMENTS TO EFFECTUATE JOINT RESOLUTIONS ON THE BUDGET.

(a) DEFINITION.—Paragraph (4) of section 3 of the Congressional Budget Act of 1974 is amended to read as follows:

''(4) the term 'joint resolution on the budget' means—

''(A) a joint resolution setting forth the budget for the United States Government for a fiscal year as provided in section 301; and

''(B) any other joint resolution revising the budget for the United States Government for a fiscal year as described in section 304.''.

(b) ADDITIONAL AMENDMENTS TO THE CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974.—(1)(A) Sections 301, 302, 303, 305, 308, 310, 311, 312, 314, 405, and 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.) are amended by striking ''concurrent'' each place it appears and inserting ''joint''.

(B)(i) Sections 302(d), 302(g), 308(a)(1)(A), and 310(d)(1) of the Congressional Budget Act of 1974 are amended by striking ''most recently agreed to concurrent resolution on the budget'' each place it occurs and inserting ''most recently enacted joint resolution on the budget or agreed to concurrent resolution on the budget (as applicable)''.

(ii) The section heading of section 301 is amended by striking ''adoption of concurrent resolution'' and inserting ''joint resolutions''; and

(iii) Section 304 of such Act is amended to read as follows:

''PERMISSIBLE REVISIONS OF BUDGET RESOLUTIONS

''SEC. 304. At any time after the joint resolution on the budget for a fiscal year has been enacted pursuant to section 301, and before the end of such fiscal year, the two Houses and the President may enact a joint resolution on the budget which revises or reaffirms the joint resolution on the budget for such fiscal year most recently enacted.''.

(C) Sections 302, 303, 310, and 311, of such Act are amended by striking ''agreed to'' each place it appears and by inserting ''enacted''.

(2)(A) Paragraph (4) of section 3 of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking ''concurrent'' each place it appears and by inserting ''joint''.

(B) The table of contents set forth in section 1(b) of such Act is amended—

(i) in the item relating to section 301, by striking ''adoption of concurrent resolution'' and inserting ''joint resolutions'';

(ii) by striking the item relating to section 303 and inserting the following:

''Sec. 303. Consideration of budget-related legislation before budget becomes law.'';

(iii) by striking ''concurrent'' and inserting ''joint'' in the item relating to section 305.

(c) CONFORMING AMENDMENTS TO THE RULES OF THE HOUSE OF REPRESENTATIVES.—Clauses 1(e)(1), 4(a)(4), 4(b)(2), 4(f)(1)(A), and 4(f)(2) of rule X, clause 10 of rule XVIII, and clause 10 of rule XX of the Rules of the House of Representatives are amended by striking ''concurrent'' each place it appears and inserting ''joint''.

(d) CONFORMING AMENDMENTS TO THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.—Section 258C(b)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907d(b)(1)) is amended by striking ''concurrent'' and inserting ''joint''.

(e) CONFORMING AMENDMENTS TO SECTION 310 REGARDING RECONCILIATION DIRECTIVES.—(1) The side heading of section 310(a) of the Congressional Budget Act of 1974 (as amended by section 105(b)) is further amended by inserting ''JOINT EXPLANATORY STATEMENT ACCOMPANYING CONFERENCE REPORT ON'' before ''JOINT''.

(2) Section 310(a) of such Act is amended by striking ''A'' and inserting ''The joint explanatory statement accompanying the conference report on a''.

(3) The first sentence of section 310(b) of such Act is amended by striking ''If'' and inserting ''If the joint explanatory statement accompanying the conference report on''.

(4) Section 310(c)(1) of such Act is amended by inserting ''the joint explanatory statement accompanying the conference report on'' after ''pursuant to''.

(f) CONFORMING AMENDMENTS TO SECTION 3 REGARDING DIRECT SPENDING.—Section 3 of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding at the end the following new paragraph:

''(11) The term 'direct spending' has the meaning given to such term in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985.''.

Subtitle B—Budgeting for Emergencies

SEC. 111. PURPOSE.

The purposes of this subtitle are to—

(1) develop budgetary and fiscal procedures for emergencies;

(2) subject spending for emergencies to budgetary procedures and controls; and

(3) establish criteria for determining compliance with emergency requirements.

SEC. 112. REPEAL OF ADJUSTMENTS FOR EMERGENCIES.

(a) ELIMINATION OF EMERGENCY DESIGNATION.—Sections 251(b)(2)(A), 252(e), and 252(d)(4)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985 are repealed.

(b) ELIMINATION OF EMERGENCY ADJUSTMENTS.—Section 314(b) of the Congressional Budget Act of 1974 is amended by striking paragraph (1) and by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively.

(c) CONFORMING AMENDMENT.—Clause 2 of rule XXI of the Rules of the House of Representatives is amended by repealing paragraph (e) and by redesignating paragraph (f) as paragraph (e).

SEC. 113. OMB EMERGENCY CRITERIA.

DEFINITION OF EMERGENCY.—Section 3 of the Congressional Budget and Impoundment Control Act of 1974 (as amended by section 105(e)) is further amended by adding at the end the following new paragraph:

''(12)(A) The term 'emergency' means a situation that—

''(i) requires new budget authority and outlays (or new budget authority and the outlays flowing therefrom) for the prevention or mitigation of, or response to, loss of life or property, or a threat to national security; and

''(ii) is unanticipated.

''(B) As used in subparagraph (A), the term 'unanticipated' means that the situation is—

''(i) sudden, which means quickly coming into being or not building up over time;

''(ii) urgent, which means a pressing and compelling need requiring immediate action;

''(iii) unforeseen, which means not predicted or anticipated as an emerging need; and

''(iv) temporary, which means not of a permanent duration.''.

(b) CONFORMING AMENDMENT.—The term 'emergency' has the meaning given to such term in section 3 of the Congressional Budget and Impoundment Control Act of 1974.''.

SEC. 114. DEVELOPMENT OF GUIDELINES FOR APPLICATION OF EMERGENCY DEFINITION.

Not later than 5 months after the date of enactment of this Act, the chairmen of the Committees on the Budget (in consultation with the President) shall, after consulting with the chairmen of the Committees on Appropriations and applicable authorizing committees of their respective Houses and the Directors of the Congressional Budget Office and the Office of Management and Budget, jointly publish in the Congressional Record guidelines for application of the definition of emergency set forth in section 3(12) of the Congressional Budget and Impoundment Control Act of 1974.

SEC. 115. RESERVE FUND FOR EMERGENCIES IN PRESIDENT'S BUDGET.

Section 1105(f) of title 31, United States Code is amended by adding at the end the following new sentences: ''Such budget submission shall also comply with the requirements of subsections (b) and (c) of section 316 of the Congressional Budget Act of 1974 and, in the case of any budget authority requested for an emergency, such submission shall include a detailed justification of why such emergency is an emergency within the meaning of section 3(12) of the Congressional Budget Act of 1974.''.

SEC. 116. ADJUSTMENTS AND RESERVE FUND FOR EMERGENCIES IN JOINT BUDGET RESOLUTIONS.

(a) EMERGENCIES.—Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

''EMERGENCIES

''SEC. 316. (a) ADJUSTMENTS.—

''(1) IN GENERAL.—After the reporting of a bill or joint resolution or the submission of a conference report thereon that provides budget authority for any emergency as identified pursuant to subsection (d) that is not covered by subsection (c)—

''(A) the chairman of the Committee on the Budget of the House of Representatives or the Senate shall determine and certify, pursuant to the guidelines referred to in section 114 of the Family Budget Protection Act of 2004, the portion (if any) of the amount so specified that is for an emergency within the meaning of section 3(12); and

''(B) such chairman shall make the adjustment set forth in paragraph (2) for the amount of new budget authority (or outlays) in that measure and the outlays flowing from that budget authority.

''(2) MATTERS TO BE ADJUSTED.—The adjustments referred to in paragraph (1) are to be made to the allocations made pursuant to the appropriate joint resolution on the budget pursuant to section 302(a) and shall be in an amount not to exceed the amount reserved for emergencies pursuant to the requirements of subsection (b).

''(b) RESERVE FUND FOR NONMILITARY EMERGENCIES.—The amount set forth in the reserve fund for emergencies for budget authority and outlays for a fiscal year pursuant to section 301(a)(4) shall equal—

''(1) the average of the enacted levels of budget authority for emergencies (other than those covered by subsection (c)) in the 5 fiscal years preceding the current year; and

''(2) the average of the levels of outlays for emergencies in the 5 fiscal years preceding the current year flowing from the budget authority referred to in paragraph (1), but only in the fiscal year for which such budget authority first becomes available for obligation.

''(c) TREATMENT OF EMERGENCIES TO FUND CERTAIN MILITARY OPERATIONS.—Whenever the Committee on Appropriations reports any bill or joint resolution that provides budget authority for any emergency that is a threat to national security and the funding of which carries out a military operation authorized by a declaration of war or a joint resolution authorizing the use of military force (or economic assistance funding in furtherance of such operation) and the report accompanying that bill or joint resolution, pursuant to subsection (d), identifies any provision that increases outlays or provides budget authority (and the outlays flowing therefrom) for such emergency, the enactment of which would cause the total amount of budget authority or outlays provided for emergencies for the budget year in the joint resolution on the budget (pursuant to section 301(a)(4)) to be exceeded:

''(A) Such bill or joint resolution shall be referred to the Committee on the Budget of the House or the Senate, as the case may be, with instructions to report it without amendment, other than that specified in subparagraph (B), within 5 legislative days of the day in which it is reported from the originating committee. If the Committee on the Budget of either House fails to report a bill or joint resolution referred to it under this subparagraph within such 5-day period, the committee shall be automatically discharged from further consideration of such bill or joint resolution and such bill or joint resolution shall be placed on the appropriate calendar.

''(B) An amendment to such a bill or joint resolution referred to in this subsection shall only consist of an exemption from section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 of all or any part of the provisions that provide budget authority (and the outlays flowing therefrom) for such emergency if the committee determines, pursuant to the guidelines referred to in section 114 of the Family Budget Protection Act of 2004, that such budget authority is for an emergency within the meaning of section 3(12).

''(C) If such a bill or joint resolution is reported with an amendment specified in subparagraph (B) by the Committee on the Budget of the House of Representatives or the Senate, then the budget authority and resulting outlays that are the subject of such amendment shall not be included in any determinations under section 302(f) or 311(a) for any bill, joint resolution, amendment, motion, or conference report.

''(d) COMMITTEE NOTIFICATION OF EMERGENCY LEGISLATION.—Whenever the Committee on Appropriations or any other committee of either House (including a committee of conference) reports any bill or joint resolution that provides budget authority for any emergency, the report accompanying that bill or joint resolution (or the

joint explanatory statement of managers in the case of a conference report on any such bill or joint resolution) shall identify all provisions that provide budget authority and the outlays flowing therefrom for such emergency and include a statement of the reasons why such budget authority meets the definition of an emergency pursuant to the guidelines referred to in section 114 of the Family Budget Protection Act of 2004.''.

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 315 the following new item:

''Sec. 316. Emergencies.''.

SEC. 117. APPLICATION OF SECTION 306 TO EMERGENCIES IN EXCESS OF AMOUNTS IN RESERVE FUND.

Section 306 of the Congressional Budget Act of 1974 is amended by inserting at the end the following new sentence: ''No amendment reported by the Committee on the Budget (or from the consideration of which such committee has been discharged) pursuant to section 316(c) may be amended.''.

SEC. 118. UP-TO-DATE TABULATIONS.

Section 308(b)(2) of the Congressional Budget Act of 1974 is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ''; and'', and by adding at the end the following new subparagraph:

''(D) shall include an up-to-date tabulation of amounts remaining in the reserve fund for emergencies.''.

SEC. 119. PROHIBITION ON AMENDMENTS TO EMERGENCY RESERVE FUND.

(a) POINT OF ORDER.—Section 305 of the Congressional Budget Act of 1974 (as amended by section 103(f)) is further amended by adding at the end the following new subsection:

''(f) POINT OF ORDER REGARDING EMERGENCY RESERVE FUND.—It shall not be in order in the House of Representatives or in the Senate to consider an amendment to a joint resolution on the budget which changes the amount of budget authority and outlays set forth in section 301(a)(4) for emergency reserve fund.''.

(b) TECHNICAL AMENDMENT.—(1) Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting ''305(e), 305(f),'' after ''305(c)(4),''.

(2) Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting ''305(e), 305(f),'' after ''305(c)(4),''.

Subtitle C—Biennial Budget Option

SEC. 121. EFFECTIVE DATE.

If—

(1) as part of the President's budget submission under section 1105(a) of title 31, United States Code, during the first session of any Congress, the President includes a request that the joint resolution on the budget that will be considered during the first session of the next Congress be for a biennium consisting of two consecutive fiscal years; and

(2) the joint resolution on the budget for the fiscal year to which the President's submission relates contains a provision stating that the joint resolution on the budget that will be considered during the first session of the next Congress shall be for a biennium consisting of two consecutive fiscal years;

then the provisions of this subtitle shall take effect on January 1 of the calendar year in which that next Congress commences and apply to that Congress and each Congress thereafter.

SEC. 122. REVISION OF TIMETABLE.

Section 300 of the Congressional Budget Act of 1974 (2 U.S.C. 631) is amended to read as follows:

''TIMETABLE

''SEC. 300. (a) IN GENERAL.—Except as provided by subsection (b), the timetable with respect to the congressional budget process for any Congress (beginning with the One Hundred Tenth Congress or a subsequent Congress, as applicable) is as follows:

"On or before:	"First Session Action to be completed:
First Monday in February.	President submits budget recommendations.
February 15	Congressional Budget Office submits report to Budget Committees.
Not later than 6 weeks after budget submission.	Committees submit views and estimates to Budget Committees.
April 1	Budget Committees report joint resolution on the biennial budget.
May 15	Congress completes action on joint resolution on the biennial budget.
May 15	Biennial appropriation bills may be considered in the House.
June 10	House Appropriations Committee reports last biennial appropriation bill.
June 30	House completes action on biennial appropriation bills.
October 1	Biennium begins.

"On or before:	"Second Session Action to be completed:
February 15	President submits budget review.
Not later than 6 weeks after President submits budget review.	Congressional Budget Office submits report to Budget Committees.
The last day of the session.	Congress completes action on bills and resolutions authorizing new budget authority for the succeeding biennium.

''(b) SPECIAL RULE.—In the case of any first session of Congress that begins in any year during which the term of a President (except a President who succeeds himself) begins, the following dates shall supersede those set forth in subsection (a):

"On or before:	"First Session Action to be completed:
First Monday in April	President submits budget recommendations.
April 20	Committees submit views and estimates to Budget Committees.
May 15	Budget Committees report joint resolution on the biennial budget.
June 1	Congress completes action on joint resolution on the biennial budget.
June 1	Biennial appropriation bills may be considered in the House.
July 1	House Appropriations Committee reports last biennial appropriation bill.
July 20	House completes action on biennial appropriation bills.
October 1	Biennium begins.''.

SEC. 123. AMENDMENTS TO THE CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974.

(a) DECLARATION OF PURPOSE.—Section 2(2) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621(2)) is amended by striking ''each year'' and inserting ''biennially''.

(b) DEFINITIONS.—

(1) BUDGET RESOLUTION.—Section 3(4) of such Act (2 U.S.C. 622(4)) is amended by striking ''fiscal year'' each place it appears and inserting ''biennium''.

(2) BIENNIUM.—Section 3 of such Act (2 U.S.C. 622) (as amended by section 111(a)) is further amended by adding at the end the following new paragraph:

''(13) The term 'biennium' means the period of 2 consecutive fiscal years beginning on October 1 of any odd-numbered year.''.

(c) BIENNIAL JOINT RESOLUTION ON THE BUDGET.—

(1) CONTENTS OF RESOLUTION.—Section 301(a) of such Act (2 U.S.C. 632(a)) is amended—

(A) in the matter preceding paragraph (1) by—

(i) striking ''April 15 of each year'' and inserting ''May 15 of each odd-numbered year'';

(ii) striking ''the fiscal year beginning on October 1 of such year'' the first place it appears and inserting ''the biennium beginning on October 1 of such year'';

(iii) striking ''the fiscal year beginning on October 1 of such year'' the second place it appears and inserting ''each fiscal year in such period''; and

(iv) striking ''each of the four ensuing fiscal years'' and inserting ''each fiscal year in the next 2 bienniums'';

(B) in paragraph (6), by striking ''for the fiscal year'' and inserting ''for each fiscal year in the biennium''; and

(C) in paragraph (7), by striking ''for the fiscal year'' and inserting ''for each fiscal year in the biennium''.

(2) ADDITIONAL MATTERS.—Section 301(b) of such Act (2 U.S.C. 632(b)) is amended—

(A) in paragraph (3), by striking ''for such fiscal year'' and inserting ''for either fiscal year in such biennium''; and

(B) in paragraph (7), by striking ''for the first fiscal year'' and inserting ''for each fiscal year in the biennium''.

(3) VIEWS OF OTHER COMMITTEES.—Section 301(d) of such Act (2 U.S.C. 632(d)) is amended by inserting ''(or, if applicable, as provided by section 300(b))'' after ''United States Code''.

(4) HEARINGS.—Section 301(e)(1) of such Act (2 U.S.C. 632(e)) is amended by—

(A) striking ''fiscal year'' and inserting ''biennium''; and

(B) inserting after the second sentence the following: ''On or before April 1 of each odd-numbered year (or, if applicable, as provided by section 300(b)), the Committee on the Budget of each House shall report to its House the joint resolution on the budget referred to in subsection (a) for the biennium beginning on October 1 of that year.''.

(5) GOALS FOR REDUCING UNEMPLOYMENT.—Section 301(f) of such Act (2 U.S.C. 632(f)) is amended by striking ''fiscal year'' each place it appears and inserting ''biennium''.

(6) ECONOMIC ASSUMPTIONS.—Section 301(g)(1) of such Act (2 U.S.C. 632(g)(1)) is amended by striking ''for a fiscal year'' and inserting ''for a biennium''.

(7) SECTION HEADING.—The section heading of section 301 of such Act is amended by striking ''**ANNUAL**'' and inserting ''**BIENNIAL**''.

(8) TABLE OF CONTENTS.—The item relating to section 301 in the table of contents set forth in section 1(b) of such Act is amended by striking ''Annual'' and inserting ''Biennial''.

(d) COMMITTEE ALLOCATIONS.—Section 302 of such Act (2 U.S.C. 633) is amended—

(1) in subsection (a)(1) by—

(A) striking ''for the first fiscal year of the resolution,'' and inserting ''for each fiscal year in the biennium,'';

(B) striking ''for that period of fiscal years'' and inserting ''for all fiscal years covered by the resolution''; and

(C) striking ''for the fiscal year of that resolution'' and inserting ''for each fiscal year in the biennium'';

(2) in subsection (f)(1), by striking ''for a fiscal year'' and inserting ''for a biennium'';

(3) in subsection (f)(1), by striking ''first fiscal year'' and inserting ''either fiscal year of the biennium'';

(4) in subsection (f)(2)(A), by—

(A) striking ''first fiscal year'' and inserting ''each fiscal year of the biennium''; and

(B) striking ''the total of fiscal years'' and inserting ''the total of all fiscal years covered by the resolution''; and

(5) in subsection (g)(1)(A), by striking ''April'' and inserting ''May''.

(e) SECTION 303 POINT OF ORDER.—Section 303 of such Act (2 U.S.C. 634(a)) is amended by striking ''for a fiscal year'' and inserting ''for a biennium'' and by striking ''the first fiscal year'' and inserting ''each fiscal year of the biennium''.

(f) PERMISSIBLE REVISIONS OF JOINT RESOLUTIONS ON THE BUDGET.—Section 304 of such Act (2 U.S.C. 635) is amended—

(1) by striking ''fiscal year'' the first two places it appears and inserting ''biennium'';

(2) by striking ''for such fiscal year''; and

(3) by inserting before the period ''for such biennium''.

(g) PROCEDURES FOR CONSIDERATION OF BUDGET RESOLUTIONS.—Section 305(a)(3) of such Act (2 U.S.C. 636(b)(3)) is amended by striking ''fiscal year'' and inserting ''biennium''.

(h) COMPLETION OF HOUSE COMMITTEE ACTION ON APPROPRIATION BILLS.—Section 307 of such Act (2 U.S.C. 638) is amended—

(1) by striking ''each year'' and inserting ''each odd-numbered year (or, if applicable, as provided by section 300(b), July 1)'';

(2) by striking ''annual'' and inserting ''biennial'';

(3) by striking ''fiscal year'' and inserting ''biennium''; and

(4) by striking ''that year'' and inserting ''each odd-numbered year''.

(i) QUARTERLY BUDGET REPORTS.—Section 308 of such Act (2 U.S.C. 639) is amended by adding at the end the following new subsection:

''(d) QUARTERLY BUDGET REPORTS.—The Director of the Congressional Budget Office shall, as soon as practicable after the completion of each quarter of the fiscal year, prepare an analysis comparing revenues, spending, and the deficit or surplus for the current fiscal year to assumptions included in the congressional budget resolution. In preparing this report, the Director of the Congressional Budget Office shall combine actual budget figures to date with projected revenue and spending for the balance of the fiscal year. The Director of the Congressional Budget Office shall include any other information in this report that it deems useful for a full understanding of the current fiscal position of the Government. The reports mandated by this subsection shall be transmitted by the Director to the Senate and House Committees on the Budget, and the Congressional Budget Office shall make such reports available to any interested party upon request.''.

(j) COMPLETION OF HOUSE ACTION ON REGULAR APPROPRIATION BILLS.—Section 309 of such Act (2 U.S.C. 640) is amended—

(1) by striking ''It'' and inserting ''Except whenever section 300(b) is applicable, it'';

(2) by inserting ''of any odd-numbered calendar year'' after ''July'';

(3) by striking ''annual'' and inserting ''biennial''; and

(4) by striking ''fiscal year'' and inserting ''biennium''.

(k) RECONCILIATION PROCESS.—Section 310 of such Act (2 U.S.C. 641) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''any fiscal year'' and inserting ''any biennium'';

(2) in subsection (a)(1), by striking ''such fiscal year'' each place it appears and inserting ''any fiscal year covered by such resolution''; and

(3) by striking subsection (f) and redesignating subsection (g) as subsection (f).

(l) SECTION 311 POINT OF ORDER.—

(1) IN THE HOUSE.—Section 311(a)(1) of such Act (2 U.S.C. 642(a)) is amended—

(A) by striking ''for a fiscal year'' and inserting ''for a biennium'';

(B) by striking ''the first fiscal year'' each place it appears and inserting ''either fiscal year of the biennium''; and

(C) by striking ''that first fiscal year'' and inserting ''each fiscal year in the biennium''.

(2) IN THE SENATE.—Section 311(a)(2) of such Act is amended—

(A) in subparagraph (A), by striking ''for the first fiscal year'' and inserting ''for either fiscal year of the biennium''; and

(B) in subparagraph (B)—

(i) by striking ''that first fiscal year'' the first place it appears and inserting ''each fiscal year in the biennium''; and

(ii) by striking ''that first fiscal year and the ensuing fiscal years'' and inserting ''all fiscal years''.

(3) SOCIAL SECURITY LEVELS.—Section 311(a)(3) of such Act is amended by—

(A) striking ''for the first fiscal year'' and inserting ''each fiscal year in the biennium''; and

(B) striking ''that fiscal year and the ensuing fiscal years'' and inserting ''all fiscal years''.

(m) MAXIMUM DEFICIT AMOUNT POINT OF ORDER.—Section 312(c) of the Congressional Budget Act of 1974 (2 U.S.C. 643) is amended—

(1) by striking ''for a fiscal year'' and inserting ''for a biennium'';

(2) in paragraph (1), by striking ''first fiscal year'' and inserting ''either fiscal year in the biennium'';

(3) in paragraph (2), by striking ''that fiscal year'' and inserting ''either fiscal year in the biennium''; and

(4) in the matter following paragraph (2), by striking ''that fiscal year'' and inserting ''the applicable fiscal year''.

SEC. 124. AMENDMENTS TO RULES OF HOUSE OF REPRESENTATIVES.

(a) Clause 4(a)(1)(A) of rule X of the Rules of the House of Representatives is amended by inserting ''odd-numbered'' after ''each''.

(b) Clause 4(a)(4) of rule X of the Rules of the House of Representatives is amended by striking ''fiscal year'' and inserting ''biennium''.

(c) Clause 4(b)(2) of rule X of the Rules of the House of Representatives is amended by striking ''each fiscal year'' and inserting ''the biennium''.

(d) Clause 4(b) of rule X of the Rules of the House of Representatives is amended by striking ''and'' at the end of subparagraph (5), by striking the period and inserting ''; and'' at the end of subparagraph (6), and by adding at the end the following new subparagraph:

''(7) use the second session of each Congress to study issues with long-term budgetary and economic implications, which would include—

''(A) hold hearings to receive testimony from committees of jurisdiction to identify problem areas and to report on the results of oversight; and

''(B) by January 1 of each odd-number year, issuing a report to the Speaker which identifies the key issues facing the Congress in the next biennium.''.

(e) Clause 4(e) of rule X of the Rules of the House of Representatives is amended by striking ''annually'' each place it appears and inserting ''biennially'' and by striking ''annual'' and inserting ''biennial''.

(f) Clause 4(f) of rule X of the Rules of the House of Representatives is amended—

(1) by inserting ''during each odd-numbered year'' after ''submits his budget'';

(2) by striking ''fiscal year'' the first place it appears and inserting ''biennium''; and

(3) by striking ''that fiscal year'' and inserting ''each fiscal year in such ensuing biennium''.

(g) Clause 11(i) of rule X of the Rules of the House of Representatives is amended by striking ''during the same or preceding fiscal year''.

(h) Clause 3(d)(2)(A) of rule XIII of the Rules of the House of Representatives is amended by striking ''five'' both places it appears and inserting ''six''.

(i) Clause 5(a)(1) of rule XIII of the Rules of the House of Representatives is amended by striking ''fiscal year after September 15 in the preceding fiscal year'' and inserting ''biennium after September 15 of the calendar year in which such biennium begins''.

SEC. 125. AMENDMENTS TO TITLE 31, UNITED STATES CODE.

(a) DEFINITION.—Section 1101 of title 31, United States Code, is amended by adding at the end the following new paragraph:

''(3) 'biennium' has the meaning given to such term in paragraph (13) of section 3 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(13)).''.

(b) BUDGET CONTENTS AND SUBMISSION TO THE CONGRESS.—

(1) SCHEDULE.—The matter preceding paragraph (1) in section 1105(a) of title 31, United States Code, is amended to read as follows:

''(a) On or before the first Monday in February of each odd-numbered year (or, if applicable, as provided by section 300(b) of the Congressional Budget Act of 1974), beginning with the One Hundred Tenth Congress or a subsequent Congress (as applicable), the President shall submit to the Congress the budget for the biennium beginning on October 1 of such calendar year. The budget transmitted under this subsection shall include a budget message and summary and supporting information. The President shall include in each budget the following:''.

(2) EXPENDITURES.—Section 1105(a)(5) of title 31, United States Code, is amended by striking ''the fiscal year for which the budget is submitted and the 4 fiscal years after that year'' and inserting ''each fiscal year in the biennium for which the budget is submitted and in the succeeding 4 years''.

(3) RECEIPTS.—Section 1105(a)(6) of title 31, United States Code, is amended by striking ''the fiscal year for which the budget is submitted and the 4 fiscal years after that year'' and inserting ''each fiscal year in the biennium for which the budget is submitted and in the succeeding 4 years''.

(4) BALANCE STATEMENTS.—Section 1105(a)(9)(C) of title 31, United States Code, is amended by striking ''the fiscal year'' and inserting ''each fiscal year in the biennium''.

(5) GOVERNMENT FUNCTIONS AND ACTIVITIES.—Section 1105(a)(12) of title 31, United States Code, is amended in subparagraph (A), by striking ''the fiscal year'' and inserting ''each fiscal year in the biennium''.

(6) ALLOWANCES.—Section 1105(a)(13) of title 31, United States Code, is amended by striking ''the fiscal year'' and inserting ''each fiscal year in the biennium''.

(7) ALLOWANCES FOR UNANTICIPATED AND UNCONTROLLABLE EXPENDITURES.—Section 1105(a)(14) of title 31, United States Code, is amended by striking ''that year'' and inserting ''each fiscal year in the biennium for which the budget is submitted''.

(8) TAX EXPENDITURES.—Section 1105(a)(16) of title 31, United States Code, is amended by striking ''the fiscal year'' and inserting ''each fiscal year in the biennium''.

(9) ESTIMATES FOR FUTURE YEARS.—Section 1105(a)(17) of title 31, United States Code, is amended—

(A) by striking ''the fiscal year following the fiscal year'' and inserting ''each fiscal year in the biennium following the biennium'';

(B) by striking ''that following fiscal year'' and inserting ''each such fiscal year''; and

(C) by striking ''fiscal year before the fiscal year'' and inserting ''biennium before the biennium''.

(10) PRIOR YEAR OUTLAYS.—Section 1105(a)(18) of title 31, United States Code, is amended—

(A) by striking ''the prior fiscal year,'' and inserting ''each of the 2 most recently completed fiscal years,'';

(B) by striking ''for that year'' and inserting ''with respect to those fiscal years''; and

(C) by striking ''in that year'' and inserting ''in those fiscal years''.

(11) PRIOR YEAR RECEIPTS.—Section 1105(a)(19) of title 31, United States Code, is amended—

(A) by striking ''the prior fiscal year'' and inserting ''each of the 2 most recently completed fiscal years'';

(B) by striking ''for that year'' and inserting ''with respect to those fiscal years''; and

(C) by striking ''in that year'' each place it appears and inserting ''in those fiscal years''.

(c) ESTIMATED EXPENDITURES OF LEGISLATIVE AND JUDICIAL BRANCHES.—Section 1105(b) of title 31, United States Code, is amended by striking ''each year'' and inserting ''each even-numbered year''.

(d) RECOMMENDATIONS TO MEET ESTIMATED DEFICIENCIES.—Section 1105(c) of title 31, United States Code, is amended—

(1) by striking ''the fiscal year for'' the first place it appears and inserting ''each fiscal year in the biennium for'';

(2) by striking ''the fiscal year for'' the second place it appears and inserting ''each fiscal year of the biennium, as the case may be,''; and

(3) by striking ''that year'' and inserting ''for each year of the biennium''.

(e) CAPITAL INVESTMENT ANALYSIS.—Section 1105(e)(1) of title 31, United States Code, is amended by striking ''ensuing fiscal year'' and inserting ''biennium to which such budget relates''.

(f) SUPPLEMENTAL BUDGET ESTIMATES AND CHANGES.—

(1) IN GENERAL.—Section 1106(a) of title 31, United States Code, is amended—

(A) in the matter preceding paragraph (1), by—

(i) inserting ''and before February 15 of each even-numbered year'' after ''Before July 16 of each year''; and

(ii) striking ''fiscal year'' and inserting ''biennium'';

(B) in paragraph (1), by striking ''that fiscal year'' and inserting ''each fiscal year in such biennium'';

(C) in paragraph (2), by striking ''4 fiscal years following the fiscal year'' and inserting ''4 fiscal years following the biennium''; and

(D) in paragraph (3), by striking ''fiscal year'' and inserting ''biennium''.

(2) CHANGES.—Section 1106(b) of title 31, United States Code, is amended by—

(A) striking ''the fiscal year'' and inserting ''each fiscal year in the biennium''; and

(B) inserting ''and before February 15 of each even-numbered year'' after ''Before July 16 of each year''.

(g) CURRENT PROGRAMS AND ACTIVITIES ESTIMATES.—

(1) THE PRESIDENT.—Section 1109(a) of title 31, United States Code, is amended—

(A) by striking ''On or before the first Monday after January 3 of each year (on or before February 5 in 1986)'' and inserting ''At the same time the budget required by section 1105 is submitted for a biennium''; and

(B) by striking ''the following fiscal year'' and inserting ''each fiscal year of such period''.

(2) JOINT ECONOMIC COMMITTEE.—Section 1109(b) of title 31, United States Code, is amended by striking ''March 1 of each year'' and inserting ''within 6 weeks of the President's budget submission for each odd-numbered year (or, if applicable, as provided by section 300(b) of the Congressional Budget Act of 1974)''.

(h) YEAR-AHEAD REQUESTS FOR AUTHORIZING LEGISLATION.—Section 1110 of title 31, United States Code, is amended by—

(1) striking ''May 16'' and inserting ''March 31''; and

(2) striking ''year before the year in which the fiscal year begins'' and inserting ''calendar year preceding the calendar year in which the biennium begins''.

SEC. 126. TWO-YEAR APPROPRIATIONS; TITLE AND STYLE OF APPROPRIATION ACTS.

Section 105 of title 1, United States Code, is amended to read as follows:

''§ 105. Title and style of appropriations Acts

''(a) The style and title of all Acts making appropriations for the support of the Government shall be as follows: 'An Act making appropriations (here insert the object) for each fiscal year in the biennium of fiscal years (here insert the fiscal years of the biennium).'.

''(b) All Acts making regular appropriations for the support of the Government shall be enacted for a biennium and shall specify the amount of appropriations provided for each fiscal year in such period.

''(c) For purposes of this section, the term 'biennium' has the same meaning as in section 3(13) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(13)).''.

SEC. 127. MULTIYEAR AUTHORIZATIONS.

(a) IN GENERAL.—Title III of the Congressional Budget Act of 1974 (as amended by section 116(a)) is further amended by adding at the end the following new section:

''MULTIYEAR AUTHORIZATIONS OF APPROPRIATIONS

''SEC. 318. (a) It shall not be in order in the House of Representatives or the Senate to consider any measure that contains a specific authorization of appropriations for any purpose unless the measure includes such a specific authorization of appropriations for that purpose for not less than each fiscal year in one or more bienniums.

''(b)(1) For purposes of this section, a specific authorization of appropriations is an authorization for the enactment of an amount of appropriations or amounts not to exceed an amount of appropriations (whether stated as a sum certain, as a limit, or as such sums as may be necessary) for any purpose for a fiscal year.

''(2) Subsection (a) does not apply with respect to an authorization of appropriations for a single fiscal year for any program, project, or activity if the measure containing that authorization includes a provision expressly stating the following: 'Congress finds that no authorization of appropriation will be required for [Insert name of applicable program, project, or activity] for any subsequent fiscal year.'.

''(c) For purposes of this section, the term 'measure' means a bill, joint resolution, amendment, motion, or conference report.''.

(b) AMENDMENT TO TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding after the item relating to section 317 the following new item:

''Sec. 318. Multiyear authorizations of appropriations.''.

SEC. 128. GOVERNMENT STRATEGIC AND PERFORMANCE PLANS ON A BIENNIAL BASIS.

(a) STRATEGIC PLANS.—Section 306 of title 5, United States Code, is amended—

(1) in subsection (a), by striking ''September 30, 1997'' and inserting ''September 30, 2007'';

(2) in subsection (b)—

(A) by striking ''at least every three years'' and all that follows thereafter and inserting ''at least every 4 years, except that strategic plans submitted by September 30, 2007, shall be updated and revised by September 30, 2010''; and

(B) by striking ''five years forward'' and inserting ''six years forward''; and

(3) in subsection (c), by inserting a comma after ''section'' the second place it appears and adding ''including a strategic plan submitted by September 30, 2007, meeting the requirements of subsection (a)''.

(b) BUDGET CONTENTS AND SUBMISSION TO CONGRESS.—Paragraph (28) of section 1105(a) of title 31, United States Code, is amended by striking ''beginning with fiscal year 1999, a'' and inserting ''beginning with fiscal year 2010, a biennial''.

(c) PERFORMANCE PLANS.—Section 1115 of title 31, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter before paragraph (1)—

(i) by striking ''section 1105(a)(29)'' and inserting ''section 1105(a)(28)''; and

(ii) by striking ''an annual'' and inserting ''a biennial'';

(B) in paragraph (1) by inserting after ''program activity'' the following: ''for both years 1 and 2 of the biennial plan'';

(C) in paragraph (5) by striking ''and'' after the semicolon;

(D) in paragraph (6) by striking the period and inserting a semicolon; and inserting ''and'' after the inserted semicolon; and

(E) by adding after paragraph (6) the following:

''(7) cover each fiscal year of the biennium beginning with the first fiscal year of the next biennial budget cycle.'';

(2) in subsection (d) by striking ''annual'' and inserting ''biennial''; and

(3) in paragraph (6) of subsection (f) by striking ''annual'' and inserting ''biennial''.

(d) MANAGERIAL ACCOUNTABILITY AND FLEXIBILITY.—Section 9703 of title 31, United States Code, relating to managerial accountability, is amended—

(1) in subsection (a)—

(A) in the first sentence by striking ''annual''; and

(B) by striking ''section 1105(a)(29)'' and inserting ''section 1105(a)(28)'';

(2) in subsection (e)—

(A) in the first sentence by striking ''one or'' before ''two years'';

(B) in the second sentence by striking ''a subsequent year'' and inserting ''for a subsequent 2-year period''; and

(C) in the third sentence by striking ''three'' and inserting ''four''.

(e) STRATEGIC PLANS.—Section 2802 of title 39, United States Code, is amended—

(1) in subsection (a), by striking ''September 30, 1997'' and inserting ''September 30, 2007'';

(2) in subsection (b), by striking ''at least every three years'' and inserting ''at least every 4 years except that strategic plans submitted by September 30, 2007, shall be updated and revised by September 30, 2010'';

(3) in subsection (b), by striking ''five years forward'' and inserting ''six years forward''; and

(4) in subsection (c), by inserting a comma after ''section'' the second place it appears and inserting ''including a strategic plan submitted by September 30, 2007, meeting the requirements of subsection (a)''.

(f) PERFORMANCE PLANS.—Section 2803(a) of title 39, United States Code, is amended—

(1) in the matter before paragraph (1), by striking ''an annual'' and inserting ''a biennial'';

(2) in paragraph (1), by inserting after ''program activity'' the following: ''for both years 1 and 2 of the biennial plan'';

(3) in paragraph (5), by striking ''and'' after the semicolon;

(4) in paragraph (6), by striking the period and inserting ''; and''; and

(5) by adding after paragraph (6) the following:

''(7) cover each fiscal year of the biennium beginning with the first fiscal year of the next biennial budget cycle.''.

(g) COMMITTEE VIEWS OF PLANS AND REPORTS.—Section 301(d) of the Congressional Budget Act (2 U.S.C. 632(d)) is amended by adding at the end ''Each committee of the Senate or the House of Representatives shall review the strategic plans, performance plans, and performance reports, required under section 306 of title 5, United States Code, and sections 1115 and 1116 of title 31, United States Code, of all agencies under the jurisdiction of the committee. Each committee may provide its views on such plans or reports to the Committee on the Budget of the applicable House.''.

SEC. 129. BIENNIAL APPROPRIATION BILLS.

(a) IN THE HOUSE OF REPRESENTATIVES.—Clause 2(a) of rule XXI of the Rules of the House of Representatives is amended by adding at the end the following new subparagraph:

''(3)(A) Except as provided by subdivision (B), an appropriation may not be reported in a general appropriation bill (other than a supplemental appropriation bill), and may not be in order as an amendment thereto, unless it provides new budget authority or establishes a level of obligations under contract authority for each fiscal year of a biennium.

''(B) Subdivision (A) does not apply with respect to an appropriation for a single fiscal year for any program, project, or activity if the bill or amendment thereto containing that appropriation includes a provision expressly stating the following: 'Congress finds that no additional funding beyond one fiscal year will be required and the [Insert name of applicable program, project, or activity] will be completed or terminated after the amount provided has been expended.'.

''(C) For purposes of paragraph (b), the statement set forth in subdivision (B) with respect to an appropriation for a single fiscal year for any program, project, or activity may be included in a general appropriation bill or amendment thereto.''.

(b) CONFORMING AMENDMENT.—Clause 5(b)(1) of rule XXII of the House of Representatives is amended by striking ''or (c)'' and inserting ''or (3) or 2(c)''.

SEC. 130. ASSISTANCE BY FEDERAL AGENCIES TO STANDING COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.

(a) INFORMATION REGARDING AGENCY APPROPRIATIONS REQUESTS.—To assist each standing committee of the House of Representatives and the Senate in carrying out its responsibilities, the head of each Federal agency which administers the laws or parts of laws under the jurisdiction of such committee shall provide to such committee such studies, information, analyses, reports, and assistance as may be requested by the chairman and ranking minority member of the committee.

(b) INFORMATION REGARDING AGENCY PROGRAM ADMINISTRATION.—To assist each standing committee of the House of Representatives and the Senate in carrying out its responsibilities, the head of any agency shall furnish to such committee documentation, containing information received, compiled, or maintained by the agency as part of the operation or administration of a program, or specifically compiled pursuant to a request in support of a review of a program, as may be requested by the chairman and ranking minority member of such committee.

(c) SUMMARIES BY COMPTROLLER GENERAL.—Within thirty days after the receipt of a request from a chairman and ranking minority member of a standing committee having jurisdiction over a program being reviewed and studied by such committee under this section, the Comptroller General of the United States shall furnish to such committee summaries of any audits or reviews of such program which the Comptroller General has completed during the preceding six years.

(d) CONGRESSIONAL ASSISTANCE.—Consistent with their duties and functions under law, the Comptroller General of the United States, the Director of the Congressional Budget Office, and the Director of the Congressional Research Service shall continue to furnish (consistent with established protocols) to each standing committee of the House of Representatives or the Senate such information, studies, analyses, and reports as the chairman and ranking minority member may request to assist the committee in conducting reviews and studies of programs under this section.

Subtitle D—Prevention of Government Shutdown

SEC. 141. AMENDMENT TO TITLE 31.

(a) IN GENERAL.—Chapter 13 of title 31, United States Code, is amended by inserting after section 1310 the following new section:

''§ 1311. Continuing appropriations

''(a)(1) If any regular appropriation bill for a fiscal year (or, if applicable, for each fiscal year in a biennium) does not become law before the beginning of such fiscal year or a joint resolution making continuing appropriations is not in effect, there are appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, such sums as may be necessary to continue any project or activity for which funds were provided in the preceding fiscal year—

''(A) in the corresponding regular appropriation Act for such preceding fiscal year; or

''(B) if the corresponding regular appropriation bill for such preceding fiscal year did not become law, then in a joint resolution making continuing appropriations for such preceding fiscal year.

''(2) Appropriations and funds made available, and authority granted, for a project or activity for any fiscal year pursuant to this section shall be at a rate of operations not in excess of the lower of—

''(A) the rate of operations provided for in the regular appropriation Act providing for such project or activity for the preceding fiscal year;

''(B) in the absence of such an Act, the rate of operations provided for such project or activity pursuant to a joint resolution making continuing appropriations for such preceding fiscal year;

''(C) the rate of operations provided for in the regular appropriation bill as passed by the House of Representatives or the Senate for the fiscal year in question, except that the lower of these two versions shall be ignored for any project or activity for which there is a budget request if no funding is provided for that project or activity in either version; or

''(D) the annualized rate of operations provided for in the most recently enacted joint resolution making continuing appropriations for part of that fiscal year or any funding levels established under the provisions of this Act.

''(3) Appropriations and funds made available, and authority granted, for any fiscal year pursuant to this section for a project or activity shall be available for the period beginning with the first day of a lapse in appropriations and ending with the earlier of—

''(A) the date on which the applicable regular appropriation bill for such fiscal year becomes law (whether or not such law provides for such project or activity) or a continuing resolution making appropriations becomes law, as the case may be; or

''(B) the last day of such fiscal year.

''(b) An appropriation or funds made available, or authority granted, for a project or activity for any fiscal year pursuant to this section shall be subject to the terms and conditions imposed with respect to the appropriation made or funds made available for the preceding fiscal year, or authority granted for such project or activity under current law.

''(c) Appropriations and funds made available, and authority granted, for any project or activity for any fiscal year pursuant to this section shall cover all obligations or expenditures incurred for such project or activity during the portion of such fiscal year for which this section applies to such project or activity.

''(d) Expenditures made for a project or activity for any fiscal year pursuant to this section shall be charged to the applicable appropriation, fund, or authorization whenever a regular appropriation bill or a joint resolution making continuing appropriations until the end of a fiscal year providing for such project or activity for such period becomes law.

''(e) This section shall not apply to a project or activity during a fiscal year if any other provision of law (other than an authorization of appropriations)—

''(1) makes an appropriation, makes funds available, or grants authority for such project or activity to continue for such period; or

''(2) specifically provides that no appropriation shall be made, no funds shall be made available, or no authority shall be granted for such project or activity to continue for such period.

''(f) For purposes of this section, the term 'regular appropriation bill' means any annual appropriation bill making appropriations, otherwise making funds available, or granting authority, for any of the following categories of projects and activities:

''(1) Agriculture, rural development, Food and Drug Administration, and related agencies programs.

''(2) The Departments of Commerce, Justice, and State, the Judiciary, and related agencies.

''(3) The Department of Defense.

''(4) The government of the District of Columbia and other activities chargeable in whole or in part against the revenues of the District.

''(5) Energy and water development.

''(6) Foreign operations, export financing, and related programs.

''(7) The Department of Homeland Security.

''(8) The Department of the Interior and related agencies.

''(9) The Departments of Labor, Health and Human Services, and Education, and related agencies.

''(10) The Legislative Branch.

''(11) Military construction, family housing, and base realignment and closure for the Department of Defense.

''(12) The Departments of Transportation and Treasury, and independent agencies.

''(13) The Departments of Veterans Affairs and Housing and Urban Development, and sundry independent agencies, boards, commissions, corporations, and offices.''.

(b) CLERICAL AMENDMENT.—The analysis of chapter 13 of title 31, United States Code, is amended by inserting after the item relating to section 1310 the following new item:

''1311. Continuing appropriations.''.

Subtitle E—The Baseline

SEC. 151. ELIMINATION OF INFLATION ADJUSTMENT.

Section 257(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in paragraph (1) by striking ''for inflation as specified in paragraph (5),''; and

(2) by striking paragraph (5) and redesignating paragraph (6) as paragraph (5).

SEC. 152. THE PRESIDENT'S BUDGET.

(a) Paragraph (5) of section 1105(a) of title 31, United States Code, is amended to read as follows:

''(5) except as provided in subsection (b) of this section, estimated expenditures and appropriations for the current year and estimated expenditures and proposed appropriations the President decides are necessary to support the Government in the fiscal year for which the budget is submitted and the 4 fiscal years following that year, and, except for detailed budget estimates, the percentage change from the current year to the fiscal year for which the budget is submitted for estimated expenditures and for appropriations.''.

(b) Section 1105(a)(6) of title 31, United States Code, is amended to read as follows:

''(6) estimated receipts of the Government in the current year and the fiscal year for which the budget is submitted and the 4 fiscal years after that year under—

''(A) laws in effect when the budget is submitted; and

''(B) proposals in the budget to increase revenues,

and the percentage change (in the case of each category referred to in subparagraphs (A) and (B)) between the current year and the fiscal year for which the budget is submitted and between the current year and each of the 9 fiscal years after the fiscal year for which the budget is submitted.''.

(c) Section 1105(a)(12) of title 31, United States Code, is amended to read as follows:

''(12) for each proposal in the budget for legislation that would establish or expand a Government activity or function, a table showing—

''(A) the amount proposed in the budget for appropriation and for expenditure because of the proposal in the fiscal year for which the budget is submitted;

''(B) the estimated appropriation required because of the proposal for each of the 4 fiscal years after that year that the proposal will be in effect; and

''(C) the estimated amount for the same activity or function, if any, in the current fiscal year,

and, except for detailed budget estimates, the percentage change (in the case of each category referred to in subparagraphs (A), (B), and (C)) between the current year and the fiscal year for which the budget is submitted.''.

(d) Section 1105(a)(18) of title 31, United States Code, is amended by inserting ''new budget authority and'' before ''budget outlays''.

(e) Section 1105(a) of title 31, United States Code, is amended by adding at the end the following new paragraphs:

''(35) a comparison of levels of estimated expenditures and proposed appropriations for each function and subfunction in the current fiscal year and the fiscal year for which the budget is submitted, along with the proposed increase or decrease of spending in percentage terms for each function and subfunction.

''(36) a table on sources of growth in total direct spending under current law and as proposed in this budget submission for the budget year and the ensuing 9 fiscal years, which shall include changes in outlays attributable to the following: cost-of-living adjustments; changes in the number of program recipients; increases in medical care prices, utilization and intensity of medical care; and residual factors.''.

(f) Section 1109(a) of title 31, United States Code, is amended by inserting after the first sentence the following new sentence: ''For discretionary spending, these estimates shall assume the levels set forth in the discretionary spending limits under section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, as adjusted, for the appropriate fiscal years (and if no such limits are in effect, these estimates shall assume the adjusted levels for the most recent fiscal year for which such levels were in effect).''.

SEC. 153. THE CONGRESSIONAL BUDGET.

Section 301(e) of the Congressional Budget Act of 1974 (as amended by section 103) is further amended—

(1) in paragraph (1), by inserting at the end the following: ''The basis of deliberations in developing such joint resolution shall be the estimated budgetary levels for the preceding fiscal year. Any budgetary levels pending before the committee and the text of the joint resolution shall be accompanied by a document comparing such levels or such text to the estimated levels of the prior fiscal year. Any amendment offered in the committee that changes a budgetary level and is based upon a specific policy assumption for a program, project, or activity shall be accompanied by a document indicating the estimated amount for such program, project, or activity in the current year.''; and

(2) in paragraph (2), by striking ''and'' at the end of subparagraph (H) (as redesignated), by striking the period and inserting ''; and'' at the end of subparagraph (I) (as redesignated), and by adding at the end the following new subparagraph:

''(J) a comparison of levels for the current fiscal year with proposed spending and revenue levels for the subsequent fiscal years along with the proposed increase or decrease of spending in percentage terms for each function.''.

SEC. 154. CONGRESSIONAL BUDGET OFFICE REPORTS TO COMMITTEES.

(a) The first sentence of section 202(e)(1) of the Congressional Budget Act of 1974 is amended by inserting ''compared to comparable levels for the current year'' before the comma at the end of subparagraph (A) and before the comma at the end of subparagraph (B).

(b) Section 202(e)(1) of the Congressional Budget Act of 1974 is amended by inserting after the first sentence the following new sentence: ''Such report shall also include a table on sources of spending growth in total direct spending for the budget year and the ensuing 4 fiscal years, which shall include changes in outlays attributable to the following: cost-of-living adjustments; changes in the number of program recipients; increases in medical care prices, utilization and intensity of medical care; and residual factors.''.

(c) Section 308(a)(1)(B) of the Congressional Budget Act of 1974 is amended by inserting ''and shall include a comparison of those levels to comparable levels for the current fiscal year'' before ''if timely submitted''.

SEC. 155. TREATMENT OF EMERGENCIES.

Section 257(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as amended by section 151) is further amended by adding at the end the following new paragraph:

''(7) EMERGENCIES.—Budgetary resources for emergencies shall be at the level provided in the reserve fund for emergencies for that fiscal year pursuant to section 301(a)(4) of the Congressional Budget Act of 1974.''.

TITLE II—PUTTING A LID ON THE FEDERAL BUDGET

Subtitle A—Spending Safeguards on the Growth of Entitlements and Mandatories

SEC. 201. SPENDING CAPS ON GROWTH OF ENTITLEMENTS AND MANDATORIES.

(a) CONTROL OF ENTITLEMENTS AND MANDATORIES.—The Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding after section 252 the following new section:

''SEC. 252A. ENFORCING CONTROLS ON DIRECT SPENDING.

''(a) CAP ON GROWTH OF ENTITLEMENTS.—Effective for fiscal year 2005 and for each ensuing fiscal year, the total level of direct spending for all direct spending programs, projects, and activities (excluding social security) for any such fiscal year shall not exceed the total level of spending for all such programs, projects, and activities for the previous fiscal year after the direct spending for each such program, project, or activity is increased by the higher of the change in the Consumer Price Index for All Urban Consumers or the inflator (if any) applicable to that program, project, or activity and the growth in eligible population for such, project, or activity.

''(b) SEQUESTRATION.—Within 15 days after Congress adjourns to end a session (other than of the second session of the One Hundred Eighth Congress), and on the same day as a sequestration (if any) under section 251, there shall be a sequestration to reduce the amount of direct spending for the fiscal year beginning in the year the Congress adjourns by any amount necessary to reduce such spending to the level set forth in subsection (a) unless that amount is less than $250,000,000.

''(c) UNIFORM REDUCTIONS; LIMITATIONS.—The amount required to be sequestered for the fiscal year under subsection (a) shall be obtained from nonexempt direct spending accounts by actions taken in the following order:

''(1) FIRST.—The reductions in the programs specified in section 256(a) (National Wool Act and special milk), section 256(b) (student loans), and section 256(c) (foster care and adoption assistance) shall be made.

''(2) SECOND.—Any additional reductions that may be required shall be achieved by reducing each remaining nonexempt direct spending account by the uniform percentage necessary to achieve those additional reductions, except that—

''(A) the low-income programs specified in section 256(d) shall not be reduced by more than 2 percent;

''(B) the retirement and veterans benefits specified in sections 256(f), (g), and (h) shall not be reduced by more than 2 percent in the manner specified in that section; and

''(C) the medicare programs shall not be reduced by more than 2 percent in the manner specified in section 256(i).

The limitations set forth in subparagraphs (A), (B), and (C) shall be applied iteratively, and after each iteration the uniform percentage applicable to all other programs under this paragraph shall be increased (if necessary) to a level sufficient to achieve the reductions required by this paragraph.

''(d) EXCLUSION OF MEDICARE PRESCRIPTION DRUG PROGRAM UNTIL FULLY OPERATIONAL.—For purposes of this section with respect to the limitation under subsection (a) for a fiscal year before fiscal year 2008, direct spending programs and direct spending shall not be construed to include part D of title XVIII of the Social Security Act (or spending under part C of such title that is attributable to such part D).''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents set forth in 250(c) of the Balanced Budget and Emergency Deficit

Control Act of 1985 is amended by adding after the item relating to section 252 the following new item:

''Sec. 252A. Enforcing controls on direct spending.''.

SEC. 202. EXEMPT PROGRAMS AND ACTIVITIES.

Section 255 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

''SEC. 255. EXEMPT PROGRAMS AND ACTIVITIES.

''(a) SOCIAL SECURITY BENEFITS; TIER I RAILROAD RETIREMENT BENEFITS; AND CERTAIN MEDICARE BENEFITS.—(1) Benefits payable under the old-age, survivors, and disability insurance program established under title II of the Social Security Act, and benefits payable under section 3(a), 3(f)(3), 4(a), or 4(f) of the Railroad Retirement Act of 1974, shall be exempt from reduction under any order issued under this part.

''(2) Payments made under part A of title XVIII (relating to part A medicare hospital insurance benefits) of the Social Security Act and payments made under part C of such title (relating to the Medicare Advantage program) insofar as they are attributable to part A of such title shall be exempt from reduction under any order issued under this part.

''(b) DESCRIPTIONS AND LISTS.—The following budget accounts or activities shall be exempt from sequestration:

''(1) net interest;

''(2) all payments to trust funds from excise taxes or other receipts or collections properly creditable to those trust funds;

''(3) all payments from one Federal direct spending budget account to another Federal budget account; and all intragovernmental funds including those from which funding is derived primarily from other Government accounts, except to the extent that such funds are augmented by direct appropriations for the fiscal year for which the order is in effect;

''(4) activities resulting from private donations, bequests, or voluntary contributions to the Government;

''(5) payments from any revolving fund or trust-revolving fund (or similar activity) that provides deposit insurance or other Government insurance, Government guarantees, or any other form of contingent liability, to the extent those payments result from contractual or other legally binding commitments of the Government at the time of any sequestration;

''(6) credit liquidating and financing accounts;

''(7) the following accounts, which largely fulfill requirements of the Constitution or otherwise make payments to which the Government is committed:

''Administration of Territories, Northern Mariana Islands Covenant grants (14–0412–0–1–806);

''Armed Forces Retirement Home Trust Fund, payment of claims (84–8930–0–7–705);

''Bureau of Indian Affairs, miscellaneous payments to Indians (14–2303–0–1–452);

''Bureau of Indian Affairs, miscellaneous trust funds, tribal trust funds (14–9973–0–7–999);

''Claims, defense;

''Claims, judgments, and relief act (20–1895–0–1–806);

''Compact of Free Association, economic assistance pursuant to Public Law 99–658 (14–0415–0–1–806);

''Compensation of the President (11–0001–0–1–802);

''Customs Service, miscellaneous permanent appropriations (20–9992–0–2–852);

''Eastern Indian land claims settlement fund (14–2202–0–1–806);

''Farm Credit Administration, Limitation on Administration Expenses (78–4131–0–3–351);

''Farm Credit System Financial Assistance Corporation, interest payments (20–1850–0–1–351);

''Internal Revenue collections of Puerto Rico (20–5737–0–2–852);

''Panama Canal Commission, operating expenses and capital outlay (95–5190–0–2–403);

''Payments of Vietnam and USS Pueblo prisoner-of-war claims (15–0104–0–1–153);

''Payments to copyright owners (03–5175–0–2–376);

''Payments to health care trust funds (75–0580–0–1–571);

''Payments to social security trust funds (75–0404–0–1–651);

''Payments to the United States territories, fiscal assistance (14–0418–0–1–801);

''Payments to widows and heirs of deceased Members of Congress (00–0215–0–1–801);

''Pension Benefit Guaranty Corporation Fund (16–4204–0–3–601);

''Salaries of Article III judges;

''Washington Metropolitan Area Transit Authority, interest payments (46–0300–0–1–401);

''(8) the following noncredit special, revolving, or trust-revolving funds:

''Coinage profit fund (20–5811–0–2–803);

''Comptroller of the Currency;

''Director of the Office of Thrift Supervision;

''Exchange Stabilization Fund (20–4444–0–3–155);

''Federal Housing Finance Board;

''Foreign Military Sales trust fund (11–82232–0–7–155);

''National Credit Union Administration, central liquidating facility (25–4470–0–3–373);

''National Credit Union Administration, credit union insurance fund (25–4468–0–3–373);

''National Credit Union Administration operating fund (25–4056–0–3–373); and

''Resolution Trust Corporation Revolving Fund (22–4055–0–3–373);

''(9) Thrift Savings Fund;

''(10) appropriations for the District of Columbia to the extent they are appropriations of locally raised funds;

''(11)(A) any amount paid as regular unemployment compensation by a State from its account in the Unemployment Trust Fund (established by section 904(a) of the Social Security Act);

''(B) any advance made to a State from the Federal unemployment account (established by section 904(g) of such Act) under title XII of such Act and any advance appropriated to the Federal unemployment account pursuant to section 1203 of such Act; and

''(C) any payment made from the Federal Employees Compensation Account (as established under section 909 of such Act) for the purpose of carrying out chapter 85 of title 5, United States Code, and funds appropriated or transferred to or otherwise deposited in such Account; and

''(12)(A) FDIC, Bank Insurance Fund (51–4064–0–3–373);

''(B) FDIC, FSLIC Resolution Fund (51–4065–0–3–373); and

''(C) FDIC, Savings Association Insurance Fund (51–4066–0–3–373).

''(c) FEDERAL RETIREMENT AND DISABILITY ACCOUNTS.—The following Federal retirement and disability accounts shall be exempt from reduction under any order issued under this part:

''Civil service retirement and disability fund (24–8135–0–7–602).

''Black Lung Disability Trust Fund (20–8144–0–7–601).

''Foreign Service Retirement and Disability Fund (19–8186–0–7–602).

''District of Columbia Judicial Retirement and Survivors Annuity Fund (20–8212–0–7–602).

''Judicial Survivors' Annuities Fund (10–8110–0–7–602).

''Payments to the Railroad Retirement Accounts (60–0113–0–1–601).

''Tax Court Judges Survivors Annuity Fund (23–8115–0–7–602).

''Employees Life Insurance Fund (24–8424–0–8–602).

''(d) FEDERAL ADMINISTRATIVE EXPENSES.—

''(1) Notwithstanding any provision of law other than paragraph (3), administrative expenses incurred by the departments and agencies, including independent agencies, of the Government in connection with any program, project, activity, or account shall be subject to reduction pursuant to any sequestration order, without regard to any exemption, exception, limitation, or special rule otherwise applicable with respect to such program, project, activity, or account, and regardless of whether the program, project, activity, or account is self-supporting and does not receive appropriations.

''(2) Payments made by the Government to reimburse or match administrative costs incurred by a State or political subdivision under or in connection with any program, project, activity, or account shall not be considered administrative expenses of the Government for purposes of this section, and shall be subject to sequestration to the extent (and only to the extent) that other payments made by the Government under or in connection with that program, project, activity, or account are subject to that reduction or sequestration; except that Federal payments made to a State as reimbursement of administrative costs incurred by that State under or in connection with the unemployment compensation programs specified in subsection (a)(11) shall be subject to reduction or sequestration under this part notwithstanding the exemption otherwise granted to such programs under that subsection.

''(3) Notwithstanding any other provision of law, the administrative expenses of the following programs shall be exempt from sequestration:

''(A) Comptroller of the Currency.

''(B) Federal Deposit Insurance Corporation.

''(C) Office of Thrift Supervision.

''(D) National Credit Union Administration.

''(E) National Credit Union Administration, central liquidity facility.

''(F) Federal Retirement Thrift Investment Board.

''(G) Resolution Funding Corporation.

''(H) Resolution Trust Corporation.

''(I) Board of Governors of the Federal Reserve System.

''(e) VETERANS' PROGRAMS.—The following programs shall be exempt from reduction under any order issued under this part:

''General Post Funds (36–8180–0–7–705).

''Veterans Insurance and Indemnities (36–0120–0–1–701).

''Service-Disabled Veterans Insurance Funds (36–4012–0–3–701).

''Veterans Reopened Insurance Fund (36–4010–0–3–701).

''Servicemembers' Group Life Insurance Fund (36–4009–0–3–701).

''Post-Vietnam Era Veterans Education Account (36–8133–0–7–702).

''National Service Life Insurance Fund (36–8132–0–7–701).

''United States Government Life Insurance Fund (36–8150–0–7–701).

''Veterans Special Life Insurance Fund (36–8455–0–8–701).

''(f) OPTIONAL EXEMPTION OF DEFENSE AND HOMELAND SECURITY ACCOUNTS.—

''(1) IN GENERAL.—The President may, with respect to any defense or homeland security account, exempt that account from sequestration or provide for a lower uniform percentage reduction than would otherwise apply.

''(2) LIMITATION.—The President may not use the authority provided by paragraph (1) unless the President notifies the Congress of the manner in which such authority will be exercised on or before the date specified in section 254(a) for the budget year.''.

SEC. 203. EXCEPTIONS, LIMITATIONS, AND SPECIAL RULES.

(a) IN GENERAL.—Section 256 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

''SEC. 256. EXCEPTIONS, LIMITATIONS, AND SPECIAL RULES.

''(a) NATIONAL WOOL ACT AND THE SPECIAL MILK PROGRAM.—Automatic spending increases are increases in outlays due to changes in indexes in the following programs:

''(1) National Wool Act; and

''(2) Special milk program.

In those programs all amounts other than the automatic spending increases shall be exempt from reduction under any sequestration order.

''(b) STUDENT LOANS.—For all student loans under part B or D of title IV of the Higher Education Act of 1965 made during the period when a sequestration order under section 254 is in effect as required by section 252 or 253, origination fees under sections 438(c)(2) and 455(c) of that Act shall each be increased by 0.50 percentage point.

''(c) FOSTER CARE AND ADOPTION ASSISTANCE PROGRAMS.—Any sequestration order shall make the reduction otherwise required under the foster care and adoption assistance programs (established by part E of title IV of the Social Security Act) only with respect to payments and expenditures made by States in which increases in foster care maintenance payment rates or adoption assistance payment rates (or both) are to take effect during the fiscal year involved, and only to the extent that the required reduction can be accomplished by applying a uniform percentage reduction to the Federal matching payments that each such State would otherwise receive under section 474 of that Act (for such fiscal year) for that portion of the State's payments attributable to the increases taking effect during that year. No State's matching payments from the Government for foster care maintenance payments or for adoption assistance maintenance payments may be reduced by a percentage exceeding the applicable domestic sequestration percentage. No State may, after the date of the enactment of this Act, make any change in the timetable for making payments under a State plan approved under part E of title IV of the Social Security Act which has the effect of changing the fiscal year in which expenditures under such part are made.

''(d) LOW-INCOME PROGRAMS.—(1) Benefit payments or payments to States or other entities for the programs listed in paragraph (2) shall not be reduced by more than 2 percent under any sequestration order. When reduced under an end-of-session sequestration order, those benefit reductions shall occur starting with the payment made at the start of January. When reduced under a within-session sequestration order, those benefit reductions shall occur starting with the next periodic payment.

''(2) The programs referred to in paragraph (1) are the following:

''Child Nutrition (12–3539–0–1–605).

''Food Stamp Programs (12–3505–0–1–605).

''Grants to States for Medicaid (75–0512–0–1–551).

''State Children's Health Insurance Fund (75–0515–0–1–551).

''Supplemental Security Income Program (75–0406–0–1–609).

''Temporary Assistance for Needy Families (75–1552–0–1–609).

''Special supplemental nutrition program for women, infants, and children (WIC) (12–3510–0–1–605).

''(e) VETERANS' MEDICAL CARE.—The maximum permissible reduction in budget authority for Veterans' medical care (36–0160–0–1–703) for any fiscal year, pursuant to an order issued under section 254, shall be 2 percent.

''(f) FEDERAL RETIREMENT PROGRAMS.—

''(1) For each of the programs listed in paragraph (2) and except as provided in paragraph (3), monthly (or other periodic) benefit payments shall be reduced by the uniform percentage applicable to direct spending sequestrations for such programs, which shall in no case exceed 2 percent under any sequestration order. When reduced under an end-of-session sequestration order, those benefit reductions shall occur starting with the payment made at the start of January or 7 weeks after the order is issued, whichever is later. When reduced under a within-session sequestration order, those benefit reductions shall occur starting with the next periodic payment.

''(2) The programs subject to paragraph (1) are:

''Central Intelligence Agency Retirement and Disability Fund (56–3400–0–1–054).

''Comptrollers General Retirement System (05–0107–0–1–801) Payments to the Foreign Service Retirement and Disability Fund (72–1036–0–1–153).

''Judicial Officers' Retirement Fund (10–8122–0–7–602).

''Claims Judges' Retirement Fund (10–8124–0–7–602).

''Pensions for former Presidents (47–0105–0–1–802).

''National Oceanic and Atmospheric Administration Retirement (13–1450–0–1–306).

''Railroad Industry Pension Fund (60–8011–0–7–601).

''Retired pay, Coast Guard (70–0602–0–1–403).

''Retirement pay and medical benefits for commissioned officers, Public Health Service (75–0379–0–1–551).

''Payments to Civil Service Retirement and Disability Fund (24–0200–0–1–805).

''Payments to the Foreign Service Retirement and Disability Fund (72–1036–0–1–153).

''Payments to Judiciary Trust Funds (10–0941–0–1–752).

''(g) VETERANS PROGRAMS.—To achieve the total percentage reduction required by any order issued under this part, the percentage reduction that shall apply to payments under the following programs shall in no event exceed 2 percent:

''Canteen Service Revolving Fund (36–4014–0–3–705).

''Medical Center Research Organizations (36–4026–0–3–703).

''Disability Compensation Benefits (36–0102–0–1–701).

''Education Benefits (36–0137–0–1–702).

''Vocational Rehabilitation and Employment Benefits (36–0135–0–1–702).

''Pensions Benefits (36–0154–0–1–701).

''Burial Benefits (36–0139–0–1–701).

''Guaranteed Transitional Housing Loans For Homeless Veterans Program Account (36–1119–0–1–704).

''Housing Direct Loan Financing Account (36–4127–0–1–704).

''Housing Guaranteed Loan Financing Account (36–4129–0–3–704).

''Vocational Rehabilitation and Education Direct Loan Financing Account (36–4259–0–3–702).

''(h) MILITARY HEALTH AND RETIREMENT.—To achieve the total percentage reduction in military retirement required by any order issued under this part, the percentage reduction that shall apply to payments under the Military retirement fund (97–8097–0–7–602), payments to the military retirement fund (97–0040–0–1–054), and the Defense Health Program (97–0130–0–1–051) shall in no event exceed 2 percent.

''(i) MEDICARE PROGRAM.—

''(1) CALCULATION OF REDUCTION IN INDIVIDUAL PAYMENT AMOUNTS.—To achieve the total percentage reduction in those programs required by any order issued under this part, the percentage reduction that shall apply to payments under the health insurance programs under title XVIII of the Social Security Act (other than payments described in section 255(a)(2)) that are subject to such order for services furnished after any sequestration order is issued shall be such that the reduction made in payments under that order shall achieve the required total percentage reduction in those payments for that fiscal year as determined on a 12-month basis. However, the percentage reduction under any such program shall in no case exceed 2 percent under any sequestration order.

''(2) TIMING OF APPLICATION OF REDUCTIONS.—If a reduction is made under paragraph (1) in payment amounts pursuant to a sequestration order, the reduction shall be applied to payment for services furnished after the effective date of the order.

''(3) NO INCREASE IN BENEFICIARY CHARGES IN ASSIGNMENT-RELATED CASES.—If a reduction in payment amounts is made under paragraph (1) for services for which payment under part B of title XVIII of the Social Security Act is made on the basis of an assignment described in section 1842(b)(3)(B)(ii), in accordance with section 1842(b)(6)(B), or under the procedure described in section 1870(f)(1) of such Act, the person furnishing the services shall be considered to have accepted payment of the reasonable charge for the services, less any reduction in payment amount made pursuant to a sequestration order, as payment in full.

''(4) APPLICATION TO PARTS C AND D.—The reductions otherwise required under parts C and D of title XVIII of the Social Security Act with respect to a fiscal year shall be applied to the calendar year that begins after the end of the fiscal year to which the applicable sequestration order applies.

''(j) FEDERAL PAY.—

''(1) IN GENERAL.—For purposes of any order issued under section 254, new budget authority to pay Federal personnel shall be reduced by the applicable uniform percentage, but no sequestration order may reduce or have the effect of reducing the rate of pay to which any individual is entitled under any statutory pay system (as increased by any amount payable under section 5304 of title 5, United States Code, or section 302 of the Federal Employees Pay Comparability Act of 1990) or the rate of any element of military pay to which any individual is entitled under title 37, United States Code, or any increase in rates of pay which is scheduled to take effect under section 5303 of title 5, United States Code, section 1009 of title 37, United States Code, or any other provision of law.

''(2) DEFINITIONS.—For purposes of this subsection:

''(A) The term 'statutory pay system' shall have the meaning given that term in section 5302(1) of title 5, United States Code.

''(B) The term 'elements of military pay' means—

''(i) the elements of compensation of members of the uniformed services specified in section 1009 of title 37, United States Code,

''(ii) allowances provided members of the uniformed services under sections 403a and 405 of such title, and

''(iii) cadet pay and midshipman pay under section 203(c) of such title.

''(C) The term 'uniformed services' shall have the meaning given that term in section 101(3) of title 37, United States Code.

''(k) CHILD SUPPORT ENFORCEMENT PROGRAM.—Any sequestration order shall accomplish the full amount of any required reduction in expenditures under sections 455 and 458 of the Social Security Act by reducing the Federal matching rate for State administrative costs under such program, as specified (for the fiscal year involved) in section 455(a) of such Act, to the extent necessary to reduce such expenditures by that amount.

''(l) EXTENDED UNEMPLOYMENT COMPENSATION.—(1) A State may reduce each weekly benefit payment made under the Federal-State Extended Unemployment Compensation Act of 1970 for any week of unemployment occurring during any period with respect to which payments are reduced under an order issued under this title by a percentage not to exceed the percentage by which the Federal payment to the State under section 204 of such Act is to be reduced for such week as a result of such order.

''(2) A reduction by a State in accordance with subparagraph (A) shall not be considered as a failure to fulfill the requirements of section 3304(a)(11) of the Internal Revenue Code of 1954.

''(m) COMMODITY CREDIT CORPORATION.—

''(1) POWERS AND AUTHORITIES OF THE COMMODITY CREDIT CORPORATION.—This title shall not restrict the Commodity Credit Corporation in the discharge of its authority and responsibility as a corporation to buy and sell commodities in world trade, to use the proceeds as a revolving fund to meet other obligations and otherwise operate as a corporation, the purpose for which it was created.

''(2) REDUCTION IN PAYMENTS MADE UNDER CONTRACTS.—(A) Payments and loan eligibility under any contract entered into with a person by the Commodity Credit Corporation prior to the time any sequestration order has been issued shall not be reduced by an order subsequently issued. Subject to subparagraph (B), after any sequestration order is issued for a fiscal year, any cash payments made by the Commodity Credit Corporation—

''(i) under the terms of any one-year contract entered into in or after such fiscal year and after the issuance of the order; and

''(ii) out of an entitlement account,

to any person (including any producer, lender, or guarantee entity) shall be subject to reduction under the order.

''(B) Each contract entered into with producers or producer cooperatives with respect to a particular crop of a commodity and subject to reduction under subparagraph (A) shall be reduced in accordance with the same terms and conditions. If some, but not all, contracts applicable to a crop of a commodity have been entered into prior to the issuance of any sequestration order, the order shall provide that the necessary reduction in payments under contracts applicable to the commodity be uniformly applied to all contracts for succeeding crops of the commodity, under the authority provided in paragraph (3).

''(3) DELAYED REDUCTION IN OUTLAYS PERMISSIBLE.—Notwithstanding any other provision of this title, if any sequestration order is issued with respect to a fiscal year, any reduction under the order applicable to contracts described in paragraph (2) may provide for reductions in outlays for the account involved to occur in the fiscal years following the fiscal year to which the order applies.

''(4) UNIFORM PERCENTAGE RATE OF REDUCTION AND OTHER LIMITATIONS.—All reductions described in paragraph (2) that are required to be made in connection with any sequestration order with respect to a fiscal year—

''(A) shall be made so as to ensure that outlays for each program, project, activity, or account involved are reduced by a percentage rate that is uniform for all such programs, projects, activities, and accounts, and may not be made so as to achieve a percentage rate of reduction in any such item exceeding the rate specified in the order; and

''(B) with respect to commodity price support and income protection programs, shall be made in such manner and under such procedures as will attempt to ensure that—

''(i) uncertainty as to the scope of benefits under any such program is minimized;

''(ii) any instability in market prices for agricultural commodities resulting from the reduction is minimized; and

''(iii) normal production and marketing relationships among agricultural commodities (including both contract and non-contract commodities) are not distorted.

In meeting the criterion set out in clause (iii) of subparagraph (B) of the preceding sentence, the President shall take into consideration that reductions under an order may apply to programs for two or more agricultural commodities that use the same type of production or marketing resources or that are alternative commodities among which a producer could choose in making annual production decisions.

''(5) CERTAIN AUTHORITY NOT TO BE LIMITED.—Nothing in this title shall limit or reduce in any way any appropriation that provides the Commodity Credit Corporation with funds to cover the Corporation's net realized losses.

''(n) POSTAL SERVICE FUND.—Notwithstanding any other provision of law, any sequestration of the Postal Service Fund shall be accomplished by a payment from that Fund to the General Fund of the Treasury, and the Postmaster General of the United States shall make the full amount of that payment during the fiscal year to which the presidential sequestration order applies.

''(o) EFFECTS OF SEQUESTRATION.—The effects of sequestration shall be as follows:

''(1) Budgetary resources sequestered from any account other than an entitlement trust, special, or revolving fund account shall revert to the Treasury and be permanently canceled.

''(2) Except as otherwise provided, the same percentage sequestration shall apply to all programs, projects, and activities within a budget account (with programs, projects, and activities as delineated in the appropriation Act or accompanying report for the relevant fiscal year covering that account, or for accounts not included in appropriation Acts, as delineated in the most recently submitted President's budget).

''(3) Administrative regulations or similar actions implementing a sequestration shall be made within 120 days of the sequestration order. To the extent that formula allocations differ at different levels of budgetary resources within an account, program, project, or activity, the sequestration shall be interpreted as producing a lower total appropriation, with that lower appropriation being obligated as though it had been the pre-sequestration appropriation and no sequestration had occurred.

''(4) Except as otherwise provided, obligations in sequestered direct spending accounts shall be reduced in the fiscal year in which a sequestration occurs and in all succeeding fiscal years.

''(5) If an automatic spending increase is sequestered, the increase (in the applicable index) that was disregarded as a result of that sequestration shall not be taken into account in any subsequent fiscal year.

''(6) Except as otherwise provided, sequestration in accounts for which obligations are indefinite shall be taken in a manner to ensure that obligations in the fiscal year of a sequestration and succeeding fiscal years are reduced, from the level that would actually have occurred, by the applicable sequestration percentage.''.

(b) CONFORMING AMENDMENT.—The table of contents set forth in 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by amending the item relating to section 256 to read as follows:

''Sec. 256. Exceptions, limitations, and special rules.''.

SEC. 204. POINT OF ORDER.

(a) ENTITLEMENT POINT OF ORDER.—Section 312 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

''(g) ENTITLEMENT POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, or conference report that—

''(1) increases aggregate level of direct spending for any ensuing fiscal year or

''(2) includes any provision that has the effect of modifying the application of section 252A of the Balanced Budget and Emergency Deficit Control Act of 1985 to any entitlement program subject to sequestration or exempt from sequestration under such Act.''.

SEC. 205. TECHNICAL AND CONFORMING AMENDMENTS.

The Balanced Budget and Emergency Deficit Control Act of 1985 is amended as follows:

(1) Section 251(a)(1) is amended by inserting '', section 252A,'' after ''section 252''.

(2) Section 254(c)(4)(B) is amended by inserting ''or section 252A'' after ''section 252''.

(3) Section 254(c) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) DIRECT SPENDING CONTROL SEQUESTRATION REPORTS.—The preview reports shall set forth, for the current year and the budget year, estimates for each of the following:

''(A) The total level of direct spending for all programs, projects, and activities (excluding social security).

''(B) The sequestration percentage or (if the required sequestration percentage is greater than the maximum allowable percentage for medicare) percentages necessary to comply with section 252A.''.

(4) Section 254(f) is amended by redesignating paragraphs (4) and (5) as paragraphs (5) and (6) and by inserting after paragraph (3) the following new paragraph:

''(4) DIRECT SPENDING CONTROL SEQUESTRATION REPORTS.—The final reports shall contain all the information required in the direct spending control sequestration preview reports. In addition, these reports shall contain, for the budget year, for each account to be sequestered, estimates of the baseline level of sequesterable budgetary resources and resulting outlays and the amount of budgetary resources to be sequestered and resulting outlay reductions. The reports shall also contain estimates of the effects on outlays of the sequestration in each outyear for direct spending programs.''.

(5) Section 258C(a)(1) is amended by inserting '', 252A,'' after ''section 252''.

SEC. 206. ESTABLISHMENT OF FAMILY BUDGET PROTECTION MANDATORY ACCOUNT.

(a) BUDGET PROTECTION MANDATORY ACCOUNT.—Title III of the Congressional Budget Act of 1974 (as amended by section 521) is further amended by adding at the end the following new sections:

''BUDGET PROTECTION MANDATORY ACCOUNT

''SEC. 320. (a) ESTABLISHMENT OF ACCOUNT.—The chairman of the Committee on the Budget of the House of Representatives and of the Senate shall each maintain an account to be known as the 'Budget Protection Mandatory Account'. The Account shall be divided into entries corresponding to the House or Senate committees, as applicable,

that received allocations under section 302(a) in the most recently adopted concurrent resolution on the budget, except that it shall not include the Committee on Appropriations of that House and each entry shall consist of the 'First Year Budget Protection Balance' and the 'Five Year Budget Protection Balance'.

''(b) COMPONENTS.—Each entry shall consist only of amounts credited to it under subsection (c). No entry of a negative amount shall be made.

''(c) CREDITING OF AMOUNTS TO ACCOUNT.—(1) Whenever a Member or Senator, as the case may be, offers an amendment to a bill that reduces the amount of mandatory budget authority provided either under current law or proposed to be provided by the bill under consideration, that Member or Senator may state the portion of such reduction achieved in the first year covered by the most recently adopted concurrent resolution on the budget and in addition the portion of such reduction achieved in the first five years covered by the most recently adopted concurrent resolution on the budget that shall be—

''(A) credited to the First Year Budget Protection Balance and the Five Year Budget Protection Balance in the House or Senate, as applicable;

''(B) used to offset an increase in other new budget authority;

''(C) allowed to remain within the applicable section 302(a) allocation; or

''(D) used to offset a decrease in receipts.

If no such statement is made, the amount of reduction in new budget authority resulting from the amendment shall be credited to the First Year Budget Protection Balance and the Five Year Budget Protection Balance, as applicable, if the amendment is agreed to.

''(2) Except as provided by paragraph (3), the chairman of the Committee on the Budget of the House or Senate, as applicable, shall, upon the engrossment of any bill, other than an appropriation bill, by the House or Senate, as applicable, credit to the applicable entry balances amounts of new budget authority and outlays equal to the net amounts of reductions in budget authority and in outlays resulting from amendments agreed to by that House to that bill.

''(3) When computing the net amounts of reductions in budget authority and in outlays resulting from amendments agreed to by the House or Senate, as applicable, to a bill, the chairman of the Committee on the Budget of that House shall only count those portions of such amendments agreed to that were so designated by the Members or Senators offering such amendments as amounts to be credited to the First Year Budget Protection Balance and the Five Year Budget Protection Balance, or that fall within the last sentence of paragraph (1).

''(4) The chairman of the Committee on the Budget of the House and of the Senate shall each maintain a running tally of the amendments adopted reflecting increases and decreases of budget authority in the bill as reported to its House. This tally shall be available to Members or Senators during consideration of any bill by that House.

''(d) CALCULATION OF LOCK-BOX SAVINGS IN HOUSE AND SENATE.—For the purposes of enforcing section 302(a), upon the engrossment of any bill, other than an appropriation bill, by the House or Senate, as applicable, the amount of budget authority and outlays calculated pursuant to subsection (c)(3) shall be counted against the 302(a) allocation provided to the applicable committee or committees of that House which reported the bill as if the amount calculated pursuant to subsection (c)(3) was included in the bill just engrossed.

''(e) DEFINITION.—As used in this section, the term 'appropriation bill' means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of fiscal year 2005 or any subsequent fiscal year, as the case may be.''.

Subtitle B—Discretionary Spending Limits

SEC. 211. ENFORCING DISCRETIONARY SPENDING LIMITS.

(a) DISCRETIONARY SPENDING LIMITS.—Sections 251(b) and (c) of the Balanced Budget and Emergency Deficit Control of Act of 1985 are amended to read as follows:

''(b) DISCRETIONARY SPENDING LIMIT.—As used in this part, the term 'discretionary spending limit' means—

''(1) with respect to fiscal year 2005—

''(A) $864,261,000,000 in new budget authority of which no more than $400,625,000,000 shall be for the nondefense category; and

''(B) $850,495,800,000 in outlays of which no more than $433,158,400,000 shall be for the nondefense category;

''(2) with respect to fiscal year 2006—

''(A) $838,669,000,000 in new budget authority of which no more than $409,038,100,000 shall be for the nondefense category; and

''(B) $872,471,400,000 in outlays of which no more than $448,440,900,000 shall be for the nondefense category;

''(3) with respect to fiscal year 2007—

''(A) $856,281,000,000 in new budget authority of which no more than $417,627,900,000 shall be for the nondefense category; and

''(B) $886,373,800,000 in outlays of which no more than $458,828,900,000 shall be for the nondefense category;

''(4) with respect to fiscal year 2008—

''(A) $874,263,000,000 in new budget authority of which no more than $426,398,100,000 shall be for the nondefense category; and

''(B) $907,923,200,000 in outlays of which no more than $466,518,700,000 shall be for the nondefense category;

''(5) with respect to fiscal year 2009—

''(A) $892,622,000,000 in new budget authority of which no more than $435,352,500,000 shall be for the nondefense category; and

''(B) $922,436,600,000 in outlays of which no more than $472,403,700,000 shall be for the nondefense category;

''(6) with respect to fiscal year 2010—

''(A) $911,367,000,000 in new budget authority of which no more than $444,494,900,000 shall be for the nondefense category; and

''(B) $942,949,400,000 in outlays of which no more than $483,388,200,000 shall be for the nondefense category;

''(7) with respect to fiscal year 2011—

''(A) $930,506,000,000 in new budget authority of which no more than $453,829,300,000 shall be for the nondefense category; and

''(B) $966,467,600,000 in outlays of which no more than $492,649,700,000 shall be for the nondefense category;

''(8) with respect to fiscal year 2012—

''(A) $950,047,000,000 in new budget authority of which no more than $463,359,700,000 shall be for the nondefense category; and

''(B) $977,831,100,000 in outlays of which no more than $502,049,800,000 shall be for the nondefense category;

''(9) with respect to fiscal year 2013—

''(A) $969,998,000,000 in new budget authority of which no more than $473,090,200,000 shall be for the nondefense category; and

''(B) $1,001,230,000,000 in outlays of which no more than $511,597,600,000 shall be for the nondefense category;

''(10) with respect to fiscal year 2014—

''(A) $990,368,000,000 in new budget authority of which no more than $483,025,100,000 shall be for the nondefense category; and

''(B) $1,020,567,000,000 in outlays of which no more than $521,375,000,000 shall be for the nondefense category;''.

(b) DISCRETIONARY SPENDING LIMIT POINT OF ORDER.—Section 312 of the Congressional Budget Act of 1974 (as amended by section 214(a)) is further amended by adding at the end the following new subsection:

''(h) DISCRETIONARY SPENDING LIMIT POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, or conference report that—

''(1) increases the discretionary spending limits for any ensuing fiscal year after the budget year; or

''(2) would cause the discretionary spending limits for the budget year to be breached.''.

(c) ADVANCE APPROPRIATION POINT OF ORDER.—Section 312 of the Congressional Budget Act of 1974 (as amended by this section) is further amended by adding at the end the following new subsection:

''(i) ADVANCE APPROPRIATION POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider any appropriation bill or joint resolution, or amendment thereto or conference report thereon, that provides advance discretionary new budget authority that first becomes available for any fiscal year after the budget year at an amount for any program, project, or activity above the amount of appropriations for fiscal year 2004 for such program, project, or activity.''.

SEC. 212. ESTABLISHMENT OF FAMILY BUDGET PROTECTION DISCRETIONARY ACCOUNT.

(a) BUDGET PROTECTION MANDATORY ACCOUNT.—Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

''BUDGET PROTECTION MANDATORY ACCOUNT

''SEC. 321. (a) ESTABLISHMENT OF ACCOUNT.—The chairman of the Committee on the Budget of the House of Representatives and of the Senate shall each maintain an account to be known as the 'Budget Protection Mandatory Account'. The Account shall be divided into entries corresponding to the House or Senate committees, as applicable, that received allocations under section 302(a) in the most recently adopted concurrent resolution on the budget, except that it shall not include the Committee on Appropriations of that House and each entry shall consist of the 'First Year Budget Protection Balance' and the 'Five Year Budget Protection Balance'.

''(b) COMPONENTS.—Each entry shall consist only of amounts credited to it under subsection (c). No entry of a negative amount shall be made.

''(c) CREDITING OF AMOUNTS TO ACCOUNT.—(1) Whenever a Member or Senator, as the case may be, offers an amendment to a bill that reduces the amount of mandatory budget authority provided either under current law or proposed to be provided by the bill under consideration, that Member or Senator may state the portion of such reduction achieved in the first year covered by the most recently adopted concurrent resolution on the budget and in addition the portion of such reduction achieved in the first five years covered by the most recently adopted concurrent resolution on the budget that shall be—

''(A) credited to the First Year Budget Protection Balance and the Five Year Budget Protection Balance in the House or Senate, as applicable;

''(B) used to offset an increase in other new budget authority;

''(C) allowed to remain within the applicable section 302(a) allocation; or

''(D) used to offset a decrease in receipts.

If no such statement is made, the amount of reduction in new budget authority resulting from the amendment shall be credited to the First Year Budget Protection Balance and the Five Year Budget Protection Balance, as applicable, if the amendment is agreed to.

''(2) Except as provided by paragraph (3), the chairman of the Committee on the Budget of the House or Senate, as applicable, shall, upon the engrossment of any bill, other than an appropriation bill, by the House or Senate, as applicable, credit to the applicable entry balances amounts of new budget authority and outlays equal to the net amounts of reductions in budget authority and in outlays resulting from amendments agreed to by that House to that bill.

''(3) When computing the net amounts of reductions in budget authority and in outlays resulting from amendments agreed to by the House or Senate, as applicable, to a bill, the chairman of the Committee on the Budget of that House shall only count those portions of such amendments agreed to that were so designated by the Members or Senators offering such amendments as amounts to be credited to the First Year Budget Protection Balance and the Five Year Budget Protection Balance, or that fall within the last sentence of paragraph (1).

''(4) The chairman of the Committee on the Budget of the House and of the Senate shall each maintain a running tally of the amendments adopted reflecting increases and decreases of budget authority in the bill as reported to its House. This tally shall be available to Members or Senators during consideration of any bill by that House.

''(d) CALCULATION OF LOCK-BOX SAVINGS IN HOUSE AND SENATE.—For the purposes of enforcing section 302(a), upon the engrossment of any bill, other than an appropriation bill, by the House or Senate, as applicable, the amount of budget authority and outlays calculated pursuant to subsection (c)(3) shall be counted against the 302(a) allocation provided to the applicable committee or committees of that House which reported the bill as if the amount calculated pursuant to subsection (c)(3) was included in the bill just engrossed.

''(e) DEFINITION.—As used in this section, the term 'appropriation bill' means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of fiscal year 2005 or any subsequent fiscal year, as the case may be.''.

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 319 the following new items:

''Sec. 320. Family budget protection mandatory account.

''Sec. 321. Family budget protection discretionary account.''.

SEC. 213. REVENUE ADJUSTMENT.

If an amendment is designated to be used to offset a decrease in receipts for a fiscal year pursuant to section 320(c)(1)(D) or section 321(c)(1)(D) of the Congressional Budget Act of 1974, then the applicable level of revenues for such fiscal year for purposes of section 311(a) of such Act shall be reduced by the amount of such amendment.

Subtitle C—Long-term Unfunded Obligations

SEC. 221. LONG-TERM UNFUNDED OBLIGATIONS.

(a) IN GENERAL.—Title IV of the Congressional Budget Act of 1974 is amended by adding at the end the following:

PART C—LONG-TERM UNFUNDED OBLIGATIONS

''SEC. 441. ANALYSIS OF LONG-TERM UNFUNDED OBLIGATIONS.

''Beginning in fiscal year 2006, the President's budget shall include an analysis of long-term unfunded obligations. This analysis shall include:

''(1) An analysis of the impact of long-term unfunded obligations in applicable entitlement programs on the long-term level of unified budget outlays and the unified budget surplus or deficit, in relation to the projected level of the Gross Domestic Product.

''(2) A report on the impact of legislation enacted during the previous session of Congress that increases the long-term unfunded obligation in any applicable group of entitlement program.

''(3) An analysis of the impact of legislation proposed in the President's budget on the long-term unfunded obligation in any applicable entitlement program.

''SEC. 442. POINT OF ORDER AGAINST LEGISLATION INCREASING LONG-TERM UNFUNDED OBLIGATIONS.

''It shall not be in order in the House of Representatives or in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would increase the long-term unfunded obligation in any applicable group of entitlement programs.

''SEC. 443. STANDARD FOR DETERMINING INCREASE IN LONG-TERM UNFUNDED OBLIGATION.

''For the purpose of this part, legislation shall be considered to increase the long-term unfunded obligation of an applicable group of entitlement programs if it either—

''(1) increases the excess of the discounted present value of the expenditures of programs in the group above the discounted present value of the dedicated receipts of programs in the group over a long-term estimating period by more than an applicable threshold; or

''(2) increases the dollar level of the expenditures of programs in the group above the dedicated receipts of programs in the group above the dedicated receipts of programs in the group in the last year of the estimating period by more than the applicable threshold.

''SEC. 444. LONG-TERM UNFUNDED OBLIGATION ANALYSES BY CONGRESSIONAL BUDGET OFFICE.

The Director of the Congressional Budget Office shall, to the extent practicable, prepare for each bill or resolution of a public character reported by any committee of the House of Representatives or the Senate (except the Committee on Appropriations of each House), and submit to such committee—

''(1) an estimate of any increase of the long-term unfunded obligation of any applicable entitlement program which would be incurred in carrying out such bill or resolution as measured by the increase of the excess of the discounted present value of the expenditures of such program above the discounted present value of the dedicated receipts of such program over a long-term estimating period by more than an applicable threshold; and

''(2) an estimate of any increase in the dollar level of the expenditures of such program above the dedicated receipts of such program above the dedicated receipts of such program in the last year of the estimating period by more than the applicable threshold.

The estimates and description so submitted shall be included in the report accompanying such bill or resolution if timely submitted to such committee before such report is filed.

''SEC. 445. DEFINITIONS.

''As used in this part—

''(1) the term 'applicable entitlement program' shall be defined as any one of the following programs:

''(A) Old Age, Survivors, and Disability Insurance.

''(B) Medicare (combined hospital insurance and supplemental medical insurance).

''(C) Civilian retirement and disability (combined Civil Service 4:30:36 PMRetirement System and Federal Employees Retirement System).

''(D) Foreign Service Retirement and Disability (combined Foreign Service Retirement and Disability System and Foreign Service Pension System).

''(E) Retired Employees Health Benefits.

''(F) Military Retirement System.

''(G) Uniformed Services Retiree Health Care System.

''(H) Railroad Retirement System (combined Rail Industry Pension Fund, Social Security Equivalent Benefit Account, and National Railroad Retirement Investment Trust).

''(I) Supplemental Security Income (SSI).

''(J) For estimates made on or after January 1, 2006, veterans disability compensation.

''(K) Any other entitlement program with regularly available long-term estimates.

''(2) The term 'entitlement program with regularly available long-term estimates' means a program for which the Director of the Congressional Budget Office, in consultation with the Committees on the Budget of the House of Representatives and the Senate and the Director of the Office of Management and Budget, has determined that it is feasible to make long-term estimates of expenditures and dedicated receipts based on explicit demographic, economic, and other estimating assumptions. The Director shall notify the House and Senate Committees on the Budget in writing, whenever he or she makes such a determination.

''(3) The term 'applicable group of entitlement programs' shall be defined as any of the following:

''(A) Old Age, Survivors, and Disability Insurance.

''(B) All applicable entitlement programs except Old Age, Survivors, and Disability Insurance.

''(4) The term 'long-term estimating period' shall be defined as 75 years, starting with the current year, for all applicable entitlement programs except for Old Age, Survivors, and Disability Insurance. For Old Age, Survivors, and Disability Insurance, the term shall be defined as the infinite period of years utilized in the most recent annual report of the Board of Trustees provided pursuant to section 201(c)(2) of the Social Security Act.

''(5) The term 'last year of the estimating period' shall be defined as the 75th year of the long-term estimating period.

''(6) The term 'dedicated receipts' shall be defined, for all applicable entitlement programs other than Medicare, as taxes and fees received from the public, payments received from Federal agencies on behalf of Federal agency employees who are participants in the program, transfers received by the program under section 7(c)(2) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(c)(2)), and transfers from the general fund of amounts equivalent to income tax receipts under section 86 of the Internal Revenue Code. Dedicated receipts shall not include payments from the general fund to amortize a program's unfunded liability or payments of interest on a program's trust fund holdings. For Medicare, 'dedicated receipts' shall be defined according to section 801(c)(3) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

''(7) The term 'expenditures' shall be defined, for all applicable entitlement programs other than Medicare, to include benefit payments, administrative expenses to the extent paid from a dedicated fund, and transfers to other programs made under section 7(c)(2) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(c)(2)). For Medicare, 'expenditures' shall be defined according to section 801(c)(4) of the Medicare prescription Drug, Improvement, and Modernization Act of 2003.

''(8) The term 'applicable threshold' shall be defined as:

''(A) For a group of applicable entitlement programs over a long-term estimating period—

''(i) 0.02 percent of the present value of the taxable payroll of the group of programs over the estimating period, for legislation affecting Old Age, Survivors, and Disability Insurance or Medicare; and

''(ii) 1 percent of the present value of the expenditures over the estimating period of the programs in the group that are affected by the legislation.

''(B) For a group of applicable entitlement programs in the last year of the estimating period—

''(i) 0.02 percent of the taxable payroll of the group of programs in that year, for legislation affecting Old Age, Survivors, and Disability Insurance or Medicare;

''(ii) 0.01 percent of Gross Domestic Product in that year; or

''(iii) 1 percent of the expenditures in that year of the programs in the group that are affected by the legislation.''.

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding after the item relating to section 428 the following:

'PART C—LONG-TERM UNFUNDED OBLIGATIONS

''Sec. 441. Analysis of long-term unfunded obligations.

''Sec. 442. Point of order against legislation increasing long-term unfunded obligations.

''Sec. 443. Standard for determining increase in long-term unfunded obligation.

''Sec. 444. Long-term unfunded obligation analyses by congressional budget office.

''Sec. 445. Definitions.

SEC. 222. POINTS OF ORDER.

Section 904 of the Congressional Budget Act of 1974 is amended as follows:

(1) Subsection (c)(1) is amended by adding ''442,'' after ''310(d)(2), 313,''.

(2) Subsection (d)(2) is amended by adding ''442,'' after ''310(d)(2), 313,''.

SEC. 223. SOCIAL SECURITY.

Section 13302(a) of subtitle C of the Budget Enforcement Act of 1990 is amended to read as follows:

''(a) IN GENERAL.—It shall be not be in order in the House of Representatives to consider any bill, or joint resolution, as reported, or any amendment thereto or conference report thereon, if, upon enactment, such legislation under consideration would increase the long-term unfunded obligation of the OASDI program, as defined in section 443 of the Congressional Budget Act of 1974.''.

TITLE III—COMBATING WASTE, FRAUD, AND ABUSE.

Subtitle A—Sunsetting

SEC. 301. REAUTHORIZATION OF DISCRETIONARY PROGRAMS AND UNEARNED ENTITLEMENTS.

(a) FISCAL YEAR 2008.—Effective October 1, 2007, spending authority for each unearned entitlement and high-cost discretionary spending program is frozen at then current levels unless such spending authority is reauthorized after the date of enactment of this Act.

(b) FISCAL YEAR 2009.—Effective October 1, 2008, spending authority for each discretionary spending program (not including high-cost discretionary spending programs) is frozen at then current levels unless such spending authority is reauthorized after the date of enactment of this Act.

(c) DEFINITIONS.—For purposes of this title—

(1) the term ''unearned entitlement'' means an entitlement not earned by service or paid for in total or in part by assessments or contributions such as Social Security, veterans' benefits, retirement programs, and medicare; and

(2) the term ''high-cost discretionary program'' means the most expensive one-third of discretionary program within each budget function account.

SEC. 302. POINT OF ORDER.

(a) IN GENERAL.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, or conference report that includes any provision that appropriates funds above current levels unless such appropriation has been previously authorized by law.

(b) WAIVER OR SUSPENSION.—This section may be waived or suspended in the House of Representatives or the Senate only by the affirmative vote of two-thirds of the Members, duly chosen and sworn.

SEC. 303. DECENNIAL SUNSETTING.

(a) FIRST DECENNIAL CENSUS YEAR.—Effective on the first day of the fiscal year beginning in the first decennial census year after the year 2010 and each 10 years thereafter, the spending authority described in section 301(a) is terminated unless such spending authority is reauthorized after the last date the spending authority was required to be reauthorized under this title.

(b) FIRST DECENNIAL CENSUS YEAR.—Effective on the first day of the fiscal year beginning in the year after the first decennial census year after the year 2010 and each 10 years thereafter, the spending authority described in section 301(b) is terminated unless such spending authority is reauthorized after the last date the spending authority was required to be reauthorized under this title.

Subtitle B—Enhanced Rescissions of Budget Authority Identified by the President as Wasteful Spending

SEC. 311. ENHANCED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS.

(a) IN GENERAL.—Part B of title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 681 et seq.) is amended by redesignating sections 1013 through 1017 as sections 1014 through 1018, respectively, and by inserting after section 1012 the following new section:

''ENHANCED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS

''SEC. 1013. (a) PROPOSED RESCISSION OF BUDGET AUTHORITY IDENTIFIED AS WASTEFUL SPENDING.—The President may propose, at the time and in the manner provided in subsection (b), the rescission of any budget authority provided in an appropriation Act that he identifies as wasteful spending. If the President proposes a rescission of budget authority, he may also propose to reduce the appropriate discretionary spending limits for new budget authority and outlays flowing therefrom set forth in section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 by an amount that does not exceed the amount of the proposed rescission. Funds made available for obligation under this procedure may not be proposed for rescission again under this section.

''(b) TRANSMITTAL OF SPECIAL MESSAGE.—

''(1) The President may transmit to Congress a special message proposing to rescind amounts of budget authority and include with that special message a draft bill that, if enacted, would only rescind that budget authority unless the President also proposes a reduction in the appropriate discretionary spending limits set forth in section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985. That bill shall clearly identify the amount of budget authority that is proposed to be rescinded for each program, project, or activity to which that budget authority relates.

''(2) In the case of an appropriation Act that includes accounts within the jurisdiction of more than one subcommittee of the Committee on Appropriations, the President in proposing to rescind budget authority under this section shall send a separate special message and accompanying draft bill for accounts within the jurisdiction of each subcommittee.

''(3) Each special message shall specify, with respect to the budget authority proposed to be rescinded, the following:

''(A) The amount of budget authority which he proposes to be rescinded.

''(B) Any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific project or governmental functions involved.

''(C) The reasons why the budget authority should be rescinded, including why he considers it to be wasteful spending.

''(D) To the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed rescission.

''(E) All facts, circumstances, and considerations relating to or bearing upon the proposed rescission and the decision to effect the proposed rescission, and to the maximum extent practicable, the estimated effect of the proposed rescission upon the objects, purposes, and programs for which the budget authority is provided.

''(F) A reduction in the appropriate discretionary spending limits set forth in section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, if proposed by the President.

''(c) PROCEDURES FOR EXPEDITED CONSIDERATION.—

''(1)(A) Before the close of the second legislative day of the House of Representatives after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of the House of Representatives shall introduce (by request) the draft bill accompanying that special message. If the bill is not introduced as provided in the preceding sentence, then, on the third legislative day of the House of Representatives after the date of receipt of that special message, any Member of that House may introduce the bill.

''(B) The bill shall be referred to the Committee on Appropriations. The committee shall report the bill without substantive revision and with or without recommendation. The bill shall be reported not later than the seventh legislative day of that House after the date of receipt of that special message. If that committee fails to report the bill within that period, that committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

''(C) A vote on final passage of the bill shall be taken in the House of Representatives on or before the close of the 10th legislative day of that House after the date of the introduction of the bill in that House. If the bill is passed, the Clerk of the House of Representatives shall cause the bill to be engrossed, certified, and transmitted to the Senate within one calendar day of the day on which the bill is passed.

''(2)(A) A motion in the House of Representatives to proceed to the consideration of a bill under this section shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

''(B) Debate in the House of Representatives on a bill under this section shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion to further limit debate shall not be debatable. It shall not be in

order to move to recommit a bill under this section or to move to reconsider the vote by which the bill is agreed to or disagreed to.

''(C) Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill under this section shall be decided without debate.

''(D) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a bill under this section shall be governed by the Rules of the House of Representatives. It shall not be in order in the House of Representatives to consider any rescission bill introduced pursuant to the provisions of this section under a suspension of the rules or under a special rule.

''(3) A bill transmitted to the Senate pursuant to paragraph (1)(D) shall be referred to its Committee on Appropriations. That committee shall report the bill without substantive revision and with or without recommendation. The bill shall be reported not later than the seventh legislative day of the Senate after it receives the bill. A committee failing to report the bill within such period shall be automatically discharged from consideration of the bill, and the bill shall be placed upon the appropriate calendar.

''(4)(A) A motion in the Senate to proceed to the consideration of a bill under this section shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

''(B) Debate in the Senate on a bill under this section, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (C)), shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

''(C) Debate in the Senate or any debatable motion or appeal in connection with a bill under this section shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control of the passage of a bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

''(D) A motion in the Senate to further limit debate on a bill under this section is not debatable. A motion to recommit a bill under this section is not in order.

''(d) AMENDMENT AND DIVISIONS PROHIBITED.—No amendment to a bill considered under this section shall be in order in either the House of Representatives or the Senate. It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole) or in the Senate. No motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House to suspend the application of this subsection by unanimous consent.

''(e) REQUIREMENT TO MAKE AVAILABLE FOR OBLIGATION.—Any amount of budget authority proposed to be rescinded in a special message transmitted to Congress under subsection (b) shall be made available for obligation on the day after the date on which either House rejects the bill transmitted with that special message.

''(f) DEFINITIONS.—For purposes of this section:

''(1) The term 'appropriation Act' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations.

''(2) The term 'legislative day' means, with respect to either House of Congress, any day of session.

''(3) The term 'rescind' means, with respect to an appropriation Act, to reduce the amount of budget authority appropriated in that Act, and reducing budget authority shall include reducing obligation limitations set forth in that Act.''.

(b) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking ''and 1017'' and inserting ''1012, and 1017''; and

(2) in subsection (d), by striking ''section 1017'' and inserting ''sections 1012 and 1017''.

(c) CONFORMING AMENDMENTS.—

(1) Section 1011 of the Congressional Budget Act of 1974 (2 U.S.C. 682(5)) is amended by repealing paragraphs (3) and (5) and by redesignating paragraph (4) as paragraph (3).

(2) Section 1014 of such Act (2 U.S.C. 685) is amended—

(A) in subsection (b)(1), by striking ''or the reservation''; and

(B) in subsection (e)(1), by striking ''or a reservation'' and by striking ''or each such reservation''.

(3) Section 1015(a) of such Act (2 U.S.C. 686) is amended by striking ''is to establish a reserve or'', by striking ''the establishment of such a reserve or'', and by striking ''reserve or'' each other place it appears.

(4) Section 1017 of such Act (2 U.S.C. 687) is amended—

(A) in subsection (a), by striking ''rescission bill introduced with respect to a special message or'';

(B) in subsection (b)(1), by striking ''rescission bill or'', by striking ''bill or'' the second place it appears, by striking ''rescission bill with respect to the same special message or'', and by striking '', and the case may be,'';

(C) in subsection (b)(2), by striking ''bill or'' each place it appears;

(D) in subsection (c), by striking ''rescission'' each place it appears and by striking ''bill or'' each place it appears;

(E) in subsection (d)(1), by striking ''rescission bill or'' and by striking '', and all amendments thereto (in the case of a rescission bill)'';

(F) in subsection (d)(2)—

(i) by striking the first sentence;

(ii) by amending the second sentence to read as follows: ''Debate on any debatable motion or appeal in connection with an impoundment resolution shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event that the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee.'';

(iii) by striking the third sentence; and

(iv) in the fourth sentence, by striking ''rescission bill or'' and by striking ''amendment, debatable motion,'' and by inserting 'debatable motion';

(G) in paragraph (d)(3), by striking the second and third sentences; and

(H) by striking paragraphs (4), (5), (6), and (7) of paragraph (d).

(d) CLERICAL AMENDMENTS.—The table of sections for subpart B of title X of the Congressional Budget and Impoundment Control Act of 1974 is amended by redesignating the item relating to sections 1014 through 1018 as items 1015 through 1019, respectively, and by inserting after the item relating to section 1012 the following new item:

''Sec. 1013. Enhanced consideration of certain proposed rescissions.''.

Subtitle C—Commission to Eliminate Waste, Fraud, and Abuse

SEC. 331. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established the Commission to Eliminate Waste, Fraud, and Abuse (hereafter in this subtitle referred to as the ''Commission'').

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall consist of 12 members, all of whom shall be appointed by the President not later than 90 days after the date of enactment of this Act.

(2) CHAIRPERSON AND VICE CHAIRPERSON.—The President shall designate a chairperson and vice chairperson from among the members of the Commission.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) MEETINGS.—

(1) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(2) SUBSEQUENT MEETINGS.—The Commission shall meet at the call of the chairperson.

(e) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

SEC. 332. DUTIES OF THE COMMISSION.

(a) DEFINITIONS.—In this section, the following definitions shall apply:

(1) AGENCY.—The term ''agency'' has the meaning given the term ''Executive agency'' under section 105 of title 5, United States Code.

(2) PROGRAM.—The term ''program'' means any activity or function of an agency.

(b) IN GENERAL.—The Commission shall—

(1) evaluate all agencies and programs within those agencies, using the criteria under subsection (c); and

(2) submit to Congress—

(A) a plan with recommendations of the agencies and programs that should be realigned or eliminated; and

(B) proposed legislation to implement the plan described under subparagraph (A).

(c) CRITERIA.—

(1) DUPLICATIVE.—If 2 or more agencies or programs are performing the same essential function and the function can be consolidated or streamlined into a single agency or program, the Commission shall recommend that the agency or program be realigned.

(2) WASTEFUL OR INEFFICIENT.—The Commission shall recommend the realignment or elimination of any agency or program that has wasted Federal funds by—

(A) egregious spending;

(B) mismanagement of resources and personnel; or

(C) use of such funds for personal benefit or the benefit of a special interest group.

(3) OUTDATED, IRRELEVANT, OR FAILED.—The Commission shall recommend the elimination of any agency or program that—

(A) has completed its intended purpose;

(B) has become irrelevant; or

(C) has failed to meet its objectives.

(d) SYSTEMATIC ASSESSMENT OF PROGRAMS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the President shall—

(A) establish a systematic method for assessing the effectiveness and accountability of agency programs; and

(B) submit, to the Commission, assessments of not less than ½ of all programs covered under subsection (b)(1) that use the method established under subparagraph (A).

(2) METHOD OBJECTIVES.—The method established under paragraph (1) shall—

(A) recognize different types of federal programs;

(B) assess programs based primarily on the achievement of performance goals (as defined under section 1115(f)(4) of title 31, United States Code); and

(C) assess programs based in part on the adequacy of the program's performance measures, financial management, and other factors determined by the President.

(3) DEVELOPMENT.—The method established under paragraph (1) shall not be implemented until it has been reviewed and accepted by the Commission.

(4) CONSIDERATION OF ASSESSMENTS.—The Commission shall consider assessments submitted under this subsection when evaluating programs under subsection (b)(1).

(e) COMMON PERFORMANCE MEASURES.—Not later than 1 year after the date of enactment of this Act, the President shall identify common performance measures for programs covered in subsection (b)(1) that have similar functions and, to the extent feasible, provide the Commission with data on such performance measures.

(f) REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Commission shall submit to the President and Congress a report that includes—

(A) the plan described under subsection (b)(2)(A), with supporting documentation for all recommendations; and

(B) the proposed legislation described under subsection (b)(2)(B).

(2) RELOCATION OF FEDERAL EMPLOYEES.—The proposed legislation under paragraph (1)(B) shall provide that if the position of an employee of an agency is eliminated as a result of the implementation of the plan under paragraph (1)(A), the affected agency shall make reasonable efforts to relocate such employee to another position within the agency or within another Federal agency.

SEC. 333. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission or, at its direction, any subcommittee or member of the Commission, may, for the purpose of carrying out this subtitle—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as any member of the Commission considers advisable;

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses as any member of the Commission considers advisable; and

(3) require, by subpoena or otherwise, the production of such books, records, correspondence, memoranda, papers, documents, tapes, and other evidentiary materials relating to any matter under investigation by the Commission.

(b) SUBPOENAS.—

(1) ISSUANCE.—Subpoenas issued under subsection (a) shall bear the signature of the chairperson of the Commission and shall be served by any person or class of persons designated by the chairperson for that purpose.

(2) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(c) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this Act. Upon request of the chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(d) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Government.

(e) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 334. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—

(1) NON-FEDERAL MEMBERS.—Except as provided under subsection (b), each member of the Commission who is not an officer or employee of the Government shall not be compensated.

(2) FEDERAL OFFICERS OR EMPLOYEES.—All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—Upon the approval of the chairperson, the executive director may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the maximum rate payable for a position at GS–15 of the General Schedule under section 5332 of such title.

(3) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to members of the Commission.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 335. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which the Commission submits the report under section 232(f).

SEC. 336. CONGRESSIONAL CONSIDERATION OF REFORM PROPOSALS.

(a) DEFINITIONS.—In this section:

(1) IMPLEMENTATION BILL.—The term ''implementation bill'' means only a bill which is introduced as provided under subsection (b), and contains the proposed legislation included in the report submitted to Congress under section 232, without modification.

(2) CALENDAR DAY.—The term ''calendar day'' means a calendar day other than 1 on which either House is not in session because of an adjournment of more than 3 days to a date certain.

(b) INTRODUCTION; REFERRAL; AND REPORT OR DISCHARGE.—

(1) INTRODUCTION.—On the first calendar day on which both Houses are in session, on or immediately following the date on which the report is submitted to Congress under section 232, a single implementation bill shall be introduced (by request)—

(A) in the Senate by the Majority Leader of the Senate, for himself and the Minority Leader of the Senate, or by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate; and

(B) in the House of Representatives by the Speaker of the House of Representatives, for himself and the Minority Leader of the House of Representatives, or by Members of the House of Representatives designated by the Speaker and Minority Leader of the House of Representatives.

(2) REFERRAL.—The implementation bills introduced under paragraph (1) shall be referred to any appropriate committee of jurisdiction in the Senate and any appropriate committee of jurisdiction in the House of Representatives. A committee to which an implementation bill is referred under this paragraph may report such bill to the respective House without amendment.

(3) REPORT OR DISCHARGE.—If a committee to which an implementation bill is referred has not reported such bill by the end of the 15th calendar day after the date of the introduction of such bill, such committee shall be immediately discharged from further consideration of such bill, and upon being reported or discharged from the committee, such bill shall be placed on the appropriate calendar.

(c) FLOOR CONSIDERATION.—

(1) IN GENERAL.—When the committee to which an implementation bill is referred has reported, or has been discharged under subsection (b)(3), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the implementation bill, and all points of order against the implementation bill (and against consideration of the implementation bill) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the implementation bill is agreed to, the implementation bill shall remain the unfinished business of the respective House until disposed of.

(2) AMENDMENTS.—An implementation bill may not be amended in the Senate or the House of Representatives.

(3) DEBATE.—Debate on the implementation bill, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the implementation bill is not in order. A motion to reconsider the vote by which the implementation bill is agreed to or disagreed to is not in order.

(4) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on an implementation bill, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the implementation bill shall occur.

(5) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to an implementation bill shall be decided without debate.

(d) COORDINATION WITH ACTION BY OTHER HOUSE.—If, before the passage by 1 House of an implementation bill of that House, that House receives from the other House an implementation bill, then the following procedures shall apply:

(1) NONREFERRAL.—The implementation bill of the other House shall not be referred to a committee.

(2) VOTE ON BILL OF OTHER HOUSE.—With respect to an implementation bill of the House receiving the implementation bill—

(A) the procedure in that House shall be the same as if no implementation bill had been received from the other House; but

(B) the vote on final passage shall be on the implementation bill of the other House.

(e) RULES OF SENATE AND HOUSE OF REPRESENTATIVES.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of an implementation bill described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 337. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for carrying out this subtitle for each of the fiscal years 2006 through 2008.

TITLE IV—TRUTH IN ACCOUNTING

Subtitle A—Accrual Funding of Pensions and Retirement Pay for Federal Employees and Uniformed Services Personnel

SEC. 401. CIVIL SERVICE RETIREMENT SYSTEM.

(a) CIVIL SERVICE RETIREMENT AND DISABILITY FUND.—Chapter 83 of title 5, United States Code, is amended—

(1) in section 8331—

(A) in paragraph (17)—

(i) by striking ''normal cost'' and inserting ''normal cost percentage''; and

(ii) by inserting ''and standards (using dynamic assumptions)'' after ''practice'';

(B) by amending paragraph (18) to read as follows:

''(18) 'Fund balance' means the current net assets of the Fund available for payment of benefits, as determined by the Office in accordance with appropriate accounting standards, but does not include any amount attributable to—

''(A) the Federal Employees' Retirement System; or

''(B) contributions made under the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 by or on behalf of any individual who became subject to the Federal Employees' Retirement System;''

(C) by amending paragraph (19) to read as follows:

''(19) 'accrued liability' means the estimated excess of the present value of all benefits payable from the Fund to employees and Members, and former employees and Members, subject to this subchapter, and their survivors, over the present value of deductions to be withheld from the future basic pay of employees and Members currently subject to this subchapter and of future agency contributions to be made in their behalf;''

(D) in paragraph (27) by striking ''and'' at the end;

(E) in paragraph (28) by striking the period at the end and inserting a semicolon; and

(F) by adding at the end the following paragraphs:

''(29) 'dynamic assumptions' means economic assumptions that are used in determining actuarial costs and liabilities of a retirement system and in anticipating the effects of long-term future—

''(A) investment yields;

''(B) increases in rates of basic pay; and

''(C) rates of price inflation; and

''(30) 'unfunded liability' means the estimated excess of—

''(A) the actuarial present value of all future benefits payable from the Fund under this subchapter based on the service of current or former employees or Members, over

''(B) the sum of—

''(i) the actuarial present value of deductions to be withheld from the future basic pay of employees and Members currently subject to this chapter pursuant to section 8334;

''(ii) the actuarial present value of the future contributions to be made pursuant to section 8334 with respect to employees and Members currently subject to this subchapter;

''(iii) the Fund balance, as defined in paragraph (18), as of the date the unfunded liability is determined; and

''(iv) any other appropriate amount, as determined by the Office of Personnel Management in accordance with generally accepted actuarial practices and principles.'';

(2) in section 8334—

(A) in subsection (a)(1)—

(i) by striking the last two sentences;

(ii) by redesignating that subsection, as so amended, as (a)(1)(A); and

(iii) by adding at the end the following new subparagraphs:

''(B) Except as provided in subparagraph (E), each employing agency having any employees or Members subject to subparagraph (A) shall contribute from amounts available for salaries and expenses an amount equal to the sum of—

''(i) the product of—

''(I) the normal cost percentage, as determined for employees (other than employees covered by clause (ii)), multiplied by

''(II) the aggregate amount of basic pay payable by the agency, for the period involved, to employees (under subclause (I)) who are within such agency; and

''(ii) the product of—

''(I) the normal cost percentage, as determined for Members, Congressional employees, law enforcement officers, firefighters, air traffic controllers, bankruptcy judges, Court of Federal Claims judges, United States magistrates, judges of the United States Court of Appeals for the Armed Forces, members of the Capitol Police, nuclear materials couriers, and members of the Supreme Court Police, multiplied by

''(II) the aggregate amount of basic pay payable by the agency for the period involved, to employees and Members (under subclause (I)) who are within such agency.

''(C) In determining the normal cost percentage to be applied under subparagraph (B), amounts provided for under subparagraph (A) shall be taken into account.

''(D) Contributions under this paragraph shall be paid—

''(i) in the case of law enforcement officers, firefighters, air traffic controllers, bankruptcy judges, Court of Federal Claims judges, United States magistrates, judges of the United States Court of Appeals for the Armed Forces, members of the Supreme Court Police, nuclear materials couriers and other employees, from the appropriations or fund used to pay such law enforcement officers, firefighters, air traffic controllers, bankruptcy judges, Court of Federal Claims judges, United States magistrates, judges of the United States Court of Appeals for the Armed Forces, members of the Supreme Court Police, nuclear materials couriers and other employees, respectively;

''(ii) in the case of elected officials, from an appropriation or fund available for payment of other salaries of the same office or establishment; and

''(iii) in the case of employees of the legislative branch paid by the Clerk of the House of Representatives, from the contingent fund of the House.

''(E) In the case of the United States Postal Service, the Metropolitan Washington Airports Authority, and the government of the District of Columbia, an amount equal to that withheld under subparagraph (A) shall be contributed from the appropriation or fund used to pay the employee.''; and

(B) in subsection (k)—

(i) in paragraph (1)—

(I) in subparagraph (A) by striking ''the first sentence of subsection (a)(1) of this section'' and inserting ''subsection (a)(1)(A)''; and

(II) by amending subparagraph (B) to read as follows:

''(B) the amount of the contribution under subsection (a)(1)(B) shall be the amount which would have been contributed under such subsection if this subsection had not been enacted.''; and

(ii) in paragraph (2)(C)(iii) by striking ''the first sentence of subsection (a)(1)'' and inserting ''subsection (a)(1)(A)''; and

(3) in section 8348—

(A) by repealing subsection (f);

(B) by amending subsection (g) to read as follows:

''(g)(1)(A) Not later than June 30, 2005, the Office of the Actuary shall determine the unfunded liability of the Fund, as of September 30, 2004, attributable to benefits payable under this chapter and make recommendations regarding its liquidation. After considering such recommendations, the Office shall establish an amortization schedule, including a series of annual installments commencing October 1, 2005, which provides for the liquidation of such liability by October 1, 2044.

''(B) The Office shall redetermine the unfunded liability of the Fund as of the close of the fiscal year, for each fiscal year beginning after September 30, 2004, through the fiscal year ending September 30, 2039, and shall establish a new amortization schedule, including a series of annual installments commencing on October 1 of the second subsequent fiscal year, which provides for the liquidation of such liability by October 1, 2044.

''(C) The Office shall redetermine the unfunded liability of the Fund as of the close of the fiscal year for each fiscal year beginning after September 30, 2039, and shall establish a new amortization schedule, including a series of annual installments commencing on October 1 of the second subsequent fiscal year, which provides for the liquidation of such liability over five years.

''(D) Amortization schedules established under this paragraph shall be set in accordance with generally accepted actuarial practices and principles, with interest computed at the rate used in the most recent valuation of the Civil Service Retirement System.

''(2) At the beginning of each fiscal year, beginning on October 1, 2005, the Office shall notify the Secretary of the Treasury of the amount of the first installment under the most recent amortization schedule established under paragraph (1). The Secretary shall credit that amount to the Fund, as a Government contribution, out of any money in the Treasury of the United States not otherwise appropriated.

''(3) For the purpose of carrying out paragraph (1) with respect to any fiscal year, the Office may—

''(A) require the Board of Actuaries of the Civil Service Retirement System to make actuarial determinations and valuations, make recommendations, and maintain records in accordance with section 8347(f); and

''(B) use the latest actuarial determinations and valuations made by such Board of Actuaries.'';

(C) in subsections (h), (i), and (m) by striking ''unfunded'' and inserting ''accrued'' each place it appears; and

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

''(n) Under regulations prescribed by the Office, the head of an agency may request reconsideration of any amount determined to be payable with respect to such agency under section 8334(a)(1)(B)–(D). Any such request shall be referred to the Board of Actuaries of the Civil Service Retirement System. The Board of Actuaries shall review the computations of the Office and may make any adjustment with respect to any such amount which the Board determines appropriate. A determination by the Board of Actuaries under this subsection shall be final.''.

(b) GOVERNMENT CONTRIBUTIONS.—Section 8423 of title 5, United States Code, is amended—

(1) in subsection (a)(2) by striking ''section 8422'' and inserting ''section 8422(a)''; and

(2) in subsection (b)(2) by striking ''equal annual installments'' and inserting ''annual installments set in accordance with generally accepted actuarial practices and principles''.

SEC. 402. CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM.

(a) Section 101 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2001) is amended—

(1) in paragraph (5), to read as follows:

''(5) UNFUNDED LIABILITY.—The term 'unfunded liability' means the estimated excess of—

''(A) the actuarial present value of all future benefits payable from the Fund under title II of this Act based on the service of current or former participants, over

''(B) the sum of—

''(i) the actuarial present value of deductions to be withheld from the future basic pay of participants currently subject to title II of this Act pursuant to section 211;

''(ii) the actuarial present value of the future contributions to be made pursuant to section 211 with respect to participants currently subject to title II of this Act;

''(iii) the Fund balance, as defined in paragraph (4), as of the date the unfunded liability is determined; and

''(iv) any other appropriate amount, as determined by the Director in accordance with generally accepted actuarial practices and principles.'';

(2) in paragraph (6)—

(A) by striking '' 'normal cost' '' and inserting '' 'normal cost percentage' ''; and

(B) by inserting ''and standards (using dynamic assumptions)'' after ''practice''; and

(3) by adding at the end the following paragraph:

''(10) DYNAMIC ASSUMPTIONS.—The term 'dynamic assumptions' means economic assumptions that are used in determining actuarial costs and liabilities of a retirement system and in anticipating the effects of long-term future—

''(A) investment yields;

''(B) increases in rates of basic pay; and

''(C) rates of price inflation.'';

(b) Section 202 of such Act (50 U.S.C. 2012) is amended by adding at the end the following: ''The Fund is appropriated for the payment of benefits as provided by this title.''.

(c) Section 211(a)(2) of such Act (50 U.S.C. 2021(a)(2)) is amended to read as follows:

''(2) AGENCY CONTRIBUTIONS.—The Agency shall contribute to the Fund the amount computed in a manner similar to that used under section 8334(a) of title 5, United States Code, pursuant to determinations of the normal cost percentage of the Central Intelligence Agency Retirement and Disability System by the Director. Contributions under this paragraph shall be paid from amounts available for salaries and expenses.''; and

(d) Section 261 of such Act (50 U.S.C. 2091) is amended—

(1) by striking subsections (c), (d), and (e); and

(2) by inserting after subsection (b) the following new subsections:

''(c)(1) Not later than June 30, 2005, the Director shall cause to be made actuarial valuations of the Fund that determine the unfunded liability of the Fund, as of September 30, 2004, attributable to benefits payable under this title and make recommendations regarding its liquidation. After considering such recommendations, the Director shall establish an amortization schedule, including a series of annual installments commencing October 1, 2005, which provides for the liquidation of such liability by October 1, 2044.

''(2) The Director shall redetermine the unfunded liability of the Fund as of the close of the fiscal year, for each fiscal year beginning after September 30, 2004, through the fiscal year ending September 30, 2039, and shall establish a new amortization schedule, including a series of annual installments commencing on October 1 of the second subsequent fiscal year, which provides for the liquidation of such liability by October 1, 2044.

''(3) The Director shall redetermine the unfunded liability of the Fund as of the close of the fiscal year for each fiscal year beginning after September 30, 2039, and shall establish a new amortization schedule, including a series of annual installments commencing on October 1 of the second subsequent fiscal year, which provides for the liquidation of such liability over five years.

''(4) Amortization schedules established under this subsection shall be set in accordance with generally accepted actuarial practices and principles, with interest computed at the rate used in the most recent valuation of the Civil Service Retirement and Disability System.

''(d) At the beginning of each fiscal year, beginning on October 1, 2005, the Director shall notify the Secretary of the Treasury of the amount of the first installment under the most recent amortization schedule established under subsection (c). The Secretary shall credit that amount to the Fund, as a Government contribution, out of any money in the Treasury of the United States not otherwise appropriated. For the purposes of Section 504 of the National Security Act of 1947, this amount shall be considered authorized.''.

(e)(1) Title III of such Act (50 U.S.C. 2151 et seq.) is amended by adding at the end the following new section:

''SEC. 308. FULL FUNDING OF RETIREE COSTS FOR EMPLOYEES DESIGNATED UNDER SECTION 302.

''(a) In addition to other government contributions required by law, the Agency shall contribute to the Civil Service Retirement and Disability fund (hereinafter in this section referred to as the 'Fund') amounts calculated in accordance with section 8423 of title 5, United States Code, based on the projected number of employees to be designated pursuant to section 302 of this Act. In addition, the Agency, in a manner similar to that established for employee contributions to the Fund by section 8422 of title 5, United States Code, will contribute an amount equal to the difference between that which would be contributed by the number of employees projected to be designated under section 302 and the amounts that are actually being deducted and contributed from the basic pay of an equal number of employees pursuant to section 8422. The amounts of the Agency's contributions under this subsection shall be determined by the Director of the Office of Personnel Management, in consultation with the Director, and shall be paid by the Agency from funds available for salaries and expenses. Agency employees designated pursuant to section 302 of this Act shall, commencing with such designation, have deducted from their basic pay the full amount required by section 8422 of title 5, United States Code, and such deductions shall be contributed to the Fund.

''(b)(1) The Director of the Office of Personnel Management, in consultation with the Director, shall determine the total amount of unpaid contributions (government and employee contributions) and interest attributable to the number of individuals employed with the Agency on September 30, 2005, who are projected to be designated under section 302 of this Act, but are not yet designated under that section as of that date. The amount shall be referred to as the section 302 unfunded liability.

''(2) Not later than June 30, 2006, the Director of the Office of Personnel Management, in consultation with the Director, shall establish an amortization schedule, setting forth a series of annual installments commencing September 30, 2006, which provides for the liquidation of the section 302 unfunded liability by September 30, 2013.

''(3) At the end of each fiscal year, beginning on September 30, 2006, the Director shall notify the Secretary of the Treasury of the amount of the annual installment under the amortization schedule established under paragraph (2) of this subsection. Before closing the accounts for that fiscal year, the Secretary shall credit that amount to the Fund, out of any money in the Treasury of the United States not otherwise appropriated.

''(c) Amounts paid by the Agency pursuant to this section are deemed to be specifically authorized by the Congress for the purposes of section 504 of the National Security Act of 1947.''.

(2) The table of contents of such Act is amended by inserting after the item relating to section 307 the following new item:

''Sec. 308. Full funding of retiree costs for employees designated under section 302.''.

SEC. 403. FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM.

(a) Chapter 8 of Title I of the Foreign Service Act of 1980, Public Law 96–465, (22 U.S.C. 4041 et seq.) 94 Stat. 2071, as amended, is further amended in section 804 (22 U.S.C. 4044)—

(1) by amending paragraph (5) to read as follows:

''(5) 'normal cost percentage' means the entry-age normal cost computed in accordance with generally accepted actuarial practice and standards (using dynamic assumptions) and expressed as a level percentage of aggregate basic pay;'';

(2) by amending paragraph (14) to read as follows:

''(14) 'unfunded liability' means the estimated excess of—

''(A) the actuarial present value of all future benefits payable from the Fund under this part based on the service of current or former participants, over

''(B) the sum of—

''(i) the actuarial present value of deductions to be withheld from the future basic pay of participants currently subject to this part pursuant to section 805;

''(ii) the actuarial present value of the future contributions to be made pursuant to section 805 with respect to participants currently subject to this part;

''(iii) the Fund balance, as defined in paragraph (7), as of the date the unfunded liability is determined, excluding any amount attributable to the Foreign Service Pension System, or contributions made under the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 by or on behalf of any individual who became subject to the Foreign Service Pension System; and

''(iv) any other appropriate amount, as determined by the Secretary of the Treasury in accordance with generally accepted actuarial practices and principles.''; and

(3)(A) by striking the period at the end of paragraph (15) and inserting ''; and''; and

(B) by adding at the end the following new paragraph:

''(16) 'dynamic assumptions' means economic assumptions that are used in determining actuarial costs and liabilities of a retirement system and in anticipating the effects of long-term future—

''(A) investment yields;

''(B) increases in rates of basic pay; and

''(C) rates of price inflation.'';

(b) in section 852 (22 U.S.C. 4071a)—

(1) in paragraph (4)—

(A) by striking ''normal cost'' and inserting ''normal cost percentage''; and

(B) by striking ''by the Secretary of State'';

(2) in paragraph (7)—

(A) by striking ''supplemental'' and inserting ''unfunded'';

(B) in subparagraph (B)(i) by striking ''(I)'' and ''and (II) contributions for past civilian and military service''; and

(C) in subparagraph (B)(ii) by inserting before the semicolon ''with respect to participants currently subject to this part''; and

(3)(A) at the end of paragraph (8) by striking ''and'';

(B) at the end of paragraph (9) by striking the period and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(10) 'dynamic assumptions' means economic assumptions that are used in determining actuarial costs and liabilities of a retirement system and in anticipating the effects of long-term future—

''(A) investment yields;

''(B) increases in rates of basic pay; and

''(C) rates of price inflation.'';

(c) in section 805(a)(1) (22 U.S.C. 4045(a)(i))—

(1) by striking the second sentence;

(2) (by redesignating that subsection, as so amended, as (a)(1)(A);

(3) by redesignating the last sentence of that subsection, as so amended as (a)(1)(C);

(4) by inserting after subparagraph (A) the following new subparagraph:

''(B) Each employing agency having participants shall contribute to the Fund the amount computed in a manner similar to that used under section 8334(a) of title 5, United States Code, pursuant to determinations of the normal cost percentage of the Foreign Service Retirement and Disability System. Contributions under this subparagraph shall be paid from the appropriations or fund used for payment of the salary of the participant.'';

(5) in subsection (a)(2)(A) by striking ''An equal amount shall be contributed by the Department'' and inserting in its place ''Each employing agency having participants shall contribute to the Fund the amount computed in a manner similar to that used under section 8334(a) of title 5, United States Code, pursuant to determinations of the normal cost percentage of the Foreign Service Retirement and Disability System''; and

(6) in subsection (a)(2)(B) by striking ''An equal amount shall be contributed by the Department'' and inserting in its place ''Each employing agency having participants shall contribute to the Fund from amounts available for salaries and expenses the amount computed in a manner similar to that used under section 8334(a) of title 5, United States Code, pursuant to determinations of the normal cost percentage of the Foreign Service Retirement and Disability System'';

(d) by repealing sections 821 and 822 (22 U.S.C. 4061 and 4062) and by adding the following new section:

''SEC. 821. UNFUNDED LIABILITY.—(a)(1) Not later than June 30, 2005, the Secretary of State shall cause to be made actuarial valuations of the Fund that determine the unfunded liability of the Fund, as of September 30, 2004, attributable to benefits payable under this subchapter and make recommendations regarding its liquidation. After considering such recommendations, the Secretary of State shall establish an amortization schedule, including a series of annual installments commencing October 1, 2004, which provides for the liquidation of such liability by October 1, 2044.

''(2) The Secretary of State shall redetermine the unfunded liability of the Fund as of the close of the fiscal year, for each fiscal year beginning after September 30, 2004, through the fiscal year ending September 30, 2039, and shall establish a new amortization schedule, including a series of annual installments commencing on October 1 of the second subsequent fiscal year, which provides for the liquidation of such liability by October 1, 2044.

''(3) The Secretary of State shall redetermine the unfunded liability of the Fund as of the close of the fiscal year for each fiscal year beginning after September 30, 2039, and shall establish a new amortization schedule, including a series of annual installments commencing on October 1 of the second subsequent fiscal year, which provides for the liquidation of such liability over five years.

''(4) Amortization schedules established under this subsection shall be set in accordance with generally accepted actuarial practices and principles, with interest computed at the rate used in the most recent valuation of the Foreign Service Retirement and Disability System.

''(b) At the beginning of each fiscal year, beginning on October 1, 2005, the Secretary of State shall notify the Secretary of the Treasury of the amount of the first installment under the most recent amortization schedule established under paragraph (1). The Secretary of the Treasury shall credit that amount to the Fund, as a Government contribution, out of any money in the Treasury of the United States not otherwise appropriated.'';

(e) in section 857(b)(1) (22 U.S.C. 4071f(b)(1)) by striking ''equal annual installments'' and inserting ''annual installments set in accordance with generally accepted actuarial practices and principles'';

(f) in section 859 (22 U.S.C. 4071h) by adding ''percentage'' after ''normal cost'';

(g) in section 802 (22 U.S.C. 4042) by adding at the end the following: ''The Fund is appropriated for the payment of benefits as provided by this subchapter.''; and

(h) in section 818 (22 U.S.C. 4058) by striking ''System'' and inserting ''Systems under this subchapter''.

SEC. 404. PUBLIC HEALTH SERVICE COMMISSIONED CORPS RETIREMENT SYSTEM.

(a) IN GENERAL.—Title II of the Public Health Service Act (42 U.S.C. 202 et seq.) is amended by adding at the end the following new part:

''PART C—PUBLIC HEALTH SERVICE COMMISSIONED CORPS RETIREMENT SYSTEM

''ESTABLISHMENT AND PURPOSE OF FUND

''SEC. 251. There is established on the books of the Treasury a fund to be known as the Public Health Service Commissioned Corps Retirement Fund (hereinafter in this part referred to as the 'Fund'), which shall be administered by the Secretary. The Fund shall be used for the accumulation of funds in order to finance on an actuarially sound basis liabilities of the Department of Health and Human Services for benefits payable on account of retirement, disability, or death to commissioned officers of the Public Health Service and to their survivors pursuant to part A of this title.

''ASSETS OF THE FUND

''SEC. 252. There shall be deposited into the Fund the following, which shall constitute the assets of the Fund:

''(1) Amounts paid into the Fund under section 255.

''(2) Any return on investment of the assets of the Fund.

''(3) Amounts transferred into the Fund pursuant to section 404(c) of the Family Budget Protection Act of 2004.

''PAYMENT FROM THE FUND

''SEC. 253. There shall be paid from the Fund benefits payable on account of retirement, disability, or death to commissioned officers of the Public Health Service and to their survivors pursuant to part A of this title.

''DETERMINATION OF CONTRIBUTIONS TO THE FUND

''SEC. 254. (a)(1) Not later than June 30, 2005, the Secretary shall determine the unfunded liability of the Fund attributable to service performed as of September 30, 2004, which is 'active service' for the purpose of section 212. The Secretary shall establish an amortization schedule, including a series of annual installments commencing October 1, 2005, which provides for the liquidation of such liability by October 1, 2044.

''(2) The Secretary shall redetermine the unfunded liability of the Fund as of the close of the fiscal year, for each fiscal year beginning after September 30, 2004, through the fiscal year ending September 30, 2039, and shall establish a new amortization schedule, including a series of annual installments commencing on October 1 of the second subsequent fiscal year, which provides for the liquidation of such liability by October 1, 2044.

''(3) The Secretary shall redetermine the unfunded liability of the Fund as of the close of the fiscal year for each fiscal year beginning after September 30, 2039, and shall establish a new amortization schedule, including a series of annual installments commencing on October 1 of the second subsequent fiscal year, which provides for the liquidation of such liability over 5 years.

''(b) The Secretary shall determine each fiscal year, in sufficient time for inclusion in the budget request for the following fiscal year, the total amount of Department of Health and Human Services contributions to be made to the Fund during the fiscal year under section 255(a). That amount shall be the sum of—

''(1) the product of—

''(A) the current estimate of the value of the single level percentage of basic pay to be determined under subsection (c)(1) at the time of the most recent actuarial valuation under subsection (c); and

''(B) the total amount of basic pay expected to be paid during that fiscal year to commissioned officers of the Public Health Service on active duty (other than active duty for training); and

''(2) the product of—

''(A) the current estimate of the value of the single level percentage of basic pay and of compensation (paid pursuant to section 206 of title 37, United States Code) to be determined under subsection (c)(2) at the time of the most recent actuarial valuation under subsection (c); and

''(B) the total amount of basic pay and of compensation (paid pursuant to section 206 of title 37, United States Code) expected to be paid during the fiscal year to commissioned officers of the Reserve Corps of the Public Health Service (other than officers on full-time duty other than for training) who are not otherwise described in subparagraph (A).

''(c) Not less often than every four years thereafter (or by the fiscal year end prior to the effective date of any statutory change affecting benefits payable on account of retirement, disability, or death to commissioned officers or their survivors), the Secretary shall carry out an actuarial valuation of benefits payable on account of retirement, disability, or death to commissioned officers of the Public Health Service and to their survivors pursuant to part A of this title. Each such actuarial valuation shall be signed by an enrolled Actuary and shall include—

''(1) a determination (using the aggregate entry-age normal cost method) of a single level percentage of basic pay for commissioned officers of the Public Health Service on active duty (other than active duty for training); and

''(2) a determination (using the aggregate entry-age normal cost method) of a single level percentage of basic pay and of compensation (paid pursuant to section 206 of title 37, United States Code) of commissioned officers of the Reserve Corps of the Public Health Service (other than officers on full time duty other than for training) who are not otherwise described in paragraph (1).

''(d) All determinations under this section shall be in accordance with generally accepted actuarial principles and practices and, where appropriate, shall follow the general pattern of methods and assumptions approved by the Department of Defense Retirement Board of Actuaries.

''(e) The Secretary shall provide for the keeping of such records as are necessary for determining the actuarial status of the Fund.

''PAYMENTS INTO THE FUND

''SEC. 255. (a) From amounts available to the Department of Health and Human Services for salaries and expenses, the Secretary shall pay into the Fund at the end of each month the amount that is the sum of—

''(1) the product of—

''(A) the level percentage of basic pay determined using all the methods and assumptions approved for the most recent (as of the first day of the current fiscal year) actuarial valuation under sections 254(c)(1) (except that any statutory change affecting benefits payable on account of retirement, disability, or death to commissioned officers or their survivors that is effective after the date of that valuation and on or before the first day of the current fiscal year shall be used in such determination); and

''(B) the total amount of basic pay accrued for that month by commissioned officers of the Public Health Service on active duty (other than active duty for training); and

''(2) the product of—

''(A) the level percentage of basic pay and of compensation (paid pursuant to section 206 of title 37, United States Code) determined using all the methods and assumptions approved for the most recent (as of the first day of the current fiscal year) actuarial valuation under section 254(c)(2) (except that any statutory change affecting benefits payable on account of retirement, disability, or death to commissioned officers or their survivors that is effective after the date of that valuation and on or before the first day of the current fiscal year shall be used in such determinations); and

''(B) the total amount of basic pay and of compensation (paid pursuant to section 206 of title 37, United States Code) accrued for that month by commissioned officers of the Reserve Corps of the Public Health Service (other than officers on full-time duty other than for training).

''(b) At the beginning of each fiscal year, beginning on October 1, 2005, the Secretary shall certify to the Secretary of the Treasury the amount of the first installment under the most recent amortization schedule established under section 254(a). The Secretary of the Treasury shall pay into the Fund from the General Fund of the Treasury the amount so certified. Such payment shall be the contribution to the Fund for that fiscal year.

''INVESTMENTS OF ASSETS OF FUND

''SEC. 256. The Secretary may request the Secretary of the Treasury to invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet the current needs of the Fund. Such investments shall be made by the Secretary of the Treasury in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income on such investments shall be credited to and form a part of the Fund.

''IMPLEMENTATION YEAR EXCEPTIONS

''SEC. 257. (a) To avoid funding shortfalls in the first year should formal actuarial determinations not be available in time for budget preparation, the amounts used in the first year in sections 255(a)(1)(A) and 255(a)(2)(A) shall be set equal to those estimates in sections 254(b)(1)(A) and 254(b)(2)(A) if final determinations are not available. The original unfunded liability as defined in section 254(a) shall include an adjustment to correct for this difference between the formal actuarial determinations and the estimates in sections 254(b)(1)(A) and 254(b)(2)(A).''.

(b) CONFORMING AMENDMENTS.—

(1) CONDITION OF DETAIL.—Section 214 of the Public Health Service Act (42 U.S.C. 215) is amended by adding at the end the following new subsection:

''(e) The Secretary shall condition any detail under subsection (a), (b), or (c) upon the agreement of the executive department, State, subdivision, Committee of the Congress, or institution concerned to pay to the Department of Health and Human Services, in advance or by way of reimbursement, for the full cost of the detail including that portion of the contributions under section 255(a) that is attributable to the detailed personnel.''.

(2) SEQUESTRATION RULE.—Section 256(f) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 906(f)) is amended—

(A) by inserting after the item relating to ''payment to the foreign service retirement and disability fund'' the following item: ''Payment to the Public Health Service Commissioned Corps Retirement Fund (75–0380–0–1–551);''; and

(B) by inserting after the item relating to the ''Pensions for former Presidents'' the following item: ''Public Health Service Commissioned Corps Retirement Fund (75–8274–0–7–602);''.

(c) TRANSFER OF APPROPRIATIONS.—There shall be transferred on October 1, 2006, into the fund established under section 251 of the Public Health Service Act, as added by subsection (a), any obligated or unobligated balances of appropriations made to the Department of Health and Human Services that are currently available for benefits payable on account of retirement, disability, or death to commissioned officers of the Public Health Service and to their survivors pursuant to part A of title II of the Public Health Service Act, and amounts so transferred shall be part of the assets of the Fund.

SEC. 405. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS RETIREMENT SYSTEM.

(a) IN GENERAL.—The National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (title II of Public Law 107–372) is amended by inserting after section 246 (33 U.S.C. 3046) the following new section:

''SEC. 246A. (a) ESTABLISHMENT AND PURPOSE OF NOAA COMMISSIONED OFFICER CORPS RETIREMENT FUND.—(1) There is established on the books of the Treasury a fund to be known as the National Oceanic and Atmospheric Administration Commissioned Officer Corps Retirement Fund (hereinafter in this section referred to as the 'Fund'), which shall be administered by the Secretary. The Fund shall be used for the accumulation of funds in order to finance on an actuarially sound basis liabilities of the Department of Commerce under military retirement and survivor benefit programs for the commissioned officers corps.

''(2) The term 'military retirement and survivor benefit program' means—

''(A) the provisions of this title and title 10, United States Code, creating entitlement to, or determining, the amount of retired pay;

''(B) the programs under the jurisdiction of the Department of Defense providing annuities for survivors and members and former members of the Armed Forces, including chapter 73 of title 10, section 4 of Public Law 92–425, and section 5 of Public Law 96–202, as made applicable to the commissioned officer corps by section 261.

''(b) ASSETS OF THE FUND.—There shall be deposited into the Fund the following, which shall constitute the assets of the Fund:

''(1) Amounts paid into the Fund under subsection (e).

''(2) Any return on investment of the assets of the Fund.

''(3) Amounts transferred into the Fund pursuant to section 405(c) of the Family Budget Protection Act of 2004.

''(c) PAYMENTS FROM THE FUND.—There shall be paid from the Fund benefits payable on account of military retirement and survivor benefit programs to commissioned officers of the commissioned officer corps and their survivors.

''(d) DETERMINATION OF CONTRIBUTIONS TO THE FUND.—(1)(A) Not later than June 30, 2004, the Secretary shall determine the unfunded liability of the Fund attributable to service performed as of September 30, 2004, which is 'active service' for the purpose of this title. The Secretary shall establish an amortization schedule, including a series of annual installments commencing October 1, 2005, which provides for the liquidation of such liability by October 1, 2044.

''(B) The Secretary shall redetermine the unfunded liability of the Fund as of the close of the fiscal year, for each fiscal year beginning after September 30, 2004, through the fiscal year ending September 30, 2039, and shall establish a new amortization schedule, including a series of annual installments commencing on September 30 of the subsequent fiscal year, which provides for the liquidation of such liability by October 1, 2044.

''(C) The Secretary shall redetermine the unfunded liability of the Fund as of the close of the fiscal year for each fiscal year beginning after September 30, 2039, and shall establish a new authorization schedule, including series of annual installments commencing on October 1 of the second subsequent fiscal year, which provides for the liquidation of such liability over 5 years.

''(2) The Secretary shall determine each fiscal year, in sufficient time for inclusion in the budget request for the following fiscal year, the total amount of Department of Commerce contributions to be made to the Fund during that fiscal year under (e). The amount shall be the product of—

''(A) the current estimate of the value of the single level percentage of basic pay to be determined under subsection (e) at the time of the most recent actuarial valuation under paragraph (3); and

''(B) the total amount of basic pay expected to be paid during that fiscal year to commissioned officers of NOAA on active duty.

''(3) Not less often then every four years (or by the fiscal year end before the effective date of any statutory change affecting benefits payable on account of retirement, disability, or death to commissioned officers or their survivors), the Secretary shall carry out an actuarial valuation of benefits payable on account of military retirement and survivor benefit programs to commissioned officers of the Administration and to their survivors. Each such actuarial valuation shall be signed by an enrolled Actuary and shall include a determination (using the aggregate entry-age normal cost method) of a single level percentage of basic pay for commissioned officers on active duty.

''(4) All determinations under this section shall be in accordance with generally accepted actuarial principles and practices, and, where appropriate, shall follow the general pattern of methods and assumptions approved by the Department of Defense Retirement Board of Actuaries.

''(5) The Secretary shall provide for the keeping of such records as are necessary for determining the actuarial status of the Fund.

''(e) PAYMENTS INTO THE FUND.—(1) From amounts appropriated to the National Oceanic Atmospheric Administration for salaries and expenses, the Secretary shall pay into the Fund at the end of each month the amount that is the product of—

''(A) the level percentage of basic pay determined using all the methods and assumptions approved for the most recent (as of the first day of the current fiscal year) actuarial valuation under subsection (d) (except that any statutory change affecting benefits payable on account of military retirement and survivor benefit programs to commissioned officers of the Administration and to their survivors that is effective date after the date of that valuation and on or before the first day of the current fiscal year shall be used in such determination); and

''(B) the total amount of basic pay accrued for that month by commissioned officers on active duty.

''(2)(A) At the beginning of each fiscal year, the Secretary shall determine the sum of—

''(i) the amount of the payment for that year under the amortization of the original unfunded liability of the Fund;

''(ii) the amount (including any negative amount) for that year under the most recent amortization schedule determined by the Secretary for the amortization of any cumulative actuarial gain or loss to the Fund, resulting from changes in benefits; and

''(iii) the amount (including any negative amount) for that year under the most recent amortization schedule determined by the Secretary for the amortization or any cumulative actuarial gain or loss to the Fund resulting from changes in actuarial assumptions and from experience different from the assumed since the last valuation.

The Secretary shall promptly certify the amount of the sum to the Secretary of the Treasury.

''(B) Upon receiving the certification pursuant to paragraph (1), the Secretary of the Treasury shall promptly pay into the Fund from the General Fund of the Treasury the amount so certified. Such payment shall be the contribution to the Fund for that fiscal year.

''(f) INVESTMENT OF ASSETS OF THE FUND.—The Secretary may request the Secretary of the Treasury to invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet the current needs of the Fund. Such investments shall be made by the Secretary of the Treasury in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income of such investments shall be credited to and form a part of the Fund.

''(g) IMPLEMENTATION YEAR EXCEPTIONS.—(1) To avoid funding shortfalls in the first year should formal actuarial determinations not be available in time for budget preparation, the amounts used in the first year in subsection (e)(1)(A) shall be set equal to the estimate in subsection (d)(2)(A) if final determinations are not available. The original unfunded liability as determined in subsection (d)(1) shall include an adjustment to correct for this difference between the formal actuarial determinations and the estimates in subsection (d)(2)(A).''.

(b) SEQUESTRATION RULE.—Section 256(f) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 906(f)) is amended by striking ''National Oceanic and Atmospheric Administration retirement (13–1450–0–1–306);'' and inserting ''National Oceanic and Atmospheric Administration Commissioned Officer Corps Retirement Fund;''.

(c) TRANSFER OF APPROPRIATIONS.—There shall be transferred on October 1, 2006, into the fund established under section 246A(a) of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (title II of Public Law 107–372, as added by subsection (a)), any obligated and unobligated balance of appropriations made to the Department of Commerce that are available as of the date of the enactment of this Act for benefits payable on account of military retirement and survivor benefit programs to commissioned officers of the NOAA Commissioned Officer Corps and to their survivors, and amounts so transferred shall be part of the assets of the Fund, effective October 1, 2006.

(d) EFFECTIVE DATE.—Subsection (c) (relating to payments from the Fund) and (e) (relating to payments into the Fund) of section 246A of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (title II of Public Law 107–372, as added by subsection (a)), shall take effect on October 1, 2006.

SEC. 406. COAST GUARD MILITARY RETIREMENT SYSTEM.

(a) ACCRUAL FUNDING FOR COAST GUARD RETIREMENT.—

(1) IN GENERAL.—Chapter 11 of title 14, United States Code, is amended by adding at the end the following new subchapter:

''SUBCHAPTER V—COAST GUARD MILITARY RETIREMENT FUND

''§ 441. Establishment and purpose of Fund; definitions

''(a) ESTABLISHMENT OF FUND; PURPOSE.—There is established on the books of the Treasury a fund to be known as the Coast Guard Military Retirement Fund (hereinafter in this subchapter referred to as the 'Fund'), which shall be administered by the Secretary. The Fund shall be used for the accumulations of funds in order to finance on an actuarially sound basis liabilities of the Coast Guard under military retirement and survivor benefit programs.

''(b) MILITARY RETIREMENT AND SURVIVOR BENEFIT PROGRAMS DEFINED.—In this subchapter, the term 'military retirement and survivor benefit programs' means—

''(1) the provisions of this title and title 10 creating entitlement to, or determining the amount of, retired pay;

''(2) the programs providing annuities for survivors of members and former members of the armed forces, including chapter 73 of title 10, section 4 of Public Law 92–425, and section 5 of Public Law 96–402; and

''(3) the authority provided in section 1048(h) of title 10.

''(c) SECRETARY DEFINED.—In this subchapter, the term 'Secretary' means the Secretary of Homeland Security when the Coast Guard is not operating as a service in the Navy and the Secretary of Defense when the Coast Guard is operating as a service in the Navy.

''§ 442. Assets of the Fund

''There shall be deposited into the Fund the following, which shall constitute the assets of the Fund:

''(1) Amounts paid into the Fund under section 445 of this title.

''(2) Any return on investment of the assets of the Fund.

''(3) Amounts transferred into the Fund pursuant to section 406(d) of the Family Budget Protection Act of 2004.

''§ 443. Payments from the Fund

''(a) IN GENERAL.—There shall be paid from the Fund the following:

''(1) Retired pay payable to persons on the retired list of the Coast Guard.

''(2) Retired pay payable under chapter 1223 of title 10 to former members of the Coast Guard and the former United States Lighthouse Service.

''(3) Benefits payable under programs that provide annuities for survivors of members and former members of the armed forces, including chapter 73 of title 10, section 4 of Public Law 92–425, and section 5 of Public Law 96–402.

''(4) Amounts payable under section 1048(h) of title 10.

''(b) AVAILABILITY OF ASSETS OF THE FUND.—The assets of the Fund are hereby made available for payments under subsection (a).

''§ 444. Determination of contributions to the Fund

''(a) INITIAL UNFUNDED LIABILITY.—(1) Not later than June 30, 2005, the Secretary shall determine the unfunded liability of the Fund attributable to service performed as of September 30, 2004, which is 'active service' for the purposes of section 212. The Secretary shall establish an amortization schedule, including a series of annual installments commencing October 1, 2005, which provides for

the liquidation of such liability by October 1, 2044.

''(2) The Secretary shall redetermine the unfunded liability of the Fund as of the close of the fiscal year, for each beginning after September 30, 2004, through the fiscal year ending September 30, 2039, and shall establish a new amortization schedule, including a series of annual installments commencing on October 1 of the second subsequent fiscal year, which provides for the liquidation of such liability by October 1, 2044.

''(3) The Secretary shall redetermine the unfunded liability of the Fund as of the close of the fiscal year for each fiscal year beginning after September 30, 2039, and shall establish a new amortization schedule, including a series of annual installments commencing on October 1 of the second subsequent fiscal year, which provides for the liquidation of such liability over five years.

''(b) ANNUAL CONTRIBUTIONS FOR CURRENT SERVICES.—(1) The Secretary shall determine each fiscal year, in sufficient time for inclusion in the budget request for the following fiscal year, the total amount of Department of Homeland Security, or Department of Defense, contributions to be made to the Fund during that fiscal year under section 445(a) of this title. That amount shall be the sum of the following:

''(A) The product of—

''(i) the current estimate of the value of the single level percentage of basic pay to be determined under subsection (c)(1)(A) at the time of the most recent actuarial valuation under subsection (c); and

''(ii) the total amount of basic pay expected to be paid during that fiscal year to members of the Coast Guard on active duty (other than active duty for training).

''(B) The product of—

''(i) the current estimate of the value of the single level percentage of basic pay and of compensation (paid pursuant to section 206 of title 37) to be determined under subsection (c)(1)(B) at the time of the most recent actuarial valuation under subsection (c); and

''(ii) the total amount of basic pay and compensation (paid pursuant to section 206 of title 37) expected to be paid during that fiscal year to members of the Coast Guard Ready Reserve (other than members on full-time Reserve duty other than for training) who are not otherwise described in subparagraph (A)(ii).

''(2) The amount determined under paragraph (1) for any fiscal year is the amount needed to be appropriated to the Department of Homeland Security for that fiscal year for payments to be made to the Fund during that year under section 445(a) of this title. The President shall include not less than the full amount so determined in the budget transmitted to Congress for that fiscal year under section 1105 of title 31. The President may comment and make recommendations concerning any such amount.

''(c) PERIODIC ACTUARIAL VALUATIONS.—(1) Not less often than every four years (or before the effective date of any statutory change affecting benefits payable on account of retirement, disability, or death to members of the Coast Guard or their survivors), the Secretary shall carry out an actuarial valuation of the Coast Guard military retirement and survivor benefit programs. Each actuarial valuation of such programs shall be signed by an enrolled actuary and shall include—

''(A) a determination (using the aggregate entry-age normal cost method) of a single level percentage of basic pay for members of the Coast Guard on active duty (other than active duty for training); and

''(B) a determination (using the aggregate entry-age normal cost method) of single level percentage of basic pay and of compensation (paid pursuant to section 206 of title 37) for members of the Ready Reserve of the Coast Guard (other than members on full-time Reserve duty other than for training) who are not otherwise described in subparagraph (A).

''(2) Such single level percentages shall be used for the purposes of subsection (b) and section 445(a) of this title.

''(d) USE OF GENERALLY ACCEPTED ACTUARIAL PRINCIPLES AND PRACTICES.—All determinations under this section shall be in accordance with generally accepted actuarial principles and practices and, where appropriate, shall follow the general pattern of methods and assumptions approved by the Department of Defense Retirement Board of Actuaries.

''(e) RECORDS.—The Secretary shall provide for the keeping of such records as are necessary for determining the actuarial status of the Fund.

''§ 445. Payments into the Fund

''(a) MONTHLY ACCRUAL CHARGE FOR CURRENT SERVICES.—From amounts appropriated to the Coast Guard for salaries and expenses, the Secretary shall pay into the Fund at the end of each month as the Department of Homeland Security, or Department of Defense, contribution to the Fund for that month the amount that is the sum of the following:

''(1) The product of—

''(A) the level percentage of basic pay determined using all the methods and assumptions approved for the most recent (as of the first day of the current fiscal year) actuarial valuation under section 444(c)(1)(A) of this title (except that any statutory change in the military retirement and survivor benefit systems that is effective after the date of that valuation and on or before the first day of the current fiscal year shall be used in such determination); and

''(B) the total amount of basic pay accrued for that month by members of the Coast Guard on active duty (other than active duty for training).

''(2) The product of—

''(A) the level percentage of basic pay and compensation (accrued pursuant to section 206 of title 37) determined using all the methods and assumptions approved for the most recent (as of the first day of the current fiscal year) actuarial valuation under section 444(c)(1)(B) of this title (except that any statutory change in the military retirement and survivor benefit systems that is effective after the date of that valuation and on or before the first day of the current fiscal year shall be used in such determination); and

''(B) the total amount of basic pay and of compensation (paid pursuant to section 206 of title 37) accrued for that month by members of the Ready Reserve (other than members of full-time Reserve duty other than for training) who are not otherwise described in paragraph (1)(B).

''(b) ANNUAL PAYMENT FOR UNFUNDED LIABILITIES.—(1) At the beginning of each fiscal year, beginning on October 1, 2005, the Secretary shall certify to the Secretary of the Treasury the amount of the first installment under the most recent amortization schedule established under section 254(a). The Secretary of the Treasury shall promptly pay into the Fund from the General Fund of the Treasury the amount so certified. Such payment shall be the contribution to the Fund for that fiscal year.

''§ 446. Investment of assets of the Fund

''The Secretary may request the Secretary of the Treasury to invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet the current needs of the Fund. Such investments shall be made by the Secretary of the Treasury in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income on such investments shall be credited to and form a part of the Fund.''.

(2) TECHNICAL AMENDMENTS.—Such chapter is further amended—

(A) by amending the center heading after the table of sections to read as follows:

''SUBCHAPTER I—OFFICERS'';

(B) by amending the center heading after section 336 to read as follows:

''SUBCHAPTER II—ENLISTED MEMBERS'';

(C) by amending the center heading after section 373 to read as follows:

''SUBCHAPTER III—GENERAL PROVISIONS'';

and

(D) by amending the center heading after section 425 to read as follows:

''SUBCHAPTER IV—SPECIAL PROVISIONS''.

(3) CLERICAL AMENDMENTS.—The table of sections at the beginning of such chapter is amended—

(A) by striking ''OFFICERS'' at the beginning of the table and inserting ''SUBCHAPTER I—OFFICERS'';

(B) by striking ''ENLISTED MEMBERS'' after the item relating to section 336 and inserting ''SUBCHAPTER II—ENLISTED MEMBERS'';

(C) by striking ''GENERAL PROVISIONS'' after the item relating to section 373 and inserting ''SUBCHAPTER III—GENERAL PROVISIONS'';

(D) by striking ''SPECIAL PROVISIONS'' after the item relating to section 425 and inserting ''SUBCHAPTER IV—SPECIAL PROVISIONS''; and

(E) by adding at the end the following:

''SUBCHAPTER V—COAST GUARD MILITARY RETIREMENT FUND

''441. Establishment and purpose of Fund; definitions.
''442. Assets of the Fund.
''443. Payments from the Fund.
''444. Determination of contributions to the Fund.
''445. Payments into the Fund.
''446. Investment of assets of the Fund.''.

(b) IMPLEMENTATION YEAR EXCEPTIONS.—To avoid funding shortfalls in the first year of implementation of subchapter V of chapter 11 of title 14, United States Code, as added by subsection (a), if formal actuarial determinations are not available in time for budget preparation, the amounts used in the first year under sections 445(a)(1)(A) and 445(a)(2)(A) of such title shall be set equal to those estimates in sections 444(b)(1)(A)(i) and 444(b)(1)(B)(i), respectively, of such title if final determinations are not available. The original unfunded liability, as defined in section 444(a) of such title, shall include an adjustment to correct for this difference between the formal actuarial determinations and the estimates in sections 444(b)(1)(A)(i) and 444(b)(1)(B)(i) of such title.

(c) CONFORMING AMENDMENT.—Section 256(f) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 906(f)) is amended by striking ''Retired Pay, Coast Guard (69–0241–0–1–403)'' and inserting ''Coast Guard Military Retirement Fund (69–0241–01–403)''.

(d) TRANSFER OF EXISTING BALANCES.—

(1) TRANSFER.—There shall be transferred into the Fund on October 1, 2005, any obligated and unobligated balances of appropriations made to the Department of Homeland Security that are currently available for retired pay, and amounts so transferred shall be part of the assets of the Fund.

(2) FUND DEFINED.—For purposes of paragraph (1), the term ''Fund'' means the Coast Guard Military Retirement Fund established under section 441 of title 14, United States Code, as added by subsection (a).

(e) EFFECTIVE DATE.—Sections 443 (relating to payments from the Fund) and 445 (relating to payments into the Fund) of title 14, United States Code, as added by subsection (a), shall take effect on October 1, 2005.

Subtitle B—Accrual Funding of Post-Retirement Health Benefits Costs for Federal Employees

SEC. 411. FEDERAL EMPLOYEES HEALTH BENEFITS FUND.

(a) Section 8906 of title 5, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (c)(1) and by adding at the end the following new paragraphs:

''(2) In addition to Government contributions required by subsection (b) and paragraph (1), each employing agency shall contribute amounts as determined by the Office to be necessary to prefund the accruing actuarial cost of post-retirement health benefits for each of the agency's current employees who are eligible for Government contributions under this section. Amounts under this paragraph shall be paid by the employing agency separate from other contributions under this section, from the appropriations or fund used for payment of the salary of the employee, on a schedule to be determined by the Office.

''(3) Paragraph (2) shall not apply to the United States Postal Service or the government of the District of Columbia.''; and

(2) by amending subsection (g)(1) to read as follows:

''(g)(1) Except as provided in paragraphs (2) and (3), all Government contributions authorized by this section for health benefits for an annuitant shall be paid from the Employees Health Benefits Fund to the extent that funds are available in accordance with section 8909(h)(6) and, if necessary, from annual appropriations which are authorized to be made for that purpose and which may be made available until expended.''.

(b) Section 8909 of title 5, United States Code, is amended by adding at the end the following new subsection:

''(h)(1) Not later than June 30, 2006, the Office shall determine the existing liability of the Fund for post-retirement health benefits, excluding the liability of the United States Postal Service for service under section 8906(g)(2), under this chapter as of September 30, 2006. The Office shall establish an amortization schedule, including a series of annual installments commencing September 30, 2006, which provides for the liquidation of such liability by September 30, 2043.

''(2) At the close of each fiscal year, for fiscal years beginning after September 30, 2005, the Office shall determine the supplemental liability of the Fund for post-retirement health benefits, excluding the liability attributable to the United States Postal Service for service subject to section 8906(g)(2), and shall establish an amortization schedule, including a series of annual installments commencing on September 30 of the subsequent fiscal year, which provides for liquidation of such supplemental liability over 30 years.

''(3) Amortization schedules established under this paragraph shall be set in accordance with generally accepted actuarial practices and principles.

''(4) At the end of each fiscal year on and after September 30, 2006, the Office shall notify the Secretary of the Treasury of the amounts of the next installments under the most recent amortization schedules established under paragraphs (1) and (2). Before closing the accounts for the fiscal year, the Secretary shall credit the sum of these amounts (including in that sum any negative amount for the amortization of the supplemental liability) to the Fund, as a Government contribution, out of any money in the Treasury of the United States not otherwise appropriated.

''(5) For the purpose of carrying out paragraphs (1) and (2), the Office shall perform or arrange for actuarial determinations and valuations and shall prescribe retention of such records as it considers necessary for making periodic actuarial valuations of the Fund.

''(6) Notwithstanding subsection (b), the amounts deposited into the Fund pursuant to this subsection and section 8906(c)(2) to prefund post-retirement health benefits costs shall be segregated within the Fund so that such amounts, as well as earnings and proceeds under subsection (c) attributable to them, may be used exclusively for the purpose of paying Government contributions for post-retirement health benefits costs. When such amounts are used in combination with amounts withheld from annuitants to pay for health benefits, a portion of the contributions shall then be set aside in the Fund as described in subsection (b).

''(7) Under this subsection, 'supplemental liability' means—

''(A) the actuarial present value for future post-retirement health benefits that are the liability of the Fund, less

''(B) the sum of—

''(i) the actuarial present value of all future contributions by agencies and annuitants to the Fund toward those benefits pursuant to section 8906;

''(ii) the present value of all scheduled amortization payments to the Fund pursuant to paragraphs (1) and (2);

''(iii) the Fund balance as of the date the supplemental liability is determined, to the extent that such balance is attributable to post-retirement benefits; and

''(iv) any other appropriate amount, as determined by the Office in accordance with generally accepted actuarial practices and principles.''.

SEC. 412. FUNDING UNIFORMED SERVICES HEALTH BENEFITS FOR ALL RETIREES.

Title 10, United States Code, is amended—

(1) in the title of chapter 56, by striking ''**DEPARTMENT OF DEFENSE MEDICARE-ELIGIBLE**'' and inserting ''**UNIFORMED SERVICES**'';

(2) in section 1111—

(A) in subsection (a)—

(i) by striking ''Department of Defense Medicare-Eligible'' and inserting ''Uniformed Services'';

(ii) by striking ''Department of Defense under''; and

(iii) by striking ''for medicare-eligible beneficiaries'';

(B) in subsection (c)—

(i) by striking ''The Secretary of Defense may'' and inserting ''The Secretary of Defense shall'';

(ii) by striking ''with any other'' and inserting ''with each'';

(iii) by striking ''Any such agreement'' and inserting ''Such agreements''; and

(iv) by striking ''administering Secretary may'' and inserting ''administrative Secretary shall'';

(3) in section 1113—

(A) in subsection (a)—

(i) by striking ''and are medicare eligible'';

(ii) by striking ''who are medicare eligible''; and

(iii) by adding at the end the following new sentence: ''For the fiscal year starting October 1, 2004, only, the payments will be solely for the costs of members or former members of a uniformed service who are entitled to retired or retainer pay and are medicare-eligible, and eligible dependents or survivors who are medicare-eligible.'';

(B) in subsection (c)(1), by striking ''who are medicare-eligible'';

(C) in subsection (d), by striking ''who are medicare-eligible''; and

(D) in subsection (f), by striking ''If'' and inserting ''When'';

(4) in section 1114, in subsection (a)(1), by striking ''Department of Defense Medicare-Eligible'' and inserting ''Uniformed Services'';

(5) in section 1115—

(A) in subsection (b)(2), by striking ''The amount determined under paragraph (1) for any fiscal year is the amount needed to be appropriated to the Department of Defense (or to the other executive department having jurisdiction over the participating uniformed service)'' and inserting ''The amount determined under paragraph (1), or the amount determined under section 1111(c) for a participating uniformed service, for any fiscal year, is the amount needed to be appropriated to the Department of Defense (or to any other executive department having jurisdiction over a participating uniformed service)'';

(B) in subsection (c)(2), by striking ''for medicare eligible beneficiaries''; and

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

''(f) For the fiscal year starting October 1, 2004, only, the amounts in this section shall be based solely on the costs of medicare-eligible benefits of beneficiaries and the costs for their eligible dependents or survivors who are medicare-eligible, and shall be recalculated thereafter to reflect the cost of beneficiaries defined in section 1111.''; and

(6) in section 1116—

(A) in subsection (a)(1)(A), by striking ''for medicare-eligible beneficiaries'';

(B) in subsection (a)(2)(A), by striking ''for medicare-eligible beneficiaries''; and

(C) in subsection (c), by striking ''subsection (a) shall be paid from funds available for the health care programs'' and inserting ''subsection (a) and section 1111(c) shall be paid from funds available for the pay of members of the participating uniformed services under the jurisdiction of the respective administering secretaries''.

SEC. 413. EFFECTIVE DATE.

Except as otherwise provided, this title shall take effect upon enactment with respect to fiscal years beginning after 2005.

Subtitle C—Limit on the Public Debt

SEC. 421. FINDINGS.

The Congress finds the following:

(1) Since 1997, Congress has paid down and retired approximately $450,000,000,000 of the Government's debt which was previously held by the public.

(2) This reduction in the Government's debt to the public should permit a lowering of the statutory debt ceiling. However, the statutory definition mingles both the public debt and intragovernment liabilities, the latter of which do not represent resource withdrawals for the economy.

(3) Intragovernment accounts such as the social security trust funds, the Civil Service Retirement and Disability Fund, the Department of Defense Military Retirement Fund, and the Unemployment Trust Fund constitute accrued liabilities of the Government which will be paid from future receipts, taxes, or borrowing. If the Government issues debt to the public to fund such liabilities in the future, that debt will properly be subject to the debt ceiling.

(4) Properly defining the debt of the Government would permit lowering the debt ceiling to take account of, and lock in, the fiscal progress that has been made.

SEC. 422. PURPOSE.

It is the purpose of this subtitle to properly define the public debt to exclude intragovernment obligations.

SEC. 423. LIMIT ON PUBLIC DEBT.

Section 3101 of title 31, United States Code, is amended to read as follows:

"§ 3101. Public debt limit

''(a) In this section, the current redemption value of an obligation issued on a discount basis and redeemable before maturity at the option of its holder is deemed to be the face amount of the obligation.

''(b) The face amount of obligations issued under this chapter and the face amount of obligations whose principal and interest are guaranteed by the United States Government (except guaranteed obligations held by the Secretary of the Treasury and intragovernmental holdings) may not be more than $4,393,000,000,000 outstanding at one time, subject to changes periodically made in that amount as provided by law.

''(c) For purposes of this section, the face amount, for any month, of any obligation issued on a discount basis that is not redeemable before maturity at the option of the holder of the obligation is an amount equal to the sum of—

''(1) the original issue price of the obligation, plus

''(2) the portion of the discount on the obligation attributable to periods before the beginning of such month (as determined under the principles of section 1272(a) of the Internal Revenue Code of 1986 without regard to any exceptions contained in paragraph (2) of such section).

''(d) For purposes of this section, the term 'intragovernment holding' is any obligation issued by the Secretary of the Treasury to any Federal trust fund or Government account, whether in respect of public money, money otherwise required to be deposited in the Treasury, or amounts appropriated.''.

Subtitle D—Risk-assumed Budgeting

SEC. 431. FEDERAL INSURANCE PROGRAMS.

(a) IN GENERAL.—The Congressional Budget Act of 1974 is amended by adding after title V the following new title:

"TITLE VI—BUDGETARY TREATMENT OF FEDERAL INSURANCE PROGRAMS

"SEC. 602. BUDGETARY TREATMENT.

''(a) PRESIDENT'S BUDGET.—Beginning with fiscal year 2011, the budget of the Government pursuant to section 1105(a) of title 31, United States Code, shall be based on the risk-assumed cost of Federal insurance programs.

''(b) BUDGET ACCOUNTING.—For any Federal insurance program—

''(1) the program account shall—

''(A) pay the risk-assumed cost borne by the taxpayer to the financing account, and

''(B) pay actual insurance program administrative costs;

''(2) the financing account shall—

''(A) receive premiums and other income,

''(B) pay all claims for insurance and receive all recoveries,

''(C) transfer to the program account on not less than an annual basis amounts necessary to pay insurance program administrative costs;

''(3) a negative risk-assumed cost shall be transferred from the financing account to the program account, and shall be transferred from the program account to the general fund; and

''(4) all payments by or receipts of the financing accounts shall be treated in the budget as a means of financing.

''(c) APPROPRIATIONS REQUIRED.—(1) Notwithstanding any other provision of law, insurance commitments may be made for fiscal year 2011 and thereafter only to the extent that new budget authority to cover their risk-assumed cost is provided in advance in an appropriation Act.

''(2) An outstanding insurance commitment shall not be modified in a manner that increases its risk-assumed cost unless budget authority for the additional cost has been provided in advance.

''(3) Paragraph (1) shall not apply to Federal insurance programs that constitute entitlements.

''(d) REESTIMATES.—The risk-assumed cost for a fiscal year shall be reestimated in each subsequent year. Such reestimate can equal zero. In the case of a positive reestimate, the amount of the reestimate shall be paid from the program account to the financing account. In the case of a negative reestimate, the amount of the reestimate shall be paid from the financing account to the program account, and shall be transferred from the program account to the general fund. Reestimates shall be displayed as a distinct and separately identified subaccount in the program account.

''(e) ADMINISTRATIVE EXPENSES.—All funding for an agency's administration of a Federal insurance program shall be displayed as a distinct and separately identified subaccount in the program account.

"SEC. 603. TIMETABLE FOR IMPLEMENTATION OF ACCRUAL BUDGETING FOR FEDERAL INSURANCE PROGRAMS.

''(a) AGENCY REQUIREMENTS.—Agencies with responsibility for Federal insurance programs shall develop models to estimate their risk-assumed cost by year through the budget horizon and shall submit those models, all relevant data, a justification for critical assumptions, and the annual projected risk-assumed costs to OMB with their budget requests each year starting with the request for fiscal year 2007. Agencies will likewise provide OMB with annual estimates of modifications, if any, and reestimates of program costs.

''(b) DISCLOSURE.—When the President submits a budget of the Government pursuant to section 1105(a) of title 31, United States Code, for fiscal year 2007, OMB shall publish a notice in the Federal Register advising interested persons of the availability of information describing the models, data (including sources), and critical assumptions (including explicit or implicit discount rate assumptions) that it or other executive branch entities would use to estimate the risk-assumed cost of Federal insurance programs and giving such persons an opportunity to submit comments. At the same time, the chairman of the Committee on the Budget shall publish a notice for CBO in the Federal Register advising interested persons of the availability of information describing the models, data (including sources), and critical assumptions (including explicit or implicit discount rate assumptions) that it would use to estimate the risk-assumed cost of Federal insurance programs and giving such interested persons an opportunity to submit comments.

''(c) REVISION.—(1) After consideration of comments pursuant to subsection (b), and in consultation with the Committees on the Budget of the House of Representatives and the Senate, OMB and CBO shall revise the models, data, and major assumptions they would use to estimate the risk-assumed cost of Federal insurance programs.

''(2) When the President submits a budget of the Government pursuant to section 1105(a) of title 31, United States Code, for fiscal year 2008, OMB shall publish a notice in the Federal Register advising interested persons of the availability of information describing the models, data (including sources), and critical assumptions (including explicit or implicit discount rate assumptions) that it or other executive branch entities used to estimate the risk-assumed cost of Federal insurance programs.

''(d) DISPLAY.—

''(1) IN GENERAL.—For fiscal years 2008, 2009, and 2010 the budget submissions of the President pursuant to section 1105(a) of title 31, United States Code, and CBO's reports on the economic and budget outlook pursuant to section 202(e)(1) and the President's budgets, shall for display purposes only, estimate the risk-assumed cost of existing or proposed Federal insurance programs.

''(2) OMB.—The display in the budget submissions of the President for fiscal years 2008, 2009, and 2010 shall include—

''(A) a presentation for each Federal insurance program in budget-account level detail of estimates of risk-assumed cost;

''(B) a summary table of the risk-assumed costs of Federal insurance programs; and

''(C) an alternate summary table of budget functions and aggregates using risk-assumed rather than cash-based cost estimates for Federal insurance programs.

''(3) CBO.—In the second session of the 109th Congress and the 110th Congress, CBO shall include in its estimates under section 308, for display purposes only, the risk-assumed cost of existing Federal insurance programs, or legislation that CBO, in consultation with the Committees on the Budget of the House of Representatives and the Senate, determines would create a new Federal insurance program.

''(e) OMB, CBO, AND GAO EVALUATIONS.—(1) Not later than 6 months after the budget submission of the President pursuant to section 1105(a) of title 31, United States Code, for fiscal year 2010, OMB, CBO, and GAO shall each submit to the Committees on the Budget of the House of Representatives and the Senate a report that evaluates the advisability and appropriate implementation of this title.

''(2) Each report made pursuant to paragraph (1) shall address the following:

''(A) The adequacy of risk-assumed estimation models used and alternative modeling methods.

''(B) The availability and reliability of data or information necessary to carry out this title.

''(C) The appropriateness of the explicit or implicit discount rate used in the various risk-assumed estimation models.

''(D) The advisability of specifying a statutory discount rate (such as the Treasury rate) for use in risk-assumed estimation models.

''(E) The ability of OMB, CBO, or GAO, as applicable, to secure any data or information directly from any Federal agency necessary to enable it to carry out this title.

''(F) The relationship between risk-assumed accrual budgeting for Federal insurance programs and the specific requirements of the Balanced Budget and Emergency Deficit Control Act of 1985.

''(G) Whether Federal budgeting is improved by the inclusion of risk-assumed cost estimates for Federal insurance programs.

''(H) The advisability of including each of the programs currently estimated on a risk-assumed cost basis in the Federal budget on that basis.

"SEC. 604. DEFINITIONS.

''For purposes of this title:

''(1) The term 'Federal insurance program' means a program that makes insurance commitments and includes the list of such programs included in the joint explanatory statement of managers accompanying the conference report on the Comprehensive Budget Process Reform Act of 1999.

''(2) The term 'insurance commitment' means an agreement in advance by a Federal agency to indemnify a nonfederal entity against specified losses. This term does not include loan guarantees as defined in title V or benefit programs such as social security,

medicare, and similar existing social insurance programs.

''(3)(A) The term 'risk-assumed cost' means the net present value of the estimated cash flows to and from the Government resulting from an insurance commitment or modification thereof.

''(B) The cash flows associated with an insurance commitment include—

''(i) expected claims payments inherent in the Government's commitment;

''(ii) net premiums (expected premium collections received from or on behalf of the insured less expected administrative expenses);

''(iii) expected recoveries; and

''(iv) expected changes in claims, premiums, or recoveries resulting from the exercise by the insured of any option included in the insurance commitment.

''(C) The cost of a modification is the difference between the current estimate of the net present value of the remaining cash flows under the terms of the insurance commitment, and the current estimate of the net present value of the remaining cash flows under the terms of the insurance commitment as modified.

''(D) The cost of a reestimate is the difference between the net present value of the amount currently required by the financing account to pay estimated claims and other expenditures and the amount currently available in the financing account. The cost of a reestimate shall be accounted for in the current year in the budget of the Government pursuant to section 1105(a) of title 31, United States Code.

''(E) For purposes of this definition, expected administrative expenses shall be construed as the amount estimated to be necessary for the proper administration of the insurance program. This amount may differ from amounts actually appropriated or otherwise made available for the administration of the program.

''(4) The term 'program account' means the budget account for the risk-assumed cost, and for paying all costs of administering the insurance program, and is the account from which the risk-assumed cost is disbursed to the financing account.

''(5) The term 'financing account' means the nonbudget account that is associated with each program account which receives payments from or makes payments to the program account, receives premiums and other payments from the public, pays insurance claims, and holds balances.

''(6) The term 'modification' means any Government action that alters the risk-assumed cost of an existing insurance commitment from the current estimate of cash flows. This includes any action resulting from new legislation, or from the exercise of administrative discretion under existing law, that directly or indirectly alters the estimated cost of existing insurance commitments.

''(7) The term 'model' means any actuarial, financial, econometric, probabilistic, or other methodology used to estimate the expected frequency and magnitude of loss-producing events, expected premiums or collections from or on behalf of the insured, expected recoveries, and administrative expenses.

''(8) The term 'current' has the same meaning as in section 250(c)(9) of the Balanced Budget and Emergency Deficit Control Act of 1985.

''(9) The term 'OMB' means the Director of the Office of Management and Budget.

''(10) The term 'CBO' means the Director of the Congressional Budget Office.

''(11) The term 'GAO' means the Comptroller General of the United States.

''SEC. 605. AUTHORIZATIONS TO ENTER INTO CONTRACTS; ACTUARIAL COST ACCOUNT.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $600,000 for each of fiscal years 2005 through 2010 to the Director of the Office of Management and Budget and each agency responsible for administering a Federal program to carry out this title.

''(b) TREASURY TRANSACTIONS WITH THE FINANCING ACCOUNTS.—The Secretary of the Treasury shall borrow from, receive from, lend to, or pay the insurance financing accounts such amounts as may be appropriate. The Secretary of the Treasury may prescribe forms and denominations, maturities, and terms and conditions for the transactions described above. The authorities described above shall not be construed to supersede or override the authority of the head of a Federal agency to administer and operate an insurance program. All the transactions provided in this subsection shall be subject to the provisions of subchapter II of chapter 15 of title 31, United States Code. Cash balances of the financing accounts in excess of current requirements shall be maintained in a form of uninvested funds, and the Secretary of the Treasury shall pay interest on these funds.

''(c) APPROPRIATION OF AMOUNT NECESSARY TO COVER RISK-ASSUMED COST OF INSURANCE COMMITMENTS AT TRANSITION DATE.—(1) A financing account is established on September 30, 2010, for each Federal insurance program.

''(2) There is appropriated to each financing account the amount of the risk-assumed cost of Federal insurance commitments outstanding for that program as of the close of September 30, 2010.

''(3) These financing accounts shall be used in implementing the budget accounting required by this title.

''SEC. 606. EFFECTIVE DATE.

''(a) IN GENERAL.—This title shall take effect immediately and shall expire on September 30, 2012.

''(b) SPECIAL RULE.—If this title is not reauthorized by September 30, 2012, then the accounting structure and budgetary treatment of Federal insurance programs shall revert to the accounting structure and budgetary treatment in effect immediately before the date of enactment of this title.''.

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 507 the following new items:

''TITLE VI—BUDGETARY TREATMENT OF FEDERAL INSURANCE PROGRAMS

''Sec. 601. Short title.
''Sec. 602. Budgetary treatment.
''Sec. 603. Timetable for implementation of accrual budgeting for Federal insurance programs.
''Sec. 604. Definitions.
''Sec. 605. Authorizations to enter into contracts; actuarial cost account.
''Sec. 606. Effective date.''.

TITLE V—MAINTAINING A COMMITMENT TO THE FAMILY BUDGET

Subtitle A—Further Enforcement Amendments

SEC. 501. SUPER-MAJORITY POINTS OF ORDER IN THE HOUSE OF REPRESENTATIVES AND THE SENATE.

(a) Section 904 of the Congressional Budget Act of 1974 is amended as follows:

(1) In subsection 904(c)(1), insert ''312(g), (h), (i), and (j),'' before ''313,'', and insert ''316, 318,'' before ''904(c),''.

(2) In subsection (c) strike ''three-fifths'' each place it appears and insert ''two-thirds''.

(3)(A) In subsection (d)(2), insert ''312(g), (h), (i), and (j),'' before ''313,'', and insert ''316, 318,'' before ''904(c),''.

(B) In subsection (d), strike ''three-fifths'' each place it appears and insert ''two-thirds''.

(4)(A) In subsections (c)(2) and (d)(3), strike ''311(a),''.

(B) In subsections (c)(1) and (d)(2) insert ''311(a),'' after ''310(d)(2),''.

(5) In subsections (c)(1), (c)(2), (d)(2), and (d)(3) by inserting ''or the House of Representatives'' after ''Senate'' each place it appears.

(6) In subsection (e), strike ''2002'' and insert ''2010''.

SEC. 502. BUDGET RESOLUTION ENFORCEMENT POINT OF ORDER.

(a) ENTITLEMENT POINT OF ORDER.—Section 312 of the Congressional Budget Act of 1974 (as amended by section 221(d)) is further amended by adding at the end the following new subsection:

''(j) BUDGET RESOLUTION ENFORCEMENT POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider any joint resolution on the budget for a fiscal year, or amendment thereto or conference report thereon, that—

''(1) is not consistent with the discretionary spending limits set forth in section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

''(2) provides for an increase in the aggregate level of direct spending for the fiscal year of the resolution or any ensuing fiscal year included in such resolution.''.

SEC. 503. POINT OF ORDER WAIVER PROTECTION.

Rule XIII of the Rules of the House of Representatives is amended by adding at the end the following new clause:

''8. (a) It shall not be in order to consider a rule or order that would waive waive the provisions of any section of the Congressional Budget Act of 1974 referred to in section 904(c)(1) of such Act or of section 302 of the Family Budget Protection Act of 2004.

''(b) As disposition of a point of order under paragraph (a), the Chair shall put the question of consideration with respect to the proposition that is the subject of the point of order. A question of consideration under this clause shall be debatable for 10 minutes by the Member initiating the point of order and for 10 minutes by an opponent of the point of order, but shall otherwise be decided without intervening motion except one that the House adjourn or that the Committee of the Whole rise, as the case may be.

''(c) The disposition of the question of consideration under this clause with respect to a bill or joint resolution shall be considered also to determine the question of consideration under this clause with respect to an amendment made in order as original text.''.

Subtitle B—The Byrd Rule

SEC. 511. LIMITATION ON BYRD RULE.

(a) PROTECTION OF CONFERENCE REPORTS.—Section 313 of the Congressional Budget Act of 1974 is amended—

(1) in subsection (b)(1), by striking subparagraph (E) through the semicolon at the end thereof and by redesignating subparagraph (F) as subparagraph (E);

(2) in subsection (c), by striking ''and again upon the submission of a conference report on such a reconciliation bill or resolution,'';

(3) by striking subsection (d);

(4) by redesignating subsection (e) as subsection (d); and

(5) in subsection (e), as redesignated—

(A) by striking '', motion, or conference report'' the first place it appears and inserting '', or motion''; and

(B) by striking '', motion, or conference report'' the second and third places it appears and inserting ''or motion''.

(b) CONFORMING AMENDMENT.—The first sentence of section 312(e) of the Congressional Budget Act of 1974 is amended by inserting ", except for section 313," after "Act".

Subtitle C—Treatment of Extraneous Appropriations in Omnibus Appropriation Measures

SEC. 521. TREATMENT OF EXTRANEOUS APPROPRIATIONS.

(a) IN GENERAL.—Title III of the Congressional Budget Act of 1974 (as amended by section 127(a)) is further amended by adding at the end the following new section:

"TREATMENT OF EXTRANEOUS APPROPRIATIONS IN OMNIBUS APPROPRIATION MEASURES

"SEC. 319. (a) POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider an omnibus appropriation measure, or any amendment thereto or conference report thereon, that appropriates funds for any program, project, or activity that is not within the subject-matter jurisdiction of any subcommittee of the Committee on Appropriations of the House of Representatives or Senate, as applicable, with jurisdiction over any regular appropriation bill contained in such measure.

"(b) DEFINITIONS.—As used in this section:

"(1) The term 'omnibus appropriation measure' means any bill or joint resolution making continuing appropriations for a fiscal year and that is comprised of more than one regular appropriation bills.

"(2) The term 'regular appropriation bill' means any annual appropriation bill making appropriations, otherwise making funds available, or granting authority, for any of the following categories of projects and activities:

"(A) Agriculture, rural development, Food and Drug Administration, and related agencies programs.

"(B) The Departments of Commerce, Justice, and State, the Judiciary, and related agencies.

"(C) The Department of Defense.

"(D) The government of the District of Columbia and other activities chargeable in whole or in part against the revenues of the District.

"(E) Energy and water development.

"(F) Foreign operations, export financing, and related programs.

"(G) The Department of Homeland Security.

"(H) The Department of the Interior and related agencies.

"(I) The Departments of Labor, Health and Human Services, and Education, and related agencies.

"(J) The Legislative Branch.

"(K) Military construction, family housing, and base realignment and closure for the Department of Defense.

"(L) The Departments of Transportation and Treasury, and independent agencies.

"(M) The Departments of Veterans Affairs and Housing and Urban Development, and sundry independent agencies, boards, commissions, corporations, and offices.".

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 318 the following new item:

"Sec. 319. Treatment of extraneous appropriations in omnibus appropriation measures.".

It was decided in the negative ..... { Yeas ..... 88 / Nays 326

¶69.40 [Roll No. 315]

AYES—88

Akin
Ballenger
Barrett (SC)
Bartlett (MD)
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Brady (TX)
Burgess
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Cole
Cox
Crane
Cubin
Deal (GA)
DeMint
Diaz-Balart, M.
Duncan
Dunn
English
Feeney
Flake
Franks (AZ)
Garrett (NJ)
Gibbons
Gingrey
Goode
Green (WI)
Gutknecht
Harris
Hart
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Isakson
Jenkins
Johnson, Sam
Jones (NC)
Kennedy (MN)
King (IA)
Kline
Manzullo
McCrery
McKeon
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pence
Pitts
Putnam
Radanovich
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Stearns
Sullivan
Tancredo
Terry
Thornberry
Toomey
Turner (OH)
Vitter
Wilson (SC)

NOES—326

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Bass
Becerra
Bell
Berkley
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gilchrest
Gillmor
Gonzalez
Goodlatte
Goss
Graves
Green (TX)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Hayes
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McGovern
McHugh
McInnis
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—19

Baker
Barton (TX)
Bereuter
Berman
Carson (IN)
Collins
Deutsch
Gephardt
Gordon
Granger
Hastings (FL)
Hastings (WA)
Houghton
Istook
Jones (OH)
McDermott
Mollohan
Rothman
Tauzin

So the amendment in the nature of a substitute was not agreed to.

¶69.41 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment in the nature of a substitute numbered 17, submitted by Mr. KIRK:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Deficit Control Act of 2004".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Effective date.
Sec. 3. Protection of social security and medicare benefits.

TITLE I—A SIMPLIFIED BUDGET

Subtitle A—Rainy Day Fund for Emergencies

Sec. 101. Purpose.
Sec. 102. Repeal of adjustments for emergencies.
Sec. 103. OMB emergency criteria.
Sec. 104. Development of guidelines for application of emergency definition.
Sec. 105. Reserve fund for emergencies in President's budget.
Sec. 106. Adjustments and reserve fund for emergencies in concurrent budget resolutions.

Sec. 107. Up-to-date tabulations.
Sec. 108. Prohibition on amendments to emergency reserve fund.
Sec. 109. Content of budget resolutions.
Subtitle B—The Baseline
Sec. 111. Elimination of inflation adjustment.
Sec. 112. The President's budget.
Sec. 113. The Congressional budget.
Sec. 114. Congressional budget office reports to committees.
Sec. 115. Treatment of emergencies.
TITLE II—IMPLEMENTING FEDERAL SPENDING DISCIPLINE
Subtitle A—Spending Safeguards on the Growth of Entitlements and Mandatories
Sec. 201. Spending caps on growth of entitlements and mandatories.
Sec. 202. Exempt programs and activities.
Sec. 203. Exceptions, limitations, and special rules.
Sec. 204. Point of order.
Sec. 205. Technical and conforming amendments.
Subtitle B—Discretionary Spending Limits
Sec. 211. Enforcing discretionary spending limits.
Sec. 212. Annual joint resolution establishing discretionary spending limits.
TITLE III—COMBATTING WASTE, FRAUD, AND ABUSE.
Subtitle A—Enhanced Rescissions of Budget Authority Identified by the President as Wasteful Spending
Sec. 301. Enhanced consideration of certain proposed rescissions.
Subtitle B—Commission to Eliminate Waste, Fraud, and Abuse
Sec. 311. Establishment of Commission.
Sec. 312. Duties of the Commission.
Sec. 313. Powers of the Commission.
Sec. 314. Commission personnel matters.
Sec. 315. Termination of the Commission.
Sec. 316. Authorization of appropriations.
TITLE IV—TRUTH IN ACCOUNTING
Subtitle A—Accrual Funding of Pensions and Retirement Pay for Federal Employees and Uniformed Services Personnel
Sec. 401. Civil Service Retirement System.
Sec. 402. Central Intelligence Agency Retirement and Disability System.
Sec. 403. Foreign Service Retirement and Disability System.
Sec. 404. Public Health Service Commissioned Corps Retirement System.
Sec. 405. National Oceanic and Atmospheric Administration Commissioned Officer Corps Retirement System.
Sec. 406. Coast Guard Military Retirement System.
Subtitle B—Accrual Funding of Post-Retirement Health Benefits Costs for Federal Employees
Sec. 411. Federal employees health benefits fund.
Sec. 412. Funding uniformed services health benefits for all retirees.
Sec. 413. Effective date.
Subtitle C—Limit on the Public Debt
Sec. 421. Limit on public debt.
TITLE V—PAYGO EXTENSION
Sec. 501. PAYGO extension.

SEC. 2. EFFECTIVE DATE.

Except as otherwise specifically provided, this Act and the amendments made by this Act shall become effective on the date of enactment of this Act and shall apply with respect to fiscal years beginning after September 30, 2005.

SEC. 3. PROTECTION OF SOCIAL SECURITY AND MEDICARE BENEFITS.

Notwithstanding any other provision in law, nothing in titles I through V shall be construed to reduce benefits entitled to Americans through social security and medicare.

TITLE I—A SIMPLIFIED BUDGET

Subtitle A—Rainy Day Fund for Emergencies

SEC. 101. PURPOSE.

The purposes of this subtitle are to—

(1) develop budgetary and fiscal procedures for emergencies;

(2) subject spending for emergencies to budgetary procedures and controls; and

(3) establish criteria for determining compliance with emergency requirements.

SEC. 102. REPEAL OF ADJUSTMENTS FOR EMERGENCIES.

(a) ELIMINATION OF EMERGENCY DESIGNATION.—Sections 252(e) and 252(d)(4)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985 are repealed.

(b) ELIMINATION OF ADJUSTMENTS.—Section 314 of the Congressional Budget Act of 1974 is repealed.

(c) CONFORMING AMENDMENT.—Clause 2 of rule XXI of the Rules of the House of Representatives is amended by repealing paragraph (e) and by redesignating paragraph (f) as paragraph (e).

SEC. 103. OMB EMERGENCY CRITERIA.

(a) DEFINITION OF EMERGENCY.—Section 3 of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding at the end the following new paragraph:

''(11)(A) The term 'emergency' means a situation that—

''(i) requires new budget authority and outlays (or new budget authority and the outlays flowing therefrom) for the prevention or mitigation of, or response to, loss of life or property, or a threat to national security; and

''(ii) is unanticipated.

''(B) As used in subparagraph (A), the term 'unanticipated' means that the situation is—

''(i) sudden, which means quickly coming into being or not building up over time;

''(ii) urgent, which means a pressing and compelling need requiring immediate action;

''(iii) unforeseen, which means not predicted or anticipated as an emerging need; and

''(iv) temporary, which means not of a permanent duration.''.

(b) CONFORMING AMENDMENT.—Section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following new paragraph:

''(20) The term 'emergency' has the meaning given to such term in section 3 of the Congressional Budget and Impoundment Control Act of 1974.''.

SEC. 104. DEVELOPMENT OF GUIDELINES FOR APPLICATION OF EMERGENCY DEFINITION.

Not later than 5 months after the date of enactment of this Act, the chairmen of the Committees on the Budget (in consultation with the President) shall, after consulting with the chairmen of the Committees on Appropriations and applicable authorizing committees of their respective Houses and the Directors of the Congressional Budget Office and the Office of Management and Budget, jointly publish in the Congressional Record guidelines for application of the definition of emergency set forth in section 3(11) of the Congressional Budget and Impoundment Control Act of 1974.

SEC. 105. RESERVE FUND FOR EMERGENCIES IN PRESIDENT'S BUDGET.

Section 1105(f) of title 31, United States Code is amended by adding at the end the following new sentences: ''Such budget submission shall also comply with the requirements of section 316(b) of the Congressional Budget Act of 1974 and, in the case of any budget authority requested for an emergency, such submission shall include a detailed justification of why such emergency is an emergency within the meaning of section 3(11) of the Congressional Budget Act of 1974.''.

SEC. 106. ADJUSTMENTS AND RESERVE FUND FOR EMERGENCIES IN CONCURRENT BUDGET RESOLUTIONS.

(a) EMERGENCIES.—Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

''EMERGENCIES

''SEC. 316. (a) ADJUSTMENTS.—

''(1) IN GENERAL.—After the reporting of a bill or joint resolution or the submission of a conference report thereon that provides budget authority for any emergency as identified pursuant to subsection (d) that is not covered by subsection (c)—

''(A) the chairman of the Committee on the Budget of the House of Representatives or the Senate shall determine and certify, pursuant to the guidelines referred to in section 104 of the Deficit Control Act of 2004, the portion (if any) of the amount so specified that is for an emergency within the meaning of section 3(11); and

''(B) such chairman shall make the adjustment set forth in paragraph (2) for the amount of new budget authority (or outlays) in that measure and the outlays flowing from that budget authority.

''(2) MATTERS TO BE ADJUSTED.—The adjustments referred to in paragraph (1) are to be made to the allocations made pursuant to the appropriate concurrent resolution on the budget pursuant to section 302(a) and shall be in an amount not to exceed the amount reserved for emergencies pursuant to the requirements of subsection (b).

''(b) RESERVE FUND FOR EMERGENCIES.—

''(1) AMOUNTS.—The amount set forth in the reserve fund for emergencies (other than those covered by subsection (c)) for budget authority and outlays for a fiscal year pursuant to section 301(a)(4) shall equal—

''(A) the average of the enacted levels of budget authority for emergencies (other than those covered by subsection (c)) in the 5 fiscal years preceding the current year; and

''(B) the average of the levels of outlays for emergencies in the 5 fiscal years preceding the current year flowing from the budget authority referred to in subparagraph (A), but only in the fiscal year for which such budget authority first becomes available for obligation.

''(2) AVERAGE LEVELS.—For purposes of paragraph (1), the amount used for a fiscal year to calculate the average of the enacted levels when one or more of such 5 preceding fiscal years is any of fiscal years 2000 through 2004 is as follows: the amount of enacted levels of budget authority and the amount of new outlays flowing therefrom for emergencies, but only in the fiscal year for which such budget authority first becomes available for obligation for each of such 5 fiscal years, which shall be determined by the Committees on the Budget of the House of Representatives and the Senate after receipt of a report on such matter transmitted to such committees by the Director of the Congressional Budget Office 6 months after the date of enactment of this section and thereafter in February of each calendar year.

''(c) TREATMENT OF EMERGENCIES TO FUND CERTAIN MILITARY OPERATIONS AND OTHER EXTRAORDINARY AND CRITICAL NEEDS.—Whenever the Committee on Appropriations reports any bill or joint resolution that provides budget authority for any emergency that is a threat to national security and the funding of which carries out a military operation authorized by a declaration of war or a joint resolution authorizing the use of military force, or for any other emergency designated by the President and the Congress as

relating to extraordinary and critical needs, and the report accompanying that bill or joint resolution, pursuant to subsection (d), identifies any provision that increases outlays or provides budget authority (and the outlays flowing therefrom) for such emergency, the enactment of which would cause the total amount of budget authority or outlays provided for emergencies for the budget year in the concurrent resolution on the budget (pursuant to section 301(a)(4)) to be exceeded, such bill or joint resolution may be considered in the House or the Senate, as the case may be.

''(d) COMMITTEE NOTIFICATION OF EMERGENCY LEGISLATION.—Whenever the Committee on Appropriations or any other committee of either House (including a committee of conference) reports any bill or joint resolution that provides budget authority for any emergency, the report accompanying that bill or joint resolution (or the joint explanatory statement of managers in the case of a conference report on any such bill or joint resolution) shall identify all provisions that provide budget authority and the outlays flowing therefrom for such emergency and include a statement of the reasons why such budget authority meets the definition of an emergency pursuant to the guidelines referred to in section 104 of the Deficit Control Act of 2004.''.

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 315 the following new item:

''Sec. 316. Emergencies.''.

SEC. 107. UP-TO-DATE TABULATIONS.

Section 308(b)(2) of the Congressional Budget Act of 1974 is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ''; and'', and by adding at the end the following new subparagraph:

''(D) shall include an up-to-date tabulation of amounts remaining in the reserve fund for emergencies.''.

SEC. 108. PROHIBITION ON AMENDMENTS TO EMERGENCY RESERVE FUND.

(a) POINT OF ORDER.—Section 305 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

''(e) POINT OF ORDER REGARDING EMERGENCY RESERVE FUND.—It shall not be in order in the House of Representatives or in the Senate to consider an amendment to a concurrent resolution on the budget which changes the amount of budget authority and outlays set forth in section 301(a)(4) for emergency reserve fund.''.

(b) TECHNICAL AMENDMENT.—(1) Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting ''305(e),'' after ''305(c)(4),''.

(2) Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting ''305(e),'' after ''305(c)(4),''.

SEC. 109. CONTENT OF BUDGET RESOLUTIONS.

Section 301(a)(4) of the Congressional Budget Act of 1974 is amended by inserting before the semicolon at the end the following: '', and for emergencies (for the reserve fund in section 316(b) and for military operations in section 316(c))''.

Subtitle B—The Baseline

SEC. 111. ELIMINATION OF INFLATION ADJUSTMENT.

Section 257(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in paragraph (1) by striking ''for inflation as specified in paragraph (5),''; and

(2) by striking paragraph (5) and redesignating paragraph (6) as paragraph (5).

SEC. 112. THE PRESIDENT'S BUDGET.

(a) Paragraph (5) of section 1105(a) of title 31, United States Code, is amended to read as follows:

''(5) except as provided in subsection (b) of this section, estimated expenditures and appropriations for the current year and estimated expenditures and proposed appropriations the President decides are necessary to support the Government in the fiscal year for which the budget is submitted and the 4 fiscal years following that year, and, except for detailed budget estimates, the percentage change from the current year to the fiscal year for which the budget is submitted for estimated expenditures and for appropriations.''.

(b) Section 1105(a)(6) of title 31, United States Code, is amended to read as follows:

''(6) estimated receipts of the Government in the current year and the fiscal year for which the budget is submitted and the 4 fiscal years after that year under—

''(A) laws in effect when the budget is submitted; and

''(B) proposals in the budget to increase revenues,

and the percentage change (in the case of each category referred to in subparagraphs (A) and (B)) between the current year and the fiscal year for which the budget is submitted and between the current year and each of the 9 fiscal years after the fiscal year for which the budget is submitted.''.

(c) Section 1105(a)(12) of title 31, United States Code, is amended to read as follows:

''(12) for each proposal in the budget for legislation that would establish or expand a Government activity or function, a table showing—

''(A) the amount proposed in the budget for appropriation and for expenditure because of the proposal in the fiscal year for which the budget is submitted;

''(B) the estimated appropriation required because of the proposal for each of the 4 fiscal years after that year that the proposal will be in effect; and

''(C) the estimated amount for the same activity or function, if any, in the current fiscal year,

and, except for detailed budget estimates, the percentage change (in the case of each category referred to in subparagraphs (A), (B), and (C)) between the current year and the fiscal year for which the budget is submitted.''.

(d) Section 1105(a)(18) of title 31, United States Code, is amended by inserting ''new budget authority and'' before ''budget outlays''.

(e) Section 1105(a) of title 31, United States Code, is amended by adding at the end the following new paragraphs:

''(35) a comparison of levels of estimated expenditures and proposed appropriations for each function and subfunction in the current fiscal year and the fiscal year for which the budget is submitted, along with the proposed increase or decrease of spending in percentage terms for each function and subfunction.

''(36) a table on sources of growth in total direct spending under current law and as proposed in this budget submission for the budget year and the ensuing 9 fiscal years, which shall include changes in outlays attributable to the following: cost-of-living adjustments; changes in the number of program recipients; increases in medical care prices, utilization and intensity of medical care; and residual factors.''.

(f) Section 1109(a) of title 31, United States Code, is amended by inserting after the first sentence the following new sentence: ''For discretionary spending, these estimates shall assume the levels set forth in the discretionary spending limits under section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, as adjusted, for the appropriate fiscal years (and if no such limits are in effect, these estimates shall assume the adjusted levels for the most recent fiscal year for which such levels were in effect).''.

SEC. 113. THE CONGRESSIONAL BUDGET.

Section 301(e) of the Congressional Budget Act of 1974 (as amended by section 103) is further amended—

(1) in paragraph (1), by inserting at the end the following: ''The basis of deliberations in developing such concurrent resolution shall be the estimated budgetary levels for the preceding fiscal year. Any budgetary levels pending before the committee and the text of the concurrent resolution shall be accompanied by a document comparing such levels or such text to the estimated levels of the prior fiscal year. Any amendment offered in the committee that changes a budgetary level and is based upon a specific policy assumption for a program, project, or activity shall be accompanied by a document indicating the estimated amount for such program, project, or activity in the current year.''; and

(2) in paragraph (2), by striking ''and'' at the end of subparagraph (H) (as redesignated), by striking the period and inserting ''; and'' at the end of subparagraph (I) (as redesignated), and by adding at the end the following new subparagraph:

''(J) a comparison of levels for the current fiscal year with proposed spending and revenue levels for the subsequent fiscal years along with the proposed increase or decrease of spending in percentage terms for each function.''.

SEC. 114. CONGRESSIONAL BUDGET OFFICE REPORTS TO COMMITTEES.

(a) The first sentence of section 202(e)(1) of the Congressional Budget Act of 1974 is amended by inserting ''compared to comparable levels for the current year'' before the comma at the end of subparagraph (A) and before the comma at the end of subparagraph (B).

(b) Section 202(e)(1) of the Congressional Budget Act of 1974 is amended by inserting after the first sentence the following new sentence: ''Such report shall also include a table on sources of spending growth in total direct spending for the budget year and the ensuing 4 fiscal years, which shall include changes in outlays attributable to the following: cost-of-living adjustments; changes in the number of program recipients; increases in medical care prices, utilization and intensity of medical care; and residual factors.''.

(c) Section 308(a)(1)(B) of the Congressional Budget Act of 1974 is amended by inserting ''and shall include a comparison of those levels to comparable levels for the current fiscal year'' before ''if timely submitted''.

(d) Section 202(e) of the Congressional Budget Act of 1974 is amended by adding at the end the following new paragraph:

''(4) On or before February 15 of each year, the Director shall submit to the Committees on the Budget of the House of Representatives and the Senate, a report for the fiscal year ending on September 30 of the preceding year, with respect to entitlement spending, including (A) a comparison of actual spending for entitlements, on an account by account basis, with projected spending for such entitlements assumed in the concurrent resolution of the budget for that fiscal year and (B) an identification of those entitlements for which the actual spending exceeded the projected spending.''.

SEC. 115. TREATMENT OF EMERGENCIES.

Section 257(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as amended by section 111) is further amended by adding at the end the following new paragraph:

''(6) EMERGENCIES.—Budgetary resources for emergencies shall be at the level provided in the reserve fund for emergencies for that fiscal year pursuant to section 301(a)(4) of the Congressional Budget Act of 1974.''.

TITLE II—IMPLEMENTING FEDERAL SPENDING DISCIPLINE

Subtitle A—Spending Safeguards on the Growth of Entitlements and Mandatories

SEC. 201. SPENDING CAPS ON GROWTH OF ENTITLEMENTS AND MANDATORIES.

(a) CONTROL OF ENTITLEMENTS AND MANDATORIES.—The Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding after section 252 the following new section:

''SEC. 252A. ENFORCING CONTROLS ON DIRECT SPENDING.

''(a) CAP ON GROWTH OF ENTITLEMENTS.—Effective for fiscal year 2006 and for each ensuing fiscal year, the total level of direct spending for all direct spending programs, projects, and activities (excluding social security, medicare, and net interest spending) for any such fiscal year shall not exceed the total level of spending for all such programs, projects, and activities for the previous fiscal year after the direct spending for each such program, project, or activity is increased by—

''(1) the higher of the change in the Consumer Price Index for All Urban Consumers or the inflator (if any) applicable to that program, project, or activity; and

''(2) the growth in eligible population for such program, project, or activity.

''(b) SEQUESTRATION.—Within 15 days after Congress adjourns to end a session (other than of the second session of the One Hundred Eighth Congress), and on the same day as a sequestration (if any) under section 251, there shall be a sequestration to reduce the amount of direct spending for the fiscal year beginning in the year the Congress adjourns by any amount necessary to reduce such spending to the level set forth in subsection (a) unless that amount is less than $250,000,000.

''(c) UNIFORM REDUCTIONS; LIMITATIONS.—The amount required to be sequestered for the fiscal year under subsection (a) shall be obtained from nonexempt direct spending accounts by actions taken in the following order:

''(1) FIRST.—The reductions in the programs specified in section 256(a) (National Wool Act and special milk), section 256(b) (guaranteed student loans), and section 256(c) (foster care and adoption assistance) shall be made.

''(2) SECOND.—Any additional reductions that may be required shall be achieved by reducing each remaining nonexempt direct spending account by the uniform percentage necessary to achieve those additional reductions, except that—

''(A) the low-income programs specified in section 256(d) shall not be reduced by more than 2 percent; and

''(B) the retirement and veterans benefits specified in sections 256(f), (g), and (h) shall not be reduced by more than 2 percent in the manner specified in that section.

The limitations set forth in subparagraphs (A) and (B) shall be applied iteratively, and after each iteration the uniform percentage applicable to all other programs under this paragraph shall be increased (if necessary) to a level sufficient to achieve the reductions required by this paragraph.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents set forth in 250(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding after the item relating to section 252 the following new item:

''Sec. 252A. Enforcing controls on direct spending.''.

SEC. 202. EXEMPT PROGRAMS AND ACTIVITIES.

Section 255 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

''SEC. 255. EXEMPT PROGRAMS AND ACTIVITIES.

''(a) SOCIAL SECURITY BENEFITS; TIER I RAILROAD RETIREMENT BENEFITS; AND MEDICARE BENEFITS.—(1) Benefits payable under the old-age, survivors, and disability insurance program established under title II of the Social Security Act, and benefits payable under section 3(a), 3(f)(3), 4(a), or 4(f) of the Railroad Retirement Act of 1974, shall be exempt from reduction under any order issued under this part.

''(2) Payments made under title XVIII (relating to medicare of the Social Security Act shall be exempt from reduction under any order issued under this part.

''(b) DESCRIPTIONS AND LISTS.—The following budget accounts or activities shall be exempt from sequestration:

''(1) net interest;

''(2) all payments to trust funds from excise taxes or other receipts or collections properly creditable to those trust funds;

''(3) all payments from one Federal direct spending budget account to another Federal budget account; and all intragovernmental funds including those from which funding is derived primarily from other Government accounts, except to the extent that such funds are augmented by direct appropriations for the fiscal year for which the order is in effect;

''(4) activities resulting from private donations, bequests, or voluntary contributions to the Government;

''(5) payments from any revolving fund or trust-revolving fund (or similar activity) that provides deposit insurance or other Government insurance, Government guarantees, or any other form of contingent liability, to the extent those payments result from contractual or other legally binding commitments of the Government at the time of any sequestration;

''(6) credit liquidating and financing accounts;

''(7) the following accounts, which largely fulfill requirements of the Constitution or otherwise make payments to which the Government is committed:

''Administration of Territories, Northern Mariana Islands Covenant grants (14–0412–0–1–806);

''Armed Forces Retirement Home Trust Fund, payment of claims (84–8930–0–7–705);

''Bureau of Indian Affairs, miscellaneous payments to Indians (14–2303–0–1–452);

''Bureau of Indian Affairs, miscellaneous trust funds, tribal trust funds (14–9973–0–7–999);

''Claims, defense;

''Claims, judgments, and relief act (20–1895–0–1–806);

''Compact of Free Association, economic assistance pursuant to Public Law 99–658 (14–0415–0–1–806);

''Compensation of the President (11–0001–0–1–802);

''Customs Service, miscellaneous permanent appropriations (20–9992–0–2–852);

''Eastern Indian land claims settlement fund (14–2202–0–1–806);

''Farm Credit Administration, Limitation on Administration Expenses (78–4131–0–3–351);

''Farm Credit System Financial Assistance Corporation, interest payments (20–1850–0–1–351);

''Internal Revenue collections of Puerto Rico (20–5737–0–2–852);

''Panama Canal Commission, operating expenses and capital outlay (95–5190–0–2–403);

''Payments of Vietnam and USS Pueblo prisoner-of-war claims (15–0104–0–1–153);

''Payments to copyright owners (03–5175–0–2–376);

''Payments to health care trust funds (75–0580–0–1–571);

''Payments to social security trust funds (75–0404–0–1–651);

''Payments to the United States territories, fiscal assistance (14–0418–0–1–801);

''Payments to widows and heirs of deceased Members of Congress (00–0215–0–1–801);

''Pension Benefit Guaranty Corporation Fund (16–4204–0–3–601);

''Salaries of Article III judges;

''Washington Metropolitan Area Transit Authority, interest payments (46–0300–0–1–401);

''(8) the following noncredit special, revolving, or trust-revolving funds:

''Coinage profit fund (20–5811–0–2–803);

''Comptroller of the Currency;

''Director of the Office of Thrift Supervision;

''Exchange Stabilization Fund (20–4444–0–3–155);

''Federal Housing Finance Board;

''Foreign Military Sales trust fund (11–82232–0–7–155);

''National Credit Union Administration, central liquidating facility (25–4470–0–3–373);

''National Credit Union Administration, credit union insurance fund (25–4468–0–3–373);

''National Credit Union Administration operating fund (25–4056–0–3–373); and

''Resolution Trust Corporation Revolving Fund (22–4055–0–3–373);

''(9) Thrift Savings Fund;

''(10) appropriations for the District of Columbia to the extent they are appropriations of locally raised funds;

''(11)(A) any amount paid as regular unemployment compensation by a State from its account in the Unemployment Trust Fund (established by section 904(a) of the Social Security Act);

''(B) any advance made to a State from the Federal unemployment account (established by section 904(g) of such Act) under title XII of such Act and any advance appropriated to the Federal unemployment account pursuant to section 1203 of such Act; and

''(C) any payment made from the Federal Employees Compensation Account (as established under section 909 of such Act) for the purpose of carrying out chapter 85 of title 5, United States Code, and funds appropriated or transferred to or otherwise deposited in such Account;

''(12)(A) FDIC, Bank Insurance Fund (51–4064–0–3–373);

''(B) FDIC, FSLIC Resolution Fund (51–4065–0–3–373); and

''(C) FDIC, Savings Association Insurance Fund (51–4066–0–3–373); and

''(13) Food Stamp Programs (12–3505–0–1–605).

''(c) FEDERAL RETIREMENT AND DISABILITY ACCOUNTS.—The following Federal retirement and disability accounts shall be exempt from reduction under any order issued under this part:

''Civil service retirement and disability fund (24–8135–0–7–602).

''Black Lung Disability Trust Fund (20–8144–0–7–601).

''Foreign Service Retirement and Disability Fund (19–8186–0–7–602).

''District of Columbia Judicial Retirement and Survivors Annuity Fund (20–8212–0–7–602).

''Judicial Survivors' Annuities Fund (10–8110–0–7–602).

''Payments to the Railroad Retirement Accounts (60–0113–0–1–601).

''Tax Court Judges Survivors Annuity Fund (23–8115–0–7–602).

''Employees Life Insurance Fund (24–8424–0–8–602).

''(d) FEDERAL ADMINISTRATIVE EXPENSES.—

''(1) Notwithstanding any provision of law other than paragraph (3), administrative expenses incurred by the departments and

agencies, including independent agencies, of the Government in connection with any program, project, activity, or account shall be subject to reduction pursuant to any sequestration order, without regard to any exemption, exception, limitation, or special rule otherwise applicable with respect to such program, project, activity, or account, and regardless of whether the program, project, activity, or account is self-supporting and does not receive appropriations.

''(2) Payments made by the Government to reimburse or match administrative costs incurred by a State or political subdivision under or in connection with any program, project, activity, or account shall not be considered administrative expenses of the Government for purposes of this section, and shall be subject to sequestration to the extent (and only to the extent) that other payments made by the Government under or in connection with that program, project, activity, or account are subject to that reduction or sequestration; except that Federal payments made to a State as reimbursement of administrative costs incurred by that State under or in connection with the unemployment compensation programs specified in subsection (a)(11) shall be subject to reduction or sequestration under this part notwithstanding the exemption otherwise granted to such programs under that subsection.

''(3) Notwithstanding any other provision of law, the administrative expenses of the following programs shall be exempt from sequestration:

''(A) Comptroller of the Currency.

''(B) Federal Deposit Insurance Corporation.

''(C) Office of Thrift Supervision.

''(D) National Credit Union Administration.

''(E) National Credit Union Administration, central liquidity facility.

''(F) Federal Retirement Thrift Investment Board.

''(G) Resolution Funding Corporation.

''(H) Resolution Trust Corporation.

''(I) Board of Governors of the Federal Reserve System.

''(e) VETERANS' PROGRAMS.—The following programs shall be exempt from reduction under any order issued under this part:

''General Post Funds (36–8180–0–7–705).

''Veterans Insurance and Indemnities (36–0120–0–1–701).

''Service-Disabled Veterans Insurance Funds (36–4012–0–701).

''Veterans Reopened Insurance Fund (36–4010–0–3–701).

''Servicemembers' Group Life Insurance Fund (36–4009–0–3–701).

''Post-Vietnam Era Veterans Education Account (36–8133–0–7–702).

''National Service Life Insurance Fund (36–8132–0–7–701).

''United States Government Life Insurance Fund (36–8150–0–7–701).

''Veterans Special Life Insurance Fund (36–8455–0–8–701).

''(f) OPTIONAL EXEMPTION OF DEFENSE AND HOMELAND SECURITY ACCOUNTS.—

''(1) IN GENERAL.—The President may, with respect to any defense or homeland security account, exempt that account from sequestration or provide for a lower uniform percentage reduction than would otherwise apply.

''(2) LIMITATION.—The President may not use the authority provided by paragraph (1) unless the President notifies the Congress of the manner in which such authority will be exercised on or before the date specified in section 254(a) for the budget year.''.

SEC. 203. EXCEPTIONS, LIMITATIONS, AND SPECIAL RULES.

(a) IN GENERAL.—Section 256 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

''SEC. 256. EXCEPTIONS, LIMITATIONS, AND SPECIAL RULES.

''(a) NATIONAL WOOL ACT AND THE SPECIAL MILK PROGRAM.—Automatic spending increases are increases in outlays due to changes in indexes in the following programs:

''(1) National Wool Act; and

''(2) Special milk program.

In those programs all amounts other than the automatic spending increases shall be exempt from reduction under any sequestration order.

''(b) THE GUARANTEED STUDENT LOAN PROGRAM.—(1) Any reductions which are required to be achieved from the student loan programs operated pursuant to part B of title IV of the Higher Education Act of 1965 under any sequestration order shall be achieved only from loans described in paragraphs (2) and (3) by the application of the measures described in such paragraphs.

''(2) For any loan made during the period beginning on the date that a sequestration order takes effect with respect to a fiscal year, the rate used in computing the special allowance payment pursuant to section 438(b)(2)(A)(iii) of such Act for each of the first four special allowance payments for such loan shall be adjusted by reducing such rate by the lesser of—

''(A) 0.40 percent, or

''(B) the percentage by which the rate specified in such section exceeds 3 percent.

''(3) For any loan made during the period beginning on the date that a sequestration order takes effect with respect to a fiscal year, the origination fee which is authorized to be collected pursuant to section 438(c)(2) of such Act shall be increased by 0.50 percent.

''(c) FOSTER CARE AND ADOPTION ASSISTANCE PROGRAMS.—Any sequestration order shall make the reduction otherwise required under the foster care and adoption assistance programs (established by part E of title IV of the Social Security Act) only with respect to payments and expenditures made by States in which increases in foster care maintenance payment rates or adoption assistance payment rates (or both) are to take effect during the fiscal year involved, and only to the extent that the required reduction can be accomplished by applying a uniform percentage reduction to the Federal matching payments that each such State would otherwise receive under section 474 of that Act (for such fiscal year) for that portion of the State's payments attributable to the increases taking effect during that year. No State's matching payments from the Government for foster care maintenance payments or for adoption assistance maintenance payments may be reduced by a percentage exceeding the applicable domestic sequestration percentage. No State may, after the date of the enactment of this Act, make any change in the timetable for making payments under a State plan approved under part E of title IV of the Social Security Act which has the effect of changing the fiscal year in which expenditures under such part are made.

''(d) LOW-INCOME PROGRAMS.—(1) Benefit payments or payments to States or other entities for the programs listed in paragraph (2) shall not be reduced by more than 2 percent under any sequestration order. When reduced under an end-of-session sequestration order, those benefit reductions shall occur starting with the payment made at the start of January. When reduced under a within-session sequestration order, those benefit reductions shall occur starting with the next periodic payment.

''(2) The programs referred to in paragraph (1) are the following:

''Child Nutrition (12–3539–0–1–605).

''Grants to States for Medicaid (75–0512–0–1–551).

''State Children's Health Insurance Fund (75–0515–0–1–551).

''Supplemental Security Income Program (75–0406–0–1–609).

''Temporary Assistance for Needy Families (75–1552–0–1–609).

''Special supplemental nutrition program for women, infants, and children (WIC) (12–3510–0–1–605).

''(e) VETERANS' MEDICAL CARE.—The maximum permissible reduction in budget authority for Veterans' medical care (36–0160–0–1–703) for any fiscal year, pursuant to an order issued under section 254, shall be 2 percent.

''(f) FEDERAL RETIREMENT PROGRAMS.—

''(1) For each of the programs listed in paragraph (2) and except as provided in paragraph (3), monthly (or other periodic) benefit payments shall be reduced by the uniform percentage applicable to direct spending sequestrations for such programs, which shall in no case exceed 2 percent under any sequestration order. When reduced under an end-of-session sequestration order, those benefit reductions shall occur starting with the payment made at the start of January or 7 weeks after the order is issued, whichever is later. When reduced under a within-session sequestration order, those benefit reductions shall occur starting with the next periodic payment.

''(2) The programs subject to paragraph (1) are:

''Central Intelligence Agency Retirement and Disability Fund (56–3400–0–1–054).

''Comptrollers General Retirement System (05–0107–0–1–801)

''Judicial Officers' Retirement Fund (10–8122–0–7–602).

''Claims Judges' Retirement Fund (10–8124–0–7–602).

''Pensions for former Presidents (47–0105–0–1–802).

''National Oceanic and Atmospheric Administration Retirement (13–1450–0–1–306).

''Railroad Industry Pension Fund (60–8011–0–7–601).

''Retired pay, Coast Guard (70–0602–0–1–403).

''Retirement pay and medical benefits for commissioned officers, Public Health Service (75–0379–0–1–551).

''Payments to Civil Service Retirement and Disability Fund (24–0200–0–1–805).

''Payments to the Foreign Service Retirement and Disability Fund (72–1036–0–1–153)

''Payments to Judiciary Trust Funds (10–0941–0–1–752).

''(g) VETERANS PROGRAMS.—To achieve the total percentage reduction required by any order issued under this part, the percentage reduction that shall apply to payments under the following programs shall in no event exceed 2 percent:

''Canteen Service Revolving Fund (36–4014–0–3–705).

''Medical Center Research Organizations (36–4026–0–3–703).

''Disability Compensation Benefits (36–0102–0–1–701).

''Education Benefits (36–0137–0–1–702).

''Vocational Rehabilitation and Employment Benefits (36–0135–0–1–702).

''Pensions Benefits (36–0154–0–1–701).

''Burial Benefits (36–0139–0–1–701).

''Guaranteed Transitional Housing Loans For Homeless Veterans Program Account (36–1119–0–1–704).

''Housing Direct Loan Financing Account (36–4127–0–1–704).

''Housing Guaranteed Loan Financing Account (36–4129–0–3–704).

''Vocational Rehabilitation and Education Direct Loan Financing Account (36–4259–0–3–702).

''(h) MILITARY RETIREMENT.—To achieve the total percentage reduction in military

retirement required by any order issued under this part, the percentage reduction that shall apply to payments under the military retirement fund (97–8097–0–7–602) and payments to the military retirement fund (97–0040–0–1–054) shall in no event exceed 2 percent.

''(i) FEDERAL PAY.—

''(1) IN GENERAL.—For purposes of any order issued under section 254, new budget authority to pay Federal personnel shall be reduced by the applicable uniform percentage, but no sequestration order may reduce or have the effect of reducing the rate of pay to which any individual is entitled under any statutory pay system (as increased by any amount payable under section 5304 of title 5, United States Code, or section 302 of the Federal Employees Pay Comparability Act of 1990) or the rate of any element of military pay to which any individual is entitled under title 37, United States Code, or any increase in rates of pay which is scheduled to take effect under section 5303 of title 5, United States Code, section 1009 of title 37, United States Code, or any other provision of law.

''(2) DEFINITIONS.—For purposes of this subsection:

''(A) The term 'statutory pay system' shall have the meaning given that term in section 5302(1) of title 5, United States Code.

''(B) The term 'elements of military pay' means—

''(i) the elements of compensation of members of the uniformed services specified in section 1009 of title 37, United States Code,

''(ii) allowances provided members of the uniformed services under sections 403a and 405 of such title, and

''(iii) cadet pay and midshipman pay under section 203(c) of such title.

''(C) The term 'uniformed services' shall have the meaning given that term in section 101(3) of title 37, United States Code.

''(j) CHILD SUPPORT ENFORCEMENT PROGRAM.—Any sequestration order shall accomplish the full amount of any required reduction in expenditures under sections 455 and 458 of the Social Security Act by reducing the Federal matching rate for State administrative costs under such program, as specified (for the fiscal year involved) in section 455(a) of such Act, to the extent necessary to reduce such expenditures by that amount.

''(k) EXTENDED UNEMPLOYMENT COMPENSATION.—(1) A State may reduce each weekly benefit payment made under the Federal-State Extended Unemployment Compensation Act of 1970 for any week of unemployment occurring during any period with respect to which payments are reduced under an order issued under this title by a percentage not to exceed the percentage by which the Federal payment to the State under section 204 of such Act is to be reduced for such week as a result of such order.

''(2) A reduction by a State in accordance with subparagraph (A) shall not be considered as a failure to fulfill the requirements of section 3304(a)(11) of the Internal Revenue Code of 1954.

''(l) COMMODITY CREDIT CORPORATION.—

''(1) POWERS AND AUTHORITIES OF THE COMMODITY CREDIT CORPORATION.—This title shall not restrict the Commodity Credit Corporation in the discharge of its authority and responsibility as a corporation to buy and sell commodities in world trade, to use the proceeds as a revolving fund to meet other obligations and otherwise operate as a corporation, the purpose for which it was created.

''(2) REDUCTION IN PAYMENTS MADE UNDER CONTRACTS.—(A) Payments and loan eligibility under any contract entered into with a person by the Commodity Credit Corporation prior to the time any sequestration order has been issued shall not be reduced by an order subsequently issued. Subject to subparagraph (B), after any sequestration order is issued for a fiscal year, any cash payments made by the Commodity Credit Corporation—

''(i) under the terms of any one-year contract entered into in or after such fiscal year and after the issuance of the order; and

''(ii) out of an entitlement account,

to any person (including any producer, lender, or guarantee entity) shall be subject to reduction under the order.

''(B) Each contract entered into with producers or producer cooperatives with respect to a particular crop of a commodity and subject to reduction under subparagraph (A) shall be reduced in accordance with the same terms and conditions. If some, but not all, contracts applicable to a crop of a commodity have been entered into prior to the issuance of any sequestration order, the order shall provide that the necessary reduction in payments under contracts applicable to the commodity be uniformly applied to all contracts for succeeding crops of the commodity, under the authority provided in paragraph (3).

''(3) DELAYED REDUCTION IN OUTLAYS PERMISSIBLE.—Notwithstanding any other provision of this title, if any sequestration order is issued with respect to a fiscal year, any reduction under the order applicable to contracts described in paragraph (2) may provide for reductions in outlays for the account involved to occur in the fiscal years following the fiscal year to which the order applies.

''(4) UNIFORM PERCENTAGE RATE OF REDUCTION AND OTHER LIMITATIONS.—All reductions described in paragraph (2) that are required to be made in connection with any sequestration order with respect to a fiscal year—

''(A) shall be made so as to ensure that outlays for each program, project, activity, or account involved are reduced by a percentage rate that is uniform for all such programs, projects, activities, and accounts, and may not be made so as to achieve a percentage rate of reduction in any such item exceeding the rate specified in the order; and

''(B) with respect to commodity price support and income protection programs, shall be made in such manner and under such procedures as will attempt to ensure that—

''(i) uncertainty as to the scope of benefits under any such program is minimized;

''(ii) any instability in market prices for agricultural commodities resulting from the reduction is minimized; and

''(iii) normal production and marketing relationships among agricultural commodities (including both contract and non-contract commodities) are not distorted.

In meeting the criterion set out in clause (iii) of subparagraph (B) of the preceding sentence, the President shall take into consideration that reductions under an order may apply to programs for two or more agricultural commodities that use the same type of production or marketing resources or that are alternative commodities among which a producer could choose in making annual production decisions.

''(5) CERTAIN AUTHORITY NOT TO BE LIMITED.—Nothing in this title shall limit or reduce in any way any appropriation that provides the Commodity Credit Corporation with funds to cover the Corporation's net realized losses.

''(m) POSTAL SERVICE FUND.—Notwithstanding any other provision of law, any sequestration of the Postal Service Fund shall be accomplished by a payment from that Fund to the General Fund of the Treasury, and the Postmaster General of the United States shall make the full amount of that payment during the fiscal year to which the presidential sequestration order applies.

''(n) EFFECTS OF SEQUESTRATION.—The effects of sequestration shall be as follows:

''(1) Budgetary resources sequestered from any account other than an entitlement trust, special, or revolving fund account shall revert to the Treasury and be permanently canceled.

''(2) Except as otherwise provided, the same percentage sequestration shall apply to all programs, projects, and activities within a budget account (with programs, projects, and activities as delineated in the appropriation Act or accompanying report for the relevant fiscal year covering that account, or for accounts not included in appropriation Acts, as delineated in the most recently submitted President's budget).

''(3) Administrative regulations or similar actions implementing a sequestration shall be made within 120 days of the sequestration order. To the extent that formula allocations differ at different levels of budgetary resources within an account, program, project, or activity, the sequestration shall be interpreted as producing a lower total appropriation, with that lower appropriation being obligated as though it had been the pre-sequestration appropriation and no sequestration had occurred.

''(4) Except as otherwise provided, obligations in sequestered direct spending accounts shall be reduced in the fiscal year in which a sequestration occurs and in all succeeding fiscal years.

''(5) If an automatic spending increase is sequestered, the increase (in the applicable index) that was disregarded as a result of that sequestration shall not be taken into account in any subsequent fiscal year.

''(6) Except as otherwise provided, sequestration in accounts for which obligations are indefinite shall be taken in a manner to ensure that obligations in the fiscal year of a sequestration and succeeding fiscal years are reduced, from the level that would actually have occurred, by the applicable sequestration percentage.''.

(b) CONFORMING AMENDMENT.—The table of contents set forth in 250(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by amending the item relating to section 256 to read as follows:

''Sec. 256. Exceptions, limitations, and special rules.''.

SEC. 204. POINT OF ORDER.

(a) ENTITLEMENT POINT OF ORDER.—Section 312 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

''(g) ENTITLEMENT POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, or conference report that—

''(1) increases aggregate level of direct spending for any ensuing fiscal year or

''(2) includes any provision that has the effect of modifying the application of section 252A of the Balanced Budget and Emergency Deficit Control Act of 1985 to any entitlement program subject to sequestration or exempt from sequestration under such Act.''.

SEC. 205. TECHNICAL AND CONFORMING AMENDMENTS.

The Balanced Budget and Emergency Deficit Control Act of 1985 is amended as follows:

(1) Section 251(a)(1) is amended by inserting '', section 252A,'' after ''section 252''.

(2) Section 254(c)(4)(B) is amended by inserting ''or section 252A'' after ''section 252''.

(3) Section 254(c) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) DIRECT SPENDING CONTROL SEQUESTRATION REPORTS.—The preview reports shall set forth, for the current year and the budget year, estimates for each of the following:

''(A) The total level of direct spending for all programs, projects, and activities (excluding social security).

''(B) The sequestration percentage or (if the required sequestration percentage is greater than the maximum allowable percentage for medicare) percentages necessary to comply with section 252A.''.

(4) Section 254(f) is amended by redesignating paragraphs (4) and (5) as paragraphs (5) and (6) and by inserting after paragraph (3) the following new paragraph:

''(4) DIRECT SPENDING CONTROL SEQUESTRATION REPORTS.—The final reports shall contain all the information required in the direct spending control sequestration preview reports. In addition, these reports shall contain, for the budget year, for each account to be sequestered, estimates of the baseline level of sequesterable budgetary resources and resulting outlays and the amount of budgetary resources to be sequestered and resulting outlay reductions. The reports shall also contain estimates of the effects on outlays of the sequestration in each outyear for direct spending programs.''.

(5) Section 258C(a)(1) is amended by inserting '', 252A,'' after ''section 252''.

Subtitle B—Discretionary Spending Limits

SEC. 211. ENFORCING DISCRETIONARY SPENDING LIMITS.

(a) DISCRETIONARY SPENDING LIMITS.—Sections 251(b) and (c) of the Balanced Budget and Emergency Deficit Control of Act of 1985 are amended to read as follows:

''(b) DISCRETIONARY SPENDING LIMIT.—As used in this part, the term 'discretionary spending limit' means with respect to fiscal year 2005: $818,736,000,000 in new budget authority and $901,816,000,000 in outlays.''.

(b) DISCRETIONARY SPENDING LIMIT POINT OF ORDER.—Section 312 of the Congressional Budget Act of 1974 (as amended by section 204(a)) is further amended by adding at the end the following new subsection:

''(h) DISCRETIONARY SPENDING LIMIT POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, or conference report that—

''(1) increases the discretionary spending limits for any ensuing fiscal year after the budget year; or

''(2) would cause the discretionary spending limits for the budget year to be breached.''.

SEC. 212. ANNUAL JOINT RESOLUTION ESTABLISHING DISCRETIONARY SPENDING LIMITS.

(a) IN GENERAL.—Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

''ANNUAL JOINT RESOLUTION ESTABLISHING DISCRETIONARY SPENDING LIMITS

''SEC. 317. (a) INTRODUCTION.—Before the close of the second legislative day of the House of Representatives after the date of House passage of a concurrent resolution on the budget, the chairman of the Committee on the Budget of the House shall introduce a joint resolution that amends section 251(b) of the Balanced Budget and Emergency Deficit Control of Act of 1985 to establish a discretionary spending limit for the fiscal year of the concurrent resolution.

''(b) EXPEDITED CONSIDERATION.—For purposes of the consideration of a joint resolution introduced pursuant to subsection (a), the provisions of subsections (c) and (d) of section 1013 (other than subsection (c)(1)(A)) shall be applied by substituting 'joint resolution' and 'Committee on the Budget' for 'bill' and 'Committee on Appropriations', respectively.''.

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 316 the following new item:

''Sec. 317. Annual joint resolution establishing discretionary spending limits.''.

TITLE III—COMBATING WASTE, FRAUD, AND ABUSE.

Subtitle A—Enhanced Rescissions of Budget Authority Identified by the President as Wasteful Spending

SEC. 301. ENHANCED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS.

(a) IN GENERAL.—Part B of title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 681 et seq.) is amended by redesignating sections 1013 through 1017 as sections 1014 through 1018, respectively, and by inserting after section 1012 the following new section:

''ENHANCED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS

''SEC. 1013. (a) PROPOSED RESCISSION OF BUDGET AUTHORITY IDENTIFIED AS WASTEFUL SPENDING.—The President may propose, at the time and in the manner provided in subsection (b), the rescission of any budget authority provided in an appropriation Act that he identifies as wasteful spending. If the President proposes a rescission of budget authority, he may also propose to reduce the appropriate discretionary spending limits for new budget authority and outlays flowing therefrom set forth in section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 by an amount that does not exceed the amount of the proposed rescission. Funds made available for obligation under this procedure may not be proposed for rescission again under this section.

''(b) TRANSMITTAL OF SPECIAL MESSAGE.—

''(1) The President may transmit to Congress a special message proposing to rescind amounts of budget authority and include with that special message a draft bill that, if enacted, would only rescind that budget authority unless the President also proposes a reduction in the appropriate discretionary spending limits set forth in section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985. That bill shall clearly identify the amount of budget authority that is proposed to be rescinded for each program, project, or activity to which that budget authority relates.

''(2) In the case of an appropriation Act that includes accounts within the jurisdiction of more than one subcommittee of the Committee on Appropriations, the President in proposing to rescind budget authority under this section shall send a separate special message and accompanying draft bill for accounts within the jurisdiction of each subcommittee.

''(3) Each special message shall specify, with respect to the budget authority proposed to be rescinded, the following:

''(A) The amount of budget authority which he proposes to be rescinded.

''(B) Any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific project or governmental functions involved.

''(C) The reasons why the budget authority should be rescinded, including why he considers it to be wasteful spending.

''(D) To the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed rescission.

''(E) All facts, circumstances, and considerations relating to or bearing upon the proposed rescission and the decision to effect the proposed rescission, and to the maximum extent practicable, the estimated effect of the proposed rescission upon the objects, purposes, and programs for which the budget authority is provided.

''(F) A reduction in the appropriate discretionary spending limits set forth in section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, if proposed by the President.

''(c) PROCEDURES FOR EXPEDITED CONSIDERATION.—

''(1)(A) Before the close of the second legislative day of the House of Representatives after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of the House of Representatives shall introduce (by request) the draft bill accompanying that special message. If the bill is not introduced as provided in the preceding sentence, then, on the third legislative day of the House of Representatives after the date of receipt of that special message, any Member of that House may introduce the bill.

''(B) The bill shall be referred to the Committee on Appropriations. The bill shall be reported not later than the seventh legislative day of that House after the date of receipt of that special message. If that committee fails to report the bill within that period, that committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

''(C) A vote on final passage of the bill shall be taken in the House of Representatives on or before the close of the 10th legislative day of that House after the date of the introduction of the bill in that House. If the bill is passed, the Clerk of the House of Representatives shall cause the bill to be engrossed, certified, and transmitted to the Senate within one calendar day of the day on which the bill is passed.

''(2)(A) A motion in the House of Representatives to proceed to the consideration of a bill under this section shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

''(B) Debate in the House of Representatives on a bill under this section shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion to further limit debate shall not be debatable. It shall not be in order to move to recommit a bill under this section or to move to reconsider the vote by which the bill is agreed to or disagreed to.

''(C) Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill under this section shall be decided without debate.

''(D) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a bill under this section shall be governed by the Rules of the House of Representatives. It shall not be in order in the House of Representatives to consider any rescission bill introduced pursuant to the provisions of this section under a suspension of the rules or under a special rule.

''(3) A bill transmitted to the Senate pursuant to paragraph (1)(D) shall be referred to its Committee on Appropriations. That committee shall report the bill without substantive revision and with or without recommendation. The bill shall be reported not later than the seventh legislative day of the Senate after it receives the bill. A committee failing to report the bill within such period shall be automatically discharged from consideration of the bill, and the bill shall be placed upon the appropriate calendar.

''(4)(A) A motion in the Senate to proceed to the consideration of a bill under this section shall be privileged and not debatable. An amendment to the motion shall not be in

order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

''(B) Debate in the Senate on a bill under this section, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (C)), shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

''(C) Debate in the Senate or any debatable motion or appeal in connection with a bill under this section shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control of the passage of a bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

''(D) A motion in the Senate to further limit debate on a bill under this section is not debatable. A motion to recommit a bill under this section is not in order.

''(d) AMENDMENT AND DIVISIONS PROHIBITED.—No amendment to a bill considered under this section shall be in order in either the House of Representatives or the Senate. It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole) or in the Senate. No motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House to suspend the application of this subsection by unanimous consent.

''(e) REQUIREMENT TO MAKE AVAILABLE FOR OBLIGATION.—Any amount of budget authority proposed to be rescinded in a special message transmitted to Congress under subsection (b) shall be made available for obligation on the day after the date on which either House rejects the bill transmitted with that special message.

''(f) DEFINITIONS.—For purposes of this section:

''(1) The term 'appropriation Act' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations.

''(2) The term 'legislative day' means, with respect to either House of Congress, any day of session.

''(3) The term 'rescind' means, with respect to an appropriation Act, to reduce the amount of budget authority appropriated in that Act, and reducing budget authority shall include reducing obligation limitations set forth in that Act.''.

(b) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking ''and 1017'' and inserting ''1012, and 1017''; and

(2) in subsection (d), by striking ''section 1017'' and inserting ''sections 1012 and 1017''.

(c) CONFORMING AMENDMENTS.—

(1) Section 1011 of the Congressional Budget Act of 1974 (2 U.S.C. 682(5)) is amended by repealing paragraphs (3) and (5) and by redesignating paragraph (4) as paragraph (3).

(2) Section 1014 of such Act (2 U.S.C. 685) is amended—

(A) in subsection (b)(1), by striking ''or the reservation''; and

(B) in subsection (e)(1), by striking ''or a reservation'' and by striking ''or each such reservation''.

(3) Section 1015(a) of such Act (2 U.S.C. 686) is amended by striking ''is to establish a reserve or'', by striking ''the establishment of such a reserve or'', and by striking ''reserve or'' each other place it appears.

(4) Section 1017 of such Act (2 U.S.C. 687) is amended—

(A) in subsection (a), by striking ''rescission bill introduced with respect to a special message or'';

(B) in subsection (b)(1), by striking ''rescission bill or'', by striking ''bill or'' the second place it appears, by striking ''rescission bill with respect to the same special message or'', and by striking '', and the case may be,'';

(C) in subsection (b)(2), by striking ''bill or'' each place it appears;

(D) in subsection (c), by striking ''rescission'' each place it appears and by striking ''bill or'' each place it appears;

(E) in subsection (d)(1), by striking ''rescission bill or'' and by striking '', and all amendments thereto (in the case of a rescission bill)'';

(F) in subsection (d)(2)—

(i) by striking the first sentence;

(ii) by amending the second sentence to read as follows: ''Debate on any debatable motion or appeal in connection with an impoundment resolution shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event that the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee.'';

(iii) by striking the third sentence; and

(iv) in the fourth sentence, by striking ''rescission bill or'' and by striking ''amendment, debatable motion,'' and by inserting 'debatable motion';

(G) in paragraph (d)(3), by striking the second and third sentences; and

(H) by striking paragraphs (4), (5), (6), and (7) of paragraph (d).

(d) CLERICAL AMENDMENTS.—The table of sections for subpart B of title X of the Congressional Budget and Impoundment Control Act of 1974 is amended by redesignating the item relating to sections 1014 through 1018 as items 1015 through 1019, respectively, and by inserting after the item relating to section 1012 the following new item:

''Sec. 1013. Enhanced consideration of certain proposed rescissions.''.

Subtitle B—Commission to Eliminate Waste, Fraud, and Abuse

SEC. 311. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established the Commission to Eliminate Waste, Fraud, and Abuse (hereafter in this subtitle referred to as the ''Commission'').

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall consist of 12 members, all of whom shall be appointed by the President not later than 90 days after the date of enactment of this Act.

(2) CHAIRPERSON AND VICE CHAIRPERSON.—The President shall designate a chairperson and vice chairperson from among the members of the Commission.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) MEETINGS.—

(1) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(2) SUBSEQUENT MEETINGS.—The Commission shall meet at the call of the chairperson.

(e) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

SEC. 312. DUTIES OF THE COMMISSION.

(a) DEFINITIONS.—In this section, the following definitions shall apply:

(1) AGENCY.—The term ''agency'' has the meaning given the term ''Executive agency'' under section 105 of title 5, United States Code.

(2) PROGRAM.—The term ''program'' means any activity or function of an agency.

(b) IN GENERAL.—The Commission shall—

(1) evaluate all agencies and programs within those agencies, using the criteria under subsection (c); and

(2) submit to Congress a plan with recommendations of the agencies and programs that should be realigned or eliminated.

(c) CRITERIA.—

(1) DUPLICATIVE.—If 2 or more agencies or programs are performing the same essential function and the function can be consolidated or streamlined into a single agency or program, the Commission shall recommend that the agency or program be realigned.

(2) WASTEFUL OR INEFFICIENT.—The Commission shall recommend the realignment or elimination of any agency or program that has wasted Federal funds by—

(A) egregious spending;

(B) mismanagement of resources and personnel; or

(C) use of such funds for personal benefit or the benefit of a special interest group.

(3) OUTDATED, IRRELEVANT, OR FAILED.—The Commission shall recommend the elimination of any agency or program that—

(A) has completed its intended purpose;

(B) has become irrelevant; or

(C) has failed to meet its objectives.

(d) SYSTEMATIC ASSESSMENT OF PROGRAMS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the President shall—

(A) establish a systematic method for assessing the effectiveness and accountability of agency programs; and

(B) submit, to the Commission, assessments of not less than ½ of all programs covered under subsection (b)(1) that use the method established under subparagraph (A).

(2) METHOD OBJECTIVES.—The method established under paragraph (1) shall—

(A) recognize different types of federal programs;

(B) assess programs based primarily on the achievement of performance goals (as defined under section 1115(f)(4) of title 31, United States Code); and

(C) assess programs based in part on the adequacy of the program's performance measures, financial management, and other factors determined by the President.

(3) DEVELOPMENT.—The method established under paragraph (1) shall not be implemented until it has been reviewed and accepted by the Commission.

(4) CONSIDERATION OF ASSESSMENTS.—The Commission shall consider assessments submitted under this subsection when evaluating programs under subsection (b)(1).

(e) COMMON PERFORMANCE MEASURES.—Not later than 1 year after the date of enactment of this Act, the President shall identify common performance measures for programs covered in subsection (b)(1) that have similar functions and, to the extent feasible, provide the Commission with data on such performance measures.

(f) REPORT.—Not later than 2 years after the date of enactment of this Act, the Commission shall submit to the President and Congress a report that includes the plan described under subsection (b)(2), with supporting documentation for all recommendations.

SEC. 313. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission or, at its direction, any subcommittee or member of

the Commission, may, for the purpose of carrying out this subtitle—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as any member of the Commission considers advisable;

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses as any member of the Commission considers advisable; and

(3) require, by subpoena or otherwise, the production of such books, records, correspondence, memoranda, papers, documents, tapes, and other evidentiary materials relating to any matter under investigation by the Commission.

(b) SUBPOENAS.—

(1) ISSUANCE.—Subpoenas issued under subsection (a) shall bear the signature of the chairperson of the Commission and shall be served by any person or class of persons designated by the chairperson for that purpose.

(2) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(c) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this Act. Upon request of the chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(d) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Government.

(e) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 314. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—

(1) NON-FEDERAL MEMBERS.—Except as provided under subsection (b), each member of the Commission who is not an officer or employee of the Government shall not be compensated.

(2) FEDERAL OFFICERS OR EMPLOYEES.—All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—Upon the approval of the chairperson, the executive director may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the maximum rate payable for a position at GS–15 of the General Schedule under section 5332 of such title.

(3) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to members of the Commission.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 315. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which the Commission submits its report.

SEC. 316. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for carrying out this subtitle for each of the fiscal years 2006 through 2008.

TITLE IV—TRUTH IN ACCOUNTING

Subtitle A—Accrual Funding of Pensions and Retirement Pay for Federal Employees and Uniformed Services Personnel

SEC. 401. CIVIL SERVICE RETIREMENT SYSTEM.

(a) CIVIL SERVICE RETIREMENT AND DISABILITY FUND.—Chapter 83 of title 5, United States Code, is amended—

(1) in section 8331—

(A) in paragraph (17)—

(i) by striking ''normal cost'' and inserting ''normal cost percentage''; and

(ii) by inserting ''and standards (using dynamic assumptions)'' after ''practice'';

(B) by amending paragraph (18) to read as follows:

''(18) 'Fund balance' means the current net assets of the Fund available for payment of benefits, as determined by the Office in accordance with appropriate accounting standards, but does not include any amount attributable to—

''(A) the Federal Employees' Retirement System; or

''(B) contributions made under the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 by or on behalf of any individual who became subject to the Federal Employees' Retirement System;''

(C) by amending paragraph (19) to read as follows:

''(19) 'accrued liability' means the estimated excess of the present value of all benefits payable from the Fund to employees and Members, and former employees and Members, subject to this subchapter, and their survivors, over the present value of deductions to be withheld from the future basic pay of employees and Members currently subject to this subchapter and of future agency contributions to be made in their behalf;''

(D) in paragraph (27) by striking ''and'' at the end;

(E) in paragraph (28) by striking the period at the end and inserting a semicolon; and

(F) by adding at the end the following paragraphs:

''(29) 'dynamic assumptions' means economic assumptions that are used in determining actuarial costs and liabilities of a retirement system and in anticipating the effects of long-term future—

''(A) investment yields;

''(B) increases in rates of basic pay; and

''(C) rates of price inflation; and

''(30) 'unfunded liability' means the estimated excess of—

''(A) the actuarial present value of all future benefits payable from the Fund under this subchapter based on the service of current or former employees or Members, over

''(B) the sum of—

''(i) the actuarial present value of deductions to be withheld from the future basic pay of employees and Members currently subject to this chapter pursuant to section 8334;

''(ii) the actuarial present value of the future contributions to be made pursuant to section 8334 with respect to employees and Members currently subject to this subchapter;

''(iii) the Fund balance, as defined in paragraph (18), as of the date the unfunded liability is determined; and

''(iv) any other appropriate amount, as determined by the Office of Personnel Management in accordance with generally accepted actuarial practices and principles.'';

(2) in section 8334—

(A) in subsection (a)(1)—

(i) by striking the last two sentences;

(ii) by redesignating that subsection, as so amended, as (a)(1)(A); and

(iii) by adding at the end the following new subparagraphs:

''(B) Except as provided in subparagraph (E), each employing agency having any employees or Members subject to subparagraph (A) shall contribute from amounts available for salaries and expenses an amount equal to the sum of—

''(i) the product of—

''(I) the normal cost percentage, as determined for employees (other than employees covered by clause (ii)), multiplied by

''(II) the aggregate amount of basic pay payable by the agency, for the period involved, to employees (under subclause (I)) who are within such agency; and

''(ii) the product of—

''(I) the normal cost percentage, as determined for Members, Congressional employees, law enforcement officers, firefighters, air traffic controllers, bankruptcy judges, Court of Federal Claims judges, United States magistrates, judges of the United States Court of Appeals for the Armed Forces, members of the Capitol Police, nuclear materials couriers, and members of the Supreme Court Police, multiplied by

''(II) the aggregate amount of basic pay payable by the agency for the period involved, to employees and Members (under subclause (I)) who are within such agency.

''(C) In determining the normal cost percentage to be applied under subparagraph (B), amounts provided for under subparagraph (A) shall be taken into account.

''(D) Contributions under this paragraph shall be paid—

''(i) in the case of law enforcement officers, firefighters, air traffic controllers, bankruptcy judges, Court of Federal Claims judges, United States magistrates, judges of the United States Court of Appeals for the Armed Forces, members of the Supreme Court Police, nuclear materials couriers and other employees, from the appropriations or fund used to pay such law enforcement officers, firefighters, air traffic controllers, bankruptcy judges, Court of Federal Claims judges, United States magistrates, judges of the United States Court of Appeals for the Armed Forces, members of the Supreme

Court Police, nuclear materials couriers and other employees, respectively;

''(ii) in the case of elected officials, from an appropriation or fund available for payment of other salaries of the same office or establishment; and

''(iii) in the case of employees of the legislative branch paid by the Clerk of the House of Representatives, from the contingent fund of the House.

''(E) In the case of the United States Postal Service, the Metropolitan Washington Airports Authority, and the government of the District of Columbia, an amount equal to that withheld under subparagraph (A) shall be contributed from the appropriation or fund used to pay the employee.''; and

(B) in subsection (k)—

(i) in paragraph (1)—

(I) in subparagraph (A) by striking ''the first sentence of subsection (a)(1) of this section'' and inserting ''subsection (a)(1)(A)''; and

(II) by amending subparagraph (B) to read as follows:

''(B) the amount of the contribution under subsection (a)(1)(B) shall be the amount which would have been contributed under such subsection if this subsection had not been enacted.''; and

(ii) in paragraph (2)(C)(iii) by striking ''the first sentence of subsection (a)(1)'' and inserting ''subsection (a)(1)(A)''; and

(3) in section 8348—

(A) by repealing subsection (f);

(B) by amending subsection (g) to read as follows:

''(g)(1)(A) Not later than June 30, 2005, the Office of the Actuary shall determine the unfunded liability of the Fund, as of September 30, 2004, attributable to benefits payable under this chapter and make recommendations regarding its liquidation. After considering such recommendations, the Office shall establish an amortization schedule, including a series of annual installments commencing October 1, 2005, which provides for the liquidation of such liability by October 1, 2044.

''(B) The Office shall redetermine the unfunded liability of the Fund as of the close of the fiscal year, for each fiscal year beginning after September 30, 2004, through the fiscal year ending September 30, 2039, and shall establish a new amortization schedule, including a series of annual installments commencing on October 1 of the second subsequent fiscal year, which provides for the liquidation of such liability by October 1, 2044.

''(C) The Office shall redetermine the unfunded liability of the Fund as of the close of the fiscal year for each fiscal year beginning after September 30, 2039, and shall establish a new amortization schedule, including a series of annual installments commencing on October 1 of the second subsequent fiscal year, which provides for the liquidation of such liability over five years.

''(D) Amortization schedules established under this paragraph shall be set in accordance with generally accepted actuarial practices and principles, with interest computed at the rate used in the most recent valuation of the Civil Service Retirement System.

''(2) At the beginning of each fiscal year, beginning on October 1, 2005, the Office shall notify the Secretary of the Treasury of the amount of the first installment under the most recent amortization schedule established under paragraph (1). The Secretary shall credit that amount to the Fund, as a Government contribution, out of any money in the Treasury of the United States not otherwise appropriated.

''(3) For the purpose of carrying out paragraph (1) with respect to any fiscal year, the Office may—

''(A) require the Board of Actuaries of the Civil Service Retirement System to make actuarial determinations and valuations, make recommendations, and maintain records in accordance with section 8347(f); and

''(B) use the latest actuarial determinations and valuations made by such Board of Actuaries.'';

(C) in subsections (h), (i), and (m) by striking ''unfunded'' and inserting ''accrued'' each place it appears; and

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

''(n) Under regulations prescribed by the Office, the head of an agency may request reconsideration of any amount determined to be payable with respect to such agency under section 8334(a)(1)(B)–(D). Any such request shall be referred to the Board of Actuaries of the Civil Service Retirement System. The Board of Actuaries shall review the computations of the Office and may make any adjustment with respect to any such amount which the Board determines appropriate. A determination by the Board of Actuaries under this subsection shall be final.''.

(b) GOVERNMENT CONTRIBUTIONS.—Section 8423 of title 5, United States Code, is amended—

(1) in subsection (a)(2) by striking ''section 8422'' and inserting ''section 8422(a)''; and

(2) in subsection (b)(2) by striking ''equal annual installments'' and inserting ''annual installments set in accordance with generally accepted actuarial practices and principles''.

SEC. 402. CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM.

(a) Section 101 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2001) is amended—

(1) in paragraph (5), to read as follows:

''(5) UNFUNDED LIABILITY.—The term 'unfunded liability' means the estimated excess of—

''(A) the actuarial present value of all future benefits payable from the Fund under title II of this Act based on the service of current or former participants, over

''(B) the sum of—

''(i) the actuarial present value of deductions to be withheld from the future basic pay of participants currently subject to title II of this Act pursuant to section 211;

''(ii) the actuarial present value of the future contributions to be made pursuant to section 211 with respect to participants currently subject to title II of this Act;

''(iii) the Fund balance, as defined in paragraph (4), as of the date the unfunded liability is determined; and

''(iv) any other appropriate amount, as determined by the Director in accordance with generally accepted actuarial practices and principles.'';

(2) in paragraph (6)—

(A) by striking '' 'normal cost' '' and inserting '' 'normal cost percentage' ''; and

(B) by inserting ''and standards (using dynamic assumptions)'' after ''practice''; and

(3) by adding at the end the following paragraph:

''(10) DYNAMIC ASSUMPTIONS.—The term 'dynamic assumptions' means economic assumptions that are used in determining actuarial costs and liabilities of a retirement system and in anticipating the effects of long-term future—

''(A) investment yields;

''(B) increases in rates of basic pay; and

''(C) rates of price inflation.''.

(b) Section 202 of such Act (50 U.S.C. 2012) is amended by adding at the end the following: ''The Fund is appropriated for the payment of benefits as provided by this title.''.

(c) Section 211(a)(2) of such Act (50 U.S.C. 2021(a)(2)) is amended to read as follows:

''(2) AGENCY CONTRIBUTIONS.—The Agency shall contribute to the Fund the amount computed in a manner similar to that used under section 8334(a) of title 5, United States Code, pursuant to determinations of the normal cost percentage of the Central Intelligence Agency Retirement and Disability System by the Director. Contributions under this paragraph shall be paid from amounts available for salaries and expenses.''.

(d) Section 261 of such Act (50 U.S.C. 2091) is amended—

(1) by striking subsections (c), (d), and (e); and

(2) by inserting after subsection (b) the following new subsections:

''(c)(1) Not later than June 30, 2005, the Director shall cause to be made actuarial valuations of the Fund that determine the unfunded liability of the Fund, as of September 30, 2004, attributable to benefits payable under this title and make recommendations regarding its liquidation. After considering such recommendations, the Director shall establish an amortization schedule, including a series of annual installments commencing October 1, 2005, which provides for the liquidation of such liability by October 1, 2044.

''(2) The Director shall redetermine the unfunded liability of the Fund as of the close of the fiscal year, for each fiscal year beginning after September 30, 2004, through the fiscal year ending September 30, 2039, and shall establish a new amortization schedule, including a series of annual installments commencing on October 1 of the second subsequent fiscal year, which provides for the liquidation of such liability by October 1, 2044.

''(3) The Director shall redetermine the unfunded liability of the Fund as of the close of the fiscal year for each fiscal year beginning after September 30, 2039, and shall establish a new amortization schedule, including a series of annual installments commencing on October 1 of the second subsequent fiscal year, which provides for the liquidation of such liability over five years.

''(4) Amortization schedules established under this subsection shall be set in accordance with generally accepted actuarial practices and principles, with interest computed at the rate used in the most recent valuation of the Civil Service Retirement and Disability System.

''(d) At the beginning of each fiscal year, beginning on October 1, 2005, the Director shall notify the Secretary of the Treasury of the amount of the first installment under the most recent amortization schedule established under subsection (c). The Secretary shall credit that amount to the Fund, as a Government contribution, out of any money in the Treasury of the United States not otherwise appropriated. For the purposes of Section 504 of the National Security Act of 1947, this amount shall be considered authorized.''.

(e)(1) Title III of such Act (50 U.S.C. 2151 et seq.) is amended by adding at the end the following new section:

''SEC. 308. FULL FUNDING OF RETIREE COSTS FOR EMPLOYEES DESIGNATED UNDER SECTION 302.

''(a) In addition to other government contributions required by law, the Agency shall contribute to the Civil Service Retirement and Disability fund (hereinafter in this section referred to as the 'Fund') amounts calculated in accordance with section 8423 of title 5, United States Code, based on the projected number of employees to be designated pursuant to section 302 of this Act. In addition, the Agency, in a manner similar to that established for employee contributions to the Fund by section 8422 of title 5, United States Code, will contribute an amount equal to the difference between that which would be contributed by the number of employees projected to be designated under section 302 and the amounts that are actually being deducted and contributed from the

basic pay of an equal number of employees pursuant to section 8422. The amounts of the Agency's contributions under this subsection shall be determined by the Director of the Office of Personnel Management, in consultation with the Director, and shall be paid by the Agency from funds available for salaries and expenses. Agency employees designated pursuant to section 302 of this Act shall, commencing with such designation, have deducted from their basic pay the full amount required by section 8422 of title 5, United States Code, and such deductions shall be contributed to the Fund.

''(b)(1) The Director of the Office of Personnel Management, in consultation with the Director, shall determine the total amount of unpaid contributions (government and employee contributions) and interest attributable to the number of individuals employed with the Agency on September 30, 2005, who are projected to be designated under section 302 of this Act, but are not yet designated under that section as of that date. The amount shall be referred to as the section 302 unfunded liability.

''(2) Not later than June 30, 2006, the Director of the Office of Personnel Management, in consultation with the Director, shall establish an amortization schedule, setting forth a series of annual installments commencing September 30, 2006, which provides for the liquidation of the section 302 unfunded liability by September 30, 2013.

''(3) At the end of each fiscal year, beginning on September 30, 2006, the Director shall notify the Secretary of the Treasury of the amount of the annual installment under the amortization schedule established under paragraph (2) of this subsection. Before closing the accounts for that fiscal year, the Secretary shall credit that amount to the Fund, out of any money in the Treasury of the United States not otherwise appropriated.

''(c) Amounts paid by the Agency pursuant to this section are deemed to be specifically authorized by the Congress for the purposes of section 504 of the National Security Act of 1947.''.

(2) The table of contents of such Act is amended by inserting after the item relating to section 307 the following new item:

''Sec. 308. Full funding of retiree costs for employees designated under section 302.''.

SEC. 403. FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM.

Chapter 8 of title I of the Foreign Service Act of 1980, Public Law 96–465 (22 U.S.C. 4041 et seq.) 94 Stat. 2071, as amended, is further amended—

(1) in section 804 (22 U.S.C. 4044)—

(A) by amending paragraph (5) to read as follows:

''(5) 'normal cost percentage' means the entry-age normal cost computed in accordance with generally accepted actuarial practice and standards (using dynamic assumptions) and expressed as a level percentage of aggregate basic pay;'';

(B) by amending paragraph (14) to read as follows:

''(14) 'unfunded liability' means the estimated excess of—

''(A) the actuarial present value of all future benefits payable from the Fund under this part based on the service of current or former participants, over

''(B) the sum of—

''(i) the actuarial present value of deductions to be withheld from the future basic pay of participants currently subject to this part pursuant to section 805;

''(ii) the actuarial present value of the future contributions to be made pursuant to section 805 with respect to participants currently subject to this part;

''(iii) the Fund balance, as defined in paragraph (7), as of the date the unfunded liability is determined, excluding any amount attributable to the Foreign Service Pension System, or contributions made under the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 by or on behalf of any individual who became subject to the Foreign Service Pension System; and

''(iv) any other appropriate amount, as determined by the Secretary of the Treasury in accordance with generally accepted actuarial practices and principles.''; and

(C)(i) by striking the period at the end of paragraph (15) and inserting ''; and''; and

(ii) by adding at the end the following new paragraph:

''(16) 'dynamic assumptions' means economic assumptions that are used in determining actuarial costs and liabilities of a retirement system and in anticipating the effects of long-term future—

''(A) investment yields;

''(B) increases in rates of basic pay; and

''(C) rates of price inflation.'';

(2) in section 852 (22 U.S.C. 4071a)—

(A) in paragraph (4)—

(i) by striking ''normal cost'' and inserting ''normal cost percentage''; and

(ii) by striking ''by the Secretary of State'';

(B) in paragraph (7)—

(i) by striking ''supplemental'' and inserting ''unfunded'';

(ii) in subparagraph (B)(i) by striking ''(I)'' and ''and (II) contributions for past civilian and military service''; and

(iii) in subparagraph (B)(ii) by inserting before the semicolon ''with respect to participants currently subject to this part''; and

(C)(i) at the end of paragraph (8) by striking ''and'';

(ii) at the end of paragraph (9) by striking the period and inserting ''; and''; and

(iii) by adding at the end the following new paragraph:

''(10) 'dynamic assumptions' means economic assumptions that are used in determining actuarial costs and liabilities of a retirement system and in anticipating the effects of long-term future—

''(A) investment yields;

''(B) increases in rates of basic pay; and

''(C) rates of price inflation.'';

(3) in section 805(a)(1) (22 U.S.C. 4045(a)(i))—

(A) by striking the second sentence;

(B) by redesignating that subsection, as so amended, as (a)(1)(A);

(C) by redesignating the last sentence of that subsection, as so amended as (a)(1)(C);

(D) by inserting after subparagraph (A) the following new subparagraph:

''(B) Each employing agency having participants shall contribute to the Fund the amount computed in a manner similar to that used under section 8334(a) of title 5, United States Code, pursuant to determinations of the normal cost percentage of the Foreign Service Retirement and Disability System. Contributions under this subparagraph shall be paid from the appropriations or fund used for payment of the salary of the participant.'';

(E) in subsection (a)(2)(A) by striking ''An equal amount shall be contributed by the Department'' and inserting in its place ''Each employing agency having participants shall contribute to the Fund the amount computed in a manner similar to that used under section 8334(a) of title 5, United States Code, pursuant to determinations of the normal cost percentage of the Foreign Service Retirement and Disability System''; and

(F) in subsection (a)(2)(B) by striking ''An equal amount shall be contributed by the Department'' and inserting in its place ''Each employing agency having participants shall contribute to the Fund from amounts available for salaries and expenses the amount computed in a manner similar to that used under section 8334(a) of title 5, United States Code, pursuant to determinations of the normal cost percentage of the Foreign Service Retirement and Disability System'';

(4) by repealing sections 821 and 822 (22 U.S.C. 4061 and 4062) and by adding the following new section:

''SEC. 821. UNFUNDED LIABILITY.—(a)(1) Not later than June 30, 2005, the Secretary of State shall cause to be made actuarial valuations of the Fund that determine the unfunded liability of the Fund, as of September 30, 2004, attributable to benefits payable under this subchapter and make recommendations regarding its liquidation. After considering such recommendations, the Secretary of State shall establish an amortization schedule, including a series of annual installments commencing October 1, 2004, which provides for the liquidation of such liability by October 1, 2044.

''(2) The Secretary of State shall redetermine the unfunded liability of the Fund as of the close of the fiscal year, for each fiscal year beginning after September 30, 2004, through the fiscal year ending September 30, 2039, and shall establish a new amortization schedule, including a series of annual installments commencing on October 1 of the second subsequent fiscal year, which provides for the liquidation of such liability by October 1, 2044.

''(3) The Secretary of State shall redetermine the unfunded liability of the Fund as of the close of the fiscal year for each fiscal year beginning after September 30, 2039, and shall establish a new amortization schedule, including a series of annual installments commencing on October 1 of the second subsequent fiscal year, which provides for the liquidation of such liability over five years.

''(4) Amortization schedules established under this subsection shall be set in accordance with generally accepted actuarial practices and principles, with interest computed at the rate used in the most recent valuation of the Foreign Service Retirement and Disability System.

''(b) At the beginning of each fiscal year, beginning on October 1, 2005, the Secretary of State shall notify the Secretary of the Treasury of the amount of the first installment under the most recent amortization schedule established under paragraph (1). The Secretary of the Treasury shall credit that amount to the Fund, as a Government contribution, out of any money in the Treasury of the United States not otherwise appropriated.'';

(5) in section 857(b)(1) (22 U.S.C. 4071f(b)(1)) by striking ''equal annual installments'' and inserting ''annual installments set in accordance with generally accepted actuarial practices and principles'';

(6) in section 859 (22 U.S.C. 4071h) by adding ''percentage'' after ''normal cost'';

(7) in section 802 (22 U.S.C. 4042) by adding at the end the following: ''The Fund is appropriated for the payment of benefits as provided by this subchapter.''; and

(8) in section 818 (22 U.S.C. 4058) by striking ''System'' and inserting ''Systems under this subchapter''.

SEC. 404. PUBLIC HEALTH SERVICE COMMISSIONED CORPS RETIREMENT SYSTEM.

(a) IN GENERAL.—Title II of the Public Health Service Act (42 U.S.C. 202 et seq.) is amended by adding at the end the following new part:

''PART C—PUBLIC HEALTH SERVICE COMMISSIONED CORPS RETIREMENT SYSTEM

''ESTABLISHMENT AND PURPOSE OF FUND

''SEC. 251. There is established on the books of the Treasury a fund to be known as

the Public Health Service Commissioned Corps Retirement Fund (hereinafter in this part referred to as the 'Fund'), which shall be administered by the Secretary. The Fund shall be used for the accumulation of funds in order to finance on an actuarially sound basis liabilities of the Department of Health and Human Services for benefits payable on account of retirement, disability, or death to commissioned officers of the Public Health Service and to their survivors pursuant to part A of this title.

''ASSETS OF THE FUND

''SEC. 252. There shall be deposited into the Fund the following, which shall constitute the assets of the Fund:

''(1) Amounts paid into the Fund under section 255.

''(2) Any return on investment of the assets of the Fund.

''(3) Amounts transferred into the Fund pursuant to section 404(c) of the Deficit Control Act of 2004.

''PAYMENT FROM THE FUND

''SEC. 253. There shall be paid from the Fund benefits payable on account of retirement, disability, or death to commissioned officers of the Public Health Service and to their survivors pursuant to part A of this title.

''DETERMINATION OF CONTRIBUTIONS TO THE FUND

''SEC. 254. (a)(1) Not later than June 30, 2005, the Secretary shall determine the unfunded liability of the Fund attributable to service performed as of September 30, 2004, which is 'active service' for the purpose of section 212. The Secretary shall establish an amortization schedule, including a series of annual installments commencing October 1, 2005, which provides for the liquidation of such liability by October 1, 2044.

''(2) The Secretary shall redetermine the unfunded liability of the Fund as of the close of the fiscal year, for each fiscal year beginning after September 30, 2004, through the fiscal year ending September 30, 2039, and shall establish a new amortization schedule, including a series of annual installments commencing on October 1 of the second subsequent fiscal year, which provides for the liquidation of such liability by October 1, 2044.

''(3) The Secretary shall redetermine the unfunded liability of the Fund as of the close of the fiscal year for each fiscal year beginning after September 30, 2039, and shall establish a new amortization schedule, including a series of annual installments commencing on October 1 of the second subsequent fiscal year, which provides for the liquidation of such liability over 5 years.

''(b) The Secretary shall determine each fiscal year, in sufficient time for inclusion in the budget request for the following fiscal year, the total amount of Department of Health and Human Services contributions to be made to the Fund during the fiscal year under section 255(a). That amount shall be the sum of—

''(1) the product of—

''(A) the current estimate of the value of the single level percentage of basic pay to be determined under subsection (c)(1) at the time of the most recent actuarial valuation under subsection (c); and

''(B) the total amount of basic pay expected to be paid during that fiscal year to commissioned officers of the Public Health Service on active duty (other than active duty for training); and

''(2) the product of—

''(A) the current estimate of the value of the single level percentage of basic pay and of compensation (paid pursuant to section 206 of title 37, United States Code) to be determined under subsection (c)(2) at the time of the most recent actuarial valuation under subsection (c); and

''(B) the total amount of basic pay and of compensation (paid pursuant to section 206 of title 37, United States Code) expected to be paid during the fiscal year to commissioned officers of the Reserve Corps of the Public Health Service (other than officers on full-time duty other than for training) who are not otherwise described in subparagraph (A).

''(c) Not less often than every four years thereafter (or by the fiscal year end prior to the effective date of any statutory change affecting benefits payable on account of retirement, disability, or death to commissioned officers or their survivors), the Secretary shall carry out an actuarial valuation of benefits payable on account of retirement, disability, or death to commissioned officers of the Public Health Service and to their survivors pursuant to part A of this title. Each such actuarial valuation shall be signed by an enrolled Actuary and shall include—

''(1) a determination (using the aggregate entry-age normal cost method) of a single level percentage of basic pay for commissioned officers of the Public Health Service on active duty (other than active duty for training); and

''(2) a determination (using the aggregate entry-age normal cost method) of a single level percentage of basic pay and of compensation (paid pursuant to section 206 of title 37, United States Code) of commissioned officers of the Reserve Corps of the Public Health Service (other than officers on full time duty other than for training) who are not otherwise described in paragraph (1).

''(d) All determinations under this section shall be in accordance with generally accepted actuarial principles and practices and, where appropriate, shall follow the general pattern of methods and assumptions approved by the Department of Defense Retirement Board of Actuaries.

''(e) The Secretary shall provide for the keeping of such records as are necessary for determining the actuarial status of the Fund.

''PAYMENTS INTO THE FUND

''SEC. 255. (a) From amounts available to the Department of Health and Human Services for salaries and expenses, the Secretary shall pay into the Fund at the end of each month the amount that is the sum of—

''(1) the product of—

''(A) the level percentage of basic pay determined using all the methods and assumptions approved for the most recent (as of the first day of the current fiscal year) actuarial valuation under sections 254(c)(1) (except that any statutory change affecting benefits payable on account of retirement, disability, or death to commissioned officers or their survivors that is effective after the date of that valuation and on or before the first day of the current fiscal year shall be used in such determination); and

''(B) the total amount of basic pay accrued for that month by commissioned officers of the Public Health Service on active duty (other than active duty for training); and

''(2) the product of—

''(A) the level percentage of basic pay and of compensation (paid pursuant to section 206 of title 37, United States Code) determined using all the methods and assumptions approved for the most recent (as of the first day of the current fiscal year) actuarial valuation under section 254(c)(2) (except that any statutory change affecting benefits payable on account of retirement, disability, or death to commissioned officers or their survivors that is effective after the date of that valuation and on or before the first day of the current fiscal year shall be used in such determinations); and

''(B) the total amount of basic pay and of compensation (paid pursuant to section 206 of title 37, United States Code) accrued for that month by commissioned officers of the Reserve Corps of the Public Health Service (other than officers on full-time duty other than for training).

''(b) At the beginning of each fiscal year, beginning on October 1, 2005, the Secretary shall certify to the Secretary of the Treasury the amount of the first installment under the most recent amortization schedule established under section 254(a). The Secretary of the Treasury shall pay into the Fund from the General Fund of the Treasury the amount so certified. Such payment shall be the contribution to the Fund for that fiscal year.

''INVESTMENTS OF ASSETS OF FUND

''SEC. 256. The Secretary may request the Secretary of the Treasury to invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet the current needs of the Fund. Such investments shall be made by the Secretary of the Treasury in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income on such investments shall be credited to and form a part of the Fund.

''IMPLEMENTATION YEAR EXCEPTIONS

''SEC. 257. (a) To avoid funding shortfalls in the first year should formal actuarial determinations not be available in time for budget preparation, the amounts used in the first year in sections 255(a)(1)(A) and 255(a)(2)(A) shall be set equal to those estimates in sections 254(b)(1)(A) and 254(b)(2)(A) if final determinations are not available. The original unfunded liability as defined in section 254(a) shall include an adjustment to correct for this difference between the formal actuarial determinations and the estimates in sections 254(b)(1)(A) and 254(b)(2)(A).''.

(b) CONFORMING AMENDMENTS.—

(1) CONDITION OF DETAIL.—Section 214 of the Public Health Service Act (42 U.S.C. 215) is amended by adding at the end the following new subsection:

''(e) The Secretary shall condition any detail under subsection (a), (b), or (c) upon the agreement of the executive department, State, subdivision, Committee of the Congress, or institution concerned to pay to the Department of Health and Human Services, in advance or by way of reimbursement, for the full cost of the detail including that portion of the contributions under section 255(a) that is attributable to the detailed personnel.''.

(2) EXEMPTION FROM SEQUESTRATION.—Section 255(g)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905(g)(1)) is amended—

(A) in subparagraph (A), by inserting after the item relating to ''payment to the foreign service retirement and disability fund'' the following item: ''Payment to the Public Health Service Commissioned Corps Retirement Fund (75–0380–0–1–551);''; and

(B) in subparagraph (B), by inserting after the item relating to the ''Pensions for former Presidents'' the following item: ''Public Health Service Commissioned Corps Retirement Fund (75–8274–0–7–602);''.

(c) TRANSFER OF APPROPRIATIONS.—There shall be transferred on October 1, 2006, into the fund established under section 251 of the Public Health Service Act, as added by subsection (a), any obligated or unobligated balances of appropriations made to the Department of Health and Human Services that are currently available for benefits payable on

account of retirement, disability, or death to commissioned officers of the Public Health Service and to their survivors pursuant to part A of title II of the Public Health Service Act, and amounts so transferred shall be part of the assets of the Fund.

SEC. 405. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS RETIREMENT SYSTEM.

(a) IN GENERAL.—The National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (title II of Public Law 107–372) is amended by inserting after section 246 (33 U.S.C. 3046) the following new section:

''SEC. 246A. (a) ESTABLISHMENT AND PURPOSE OF NOAA COMMISSIONED OFFICER CORPS RETIREMENT FUND.—(1) There is established on the books of the Treasury a fund to be known as the National Oceanic and Atmospheric Administration Commissioned Officer Corps Retirement Fund (hereinafter in this section referred to as the 'Fund'), which shall be administered by the Secretary. The Fund shall be used for the accumulation of funds in order to finance on an actuarially sound basis liabilities of the Department of Commerce under military retirement and survivor benefit programs for the commissioned officers corps.

''(2) The term 'military retirement and survivor benefit program' means—

''(A) the provisions of this title and title 10, United States Code, creating entitlement to, or determining, the amount of retired pay;

''(B) the programs under the jurisdiction of the Department of Defense providing annuities for survivors and members and former members of the Armed Forces, including chapter 73 of title 10, section 4 of Public Law 92–425, and section 5 of Public Law 96–202, as made applicable to the commissioned officer corps by section 261.

''(b) ASSETS OF THE FUND.—There shall be deposited into the Fund the following, which shall constitute the assets of the Fund:

''(1) Amounts paid into the Fund under subsection (e).

''(2) Any return on investment of the assets of the Fund.

''(3) Amounts transferred into the Fund pursuant to section 405(c) of the Deficit Control Act of 2004.

''(c) PAYMENTS FROM THE FUND.—There shall be paid from the Fund benefits payable on account of military retirement and survivor benefit programs to commissioned officers of the commissioned officer corps and their survivors.

''(d) DETERMINATION OF CONTRIBUTIONS TO THE FUND.—(1)(A) Not later than June 30, 2004, the Secretary shall determine the unfunded liability of the Fund attributable to service performed as of September 30, 2004, which is 'active service' for the purpose of this title. The Secretary shall establish an amortization schedule, including a series of annual installments commencing October 1, 2005, which provides for the liquidation of such liability by October 1, 2044.

''(B) The Secretary shall redetermine the unfunded liability of the Fund as of the close of the fiscal year, for each fiscal year beginning after September 30, 2004, through the fiscal year ending September 30, 2039, and shall establish a new amortization schedule, including a series of annual installments commencing on September 30 of the subsequent fiscal year, which provides for the liquidation of such liability by October 1, 2044.

''(C) The Secretary shall redetermine the unfunded liability of the Fund as of the close of the fiscal year for each fiscal year beginning after September 30, 2039, and shall establish a new authorization schedule, including series of annual installments commencing on October 1 of the second subsequent fiscal year, which provides for the liquidation of such liability over 5 years.

''(2) The Secretary shall determine each fiscal year, in sufficient time for inclusion in the budget request for the following fiscal year, the total amount of Department of Commerce contributions to be made to the Fund during that fiscal year under (e). The amount shall be the product of—

''(A) the current estimate of the value of the single level percentage of basic pay to be determined under subsection (e) at the time of the most recent actuarial valuation under paragraph (3); and

''(B) the total amount of basic pay expected to be paid during that fiscal year to commissioned officers of NOAA on active duty.

''(3) Not less often then every four years (or by the fiscal year end before the effective date of any statutory change affecting benefits payable on account of retirement, disability, or death to commissioned officers or their survivors), the Secretary shall carry out an actuarial valuation of benefits payable on account of military retirement and survivor benefit programs to commissioned officers of the Administration and to their survivors. Each such actuarial valuation shall be signed by an enrolled Actuary and shall include a determination (using the aggregate entry-age normal cost method) of a single level percentage of basic pay for commissioned officers on active duty.

''(4) All determinations under this section shall be in accordance with generally accepted actuarial principles and practices, and, where appropriate, shall follow the general pattern of methods and assumptions approved by the Department of Defense Retirement Board of Actuaries.

''(5) The Secretary shall provide for the keeping of such records as are necessary for determining the actuarial status of the Fund.

''(e) PAYMENTS INTO THE FUND.—(1) From amounts appropriated to the National Oceanic Atmospheric Administration for salaries and expenses, the Secretary shall pay into the Fund at the end of each month the amount that is the product of—

''(A) the level percentage of basic pay determined using all the methods and assumptions approved for the most recent (as of the first day of the current fiscal year) actuarial valuation under subsection (d) (except that any statutory change affecting benefits payable on account of military retirement and survivor benefit programs to commissioned officers of the Administration and to their survivors that is effective date after the date of that valuation and on or before the first day of the current fiscal year shall be used in such determination); and

''(B) the total amount of basic pay accrued for that month by commissioned officers on active duty.

''(2)(A) At the beginning of each fiscal year, the Secretary shall determine the sum of—

''(i) the amount of the payment for that year under the amortization of the original unfunded liability of the Fund;

''(ii) the amount (including any negative amount) for that year under the most recent amortization schedule determined by the Secretary for the amortization of any cumulative actuarial gain or loss to the Fund, resulting from changes in benefits; and

''(iii) the amount (including any negative amount) for that year under the most recent amortization schedule determined by the Secretary for the amortization or any cumulative actuarial gain or loss to the Fund resulting from changes in actuarial assumptions and from experience different from the assumed since the last valuation.

The Secretary shall promptly certify the amount of the sum to the Secretary of the Treasury.

''(B) Upon receiving the certification pursuant to paragraph (1), the Secretary of the Treasury shall promptly pay into the Fund from the General Fund of the Treasury the amount so certified. Such payment shall be the contribution to the Fund for that fiscal year.

''(f) INVESTMENT OF ASSETS OF THE FUND.—The Secretary may request the Secretary of the Treasury to invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet the current needs of the Fund. Such investments shall be made by the Secretary of the Treasury in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income of such investments shall be credited to and form a part of the Fund.

''(g) IMPLEMENTATION YEAR EXCEPTIONS.—(1) To avoid funding shortfalls in the first year should formal actuarial determinations not be available in time for budget preparation, the amounts used in the first year in subsection (e)(1)(A) shall be set equal to the estimate in subsection (d)(2)(A) if final determinations are not available. The original unfunded liability as determined in subsection (d)(1) shall include an adjustment to correct for this difference between the formal actuarial determinations and the estimates in subsection (d)(2)(A).''.

(b) EXEMPTION FROM SEQUESTRATION.—Section 255(g)(1)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905(g)(1)(B)) is amended by striking ''National Oceanic and Atmospheric Administration retirement (13–1450–0–1–306);'' and inserting ''National Oceanic and Atmospheric Administration Commissioned Officer Corps Retirement Fund;''.

(c) TRANSFER OF APPROPRIATIONS.—There shall be transferred on October 1, 2006, into the fund established under section 246A(a) of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (title II of Public Law 107–372, as added by subsection (a)), any obligated and unobligated balance of appropriations made to the Department of Commerce that are available as of the date of the enactment of this Act for benefits payable on account of military retirement and survivor benefit programs to commissioned officers of the NOAA Commissioned Officer Corps and to their survivors, and amounts so transferred shall be part of the assets of the Fund, effective October 1, 2006.

(d) EFFECTIVE DATE.—Subsection (c) (relating to payments from the Fund) and (e) (relating to payments into the Fund) of section 246A of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (title II of Public Law 107–372, as added by subsection (a)), shall take effect on October 1, 2006.

SEC. 406. COAST GUARD MILITARY RETIREMENT SYSTEM.

(a) ACCRUAL FUNDING FOR COAST GUARD RETIREMENT.—

(1) IN GENERAL.—Chapter 11 of title 14, United States Code, is amended by adding at the end the following new subchapter:

''SUBCHAPTER V—COAST GUARD MILITARY RETIREMENT FUND

''§ 441. Establishment and purpose of Fund; definitions

''(a) ESTABLISHMENT OF FUND; PURPOSE.—There is established on the books of the Treasury a fund to be known as the Coast Guard Military Retirement Fund (hereinafter in this subchapter referred to as the 'Fund'), which shall be administered by the

Secretary. The Fund shall be used for the accumulations of funds in order to finance on an actuarially sound basis liabilities of the Coast Guard under military retirement and survivor benefit programs.

''(b) MILITARY RETIREMENT AND SURVIVOR BENEFIT PROGRAMS DEFINED.—In this subchapter, the term 'military retirement and survivor benefit programs' means—

''(1) the provisions of this title and title 10 creating entitlement to, or determining the amount of, retired pay;

''(2) the programs providing annuities for survivors of members and former members of the armed forces, including chapter 73 of title 10, section 4 of Public Law 92–425, and section 5 of Public Law 96–402; and

''(3) the authority provided in section 1048(h) of title 10.

''(c) SECRETARY DEFINED.—In this subchapter, the term 'Secretary' means the Secretary of Homeland Security when the Coast Guard is not operating as a service in the Navy and the Secretary of Defense when the Coast Guard is operating as a service in the Navy.

"§ 442. Assets of the Fund

''There shall be deposited into the Fund the following, which shall constitute the assets of the Fund:

''(1) Amounts paid into the Fund under section 445 of this title.

''(2) Any return on investment of the assets of the Fund.

''(3) Amounts transferred into the Fund pursuant to section 406(d) of the Deficit Control Act of 2004.

"§ 443. Payments from the Fund

''(a) IN GENERAL.—There shall be paid from the Fund the following:

''(1) Retired pay payable to persons on the retired list of the Coast Guard.

''(2) Retired pay payable under chapter 1223 of title 10 to former members of the Coast Guard and the former United States Lighthouse Service.

''(3) Benefits payable under programs that provide annuities for survivors of members and former members of the armed forces, including chapter 73 of title 10, section 4 of Public Law 92–425, and section 5 of Public Law 96–402.

''(4) Amounts payable under section 1048(h) of title 10.

''(b) AVAILABILITY OF ASSETS OF THE FUND.—The assets of the Fund are hereby made available for payments under subsection (a).

"§ 444. Determination of contributions to the Fund

''(a) INITIAL UNFUNDED LIABILITY.—(1) Not later than June 30, 2005, the Secretary shall determine the unfunded liability of the Fund attributable to service performed as of September 30, 2004, which is 'active service' for the purposes of section 212. The Secretary shall establish an amortization schedule, including a series of annual installments commencing October 1, 2005, which provides for the liquidation of such liability by October 1, 2044.

''(2) The Secretary shall redetermine the unfunded liability of the Fund as of the close of the fiscal year, for each beginning after September 30, 2004, through the fiscal year ending September 30, 2039, and shall establish a new amortization schedule, including a series of annual installments commencing on October 1 of the second subsequent fiscal year, which provides for the liquidation of such liability by October 1, 2044.

''(3) The Secretary shall redetermine the unfunded liability of the Fund as of the close of the fiscal year for each fiscal year beginning after September 30, 2039, and shall establish a new amortization schedule, including a series of annual installments commencing on October 1 of the second subsequent fiscal year, which provides for the liquidation of such liability over five years.

''(b) ANNUAL CONTRIBUTIONS FOR CURRENT SERVICES.—(1) The Secretary shall determine each fiscal year, in sufficient time for inclusion in the budget request for the following fiscal year, the total amount of Department of Homeland Security, or Department of Defense, contributions to be made to the Fund during that fiscal year under section 445(a) of this title. That amount shall be the sum of the following:

''(A) The product of—

''(i) the current estimate of the value of the single level percentage of basic pay to be determined under subsection (c)(1)(A) at the time of the most recent actuarial valuation under subsection (c); and

''(ii) the total amount of basic pay expected to be paid during that fiscal year to members of the Coast Guard on active duty (other than active duty for training).

''(B) The product of—

''(i) the current estimate of the value of the single level percentage of basic pay and of compensation (paid pursuant to section 206 of title 37) to be determined under subsection (c)(1)(B) at the time of the most recent actuarial valuation under subsection (c); and

''(ii) the total amount of basic pay and compensation (paid pursuant to section 206 of title 37) expected to be paid during that fiscal year to members of the Coast Guard Ready Reserve (other than members on full-time Reserve duty other than for training) who are not otherwise described in subparagraph (A)(ii).

''(2) The amount determined under paragraph (1) for any fiscal year is the amount needed to be appropriated to the Department of Homeland Security for that fiscal year for payments to be made to the Fund during that year under section 445(a) of this title. The President shall include not less than the full amount so determined in the budget transmitted to Congress for that fiscal year under section 1105 of title 31. The President may comment and make recommendations concerning any such amount.

''(c) PERIODIC ACTUARIAL VALUATIONS.—(1) Not less often than every four years (or before the effective date of any statutory change affecting benefits payable on account of retirement, disability, or death to members of the Coast Guard or their survivors), the Secretary shall carry out an actuarial valuation of the Coast Guard military retirement and survivor benefit programs. Each actuarial valuation of such programs shall be signed by an enrolled actuary and shall include—

''(A) a determination (using the aggregate entry-age normal cost method) of a single level percentage of basic pay for members of the Coast Guard on active duty (other than active duty for training); and

''(B) a determination (using the aggregate entry-age normal cost method) of single level percentage of basic pay and of compensation (paid pursuant to section 206 of title 37) for members of the Ready Reserve of the Coast Guard (other than members on full-time Reserve duty other than for training) who are not otherwise described in subparagraph (A).

''(2) Such single level percentages shall be used for the purposes of subsection (b) and section 445(a) of this title.

''(d) USE OF GENERALLY ACCEPTED ACTUARIAL PRINCIPLES AND PRACTICES.—All determinations under this section shall be in accordance with generally accepted actuarial principles and practices and, where appropriate, shall follow the general pattern of methods and assumptions approved by the Department of Defense Retirement Board of Actuaries.

''(e) RECORDS.—The Secretary shall provide for the keeping of such records as are necessary for determining the actuarial status of the Fund.

"§ 445. Payments into the Fund

''(a) MONTHLY ACCRUAL CHARGE FOR CURRENT SERVICES.—From amounts appropriated to the Coast Guard for salaries and expenses, the Secretary shall pay into the Fund at the end of each month as the Department of Homeland Security, or Department of Defense, contribution to the Fund for that month the amount that is the sum of the following:

''(1) The product of—

''(A) the level percentage of basic pay determined using all the methods and assumptions approved for the most recent (as of the first day of the current fiscal year) actuarial valuation under section 444(c)(1)(A) of this title (except that any statutory change in the military retirement and survivor benefit systems that is effective after the date of that valuation and on or before the first day of the current fiscal year shall be used in such determination); and

''(B) the total amount of basic pay accrued for that month by members of the Coast Guard on active duty (other than active duty for training).

''(2) The product of—

''(A) the level percentage of basic pay and compensation (accrued pursuant to section 206 of title 37) determined using all the methods and assumptions approved for the most recent (as of the first day of the current fiscal year) actuarial valuation under section 444(c)(1)(B) of this title (except that any statutory change in the military retirement and survivor benefit systems that is effective after the date of that valuation and on or before the first day of the current fiscal year shall be used in such determination); and

''(B) the total amount of basic pay and of compensation (paid pursuant to section 206 of title 37) accrued for that month by members of the Ready Reserve (other than members of full-time Reserve duty other than for training) who are not otherwise described in paragraph (1)(B).

''(b) ANNUAL PAYMENT FOR UNFUNDED LIABILITIES.—(1) At the beginning of each fiscal year, beginning on October 1, 2005, the Secretary shall certify to the Secretary of the Treasury the amount of the first installment under the most recent amortization schedule established under section 254(a). The Secretary of the Treasury shall promptly pay into the Fund from the General Fund of the Treasury the amount so certified. Such payment shall be the contribution to the Fund for that fiscal year.

"§ 446. Investment of assets of the Fund

''The Secretary may request the Secretary of the Treasury to invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet the current needs of the Fund. Such investments shall be made by the Secretary of the Treasury in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income on such investments shall be credited to and form a part of the Fund.''.

(2) TECHNICAL AMENDMENTS.—Such chapter is further amended—

(A) by amending the center heading after the table of sections to read as follows:

''SUBCHAPTER I—OFFICERS'';

(B) by amending the center heading after section 336 to read as follows:

''SUBCHAPTER II—ENLISTED MEMBERS'';

(C) by amending the center heading after section 373 to read as follows:

''SUBCHAPTER III—GENERAL PROVISIONS'';

and

(D) by amending the center heading after section 425 to read as follows:

''SUBCHAPTER IV—SPECIAL PROVISIONS''.

(3) CLERICAL AMENDMENTS.—The table of sections at the beginning of such chapter is amended—

(A) by striking ''OFFICERS'' at the beginning of the table and inserting ''SUBCHAPTER I—OFFICERS'';

(B) by striking ''ENLISTED MEMBERS'' after the item relating to section 336 and inserting ''SUBCHAPTER II—ENLISTED MEMBERS'';

(C) by striking ''GENERAL PROVISIONS'' after the item relating to section 373 and inserting ''SUBCHAPTER III—GENERAL PROVISIONS'';

(D) by striking ''SPECIAL PROVISIONS'' after the item relating to section 425 and inserting ''SUBCHAPTER IV—SPECIAL PROVISIONS''; and

(E) by adding at the end the following:

''SUBCHAPTER V—COAST GUARD MILITARY RETIREMENT FUND

''441. Establishment and purpose of Fund; definitions.
''442. Assets of the Fund.
''443. Payments from the Fund.
''444. Determination of contributions to the Fund.
''445. Payments into the Fund.
''446. Investment of assets of the Fund.''.

(b) IMPLEMENTATION YEAR EXCEPTIONS.—To avoid funding shortfalls in the first year of implementation of subchapter V of chapter 11 of title 14, United States Code, as added by subsection (a), if formal actuarial determinations are not available in time for budget preparation, the amounts used in the first year under sections 445(a)(1)(A) and 445(a)(2)(A) of such title shall be set equal to those estimates in sections 444(b)(1)(A)(i) and 444(b)(1)(B)(i), respectively, of such title if final determinations are not available. The original unfunded liability, as defined in section 444(a) of such title, shall include an adjustment to correct for this difference between the formal actuarial determinations and the estimates in sections 444(b)(1)(A)(i) and 444(b)(1)(B)(i) of such title.

(c) CONFORMING AMENDMENT.—Subparagraph (B) of section 255(g)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905(g)(1)) is amended by striking ''Retired Pay, Coast Guard (69–0241–0–1–403)'' and inserting ''Coast Guard Military Retirement Fund (69–0241–01–403)''.

(d) TRANSFER OF EXISTING BALANCES.—

(1) TRANSFER.—There shall be transferred into the Fund on October 1, 2005, any obligated and unobligated balances of appropriations made to the Department of Homeland Security that are currently available for retired pay, and amounts so transferred shall be part of the assets of the Fund.

(2) FUND DEFINED.—For purposes of paragraph (1), the term ''Fund'' means the Coast Guard Military Retirement Fund established under section 441 of title 14, United States Code, as added by subsection (a).

(e) EFFECTIVE DATE.—Sections 443 (relating to payments from the Fund) and 445 (relating to payments into the Fund) of title 14, United States Code, as added by subsection (a), shall take effect on October 1, 2005.

Subtitle B—Accrual Funding of Post-Retirement Health Benefits Costs for Federal Employees

SEC. 411. FEDERAL EMPLOYEES HEALTH BENEFITS FUND.

(a) Section 8906 of title 5, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (c)(1) and by adding at the end the following new paragraphs:

''(2) In addition to Government contributions required by subsection (b) and paragraph (1), each employing agency shall contribute amounts as determined by the Office to be necessary to prefund the accruing actuarial cost of post-retirement health benefits for each of the agency's current employees who are eligible for Government contributions under this section. Amounts under this paragraph shall be paid by the employing agency separate from other contributions under this section, from the appropriations or fund used for payment of the salary of the employee, on a schedule to be determined by the Office.

''(3) Paragraph (2) shall not apply to the United States Postal Service or the government of the District of Columbia.''; and

(2) by amending subsection (g)(1) to read as follows:

''(g)(1) Except as provided in paragraphs (2) and (3), all Government contributions authorized by this section for health benefits for an annuitant shall be paid from the Employees Health Benefits Fund to the extent that funds are available in accordance with section 8909(h)(6) and, if necessary, from annual appropriations which are authorized to be made for that purpose and which may be made available until expended.''.

(b) Section 8909 of title 5, United States Code, is amended by adding at the end the following new subsection:

''(h)(1) Not later than June 30, 2006, the Office shall determine the existing liability of the Fund for post-retirement health benefits, excluding the liability of the United States Postal Service for service under section 8906(g)(2), under this chapter as of September 30, 2006. The Office shall establish an amortization schedule, including a series of annual installments commencing September 30, 2006, which provides for the liquidation of such liability by September 30, 2043.

''(2) At the close of each fiscal year, for fiscal years beginning after September 30, 2005, the Office shall determine the supplemental liability of the Fund for post-retirement health benefits, excluding the liability attributable to the United States Postal Service for service subject to section 8906(g)(2), and shall establish an amortization schedule, including a series of annual installments commencing on September 30 of the subsequent fiscal year, which provides for liquidation of such supplemental liability over 30 years.

''(3) Amortization schedules established under this paragraph shall be set in accordance with generally accepted actuarial practices and principles.

''(4) At the end of each fiscal year on and after September 30, 2006, the Office shall notify the Secretary of the Treasury of the amounts of the next installments under the most recent amortization schedules established under paragraphs (1) and (2). Before closing the accounts for the fiscal year, the Secretary shall credit the sum of these amounts (including in that sum any negative amount for the amortization of the supplemental liability) to the Fund, as a Government contribution, out of any money in the Treasury of the United States not otherwise appropriated.

''(5) For the purpose of carrying out paragraphs (1) and (2), the Office shall perform or arrange for actuarial determinations and valuations and shall prescribe retention of such records as it considers necessary for making periodic actuarial valuations of the Fund.

''(6) Notwithstanding subsection (b), the amounts deposited into the Fund pursuant to this subsection and section 8906(c)(2) to prefund post-retirement health benefits costs shall be segregated within the Fund so that such amounts, as well as earnings and proceeds under subsection (c) attributable to them, may be used exclusively for the purpose of paying Government contributions for post-retirement health benefits costs. When such amounts are used in combination with amounts withheld from annuitants to pay for health benefits, a portion of the contributions shall then be set aside in the Fund as described in subsection (b).

''(7) Under this subsection, 'supplemental liability' means—

''(A) the actuarial present value for future post-retirement health benefits that are the liability of the Fund, less

''(B) the sum of—

''(i) the actuarial present value of all future contributions by agencies and annuitants to the Fund toward those benefits pursuant to section 8906;

''(ii) the present value of all scheduled amortization payments to the Fund pursuant to paragraphs (1) and (2);

''(iii) the Fund balance as of the date the supplemental liability is determined, to the extent that such balance is attributable to post-retirement benefits; and

''(iv) any other appropriate amount, as determined by the Office in accordance with generally accepted actuarial practices and principles.''.

SEC. 412. FUNDING UNIFORMED SERVICES HEALTH BENEFITS FOR ALL RETIREES.

Title 10, United States Code, is amended—

(1) in the title of chapter 56, by striking ''**DEPARTMENT OF DEFENSE MEDICARE-ELIGIBLE**'' and inserting ''**UNIFORMED SERVICES**'';

(2) in section 1111—

(A) in subsection (a)—

(i) by striking ''Department of Defense Medicare-Eligible'' and inserting ''Uniformed Services'';

(ii) by striking ''Department of Defense under''; and

(iii) by striking ''for medicare-eligible beneficiaries'';

(B) in subsection (c)—

(i) by striking ''The Secretary of Defense may'' and inserting ''The Secretary of Defense shall'';

(ii) by striking ''with any other'' and inserting ''with each'';

(iii) by striking ''Any such agreement'' and inserting ''Such agreements''; and

(iv) by striking ''administering Secretary may'' and inserting ''administrative Secretary shall'';

(3) in section 1113—

(A) in subsection (a)—

(i) by striking ''and are medicare eligible'';

(ii) by striking ''who are medicare eligible''; and

(iii) by adding at the end the following new sentence: ''For the fiscal year starting October 1, 2004, only, the payments will be solely for the costs of members or former members of a uniformed service who are entitled to retired or retainer pay and are medicare-eligible, and eligible dependents or survivors who are medicare-eligible.'';

(B) in subsection (c)(1), by striking ''who are medicare-eligible'';

(C) in subsection (d), by striking ''who are medicare-eligible''; and

(D) in subsection (f), by striking ''If'' and inserting ''When'';

(4) in section 1114, in subsection (a)(1), by striking ''Department of Defense Medicare-Eligible'' and inserting ''Uniformed Services'';

(5) in section 1115—

(A) in subsection (b)(2), by striking ''The amount determined under paragraph (1) for any fiscal year is the amount needed to be appropriated to the Department of Defense (or to the other executive department having

jurisdiction over the participating uniformed service)'' and inserting ''The amount determined under paragraph (1), or the amount determined under section 1111(c) for a participating uniformed service, for any fiscal year, is the amount needed to be appropriated to the Department of Defense (or to any other executive department having jurisdiction over a participating uniformed service)'';

(B) in subsection (c)(2), by striking ''for medicare eligible beneficiaries''; and

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

''(f) For the fiscal year starting October 1, 2004, only, the amounts in this section shall be based solely on the costs of medicare-eligible benefits of beneficiaries and the costs for their eligible dependents or survivors who are medicare-eligible, and shall be recalculated thereafter to reflect the cost of beneficiaries defined in section 1111.''; and

(6) in section 1116—

(A) in subsection (a)(1)(A), by striking ''for medicare-eligible beneficiaries'';

(B) in subsection (a)(2)(A), by striking ''for medicare-eligible beneficiaries''; and

(C) in subsection (c), by striking ''subsection (a) shall be paid from funds available for the health care programs'' and inserting ''subsection (a) and section 1111(c) shall be paid from funds available for the pay of members of the participating uniformed services under the jurisdiction of the respective administering secretaries''.

SEC. 413. EFFECTIVE DATE.

Except as otherwise provided, this title shall take effect upon enactment with respect to fiscal years beginning after 2005.

''Sec. 601. Short title.
''Sec. 602. Budgetary treatment.
''Sec. 603. Timetable for implementation of accrual budgeting for Federal insurance programs.
''Sec. 604. Definitions.
''Sec. 605. Authorizations to enter into contracts; actuarial cost account.
''Sec. 606. Effective date.''.

Subtitle C—Limit on the Public Debt

SEC. 421. LIMIT ON PUBLIC DEBT.

Section 3101 of title 31, United States Code, is amended to read as follows:

''§ 3101. Public debt limit

''(a) In this section, the current redemption value of an obligation issued on a discount basis and redeemable before maturity at the option of its holder is deemed to be the face amount of the obligation.

''(b) The face amount of obligations issued under this chapter and the face amount of obligations whose principal and interest are guaranteed by the United States Government (except guaranteed obligations held by the Secretary of the Treasury and intragovernmental holdings) may not be more than $4,393,000,000,000 outstanding at one time, subject to changes periodically made in that amount as provided by law.

''(c) For purposes of this section, the face amount, for any month, of any obligation issued on a discount basis that is not redeemable before maturity at the option of the holder of the obligation is an amount equal to the sum of—

''(1) the original issue price of the obligation, plus

''(2) the portion of the discount on the obligation attributable to periods before the beginning of such month (as determined under the principles of section 1272(a) of the Internal Revenue Code of 1986 without regard to any exceptions contained in paragraph (2) of such section).

''(d) For purposes of this section, the term 'intragovernment holding' is any obligation issued by the Secretary of the Treasury to any Federal trust fund or Government account, whether in respect of public money, money otherwise required to be deposited in the Treasury, or amounts appropriated.''.

TITLE V—PAYGO EXTENSION

SEC. 501. EXTENSION OF PAY-AS-YOU-GO REQUIREMENT.

(a) PURPOSE.—Section 252(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

''(a) PURPOSE.—The purpose of this section is to assure that any legislation that is enacted before October 1, 2007, that causes a net increase in direct spending will trigger an offsetting sequestration.''.

(b) TIMING.—Section 252(b)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking ''any net deficit increase'' and all that follows through ''2002,'' and by inserting ''any net increase in direct spending enacted before October 1, 2007,''.

(c) CALCULATION OF DIRECT SPENDING INCREASE.—Section 252(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) by striking ''deficit'' the first place it appears and inserting ''direct spending'';

(2) in subparagraph (A) by striking ''and receipts'';

(3) in subparagraph (C) by striking ''and receipts''; and

(4) by amending the heading to read as follows: ''CALCULATION OF DIRECT SPENDING INCREASE.—''.

(d) CONFORMING AMENDMENTS.—(1) The heading of section 252(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows: ''ELIMINATING A DIRECT SPENDING INCREASE.—''.

(2) Paragraphs (1), (2), and (4) of section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 are amended by striking ''or receipts'' each place it appears.

(3) Section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking ''or receipts'' and by striking '', outlays, and receipts'' and inserting ''and outlays''.

(4) Section 254(c)(3) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(A) in subparagraph (A) by striking ''net deficit increase or decrease'' and by inserting ''net increase or decrease in direct spending'';

(B) in subparagraph (B) by striking ''amount of deficit increase or decrease'' and by inserting ''increase or decrease in direct spending''; and

(C) in subparagraph (C) by striking ''a deficit increase'' and by inserting ''an increase in direct spending''.

It was decided in the negative { Yeas ..... 120 / Nays ..... 296 }

¶69.42 [Roll No. 316]

AYES—120

Akin
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Biggert
Bishop (UT)
Blackburn
Blunt
Boehlert
Bonner
Bono
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Coble
Cole
Cox
Crane
Cubin
Deal (GA)
DeLay
DeMint
Diaz-Balart, M.
Duncan
Dunn
Ehlers
English
Feeney
Flake
Forbes
Fossella
Franks (AZ)
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Jenkins
Johnson (CT)
Johnson, Sam
Kennedy (MN)
King (IA)
Kirk
Kline
Linder
Manzullo
McCrery
McInnis
McKeon
Miller (FL)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Norwood
Nunes
Otter
Paul
Pence
Pitts
Portman
Pryce (OH)
Putnam
Radanovich
Rehberg
Reynolds
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Smith (MI)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Weller
Wilson (SC)

NOES—296

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Becerra
Bell
Berkley
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehner
Bonilla
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Burns
Burr
Buyer
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gonzalez
Goss
Graves
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hayes
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pombo
Pomeroy
Porter
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Regula
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders

Sandlin	Spratt	Walden (OR)
Saxton	Stark	Walsh
Schakowsky	Stenholm	Wamp
Schiff	Strickland	Waters
Scott (GA)	Stupak	Watson
Scott (VA)	Sweeney	Watt
Serrano	Tanner	Waxman
Shaw	Tauscher	Weiner
Sherman	Taylor (MS)	Weldon (FL)
Sherwood	Taylor (NC)	Weldon (PA)
Shuster	Thomas	Wexler
Simmons	Thompson (CA)	Whitfield
Simpson	Thompson (MS)	Wicker
Skelton	Tierney	Wilson (NM)
Slaughter	Towns	Wolf
Smith (NJ)	Turner (TX)	Woolsey
Smith (TX)	Udall (CO)	Wu
Smith (WA)	Udall (NM)	Wynn
Snyder	Van Hollen	Young (AK)
Solis	Velázquez	Young (FL)
Souder	Visclosky	

NOT VOTING—17

Barton (TX)	Gephardt	Jones (OH)
Bereuter	Gordon	McDermott
Berman	Granger	Mollohan
Carson (IN)	Hastings (FL)	Rothman
Collins	Hastings (WA)	Tauzin
Deutsch	Houghton	

So the amendment in the nature of a substitute was not agreed to.

The SPEAKER pro tempore, Mr. SHIMKUS, assumed the Chair.

When Mr. WALDEN of Oregon, Acting Chairman, pursuant to House Resolution 692, reported the bill back to the House with sundry amendments adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendments, reported from the Committee of the Whole House on the state of the Union, were agreed to:

Page 2, after line 3, insert the following: ''TITLE I—EXTENSION OF DISCRETIONARY SPENDING LIMITS AND PAY-AS-YOU-GO REQUIREMENTS''.

Redesignate sections 2 through 9 as sections 101 through 108, respectively, and on page 10, after line 21, add the following new title:

TITLE II—ESTABLISHMENT OF FEDERAL AGENCY SUNSET COMMISSION

SEC. 201. REVIEW AND ABOLISHMENT OF FEDERAL AGENCIES.

(a) SCHEDULE FOR REVIEW.—Not later than one year after the date of the enactment of this Act, the Federal Agency Sunset Commission established under section 202 (in this title referred to as the ''Commission'') shall submit to Congress a schedule for review by the Commission, at least once every 12 years (or less, if determined appropriate by Congress), of the abolishment or reorganization of each agency.

(b) REVIEW OF AGENCIES PERFORMING RELATED FUNCTIONS.—In determining the schedule for review of agencies under subsection (a), the Commission shall provide that agencies that perform similar or related functions be reviewed concurrently to promote efficiency and consolidation.

(c) ABOLISHMENT OF AGENCIES.—

(1) IN GENERAL.—Each agency shall—

(A) be reviewed according to the schedule created pursuant to this section; and

(B) be abolished not later than one year after the date that the Commission completes its review of the agency pursuant to such schedule, unless the agency is reauthorized by the Congress.

(2) EXTENSION.—The deadline for abolishing an agency may be extended for an additional two years after the date described in paragraph (1)(B) if the Congress enacts legislation extending such deadline by a vote of a super majority of the House of Representatives and the Senate.

SEC. 202. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the ''Federal Agency Sunset Commission''.

(b) COMPOSITION.—The Commission shall be composed of 12 members (in this title referred to as the ''members'') who shall be appointed as follows:

(1) Six members shall be appointed by the Speaker of the House of Representatives, one of whom may include the Speaker of the House of Representatives, with minority members appointed with the consent of the minority leader of the House of Representatives.

(2) Six members shall be appointed by the majority leader of the Senate, one of whom may include the majority leader of the Senate, with minority members appointed with the consent of the minority leader of the Senate.

(c) QUALIFICATIONS OF MEMBERS.—

(1) IN GENERAL.—(A) Of the members appointed under subsection (b)(1), four shall be members of the House of Representatives (not more than two of whom may be of the same political party), and two shall be an individual described in subparagraph (C).

(B) Of the members appointed under subsection (b)(2), four shall be members of the Senate (not more than two of whom may be of the same political party) and two shall be an individual described in subparagraph (C).

(C) An individual under this subparagraph is an individual—

(i) who is not a member of Congress; and

(ii) with expertise in the operation and administration of Government programs.

(2) CONTINUATION OF MEMBERSHIP.—If a member was appointed to the Commission as a Member of Congress and the member ceases to be a Member of Congress, that member shall cease to be a member of the Commission. The validity of any action of the Commission shall not be affected as a result of a member becoming ineligible to serve as a member for the reasons described in this paragraph.

(d) INITIAL APPOINTMENTS.—All initial appointments to the Commission shall be made not later than 90 days after the date of the enactment of this Act.

(e) CHAIRMAN; VICE CHAIRMAN.—

(1) INITIAL CHAIRMAN.—An individual shall be designated by the Speaker of the House of Representatives from among the members initially appointed under subsection (b)(1) to serve as chairman of the Commission for a period of 2 years.

(2) INITIAL VICE-CHAIRMAN.—An individual shall be designated by the majority leader of the Senate from among the individuals initially appointed under subsection (b)(2) to serve as vice-chairman of the Commission for a period of two years.

(3) ALTERNATE APPOINTMENTS OF CHAIRMEN AND VICE-CHAIRMEN.—Following the termination of the two-year period described in paragraphs (1) and (2), the Speaker and the majority leader shall alternate every two years in appointing the chairman and vice-chairman of the Commission.

(f) TERMS OF MEMBERS.—

(1) MEMBERS OF CONGRESS.—Each member appointed to the Commission who is a member of Congress shall serve for a term of six years, except that, of the members first appointed under paragraphs (1) and (2) of subsection (b), 2 members shall be appointed to serve a term of three years under each such paragraph.

(2) OTHER MEMBERS.—Each member of the Commission who is not a member of Congress shall serve for a term of three years.

(3) TERM LIMIT.—(A) A member of the Commission who is a member of Congress and who serves more than three years of a term may not be appointed to another term as a member.

(B) A member of the Commission who is not a member of Congress and who serves as a member of the Commission for more than 56 months may not be appointed to another term as a member.

(g) POWERS OF COMMISSION.—

(1) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this title, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers appropriate. The Commission may administer oaths to witnesses appearing before it.

(2) OBTAINING INFORMATION.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out its duties under this title. Upon request of the Chairman, the head of that department or agency shall furnish that information to the Commission in a full and timely manner.

(3) SUBPOENA POWER.—(A) The Commission may issue a subpoena to require the attendance and testimony of witnesses and the production of evidence relating to any matter under investigation by the Commission.

(B) If a person refuses to obey an order or subpoena of the Commission that is issued in connection with a Commission proceeding, the Commission may apply to the United States district court in the judicial district in which the proceeding is held for an order requiring the person to comply with the subpoena or order.

(4) IMMUNITY.—The Commission is an agency of the United States for purposes of part V of title 18, United States Code (relating to immunity of witnesses).

(5) CONTRACT AUTHORITY.—The Commission may contract with and compensate government and private agencies or persons for services without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

(h) COMMISSION PROCEDURES.—

(1) MEETINGS.—The Commission shall meet at the call of the Chairman.

(2) QUORUM.—Seven members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(i) PERSONNEL MATTERS.—

(1) COMPENSATION.—Members shall not be paid by reason of their service as members.

(2) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(3) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Chairman. The Director shall be paid at a rate not to exceed the maximum rate of basic pay payable for GS–15 of the General Schedule.

(4) STAFF.—The Director may appoint and fix the pay of additional personnel as the Director considers appropriate.

(5) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Commission shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(j) OTHER ADMINISTRATIVE MATTERS.—

(1) POSTAL AND PRINTING SERVICES.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the United States.

(2) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis,

the administrative support services necessary for the Commission to carry out its duties under this title.

(3) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(k) SUNSET OF COMMISSION.—The Commission shall terminate on December 31, 2026, unless reauthorized by Congress.

SEC. 203. REVIEW OF EFFICIENCY AND NEED FOR FEDERAL AGENCIES.

(a) IN GENERAL.—The Commission shall review the efficiency and public need for each agency in accordance with the criteria described in section 204.

(b) RECOMMENDATIONS; REPORT TO CONGRESS.—The Commission shall submit to Congress and the President not later than September 1 of each year a report containing—

(1) an analysis of the efficiency of operation and public need for each agency to be reviewed in the year in which the report is submitted pursuant to the schedule submitted to Congress under section 201;

(2) recommendations on whether each such agency should be abolished or reorganized;

(3) recommendations on whether the functions of any other agencies should be consolidated, transferred, or reorganized in an agency to be reviewed in the year in which the report is submitted pursuant to the schedule submitted to Congress under section 201; and

(4) recommendations for administrative and legislative action with respect to each such agency, but not including recommendations for appropriation levels.

(c) DRAFT LEGISLATION.—The Commission shall submit to Congress and the President not later than September 1 of each year a draft of legislation to carry out the recommendations of the Commission under subsection (b).

(d) INFORMATION GATHERING.—The Commission shall—

(1) conduct public hearings on the abolishment of each agency reviewed under subsection (b);

(2) provide an opportunity for public comment on the abolishment of each such agency;

(3) require the agency to provide information to the Commission as appropriate; and

(4) consult with the General Accounting Office, the Office of Management and Budget, the Comptroller General, and the chairman and ranking minority members of the committees of Congress with oversight responsibility for the agency being reviewed regarding the operation of the agency.

(e) USE OF PROGRAM INVENTORY.—The Commission shall use the program inventory prepared under section 208 in reviewing the efficiency and public need for each agency under subsection (a).

SEC. 204. CRITERIA FOR REVIEW.

The Commission shall evaluate the efficiency and public need for each agency pursuant to section 203(a) using the following criteria:

(1) The effectiveness, and the efficiency of the operation of, the programs carried out by each such agency.

(2) Whether the programs carried out by the agency are cost-effective.

(3) Whether the agency has acted outside the scope of its original authority, and whether the original objectives of the agency have been achieved.

(4) Whether less restrictive or alternative methods exist to carry out the functions of the agency.

(5) The extent to which the jurisdiction of, and the programs administered by, the agency duplicate or conflict with the jurisdiction and programs of other agencies.

(6) The potential benefits of consolidating programs administered by the agency with similar or duplicative programs of other agencies, and the potential for consolidating such programs.

(7) The number and types of beneficiaries or persons served by programs carried out by the agency.

(8) The extent to which any trends, developments, and emerging conditions that are likely to affect the future nature and extent of the problems or needs that the programs carried out by the agency are intended to address.

(9) The extent to which the agency has complied with the provisions contained in the Government Performance and Results Act of 1993 (Public Law 103–62; 107 Stat. 285).

(10) The promptness and effectiveness with which the agency seeks public input and input from State and local governments on the efficiency and effectiveness of the performance of the functions of the agency.

(11) Whether the agency has worked to enact changes in the law that are intended to benefit the public as a whole rather than the specific business, institution, or individuals that the agency regulates.

(12) The extent to which the agency has encouraged participation by the public as a whole in making its rules and decisions rather than encouraging participation solely by those it regulates.

(13) The extent to which the public participation in rulemaking and decisionmaking of the agency has resulted in rules and decisions compatible with the objectives of the agency.

(14) The extent to which the agency complies with section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act'').

(15) The extent to which the agency complies with equal employment opportunity requirements regarding equal employment opportunity.

(16) The extent of the regulatory, privacy, and paperwork impacts of the programs carried out by the agency.

(17) The extent to which the agency has coordinated with State and local governments in performing the functions of the agency.

(18) The potential effects of abolishing the agency on State and local governments.

(19) The extent to which changes are necessary in the authorizing statutes of the agency in order that the functions of the agency can be performed in the most efficient and effective manner.

SEC. 205. COMMISSION OVERSIGHT.

(a) MONITORING OF IMPLEMENTATION OF RECOMMENDATIONS.—The Commission shall monitor implementation of laws enacting provisions that incorporate recommendations of the Commission with respect to abolishment or reorganization of agencies.

(b) MONITORING OF OTHER RELEVANT LEGISLATION.—

(1) IN GENERAL.—The Commission shall review and report to Congress on all legislation introduced in either house of Congress that would establish—

(A) a new agency;

(B) a new program to be carried out by an existing agency.

(2) REPORT TO CONGRESS.—The Commission shall include in each report submitted to Congress under paragraph (1) an analysis of whether—

(A) the functions of the proposed agency or program could be carried out by one or more existing agencies;

(B) the functions of the proposed agency or program could be carried out in a less restrictive manner than the manner proposed in the legislation; and

(C) the legislation provides for public input regarding the performance of functions by the proposed agency or program.

SEC. 206. RULEMAKING AUTHORITY.

The Commission may promulgate such rules as necessary to carry out this title.

SEC. 207. RELOCATION OF FEDERAL EMPLOYEES.

If the position of an employee of an agency is eliminated as a result of the abolishment of an agency in accordance with this title, there shall be a reasonable effort to relocate such employee to a position within another agency.

SEC. 208. PROGRAM INVENTORY.

(a) PREPARATION.—The Comptroller General and the Director of the Congressional Budget Office, in cooperation with the Director of the Congressional Research Service, shall prepare an inventory of Federal programs (in this title referred to as the ''program inventory'') within each agency.

(b) PURPOSE.—The purpose of the program inventory is to advise and assist the Congress and the Commission in carrying out the requirements of this title. Such inventory shall not in any way bind the committees of the Senate or the House of Representatives with respect to their responsibilities under this title and shall not infringe on the legislative and oversight responsibilities of such committees. The Comptroller General shall compile and maintain the inventory and the Director of the Congressional Budget Office shall provide budgetary information for inclusion in the inventory.

(c) INVENTORY CONTENT.—The program inventory shall set forth for each program each of the following matters:

(1) The specific provision or provisions of law authorizing the program.

(2) The committees of the Senate and the House of Representatives which have legislative or oversight jurisdiction over the program.

(3) A brief statement of the purpose or purposes to be achieved by the program.

(4) The committees which have jurisdiction over legislation providing new budget authority for the program, including the appropriate subcommittees of the Committees on Appropriations of the Senate and the House of Representatives.

(5) The agency and, if applicable, the subdivision thereof responsible for administering the program.

(6) The grants-in-aid, if any, provided by such program to State and local governments.

(7) The next reauthorization date for the program.

(8) A unique identification number which links the program and functional category structure.

(9) The year in which the program was originally established and, where applicable, the year in which the program expires.

(10) Where applicable, the year in which new budget authority for the program was last authorized and the year in which current authorizations of new budget authority expire.

(d) BUDGET AUTHORITY.—The report also shall set forth for each program whether the new budget authority provided for such programs is—

(1) authorized for a definite period of time;

(2) authorized in a specific dollar amount but without limit of time;

(3) authorized without limit of time or dollar amounts;

(4) not specifically authorized; or

(5) permanently provided,

as determined by the Director of the Congressional Budget Office.

(e) CBO INFORMATION.—For each program or group of programs, the program inventory also shall include information prepared by the Director of the Congressional Budget Office indicating each of the following matters:

(1) The amounts of new budget authority authorized and provided for the program for

each of the preceding four fiscal years and, where applicable, the four succeeding fiscal years.

(2) The functional and subfunctional category in which the program is presently classified and was classified under the fiscal year 2001 budget.

(3) The identification code and title of the appropriation account in which budget authority is provided for the program.

(f) MUTUAL EXCHANGE OF INFORMATION.—The General Accounting Office, the Congressional Research Service, and the Congressional Budget Office shall permit the mutual exchange of available information in their possession which would aid in the compilation of the program inventory.

(g) ASSISTANCE BY EXECUTIVE BRANCH.—The Office of Management and Budget, and the Executive agencies and the subdivisions thereof shall, to the extent necessary and possible, provide the General Accounting Office with assistance requested by the Comptroller General in the compilation of the program inventory.

SEC. 209. DEFINITION OF AGENCY.

As used in this title, the term ''agency'' has the meaning given that term by section 105 of title 5, United States Code, except that such term includes an advisory committee as that term is defined in section 102(2) of the Federal Advisory Committee Act.

SEC. 210. OFFSET OF AMOUNTS APPROPRIATED.

Amounts appropriated to carry out this title shall be offset by a reduction in amounts appropriated to carry out programs of other Federal agencies.

At the end, add the following new section:

SEC. . ANNUAL CBO REPORTS ON ENTITLEMENT SPENDING.

Section 202(e) of the Congressional Budget Act of 1974 is amended by adding at the end the following new paragraph:

''(4) On or before February 15 of each year, the Director shall submit to the Committees on the Budget of the House of Representatives and the Senate, a report for the fiscal year ending on September 30 of the preceding year, with respect to entitlement spending, including (A) a comparison of actual spending for entitlements, on an account by account basis, with projected spending for such entitlements assumed in the concurrent resolution of the budget for that fiscal year and (B) an identification of those entitlements for which the actual spending exceeded the projected spending.''.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. STENHOLM moved to recommit the bill to the Committee on the Budget with instructions to report the bill back to the House forthwith with the following amendments:

Amend section 6 to read as follows:

SEC. 6. EXTENSION OF PAY-AS-YOU-GO REQUIREMENT.

Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended ''2002'' both places it appears and inserting ''2009''.

Strike section 9 and redesignate the succeeding sections accordingly.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. SHIMKUS, announced that the nays had it.

Mr. STENHOLM demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

FRIDAY, JUNE 25 (LEGISLATIVE DAY OF JUNE 24), 2004

The vote was taken by electronic device.

It was decided in the negative { Yeas ..... 196 / Nays ..... 218 }

¶69.43 [Roll No. 317]

AYES—196

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—218

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

NOT VOTING—19

Ballenger
Barton (TX)
Bereuter
Berman
Carson (IN)
Collins
Deutsch
Gephardt
Gordon
Granger
Hastings (FL)
Hastings (WA)
Houghton
Jones (OH)
McDermott
Mollohan
Rothman
Smith (MI)
Tauzin

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. SHIMKUS, announced that the yeas had it.

Mr. SPRATT demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negetive { Yeas ..... 146 / Nays ..... 268 }

¶69.44 [Roll No. 318]

AYES—146

Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Biggert
Bishop (UT)

Blackburn
Blunt
Boehlert
Boehner
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Cole
Cox
Crane
Cubin
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Dunn
Ehlers
Feeney
Flake
Foley
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Hulshof
Isakson
Issa
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kirk
Kline
Linder
Lucas (OK)
Manzullo
McCotter
McCrery
McInnis
Miller (FL)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nunes
Nussle
Ose
Otter
Oxley
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Reynolds
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Stearns
Sullivan
Tancredo
Terry
Thomas
Thornberry
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Weldon (PA)
Wilson (SC)
Young (AK)

NOES—268

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonilla
Bonner
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Calvert
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chandler
Clay
Clyburn
Coble
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Edwards
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gonzalez
Goss
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hayes
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Hunter
Hyde
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Northup
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pomeroy
Porter
Price (NC)
Quinn
Rahall
Rangel
Regula
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—19

Ballenger
Barton (TX)
Bereuter
Berman
Carson (IN)
Collins
Deutsch
Gephardt
Gordon
Granger
Hastings (FL)
Hastings (WA)
Houghton
Jones (OH)
McDermott
Mollohan
Rothman
Smith (MI)
Tauzin

So the bill was not passed.

A motion to reconsider the vote whereby said bill was not passed was, by unanimous consent, laid on the table.

¶69.45 H. RES. 691—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SHIMKUS, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the resolution (H. Res. 691) congratulating the Interim Government of Iraq on its forthcoming assumption of sovereign authority in Iraq.

The question being put,

Will the House agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 352 / Nays 57

¶69.46 [Roll No. 319]

YEAS—352

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Becerra
Bell
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hayes
Hayworth
Hensarling
Herger
Herseth
Hill
Hinojosa
Hoeffel
Hoekstra
Holden
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Manzullo
Marshall
Matheson
Matsui
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pascrell
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schiff
Scott (GA)
Sensenbrenner
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—57

Baldwin	Kilpatrick	Pallone
Blumenauer	Kleczka	Pastor
Brown (OH)	Kucinich	Paul
Clay	Larson (CT)	Payne
Conyers	Lee	Rangel
Cummings	Lewis (GA)	Rush
DeGette	Lofgren	Sabo
Delahunt	Maloney	Schakowsky
Eshoo	Markey	Scott (VA)
Farr	McCarthy (MO)	Serrano
Filner	McCollum	Solis
Frank (MA)	McGovern	Stark
Grijalva	Meehan	Tierney
Gutierrez	Miller, George	Towns
Hinchey	Nadler	Velázquez
Holt	Neal (MA)	Waters
Honda	Oberstar	Watt
Jackson (IL)	Olver	Wexler
Kaptur	Owens	Woolsey

NOT VOTING—24

Ballenger	Gordon	McDermott
Barton (TX)	Granger	Mollohan
Bereuter	Hastings (FL)	Murtha
Berman	Hastings (WA)	Rothman
Carson (IN)	Hefley	Schrock
Collins	Hobson	Sessions
Deutsch	Houghton	Smith (MI)
Gephardt	Jones (OH)	Tauzin

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶69.47 PROVIDING FOR THE CONSIDERATION OF H.R. 4614

Mr. SESSIONS, by direction of the Committee on Rules, reported (Rept. No. 108–569) the resolution (H. Res. 694) providing for consideration of the bill (H.R. 4614) making appropriations for energy and water development for the fiscal year ending September 30, 2005, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶69.48 ELECTION ASSISTANCE COMMISSION BOARD OF ADVISORS

The SPEAKER pro tempore, Mr. SHIMKUS, by unanimous consent, announced that the Speaker, pursuant to section 214(a) of the Help America Vote Act of 2002 (42 United States Code 15344), and the order of the House of December 8, 2003, appointed the following member on the part of the House to the Election Assistance Commission Board of Advisors for a term of two years: Mr. J. C. Watts, Jr., Norman, Oklahoma.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶69.49 ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4635: An Act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

¶69.50 SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2017. An Act to designate the United States courthouse and post office building located at 93 Atocha Street in Ponce, Puerto Rico, as the ''Luis A. Ferre United States Courthouse and Post Office Building.''

¶69.51 BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on June 23, 2004, he presented to the President of the United States, for his approval, the following bills.

H.R. 3378. An Act to assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries.

H.R. 3504. An Act to amend the Indian Self-Determination and Education Assistance Act to redesignate the American Indian Education Foundation as the National Fund for Excellence in American Indian Education.

H.R. 4322. An Act to provide for the transfer of the Nebraska Avenue Naval Complex in the District of Columbia to facilitate the establishment of the headquarters for the Department of Homeland Security, to provide for the acquisition by the Department of the Navy of suitable replacement facilities.

Jeff Trandahl, Clerk of the House reports that on June 24, 2004, he presented to the President of the United States, for his approval, the following bills.

H.R. 4589. An Act to reauthorize the Temporary Assistance for Needy Families block grant program through September 30, 2004, and for other purposes.

H.R. 4635. An Act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

¶69.52 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BARTON of Texas, for today;

To Ms. CARSON of Indiana, for today;

To Mr. HASTINGS of Washington, for today after 2 p.m. and balance of the week; and

To Mr. LINDER, for today until 6 p.m.

And then,

¶69.53 ADJOURNMENT

On motion of Mr. SESSIONS, at 12 o'clock and 23 minutes a.m., Friday, June 25 (legislative day of June 24), 2004, the House adjourned.

¶69.54 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OXLEY: Committee on Financial Services. H.R. 3916. A bill to improve circulation of the $1 coin, create a new bullion coin, and for other purposes; with an amendment (Rept. 108–568). Referred to the Committee of the Whole House on the State of the Union.

[Filed on June 25 (legislative day, June 24), 2004]

Mr. SESSIONS: Committee on Rules. House Resolution 694. Resolution providing for consideration of the bill (H.R. 4614) making appropriations for energy and water development for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108–569). Referred to the House Calendar.

¶69.55 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. JONES of North Carolina:

H.R. 4677. A bill to name the lake known as Falls Lake in North Carolina after United States Senator Jesse Helms; to the Committee on Transportation and Infrastructure.

By Mr. DAVIS of Florida:

H.R. 4678. A bill to bar certain additional restrictions on travel and remittances to Cuba; to the Committee on International Relations.

By Mr. FRANK of Massachusetts (for himself, Mr. KANJORSKI, Ms. WATERS, Mr. SANDERS, Mrs. MALONEY, Mr. GUTIERREZ, Ms. VELAZQUEZ, Mr. WATT, Ms. CARSON of Indiana, Ms. LEE, Mr. CAPUANO, Mr. CROWLEY, Mr. CLAY, Mr. ISRAEL, Mrs. MCCARTHY of New York, Mr. BACA, Mr. LYNCH, Mr. EMANUEL, Mr. SCOTT of Georgia, and Mr. DAVIS of Alabama):

H.R. 4679. A bill to authorize the Secretary of Housing and Urban Development to provide assistance for privately owned low- and moderate-income housing with expiring Federal subsidies to prevent displacement of low- and moderate-income tenants, and for other purposes; to the Committee on Financial Services.

By Mr. HAYWORTH:

H.R. 4680. A bill to amend the National Labor Relations Act to ensure that Indian tribes and any organizations owned, controlled, or operated by Indian tribes are not considered employers for purposes of such Act; to the Committee on Education and the Workforce.

By Mr. CARDIN (for himself, Mr. PALLONE, and Mr. MCNULTY):

H.R. 4681. A bill to require the Secretary of Health and Human Services to establish and maintain an Internet website that is designed to allow consumers to compare the usual and customary prices for covered outpatient drugs sold by retail pharmacies that participate in the Medicaid Program for each postal Zip Code, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CASTLE (for himself, Ms. DEGETTE, Mr. DOOLEY of California, Mr. BASS, Mrs. BIGGERT, Mr. GIBBONS, Mr. GILCHREST, Mr. GREENWOOD, Mr. HOUGHTON, Mrs. JOHNSON of Connecticut, Mr. KIRK, Mr. KOLBE, Mr. LEACH, Mr. RAMSTAD, Mr. SHAYS, Ms. BALDWIN, Mr. BROWN of Ohio, Mr. EVANS, Mr. LANGEVIN, Mrs. MALONEY, Mr. WAXMAN, Mr. STARK, Mr. MOORE, Mrs. CAPPS, Mr. HOYER, and Ms. SOLIS):

H.R. 4682. A bill to amend the Public Health Service Act to provide for human embryonic stem cell research; to the Committee on Energy and Commerce.

By Mr. CLYBURN (for himself, Mr. BROWN of South Carolina, and Mrs. CHRISTENSEN):

H.R. 4683. A bill to enhance the preservation and interpretation of the Gullah/Geechee cultural heritage, and for other purposes; to the Committee on Resources.

By Mr. ENGLISH:

H.R. 4684. A bill to extend the Temporary Extended Unemployment Compensation Act of 2002, and for other purposes; to the Committee on Ways and Means.

By Mr. KIND (for himself, Mr. PICKERING, Mr. THOMPSON of California,

Mr. WELDON of Pennsylvania, Mr. BERRY, Mr. BOSWELL, Mr. BOEHLERT, and Mr. PETERSON of Minnesota):

H.R. 4685. A bill to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps; to the Committee on Resources.

By Mr. KIND (for himself and Ms. MCCOLLUM):

H.R. 4686. A bill to revitalize the Mississippi River; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND (for himself and Mr. OSBORNE):

H.R. 4687. A bill to amend part C of title XVIII of the Social Security Act to require Medicare Advantage (MA) organizations to pay for critical access hospital services and rural health clinic services at a rate that is at least 101 percent of the payment rate otherwise applicable under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILCHREST (for himself, Mr. SCOTT of Virginia, Mr. SCHROCK, Mr. CARDIN, Mrs. CAPITO, Mr. RUPPERSBERGER, Mr. VAN HOLLEN, Mr. CASTLE, Mr. WELDON of Pennsylvania, Mr. BOEHLERT, Mr. PLATTS, Mr. ENGLISH, Mr. CUMMINGS, Mr. WYNN, Mr. MURTHA, Mr. HOYER, and Mr. BARTLETT of Maryland):

H.R. 4688. A bill to amend the Federal Water Pollution Control Act to reauthorize the Chesapeake Bay Program; to the Committee on Transportation and Infrastructure.

By Mr. GREEN of Texas (for himself, Mr. HINCHEY, Mr. RANGEL, Mr. FROST, Mr. GUTIERREZ, and Mr. ENGEL):

H.R. 4689. A bill to amend title XVIII of the Social Security Act to provide Medicare beneficiaries with access to geriatric assessments and chronic care management, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Washington:

H.R. 4690. A bill to transfer certain lands along the Cle Elum River in the State of Washington to the administrative jurisdiction of the Secretary of the Interior, to support a land exchange involving a portion of such lands, and for other purposes; to the Committee on Resources.

By Mr. HEFLEY (for himself, Mr. BEAUPREZ, and Mr. TANCREDO):

H.R. 4691. A bill to authorize the Secretary of the Interior to engage in a feasibility study relating to long-term water needs for the area served by the Fryingpan-Arkansas Project, Colorado, and for other purposes; to the Committee on Resources.

By Mr. INSLEE (for himself, Mrs. WILSON of New Mexico, Mr. SMITH of Washington, Mr. DICKS, Mr. LARSEN of Washington, Mr. MCDERMOTT, Mr. UDALL of New Mexico, Mr. PEARCE, and Mr. BAIRD):

H.R. 4692. A bill to amend title XXI of the Social Security Act to permit qualifying States to use a portion of their allotments under the State children's health insurance program for any fiscal year for certain Medicaid expenditures, and for other purposes; to the Committee on Energy and Commerce.

By Ms. KAPTUR:

H.R. 4693. A bill to require persons who seek to retain seed harvested from the planting of patented seeds to register with the Secretary of Agriculture and pay fees set by the Secretary for retaining such seed, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY of Rhode Island (for himself and Ms. ROS-LEHTINEN):

H.R. 4694. A bill to amend the Older Americans Act of 1965 to provide for mental health screening and treatment services, to amend the Public Health Service Act to provide for integration of mental health services and mental health treatment outreach teams, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSEN of Washington:

H.R. 4695. A bill to amend the Small Business Act to extend the redesignation period for certain Historically Underutilized Business Zones (HUBZones) in States with persistently high unemployment; to the Committee on Small Business.

By Mr. MCHUGH:

H.R. 4696. A bill to promote the use of anaerobic digesters by agricultural producers and rural small businesses to produce renewable energy and improve environmental quality; to the Committee on Agriculture.

By Mr. MCHUGH:

H.R. 4697. A bill to amend the Internal Revenue Code of 1986 to provide for a permanent extension of the credit for producing electricity from wind; to the Committee on Ways and Means.

By Mr. MCHUGH:

H.R. 4698. A bill to establish a grant program to support cluster-based economic development efforts; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCHUGH:

H.R. 4699. A bill to establish a grant program to support broadband-based economic development efforts; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCINNIS:

H.R. 4700. A bill to provide special authority to the Secretary of Agriculture to convey certain Forest Service administrative sites in the White River National Forest in Colorado, to reserve the proceeds from such conveyances to help resolve the facilities needs of that national forest, and for other purposes; to the Committee on Resources.

By Mr. NADLER (for himself, Mr. FRANK of Massachusetts, Ms. BALDWIN, Mr. KENNEDY of Rhode Island, and Mr. GRIJALVA):

H.R. 4701. A bill to provide for entitlement to dependents' and survivors' benefits under the old-age, survivors, and disability insurance program under title II of the Social Security Act based on permanent partnership as well as marriage; to the Committee on Ways and Means.

By Mr. NEUGEBAUER:

H.R. 4702. A bill to require farmers to be offered supplemental crop insurance based on an area yield and loss plan of insurance; to the Committee on Agriculture.

By Mr. OSBORNE (for himself, Mr. HOEKSTRA, and Mr. FORD):

H.R. 4703. A bill to establish a Federal Youth Development Council to improve the administration and coordination of Federal programs serving youth, and for other purposes; to the Committee on Education and the Workforce.

By Mr. OSE (for himself, Mr. DOOLITTLE, Mr. CARSON of Oklahoma, and Mr. DOOLEY of California):

H.R. 4704. A bill to amend the Internal Revenue Code of 1986 to establish tax credits for climate neutral combustion technologies; to the Committee on Ways and Means.

By Mr. POMEROY:

H.R. 4705. A bill to provide crop and livestock disaster assistance; to the Committee on Agriculture.

By Mr. RAHALL (for himself, Mr. FARR, Mr. JACKSON of Illinois, Ms. LEE, Ms. MCCOLLUM, Mrs. CAPPS, Mr. GEORGE MILLER of California, Mr. WEXLER, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. CASE, Mr. MORAN of Virginia, Mr. HONDA, Mr. KUCINICH, Mr. VAN HOLLEN, and Mr. SCHIFF):

H.R. 4706. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to provide for stewardship of fishery resources for the American public, and for other purposes; to the Committee on Resources.

By Mr. RANGEL (for himself and Mr. HOUGHTON):

H.R. 4707. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage diversity of ownership of telecommunications businesses, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYAN of Ohio:

H.R. 4708. A bill to allow workers certified to receive trade adjustment assistance under the Trade Act of 1974 who are rehired by the same employer to continue to receive such assistance if they are subsequently unable to work because of a lock-out in the course of a labor dispute; to the Committee on Ways and Means.

By Ms. LORETTA SANCHEZ of California:

H.R. 4709. A bill to amend the Uniform Code of Military Justice to bring sexual assault crimes under military law into parallel with sexual assault crimes under Federal law, and for other purposes; to the Committee on Armed Services.

By Ms. SLAUGHTER (for herself, Mr. HINCHEY, and Mr. GRIJALVA):

H.R. 4710. A bill to clarify the congressional intent concerning, and to codify, certain requirements of the Communications Act of 1934 that ensure that broadcasters afford reasonable opportunity for the discussion of conflicting views on issues of public importance; to the Committee on Energy and Commerce.

By Mr. SNYDER (for himself and Mr. BOOZMAN):

H.R. 4711. A bill to amend title 38, United States Code, to eliminate reductions of basic pay for eligibility for basic educational assistance for veterans under the Montgomery GI Bill; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each

case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIAHRT (for himself, Mr. BALLENGER, Mr. NORWOOD, and Mr. WILSON of South Carolina):

H.R. 4712. A bill to amend the Occupational Safety and Health Act of 1970 with respect to enforcement provisions; to the Committee on Education and the Workforce.

By Mr. MCGOVERN (for himself, Ms. SCHAKOWSKY, and Mr. HONDA):

H. Con. Res. 465. Concurrent resolution commending the efforts of women in the Republic of Colombia to promote peace; to the Committee on International Relations.

By Mr. HOLT (for himself, Mr. WOLF, Mr. GEORGE MILLER of California, and Mr. LANTOS):

H. Con. Res. 466. Concurrent resolution urging the Government of India to conduct a thorough and transparent investigation of the scope of abusive child labor in circuses throughout India and to pursue immediate and effective remedies to end such abuse, and to provide immediate and continuous police protection to secure the personal safety of Kailash Satyarthi, his family, and his colleagues in the South Asian Coalition Against Child Servitude; to the Committee on International Relations.

By Mr. PAYNE (for himself, Mr. CUMMINGS, Mr. JEFFERSON, Mr. WYNN, Ms. LEE, Ms. MAJETTE, Mrs. CHRISTENSEN, Mr. DAVIS of Illinois, Ms. WATERS, Mr. JACKSON of Illinois, Ms. NORTON, Mr. SCOTT of Georgia, Ms. MILLENDER-MCDONALD, Mr. DAVIS of Alabama, Mr. RUSH, Mr. TOWNS, Ms. SCHAKOWSKY, Mr. FATTAH, Mr. OWENS, Mr. RANGEL, Mr. THOMPSON of Mississippi, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WATT, Mr. MEEKS of New York, Ms. CORRINE BROWN of Florida, Ms. WATSON, Ms. JACKSON-LEE of Texas, Mr. LEWIS of Georgia, Mr. CLYBURN, Mr. CONYERS, Mr. SCOTT of Virginia, Mr. FORD, Ms. KILPATRICK, Mr. TANCREDO, and Mr. BISHOP of Georgia):

H. Con. Res. 467. Concurrent resolution declaring genocide in Darfur, Sudan; to the Committee on International Relations.

By Mr. CARDIN (for himself, Mr. GILCHREST, Mr. HOYER, Mr. CUMMINGS, Mr. VAN HOLLEN, Mr. WYNN, Mr. BARTLETT of Maryland, Mr. RUPPERSBERGER, Mr. GRIJALVA, Mr. WAXMAN, Mr. MCDERMOTT, Mr. BURTON of Indiana, Ms. MCCARTHY of Missouri, Mr. MORAN of Virginia, Mr. HONDA, Ms. JACKSON-LEE of Texas, and Mr. MATSUI):

H. Res. 695. A resolution expressing the condolences of the House of Representatives to the family and friends of Mattie Stepanek on his passing, and honoring the life of Mattie Stepanek for his braveness, generosity of spirit, and efforts to raise awareness of muscular dystrophy; to the Committee on Government Reform.

By Mr. FROST:

H. Res. 696. A resolution providing for consideration of the bill (H.R. 3767) to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the Medicare Program; to the Committee on Rules.

By Mr. RYAN of Ohio (for himself and Mr. MANZULLO):

H. Res. 697. A resolution urging the Government of the People's Republic of China to take certain actions regarding exports of coke; to the Committee on International Relations.

¶69.56 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. MILLER of Florida introduced A bill (H.R. 4713) for the relief of Christine L. Barrott; which was referred to the Committee on the Judiciary.

¶69.57 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 99: Mr. BARTLETT of Maryland.
H.R. 173: Mr. MCCOTTER.
H.R. 284: Mr. HASTINGS of Washington.
H.R. 303: Ms. HERSETH.
H.R. 344: Mr. OTTER.
H.R. 594: Ms. HERSETH.
H.R. 715: Mr. GALLEGLY.
H.R. 792: Mr. ACKERMAN, Mr. NEUGEBAUER, Ms. DELAURO, and Mr. NEAL of Massachusetts.
H.R. 953: Ms. HERSETH.
H.R. 962: Mr. WU.
H.R. 1080: Mr. SHAYS.
H.R. 1355: Mr. STARK.
H.R. 1466: Mr. HOEFFEL.
H.R. 1501: Mr. RANGEL, Mr. LYNCH, Mr. NEAL of Massachusetts, Mr. MCGOVERN, Mr. FRANK of Massachusetts, Ms. BORDALLO, and Mr. CASE.
H.R. 1563: Mr. RENZI.
H.R. 1684: Mr. DOGGETT and Mr. SKELTON.
H.R. 1746: Mr. POMEROY.
H.R. 1824: Mr. CRANE.
H.R. 2079: Mr. KLECZKA.
H.R. 2176: Mr. LARSEN of Washington and Mr. PICKERING.
H.R. 2239: Mr. KANJORSKI.
H.R. 2262: Mr. GUTIERREZ.
H.R. 2318: Mr. FATTAH.
H.R. 2387: Mr. FRANK of Massachusetts.
H.R. 2536: Mr. CROWLEY, Mr. BOEHLERT, and Mr. BAIRD.
H.R. 2598: Mr. SOUDER, Mr. WEINER, Mr. LARSON of Connecticut, and Mr. BACA.
H.R. 2959: Mr. ISRAEL and Mr. PORTER.
H.R. 3009: Ms. HARRIS and Mr. SHIMKUS.
H.R. 3148: Mr. ALEXANDER, Mr. ROSS, Mr. JEFFERSON, Ms. MAJETTE, Mr. DICKS, and Mr. LARSON of Connecticut.
H.R. 3180: Mr. WAXMAN.
H.R. 3192: Mr. FRANK of Massachusetts, Mr. DAVIS of Illinois, Mr. KILDEE, and Mr. REYES.
H.R. 3194: Ms. ESHOO.
H.R. 3313: Mr. SIMPSON and Mr. OTTER.
H.R. 3327: Mr. CASE.
H.R. 3424: Mr. CONYERS.
H.R. 3425: Mr. CONYERS.
H.R. 3558: Mr. DEAL of Georgia, Mr. NORWOOD, Mr. ROGERS of Michigan, Mr. SMITH of New Jersey, and Mr. GIBBONS.
H.R. 3574: Ms. DUNN.
H.R. 3579: Mr. CUNNINGHAM and Mr. LANTOS.
H.R. 3619: Ms. HERSETH.
H.R. 3642: Mrs. TAUSCHER.
H.R. 3672: Ms. HERSETH.
H.R. 3676: Ms. TIERNEY.
H.R. 3684: Mr. PAYNE and Mr. KLINE.
H.R. 3728: Mr. FRANK of Massachusetts.
H.R. 3767: Mr. BROWN of Ohio and Mr. FROST.
H.R. 3804: Mr. BISHOP of New York.
H.R. 3810: Mr. BERMAN, Mr. MEEKS of New York, and Mr. PASTOR.
H.R. 3831: Mr. CASE, Mr. LANGEVIN, Mr. RUPPERSBERGER, Mr. DELAHUNT, Mr. MARKEY, Mr. EVANS, Ms. SLAUGHTER, Mr. FARR, Mr. LEWIS of Georgia, Ms. KILPATRICK, Ms. WATERS, Mr. VAN HOLLEN, Mr. SABO, Ms. ESHOO, Mr. GONZALEZ, Mr. BECERRA, Mr. HONDA, Mr. MENENDEZ, Mr. PALLONE, Mr. MATSUI, Mr. CROWLEY, Mr. MCDERMOTT, Mrs. CAPPS, and Mr. CAPUANO.
H.R. 3858: Mr. BEAUPREZ, Ms. HOOLEY of Oregon, Mr. MCCOTTER, and Mr. BOEHNER.
H.R. 3988: Mr. NEAL of Massachusetts.
H.R. 4026: Mr. NEAL of Massachusetts.
H.R. 4046: Mr. BISHOP of New York, Mr. MEEKS of New York, Mr. FROST, Mr. WEINER, Mr. TOWNS, Mr. ISRAEL, Mrs. MALONEY, Mr. MCHUGH, Mrs. MCCARTHY of New York, Mr. SERRANO, Ms. SLAUGHTER, Mr. OWENS, Mr. HINCHEY, Mr. BOEHLERT, and Mrs. LOWEY.
H.R. 4067: Mr. LANGEVIN and Ms. ESHOO.
H.R. 4093: Mr. GRIJALVA.
H.R. 4097: Ms. KAPTUR.
H.R. 4100: Mr. DOGGETT, Mr. FALEOMAVAEGA, Mrs. CHRISTENSEN, Mr. ACEVEDO-VILA, Mr. HOLT, Mr. GREEN of Texas, Mr. FRANK of Massachusetts, Mr. KILDEE, Mr. MCINTYRE, Mr. BOUCHER, Ms. BALDWIN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCNULTY, Mr. MCDERMOTT, Ms. LEE, Mr. STARK, Ms. WOOLSEY, Mr. LIPINSKI, Mr. CLAY, Mr. MEEHAN, Mr. TIERNEY, Ms. MCCARTHY of Missouri, Mr. SANDERS, Mr. KUCINICH, Mr. BERMAN, Mr. INSLEE, Mrs. DAVIS of California, Ms. CARSON of Indiana, Mr. FORD, Ms. SCHAKOWSKY, and Ms. SLAUGHTER.
H.R. 4110: Mr. SMITH of New Jersey and Ms. LEE.
H.R. 4119: Mr. ENGLISH, Mr. ISAKSON, Mr. SOUDER, Mr. MARSHALL, and Mr. GREEN of Texas.
H.R. 4124: Mr. BISHOP of Georgia.
H.R. 4131: Mr. OSE and Mr. FOSSELLA.
H.R. 4150: Mr. SIMMONS.
H.R. 4169: Mr. MILLER of Florida, Mr. HASTINGS of Washington, and Mr. JONES of North Carolina.
H.R. 4187: Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Ms. ROS-LEHTINEN, and Mr. SESSIONS.
H.R. 4206: Mr. FROST, Mr. MCNULTY, and Mr. VAN HOLLEN.
H.R. 4207: Mr. WAXMAN.
H.R. 4242: Mr. REYES.
H.R. 4261: Mr. MEEK of Florida.
H.R. 4263: Mrs. NAPOLITANO, Mr. BISHOP of New York, Mr. SERRANO, Mr. GREEN of Texas, Mrs. TAUSCHER, Mr. WEINER, Ms. SLAUGHTER, Mr. FILNER, Mr. HOLT, and Ms. SOLIS.
H.R. 4269: Mr. FATTAH.
H.R. 4284: Mr. SULLIVAN, Mr. DUNCAN, Mr. PAUL and Mr. DEAL of Georgia.
H.R. 4303: Mr. MCNULTY, Mr. GREENWOOD, Mr. CROWLEY, Mr. DAVIS of Florida, and Mr. MCCOTTER.
H.R. 4306: Mr. ROGERS of Michigan.
H.R. 4343: Mr. CULBERSON.
H.R. 4354: Mr. DOYLE.
H.R. 4415: Mr. LANTOS, Mr. ACKERMAN, and Ms. DELAURO.
H.R. 4420: Mr. STENHOLM, Mr. SESSIONS, and Mrs. MUSGRAVE.
H.R. 4430: Mr. BONILLA, Mr. MILLER of Florida, Mr. KINGSTON, and Mr. BRADY of Texas.
H.R. 4433: Mrs. MILLER of Michigan.
H.R. 4440: Mr. CARTER and Mr. JENKINS.
H.R. 4449: Mr. HONDA.
H.R. 4472: Mr. FROST, Ms. HARMAN, Mr. MCNULTY, Mr. JOHN, Mr. SANDERS, and Mr. BRADY of Pennsylvania.
H.R. 4502: Ms. NORTON, Mr. MCINNIS, and Mr. SAXTON.
H.R. 4511: Mrs. MALONEY, Mr. PAYNE, Mr. GRIJALVA, and Mr. BISHOP of Georgia.
H.R. 4521: Mr. BACHUS.
H.R. 4530: Mr. ENGLISH.
H.R. 4533: Mr. NUNES.
H.R. 4561: Mr. SOUDER.
H.R. 4576: Mr. HINOJOSA, Mr. MCINNIS, Mr. KLINE, Mr. PENCE, Mr. YOUNG of Alaska, Mr. OXLEY, Mr. BRADLEY of New Hampshire, Mr. MORAN of Virginia, Mr. BLUNT, Mr. PETRI, and Mr. RENZI.
H.R. 4584: Mr. RENZI.
H.R. 4600: Ms. MCCARTHY of Missouri, Mr. WHITFIELD, and Mr. DAVIS of Tennessee.
H.R. 4608: Mr. SMITH of New Jersey.
H.R. 4610: Mr. NETHERCUTT, Mr. THOMPSON of Mississippi, Ms. LINDA T. SANCHEZ of California, Mrs. CAPPS, Ms. PELOSI, Ms. HARMAN, Mr. HONDA, Mr. FILNER, Mrs. TAUSCHER, Ms. LOFGREN, Mr. CARDOZA, Ms. SOLIS, Mr. MCNULTY, and Mr. BECERRA.
H.R. 4622: Mr. SNYDER, Mr. CAPUANO, Mr. BISHOP of Georgia, and Mr. ISAKSON.

H.R. 4634: Mr. TIBERI, Mr. MARSHALL, Mr. SANDLIN, Mr. GREEN of Texas, Mr. RYUN of Kansas, Mr. FERGUSON, and Mr. WILSON of South Carolina.

H.R. 4636: Mr. MATHESON, Mr. MCINTYRE, Mr. DAVIS of Tennessee, Mr. JENKINS, Mr. ENGLISH, Mr. COSTELLO, Mr. COOPER, and Mr. CARDOZA.

H.R. 4655: Mr. HOEFFEL, Mr. BROWN of Ohio, Mr. RODRIGUEZ, Mr. SANDLIN, Mr. BLUMENAUER, and Ms. NORTON.

H.R. 4671: Mr. TOWNS, Ms. JACKSON-LEE of Texas, Mrs. JONES of Ohio, Mr. MCDERMOTT, Mr. GRIJALVA, and Mr. MCNULTY.

H. Con. Res. 330: Mr. RANGEL and Mr. GUTIERREZ.

H. Con. Res. 375: Mr. MATSUI, Ms. LEE, and Mr. DEUTSCH.

H. Con. Res. 418: Ms. MCCOLLUM and Mr. MCCOTTER.

H. Con. Res. 431: Mr. MARSHALL.

H. Con. Res. 442: Mr. SIMPSON, Mr. DAVIS of Illinois, Ms. SCHAKOWSKY, Mr. GUTKNECHT, Mr. INSLEE, Ms. BALDWIN, and Mr. KLECZKA.

H. Con. Res. 459: Mr. OBERSTAR, Mr. ROGERS of Kentucky, and Mr. SHIMKUS.

H. Con. Res. 462: Mr. CHABOT, Mr. LEACH, Ms. ROS-LEHTINEN, Mr. WEXLER, Mr. BERMAN, Mr. MEEKS of New York, Mr. MCCOTTER, Mrs. JO ANN DAVIS of Virginia, Mr. SMITH of New Jersey, Mr. ROHRABACHER, Mr. CHANDLER, Mr. GONZALEZ, Mr. MCNULTY, Mr. SOUDER, Ms. BERKLEY, Mr. ACKERMAN, Mr. TANCREDO, Mr. SHIMKUS, Mr. WU, Mr. KIRK, Mr. HOEFFEL, Mr. SCHIFF, Mr. DEUTSCH, and Mr. KING of New York.

H. Res. 60: Mr. SHAW.

H. Res. 466: Mr. UDALL of Colorado.

H. Res. 485: Mr. COLE and Mr. RODRIGUEZ.

H. Res. 556: Mr. GREENWOOD.

H. Res. 570: Mr. RUPPERSBERGER.

H. Res. 667: Mr. EVANS and Mrs. MYRICK.

H. Res. 687: Mrs. JONES of Ohio, Mr. MCDERMOTT, Ms. JACKSON-LEE of Texas, and Mr. SABO.

H. Res. 688: Mr. WELLER and Mr. BARTLETT of Maryland.

FRIDAY, JUNE 25, 2004 (70)

The House was called to order by the SPEAKER.

¶70.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Thursday, June 24, 2004.

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

¶70.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

8822. A communication from the President of the United States, transmitting requests for FY 2005 budget amendments for the Departments of Commerce, Health and Human Services, Justice, State, and Transportation; as well as the General Services Administration, the Election Assistance Commission, and the Federal Communications Commission; (H. Doc. No. 108–197); to the Committee on Appropriations and ordered to be printed.

8823. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Fair Credit Reporting Act [Regulation V; Docket No. R-1187] received June 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8824. A letter from the Deputy Assistant Secretary for Policy, Employee Benefits Security Administration, Department of Labor, transmitting the Department's final rule — Health Care Continuation Coverage, Correction (RIN: 1210-AA60) received June 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8825. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report to Congress on Bulgaria's status as an adherent to the Missile Technology Control Regime (MTCR), pursuant to 22 U.S.C. 2797b-1; to the Committee on International Relations.

8826. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319 and A320 Series Airplanes [Docket No. 2002-NM-278-AD; Amendment 39-13608; AD 2004-09-19] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8827. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No. 30412 ; Amdt. No. 448] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8828. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Moberly, MO. [Docket No. FAA-2004-17420; Airspace Docket No. 04-ACE-21] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8829. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Chappell, NE. [Docket No. FAA-2004-17421; Airspace Docket No. 04-ACE-22] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8830. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30415; Amdt. No. 3098] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8831. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30410; Amdt. No. 3094] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8832. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30411; Amdt. No. 3095] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8833. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30413; Amdt. No. 3096] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8834. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30414; Amdt. No. 3097] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8835. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Allakaket, AK [Docket No. FAA-2004-17496; Airspace Docket No. 04-AA1-04] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8836. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Kipnuk, AK [Docket No. FAA-2004-17497; Airspace Docket No. 04-AAL-05] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8837. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lockheed Model L-1011 Series Airplanes [Docket No. 2000-NM-145-AD; Amendment 39-13618; AD 2004-09-28] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8838. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Manchester, NH [Docket No. FAA-2003-16707; Airspace Docket No. 2003-ANE-104] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8839. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Model 407 Helicopters [Docket No. 2004-SW-08-AD; Amendment 39-13637; AD 2004-10-07] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8840. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Wayne, NE. [Docket No. FAA-2004-17912; Airspace Docket No. 04-ACE-38] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8841. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F27 Mark 100, 200, 300, 400, 500, 600, and 700 Series Airplanes [Docket No. 2002-NM-253-AD; Amendment 39-13613; AD 2004-09-23] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8842. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and -11F Airplanes [Docket No. 2001-NM-161-AD; Amendment 39-13430; AD 2004-01-16] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8843. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company Model 1900, 1900C, 1900C (C-12J), and 1900D Airplanes [Docket No. 95-CE-46-AD; Amendment 39-13596; AD 2004-09-07] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8844. A letter from the Paralegal Specialist, FAA, Department of Transportation,

transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727-100, and -200; 737-100, -200, -200C, -300, -400, and -500; and 747 Series Airplanes [Docket No. 2001-NM-297-AD; Amendment 39-13636; AD 2004-10-06] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8845. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes [Docket No. 2002-NM-58-AD; Amendment 39-13607; AD 2004-09-18] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8846. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200 Series Airplanes [Docket No. 2004-NM-44-AD; Amendment 39-13622; AD 2004-09-32] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8847. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 and EMB-145 Series Airplanes [Docket No. 2002-NM-165-AD; Amendment 39-13604; AD 2004-09-15] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8848. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-100 and -300 Series Airplanes [Docket No. 2003-NM-263-AD; Amendment 39-13605; AD 2004-09-16] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8849. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400, 747-400D, 747-400F, 757-200, 757-200PF, 757-200CB, 767-200, 767-300, and 767-300F Series Airplanes [Docket No. 2003-NM-40-AD; Amendment 39-13635; AD 2004-10-05] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8850. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600, A300 B4-600R, and A300 F4-600R (Collectively Called A300-600), A310, A319, A320, A321, A330, and A340-200 and -300 Series Airplanes [Docket No. 2003-NM-19-AD; Amendment 39-13632; AD 2004-10-02] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8851. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-215-6B11 (CL215T Variant), and CL-215-6B11 (CL415 Variant) Series Airplanes [Docket No. 2003-NM-199-AD; Amendment 39-13634; AD 2004-10-04] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8852. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airwrothiness Directives; Glasflugel — Ing. E. Hanle Model GLASFLUGEL Kestrel Sailplanes [Docket No. 2003-CE-60-AD; Amendment 39-13591; AD 2004-09-02] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8853. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-1A11 (CL-600), CL-600-2A12 (CL-601), and CL-600-2B16 (CL-601-3A, CL-601-3R, and CL-604) Series Airplanes [Docket No. 2003-NM-175-AD; Amendment 39-13628; AD 2004-09-37] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8854. A letter from the Paralegal Specialist, FAA., Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-100 and Model 328-300 Series Airplanes [Docket No. 2003-NM-112-AD; Amendment 39-13601; AD 2004-09-12] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8855. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Aerospace LP Model Galaxy and Gulfstream 200 Airplanes [Docket No. 2004-NM-70-AD; Amendment 39-13614; AD 2004-09-24] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8856. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767 Series Airplanes Powered by General Electric or Pratt & Whitney Engines [Docket No. 2002-NM-275-AD; Amendment 39-13603; AD 2004-09-14] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8857. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135BJ and EMB-145XR Series Airplanes [Docket No. 2003-NM-218-AD; Amendment 39-13602; AD 2004-09-13] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8858. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 2003-NM-47-AD; Amendment 39-13566; AD 2004-07-22] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8859. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200 Series Airplanes [Docket No. 2003-NM-128-AD; Amendment 39-13589; AD 2004-08-19] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8860. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-300 Series Airplanes [Docket No. 2002-NM-156-AD; Amendment 39-13588; AD 2004-08-18] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8861. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Models 208 and 208B Airplanes [Docket No. 2004-CE-09-AD; Amendment 39-13587; AD 2004-08-17] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8862. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Aerospace LP Model Astra SPX and 1125 Westwind Astra Series Airplanes [Docket No. 2002-NM-236-AD; Amendment 39-13565; AD 2004-07-21] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8863. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-14, DC-9-15, and DC-9-15F Airplanes; Mode DC-9-20, -30, -40, and -50 Series Airplanes; and Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), DC-9-87 (MD-87), MD-88, and MD-90-30 Airplanes [Docket No. FAA-2003-16647; Directorate Docket No. 2002-NM-203-AD; Amendment 39-13520; AD 2004-05-25] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8864. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400 and -400D Series Airplanes [Docket No. 2004-NM-01-AD; Amendment 39-13564; AD 2004-07-20] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8865. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Significant reduction in retiree health coverage during the cost maintenance period. (Rev. Rul. 2006-65) received June 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8866. A letter from the Chief, Publications & Regulations, Internal Revenue Service, transmitting the Service's final rule — Required Distributions from Retirement Plans [TD 9130] received June 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8867. A letter from the Secretary, Department of Homeland Security, transmitting a report entitled ''Unmanned Aerial Vehicles Applications to Homeland Security Missions,'' pursuant to Public Law 108—136, section 1034; jointly to the Committees on Armed Services and Transportation and Infrastructure.

8868. A letter from the Deputy Architect/Chief Operating Officer for the Architect of the Capitol, transmitting an action plan addressing the policies, procedures, and actions to be implemented in carrying out the responsibilities entrusted to the Office, pursuant to Public Law 108—7, section 1203; jointly to the Committees on House Administration and Transportation and Infrastructure.

8869. A letter from the Secretary, Department of Commerce, transmitting a draft bill ''To establish the National Oceanic and Atmospheric Administration (NOAA), to amend the organization and functions of the NOAA Advisory Committee on Oceans and Atmosphere, and for other purposes''; jointly to the Committees on Resources and Science.

8870. A letter from the Secretary, Department of Energy, transmitting a draft of proposed legislation to enhance the effectiveness of the Department's defense and national security programs; jointly to the Committees on Armed Services, International Relations, and Energy and Commerce.

8871. A letter from the Secretary, Department of Homeland Security, transmitting a letter prepared jointly by the Secretary of the Department in which the Coast Guard is operating, the Secretaries of Commerce and Interior, Environmental Protection Agency, and the Attorney General transmitting the report on the immunity of a private responder (other than a person responsible for the vessel or facility from which oil is discharged) from liability for criminal and civil penalties for the incidental take of a protected species while carrying out oil spill response actions, as required by Section 400 of the Maritime Transportation Security Act of 2002; jointly to the Committees on Transportation and Infrastructure, the Judiciary, and Resources.

¶70.3 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bills and a joint resolution of the House of the following titles:

H.R. 884. An Act to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326–A–1, 326–A–3, and 326–K, and for other purposes.

H.R. 2751. An Act to provide new human capital flexibilities with respect to the GAO, and for other purposes.

H.R. 4103. An Act to extend and modify the trade benefits under the African Growth and Opportunity Act.

H.J. Res. 97. An Act approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

The message also announced that the Senate has passed a bill and concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. 2322. An Act to amend chapter 90 of title 5, United States Code, to include employees of the District of Columbia courts as participants in long term care insurance for Federal employees.

S. Con. Res. 83. A concurrent resolution promoting the establishment of a democracy caucus within the United States.

S. Con. Res. 120. A concurrent resolution providing for a conditional adjournment or recess of the Senate and the House of Representatives.

The message also announced that pursuant to section 7102(a)(ii) of Public Law 108–132, the Chair, on behalf of the Majority Leader, appoints the following individual to serve as a member of the Parents Advisory Council on Youth Drug Abuse: Laurens Tullock of Tennessee.

¶70.4 PROVIDING FOR THE CONSIDERATION OF H.R. 4614

Mr. SESSIONS, by direction of the Committee on Rules, called up the following resolution (H. Res. 694):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4614) making appropriations for energy and water development for the fiscal year ending September 30, 2005, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: beginning with ''Provided'' on page 2, line 23, through page 3, line 5; sections 105, 106, 107, 108, 109, 110, and 311; beginning with ''Provided'' on page 39, line 23, through page 40, line 4; and section 502. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

Mr. DREIER moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Mr. MCGOVERN objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 209 / Nays ..... 182 }

¶70.5 [Roll No. 320]

YEAS—209

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

NAYS—182

Abercrombie
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chandler
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen

Velázquez	Watson	Wu
Visclosky	Watt	Wynn
Waters	Woolsey	

NOT VOTING—42

Ackerman	Gephardt	Peterson (PA)
Barton (TX)	Goode	Platts
Bereuter	Hastings (FL)	Reyes
Berman	Hastings (WA)	Rodriguez
Carson (IN)	Hinojosa	Rothman
Clay	Issa	Slaughter
Collins	John	Stark
Cox	Johnson, Sam	Tauzin
Cubin	Jones (OH)	Vitter
Cummings	Kaptur	Waxman
Deutsch	Lipinski	Weiner
Dunn	Mollohan	Weldon (FL)
Engel	Norwood	Wexler
Ford	Oberstar	Young (AK)

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶70.6 PROVIDING FOR THE ADJOURNMENT OF THE TWO HOUSES

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to section 2 of House Resolution 638, laid before the House the following concurrent resolution of the Senate (S. Con. Res. 120):

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on any day from Thursday, June 24, 2004, through Monday, June 28, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, July 6, 2004, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, June 24, 2004, or Friday, June 25, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Tuesday, July 6, 2004, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

When said concurrent resolution was considered and agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶70.7 PERMISSION TO FILE REPORT

On motion of Mr. WOLF, by unanimous consent, the Committee on Appropriations was granted permission until midnight, Friday, July 2, 2004, to file a privileged report making appropriations for Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

Pursuant to clause 1 of rule XXI, all points of order were reserved.

¶70.8 PERMISSION TO FILE REPORT

On motion of Mr. KINGSTON, by unanimous consent, the Committee on Appropriations was granted permission until midnight, Friday, July 2, 2004, to file a privileged report making appropriations for the Legislative Branch for the fiscal year ending September 30, 2005, and for other purposes.

Pursuant to clause 1 of rule XXI, all points of order were reserved.

¶70.9 ENERGY AND WATER DEVELOPMENT APPROPRIATIONS FY 2005

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to House Resolution 694 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 4614) making appropriations for energy and water development for the fiscal year ending September 30, 2005, and for other purposes.

The SPEAKER pro tempore, Mr. LAHOOD, by unanimous consent, designated Mr. ISAKSON as Chairman of the Committee of the Whole.

The Acting Chairman, Mr. UPTON assumed the Chair; and after some time spent therein,

The SPEAKER pro tempore, Mr. SHIMKUS, assumed the Chair.

When Mrs. BIGGERT, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶70.10 ORDER OF BUSINESS—CONSIDERATION OF H.R. 4614

On motion of Mr. HOBSON, by unanimous consent,

Ordered, That during further consideration of the H.R. 4614 in the Committee of Whole House on the state of the Union, pursuant to House Resolution 694: The bill shall be considered as read and open for amendment at any point from page 19, line 16 through the end of the bill; points of order against provisions in the bill shall be permitted to be raised at any time; no further amendment to the bill may be offered except: (1) pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate; (2) amendment numbered 1, which shall be debatable for 10 minutes; (2) an amendment by Mr. Inslee regarding the reclassification of nuclear waste, which shall be debatable for 10 minutes; and (3) an amendment by Mr. Meehan regarding a transfer of funds between NNSA and the non-proliferation account, which shall be debatable for 20 minutes;

Ordered further, That each such amendment may be offered only by the Member designated in this request, or a designee, or the Member who caused it to be printed, or a designee, shall be considered as read, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. Each amendment shall be debatable for the time specified, equally divided and controlled by the proponent and an opponent.

¶70.11 ENERGY AND WATER DEVELOPMENT APPROPRIATIONS FY 2005

The SPEAKER pro tempore, Mr. SHIMKUS, pursuant to House Resolution 694 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4614) making appropriations for energy and water development for the fiscal year ending September 30, 2005, and for other purposes.

Mrs. BIGGERT, Acting Chairman, assumed the chair; and after some time spent therein,

¶70.12 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 5, submitted by Mr. SANDERS:

Page 19, line 14, after the dollar amount, insert the following: ''(increased by $30,000,000)''.

Page 23, line 5, after the dollar amount, insert the following: ''(reduced by $30,000,000)''.

It was decided in the negative { Yeas ..... 150 / Nays ..... 241 }

¶70.13 [Roll No. 321]

AYES—150

Abercrombie	Fattah	McCollum
Alexander	Filner	McDermott
Allen	Ford	McGovern
Andrews	Frank (MA)	McNulty
Baca	Green (TX)	Meehan
Baird	Green (WI)	Meek (FL)
Baldwin	Grijalva	Meeks (NY)
Bartlett (MD)	Gutierrez	Menendez
Becerra	Herseth	Michaud
Berkley	Hinchey	Millender-McDonald
Bishop (GA)	Hinojosa	Miller (NC)
Bishop (NY)	Hoeffel	Moore
Blumenauer	Holt	Moran (KS)
Boehlert	Hooley (OR)	Moran (VA)
Boswell	Hoyer	Nadler
Brown (OH)	Inslee	Napolitano
Brown, Corrine	Israel	Neal (MA)
Capps	Jackson (IL)	Nussle
Capuano	Jackson-Lee (TX)	Oberstar
Cardin	Jefferson	Obey
Case	Johnson (IL)	Olver
Clay	Jones (OH)	Owens
Clyburn	Kaptur	Pallone
Conyers	Kelly	Pascrell
Cooper	Kennedy (RI)	Payne
Costello	Kildee	Peterson (MN)
Crowley	Kind	Pomeroy
Cummings	Kleczka	Price (NC)
Davis (AL)	Kucinich	Rahall
Davis (CA)	Lampson	Ramstad
Davis (FL)	Langevin	Rangel
Davis (IL)	Larsen (WA)	Roybal-Allard
DeFazio	Latham	Ruppersberger
DeGette	Leach	Rush
Dingell	Lee	Ryan (OH)
Doggett	Levin	Ryan (WI)
Doyle	Lowey	Sabo
Ehlers	Majette	Sánchez, Linda T.
Emanuel	Maloney	Sanders
Engel	Markey	Schakowsky
Evans	McCarthy (NY)	
Farr		

Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Simmons
Smith (NJ)
Solis
Stark
Strickland
Stupak
Tanner
Terry
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wu

NOES—241

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bass
Beauprez
Bell
Bereuter
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Castle
Chabot
Chandler
Chocola
Cole
Cox
Cramer
Crane
Crenshaw
Culberson
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Edwards
Emerson
English
Eshoo
Etheridge
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Greenwood
Gutknecht
Hall
Harris
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoekstra
Holden
Honda
Hostettler
Hulshof
Hunter
Hyde
Issa
Istook
Jenkins
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Kanjorski
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lantos
Larson (CT)
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
Matsui
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Pearce
Pelosi
Pence
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (FL)

NOT VOTING—42

Ackerman
Barton (TX)
Berman
Boyd
Burgess
Carson (IN)
Coble
Collins
Cubin
Cunningham
Deal (GA)
Delahunt
Deutsch
Dicks
Dooley (CA)
Dunn
Gephardt
Harman
Hastings (FL)
Hastings (WA)
Houghton
Isakson
John
Jones (NC)
Kilpatrick
Lewis (GA)
Lipinski
McCarthy (MO)
Mollohan
Paul
Peterson (PA)
Pryce (OH)
Reynolds
Rodriguez
Rothman
Ryun (KS)
Slaughter
Smith (MI)
Tauzin
Thomas
Vitter
Young (AK)

So the amendment was not agreed to.

¶70.14 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mrs. WILSON of New Mexico:

Page 21, line 16, after the dollar amount, insert ''(reduced by $5,000,000)''.

Page 23, line 16, after the dollar amount, insert ''(increased by $5,000,0000''.

It was decided in the negative ..... { Yeas ..... 163 / Nays 224

¶70.15 [Roll No. 322]

AYES—163

Abercrombie
Allen
Andrews
Baca
Baldwin
Bass
Becerra
Bereuter
Berkley
Blumenauer
Bono
Boswell
Boucher
Bradley (NH)
Brady (TX)
Brown (OH)
Cardin
Carson (OK)
Case
Chabot
Chandler
Conyers
Cooper
Cox
Crowley
Davis (AL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Ehlers
Engel
English
Etheridge
Evans
Farr
Filner
Flake
Foley
Fossella
Frank (MA)
Franks (AZ)
Gibbons
Gilchrest
Gillmor
Gonzalez
Gordon
Graves
Green (WI)
Greenwood
Grijalva
Gutierrez
Hayworth
Hefley
Hensarling
Herseth
Hinchey
Hinojosa
Hoeffel
Holt
Hooley (OR)
Hulshof
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kildee
Kind
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Leach
Lee
Lucas (OK)
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (NY)
McCollum
McDermott
McIntyre
McNulty
Meehan
Michaud
Millender-McDonald
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Musgrave
Nadler
Napolitano
Norwood
Obey
Otter
Owens
Payne
Pearce
Pitts
Pomeroy
Porter
Price (NC)
Radanovich
Rangel
Renzi
Rohrabacher
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Sensenbrenner
Shadegg
Sherman
Shimkus
Simmons
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Sullivan
Taylor (MS)
Thornberry
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Walden (OR)
Watson
Waxman
Weiner
Weller
Wexler
Wilson (NM)
Woolsey
Wu

NOES—224

Aderholt
Akin
Alexander
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Beauprez
Bell
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Brady (PA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carter
Castle
Chocola
Clay
Clyburn
Cole
Costello
Cramer
Crane
Crenshaw
Culberson
Cummings
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
DeLay
DeMint
Doolittle
Doyle
Dreier
Duncan
Edwards
Emanuel
Emerson
Eshoo
Everett
Fattah
Feeney
Ferguson
Forbes
Ford
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Goode
Goodlatte
Goss
Granger
Green (TX)
Gutknecht
Hall
Harris
Hart
Hayes
Herger
Hill
Hobson
Hoekstra
Holden
Honda
Hostettler
Hoyer
Hyde
Israel
Issa
Istook
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kanjorski
Keller
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lynch
McCotter
McCrery
McGovern
McHugh
McInnis
McKeon
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller (MI)
Miller, George
Moran (VA)
Murphy
Murtha
Myrick
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Oxley
Pallone
Pascrell
Pastor
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Platts
Pombo
Portman
Putnam
Quinn
Rahall
Ramstad
Regula
Rehberg
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Roybal-Allard
Sabo
Saxton
Schrock
Scott (GA)
Serrano
Sessions
Shaw
Shays
Sherwood
Shuster
Simpson
Smith (TX)
Souder
Stearns
Stenholm
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Upton
Velázquez
Visclosky
Walsh
Wamp
Waters
Watt
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (SC)
Wolf
Wynn
Young (FL)

NOT VOTING—46

Ackerman
Barton (TX)
Berman
Boyd
Burgess
Carson (IN)
Coble
Collins
Cubin
Cunningham
Deal (GA)
Delahunt
Deutsch
Dicks
Dooley (CA)
Dunn
Gephardt
Harman
Hastings (FL)
Hastings (WA)
Houghton
Hunter
Isakson
John
Jones (NC)
Kilpatrick
King (NY)
Lewis (GA)
Lipinski
Lowey
Matsui
McCarthy (MO)
Mollohan
Paul
Peterson (PA)
Pryce (OH)
Reynolds
Rodriguez
Rothman
Ryun (KS)
Slaughter
Smith (MI)
Tauzin
Thomas
Vitter
Young (AK)

So the amendment was not agreed to.

¶70.16 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. MEEHAN:

Page 23, line 5, after the dollar amount, insert ''(reduced by $30,000,000)''.

Page 23, line 16, after the dollar amount, insert ''(increased by $30,000,0000''.

It was decided in the negative ..... { Yeas ..... 151 / Nays 235

¶70.17 [Roll No. 323]

AYES—151

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Bishop (NY)
Blumenauer
Boswell
Bradley (NH)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Dingell
Doggett
Emanuel
Engel
Etheridge
Evans
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green (WI)
Grijalva
Gutierrez
Herseth
Hinchey
Hoeffel
Holt
Hooley (OR)
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kaptur
Kennedy (RI)
Kildee
Kind
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Price (NC)
Rahall
Rangel
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—235

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Castle
Chabot
Chocola
Cole
Costello
Cox
Cramer
Crane
Crenshaw
Culberson
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Emerson
English
Eshoo
Everett
Farr
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Greenwood
Gutknecht
Hall
Harris
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holden
Honda
Hostettler
Hoyer
Hulshof
Hyde
Israel
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
McCotter
McCrery
McHugh
McInnis
McKeon
Meek (FL)
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Pearce
Pence
Pickering
Pitts
Platts
Pombo
Porter
Portman
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ryan (WI)
Sandlin
Saxton
Schrock
Scott (GA)
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—47

Ackerman
Ballenger
Barton (TX)
Berman
Boyd
Burgess
Carson (IN)
Coble
Collins
Cubin
Cunningham
Deal (GA)
Delahunt
Deutsch
Dicks
Dooley (CA)
Dunn
Gephardt
Harman
Hastings (FL)
Hastings (WA)
Houghton
Hunter
Isakson
John
Jones (NC)
Kilpatrick
King (NY)
Lewis (GA)
Lipinski
Lowey
McCarthy (MO)
Mollohan
Paul
Peterson (PA)
Pryce (OH)
Reynolds
Rodriguez
Rothman
Ryun (KS)
Sabo
Slaughter
Smith (MI)
Tauzin
Thomas
Vitter
Young (AK)

So the amendment was not agreed to.

¶70.18 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, submitted by Mr. HEFLEY:

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

SEC. ____. Total appropriations made in this Act (other than appropriations required to be made by a provision of law) are hereby reduced by $279,880,000.

It was decided in the negative ..... { Yeas ..... 68 / Nays 319

¶70.19 [Roll No. 324]

AYES—68

Bachus
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bishop (UT)
Blackburn
Boehner
Brady (TX)
Burton (IN)
Buyer
Cannon
Chabot
Chocola
Crane
Davis, Jo Ann
DeMint
Diaz-Balart, M.
Duncan
Feeney
Flake
Franks (AZ)
Garrett (NJ)
Gibbons
Graves
Green (WI)
Gutknecht
Harris
Hefley
Hensarling
Hostettler
Johnson, Sam
Keller
King (IA)
Lewis (KY)
Linder
Manzullo
McCotter
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Norwood
Otter
Pence
Petri
Pitts
Porter
Ramstad
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (WA)
Stearns
Sullivan
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Toomey
Wilson (SC)

NOES—319

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Becerra
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chandler
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crenshaw
Crowley
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
DeLauro
DeLay
Diaz-Balart, L.
Dingell
Doggett
Doolittle
Doyle
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Greenwood
Grijalva
Gutierrez
Hall
Hart
Hayes
Hayworth
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Pickering
Platts
Pombo
Pomeroy
Portman
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Smith (NJ)

Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—46

Ackerman
Ballenger
Barton (TX)
Berman
Boyd
Burgess
Carson (IN)
Coble
Collins
Cubin
Cunningham
Deal (GA)
Delahunt
Deutsch
Dicks
Dooley (CA)
Dunn
Gephardt
Harman
Hastings (FL)
Hastings (WA)
Houghton
Isakson
John
Jones (NC)
Kilpatrick
King (NY)
Lewis (GA)
Lipinski
Lowey
McCarthy (MO)
Mollohan
Paul
Peterson (PA)
Pryce (OH)
Reynolds
Rodriguez
Rothman
Ryun (KS)
Sabo
Slaughter
Smith (MI)
Tauzin
Thomas
Vitter
Young (AK)

So the amendment was not agreed to.

The SPEAKER pro tempore, Mr. FOLEY, assumed the Chair.

When Mr. LINDER, Acting Chairman, pursuant to House Resolution 694, reported the bill back to the House with sundry amendments adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendments, reported from the Committee of the Whole House on the state of the Union, were agreed to:

Page 35, insert the following new section after line 11:

SEC. 311. None of the funds made available in this Act may be used to finance laboratory directed research and development activities at Department of Energy laboratories on behalf of other Federal agencies.

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

SEC. ____. None of the funds made available in this Act may be used to deny requests for the public release of documents or evidence obtained through or in the Western Energy Markets: Enron Investigation (Docket No. PA02-2), the California Refund case (Docket No. EL00-95), the Anomalous Bidding Investigation (Docket No. IN03-10), or the Physical Withholding Investigation.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. FOLEY, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 370 / Nays 16

¶70.20 [Roll No. 325]

YEAS—370

Abercrombie
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Becerra
Bell
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harris
Hart
Hayes
Hayworth
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—16

Andrews
Berkley
Flake
Franks (AZ)
Gibbons
Hefley
Hensarling
Hostettler
Kucinich
Porter
Royce
Sensenbrenner
Shadegg
Stearns
Terry
Toomey

NOT VOTING—47

Ackerman
Ballenger
Barton (TX)
Berman
Boyd
Burgess
Carson (IN)
Coble
Collins
Cubin
Cunningham
Deal (GA)
Delahunt
Deutsch
Dicks
Dooley (CA)
Dunn
Gephardt
Harman
Hastings (FL)
Hastings (WA)
Houghton
Isakson
John
Jones (NC)
Kilpatrick
King (NY)
Lewis (GA)
Lipinski
Lowey
McCarthy (MO)
Mollohan
Paul
Peterson (PA)
Pryce (OH)
Reynolds
Rodriguez
Rothman
Ryun (KS)
Sabo
Slaughter
Smith (MI)
Tauzin
Thomas
Vitter
Weller
Young (AK)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶70.21 PERMISSION TO FILE REPORT

On motion of Mr. BOEHLERT, by unanimous consent, the Committee on Science was granted permission until 4 p.m., Friday, July 2, 2004, to file reports on the following bills: (H.R. 4218) to amend the High-Performance Computing Act of 1991; (H.R. 4516) to require the Secretary of Energy to carry out a program of research and development to advance high-end computing; (H.R. 3890) to reauthorize the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988; (H.R. 3598) to establish an interagency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers, and for other purposes; and (H.R. 3980) to establish a National Windstorm Impact Reduction Program.

¶70.22 PERMISSION TO FILE REPORT

On motion of Mr. BOEHLERT, by unanimous consent, the Committee on Financial Services was granted permission until midnight, Friday, July 2, 2004, to file a report on the following bill: (H.R. 3574) to require the mandatory expensing of stock options granted to executive officers, and for other purposes.

¶70.23 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. BOEHLERT, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, July 7, 2004, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶70.24 FURTHER MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 1731. An Act to amend title 18, United States Code, to establish penalties for aggravated identity theft, and for other purposes.

H.R. 3846. An Act to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into an agreement or contract with Indian tribes meeting certain criteria to carry out projects to protect Indian forest land.

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

S. 1292. An Act to establish a servitude and emancipation archival research clearinghouse in the National Archives.

S. 1932. An Act to provide criminal penalties for unauthorized recording of motion pictures in a motion picture exhibition facility, to provide criminal and civil penalties for unauthorized distribution of commercial prerelease copyrighted works, and for other purposes.

S. 2192. An Act to amend title 35, United States Code, to promote cooperative research involving universities, the public sector, and private enterprises.

S. 2237. An Act to amend chapter 5 of title 17, United States Code, to authorize civil copyright enforcement by the Attorney General, and for other purposes.

¶70.25 APPOINTMENT OF SPEAKER PRO TEMPORE TO SIGN ENROLLMENTS

The SPEAKER pro tempore, Mr. FOLEY, laid before the House a communication, which was read as follows:

THE SPEAKER'S ROOMS,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 25, 2004.

I hereby appoint the Honorable ROSCOE G. BARTLETT or, if he is not available to perform this duty, the Honorable MIKE PENCE to act as Speaker pro tempore to sign enrolled bills and joint resolutions through July 6, 2004.

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

By unanimous consent, the appointments were approved.

¶70.26 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. FOLEY, laid before the House the following communication from Geoff Bowman, Professional Staff Member, Committee on Transportation and Infrastructure:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, June 23, 2004.

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

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued by the United States Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), for testimony.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

GEOFF BOWMAN,
Professional Staff Member.

¶70.27 SENATE BILLS AND CONCURRENT RESOLUTION REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1292. An Act to establish a servitude and emancipation archival research clearinghouse in the National Archives; to the Committee on Government Reform.

S. 1932. An Act to provide criminal penalties for unauthorized recording of motion pictures in a motion picture exhibition facility, to provide criminal and civil penalties for unauthorized distribution of commercial prerelease copyrighted works, and for other purposes; to the Committee on the Judiciary.

S. 2237. An Act to amend chapter 5 of title 17, United States Code, to authorize civil copyright enforcement by the Attorney General, and for other purposes; to the Committee on the Judiciary.

S. 2322. An Act to amend chapter 90 of title 5, United States Code, to include employees of the District of Columbia courts as participants in long term care insurance for Federal employees; to the Committee on Government Reform.

S. Con. Res. 83. A concurrent resolution promoting the establishment of a democracy caucus within the United Nations; to the Committee on International Relations.

¶70.28 ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 884. An Act to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326–A–1, 326–A–3, and 326–K, and for other purposes.

H.R. 1731. An Act to amend title 18, United States Code, to establish penalties for aggravated identity theft, and for other purses.

H.R. 2751. An Act to provide new human capital flexibilities with respect to the GAO, and for other purposes.

H.R. 3864. An Act to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into an agreement or contract with Indian tribes meeting certain criteria to carry out projects to protect Indian forest land.

H.R. 4103. An Act to extend and modify the trade benefits under the African Growth and Opportunity Act.

H.R. 97. An Act approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

¶70.29 BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on June 25, 2004, he presented to the President of the United States, for his approval, the following bills.

H.J. Res 97. An Act approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

H.R. 884. An Act to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326–A–1, 326–A–3, and 326–K, and for other purposes.

H.R. 2751. An Act to provide new human capital flexibilities with respect to the GAO, and for other purposes.

¶70.30 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BOYD, for today;

To Ms. CARSON of Indiana, for today.

To Mr. COBLE, for today after 11:45 a.m.;

To Ms. KILPATRICK, for today after 1 p.m.; and

To Ms. SLAUGHTER, for today; and

To Mr. BARTON of Texas, for today;

And then,

¶70.31 ADJOURNMENT

On motion of Mr. DREIER, pursuant to Senate Concurrent Resolution 120, at 5 o'clock and 7 minutes p.m., the House adjourned until 2 p.m. on Tuesday, July 6, 2004.

¶70.32 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 3819. A bill to redesignate Fort Clatsop National Memorial as the Lewis and Clark National Historical Park, to include in the park sites in the State of Washington as well as the State of Oregon, and for other purposes; with an amendment (Rept. 108–570). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 2831. A bill to authorize the Secretary of the Interior to convey the Newlands Project Headquarters and Maintenance Yard Facility to the Truckee-Carson Irrigation District; with an amendment (Rept. 108–571). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 1716. A bill to amend title 38, United States Code, to improve educational assistance programs of the Department of Veterans Affairs for apprenticeship or other on-job training, and for other purposes; with an amendment (Rept. 108–572 Pt. 1). Ordered to be printed.

Mr. POMBO: Committee on Resources. H.R. 2828. A bill to authorize the Secretary of the Interior to implement water supply technology and infrastructure programs aimed at increasing and diversifying domestic water resources; with an amendment (Rept. 108–573 Pt. 1). Ordered to be printed.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 3936. A bill to amend

title 38, United States Code, to authorize the principal office of the United States Court of Appeals for Veterans Claims to be at any location in the Washington, D.C., metropolitan area, rather than only in the District of Columbia, and expressing the sense of Congress that a dedicated Veterans Courthouse and Justice Center should be provided for that Court and those it serves and should be located, if feasible, at a site owned by the United States that is part of or proximate to the Pentagon Reservation, and for other purposes (Rept. 108–574 Pt. 1). Ordered to be printed.

¶70.33 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 1716. Referral to the Committee on Armed Services extended for a period ending not later than June 25, 2004.

H.R. 2828. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than June 25, 2004.

H.R. 3936. Referral to the Committee on Armed Services extended for a period ending not later than June 25, 2004.

¶70.34 DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Armed Services discharged from further consideration. H.R. 1716 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committee on Transportation and Infrastructure discharged from further consideration. H.R. 2828 referred to the Committee of the Whole House on the State of the Union.

¶70.35 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SAM JOHNSON of Texas:

H.R. 4714. A bill to amend the Internal Revenue Code of 1986 to provide for retirement savings accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. NUSSLE:

H.R. 4715. A bill to clarify the obligations of the Federal Communications Commission to issue licenses using competitive bidding procedures; to the Committee on Energy and Commerce.

By Ms. WATERS:

H.R. 4716. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating Ballona Bluff, located in Los Angeles, California, as a unit of the National Park System, and for other purposes; to the Committee on Resources.

By Mr. OTTER (for himself, Mr. STENHOLM, Mr. FLAKE, Mr. SIMPSON, Mr. BEREUTER, Mr. PEARCE, Mr. CANNON, Mr. KOLBE, and Mr. DOOLITTLE):

H.R. 4717. A bill to allow small public water systems to request an exemption from the requirements of any national primary drinking water regulation for a naturally occurring contaminant, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LEWIS of Kentucky (for himself and Mr. WHITFIELD):

H.R. 4718. A bill to amend the Internal Revenue Code of 1986 to provide a credit to certain agriculture-related businesses for the cost of protecting certain chemicals; to the Committee on Ways and Means.

By Mr. BAKER (for himself, Mr. ROYCE, and Mr. HENSARLING):

H.R. 4719. A bill to amend the Truth in Lending Act to limit the liability of any assignee of a creditor, and for other purposes; to the Committee on Financial Services.

By Ms. BALDWIN (for herself, Mr. KUCINICH, Mr. KILDEE, Ms. SOLIS, and Mr. RUSH):

H.R. 4720. A bill to amend the Family and Medical Leave Act of 1993 to eliminate an hours of service requirement for benefits under that Act; to the Committee on Education and the Workforce, and in addition to the Committees on Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of New York (for himself, Mrs. MCCARTHY of New York, Mr. GRIJALVA, and Mr. BISHOP of Georgia):

H.R. 4721. A bill to amend the Internal Revenue Code of 1986 to exclude from estate taxes the value of farmland so long as the farmland use continues and to repeal the dollar limitation on the estate tax exclusion for land subject to a qualified conservation easement; to the Committee on Ways and Means.

By Mr. BRADLEY of New Hampshire (for himself and Mr. BASS):

H.R. 4722. A bill to authorize the establishment at Antietam National Battlefield of a memorial to the officers and enlisted men of the Fifth, Sixth, and Ninth New Hampshire Volunteer Infantry Regiments and the First New Hampshire Light Artillery Battery who fought in the Battle of Antietam on September 17, 1862, and for other purposes; to the Committee on Resources.

By Mr. BRADLEY of New Hampshire (for himself and Mr. SENSENBRENNER):

H.R. 4723. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for student loan payments made by an employer on behalf of an employee; to the Committee on Ways and Means.

By Mr. BURR (for himself, Mr. BALLENGER, Mr. COBLE, and Mr. PRICE of North Carolina):

H.R. 4724. A bill to amend title XVIII of the Social Security Act to provide for coverage of clinical pharmacist practitioner services under part B of the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARSON of Oklahoma:

H.R. 4725. A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Glover River in the State of Oklahoma as a component of the National Wild and Scenic Rivers System; to the Committee on Resources.

By Mr. CARTER:

H.R. 4726. A bill to prevent discriminatory taxation of natural gas pipeline property by the States; to the Committee on the Judiciary.

By Mr. CHABOT:

H.R. 4727. A bill to amend the Agricultural Trade Act of 1978 to eliminate the market access program; to the Committee on Agriculture.

By Mr. CONYERS (for himself, Ms. LOFGREN, Mr. MEEHAN, Ms. WATERS, and Ms. LINDA T. SANCHEZ of California):

H.R. 4728. A bill to affirm that the United States may not engage in torture or cruel, inhuman, or degrading treatment or punishment, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on the Judiciary, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EMANUEL:

H.R. 4729. A bill to amend the Internal Revenue Code of 1986 to rename the earned income credit as the Ronald Reagan earned income credit; to the Committee on Ways and Means.

By Mr. ENGLISH (for himself and Mr. VISCLOSKY):

H.R. 4730. A bill to maintain and expand the steel import licensing and monitoring program; to the Committee on Ways and Means.

By Mr. GERLACH (for himself and Mrs. TAUSCHER):

H.R. 4731. A bill to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program; to the Committee on Transportation and Infrastructure.

By Mr. GERLACH (for himself, Mr. UDALL of Colorado, Mr. HOLDEN, Mr. OTTER, Mr. MILLER of Florida, and Mr. HOSTETTLER):

H.R. 4732. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received as damages and attorneys fees and costs under Federal whistleblower protection laws and to allow income averaging for amounts received as lost income; to the Committee on Ways and Means.

By Ms. HOOLEY of Oregon:

H.R. 4733. A bill to provide improved income security for members of the Individual Ready Reserve who are called to active duty; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JOHN:

H.R. 4734. A bill to amend the Indian Gaming Regulatory Act to include a definition of initial reservation and consultation, and for other purposes; to the Committee on Resources.

By Mr. LATHAM (for himself, Mr. NUSSLE, Mr. BOSWELL, Mr. LEACH, and Mr. KING of Iowa):

H.R. 4735. A bill to authorize the Secretary of Agriculture to make a grant to the World Food Prize Foundation to assist the Foundation in covering renovation expenses related to the World Food Prize, which is awarded to individuals who make vital contributions to improving the quality, quantity, or availability of food throughout the world; to the Committee on Agriculture.

By Ms. MCCARTHY of Missouri (for herself, Mr. RANGEL, Mr. BURTON of Indiana, Ms. SLAUGHTER, Mr. DOGGETT, Mr. KUCINICH, Mr. SCHIFF, Mr. MCINTYRE, Mr. MCGOVERN, and Ms. MILLENDER-MCDONALD):

H.R. 4736. A bill to amend the Internal Revenue Code of 1986 to encourage the production of independent motion picture films in the United States; to the Committee on Ways and Means.

By Mr. MEEKS of New York (for himself, Mr. ISRAEL, Ms. LEE, Mr. TOWNS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FRANK of Massachusetts, Mr. NADLER, Mr. ENGEL, Mr. OWENS, Mr. CROWLEY, Mrs. MALONEY, Mr. BISHOP of Georgia, and Mr. SERRANO):

H.R. 4737. A bill to provide additional exemptions from the community service requirement for a resident of a public housing project; to the Committee on Financial Services.

By Mr. MEEKS of New York (for himself, Mr. ISRAEL, Ms. LEE, Mr. TOWNS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FRANK of Massachusetts, Mr. NADLER, Mr. ENGEL, Mr. OWENS, Mr. CROWLEY, Mrs. MALONEY, Mr. BISHOP of Georgia, and Mr. SERRANO):

H.R. 4738. A bill to provide that a resident of a public housing project who performs community service shall receive priority consideration for participation in economic self-sufficiency programs sponsored by a public housing agency, and for other purposes; to the Committee on Financial Services.

By Mr. MICHAUD (for himself, Mr. ALLEN, Mr. BASS, Mr. SANDERS, and Mr. MCHUGH):

H.R. 4739. A bill to establish the Northeast Regional Development Commission, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California (for himself, Ms. PELOSI, Mr. OWENS, Mr. LANTOS, Mr. PALLONE, Ms. LEE, Mr. HOEFFEL, Mr. SANDLIN, Mr. FRANK of Massachusetts, Mr. TIERNEY, Mr. FROST, Mr. MARKEY, Mr. DEFAZIO, Ms. SOLIS, Mr. BISHOP of Georgia, Ms. BALDWIN, Ms. WATSON, Mr. MEEHAN, Mr. BROWN of Ohio, Ms. WOOLSEY, Mr. VISCLOSKY, Ms. SLAUGHTER, Mr. MCDERMOTT, Ms. LINDA T. SANCHEZ of California, Ms. DELAURO, and Mr. KANJORSKI):

H.R. 4740. A bill to amend the Worker Adjustment and Retraining Notification Act to provide protections for employees relating to the offshoring of jobs; to the Committee on Education and the Workforce.

By Mrs. MYRICK:

H.R. 4741. A bill to suspend temporarily the duty on Diresul Brown CR Liquid Crude; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 4742. A bill to suspend temporarily the duty on Foron Blue S-BGL granules; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 4743. A bill to suspend temporarily the duty on Diresul Brown FS Liquid Crude; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 4744. A bill to suspend temporarily the duty on Diresul Tan RDT-RW Liquid; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 4745. A bill to suspend temporarily the duty on Diresul Brown GN Liquid Crude; to the Committee on Ways and Means.

By Mr. OWENS:

H.R. 4746. A bill to amend the Military Selective Service Act to terminate the registration requirement and the activities of civilian local boards, civilian appeal boards, and similar local agencies of the Selective Service System, and for other purposes; to the Committee on Armed Services.

By Mr. PALLONE:

H.R. 4747. A bill to ensure that the goals of the Dietary Supplement Health and Education Act of 1994 are met by authorizing appropriations to fully enforce and implement such Act and the amendments made by such Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PORTER:

H.R. 4748. A bill to amend the Internal Revenue Code of 1986 to modify and make refundable the credit for expenses for household and dependent care services necessary for gainful employment; to the Committee on Ways and Means.

By Mr. PRICE of North Carolina (for himself, Mr. WAXMAN, Mr. SPRATT, Mr. MEEHAN, and Mr. CRAMER):

H.R. 4749. A bill to require accountability for personnel performing Federal contracts with private security contractors; to the Committee on Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RENZI (for himself and Mr. HAYES):

H.R. 4750. A bill to require any uniforms purchased for the Border Patrol to be made in the United States; to the Committee on Government Reform.

By Mr. REYES (for himself, Mr. BELL, Mr. BRADY of Texas, Mr. DOGGETT, Mr. EDWARDS, Mr. FROST, Mr. GONZALEZ, Mr. GREEN of Texas, Mr. HALL, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LAMPSON, Mr. ORTIZ, Mr. RODRIGUEZ, Mr. SANDLIN, Mr. SESSIONS, Mr. STENHOLM, and Mr. TURNER of Texas):

H.R. 4751. A bill to redesignate the Rio Grande American Canal in El Paso, Texas, as the ''Travis C. Johnson Canal''; to the Committee on Resources.

By Mr. SCOTT of Virginia (for himself, Mr. CONYERS, Ms. JACKSON-LEE of Texas, Mr. RANGEL, Mr. DAVIS of Illinois, Ms. LEE, Ms. KAPTUR, Mr. GREEN of Texas, Mr. FROST, Ms. WATSON, and Mr. MCDERMOTT):

H.R. 4752. A bill to amend title 18, United States Code, to award credit toward the service of a sentence to prisoners who participate in designated educational, vocational, treatment, assigned work, or other developmental programs, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of Washington:

H.R. 4753. A bill to improve certain compensation, health care, and education benefits for individuals who serve on active duty in a reserve component of the uniformed services, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Government Reform, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHAKOWSKY (for herself, Mr. GRIJALVA, Mr. BELL, Ms. KAPTUR, Mr. WEXLER, Mr. STARK, Mr. SANDERS, Mr. KUCINICH, Mr. OWENS, Mr. RENZI, Mr. KIND, Mr. BLUMENAUER, Mr. MCGOVERN, Mr. CONYERS, Mr. PAYNE, Mr. BRADY of Pennsylvania, Ms. LEE, Mrs. JONES of Ohio, Mr. TOWNS, Mr. HINCHEY, Mr. GUTIERREZ, Mr. LANTOS, Ms. CARSON of Indiana, Ms. WATERS, Mr. MCDERMOTT, Ms. MCCARTHY of Missouri, Ms. BORDALLO, Ms. WOOLSEY, Mr. EMANUEL, Ms. MILLENDER-MCDONALD, Ms. ROYBAL-ALLARD, Mr. JACKSON of Illinois, and Mrs. CHRISTENSEN):

H. Con. Res. 468. Concurrent resolution expressing the sense of the Congress with respect to the world's freshwater resources; to the Committee on International Relations, and in addition to the Committees on Financial Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FERGUSON:

H. Res. 698. A resolution recognizing the 54th anniversary of the start of the Korean War and honoring the members of the United States Armed Forces; to the Committee on Armed Services.

By Mr. CONYERS (for himself, Ms. PELOSI, Mr. HOYER, Mr. MENENDEZ, Mr. CLYBURN, Mr. DINGELL, Mr. OBEY, Mr. RANGEL, Mr. WAXMAN, Mr. SKELTON, Mr. LANTOS, and Mr. HINCHEY):

H. Res. 699. A resolution directing the Secretary of State to transmit to the House of Representatives documents in the possession of the Secretary of State relating to the treatment of prisoners and detainees in Iraq, Afghanistan, and Guantanamo Bay; to the Committee on International Relations.

By Mr. CONYERS (for himself, Ms. PELOSI, Mr. HOYER, Mr. MENENDEZ, Mr. CLYBURN, Mr. DINGELL, Mr. OBEY, Mr. RANGEL, Mr. WAXMAN, Mr. SKELTON, Mr. LANTOS, and Mr. HINCHEY):

H. Res. 700. A resolution directing the Attorney General to transmit to the House of Representatives documents in the possession of the Attorney General relating to the treatment of prisoners and detainees in Iraq, Afghanistan, and Guantanamo Bay; to the Committee on the Judiciary.

¶70.36 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

381. The SPEAKER presented a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 5 memorializing the United States Congress to study and consider revising the income guidelines for senior citizens and reduce them by ten percent so that they may participate in or receive more assistance through the federal food stamp program; to the Committee on Agriculture.

382. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 68 memorializing the United States Congress, the Louisiana Congressional Delegation, and the United States Army Corps of Engineers to promptly close the Mississippi River Gulf Outlet in the manner contemplated by the Coast 2050 Plan and memorializing the United States Congress and the Louisiana Congressional Delegation to authorize the full funding capability of the United States Army Corps of Engineers for the Inner Harbor Navigation Canal lock project; to the Committee on Transportation and Infrastructure.

¶70.37 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 156: Mr. CLYBURN.

H.R. 369: Mr. LEWIS of Georgia.

H.R. 734: Mr. GREEN of Texas and Ms. WATSON.

H.R. 742: Mr. GERLACH.

H.R. 745: Mr. WU.

H.R. 779: Ms. LOFGREN.

H.R. 839: Mr. SMITH of Washington, Mr. FORBES, Mr. RYUN of Kansas, Mr. WU, Ms. VELAZQUEZ, Mr. UDALL of New Mexico, Mr. GREENWOOD, and Mr. MARKEY.

H.R. 846: Ms. LOFGREN.

H.R. 852: Mrs. CHRISTENSEN.

H.R. 918: Mr. KENNEDY of Minnesota, Mr. GRAVES, Mr. SCHROCK, Mr. CLAY, Mrs. JO ANN DAVIS of Virginia, and Ms. JACKSON-LEE of Texas.

H.R. 933: Mr. HALL.

H.R. 1002: Mr. BELL.

H.R. 1051: Mr. HALL.

H.R. 1083: Mr. FORBES, Mr. BEREUTER, and Mr. PLATTS.

H.R. 1205: Mrs. MCCARTHY of New York.

H.R. 1251: Mr. GRIJALVA.

H.R. 1428: Mr. DEAL of Georgia and Mr. FATTAH.

H.R. 1613: Mr. BECERRA, Mr. EMMANUEL, Mr. ANDREWS, and Mr. SCOTT of Georgia.

H.R. 1924: Mr. LAMPSON.
H.R. 2217: Mr. VITTER.
H.R. 2394: Mr. ROTHMAN.
H.R. 2808: Mr. VITTER.
H.R. 2843: Mr. SHIMKUS and Mr. HONDA.
H.R. 2895: Mr. KOLBE, Mr. SOUDER, Mr. MILLER of Florida, and Mrs. MUSGRAVE.
H.R. 2900: Mr. GINGREY and Mr. BURNS.
H.R. 2929: Mr. ISRAEL.
H.R. 2934: Mr. FOSSELLA.
H.R. 2959: Mr. ROGERS of Kentucky and Mr. WU.
H.R. 3014: Mrs. TAUSCHER.
H.R. 3111: Mr. MOORE, Mr. LANGEVIN, Mr. THOMPSON of Mississippi, Mr. GORDON, Mr. RADANOVICH, Ms. PRYCE of Ohio, Mr. MENENDEZ, Mr. LATOURETTE, Mr. DINGELL, and Mr. MARKEY.
H.R. 3180: Mr. SANDLIN.
H.R. 3235: Mrs. NORTHUP.
H.R. 3310: Mr. SAM JOHNSON of Texas and Mrs. NORTHUP.
H.R. 3317: Mr. HOEFFEL.
H.R. 3482: Mr. VAN HOLLEN, Mr. MCCOTTER, and Mr. WU.
H.R. 3539: Mr. ISRAEL.
H.R. 3545: Mr. NADLER.
H.R. 3707: Mr. DAVIS of Illinois, Ms. WATSON, Ms. HERSETH, AND MR. RAHALL.
H.R. 3729: Mr. RODRIGUEZ, Mr. VAN HOLLEN, Mr. RAHALL, Mr. HINCHEY, and Ms. KAPTUR.
H.R. 3730: Mr. MCGOVERN.
H.R. 3755: Mr. HAYES and Mr. WYNN.
H.R. 3799: Mr. KING of Iowa.
H.R. 3805: Ms. LEE, Mr. LANTOS, and Mr. FILNER.
H.R. 3858: Mr. EHLERS.
H.R. 3865: Mr. LEWIS of Georgia.
H.R. 3933: Mr. SHAW, Mr. CAMP, and Mr. DREIER.
H.R. 3968: Mr. GUTIERREZ and Ms. MCCOLLUM.
H.R. 3989: Mr. STARK, Mr. GRIJALVA, Mrs. CHRISTENSEN, Mr. THOMPSON of Mississippi, Ms. WATSON, Ms. DELAURO, Ms. WOOLSEY, Ms. MCCOLLUM and Mr. LEWIS of Georgia.
H.R. 4022: Mr. WELDON of Pennsylvania.
H.R. 4032: Mr. FROST and Mr. RANGEL.
H.R. 4036: Mr. THOMPSON of Mississippi.
H.R. 4048: Mr. VITTER.
H.R. 4064: Mr. CAMP, Mr. STENHOLM, and Mr. FRANKS of Arizona.
H.R. 4093: Ms. LEE, Mr. CUMMINGS, Mr. MCDERMOTT, and Mr. PAYNE.
H.R. 4116: Mr. ROSS, Mr. OWENS, and Ms. DELAURO.
H.R. 4126: Mr. GILLMOR, Mr. ROGERS of Michigan, Mr. CHABOT, Mr. TURNER of Ohio, Mrs. CUBIN, and Mr. VITTER.
H.R. 4147: Mr. LEWIS of Georgia.
H.R. 4161: Mr. OWENS and Mrs. EMERSON.
H.R. 4177: Mr. DOYLE.
H.R. 4187: Mr. ADERHOLT.
H.R. 4192: Mr. SMITH of Washington, Mr. FATTAH, and Mr. BISHOP of Georgia.
H.R. 4214: Mr. VITTER and Mr. SAXTON.
H.R. 4225: Mr. HOYER.
H.R. 4249: Mr. THOMPSON of California, Mr. FRANK of Massachusetts, Mr. WAXMAN, Ms. WATSON, Ms. ROYBAL-ALLARD, Mrs. DAVIS of California, Mrs. NAPOLITANO, Ms. LINDA T. SANCHEZ of California, Mr. BACA, and Ms. LOFGREN.
H.R. 4304: Mr. PRICE of North Carolina.
H.R. 4306: Ms. HART, Mr. FLAKE, and Mr. CARTER.
H.R. 4346: Mr. PETERSON of Minnesota, Mrs. NAPOLITANO, Mr. MEEHAN, Mr. CASE, Mr. BISHOP of New York, and Mr. TIERNEY.
H.R. 4358: Mr. CAMP.
H.R. 4383: Mr. ISAKSON and Mr. COLLINS.
H.R. 4387: Mr. STARK, Ms. LEE, and Mr. LEWIS of Georgia.
H.R. 4391: Mr. HINOJOSA and Ms. ROYBAL-ALLARD.
H.R. 4420: Mr. SMITH of Texas, Mr. MANZULLO, Mr. SULLIVAN, and Mr. HAYES.
H.R. 4469: Mr. LEWIS of Georgia.
H.R. 4476: Ms. DELAURO, Mr. MCGOVERN, Mr. FRANK of Massachusetts, Mr. BRADY of Pennsylvania, and Mr. TIERNEY.
H.R. 4479: Mr. CUMMINGS and Mrs. CHRISTENSEN.
H.R. 4491: Mr. BLUNT, Mr. BRADLEY of New Hampshire, Mr. BOUCHER, Mr. ISRAEL, Mrs. MCCARTHY of New York, Mr. KENNEDY of Rhode Island, and Ms. HERSETH.
H.R. 4498: Ms. SLAUGHTER.
H.R. 4528: Mr. FEENEY.
H.R. 4533: Mr. KOLBE and Mr. CANNON.
H.R. 4550: Mr. MEEK of Florida, Mr. OWENS, Mr. FROST, and Mr. MCINTYRE.
H.R. 4561: Mr. KUCINICH.
H.R. 4571: Mr. BRADY of Texas and Mr. PAUL.
H.R. 4585: Mr. BISHOP of Georgia, Mr. KILDEE, Mr. GREEN of Texas, Mr. GEORGE MILLER of California, Mr. OWENS, and Mr. FROST.
H.R. 4595: Mr. SCHIFF, Mr. RUPPERSBERGER, and Mr. GRIJALVA.
H.R. 4605: Mrs. DAVIS of California, Ms. MCCOLLUM, Mr. CASE, Mr. VAN HOLLEN, Mr. SCOTT of Virginia, and Mr. MEEHAN.
H.R. 4620: Mr. FILNER, Mr. SIMPSON, Mr. OTTER, and Mr. NEUGEBAUER.
H.R. 4626: Mr. JEFFERSON, Mr. MCDERMOTT, Mr. RUPPERSBERGER, and Mr. BOUCHER.
H.R. 4628: Mr. MCGOVERN and Mr. ALLEN.
H.R. 4634: Ms. GINNY BROWN-WAITE of Florida, Mr. GARRETT of New Jersey, Mr. COLLINS, Mr. GREENWOOD, and Mr. VITTER.
H.R. 4636: Ms. BORDALLO and Mr. BOSWELL.
H.R. 4654: Mr. MANZULLO.
H.R. 4655: Mr. RYAN of Ohio and Mr. FROST.
H.R. 4662: Mr. LINDER.
H.R. 4673: Mr. LEWIS of Georgia.
H.R. 4682: Mr. OSE.
H.R. 4685: Mr. DINGELL.
H. Con. Res. 111: Mr. PASTOR, Mr. TOWNS, and Mr. WALSH.
H. Con. Res. 126: Mr. NORWOOD.
H. Con. Res. 218: Mr. RENZI and Mr. CAPUANO.
H. Con. Res. 415: Mr. BERMAN, Mr. UDALL of Colorado, Mr. BEREUTER, Mr. MCCOTTER, Ms. MCCARTHY of Missouri, Mr. GALLEGLY, Ms. WATSON, Mr. FALEOMAVAEGA, Mr. SHERMAN, Mr. WEXLER, Ms. SLAUGHTER, Mr. BALLENGER, Mr. LEACH, Mr. ROHRABACHER, Mr. ROYCE, Mrs. JO ANN DAVIS of Virginia, Ms. KAPTUR, Mr. CARDIN, Mr. BURTON of Indiana, Mr. ADERHOLT, Mr. CHABOT, Mr. BELL, and Mr. KING of New York.
H. Con. Res. 425: Mr. SAXTON and Ms. SLAUGHTER.
H. Con. Res. 462: Mr. BILIRAKIS.
H. Res. 129: Mr. STARK.
H. Res. 556: Mr. WOLF and Mr. HINCHEY.
H. Res. 562: Mr. RODRIGUEZ, Mrs. NAPOLITANO, Ms. SOLIS, Mr. ORTIZ, Mr. GUTIERREZ, Mr. BECERRA, Mr. GONZALEZ, Mr. CARDOZA, Ms. VELAZQUEZ, Mr. SERRANO, Mr. MENENDEZ, Mr. HINOJOSA, Mr. PASTOR, Mr. BACA, Mr. GRIJALVA, Ms. ROYBAL-ALLARD, Mr. ACEVEDO-VILA, Ms. MILLENDER-MCDONALD, Ms. CARSON of Indiana, Mr. CLYBURN, Mr. TOWNS, Mr. MEEKS of New York, Ms. NORTON, Mr. WYNN, Mr. CONYERS, Ms. CORRINE BROWN of Florida, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SANDLIN, Mr. TURNER of Texas, Mr. HALL, Mr. DOGGETT, Mr. EDWARDS, Mr. STENHOLM, Mr. FROST, Mr. BELL, Mr. GREEN of Texas, Mr. SESSIONS, Mr. BRADY of Texas, Mr. RUPPERSBERGER, Mr. BOSWELL, Mr. HUNTER, and Mr. WELDON of Pennsylvania.
H. Res. 596: Mr. WILSON of South Carolina, Mr. KUCINICH, and Ms. LOFGREN.
H. Res. 647: Mr. CUNNINGHAM and Mr. JONES of North Carolina.
H. Res. 654: Mr. LANTOS, Mr. PAYNE, Mr. RUSH, Mr. BALLENGER, Mr. WELLER, Mr. RANGEL, Ms. LEE, Mr. DELAHUNT, Mrs. JONES of Ohio, Mr. MCDERMOTT, Mr. FARR, Mrs. CHRISTENSEN, Mr. CUMMINGS, Mr. FORD, and Mr. JACKSON of Illinois.
H. Res. 687: Mr. KUCINICH.
H. Res. 688: Mr. ABERCROMBIE, Mr. WALSH, Mr. OSE, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CARTER, Mr. CANTOR, Mr. COX, Mr. QUINN, Mr. MCCOTTER, Mr. SWEENEY, Mr. LATOURETTE, Mr. NEY, Mr. MCHUGH, Mr. SHUSTER, Mr. OTTER, Mr. SIMPSON, Mr. LATHAM, Mr. LEWIS of California, Mr. GREEN of Wisconsin, and Ms. HARRIS.
H. Res. 689: Mr. MEEHAN.
H. Res. 695: Mr. STARK.

TUESDAY, JULY 6, 2004 (71)

¶71.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. CULBERSON, who laid before the House the following communication:

WASHINGTON, DC,
July 6, 2004.

I hereby appoint the Honorable JOHN ABNEY CULBERSON to act as Speaker pro tempore on this day.

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

¶71.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. CULBERSON, announced he had examined and approved the Journal of the proceedings of Friday, June 25, 2004.

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

¶71.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

8872. A letter from the Deputy Secretary, Department of Defense, transmitting the semiannual report of the Inspector General and the classified annex for the period October 1, 2003 — March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Armed Services.

8873. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-460, ''National Capital Revitalization Corporation Eminent Domain Clarification and Skyland Eminent Domain Approval Temporary Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

8874. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-458, ''Closing of a Portion of a Public Alley in Square 235, S.O. 03-2526, Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

8875. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-455, ''Youth Pollworker Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

8876. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-456, ''Office of Employee Appeals Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

8877. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-457, ''Advisory Commission on Sentencing Structured Sentencing System Pilot Program Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

8878. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-442, ''Omnibus Alcoholic Beverage Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

8879. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-463, ''Omnibus Public Safety Agency Reform Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

8880. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-459, ''Removal of the Permanent System of Highways, a Portion of 22nd Street, S.E., and the Dedication of Land for Street Purposes (S.O. 00-89) Technical Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

8881. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the designation as ''foreign terrorist organizations'' pursuant to Section 219 of the Immigration and Nationality Act, pursuant to 8 U.S.C. 1189; to the Committee on the Judiciary.

8882. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model EC 155 B and B1 Heliocopters [Docket No. 2004-SW-05-AD; Amendment 39-13665; AD 2004-12-06] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8883. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hamilton Sundstrand Corporation (formerly Hamilton Standard Division) Model 568F Propellers [Docket No. 2003-NE-48-AD; Amendment 39-13669; AD 2004-12-10] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8884. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Model 500, 501, 550, and 551 Airplanes [Docket No. 2000-NM-65-AD; Amendment 39-13594; AD 2004-09-05] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8885. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757 Series Airplanes Equipped with Rolls Royce RB211 Engines [Docket No. 2000-NM-376-AD; Amendment 39-13666; AD 2004-12-07] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8886. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No. 2004-NM-29-AD; Amendment 39-13673; AD 2004-03-34 R1] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8887. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-120 Series Airplanes [Docket No. 2003-NM-79-AD; Amendment 39-13671; AD 2004-12-12] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8888. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-12 and PC-12/45 Airplanes [Docket No. 2004-CE-08-AD; Amendment 39-13670; AD 2004-12-11] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8889. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Des Moines, IA. [Docket No. FAA-2004-17145; Airspace Docket No. 04-ACE-11] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8890. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Mount Comfort, IN; Revocation of Class E Airspace; Indianapolis-Brookside, IN; Modification of Legal Description; Indianapolis-Terry, IN. [Docket No. FAA-2003-16059; Airspace Docket No. 03-AGL-16] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8891. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; King Cove, AK [Docket No. FAA-2003-13833; Airspace Docket No. 03-AAL-26] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8892. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class D, E2 and E4 Airspace; Columbus Lawson AAF, GA, and Class E5 Airspace; Columbus, GA [Docket No. FAA-2003-16596; Airspace Docket No. 03-ASO-20] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8893. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Beckwourth, CA. [Docket No. FAA-14849; Airspace Docket No. 03-AWP-7] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8894. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767 Series Airplanes [Docket No. 2004-NM-17-AD; Amendment 39-13505; AD 2004-05-10] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8895. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aeropatiale Model ATR42-500 and ATR72-212A Series Airplanes [Docket No. 2002-NM-301-AD; Amendment 39-13672; AD 2004-12-13] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8896. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-10-30 Airplane [Docket No. 2002-NM-237-AD; Amendment 39-13642; AD 2004-10-12] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8897. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAE 146 and Avro 146-RJ Series Airplanes [Docket No. 2002-NM-343-AD; Amendment 39-13641; AD 2004-10-11] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8898. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 Series Airplanes [Docket No. 2003-NM-171-AD; Amendment 39-13639; AD 2004-10-09] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8899. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; NARCO Avionics Inc. AT150 Transponders [Docket No. 2002-NE-32-AD; Amendment 39-13586; AD 2004-08-16] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8900. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eagle Aircraft (Malaysia) Sdn. Bhd Model Eagle 150B Airplanes [Docket No. FAA-2004-17890; Directorate Identifier 2004-CE-14-AD; Amendment 39-13649; AD 2004-11-04] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8901. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Defense and Space Group Model 234 Helicopters [Docket No. 2004-SW-09-AD; Amendment 39-13651; AD 2004-06-51] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8902. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Agusta S.p.A. Model A109E Helicopters [Docket No. 2003-SW-32-AD; Amendment 39-13652; AD 2004-11-06] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8903. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400 and -400F Series Airplanes Equipped with Rolls Royce Engines [Docket No. 2003-NM-202-AD; Amendment 39-13648; AD 2004-11-03] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8904. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Model BAe.125 series 800A (including C-29A and U-125 Variant) and 800B Airplanes; and Model Hawker 800 (including U-125A Variant) and 800XP Airplanes [Docket No. 2003-NM-216-AD; Amendment 39-13646; AD 2004-11-01] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8905. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-100 and -300 Series Airplanes [Docket No. 2003-NM-120-AD; Amendment 39-13606; AD 2004-09-17] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8906. A communication from the President of the United States, transmitting a description of the changes to existing laws, prepared by the Administration, that would be required to bring the United States into compliance with the United States-Australia Free Trade Agreement, as signed by the United States Trade Representative on behalf of the United States on May 18, 2004, pursuant to Public Law 107–210, section 2105 (a)(1)(B); (H. Doc. No. 108–198); to the Committee on Ways and Means and ordered to be printed.

8907. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Medicare Ambulance MMA Temporary Rate Increases Beginning July 1, 2004 [CMS-1492-IFC] (RIN: 0938-AN24) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

¶71.4 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 4200. An Act to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

H.R. 4613. An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

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

S. 2401. An Act to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

S. 2402. An Act to authorize appropriations for fiscal year 2005 for military construction, and for other purposes.

S. 2403. An Act to authorize appropriations for fiscal year 2005 for defense activities of the Department of Energy, and for other purposes.

¶71.5 PRIVATE CALENDAR

The SPEAKER pro tempore, Mr. CULBERSON, directed the Private Calendar to be called.

When,

¶71.6 BILLS PASSED

The bills of the following titles were severally considered, read twice, ordered to be engrossed and read a third time, were severally read a third time by title, and passed:

H.R. 530. A bill for the relief of Tanya Andrea Goudeau.

H.R. 712. A bill for the relief of Richi James Lesley.

H.R. 867. A bill for the relief of Durreshahwar Durreshahwar, Nida Hasan, Asna Hasan, Anum Hasan, and Iqra Hasan.

Ordered, That the Clerk request the concurrence of the Senate in said bills, severally.

The bill of the Senate of the following title was considered, read twice, ordered to be read a third time, was read a third time by title, and passed:

S. 103. An Act for the relief of Lindita Idrizi Heath.

Ordered, That the Clerk notify the Senate thereof.

Motions severally made to reconsider the votes whereby each bill on the Private Calendar was disposed of today were, by unanimous consent, laid on the table.

¶71.7 ENROLLED SENATE BILL SIGNED

The SPEAKER pro tempore, Mr. CULBERSON, announced that pursuant to clause 4, rule I, the Speaker pro tempore Mr. PENCE, signed the following enrolled bill on Wednesday, June 30, 2004:

S. 2507. An Act to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to reauthorize child nutrition programs, and other purposes.

¶71.8 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. CULBERSON, laid before the House the following communication from Anthony Reed, Legislative Director, Office of the Honorable J. Dennis Hastert:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 29, 2004.

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

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a criminal subpoena for testimony issued by the Superior Court of the District of Columbia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

ANTHONY REED,
Legislative Director.

¶71.9 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. CULBERSON, laid before the House the following communication from Luke Hatzis, Staff Assistant, Office of the Honorable J. Dennis Hastert:

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

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a criminal subpoena for testimony issued by the Superior Court of the District of Columbia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

LUKE HATZIS,
Staff Assistant.

¶71.10 MARSHALL ISLANDS CONSTITUTION ANNIVERSARY

Mr. FLAKE moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 410), as amended:

Whereas the Marshall Islands were ruled under a succession of colonial regimes, including under Spanish and German rule, followed in the 20th century by Japanese rule under the League of Nations system for governance of territories;

Whereas military activities of Imperial Japan based in the Marshall Islands before and during Word War II established the strategic importance of the Marshall Islands in the Pacific;

Whereas the Marshall Islands were liberated from Japanese military occupation in some of the most horrific battles of World War II, during which brave Marshallese people risked their lives to aid the Armed Forces of the United States and its allies;

Whereas in 1947 Congress approved a trusteeship agreement with the United Nations Security Council under which the United States became the administering power with plenary powers of government in the Marshall Islands;

Whereas during the United Nations trusteeship period the United States fulfilled its commitment to promote the progress of the Marshall Islands toward democratic self-government and self-determination, leading to the establishment of local self-government that culminated in a constitutional convention in which delegates representing the people of the Marshall Islands proposed that they be constituted as a self-governing nation;

Whereas in accordance with the enabling measures adopted by the United States as administering power of the Marshall Islands, which encouraged and fully supported the emergence of the Marshall Islands as a duly constituted nation based on the freely expressed will of the people, in 1979 the people of the Marshall Islands adopted their own constitution and subsequently declared their form of government to be a republic;

Whereas the Constitution of the Republic of the Marshall Islands established a parliamentary governmental system with separation of powers and a ''Bill of Rights,'' guaranteeing democracy and freedom for the Marshallese people based on the rule of law, limited government, and individual liberty;

Whereas the United States and the duly constituted Government of the Republic of the Marshall Islands adopted a Compact of Free Association to define government-to-government relations between the United States and the Marshall Islands as two sovereign nations under mutually agreed terms upon termination of the United Nations trusteeship for the Marshall Islands;

Whereas the promulgation of a national constitution made possible the termination of the United Nations trusteeship in 1986 and the emergence of the Republic of the Marshall Islands as a sovereign nation in free association with the United States under the Compact of Free Association, forming an alliance that preserves the close and special political, social, economic, and military relationship between the two countries that developed during the trusteeship period;

Whereas the United States has no closer alliance with any nation or group of nations than it does with the Republic of the Marshall Islands under the Compact of Free Association, which continues the strategic partnership and role of the Marshall Islands in United States strategic programs based in the Marshall Islands, which began at the end of World War II and has continued under the trusteeship and Compact to promote the mutual security of the United States and the Marshall Islands;

Whereas the Republic of the Marshall Islands is a model for transition of formerly non-self-governing territory ravaged by war

to a sovereign political status as a stable democracy, a success story for institution building and recovery from conflict not only for the Pacific region but throughout the world;

Whereas in light of the shared history of the United States and the Republic of the Marshall Islands and special relations under the Compact of Free Association, it is entirely fitting for Congress to recognize the 25th anniversary of the adoption of the Constitution of the Republic of the Marshall Islands, recalling the importance of duly constituted self-government in the self-determination process leading to national sovereignty for the Marshall Islands; and

Whereas the Republic of the Marshall Islands has remained one of the staunchest allies of the United States during the cold war and the war on terrorism, and the voting record of the Republic of the Marshall Islands as a member state in the United Nations General Assembly is unparalleled by any other country, further demonstrating the shared commitment of the two nations to promote democracy and global peace: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the 25th anniversary of the adoption of the Constitution of the Republic of the Marshall Islands; and

(2) recognizes the Republic of the Marshall Islands as a staunch ally of the United States, committed to principles of democracy and freedom for the Pacific region and throughout the world.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. FLAKE and Mr. CLAY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. FLAKE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶71.11 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

¶71.12 EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

Mr. FLAKE moved to suspend the rules and pass the bill (H.R. 2121) to amend the Eisenhower Exchange Fellowship Act of 1990 to authorize additional appropriations for the Eisenhower Exchange Fellowship Program Trust Fund, and for other purposes.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. FLAKE and Mr. CLAY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶71.13 JAMES E. WORSHAM POST OFFICE AND JAMES E. WORSHAM CARRIER ANNEX BUILDING

Mrs. MILLER of Michigan moved to suspend the rules and pass the bill (H.R. 3340) to redesignate the facilities of the United Sates Postal Service located at 7715 and 7748 S. Cottage Grove Avenue in Chicago, Illinois, as the ''James E. Worsham Post Office'' and the ''James E. Worsham Carrier Annex Building'', respectively, and for other purposes.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mrs. MILLER of Michigan and Mr. CLAY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶71.14 VITALAS 'VETO' REID POST OFFICE BUILDING

Mrs. MILLER of Michigan moved to suspend the rules and pass the bill (H.R. 4327) to designate the facility of the United States Postal Service located at 7450 Natural Bridge Road in St. Louis, Missouri, as the ''Vitalas 'Veto' Reid Post Office Building''.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mrs. MILLER of Michigan and Mr. CLAY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶71.15 PERRY B. DURYEA, JR. POST OFFICE

Mrs. MILLER of Michigan moved to suspend the rules and pass the bill (H.R. 4427) to designate the facility of the United states Postal Service located at 73 South Euclid Avenue in Montauk, New York, as the ''Perry B. Duryea, Jr. Post Office Building''.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mrs. MILLER of Michigan and Mr. CLAY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶71.16 PRESIDENTIAL MEDAL OF FREEDOM

Mrs. MILLER of Michigan moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 257):

Whereas the life of Harry W. Colmery of Topeka, Kansas, was marked by service to his country and its citizens;

Whereas Harry Colmery earned a degree in law in 1916 from the University of Pittsburgh and, through his practice of law, contributed to the Nation, notably by successfully arguing two significant cases before the United States Supreme Court, one criminal, the other an environmental legal dispute;

Whereas during World War I, Harry Colmery joined the Army Air Service, serving as a first lieutenant at a time when military aviation was in its infancy;

Whereas after World War I, Harry Colmery actively contributed to the growth of the newly formed American Legion and went on to hold several offices in the Legion and was elected National Commander in 1936;

Whereas in 1943, the United States faced the return from World War II of what was to become an active duty force of 15,000,000 soldiers, sailors, airmen, and Marines;

Whereas Harry Colmery, recognizing the potential effect of the return of such a large number of veterans to civilian life, spearheaded the efforts of the American Legion to develop legislation seeking to ensure that these Americans who had fought for the democratic ideals of the Nation and to preserve freedom would be able to fully participate in all of the opportunities the Nation provided;

Whereas in December 1943, during an emergency meeting of the American Legion leadership, Harry Colmery crafted the initial draft of the legislation that became the Servicemen's Readjustment Act of 1944, also known as the GI Bill of Rights;

Whereas the GI Bill of Rights is credited by veterans' service organizations, economists, and historians as the engine that

transformed postwar America into a more egalitarian, prosperous, and enlightened Nation poised to lead the world into the 21st century;

Whereas since its enactment, the GI Bill of Rights has provided education or training for approximately 7,800,000 men and women, including 2,200,000 in college, 3,400,000 in other schools, 1,400,000 in vocational education, and 690,000 in farm training and, in addition, 2,100,000 World War II veterans purchased homes through the GI Bill;

Whereas as a result of the benefits available to veterans through the initial GI Bill, the Nation gained over 800,000 professionals as the GI Bill transformed these veterans into 450,000 engineers, 238,000 teachers, 91,000 scientists, 67,000 doctors, and 22,000 dentists;

Whereas President Truman established the Presidential Medal of Freedom in 1945 to recognize notable service during war and in 1963, President Kennedy reinstated the medal to honor the achievement of civilians during peacetime;

Whereas pursuant to Executive Order No. 11085, the Medal of Freedom may be awarded to any person who has made an especially meritorious contribution to ''(1) the security or national interest of the United States, or (2) world peace, or (3) other significant public or private endeavors''; and

Whereas Harry Colmery, noted for his service in the military, in the legal sector, and on behalf of the Nation's veterans, clearly meets the criteria established for the Presidential Medal of Freedom: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Harry W. Colmery of Topeka, Kansas.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mrs. MILLER of Michigan and Mr. CLAY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. MILLER of Michigan demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶71.17 RECESS—3:01 P.M.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 1 minute p.m., until approximately 6:30 p.m.

¶71.18 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mrs. BIGGERT, called the House to order.

¶71.19 H. CON. RES. 410—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 410) recognizing the 25th anniversary of the adoption of the Constitution of the Republic of the Marshall Islands and recognizing the Marshall Islands as a staunch ally of the United States, committed to principles of democracy and freedom for the Pacific region and throughout the world; as amended.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 379 / Nays ..... 0 }

¶71.20 [Roll No. 326]

YEAS—379

Abercrombie
Ackerman
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Coble
Cole
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pastor
Paul
Pearce
Pence
Petri
Pickering
Platts
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—54

Aderholt
Bachus
Becerra
Brown (OH)
Cardin
Carson (IN)
Carson (OK)
Clyburn
Collins
Conyers
Cummings
Delahunt
DeLay
Deutsch
Engel
Filner
Gephardt
Goss
Gutierrez
Harman
Hastings (FL)
Hinchey
Hoekstra
Honda
Hoyer
Jenkins
John
Jones (OH)
Kleczka
Lowey
Majette
McCarthy (NY)
McInnis
McIntyre
Miller (NC)
Pascrell
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pitts
Pombo
Price (NC)
Slaughter
Smith (NJ)
Solis
Stenholm
Sweeney
Tancredo
Tauzin
Thompson (MS)
Udall (CO)
Weller
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution, as amended, was agreed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶71.21 H. CON. RES. 257—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend

the rules and agree to the concurrent resolution (H. Con. Res. 257) expressing the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Harry W. Colmery.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 381 / Nays 1

¶71.22 [Roll No. 327]

YEAS—381

Abercrombie
Ackerman
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pastor
Paul
Pearce
Pence
Petri
Pickering
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—1

Taylor (NC)

NOT VOTING—51

Aderholt
Becerra
Brown (OH)
Cardin
Carson (IN)
Carson (OK)
Clyburn
Collins
Cummings
Delahunt
DeLay
Deutsch
Engel
Filner
Gephardt
Goss
Gutierrez
Harman
Hastings (FL)
Hinchey
Hoekstra
Honda
Hoyer
Hunter
Jenkins
John
Jones (OH)
Kleczka
Majette
McCarthy (NY)
McInnis
McIntyre
Pascrell
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pitts
Pombo
Slaughter
Smith (NJ)
Solis
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Thompson (MS)
Udall (CO)
Weller
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶71.23 MESSAGE FROM THE PRESIDENT—UNITED STATES-AUSTRALIA FREE TRADE AGREEMENT

The SPEAKER pro tempore, Mrs. BIGGERT, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

I am pleased to transmit legislation and supporting documents prepared by my Administration to implement the United States-Australia Free Trade Agreement (FTA). This Agreement adds an important dimension to our bilateral relationship with a steadfast ally in the global economic and strategic arena. This FTA will enhance the prosperity of the people of the United States and Australia, serve the interest of expanding U.S. commerce, and advance our overall national interest.

My Administration is committed to securing a level playing field and creating opportunities for America's workers, farmers, and businesses. The United States and Australia already enjoy a strong trade relationship. The U.S.-Australia FTA will further open Australia's market for U.S. manufactured goods, agricultural products, and services, and will promote new growth in our bilateral trade. As soon as this FTA enters into force, tariffs will be eliminated on almost all manufactured goods traded between our countries, providing significant export opportunities for American manufacturers. American farmers will also benefit due to the elimination of tariffs on all exports of U.S. agricultural products.

The U.S.-Australia FTA will also benefit small- and medium-sized businesses and their employees. Such firms already account for a significant amount of bilateral trade. The market opening resulting from this Agreement presents opportunities for those firms looking to start or enhance participation in global trade.

In negotiating this FTA, my Administration was guided by the negotiating objectives set out in the Trade Act of 2002. The Agreement's provisions on agriculture represent a balanced response to those seeking improved access to Australia's markets, through immediate elimination of tariffs on U.S. exports and mechanisms to resolve sanitary and phytosanitary issues and facilitate trade between our countries, while recognizing the sensitive nature of some U.S. agricultural sectors and their possible vulnerability to increased imports.

The U.S.-Australia FTA also reinforces the importance of creativity and technology to both of our economies. the Agreement includes rules providing for strong protection and enforcement of intellectual property rights, promotes the use of electronic commerce, and provides for increased cooperation between our agencies on addressing anticompetitive practices, financial services, telecommunications, and other matters.

The Agreement memorializes our shared commitment to labor and environmental issues. The United States and Australia have worked in close cooperation on these issues in the past and will pursue this strategy and commitment to cooperation in bilateral and global fora in the future.

With the approval of this Agreement and passage of the implementing legislation by the Congress, we will advance

U.S. economic, security, and political interests, and set an example of the benefits of free trade and democracy for the world.

GEORGE W. BUSH.
THE WHITE HOUSE, *July 6, 2004*.

The message, together with the accompanying papers, was referred to the Committee on Ways and Means and ordered to be printed (H. Doc. 108–199).

¶71.24 PROVIDING FOR THE CONSIDERATION OF H.R. 4754

Mr. LINDER, by direction of the Committee on Rules, reported (Rept. No. 108–583) the resolution (H. Res. 701) providing for consideration of the bill (H.R. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶71.25 BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on July 1, 2004, he presented to the President of the United States, for his approval, the following bill.

H.R. 4103. An Act to extend and modify the trade benefits under the African Growth and Opportunity Act.

¶71.26 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BECERRA, for today;

To Ms. CARSON of Indiana, for today and balance of the week;

To Mr. ENGEL, for today;

To Mr. HASTINGS of Florida, for today and balance of the week;

To Mr. HINCHEY, for today and balance of the week;

To Mr. HONDA, for today and July 7 and 8;

To Mrs. JONES of Ohio, for today and July 7;

To Mrs. MCCARTHY of New York, for today;

To Ms. SLAUGHTER, for today; and

To Ms. SOLIS, for today.

And then,

¶71.27 ADJOURNMENT

On motion of Mr. MEEK of Florida, at 11 o'clock and 4 minutes p.m., the House adjourned.

¶71.28 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on June 25, 2004 the following report was filed on June 28, 2004]

Mr. BOEHLERT: Committee on Science. H.R. 3980. A bill to establish a National Windstorm Impact Reduction Programs; with an amendment (Rept. 108–575 Pt. 1). Ordered to be printed.

[The following action occurred on June 30, 2004]

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 3247. A bill to provide consistent enforcement authority to the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, and the Forest Service to respond to violations of regulations regarding the management, use, and protection of public lands under the jurisdiction of these agencies, to clarify the purposes for which collected fines may be used, and for other purposes; with an amendment (Rept. 108–511 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the order of the House on June 25, 2004, the following reports were filed on July 1, 2004]

Mr. WOLF: Committee on Appropriations. H.R. 4754. A bill Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108–576). Referred to the Committee of the Whole House on the State of the Union.

Mr. KINGSTON: Committee on Appropriations. H.R. 4755. A bill Making appropriations for the Legislative Branch for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108–577). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHLERT: Committee on Science. H.R. 4516. A bill to require the Secretary of Energy to carry out a program of research and development to advance high-end computing; with an amendment (Rept. 108–578). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHLERT: Committee on Science. H.R. 3890. A bill to reauthorize the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988; with an amendment (Rept. 108–579). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHLERT: Committee on Science. H.R. 4218. A bill to amend the High-Performance Computing Act of 1991 (Rept. 108–580). Referred to the Whole House on the State of the Union.

Mr. BOEHLERT: Committee on Science. H.R. 3598. A bill to establish an interagency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers, and for other purposes; with an amendment (Rept. 108–581). Referred to the Committee of the Whole House on the State of the Union.

[Submitted July 6, 2004]

Mr. THOMAS: Committee on Ways and Means. H.R. 1914. A bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement; with an amendment (Rept. 108–472 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMAS: Committee on Ways and Means. H.R. 2768. A bill to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall; with an amendment (Rept. 108–473 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMAS: Committee on Ways and Means. H.R. 3277. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center; with an amendment (Rept. 108–474 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4362. A bill to authorize the Secretary of the Interior to accept a parcel of Federal land in the State of Washington in trust for the Nisqually Tribe, to ensure that the acceptance of such land does not adversely affect the Bonneville Power Administration, and for other purposes (Rept. 108–582 Pt. 1). Ordered to be printed.

Mr. LINDER: Committee on Rules. House Resolution 701. Resolution providing for consideration of the bill (H.R. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108–583). Referred to the House Calendar.

¶71.29 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[The following action occurred on July 28, 2004]

H.R. 3980. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than June 28, 2004.

¶71.30 DISCHARGE OF COMMITTEE

[The following action occurred on June 28, 2004]

Pursuant to clause of rule XII the Committee on Armed Services discharged from further consideration. H.R. 3980 referred to the Committee of the Whole House on the State of the Union.

[The following action occurred on June 30, 2004]

Pursuant to clause 2 of rule XII the Committee on Agriculture discharged from further consideration. H.R. 2966 committed to the Committee of the Whole House on the State of the Union and ordered to be printed.

[The following action occurred on July 6, 2004]

Pursuant to clause 2 of rule XII the Committee on Armed Services discharged from further consideration. H.R. 4362 referred to the Committee of the Whole House on the State of the Union.

¶71.31 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CLAY:

H.R. 4756. A bill to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of designating the Soldiers' Memorial Military Museum located in St. Louis, Missouri, as a unit of the National Park System; to the Committee on Resources.

By Mr. STEARNS (for himself and Mr. BOUCHER):

H.R. 4757. A bill to promote deployment of and investment in advanced Internet communications services; to the Committee on Energy and Commerce.

By Mr. WEXLER:

H.R. 4758. A bill to amend the National Voter Registration Act of 1993 to prohibit States from removing individuals from the official list of eligible voters for Federal elections in the State by reason of criminal conviction unless the removal is carried out in accordance with standards providing notice and an opportunity for an appeal, and for other purposes; to the Committee on House Administration.

By Mr. DELAY (for himself and Mr. RANGEL) (both by request):

H.R. 4759. A bill to implement the United States-Australia Free Trade Agreement; to the Committee on Ways and Means.

By Mr. BURTON of Indiana (for himself and Mr. PALLONE):

H.R. 4760. A bill to ensure that the goals of the Dietary Supplement Health and Education Act of 1994 are met by authorizing appropriations to fully enforce and implement such Act and the amendments made by such Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DAVIS of Florida:

H.R. 4761. A bill to amend the Federal Water Pollution Control Act to extend the pilot program for alternative water source projects; to the Committee on Transportation and Infrastructure.

By Mr. PALLONE:

H.R. 4762. A bill to require the Secretary of Health and Human Services to ensure that the public is provided adequate notice and education on the effects of exposure to mercury through the development of health advisories and by requiring that such appropriate advisories be posted, or made readily available, at all businesses that sell fresh, frozen, and canned fish and seafood where the potential for mercury exposure exists; to the Committee on Energy and Commerce.

By Mr. RAHALL:

H.R. 4763. A bill to amend title 38, United States Code, to extend eligibility for pension benefits under laws administered by the Secretary of Veterans Affairs to veterans who served during certain periods of time in specified locations; to the Committee on Veterans' Affairs.

By Mr. RAHALL:

H.R. 4764. A bill to amend title 28, United States Code, to extend eligibility for pension benefits under laws administered by the Secretary of Veterans Affairs to veterans who received an expeditionary medal during a period of military service other than a period of war; to the Committee on Veterans' Affairs.

By Ms. WOOLSEY:

H.R. 4765. A bill to amend the Elementary and Secondary Education Act of 1965 to provide grants to local educational agencies to encourage girls to pursue studies and careers in science, mathematics, engineering, and technology; to the Committee on Education and the Workforce.

By Ms. ROS-LEHTINEN (for herself, Mr. LANTOS, Mr. PENCE, Mr. SHERMAN, Mr. CROWLEY, Mr. ACKERMAN, Ms. HARRIS, Mr. MCCOTTER, Mr. ENGEL, Mr. DELAHUNT, Mr. SMITH of New Jersey, Mr. FALEOMAVAEGA, Mr. WELLER, Mr. BURTON of Indiana, Mr. CHABOT, Mr. SCHIFF, Mr. BERMAN, Mr. HOEFFEL, Mr. HASTINGS of Florida, Mr. ROHRABACHER, Mr. MENENDEZ, and Mr. BALLENGER):

H. Con. Res. 469. Concurrent resolution condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July 1994 and expressing the concern of the United States regarding the continuing, decade-long delay in the resolution of this case; to the Committee on International Relations.

By Mr. DINGELL (for himself and Mr. EHLERS):

H. Res. 702. Resolution honoring former President Gerald R. Ford on the occasion of his 91st birthday and extending the best wishes of the House of Representatives to former President Ford and his family; to the Committee on Government Reform.

By Mr. PETERSON of Pennsylvania (for himself, Mr. SHUSTER, Mr. TOOMEY, Mr. GERLACH, Mr. PLATTS, Mr. GREENWOOD, Mr. MURPHY, Mr. FEENEY, Mr. DOYLE, Ms. HART, Mr. WOLF, Mr. GRADY of Pennsylvania, Mr. HOLDEN, Mr. HOEFFEL, Mr. SHERWOOD, Mr. FATTAH, Mr. PITTS, Mr. WELDON of Pennsylvania, Mr. MURTHA, and Mr. KANJORSKI):

H. Res. 703. Resolution congratulating the Pennsylvania State University on 150 years of service and commending Pennsylvania's designation of the University as Pennsylvania's land-grant institution; to the Committee on Education and the Workforce.

By Mr. ROYCE (for himself, Ms. LORETTA SANCHEZ of California, Mr. COX, Mr. CALVERT, Mr. GARY G. MILLER of California, and Mr. ROHRABACHER):

H. Res. 704. Resolution congratulating the California State University, Fullerton Titans baseball team for winning the 2004 National Collegiate Athletic Association Division I College World Series; to the Committee on Education and the Workforce.

¶71.32 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

[The following were submitted July 1, 2004]

H.R. 4218: Mr. SMITH of Michigan and Mr. GORDON.

H.R. 4516: Mr. GORDON.

[Submitted July 6, 2004]

H.R. 126: Mr. BOSWELL.
H.R. 195: Mrs. CAPITO.
H.R. 623: Mr. EHLERS.
H.R. 717: Ms. WOOLSEY.
H.R. 814: Mr. KENNEDY of Minnesota.
H.R. 857: Mr. LEVIN.
H.R. 1029: Mr. PALLONE.
H.R. 1285: Mr. GONZALEZ.
H.R. 1489: Mr. GINGREY.
H.R. 1565: Mrs. CHRISTENSEN.
H.R. 1582: Mr. KENNEDY of Minnesota.
H.R. 1587: Mr. FILNER.
H.R. 1657: Mrs. CHRISTENSEN and Mr. ISRAEL.
H.R. 1726: Mr. DELAHUNT.
H.R. 1818: Mr. RYAN of Ohio, Mr. CAPUANO, and Mr. MCGOVERN.
H.R. 1824: Ms. ROYBAL-ALLARD.
H.R. 1861: Mr. GRIJALVA.
H.R. 1995: Mr. BOEHLERT.
H.R. 2023: Mr. HOLT, Mr. ISRAEL, and Mr. LEWIS of Georgia.
H.R. 2071: Mr. KUCINICH.
H.R. 2158: Mr. NUNES and Mr. DOOLEY of California.
H.R. 2173: Mr. LAMPSON and Mr. HOLDEN.
H.R. 2198: Mr. UDALL of New Mexico.
H.R. 2727: Mr. MEEHAN and Mrs. CHRISTENSEN.
H.R. 2868: Mr. WOLF, Mr. NOWROOD, Mr. BURNS, Mr. JOHN, and Mr. JEFFERSON.
H.R. 3127: Mr. OWENS, Mr. MOORE, Mr. FOSSELLA, Mr. VAN HOLLEN, Mr. PAYNE, Mr. FROST, Mr. ANDREWS, Mr. BISHOP of Georgia, Mr. FOLEY, Mr. DELAHUNT, Mr. FARR, and Mrs. CHRISTENSEN.
H.R. 3193: Ms. ROS-LEHTINEN.
H.R. 3293: Mr. ANDREWS.
H.R. 3324: Mr. KUCINICH.
H.R. 3350: Mr. ANDREWS.
H.R. 3352: Mr. GUTIERREZ.
H.R. 3474: Mr. GERLACH, Ms. ROS-LEHTINEN, Mr. KANJORSKI, Ms. MAJETTE, and Mr. BROWN of South Carolina.
H.R. 3800: Mr. CALVERT.
H.R. 3803: Mrs. CHRISTENSEN.
H.R. 3831: Mr. LIPINSKI and Mrs. DAVIS of California.
H.R. 3834: Mr. MCGOVERN.
H.R. 4026: Mr. FERGUSON and Mr. GUTKNECHT.
H.R. 4057: Mr. RAMSTAD.
H.R. 4107: Mr. MARKEY, Mr. HILL, Mr. REHBERG, Ms. CORRINE BROWN of Florida, Mr. RUPPERSBERGER, Mr. CUMMINGS, and Ms. LEE.
H.R. 4140: Mr. UDALL of New Mexico.
H.R. 4205: Mr. WYNN.
H.R. 4261: Mr. PALLONE.
H.R. 4264: Mr. HONDA.
H.R. 4284: Ms. GINNY BROWN-WAITE of Florida, Mr. POMBO, Mr. SAXTON, Mr. WELDON of Florida, and Mr. NEUGEBAUER.
H.R. 4312: Mr. MCINTYRE and Mr. ANDREWS.
H.R. 4325: Mr. PAYNE.
H.R. 4341: Mr. MICHAUD.
H.R. 4358: Mr. TERRY.
H.R. 4370: Mr. JOHNSON of Illinois and Ms. LEE.
H.R. 4391: Ms. SOLIS, Mr. LEWIS of California, Mr. SHERMAN, Mr. BURGESS, Mr. DEUTSCH, Ms. WATERS, and Ms. LINDA T. SANCHEZ of California.
H.R. 4420: Mrs. MILLER of Michigan, Mr. PAUL, and Mr. CARTER.
H.R. 4440: Mr. WELDON of Florida, Mr. FEENEY, and Mr. AKIN.
H.R. 4463: Ms. MCCOLLUM and Ms. BALDWIN.
H.R. 4472: Mr. PETERSON of Pennsylvania and Mr. ETHERIDGE.
H.R. 4521: Mr. BISHOP of Georgia.
H.R. 4595: Mr. TIERNEY, Ms. SCHAKOWSKY, Mr. MCGOVERN, Mr. DELAHUNT, Mr. CUMMINGS, Mr. LANGEVIN, Mr. KUCINICH, Ms. LEE, Mr. DOGGETT, and Mr. MICHAUD.
H.R. 4600: Mr. MORAN of Kansas, Mr. WILSON of South Carolina, Mr. MICHAUD, and Mr. ROGERS of Alabama.
H.R. 4610: Mr. REYES, Mr. FROST, Mr. LEWIS of Georgia, Mr. HOLDEN, Ms. SCHAKOWSKY, and Mr. KILDEE.
H.R. 4628: Mr. RODRIGUEZ, Mr. MICHAUD, Mr. DAVIS of Illinois, Mr. MCDERMOTT, and Mrs. CHRISTENSEN.
H.R. 4634: Mr. TERRY, Mr. BOEHNER, Mr. GILLMOR, Mr. SHAYS, Mr. REYNOLDS, Mr. GORDON, and Mr. WOLF.
H.R. 4662: Mrs. NORTHUP.
H.R. 4677: Mr. HAYES and Mr. GOODE.
H.R. 4688: Mr. MORAN of Virginia.
H.R. 4728: Mr. SERRANO and Mr. SKELTON.
H.J. Res. 56: Mr. PUTNAM.
H.J. Res. 99: Mr. SAM JOHNSON of Texas and Mr. REGULA.
H. Con. Res. 247: Mr. TIBERI.
H. Con. Res. 371: Ms. SCHAKOWSKY.
H. Res. 129: Mr. JACKSON of Illinois.
H. Res. 466: Mr. LIPINSKI and Mrs. CHRISTENSEN.
H. Res. 570: Mr. LANTOS.
H. Res. 642: Mr. UDALL of New Mexico.
H. Res. 666: Ms. DUNN.
H. Res. 667: Ms. DELAURO and Mr. GOODLATTE.
H. Res. 673: Mr. RANGEL.
H. Res. 687: Ms. KAPTUR.
H. Res. 688: Mr. TOOMEY.
H. Res. 690: Ms. WATERS, Mr. MCDERMOTT, Mrs. MALONEY, Mr. COOPER, Ms. MCCARTHY of Missouri, Ms. ROYBAL-ALLARD, Mr. TIERNEY, Ms. JACKSON-LEE of Texas, Mr. BLUMENAUER, Mr. FATTAH, Mrs. CAPPS, Mrs. JONES of Ohio, Mr. SERRANO, Mr. ISRAEL, Ms. MCCOLLUM, Mr. OBERSTAR, and Mr. KLECZKA.
H. Res. 699: Mr. MEEHAN.
H. Res. 700: Mr. MEEHAN and Mr. MCDERMOTT.

WEDNESDAY, JULY 7, 2004 (72)

¶72.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. MURPHY, who laid before the House the following communication:

WASHINGTON, DC,
July 7, 2004.

I hereby appoint the Honorable TIM MURPHY to act as Speaker pro tempore on this day.

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

¶72.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. MURPHY, announced he had examined and approved the Journal of the proceedings of Tuesday, July 6, 2004.

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

¶72.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

8908. A letter from the Acting Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 04-04, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8909. A letter from the Acting Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 02-06, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8910. A letter from the Acting Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 04-03, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8911. A letter from the Secretary of the Air Force, Department of Defense, transmitting notification that the Space Based Infrared System (SBIRS) High System Program exceeds the 15 percent PAUC threshold, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

8912. A letter from the Secretary, Department of Energy, transmitting a report concerning plutonium storage at the Savannah River Site, located near Aiken, South Carolina, pursuant to Public Law 107–314, section 3183; to the Committee on Armed Services.

8913. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the fourteenth annual report on the Profitability of Credit Card Operations of Depository Institutions, pursuant to 15 U.S.C. 1637 note. Public Law 100–583, section 8 (102 Stat. 2969); to the Committee on Financial Services.

8914. A letter from the Assistant General Counsel (Banking and Finance), Department of the Treasury, transmitting the Department's final rule — Terrorism Risk Insurance Program; Claims Procedures (RIN: 1505-AB07) received June 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8915. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting notification of a significant modification to the auction process for issuing United States Treasury obligations, pursuant to Public Law 103–202, section 203 (107 Stat. 2359); to the Committee on Financial Services.

8916. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the annual report to Congress on material violations or suspected material violations of regulations relating to Treasury auctions and other offerings of securities by Treasury, pursuant to Public Law 103–202, section 202 (107 Stat. 2344, 2358–2359); to the Committee on Financial Services.

8917. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting a report stating that during the period of January 1, 2003, through December 31, 2003, no exceptions to the prohibition against favored treatment of a government securities broker or dealer were granted by the Secretary of the Treasury, pursuant to Public Law 103–202, section 202 (107 Stat. 2344, 2357); to the Committee on Financial Services.

8918. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Extension of Minimum Funding Under the Indian Housing Block Grant Program [Docket No. FRL-4825-1-02] (RIN: 2577-AC43) received June 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8919. A letter from the Chairman and President, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to Australia pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

8920. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Commission Guidance Regarding the Public Company Accounting Oversight Board's Auditing and Related Professional Practice Standard No. 1 [Release Nos. 33-8422; 34-49708; FRL-73] received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8921. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Disclosure Regarding Approval of Investment Advisory Contracts by Directors of Investment Companies [Release Nos. 33-8433; 34-49909; IC-26486; FILE No. S7-08-04] (RIN: 3235-AJ10) received June 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8922. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Collection Practices under Section 31 of the Exchange Act [Release No. 34-49928; File No. S7-05-04] (RIN: 3235-AJ02) received June 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8923. A letter from the Acting Chief Financial Officer, Department of the Treasury, transmitting a copy of the Department's Fleet Alternative Fuel Vehicle Acquisition Report for Fiscal Year 2003, pursuant to 42 U.S.C. 13211–13219; to the Committee on Energy and Commerce.

8924. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Warren County So2 Nonattainment and Approval of the Maintenance Plan [PA215-429; FRL-7777-5] received June 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8925. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revision to the 1-Hour Ozone Maintenance Plan for the Pittsburg-Beaver Valley Area to Reflect the Use of MOBILE6 [PA217-4230a; FRL-7777-9] received June 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8926. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New Jersey 1-hour Ozone Control Programs [Region 2 Docket No. NJ66-273, FRL-7776-2] received June 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8927. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri; Designation of Areas for Air Quality Planning Purposes, Iron County; Arcadia and Liberty Townships. [R07-OAR-2004-MO-0003; FRL-7779-9] received June 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8928. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Prevention of Significant Deterioration (PSD) and Non-attainment New Source Review (NSR): Equipment Replacement Provision of the Routine Maintenance, Repair and Replacement Exclusion; Reconsideration [AD-FRL-7781-4; E-Docket ID No. OAR-2002-0068; Legacy Docket No. A-2002-04] (RIN: 2060-AK28) received June 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8929. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Prevention of Significant Deterioration (PSD) and Non-attainment New Source Review (NSR): Equipment Replacement Provision of the Routine Maintenance, Repair and Replacement Exclusion; Stay of Effective Date [AD-FRL-7780-1; E-Docket ID No. OAR-2002-0068; Legacy Docket No. A-2002-04] (RIN: 2060-AM28) received June 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8930. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Standards of Performance for Stationary Gas Turbines [OAR-2002-0053, FRL-7780-6] (RIN: 2060-AK35) received June 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8931. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services under contract with the Republic of Korea (Transmittal No. DDTC 044-04), pursuant to 22 U.S.C. 2776(c) 22 U.S.C. 2776(d); to the Committee on International Relations.

8932. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting A report containing the results of the review of all programs and projects of the International Atomic Energy Agency (IAEA) in the countries described in section 307(a) of the Foreign Assistance Act of 1961, pursuant to 22 U.S.C. 2027 Public Law 107–228 section 1343(a)(2); to the Committee on International Relations.

8933. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that the Deputy Secretary of State (as delegated by the Secretary of State) has determined that the export to Iraq of flashbang distraction, smoke and riot control grenades and infrared laser sights for exclusive use by Iraqi authorities for internal security operations is in the national interest of the United States, pursuant to Public Law 108–11, section 1504; to the Committee on International Relations.

8934. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Traffic in Arms Regulations: United States Munitions List and Part 123 (ZRIN: 1400-ZA) received June 25, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8935. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Presidential Determination No. 2004-39, Imposition and Waiver of Sanctions Under Section 604 of the Foreign Relations Authorization Act, Fiscal Year 2003; to the Committee on International Relations.

8936. A letter from the Acting Administrator, U.S. Agency for International Development, transmitting the policy justification for a proposed transfer of funds from the

Development Assistance account to the account for Operating Expenses of the U.S. Agency for International Development, pursuant to Sections 652 of the Foreign Assistance Act of 1961, as amended, and 515 of the FY 2004 Foreign Appropriations Act (Pub. L. 108-199); to the Committee on International Relations.

8937. A letter from the Attorney General, Department of Justice, transmitting the Department's Strategic Plan for fiscal years 2003-2008; to the Committee on Government Reform.

8938. A letter from the Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting a report on the Agency's competitive sourcing activities during FY 2003, as required by Section 647 of the 2004 Consolidated Appropriations Act; to the Committee on Government Reform.

8939. A letter from the Architect of the Capitol, transmitting a report discussing the Congressional Office recycling programs for traditional and electronic equipment waste (E-waste) for the second quarter of FY 2004, pursuant to the directions issued in House Report 107-576; to the Committee on House Administration.

8940. A letter from the Secretary, Department of Homeland Security, transmitting notification of the plan to replace the terms ''the Bureau of'' with ''United States'' with respect to the Bureau of Citizenship and Immigration Services within the Department of Homeland Security, pursuant to Public Law 107–296, section 872; to the Committee on the Judiciary.

8941. A letter from the Ombudsman, CIS, Department of Homeland Security, transmitting the first Annual Report to Congress issued by Citizenship and Immigration Services, pursuant to Public Law 107–296, section 452(c); to the Committee on the Judiciary.

8942. A letter from the Acting President and Chief of Sport Performance, Olympic Committee, transmitting the 2003 Annual Report of the United States Olympic Committee; to the Committee on the Judiciary.

8943. A letter from the Secretary, Department of Homeland Security, transmitting a report to Congress regarding the progress on a demonstration project using the Coast Guard Housing Authorities provided by chapter 18 of title 14, United States Code (14 U.S.C. 680-689), pursuant to Public Law 107–295, section 402(c)(4); to the Committee on Transportation and Infrastructure.

8944. A letter from the Director, Regulations Management, Veterans Health Administration, Department of Veterans Affairs, transmitting the Department's final rule — VA Homeless Providers Grant and Per Diem Program; Religious Organizations (RIN: 2900-AL63) received June 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8945. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Board of Veterans' Appeals: Rules of Practice — Motions for Revision of Decision on Grounds of Clear and Unmistakable Error: Advancement on the Docket (RIN: 2900-AJ85) received May 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8946. A letter from the Director, Regulations Management, Veterans Health Administration, Department of Veterans Affairs, transmitting the Department's final rule — Sensori-Neural Aids (RIN: 2900-AL60) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8947. A letter from the Director, Regulations Management, Veterans Health Administration, Department of Veterans Affairs, transmitting the Department's final rule — Priorities for Outpatient Medical Services and Inpatient Hospital Care (RIN: 2900-AL39) received June 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8948. A letter from the Director, Regulations Management, Veterans Health Administration, Department of Veterans Affairs, transmitting the Department's final rule — Change of Effective Date of Rule Adding a Disease Associated With Exposure to Certain Herbicide Agents: Type 2 Diabetes (RIN: 2900-AL93) received June 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8949. A letter from the Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting the Department's final rule — Removal of Requirement To Disclose Saccharin in the Labeling of Wine, Distilled Spirits, and Malt Beverages [T.D. TTB-12] (RIN: 1513-AA93) received June 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8950. A letter from the Chief, Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Overtime compensation and premium pay for Customs officers [CBP Dec. 04-19] (RIN: 1651-AA59) received June 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8951. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Depreciation of Vans and Light Trucks [TD 9133] (RIN: 1545-BB06) received June 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8952. A letter from the Chief, Publications and Regulations Branch, Legal Processing Division, Internal Revenue Service, transmitting the Service's final rule — Administrative, Procedural, and Miscellaneous [Notice 2004-43] received June 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8953. A letter from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Request For Comments Regarding Rev. Proc. 81-70, 1981-2 C.B. 729 [Notice 2004-44] received June 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8954. A letter from the Acting Chief, Publications & Regulations, Internal Revenue Service, transmitting the Service's final rule — Exemption From Tax on Corporations, Certain Trusts, Etc. (Rev. Rul. 2004-67) received June 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8955. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Meritless Filing Position Based on Sections 932(c) and 934(b) [Notice 2004-45] received June 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8956. A letter from the Chairman, U.S. International Trade Commission, transmitting pursuant to Section 2104(f) of the Trade Act of 2002, a report on the Commission's investigation entitled ''U.S.-Morocco Free Trade Agreement: Potential Economywide and Selected Sectoral Effects, Inv. No. TA-2104-14, USITC Publication 3704''; to the Committee on Ways and Means.

¶72.4 HIGH-PERFORMANCE COMPUTING REVITALIZATION

Mrs. BIGGERT moved to suspend the rules and pass the bill (H.R. 4218) to amend the High-Performance Computing Act of 1991; as amended.

The SPEAKER pro tempore, Mr. MURPHY, recognized Mrs. BIGGERT and Mr. DAVIS of Tennessee, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. MURPHY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶72.5 ENERGY HIGH-END COMPUTING REVITALIZATION

Mrs. BIGGERT moved to suspend the rules and pass the bill (H.R. 4516) to require the Secretary of energy to carry out a program of research and development to advance high-end computing; as amended.

The SPEAKER pro tempore, Mr. MURPHY, recognized Mrs. BIGGERT and Mr. DAVIS of Tennessee, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶72.6 NATIONAL WINDSTORM IMPACT REDUCTION

Mr. NEUGEBAUER moved to suspend the rules and pass the bill (H.R. 3980) to establish a National Windstorm Impact Reduction Program; as amended.

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Mr. NEUGEBAUER and Mr. MOORE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. NEUGEBAUER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Thursday, July 8, 2004.

¶72.7 STEEL AND ALUMINUM ENERGY CONSERVATION AND TECHNOLOGY COMPETITIVENESS

Ms. HART moved to suspend the rules and pass the bill (H.R. 3890) to reauthorize the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988; as amended.

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Ms. HART and Mr. MOORE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶72.8 HARMFUL ALGAL BLOOM AND HYPOXIA RESEARCH

Mr. EHLERS moved to suspend the rules and pass the bill (H.R. 1856) to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998, for other purposes; as amended.

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Mr. EHLERS and Mr. BAIRD, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶72.9 WORLD YEAR OF PHYSICS

Mr. EHLERS moved to suspend the rules and agree to the concurrent resolution (H. Con. Res. 301):

Whereas throughout history physics has contributed to knowledge, civilization, and culture around the world;

Whereas physics research has been and continues to be a driving force for scientific, technological, and economic development;

Whereas many emerging fields in science and technology, such as nanoscience, information technology, and biotechnology, are substantially based on and derive many of their tools from fundamental discoveries in physics and applications thereof;

Whereas physics will continue to play a vital role in addressing many 21st-century challenges related to sustainable development, including environmental conservation, clean sources of energy, public health, and security;

Whereas Albert Einstein is a widely recognized scientific figure who contributed enormously to the development of physics, beginning in 1905 with his groundbreaking papers on the photoelectric effect, the size of molecules, Brownian motion, and the theory of relativity that led to his most famous equation, $E = mc^2$;

Whereas 2005 will be the 100th anniversary of those important scientific achievements; and

Whereas the General Assembly of the International Union of Pure and Applied Physics unanimously approved the proposition designating 2005 as the World Year of Physics: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) supports the goals and ideals of the World Year of Physics, as designated by the General Assembly of the International Union of Pure and Applied Physics;

(2) encourages the American people to observe the World Year of Physics as a special occasion for giving impetus to education and research in physics as well as to the public's understanding of physics;

(3) encourages all science-related government agencies and nongovernmental organizations, the private sector, and the media to highlight and give enhanced recognition to the role of physics in social, cultural, and economic development as well as its positive impact and contributions to society; and

(4) encourages all those involved in physics education and research to take additional steps, including strengthening existing and emerging fields of physics research and promoting the public's understanding of physics, to ensure that support for physics continues and that physics studies at all levels continue to attract an adequate number of students.

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Mr. EHLERS and Mr. BAIRD, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. MILLER of Florida, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶72.10 PROVIDING FOR THE CONSIDERATION OF H.R. 4754

Mr. LINDER, by direction of the Committee on Rules, called up the following resolution (H. Res. 701):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: section 108; beginning with ''Provided'' on page 48, line 13, through the colon on line 19; beginning with ''and'' on page 57, line 24, through page 58, line 2; section 603; beginning with ''or (6)'' on page 97, line 21, through the semicolon on line 23; and section 607. Where points of order are waived against part of a paragraph or section, points of order against a provision in another part of such paragraph or section may be made only against such provision and not against the entire paragraph or section. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Mr. LINDER, the previous question was ordered on the resolution to its adoption or rejection and, under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶72.11 COMMERCE, JUSTICE, STATE, THE JUDICIARY APPROPRIATIONS FY 2005

The SPEAKER pro tempore, Mr. LINDER, pursuant to House Resolution 701 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

The SPEAKER pro tempore, Mr. LINDER, by unanimous consent, designated Mr. HASTINGS of Washington as Chairman of the Committee of the Whole.

The Acting Chairman, Mr. MILLER of Florida assumed the Chair; and after some time spent therein,

¶72.12 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. MANZULLO:

Page 2, line 7, after the dollar amount insert the following: ''(reduced by $27,000,000)''.

Page 3, line 22, after the dollar amount insert the following: ''(reduced by $33,251,000)''.

Page 77, line 17, after the dollar amount insert the following: ''(reduced by $10,421,000)''.

Page 92, line 16, after the dollar amount insert the following: ''(reduced by $8,460,000)''.

Page 94, line 2, after the dollar amount insert the following: ''(increased by $79,132,000)''.

It was decided in the affirmative ..... { Yeas ..... 281 / Nays 137

¶72.13 [Roll No. 328]

AYES—281

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Bartlett (MD)
Beauprez
Becerra
Bell
Berkley
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Capito
Capps
Capuano
Cardoza
Carson (OK)
Case
Castle
Chabot
Chandler
Clay
Clyburn
Coble
Conyers
Cooper
Costello
Cramer
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gerlach
Gillmor
Gonzalez
Goode
Gordon
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hayes
Herseth
Hill
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
Kleczka
Kline
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Oberstar
Obey
Olver
Ortiz
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Pickering
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Rehberg
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sherman
Shuster
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—137

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Barton (TX)
Bass
Bereuter
Berman
Biggert
Blunt
Boehner
Bonilla
Bonner
Bono
Brady (TX)
Brown (SC)
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Chocola
Cole
Cox
Crane
Crenshaw
Culberson
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Dunn
Ehlers
Emerson
English
Everett
Feeney
Flake
Foley
Fossella
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gingrey
Goodlatte
Goss
Granger
Greenwood
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hobson
Hostettler
Houghton
Hyde
Jenkins
Johnson (CT)
Jones (NC)
Keller
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Latham
Lewis (CA)
Lewis (KY)
Linder
McCrery
Miller (FL)
Miller (MI)
Miller, Gary
Moran (VA)
Myrick
Northup
Norwood
Nunes
Nussle
Osborne
Pearce
Peterson (PA)
Petri
Pitts
Portman
Putnam
Quinn
Regula
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sweeney
Taylor (NC)
Thomas
Thornberry
Toomey
Turner (OH)
Upton
Vitter
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Brown (OH)
Cardin
Carson (IN)
Collins
Deutsch
Gephardt
Hastings (FL)
Hinchey
Honda
Istook
John
Jones (OH)
LaHood
McInnis
Tauzin

So the amendment was agreed to.

After some further time,

The SPEAKER pro tempore, Mr. KING of Iowa, assumed the Chair.

When Mr. HASTINGS of Washington, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶72.14 AGRICULTURE APPROPRIATIONS FY 2005

Mr. BONILLA submitted a privileged report (Rept. No. 108–584) on the bill (H.R. 4766) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for fiscal year ending September 30. 2005, and for other purposes.

When said bill and report were referred to the Union Calendar and ordered printed.

Pursuant to clause 1 of rule XXI, all points of order were reserved.

¶72.15 COMMERCE, JUSTICE, STATE, THE JUDICIARY APPROPRIATIONS FY 2005

The SPEAKER pro tempore, Mr. KING of Iowa, pursuant to House Resolution 701 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

Mr. HASTINGS of Washington, Chairman of the Committee of the Whole resumed the chair; and after some time spent therein,

The SPEAKER pro tempore, Mr. ISAKSON, assumed the Chair.

When Mr. HASTINGS of Washington, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶72.16 ORDER OF BUSINESS—CONSIDERATION OF H.R. 4754

On motion of Mr. WOLF, by unanimous consent,

Ordered, That during further consideration of H.R. 4754, in the Committee of the Whole House on the state of the Union, pursuant to House Resolution 701, no further amendment to the bill may be offered except: pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate; the amendments numbered 4, 7, 8, 9, 10, and 20; amendments numbered 5 and 6, each of which shall be debatable for 20 minutes; the amendment numbered 2, which shall be debatable for 40 minutes; an amendment by Mr. Pitts regarding the Department of State Diplomatic and Consular programs; an amendment by Mr. Wolf regarding the Sudan; an amendment by Mr. Baca regarding video violence; an amendment by Mr. Hefley regarding an across-the-board cut of total appropriations; an amendment by Mr. Hefley regarding an across-the-board cut of appropriations not required to be appropriated; an amendment by Mr. Hefley regarding the Court of Federal Claims; an amendment by Mr. Burgess regarding Federal Trade Commission; an amendment by Mr. Wiener regarding Jerusalem; an amendment by Mrs. Millender-McDonald regarding women's business centers; an amendment by Mr. Inslee regarding Justice Department detention of individuals; an amendment by Mr. King of Iowa regarding litigation support contracts; an amendment by Mr. Sherman regarding enemy combatants,

which shall be debatable for 20 minutes; an amendment by Mr. Wolf or Mr. Serrano regarding SBA microloans, which shall be debatable for 12 minutes; an amendment by Mr. Flake regarding Cuba, which shall be debatable for 60 minutes; an amendment by Mr. Smith of Michigan regarding NIST and Contributions to International Organizations, which shall be debatable for 20 minutes; an amendment by Mr. Sherman regarding preemption of state laws, which shall be debatable for 20 minutes.

Ordered further, That each such amendment may be offered only by the Member designated in this request, or a designee, or the Member who caused it to be printed in the RECORD, or a designee, shall be considered as read, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. All points of order against each of the amendments shall be considered as reserved pending completion of debate thereon; and each of the amendments may be withdrawn by its proponent after debate thereon. An amendment shall be considered to fit the description stated in this request, if it addresses in whole or in part the object described.

¶72.17 COMMERCE, JUSTICE, STATE, THE JUDICIARY APPROPRIATIONS FY 2005

The SPEAKER pro tempore, Mr. ISAKSON, pursuant to House Resolution 701 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

Mr. HASTINGS of Washington, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

The SPEAKER pro tempore, Mr. OSE, assumed the Chair.

When Mr. HASTINGS of Washington, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶72.18 ORDER OF BUSINESS—CONSIDERATION OF H.R. 4754

On motion of Mr. WOLF, by unanimous consent,

Ordered, That during further consideration of H.R. 4754, in the Committee of the Whole House on the state of the Union, pursuant to House Resolution 701 and the order of the House of earlier today, the chairman and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to each amendment for the purposes of further debate.

¶72.19 COMMERCE, JUSTICE, STATE, THE JUDICIARY APPROPRIATIONS FY 2005

The SPEAKER pro tempore, Mr. OSE, pursuant to House Resolution 701 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

Mr. HASTINGS of Washington, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

¶72.20 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. FLAKE:

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

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to implement, administer, or enforce the amendments made to sections 740.12 of title 15, Code of Federal Regulations (relating to license exemptions for gift parcels and humanitarian donations for Cuba), and 740.14 of such title (relating to license exemptions for baggage taken by individuals for travel to Cuba), as published in the Federal Register on June 22, 2004 (69 Fed. Reg. 34565–34567).

It was decided in the affirmative { Yeas ..... 221 / Nays ..... 194 }

¶72.21 [Roll No. 329]

AYES—221

Abercrombie
Alexander
Allen
Baca
Baird
Baldwin
Bartlett (MD)
Bass
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Boehlert
Bono
Boozman
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Camp
Capps
Capuano
Carson (OK)
Case
Castle
Clay
Clyburn
Coble
Cooper
Costello
Cramer
Crowley
Cubin
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Flake
Ford
Frank (MA)
Frost
Gilchrest
Gonzalez
Gordon
Graves
Green (TX)
Greenwood
Grijalva
Gutknecht
Harman
Herseth
Hill
Hinojosa
Hoeffel
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McNulty
Meehan
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Rehberg
Reyes
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Sherwood
Shimkus
Slaughter
Smith (MI)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wynn

NOES—194

Ackerman
Aderholt
Akin
Andrews
Bachus
Baker
Ballenger
Barrett (SC)
Barton (TX)
Beauprez
Berkley
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Cole
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis (AL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Engel
Feeney
Ferguson
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Green (WI)
Gutierrez
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McInnis
McIntyre
McKeon
Menendez
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Ose
Oxley
Pallone
Pascrell
Pearce
Pence
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryun (KS)
Saxton
Schrock
Sessions
Shadegg
Shaw
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu

NOT VOTING—18

Blumenauer
Cardin
Cardoza
Carson (IN)
Chandler
Collins
Conyers
Deutsch
Hastings (FL)
Hinchey
Honda
Jones (OH)
LaHood
Matsui
Meek (FL)
Tauzin
Young (AK)
Young (FL)

So the amendment was agreed to.

¶72.22 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. WEINER:

Page 26, line 20, after the dollar amount, insert the following: ''(increased by $106,850,000)''.

Page 27, line 4, after the dollar amount, insert the following: ''(increased by $106,850,000)''.

Page 47, line 8, after the dollar amount, insert the following: ''(reduced by $106,850,000)''.

It was decided in the negative ..... { Yeas ..... 206 / Nays 212

¶72.23 [Roll No. 330]

AYES—206

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Bartlett (MD)
Bereuter
Berkley
Berman
Berry
Bilirakis
Bishop (NY)
Bishop (UT)
Boehlert
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown-Waite, Ginny
Burns
Burr
Camp
Capito
Capps
Capuano
Cardoza
Carson (OK)
Case
Chabot
Chandler
Chocola
Coble
Costello
Davis (FL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Doyle
Dunn
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Ford
Fossella
Frank (MA)
Frost
Gerlach
Gibbons
Gingrey
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Harman
Hastings (WA)
Hayworth
Herseth
Hoeffel
Holden
Holt
Hooley (OR)
Hulshof
Inslee
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kind
King (NY)
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Moran (KS)
Murphy
Nadler
Neal (MA)
Nethercutt
Neugebauer
Obey
Ortiz
Osborne
Ose
Otter
Owens
Pascrell
Paul
Peterson (MN)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Scott (VA)
Sessions
Shaw
Shays
Shimkus
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Stark
Stearns
Stenholm
Strickland
Stupak
Taylor (MS)
Terry
Thompson (CA)
Tierney
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Vitter
Walden (OR)
Waters
Watt
Weiner
Weldon (PA)
Wexler
Wilson (NM)
Woolsey
Wu

NOES—212

Akin
Bachus
Baker
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Biggert
Bishop (GA)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Brady (TX)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Carter
Castle
Clay
Clyburn
Cole
Conyers
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Dooley (CA)
Doolittle
Dreier
Duncan
Ehlers
Emerson
English
Everett
Flake
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gephardt
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Grijalva
Gutknecht
Hall
Harris
Hart
Hayes
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Hostettler
Houghton
Hoyer
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jackson (IL)
Jenkins
Johnson, E. B.
Johnson, Sam
Kennedy (MN)
Kilpatrick
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
LaTourette
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lucas (OK)
Maloney
McCrery
McInnis
McKeon
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (VA)
Murtha
Musgrave
Myrick
Napolitano
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Olver
Oxley
Pallone
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pitts
Pombo
Portman
Pryce (OH)
Putnam
Radanovich
Regula
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roybal-Allard
Ryan (WI)
Ryun (KS)
Sabo
Sandlin
Schakowsky
Schrock
Scott (GA)
Sensenbrenner
Serrano
Shadegg
Sherman
Sherwood
Shuster
Simpson
Smith (MI)
Smith (TX)
Solis
Spratt
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (TX)
Van Hollen
Velázquez
Visclosky
Walsh
Wamp
Watson
Waxman
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Wynn

NOT VOTING—15

Blumenauer
Cardin
Carson (IN)
Collins
Deutsch
Hastings (FL)
Hinchey
Honda
Jones (OH)
LaHood
Matsui
Meek (FL)
Tauzin
Young (AK)
Young (FL)

So the amendment was not agreed to.

¶72.24 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. HEFLEY:

Page 47, line 8, after ''$399,976,000'' insert ''(reduced by $173,806,000)''.

Page 47, lines 10 through 12, strike ''$173,806,000 is for the Re-engineered Design Process for the Short-Form Only Census,''.

It was decided in the negative ..... { Yeas ..... 71 / Nays 342

¶72.25 [Roll No. 331]

AYES—71

Baird
Baker
Bartlett (MD)
Boozman
Bradley (NH)
Burton (IN)
Buyer
Chabot
Chocola
Coble
Cox
Cubin
Davis, Jo Ann
Deal (GA)
DeMint
Duncan
Everett
Flake
Fossella
Franks (AZ)
Gillmor
Graves
Green (WI)
Gutknecht
Hefley
Hensarling
Herger
Hostettler
Houghton
Hunter
Isakson
Johnson, Sam
Jones (NC)
King (IA)
Kingston
Manzullo
Marshall
McInnis
McKeon
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pence
Petri
Ramstad
Reynolds
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Skelton
Smith (MI)
Stearns
Sullivan
Tancredo
Taylor (MS)
Terry
Thornberry
Toomey
Vitter
Weldon (PA)
Wilson (SC)

NOES—342

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Bachus
Baldwin
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carson (OK)
Carter
Case
Castle
Chandler
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Greenwood
Grijalva
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hoyer
Hulshof
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Matheson
McCarthy (MO)

McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (NC)
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

NOT VOTING—20

Aderholt
Akin
Blumenauer
Cardin
Carson (IN)
Collins
Deutsch
Gutierrez
Hastings (FL)
Hinchey
Honda
Jones (OH)
LaHood
Matsui
Meek (FL)
Scott (VA)
Tauzin
Thomas
Young (AK)
Young (FL)

So the amendment was not agreed to.

¶72.26 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 13, submitted by Mr. KUCINICH:

Page 57, line 11, after the dollar amount, insert the following: ''(reduced by $50,000) (increased by $50,000)''.

It was decided in the affirmative ..... { Yeas ..... 232 / Nays 186

¶72.27 [Roll No. 332]

AYES—232

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Boehlert
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Capito
Capps
Capuano
Cardoza
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Fossella
Frank (MA)
Frost
Gephardt
Gerlach
Gibbons
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hart
Herseth
Hill
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hoyer
Hunter
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Shimkus
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOES—186

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

NOT VOTING—15

Blumenauer
Cardin
Carson (IN)
Collins
Deutsch
Hastings (FL)
Hinchey
Honda
Jones (OH)
LaHood
Matsui
Meek (FL)
Tauzin
Young (AK)
Young (FL)

So the amendment was agreed to.

¶72.28 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 9, submitted by Mr. PAUL:

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

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to pay expenses for any United States contribution to the United Nations Educational, Scientific, and Cultural Organization (UNESCO).

It was decided in the negative ..... { Yeas ..... 135 / Nays 283

¶72.29 [Roll No. 333]

AYES—135

Aderholt
Akin
Bachus
Barrett (SC)
Bartlett (MD)
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonilla
Bonner
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Cannon
Cantor
Chabot
Chocola
Coble
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, M.
Doolittle
Duncan
Emerson
Everett
Feeney
Flake
Forbes
Fossella
Franks (AZ)
Garrett (NJ)
Gibbons
Gingrey
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
King (IA)
King (NY)
Kingston
Kline
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCotter
McCrery
McInnis
McIntyre
Miller (FL)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Otter
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Putnam
Quinn
Radanovich
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (MI)
Souder
Stearns
Sullivan

Tancredo
Taylor (MS)
Terry
Thornberry
Tiahrt
Tiberi
Toomey
Vitter
Wamp
Weldon (FL)

NOES—283

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballenger
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blunt
Boehlert
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Calvert
Camp
Capito
Capps
Capuano
Cardoza
Carson (OK)
Carter
Case
Castle
Chandler
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gephardt
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Goss
Granger
Green (TX)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hefley
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reyes
Rodriguez
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn

NOT VOTING—15

Blumenauer
Cardin
Carson (IN)
Collins
Deutsch
Hastings (FL)
Hinchey
Honda
Jones (OH)
LaHood
Matsui
Meek (FL)
Tauzin
Young (AK)
Young (FL)

So the amendment was not agreed to.

¶72.30 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 6, submitted by Mr. FARR:

Insert before the short title at the end the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act to the Department of Justice may be used to prevent the States of Alaska, California, Colorado, Hawaii, Maine, Maryland, Nevada, Oregon, Vermont, or Washington from implementing State laws authorizing the use of medical marijuana in those States.

It was decided in the negative ..... { Yeas ..... 148 / Nays 268

¶72.31 [Roll No. 334]

AYES—148

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Bartlett (MD)
Beauprez
Becerra
Bell
Berkley
Berman
Bishop (GA)
Bishop (NY)
Boehlert
Bono
Brady (PA)
Brown (OH)
Capps
Capuano
Case
Clay
Conyers
Crowley
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Engel
Eshoo
Evans
Farr
Fattah
Filner
Flake
Frank (MA)
Garrett (NJ)
Gephardt
Gilchrest
Gonzalez
Graves
Grijalva
Gutierrez
Harman
Holt
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kilpatrick
Kind
Kleczka
Kucinich
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Lewis (GA)
Lofgren
Lowey
Majette
Maloney
Markey
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
Meehan
Michaud
Millender-McDonald
Miller, George
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Otter
Owens
Pascrell
Pastor
Paul
Payne
Pelosi
Porter
Price (NC)
Rangel
Rodriguez
Rohrabacher
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Simmons
Simpson
Slaughter
Smith (WA)
Solis
Stark
Strickland
Tancredo
Tauscher
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wynn

NOES—268

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Barton (TX)
Bass
Bereuter
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Etheridge
Everett
Feeney
Ferguson
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Lampson
Langevin
Latham
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Oxley
Pallone
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu

NOT VOTING—17

Blumenauer
Boucher
Cardin
Carson (IN)
Collins
Deutsch
Hall
Hastings (FL)
Hinchey
Honda
Jones (OH)
LaHood
Matsui
Meek (FL)
Tauzin
Young (AK)
Young (FL)

So the amendment was not agreed to.

¶72.32 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 10, submitted by Mr. PAUL:

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

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to pay any United States contribution to the United Nations or any affiliated agency of the United Nations.

It was decided in the negative ..... { Yeas ..... 83 / Nays 335

¶72.33 [Roll No. 335]

AYES—83

Akin
Bachus
Barrett (SC)
Bartlett (MD)
Bilirakis
Bishop (UT)
Blackburn
Bonner
Boozman
Brown-Waite, Ginny
Burgess
Burton (IN)
Cannon
Cantor
Coble
Cubin
Culberson
Cunningham
Davis, Jo Ann
DeLay
Doolittle
Duncan
Everett
Feeney
Flake
Foley
Forbes
Franks (AZ)
Garrett (NJ)
Gibbons
Gingrey
Goode
Harris
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hostettler
Hulshof
Hunter
Istook
Johnson, Sam
Jones (NC)
Keller
Kingston
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCotter
McInnis
Miller (FL)
Moran (KS)
Musgrave
Myrick
Neugebauer
Ney
Norwood
Otter
Paul
Peterson (MN)
Platts
Pombo
Putnam
Radanovich
Rehberg
Renzi
Rogers (AL)
Rohrabacher
Ryun (KS)
Sabo
Sensenbrenner
Sessions
Shuster
Simpson
Stearns
Sullivan
Tancredo
Taylor (MS)
Tiberi
Wamp
Weldon (FL)

NOES—335

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballenger
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burns
Burr
Buyer
Calvert
Camp
Capito
Capps
Capuano
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gephardt
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn

NOT VOTING—15

Blumenauer
Cardin
Carson (IN)
Collins
Deutsch
Hastings (FL)
Hinchey
Honda
Jones (OH)
LaHood
Matsui
Meek (FL)
Tauzin
Young (AK)
Young (FL)

So the amendment was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. GINGREY, assumed the Chair.

When Mr. HASTINGS of Washington, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶72.34 PROVIDING FOR THE CONSIDERATION OF H.R. 3598

Mr. HASTINGS of Washington, by direction of the Committee on Rules, reported (Rept. No. 108–589) the resolution (H. Res. 706) providing for consideration of the bill (H.R. 3598) to establish an interagency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers, and for other purposes..

When said resolution and report were referred to the House Calendar and ordered printed.

¶72.35 PROVIDING FOR THE CONSIDERATION OF H.R. 4755

Mr. HASTINGS of Washington, by direction of the Committee on Rules, reported (Rept. No. 108–590) the resolution (H. Res. 707) providing for consideration of the bill (H.R. 4755) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2005, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶72.36 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BLUMENAUER, for today after 5 p.m. and balance of the week;

To Mr. CARDIN, for July 6 and today; and

To Mr. LAHOOD, for today after 2 p.m. and balance of the week.

And then,

¶72.37 ADJOURNMENT

On motion of Mr. TIAHRT, at 11 o'clock and 59 minutes p.m., the House adjourned.

¶72.38 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BONILLA: Committee on Appropriations. H.R. 4766. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108–584). Referred to the Committee of the Whole House on the State of the Union.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 1231. A bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums; with an amendment (Rept. 108–585, Pt. 1). Ordered to be printed.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 3737. A bill to increase the minimum and maximum rates of basic pay payable to administrative law judges, and for other purposes; with amendments (Rept. 108–586). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 338. A bill to amend title 5, United States Code, to require that agencies, in promulgation rules, take into consideration the impact of such rules on the privacy of individuals, and for other purposes; with an amendment (Rept. 108–587). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2934. A bill to increase criminal penalties relating to terrorist murders, deny Federal benefits to terrorists, and for other purposes; with an amendment (Rept. 108–588). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 706. Resolution providing for consideration of the bill (H.R. 3598) to establish an interagency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers, and for other purposes (Rept. 108–589). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 707. Resolution providing for consideration of the bill (H.R. 4755) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108–590). Referred to the House Calendar.

¶72.39 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Michigan:

H.R. 4767. A bill to amend the Internal Revenue Code of 1986 to triple the amount of the credit allowed for basic research; to the Committee on Ways and Means.

By Mr. SIMMONS (for himself, Mr. RODRIGUEZ, Mr. SMITH of New Jersey, Mr. EVANS, Mr. STEARNS, Mr. MILLER of Florida, Mr. BEAUPREZ, and Mr. FILNER):

H.R. 4768. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to enter into certain major medical facility leases, to authorize that Secretary to transfer real property subject to certain limitations, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GEORGE MILLER of California (for himself, Mr. KILDEE, Ms. WOOLSEY, Mr. HINOJOSA, Mr. TIERNEY, Mr. KIND, Mr. DAVIS of Illinois, Mr. PAYNE, Mr. KUCINICH, Mrs. MCCARTHY of New York, Mr. GRIJALVA, Ms. MCCOLLUM, Mrs. DAVIS of California, Mr. CASE, Mr. HOLT, Mr. RYAN of Ohio, Mr. VAN HOLLEN, Mr. BISHOP of New York, Mr. CONYERS, Mrs. JONES of Ohio, Mr. MICHAUD, Mr. ALLEN, Mr. MEEKS of New York, Mr. MCDERMOTT, Mr. DOGGETT, and Mr. ANDREWS):

H.R. 4769. A bill making a supplemental appropriation for the Department of Education for the fiscal year ending September 30, 2004, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAKER:

H.R. 4770. A bill to suspend temporarily the duty on glyoxylic acid; to the Committee on Ways and Means.

By Mr. BAKER:

H.R. 4771. A bill to suspend temporarily the duty on cyclopentanone; to the Committee on Ways and Means.

By Mr. CAPUANO (for himself, Mr. ISRAEL, Mr. FRANK of Massachusetts, Mr. KANJORSKI, Mr. GUTIERREZ, Mr. FROST, Mrs. MALONEY, Ms. WATERS, Mr. CROWLEY, Mr. MOORE, Ms. HOOLEY of Oregon, Mr. MEEKS of New York, Mrs. MCCARTHY of New York, Mr. EMANUEL, Mr. SHERMAN, Mr. MILLER of North Carolina, Mr. INSLEE, Mr. SCOTT of Georgia, Mr. LYNCH, Mr. DAVIS of Alabama, Mr. WATT, Mr. MATHESON, Mr. BELL, Mr. CLAY, Mr. ROSS, Mr. GONZALEZ, Mr. KIND, and Mr. SANDLIN):

H.R. 4772. A bill to extend the terrorism risk insurance program; to the Committee on Financial Services.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 4773. A bill to define marriage for all legal purposes in the District of Columbia to consist of the union of one man and one woman; to the Committee on Government Reform.

By Mr. FILNER:

H.R. 4774. A bill to amend the Clean Air Act to delay the effect of reclassifying certain nonattainment areas adjacent to an international border, and for other purposes; to the Committee on Energy and Commerce.

By Mr. REYES (for himself, Mr. ORTIZ, Mr. HINOJOSA, and Mrs. NAPOLITANO):

H.R. 4775. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the El Paso, Texas, water reclamation, reuse, and desalinization project, and for other purposes; to the Committee on Resources.

By Mr. SHIMKUS (for himself and Mr. DAVIS of Illinois):

H.R. 4776. A bill to amend the Safe and Drug-Free Schools and Communities Act to include bullying and harassment prevention programs; to the Committee on Education and the Workforce.

By Mr. WU:

H.R. 4777. A bill to amend the Internal Revenue Code of 1986 to repeal the phaseout of the credit for qualified electric vehicles, to repeal the phaseout of the deduction for clean-fuel vehicle property, and to exempt certain hybrid vehicles from the limitation on the depreciation of certain luxury automobiles; to the Committee on Ways and Means.

By Mr. ENGLISH:

H. Res. 705. A resolution urging the President to resolve the disparate treatment of direct and indirect taxes presently provided by the World Trade Organization; to the Committee on Ways and Means.

By Mr. DINGELL:

H. Res. 708. A resolution providing for the consideration of the bill (H.R. 3004) to improve the reliability of the Nation's electric transmission system; to the Committee on Rules.

By Mr. GOODE (for himself, Mr. BARTLETT of Maryland, Mrs. JO ANN DAVIS of Virginia, Mr. GOODLATTE, Mr. HALL, Mr. JONES of North Carolina, and Mr. FEENEY):

H. Res. 709. A resolution revising the concurrent resolution on the budget for fiscal year 2005 as it applies in the House of Representatives; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶72.40 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. LANTOS introduced a bill (H.R. 4778) for the relief of Denes and Gyorgyi Fulop; which was referred to the Committee on the Judiciary.

¶72.41 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 99: Mr. FROST.
H.R. 290: Mr. MCGOVERN and Mr. REYNOLDS.
H.R. 296: Mrs. JO ANN DAVIS of Virginia.
H.R. 463: Mr. GILLMOR.
H.R. 476: Mr. SCHIFF.
H.R. 504: Mr. FARR.
H.R. 623: Mr. WAXMAN.
H.R. 676: Mr. FRANK of Massachusetts.
H.R. 719: Ms. HERSETH.
H.R. 742: Mr. GONZALEZ and Mr. KANJORSKI.
H.R. 775: Mr. ROHRABACHER and Mr. BRADY of Texas.
H.R. 935: Mr. OWENS.
H.R. 1057: Mrs. WILSON of New Mexico, Mr. CRENSHAW, Mr. REYNOLDS, and Mr. LEWIS of Kentucky.
H.R. 1231: Mrs. WILSON of New Mexico.
H.R. 1258: Ms. MCCARTHY of Missouri and Ms. KILPATRICK.
H.R. 1563: Mr. SESSIONS.
H.R. 1592: Mr. GONZALEZ.
H.R. 1639: Mr. THOMPSON of Mississippi.
H.R. 1653: Mr. GONZALEZ.
H.R. 1755: Mr. EHLERS and Mr. HERGER.
H.R. 1859: Mr. MCINTYRE and Mr. OWENS.
H.R. 1886: Mr. SPRATT.
H.R. 2023: Mr. MCDERMOTT.
H.R. 2133: Mr. AKIN.
H.R. 2303: Mr. CANNON.
H.R. 2510: Mr. OSE.
H.R. 2790: Mr. BISHOP of Georgia.
H.R. 2963: Mr. GALLEGLY.
H.R. 2974: Mr. RYAN of Ohio.
H.R. 3090: Mr. PRICE of North Carolina.
H.R. 3103: Mr. ROSS.
H.R. 3180: Mr. CONYERS.
H.R. 3215: Mr. HOUGHTON and Mr. FRANKS of Arizona.
H.R. 3359: Mr. BISHOP of Georgia.
H.R. 3412: Mr. HOLDEN, Ms. HART, Mr. HALL, Mr. TOM DAVIS of Virginia, Mr. CRANE, Mr. WEXLER, and Mr. SIMMONS.
H.R. 3519: Mr. SANDLIN.
H.R. 3558: Mr. FILNER, Mr. MICHAUD, and Mrs. JO ANN DAVIS of Virginia.
H.R. 3574: Ms. JACKSON-LEE of Texas, Ms. GRANGER, Mrs. BLACKBURN, Mr. SULLIVAN, and Mr. SIMPSON.
H.R. 3641: Mr. HOLT.
H.R. 3683: Mr. NEAL of Massachusetts.
H.R. 3684: Mrs. BIGGERT.
H.R. 3687: Mr. SIMMONS.
H.R. 3729: Mr. UDALL of New Mexico.
H.R. 3730: Mr. GONZALEZ.
H.R. 3780: Mr. WEINER.
H.R. 3896: Mr. SULLIVAN.
H.R. 3953: Mr. FORD.
H.R. 3968: Mr. SCHIFF, Ms. BALDWIN, Ms. ESHOO, and Mr. SIMMONS.
H.R. 3974: Mr. CONYERS and Mr. THOMPSON of Mississippi.
H.R. 3988: Mr. DOGGETT, Mr. WEINER, and Ms. LORETTA SANCHEZ of California.
H.R. 3996: Mr. PRICE of North Carolina.
H.R. 4051: Mr. ISRAEL.
H.R. 4082: Mr. OLVER.
H.R. 4093: Mr. MCNULTY and Ms. JACKSON-LEE of Texas.
H.R. 4101: Mr. ROTHMAN.
H.R. 4102: Mr. POMEROY, Mr. KANJORSKI, Mr. FILNER, and Mr. BERMAN.
H.R. 4156: Mr. GORDON.
H.R. 4169: Mr. OLVER, Mr. WEINER, Mr. GONZALEZ, and Mrs. CHRISTENSEN.
H.R. 4206: Ms. DELAURO, Ms. BALDWIN, and Mrs. BONO.
H.R. 4214: Mr. FROST, Mr. MCCOTTER, Mr. HOLDEN, Mr. FLAKE, and Mr. CHOCOLA.
H.R. 4284: Mr. TERRY, Mr. ISSA, Mr. ROHRABACHER, Mr. GARY G. MILLER of California, and Mr. RENZI.
H.R. 4304: Mr. MILLER of North Carolina.
H.R. 4334: Mr. DELAHUNT.
H.R. 4341: Mr. MEEK of Florida and Mr. TOWNS.
H.R. 4346: Mr. GONZALEZ.
H.R. 4358: Mr. MANZULLO.
H.R. 4392: Mr. WILSON of South Carolina.
H.R. 4440: Mr. SAM JOHNSON of Texas and Mr. DEAL of Georgia.
H.R. 4445: Mr. SCOTT of Georgia and Mr. GRIJALVA.
H.R. 4511: Mr. EVANS and Mr. MCGOVERN.
H.R. 4530: Mr. NORWOOD, Mrs. JO ANN DAVIS of Virginia, Mr. CALVERT, Mr. SULLIVAN, and Mr. BALLENGER.

H.R. 4533: Mr. FRANKS of Arizona.
H.R. 4547: Mr. SMITH of Texas, Mr. GREEN of Wisconsin, Mr. FEENEY, Mr. CARTER, Mr. COBLE, and Mr. GALLEGLY.
H.R. 4571: Mr. NEUGEBAUER.
H.R. 4578: Mr. BEAUPREZ, Mr. OWENS, Mr. ENGEL, Mr. TANNER, Mr. MEEHAN, Mr. SCHIFF, Mr. GRIJALVA, Mr. NEY, Mr. GREEN of Wisconsin, Mr. LAHOOD, and Mr. YOUNG of Florida.
H.R. 4595: Mr. WOLF.
H.R. 4600: Mr. NEY and Mr. LAHOOD.
H.R. 4622: Mr. CLAY, Ms. SOLIS, Mr. LEWIS of Georgia, and Mr. TERRY.
H.R. 4626: Mr. GORDON and Mr. CUMMINGS.
H.R. 4634: Mr. MCCOTTER, Mr. MORAN of Virginia, Mr. LAHOOD, and Mr. SHAW.
H.R. 4655: Mr. GONZALEZ, Mr. MEEHAN, and Mr. BOUCHER.
H.R. 4668: Mr. FROST, Mr. GREEN of Texas, Mr. WOLF, Mr. SERRANO, and Mr. WEINER.
H.R. 4674: Mr. MCDERMOTT, Mr. CONYERS, Mr. BLUMENAUER, Mr. FRANK of Massachusetts, Ms. JACKSON-LEE of Texas, Mr. LEWIS of Georgia, Mr. OWENS, and Mr. WAXMAN.
H.R. 4710: Ms. PELOSI, Mr. NADLER, Ms. DEGETTE, and Ms. ESHOO.
H.R. 4711: Mr. HEFLEY, Mr. SANDLIN, Mr. TOWNS, Mr. MCGOVERN, Mr. BERRY, Mr. EVANS, Mr. MCDERMOTT, Mr. FILNER, Mr. FROST, and Mr. REYES.
H.R. 4718: Mr. NETHERCUTT.
H.R. 4720: Ms. SCHAKOWSKY, Mr. LEWIS of Georgia, Mr. OWENS, and Mrs. CHRISTENSEN.
H.R. 4730: Mr. RYAN of Ohio, Mr. STRICKLAND, Mr. BROWN of Ohio, and Mr. QUINN.
H.R. 4736: Mr. FOLEY.
H.J. Res. 28: Mr. RANGEL and Mr. SCOTT of Georgia.
H.J. Res. 44: Mr. MCHUGH.
H.J. Res. 56: Mr. LUCAS of Oklahoma.
H. Con. Res. 99: Mr. STUPAK.
H. Con. Res. 126: Mrs. JO ANN DAVIS of Virginia.
H. Con. Res. 218: Mr. DAVIS of Florida.
H. Con. Res. 390: Ms. SCHAKOWSKY.
H. Con. Res. 425: Mr. EVANS, Mr. WILSON of South Carolina, and Mr. OWENS.
H. Con. Res. 431: Mr. DEAL of Georgia and Mr. SCOTT of Georgia.
H. Con. Res. 465: Ms. KAPTUR.
H. Con. Res. 467: Mr. BROWN of Ohio and Mr. CASE.
H. Res. 466: Mr. CAPUANO.
H. Res. 556: Mr. MICHAUD and Mr. INSLEE.
H. Res. 586: Ms. LEE and Mr. SCOTT of Georgia.
H. Res. 601: Ms. SCHAKOWSKY.
H. Res. 632: Ms. MCCOLLUM and Mr. ROTHMAN.
H. Res. 636: Ms. MCCOLLUM.
H. Res. 647: Ms. KAPTUR, Mr. DEUTSCH, Mr. MCINTYRE, Mr. NORWOOD, Mr. SHAW, Mr. KINGSTON, Mr. GORDON, Ms. BORDALLO, Mr. BURNS, and Mr. KIND.
H. Res. 688: Mr. RENZI.

THURSDAY, JULY 8, 2004 (73)

The House was called to order by the SPEAKER.

¶73.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, July 7, 2004.

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

¶73.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

8957. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Major General Henry A. Obering, United States Air Force, to wear the insignia of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8958. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Rear Admiral James M. Zortman, United States Navy, to wear the insignia of vice admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8959. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Rear Admiral Jonathan W. Greenert, United States Navy, to wear the insignia of vice admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8960. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Major General Russel L. Honore, United States Army, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8961. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Lieutenant General Richard A. Cody, United States Army, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8962. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Major General Carl A. Strock, United States Army, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8963. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Major General Michael W. Wooley, United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8964. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Lieutenant General Paul V. Hester, United States Air Force, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8965. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Major General Jeffrey B. Kohler, United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8966. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Major General John F. Regni, United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8967. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Rear Admiral (lower half) James G. Stavridis, United States Navy, to wear the insignia of vice admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8968. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Health Care Fraud and Abuse Data Collection Program: Technical Revisions to Healthcare Integrity and Protection Data Bank Data Collection Activities (RIN: 0991–AB31) received June 18, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8969. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule—Privacy Act Regulations—received June 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8970. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule—Participation in Education Department Programs by Religious Organizations; Providing for Equal Treatment of All Education Program Participants (RIN: 1890–AA11) received June 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8971. A letter from the Regulations Analyst, Transportation Security Administration, Department of Homeland Security, transmitting the Department's final rule—Privacy Act of 1974: Implementation of Exemption [Docket No. TSA–2003–15900] (RIN: 1652–AA28) received June 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8972. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule—Revision of NARA Research Room Procedures (RIN: 3095–AB10) received June 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8973. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule—Restrictions on the Use of Records (RIN: 3095–AB11) received June 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8974. A letter from the Group Manager, Regulatory Affairs, Department of the Interior, transmitting the Department's final rule—Location, Recording, and Maintenance of Mining Claims or Sites [WO–320–1430–00–24 1A] (RIN: 1004–AD62) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8975. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule—Disaster Assistance Definitions; Statutory Change (RIN: 1660–AA19) received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶73.3 PROVIDING FOR THE CONSIDERATION OF H.R. 3598

Mr. Lincoln DIAZ-BALART of Florida, by direction of the Committee on Rules, called up the following resolution (H. Res. 706):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3598) to establish an interagency committee to coordinate

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

When said resolution was considered.

After debate,

On motion of Mr. Lincoln DIAZ-BALART of Florida, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. FOSSELLA, announced that the yeas had it.

Ms. SLAUGHTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. FOSSELLA, pursuant to clause 8, rule XX, announced that further proceedings on agreeing to the resolution were postponed.

¶73.4 PROVIDING FOR THE CONSIDERATION OF H.R. 4755

Mr. LINDER, by direction of the Committee on Rules, called up the following resolution (H. Res. 707):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4755) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2005, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. No amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Mr. LINDER, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. FOSSELLA, announced that the yeas had it.

Ms. SLAUGHTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 223 / Nays ..... 194 }

¶73.5 [Roll No. 336]

YEAS—223

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

NAYS—194

Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Bishop (GA)
Bishop (NY)
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinojosa
Hoeffel
Holden
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)

Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—16

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

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶73.6 H. RES. 706—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. FOSSELLA, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the resolution (H. Res. 706) providing for the consideration of the bill (H.R. 3598) to establish an interagency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers, and for other purposes.

The question being put,

Will the House agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 217 / Nays 196

¶73.7 [Roll No. 337]

YEAS—217

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

NAYS—196

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Bishop (GA)
Bishop (NY)
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinojosa
Hoeffel
Holden
Holt
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—20

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

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶73.8 H.R. 3980—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. FOSSELLA, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3980) to establish a National Windstorm Impact Reduction Program; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 387 / Nays 26

¶73.9 [Roll No. 338]

YEAS—387

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht

Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)

NAYS—26

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

NOT VOTING—20

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

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶73.10 ORDER OF BUSINESS—REREFERRAL OF H.R. 4668

On motion of Mr. SENSENBRENNER, by unanimous consent,

Ordered, That the bill (H.R. 4668) to designate the third floor of the Ellis Island Immigration Museum as the ''Bob Hope Memorial Library,'' be rereferred to the Committee on Resources.

¶73.11 COMMERCE, JUSTICE, STATE, THE JUDICIARY APPROPRIATIONS FY 2005

The SPEAKER pro tempore, Mr. FOSSELLA, pursuant to House Resolution 701 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

Mr. HASTINGS of Washington, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

¶73.12 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2, submitted by Mr. SANDERS:

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

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

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

It was decided in the negative ..... { Yeas ..... 210; Nays ..... 210; Answered present 1

¶73.13 [Roll No. 339]

AYES—210

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Bartlett (MD)
Becerra
Berkley
Berman
Bishop (NY)
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Herseth
Hill
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Simpson
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn
Young (AK)

NOES—210

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Dunn
Edwards
Emerson
English
Everett
Feeney
Ferguson
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe

Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Oxley
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

ANSWERED ''PRESENT''—1

Lofgren

NOT VOTING—13

Bell
Berry
Bishop (GA)
Blumenauer
Carson (IN)
Collins
Deutsch
Gephardt
Hastings (FL)
Hinchey
LaHood
Quinn
Tauzin

So the amendment was not agreed to.

¶73.14 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 20, submitted by Mr. AKIN:

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

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

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

It was decided in the affirmative { Yeas ..... 306 / Nays ..... 113 }

¶73.15 [Roll No. 340]

AYES—306

Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (OK)
Carter
Castle
Chabot
Chandler
Chocola
Coble
Cole
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Etheridge
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Lampson
Langevin
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
McCarthy (NY)
McCollum
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sandlin
Saxton
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—113

Abercrombie
Ackerman
Andrews
Baldwin
Berkley
Berman
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Case
Clay
Clyburn
Conyers
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeGette
DeLauro
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Grijalva
Gutierrez
Harman
Holt
Honda
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kilpatrick
Kolbe
Kucinich
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rodriguez
Roybal-Allard
Rush
Sabo
Sanchez, Loretta
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Solis
Stark
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey

NOT VOTING—14

Bell
Berry
Bishop (GA)
Blumenauer
Carson (IN)
Collins
Deutsch
Gephardt
Hastings (FL)
Hinchey
LaHood
Quinn
Sanders
Tauzin

So the amendment was agreed to.

¶73.16 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 23, submitted by Mr. KING of Iowa:

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

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

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

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

It was decided in the negative { Yeas ..... 139 / Nays ..... 278 }

¶73.17 [Roll No. 341]

AYES—139

Akin
Baker
Barrett (SC)
Bartlett (MD)
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Boozman
Bradley (NH)
Brady (TX)
Brown-Waite, Ginny
Burgess
Burns
Buyer
Camp
Cantor
Carson (OK)
Carter
Castle
Chabot
Chandler
Chocola
Coble
Cole
Cox
Crane
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Doolittle
Duncan
Emerson
Everett
Feeney
Foley
Forbes
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gingrey
Goode
Goodlatte
Goss
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hayes
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Hulshof
Hunter
Isakson
Issa
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kline
Latham
Lewis (KY)
Lucas (OK)
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nussle
Otter
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Pombo
Portman
Putnam
Ramstad
Rehberg
Renzi
Rogers (AL)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays

Shimkus
Shuster
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tanner
Taylor (MS)
Thornberry
Toomey
Upton
Vitter
Wamp
Wilson (SC)

NOES—278

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Ballenger
Barton (TX)
Bass
Becerra
Bereuter
Berkley
Berman
Biggert
Bishop (NY)
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burr
Burton (IN)
Calvert
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Flake
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Granger
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hart
Hastings (WA)
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Neal (MA)
Nethercutt
Northup
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Porter
Price (NC)
Pryce (OH)
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Sherwood
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—16

Bell
Berry
Bishop (GA)
Blumenauer
Carson (IN)
Collins
Deutsch
Gephardt
Hastings (FL)
Hinchey
LaHood
Napolitano
Peterson (PA)
Quinn
Tauzin
Young (AK)

So the amendment was not agreed to.

¶73.18 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. SMITH of Michigan:

Page 72, line 17, after the dollar amount insert ''(reduced by $20,000,000)''.

It was decided in the negative ..... { Yeas ..... 129 / Nays 291

¶73.19 [Roll No. 342]

AYES—129

Akin
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bilirakis
Bishop (UT)
Blackburn
Bonner
Boozman
Bradley (NH)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Camp
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Costello
Cox
Cramer
Crane
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Duncan
Everett
Feeney
Flake
Forbes
Fossella
Franks (AZ)
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Hulshof
Hunter
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kingston
Kline
Lewis (KY)
Linder
Manzullo
McCotter
McCrery
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Osborne
Otter
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Platts
Pombo
Ramstad
Rehberg
Renzi
Rogers (AL)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (MI)
Souder
Stearns
Stenholm
Sullivan
Tancredo
Taylor (MS)
Thornberry
Tiahrt
Toomey
Vitter
Walden (OR)
Wamp
Whitfield
Wilson (SC)
Young (AK)

NOES—291

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Ballenger
Beauprez
Becerra
Bereuter
Berkley
Berman
Biggert
Bishop (NY)
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burns
Burr
Calvert
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Castle
Chandler
Clay
Clyburn
Cole
Conyers
Cooper
Crenshaw
Crowley
Cubin
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gilchrest
Gonzalez
Goss
Granger
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Harris
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pickering
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—13

Bell
Berry
Bishop (GA)
Blumenauer
Carson (IN)
Collins
Deutsch
Gephardt
Hastings (FL)
Hinchey
LaHood
Quinn
Tauzin

So the amendment was not agreed to.

¶73.20 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. HEFLEY:

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

TITLE ____—ADDITIONAL GENERAL PROVISIONS

SEC. ____. Of the funds appropriated in this Act under the first paragraph of the heading ''COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES—SALARIES AND EXPENSES'', not more than $7,500,000 shall be

available for the United States Court of Federal Claims.

It was decided in the negative { Yeas ..... 67 / Nays ..... 347 }

¶73.21 [Roll No. 343]

AYES—67

Bartlett (MD)
Beauprez
Bishop (UT)
Blackburn
Bradley (NH)
Chabot
Coble
Cubin
Davis, Jo Ann
Deal (GA)
DeMint
Duncan
Everett
Feeney
Flake
Franks (AZ)
Gallegly
Garrett (NJ)
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hastings (WA)
Hefley
Hensarling
Herger
Hunter
Isakson
Johnson, Sam
Jones (NC)
Keller
Kingston
Kline
Lewis (KY)
Manzullo
McInnis
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pence
Petri
Pitts
Ramstad
Rehberg
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Smith (MI)
Stearns
Tancredo
Terry
Toomey
Udall (CO)
Visclosky
Vitter
Young (AK)

NOES—347

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Barton (TX)
Bass
Becerra
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (NY)
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chandler
Chocola
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Gordon
Goss
Granger
Green (TX)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hayes
Hayworth
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kleczka
Knollenberg
Kolbe
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—19

Bell
Berry
Bishop (GA)
Blumenauer
Brady (TX)
Carson (IN)
Collins
Deutsch
Gephardt
Hastings (FL)
Hinchey
Jones (OH)
Kirk
Kucinich
LaHood
Quinn
Reynolds
Tauzin
Weller

So the amendment was not agreed to.

¶73.22 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, submitted by Mr. HEFLEY:

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

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. Total appropriations made in this Act are hereby reduced by 1 percent.

It was decided in the negative { Yeas ..... 81 / Nays ..... 327 }

¶73.23 [Roll No. 344]

AYES—81

Akin
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Brady (TX)
Burgess
Burton (IN)
Capuano
Chabot
Chocola
Coble
Cox
Crane
Cubin
Deal (GA)
DeMint
Diaz-Balart, M.
Doggett
Duncan
Everett
Feeney
Flake
Fossella
Franks (AZ)
Garrett (NJ)
Gibbons
Graves
Gutknecht
Hall
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Issa
Jenkins
Johnson, Sam
Jones (NC)
Keller
King (IA)
Lewis (KY)
Linder
McInnis
Mica
Miller (FL)
Miller, Gary
Musgrave
Neugebauer
Norwood
Otter
Paul
Pence
Petri
Pitts
Ramstad
Rogers (MI)
Rohrabacher
Royce
Rush
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Shimkus
Stearns
Tancredo
Tanner
Taylor (MS)
Terry
Thornberry
Toomey
Vitter
Wilson (SC)

NOES—327

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Ballenger
Becerra
Bereuter
Berkley
Berman
Biggert
Bishop (NY)
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chandler
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Forbes
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Green (WI)
Grijalva
Gutierrez
Harman
Harris
Hart
Hastings (WA)
Hayes
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross

Rothman
Roybal-Allard
Ruppersberger
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Sullivan
Sweeney
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—25

Bell
Berry
Bishop (GA)
Blumenauer
Boehlert
Carson (IN)
Collins
Culberson
Davis (FL)
Deutsch
Diaz-Balart, L.
Eshoo
Ford
Gephardt
Greenwood
Hastings (FL)
Hinchey
Isakson
Kaptur
LaHood
Lipinski
Quinn
Ryan (OH)
Stupak
Tauzin

So the amendment was not agreed to.

The SPEAKER pro tempore, Mr. THORNBERRY, assumed the Chair.

When Mr. HASTINGS of Washington, Chairman, pursuant to House Resolution 701, reported the bill back to the House with sundry amendments adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendments, reported from the Committee of the Whole House on the state of the Union, were agreed to:

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

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used in contravention of the provisions of section 214(d) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228).

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

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

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

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. HOYER moved to recommit the bill to the Committee on Appropriations with instructions to report the bill back to the House forthwith with the following amendment:

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

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

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

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. THORNBERRY, announced that the nays had it.

Mr. HOYER demanded a recorded vote on agreeing to the motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 194; Nays ..... 223; Answered present 1 }

¶73.24 [Roll No. 345]

AYES—194

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Bishop (NY)
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—223

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

ANSWERED ''PRESENT''—1

Lofgren

NOT VOTING—16

Bell
Berry
Bishop (GA)
Blumenauer
Carson (IN)
Collins
Deutsch
Foley
Gephardt
Hastings (FL)
Hinchey
Isakson
LaHood
Quinn
Tauzin
Turner (TX)

So the motion to recommit with instructions was not agreed to.

The question being put,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. THORNBERRY, announced that pursuant to clause 10 of rule XX the yeas and

nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 397 / Nays 18

¶73.25 [Roll No. 346]

YEAS—397

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Herger
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—18

Capuano
Cubin
Deal (GA)
Duncan
Flake
Franks (AZ)
Gutknecht
Hefley
Hensarling
Jones (NC)
Miller (FL)
Norwood
Otter
Paul
Petri
Shadegg
Taylor (MS)
Toomey

NOT VOTING—18

Bell
Bishop (GA)
Blumenauer
Carson (IN)
Collins
Cox
Deutsch
Gephardt
Goss
Hastings (FL)
Hinchey
Isakson
Johnson, E. B.
LaHood
Quinn
Tauzin
Turner (TX)
Waxman

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶73.26 MOTION TO ADJOURN

Mr. NADLER moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. THORNBERRY, announced that the yeas had it.

Mr. NADLER demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 64 / Nays 324

¶73.27 [Roll No. 347]

AYES—64

Abercrombie
Allen
Andrews
Baldwin
Berry
Boyd
Brady (PA)
Brady (TX)
Capps
Capuano
Davis (IL)
DeFazio
DeLauro
Doggett
Engel
Evans
Farr
Filner
Ford
Frank (MA)
Grijalva
Gutierrez
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kaptur
Kilpatrick
Lantos
Larson (CT)
Levin
Lipinski
Lynch
Maloney
Markey
Matsui
McCarthy (MO)
McDermott
McGovern
Meehan
Miller (NC)
Nadler
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Pelosi
Peterson (MN)
Ryan (OH)
Schakowsky
Skelton
Snyder
Solis
Stenholm
Strickland
Taylor (MS)
Tierney
Towns
Velázquez
Waters
Watson
Wynn

NOES—324

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Etheridge
Everett
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Latham
LaTourette
Leach
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Majette
Manzullo
Marshall
Matheson
McCarthy (NY)
McCollum
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Paul
Payne
Pearce
Pence
Peterson (PA)
Petri
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)

Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Slaughter
Smith (NJ)
Smith (TX)
Souder
Spratt
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)

NOT VOTING—46

Ackerman
Baca
Baird
Bell
Bishop (GA)
Blumenauer
Carson (IN)
Clyburn
Collins
Delahunt
Deutsch
Dooley (CA)
Doyle
Eshoo
Gephardt
Goode
Goss
Hastings (FL)
Hinchey
Holden
Hunter
Isakson
LaHood
Larsen (WA)
Meeks (NY)
Murtha
Norwood
Oxley
Pascrell
Pitts
Quinn
Rangel
Sabo
Sánchez, Linda T.
Sanders
Smith (MI)
Smith (WA)
Stark
Stupak
Tauzin
Turner (OH)
Wamp
Watt
Waxman
Weller
Young (FL)

So the motion to adjourn was not agreed to.

¶73.28 PROVIDING FOR THE CONSIDERATION OF H.R. 4766

Mr. LINDER, by direction of the Committee on Rules, reported (Rept. No. 108–591) the resolution (H. Res. 710) providing for consideration of the bill (H.R. 4766) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related Agencies for the fiscal year ending September 30, 2005, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶73.29 PROVIDING FOR THE CONSIDERATION OF H.R. 2828

Mr. LINDER, by direction of the Committee on Rules, reported (Rept. No. 108–592) the resolution (H. Res. 711) providing for consideration of the bill (H.R. 2828) to authorize the Secretary of the Interior to implement water supply technology and infrastructure programs aimed at increasing and diversifying domestic water resources.

When said resolution and report were referred to the House Calendar and ordered printed.

¶73.30 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BISHOP of Georgia, for today after 2 p.m.; and

To Mr. QUINN, for today after noon and balance of the week.

And then,

¶73.31 ADJOURNMENT

On motion of Mr. OSBORNE, at 8 o'clock and 1 minute p.m., the House adjourned.

¶73.32 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LINDER: Committee on Rules. House Resolution 710. Resolution providing for consideration of the bill (H.R. 4766) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108–591). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 711. Resolution providing for consideration of the bill (H.R. 2828) to authorize the Secretary of Interior to implement water supply technology and infrastructure programs aimed at increasing and diversifying domestic water resources (Rept. 108–592). Referred to the House Calendar.

¶73.33 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. WELDON of Florida (for himself and Mr. DOYLE):

H.R. 4779. A bill to amend the Public Health Service Act to provide for clinical research support grants, clinical research infrastructure grants, and a demonstration program on partnerships in clinical research, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DEFAZIO:

H.R. 4780. A bill to require the United States Trade Representative to pursue a complaint of anti-competitive practices against certain oil exporting countries; to the Committee on Ways and Means.

By Ms. BORDALLO (for herself, Mrs. CHRISTENSEN, Mr. FALEOMAVAEGA, and Mr. ACEVEDO-VILA):

H.R. 4781. A bill to amend titles XVIII and XIX of the Social Security Act to provide for equitable treatment of residents of territories with respect to transitional assistance and low-income subsidies under the Medicare prescription drug benefit program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARSON of Oklahoma:

H.R. 4782. A bill to designate the facility of the United States Postal Service located at 120 East Illinois Avenue in Vinita, Oklahoma, as the ''Francis C. Goodpaster Post Office Building''; to the Committee on Government Reform.

By Mr. CARSON of Oklahoma:

H.R. 4783. A bill to adjust the boundaries of the Ouachita National Forest in the States of Oklahoma and Arkansas; to the Committee on Resources.

By Ms. DELAURO:

H.R. 4784. A bill to provide a grant program to support the establishment and operation of Teachers Institutes; to the Committee on Education and the Workforce.

By Mr. HULSHOF (for himself, Mr. BOSWELL, Mrs. EMERSON, Mr. GUTKNECHT, Mr. LEACH, Mr. SHIMKUS, Mr. LAHOOD, Mr. COSTELLO, Mr. MANZULLO, Mr. JOHNSON of Illinois, Mr. EVANS, Mr. AKIN, Mr. SKELTON, Mr. NUSSLE, Mr. PETERSON of Minnesota, Mr. WELLER, Mr. LATHAM, and Mr. KING of Iowa):

H.R. 4785. A bill to enhance navigation capacity improvements and the ecosystem restoration plan for the Upper Mississippi River and Illinois Waterway System; to the Committee on Transportation and Infrastructure.

By Mr. PALLONE:

H.R. 4786. A bill to provide grants to tribes to assist those tribes in participating in the Federal acknowledgement process; to the Committee on Resources.

By Mr. ROGERS of Michigan:

H.R. 4787. A bill to amend title 18, United States Code, to prohibit the sale to, and possession by, unauthorized users of traffic signal preemption transmitters, and for other purposes; to the Committee on the Judiciary.

By Mr. WU:

H.R. 4788. A bill to provide grants to States for tuition assistance for undergraduate studies for members of the Selected Reserve at public institutions of higher learning; to the Committee on Education and the Workforce.

By Mr. EMANUEL (for himself, Mr. HYDE, and Mr. FOLEY):

H. Con. Res. 470. Concurrent resolution recognizing the 60th anniversary of the Warsaw Uprising during World War II; to the Committee on International Relations.

¶73.34 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. FRANK of Massachusetts introduced a bill (H.R. 4789) for the relief of Veronica Mitina Haskins; which was referred to the Committee on the Judiciary.

¶73.35 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 97: Mr. BROWN of South Carolina, Ms. VELÁZQUEZ, and Mr. LIPINSKI.
H.R. 99: Mr. COLE.
H.R. 107: Mr. LEWIS of Georgia and Mr. MCGOVERN.
H.R. 290: Ms. Herseth.
H.R. 391: Mr. DREIER and Mr. WHITFIELD.
H.R. 466: Ms. BALDWIN.
H.R. 717: Mr. SMITH of Washington.
H.R. 729: Ms. MAJETTE.
H.R. 734: Mr. DOGGETT.
H.R. 785: Mr. JENKINS.
H.R. 806: Mr. SHIMKUS.
H.R. 819: Mrs. CHRISTENSEN.
H.R. 890: Ms. ROS-LEHTINEN.
H.R. 1052: Ms. SLAUGHTER and Mr. WEXLER.
H.R. 1083: Mr. LEVIN.
H.R. 1157: Mr. BRADY of Pennsylvania and Mr. FATTAH.
H.R. 1225: Mr. NETHERCUTT.
H.R. 1229: Mr. EHLERS.
H.R. 1406: Mr. RAMSTAD and Mr. NETHERCUTT.
H.R. 1421: Mr. RENZI.
H.R. 1422: Mr. NORWOOD and Mr. NEAL of Massachusetts.
H.R. 1477: Mr. FATTAH and Mr. MCNULTY.
H.R. 1563: Mr. PLATTS.
H.R. 1639: Mr. FILNER.
H.R. 1861: Ms. LINDA T. SÁNCHEZ of California.
H.R. 1935: Mr. WEXLER.
H.R. 2011: Mrs. WILSON of New Mexico.
H.R. 2107: Ms. SLAUGHTER.
H.R. 2173: Mr. DAVIS of Florida, Mr. SIMMONS, and Mr. TOWNS.

H.R. 2187: Mr. VAN HOLLEN.
H.R. 2203: Mr. FRANK of Massachusetts.
H.R. 2233: Mrs. DAVIS of California.
H.R. 2239: Ms. LINDA T. SÁNCHEZ of California.
H.R. 2504: Mr. FILNER.
H.R. 2821: Mr. BOEHLERT and Mr. FILNER.
H.R. 2823: Mr. HYDE.
H.R. 2885: Mr. SIMMONS.
H.R. 2895: Mr. PITTS.
H.R. 2944: Mr. MILLER of Florida.
H.R. 3148: Mr. PASTOR, Ms. ROYBAL-ALLARD, Ms. LEE, Mr. GONZALEZ, Mr. WOLF, Mr. CUMMINGS, Mr. TERRY, Mr. KENNEDY of Rhode Island, and Mr. HOBSON.
H.R. 3194: Mr. FRANK of Massachusetts.
H.R. 3201: Mr. PLATTS.
H.R. 3308: Mr. SHIMKUS.
H.R. 3324: Mr. ANDREWS.
H.R. 3337: Mr. KUCINICH and Mr. ANDREWS.
H.R. 3474: Mr. SCHROCK, Mr. DAVIS of Illinois, and Ms. HERSETH.
H.R. 3545: Ms. KAPTUR.
H.R. 3593: Mr. UDALL of New Mexico.
H.R. 3634: Mr. MCGOVERN.
H.R. 3683: Ms. WATSON, Mr. FATTAH, Mr. BROWN of Ohio, Ms. LEE, and Mr. MCNULTY.
H.R. 3755: Mr. WEINER.
H.R. 3765: Mr. RANGEL and Ms. LEE.
H.R. 4016: Mr. KILDEE.
H.R. 4035: Mr. JACKSON of Illinois and Mr. DAVIS of Illinois.
H.R. 4057: Mr. MCKEON.
H.R. 4067: Mr. MICHAUD and Mr. JACKSON of Illinois.
H.R. 4093: Mr. FROST.
H.R. 4126: Mr. SAM JOHNSON of Texas.
H.R. 4217: Mr. PLATTS.
H.R. 4225: Mr. WELLER.
H.R. 4234: Mr. UDALL of Colorado.
H.R. 4340: Mr. JENKINS.
H.R. 4350: Ms. HERSETH.
H.R. 4356: Ms. HERSETH, Mr. DEFAZIO, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 4358: Mr. LEVIN.
H.R. 4390: Ms. BERKLEY, Mr. COOPER, Ms. DELAURO, Mr. ETHERIDGE, Mr. FARR, Mr. HOEFFEL, Ms. KAPTUR, Ms. KILPATRICK, Ms. LEE, Mr. MCDERMOTT, Mr. MCGOVERN, Mrs. MALONEY, Ms. NORTON, Mr. OBERSTAR, Mr. STRICKLAND, Mr. SNYDER, Mr. TAYLOR of Mississippi, Mr. TOWNS, Mr. UDALL of Colorado, and Mr. WAXMAN.
H.R. 4431: Mr. REYES.
H.R. 4454: Mr. CUNNINGHAM and Mr. HASTINGS of Washington.
H.R. 4469: Mrs. LOWEY.
H.R. 4479: Mr. RANGEL.
H.R. 4533: Mrs. CUBIN.
H.R. 4586: Mr. BLUNT.
H.R. 4595: Mr. ISRAEL, Mr. CLAY, Mr. TOM DAVIS of Virginia, Mr. JOHN, and Mr. DEUTSCH.
H.R. 4610: Mrs. CHRISTENSEN, Mr. HAYWORTH, and Mr. MCCOTTER.
H.R. 4622: Mr. ISSA.
H.R. 4662: Mr. HOSTETTLER.
H.R. 4671: Ms. LOFGREN, Mr. WEINER, Mr. MEEHAN, and Ms. BALDWIN.
H.R. 4679: Mr. DELAHUNT and Mr. MILLER of North Carolina.
H.R. 4701: Mr. SERRANO, Mr. OWENS, Mr. KUCINICH, Mr. BERMAN, and Mr. RANGEL.
H.R. 4746: Mr. KUCINICH.
H.R. 4758: Ms. CORRINE BROWN of Florida and Mr. DAVIS of Florida.
H.R. 4769: Mr. MORAN of Virginia, Ms. MAJETTE, and Mr. UDALL of New Mexico.
H.R. 4772: Mr. HOYER, Mr. MATSUI, Mr. HINOJOSA, Mr. GORDON, and Mr. MORAN of Virginia.
H.R. 4776: Mr. FROST.
H. Con. Res. 456: Mr. KILDEE.
H. Con. Res. 467: Mr. BLUMENAUER, Mr. HOLT, Ms. BERKLEY, Mrs. JONES of Ohio, Mr. MCNULTY, Ms. MCCOLLUM, and Mr. ENGEL.
H. Con. Res. 469: Mr. WEXLER, Ms. BERKLEY, Mr. NADLER, Mr. KING of New York, Mr. TOWNS, Mr. WILSON of South Carolina, and Mrs. JO ANN DAVIS of Virginia.
H. Res. 596: Mr. MILLER of Florida.
H. Res. 646: Ms. NORTON.
H. Res. 666: Mr. MEEKS of New York.
H. Res. 688: Mr. SESSIONS.
H. Res. 690: Mr. BERMAN, Mr. MARKEY, Mr. ACKERMAN, Mr. FRANK of Massachusetts, and Ms. BALDWIN.
H. Res. 695: Mrs. WILSON of New Mexico, Mr. RYAN of Ohio, and Mr. PORTMAN.
H. Res. 702: Mrs. MILLER of Michigan, Mr. UPTON, Mr. LEVIN, Mr. MCCOTTER, Mr. CONYERS, Mr. ROGERS of Alabama, Mr. CAMP, Mr. KILDEE, Mr. SMITH of Michigan, Ms. KILPATRICK, Mr. HOEKSTRA, Mr. KNOLLENBERG, Mr. STUPAK, and Mrs. BONO.
H. Res. 703: Mr. ENGLISH.

FRIDAY, JULY 9, 2004 (74)

¶74.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. LATOURETTE, who laid before the House the following communication:

WASHINGTON, DC,
July 9, 2004.

I hereby appoint the Honorable STEVEN C. LATOURETTE to act as Speaker pro tempore on this day.

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

¶74.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. LaTOURETTE, announced he had examined and approved the Journal of the proceedings of Thursday, July 8, 2004.

Mr. McNULTY, pursuant to clause 1, rule I, demanded a vote on agreeing to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that the yeas had it.

Mr. MCNULTY objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. LATOURETTE, pursuant to clause 8, rule XX, announced that the vote would be postponed until later today.

The point of no quorum was considered as withdrawn.

¶74.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

8976. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Kevin P. Green, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

8977. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Michael D. Malone, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

8978. A letter from the Principal Deputy Under Secretary, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade indicated in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8979. A letter from the Acting Under Secretary, Department of Defense, transmitting two enclosed reports, the first report is the Department of Defense Chemical, Biological, Radiological, and Nuclear (CBRN) Defense Program Annual Report, the second is the Department of Defense CBRN Defense Program Performance Plan for Fiscal Years 2003–2005, as required by H. Rpt. No. 106–945 and S. Rpt. 108–46, pursuant to 50 U.S.C. 1523; to the Committee on Armed Services.

8980. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's FY 2002 report entitled, ''Implementation of the Waste Isolation Pilot Plant Land Withdrawal Act '' required under Section 23(a)(2)of the Act; jointly to the Committees on Energy and Commerce and Armed Services.

8981. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 7(a) of the Jerusalem Embassy Act of 1995 (Pub. L. 104–45), a copy of Presidential Determination No. 2004–36 suspending the limitation on the obligation of the State Department Appropriations contained in sections 3(b) and 7(b) of that Act for six months as well as the periodic report provided for under Section 6 of the Act covering the period from December 16, 2003, to the present; jointly to the Committees on International Relations and Appropriations.

8982. A letter from the Director, National Film Preservation Foundation, transmitting the Foundation's Report to the U.S. Congress for the Year Ending December 31, 2003, pursuant to 36 U.S.C. 5706; jointly to the Committees on the Judiciary and House Administration.

8983. A letter from the Secretary, Department of Veterans Affairs, transmitting a draft bill ''To amend title 38, United States Code, to improve the authorities of the Department of Veterans Affairs relating to compensation, dependency and indemnity compensation, life insurance benefits, memorial benefits, and education benefits, and for other purposes''; jointly to the Committees on Veterans' Affairs and Armed Services.

8984. A letter from the Chairman, Labor Member, and Management Member, Railroad Retirement Board, transmitting a report on the actuarial status of the railroad retirement system, including any recommendations for financing changes, pursuant to 45 U.S.C. 231f–1; jointly to the Committees on Ways and Means and Transportation and Infrastructure.

8985. A letter from the Administrator, General Services Administration, transmitting proposed legislation to authorize the transfer of the Nebraska Avenue Complex (NAC) from the U.S. Navy to the General Services Administration (GSA) for the use of the Department of Homeland Security (DHS); jointly to the Committees on Armed Services, the Judiciary, Transportation and Infrastructure, and Homeland Security (Select).

¶74.4 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 218. An Act to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2634. An Act to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, to provide funds for campus mental and behavioral health service centers, and for other purposes.

The message also announced that pursuant to section 710, 2(A)(ii) of Public Law 105–277, the Chair, on behalf of the Majority Leader, appoints the following individual to serve as a member of the Parents Advisory Council on Youth Drug Abuse: Laurens Tullock of Tennessee

The message also announced that pursuant to Public Law 105–18, the Chair, on behalf of the Democratic Leader announces the appointment, made during the adjournment, of the following individual, to serve as a member of the National Commission on the Cost of Higher Education: Clara M. Cotton of Massachusetts.

¶74.5 COMMUNICATION FROM THE MINORITY LEADER—APPOINTMENT—VETERANS' DISABILITY BENEFITS COMMISSION

The SPEAKER pro tempore, Mr. LATOURETTE, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
July 8, 2004.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 1501(b) of the National Defense Authorization Act for Fiscal Year 2004 (P.L. 108–136), I hereby appoint to the Veterans' Disability Benefits Commission Col. Larry G. Brown of Oregon and Mr. Joe Wynn of Washington, DC.

Best regards,

NANCY PELOSI.

¶74.6 PROVIDING FOR THE CONSIDERATION OF H.R. 2828

Mr. HASTINGS of Washington, by direction of the Committee on Rules, called up the following resolution (H. Res. 711):

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2828) to authorize the Secretary of the Interior to implement water supply technology and infrastructure programs aimed at increasing and diversifying domestic water resources. The bill shall be considered as read for amendment. The amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill shall be considered as adopted. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Resources; (2) the further amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Calvert of California or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for 20 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

¶74.7 POINT OF ORDER

Mr. HASTINGS of Washington during debate, made a point of order against the irrelevant debate on the resolution, and said:

''Mr. Speaker, I make a point of order that the gentleman is in violation of House rule XVII, which requires that a Member's remarks in debate shall be confined to the question under debate, and ask to be heard on my point of order.

''Mr. Speaker, House rule XVII, pertaining to Decorum and Debate provides in part that when a Member desires to speak or deliver any matter to the House, they shall on being recognized confine themselves to the question under debate.

''To quote from section 948 of the House Rules and Manual:

''Debate on a special order providing for the consideration of a bill may range to the merits of the bill to be made in order, since the question of consideration of the bill is involved, but should not range to the merits of a measure not to be considered under that special order.

''Mr. Speaker, nothing in this rule or the bill it makes in order has anything to do with what occurred on the floor yesterday afternoon.

''Therefore, I urge that the Chair uphold this point of order against this irrelevant debate.''

Mr. FRANK of Massachusetts was recognized to speak to the point of order and said:

''I wish to be heard on the point of order and to contest it vigorously.

''I understand the sensitivity of the author of the point of order to discussion of the events over which he presided yesterday, but we are talking about the rules of the House, and we were confronted with what we believed to have been a grievous abuse of the spirit of the rules of the House and we need some reassurance that we will not have a repetition of this as we go forward.

''We are, after all, now debating whether or not we will have a previous question motion. If it were to fail, we would then be able to offer some amendments that might prevent that kind of abuse. So I believe a discussion of the abusive pattern of behavior of yesterday is directly relevant to a discussion about whether we ought to go forward with a rule with a previous question or whether or not we ought to be allowed to propose some amendments to this rule that will protect us against the abuse of power of yesterday.''

The SPEAKER pro tempore, Mr. LATOURETTE, sustained the point of order, and said:

''The Chair finds that the gentleman from Washington is correct, that the remarks during this debate should be confined to the special order of business before the House. The pending business before the House is not a discussion of the rules of the House generally. It is the rule that is pending before the House.''

Mr. FRANK of Massachusetts appealed the ruling of the Chair.

The question being put, viva voce,

Shall the decision of the Chair stand as the judgement of the House?

Mr. HASTINGS of Washington moved to lay the appeal on the table.

The question being put, viva voce,

Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that the yeas had it.

Mr. FRANK of Massachusetts objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 197 / Nays ..... 165 }

¶74.8 [Roll No. 348]

YEAS—197

Aderholt	Emerson	Lewis (CA)
Akin	Everett	Lewis (KY)
Alexander	Feeney	LoBiondo
Bachus	Ferguson	Lucas (OK)
Baker	Foley	Manzullo
Ballenger	Forbes	McCotter
Barrett (SC)	Fossella	McCrery
Bartlett (MD)	Franks (AZ)	McHugh
Bass	Frelinghuysen	McInnis
Beauprez	Gallegly	Mica
Bereuter	Garrett (NJ)	Miller (FL)
Biggert	Gibbons	Miller (MI)
Bilirakis	Gilchrest	Miller, Gary
Bishop (UT)	Gingrey	Moran (KS)
Blackburn	Goodlatte	Murphy
Blunt	Goss	Musgrave
Boehlert	Granger	Myrick
Boehner	Graves	Nethercutt
Bonilla	Green (WI)	Neugebauer
Bonner	Greenwood	Ney
Boozman	Gutknecht	Northup
Boucher	Hall	Nunes
Bradley (NH)	Harris	Nussle
Brady (TX)	Hart	Osborne
Brown (SC)	Hastings (WA)	Ose
Brown-Waite, Ginny	Hayes	Oxley
Burgess	Hayworth	Pearce
Burns	Hefley	Pence
Burr	Hensarling	Peterson (PA)
Buyer	Hobson	Petri
Calvert	Hoekstra	Pickering
Camp	Hostettler	Pombo
Cannon	Houghton	Porter
Cantor	Hulshof	Portman
Capito	Hunter	Pryce (OH)
Carter	Hyde	Putnam
Castle	Issa	Radanovich
Chabot	Istook	Ramstad
Chocola	Jenkins	Regula
Coble	Johnson (CT)	Rehberg
Cole	Johnson (IL)	Renzi
Crane	Jones (NC)	Rogers (AL)
Crenshaw	Keller	Rogers (KY)
Cubin	Kelly	Rogers (MI)
Cunningham	Kennedy (MN)	Royce
Davis, Jo Ann	King (IA)	Ryan (WI)
Davis, Tom	King (NY)	Ryun (KS)
DeLay	Kingston	Saxton
DeMint	Kirk	Schrock
Diaz-Balart, M.	Kline	Sensenbrenner
Doolittle	Knollenberg	Sessions
Dreier	Kolbe	Shadegg
Duncan	Latham	Shaw
Ehlers	LaTourette	Shays
	Leach	Sherwood

Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NAYS—165

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Boswell
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Chandler
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Grijalva
Gutierrez
Harman
Herseth
Hill
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kucinich
Lampson
Langevin
Lantos
Larson (CT)
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Watt
Weiner
Woolsey
Wu
Wynn

NOT VOTING—71

Ackerman
Barton (TX)
Bell
Bishop (NY)
Blumenauer
Bono
Brown, Corrine
Burton (IN)
Carson (IN)
Case
Clay
Collins
Cox
Culberson
Cummings
Deal (GA)
Delahunt
Diaz-Balart, L.
Dooley (CA)
Dunn
Engel
English
Fattah
Flake
Gephardt
Gerlach
Gillmor
Goode
Green (TX)
Hastings (FL)
Herger
Hinchey
Hinojosa
Isakson
Jefferson
John
Johnson, Sam
Jones (OH)
Kleczka
LaHood
Larsen (WA)
Lee
Linder
Lipinski
Majette
McIntyre
McKeon
Meeks (NY)
Miller, George
Norwood
Oberstar
Otter
Owens
Paul
Pitts
Platts
Quinn
Reyes
Reynolds
Rohrabacher
Ros-Lehtinen
Sullivan
Sweeney
Tanner
Tauzin
Turner (TX)
Waters
Watson
Waxman
Wexler
Young (AK)

So the motion to lay the appeal on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

After further debate,

¶74.9 MOTION TO ADJOURN

Mr. McGOVERN moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that the nays had it.

Mr. McGOVERN objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 54 / Nays ..... 334 }

¶74.10 [Roll No. 349]

YEAS—54

Alexander
Allen
Baldwin
Berman
Capuano
Clyburn
Conyers
Crowley
Davis (FL)
Davis (IL)
Dingell
Doggett
Emanuel
Evans
Farr
Filner
Ford
Frank (MA)
Grijalva
Gutierrez
Honda
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Lantos
Larson (CT)
Lewis (GA)
Lofgren
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
Millender-McDonald
Miller (NC)
Neal (MA)
Owens
Pelosi
Pomeroy
Rothman
Sánchez, Linda T.
Sanders
Schakowsky
Shimkus
Snyder
Solis
Spratt
Stark
Stupak
Tierney
Towns
Udall (CO)
Velázquez
Watson
Woolsey

NAYS—334

Abercrombie
Aderholt
Akin
Andrews
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole
Cooper
Costello
Cramer
Crane
Crenshaw
Cubin
Cunningham
Davis (AL)
Davis (CA)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Eshoo
Etheridge
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
McCollum
McCotter
McCrery
McDermott
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Stenholm
Strickland
Sullivan
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (FL)

NOT VOTING—46

Ackerman
Baird
Bell
Bishop (NY)
Blumenauer
Boyd
Brown, Corrine
Carson (IN)
Clay
Collins
Cox
Culberson
Cummings
Deal (GA)
Delahunt
Engel
Fattah
Fossella
Gephardt
Gerlach
Green (TX)
Hastings (FL)
Hinchey
Isakson
John
Jones (OH)
LaHood
Lee
Lipinski
Majette
Meeks (NY)
Norwood
Nussle
Paul
Pitts
Platts
Quinn
Reyes
Sweeney
Tanner
Tauzin
Turner (TX)
Waters
Waxman
Wexler
Young (AK)

So the motion to adjourn was not agreed to.

After further debate,

Mr. HASTINGS of Washington moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that the yeas had it.

Mr. McGOVERN demanded a recorded vote on ordering the previous

question on the resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 216 / Nays 180

¶74.11 [Roll No. 350]

AYES—216

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

NOES—180

Abercrombie
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Carson (OK)
Case
Chandler
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Weiner
Woolsey
Wu
Wynn

NOT VOTING—38

Ackerman
Bell
Bishop (NY)
Blumenauer
Brown, Corrine
Cardoza
Carson (IN)
Clay
Collins
Culberson
Deal (GA)
Delahunt
Fattah
Fossella
Gephardt
Gerlach
Green (TX)
Hastings (FL)
Hinchey
Isakson
John
Jones (OH)
LaHood
Lee
Lipinski
Majette
Meeks (NY)
Norwood
Paul
Pitts
Platts
Quinn
Reyes
Sweeney
Tanner
Tauzin
Waxman
Wexler

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that the yeas had it.

Mr. McGOVERN demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 237 / Nays 158

¶74.12 [Roll No. 351]

AYES—237

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

NOES—158

Abercrombie
Allen
Andrews
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Carson (OK)
Case
Chandler
Clyburn
Conyers
Cooper
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Gordon
Grijalva
Gutierrez
Harman
Herseth
Hill
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kilpatrick
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)

Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Michaud
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Pomeroy
Price (NC)
Rangel
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Weiner
Woolsey
Wu
Wynn

NOT VOTING—38

Ackerman
Bell
Bishop (NY)
Blumenauer
Brown, Corrine
Carson (IN)
Clay
Collins
Culberson
Deal (GA)
Delahunt
Fattah
Gephardt
Gerlach
Green (TX)
Hastings (FL)
Hinchey
Isakson
John
Jones (OH)
LaHood
Lee
Lipinski
Majette
Marshall
Meeks (NY)
Norwood
Paul
Pitts
Platts
Quinn
Reyes
Simmons
Sweeney
Tanner
Tauzin
Waxman
Wexler

So the resolution was agreed to.

Mr. WICKER moved to reconsider the vote whereby the resolution was agreed to.

Mr. HASTINGS of Washington moved to lay on the table the motion to reconsider the vote.

The question being put, viva voce,

Will the House lay on the table the motion to reconsider said vote?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that the yeas had it.

Mr. MCGOVERN demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

It was decided in the affirmative ..... { Yeas ..... 210; Nays ..... 181; Answered present 1 }

¶74.13 [Roll No. 352]

AYES—210

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

NOES—181

Abercrombie
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (OK)
Case
Chandler
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Weiner
Woolsey
Wu
Wynn

ANSWERED ''PRESENT''—1

Cardoza

NOT VOTING—41

Ackerman
Bell
Bishop (NY)
Blumenauer
Boozman
Carson (IN)
Clay
Collins
Culberson
Deal (GA)
Delahunt
Fattah
Gephardt
Gerlach
Green (TX)
Gutknecht
Hart
Hastings (FL)
Hinchey
Hunter
Isakson
Jenkins
John
Jones (OH)
LaHood
Lee
Lipinski
Lofgren
Majette
Meeks (NY)
Norwood
Paul
Pitts
Platts
Quinn
Reyes
Souder
Sweeney
Tauzin
Waxman
Wexler

So the motion to lay on the table the motion to reconsider the vote was agreed to.

¶74.14 MOTION TO ADJOURN

Mr. MCGOVERN moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that the nays had it.

Mr. MCGOVERN demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 41; Nays ..... 353 }

¶74.15 [Roll No. 353]

AYES—41

Abercrombie
Allen
Baldwin
Bishop (GA)
Capuano
Clay
Conyers
Crowley
Dingell
Filner
Ford
Grijalva
Gutierrez
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kilpatrick
Lantos
Larson (CT)
Lewis (GA)
Lofgren
Matsui
McCarthy (MO)
McGovern
Miller (NC)
Neal (MA)
Owens
Pastor
Payne
Rodriguez
Sanders
Schakowsky
Shimkus
Stark
Stupak
Tierney
Towns
Velázquez
Waters
Watson
Woolsey

NOES—353

Aderholt
Akin
Alexander
Andrews
Baca
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Cooper
Costello
Cox
Cramer

Crane
Crenshaw
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (NY)
McCollum
McCotter
McDermott
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—39

Ackerman
Bachus
Bell
Bishop (NY)
Blumenauer
Camp
Carson (IN)
Collins
Culberson
Deal (GA)
Delahunt
Diaz-Balart, L.
Fattah
Gephardt
Gerlach
Green (TX)
Gutknecht
Hastings (FL)
Hinchey
Isakson
John
Johnson (CT)
Jones (OH)
LaHood
Lee
Lipinski
Majette
McCrery
Meeks (NY)
Norwood
Paul
Pitts
Platts
Quinn
Reyes
Sweeney
Tauzin
Waxman
Wexler

So the motion to adjourn was not agreed to.

¶74.16 WATER SUPPLY, RELIABILITY, AND ENVIRONMENTAL IMPROVEMENT

Mr. CALVERT, pursuant to House Resolution 711, called up the bill (H.R. 2828) to authorize the Secretary of the Interior to implement water supply technology and infrastructure programs aimed at increasing and diversifying domestic water resources.

Pending consideration of said bill.

Pursuant to House Resolution 711, the following amendment in the nature of a substitute recommended by the Committee on Resources printed in the bill, was considered as agreed to:

Strike out all after the enacting clause and insert:

SEC. 1. SHORT TITLE.

This Act may be cited as the ''Water Supply, Reliability, and Environmental Improvement Act''.

TITLE I—CALIFORNIA WATER SECURITY AND ENVIRONMENTAL ENHANCEMENT

SEC. 101. SHORT TITLE.

This title may be cited as the ''California Water Security and Environmental Enhancement Act''.

SEC. 102. DEFINITIONS.

In this title:

(1) CALFED BAY-DELTA PROGRAM.—The terms ''Calfed Bay-Delta Program'' and ''Program'' mean the programs, projects, complementary actions, and activities undertaken through coordinated planning, implementation, and assessment activities of the State and Federal Agencies in a manner consistent with the Record of Decision.

(2) ENVIRONMENTAL WATER ACCOUNT.—The term ''Environmental Water Account'' means the cooperative management program established pursuant to the Record of Decision to reduce incidental take and provide a mechanism for recovery of species.

(3) FEDERAL AGENCIES.—The term ''Federal agencies'' means the Federal agencies that are signatories to Attachment 3 of the Record of Decision.

(4) GOVERNOR.—The term ''Governor'' means the Governor of the State of California.

(5) RECLAMATION STATES.—The term ''Reclamation States'' means the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wyoming, and Texas.

(6) RECORD OF DECISION.—The term ''Record of Decision'' means the Calfed Bay-Delta Program Record of Decision, dated August 28, 2000.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(8) STATE.—The term ''State'' means the State of California.

(9) STATE AGENCIES.—The term ''State agencies'' means the California State agencies that are signatories to Attachment 3 of the Record of Decision.

(10) WATER YIELD.—The term ''water yield'' means a new quantity of water in storage that is reliably available in critically dry years for beneficial uses.

SEC. 103. BAY DELTA PROGRAM.

(a) IN GENERAL.—

(1) RECORD OF DECISION AS GENERAL FRAMEWORK.—The Record of Decision is approved as a general framework for addressing the Calfed Bay-Delta Program, including its components relating to water storage and water yield, ecosystem restoration, water supply reliability, conveyance, water use efficiency, water quality, water transfers, watersheds, the Environmental Water Account, levee stability, governance, and science.

(2) SPECIFIC ACTIVITIES.—The Secretary and the heads of the Federal agencies are authorized to undertake, fund, participate in, and otherwise carry out the activities described in the Record of Decision, subject to the provisions of this title, so that the activities of the Calfed Bay-Delta Program consisting of protecting drinking water quality, restoring ecological health, improving water supply reliability (including additional water storage and water yield and conveyance), and protecting Delta levees will progress in a balanced manner.

(b) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—The Secretary and the heads of the Federal agencies are authorized to carry out the activities described in paragraphs (2) through (5) in furtherance of the Calfed Bay-Delta Program as set forth in the Record of Decision, subject to the cost-share and other provisions of this title.

(2) MULTIPLE BENEFIT PROJECTS FAVORED.—In selecting projects and programs for increasing water yield and water supply, improving water quality, and enhancing environmental benefits, projects and programs with multiple benefits shall be emphasized.

(3) BALANCE.—The Secretary shall ensure that all elements of the Calfed Bay-Delta Program need to be completed and operated cooperatively to maintain the balanced progress in all Calfed Bay-Delta Program areas.

(4) EXISTING AUTHORIZATIONS FOR FEDERAL AGENCIES.—The Secretary of the Interior and the heads of the Federal agencies are authorized to carry out the activities described in subparagraphs (A) through (J) of paragraph (5), to the extent authorized under existing law.

(5) DESCRIPTION OF ACTIVITIES UNDER EXISTING AUTHORIZATIONS.—

(A) WATER STORAGE AND WATER YIELD.—Activities under this subparagraph consist of—

(i) FEASIBILITY STUDIES AND RESOLUTION.—

(I) For purposes of implementing the Calfed Bay-Delta Program, the Secretary is authorized to undertake all necessary planning activities and feasibility studies required for the development of recommendations by the Secretary to Congress on the construction and implementation of specific water supply and water yield, ground water management, and ground water storage projects and implementation of comprehensive water management planning.

(II) FEASIBILITY STUDIES REQUIREMENTS.—All feasibility studies completed for storage projects as a result of this section shall include identification of project benefits and beneficiaries and a cost allocation plan consistent with the benefits to be received, for both governmental and non-governmental entities.

(III) DISAPPROVAL RESOLUTION.—If the Secretary determines a project to be feasible, and meets the requirements under subparagraph (B), the report shall be submitted to Congress. If Congress does not pass a disapproval resolution of the feasibility study during the first 120 days before Congress (not including days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain) the project shall be authorized, subject to appropriations.

(ii) WATER SUPPLY AND WATER YIELD STUDY.—The Secretary, acting through the Bureau of Reclamation and in consultation with the State, shall conduct a study of available water supplies and water yield and existing demand and future needs for water—

(I) within the units of the Central Valley Project;

(II) within the area served by Central Valley Project agricultural water service contractors and municipal and industrial water service contractors; and

(III) within the Bay-Delta solution area.

(iii) RELATIONSHIP TO PRIOR STUDY.—The study under clause (ii) shall incorporate and revise as necessary the study required by section 3408(j) of the Central Valley Project Improvement Act of 1992 (Public Law 102–575).

(iv) MANAGEMENT.—The Secretary shall conduct activities related to developing and implementing groundwater management and groundwater storage projects.

(v) COMPREHENSIVE WATER PLANNING.—The Secretary shall conduct activities related to comprehensive water management planning.

(vi) REPORT.—The Secretary shall submit a report to the congressional authorizing committees by not later than 180 days after the date of the enactment of this title describing the following:

(I) Water yield and water supply improvements, if any, for Central Valley Project agricultural water service contractors and municipal and industrial water service contractors.

(II) All water management actions or projects that would improve water yield or water supply and that, if taken or constructed, would balance available water supplies and existing demand for those contractors and other water users of the Bay-Delta watershed with due recognition of water right priorities and environmental needs.

(III) The financial costs of the actions and projects described under clause (II).

(IV) The beneficiaries of those actions and projects and an assessment of their willingness to pay the capital costs and operation and maintenance costs thereof.

(B) CONVEYANCE.—

(i) SOUTH DELTA ACTIONS.—In the case of the South Delta, activities under this clause consist of the following:

(I) The South Delta Improvement Program through actions to accomplish the following:

(aa) Increase the State Water Project export limit to 8,500 cfs.

(bb) Install permanent, operable barriers in the south Delta. The Federal Agencies shall cooperate with the State to accelerate installation of the permanent, operable barriers in the south Delta, with the intent to complete that installation not later than the end of fiscal year 2006.

(cc) Increase the State Water Project export to the maximum capability of 10,300 cfs.

(II) Reduction of agricultural drainage in south Delta channels, and other actions necessary to minimize the impact of drainage on drinking water quality.

(III) Design and construction of lower San Joaquin River floodway improvements.

(IV) Installation and operation of temporary barriers in the south Delta until fully operable barriers are constructed.

(V) Actions to protect navigation and local diversions not adequately protected by temporary barriers.

(VI) Actions to increase pumping shall be accomplished in a manner consistent with California law protecting—

(aa) deliveries to, costs of, and water suppliers and water users, including but not limited to, agricultural users, that have historically relied on water diverted for use in the Delta; and

(bb) the quality of water for existing municipal, industrial, and agricultural uses.

(ii) NORTH DELTA ACTIONS.—In the case of the North Delta, activities under this clause consist of—

(I) evaluation and implementation of improved operational procedures for the Delta Cross Channel to address fishery and water quality concerns;

(II) evaluation of a screened through-Delta facility on the Sacramento River; and

(III) evaluation of lower Mokelumne River floodway improvements.

(iii) INTERTIES.—Activities under this clause consist of—

(I) evaluation and construction of an intertie between the State Water Project California Aqueduct and the Central Valley Project Delta Mendota Canal, near the City of Tracy; and

(II) assessment of a connection of the Central Valley Project to the Clifton Court Forebay of the State Water Project, with a corresponding increase in the screened intake of the Forebay.

(iv) PROGRAM TO MEET STANDARDS.—Prior to increasing export limits from the Delta for the purposes of conveying water to south-of-Delta Central Valley Project contractors or increasing deliveries through an intertie, the Secretary shall, within one year of the date of enactment of this title, in consultation with the Governor, develop and implement a program to meet all existing water quality standards and objectives for which the CVP has responsibility. In developing and implementing the program the Secretary shall include, to the maximum extent feasible, the following:

(I) A recirculation program to provide flow, reduce salinity concentrations in the San Joaquin River, and reduce the reliance on New Melones Reservoir for meeting water quality and fishery flow objectives through the use of excess capacity in export pumping and conveyance facilities.

(II) The implementation of mandatory source control programs and best drainage management practices to reduce discharges into the San Joaquin River of salt or other constituents from wildlife refuges that receive Central Valley Project water.

(III) The acquisition from willing sellers of water from streams tributary to the San Joaquin River or other sources to provide flow, dilute discharges from wildlife refuges, and to improve water quality in the San Joaquin River below the confluence of the Merced and San Joaquin rivers and to reduce the reliance on New Melones Reservoir for meeting water quality and fishery flow objectives.

(v) USE OF EXISTING FUNDING MECHANISMS.—In implementing the Program, the Secretary shall use money collected pursuant to section 3406(c)(1) of the Central Valley Project Improvement Act of 1992 (Public Law 102–575) to acquire from voluntary sellers water from streams tributary to the San Joaquin River or other sources for the purposes set forth in subclauses (I) through (III) of clause (iv).

(vi) PURPOSE.—The purpose of the authority and direction provided to the Secretary in clause (iv) is to provide greater flexibility in meeting the existing water quality standards and objectives for which the Central Valley Project has responsibility so as to reduce the demand on water from New Melones Reservoir used for that purpose and to allow the Secretary to meet with greater frequency the Secretary's obligations to Central Valley Project contractors from the New Melones Project.

(C) WATER USE EFFICIENCY.—Activities under this subparagraph consist of—

(i) water conservation projects that provide water supply reliability, water quality, and ecosystem benefits to the Bay-Delta system;

(ii) technical assistance for urban and agricultural water conservation projects;

(iii) water recycling and desalination projects, including groundwater remediation projects and projects identified in the Bay Area Water Plan and the Southern California Comprehensive Water Reclamation and Reuse Study and other projects, giving priority to projects that include regional solutions to benefit regional water supply and reliability needs;

(I) The Secretary shall review any feasibility level studies for seawater desalination and regional brine line projects that have been completed, whether or not those studies were prepared with financial assistance from the Secretary.

(II) The Secretary shall report to the Congress not later than 90 days after the completion of a feasibility study or the review of a feasibility study. For the purposes of this Act, the Secretary is authorized to provide assistance for projects as set forth and pursuant to the existing requirements of the Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575; title 16) as amended, and Reclamation Recycling and Water Conservation Act of 1996 (Public Law 104–266).

(iv) water measurement and transfer actions;

(v) certification of implementation of best management practices for urban water conservation; and

(vi) projects identified in the Southern California Comprehensive Water Reclamation and Reuse Study, dated April 2001 and authorized by section 1606 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h–4); and the San Francisco Bay Area Regional Water Recycling Program described in the San Francisco Bay Area Regional Water Recycling Program Recycled Water Master Plan, dated December 1999 and authorized by section 1611 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h–9) are determined to be feasible.

(D) WATER TRANSFERS.—Activities under this subparagraph consist of—

(i) increasing the availability of existing facilities for water transfers;

(ii) lowering transaction costs through regulatory coordination as provided in sections 301 through 302; and

(iii) maintaining a water transfer information clearinghouse.

(E) INTEGRATED REGIONAL WATER MANAGEMENT PLANS.—Activities under this subparagraph consist of assisting local and regional communities in the State in developing and implementing integrated regional water management plans to carry out projects and programs that improve water supply reliability, water quality, ecosystem restoration, and flood protection, or meet other local and regional needs, in a manner that is consistent with, and makes a significant contribution to, the Calfed Bay-Delta Program.

(F) ECOSYSTEM RESTORATION.—

(i) Activities under this subparagraph consist of—

(I) implementation of large-scale restoration projects in San Francisco Bay and the Delta and its tributaries;

(II) restoration of habitat in the Delta, San Pablo Bay, and Suisun Bay and Marsh, including tidal wetland and riparian habitat;

(III) fish screen and fish passage improvement projects; including the Sacramento River Small Diversion Fish Screen Program;

(IV) implementation of an invasive species program, including prevention, control, and eradication;

(V) development and integration of Federal and State agricultural programs that benefit wildlife into the Ecosystem Restoration Program;

(VI) financial and technical support for locally-based collaborative programs to restore habitat while addressing the concerns of local communities;

(VII) water quality improvement projects to manage and reduce concentrations of salinity, selenium, mercury, pesticides, trace metals, dissolved oxygen, turbidity, sediment, and other pollutants;

(VIII) land and water acquisitions to improve habitat and fish spawning and survival in the Delta and its tributaries;

(IX) integrated flood management, ecosystem restoration, and levee protection projects;

(X) scientific evaluations and targeted research on Program activities;

(XI) strategic planning and tracking of Program performance; and

(XII) preparation of management plans for all properties acquired, and update current management plans, prior to the purchase or any contribution to the purchase of any interest in land for ecosystem.

(ii) A RESTORATION MANAGEMENT PLAN REPORT.—The Secretary shall submit a restoration

management plan report to Congress, 30 days (not including days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain) prior to implementing ecosystem restoration actions as described under this paragraph. Such plan reports shall be required for all ecosystem projects, (including comprehensive projects that are composed of several components and are to be completed by staged implementation) exceeding $20,000 in Federal funds. The Restoration Management Plan required to be submitted under this paragraph, shall, at a minimum—

(I) be consistent with the goal of fish, wildlife, and habitat improvement;

(II) be consistent with all applicable Federal and State laws;

(III) describe the specific goals, objectives, and opportunities and implementation timeline of the proposed project. Describe to what extent the proposed project is a part of a larger, more comprehensive project in the Bay-Delta watershed;

(IV) describe the administration responsibilities of land and water areas and associated environmental resources, in the affected project area including an accounting of all habitat types. Cost-share arrangements with cooperating agencies should be included in the report;

(V) describe the resource data and ecological monitoring data to be collected for the restoration projects and how the data are to be integrated, streamlined, and designed to measure the effectiveness and overall trend of ecosystem health in the Bay-Delta watershed;

(VI) identify various combinations of land and water uses and resource management practices that are scientifically-based and meet the purposes of the project. Include a description of expected benefits of the restoration project relative to the cost of the project;

(VII) analyze and describe cumulative impacts of project implementation, including land acquisition, and the mitigation requirements, subject to conditions described in clause (iii)(I). Complete appropriate actions to satisfy requirements of NEPA, CEQA, and other environmental permitting clearance; and

(VIII) describe an integrated monitoring plan and measurable criteria, or bio-indicators, to be used for evaluating cost-effective performance of the project.

(iii) CONDITIONS.—Conditions, if applicable, for projects and activities under this paragraph, and which are to be described in the restoration management plan report, are as follows:

(I) a requirement that before obligating or expending Federal funds to acquire land, the Secretary shall first determine that existing Federal land, State land, or other land acquired for ecosystem restoration with amounts provided by the United States or the State, to the extent such lands are available within the Calfed solution area, is not available for that purpose. If no public land is available the Secretary, prior to any federal expenditure for private land acquisitions, shall—

(aa) not convert prime farm land and unique farm land, to the maximum extent as practicable, as identified by local, State, or Federal land use inventories, including the Natural Resources Conservation Service;

(bb) not conflict with existing zoning for agriculture use; and

(cc) not involve other changes in existing environment due to location and nature of converting farmland to non-farmland use.

(II) a requirement that in determining whether to acquire private land for ecosystem restoration, the Secretary shall—

(aa) conduct appropriate analysis, including cost valuation to assure that private land acquisitions prioritize easements and leases over acquisitions by fee title unless easements and leases are unavailable or unsuitable for the stated purposes;

(bb) consider and partner with landowners and local agencies to develop cooperating landowner commitments that are likely to meet coequal objectives of achieving local economic and social goals and implementing the ecosystem restoration goals; and

(cc) consider the potential cumulative impacts of fee title, easement, or lease acquisition on the local and regional economies and adjacent land and landowners, of transferring the property into government ownership, and—

(AA) describe the actions that will be taken, to the maximum extent practicable, to mitigate any induced damages; and

(BB) determine and describe the degree to which land acquired will add value to fish, wildlife, and habitat purposes.

(iv) ANNUAL ECOSYSTEM RESTORATION PROJECT SUMMARY REPORT.—The Secretary shall, by no later than December 31 of each year, submit to Congress an annual report on the use of financial assistance received under this title. The report shall highlight progress of project implementation, effectiveness, monitoring, and accomplishment. The report will identify and outline the need for amendments or revisions to the plan to improve the cost-effectiveness of project implementation.

(G) WATERSHEDS.—Activities under this subparagraph consist of—

(i) building local capacity to assess and manage watersheds affecting the Calfed Bay-Delta system;

(ii) technical assistance for watershed assessments and management plans; and

(iii) developing and implementing locally-based watershed conservation, maintenance, and restoration actions.

(H) WATER QUALITY.—Activities under this subparagraph consist of—

(i) addressing drainage problems in the San Joaquin Valley to improve downstream water quality (including habitat restoration projects that reduce drainage and improve water quality) if—

(I) a plan is in place for monitoring downstream water quality improvements;

(II) State and local agencies are consulted on the activities to be funded; and

(III) except that no right, benefit, or privilege is created as a result of this clause;

(ii) implementation of source control programs in the Delta and its tributaries;

(iii) developing recommendations through scientific panels and advisory council processes to meet the Calfed Bay-Delta Program goal of continuous improvement in Delta water quality for all uses;

(iv) investing in treatment technology demonstration projects;

(v) controlling runoff into the California aqueduct, the Delta-Mendota Canal, and other similar conveyances;

(vi) addressing water quality problems at the North Bay Aqueduct;

(vii) supporting and participating in the development of projects to enable San Francisco Area water districts and water entities in San Joaquin and Sacramento counties to work cooperatively to address their water quality and supply reliability issues, including—

(I) connections between aqueducts, water transfers, water conservation measures, institutional arrangements, and infrastructure improvements that encourage regional approaches; and

(II) investigations and studies of available capacity in a project to deliver water to the East Bay Municipal Utility District under its contract with the Bureau of Reclamation, dated July 20, 2001, in order to determine if such capacity can be used to meet the objectives of this clause;

(viii) development of water quality exchanges and other programs to make high quality water available for urban and other users;

(ix) development and implementation of a plan to meet all water quality standards for which the Federal and State water projects have responsibility;

(x) development of recommendations through technical panels and advisory council processes to meet the Calfed Bay-Delta Program goal of continuous improvement in water quality for all uses; and

(xi) projects that may meet the framework of the water quality component of the Calfed Bay-Delta Program.

(I) SCIENCE.—Activities under this subparagraph consist of—

(i) establishing and maintaining an independent science board, technical panels, and standing boards to provide oversight and peer review of the Program;

(ii) conducting expert evaluations and scientific assessments of all Program elements;

(iii) coordinating existing monitoring and scientific research programs;

(iv) developing and implementing adaptive management experiments to test, refine, and improve scientific understandings;

(v) establishing performance measures, and monitoring and evaluating the performance of all Program elements; and

(vi) preparing an annual science report.

(J) DIVERSIFICATION OF WATER SUPPLIES.—Activities under this subparagraph consist of actions to diversify sources of level 2 refuge supplies and modes of delivery to refuges.

(6) NEW AND EXPANDED AUTHORIZATIONS FOR FEDERAL AGENCIES.—The Secretary and the heads of the Federal agencies described in the Record of Decision are authorized to carry out the activities described in paragraph (7) during each of fiscal years 2005 through 2008, in coordination with the Bay-Delta Authority.

(7) DESCRIPTION OF ACTIVITIES UNDER NEW AND EXPANDED AUTHORIZATIONS.—

(A) CONVEYANCE.—Of the amounts authorized to be appropriated under section 110, not more than $184,000,000 may be expended for the following:

(i) Feasibility studies, evaluation, and implementation of the San Luis Reservoir lowpoint improvement project.

(ii) Feasibility studies and actions at Franks Tract to improve water quality in the Delta.

(iii) Feasibility studies and design of fish screen and intake facilities at Clifton Court Forebay and the Tracy Pumping Plant facilities.

(iv) Design and construction of the relocation of drinking water intake facilities to Delta water users. The Secretary shall coordinate actions for relocating intake facilities on a time schedule consistent with subparagraph (5)(B)(i)(I)(bb) or other actions necessary to offset the degradation of drinking water quality in the Delta due to the South Delta Improvement Program.

(v) In addition to the other authorizations granted to the Secretary by this title, the Secretary shall acquire water from willing sellers and undertake other actions designed to decrease releases from New Melones Reservoir for meeting water quality standards and flow objectives for which the Central Valley Project has responsibility in order to meet allocations to Central Valley Project contractors from the New Melones Project. Of the amounts authorized to be appropriated under paragraph (7)(A), not more than $5,260,000 may be expended for this purpose.

(B) ENVIRONMENTAL WATER ACCOUNT.—Of the amounts authorized to be appropriated under section 110, not more than $90,000,000 may be expended for implementation of the Environmental Water Account provided that such expenditures shall be considered a nonreimbursable Federal expenditure. In order to reduce the use of New Melones reservoir as a source of water to meet water quality standards, the Secretary may use the Environmental Water Account to purchase water to provide flow for fisheries, to improve water quality in the San Joaquin river and Delta.

(C) LEVEE STABILITY.—Of the amounts authorized to be appropriated under section 110, not more than $90,000,000 may be expended for—

(i) reconstructing Delta levees to a base level of protection;

(ii) enhancing the stability of levees that have particular importance in the system through the Delta Levee Special Improvement Projects program;

(iii) developing best management practices to control and reverse land subsidence on Delta islands;

(iv) refining the Delta Emergency Plan;

(v) developing a Delta Risk Management Strategy after assessing the consequences of Delta levee failure from floods, seepage, subsidence, and earthquakes;

(vi) developing a strategy for reuse of dredged materials on Delta islands;

(vii) evaluating, and where appropriate, rehabilitating the Suisun Marsh levees; and

(viii) not more than $2,000,000 may be expended for integrated flood management, ecosystem restoration, and levee protection projects, including design and construction of lower San Joaquin River and lower Mokelumne River floodway improvements and other projects under the Sacramento-San Joaquin Comprehensive Study.

(D) PROGRAM MANAGEMENT, OVERSIGHT, AND COORDINATION.—Of the amounts authorized to be appropriated under section 110, not more than $25,000,000 may be expended by the Secretary or the other heads of Federal agencies, either directly or through grants, contracts, or cooperative agreements with agencies of the State, for—

(i) program support;

(ii) program-wide tracking of schedules, finances, and performance;

(iii) multiagency oversight and coordination of Program activities to ensure Program balance and integration;

(iv) development of interagency cross-cut budgets and a comprehensive finance plan to allocate costs in accordance with the beneficiary pays provisions of the Record of Decision;

(v) coordination of public outreach and involvement, including tribal, environmental justice, and public advisory activities in accordance with the Federal Advisory Committee Act (5 U.S.C. App.); and

(vi) development of Annual Reports.

SEC. 104. MANAGEMENT.

(a) COORDINATION.—In carrying out the Calfed Bay-Delta Program, the Federal agencies shall coordinate their activities with the State agencies.

(b) PUBLIC PARTICIPATION.—In carrying out the Calfed Bay-Delta Program, the Federal agencies shall cooperate with local and tribal governments and the public through an advisory committee established in accordance with the Federal Advisory Committee Act (5 U.S.C. App.) and other appropriate means, to seek input on Program elements such as planning, design, technical assistance, and development of peer review science programs.

(c) SCIENCE.—In carrying out the Calfed Bay-Delta Program, the Federal agencies shall seek to ensure, to the maximum extent practicable, that—

(1) all major aspects of implementing the Program are subjected to credible and objective scientific review; and

(2) major decisions are based upon the best available scientific information.

(d) ENVIRONMENTAL JUSTICE.—The Federal agencies and State agencies, consistent with Executive Order 12898 (59 FR Fed. Reg. 7629), should continue to collaborate to—

(1) develop a comprehensive environmental justice workplan for the Calfed Bay-Delta Program; and

(2) fulfill the commitment to addressing environmental justice challenges referred to in the Calfed Bay-Delta Program Environmental Justice Workplan, dated December 13, 2000.

(e) LAND ACQUISITION.—Federal funds appropriated by Congress specifically for implementation of the Calfed Bay-Delta Program may be used to acquire fee title to land only where consistent with the Record of Decision and section 103(b)(5)(F)(iii).

(f) AGENCIES' DISCRETION.—This title shall not affect the discretion of any of the Federal agencies or the State agencies or the authority granted to any of the Federal agencies or State agencies by any other Federal or State law.

(g) STATUS REPORTS.—The Secretary shall report, quarterly to Congress, on the progress in achieving the water supply targets as described in Section 2.2.4 of the Record of Decision, the environmental water account requirements as described in Section 2.2.7, and the water quality targets as described in Section 2.2.9, and any pending actions that may affect the ability of the Calfed Bay-Delta Program to achieve those targets and requirements.

SEC. 105. REPORTING REQUIREMENTS.

(a) REPORT.—

(1) IN GENERAL.—Not later than February 15 of each year, the Secretary, in cooperation with the Governor, shall submit to the appropriate authorizing and appropriating Committees of the Senate and the House of Representatives a report that—

(A) describes the status of implementation of all components of the Calfed Bay-Delta Program;

(B) sets forth any written determination resulting from the review required under subsection (b); and

(C) includes any revised schedule prepared under subsection (b).

(2) CONTENTS.—The report required under paragraph (1) shall describe—

(A) the progress of the Calfed Bay-Delta Program in meeting the implementation schedule for the Program in a manner consistent with the Record of Decision;

(B) the status of implementation of all components of the Program;

(C) expenditures in the past fiscal year for implementing the Program;

(D) accomplishments during the past fiscal year in achieving the objectives of additional and improved—

(i) water storage, including water yield;

(ii) water quality;

(iii) water use efficiency;

(iv) ecosystem restoration;

(v) watershed management;

(vi) levee system integrity;

(vii) water transfers;

(viii) water conveyance; and

(ix) water supply reliability;

(E) program goals, current schedules, and relevant financing agreements;

(F) progress on—

(i) storage projects;

(ii) conveyance improvements;

(iii) levee improvements;

(iv) water quality projects; and

(v) water use efficiency programs;

(G) completion of key projects and milestones identified in the Ecosystem Restoration Program;

(H) development and implementation of local programs for watershed conservation and restoration;

(I) progress in improving water supply reliability and implementing the Environmental Water Account;

(J) achievement of commitments under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and endangered species law of the State;

(K) implementation of a comprehensive science program;

(L) progress toward acquisition of the Federal and State permits (including permits under section 404(a) of the Federal Water Pollution Control Act (33 U.S.C. 1344(a))) for implementation of projects in all identified Program areas;

(M) progress in achieving benefits in all geographic regions covered by the Program;

(N) legislative action on—

(i) water transfer;

(ii) groundwater management;

(iii) water use efficiency; and

(iv) governance issues;

(O) the status of complementary actions;

(P) the status of mitigation measures; and

(Q) revisions to funding commitments and Program responsibilities.

(b) ANNUAL REVIEW OF PROGRESS AND BALANCE.—

(1) IN GENERAL.—Not later than November 15 of each year, the Secretary, in cooperation with the Governor, shall review progress in implementing the Calfed Bay-Delta Program based on—

(A) consistency with the Record of Decision; and

(B) balance in achieving the goals and objectives of the Calfed Bay-Delta Program.

(2) REVISED SCHEDULE.—If, at the conclusion of each such annual review or if a timely annual review is not undertaken, the Secretary, or the Governor, determine in writing that either the Program implementation schedule has not been substantially adhered to, or that balanced progress in achieving the goals and objectives of the Program is not occurring, the Secretary, in coordination with the Governor and the Bay-Delta Public Advisory Committee, shall prepare a revised schedule to achieve balanced progress in all Calfed Bay-Delta Program elements consistent with the Record of Decision.

(c) FEASIBILITY STUDIES.—Any feasibility studies completed as a result of this title shall include identification of project benefits and a cost allocation plan consistent with the beneficiaries pay provisions of the Record of Decision.

SEC. 106. CROSSCUT BUDGET.

(a) IN GENERAL.—The budget of the President shall include requests for the appropriate level of funding for each of the Federal agencies to carry out the responsibilities of the Federal agency under the Calfed Bay-Delta Program.

(b) REQUESTS BY FEDERAL AGENCIES.—The funds shall be requested for the Federal agency with authority and programmatic responsibility for the obligation of the funds, in accordance with paragraphs (2) through (5) of section 103(b).

(c) REPORT.—At the time of submission of the budget of the President to Congress, the Director of the Office of Management and Budget, in coordination with the Governor, shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives a financial report certified by the Secretary containing—

(1) an interagency budget crosscut report that—

(A) displays the budget proposed, including any interagency or intra-agency transfer, for each of the Federal agencies to carry out the Calfed Bay-Delta Program for the upcoming fiscal year, separately showing funding requested under both pre-existing authorities and under the new authorities granted by this title; and

(B) identifies all expenditures since 2000 by the Federal and State governments to achieve the objectives of the Calfed Bay-Delta Program;

(2) a detailed accounting of all funds received and obligated by all Federal agencies and State agencies responsible for implementing the Calfed Bay-Delta Program during the previous fiscal year;

(3) a budget for the proposed projects (including a description of the project, authorization level, and project status) to be carried out in the upcoming fiscal year with the Federal portion of funds for activities under section 103(b); and

(4) a listing of all projects to be undertaken in the upcoming fiscal year with the Federal portion of funds for activities under section 103(b).

SEC. 107. FEDERAL SHARE OF COSTS.

(a) IN GENERAL.—The Federal share of the cost of implementing the Calfed Bay-Delta Program for fiscal years 2005 through 2008 in the aggregate, as set forth in the Record of Decision, shall not exceed 33.3 percent.

(b) CALFED BAY-DELTA PROGRAM BENEFICIARIES.—

(1) IN GENERAL.—The Secretary shall ensure that all beneficiaries, including the environment, shall pay for benefits received from all

projects or activities carried out under the Calfed Bay-Delta Program. This requirement shall not be limited to storage and conveyance projects and shall be implemented so as to encourage integrated resource planning.

SEC. 108. USE OF EXISTING AUTHORITIES AND FUNDS.

(a) GENERALLY.—The heads of the Federal agencies shall use the authority under existing authorities identified by the Secretary to carry out the purposes of this title.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act and annual thereafter, the Secretary, in consultation with the heads of the Federal agencies, shall transmit to Congress a report that describes the following:

(1) A list of all existing authorities, including the authorities listed in subsection (a), under which the Secretary or the heads of the Federal agencies may carry out the purposes of this title.

(2) A list of funds authorized in the previous fiscal year for the authorities listed under paragraph (1).

(3) A list of the projects carried out with the funds listed in paragraph (2) and the amount of funds obligated and expended for each project.

SEC. 109. COMPLIANCE WITH STATE AND FEDERAL LAW.

Nothing in this title—

(1) invalidates or preempts State water law or an interstate compact governing water;

(2) alters the rights of any State to any appropriated share of the waters of any body of surface or ground water, whether determined by past or future interstate compacts or final judicial allocations;

(3) preempts or modifies any State or Federal law or interstate compact governing water quality or disposal; or

(4) confers on any non-federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource.

SEC. 110. AUTHORIZATION OF APPROPRIATION.

There are authorized to be appropriated to the Secretary and the heads of the Federal agencies to pay the Federal share of the cost of carrying out the new and expanded authorities described in paragraphs (6) and (7) of section 103(b), $389,000,000 for the period of fiscal years 2005 through 2008, to remain available until expended.

TITLE II—ESTABLISHMENT OF CENTRALIZED REGULATORY COORDINATION OFFICES

SEC. 201. ESTABLISHMENT OF OFFICES.

For projects authorized by this Act and located within the State of California, the Secretary shall establish a centralized office in Sacramento, California, for the use of all Federal agencies and State agencies that are or will be involved in issuing permits and preparing environmental documentation for such projects. The Secretary may, at the request of the Governor of any Reclamation State, establish additional centralized offices for the use of all Federal agencies and State agencies that are or will be involved in issuing permits and preparing environmental documentation for projects authorized by this Act, or under any other authorized Act, and located within such States.

SEC. 202. ACCEPTANCE AND EXPENDITURE OF CONTRIBUTIONS.

(a) IN GENERAL.—The Secretary may accept and expend funds contributed by non-Federal public entities to coordinate the preparation and review of permit applications and the preparation of environmental documentation for all projects authorized by this Act, or any other authorized Act, and to offset the Federal costs of processing such permit applications and environmental documentation. The Secretary shall allocate funds received under this section among Federal agencies with responsibility for the project under consideration and shall reimburse those agencies in accordance with the costs such agencies incur in processing permit applications and preparing environmental documentation.

(b) PROTECTION OF IMPARTIAL DECISIONMAKING.—In carrying out this section, the Secretary and the heads of Federal agencies receiving funds under this section shall ensure that the use of the funds accepted under this section will not impact impartial decisionmaking with respect to the issuance of permits or preparation of environmental documentation, either substantively or procedurally, or diminish, modify, or otherwise affect the statutory or regulatory authorities of such agencies.

TITLE III—RURAL WATER SUPPLY PROGRAM

SEC. 301. RURAL WATER SUPPLY PROGRAM.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of constructing rural water systems in coordination with other Federal agencies with rural water programs, and in cooperation with non-Federal project entities.

(b) REQUIREMENTS.—The study referred to in subsection (a) shall consider each of the following:

(1) Appraisal investigations.

(2) Feasibility studies.

(3) Environmental reports.

(4) Cost sharing responsibilities.

(5) Responsibility for operation and maintenance.

(c) CRITERIA.—As part of the study referred to in subsection (a), the Secretary shall develop criteria for determining which projects are eligible for participation in the study referred to under this section.

(d) REPORTS TO CONGRESS.—The Secretary shall submit to Congress the study developed under this section.

(e) RECLAMATION STATES.—The program established by this section shall be limited to Reclamation States.

TITLE IV—SALTON SEA STUDY PROGRAM

SEC. 401. SALTON SEA STUDY PROGRAM.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of reclaiming the Salton Sea.

(b) REQUIREMENTS.—The study referred to in subsection (a) shall consider each of the following:

(1) Appraisal investigations.

(2) Feasibility studies.

(3) Environmental Reports.

(4) Cost sharing responsibilities.

(5) Responsibility for operation and maintenance.

(c) REPORT TO CONGRESS.—The Secretary shall submit to Congress the study developed under this section no later than 1 year after the date of enactment.

When said bill was considered and read twice.

After debate,

Pursuant to House Resolution 711, the following further amendment in the nature of a substitute printed in House Report (108-592), was offered by Mr. CALVERT:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Water Supply, Reliability, and Environmental Improvement Act''.

TITLE I—CALIFORNIA WATER SECURITY AND ENVIRONMENTAL ENHANCEMENT

SEC. 101. SHORT TITLE.

This title may be cited as the ''California Water Security and Environmental Enhancement Act''.

SEC. 102. DEFINITIONS.

In this title:

(1) CALFED BAY-DELTA PROGRAM.—The terms ''Calfed Bay-Delta Program'' and ''Program'' mean the programs, projects, complementary actions, and activities undertaken through coordinated planning, implementation, and assessment activities of the State and Federal Agencies in a manner consistent with the Record of Decision.

(2) CALIFORNIA BAY-DELTA AUTHORITY.—The terms ''California Bay-Delta Authority'' and ''Authority'' mean the California Bay-Delta Authority, as set forth in the California Bay-Delta Authority Act (Cal. Water Code 79400 et seq.).

(3) ENVIRONMENTAL WATER ACCOUNT.—The term ''Environmental Water Account'' means the cooperative management program established under the Record of Decision.

(4) FEDERAL AGENCIES.—The term ''Federal agencies'' means—

(A) the Department of the Interior, including—

(i) the Bureau of Reclamation;

(ii) the United States Fish and Wildlife Service:

(iii) the Bureau of Land Management; and

(iv) the United States Geological Survey;

(B) the Environmental Protection Agency;

(C) the Army Corps of Engineers;

(D) the Department of Commerce, including the National Marine Fisheries service (also known as ''NOAA Fisheries'');

(E) the Department of Agriculture, including—

(i) the Natural Resources Conservation Service;

(ii) the Forest Service; and

(F) the Western Area Power Administration.

(5) GOVERNOR.—The term ''Governor'' means the Governor of the State of California.

(6) RECORD OF DECISION.—The term ''Record of Decision'' means the Calfed Bay-Delta Program Record of Decision, dated August 28, 2000.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(8) STATE.—The term ''State'' means the State of California.

(9) STATE AGENCIES.—The term ''State agencies'' means the California State agencies that are signatories to Attachment 3 of the Record of Decision.

(10) WATER YIELD.—The term ''water yield'' means a new quantity of water in storage that is reliably available in critically dry years for beneficial uses.

SEC. 103. BAY DELTA PROGRAM.

(a) IN GENERAL.—

(1) RECORD OF DECISION AS GENERAL FRAMEWORK.—The Record of Decision is approved as a general framework for addressing the Calfed Bay-Delta Program, including its components relating to water storage and water yield, ecosystem restoration, water supply reliability, conveyance, water use efficiency, water quality, water transfers, watersheds, the Environmental Water Account, levee stability, governance, and science.

(2) REQUIREMENTS.—In General.— The Secretary and the heads of the Federal agencies are authorized to carry out the activities under this title consistent with—

(A) the Record of Decision; and

(B) the requirement that Program activities consisting of protecting drinking water quality, restoring ecological health, improving water supply reliability (including additional storage and conveyance) and water yield, and protecting Delta levees will progress in a balanced manner.

(b) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—The Secretary and the heads of the Federal agencies are authorized to carry out the activities described in paragraphs (2) through (5) in furtherance of the Calfed Bay-Delta Program as set forth in the Record of Decision, subject to the cost-share and other provisions of this title, if the activity has been:

(A) subject to environmental review and approval, as required under applicable Federal and State law; and

(B) approved and certified by the relevant Federal agency to be consistent with the Record of Decision and within the scope of the agency's authority under existing law.

(2) MULTIPLE BENEFIT PROJECTS FAVORED.—In selecting projects and programs for increasing water yield and water supply, improving water quality, and enhancing environmental benefits, projects and programs with multiple benefits shall be emphasized.

(3) BALANCE.—The Secretary shall ensure that all elements of the Calfed Bay-Delta Program need to be completed and operated cooperatively to maintain the balanced progress in all Calfed Bay-Delta Program areas.

(4) AUTHORIZATIONS FOR FEDERAL AGENCIES UNDER APPLICABLE LAW.—

(A) SECRETARY OF THE INTERIOR.—The Secretary of the Interior is authorized to carry out the activities described in subparagraphs (A) through (J) of paragraph (5), to the extent authorized under the reclamation laws, the Central Valley Project Improvement Act (title XXXIV of Public Law 102–575; 106 Stat. 4706), the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and other applicable law.

(B) THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.—The Administrator of the Environmental Protection Agency may carry out the activities described in subparagraphs (C), (E), (F), (G), (H), and (I) of paragraph (5), in furtherance of the Calfed Bay-Delta program, to the extent authorized under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), and other laws in effect on the day before the date of enactment of this title.

(C) THE SECRETARY OF THE ARMY.—The Secretary of the Army may carry out the activities described in subparagraphs (B), (F), (G), (H), and (I) of paragraph (5), in furtherance of the CALFED Bay-Delta Program, to the extent authorized under flood control, water resource development, and other laws in effect on the day before the date of enactment of this title.

(D) SECRETARY OF COMMERCE.—The Secretary of Commerce is authorized to carry out the activities described in subparagraphs (B), (F), (G), and (I) of paragraph (5), to the extent authorized under the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and other applicable law.

(E) SECRETARY OF AGRICULTURE.—The Secretary of Agriculture is authorized to carry out the activities described in subparagraphs (C), (E), (F), (G), (H), and (I) of paragraph (5), to the extent authorized under title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.), the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 134) (including amendments made by that Act), and other applicable law.

(5) DESCRIPTION OF ACTIVITIES UNDER EXISTING AUTHORIZATIONS.—

(A) WATER STORAGE AND WATER YIELD.—Activities under this subparagraph consist of—

(i) FEASIBILITY STUDIES AND RESOLUTION.—

(I) For purposes of implementing the Calfed Bay-Delta Program, the Secretary is authorized to undertake all necessary planning activities and feasibility studies required for the development of recommendations by the Secretary to Congress on the construction and implementation of specific water supply and water yield projects, and to conduct comprehensive water management planning.

(II) FEASIBILITY STUDIES REQUIREMENTS.—All feasibility studies completed for storage projects as a result of this section shall include identification of project benefits and beneficiaries and a cost allocation plan consistent with the benefits to be received, for both governmental and non-governmental entities.

(III) DISAPPROVAL RESOLUTION.—If the Secretary determines a project to be feasible, and meets the requirements under subparagraph (B), the report shall be submitted to Congress. If Congress does not pass a disapproval resolution of the feasibility study during the first 120 days before Congress (not including days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain) the project shall be authorized, subject to appropriations.

(ii) WATER SUPPLY AND WATER YIELD STUDY.—The Secretary, acting through the Bureau of Reclamation and in consultation with the State, shall conduct a study of available water supplies and water yield and existing demand and future needs for water—

(I) within the units of the Central Valley Project;

(II) within the area served by Central Valley Project agricultural water service contractors and municipal and industrial water service contractors; and

(III) within the Bay-Delta solution area.

(iii) RELATIONSHIP TO PRIOR STUDY.—The study under clause (ii) shall incorporate and revise as necessary the study required by section 3408(j) of the Central Valley Project Improvement Act of 1992 (Public Law 102–575).

(iv) MANAGEMENT.—The Secretary shall conduct activities related to developing groundwater storage projects to the extent authorized under existing law.

(v) COMPREHENSIVE WATER PLANNING.—The Secretary shall conduct activities related to comprehensive water management planning to the extent authorized under existing law.

(vi) REPORT.—The Secretary shall submit a report to the congressional authorizing committees by not later than 180 days after the State's completion of the updated Bulletin 160 describing the following:

(I) Water yield and water supply improvements, if any, for Central Valley Project agricultural water service contractors and municipal and industrial water service contractors, including those identified in Bulletin 160.

(II) All water management actions or projects, including those identified in Bulletin 160, that would improve water yield or water supply and that, if taken or constructed, would balance available water supplies and existing demand for those contractors and other water users of the Bay-Delta watershed with due recognition of water right priorities and environmental needs.

(III) The financial costs of the actions and projects described under clause (II).

(IV) The beneficiaries of those actions and projects and an assessment of their willingness to pay the capital costs and operation and maintenance costs thereof.

(B) CONVEYANCE.—

(i) SOUTH DELTA ACTIONS.—In the case of the South Delta, activities under this clause consist of the following:

(I) The South Delta Improvement Program through actions to accomplish the following:

(aa) Increase the State Water Project export limit to 8,500 cfs.

(bb) Install permanent, operable barriers in the south Delta. The Federal Agencies shall cooperate with the State to accelerate installation of the permanent, operable barriers in the south Delta, with the intent to complete that installation not later than the end of fiscal year 2007.

(cc) Increase the State Water Project export to the maximum capability of 10,300 cfs.

(II) Reduction of agricultural drainage in south Delta channels, and other actions necessary to minimize the impact of drainage on drinking water quality.

(III) Evaluation of lower San Joaquin River floodway improvements.

(IV) Installation and operation of temporary barriers in the south Delta until fully operable barriers are constructed.

(V) Actions to protect navigation and local diversions not adequately protected by temporary barriers.

(VI) Actions to increase pumping shall be accomplished in a manner consistent with applicable law California and Federal protecting—

(aa) deliveries to, costs of, and water supplies for in-delta water users, including in-delta agricultural users that have historically relied on water diverted for use in the Delta;

(bb) the quality of water for existing municipal, industrial, and agricultural uses;

(cc) water supplies for areas of origin, and

(dd) Delta dependent native fish species.

(ii) NORTH DELTA ACTIONS.—In the case of the North Delta, activities under this clause consist of—

(I) evaluation and implementation of improved operational procedures for the Delta Cross Channel to address fishery and water quality concerns;

(II) evaluation of a screened through-Delta facility on the Sacramento River; and

(III) evaluation of lower Mokelumne River floodway improvements.

(iii) INTERTIES.—Activities under this clause consist of—

(I) evaluation and construction of an intertie between the State Water Project California Aqueduct and the Central Valley Project Delta Mendota Canal, near the City of Tracy; and

(II) assessment of a connection of the Central Valley Project to the Clifton Court Forebay of the State Water Project, with a corresponding increase in the screened intake of the Forebay.

(iv) PROGRAM TO MEET STANDARDS.—Prior to increasing export limits from the Delta for the purposes of conveying water to south-of-Delta Central Valley Project contractors or increasing deliveries through an intertie, the Secretary shall, within one year of the date of enactment of this title, in consultation with the Governor, develop and initiate implementation of a program to meet all existing water quality standards and objectives for which the CVP has responsibility. In developing and implementing the program the Secretary shall include, to the maximum extent feasible, the following:

(I) A recirculation program to provide flow, reduce salinity concentrations in the San Joaquin River, and reduce the reliance on New Melones Reservoir for meeting water quality and fishery flow objectives through the use of excess capacity in export pumping and conveyance facilities.

(II) The Secretary shall develop and implement a best management practices plan to reduce the impact of the discharges from wildlife refuges that receive water from the federal government and discharge salt or other constituents into the San Joaquin River. Such plan shall be developed in coordination with interested parties in the San Joaquin Valley and the Delta. The Secretary shall also coordinate activities with other entities that discharge water into the San Joaquin River to reduce salinity concentrations discharged into the River, including the timing of discharges to optimize their assimilation.

(III) The acquisition from willing sellers of water from streams tributary to the San Joaquin River or other sources to provide flow, dilute discharges from wildlife refuges,

and to improve water quality in the San Joaquin River below the confluence of the Merced and San Joaquin rivers and to reduce the reliance on New Melones Reservoir for meeting water quality and fishery flow objectives.

(IV) Use of existing funding mechanisms.—In implementing the Program, the Secretary may use money collected pursuant to Section 3407 of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4727) to acquire from voluntary sellers water from streams tributary to the San Joaquin River or other sources for the purposes set forth in subclauses (I) through (III) of clause (iv).

(V) The purpose of the authority and direction provided to the Secretary in clause (iv) is to provide greater flexibility in meeting the existing water quality standards and objectives for which the Central Valley Project has responsibility so as to reduce the demand on water from New Melones Reservoir used for that purpose and to allow the Secretary to meet with greater frequency the Secretary's obligations to Central Valley Project contractors from the New Melones Project. The Secretary shall update the New Melones operating plan to consider, among other things, the actions outlined in this Act designed to reduce the reliance on new Melones Reservoir for meeting water quality and fishery flow objectives and to insure that operation of New Melones Reservoir is governed by the best available science.

(C) WATER USE EFFICIENCY.—Activities under this subparagraph consist of—

(i) water conservation projects that provide water supply reliability, water quality,and ecosystem benefits to the Bay-Delta system;

(ii) technical assistance for urban and agricultural water conservation projects;

(iii) water recycling and desalination projects, including groundwater remediation projects and projects identified in the Bay Area Water Plan and the Southern California Comprehensive Water Reclamation and Reuse Study and other projects, giving priority to projects that include regional solutions to benefit regional water supply and reliability needs;

(I) The Secretary shall review any feasibility level studies for seawater desalination and regional brine line projects that have been completed, whether or not those studies were prepared with financial assistance from the Secretary.

(II) The Secretary shall report to the Congress not later than 90 days after the completion of a feasibility study or the review of a feasibility study. For the purposes of this Act, the Secretary is authorized to provide assistance for projects as set forth and pursuant to the existing requirements of the Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–9575; title 16) as amended, and Reclamation Recycling and Water Conservation Act of 1996 (Public Law 104–266).

(iv) water measurement and transfer actions;

(v) implementation of best management practices for urban water conservation;– and

(vi) projects identified in the Southern California Comprehensive Water Reclamation and Reuse Study, dated April 2001 and authorized by section 1606 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h–4); and the San Francisco Bay Area Regional Water Recycling Program described in the San Francisco Bay Area Regional Water Recycling Program Recycled Water Master Plan, dated December 1999 and authorized by section 1611 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h–9) are determined to be feasible.

(D) WATER TRANSFERS.—Activities under this subparagraph consist of—

(i) increasing the availability of existing facilities for water transfers;

(ii) lowering transaction costs through regulatory coordination; and

(iii) maintaining a water transfer information clearinghouse.

(E) INTEGRATED REGIONAL WATER MANAGEMENT PLANS.—Activities under this subparagraph consist of assisting local and regional communities in the State in developing and implementing integrated regional water management plans to carry out projects and programs that improve water supply reliability, water quality, ecosystem restoration, and flood protection, or meet other local and regional needs, in a manner that is consistent with, and makes a significant contribution to, the Calfed Bay-Delta Program.

(F) ECOSYSTEM RESTORATION.—

(i) ACTIVITIES UNDER THIS SUBPARAGRAPH CONSIST OF—

(I) implementation of large-scale restoration projects in San Francisco Bay and the Delta and its tributaries;

(II) restoration of habitat in the Delta, San Pablo Bay, and Suisun Bay and Marsh, including tidal wetland and riparian habitat;

(III) fish screen and fish passage improvement projects; including the Sacramento River Small Diversion Fish Screen Program.

(IV) implementation of an invasive species program, including prevention, control, and eradication;

(V) development and integration of Federal and State agricultural programs that benefit wildlife into the Ecosystem Restoration Program;

(VI) financial and technical support for locally-based collaborative programs to restore habitat while addressing the concerns of local communities;

(VII) water quality improvement projects to manage and reduce concentrations of salinity, selenium, mercury, pesticides, trace metals, dissolved oxygen, turbidity, sediment, and other pollutants;

(VIII) land and water acquisitions to improve habitat and fish spawning and survival in the Delta and its tributaries;

(IX) integrated flood management, ecosystem restoration, and levee protection projects;

(X) scientific evaluations and targeted research on Program activities; and

(XI) strategic planning and tracking of Program performance.

(ii) ANNUAL ECOSYSTEM PROGRAM PLAN.—

(I) Prior to October 1 of each year, with respect to an ecosystem restoration action carried out by or for the Secretary, the Secretary shall submit an annual ecosystem program plan report to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives. The purpose of the report is to describe the projects and programs to implement the activities under this subsection in the following fiscal year, and to establish priorities for funding in subsequent years. For the ecosystem program, and each ecosystem project the report shall describe—

(aa) the goals and objectives

(bb) program accomplishments,

(cc) major activities,

(dd) the administration responsibilities of land and water areas and associated environmental resources, in the affected project area including an accounting of all habitat types. Cost-share arrangements with cooperating agencies should be included in the report, and

(ee) the resource data and ecological monitoring data to be collected for the restoration projects and how the data are to be integrated, streamlined, and designed to measure the effectiveness and overall trend of ecosystem health in the Bay-Delta watershed;

(ff) implementation schedules and budgets;

(gg) monitoring programs and performance measures; and

(hh) the status and effectiveness of minimizing and mitigating the impacts of the program on agricultural lands.

(ii) a description of expected benefits of the restoration program relative to the cost.

(II) For Federal projects and programs to be carried out by or for the Secretary not specifically identified in the annual program plans the Secretary, in coordination with the State, shall submit recommendations on proposed plans, no later than 45 days prior to approval, to the Senate Committee on Energy and Natural Resources, the House Resources Committee, and the public. The recommendations shall—

(aa) describe the project selection process, including the level of public involvement and independent science review;

(bb) describe the goals, objectives, and implementation schedule of the projects, and the extent to which the projects address regional and programmatic goals and priorities;

(cc) describe the monitoring plans and performance measures that will be used for evaluating the performance of the proposed projects;

(dd) identify any cost-sharing arrangements with cooperating entities; and

(ee) identify how the proposed projects will comply with all applicable Federal and State laws, including the National Environmental Policy Act.

(III) Projects involving acquisition of private lands shall be included in subsection (I) of the Annual Ecosystem Program Plan. Each project identified shall—

(aa) describe the process and timing of notification of interested members of the public and local governments;

(bb) minimize and mitigate impacts on agricultural lands;

(cc) include preliminary management plans for all properties to be acquired with Federal funds. Such preliminary management plans shall include an overview of existing conditions, the expected ecological benefits, preliminary cost estimates, and implementation schedules;

(dd) identify federal land acquisition in total, by a county by county basis; and,

(ee) provide a finding of consistency with all applicable State and Federal law.

(G) WATERSHEDS.—Activities under this subparagraph consist of—

(i) building local capacity to assess and manage watersheds affecting the Calfed Bay-Delta system;

(ii) technical assistance for watershed assessments and management plans; and

(iii) developing and implementing locally-based watershed conservation, maintenance, and restoration actions.

(H) WATER QUALITY.—Activities under this subparagraph consist of—

(i) addressing drainage problems in the San Joaquin Valley to improve downstream water quality (including habitat restoration projects that reduce drainage and improve water quality) if—

(I) a plan is in place for monitoring downstream water quality improvements;

(II) State and local agencies are consulted on the activities to be funded; and

(III) except that no right, benefit, or privilege is created as a result of this clause;

(ii) implementation of source control programs in the Delta and its tributaries;

(iii) developing recommendations through scientific panels and advisory council processes to meet the Calfed Bay-Delta Program goal of continuous improvement in Delta water quality for all uses;

(iv) investing in treatment technology demonstration projects;

(v) controlling runoff into the California aqueduct, the Delta-Mendota Canal, and other similar conveyances;

(vi) addressing water quality problems at the North Bay Aqueduct;

(vii) supporting and participating in the development of projects to enable San Francisco Area water districts and water entities in San Joaquin and Sacramento counties to work cooperatively to address their water quality and supply reliability issues, including—

(I) connections between aqueducts, water transfers, water conservation measures, institutional arrangements, and infrastructure improvements that encourage regional approaches; and

(II) investigations and studies of available capacity in a project to deliver water to the East Bay Municipal Utility District under its contract with the Bureau of Reclamation, dated July 20, 2001, in order to determine if such capacity can be used to meet the objectives of this clause;

(viii) development of water quality exchanges and other programs to make high quality water available for urban and other users;

(ix) development and implementation of a plan to meet all water quality standards for which the Federal and State water projects have responsibility;

(x) development of recommendations through technical panels and advisory council processes to meet the Calfed Bay-Delta Program goal of continuous improvement in water quality for all uses; and

(xi) projects that may meet the framework of the water quality component of the Calfed Bay-Delta Program.

(I) SCIENCE.—Activities under this subparagraph consist of—

(i) supporting establishment and maintenance of an independent science board, technical panels, and standing boards to provide oversight and peer review of the Program;

(ii) conducting expert evaluations and scientific. assessments of all Program elements;

(iii) coordinating existing monitoring and scientific research programs;

(iv) developing and implementing adaptive management experiments to test, refine, and improve scientific understandings;

(v) establishing performance measures, and monitoring and evaluating the performance of all Program elements; and

(vi) preparing an annual science report.

(J) DIVERSIFICATION OF WATER SUPPLIES.—Activities under this subparagraph consist of actions to diversify sources of level 2 refuge supplies and modes of delivery to refuges while maintaining the diversity of level 4 supplies pursuant to Central Valley Project Improvement Act section 3406(d)(2), Public Law 102–575 (106 Stat. 4723).

(6) NEW AND EXPANDED AUTHORIZATIONS FOR FEDERAL AGENCIES.—

(A) SECRETARY OF THE INTERIOR.—The Secretary of the Interior is authorized to carry out the activities described in subparagraphs (A) , (B), (C) and (D) of paragraph (7) during each of fiscal years 2005 through 2008, in coordination with the State of California.

(B) THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY AND THE SECRETARY OF THE ARMY.—The Administrator of the Environmental Protection Agency and the Secretary of the Army may carry out activities described in subparagraph (D) of paragraph 7 during each of fiscal years 2005 through 2008, in coordination with the State of California.

(C) THE SECRETARIES OF AGRICULTURE AND COMMERCE.—The Secretary of Commerce, and the Department of Agriculture, are authorized to carry out the activities described in paragraph (7)(D) during each of fiscal years 2005 through 2008, in coordination with the State of California.

(7) DESCRIPTION OF ACTIVITIES UNDER NEW AND EXPANDED AUTHORIZATIONS.—

(A) CONVEYANCE.—Of the amounts authorized to be appropriated under section 109, not more than $184,000,000 may be expended for the following:

(i) Feasibility studies, evaluation, and implementation of the San Luis Reservoir lowpoint improvement project and increased capacity of the intertie between the SWP California Aqueduct and the CVP Delta Mendota Canal, near the City of Tracy.

(ii) Feasibility studies and actions at Franks Tract to improve water quality in the Delta.

(iii) Feasibility studies and design of fish screen and intake facilities at Clifton Court Forebay and the Tracy Pumping Plant facilities.

(iv) Design and construction of the relocation of drinking water intake facilities to delta water users. The Secretary shall coordinate actions for relocating intake facilities on a time schedule consistent with subparagraph (5)(B)(i)(I)(bb) or other actions necessary to offset the degradation of drinking water quality in the Delta due to the South Delta Improvement Program.

(v) In addition to the other authorizations granted to the Secretary by this title, the Secretary shall acquire water from willing sellers and undertake other actions designed to decrease releases from New Melones Reservoir for meeting water quality standards and flow objectives for which the Central Valley Project has responsibility in order to meet allocations to Central Valley Project contractors from the New Melones Project. The authorization under this provision is solely meant to add flexibility for the Secretary to meet the Secretary's obligation to the Central Valley Project contractors from the New Melones Project by reducing demand for water dedicated to meeting water quality standards in the San Joaquin River. Of the amounts authorized to be appropriated under paragraph (7)(A), not more than $15,260,000 may be expended for this purpose.

(B) ENVIRONMENTAL WATER ACCOUNT.—Of the amounts authorized to be appropriated under section 109, not more than $90,000,000 may be expended for implementation of the Environmental Water Account; *Provided* That such expenditures shall be considered a nonreimbursable Federal expenditure.

(C) LEVEE STABILITY.—Of the amounts authorized to be appropriated under section 109, not more than $90,000,000 may be expended for—

(i) reconstructing Delta levees to a base level of protection;

(ii) enhancing the stability of levees that have particular importance in the system through the Delta Levee Special Improvement Projects program;

(iii) developing best management practices to control and reverse land subsidence on Delta islands;

(iv) refining the Delta Emergency Management Plan;

(v) developing a Delta Risk Management Strategy after assessing the consequences of Delta levee failure from floods, seepage, subsidence, and earthquakes;

(vi) developing a strategy for reuse of dredged materials on Delta islands;

(vii) evaluating, and where appropriate, rehabilitating the Suisun Marsh levees; and

(D) PROGRAM MANAGEMENT, OVERSIGHT, AND COORDINATION.—Of the amounts authorized to be appropriated under section 109, not more than $25,000,000 may be expended by the Secretary or the other heads of Federal agencies, either directly or through grants, contracts, or cooperative agreements with agencies of the State, for—

(i) program support;

(ii) program-wide tracking of schedules, finances, and performance;

(iii) multiagency oversight and coordination of Program activities to ensure Program balance and integration;

(iv) development of interagency cross-cut budgets and a comprehensive finance plan to allocate costs in accordance with the beneficiary pays provisions of the Record of Decision;

(v) coordination of public outreach and involvement, including tribal, environmental justice, and public advisory activities in accordance with the Federal Advisory Committee Act (5 U.S.C. App.); and

(vi) development of Annual Reports.

SEC. 104. MANAGEMENT.

(a) COORDINATION.—In carrying out the Calfed Bay-Delta Program, the Federal agencies shall coordinate their activities with the State agencies.

(b) PUBLIC PARTICIPATION.—In carrying out the Calfed Bay-Delta Program, the Federal agencies shall cooperate with local and tribal governments and the public through an advisory committee established in accordance with the Federal Advisory Committee Act (5 U.S.C. App.) and other appropriate means, to seek input on Program elements such as planning, design, technical assistance, and development of peer review science programs.

(c) SCIENCE.—In carrying out the Calfed Bay-Delta Program, the Federal agencies shall seek to ensure, to the maximum extent practicable, that—

(1) all major aspects of implementing the Program are subjected to credible and objective scientific review; and

(2) major decisions are based upon the best available scientific information.

(d) ENVIRONMENTAL JUSTICE.—The Federal agencies and State agencies, consistent with Executive Order 12898 (59 FR Fed. Reg. 7629), should continue to collaborate to—

(1) develop a comprehensive environmental justice workplan for the Calfed Bay-Delta Program; and

(2) fulfill the commitment to addressing environmental justice challenges referred to in the Calfed Bay-Delta Program Environmental Justice Workplan, dated December 13, 2000.

(e) LAND ACQUISITION.—Federal funds appropriated by Congress specifically for implementation of the Calfed Bay-Delta Program may be used to acquire fee title to land only where consistent with the Record of Decision and section 103(b)(5)(F)(ii)(I)(jj).

(f) AGENCIES' DISCRETION.—This title shall not affect the discretion of any of the Federal agencies or the State agencies or the authority granted to any of the Federal agencies or State agencies by any other Federal or State law.

(g) NO NEW AUTHORITY.—The United States Environmental Protection Agency and the United States Army Corps of Engineers.—

(1) IN GENERAL.—Nothing in this title confers any new authority, except as provided under section 103(b)(7)(D) to the United States Environmental Protection Agency and the United States Army Corps of Engineers.

(2) COORDINATION.—In carrying out activities identified in the Record of Decision under authorities provided under other provisions of law, the United States Environmental Protection Agency and the United States army Corps of Engineers shall coordinate such activities with Federal agencies and State agencies.

(h) GOVERNANCE.—

(1) IN GENERAL.—In carrying out the Calfed Bay-Delta Program, the Secretary and the

Federal agency heads may participate as nonvoting members of the California Bay-Delta Authority, as established in the California Bay-Delta Authority Act (Cal. Water Code 79400 et seq.), to the extent consistent with Federal law, for the full duration of the period the Authority continues to be authorized by State law.

SEC. 105. REPORTING REQUIREMENTS.

(a) REPORT.—

(1) IN GENERAL.—Not later than February 15 of each year, the Secretary, in cooperation with the Governor, shall submit to the appropriate authorizing and appropriating Committees of the Senate and the House of Representatives a report that—

(A) describes the status of implementation of all components of the Calfed Bay-Delta Program;

(B) sets forth any written determination resulting from the review required under subsection (b); and

(C) includes any revised schedule prepared under subsection (b).

(2) CONTENTS.—The report required under paragraph (1) shall describe—

(A) the progress of the Calfed Bay-Delta Program in meeting the implementation schedule for the Program in a manner consistent with the Record of Decision;

(B) the status of implementation of all components of the Program;

(C) expenditures in the past fiscal year for implementing the Program;

(D) accomplishments during the past fiscal year in achieving the objectives of additional and improved—

(i) water storage, including water yield;

(ii) water quality; including the progress in achieving the water supply targets as described in Section 2.2.4 of the Record of Decision, the environmental water account requirements as described in Section 2.2.7, and the water quality targets as described in Section 2.2.9, and any pending actions that may affect the ability of the Calfed Bay-Delta Program to achieve those targets and requirements.

(iii) water use efficiency;

(iv) ecosystem restoration;

(v) watershed management;

(vi) levee system integrity;

(vii) water transfers;

(viii) water conveyance; and

(ix) water supply reliability;

(E) program goals, current schedules, and relevant financing agreements;

(F) progress on—

(i) storage projects;

(ii) conveyance improvements;

(iii) levee improvements;

(iv) water quality projects; and

(v) water use efficiency programs;

(G) completion of key projects and milestones identified in the Ecosystem Restoration Program; including progress on project effectiveness, monitoring, and accomplishments;

(H) development and implementation of local programs for watershed conservation and restoration;

(I) progress in improving water supply reliability and implementing the Environmental Water Account;

(J) achievement of commitments under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and endangered species law of the State;

(K) implementation of a comprehensive science program;

(i) progress on project effectiveness;

(L) progress toward acquisition of the Federal and State permits (including permits under section 404(a) of the Federal Water Pollution Control Act (33 U.S.C. 1344(a))) for implementation of projects in all identified Program areas;

(M) progress in achieving benefits in all geographic regions covered by the Program;

(N) legislative action on—

(i) water transfer;

(ii) groundwater management;

(iii) water use efficiency; and

(iv) governance issues;

(O) the status of complementary actions;

(P) the status of mitigation measures;

(Q) revisions to funding commitments and Program responsibilities; and

(R) a list of all existing authorities, including the authorities listed in section 103(b)(4) provided by the relevant Federal agency, under which the Secretary or the heads of the Federal agencies may carry out the purposes of this title.''

(b) ANNUAL REVIEW OF PROGRESS AND BALANCE.—

(1) IN GENERAL.—Not later than November 15 of each year, the Secretary, in cooperation with the Governor, shall review progress in implementing the Calfed Bay-Delta Program based on—

(A) consistency with the Record of Decision; and

(B) balance in achieving the goals and objectives of the Calfed Bay-Delta Program.

(2) REVISED SCHEDULE.—If, at the conclusion of each such annual review or if a timely annual review is not undertaken, the Secretary, or the Governor, determine in writing that either the Program implementation schedule has not been substantially adhered to, or that balanced progress in achieving the goals and objectives of the Program is not occurring, the Secretary, in coordination with the Governor and the Bay-Delta Public Advisory Committee, shall prepare a revised schedule to achieve balanced progress in all Calfed Bay-Delta Program elements consistent with the Record of Decision.

(c) FEASIBILITY STUDIES.—Any feasibility studies completed as a result of this title shall include identification of project benefits and a cost allocation plan consistent with the beneficiaries pay provisions of the Record of Decision.

SEC. 106. CROSSCUT BUDGET.

(a) IN GENERAL.—The President's budget shall include such requests as the President considers necessary and appropriate for the level of funding for each of the Federal agencies to carry out its responsibilities under the Calfed Bay-Delta Program.

(b) REQUESTS BY FEDERAL AGENCIES.—The funds shall be requested for the Federal agency with authority and programmatic responsibility for the obligation of the funds, in accordance with paragraphs (2) through (5) of section 103(b).

(c) REPORT.—Not later than 30 days after the submission of the budget of the President to Congress, the Director of the Office of Management and Budget, in coordination with the Governor, shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives a financial report certified by the Secretary containing—

(1) an interagency budget crosscut report that—

(A) displays the budget proposed, including any interagency or intra-agency transfer, for each of the Federal agencies to carry out the Calfed Bay-Delta Program for the upcoming fiscal year, separately showing funding requested under both pre-existing authorities and under the new authorities granted by this title; and

(B) identifies all expenditures since 1998 by the Federal and State governments to achieve the objectives of the Calfed Bay-Delta Program;

(2) a detailed accounting of all funds received and obligated by all Federal agencies and State agencies responsible for implementing the Calfed Bay-Delta Program during the previous fiscal year;

(3) a budget for the proposed projects (including a description of the project, authorization level, and project status) to be carried out in the upcoming fiscal year with the Federal portion of funds for activities under section 103(b); and

(4) a listing of all projects to be undertaken in the upcoming fiscal year with the Federal portion of funds for activities under section 103(b).

SEC. 107. FEDERAL SHARE OF COSTS.

(a) IN GENERAL.—The Federal share of the cost of implementing the Calfed Bay-Delta Program for fiscal years 2005 through 2008 in the aggregate, as set forth in the Record of Decision, shall not exceed 33.3 percent.

(b) CALFED BAY-DELTA PROGRAM BENEFICIARIES.—The Secretary shall ensure that all beneficiaries, including the environment, shall pay for benefits received from all projects or activities carried out under the Calfed Bay-Delta Program. This requirement shall not be limited to storage and conveyance projects and shall be implemented so as to encourage integrated resource planning.

SEC. 108. COMPLIANCE WITH STATE AND FEDERAL LAW.

Nothing in this title—

(1) invalidates or preempts State water law or an interstate compact governing water;

(2) alters the rights of any State to any appropriated share of the waters of any body of surface or ground water;

(3) preempts or modifies any State or Federal law or interstate compact governing water quality or disposal; or

(4) confers on any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource;and,

(5) alters or modified any provision of existing Federal law, except as specifically provided in this title.

SEC. 109. AUTHORIZATION OF APPROPRIATION.

There are authorized to be appropriated to the Secretary and the heads of the Federal agencies to pay the Federal share of the cost of carrying out the new and expanded authorities described in paragraphs (6) and (7) of section 103(b), $389,000,000 for the period of fiscal years 2005 through 2008, to remain available until expended.

TITLE II—SALTON SEA STUDY PROGRAM

SEC. 201. SALTON SEA STUDY PROGRAM.

(a) IN GENERAL.—The Secretary of the Interior shall conduct a study to determine the feasibility of reclaiming the Salton Sea.

(b) REQUIREMENTS.—The study referred to in subsection (a) shall consider each of the following:

(1) Appraisal investigations.

(2) Feasibility studies.

(3) Environmental Reports.

(4) Cost sharing responsibilities.

(5) Responsibility for operation and maintenance.

(c) REPORT TO CONGRESS.—The Secretary shall submit to Congress the study developed under this section no later than 1 year after the date of enactment.

The previous question having been ordered by said resolution on the bill, as amended, and on the further amendment in the nature of a substitute.

The question being put, viva voce,

Will the House agree to the further amendment in the nature of a substitute?

The SPEAKER pro tempore, Mr. THORNBERRY, announced that the yeas had it.

So the further amendment in the nature of a substitute was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. George MILLER of California moved to recommit the bill to the

Committee on Resources with instructions to report the bill back to the House forthwith with the following amendment:

Strike Section 103 (b)(5)(A)(i)(III)

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. THORNBERRY, announced that the nays had it.

Mr. George MILLER of California objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 139 / Nays ..... 255 }

¶74.17 [Roll No. 354]

YEAS—139

Abercrombie
Alexander
Allen
Andrews
Baird
Baldwin
Becerra
Berkley
Berman
Boucher
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Chandler
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Filner
Frank (MA)
Grijalva
Gutierrez
Harman
Hill
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Murtha
Nadler
Neal (MA)
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watt
Weiner
Woolsey
Wu
Wynn

NAYS—255

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

NOT VOTING—40

Ackerman
Bell
Bishop (NY)
Blumenauer
Brady (TX)
Carson (IN)
Collins
Culberson
Deal (GA)
Delahunt
Dicks
Fattah
Gephardt
Gerlach
Green (TX)
Gutknecht
Hastings (FL)
Hinchey
Isakson
John
Jones (OH)
King (NY)
Kirk
LaHood
Lee
Lipinski
Lofgren
Majette
Meeks (NY)
Norwood
Paul
Pitts
Platts
Quinn
Rangel
Reyes
Tanner
Tauzin
Waxman
Wexler

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. THORNBERRY, announced that the yeas had it.

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶74.18 MANUFACTURING TECHNOLOGY COMPETITIVENESS

The SPEAKER pro tempore, Mr. THORNBERRY, pursuant to House Resolution 706 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3598) to establish an interagency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and to expand outreach programs for small and medium-sized manufacturers, and for other purposes.

The SPEAKER pro tempore, Mr. THORNBERRY, by unanimous consent, designated Mr. TERRY as Chairman of the Committee of the Whole; and after some time spent therein,

¶74.19 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4, submitted by Mr. GORDON:

Redesignate section 8 as section 9.

After section 7, insert the following new section:

SEC. 8. MANUFACTURING EXTENSION CENTERS.

(a) MANUFACTURING TECHNOLOGY CENTER COST SHARING.—Section 25(c)(5) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(c)(5)) is amended by inserting ‘‘, except that for each of fiscal years 2005 through 2008 such funding may be as much as a one half of such costs’’ after ‘‘Center under the program’’.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce, or other appropriate Federal agencies, for the Manufacturing Extension Partnership program under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l)—

(1) $120,600,000 for fiscal year 2005, of which not more than $4,000,000 shall be for the competitive grant program under section 25(e) of such Act (15 U.S.C. 278k(e));

(2) $132,400,000 for fiscal year 2006, of which not more than $4,100,000 shall be for the competitive grant program under section 25(e) of such Act (15 U.S.C. 278k(e));

(3) $145,300,000 for fiscal year 2007, of which not more than $4,200,000 shall be for the competitive grant program under section 25(e) of such Act (15 U.S.C. 278k(e)); and

(4) $159,500,000 for fiscal year 2008, of which not more than $4,300,000 shall be for the competitive grant program under section 25(e) of such Act (15 U.S.C. 278k(e)).

In any fiscal year for which appropriations are $106,000,000 or greater, none of the funds appropriated pursuant to this subsection shall be used for a general recompetition of Centers established under section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k).

It was decided in the negative ..... { Yeas ..... 170 / Nays 192

¶74.20 [Roll No. 355]

AYES—170

Abercrombie
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Berman
Berry
Bishop (GA)
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Burr
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Gonzalez
Goode
Gordon
Green (WI)
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinojosa
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McIntyre
Meehan
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Weiner
Woolsey
Wu
Wynn

NOES—192

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

NOT VOTING—71

Ackerman
Becerra
Bell
Berkley
Bishop (NY)
Blumenauer
Boyd
Calvert
Camp
Carson (IN)
Case
Coble
Collins
Culberson
Davis, Tom
Deal (GA)
Delahunt
DeMint
Deutsch
Dicks
Emanuel
Fattah
Franks (AZ)
Gephardt
Gerlach
Gillmor
Goss
Green (TX)
Gutknecht
Hastings (FL)
Hinchey
Hoeffel
Houghton
Hunter
Isakson
Jefferson
John
Johnson (CT)
Jones (OH)
Kilpatrick
LaHood
LaTourette
Leach
Lee
Linder
Lipinski
Lofgren
Majette
McGovern
McNulty
Meeks (NY)
Mica
Norwood
Ortiz
Pastor
Paul
Payne
Pelosi
Pitts
Platts
Quinn
Rahall
Reyes
Sandlin
Shaw
Tancredo
Tauzin
Turner (TX)
Wamp
Waxman
Wexler

So the amendment was not agreed to.

¶74.21 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, submitted by Ms. JACKSON-LEE of Texas:

In section 8(a), strike ''In any fiscal year for which appropriations are $106,000,000 or greater, none'' and insert ''None''.

It was decided in the negative ..... { Yeas ..... 166 / Nays 197

¶74.22 [Roll No. 356]

AYES—166

Abercrombie
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Berry
Bishop (GA)
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Grijalva
Gutierrez
Hall
Harman
Herseth
Hill
Hinojosa
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McIntyre
Meehan
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Pomeroy
Porter
Price (NC)
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Weiner
Woolsey
Wu
Wynn

NOES—197

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

Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—70

Ackerman
Becerra
Bell
Berkley
Berman
Bishop (NY)
Blackburn
Blumenauer
Boyd
Calvert
Camp
Carson (IN)
Case
Coble
Collins
Culberson
Davis, Tom
Deal (GA)
Delahunt
DeMint
Deutsch
Dicks
Emanuel
Fattah
Gephardt
Gerlach
Gillmor
Goss
Green (TX)
Gutknecht
Hastings (FL)
Hinchey
Hoeffel
Houghton
Hunter
Isakson
John
Johnson (CT)
Jones (OH)
Kilpatrick
LaHood
LaTourette
Leach
Lee
Linder
Lipinski
Lofgren
Majette
McGovern
McNulty
Meeks (NY)
Mica
Norwood
Ortiz
Paul
Payne
Pelosi
Pitts
Platts
Quinn
Rahall
Reyes
Scott (GA)
Shaw
Skelton
Tancredo
Tauzin
Wamp
Waxman
Wexler

So the amendment was not agreed to.

¶74.23 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2, submitted by Mr. LARSON of Connecticut:

In section 2(a)(1), strike ''Commerce for Technology'' and insert ''Commerce for Manufacturing and Technology''.

Redesignate section 8 as section 9.

After section 7, insert the following new section:

SEC. 8. MANUFACTURING AND TECHNOLOGY ADMINISTRATION.

Section 5 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3704) is amended to read as follows:

''SEC. 5. MANUFACTURING AND TECHNOLOGY ADMINISTRATION.

''(a) ESTABLISHMENT.—There is established in the Department of Commerce a Manufacturing and Technology Administration, which shall operate in accordance with the provisions, findings, and purposes of this Act. The Manufacturing and Technology Administration shall include—

''(1) the National Institute of Standards and Technology;

''(2) the National Technical Information Service; and

''(3) a policy analysis office, which shall be known as the Office of Manufacturing and Technology Policy.

''(b) UNDER SECRETARY AND ASSISTANT SECRETARIES.—The President shall appoint, by and with the advice and consent of the Senate, to the extent provided for in appropriations Acts—

''(1) an Under Secretary of Commerce for Manufacturing and Technology, who shall be compensated at the rate provided for level III of the Executive Schedule in section 5314 of title 5, United States Code;

''(2) an Assistant Secretary of Manufacturing who shall serve as a policy analyst for the Under Secretary; and

''(3) an Assistant Secretary of Technology who shall serve as a policy analyst for the Under Secretary.

''(c) DUTIES.—The Secretary, through the Under Secretary, as appropriate, shall—

''(1) manage the Manufacturing and Technology Administration and supervise its agencies, programs, and activities;

''(2) conduct manufacturing and technology policy analyses to improve United States industrial productivity, manufacturing capabilities, and innovation, and cooperate with United States industry to improve its productivity, manufacturing capabilities, and ability to compete successfully in an international marketplace;

''(3) identify manufacturing and technological needs, problems, and opportunities within and across industrial sectors, that, if addressed, could make significant contributions to the economy of the United States;

''(4) assess whether the capital, technical, and other resources being allocated to domestic industrial sectors which are likely to generate new technologies are adequate to meet private and social demands for goods and services and to promote productivity and economic growth;

''(5) propose and support studies and policy experiments, in cooperation with other Federal agencies, to determine the effectiveness of measures for improving United States manufacturing capabilities and productivity;

''(6) provide that cooperative efforts to stimulate industrial competitiveness and innovation be undertaken between the Under Secretary and other officials in the Department of Commerce responsible for such areas as trade and economic assistance;

''(7) encourage and assist the creation of centers and other joint initiatives by State or local governments, regional organizations, private businesses, institutions of higher education, nonprofit organizations, or Federal laboratories to encourage technology transfer, to encourage innovation, and to promote an appropriate climate for investment in technology-related industries;

''(8) propose and encourage cooperative research involving appropriate Federal entities, State or local governments, regional organizations, colleges or universities, nonprofit organizations, or private industry to promote the common use of resources, to improve training programs and curricula, to stimulate interest in manufacturing and technology careers, and to encourage the effective dissemination of manufacturing and technology skills within the wider community;

''(9) serve as a focal point for discussions among United States companies on topics of interest to industry and labor, including discussions regarding manufacturing, competitiveness, and emerging technologies;

''(10) consider government measures with the potential of advancing United States technological innovation and exploiting innovations of foreign origin and publish the results of studies and policy experiments; and

''(11) assist in the implementation of the Metric Conversion Act of 1975 (15 U.S.C. 205a et seq.).''.

It was decided in the negative ..... { Yeas ..... 170 / Nays 189

¶74.24 [Roll No. 357]

AYES—170

Abercrombie
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Berman
Berry
Bishop (GA)
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (OK)
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dingell
Dooley (CA)
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Gingrey
Gonzalez
Gordon
Grijalva
Harman
Hefley
Herseth
Hill
Hinojosa
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McIntyre
Meehan
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Pomeroy
Price (NC)
Rangel
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Weiner
Woolsey
Wu
Wynn

NOES—189

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

Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—74

Ackerman
Becerra
Bell
Berkley
Bishop (NY)
Blumenauer
Boyd
Calvert
Camp
Cardoza
Carson (IN)
Case
Coble
Collins
Culberson
Davis, Tom
Deal (GA)
Delahunt
DeMint
Deutsch
Dicks
Doggett
Emanuel
Everett
Fattah
Gallegly
Gephardt
Gerlach
Gillmor
Goss
Green (TX)
Gutierrez
Gutknecht
Hastings (FL)
Hinchey
Hoeffel
Houghton
Hunter
Isakson
John
Johnson (CT)
Jones (OH)
Kilpatrick
King (IA)
LaHood
LaTourette
Leach
Lee
Linder
Lipinski
Lofgren
Majette
McGovern
McNulty
Meeks (NY)
Mica
Norwood
Ortiz
Paul
Payne
Pelosi
Pitts
Platts
Quinn
Rahall
Reyes
Rogers (MI)
Rothman
Shaw
Tancredo
Tauzin
Wamp
Waxman
Wexler

So the amendment was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. PETRI, assumed the Chair.

When Mr. SIMPSON, Chairman, pursuant to House Resolution 706, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Page 10, line 21, strike ''subsection'' and insert ''subsections''.

Page 12, after line 17, insert the following:

''(f) AUDITS.—A center that receives assistance under this section shall submit annual audits to the Secretary in accordance with Office of Management and Budget Circular A–133 and shall make such audits available to the public on request.''.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. COSTELLO moved to recommit the bill to the Committee on Science with instructions to report the bill back to the House forthwith with the following amendment:

Redesignate section 8 as section 9, and insert after section 7 the following new section:

SEC. 8. MANUFACTURING AND PROFESSIONAL EMPLOYMENT STUDY.

(a) STUDY.—Not later than 60 days after the date of enactment of this Act, the Under Secretary of Commerce for Technology shall enter into a contract with the RAND Corporation, or a similar organization, for a study, as relates to the manufacturing sector including manufacturing research and technology, assessing—

(1) the nature and number of United States manufacturing and professional jobs moving outside the United States;

(2) the nature and number of jobs that have been moved outside the United States to support exports to the United States market;

(3) reemployment prospects for United States workers displaced by United States manufacturing and professional jobs moving outside the United States;

(4) the number of nonimmigrant alien H–1B and L–1 visas that have been issued, and what jobs they are being used for;

(5) the nature and number of jobs created in the United States by foreign investment in the United States;

(6) the nature and number of jobs moved outside the United States that are supported by Federal contractors and subcontractors; and

(7) the effects that the movement of United States manufacturing and professional jobs outside the United States is having on student career choices.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Under Secretary of Commerce for Technology shall transmit to the Congress a report on the results of the study conducted under subsection (a).

(c) POLICY RECOMMENDATIONS.—Not later than 4 months after the transmittal of the report under subsection (b), the Under Secretary of Commerce for Technology shall transmit to the Congress policy recommendations based on the findings of the study conducted under subsection (a).

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. PETRI, announced that the nays had it.

Mr. COSTELLO demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 171 / Nays 193

¶74.25 [Roll No. 358]

AYES—171

Abercrombie
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Berman
Berry
Bishop (GA)
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Edwards
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinojosa
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McIntyre
Meehan
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Peterson (MN)
Pomeroy
Price (NC)
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Shimkus
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Weiner
Woolsey
Wu

NOES—193

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

NOT VOTING—69

Ackerman
Becerra
Bell
Berkley
Bishop (NY)
Blumenauer
Boyd
Calvert
Camp
Carson (IN)
Case
Coble
Collins
Culberson
Davis, Tom
Deal (GA)
Delahunt
DeMint
Deutsch
Dicks
Emanuel
Everett
Fattah
Gephardt
Gerlach
Gillmor
Goss
Green (TX)
Greenwood
Gutknecht
Hastings (FL)
Hefley
Hinchey
Hoeffel
Houghton
Isakson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kilpatrick
LaHood
LaTourette
Lee
Linder
Lipinski
Lofgren
Majette
McGovern
McNulty
Meeks (NY)

Mica	Pitts	Tancredo
Norwood	Platts	Tauzin
Ortiz	Quinn	Wamp
Paul	Rahall	Waxman
Payne	Reyes	Wexler
Pelosi	Shaw	Wynn

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. PETRI, announced that the yeas had it.

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶74.26 APPROVAL OF THE JOURNAL—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PETRI, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the Chair's approval of the Journal of Thursday, July 8, 2004.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. PETRI, announced that the yeas had it.

So the Journal was approved.

¶74.27 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. DREIER, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, July 14, 2004, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶74.28 ADJOURNMENT OVER

On motion of Mr. DREIER, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Monday, July 12, 2004, at 12:30 p.m. for morning-hour debate.

¶74.29 CLERK TO CORRECT ENGROSSMENT—H.R. 2828

On motion of Mr. SAXTON, by unanimous consent,

Ordered, That in the engrossment of the bill (H.R. 2828) to authorize the Secretary of the Interior to implement water supply technology and infrastructure programs aimed at increasing and diversifying domestic water resources, the Clerk be authorized to make technical and conforming changes as may be necessary to reflect the action of the House just taken.

¶74.30 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2634. An Act to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, to provide funds for campus mental and behavioral health service centers, and for other purposes; to the Committee on Energy and Commerce.

¶74.31 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BECERRA, for today after 2:30 p.m.;

To Mr. BOYD, for today after 2 p.m.;

To Mr. CULBERSON, for today;

To Mr. EMANUEL, for today after 3 p.m.;

To Mr. GERLACH, for today;

To Mr. GREEN of Texas, for today;

To Mr. GUTKNECHT, for today after 11 a.m. through 6 p.m. July 13;

To Mrs. JONES of Ohio, for today;

To Ms. KILPATRICK, for today after 3 p.m.;

To Ms. LOFGREN, for today after 12:30 p.m.;

To Mr. ORTIZ, for today after 2:10 p.m.;

To Mr. REYES, for today; and

To Mr. TAUZIN, for the week of July 6.

And then,

¶74.32 ADJOURNMENT

On motion of Mr. ENGEL, pursuant to the previous order of the House, at 5 o'clock and 8 minutes p.m., declared the House adjourned until 12:30 p.m. on Monday, July 12, 2004.

¶74.33 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BARTON: Committee on Energy and Commerce. H.R. 3981. A bill to reclassify fees paid into the Nuclear Waste Fund as offsetting collections, and for other purposes; with an amendment (Rept. 108–594). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARTON: Committee on Energy and Commerce. H.R. 4600. A bill to amend section 227 of the Communications Act of 1934 to clarify the prohibition on junk fax transmissions; with an amendment (Rept. 108–593). Referred to the Committee of the Whole House on the State of the Union.

¶74.34 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

S. 144. Referral to the Committee on Agriculture extended for a period ending not later than July 31, 2004.

¶74.35 DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the Committee on Energy and Commerce discharged from further consideration. S. 1146 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

¶74.36 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. JOHN:

H.R. 4790. A bill to amend the Federal Food, Drug, and Cosmetic Act to authorize the importation of prescription drugs from Canada and certain other countries, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HUNTER:

H.R. 4791. A bill to direct the Secretary of the Interior to conduct a feasibility study to design and construct a three-reservoir intertie system for the purposes of improving the water supply reliability and water yield of San Vicente, El Capitan, and Loveland Reservoirs in San Diego County, California in consultation and cooperation with the Sweetwater Authority, and for other purposes; to the Committee on Resources.

By Ms. LEE (for herself, Mr. LANTOS, Mr. WEXLER, Mr. PAYNE, Mr. MCGOVERN, Mr. GRIJALVA, Ms. CORRINE BROWN of Florida, Mr. OWENS, Mr. RUSH, Ms. WATERS, Ms. NORTON, Mr. CONYERS, Mr. BROWN of Ohio, Mr. BELL, Mr. MCDERMOTT, Mr. CROWLEY, Mr. GUTIERREZ, Ms. CARSON of Indiana, Mr. PALLONE, Mr. DAVIS of Illinois, Mrs. MALONEY, Mr. DELAHUNT, Mrs. CHRISTENSEN, Mr. CUMMINGS, Mr. DOGGETT, Mr. OLVER, Mr. FRANK of Massachusetts, Ms. JACKSON-LEE of Texas, Mr. WAXMAN, Ms. WATSON, Ms. KILPATRICK, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. THOMPSON of Mississippi, Mr. JACKSON of Illinois, Mr. SCOTT of Virginia, Mr. SCOTT of Georgia, Mr. LEWIS of Georgia, Mr. CLYBURN, Ms. MILLENDER-MCDONALD, Mr. BISHOP of Georgia, Ms. MCCOLLUM, Mr. WYNN, Mr. KUCINICH, Mr. RANGEL, Ms. SOLIS, Mr. DICKS, Ms. SCHAKOWSKY, Mrs. MCCARTHY of New York, Mr. MEEKS of New York, Mr. DINGELL, Mr. BERMAN, Ms. DELAURO, Mrs. JONES of Ohio, Mr. MORAN of Virginia, and Mr. SERRANO):

H.R. 4792. A bill to require the President to establish a comprehensive, integrated, and culturally appropriate HIV prevention strategy that emphasizes the needs of women and girls for each country for which the United States provides assistance to combat HIV/AIDS, and for other purposes; to the Committee on International Relations.

By Ms. WATERS (for herself, Mr. LEACH, Mr. FRANK of Massachusetts, Mr. BACHUS, Ms. LEE, and Mrs. MALONEY):

H.R. 4793. A bill to provide for the cancellation of debts owed to international financial institutions by poor countries, and for other purposes; to the Committee on Financial Services.

By Mr. HUNTER (for himself, Mr. FILNER, Mr. CUNNINGHAM, Mr. ISSA, and Mrs. DAVIS of California):

H.R. 4794. A bill to amend the Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000 to extend the authorization of appropriations, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 4795. A bill to amend the Employee Retirement Income Security Act of 1974 to exclude cooperative employing units from multiple employer welfare arrangements; to the Committee on Education and the Workforce.

By Mr. BALLENGER (for himself, Mrs. JOHNSON of Connecticut, Mr. CANTOR, Mr. ROHRABACHER, Mr. GOODE, Mr. PAUL, and Mr. PLATTS):

H.R. 4796. A bill to amend the Internal Revenue Code of 1986 to improve the operation of employee stock ownership plans, and for other purposes; to the Committee on Ways and Means.

By Mr. DAVIS of Illinois (for himself, Mr. WAXMAN, Mr. HOYER, Ms. NORTON, Mr. CUMMINGS, Mr. WYNN, Mr. RUPPERSBERGER, Mr. OWENS, and Mr. KUCINICH):

H.R. 4797. A bill to provide for a demonstration project to enhance the ability of Federal agencies to continue to operate during an extended emergency situation, and for other purposes; to the Committee on Government Reform.

By Mr. FORD:

H.R. 4798. A bill to improve post-traumatic stress disorder treatment for veterans of service in Afghanistan and Iraq and the war on terror; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GORDON (for himself, Mr. DAVIS of Illinois, Mr. OSBORNE, Mr. WALDEN of Oregon, Mr. DUNCAN, and Mr. STUPAK):

H.R. 4799. A bill to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, to provide funds for campus mental and behavioral health service centers, and for other purposes; to the Committee on Energy and Commerce.

By Ms. HOOLEY of Oregon:

H.R. 4800. A bill to support specialty crop producers and production in the United States, to improve the program of value-added agricultural product market development grants by routing the grant funds through State departments of agriculture, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL:

H.R. 4801. A bill to direct the Administrator of the Federal Aviation Administration to issue an order regarding secondary cockpit barriers; to the Committee on Transportation and Infrastructure.

By Mr. MEEHAN:

H.R. 4802. A bill to require information on railroad tank cars containing hazardous materials to be available to first responders; to the Committee on Transportation and Infrastructure.

By Mr. MICHAUD:

H.R. 4803. A bill to designate the memorial to Edmund S. Muskie located in Rumford, Maine, as a national memorial; to the Committee on Resources.

By Mr. MICHAUD:

H.R. 4804. A bill to authorize the Secretary of the Interior to conduct a special resources study to determine the suitability and feasibility of designating the memorial to Edmund S. Muskie located in Rumford, Maine, as a unit of the National Park System; to the Committee on Resources.

By Mr. MURPHY (for himself, Mrs. JOHNSON of Connecticut, Mr. KENNEDY of Rhode Island, Mr. GREENWOOD, Mr. WELDON of Florida, Mr. WELDON of Pennsylvania, Ms. GINNY BROWN-WAITE of Florida, and Mr. GINGREY):

H.R. 4805. A bill to direct the Secretary of Health and Human Services to establish a demonstration program under which the Secretary offsets the costs of electronic prescribing systems of Medicare health care providers; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEUGEBAUER:

H.R. 4806. A bill to provide for a land exchange involving Federal lands in the Lincoln National Forest in the State of New Mexico, and for other purposes; to the Committee on Resources.

By Mr. OSE (for himself, Mr. CARDOZA, Mr. FILNER, Mr. SHERMAN, Mr. MCKEON, Mr. DOOLITTLE, Mr. MATSUI, Mr. POMBO, Mr. HERGER, Ms. LEE, Ms. WATSON, Mr. GARY G. MILLER of California, Mr. SCHIFF, Mr. ROHRABACHER, Ms. ESHOO, Ms. MILLENDER-MCDONALD, Mr. LEWIS of California, Mr. ROYCE, Mr. FARR, Mr. NUNES, and Mr. HONDA):

H.R. 4807. A bill to designate the facility of the United States Postal Service located at 140 Sacramento Street in Rio Vista, California, as the ''Adam G. Kinser Post Office Building''; to the Committee on Government Reform.

By Mr. PEARCE:

H.R. 4808. A bill to provide for a land exchange involving private land and Bureau of Land Management land in the vicinity of Holloman Air Force Base, New Mexico, for the purpose of removing private land from the required safety zone surrounding munitions storage bunkers at Holloman Air Force Base; to the Committee on Resources.

By Mr. RYAN of Wisconsin:

H.R. 4809. A bill to make permanent the reduction in taxes on dividends and capital gains; to the Committee on Ways and Means.

By Ms. LORETTA SANCHEZ of California:

H.R. 4810. A bill to require that 50 percent of the amounts provided under certain grants provided by the Department of Homeland Security for first responders shall be distributed directly to local entities, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶74.37 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. CROWLEY introduced a bill (H.R. 4811) for the relief of Saikou A. Diallo; which was referred to the Committee on the Judiciary.

¶74.38 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. SMITH of Michigan.
H.R. 189: Mr. TOWNS.
H.R. 480: Mr. CROWLEY, Mr. MEEKS of New York, Mrs. MALONEY, Mrs. MCCARTHY of New York, Mr. ACKERMAN, Mr. BISHOP of New York, and Mr. ENGEL.
H.R. 677: Ms. MAJETTE.
H.R. 792: Mr. WALDEN of Oregon, Mrs. CHRISTENSEN, Mr. UDALL of New Mexico, and Mr. PETRI.
H.R. 839: Mr. HASTINGS of Washington, Mr. SAXTON, Mr. NADLER, and Mr. DICKS.
H.R. 970: Mr. WATT.
H.R. 1097: Ms. MAJETTE, Mr. RANGEL, and Mr. MICHAUD.
H.R. 1258: Mr. ACKERMAN.
H.R. 1336: Ms. MAJETTE and Mr. TOWNS.
H.R. 1414: Mrs. MALONEY.
H.R. 1615: Mr. PALLONE.
H.R. 1634: Mr. WALDEN of Oregon.
H.R. 1823: Mr. SMITH of New Jersey.
H.R. 1863: Ms. BALDWIN, Mr. STRICKLAND, and Ms. SLAUGHTER.
H.R. 1873: Mr. SHAYS and Mr. ISTOOK.
H.R. 1886: Mr. GONZALEZ.
H.R. 1994: Ms. MAJETTE.
H.R. 1995: Mr. FROST.
H.R. 2068: Ms. KILPATRICK, Ms. MCCOLLUM, and Mr. MOORE.
H.R. 2071: Mr. MEEHAN.
H.R. 2387: Mr. TIERNEY and Mr. GEORGE MILLER of California.
H.R. 2562: Mr. SCOTT of Georgia.
H.R. 2674: Mr. MCGOVERN and Mr. UDALL of New Mexico.
H.R. 2747: Mr. SOUDER.
H.R. 2839: Mr. VITTER.
H.R. 2843: Mr. MEEHAN and Mr. WELLER.
H.R. 2916: Mrs. MALONEY.
H.R. 2959: Mr. DELAHUNT, Mr. LEWIS of Georgia, Mr. SERRANO, and Mr. MILLER of North Carolina.
H.R. 2967: Mr. LOBIONDO.
H.R. 2983: Mr. COLE.
H.R. 3042: Mr. PENCE.
H.R. 3085: Mr. WEINER.
H.R. 3111: Mrs. WILSON of New Mexico, Ms. MCCOLLUM, Mr. DEFAZIO, Mrs. LOWEY, and Mr. ENGLISH.
H.R. 3193: Mr. TURNER of Ohio.
H.R. 3242: Mr. SHUSTER and Mr. TAYLOR of North Carolina.
H.R. 3310: Mr. GARY G. MILLER of California.
H.R. 3313: Mr. LEWIS of Kentucky and Mr. SESSIONS.
H.R. 3361: Ms. ESHOO.
H.R. 3558: Mr. LAHOOD.
H.R. 3579: Mr. MEEK of Florida.
H.R. 3676: Mr. RANGEL.
H.R. 3809: Mr. CAPUANO.
H.R. 3816: Mr. LIPINISKI.
H.R. 3831: Mr. TOWNS, Mr. DAVIS of Illinois, Mr. WYNN, Mr. RANGEL, Mr. SCHIFF, Ms. WATSON, Mr. BERMAN, Mr. CONYERS, Mr. JACKSON of Illinois, Mr. RUSH, and Mr. DAVIS of Alabama.
H.R. 3858: Mr. REYNOLDS, Mr. DELAHUNT, and Mr. LEWIS of Georgia.
H.R. 3968: Mrs. TAUSCHER.
H.R. 4046: Mr. CROWLEY, Mr. FOSSELLA, Ms. VELÁZQUEZ, Mr. WALSH, Mr. NADLER, Mr. ENGEL, Mr. REYNOLDS, Mr. QUINN, Mr. SWEENEY, and Mr. KING of New York.
H.R. 4113: Mr. SHAW.
H.R. 4126: Mr. GORDON.
H.R. 4249: Ms. SOLIS, Ms. MILLENDER-MCDONALD, Mr. BERRY, Mr. LEWIS of Georgia, Mr. RUSH, Mr. EMANUEL, Mr. SNYDER, Mr. RUPPERSBERGER, Mr. WYNN, Mr. NEAL of Massachusetts, Mr. MARKEY, Mr. CARDIN, Mr. OBERSTAR, Mr. THOMPSON of Mississippi, Mr. LARSON of Connecticut, Mr. CONYERS, Mr. PAYNE, Ms. MCCARTHY of Missouri, Mr. ISRAEL, Mrs. MCCARTHY of New York, Mr. NADLER, Mr. WEINER, Mr. TOWNS, Mr. OWENS, and Mrs. MALONEY.
H.R. 4256: Ms. SCHAKOWSKY.
H.R. 4262: Mr. LEWIS of Georgia, Ms. MILLENDER-MCDONALD, and Ms. BORDALLO.
H.R. 4284: Mr. OTTER and Mr. CALVERT.
H.R. 4306: Mr. LIPINSKI.
H.R. 4341: Mr. LARSON of Connecticut.
H.R. 4356: Mr. MEEKS of New York.
H.R. 4358: Mr. SIMMONS.
H.R. 4375: Mr. GEORGE MILLER of California, Mr. MCDERMOTT, Mr. TOWNS, Mr. MCINTYRE, and Mr. SOUDER.
H.R. 4391. Mr. SHAYS.
H.R. 4396: Mr. WILSON of South Carolina.
H.R. 4430: Mr. BURR, Mr. MICA, Mr. CAMP, Mr. KENNEDY of Minnesota, and Mr. FRANKS of Arizona.
H.R. 4450: Mr. LEWIS of Georgia and Mr. LIPINSKI.

H.R. 4468: Mr. SPRATT.
H.R. 4491: Mr. BROWN of Ohio, Mrs. JONES of Ohio, Mr. JENKINS, Mr. SHUSTER, and Mr. MCHUGH.
H.R. 4530: Mr. TAYLOR of Mississippi and Mr. ROGERS of Alabama.
H.R. 4557: Mr. DUNCAN, Mr. FORD, Mr. COOPER, and Mr. LAHOOD.
H.R. 4561: Mr. KILDEE, Mrs. MCCARTHY of New York, and Mr. WEXLER.
H.R. 4585: Mr. RANGEL, Mr. ETHERIDGE, Mr. BELL, Mrs. DAVIS of California, and Mrs. JONES of Ohio.
H.R. 4598: Mr. STEARNS.
H.R. 4600: Mr. MANZULLO.
H.R. 4634: Mrs. JOHNSON of Connecticut.
H.R. 4636: Mr. LEWIS of Georgia, Mr. ETHERIDGE, Mr. CASE, Mr. LAMPSON, Ms. WOOLSEY, Mr. WU, and Mr. HONDA.
H.R. 4654: Ms. KAPTUR, Ms. WOOLSEY, and Mr. MCGOVERN.
H.R. 4655: Mr. PETERSON of Minnesota.
H.R. 4680: Mr. RENZI and Mr. ISSA.
H.R. 4714: Mr. PORTMAN.
H.R. 4730: Mr. SOUDER, Ms. HART, Mr. BERRY, Mr. OBERSTAR, Mr. DAVIS of Illinois, and Mr. LIPINSKI.
H.R. 4739: Mr. BOEHLERT.
H.R. 4740: Ms. SCHAKOWSKY.
H.R. 4758: Mr. BROWN of Ohio.
H.R. 4769: Mr. OBERSTAR and Mr. FROST.
H.R. 4785: Mr. DAVIS of Illinois.
H. Con. Res. 375: Mr. HOYER, Mr. ISAKSON, Mr. NADLER, and Mrs. LOWEY.
H. Con. Res. 390: Mr. WEINER, Mr. TANCREDO, and Mr. SCHIFF.
H. Con. Res. 462: Mr. SIMMONS.
H. Con. Res. 467: Mr. BACHUS, Mr. FILNER, Mr. MCGOVERN, Mr. BRADY of Pennsylvania, Mr. HINCHEY, Ms. LOFGREN, Mr. EVANS, Mr. KLECZKA, Mr. GORDON, Mr. NADLER, Mr. FRANKS of Arizona, and Mr. CAPUANO.
H. Res. 567: Ms. PELOSI and Mr. GEORGE MILLER of California.
H. Res. 568: Mr. RYAN of Wisconsin, Mr. PAUL, Mr. BOOZMAN, and Mr. EVERETT.
H. Res. 629: Ms. SLAUGHTER and Mr. OWENS.
H. Res. 647: Mr. FROST, Mr. BLUNT, and Mr. PALLONE.
H. Res. 687: Mr. VAN HOLLEN.

¶74.39 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3889: Mrs. MYRICK.

MONDAY, JULY 12, 2004 (75)

¶75.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. ADERHOLT, who laid before the House the following communication:

WASHINGTON, DC,
July 12, 2004.

I hereby appoint the Honorable ROBERT B. ADERHOLT to act as Speaker pro tempore on this day.

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

¶75.2 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 1303. An Act to amend the E-Government Act of 2002 with respect to rulemaking authority of the Judicial Conference.

¶75.3 MORNING-HOUR DEBATE

The SPEAKER pro tempore, Mr. ADERHOLT, pursuant to the order of the House of Tuesday, January 20, 2004, recognized Members for morning-hour debate.

¶75.4 RECESS—12:40 P.M.

The SPEAKER pro tempore, Mr. ADERHOLT, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 40 minutes p.m., until 2 p.m.

¶75.5 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. TERRY, called the House to order.

¶75.6 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. TERRY, announced he had examined and approved the Journal of the proceedings of Friday, July 9, 2004.

Mr. PETRI, pursuant to clause 1, rule I, demanded a vote on agreeing to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. TERRY, announced that the yeas had it.

Mr. PETRI objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced that the vote would be postponed until later today.

The point of no quorum was considered as withdrawn.

¶75.7 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

8986. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Aspergillus flavus NRRL 21882; Exemption from the Requirement of a Tolerance [OPP-2004-0164; FRL-7364-2] received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8987. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — C8, C10, and C12 Straight-Chain Fatty Acid Monoesters of Glycerol and Propylene Glycol; Exemption from the Requirement of a Tolerance [OPP-2003-0379; FRL-7352-6] received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8988. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Lactic acid, n-propyl ester, (S); Exemption from the Requirement of a Tolerance [OPP-2004-0040; FRL-7362-3] received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8989. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Sulfuric Acid; Exemption from the Requirement of a Tolerance [OPP-2004-0190; FRL-7364-4] received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8990. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade indicated in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8991. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Thomas C. Waskow, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

8992. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Gordon S. Holder, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

8993. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Donald A. Lamontagne, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

8994. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans: State of Alaska; Anchorage Carbon Monoxide Nonattainment Area; Designation of Areas for Air Quality [Docket #: AK-04-001; FRL-7777-1] received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8995. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia; Emission Standards for Mobile Equipment Repair and Refinishing Operations in the Northern Virginia Volatile Organic Compound Emission Control Area [VA150-5079a; FRL-7777-7] received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8996. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Illinois; Definition of Volatile Organic Material or Volatile Organic Compound [IL218-2a; FRL-76618] received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8997. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of Volatile Organic Compound Emissions from Portable Fuel Containers [MD135-3099a; FRL-7671-4] received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8998. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Primary Drinking Water Regulations: Minor Corrections and Clarification to Drinking Water Regulations; National Primary Drinking Water Regulations for Lead and Copper [OW-2003-0066; FRL-7779-4] (RIN: 2040-AE58) received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8999. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Preamble of the Final Rule to Implement the 8-Hour Ozone National Ambient Air Quality Standard — Phase 1; Correction [OAR 2003-0079, FRL-7779-2] (RIN: 2060-AJ99) received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9000. A letter from the Deputy Associate Administrator, Environmental Protection

Agency, transmitting the Agency's final rule — Approval of Section 112(l) Authority for Hazardous Air Pollutants; Equivalency by Permit Provisions; National Emission Stndards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Pulp Mills; State of Alabama [AL-112L-2004-1-FRL-7786-2] received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9001. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines [OAR-2003-0196; FRL-7783-7] (RIN: 2060-AK73) received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9002. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Hawaii State Implementation Plan [HI 001-001a; FRL-7778-5] received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9003. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — TSCA Inventory Update Rule Corrections [OPPT-2003-0075; FRL-7332-3] (RIN: 2070-AC61) received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9004. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting pursuant to Section 23(g) of the Arms Export Control Act (AECA), notification concerning the request for the Government of Egypt to cash flow finance a Letter of Offer and Acceptance (LOA) for the purchase of three fast missile craft, pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9005. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting pursuant to Section 23(g) of the Arms Export Control Act (AECA), notification concerning the request for the Government of Egypt to cash flow finance a Letter of Offer and Acceptance (LOA) for the refurbishment of three CH-47C Chinook Helicopters to CH-47D configuration, pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9006. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 04-05), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9007. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract with the Philippines (Transmittal No. DDTC 006-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9008. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Libya that was declared in Executive Order 12543 of January 7, 1986; to the Committee on International Relations.

9009. A letter from the Under Secretary for Industry and Security, Department of Commerce, transmitting a report of the imposition and expansion of the foreign-policy based export controls on certain energetic materials and other chemicals, taken in consultation with the Secretary of State and under the authority of Section 6 of the Export Administration Act of 1979, as amended and extended by Executive Order 13222 of August 17, 2001, and the Notice of August 14, 2002; to the Committee on International Relations.

9010. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Solicitation for "Taiwan Environmental Study Tours" Project — received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9011. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9012. A letter from the Human Resources Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9013. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9014. A letter from the Acting Assistant Administrator, OARM, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9015. A letter from the Acting Assistant Administrator, OARM, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9016. A letter from the Acting Assistant Administrator, OARM, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9017. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Effluent Limitations Guidelines and New Source Performance Standards for the Concentrated Aquatic Animal Production Point Source Category [OW-2002-0026- FRL-7783-6] (RIN: 2040-AD55) received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9018. A letter from the Administrator, General Services Administration, transmitting informational copies of additional prospectuses in support of the General Services Administration's Fiscal Year 2005 Capital Investment and Leasing Program, pursuant to 19 U.S.C. 2213(b); to the Committee on Transportation and Infrastructure.

9019. A letter from the Acting Chief, Regulations and Publications Branch, Internal Revenue Service, transmitting the Service's final rule — Excise Tax Relating to Structured Settlement Factoring Transactions [TD 9134] (RIN: 1545-BB14) received July 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9020. A letter from the Acting Chief, Regulations and Publications Branch, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rates Update [Notice 2004-51] received July 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9021. A letter from the Acting Chief, Regulations and Publications Branch, Internal Revenue Service, transmitting the Service's final rule — Rulings and determinations letters. (Rev. Proc. 2004-44) received July 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9022. A letter from the Chief, Regulations and Publications Branch, Internal Revenue Service, transmitting the Service's final rule — Changes in accounting periods and in methods of accounting. (Rev. Proc. 2004-41) received July 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9023. A letter from the Administrator, General Services Administration, transmitting a draft bill "To amend titles 5, 22 and 37, United States Code, to authorize the payment of certain travel expenses for Federal employees, Uniformed Service members and members of the Foreign Service involved in disasters or other catastrophic events, as well as the travel of their family representatives and agency representatives"; jointly to the Committees on Government Reform, Armed Services, and International Relations.

¶75.8 RECOGNIZING DINAH WASHINGTON

Mr. PETRI moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 144):

Whereas Dinah Washington was born in August 1924;

Whereas Dinah Washington was a singer and performer whose early influence and focus was gospel music and spirituals, and who first toured the Nation to perform in 1940;

Whereas Dinah Washington was hired to sing with Lionel Hampton's big band in 1943, and through this exposure gained her first recording contract;

Whereas Dinah Washington was recording with jazz stars and leaders in the industry by 1948, and was a full-fledged pop music star by the late 1950s after recording the ballad, "What a Difference a Day Makes";

Whereas Dinah Washington recorded in jazz, blues, rhythm and blues, and pop, and was considered a preeminent figure and enormously gifted vocalist in each; and

Whereas Dinah Washington died on December 14, 1963, after dominating the charts in the late 1940s and 1950s, and by today's measures would have been considered a tremendous crossover superstar: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that Dinah Washington should be recognized for her versatility, remarkable musical talent, and for influence on female vocalists in jazz, blues, rhythm and blues, pop, and gospel.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. PETRI and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶75.9 CONGRATULATING THE CALIFORNIA STATE UNIVERSITY, FULLERTON TITANS

Mr. PETRI moved to suspend the rules and agree to the following resolution (H. Res. 704):

Whereas on June 27, 2004, the California State University, Fullerton Titans baseball team won the 2004 National Collegiate Athletic Association (NCAA) Division I College World Series Championship, the fourth College World Series Championship for the Titans baseball team;

Whereas the Titans defeated the top ranked University of Texas Longhorns by scores of three to two and six to four in consecutive games of the best-of-three World Series Championship in Omaha, Nebraska;

Whereas the Titans completed a remarkable season capped by finishing first in the Big West Conference during the regular season, winning the Big West Conference tournament championship, and winning the NCAA Championship in the same year after starting the season with a record of 15 wins and 16 losses;

Whereas Titans Head Coach George Horton was named the 2004 Big West Conference Coach of the Year for the third time in his career;

Whereas Titans baseball team members Kurt Suzuki and Jason Windsor were honored as All-Americans for the 2004 season by Baseball America;

Whereas the Titans baseball team has displayed outstanding dedication, resilience, and sportsmanship throughout the season in achieving the highest honor in collegiate baseball;

Whereas the students, alumni, and faculty of California State University, Fullerton, and other fans of California State University, Fullerton Titans baseball have shown tremendous commitment and support to the Titans baseball program; and

Whereas the Titans have brought pride to the California State University, Fullerton, community and to the State of California: Now, therefore, be it

Resolved, That the House of Representatives congratulates the California State University, Fullerton Titans baseball team for winning the 2004 National Collegiate Athletic Association Division I College World Series Championship.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. PETRI and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶75.10 BARRY AND STONE COUNTY BOUNDARY CONFLICTS

Mr. BURNS moved to suspend the rules and pass the bill of the Senate (S. 1167) to resolve the boundary conflicts in Barry and Stone Counties in the State of Missouri.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. BURNS and Mr. DOOLEY of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶75.11 NATIONAL COMMUNITY HEALTH CENTER WEEK

Mrs. MILLER of Michigan moved to suspend the rules and agree to the following resolution (H. Res. 646):

Whereas community, migrant, public housing, and homeless health centers are nonprofit, community owned and operated health providers and are vital to the Nation's communities;

Whereas there are more than 1,000 such health centers serving 15,000,000 people in over 3,500 urban and rural communities in all 50 States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands;

Whereas such health centers have provided cost-effective, high-quality health care to the Nation's poor and medically underserved (including the working poor, the uninsured, and many high-risk and vulnerable populations), acting as a vital safety net in the Nation's health delivery system, meeting escalating health needs, and reducing health disparities;

Whereas these health centers provide care to individuals in the United States who would otherwise lack access to health care, including 1 of every 8 uninsured individuals, 1 of every 9 Medicaid beneficiaries, 1 of every 7 people of color, and 1 of every 9 rural Americans;

Whereas these health centers and other innovative programs in primary and preventive care reach out to over 621,000 homeless persons and more than 709,000 migrant and seasonal farmworkers;

Whereas these health centers make health care responsive and cost effective by integrating the delivery of primary care with aggressive outreach, patient education, translation, and enabling support services;

Whereas these health centers increase the use of preventive health services such as immunizations, Pap smears, mammograms, and glaucoma screenings;

Whereas in communities served by these health centers infant mortality rates have been reduced between 10 and 40 percent;

Whereas these health centers are built by community initiative;

Whereas Federal grants provide seed money empowering communities to find partners and resources and to recruit doctors and needed health professionals;

Whereas Federal grants on average form 25 percent of such a health center's budget, with the remainder provided by State and local governments, Medicare, Medicaid, private contributions, private insurance, and patient fees;

Whereas these health centers are community oriented and patient focused;

Whereas these health centers tailor their services to fit the special needs and priorities of communities, working together with schools, businesses, churches, community organizations, foundations, and State and local governments;

Whereas these health centers contribute to the health and well-being of their communities by keeping children healthy and in school and helping adults remain productive and on the job;

Whereas these health centers engage citizen participation and provide jobs for over 70,000 community residents; and

Whereas the establishment of a ''National Health Center Week'' for the week beginning August 8, 2004, would raise awareness of the health services provided by health centers: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) there should be established a ''National Health Center Week'' to raise awareness of the health services provided by community, migrant, public housing, and homeless health centers; and

(2) the President should issue a proclamation calling on the people of the United States and interested organizations to observe such a week with appropriate programs and activities.

The SPEAKER pro tempore, Mr. TERRY, recognized Mrs. MILLER of Michigan and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶75.12 HONORING SPELLING BEE CHAMPION

Mrs. MILLER of Michigan moved to suspend the rules and agree to the following resolution (H. Res. 684):

Whereas Mr. David Scott Tidmarsh was a student at Edison Intermediate Center located in South Bend, Indiana;

Whereas Mr. Tidmarsh earned his right to compete for the national spelling bee title by winning the City of South Bend, Indiana spelling bee;

Whereas the 77th Annual Scripps National Spelling Bee was held in Washington, D.C. June 1 through 3, 2004;

Whereas 265 spellers from across the United States, American Samoa, the Bahamas, Jamaica, Puerto Rico, Saudi Arabia, and the United States Virgin Islands all competed for the title;

Whereas Mr. Tidmarsh, competitor number 76, competed in the bee and survived 15 rounds of competition; and

Whereas Mr. Tidmarsh's achievement brings an immense sense of pride to Edison Intermediate Center, his hometown of South Bend, and the state of Indiana: Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) congratulates David Scott Tidmarsh on his mastery of the English language, culminating in his correctly spelling ''autochthonous'' in Round 15, and becoming the 77th Annual Scripps National Spelling Bee champion;

(2) recognizes the dedication and achievement of Mr. Tidmarsh;

(3) wishes Mr. Tidmarsh much success in achieving his life goals; and

(4) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to Edison Intermediate Center, located in South Bend, Indiana, for appropriate display and to transmit an enrolled copy of this resolution to David Scott Tidmarsh and his family.

The SPEAKER pro tempore, Mr. TERRY, recognized Mrs. MILLER of Michigan and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶75.13 HONORING FORMER PRESIDENT GERALD R. FORD

Mrs. MILLER of Michigan moved to suspend the rules and agree to the following resolution (H. Res. 702):

Whereas Gerald Rudolph Ford was born on July 14, 1913;

Whereas Gerald R. Ford is the only person from the State of Michigan to have served as President of the United States;

Whereas Gerald R. Ford graduated from the University of Michigan where he was a star center on the football team and later turned down offers to play in the National Football League;

Whereas Gerald R. Ford attended Yale University Law School and graduated in the top 25 percent of his class while also working as a football coach;

Whereas in 1942, Gerald R. Ford joined the United States Navy Reserves and served valiantly on the U.S.S. Monterey in the Philippines during World War II, surviving a heavy storm during which he came within inches of being swept overboard;

Whereas the U.S.S. Monterey earned 10 battle stars, awarded for participation in battle, while Gerald R. Ford served on the ship;

Whereas Gerald R. Ford was released to inactive duty in 1946 with the rank of Lieutenant Commander;

Whereas in 1948, Gerald R. Ford was elected to the House of Representatives where he served with integrity for 25 years;

Whereas in 1963, President Lyndon Johnson appointed Gerald R. Ford to the Warren Commission investigating the assassination of President John F. Kennedy;

Whereas from 1965 to 1973, Gerald R. Ford served as minority leader of the House of Representatives;

Whereas from 1974 to 1976, Gerald R. Ford served as the 38th President of the United States, taking office at a dark hour in the history of the United States and restoring the faith of the people of the United States in the Presidency through his wisdom, courage, and integrity;

Whereas in 1975, the United States signed the Final Act of the Conference on Security and Cooperation in Europe, commonly known as the ''Helsinki Agreement'', which ratified post-World War II European borders and supported human rights;

Whereas since leaving the Presidency, Gerald R. Ford has been an international ambassador of American goodwill, a noted scholar and lecturer, and a strong supporter of the Gerald R. Ford School of Public Policy at the University of Michigan, which was named for the former President in 1999;

Whereas Gerald R. Ford was awarded the Congressional Gold Medal in 1999; and

Whereas on July 14, 2004, Gerald R. Ford will celebrate his 91st birthday: Now, therefore, be it

Resolved, That the House of Representatives honors former President Gerald R. Ford on the occasion of his 91st birthday and extends its congratulations and best wishes to former President Ford and his family.

The SPEAKER pro tempore, Mr. TERRY, recognized Mrs. MILLER of Michigan and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶75.14 SERGEANT FIRST CLASS PAUL RAY SMITH POST OFFICE BUILDING

Mrs. MILLER of Michigan moved to suspend the rules and pass the bill (H.R. 4380) to designate the facility of the United States Postal Service located at 4737 Mile Stretch Drive in Holiday, Florida, as the ''Sergeant First Class Paul Ray Smith Post Office Building''.

The SPEAKER pro tempore, Mr. TERRY, recognized Mrs. MILLER of Michigan and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BURGESS, announced that two-thirds of the Members present had voted in the affirmative.and nays were ordered.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶75.15 RECESS—3:10 P.M.

The SPEAKER pro tempore, Mr. BURGESS, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 10 minutes p.m., subject to the call of the Chair.

¶75.16 AFTER RECESS—5:30 P.M.

The SPEAKER pro tempore, Mr. CULBERSON, called the House to order.

¶75.17 PROVIDING FOR THE CONSIDERATION OF H.R. 4766

Mr. LINDER, by direction of the Committee on Rules, called up the following resolution (H. Res. 710):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4766) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2005, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: Beginning with the colon on page 3, line 25, through ''out'' on page 4, line 6; section 717; and section 751. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. The amendment printed in the report of the Committee on Rules accompanying this resolution may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. All points of order against that amendment are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Mr. LINDER, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. CULBERSON, announced that the yeas had it.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶75.18 LEGISLATIVE BRANCH APPROPRIATIONS FY 2005

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to House Resolution 707 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 4755) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2005, and for other purposes.

The SPEAKER pro tempore, Mr. CULBERSON, by unanimous consent, designated Mr. LINDER as Chairman of the Committee of the Whole; and after some time spent therein,

¶75.19 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. HOLT:

Page 20, line 7, after the dollar amount insert ''(reduced by $15,000,000)''.

Page 33, line 21, after the dollar amount insert ''(reduced by $15,000,000)''.

Page 38, line 4, after the dollar amount insert ''(increased by $30,000,000)''.

It was decided in the negative { Yeas ..... 115 / Nays ..... 252 }

¶75.20 [Roll No. 359]

AYES—115

Ackerman
Allen
Baca
Baldwin
Becerra
Bereuter
Berkley
Berman
Bishop (NY)
Boswell
Boucher
Brown (OH)
Capps
Cardin
Cardoza
Case
Chandler
Clay
Clyburn
Cooper
Crowley
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Dingell
Doggett
Doyle
Edwards
Emanuel
Etheridge
Evans
Filner
Gonzalez
Gordon
Green (TX)
Greenwood
Grijalva
Harman
Hastings (FL)
Hill
Holt
Honda
Hooley (OR)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jones (OH)
Kanjorski
Kaptur
Kelly
Kind
Kleczka
Kucinich
Lampson
Larsen (WA)
Leach
Lewis (GA)
Lofgren
Lynch
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Michaud
Miller (NC)
Mollohan
Nadler
Napolitano
Neal (MA)
Olver
Pallone
Payne
Pelosi
Price (NC)
Rangel
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Schakowsky
Schiff
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stearns
Strickland
Stupak
Tauscher
Thompson (MS)
Udall (CO)
Udall (NM)
Velázquez
Watson
Watt
Weiner
Woolsey
Wu

NOES—252

Abercrombie
Aderholt
Akin
Alexander
Baird
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Eshoo
Everett
Farr
Ferguson
Flake
Foley
Forbes
Ford
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Holden
Hoyer
Hulshof
Hunter
Hyde
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Manzullo
Matsui
McCotter
McCrery
McHugh
McInnis
McKeon
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Paul
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiberi
Towns
Turner (OH)
Turner (TX)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—66

Andrews
Bachus
Baker
Bass
Bell
Bishop (UT)
Brown, Corrine
Burr
Burton (IN)
Capuano
Carson (IN)
Carson (OK)
Collins
Conyers
Delahunt
DeLauro
DeMint
Deutsch
Dicks
Dooley (CA)
Engel
Fattah
Feeney
Fossella
Frank (MA)
Garrett (NJ)
Gephardt
Goss
Gutierrez
Gutknecht
Hinchey
Hinojosa
Hoeffel
Hostettler
Houghton
Isakson
Johnson, E. B.
Keller
Lee
Lipinski
Majette
Maloney
Markey
Meehan
Menendez
Miller, George
Moore
Owens
Pascrell
Peterson (PA)
Quinn
Sabo
Sanders
Scott (VA)
Shays
Shuster
Skelton
Stark
Tiahrt
Tierney
Toomey
Vitter
Waxman
Wexler
Whitfield
Wilson (SC)

So the amendment was not agreed to.

¶75.21 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. HEFLEY:

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

SEC. _____. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1 percent.

It was decided in the negative { Yeas ..... 87 / Nays ..... 278 }

¶75.22 [Roll No. 360]

AYES—87

Akin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bilirakis
Blackburn
Bradley (NH)
Brady (TX)
Brown-Waite, Ginny
Burgess
Buyer
Cannon
Chabot
Chocola
Coble
Cooper
Cox
Crane
Cubin
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
Diaz-Balart, M.
Doggett
Duncan
Edwards
Everett
Flake
Forbes
Franks (AZ)
Gibbons
Goode
Goodlatte
Graves
Green (TX)
Green (WI)
Hall
Hayes
Hayworth
Hefley
Hensarling
Herger
Hooley (OR)
Hulshof
Jenkins
Jones (NC)
Kennedy (MN)
King (IA)
Lampson
Lewis (KY)
LoBiondo
Marshall
McCotter
McInnis
Mica
Miller (FL)
Moran (KS)
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pence
Petri
Pitts
Ramstad
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (MI)
Smith (WA)
Souder
Stearns
Stenholm
Tancredo
Tanner
Taylor (MS)
Wamp

NOES—278

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Baca
Baird
Baldwin
Ballenger
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown (SC)
Burns
Calvert
Camp
Cantor
Capito
Capps
Cardin
Cardoza
Carter
Case
Castle
Chandler
Clay
Clyburn
Cole
Costello
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
DeLay
Diaz-Balart, L.
Dingell
Doolittle
Doyle
Dreier
Dunn
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Evans
Farr
Ferguson
Filner
Foley
Ford
Frelinghuysen
Frost
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Gordon
Granger
Greenwood
Grijalva
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Herseth
Hill
Hobson
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette

Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Pallone
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Serrano
Shaw
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Solis
Spratt
Strickland
Stupak
Sullivan
Sweeney
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—68

Andrews
Bachus
Baker
Bass
Bell
Bishop (UT)
Brown, Corrine
Burr
Burton (IN)
Capuano
Carson (IN)
Carson (OK)
Collins
Conyers
Davis, Tom
Delahunt
DeLauro
DeMint
Deutsch
Dicks
Dooley (CA)
Engel
Fattah
Feeney
Fossella
Frank (MA)
Garrett (NJ)
Gephardt
Goss
Gutierrez
Gutknecht
Hinchey
Hinojosa
Hoeffel
Hostettler
Houghton
Isakson
Johnson, E. B.
Keller
King (NY)
Lee
Lipinski
Majette
Maloney
Markey
Meehan
Menendez
Miller, George
Moore
Owens
Oxley
Pascrell
Peterson (PA)
Quinn
Sabo
Sanders
Scott (VA)
Shays
Shuster
Stark
Tiahrt
Tierney
Toomey
Vitter
Waxman
Wexler
Whitfield
Wilson (SC)

So the amendment was not agreed to.

The SPEAKER pro tempore, Mr. SHIMKUS, assumed the Chair.

When Mr. LINDER, Chairman, pursuant to House Resolution 707, reported the bill back to the House.

The previous question having been ordered by said resolution.

The bill was ordered to be engrossed and read a third time, was read a third time by title.

Mr. SHERMAN moved to recommit the bill to the Committee on Appropriations with instructions to report the bill back to the House promptly with an amendment prohibiting the use of funds for postage expenses of any single committee in an aggregate amount exceeding $25,000.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. SHIMKUS, announced that the nays had it.

Mr. SHERMAN demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 163 / Nays 205

¶75.23 [Roll No. 361]

AYES—163

Ackerman
Alexander
Allen
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Capps
Cardin
Chandler
Clay
Clyburn
Coble
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Doggett
Doyle
Edwards
Emanuel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Hastings (FL)
Hefley
Herseth
Hill
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Schakowsky
Schiff
Scott (GA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Weiner
Woolsey
Wu
Wynn

NOES—205

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

NOT VOTING—65

Andrews
Bachus
Baker
Bell
Bishop (UT)
Brown, Corrine
Burr
Burton (IN)
Capuano
Carson (IN)
Carson (OK)
Collins
Conyers
Davis, Tom
Delahunt
DeLauro
DeMint
Deutsch
Dicks
Dooley (CA)
Engel
Fattah
Fossella
Frank (MA)
Garrett (NJ)
Gephardt
Goss
Gutierrez
Gutknecht
Harman
Hinchey
Hinojosa
Hoeffel
Hostettler
Houghton
Isakson
Johnson, E. B.
King (NY)
Lee
Majette
Maloney
Markey
Meehan
Menendez
Miller, George
Owens
Oxley
Pascrell
Peterson (PA)
Quinn
Sabo
Sanders
Scott (VA)
Shays
Shuster
Stark
Tiahrt
Tierney
Toomey
Vitter
Waxman
Wexler
Whitfield
Wilson (SC)
Young (FL)

So the motion to recommit with instructions was not agreed to.

The question being put,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. SHIMKUS, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 327 / Nays 43

¶75.24 [Roll No. 362]

YEAS—327

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Baird
Baldwin

Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Cole
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Deal (GA)
DeFazio
DeGette
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Foley
Ford
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Granger
Greenwood
Grijalva
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth
Hill
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hoyer
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kilpatrick
King (IA)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Pallone
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—43

Bartlett (MD)
Berry
Coble
Costello
Davis, Jo Ann
Doggett
Duncan
Flake
Forbes
Franks (AZ)
Goode
Graves
Green (TX)
Green (WI)
Hayworth
Hefley
Hensarling
Hulshof
Jones (NC)
Kennedy (MN)
Kildee
Kind
LoBiondo
Lofgren
Matheson
McCollum
Miller (FL)
Moore
Neugebauer
Obey
Otter
Paul
Petri
Royce
Sensenbrenner
Sherman
Slaughter
Smith (MI)
Souder
Stearns
Stupak
Taylor (MS)
Wu

NOT VOTING—63

Andrews
Bachus
Baker
Bell
Bishop (UT)
Brown, Corrine
Burr
Burton (IN)
Capuano
Carson (IN)
Carson (OK)
Collins
Conyers
Davis, Tom
Delahunt
DeLauro
DeMint
Deutsch
Dicks
Dooley (CA)
Engel
Fattah
Fossella
Frank (MA)
Garrett (NJ)
Gephardt
Goss
Gutierrez
Gutknecht
Hinchey
Hinojosa
Hoeffel
Hostettler
Houghton
Isakson
Johnson, E. B.
King (NY)
Lee
Lewis (CA)
Majette
Maloney
Markey
Meehan
Menendez
Miller, George
Owens
Oxley
Pascrell
Peterson (PA)
Quinn
Sabo
Sanders
Shays
Shuster
Stark
Tiahrt
Tierney
Toomey
Vitter
Waxman
Wexler
Whitfield
Wilson (SC)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶75.25 APPROVAL OF THE JOURNAL—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SHIMKUS, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the Chair's approval of the Journal of Friday, July 9, 2004.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. SHIMKUS, announced that the yeas had it.

So the Journal was approved.

¶75.26 AGRICULTURE APPROPRIATIONS FY 2005

The SPEAKER pro tempore, Mr. SHIMKUS, pursuant to House Resolution 710 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 4766) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2005, and for other purposes.

The SPEAKER pro tempore, Mr. SHIMKUS, by unanimous consent, designated Mr. BASS as Chairman of the Committee of the Whole.

The Acting Chairman, Mr. TERRY assumed the Chair; and after some time spent therein,

The SPEAKER pro tempore, Mr. HENSARLING, assumed the Chair.

When Mr. TERRY, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶75.27 ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 218. An Act to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

¶75.28 SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 103. An Act for the relief of Lindita Idrizi Heath.

¶75.29 BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on July 8, 2004, he presented to the President of the United States, for his approval, the following bill.

H.R. 1731. An Act to amend title 18, United States Code, to establish penalties for aggravated identity theft, and for other purposes.

¶75.30 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. CAPUANO, for today;

To Ms. CARSON of Indiana, for today and balance of the week;

To Mr. ENGEL, for today;

To Mr. GUTKNECHT, for today and July 13; and

To Mr. QUINN, for today until 2 p.m. and July 13.

And then,

¶75.31 ADJOURNMENT

On motion of Mr. TANCREDO, at 11 o'clock and 22 minutes p.m., the House adjourned.

¶75.32 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 3428. A bill to designate a portion of the United States courthouse located at 2100 Jamieson Avenue, in Alexandria, Virginia, as the ''Justin W. Williams United States Attorney's Building'' (Rept. 108–595). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 3734. A bill to designate the Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, as the ''Joe Skeen Federal Building'' (Rept. 108–596). Referred to the House Calendar.

Mr. THOMAS: Committee on Ways and Means. H.R. 4759. A bill to implement the United States–Australia Free Trade Agreement (Rept. 108–597). Referred to the Committee of the Whole House on the State of the Union.

¶75.33 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. DEUTSCH:

H.R. 4812. A bill to require the National Institutes of Health to conduct and support research using human embryonic stem cells, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GARRETT of New Jersey:

H.R. 4813. A bill to suspend temporarily the duty on certain pimientos (capsicum anuum), prepared or preserved otherwise than by vinegar or acetic acid; to the Committee on Ways and Means.

By Mr. GARRETT of New Jersey:

H.R. 4814. A bill to suspend temporarily the duty on certain pimientos (capsicum anuum), prepared or preserved by vinegar or acetic acid; to the Committee on Ways and Means.

By Mr. GARRETT of New Jersey:

H.R. 4815. A bill to suspend temporarily the duty on certain pimientos (capsicum anuum), prepared or preserved otherwise than by vinegar or acetic acid; to the Committee on Ways and Means.

By Mr. NEY (for himself and Mr. LARSON of Connecticut):

H.R. 4816. A bill to permit the Librarian of Congress to hire Library of Congress Police employees; to the Committee on House Administration.

By Mr. NUNES:

H.R. 4817. A bill to facilitate the resolution of a minor boundary encroachment on lands of the Union Pacific Railroad Company in Tipton, California, which were originally conveyed by the United States as part of the right-of-way granted for the construction of transcontinental railroads; to the Committee on Resources.

By Mr. PASCRELL:

H. Con. Res. 471. Concurrent resolution recognizing and honoring the life and legacy of Alexander Hamilton on the bicentennial of his death because of his standing as one of the most influential Founding Fathers of the United States; to the Committee on Government Reform.

¶75.34 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

383. The SPEAKER presented a memorial of the Legislature of the State of Florida, relative to Senate Memorial No. 2522 memorializing the United States Department of Defense to award the contract for the creation, development, and implementation of the Mobile User Objective System (MUOS), to the project team led by the Raytheon Corporation in partnership with Honeywell Space Systems; to the Committee on Armed Services.

384. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 28 memorializing the E.P.A. to reconsider granting an administrative waiver of the act's oxygenated gasoline requirement for California to the extent permitted by the federal Clean Air Act; memorializing the United States Congress, if an administrative waiver is not granted, to enact legislation that would permit California to waive the oxygen content requirement for the reformulated gasoline; and memorializing the President of the United States to sign that legislation; to the Committee on Energy and Commerce.

¶75.35 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 676: Ms. JACKSON-LEE of Texas.

H.R. 738: Mr. MCNULTY, Mr. OLVER, Mr. CONYERS, Ms. DELAURO, Mr. SCHIFF, Mr. VAN HOLLEN, Mr. OWENS, and Mr. RANGEL.

H.R. 792: Mr. BOOZMAN.

H.R. 962: Mr. WOLF.

H.R. 1043: Mr. RYAN of Wisconsin, Mr. HOEFFEL, and Mr. KUCINICH.

H.R. 1057: Mr. FLAKE.

H.R. 1212: Mr. BOOZMAN.

H.R. 1286: Mr. ROTHMAN.

H.R. 1345: Mr. HONDA, Mr. STENHOLM, and Mr. ALEXANDER.

H.R. 1849: Mrs. DAVIS of California and Mr. GRIJALVA.

H.R. 1873: Mr. CALVERT.

H.R. 1919: Mrs. LOWEY and Mr. LARSEN of Washington.

H.R. 2023: Mr. LOBIONDO.

H.R. 2034: Mr. CANTOR.

H.R. 2096: Mr. YOUNG of Alaska.

H.R. 2173: Mr. DEUTSCH and Mr. CASE.

H.R. 2509: Mr. WELLER.

H.R. 2624: Mr. OBERSTAR.

H.R. 2929: Mr. SAM JOHNSON of Texas.

H.R. 2954: Mr. WEINER.

H.R. 3362: Ms. MCCARTHY of Missouri.

H.R. 3424: Mr. HINOJOSA.

H.R. 3425: Mr. HINOJOSA.

H.R. 3463: Mr. MCCOTTER.

H.R. 3602: Mr. FRANK of Massachusetts, Mr. PRICE of North Carolina, and Mr. YOUNG of Alaska.

H.R. 3619: Mr. THOMPSON of California.

H.R. 3716: Mr. VISCLOSKY and Mr. BOUCHER.

H.R. 3729: Mr. SPRATT, Mrs. WILSON of New Mexico, and Mr. JENKINS.

H.R. 3779: Mr. BURNS.

H.R. 3810: Mr. RANGEL.

H.R. 3831: Mr. DOGGETT.

H.R. 3845: Mr. WEINER.

H.R. 4069: Ms. WOOLSEY, Mr. OWENS, Ms. SLAUGHTER, Mr. SERRANO, Ms. LEE, and Mr. HOEFFEL.

H.R. 4110: Mr. SIMMONS and Mr. PAYNE.

H.R. 4306: Mrs. BLACKBURN and Mr. BACHUS.

H.R. 4325: Mrs. CHRISTENSEN.

H.R. 4354: Mr. MCNULTY, Mr. TOM DAVIS of Virginia, Ms. KAPTUR, Ms. MCCARTHY of Missouri, and Mr. ISRAEL.

H.R. 4370: Ms. BALDWIN, Mrs. MALONEY, and Ms. ROS-LEHTINEN.

H.R. 4376: Ms. MCCOLLUM and Mr. INSLEE.

H.R. 4394: Mr. HOEFFEL.

H.R. 4474: Ms. LOFGREN.

H.R. 4498: Mr. ROSS.

H.R. 4578: Mrs. EMERSON, Mr. ORTIZ, Mr. SCHROCK, Mr. FORD, and Mr. OLVER.

H.R. 4579: Mrs. EMERSON, Mr. HULSHOF, and Mr. CLAY.

H.R. 4603: Mr. OWENS, Mr. PAUL, and Mr. TANCREDO.

H.R. 4610: Mr. YOUNG of Alaska.

H.R. 4633: Mr. SCOTT of Georgia, Mrs. WILSON of New Mexico, and Mr. RYAN of Ohio.

H.R. 4634: Mr. PITTS and Mr. REHBERG.

H.R. 4641: Mr. FARR.

H.R. 4682: Mr. DEUTSCH, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Ms. JACKSON-LEE of Texas, Mr. FILNER, Mr. SCHIFF, Mr. FRANK of Massachusetts, Mr. ISRAEL, Mr. BOUCHER, Mr. MATSUI, Ms. ROYBAL-ALLARD, Ms. DELAURO, Mr. GRIJALVA, Mr. HOLT, Mr. SANDERS, Mr. HINCHEY, Ms. WOOLSEY, Mr. BELL, Mrs. TAUSCHER, Ms. LEE, Mr. BRADLEY of New Hampshire, Mr. LARSON of Connecticut, Mr. ABERCROMBIE, Ms. MCCARTHY of Missouri, Mr. BECERRA, Mr. BLUMENAUER, Mrs. MCCARTHY of New York, Ms. SCHAKOWSKY, Mr. MCGOVERN, Mr. CUMMINGS, Mr. FORD, Mr. LAMPSON, Mr. CAPUANO, Mr. DOGGETT, Mr. BISHOP of New York, Ms. MILLENDER-MCDONALD, Mr. BOSWELL, Mrs. CHRISTENSEN, Mr. LEVIN, Mr. SMITH of Washington, Mr. KENNEDY of Rhode Island, Mr. WEXLER, Ms. BERKLEY, Mrs. DAVIS of California, Mr. MARKEY, Mr. FROST, Mr. RUSH, Mr. SERRANO, Mr. COOPER, MR. NADLER, Ms. SLAUGHTER, Mr. CASE, Mr. SHERMAN, Mr. DAVIS of Florida, Ms. Linda T. SÁNCHEZ of California, Mr. MATHESON, Mr. FARR, and Mr. SANDLIN.

H.R. 4711: Mr. Peterson of Minnesota, Mr. RYAN of Ohio, Mrs. DAVIS of California, and Mr. GALLEGLY.

H.R. 4730: Mr. MURPHY.

H.J. Res. 94: Mr. SAM JOHNSON of Texas.

H. Con. Res. 469: Mr. MCNULTY, Mr. SANDLIN, Mr. WEINER, Mr. WAXMAN, Mr. MCGOVERN, Mr. DAVIS of Florida, and Mr. OWENS.

H. Res. 466: Mr. MCDERMOTT, MR. DELAHUNT, and Ms. WATSON.

H. Res. 556: Mr. UDALL of Colorado and Mr. GIBBONS.

H. Res. 652: Mr. SHIMKUS.

H. Res. 689: Mr. HOEFFEL, Ms. LEE, Mr. MCDERMOTT, Mr. SPRATT, Ms. MCCOLLUM, Mrs. MALONEY, Mr. HOLT, and Mr. FARR.

H. Res. 690: Ms. WATSON, Ms. MILLENDER-MCDONALD, Mr. BECERRA, Mr. MCGOVERN, Mr. KENNEDY of Rhode Island, Ms. SCHAKOWSKY, Mr. WEINER, Ms. LEE, and Mr. MEEHAN.

H. Res. 699: Mr. HOEFFEL, Ms. LEE, Mr. MCDERMOTT, Mr. SPRATT, Ms. MCCOLLUM, Mrs. MALONEY, Mr. HOLT, and Mr. FARR.

H. Res. 700: Mr. HOEFFEL, Ms. LEE, Mr. SPRATT, Ms. MCCOLLUM, Mrs. MALONEY, Mr. HOLT, and Mr. FARR.

H. Res. 705: Mr. MCCOTTER, Mr. HAYWORTH, and Mr. MCCRERY.

H. Res. 709: Mr. HOSTETTLER and Mr. GUTKNECHT.

TUESDAY, JULY 13, 2004 (76)

¶76.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 9 a.m. by the SPEAKER pro tempore, Mr. BRADLEY, who laid before the House the following communication:

WASHINGTON, DC,
July 13, 2004.

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

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

¶76.2 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 410. A concurrent resolution recognizing the 25th anniversary of the adoption of the Constitution of the Republic of the Marshall Islands and recognizing the Marshall Islands as a staunch ally of the United States, committed to principles of democracy and freedom for the Pacific region and throughout the world.

¶76.3 MORNING-HOUR DEBATE

The SPEAKER pro tempore, Mr. BRADLEY, pursuant to the order of the House of Tuesday, January 20, 2004, recognized Members for morning-hour debate.

¶76.4 RECESS—9:33 A.M.

The SPEAKER pro tempore, Mr. BRADLEY, pursuant to clause 12(a) of

rule I, declared the House in recess at 9 o'clock and 33 minutes a.m. until 10 a.m.

¶76.5 AFTER RECESS—10 A.M.

The SPEAKER called the House to order.

¶76.6 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Monday, July 12, 2004.

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

¶76.7 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

9024. A letter from the Acting Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 03-03, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

9025. A letter from the Director, United States Holocaust Memorial Museum, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum 04-07, the Museum's report on competitive sourcing efforts; to the Committee on Government Reform.

9026. A letter from the Under Secretary for Oceans and Atmosphere, Department of Commerce, transmitting information regarding the activities of the Northwest Atlantic Fisheries Organization for 2003, pursuant to 16 U.S.C. 5601 et seq.; to the Committee on Resources.

9027. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Country of Origin Codes and Revision of Regulations on Hull Identification Numbers [USCG-2003-14272] (RIN: 1625-AA53) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9028. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Navigation and Navigable Waters; Technical, Organizational, and Conforming Amendments [USCG-2004-18057] (RIN: 1625-ZA02) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9029. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Anchorage Area; Madeline Island, WI [CGD09-03-284] (RIN: 2115-AA01) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9030. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; San Francisco Bay, San Francisco, CA and Oakland CA [COTP San Francisco Bay 03-009] (RIN: 1625-AA00) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9031. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations; Seafair Blue Angels Air Show Performance, Lake Washington, WA [CGD13-04-002] (RIN: 1625-AA00) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9032. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Professional Golfer's Association Championship Tour, Sheboygan, WI; Lake Michigan [CGD09-04-001] (RIN: 1625-AA00) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9033. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety And Security Zones; New York Marine Inspection Zone and Captain of the Port Zone [CGD01-03-020] (RIN: 1625-AA00) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9034. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Outer Continental Shelf Facility in the Gulf of Mexico for Green Canyon 608 [CGD08-04-004] (RIN: 1625-AA84) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9035. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; San Francisco Bay, Oakland Estuary, Alameda, CA [COTP San Francisco Bay 03-026] (RIN: 1625-AA00) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9036. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Chincoteague Channel, VA [CGD05-04-118] (RIN: 1625-AA09) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9037. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Turner Cut, Stockton, CA. [CGD 11-04-005] received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9038. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, NY. [CGD01-04-047] received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9039. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Newtown Creek, Dutch Kills, English Kills, and their tributaries, NY. [CGD01-04-048] received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9040. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Hutchinson River, NY. [CGD01-04-033] received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9041. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Harlem River, Newtown Creek, NY. [CGD01-04-019] (RIN: 1625-AA09) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9042. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Harlem River, NY. [CGD01-04-021] (RIN: 1625-AA09) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9043. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Chelsea River, MA. [CGD01-04-027] (RIN: 1625-AA09) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9044. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Mianus River, CT. [CGD01-00-228] (RIN: 1625-AA09) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9045. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Palm Beach County Bridges, Atlantic Intracoastal Waterway, Palm Beach County, Florida [CGD07-04-010] (RIN: 1625-AA09) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9046. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Mystic River, CT. [CGD01-03-115] (RIN: 1625-AA09) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9047. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Holdrege, NE [Docket No. FAA-2004-17425; Airspace Docket No. 04-ACE-25] received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9048. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BURKHART GROB LUFT — UND RAUMFAHRT GmbH & CO KG Models G103 TWIN ASTIR, G103A TWIN II ACRO, and G103C TWIN III ACRO Sailplanes [Docket No. 2003-CE-35-AD; Amendment 39-13676; AD 2003-19-14 R1] (RIN: 2120-AA64) received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9049. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and -11F Airplanes [Docket No. 2003-NM-76-AD; Amendment 39-13677; AD 2004-12-16] (RIN: 2120-AA64) received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9050. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No. 2003-NM-63-AD; Amendment 39-13680; AD 2004-12-19] (RIN: 2120-AA64) received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9051. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200 Series Airplanes [Docket No. FAA-2003-16646; Directorate Docket No. 2003-NM-177-AD; Amendment 39-13678; AD 2004-12-17] (RIN: 2120-AA64) received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9052. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-120 Series Airplanes [Docket No. 2003-NM-96-AD; Amendment 39-13679; AD 2004-12-18] (RIN: 2120-AA64) received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9053. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dowty Aerospace Propellers Type R321/4-82-F/8, R324/4-82-F/9, R333/4-82-F/12, and R334/4-82-F/13 Propeller Assemblies [Docket No. 2001-NE-50-AD; Amendment 39-13681; AD 2004-13-01] (RIN: 2120-AA64) received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9054. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce (1971) Limited, Bristol Engine Division Model Viper Mk.601-22 Turbojet Engine [Docket No. FAA-2004-18024; Directorate Identifier 2003-NE-39-AD; Amendment 39-13684; AD 2004-13-03] (RIN: 2120-AA64) received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9055. A letter from the Chairman and Vice Chairman, U.S.-China Commission, transmitting the Commission's second annual report, pursuant to Pub. L. 106-398, as amended by Division P of Pub. L. 108-7; jointly to the Committees on International Relations and Ways and Means.

¶76.8 ORDER OF BUSINESS—CONSIDERATION OF H.R. 4766

On motion of Mr. HYDE, by unanimous consent,

Ordered, That during further consideration of (H. R. 4766) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2005, and for other purposes, pursuant to House Resolution 710, that the amendment printed in House Report 108-591 be permitted to be offered at any time.

¶76.9 DEFENSE APPROPRIATIONS FY 2005

On motion of Mr. LEWIS of California, by unanimous consent, the bill (H.R. 4613) making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. LEWIS of California, it was,

Resolved, That the House disagree to the amendment of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

¶76.10 MOTION TO INSTRUCT CONFEREES—H.R. 4613

Mr. JACKSON of Illinois moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate on H.R. 4613, be instructed to insist on the maximum level within the scope of conference to respond to the humanitarian crisis in the Darfur region of Sudan and in Chad.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. OSE, announced that the yeas had it.

So the motion to instruct the managers on the part of the House was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶76.11 APPOINTMENT OF CONFEREES—H.R. 4613

Thereupon, the SPEAKER pro tempore, Mr. OSE, by unanimous consent, appointed Messrs. LEWIS of California, YOUNG of Florida, HOBSON, BONILLA, NETHERCUTT, CUNNINGHAM, FRELINGHUYSEN, TIAHRT, WICKER, MURTHA, DICKS, SABO, VISCLOSKY, MORAN of Virginia, and OBEY, as managers on the part of the House at said conference.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶76.12 AGRICULTURE APPROPRIATIONS FY 2005

The SPEAKER pro tempore, Mr. OSE, pursuant to House Resolution 710 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4766) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2005, and for other purposes.

Mr. BASS, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

The SPEAKER pro tempore, Mr. MILLER of Florida, assumed the Chair.

When Mr. BASS, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶76.13 ORDER OF BUSINESS—CONSIDERATION OF H.R. 4766

On motion of Mr. LAHOOD, by unanimous consent,

Ordered, That during further consideration of H.R. 4766, in the Committee of the Whole House on the state of the Union, pursuant to House Resolution 710, the bill be considered as read and open for amendment at any point and no further amendment to the bill may be offered except: pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate; amendments numbered 4, 5, 6, 8, and 12; amendments numbered 7, 10, and 13, each of which shall be debatable for 20 minutes; an amendment by Mr. Kaptur regarding Farmers Market Promotion Program, which shall be debatable for 20 minutes; an amendment by Ms. Kaptur regarding outsourcing, which shall be debatable for 20 minutes; an amendment by Mr. Baca regarding Office of Assistant Secretary for Civil Rights; an amendment by Mr. Baird regarding livestock compensation; an amendment by Mr. Brown of Ohio regarding fluoroquinolone; an amendment by Mr. Hinchey regarding FDA, which shall be debatable for 20 minutes; an amendment by Mrs. Maloney regarding contraceptives, which shall be debatable for 40 minutes; an amendment by Mr. Obey regarding information technology systems; an amendment by Mr. Obey regarding Circular A-76; an amendment by Mr. Flake regarding tobacco, which shall be debatable for 40 minutes; an amendment by Mr. Sanders regarding agriculture tourism, which shall be debatable for 14 minutes; and an amendment by Mr. Tancredo regarding food stamps, which shall be debatable for 20 minutes.

Ordered further, That each such amendment may be offered only by the Member designated in this request, or a designee, or the Member who caused it to be printed in the RECORD, or a designee, shall be considered as read, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

Ordered further, Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

¶76.14 AGRICULTURE APPROPRIATIONS FY 2005

The SPEAKER pro tempore, Mr. MILLER of Florida, pursuant to House Resolution 710 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4766) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2005, and for other purposes.

Mr. BASS, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

¶76.15 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendments en

bloc submitted by Ms. HOOLEY of Oregon:

Page 5, line 15, insert after the dollar amount ''(decreased by $10,000,000)''.

Page 18, line 9, insert after the first dollar amount ''(increased by $5,000,000)''.

It was decided in the affirmative { Yeas ..... 260 / Nays ..... 160 }

¶76.16 [Roll No. 363]

AYES—260

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Bartlett (MD)
Bass
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boehlert
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Burns
Calvert
Capps
Capuano
Cardin
Cardoza
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Dreier
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Ford
Fossella
Frank (MA)
Frost
Gallegly
Gerlach
Gonzalez
Gordon
Green (TX)
Green (WI)
Grijalva
Gutierrez
Harman
Harris
Hastings (FL)
Hastings (WA)
Hefley
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kleczka
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Oberstar
Obey
Olver
Ortiz
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Platts
Pombo
Pomeroy
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Rogers (MI)
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Woolsey
Wu
Wynn

NOES—160

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Barton (TX)
Beauprez
Biggert
Bishop (UT)
Blunt
Boehner
Bonilla
Bonner
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burr
Burton (IN)
Buyer
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Cox
Crane
Crenshaw
Cubin
Culberson
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Duncan
Dunn
Emerson
English
Everett
Feeney
Ferguson
Flake
Forbes
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Greenwood
Hall
Hart
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
McCotter
McCrery
McInnis
Miller (FL)
Miller (MI)
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Porter
Portman
Pryce (OH)
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Rush
Ryan (WI)
Ryun (KS)
Schrock
Sessions
Shadegg
Shaw
Sherwood
Simpson
Smith (MI)
Smith (TX)
Tauzin
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Toomey
Walsh
Weldon (FL)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Carson (IN)
Collins
Deutsch
Dooley (CA)
Gephardt
Gutknecht
Isakson
Istook
Jackson-Lee (TX)
Lee
Majette
Saxton
Vitter

So the amendments en bloc were agreed to.

¶76.17 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. WEINER:

Page 5, line 15, insert ''(decreased by $19,667,000)'' after the dollar amount.

Page 18, line 9, insert ''(increased by $19,667,000)'' after the 1st dollar amount.

It was decided in the affirmative { Yeas ..... 223 / Nays ..... 197 }

¶76.18 [Roll No. 364]

AYES—223

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Fossella
Frank (MA)
Frost
Gonzalez
Gordon
Green (WI)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hefley
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Hyde
Inslee
Israel
Jackson (IL)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larson (CT)
LaTourette
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weller
Wexler
Woolsey
Wu
Wynn

NOES—197

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Cooper
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Emerson
English
Everett
Feeney
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Greenwood
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Issa
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kingston
Kirk

Kline
Knollenberg
Kolbe
LaHood
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (TX)
Stearns
Sullivan
Tancredo
Tauzin
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Carson (IN)
Collins
Deutsch
Gephardt
Gutknecht
Isakson
Istook
Jackson-Lee (TX)
Larsen (WA)
Lee
Majette
Saxton
Vitter

So the amendment was agreed to.

The SPEAKER pro tempore, Mr. CAMP, assumed the Chair.

When Mr. MILLER of Florida, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶76.19 PROVIDING FOR A CLOSED CONFERENCE—H.R. 4613

Mr. LEWIS of California moved, pursuant to clause 12(a)(2) of rule XXII, that the conference committee meetings between the House and the Senate on the bill (H.R. 4613) making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; be closed to the public at such times as classified national security information is under consideration; *Provided, however*, That any sitting Member of Congress shall have a right to attend any closed or open meeting.

The question being put,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. CAMP, announced that the yeas and nays were required under clause 12(a)(2), rule XXII, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 411 / Nays 6

¶76.20 [Roll No. 365]

YEAS—411

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—6

DeFazio
Hinchey
Kucinich
McDermott
Stark
Udall (NM)

NOT VOTING—16

Cardoza
Carson (IN)
Collins
Davis (FL)
Deutsch
Gephardt
Gutknecht
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Larsen (WA)
Lee
Majette
Saxton
Vitter

So the motion was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶76.21 ORDER OF BUSINESS—CONSIDERATION OF S. 15

On motion of Ms. PRYCE of Ohio, by unanimous consent,

Ordered, That it shall be in order at any time without intervention of any point of order to consider in the House the bill of the Senate (S. 15) to amend the Public Health Service Act to provide for the payment of compensation for certain individuals with injuries resulting from the administration of smallpox countermeasures, to provide protections and countermeasures against chemical, radiological, or nuclear agents that may be used in a terrorist attack against the United States, and to improve immunization rates by increasing the distribution of vaccines and improving and clarifying the vaccine injury compensation program; the bill shall be considered as read for amendment; and the previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) 90 minutes of debate on the bill, with 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, 15 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform, and 15 minutes equally divided and controlled by the chairman and ranking minority member of the Select Committee on Homeland Security; and (2) one motion to recommit.

¶76.22 FOREIGN OPERATIONS APPROPRIATIONS FY 2005

Mr. KOLBE submitted a privileged report (Rept. No. 108–599) on the bill

(H.R. 4818) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes.

When said bill and report were referred to the Union Calendar and ordered printed.

Pursuant to clause 1 of rule XXI, all points of order were reserved.

¶76.23 AGRICULTURE APPROPRIATIONS FY 2005

The SPEAKER pro tempore, Mr. CAMP, pursuant to House Resolution 710 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4766) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2005, and for other purposes.

Mr. BASS, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

¶76.24 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. BACA:

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

SEC. ____. The amounts otherwise provided by this Act are revised by increasing the amount made available under the heading ''OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS'', by increasing the amount made available under the heading ''COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE—RESEARCH AND EDUCATION ACTIVITIES'', by increasing the amount made available under the heading ''COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE—EXTENSION ACTIVITIES'', by increasing the amount made available under the heading ''COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE—OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS'', and by decreasing the amount made available under the heading ''RURAL DEVELOPMENT—SALARIES AND EXPENSES'' by $250,000, $1,500,000, $1,000,000, $750,000, and $5,800,000, respectively.

It was decided in the negative { Yeas ..... 205 / Nays ..... 209 }

¶76.25 [Roll No. 366]

AYES—205

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Bass
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Burns
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kucinich
Lampson
Langevin
Lantos
Larson (CT)
Leach
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Rogers (AL)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weller
Wexler
Wilson (NM)
Wu
Wynn

NOES—209

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

NOT VOTING—19

Bereuter
Carson (IN)
Cole
Collins
Deutsch
Gutknecht
Houghton
Isakson
Istook
Jackson-Lee (TX)
Jones (OH)
Kleczka
Larsen (WA)
Lee
Majette
Saxton
Stark
Vitter
Woolsey

So the amendment was not agreed to.

¶76.26 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. TANCREDO:

Page 79, after line 16, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 759. None of the funds made available under the heading ''FOOD AND NUTRITION SERVICE—Food Stamp Program'' in title IV may be expended in contravention of section 213a of the Immigration and Nationality Act (8 U.S.C. 1183a).

It was decided in the negative { Yeas ..... 156 / Nays ..... 262 }

¶76.27 [Roll No. 367]

AYES—156

Aderholt
Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bilirakis
Blackburn
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Camp
Cantor
Capito
Carson (OK)
Carter
Chabot
Chocola
Coble
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeFazio
DeLay
DeMint
Doolittle
Duncan
Dunn
English
Everett
Feeney
Flake
Foley
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Graves
Green (WI)
Greenwood
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hooley (OR)
Hostettler
Hunter
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kline
Kolbe
Lewis (KY)
Linder
Lucas (OK)
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Northup
Norwood
Ose
Otter
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Putnam
Quinn
Ramstad
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simmons

Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Tiberi
Toomey
Upton
Walden (OR)
Wamp
Weldon (FL)
Wicker
Wilson (SC)

NOES—262

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballenger
Barton (TX)
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Burr
Calvert
Cannon
Capps
Capuano
Cardin
Cardoza
Case
Castle
Chandler
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Gephardt
Gerlach
Gilchrest
Gonzalez
Granger
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hoyer
Hulshof
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Sherman
Sherwood
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Tauzin
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Bereuter
Carson (IN)
Collins
Deutsch
Gutknecht
Houghton
Isakson
Istook
Jackson-Lee (TX)
Jones (OH)
Larsen (WA)
Lee
Majette
Saxton
Vitter

So the amendment was not agreed to.

¶76.28 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 7, submitted by Mr. CHABOT:

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

SEC. ____. None of the funds appropriated or otherwise made available by this Act may be used to carry out section 203 of the Agriculture Trade Act of 1978 (7 U.S.C. 5623) or to pay the salaries and expenses of personnel who carry out a market program under such section.

It was decided in the negative ..... { Yeas ..... 72 / Nays 347

¶76.29 [Roll No. 368]

AYES—72

Andrews
Bachus
Barrett (SC)
Bartlett (MD)
Bass
Berkley
Bradley (NH)
Brown (OH)
Burgess
Burton (IN)
Carter
Castle
Chabot
Cox
Culberson
Davis (CA)
Davis, Jo Ann
DeLay
DeMint
Doggett
Duncan
Ehlers
Feeney
Ferguson
Flake
Fossella
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gibbons
Hayworth
Hefley
Hensarling
Hoekstra
Hostettler
Hyde
King (IA)
Kirk
Linder
LoBiondo
Manzullo
McCollum
McInnis
Miller (FL)
Miller, Gary
Musgrave
Myrick
Napolitano
Pascrell
Paul
Pence
Petri
Pitts
Portman
Ramstad
Rohrabacher
Royce
Schakowsky
Sensenbrenner
Shadegg
Shays
Shuster
Smith (MI)
Smith (NJ)
Tancredo
Tiberi
Toomey
Udall (CO)
Van Hollen
Wamp
Waxman
Wilson (SC)

NOES—347

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Baird
Baker
Baldwin
Ballenger
Barton (TX)
Beauprez
Becerra
Bell
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Foley
Forbes
Ford
Frank (MA)
Frost
Gallegly
Gephardt
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Hulshof
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Velázquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—14

Bereuter
Carson (IN)
Collins
Deutsch
Gutknecht
Houghton
Isakson
Istook
Jackson-Lee (TX)
Larsen (WA)
Lee
Majette
Saxton
Vitter

So the amendment was not agreed to.

¶76.30 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Ms. KAPTUR:

Add at the end (before the short title), the following new section:

SEC. 7____. The amounts otherwise provided by this Act are revised by reducing the

amount made available under title I for ''OFFICE OF THE CHIEF INFORMATION OFFICER'' and by increasing the amounts made available under title I for ''MARKETING SERVICES'' under the heading ''AGRICULTURAL MARKETING SERVICE'' (for the Farmers Market Promotion Program and administrative expenses related to such program), by $6,000,000 and $6,000,000, respectively.

It was decided in the negative ..... { Yeas ..... 206 / Nays 213

¶76.31 [Roll No. 369]

AYES—206

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hastings (WA)
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larson (CT)
Leach
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Platts
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—213

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

NOT VOTING—14

Bereuter
Carson (IN)
Collins
Deutsch
Gutknecht
Houghton
Isakson
Istook
Jackson-Lee (TX)
Larsen (WA)
Lee
Majette
Saxton
Vitter

So the amendment was not agreed to.

The SPEAKER pro tempore, Mr. OSE, assumed the Chair.

When Mr. BASS, Chairman, pursuant to House Resolution 710, reported the bill back to the House with sundry amendments adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendments, reported from the Committee of the Whole House on the state of the Union, were agreed to:

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

SEC. 759. Section 501 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1737) is amended—

(1) in subsection (b)(1), by inserting ''and Doug Bereuter'' after ''John Ogonowski''; and

(2) in the heading, by inserting ''**AND DOUG BEREUTER AND**'' after ''**JOHN OGONOWSKI**''.

In title I, under the heading ''COMMON COMPUTING ENVIRONMENT'', insert after the dollar amount the following: ''(decreased by $120,957,000)''.

In title I, under the heading ''FARM SERVICE AGENCY, SALARIES AND EXPENSES'', insert after the dollar amount the following ''(increased by $52,873,606)''.

In title II, under the heading ''NATURAL RESOURCES CONSERVATION SERVICE, CONSERVATION OPERATIONS'', insert after the first dollar amount the following: ''increased by $40,458,661''.

In title III, under the heading ''RURAL DEVELOPMENT, SALARIES AND EXPENSES'', insert after the first dollar amount the following: increased by $27,624,733''.

In title I, under the heading ''AGRICULTURE BUILDING AND FACILITIES AND RENTAL PAYMENTS—(INCLUDING TRANSFERS OF FUNDS)'', insert after the dollar amount the following: ''(reduced by $8,000,000)''.

In title III, under the heading ''RENEWABLE ENERGY PROGRAM'', insert after the dollar amount the following: ''(increased by $8,000,000)''.

Page 8, line 6, after the first dollar amount insert the following: ''(reduced by $1,200,000) (increased by $1,200,000)''.

Page 5, line 15, insert after the dollar amount ''(decreased by $10,000,000)''.

Page 18, line 9, insert after the first dollar amount ''(increased by $5,000,000)''.

Page 5, line 15, insert ''(decreased by $19,667,000)'' after the dollar amount.

Page 18, line 9, insert ''(increased by $19,667,000)'' after the 1st dollar amount.

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

TITLE ____—ADDITIONAL GENERAL PROVISIONS

SEC. ____. (a) None of the funds made available in this Act for the Environmental Quality Incentives Program authorized by chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa–3839aa-9), the Wildlife Habitat Incentive Program authorized by section 1240N of such Act (16 U.S.C. 3839bb-1), the Grassland Reserve Program authorized by subchapter C of chapter 2 of such subtitle (16 U.S.C. 3838n–3838q), or the Farmland Protection Program authorized by subchapter B of such chapter 2 (16 U.S.C. 3838h–3838j) may be used to provide technical assistance under the Conservation Reserve Program authorized by subchapter B of chapter 1 of such subtitle (16 U.S.C. 3831–3835a) or under the Wetlands Reserve Program authorized by subchapter C of such chapter 1 (16 U.S.C. 3837–3837f).

(b) None of the funds made available in this Act for the Conservation Reserve Program authorized by subchapter B of chapter 1 of subtitle D of the Food Security Act of 1985 (16 U.S.C. 3831–3835a) may be used to provide technical assistance under the Wetlands Reserve Program authorized by subchapter C of such chapter (16 U.S.C. 3837–3837f).

(c) None of the funds made available in this Act for the Wetlands Reserve Program authorized by subchapter C of chapter 1 of subtitle D of the Food Security Act of 1985 (16 U.S.C. 3837–3837f) may be used to provide technical assistance under the Conservation Reserve Program authorized by subchapter B of such chapter (16 U.S.C. 3831–3835a).

Page 2, line 9, after the 1st dollar amount insert ''(reduced by $1,000,000)''.

Page 34, line 23, after the 1st dollar amount insert ''(increased by $1,000,000)''.

Add at the end (before the short title) the following:

SEC. 7____. None of the funds made available by this Act may be used to pay the salaries and expenses of employees of the Department of Agriculture who make payments from any appropriated funds to tobacco

quota holders or producers of quota tobacco pursuant to any law enacted after July 1, 2004, terminating tobacco marketing quotas under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 and related price support under sections 106, 106A, and 106B of the Agricultural Act of 1949.

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

SEC. . None of the funds made available in this Act may be used to provide credits or credit guarantees for agricultural commodities provided for use in Iraq in violation of subsection (e) or (f) of section 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5622).

Page 59, line 4, insert after the dollar amount the following: ''(increased by $500,000)''.

Page 59, line 20, insert after the dollar amount the following: ''(decreased by $500,000)''.

At the end of the bill, add the following new section:

SEC. . None of the funds appropriated or otherwise made available by this Act may be used to pay the federal share of the administrative costs of any state's operation of the food stamp program that are performed outside the United States, except that the amounts otherwise provided by this Act are revised by increasing the amount made available under the heading ''Food Stamp Program'' by $6,500,000 for expenses under section 16 of the Food Stamp Act.

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

SEC. 759. None of the funds made available in this Act may be used to restrict to prescription use a contraceptive that is determined to be safe and effective for use without the supervision of a practitioner licensed by law to administer prescription drugs under section 503(b) of the Federal Food, Drug, and Cosmetic Act.

Add at the end (before the short title), the following new section:

Sec. . None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer: *Provided further*, That the report described in the second proviso under the heading ''OFFICE OF THE CHIEF FINANCIAL OFFICER'' shall also be submitted to the Committee on Government Reform of the House of Representatives.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. OSE, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative { Yeas ..... 389 / Nays ..... 31 }

¶76.32 [Roll No. 370]

YEAS—389

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Cole
Collins
Cooper
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—31

Boucher
Burr
Buyer
Capuano
Coble
Conyers
Crane
Flake
Frank (MA)
Franks (AZ)
Goode
Gordon
Hefley
Johnson (CT)
Kucinich
Lewis (KY)
Markey
Marshall
McDermott
Meehan
Moran (VA)
Pascrell
Paul
Rohrabacher
Royce
Sensenbrenner
Shays
Smith (WA)
Stark
Stupak
Tancredo

NOT VOTING—13

Bereuter
Carson (IN)
Deutsch
Gutknecht
Houghton
Isakson
Istook
Jackson-Lee (TX)
Larsen (WA)
Lee
Majette
Saxton
Vitter

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶76.33 PROVIDING FOR THE CONSIDERATION OF H.R. 4759

Mr. SESSIONS, by direction of the Committee on Rules, reported (Rept. No. 108–602) the resolution (H. Res. 712) providing for consideration of the bill (H.R. 4759) to implement the United States-Australia Free Trade Agreement.

When said resolution and report were referred to the House Calendar and ordered printed.

¶76.34 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Ms. JACKSON-LEE of Texas, for today; and

To Mr. SAXTON, for today.

And then,

¶76.35 ADJOURNMENT

On motion of Mr. SMITH of Michigan, at 11 o'clock and 33 minutes p.m., the House adjourned.

¶76.36 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMAS: Committee on Ways and Means. H.R. 4418. A bill to authorize appropriations for fiscal years 2005 and 2006 for the Bureau of Customs and Border Protection and the Bureau of Immigration and Customs Enforcement of the Department of Homeland Security, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes: with an amendment (Rept. 108–598, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. KOLBE: Committee on Appropriations. H.R. 4818. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108–599). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 3632. A bill to prevent and punish counterfeiting of copyrighted copies and phonorecords, and for other purposes; with an amendment (Rept. 108–600). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. S. 2363. An act to revise and extend the Boys and Girls Clubs of America (Rept. 108–601). Referred to the Committee of the Whole House on the State of the Union.

Mr. DREIER: Committee on Rules. House Resolution 712. Resolution providing for consideration of the bill (H.R. 4759) to implement the United States-Australia Free Trade Agreement (Rept. 108–602). Referred to the House Calendar.

¶76.37 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII, the following action was taken by the Speaker:

H.R. 4418. Referral to the Committee on the Judiciary extended for a period ending not later than July 13, 2004.

¶76.38 DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII, the Committee on the Judiciary discharged from further consideration. H.R. 4418 referred to the Committee of the Whole House on the State of the Union.

¶76.39 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. JOHN:

H.R. 4819. A bill to provide funding for the operations and maintenance by the Corps of Engineers of essential waterways; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOGGETT (for himself, Mr. PLATTS, Mr. WAXMAN, Mr. MEEHAN, Mr. STARK, Mr. LEVIN, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. MCNULTY, Mr. BECERRA, Mrs. JONES of Ohio, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Ms. BALDWIN, Mr. BELL, Mr. BERMAN, Mr. BLUMENAUER, Mr. BROWN of Ohio, Mrs. CAPPS, Mr. CAPUANO, Mr. CONYERS, Mr. CROWLEY, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. EMANUEL, Ms. ESHOO, Mr. EVANS, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOEFFEL, Mr. HOLT, Mr. HONDA, Ms. HOOLEY of Oregon, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Ms. KILPATRICK, Mr. KIND, Mr. KUCINICH, Mr. LAMPSON, Mr. LANGEVIN, Mr. LANTOS, Ms. LEE, Mr. LIPINSKI, Ms. LOFGREN, Mr. LYNCH, Mrs. MALONEY, Mr. MARKEY, Mr. MATHESON, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Mr. MCGOVERN, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. NADLER, Mrs. NAPOLITANO, Mr. OBERSTAR, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. RODRIGUEZ, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. RYAN of Ohio, Ms. LINDA T. SANCHEZ of California, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SERRANO, Mr. SHERMAN, Ms. SLAUGHTER, Mr. SNYDER, Ms. SOLIS, Mrs. TAUSCHER, Mr. TIERNEY, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Ms. VELAZQUEZ, Mr. VISCLOSKY, Ms. WATERS, Ms. WATSON, Mr. WEINER, Ms. WOOLSEY, and Mr. WU):

H.R. 4820. A bill to amend the Internal Revenue Code of 1986 to deter the smuggling of tobacco products into the United States, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GORDON:

H.R. 4821. A bill to amend the Internal Revenue Code of 1986 to allow certain agricultural employers a credit against income tax for a portion of wages paid to nonimmigrant H-2A workers; to the Committee on Ways and Means.

By Mr. SAM JOHNSON of Texas (for himself, Mr. NORWOOD, and Mr. CRANE):

H.R. 4822. A bill to amend title XVIII of the Social Security Act to clarify the right of Medicare beneficiaries to enter into private contracts with physicians and other health care professionals for the provision of health services for which no payment is sought under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LOFGREN:

H.R. 4823. A bill to amend the Immigration and Nationality Act to permit foreign media representatives to gain admission as visitors coming temporarily to the United States for business; to the Committee on the Judiciary.

By Mr. MARKEY (for himself, Ms. MCCARTHY of Missouri, Mr. GRIJALVA, Mr. CASE, Mr. OWENS, Ms. LEE, Mr. TIERNEY, Ms. JACKSON-LEE of Texas, and Mr. GONZALEZ):

H.R. 4824. A bill to direct the Secretary of Homeland Security to issue regulations concerning the shipping of extremely hazardous materials; to the Committee on Transportation and Infrastructure.

By Mr. OWENS:

H.R. 4825. A bill to amend the Internal Revenue Code of 1986 to impose an additional tax on taxable income attributable to contracts with the United States for goods and services for the war in Iraq; to the Committee on Ways and Means.

By Mr. SHAW (for himself, Mr. UDALL of New Mexico, and Mr. TANNER):

H.R. 4826. A bill to assist in the conservation of rare felids and rare canids by supporting and providing financial resources for the conservation programs of nations within the range of rare felid and rare canid populations and projects of persons with demonstrated expertise in the conservation of rare felid and rare canid populations; to the Committee on Resources.

By Mr. WALDEN of Oregon (for himself and Mr. POMBO):

H.R. 4827. A bill to amend the Colorado Canyons National Conservation Area and Black Ridge Canyons Wilderness Act of 2000 to rename the Colorado Canyons National Conservation Area as the McInnis Canyons National Conservation Area; to the Committee on Resources.

By Ms. WATSON (for herself and Mr. BURTON of Indiana):

H.R. 4828. A bill to direct the Consumer Product Safety Commission to issue a rule banning children's toys containing mercury; to the Committee on Energy and Commerce.

By Mr. PENCE (for himself, Ms. BERKLEY, and Ms. ROS-LEHTINEN):

H. Res. 713. A resolution deploring the misuse of the International Court of Justice by a majority of the United Nations General Assembly for a narrow political purpose, the willingness of the International Court of Justice to acquiesce in an effort likely to undermine its reputation and interfere with a resolution of the Palestinian-Israeli conflict, and for other purposes; to the Committee on International Relations.

By Mr. GEORGE MILLER of California (for himself, Ms. PELOSI, Mr. KILDEE, Ms. JACKSON-LEE of Texas, Mrs. MCCARTHY of New York, Mr. PAYNE, Mr. HOLT, Mr. PETERSON of Minnesota, Mrs. JONES of Ohio, Mr. GRIJALVA, Mr. WEXLER, Mr. VAN HOLLEN, Mr. CROWLEY, Mr. OWENS, Mr. FROST, Mr. MENENDEZ, Mr. HINOJOSA, Mr. MORAN of Virginia, Mr. WAXMAN, Mr. MCDERMOTT, Mr. FARR, Mrs. DAVIS of California, Mr. WU, Mr. NADLER, Mrs. MALONEY, and Mr. RYAN of Ohio):

H. Res. 714. A resolution honoring Sandra Feldman on the occasion of her retirement from the presidency of the American Federation of Teachers for her tireless efforts to improve the quality of teaching and learning; to the Committee on Education and the Workforce.

¶76.40 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

385. The SPEAKER presented a memorial of the General Assembly of the State of Colorado, relative to House Joint Resolution No. 04-1006 supporting the efforts of The Stand in the Gap Project, Inc; to the Committee on Armed Services.

386. Also, a memorial of the General Assembly of the State of Colorado, relative to House Joint Resolution No. 04-1064 memorializing the President and Congress of the United States to take action to ensure that federal programs providing financial assistance for the educational needs of children of migrant workers include children of migrant workers in all sectors of our economy; to the Committee on Education and the Workforce.

387. Also, a memorial of the General Assembly of the State of Colorado, relative to House Joint Resolution No. 04-1085 memorializing the Congress of the United States to improve the rules to implement privacy of health information under the federal ''Health Insurance Portability and Accountability Act of 1996''; to the Committee on Energy and Commerce.

388. Also, a memorial of the Legislature of the State of Arizona, relative to House Concurrent Memorial 2011 memorializing the Congress of the United States to authorize a land trade within accident potential zones of Luke Air Force Base and outside the boundaries of Yuma Army Proving Ground; to the Committee on Resources.

389. Also, a memorial of the Legislature of the State of Arizona, relative to Senate Concurrent Memorial 1003 memorializing the Congress of the United States propose to the people an amendment to the Constitution of the United States that provides certain rights to crime victims; to the Committee on the Judiciary.

390. Also, a memorial of the General Assembly of the State of Colorado, relative to House Joint Resolution No. 04-1022 memorializing the United States Congress to pass the ''English Language Unity Act of 2003'' (H.R. 997), which would establish English as the official language of the United States; jointly to the Committees on Education and the Workforce and the Judiciary.

391. Also, a memorial of the General Assembly of the State of Delaware, relative to House Substitute No. 1 for House Concurrent Resolution No. 46 memorializing the President and Congress of the United States to strengthen trade relations with Taiwan by a Free Trade Agreement and to support the participation of Taiwan in the United Nations and the World Health Organization; jointly to the Committees on Ways and Means and International Relations.

¶76.41 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 58: Mr. GERLACH.
H.R. 784: Mr. TERRY.
H.R. 918: Mr. BISHOP of Georgia, Mr. HYDE, Mr. MOORE, Mr. ISSA, and Mr. WAXMAN.
H.R. 1043: Mr. BOSWELL and Mr. BURR.
H.R. 1057: Mr. SHAW and Mr. GREEN of Wisconsin.
H.R. 1242: Mr. MILLER of North Carolina.
H.R. 2241: Mr. MCDERMOTT.
H.R. 2377: Mr. MILLER of North Carolina.
H.R. 2387: Ms. WATSON.
H.R. 2442: Mr. NEY, Mr. ENGLISH, Mrs. BIGGERT, Mr. LEWIS of Georgia, and Ms. LORETTA SANCHEZ of California.
H.R. 2681: Mr. VAN HOLLEN.
H.R. 2747: Mr. BISHOP of Georgia.
H.R. 2790: Mrs. NAPOLITANO.
H.R. 2868: Mr. MARSHALL.
H.R. 2929: Mr. BRADLEY of New Hampshire.
H.R. 3066: Mr. CAMP.
H.R. 3085: Ms. BORDALLO.
H.R. 3090: Mr. HINCHEY.
H.R. 3178: Mr. MCHUGH.
H.R. 3313: Mr. MANZULLO, Mr. ROGERS of Alabama, and Mr. TOM DAVIS of Virginia.
H.R. 3474: Mr. CARSON of Oklahoma.
H.R. 3480: Ms. WATERS.
H.R. 3634: Mr. KENNEDY of Rhode Island and Mr. PRICE of North Carolina.
H.R. 3662: Mr. FILNER.
H.R. 3756: Ms. ESHOO, Mrs. LOWEY, Mr. NEAL of Massachusetts, Mr. VAN HOLLEN, and Mr. THOMPSON of Mississippi.
H.R. 3780: Ms. BORDALLO.
H.R. 3799: Mr. GOODE and Mr. BROWN of South Carolina.
H.R. 3847: Mr. MEEK of Florida.
H.R. 3953: Mr. CALVERT.
H.R. 3965: Mr. GORDON.
H.R. 4026: Mr. GONZALEZ.
H.R. 4036: Mr. RANGEL.
H.R. 4057: Mr. SCOTT of Georgia and Mr. PRICE of North Carolina.
H.R. 4110: Mr. BISHOP of Georgia and Mr. SAXTON.
H.R. 4116: Mr. PRICE of North Carolina, Mr. CUMMINGS, Mr. MEEHAN, Mr. GONZALEZ, Mr. LAHOOD, Mr. LINDER, Mr. YOUNG of Alaska, Mr. NUNES, Mr. LUCAS of Kentucky, Mr. GRAVES, Mrs. KELLY, Mr. GINGREY, Mr. BUYER, Mr. HAYES, Ms. ROS-LEHTINEN, Mr. REHBERG, Mrs. JO ANN DAVIS of Virginia, and Mr. KOLBE.
H.R. 4126: Mrs. MUSGRAVE.
H.R. 4209: Mr. BEAUPREZ.
H.R. 4354: Mr. GREEN of Texas.
H.R. 4356: Ms. ESHOO.
H.R. 4361: Mr. PALLONE, Ms. SCHAKOWSKY, and Mr. GONZALEZ.
H.R. 4391: Mr. FOLEY and Mr. CALVERT.
H.R. 4400: Ms. MCCOLLUM and Mr. PALLONE.
H.R. 4423: Mr. OBERSTAR.
H.R. 4430: Mr. KNOLLENBERG and Mr. BARTLETT of Maryland.
H.R. 4431: Mr. GORDON.
H.R. 4445: Mr. OWENS, Mr. TOWNS, Ms. WATERS, Ms. MILLENDER-MCDONALD, and Mr. MEEKS of New York.
H.R. 4476: Mr. FATTAH, Mr. MCDERMOTT, Ms. LEE, and Mr. HOEFFEL.
H.R. 4530: Mr. WICKER.
H.R. 4555: Mr. FILNER and Mrs. CAPPS.
H.R. 4605: Mr. SMITH of Washington.
H.R. 4621: Mr. RAHALL.
H.R. 4627: Mr. PORTER.
H.R. 4628: Mr. JOHN, Mr. SCHIFF, and Mr. BISHOP of Georgia.
H.R. 4694: Mr. MCDERMOTT.
H.R. 4706: Ms. BORDALLO, Ms. WOOLSEY, and Mr. FILNER.
H.R. 4712: Mr. OTTER, Mr. BARRETT of South Carolina, Mr. WICKER, Mr. MILLER of Florida, and Mr. SAM JOHNSON of Texas.
H.R. 4758: Mr. FROST.
H.R. 4769: Ms. WATSON, Mr. POMEROY, Mr. MENENDEZ, and Mr. HOEFFEL.
H.R. 4772: Mr. LIPINSKI, Mr. COOPER, Ms. DELAURO, Mr. BISHOP of New York, Mr. ENGEL, Mr. MCGOVERN, Mr. RANGEL, Mr. WEINER, Mr. POMEROY, Mr. ACKERMAN, Mr. GREEN of Texas, and Ms. BORDALLO.
H.R. 4797: Mr. CLAY.
H.R. 4806: Mr. PEARCE.
H. Con. Res. 218: Mr. KUCINICH.
H. Con. Res. 298: Mr. OXLEY.
H. Con. Res. 369: Mr. LEWIS of Kentucky.
H. Con. Res. 371: Mr. MCHUGH.
H. Con. Res. 390: Ms. JACKSON-LEE of Texas and Mr. CRANE.
H. Con. Res. 431: Mr. TERRY.
H. Con. Res. 435: Ms. SLAUGHTER and Mr. KILDEE.
H. Con. Res. 467: Mr. OBERSTAR, Mr. COSTELLO, Ms. WOOLSEY, Mr. VAN HOLLEN, Mr. LANTOS, Mr. WEXLER, Mr. FRANK of Massachusetts, Mr. ACKERMAN, Mr. FALEOMAVAEGA, Mr. PITTS, Mr. BELL, Mr. ABERCROMBIE, Ms. PELOSI, Mr. MCDERMOTT, Mr. PRICE of North Carolina, and Mr. CARDOZA.
H. Con. Res. 469: Mr. SESSIONS, Mr. FROST, and Mr. ISRAEL.
H. Res. 705: Mr. HOUGHTON and Mrs. JOHNSON of Connecticut.

¶76.42 PETITIONS, ETC.

Under clause 3 of rule XII,

92. The SPEAKER presented a petition of the California State Lands Commission, relative to a Resolution petitioning the President, the Department of Energy, and the Congress of the United States to focus on renewable energy development and continue the moratorium on oil and gas leasing off of California; which was referred to the Committee on Resources.

¶76.43 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3575: Mr. SNYDER and Mr. ROSS.
H.R. 4634: Mr. GREEN of Texas.
H. J. Res. 37: Mr. HILL.
H. J. Res. 66: Mr. HILL.

WEDNESDAY, JULY 14, 2004 (77)

¶77.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. MILLER of Florida, who laid before the House the following communication:

WASHINGTON, DC,
July 14, 2004.

I hereby appoint the Honorable JEFF MILLER to act as Speaker pro tempore on this day.

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

¶77.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. MILLER of Florida, announced he had examined and approved the Journal of the proceedings of Tuesday, July 13, 2004.

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

¶77.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

9056. A letter from the Project Counsel, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River, Marietta, OH [COTP Huntington-04-001] (RIN: 1625-AA00) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9057. A letter from the Project Counsel, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; New York Maritime Inspection Zone and Captain of the Port Zone [CGD01-04-053] (RIN: 1625-AA00) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9058. A letter from the Project Counsel, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bucksport, SC [COTP Charleston 04-046] (RIN: 1625-AA00) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9059. A letter from the Project Counsel, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Suisan Bay, Concord, California [COTP San Francisco Bay 04-012] (RIN: 1625-AA00) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9060. A letter from the Project Counsel, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety zone; Atlantic Intracoastal Waterway, Bogue Sound, NC [CGD05-04-105] (RIN: 1625-AA00) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9061. A letter from the Project Counsel, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Middle River, San Joaquin County, California [COTP San Francisco Bay 04-013] (RIN: 1625-AA00) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9062. A letter from the Project Counsel, USCG, Department of Homeland Security,

transmitting the Department's final rule — Security Zone; Georgetown Channel, Potomac River, Washington, D.C. [CGD05-04-106] (RIN: 1625-AA00) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9063. A letter from the Project Counsel, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Metro North Railroad Bridge over the Norwalk River, Norwalk, Connecticut [CGD01-04-075] (RIN: 1625-AA00) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9064. A letter from the Project Counsel, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake Huron, Harbor Beach, MI [CGD09-04-027] (RIN: 1625-AA00) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9065. A letter from the Project Counsel, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake Oneida, Brewerton, NY [CGD09-04-031] (RIN: 1625-AA00) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9066. A letter from the Project Counsel, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Heart Island, Alexandria Bay, NY [CGD09-04-030] (RIN: 1625-AA00) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9067. A letter from the Project Counsel, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Canal Fest, Tonowanda, NY [CGD09-04-035] (RIN: 1625-AA00) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9068. A letter from the Project Counsel, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Port Huron, St. Clair River, MI [CGD09-04-023] (RIN: 1625-AA00) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9069. A letter from the Project Counsel, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Detroit, Detroit River, MI [CGD09-04-024] (RIN: 1625-AA00) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9070. A letter from the Project Counsel, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Saginaw River, Bay City, MI [CGD09-04-025] (RIN: 1625-AA00) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9071. A letter from the Project Counsel, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bear Creek Harbor, Ontario, NY [CGD09-04-032] (RIN: 1625-AA00) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9072. A letter from the Project Counsel, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Rochester Harbor, Rochester, NY [CGD09-04-034] (RIN: 1625-AA00) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9073. A letter from the Project Counsel, USCG, Department of Homeland Security, transmitting the Department's final rule — Fire-Suppression Systems and Voyage Planning for Towing Vessels [USCG-2000-6931] (RIN: 1625-AA60) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9074. A letter from the Project Counsel, USCG, Department of Homeland Security, transmitting the Department's final rule — Training and Qualifications for Personnel on Passenger Ships [USCG-1999-5610] (RIN: 1625-AA24) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9075. A letter from the Project Counsel, USCG, Department of Homeland Security, transmitting the Department's final rule — Update of Rules on Aids to Navigation Affecting Buoys, Sound Signals, International Rules at Sea, Communications Procedures, and Large Navigational Buoys [USCG-2001-10714] (RIN: 1625-AA34) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9076. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Gothenburg, NE [Docket No. FAA-2004-17423; Airspace Docket No. 04-ACE-24] received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9077. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Class D Airspace; Ogden, Hill Air Force Base, UT [Docket No. FAA-2004-17493; Airspace Docket No. 04-ANM-04] received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9078. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Superior, NE [Docket No. FAA-2004-17432; Airspace Docket No. 04-ACE-30] received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9079. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Tekamah, NE [Docket No. FAA-2004-17431; Airspace Docket No. 04-ACE-29] received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9080. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Oshkosh, NE [Docket No. FAA-2004-17427; Airspace Docket No. 04-ACE-27] received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9081. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Trinidad, CO [Docket No. FAA-2003-15996; Airspace Docket 03-ANM-04] received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9082. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Minden, NE [Docket No. FAA-2004-17426; Airspace Docket No. 04-ACE-26] received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9083. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Richmond, VA [Docket No. FAA-2004-17597; Airspace Docket No. 04-AEA-07] received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9084. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Norfolk, Virginia [Docket No. FAA-2004-17900; Airspace Docket No. 04-AEA-08] received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9085. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Norfolk, VA [Docket No. FAA-2004-17596; Airspace Docket No. 04-AEA-06] received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9086. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Richmond, VA [Docket No. FAA-2004-17899; Airspace Docket No. 04-AEA-09] received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9087. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Cozad, NE [Docket No. FAA-2004-17422; Airspace Docket No. 04-ACE-23] received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9088. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Broken Bow, NE [Docket No. FAA-2004-18010; Airspace Docket No. 04-ACE-39] received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9089. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Lexington, NE [Docket No. FAA-2004-18011; Airspace Docket No. 04-ACE-40] received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9090. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Festus, MO [Docket No. FAA-2004-17148; Airspace Docket No. 04-ACE-14] received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9091. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Cedar Rapids, IA [Docket No. FAA-2004-17144; Airspace Docket No. 04-ACE-10] received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9092. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Chappell, NE [Docket No. FAA-2004-17421; Airspace Docket No. 04-ACE-22] received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9093. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Hays, KS

[Docket No. FAA-2004-16989; Airspace Docket No. 04-ACE-7] received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9094. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Larned, KS [Docket No. FAA-2004-16990; Airspace Docket No. 04-ACE-8] received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9095. A letter from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule — Hazardous Materials Regulations: Minor Editorial Corrections [Docket No. RSPA-2004-18575 (HM-189X)] (RIN: 2137-AE03) received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶77.4 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Secretary requests the return to the Senate of (H.R. 1303) entitled ''An Act to amend E-Government Act of 2002 with respect to rulemaking authority of the Judicial Conference.'', in compliance with a request of the Senate for the return thereof.

¶77.5 PROVIDING FOR THE CONSIDERATION OF H.R. 4759

Mr. DREIER, by direction of the Committee on Rules, called up the following resolution (H. Res. 712):

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 4759) to implement the United States-Australia Free Trade Agreement. The bill shall be considered as read for amendment. The bill shall be debatable for two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. Pursuant to section 151(f)(2) of the Trade Act of 1974, the previous question shall be considered as ordered on the bill to final passage without intervening motion.

SEC. 2. During consideration of H.R. 4759 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

When said resolution was considered.

After debate,

On motion of Mr. DREIER, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. MILLER of Florida, announced that the yeas had it.

Mr. McGOVERN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. MILLER of Florida, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶77.6 SUTA DUMPING PREVENTION

Mr. HERGER moved to suspend the rules and pass the bill (H.R. 3463) to amend titles III and IV of the Social Security Act to improve the administration of unemployment taxes and benefits; as amended.

The SPEAKER pro tempore, Mr. MILLER of Florida, recognized Mr. HERGER and Mr. CARDIN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. MILLER of Florida, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶77.7 WORLD TRADE ORGANIZATION

Mr. ENGLISH moved to suspend the rules and agree to the resolution (H. Res. 705):

Whereas the World Trade Organization does not permit direct taxes, such as the corporate income tax, to be rebated or reduced on exports;

Whereas indirect taxes, such as a value added tax, can be and are rebated on exports in other countries;

Whereas the distinction by the World Trade Organization between direct and indirect taxation is arbitrary and may induce economic distortions among nations with disparate tax systems; and

Whereas United States firms pay a high corporate tax rate on their export income and many foreign nations are allowed to rebate their value added taxes, thereby giving exporters in nations imposing value added taxes a competitive advantage over American workers: Now, therefore, be it

Resolved, That the President—

(1) within 120 days after the convening of the 109th Congress, and annually thereafter, should report to Congress on progress in pursuing multilateral and bilateral trade negotiations to eliminate the barriers described in section 2102(b)(15) of the Trade Act of 2002; and

(2) within 120 days after convening the 109th Congress, should report to Congress on—

(A) proposed alternatives to the disparate treatment of direct and indirect taxes presently provided by the World Trade Organization; and

(B) other proposals for redressing the tax disadvantage to United States businesses and workers, either by changes to the United States corporate income tax or by the adoption of an alternative, including—

(i) assessing the impact of corporate tax rates,

(ii) a system based on the principal of territoriality, and

(iii) a border adjustment for exports such as is already allowed by the World Trade Organization for indirect taxes.

The SPEAKER pro tempore, Mr. MILLER of Florida, recognized Mr. ENGLISH and Mr. LEVIN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. PUTNAM, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ENGLISH demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PUTNAM, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶77.8 CUSTOMS BORDER SECURITY

Mr. THOMAS moved to suspend the rules and pass the bill (H.R. 4418) to authorize appropriations for fiscal years 2005 and 2006 for the Bureau of Customs and Border Protection and the Bureau of Immigration and Customs Enforcement of the Department of Homeland Security, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. PUTNAM, recognized Mr. THOMAS and Mr. LEVIN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. PUTNAM, announced that two-thirds of the Members present had voted in the affirmative.

Mr. THOMAS objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. PUTNAM, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶77.9 PEOPLE'S REPUBLIC OF CHINA

Mr. BALLENGER moved to suspend the rules and agree to the resolution (H. Res. 576); as amended:

Whereas in 2001, the People's Republic of China agreed to implement a set of sweeping reforms designed to protect intellectual property rights;

Whereas since 2001, China initiated a series of measures and a comprehensive review of its intellectual property rights laws to bring itself in compliance with international standards in patent, trademark, copyright, trade secret, and other intellectual property laws;

Whereas central and local Chinese Government officials continue to work with their counterparts in the United States to improve China's intellectual property rights enforcement through regular bilateral discussions, roundtable meetings, and numerous technical assistance programs;

Whereas China has initiated campaigns to seize illegal and pirated goods, closed or fined several assembly operations for illegal production lines, seized millions of illegal audio-visual products, and expanded training of law enforcement officials relating to intellectual property rights protection;

Whereas although China has made significant improvements to its framework of law,

regulations, rules, and judicial interpretations regarding intellectual property rights, its intellectual property rights enforcement mechanisms still face major obstacles, which have resulted in continued widespread piracy and counterfeiting of film, recorded music, published products, software products, pharmaceuticals, chemical products, information technology products, consumer goods, electrical equipment, automobiles and automotive parts, industrial products, and research results throughout China;

Whereas such widespread piracy and counterfeiting in China harms not only the economic development of China but also the economic and legal interests of United States business enterprises that sell their products or services in China, whether or not these United States business enterprises have invested in China or ever will invest in China;

Whereas United States losses due to the piracy of copyrighted materials in China is estimated to exceed $1,800,000,000 annually and counterfeited products to account for 15 to 20 percent of all products made in China, approximately 8 percent of the country's gross national product;

Whereas the market value of counterfeit goods in China is between $19,000,000,000 and $24,000,000,000 annually, causing enormous losses for intellectual property rights holders worldwide;

Whereas the export of pirated or counterfeit goods from China to third country markets causes economic losses to United States and other foreign producers of patented, trademarked, and copyrighted products competing for market share in those third country markets;

Whereas current criminal laws and enforcement mechanisms for intellectual property rights in China by administrative authorities, criminal prosecutions, and civil actions for monetary damages have not effectively addressed widespread counterfeiting and piracy;

Whereas administrative authorities in China rarely forward an administrative case relating to intellectual property rights violations to the appropriate criminal justice authorities for criminal investigation and prosecution;

Whereas China currently has high criminal liability thresholds for infringements of intellectual property rights, with an unreasonable proof-of-sale requirement totaling approximately $24,100 for business enterprises and $6,030 for individuals (according to current exchange rates) that makes criminal prosecution against those enterprises or individuals that violate intellectual property rights extremely difficult;

Whereas seizures and fines imposed by Chinese authorities for intellectual property rights violations are perceived by the violators to be a cost of doing business and such violators are usually able to resume their operations without much difficulty;

Whereas China has the second largest number of Internet users in the world, it still has not acceded to the 1996 World Intellectual Property Organization (WIPO) Internet-related treaties that reflect international norms for providing copyright protection over the Internet;

Whereas China's market access barriers for United States and other foreign cultural products such as movies, music, and books stops or slows the legal entry of these legitimate products into China, in turn increasing the demand for pirated products; and

Whereas United States Trade Representative, Ambassador Zoellick, and Secretary of Commerce Evans co-chaired an expanded Joint Commission on Commerce and Trade Meeting during Chinese Vice Premier Wu Yi's visit to the United States in April 2004 that led to the Chinese Government's commitment to an action plan to address the piracy and counterfeiting of American ideas and innovations: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the Government of the People's Republic of China for the steps it has taken to improve its legal framework for intellectual property rights protection and for efforts to bring itself toward compliance with international standards for intellectual property rights;

(2) recognizes Chinese Government's renewed commitment through an action plan presented at the 2004 United States-China Joint Commission on Commerce and Trade to significantly reduce intellectual property rights infringement levels by increasing penalties for intellectual property rights violations, cracking down on violators, improving protection of electronic data, and launching a national campaign to educate its citizens about the importance of intellectual property rights protection;

(3) further recognizes, despite the steps referred to in paragraph (1) and paragraph (2), the continued existence of widespread intellectual property rights violations in China;

(4) urges the Chinese Government to closely adhere to its action plan referred to in paragraph (2) in undertaking a coordinated nationwide intellectual property rights enforcement campaign, and to further eliminate the high criminal liability threshold and procedural obstacles that impede the effective use of criminal prosecution in addressing intellectual property rights violations, to increase the criminal penalties provided for in its laws and regulations, and to vigorously pursue counterfeiting and piracy cases;

(5) encourages the Chinese Government to fully and comprehensively implement a legal framework and effective enforcement mechanisms that would protect not only intellectual property rights held by United States and foreign business enterprises with or without investments in China, but also Chinese intellectual property rights holders, which is crucial to China's own economic development and technological advancement;

(6) urges the Chinese Government to give greater market access to the foreign producers of legitimate products such as films and other audio-visual products in order to reduce demand for and prevalence of pirated and counterfeit goods in their absence; and

(7) will continue to monitor closely China's commitment and adherence to its action plan on intellectual property protection presented during the 2004 United States-China Joint Commission on Commerce and Trade, and work with the Administration to further encourage China's efforts to bring its framework of laws, regulations, and implementing rules into compliance with international law and to create and maintain effective intellectual property rights enforcement mechanisms capable of deterring counterfeiting and piracy activities.

The SPEAKER pro tempore, Mr. PUTNAM, recognized Mr. BALLENGER and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. PUTNAM, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PUTNAM, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶77.10 H. RES. 712—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PUTNAM, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the resolution (H. Res. 712) providing for consideration of the bill (H.R. 4759) to implement the United States-Australia Free Trade Agreement.

The question being put,

Will the House agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 337 / Nays 89

¶77.11 [Roll No. 371]

YEAS—337

Aderholt	Cunningham	Hensarling
Akin	Davis (AL)	Herger
Allen	Davis (CA)	Hill
Bachus	Davis (FL)	Hinojosa
Baker	Davis (TN)	Hobson
Ballenger	Davis, Jo Ann	Hoekstra
Barrett (SC)	Davis, Tom	Holden
Bartlett (MD)	Deal (GA)	Honda
Barton (TX)	DeGette	Hooley (OR)
Bass	DeLay	Hostettler
Beauprez	DeMint	Houghton
Bell	Diaz-Balart, L.	Hoyer
Bereuter	Diaz-Balart, M.	Hulshof
Berkley	Dicks	Hunter
Berman	Dingell	Hyde
Biggert	Doggett	Inslee
Bilirakis	Dooley (CA)	Israel
Bishop (NY)	Doolittle	Issa
Bishop (UT)	Doyle	Jackson-Lee (TX)
Blackburn	Dreier	Jefferson
Blumenauer	Duncan	Jenkins
Blunt	Dunn	John
Boehlert	Edwards	Johnson (CT)
Boehner	Ehlers	Johnson (IL)
Bonilla	Emanuel	Johnson, E. B.
Bonner	Emerson	Johnson, Sam
Bono	Engel	Jones (NC)
Boozman	English	Kanjorski
Boucher	Eshoo	Keller
Boyd	Evans	Kelly
Bradley (NH)	Everett	Kennedy (MN)
Brady (TX)	Fattah	King (IA)
Brown (SC)	Feeney	King (NY)
Brown, Corrine	Ferguson	Kingston
Brown-Waite, Ginny	Flake	Kirk
Burgess	Foley	Kline
Burns	Forbes	Knollenberg
Burr	Ford	Kolbe
Burton (IN)	Fossella	LaHood
Buyer	Franks (AZ)	Lampson
Calvert	Frelinghuysen	Langevin
Camp	Frost	Larsen (WA)
Cannon	Gallegly	Latham
Cantor	Garrett (NJ)	LaTourette
Capito	Gephardt	Leach
Capps	Gerlach	Levin
Cardin	Gibbons	Lewis (CA)
Carter	Gilchrest	Lewis (GA)
Case	Gillmor	Lewis (KY)
Castle	Gingrey	Linder
Chabot	Gonzalez	LoBiondo
Chandler	Goode	Lofgren
Chocola	Goodlatte	Lowey
Clay	Gordon	Lucas (KY)
Coble	Goss	Lucas (OK)
Cole	Granger	Lynch
Collins	Graves	Maloney
Conyers	Green (WI)	Manzullo
Cooper	Greenwood	Matheson
Cox	Gutknecht	Matsui
Cramer	Hall	McCarthy (MO)
Crane	Harman	McCarthy (NY)
Crenshaw	Harris	McCotter
Crowley	Hart	McCrery
Cubin	Hastings (WA)	McHugh
Culberson	Hayes	McInnis
Cummings	Hayworth	McKeon
	Hefley	

Meeks (NY)
Menendez
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—89

Abercrombie
Ackerman
Alexander
Andrews
Baca
Baird
Baldwin
Becerra
Berry
Bishop (GA)
Boswell
Brady (PA)
Brown (OH)
Capuano
Cardoza
Carson (OK)
Clyburn
Costello
Davis (IL)
DeFazio
Delahunt
DeLauro
Deutsch
Etheridge
Farr
Filner
Frank (MA)
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Herseth
Hinchey
Holt
Jackson (IL)
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Lantos
Larson (CT)
Lee
Lipinski
Markey
Marshall
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Michaud
Millender-McDonald
Miller, George
Mollohan
Nadler
Neal (MA)
Oberstar
Obey
Owens
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pomeroy
Rahall
Rothman
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Slaughter
Solis
Stark
Strickland
Stupak
Taylor (MS)
Thompson (MS)
Tierney
Velázquez
Weiner
Wexler

NOT VOTING—7

Carson (IN)
Hoeffel
Isakson
Istook
Kind
Majette
Rangel

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶77.12 H. RES. 705—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PUTNAM, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 705) urging the President to resolve the disparate treatment of direct and indirect taxes presently provided by the World Trade Organization.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 423 / Nays 1

¶77.13 [Roll No. 372]

YEAS—423

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—9

Burton (IN)
Carson (IN)
Hoeffel
Isakson
Istook
Kind
Majette
Moore
Rangel

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶77.14 H.R. 4418—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HASTINGS of Washington, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4418) to authorize appropriations for fiscal years 2005 and 2006 for the Bureau of Customs and Border Protection and the Bureau of Immigration and Customs Enforcement of the Department of Homeland Security, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. HASTINGS of Washington, announced that two-thirds of those present had voted in the affirmative.

Mr. CRANE demanded a recorded vote on, passage of said bill, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 341 / Nays 85

¶77.15 [Roll No. 373]

AYES—341

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Israel
Issa
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney
Manzullo
Marshall
Matheson
Matsui
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sabo
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOES—85

Andrews
Baldwin
Becerra
Bell
Bishop (GA)
Bishop (NY)
Blumenauer
Brady (PA)
Brown, Corrine
Capuano
Clay
Clyburn
Conyers
Cummings
Davis (AL)
Doggett
Doyle
Farr
Fattah
Filner
Ford
Frank (MA)
Gutierrez
Hastings (FL)
Hayes
Hinchey
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jones (NC)
Jones (OH)
Kennedy (RI)
Kilpatrick
Kucinich
Langevin
Larson (CT)
Lee
Lewis (GA)
Lynch
Markey
McCarthy (MO)
McCollum
McDermott
McGovern
Meek (FL)
Meeks (NY)
Miller, George
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Reyes
Rothman
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Sherman
Stark
Stupak
Taylor (MS)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Velázquez
Waters
Watson
Watt
Waxman
Woolsey
Wynn

NOT VOTING—7

Carson (IN)
Hoeffel
Isakson
Istook
Kind
Majette
Rangel

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶77.16 H. RES. 576—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HASTINGS of Washington, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 576) urging the Government of the People's Republic of China to improve its protection of intellectual property rights, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 416 / Nays 3

¶77.17 [Roll No. 374]

YEAS—416

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

McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—3

Diaz-Balart, L.
Diaz-Balart, M.
Ros-Lehtinen

NOT VOTING—14

Carson (IN)
Carson (OK)
Farr
Goode
Herger
Hoeffel
Isakson
Istook
Kind
Majette
Manzullo
Neal (MA)
Rangel
Spratt

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was passed was, by unanimous consent, laid on the table.

¶77.18 UNITED STATES-AUSTRALIA FREE TRADE AGREEMENT

Mr. THOMAS, pursuant to House Resolution 712, called up the bill (H.R. 4759) to implement the United States-Australia Free Trade Agreement.

When said bill was considered and read twice.

After debate,

The previous question having been ordered by said resolution.

The bill was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. HASTINGS of Washington, announced that the yeas had it.

Mr. CRANE objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 314; Nays ..... 109; Answered present 1 }

¶77.19 [Roll No. 375]

YEAS—314

Ackerman
Aderholt
Akin
Allen
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carter
Castle
Chabot
Chandler
Chocola
Clay
Coble
Cole
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Everett
Farr
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Greenwood
Hall
Harman
Harris
Hart
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Manzullo
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nussle
Olver
Ortiz
Ose
Oxley
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—109

Abercrombie
Alexander
Andrews
Baca
Baldwin
Bass
Berry
Bishop (UT)
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Burton (IN)
Cardoza
Carson (OK)
Case
Clyburn
Conyers
Costello
Cummings
Davis (IL)
DeFazio
Delahunt
DeLauro
Deutsch
Emanuel
Emerson
Evans
Fattah
Filner
Frank (MA)
Goode
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hastings (FL)
Hayes
Herseth
Hinchey
Hoekstra
Hostettler
Jackson (IL)
Jones (NC)
Kanjorski
Kaptur
Kildee
Kleczka
Kucinich
Lantos
Larson (CT)
Lee
Lipinski
Lucas (OK)
Markey
Marshall
McCollum
McIntyre
McNulty
Michaud
Millender-McDonald
Miller, George
Mollohan
Moran (KS)
Nadler
Oberstar
Obey
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Peterson (MN)
Pombo
Pomeroy
Quinn
Rahall
Rehberg
Rothman
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Scott (VA)
Sensenbrenner
Serrano
Simpson
Slaughter
Smith (MI)
Solis
Spratt
Stark
Strickland
Stupak
Taylor (MS)
Taylor (NC)
Thompson (MS)
Tierney
Udall (NM)
Velázquez
Waters
Waxman
Woolsey

ANSWERED "PRESENT"—1

Nunes

NOT VOTING—9

Carson (IN)
Collins
Hoeffel
Isakson
Istook
Kind
Majette
Rangel
Ros-Lehtinen

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶77.20 PROVIDING FOR THE CONSIDERATION OF H.R. 4818

Mr. Lincoln DIAZ-BALART of Florida, by direction of the Committee on Rules, reported (Rept. No. 108–604) the resolution (H. Res. 715) providing for the consideration of the bill (H.R. 4818) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶77.21 PROJECT BIO-SHIELD 2004

Mr. BARTON of Texas, pursuant to the order of the House of July 13, 2004, called up the bill of the Senate (S. 15) to amend the Public Health Service Act to provide for the payment of compensation for certain individuals with injuries resulting from the administration of smallpox countermeasures, to provide protections and countermeasures against chemical, radiological, or nuclear agents that may be used in a terrorist attack against the United States, and to improve immunization rates by increasing the distribution of vaccine and improving and clarifying the vaccine injury compensation program.

Pending consideration of said bill.

The SPEAKER pro tempore, Mr. FOLEY, pursuant to the order of the House of July 13, 2004, recognized Mr. BARTON of Texas and Mr. BROWN of Ohio for 30 minutes each, Mr. Tom DAVIS of Virginia, Mr. WAXMAN, Ms. DUNN, and Mr. TURNER of Texas for 7-1/2 minutes each.

When said bill was considered and read twice.

After debate,

Pursuant to the order of the House of July 13, 2004, the previous question was ordered.

The bill was ordered to be read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. FOLEY, announced that the yeas had it.

Mr. Tom DAVIS of Virginia demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 414 / Nays 2

¶77.22 [Roll No. 376]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Flake
Paul

NOT VOTING—17

Cardin
Carson (IN)
Collins
Conyers
Deutsch
Dingell
Dooley (CA)
Ford
Frank (MA)
Gephardt
Hoeffel
Houghton
Isakson
Kind
Kleczka
Majette
Rangel

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶77.23 VIETNAM HUMAN RIGHTS

Mr. SMITH of New Jersey moved to suspend the rules and pass the bill (H.R. 1587) to promote freedom and democracy in Vietnam; as amended.

The SPEAKER pro tempore, Mr. FOLEY, recognized Mr. SMITH of New Jersey and Mr. EVANS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. NUNES, announced that two-thirds of the Members present had voted in the affirmative.

Mr. EVANS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. NUNES, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed, until Thursday, July 15, 2004.

¶77.24 DISTRIBUTION OF FOOD IN SCHOOLS

Mr. SMITH of New Jersey moved to suspend the rules and agree to the concurrent resolution of the Senate (S. Con. Res. 114):

Whereas there are more than 300,000,000 chronically hungry and malnourished children in the world;

Whereas more than half of these children go to school on an empty stomach, and almost as many do not attend school at all, but might if food were available;

Whereas the distribution of food in schools is one of the simplest and most effective strategies to fight hunger and malnourishment among children;

Whereas when school meals are offered to hungry or malnourished children, attendance rates increase significantly, particularly for girls;

Whereas the distribution of food in schools encourages better school attendance, thereby improving literacy rates and fighting poverty;

Whereas improvement in the education of girls is one of the most important factors in reducing child malnutrition in developing countries;

Whereas girls who attend schools tend to marry later in life and have fewer children, thereby helping them escape a life of poverty;

Whereas by improving literacy rates and increasing job opportunities, education addresses several of the root causes of terrorism;

Whereas the distribution of food in schools increases attendance of children who might otherwise be susceptible to recruitment by groups that offer them food in return for their attendance at extremist schools or participation in terrorist training camps;

Whereas the Global Food for Education Initiative pilot program, established in 2001, donated surplus United States agricultural commodities to the United Nations World Food Program and other recipients for distribution to nearly 7,000,000 hungry and malnourished children in 38 countries;

Whereas a recent Department of Agriculture evaluation found that the pilot program created measurable improvements in school attendance (particularly for girls), increased local employment and economic activity, produced greater involvement in local infrastructure and community improvement projects, and increased participation by parents in the schools and in the education of their children;

Whereas the Farm Security and Rural Investment Act of 2002 (Public Law 107–171, 116 Stat. 134) replaced the pilot program with the McGovern–Dole International Food for Education and Child Nutrition Program, which was named after former Senators George McGovern and Robert Dole for their distinguished work to eradicate hunger and poverty around the world; and

Whereas the McGovern–Dole International Food for Education and Child Nutrition Program provides food to nearly 2,000,000 hungry or malnourished children in 21 countries: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) expresses its grave concern about the continuing problem of hunger and the desperate need to feed hungry and malnourished children around the world;

(2) recognizes that the global distribution of food in schools to children around the world increases attendance, particularly for girls, improves literacy rates, and increases job opportunities, thereby helping to fight poverty;

(3) recognizes that education of children around the world addresses several of the root causes of international terrorism;

(4) recognizes that the world will be safer and more promising for children as a result of better school attendance;

(5) expresses its gratitude to former Senators George McGovern and Robert Dole for supporting the distribution of food in schools around the world to children and for working to eradicate hunger and poverty around the world;

(6) commends the Department of Agriculture, the Agency for International Development, the Department of State, the United Nations World Food Program, private voluntary organizations, non-governmental organizations, and cooperatives for facilitating the distribution of food in schools around the world;

(7) expresses its continued support for the distribution of food in schools around the world;

(8) supports expansion of the McGovern–Dole International Food for Education and Child Nutrition Program; and

(9) requests the President to work with the United Nations and its member states to expand international contributions for the distribution of food in schools around the world.

The SPEAKER pro tempore, Mr. NUNES, recognized Mr. SMITH of New Jersey and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. RENZI, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. RENZI, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Thursday, July 15, 2004.

¶77.25 TAIWAN RELATIONS

Mr. SMITH of New Jersey moved to suspend the rules and agree to the concurrent resolution (H. Con. Res. 462):

Whereas April 10, 2004, marked the 25th anniversary of the enactment of the Taiwan Relations Act (22 U.S.C. 3301 et seq.), codifying in law the basis for continued commercial, cultural, and other relations between the United States and Taiwan;

Whereas it is and will continue to be United States policy to further encourage and expand these extensive commercial, cultural, and other relations between the people of the United States and the people of Taiwan during the next quarter century;

Whereas since its enactment in 1979 the Taiwan Relations Act has been instrumental in maintaining peace, security, and stability in the Taiwan Strait;

Whereas when the Taiwan Relations Act was enacted, it affirmed that the decision of the United States to establish diplomatic relations with the People's Republic of China was based on the expectation that the future of Taiwan would be determined by peaceful means;

Whereas the Government of the People's Republic of China refuses to renounce the use of force against Taiwan;

Whereas the Department of Defense report entitled ''Annual Report on the Military Power of the People's Republic of China,'' dated July 30, 2003, documents that the Government of the People's Republic of China is seeking coercive military options to resolve the Taiwan issue and, as of the date of the report, has deployed approximately 450 short-range ballistic missiles against Taiwan and is adding 75 missiles per year to this arsenal;

Whereas the escalating arms buildup of missiles and other offensive weapons by the People's Republic of China in areas adjacent to the Taiwan Strait is a threat to the peace and security of the Western Pacific area;

Whereas section 3 of the Taiwan Relations Act (22 U.S.C. 3302) requires that the United States Government will make available defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability;

Whereas the Taiwan Relations Act requires the United States to maintain the capacity to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people of Taiwan;

Whereas the Taiwan Relations Act affirms the preservation and enhancement of the human rights of the people of Taiwan as an objective of the United States;

Whereas Taiwan serves as a model of democratic reform for the People's Republic of China;

Whereas Taiwan's 1996 election was the first time in five millennia of recorded Chinese history that a democratically elected president took office;

Whereas Taiwan's democracy has deepened with a peaceful transfer of power from one political party to another after the presidential election of 2000;

Whereas the relationship between the United States and Taiwan has deepened with Taiwan's evolution into a full-fledged, multiparty democracy that respects human rights and civil liberties;

Whereas high-level visits between government officials of the United States and Taiwan are not inconsistent with the ''one China policy''; and

Whereas any attempt to determine Taiwan's future by other than peaceful means and other than with the express consent of the people of Taiwan would be considered of grave concern to the United States: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) Congress reaffirms its unwavering commitment to the Taiwan Relations Act (22 U.S.C. 3301 et seq.) as the cornerstone of United States relations with Taiwan;

(2) the military modernization and weapons procurement program of the People's Republic of China is a matter of grave concern, and particularly the current deployment of approximately 500 missiles directed toward Taiwan;

(3) the President should direct all appropriate United States Government officials to raise these grave concerns regarding military threats to Taiwan with officials of the Government of the People's Republic of China;

(4) the President and Congress should determine whether the escalating arms buildup, including deployment of offensive weaponry and missiles in areas adjacent to the Taiwan Strait, requires that additional defense articles and services be made available to Taiwan, and the United States Government should encourage the leadership of Taiwan to devote sufficient financial resources to the defense of their island;

(5) as recommended by the U.S.-China Economic and Security Review Commission, the Department of Defense should provide a comprehensive report on the nature and scope of military sales by the Russian Federation to the People's Republic of China to the Committees on International Relations and Armed Services of the House of Representatives and Committees on Foreign Relations and Armed Services of the Senate;

(6) the President should encourage further dialogue between democratic Taiwan and the People's Republic of China; and

(7) the United States Government should not discourage current officials of the Taiwan Government from visiting the United States on the basis that doing so would violate the ''one China policy''.

The SPEAKER pro tempore, Mr. RENZI, recognized Mr. SMITH of New Jersey and Mr. PAUL, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. RENZI, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. RENZI, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed, until Thursday, July 15, 2004.

¶77.26 ISRAEL AND WEOG AT UNITED NATIONS

Ms. ROS-LEHTINEN moved to suspend the rules and agree to the resolution (H. Res. 615); as amended:

Whereas since the mid-1960s, the member states of the United Nations have been divided into five groups, including the Western European and Others Group and the African, Asian, Latin American, and Eastern European groups;

Whereas the United Nations increasingly relies on this ''Group System'' to facilitate its work and two leading United Nations organs, the General Assembly and the Economic and Social Council, have passed numerous resolutions granting this system a central role in United Nations elections;

Whereas Israel has been refused admission to the Asian Group of the United Nations and is therefore denied the rights and privileges of full membership in the United Nations;

Whereas exclusion of Israel violates crucial principles of the United Nations Charter, including the right of states to be treated in accordance with the principle of sovereign equality and the right to vote and participate fully in the United Nations General Assembly;

Whereas the Bureau of every United Nations conference comprises one representative from each group in the United Nations and Israel is therefore denied access to this vital apparatus enjoyed by other United Nations member states;

Whereas on May 30, 2000, Israel accepted an invitation to become a temporary member of the Western European and Others Group at the United Nations;

Whereas Israel's membership in the Western European and Others Group is limited and, as a temporary member, Israel is not allowed to compete for open seats or to run for positions in major bodies of the United Nations, such as the Security Council, or United Nations-affiliated agencies, such as the United Nations Commission on Human Rights;

Whereas Israel is only allowed to participate in limited activities of the Western European and Others Group at the United Nations headquarters and is excluded from discussions and consultations of the Group at the United Nations offices in Geneva, Nairobi, Rome, and Vienna;

Whereas the Western European and Others Group includes Canada, Australia, and the United States;

Whereas Israel is linked to Western European and Others Group member states by strong economic, political, and cultural ties;

Whereas the Western European and Others Group is the only bloc which is not purely geographical but rather comprises countries which share a Western democratic tradition; and

Whereas Israel is a free and democratic country and its voting pattern in the United Nations is consistent with that of the Western European and Others Group member states: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the President should direct the Secretary of State and the United States Permanent Representative to the United Nations to seek an immediate end to the persistent and deplorable inequality experienced by Israel in the United Nations;

(2) United States interests would be well served if Israel were afforded the benefits of full membership in the Western European and Others Group at the United Nations so that it could fully participate in the United Nations system;

(3) consistent with section 405(a) of division C of H.R. 1950, as passed the House of Representatives on July 16, 2003, ''the Secretary of State and other appropriate officials of the United States Government should pursue an aggressive diplomatic effort and should take all necessary steps to ensure the extension and upgrade of Israel's membership in the Western European and Others Group at the United Nations''; and

(4) the Secretary of State should continue to submit to Congress on a regular basis a report which describes actions taken by the United States Government to encourage the Western European and Others Group member states to accept Israel as a full member of their group and describes the responses thereto from the member states.

The SPEAKER pro tempore, Mr. RENZI, recognized Ms. ROS-LEHTINEN and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. RENZI, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. RENZI, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed, until Thursday, July 15, 2004.

¶77.27 COMMENDING THE GOVERNMENT OF PORTUGAL

Ms. ROS-LEHTINEN moved to suspend the rules and agree to the resolution (H. Res. 688); as amended:

Whereas the United States and Portugal have a long history of consistent friendship and support;

Whereas the Government of Portugal and the Portuguese people have shown tremendous support for the United States in this time of armed conflict;

Whereas Portugal has been a devout, resolute, and steadfast ally of the United States;

Whereas the support of the Government of Portugal and the Portuguese people is of paramount importance to the United States;

Whereas the Government of Portugal and the Portuguese people have committed a full array of their country's resources to fight the terrorist threat all over the world;

Whereas at the request of the United States and within the framework of United Nations Security Council resolutions, Portugal has sent brave soldiers, medical teams, police, flight crews, and other military personnel to Iraq and has continued to authorize the use of Lajes Air Base, in Azores, Portugal, for strategic staging in the War on Terrorism, including the current engagement in Iraq; and

Whereas the democratic principles and ideals that Portugal and the United States share have formed the basis of an enduring friendship which has stood the test of time: Now, therefore, be it

Resolved, That the House of Representatives—

(1) is grateful for the support of the people and Government of Portugal;

(2) commends the Government of Portugal and the Portuguese people for their steadfast friendship, resolute leadership, and unwavering support;

(3) commends the bravery and courage of all members of the Portuguese armed forces who have participated in the effort to bring an end to international terrorism; and

(4) expects the unique friendship between the United States and Portugal to continue.

The SPEAKER pro tempore, Mr. RENZI, recognized Ms. ROS-LEHTINEN and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. FRANKS of Arizona, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶77.28 NORTHERN UGANDA CRISIS RESPONSE

Mr. ROYCE moved to suspend the rules and pass the bill of the Senate (S. 2264) a bill to require a report on the conflict in Uganda, and for other purposes.

The SPEAKER pro tempore, Mr. FRANKS of Arizona, recognized Mr. ROYCE and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. FRANKS of Arizona, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. FRANKS of Arizona, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed, until Thursday, July 15, 2004.

¶77.29 INTERNATIONAL COURT OF JUSTICE

Mr. PENCE moved to suspend the rules and agree to the resolution (H. Res. 713); as amended:

Whereas the Israeli people have suffered through a three-year campaign of terror that has included suicide bombings, snipers, and other attacks on homes, businesses, and places of worship and has resulted in the murder of more than 1,000 innocent people since September 2000;

Whereas more than 50 United States citizens have been killed and more than 80 United States citizens injured by Palestinian terrorists in Israel, the West Bank, and Gaza since 1993;

Whereas President George W. Bush said in October 2003 regarding Israel's right to self-defense that ''Israel must not feel constrained in terms of defending the homeland'';

Whereas international law, as expressly recognized in Article 51 of the United Nations Charter, guarantees all nations an inherent right to self-defense;

Whereas United Nations Security Council Resolution 1373 (2001), relating to international cooperation to combat threats to international peace and security caused by terrorist acts, and statements by representatives of other countries at that time, make clear that Article 51 of the United Nations Charter applies to self-defense against actions by terrorist groups against the civilian population of any country;

Whereas a security barrier, capable of being modified or removed, is being constructed by Israel in response to an ongoing campaign of terror against its people and has resulted in a dramatic decline in the number of successful terrorist attacks;

Whereas on December 8, 2003, the United Nations General Assembly adopted, through a plurality rather than a majority vote of member nations, Resolution ES–10/14 which requested the International Court of Justice (ICJ) to render an opinion on the legality of the security barrier;

Whereas the United States, Australia, Belgium, Cameroon, Canada, the Czech Republic, the Federated States of Micronesia, France, Germany, Greece, Ireland (for itself and in addition on behalf of the Member States and Acceding States of the European Union), Italy, Japan, the Marshall Islands, the Netherlands, Norway, Palau, the Russian Federation, Spain, Sweden, Switzerland, and the United Kingdom submitted objections on various grounds against the ICJ hearing the case or expressing concerns about the advisability of the publication of an advisory judgment;

Whereas a June 30, 2004, decision of a panel of the Israeli Supreme Court, headed by its President and sitting as a High Court of Justice, called on the Government of Israel to take Palestinian humanitarian concerns further into account in the construction of the barrier, even if doing so resulted in greater security risk to Israeli citizens, and accordingly required the Government to alter the route of a specific portion of the barrier near Jerusalem in order to accommodate Palestinian humanitarian concerns;

Whereas the Government of Israel immediately stated that it would respect the decision of its High Court of Justice and has taken action to implement that decision;

Whereas the Government of Israel has expressed its commitment that the security barrier is temporary in nature and will not prejudice any final status issues, including final borders;

Whereas on July 9, 2004, the ICJ said in a non-unanimous, non-binding advisory judgment that Israel's security barrier, to the degree it was built outside the pre-June 1967 borders, was illegal and should be dismantled, and that Article 51 of the United Nations Charter did not apply to Israeli actions in self-defense with respect to violence emanating from the West Bank;

Whereas on July 11, 2004, less than two days after the ICJ's advisory judgment, Israeli civilians were murdered by Palestinian terrorists;

Whereas the Palestinians, along with other parties and states, may attempt to use the ICJ's advisory judgment to advance their positions on issues committed to negotiations between the Israelis and Palestinians by advancing resolutions in the United Nations General Assembly, the Security Council, or elsewhere calling for the removal of the barrier and for the imposition of sanctions to force Israel to comply with the advisory judgment; and

Whereas the administration of President Bush has reiterated its position that the ICJ should not have agreed to decide a political issue of this nature that should, rather, be resolved through the Roadmap process leading to a negotiated agreement between Israel and the Palestinians: Now, therefore, be it

Resolved, That the House of Representatives—

(1) reaffirms its steadfast commitment to the security of Israel and its strong support of Israel's inherent right to self-defense;

(2) condemns the Palestinian leadership for failing to carry out its responsibilities under the Roadmap and under other obligations it has assumed, to engage in a sustained fight against terrorism, to dismantle the terrorist infrastructure, and to bring an end to terrorist attacks directed at Israel;

(3) calls on Palestinians and all states, in the region and beyond, to join together to fight terrorism and dismantle terrorist organizations so that progress can be made toward a peaceful resolution of the Israeli-Palestinian conflict;

(4) deplores—

(A) the misuse of the International Court of Justice (ICJ) by a plurality of member nations of the United Nations General Assembly for the narrow political purpose of advancing the Palestinian position on matters Palestinian authorities have said should be the subject of negotiations between the parties;

(B) the July 9, 2004 advisory judgment of the ICJ, which seeks to infringe upon Israel's right to self-defense, including under Article 51 of the Charter of the United Nations, and which projects a message of international indifference to the safety of Israeli citizens that can only be detrimental to prospects of achieving a negotiated peace;

(5) regrets the ICJ's advisory judgment, which is likely to undermine its reputation and interfere with a resolution of the Palestinian-Israeli conflict;

(6) commends the President and the Secretary of State for their leadership in marshaling opposition to the misuse of the ICJ in this case;

(7) calls on members of the international community to reflect soberly on—

(A) the steps taken by the Government of Israel to mitigate the impact of the security barrier on Palestinians, including steps it has taken by order of its High Court of Justice, without being required to do so by the ICJ; and

(B) the damage that will be done to the ICJ, to the United Nations, and to individual Israelis and Palestinians, by actions taken under color of the ICJ's advisory judgment that interfere in the Roadmap process and impede efforts to achieve progress toward a negotiated settlement between Israelis and Palestinians; and

(8) Urges all nations to join the United States in international fora to prevent the exploitation of the ICJ's advisory judgment for political purposes.

The SPEAKER pro tempore, Mr. FRANKS of Arizona, recognized Mr. PENCE and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. FRANKS of Arizona, announced that two-thirds of the Members present had voted in the affirmative.

Mr. PENCE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. FRANKS of Arizona, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed, until Thursday, July 15, 2004.

¶77.30 JAMESTOWN 400TH ANNIVERSARY COMMEMORATIVE COIN

Mr. CASTLE moved to suspend the rules and pass the bill (H.R. 1914) to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement; as amended.

The SPEAKER pro tempore, Mr. FRANKS of Arizona, recognized Mr. CASTLE and Mr. SCOTT of Georgia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. HARRIS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶77.31 MARINE CORPS 230TH ANNIVERSARY COMMEMORATIVE COIN

Mr. CASTLE moved to suspend the rules and pass the bill (H.R. 3277) to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center; as amended.

The SPEAKER pro tempore, Ms. HARRIS, recognized Mr. CASTLE and Mr. SCOTT of Georgia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. HARRIS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶77.32 JOHN MARSHALL COMMEMORATIVE COIN

Mr. CASTLE moved to suspend the rules and pass the bill (H.R. 2768) to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall; as amended.

The SPEAKER pro tempore, Ms. HARRIS, recognized Mr. CASTLE and Mr. SCOTT of Georgia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. HARRIS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶77.33 DISTRICT OF COLUMBIA COLLEGE ACCESS

Mr. Tom DAVIS of Virginia moved to suspend the rules and pass the bill (H.R. 4012) to amend the District of Columbia College Access Act of 1999 to permanently authorize the public school and private school tuition assistance programs established under the Act; as amended.

The SPEAKER pro tempore, Ms. HARRIS, recognized Mr. Tom DAVIS of Virginia and Ms. NORTON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. HARRIS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to amend the District of Columbia College Access Act of 1999 to reauthorize for 5 additional years the public school and private school tuition assistance programs established under the Act.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶77.34 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. KIND, for today; and

To Mr. RANGEL, for today.

And then,

¶77.35 ADJOURNMENT

On motion of Mr. TIAHRT, at 11 o'clock and 27 minutes p.m., the House adjourned.

¶77.36 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on International Relations. H.R. 4654. A bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2007, and for other purposes (Rept. 108–603). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 715. Resolution providing for consideration of the bill (H.R. 4818) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108–604). Referred to the House Calendar.

Mr. POMBO: Committee on Resources. H.R. 2715. A bill to provide for necessary improvements to facilities at Yosemite National Park, and for other purposes (Rept. 108–605). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARTON of Texas: Committee on Energy and Commerce. H.R. 2023. A bill to give a preference regarding States that require schools to allow students to self-administer medication to treat that student's asthma or anaphylaxis, and for other purposes; with an amendment (Rept. 108–606 Pt. 1). Ordered to be printed.

¶77.37 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2023. Referral to the Committee on Education and the Workforce extended for a period ending not later than July 14, 2004.

¶77.38 DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Education and the Workforce discharged from further consideration. H.R. 2023 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

¶77.39 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HINOJOSA (for himself, Mr. GREEN of Texas, Mr. TURNER of Texas, Mr. BELL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FROST, Ms. JACKSON-LEE of Texas, Mr. GONZALEZ, Mr. EDWARDS, Mr. CARTER, Mr. HALL, Mr. CULBERSON, Mr. BRADY of Texas, Mr. THORNBERRY, Ms. GRANGER, Mr. HENSARLING, Mr. ORTIZ, Mr. RODRIGUEZ, Mr. SANDLIN, Mr. LAMPSON, Mr. REYES, Mr. BARTON of Texas, Mr. STENHOLM, Mr. DELAY, Mr. SMITH of Texas, Mr. DOGGETT, Mr. SESSIONS, Mr. NEUGEBAUER, Mr. BURGESS, Mr. BONILLA, Mr. PAUL, and Mr. SAM JOHNSON of Texas):

H.R. 4829. A bill to designate the facility of the United States Postal Service located at 103 East Kleberg in Kingsville, Texas, as the ''Irma Rangel Post Office Building''; to the Committee on Government Reform.

By Mr. TURNER of Texas (for himself, Mr. THOMPSON of Mississippi, Mr. DICKS, Ms. NORTON, Ms. JACKSON-LEE of Texas, Mr. ETHERIDGE, and Mr. LANGEVIN):

H.R. 4830. A bill to amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to develop and implement a program to enhance private sector preparedness for emergencies and disasters; to the Committee on Transportation and Infrastructure.

By Mr. HEFLEY (for himself, Mr. LEWIS of Kentucky, and Mr. ALLEN):

H.R. 4831. A bill to establish a Federal Interagency Committee on Emergency Medical Services and a Federal Interagency Committee on Emergency Medical Services Advisory Council, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HOUGHTON:

H.R. 4832. A bill to amend the Immigration and Nationality Act to permit representatives of the foreign press to enter the United States under the visa waiver program; to the Committee on the Judiciary.

By Mr. JOHN:

H.R. 4833. A bill to direct the Secretary of Education to extend the same level of increased flexibility to all rural local educational agencies under part A of title I of the Elementary and Secondary Education Act of 1965; to the Committee on Education and the Workforce.

By Mr. LIPINSKI (for himself, Mr. QUINN, and Mr. EMANUEL):

H.R. 4834. A bill to waive visa processing fees for nonimmigrant visitors who are nationals of countries providing combat troops in Afghanistan and Iraq; to the Committee on the Judiciary.

By Mr. POMBO (for himself, Mr. CALVERT, Mrs. WILSON of New Mexico, and Mr. PEARCE):

H.R. 4835. A bill to establish a water supply enhancement demonstration program, including the demonstration of desalination, and for other purposes; to the Committee on Resources.

By Mr. HUNTER:

H. Con. Res. 472. Concurrent resolution expressing the sense of Congress that the apprehension, detention, and interrogation of terrorists are fundamental elements in the successful prosecution of the Global War on Terrorism and the protection of the lives of United States citizens at home and abroad; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York (for himself, Mr. MCHUGH, Mrs. MALONEY, Mr. TOWNS, Mr. CASTLE, Mr. SMITH of New Jersey, Mrs. MCCARTHY of New York, Mr. BOEHLERT, and Mr. BURTON of Indiana):

H. Con. Res. 473. Concurrent resolution expressing the sense of Congress that the President should designate September 11 as a national day of voluntary service, charity, and compassion; to the Committee on Government Reform.

By Mr. GALLEGLY:

H. Res. 716. A resolution encouraging the people of the Bolivarian Republic of Venezuela to participate in a constitutional, peaceful, democratic, and electoral solution to the political crisis in Venezuela relating to the referendum to recall President Hugo Chavez; to the Committee on International Relations.

By Mrs. MALONEY (for herself, Mrs. LOWEY, Mr. SCHIFF, Mr. HASTINGS of Florida, Ms. ESHOO, Ms. MCCOLLUM, Mrs. MCCARTHY of New York, Mr. SCOTT of Georgia, Mr. KUCINICH, Mr. MOORE, Mr. CUMMINGS, Mr. GEORGE MILLER of California, Mr. WAXMAN, Mr. NADLER, Mr. MCDERMOTT, Mr. CONYERS, Ms. MCCARTHY of Missouri, Mr. HINCHEY, Mr. MCNULTY, Mr. DOYLE, Mr. LAMPSON, Mr. EMANUEL, Mr. BRADY of Pennsylvania, Mr. HINOJOSA, Mr. BISHOP of Georgia, Ms. JACKSON-LEE of Texas, Mr. BELL, Mrs. JONES of Ohio, Mr. SERRANO, Mr. ISRAEL, Mr. LANTOS, Mr. KANJORSKI, Mr. DINGELL, and Ms. WATSON):

H. Res. 717. A resolution honoring former President William Jefferson Clinton on the occasion of his 58th birthday; to the Committee on Government Reform.

By Mr. JOHN:

H. Res. 718. A resolution providing that the trade authorities procedures under the Bipartisan Trade Promotion Authority Act of 2002 shall not apply to any implementing bill submitted with respect to the Central American Free Trade Agreement; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶77.40 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. OTTER.
H.R. 348: Mr. TIBERI.
H.R. 745: Ms. MCCOLLUM.
H.R. 811: Mr. NORWOOD.
H.R. 918: Mr. KLINE and Mr. GREENWOOD.
H.R. 1057: Mr. GARY G. MILLER of California.
H.R. 1205: Mr. CAPUANO, Mr. WEXLER, Mr. BERMAN, and Mr. VAN HOLLEN.
H.R. 1258: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1728: Mr. LEWIS of Kentucky.
H.R. 1873: Mr. NETHERCUTT.
H.R. 1930: Mrs. NAPOLITANO.
H.R. 2074: Mr. SHERMAN.
H.R. 2173: Ms. SCHAKOWSKY.
H.R. 2176: Mrs. MCCARTHY of New York, Mr. MORAN of Virginia, and Mr. EVANS.
H.R. 2400: Mr. REHBERG.
H.R. 2933: Mr. WALDEN of Oregon, Mr. PEARCE, and Mr. REHBERG.
H.R. 2959: Mr. SNYDER and Ms. WATSON.
H.R. 3103: Mr. CRANE.
H.R. 3142: Mr. DEUTSCH and Mr. KILDEE.
H.R. 3194: Mr. WHITFIELD and Mr. GREEN of Texas.
H.R. 3285: Mr. JOHN.
H.R. 3313: Mr. KING of Iowa and Mr. HASTINGS of Washington.
H.R. 3325: Ms. PELOSI.
H.R. 3363: Mr. SANDLIN.
H.R. 3558: Mr. GORDON, Ms. SCHAKOWSKY, and Mr. GILCHREST.
H.R. 3574: Mr. KENNEDY of Rhode Island.
H.R. 3579: Mr. SANDERS.
H.R. 3716: Mrs. CAPITO.
H.R. 3767: Ms. HERSETH and Mr. SANDLIN.
H.R. 3865: Mr. SANDERS and Mr. FROST.
H.R. 3888: Mr. LANTOS.
H.R. 4022: Mr. FERGUSON.
H.R. 4046: Mrs. KELLY and Mr. HOUGHTON.
H.R. 4048: Mr. MILLER of Florida.
H.R. 4067: Mr. TIERNEY.
H.R. 4080: Mr. PLATTS.
H.R. 4116: Mr. THOMPSON of Mississippi, Mr. SCHROCK, Mr. SHADEGG, Mr. TOOMEY, Mr. SMITH of New Jersey, and Mr. BOEHLERT.
H.R. 4119: Mr. SNYDER and Mr. LEWIS of Georgia.
H.R. 4236: Mr. STARK and Mr. WAXMAN.
H.R. 4237: Mr. STARK and Mr. WAXMAN.
H.R. 4258: Mr. MCINTYRE.
H.R. 4284: Mr. TIBERI, Mr. PETERSON of Minnesota, Mr. WALDEN of Oregon, Mr. MCCOTTER, and Ms. HARRIS.
H.R. 4306: Mr. ENGLISH.
H.R. 4343: Mr. CHABOT.
H.R. 4357: Mr. ISRAEL and Mrs. CHRISTENSEN.
H.R. 4370: Mr. ENGLISH.
H.R. 4440: Mr. SOUDER.
H.R. 4633: Mr. SNYDER.
H.R. 4634: Mr. ENGLISH, Mr. KENNEDY of Minnesota, and Mr. LARSON of Connecticut.
H.R. 4662: Ms. GINNY BROWN-WAITE of Florida.
H.R. 4715: Ms. GINNY BROWN-WAITE of Florida.
H.R. 4718: Mr. COLLINS and Mr. ROGERS of Kentucky.
H.R. 4748: Mr. MILLER of Florida and Mr. SENSENBRENNER.
H.R. 4769: Mr. ISRAEL.
H.R. 4773: Mr. JONES of North Carolina, Mr. PENCE, Mr. FRANKS of Arizona, Mr. KLINE, Mr. HENSARLING, Mr. BARRETT of South Carolina, Mr. SHADEGG, Mr. AKIN, Mrs. MYRICK, Mr. GOODE, Mr. GUTKNECHT, and Mr. CHOCOLA.
H.R. 4805: Mrs. MILLER of Michigan.
H.R. 4826: Mr. ROYCE.
H. Con. Res. 30: Mr. SHAYS.
H. Con. Res. 430: Mr. PAYNE, Mr. MCINTYRE, and Mr. EDWARDS.
H. Con. Res. 462: Mrs. MYRICK and Mr. BELL.
H. Con. Res. 465: Mr. GRIJALVA.
H. Con. Res. 467: Mr. GUTIERREZ, Mr. ROYCE, Mr. LAMPSON, Mr. GRIJALVA, Mr. SMITH of New Jersey, Mr. LIPINSKI, Mr. DOYLE, Ms. MCCARTHY of Missouri, Mr. COOPER, Mrs. CAPPS, Ms. ESHOO, and Mr. KILDEE.
H. Con. Res. 471: Mr. MCHUGH and Mr. HINCHEY.
H. Res. 466: Mr. SHERMAN.
H. Res. 485: Mr. HOBSON.
H. Res. 556: Mr. GRIJALVA and Mr. OLVER.
H. Res. 604: Mr. CALVERT.
H. Res. 666: Mr. HONDA.
H. Res. 689: Mr. SERRANO, Mr. MATSUI, Mr. TIERNEY, Mr. BLUMENAUER, Mr. CAPUANO, Ms. KAPTUR, Ms. WATERS, Mr. EVANS, Mr. SANDERS, Mr. MCGOVERN, Mr. GEORGE MILLER of California, Mr. KUCINICH, Mr. FATTAH, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. UDALL of New Mexico, Mr. TOWNS, Mr. GRIJALVA, Mr. BERMAN, and Mr. DOGGETT.
H. Res. 690: Mr. EMANUEL, Ms. DELAURO, Mr. KUCINICH, Mr. EVANS, Ms. HARMAN, Mr. UDALL of New Mexico, Mr. FILNER, Mr. PALLONE, Mr. ACEVEDO-VILA, Mr. BISHOP of New York, Mr. OWENS, Mr. BROWN of Ohio, Mr. CASE, Mr. SCOTT of Virginia, and Mr. BELL.
H. Res. 699: Mr. SERRANO, Mr. MATSUI, Mr. TIERNEY, Mr. BLUMENAUER, Mr. CAPUANO, Ms. KAPTUR, Ms. WATERS, Mr. EVANS, Mr. SANDERS, Mr. MCGOVERN, Mr. GEORGE MILLER of California, Mr. KUCINICH, Mr. FATTAH, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BISHOP of Georgia, Mr. PAYNE, Mr. UDALL of New Mexico, Mr. TOWNS, Mr. GRIJALVA, Mr. BERMAN, and Mr. DOGGETT.
H. Res. 700: Mr. SERRANO, Mr. MATSUI, Mr. TIERNEY, Mr. BLUMENAUER, Mr. CAPUANO, Ms. KAPTUR, Ms. WATERS, Mr. EVANS, Mr. SANDERS, Mr. MCGOVERN, Mr. GEORGE MILLER of California, Mr. KUCINICH, Mr. FATTAH, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. UDALL of New Mexico, Mr. TOWNS, Mr. GRIJALVA, Mr. BERMAN, and Mr. DOGGETT.
H. Res. 713: Mr. CROWLEY, Mr. KENNEDY of Minnesota, Mr. SESSIONS, Mr. WEXLER, Mr. SHIMKUS, Mr. BURTON of Indiana, Mr. PORTER, Mr. FEENEY, Mr. AKIN, Mr. SHERMAN, Mr. CHANDLER, Mr. CHABOT, Mr. SAXTON, Mr. SCHIFF, Mr. NORWOOD, Mr. FOLEY, Mr. JONES of North Carolina, Mr. DEMINT, Mr. RYUN of Kansas, Mr. MCNULTY, Mr. SOUDER, Mr. CRANE, Mrs. MCCARTHY of New York, Mr. FRANKS of Arizona, Mr. NADLER, Mr. SANDLIN, Mr. OTTER, Mr. CANTOR, Mr. MCHUGH, Mr. BURNS, Mr. LINDER, Mr. SMITH of New Jersey, Mr. KING of Iowa, Mrs. JO ANN DAVIS of Virginia, Mr. MILLER of Florida, Mr. ENGEL, Mrs. MYRICK, Mr. BARTLETT of Maryland, Mr. FROST, and Mr. TIAHRT.

¶77.41 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 107: Mr. MCGOVERN.

THURSDAY, JULY 15, 2004 (78)

The House was called to order by the SPEAKER.

¶78.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, July 14, 2004.

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

¶78.2 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 4363. An Act to facilitate self-help housing homeownership opportunities.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2589. An Act to clarify the status of certain retirement plans and the organizations which maintain the plans.

The message also announced that pursuant to Public Law 99–498, the chair, on behalf of the President pro tempore appoints the following individual, to serve as a member of the Advisory Committee on Student Financial Assistance: Clara M. Cotton of Massachusetts.

¶78.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

9096. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Brucellosis in Cattle; State and Area Classifications; Wyoming [Docket No. 04-009-2] received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9097. A letter from the Administrator, AMS, Department of Agriculture, transmitting the Department's final rule — Revision of User Fees for 2004 Crop Cotton Classification Services to Growers [Doc. No. CN-03-007] (RIN: 0581-AC34) received July 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9098. A letter from the Administrator, AMS, Department of Agriculture, transmitting the Department's final rule — Lamb Promotion, Research, and Information Program: Rules and Regulations [No. LS-02-05] received July 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9099. A letter from the Administrator, AMS, Department of Agriculture, transmitting the Department's final rule — Lamb Promotion, Research, and Information Program: Rules and Regulations [No. LS-02-05] received July 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9100. A letter from the Administrator, AMS, Department of Agriculture, transmitting the Department's final rule — Milk in the Mideast Marketing Area: Order Amending the Order [Docket No. AO-361-A35; DA-01-04] received July 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9101. A letter from the Administrator, AMS, Department of Agriculture, transmitting the Department's final rule — Tart Cherries Grown in the States of Michigan, et al.; Revision of Current Procedures for Handlers To Receive Exempt Use/Diversion Credit for New Product and New Market Development Activities [Docket No. FV03-930-5-IFR] received July 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9102. A communication from the President of the United States, transmitting requests for FY 2005 budget amendments for the Departments of Agriculture, Health and Human Services, Housing and Urban Development, Justice, and Labor. In addition a FY 2004 language proposal for the Departments of Housing and Urban Development; (H. Doc. No. 108—200); to the Committee on Appropriations and ordered to be printed.

9103. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Written Assurance of Technical Data Conformity [DFARS Case 2003-D104] received June 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9104. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Use of FAR Part 12 for Performance-Based Contracting for Services [DFARS Case 2003-D111] received June 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9105. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Designated Countries — New European Union Members [DFARS Case 2004-D006] received June 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9106. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Firefighting Services Contracts [DFARS Case 2003-D107] received June 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9107. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Information Assurance [DFARS Case 2002-D020] received June 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9108. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Community Reinvestment Act Regulations [Regulation BB; Docket No. R-1205] Department of the Treasury, Office of the Comptroller of the Currency [Docket No. 04-17] (RIN: 1557-AC86); Federal Deposit Insurance Corporation (RIN: 3064-AC82); Department of the Treasury, Office of Thrift Supervision [No. 2004-28] (RIN: 1550- AB9) received July 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9109. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Investment Advisor Codes of Ethics [Release Nos. IA-2256, IC-26492; File No. S7-04-04] (RIN: 3235-AJ08) received July 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9110. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Participation in Education Department Programs by Religious Organizations; Providing for Equal Treatment of All Education Program Participants (RIN: 1890-AA11) received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9111. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Effective Date of Requirement for Premarket Approval for Three Class III Preamendments Devices [Docket No. 2003N-0468] received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9112. A letter from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule — Child Restraint Systems; Anthropomorphic Test Devices; Hybrid III Six-Year-Old Weighted Child Test Dummy [Docket No. NHTSA-04-18075] (RIN: 2127-AI58) received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9113. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Rule concerning disclosures regarding energy consumption and water use of certain home appliances and other products required under the Energy Policy and Conservation Act (''Appliance Labeling Rule'') — received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9114. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Amendment of Rules Under the FACT Act (RIN: 3084-AA94) received June 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9115. A letter from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting the Department's final rule — Revisions to the Export Administration Regulations to Remove Certain Regional Stability and Crime Control License Requirements to the New North Atlantic Treaty Organization (NATO) Member Countries [Docket No. 040614182-4182-01] (RIN: 0694-AD11) received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9116. A letter from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Securities and Exchange Commission, transmitting the Department's final rule — Revision of Export and Reexport Restrictions on Cuba [Docket No. 040610179-4179-01] (RIN: 0694-AD17) received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9117. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Posting Regulations (RIN: 3206-AJ73) received June 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9118. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Extended Assignment Incentives (RIN: 3206-AK01) received June 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9119. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures; Inseason Adjustments [Docket No. 031216314-3314-01; I.D. 062304A] received July 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9120. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Bluefin Tuna Catch Limit Adjustments [I.D. 061604A] received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9121. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Amendment 10 [Docket No. 040210050-4166-03; I.D. 011204A] (RIN: 0648-AN16) received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9122. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — International Fisheries Regulations; Pacific Tuna Fisheries [Docket No. 040423129-4165-02; I.D. 041404D] (RIN: 0648-AQ22) Received June 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9123. A letter from the Director, Regulations and Forms Services, Bureau of Immigration and Customs Enforcement, Department of Homeland Security, transmitting the Department's final rule — Authorizing Collections of the Fee Levied on F, J, and M Nonimmigrant Classifications Under Public Law 104-208, SEVIS [ICE No. 2297-03] (RIN: 1653-AA23) received July 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9124. A letter from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting the Department's final rule — Admission and Orientation Program: Removal From Rules [BOP-1110-F] (RIN: 1120-AB08) received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9125. A letter from the Project Counsel, USCG, Department of Homeland Security, transmitting the Department's final rule — Penalties for Non-submission of Ballast Water Management Reports [USCG-2002-13147] (RIN: 1625-AA51) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9126. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Revocation of Restricted Area 2938, Horseshoe Beach; FL [Docket No. FAA-2004-17177; Airspace Docket No. 04-ASO-4] (RIN: 2120-AA66) received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9127. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Iowa City, IA. [Docket No. FAA-2004-17143; Airspace

Docket No. 04-ACE-91] received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9128. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Neodesha, KS. [Docket No. FAA-2004-16988; Airspace Docket No. 04-ACE-6] received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9129. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Paola, KS. [Docket No. FAA-2004-16987; Airspace Docket No. 04-ACE-5] received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9130. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Charleston, MO. [Docket No. FAA-2004-17146; Airspace Docket No. 04-ACE-12] received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9131. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30408; Amdt. No. 3092] received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9132. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Restricted Area 2204, Oliktok Point; AK Correction [Docket No. FAA-2003-15410; Airspace Docket No. 03-AAL-1] (RIN: 2120-AA66) received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9133. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Chardron, NE. [Docket No. FAA-2004-18012; Airspace Docket No. 04-ACE-41] received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9134. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30409; Amdt. No. 3093] received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9135. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; NARCO Avionics Inc. AT150 Transponders [Docket No. 2002-NE-32-AD; Amendment 39-13586; AD 2004-08-16] (RIN: 2120-AA64) received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9136. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Re-Issuance of NASA FAR Supplement Subchapter E (RIN: 2700-AC68) received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

¶78.4 RECESS—10:19 A.M.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 12(a) of rule I, declared the House in recess at 10 o'clock and 19 minutes a.m. until approximately 10:45 p.m.

¶78.5 AFTER RECESS—10:45 A.M.

The SPEAKER pro tempore, Mr. SIMPSON, called the House to order.

¶78.6 PROVIDING FOR THE CONSIDERATION OF H.R. 4818

Mr. Lincoln DIAZ-BALART of Florida, by direction of the Committee on Rules, called up the following resolution (H. Res. 715):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4818) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except: beginning with the semicolon in section 565(a)(2) through ''501)'' in section 565(a)(3). Where points of order are waived against part of a section, points of order against a provision in another part of such section may be made only against such provision and not against the entire section. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Mr. Lincoln DIAZ-BALART of Florida, the previous question was ordered on the resolution, to its adoption or rejection and, under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution, was agreed to was, by unanimous consent, laid on the table.

¶78.7 H. RES. 615—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 615) expressing the sense of the House of Representatives in support of full membership of Israel in the Western European and Others Group (WEOG) at the United Nations; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative	Yeas	418
	Nays	0
	Answered present	1

¶78.8 [Roll No. 377]

YEAS—418

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

Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

ANSWERED ''PRESENT''—1

Becerra

NOT VOTING—14

Carson (IN)
Collins
Conyers
Deutsch
Franks (AZ)
Greenwood
Hoeffel
Holden
Isakson
Kilpatrick
Majette
Reyes
Thompson (MS)
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution expressing the sense of the House of Representatives in support of full membership of Israel in the Western European and Others Group at the United Nations.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶78.9 H. RES. 713—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 713) deploring the misuse of the International Court of Justice by a majority of the United Nations General Assembly for a narrow political purpose, the willingness of the International Court of Justice to acquiesce in an effort likely to undermine its reputation and interfere with a resolution of the Palestinian-Israeli conflict, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 361; Nays ..... 45; Answered present 13 }

¶78.10 [Roll No. 378]

YEAS—361

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (OK)
Carter
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoekstra
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Israel
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)

NAYS—45

Abercrombie
Baird
Becerra
Capps
Clay
Conyers
Davis (IL)
DeGette
Dingell
Farr
Fattah
Filner
Grijalva
Hinchey
Inslee
Issa
Jackson (IL)
Kanjorski
Kaptur
Kilpatrick
Kleczka
Kucinich
LaHood
Lee
Lewis (GA)
Lofgren
McDermott
Miller, George
Mollohan
Moran (VA)
Obey
Pastor
Paul
Payne
Price (NC)
Rahall
Rohrabacher
Rush
Ryan (OH)
Sanders
Solis
Stark
Waters
Watt
Wynn

ANSWERED ''PRESENT''—13

Bereuter
Blumenauer
Capuano
Case
Cunningham
DeFazio
Doggett
Holt
Jefferson
Leach
Petri
Sabo
Velázquez

NOT VOTING—14

Carson (IN)
Collins
Delahunt
Deutsch
Franks (AZ)
Greenwood
Hoeffel
Holden
Isakson
Majette
Pomeroy
Thompson (MS)
Watson
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution deploring the misuse of the International Court of Justice by a plurality of the United Nations General Assembly for a narrow political purpose.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶78.11 H. CON. RES. 462—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 462) reaffirming unwavering commitment to the Taiwan Relations Act, and for other purposes.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 400; Nays ..... 18; Answered present 4

¶78.12 [Roll No. 379]

YEAS—400

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—18

Abercrombie
Filner
Grijalva
Kucinich
Lee
Lofgren
McCollum
McDermott
Miller, George
Moran (VA)
Oberstar
Obey
Otter
Paul
Rahall
Stark
Turner (TX)
Waters

ANSWERED ''PRESENT''—4

Becerra
Israel
Sabo
Watt

NOT VOTING—11

Carson (IN)
Collins
Deutsch
Greenwood
Hoeffel
Holden
Isakson
Jones (NC)
Majette
Thompson (MS)
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶78.13 MILITARY CONSTRUCTION APPROPRIATIONS FY 2005

Mr. KNOLLENBERG submitted a privileged report (Rept. No. 108–607) on the bill (H.R. 4837) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

When said bill and report were referred to the Union Calendar and ordered printed.

Pursuant to clause 1 of rule XXI, all points of order were reserved.

¶78.14 FOREIGN OPERATIONS APPROPRIATIONS FY 2005

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to House Resolution 715 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 4818) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes.

The SPEAKER pro tempore, Mr. SIMPSON, by unanimous consent, designated Mr. THORNBERRY as Chairman of the Committee of the Whole.

The Acting Chairman, Mr. TERRY, assumed the Chair; and after some time spent therein,

The SPEAKER pro tempore, Mr. CANTOR, assumed the Chair.

When Mr. THORNBERRY, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶78.15 ORDER OF BUSINESS—CONSIDERATION OF H.R. 4818

On motion of Mr. KOLBE, by unanimous consent,

Ordered, That it may be in order during further consideration of H.R. 4818, in the Committee of the Whole House on the state of the Union, pursuant to House Resolution 715, the remainder of the bill be considered as read and open for amendment at any point, and no further amendment to the bill may be offered except: pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate; amendments numbered 5, 6, 7, 8, 12, 14, and 21; amendments numbered 11 and 17 which shall be debatable for 20 minutes; amendment numbered 15, which shall be debatable for 30 minutes; amendments numbered 9, 13, and 18, which shall be debatable for 40 minutes; an amendment by Mr. Garrett of New Jersey regarding conference attendance; an amendment by Ms. Jackson-Lee of Texas regarding agricultural development in sub-Saharan Africa; an amendment by Mr. Sanders regarding Export-Import Bank loans, which shall be debatable for 40 minutes; an amendment by Mr. Deal of Georgia regarding extradition, which shall be debatable for 20 minutes; an

amendment by Mr. Weiner regarding Saudia Arabia, which shall be debatable for 30 minutes; an amendment by Mr. Buyer regarding monitoring of elections, which shall be debatable for 20 minutes; an amendment by Mr. Otter regarding West Bank/Gaza; an amendment by Mr. Menendez regarding Latin American child survival and development assistance; an amendment by Mr. Schiff regarding Armenian Genocide; an amendment by Ms. Lee regarding Global AIDS, which shall be debatable for 30 minutes; an amendment by Ms. DeLauro regarding child survival; an amendment by Mrs. Waters regarding contract fraud; and an amendment by Mrs. McCollum regarding unexploded ordinance.

Ordered further, Each such amendment may be offered only by the Member designated in this request, or a designee, or the Member who caused it to be printed in the RECORD, or a designee, shall be considered as read, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Ordered further, Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request, if it addresses in whole or in part the object described.

¶78.16 FOREIGN OPERATIONS APPROPRIATIONS FY 2005

The SPEAKER pro tempore, Mr. CANTOR, pursuant to House Resolution 715 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4818) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes.

Mr. THORNBERRY, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

The Committee rose informally.

The SPEAKER pro tempore, Mr. BURR, assumed the Chair.

¶78.17 SENATE ENROLLED BILL SIGNED

The SPEAKER pro tempore, Mr. BURR, announced the signature of the Speaker to an enrolled bill of the Senate of the following title:

S. 15. An Act to amend the Public Health Service Act to provide for the payment of compensation for certain individuals with injuries resulting from the administration of smallpox countermeasures, to provide protections and countermeasures against chemical, radiological, or nuclear agents that may be used in a terrorist attack against the United States, and to improve immunization rates by increasing the distribution of vaccine and improving and clarifying the vaccine injury compensation program.

The Committee resumed its sitting; and after some further time spent therein,

¶78.18 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 20, submitted by Mr. SHERMAN:

In the item relating to ''UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT–CHILD SURVIVAL AND HEALTH PROGRAMS FUND'', after the aggregate dollar amount, insert the following: ''(increased by $290,000,000)''.

In the item relating to ''UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT–CHILD SURVIVAL AND HEALTH PROGRAMS FUND'', after the third dollar amount, insert the following: ''(increased by $290,000,000)''.

In the item relating to ''CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION'', after the aggregate dollar amount, insert the following ''(reduced by $359,000,000)''.

It was decided in the negative { Yeas ..... 111 / Nays ..... 312 }

¶78.19 [Roll No. 380]

AYES—111

Ackerman
Andrews
Bachus
Barrett (SC)
Bartlett (MD)
Bass
Berkley
Bilirakis
Bishop (NY)
Boswell
Brown (OH)
Burton (IN)
Cardoza
Chabot
Chandler
Clyburn
Coble
Costello
Cox
Crowley
Davis, Jo Ann
Deal (GA)
DeFazio
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Duncan
Edwards
Emanuel
Engel
English
Feeney
Ferguson
Filner
Flake
Forbes
Fossella
Franks (AZ)
Gingrey
Goodlatte
Gordon
Graves
Gutknecht
Hall
Hastings (FL)
Hayes
Hefley
Hooley (OR)
Hostettler
Israel
Jones (NC)
Kennedy (MN)
King (NY)
Kucinich
Lantos
Lewis (KY)
LoBiondo
Lofgren
Manzullo
Markey
Matheson
McIntyre
McNulty
Meehan
Moran (KS)
Nadler
Napolitano
Norwood
Oberstar
Owens
Pallone
Paul
Payne
Pence
Peterson (MN)
Petri
Pitts
Platts
Porter
Rahall
Ramstad
Rodriguez
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Rush
Ryan (OH)
Sánchez, Linda T.
Sensenbrenner
Sherman
Shimkus
Smith (MI)
Smith (NJ)
Souder
Stearns
Stenholm
Strickland
Sweeney
Tanner
Tauzin
Taylor (MS)
Toomey
Vitter
Wamp
Waters
Waxman
Weiner
Wexler
Woolsey
Wu

NOES—312

Abercrombie
Aderholt
Akin
Alexander
Allen
Baca
Baird
Baker
Baldwin
Ballenger
Barton (TX)
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (OK)
Carter
Case
Castle
Chocola
Clay
Cole
Conyers
Cooper
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeGette
Delahunt
DeLauro
DeLay
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Ehlers
Emerson
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goss
Granger
Green (TX)
Green (WI)
Grijalva
Gutierrez
Harman
Harris
Hart
Hastings (WA)
Hayworth
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holt
Honda
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McKeon
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pascrell
Pastor
Pearce
Pelosi
Peterson (PA)
Pickering
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ross
Roybal-Allard
Ruppersberger
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sullivan
Tancredo
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Watson
Watt
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Carson (IN)
Collins
Cummings
Deutsch
Doggett
Greenwood
Holden
Isakson
Majette
Quinn

So the amendment was not agreed to.

¶78.20 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 13, submitted by Mr. LANTOS:

Page 18, line 22, after ''$2,450,000,000'', insert the following: ''(increased by $570,000,000)''.

Page 19, line 3, after ''$535,000,000'', insert the following: ''(increased by $570,000,000)''.

Page 42, line 13, after ''$4,777,500,000'', insert the following: ''(reduced by $570,000,000)''.

Page 42, line 16, after ''$1,300,000,000'', insert the following: ''(reduced by $570,000,000)''.

It was decided in the negative { Yeas ..... 131 / Nays ..... 287 }

¶78.21 [Roll No. 381]

AYES—131

Abercrombie
Ackerman
Bachus
Barrett (SC)
Beauprez
Becerra
Berkley
Bishop (NY)
Blumenauer
Boswell
Brown (OH)
Burns
Burr
Burton (IN)
Camp
Cannon
Cantor
Cardin
Cardoza
Chabot
Chandler
Chocola
Coble
Cooper
Crane
Crowley
Davis (AL)
Davis (TN)
Deal (GA)
DeFazio
Delahunt
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Edwards
Emanuel
Engel
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Fossella
Frank (MA)
Frost
Gingrey
Goode
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Hastings (FL)
Hayes
Hayworth
Hoeffel
Honda
Hooley (OR)
Hyde
Israel
Jackson-Lee (TX)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Langevin
Lantos
Leach
LoBiondo
Lynch
Markey
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McNulty
Meehan
Moran (KS)
Murphy
Musgrave
Nadler
Napolitano
Neal (MA)
Northup
Norwood
Oberstar
Otter
Pallone
Payne
Pence
Peterson (MN)
Pickering
Porter
Pryce (OH)
Ramstad
Renzi
Reynolds
Rogers (AL)
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Sánchez, Linda T.
Saxton
Schrock
Scott (VA)
Sensenbrenner
Sherman
Shuster
Simpson
Smith (MI)
Smith (NJ)
Souder
Stearns
Stupak
Sullivan
Sweeney
Tiahrt
Tiberi
Tierney
Towns
Udall (NM)
Waters
Waxman
Weiner
Weller
Woolsey
Wu

NOES—287

Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballenger
Bartlett (MD)
Barton (TX)
Bass
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Calvert
Capito
Capps
Capuano
Carson (OK)
Carter
Case
Castle
Clay
Clyburn
Cole
Costello
Cox
Cramer
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeGette
DeLauro
DeMint
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Eshoo
Etheridge
Fattah
Foley
Forbes
Ford
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goodlatte
Goss
Granger
Graves
Green (WI)
Gutknecht
Harman
Harris
Hart
Hastings (WA)
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holt
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kilpatrick
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney
Manzullo
Marshall
Matsui
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Myrick
Nethercutt
Neugebauer
Ney
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pascrell
Pastor
Paul
Pearce
Pelosi
Petri
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simmons
Skelton
Slaughter
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Buyer
Carson (IN)
Collins
Conyers
Deutsch
Doggett
Greenwood
Holden
Isakson
Jones (NC)
Keller
Majette
Peterson (PA)
Quinn
Stenholm

So the amendment was not agreed to.

¶78.22 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 11, submitted by Mr. KENNEDY of Minnesota:

In title II, in the item relating to ''MILLENNIUM CHALLENGE CORPORATION'', after the aggregate dollar amount insert ''(increased by $250,000,000)''.

In title II, in the item relating to ''GLOBAL HIV/AIDS INITIATIVE'', after the aggregate dollar amount insert ''(increased by $90,000,000)''.

In title IV, in the item relating to ''CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION'', after the dollar amount insert ''(reduced by $425,000,000)''.

It was decided in the negative { Yeas ..... 133 / Nays ..... 288 }

¶78.23 [Roll No. 382]

AYES—133

Abercrombie
Ackerman
Akin
Andrews
Bachus
Bartlett (MD)
Bass
Becerra
Berkley
Berry
Bilirakis
Bishop (NY)
Boehner
Bradley (NH)
Burns
Burr
Burton (IN)
Cantor
Capito
Cardoza
Chabot
Chandler
Chocola
Clay
Coble
Cox
Crane
Cubin
Cummings
Deal (GA)
DeFazio
Delahunt
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Emanuel
Emerson
Engel
English
Feeney
Ferguson
Filner
Flake
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gingrey
Goode
Goodlatte
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Harris
Hart
Hayworth
Hensarling
Hostettler
Hulshof
Inslee
Israel
Kennedy (MN)
Kind
King (NY)
Kline
Kucinich
Larson (CT)
LaTourette
LoBiondo
Lofgren
Manzullo
McCarthy (NY)
McCotter
McInnis
McIntyre
McNulty
Mica
Moore
Myrick
Nadler
Nethercutt
Neugebauer
Northup
Norwood
Pallone
Paul
Pence
Pickering
Pitts
Platts
Pombo
Porter
Ramstad
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Rush
Ryan (OH)
Ryan (WI)
Sanders
Schrock
Sensenbrenner
Sessions
Shadegg
Sherman
Shimkus
Shuster
Simmons
Simpson
Snyder
Souder
Stearns
Strickland
Sullivan
Tancredo
Tauzin
Terry
Thornberry
Toomey
Turner (TX)
Udall (NM)
Walden (OR)
Watt
Weiner
Weldon (FL)
Weller
Woolsey
Wu

NOES—288

Aderholt
Alexander
Allen
Baca
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Barton (TX)
Beauprez
Bell
Bereuter
Berman
Biggert
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp
Cannon
Capps
Capuano
Cardin
Carson (OK)
Carter
Case
Castle
Clyburn
Cole
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeGette
DeLauro
DeLay
Dicks
Dingell
Dooley (CA)
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gephardt
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Goss
Granger
Graves
Grijalva
Hall
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hunter
Hyde
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick
King (IA)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Markey
Marshall
Matheson

Matsui
McCarthy (MO)
McCollum
McCrery
McDermott
McGovern
McHugh
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Napolitano
Neal (MA)
Ney
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Petri
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Ross
Roybal-Allard
Ruppersberger
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherwood
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Spratt
Stark
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walsh
Wamp
Watson
Waxman
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—12

Carson (IN)
Collins
Deutsch
Doggett
Greenwood
Holden
Isakson
Majette
Peterson (PA)
Quinn
Stenholm
Waters

So the amendment was not agreed to.

¶78.24 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 17, submitted by Mr. PAUL:

Title II of the bill is amended by striking the item relating to ''MILLENNIUM CHALLENGE CORPORATION''.

It was decided in the negative { Yeas ..... 41 / Nays ..... 379 }

¶78.25 [Roll No. 383]

AYES—41

Bartlett (MD)
Burgess
Chabot
Coble
Cox
Davis, Jo Ann
Duncan
Everett
Feeney
Flake
Franks (AZ)
Garrett (NJ)
Gibbons
Goode
Goodlatte
Graves
Hayes
Hefley
Hostettler
Jones (NC)
Keller
King (IA)
Kingston
Kucinich
McInnis
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Otter
Paul
Peterson (MN)
Pombo
Rahall
Royce
Shuster
Smith (MI)
Tancredo
Taylor (MS)
Toomey
Wamp

NOES—379

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chandler
Chocola
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gephardt
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Gordon
Goss
Granger
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayworth
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Carson (IN)
Collins
Deutsch
Doggett
Greenwood
Holden
Isakson
Istook
Lantos
Majette
Peterson (PA)
Quinn
Stenholm

So the amendment was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. OSE, assumed the Chair.

¶78.26 WORDS TAKEN DOWN IN COMMITTEE

When Mr. THORNBERRY, Chairman, reported that during the consideration of said bill in Committee, certain words used in debate were objected to and upon request, were read at the Clerk's desk.

The Clerk read the words taken down as follows:

''I come from Florida where you and others participated in what I call the United States coup d'etat. We need to make sure that it does not happen again. Over and over again, after the election, when you stole the election, you came back here and said get over it.''

The SPEAKER pro tempore, Mr. OSE, held the words taken down to be unparliamentary, and said:

''As stated by the Chair in response to a parliamentary inquiry on February 27, 1985, Members should not accuse other Members of committing a crime, such as ''stealing'' an election. By accusing an identifiable Member of stealing an election, the gentlewoman's words are not in order.''

Ms. Corrine BROWN of Florida appealed the ruling of the Chair.

The question being stated,

Shall the decision of the Chair stand as the judgment of the House?

Mr. BUYER moved to lay the appeal on the table.

The question being put, viva voce,

Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Mr. OSE, announced that the yeas had it.

Ms. Corrine BROWN of Florida demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 219 / Nays ..... 187 }

¶78.27 [Roll No. 384]

AYES—219

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass

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

NOES—187

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd
Brady (PA)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—28

Alexander
Bell
Boucher
Brown (OH)
Carson (IN)
Collins
Davis (TN)
DeMint
Deutsch
Doggett
Dooley (CA)
Ford
Gephardt
Greenwood
Hayes
Houghton
Isakson
Kind
Majette
McCarthy (MO)
McInnis
Meeks (NY)
Paul
Peterson (MN)
Quinn
Roybal-Allard
Stenholm
Waxman

So the motion to lay the appeal on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

By unanimous consent, the words ruled unparliamentary were stricken from the CONGRESSIONAL RECORD.

By unanimous consent, Ms. Corrine BROWN of Florida was permitted to proceed in order this day.

The Committee resumed its sitting; and after some further time spent therein,

The Committee rose informally to receive a message from the President.

The SPEAKER pro tempore, Mr. SIMPSON, assumed the Chair.

¶78.28 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Williams, one of his secretaries.

The Committee resumed its sitting; and after some further time spent therein,

¶78.29 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. BUYER:

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

PROHIBITION ON USE OF FUNDS TO REQUEST THE UNITED NATIONS TO ASSESS THE VALIDITY OF ELECTIONS IN THE UNITED STATES

SEC. ____. None of the funds made available in this Act may be used by any official of the United States Government to request the United Nations to assess the validity of elections in the United States.

It was decided in the affirmative { Yeas ..... 243 / Nays ..... 161 }

¶78.30 [Roll No. 385]

AYES—243

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

NOES—161

Abercrombie
Ackerman
Allen
Baca
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine

Capps
Capuano
Cardin
Cardoza
Case
Clay
Clyburn
Conyers
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Dingell
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Gephardt
Gonzalez
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Snyder
Solis
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—29

Aderholt
Bonner
Carson (IN)
Collins
Cramer
Crenshaw
Deal (GA)
Deutsch
Diaz-Balart, L.
Doggett
Dooley (CA)
Ford
Frelinghuysen
Greenwood
Hayes
Houghton
Isakson
Jefferson
Jenkins
Kaptur
Majette
McCarthy (MO)
McInnis
Quinn
Radanovich
Roybal-Allard
Ryun (KS)
Stenholm
Young (FL)

So the amendment was agreed to.

¶78.31 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. SANDERS:

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

LIMITATION ON PROVISION BY EXPORT-IMPORT BANK OF CREDIT TO ENTITIES REINCORPORATING OVERSEAS

SEC. ____. None of the funds made available in this Act may be used by the Export-Import Bank of the United States to approve an application for a master guarantee and political risk supplement where the applicant's charter or articles of incorporation show that the entity is incorporated or chartered in Bermuda, Barbados, the Cayman Islands, Antigua, or Panama.

It was decided in the affirmative ..... { Yeas ..... 270 / Nays ..... 132 }

¶78.32 [Roll No. 386]

AYES—270

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Bass
Becerra
Bell
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Boehlert
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burton (IN)
Camp
Capito
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chabot
Chandler
Clay
Clyburn
Coble
Conyers
Cooper
Costello
Cox
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doyle
Duncan
Edwards
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Frank (MA)
Frost
Gallegly
Gephardt
Gerlach
Gillmor
Gingrey
Gonzalez
Goode
Gordon
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Harman
Hastings (FL)
Hayworth
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hunter
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Renzi
Reyes
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Wamp
Waters
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOES—132

Aderholt
Akin
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bereuter
Biggert
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Burgess
Burr
Buyer
Calvert
Cannon
Cantor
Carter
Castle
Chocola
Cole
Crane
Crenshaw
Crowley
Cubin
Culberson
Davis, Tom
DeLay
DeMint
Diaz-Balart, M.
Doolittle
Dreier
Dunn
Ehlers
Everett
Feeney
Flake
Foley
Forbes
Fossella
Franks (AZ)
Garrett (NJ)
Gibbons
Gilchrest
Goodlatte
Goss
Granger
Graves
Hall
Harris
Hart
Hastings (WA)
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Istook
Johnson (IL)
Johnson, Sam
Kelly
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
McCrery
McKeon
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Pitts
Pombo
Pomeroy
Portman
Putnam
Rehberg
Reynolds
Rogers (AL)
Ryan (WI)
Schrock
Sessions
Shadegg
Shimkus
Simpson
Smith (MI)
Smith (TX)
Souder
Sullivan
Sweeney
Tauzin
Terry
Thomas
Thornberry
Tiahrt
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Weldon (FL)
Weller
Wicker
Wilson (SC)

NOT VOTING—31

Bonner
Capps
Carson (IN)
Collins
Cramer
Deal (GA)
Deutsch
Diaz-Balart, L.
Doggett
Dooley (CA)
Ford
Frelinghuysen
Greenwood
Hayes
Houghton
Isakson
Jefferson
Jenkins
Kaptur
Kennedy (MN)
Majette
McCarthy (MO)
McInnis
Meeks (NY)
Quinn
Radanovich
Roybal-Allard
Ryun (KS)
Stenholm
Watson
Young (FL)

So the amendment was agreed to.

¶78.33 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 6, submitted by Mr. NETHERCUTT:

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

LIMITATION ON ECONOMIC SUPPORT FUND ASSISTANCE FOR CERTAIN FOREIGN GOVERNMENTS THAT ARE PARTIES TO THE INTERNATIONAL CRIMINAL COURT

SEC. ____. None of the funds made available in this Act in title II under the heading ''ECONOMIC SUPPORT FUND'' may be used to provide assistance to the government of a country that is a party to the International Criminal Court and has not entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against United States personnel present in such country.

It was decided in the affirmative ..... { Yeas ..... 241 / Nays ..... 166 }

¶78.34 [Roll No. 387]

AYES—241

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Castle
Chabot
Chandler
Chocola
Coble
Cole
Costello
Cox
Crane

Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeLay
DeMint
Diaz-Balart, M.
Doolittle
Duncan
Dunn
Edwards
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (TX)
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Holden
Hooley (OR)
Hostettler
Hulshof
Hunter
Hyde
Israel
Issa
Istook
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
LaHood
Langevin
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
Matsui
McCarthy (NY)
McCotter
McCrery
McHugh
McIntyre
McKeon
McNulty
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pascrell
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Sandlin
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Vitter
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)

NOES—166

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Case
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doyle
Dreier
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gephardt
Gonzalez
Gordon
Goss
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
Lampson
Lantos
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Maloney
Markey
McCollum
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Price (NC)
Rahall
Rangel
Rodriguez
Rothman
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Taylor (NC)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Van Hollen
Velázquez
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wynn

NOT VOTING—26

Bonner
Carson (IN)
Collins
Cramer
Deal (GA)
Deutsch
Diaz-Balart, L.
Doggett
Dooley (CA)
Frelinghuysen
Greenwood
Hayes
Houghton
Isakson
Jefferson
Jenkins
Kaptur
Majette
McCarthy (MO)
McInnis
Quinn
Radanovich
Roybal-Allard
Ryun (KS)
Stenholm
Young (FL)

So the amendment was agreed to.

¶78.35 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Ms. JACKSON-LEE of Texas:

Page 12, line 10, insert after the dollar figure the following: ''(increased by $5,000,000)''.

Page 18, line 22, insert after the dollar figure the following: ''(reduced by $5,000,000)''.

It was decided in the negative ..... { Yeas ..... 164 / Nays 243

¶78.36 [Roll No. 388]

AYES—164

Abercrombie
Ackerman
Alexander
Allen
Baca
Baldwin
Becerra
Bell
Berkley
Berman
Bishop (GA)
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardoza
Carson (OK)
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doyle
Edwards
Engel
Etheridge
Evans
Fattah
Filner
Ford
Frost
Gephardt
Gonzalez
Green (TX)
Grijalva
Harman
Hastings (FL)
Herseth
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lofgren
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rush
Ryan (OH)
Sánchez, Linda T.
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—243

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

NOT VOTING—26

Bonner
Carson (IN)
Collins
Cramer
Deal (GA)
Deutsch
Diaz-Balart, L.
Doggett
Dooley (CA)
Frelinghuysen
Greenwood
Gutierrez
Hayes
Houghton
Isakson
Jenkins
Kaptur
Majette
McCarthy (MO)
McInnis
Quinn
Radanovich
Roybal-Allard
Ryun (KS)
Stenholm
Young (FL)

So the amendment was not agreed to.

¶78.37 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. WEINER:

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

PROHIBITION AGAINST DIRECT FUNDING FOR SAUDI ARABIA

SEC. ____. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance any assistance to Saudi Arabia.

It was decided in the affirmative ..... { Yeas ..... 217 / Nays 191

¶78.38 [Roll No. 389]

AYES—217

Abercrombie
Ackerman
Alexander
Andrews
Baca
Baird
Baker
Barrett (SC)
Bartlett (MD)
Becerra
Bell
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chabot
Chandler
Clay
Coble
Cooper
Costello
Crowley
Cubin
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Duncan
Edwards
Emanuel
Emerson
Engel
Eshoo
Evans
Everett
Farr
Ferguson
Filner
Flake
Forbes
Ford
Frank (MA)
Franks (AZ)
Garrett (NJ)
Gephardt
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hayworth
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Jones (NC)
Jones (OH)
Keller
Kelly
Kennedy (RI)
Kirk
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Norwood
Oberstar
Olver
Ortiz
Ose
Otter
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Platts
Porter
Ramstad
Rangel
Renzi
Reyes
Rodriguez
Rogers (AL)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Sherman
Shuster
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Solis
Souder
Stark
Stearns
Strickland
Stupak
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Tierney
Toomey
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Walden (OR)
Wamp
Waters
Watson
Waxman
Weiner
Wexler
Wu
Wynn

NOES—191

Aderholt
Akin
Allen
Bachus
Baldwin
Ballenger
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chocola
Clyburn
Cole
Conyers
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Tom
DeLay
DeMint
Diaz-Balart, M.
Dingell
Doolittle
Doyle
Dreier
Dunn
Ehlers
English
Etheridge
Fattah
Feeney
Foley
Fossella
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goss
Granger
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Hyde
Issa
Istook
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Lucas (KY)
Lucas (OK)
McCrery
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nethercutt
Ney
Northup
Nunes
Nussle
Obey
Osborne
Oxley
Pastor
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Rahall
Regula
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Ruppersberger
Sandlin
Saxton
Schrock
Sessions
Shadegg
Shays
Sherwood
Shimkus
Simpson
Skelton
Smith (MI)
Smith (TX)
Snyder
Spratt
Sullivan
Sweeney
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner (OH)
Turner (TX)
Upton
Visclosky
Vitter
Walsh
Watt
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Young (AK)

NOT VOTING—25

Bonner
Carson (IN)
Collins
Cramer
Deal (GA)
Deutsch
Diaz-Balart, L.
Doggett
Dooley (CA)
Frelinghuysen
Greenwood
Hayes
Houghton
Isakson
Jenkins
Kaptur
Majette
McCarthy (MO)
McInnis
Quinn
Radanovich
Roybal-Allard
Ryun (KS)
Stenholm
Young (FL)

So the amendment was agreed to.

The SPEAKER pro tempore, Mr. TERRY, assumed the Chair.

When Mr. THORNBERRY, Chairman, pursuant to House Resolution 715, reported the bill back to the House with sundry amendments adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendments, reported from the Committee of the Whole House on the state of the Union, were agreed to:

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

LIMITATION ON ATTENDANCE AT CONFERENCES OUTSIDE THE UNITED STATES

SEC. ____. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 Federal employees at any single conference occurring outside the United States.

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

LIMITATION ON CONTRACTS

SEC. ____. None of the funds made available under this Act may be used to fund any contract in contravention of section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6)).

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

PROHIBITION ON USE OF FUNDS FOR CERTAIN PURPOSES

SEC. 576. None of the funds made available in this Act may be used by the Government of Turkey to engage in contravention of section 1913 of title 18, United States Code, (relating to lobbying with appropriated moneys), with respect to H. Res. 193, Reaffirming support of the Convention on the Prevention and Punishment of the Crime of Genocide and anticipating the 15th anniversary of the enactment of the Genocide Convention Implementation Act of 1987 (the Proxmire Act) on November 4, 2003.

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

PROHIBITION ON USE OF FUNDS TO REQUEST THE UNITED NATIONS TO ASSESS THE VALIDITY OF ELECTIONS IN THE UNITED STATES

SEC. ____. None of the funds made available in this Act may be used by any official of the United States Government to request the United Nations to assess the validity of elections in the United States.

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

LIMITATION ON PROVISION BY EXPORT-IMPORT BANK OF CREDIT TO ENTITIES REINCORPORATING OVERSEAS

SEC. ____. None of the funds made available in this Act may be used by the Export-Import Bank of the United States to approve an application for a master guarantee and political risk supplement where the applicant's charter or articles of incorporation show that the entity is incorporated or chartered in Bermuda, Barbados, the Cayman Islands, Antigua, or Panama.

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

LIMITATION ON ECONOMIC SUPPORT FUND ASSISTANCE FOR CERTAIN FOREIGN GOVERNMENTS THAT ARE PARTIES TO THE INTERNATIONAL CRIMINAL COURT

SEC. ____. None of the funds made available in this Act in title II under the heading ''ECONOMIC SUPPORT FUND'' may be used to provide assistance to the government of a country that is a party to the International Criminal Court and has not entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against United States personnel present in such country.

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

PROHIBITION AGAINST DIRECT FUNDING FOR SAUDI ARABIA

SEC. ____. None of the funds appropriated or otherwise made available pursuant to this

Act shall be obligated or expended to finance any assistance to Saudi Arabia.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. TERRY, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative { Yeas ..... 365 / Nays 41

¶78.39 [Roll No. 390]

YEAS—365

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Gordon
Goss
Granger
Green (TX)
Green (WI)
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayworth
Hensarling
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hoyer
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Strickland
Sullivan
Sweeney
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—41

Akin
Bartlett (MD)
Berry
Brown-Waite, Ginny
Cubin
Davis, Jo Ann
DeFazio
Duncan
Flake
Franks (AZ)
Gibbons
Goode
Goodlatte
Graves
Gutknecht
Hefley
Herger
Hostettler
Hulshof
Jones (NC)
Keller
Kucinich
Lucas (OK)
Miller (FL)
Moran (KS)
Norwood
Otter
Paul
Pombo
Rahall
Rohrabacher
Royce
Sensenbrenner
Smith (MI)
Stearns
Stupak
Tancredo
Tanner
Taylor (MS)
Toomey
Whitfield

NOT VOTING—27

Bonner
Carson (IN)
Collins
Cramer
Deal (GA)
Deutsch
Diaz-Balart, L.
Doggett
Dooley (CA)
Feeney
Frelinghuysen
Greenwood
Hayes
Houghton
Isakson
Jenkins
Kaptur
Majette
McCarthy (MO)
McInnis
Miller, George
Quinn
Radanovich
Roybal-Allard
Ryun (KS)
Stenholm
Young (FL)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶78.40 RETURN OF BILL TO HOUSE

Mr. BONILLA submitted the following privileged resolution (H. Res. 719):

Resolved, That the Senate is requested to return to the House of Representatives the bill (H.R. 4766) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2005, and for other purposes.

By unanimous consent, the previous question was ordered on the resolution to its adoption or rejection, and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby the resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶78.41 PRIVILEGES OF THE HOUSE—RETURN OF BILL TO SENATE

The SPEAKER pro tempore, Mr. TERRY, by unanimous consent, announced the request of the Senate to return the bill (H.R. 1303) to amend the E-Government Act of 2002 with respect to rulemaking authority of the Judicial Conference, was agreed to.

¶78.42 ADJOURNMENT OVER

On motion of Mr. DELAY, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Monday, July 19, 2004, at 12:30 p.m. for morning-hour debate.

¶78.43 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. DELAY, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, July 21, 2004, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶78.44 MESSAGE FROM THE PRESIDENT—UNITED STATES-MOROCCO FREE TRADE AGREEMENT

The SPEAKER pro tempore, Mr. TERRY, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

I am pleased to transmit legislation and supporting documents prepared by my Administration to implement the United States-Morocco Free Trade Agreement (the ''Agreement'' or the ''FTA''). This Agreement enhances our bilateral relationship with a longstanding partnership in the North Africa and Middle East region. The Agreement will benefit the people of the United States and Morocco, illustrating to other developing countries the advantage of open markets.

This Agreement is a strong demonstration of my Administration's commitment to opening markets, leveling the playing field, and expanding opportunities for American workers, manufacturers, businesses, farmers, and consumers. In negotiating this Agreement, my Administration was guided by the negotiating objectives set out in the Trade Act of 2002. The Agreement will expand Morocco's market for U.S. manufactured goods, agricultural products, services, and investment. As soon as this Agreement enters into force, tariffs will be eliminated on virtually all manufactured goods traded between our countries.

The Agreement provides U.S. producers of beef, poultry, wheat, corn, soybeans, and other agriculture products with increased access to Morocco's

market, while complementing Morocco's agriculture reform program. In addition, the Agreement provides the opportunity for U.S. producers to adjust to increased imports from Morocco, if necessary.

New opportunities for U.S. services firms will be opened, U.S. investment will be protected, and U.S. companies will be able to participate in government procurement opportunities on the same basis as Moroccan firms. This Agreement has some of the strongest intellectual property protections ever contained in a U.S. trade agreement with a developing country.

The United States and Morocco have agreed to cooperate on environment and Labor issues and to establish mechanisms supporting those efforts. Negotiation of this Agreement has promoted adoption of a new labor law in Morocco. This Agreement has also helped lead to improved domestic environmental laws in Morocco, and a number of additional cooperative projects have been identified for future work.

The approval of this Agreement will be another important step in implementing our plan for a broader Middle East Free Trade Area. Indeed, this Agreement offers the United States an opportunity to encourage economic reform in a moderate Muslim nation, as we have done with the Jordan FTA and the recently concluded Bahrain FTA. Leaders in Morocco support a reformist and tolerant vision that includes free parliamentary elections, the sale of state-owned businesses, the encouragement of foreign investment that can be connected to broad-based development, and better protection of the rights of women and workers. It is strongly in the interests of the United States to embrace these reforms and do what we can to encourage them. Passing this Agreement is a critical step in that direction.

GEORGE W. BUSH.
THE WHITE HOUSE, *July 15, 2004*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Ways and Means and ordered to be printed (H. Doc. 108–201).

¶78.45 VOTES ON SUSPENSIONS

The SPEAKER pro tempore, Mr. KING of Iowa, by unanimous consent, announced that the votes on the bill (H.R. 1587) to promote freedom and democracy in Viet Nam, as amended; the concurrent resolution of the Senate (S. Con. Res. 114) concerning the importance of the distribution of food in schools to hungry or malnourished children around the world; and the bill of the Senate (S. 2264) to require a report on the conflict in Uganda, and for other purposes, will be taken on Monday, July 19, 2004.

¶78.46 SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1167. An Act to resolve boundary conflicts in Barry and Stone Counties in the State of Missouri.

¶78.47 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. DOGGETT, for today after 1 p.m.;

To Mr. QUINN, for today; and

To Ms. ROYBAL-ALLARD, for today after 4 p.m..

And then,

¶78.48 ADJOURNMENT

On motion of Mr. PEARCE, pursuant to the previous order of the House, at midnight, the House adjourned until 12:30 p.m. on Monday, July 19, 2004.

¶78.49 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KNOLLENBERG: Committee on Appropriations. H.R. 4837. A bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108–607). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARTON: Committee on Energy and Commerce. S. 741. An act to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal drugs, and for other purposes (Rept. 108–608). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 3574. A bill to require the mandatory expensing of stock options granted to executive officers, and for other purposes; with an amendment; referred to the Committee on Energy and Commerce for a period ending not later than July 16, 2004, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(f), rule X (Rept. 108–609, Pt. 1). Ordered to be printed.

¶78.50 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. THORNBERRY (for himself, Mr. CARTER, Mr. NEUGEBAUER, Ms. JACKSON-LEE of Texas, Mr. BURGESS, Mr. FROST, Mr. EDWARDS, Mr. TURNER of Texas, Mr. CULBERSON, Mr. PAUL, Mr. HINOJOSA, Mr. SESSIONS, Mr. HALL, Mr. LAMPSON, Mr. REYES, Mr. ORTIZ, Mr. RODRIGUEZ, Mr. STENHOLM, Mr. BELL, Mr. BARTON of Texas, Mr. BONILLA, Mr. BRADY of Texas, Mr. DELAY, Ms. GRANGER, Mr. HENSARLING, Mr. SMITH of Texas, Mr. SANDLIN, Mr. GREEN of Texas, Mr. SAM JOHNSON of Texas, Mr. MORAN of Kansas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GONZALEZ, and Mr. DOGGETT):

H.R. 4836. A bill to name the Department of Veterans Affairs medical center in Amarillo, Texas, as the ''Thomas E. Creek Department of Veterans Affairs Medical Center''; to the Committee on Veterans' Affairs.

By Mr. WALDEN of Oregon (for himself and Mr. UDALL of New Mexico):

H.R. 4838. A bill to establish a Healthy Forest Youth Conservation Corps to provide a means by which young adults can carry out rehabilitation and enhancement projects to prevent fire and suppress fires, rehabilitate public land affected or altered by fires, and provide disaster relief, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOLEY (for himself and Mr. BALLENGER):

H.R. 4839. A bill to authorize the establishment of a program to provide economic and infrastructure reconstruction assistance to the Republic of Haiti, and for other purposes; to the Committee on International Relations.

By Mr. CRANE (for himself, Mr. BOEHNER, Mr. DOOLITTLE, Mr. SHAW, Mr. CANTOR, Mr. ROGERS of Michigan, Mr. AKIN, Mr. HERGER, Mr. WILSON of South Carolina, Mrs. BIGGERT, and Mr. ENGLISH):

H.R. 4840. A bill to amend the Internal Revenue Code of 1986 to simplify the taxation of businesses; to the Committee on Ways and Means.

By Mr. BURNS:

H.R. 4841. A bill to amend the Internal Revenue Code of 1986 to simplify certain tax rules for individuals; to the Committee on Ways and Means.

By Mr. DELAY (for himself and Mr. RANGEL) (both by request):

H.R. 4842. A bill to implement the United States-Morocco Free Trade Agreement; to the Committee on Ways and Means.

By Mr. BAKER (for himself, Mr. DUNCAN, Mr. BERRY, Mr. YOUNG of Alaska, Mr. CANNON, Mr. TAUZIN, Mr. BISHOP of Utah, Mr. OTTER, Mr. DOOLITTLE, Mr. FORBES, and Mr. OSE):

H.R. 4843. A bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. JO ANN DAVIS of Virginia (for herself and Mr. TOM DAVIS of Virginia):

H.R. 4844. A bill to amend part III of title 5, United States Code, to provide for the establishment of programs under which supplemental dental and vision benefits are made available to Federal employees, retirees, and their dependents, to expand the contracting authority of the Office of Personnel Management, and for other purposes; to the Committee on Government Reform.

By Mr. ENGEL:

H.R. 4845. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on the termination of retiree prescription drug coverage; to the Committee on Ways and Means.

By Ms. GRANGER (for herself, Mr. BURGESS, Mr. GILLMOR, Mr. PAUL, Ms. HARRIS, and Mr. CALVERT):

H.R. 4846. A bill to reduce the risk of identity theft by limiting the use of Social Security account numbers on certain Government-issued identification cards and Government documents; to the Committee on Ways and Means, and in addition to the Committees on Armed Services, Energy and Commerce, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HARRIS (for herself, Mr. MILLER of Florida, Mr. BOYD, Ms. CORRINE BROWN of Florida, Mr. CRENSHAW, Ms. GINNY BROWN-WAITE

of Florida, Mr. STEARNS, Mr. MICA, Mr. KELLER, Mr. BILIRAKIS, Mr. YOUNG of Florida, Mr. DAVIS of Florida, Mr. PUTNAM, Mr. GOSS, Mr. WELDON of Florida, Mr. FOLEY, Mr. MEEK of Florida, Mr. WEXLER, Ms. ROS-LEHTINEN, Mr. DEUTSCH, Mr. LINCOLN DIAZ-BALART of Florida, Mr. SHAW, Mr. HASTINGS of Florida, Mr. FEENEY, and Mr. MARIO DIAZ-BALART of Florida):

H.R. 4847. A bill to designate the facility of the United States Postal Service located at 560 Bay Isles Road in Longboat Key, Florida, as the ''Lieutenant General James V. Edmundson Post Office Building''; to the Committee on Government Reform.

By Mr. SMITH of New Jersey (for himself, Ms. ROS-LEHTINEN, Mr. PITTS, Mr. PAYNE, and Mr. PENCE):

H.R. 4848. A bill to amend the Foreign Assistance Act of 1961 to provide for the establishment of centers for the treatment of obstetric fistula in developing countries; to the Committee on International Relations.

By Mrs. JOHNSON of Connecticut (for herself, Mr. TANNER, Mr. ENGLISH, and Mrs. JONES of Ohio):

H.R. 4849. A bill to amend the Internal Revenue Code of 1986 to encourage guaranteed lifetime income payments from annuities and similar payments of life insurance proceeds at dates later than death by excluding from income a portion of such payments; to the Committee on Ways and Means.

By Mr. SMITH of Michigan:

H. Con. Res. 474. Concurrent resolution expressing the sense of Congress that the Federal Government should not give any Federal agency the power to postpone the date of Federal elections; to the Committee on House Administration.

By Mr. YOUNG of Florida:

H. Res. 719. A resolution requesting the Senate to return to the House of Representatives the bill H.R. 4766; considered and agreed to.

By Mr. COLLINS (for himself, Mr. HAYWORTH, Mr. SAM JOHNSON of Texas, Mr. HOSTETTLER, Mr. GOODE, Mr. SULLIVAN, Mr. NORWOOD, Mr. DUNCAN, Mr. SMITH of Texas, Mr. ENGLISH, Mr. KING of Iowa, Mr. MILLER of Florida, Mrs. JO ANN DAVIS of Virginia, Mr. GALLEGLY, Mr. TANCREDO, Mr. JONES of North Carolina, Mr. DOOLITTLE, and Mr. ROYCE):

H. Res. 720. A resolution expressing the disapproval of the House of Representatives of the Social Security totalization agreement between the United States and Mexico; to the Committee on Ways and Means.

By Mr. PALLONE:

H. Res. 721. A resolution encouraging States to establish programs to award high school diplomas to veterans who left high school before receiving diplomas in order to serve in the Armed Forces during a time of war; to the Committee on Education and the Workforce.

By Mr. STUPAK (for himself, Mr. BRADY of Texas, Mr. MCNULTY, Mr. CARDOZA, Mr. SMITH of Washington, Mr. QUINN, Mr. SCHIFF, and Mr. ENGEL):

H. Res. 722. A resolution requesting that the President focus appropriate attention on neighborhood crime prevention and community policing, and coordinate certain Federal efforts to participate in ''National Night Out'', which occurs the first Tuesday of August each year, including by supporting local efforts and community watch groups and by supporting local officials, to promote community safety and help provide homeland security; to the Committee on the Judiciary.

¶78.51 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 130: Mr. CROWLEY, Mr. FILNER, and Mr. OBERSTAR.

H.R. 284: Mr. TURNER of Ohio.

H.R. 299: Mr. RANGEL.

H.R. 677: Mr. TOM DAVIS of Virginia, Mr. SIMMONS, Mr. BOOZMAN, Mr. ACKERMAN, Mr. ALLEN, Mr. BAIRD, Ms. BALDWIN, Ms. BERKLEY, Mr. BERMAN, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BOSWELL, Mr. BRADY of Pennsylvania, Mr. BROWN of Ohio, Mrs. CAPPS, Mr. CAPUANO, Mr. CLAY, Mr. CLYBURN, Mr. CRAMER, Mr. CUMMINGS, Mr. DEFAZIO, Ms. DEGETTE, Ms. DELAURO, Mr. DELAHUNT, Mr. DEUTSCH, Mr. DICKS, Mr. DINGELL, Mr. DOGGETT, Mr. DOYLE, Mr. ENGEL, Mr. FATTAH, Mr. FORD, Mr. FRANK of Massachusetts, Mr. GEPHARDT, Mr. GONZALEZ, Mr. GREEN of Texas, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOEFFEL, Mr. HOLDEN, Mr. HOLT, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Mr. KANJORSKI, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Ms. KILPATRICK, Mr. KLECZKA, Mr. LAMPSON, Mr. LARSON of Connecticut, Mr. LEVIN, Mr. LEWIS of Georgia, Mrs. LOWEY, Mrs. MALONEY, Mr. MARKEY, Mrs. MCCARTHY of New York, Mr. MCNULTY, Mr. MEEHAN, Mr. MEEKS of New York, Mr. MENENDEZ, Mr. MICHAUD, Mr. MOLLOHAN, Mr. MORAN of Virginia, Mr. MURTHA, Mr. NADLER, Mr. NEAL of Massachusetts, Mr. OBERSTAR, Mr. OBEY, Mr. OLVER, Mr. ORTIZ, Mr. OWENS, Mr. PASCRELL, Mr. PASTOR, Mr. PAYNE, Mr. POMEROY, Mr. PRICE of North Carolina, Mr. RAHALL, Mr. REYES, Mr. RODRIGUEZ, Mr. ROTHMAN, Mr. RYAN of Ohio, Mr. SABO, Mr. SANDLIN, Mr. SERRANO, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. SNYDER, Mr. STUPAK, Mr. THOMPSON of Mississippi, Mr. TIERNEY, Mr. TOWNS, Mr. TURNER of Texas, Mr. UDALL of New Mexico, Ms. VELAZQUEZ, Mr. WATT, Mr. WEINER, Mr. CROWLEY, Ms. MCCARTHY of Missouri, and Ms. MCCOLLUM.

H.R. 756: Mr. KLINE.

H.R. 779: Ms. BORDALLO.

H.R. 781: Mr. LEACH, Mr. ALLEN, and Mr. WEINER.

H.R. 850: Mr. KENNEDY of Rhode Island.

H.R. 852: Ms. KAPTUR.

H.R. 873: Mr. MCDERMOTT.

H.R. 918: Mr. DAVIS of Florida and Mr. SCOTT of Virginia.

H.R. 1002: Mr. CHANDLER.

H.R. 1345: Mr. RAHALL.

H.R. 1662: Mr. DUNCAN.

H.R. 1701: Mr. REHBERG, Mr. BACA, and Mr. SHERMAN.

H.R. 1755: Mr. WELDON of Pennsylvania.

H.R. 1800: Ms. ROS-LEHTINEN.

H.R. 1886: Mr. RUPPERSBERGER.

H.R. 1938: Mr. ANDREWS.

H.R. 2032: Mr. RUPPERSBERGER.

H.R. 2034: Mr. HOUGHTON and Mr. SANDLIN.

H.R. 2053: Mr. GILLMOR.

H.R. 2107: Mr. MEEHAN.

H.R. 2239: Mr. SANDLIN and Mr. MATSUI.

H.R. 2387: Ms. ROYBAL-ALLARD and Mr. GRIJALVA.

H.R. 2528: Mrs. LOWEY.

H.R. 2699: Mr. ROGERS of Alabama.

H.R. 2735: Mr. HILL, Mr. COOPER, Mr. HASTINGS of Florida, and Mr. CARSON of Oklahoma.

H.R. 2787: Mr. SANDLIN.

H.R. 2801: Mr. PEARCE.

H.R. 2932: Ms. LEE.

H.R. 2945: Mr. CHANDLER.

H.R. 2950: Mr. FOSSELLA, Mr. HENSARLING, and Mr. DAVIS of Alabama.

H.R. 2974: Mr. LIPINSKI and Mr. MCNULTY.

H.R. 3022: Mrs. CHRISTENSEN.

H.R. 3178: Mrs. BIGGERT and Ms. HART.

H.R. 3193: Mr. COBLE.

H.R. 3367: Mrs. BLACKBURN.

H.R. 3369: Mr. NORWOOD.

H.R. 3425: Mr. BACA.

H.R. 3545: Mr. WAXMAN.

H.R. 3558: Mr. CALVERT.

H.R. 3574: Mr. HOEKSTRA.

H.R. 3609: Mr. BARRETT of South Carolina.

H.R. 3767: Mr. MCNULTY, Mr. LAMPSON, Mr. LARSON of Connecticut, Mr. LANTOS, and Mr. ISRAEL.

H.R. 3799: Mr. PETERSON of Minnesota.

H.R. 3831: Mr. BEREUTER.

H.R. 4011: Mr. PLATTS.

H.R. 4032: Mrs. LOWEY.

H.R. 4064: Mr. MCHUGH, Mr. BALLENGER, and Mr. CARTER.

H.R. 4116: Mr. MCNULTY.

H.R. 4169: Mr. ROYCE.

H.R. 4192: Mr. ANDREWS and Ms. LORETTA SANCHEZ of California.

H.R. 4209: Mr. BURGESS.

H.R. 4249: Mr. EHLERS, Ms. SCHAKOWSKY, Mr. UDALL of Colorado, Mr. COSTELLO, Mr. ETHERIDGE, Ms. SLAUGHTER, Mr. BLUMENAUER, Mr. COOPER, Mr. TURNER of Texas, Mr. LAMPSON, Mr. HALL, Mr. PASCRELL, and Mr. PASTOR.

H.R. 4256: Mr. DINGELL.

H.R. 4263: Mr. THOMPSON of California, Mr. HONDA, Ms. WATSON, and Mr. ENGLISH.

H.R. 4282: Mr. KILDEE.

H.R. 4304: Mrs. TAUSCHER.

H.R. 4306: Mr. MCHUGH.

H.R. 4341: Mr. PRICE of North Carolina.

H.R. 4367: Ms. MCCOLLUM and Mr. GILLMOR.

H.R. 4391: Mr. GILLMOR and Mr. PORTER.

H.R. 4445: Ms. NORTON and Mr. JACKSON of Illinois.

H.R. 4446: Mr. BOEHLERT, Mr. CASE, Ms. DELAURO, Mr. FARR, Mr. GRIJALVA, Mr. HINCHEY, Mrs. JONES of Ohio, Mr. KIND, Mr. KLECZKA, Mr. LEACH, Ms. LEE, Mr. MCDERMOTT, Mr. MCHUGH, Ms. NORTON, Mr. OBERSTAR, Mr. PAYNE, Mr. QUINN, Mr. SANDERS, Mr. SERRANO, Ms. SLAUGHTER, and Mr. TOWNS.

H.R. 4472: Mr. GILLMOR.

H.R. 4474: Ms. ROYBAL-ALLARD and Mr. SCHIFF.

H.R. 4491: Mrs. EMERSON, Mr. GERLACH, and Mr. LATHAM.

H.R. 4530: Mr. PLATTS and Mr. BARTLETT of Maryland.

H.R. 4551: Mr. SANDLIN.

H.R. 4571: Mr. KLINE.

H.R. 4576: Ms. PRYCE of Ohio and Mr. LAHOOD.

H.R. 4578: Mr. SERRANO, Mr. MATHESON, Mr. KILDEE, Mrs. TAUSCHER, Mrs. MCCARTHY of New York, Mr. CONYERS, Mr. RYAN of Ohio, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. BOUCHER, Mr. BECERRA, Mr. DOOLEY of California, Mr. DAVIS of Illinois, Mr. CLAY, Mr. SANDLIN, Mr. BERMAN, Ms. SCHAKOWSKY, Mr. STARK, Mr. FRANK of Massachusetts, Mr. GEORGE MILLER of California, Mr. CAPUANO, Mr. FROST, Mr. BOEHNER, Mr. CUNNINGHAM, Mr. KENNEDY of Minnesota, Mrs. JO ANN DAVIS of Virginia, Mr. HULSHOF, Mr. NUNES, Mrs. CHRISTENSEN, Mr. CASTLE, Mr. JACKSON of Illinois, Mr. EDWARDS, Mr. SKELTON, Mr. EMANUEL, Mr. WOLF, and Mr. OXLEY.

H.R. 4633: Mr. BISHOP of Georgia.

H.R. 4634: Mr. SIMMONS and Mr. MICA.

H.R. 4636: Mr. FORD, Mr. LARSEN of Washington, Mr. UDALL of Colorado, Mr. LATHAM, Mr. BOEHLERT, and Mr. BEREUTER.

H.R. 4662: Mr. RYUN of Kansas and Mr. RADANOVICH.

H.R. 4682: Mr. SIMMONS, Mr. MILLER of North Carolina, Mr. EMANUEL, Mr. VAN HOLLEN, Mr. STRICKLAND, Ms. ESHOO, Mr. ALLEN, Mr. GREEN of Texas, Ms. MCCOLLUM, Mr. LARSEN of Washington, Mr. ENGEL, Mr. FATTAH, Mr. TOWNS, and Mr. JACKSON of Illinois.

H.R. 4687: Mr. POMEROY, Mr. KING of Iowa, Mr. STENHOLM, Mr. FROST, Mr. CASE, Mr. PETERSON of Pennsylvania, and Mrs. CHRISTENSEN.

H.R. 4694: Mr. SANDLIN, Ms. MCCARTHY of Missouri, Mrs. CHRISTENSEN, and Ms. JACKSON-LEE of Texas.

H.R. 4701: Ms. WOOLSEY and Mr. EMANUEL.

H.R. 4706: Mrs. MALONEY and Mr. PAYNE.

H.R. 4711: Mr. ENGLISH, Mr. LEVIN, Mr. DELAHUNT, Mr. GRIJALVA, Mr. ROSS, Mr. STRICKLAND, Mr. RODRIGUEZ, Mr. GILLMOR, and Ms. WOOLSEY.

H.R. 4724: Mr. JONES of North Carolina, Mr. MILLER of North Carolina, and Mrs. WILSON of New Mexico.

H.R. 4746: Ms. LEE, Mr. FILNER, Mr. MCDERMOTT, Mr. DEFAZIO, Ms. WOOLSEY, Ms. SOLIS, Mr. HINCHEY, Mr. NADLER, and Ms. VELAZQUEZ.

H.R. 4747: Mrs. CHRISTENSEN.

H.R. 4769: Mr. RODRIGUEZ.

H.R. 4772: Ms. NORTON, Mr. LARSON of Connecticut, Mr. SCHIFF, Mr. LUCAS of Kentucky, Mr. ALEXANDER, Mr. STENHOLM, Ms. LORETTA SANCHEZ of California, Mr. FORD, Mr. LANGEVIN, Mr. CASE, Mr. SNYDER, and Mr. CHANDLER.

H.R. 4785: Mr. RUSH, Mr. TERRY, and Mr. LIPINSKI.

H.R. 4793: Mr. PAYNE, Mr. MCGOVERN, and Mr. RANGEL.

H.R. 4797: Mrs. JO ANN DAVIS of Virginia.

H.R. 4799: Mr. GRIJALVA, Mr. UDALL of New Mexico, Mr. OLVER, Mr. CLAY, Ms. BERKLEY, Mr. FORD, Mr. KENNEDY of Rhode Island, Mr. MCKEON, Mr. STRICKLAND, Mr. GREEN of Texas, Mr. COOPER, Mr. BROWN of Ohio, Mr. WAMP, and Mr. JEFFERSON.

H.R. 4822: Mr. HERGER.

H. Con. Res. 99: Ms. LEE.

H. Con. Res. 366: Ms. HERSETH.

H. Con. Res. 467: Mr. CLAY and Mr. WOLF.

H. Con. Res. 469: Ms. DELAURO, Mr. MCHUGH, Mr. SHAW, Mr. RENZI, Mr. CANTOR, and Mr. BLUNT.

H. Con. Res. 471: Mrs. MALONEY.

H. Res. 689: Mr. CLAY, Mr. FRANK of Massachusetts, Mr. ALLEN, Mr. DELAHUNT, Mr. STARK, and Mr. VAN HOLLEN.

H. Res. 690: Ms. SOLIS, Mr. CUMMINGS, Mr. STRICKLAND, Ms. KAPTUR, Mr. BERRY, Ms. KILPATRICK, Mr. CLAY, Mr. ALLEN, and Ms. ESHOO.

H. Res. 699: Mr. CLAY, Mr. FRANK of Massachusetts, Mr. ALLEN, Mr. DELAHUNT, Mr. STARK, and Mr. VAN HOLLEN.

H. Res. 700: Mr. CLAY, Mr. FRANK of Massachusetts, Mr. ALLEN, Mr. DELAHUNT, Mr. STARK, and Mr. VAN HOLLEN.

H. Res. 709: Mr. MILLER of Florida.

H. Res. 713: Mr. WELDON of Florida, Mr. EMANUEL, Mr. BUYER, Mrs. BLACKBURN, Mr. MEEK of Florida, Mr. FLAKE, Mr. WELLER, Mr. GARRETT of New Jersey, Mr. MARIO DIAZ-BALART of Florida, Mr. TANCREDO, Ms. HARRIS, Mr. BERMAN, Mr. CARDIN, Mr. BLUNT, Mr. ROTHMAN, Mr. ANDREWS, Mr. LATOURETTE, Mr. VISCLOSKY, Mr. HAYWORTH, and Mr. DEUTSCH.

H. Res. 714: Mr. RODRIGUEZ.

MONDAY, JULY 19, 2004 (79)

¶79.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. NUNES, who laid before the House the following communication:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 19, 2004.

I hereby appoint the Honorable DEVIN NUNES to act as Speaker pro tempore on this day.

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

¶79.2 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 1303. An Act to amend the E-Government Act of 2002 with respect to rulemaking authority of the Judicial Conference.

H.R. 4759. An Act to implement the United States-Australia Free Trade Agreement.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4520. An Act to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4520) ''An Act to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints: Mr. GRASSLEY, Mr. HATCH, Mr. NICKLES, Mr. LOTT, Ms. SNOWE, Mr. KYL, Mr. THOMAS, Mr. SANTORUM, Mr. SMITH, Mr. BUNNING, Mr. MCCONNELL, Mr. GREGG, Mr. BAUCUS, Mr. ROCKEFELLER, Mr. DASCHLE, Mr. BREAUX, Mr. CONRAD, Mr. GRAHAM of Florida, Mr. JEFFORDS, Mr. BINGAMAN, Mrs. LINCOLN, Mr. KENNEDY, and Mr. HARKIN to be the conferees on the part of the Senate.

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

S. 2261. An Act to expand certain preferential trade treatment for Haiti.

S. 2479. An Act to amend chapter 84 of title 5, United States Code, to provide for Federal employees to make elections to make, modify, and terminate contributions to the Thrift Savings Fund at any time, and for other purposes.

The message also announced that pursuant to Public Law 70–770, the Chair, on behalf of the Vice President, appoints: the Senator from Arkansas (Mrs. LINCOLN) to the Migratory Bird Conservation Commission, vice the Senator from Louisiana (Mr. BREAUX).

¶79.3 MORNING-HOUR DEBATE

The SPEAKER pro tempore, Mr. NUNES, pursuant to the order of the House of Tuesday, January 20, 2004, recognized Members for morning-hour debate.

¶79.4 RECESS—12:56 P.M.

The SPEAKER pro tempore, Mr. NUNES, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 56 minutes p.m., until 2 p.m.

¶79.5 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. STEARNS, called the House to order.

¶79.6 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. STEARNS, announced he had examined and approved the Journal of the proceedings of Thursday, July 15, 2004.

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

¶79.7 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

9137. A communication from the President of the United States, transmitting notification of the intent to transfer funds provided in Pub. L. 107-38, the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Acts on the United States, to the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction; (H. Doc. No. 108–202); to the Committee on Appropriations and ordered to be printed.

9138. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Board's Report to Congress on the Plutonium Storage at the Department of Energy's Savannah River Site, pursuant to Public Law 107–314, section 3183; to the Committee on Armed Services.

9139. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Michael L. Cowan, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

9140. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Charles W. Moore, Jr., United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

9141. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

9142. A letter from the Acting Under Secretary for Acquisition, Technology, and Logistics, Department of Defense, transmitting the report of the results of the study of the adequacy of the beryllium industrial base, pursuant to Public Law 108–136, section 824; to the Committee on Armed Services.

9143. A letter from the Director of Defense Research and Engineering, Department of Defense, transmitting the Annual Report of the Strategic Environmental Research and Development Program for Fiscal Year 2003, pursuant to 10 U.S.C. 2902(d)(3) and (g)(2) Public Law 101–510; to the Committee on Armed Services.

9144. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting a report on the circulation of the Golden Dollar coin at resale activities on domestic military installations as requested by Senate Report 108-87 on the Department of Defense Appropriations Bill for FY 2004; to the Committee on Armed Services.

9145. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting a report entitled, ''Merger Decisions 2003,'' in accordance with Section 18(c)(9) of the Federal Deposit Insurance Act; to the Committee on Financial Services.

9146. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting Annual uranium marketing report for 2003, pursuant to 42 U.S.C. 2296b–5; to the Committee on Energy and Commerce.

9147. A letter from the Assistant Secretary for Legislative Affairs, Department of State,

transmitting the final report on the Department's Alternative Fuel Vehicle (AFV) program for FY 2003, pursuant to Public Law 105–388 42 U.S.C. 13211–13219; to the Committee on Energy and Commerce.

9148. A letter from the Chairman, National Committee on Vital and Health Statistics, transmitting the Sixth Annual Report to Congress on the Implementation of the Administrative Simplification Provisions of the Health Insurance Portability and Accountability Act, pursuant to Public Law 104–191, section 263; to the Committee on Energy and Commerce.

9149. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 04-11), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9150. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 04-10), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9151. A letter from the Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting a report on economic conditions in Egypt 2003, pursuant to 22 U.S.C. 2346 note; to the Committee on International Relations.

9152. A letter from the Deputy Secretary, Department of Defense, transmitting notification that no offensive biological weapons research prohibited by international law is being conducted at the listed facilities and that appropriate security measures have begun to be, or will be, put in place at the listed facilities to prevent theft of dangerous pathogens from the facilities, pursuant to Public Law 108–136, section 1304; to the Committee on International Relations.

9153. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2004-31, Waiving Prohibition on United States Military Assistance with Respect to Burkina Faso and Dominica, pursuant to Public Law 107–206, section 2007(a); to the Committee on International Relations.

9154. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the fourth annual Trafficking in Persons Report, pursuant to Public Law 106–386, section 110; to the Committee on International Relations.

9155. A letter from the Brown v. Board of Education 50th Anniversary Commission, Department of Education, transmitting A report describing the activities of the Commission during the calendar year 2003, an accounting of any funds received or expended by the Commission and recommendations for any legislation or administrative action which the Commission considers appropriate, pursuant to Public Law 107–41, section 6a (115 Stat. 228); to the Committee on Government Reform.

9156. A letter from the Secretary, Department of the Treasury, transmitting two Semiannual Reports which were prepared separately by Treasury's Office of Inspector General (OIG) and the Treasury Inspector General for Tax Administration (TIGTA) for the period ended March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

9157. A letter from the Secretary and Director, Department of Homeland Security & Office of Personnel Management, transmitting a joint prescription for a new human resources system for some or all of the organizational units of the Department of Homeland Security, pursuant to Public Law 107–296; to the Committee on Government Reform.

9158. A letter from the Administrator, General Services Administration, transmitting the Administration's thirtieth report on audit final action, as well as the semiannual report on Office of Inspector General auditing activity, pursuant to Public Law 100–504, section 5; to the Committee on Government Reform.

9159. A letter from the Administrator, General Services Administration, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108–199, and the Office of Management and Budget Memorandum 04–07, the Administration's report on competitive sourcing efforts; to the Committee on Government Reform.

9160. A letter from the Secretary of Labor and Chairman of the Board & Executive Director, Pension Benefit Guaranty Corporation, transmitting Pursuant to Title II, Section 203, of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, the Corporation's Annual Report for FY 2003; to the Committee on Government Reform.

9161. A letter from the Chairman, Federal Election Commission, transmitting the 2003 Annual Report describing the activities performed by the Commission, pursuant to 2 U.S.C. 438(a)(9); to the Committee on House Administration.

9162. A letter from the Director, Bureau of Land Management--Eastern States, Department of the Interior, transmitting the FY 2003 Annual Report entitled ''Guardians of the Past—Stewards for the Future''; to the Committee on Resources.

9163. A letter from the Assistant Attorney General for Legislative Affairs, Department of Justice, transmitting a report to Congress detailing the number of times since 1993 that the Department has inspected the records of any producer of materials regulated under the relevant U.S. Code, pursuant to Public Law 108–21, section 511 18 U.S.C. 2257; to the Committee on the Judiciary.

9164. A letter from the Assistant Attorney General for Legislative Affairs, Department of Justice, transmitting a report as required by Section 202(a)(1)(c) of Pub. L. 107–273, the ''21st Century Department of Justice Appropriations Authorization Act,'' related to certain settlements and injunctive relief; to the Committee on the Judiciary.

9165. A letter from the Solicitor General, Department of Justice, transmitting notice that the Department will not appeal the district court's order in the case United States v. Robert Mendoza, No. CR 03–730 DT (C.D. Cal. Jan. 12, 2004), pursuant to Public Law 108–21, section 401(l) (117 Stat. 650); to the Committee on the Judiciary.

9166. A letter from the General Counsel, National Tropical Botanical Garden, transmitting the annual audit report of the National Tropical Botanical Garden, Calendar Year 2003, pursuant to 36 U.S.C. 4610; to the Committee on the Judiciary.

9167. A letter from the Attorney Advisor, Maritime Administration, Department of Transportation, transmitting the Department's final rule — Shipping — Technical Amendments [Docket No. MARAD 2004-18059] (RIN: 2133-AB59) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9168. A letter from the Senior Attorney, RSPA, Department of Transportation, transmitting the Department's final rule — Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions [Docket No. RSPA-2003-13658(HM-215E)] (RIN: 2137-AD94) received June 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9169. A letter from the Attorney Advisor, Maritime Administration, Department of Transportation, transmitting the Department's final rule — Maritime Security Program [Docket No. MARAD-2004-18489] (RIN: 2133-AB62) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9170. A letter from the FMCSA Regulatory Officer, Department of Transportation, transmitting the Department's final rule — Federal Motor Carrier Safety Regulations: Hazardous Materials Safety Permits [Docket No. FMCSA-97-2180] (RIN: 2126-AA07] (RIN: 2126-AA07) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9171. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400 and -400F Series Airplanes Equipped With Rolls Royce Engines [Docket No. 2003-NM-202-AD; Amendment 39-13648; AD 2004-11-03] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9172. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Model BAe.125 Series 800A (Including C-29A and U-125 Variant) and 800B Airplanes; and Model Hawker 800 (Including U-125A Variant), and 800XP Airplanes [Docket No. 2003-NM-216-AD; Amendment 39-13646; AD 2004-11-01] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9173. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes [Docket No. 2003-NM-18-AD; Amendment 39-13647; AD 2004-11-02] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9174. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, -200B, and -200F Series Airplanes [Docket No. 2002-NM-149-AD; Amendment 39-13682; AD 2004-13-02] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9175. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2004-18231; Directorate Identifier 2004-NM-94-AD; Amendment 39-13683; AD 2004-05-12 R1] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9176. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes [Docket No. 2003-NM-17-AD; Amendment 39-13662; AD 2004-12-03] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9177. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319

and A320 Series Airplanes [Docket No. 2003-NM-187-AD; Amendment 39-13688; AD 2004-13-06] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9178. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) [Docket No. 2003-NM-65-AD; Amendment 39-13695; AD 2004-13-13] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9179. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aircraft Equipped with Garmin AT, Apollo GX Series Global Positioning System (GPS) Navigation Units with Software Versions 3.0 through 3.4 Inclusive [Docket No. 2002-NM-254-AD; Amendment 39-13702; AD 2004-13-20] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9180. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Short Brothers Model SD3-60 Series Airplanes [Docket No. 2003-NM-236-AD; Amendment 39-13690; AD 2004-13-08] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9181. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Short Brothers Model SD3-60 SHERPA Series Airplanes [Docket No. 2003-NM-200-AD; Amendment 39-13703; AD 2004-13-21] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9182. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Scottsbluff, NE. [Docket No. FAA-2004-17429; Airspace Docket No. 04-ACE-28] received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9183. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Kimball, NE. [Docket No. FAA-2004-17433; Airspace Docket No. 04-ACE-31] received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9184. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Zanesville, OH; Correction [Docket No. FAA-2003-15876; Airspace Docket No. 03-AGL-14] received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9185. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Restricted Area 6604 (R-6004); Chincoteague Inlet, VA [Docket No. FAA-2004-17772; Airspace Docket No. 04-AEA-05] (RIN: 2120-AA66) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9186. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Coopers-town, NY [Docket No. FAA-2004-17513; Airspace Docket No. 04-AEA-04] received July 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9187. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and E Airspace; Goldsboro, NC [Docket No. FAA-2004-17345; Airspace Docket No. 04-ASO-5] received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9188. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace; St. Cloud, MN; Modification of Class E Airspace; St. Cloud, MN. [Docket No. FAA-2003-16693; Airspace Docket No. 03-AGL-21] received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9189. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Broken Bow, NE [Docket No. FAA-2004-18010; Airspace Docket No. 04-ACE-39] received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9190. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Trinidad, CO [Docket No. FAA-2003-15996; Airspace Docket No. 03-ANM-04] received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9191. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendment [Docket No. 30417; Amdt. No. 449] received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9192. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter Deutschland Model MBB-BK 117 A-1, A-3, A-4, B-1, B-2, and C-1 Helicopters [Docket No. 2003-SW-38-AD; Amendment 39-13686; AD 2004-13-05] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9193. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Agusta S.p.A Model A109C, A109E, A109K2 Helicopters [Docket No. 2001-SW-15-AD; Amendment 39-13687; AD 2001-24-07 R1] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9194. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Short Brothers Model SD3-SHERPA Series Airplanes [Docket No. 2003-NM-235-AD; Amendment 39-13685; AD 2004-13-04] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9195. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211 Trent 875-17, Trent 877-17, Trent 884-17, Trent 884B-17, Trent 892-17, Trent 892B-17, and Trent 895-17 Series Turbofan Engines [Docket No. 2002-NE-19-AD; Amendment 39-13693; AD 2004-13-11] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9196. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lycoming Engines (Formerly Textron Lycoming), Direct-Drive Reciprocating Engines; Correction [Docket No. 89-ANE-10-AD; Amendment 39-13644; AD 2004-10-14] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9197. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2 Series Airplanes; Model A300 B4 Series Airplanes; and Model A300 B4-600, B4-600R, C4 605R Variant F, and F4-600R (Collectively Called A300-600) Series Airplanes [Docket No. 2003-NM-52-AD; Amendment 39-13696; AD 2004-13-14] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9198. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes [Docket No. 2002-NM-208-AD; Amendment 39-13689; AD 2004-13-07] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9199. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400 and -400D Series Airplanes [Docket No. 2003-NM-126-AD; Amendment 39-13697; AD 2004-13-15] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9200. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-301, -311, -315 Airplanes [Docket No. 2002-NM-297-AD; Amendment 39-13691; AD 2004-13-09] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9201. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-102, -103, -106, -201, -202, -301, -311, and -315 Airplanes [Docket No. 2001-NM-331-AD; Amendment 39-13692; AD 2004-13-10] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9202. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aernautica S.A. (EMBRAER) Model EMB-135 and -145 Series Airplanes [Docket No. 2003-NM-104-AD; Amendment 39-13698; AD 2004-13-16] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9203. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30416; Amdt. No. 3099] received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9204. A letter from the Paralegal Specialist, FAA, Department of Transportation,

transmitting the Department's final rule — Airworthiness Directives; Boeing Defense and Space Group Model 234 Helicopters [Docket No. 2004-SW-09-AD; Aemdnemtn 39-13651; AD 2004-06-51] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9205. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Model BAe.125 Series 800A, 800A (C-29A), and 800B Airplanes; and Model Hawker 800 Airplanes [Docket No. 2003-NM-244-AD; Amendment 39-13661; AD 2004-12-02] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9206. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2 and A300 B4 Series Airplanes [Docket No. 2002-NM-337-AD; Amendment 39-13663; AD 2004-12-04] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9207. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 Series Airplanes [Docket No. 2003-NM-94-AD; Amendment 39-13664; AD 2004-12-05] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9208. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Series Airplanes [Docket No. FAA-2004-17996; Directorate Identifier 2004-NM-100-AD; Amendment 39-13659; AD 2004-11-13] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9209. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Alexander Schleicher Model ASW 27 Sailplanes [Docket No. 2003-CE-53-AD; Amendment 39-13658; AD 2004-11-12] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9210. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Przedsiebiorstwo Doswiadczalno-Produkcyjne Szybownictwa ''PZL-Bielsko'' Model SZD-50-3 ''Puchacz'' Sailplanes [Docket No. 2003-CE-66-AD; Amendment 39-13656; AD 2004-11-10] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9211. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330, A340-200, and A340-300 Series Airplanes [Docket No. 2003-NM-111-AD; Amendment 39-13654; AD 2004-11-08] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9212. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, 737-700, 737-700C, 737-800, and 737-900 Series Airplanes [Docket No. 2002-NM-323-AD; Amendment 39-13657; AD 2004-11-11] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9213. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), DC-9-87 (MD-87), and MD-88 Airplanes [Docket No. 200-NM-110-AD; Amendment 39-13653; AD 2004-11-07] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9214. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 0070 Series Airplanes [Docket No. 2002-NM-251-AD; Amendment 39-13655; AD 2004-11-09] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9215. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Agusta S.p.A. Model A109E Helicopters [Docket No. 2003-SW-32-AD; Amendment 39-13652; AD 2004-11-06] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9216. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model EC 130 B4 and AS 350B3 Helicopters [Docket No. 2003-SW-29-AD; Amendment 39-13650; AD 2004-11-05] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9217. A letter from the Acting Director, National Science Foundation, transmitting the report, ''Women, Minorities, and Persons with Disabilities in Science and Engineering: 2004,'' the twelfth in a biennial series mandated by the Science and Technology Equal Opportunities Act (Pub. L. 96-516); to the Committee on Science.

¶79.8 DISTRICT OF COLUMBIA APPROPRIATIONS FY 2005

Mr. WOLF submitted a privileged report (Rept. No. 108–610) on the bill (H.R. 4850) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2005, and for other purposes.

When said bill and report were referred to the Union Calendar and ordered printed.

Pursuant to clause 1 of rule XXI, all points of order were reserved.

¶79.9 SALT RIVER PIMA-MARICOPA INDIAN RESERVATION

Mr. HAYWORTH moved to suspend the rules and pass the bill (H.R. 4115) to amend the Act of November 2, 1966 (80 Stat. 1112), to allow binding arbitration clauses to be included in all contracts affecting the land within the Salt River Pima-Maricopa Indian Reservation.

The SPEAKER pro tempore, Mr. STEARNS, recognized Mr. HAYWORTH and Ms. BORDALLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. STEARNS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶79.10 OMNIBUS PARKS AND PUBLIC LANDS MANAGEMENT

Mr. HAYWORTH moved to suspend the rules and pass the bill (H.R. 4492) to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. STEARNS, recognized Mr. HAYWORTH and Ms. BORDALLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. STEARNS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶79.11 FEDERAL LANDS IN RIVERSIDE COUNTY, CALIFORNIA

Mr. HAYWORTH moved to suspend the rules and pass the bill (H.R. 3874) to convey for public purposes certain Federal lands in Riverside County, California, that have been identified for disposal; as amended.

The SPEAKER pro tempore, Mr. STEARNS, recognized Mr. HAYWORTH and Ms. BORDALLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. STEARNS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶79.12 RECLAMATION WASTEWATER AND GROUNDWATER STUDY AND FACILITIES

Mr. HAYWORTH moved to suspend the rules and pass the bill (H.R. 1156) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to increase the ceiling on the Federal share of the costs of phase I of the Orange County, California, Regional Water Reclamation Project.

The SPEAKER pro tempore, Mr. STEARNS, recognized Mr. HAYWORTH and Ms. BORDALLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. STEARNS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶79.13 NEWLANDS PROJECT HEADQUARTERS AND MAINTENANCE YARD FACILITY

Mr. HAYWORTH moved to suspend the rules and pass the bill (H.R. 2831) to authorize the Secretary of the Interior to convey the Newlands Project Headquarters and Maintenance Yard Facility to the Truckee-Carson Irrigation District; as amended.

The SPEAKER pro tempore, Mr. STEARNS, recognized Mr. HAYWORTH and Ms. BORDALLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. STEARNS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶79.14 GATEWAY COMMUNITIES COOPERATION

Mr. HAYWORTH moved to suspend the rules and pass the bill (H.R. 1014) to require Federal land managers to support, and to communicate, coordinate, and cooperate within designated gateway communities, to improve the ability of gateway communities to participate in Federal land management planning conducted by the Forest Service and agencies of the Department of the Interior, and to respond to the impacts of the public use of the Federal lands administered by these agencies, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. STEARNS, recognized Mr. HAYWORTH and Ms. BORDALLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. STEARNS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶79.15 KILAUEA POINT NATIONAL WILDLIFE REFUGE EXPANSION

Mr. HAYWORTH moved to suspend the rules and pass the bill (H.R. 2619) to provide for the expansion of Kilauea Point National Wildlife Refuge; as amended.

The SPEAKER pro tempore, Mr. STEARNS, recognized Mr. HAYWORTH and Ms. BORDALLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. STEARNS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶79.16 INLAND EMPIRE REGIONAL WATER RECYCLING INITIATIVE

Mr. HAYWORTH moved to suspend the rules and pass the bill (H.R. 2991) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Inland Empire regional recycling project and in the Cucamonga County Water District recycling project; as amended.

The SPEAKER pro tempore, Mr. STEARNS, recognized Mr. HAYWORTH and Ms. BORDALLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. STEARNS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶79.17 EVERGLADES NATIONAL PARK

Mr. HAYWORTH moved to suspend the rules and pass the bill (H.R. 3785) to authorize the exchange of certain land in Everglades National Park; as amended.

The SPEAKER pro tempore, Mr. STEARNS, recognized Mr. HAYWORTH and Ms. BORDALLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. STEARNS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶79.18 LEWIS AND CLARK NATIONAL HISTORIC PARK DESIGNATION

Mr. HAYWORTH moved to suspend the rules and pass the bill (H.R. 3819) to redesignate Fort Clatsop National Memorial as the Lewis and Clark National Historical Park, to include in the park sites in the State of Washington as well as the State of Oregon, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. STEARNS, recognized Mr. HAYWORTH and Ms. BORDALLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. STEARNS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶79.19 INLAND EMPIRE REGIONAL WATER RECYCLING PROJECT

Mr. HAYWORTH moved to suspend the rules and pass the bill (H.R. 142) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Inland Empire regional water recycling project, to authorize the Secretary to carry out a program to assist agencies in projects to construct regional brine lines in California, and to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project; as amended.

The SPEAKER pro tempore, Mr. STEARNS, recognized Mr. HAYWORTH and Ms. BORDALLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. STEARNS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Prado Basin Natural Treatment System Project, to authorize the Secretary to carry out a program to assist agencies in projects to construct regional brine lines in California, and to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶79.20 SEQUOIA NATIONAL PARK

Mr. HAYWORTH moved to suspend the rules and pass the bill (H.R. 3932) to amend Public Law 99-338 to authorize the continued use of certain lands within the Sequoia National Park by portions of an existing hydroelectric project; as amended.

The SPEAKER pro tempore, Mr. STEARNS, recognized Mr. HAYWORTH and Ms. BORDALLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. STEARNS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to amend Public Law 99–338 to authorize the continued use of certain lands within the Sequoia National Park by portions of an existing hydroelectric project, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶79.21 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION SHIP

Mr. HAYWORTH moved to suspend the rules and pass the bill (H.R. 4158) to provide for the conveyance to the Government of Mexico of a decommissioned National Oceanic and Atmospheric Administration ship, and for other purposes.

The SPEAKER pro tempore, Mr. STEARNS, recognized Mr. HAYWORTH and Ms. BORDALLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. STEARNS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶79.22 INTERIOR VOLUNTEER RECRUITMENT

Mr. HAYWORTH moved to suspend the rules and pass the bill (H.R. 4170) to authorize the Secretary of the Interior to recruit volunteers to assist with, or facilitate, the activities of various agencies and offices of the Department of the Interior; as amended.

The SPEAKER pro tempore, Mr. STEARNS, recognized Mr. HAYWORTH and Ms. BORDALLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. STEARNS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶79.23 SODA ASH ROYALTY REDUCTION

Mrs. CUBIN moved to suspend the rules and pass the bill (H.R. 4625) to reduce temporarily the royalty required to be paid for sodium produced on Federal lands, and for other purposes.

The SPEAKER pro tempore, Mr. STEARNS, recognized Mrs. CUBIN and Ms. BORDALLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. STEARNS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶79.24 HONORING SANDRA FELDMAN

Mr. CASTLE moved to suspend the rules and agree to the resolution (H. Res. 714):

Whereas Sandra Feldman was born in New York City and attended its public schools;

Whereas Ms. Feldman is a former public elementary school teacher, having taught 2nd and 3rd graders at PS 34 in Manhattan;

Whereas Ms. Feldman began her advocacy efforts on behalf of children and other disadvantaged individuals during the 1960's civil rights movement;

Whereas Ms. Feldman rose through the ranks of the United Federation of Teachers to the position of executive director and to the Federation's presidency in 1986;

Whereas Ms. Feldman was elected in May 1997, as the President of the American Federation of Teachers, becoming the 15th president in the Federation's history and the first female president since 1930;

Whereas Ms. Feldman is widely recognized as an expert on urban education and a strong advocate for disadvantaged children;

Whereas Ms. Feldman was selected as one of the ''100 Most Influential Women in America'' by Ladies Home Journal; and

Whereas educational experts continue to seek the service of Ms. Feldman on numerous high-level commissions and task forces designed to tackle the most pressing problems in our education system: Now, therefore, be it

Resolved, That the House of Representatives recognizes Sandra Feldman on the occasion of her retirement from the presidency of the American Federation of Teachers for—

(1) her decades of work on behalf of disadvantaged children; and

(2) her outstanding contributions and leadership in improving the quality of teaching and learning.

The SPEAKER pro tempore, Mr. STEARNS, recognized Mr. CASTLE and Ms. BORDALLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. STEARNS, announced that two-thirds

of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶79.25 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. STEARNS, laid before the House the following communication from Dan Foote, Staff Assistant, Office of the Honorable Marcy Kaptur:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 16, 2004.

Hon. J. DENNIS HASTERT,
House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena for testimony issued by the Court of Common Pleas for Lucas County, Ohio.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the precedents and privileges of the House.

Sincerely,

DAN FOOTE,
Staff Assistant.

¶79.26 RECESS—3:40 P.M.

The SPEAKER pro tempore, Mr. STEARNS, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 40 minutes p.m., until approximately 6:30 p.m.

¶79.27 AFTER RECESS—6:30 P.M

The SPEAKER pro tempore, Mr. BURGESS, called the House to order.

¶79.28 H.R. 1587—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BURGESS, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1587) to promote freedom and democracy in Viet Nam; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 323 / Nays 45

¶79.29 [Roll No. 391]

YEAS—323

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berman
Berry
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carter
Case
Castle
Chabot
Chandler
Clyburn
Cole
Cox
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Etheridge
Farr
Feeney
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green (TX)
Green (WI)
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayworth
Hefley
Hensarling
Herseth
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hyde
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
LaHood
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McGovern
McHugh
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pence
Peterson (MN)
Petri
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shuster
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tauscher
Tauzin
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—45

Baldwin
Biggert
Bishop (GA)
Cantor
Coble
Conyers
Cooper
Costello
Crane
Dicks
Dooley (CA)
Dreier
Emerson
Eshoo
Evans
Flake
Goss
Hastings (FL)
Herger
Jackson (IL)
Johnson (CT)
Jones (NC)
Kolbe
Kucinich
Larsen (WA)
McDermott
McInnis
Miller, George
Nadler
Oberstar
Obey
Olver
Ose
Paul
Pryce (OH)
Ruppersberger
Sabo
Shays
Shimkus
Simmons
Smith (MI)
Tanner
Taylor (NC)
Thomas
Weller

NOT VOTING—65

Abercrombie
Baker
Ballenger
Bell
Bonner
Carson (IN)
Carson (OK)
Chocola
Clay
Collins
Cramer
Culberson
Davis (IL)
Delahunt
DeMint
Deutsch
Everett
Fattah
Ferguson
Frelinghuysen
Frost
Gephardt
Granger
Greenwood
Gutierrez
Hayes
Hinojosa
Houghton
Hulshof
Hunter
Inslee
Isakson
John
Jones (OH)
Kennedy (RI)
Kilpatrick
Kingston
Kleczka
Lee
Lipinski
Majette
McCrery
McIntyre
McKeon
Menendez
Miller (MI)
Neugebauer
Payne
Pelosi
Peterson (PA)
Pitts
Quinn
Renzi
Ros-Lehtinen
Rush
Ryun (KS)
Sanders
Spratt
Sweeney
Toomey
Towns
Vitter
Watt
Wexler
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to promote freedom and democracy in Vietnam.''.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶79.30 S. CON. RES. 114—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BURGESS, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution of the Senate (S. Con. Res. 114) a concurrent resolution concerning the importance of the distribution of food in schools to hungry or malnourished children around the world.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 367 / Nays 4

¶79.31 [Roll No. 392]

YEAS—367

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr

Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carter
Case
Castle
Chabot
Chandler
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graves
Green (TX)
Green (WI)
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hyde
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McInnis
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Michaud
Millender-McDonald
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pence
Peterson (MN)
Petri
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—4

Flake
Johnson, Sam
Miller (FL)
Paul

NOT VOTING—62

Abercrombie
Ballenger
Bell
Bonner
Carson (IN)
Carson (OK)
Chocola
Clay
Collins
Cramer
Culberson
Davis (IL)
Delahunt
DeMint
Deutsch
Fattah
Ferguson
Frelinghuysen
Frost
Gephardt
Granger
Greenwood
Gutierrez
Hayes
Hinojosa
Houghton
Hulshof
Hunter
Inslee
Isakson
John
Jones (OH)
Kennedy (RI)
Kilpatrick
Kingston
Kleczka
Lee
Lipinski
Majette
McCrery
McIntyre
McKeon
Menendez
Miller (MI)
Payne
Pelosi
Peterson (PA)
Pitts
Quinn
Renzi
Ros-Lehtinen
Rush
Ryun (KS)
Sanders
Spratt
Sweeney
Toomey
Towns
Vitter
Watt
Wexler
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶79.32 S. 2264—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BURGESS, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill of the Senate (S. 2264) a bill to require a report on the conflict in Uganda, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 371 / Nays 1

¶79.33 [Roll No. 393]

YEAS—371

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carter
Case
Castle
Chabot
Chandler
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graves
Green (TX)
Green (WI)
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hyde
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McInnis
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pence
Peterson (MN)
Petri
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)

Wilson (SC)	Woolsey	Wynn
Wolf	Wu	Young (AK)

NAYS—1

Paul

NOT VOTING—61

Abercrombie	Greenwood	Menendez
Ballenger	Gutierrez	Miller (MI)
Bell	Hayes	Payne
Bonner	Hinojosa	Pelosi
Carson (IN)	Houghton	Peterson (PA)
Carson (OK)	Hulshof	Pitts
Chocola	Hunter	Quinn
Clay	Inslee	Renzi
Collins	Isakson	Ros-Lehtinen
Cramer	John	Rush
Culberson	Jones (OH)	Ryun (KS)
Davis (IL)	Kennedy (RI)	Spratt
Delahunt	Kilpatrick	Sweeney
DeMint	Kingston	Toomey
Deutsch	Kleczka	Towns
Fattah	Lee	Vitter
Ferguson	Lipinski	Watt
Frelinghuysen	Majette	Wexler
Frost	McCrery	Young (FL)
Gephardt	McIntyre	
Granger	McKeon	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶79.34 NOTICE—MOTION TO INSTRUCT CONFEREES—H.R. 1308

Mr. STENHOLM, pursuant to clause 7(c)(1) of rule XXII, announced his intention to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the House amendment to the amendment of the Senate to the bill (H.R. 1308) to amend the Internal Revenue Code of 1986 to end certain abusive tax practices, to provide tax relief and simplification, and for other purposes, to agree, to the maximum extent possible within the scope of conference, to a conference report that (1) extends the tax relief provisions which expire at the end of 2004, and (2) does not increase the Federal budget deficit.

¶79.35 PROVIDING FOR THE CONSIDERATION OF H.R. 4850

Mr. SESSIONS, by direction of the Committee on Rules, reported (Rept. No. 108–615) the resolution (H. Res. 724) providing for consideration of the bill (H.R. 4850) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2005, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶79.36 PROVIDING FOR THE CONSIDERATION OF H.R. 3574

Mr. SESSIONS, by direction of the Committee on Rules, reported (Rept. No. 108– 616) the resolution (H. Res. 725) providing for consideration of the bill (H.R. 3574) to require the mandatory expensing of stock options granted to executive officers, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶79.37 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2479. An Act to amend chapter 84 of title 5, United States Code, to provide for Federal employees to make elections to make, modify, and terminate contributions to the Thrift Savings Fund at any time, and for other purposes; to the Committee on Government Reform.

¶79.38 BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on July 14, 2004, he presented to the President of the United States, for his approval, the following bills:

H.R. 3846. An Act to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into an agreement or contract with Indian tribes meeting certain criteria to carry out projects to protect Indian forest land.

Jeff Trandahl, Clerk of the House reports that on July 16, 2004, he presented to the President of the United States, for his approval, the following bills:

H.R. 218. An Act to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

¶79.39 LEAVE OF ABSENCE

To Mr. ABERCROMBIE, for today;

To Mr. BARTON of Texas, for today;

To Ms. CARSON of Indiana, for today;

To Mr. DAVIS of Illinois, for today;

To Mr. FROST, for today;

To Mrs. JONES of Ohio, for today;

To Ms. KILPATRICK, for today;

To Mr. QUINN, for today and balance of the week; and

To Mr. RENZI, for today.

And then,

¶79.40 ADJOURNMENT

On motion of Mr. DELAHUNT, at 11 o'clock and 58 minutes p.m., the House adjourned.

¶79.41 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FRELINGHUYSEN: Committee on Appropriations. H.R. 4850. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108–610). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4492. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes; with an amendment (Rept. 108–611). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4625. A bill to reduce temporarily the royalty required to be paid for sodium produced on Federal lands, and for other purposes (Rept. 108–612). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4170. A bill to authorize the Secretary of the Interior to recruit volunteers to assist with, or facilitate, the activities of various agencies and offices of the Department of the Interior; with an amendment (Rept. 108–613). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 3313. A bill to amend title 28, United States Code, to limit Federal court jurisdiction over questions under the Defense of Marriage Act; with an amendment (Rept. 108–614). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDER: Committee on Rules. House Resolution 724. Resolution providing for consideration of the bill (H.R. 4850) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108–615). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 725. Resolution providing for consideration of the bill (H.R. 3574) to require the mandatory expensing of stock options granted to executive officers, and for other purposes (Rept. 108–616). Referred to the House Calendar.

¶79.42 DISCHARGE OF COMMITTEE

[The following actions occurred on July 16, 2004]

Pursuant to clause 2 of rule XII the Committee on Energy and Commerce discharged from further consideration. H.R. 3574 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committee on the Judiciary discharged from further consideration. H.R. 4011 referred to the Committee of the Whole House on the State of the Union.

¶79.43 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RYAN of Wisconsin (for himself, Mr. DOOLITTLE, and Mr. FRANKS of Arizona):

H.R. 4851. A bill to reform Social Security by establishing a Personal Social Security Savings Program; to the Committee on Ways and Means, and in addition to the Committees on the Budget, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COX (for himself, Ms. DUNN, Mr. CAMP, Mr. SHADEGG, Mr. THORNBERRY, and Mr. GIBBONS):

H.R. 4852. A bill to authorize appropriations for the Department of Homeland Security for fiscal year 2005, and for other purposes; to the Committee on Homeland Security (Select), and in addition to the Committees on Science, Transportation and Infrastructure, Energy and Commerce, the Judiciary, Government Reform, Agriculture, and

Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. KELLY (for herself, Mr. FROST, Mrs. JOHNSON of Connecticut, Ms. MILLENDER-MCDONALD, Ms. GRANGER, Mr. SHAYS, Mr. KLECZKA, Ms. SLAUGHTER, Mr. ALLEN, Mr. MICHAUD, Mr. BONNER, Mr. MOORE, Mr. UDALL of New Mexico, Mrs. BIGGERT, Mr. MANZULLO, Mr. MCGOVERN, Ms. DEGETTE, Ms. NORTON, Mr. REHBERG, and Mr. CARDIN):

H.R. 4853. A bill to amend the Small Business Act to modify the women's business center program; to the Committee on Small Business.

By Mr. BECERRA (for himself, Ms. ROS-LEHTINEN, Mr. RODRIGUEZ, Mr. ORTIZ, Mr. ACEVEDO-VILA, Mr. BACA, Mr. DOGGETT, Mr. FROST, Mr. GONZALEZ, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HINOJOSA, Ms. LEE, Mr. MEEKS of New York, Mr. MENENDEZ, Mrs. NAPOLITANO, Ms. ROYBAL-ALLARD, Mr. SERRANO, Ms. SOLIS, and Mr. UDALL of New Mexico):

H.R. 4854. A bill to establish the Commission to Establish the National Museum of the American Latino to develop a plan of action for the establishment and maintenance of the National Museum of the American Latino in Washington, D.C., and for other purposes; to the Committee on House Administration.

By Mr. CRAMER (for himself and Mr. BOSWELL):

H.R. 4855. A bill to establish an Independent National Security Classification Board in the executive branch, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. HERGER (for himself, Mrs. JOHNSON of Connecticut, Mr. DELAY, Mr. LEWIS of Kentucky, Mr. CAMP, and Mr. CANTOR):

H.R. 4856. A bill to provide States with improved incentives, more flexibility, and increased funds to develop child welfare services that meet the unique needs of children and families and enhance children's prospects for safe and permanent living arrangements; to the Committee on Ways and Means.

By Ms. HOOLEY of Oregon:

H.R. 4857. A bill to require the Attorney General and the Secretary of Homeland Security to enter into a memorandum of understanding to guide the integration of the automated fingerprint identification systems of the Federal Bureau of Investigation and the Department of Homeland Security, and for other purposes; to the Committee on the Judiciary.

By Ms. KAPTUR (for herself, Mr. BLUMENAUER, Mr. DEFAZIO, Ms. KILPATRICK, Mrs. JONES of Ohio, Mr. MCDERMOTT, Mr. MORAN of Virginia, Mr. SERRANO, and Ms. SLAUGHTER):

H.R. 4858. A bill to authorize the Secretary of Agriculture to provide financial assistance for the construction, improvement, and rehabilitation of farmers markets; to the Committee on Agriculture.

By Mr. KENNEDY of Minnesota (for himself, Mr. DAVIS of Alabama, Mr. BEAUPREZ, Mr. SESSIONS, and Mr. CARDOZA):

H.R. 4859. A bill to amend part D of title IV of the Social Security Act to improve the collection of child support, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN of Virginia:

H.R. 4860. A bill to amend title 49, United States Code, to allow States to regulate tow truck operations; to the Committee on Transportation and Infrastructure.

By Mr. SWEENEY (for himself and Mrs. LOWEY):

H.R. 4861. A bill to amend title 18, United States Code, to provide penalties for failure to pay certain obligations to spouses and ex-spouses that are similar to the penalties imposed for failure to pay child support obligations, and for other purposes; to the Committee on the Judiciary.

By Mr. HALL (for himself, Mr. BOEHLERT, Mr. CALVERT, Mr. WELDON of Florida, Mr. FEENEY, Mr. SMITH of Texas, Mr. CRAMER, Mr. CULBERSON, Mr. ADERHOLT, Mr. MCDERMOTT, Mr. GREEN of Texas, Mr. KENNEDY of Rhode Island, Mr. LAMPSON, Mr. ROHRABACHER, Mr. DELAY, Mr. SCHIFF, Ms. JACKSON-LEE of Texas, Mr. OXLEY, Mr. UDALL of Colorado, Mr. MOORE, Mr. BILIRAKIS, Mr. GORDON, Mr. SAM JOHNSON of Texas, Ms. BORDALLO, and Ms. EDDIE BERNICE JOHNSON of Texas):

H. Res. 723. A resolution recognizing the 35th anniversary of the Apollo 11 lunar landing, and for other purposes; to the Committee on Science.

By Mr. BEREUTER (for himself, Mr. EMANUEL, Mr. WEXLER, and Mr. BURTON of Indiana):

H. Res. 726. A resolution congratulating the people of Serbia and government of Serbia for conducting a democratic, free and fair presidential election and for reaffirming Serbia's commitment to peace, democracy, and the rule of law; to the Committee on International Relations.

By Mr. DELAHUNT (for himself, Mr. GREENWOOD, Mr. BLUMENAUER, Mr. CASE, Mrs. CHRISTENSEN, Mrs. DAVIS of California, Mr. DOGGETT, Mr. ENGLISH, Mr. FARR, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. HINCHEY, Mr. HOLDEN, Mr. KUCINICH, Ms. LEE, Mrs. MALONEY, Mr. MARKEY, Mrs. MCCARTHY of New York, Mr. MCGOVERN, Mr. GEORGE MILLER of California, Mr. NADLER, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OLVER, Mr. RAHALL, Mr. RENZI, Mr. STARK, Mrs. TAUSCHER, Mr. VAN HOLLEN, Mr. WEXLER, Mr. BERMAN, and Mr. EVANS):

H. Res. 727. A resolution expressing the sense of the House of Representatives regarding the policy of the United States at the 56th Annual Meeting of the International Whaling Commission; to the Committee on International Relations.

¶79.44 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

392. The SPEAKER presented a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 75 memorializing the Congress of the United States to authorize and fund the establishment of the Coastal Forest Reserve Program, and to memorialize the United States Department of Agriculture Forest Service, the Louisiana Department of Agriculture and Forestry, and the Louisiana State University School of Renewable Natural Resources, with the assistance from the University of Louisiana at Lafayette and other Louisiana universites, to provide an inventory and assessment of coastal forests; to the Committee on Agriculture.

393. Also, a memorial of the Legislature of the State of Hawaii, relative to Senate Concurrent Resolution No. 212 memorializing the Federal Government to conduct a thorough evaluation of the condition of the 187-acre property situated in Waikane Valley that was used by the United States Marine Corps for ordnance training until 1976, plan for and conduct as thorough a clean-up and removal of ordnance as is technologically possible, conduct an environmental assessment of the potential risk to human health and safety, and return the land to the State of Hawaii; to the Committee on Armed Services.

394. Also, a memorial of the General Assembly of the State of Ohio, relative to Senate Concurrent Resolution No. 31 supporting the retention and expansion of all military bases and centers in Ohio and to urge that local governments and community, industry, and labor leaders work with the Governor's All-Ohio Task Force to Save Defense Jobs for that purpose; to the Committee on Armed Services.

395. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 44 memorializing the Congress of the United States to authorize state and national banks to participate in lotteries and related activities for charitable purposes; to the Committee on Financial Services.

396. Also, a memorial of the Legislature of the State of Utah, relative to House Concurrent Resolution No. 2 memorializing the Congress of the United States make special education funding mandatory and fulfill its commitment to provide funding at the 40% level; to the Committee on Education and the Workforce.

397. Also, a memorial of the Legislature of the State of Hawaii, relative to Senate Concurrent Resolution No. 56 memorializing the President and Congress of the United States to repeal the ban against the government negotiating price reductions of prescription drugs; to the Committee on Energy and Commerce.

398. Also, a memorial of the General Assembly of the State of Ohio, relative to Senate Concurrent Resolution No. 24 memorializing the Congress of the United States to support Taiwan's participation in the World Health Organization and to deplore the persecution of Falun Gong practitioners, Christians, and members of other religious groups in the People's Republic of China and to urge that specified actions be taken to end that persecution; to the Committee on International Relations.

399. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 47 memorializing the Congress of the United States to continue to support and expand the operations of the National Finance Center in New Orleans, including the renewal of its contract with the Federal Retirement Thrift Investment Board; to the Committee on Government Reform.

400. Also, a memorial of the Legislature of the State of Hawaii, relative to Senate Concurrent Resolution No. 167 recognizing Native Hawaiians as traditional, indigenous knowledge holders and recognizing their collective intellectual property rights; to the Committee on Resources.

401. Also, a memorial of the Legislature of the State of Utah, relative to House Joint Resolution No. 17 memorializing the Utah Attorney General to immediately commence an investigation into apparent breaches of trust and constitutional violations and that he report to the Legislature on the progress of the investigation; to the Committee on the Judiciary.

402. Also, a memorial of the Legislature of the State of Utah, relative to Senate Joint Resolution No. 5 memorializing the Congress of the United States to review and modify United States Immigration law so as to minimize the circumstances under which United

States Citizen children are separated from their undocumented parents; to the Committee on the Judiciary.

403. Also, a memorial of the General Assembly of the State of Colorado, relative to Senate Joint Memorial 04-004 memorializing the Congress of the United States to vote to repeal the individual and corporate alternative minimum tax; to the Committee on Ways and Means.

404. Also, a memorial of the General Assembly of the State of Tennessee, relative to Senate Joint Resolution No. 1206 memorializing the Congress of the United States to allow for the deduction of state and local sales taxes in the computation of Federal income tax liability; to the Committee on Ways and Means.

405. Also, a memorial of the General Assembly of the State of Tennessee, relative to Senate Joint Resolution No. 1206 memorializing the Congress of the United States to allow for the deduction of state and local sales taxes in the computation of Federal income tax liability; to the Committee on Ways and Means.

406. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 171 memorializing the Congress of the United States and the federal government to work with Michigan officials to align the ownership of mineral rights and surface rights on state and federal lands in Michigan; jointly to the Committees on Resources and Agriculture.

¶79.45 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. SIMMONS introduced a bill (H.R. 4862) for the relief of Majan Jean; which was referred to the Committee on the Judiciary.

¶79.46 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 58: Mr. HINCHEY.
H.R. 206: Mr. FROST.
H.R. 266: Mrs. JONES of Ohio.
H.R. 480: Mr. ISRAEL, Mr. KING of New York, and Mr. TOWNS.
H.R. 861: Mrs. BIGGERT.
H.R. 1052: Mr. LARSEN of Washington.
H.R. 1057: Mr. GILLMOR and Mr. MCCOTTER.
H.R. 1080: Mrs. JONES of Ohio.
H.R. 1083: Mr. BOUCHER.
H.R. 1157: Mr. PALLONE and Mr. GREEN of Texas.
H.R. 1212: Mr. SNYDER.
H.R. 1258: Mr. BACA.
H.R. 1422: Mr. BOOZMAN and Mr. ALEXANDER.
H.R. 1501: Ms. MILLENDER-MCDONALD.
H.R. 1563: Mr. EVANS.
H.R. 1701: Mr. BRADY of Pennsylvania.
H.R. 1717: Mrs. MALONEY.
H.R. 1755: Mr. BACHUS.
H.R. 1800: Mr. EVANS.
H.R. 1818: Mr. FRANK of Massachusetts.
H.R. 1824: Ms. LINDA T. SANCHEZ of California.
H.R. 1868: Mrs. DAVIS of California.
H.R. 1993: Mr. UDALL of New Mexico.
H.R. 1994: Mr. UDALL of New Mexico.
H.R. 2096: Ms. HERSETH and Mr. MATHESON.
H.R. 2260: Mr. PICKERING.
H.R. 2387: Mr. OLVER, Mr. GREENWOOD, Mr. MEEHAN, and Mr. UDALL of New Mexico.
H.R. 2727: Mrs. MALONEY.
H.R. 2797: Mr. GILLMOR.
H.R. 2897: Mr. RODRIGUEZ, Mr. HONDA, Mr. BACA, Mr. LEWIS of Georgia, Mr. GONZALEZ, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, and Mr. COSTELLO.
H.R. 2933: Mr. PETERSON of Pennsylvania.
H.R. 2971: Mr. FARR and Mr. RODRIGUEZ.
H.R. 3180: Mr. SHERMAN.
H.R. 3382: Mrs. EMERSON.
H.R. 3388: Mr. MICHAUD.
H.R. 3482: Ms. HERSETH.
H.R. 3484: Mr. EVANS.
H.R. 3619: Mr. BOYD.
H.R. 3676: Mr. DAVIS of Florida and Ms. BORDALLO.
H.R. 3765: Mr. LEWIS of California.
H.R. 3799: Mr. NORWOOD.
H.R. 3831: Mr. PASTOR and Mr. MOORE.
H.R. 3965: Mr. DAVIS of Illinois.
H.R. 4043: Mr. PAYNE.
H.R. 4057: Mr. BEREUTER.
H.R. 4067: Mr. STARK, Mr. ANDREWS, and Mr. RANGEL.
H.R. 4077: Mrs. BONO and Mr. MEEHAN.
H.R. 4101: Ms. LINDA T. SANCHEZ of California and Ms. DELAURO.
H.R. 4116: Ms. SLAUGHTER.
H.R. 4316: Ms. LORETTA SANCHEZ of California, Mr. OBERSTAR, and Mrs. CHRISTENSEN.
H.R. 4342: Mr. RADANOVICH.
H.R. 4375: Mr. MCNULTY and Mr. FROST.
H.R. 4415: Mr. LIPINSKI, Mr. SIMMONS, Mr. EMANUEL, and Mr. GREEN of Texas.
H.R. 4431: Mr. SANDLIN and Mr. FROST.
H.R. 4449: Ms. SCHAKOWSKY.
H.R. 4468: Mr. CHANDLER and Mr. STENHOLM.
H.R. 4578: Mr. PORTMAN, Mr. BISHOP of Utah, and Mr. BURGESS.
H.R. 4586: Mr. PITTS.
H.R. 4605: Ms. SCHAKOWSKY.
H.R. 4610: Mr. RUPPERSBERGER and Mr. BOUCHER.
H.R. 4633: Ms. SLAUGHTER and Mr. BERMAN.
H.R. 4657: Ms. NORTON.
H.R. 4658: Mr. MICHAUD, Mrs. DAVIS of California, and Mr. BRADY of Pennsylvania.
H.R. 4662: Mr. CHOCOLA.
H.R. 4669: Mr. MCGOVERN and Mr. WELDON of Florida.
H.R. 4674: Ms. MCCOLLUM, Ms. LEE, Mr. GEORGE MILLER of California, Ms. MILLENDER-MCDONALD, Ms. SCHAKOWSKY, and Mr. HONDA.
H.R. 4676: Mr. GUTIERREZ, Mr. NORWOOD, Mr. RANGEL, Mr. SNYDER, and Mr. GRIJALVA.
H.R. 4679: Ms. SCHAKOWSKY and Mr. MATHESON.
H.R. 4680: Mr. PAUL.
H.R. 4682: Mr. ANDREWS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DAVIS of Illinois, Ms. KILPATRICK, Ms. HOOLEY of Oregon, Mr. BAIRD, Mrs. LOWEY, Mr. HASTINGS of Florida, Mr. CLYBURN, Mr. BERMAN, Mr. MEEK of Florida, Mr. TOM DAVIS of Virginia, Mr. OLVER, Mr. UDALL of Colorado, Mr. DICKS, Mr. RUPPERSBERGER, and Ms. HARMAN.
H.R. 4769: Mr. SCHIFF.
H.R. 4773: Mr. HOSTETTLER and Mr. BEAUPREZ.
H.R. 4792: Mr. STARK, Mr. GONZALEZ, Mr. JEFFERSON, and Ms. WOOLSEY.
H.R. 4793: Mr. GRIJALVA and Mr. EVANS.
H.R. 4809: Mr. BURTON of Indiana, Mr. CHOCOLA, and Mrs. BIGGERT.
H.R. 4812: Mr. HASTINGS of Florida and Ms. JACKSON-LEE of Texas.
H.R. 4840: Ms. PRYCE of Ohio, Mr. BACHUS, Mr. MCCOTTER, Mr. MILLER of Florida, Mr. SANDLIN, Mr. PORTMAN, and Mr. BARRETT of South Carolina.
H. Con. Res. 298: Mr. STENHOLM and Mr. MOORE.
H. Con. Res. 304: Ms. DELAURO and Mr. TOM DAVIS of Virginia.
H. Con. Res. 415: Mr. UDALL of New Mexico.
H. Con. Res. 467: Mrs. MUSGRAVE, Mr. MEEK of Florida, Mr. KENNEDY of Rhode Island, Mr. SANDLIN, Mr. MARKEY, Mr. PENCE, Mr. SHERMAN, Mr. PALLONE, Mr. ALLEN, Mr. RAHALL, Mr. HOEFFEL, and Mr. HONDA.
H. Con. Res. 469: Mr. DEUTSCH, Mr. SHAYS, Mr. PORTER, Mr. ROTHMAN, Mr. ABERCROMBIE, and Mr. TERRY.
H. Res. 556: Mr. PETERSON of Pennsylvania.
H. Res. 632: Mr. WEINER.
H. Res. 689: Ms. MCCARTHY of Missouri.
H. Res. 699: Ms. MCCARTHY of Missouri.
H. Res. 700: Ms. MCCARTHY of Missouri.

¶79.47 PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

93. The SPEAKER presented a petition of the City Council of Madera, California, relative to Resolution 04-113 supporting Taiwan's entry into the World Health Organization; to the Committee on International Relations.

94. Also, a petition of the City Council of Parma, Ohio, relative to Resolution No. 141-04 supporting the passage of the bill known as "The No Oil Producing and Exporting Cartels Act of 2004 (NOPEC)"; to the Committee on the Judiciary.

95. Also, a petition of Ms. Shiela A. Miller, a Citizen of Kyle, Texas, relative to a notice of fraud, and petitioning the United States Congress for redress of grievances; to the Committee on Ways and Means.

TUESDAY, JULY 20, 2004 (80)

¶80.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 9 a.m. by the SPEAKER pro tempore, Mr. BISHOP of Utah, who laid before the House the following communication:

WASHINGTON, DC,
July 20, 2004.

I hereby appoint the Honorable ROB BISHOP to act as Speaker pro tempore on this day.

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

Whereupon, pursuant to the order of the House of Tuesday, January 20, 2004, Members were recognized for morning-hour debate.

¶80.2 RECESS—9:30 A.M.

The SPEAKER pro tempore, Mr. BISHOP of Utah, pursuant to clause 12(a) of rule I, declared the House in recess at 9 o'clock and 30 minutes a.m., until 10 a.m.

¶80.3 AFTER RECESS—10 A.M.

The SPEAKER pro tempore, Mr. BOOZMAN, called the House to order.

¶80.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. BOOZMAN, announced he had examined and approved the Journal of the proceedings of Monday, July 19, 2004.

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

¶80.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

9218. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Brucellosis in Sheep, Goats, and Horses; Payment of Indemnity [Docket No. 00-002-2] (RIN: 0579-AB42) received July 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9219. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Classical Swine Fever Status of Chile [Docket No. 03-009-2] received July 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9220. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Animal Welfare; Inspection, Licensing, and Procurement of Animals [Docket No. 97-121-3] (RIN: 0579-AA94) received July 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9221. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Japanese Beetle; Domestic Quarantine and Regulations [Docket No. 04-032-1] received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9222. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Karnal Bunt; Compensation for Custom Harvesters in Northern Texas [Docket No. 03-052-2] received July 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9223. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pesticide Environmental Stewardship (PESP) Regional Grants; Notice of Funds Availability [OPP-2004-0171; FRL-7361-8] received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9224. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Spiroxamine; Pesticide Tolerance [OPP-2004-0120; FRL-7367-1] received July14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9225. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Acequinocyl; Pesticide Tolerance [OPP-2004-0141; FRL-7364-1] received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9226. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Propoxycarbazone-sodium; Pesticide Tolerance [OPP-2004-0172; FRL-7365-7] received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9227. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Office of Pesticide Programs Address Changes [OPP-2004-0216; FRL-7368-4] received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9228. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting the 2004 annual report on the status of female members of the Armed Forces, pursuant to 10 U.S.C. 481 note Public Law 107—314 section 562(a); to the Committee on Armed Services.

9229. A letter from the Directors, Congressional Budget Office and Office of Management and Budget, transmitting a joint report on the technical assumptions to be used in preparing estimates of National Defense Function (050) fiscal year 2005 outlay rates and prior year outlays, pursuant to 10 U.S.C. 226(a); to the Committee on Armed Services.

9230. A letter from the Acting Under Secretary for Acquisition, Technology, & Logistics, Department of Defense, transmitting the Department's Report on Security Guards Needs Assessment and Plan, pursuant to Public Law 107—314, section 332; to the Committee on Armed Services.

9231. A letter from the Deputy Secretary, Department of Defense, transmitting notification that the DoD anticipates it will be prepared to commence chemical agent destruction operations at the Umatilla Chemical Agent Disposal Facility (UMCDF) in Hermiston, Oregon, pursuant to 50 U.S.C. 1512; to the Committee on Armed Services.

9232. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Approval of Captain Jon W. Bayless, Jr. to wear the insignia of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

9233. A letter from the Princiapl Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Approval of Rear Admiral (lower half) James G. Stavridis to wear the insignia of rear admiral (upper half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

9234. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Brigadier General Roger W. Burg to wear the insignia of the grade of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

9235. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade indicated in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

9236. A letter from the Secretary, Department of the Treasury, transmitting a report entitled, ''Security of Personal Financial Information—Report on the Study Conducted Pursuant to Section 508 of the Gramm-Leach-Bliley Act of 1999''; to the Committee on Financial Services.

9237. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Criteria for the Certification and Recertification of the Waste Isolation Pilot Plant's Compliance with the Disposal Regulations; Alternative Provisions [FRL-7787-6] (RIN: 2060-AJ07) received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9238. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emissions Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks [OAR-2002-0010, FRL-7786-9] received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9239. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Emission Guidelines and Compliance Times for Large Municipal Waste Combustors That are Constructed on or Before September 20, 1994 and Federal Plan Requirements for Large Municipal Waste Combustors Constructed on or Before September 20, 1994 [OAR-2004-0007; FRL-7786-8] (RIN: 2060-AM11) received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9240. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Revisions to Regulations for Control of Air Pollution by Permits for New Sources and Modifications Including Incorporation of Marine Vessel Emissions in Applicability Determinations [TX-165-1-7610;/ FRL-7788-2] received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9241. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans Georgia: Approval of Revisions to the State Implementation Plan [R04-OAR-2004-GA-0001 200420; FRL-7788-3] received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9242. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Adequacy of Indiana Solid Waste Landfill Permit Programs Under RCRA Subtitle D [FRL-7787-3] received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9243. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to India for defense articles and services (Transmittal No. 04-08), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9244. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

9245. A letter from the Vice Chairs, President's Council on Integrity and Efficiency, and the Executive Council on Integrity and Efficiency, transmitting a Progress Report to the President, FY 2003, regarding the twenty-fifth anniversary of the Inspector General Act of 1978; to the Committee on Government Reform.

9246. A letter from the Deputy Chief Financial Officer, Department of Housing and Urban Development, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum 04-07, the Department's report on competitive sourcing efforts; to the Committee on Government Reform.

9247. A letter from the Inspector General, General Services Administration, transmitting the Office's Audit Report Register for the six-month period ending March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

9248. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule — Federal Acquisition Circular 2001-24; Introduction — received June 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9249. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Incentives for Use of Performance-Based Contracting for Services [FAC 2001-24; FAR Case 2004-004; Item I] (RIN: 9000-AJ97) received June 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9250. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule — Federal Aquisition Regulation; Definitions Clause [FAC 2001-24; FAR Case 2002-013; Item II] (RIN: 9000-AJ83) received June 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9251. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule — Federal Aquisition Regulation; Procurement Lists [FAC 2001-24; FAR

Case 2003-013; Item III] (RIN: 9000-AJ82) received June 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9252. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Determining Official for Employment Provision Compliance — Immigration and Nationality Act (INA) [FAC 2001-24; FAR Case 2004-009; Item IV] (RIN: 9000-AJ98) received June 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9253. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Supply Schedules Services and Blanket Purchase Agreements (BPAs) [FAC 2001-24; FAR Case 1999-603; Item V] (RIN: 9000-AJ63) received June 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9254. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Designated Countries — New European Communities Member States [FAC 2001-24; FAR Case 2004-008; Item VI] (RIN: 9000-AJ96) received June 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9255. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Buy American Act — Nonavailable Articles [FAC 2001-24; FAR Case 2003-007; Item VII] (RIN: 9000-AJ72) received June 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9256. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Application of Cost Principles and Procedures and Accounting for Unallowable Costs [FAC 2001-24; FAR Case 2002-006; Item VIII] (RIN: 9000-AJ65) received June 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9257. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Gains and Losses, Maintenance and Repair Costs, and Material Costs [FAC 2001-24; FAR Case 2002-008; Item IX] (RIN: 9000-AJ69) received June 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9258. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Technical Amendment [FAC 2001-24; Item X] received June 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9259. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Small Entity Compliance Guide — received June 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9260. A letter from the Administrator, Small Business Administration, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum 04-07, the Administration's report on competitive sourcing efforts; to the Committee on Government Reform.

9261. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period April 1, 2003 through June 30, 2003 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a; (H. Doc. No. 108–203); to the Committee on House Administration and ordered to be printed.

9262. A letter from the Chairman, Inland Waterway Users Board, transmitting the Board's 18th annual report of its activities; recommendations regarding construction, rehabilitation priorities and spending levels on the commercial navigational features and components of inland waterways and harbors, pursuant to Public Law 99–662, section 302(b) (100 Stat. 4111); to the Committee on Transportation and Infrastructure.

9263. A letter from the Secretary, Department of Transportation, transmitting a report entitled, ''Fundamental Properties of Asphalts and Modified Asphalts-II'' submitted in accordance with Section 6016(e) of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Pub. L. 102–240, and Section 5117(b)(5) of the Transportation Equity Act of the 21st Century (TEA–21); to the Committee on Transportation and Infrastructure.

9264. A letter from the Chairman, Medicare Payment Advisory Commission, transmitting a copy of the Commission's ''Report to the Congress: Sources of financial data on Medicare providers,'' fulfilling two Congressional requests in the Medicare Modernization Act; jointly to the Committees on Ways and Means and Energy and Commerce.

9265. A letter from the Chairman, Labor Member, and Management Member, Railroad Retirement Board, transmitting the 2004 annual report on the financial status of the railroad unemployment insurance system, pursuant to 45 U.S.C. 369; jointly to the Committees on Ways and Means and Transportation and Infrastructure.

9266. A letter from the Assistant Attorney General, Department of Justice, transmitting a report entitled ''Report from the Field: the USA Patriot Act at Work''; jointly to the Committees on the Judiciary, Intelligence (Permanent Select), and International Relations.

¶80.6 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles;

H.R. 1572. An Act to designate the United States courthouse located at 100 North Palafox Street in Pensacola, Florida, as the ''Winston E. Arnow United States Courthouse.''

H.R. 4380. An Act to designate the facility of the United States Postal Service located at 4737 Mile Stretch Drive in Holiday, Florida, as the ''Sergeant First Class Paul Ray Smith Post Office Building.''

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

S. 2277. An Act to amend the Act of November 2, 1966 (80 Stat. 1112), to allow binding arbitration clauses to be included in all contracts affecting the land within the Salt River Pima-Maricopa Indian Reservation.

S. 2385. An Act to designate the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the ''Santiago E. Campos United States Courthouse''.

S. 2398. An Act to designate the Federal building located at 324 Twenty-Fifth Street in Ogden, Utah, as the James V. Hansen Federal Building.

¶80.7 PROVIDING FOR THE CONSIDERATION OF H.R. 3574

Mr. SESSIONS, by direction of the Committee on Rules, called up the following resolution (H. Res. 725):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3574) to require the mandatory expensing of stock options granted to executive officers, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered. After debate,

On motion of Mr. SESSIONS, the previous question was ordered on the resolution to its adoption or rejection and, under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution, was agreed to was, by unanimous consent, laid on the table.

¶80.8 PROVIDING FOR THE CONSIDERATION OF H.R. 4850

Mr. LINDER, by direction of the Committee on Rules, called up the following resolution (H. Res. 724):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the

House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4850) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2005, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except: sections 116, 126, 130, and 131. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Mr. LINDER, the previous question was ordered on the resolution to its adoption or rejection and, under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution, was agreed to was, by unanimous consent, laid on the table.

¶80.9 STOCK OPTION ACCOUNTING REFORM

The SPEAKER pro tempore, Mr. LINDER, pursuant to House Resolution 725 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3574) to require the mandatory expensing of stock options granted to executive officers, and for other purposes.

The SPEAKER pro tempore, Mr. LINDER, by unanimous consent, designated Mr. LATHAM as Chairman of the Committee of the Whole,

The Acting Chairman, Mr. BONILLA assumed the Chair; and after some time spent therein,

¶80.10 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2, submitted by Mr. SHERMAN:

In subsection (m) of the matter proposed to be inserted by section 2 of the bill, strike

''(3) FAIR VALUE.—

''(A) IN GENERAL.—The''.

and insert

''(3) FAIR VALUE.—The''.

In subsection (m)(3) of the matter proposed to be inserted by section 2 of the bill, strike subparagraph (B).

It was decided in the negative { Yeas ..... 126 / Nays ..... 296 }

¶80.11 [Roll No. 394]

AYES—126

Abercrombie
Ackerman
Alexander
Andrews
Baldwin
Bass
Becerra
Bell
Bereuter
Berman
Berry
Bishop (NY)
Bono
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Cardin
Castle
Clay
Clyburn
Conyers
Costello
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Doyle
Duncan
Ehlers
Emanuel
Evans
Fattah
Filner
Fossella
Frank (MA)
Gilchrest
Gillmor
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Holt
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Kanjorski
Kaptur
Kleczka
Kucinich
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Maloney
Markey
Marshall
Matsui
McCollum
McDermott
McNulty
Meek (FL)
Michaud
Millender-McDonald
Miller, George
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Petri
Platts
Pomeroy
Rahall
Rangel
Rodriguez
Rohrabacher
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (MI)
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Taylor (MS)
Thompson (MS)
Tierney
Udall (CO)
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler

NOES—296

Aderholt
Akin
Allen
Baca
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Berkley
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardoza
Carson (OK)
Carter
Case
Chabot
Chandler
Chocola
Coble
Cole
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Dreier
Dunn
Edwards
Emerson
English
Eshoo
Etheridge
Everett
Farr
Feeney
Flake
Foley
Forbes
Ford
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoekstra
Holden
Honda
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Matheson
McCarthy (MO)
McCarthy (NY)
McCotter
McGovern
McHugh
McInnis
McIntyre
McKeon
Meehan
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pelosi
Pence
Peterson (PA)
Pickering
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velázquez
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

Ballenger
Carson (IN)
Collins
Cooper
Engel
Ferguson
Hoeffel
Isakson
Majette
McCrery
Quinn

So the amendment was not agreed to.

¶80.12 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 3, submitted by Mrs. MALONEY:

At the end of the bill, insert the following:

SEC. 5. CONFIRMATION OF S.E.C. AUTHORITY.

Nothing in this Act shall be construed to impair or limit the authority of the Commission to establish accounting principles or standards on its own initiative as the Commission deems necessary in the public interest or for the protection of investors.

It was decided in the negative { Yeas ..... 114 / Nays ..... 308 }

¶80.13 [Roll No. 395]

AYES—114

Abercrombie
Ackerman
Alexander
Andrews
Baldwin
Becerra
Bereuter
Berman
Berry
Bishop (NY)
Bono
Brady (PA)
Brown (OH)
Capps
Cardin
Castle
Clay
Clyburn
Conyers
Costello
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doyle
Emanuel
Engel
Fattah
Fossella
Frank (MA)
Gilchrest
Gillmor
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Holt
Hoyer
Jackson (IL)

Jackson-Lee (TX)
Johnson (IL)
Jones (NC)
Kanjorski
Kaptur
Kleczka
Kucinich
Leach
Lee
Levin
Lipinski
Lowey
Maloney
Markey
Marshall
Matsui
McCollum
McDermott
McNulty
Miller (NC)
Miller, George
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pascrell
Pastor
Payne
Peterson (MN)
Petri
Pomeroy
Rahall
Rangel
Rohrabacher
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Serrano
Shays
Sherman
Slaughter
Solis
Spratt
Stark
Strickland
Stupak
Taylor (MS)
Thompson (MS)
Tierney
Towns
Van Hollen
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wu
Wynn

NOES—308

Aderholt
Akin
Allen
Baca
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Berkley
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardoza
Carson (OK)
Carter
Case
Chabot
Chandler
Chocola
Coble
Cole
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Filner
Flake
Foley
Forbes
Ford
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoekstra
Holden
Honda
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Matheson
McCarthy (MO)
McCarthy (NY)
McCotter
McGovern
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Paul
Pearce
Pelosi
Pence
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Velázquez
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Young (AK)
Young (FL)

NOT VOTING—11

Ballenger
Carson (IN)
Collins
Cooper
Ferguson
Hoeffel
Isakson
Majette
McCrery
Quinn
Smith (MI)

So the amendment was not agreed to.

¶80.14 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4, submitted by Mr. KANJORSKI:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Accounting Standards Integrity Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Securities and Exchange Commission has broad authority to prescribe accounting standards applicable to issuers of publicly traded securities, and generally has relied on the Financial Accounting Standards Board to establish generally accepted accounting standards for private sector businesses.

(2) Objective accounting standards are essential to the efficient functioning of the economy and the capital markets, as investors, creditors, analysts, auditors, and others rely on credible, transparent, and comparable results of operations in making decisions regarding the allocation of capital.

(3) Congress recently acknowledged the importance of the accounting standard-setting process to our capital markets and strengthened the the Financial Accounting Standards Board's independence as part of the Sarbanes-Oxley Act of 2002, which passed the House of Representatives and the Senate by votes of 423–3 and 99–0, respectively.

(4) Congress, in the Sarbanes-Oxley Act of 2002, also recognized the importance of the convergence of United States and international accounting standards on high quality accounting standards.

(5) The United States capital markets enjoy a competitive advantage as a result of the high quality and integrity of our financial reporting system and the accounting standards that underlie it and would lose that advantage over foreign markets if our accounting standards and policies are considered less than objective.

(6) Investors benefit from independent and fair accounting standards that are free from undue political interference.

(7) The rulemaking authority and credibility of the Financial Accounting Standards Board may be irreparably damaged by legislation that preempts the existing public and fair deliberative process.

(8) The Securities and Exchange Commission of the United States has the ultimate authority over the content and process for setting standards for issuers of publicly traded securities.

SEC. 3. SENSE OF THE CONGRESS.

It is the sense of Congress that—

(1) preserving the integrity of the accounting standard-setting process and the independence of the Financial Accounting Standards Board is crucial to the functioning and transparency of the financial reporting systems and capital markets of the United States; and

(2) the Securities and Exchange Commission should be permitted to recognize or adopt new accounting standards without Congress or other parties intervening in the process before it is completed to override or delay recognition of those standards.

SEC. 4. SECURITIES AND EXCHANGE COMMISSION MANDATE.

Consistent with its established procedures, the Securities and Exchange Commission shall—

(1) oversee the process of accounting standard-setting to ensure a process that assures that all of the comments, concerns, and recommendations gathered during the comment period on any proposal regarding equity-based compensation are subject to appropriate review; and

(2) before a final standard is adopted, ensure that any modifications are made that are appropriate for the purposes of adopting the highest quality accounting standards that will best serve the purposes of our financial reporting system and the United States economy as a whole.

It was decided in the negative ..... { Yeas ..... 127 / Nays 293

¶80.15 [Roll No. 396]

AYES—127

Abercrombie
Ackerman
Alexander
Andrews
Baldwin
Bass
Becerra
Bell
Bereuter
Berman
Berry
Bilirakis
Bishop (NY)
Bono
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Cardin
Castle
Clay
Clyburn
Conyers
Costello
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Deutsch
Dingell
Doyle
Emanuel
Engel
Evans
Fattah
Ford
Fossella
Frank (MA)
Gilchrest
Gillmor
Goode
Grijalva
Gutierrez
Hall
Hastings (FL)
Hinchey
Hoeffel
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Johnson (IL)
Jones (OH)
Kanjorski
Kaptur
Kildee
Kleczka
Kolbe
Kucinich
Leach
Lee
Levin
Lipinski
Lowey
Maloney
Markey
Marshall
Matsui
McCollum
McDermott
McInnis
McNulty
Miller, George
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Osborne
Owens
Pascrell
Pastor
Payne
Peterson (MN)
Petri
Platts
Pomeroy
Rahall
Rangel
Rohrabacher
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Scott (VA)
Serrano
Shays
Sherman
Shimkus
Simmons
Slaughter
Smith (MI)
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Taylor (MS)
Thompson (MS)
Tierney
Towns
Van Hollen

Visclosky
Waters
Watt
Waxman
Weiner
Wexler

NOES—293

Aderholt
Akin
Allen
Baca
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Biggert
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardoza
Carson (OK)
Carter
Case
Chabot
Chandler
Chocola
Coble
Cole
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Eshoo
Etheridge
Everett
Farr
Feeney
Filner
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gingrey
Gonzalez
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Gutknecht
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jefferson
Jenkins
John
Johnson, E. B.
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Matheson
McCarthy (MO)
McCarthy (NY)
McCotter
McGovern
McHugh
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Ose
Otter
Oxley
Pallone
Paul
Pearce
Pelosi
Pence
Peterson (PA)
Pickering
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Velázquez
Vitter
Walden (OR)
Walsh
Wamp
Watson
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Ballenger
Berkley
Carson (IN)
Collins
Cooper
Ferguson
Greenwood
Isakson
Johnson (CT)
Majette
McCrery
Quinn
Thomas

So the amendment was not agreed to.

The SPEAKER pro tempore, Mr. SWEENEY, assumed the Chair.

When Mr. LAHOOD, Acting Chairman, pursuant to House Resolution 725, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Stock Option Accounting Reform Act''.

SEC. 2. MANDATORY EXPENSING OF STOCK OPTIONS HELD BY HIGHLY COMPENSATED OFFICERS.

Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended by adding at the end the following:

''(m) MANDATORY EXPENSING OF STOCK OPTIONS.—

''(1) NAMED EXECUTIVE OFFICER.—As used in this subsection, the term 'named executive officer' means—

''(A) all individuals serving as the chief executive officer of an issuer, or acting in a similar capacity, during the most recent fiscal year, regardless of compensation level; and

''(B) the 4 most highly compensated executive officers, other than an individual identified under subparagraph (A), that were serving as executive officers of an issuer at the end of the most recent fiscal year.

''(2) IN GENERAL.—Subject to paragraph (4), every issuer of a security registered pursuant to section 12 shall show as an expense in the annual report of such issuer filed under subsection (a)(2), the fair value of all options to purchase the stock of the issuer granted after December 31, 2004, to a named executive officer of the issuer.

''(3) FAIR VALUE.—

''(A) IN GENERAL.—The fair value of an option to purchase the stock of the issuer that is subject to paragraph (2) shall—

''(i) be equal to the value that would be agreed upon by a willing buyer and seller of such option, who are not under any compulsion to buy or sell such option; and

''(ii) take into account all of the characteristics and restrictions imposed upon the option.

''(B) PRICING MODEL.—To the extent that an option pricing model, such as the Black-Scholes method or a binomial model, is used to determine the fair value of an option, the assumed volatility of the underlying stock shall be zero.

''(4) EXEMPTIONS.—

''(A) SMALL BUSINESS ISSUERS.—This subsection shall not apply to an issuer, if—

''(i) the issuer has annual revenues of less than $25,000,000;

''(ii) the issuer is organized under the laws of the United States, Canada, or Mexico;

''(iii) the issuer is not an investment company (as such term is defined under section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a–3));

''(iv) the aggregate value of the outstanding voting and non-voting common equity securities of the issuer held by non-affiliated parties is less than $25,000,000; and

''(v) in the case of an issuer that meets the criteria in clauses (i) through (iv) and is a majority-owned subsidiary, the parent of the issuer meets the requirements of this paragraph.

''(B) DELAYED EFFECTIVENESS.—The requirements of this subsection shall not apply to an issuer before the end of the 3-year period beginning on the date of the completion of the initial public offering of the securities of the issuer, and shall only apply to an option to purchase the stock of an issuer granted after such date.

''(5) VOLUNTARY EXPENSING.—Notwithstanding the requirements of this subsection, issuers may elect to expense the fair value of all officer and employee stock options in the annual report of such issuer under subsection (a)(2), in accordance with the expensing alternative of Statement of Financial Accounting Standards Number 123, and any such issuer making such election in the annual report for a fiscal year shall not be subject to paragraphs (2) through (4) of this subsection for such fiscal year.''.

SEC. 3. PROHIBITION ON EXPENSING AND ECONOMIC IMPACT STUDY.

(a) PROHIBITION.—Section 19(b) of the Securities Act of 1933 (15 U.S.C. 77s(b)) is amended by adding at the end the following:

''(3) PROHIBITION ON EXPENSING STANDARDS.—

''(A) IN GENERAL.—The Commission shall not recognize as 'generally accepted' any accounting principle relating to the expensing of stock options unless—

''(i) it complies with the requirements of subparagraph (B); and

''(ii) the economic impact study required under section 3(b) of the Stock Option Accounting Reform Act has been completed.

''(B) REQUIREMENTS.—A standard referred to in subparagraph (A) shall require that—

''(i) if an option to purchase the stock of an issuer that is subject to the requirements of section 13(m) of the Securities Exchange Act of 1934 is exercised—

''(I) any expense that had been reported under that section 13(m) with respect to such option shall be recomputed as of the date of exercise and shall be equal to the difference between the price of the underlying stock and the exercise price; and

''(II) to the extent the recomputed amount differs from the amount previously reported under section 13(m) with respect to such option, the difference shall be reported in the fiscal year in which the option is exercised as a reduction or increase, as the case may be, of the total expense required to be reported under that section 13(m) during that fiscal year;

''(ii) if an option to purchase the stock of an issuer that is subject to the requirements of section 13(m) of the Securities Exchange Act of 1934 is forfeited or expires unexercised, any expense that had been reported under that section 13(m) with respect to such option shall be reported in the fiscal year in which the option expires or is forfeited as a reduction of the total expense required to be reported under that section 13(m) during that fiscal year; and

''(iii) to the extent that any reduction required under clause (i) or (ii) exceeds total option expenses for any fiscal year, such excess shall be reported as income with respect to options to purchase the stock of the issuer.

''(C) EXCEPTION FOR VOLUNTARY EXPENSING.—Nothing in this paragraph or in any

other provision of the Stock Option Accounting Reform Act shall prevent the Commission from continuing to recognize the expensing alternative of Statement of Financial Accounting Standards Number 123 as part of generally accepted accounting principles for issuers that elect to expense the fair value of all officer and employee stock options in the annual report of such issuer pursuant to section 13(m)(5) of the Securities Exchange Act of 1934.''.

(b) ECONOMIC IMPACT STUDY.—Not later than 1 year after the date of enactment of this Act, the Secretary of Commerce and the Secretary of Labor shall conduct and complete a joint study on the economic impact of the mandatory expensing of all employee stock options, including the impact upon—

(1) the use of broad-based stock option plans in expanding employee corporate ownership to workers at a wide range of income levels, with particular focus upon non-executive employees;

(2) the role of such plans in the recruitment and retention of skilled workers;

(3) the role of such plans in stimulating research and innovation;

(4) the effect of such plans in stimulating the economic growth of the United States; and

(5) the role of such plans in strengthening the international competitiveness of businesses organized under the laws of the United States.

SEC. 4. IMPROVED EMPLOYEE STOCK OPTION TRANSPARENCY AND REPORTING DISCLOSURES.

(a) ENHANCED DISCLOSURES REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Commission shall, by rule, require each issuer filing a periodic report under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m, 78o(d)) to include in such report more detailed information regarding stock option plans, stock purchase plans, and other arrangements involving an employee acquisition of an equity interest in the company. Such information shall include—

(1) a discussion, written in ''plain English'', in accordance with the Plain English Handbook published by the Office of Investor Education and Assistance of the Commission, of the dilutive effect of stock option plans, including tables or graphic illustrations of such dilutive effects;

(2) expanded disclosure of the dilutive effect of employee stock options on the issuer's earnings per share;

(3) prominent placement and increased comparability and uniformity of all stock option related information;

(4) the number of outstanding stock options;

(5) the weighted average exercise price of all outstanding stock options; and

(6) the estimated number of stock options outstanding that will vest in each year.

(b) DEFINITIONS.—As used in this section:

(1) COMMISSION.—The term ''Commission'' means the Securities and Exchange Commission.

(2) ISSUER.—The term ''issuer'' has the meaning provided in section 2(a)(7) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201(a)(7)).

(3) EQUITY INTEREST.—The term ''equity interest'' includes common stock, preferred stock, stock appreciation rights, phantom stock, and any other security that replicates the investment characteristics of such securities, and any right or option to acquire any such security.

SEC. 5. PRESERVATION OF AUTHORITY.

Nothing in this Act shall be construed to limit the authority over the setting of accounting principles by any accounting standard setting body whose principles are recognized by the Securities and Exchange Commission under section 19(b)(1) of the Securities Act of 1933 (15 U.S.C. 77s(b)(1)).

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. SWEENEY, announced that the yeas had it.

Mr. OXLEY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 312 / Nays 111

¶80.16 [Roll No. 397]

YEAS—312

Ackerman
Aderholt
Akin
Allen
Andrews
Baca
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Becerra
Bell
Berkley
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardoza
Carson (OK)
Carter
Case
Chabot
Chandler
Chocola
Clay
Coble
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Delahunt
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Everett
Farr
Feeney
Filner
Flake
Foley
Forbes
Ford
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gonzalez
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McGovern
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Ose
Otter
Owens
Oxley
Pallone
Paul
Pearce
Pelosi
Pence
Peterson (PA)
Pickering
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Velázquez
Vitter
Walden (OR)
Walsh
Wamp
Watson
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—111

Abercrombie
Alexander
Baldwin
Bass
Bereuter
Berman
Berry
Bishop (NY)
Bono
Brady (PA)
Brown (OH)
Capps
Cardin
Castle
Clyburn
Cole
Conyers
Costello
Cummings
Davis (FL)
DeFazio
DeGette
DeLauro
Dingell
Doyle
Emanuel
Emerson
Evans
Fattah
Fossella
Frank (MA)
Gilchrest
Gillmor
Goode
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Hoeffel
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kleczka
Kolbe
Kucinich
LaHood
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Maloney
Markey
Marshall
Matsui
McDermott
McNulty
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Osborne
Pascrell
Pastor
Payne
Peterson (MN)
Petri
Platts
Pomeroy
Rahall
Rohrabacher
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Scott (VA)
Serrano
Shays
Sherman
Shimkus
Slaughter
Smith (MI)
Spratt
Stark
Stearns
Strickland
Stupak
Taylor (MS)
Terry
Thompson (MS)
Tierney
Towns
Van Hollen
Visclosky
Waters
Watt
Waxman
Weiner

NOT VOTING—10

Ballenger
Carson (IN)
Collins
Cooper
Ferguson
Gingrey
Isakson
Majette
McCrery
Quinn

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶80.17 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. BAKER, by unanimous consent,

Ordered, That in the engrossment of the foregoing bill the Clerk be authorized to correct section numbers, punctuation, and cross references, and to

make such other technical and conforming changes as may be necessary to reflect the actions of the House.

¶80.18 SUBMISSION OF CONFERENCE REPORT—H.R. 2443

Mr. YOUNG of Alaska submitted a conference report (Rept. No. 108–617) on the bill (H.R. 2443) to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes; together with a statement thereon, for printing in the RECORD under the rule.

¶80.19 PERMISSION TO FILE CONFERENCE REPORT

On motion of Mr. LEWIS of California, by unanimous consent, the managers on the part of the House were granted permission until midnight tonight to file a conference report (Rept. No. 108–622) on the bill (H.R. 4613) making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; together with a statement thereon, for printing in the RECORD under the rule.

¶80.20 DISTRICT OF COLUMBIA APPROPRIATIONS FY 2005

The SPEAKER pro tempore, Mr. SWEENEY, pursuant to House Resolution 724 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 4850) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2005, and for other purposes.

The SPEAKER pro tempore, Mr. SWEENEY, by unanimous consent, designated Mr. BASS as Chairman of the Committee of the Whole; and after some time spent therein,

¶80.21 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2, submitted by Mr. HEFLEY:

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

SEC. 139. Total Federal appropriations made in this Act (other than appropriations required to be made by a provision of law) are hereby reduced by $5,600,000.

It was decided in the negative ..... { Yeas ..... 113 / Nays 309

¶80.22 [Roll No. 398]

AYES—113

Akin
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Boehlert
Boozman
Bradley (NH)
Brady (TX)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Cannon
Carter
Chabot
Chocola
Coble
Cox
Crane
Cubin
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeMint
Diaz-Balart, M.
Doggett
Duncan
Everett
Feeney
Flake
Forbes
Fossella
Franks (AZ)
Garrett (NJ)
Gibbons
Gingrey
Goode
Goodlatte
Goss
Graves
Green (WI)
Gutknecht
Hayes
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Jenkins
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Lewis (KY)
Linder
Manzullo
McCotter
McHugh
McInnis
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Norwood
Otter
Oxley
Paul
Pence
Petri
Pickering
Pitts
Platts
Ramstad
Rehberg
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Schrock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (WA)
Stearns
Stenholm
Strickland
Sullivan
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Toomey
Upton
Vitter
Wamp
Wilson (SC)

NOES—309

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Ballenger
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burr
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Castle
Chandler
Clay
Clyburn
Cole
Conyers
Costello
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gephardt
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Granger
Green (TX)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stupak
Sweeney
Tauscher
Tauzin
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

Buyer
Carson (IN)
Collins
Cooper
Ferguson
Harris
Isakson
Majette
Marshall
Matheson
Quinn

So the amendment was not agreed to.

The SPEAKER pro tempore, Mr. KLINE, assumed the Chair.

When Mr. BASS, Chairman, pursuant to House Resolution 724, reported the bill back to the House.

The previous question having been ordered by said resolution.

The bill was ordered to be engrossed and read a third time, was read a third time by title.

The question being put,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. KLINE, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 371 / Nays 54

¶80.23 [Roll No. 399]

YEAS—371

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay

DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Farr
Fattah
Feeney
Filner
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Gordon
Granger
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—54

Bartlett (MD)
Berry
Biggert
Boehlert
Boswell
Coble
Cubin
Davis, Jo Ann
Deal (GA)
Deutsch
Duncan
Etheridge
Evans
Everett
Flake
Fossella
Franks (AZ)
Goode
Goodlatte
Goss
Graves
Gutknecht
Hayworth
Hefley
Hensarling
Herger
Hostettler
Jones (NC)
King (IA)
Manzullo
McDermott
McHugh
Michaud
Miller (FL)
Miller, George
Neugebauer
Norwood
Otter
Paul
Peterson (MN)
Petri
Rahall
Ramstad
Royce
Sensenbrenner
Simmons
Smith (MI)
Stearns
Stenholm
Taylor (MS)
Taylor (NC)
Tierney
Toomey
Wexler

NOT VOTING—8

Carson (IN)
Collins
Dunn
Ferguson
Isakson
Majette
Matheson
Quinn

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶80.24 35TH ANNIVERSARY OF THE APOLLO 11 LUNAR LANDING

Mr. HALL moved to suspend the rules and agree to the following resolution (H. Res. 723):

Whereas President John F. Kennedy set a goal of landing Americans on the moon and returning them safely to Earth;

Whereas the National Aeronautics and Space Administration (NASA) created the Apollo space program to fulfill the goal set by President Kennedy;

Whereas on July 16, 1969, the Apollo 11 mission launched into space to attempt the first manned lunar landing;

Whereas on July 20, 1969, at 10:56 p.m. eastern daylight time, astronaut Neil A. Armstrong ushered in a new era in space exploration when he stepped onto the lunar surface and declared, ''That's one small step for man, one giant leap for mankind.'';

Whereas Neil Armstrong, the mission commander, and fellow astronauts Michael Collins, the command module pilot, and Edwin E. ''Buzz'' Aldrin, Jr., the lunar module pilot, exemplified bravery and determination in successfully completing the mission;

Whereas the Apollo 11 mission demonstrated the technological abilities of the United States and established the United States as a leader in space exploration;

Whereas the Apollo 11 mission inspired further exploration of the universe and led to more than three decades of continued voyage and discovery; and

Whereas the Apollo 11 mission continues to inspire exploration as NASA envisions returning to the moon and eventually landing a person on Mars: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 35th anniversary of the Apollo 11 lunar landing;

(2) commends the astronauts and other men and women of the National Aeronautics and Space Administration (NASA) whose efforts assured the success of the Apollo 11 mission; and

(3) supports the continued leadership of the United States in the exploration of space.

The SPEAKER pro tempore, Mr. KLINE, recognized Mr. HALL and Mr. LAMPSON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. KLINE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. HALL demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. KLINE, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Wednesday, July 21, 2004.

¶80.25 WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT TO ACCOMPANY H.R. 2443

Mr. SESSIONS, by direction of the Committee on Rules, reported (Rept. No. 108–618) the resolution (H. Res. 730) waiving points of order against the conference report to accompany the bill (H.R. 2443) to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶80.26 HOMELAND SECURITY FINANCIAL ACCOUNTABILITY

Mr. PLATTS moved to suspend the rules and pass the bill (H.R. 4259) to amend title 31, United States Code, to improve the financial accountability requirements applicable to the Department of Homeland Security, to establish requirements for the Future Years Homeland Security Program of the Department, and for other purposes.

The SPEAKER pro tempore, Mr. KLINE, recognized Mr. PLATTS and Mr. TOWNS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶80.27 BOB MICHEL DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

Mr. SMITH of New Jersey moved to suspend the rules and pass the bill (H.R. 4608) to name the Department of Veterans Affairs outpatient clinic located in Peoria, Illinois, as the ''Bob Michel Department of Veterans Affairs Outpatient Clinic''.

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mr. SMITH of New Jersey and Mr. MICHAUD, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LAHOOD demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Wednesday, July 21, 2004.

¶80.28 UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

Mr. SMITH of New Jersey moved to suspend the rules and pass the bill (H.R. 3936) to amend title 38, United States Code, to authorize the principal office of the United States Court of Appeals for Veterans Claims to be at any location in the Washington, D.C., metropolitan area, rather than only in the District of Columbia, and expressing the sense of Congress that a dedicated Veterans Courthouse and Justice Center should be provide for that court and those it serves and should be located, if feasible, at a site owned by the United States that is part of or proximate to the Pentagon Reservation, and for other purposes.

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mr. SMITH of New Jersey and Mr. MICHAUD, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶80.29 VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT

Mr. SMITH of New Jersey, moved to suspend the rules and pass the bill (H.R. 4175) to increase, effective as of December 1, 2004, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes; as amended.

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mr. SMITH of New Jersey and Mr. MICHAUD, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SMITH of New Jersey, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Wednesday, July 21, 2004.

¶80.30 AMVETS NATIONAL CHARTER DAY

Mr. SMITH of New Jersey, moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 308):

Whereas on July 23, 1947, AMVETS (American Veterans) was chartered by the United States as a not-for-profit corporation;

Whereas membership in AMVETS is open to veterans who have honorably served, or are serving, in the Armed Forces, including the Coast Guard, National Guard, and Reserves, during or since World War II;

Whereas the veterans of the Armed Forces have made great sacrifices to ensure the peace and security of the United States;

Whereas the members of AMVETS are dedicated to providing important services to their local communities and to their fellow veterans;

Whereas the motto of AMVETS is ''We fought together, now let's build together'';

Whereas the members of AMVETS consistently honor that motto through countless hours of patriotic service, including providing services to hospitalized veterans, assisting veterans with their problems regarding housing and employment, marching in parades, participating in color guards and burial details, and educating the Nation's youth;

Whereas the war on terrorism has emphasized the sacrifices that veterans have made, and continue to make, for the benefit of the Nation;

Whereas AMVETS has designated July 23 as AMVETS National Charter Day; and

Whereas the goal of AMVETS National Charter Day is to raise public awareness regarding AMVETS' commitment and service to veterans, the families of veterans, and the Nation: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress recognizes the members of AMVETS (American Veterans) for their service to the Nation and supports the goal of AMVETS National Charter Day.

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mr. SMITH of New Jersey and Mr. MICHAUD, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶80.31 ELI BROAD, BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

Mr. NEY moved to suspend the rules and pass the joint resolution of the Senate (S.J. Res. 38) providing for the appointment of Eli Broad as a citizen regent of the Board of Regents of the Smithsonian Institution.

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mr. NEY and Mr. LARSON of Connecticut each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said joint resolution?

The SPEAKER pro tempore, Ms. HARRIS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said joint resolution was passed.

A motion to reconsider the vote whereby the rules were suspended and said joint resolution was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶80.32 LIBRARY OF CONGRESS POLICY EMPLOYEES

Mr. NEY moved to suspend the rules and pass the bill (H.R. 4816) to permit the Librarian of Congress to hire Library of Congress Policy employees.

The SPEAKER pro tempore, Ms. HARRIS, recognized Mr. NEY and Mr. LARSON of Connecticut, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. HARRIS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶80.33 PRESIDENTIAL ELECTION DATE

Mr. NEY moved to suspend the rules and agree to the following resolution (H. Res. 728):

Whereas no regularly scheduled national election for Federal office has ever been postponed for any reason;

Whereas regularly scheduled Federal elections took place as scheduled during the Civil War, World War I, and World War II;

Whereas after having been re-elected in an election that took place while the Civil War continued to rage, Abraham Lincoln said ''We can not have free government without elections; and if the rebellion could force us

to forego, or postpone a national election it might fairly claim to have already conquered and ruined us. . . . [T]he election, along with its incidental and undesirable strife, has done good too. It has demonstrated that a people's government can sustain a national election, in the midst of a great civil war. Until now it has not been known to the world that this was a possibility.'';

Whereas the terrorist bombings that took place in Spain on the eve of the Spanish elections in March 2004 were almost certainly perceived by Al Qaeda as having contributed to the defeat of the government that had stood with the United States in the Global War on Terror;

Whereas terrorists may attempt to strike again against the United States in the months leading up to the November 2004 Presidential election in an attempt to alter or affect the election's outcome;

Whereas in the event that such a horrific attack were to occur, the actions of millions of Americans across the Nation casting their ballots would demonstrate powerfully the strength and resilience of our democracy;

Whereas there is no reason to believe that the men and women who administer elections in jurisdictions across the Nation would be incapable of determining how to react to a terrorist attack;

Whereas postponing an election in the aftermath of a terrorist attack would demonstrate weakness, not strength, and would be interpreted as a victory for the terrorists; and

Whereas under section 4 of article II of the Constitution, Congress has the authority to determine the date on which a Presidential election shall take place: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the actions of terrorists will never cause the date of any Presidential election to be postponed; and

(2) no single individual or agency should be given the authority to postpone the date of a Presidential election.

The SPEAKER pro tempore, Ms. HARRIS, recognized Mr. NEY and Mr. LARSON of Connecticut, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. HARRIS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. NEY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. HARRIS, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Wednesday, July 21, 2004.

¶80.34 PROHIBITION ON JUNK FAX TRANSMISSION

Mr. UPTON moved to suspend the rules and pass the bill (H.R. 4600) to amend section 227 of the Communications Act of 1934 to clarify the prohibition on junk fax transmission; as amended.

The SPEAKER pro tempore, Ms. HARRIS, recognized Mr. UPTON and Mr. MARKEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. HENSARLING, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶80.35 NEW ANIMAL DRUGS

Mr. PICKERING moved to suspend the rules and pass the bill of the Senate (S. 741) to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal drugs, and for other purposes.

The SPEAKER pro tempore, Mr. HENSARLING, recognized Mr. PICKERING and Mrs. LOWEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. HANSARLING, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill Was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶80.36 WAIVING POINTS OF ORDER OF CLAUSE 6(A) OF RULE XIII

Mr. Lincoln DIAZ-BALART of Florida, by direction of the Committee on Rules, reported (Rept. No. 108–620) the resolution (H. Res. 731) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules.

When said resolution and report were referred to the House Calendar and ordered printed.

¶80.37 PROVIDING FOR THE CONSIDERATION OF H.R. 4837

Mr. Lincoln DIAZ-BALART of Florida, by direction of the Committee on Rules, reported (Rept. No. 108–621) the resolution (H. Res. 732) providing for consideration of the bill (H.R. 4837) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶80.38 MOTION TO INSTRUCT CONFEREES—H.R. 1308

Mr. STENHOLM submitted the privileged motion to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the House amendment to the amendment of the Senate to the bill (H.R. 1308) to amend the Internal Revenue Code of 1986 to end certain abusive tax practices, to provide tax relief and simplification, and for other purposes, to agree, to the maximum extent possible within the scope of conference, to a conference report that (1) extends the tax relief provisions which expire at the end of 2004, and (2) does not increase the Federal budget deficit.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. HENSARLING, announced that the nays had it.

Mr. STENHOLM demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HENSARLING, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Wednesday, July 21, 2004.

¶80.39 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2385. An Act to designate the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the ''Santiago E. Campos United States Courthouse''; to the Committee on Transportation and Infrastructure.

¶80.40 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Ms. CARSON of Indiana, for today and balance of the week.

And then,

¶80.41 ADJOURNMENT

On motion of Mr. MEEK of Florida, at 10 o'clock and 59 minutes p.m., the House adjourned.

¶80.42 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee of Conference. Conference report on H.R. 2443. A bill to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes (Rept. 108–617). Ordered to be printed.

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 730.

Resolution waiving points of order against the conference report to accompany the bill (H.R. 2443) to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes (Rept. 108–618). Referred to the House Calendar.

Mr. BARTON: Committee on Energy and Commerce. H.R. 2929. A bill to protect users of the Internet from unknowing transmission of their personally identifiable information through spyware programs, and for other purposes; with an amendment (Rept. 108–619). Referred to the Committee of the Whole House on the State of the Union.

Mr. REYNOLDS: Committee on Rules. House Resolution 1731. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 108–620). Referred to the House Calendar.

Mrs. MYRICK: Committee on Rules. House Resolution 732. Resolution providing for consideration of the bill (H.R. 4837) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108–621). Referred to the House Calendar.

Mr. LEWIS of California: Committee of Conference. Conference report on H.R. 4613. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108–622). Ordered to be printed.

¶80.43 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BECERRA (for himself, Ms. ROS-LEHTINEN, Mr. RODRIGUEZ, Mr. ORTIZ, Mr. ACEVEDO-VILA, Mr. BACA, Mr. BROWN of Ohio, Mr. CARDOZA, Mr. DOGGETT, Mr. FROST, Mr. GONZALEZ, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HINOJOSA, Ms. LEE, Mr. MEEKS of New York, Mr. MENENDEZ, Mrs. NAPOLITANO, Ms. ROYBAL-ALLARD, Mr. SERRANO, Ms. SOLIS, and Mr. UDALL of New Mexico):

H.R. 4863. A bill to establish the Commission to Establish the National Museum of the American Latino to develop a plan of action for the establishment and maintenance within the Smithsonian Institution of the National Museum of the American Latino in Washington, D.C., and for other purposes; to the Committee on House Administration.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. PETRI, and Mr. LIPINSKI):

H.R. 4864. A bill to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, Resources, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BEREUTER:

H.R. 4865. A bill to amend the National Trails System Act to authorize an additional category of national trail known as a national discovery trail, to provide special requirements for the establishment and administration of national discovery trails, and to designate the cross country American Discovery Trail as the first national discovery trail; to the Committee on Resources.

By Mr. BURR (for himself, Ms. ESHOO, Mr. SIMMONS, Mr. RAMSTAD, Mrs. MYRICK, Ms. ROS-LEHTINEN, Ms. PRYCE of Ohio, Ms. KAPTUR, Mr. ROGERS of Michigan, and Mr. PRICE of North Carolina):

H.R. 4866. A bill to amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DEUTSCH (for himself, Mr. HASTINGS of Florida, and Ms. CORRINE BROWN of Florida):

H.R. 4867. A bill to amend title 3, United States Code, to permit an objection to the certificate of the electoral votes of a State to be received by the Senate and the House of Representatives if the objection is signed by either a Senator or a Member of the House of Representatives; to the Committee on House Administration, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FERGUSON:

H.R. 4868. A bill to direct the Secretary of Transportation to conduct a test to determine the costs and benefits of requiring jet-propelled aircraft taking off from Newark International Airport, New Jersey, to conduct ascents over the ocean, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GILCHREST:

H.R. 4869. A bill to amend the Marine Mammal Protection Act of 1972 to authorize appropriations for the John H. Prescott Marine Mammal Rescue Assistance Grant Program, and for other purposes; to the Committee on Resources.

By Mr. GREEN of Wisconsin:

H.R. 4870. A bill to amend title 38, United States Code, to revise the effective date for payment of lump sums to persons awarded the Medal of Honor who are in receipt of special pension pursuant to section 1562 of such title, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MCCRERY (for himself, Mr. ACEVEDO-VILA, Ms. PRYCE of Ohio, Mr. RANGEL, Mr. GREENWOOD, Mr. BECERRA, and Mr. MENENDEZ):

H.R. 4871. A bill to amend title XVIII of the Social Security Act to provide for equity in the calculation of Medicare disproportionate share hospital payments for hospitals in Puerto Rico; to the Committee on Ways and Means.

By Mr. MEEKS of New York:

H.R. 4872. A bill to direct the Secretary of Health and Human Services to establish a retinoblastoma public awareness and prevention program; to the Committee on Energy and Commerce.

By Mr. MEEKS of New York:

H.R. 4873. A bill to amend the Immigration and Nationality Act to provide for flexibility in the naturalization process for aliens in active duty service in the Armed Forces abroad; to the Committee on the Judiciary.

By Mr. ROSS:

H.R. 4874. A bill to provide emergency assistance to producers that have incurred losses in a 2004 crop due to a disaster; to the Committee on Agriculture.

By Mr. SAXTON (for himself, Mr. ANDREWS, Mr. FORD, Mr. MICA, Mr. MCCOTTER, and Mr. ENGEL):

H.R. 4875. A bill to amend title 28, United States Code, to clarify that persons may bring private rights of actions against foreign states for certain terrorist acts, and for other purposes; to the Committee on the Judiciary.

By Mr. SIMMONS (for himself, Mr. ISRAEL, Mr. SHAYS, Mrs. JOHNSON of Connecticut, Ms. DELAURO, Mr. LARSON of Connecticut, Mrs. LOWEY, Mr. KING of New York, Mr. ACKERMAN, Mrs. MCCARTHY of New York, Mr. BISHOP of New York, Mr. SERRANO, Mr. ENGEL, and Mr. CROWLEY):

H.R. 4876. A bill to establish the Long Island Sound Stewardship Initiative; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 4877. A bill to amend title XVIII of the Social Security Act to revoke the unique ability of the Joint Commission for the Accreditation of Healthcare Organizations to deem hospitals to meet certain requirements under the Medicare Program and to provide for greater accountability of the Joint Commission to the Secretary of Health and Human Services; to the Committee on Ways and Means.

By Mr. RANGEL (for himself and Mr. FOSSELLA):

H. Con. Res. 475. Concurrent resolution encouraging the International Olympic Committee to select New York City as the site of the 2012 Olympic Games; to the Committee on International Relations.

By Mr. NEY (for himself, Mr. LARSON of Connecticut, Mr. DELAY, Mr. BLUNT, Mr. SWEENEY, Mr. BUYER, Mr. RENZI, Mr. POMBO, Mr. HOBSON, Mr. ISTOOK, Mrs. KELLY, Mr. BASS, Mr. HERGER, Mr. NEUGEBAUER, Mr. MICA, Mr. JONES of North Carolina, Mr. MCCRERY, Mr. LATOURETTE, Mr. BOEHNER, Mr. CHABOT, Mr. SESSIONS, Mr. TIAHRT, Mr. COBLE, Mrs. CUBIN, Mr. OXLEY, Ms. HART, Mr. COLE, Mr. DOOLITTLE, Mr. LUCAS of Oklahoma, Mr. MCKEON, Mr. HOSTETTLER, Mr. BACHUS, Mr. CRENSHAW, Mr. OSE, Mr. WALDEN of Oregon, Mr. HUNTER, Mr. SHIMKUS, Mr. HYDE, Ms. PRYCE of Ohio, Mr. ROGERS of Alabama, Mr. GARRETT of New Jersey, Mr. FOLEY, Mr. GOSS, Mr. PAUL, Mr. BARTLETT of Maryland, Mr. THOMAS, Mr. LEWIS of Kentucky, Mr. PORTMAN, Mr. SHUSTER, Mr. GARY G. MILLER of California, Mr. CALVERT, Mr. AKIN, Mr. WILSON of South Carolina, Mr. WHITFIELD, Mr. OTTER, Mr. SCHROCK, Mr. VITTER, Mr. LAHOOD, Mr. WALSH, Mr. SIMPSON, Mr. REHBERG, Mr. BOOZMAN, Mr. REGULA, Mr. BEAUPREZ, Mr. REYNOLDS, Mr. CARTER, Mr. HENSARLING, Mr. TIBERI, Mr. NUNES, Mr. EHLERS, Ms. LORETTA SANCHEZ of California, Mr. DEFAZIO, Ms. WOOLSEY, Mr. BISHOP of New York, Mr. RAMSTAD, Mr. GINGREY, Mr. SANDLIN, Mr. GALLEGLY, Mr. KENNEDY of Minnesota, Mr. GREEN of Texas, Mrs. MALONEY, and Mrs. MILLER of Michigan):

H. Res. 728. A resolution expressing the sense of the House of Representatives that the actions of terrorists will never cause the date of any Presidential election to be postponed and that no single individual or agency should be given the authority to postpone the date of a Presidential election; to the Committee on House Administration.

By Mr. BEREUTER (for himself and Mr. LANTOS):

H. Res. 729. A resolution expressing the sense of the House of Representatives with respect to the 50th anniversary of the food aid programs established under the Agricultural Trade Development and Assistance Act of 1954; to the Committee on International Relations, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each

case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BEREUTER (for himself, Mr. WEXLER, and Mr. WILSON of South Carolina):

H. Res. 733. A resolution calling on the Government of Libya to review the legal actions taken against several Bulgarian medical workers; to the Committee on International Relations.

¶80.44 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

407. The SPEAKER presented a memorial of the General Assembly of the State of Ohio, relative to Senate Concurrent Resolution No. 31 supporting the retention and expansion of all military bases and centers in Ohio and to urge local governments and community, industry, and labor leaders to work with the Governor's All-Ohio Task Force to Save Defense Jobs for that purpose; to the Committee on Armed Services.

408. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 764 memorializing the Congress of the United States to increase funding for the Division of Diabetes Translation (DDT) as needed for the fight against diabetes; to the Committee on Energy and Commerce.

409. Also, a memorial of the General Assembly of the State of Ohio, relative to Senate Concurrent Resolution No. 24 urging the support of Taiwan's participation in the World Health Organization and to deplore the persecution of Falun Gong practitioners, Christians, and members of other religious groups in the People's Republic of China and to urge that specified actions be taken to end that persecution; to the Committee on International Relations.

¶80.45 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. VAN HOLLEN introduced a bill (H.R. 4878) for the relief of Malik Jarno; which was referred to the Committee on the Judiciary.

¶80.46 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 104: Mr. BROWN of Ohio, Ms. PELOSI, Mr. DINGELL, and Mr. WAXMAN.
H.R. 290: Mr. ROTHMAN and Mr. DEAL of Georgia.
H.R. 293: Mr. PORTER.
H.R. 480: Mr. NADLER, Mr. WEINER, Mr. OWENS, Ms. VELAZQUEZ, Mr. FOSSELLA, Mr. RANGEL, Mr. SERRANO, Mrs. LOWEY, Mrs. KELLY, Mr. HINCHEY, Mr. MCHUGH, Mr. BOEHLERT, Mr. WALSH, Mr. REYNOLDS, Ms. SLAUGHTER, and Mr. HOUGHTON.
H.R. 677: Mr. GREENWOOD.
H.R. 717: Ms. ESHOO.
H.R. 792: Mr. EMANUEL.
H.R. 814: Mr. RAHALL.
H.R. 871: Mr. RYUN of Kansas.
H.R. 962: Mr. DAVIS of Alabama, and Mr. SAXTON.
H.R. 979: Mr. MCNULTY.
H.R. 1043: Mr. CASTLE and Mr. WICKER.
H.R. 1057: Mrs. LOWEY.
H.R. 1102: Ms. HERSETH.
H.R. 1157: Mr. SCOTT of Virginia.
H.R. 1160: Ms. HERSETH.
H.R. 1212: Mr. MCGOVERN.
H.R. 1422: Mr. SNYDER.
H.R. 1433: Mrs. CHRISTENSEN.
H.R. 1746: Ms. HERSETH.
H.R. 1910: Ms. HERSETH.
H.R. 1919: Mr. FORD.
H.R. 1993: Mr. FATTAH.
H.R. 2305: Mrs. TAUSCHER, Mr. MARKEY, and Mr. LEWIS of Georgia.
H.R. 2466: Mr. WU.
H.R. 2528: Mr. SWEENEY.
H.R. 2536: Mr. VAN HOLLEN and Mr. FORD.
H.R. 2681: Mr. DELAHUNT.
H.R. 2792: Ms. LORETTA SANCHEZ of California and Mr. MORAN of Virginia.
H.R. 2930: Mr. FILNER.
H.R. 2950: Mr. GERLACH.
H.R. 2952: Mr. MEEHAN and Mr. TIERNEY.
H.R. 2974: Mr. SANDERS, Mr. CARDOZA, and Ms. WOOLSEY.
H.R. 3022: Ms. WOOLSEY.
H.R. 3194: Mr. STRICKLAND.
H.R. 3281: Mr. LEVIN.
H.R. 3310: Mr. ISAKSON and Mr. REHBERG.
H.R. 3361: Mr. VAN HOLLEN.
H.R. 3369: Mr. BURTON of Indiana and Mr. CARTER.
H.R. 3438: Ms. BORDALLO, Ms. KAPTUR, Mr. STUPAK, Mr. PAYNE, and Mr. WOLF.
H.R. 3446: Mr. EVANS.
H.R. 3459: Mr. ROTHMAN and Ms. BERKLEY.
H.R. 3485: Mr. GREEN of Wisconsin.
H.R. 3729: Mr. ENGLISH.
H.R. 3888: Ms. WATERS.
H.R. 3896: Mr. KILDEE.
H.R. 3984: Mr. COLE.
H.R. 3985: Mr. COLE.
H.R. 3986: Mr. COLE.
H.R. 4057: Mr. LARSEN of Washington.
H.R. 4067: Mr. ROTHMAN.
H.R. 4100: Mr. RANGEL, Mr. SCHIFF, and Mr. UDALL of Colorado.
H.R. 4113: Mr. TANNER and Mr. RAMSTAD.
H.R. 4169: Mr. HYDE.
H.R. 4192: Mr. PRICE of North Carolina.
H.R. 4229: Mr. ETHERIDGE.
H.R. 4257: Mr. REHBERG and Mr. SKELTON.
H.R. 4335: Mr. SYNDER.
H.R. 4358: Mr. SMITH of Michigan.
H.R. 4391: Mr. LAMPSON.
H.R. 4433: Mr. FERGUSON, Mr. LATOURETTE, Mr. SMITH of New Jersey, Mr. SMITH of Washington, Mr. TIBERI, and Ms. SCHAKOWSKY.
H.R. 4440: Mr. BARRETT of South Carolina and Mr. MILLER of Florida.
H.R. 4528: Mr. REHBERG and Mr. BISHOP of Utah.
H.R. 4530: Mr. SHADEGG, Mr. GARRETT of New Jersey, and Mr. MCHUGH.
H.R. 4543: Mr. WILSON of South Carolina, Mr. BEAUPREZ, Mr. TERRY, and Mr. SOUDER.
H.R. 4571: Mr. MILLER of Florida.
H.R. 4578: Mr. TIBERI, Ms. GRANGER, Mr. GUTIERREZ, Mr. KIRK, and Mr. CANNON.
H.R. 4595: Mr. ANDREWS, Mr. LANTOS, Mr. CARSON of Oklahoma, Ms. BALDWIN, Mr. FILNER, Ms. HERSETH, Ms. LORETTA SANCHEZ of California, Mr. VISCLOSKY, and Ms. HART.
H.R. 4620: Mr. CARSON of Oklahoma.
H.R. 4629: Mrs. BLACKBURN and Mr. GOODLATTE.
H.R. 4633: Mr. BURR.
H.R. 4634: Mr. GREEN of Wisconsin, Mr. MURPHY, and Mr. JONES of North Carolina.
H.R. 4658: Mr. STRICKLAND and Mr. HOLDEN.
H.R. 4662: Mrs. MUSGRAVE.
H.R. 4669: Mr. JONES of North Carolina and Mr. FEENEY.
H.R. 4670: Mr. BEREUTER.
H.R. 4689: Mrs. CHRISTENSEN and Mr. CUMMINGS.
H.R. 4694: Mr. FROST and Mr. FATTAH.
H.R. 4712: Mr. DEAL of Georgia, Mr. KOLBE, Mr. PETRI, Mr. PAUL, Mrs. MYRICK, and Mr. DEMINT.
H.R. 4718: Mr. OSBORNE, Mr. TERRY, Mr. REHBERG, and Mr. KINGSTON.
H.R. 4730: Mr. RUPPERSBERGER.
H.R. 4785: Mr. CRANE and Mr. CLAY.
H.R. 4786: Mr. MCDERMOTT.
H.R. 4799: Mr. COSTELLO, Ms. MCCARTHY of Missouri, Mr. MCNULTY, Mr. JENKINS, Mr. DAVIS of Tennessee, Mr. DAVIS of Florida, Mr. JOHN, Mr. CASTLE, and Mr. SAXTON.
H.R. 4823: Mr. DOGGETT and Ms. MCCARTHY of Missouri.
H.R. 4839: Mr. HASTINGS of Florida.
H.R. 4849: Mr. SIMMONS.
H.R. 4853: Ms. LEE, Mr. BRADLEY of New Hampshire, Mr. CHANDLER, Mr. MARKEY, Mr. DELAHUNT, and Mr. GREENWOOD.
H.J. Res. 44: Mr. MILLER of Florida.
H.J. Res. 48: Mr. GORDON.
H. Con. Res. 99: Mr. KUCINICH and Mr. LEWIS of Georgia.
H. Con. Res. 111: Mr. PASCRELL.
H. Con. Res. 126: Mr. SMITH of Michigan.
H. Con. Res. 276: Mr. DOYLE.
H. Con. Res. 467: Mr. RODRIGUEZ, Mr. ISRAEL, Mr. WALSH, Mr. OLVER, Mrs. TAUSCHER, Mr. SCHIFF, Ms. CARSON of Indiana, Ms. LORETTA SANCHEZ of California, Mr. BALLENGER, Mr. LUCAS of Kentucky, and Mr. GEORGE MILLER of California.
H. Con. Res. 471: Mr. BARTLETT of Maryland and Mr. SNYDER.
H. Res. 313: Mr. RAMSTAD.
H. Res. 466: Mr. FORD and Ms. KILPATRICK.
H. Res. 689: Mr. SCOTT of Virginia.
H. Res. 690: Mr. GEORGE MILLER of California, Mr. GRIJALVA, Mr. RUPPERSBERGER, Mr. THOMPSON of Mississippi, Mr. WYNN, Mr. STARK, Ms. WOOLSEY, and Mrs. TAUSCHER.
H. Res. 699: Mr. SCOTT of Virginia.
H. Res. 700: Mr. SCOTT of Virginia.
H. Res. 716: Mr. FALEOMAVAEGA, Mr. SOUDER, and Ms. ROS-LEHTINEN.
H. Res. 721: Mr. EMANUEL.
H. Res. 723: Mr. FORBES, Mr. MCCOTTER, and Mr. PETERSON of Minnesota.

¶80.47 PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

96. The SPEAKER presented a petition of the Board of Supervisors, Seneca County, Waterloo, New York, relative to Resolution No. 95-04 providing for unified negotiations or meetings with tribes or tribal representatives; to the Committee on Resources.

97. Also, a petition of the Board of Supervisors, Seneca County, Waterloo, New York, relative to Resolution No. 94-04 supporting efforts to fairly enforce taxation of Indian business sales to non-Indians and oppose efforts at price parity and/or exemptions; to the Committee on the Judiciary.

¶80.48 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 857: Mr. SULLIVAN.
H.R. 1078: Mr. SULLIVAN.

WEDNESDAY, JULY 21, 2004 (81)

¶81.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. KIRK, who laid before the House the following communication:

WASHINGTON, DC,
July 21, 2004.

I hereby appoint the Honorable MARK STEVEN KIRK to act as Speaker pro tempore on this day.

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

¶81.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. KIRK, announced he had examined and approved the Journal of the proceedings of Tuesday, July 20, 2004.

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

¶81.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

9267. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to Taiwan pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

9268. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to Hungary, The Netherlands, Mexico, China, The United Arab Emirates and various other countries pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

9269. A letter from the Chairman, National Credit Union Administration, transmitting the 2003 Annual Report of the National Credit Union Administration, pursuant to 12 U.S.C. 1752a(d); to the Committee on Financial Services.

9270. A letter from the Executive Secretariat, Federal Energy Regulatory Commission, transmitting the 2003 Annual Report of the Federal Energy Regulatory Commission, pursuant to 16 U.S.C. 797(d); to the Committee on Energy and Commerce.

9271. A letter from the General Counsel, Consumer Product Safety Commission, transmitting the Commission's final rule — Safety Standards for Cigarette Lighters; Adjusted Customs Value for Cigarette Lighters — received July 12, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9272. A letter from the Attorney, NHTSA, Department of Transportation, transmitting the Department's final rule — Defect and Noncompliance Responsibility and Reports Defect on Noncompliance Notification [Docket No. NHTSA-2004-18341] (RIN: 2127-AG27) received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9273. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Arlington, The Dalles, Moro, Fossil, Astoria, Gladstone, Portland, Tillamook, Coos Bay, Springfield-Eugene, Manzanita and Hermiston, Oregon, and Covington, Trout Lake, Shoreline, Bellingham, Forks, Hoquiam, Aberdeen, Walla Walla, Kent, College Place, Long Beach and Ilwaco, Washington) [MB Docket No. 02-136; RM-10458; RM-10663; RM-10667; RM-10668] received July 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9274. A letter from the Legal Advisor to Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Jackson, Mississippi) [MM Docket No. 01-43; RM-10041] received July 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9275. A letter from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Amboy, Baker, and Desert Center, California; Kingman, Mohave Valley, Parker, and Seligman, Arizona; and Boulder City, Caliente, Henderson, and Pahrump, Nevada) [MB Docket No. 02-124; RM-10446] received July 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9276. A letter from the Legal Advisor to Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Ponce, Puerto Rico) [MB Docket No. 04-78; RM-10866] received July 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9277. A letter from the Legal Advisor to Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Roswell, New Mexico) [MB Docket No. 04-16; RM-10840] received July 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9278. A letter from the Legal Advisor to Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Anniston, Alabama) [MB Docket No. 03-229; RM-10795] received July 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9279. A letter from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — Mitigation of Orbital Debris [IB Docket No. 02-54] received July 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9280. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Newcastle, Pine Haven, Warren AFB, Centennial, Casper, Wright, Douglas, and Kaycee, Wyoming, Rapid City, South Dakota, and Gehring and Scottsbluff, Nebraska) [MB Docket No. 03-258; RM-10833; RM-10864] received July 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9281. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Tullahoma, Tennessee, and New Market, Alabama) [MB Docket No. 03-244; RM-10825] received July 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9282. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Sierra Vista and Corona de Tuscon, Arizona) [MB Docket No. 03-141; RM-10703] received July 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9283. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Dinosaur and Rangley, Colorado, Franklin and Preston, Idaho, Beaver, Coalville, Elsinore, Manila, Monroe, Nelphi, Richfield, Smithfield and Tremonton, Utah, and Fort Bridger, Green River, Lyman, Rock Springs, Saratoga and Wamsutter, Wyoming) [MB Docket No. 02-290; RM-10527; RM-10772; RM-10773] received July 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9284. A letter from the Associate Bureau Chief, Enforcement Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 1.80(b) of the Commission's Rules; Adjustment of Forfeiture Maxima to Reflect Inflation — received July 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9285. A letter from the AMD — Performance Eval. & Records Mgmt., Federal Communications Commission, transmitting the Commission's final rule — Assessment and Collection of Regulatory Fees for Fiscal Year 2004 [MD Docket No. 04-73] received July 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9286. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Free Annual File Disclosures (RIN: 3084-AA94) received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9287. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Japan for defense articles and services (Transmittal No. 04-19), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9288. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad with Canada and Australia (Transmittal No. DDTC 048-04), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

9289. A letter from the Paralegal, District of Columbia Retirement Board, transmitting the personal financial disclosure statements of Board members, pursuant to D.C. Code section 1—732 and 1—734(a)(1)(A); to the Committee on Government Reform.

9290. A letter from the Federal Co-Chair, Appalachian Regional Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2003, through March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

9291. A letter from the Chair, CPB Board of Directors, Corporation of Public Broadcasting, transmitting the semiannual report of the Office of the Inspector General for the period ending March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

9292. A letter from the Personnel Management Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9293. A letter from the Acting Assistant to the Secretary for Policy, Planning, and Preparedness, Department of Veterans Affairs, transmitting in accordance with Pub. L. 105-270, the Federal Activities Inventory Reform Act of 1998 (FAIR Act), the Department's inventory of commercial activities for calendar year 2003; to the Committee on Government Reform.

9294. A letter from the Deputy General Counsel and Designated Reporting Official, Office of National Drug Control Policy, Executive Office of the President, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9295. A letter from the Director, Office of Personnel Management, transmitting the Office's report entitled, ''Federal Student Loan Repayment Program FY 2003,'' pursuant to 5 U.S.C. 5379(a)(1)(B) Public Law 106–398, section 1122; to the Committee on Government Reform.

9296. A letter from the Director, Office of Personnel Management, transmitting the Office's report on law enforcement classification, pay, and benefits, pursuant to Public

Law 108–196, section 2(b); to the Committee on Government Reform.

9297. A letter from the Architect of the Capitol, transmitting a report discussing the AOC's activities to improve worker safety during the first and second quarters of FY04, pursuant to the directives issued in the 107th Congress First Session, House of Representatives Report Number 107-169; to the Committee on House Administration.

9298. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft bill ''To modify the boundary of the Barataria Unit of Jean Lafitte National Historical Park and Preserve, and for other purposes''; to the Committee on Resources.

9299. A letter from the Assistant Attorney General for Legislative Affairs, Department of Justice, transmitting a report entitled ''U.S. Government Efforts to Combat Trafficking in Persons in Fiscal Year 2003,'' pursuant to Public Law 108–193, section 6(a); to the Committee on the Judiciary.

9300. A letter from the Attorney, National Council on Radiation Protection and Measurements, transmitting the 2003 Annual Report of independent auditors who have audited the records of the National Council on Radiation Protection and Measurements, a federally chartered corporation, pursuant to 36 U.S.C. 4514; to the Committee on the Judiciary.

9301. A letter from the Director, Regulations Management, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting the Department's final rule — Exceptions to Definition of Date of Receipt Based on Natural or Man-made Disruption of Normal Business Practices (RIN: 2900-AL12) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

9302. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Administrative Simplification of Section 481(a) Adjustment Periods in Various Regulations [TD 9131] (RIN: 1545-BB47) received June 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9303. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Changes in Use under Section 168(i)(5) [TD 9132] (RIN: 1545-BB05) received June 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9304. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Coordinated Issue: Credit for Increasing Research Activities — Qualified Research Expenses — received June 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9305. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2004-66) received June 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9306. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Return of information as to payments of $600 or more (Rev. Proc. 2004-43) received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9307. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rules applicable with respect to distributions of money and other property (Rev. Rul. 2004-79) received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9308. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Exchange of Stock and Securities in Certain Reorganizations (Rev. Rul. 2004-78) received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9309. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Income Affected By Treaty (Rev. Rul. 2004-76) received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9310. A letter from the Chief, Publications & Regulations, Internal Revenue Service, transmitting the Service's final rule — Authority to Make Credits or Refunds (Rev. Rul. 2004-71) received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9311. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft bill ''To authorize the transfer of administrative jurisdiction of land between the Secretary of the Interior and the Secretary of Transportation at the George Washington Memorial Parkway in McLean, Virginia, and for other purposes''; jointly to the Committees on Resources and Transportation and Infrastructure.

9312. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft bill ''To implement the Agreement on Conservation and Management of the Alaska-Chukotka Polar Bear Population''; jointly to the Committees on Resources, Ways and Means, International Relations, and the Judiciary.

¶81.4 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 1914. An Act to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

H.R. 2768. An Act to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall.

H.R. 3277. An Act to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2700. An Act to provide an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through September 17, 2004, and for other purposes.

The message also announced that pursuant to Public Law 96–114, as amended, the Chair, on behalf of the Majority Leader, appoints the following individuals to the Congressional Award Board: Kelly Didawick, of Virginia, and Michael Carozza of Maryland.

The message also announced that the Secretary be directed to return to the House of Representatives (H.R. 4766) entitled ''An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2005, and for other purposes'', in compliance with a request of the House for the return thereof.

¶81.5 PROVIDING FOR THE CONSIDERATION OF H.R. 4837

Mrs. MYRICK, by direction of the Committee on Rules, called up the following resolution (H. Res. 732):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4837) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except: section 129. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

Mrs. MYRICK moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. KIRK, announced that the yeas had it.

Mr. FROST demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. KIRK, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶81.6 WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT TO ACCOMPANY H.R. 2443

Mr. Lincoln DIAZ-BALART of Florida, by direction of the Committee on Rules, called up the following resolution (H. Res. 730):

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2443) to authorize appropriations for the Coast Guard for fiscal year 2004, to

amend various laws administered by the Coast Guard, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

When said resolution was considered.

After debate,

On motion of Mr. Lincoln DIAZ-BALART of Florida, the previous question was ordered on the resolution to its adoption or rejection and, under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶81.7 H. RES. 732—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. KIRK, pursuant to clause 8, rule XX, announced the unfinished business to be the question on ordering the previous question on the resolution (H. Res. 732) providing for consideration of the bill (H.R. 4837) making appropriations for military construction, family housing, and base alignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 217 / Nays 197

¶81.8 [Roll No. 400]

YEAS—217

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

NAYS—197

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frost
Gephardt
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOT VOTING—20

Bell
Carson (IN)
Collins
Deutsch
Ferguson
Frank (MA)
Gordon
Isakson
Istook
King (NY)
Lynch
Majette
Mollohan
Oxley
Pitts
Price (NC)
Quinn
Saxton
Souder
Strickland

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Mr. FROST demanded a recorded vote on agreeing to said resolution which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 212 / Nays 211

¶81.9 [Roll No. 401]

AYES—212

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

Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—211

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Ford
Frank (MA)
Frost
Garrett (NJ)
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Gutknecht
Harman
Hastings (FL)
Hensarling
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOT VOTING—11

Carson (IN)
Collins
Deutsch
Ferguson
Isakson
Istook
King (NY)
Majette
Quinn
Saxton
Strickland

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶81.10 H. RES. 723—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 723) recognizing the 35th anniversary of the Apollo 11 lunar landing, and for other purposes.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 416 / Nays 0

¶81.11 [Roll No. 402]

YEAS—416

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—17

Carson (IN)
Collins
Deutsch
Dingell
Ferguson
Isakson
Istook
Jones (NC)
King (NY)
Majette
Meeks (NY)
Quinn
Rangel
Ros-Lehtinen
Saxton
Strickland
Waxman

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶81.12 H.R. 4608—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4608) to name the Department of Veterans Affairs outpatient clinic located in Peoria, Illinois, as the ''Bob Michel Department of Veterans Affairs Outpatient Clinic''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 407 / Nays 0

¶81.13 [Roll No. 403]

YEAS—407

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Coble
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—26

Carson (IN)
Clyburn
Cole
Collins
Culberson
DeLauro
Deutsch
Ferguson
Gilchrest
Isakson
Istook
Jones (NC)
King (NY)
Majette
McHugh
Meeks (NY)
Napolitano
Pickering
Quinn
Rangel
Ros-Lehtinen
Saxton
Strickland
Tauzin
Waters
Waxman

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶81.14 DEFENSE APPROPRIATIONS FY 2005

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to House Resolution 732 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 4837) making appropriations for military construction, family housing, and base alignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

The SPEAKER pro tempore, Mr. LAHOOD, by unanimous consent, designated Mr. BEREUTER as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. SIMPSON, assumed the Chair.

When Mr. BEREUTER, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶81.15 COAST GUARD AUTHORIZATION FY 2004

Mr. YOUNG of Alaska, pursuant to House Resolution 730, called up the following conference report (Rept. No. 108–617):

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2443), to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be referred to as the ''Coast Guard and Maritime Transportation Act of 2004''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.
Sec. 102. Authorized levels of military strength and training.

TITLE II—COAST GUARD MANAGEMENT

Sec. 201. Long-term leases.
Sec. 202. Nonappropriated fund instrumentalities.
Sec. 203. Term of enlistments.
Sec. 204. Enlisted member critical skill training bonus.
Sec. 205. Indemnity for disabling vessels liable to seizure or examination.
Sec. 206. Administrative, collection, and enforcement costs for certain fees and charges.
Sec. 207. Expansion of Coast Guard housing authorities.
Sec. 208. Requirement for constructive credit.
Sec. 209. Maximum ages for retention in an active status.
Sec. 210. Travel card management.
Sec. 211. Coast Guard fellows and detailees.
Sec. 212. Long-term lease of special use real property.
Sec. 213. National Coast Guard Museum.
Sec. 214. Limitation on number of commissioned officers.
Sec. 215. Redistricting notification requirement.
Sec. 216. Report on shock mitigation standards.
Sec. 217. Recommendations to Congress by Commandant of the Coast Guard.
Sec. 218. Coast Guard education loan repayment program.
Sec. 219. Contingent expenses.
Sec. 220. Reserve admirals.
Sec. 221. Confidential investigative expenses.
Sec. 222. Innovative construction alternatives.
Sec. 223. Delegation of port security authority.
Sec. 224. Fisheries enforcement plans and reporting.
Sec. 225. Use of Coast Guard and military child development centers.
Sec. 226. Treatment of property owned by auxiliary units and dedicated solely for auxiliary use.

TITLE III—NAVIGATION

Sec. 301. Marking of underwater wrecks.
Sec. 302. Use of electronic devices; cooperative agreements.
Sec. 303. Inland navigation rules promulgation authority.
Sec. 304. Saint Lawrence Seaway.

TITLE IV—SHIPPING

Sec. 401. Reports from charterers.

Sec. 402. Removal of mandatory revocation for proved drug convictions in suspension and revocation cases.
Sec. 403. Records of merchant mariners' documents.
Sec. 404. Exemption of unmanned barges from certain citizenship requirements.
Sec. 405. Compliance with International Safety Management Code.
Sec. 406. Penalties.
Sec. 407. Revision of temporary suspension criteria in document suspension and revocation cases.
Sec. 408. Revision of bases for document suspension and revocation cases.
Sec. 409. Hours of service on towing vessels.
Sec. 410. Electronic charts.
Sec. 411. Prevention of departure.
Sec. 412. Service of foreign nationals for maritime educational purposes.
Sec. 413. Classification societies.
Sec. 414. Drug testing reporting.
Sec. 415. Inspection of towing vessels.
Sec. 416. Potable water.
Sec. 417. Transportation of platform jackets.
Sec. 418. Renewal of advisory groups.

TITLE V—FEDERAL MARITIME COMMISSION

Sec. 501. Authorization of appropriations for Federal Maritime Commission.
Sec. 502. Report on ocean shipping information gathering efforts.

TITLE VI—MISCELLANEOUS

Sec. 601. Increase in civil penalties for violations of certain bridge statutes.
Sec. 602. Conveyance of decommissioned Coast Guard cutters.
Sec. 603. Tonnage measurement.
Sec. 604. Operation of vessel STAD AMSTERDAM.
Sec. 605. Great Lakes National Maritime Enhancement Institute.
Sec. 606. Koss Cove.
Sec. 607. Miscellaneous certificates of documentation.
Sec. 608. Requirements for coastwise endorsement.
Sec. 609. Correction of references to National Driver Register.
Sec. 610. Wateree River.
Sec. 611. Merchant mariners' documents pilot program.
Sec. 612. Conveyance.
Sec. 613. Bridge administration.
Sec. 614. Sense of Congress regarding carbon monoxide and watercraft.
Sec. 615. Mitigation of penalty due to avoidance of a certain condition.
Sec. 616. Certain vessels to be tour vessels.
Sec. 617. Sense of Congress regarding timely review and adjustment of Great Lakes pilotage rates.
Sec. 618. Westlake chemical barge documentation.
Sec. 619. Correction to definition.
Sec. 620. LORAN-C.
Sec. 621. Deepwater report.
Sec. 622. Judicial review of National Transportation Safety Board final orders.
Sec. 623. Interim authority for dry bulk cargo residue disposal.
Sec. 624. Small passenger vessel report.
Sec. 625. Conveyance of motor lifeboat.
Sec. 626. Study on routing measures.
Sec. 627. Conveyance of light stations.
Sec. 628. Waiver.
Sec. 629. Approval of modular accommodation units for living quarters.

TITLE VII—AMENDMENTS RELATING TO OIL POLLUTION ACT OF 1990

Sec. 701. Vessel response plans for nontank vessels over 400 gross tons.
Sec. 702. Requirements for tank level and pressure monitoring devices.
Sec. 703. Liability and cost recovery.
Sec. 704. Oil Spill Recovery Institute.
Sec. 705. Alternatives.
Sec. 706. Authority to settle.
Sec. 707. Report on implementation of the Oil Pollution Act of 1990.
Sec. 708. Loans for fishermen and aquaculture producers impacted by oil spills.

TITLE VIII—MARITIME TRANSPORTATION SECURITY

Sec. 801. Enforcement.
Sec. 802. In rem liability for civil penalties and costs.
Sec. 803. Maritime information.
Sec. 804. Maritime transportation security grants.
Sec. 805. Security assessment of waters under the jurisdiction of the United States.
Sec. 806. Membership of Area Maritime Security Advisory Committees.
Sec. 807. Joint operational centers for port security.
Sec. 808. Investigations.
Sec. 809. Vessel and intermodal security reports.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for fiscal year 2005 for necessary expenses of the Coast Guard as follows:

(1) For the operation and maintenance of the Coast Guard, $5,404,300,000, of which $25,000,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $1,500,000,000, of which—

(A) $23,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990), to remain available until expended;

(B) $1,100,000,000 is authorized for acquisition and construction of shore and offshore facilities, vessels, and aircraft, including equipment related thereto, and other activities that constitute the Integrated Deepwater System; and

(C) $161,000,000 shall be available for Rescue 21.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $24,200,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,085,460,000, to remain available until expended.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $19,650,000, of which—

(A) $17,150,000, to remain available until expended; and

(B) $2,500,000, to remain available until expended, which may be utilized for construction of a new Chelsea Street Bridge over the Chelsea River in Boston, Massachusetts.

(6) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operation and maintenance), $17,000,000, to remain available until expended.

(7) For maintenance and operation of facilities, supplies, equipments, and services necessary for the Coast Guard Reserve, as authorized by law, $117,000,000.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 45,500 for the years ending on September 30, 2004, and September 30, 2005.

(b) MILITARY TRAINING STUDENT LOADS.—The Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training for fiscal year 2005, 2,500 student years.

(2) For flight training for fiscal year 2005, 125 student years.

(3) For professional training in military and civilian institutions for fiscal year 2005, 350 student years.

(4) For officer acquisition for fiscal year 2005, 1,200 student years.

TITLE II—COAST GUARD MANAGEMENT

SEC. 201. LONG-TERM LEASES.

Section 93 of title 14, United States Code, is amended—

(1) by redesignating paragraphs (a) through (x) in order as paragraphs (1) through (23);

(2) in paragraph (18) (as so redesignated) by striking the comma at the end and inserting a semicolon;

(3) by inserting ''(a)'' before ''For the purpose''; and

(4) by adding at the end the following:

''(b)(1) Notwithstanding subsection (a)(14), a lease described in paragraph (2) of this subsection may be for a term of up to 20 years.

''(2) A lease referred to in paragraph (1) is a lease—

''(A) to the United States Coast Guard Academy Alumni Association for the construction of an Alumni Center on the grounds of the United States Coast Guard Academy; or

''(B) to an entity with which the Commandant has a cooperative agreement under section 4(e) of the Ports and Waterways Safety Act, and for which a term longer than 5 years is necessary to carry out the agreement.''.

SEC. 202. NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) IN GENERAL.—Chapter 7 of title 14, United States Code, is amended by adding at the end the following:

''§152. Nonappropriated fund instrumentalities: contracts with other agencies and instrumentalities to provide or obtain goods and services

''The Coast Guard Exchange System, or a morale, welfare, and recreation system of the Coast Guard, may enter into a contract or other agreement with any element or instrumentality of the Coast Guard or with another Federal department, agency, or instrumentality to provide or obtain goods and services beneficial to the efficient management and operation of the Coast Guard Exchange System or that morale, welfare, and recreation system.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 14, United States Code, is amended by adding at the end the following:

''152. Nonappropriated fund instrumentalities: contracts with other agencies and instrumentalities to provide or obtain goods and services.''.

SEC. 203. TERM OF ENLISTMENTS.

Section 351(a) of title 14, United States Code, is amended by striking ''terms of full years not exceeding six years.'' and inserting ''a period of at least two years but not more than six years.''.

SEC. 204. ENLISTED MEMBER CRITICAL SKILL TRAINING BONUS.

(a) IN GENERAL.—Chapter 11 of title 14, United States Code, is amended by inserting after section 373 the following:

''§374. Critical skill training bonus

''(a) The Secretary may provide a bonus, not to exceed $20,000, to an enlisted member who

completes training in a skill designated as critical, if at least four years of obligated active service remain on the member's enlistment at the time the training is completed. A bonus under this section may be paid in a single lump sum or in periodic installments.

''(b) If an enlisted member voluntarily or because of misconduct does not complete the member's term of obligated active service, the Secretary may require the member to repay the United States, on a pro rata basis, all sums paid under this section. The Secretary may charge interest on the amount repaid at a rate, to be determined quarterly, equal to 150 percent of the average of the yields on the 91-day Treasury bills auctioned during the calendar quarter preceding the date on which the amount to be repaid is determined.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 11 of title 14, United States Code, is amended by inserting the following after the item relating to section 373:

''374. Critical skill training bonus.''.

SEC. 205. INDEMNITY FOR DISABLING VESSELS LIABLE TO SEIZURE OR EXAMINATION.

(a) REPEAL OF REQUIREMENT TO FIRE WARNING SHOT.—Subsection (a) of section 637 of title 14, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a)'';

(2) by striking ''after a'' and all that follows through ''signal,'' and inserting ''subject to paragraph (2),''; and

(3) by adding at the end the following:

''(2) Before firing at or into a vessel as authorized in paragraph (1), the person in command or in charge of the authorized vessel or authorized aircraft shall fire a gun as a warning signal, except that the prior firing of a gun as a warning signal is not required if that person determines that the firing of a warning signal would unreasonably endanger persons or property in the vicinity of the vessel to be stopped.''.

(b) EXTENSION TO MILITARY AIRCRAFT OF COAST GUARD INTERDICTION AUTHORITY.—Subsection (c) of such section is amended—

(1) in paragraph (1) by inserting ''or'' after the semicolon; and

(2) in paragraph (2) by—

(A) inserting ''or military aircraft'' after ''surface naval vessel''; and

(B) striking ''; or'' and all that follows through paragraph (3) and inserting a period.

(c) REPEAL OF TERMINATION OF APPLICABILITY TO NAVAL AIRCRAFT.—Subsection (d) of such section is repealed.

(d) REPORT.—The Commandant of the Coast Guard shall transmit a report annually to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives describing the location, vessels or aircraft, circumstances, and consequences of each incident in the 12-month period covered by the report in which the person in command or in charge of an authorized vessel or an authorized aircraft (as those terms are used in section 637 of title 14, United States Code) fired at or into a vessel without prior use of the warning signal as authorized by that section.

(e) TECHNICAL CORRECTION.—

*(1) CORRECTION.—Section 637 of title 14, United States Code, is amended in the section heading by striking ''**immunity**'' and inserting ''**indemnity**''.*

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of title 14, United States Code, is amended by striking the item relating to section 637 and inserting the following:

''637. Stopping vessels; indemnity for firing at or into vessel.''.

SEC. 206. ADMINISTRATIVE, COLLECTION, AND ENFORCEMENT COSTS FOR CERTAIN FEES AND CHARGES.

Section 664 of title 14, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (f);

(2) by inserting after subsection (b) the following:

''(c) In addition to the collection of fees and charges established under this section, the Secretary may recover from the person liable for the fee or charge the costs of collecting delinquent payments of the fee or charge, and enforcement costs associated with delinquent payments of the fees and charges.

''(d)(1) The Secretary may employ any Federal, State, or local agency or instrumentality, or any private enterprise or business, to collect a fee or charge established under this section.

''(2) A private enterprise or business employed by the Secretary to collect fees or charges—

''(A) shall be subject to reasonable terms and conditions agreed to by the Secretary and the enterprise or business;

''(B) shall provide appropriate accounting to the Secretary; and

''(C) may not institute litigation as part of that collection.

''(e) The Secretary shall account for the agency's costs of collecting a fee or charge as a reimbursable expense, subject to the availability of appropriations, and the costs shall be credited to the account from which expended.''; and

(3) by adding at the end the following:

''(g) In this section the term 'costs of collecting a fee or charge' includes the reasonable administrative, accounting, personnel, contract, equipment, supply, training, and travel expenses of calculating, assessing, collecting, enforcing, reviewing, adjusting, and reporting on a fee or charge.''.

SEC. 207. EXPANSION OF COAST GUARD HOUSING AUTHORITIES.

(a) ELIGIBLE ENTITY DEFINED.—Section 680 of title 14, United States Code, is amended—

(1) by redesignating paragraphs (3) and (4) in order as paragraphs (4) and (5); and

(2) by inserting after paragraph (2) the following:

''(3) The term 'eligible entity' means any private person, corporation, firm, partnership, or company and any State or local government or housing authority of a State or local government.''.

(b) DIRECT LOANS FOR PROVIDING HOUSING.—Section 682 of title 14, United States Code, is amended—

*(1) in the section heading by striking ''**Loan guarantees**'' and inserting ''**Direct loans and loan guarantees**'';*

(2) by redesignating subsections (a) and (b) as (b) and (c) respectively;

(3) by inserting before subsection (b) (as so redesignated) the following:

''(a) DIRECT LOANS.—(1) Subject to subsection (c), the Secretary may make direct loans to an eligible entity in order to provide funds to the eligible entity for the acquisition or construction of housing units that the Secretary determines are suitable for use as military family housing or as military unaccompanied housing.

''(2) The Secretary shall establish such terms and conditions with respect to loans made under this subsection as the Secretary considers appropriate to protect the interests of the United States, including the period and frequency for repayment of such loans and the obligations of the obligors on such loans upon default.'';

(4) in subsection (b) (as so redesignated) by striking ''subsection (b),'' and inserting ''subsection (c),''; and

(5) in subsection (c) (as so redesignated)—

(A) in the heading by striking ''GUARANTEE''; and

(B) by striking ''Loan guarantees'' and inserting ''Direct loans and loan guarantees''.

(c) LIMITED PARTNERSHIPS WITH ELIGIBLE ENTITIES.—Section 684 of title 14, United States Code, is amended—

*(1) in the section heading by striking ''**nongovernmental**'' and inserting ''**eligible**'';*

(2) in subsection (a) by striking ''nongovernmental'' and inserting ''eligible'';

(3) in subsection (b)(1) by striking ''a nongovernmental'' and inserting ''an eligible'';

(4) in subsection (b)(2) by striking ''a nongovernmental'' and inserting ''an eligible''; and

(5) in subsection (c) by striking ''nongovernmental'' and inserting ''eligible''.

(d) HOUSING DEMONSTRATION PROJECTS IN ALASKA.—Section 687(g) of title 14, United Sates Code, is amended—

(1) in the heading by striking ''PROJECT'' and inserting ''PROJECTS'';

(2) in paragraph (1) by striking ''a demonstration project'' and inserting ''demonstration projects'';

(3) in paragraph (1) by striking ''Kodiak, Alaska;'' and inserting ''Kodiak, Alaska, or any other Coast Guard installation in Alaska;'';

(4) in paragraph (2) by striking ''the demonstration project'' and inserting ''such a demonstration project''; and

(5) in paragraph (4) by striking ''the demonstration project'' and inserting ''such demonstration projects''.

(e) DIFFERENTIAL LEASE PAYMENTS.—Chapter 18 of title 14, United States Code, is amended by inserting after section 687 the following:

''§ 687a. Differential lease payments

''Pursuant to an agreement entered into by the Secretary and a lessor of military family housing or military unaccompanied housing to members of the armed forces, the Secretary may pay the lessor an amount, in addition to the rental payments for the housing made by the members, as the Secretary determines appropriate to encourage the lessor to make the housing available to members of the armed forces as military family housing or as military unaccompanied housing.''.

(f) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 18 of title 14, United States Code, is amended—

(1) by striking the item related to section 682 and inserting the following:

''682. Direct loans and loan guarantees.'';

(2) in the item related to section 684 by striking ''nongovernmental'' and inserting ''eligible''; and

(3) by inserting after the item related to section 687 the following:

''687a. Differential lease payments.''.

SEC. 208. REQUIREMENT FOR CONSTRUCTIVE CREDIT.

Section 727 of title 14, United States Code, is amended in the second sentence by striking ''three years'' and inserting ''one year''.

SEC. 209. MAXIMUM AGES FOR RETENTION IN AN ACTIVE STATUS.

Section 742 of title 14, United States Code, is amended to read as follows:

''§ 742. Maximum ages for retention in an active status

''(a) A Reserve officer, if qualified, shall be transferred to the Retired Reserve on the day the officer becomes 60 years of age unless on active duty. If not qualified for retirement, a Reserve officer shall be discharged effective upon the day the officer becomes 60 years of age unless on active duty.

''(b) A Reserve officer on active duty shall, if qualified, be retired effective upon the day the officer become 62 years of age. If not qualified for retirement, a Reserve officer on active duty shall be discharged effective upon the day the officer becomes 62 years of age.

''(c) Notwithstanding subsection (a)and (b), the Secretary may authorize the retention of a Reserve rear admiral or rear admiral (lower half) in an active status not longer than the day on which the officer concerned becomes 64 years of age.

''(d) For purposes of this section, 'active duty' does not include active duty for training, duty on a board, or duty of a limited or temporary nature if assigned to active duty from an inactive duty status.''.

SEC. 210. TRAVEL CARD MANAGEMENT.

(a) IN GENERAL.—Chapter 13 of title 14, United States Code, is amended by adding at the end the following:

"§517. Travel card management

''(a) IN GENERAL.—The Secretary may require that travel or transportation allowances due a civilian employee or military member of the Coast Guard be disbursed directly to the issuer of a Federal contractor-issued travel charge card, but only in an amount not to exceed the authorized travel expenses charged by that Coast Guard member to that travel charge card issued to that employee or member.

''(b) WITHHOLDING OF NONDISPUTED OBLIGATIONS.—The Secretary may also establish requirements similar to those established by the Secretary of Defense pursuant to section 2784a of title 10 for deduction or withholding of pay or retired pay from a Coast Guard employee, member, or retired member who is delinquent in payment under the terms of the contract under which the card was issued and does not dispute the amount of the delinquency.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 13 of title 14, United States Code, is amended by inserting after the item relating to section 516 the following:

''517. Travel card management''.

SEC. 211. COAST GUARD FELLOWS AND DETAILEES.

The Secretary of the department in which the Coast Guard is operating, in consultation with the Attorney General, shall by not later than 6 months after the date of the enactment of this Act—

(1) review the Coast Guard Commandant Instruction 5730.3, regarding congressional detailees (COMDTINST 5370.3), dated April 18, 2003, and compare the standards set forth in the instruction to the standards applied by other executive agencies to congressional detailees;

(2) determine if any changes to such instruction are necessary to protect against conflicts of interest and preserve the doctrine of separation of powers; and

(3) submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the findings and conclusions of the review.

SEC. 212. LONG-TERM LEASE OF SPECIAL USE REAL PROPERTY.

(a) IN GENERAL.—Section 672 of title 14, United States Code, is amended by—

(1) striking the heading and inserting the following:

"§672. Long-term lease of special purpose facilities";

(2) in subsection (a), inserting ''special purpose facilities, including,'' after ''automatic renewal clauses, for'' ; and

(3) striking ''(b) The'' and inserting:

''(b) For purposes of this section, the term 'special purpose facilities' means any facilities used to carry out Coast Guard aviation, maritime, or navigation missions other than general purpose office and storage space facilities.

''(c) In the case of ATON, VTS, or NDS sites, the''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17, United States Code, is amended by striking the item relating to section 672 and inserting the following:

''672. Long-term lease of special purpose facilities.''.

SEC. 213. NATIONAL COAST GUARD MUSEUM.

(a) IN GENERAL.—Chapter 5 of title 14, United States Code, is amended by adding at the end the following:

"§98. National Coast Guard Museum

''(a) ESTABLISHMENT.—The Commandant may establish a National Coast Guard Museum, on lands which will be federally owned and administered by the Coast Guard, and are located in New London, Connecticut, at, or in close proximity to, the Coast Guard Academy.

''(b) LIMITATION ON EXPENDITURES.—(1) Except as provided in paragraph (2), the Secretary shall not expend any appropriated Federal funds for the engineering, design, or construction of any museum established under this section.

''(2) The Secretary shall fund the operation and maintenance of the National Coast Guard Museum with nonappropriated and non-Federal funds to the maximum extent practicable. The priority use of Federal operation and maintenance funds should be to preserve and protect historic Coast Guard artifacts.

''(c) FUNDING PLAN.—Before the date on which the Commandant establishes a museum under subsection (a), the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a plan for constructing, operating, and maintaining such a museum, including—

''(1) estimated planning, engineering, design, construction, operation, and maintenance costs;

''(2) the extent to which appropriated, nonappropriated, and non-Federal funds will be used for such purposes, including the extent to which there is any shortfall in funding for engineering, design, or construction; and

''(3) a certification by the Inspector General of the department in which the Coast Guard is operating that the estimates provided pursuant to paragraphs (1) and (2) are reasonable and realistic.

''(d) AUTHORITY.—The Commandant may not establish a Coast Guard museum except as set forth in this section.''.

(b) CLERICAL AMENDMENT.—The chapter analysis at the beginning of chapter 5 of title 14, United States Code, is amended by adding at the end the following:

''98. National Coast Guard Museum.''.

SEC. 214. LIMITATION ON NUMBER OF COMMISSIONED OFFICERS.

Section 42 of title 14, United States Code, is amended—

(1) in subsection (a), by striking ''6,200'' and inserting ''6,700 in each fiscal year 2004, 2005, and 2006''; and

(2) in subsection (b), by striking ''commander 12.0; lieutenant commander 18.0'' and inserting ''commander 15.0; lieutenant commander 22.0''.

SEC. 215. REDISTRICTING NOTIFICATION REQUIREMENT.

The Commandant shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at least 180 days before—

(1) implementing any plan to reduce the number of, change the location of, or change the geographic area covered by any existing Coast Guard Districts; or

(2) permanently transferring more than 10 percent of the personnel or equipment from a district office where such personnel or equipment is based.

SEC. 216. REPORT ON SHOCK MITIGATION STANDARDS.

(a) REPORT REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall issue a report on the necessity of, and possible standards for, decking materials for Coast Guard vessels to mitigate the adverse effects on crew members from shock and vibration.

(b) RECOMMENDED STANDARDS.—The standards recommended in the report may—

(1) incorporate appropriate industry or manufacturing standards; and

(2) consider the weight and durability of decking material, the effects of repeated use and varying weather conditions, and the capability of decking material to lessen impact.

SEC. 217. RECOMMENDATIONS TO CONGRESS BY COMMANDANT OF THE COAST GUARD.

Section 93 of title 14, United States Code, is amended—

(1) in paragraph (w) by striking ''and'' after the semicolon at the end;

(2) in paragraph (x) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(y) after informing the Secretary, make such recommendations to the Congress relating to the Coast Guard as the Commandant considers appropriate.''.

SEC. 218. COAST GUARD EDUCATION LOAN REPAYMENT PROGRAM.

(a) PROGRAM AUTHORIZED.—Chapter 13 of title 14, United States Code, is amended by inserting after section 471 the following:

"§472. Education loan repayment program

''(a)(1) Subject to the provisions of this section, the Secretary may repay—

''(A) any loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.);

''(B) any loan made under part D of such title (the William D. Ford Federal Direct Loan Program, 20 U.S.C. 1087a et seq.); or

''(C) any loan made under part E of such title (20 U.S.C. 1087aa et seq.).

Repayment of any such loan shall be made on the basis of each complete year of service performed by the borrower.

''(2) The Secretary may repay loans described in paragraph (1) in the case of any person for service performed on active duty as an enlisted member of the Coast Guard in a specialty specified by the Secretary.

''(b) The portion or amount of a loan that may be repaid under subsection (a) is 33⅓ percent or $1,500, whichever is greater, for each year of service.

''(c) If a portion of a loan is repaid under this section for any year, interest on the remainder of such loan shall accrue and be paid in the same manner as is otherwise required.

''(d) Nothing in this section shall be construed to authorize refunding any repayment of a loan.

''(e) The Secretary shall, by regulation, prescribe a schedule for the allocation of funds made available to carry out this section during any year for which funds are not sufficient to pay the sum of the amounts eligible for repayment under subsection (a).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 13 of title 14, United States Code, is amended by inserting after the item relating to section 471 the following:

''472. Education loan repayment program.''.

SEC. 219. CONTINGENT EXPENSES.

Section 476 of title 14, United States Code, is amended—

(1) by striking ''$7,500'' and inserting ''$50,000''; and

(2) by striking the second sentence.

SEC. 220. RESERVE ADMIRALS.

(a) PRECEDENCE.—Section 725 of title 14, United States Code, is amended by adding at the end the following:

''(d) Notwithstanding any other law, a Reserve officer shall not lose precedence by reason of promotion to the grade of rear admiral or rear admiral (lower half), if the promotion is determined in accordance with a running mate system.

''(e) The Secretary shall adjust the date of rank of a Reserve officer so that no changes of precedence occur.''.

(b) PROMOTION.—Section 736(b) of title 14, United States Code, is amend to read as follows:

''(b) Notwithstanding any other provision of law and subject to subsection (c), if promotion of an inactive duty promotion list officer to the grade of rear admiral or rear admiral (lower half) is determined in accordance with a running mate system, a reserve officer, if acceptable to the President and the Senate, shall be promoted to the next higher grade no later than the date the officer's running mate is promoted.''.

(c) DATE OF APPOINTMENT.—Section 736(c) of title 14, United States Code, is amend by striking ''of subsection (a)''.

(d) MAXIMUM SERVICE.—Section 743 of title 14, United States Code, is amended to read as follows:

"§743. Rear admiral and rear admiral (lower half); maximum service in grade

''(a) Unless retained in or removed from an active status under any other law, a reserve rear admiral or rear admiral (lower half) shall be retired on July 1 of the promotion year immediately following the promotion year in which that officer completes 4 years of service after the appointment of the officer to rear admiral (lower half).

''(b) Notwithstanding any other provision of law, if promotion of inactive duty promotion list officers to the grade of rear admiral is not determined in accordance with a running mate system, a Reserve officer serving in an active status in the grade of rear admiral (lower half) shall be promoted to the grade of rear admiral, if acceptable to the President and the Senate, on the date the officer has served 2 years in an active status in grade of rear admiral (lower half), or in the case of a vacancy occurring prior to having served 2 years in an active status, on the date the vacancy occurs, if the officer served at least 1 year in an active status in the grade of rear admiral (lower half).''.

SEC. 221. CONFIDENTIAL INVESTIGATIVE EXPENSES.

Section 658 of title 14, United States Code, is amended by striking ''$15,000 per annum'' and inserting ''$45,000 each fiscal year''.

SEC. 222. INNOVATIVE CONSTRUCTION ALTERNATIVES.

The Commandant of the Coast Guard may consult with the Office of Naval Research and other Federal agencies with research and development programs that may provide innovative construction alternatives for the Integrated Deepwater System.

SEC. 223. DELEGATION OF PORT SECURITY AUTHORITY.

The undesignated text following paragraph (b) of the second unnumbered paragraph of section 1 of title II of the Act of June 15, 1917 (chapter 30; 40 Stat. 220; 50 U.S.C. 191) is amended by adding at the beginning the following: ''The President may delegate the authority to issue such rules and regulations to the Secretary of the department in which the Coast Guard is operating.''.

SEC. 224. FISHERIES ENFORCEMENT PLANS AND REPORTING.

(a) FISHERIES ENFORCEMENT PLANS.—In preparing the Coast Guard's annual fisheries enforcement plan, the Commandant of the Coast Guard shall consult with the Under Secretary of Commerce for Oceans and Atmosphere and with State and local enforcement authorities.

(b) FISHERY PATROLS.—Prior to undertaking fisheries patrols, the Commandant of the Coast Guard shall notify the Under Secretary of Commerce for Oceans and Atmosphere and appropriate State and local enforcement authorities of the projected dates for such patrols.

(c) ANNUAL SUMMARY.—The Commandant of the Coast Guard shall prepare and make available to the Under Secretary of Commerce for Oceans and Atmosphere, State and local enforcement entities, and other relevant stakeholders, an annual summary report of fisheries enforcement activities for the preceding year, including a summary of the number of patrols, law enforcement actions taken, and resource hours expended.

SEC. 225. USE OF COAST GUARD AND MILITARY CHILD DEVELOPMENT CENTERS.

The Secretary of Defense and the Secretary of the department in which the Coast Guard is operating, when operating other than as a service in the Navy, may agree to provide child care services to members of the armed forces, with reimbursement, in Coast Guard and military child development centers supported in whole or in part with appropriated funds. For purposes of military child development centers operated under the authority of subchapter II of chapter 88 of title 10, United States Code, the child of a member of the Coast Guard shall be considered the same as the child of a member of any of the other armed forces.

SEC. 226. TREATMENT OF PROPERTY OWNED BY AUXILIARY UNITS AND DEDICATED SOLELY FOR AUXILIARY USE.

Section 821 of title 14, United States Code, is amended by adding at the end the following:

''(d)(1) Except as provided in paragraph (2), personal property of the auxiliary shall not be considered property of the United States.

''(2) The Secretary may treat personal property of the auxiliary as property of the United States—

''(A) for the purposes of—

''(i) the statutes and matters referred to in paragraphs (1) through (6) of subsection (b); and

''(ii) section 641 of this title; and

''(B) as otherwise provided in this chapter.

''(3) The Secretary may reimburse the Auxiliary, and each organizational element and unit of the Auxiliary, for necessary expenses of operation, maintenance, and repair or replacement of personal property of the Auxiliary.

''(4) In this subsection, the term 'personal property of the Auxiliary' means motor boats, yachts, aircraft, radio stations, motorized vehicles, trailers, or other equipment that is under the administrative jurisdiction of the Coast Guard Auxiliary or an organizational element or unit of the Auxiliary and that is used solely for the purposes described in this subsection.''.

TITLE III—NAVIGATION

SEC. 301. MARKING OF UNDERWATER WRECKS.

Section 15 of the Act of March 3, 1899 (30 Stat. 1152; 33 U.S.C. 409) is amended—

(1) by striking ''day and a lighted lantern'' in the second sentence inserting ''day and, unless otherwise granted a waiver by the Commandant of the Coast Guard, a light''; and

(2) by adding at the end ''The Commandant of the Coast Guard may waive the requirement to mark a wrecked vessel, raft, or other craft with a light at night if the Commandant determines that placing a light would be impractical and granting such a waiver would not create an undue hazard to navigation.''.

SEC. 302. USE OF ELECTRONIC DEVICES; COOPERATIVE AGREEMENTS.

Section 4(a) of the Ports and Waterways Safety Act of 1972 (33 U.S.C. 1223(a)) is amended by—

(1)(A) striking ''and'' after the semicolon at the end of paragraph (4);

(B) striking the period at the end of paragraph (5) and inserting ''; and''; and

(C) adding at the end the following:

''(6) may prohibit the use on vessels of electronic or other devices that interfere with communication and navigation equipment, except that such authority shall not apply to electronic or other devices certified to transmit in the maritime services by the Federal Communications Commission and used within the frequency bands 157.1875–157.4375 MHz and 161.7875–162.0375 MHz.''; and

(2) adding at the end the following:

''(e) COOPERATIVE AGREEMENTS.—(1) The Secretary may enter into cooperative agreements with public or private agencies, authorities, associations, institutions, corporations, organizations, or other persons to carry out the functions under subsection (a)(1).

''(2) A nongovernmental entity may not under this subsection carry out an inherently governmental function.

''(3) As used in this paragraph, the term 'inherently governmental function' means any activity that is so intimately related to the public interest as to mandate performance by an officer or employee of the Federal Government, including an activity that requires either the exercise of discretion in applying the authority of the Government or the use of judgment in making a decision for the Government.''.

SEC. 303. INLAND NAVIGATION RULES PROMULGATION AUTHORITY.

(a) REPEAL OF INLAND RULES.—Section 2 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2001–38) is repealed.

(b) AUTHORITY TO ISSUE REGULATIONS.—Section 3 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2001) is amended to read as follows:

"SEC. 3. INLAND NAVIGATION RULES.

''The Secretary of the Department in which the Coast Guard is operating may issue inland navigation regulations applicable to all vessels upon the inland waters of the United States and technical annexes that are as consistent as possible with the respective annexes to the International Regulations.''.

(c) EFFECTIVE DATE.—Subsection (a) is effective on the effective date of final regulations prescribed by the Secretary of the Department in which the Coast Guard is operating under section 3 of the Inland Navigation Rules Act of 1980 (33 U.S.C. 2001), as amended by this Act.

SEC. 304. SAINT LAWRENCE SEAWAY.

Section 3(2) of the Ports and Waterways Safety Act (33 U.S.C. 1222(2)) is amended by inserting '', except that 'Secretary' means the Secretary of Transportation with respect to the application of this Act to the Saint Lawrence Seaway'' after ''in which the Coast Guard is operating''.

TITLE IV—SHIPPING

SEC. 401. REPORTS FROM CHARTERERS.

Section 12120 of title 46, United States Code, is amended by striking ''owners and masters'' and inserting ''owners, masters, and charterers''.

SEC. 402. REMOVAL OF MANDATORY REVOCATION FOR PROVED DRUG CONVICTIONS IN SUSPENSION AND REVOCATION CASES.

Section 7704(b) of title 46, United States Code, is amended by inserting ''suspended or'' after ''shall be''.

SEC. 403. RECORDS OF MERCHANT MARINERS' DOCUMENTS.

Section 7319 of title 46, United States Code, is amended by striking the second sentence.

SEC. 404. EXEMPTION OF UNMANNED BARGES FROM CERTAIN CITIZENSHIP REQUIREMENTS.

(a) LIMITATION ON COMMAND.—Section 12110(d) of title 46, United States Code, is amended by inserting ''or an unmanned barge operating outside of the territorial waters of the United States,'' after ''recreational endorsement,''.

(b) PENALTY.—Section 12122(b)(6) of title 46, United States Code, is amended by inserting ''or an unmanned barge operating outside of the territorial waters of the United States,'' after ''recreational endorsement,''.

SEC. 405. COMPLIANCE WITH INTERNATIONAL SAFETY MANAGEMENT CODE.

(a) APPLICATION OF EXISTING LAW.—Section 3202(a) of title 46, United States Code, is amended to read as follows:

''(a) MANDATORY APPLICATION.—This chapter applies to a vessel that—

''(1)(A) is transporting more than 12 passengers described in section 2101(21)(A) of this title; or

''(B) is of at least 500 gross tons as measured under section 14302 of this title and is a tanker, freight vessel, bulk freight vessel, high speed freight vessel, or self-propelled mobile offshore drilling unit; and

''(2)(A) is engaged on a foreign voyage; or

''(B) is a foreign vessel departing from a place under the jurisdiction of the United States on a voyage, any part of which is on the high seas.''.

(b) COMPLIANCE OF REGULATIONS WITH INTERNATIONAL SAFETY MANAGEMENT CODE.—Section 3203(b) of title 46, United States Code, is amended by striking ''vessels engaged on a foreign voyage.'' and inserting ''vessels to which this chapter applies under section 3202(a) of this title.''.

SEC. 406. PENALTIES.

Section 4311(b) of title 46, United States Code, is amended to read as follows:

''(b)(1) A person violating section 4307(a)of this title is liable to the United States Government for a civil penalty of not more than $5,000,

except that the maximum civil penalty may be not more than $250,000 for a related series of violations.

''(2) If the Secretary decides under section 4310(f) that a recreational vessel or associated equipment contains a defect related to safety or fails to comply with an applicable regulation and directs the manufacturer to provide the notifications specified in this chapter, any person, including a director, officer or executive employee of a corporation, who knowingly and willfully fails to comply with that order, may be fined not more than $10,000, imprisoned for not more than one year, or both.

''(3) When a corporation violates section 4307(a), or fails to comply with the Secretary's decision under section 4310(f), any director, officer, or executive employee of the corporation who knowingly and willfully ordered, or knowingly and willfully authorized, a violation is individually liable to the Government for a penalty under paragraphs (1) or (2) in addition to the corporation. However, the director, officer, or executive employee is not liable individually under this subsection if the director, officer, or executive employee can demonstrate by a preponderance of the evidence that—

''(A) the order or authorization was issued on the basis of a decision, in exercising reasonable and prudent judgment, that the defect or the nonconformity with standards and regulations constituting the violation would not cause or constitute a substantial risk of personal injury to the public; and

''(B) at the time of the order or authorization, the director, officer, or executive employee advised the Secretary in writing of acting under this subparagraph and subparagraph (A).''.

SEC. 407. REVISION OF TEMPORARY SUSPENSION CRITERIA IN DOCUMENT SUSPENSION AND REVOCATION CASES.

Section 7702(d) of title 46, United States Code, is amended—

(1) in paragraph (1) by striking ''if, when acting under the authority of that license, certificate, or document—'' and inserting ''if—'';

(2) in paragraph (1)(B)(i), by inserting '', while acting under the authority of that license, certificate, or document,'' after ''has'';

(3) by striking ''or'' after the semicolon at the end of paragraph (1)(B)(ii);

(4) by striking the period at the end of paragraph (1)(B)(iii) and inserting ''; or''; and

(5) by adding at the end of paragraph (1)(B) the following:

''(iv) is a security risk that poses a threat to the safety or security of a vessel or a public or commercial structure located within or adjacent to the marine environment.''.

SEC. 408. REVISION OF BASES FOR DOCUMENT SUSPENSION AND REVOCATION CASES.

Section 7703 of title 46, United States Code, is amended—

(1) in paragraph (1)(B)—

(A) by striking ''incompetence,''; and

(B) by striking the comma after ''misconduct'';

(2) by striking ''or'' after the semicolon at the end of paragraph (2);

(3) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(4) by adding at the end the following:

''(4) has committed an act of incompetence relating to the operation of a vessel; or

''(5) is a security risk that poses a threat to the safety or security of a vessel or a public or commercial structure located within or adjacent to the marine environment.''.

SEC. 409. HOURS OF SERVICE ON TOWING VESSELS.

(a) REGULATIONS.—Section 8904 of title 46, United States Code, is amended by adding at the end of the following:

''(c) The Secretary may prescribe by regulation requirements for maximum hours of service (including recording and recordkeeping of that service) of individuals engaged on a towing vessel that is at least 26 feet in length measured from end to end over the deck (excluding the sheer).''.

(b) DEMONSTRATION PROJECT.—Prior to prescribing regulations under this section the Secretary shall conduct and report to the Congress on the results of a demonstration project involving the implementation of Crew Endurance Management Systems on towing vessels. The report shall include a description of the public and private sector resources needed to enable implementation of Crew Endurance Management Systems on all United States-flag towing vessels.

SEC. 410. ELECTRONIC CHARTS.

The Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) is amended by inserting after section 4 the following:

''SEC. 4A. ELECTRONIC CHARTS.

''(a) SYSTEM REQUIREMENTS.—

''(1) REQUIREMENTS.—Subject to paragraph (2), the following vessels, while operating on the navigable waters of the United States, shall be equipped with and operate electronic charts under regulations prescribed by the Secretary of the department in which the Coast Guard is operating:

''(A) A self-propelled commercial vessel of at least 65 feet overall length.

''(B) A vessel carrying more than a number of passengers for hire determined by the Secretary.

''(C) A towing vessel of more than 26 feet in overall length and 600 horsepower.

''(D) Any other vessel for which the Secretary decides that electronic charts are necessary for the safe navigation of the vessel.

''(2) EXEMPTIONS AND WAIVERS.—The Secretary may—

''(A) exempt a vessel from paragraph (1), if the Secretary finds that electronic charts are not necessary for the safe navigation of the vessel on the waters on which the vessel operates; and

''(B) waive the application of paragraph (1) with respect to operation of vessels on navigable waters of the United States specified by the Secretary, if the Secretary finds that electronic charts are not needed for safe navigation on those waters.

''(b) REGULATIONS.—The Secretary of the department in which the Coast Guard is operating shall prescribe regulations implementing subsection (a) before January 1, 2007, including requirements for the operation and maintenance of the electronic charts required under subsection (a).''.

SEC. 411. PREVENTION OF DEPARTURE.

(a) IN GENERAL.—Section 3505 of title 46, United States Code, is amended to read as follows:

''§ 3505. Prevention of departure

''Notwithstanding section 3303 of this title, a foreign vessel carrying a citizen of the United States as a passenger or embarking passengers from a United States port may not depart from a United States port if the Secretary finds that the vessel does not comply with the standards stated in the International Convention for the Safety of Life at Sea to which the United States Government is currently a party.''.

(b) CONFORMING AMENDMENT.—Section 3303 of title 46, United States Code, is amended by inserting ''and section 3505'' after ''chapter 37''.

SEC. 412. SERVICE OF FOREIGN NATIONALS FOR MARITIME EDUCATIONAL PURPOSES.

Section 8103(b)(1)(A) of title 46, United State Code, is amended to read as follows:

''(A) each unlicensed seaman must be—

''(i) a citizen of the United States;

''(ii) an alien lawfully admitted to the United States for permanent residence; or

''(iii) a foreign national who is enrolled in the United States Merchant Marine Academy.''.

SEC. 413. CLASSIFICATION SOCIETIES.

(a) IN GENERAL.—Section 3316 of title 46, United States Code, is amended by adding at the end the following:

''(c)(1) A classification society (including an employee or agent of that society) may not review, examine, survey, or certify the construction, repair, or alteration of a vessel in the United States unless—

''(A) the society has applied for approval under this subsection and the Secretary has reviewed and approved that society with respect to the conduct of that society under paragraph (2); or

''(B) the society is a full member of the International Association of Classification Societies.

''(2) The Secretary may approve a person for purposes of paragraph (1) only if the Secretary determines that—

''(A) the vessels surveyed by the person while acting as a classification society have an adequate safety record; and

''(B) the person has an adequate program to—

''(i) develop and implement safety standards for vessels surveyed by the person;

''(ii) make the safety records of the person available to the Secretary in an electronic format;

''(iii) provide the safety records of a vessel surveyed by the person to any other classification society that requests those records for the purpose of conducting a survey of the vessel; and

''(iv) request the safety records of a vessel the person will survey from any classification society that previously surveyed the vessel.''.

(b) APPLICATION.—Section 3316(c)(1) of title 46, United States Code, shall apply with respect to operation as a classification society on or after January 1, 2005.

SEC. 414. DRUG TESTING REPORTING.

(a) IN GENERAL.—Chapter 77 of title 46, United States Code, is amended by adding at the end:

''§ 7706. Drug testing reporting

''(a) RELEASE OF DRUG TEST RESULTS TO COAST GUARD.—Not later than 2 weeks after receiving from a Medical Review Officer a report of a verified positive drug test or verified test violation by a civilian employee of a Federal agency, an officer in the Public Health Services, or an officer in the National Oceanic and Atmospheric Administration Commissioned Officer Corps, who is employed in any capacity on board a vessel operated by the agency, the head of the agency shall release to the Commandant of the Coast Guard the report.

''(b) STANDARDS, PROCEDURES, AND REGULATIONS.—The head of a Federal agency shall carry out a release under subsection (a) in accordance with the standards, procedures, and regulations applicable to the disclosure and reporting to the Coast Guard of drug tests results and drug test records of individuals employed on vessels documented under the laws of the United States.

''(c) WAIVER.—Notwithstanding section 503(e) of the Supplemental Appropriations Act, 1987 (5 U.S.C. 7301 note), the report of a drug test of an employee may be released under this section without the prior written consent of the employee.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 77 of title 46, United States Code, is amended by adding at the end the following:

''7706. Drug testing reporting.''.

SEC. 415. INSPECTION OF TOWING VESSELS.

(a) VESSELS SUBJECT TO INSPECTION.—Section 3301 of title 46, United States Code, is amended by adding at the end the following:

''(15) towing vessels.''.

(b) SAFETY MANAGEMENT SYSTEM.—Section 3306 of chapter 33 of title 46, United States Code, is amended by adding at the end the following:

''(j) The Secretary may establish by regulation a safety management system appropriate for the characteristics, methods of operation, and nature of service of towing vessels.''.

SEC. 416. POTABLE WATER.

(a) IN GENERAL.—Section 3305(a) of title 46, United States Code, is amended—

(1) by redesignating paragraphs (4) and (5) in order as paragraphs (5) and (6); and

(2) by inserting after paragraph (3) the following:

''(4) has an adequate supply of potable water for drinking and washing by passengers and crew;''.

(b) ADEQUACY DETERMINATION.—Section 3305(a) of title 46, United States Code, as amended by subsection (a), is further amended—

(1) by inserting ''(1)'' after ''(a)'';

(2) by redesignating paragraphs (1) through (6) as subparagraphs (A) through (F), respectively; and

(3) by adding at the end the following:

''(2) In determining the adequacy of the supply of potable water under paragraph (1)(D), the Secretary shall consider—

''(A) the size and type of vessel;

''(B) the number of passengers or crew on board;

''(C) the duration and routing of voyages; and

''(D) guidelines for potable water recommended by the Centers for Disease Control and Prevention and the Public Health Service.''.

SEC. 417. TRANSPORTATION OF PLATFORM JACKETS.

The thirteenth proviso (pertaining to transportation by launch barge) of section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883) is amended to read as follows: ''Provided further, That the transportation of any platform jacket in or on a non-coastwise qualified launch barge, that was built before December 31, 2000, and has a launch capacity of 12,000 long tons or more, between two points in the United States, at one of which there is an installation or other device within the meaning of section 4(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333(a)), shall not be deemed transportation subject to this section if the Secretary of Transportation makes a determination, in accordance with procedures established pursuant to this proviso that a suitable coastwise-qualified vessel is not available for use in the transportation and, if needed, launch or installation of a platform jacket and; that the Secretary of Transportation shall adopt procedures implementing this proviso that are reasonably designed to provide timely information so as to maximize the use of coastwise qualified-vessels, which procedures shall, among other things, establish that for purposes of this proviso, a coastwise-qualified vessel shall be deemed to be not available only (1) if upon application by an owner or operator for the use of a non-coastwise qualified launch barge for transportation of a platform jacket under this section, which application shall include all relevant information, including engineering details and timing requirements, the Secretary promptly publishes a notice in the Federal Register describing the project and the platform jacket involved, advising that all relevant information reasonably needed to assess the transportation requirements for the platform jacket will be made available to interested parties upon request, and requesting that information on the availability of coastwise-qualified vessels be submitted within 30 days after publication of that notice; and (2) if either (A) no information is submitted to the Secretary within that 30 day period, or (B) although the owner or operator of a coastwise-qualified vessel submits information to the Secretary asserting that the owner or operator has a suitable coastwise-qualified vessel available for this transportation, the Secretary, within 90 days of the date on which the notice is first published determines that the coastwise-qualified vessel is not suitable or reasonably available for the transportation; and that, for the purposes of this proviso, the term 'coastwise-qualified vessel' means a vessel that has been issued a certificate of documentation with a coastwise endorsement under section 12106 of title 46, United States Code, and the term 'platform jacket' refers to a single physical component and includes any type of offshore exploration, development, or production structure or component thereof, including platform jackets, tension leg or SPAR platform superstructures (including the deck, drilling rig and support utilities, and supporting structure), hull (including vertical legs and connecting pontoons or vertical cylinder), tower and base sections of a platform jacket, jacket structures, and deck modules (known as 'topsides').''.

SEC. 418. RENEWAL OF ADVISORY GROUPS.

(a) COMMERCIAL FISHING INDUSTRY VESSEL SAFETY ADVISORY COMMITTEE.—Section 4508(e)(1) of title 46, United States Code, is amended by striking ''of September 30, 2005'' and inserting ''on September 30, 2010''.

(b) HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE.—Section 18 of the Coast Guard Authorization Act of 1991 (Public Law 102–241; 105 Stat. 2213) is amended—

(1) in subsection (b) by striking ''eighteen'' and inserting ''19'';

(2) by adding at the end of subsection (b) the following:

''(12) One member representing recreational boating interests.''; and

(3) in subsection (h) by striking ''September 30, 2005'' and inserting ''September 30, 2010''.

(c) LOWER MISSISSIPPI RIVER WATERWAY SAFETY ADVISORY COMMITTEE.—Section 19(g) of the Coast Guard Authorization Act of 1991 (Public Law 102–241) is amended by striking ''September 30, 2005'' and inserting ''September 30, 2010''.

(d) GREAT LAKES PILOTAGE ADVISORY COMMITTEE.—Section 9307(f)(1) of title 46, United States Code, is amended by striking ''September 30, 2005'' and inserting ''September 30, 2010''.

(e) NAVIGATION SAFETY ADVISORY COUNCIL.—Section 5(d) of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073(d)) is amended by striking ''September 30, 2005'' and inserting ''September 30, 2010''.

(f) NATIONAL BOATING SAFETY ADVISORY COUNCIL.—Section 13110(e) of title 46, United States Code, is amended by striking ''September 30, 2005'' and inserting ''September 30, 2010''.

(g) TOWING SAFETY ADVISORY COMMITTEE.—Public Law 96–380 (33 U.S.C. 1231a) is amended in subsection (e) by striking ''September 30, 2005'' and inserting ''September 30, 2010''.

TITLE V—FEDERAL MARITIME COMMISSION

SEC. 501. AUTHORIZATION OF APPROPRIATIONS FOR FEDERAL MARITIME COMMISSION.

There are authorized to be appropriated to the Federal Maritime Commission—

(1) for fiscal year 2005, $19,500,000;

(2) for fiscal year 2006, $20,750,000;

(3) for fiscal year 2007, $21,500,000; and

(4) for fiscal year 2008, $22,575,000.

SEC. 502. REPORT ON OCEAN SHIPPING INFORMATION GATHERING EFFORTS.

The Federal Maritime Commission shall transmit to the Senate Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report within 90 days after the date of the enactment of this Act on the status of any agreements, or ongoing discussions with, other Federal, State, or local government agencies concerning the sharing of ocean shipping information for the purpose of assisting law enforcement or anti-terrorism efforts. The Commission shall include in the report recommendations on how the Commission's ocean shipping information could be better utilized by it and other Federal agencies to improve port security.

TITLE VI—MISCELLANEOUS

SEC. 601. INCREASE IN CIVIL PENALTIES FOR VIOLATIONS OF CERTAIN BRIDGE STATUTES.

(a) GENERAL BRIDGE ACT OF 1906.—Section 5(b) of Act of March 23, 1906 (chapter 1130; 33 U.S.C. 495), popularly known as the General Bridge Act, is amended by striking ''$1,000'' and inserting ''$5,000 for a violation occurring in 2004; $10,000 for a violation occurring in 2005; $15,000 for a violation occurring in 2006; $20,000 for a violation occurring in 2007; and $25,000 for a violation occurring in 2008 and any year thereafter''.

(b) DRAWBRIDGES.—Section 5(c) of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved August 18, 1894 (33 U.S.C. 499(c)), is amended by striking ''$1,000'' and inserting ''$5,000 for a violation occurring in 2004; $10,000 for a violation occurring in 2005; $15,000 for a violation occurring in 2006; $20,000 for a violation occurring in 2007; and $25,000 for a violation occurring in 2008 and any year thereafter''.

(c) ALTERATION, REMOVAL, OR REPAIR OF BRIDGES.—Section 18(c) of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 3, 1899 (33 U.S.C. 502(c)) is amended by striking ''$1,000'' and inserting ''$5,000 for a violation occurring in 2004; $10,000 for a violation occurring in 2005; $15,000 for a violation occurring in 2006; $20,000 for a violation occurring in 2007; and $25,000 for a violation occurring in 2008 and any year thereafter''.

(d) GENERAL BRIDGE ACT OF 1946.—Section 510(b) of the General Bridge Act of 1946 (33 U.S.C. 533(b)) is amended by striking ''$1,000'' and inserting ''$5,000 for a violation occurring in 2004; $10,000 for a violation occurring in 2005; $15,000 for a violation occurring in 2006; $20,000 for a violation occurring in 2007; and $25,000 for a violation occurring in 2008 and any year thereafter''.

SEC. 602. CONVEYANCE OF DECOMMISSIONED COAST GUARD CUTTERS.

(a) IN GENERAL.—The Commandant of the Coast Guard may convey all right, title, and interest of the United States in and to a vessel described in subsection (b) to the person designated in subsection (b) with respect to the vessel (in this section referred to as the ''recipient''), without consideration, if the person complies with the conditions under subsection (c).

(b) VESSELS DESCRIBED.—The vessels referred to in subsection (a) are the following:

(1) The Coast Guard Cutter BRAMBLE, to be conveyed to the Port Huron Museum of Arts and History (a nonprofit corporation under the laws of the State of Michigan), located in Port Huron, Michigan.

(2) The Coast Guard Cutter PLANETREE, to be conveyed to Jewish Life (a nonprofit corporation under the laws of the State of California), located in Sherman Oaks, California.

(3) The Coast Guard Cutter SUNDEW, to be conveyed to Duluth Entertainment and Convention Center Authority (a nonprofit corporation under the laws of the State of Minnesota), located in Duluth, Minnesota.

(c) CONDITIONS.—As a condition of any conveyance of a vessel under subsection (a), the Commandant shall require the recipient—

(1) to agree—

(A) to use the vessel for purposes of education and historical display;

(B) not to use the vessel for commercial transportation purposes;

(C) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or a national emergency; and

(D) to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls (PCBs), after conveyance of the vessel, except for claims arising from use of the vessel by the Government under subparagraph (C);

(2) to have funds available that will be committed to operate and maintain the vessel conveyed in good working condition—

(A) in the form of cash, liquid assets, or a written loan commitment; and

(B) in an amount of at least $700,000; and

(3) to agree to any other conditions the Commandant considers appropriate.

(d) MAINTENANCE AND DELIVERY OF VESSEL.—Prior to conveyance of a vessel under this section, the Commandant may, to the extent practical, and subject to other Coast Guard mission requirements, make every effort to maintain the integrity of the vessel and its equipment until the time of delivery. The Commandant shall deliver a vessel conveyed under this section at the place where the vessel is located, in its present condition, and without cost to the Government. The conveyance of a vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of the Toxic Substances Control Act (15 U.S.C. 2605(e)).

(e) OTHER EXCESS EQUIPMENT.—The Commandant may convey to the recipient of a vessel under this section any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the vessel's operability and function as an historical display.

SEC. 603. TONNAGE MEASUREMENT.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating may apply section 8104(o)(2) of title 46, United States Code, to the vessels described in subsection (b) without regard to the tonnage of those vessels.

(b) VESSELS DESCRIBED.—The vessels referred to in subsection (a) are the following:

(1) The M/V BLUEFIN (United States official number 620431).

(2) The M/V COASTAL MERCHANT (United States official number 1038382).

(c) APPLICATION.—Subsection (a) shall not apply to a vessel described in subsection (b)—

(1) until the Secretary determines that the application of subsection (a) will not compromise safety; and

(2) on or after any date on which the Secretary determines that the vessel has undergone any major modification.

SEC. 604. OPERATION OF VESSEL STAD AMSTERDAM.

(a) IN GENERAL.—Notwithstanding section 8 of the Act of June 19, 1886 (46 App. U.S.C. 289), and the ruling by the Acting Director of the International Trade Compliance Division of the Customs Service on May 17, 2002 (Customs Bulletins and Decisions, Vol. 36, No. 23, June 5, 2002), the vessel STAD AMSTERDAM (International Maritime Organization number 9185554) shall be authorized to carry within United States waters and between ports or places in the United States individuals who are not directly and substantially connected with the operation, navigation, ownership, or business of the vessel, who are friends, guests, or employees of the owner of the vessel, and who are not actual or prospective customers for hire of the vessel.

(b) LIMITATION.—This section does not authorize the vessel STAD AMSTERDAM—

(1) to be used to carry individuals for a fare or to be chartered on a for hire basis in the coastwise trade; or

(2) to carry individuals described in subsection (a) within United States waters and between ports or places in the United States for more than 45 calendar days in any calendar year.

(c) REVOCATION.—The Secretary of the department in which the Coast Guard is operating shall revoke the authorization provided by subsection (a) if the Secretary determines that the STAD AMSTERDAM has been operated in violation of the limitations imposed by subsection (b).

SEC. 605. GREAT LAKES NATIONAL MARITIME ENHANCEMENT INSTITUTE.

(a) AUTHORITY TO DESIGNATE INSTITUTE.—The Secretary of Transportation may designate a National Maritime Enhancement Institute for the Great Lakes region under section 8 of the Act of October 13, 1989 (103 Stat. 694; 46 U.S.C. App. 1121–2). In making any decision on the designation of such an institute, the Secretary shall consider the unique characteristics of Great Lakes maritime industry and trade.

(b) STUDY AND REPORT.—

(1) IN GENERAL.—The Secretary of Transportation shall conduct a study that—

(A) evaluates short sea shipping market opportunities on the Great Lakes, including the expanded use of freight ferries, improved mobility, and regional supply chain efficiency;

(B) evaluates markets for foreign trade between ports on the Great Lakes and draft-limited ports in Europe and Africa;

(C) evaluates the environmental benefits of waterborne transportation in the Great Lakes region;

(D) analyzes the effect on Great Lakes shipping of the tax imposed by section 4461(a) of the Internal Revenue Code of 1986;

(E) evaluates the state of shipbuilding and ship repair bases on the Great Lakes;

(F) evaluates opportunities for passenger vessel services on the Great Lakes;

(G) analyzes the origin-to-destination flow of freight cargo in the Great Lakes region that may be transported on vessels to relieve congestion in other modes of transportation;

(H) evaluates the economic viability of establishing transshipment facilities for oceangoing cargoes on the Great Lakes;

(I) evaluates the adequacy of the infrastructure in Great Lakes ports to meet the needs of marine commerce; and

(J) evaluates new vessel designs for domestic and international shipping on the Great Lakes.

(2) USE OF NATIONAL MARITIME ENHANCEMENT INSTITUTES.—In conducting the study required by paragraph (1), the Secretary may utilize the services of any recognized National Maritime Enhancement Institute.

(3) REPORTS.—The Secretary shall submit an annual report on the findings and conclusions of the study under this section to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

(A) by not later than 1 year after the date of the enactment of this Act; and

(B) by not later than 1 year after the date of submission of the report under subparagraph (A).

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $1,500,000 for each of fiscal years 2005 and 2006 to carry out paragraph (1).

SEC. 606. KOSS COVE.

(a) IN GENERAL.—Notwithstanding any other provision of law or existing policy, the cove described in subsection (b) shall be known and designated as ''Koss Cove'', in honor of the late Able Bodied Seaman Eric Steiner Koss of the National Oceanic and Atmospheric Administration vessel RAINIER who died in the performance of a nautical charting mission off the coast of Alaska.

(b) COVE DESCRIBED.—The cove referred to in subsection (a) is—

(1) adjacent to and southeast of Point Elrington, Alaska, and forms a portion of the southern coast of Elrington Island;

(2) ¾ mile across the mouth;

(3) centered at 59 degrees 56.1 minutes North, 148 degrees 14 minutes West; and

(4) 45 miles from Seward, Alaska.

(c) REFERENCES.—Any reference in any law, regulation, document, record, map, or other paper of the United States to the cove described in subsection (b) is deemed to be a reference to Koss Cove.

SEC. 607. MISCELLANEOUS CERTIFICATES OF DOCUMENTATION.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 App. U.S.C. 289), and section 12106 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the following vessels:

(1) OCEAN LEADER (United States official number 679511).

(2) REVELATION (United States official number 1137565).

(3) W. N. RAGLAND (Washington State registration number WN5506NE).

(4) M/T MISS LINDA (United States official number 1140552).

SEC. 608. REQUIREMENTS FOR COASTWISE ENDORSEMENT.

(a) IN GENERAL.—Section 12106 of title 46, United States Code, is amended—

(1) by striking subsection (e)(1)(B) and inserting the following:

''(B) the person that owns the vessel (or, if the vessel is owned by a trust or similar arrangement, the beneficiary of the trust or similar arrangement) meets the requirements of subsection (f);''; and

(2) by adding at the end the following:

''(f) OWNERSHIP CERTIFICATION REQUIREMENT.—

''(1) IN GENERAL.—A person meets the requirements of this subsection if that person transmits to the Secretary each year the certification required by paragraph (2) or (3) with respect to a vessel.

''(2) INVESTMENT CERTIFICATION.—To meet the certification requirement of this paragraph, a person shall certify that it—

''(A) is a leasing company, bank, or financial institution;

''(B) owns, or holds the beneficial interest in, the vessel solely as a passive investment;

''(C) does not operate any vessel for hire and is not an affiliate of any person who operates any vessel for hire; and

''(D) is independent from, and not an affiliate of, any charterer of the vessel or any other person who has the right, directly or indirectly, to control or direct the movement or use of the vessel.

''(3) CERTAIN TANK VESSELS.—

''(A) IN GENERAL.—To meet the certification requirement of this paragraph, a person shall certify that—

''(i) the aggregate book value of the vessels owned by such person and United States affiliates of such person does not exceed 10 percent of the aggregate book value of all assets owned by such person and its United States affiliates;

''(ii) not more than 10 percent of the aggregate revenues of such person and its United States affiliates is derived from the ownership, operation, or management of vessels;

''(iii) at least 70 percent of the aggregate tonnage of all cargo carried by all vessels owned by such person and its United States affiliates and documented under this section is qualified proprietary cargo;

''(iv) any cargo other than qualified proprietary cargo carried by all vessels owned by such person and its United States affiliates and documented under this section consists of oil, petroleum products, petrochemicals, or liquified natural gas;

''(v) no vessel owned by such person or any of its United States affiliates and documented under this section carries molten sulphur; and

''(vi) such person owned 1 or more vessels documented under subsection (e) of this section as of the date of enactment of the Coast Guard and Maritime Transportation Act of 2004.

''(B) APPLICATION ONLY TO CERTAIN VESSELS.—A person may make a certification under this paragraph only with respect to—

''(i) a tank vessel having a tonnage of not less than 6,000 gross tons, as measured under section 14502 of this title (or an alternative tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title); or

''(ii) a towing vessel associated with a non-self-propelled tank vessel that meets the requirements of clause (i), where the 2 vessels function as a single self-propelled vessel.

''(4) DEFINITIONS.—In this subsection:

''(A) AFFILIATE.—The term 'affiliate' means, with respect to any person, any other person that is—

''(i) directly or indirectly controlled by, under common control with, or controlling such person; or

''(ii) named as being part of the same consolidated group in any report or other document submitted to the United States Securities and Exchange Commission or the Internal Revenue Service.

''(B) CARGO.—The term 'cargo' does not include cargo to which title is held for non-commercial reasons and primarily for the purpose of evading the requirements of paragraph (3).

''(C) OIL.—The term 'oil' has the meaning given that term in section 2101(20) of this title.

''(D) PASSIVE INVESTMENT.—The term 'passive investment' means an investment in which neither the investor nor any affiliate of such investor is involved in, or has the power to be involved in, the formulation, determination, or direction of any activity or function concerning the management, use, or operation of the asset that is the subject of the investment.

''(E) QUALIFIED PROPRIETARY CARGO.—The term 'qualified proprietary cargo' means—

''(i) oil, petroleum products, petrochemicals, or liquefied natural gas cargo that is beneficially owned by the person who submits to the Secretary an application or annual certification under paragraph (3), or by an affiliate of such person, immediately before, during, or immediately after such cargo is carried in coastwise trade on a vessel owned by such person;

''(ii) oil, petroleum products, petrochemicals, or liquefied natural gas cargo not beneficially owned by the person who submits to the Secretary an application or an annual certification under paragraph (3), or by an affiliate of such person, but that is carried in coastwise trade by a vessel owned by such person and which is part of an arrangement in which vessels owned by such person and at least one other person are operated collectively as one fleet, to the extent that an equal amount of oil, petroleum products, petrochemicals, or liquefied natural gas cargo beneficially owned by such person, or an affiliate of such person, is carried in coastwise trade on 1 or more other vessels, not owned by such person, or an affiliate of such person, if such other vessel or vessels are also part of the same arrangement;

''(iii) in the case of a towing vessel associated with a non-self-propelled tank vessel where the 2 vessels function as a single self-propelled vessel, oil, petroleum products, petrochemicals, or liquefied natural gas cargo that is beneficially owned by the person who owns both such towing vessel and the non-self-propelled tank vessel, or any United States affiliate of such person, immediately before, during, or immediately after such cargo is carried in coastwise trade on either of the 2 vessels; or

''(iv) any oil, petroleum products, petrochemicals, or liquefied natural gas cargo carried on any vessel that is either a self-propelled tank vessel having a length of at least 210 meters or a tank vessel that is a liquefied natural gas carrier that—

''(I) was delivered by the builder of such vessel to the owner of such vessel after December 31, 1999; and

''(II) was purchased by a person for the purpose, and with the reasonable expectation, of transporting on such vessel liquefied natural gas or unrefined petroleum beneficially owned by the owner of such vessel, or an affiliate of such owner, from Alaska to the continental United States.

''(F) UNITED STATES AFFILIATE.—The term 'United States affiliate' means, with respect to any person, an affiliate the principal place of business of which is located in the United States.''.

(b) TREATMENT OF OWNER OF CERTAIN VESSELS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a person shall be treated as a citizen of the United States under section 12102(a) of title 46, United States Code, section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802), and section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), for purposes of issuance of a coastwise endorsement under section 12106(e) of title 46, United States Code (as that section was in effect on the day before the date of enactment of this Act), for a vessel owned by the person on the date of enactment of this Act, or any replacement vessel of a similar size and function, if the person—

(A) owned a vessel before January 1, 2001, that had a coastwise endorsement under section 12106(e) of title 46, United States Code; and

(B) as of the date of the enactment of this Act, derives substantially all of its revenue from leasing vessels engaged in the transportation or distribution of petroleum products and other cargo in Alaska.

(2) LIMITATION ON COASTWISE TRADE.—A vessel owned by a person described in paragraph (1) for which a coastwise endorsement is issued under section 12106(e) of title 46, United States Code, may be employed in the coastwise trade only within Alaska and in the coastwise trade to and from Alaska.

(3) TERMINATION.—The application of this subsection to a person described in paragraph (1) shall terminate if all of that person's vessels described in paragraph (1) are sold to a person eligible to document vessels under section 12106(a) of title 46, United States Code.

(c) APPLICATION TO CERTAIN CERTIFICATES.—

(1) IN GENERAL.—The amendments made by this section, and any regulations published after February 4, 2004, with respect to coastwise endorsements, shall not apply to a certificate of documentation, or renewal thereof, endorsed with a coastwise endorsement for a vessel under section 12106(e) of title 46, United States Code, or a replacement vessel of a similar size and function, that was issued prior to the date of enactment of this Act as long as the vessel is owned by the person named therein, or by a subsidiary or affiliate of that person, and the controlling interest in such owner has not been transferred to a person that was not an affiliate of such owner as of the date of enactment of this Act. Notwithstanding the preceding sentence, however, the amendments made by this section shall apply, beginning 3 years after the date of enactment of this Act, with respect to offshore supply vessels (as defined in section 2101(19) of title 46, United States Code, as that section was in effect on the date of enactment of this Act) with a certificate of documentation endorsed with a coastwise endorsement as of the date of enactment of this Act, and the Secretary of the Department in which the Coast Guard is operating shall revoke any such certificate if the vessel does not by then meet the requirements of section 12106(e) of title 46, United States Code, as amended by this section.

(2) REPLACEMENT VESSEL.—For the purposes of this subsection, ''replacement vessel'' means—

(A) a temporary replacement vessel for a period of not to exceed 180 days if the vessel described in paragraph (1) is unavailable due to an act of God or a marine casualty; or

(B) a permanent replacement vessel if—

(i) the vessel described in paragraph (1) is unavailable for more than 180 days due to an act of God or a marine casualty; or

(ii) a contract to purchase or construct such replacement vessel is executed not later than December 31, 2004.

(d) WAIVER.—The Secretary of Transportation shall waive or reduce the qualified proprietary cargo requirement of section 12106(f)(3)(A)(iii) of title 46, United States Code, for a vessel if the person that owns the vessel (or, if the vessel is owned by a trust or similar arrangement, the beneficiary of the trust or similar arrangement) notifies the Secretary that circumstances beyond the direct control of such person or its affiliates prevent, or reasonably threaten to prevent, such person from satisfying such requirement, and the Secretary does not, with good cause, determine otherwise. The waiver or reduction shall apply during the period of time that such circumstances exist.

(e) REGULATIONS.—No later than one year after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall prescribe final regulations to carry out this section, including amendments made by this section to section 12106 of title 46, United States Code.

SEC. 609. CORRECTION OF REFERENCES TO NATIONAL DRIVER REGISTER.

Title 46, United States Code, is amended—

(1) in section 7302—

(A) by striking ''section 206(b)(7) of the National Driver Register Act of 1982 (23 U.S.C. 401 note)'' and inserting ''30305(b)(5) of title 49''; and

(B) by striking ''section 205(a)(3)(A) or (B) of that Act'' and inserting ''30304(a)(3)(A) or (B) of title 49'';

(2) in section 7702(d)(1)(B)(iii) by striking ''section 205(a)(3)(A) or (B) of the National Driver Register Act of 1982'' and inserting ''section 30304(a)(3)(A) or (B) of title 49''; and

(3) in section 7703(3) by striking ''section 205(a)(3)(A) or (B) of the National Driver Register Act of 1982'' and inserting ''section 30304(a)(3)(A) or (B) of title 49''.

SEC. 610. WATEREE RIVER.

For purposes of bridge administration, the portion of the Wateree River in the State of South Carolina, from a point 100 feet upstream of the railroad bridge located at approximately mile marker 10.0 to a point 100 feet downstream of such bridge, is declared to not be navigable waters of the United States for purposes of the General Bridge Act of 1946 (33 U.S.C. 525 et seq.).

SEC. 611. MERCHANT MARINERS' DOCUMENTS PILOT PROGRAM.

The Secretary of the department in which the Coast Guard is operating may conduct a pilot program to demonstrate methods to improve processes and procedures for issuing merchant mariners' documents.

SEC. 612. CONVEYANCE.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the department in which the Coast Guard is operating shall convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to Sentinel Island, Alaska, to the entity to which the Sentinel Island Light Station is conveyed under section 308(b) of the National Historic Preservation Act (16 U.S.C. 470w–7(b)).

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed under this subsection.

(3) LIMITATION.—The Secretary may not under this section convey—

(A) any historical artifact, including any lens or lantern, located on property conveyed under this section at or before the time of the conveyance; or

(B) any interest in submerged land.

(b) GENERAL TERMS AND CONDITIONS.—

(1) IN GENERAL.—Any conveyance of property under this section shall be made—

(A) without payment of consideration; and

(B) subject to the terms and conditions required by this section and other terms and conditions the Secretary may consider appropriate, including the reservation of easements and other rights on behalf of the United States.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established under this section, any conveyance of property under this section shall be subject to the condition that all right, title, and interest in the property, at the option of the Secretary shall revert to the United States and be placed under the administrative control of the Secretary, if—

(A) the property, or any part of the property—

(i) ceases to be available and accessible to the public, on a reasonable basis, for educational, park, recreational, cultural, historic preservation, or other similar purposes specified for the property in the terms of conveyance;

(ii) ceases to be maintained in a manner that is consistent with its present or future use as a site for Coast Guard aids to navigation or compliance with this section; or

(iii) ceases to be maintained in a manner consistent with the conditions in paragraph (4) established by the Secretary pursuant to the National Historic Preservation Act (16 U.S.C. 470 et seq.); or

(B) at least 30 days before that reversion, the Secretary provides written notice to the owner that the property is needed for national security purposes.

(3) MAINTENANCE OF NAVIGATION FUNCTIONS.—Any conveyance of property under this section shall be made subject to the conditions that the Secretary considers to be necessary to assure that—

(A) the lights, antennas, and associated equipment located on the property conveyed that are active aids to navigation shall continue to be operated and maintained by the United States for as long as they are needed for this purpose;

(B) the owner of the property may not interfere or allow interference in any manner with aids to navigation without express written permission from the Commandant of the Coast Guard;

(C) there is reserved to the United States the right to relocate, replace, or add any aids to navigation or make any changes to the property conveyed as may be necessary for navigational purposes;

(D) the United States shall have the right, at any time, to enter the property without notice for the purpose of operating, maintaining, and inspecting aids to navigation and for the purpose of enforcing compliance with this subsection; and

(E) the United States shall have an easement of access to and across the property for the purpose of maintaining the aids to navigation in use on the property.

(4) MAINTENANCE OF PROPERTY.—

(A) IN GENERAL.—Subject to subparagraph (B), the owner of a property conveyed under this section shall maintain the property in a proper, substantial, and workmanlike manner, and in accordance with any conditions established by the Secretary pursuant to the National Historic Preservation Act (16 U.S.C. 470 et seq.) and other applicable laws.

(B) LIMITATION.—The owner of a property conveyed under this section is not required to maintain any active aids to navigation on the property, except private aids to navigation authorized under section 83 of title 14, United States Code.

(c) DEFINITIONS.—In this section, the following definitions apply:

(1) AIDS TO NAVIGATION.—The term ''aids to navigation'' means equipment used for navigation purposes, including a light, antenna, radio, sound signal, electronic navigation equipment, or other associated equipment that are operated or maintained by the United States.

(2) OWNER.—The term ''owner'' means, for property conveyed under this section, the person to which property is conveyed under subsection (a)(1), and any successor or assign of that person.

SEC. 613. BRIDGE ADMINISTRATION.

Section 325(b) of the Department of Transportation and Related Agencies Appropriations Act, 1983 (Pub. L. 97–369; 96 Stat. 1765) is amended by striking ''provides at least thirty feet of vertical clearance Columbia River datum and at least eighty feet of horizontal clearance, as'' and inserting ''is so''.

SEC. 614. SENSE OF CONGRESS REGARDING CARBON MONOXIDE AND WATERCRAFT.

It is the sense of the Congress that the Coast Guard should continue—

(1) to place a high priority on addressing the safety risks posed to boaters by elevated levels of carbon monoxide that are unique to watercraft; and

(2) to work with vessel and engine manufacturers, the American Boat & Yacht Council, other Federal agencies, and the entire boating community in order to determine the best ways to adequately address this public safety issue and minimize the number of tragic carbon monoxide-related boating deaths that occur each year.

SEC. 615. MITIGATION OF PENALTY DUE TO AVOIDANCE OF A CERTAIN CONDITION.

(a) TREATMENT OF VIOLATION.—For purposes of any administrative proceeding to consider mitigation of any civil penalty for a violation described in subsection (b), such violation is deemed to have been committed by reason of a safety concern.

(b) VIOLATION DESCRIBED.—A violation referred to in subsection (a) is any violation of the Act of June 19, 1886 (chapter 421; 46 App. U.S.C. 289), occurring before April 1, 2003, and consisting of operation of a passenger vessel in transporting passengers between the Port of New Orleans and another port on the Gulf of Mexico at a time when the master of the vessel determined that the vertical clearance on the Mississippi River at Chalmette, Louisiana, was insufficient to allow the safe return transport of passengers on that vessel to the Port of New Orleans.

(c) RELATED PENALTY AMOUNT.—Any civil penalty assessed for a violation of that Act by a vessel described in subsection (b), that was committed when that vessel was repositioning to the Port of New Orleans in July 2003, shall be mitigated to an amount not to exceed $100 per passenger.

SEC. 616. CERTAIN VESSELS TO BE TOUR VESSELS.

(a) VESSELS DEEMED TOUR VESSELS.—Notwithstanding any other law, a passenger vessel that is not less than 100 gross tons and not greater than 300 gross tons is deemed to be a tour vessel for the purpose of permit allocation regulations under section 3(h) of Public Law 91–383 (16 U.S.C. 1a–2(h)) and section 3 of the Act of August 25, 1916 (16 U.S.C. 3), with respect to vessel operations in Glacier Bay National Park and Preserve, Alaska (in this section referred to as ''Glacier Bay''), if the Secretary of the department in which the Coast Guard is operating determines that the vessel—

(1) has equipment installed that permits all graywater and blackwater to be stored on board for at least 24 hours;

(2) has a draft of not greater than 15 feet;

(3) has propulsion equipment of not greater than 5,000 horsepower; and

(4) is documented under the laws of the United States.

(b) REALLOCATION OF PERMITS.—

(1) REALLOCATION REQUIRED.—Subject to paragraph (2), the Secretary of the Interior, upon application by the operator of a passenger vessel deemed to be a tour vessel under subsection (a), shall reallocate to that vessel any available tour vessel concession permit not used by another vessel, if at the time of application that permit is not sought by a tour vessel of less than 100 gross tons.

(2) LIMITATIONS.—No more than three passenger vessels that are deemed to be a tour vessel under subsection (a) may hold a tour vessel concession permit at any given time, and no more than one such vessel may enter Glacier Bay on any particular date.

(c) COMPLIANCE WITH VESSEL REQUIREMENTS.—

(1) REQUIREMENT TO COMPLY.—Except as otherwise provided in this section, a vessel reallocated a tour vessel concession permit under this section shall comply with all regulations and requirements for Glacier Bay applicable to vessels of at least 100 gross tons.

(2) REVOCATION OF PERMIT.—The Secretary of the Interior may revoke a tour vessel concession permit reallocated to a vessel under this section if that vessel—

(A) discharges graywater or blackwater in Glacier Bay; or

(B) violates a vessel operating requirement for Glacier Bay that applies to vessels that are at least 100 gross tons, including restrictions pertaining to speed, route, and closed waters.

(d) TREATMENT OF ENTRIES INTO GLACIER BAY.—An entry into Glacier Bay by a vessel reallocated a tour vessel concession permit under this section shall count against the daily vessel quota and seasonal-use days applicable to entries by tour vessels and shall not count against the daily vessel quota or seasonal-use days of any other class of vessel.

SEC. 617. SENSE OF CONGRESS REGARDING TIMELY REVIEW AND ADJUSTMENT OF GREAT LAKES PILOTAGE RATES.

It is the sense of the Congress that the Secretary of the department in which the Coast Guard is operating should, on a timely basis, review and adjust the rates payable under part 401 of title 46, Code of Federal Regulations, for services performed by United States registered pilots on the Great Lakes.

SEC. 618. WESTLAKE CHEMICAL BARGE DOCUMENTATION.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883) and section 12106 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for each of the following vessels:

(1) Barge WCAO–101 (United States official number 506677).

(2) Barge WCAO–102 (United States official number 506851).

(3) Barge WCAO–103 (United States official number 506852).

(4) Barge WCAO–104 (United States official number 507172).

(5) Barge WCAO–105 (United States official number 507173).

(6) Barge WCAO–106 (United States official number 620514).

(7) Barge WCAO–107 (United States official number 620515).

(8) Barge WCAO–108 (United States official number 620516).

(9) Barge WCAO–3002 (United States official number 295147).

(10) Barge WCAO–3004 (United States official number 517396).

SEC. 619. CORRECTION TO DEFINITION.

Paragraph (4) of section 2 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (Public Law 107–173) is amended by striking subparagraph (G) and inserting the following:

''(G) The Coast Guard.''.

SEC. 620. LORAN-C.

There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for operation of the LORAN-C system, for capital expenses related to LORAN-C navigation infrastructure, $25,000,000 for fiscal year 2005. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the Department funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

SEC. 621. DEEPWATER REPORT.

(a) REPORT.—No later than 180 days after enactment of this Act, the Coast Guard shall provide a written report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives with respect to performance under the first term of the Integrated Deepwater System contract.

(b) CONTENTS.—The report shall include the following:

(1) An analysis of how well the prime contractor has met the two key performance goals of operational effectiveness and minimizing total ownership costs.

(2) A description of the measures implemented by the prime contractor to meet these goals and

how these measures have been or will be applied for subcontracts awarded during the 5-year term of the contract, as well as criteria used by the Coast Guard to assess the contractor's performance against these goals.

(3) To the extent available, performance and cost comparisons of alternatives examined in implementing the contract.

(4) A detailed description of the measures that the Coast Guard has taken to implement the recommendations of the General Accounting Office's March 2004 report on the Deepwater program (including the development of measurable award fee criteria, improvements to integrated product teams, and a plan for ensuring competition of subcontracts).

(5) A description of any anticipated changes to the mix of legacy and replacement assets over the life of the program, including Coast Guard infrastructure and human capital needs for integrating such assets, and a timetable and estimated costs for maintaining each legacy asset and introducing each replacement asset over the life of the contract, including a comparison to any previous estimates of such costs on an asset-specific basis.

SEC. 622. JUDICIAL REVIEW OF NATIONAL TRANSPORTATION SAFETY BOARD FINAL ORDERS.

Section 1153 of title 49, United States Code, is amended by adding at the end the following:

''(d) COMMANDANT SEEKING JUDICIAL REVIEW OF MARITIME MATTERS.—If the Commandant of the Coast Guard decides that an order of the Board issued pursuant to a review of a Coast Guard action under section 1133 of this title will have an adverse impact on maritime safety or security, the Commandant may obtain judicial review of the order under subsection (a). The Commandant, in the official capacity of the Commandant, shall be a party to the judicial review proceedings.''.

SEC. 623. INTERIM AUTHORITY FOR DRY BULK CARGO RESIDUE DISPOSAL.

(a) EXTENSION OF INTERIM AUTHORITY.—The Secretary of the Department in which the Coast Guard is operating shall continue to implement and enforce United States Coast Guard 1997 Enforcement Policy for Cargo Residues on the Great Lakes (hereinafter in this section referred to as the ''Policy'') or revisions thereto, in accordance with that policy, for the purpose of regulating incidental discharges from vessels of residues of dry bulk cargo into the waters of the Great Lakes under the jurisdiction of the United States, until the earlier of—

(1) the date regulations are promulgated under subsection (b) for the regulation of incidental discharges from vessels of dry bulk cargo residue into the waters of the Great Lakes under the jurisdiction of the United States; or

(2) September 30, 2008.

(b) PERMANENT AUTHORITY.—Notwithstanding any other law, the Commandant of the Coast Guard may promulgate regulations governing the discharge of dry bulk cargo residue on the Great Lakes.

(c) ENVIRONMENTAL ASSESSMENT.—No later than 90 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall commence the environmental assessment necessary to promulgate the regulations under subsection (b).

SEC. 624. SMALL PASSENGER VESSEL REPORT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall study and report to the Congress regarding measures that should be taken to increase the likelihood of survival of passengers on small passenger vessels who may be in the water resulting from the capsizing of, sinking of, or other marine casualty involving the small passenger vessel. The study shall include a review of the adequacy of existing measures—

(1) to keep the passengers out of the water, including inflatable life rafts and other out-of-the-water survival crafts;

(2) to protect individuals from hypothermia and cold shock in water having a temperature of less than 68 degrees Fahrenheit;

(3) for safe egress of passengers wearing personal flotation devices; and

(4) for the enforcement efforts and degree of compliance regarding the 1996 amendments to the Small Passenger Vessel Regulations (part 185 of title 46, Code of Federal Regulations) requiring the master of a small passenger vessel to require passengers to wear personal flotation devices when possible hazardous conditions exist including—

(A) when transiting hazardous bars or inlets;

(B) during severe weather;

(C) in the event of flooding, fire, or other events that may call for evacuation; and

(D) when the vessel is being towed, except during the towing of a non-self-propelled vessel under normal operating conditions.

(b) CONTENTS.—The report under this section shall include—

(1) a section regarding the efforts the Coast Guard has undertaken to enforce the regulations described in subsection (a)(4);

(2) a section detailing compliance with these regulations, to include the number of vessels and masters cited for violations of those regulations for fiscal years 1998 through 2003;

(3) a section detailing the number and types of marine casualties that occurred in fiscal years 1998 through 2003 that included violations of those regulations; and

(4) a section providing recommendation on improving compliance with, and possible modifications to, those regulations.

SEC. 625. CONVEYANCE OF MOTOR LIFEBOAT.

(a) IN GENERAL.—The Commandant of the Coast Guard shall convey all right, title, and interest of the United States in and to the Coast Guard 44-foot Motor Lifeboat Vessel #44345 formerly assigned to the Group Grand Haven Command, to the city of Ludington, Michigan, without consideration, if the recipient complies with the conditions under subsection (b).

(b) CONDITIONS.—As a condition of any conveyance of a vessel under subsection (a), the Commandant shall require the recipient to—

(1) agree—

(A) to use the vessel for purposes of education and historical display;

(B) not to use the vessel for commercial transportation purposes;

(C) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or a national emergency; and

(D) to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls (PCBs), after conveyance of the vessel, except for claims arising from use of the vessel by the Government under subparagraph (C);

(2) have funds available that will be committed to operate and maintain the vessel conveyed in good working condition, in the form of cash, liquid assets, or a written loan commitment; and

(3) agree to any other conditions the Commandant considers appropriate.

(c) MAINTENANCE AND DELIVERY OF VESSEL.—Before conveying a vessel under this section, the Commandant shall, to the extent practical, and subject to other Coast Guard mission requirements, make every effort to maintain the integrity of the vessel and its equipment until the time of delivery. The Commandant shall deliver a vessel conveyed under this section at the place where the vessel is located, in its present condition, and without cost to the Government. The conveyance of a vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94–469 (15 U.S.C. 2605(e)).

(d) OTHER EXCESS EQUIPMENT.—The Commandant may convey to the recipient of a vessel under this section any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the vessel's operability and function as an historical display.

SEC. 626. STUDY ON ROUTING MEASURES.

The Secretary of the department in which the Coast Guard is operating—

(1) shall cooperate with the Administrator of the National Oceanic and Atmospheric Administration in analyzing potential vessel routing measures for reducing vessel strikes of North Atlantic Right Whales, as described in the notice published at pages 30857 through 30861 of volume 69 of the Federal Register; and

(2) within 18 months after the date of the enactment of this Act, shall provide a final report of its analysis to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 627. CONVEYANCE OF LIGHT STATIONS.

Section 308(c) of the National Historic Preservation Act (16 U.S.C. 470w–7(c)) is amended by adding at the end the following:

''(4) LIGHT STATIONS ORIGINALLY CONVEYED UNDER OTHER AUTHORITY.—Upon receiving notice of an executed or intended conveyance by an owner who—

''(A) received from the Federal Government under authority other than this Act an historic light station in which the United States retains a reversionary or other interest; and

''(B) is conveying it to another person by sale, gift, or any other manner,

the Secretary shall review the terms of the executed or proposed conveyance to ensure that any new owner is capable of or is complying with any and all conditions of the original conveyance. The Secretary may require the parties to the conveyance and relevant Federal agencies to provide such information as is necessary to complete this review. If the Secretary determines that the new owner has not or is unable to comply with those conditions, the Secretary shall immediately advise the Administrator, who shall invoke any reversionary interest or take such other action as may be necessary to protect the interests of the United States.''.

SEC. 628. WAIVER.

The Secretary of the department in which the Coast Guard is operating may waive the application of section 2101(21) of title 46, United States Code, with respect to one of two adult chaperones who do not meet the requirements of subparagraph (A)(i), (ii), or (iii) of such section on board each vessel owned or chartered by the Florida National High Adventure Sea Base program of the Boy Scouts of America, if the Secretary determines that such a waiver will not compromise safety.

SEC. 629. APPROVAL OF MODULAR ACCOMMODATION UNITS FOR LIVING QUARTERS.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall approve the use of a modular accommodation unit on a floating offshore facility to provide accommodations for up to 12 individuals, if—

(1) the unit is approximately 12 feet in length and 40 feet in width;

(2) before March 31, 2002—

(A) the Secretary approved use of the unit to provide accommodations on such a facility; and

(B) the unit was used to provide such accommodations; and

(3) the Secretary determines that use of the unit under the approval will not compromise safety.

(b) APPLICATION.—The approval by the Secretary under this section shall apply for the 5-year period beginning on the date of the enactment of this Act.

TITLE VII—AMENDMENTS RELATING TO OIL POLLUTION ACT OF 1990

SEC. 701. VESSEL RESPONSE PLANS FOR NONTANK VESSELS OVER 400 GROSS TONS.

(a) NONTANK VESSEL DEFINED.—Section 311(a) of the Federal Water Pollution Control Act (33 U.S.C. 1321) is amended—

(1) by striking ''and'' after the semicolon in paragraph (24)(B);

(2) by striking ''threat.'' in paragraph (25) and inserting ''threat; and''; and

(3) by adding at the end the following:

''(26) 'nontank vessel' means a self-propelled vessel of 400 gross tons as measured under section 14302 of title 46, United States Code, or greater, other than a tank vessel, that carries oil of any kind as fuel for main propulsion and that—

''(A) is a vessel of the United States; or

''(B) operates on the navigable waters of the United States.''.

(b) AMENDMENTS TO REQUIRE RESPONSE PLANS.—Section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)) is amended—

(1) in paragraph (5) in the heading by inserting '', NONTANK VESSEL,'' after ''VESSEL'';

(2) in paragraph (5)(A)—

(A) by inserting: ''(i)'' after ''(A)''; and

(B) by adding at the end the following:

''(ii) The President shall also issue regulations which require an owner or operator of a nontank vessel to prepare and submit to the President a plan for responding, to the maximum extent practicable, to a worst case discharge, and to a substantial threat of such a discharge, of oil.'';

(3) in paragraph (5)(B), in the matter preceding clause (i), by inserting '', nontank vessels,'' after ''vessels'';

(4) in paragraph (5)(B), by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively, and by inserting after clause (i) the following:

''(ii) A nontank vessel.'';

(5) in paragraph (5)(D)—

(A) by inserting '', nontank vessel,'' after ''vessel'';

(B) by striking ''and'' after the semicolon at the end of clause (iii);

(C) by striking the period at the end of clause (iv) and inserting ''; and''; and

(D) by adding after clause (iv) the following:

''(v) in the case of a plan for a nontank vessel, consider any applicable State-mandated response plan in effect on the date of the enactment of the Coast Guard and Maritime Transportation Act of 2004 and ensure consistency to the extent practicable.'';

(6) by inserting ''non-tank vessel,'' in paragraph (5)(E) after ''vessel,'' each place it appears;

(7) in paragraph (5)(F)—

(A) by inserting ''non-tank vessel,'' after ''vessel,'';

(B) by striking ''vessel or'' and inserting ''vessel, non-tank vessel, or''.

(8) in paragraph (5)(G) by inserting ''nontank vessel,'' after ''vessel,'';

(9) in paragraph (5)(H) by inserting ''and nontank vessel'' after ''each tank vessel;

(10) in paragraph (6) in the matter preceding subparagraph (A) by striking ''Not later than 2 years after the date of enactment of this section, the President shall require—'' and inserting ''The President may require—'';

(11) in paragraph (6)(B) by inserting '', and nontank vessels carrying oil of any kind as fuel for main propulsion,'' after ''cargo''; and

(12) in paragraph (7) by inserting '', nontank vessel,'' after ''vessel''.

(c) IMPLEMENTATION DATE.—No later than one year after the date of enactment of this Act, the owner or operator of a nontank vessel (as defined section 311(j)(9) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(9), as amended by this section) shall prepare and submit a vessel response plan for such vessel.

(d) ADDITION OF NOXIOUS LIQUID SUBSTANCES TO THE LIST OF HAZARDOUS SUBSTANCES FOR WHICH THE COAST GUARD MAY REQUIRE A RESPONSE PLAN.—Section 311(j)(5) of the Federal Water Pollution Control Act (33 U.S.C.1321(j)(5)) is further amended—

(1) by redesignating subparagraphs (B) through (H) as subparagraphs (C) through (I), respectively;

(2) by inserting after subparagraph (A) the following:

''(B) The Secretary of the Department in which the Coast Guard is operating may issue regulations which require an owner or operator of a tank vessel, a non-tank vessel, or a facility described in subparagraph (C) that transfers noxious liquid substances in bulk to or from a vessel to prepare and submit to the Secretary a plan for responding, to the maximum extent practicable, to a worst case discharge, and to a substantial threat of such a discharge, of a noxious liquid substance that is not designated as a hazardous substance or regulated as oil in any other law or regulation. For purposes of this paragraph, the term 'noxious liquid substance' has the same meaning when that term is used in the MARPOL Protocol described in section 2(a)(3) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)(3)).'';

(3) by striking ''subparagraph (B)'' in subparagraph (A) and inserting ''subparagraph (C)'';

(4) by striking ''subparagraph (A)'' in subparagraph (C), as redesignated, and inserting ''subparagraphs (A) and (B)''; and

(5) by striking ''subparagraph (D),'' in clause (i) of subparagraph (F), as redesignated, and inserting ''subparagraph (E),''.

SEC. 702. REQUIREMENTS FOR TANK LEVEL AND PRESSURE MONITORING DEVICES.

(a) REQUIREMENTS.—Section 4110 of the Oil Pollution Act of 1990 (46 U.S.C. 3703 note) is amended—

(1) in subsection (a), by striking ''Not later than 1 year after the date of the enactment of this Act, the Secretary shall'' and inserting ''The Secretary may''; and

(2) in subsection (b)—

(A) by striking ''Not later than 1 year after the date of the enactment of this Act, the Secretary shall'' and inserting ''No sooner than 1 year after the Secretary prescribes regulations under subsection (a), the Secretary may''; and

(B) by striking ''the standards'' and inserting ''any standards''.

(b) STUDY.—

(1) STUDY REQUIREMENT.—The Secretary of the department in which the Coast Guard is operating shall conduct a study analyzing the costs and benefits of methods other than those described in subsections (a) and (b) of section 4110 of the Oil Pollution Act of 1990 for effectively detecting the loss of oil from oil cargo tanks. The study may include technologies, monitoring procedures, and other methods.

(2) INPUT.—In conducting the study, the Secretary may seek input from Federal agencies, industry, and other entities.

(3) REPORT.—The Secretary shall submit a report on the findings and conclusions of the study to the Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives by not later than 180 days after the date of the enactment of this Act.

SEC. 703. LIABILITY AND COST RECOVERY.

(a) DEFINITION OF OWNER OR OPERATOR.—Section 1001(26) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(26)) is amended to read as follows:

''(26) 'owner or operator'—

''(A) means—

''(i) in the case of a vessel, any person owning, operating, or chartering by demise, the vessel;

''(ii) in the case of an onshore or offshore facility, any person owning or operating such facility;

''(iii) in the case of any abandoned offshore facility, the person who owned or operated such facility immediately prior to such abandonment;

''(iv) in the case of any facility, title or control of which was conveyed due to bankruptcy, foreclosure, tax delinquency, abandonment, or similar means to a unit of State or local government, any person who owned, operated, or otherwise controlled activities at such facility immediately beforehand;

''(v) notwithstanding subparagraph (B)(i), and in the same manner and to the same extent, both procedurally and substantively, as any nongovernmental entity, including for purposes of liability under section 1002, any State or local government that has caused or contributed to a discharge or substantial threat of a discharge of oil from a vessel or facility ownership or control of which was acquired involuntarily through—

''(I) seizure or otherwise in connection with law enforcement activity;

''(II) bankruptcy;

''(III) tax delinquency;

''(IV) abandonment; or

''(V) other circumstances in which the government involuntarily acquires title by virtue of its function as sovereign;

''(vi) notwithstanding subparagraph (B)(ii), a person that is a lender and that holds indicia of ownership primarily to protect a security interest in a vessel or facility if, while the borrower is still in possession of the vessel or facility encumbered by the security interest, the person—

''(I) exercises decision making control over the environmental compliance related to the vessel or facility, such that the person has undertaken responsibility for oil handling or disposal practices related to the vessel or facility; or

''(II) exercises control at a level comparable to that of a manager of the vessel or facility, such that the person has assumed or manifested responsibility—

''(aa) for the overall management of the vessel or facility encompassing day-to-day decision making with respect to environmental compliance; or

''(bb) over all or substantially all of the operational functions (as distinguished from financial or administrative functions) of the vessel or facility other than the function of environmental compliance; and

''(B) does not include—

''(i) A unit of state or local government that acquired ownership or control of a vessel or facility involuntarily through—

''(I) seizure or otherwise in connection with law enforcement activity;

''(II) bankruptcy;

''(III) tax delinquency;

''(IV) abandonment; or

''(V) other circumstances in which the government involuntarily acquires title by virtue of its function as sovereign;

''(ii) a person that is a lender that does not participate in management of a vessel or facility, but holds indicia of ownership primarily to protect the security interest of the person in the vessel or facility; or

''(iii) a person that is a lender that did not participate in management of a vessel or facility prior to foreclosure, notwithstanding that the person—

''(I) forecloses on the vessel or facility; and

''(II) after foreclosure, sells, re-leases (in the case of a lease finance transaction), or liquidates the vessel or facility, maintains business activities, winds up operations, undertakes a removal action under section 311(c) of the Federal Water Pollution Control Act (33 U.S.C. 1321(c)) or under the direction of an on-scene coordinator appointed under the National Contingency Plan, with respect to the vessel or facility, or takes any other measure to preserve, protect, or prepare the vessel or facility prior to sale or disposition,

if the person seeks to sell, re-lease (in the case of a lease finance transaction), or otherwise divest the person of the vessel or facility at the earliest practicable, commercially reasonable time, on commercially reasonable terms, taking into account market conditions and legal and regulatory requirements;''.

(b) OTHER DEFINITIONS.—Section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701) is amended by striking ''and'' after the semicolon at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting

a semicolon, and by adding at the end the following:

''(38) 'participate in management'—

''(A)(i) means actually participating in the management or operational affairs of a vessel or facility; and

''(ii) does not include merely having the capacity to influence, or the unexercised right to control, vessel or facility operations; and

''(B) does not include—

''(i) performing an act or failing to act prior to the time at which a security interest is created in a vessel or facility;

''(ii) holding a security interest or abandoning or releasing a security interest;

''(iii) including in the terms of an extension of credit, or in a contract or security agreement relating to the extension, a covenant, warranty, or other term or condition that relates to environmental compliance;

''(iv) monitoring or enforcing the terms and conditions of the extension of credit or security interest;

''(v) monitoring or undertaking one or more inspections of the vessel or facility;

''(vi) requiring a removal action or other lawful means of addressing a discharge or substantial threat of a discharge of oil in connection with the vessel or facility prior to, during, or on the expiration of the term of the extension of credit;

''(vii) providing financial or other advice or counseling in an effort to mitigate, prevent, or cure default or diminution in the value of the vessel or facility;

''(viii) restructuring, renegotiating, or otherwise agreeing to alter the terms and conditions of the extension of credit or security interest, exercising forbearance;

''(ix) exercising other remedies that may be available under applicable law for the breach of a term or condition of the extension of credit or security agreement; or

''(x) conducting a removal action under 311(c) of the Federal Water Pollution Control Act (33 U.S.C. 1321(c)) or under the direction of an on-scene coordinator appointed under the National Contingency Plan,

if such actions do not rise to the level of participating in management under subparagraph (A) of this paragraph and paragraph (26)(A)(vi);

''(39) 'extension of credit' has the meaning provided in section 101(20)(G)(i) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601(20)(G)(i));

''(40) 'financial or administrative function' has the meaning provided in section 101(20)(G)(ii) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601(20)(G)(ii));

''(41) 'foreclosure' and 'foreclose' each has the meaning provided in section 101(20)(G)(iii) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601(20)(G)(iii));

''(42) 'lender' has the meaning provided in section 101(20)(G)(iv) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601(20)(G)(iv));

''(43) 'operational function' has the meaning provided in section 101(20)(G)(v) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601(20)(G)(v)); and

''(44) 'security interest' has the meaning provided in section 101(20)(G)(vi) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601(20)(G)(vi)).''.

(c) DEFINITION OF CONTRACTUAL RELATIONSHIP.—Section 1003 of the Oil Pollution Act of 1990 (33 U.S.C. 2703) is amended by adding at the end the following:

''(d) DEFINITION OF CONTRACTUAL RELATIONSHIP.—

''(1) IN GENERAL.—For purposes of subsection (a)(3) the term 'contractual relationship' includes, but is not limited to, land contracts, deeds, easements, leases, or other instruments transferring title or possession, unless—

''(A) the real property on which the facility concerned is located was acquired by the responsible party after the placement of the oil on, in, or at the real property on which the facility concerned is located;

''(B) one or more of the circumstances described in subparagraph (A), (B), or (C) of paragraph (2) is established by the responsible party by a preponderance of the evidence; and

''(C) the responsible party complies with paragraph (3).

''(2) REQUIRED CIRCUMSTANCE.—The circumstances referred to in paragraph (1)(B) are the following:

''(A) At the time the responsible party acquired the real property on which the facility is located the responsible party did not know and had no reason to know that oil that is the subject of the discharge or substantial threat of discharge was located on, in, or at the facility.

''(B) The responsible party is a government entity that acquired the facility—

''(i) by escheat;

''(ii) through any other involuntary transfer or acquisition; or

''(iii) through the exercise of eminent domain authority by purchase or condemnation.

''(C) The responsible party acquired the facility by inheritance or bequest.

''(3) ADDITIONAL REQUIREMENTS.—For purposes of paragraph (1)(C), the responsible party must establish by a preponderance of the evidence that the responsible party—

''(A) has satisfied the requirements of section 1003(a)(3)(A) and (B);

''(B) has provided full cooperation, assistance, and facility access to the persons that are authorized to conduct removal actions, including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial removal action;

''(C) is in compliance with any land use restrictions established or relied on in connection with the removal action; and

''(D) has not impeded the effectiveness or integrity of any institutional control employed in connection with the removal action.

''(4) REASON TO KNOW.—

''(A) APPROPRIATE INQUIRIES.—To establish that the responsible party had no reason to know of the matter described in paragraph (2)(A), the responsible party must demonstrate to a court that—

''(i) on or before the date on which the responsible party acquired the real property on which the facility is located, the responsible party carried out all appropriate inquiries, as provided in subparagraphs (B) and (D), into the previous ownership and uses of the real property on which the facility is located in accordance with generally accepted good commercial and customary standards and practices; and

''(ii) the responsible party took reasonable steps to—

''(I) stop any continuing discharge;

''(II) prevent any substantial threat of discharge; and

''(III) prevent or limit any human, environmental, or natural resource exposure to any previously discharged oil.

''(B) REGULATIONS ESTABLISHING STANDARDS AND PRACTICES.—Not later than 2 years after the date of the enactment of this paragraph, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall by regulation establish standards and practices for the purpose of satisfying the requirement to carry out all appropriate inquiries under subparagraph (A).

''(C) CRITERIA.—In promulgating regulations that establish the standards and practices referred to in subparagraph (B), the Secretary shall include in such standards and practices provisions regarding each of the following:

''(i) The results of an inquiry by an environmental professional.

''(ii) Interviews with past and present owners, operators, and occupants of the facility and the real property on which the facility is located for the purpose of gathering information regarding the potential for oil at the facility and on the real property on which the facility is located.

''(iii) Reviews of historical sources, such as chain of title documents, aerial photographs, building department records, and land use records, to determine previous uses and occupancies of the real property on which the facility is located since the property was first developed.

''(iv) Searches for recorded environmental cleanup liens against the facility and the real property on which the facility is located that are filed under Federal, State, or local law.

''(v) Reviews of Federal, State, and local government records, waste disposal records, underground storage tank records, and waste handling, generation, treatment, disposal, and spill records, concerning oil at or near the facility and on the real property on which the facility is located.

''(vi) Visual inspections of the facility, the real property on which the facility is located, and adjoining properties.

''(vii) Specialized knowledge or experience on the part of the responsible party.

''(viii) The relationship of the purchase price to the value of the facility and the real property on which the facility is located, if oil was not at the facility or on the real property.

''(ix) Commonly known or reasonably ascertainable information about the facility and the real property on which the facility is located.

''(x) The degree of obviousness of the presence or likely presence of oil at the facility and on the real property on which the facility is located, and the ability to detect the oil by appropriate investigation.

''(D) INTERIM STANDARDS AND PRACTICES.—

''(i) REAL PROPERTY PURCHASED BEFORE MAY 31, 1997.—With respect to real property purchased before May 31, 1997, in making a determination with respect to a responsible party described in subparagraph (A), a court shall take into account—

''(I) any specialized knowledge or experience on the part of the responsible party;

''(II) the relationship of the purchase price to the value of the facility and the real property on which the facility is located, if the oil was not at the facility or on the real property;

''(III) commonly known or reasonably ascertainable information about the facility and the real property on which the facility is located;

''(IV) the obviousness of the presence or likely presence of oil at the facility and on the real property on which the facility is located; and

''(V) the ability of the responsible party to detect oil by appropriate inspection.

''(ii) REAL PROPERTY PURCHASED ON OR AFTER MAY 31, 1997.—With respect to real property purchased on or after May 31, 1997, until the Secretary promulgates the regulations described in clause (ii), the procedures of the American Society for Testing and Materials, including the document known as 'Standard E1527–97', entitled 'Standard Practice for Environmental Site Assessment: Phase I Environmental Site Assessment Process', shall satisfy the requirements in subparagraph (A).

''(E) SITE INSPECTION AND TITLE SEARCH.—In the case of real property for residential use or other similar use purchased by a nongovernmental or noncommercial entity, inspection and title search of the facility and the real property on which the facility is located that reveal no basis for further investigation shall be considered to satisfy the requirements of this paragraph.

''(5) PREVIOUS OWNER OR OPERATOR.—Nothing in this paragraph or in section 1003(a)(3) shall diminish the liability of any previous owner or operator of such facility who would otherwise be liable under this Act. Notwithstanding this paragraph, if a responsible party obtained actual knowledge of the discharge or substantial

threat of discharge of oil at such facility when the responsible party owned the facility and then subsequently transferred ownership of the facility or the real property on which the facility is located to another person without disclosing such knowledge, the responsible party shall be treated as liable under 1002(a) and no defense under section 1003(a) shall be available to such responsible party.

''(6) LIMITATION ON DEFENSE.—Nothing in this paragraph shall affect the liability under this Act of a responsible party who, by any act or omission, caused or contributed to the discharge or substantial threat of discharge of oil which is the subject of the action relating to the facility.''.

SEC. 704. OIL SPILL RECOVERY INSTITUTE.

Section 5006 of the Oil Pollution Act of 1990 (33 U.S.C. 2736) is amended—

(1) in the first subsection (c), as added by section 1102(b)(4) of Public Law 104–324 (110 Stat. 3965), by striking ''with the eleventh year following the date of enactment of the Coast Guard Authorization Act of 1996,'' and inserting ''October 1, 2012''; and

(2) by redesignating the second subsection (c) as subsection (d).

SEC. 705. ALTERNATIVES.

Section 4115(e)(3) of the Oil Pollution Act of 1990 (46 U.S.C. 3703a note) is amended to read as follows:

''(3) No later than one year after the date of enactment of the Coast Guard and Maritime Transportation Act of 2004, the Secretary shall, taking into account the recommendations contained in the report by the Marine Board of the National Research Council entitled 'Environmental Performance of Tanker Design in Collision and Grounding' and dated 2001, establish and publish an environmental equivalency evaluation index (including the methodology to develop that index) to assess overall outflow performance due to collisions and groundings for double hull tank vessels and alternative hull designs.''.

SEC. 706. AUTHORITY TO SETTLE.

Section 1015 of the Oil Pollution Act of 1990 (33 U.S.C. 2715) is amended by adding at the end the following:

''(d) AUTHORITY TO SETTLE.—The head of any department or agency responsible for recovering amounts for which a person is liable under this title may consider, compromise, and settle a claim for such amounts, including such costs paid from the Fund, if the claim has not been referred to the Attorney General. In any case in which the total amount to be recovered may exceed $500,000 (excluding interest), a claim may be compromised and settled under the preceding sentence only with the prior written approval of the Attorney General.''.

SEC. 707. REPORT ON IMPLEMENTATION OF THE OIL POLLUTION ACT OF 1990.

No later than 180 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall provide a written report to the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that shall include the following:

(1) The status of the levels of funds currently in the Oil Spill Liability Trust Fund and projections for levels of funds over the next 5 years, including a detailed accounting of expenditures of funds from the Oil Spill Liability Trust Fund for each of fiscal years 2000 through 2004 by all agencies that receive such funds.

(2) The domestic and international implications of changing the phase-out date for single hull vessels pursuant to section 3703a of title 46, United States Code, from 2015 to 2010.

(3) The costs and benefits of requiring vessel monitoring systems on tank vessels used to transport oil or other hazardous cargo, and of using additional aids to navigation, such as RACONs.

(4) A summary of the extent to which the response costs and damages for oil spill incidents have exceeded the liability limits established in section 1004 of the Oil Pollution Act of 1990 (33 U.S.C. 2704), and a description of the steps that the Coast Guard has taken or plans to take to implement subsection (d)(4) of that section.

(5) A summary of manning, inspection, and other safety issues for tank barges and towing vessels used in connection with them, including—

(A) a description of applicable Federal regulations, guidelines, and other policies;

(B) a record of infractions of applicable requirements described in subparagraph (A) over the past 10 years;

(C) an analysis of oil spill data over the past 10 years, comparing the number and size of oil spills from tank barges with those from tanker vessels of a similar size; and

(D) recommendations on areas of possible improvements to existing regulations, guidelines and policies with respect to tank barges and towing vessels.

SEC. 708. LOANS FOR FISHERMEN AND AQUACULTURE PRODUCERS IMPACTED BY OIL SPILLS.

(a) INTEREST; PARTIAL PAYMENT OF CLAIMS.—Section 1013 of the Oil Pollution Act of 1990 (33 U.S.C. 2713) is amended by adding at the end the following:

''(f) LOAN PROGRAM.—

''(1) IN GENERAL.—The President shall establish a loan program under the Fund to provide interim assistance to fishermen and aquaculture producer claimants during the claims procedure.

''(2) ELIGIBILITY FOR LOAN.—A loan may be made under paragraph (1) only to a fisherman or aquaculture producer that—

''(A) has incurred damages for which claims are authorized under section 1002;

''(B) has made a claim pursuant to this section that is pending; and

''(C) has not received an interim payment under section 1005(a) for the amount of the claim, or part thereof, that is pending.

''(3) TERMS AND CONDITIONS OF LOANS.—A loan awarded under paragraph (1)—

''(A) shall have flexible terms, as determined by the President;

''(B) shall be for a period ending on the later of—

''(i) the date that is 5 years after the date on which the loan is made; or

''(ii) the date on which the fisherman or aquaculture producer receives payment for the claim to which the loan relates under the procedure established by subsections (a) through (e) of this section; and

''(C) shall be at a low interest rate, as determined by the President.''.

(b) USES OF THE FUND.—Section 1012(a) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)) is amended—

(1) by striking ''Act.'' in paragraph (5)(C) and inserting ''Act; and''; and

(2) by adding at the end the following:

''(6) the making of loans pursuant to the program established under section 1013(f).''.

(c) STUDY.—Not later than 270 days after the date of enactment of this Act, the Secretary of Commerce, in consultation with the Administrator of the Environmental Protection Agency, shall submit to the Congress a study that contains—

(1) an assessment of the effectiveness of the claims procedures and emergency response programs under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) concerning claims filed by, and emergency responses carried out to protect the interests of, fishermen and aquaculture producers; and

(2) any legislative or other recommendations to improve the procedures and programs referred to in paragraph (1).

TITLE VIII—MARITIME TRANSPORTATION SECURITY

SEC. 801. ENFORCEMENT.

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is amended by adding at the end the following:

''§ 70118. Firearms, arrests, and seizure of property

''Subject to guidelines approved by the Secretary, members of the Coast Guard may, in the performance of official duties—

''(1) carry a firearm; and

''(2) while at a facility—

''(A) make an arrest without warrant for any offense against the United States committed in their presence; and

''(B) seize property as otherwise provided by law.

''§ 70119. Enforcement by State and local officers

''(a) IN GENERAL.—Any State or local government law enforcement officer who has authority to enforce State criminal laws may make an arrest for violation of a security zone regulation prescribed under section 1 of title II of the Act of June 15, 1917 (chapter 30; 50 U.S.C. 191) or security or safety zone regulation under section 7(b) of the Ports and Waterways Safety Act (33 U.S.C. 1226(b)) or a safety zone regulation prescribed under section 10(d) of the Deepwater Port Act of 1974 (33 U.S.C. 1509(d)) by a Coast Guard official authorized by law to prescribe such regulations, if—

''(1) such violation is a felony; and

''(2) the officer has reasonable grounds to believe that the person to be arrested has committed or is committing such violation.

''(b) OTHER POWERS NOT AFFECTED.—The provisions of this section are in addition to any power conferred by law to such officers. This section shall not be construed as a limitation of any power conferred by law to such officers, or any other officer of the United States or any State. This section does not grant to such officers any powers not authorized by the law of the State in which those officers are employed.''.

(b) CLERICAL AMENDMENT.—The chapter analysis at the beginning of chapter 701 of title 46, United States Code, is amended by adding at the end the following:

''70118. Enforcement.

''70119. Enforcement by State and local officers.''.

SEC. 802. IN REM LIABILITY FOR CIVIL PENALTIES AND COSTS.

(a) AMENDMENTS TO TITLE 46, UNITED STATES CODE.—Chapter 701 of title 46, United States Code, is amended—

(1) by redesignating section 70117 as 70119; and

(2) by inserting after section 70116 the following:

''§ 70117. In rem liability for civil penalties and certain costs

''(a) CIVIL PENALTIES.—Any vessel operated in violation of this chapter or any regulations prescribed under this chapter shall be liable in rem for any civil penalty assessed pursuant to section 70120 for such violation, and may be proceeded against for such liability in the United States district court for any district in which the vessel may be found.

''(b) REIMBURSABLE COSTS OF SERVICE PROVIDERS.—A vessel shall be liable in rem for the reimbursable costs incurred by any service provider related to implementation and enforcement of this chapter and arising from a violation by the operator of the vessel of this chapter or any regulations prescribed under this chapter, and may be proceeded against for such liability in the United States district court for any district in which such vessel may be found.

''(c) DEFINITIONS.—In this subsection—

''(1) the term 'reimbursable costs' means costs incurred by any service provider acting in conformity with a lawful order of the Federal government or in conformity with the instructions of the vessel operator; and

''(2) the term 'service provider' means any port authority, facility or terminal operator, shipping agent, Federal, State, or local government agency, or other person to whom the management of the vessel at the port of supply is entrusted, for—

''(A) services rendered to or in relation to vessel crew on board the vessel, or in transit to or from the vessel, including accommodation, detention, transportation, and medical expenses; and

''(B) required handling of cargo or other items on board the vessel.

"§ 70118. Withholding of clearance

''(a) REFUSAL OR REVOCATION OF CLEARANCE.—If any owner, agent, master, officer, or person in charge of a vessel is liable for a penalty under section 70119, or if reasonable cause exists to believe that the owner, agent, master, officer, or person in charge may be subject to a penalty under section 70120, the Secretary may, with respect to such vessel, refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91).

''(b) CLEARANCE UPON FILING OF BOND OR OTHER SURETY.—The Secretary may require the filing of a bond or other surety as a condition of granting clearance refused or revoked under this subsection.''.

(b) ACT OF JUNE 15, 1917.—Section 2 of title II of the Act of June 15, 1917 (chapter 30; 50 U.S.C. 192), is amended—

(1) in subsection (c) by striking ''Act'' each place it appears and inserting ''title''; and

(2) by adding at the end the following:

''(d) IN REM LIABILITY.—Any vessel that is used in violation of this title, or of any regulation issued under this title, shall be liable in rem for any civil penalty assessed pursuant to subsection (c) and may be proceeded against in the United States district court for any district in which such vessel may be found.

''(e) WITHHOLDING OF CLEARANCE.—

''(1) IN GENERAL.—If any owner, agent, master, officer, or person in charge of a vessel is liable for a penalty or fine under subsection (c), or if reasonable cause exists to believe that the owner, agent, master, officer, or person in charge may be subject to a penalty or fine under this section, the Secretary may, with respect to such vessel, refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91).

''(2) CLEARANCE UPON FILING OF BOND OR OTHER SURETY.—The Secretary may require the filing of a bond or other surety as a condition of granting clearance refused or revoked under this subsection.''.

(c) CLERICAL AMENDMENT.—The chapter analysis at the beginning of chapter 701 of title 46, United States Code, is amended by striking the last item and inserting the following:

''70117. In rem liability for civil penalties and certain costs.

''70118. Enforcement by injunction or withholding of clearance.

''70119. Civil penalty''.

SEC. 803. MARITIME INFORMATION.

(a) MARITIME INTELLIGENCE.—Section 70113(a) of title 46, United States Code, is amended by adding at the end the following: ''The system may include a vessel risk profiling component that assigns incoming vessels a terrorism risk rating.''.

(b) VESSEL TRACKING SYSTEM.—Section 70115 of title 46, United States Code, is amended in the first sentence by striking ''may'' and inserting ''shall, consistent with international treaties, conventions, and agreements to which the United States is a party,''.

(c) MARITIME INFORMATION.—Within 90 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives containing a plan for the implementation of section 70113 of title 46, United States Code. The plan shall—

(1) identify Federal agencies with maritime information relating to vessels, crew, passengers, cargo, and cargo shippers, those agencies' maritime information collection and analysis activities, and the resources devoted to those activities;

(2) establish a lead agency within the Department of Homeland Security to coordinate the efforts of other Department agencies in the collection of maritime information and to identify and avoid unwanted redundancy in those efforts;

(3) identify redundancy in the collection and analysis of maritime information by agencies within the department in which the Coast Guard is operating;

(4) establish a timeline for coordinating the collection of maritime information among agencies within the department in which the Coast Guard is operating;

(5) include recommendations on co-locating agency personnel in order to maximize expertise, minimize costs, and avoid redundancy in both the collection and analysis of maritime information;

(6) establish a timeline for the incorporation of information on vessel movements derived through the implementation of sections 70114 and 70115 of title 46, United States Code, into the system for collecting and analyzing maritime information;

(7) include recommendations on educating Federal officials on the identification of security risks posed through commercial maritime transportation operations;

(8) include an assessment of the availability and expertise of private sector maritime information resources;

(9) include recommendations on how private sector maritime information resources could be utilized to analyze maritime security risks;

(10) include recommendations on how to disseminate information collected and analyzed through Federal maritime security coordinators, including the manner and extent to which State, local, and private security personnel should be utilized, which should be developed after consideration by the Secretary of the need for nondisclosure of sensitive security information; and

(11) include recommendations on the need for and how the department could help support a maritime information sharing and analysis center for the purpose of collecting and disseminating real-time or near real-time information to and from public and private entities, along with recommendations on the appropriate levels of funding to help disseminate maritime security information to the private sector.

(d) LIMITATION ON ESTABLISHMENT OF LEAD AGENCY.—The Secretary may not establish a lead agency within the Department of Homeland Security to coordinate the efforts of other Department agencies in the collection of maritime information, until at least 90 days after the plan under subsection (c) is submitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 804. MARITIME TRANSPORTATION SECURITY GRANTS.

(a) GRANT PROGRAM.—Section 70107(a) of title 46, United States Code, is amended to read as follows:

''(a) IN GENERAL.—The Secretary shall establish a grant program for making a fair and equitable allocation of funds to implement Area Maritime Transportation Security Plans and facility security plans among port authorities, facility operators, and State and local government agencies required to provide port security services. Before awarding a grant under the program, the Secretary shall provide for review and comment by the appropriate Federal Maritime Security Coordinators and the Maritime Administrator. In administering the grant program, the Secretary shall take into account national economic and strategic defense concerns.''.

(b) SECRETARY ADMINISTERING.—Section 70107 of title 46, United States Code, is amended—

(1) by striking ''Secretary of Transportation'' each place it appears and inserting ''Secretary'';

(2) by striking ''Department of Transportation'' each place it appears and inserting ''department in which the Coast Guard is operating''.

(c) EFFECTIVE DATE.—Subsections (a) and (b)—

(1) shall take effect October 1, 2004; and

(2) shall not affect any grant made before that date.

(d) REPORT ON DESIGN OF MARITIME TRANSPORTATION SECURITY GRANT PROGRAM.—Within 90 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of House of Representatives on the design of the maritime transportation security grant program established under section 70107(a) of title 46, United States Code. In the report, the Secretary shall include recommendations on—

(1) whether the grant program should be discretionary or formula-based and the reasons for the recommendation;

(2) requirements for ensuring that Federal funds will not be substituted for grantee funds;

(3) targeting requirements to ensure that funding is directed in a manner that considers—

(A) national economic and strategic defense concerns; and

(B) the fiscal capacity of the recipients to fund facility security plan requirements without grant funds; and

(4) matching requirements to ensure that Federal funds provide an incentive to grantees for the investment of their own funds in the improvements financed in part by Federal funds provided under the program.

SEC. 805. SECURITY ASSESSMENT OF WATERS UNDER THE JURISDICTION OF THE UNITED STATES.

Not later than one year after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall—

(1) conduct a vulnerability assessment under section 70102(b) of title 46, United States Code, of the waters under the jurisdiction of the United States that are adjacent to nuclear facilities that may be damaged by a transportation security incident as defined in section 70101 (6) of title 46, United States Code;

(2) coordinate with the appropriate Federal agencies in preparing the vulnerability assessment required under paragraph (1); and

(3) submit the vulnerability assessments required under paragraph (1) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 806. MEMBERSHIP OF AREA MARITIME SECURITY ADVISORY COMMITTEES.

Section 70112(b) of title 46, United States Code, is amended by adding at the end to following:

''(5) The membership of an Area Maritime Security Advisory Committee shall include representatives of the port industry, terminal operators, port labor organizations, and other users of the port areas.''.

SEC. 807. JOINT OPERATIONAL CENTERS FOR PORT SECURITY.

The Commandant of the Coast Guard shall report to the Congress, within 180 days after the date of the enactment of this Act, on the implementation and use of joint operational centers for port security at certain United States seaports. The report shall—

(1) compare and contrast the composition and operational characteristics of existing joint operational centers for port security, including those in Norfolk, Virginia, Charleston, South Carolina, and San Diego, California;

(2) examine the use of such centers to implement—

(A) the plans developed under section 70103 of title 46, United States Code;

(B) maritime intelligence activities under section 70113 of title 46, United States Code;

(C) short and long range vessel tracking under sections 70114 and 70115 of title 46, United States Code; and

(D) secure transportation systems under section 70116 of title 46, United States Code; and

(3) estimate the number, location and costs of such centers necessary to implement the activities authorized under sections 70103, 701113, 70114, 70115, and 70116 of title 46, United States Code.

SEC. 808. INVESTIGATIONS.

(a) IN GENERAL.—Section 70107 of title 46, United States Code, is amended by striking subsection (i) and inserting the following:

''(i) INVESTIGATIONS.—

''(1) IN GENERAL.—The Secretary shall conduct investigations, fund pilot programs, and award grants, to examine or develop—

''(A) methods or programs to increase the ability to target for inspection vessels, cargo, crewmembers, or passengers that will arrive or have arrived at any port or place in the United States;

''(B) equipment to detect accurately explosives, chemical, or biological agents that could be used in a transportation security incident against the United States;

''(C) equipment to detect accurately nuclear or radiological materials, including scintillation-based detection equipment capable of signalling the presence of nuclear or radiological materials;

''(D) improved tags and seals designed for use on shipping containers to track the transportation of the merchandise in such containers, including sensors that are able to track a container throughout its entire supply chain, detect hazardous and radioactive materials within that container, and transmit that information to the appropriate law enforcement authorities;

''(E) tools, including the use of satellite tracking systems, to increase the awareness of maritime areas and to identify potential transportation security incidents that could have an impact on facilities, vessels, and infrastructure on or adjacent to navigable waterways, including underwater access;

''(F) tools to mitigate the consequences of a transportation security incident on, adjacent to, or under navigable waters of the United States, including sensor equipment, and other tools to help coordinate effective response to a transportation security incident;

''(G) applications to apply existing technologies from other areas or industries to increase overall port security;

''(H) improved container design, including blast-resistant containers; and

''(I) methods to improve security and sustainability of port facilities in the event of a maritime transportation security incident, including specialized inspection facilities.

''(2) IMPLEMENTATION OF TECHNOLOGY.—

''(A) IN GENERAL.—In conjunction with ongoing efforts to improve security at United States ports, the Secretary may conduct pilot projects at United States ports to test the effectiveness and applicability of new port security projects, including—

''(i) testing of new detection and screening technologies;

''(ii) projects to protect United States ports and infrastructure on or adjacent to the navigable waters of the United States, including underwater access; and

''(iii) tools for responding to a transportation security incident at United States ports and infrastructure on or adjacent to the navigable waters of the United States, including underwater access.

''(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $35,000,000 for each of fiscal years 2005 through 2009 to carry out this subsection.

''(3) NATIONAL PORT SECURITY CENTERS.—

''(A) IN GENERAL.—The Secretary may make grants or enter into cooperative agreements with eligible nonprofit institutions of higher learning to conduct investigations in collaboration with ports and the maritime transportation industry focused on enhancing security of the Nation's ports in accordance with this subsection through National Port Security Centers.

''(B) APPLICATIONS.—To be eligible to receive a grant under this paragraph, a nonprofit institution of higher learning, or a consortium of such institutions, shall submit an application to the Secretary in such form and containing such information as the Secretary may require.

''(C) COMPETITIVE SELECTION PROCESS.—The Secretary shall select grant recipients under this paragraph through a competitive process on the basis of the following criteria:

''(i) Whether the applicant can demonstrate that personnel, laboratory, and organizational resources will be available to the applicant to carry out the investigations authorized in this paragraph.

''(ii) The applicant's capability to provide leadership in making national and regional contributions to the solution of immediate and long-range port and maritime transportation security and risk mitigation problems.

''(iii) Whether the applicant can demonstrate that is has an established, nationally recognized program in disciplines that contribute directly to maritime transportation safety and education.

''(iv) Whether the applicant's investigations will involve major United States ports on the East Coast, the Gulf Coast, and the West Coast, and Federal agencies and other entities with expertise in port and maritime transportation.

''(v) Whether the applicant has a strategic plan for carrying out the proposed investigations under the grant.

''(4) ADMINISTRATIVE PROVISIONS.—

''(A) NO DUPLICATION OF EFFORT.—Before making any grant, the Secretary shall coordinate with other Federal agencies to ensure the grant will not duplicate work already being conducted with Federal funding.

''(B) ACCOUNTING.—The Secretary shall by regulation establish accounting, reporting, and review procedures to ensure that funds made available under paragraph (1) are used for the purpose for which they were made available, that all expenditures are properly accounted for, and that amounts not used for such purposes and amounts not expended are recovered.

''(C) RECORDKEEPING.—Recipients of grants shall keep all records related to expenditures and obligations of funds provided under paragraph (1) and make them available upon request to the Inspector General of the department in which the Coast Guard is operating and the Secretary for audit and examination.

''(5) ANNUAL REVIEW AND REPORT.—The Inspector General of the department in which the Coast Guard is operating shall annually review the programs established under this subsection to ensure that the expenditures and obligations of funds are consistent with the purposes for which they are provided, and report the findings to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.''.

SEC. 809. VESSEL AND INTERMODAL SECURITY REPORTS.

(a) IN GENERAL.—Within 180 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit the reports and plan required under subsections (b), (c), (e), (f), and (j) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(b) REPORT REGARDING SECURITY INSPECTION OF VESSELS AND VESSEL-BORNE CARGO CONTAINERS ENTERING THE UNITED STATES.—

(1) REQUIREMENT.—The Secretary shall prepare a report regarding the numbers and types of vessels and vessel-borne cargo containers that enter the United States in a year.

(2) CONTENTS.—The report shall include the following:

(A) A section regarding security inspection of vessels that includes the following:

(i) A complete breakdown of the numbers and types of vessels that entered the United States in the most recent 1-year period for which information is available.

(ii) The cost incurred by the Federal Government in inspecting such vessels in such 1-year period, including specification and comparison of such cost for each type of vessel.

(iii) An estimate of the per-vessel cost that would be incurred by the Federal Government in inspecting each type of vessel that enters the United States each year, including costs for personnel, vessels, equipment, and funds.

(iv) An estimate of the annual total cost that would be incurred by the Federal Government in inspecting all vessels that enter the United States each year, including costs for personnel, vessels, equipment, and funds.

(B) A section regarding security inspection of containers that includes the following:

(i) A complete breakdown of the numbers and types of vessel-borne cargo containers that entered the United States in the most recent 1-year period for which information is available, including specification of the number of 1 TEU containers and the number of 2 TEU containers.

(ii) The cost incurred by the Federal Government in inspecting such containers in such 1-year period, including specification and comparison of such cost for a 1 TEU container and for a 2 TEU container, and the number of each inspected.

(iii) An estimate of the per-container cost that would be incurred by the Federal Government in inspecting each type of vessel-borne container that enters the United States each year, including costs for personnel, vessels, and equipment.

(iv) An estimate of the annual total cost that would be incurred by the Federal Government in inspecting, and where allowed by international agreement, inspecting in a foreign port, all vessel-borne containers that enter the United States each year, including costs for personnel, vessels, and equipment.

(c) PLAN FOR IMPLEMENTING SECURE SYSTEMS OF TRANSPORTATION.—The Secretary shall prepare a plan for the implementation of section 70116 of title 46, United States Code. The plan shall—

(1) include a timeline for establishing standards and procedures pursuant to section 70116(b) of title 46, United States Code;

(2) provide a preliminary assessment of resources necessary to evaluate and certify secure systems of transportation, and the resources necessary to validate that the secure systems of transportation are operating in compliance with the certification requirements;

(3) contain an analysis of whether establishing a voluntary user fee to fund the certification of private secure systems of transportation, paid for by the person applying for certification, would enhance cargo security;

(4) contain an analysis of the need for and feasibility of establishing a system to inspect, monitor, and track intermodal shipping containers within the United States; and

(5) contain an analysis of the need for and feasibility of developing international standards for secure systems of transportation, including recommendations, that includes an examination of working with appropriate international organizations to develop standards to enhance the physical security of shipping containers consistent with section 70116 of title 46, United States Code.

(d) INSPECTOR GENERAL IMPLEMENTATION REPORT.—One year after the date on which the plan under subsection (c) is submitted to the Congress, the Inspector General of the department in which the Coast Guard is operating shall transmit a report evaluating the progress made by the department in implementing the plan to the Committee on Commerce, Science,

and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(e) REPORT ON RADIATION DETECTORS.—The Secretary shall prepare a report on progress in the installation of a system of radiation detection at all major United States seaports, and a timeline and expected completion date for the system. In the report, the Secretary shall include a preliminary analysis of any issues related to the installation or efficacy of the radiation detection equipment, as well as a cost estimate for completing installation of the system.

(f) REPORT ON NONINTRUSIVE INSPECTION AT FOREIGN PORTS.—The Secretary shall prepare a report—

(1) on whether and to what extent foreign seaports have been willing to utilize nonintrusive screening equipment at their ports to screen cargo, including the number of cargo containers that have been screened at foreign seaports, and the ports where they were screened;

(2) indicating which foreign ports may be willing to utilize nonintrusive screening equipment for cargo exported for import into the United States; and

(3) indicating ways to increase the effectiveness of the United States Government's targeting and screening activities outside the United States and to what extent additional resources and program changes will be necessary to maximize scrutiny of cargo in foreign seaports that is destined for the United States.

(g) EVALUATION OF CARGO INSPECTION TARGETING SYSTEM FOR INTERNATIONAL INTERMODAL CARGO CONTAINERS.—Within 180 days after the date of the enactment of this Act and annually thereafter, the Inspector General of the department in which the Coast Guard is operating shall prepare a report that includes an assessment of—

(1) the effectiveness of the current tracking system to determine whether it is adequate to prevent international intermodal containers from being used for purposes of terrorism;

(2) the sources of information, and the quality of the information at the time of reporting, used by the system to determine whether targeting information is collected from the best and most credible sources and evaluate data sources to determine information gaps and weaknesses;

(3) the targeting system for reporting and analyzing inspection statistics, as well as testing effectiveness;

(4) the competence and training of employees operating the system to determine whether they are sufficiently capable to detect potential terrorist threats; and

(5) whether the system is an effective system to detect potential acts of terrorism and whether additional steps need to be taken in order to remedy deficiencies in targeting international intermodal containers for inspection.

(h) ACTION REPORT.—If the Inspector General of the department in which the Coast Guard is operating determines in any of the reports prepared under subsection (g) that the targeting system is insufficiently effective as a means of detecting potential acts of terrorism utilizing international intermodal containers, then the Secretary of the department in which the Coast Guard is operating shall, within 90 days, submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure House of Representatives on what actions will be taken to correct deficiencies identified in the Inspector General Report.

(i) COMPLIANCE WITH SECURITY STANDARDS ESTABLISHED PURSUANT TO MARITIME TRANSPORTATION SECURITY PLANS.—Within 180 days after the date of the enactment of this Act and annually thereafter, the Secretary of the department in which the Coast Guard is operating shall prepare a report on compliance and steps taken to ensure compliance by ports, terminals, vessel operators, and shippers with security standards established pursuant to section 70103 of title 46, United States Code. The reports shall also include a summary of security standards established pursuant to such section during the previous year. The Secretary shall submit the reports to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(j) EMPTY CONTAINERS.—The Secretary of the department in which the Coast Guard is operating shall prepare a report on the practice and policies in place at United States ports to secure shipment of empty containers and trailers. The Secretary shall include in the report recommendations with respect to whether additional Federal actions are necessary to ensure the safe and secure delivery of cargo and to prevent potential acts of terrorism involving such containers and trailers.

(k) REPORT AND PLAN FORMATS.—The Secretary and the Inspector General of the department in which the Coast Guard is operating may submit any plan or report required by this section in both classified and redacted formats, if the Secretary determines that it is appropriate or necessary.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment to the title of the bill, insert the following: ''An Act to authorize appropriations for the Coast Guard for fiscal year 2005, to amend various laws administered by the Coast Guard, and for other purposes.''.

And the Senate agree to the same.

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendments, and modifications committed to conference:

DON YOUNG,
HOWARD COBLE,
JOHN J. DUNCAN, Jr.,
PETE HOEKSTRA,
FRANK LOBIONDO,
ROB SIMMONS,
MARIO DIAZ-BALART,
JAMES L. OBERSTAR,
BOB FILNER,
TIMOTHY BISHOP,
NICK LAMPSON,

For consideration of the House bill and Senate amendments, and modifications committed to conference:

CHRIS COX,
BENNIE G. THOMPSON,
Managers on the Part of the House.

JOHN MCCAIN,
TED STEVENS,
TRENT LOTT,
KAY BAILEY HUTCHISON,
OLYMPIA SNOWE,
FRITZ HOLLINGS,
DANIEL K. INOUYE,
JOHN BREAUX,
RON WYDEN,

From the Committee on Environment and Public Works:

JIM INHOFE,
JIM JEFFORDS,
Managers on the Part of the Senate.

When said conference report was considered.

After debate,

By unanimous consent, the previous question was ordered on the conference report to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said conference report?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. FILNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶81.16 TAX SIMPLIFICATION FOR BUSINESS

Mr. PORTMAN moved to suspend the rules and pass the bill (H.R. 4840) to amend the Internal Revenue Code of 1986 to simplify the taxation of businesses.

The SPEAKER pro tempore, Mr. SIMPSON, recognized Mr. PORTMAN and Mr. SANDLIN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SIMPSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SANDLIN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶81.17 TAX SIMPLIFICATION FOR INDIVIDUALS

Mr. PORTMAN moved to suspend the rules and pass the bill (H.R. 4841) to amend the Internal Revenue Code of 1986 to simplify certain tax rules for individuals; as amended.

The SPEAKER pro tempore, Mr. SIMPSON, recognized Mr. PORTMAN and Mr. SANDLIN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SIMPSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶81.18 MILITARY HOUSING IMPROVEMENT

Mr. HUNTER moved to suspend the rules and pass the bill (H.R. 4879) to increase the military housing private investment cap.

The SPEAKER pro tempore, Mr. SIMPSON, recognized Mr. HUNTER and Mr. SKELTON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SIMPSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. HUNTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶81.19 ORDER OF BUSINESS—MEMBER-ELECT SWEARING IN

On motion of Mr. TIAHRT, by unanimous consent,

Ordered, That during the next series of postponed votes, ensuing votes after the first vote may be five-minute votes, notwithstanding intervening proceedings attending the swearing in of the new Member-elect from North Carolina.

¶81.20 CONFERENCE REPORT TO ACCOMPANY H.R. 2443—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8 of rule XX, announced the unfinished business to be the question agreeing to the conference report on the bill (H.R. 2443) to authorize appropriations for fiscal years 2004 and 2005 for the United States Coast Guard.

The question being put,

Will the House agree to said motion?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 425 / Nays 1

¶81.21 [Roll No. 404]

YEAS—425

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—7

Brown (OH)
Carson (IN)
Collins
Deutsch
Ferguson
Majette
Quinn

So the conference report was agreed to.

A motion to reconsider the vote whereby said conference report was agreed to was, by unanimous consent, laid on the table.

¶81.22 COMMUNICATION FROM NORTH CAROLINA STATE BOARD OF ELECTIONS

The SPEAKER laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 21, 2004.

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

DEAR MR. SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from Mr. Gray O. Bartlett, Executive Director, North Carolina State Board of Elections, State of North Carolina, indicating that, according to the unofficial returns of the Special Election held July 20, 2004, the Honorable G.K. Butterfield was elected Representative in Congress for the First Congressional District, State of North Carolina.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk.

¶81.23 ORDER OF BUSINESS—SWEARING IN OF MEMBER-ELECT

On motion of Ms. PELOSI, by unanimous consent,

Ordered, That, notwithstanding the fact that the certificate of election of Mr. G.K. Butterfield, 1st District of the State of North Carolina, has not been received by the Clerk of the House of Representatives, Mr. G.K. BUTTERFIELD be permitted to take the oath of office as prescribed by law, there being no contest and no question with regard to his election.

Mr. BUTTERFIELD then presented himself at the bar of the House and took the oath of office prescribed by law.

¶81.24 WHOLE NUMBER OF THE HOUSE OF REPRESENTATIVES ADJUSTED

The SPEAKER announced to the House, under clause 5(c) of rule XX, in light of the administration of the oath to the gentleman from North Carolina, Mr. BUTTERFIELD, the whole number of the House is adjusted to 435.

¶81.25 H.R. 4840—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. OSE, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4840) to amend the

Internal Revenue Code of 1986 to simplify the taxation of businesses.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 424 / Nays ..... 0 }

¶81.26 [Roll No. 405]

YEAS—424

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Brown (OH)
Carson (IN)
Collins
Deutsch
Ferguson
Lewis (GA)
Majette
Ney
Quinn
Reynolds

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶81.27 H.R. 4879—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. OSE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4879) to increase the military housing private investment cap.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 423 / Nays ..... 0 }

¶81.28 [Roll No. 406]

YEAS—423

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt

Neugebauer
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

Brown (OH)
Carson (IN)
Collins
Deutsch
Ferguson
Kennedy (RI)
Majette
Ney
Quinn
Reynolds
Tauzin

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶81.29 ORDER OF BUSINESS—POSTPONED VOTES

The SPEAKER, pro tempore, Mr. OSE, pursuant to clause 8 of rule XX,

Ordered, That the votes on the following measures postponed from Tuesday, July 20, 2004, will be taken on Thursday, July 22, 2004: the bill (H.R. 4175) to increase, effective as of December 1, 2004, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes; as amended; the bill (H. Res. 728) expressing the sense of the House of Representatives that the actions of terrorists will never cause the date of any Presidential election to be postponed and that no single individual or agency should be given the authority to postpone the date of a Presidential election; and the motion to instruct conferees on the bill (H.R. 1308) to amend the Internal Revenue Code of 1986 to end certain abusive tax practices, to provide tax relief and simplification, and for other purposes.

¶81.30 NATIONAL MARINA DAY

Mr. LATOURETTE moved to suspend the rules and agree to the following resolution (H. Res. 647):

Whereas the people of the United States highly value their recreational time and their ability to access the waterways of the United States, one of the Nation's greatest natural resources;

Whereas in 1928, the National Association of Engine and Boat Manufacturers first used the word ''marina'' to describe a recreational boating facility;

Whereas the United States is home to more than 12,000 marinas that contribute substantially to local communities by providing safe and reliable gateways to boating;

Whereas the marinas of the United States serve as stewards of the environment and actively seek to protect the waterways that surround them for the enjoyment of this generation and generations to come;

Whereas the marinas of the United States provide communities and visitors with a place where friends and families, united by a passion for the water, can come together for recreation, rest, and relaxation; and

Whereas the Marina Operators Association of America has designated August 14, 2004 as ''National Marina Day'' to increase awareness among citizens, policymakers, and elected officials about the many contributions that marinas make to communities: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals of National Marina Day; and

(2) urges that the marinas of the United States continue to provide environmentally friendly gateways to boating for the people of the United States.

The SPEAKER pro tempore, Mr. OSE, recognized Mr. LATOURETTE and Mr. FILNER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. OSE, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶81.31 PROVIDING FOR THE CONSIDERATION OF H.R. 3313

Mrs. MYRICK, by direction of the Committee on Rules, reported (Rept. No. 108–623) the resolution (H. Res. 734) providing for consideration of the bill (H.R. 3313) to amend title 28, United States Code, to limit Federal court jurisdiction over questions under the Defense of Marriage Act.

When said resolution and report were referred to the House Calendar and ordered printed.

¶81.32 WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT TO ACCOMPANY H.R.4613

Mrs. MYRICK, by direction of the Committee on Rules, reported (Rept. No. 108–624) the resolution (H. Res. 735) waiving points of order against the conference report to accompany the bill (H.R. 4613) making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶81.33 HIPOLITO F. GARCIA FEDERAL BUILDING

Mr. LATOURETTE moved to suspend the rules and pass the bill (H.R. 3884) to designate the Federal building and the United States courthouse located at 615 East Houston Street in San Antonio, Texas, as the ''Hipolito F. Garcia Federal Building and United States Courthouse''.

The SPEAKER pro tempore, Mr. OSE, recognized Mr. LATOURETTE and Ms. NORTON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. OSE, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶81.34 JUDGE WILLIAM B. BRYANT ANNEX TO THE E. BARRETT PRETTYMAN FEDERAL BUILDING AND UNITED STATES COURTHOUSE BUILDING

Mr. LATOURETTE moved to suspend the rules and pass the bill (H.R. 4294) to designate the annex to the E. Barrett Prettyman Federal Building and United States Courthouse located at 333 Constitution Ave. Northwest in Washington, District of Columbia, as the ''Judge William B. Bryant Annex to the E. Barrett Prettyman Federal Building and United States Courthouse''; as amended.

The SPEAKER pro tempore, Mr. OSE, recognized Mr. LATOURETTE and Ms. NORTON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. OSE, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to designate the annex to the E. Barrett Prettyman Federal Building and United States Courthouse located at 333 Constitution Avenue Northwest in the District of Columbia as the 'William B. Bryant Annex'.''.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶81.35 COMMERCIAL AVIATION (MAN PADS) DEFENSE

Mr. MICA moved to suspend the rules and pass the bill (H.R. 4056) to encourage the establishment of both long-term and short-term programs to address the threat of man-portable air defense systems (MAN pads) to commercial aviation; as amended.

The SPEAKER pro tempore, Mr. OSE, recognized Mr. MICA and Mr. DEFAZIO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. OSE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. MICA demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. OSE, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Thursday, July 22, 2004.

¶81.36 NORTH KOREAN HUMAN RIGHTS

Mr. LEACH moved to suspend the rules and pass the bill (H.R. 4011) to promote human rights and freedom in the Democratic People's Republic of Korea, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. OSE, recognized Mr. LEACH and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. OSE, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶81.37 FAIR ELECTIONS FOR REPUBLIC OF BELARUS

Mr. LEACH moved to suspend the rules and agree to the following resolution (H. Res. 652):

Whereas the establishment of a democratic, transparent, and fair election process for the 2004 parliamentary elections in the Republic of Belarus and of a genuinely democratic political system are prerequisites for that country's integration into the Western community of nations;

Whereas the Government of Belarus has accepted numerous specific commitments governing the conduct of elections as a participating State of the Organization for Security and Cooperation in Europe (OSCE), including provisions of the Copenhagen Document;

Whereas the election in the fall of 2004 of Belarus's next parliament will provide an unambiguous test of the extent of the Belarusian authorities' commitment to implement these standards and build a democratic society based on free elections and the rule of law;

Whereas previous parliamentary elections in Belarus have not fully met international standards;

Whereas it is the duty of government and public authorities at all levels to act in a manner consistent with all laws and regulations governing election procedures and to ensure free and fair elections throughout the entire country, including preventing activities aimed at undermining the free exercise of political rights;

Whereas a genuinely free and fair election requires a period of political campaigning conducted in an environment in which neither administrative action nor violence, intimidation, or detention hinder the parties, political associations, and the candidates from presenting their views and qualifications to the citizenry, including organizing supporters, conducting public meetings and events throughout the country, and enjoying unimpeded access to television, radio, print, and Internet media on a non-discriminatory basis;

Whereas a genuinely free and fair election requires that citizens be guaranteed the right and effective opportunity to exercise their civil and political rights, including the right to vote free from intimidation, threats of political retribution, or other forms of coercion by national or local authorities or others;

Whereas a genuinely free and fair election requires the full transparency of laws and regulations governing elections, multiparty representation on election commissions, and unobstructed access by candidates, political parties, and domestic and international observers to all election procedures, including voting and vote-counting in all areas of the country;

Whereas control and manipulation of the media by national and local officials and others acting at their behest could raise grave concerns regarding the commitment of the Belarusian authorities to free and fair elections;

Whereas efforts by national and local officials and others acting at their behest to impose obstacles to free assembly, free speech, and a free and fair political campaign could call into question the fairness of the upcoming elections; and

Whereas the arrest or intimidation of opposition political parties and candidates such as the leader of the United Civic Party and others involved with the opposition including those associated with the Coalition Five Plus represents a deliberate assault on the democratic process: Now, therefore, be it

Resolved, That the House of Representatives—

(1) looks forward to the development of cordial relations between the United States and the Republic of Belarus;

(2) emphasizes that a precondition for the integration of Belarus into the Western community of nations is its establishment of a genuinely democratic political system;

(3) expresses its strong and continuing support for the efforts of the Belarusian people to establish a full democracy, the rule of law, and respect for human rights in Belarus;

(4) urges the Government of Belarus to guarantee freedom of association and assembly, including the right of candidates, members of political parties, and others to freely assemble, to organize and conduct public events, and to exercise these and other rights free from intimidation or harassment by local or national officials or others acting at their behest;

(5) urges the Government of Belarus to meet its Organization for Security and Cooperation in Europe (OSCE) commitments on democratic elections;

(6) urges the Belarusian authorities to ensure—

(A) the full transparency of election procedures before, during, and after the 2004 parliamentary elections;

(B) free access for Belarusian and international election observers;

(C) multiparty representation on all election commissions;

(D) unimpeded access by all parties and candidates to print, radio, television, and Internet media on a non-discriminatory basis;

(E) freedom of candidates, members of opposition parties, and independent media organizations from intimidation or harassment by government officials at all levels via selective tax audits and other regulatory procedures, and in the case of media, license revocations and libel suits, among other measures;

(F) a transparent process for complaint and appeals through electoral commissions and within the court system that provides timely and effective remedies; and

(G) vigorous prosecution of any individual or organization responsible for violations of election laws or regulations, including the application of appropriate administrative or criminal penalties;

(7) further calls upon the Government of Belarus to guarantee election monitors from the Office of Democratic Institutions and Human Rights (ODIHR), other participating States of the OSCE, Belarusian political parties, candidates' representatives, nongovernmental organizations, and other private institutions and organizations, both foreign and domestic, unobstructed access to all aspects of the election process, including unimpeded access to public campaign events, candidates, news media, voting, and post-election tabulation of results and processing of election challenges and complaints;

(8) encourages the international community, including the Council of Europe, the OSCE, and the OSCE Parliamentary Assembly, to continue their efforts to support democracy in Belarus and urges countries such as Lithuania and other Baltic countries and Nordic countries to continue to provide assistance to nongovernmental organizations and other Belarusian organizations involved in promoting democracy and fair elections in Belarus; and

(9) pledges its support to the Belarusian people, their commitment to a fully free and open democratic system, their creation of a prosperous free market economy, and their country's assumption of its rightful place as a full and equal member of the Western community of democracies.

The SPEAKER pro tempore, Mr. OSE, recognized Mr. LEACH and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. HENSARLING, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HENSARLING, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Thursday, July 22, 2004.

¶81.38 MILLENNIUM CHALLENGE

Mr. LEACH moved to suspend the rules and pass the bill (H.R. 4660) to amend the Millenium Challenge Act of 2003 to extend the authority to provide assistance to countries seeking to become eligible countries for the purposes of that act; as amended.

The SPEAKER pro tempore, Mr. HENSARLING, recognized Mr. LEACH and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. HENSARLING, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶81.39 MAJORITY RULE IN REPUBLIC OF SOUTH AFRICA

Mr. LEACH moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 436); as amended:

Whereas the Republic of South Africa peacefully and successfully held democratic elections and transitioned to a democratic, nonracial form of government in 1994;

Whereas South Africa helped initiate and frame the New Partnership for Africa's Development as a new partnership between Africa and the rest of the world in order to place the continent of Africa on the path to sustainable development and to further the values of democracy and economic reform throughout Africa;

Whereas South Africa actively supports the South African Development Community, which promotes regional economic cooperation and higher standards of living in Southern Africa;

Whereas South Africa has made significant advances in housing by constructing 1,600,000 houses for the poor of South Africa;

Whereas, since 1994, 9,000,000 people in South Africa have gained access to clean water;

Whereas, before 1994, 22,000,000 people in South Africa did not have access to adequate sanitation, but 63 percent of households in South Africa now have access to adequate sanitation;

Whereas, before 1994, 60 percent of people in South Africa did not have electricity, but more than 70 percent of households in South Africa now have electricity;

Whereas, from 1994 to 2004, secondary school enrollment in South Africa increased from 70 percent to 85 percent, and students in South Africa now learn in a racially integrated school system;

Whereas the Government of South Africa has established nutritional and educational programs to benefit the youngest and poorest people in South Africa;

Whereas South Africa is experiencing the longest period of consistent positive growth, as measured by its gross domestic product (GDP), since growth in GDP was properly recorded in the 1940s;

Whereas F.W. de Klerk and Nelson Mandela share a Nobel Peace Prize for their work in ending apartheid in South Africa and establishing a representative government;

Whereas Desmond Tutu led the Truth and Reconciliation Commission to repair injustices among South Africans and improve race relations in the country, and was awarded a Nobel Peace Prize for his efforts;

Whereas South Africa has contributed troops to peacekeeping efforts in Burundi, Liberia, the Democratic Republic of the Congo, Ethiopia, and Eritrea;

Whereas South Africa President Thabo Mbeki has forged a relationship with President George W. Bush, making three state visits to the United States and hosting President Bush during his visit to Pretoria, South Africa;

Whereas South Africa has served as an inspiration for other African nations striving for democracy and the peaceful cooperation of many ethnic groups;

Whereas, after being isolated for many years because of the odious system of apartheid, South Africa has since 1994 become a premier location for large international conferences, a leading tourist destination, and the locale for numerous films; and

Whereas, in 1993, the Government of South Africa voluntarily halted its biological, chemical, and nuclear weapons programs and, in 1994, hosted the first conference in Africa on the implementation of the Convention on the Prohibition on the Development, Production, Stockpiling, and Use of Chemical Weapons and On Their Destruction, with annexes, done at Paris January 13, 1993, and entered into force April 29, 1997: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) applauds the Republic of South Africa for the remarkable transition to a democratic government and the tremendous progress achieved during 10 years of majority rule;

(2) looks forward to a continued partnership with South Africa focused on a sustained commitment to the health of South Africans; and

(3) anticipates continued social development and economic growth in South Africa.

The SPEAKER pro tempore, Mr. HENSARLING, recognized Mr. LEACH and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. HENSARLING, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HENSARLING, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Thursday, July 22, 2004.

¶81.40 UNITED STATES-JAPAN DIPLOMATIC RELATIONS

Mr. LEACH moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 418):

Whereas over the past 150 years, the United States and Japan have developed a strong, multifaceted relationship based on shared democratic values and mutual interest in Asian and global stability and development;

Whereas the bilateral relationship between the United States and Japan was opened by a visit by Commodore Matthew Perry to Japan in 1853, the goal of which was to convince Japan to establish commercial and diplomatic relations;

Whereas the first bilateral treaty between the 2 nations, the Treaty of Peace and Amity between Japan and the United States, was signed by Commodore Perry and Japanese representatives on March 31, 1854, in Yokohama, Japan;

Whereas the Treaty of Peace and Amity signaled the end of Japan's long isolation as a feudal society and set the stage for the Meiji Restoration and for Japan's transformation into a modern industrial nation;

Whereas with the direct assistance of President Theodore Roosevelt, the Portsmouth Peace Treaty was signed in 1905, ending the Russo-Japanese War and earning President Roosevelt the 1906 Nobel Peace Prize;

Whereas as a symbol of friendship, Japan presented the United States with 3,020 cherry trees in 1912, which continue to blossom each year on the National Mall in Washington, District of Columbia;

Whereas the people of the United States and Japan worked together after World War II to reconstruct Japan and to ensure the post war emergence of Japan as a beacon of democracy and economic liberalization in the Asia-Pacific region;

Whereas the allied security relationship between the United States and Japan was launched with the signing of the Security Treaty of 1951 and further solidified with the signing of the Treaty of Mutual Cooperation and Security in 1960;

Whereas the United States and Japan, despite ongoing bilateral trade disputes, have long sought to promote economic cooperation and an open global trading system, and both nations serve as important and powerful markets for each other with over $170,000,000,000 in bilateral trade in 2003;

Whereas the Government of Japan strongly condemned the terrorist attacks against the United States that occurred on September 11, 2001, provided logistical support to United States military operations against Al Qaeda and the Taliban in Afghanistan, and has been a leading donor for the relief and reconstruction of Afghanistan;

Whereas the Government of Japan enacted special legislation to allow the deployment to Iraq of Japanese Self Defense Force personnel to carry out humanitarian aid and reconstruction activities, and committed to providing $5,000,000,000 in assistance to Iraq;

Whereas increased tourism and educational and business exchanges between the people of Japan and the United States have dramatically increased mutual appreciation of Japanese and American culture;

Whereas Japanese-American relations are further cemented by the enormous contributions to American economic, political, and cultural life by nearly 1,000,000 Japanese-Americans;

Whereas Japanese Prime Minister Junichiro Koizumi stated at the ceremony commemorating the 150th anniversary of the Japan-United States relationship that the bilateral friendship ''is as solid as it is because our countries share fundamental values like freedom, democracy, and free market economy . . . [w]e are a prime example to the world that people of different races and beliefs can share the same values and be true friends''; and

Whereas generations of American and Japanese leaders have steered the bilateral relationship between the two nations from the humble beginnings of the visit to Japan by Commodore Matthew Perry to the current status of Japan as the strongest ally of the United States in the Asia-Pacific region: Now, therefore be it—

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the importance in history of the 150th anniversary of diplomatic relations between the United States and Japan; and

(2) calls for expanded political, economic, strategic, and cultural ties between the Japanese and American people and their respective governments.

The SPEAKER pro tempore, Mr. HENSARLING, recognized Mr. LEACH and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. HENSARLING, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HENSARLING, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Thursday, July 22, 2004.

¶81.41 CONDEMNING ATTACK ON THE AMIA JEWISH COMMUNITY CENTER IN BUENOS AIRES, ARGENTINA

Mr. LEACH moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 469):

Whereas on July 18, 1994, 85 innocent people were killed and 300 were wounded when the Argentine Jewish Mutual Association (AMIA) was bombed in Buenos Aires, Argentina;

Whereas that attack showed the same cowardice and utter disregard for human life as the attacks on the United States on September 11, 2001;

Whereas the United States welcomes Argentine President Nestor Kirchner's political will to pursue the investigation of the AMIA bombing, as demonstrated by his executive order opening the archives of Argentina's Secretariat for State Intelligence (SIDE), for raising the AMIA cause to national status, and for emphasizing that there is no statute of limitations on those responsible for this attack;

Whereas it is reported that considerable evidence links the attacks to the terrorist group Hizballah, which is based in Lebanon, supported by Syria, and sponsored by Iran;

Whereas the decade since the bombing has been marked by efforts to minimize the international connection to this terrorist attack;

Whereas in March 2003 an Argentine judge issued arrest warrants for four Iranian government officials who are believed to have been involved in planning or carrying out the attack against AMIA and requested that the International Criminal Police Organization (INTERPOL) apprehend them;

Whereas the four indicted Iranians are Ali Fallahian, a former minister of security and intelligence; Mohsen Rabbani, a former cultural attache at the Iranian Embassy in Buenos Aires; Ali Balesh-Abadi, an Iranian diplomat; and Ali Akbar Parvaresh, a former minister of education;

Whereas Hadi Soleimanpour, Iran's ambassador to Argentina in the 1990's, also has an international arrest warrant pending against him by Argentine authorities for his suspected primary role in the AMIA bombing;

Whereas it is reported that suicide bomber Ibrahim Hussein Berro, a Lebanese citizen, carried out the attack on AMIA;

Whereas it has been reported that contact was made by the Iranian embassy in Buenos Aires to Ibrahim Hussein Berro, who lived in a mosque in Canuelas, Argentina, in the days before the AMIA bombing;

Whereas Argentine officials have acknowledged that there was negligence in the initial phases of the investigation into the 1994 bombing, including the destruction or disappearance of material evidence;

Whereas the first major criminal trial regarding the bombing did not begin until September 2001, and those who are currently on trial are former policemen and civilians who are accused of playing roles only in the procurement and delivery of the vehicle which was used in the bombing attack;

Whereas the judge who had presided since 2001 over the investigation and trial related to the AMIA bombing was removed in December 2003 due to charges that he bribed a key witness in the AMIA case;

Whereas the new trial judge, Rodolfo Canicoba Corral, deals with many other important cases and has few supporting staff;

Whereas on March 17, 1992, terrorists bombed the Embassy of Israel in Buenos Aires, Argentina, killing 29 people and injuring over 200, and the perpetrators of the attack also remain at large;

Whereas the inability to extradite suspected Islamic militants and Iranian officials has debilitated the efforts of the Argentine government to prosecute masterminds and planners of the 1994 AMIA bombing;

Whereas evidence indicates that the Tri-Border area where the borders of Argentina, Paraguay, and Brazil meet is suspected of harboring organizations which support terrorism, engage in drug and arms smuggling and an assorted array of other illicit, revenue-raising activities;

Whereas the Government of Argentina supports—

(1) the 1996 Declaration of Lima to Prevent, Combat and Eliminate Terrorism, which refers to terrorism as a ''serious form of organized and systematic violence that is intended to generate chaos and fear among the population, results in death and destruction, and is a reprehensible criminal activity''; and

(2) the 1998 Commitment of Mar del Plata which calls terrorist acts ''serious common crimes that erode peaceful and civilized coexistence, affect the rule of law and the exercise of democracy, and endanger the stability of democratically elected constitutional governments and their socioeconomic development of our countries'';

Whereas the Government of Argentina actively supports the development of the ''Three Plus One'' (3+1) Counterterrorism Dialogue with Brazil, Paraguay, and the United States;

Whereas the Government of Argentina was successful in enacting a law on cooperation from defendants in terrorist matters, a law that will be helpful in pursuing full prosecution in this and other terrorist cases; and

Whereas the Second Specialized Conference on Terrorism held in Mar del Plata, Argentina on November 23 and 24, 1998, concluded with the adoption of the Commitment of Mar del Plata, calling for the establishment within the Organization of American States (OAS) of an Inter-American Committee Against Terrorism (CICTE): Now, therefore, be it—

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) reiterates its strongest condemnation of the 1994 attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, and honors the victims of this heinous act;

(2) expresses its sympathy to the relatives of the victims, who have waited ten years without justice for the loss of their loved ones, and may have to wait even longer for justice to be served;

(3) underscores the concern of the United States regarding the continuing, decade-long delay in the proper resolution of this case;

(4) strongly urges the Government of Argentina to continue to dedicate and provide the resources necessary for its judicial system and intelligence agencies to investigate all areas of the AMIA case, including by implementing Argentine President Nestor Kirchner's executive order mandating the opening of the archives of Argentina's Secretariat for State Intelligence (SIDE), and to prosecute with due haste those who are responsible for the bombing;

(5) calls upon the international community to cooperate fully with the investigation, including by making information, witnesses, and suspects available for review and questioning by the appropriate Argentine authorities;

(6) encourages the President to direct United States law enforcement agencies to provide support and cooperation to the Government of Argentina, if requested, for the purposes of deepening and expanding the investigation into this bombing and suspected activities in support of terrorism in the Tri-Border area where the borders of Argentina, Paraguay, and Brazil meet;

(7) encourages the President to direct the United States Representative to the Organization of American States (OAS) to—

(A) seek support from OAS member countries for the creation of a special task force of the Inter-American Committee Against Terrorism to assist, as requested by the Government of Argentina, in the investigation of all aspects of the 1994 AMIA terrorist attack; and

(B) urge OAS member countries to designate Hizballah as a terrorist organization if they have not already done so;

(8) stresses the need for international pressure on Iran and Syria to extradite for trial individuals and government officials who are accused of planning or perpetrating the AMIA attack, and to immediately, unconditionally, and permanently cease any and all assistance to terrorists; and

(9) desires a lasting, warm relationship between the United States and Argentina which is built, in part, on mutual abhorrence of terrorism and commitments to peace, stability, and democracy in the Western Hemisphere.

The SPEAKER pro tempore, Mr. HENSARLING, recognized Mr. LEACH and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. HENSARLING, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HENSARLING, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Thursday, July 22, 2004.

¶81.42 GENOCIDE IN DARFUR, SUDAN

Mr. TRANCREDO moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 467); as amended:

Whereas Article 1 of the Convention on the Prevention and Punishment of the Crime of Genocide (signed at Paris on December 9, 1948) states that ''the Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish'';

Whereas Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide declares that ''in the present Convention, genocide means any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) imposing measures intended to prevent births within the group; and (e) forcibly transferring children of the group to another group'';

Whereas Article 3 of the Convention on the Prevention and Punishment of the Crime of Genocide affirms that ''[the] following acts shall be punishable: (a) genocide; (b) conspiracy to commit genocide; (c) direct and public incitement to commit genocide; (d) attempt to committed genocide; and (e) complicit in genocide'';

Whereas in Darfur, Sudan, an estimated 30,000 innocent civilians have been brutally murdered, more than 130,000 people have been forced from their homes and have fled to neighboring Chad, and more than 1,000,000 people have been internally displaced; and

Whereas in March 2004 the United Nations Resident Humanitarian Coordinator stated: ''[T]he war in Darfur started off in a small way last year but it has progressively gotten worse. A predominant feature of this is that the brunt is being borne by civilians. This includes vulnerable women and children . . . The violence in Darfur appears to be particularly directed at a specific group based on their ethnic identity and appears to be systemized.'': Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) declares that the atrocities unfolding in Darfur, Sudan, are genocide;

(2) reminds the Contracting Parties to the Convention on the Prevention and Punishment of the Crime of Genocide (signed at Paris on December 9, 1948), particularly the Government of Sudan, of their legal obligations under the Convention;

(3) declares that the Government of Sudan, as a Contracting Party, has violated the Convention on the Prevention and Punishment of the Crime of Genocide;

(4) deplores the failure of the United Nations Human Rights Commission to take appropriate action with respect to the crisis in Darfur, Sudan, particularly the failure by the Commission to support United States–sponsored efforts to strongly condemn gross human rights violations committed in Darfur, and calls upon the United Nations and the United Nations Secretary General to assert leadership by calling the atrocities being committed in Darfur by their rightful name: ''genocide'';

(5) calls on the member states of the United Nations, particularly member states from the African Union, the Arab League, and the Organization of the Islamic Conference, to undertake measures to prevent the genocide in Darfur, Sudan, from escalating further, including the imposition of targeted means against those responsible for the atrocities;

(6) urges the Administration to call the atrocities being committed in Darfur, Sudan, by their rightful name: ''genocide'';

(7) commends the Administration's leadership in seeking a peaceful resolution to the conflict in Darfur, Sudan, and in addressing the ensuing humanitarian crisis, including the visit of Secretary of State Colin Powell to Darfur in June 2004 to engage directly in efforts to end the genocide, and the provision of nearly $140,000,000 to date in bilateral humanitarian assistance through the United States Agency for International Development;

(8) commends the President for appointing former Senator John Danforth as Envoy for Peace in Sudan on September 6, 2001, and further commends the appointment of Senator Danforth as United States Ambassador to the United Nations;

(9) calls on the Administration to continue to lead an international effort to stop genocide in Darfur, Sudan;

(10) urges the Administration to seriously consider multilateral or even unilateral intervention to stop genocide in Darfur, Sudan, should the United Nations Security Council fail to act;

(11) calls on the Administration to impose targeted means, including visa bans and the freezing of assets, against officials and other individuals of the Government of Sudan, as well as Janjaweed militia commanders, who are responsible for war crimes and crimes against humanity in Darfur, Sudan; and

(12) calls on the United States Agency for International Development to establish a Darfur Resettlement, Rehabilitation, and Reconstruction Fund so that those individuals driven off their land may return and begin to rebuild their communities.

The SPEAKER pro tempore, Mr. HENSARLING, recognized Mr. TANCREDO and Mr. LANTOS, each for 20 minutes.

After debate,

By unanimous consent, the time for debate was extended by 20 minutes to be equally divided and controlled by Mr. TANCREDO and Mr. LANTOS.

After further debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. HENSARLING, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HENSARLING, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Thursday, July 22, 2004.

¶81.43 RECESS—11:38 P.M.

The SPEAKER pro tempore, Mr. BISHOP of Utah, pursuant to clause 12(a) of rule I, declared the House in recess at 11 o'clock and 38 minutes p.m., subject to the call of the Chair.

THURSDAY, JULY 22 (LEGISLATIVE DAY OF JULY 21), 2004

¶81.44 AFTER RECESS—7:42 A.M.

The SPEAKER pro tempore, Mr. DREIER, called the House to order.

¶81.45 PROVIDING FOR THE CONSIDERATION OF H.R. 4842

Mr. Lincoln DIAZ-BALART of Florida, by direction of the Committee on Rules, reported (Rept. No. 108–628) the resolution (H. Res. 738) providing for consideration of the bill (H.R. 4842) to implement the United States-Morocco Free Trade Agreement.

When said resolution and report were referred to the House Calendar and ordered printed.

¶81.46 WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII

Mr. Lincoln DIAZ-BALART of Florida, by direction of the Committee on Rules, reported (Rept. No. 108–629) the resolution (H. Res. 739) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules.

When said resolution and report were referred to the House Calendar and ordered printed.

¶81.47 WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII

Mr. Lincoln DIAZ-BALART of Florida, by direction of the Committee on Rules, reported (Rept. No. 108–630) the resolution (H. Res. 740) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules.

When said resolution and report were referred to the House Calendar and ordered printed.

¶81.48 ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker.

H.R. 1303. An Act to amend the E-Government Act of 2002 with respect to rulemaking authority of the Judicial Conference.

H.R. 4363. An Act to facilitate self-help housing homeownership opportunities.

H.R. 4759. An Act to implement the United States-Australia Free Trade Agreement.

¶81.49 SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

S. 741. An Act to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal drugs, and for other purposes.

S. 2264. An Act to require a report on the conflict in Uganda, and for other purposes.

S.J. Res. 38. A joint resolution providing for the appointment of Eli Broad as a citizen regent of the Board of Regents of the Smithsonian Institution.

¶81.50 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. KING of New York for today until 3 p.m.

And then,

¶81.51 ADJOURNMENT

On motion of Mr. Lincoln DIAZ-BALART of Florida, at 7 o'clock and 44 minutes a.m., Thursday, July 22 (legislative day of July 21), 2004, the House adjourned.

¶81.52 OATH OF OFFICE/MEMBERS, RESIDENT COMMISSIONERS AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> ''I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.''

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 108th Congress, pursuant to the provisions of 2 U.S.C. 25:

G.K. BUTTERFIELD, North Carolina 1st.

¶81.53 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mrs. MYRICK: Committee on Rules. House Resolution 734. Resolution providing for consideration of the bill (H.R. 3313) to amend title 28, United States Code, to limit Federal court jurisdiction over questions under the Defense of Marriage Act (Rept. 108–623). Referred to the House Calendar.

Mrs. MYRICK: Committee on Rules. House Resolution 735. Resolution waiving points of order against the conference report to accompany the bill (H.R. 4613) making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108–624). Referred to the House Calendar.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 112. A bill to amend title 28, United States Code, to provide for an additional place of holding court in the District of Colorado (Rept. 108–625). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 4646. A bill to amend title 28, United States Code, to provide for the holding of Federal district court in Plattsburgh, New York, and for other purposes; with amendments (Rept. 108–626). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMAS: Committee on Ways and Means. H.R. 4842. A bill to implement the United States-Morocco Free Trade Agreement (Rept. 108–627). Referred to the Committee of the Whole House on the State of the Union.

[Filed on July 22 (legislative day July 21), 2004

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 738. Resolution providing for consideration of the bill (H.R. 4842) to implement the United States-Morocco Free Trade Agreement (Rept. 108–628). Referred to the House Calendar.

Mr. REYNOLDS: Committee on Rules. House Resolution 739. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 108–629). Referred to the House Calendar.

Mr. REYNOLDS: Committee on Rules. House Resolution 740. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported to the Committee on Rules (Rept. 108–630). Referred to the House Calendar.

¶81.54 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. NUSSLE:

H.R. 4879. A bill to increase the military housing private investment cap; considered and passed.

By Mr. KENNEDY of Rhode Island:

H.R. 4880. A bill to improve the quality, efficiency, standards, and technology of health care, and for other purpose; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CULBERSON (for himself, Mr. GREEN of Texas, Mr. SCHIFF, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ADERHOLT, Mr. AKIN, Mr. ALLEN, Mr. ANDREWS, Mr. BACHUS, Mr. BAKER, Ms. BALDWIN, Mr. BALLENGER, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. BASS, Mr. BEAUPREZ, Mr. BECERRA, Mr. BEREUTER, Ms. BERKLEY, Mr. BERRY, Mrs. BIGGERT, Mr. BILIRAKIS, Mr. BISHOP of Georgia, Mrs. BLACKBURN, Mr. BLUNT, Mr. BOEHLERT, Mr. BOEHNER, Mr. BONILLA, Mr. BONNER, Mrs. BONO, Mr. BOOZMAN, Mr. BRADY of Texas, Mr. BROWN of South Carolina, Ms. GINNY BROWN-WAITE of Florida, Mr. BOSWELL, Mr. BOYD, Mr. BRADY of Pennsylvania, Mr. BROWN of Ohio, Mr. BURGESS, Mr. BURNS, Mr. BURR, Mr. BURTON of Indiana, Mr. BUYER, Mr. CALVERT, Mr. CAMP, Mr. CANNON, Mr. CANTOR, Mrs. CAPITO, Mrs. CAPPS, Mr. CARTER, Mr. CASTLE, Mr. CHABOT, Mr. CHOCOLA, Mr. CLAY, Mr. CLYBURN, Mr. COBLE, Mr. COLE, Mr. COOPER, Mr. COX, Mr. CRAMER, Mr. CRANE, Mr. CRENSHAW, Mrs. CUBIN, Mr. CUNNINGHAM, Mr. DAVIS of Florida, Mrs. JO ANN DAVIS of Virginia, Mr. DAVIS of Tennessee, Mrs. DAVIS of California, Mr. TOM DAVIS of Virginia, Mr. DEAL of Georgia, Mr. DEFAZIO, Mr. DELAY, Mr. DEMINT, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. DINGELL, Mr. DOGGETT, Mr. DOOLEY of California, Mr. DOOLITTLE, Mr. DREIER, Mr. DUNCAN, Ms. DUNN, Mr. EHLERS, Mrs. EMERSON, Mr. ENGEL, Mr. ENGLISH, Ms. ESHOO, Mr. ETHERIDGE, Mr. EVERETT, Mr. FARR, Mr. FATTAH, Mr. FERGUSON, Mr. FLAKE, Mr. FOLEY, Mr. FORBES, Mr. FORD, Mr. FOSSELLA, Mr. FRANK of Massachusetts, Mr. FRANKS of Arizona, Mr. FEENEY, Mr. FRELINGHUYSEN, Mr. FROST, Mr. GALLEGLY, Mr. GERLACH, Mr. GIBBONS, Mr. GILCHREST, Mr. GILLMOR, Mr. GINGREY, Mr. GONZALEZ, Mr. GOODE, Mr. GOODLATTE, Mr. GOSS, Ms. GRANGER, Mr. GRAVES, Mr. GREENWOOD, Mr. GUTKNECHT, Mr. BLUMENAUER, Ms. HARMAN, Ms. HARRIS, Ms. HART, Mr. HASTINGS of Florida, Mr. HASTINGS of Washington, Mr. HAYES, Mr. HAYWORTH, Mr. HEFLEY, Mr. HENSARLING, Mr. HERGER, Mr. HILL, Mr. HINOJOSA, Mr. HOBSON, Mr. HOEFFEL, Mr. HOEKSTRA, Mr. HOLDEN, Mr. HOSTETTLER, Mr. HOUGHTON, Mr. HOYER, Mr. HULSHOF, Mr. HUNTER, Mr. HYDE, Mr. ISAKSON, Mr. ISRAEL, Mr. ISSA, Ms. JACKSON-LEE of Texas, Mr. JENKINS, Mr. JOHN, Mrs. JOHNSON of Connecticut, Mr. JOHNSON of Illinois, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. KANJORSKI, Mr. KELLER, Mrs. KELLY, Mr. KENNEDY of Minnesota, Mr. KING of New York, Mr. KING of Iowa, Mr. KINGSTON, Mr. KIRK, Mr. KLINE, Mr. KNOLLENBERG, Mr. KOLBE, Mr. KUCINICH, Mr. LAHOOD, Mr. LAMPSON, Mr. LANGEVIN, Mr. LARSON of Connecticut, Mr. LATHAM, Mr. LATOURETTE, Mr. LEACH, Mr. LEWIS of California, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LOBIONDO, Mr. LUCAS of Oklahoma, Mr. LUCAS of Kentucky, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. MCCOTTER, Mr. MCCRERY, Mr. MCDERMOTT, Mr. MCHUGH, Mr. MCINNIS, Mr. MCKEON, Mr. MANZULLO, Mr. MATHESON, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. MICA, Mrs. MILLER of Michigan, Mr. GARY G. MILLER of California, Mr. MILLER of Florida, Mr. MOLLOHAN, Mr. MOORE, Mr. MORAN of Kansas, Mr. MORAN of Virginia, Mr. MURPHY, Mrs. MUSGRAVE, Mrs. MYRICK, Mr. NADLER, Mr. NETHERCUTT, Mr. NEUGEBAUER, Mr. NEY, Mrs. NORTHUP, Mr. NORWOOD, Mr. OBERSTAR, Mr. OLVER, Mr. ORTIZ, Mr. OSBORNE, Mr. OSE, Mr. OTTER, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR, Mr. PEARCE, Ms. PELOSI, Mr. PENCE, Mr. PETERSON of Pennsylvania, Mr. PETRI, Mr. PICKERING, Mr. PITTS, Mr. PLATTS, Mr. POMBO, Mr. POMEROY, Mr. PORTER, Mr. PORTMAN, Mr. PRICE of North Carolina, Mr. PUTNAM, Mr. QUINN, Mr. RADANOVICH, Mr. RAHALL, Mr. RAMSTAD, Mr. REGULA, Mr. REHBERG, Mr. RENZI, Mr. REYES, Mr. REYNOLDS, Mr. RODRIGUEZ, Mr. ROGERS of Kentucky, Mr. ROGERS of Alabama, Mr. ROGERS of Michigan, Mr. ROHRABACHER, Ms. ROS-LEHTINEN, Mr. ROSS, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUPPERSBERGER, Mr. RYAN of Ohio, Mr. RYUN of Kansas, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SANDLIN, Mr. SAXTON, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. SCHROCK, Mr. SCOTT of

Georgia, Mr. SCOTT of Virginia, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHADEGG, Mr. SHAW, Mr. SHAYS, Mr. SHERMAN, Mr. SHERWOOD, Mr. SHIMKUS, Mr. SHUSTER, Mr. SIMMONS, Mr. SIMPSON, Ms. SLAUGHTER, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. SMITH of Michigan, Mr. SNYDER, Mr. SOUDER, Mr. SPRATT, Mr. STEARNS, Mr. STENHOLM, Mr. STRICKLAND, Mr. SULLIVAN, Mr. SWEENEY, Mr. TANCREDO, Mrs. TAUSCHER, Mr. TAUZIN, Mr. TAYLOR of North Carolina, Mr. TERRY, Mr. THOMPSON of California, Mr. THOMPSON of Mississippi, Mr. THORNBERRY, Mr. TIAHRT, Mr. TIBERI, Mr. TOOMEY, Mr. TOWNS, Mr. TURNER of Ohio, Mr. UPTON, Mr. VAN HOLLEN, Mr. VITTER, Mr. WALDEN of Oregon, Mr. WALSH, Mr. WAMP, Mr. WATT, Mr. WAXMAN, Mr. WEINER, Mr. WELDON of Pennsylvania, Mr. WELDON of Florida, Mr. WEXLER, Mr. BACA, Mrs. WILSON of New Mexico, Mr. WILSON of South Carolina, Mr. WOLF, Ms. WOOLSEY, Mr. WU, Mr. YOUNG of Florida, Mr. YOUNG of Alaska, Mr. BAIRD, Mr. BELL, Mr. BERMAN, Ms. CORRINE BROWN of Florida, Ms. DEGETTE, Ms. DELAURO, Mr. EMANUEL, Mr. EVANS, Mr. HINCHEY, Ms. HOOLEY of Oregon, Mr. INSLEE, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Mr. KIND, Mr. LARSEN of Washington, Mr. MCNULTY, Mr. MENENDEZ, Mr. MICHAUD, Mr. GEORGE MILLER of California, Mr. OWENS, Mr. RANGEL, Mr. TAYLOR of Mississippi, Mr. TURNER of Texas, Mr. VISCLOSKY, Mr. HALL, Mr. WICKER, Mr. GREEN of Wisconsin, Mr. NUNES, Ms. HERSETH, Mr. CHANDLER, Mr. HOLT, and Mrs. LOWEY):

H.R. 4881. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration and the Jet Propulsion Laboratory; to the Committee on Financial Services.

By Mr. PITTS (for himself, Mr. BROWN of Ohio, Mr. GREENWOOD, Ms. ESHOO, Mr. DEAL of Georgia, Mr. GERLACH, Mr. WELDON of Pennsylvania, Mr. CANNON, Mr. MATHESON, Mr. HOUGHTON, Mr. BISHOP of Utah, and Mr. CUNNINGHAM):

H.R. 4882. A bill to amend the Controlled Substances Import and Export Act to provide authority to the Attorney General to authorize narcotic drugs in schedule I, II, III, or IV and nonnarcotic controlled substances in schedule I or II to be exported from the United States to a country for subsequent export from that country to another country, if certain conditions are met; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRAVES:

H.R. 4883. A bill to amend title 18, United States Code, with respect to terrorism against animal-use entities, and for other purposes; to the Committee on the Judiciary.

By Mr. GRIJALVA:

H.R. 4884. A bill to adjust the boundary of the Yuma Crossing National Heritage Area; to the Committee on Resources.

By Ms. JACKSON-LEE of Texas (for herself, Mr. CONYERS, Ms. LEE, Mr. CLAY, Mr. RUSH, Mr. TOWNS, Mr. MEEK of Florida, Mr. PAYNE, Ms. CORRINE BROWN of Florida, Mr. OWENS, Mrs. CHRISTENSEN, Mr. HASTINGS of Florida, Ms. NORTON, Ms. WATERS, Ms. KILPATRICK, Mr. LEWIS of Georgia, Mr. FATTAH, Mr. MEEKS of New York, Mr. CUMMINGS, Ms. MILLENDER-MCDONALD, Ms. SCHAKOWSKY, Mr. JACKSON of Illinois, Mr. DAVIS of Alabama, Mr. ORTIZ, Mr. HINOJOSA, Mr. GRIJALVA, Mr. REYES, Mr. BECERRA, Ms. LINDA T. SANCHEZ of California, and Mr. FILNER):

H.R. 4885. A bill to amend the Immigration and Nationality Act to reunify families, permit earned access to permanent resident status, provide protection against unfair immigration-related employment practices, reform the diversity visa program, provide adjustment of status for Haitians and Liberian nationals, and for other purposes; to the Committee on the Judiciary.

By Mr. HAYWORTH (for himself, Mr. PETERSON of Minnesota, and Mr. LEWIS of Kentucky):

H.R. 4886. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit for health insurance costs; to the Committee on Ways and Means.

By Mr. KINGSTON (for himself, Mr. SCOTT of Georgia, and Mr. BASS):

H.R. 4887. A bill to adjust the boundary of the Cumberland Island Wilderness, to authorize tours of the Cumberland Island National Seashore, and for other purposes; to the Committee on Resources.

By Ms. ROYBAL-ALLARD (for herself, Mr. WOLF, Mr. OSBORNE, Ms. DELAURO, and Mr. WAMP):

H.R. 4888. A bill to provide for programs and activities with respect to the prevention of underage drinking; to the Committee on Energy and Commerce.

By Mr. SHAW (for himself, Mr. PORTMAN, Mr. FOLEY, Ms. HARRIS, Mr. GOSS, Ms. ROS-LEHTINEN, Mr. MEEK of Florida, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. OBERSTAR):

H.R. 4889. A bill to expand certain preferential trade treatment for Haiti; to the Committee on Ways and Means.

By Mr. THOMPSON of Mississippi (for himself, Mrs. CHRISTENSEN, Mr. LEWIS of Georgia, Mr. TOWNS, Mr. FROST, Mr. FORD, Mr. WYNN, Mr. JACKSON of Illinois, Mr. CLAY, Mr. FATTAH, Mr. OWENS, Mr. PAYNE, Ms. NORTON, Mr. CUMMINGS, Mr. MEEKS of New York, Ms. CARSON of Indiana, and Mr. BISHOP of Georgia):

H. Con. Res. 476. Concurrent resolution recognizing the 40th anniversary of the founding of the Mississippi Freedom Democratic Party and encouraging the people of the United States to recognize the accomplishments of the Mississippi Freedom Democratic Party by committing themselves to the fundamental principles of freedom, equality, and democracy; to the Committee on Government Reform.

By Mr. UDALL of Colorado (for himself and Mr. BEAUPREZ):

H. Res. 736. A resolution recognizing the importance of honoring the Nation's children and expressing the sense of the House of Representatives that National Children's Day should be established; to the Committee on Education and the Workforce.

By Ms. BORDALLO:

H. Res. 737. A resolution recognizing the 60th anniversary of the Liberation of Guam during World War II; to the Committee on Resources.

¶81.55 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

410. The SPEAKER presented a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 195 supporting the Employee Free Choice Act (S. 1925 and H.R. 3619) and memorializing the United States Congress to pass this measure; to the Committee on Education and the Workforce.

411. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 47 memorializing the Congress of the United States to pass federal legislation to provide access to safe, affordable prescription drugs by allowing purchase of prescription drugs from Canada and other countries that meet federal safety requirements and memorializing the Secretary of Health and Human Services to support and implement reimportation; to the Committee on Energy and Commerce.

412. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 250 memorializing the President and Congress of the United States to support H.R. 677 extending veterans' benefits to Filipino veterans; to the Committee on Veterans' Affairs.

¶81.56 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DAVIS of Illinois:

H.R. 4890. A bill for the relief of Roger Paul Robert Kozik; to the Committee on the Judiciary.

By Mr. LANTOS:

H.R. 4891. A bill for the relief of Maria Cristina Degrassi; to the Committee on the Judiciary.

¶81.57 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 163: Mr. JACKSON of Illinois.
H.R. 290: Mr. GOSS.
H.R. 299: Mr. MCNULTY.
H.R. 325: Mr. GIBBONS.
H.R. 504: Mr. PETERSON of Minnesota.
H.R. 527: Mr. PORTER.
H.R. 784: Ms. MILLENDER-MCDONALD and Mr. LEWIS of Georgia.
H.R. 814: Mr. GUTIERREZ and Mr. GREEN of Texas.
H.R. 890: Mr. MCCOTTER.
H.R. 976: Mr. MATHESON.
H.R. 1348: Mr. BISHOP of New York.
H.R. 1433: Mr. MCDERMOTT.
H.R. 1532: Mr. VITTER.
H.R. 1647: Mr. WU and Mr. SANDERS.
H.R. 1755: Mr. SHUSTER.
H.R. 1863: Mrs. CHRISTENSEN and Mrs. DAVIS of California.
H.R. 2079: Mr. BAIRD.
H.R. 2176: Mr. MCCOTTER, Mr. PORTER, Mr. WELDON of Pennsylvania, Ms. HERSETH, Mr. STENHOLM, Mr. CUMMINGS, and Mr. GERLACH.
H.R. 2194: Ms. HERSETH.
H.R. 2233: Mrs. MALONEY.
H.R. 2239: Mr. RAHALL.
H.R. 2242: Mr. MICHAUD.
H.R. 2490: Ms. BALDWIN.
H.R. 2513: Ms. HERSETH.
H.R. 2585: Mrs. MALONEY.
H.R. 2621: Mr. OLVER.
H.R. 2732: Mr. NEUGEBAUER.
H.R. 2895: Mr. GILLMOR.
H.R. 2967: Mr. FERGUSON.
H.R. 3193: Mr. HOEKSTRA and Mr. OXLEY.
H.R. 3352: Mr. BURGESS.
H.R. 3369: Mr. CHABOT.
H.R. 3558: Mr. MCDERMOTT.
H.R. 3579: Mr. MEEKS of New York.
H.R. 3692: Mr. GONZALEZ and Mr. MCNULTY.
H.R. 3716: Mr. MCCOTTER, Mr. HOEKSTRA, and Mr. PICKERING.
H.R. 3767: Mr. STRICKLAND, Ms. PELOSI, Mr. HOEFFEL, Mr. VAN HOLLEN, and Mr. KILDEE.
H.R. 3831: Mr. BELL and Ms. CARSON of Indiana.

H.R. 3845: Mr. CASE and Mr. DELAHUNT.
H.R. 3881: Mr. ANDREWS.
H.R. 3953: Mr. FRANKS of Arizona.
H.R. 3965: Mr. DOGGETT.
H.R. 4093: Mr. SANDERS.
H.R. 4101: Mrs. CHRISTENSEN and Mr. LANTOS.
H.R. 4110: Mr. ROTHMAN, Mr. FILNER, Mr. MCGOVERN, and Ms. DELAURO.
H.R. 4264: Mr. BLUMENAUER.
H.R. 4284: Mr. SENSENBRENNER, Mr. SMITH of New Jersey, and Mr. BOOZMAN.
H.R. 4306: Mr. BLUNT and Mr. CHABOT.
H.R. 4334: Mr. FRANK of Massachusetts.
H.R. 4341: Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 4354: Mrs. LOWEY, Mr. PAYNE, and Mrs. CAPPS.
H.R. 4358: Mr. MILLER of Florida.
H.R. 4367: Mr. PALLONE, Mr. BELL, Mr. LAMPSON, Mr. ACEVEDO-VILÁ, Mr. RODRIGUEZ, Mr. STENHOLM, Mr. KENNEDY of Rhode Island, and Mr. MCDERMOTT.
H.R. 4375: Mr. SNYDER, Mr. MILLER of Florida, Mr. SPRATT, and Mr. FOSSELLA.
H.R. 4383: Mr. KINGSTON.
H.R. 4433: Mr. VAN HOLLEN.
H.R. 4468: Mr. TIERNEY.
H.R. 4477: Mr. STRICKLAND.
H.R. 4530: Mr. MILLER of Florida.
H.R. 4595: Mr. BOOZMAN, Mr. ROSS, Mr. EMANUEL, and Mr. ABERCROMBIE.
H.R. 4622: Ms. DELAURO, Mr. MCHUGH, and Mr. STENHOLM.
H.R. 4627: Mr. OWENS.
H.R. 4633: Ms. KAPTUR and Mr. EMANUEL.
H.R. 4634: Mr. CRANE and Mr. FOLEY.
H.R. 4659: Mr. STRICKLAND and Mr. EVANS.
H.R. 4660: Mr. KING of New York.
H.R. 4682: Mr. NEAL of Massachusetts, Mr. MEEHAN, Mrs. NAPOLITANO, Mr. INSLEE, Mr. LANTOS, Mr. SNYDER, Mr. GEORGE MILLER of California, Mr. PALLONE, Mr. RANGEL, Mr. ACEVEDO-VILÁ, Mr. THOMPSON of Mississippi, Mr. GUTIERREZ, Mr. JEFFERSON, Mr. SABO, Mr. ROTHMAN, Mr. SPRATT, Mr. KIND, Mr. FOLEY, Mr. PAYNE, Mr. PRICE of North Carolina, and Mr. HOEFFEL.
H.R. 4711: Mr. EMANUEL, Mr. ACEVEDO-VILÁ, Ms. WATERS, Mr. BISHOP of Georgia, Mrs. LOWEY, Mr. BERMAN, Mr. DOGGETT, Mr. MILLER of Florida, and Ms. HERSETH.
H.R. 4730: Mr. LEVIN and Mr. MOLLOHAN.
H.R. 4802: Mr. GRIJALVA, Mr. BROWN of Ohio, Mr. FROST, and Mr. HOLT.
H.R. 4807: Mr. CALVERT and Mr. WAXMAN.
H.R. 4836: Mr. UDALL of New Mexico.
H.R. 4839: Mr. SHAW.
H.R. 4840: Mr. VITTER.
H.R. 4853: Mr. GILCHREST, Mr. KIND, Ms. DELAURO, Mr. KENNEDY of Rhode Island, Mr. SIMMONS, Mr. CUMMINGS, Mr. ABERCROMBIE, Mr. PASTOR, Mr. MCDERMOTT, and Mr. CRANE.
H.R. 4863: Ms. LOFGREN, Mr. CROWLEY, Mr. LINCOLN DIAZ-BALART of Florida, Ms. LINDA T. SÁNCHEZ of California, Mr. FILNER, Mr. HONDA, and Mr. SHIMKUS.
H. Con. Res. 74: Mr. BRADY of Pennsylvania, Ms. KAPTUR, and Mr. OWENS.
H. Con. Res. 284: Mr. BARTLETT of Maryland.
H. Con. Res. 298: Mr. GREEN of Texas.
H. Con. Res. 457: Mr. FROST and Mr. BRADY of Pennsylvania.
H. Con. Res. 467: Mr. BERMAN, Mr. NEAL of Massachusetts, Mr. TIERNEY, Mr. HASTINGS of Florida, Mr. POMEROY, Mr. UDALL of New Mexico, Ms. LINDA T. SÁNCHEZ of California, and Mrs. LOWEY.
H. Con. Res. 470: Mr. SHIMKUS, Mr. LIPINSKI, and Mr. BURTON of Indiana.
H. Res. 289: Mr. PORTMAN.
H. Res. 485: Mr. MILLER of Florida.
H. Res. 556: Mr. HONDA, Mr. WAMP, and Mr. SPRATT.
H. Res. 567: Mr. BAIRD.
H. Res. 596: Ms. LEE and Mr. GREEN of Wisconsin.
H. Res. 629: Ms. LEE.
H. Res. 647: Mr. UPTON.
H. Res. 690: Mr. LEVIN, Ms. LORETTA SANCHEZ of California, Ms. NORTON, Mr. PAYNE, Mr. MEEKS of New York, Mrs. DAVIS of California, Mr. MATSUI, Mr. GUTIERREZ, Mrs. CHRISTENSEN, Mr. TOWNS, and Mr. WEXLER.
H. Res. 717: Mrs. CHRISTENSEN, Mr. CROWLEY, Mr. MCGOVERN, Mr. ENGEL, Mr. STRICKLAND, Mr. FRANK of Massachusetts, Mr. VAN HOLLEN, Ms. WOOLSEY, Mr. RANGEL, Mr. GONZALEZ, Mr. PAYNE, Mr. ROSS, and Mr. SNYDER.

¶81.58 PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

98. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 235 of 2004 stating that Rockland County hereby joins ''The Coaltion Opposing the Re-Licensing of the Indian Point 2 and Indian Point 3'' in order to oppose re-licensing when the current licenses expire in 2013 and 2015 respectively, to seek alternative means of energy in order to allow nuclear plants to be decommissioned at that time, if not sooner, and to promptly protect the plants from terrorist attack; to the Committee on Energy and Commerce.

99. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 234 of 2004 petitioning the Department of Homeland Security to address the safe and proper storage of spent fuel rods at the Indian Point Nuclear Power Plant including requiring implementation of a hardened on-site storage (''HOSS'') system; to the Committee on Energy and Commerce.

THURSDAY, JULY 22, 2004 (82)

The House was called to order by the SPEAKER.

¶82.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, July 21, 2004.

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

¶82.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

9313. A letter from the Administrator, AMS, Department of Agriculture, transmitting the Department's final rule — Milk in the Pacific Northwest Marketing Area: Order Amending the Order [Docket No. AO-368-A29; DA-01-06] received July 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9314. A letter from the Senior Paralegal (Regulations), Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule — Community Reinvestment Act Regulations [No. 2004-28] (RIN: 1550-AB91); Department of the Treasury, Office of the Comptroller of the Currency [Docket No. 04- 17] (RIN: 1557-AC86); Federal Reserve System [Regulations BB; Docket No. R-1205]; Federal Deposit Insurance Corporation (RIN: 3064-AC82) received July 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9315. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Community Development Block Grant Program; Small Cities and Insular Areas Programs [Docket No. FR-4919-1-01] (RIN: 2506-AC17) received June 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9316. A letter from the Director, Defense Security Cooperation Agency, transmitting notification with respect to a proposed Letter of Offer and Acceptance (LOA) to sell defense articles and services, pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9317. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report of the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on International Relations.

9318. A letter from the Administrator, National Nuclear Security Administration, Department of Energy, transmitting a report regarding calendar year 2003 sales to designated Tier III countries of computers capable of operating at a speed in excess of a specified number of million theoretical operations per second (MTOPS) by companies that participated in the Advanced Simulation & Computing (ASC) Program of the Department, pursuant to Public Law 105–85, section 3157; to the Committee on International Relations.

9319. A letter from the Co-Chairs, Abraham Lincoln Bicentennial Commission, transmitting the Commission's interim report, pursuant to Public Law 106–173, section 8(b) (114 Stat. 17); to the Committee on Government Reform.

9320. A letter from the Paralegal, District of Columbia Retirement Board, transmitting the personal financial disclosure statements of Board members, pursuant to D.C. Code section 1–732 and 1–734(a)(1)(A); to the Committee on Government Reform.

9321. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9322. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9323. A letter from the Director, Information Security Oversight Office, transmitting a copy of the Information Security Oversight Office's (ISOO) ''Report to the President'' for 2003; to the Committee on Government Reform.

9324. A letter from the Executive Associate Director, Office of Management and Budget, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum 04-07, the Office's report on competitive sourcing efforts for FY 2003; to the Committee on Government Reform.

9325. A letter from the Chairman, Postal Rate Commission, transmitting the FY 2003 annual report on International Mail Volumes, Costs, and Revenues, pursuant to 39 U.S.C. 3663(a) Public Law 105–277; to the Committee on Government Reform.

9326. A letter from the Regional Director, National Park Service, Department of the Interior, transmitting a report entitled ''Lincoln Highway Special Resource Study and Environmental Assessment,'' pursuant to Public Law 106–583; to the Committee on Resources.

9327. A letter from the General Counsel, Architectural and Transportation Barriers

Compliance Board, transmitting the Boards's ''Major'' final rule — Americans with Disabilities (ADA) Accessibility Guidelines for Buildings and Facilities; Architectural Barriers Act (ABA) Accessibility Guidelines [Docket No. 99-1] (RIN: 3014-AA20) received July 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9328. A letter from the Chief Counsel, Bureau of the Public Debt, Fiscal Service, Department of the Treasury, transmitting the Department's final rule — U.S. Treasury Securities — State and Local Government Series — received July 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9329. A letter from the Assistant Chief, RPD, TTB, Department of the Treasury, transmitting the Department's final rule — Establishment of Salado Creek Viticultural Area (2003R-025P) [T.D.TTB-13; Notice No. 20] (RIN: 1513-AA69) received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9330. A letter from the Assistant Chief, RPD, TTB, Department of the Treasury, transmitting the Department's final rule — San Bernabe and San Lucas Viticultural Areas (2001R-170P) [T.D.TTB-14; Re; Notice No. 8] (RIN: 1513-AA28) received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9331. A letter from the Chief Counsel, Bureau of Public Debt, Fiscal Service, Department of the Treasury, transmitting the Department's final rule — Offering of United States Savings Bonds, Series HH — received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9332. A letter from the Chief, Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Import Restrictions Imposed on Archaeological Material Originating in Honduras [CBP Dec. 04-08] (RIN: 1505-AB50) received June 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9333. A letter from the Chief, Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Extension of Port Limits of Memphis, Tennessee [CBP Dec. 04-22] received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9334. A letter from the Administrator, Office of Workforce Security, Department of Labor, transmitting the Department's final rule — Repayment of Non-Federal Loans Used to Pay Unemployment Compensation — received July 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9335. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Qualified residential rental projects (Rev. Proc. 2004-39) received July 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9336. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Extension of Effective Date of Relative Value Regulations (Announcement 2004-58) received July 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9337. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Charitable Contributions and Conservation Easements [Notice 2004-41] received July 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9338. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Allocation of income and deductions among taxpayers (Rev. Proc. 2004-40) received July 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9339. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Authority to Make Credits or Refunds (Rev. Rul. 2004-74) received July 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9340. A letter from the Acting Chief, Publications & Regulations, Internal Revenue Service, transmitting the Service's final rule — Appeals Settlement Guidelines: IRC 351 Contingent Liability Capital Loss Transactions — received July 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9341. A letter from the Chief, Publications & Regulations, Internal Revenue Service, transmitting the Service's final rule — Authority to Make Credits or Refunds (Rev. Rul. 2004-72) received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9342. A letter from the Chief, Publications & Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Authority to Make Credits or Refunds (Rev. Rul. 2004-73) received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9343. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Action on Decision in United States v. Roland Harry Macher (In re Macher) received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9344. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Qualified Payment Card Agent Determination (Rev. Proc. 2004-42) received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9345. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Pre-Filing Agreement Program of the Large and Mid-Size Business Division for the Calendar Year 2003 (Announcement 2004-59) received July 12, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9346. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Income from sources within the United States (Rev. Rul. 2004-75) received July 12, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9347. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Information Reporting and Backup Withholding for Payment Card Transactions [TD 9136] (RIN: 1545-BA17) received July 12, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9348. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Request for comments on the use of debit cards to provide qualified transportation fringes under section 132(f) [Notice 2004-46] received July 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9349. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Rents and Royalties [TD 9135] (RIN: 1545-BB44) received July 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9350. A letter from the Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tax Analysts v. Internal Revenue Service — received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9351. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Services's Final Rule- Partnership Transactions Involving Long-Term Contracts [TD 9137] (RIN: 1545-BA81) received July 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9352. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare and Medicaid Programs; Physicians Referrals to Health Care Entities With Which They Have Financial Relationships: Extension of Partial Delay of Effective Date [CMS-1809-F5] (RIN: 0938-AM99) received July 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

¶82.3 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 4226. An Act to amend title 49, United States Code, to make certain conforming changes to provisions governing the registration of aircraft and the recordation of instruments in order to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment, known as the ''Cape Town Treaty''.

The message also announced that the Senate has passed a bill and concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. 2249. An Act to amend the Stewart B. McKinney Homeless Assistance Act to provide for emergency food and shelter.

S. Con. Res. 125. A concurrent resolution recognizing the 60th anniversary of the Warsaw Uprising during World War II.

S. Con. Res. 130. A concurrent resolution expressing the sense of Congress that the Supreme Court of the United States should act expeditiously to resolve the confusion and inconsistency in the Federal criminal justice system caused by its decision in Blakely v. Washington, and for other purposes.

¶82.4 PROVIDING FOR THE CONSIDERATION OF H.R. 3313

Mrs. MYRICK, by direction of the Committee on Rules, called up the following resolution (H. Res. 734):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3313) to amend title 28, United States Code, to limit Federal court jurisdiction over questions under the Defense of Marriage Act. The bill shall be considered as read for amendment. The amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) 90 minutes of debate on the bill, as amended, equally divided and

controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Mrs. MYRICK, the previous question was ordered on the resolution to its adoption or rejection and, under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶82.5 PROVIDING FOR THE CONSIDERATION OF H.R. 4842

Mr. Lincoln DIAZ-BALART of Florida, by direction of the Committee on Rules, called up the following resolution (H. Res. 738):

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 4842) to implement the United States-Morocco Free Trade Agreement. The bill shall be considered as read for amendment. The bill shall be debatable for two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. Pursuant to section 151(f)(2) of the Trade Act of 1974, the previous question shall be considered as ordered on the bill to final passage without intervening motion.

SEC. 2. During consideration of H.R. 4842 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

When said resolution was considered.

After debate,

On motion of Mr. Lincoln DIAZ-BALART of Florida, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that the yeas had it.

Ms. SLAUGHTER objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 345 / Nays ..... 76 }

¶82.6 [Roll No. 407]

YEAS—345

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bell
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Cooper
Cox
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McHugh
McInnis
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Stenholm
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Wamp
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—76

Alexander
Baca
Baldwin
Becerra
Berry
Boucher
Brady (PA)
Brown (OH)
Capuano
Conyers
Costello
Cramer
Cummings
DeFazio
Delahunt
DeLauro
Doyle
Evans
Filner
Green (TX)
Grijalva
Hastings (FL)
Hinchey
Holden
Jackson (IL)
Kanjorski
Kildee
Kleczka
Larson (CT)
Lee
Lipinski
Lofgren
Markey
Marshall
McGovern
McIntyre
McNulty
Michaud
Miller (NC)
Mollohan
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Rahall
Rothman
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Sherman
Slaughter
Solis
Spratt
Stark
Strickland
Stupak
Taylor (MS)
Tierney
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt
Woolsey
Wu

NOT VOTING—13

Bass
Carson (IN)
Collins
Gephardt
Greenwood
Kirk
Kucinich
Lowey
Majette
Paul
Quinn
Simmons
Sullivan

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶82.7 H.R. 4175—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4175) to increase, effective as of December 1, 2004, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 421 / Nays ..... 0 }

¶82.8 [Roll No. 408]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Becerra
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer

Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Bass
Berman
Carson (IN)
Collins
Gephardt
Greenwood
Kirk
Kucinich
Lowey
Majette
Paul
Quinn
Watt

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶82.9 H. RES. 728—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 728) expressing the sense of the House of Representatives that the actions of terrorists will never cause the date of any Presidential election to be postponed and that no single individual or agency should be given the authority to postpone the date of a Presidential election.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 419 / Nays 2

¶82.10 [Roll No. 409]

YEAS—419

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi

Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—2

Baird
McInnis

NOT VOTING—13

Bachus
Carson (IN)
Collins
Gephardt
Gillmor
Greenwood
Kirk
Kucinich
Lofgren
Lowey
Paul
Quinn
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶82.11 MARRIAGE PROTECTION

Mr. SENSENBRENNER, pursuant to House Resolution 734, called up the bill (H.R. 3313) to amend title 28, United States Code, to limit Federal court jurisdiction over questions under the Defense of Marriage Act.

Pending consideration of said bill.

Pursuant to House Resolution 734, the following amendment in the nature of a substitute, recommended by the Committee on the Judiciary printed in the bill, was considered as agreet to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Marriage Protection Act of 2004''.

SEC. 2. LIMITATION ON JURISDICTION.

(a) IN GENERAL.—Chapter 99 of title 28, United States Code, is amended by adding at the end the following:

"§ 1632. Limitation on jurisdiction

''No court created by Act of Congress shall have any jurisdiction, and the Supreme Court shall have no appellate jurisdiction, to hear or decide any question pertaining to the interpretation of, or the validity under the Constitution of, section 1738C or this section.''.

(b) AMENDMENTS TO THE TABLE OF SECTIONS.—The table of sections at the beginning of chapter 99 of title 28, United States Code, is amended by adding at the end the following new item:

''1632. Limitation on jurisdiction.''.

When said bill, as amended, was considered and read twice.

By unanimous consent, the time for debate was extended by 20 minutes to be equally divided and controlled by Mr. SENSENBRENNER and Mr. NADLER.

After debate

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. GILLMOR, announced that the nays had it.

Mr. SENSENBRENNER objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 233 / Nays ..... 194 }

¶82.12 [Roll No. 410]

YEAS—233

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

NAYS—194

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bass
Becerra
Bell
Bereuter
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boswell
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Case
Castle
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Ford
Frank (MA)
Frost
Gephardt
Gerlach
Gilchrest
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kolbe
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rangel
Reyes
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—8

Carson (IN)
Collins
Greenwood
Kirk
Kucinich
Lowey
Paul
Quinn

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶82.13 H.R. 4056—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. GILLMOR, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4056) to encourage the establishment of both long-term and short-term programs to address the threat of man-portable air defense systems (MAN pads) to commercial aviation; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 423 / Nays ..... 0 }

¶82.14 [Roll No. 411]

YEAS—423

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

Carson (IN)
Collins
Gephardt
Greenwood
Istook
Kirk
Kucinich
Lowey
Paul
Portman
Quinn

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶82.15 H. RES. 652—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. GILLMOR, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 652) urging the Government of the Republic of Belarus to ensure a democratic, transparent, and fair election process for its parliamentary elections in the fall of 2004.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 421 / Nays ..... 0 }

¶82.16 [Roll No. 412]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts

Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Capuano
Carson (IN)
Collins
Diaz-Balart, L.
Diaz-Balart, M.
Gephardt
Greenwood
Kirk
Kucinich
Lowey
Paul
Portman
Quinn

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶82.17 SECRETARY OF STATE DOCUMENTS ON TREATMENT OF PRISONERS AND DETAINEES

Ms. HARRIS, by direction of the Committee on International Relations, reported (Rept. No. 108–631) the resolution (H. Res. 699) directing the Secretary of State to transmit to the House of Representatives documents in the possession of the Secretary of State relating to the treatment of prisoners and detainees in Iraq, Afghanistan, and Guantanamo Bay; referred to the House Calendar and ordered printed.

¶82.18 FEDERAL DOCUMENTS ON TREATMENT OF PRISONERS AND DETAINEES

Mr. HUNTER, by direction of the Committee on Armed Service, reported (Rept. No. 108–632) the resolution (H. Res. 689) of inquiry requesting the President and directing certain other Federal officials to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the President and those officials relating to the treatment of prisoners or detainees in Iraq, Afghanistan, or Guantanamo; referred to the House Calendar and ordered printed.

¶82.19 PERMISSION TO FILE REPORT

On motion of Mr. BOEHLERT, by unanimous consent, the Committee on Science was granted permission until 5 p.m., Friday, August 27, 2004, to file a report on the bill (H.R. 3551) to authorize appropriations to the Department of Transportation for surface transportation research and development, and for other purposes.

¶82.20 UNITED STATES-MOROCCO FREE TRADE AGREEMENT

Mr. THOMAS, pursuant to House Resolution 738, called up the bill (H.R. 4842) to implement the United States-Morocco Free Trade Agreement.

When said bill was considered and read twice.

After debate,

The previous question having been ordered by said resolution.

The bill was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. BASS, announced that the yeas had it.

Mr. CRANE objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 323 / Nays ..... 99 }

¶82.21 [Roll No. 413]

YEAS—323

Abercrombie
Ackerman
Akin
Allen
Bachus
Baird
Baker
Ballenger
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp
Cantor
Capito
Capps
Cardin
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Cole
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Everett
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McHugh
McInnis
McKeon
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—99

Aderholt
Alexander
Andrews
Baca
Baldwin
Barrett (SC)
Berry
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Burns
Burr
Burton (IN)
Butterfield
Capuano
Cardoza
Coble
Conyers
Costello
Davis (IL)
DeFazio
Delahunt
DeLauro
Doggett
Doyle
Emerson
Evans
Farr
Filner
Frank (MA)
Goode
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Hayes
Hinchey
Holden
Holt
Hostettler
Hunter
Jackson (IL)
Jones (NC)
Kanjorski
Kaptur
Kildee
Lantos
Larson (CT)
Lee
Lipinski
Markey
Marshall
McGovern
McIntyre
McNulty
Michaud
Miller (NC)
Miller, George
Mollohan
Murtha
Myrick
Nadler
Napolitano
Oberstar
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pombo
Rogers (AL)
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Serrano
Sherman
Slaughter
Solis
Spratt
Stark
Strickland
Taylor (MS)
Taylor (NC)
Thompson (MS)
Tierney
Velázquez
Visclosky

Wamp
Waters
Waxman
Wilson (SC)
Woolsey
Wu

NOT VOTING—12

Cannon
Carson (IN)
Collins
Gephardt
Greenwood
Kirk
Kleczka
Kucinich
Lowey
Meehan
Paul
Quinn

So the bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶82.22 FURTHER MESSAGE FROM THE SENATE

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

S. 2724. An Act to amend section 33(a) of the Small Business Act (15 U.S.C. 657c(a)) to clarify that the National Veterans Business Development Corporation is a private entity.

¶82.23 H. CON. RES. 436—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 436) celebrating 10 years of majority rule in the Republic of South Africa and recognizing the momentous social and economic achievements of South Africa since the institution of democracy in that country; as amended.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 422 / Nays ..... 0 }

¶82.24 [Roll No. 414]

YEAS—422

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—12

Ackerman
Carson (IN)
Collins
Ford
Gephardt
Greenwood
Kirk
Kucinich
Lowey
Meehan
Paul
Quinn

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶82.25 H. CON. RES. 418—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 418) recognizing the importance in history of the 150th anniversary of the establishment of diplomatic relations between the United States and Japan.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 416 / Nays ..... 0 }

¶82.26 [Roll No. 415]

YEAS—416

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo

Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—18

Ackerman
Calvert
Carson (IN)
Collins
Conyers
Ford
Gephardt
Greenwood
Hobson
Kirk
Kucinich
Lowey
Meehan
Paul
Quinn
Sabo
Schiff
Waters

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶82.27 COMMITTEE ELECTION—MINORITY

Mr. MENENDEZ, by direction of the Democratic Caucus, submitted the following privileged resolution (H. Res. 741):

Resolved, That the following named Member be and is hereby elected to the following standing committees of the House of Representatives:

COMMITTEE ON AGRICULTURE: Mr. Butterfield (to rank immediately after Ms. Herseth).

COMMITTEE ON SMALL BUSINESS: Mr. Butterfield (to rank immediately after Mr. Udall of New Mexico).

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶82.28 WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT TO ACCOMPANY H.R. 4613

Mrs. MYRICK, by direction of the Committee on Rules, called up the following resolution (H. Res. 735):

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 4613) making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

When said resolution was considered.

After debate,

On motion of Mrs. MYRICK, the previous question was ordered on the resolution to its adoption or rejection and, under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶82.29 DEPARTMENT OF DEFENSE APPROPRIATIONS FY 2005

Mr. LEWIS of California, pursuant to House Resolution 735, called up the following conference report (Rept. No. 108–622):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4613) ''making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes'', having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2005, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $29,381,422,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $24,347,807,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $9,581,102,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $24,155,911,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United

States Code; and for payments to the Department of Defense Military Retirement Fund, $3,663,890,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,084,032,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $623,073,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,451,950,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $5,901,729,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,540,242,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $11,144,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $25,764,634,000: Provided, That of funds made available under this heading, $1,900,000 shall be available for Fort Baker, in accordance with the terms and conditions as provided under the heading ''Operation and Maintenance, Army'', in Public Law 107–117.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $4,525,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $29,687,245,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $3,629,901,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $28,113,533,000: Provided, That notwithstanding any other provision of law, that of the funds available under this heading, $750,000 shall only be available to the Secretary of the Air Force for a grant to Florida Memorial College for the purpose of funding minority aviation training.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $17,449,619,000: Provided, That not more than $25,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code, and of which not to exceed $32,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: Provided further, That notwithstanding any other provision of law, of the funds provided in this Act for Civil Military programs under this heading, $500,000 shall be available for a grant for Outdoor Odyssey, Roaring Run, Pennsylvania, to support the Youth Development and Leadership program and Department of Defense STARBASE program: Provided further, That of the funds made available under this heading, $2,550,000 shall be available only for a Washington-based internship and immersion program to allow U.S. Asian-American Pacific Islander undergraduate college and university students from economically disadvantaged backgrounds to participate in academic and educational programs in the Department of Defense and related Federal defense agencies: Provided further, That notwithstanding any other provision of law, the Office of Economic Adjustment of the Department of Defense may make grants and supplement other Federal funds using funds made available by this Act under this heading in accordance with the guidance provided in the Joint Explanatory Statement of the Committee of the Conference for the Conference Report to accompany H.R. 4613 and these projects shall hereafter be considered to be authorized by law: Provided further, That of the funds provided under this heading that are available for commercial imagery purchases, $500,000 shall be used by the National Geospatial-Intelligence Agency to pay for imagery and high-resolution terrain data collected in 2003 in support of the California wildfires: Provided further, That of the funds provided under this heading not less than $27,000,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than $3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): Provided further, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: Provided further, That $4,000,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: Provided further, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,991,128,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,237,638,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $187,196,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,242,590,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including

medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $4,442,386,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $4,472,738,000.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For expenses directly relating to Overseas Contingency Operations by United States military forces, $10,000,000, to remain available until expended: Provided, That the Secretary of Defense may transfer these funds only to military personnel accounts; operation and maintenance accounts within this title; the Defense Health Program appropriation; procurement accounts; research, development, test and evaluation accounts; and to working capital funds: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained elsewhere in this Act.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $10,825,000, of which not to exceed $5,000 may be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $400,948,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $266,820,000, to remain available until transferred: Provided, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $397,368,000, to remain available until transferred: Provided, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $23,684,000, to remain available until transferred: Provided, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $266,516,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2557, and 2561 of title 10, United States Code), $59,000,000, to remain available until September 30, 2006.

FORMER SOVIET UNION THREAT REDUCTION ACCOUNT

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $409,200,000, to remain available until September 30, 2007: Provided, That of the amounts provided under this heading, $15,000,000 shall be available only to support the dismantling and disposal of nuclear submarines, submarine reactor components, and security enhancements for transport and storage of nuclear warheads in the Russian Far East.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,854,541,000, to remain available for obligation until September 30, 2007.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,307,000,000, to remain available for obligation until September 30, 2007.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,467,495,000,

to remain available for obligation until September 30, 2007.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,590,952,000, to remain available for obligation until September 30, 2007.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; and the purchase of 1 vehicle required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $200,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $4,955,296,000, to remain available for obligation until September 30, 2007.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $8,912,042,000, to remain available for obligation until September 30, 2007.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $2,114,720,000, to remain available for obligation until September 30, 2007.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $888,340,000, to remain available for obligation until September 30, 2007.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program (AP), $626,084,000;
NSSN, $1,581,143,000;
NSSN (AP), $871,864,000;
SSGN, $469,226,000;
SSGN (AP), $48,000,000;
CVN Refuelings (AP), $333,061,000;
SSN Submarine Refuelings (AP), $19,368,000;
SSBN Submarine Refuelings, $262,229,000;
SSBN Submarine Refuelings (AP), $63,971,000;
DDG–51 Destroyer, $3,444,950,000;
DD(X) (AP), $305,516,000;
DDG–51 Destroyer Modernization, $50,000,000;
LPD–17, $966,559,000;
LHD–8, $236,018,000;
LHA–R (AP), $150,000,000;
LCU (X), $25,048,000;
LCAC Landing Craft Air Cushion, $90,490,000;
Prior year shipbuilding costs, $484,390,000;
Service Craft, $36,899,000;
Power Unit Assembly Facility, $11,300,000; and

For outfitting, post delivery, conversions, and first destination transportation, $351,327,000.

In all: $10,427,443,000, to remain available for obligation until September 30, 2009: Provided, That additional obligations may be incurred after September 30, 2009, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: Provided further, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: Provided further, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only, and the purchase of 9 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $200,000 per vehicle; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $4,875,786,000, to remain available for obligation until September 30, 2007: Provided, That funds available in this appropriation may be used for TRIDENT modifications associated with force protection and security requirements.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $1,432,203,000, to remain available for obligation until September 30, 2007.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $13,648,304,000, to remain available for obligation until September 30, 2007: Provided, That amounts provided under this heading shall be used for the procurement of 15 C–17 aircraft: Provided further, That amounts provided under this heading shall be used for the advance procurement of not less than 15 C–17 aircraft: Provided further, That the Secretary of the Air Force shall fully fund the procurement of not less than 15 C–17 aircraft in fiscal year 2006: Provided further, That the Secretary of the Air Force shall allocate a reduction of $158,600,000 proportionately to each budget activity, activity group, subactivity group, and each program, project, and activity funded by this appropriation.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $4,458,113,000, to remain available for obligation until September 30, 2007.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,327,459,000, to remain available for obligation until September 30, 2007.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and

communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, and the purchase of 1 vehicle required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $200,000 per vehicle; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $13,071,297,000, to remain available for obligation until September 30, 2007.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $2,956,047,000, to remain available for obligation until September 30, 2007.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, $350,000,000, to remain available for obligation until September 30, 2007: Provided, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $42,765,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $10,698,989,000, to remain available for obligation until September 30, 2006: Provided, That of the amounts provided under this heading, $11,500,000 for Molecular Genetics and Musculoskeletal Research in program element 0602787A shall remain available until expended.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $17,043,812,000, to remain available for obligation until September 30, 2006: Provided, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces: Provided further, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $20,890,922,000, to remain available for obligation until September 30, 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $20,983,624,000, to remain available for obligation until September 30, 2006.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $314,835,000, to remain available for obligation until September 30, 2006.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $1,174,210,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $1,204,626,000, to remain available until expended: Provided, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: Provided further, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: Provided further, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law, $18,171,436,000, of which $17,297,419,000 shall be for Operation and maintenance, of which not to exceed 2 percent shall remain available until September 30, 2006, and of which up to $8,953,494,000 may be available for contracts entered into under the TRICARE program; of which $367,035,000, to remain available for obligation until September 30, 2007, shall be for Procurement; and of which $506,982,000, to remain available for obligation until September 30, 2006, shall be for Research, development, test and evaluation: Provided, That notwithstanding any other provision of law, of the amount made available under this heading for Operation and maintenance, $9,500,000 shall remain available until expended, and shall be available only for deposit into the Army Fisher House Non-Appropriated Fund Instrumentality and shall be used in support and upkeep of existing Fisher Houses managed by the Army: Provided further, That notwithstanding any other provision of law, of the amount made available under this heading for Research, development, test and evaluation, not less than $7,500,000 shall be available for HIV prevention educational activities undertaken in connection with U.S. military training, exercises, and humanitarian assistance activities conducted primarily in African nations: Provided further, That Title VI of the Department of Defense Appropriations Act, 2004, in the appropriation for the Defense Health Program, is amended by adding before the period a comma and the following: ''and of which not less than $4,250,000 shall be available for HIV prevention educational activities undertaken in connection with U.S. military training, exercises, and humanitarian assistance activities conducted primarily in African nations''.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,372,990,000, of which $1,088,801,000 shall be for Operation and maintenance; $78,980,000 shall be for Procurement to remain available until September 30, 2007; $205,209,000 shall be for Research, development, test and evaluation to remain available until September 30, 2006; and no less than $137,404,000 may be for the Chemical Stockpile Emergency Preparedness Program, of which $44,631,000 shall be for activities on military installations and $92,773,000 shall be to assist State and local governments.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation, $906,522,000: Provided, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $204,562,000, of which $202,362,000 shall be for Operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential

military purposes; and of which $2,100,000, to remain available until September 30, 2007, shall be for Procurement; and of which $100,000, to remain available until September 30, 2006, shall be for Research, development, test and evaluation.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $239,400,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, $310,466,000, of which $26,953,000 for the Advanced Research and Development Committee shall remain available until September 30, 2006: Provided, That of the funds appropriated under this heading, $39,422,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, and of the said amount, $1,500,000 for Procurement shall remain available until September 30, 2007 and $1,000,000 for Research, development, test and evaluation shall remain available until September 30, 2006: Provided further, That the National Drug Intelligence Center shall maintain the personnel and technical resources to provide timely support to law enforcement authorities and the intelligence community by conducting document and computer exploitation of materials collected in Federal, State, and local law enforcement activity associated with counter-drug, counter-terrorism, and national security investigations and operations.

NATIONAL SECURITY EDUCATION TRUST FUND

For the purposes of title VIII of Public Law 102–183, $8,000,000, to be derived from the National Security Education Trust Fund, to remain available until expended.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: Provided, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: Provided further, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: Provided further, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: Provided, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $3,500,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: Provided further, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: Provided further, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: Provided further, That a request for multiple reprogrammings of funds using authority provided in this section must be made prior to June 30, 2005: Provided further, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: Provided, That transfers may be made between such funds: Provided further, That transfers may be made between working capital funds and the ''Foreign Currency Fluctuations, Defense'' appropriation and the ''Operation and Maintenance'' appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the congressional defense committees.

SEC. 8008. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: Provided, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: Provided further, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: Provided further, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: Provided further, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: Provided further, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

Funds appropriated in title III of this Act may be used for a multiyear procurement contract as follows:

Lightweight 155mm Howitzer.

SEC. 8009. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: Provided, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: Provided further, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8010. (a) During fiscal year 2005, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2006 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2006 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2006.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8011. None of the funds appropriated in this or any other Act may be used to initiate a new installation overseas without 30-day advance notification to the Committees on Appropriations.

SEC. 8012. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8013. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: Provided, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: Provided further, That this subsection applies only to active components of the Army.

SEC. 8014. (a) LIMITATION ON CONVERSION TO CONTRACTOR PERFORMANCE.—None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) $10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract; or

(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.

(b) EXCEPTIONS.—

(1) The Department of Defense, without regard to subsection (a) of this section or subsections (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) TREATMENT OF CONVERSION.—The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: Provided, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): Provided further, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: Provided further, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) or TRICARE shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: Provided, That this limitation does not apply in the case of inpatient mental health services provided under the program for persons with disabilities under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8018. Notwithstanding any other provision of law, during the current fiscal year and hereafter, the Secretary of Defense may, by executive agreement, establish with host nation governments in NATO member states a separate account into which such residual value amounts negotiated in the return of United States military installations in NATO member states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: Provided, That such credits may be utilized only for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: Provided further, That the Department of Defense's budget submission for subsequent fiscal years shall identify such sums anticipated in residual value settlements, and identify such construction, real property maintenance or base operating costs that shall be funded by the host nation through such credits: Provided further, That all military construction projects to be executed from such accounts must be previously approved in a prior Act of Congress: Provided further, That each such executive agreement with a NATO member host nation shall be reported to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate 30 days prior to the conclusion and endorsement of any such agreement established under this provision.

SEC. 8019. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols.

SEC. 8020. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8021. In addition to the funds provided elsewhere in this Act, $8,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): Provided, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in 25 U.S.C. 1544 or a small business owned and controlled by an individual or individuals defined under 25 U.S.C. 4221(9) shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: Provided further, That notwithstanding 41 U.S.C. 430, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in 25 U.S.C. 1544 or a small business owned and controlled by an individual or individuals defined under 25 U.S.C. 4221(9): Provided further, That businesses certified as 8(a) by the Small Business Administration pursuant to section 8(a)(15) of Public Law 85–536, as amended, shall have the same status as other program participants under section 602 of Public Law 100–656, 102 Stat. 3825 (Business Opportunity Development Reform Act of 1988) for purposes of contracting with agencies of the Department of Defense.

SEC. 8022. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A–76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity

or 30 months after initiation of such study for a multi-function activity.

SEC. 8023. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8024. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8025. (a) Of the amount appropriated by title II under the heading ''OPERATION AND MAINTENANCE, AIR FORCE'', up to $2,500,000 may be used for the acquisition of Native Allotment F–14589 by the Secretary of the Air Force in accordance with this section (including for the appraisal under this section), and for fully compensating the owners of such allotment for the damages caused to such owners by Air Force occupancy of property comprising that allotment.

(b) The acquisition under this section may be made only with the consent of the owners of Native Allotment F–14589 and only for the appraised fair marked value of that allotment, as determined by the appraiser under subsection (c).

(c) Not later than 60 days after the date of the enactment of this Act, the Secretary of the Air Force shall select, jointly with the owners of Native Allotment F–14589, and retain a qualified appraiser to appraise the fair market value of that allotment. The appraiser shall be an appraiser who is independent of the Department of the Air Force and the owners of the allotment. The Secretary shall ensure that the appraiser completes the appraisal not later than 180 days after the date of the enactment of this Act. The Secretary shall pay the costs of the appraisal.

(d) The Secretary of the Air Force shall complete the acquisition of Native Allotment F–14589 not later than September 30, 2005, subject to the conditions set forth in subsection (b).

SEC. 8026. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: Provided, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8027. (a) Of the funds made available in this Act, not less than $24,971,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) $21,588,000 shall be available from ''Operation and Maintenance, Air Force'' to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

(2) $2,581,000 shall be available from ''Aircraft Procurement, Air Force''; and

(3) $802,000 shall be available from ''Other Procurement, Air Force'' for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8028. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: Provided, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2005 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2005, not more than 5,400 staff years of technical effort (staff years) may be funded for defense FFRDCs: Provided, That of the specific amount referred to previously in this subsection, not more than 1,050 staff years may be funded for the defense studies and analysis FFRDCs: Provided further, That this subsection shall not apply to staff years funded in the National Foreign Intelligence Program (NFIP).

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2006 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by $125,000,000.

SEC. 8029. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: Provided, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: Provided further, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8030. For the purposes of this Act, the term ''congressional defense committees'' means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8031. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: Provided, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: Provided further, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8032. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2005. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8033. Appropriations contained in this Act that remain available at the end of the current fiscal year, and at the end of each fiscal year hereafter, as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8034. Amounts deposited during the current fiscal year and hereafter to the special account established under 40 U.S.C. 572(b)(5)(A) and to the special account established under 10 U.S.C. 2667(d)(1) are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 572(b)(5)(B) and 10 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

SEC. 8035. None of the funds appropriated in this Act shall be used to study, demonstrate, or implement any plans privatizing, divesting or transferring of any Civil Works missions, functions, or responsibilities for the United States Army Corps of Engineers to other government agencies without specific direction in a subsequent Act of Congress.

SEC. 8036. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the defense agencies.

SEC. 8037. Notwithstanding any other provision of law, funds available during the current fiscal year and hereafter for ''Drug Interdiction and Counter-Drug Activities, Defense'' may be obligated for the Young Marines program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8038. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8039. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units located at Grand Forks Air Force Base and Minot Air Force Base that are excess to the needs of the Air Force.

(b) PROCESSING OF REQUESTS.—The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota.

(c) RESOLUTION OF HOUSING UNIT CONFLICTS.—The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) INDIAN TRIBE DEFINED.—In this section, the term ''Indian tribe'' means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–1).

SEC. 8040. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000.

SEC. 8041. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2006 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2006 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2006 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8042. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2006: Provided, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: Provided further, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2006.

SEC. 8043. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8044. Of the funds appropriated to the Department of Defense under the heading ''Operation and Maintenance, Defense-Wide'', not less than $10,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8045. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a ''Made in America'' inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8046. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8047. (a) Except as provided in subsection (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to field operating agencies funded within the National Foreign Intelligence Program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8048. (a) Upon a determination by the Secretary of the Navy that the vessel USNS Capable (T–AGOS 16) is no longer needed by the Navy, the Secretary shall transfer such vessel to the National Oceanic and Atmospheric Administration as an exploration and research ship.

(b) Upon a transfer of the vessel USNS Capable (T–AGOS 16) under subsection (a), the Secretary of the Navy shall transfer to the Secretary of Commerce $18,000,000 out of funds appropriated by title IV under the heading ''Research, Development, Test and Evaluation, Navy''. The amount so transferred shall be available to the National Oceanographic and Atmospheric Administration for the conversion of the vessel for use as an exploration and research ship.

(RESCISSIONS)

SEC. 8049. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

''Shipbuilding and Conversion, Navy, 2002/2006'', $14,000,000;

''Former Soviet Union Threat Reduction, 2003/2005'', $50,000,000;

''Aircraft Procurement, Navy, 2003/2005'', $50,000,000;

''Aircraft Procurement, Air Force, 2003/2005'', $50,000,000;

''Other Procurement, Army, 2004/2006'', $16,000,000;

''Aircraft Procurement, Navy, 2004/2006'', $32,800,000;

''Shipbuilding and Conversion, Navy, 2004/2008'', $10,300,000;

''Weapons Procurement, Navy, 2004/2006'', $25,200,000;

''Other Procurement, Navy, 2004/2006'', $41,700,000;

''Procurement, Marine Corps, 2004/2006'', $40,200,000;

''Other Procurement, Air Force, 2004/2006'', $100,000,000;

''Procurement, Defense-Wide, 2004/2006'', $34,571,000;

''Research, Development, Test and Evaluation, Army, 2004/2005'', $30,000,000;

''Research, Development, Test and Evaluation, Navy, 2004/2005'', $148,500,000;

''Research, Development, Test and Evaluation, Air Force, 2004/2005'', $57,666,000; and

''Research, Development, Test and Evaluation, Defense-Wide, 2004/2005'', $78,700,000.

SEC. 8050. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8051. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

SEC. 8052. During the current fiscal year and hereafter, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan

submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: Provided, That during the performance of such duty, the members of the National Guard shall be under State command and control: Provided further, That such duty shall be treated as full-time National Guard duty for purposes of sections 12602(a)(2) and (b)(2) of title 10, United States Code.

SEC. 8053. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Foreign Intelligence Program (NFIP), the Joint Military Intelligence Program (JMIP), and the Tactical Intelligence and Related Activities (TIARA) aggregate: Provided, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8054. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003 level: Provided, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8055. (a) LIMITATION ON PENTAGON RENOVATION COSTS.—Not later than the date each year on which the President submits to Congress the budget under section 1105 of title 31, United States Code, the Secretary of Defense shall submit to Congress a certification that the total cost for the planning, design, construction, and installation of equipment for the renovation of wedges 2 through 5 of the Pentagon Reservation, cumulatively, will not exceed four times the total cost for the planning, design, construction, and installation of equipment for the renovation of wedge 1.

(b) ANNUAL ADJUSTMENT.—For purposes of applying the limitation in subsection (a), the Secretary shall adjust the cost for the renovation of wedge 1 by any increase or decrease in costs attributable to economic inflation, based on the most recent economic assumptions issued by the Office of Management and Budget for use in preparation of the budget of the United States under section 1104 of title 31, United States Code.

(c) EXCLUSION OF CERTAIN COSTS.—For purposes of calculating the limitation in subsection (a), the total cost for wedges 2 through 5 shall not include—

(1) any repair or reconstruction cost incurred as a result of the terrorist attack on the Pentagon that occurred on September 11, 2001;

(2) any increase in costs for wedges 2 through 5 attributable to compliance with new requirements of Federal, State, or local laws; and

(3) any increase in costs attributable to additional security requirements that the Secretary of Defense considers essential to provide a safe and secure working environment.

(d) CERTIFICATION COST REPORTS.—As part of the annual certification under subsection (a), the Secretary shall report the projected cost (as of the time of the certification) for—

(1) the renovation of each wedge, including the amount adjusted or otherwise excluded for such wedge under the authority of paragraphs (2) and (3) of subsection (c) for the period covered by the certification; and

(2) the repair and reconstruction of wedges 1 and 2 in response to the terrorist attack on the Pentagon that occurred on September 11, 2001.

(e) DURATION OF CERTIFICATION REQUIREMENT.—The requirement to make an annual certification under subsection (a) shall apply until the Secretary certifies to Congress that the renovation of the Pentagon Reservation is completed.

SEC. 8056. Notwithstanding any other provision of law, that not more than 35 percent of funds provided in this Act for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of $130,000,000 or higher.

SEC. 8057. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(TRANSFER OF FUNDS)

SEC. 8058. Appropriations available under the heading ''Operation and Maintenance, Defense-Wide'' for the current fiscal year and hereafter for increasing energy and water efficiency in Federal buildings may, during their period of availability, be transferred to other appropriations or funds of the Department of Defense for projects related to increasing energy and water efficiency, to be merged with and to be available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred.

SEC. 8059. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: Provided, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That this restriction shall not apply to the purchase of ''commercial items'', as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8060. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa, and funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8061. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8062. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State (as defined in section 381(d) of title 10, United States Code) which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: Provided, That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

SEC. 8063. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: Provided, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8064. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) COVERED ACTIVITIES.—This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) REQUIRED NOTICE.—A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8065. To the extent authorized by subchapter VI of chapter 148 of title 10, United States Code, for the current fiscal year and hereafter the Secretary of Defense may issue loan guarantees in support of United States defense exports not otherwise provided for: Provided, That the total contingent liability of the United States for guarantees issued under the authority of this section may not exceed $15,000,000,000: Provided further, That the exposure fees charged and collected by the Secretary for each guarantee shall be paid by the country involved and shall not be financed as part of a loan guaranteed by the United States: Provided further, That the Secretary shall provide quarterly reports to the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate and the Committees on Appropriations, Armed Services, and International Relations in the House of Representatives on the implementation of this program: Provided further, That amounts charged for administrative fees and deposited to the special account provided for under section 2540c(d) of title 10, shall be available for paying the costs of administrative expenses of the Department of Defense that are

attributable to the loan guarantee program under subchapter VI of chapter 148 of title 10, United States Code.

SEC. 8066. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

SEC. 8067. Funds appropriated for the Department of Defense and for intelligence activities in this Act are available for transfer to the Department of State as remittance for a fee charged by the Department of State for fiscal year 2005 for the maintenance, upgrade, or construction of United States diplomatic facilities only to the extent that the amount of the fee so charged (when added to other amounts of such fees previously charged for that fiscal year) exceeds the total amount of the unreimbursed costs incurred by the departments and agencies funded by this Act during that fiscal year in providing goods and services to the Department of State.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8068. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading ''Operation and Maintenance, Defense-Wide'' may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8069. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): Provided, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: Provided further, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8070. Hereafter, funds appropriated for Operation and maintenance and for the Defense Health Program in this Act, and in future appropriations acts for the Department of Defense, for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects, or any planning studies, environmental assessments, or similar activities related to installation support functions, may be obligated at the time the reimbursable order is accepted by the performing activity: Provided, That for the purpose of this section, supervision and administration costs includes all in-house Government cost.

SEC. 8071. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8072. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: Provided, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: Provided further, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8073. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: Provided, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: Provided further, That this restriction does not apply to programs funded within the National Foreign Intelligence Program: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8074. None of the funds made available in this Act may be used to approve or license the sale of the F–22 advanced tactical fighter to any foreign government.

SEC. 8075. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8076. (a) PROHIBITION.—None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) MONITORING.—The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) REPORT.—Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8077. (a) The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental and medical equipment of the Department of Defense, at no cost to the Department of Defense, to Indian Health Service facilities and to federally-qualified health centers (within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

(b) In carrying out this provision, the Secretary of Defense shall give the Indian Health Service a property disposal priority equal to the priority given to the Department of Defense and its twelve special screening programs in distribution of surplus dental and medical supplies and equipment.

SEC. 8078. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T–AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8079. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8080. Notwithstanding any other provision of law, funds appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'' for any advanced concept technology demonstration project may only be obligated 30 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: Provided, That the Secretary of Defense may waive this restriction on a case-by-

case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8081. The Secretary of Defense shall provide a classified quarterly report, beginning 30 days after enactment of this Act, to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8082. During the current fiscal year, refunds attributable to the use of the Government travel card, refunds attributable to the use of the Government Purchase Card and refunds attributable to official Government travel arranged by Government Contracted Travel Management Centers may be credited to operation and maintenance, and research, development, test and evaluation accounts of the Department of Defense which are current when the refunds are received.

SEC. 8083. (a) REGISTERING FINANCIAL MANAGEMENT INFORMATION TECHNOLOGY SYSTEMS WITH DOD CHIEF INFORMATION OFFICER.—None of the funds appropriated in this Act may be used for a mission critical or mission essential financial management information technology system (including a system funded by the defense working capital fund) that is not registered with the Chief Information Officer of the Department of Defense. A system shall be considered to be registered with that officer upon the furnishing to that officer of notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe. A financial management information technology system shall be considered a mission critical or mission essential information technology system as defined by the Under Secretary of Defense (Comptroller).

(b) CERTIFICATIONS AS TO COMPLIANCE WITH FINANCIAL MANAGEMENT MODERNIZATION PLAN.—

(1) During the current fiscal year, a financial management automated information system, a mixed information system supporting financial and non-financial systems, or a system improvement of more than $1,000,000 may not receive Milestone A approval, Milestone B approval, or full rate production, or their equivalent, within the Department of Defense until the Under Secretary of Defense (Comptroller) certifies, with respect to that milestone, that the system is being developed and managed in accordance with the Department's Financial Management Modernization Plan. The Under Secretary of Defense (Comptroller) may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1).

(c) CERTIFICATIONS AS TO COMPLIANCE WITH CLINGER-COHEN ACT.—

(1) During the current fiscal year, a major automated information system may not receive Milestone A approval, Milestone B approval, or full rate production approval, or their equivalent, within the Department of Defense until the Chief Information Officer certifies, with respect to that milestone, that the system is being developed in accordance with the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.). The Chief Information Officer may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1). Each such notification shall include, at a minimum, the funding baseline and milestone schedule for each system covered by such a certification and confirmation that the following steps have been taken with respect to the system:

(A) Business process reengineering.

(B) An analysis of alternatives.

(C) An economic analysis that includes a calculation of the return on investment.

(D) Performance measures.

(E) An information assurance strategy consistent with the Department's Global Information Grid.

(d) DEFINITIONS.—For purposes of this section:

(1) The term ''Chief Information Officer'' means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term ''information technology system'' has the meaning given the term ''information technology'' in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

SEC. 8084. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: Provided, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8085. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of ''armor penetrator'', ''armor piercing (AP)'', ''armor piercing incendiary (API)'', or ''armor-piercing incendiary-tracer (API–T)'', except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8086. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under 10 U.S.C. 2667, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in 32 U.S.C. 508(d), or any other youth, social, or fraternal non-profit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8087. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: Provided, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: Provided further, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: Provided further, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8088. Up to $3,000,000 of the funds appropriated under the heading ''Operation and Maintenance, Navy'' in this Act for the Pacific Missile Range Facility may be made available to contract for the repair, maintenance, and operation of adjacent off-base water, drainage, and flood control systems, electrical upgrade to support additional missions critical to base operations, and support for a range footprint expansion to further guard against encroachment.

SEC. 8089. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8090. (a) Of the amounts appropriated in this Act under the heading, ''Research, Development, Test and Evaluation, Defense-Wide'', $60,000,000 shall remain available until expended: Provided, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government.

(b) Of the amounts appropriated in this Act under the heading, ''Operation and Maintenance, Army'', $185,000,000 shall remain available until expended: Provided, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: Provided further, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects described in further detail in the Classified Annex accompanying the Department of Defense Appropriations Act, 2005, consistent with the terms and conditions set forth therein: Provided further, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: Provided further, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8091. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2005.

SEC. 8092. (a) Of the amounts appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Navy'', $214,678,000 shall be available for the construction of the first prototype vessel under the Littoral Combat Ship program.

(b) None of the funds provided in this Act may be obligated to prepare a fiscal year 2006 budget request for a third vessel under the Littoral Combat Ship program in fiscal year 2006: Provided, That funds for the second vessel shall be for a second source supplier: Provided further, That all subsequent ships shall be purchased with ''Shipbuilding and Conversion, Navy'' funds beginning in fiscal year 2007.

SEC. 8093. In addition to amounts provided elsewhere in this Act, $2,000,000 is hereby appropriated for ''Defense Health Program'', to remain available for obligation until expended: Provided, That notwithstanding any other provision of law, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

SEC. 8094. Amounts appropriated in title II of this Act are hereby reduced by $300,000,000 to reflect savings attributable to efficiencies and

management improvements in the funding of miscellaneous or other contracts in the military departments, as follows:

(1) From ''Operation and Maintenance, Army'', $66,700,000.

(2) From ''Operation and Maintenance, Navy'', $77,900,000.

(3) From ''Operation and Maintenance, Marine Corps'', $6,100,000.

(4) From ''Operation and Maintenance, Air Force'', $149,300,000.

SEC. 8095. The total amount appropriated or otherwise made available in this Act is hereby reduced by $500,000,000 to limit excessive growth in the procurement of advisory and assistance services, to be distributed as follows:

''Operation and Maintenance, Army'', $25,000,000;

''Operation and Maintenance, Defense-Wide'', $225,000,000;

''Research, Development, Test and Evaluation, Army'', $50,000,000; and

''Research, Development, Test and Evaluation, Defense-Wide'', $200,000,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8096. Of the amounts appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'', $155,290,000 shall be made available for the Arrow missile defense program: Provided, That of this amount, $68,000,000 shall be available for the purpose of producing Arrow missile components in the United States and Arrow missile components and missiles in Israel to meet Israel's defense requirements, consistent with each nation's laws, regulations and procedures: Provided further, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: Provided further, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

SEC. 8097. Notwithstanding any other provision of law, of the amounts provided in this Act and in Public Law 108–87 under the heading ''Research, Development, Test and Evaluation, Navy'', $1,500,000, and $500,000, respectively, shall be provided as a grant (or grants) to the California Central Coast Research Partnership (C3RP) through the California Polytechnic State University Foundation: Provided, That the Secretary of the Navy shall make said grant (or grants) within 90 days of the enactment of this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8098. (a) In addition to amounts provided elsewhere in this Act, $34,000,000 is hereby appropriated for ''Aircraft Procurement, Navy'': Provided, That these funds shall be available only for transfer to the Coast Guard for mission essential equipment for Coast Guard HC–130J aircraft.

(b) In addition to amounts appropriated or otherwise made available in this Act, there is hereby appropriated $40,000,000, for ''Operation and Maintenance, Defense-Wide'': Provided, That, of the funds provided herein, $30,000,000, to remain available until expended, shall be transferred within 15 days of the enactment of this Act to the Department of Agriculture, Forest Service ''Wildland Fire Management'' account and shall be merged with other funds in this account and shall be made available for hazardous fuels reduction, hazard mitigation, and rehabilitation activities of the Forest Service in the San Bernardino National Forest, and $10,000,000, to remain available until expended, shall be transferred within 15 days of the enactment of this Act to the Forest Service, ''Capital Improvement and Maintenance'' account and shall be made available to construct a wildfire management training facility in San Bernardino County: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8099. Of the amounts appropriated in this Act under the heading ''Shipbuilding and Conversion, Navy'', $484,390,000 shall be available until September 30, 2005, to fund prior year shipbuilding cost increases: Provided, That upon enactment of this Act, the Secretary of the Navy shall transfer such funds to the following appropriations in the amounts specified: Provided further, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred:

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1996/2005'':

LPD–17 Amphibious Transport Dock Ship Program, $55,000,000.

Under the heading, ''Shipbuilding and Conversion, Navy, 1999/2005'':

New SSN, $10,000,000;

LPD–17 Amphibious Transport Dock Ship Program, $38,100,000.

Under the heading, ''Shipbuilding and Conversion, Navy, 2000/2005'':

DDG–51 Destroyer Program, $44,963,000;

LPD–17 Amphibious Transport Dock Ship Program, $171,681,000.

Under the heading, ''Shipbuilding and Conversion, Navy, 2001/2005'':

DDG–51 Destroyer Program, $83,316,000;

New SSN, $67,330,000.

Under the heading, ''Shipbuilding and Conversion, Navy, 2002/2005'':

LCAC SLEP, $2,100,000.

Under the heading, ''Shipbuilding and Conversion, Navy, 2003/2005'':

LCAC SLEP, $11,900,000:

Provided further, That section 126 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1410; 10 U.S.C. 7291 note) is repealed.

SEC. 8100. The Secretary of the Navy may settle, or compromise, and pay any and all admiralty claims under 10 U.S.C. 7622 arising out of the collision involving the U.S.S. GREENEVILLE and the EHIME MARU, in any amount and without regard to the monetary limitations in subsections (a) and (b) of that section: Provided, That such payments shall be made from funds available to the Department of the Navy for operation and maintenance.

SEC. 8101. None of the funds available to the Department of Defense may be obligated to implement any action which alters the command responsibility or permanent assignment of forces until 270 days after such plan has been provided to the congressional defense committees.

SEC. 8102. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of 38 U.S.C. 7403(g) for occupations listed in 38 U.S.C. 7403(a)(2) as well as the following:

Pharmacists, Audiologists, and Dental Hygienists.

(A) The requirements of 38 U.S.C. 7403(g)(1)(A) shall apply.

(B) The limitations of 38 U.S.C. 7403(g)(1)(B) shall not apply.

SEC. 8103. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2005 until the enactment of the Intelligence Authorization Act for fiscal year 2005.

SEC. 8104. In addition to funds made available elsewhere in this Act, $5,500,000 is hereby appropriated and shall remain available until expended to provide assistance, by grant or otherwise (such as, but not limited to, the provision of funds for repairs, maintenance, construction, and/or for the purchase of information technology, text books, teaching resources), to public schools that have unusually high concentrations of special needs military dependents enrolled: Provided, That in selecting school systems to receive such assistance, special consideration shall be given to school systems in States that are considered overseas assignments, and all schools within these school systems shall be eligible for assistance: Provided further, That up to 2 percent of the total appropriated funds under this section shall be available to support the administration and execution of the funds or program and/or events that promote the purpose of this appropriation (e.g. payment of travel and per diem of school teachers attending conferences or a meeting that promotes the purpose of this appropriation and/or consultant fees for on-site training of teachers, staff, or Joint Venture Education Forum (JVEF) Committee members): Provided further, That up to $2,000,000 shall be available for the Department of Defense to establish a non-profit trust fund to assist in the public-private funding of public school repair and maintenance projects, or provide directly to non-profit organizations who in return will use these monies to provide assistance in the form of repair, maintenance, or renovation to public school systems that have high concentrations of special needs military dependents and are located in States that are considered overseas assignments: Provided further, That to the extent a Federal agency provides this assistance, by contract, grant, or otherwise, it may accept and expend non-Federal funds in combination with these Federal funds to provide assistance for the authorized purpose, if the non-Federal entity requests such assistance and the non-Federal funds are provided on a reimbursable basis.

SEC. 8105. The total amount appropriated in title IV of this Act is hereby reduced by $197,500,000 to reduce cost growth in information technology development and modernization, to be derived as follows:

(1) From ''Other Procurement, Army'', $39,500,000.

(2) From ''Other Procurement, Navy'', $10,800,000.

(3) From ''Other Procurement, Air Force'', $49,000,000.

(4) From ''Procurement, Defense-Wide'', $20,100,000.

(5) From ''Research, Development, Test and Evaluation, Army'', $3,500,000.

(6) From ''Research, Development, Test and Evaluation, Navy'', $10,800,000.

(7) From ''Research, Development, Test and Evaluation, Air Force'', $3,500,000.

(8) From ''Research, Development, Test and Evaluation, Defense-Wide'', $60,300,000.

SEC. 8106. None of the funds in this Act may be used to initiate a new start program without prior written notification to the Office of Secretary of Defense and the congressional defense committees.

SEC. 8107. The amounts appropriated in title II of this Act are hereby reduced by $316,000,000 to reflect cash balance and rate stabilization adjustments in Department of Defense Working Capital Funds, as follows:

(1) From ''Operation and Maintenance, Navy'', $150,000,000.

(2) From ''Operation and Maintenance, Air Force'', $166,000,000.

SEC. 8108. (a) In addition to the amounts provided elsewhere in this Act, the amount of $6,000,000 is hereby appropriated to the Department of Defense for ''Operation and Maintenance, Army National Guard''. Such amount shall be made available to the Secretary of the Army only to make a grant in the amount of $6,000,000 to the entity specified in subsection (b) to facilitate access by veterans to opportunities for skilled employment in the construction industry.

(b) The entity referred to in subsection (a) is the Center for Military Recruitment, Assessment and Veterans Employment, a nonprofit labor-management co-operation committee provided for by section 302(c)(9) of the Labor-Management Relations Act, 1947 (29 U.S.C. 186(c)(9)),

for the purposes set forth in section 6(b) of the Labor Management Cooperation Act of 1978 (29 U.S.C. 175a note).

SEC. 8109. FINANCING AND FIELDING OF KEY ARMY CAPABILITIES.—The Department of Defense and the Department of the Army shall make future budgetary and programming plans to fully finance the Non-Line of Sight Future Force cannon and resupply vehicle program (NLOS–C) in order to field this system in fiscal year 2010, consistent with the broader plan to field the Future Combat System (FCS) in fiscal year 2010: Provided, That if the Army is precluded from fielding the FCS program by fiscal year 2010, then the Army shall develop the NLOS–C independent of the broader FCS development timeline to achieve fielding by fiscal year 2010. In addition the Army will deliver eight (8) combat operational pre-production NLOS–C systems by the end of calendar year 2008. These systems shall be in addition to those systems necessary for developmental and operational testing: Provided further, That the Army shall ensure that budgetary and programmatic plans will provide for no fewer than seven (7) Stryker Brigade Combat Teams.

SEC. 8110. Of the funds made available in this Act, not less than $87,900,000 shall be available to maintain an attrition reserve force of 18 B–52 aircraft, of which $3,700,000 shall be available from ''Military Personnel, Air Force'', $55,300,000 shall be available from ''Operation and Maintenance, Air Force'', and $28,900,000 shall be available from ''Aircraft Procurement, Air Force'': Provided, That the Secretary of the Air Force shall maintain a total force of 94 B–52 aircraft, including 18 attrition reserve aircraft, during fiscal year 2005: Provided further, That the Secretary of Defense shall include in the Air Force budget request for fiscal year 2006 amounts sufficient to maintain a B–52 force totaling 94 aircraft.

SEC. 8111. Of the funds made available under the heading ''Operation and Maintenance, Air Force'', $9,000,000 shall be available to realign railroad track on Elmendorf Air Force Base and Fort Richardson: Provided, That of the funds made available under the heading ''Operation and Maintenance, Air Force'', $14,000,000 shall be available for engineering and environment studies necessary to extend the railroad to Stryker Brigade Combat Team training areas north of Fort Wainwright, Alaska: Provided further, That the Secretary of the Air Force is authorized, using funds available under the heading ''Operation and Maintenance, Air Force'', to complete a phased repair project, which repairs may include upgrades and additions, to the infrastructure of the operational ranges managed by the Air Force in Alaska. The total cost of such phased projects shall not exceed $32,000,000.

(TRANSFER OF FUNDS)

SEC. 8112. Of the amounts appropriated in Public Law 107–206 under the heading ''Defense Emergency Response Fund'', an amount up to the fair market value of the leasehold interest in adjacent properties necessary for the force protection requirements of Tooele Army Depot, Utah, may be made available to resolve any property disputes associated with Tooele Army Depot, Utah, and to acquire such leasehold interest as required: Provided, That none of these funds may be used to acquire fee title to the properties.

SEC. 8113. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $51,425,000 is hereby appropriated to the Department of Defense, to remain available until September 30, 2005: Provided, That the Secretary of Defense shall make grants in the amounts specified as follows: $5,000,000 to the Intrepid Sea-Air-Space Foundation; $1,875,000 to the Presidio Trust only for renovations of the parade field; $1,000,000 to the Fort Ticonderoga Association; $8,500,000 to the Military Aviation Museum of the Pacific; $10,000,000 to the Wings of Liberty Military Museum at Fort Campbell; $2,550,000 to the United Services Organization; $5,000,000 to the Galena IDEA Distance Learning Program; $1,500,000 to the Wing Luke Asian Museum; $8,000,000 to the Center for Applied Science and Engineering; $1,000,000 to the Women in Military Service for America Memorial Foundation; $2,000,000 to the American Red Cross Greater Alleghenies Blood Services Center; $4,000,000 to the Clarksville-Montgomery County School System; and $1,000,000 to the National Museum of Cavalry and Armor at Fort Knox.

SEC. 8114. None of the funds appropriated in this Act under the heading ''Overseas Contingency Operations Transfer Account'' may be transferred or obligated for Department of Defense expenses not directly related to the conduct of overseas contingencies: Provided, That the Secretary of Defense shall submit a report no later than 30 days after the end of each fiscal quarter to the Committees on Appropriations of the Senate and House of Representatives that details any transfer of funds from the ''Overseas Contingency Operations Transfer Account'': Provided further, That the report shall explain any transfer for the maintenance of real property, pay of civilian personnel, base operations support, and weapon, vehicle or equipment maintenance.

SEC. 8115. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading ''Shipbuilding and Conversion, Navy'' shall be considered to be for the same purpose as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8116. The budget of the President for fiscal year 2006 submitted to the Congress pursuant to section 1105 of title 31, United States Code shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: Provided, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: Provided further, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: Provided further, That these documents shall include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8117. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8118. Notwithstanding any other provision of law, section 2533a(f) of title 10, United States Code, shall hereafter not apply to any fish, shellfish, or seafood product. This section applies to contracts and subcontracts for the procurement of commercial items notwithstanding section 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 430).

SEC. 8119. Of the amounts provided in title II of this Act under the heading, ''Operation and Maintenance, Defense-Wide'', $20,000,000 is available for the Regional Defense Counter-terrorism Fellowship Program, to fund the education and training of foreign military officers, ministry of defense civilians, and other foreign security officials, to include United States military officers and civilian officials whose participation directly contributes to the education and training of these foreign students.

SEC. 8120. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act: Provided, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8121. (a) LAND CONVEYANCES, NORTON AIR FORCE BASE, CALIFORNIA.—

(1) FOREST SERVICE CONVEYANCE.—Subject to paragraph (2), the Secretary of Agriculture shall convey to the Inland Valley Development Agency all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 3.74 acres designated as parcel D–1 (including the former Air Force S–2 Headquarters Building) on the former Norton Air Force Base, California.

(2) As consideration for the transfer under paragraph (1), the Inland Valley Development Agency shall execute a long-term ground lease with the Secretary of Agriculture, upon terms acceptable to the Federal Aviation Administration, to provide the United States Forest Service with a replacement parcel of land of approximately 7.5 acres at the San Bernardino International Airport adjacent to current facilities of the Forest Service to be used for aeronautical purposes in furtherance of wildfire prevention and containment.

(b) AIR FORCE CONVEYANCE.—

(1) Subject to paragraph (2), the Secretary of the Air Force shall convey to the Inland Valley Development Agency all right, title, and interest of the United States in and to certain parcels of real property, including improvements thereon, located on or adjacent to the former Norton Air Force Base, California, that as of the date of the enactment of this Act have been determined through a record of decision to be eligible to be transferred to, or held in trust for, the San Manuel Band of Mission Indians.

(2) The Secretary of the Air Force shall make a conveyance under paragraph (1) with respect to any parcel of real property to which that paragraph applies only upon delivery to the Secretary of an instrument executed by the San Manuel Band of Mission Indians that releases and extinguishes any real property interest of the San Manuel Band of Mission Indians in that parcel of real property.

SEC. 8122. (a) The total amount appropriated or otherwise made available in titles II, III and IV of this Act is hereby reduced by $711,000,000 to reflect savings from assumed management improvements, to be distributed as follows:

''Title II'', $200,000,000;

''Title III'', $300,000,000; and

''Title IV'', $211,000,000.

(b) The Secretary of Defense shall allocate this reduction proportionately to each budget activity, activity group, subactivity group, and each program, project, and activity within each applicable appropriation account.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8123. (a) The amount appropriated in title II for ''Operation and Maintenance, Air Force'' is hereby reduced by $967,200,000 to reflect cash balance and rate stabilization adjustments in the Department of Defense Transportation Working Capital Fund.

(b) Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall transfer $967,200,000 from the Department of Defense Transportation Working Capital Fund to ''Operation and Maintenance, Air Force'' to offset the reduction made by subsection (a). The transfer required by this subsection is in addition to any other transfer authority provided to the Department of Defense.

SEC. 8124. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: Provided, That information

pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8125. Of the amount appropriated under the heading ''Operation and Maintenance, Marine Corps'' for the Marine Corps Air-Ground Task Force Training Center, Twenty Nine Palms, California, $3,900,000 shall be available to the Secretary of the Navy to enter into a contract, notwithstanding any other provision of law, for the widening of Adobe Road, which is used by members of the Marine Corps stationed at the installation and their dependents, and for construction of pedestrian and bike lanes for the road, to provide for the safety of the Marines stationed at the installation.

SEC. 8126. In addition to amounts appropriated or otherwise made available in this Act, there is hereby appropriated $2,500,000, for ''Operation and Maintenance, Marine Corps'': Provided, That the Secretary of the Navy shall make a grant in that amount to the ''Hi-Desert Memorial Health Care District'', Joshua Tree, California, for the purposes of providing a capability for non-invasive assessment, diagnostic testing and treatment in support of service personnel and their families stationed at the Marine Corps Air-Ground Task Force Training Center.

SEC. 8127. (a) LAND CONVEYANCE, ARMY RESERVE TRAINING CENTER, WOOSTER, OHIO.—The Secretary of the Army may convey, without consideration, to the City of Wooster, Ohio, all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, that is located at 1676 Portage Road, Wooster, Ohio, and contains a former Army Reserve Training Center.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City of Wooster, Ohio.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 8128. (a) At the time members of reserve components of the Armed Forces are called or ordered to active duty under section 12302(a) of title 10, United States Code, each member shall be notified in writing of the expected period during which the member will be mobilized.

(b) The Secretary of Defense may waive the requirements of subsection (a) in any case in which the Secretary determines that it is necessary to do so to respond to a national security emergency or to meet dire operational requirements of the Armed Forces.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8129. The Secretary of the Navy may transfer funds from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary changes resulting from inflation, market fluctuations, or rate adjustments for any ship construction program appropriated in law: Provided, That the Secretary may transfer not to exceed $100,000,000 under the authority provided by this section: Provided further, That the funding transferred shall be available for the same time period as the appropriation to which transferred: Provided further, That the Secretary may not transfer any funds until 30 days after the proposed transfer has been reported to the Committee on Appropriations of the Senate and the House of Representatives, unless sooner notified by the Committees that there is no objection to the proposed transfer: Provided further, That the transfer authority provided by this section is in addition to any other transfer authority contained elsewhere in this Act.

SEC. 8130. The amounts appropriated in title II of this Act are hereby reduced by $50,000,000 to reflect savings attributable to the offsetting of payments to contractors for the collection, pursuant to law, of unpaid taxes owed to the United States, as follows:

(1) From ''Operation and Maintenance, Army'', $11,000,000.

(2) From ''Operation and Maintenance, Navy'', $13,000,000.

(3) From ''Operation and Maintenance, Marine Corps'', $1,000,000.

(4) From ''Operation and Maintenance, Air Force'', $25,000,000.

SEC. 8131. The total amount appropriated in title IV is hereby reduced by $350,000,000 to decrease amounts budgeted in anticipation of the application of non-statutory funding set asides: Provided, That this reduction shall be allocated proportionately to each budgeted program, program element, project, and activity: Provided further, That funds made available for programs of the National Foreign Intelligence Program (NFIP) are exempt from the application of this provision.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8132. TANKER REPLACEMENT TRANSFER FUND.—In addition to funds made available elsewhere in this Act, there is hereby appropriated $100,000,000, to remain available until transferred: Provided, That these funds are appropriated to the ''Tanker Replacement Transfer Fund'' (referred to as ''the Fund'' elsewhere in this section), which is hereby established in the Treasury: Provided further, That the Secretary of the Air Force may transfer amounts in the Fund to ''Operation and Maintenance, Air Force'', ''Aircraft Procurement, Air Force'', and ''Research, Development, Test and Evaluation, Air Force'', only for the purposes of proceeding with a tanker acquisition program: Provided further, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary of the Air Force shall, not fewer than 15 days prior to making transfers using funds provided in this section, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

SEC. 8133. None of the funds appropriated or otherwise made available by this Act may be used to amend or cancel, or implement any amendment or cancellation of, Department of Defense Directive 1344.7, ''Personal Commercial Solicitation on DOD Installations'', until after the end of the 90-day period beginning on the date on which the report containing the results of the investigation regarding insurance premium allotment processing, which is underway as of the date of the enactment of this Act, is submitted to the congressional defense committees (as defined in section 101(a)(16) of title 10, United States Code), the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate.

SEC. 8134. The Secretary of Defense shall provide a report to the congressional defense committees not later than October 15, 2004, that addresses how the Department of Defense (DOD) is improving the dud rate of cluster munitions to meet existing DOD policies. This report shall address: (1) the types and quantities of munitions systems that employ cluster munitions presently in DOD's inventory that do and do not meet the 1-percent dud rate policy; (2) DOD efforts to ensure the development of cluster munitions that meet the 1-percent dud rate policy, including a list of programs funded in fiscal year 2005; and (3) a schedule describing the DOD cluster munitions inventory profile from the present until the time this inventory will meet the 1-percent dud rate policy.

SEC. 8135. Up to $2,600,000 of the funds appropriated under the heading, ''Operation and Maintenance, Navy'' in this Act may be made available to contract for the installation, repair, maintenance, and operation of on-base and adjacent off-base drainage and flood control systems critical to base operations and the public health and safety of community residents in the vicinity of the Naval Magazine Lualualei.

SEC. 8136. From funds provided under the heading ''Operation and Maintenance, Navy'', the Secretary of the Navy may make a grant in the amount of $2,100,000 to the Chicago Public Schools for establishment of a Naval Military Academy High School, Chicago, Illinois, in partnership with the Great Lakes Naval Training Center.

SEC. 8137. Of the amount appropriated by title III under the heading ''Aircraft Procurement, Air Force'', $880,000 shall be available to the Secretary of the Air Force for a grant to Rocky Mountain College, Montana, for the purchase of three Piper aircraft, and an aircraft simulator, for support of aviation training.

SEC. 8138. It is the sense of the Senate that—

(1) any request for funds for a fiscal year for an ongoing military operation overseas, including operations in Afghanistan and Iraq, should be included in the annual budget of the President for such fiscal year as submitted to Congress under section 1105(a) of title 31, United States Code; and

(2) any funds provided for such fiscal year for such a military operation should be provided in appropriations Acts for such fiscal year through appropriations to specific accounts set forth in such Acts.

SEC. 8139. Notwithstanding any other provision of law, the Secretary of the Air Force may, using funds available to the Air Force, demolish or provide for the demolition of any facilities or other improvements on real property at the former Wurtsmith Air Force Base.

SEC. 8140. (a) The total amount appropriated or otherwise made available in this Act is hereby reduced by $768,100,000 to reflect excessive unobligated balances, to be distributed as follows:

''Operation and Maintenance, Army'', $160,800,000;

''Operation and Maintenance, Navy'', $171,900,000;

''Operation and Maintenance, Marine Corps'', $15,700,000;

''Operation and Maintenance, Air Force'', $142,400,000; and

''Operation and Maintenance, Defense-Wide'', $277,300,000.

(b) The Secretary of Defense shall allocate this reduction proportionately to each budget activity, activity group, subactivity group, and each program, project, and activity within each applicable appropriation account.

SEC. 8141. (a) The total amount appropriated or otherwise made available in title II of this Act is hereby reduced by $100,000,000 to limit excessive growth in the travel and transportation of persons.

(b) The Secretary of Defense shall allocate this reduction proportionately to each budget activity, activity group, subactivity group, and each program, project, and activity within each applicable appropriation account.

(INCLUDING RESCISSIONS)

SEC. 8142. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

''Aircraft Procurement, Navy, 2002/2004'', $50,000,000; and

''Aircraft Procurement, Air Force, 2002/2004'', $50,000,000:

Provided, That in addition to funds made available elsewhere in this Act, $100,000,000 is hereby

appropriated, in the specified amounts to the following accounts:

''Aircraft Procurement, Navy, 2003/2005'', $50,000,000; and

''Aircraft Procurement, Air Force, 2003/2005'', $50,000,000:

Provided further, That this section shall become effective upon enactment of this Act.

TITLE IX

ADDITIONAL WAR-RELATED APPROPRIATIONS

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $915,700,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $27,700,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $241,700,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $64,900,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $13,550,000,000.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $367,000,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $1,665,000,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $419,000,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $404,000,000.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Iraq Freedom Fund'', $3,800,000,000, to remain available for transfer until September 30, 2006, only to support operations in Iraq or Afghanistan and classified activities: Provided, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; the Defense Health Program; and working capital funds: Provided further, That of the amounts provided under this heading, $1,800,000,000 shall only be for classified programs, described in further detail in the classified annex accompanying this Act: Provided further, That up to $100,000,000 shall be available for the Department of Homeland Security, ''United States Coast Guard, Operating Expenses'': Provided further, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

PROCUREMENT

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $50,000,000, to remain available until September 30, 2007.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $110,000,000, to remain available until September 30, 2007.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $755,000,000, to remain available until September 30, 2007.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $79,000,000, to remain available until September 30, 2007.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $30,000,000, to remain available until September 30, 2007.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $150,000,000, to remain available until September 30, 2007.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $110,000,000, to remain available until September 30, 2007.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $50,000,000, to remain available until September 30, 2007.

NATIONAL GUARD AND RESERVE EQUIPMENT

For an additional amount for ''National Guard and Reserve Equipment'', $50,000,000, to remain available until September 30, 2007.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $1,478,000,000.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $683,000,000 for Operation and maintenance.

GENERAL PROVISIONS, TITLE IX

SEC. 9001. Appropriations provided in this title are available for obligation until September 30, 2005, unless otherwise so provided in this title: Provided, That notwithstanding any other provision of law or of this Act, funds in this title are available for obligation, and authorities in this title shall apply, upon enactment of this Act.

SEC. 9002. Notwithstanding any other provision of law or of this Act, funds made available in this title are in addition to amounts provided elsewhere in this Act.

(TRANSFER OF FUNDS)

SEC. 9003. (a) Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $1,500,000,000 of the funds made available to the Department of Defense in this title: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: Provided further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of this Act.

(b) Section 8005 of the Department of Defense Appropriations Act, 2004 (Public Law 108–87; 117 Stat. 1071), is amended—

(1) by striking ''$2,100,000,000'' and inserting in lieu thereof ''$2,800,000,000''; and

(2) by striking all after the third proviso and inserting the following: '': Provided further, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.''.

(c) Section 168(a) of division H of the Consolidated Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 456), is repealed upon enactment of this Act.

SEC. 9004. Funds appropriated in this title, or made available by the transfer of funds in or pursuant to this title, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 9005. None of the funds provided in this title may be used to finance programs or activities denied by Congress in fiscal years 2004 and 2005 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 9006. Notwithstanding any other provision of law, from funds made available in this title to the Department of Defense for operation and maintenance, not to exceed $500,000,000 may be used by the Secretary of Defense, with the concurrence of the Secretary of State, to train, equip and provide related assistance only to the New Iraqi Army and the Afghan National Army to enhance their capability to combat terrorism and to support U.S. military operations in Iraq and Afghanistan: Provided, That such assistance may include the provision of equipment, supplies, services, training and funding: Provided further, That the authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense shall notify the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate not less than 15 days before providing assistance under the authority of this section.

SEC. 9007. From funds made available in this title to the Department of Defense, not to exceed $300,000,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi people, and to fund a similar program to assist the people of Afghanistan: Provided, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding the source of funds and the allocation and use of funds made available pursuant to the authority provided in this section.

SEC. 9008. Section 202(b) of the Afghanistan Freedom Support Act of 2002 (Public Law 107–327, as amended by section 2206 of Public Law 108–106) is amended by striking ''$450,000,000'' and inserting in lieu thereof ''$550,000,000''.

SEC. 9009. During the current fiscal year, funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: Provided, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 9010. (a) Not later than April 30 and October 31 of each year, the Secretary of Defense shall submit to Congress a report on the military operations of the Armed Forces and the reconstruction activities of the Department of Defense in Iraq and Afghanistan.

(b) Each report shall include the following information:

(1) For each of Iraq and Afghanistan for the half-fiscal year ending during the month preceding the due date of the report, the amount expended for military operations of the Armed Forces and the amount expended for reconstruction activities, together with the cumulative total amounts expended for such operations and activities.

(2) An assessment of the progress made toward preventing attacks on United States personnel.

(3) An assessment of the effects of the operations and activities in Iraq and Afghanistan on the readiness of the Armed Forces.

(4) An assessment of the effects of the operations and activities in Iraq and Afghanistan on the recruitment and retention of personnel for the Armed Forces.

(5) For the half-fiscal year ending during the month preceding the due date of the report, the costs incurred for repair of Department of Defense equipment used in the operations and activities in Iraq and Afghanistan.

(6) The foreign countries, international organizations, and nongovernmental organizations that are contributing support for the ongoing military operations and reconstruction activities, together with a discussion of the amount and types of support contributed by each during the half-fiscal year ending during the month preceding the due date of the report.

(7) The extent to which, and the schedule on which, the Selected Reserve of the Ready Reserve of the Armed Forces is being involuntarily ordered to active duty under section 12304 of title 10, United States Code.

(8) For each unit of the National Guard of the United States and the other reserve components of the Armed Forces on active duty pursuant to an order to active duty under section 12304 of title 10, United States Code, the following information:

(A) The unit.

(B) The projected date of return of the unit to its home station.

(C) The extent (by percentage) to which the forces deployed within the United States and outside the United States in support of a contingency operation are composed of reserve component forces.

SEC. 9011. Congress, consistent with international and United States law, reaffirms that torture of prisoners of war and detainees is illegal and does not reflect the policies of the United States Government or the values of the people of the United States.

SEC. 9012. The President shall provide to the Congress a report detailing the estimated costs over the period from fiscal year 2006 to 2011 of Operation Iraqi Freedom and Operation Enduring Freedom, or any related military operations in and around Iraq and Afghanistan, and the estimated costs of reconstruction, internal security, and related economic support to Iraq and Afghanistan: Provided, That the President may waive the requirement to submit this report only if the President certifies in writing to the Congress that estimates of these future military and economic support costs cannot be provided for purposes of national security: Provided further, That the report referenced above shall be submitted no later than January 1, 2005.

SEC. 9013. None of the funds made available in this title may be used to fund any contract in contravention of section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6)).

SEC. 9014. The Secretary of Defense may present promotional materials, including a United States flag, to any member of an Active or Reserve component under the Secretary's jurisdiction who, as determined by the Secretary, participates in Operation Enduring Freedom or Operation Iraqi Freedom.

SEC. 9015. Amounts appropriated or otherwise made available in this title are each designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of this Act.

TITLE X

OTHER MATTERS

CHAPTER 1

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for ''Diplomatic and Consular Programs'' for costs associated with United States Mission operations, technological support, logistical support, and necessary security costs in Iraq, $665,300,000, to remain available until expended.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for ''Embassy Security, Construction, and Maintenance'' for interim facilities for the United States Mission in Iraq, $20,000,000, to remain available until expended.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 11001. For the purposes of applying sections 204 and 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (division B of Public Law 108–199) to matters in title II of such Act under the heading ''National Institute of Standards and Technology'' (118 Stat. 69), in the account under the heading ''Industrial Technology Services'', the Secretary of Commerce shall make all determinations based on the Industrial Technology Services funding level of $218,782,000 for reprogramming and transferring of funds for the Manufacturing Extension Partnership program and may submit such a reprogramming or transfer, as the case may be, to the appropriate committees within 30 days after the date of the enactment of this Act.

SEC. 11002. In addition to amounts otherwise made available in this Act, $50,000,000, is made available upon enactment for ''Office of Justice Programs—State and Local Law Enforcement Assistance'' for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs for reimbursement to State and local law enforcement entities for security and related costs, including overtime, associated with the 2004 Presidential Candidate Nominating Conventions, to remain available until September 30, 2005: Provided, That from funds provided in this section the Office of Justice Programs shall make grants in the amount of $25,000,000 to the City of Boston, Massachusetts; and $25,000,000 to the City of New York, New York.

SEC. 11003. To ensure the continuity of Criminal Justice Act (CJA) representations by panel attorneys, $26,000,000 is appropriated to the Judiciary, ''Courts of Appeals, District Courts, and Other Judicial Services, Defender Services'', to remain available until expended: Provided, That the entire amount shall become available upon enactment of this Act: Provided further, That the amounts made available in this section shall only be used for CJA panel attorney representations.

SEC. 11004. Authorities contained in sections 402, 407, and 605 of division B of Public Law 108–199 shall also apply to amounts provided in this title for the Department of State.

CHAPTER 2

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

For an additional amount for ''International Disaster and Famine Assistance'', $70,000,000, to remain available until expended: Provided, That funds appropriated by this paragraph shall be available to respond to the humanitarian crisis in the Darfur region of Sudan and in Chad.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for ''Migration and Refugee Assistance'', $25,000,000, to remain available until expended: Provided, That funds appropriated by this paragraph shall be available to respond to the humanitarian crisis in the Darfur region of Sudan and in Chad.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 12001. (a)(1) Notwithstanding section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), the President may transfer to Israel, in exchange for concessions to be negotiated by the Secretary of Defense, with the concurrence of the Secretary of State, any or all of the items described in paragraph (2).

(2) The items referred to in paragraph (1) are armor, artillery, automatic weapons ammunition, missiles, and other munitions that—

(A) are obsolete or surplus items;

(B) are in the inventory of the Department of Defense;

(C) are intended for use as reserve stocks for Israel; and

(D) as of the date of enactment of this Act, are located in a stockpile in Israel.

(b) The value of concessions negotiated pursuant to subsection (a) shall be at least equal to the fair market value of the items transferred. The concessions may include cash compensation, services, waiver of charges otherwise payable by the United States, and other items of value.

(c) Not later than 30 days before making a transfer under the authority of this section, the President shall transmit a notification of the proposed transfer to the Committees on Foreign Relations and Armed Services of the Senate and the Committees on International Relations and Armed Services of the House of Representatives. The notification shall identify the items to be transferred and the concessions to be received.

(d) No transfer may be made under the authority of this section more than 2 years after the date of the enactment of this Act.

SEC. 12002. Section 514(b)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)) is amended—

(1) in subparagraph (A), by striking ''for fiscal year 2003'' and inserting ''for each of fiscal years 2004 and 2005''; and

(2) in subparagraph (B), by striking ''for fiscal year 2003'' and inserting ''for a fiscal year''.

CHAPTER 3

SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2004 FOR URGENT WILDLAND FIRE SUPPRESSION ACTIVITIES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

For an additional amount for fiscal year 2004 for ''Wildland Fire Management'', $100,000,000, to remain available until expended, for urgent wildland fire suppression activities related to the fiscal year 2004 fire season pursuant to section 312 of S. Con. Res. 95 (108th Congress): Provided, That such funds are also available for repayment of advances to other appropriations accounts from which funds are transferred for such purposes: Provided further, That cost containment measures shall be implemented within this account for fiscal year 2004, and the Secretary of the Interior shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on such cost containment measures by December 31, 2004.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

For an additional amount for fiscal year 2004 for ''Wildland Fire Management'', $400,000,000, to remain available until expended, for urgent wildland fire suppression activities related to

the fiscal year 2004 fire season pursuant to section 312 of S. Con. Res. 95 (108th Congress): Provided, That such funds are also available for repayment of advances to other appropriations accounts from which funds are transferred for such purposes: Provided further, That the Secretary of Agriculture shall establish an independent cost-control review panel to examine and report on fire suppression costs for individual wildfire incidents that exceed $10,000,000 in cost: Provided further, That if the independent review panel report finds that appropriate actions were not taken to control suppression costs for one or more such wildfire incidents, then an amount equal to the aggregate estimated excess costs of suppressing those wildfire incidents shall be transferred to the Treasury from unobligated balances remaining at the end of fiscal year 2004 in the Wildland Fire Management account, if available.

CHAPTER 4

GENERAL PROVISIONS, THIS TITLE

SEC. 14001. Appropriations provided in this title are available for obligation until September 30, 2005, unless otherwise so provided in this title.

SEC. 14002. Funds in this title are available for obligation and authorities in this title shall apply upon enactment of this Act.

SEC. 14003. (a) Public Law 108–199 is amended in division F, title I, section 110(g) by striking ''Of the'' and inserting ''Prior to distributing''; striking ''each'' every time it appears and inserting ''the''; striking ''project'' every time it appears and inserting ''projects''.

(b) The limitation under the heading ''Federal-aid Highways (Limitation on Obligations) (Highway Trust Fund)'' in Public Law 108–199 is increased by such sums as may be necessary to ensure that each State receives an amount of obligation authority equal to what each State would have received under division F, title I, section 110(a)(6) of Public Law 108–199 but for the amendment made to division F, title I, section 110(g) of Public Law 108–199 by subsection (a) of this section: Provided, That such additional authority shall remain available during fiscal years 2004 and 2005: Provided further, That for each State receiving an amount of obligation authority greater than what each State would have received under division F, title I, section 110(a)(6) of Public Law 108–199 but for the amendment made to division F, title I, section 110(g) of Public Law 108–199 by subsection (a) of this section, such additional obligation authority shall remain available during fiscal years 2004 and 2005.

SEC. 14004. (a) RESCISSION.—Upon enactment of this Act, there is rescinded an amount equal to $795,280 from the amount appropriated to carry out part B of title VII of the Higher Education Act of 1965, in title III of division E of the Consolidated Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 3). This amount shall reduce the funds available for the projects specified in the statement of the managers on the Conference Report 108–401 accompanying the Consolidated Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 3).

(b) DISREGARD AMOUNT.—In the statement of the managers on the Conference Report 108–401 accompanying the Consolidated Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 3), in the matter in title III of division E, relating to the Fund for the Improvement of Postsecondary Education under the heading ''Higher Education'', the provision specifying $800,000 for Wahpeton State School of Science and North Dakota State University to recruit, retain and train pharmacy technicians shall be disregarded.

(c) APPROPRIATION.—There is appropriated an amount equal to $795,280 to the Department of Labor, Employment and Training Administration for ''Training and Employment Services'', available for obligation for the period from July 1, 2004, through June 30, 2005, of which—

(1) $200,000 shall be made available to the North Dakota State School of Science to recruit, retain, and train pharmacy technicians;

(2) $297,640 shall be made available to Bismarck State College for training and education related to its electric power plant technologies curriculum; and

(3) $297,640 shall be made available for Minot State University for the Job Corps Fellowship Training Program.

(d) The matter under the heading ''Institute of Museum and Library Services'' in title IV of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2004, (Public Law 108–199, division E) is amended by striking ''Michigan Space and Science Center, Jackson, Michigan, for development of the strategic plan, operational costs and personnel'' and inserting ''Jackson Intermediate School District, Jackson, Michigan, for equipment and materials for the Math and Science Resource Library''.

SEC. 14005. Of the unobligated amounts available for the District of Columbia Public Schools under this heading, $10,600,000 are rescinded immediately upon enactment of this Act. For a Federal payment to the District of Columbia under this heading, $10,600,000, available immediately upon enactment of this Act, to improve public school education in the District of Columbia, to remain available until September 30, 2005.

SEC. 14006. The numerical limitation contained in section 214(g)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(B)) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(ii)(b) of such Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) who is employed (or has received an offer of employment) as a fish roe processor, a fish roe technician, or a supervisor of fish roe processing.

SEC. 14007. 2005 DISCRETIONARY LIMITS. (a) IN GENERAL.—For the purposes of section 302(a) of the Congressional Budget Act of 1974, the allocation of the appropriate levels of budget totals for the Senate Committee on Appropriations for fiscal year 2005 shall be—

(1) for total discretionary spending—

(A) $821,419,000,000 in total new budget authority; and

(B) $905,328,000,000 in total budget outlays; and

(2) for mandatory—

(A) $460,008,000,000 in total new budget authority; and

(B) $445,525,000,000 in total budget outlays;

until a concurrent resolution on the budget for fiscal year 2005 is agreed to by the Senate and the House of Representatives pursuant to section 301 of the Congressional Budget Act of 1974.

(b) ADJUSTMENTS AND LIMITS.—The following limits and adjustments provided in S. Con. Res. 95 (108th Congress) shall apply to subsection (a):

(1) Sections 311 and 403 for fiscal year 2005.

(2) Sections 312 and 402 which shall apply to both fiscal years 2004 and 2005.

(c) DEFINITION.—In this section, the term ''total discretionary spending'' includes the discretionary category, the mass transit category, and the highway category.

(d) REPEAL.—Section 504 of H. Con. Res. 95 (108th Congress) is repealed.

(e) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act.

SEC. 14008. Amounts appropriated or otherwise made available in chapters 1 and 2 of this title are each designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of this Act.

This Act may be cited as the ''Department of Defense Appropriations Act, 2005''.

And the Senate agree to the same.

JERRY LEWIS,
BILL YOUNG,
DAVID L. HOBSON,
HENRY BONILLA,
GEORGE R. NETHERCUTT, Jr.,
RANDY ''DUKE'' CUNNINGHAM,
RODNEY P. FRELINGHUYSEN,
TODD TIAHRT,
ROGER F. WICKER,
JOHN P. MURTHA,
NORMAN D. DICKS,
MARTIN OLAV SABO,
PETER J. VISCLOSKY,
JAMES P. MORAN,
DAVID R. OBEY,
Managers on the Part of the House.

TED STEVENS,
THAD COCHRAN,
ARLEN SPECTER,
PETE DOMENICI,
KIT BOND,
MITCH MCCONNELL,
RICHARD C. SHELBY,
JUDD GREGG,
KAY BAILEY HUTCHISON,
CONRAD BURNS,
DANIEL K. INOUYE,
ERNEST F. HOLLINGS, (except for deeming section),
ROBERT C. BYRD, (except for the section deeming FY 2005 discretionary limits),
PATRICK J. LEAHY, (except for deeming section),
TOM HARKIN, (except for deeming section),
BYRON L. DORGAN, (except for deeming section),
RICHARD J. DURBIN, (except for the deeming FY 2005 discretionary limits),
HARRY REID, (except for deeming section),
DIANNE FEINSTEIN, (except for deeming section),
Managers on the Part of the Senate.

When said conference report was considered.

After debate,

By unanimous consent, the previous question was ordered on the conference report to its adoption or rejection.

The question being put,

Will the House agree to said conference report?

The SPEAKER pro tempore, Mr. CAMP, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CAMP, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶82.30 MILITARY CONSTRUCTION APPROPRIATIONS FY 2005

The SPEAKER pro tempore, Mr. CAMP, pursuant to House Resolution 732 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4837) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

Mr. BEREUTER, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

The SPEAKER pro tempore, Mr. CAMP, assumed the Chair.

When Mr. BEREUTER, Chairman, pursuant to House Resolution 732, reported the bill back to the House.

The previous question having been ordered by said resolution.

The bill was ordered to be engrossed and read a third time, was read a third time by title.

Mr. OBEY moved to recommit the bill to the Committee on Appropriations with instructions to report the bill back to the House forthwith with the following amendment:

SEC. 129. Section 2883(g)(1) of title 10, United States Code, is amended by striking ''$850,000,000'' and inserting ''$2,300,000,000''.

Pending consideration of said motion,

¶82.31 POINT OF ORDER

Mr. NUSSLE made a point of order against , and said:

''Mr. Chairman, I reserve a point of order against section 129 of the bill because it violates clause 2 of rule XXI, which prohibits legislative language that directly amends existing law.''

Mr. OBEY was recognized to speak to the point of order and said:

''Mr. Chairman, I rise to be heard on the point of order.

''Mr. Chairman, it is important for us to respect the rules of the House, but sometimes the rules give Members powers to do things that they ought not do. Just because we have the power to do something does not necessarily mean that it is the right thing to do it. Sometimes it is important to exercise restraint. I think this is one of those cases.

''The gentleman from Texas (Mr. EDWARDS) correctly points out that an hour ago we waived all points of order on a huge spending bill, many times more dollars than we have in this bill. There were many points of order that could have been lodged against this bill when it came from the Committee on Rules, but the House leadership chose to expose only one item in the bill to a point of order, and that is the item that would have delivered decent housing to 24,000 military families.

''What the House did or what the majority did by adopting that rule is to say in effect that peace in the family was more important than the sure delivery of decent housing to 24,000 military families.

''Mr. Chairman, I think it is unfortunate that the majority leadership has dictated to the House that it must allow this one provision to be eliminated, but there is not much we can do about it and I also unfortunately have to concede the point of order.''

The SPEAKER pro tempore, Mr. CAMP, sustained the point of order, and said:

''The Chair has heard from the chairman of the subcommittee, the ranking member of the subcommittee, and the ranking member of the full committee, and is prepared to rule on the point of order raised by the gentleman from Iowa [Mr. Nussle].

''The Chair finds that this provision directly amends existing law. The provision therefore constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained, and the provision is stricken from the bill.''

Mr. OBEY moved to recommit the bill to the Committee on Appropriations with instructions to report the bill back to the House promptly with an amendment increasing from $850,000,000 to $1,300,000,000 the limitation on military family housing privatization programs in 10 United States Code 2883(g)(1)

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. CAMP, announced that the nays had it.

Mr. OBEY objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 201 / Nays ..... 217 }

¶82.32 [Roll No. 416]

YEAS—201

Abercrombie
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chandler
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NAYS—217

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

NOT VOTING—16

Ackerman
Carson (IN)
Clay
Collins
Culberson
Gephardt

Greenwood
Hart
Kirk
Kucinich
Lowey
Meehan
Meeks (NY)
Paul
Quinn
Rohrabacher

So the motion to recommit with instructions was not agreed to.

The question being put,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. CAMP, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 420 / Nays 1

¶82.33 [Roll No. 417]

YEAS—420

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Obey

NOT VOTING—13

Ackerman
Carson (IN)
Clay
Collins
Conyers
Gephardt
Greenwood
Kirk
Lowey
Meehan
Paul
Quinn
Rohrabacher

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶82.34 H.R. 4613—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CAMP, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on agreeing to the conference report on the bill (H.R. 4613) making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

The question being put,

Will the House agree to said conference report?

The SPEAKER pro tempore, Mr. CAMP, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 410 / Nays 12

¶82.35 [Roll No. 418]

YEAS—410

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George

Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—12

Conyers
Grijalva
Kucinich
Lee
Lewis (GA)
McDermott
Owens
Payne
Schakowsky
Stark
Watt
Woolsey

NOT VOTING—12

Ackerman
Carson (IN)
Clay
Collins
Ferguson
Gephardt
Greenwood
Kirk
Lowey
Meehan
Paul
Quinn

So the conference report was agreed to.

A motion to reconsider the vote whereby said conference report was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶82.36 H. CON. RES. 469—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CAMP, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 469) condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July 1994 and expressing the concern of the United States regarding the continuing, decade-long delay in the resolution of this case.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 422 / Nays ..... 0 }

¶82.37 [Roll No. 419]

YEAS—422

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—12

Ackerman
Carson (IN)
Clay
Collins
Ferguson
Gephardt
Greenwood
Kirk
Lowey
Meehan
Paul
Quinn

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶82.38 H. CON. RES. 467—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CAMP, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 467) declaring genocide in Darfur, Sudan; as amended.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 422 / Nays ..... 0 }

¶82.39 [Roll No. 420]

YEAS—422

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews

Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—12

Ackerman
Carson (IN)
Clay
Collins
Ferguson
Gephardt
Greenwood
Kirk
Lowey
Meehan
Paul
Quinn

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶82.40 MOTION TO INSTRUCT CONFEREES TO H.R. 1308—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CAMP, pursuant to clause 8 of rule XX, announced the further unfinished business to be the question on agreeing to the motion by Mr. STENHOLM, to instruct the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1308) to amend the Internal Revenue Code of 1986 to end certain abusive tax practices, to provide tax relief and simplification, and for other purposes.

The question being put,

Will the House agree to said motion?

The vote was taken by electronic device.

It was decided in the negative { Yeas ..... 198 / Nays 222

¶82.41 [Roll No. 421]

YEAS—198

Abercrombie
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chandler
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (MI)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—222

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde

Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Ackerman
Carson (IN)
Clay
Collins
Ferguson
Gephardt
Greenwood
Kirk
Lowey
Meehan
Moran (VA)
Paul
Petri
Quinn

So the motion to instruct the managers on the part of the House was not agreed to.

A motion to reconsider the vote whereby said motion was not agreed to was, by unanimous consent, laid on the table.

¶82.42 ADJOURNMENT OF THE TWO HOUSES

Mr. DELAY, pursuant to Section 2 of House Resolution 683, submitted the following concurrent resolution (H. Con. Res. 479):

Resolved by the House of Representatives (the Senate concurring),

That when the House adjourns on the legislative day of Thursday, July 22, 2004, or Friday, July 23, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, September 7, 2004, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, July 22, 2004, Friday, July 23, 2004, or Saturday, July 24, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, September 7, 2004, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

When said concurrent resolution was considered and agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶82.43 HONORING THE LIFE OF MATTIE STEPANEK

On motion of Mr. MURPHY, by unanimous consent, the Committee on Government Reform was discharged from further consideration of the following resolution (H. Res. 695):

Whereas Mattie Stepanek was born on July 17, 1990, and was raised in Rockville, Maryland;

Whereas Mattie Stepanek had mitochondrial myopathy, a rare form of muscular dystrophy that affects heart rate, breathing, and digestion;

Whereas in 2002, 2003, and 2004, Mattie Stepanek served as the National Goodwill Ambassador for the Muscular Dystrophy Association (MDA), appearing with MDA National Chairman Jerry Lewis on the MDA Labor Day Telethon;

Whereas Mattie Stepanek was able to fulfill three of his dreams by publishing a book of poetry, meeting his hero, former President Jimmy Carter, and meeting Oprah Winfrey;

Whereas Mattie Stepanek has written five books of poetry, including Heartsongs, Journey Through Heartsongs, Hope Through Heartsongs, Celebrate Through Heartsongs, and Loving Through Heartsongs;

Whereas the poetry books written by Mattie Stepanek have sold more than 500,000 copies;

Whereas by the age of 13, Mattie Stepanek reached an 11th grade education level through home schooling; and

Whereas on June 22, 2004, Mattie Stepanek lost his fight with muscular dystrophy at Children's National Medical Center in Washington, District of Columbia: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its condolences to the family and friends of Mattie Stepanek on his passing; and

(2) honors the life of Mattie Stepanek for his braveness, generosity of spirit, and efforts to raise awareness of muscular dystrophy.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶82.44 RESIGNATION AS MEMBER OF HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore, Mr. SIMPSON, laid before the House the following communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
July 20, 2004.

Hon. J. DENNIS HASTERT,
Speaker, House Of Representatives, Room H–232, The Capitol, Washington, DC.

DEAR MR. SPEAKER: It has been my great privilege and honor to have represented the citizens of Nebraska's 1st Congressional District in the U.S. House of Representatives for 13 terms. During that time I have served with an extraordinary number of talented and dedicated representatives from both sides of the aisle, and with similarly dedicated and effective congressional staff, who of course make possible the work of Congress.

As a Member, I have been particularly aided by an especially talented, loyal, unusually long-serving, and hard-working congressional office staff and subcommittee staff of high integrity who epitomize the best qualities of my Nebraska constituents and of those Americans who make our country the finest in the world.

However, there comes a time in many a representative's life when that Member of Congress is ready to focus on other priorities and objectives, and I am at that point in my life, Therefore, Mr. Speaker, the purpose of this letter is to communicate to you and the House, that effective at the end of the day on August 31, 2004, I am resigning my seat as the Representative of the 1st District of Nebraska in the U.S. House of Representatives. I also have written to the Governor of Nebraska to advise him of my decision.

Best wishes,

DOUG BEREUTER,
Member of Congress.

¶82.45 RECESS—9:35 P.M.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 12(a) of rule I, declared the House in recess at 9 o'clock and 35 minutes p.m., subject to the call of the Chair.

¶82.46 AFTER RECESS—10:25 P.M.

The SPEAKER pro tempore, Mr. SIMPSON, called the House to order.

¶82.47 HIGHWAY EXTENSION

On motion of Mr. YOUNG of Alaska, by unanimous consent, the Committee on Transportation and Infrastructure, the Committee on Ways and Means, the Committee on Science, and the Committee on Resources were discharged from further consideration of the bill (H.R. 4916) to provide an extension of highway, highway safety, motor carrier safety, transit and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

When said bill was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby the bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶82.48 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. THOMAS, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, September 8 , 2004, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶82.49 ADJOURNMENT OVER

On motion of Mr. THOMAS, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on

Monday, July 26, 2004, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 479, in which case the House shall stand adjourned pursuant to that concurrent resolution.

¶82.50 APPOINTMENT OF SPEAKER PRO TEMPORE TO SIGN ENROLLMENTS

The SPEAKER laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 22, 2004.

I hereby appoint the Honorable FRANK R. WOLF or, if he is not available to perform this duty, the Honorable TOM DAVIS to act as Speaker pro tempore to sign enrolled bills and joint resolutions through September 7, 2004.

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

By unanimous consent, the appointments were approved.

¶82.51 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. MONAHAN, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 2712. An Act to preserve the ability of the Federal Housing Administration to insure mortgages under sections 238 and 519 of the National Housing Act.

¶82.52 PRESERVING FHA MORTGAGES

On motion of Mr. NEY, by unanimous consent, the bill of the Senate (S. 2712) to preserve the ability of the Federal Housing Administration to insure mortgages under sections 238 and 519 of the National Housing Act; was taken from the Speaker's table.

When said bill was considered, read twice, ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶82.53 SENATE BILLS AND CONCURRENT RESOLUTION REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2249. An Act to amend the Stewart B. McKinney Homeless Assistance Act to provide for emergency food and shelter; to the Committee on Financial Services.

S. 2724. An Act to amend section 33(a) of the Small Business Act (15 U.S.C. 657c(a)) to clarify that the National Veterans Business Development Corporation is a private entity; to the Committee on Small Business.

S. Con. Res. 130. A concurrent resolution expressing the sense of Congress that the Supreme Court of the United States should act expeditiously to resolve the confusion and inconsistency in the Federal criminal justice system caused by its decision in Blakely v. Washington, and for other purposes; to the Committee on the Judiciary.

¶82.54 ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1914. An Act to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

H.R. 1572. An Act to designate the United States courthouse located at 100 North Palafox Street in Pensacola, Florida, as the "Winston E. Arnow United States Courthouse".

H.R. 2768. An Act to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall.

H.R. 3277. An Act to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center.

H.R. 4380. An Act to designate the facility of the United States Postal Service located at 4737 Mile Stretch Drive in Holiday, Florida, as the "Sergeant First Class Paul Ray Smith Post Office Building".

¶82.55 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. KIRK, for today after noon and balance of the week.

And then,

¶82.56 ADJOURNMENT

Mr. PEARCE moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The Speaker pro tempore, Mr. HENSARLING, announced the yeas had it.

So the motion to adjourn was agreed to.

Accordingly,

Pursuant to the previous order of the House, at 11 o'clock and 57 minutes, the House stands adjourned until 4 p.m. on Monday, July 26, 2004, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 479, in which case the House shall stand adjourned pursuant to that concurrent resolution.

¶82.57 OATH OF OFFICE/MEMBERS, RESIDENT COMMISSIONERS AND DELEGATES

Under clause 13 of Rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Aníbal Acevedo-Vilá, Gary L. Ackerman, Robert B. Aderholt, W. Todd Akin, Rodney Alexander, Thomas H. Allen, Robert E. Andrews, Joe Baca, Spencer Bachus, Brian Baird, Richard H. Baker, Tammy Baldwin, Frank W. Ballance, Jr., Cass Ballenger, J. Gresham Barrett, Roscoe G. Bartlett, Joe Barton, Charles F. Bass, Bob Beauprez, Xavier Becerra, Chris Bell, Doug Bereuter, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Michael Bilirakis, Rob Bishop, Sanford D. Bishop, Jr., Timothy H. Bishop, Marsha Blackburn, Earl Blumenauer, Roy Blunt, Sherwood Boehlert, John A. Boehner, Henry Bonilla, Jo Bonner, Mary Bono, John Boozman, Madeleine Z. Bordallo, Leonard L. Boswell, Rick Boucher, Allen Boyd, Jeb Bradley, Kevin Brady, Robert A. Brady, Corrine Brown, Henry E. Brown, Jr., Sherrod Brown, Ginny Brown-Waite, Michael C. Burgess, Max Burns, Richard Burr, Dan Burton, G.K. Butterfield, Steve Buyer, Ken Calvert, Dave Camp, Chris Cannon, Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Benjamin L. Cardin, Dennis A. Cardoza, Brad Carson, Julia Carson, John R. Carter, Ed Case, Michael N. Castle, Steve Chabot, Ben Chandler, Chris Chocola, Donna M. Christensen, Wm. Lacy Clay, James E. Clyburn, Howard Coble, Tom Cole, Mac Collins, Larry Combest, John Conyers, Jr., Jim Cooper, Jerry F. Costello, Christopher Cox, Robert E. (Bud) Cramer, Jr., Philip M. Crane, Ander Crenshaw, Joseph Crowley, Barbara Cubin, John Abney Culberson, Elijah E. Cummings, Randy "Duke" Cunningham, Artur Davis, Danny K. Davis, Jim Davis, Jo Ann Davis, Lincoln Davis, Susan A. Davis, Tom Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Tom DeLay, Jim DeMint, Peter Deutsch, Lincoln Diaz-Balart, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Calvin M. Dooley, John T. Doolittle, Michael F. Doyle, David Dreier, John J. Duncan, Jr., Jennifer Dunn, Chet Edwards, Vernon J. Ehlers, Rahm Emanuel, Jo Ann Emerson, Eliot L. Engel, Phil English, Anna G. Eshoo, Bob Etheridge, Lane Evans, Terry Everett, Sam Farr, Chaka Fattah, Tom Feeney, Mike Ferguson, Bob Filner, Jeff Flake, Ernie Fletcher, Mark Foley, J. Randy Forbes, Harold E. Ford, Jr., Vito Fossella, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Martin Frost, Elton Gallegly, Scott Garrett, Richard A. Gephardt, Jim Gerlach, Jim Gibbons, Wayne T. Gilchrest, Paul E. Gillmor, Phil Gingrey, Charles A. Gonzalez, Virgil H. Goode, Jr., Bob Goodlatte, Bart Gordon, Porter J. Goss, Kay Granger, Sam Graves, Gene Green, Mark Green, James C. Greenwood, Raúl M. Grijalva, Luis V. Gutierrez, Gil Gutknecht, Ralph M. Hall, Jane Harman, Katherine Harris, Melissa A. Hart, J. Dennis Hastert, Alcee L. Hastings, Doc Hastings, Robin Hayes, J. D. Hayworth, Joel Hefley, Jeb Hensarling, Wally Herger, Stephanie Herseth, Baron P. Hill, Maurice D. Hinchey, Rubén Hinojosa, David L. Hobson, Joseph M. Hoeffel, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Darlene Hooley, John N. Hostettler, Amo Houghton, Steny H. Hoyer, Kenny C. Hulshof, Duncan Hunter, Henry J. Hyde, Jay Inslee, Johnny Isakson, Steve Israel, Darrell E. Issa, Ernest J. Istook, Jr., Jesse L. Jackson, Jr., Sheila Jackson-Lee, William J. Janklow, William J. Jefferson, William L. Jenkins, Christopher John, Eddie Bernice Johnson, Nancy L. Johnson, Sam Johnson, Timothy V. Johnson, Stephanie Tubbs Jones, Walter B. Jones, Paul E. Kanjorski, Marcy Kaptur, Ric Keller, Sue W. Kelly, Mark R. Kennedy, Patrick J. Kennedy, Dale E. Kildee, Carolyn C. Kilpatrick, Ron Kind, Peter T. King, Steve King, Jack Kingston, Mark Steven Kirk, Gerald D. Kleczka, John Kline, Joe Knollenberg, Jim Kolbe, Ray LaHood, Nick Lampson, James R. Langevin, Tom Lantos, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, James A. Leach, Barbara Lee, Sander M. Levin, Jerry Lewis, John Lewis, Ron Lewis, John Linder, William O. Lipinski, Frank A. LoBiondo, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Ken Lucas, Stephen F. Lynch, Denise L. Majette, Carolyn B. Maloney, Donald A. Manzullo, Edward J. Markey, Jim Marshall, Jim Matheson, Robert T. Matsui, Carolyn McCarthy, Karen McCarthy, Betty McCollum, Thaddeus G. McCotter, Jim McCrery, James P. McGovern, John M. McHugh, Scott McInnis, Mike McIntyre, Howard P. "Buck" McKeon, Michael R. McNulty, Martin T. Meehan, Kendrick B. Meek, Gregory W. Meeks, Robert Menendez, John L. Mica, Michael H.

Michaud, Juanita Millender-McDonald, Brad Miller, Candice S. Miller, Gary G. Miller, Jeff Miller, Alan B. Mollohan, Dennis Moore, James P. Moran, Jerry Moran, Tim Murphy, John P. Murtha, Marilyn N. Musgrave, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, George R. Nethercutt, Jr., Randy Neugebauer, Robert W. Ney, Anne M. Northup, Eleanor Holmes Norton, Charlie Norwood, Devin Nunes, Jim Nussle, James L. Oberstar, David R. Obey, John W. Olver, Solomon P. Ortiz, Tom Osborne, Doug Ose, C. L. ''Butch'' Otter, Major R. Owens, Michael G. Oxley, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Donald M. Payne, Stevan Pearce, Nancy Pelosi, Mike Pence, Collin C. Peterson, John E. Peterson, Thomas E. Petri, Charles W. ''Chip'' Pickering, Joseph R. Pitts, Todd Russell Platts, Richard W. Pombo, Earl Pomeroy, Jon C. Porter, Rob Portman, David E. Price, Deborah Pryce, Adam H. Putnam, Jack Quinn, George Radanovich, Nick J. Rahall II, Jim Ramstad, Charles B. Rangel, Ralph Regula, Dennis R. Rehberg, Rick Renzi, Silvestre Reyes, Thomas M. Reynolds, Ciro D. Rodriguez, Harold Rogers, Mike Rogers (AL), Mike Rogers (MI), Dana Rohrabacher, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, C.A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Timothy J. Ryan, Jim Ryun, Martin Olav Sabo, Linda T. Sánchez, Loretta Sanchez, Bernard Sanders, Max Sandlin, Jim Saxton, Janice D. Schakowsky, Adam B. Schiff, Edward L. Schrock, David Scott, Robert C. Scott, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, John B. Shadegg, E. Clay Shaw, Jr., Christopher Shays, Brad Sherman, Don Sherwood, John Shimkus, Bill Shuster, Rob Simmons, Michael K. Simpson, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Christopher H. Smith, Lamar S. Smith, Nick Smith, Vic Snyder, Hilda L. Solis, Mark E. Souder, John M. Spratt, Jr., Cliff Stearns, Charles W. Stenholm, Ted Strickland, Bart Stupak, John Sullivan, John E. Sweeney, Thomas G. Tancredo, John S. Tanner, Ellen O. Tauscher, W. J. (Billy) Tauzin, Charles H. Taylor, Gene Taylor, Lee Terry, William M. Thomas, Bennie G. Thompson, Mike Thompson, Mac Thornberry, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Patrick J. Toomey, Edolphus Towns, Jim Turner, Michael R. Turner, Mark Udall, Tom Udall, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, David Vitter, Greg Walden, James T. Walsh, Zach Wamp, Maxine Waters, Diane E. Watson, Melvin L. Watt, Henry A. Waxman, Anthony D. Weiner, Curt Weldon, Dave Weldon, Jerry Weller, Robert Wexler, Ed Whitfield, Roger F. Wicker, Heather Wilson, Joe Wilson, Frank R. Wolf, Lynn C. Woolsey, David Wu, Albert Russell Wynn, C. W. Bill Young, Don Young

¶82.58 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE. Committee on International Relations. House Resolution 699. Resolution directing the Secretary of State to transmit to the House of Representatives documents in the possession of the Secretary of State relating to the treatment of prisoners and detainees in Iraq, Afghanistan, and Guantanamo Bay, adversely; (Rept. 108–631). Referred to the House Calendar.

Mr. HUNTER. Committee on Armed Services. House Resolution 689. Resolution of inquiry requesting the President and directing certain other Federal officials to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the President and those officials relating to the treatment of prisoners or detainees in Iraq, Afghanistan, or Guantanamo Bay, adversely; (Rept. 108–632). Referred to the House Calendar.

Mr. YOUNG of Florida: Committee on Appropriations. Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2005 (Rept. 108–633). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARTON: Committee on Energy and Commerce. H.R. 4501. A bill to extend the statutory license for secondary transmissions under section 119 of title 17, United States Code, and to amend the Communications Act of 1934 with respect to such transmissions, and for other purposes (Rept. 108–634). Referred to the Committee of the Whole House on the State of the Union.

¶82.59 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 180. Referral to the Committee on Rules extended for a period ending not later than October 1, 2004.

H.R. 3358. Referral to the Committee on the Budget extended for a period ending not later than October 1, 2004.

H.R. 3800. Referral to the Committee on the Budget extended for a period ending not later than October 1, 2004.

H.R. 3925. Referral to the Committee on the Budget extended for a period ending not later than October 1, 2004.

¶82.60 REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. BARTON: Committee on Energy and Commerce. H.R. 3143. A bill to enhance Federal Trade Commission enforcement against cross-border fraud and deception, (Rept. 106–635, Pt. 1); Referred to the Committees on Financial Services, International Relations, and Judiciary for a period ending not later than October 1, 2004, for consideration of such provisions of the bill as fall within the jurisdiction of those committees pursuant to clause 1(g), (j), and (k), rule X, respectively. Ordered to be printed.

¶82.61 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ISTOOK (for himself, Mr. BACHUS, Mr. BAKER, Mr. BARTLETT of Maryland, Mr. BISHOP of Utah, Mr. BOOZMAN, Mr. BROWN of South Carolina, Mr. CANTOR, Mr. CULBERSON, Mrs. JO ANN DAVIS of Virginia, Mr. DOOLITTLE, Mrs. EMERSON, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GOODE, Mr. HAYWORTH, Mr. HERGER, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. LINDER, Mr. LUCAS of Oklahoma, Mr. MCCOTTER, Mr. MILLER of Florida, Mrs. MYRICK, Mr. NORWOOD, Mr. PENCE, Mr. PITTS, Mr. SESSIONS, Mr. SHUSTER, Mr. SMITH of Michigan, Mr. TANCREDO, Mr. TIAHRT, Mr. WAMP, Mr. WELDON of Florida, Mr. WICKER, Mr. WILSON of South Carolina, Mr. BRADY of Texas, and Mr. COLLINS):

H.R. 4892. A bill to establish that marriage in the United States consists only of the union of a man and a woman; to the Committee on the Judiciary.

By Mr. CALVERT (for himself and Mrs. NAPOLITANO):

H.R. 4893. A bill to authorize additional appropriations for the Reclamation Safety of Dams Act of 1978; to the Committee on Resources.

By Mr. MCINTYRE:

H.R. 4894. A bill to amend title II of the Social Security Act to eliminate the 5-month waiting period for entitlement to disability benefits and to eliminate reconsideration as an intervening step between initial benefit entitlement decisions and subsequent hearings on the record on such decisions; to the Committee on Ways and Means.

By Mr. SAM JOHNSON of Texas (for himself, Mr. TOOMEY, Mr. FLAKE, Ms. DUNN, Mr. SHADEGG, Mr. FEENEY, Mr. SMITH of Michigan, Mr. DOOLITTLE, Mr. BURTON of Indiana, Mr. HOEKSTRA, Mr. OTTER, Mr. BARTLETT of Maryland, Mr. FRANKS of Arizona, Mr. PITTS, and Mr. WILSON of South Carolina):

H.R. 4895. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to provide for enhanced retirement security in the form of an Individual Investment Program; to the Committee on Ways and Means.

By Mr. OBERSTAR (for himself, Ms. CORRINE BROWN of Florida, Mr. LIPINSKI, Mr. DEFAZIO, Mr. CUMMINGS, Mr. BLUMENAUER, Mr. LARSEN of Washington, Mr. BISHOP of New York, and Mr. MEEHAN):

H.R. 4896. A bill to provide for the security of the United States railroad system; to the Committee on Transportation and Infrastructure.

By Mr. GREENWOOD (for himself, Mr. PALLONE, Mr. SAXTON, Mr. WELDON of Pennsylvania, Mr. SHAYS, Mr. FARR, Mr. SANDERS, Mrs. CAPPS, Mr. GEORGE MILLER of California, Mr. CASE, Mr. HONDA, Mr. DOGGETT, Mr. GRIJALVA, Mr. VAN HOLLEN, Mr. MORAN of Virginia, Mr. WEXLER, Mr. ENGEL, Ms. WOOLSEY, Ms. BORDALLO, Mr. FALEOMAVAEGA, Ms. LORETTA SANCHEZ of California, Mr. KUCINICH, and Mr. GERLACH):

H.R. 4897. A bill to protect deep sea corals and sponges, and for other purposes; to the Committee on Resources, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of Ohio (for himself, Mr. DINGELL, Mr. WAXMAN, Mr. RANGEL, Mr. STARK, Mr. STRICKLAND, Mr. ENGEL, and Mr. PALLONE):

H.R. 4898. A bill to amend title XVIII of the Social Security Act to modernize the Medicare Program by ensuring that appropriate preventive services are covered under such program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of Ohio:

H.R. 4899. A bill to amend the Public Health Service Act and the Internal Revenue Code of 1986 to require agreements regarding the wholesale price of brand-name prescription drugs as a condition of the allowance of certain tax deductions and credits; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREENWOOD (for himself, Mr. FARR, Mr. WELDON of Pennsylvania, and Mr. ALLEN):

H.R. 4900. A bill to establish a national policy for our oceans, to strengthen the National Oceanic and Atmospheric Administration, to establish a National Oceans Council, and for other purposes; to the Committee on Resources, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYAN of Wisconsin (for himself and Ms. ROS-LEHTINEN):

H.R. 4901. A bill to promote freedom, fairness, and economic opportunity by establishing a National Enterprise Zone system to promote prosperity in economically depressed areas; to the Committee on Ways and Means.

By Mr. WALDEN of Oregon (for himself, Mr. POMEROY, Mr. BISHOP of Georgia, Mr. BURR, Mr. KILDEE, Mr. KIND, Mr. KING of Iowa, Mr. MCHUGH, Mr. MCINTYRE, Mr. MILLER of Florida, Mr. NETHERCUTT, Mr. PETERSON of Pennsylvania, Mr. RYUN of Kansas, Mr. SANDERS, Mr. SHUSTER, Mr. TOWNS, Mr. BOUCHER, Mr. LUCAS of Oklahoma, Mr. STENHOLM, Mr. BASS, Mr. SANDLIN, Mr. MANZULLO, Mr. RENZI, Mr. HEFLEY, Mr. UDALL of New Mexico, Mr. ROSS, Mr. NEY, Mrs. EMERSON, and Mr. ALEXANDER):

H.R. 4902. A bill to extend the temporary increase in payments under the Medicare Program for home health services furnished in a rural area; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of Ohio (for himself, Mr. DINGELL, Mr. RANGEL, Mr. STARK, and Mr. WAXMAN):

H.R. 4903. A bill to amend title XVIII of the Social Security Act to provide for improved accountability in the Medicare Advantage and prescription drug programs; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 4904. A bill to amend title II of the Social Security Act to provide certain benefits under that Act to individuals who served in the United States Merchant Marine during World War II; to the Committee on Ways and Means.

By Mr. UPTON (for himself, Mr. TOWNS, Mr. PICKERING, Mr. CUMMINGS, Mrs. CAPITO, Ms. DELAURO, Mr. SPRATT, Mr. RUSH, Mr. MARSHALL, and Mr. DAVIS of Illinois):

H.R. 4905. A bill to amend the Public Health Service Act with respect to the Healthy Start Initiative; to the Committee on Energy and Commerce.

By Mr. HAYWORTH (for himself, Mr. BOEHNER, and Mr. ISSA):

H.R. 4906. A bill to clarify the rights of Indians and Indian tribes on Indian lands under the National Labor Relations Act; to the Committee on Education and the Workforce.

By Mr. ISSA (for himself and Mr. CALVERT):

H.R. 4907. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Elsinore Valley Municipal Water District Wildomar Service Area Recycled Water Distribution Facilities and Alberhill Wastewater Treatment and Reclamation Facility Projects; to the Committee on Resources.

By Mr. ISSA:

H.R. 4908. A bill to transfer certain land in Riverside County, California, from the Bureau of Land Management to the United States to be held in trust for the Pechanga Band of Luiseno Mission Indians, and for other purposes; to the Committee on Resources.

By Mr. GREEN of Wisconsin (for himself, Mr. SOUDER, Mr. EHLERS, Mr. RADANOVICH, and Mr. PITTS):

H.R. 4909. A bill to establish the Office of Faith-Based and Community Initiatives; to the Committee on Government Reform.

By Ms. HERSETH (for herself, Ms. PELOSI, Mr. STARK, Mr. MATSUI, Mr. RANGEL, Mr. MARKEY, Mr. LAMPSON, Mr. LANTOS, Mr. COSTELLO, Mr. RYAN of Ohio, Mr. CHANDLER, Mr. SANDLIN, Mrs. CHRISTENSEN, Mrs. CAPPS, Mr. MCNULTY, Mr. WAXMAN, Mr. SERRANO, Mr. GEORGE MILLER of California, Mr. DAVIS of Illinois, Mr. NEAL of Massachusetts, Mrs. MCCARTHY of New York, Mr. DOGGETT, Mr. MICHAUD, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCDERMOTT, Mr. BECERRA, Mr. RODRIGUEZ, Mr. KILDEE, Mr. LEWIS of Georgia, Mr. BROWN of Ohio, Mr. COOPER, Mrs. TAUSCHER, Mr. BERMAN, Mr. BOSWELL, Ms. MCCOLLUM, Mr. ALLEN, Mr. DEFAZIO, Mr. SANDERS, Mr. FILNER, Mr. GONZALEZ, Mr. MCGOVERN, Mrs. JONES of Ohio, Mr. JEFFERSON, Mr. CLAY, Mr. WEINER, Mr. NADLER, Ms. BERKLEY, Mr. ETHERIDGE, Ms. MILLENDER-MCDONALD, Mr. STRICKLAND, Mr. CROWLEY, Mr. DAVIS of Alabama, Ms. SOLIS, Mr. FARR, Mr. HINCHEY, Mr. GREEN of Texas, Mr. OLVER, Mr. KLECZKA, Mr. JOHN, Mr. TOWNS, Mr. ROSS, Mr. EDWARDS, Mr. DAVIS of Tennessee, Mr. MARSHALL, Mr. BISHOP of New York, Mrs. DAVIS of California, Mr. LUCAS of Kentucky, Ms. LORETTA SANCHEZ of California, Mr. SCOTT of Virginia, Ms. WATSON, Mr. CAPUANO, Mr. FROST, Mr. OBEY, Ms. SCHAKOWSKY, Mr. BERRY, Mr. BISHOP of Georgia, Mr. RUPPERSBERGER, Mr. DAVIS of Florida, Mr. CUMMINGS, and Ms. JACKSON-LEE of Texas):

H.R. 4910. A bill to amend the Social Security Act to protect Social Security cost-of-living adjustments (COLA); to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOGGETT (for himself, Mr. ORTIZ, Mr. RODRIGUEZ, Mr. REYES, Mr. GONZALEZ, Mr. HINOJOSA, Mr. BELL, Mr. EDWARDS, Mr. FROST, Mr. GREEN of Texas, Mr. HALL, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LAMPSON, Mr. SANDLIN, Mr. STENHOLM, Mr. THORNBERRY, Mr. TURNER of Texas, Mr. BACA, Mr. BECERRA, Mr. CARDOZA, Mr. FILNER, Mr. GRIJALVA, Mr. GUTIERREZ, Mrs. NAPOLITANO, Mr. PASTOR, Ms. ROYBAL-ALLARD, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SERRANO, Ms. SOLIS, Ms. VELAZQUEZ, and Mr. MENENDEZ):

H.R. 4911. A bill to designate the facility of the United States Postal Service located at 102 East Alexander Street in Three Rivers, Texas, as the ''Private Felix Z. Longoria Veterans' Memorial Post Office''; to the Committee on Government Reform.

By Mr. ACKERMAN:

H.R. 4912. A bill to amend the Internal Revenue Code of 1986 to expand the Hope Scholarship Credit to allow a credit without limitation for 50 percent of higher education expenses; to the Committee on Ways and Means.

By Mr. ADERHOLT:

H.R. 4913. A bill to provide for the protection and preservation of certain rare paleontological resources on the former Union Chapel Mine site in Alabama, and for other purposes; to the Committee on Resources.

By Mr. MICA (for himself, Mr. DEFAZIO, Mr. YOUNG of Alaska, Mr. OBERSTAR, Mr. HOLDEN, Mrs. TAUSCHER, Ms. CORRINE BROWN of Florida, Mr. LIPINSKI, Mr. EHLERS, Mr. PEARCE, Mr. BAKER, Mr. SHUSTER, Ms. NORTON, Mr. MORAN of Kansas, Mr. MATHESON, Mr. DUNCAN, Mr. RAHALL, Mr. CAPUANO, Mr. LOBIONDO, Mr. CHOCOLA, Mr. PASCRELL, Mr. ISAKSON, Mr. BEAUPREZ, Mr. HAYES, Mr. KENNEDY of Minnesota, Mr. BACHUS, Mr. DOOLITTLE, Mr. REHBERG, Mr. GRAVES, Mr. BOOZMAN, Mr. GERLACH, and Mr. MARIO DIAZ-BALART of Florida):

H.R. 4914. A bill to amend title 49, United States Code, to clarify the importance of utilizing existing, as well as emerging, biometric technology to improve aviation security, including airport perimeter access security; to the Committee on Transportation and Infrastructure.

By Mr. FERGUSON:

H.R. 4915. A bill to amend the Internal Revenue Code of 1986 to encourage investment in small companies; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. PETRI, and Mr. LIPINSKI):

H.R. 4916. A bill to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, Science, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CANNON (for himself, Mr. SENSENBRENNER, Mr. HOYER, Mr. HYDE, Mr. CONYERS, Mr. SMITH of Texas, Mr. BERMAN, Mr. CHABOT, Mr. BOUCHER, Mr. BACHUS, Mr. NADLER, Mr. HOSTETTLER, Mr. CARTER, Mr. WATT, Mr. FEENEY, Ms. JACKSON-LEE of Texas, Mr. DOOLITTLE, Mr. DELAHUNT, Mr. WOLF, Mr. FRANK of Massachusetts, Mr. SCHIFF, Mr. OSE, Mr. COBLE, Ms. LOFGREN, Mr. GALLEGLY, Mr. WEXLER, Mr. KELLER, Mr. WEINER, Ms. HART, Ms. LINDA T. SANCHEZ of California, Mr. PENCE, Ms. ESHOO, and Mr. FORBES):

H.R. 4917. A bill to amend title 5, United States Code, to authorize appropriations for the Administrative Conference of the United States for fiscal years 2005, 2006, and 2007, and for other purposes; to the Committee on the Judiciary.

By Mr. ALEXANDER:

H.R. 4918. A bill to provide for the conveyance of certain Federal land administered by the Department of Agriculture in the City of Bastrop, Louisiana, to the City to permit the City to establish and operate a regional emergency services training center for firefighters, police, and EMS personnel serving rural communities in northeast Louisiana, southern Arkansas, and western Mississippi; to the Committee on Agriculture.

By Mr. ALLEN (for himself and Mr. MICHAUD):

H.R. 4919. A bill to amend part D of title XVIII of the Social Security Act to provide for the offering of a Federal national prescription drug discount card program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAIRD:

H.R. 4920. A bill to suspend temporarily the duty on amyl-anthraquinone; to the Committee on Ways and Means.

By Ms. BERKLEY:

H.R. 4921. A bill to amend the Internal Revenue Code of 1986 to provide incentives for the conservation of water; to the Committee on Ways and Means.

By Mr. BISHOP of New York (for himself, Mr. SIMMONS, and Mr. PALLONE):

H.R. 4922. A bill to amend the Federal Water Pollution Control Act to reauthorize programs to improve the quality of coastal recreation waters, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BRADLEY of New Hampshire:

H.R. 4923. A bill to amend the Federal Food, Drug, and Cosmetic Act to protect the public health from the unsafe importation of prescription drugs and from counterfeit prescription drugs, and for other purposes; to the Committee on Energy and Commerce.

By Ms. CORRINE BROWN of Florida (for herself and Mr. CRENSHAW):

H.R. 4924. A bill to designate the United States courthouse at 300 North Hogan Street, Jacksonville, Florida, as the ''John Milton Bryan Simpson United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. BURNS (for himself, Mr. NORWOOD, Mr. SCOTT of Georgia, Mr. BISHOP of Georgia, Mr. ROGERS of Alabama, Mr. DUNCAN, Mr. BONNER, Mr. PICKERING, Mr. BARRETT of South Carolina, Mr. MARSHALL, Mr. KINGSTON, and Ms. MAJETTE):

H.R. 4925. A bill to require a study and report regarding the construction and designation of a new Interstate from Augusta, Georgia to Natchez, Mississippi; to the Committee on Transportation and Infrastructure.

By Mr. BURNS (for himself, Mr. NORWOOD, Mr. SCOTT of Georgia, Mr. BISHOP of Georgia, Mr. KINGSTON, Mr. ROGERS of Alabama, Mr. DUNCAN, Mr. BONNER, Mr. PICKERING, Mr. BARRETT of South Carolina, and Ms. MAJETTE):

H.R. 4926. A bill to require a study and report regarding the construction and designation of a new interstate from Savannah, Georgia to Knoxville, Tennessee; to the Committee on Transportation and Infrastructure.

By Mr. CAMP (for himself, Mr. JEFFERSON, Mr. ENGLISH, Mr. NEAL of Massachusetts, and Mr. POMEROY):

H.R. 4927. A bill to amend title XVIII of the Social Security Act to improve the benefits under the Medicare Program for beneficiaries with kidney disease, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASE:

H.R. 4928. A bill to prohibit the import, export, and take of certain coral reef species, and for other purposes; to the Committee on Resources, and in addition to the Committees on Ways and Means, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHRISTENSEN:

H.R. 4929. A bill to require the Secretary of Homeland Security to establish at least one Border Patrol unit for the Virgin Islands of the United States; to the Committee on the Judiciary.

By Mr. COX (for himself and Mr. GIBBONS):

H.R. 4930. A bill to amend the Homeland Security Act of 2002 to enhance homeland security information sharing and analysis, and for other purposes; to the Committee on Intelligence (Permanent Select), and in addition to the Committees on Government Reform, and Homeland Security (Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRANE (for himself, Mr. ROGERS of Michigan, and Mr. LEVIN):

H.R. 4931. A bill to amend the Internal Revenue Code of 1986 to encourage and accelerate the nationwide production, retail sale, and consumer use of new commercial and consumer motor vehicles with intelligent vehicle technology systems; to the Committee on Ways and Means.

By Mr. DEFAZIO:

H.R. 4932. A bill to establish management priorities for Federal forest lands in Oregon and Washington located west of the Cascade Crest that will protect old growth timber while improving the health of young managed stands, increasing the volume of commercial timber available from these lands, and providing economic opportunities in local communities, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DELAHUNT (for himself, Mr. MARKEY, Mr. CAPUANO, Mr. FRANK of Massachusetts, Mr. LYNCH, Mr. MCGOVERN, Mr. MEEHAN, Mr. OLVER, and Mr. NEAL of Massachusetts):

H.R. 4933. A bill to require the prompt review by the Secretary of the Interior of the long-standing petition by the Mashpee Wampanoag Tribe for Federal recognition, and for other purposes; to the Committee on Resources.

By Mr. DICKS (for himself, Mr. SMITH of Washington, and Mr. INSLEE):

H.R. 4934. A bill to direct the Secretary of the Interior to take certain tribally-owned reservation land into trust for the Puyallup Tribe; to the Committee on Resources.

By Mr. DINGELL (for himself, Mr. BROWN of Ohio, Mr. WAXMAN, and Mrs. CAPPS):

H.R. 4935. A bill to amend titles XIX and XXI of the Social Security Act to clarify and ensure that the authority granted to the Secretary of Health and Human Services under section 1115 of that Act is used solely to promote the objectives of the Medicaid and State children's health insurance programs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DINGELL (for himself and Mr. BARTON of Texas):

H.R. 4936. A bill to amend title XXI of the Social Security Act to modify the rules relating to the availability and method of redistribution of unexpended SCHIP allotments, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DOGGETT (for himself, Mr. ALLEN, Mr. BAIRD, Mr. BECERRA, Mr. BELL, Mrs. CAPPS, Mr. CARDIN, Ms. CARSON of Indiana, Mr. CASE, Mr. DAVIS of Illinois, Mr. DEFAZIO, Mr. DELAHUNT, Ms. DELAURO, Mr. EDWARDS, Mr. EVANS, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GONZALEZ, Mr. GREEN of Texas, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HOEFFEL, Mr. HOLT, Mr. INSLEE, Mr. JEFFERSON, Mrs. JONES of Ohio, Ms. KAPTUR, Mr. KUCINICH, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mrs. MALONEY, Mr. MARKEY, Mr. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. POMEROY, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Mr. RYAN of Ohio, Mr. SANDERS, Ms. SCHAKOWSKY, Ms. SLAUGHTER, Ms. SOLIS, Mr. STARK, Mr. TANNER, Mr. TIERNEY, Mr. UDALL of New Mexico, Mr. WAXMAN, and Ms. WOOLSEY):

H.R. 4937. A bill to amend the Lobbying Disclosure Act of 1995 to require certain coalitions and associations to disclose their lobbying activities; to the Committee on the Judiciary.

By Mr. DOGGETT (for himself, Mr. ALLEN, Mr. BAIRD, Mr. BECERRA, Mr. BELL, Mrs. CAPPS, Mr. CARDIN, Ms. CARSON of Indiana, Mr. CASE, Mr. DAVIS of Illinois, Mr. DEFAZIO, Mr. DELAHUNT, Ms. DELAURO, Mr. EDWARDS, Mr. EVANS, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GONZALEZ, Mr. GREEN of Texas, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HOEFFEL, Mr. HOLT, Mr. INSLEE, Mr. JEFFERSON, Mrs. JONES of Ohio, Ms. KAPTUR, Mr. KUCINICH, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mrs. MALONEY, Mr. MARKEY, Mr. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. POMEROY, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Mr. RYAN of Ohio, Mr. SANDERS, Ms. SCHAKOWSKY, Ms. SLAUGHTER, Ms. SOLIS, Mr. STARK, Mr. TANNER, Mr. TIERNEY, Mr. UDALL of New Mexico, Mr. WAXMAN, and Ms. WOOLSEY):

H.R. 4938. A bill to amend the Internal Revenue Code of 1986 to require disclosure of lobbying activities by certain organizations; to the Committee on Ways and Means.

By Mr. FORD (for himself, Mr. PETRI, Mr. KENNEDY of Rhode Island, and Mr. ENGLISH):

H.R. 4939. A bill to encourage savings, promote financial literacy, and expand opportunities for young adults by establishing KIDS Accounts; to the Committee on Ways and Means.

By Mr. GILLMOR (for himself, Mr. DINGELL, Mr. GREENWOOD, Mr. ROGERS of Michigan, Mr. STUPAK, Mr. UPTON, Mr. HALL, Mr. STEARNS, Mr. PICKERING, Mr. TAUZIN, Mr. TERRY, Mr. RADANOVICH, Mr. PITTS, Mr. DEAL of Georgia, Mrs. CUBIN, Mrs. MILLER of Michigan, Mr. OXLEY, Mr. BUYER, Mr. BILIRAKIS, Mr. KILDEE, Mr. SULLIVAN, Mr. GREEN of Texas, Mr. BROWN of Ohio, Mr. STRICKLAND, Mr. LEVIN, and Mr. ISSA):

H.R. 4940. A bill to amend the Solid Waste Disposal Act to authorize local governments and Governors to restrict receipt of out-of-State and foreign municipal solid waste, to direct the Administrator of the Environmental Protection Agency to carry out certain authorities under an agreement with

Canada respecting the importation of municipal solid waste, and for other purposes; to the Committee on Energy and Commerce.

By Ms. GRANGER (for herself and Mr. HOYER):

H.R. 4941. A bill to reduce and prevent childhood obesity by encouraging schools and school districts to develop and implement local, school-based programs designed to reduce and prevent childhood obesity, promote increased physical activity, and improve nutritional choices; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREEN of Wisconsin:

H.R. 4942. A bill to prohibit certain forms of material support for terrorism, and for other purposes; to the Committee on the Judiciary.

By Mr. GRIJALVA (for himself and Mr. KOLBE):

H.R. 4943. A bill to provide for a land exchange involving certain Bureau of Land Management lands in Pima County, Arizona for the purpose of consolidating Federal land ownership within the boundaries of the Ironwood Forest National Monument and the Las Cienegas National Conservation Area, and for other purposes; to the Committee on Resources.

By Mr. HASTINGS of Washington (for himself, Mr. OTTER, Ms. DUNN, Ms. HOOLEY of Oregon, Mr. NETHERCUTT, Mr. DEFAZIO, Mr. BLUMENAUER, Mr. WALDEN of Oregon, Mr. INSLEE, Mr. SIMPSON, Mr. WU, and Mr. BAIRD):

H.R. 4944. A bill to designate the Ice Age Floods National Geologic Trail, and for other purposes; to the Committee on Resources.

By Mr. HAYES:

H.R. 4945. A bill to amend the Internal Revenue Code of 1986 to provide an incentive for expanding employment in rural areas by allowing employers the work opportunity credit for hiring residents of rural areas; to the Committee on Ways and Means.

By Mr. HEFLEY (for himself, Mr. GARRETT of New Jersey, Mr. UDALL of Colorado, Mr. MILLER of Florida, Mr. GOODE, and Mr. TANCREDO):

H.R. 4946. A bill to provide for the orderly termination of the United States Court of Federal Claims, and for other purposes; to the Committee on the Judiciary.

By Mr. HERGER (for himself and Mr. GEORGE MILLER of California):

H.R. 4947. A bill to suspend the duty on certain educational toys and devices; to the Committee on Ways and Means.

By Ms. HERSETH:

H.R. 4948. A bill to facilitate economic growth and development and to promote Tribal sovereignty, by encouraging a dramatic increase in the number of individuals with higher education degrees working within and for Indian Country; to the Committee on Education and the Workforce.

By Ms. HERSETH:

H.R. 4949. A bill to provide compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River; to the Committee on Resources.

By Ms. HERSETH (for herself and Mr. EVANS):

H.R. 4950. A bill to amend title 38, United States Code, to extend the requirement for biennial reports from the Advisory Committee on Former Prisoners of War; to the Committee on Veterans' Affairs.

By Mr. HOLT:

H.R. 4951. A bill to require the videotaping of interrogations and other pertinent actions between a detainee or prisoner in the custody or under the effective control of the armed forces of the United States pursuant to an interrogation, or other pertinent interaction, for the purpose of gathering intelligence and a member of the armed forces of the United States, an intelligence operative of the United States, or a contractor of the United States; to the Committee on Armed Services.

By Mr. HOLT:

H.R. 4952. A bill to suspend temporarily the duty on methacrylamido etheleneurae monomer; to the Committee on Ways and Means.

By Mr. HOLT:

H.R. 4953. A bill to suspend temporarily the duty on allyl ureido monomer; to the Committee on Ways and Means.

By Mr. HONDA:

H.R. 4954. A bill to amend the Family and Medical Leave Act of 1993 to authorize leave for the immediate family members of a member of the uniformed services who dies in the line of duty to facilitate the attendance of immediate family members at the burial ceremony of the member, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HOOLEY of Oregon:

H.R. 4955. A bill to regulate interstate commerce by prohibiting the sale of children's personally identifiable information for commercial marketing purposes; to the Committee on Energy and Commerce.

By Mr. INSLEE (for himself, Mr. BARTLETT of Maryland, Mr. FLAKE, and Mr. DELAHUNT):

H.R. 4956. A bill to amend title 18, United States Code, to provide penalties for accessing certain electronic communications in a manner that violates consumer privacy, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHN:

H.R. 4957. A bill to ensure an appropriate balance between resources and accountability under the No Child Left Behind Act of 2001; to the Committee on Education and the Workforce.

By Mr. JOHN:

H.R. 4958. A bill to direct the Secretary of the Interior to conduct a sale of oil and gas leases on certain submerged lands of the outer Continental Shelf in the Eastern Gulf of Mexico; to the Committee on Resources.

By Mr. JOHN:

H.R. 4959. A bill to recognize the heritage of hunting and provide opportunities for continued hunting on Federal public land, to protect the public's ability to fish for sport, and for other purposes; to the Committee on Resources.

By Mr. JONES of North Carolina:

H.R. 4960. A bill to prohibit the anticipated extreme reduction in the national marketing quotas for the 2005 crop of Flue-cured and Burley tobacco, which, if permitted to occur, would mean economic ruin for tobacco farmers and their families; to the Committee on Agriculture.

By Mr. KING of New York (for himself and Mr. BROWN of Ohio):

H.R. 4961. A bill to extend State Medicaid fiscal relief; to the Committee on Energy and Commerce.

By Mr. LAMPSON (for himself and Mr. GRIJALVA):

H.R. 4962. A bill to create a commemorative currency program featuring each of the 50 State capitols or statehouses on the $1 Federal reserve note, and for other purposes; to the Committee on Financial Services.

By Mr. LAMPSON (for himself, Mr. PAYNE, Mr. OWENS, and Mr. KUCINICH):

H.R. 4963. A bill to amend title 5, United States Code, to allow Federal employees to take time off from work, without loss of time or pay, for the purpose of donating blood; to the Committee on Government Reform.

By Mr. LANGEVIN:

H.R. 4964. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to assure comprehensive, affordable health insurance coverage for all Americans through an American Health Benefits Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANTOS (for himself, Ms. ROS-LEHTINEN, Mr. BERMAN, Mr. ACKERMAN, and Mr. SHERMAN):

H.R. 4965. A bill to impose sanctions on foreign entities that engage in certain nuclear proliferation activities, and for other purposes; to the Committee on International Relations.

By Mr. LARSON of Connecticut:

H.R. 4966. A bill to amend the Help America Vote Act of 2002 to require the software used in the operation of an electronic voting machine to meet certain requirements as a condition of the use of the machine in elections for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. LARSON of Connecticut:

H.R. 4967. A bill to amend titles XVIII and XIX of the Social Security Act to require automatic fire sprinkler systems in all nursing facilities participating in the Medicare or Medicaid Programs; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Kentucky:

H.R. 4968. A bill to designate the facility of the United States Postal Service located at 25 McHenry Street in Rosine, Kentucky, as the ''Bill Monroe Post Office''; to the Committee on Government Reform.

By Mrs. MALONEY (for herself and Mr. CLAY):

H.R. 4969. A bill to require the annual poverty estimate and the National Assessment of Educational Progress to be subject to certain guidance on the release of information to the public; to the Committee on Education and the Workforce.

By Mrs. MALONEY (for herself, Mr. HOLT, Mr. MCDERMOTT, and Mr. OWENS):

H.R. 4970. A bill to amend title 49, United States Code, to repeal the security screening opt-out program for airport operators; to the Committee on Transportation and Infrastructure.

By Mrs. MALONEY (for herself, Ms. LEE, Ms. WATSON, Mr. JACKSON of Illinois, Mr. CLAY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CROWLEY, Mr. DAVIS of Illinois, Mr. OWENS, Ms. JACKSON-LEE of Texas, Mr. CHANDLER, Ms. MCCARTHY of Missouri, Mr. GRIJALVA, Mr. SHERMAN, Mr. MCDERMOTT, Mr. CONYERS, Mr. SANDERS, and Mr. MEEKS of New York):

H.R. 4971. A bill to amend the Rules of the House of Representatives to prohibit behavior that threatens that institution, and for other purposes; to the Committee on Rules, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY (for himself, Ms. LINDA T. SANCHEZ of California, Mr. MCNULTY, Mr. RYAN of Ohio, Mr. LEWIS of Georgia, Mrs. CHRISTENSEN, Mr. FROST, Mr. OWENS, Mr. HINCHEY, and Mr. DEUTSCH):

H.R. 4972. A bill to amend the National Voter Registration Act of 1993 to permit certain individuals who are under the minimum legal voting age to complete voter registration application forms, and for other purposes; to the Committee on House Administration.

By Mrs. MCCARTHY of New York (for herself, Ms. PRYCE of Ohio, Mr. GREEN of Texas, Mr. PAYNE, Mr. FATTAH, and Mr. BERMAN):

H.R. 4973. A bill to authorize the Project GRAD program, and for other purposes; to the Committee on Education and the Workforce.

By Mr. MEEKS of New York:

H.R. 4974. A bill to provide health services for individuals assisting with the response to the terrorist attacks in New York City on September 11, 2001, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MEEKS of New York:

H.R. 4975. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on the international transportation of individuals by water, to establish the Caribbean Ports and Infrastructure Improvement Trust Fund and the Water and Marine Wildlife Protection Trust Fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICHAUD (for himself, Ms. SLAUGHTER, Ms. DEGETTE, and Mrs. DAVIS of California):

H.R. 4976. A bill to amend title 10, United States Code, to require emergency contraception to be included on the uniform formulary of pharmaceutical agents of the pharmacy benefits program of the Department of Defense; to the Committee on Armed Services.

By Mr. NADLER (for himself, Ms. SCHAKOWSKY, Mr. KUCINICH, and Mrs. MALONEY):

H.R. 4977. A bill to amend title 18, United States Code, to protect the reasonable expectation of privacy of users of e-mail, and for other purposes; to the Committee on the Judiciary.

By Mr. NADLER:

H.R. 4978. A bill to amend part D of title XVIII of the Social Security Act to condition the payment of employer prescription drug subsidies on the maintenance of current prescription drug benefits; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NETHERCUTT (for himself, Mrs. DAVIS of California, Mr. GERLACH, Mr. SESSIONS, and Mr. VITTER):

H.R. 4979. A bill to amend the Public Health Service Act to provide for educational activities and research with respect to women's pelvic floor health through the Centers for Disease Control and Prevention and the National Institutes of Health; to the Committee on Energy and Commerce.

By Mr. OSE (for himself, Mr. DELAY, Mr. DOOLITTLE, Mr. GALLEGLY, Mr. GARY G. MILLER of California, Mr. SESSIONS, Mr. HOBSON, Mr. ROHRABACHER, Mr. GIBBONS, Mr. NEUGEBAUER, Mr. BAKER, Mr. SMITH of Texas, Mr. DUNCAN, Mr. MCKEON, Mr. HYDE, Mr. SOUDER, Mr. OSBORNE, Mr. CANNON, and Mr. RADANOVICH):

H.R. 4980. A bill to direct the Secretary of the Interior to arrange for the carving of the figure of former President Ronald Reagan on Mount Rushmore National Memorial, and for other purposes; to the Committee on Resources.

By Mr. OTTER (for himself and Mr. SIMPSON):

H.R. 4981. A bill to direct the Secretary of the Interior and the heads of other Federal agencies to carry out an agreement resolving major issues relating to the adjudication of water rights in the Snake River Basin, Idaho, and for other purposes; to the Committee on Resources.

By Mr. PASCRELL (for himself, Mr. HINCHEY, Mr. WELDON of Pennsylvania, Mr. STENHOLM, Mr. PALLONE, Mr. GREEN of Texas, and Mr. OWENS):

H.R. 4982. A bill to establish a Probation and Parole Officer Safety Task Force within the Department of Justice, and for other purposes; to the Committee on the Judiciary.

By Mr. PASCRELL (for himself, Mr. HINCHEY, Mr. ENGLISH, Mr. FROST, Mr. UPTON, Mr. REYES, Ms. HARRIS, Mr. JEFFERSON, Ms. ROS-LEHTINEN, Mr. RUPPERSBERGER, Mr. SOUDER, Mr. PAYNE, Mr. GREENWOOD, Mr. PALLONE, Mr. WELDON of Pennsylvania, Ms. LEE, Mr. MCHUGH, Mr. OWENS, Ms. HART, Mr. FATTAH, Mr. VITTER, Mr. ALLEN, and Ms. LORETTA SANCHEZ of California):

H.R. 4983. A bill to amend the Internal Revenue Code of 1986 to provide a credit to businesses whose employees teach at community colleges; to the Committee on Ways and Means.

By Mr. PEARCE:

H.R. 4984. A bill to provide that the royalty rate on the output from Federal lands of potassium and potassium compounds from the mineral sylvite in the 5-year period beginning on the date of the enactment of this Act shall be reduced to 1.0 percent, and for other purposes; to the Committee on Resources.

By Mr. PRICE of North Carolina (for himself and Mr. CASTLE):

H.R. 4985. A bill to amend the Federal Election Campaign Act of 1971 to clarify the requirements for the disclosure of identifying information within authorized campaign communications which are printed, to apply certain requirements regarding the disclosure of identifying information within communications made through the Internet, to apply certain disclosure requirements to prerecorded telephone calls, and for other purposes; to the Committee on House Administration.

By Mr. ROGERS of Michigan:

H.R. 4986. A bill to require the Secretary of the Treasury to analyze and report on the exchange rate policies of the People's Republic of China, and to require that measures consistent with the obligations of the United States under the World Trade Organization be taken to offset any disadvantage to United States producers resulting from China's exchange rate policies; to the Committee on Ways and Means.

By Mr. SAXTON (for himself, Mr. LOBIONDO, and Mr. ANDREWS):

H.R. 4987. A bill to provide for priority funding of water, waste disposal, and wastewater facility loans and grants and community facilities loans and grants for the communities in Burlington and Camden counties in New Jersey, affected by the flood which occurred on July 12, 2004; to the Committee on Agriculture.

By Ms. SCHAKOWSKY (for herself, Mr. GEORGE MILLER of California, Mr. GRIJALVA, Mr. STRICKLAND, Mr. HINCHEY, Mr. EVANS, Mr. OWENS, Ms. LEE, Mr. OLVER, Mr. MCGOVERN, Ms. WATERS, Mr. DEFAZIO, and Mr. PALLONE):

H.R. 4988. A bill to amend title 36, United States Code, to require the observance of certain labor standards by companies that enter into licensing agreements with the United States Olympic Committee; to the Committee on the Judiciary.

By Mr. SCHIFF (for himself, Mr. CONYERS, Mrs. JONES of Ohio, and Mr. ROHRABACHER):

H.R. 4989. A bill to require an annual Department of State report on information relating to the promotion of religious freedom, democracy, and human rights in foreign countries by individuals, nongovernmental organizations, and the media in those countries, and for other purposes; to the Committee on International Relations.

By Mr. SESSIONS:

H.R. 4990. A bill to designate the facility of the United States Postal Service located at 8135 Forest Lane in Dallas, Texas, as the ''Dr. Robert E. Price Post Office Building''; to the Committee on Government Reform.

By Mr. SESSIONS:

H.R. 4991. A bill to designate the facility of the United States Postal Service located at 9130 Markville Drive in Dallas, Texas, as the ''Vaughn Gross Post Office Building''; to the Committee on Government Reform.

By Mr. SHADEGG (for himself, Mr. NORWOOD, and Mr. THORNBERRY):

H.R. 4992. A bill to amend the Public Health Service Act to protect certain health care providers against legal liability for providing emergency and related care to uninsured individuals; to the Committee on Energy and Commerce.

By Mr. SHADEGG (for himself, Mr. FLAKE, Mr. NORWOOD, and Mr. THORNBERRY):

H.R. 4993. A bill to limit the liability of hospitals and emergency departments for noneconomic and punitive damages when providing uncompensated care, and for other purposes; to the Committee on the Judiciary.

By Ms. SLAUGHTER (for herself, Mrs. CAPITO, Ms. GINNY BROWN-WAITE of Florida, Ms. SOLIS, Mrs. BIGGERT, Mr. BOEHLERT, Mr. CASE, Mrs. DAVIS of California, Ms. DELAURO, Mr. DOGGETT, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GREEN of Texas, Mr. GRIJALVA, Mr. INSLEE, Mrs. JONES of Ohio, Mrs. JOHNSON of Connecticut, Mr. KUCINICH, Ms. LEE, Mrs. MCCARTHY of New York, Mr. MCNULTY, Mr. OWENS, Mr. PAYNE, Mr. RANGEL, Ms. ROS-LEHTINEN, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SHAYS, Mr. SIMMONS, Mr. STARK, Mr. VAN HOLLEN, Ms. WATSON, Mr. WEXLER, and Ms. WOOLSEY):

H.R. 4994. A bill to amend the Elementary and Secondary Education Act of 1965 to direct certain coeducational elementary and secondary schools to make available information on equality in school athletic programs, and for other purposes; to the Committee on Education and the Workforce.

By Ms. SLAUGHTER:

H.R. 4995. A bill to require the acquisition of intermittent escalators by Federal agencies; to the Committee on Energy and Commerce.

By Mr. STEARNS (for himself and Ms. SCHAKOWSKY):

H.R. 4996. A bill to enhance Federal Trade Commission enforcement against cross-border fraud and deception; to the Committee on Energy and Commerce.

By Mr. STENHOLM (for himself, Mr. ALEXANDER, Mr. BACA, Mr. BERRY,

Mr. BISHOP of Georgia, Mr. BOSWELL, Mr. BOYD, Mr. CARDOZA, Mr. CASE, Mr. CHANDLER, Mr. COOPER, Mr. CRAMER, Mr. DAVIS of Tennessee, Ms. HARMAN, Ms. HERSETH, Mr. HILL, Mr. HOLDEN, Mr. LUCAS of Kentucky, Mr. MICHAUD, Mr. MOORE, Mr. PETERSON of Minnesota, Mr. POMEROY, Mr. ROSS, Mr. SANDLIN, Mr. SCHIFF, Mr. SCOTT of Georgia, Mr. TANNER, Mrs. TAUSCHER, Mr. TAYLOR of Mississippi, Mr. THOMPSON of California, Mr. TURNER of Texas, Ms. LORETTA SANCHEZ of California, Mr. ISRAEL, Mr. FORD, and Mr. MCINTYRE):

H.R. 4997. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for middle income taxpayers, and for other purposes; to the Committee on Ways and Means.

By Mr. STRICKLAND:

H.R. 4998. A bill to make funds available to pay the United States prisoners of war that brought suit against the Government of Iraq in the case of Acree v. Republic of Iraq; to the Committee on International Relations.

By Mr. VAN HOLLEN:

H.R. 4999. A bill to repeal the provisions of law making reemployed annuitants ineligible for physicians comparability allowances under title 5, United States Code, and special pay for physicians and dentists under title 38, United States Code; to the Committee on Government Reform, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELDON of Pennsylvania (for himself and Mr. ISSA):

H.R. 5000. A bill to require the Secretaries of Health and Human Services, Defense, and Homeland Security to carry out activities toward bringing to market effective medical countermeasures to radiation from a nuclear or radiological attack; to the Committee on Energy and Commerce, and in addition to the Committees on Armed Services, and Homeland Security (Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELDON of Pennsylvania (for himself, Mr. ALLEN, and Mr. GREENWOOD):

H.R. 5001. A bill to establish a pilot program to develop a comprehensive system of ocean and coastal observations for the Nation's oceans, coasts, and Great Lakes, including enhanced security at United States ports, and for other purposes; to the Committee on Resources, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHRISTENSEN:

H.J. Res. 101. A joint resolution proposing an amendment to the Constitution of the United States regarding presidential election voting rights for residents of all United States territories and commonwealths; to the Committee on the Judiciary.

By Mr. FERGUSON:

H. Con. Res. 477. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued in honor of the USS New Jersey and all those who served aboard her; to the Committee on Government Reform.

By Mr. COBLE (for himself, Mr. CONYERS, Mr. SMITH of Texas, Mr. SCOTT of Virginia, and Mr. CHABOT):

H. Con. Res. 478. Concurrent resolution expressing the sense of Congress that the Supreme Court of the United States should act expeditiously to resolve the confusion and inconsistency in the Federal criminal justice system caused by its decision in Blakely v. Washington, and for other purposes; to the Committee on the Judiciary.

By Mr. DELAY:

H. Con. Res. 479. A concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate; considered and agreed to.

By Mr. BURR (for himself and Mr. UDALL of Colorado):

H. Con. Res. 480. Concurrent resolution recognizing the spirit of Jacob Mock Doub and his contribution to encouraging youth to be physically active and fit and expressing the sense of Congress that "National Take a Kid Mountain Biking Day" should be established in Jacob Mock Doub's honor; to the Committee on Energy and Commerce.

By Mr. CHABOT (for himself and Mr. BROWN of Ohio):

H. Con. Res. 481. Concurrent resolution expressing the sense of Congress regarding high level visits by democratically elected officials of Taiwan to the United States; to the Committee on International Relations.

By Mr. MEEKS of New York (for himself, Mrs. CHRISTENSEN, Ms. LEE, Mr. RUSH, Mr. RANGEL, and Mr. CUMMINGS):

H. Con. Res. 482. Concurrent resolution recognizing and celebrating the abolition of slavery more than 150 years ago in the Latin American countries of Mexico, Chile, Uruguay, Bolivia, Colombia, Ecuador, Argentina, Peru, and Venezuela, and for other purposes; to the Committee on International Relations.

By Mr. PASCRELL:

H. Con. Res. 483. Concurrent resolution affirming the support of the Congress for preserving the image of Alexander Hamilton on the face of $10 Federal reserve notes because of his standing as one of the United States' most influential founding fathers; to the Committee on Financial Services.

By Mr. RANGEL:

H. Con. Res. 484. Concurrent resolution expressing the sense of Congress that the Honorable Percy Sutton be recognized as primarily responsible for the rebirth of the legendary Apollo Theatre of Harlem and as a trailblazer in business, politics, telecommunications, and law; to the Committee on Government Reform.

By Mr. SIMMONS (for himself and Mr. EVANS):

H. Con. Res. 485. Concurrent resolution extending the thanks of Congress and the Nation to the Defense POW/Missing Personnel Office and the Joint POW/MIA Accounting Command of the Department of Defense and to the Socialist Republic of Vietnam for their efforts to achieve the fullest possible accounting of all Americans unaccounted for as a result of the Vietnam War; to the Committee on Armed Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MENENDEZ:

H. Res. 741. A resolution electing a Member to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. FERGUSON (for himself, Mr. CASTLE, and Mrs. MCCARTHY of New York):

H. Res. 742. A resolution providing for the consideration of the bill (H. R. 3831) to extend the sunset on the assault weapons ban for 10 years; to the Committee on Rules.

By Ms. BORDALLO (for herself, Mr. ACEVEDO-VILA, Mrs. CHRISTENSEN, Mr. FALEOMAVAEGA, and Ms. NORTON):

H. Res. 743. A resolution amending the Rules of the House of Representatives to allow Delegates and the Resident Commissioner to file, sign, and call up discharge petitions; to the Committee on Rules.

By Mr. BURTON of Indiana (for himself, Mr. WEXLER, and Mr. BEREUTER):

H. Res. 744. A resolution congratulating the people and Government of the Republic of Indonesia on successfully completing elections for national, provincial, and regional parliamentary representatives, and praising the growth of democracy in Indonesia; to the Committee on International Relations.

By Mr. DINGELL (for himself, Mr. WAXMAN, and Mr. MARKEY):

H. Res. 745. A resolution of inquiry requesting the President of the United States to provide certain information to the House of Representatives respecting the National Energy Policy Development Group; to the Committee on Energy and Commerce.

By Mr. DINGELL (for himself, Mr. WELDON of Pennsylvania, Mr. BASS, Mr. CASTLE, Mr. GREENWOOD, Mr. BOEHLERT, Mr. SHAYS, Mr. GILCHREST, Mr. RAHALL, Mr. GRIJALVA, Mr. GEORGE MILLER of California, Mr. UDALL of New Mexico, and Mr. UDALL of Colorado):

H. Res. 746. A resolution honoring the 40th Anniversary of the Wilderness Act; to the Committee on Resources.

By Ms. LEE:

H. Res. 747. A resolution recognizing the anniversary of the ratification of the 13th Amendment and encouraging the American people to educate and instill pride and purpose into their communities and to observe the anniversary annually with appropriate programs and activities; to the Committee on the Judiciary.

By Ms. LEE:

H. Res. 748. A resolution providing for consideration of the bill (H.R. 1102) to establish the National Affordable Housing Trust Fund in the Treasury of the United States to provide for the development, rehabilitation, and preservation of decent, safe, and affordable housing for low-income families; to the Committee on Rules.

By Mrs. MALONEY:

H. Res. 749. A resolution amending the Rules of the House of Representatives to limit the maximum voting time; to the Committee on Rules.

By Mr. MCCOTTER (for himself and Mr. STUPAK):

H. Res. 750. A resolution recognizing the 130th anniversary of the creation of life-saving stations on the Great Lakes, which became part of the United States Life-Saving Service, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. ROS-LEHTINEN (for herself and Mr. ACKERMAN):

H. Res. 751. A resolution commending the people and the Governments of the Hashemite Kingdom of Jordan, the Kingdom of Bahrain, the State of Kuwait, the State of Qatar, and the Sultanate Oman for their progress toward democratization and political and economic liberalization; to the Committee on International Relations.

By Mr. SHIMKUS (for himself, Mr. SOUDER, and Mr. LIPINSKI):

H. Res. 752. A resolution expressing continued support for the construction of the Victims of Communism Memorial; to the Committee on Resources.

By Mr. WILSON of South Carolina:

H. Res. 753. A resolution expressing the sense of the House of Representatives that a portrait of Dilip Singh Saund should be displayed in an appropriate place in the United States Capitol or in a House Office Building; to the Committee on House Administration.

¶82.62 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

413. The SPEAKER presented a memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to House Resolution No. 114 memorializing the Congress of the United States to give priority to the passage of the defense appropriations bill; to the Committee on Armed Services.

414. Also, a memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to House Resolution No. 753 memorializing the Centers for Medicare and Medicaid Services (CMS) to approve Pennsylvania's assessment on Medicaid-participating nursing homes and provide the funding necessary to ensure quality care for Pennsylvania's vulnerable seniors; to the Committee on Energy and Commerce.

415. Also, a memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to House Resolution No. 744 memorializing the Congress of the United States to support passage of the Men's Health Act; to the Committee on Energy and Commerce.

416. Also, a memorial of the House of Representatives of the State of Delaware, relative to House Resolution No. 86 recognizing the plight of Falun Gong practitioners in China and memorializing the Congress of the United States to take all appropriate actions and to use all appropriate public and private forums to address this issue; to the Committee on International Relations.

417. Also, a memorial of the Senate of the State of Alaska, relative to Senate Resolution No. 4 memorializing the Congress of the United States to amend the federal Wilderness Act to authorize fishery enhancement programs and similar activities in wilderness areas; to the Committee on Resources.

418. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution No. 57 memorializing the President and the Congress of the United States to protect and uphold the intent and substance of the United States Supreme Court decision in the Roe v. Wade, relating to reproductive rights, and to encourage all Americans to participate in the national celebration, ''The March for Women's Lives,'' in recognition of that decision's historic importance in promoting women's rights; to the Committee on the Judiciary.

419. Also, a memorial of the General Assembly of the State of New York, relative to Assembly Resolution No. 2139 memorializing the President and the Congress of the United States to approve the Agricultural Job Opportunity, Benefits, and Security Act of 2003 (H.R. 3142 and S. 1645), also known as AgJOBS; to the Committee on the Judiciary.

420. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 16 memorializing airline companies in the United States to permanently establish reduced price airfares for active duty military personnel; to the Committee on Transportation and Infrastructure.

421. Also, a memorial of the Legislature of the State of Michigan, relative to Senate Concurrent Resolution No. 41 memorializing the Congress of the United States to provide funding for the dredging of canals around the city of Gibraltar; to the Committee on Transportation and Infrastructure.

422. Also, a memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to House Resolution No. 659 memorializing the Congress of the United states to extend and make retroactive the Federal Temporary Extended Unemployment Compensation (TEUC) program; to the Committee on Ways and Means.

423. Also, a memorial of the Legislature of the State of Arizona, relative to House Concurrent Memorial 2003 memorializing the Congress of the United States to return responsibility for surface transportation policy to the states by allowing the states to retain federal fuel tax revenues; jointly to the Committees on Transportation and Infrastructure and Ways and Means.

¶82.63 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. KENNEDY of Minnesota:

H.R. 5002. A bill for the relief of Jose Manual Guzman-Morales; to the Committee on the Judiciary.

By Mr. ROTHMAN:

H.R. 5003. A bill for the relief of Malachy McAllister, Nicola McAllister, and Sean Ryan McAllister; to the Committee on the Judiciary.

¶82.64 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 54: Mr. VITTER.
H.R. 104: Mr. DOGGETT, Mr. STARK, Mr. RANGEL, Mr. SCHIFF, Mrs. CAPPS, and Mr. ORTIZ.
H.R. 107: Mr. PASCRELL.
H.R. 126: Mr. DEUTSCH.
H.R. 434: Mr. CRAMER, Mr. WELDON of Pennsylvania, Mr. PICKERING, and Mr. FLAKE.
H.R. 545: Mr. PORTER.
H.R. 613: Mr. NORWOOD.
H.R. 614: Mr. NORWOOD.
H.R. 623: Mr. GRIJALVA and Mr. SOUDER.
H.R. 648: Mr. VITTER.
H.R. 677: Mrs. CHRISTENSEN.
H.R. 713: Mr. POMEROY.
H.R. 715: Mr. MARKEY and Mr. VITTER.
H.R. 727: Mr. DEFAZIO.
H.R. 729: Mr. PORTER.
H.R. 745: Mr. FATTAH and Mr. BOSWELL.
H.R. 771: Mr. VITTER.
H.R. 782: Mr. PORTER.
H.R. 792: Mr. LARSEN of Washington.
H.R. 814: Mr. PORTER.
H.R. 834: Mr. KENNEDY of Minnesota.
H.R. 839: Mr. STARK and Mr. MCKEON.
H.R. 879: Mr. PICKERING.
H.R. 935: Mr. PASCRELL.
H.R. 1043: Ms. LORETTA SANCHEZ of California.
H.R. 1083: Mr. VITTER and Mr. MATHESON.
H.R. 1101: Mr. PORTER.
H.R. 1157: Mr. TAYLOR of Mississippi.
H.R. 1205: Mr. THOMPSON of Mississippi and Mr. PASCRELL.
H.R. 1212: Mr. WAMP.
H.R. 1231: Mr. CHANDLER.
H.R. 1294: Mrs. JONES of Ohio and Mr. KIND.
H.R. 1305: Mr. GILLMOR.
H.R. 1310: Mr. KENNEDY of Minnesota.
H.R. 1336: Mr. HOSTETTLER and Mr. OXLEY.
H.R. 1381: Mr. SHERMAN.
H.R. 1422: Mr. VITTER.
H.R. 1430: Mr. SHERMAN.
H.R. 1434: Mr. MEEKS of New York.
H.R. 1448: Mr. SHERMAN.
H.R. 1477: Mr. OLVER.
H.R. 1501: Mr. GILCHREST, Mr. HUNTER, Mr. SAXTON, and Mrs. BONO.
H.R. 1508: Ms. HERSETH.
H.R. 1582: Mr. MATHESON.
H.R. 1684: Mr. LEVIN.
H.R. 1734: Mr. LEWIS of California, Mr. ISRAEL, Mr. GONZALEZ, and Mr. MARSHALL.
H.R. 1736: Mr. MCINTYRE.
H.R. 1746: Mr. NORWOOD.
H.R. 1749: Mrs. BIGGERT.
H.R. 1811: Mr. BEAUPREZ, Mr. WALSH, and Mr. ORTIZ.
H.R. 1916: Mr. SHERMAN.
H.R. 1930: Mr. HASTINGS of Florida and Mr. TOWNS.
H.R. 1993: Mr. DEUTSCH and Mrs. CHRISTENSEN.
H.R. 2173: Mr. VITTER and Mr. LARSEN of Washington.
H.R. 2176: Mr. FERGUSON and Mr. SIMPSON.
H.R. 2203: Mr. BERMAN and Mr. TIERNEY.
H.R. 2237: Mr. MCHUGH.
H.R. 2239: Mr. WU.
H.R. 2295: Mr. BOSWELL.
H.R. 2318: Mr. DAVIS of Florida.
H.R. 2387: Mr. BERMAN.
H.R. 2426: Mr. DEUTSCH.
H.R. 2509: Mr. TERRY.
H.R. 2541: Mr. PASCRELL.
H.R. 2598: Mr. GRIJALVA.
H.R. 2621: Mr. MICHAUD.
H.R. 2735: Mr. RANGEL.
H.R. 2815: Mr. BLUMENAUER.
H.R. 2863: Mr. NEY.
H.R. 2868: Mr. VITTER.
H.R. 2890: Mr. HEFLEY.
H.R. 2950: Mr. HOYER, Mr. ROGERS of Michigan, and Mr. SHAW.
H.R. 2959: Mr. WICKER and Mr. SHAW.
H.R. 2974: Mr. PASCRELL.
H.R. 3022: Mr. KUCINICH.
H.R. 3069: Mr. VITTER.
H.R. 3103: Mr. SHUSTER.
H.R. 3142: Mr. LEVIN.
H.R. 3148: Mr. TOM DAVIS of Virginia, Mr. KLINE, Mrs. JO ANN DAVIS of Virginia, Mr. ABERCROMBIE, Ms. ROS-LEHTINEN, and Mr. CAPUANO.
H.R. 3178: Mr. MURPHY.
H.R. 3193: Mr. REGULA and Mr. PORTMAN.
H.R. 3242: Mrs. TAUSCHER.
H.R. 3243: Mr. WAXMAN.
H.R. 3369: Mr. PENCE.
H.R. 3412: Mr. GREENWOOD, Mr. WAXMAN, Mr. BEAUPREZ, and Mr. PASCRELL.
H.R. 3420: Mr. PASTOR.
H.R. 3446: Mr. SHERMAN.
H.R. 3507: Mrs. NAPOLITANO.
H.R. 3582: Mr. OLVER.
H.R. 3619: Mr. GORDON.
H.R. 3656: Mr. SIMMONS, Mr. HINCHEY, and Mr. ANDREWS.
H.R. 3676: Mr. OLVER.
H.R. 3719: Mr. SHERMAN.
H.R. 3729: Mr. MILLER of Florida, Mr. DAVIS of Tennessee, and Mr. PASCRELL.
H.R. 3784: Mr. BISHOP of Utah.
H.R. 3801: Mr. HASTINGS of Washington.
H.R. 3802: Mr. GERLACH.
H.R. 3815: Mr. PORTER.
H.R. 3831: Mr. WAXMAN and Mr. WEXLER.
H.R. 3858: Mr. BARTLETT of Maryland, Mr. FORBES, Mr. ALLEN, Mr. BERMAN, and Mr. STUPAK.
H.R. 3871: Mr. CARDIN, Mr. OWENS, Mr. LEWIS of Georgia, and Mr. PASCRELL.
H.R. 3881: Mr. SANDLIN and Mr. DEUTSCH.
H.R. 3891: Mr. MILLER of Florida.
H.R. 3892: Mr. MILLER of Florida.
H.R. 3901: Mr. GARRETT of New Jersey.
H.R. 3968: Mr. RANGEL and Mr. COSTELLO.
H.R. 3987: Mr. CONYERS.
H.R. 4017: Mr. GRIJALVA and Mr. OWENS.
H.R. 4020: Mr. BOUCHER.
H.R. 4026: Mr. PENCE and Mr. PASCRELL.
H.R. 4064: Mr. SHADEGG.
H.R. 4067: Mr. PASCRELL, Mr. NADLER, and Ms. JACKSON-LEE of Texas.
H.R. 4069: Mr. SANDERS and Mr. UDALL of New Mexico.
H.R. 4102: Mr. PASCRELL.
H.R. 4113: Mr. REHBERG.
H.R. 4126: Mr. KING of New York.
H.R. 4129: Mr. FERGUSON, Mr. SHADEGG, and Mr. SAXTON.
H.R. 4151: Mr. FRANKS of Arizona, Mr. BURTON of Indiana, Mr. TOWNS, Mr. PITTS, and Mr. BURGESS.
H.R. 4155: Mr. DEUTSCH.
H.R. 4225: Mr. MILLER of Florida.
H.R. 4230: Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 4249: Mr. GONZALEZ, Mr. GORDON, Mr. MOLLOHAN, Mr. HINOJOSA, Mr. BELL, Mr. SESSIONS, Mr. OBEY, Mrs. CHRISTENSEN, Ms. NORTON, Mr. ACEVEDO-VILA, Mr. MORAN of Virginia, Mr. WOLF, Mr. KENNEDY of Rhode Island, Mr. BOSWELL, Mrs. CAPPS, Mr. PRICE of

North Carolina, Mr. BURTON of Indiana, Mr. MCGOVERN, Mr. STRICKLAND, Mr. SCHIFF, Mr. FORD, Mr. CAPUANO, Mr. HINCHEY, Mr. EDWARDS, Mr. BROWN of Ohio, Mr. OSE, Mr. MCINTYRE, Mr. WATT, and Mr. BAIRD.

H.R. 4256: Mrs. MALONEY.

H.R. 4262: Mr. PAYNE and Mr. PALLONE.

H.R. 4263: Mr. MORAN of Virginia.

H.R. 4283: Mr. ISAKSON, Mr. NUSSLE, and Mr. LATHAM.

H.R. 4306: Mr. BERMAN.

H.R. 4316: Mr. MORAN of Virginia.

H.R. 4346: Mr. HASTINGS of Florida, Mr. OLVER, and Mr. MOORE.

H.R. 4354: Mr. OLVER.

H.R. 4356: Mr. SMITH of Washington.

H.R. 4358: Mr. GERLACH.

H.R. 4366: Ms. DELAURO, Mr. SANDERS, Mr. KUCINICH, and Mr. GRIJALVA.

H.R. 4367: Mr. REYES and Mr. BOUCHER.

H.R. 4377: Mr. MCDERMOTT.

H.R. 4391: Mr. HALL.

H.R. 4392: Mr. GOODLATTE and Mr. MORAN of Virginia.

H.R. 4420: Mr. PETRI, Mr. KINGSTON, Mr. PICKERING, and Mr. VITTER.

H.R. 4433: Mr. CASTLE and Mr. MORAN of Virginia.

H.R. 4440: Mr. ROHRABACHER and Mr. FOLEY.

H.R. 4445: Mr. DAVIS of Alabama and Mr. PAYNE.

H.R. 4474: Mr. BECERRA and Mr. BERMAN.

H.R. 4491: Mr. KANJORSKI, Ms. SLAUGHTER, Mr. PRICE of North Carolina, Mr. LAHOOD, and Mr. DOYLE.

H.R. 4493: Mr. WAXMAN, Mr. BECERRA, Mr. GEORGE MILLER of California, Ms. DELAURO, Mr. CHRISTENSEN, Mr. FATTAH, Mr. MCCOTTER, Mrs. LOWEY, Mr. OWENS, and Ms. SOLIS.

H.R. 4496: Mr. MCKEON, Mr. NORWOOD, Mr. UPTON, Mr. EHLERS, Mr. ISAKSON, Mr. BURNS, and Mr. VITTER.

H.R. 4502: Mr. SOUDER, Mr. MCCOTTER, and Mr. VITTER.

H.R. 4530: Mrs. MYRICK.

H.R. 4546: Mr. OWENS and Ms. BORDALLO.

H.R. 4576: Mr. SHIMKUS and Mr. MANZULLO.

H.R. 4578: Mr. TURNER of Ohio, Mr. CRAMER, Mrs. DAVIS of California, Mr. INSLEE, Mr. FILNER, Mr. STRICKLAND, Mr. LARSEN of Washington, Mr. ISSA, Mr. SANDERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LYNCH, Mr. COSTELLO, Mr. TURNER of Texas, and Mr. WELLER.

H.R. 4585: Mr. GORDON, Mr. SERRANO, Mr. GRIJALVA, Mr. PALLONE, Ms. SOLIS, Mr. SANDERS, Mr. MCDERMOTT, Mr. CROWLEY, Mr. FATTAH, and Mr. EMANUEL.

H.R. 4595: Mr. MORAN of Virginia, Mr. LARSON of Connecticut, Ms. SOLIS, Mr. HINOJOSA, Mr. ACEVEDO-VILA, Ms. LINDA T. SANCHEZ of California, Mr. ORTIZ, and Mr. RODRIGUEZ.

H.R. 4605: Mr. OLVER, Mr. RAMSTAD, and Mr. LEWIS of Georgia.

H.R. 4610: Mr. SOUDER.

H.R. 4628: Mr. PASCRELL.

H.R. 4634: Mr. GARY G. MILLER of California, Mr. NETHERCUTT, Mr. RENZI, Mr. LATOURETTE, Mr. ISSA, Mr. OSE, Mr. WELLER, Mr. CALVERT, Mr. HASTINGS of Washington, Mr. KLINE, Mr. SMITH of Washington, Mr. KNOLLENBERG, Mr. ISAKSON, Mr. BISHOP of Utah, Mr. FRELINGHUYSEN, Mr. BASS, Mr. BURTON of Indiana, Mr. RAMSTAD, Mr. HUNTER, Mr. BURGESS, Mr. SAM JOHNSON of Texas, Mr. HALL, Mr. THORNBERRY, Ms. GRANGER, Mr. SWEENEY, Mr. BOOZMAN, Mr. PUTNAM, Mr. MILLER of Florida, Mr. FORBES, Mr. CRENSHAW, and Mr. KELLER.

H.R. 4652: Mr. LEACH.

H.R. 4656: Ms. JACKSON-LEE of Texas.

H.R. 4658: Mr. VITTER.

H.R. 4662: Mr. CAMP and Mr. GUTKNECHT.

H.R. 4668: Mr. MILLER of Florida, Mr. TIBERI, Mrs. LOWEY, Mrs. CHRISTENSEN, Mr. ACEVEDO-VILA, Mr. MEEKS of New York, Mr. WAXMAN, Mr. MCNULTY, Mr. CARDOZA, Ms. WATSON, Mr. BERMAN, and Mr. LEWIS of California.

H.R. 4669: Mr. SNYDER, and Mrs. MYRICK.

H.R. 4671: Ms. WOOLSEY.

H.R. 4676: Mr. SHIMKUS, Mrs. CAPITO, Mr. SERRANO, Mr. ACEVEDO-VILA, Ms. ROYBAL-ALLARD, Mr. CUMMINGS, Ms. SOLIS, and Mrs. JOHNSON of Connecticut.

H.R. 4678: Mr. DELAHUNT, Mr. MCGOVERN, Ms. SOLIS, Mr. MEEKS of New York, Mr. MCDERMOTT, Mr. ABERCROMBIE, Mr. OLVER, Mr. CROWLEY, Mr. HONDA, Mr. FRANK of Massachusetts, and Mr. BERMAN.

H.R. 4680: Mr. MILLER of Florida.

H.R. 4682: Mr. GONZALEZ, Ms. LORETTA SANCHEZ of California, Mr. KLECZKA, Mr. MORAN of Virginia, Mr. HONDA, Mr. CARDOZA, Mr. MEEKS of New York, Ms. CORRINE BROWN of Florida, Mr. LIPINSKI, Mr. WEINER, Mr. PORTER, and Mr. SHAW.

H.R. 4687: Mr. ROSS, Mr. KILDEE, Mr. MCHUGH, Mr. TAYLOR of Mississippi, Mr. BEREUTER, Mr. SANDERS, Mr. MARSHALL, Mr. STUPAK, and Mr. JOHN.

H.R. 4701: Mr. WAXMAN.

H.R. 4706: Ms. ESHOO, Mr. LANTOS, and Mr. OWENS.

H.R. 4711: Ms. DELAURO and Mr. FOLEY.

H.R. 4712: Mr. SOUDER and Mr. VITTER.

H.R. 4715: Mr. DUNCAN and Mr. GARRETT of New Jersey.

H.R. 4718: Mr. JENKINS, Mrs. CUBIN, and Mr. MCINTYRE.

H.R. 4736: Mr. CONYERS.

H.R. 4758: Ms. SLAUGHTER.

H.R. 4768: Mr. TURNER of Ohio.

H.R. 4769: Ms. HERSETH.

H.R. 4772: Mrs. TAUSCHER, Ms. MCCOLLUM, Mr. MEEHAN, Mr. PALLONE, Mr. BOSWELL, Mr. OBEY, Mr. KENNEDY of Rhode Island, Mr. OWENS, Mr. LAMPSON, and Mr. MICHAUD.

H.R. 4773: Mr. RYUN of Kansas, Mr. SAM JOHNSON of Texas, Mr. MILLER of Florida, and Mr. SOUDER.

H.R. 4774: Mr. OWENS.

H.R. 4779: Mr. GUTKNECHT.

H.R. 4785: Mr. BOEHNER.

H.R. 4786: Mrs. CHRISTENSEN and Mr. FROST.

H.R. 4792: Mr. ACKERMAN, Mr. LEACH, and Mr. ALLEN.

H.R. 4793: Mr. OWENS, Mr. TOWNS, Mr. RUSH, Mr. KUCINICH, Mr. WEXLER, Mr. MEEKS of New York, and Ms. CORRINE BROWN of Florida.

H.R. 4799: Mr. BERMAN, Mr. CUMMINGS, Mr. KILDEE, Mr. WAXMAN, Mrs. CHRISTENSEN, Mr. EMANUEL, Mr. BURR, Mr. LAHOOD, Mr. OWENS, Mr. MCINTYRE, Mr. MARKEY, Mr. MORAN of Virginia, Mr. HALL, and Mr. FRANK of Massachusetts.

H.R. 4802: Mr. HOLDEN, Mr. SANDLIN, Mr. WELDON of Pennsylvania, and Mr. GONZALEZ.

H.R. 4805: Mr. MARIO DIAZ-BALART of Florida and Mr. RYAN of Wisconsin.

H.R. 4807: Ms. HARMAN, Ms. WOOLSEY, Mrs. TAUSCHER, Mr. HUNTER, Mr. CUNNINGHAM, Ms. ROYBAL-ALLARD, Mrs. CAPPS, Mr. BECERRA, Mr. LANTOS, Mr. BACA, Mr. COX, Mr. THOMPSON of California, Mr. STARK, Mr. GALLEGLY, Mr. THOMAS, Ms. WATERS, Mrs. NAPOLITANO, Ms. SOLIS, Mr. GEORGE MILLER of California, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mrs. DAVIS of California, Mr. DOOLEY of California, Mr. BERMAN, Mrs. BONO, Mr. RADANOVICH, Ms. LOFGREN, Mr. ISSA, Ms. PELOSI, and Mr. DREIER.

H.R. 4809: Mr. SOUDER.

H.R. 4824: Mrs. MCCARTHY of New York and Mr. HOLT.

H.R. 4826: Mr. HINCHEY, Mr. CUNNINGHAM, Mr. MCDERMOTT, and Mr. GRIJALVA.

H.R. 4828: Mr. OWENS, Mr. LEWIS of Georgia, Mr. KLECZKA, Ms. SCHAKOWSKY, Ms. MAJETTE, Ms. MILLENDER-MCDONALD, Mr. SANDERS, Mr. CONYERS, Ms. KAPTUR, Mr. PAYNE, Ms. ESHOO, Mr. MARKEY, Mr. ABERCROMBIE, Mr. JEFFERSON, and Ms. KILPATRICK.

H.R. 4830: Mr. PASCRELL.

H.R. 4835: Mr. UDALL of New Mexico.

H.R. 4853: Ms. BALDWIN, Mr. HAYES, Mr. LANGEVIN, Mr. GERLACH, and Mr. STARK.

H.R. 4860: Mr. BEREUTER and Ms. SLAUGHTER.

H.R. 4866: Mr. STRICKLAND, Mr. RYAN of Ohio, and Mr. FILNER.

H.R. 4877: Mr. STUPAK.

H.J. Res. 9: Mr. DEMINT.

H.J. Res. 50: Mr. VITTER.

H.J. Res. 56: Mr. RADANOVICH.

H. Con. Res. 111: Mr. CUMMINGS.

H. Con. Res. 213: Mr. EVANS.

H. Con. Res. 298: Mr. SHUSTER.

H. Con. Res. 319: Mr. PRICE of North Carolina.

H. Con. Res. 330: Mr. MILLER of North Carolina.

H. Con. Res. 363: Mr. DEUTSCH.

H. Con. Res. 375: Mr. RANGEL, Mr. ETHERIDGE, Mr. PORTER, Mr. ROTHMAN, and Mr. PALLONE.

H. Con. Res. 425: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Con. Res. 431: Mr. FROST, Mr. GARRETT of New Jersey, and Mr. UPTON.

H. Con. Res. 435: Mr. TURNER of Texas.

H. Con. Res. 441: Mr. TERRY, Mr. SIMPSON, Mr. WAMP, Mr. RENZI, Mr. UPTON, Mr. HASTINGS of Washington, and Mr. SHIMKUS.

H. Con. Res. 443: Mr. JONES of North Carolina.

H. Con. Res. 456: Mr. PASCRELL.

H. Con. Res. 473: Mr. PASCRELL.

H. Con. Res. 475: Mr. HOUGHTON, Mr. SERRANO, Mrs. MALONEY, Mr. TOWNS, Mr. OWENS, Ms. SLAUGHTER, Mrs. LOWEY, Mr. CROWLEY, Mr. SWEENEY, Mr. QUINN, Mr. HINCHEY, Mr. MCNULTY, Mr. MEEKS of New York, Mr. ENGEL, Mr. KING of New York, Mr. WALSH, and Mr. BISHOP of New York.

H. Res. 28: Ms. ROS-LEHTINEN.

H. Res. 485: Mr. RAMSTAD.

H. Res. 556: Mr. CALVERT.

H. Res. 587: Mr. FRANK of Massachusetts.

H. Res. 632: Mr. DEUTSCH.

H. Res. 690: Mr. LEWIS of Georgia, Ms. BORDALLO, Mr. THOMPSON of California, Mr. TURNER of Texas, Mr. GREEN of Texas, Mr. HONDA, Ms. LOFGREN, Mr. DAVIS of Florida, Mr. MEEK of Florida, Ms. HOOLEY of Oregon, Mr. VAN HOLLEN, Ms. DEGETTE, Mr. STUPAK, Mr. LYNCH, Mr. PRICE of North Carolina, Mrs. NAPOLITANO, Mr. JACKSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. REYES, Ms. SLAUGHTER, Mr. BRADY of Pennsylvania, Mr. UDALL of Colorado, and Mr. DAVIS of Illinois.

H. Res. 716: Mr. WELDON of Pennsylvania.

H. Res. 717: Mr. MEEKS of New York.

H. Res. 720: Mr. WHITFIELD, Mr. PAUL, Mr. GARRETT of New Jersey, Mr. DEFAZIO, Mr. CULBERSON, and Mr. BARRETT of South Carolina.

H. Res. 721: Mr. FROST.

¶82.65 PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

100. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 261 of 2004 petitioning the Congress of the United States to introduce and pass appropriate legislation allowing persons alleging age discrimination to be held to the same ''disparate impact'' standard of proof as those alleging other forms of discrimination; to the Committee on Education and the Workforce.

101. Also, a petition of the City Council of Atlanta, Georgia, relative to Resolution 04-R-1203 supporting pending Federal Legislation that would double research spending on Alzheimer's Disease, and for other purposes; to the Committee on Energy and Commerce.

102. Also, a petition of H.R.M. Akahi Nui, a Citizen of Maui, Hawaii, relative to notification of violations and offenses with order to answer; to the Committee on Resources.

103. Also, a petition of Members of the General Assembly of California, relative to a letter noting the passage of Proposition 22, which read ''only marriage between a man and a woman is valid or recognized in California,'' and petitioning Congress of the United States to pass an amendment to the United States Constitution that would protect and defend the sanctity of marriage between a man and a woman; to the Committee on the Judiciary.

TUESDAY, SEPTEMBER 7, 2004 (83)

The House was called to order by the SPEAKER.

¶83.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Thursday, July 22, 2004.

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

¶83.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

9353. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pyrimethanil; Pesticide Tolerances [OPP–2004–0195; FRL–7371–2] received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9354. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Propiconazole; Time-Limited Pesticide Tolerances [OPP–2004–0086; FRL–7352–1] received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9355. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Propanoic Acid; Pesticide Tolerance [OPP–2003–0283; FRL–7358–4] received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9356. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Propamocarb hydrochloride; Pesticide Tolerance [OPP–2004–0100; FRL–7368–8] received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9357. A communication from the President of the United States, transmitting s letter indicating the President's concurrence with Congress in the designation of funds provided as part of the Department of Defense Appropriations, FY 2005 (H.R. 4613) as an emergency requirement to support Operations Iraqi Freedom and Enduring Freedom, the Department of State's Mission in Iraq, State and local law enforcement assistance for security and related costs associated with the 2004 Presidential Candidate Nominating Conventions, the Judiciary, and to respond to the humanitarian crisis in the Darfur region of Sudan; (H. Doc. No. 108–206); to the Committee on Appropriations and ordered to be printed.

9358. A communication from the President of the United States, transmitting requests for FY 2005 budget amendments for the Department of Agriculture, the Department of Energy, and the Corps of Engineers; (H. Doc. No. 108–208); to the Committee on Appropriations and ordered to be printed.

9359. A communication from the President of the United States, transmitting request for an emergency FY 2004 supplemental appropriation for the Department of Homeland Security; (H. Doc. No. 108–209); to the Committee on Appropriations and ordered to be printed.

9360. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on U.S. military personnel and U.S. individual civilians retained as contractors involved in supporting Plan Colombia, pursuant to Public Law 106–246, section 3204(f) (114 Stat. 577); to the Committee on Armed Services.

9361. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District [CA 287–0445; FRL–7804–2] received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9362. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Wyoming; Restructuring and Renumbering of Wyoming Air Quality Standards and Regulations [SIP NO. WY–001–0013, FRL–7784–8] received July 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9363. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; Illinois [IL223–1a; FRL–7784–6] received July 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9364. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; State of Alaska; Fairbanks Carbon Monoxide Nonattainment Area; Designation of Areas for Air Quality Planning Purposes [Docket #: AK–04–002a; FRL–7792–3] received July 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9365. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Priorities List for Uncontrolled Hazardous Waste Sites [FRL–7790–6] received July 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9366. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan; South Coast Air Quality Management District [CA302–0463; FRL–7788–5] received July 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9367. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Colorado; Designation of Areas for Air Quality Planning Purposes, Lamar and Steamboat Springs [CO–001–0076a, CO–001–0077a; FRL–7784–9] received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9368. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; State of Washington; Central Puget Sound Carbon Monoxide and Ozone Second 10-Year Maintenance Plans [Docket #:WA–04–001; FRL–7792–5] received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9369. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles [OAR–2003–0014; FRL–7797–6] (RIN: 2060–AG98) received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9370. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting A report describing in detail Russian proliferation of WMD and ballistic missile goods, technology, expertise, and information, and of dual-use items that may contribute to the development of WMD and ballistic missiles, to Iran and other countries of proliferation concern, pursuant to 22 U.S.C. 5952 note Public Law 107–314, section 1206; to the Committee on International Relations.

9371. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Accountability Review Board report and recommendations concerning serious injury, loss of life or significant destruction of property at a U.S. mission abroad, pursuant to 22 U.S.C. 4834(d)(1); to the Committee on International Relations.

9372. A communication from the President of the United States, transmitting certification that the export to the People's Republic of China of the specified items is not detrimental to the United States space launch industry and that the material and equipment, including any indirect technical benefit that could be derived from such exports, will not measurably improve the missile or space launch capabilities of the People's Republic of China, pursuant to Public Law 105–261, section 1512; (H. Doc. No. 108–210); to the Committee on International Relations and ordered to be printed.

9373. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–492, ''Free Clinic Assistance Program Extension Temporary Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9374. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–491, ''Washington Convention Center Authority Advisory Committee Continuity Third Temporary Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9375. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–490, ''Juvenile Flotation Device Requirement Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9376. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–489, ''District Government Reemployed Annuitant Offset Elimination Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9377. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–488, ''Multiple Dwelling Residence Water Lead Level Test Temporary Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9378. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–498, ''Board of Education Continuity and Transition Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9379. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–504, ''Washington Convention Center Authority Advisory Committee Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9380. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–503, ''Inspector General Appointment and Term Clarification Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9381. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–527, ''Anacostia Waterfront Corporation Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9382. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–505, ''Georgetown Project and Noise Control Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9383. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–506, ''Captive Insurance Company Enhancement Temporary Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9384. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–521, ''Commission on Human Rights Establishment Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9385. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–522, ''Office of Administrative Hearings Establishment Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9386. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–523, ''Help America Vote Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9387. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–487, ''Fiscal Year 2005 Budget Support Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9388. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–470, ''Juvenile Flotation Device Requirement Temporary Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9389. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–473, ''Mental Health Civil Commitment Extension Temporary Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9390. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–472, ''Tax Increment Financing Reauthorization Date Temporary Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9391. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–471, ''Walter Reed Property Tax Exemption Reconfirmation Temporary Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9392. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–469, ''Eastern Market Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9393. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–476, ''Office of Property Management Reform Temporary Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9394. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–475, ''Public Congestion and Venue Protection Temporary Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9395. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–478, ''Board of Education Continuity and Transition Temporary Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9396. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–477, ''Motorized Bicycle Responsibility Clarification Temporary Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9397. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 15–474, ''Presidential Elector Deadline Waiver Second Temporary Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

9398. A letter from the Clerk of the House of Representatives, transmitting the annual compilation of personal financial disclosure statements and amendments thereto filed with the Clerk of the House of Representatives, pursuant to Rule XXVII, clause 1, of the House Rules; (H. Doc. No. 108–205); to the Committee on Standards of Official Conduct and ordered to be printed.

9399. A letter from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting the Department's ''Major'' final rule—Medicare Program; Changes to the Hospital Inpatient Prospective Payment Systems and Fiscal Year 2005 Rates [CMS 0938–AM80] (RIN: 0938–AM80) received August 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9400. A letter from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting the Department's ''Major'' final rule—Medicare Program; Inpatient Rehabilitation Facility Prospective Payment System for Fiscal Year 2005 [CMS–1360–N] (RIN: 0938–AM82) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9401. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Low-Income Housing Credit (Rev. Rul. 2004–82) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9402. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Diane Fernandez v. Commissioner 114 T.C. 324 (2000) [Docket No. 16710–99] received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9403. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Kaffenberger v. United States, 314 F.3d 944 (8th Cir. 2003)—received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9404. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Appeals Settlement Guidelines; Leasing Promotions—Penalties for Leasing Stripping TransActions—received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9405. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Guidance Regarding the Treatment of Certain Contigent Payment Debt Instruments with One or More Payments that Are Denominated in, or Determined by Reference to, a Nonfunctional Currency [TD 9157] (RIN: 1545–AW33) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9406. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Transitional Rule for Vested Accrued Vacation Pay [TD 9138] (RIN: 1545–BD12) received July 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9407. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—2004 Section 43 Inflation Adjustment [Notice 2004–49] received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9408. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—2004 Marginal Production Rates [Notice 2004–48] received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9409. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Statutory Options [TD 9144] (RIN: 1545–BA75) received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9410. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Extension of Time to Elect Method for Determining Allowable Loss [TD 9154] (RIN: 1545–BD64) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9411. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Subsidiary Stock Loss Under Section 1.337(d)–2T [Notice 2004–58] received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9412. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Forms and instructions (Rev. Proc. 2004–53) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9413. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Information Reporting for Advance Payments of Health Coverage Tax Credit [Notice 2004–47] received July 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9414. A letter from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities—Update—Notice [CMS–1249–N] (RIN: 0938–AM46) received

August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

9415. A letter from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Hospice Wage Index for Fiscal Year 2005 [CMS–1264–N] (RIN: 0938–AM78) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

¶83.3 MESSAGE FROM THE SENATE

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

H.R. 663. An Act to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely affect patient safety, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 663), ''An Act to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely affect patient safety, and for other purposes'', disagreed to by the House, agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GREGG, Mr. FRIST, Mr. ENZI, Mr. ALEXANDER, Mr. KENNEDY, Mr. DODD, and Mr. JEFFORDS, to be the conferees on the part of the Senate.

H. Con. Res. 398. A concurrent resolution expressing the concern of Congress over Iran's development of the means to produce nuclear weapons.

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

S. 720. An Act to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely affect patient safety.

S. 2501. An Act to designate the facility of the United States Postal Service located at 73 South Euclid Avenue in Montauk, New York, as the ''Perry B. Duryea, Jr. Post Office''.

S. 2640. An Act to designate the facility of the United States Postal Service located at 1050 North Hills Boulevard in Reno, Nevada, as the ''Guardians of Freedom Memorial Post Office Building'' and to authorize the installation of a plaque at such site, and for other purposes.

S. 2682. An Act to designate the facility of the United States Postal Service located at 222 West 8th Street, Durango, Colorado, as the ''Ben Nighthorse Campbell Post Office Building''.

S.J. Res. 41. A joint resolution commemorating the opening of the National Museum of the American Indian.

S. Con. Res. 81. A concurrent resolution expressing the concern of Congress over Iran's development of the means to produce nuclear weapons.

S. Con. Res. 106. A concurrent resolution urging the Government of Ukraine to ensure a democratic, transparent, and fair election process for the presidential election on October 31, 2004.

S. Con. Res. 109. A concurrent resolution commending the United States Institute of Peace on the occasion of its 20th anniversary and recognizing the Institute for its contribution to international conflict resolution.

S. Con. Res. 112. A concurrent resolution supporting the goals and ideals of National Purple Heart Recognition Day.

S. Con. Res. 126. A concurrent resolution condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July 1994, and expressing the concern of the United States regarding the continuing, decade-long delay in the resolution of this issue.

S. Con. Res. 133. A concurrent resolution declaring genocide in Darfur, Sudan.

S. Con. Res. 135. A concurrent resolution authorizing the printing of a commemorative document in memory of the late President of the United States, Ronald Wilson Reagan.

¶83.4 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 26, 2004.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Senate on July 23, 2004 at 4:10 p.m.:

That the Senate passed without amendment H.R. 3340.

That the Senate passed without amendment H.R. 3463.

That the Senate passed without amendment H.R. 4222.

That the Senate passed without amendment H.R. 4327.

That the Senate passed without amendment H.R. 4427.

That the Senate passed without amendment H.R. 4417.

That the Senate passed without amendment H.R. 4842.

That the Senate passed without amendment H.R. 4916.

That the Senate passed without amendment H. Con. Res. 308.

That the Senate passed without amendment H. Con. Res. 439.

That the Senate passed without amendment H. Con. Res. 479.

That the Senate agreed to conference report H.R. 2443.

That the Senate agreed to conference report H.R. 4613.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶83.5 WHOLE NUMBER OF THE HOUSE OF REPRESENTATIVES ADJUSTED.

Under clause 5(c) of rule XX, the Chair announced to the House that, in light of the resignation of the gentleman from Nebraska, [MR. BEREUTER], the whole number of the House is adjusted to 434.

¶83.6 PARTY AFFILIATION

The SPEAKER pro tempore, Mr. PENCE, laid before the House the following communication, which was read as follows:

DEMOCRATIC CAUCUS,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 9, 2004.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to clause 5(b)(1) of Rule X, I am writing to inform you that Rep. Rodney Alexander has ceased to be a member of the House Democratic Caucus.

Sincerely,

ROBERT MENENDEZ,
Chairman.

¶83.7 COMMITTEE MEMBERSHIP

The SPEAKER pro tempore, Mr. PENCE, laid before the House the following communication, which was read as follows:

OFFICE OF THE SPEAKER,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 16, 2004.

Hon. BOB GOODLATTE,
Chairman, Committee on Agriculture, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is to advise you that Representative Rodney Alexander's election to the Committee on Agriculture has been automatically vacated pursuant to clause 5(b)(1) of rule X effective August 9, 2004.

Sincerely,

J. DENNIS HASTERT,
Speaker of the House.

¶83.8 COMMITTEE MEMBERSHIP

The SPEAKER pro tempore, Mr. PENCE, laid before the House the following communication, which was read as follows:

OFFICE OF THE SPEAKER,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 16, 2004.

Hon. DUNCAN HUNTER,
Chairman, Committee on Armed Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is to advise you that Representative Rodney Alexander's election to the Committee on Armed Services has been automatically vacated pursuant to clause 5(b)(1) of rule X effective August 9, 2004.

Sincerely,

J. DENNIS HASTERT,
Speaker of the House.

¶83.9 ENROLLED BILLS SIGNED

The SPEAKER pro tempore, Mr. PENCE, announced that pursuant to clause 4, rule I, the Speaker pro tempore, Mr. Tom DAVIS of Virginia, signed the following enrolled bills on Wednesday, July 28, 2004:

H.R. 2443. An Act to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes.

H.R. 3340. An Act to redesignate the facilities of the United States Postal Service located at 7715 and 7748 S. Cottage Grove Avenue in Chicago, Illinois, as the ''James E. Worsham Post Office'' and the ''James E. Worsham Carrier Annex Building'', respectively, and for other purposes.

H.R. 3463. An Act to amend titles III and IV of the Social Security Act to improve the administration of unemployment taxes and benefits.

H.R. 4222. An Act to designate the facility of the United States Postal Service located

at 550 Nebraska Avenue in Kansas City, Kansas, as the ''Newell George Post Office Building''.

H.R. 4226. An Act to amend title 49, United States Code, to make certain conforming changes to provisions governing the registration of aircraft and the recordation of instruments in order to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment, known as the ''Cape Town Treaty''.

H.R. 4327. An Act to designate the facility of the United States Postal Service located at 7450 Natural Bridge Road in St. Louis, Missouri, as the ''Vitilas 'Veto' Reid Post Office Building''.

H.R. 4417. An Act to modify certain deadlines pertaining to machine-readable, tamper-resistant entry and exit documents.

H.R. 4427. An Act to designate the facility of the United States Postal Service located at 73 South Euclid Avenue in Montauk, New York, as the ''Perry B. Duryea, Jr. Post Office''.

H.R. 4613. An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

H.R. 4842. An Act to implement the United States-Morocco Free Trade Agreement.

H.R. 4916. An Act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

S. 2712. An Act to preserve the ability of the Federal Housing Administration to insure mortgages under sections 238 and 519 of the National Housing Act.

¶83.10 PUBLIC WORKS PROJECTS

The SPEAKER pro tempore, Mr. PENCE, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, July 27, 2004.

Hon. J. DENNIS HASTERT,
Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted on July 21, 2004 by the Committee on Transportation and Infrastructure. Copies of the resolutions are being transmitted to the Department of the Army.

Sincerely,

DON YOUNG,
Chairman.

Enclosures.

RESOLUTION, DOCKET 2729, LAKE ERIE WATERFRONT, EUCLID, OHIO

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Ohio Shoreline of Lake Erie, Euclid to Chagrin River, published as House Document 324, 83rd Congress, 2nd Session, and other pertinent reports to determine whether modifications to the recommendations contained therein are advisable at the present time in the interest of shoreline protection, storm damage reduction, environmental restoration and protection, recreation and other related purposes along the Lake Erie waterfront in Euclid, Ohio.

RESOLUTION, DOCKET 2730, CHERRY RIVER BASIN, WEST VIRGINIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Ohio river and tributaries, Pennsylvania, Ohio and West Virginia, published as House Document 306, 74th Congress, 1st Session, and other pertinent reports to determine whether modifications to the recommendations contained therein are advisable at the present time in the interest of flood damage reduction and other related purposes in the Cherry River basin at Richwood, West Virginia and vicinity.

RESOLUTION, DOCKET 2731, MEADOW RIVER BASIN, WEST VIRGINIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Ohio river and tributaries, Pennsylvania, Ohio and West Virginia, published as House Document 306, 74th Congress, 1st Session, and other pertinent reports to determine whether modifications to the recommendations contained therein are advisable at the present time in the interest of flood damage reduction and other related purposes in the Meadow River basin at Richwood, West Virginia and vicinity.

RESOLUTION, DOCKET 2732, CLINTON RIVER AND ANCHOR BAY, MICHIGAN

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers, Red Run Drain and Lower Clinton River, Michigan, Rivers and Harbor Act of 1970, published as House Document 431, 91st Congress, 2nd Session, and other pertinent reports to determine whether modifications to the recommendations contained therein are advisable at the present time in the interest of flood protection, environmental restoration and protection, recreation and related purposes for the Clinton River and Anchor Bay watersheds within the counties of Macomb, Oakland, and St. Clair, Michigan.

RESOLUTION, DOCKET 2733, CUYAHOGA RIVER & TRIBUTARIES AT STOW, OHIO

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army, acting through the Chief of Engineers, is requested to review the report on the Cuyahoga River published in June 1975 entitled, ''Second Interim Preliminary Feasibility Report on Cuyahoga River Flood Control Study'', and other pertinent reports to determine whether modifications to the recommendations contained therein are advisable at the present time in the interest of water quality, environmental restoration and protection, recreation, flood damage reduction and other related purposes within the City of Stow, Ohio.

The communication, together with the accompanying papers, was referred to the Committee on Appropriations.

¶83.11 PUBLIC WORKS PROJECTS

The SPEAKER pro tempore, Mr. PENCE, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, July 21, 2004.

Hon. J. DENNIS HASTERT,
Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER: Enclosed please find the resolutions approved by the Committee on Transportation and Infrastructure on July 21, 2004, in accordance with 40 U.S.C. §3307.

Sincerely,

DON YOUNG,
Chairman.

Enclosures.

ALTERATION—J. EDGAR HOOVER BUILDING, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. 3307, appropriations are authorized for the alteration of the J. Edgar Hoover Building located at 935 Pennsylvania Avenue, NW, in Washington, DC, at a design and review cost of $689,000, an estimated construction cost of $8,918,000, and management and inspection cost of $635,000 for a combined estimated total project cost of $10,242,000, a prospectus for which is attached to, and included in, this resolution.

ALTERATION—EISENHOWER EXECUTIVE OFFICE BUILDING, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. 3307, appropriations are authorized for the alteration of the Eisenhower Executive Office Building located at Pennsylvania Avenue and 17th Street, NW, in Washington, DC, at a design and review cost of $454,000, an estimated construction cost of $4,092,000, and management and inspection cost of $454,000 for a combined estimated total project cost of $5,000,000, a prospectus for which is attached to, and included in, this resolution.

ALTERATION—FEDERAL OFFICE BUILDING 6, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. 3307, appropriations are authorized for the alteration of Federal Office Building 6 located at 400 Maryland Avenue, SW, in Washington, DC, at a design and review cost of $622,000, an estimated construction cost of $7,315,000, and management and inspection cost of $330,000 for a combined estimated total project cost of $8,267,000, a prospectus for which is attached to, and included in, this resolution.

ALTERATION—MARY E. SWITZER MEMORIAL FEDERAL BUILDING, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. 3307, appropriations are authorized for the alteration of the Mary E. Switzer Memorial Federal Building located at 330 C St., SW, in Washington, DC, at an estimated construction cost of $100,080,000 and management and inspection cost of $7,525,000 for a combined estimated total project cost of $116,325,000 (design and review cost of $8,720,000 was previously authorized), a prospectus for which is attached to, and included in, this resolution.

ALTERATION—NEW EXECUTIVE OFFICE BUILDING, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. 3307, appropriations are authorized for the alteration of the New Executive Office Building located at 725 17th St., NW, in Washington, DC, at a design and review cost of $451,000, an estimated construction cost of $5,388,000, and management and inspection cost of $423,000 for a combined estimated total project cost of $6,262,000, a prospectus for which is attached to, and included in, this resolution.

ALTERATION—THEODORE ROOSEVELT BUILDING, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. 3307, appropriations are authorized for the alteration of the Theodore Roosevelt Building located at 1900 E Street, NW, in Washington, DC, at a design and review cost of $570,000, an estimated construction cost of $8,630,000, and management and inspection cost of $530,000 for a combined estimated total project cost of $9,730,000, a prospectus for which is attached to, and included in, this resolution.

ALTERATION—MARTIN LUTHER KING, JR. FEDERAL BUILDING, ATLANTA, GA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. 3307, appropriations are authorized for Phase 1 of the alteration of the Martin Luther King, Jr. Federal Building located at 77 Forsyth St., in Atlanta, Georgia, at an estimated construction cost of $13,436,000, and management and inspection cost of $1,364,000 for a combined estimated total project cost of $45,712,000 (design and review cost of $2,351,000 was previously authorized; estimated construction and management and inspection cost of $28,561,000 for Phase 2 will be included in a future request), a prospectus for which is attached to, and included in, this resolution.

ALTERATION—U.S. COURT OF APPEALS, ATLANTA, GA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. 3307, appropriations are authorized for the alteration for adaptive reuse of historic properties adjacent to the Elbert P. Tuttle Court of Appeals Building in Atlanta, Georgia, at an estimated construction cost of $30,773,000, and management and inspection cost of $1,231,000 for a combined estimated total project cost of $49,239,000 (acquisition cost of $9,100,000, relocation cost of $1,500,000 and design cost of $6,725,000 were previously authorized), a prospectus for which is attached to, and included in, this resolution.

ALTERATION—HILO FEDERAL BUILDING-POST OFFICE, HILO, HI

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. 3307, appropriations are authorized for the alteration of the Federal Building and Post Office located at 154 Waianuenue Avenue, in Hilo, Hawaii, at an estimated construction cost of $4,528,000, and management and inspection cost of $605,000 for a combined estimated total project cost of $5,738,000 (design and review cost of $605,000 was previously authorized), a prospectus for which is attached to, and included in, this resolution.

ALTERATION—HALE BOGGS FEDERAL BUILDING AND COURTHOUSE, NEW ORLEANS, LA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. 3307, appropriations are authorized for the alteration of the Hale Boggs Federal Building and Courthouse located at 501 Magazine Street and 500 Camp Street, in New Orleans, Louisiana, at an estimated construction cost of $20,525,000, and management and inspection cost of $2,056,000 for a combined estimated total project cost of $24,742,000 (design and review cost of $2,161,000 was previously authorized), a prospectus for which is attached to, and included in, this resolution.

ALTERATION—JOHN MINOR WISDOM COURT OF APPEALS, NEW ORLEANS, LA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. 3307, appropriations are authorized for the alteration of the John Minor Wisdom Court of Appeals Building located at 600 Camp Street, in New Orleans, Louisiana, at an estimated construction cost of $6,973,000, and management and inspection cost of $1,032,000 for a combined estimated total project cost of $8,944,000 (design and review cost of $939,000 was previously authorized), a prospectus for which is attached to, and included in, this resolution.

ALTERATION—WASHINGTON NATIONAL RECORD CENTER, SUITLAND, MD

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. 3307, appropriations are authorized for the alteration of the Washington National Record Center, located at the Suitland Federal Center, in Suitland, Maryland, at an estimated construction cost of $6,840,000, design and review cost of $698,000 and management and inspection cost of $451,000 for a combined estimated total project cost of $7,989,000, a prospectus for which is attached to, and included in, this resolution.

ALTERATION—SSA NATIONAL HEADQUARTERS—ALTMEYER BUILDING, WOODLAWN, MD

Resolved by the Committee on Transportation and Infrastructuer of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the Altmeyer Building, located at the Social Security. Administration's Headquarters Campus, in Woodlawn, Maryland, at an estimated construction cost of $5,250,000, design and review cost of $525,000 and management and inspection cost of $525,000 for a combined estimated total project cost of $12,600,000 (includes authorization for $6,300,000 to be contributed by the Social Security Administration), a prospectus for which is attached to, and included in, this resolution.

ALTERATION—WARREN E. BURGER FEDERAL BUILDING AND UNITED STATES COURTHOUSE, ST. PAUL, MN

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the Warren. E. Burger Federal Building and United States Courthouse, in St. Paul, Minnesota, at an estimated construction cost of $33,745,000 and management and inspection cost of $2,899,000 for a combined estimated total project cost of $39,235,000 (design and review cost of $2,591,000 was previously authorized), a prospectus for which is attached to, and included in, this resolution.

AMENDED PROSPECTUS—ALTERATION—BANNISTER FEDERAL COMPLEX, BUILDING 2, KANSAS CITY, MO

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the Bannister Federal Complex, Building 2, in Kansas City, Missouri, at an additional estimated design/build cost of $3,384,000 (estimated design/build cost of $2,641,000 was previously authorized), additional design and review cost of $221,000 (design and review cost of $243,000 was previously authorized), and additional management and inspection cost of $113,000 (management and inspection cost of $264,000 was previously authorized) for a combined estimated total project cost of $6,866,000, a prospectus for which is attached to, and included in, this resolution. This resolution amends a Committeee resolution dated June 26, 2002 that authorized $3,148,000.

ALTERATION—RICHARD BOLLING FEDERAL BUILDING, KANSAS CITY, MO

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the Richard Bolling Federal Building located at 601 East 12th Street, in Kansas City, Missouri, at an estimated construction cost of $146,144,000 for Phases 2, 3, and 4, design and review cost of $8,108,000 for Phases 3 and 4, and management and inspection cost of $14,853,000 for Phases 2, 3, and 4 for a combined estimated total project cost of $199,583,000 (estimated construction cost of $24,010,000 for Phase l, design and review cost of $4,663,000 for Phases 1 and 2, and management and inspection cost of $1,805,000 for Phase 1 were previously authorized), a prospectus for which is attached to, and included in, this resolution.

ALTERATION—DANIEL P. MOYNIHAN UNITED STATES COURTHOUSE, NEW YORK, NY

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the Daniel P. Moynihan United States Courthouse located at 500 Pearl Street, in New York City, New York, at an estimated construction cost of $2,338,000, design and review cost of $94,000 and management and inspection cost of $73,000 for a combined estimated total project cost of $2,505,000, a prospectus for which is attached to, and included in, this resolution.

ALTERATION—JOSEPH P. ADDABBO FEDERAL BUILDING, JAMAICA, NY

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the Joseph P. Addabbo Federal Building located at One Jamaica Center Plaza, in Jamaica, New York, at an estimated construction cost of $4,896,000, design and review cost of $353,000 and management and inspection cost of $206,000 for a combined estimated total project cost of $5,455,000, a prospectus for which is attached to, and included in, this resolution.

ALTERATION—GEORGE H. FALLON FEDERAL BUILDING, BALTIMORE, MD

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the George H. Fallon Federal Building located at 31 Hopkins Street, in Baltimore, Maryland, at an estimated construction cost of $42,473,000, additional design and review cost of $1,079,000, and management and inspection cost of $2,611,000 for a combined estimated total project cost of $49,737,000 (design and review cost of $3,574,000 was previously authorized), a prospectus for which is attached to, and included in, this resolution.

ALTERATION—POTTER STEWART UNITED STATES COURTHOUSE, CINCINNATI, OH

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the Potter Stewart United States

Courthouse located at 100 East Fifth Street, in Cincinnati, Ohio, at an estimated construction cost of $32,228,000, design and review cost of $3,162,000 and management and inspection cost of $2,585,000 for a combined estimated total project cost of $37,975,000, a prospectus for which is attached to, and included in, this resolution.

ALTERATION—ANTHONY J. CELEBREZZE FEDERAL BUILDING, CLEVELAND, OH

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the Anthony J. Celebrezze Federal Building located at 1240 East Ninth Street, in Cleveland, Ohio, at an estimated construction cost of $34,418,000 and management and inspection cost of $2,957,000 for a combined estimated total project cost of $39,649,000 (design and review cost of $2,274,000 was previously authorized), a prospectus for which is attached to, and included in, this resolution.

ALTERATION—WILLIAM K. NAKAMURA UNITED STATES COURTHOUSE, SEATTLE, WA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the William K. Nakamura United States Courthouse located at 1010 5th Avenue, in Seattle, Washington, at an estimated construction cost of $45,879,000 and management and inspection cost of $4,331,000 for a combined estimated total project cost of $53,060,000 (design and review cost of $2,850,000 was previously authorized), a prospectus for which is attached to, and included in, this resolution.

ALTERATION—POST OFFICE-COURTHOUSE, HOT SPRINGS, AR

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the Post Office-Courthouse located at Broadway and Reserve Streets, in Hot Springs, Arkansas, at an estimated construction cost of $3,545,000, design and review cost of $180,000 and management and inspection cost of $248,000 for a combined estimated total project cost of $3,973,000, a prospectus for which is attached to, and included in, this resolution.

ALTERATION—PAGE BELCHER FEDERAL BUILDING, TULSA, OK

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the Page Belcher Federal Building, in Tulsa, Oklahoma, at an estimated construction cost of $3,100,000, design and review cost of $175,000 and management and inspection cost of $115,000 for a combined estimated total project cost of $3,390,000; a prospectus for which is attached to, and included in, this resolution.

DESIGN—VARIOUS LOCATIONS

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the design of projects scheduled for the Robert S. Vance Federal Building and United States Courthouse, located in Birmingham, Alabama, at a design cost of $1,739,000; Lafayette Building, located in Washington, D.C., at a design cost of $8,470,000; Eisenhower Executive Office Building, located in Washington, D.C., at a design cost of $4,788,000; Everett McKinley Dirksen United States Courthouse, located in Chicago, Illinois, at a design cost of $8,152,000; Birch Bayh Federal Building and United States Courthouse, located in Indianapolis, Indiana, at a design cost of $2,413,000; Peter W. Rodino Federal Building, located in Newark, New Jersey at a design cost of $4,700,000; Thurgood Marshall United States Courthouse, located in New York City, New York at a design cost of $13,500,000; and the John W. Peck Federal Building, located in Cincinnati, Ohio, at a design cost of $2,587,000, for a total design cost of $46,349,000, for which a prospectus is attached to, and included in, this resolution.

LEASE—BUREAU OF LAND MANAGEMENT, 1620 L STREET, NW, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 74,698 rentable square feet of space for the Bureau of Land Management currently located in leased space at 1620 L Street, NW, in Washington, DC, at a proposed total annual cost of $3,361,410 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—DEPARTMENT OF EDUCATION, 555 NEW JERSEY AVENUE, SW, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 82,191 rentable square feet of space for the Department of Education currently located in leased space at 555 New Jersey Avenue, SW, in Washington, DC, at a proposed total annual cost of $3,698,595 for a lease term of 5 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—DEPARTMENT OF HOMELAND SECURITY, 425 EYE STREET, NW, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 403,847 rentable square feet of space for the Department of Homeland Security currently located in leased space at 425 Eye Street, NW, in Washington, DC, at a proposed total annual cost of $18,173,115 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—DEPARTMENT OF JUSTICE, 1100 L STREET, NW, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 182,264 rentable square feet of space and 173 parking spaces for the Department of Justice currently located in leased space at 1100 L Street, NW, in Washington, DC, at a proposed total annual cost of $8,201,880 for a lease term of 10 years, 'a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—DEPARTMENT OF JUSTICE, 1400 NEW YORK AVENUE, NW, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 163,664 rentable square feet of space and 79 parking spaces for the Department of Justice currently located in leased space at 1400 New York Avenue, NW, in Washington, DC, at a proposed total annual cost of $7,364,880 for a lease term of 10 years a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—DEPARTMENT OF JUSTICE, VARIOUS LOCATIONS, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 496,571 rentable square feet of space for the Department of Justice currently located in various leased locations in Washington, DC, at a proposed total annual cost of $22,345,695 for a lease term of 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—INTERNAL REVENUE SERVICE, 950 L'ENFANT PLAZA, SW, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 110,570 rentable square feet of space for the Internal Revenue Service currently located in leased space at 950 L'Enfant Plaza, SW, in Washington, DC, at a proposed total annual cost of $4,975,650 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—SURFACE TRANSPORTATION BOARD, 1925 K STREET, NW, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. § 3307, appropriations are authorized to lease up to approximately 74,870 rentable square feet of space and 2 parking spaces for the Surface Transportation Board currently located in leased space at 1925 K Street, NW, in Washington, DC, at a proposed total annual cost of $3,369,150 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—DEPARTMENT OF EDUCATION, 111 NORTH CANAL STREET, CHICAGO, IL

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. § 3307, appropriations are authorized to lease up to approximately 91,141 rentable square feet of space and 8 parking spaces for the Department of Education currently located in leased space at 111 North Canal Street, in Chicago, Illinois, at a proposed total annual cost of $3,554,499 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—DEPARTMENT OF DEFENSE, 1931 JEFFERSON DAVIS HIGHWAY, ARLINGTON, VIRGINIA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. § 3307, appropriations are authorized to lease up to approximately 372,826 rentable square feet of space for the Department of Defense currently located in leased space at 1931 Jefferson Davis Highway, in Arlington, Virginia, at a proposed total annual cost of $12,676,084 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—DEPARTMENT OF JUSTICE, BUREAU OF PRISONS, 500 1ST STREET, NW, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. § 3307, appropriations are authorized to lease up to approximately 112,970 rentable square feet of space and 133 parking spaces for the Department of Justice, Bureau of Prisons currently located in leased space at 500 1st Street, NW, in Washington, DC, at a proposed total annual cost of $5,383,650 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—EXECUTIVE OFFICE OF IMMIGRATION REVIEW, DEPARTMENT OF HOMELAND SECURITY, MIAMI, FL

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. 3307, appropriations are authorized to lease up to approximately 127,211 rentable square feet of space and 32 parking spaces for the Executive Office of Immigration Review and Department of Homeland Security, Office of the Chief Counsel currently located in various leased locations, in Miami, Florida, at a proposed total annual cost of $3,802,211 for a lease term of 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—UNITED STATES COURTS, NEW YORK CITY, NY

Resolved by the Committee on Transportation and Infrastrcucture of the U.S. House of Representatives, That pursuant to title 40 U.S.C. § 3307, appropriations are authorized to lease up to approximately 205,500 rentable square feet of space for the United States Courts currently located in government owned space, at a proposed total annual cost of $10,994,250 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—DEPARTMENT OF HOMELAND SECURIT, FREDERICK COUNTY, VA

Resolved by the Committee on Transportationand and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. 3307, appropriations are authorized to lease up to approximately 155,864 rentable square feet of space and 734 parking spaces for the Department of Homeland Security, currently located in government owned space at the Mount Weather Emergency Operations Center in Clarke County, Virginia, at a proposed total annual cost of $3,740,736 for a lease term of 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—DEPARTMENT OF DEFENSE, 2511 JEFFERSON DAVIS HIGHWAY, ARLINGTON, VA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. 3307, appropriations are authorized to lease up to approximately 377,882 rentable square feet of space and 52 parking spaces for the Department of Defense, currently located in leased space at 2511 Jefferson Davis Highway, in Arlington, Virginia, at a proposed total annual cost of $12,847,988 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

LEASE—BUREAU OF PUBLIC DEBT, PARKERSBURG, WV

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. 3307, appropriations are authorized to lease up to approximately 182,499 rentable square feet of space for the Bureau of Public Debt currently located in leased space in Parkersburg, West Virginia, at a proposed total annual cost of $4,927,473 for a lease term of 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

DESIGN—FEDERAL BUREAU OF INVESTIGATION, 1100 WILSHIRE BOULEVARD, LOS ANGELES, CA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. 3307, appropriations are authorized for design of a 1,357,000 gross square foot facility including secure structured parking for 1,200 vehicles, located in Los Angeles, California, at a design cost of $14,054,000, a prospectus for which is attached to, and included in, this resolution.

ADDITIONAL DESIGN AND CONSTRUCTION—UNITED STATES COURTHOUSE, LOS ANGELES, CA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. 3307, appropriations of $364,384,000 are authorized for construction of a 1,016,300 gross square foot United States Courthouse including 150 inside parking spaces, located in Los Angeles, California, including additional design cost of $4,340,000, management and inspection cost of $11,936,000, and estimated construction cost of $348,109,000, for an estimated total project cost of $399,635,000 (site cost of $20,600,000 and design cost of $14,650,000 were previously authorized), a prospectus for which is attached to, and included in, this resolution.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

Provided further, That the Committee expects the General Services Administration, in consultation with the Administrative Office of the United States Courts, to design for, and configure for maximum utilization, a courtroom sharing model for the courts in Los Angeles, California, ensuring, to the maximum extent practicable, continued use of all existing courtrooms in the Roybal Federal Building for judicial proceedings.

ADDITIONAL SITE AND DESIGN—UNITED STATES COURTHOUSE ANNEX, SAN DIEGO, CA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. 3307, appropriations are authorized for additional site and additional design of a 614,394 gross square foot facility including 105 inside parking spaces, located in San Diego, California, at an additional site cost of $2,516,000 (site cost of $29,400,000 was previously authorized) and additional design cost of $552,000 (design cost of $11,441,000 was previously authorized), a prospectus for which is attached to, and included in, this resolution.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

BUILDING PURCHASE AND SITE ACQUISITION—10 WEST JACKSON BOULEVARD, CHICAGO, IL

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. 3307, appropriations are authorized for acquisition of the building located at 10 West Jackson Boulevard and other proximate parcels adjacent to the Everett M. Dirksen Courthouse, located in Chicago, Illinois, at an estimated total project cost of $53,170,000, a prospectus for which is attached to, and included in, this resolution.

SITE ACQUISITION AND DESIGN—UNITED STATES BORDER STATION, CALAIS, ME

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. 3307, appropriations are authorized for site acquisition and design of a 95,239 gross square foot facility including 14 inside and 122 outside parking spaces, located in Calais, Maine, at a site acquisition cost of $332,000 and design and review cost of $2,937,000, a prospectus for which is attached to, and included in, this resolution.

SITE ACQUISITION AND DESIGN—UNITED STATES BORDER STATION, MADAWASKA, ME

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. 3307, appropriations are authorized for site acquisition and design of a 17,504 gross square foot facility including 4 inside and 31 outside parking spaces, located in Madawaska, Maine, at a site acquisition cost of $500,000 and design and review cost of $1,260,000, a prospectus for which is attached to, and included in, this resolution.

SITE ACQUISITION AND DESIGN—UNITED STATES BORDER STATION, WARROAD, MN

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for site acquisition and design of a 34,785 gross square foot facility including 5 inside and 37 outside parking spaces, located in Warroad, Minnesota, at a site acquisition cost of $300,000 and design and review cost of $1,537,000, a prospectus for which is attached to, and included in, this resolution.

SITE ACQUISITION AND DESIGN—UNITED STATES BORDER STATION, ALEXANDRIA BAY, NY

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for site acquisition and design of a 131,520 gross square foot facility and 203 parking spaces, located in Alexandria Bay, New York, at a site acquisition cost of $200,000 and design and review cost of $8,684,000, a prospectus for which is attached to, and included in, this resolution.

AMENDED CONSTRUCTION—UNITED STATES BORDER STATION, MASSENA, NY

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, additional appropriations are authorized for construction of a 58,950 gross square foot facility and 170 parking spaces, located in Massena, New York, at an additional site acquisition cost of $432,000 (site acquisition cost of $100,000 was previously authorized), additional design and review cost of $2,832,000 (design and review cost of $1,546,000 was previously authorized), management and inspection cost of $5,040,000, and estimated construction cost of $48,938,000 for an estimated total project cost of $58,888,000, a prospectus for which is attached to, and included in, this resolution. This resolution amends a Committee resolution dated June 26, 2002.

SITE ACQUISITION AND DESIGN—UNITED STATES BORDER STATION, DUNSEITH, ND

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for site acquisition and design of a 58,672 gross square foot facility including 4 inside and 29 outside parking spaces, located in Dunseith, North Dakota, at a site acquisition cost of $300,000 and design and review cost of $2,001,000, a prospectus for which is attached to, and included in, this resolution.

CONSTRUCTION—UNITED STATES BORDER STATION, PORTAL, ND

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for construction of a 72,125 gross square foot facility including 22 inside and 90 outside parking spaces, located in Portal, North Dakota, at an additional site acquisition cost of $200,000 (site acquisition cost of $800,000 was previously authorized), additional design and review cost of $552,000 (design and review cost of $1,401,000 was previously authorized), management and inspection cost of $1,575,000, and estimated construction cost of $20,024,000 for an estimated total project cost of $24,552,000, a prospectus for which is attached to, and included in, this resolution.

DESIGN—YSLETA BORDER STATION, EL PASO, TX

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for design of the Ysleta Border Station, a 201,093 gross square foot facility and 412 outside parking spaces, located in El Paso, Texas, at a design cost of $2,491,000, a prospectus for which is attached to, and included in, this resolution.

CONSTRUCTION—PASO DEL NORTE BORDER STATION, EL PASO, TX

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for construction of the Paso Del Norte Border Station, a 148,800 gross square foot facility and 372 outside parking spaces, located in El Paso, Texas, at an additional design cost of $660,000 (design cost of $2,200,000 was previously authorized), management and inspection cost of $3,019,000 and estimated construction cost of $22,512,000 for an estimated total project cost of $28,391,000, a prospectus for which is attached to, and included in, this resolution.

ADDITIONAL SITE AND DESIGN AND CONSTRUCTION—UNITED STATES COURTHOUSE, EL PASO, TX

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, additional appropriations of $7,577,000 are authorized for construction of a 239,600 gross square foot United States Courthouse including 60 inside parking spaces, located in El Paso, Texas, including additional site cost of $1,500,000, additional design cost of $1,214,000, additional estimated construction cost of $379,000, and management and inspection cost of $4,484,000, for an estimated total project cost of $74,655,000, a prospectus for which is attached to, and included in, this resolution. This resolution is in addition to Committee resolutions that authorized $8,473,000 for site and design of a 221,613 gross square foot Courthouse, including 60 inside parking spaces on July 26, 2000; $2,720,000 for additional site and design of a 221,613 gross square foot Courthouse, including 60 inside parking spaces on July 18, 2001; and $1,673,000 for additional site and design, $4,285,000 for management and inspection, and $49,927,000 for estimated construction cost of a 231,945 gross square foot Courthouse, including 60 inside parking spaces, on July 23, 2003.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

SITE ACQUISITION AND DESIGN—UNITED STATES BORDER STATION, RICHFORD, VT

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for site acquisition and design of a 25,927 gross square foot facility including 5 inside and 33 outside parking spaces, located in Richford, Vermont, at a site acquisition cost of $589,000 and design and review cost of $956,000, a prospectus for which is attached to, and included in, this resolution.

SITE ACQUISITION AND DESIGN—UNITED STATES BORDER STATION, NORTON, VT

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for site acquisition and design of a 29,925 gross square foot facility including 4 inside and 44 outside parking spaces, located in Norton, Vermont, at a site acquisition cost of $580,000 and design and review cost of $1,167,000, a prospectus for which is attached to, and included in, this resolution.

SITE ACQUISITION AND DESIGN—UNITED STATES BORDER STATION, DERBY LINE, VT

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for site acquisition and design of a 43,809 gross square foot facility including 5 inside and 67 outside parking spaces, located in Derby Line, Vermont, at a site acquisition cost of $1,253,000 and design and review cost of $2,095,000, a prospectus for which is attached to, and included in, this resolution.

ADDITIONAL DESIGN—UNITED STATES COURTHOUSE, CEDAR RAPIDS, IA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, additional appropriations are authorized for construction of a 300,388 gross square foot United States Courthouse including 40 inside parking spaces, located in Cedar Rapids, Iowa, at an additional design cost of $1,541,000 (design cost of $5,167,000 was previously authorized), a prospectus for which is attached to, and included in, this resolution.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

AMENDED PROSPECTUS—UNITED STATES COURTHOUSE, HARRISBURG, PA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for site acquisition and design of a 262,970 gross square foot United States Courthouse including 40 inside parking spaces, located in Harrisburg, Pennsylvania, within a delineated area expanded from the Central Business District of Harrisburg to the City of Harrisburg, a prospectus for which is attached to, and included in, this resolution. This resolution amends Committee resolutions dated July 24, 2002 and July 23, 2003 that authorized appropriations for a Courthouse located within the Central Business District.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

ADDITIONAL SITE AND DESIGN—UNITED STATES COURTHOUSE, JACKSON, MS

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, additional appropriations are authorized for construction of a 430,293 gross square foot United States Courthouse including 79 inside parking spaces, located in Jackson, Mississippi, at an additional site cost of $210,000 and additional design cost of $2,216,000 (site cost of $6,500,000 and design cost of $6,731,000 were previously authorized), a prospectus for which is attached to, and included in, this resolution.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

ADDITIONAL SITE AND DESIGN—UNITED STATES COURTHOUSE, NASHVILLE, TN

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, additional appropriations are authorized for construction of a 378,307 gross square foot United States Courthouse including 55 inside parking spaces, located in Nashville, Tennessee, at an additional site cost of $5,399,000 and additional design cost of $1,614,000 (site cost of $13,601,000 and design cost of $7,095,000 were previously authorized), a prospectus for which is attached to, and included in, this resolution.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

ADDITIONAL SITE AND DESIGN—UNITED STATES COURTHOUSE, AUSTIN, TX

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, additional appropriations are authorized for construction of a 229,483 gross square foot United States Courthouse including 65 parking spaces, located in Austin, Texas, at an additional site cost of $3,000,000 and additional design cost of $759,000 (site cost of $9,000,000 and design cost of $4,809,000 were previously authorized), a prospectus for which is attached to, and included in, this resolution.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

SITE—UNITED STATES COURTHOUSE, SAN ANTONIO, TX

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for site acquisition for a 377,691 gross square foot United States Courthouse including 37 inside parking spaces, located in San Antonio, Texas, at a site acquisition cost of $18,000,000, a prospectus for which is attached to, and included in, this resolution.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

ADDITIONAL CONSTRUCTION—UNITED STATES COURTHOUSE, RICHMOND, VA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, additional appropriations of $7,403,000 are authorized for construction of a 346,000 gross square foot United States Courthouse including 64 inside parking spaces, located in Richmond, Virginia, including additional design cost of $516,000, additional management and inspection cost of $295,000, and additional estimated construction cost of $6,592,000, for an estimated total project cost of $102,476,000 (site cost of $13,054,000, design cost of $5,490,000, construction cost of $71,722,000, and management and inspection cost of $4,807,000 were previously authorized), a prospectus for which is attached to, and included in, this resolution.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

The communication, together with the accompanying papers, was referred to the Committee on Appropriations.

¶83.12 LABOR, HHS, AND EDUCATION APPROPRIATIONS FY 2005

Mr. YOUNG of Florida submitted a privileged report (Rept. No. 108–636) on the bill (H.R. 5006) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

When said bill and report were referred to the Union Calendar and ordered printed.

Pursuant to clause 1 of rule XXI, all points of order were reserved.

¶83.13 GUARDIANS OF FREEDOM MEMORIAL POST OFFICE BUILDING

Mrs. MILLER of Michigan moved to suspend the rules and pass the bill (H.R. 4442) to designate the facility of the United States Postal Service located at 1050 North Hills Boulevard in Reno, Nevada, as the ''Guardians of Freedom Memorial Post Office Building'' and to authorize the installation of a plaque at the site, and for other purposes.

The SPEAKER pro tempore, Mr. PENCE, recognized Mrs. MILLER of Michigan and Ms. WATSON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PENCE, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶83.14 HARVEY AND BERNICE JONES POST OFFICE BUILDING

Mrs. MILLER of Michigan moved to suspend the rules and pass the bill (H.R. 4381) to designate the facility of the United States Postal Service located at 2811 Springdale Avenue in Springdale, Arkansas, as the ''Harvey and Bernice Jones Post Office Building''.

The SPEAKER pro tempore, Mr. PENCE, recognized Mrs. MILLER of Michigan and Ms. WATSON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PENCE, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. MILLER of Michigan demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PENCE, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶83.15 ANTHONY I. LOMBARDI MEMORIAL POST OFFICE BUILDING

Mrs. MILLER of Michigan moved to suspend the rules and pass the bill (H.R. 4618) to designate the facility of the United States Postal service located at 10 West Prospect Street in Nanuet, New York, as the ''Anthony I. Lombardi Memorial Post Office Building''.

The SPEAKER pro tempore, Mr. PENCE, recognized Mrs. MILLER of Michigan and Ms. WATSON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PENCE, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶83.16 GENERAL WILLIAM CAREY LEE POST OFFICE BUILDING

Mrs. MILLER of Michigan moved to suspend the rules and pass the bill (H.R. 4556) to designate the facility of the United States Postal Service located at 1115 South Clinton Avenue in Dunn, North Carolina, as the ''General William Carey Lee Post Office Building''.

The SPEAKER pro tempore, Mr. PENCE, recognized Mrs. MILLER of Michigan and Ms. WATSON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PENCE, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. MILLER of Michigan demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PENCE, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶83.17 TROPICAL FOREST CONSERVATION REAUTHORIZATION

Ms. ROS-LEHTINEN moved to suspend the rules and pass the bill (H.R. 4654) to reauthorize the Tropical Forest Conservation Act of 1998 through the fiscal year 2007, and for other purposes.

The SPEAKER pro tempore, Mr. PENCE, recognized Ms. ROS-LEHTINEN and Ms. McCOLLUM, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PENCE, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶83.18 RECESS—3:13 P.M.

The SPEAKER pro tempore, Mr. PENCE, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 13 minutes p.m., until approximately 6:30 p.m.

¶83.19 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mr. KLINE, called the House to order.

¶83.20 DOCUMENTS RELATING TO TREATMENT OF PRISONERS AND DETAINEES

Mr. SENSENBRENNER submitted a privileged adverse report (Rept. No. 108–658) on the resolution (H. Res. 700) directing the Attorney General to transmit to the House of Representatives documents in the possession of the Attorney General relating to the treatment of prisoners and detainees in Iraq, Afghanistan, and Guantanamo Bay.

When said resolution and report were referred to the House Calendar and ordered printed.

¶83.21 H.R. 4381—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. KLINE, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4381) to designate the facility of the United States Postal Service located at 2811 Springdale Avenue in Springdale, Arkansas, as the ''Harvey and Bernice Jones Post Office Building''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 382; Nays ..... 0; Answered present 1 }

¶83.22 [Roll No. 422]

YEAS—382

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce

Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Rehberg
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Waxman
Weiner
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

ANSWERED ''PRESENT''—1

McCollum

NOT VOTING—50

Baker
Ballenger
Bilirakis
Brady (TX)
Burr
Cannon
Carson (IN)
Carson (OK)
Davis (FL)
Edwards
Engel
Flake
Franks (AZ)
Frost
Gallegly
Gephardt
Grijalva
Gutierrez
Hoeffel
Hulshof
John
Jones (OH)
Kolbe
Lampson
Latham
Lipinski
Lucas (OK)
Majette
McInnis
Mollohan
Murtha
Nethercutt
Nunes
Oberstar
Owens
Putnam
Regula
Renzi
Rush
Ryan (OH)
Schrock
Sessions
Simpson
Stark
Tauzin
Towns
Watt
Weldon (FL)
Wexler
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶83.23 H.R. 4556—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. KLINE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4556) to designate the facility of the United States Postal Service located at 1115 South Clinton Avenue in Dunn, North Carolina, as the ''General William Carey Lee Post Office Building''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 380; Nays ..... 0; Answered present 1 }

¶83.24 [Roll No. 423]

YEAS—380

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rehberg
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Waxman
Weiner
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

ANSWERED ''PRESENT''—1

McCollum

NOT VOTING—52

Baker
Ballenger
Bilirakis
Brady (TX)
Burr
Cannon
Carson (IN)
Carson (OK)
Clyburn
Davis (FL)
Engel
Flake
Franks (AZ)
Frost
Gallegly
Gephardt
Grijalva
Gutierrez
Hoeffel
Hulshof
John
Jones (OH)
Kolbe
Lampson
Latham
Lipinski
Lucas (OK)
Majette
McInnis
Mollohan
Moran (VA)
Murtha
Nethercutt
Nunes
Oberstar
Owens
Putnam
Rangel
Regula
Renzi
Rush
Ryan (OH)
Schrock
Sessions
Simpson
Stark
Tauzin
Towns
Watt
Weldon (FL)
Wexler
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶83.25 NOTICE—MOTION TO INSTRUCT CONFEREES—H.R. 1308

Mr. HILL, pursuant to clause 7(c)(1) of rule XXII, announced his intention to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the House amendment to the amendment of the Senate to the bill (H.R. 1308) to amend the Internal Revenue code of 1986 to end certain abusive tax practices, to provide tax relief and simplification, and for other purposes, to agree to the maximum extent possible within the scope of conference, to a conference report that (1) extends the tax relief provisions which expire at the end of 2004, and (2) does not increase the Federal budget deficit.

¶83.26 EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR DISASTER RELIEF FY 2004

Mr. YOUNG of Florida moved to suspend the rules and pass the bill (H.R. 5005) making emergency supplemental appropriations for the fiscal year ending September 30, 2004, for additional disaster assistance.

The SPEAKER pro tempore, Mr. KLINE, recognized Mr. YOUNG of Florida and Mr. OBEY, each for 20 minutes.

After debate,

¶83.27 PROVIDING FOR THE CONSIDERATION OF H.R. 5006

Ms. PRYCE of Ohio, by direction of the Committee on Rules, reported (Rept. No. 108–661) the resolution (H. Res. 754) providing for consideration of the bill (H.R. 5006) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related Agencies for the fiscal year ending September 30, 2005, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

After further debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. KLINE, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶83.28 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. KING of Iowa, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 7, 2004.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on September 7, 2004 at 4:50 p.m. and said to contain a message from the President whereby he transmits a copy of a Proclamation he has issued entitled, ''To Modify the Generalized System of Preferences and for Other Purposes''.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶83.29 IRAQ, BENEFICIARY DEVELOPING COUNTRY OF THE GENERALIZED SYSTEM OF PREFERENCES

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

Pursuant to section 502(f) of the Trade Act of 1974, as amended (the ''1974 Act''), I am writing to inform you of my intent to designate Iraq as a beneficiary developing country for purposes of the Generalized System of Preferences (GSP).

I have considered the criteria set forth in sections 501 and 502 of the 1974 Act. In light of these criteria, I have determined that it is appropriate to extend GSP benefits to Iraq.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 7, 2004.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Ways and Means and ordered to be printed (H. Doc. 108–211).

¶83.30 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following titles:

H.R. 5005. An Act making emergency supplemental appropriations for the fiscal year ending September 30, 2004, for additional disaster assistance.

¶83.31 SENATE BILL, JOINT RESOLUTION, AND CONCURRENT RESOLUTIONS REFERRED

A bill, a joint resolution, and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2682. An Act to designate the facility of the United States Postal Service located at 222 West 8th Street, Durango, Colorado, as the ''Ben Nighthorse Campbell Post Office Building''; referred to the Committee on Government Reform.

S.J. Res. 41. A joint resolution commemorating the opening of the National Museum of the American Indian; referred to the Committee on House Administration.

S. Con. Res. 109. A concurrent resolution commending the United States Institute of Peace on the occasion of its 20th anniversary and recognizing the Institute for its contribution to international conflict resolution, referred to the Committee on International Relations.

S. Con. Res. 135. A concurrent resolution authorizing the printing of a commemorative document in memory of the late President of the United States, Ronald Wilson Reagan; referred to the Committee on Administration.

¶83.32 ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 5005. An Act to make emergency supplemental appropriations for the fiscal year ending September 30, 2004, for additional disaster assistance.

¶83.33 BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on July 22, 2004, he presented to the President of the United States, for his approval, the following bills:

H.R. 1303. An Act to amend the E-Government Act of 2002, with respect to rulemaking authority of the Judicial Conference.

H.R. 4363. An Act to facilitate self-help housing homeownership opportunities.

Jeff Trandahl, Clerk of the House reports that on July 26, 2004, he presented to the President of the United States, for his approval, the following bills.

H.R. 1572. An Act to designate the United States courthouse located at 100 North Palafox Street in Pensacola, Florida, as the ''Winston E. Arnow United States Courthouse''.

H.R. 1914. An Act to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

H.R. 2768. An Act to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall.

H.R. 3277. An Act to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center.

H.R. 4380. An Act to designate the facility of the United States Postal Service located at 4737 Mile Stretch Drive in Holiday, Florida, as the ''Sergeant First Class Paul Ray Smith Post Office Building''.

Jeff Trandahl, Clerk of the House reports that on July 28, 2004, he presented to the President of the United States, for his approval, the following bills.

H.R. 2443. An Act to authorize appropriations for fiscal years 2004 and 2005 for the United States Coast Guard, and for other purposes.

H.R. 3340. An Act to redesignate the facilities of the United States Postal Service located at 7715 and 7748 S. Cottage Grove Avenue in Chicago, Illinois, as the ''James E. Worsham Post Office'' and the ''James E. Worsham Carrier Annex Building'', respectively, and for other purposes.

H.R. 3463. An Act to amend titles III and IV of the Social Security Act to improve the administration of unemployment taxes and benefits.

H.R. 4222. An Act to designate the facility of the United States Postal Service located at 550 Nebraska Avenue in Kansas City, Kansas, as the ''Newell George Post Office Building''.

H.R. 4226. An Act to amend title 49, United States Code, to make certain conforming changes to provisions governing the registration of aircraft and the recordation of instruments in order to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment, known as the ''Cape Town Treaty''.

H.R. 4327. An Act to designate the facility of the United States Postal Service located at 7450 Natural Bridge Road in St. Louis, Missouri, as the ''Vitilas 'Veto' Reid Post Office Building''.

H.R. 4417. An Act to modify certain deadlines pertaining to machine-readable, tamper-resistant entry and exit documents.

H.R. 4427. An Act to designate the facility of the United States Postal Service located at 73 South Euclid Avenue in Montauk, New York, as the ''Perry B. Duryea, Jr. Post Office''.

H.R. 4613. An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

H.R. 4759. An Act to implement the United States-Australia Free Trade Agreement.

H.R. 4916. An Act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded

out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

Jeff Trandahl, Clerk of the House reports that on August 5, 2004, he presented to the President of the United States, for his approval, the following bill.

H.R. 4842. An Act to implement the United States-Morocco Free Trade Agreement.

¶83.34 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BALLANGER, for today through September 20;

To Mr. FROST, for today;

To Mr. LUCAS of Oklahoma, for today;

To Mr. RENZI, for today;

To Mr. RYAN of Ohio, for today; and

To Mr. TAUZIN, for today and balance of the week.

And then,

¶83.35 ADJOURNMENT

On motion of Mr. PALLONE, at 10 o'clock and 58 minutes p.m., the House adjourned.

¶83.36 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Filed on September 7, 2004]

Mr. REGULA: Committee on Appropriations. H.R. 5006. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108–634). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 2129. A bill to direct the Secretary of the Interior to conduct a special resources study regarding the suitability and feasibility of designating certain historic buildings and areas in Taunton, Massachusetts, as a unit of the National Park System, and for other purposes; with an amendment (Rept. 108–637). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 2400. A bill to amend the Organic Act of Guam for the purposes of clarifying the local judicial structure of Guam (Rept. 108–638). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 2457. A bill to authorize funds for an educational center for the Castillo de San Marcos National Monument, and for other purposes; with an amendment (Rept. 108–639). Referred to the Committee of the Whole House on the State of Union.

Mr. POMBO: Committee on Resources. H.R. 2663. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating Castle Nugent Farms located on St. Croix, Virgin Islands, as a unit of the National Park System, and for other purposes (Rept. 108–640). Referred to the Committee of the Whole House on the State of Union.

Mr. POMBO: Committee on Resources. H.R. 3056. A bill to clarify the boundaries of the John H. Chafee Coast Barrier Resources System Cedar Keys Unit P25 on Otherwise Protected Area P25P; with an amendment (Rept. 108–641). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 3257. A bill to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of establishing the Western Reserve Heritage Area; with an amendment (Rept. 108–642). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 3334. A bill to authorize the Secretary of the Interior to participate in the design and construction of the Riverside-Corona Feeder in cooperation with the Western Municipal Water District of Riverside, California; with an amendment (Rept. 108–643). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 3427. A bill to authorize a land conveyance between the United States and the City of Craig, Alaska, and for other purposes; with an amendment (Rept. 108–644). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 3589. A bill to create the Office of Chief Financial Officer of the Government of the Virgin Islands; with an amendment (Rept. 108–645). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 3597. A bill to authorize the Secretary of the Interior, through the Bureau of Reclamation, to conduct a feasibility study on the Alder Creek water storage and conservation project in El Dorado County, California, and for other purposes; with an amendment (Rept. 108–646). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 3954. A bill to authorize the Secretary of the Interior to resolve boundary discrepancies in San Diego County, California, arising from an erroneous survey conducted by a Government contractor in 1881 that resulted in overlapping boundaries for certain lands, and for other purposes; with an amendment (Rept. 108–647). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4010. A bill to authorize and amend the National Geologic Mapping Act of 1992 (Rept. 108–648). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4045. A bill to authorize the Secretary of the Interior to prepare a feasibility study with respect to the Mokelumne River, and for other purposes; with an amendment (Rept. 108–649). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4459. A bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation and in coordination with other Federal, State, and local government agencies, to participate in the funding and implementation of a balanced, long-term groundwater remediation program in California, and for other purposes (Rept. 108–650). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4481. A bill to amend Public Law 86–434 establishing Wilson's Creek National Battlefield in the State of Missouri to expand the boundaries of the park, and for other purposes; with an amendment (Rept. 108–651). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4494. A bill to designate the Grey Towers National Historic Site in the Commonwealth of Pennsylvania, and for other purposes; with an amendment (Rept. 108–652). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. S. 943. An act to authorize the Secretary of the Interior to enter into 1 or more contracts with the city of Cheyenne, Wyoming, for the storage of water in the Kendrick Project, Wyoming (Rept. 108–653). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. S. 1537. An act to direct the Secretary of Agriculture to convey to the New Hope Cemetery Association certain land in the State of Arkansas for use as a cemetery (Rept. 108–654). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. S. 1576. An act to revise the boundary of Harpers Ferry National Historical Park, and for other purposes (Rept. 108–655). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. S. 1721. An act to amend the Indian Land Consolidation Act to improve provisions relating to probate of trust and restricted land, and for other purposes (Rept. 108–656). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. House Resolution 431. Resolution honoring the achievements of Siegfried and Roy, recognizing the impact of their efforts on the conservation of endangered species both domestically and worldwide, and wishing Roy Horn a full and speedy recovery (Rept. 108–657). Referred to the House Calendar.

Mr. SENSENBRENNER: Committee on the Judiciary. House Resolution 700. Resolution directing the Attorney General to transmit to the House of Representatives documents in the possession of the Attorney General relating to the treatment of prisoners and detainees in Iraq, Afghanistan, and Guantanamo Bay, with an amendment; adversely; (Rept. 108–658). Referred to the House Calendar.

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 4496. A bill to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to strengthen and improve programs under that Act; with an amendment (Rept. 108–659). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 4518. A bill to extend the statutory license for secondary transmissions under section 119 of title 17, United States Code; with an amendment (Rept. 108–660). Referred to the Committee of the Whole House on the State of the Union.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 754. Resolution providing for consideration for the bill (H.R. 5006) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108–661). Referred to the House Calendar.

Mr. BOEHLERT: Committee on Science. H.R. 3551. A bill to authorize appropriations to the Department of Transportation for surface transportation research and development, and for other purposes; with an amendment (Rept. 108–662 Pt. 1). Ordered to be printed.

¶83.37 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[The following action occurred on September 7, 2004]

H.R. 3551. Referral to the Committee on Transportation and Infrastructure extended

for a period ending not later than October 1, 2004.

S. 144. Referral to the Committee on Agriculture extended for a period ending not later than September 30, 2004.

¶83.38 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. YOUNG of Florida:

H.R. 5005. A bill making emergency supplemental appropriations for the fiscal year ending September 30, 2004, for additional disaster assistance; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REGULA:

H.R. 5006. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

By Mr. PORTER:

H.R. 5007. A bill to amend the Homeland Security Act of 2002 to establish in the Department of Homeland Security an Under Secretary for Local Government and Tourism, and for other purposes; to the Committee on Homeland Security (Select).

By Mr. MANZULLO (for himself and Ms. VELAZQUEZ):

H.R. 5008. A bill to provide an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through September 30, 2004, and for other purposes; to the Committee on Small Business.

By Mr. REHBERG:

H.R. 5009. A bill to extend water contracts between the United States and specific irrigation districts and the City of Helena in Montana, and for other purposes; to the Committee on Resources.

By Mr. BRADLEY of New Hampshire (for himself and Mr. BASS):

H.R. 5010. A bill to authorize the establishment at Antietam National Battlefield of a memorial to the officers and enlisted men of the Fifth, Sixth, and Ninth New Hampshire Volunteer Infantry Regiments and the First New Hampshire Light Artillery Battery who fought in the Battle of Antietam on September 17, 1862, and for other purposes; to the Committee on Resources.

By Mr. BURNS (for himself, Mr. SIMPSON, Mr. EDWARDS, Mr. NORWOOD, and Mr. WILSON of South Carolina):

H.R. 5011. A bill to prevent the sale of abusive insurance and investment products to military personnel; to the Committee on Financial Services.

By Mr. LAHOOD (for himself and Mr. JACKSON of Illinois):

H.R. 5012. A bill to provide for the redesign of the reverse of the Lincoln 1-cent coin in 2009 in commemoration of the 200th anniversary of the birth of President Abraham Lincoln; to the Committee on Financial Services.

By Mr. LARSON of Connecticut:

H.R. 5013. A bill to amend the Internal Revenue Code of 1986 to increase the frequency of disclosure of information by political organizations and to improve the linkage between databases for public disclosure of election-related information maintained by the Department of the Treasury and the Federal Election Commission; to the Committee on Ways and Means, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCGOVERN (for himself, Mr. NEAL of Massachusetts, Mr. KENNEDY of Rhode Island, and Mr. LANGEVIN):

H.R. 5014. A bill to direct the Director of the National Park Service to prepare a report on the sustainability of the John H. Chafee Blackstone River Valley National Heritage Corridor and the John H. Chafee Blackstone River Valley National Heritage Commission; to the Committee on Resources.

By Mr. MCHUGH (for himself, Mr. SANDERS, and Mr. SWEENEY):

H.R. 5015. A bill to establish a Commission to commemorate the 400th anniversary of the arrival of Samuel de Champlain in the Champlain Valley and for other purposes; to the Committee on Government Reform.

By Mr. OSBORNE:

H.R. 5016. A bill to extend the water service contract for the Ainsworth Unit, Sandhills Division, Pick-Sloan Missouri Basin Program, Nebraska; to the Committee on Resources.

By Mr. PASCRELL:

H.R. 5017. A bill to suspend temporarily the duty on certain capers preserved by vinegar or acetic acid; to the Committee on Ways and Means.

By Mr. PASCRELL:

H.R. 5018. A bill to suspend temporarily the duty on certain capers preserved by vinegar or acetic acid; to the Committee on Ways and Means.

By Mr. PASCRELL:

H.R. 5019. A bill to suspend temporarily the duty on certain pepperoncini prepared or preserved otherwise than by vinegar or acetic acid; to the Committee on Ways and Means.

By Mr. PASCRELL:

H.R. 5020. A bill to suspend temporarily the duty on certain pepperoncini prepared or preserved by vinegar or acetic acid in concentrations at.5% or greater; to the Committee on Ways and Means.

By Mr. PASCRELL:

H.R. 5021. A bill to suspend temporarily the duty on certain pepperoncini prepared or preserved otherwise than by vinegar or acetic acid in concentrations less than.5%; to the Committee on Ways and Means.

By Mr. SWEENEY:

H.R. 5022. A bill to strengthen and expand scientific and technological education capabilities of associate-degree-granting colleges through the establishment of partnership arrangements with bachelor-degree-granting institutions; to the Committee on Education and the Workforce.

By Mr. SWEENEY:

H.R. 5023. A bill to amend title 38, United States Code, to provide for the payment of stipends to veterans who pursue doctoral degrees in science or technology; to the Committee on Veterans' Affairs.

By Mrs. DAVIS of California (for herself, Mrs. JO ANN DAVIS of Virginia, Mr. HUNTER, Mr. WELDON of Pennsylvania, Mr. HEFLEY, Mr. MCHUGH, Mrs. WILSON of New Mexico, Mr. SKELTON, Mr. BARTLETT of Maryland, Mr. MARSHALL, Mr. SCHROCK, Mr. ALEXANDER, Mr. PALLONE, Mr. SNYDER, Mr. ISRAEL, Mr. SAXTON, Mrs. TAUSCHER, Mr. MILLER of Florida, Mr. SMITH of Washington, Mr. REYES, Mr. SPRATT, Mr. KLINE, Mr. ORTIZ, Mr. BACA, Mr. RODRIGUEZ, Mr. EVANS, Mr. RYAN of Ohio, Mr. LANGEVIN, Mr. CALVERT, Mr. FILNER, Mr. LARSEN of Washington, and Mr. HILL):

H. Con. Res. 486. Concurrent resolution recognizing and honoring military unit family support volunteers for their dedicated service to the United States, the Armed Forces, and members of the Armed Forces and their families; to the Committee on Armed Services.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. HENSARLING, Mr. BURGESS, Mr. FROST, Mr. LAMPSON, Mr. BELL, Mr. STENHOLM, Ms. JACKSON-LEE of Texas, Mr. GONZALEZ, Mr. HINOJOSA, Ms. GRANGER, Mr. SANDLIN, Mr. SAM JOHNSON of Texas, Mr. SESSIONS, Mr. ORTIZ, Mr. DOGGETT, Mr. RODRIGUEZ, Mr. NEUGEBAUER, Mr. EDWARDS, Mr. BARTON of Texas, Mr. HALL, and Mr. REYES):

H. Con. Res. 487. Concurrent resolution recognizing Dallas/Fort Worth International Airport on the occasion of its 30th anniversary; to the Committee on Transportation and Infrastructure.

By Mr. WAXMAN (for himself, Mr. MCHUGH, Ms. SCHAKOWSKY, Mr. DINGELL, Mr. RANGEL, Mr. BROWN of Ohio, Mr. CLAY, Ms. ROYBAL-ALLARD, Mr. MCDERMOTT, Mr. OWENS, and Mr. SNYDER):

H. Res. 755. A resolution supporting the goals and ideals of National Long-Term Care Residents' Rights Week and recognizing the importance to the Nation of residents of long-term care facilities, including senior citizens and individuals living with disabilities; to the Committee on Energy and Commerce.

¶83.39 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 104: Mr. FROST, Mr. KUCINICH, Mr. MCNULTY, Ms. SCHAKOWSKY, Mr. RODRIGUEZ, Mr. HINOJOSA, Ms. BORDALLO, Ms. ESHOO, and Mr. MCGOVERN.

H.R. 480: Mr. QUINN.

H.R. 502: Mr. BRADLEY of New Hampshire.

H.R. 504: Mr. SHAYS.

H.R. 717: Mr. WEINER.

H.R. 852: Ms. LINDA T. SANCHEZ of California.

H.R. 857: Mr. BARRETT of South Carolina.

H.R. 979: Mr. FATTAH.

H.R. 996: Mr. SCHROCK and Mr. CLAY.

H.R. 1043: Mr. LEWIS of Georgia, Mr. NADLER, Mr. CAPUANO, and Mr. MORAN of Kansas.

H.R. 1057: Mr. YOUNG of Alaska.

H.R. 1117: Mr. FLAKE and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1118: Mr. PORTER.

H.R. 1214: Mr. TURNER of Ohio.

H.R. 1231: Ms. MAJETTE.

H.R. 1328: Mr. ANDREWS.

H.R. 1422: Mr. JOHN.

H.R. 1428: Mr. BERRY and Mr. TOM DAVIS of Virginia.

H.R. 1433: Mr. BROWN of Ohio.

H.R. 1440: Mr. MEEHAN.

H.R. 1470: Mr. SHERMAN.

H.R. 1524: Mr. MCDERMOTT, Mrs. JONES of Ohio, Mr. TOWNS, and Mr. FILNER.

H.R. 1684: Mr. LIPINSKI.

H.R. 1688: Mr. BRADY of Pennsylvania.

H.R. 1708: Mr. PORTER and Ms. MAJETTE.

H.R. 1726: Mr. PICKERING and Mr. PALLONE.

H.R. 1755: Mr. TAYLOR of North Carolina.

H.R. 1783: Mr. NEUGEBAUER.

H.R. 1859: Mr. LANTOS.

H.R. 1863: Mr. BISHOP of New York and Mr. CHANDLER.

H.R. 2034: Mr. GORDON.

H.R. 2180: Mr. ENGEL.

H.R. 2181: Mr. KIND.

H.R. 2247: Mr. SHERMAN.

H.R. 2318: Ms. HERSETH.

H.R. 2505: Mr. LANGEVIN.

H.R. 2671: Mr. HYDE and Mr. BRADLEY of New Hampshire.

H.R. 2763: Mr. PAUL, Mr. VITTER, Mr. ROGERS of Michigan, and Ms. BORDALLO.

H.R. 2851: Mr. MILLER of Florida.
H.R. 2863: Ms. PELOSI and Mr. HONDA.
H.R. 2944: Mr. PAUL.
H.R. 2959: Mr. OBERSTAR, Mr. GORDON, Mr. DEFAZIO, and Mr. PETRI.
H.R. 2963: Mr. ISSA.
H.R. 2967: Mr. GREENWOOD and Mr. PASCRELL.
H.R. 2974: Ms. SCHAKOWSKY.
H.R. 2986: Mr. FILNER.
H.R. 3052: Mr. BRADLEY of New Hampshire.
H.R. 3063: Mr. OLVER and Mr. FRANK of Massachusetts.
H.R. 3142: Mr. HOBSON, Mr. RAHALL, and Mr. KIND.
H.R. 3193: Mr. KOLBE.
H.R. 3369: Mr. HOSTETTLER and Mr. CANTOR.
H.R. 3459: Mr. HOEFFEL.
H.R. 3474: Mr. BUTTERFIELD, Mr. ANDREWS, and Mr. GUTKNECHT.
H.R. 3488: Mr. BELL.
H.R. 3539: Ms. SLAUGHTER.
H.R. 3595: Ms. WATSON.
H.R. 3780: Mr. FATTAH.
H.R. 3858: Mr. SHERMAN, Mr. HYDE, and Mr. CHANDLER.
H.R. 3881: Ms. WOOLSEY.
H.R. 3974: Mr. BUTTERFIELD and Mr. WYNN.
H.R. 4000: Mr. HOSTETTLER.
H.R. 4026: Mr. DICKS, Mr. BRADLEY of New Hampshire, Mr. SPRATT, and Mr. LEACH.
H.R. 4097: Mrs. MCCARTHY of New York and Mr. ISRAEL.
H.R. 4119: Mr. LINCOLN DIAZ-BALART of Florida and Mr. ANDREWS.
H.R. 4169: Mr. RAHALL, Mr. SMITH of New Jersey, and Mr. CHANDLER.
H.R. 4192: Mr. PASCRELL, Mr. MARKEY, Mr. MEEHAN, Mrs. TAUSCHER, Ms. CORRINE BROWN of Florida, Ms. ESHOO, Mr. THOMPSON of Mississippi, Mr. GEORGE MILLER of California, Mr. STARK, Mr. BACA, and Mr. SCHIFF.
H.R. 4204: Mrs. BIGGERT.
H.R. 4217: Mr. MARSHALL and Mr. SMITH of New Jersey.
H.R. 4307: Mr. KELLER.
H.R. 4316: Mr. STARK.
H.R. 4341: Mr. CONYERS, Mr. SHERMAN, Ms. LINDA T. SANCHEZ of California, Mr. GREEN of Wisconsin, and Mr. CHANDLER.
H.R. 4343: Mr. CANTOR, Mr. PORTMAN, Mr. GOODE, and Mr. BOOZMAN.
H.R. 4358: Mr. WELDON of Pennsylvania and Mr. ROHRABACHER.
H.R. 4430: Mr. SMITH of Texas.
H.R. 4433: Mr. COX, Mr. SCHROCK, Mr. RAMSTAD, Mr. FRELINGHUYSEN, Mr. ALLEN, and Mr. ROTHMAN.
H.R. 4440: Mr. BARTLETT of Maryland, Mr. DOOLITTLE, and Mr. BRADLEY of New Hampshire.
H.R. 4445: Mr. CUMMINGS, Mr. WATT, Mr. CLYBURN, Mr. THOMPSON of Mississippi, and Mr. BUTTERFIELD.
H.R. 4491: Mr. BISHOP of New York, Mr. HOLDEN, Mr. FROST, Mr. FRANK of Massachusetts, Mr. TIERNEY, Mr. GORDON, Mr. ENGEL, Ms. KAPTUR, Mr. RYAN of Ohio, Mr. SANDLIN, Mr. LAMPSON, Mr. ACKERMAN, and Mr. PICKERING.
H.R. 4502: Mrs. MUSGRAVE, Mr. SIMPSON, Mr. HAYES, Mr. GORDON, and Mr. BOUCHER.
H.R. 4530: Mr. HERGER and Mr. BOOZMAN.
H.R. 4561: Mr. DEUTSCH.
H.R. 4575: Mr. CLAY, Mr. HOLT, Mr. GREEN of Texas, Mr. BLUMENAUER, Mr. PASCRELL, and Ms. ROYBAL-ALLARD.
H.R. 4578: Mr. LAMPSON, Mr. NETHERCUTT, Mr. CHABOT, Mr. SIMMONS, Mr. KIND, and Mr. GONZALEZ.
H.R. 4585: Ms. CARSON of Indiana and Mr. HINCHEY.
H.R. 4605: Mr. DAVIS of Alabama.
H.R. 4610: Mr. LEACH, Mr. COSTELLO, Mr. NEAL of Massachusetts, Mr. WAXMAN, Mr. BACHUS, Ms. LORETTA SANCHEZ of California, Mr. CUMMINGS, Mr. LAMPSON, and Mr. OLVER.
H.R. 4616: Mr. CUNNINGHAM, Mr. STRICKLAND, Mr. TIAHRT, Mr. CROWLEY, Mr. FRANK of Massachusetts, Mr. RAHALL, Mr. RANGEL, and Mr. SMITH of Washington.
H.R. 4633: Mr. ISAKSON.
H.R. 4655: Ms. SCHAKOWSKY.
H.R. 4656. Mr. FROST.
H.R. 4662. Mr. RENZI.
H.R. 4664. Mr. HINCHEY.
H.R. 4670. Mrs. LOWEY.
H.R. 4676. Mr. FILNER, Ms. SCHAKOWSKY, Mr. PASTOR, Mr. GREEN of Texas, Mr. PITTS, Mr. WYNN, Mr. GILCHREST, Mr. JACKSON of Illinois, Ms. WATSON, Mr. RAMSTAD, Mr. SHAYS, Mr. GREENWOOD, and Ms. NORTON.
H.R. 4710. Ms. SCHAKOWSKY, Ms. WATSON, Mr. OWENS, Mr. GEORGE MILLER of California, Mr. EMANUEL, Mr. MCGOVERN, Mr. KLECZKA, Mr. DOGGETT, Mr. PALLONE, Ms. DELAURO, Mr. DELAHUNT, Mr. FRANK of Massachusetts, Ms. KAPTUR, Mr. MEEKS of New York, Ms. WATERS, Mr. HOLT, Mr. DAVIS of Illinois, Mr. RANGEL, Mr. PASCRELL, Mr. CONYERS, Mr. LEWIS of Georgia, Mr. KANJORSKI, Mr. MCDERMOTT, Mr. FILNER, Mr. CLAY, Mr. SANDERS, Mr. UDALL of New Mexico, Ms. SOLIS, Ms. LOFGREN, Mr. KUCINICH, and Ms. WOOLSEY.
H.R. 4718. Mr. BISHOP of Georgia.
H.R. 4765. Ms. LEE.
H.R. 4769. Mr. MARKEY and Mrs. LOWEY.
H.R. 4799. Ms. SLAUGHTER, Mrs. WILSON of New Mexico, Ms. JACKSON-LEE of Texas, Mrs. TAUSCHER, Ms. DELAURO, Mr. PORTER, Mr. BRADLEY of New Hampshire, Mr. RANGEL, Mr. UDALL of Colorado, Mr. ETHERIDGE, Mr. WELDON of Pennsylvania, Ms. BALDWIN, Mr. STENHOLM, Mr. BLUMENAUER, Mr. MCGOVERN, Ms. BORDALLO, Ms. ROS-LEHTINEN, Mrs. DAVIS of California, and Mrs. MCCARTHY of New York.
H.R. 4823: Mr. OWENS and Mr. KUCINICH.
H.R. 4887: Mr. BISHOP of Georgia.
H.R. 4894: Mr. FARR.
H.R. 4897: Mr. MENENDEZ, Mrs. MCCARTHY of New York, Ms. LEE, Mrs. MALONEY, Mrs. DAVIS of California, Mr. HOLT, Mr. LANGEVIN, Mr. FILNER, Mrs. TAUSCHER, and Mr. BLUMENAUER.
H.R. 4905: Mr. SMITH of New Jersey.
H.R. 4914: Mr. PETRI and Mr. BURGESS.
H.R. 4917: Mrs. BLACKBURN and Ms. BALDWIN.
H.R. 4925: Mr. WILSON of South Carolina.
H.R. 4926: Mr. WILSON of South Carolina.
H.R. 4968: Mr. WHITFIELD, Mrs. NORTHUP, Mr. LUCAS of Kentucky, Mr. ROGERS of Kentucky, and Mr. CHANDLER.
H.R. 4978: Mr. BOUCHER, Mrs. CHRISTENSEN, Mr. KILDEE, Mrs. MCCARTHY of New York, Mr. MCNULTY, Mr. TIERNEY, Ms. JACKSON-LEE of Texas, Mr. RAHALL, Mr. CUMMINGS, Mr. RANGEL, Mr. HOEFFEL, and Mr. DOGGETT.
H.R. 4992: Mr. SESSIONS.
H.R. 4993: Mr. SESSIONS.
H.R. 4994: Mr. MEEHAN, Mr. OBERSTAR, Ms. MCCARTHY of Missouri, Mr. GUTIERREZ, Mr. TOWNS, Ms. JACKSON-LEE of Texas, Ms. MILLENDER-MCDONALD, Mr. JACKSON of Illinois, Mr. HINCHEY, Ms. BORDALLO, Mr. GREENWOOD, Mr. ANDREWS, and Ms. MCCOLLUM.
H.R. 4995: Mrs. CHRISTENSEN, Mr. MARKEY, Mr. BROWN of Ohio, and Mr. BLUMENAUER.
H.J. Res. 44: Mr. GARRETT of New Jersey.
H.J. Res. 56: Mr. MARSHALL and Mr. LINDER.
H. Res. 373: Mr. MCDERMOTT, Mr. HONDA, Mr. SERRANTO, Mrs. JONES of Ohio, Mr. BROWN of Ohio, Ms. LORETTA SANCHEZ of California, Ms. JACKSON-LEE of Texas, Ms. SCHAKOWSKY, AND Ms. WATERS.
H. Res. 556: Mr. GILCHREST.
H. Res. 596: Mr. DAVIS of Illinois, Mr. PLATTS, and Mr. KLECZKA.
H. Res. 722: Mr. BASS, Mr. DELAHUNT, Mr. TERRY, Mr. GREEN of Texas, Mr. HOLDEN, Mr. DINGELL, Mr. LANTOS, Mr. JENKINS, Mr. GORDON, Mr. CUNNINGHAM, Mr. MCINTYRE, Mr. DOGGETT, Mr. ETHERIDGE, Mr. FARR, Mr. FROST, Mr. PETERSON of Minnesota, Mr. ROSS, Mr. TIERNEY, Mr. MCHUGH, Mr. HALL, Mr. COSTELLO, Mr. SNYDER, and Mrs. MYRICK.
H. Res. 751: Mr. CHABOT, Mr. CROWLEY, and Mr. SMITH of New Jersey.

WEDNESDAY, SEPTEMBER 8, 2004 (84)

¶84.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. TERRY, who laid before the House the following communication:

WASHINGTON, DC,
September 8, 2004.

I hereby appoint the Honorable LEE TERRY to act as Speaker pro tempore on this day.

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

¶84.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. TERRY, announced he had examined and approved the Journal of the proceedings of Tuesday, September 7, 2004.

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

¶84.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9416. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on U.S. military personnel and U.S. individual civilians retained as contractors involved in supporting Plan Colombia, pursuant to Public Law 106–246, section 3204 (f) (114 Stat. 577); to the Committee on Armed Services.

9417. A letter from the Acting Under Secretary for Acquisition, Technology, and Logistics, Department of Defense, transmitting notification that the Group II Mission Computer Replacement Program (GrIIM RePr), manufactured by Northrop Grumman Space Technology (NGST), is a commercial item and, therefore, is excluded from core logistics capability requirements, as well as the justification for such a decision, pursuant to 10 U.S.C. 2464(c); to the Committee on Armed Services.

9418. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Major General John F. Sattler, United States Marine Corps, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

9419. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

9420. A letter from the Comptroller, Department of Defense, transmitting the Department's quarterly report as of June 30, 2004, entitled, ''Acceptance of contributions for defense programs, projects and activities; Defense Cooperation Account,'' pursuant to 10 U.S.C. 2608; to the Committee on Armed Services.

9421. A letter from the Director, Defense Security Cooperation Agency, transmitting notification with respect to a proposed Letter of Offer and Acceptance (LOA) to sell defense articles and services, pursuant to 22

U.S.C. 2776(b); to the Committee on International Relations.

9422. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report covering defense articles and services that were licensed for export under section 38 of the Arms Export Control Act during FY 2002, pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9423. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's annual report entitled ''Report to Congress on Arms Control, Nonproliferation and Disarmament Studies Completed in 2003,'' pursuant to 22 U.S.C. 2579; to the Committee on International Relations.

9424. A letter from the Chairman, Christopher Columbus Fellowship Foundation, transmitting pursuant to the Accountability of Tax Dollars Act, the Foundation's quarterly financial statement, prepared by the U.S. General Services Administration; to the Committee on Government Reform.

9425. A letter from the Executive Director, Consumer Product Safety Commission, transmitting the Commission's inventories of Commercial and Inherently Governmental Activities for Year 2004 as pursuant to the Federal Activities Inventory Reform Act; to the Committee on Government Reform.

9426. A letter from the Chief Executive Officer, Corporation for National and Community Service, transmitting the semiannual report of the Office of the Inspector General for the period October 1, 2003 through March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

9427. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9428. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9429. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9430. A letter from the Acting Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum 04-07, the Department's report on competitive sourcing efforts for FY 2003; to the Committee on Government Reform.

9431. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9432. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9433. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9434. A letter from the Director, Office of Human Resources Management, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9435. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9436. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, ''Contract Awarded by the Water and Sewer Authority Was Poorly Monitored and Managed''; to the Committee on Government Reform.

9437. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, ''Certification of the Sufficiency of the Washington Convention Center Authority's Projected Revenue and Excess Reserve to Meet Projected Operating and Debt Service Expenditures and Reserve Requirements for FY 2005''; to the Committee on Government Reform.

9438. A letter from the Secretary, Department of the Interior, transmitting the 2003 Annual Report for the Office of Surface Mining Reclamation and Enforcement (OSM), pursuant to 30 U.S.C. 1211(f), 1267(g), and 1295; to the Committee on Resources.

9439. A letter from the Assistant Secretary for Policy, Management and Budget, Department of the Interior, transmitting a draft bill ''To amend the Federal Land Transaction Facilitation Act of July 25, 2000 to remove the timeframe that limits the Secretary of the Interior's use of decisions in the Bureau of Land Management land use plans to dispose of lands, to reallocate funds for land acquisitions and other uses, to extend the sunset provision currently contained in the Act and for other purposes''; to the Committee on Resources.

9440. A letter from the Assistant Attorney General, Department of Justice, transmitting a letter responding to the DNA Analysis Backlog Elimination Act of 2000's grant reporting requirement with respect to Fiscal Years 2002 and 2003 funds and conveys, for greater clarity of the DNA analysis backlog issue, the study to assess the number of untested rape examination kits that currently exist nationwide, as required by Pub. L. 107-273, the 21st Century Department of Justice Appropriations Authorization Act; to the Committee on the Judiciary.

9441. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Documentation of Nonimmigrants Under the Immigration and Nationality Act, as Amended--Elimination of Crew List Visas [Public Notice: 4654] (RIN: 1400-AB49) received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9442. A letter from the Senior Staff Attorney, United States Court of Appeals for the First Circuit, transmitting an opinion of the United States Court of Appeals for the First Circuit (No. 03-1922 — Dieudonna Georcely v. John Ashcroft (July 12, 2004)); to the Committee on the Judiciary.

9443. A letter from the Senior Staff Attorney, United States Court of Appeals for the First Circuit, transmitting an opinion of the United States Court of Appeals for the First Circuit (No.03-1922 — Dieudonna Georcely v. John Ashcroft (July 12, 2004)); to the Committee on the Judiciary.

9444. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; White River, Clarendon, Arkansas [CGD08-04-022] (RIN: 1625-AA09) received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9445. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Rigolets Pass, New Orleans, LA. [CGD08-04-025] received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9446. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Newtown Creek, Dutch Kills, English Kills, and their tributaries, NY. [CGD01-04-076] received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9447. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation: Inner Harbor Navigation Canal, LA [CGD08-04-026] (RIN: 1625-AA09) received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9448. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Jamaica Bay and connecting waterways, NY. [CGD01-04-080] received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9449. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Raritan River, NJ. [CGD01-04-091] received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9450. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; CSX Railroad, Manatee River Mile 4.5, Bradenton, FL. [CGD07-04-015] (RIN: 1625-AA09) received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9451. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Mystic River, MA [CGD01-04-030] (RIN: 1625-AA09) received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9452. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone Regulations; Elliot Bay and Lake Washington, WA [CGD-13-04-033] (RIN: 1625-AA87) received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9453. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Areas, Anchorage Grounds, Safety and Security Zones; Tall Ships Rhode Island 2004, Narragansett Bay, Rhode Island [CGD01-04088] (RIN: 1625-AA87) received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9454. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Cape Fear River, Eagle Island, North Carolina State Port Authority Terminal, Wilmington, NC [CGD05-04-116] (RIN: 1625-AA87) received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9455. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Shelter Cove, Hilton Head Island, SC [COTP Savannah-04-066] (RIN: 1625-AA00) received

August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9456. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Time Warner Cable Fireworks — Boston, Massachusetts [CGD01-04-081] (RIN: 1625-AA00) received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9457. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Democratic Governors Association Fireworks Display — Boston, Massachusetts [CGD01-04-046] (RIN: 1625-AA00) received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9458. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bridge Demolition, Raritan River, Perth Amboy, NJ [CGD01-04-087] (RIN: 1625-AA00) received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9459. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Democratic National Convention, Boston, MA [CGD01-04-002] (RIN: 1625-AA87) received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9460. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Captain of the Port Hampton Roads Zone, Hampton Roads, VA [CGD05-04-067] (RIN: 1625-AA87) received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9461. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Ohio River Mile 119.0 to 119.8, Natrium, WV [COTP Pittsburgh-03-030] (RIN: 1625-AA00) received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9462. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone: Coronado Bay Bridge, San Diego, California [COTP San Diego 04-015] (RIN: 1625-AA87) received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9463. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Coast Guard Activities New York Fireworks Displays [CGD01-03-102] (RIN: 1625-AA00) received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9464. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Northeast Ohio [CGD09-03-202] (RIN: 1625-AA00) received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9465. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River Mile Marker 778.0 to 781.0, Osceola, AR [COTP Memphis 04-001] (RIN: 1625-AA00) received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9466. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Atlantic Intracoastal Waterway and Connecting Waters, Vicinity of Marine Corps Base Camp Lejeune, North Carolina [CGD05-03-167] (RIN: 1625-AA00) received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9467. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Annual Kennewick, Washington, Columbia Unlimited Hydroplane Races [CGD13-04-034] (RIN: 1625-AA08) received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9468. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Atlantic Ocean, Atlantic City, NJ [CGD05-04-129] (RIN: 1625-AA08) received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9469. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Enforcement of SOLAS Requirements [USCG-2004-17615] received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9470. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Unauthorized entry in Cuban territorial waters [USCG-2004-17509] (RIN: 1625-AA86) received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9471. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Mandatory Ballast Water Management Program for U.S. Waters [USCG-2003-14273] (RIN: 1625-AA52) received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9472. A letter from the USCG Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Carriage of Navigation Equipment for Ships on International Voyages [USCG-2002-13057] received August 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9473. A letter from the Attorney, Office of Aviation Enforcement and Proceedings, Department of Transportation, transmitting the Department's final rule — Civil Penalties [Docket No. OST-2004-18560] (RIN: 2105-AD40) received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9474. A communication from the President of the United States, transmitting notification of his intention to designate Iraq as a beneficiary developing country under the Generalized System of Preferences (GSP)any such designation, pursuant to Public Law 104—188, section 1952(a)(110 Stat. 1917); (H. Doc. No. 108—211); to the Committee on Ways and Means and ordered to be printed.

9475. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a semi-annual report to Congress on the continued compliance of Armenia, Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, Ukraine, and Uzbekistan with the Trade Act's freedom of emigration provisions, as required under the Jackon-Vanik Amendment, pursuant to 19 U.S.C. 2432(c) and (d) 19 U.S.C. 2439(b); to the Committee on Ways and Means.

9476. A letter from the Secretary, Department of Agriculture, transmitting the Department's report entitled, ''Herger-Feinstein Quincy Library Group Forest Recovery Act Pilot Project Status Report to Congress FY 2003''; jointly to the Committees on Resources and Agriculture.

9477. A letter from the Deputy Assistant Secretary, Economic Development Administration, transmitting the annual report on the activities of the Economic Development Administration for Fiscal Year 2002, pursuant to 42 U.S.C. 3217; jointly to the Committees on Transportation and Infrastructure and Financial Services.

¶84.4 COMMITTEE ELECTION—MINORITY

Mr. MENENDEZ, by direction of the Democratic Caucus, submitted the following privileged resolution (H. Res. 756):

Resolved, That the following named Member be and is hereby elected to the following standing committee of the House of Representatives:

COMMITTEE ON ARMED SERVICES: Mr. Stenholm.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶84.5 PROVIDING FOR THE CONSIDERATION OF H.R. 5006

Ms. PRYCE of Ohio, by direction of the Committee on Rules, called up the following resolution (H. Res. 754):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5006) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except: sections 219(b), 221, and 506. Where points of order are waived against part of a section, points of order against a provision in another part of such section may be made only against such provision and not against the entire section. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for

amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

Ms. PRYCE of Ohio, moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Ms. SLAUGHTER objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 209 / Nays ..... 190 }

¶84.6 [Roll No. 424]

YEAS—209

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

NAYS—190

Abercrombie
Ackerman
Allen
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clyburn
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—34

Andrews
Ballenger
Bilirakis
Boehlert
Brady (TX)
Cannon
Chandler
Clay
Conyers
Culberson
Engel
Flake
Grijalva
Hobson
John
Jones (OH)
Kleczka
Kolbe
Lampson
Lewis (CA)
McCarthy (NY)
McInnis
Mollohan
Nethercutt
Norwood
Owens
Payne
Putnam
Ryan (OH)
Schrock
Simmons
Tauzin
Udall (CO)
Young (AK)

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶84.7 LABOR, HHS, AND EDUCATION APPROPRIATIONS FY 2005

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to House Resolution 754 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5006) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

The SPEAKER pro tempore, Mr. SIMPSON, by unanimous consent, designated Mr. LATOURETTE as Chairman of the Committee of the Whole; and after some time spent therein,

¶84.8 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4, submitted by Ms. JACKSON-LEE of Texas:

In title II, in the item relating to ''CENTERS FOR DISEASE CONTROL AND PREVENTION-DISEASE CONTROL, RESEARCH, AND TRAINING'', in paragraph (2) of the first proviso, insert after the dollar amount (relating to the National Center for Health Statistics surveys) the following: ''(increased by $2,500,000)''.

In title II, in the item relating to ''NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES'', insert after the dollar amount the following: ''(increased by $1,500,000)''.

In title II, in the item relating to ''CHILDREN AND FAMILIES SERVICES PROGRAMS'', insert ''(decreased by $4,000,000)'' after the aggregate dollar amount and insert ''(decreased by $4,000,000)'' after the dollar amount in the tenth proviso (relating to competitive grants to provide abstinence education).

It was decided in the negative { Yeas ..... 112 / Nays ..... 305 }

¶84.9 [Roll No. 425]

AYES—112

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Bishop (NY)
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capuano
Carson (IN)
Case
Clay
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (IL)
DeFazio
DeGette
Deutsch
Dingell
Doggett
Evans
Fattah
Filner
Ford
Frank (MA)
Gephardt
Green (TX)
Gutierrez
Harman
Hastings (FL)
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kaptur
Kennedy (RI)
Kildee
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lynch
Majette
Maloney
Markey
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Moran (VA)
Nadler
Napolitano
Neal (MA)
Owens
Pallone
Pastor
Payne
Pelosi
Rangel
Rodriguez
Rothman
Ruppersberger

Rush
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schiff
Scott (GA)
Serrano
Sherman
Slaughter
Stark
Tanner
Thompson (MS)
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—305

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Cardin
Cardoza
Carson (OK)
Carter
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Everett
Farr
Feeney
Ferguson
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hobson
Hoekstra
Holden
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
Matsui
McCollum
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pascrell
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schakowsky
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—16

Ballenger
Cannon
Dicks
Dooley (CA)
Dunn
Engel
Flake
Grijalva
Jones (OH)
Mollohan
Nethercutt
Ryan (OH)
Schrock
Smith (WA)
Tauzin
Young (AK)

So the amendment was not agreed to.

¶84.10 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Ms. JACKSON-LEE of Texas:

Page 26, line 18, insert after the aggregate dollar amount the following: ''(increased by $1,000,000)''.

Page 46, line 4, insert after the aggregate dollar amount the following: ''(decreased by $1,000,000)''.

Page 48, line 2, insert after the dollar amount the following: ''(decreased by $1,000,000)''.

It was decided in the negative ..... { Yeas ..... 156; Nays ..... 261; Answered present 1 }

¶84.11 [Roll No. 426]

AYES—156

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Emanuel
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Green (TX)
Greenwood
Gutierrez
Harman
Hastings (FL)
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rangel
Reyes
Rodriguez
Rothman
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Solis
Spratt
Stark
Stupak
Tanner
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—261

Aderholt
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carson (OK)
Carter
Castle
Chabot
Chandler
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (FL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Emerson
English
Eshoo
Evans
Everett
Feeney
Ferguson
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hobson
Hoekstra
Holden
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (FL)

ANSWERED ''PRESENT''—1

Lipinski

NOT VOTING—15

Akin
Ballenger
Cannon
Dicks
Dooley (CA)
Dunn
Engel
Flake
Grijalva
Mollohan
Nethercutt
Ryan (OH)
Schrock
Tauzin
Young (AK)

So the amendment was not agreed to.

¶84.12 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. SANDERS:

Page 42, line 11, after the dollar amount insert ''(increased by $22,000,000)''.

Page 42, line 12, after the dollar amount insert ''(increased by $11,000,000)''.

Page 42, line 25, after the dollar amount insert ''(increased by $11,000,000)''.

Page 50, line 12, after the dollar amount insert ''(reduced by $26,000,000)''.

It was decided in the affirmative ..... { Yeas ..... 305 / Nays 114

¶84.13 [Roll No. 427]

AYES—305

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Bartlett (MD)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Butterfield
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Conyers
Cooper
Costello
Cramer
Crane
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Gordon
Graves
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hayworth
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran (KS)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Porter
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

NOES—114

Aderholt
Akin
Barrett (SC)
Barton (TX)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Brady (TX)
Brown (SC)
Burton (IN)
Buyer
Calvert
Cantor
Carter
Case
Cole
Collins
Cox
Crenshaw
Cubin
Culberson
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Everett
Feeney
Forbes
Franks (AZ)
Gallegly
Garrett (NJ)
Goode
Goodlatte
Goss
Granger
Greenwood
Harris
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hobson
Isakson
Issa
Istook
Jenkins
Johnson, Sam
Keller
Kingston
Knollenberg
Kolbe
Lewis (CA)
Linder
Lucas (OK)
Manzullo
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (VA)
Musgrave
Myrick
Northup
Norwood
Nunes
Ose
Otter
Oxley
Pearce
Pence
Pitts
Pombo
Pryce (OH)
Putnam
Radanovich
Regula
Rogers (KY)
Rohrabacher
Royce
Sessions
Shadegg
Shaw
Sherwood
Simpson
Smith (MI)
Smith (TX)
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiberi
Toomey
Turner (OH)
Walden (OR)
Wamp
Weldon (FL)
Whitfield
Wicker
Wilson (SC)
Young (FL)

NOT VOTING—14

Ballenger
Bilirakis
Cannon
Dicks
Dooley (CA)
Engel
Flake
Grijalva
Mollohan
Nethercutt
Ryan (OH)
Schrock
Tauzin
Young (AK)

So the amendment was agreed to.

After some further time,

¶84.14 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. HEFLEY:

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

SEC. ____. Total appropriations made in this Act (other than appropriations required to be made by a provision of law) are hereby reduced by $1,425,000,000.

It was decided in the negative ..... { Yeas ..... 79 / Nays 333

¶84.15 [Roll No. 428]

AYES—79

Akin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Brady (TX)
Burgess
Burton (IN)
Buyer
Chabot
Chocola
Coble
Collins
Cox
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeMint
Diaz-Balart, M.
Duncan
Everett
Feeney
Flake
Fossella
Franks (AZ)
Garrett (NJ)
Gibbons
Graves
Gutknecht
Hayes
Hayworth
Hefley
Hensarling
Herger
Hooley (OR)
Hostettler
Jenkins
Jones (NC)
King (IA)
Kingston
Lewis (KY)
Linder
McCotter
McInnis
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pence
Petri
Pitts
Rohrabacher
Royce
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Stearns
Sullivan
Tancredo
Tanner
Taylor (MS)
Terry
Thornberry
Toomey
Vitter
Whitfield
Wilson (SC)

NOES—333

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Butterfield
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chandler
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson

Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran (KS)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—21

Ballenger
Bono
Cannon
Crane
Cummings
Engel
Gephardt
Goss
Istook
Millender-McDonald
Mollohan
Moran (VA)
Nethercutt
Ney
Portman
Ryan (OH)
Schrock
Smith (MI)
Tauzin
Watson
Young (AK)

So the amendment was not agreed to.

¶84.16 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. George MILLER of California:

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

SEC. ____. None of the funds appropriated by this Act may be used by the Pension Benefit Guaranty Corporation to enforce section 4010(c) of the Employee Retirement Income Security Act of 1974.

It was decided in the affirmative { Yeas ..... 268 / Nays ..... 148 }

¶84.17 [Roll No. 429]

AYES—268

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Baird
Baldwin
Bass
Becerra
Bell
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burr
Butterfield
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Chandler
Clay
Clyburn
Coble
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Fossella
Frank (MA)
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hart
Hastings (FL)
Hefley
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran (KS)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Renzi
Reyes
Rodriguez
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

NOES—148

Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Brady (TX)
Brown (SC)
Burgess
Burns
Burton (IN)
Buyer
Calvert
Cantor
Carter
Chocola
Cole
Collins
Cox
Crenshaw
Cubin
Culberson
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Dunn
Everett
Feeney
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Isakson
Issa
Istook
Johnson, Sam
Keller
King (IA)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
Lewis (CA)
Lewis (KY)
Lucas (OK)
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Weldon (FL)
Wicker
Wilson (SC)
Young (FL)

NOT VOTING—17

Ballenger
Bono
Cannon
Crane
Engel
Gephardt
Goss
Hunter
Mollohan
Moran (VA)
Nethercutt
Ney
Nussle
Ryan (OH)
Schrock
Tauzin
Young (AK)

So the amendment was agreed to.

¶84.18 MOTION TO RISE

A recorded vote by electronic device was ordered in the Committee of the Whole on the motion of Mr. REGULA that the Committee do now rise.

It was decided in the affirmative { Yeas ..... 216 / Nays ..... 195 }

¶84.19 [Roll No. 430]

AYES—216

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Nunes
Osborne
Ose
Otter
Oxley
Pearce
Pence

Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—195

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Stenholm
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—23

Ballenger
Bono
Cannon
Clyburn
Crane
Engel
Gephardt
Goss
Hinojosa
Kleczka
McGovern
Mollohan
Moran (VA)
Nethercutt
Ney
Norwood
Nussle
Paul
Ryan (OH)
Schrock
Strickland
Tauzin
Young (AK)

So the motion was agreed to.

The SPEAKER pro tempore, Mr. SIMPSON, resumed the Chair.

When Mr. LATOURETTE, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶84.20 ORDER OF BUSINESS—CONSIDERATION OF H. RES. 757

On motion of Mr. DREIER, by unanimous consent,

Ordered, That it may be in order at any time to consider the resolution (H. Res. 757) expressing the sense of the House of Representatives on the anniversary of the terrorist attacks launched against the United States on September 11, 2001, in the House; the resolution shall be considered as read for amendment; the previous question shall be considered as ordered on the resolution and preamble to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate on the resolution equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations; and (2) one motion to recommit which may not contain instructions.

¶84.21 TRANSPORTATION AND TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS FY 2005

Mr. ISTOOK submitted a privileged report (Rept. No. 108–671) on the bill (H.R. 5025) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005, and for other purposes.

When said bill and report were referred to the Union Calendar and ordered printed.

Pursuant to clause 1 of rule XXI, all points of order were reserved.

¶84.22 MOTION TO INSTRUCT CONFEREES—H.R. 1308

Mr. HILL submitted the privileged motion to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the House amendment to the amendment of the Senate to the bill (H.R. 1308) to amend the Internal Revenue code of 1986 to end certain abusive tax practices, to provide tax relief and simplification, and for other purposes, to agree to the maximum extent possible within the scope of conference, to a conference report that (1) extends the tax relief provisions which expire at the end of 2004, and (2) does not increase the Federal budget deficit.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. PEARCE, announced that the nays had it.

Mr. HILL demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PEARCE, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Thursday, September 9, 2004.

¶84.23 GARRETT LEE SMITH MEMORIAL

Mr. BARTON of Texas moved to suspend the rules and pass the bill of the Senate (S. 2634) to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, to provide funds for campus mental and behavioral health service centers, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. PEARCE, recognized Mr. BARTON of Texas and Mr. BROWN of Ohio, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. PEARCE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. GARRET of New Jersey demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PEARCE, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Thursday, September 9, 2004.

¶84.24 COMMITTEE RESIGNATION—MAJORITY

The SPEAKER pro tempore, Mr. PEARCE, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, August 10, 2004.

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

DEAR MR. SPEAKER: I am writing to inform you that I am resigning my seat on the House Government Reform Committee effective august 10, 2004 to accept a seat on the House Permanent Select Committee on Intelligence.

Thank you for your time and consideration.

Sincerely,

JO ANN DAVIS,
Member of Congress.

¶84.25 COMMITTEE RESIGNATION—MAJORITY

The SPEAKER pro tempore, Mr. PEARCE, laid before the House the following communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
August 9, 2004.

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

DEAR MR. SPEAKER: Effective immediately, I resign my seat on the House Permanent Select Committee on Intelligence.

Best Wishes,

DOUG BEREUTER,
Member of Congress.

¶84.26 PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore, Mr. PEARCE, announced that on August 10, 2004, in consonance with the letter of resignation from the gentleman from Nebraska [Mr. BEREUTER] and pursuant to clause 11 of rule I, the Speaker appointed the gentlewoman from Virginia [Mrs. Jo Ann DAVIS] to serve on the Permanent Select Committee on Intelligence, vice the gentleman from Nebraska [Mr. BEREUTER].

¶84.27 COMMITTEE CHAIRMANSHIP RESIGNATION—MAJORITY

The SPEAKER pro tempore, Mr. PEARCE, laid before the House the following communication, which was read as follows:

U.S. HOUSE OF REPRESENTATIVES,
PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, August 10, 2004.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: As a result of the honor bestowed upon me by the President today, nominating me for the position of Director of Central Intelligence, I believe it is appropriate to relinquish my position as Chairman of the Permanent Select Committee on Intelligence during the pendency of the confirmation process of that nomination, effective immediately.

Therefore, I would ask that you appoint a Member to take the Chairmanship of the Committee on a temporary basis, effective immediately, until the Senate makes a final determination on the President's nomination.

I believe it continues to be appropriate for me to remain a Member of the Committee, however.

Thank you for your consideration of this request.

Very truly yours,

PORTER J. GOSS,
Chairman.

By unanimous consent, the resignation was accepted.

¶84.28 PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore, Mr. PEARCE, announced that on August 25, 2004, in consonance with the letter of resignation from the gentleman from Florida [Mr. GOSS] and pursuant to clause 11 of rule I, the Speaker designated the gentleman from Michagan [Mr. HOEKSTRA], as Chairman of the Permanent Select Committee on Intelligence, vice the gentleman from Florida [Mr. GOSS].

¶84.29 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. PEARCE, laid before the House the following communication from Bailey E. Fine, District Director, Office of the Honorable Benjamin L. Cardin:

HOUSE OF REPRESENTATIVES,
Washington, DC, August 4, 2004.

Hon. J. DENNIS HASTERT,
Speaker, The Capitol,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued by the United States District Court for the District of Maryland, for documents and testimony.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

BAILEY E. FINE,
District Director.

¶84.30 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. PEARCE, laid before the House the following communication from Dina Johns, Staff Assistant/Caseworker, Office of the Honorable Benjamin L. Cardin:

HOUSE OF REPRESENTATIVES,
Washington, DC, August 4, 2004.

Hon. J. DENNIS HASTERT,
Speaker, The Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued by the United States District Court for the District of Maryland, for documents and testimony.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

DINA JOHNS,
Staff Assistant/Caseworker.

¶84.31 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. PEARCE, laid before the House the following communication from Michael Townsend, Chief of Staff, Office of the Honorable Joe Baca:

HOUSE OF REPRESENTATIVES,
Washington, DC, August 10, 2004.

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

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil trial subpoena for testimony issued by the Superior Court for Riverside County, California.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the privileges and rights of the House, and I have instructed the Office of the General Counsel to move to quash the subpoena.

Sincerely,

MICHAEL TOWNSEND,
Chief of Staff.

¶84.32 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. PEARCE, laid before the House the following communication from Mr. Jim RYUN of Kansas:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 7, 2004.

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

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena, issued by the U.S. District Court for the Central District of California, for the production of documents.

After consultation with the Office of General Counsel, I have determined that it is consistent with the precedents and privileges of the House to notify the party that issued the subpoena that I have no responsive documents.

Sincerely,

JIM RYUN,
Member of Congress.

¶84.33 BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on September 7, 2004, he presented to the President of the United States, for his approval, the following bill.

H.R. 5005. An Act making emergency supplemental appropriations for the fiscal year ending September 30, 2004, for additional disaster assistance.

¶84.34 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. RYAN of Ohio, for today and the balance of the week.

And then,

¶84.35 ADJOURNMENT

On motion of Mr. DELAHUNT, at 11 o'clock and 47 minutes p.m., the House adjourned.

¶84.36 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 4768. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to enter into certain major medical facility leases, to authorize that Secretary to transfer real property subject to certain limitations, and for other purposes; with amendments (Rept. 108–663). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 2960. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Brownsville Public Utility Board water recycling and desalinization project (Rept. 108–664). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4027. A bill to authorize the Secretary of Commerce to make available to the University of Miami property under the administrative jurisdiction of the National Oceanic and Atmospheric Administration on Virginia Key, Florida, for use by the University for a Marine Life Science Center; with an amendment (Rept. 108–665). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4617. A bill to amend the Small Tracts Act to facilitate the exchange of small tracts of land, and for other purposes; with amendments (Rept. 108–666, Pt. 1). Ordered to be printed.

Mr. POMBO: Committee on Resources. S. 1003. An act to clarify the intent of Congress with respect to the continued use of established commercial outfitter hunting camps on the Salmon River (Rept. 108–667). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4606. A bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation and in coordination with other Federal, State, and local government agencies, to participate in the funding and implementation of a balanced, long-term groundwater remediation program in California, and for other purposes; with an amendment (Rept. 108–668). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4508. A bill to amend the National Parks and Recreation Act of 1978 to require the Secretary to permit continued use and occupancy of certain privately owned cabins in the Mineral King Valley in the Sequoia National Park (Rept. 108–669). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 4586. A bill to provide that making limited portions of audio or video content of motion pictures imperceptible by or for the owner or other lawful possessor of an authorized copy of that motion picture for private home viewing, and the use of technology therefor, is not an infringement of copyright or of any right under the Trademark Act of 1946; with an amendment (Rept. 108–670). Referred to the Committee of the Whole House on the State of the Union.

Mr. ISTOOK: Committee on Appropriations. H.R. 5025. A bill making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108–671). Referred to the Committee of the Whole House on the State of the Union.

¶84.37 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 4617. Referral to the Committee on Agriculture extended for a period ending not later than September 8, 2004.

¶84.38 REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 4341. A bill to reform the postal laws of the United States; referred to the Committee on the Judiciary for a period ending not later than September 28, 2004, for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X (Rept. 108–672, Pt. 1). Ordered to be printed.

¶84.39 DISCARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Agriculture discharged from further consideration. H.R. 4617 referred to the Committee of the whole House on the State of the Union.

¶84.40 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. PELOSI (for herself, Mr. HOYER, Mr. MENENDEZ, Mr. CLYBURN, Mr. SPRATT, Mr. GEORGE MILLER of California, Ms. DELAURO, Mr. MATSUI, Ms. HARMAN, Mr. SKELTON, Mr. TURNER of Texas, Mr. LANTOS, Mr. LARSON of Connecticut, Mr. FRANK of Massachusetts, Mr. CONYERS, Mr. OBERSTAR, Mr. RANGEL, Mr. EVANS, Mr. RAHALL, Mr. WAXMAN, Mrs. LOWEY, Mr. GEPHARDT, Mr. THOMPSON of California, Mr. NADLER, Mr. SCHIFF, Mr. MCGOVERN, Mr. MARKEY, Mr. BISHOP of Georgia, Mrs. TAUSCHER, Mr. COOPER, Mr. BACA, Mr. TIERNEY, Mr. HOEFFEL, Mr. KENNEDY of Rhode Island, Mr. CARDOZA, Mr. THOMPSON of Mississippi, Mr. ABERCROMBIE, Mr. ANDREWS, Mrs. JONES of Ohio, Mr. ORTIZ, Ms. ESHOO, Mr. HOLT, Ms. MCCARTHY of Missouri, Mr. BERRY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ISRAEL, Mr. REYES, Mr. RODRIGUEZ, Ms. LORETTA SANCHEZ of California, Mr. HILL, Mrs. DAVIS of California, Mr. LARSEN of Washington, Mr. MARSHALL, Mr. STUPAK, Mr. DELAHUNT, Mrs. MCCARTHY of New York, Ms. WATSON, Mr. WEINER, Mr. STARK, Mr. FATTAH, Mr. PALLONE, Mr. BLUMENAUER, Mr. CUMMINGS, Ms. MILLENDER-MCDONALD, Mr. OLVER, Mr. EMANUEL, Ms. JACKSON-LEE of Texas, Mr. CASE, Mr. HASTINGS of Florida, Mr. SMITH of Washington, Mr. SERRANO, Mr. LAMPSON, Mr. ACKERMAN, Mr. ENGEL, Mr. CROWLEY, Mr. HINCHEY, Mr. LANGEVIN, Mrs. CHRISTENSEN, Mr. BUTTERFIELD, Mr. BISHOP of New York, Ms. WOOLSEY, Mr. ROTHMAN, Mr. PAYNE, Ms. BORDALLO, Mrs. MALONEY, Mr. MEEK of Florida, Mr. MEEHAN, Mr. PRICE of North Carolina, Mr. MCINTYRE, Mr. UDALL of New Mexico, Mr. NEAL of Massachusetts, Mr. STRICKLAND, Ms. BALDWIN, Mr. BECERRA, Mr. ALLEN, Mr. PASCRELL, Mr. DOOLEY of California, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. FARR, Mr. LYNCH, Mr. PETERSON of Minnesota, Mr. RUPPERSBERGER, Mr. DAVIS of Florida, Mr. BAIRD, Mr. ACEVEDO-VILA, Ms. WATERS, Mr. JACKSON of Illinois, Mr. SHERMAN, and Mr. JEFFERSON):

H.R. 5024. A bill to implement the recommendations of the National Commission on Terrorist Attacks on the United States by establishing the position of National Intelligence Director, by establishing a National Counterterrorism Center, by making other improvements to enhance the national security of the United States, and for other purposes; to the Committee on Intelligence (Permanent Select), and in addition to the Committees on Armed Services, International Relations, Ways and Means, Financial Services, the Judiciary, Transportation and Infrastructure, Government Reform, Energy and Commerce, Science, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEVIN (for himself, Ms. PELOSI, Mr. HOYER, Mr. RANGEL, Mr. MATSUI, Mr. MENENDEZ, Mr. SPRATT, and Mr. CLYBURN):

H.R. 5026. A bill to require the President to take certain actions to enforce the textiles and apparel safeguard with respect to imports from the People's Republic of China; to the Committee on Ways and Means.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. FOLEY, Mr. BOYD, Mr. MEEK of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CRENSHAW, Mr. HASTINGS of Florida, Ms. CORRINE BROWN of Florida, Mr. STEARNS, and Ms. ROS-LEHTINEN):

H.R. 5027. A bill to designate the facility of the United States Postal Service located at 411 Midway Avenue in Mascotte, Florida, as the ''Specialist Eric Ramirez Post Office''; to the Committee on Government Reform.

By Mrs. JONES of Ohio (for herself, Mr. LATOURETTE, Mr. KUCINICH, Mr. PASCRELL, and Mr. STRICKLAND):

H.R. 5028. A bill to allow a waiver or exemption of certain requirements for restricted airspace if security is not reduced; to the Committee on Transportation and Infrastructure.

By Mr. LATOURETTE (for himself and Mr. KUCINICH):

H.R. 5029. A bill to allow a waiver or exemption of certain requirements for restricted airspace if security is not reduced; to the Committee on Transportation and Infrastructure.

By Mr. MICHAUD:

H.R. 5030. A bill to amend the Trade Act of 1974 to provide trade adjustment assistance to the services sector and for communities, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NETHERCUTT:

H.R. 5031. A bill to amend the Bank Holding Company Act of 1956 to clarify the application of the credit card bank exception to certain limited purpose credit card banks serving community banks, and for other purposes; to the Committee on Financial Services.

By Mr. SAXTON:

H.R. 5032. A bill to require the Nuclear Regulatory Commission to consider certain criteria in relicensing nuclear facilities, and to provide for an independent assessment of the Oyster Creek Nuclear Generating Station by the National Academy of Sciences prior to any relicensing of that facility; to the Committee on Energy and Commerce.

By Mr. SHAYS:

H.R. 5033. A bill to suspend temporarily the duty on certain meatless frozen food products; to the Committee on Ways and Means.

By Mr. THOMPSON of California:

H.R. 5034. A bill to amend title II of the Social Security Act to require waiver of the 5-month waiting period for entitlement to benefits based on disability in the case of a terminally ill beneficiary; to the Committee on Ways and Means.

By Mr. WEINER:

H.R. 5035. A bill to require the Secretary of Homeland Security to provide the same screening of all passengers and property that will be carried aboard a passenger aircraft operated in the United States by a person other than an air carrier as is provided for all passengers and property that are carried aboard a passenger aircraft operated by an air carrier, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MENENDEZ:

H. Res. 756. A resolution electing a Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Mr. HYDE (for himself and Mr. LANTOS):

H. Res. 757. A resolution expressing the sense of the House of Representatives on the anniversary of the terrorist attacks

launched against the United States on September 11, 2001; to the Committee on International Relations, and in addition to the Committees on Armed Services, Transportation and Infrastructure, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of Ohio (for himself, Mr. GUTKNECHT, Ms. DELAURO, Mr. SANDERS, and Mr. EMANUEL):

H. Res. 758. A resolution opposing the inclusion in future free trade agreements of provisions that would have the effect of restricting, undermining, or discouraging the enactment or implementation of legislation authorizing the importation of prescription drugs, and for other purposes; to the Committee on Ways and Means.

By Mr. ROHRABACHER:

H. Res. 759. A resolution commending the Festival of Children Foundation for its outstanding efforts on behalf of children and expressing the support of the House of Representatives for the designation of a ''Child Awareness Month''; to the Committee on Education and the Workforce.

By Mr. ROYCE (for himself, Mr. LANTOS, Mr. HYDE, Mr. WELDON of Pennsylvania, Mr. HOYER, Mr. SAXTON, Mr. CHABOT, Mr. PENCE, Mr. BERMAN, Mr. BELL, Mr. GALLEGLY, Mr. STENHOLM, Mr. ENGEL, Mr. CHANDLER, Mr. JONES of North Carolina, Mr. SHERMAN, Mr. BURGESS, Mr. KING of Iowa, Mr. KING of New York, Mr. ROGERS of Alabama, Mr. SULLIVAN, Mr. BAIRD, Mrs. JO ANN DAVIS of Virginia, Mrs. MYRICK, Mr. FLAKE, Mr. BURTON of Indiana, Mr. WILSON of South Carolina, Mr. FALEOMAVAEGA, Mr. SMITH of New Jersey, Mr. MILLER of Florida, Mr. BARRETT of South Carolina, Mr. POMBO, Ms. MCCOLLUM, Mrs. MILLER of Michigan, Mr. BOOZMAN, Mr. BARTLETT of Maryland, Mr. MCCOTTER, Mr. WOLF, Mr. BRADLEY of New Hampshire, Mr. CALVERT, Mr. HOEKSTRA, Mr. SOUDER, Mr. PITTS, Mr. GOODE, Mr. LARSEN of Washington, and Mr. FORBES):

H. Res. 760. A resolution condemning the series of terrorist attacks against the Russian Federation that occurred in late August and early September 2004; to the Committee on International Relations.

¶84.41 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BACA:

H.R. 5036. A bill to extend the patent numbered RE 38,014 (BIEBERSTEIN) for a period of 2 years; to the Committee on the Judiciary.

By Mr. WU:

H.R. 5037. A bill for the relief of Rogelio Gallegos-Herrera; to the Committee on the Judiciary.

¶84.42 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 111: Ms. HERSETH.
H.R. 117: Mr. MCHUGH.
H.R. 195: Mr. TAYLOR of North Carolina.
H.R. 434: Mr. DUNCAN and Mr. GOODLATTE.
H.R. 476: Mr. MORAN of Virginia and Mr. BARTLETT of Maryland.
H.R. 573: Ms. ESHOO.
H.R. 643: Mr. TIERNEY.
H.R. 664: Mr. ANDREWS.
H.R. 677: Mr. BUTTERFIELD, Mr. DAVIS of Alabama, Mr. LYNCH, Mr. PORTER, and Mr. SCOTT of Georgia.
H.R. 785: Ms. LINDA T. SANCHEZ of California.
H.R. 814: Mr. LAMPSON, Mr. ENGEL, Mr. OLVER, and Mr. CLAY.
H.R. 869: Ms. MCCOLLUM.
H.R. 880: Mr. LARSEN of Washington.
H.R. 1124: Mr. RYAN of Ohio.
H.R. 1316: Mr. KIRK.
H.R. 1477: Mrs. CHRISTENSEN, Mr. WYNN, Mr. JEFFERSON, and Mr. TOWNS.
H.R. 1532: Mr. MCINTYRE.
H.R. 1634: Mr. SMITH of New Jersey and Mr. FORD.
H.R. 1673: Mrs. DAVIS of California.
H.R. 1726: Mr. EDWARDS.
H.R. 1749: Mr. HASTINGS of Washington and Mr. TAYLOR of North Carolina.
H.R. 1758: Ms. HARRIS and Mr. FORD.
H.R. 1793: Mr. KNOLLENBERG.
H.R. 1868: Mr. FILNER.
H.R. 1884: Mr. PRICE of North Carolina.
H.R. 1919: Ms. WATSON and Mr. KUCINICH.
H.R. 1993: Mr. SERRANO.
H.R. 1994: Mr. GRIJALVA.
H.R. 1998: Mr. BURR.
H.R. 2011: Mr. SHERMAN.
H.R. 2060: Mr. PORTER.
H.R. 2366: Mr. FATTAH and Mr. RANGEL.
H.R. 2387: Mr. ENGEL and Mr. PLATTS.
H.R. 2404: Mr. HOLT.
H.R. 2426: Mr. ALLEN.
H.R. 2509: Mr. HEFLEY.
H.R. 2615: Ms. JACKSON-LEE of Texas.
H.R. 2735: Mr. GREEN of Texas, Mr. TIERNEY, and Mr. SULLIVAN.
H.R. 2743: Mr. BASS and Mr. COX.
H.R. 2916: Mr. MCDERMOTT.
H.R. 3014: Mr. FRANK of Massachusetts and Mr. FILNER.
H.R. 3058: Mr. DAVIS of Alabama.
H.R. 3092: Mr. CRAMER.
H.R. 3111: Ms. SOLIS, Mrs. JONES of Ohio, Mr. WATT, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BROWN of Ohio, Mr. REYNOLDS, Mr. MEEKS of New York, Mr. ENGEL, Mr. SWEENEY, Mr. VISCLOSKY, and Mr. CUNNINGHAM.
H.R. 3192: Mr. OLVER and Mr. GREEN of Texas.
H.R. 3194: Mr. GORDON.
H.R. 3201: Mr. CHANDLER.
H.R. 3242: Mr. SIMMONS and Mr. LARSON of Connecticut.
H.R. 3281: Mr. DUNCAN.
H.R. 3297: Mrs. LOWEY.
H.R. 3309: Ms. LEE.
H.R. 3339: Mr. HOSTETTLER.
H.R. 3355: Mr. CHANDLER.
H.R. 3384: Mr. ANDREWS and Mr. PALLONE.
H.R. 3385: Mr. FOSSELLA.
H.R. 3405: Mrs. LOWEY.
H.R. 3438: Mr. SANDERS, Mr. PLATTS, Mr. SCHIFF, and Mr. SERRANO.
H.R. 3455: Mr. RAHALL.
H.R. 3482: Mr. BOSWELL.
H.R. 3523: Ms. BALDWIN and Mr. MOORE.
H.R. 3558: Mr. JOHNSON of Illinois.
H.R. 3643: Mr. CHOCOLA, Mr. FILNER, Ms. DELAURO, and Mr. GERLACH.
H.R. 3676: Ms. WATSON.
H.R. 3729: Ms. JACKSON-LEE of Texas, Mr. MANZULLO, Mr. SHIMKUS, Ms. LINDA T. SANCHEZ of California, Mr. BAIRD, Mr. RADANOVICH, Mr. STARK, Mr. PITTS, Mr. MORAN of Virginia, Mrs. DAVIS of California, Ms. LORETTA SANCHEZ of California, Mr. ACEVEDO-VILA, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Mr. MEEHAN, Mr. BACA, Mr. DELAHUNT, Mr. BERMAN, Mr. LAMPSON, and Mr. RUPPERSBERGER.
H.R. 3755: Mr. LANGEVIN.
H.R. 3767: Mr. ORTIZ.
H.R. 3777: Mr. BASS.
H.R. 3816: Mr. ANDREWS and Ms. LINDA T. SANCHEZ of California.
H.R. 3834: Mr. GARY G. MILLER of California.
H.R. 3881: Mr. RYAN of Ohio.
H.R. 3953: Mr. HERGER and Mr. PLATTS.
H.R. 4016: Mrs. MCCARTHY of New York.
H.R. 4026: Mr. HYDE and Mr. PALLONE.
H.R. 4067: Mr. CUMMINGS, Mrs. JONES of Ohio, Mr. KENNEDY of Rhode Island, Mr. KUCINICH, Ms. LINDA T. SANCHEZ of California, and Mrs. TAUSCHER.
H.R. 4082: Mr. MCGOVERN and Mrs. MALONEY.
H.R. 4101: Mrs. LOWEY, Mr. ENGEL, Mr. WEINER, and Mr. HOLT.
H.R. 4102: Mr. ACEVEDO-VILA, Mr. MEEKS of New York, Mr. MCDERMOTT, Ms. BORDALLO, and Mr. ISRAEL.
H.R. 4169: Mr. TERRY and Ms. GRANGER.
H.R. 4182: Mr. OLVER and Mr. FILNER.
H.R. 4232: Ms. JACKSON-LEE of Texas, Mr. BURGESS, Mr. LAMPSON, and Ms. GRANGER.
H.R. 4233: Mr. BASS.
H.R. 4313: Mr. CROWLEY and Mr. ANDREWS.
H.R. 4325: Mr. CUMMINGS.
H.R. 4338: Mr. SIMPSON.
H.R. 4367: Mrs. MCCARTHY of New York, Mr. ETHERIDGE, Mr. BERRY, Mr. SERRANO, Mr. DEUTSCH, Mr. BLUMENAUER, Mrs. DAVIS of California, Mr. BROWN of Ohio, Mr. VAN HOLLEN, and Mr. FATTAH.
H.R. 4374: Mrs. CAPPS and Mrs. MCCARTHY of New York.
H.R. 4391: Ms. BALDWIN, Mr. BACA, Mr. TOM DAVIS of Virginia, Mr. CUNNINGHAM, and Mrs. DAVIS of California.
H.R. 4420: Mr. HERGER, Mr. BLUNT, Mr. CUNNINGHAM, Mr. CHABOT, and Mr. BURTON of Indiana.
H.R. 4431: Mrs. WILSON of New Mexico.
H.R. 4446: Mr. LATOURETTE.
H.R. 4449: Ms. MCCARTHY of Missouri, Mr. GEORGE MILLER of California, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. KUCINICH.
H.R. 4521: Mr. HINOJOSA.
H.R. 4544: Mr. WEINER and Mr. NADLER.
H.R. 4571: Mr. GARY G. MILLER of California, Mr. CHOCOLA, Mrs. BLACKBURN, Mr. HOSTETTLER, and Mrs. MYRICK.
H.R. 4585: Ms. WOOLSEY.
H.R. 4595: Mr. BACA, Mr. LARSEN of Washington, Mr. NADLER, Mr. FROST, Mr. WYNN, Mr. SOUDER, and Mrs. DAVIS of California.
H.R. 4603: Mr. MCHUGH.
H.R. 4616: Mr. GREEN of Wisconsin.
H.R. 4628: Ms. SOLIS, Mr. ABERCROMBIE, Mr. WEXLER, and Mr. FRANK of Massachusetts.
H.R. 4634: Mr. EHLERS, Mr. PLATTS, Mr. LUCAS of Oklahoma, Mr. BOEHLERT, Mr. MCHUGH, Mr. LEACH, and Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 4662: Mr. ROHRABACHER.
H.R. 4670: Mr. PRICE of North Carolina.
H.R. 4673: Ms. LEE.
H.R. 4682: Mr. PASTOR, Mr. ACKERMAN, Mr. THOMPSON of California, Mr. CONYERS, Mr. DELAHUNT, Mr. BACA, Mr. WYNN, Ms. MAJETTE, and Mrs. BONO.
H.R. 4693: Mr. VISCLOSKY.
H.R. 4701: Mr. CROWLEY.
H.R. 4702: Mr. BISHOP of Georgia, Mr. GREEN of Wisconsin, and Mr. ENGLISH.
H.R. 4706: Ms. LOFGREN, Mr. BERMAN, Mrs. JONES of Ohio, Mr. STARK, Mrs. DAVIS of California, Ms. BERKLEY, and Mrs. LOWEY.
H.R. 4711: Mr. MARSHALL and Mr. BROWN of South Carolina.
H.R. 4730: Mr. NEY.
H.R. 4773: Mr. GARRETT of New Jersey.
H.R. 4776: Mr. RAMSTAD, Mr. PAYNE, Mr. FRANK of Massachusetts, Mr. HOLDEN, Mr. SIMMONS, Mr. MARSHALL, Mr. GORDON, Ms. DELAURO, and Mr. OSBORNE.
H.R. 4792: Mrs. TAUSCHER, Mr. FATTAH, Mr. EVANS, Mr. ABERCROMBIE, and Mr. FILNER.
H.R. 4793: Mr. SANDERS, Ms. MILLENDER-MCDONALD, Mr. SERRANO, and Ms. KILPATRICK.
H.R. 4802: Mr. FRANK of Massachusetts, Mrs. JONES of Ohio, Mr. LATOURETTE, Mr. RUPPERSBERGER, Mr. UDALL of Colorado, Mr. MCGOVERN, and Mr. KUCINICH.

H.R. 4826: Ms. McCARTHY of Missouri and Mr. FORD.
H.R. 4843: Mr. NEY.
H.R. 4858: Mr. CASE, Mr. GRIJALVA, Mr. SCOTT of Georgia, Mr. LATOURETTE, Mr. MARSHALL, and Ms. McCOLLUM.
H.R. 4875: Mr. MEEKS of New York, Mr. TURNER of Texas, Mr. DOOLITTLE, Mr. FEENEY, and Mrs. JO ANN DAVIS of Virginia.
H.R. 4892: Mr. NEUGEBAUER and Mr. ROGERS of Alabama.
H.R. 4897: Mrs. LOWEY.
H.R. 4904: Mr. RUPPERSBERGER.
H.R. 4956: Mr. SANDERS, Mr. CASE, and Mr. UDALL of New Mexico.
H.J. Res. 62: Mr. MEEHAN.
H. Con. Res. 247: Mr. DAVIS of Illinois.
H. Con. Res. 366: Mrs. MILLER of Michigan and Mr. BUTTERFIELD.
H. Con. Res. 390: Mrs. LOWEY.
H. Con. Res. 391: Mr. LARSEN of Washington.
H. Con. Res. 461: Mr. RAMSTAD and Mr. EHLERS.
H. Con. Res. 463: Mr. MORAN of Virginia.
H. Con. Res. 486: Mr. STENHOLM, Mr. McDERMOTT, Mr. GRIJALVA, and Ms. McCARTHY of Missouri.
H. Res. 466: Mr. BLUMENAUER.
H. Res. 570: Mr. FATTAH, Mr. ISRAEL, Mrs. MALONEY, Mr. GONZALEZ, and Mr. CLAY.
H. Res. 586: Mr. ABERCROMBIE.
H. Res. 641: Mr. WILSON of South Carolina and Mr. SMITH of Washington.
H. Res. 716: Mr. FRANK of Massachusetts.
H. Res. 744: Mr. PITTS and Mr. BLUMENAUER.
H. Res. 746: Mr. FILNER.
H. Res. 747: Mr. CONYERS, Ms. KILPATRICK, Mr. MEEKS of New York, Mr. PAYNE, Mr. TOWNS, Mr. RUSH, Mrs. CHRISTENSEN, Mr. OWENS, and Mr. RANGEL.
H. Res. 751: Mr. KING of New York, Ms. HARRIS, and Mr. BELL.

THURSDAY, SEPTEMBER 9, 2004 (85)

¶85.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mrs. BIGGERT, who laid before the House the following communication:

WASHINGTON, DC,
September 9, 2004.

I hereby appoint the Honorable JUDY BIGGERT to act as Speaker pro tempore on this day.

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

¶85.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mrs. BIGGERT, announced she had examined and approved the Journal of the proceedings of Wednesday, September 8, 2004.

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

¶85.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

9478. A letter from the Principal Deputy Secretary for Personnel and Readiness, Department of Defense, transmitting a report on the Family Subsistence Supplemental Allowance (FSSA) program, covering the period October 1, 2002, through September 30, 2003, pursuant to 37 U.S.C. 402(a) Public Law 106–398, section 604(a); to the Committee on Armed Services.

9479. A letter from the Actuary, Department of Defense, transmitting an updated copy, current as of September 30, 2003, of a tabulation showing the distribution of DoD military retirees and survivors by State and Congressional districts as well as tabulations showing Congressional district ranking by number of retirees and monthly annuity payments from DoD; to the Committee on Armed Services.

9480. A letter from the Director, Legislative and Regulatory Activities Division, Department of the Treasury, transmitting the Department's final rule — Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance: Consolidation of Asset-Backed Commercial Paper Programs and Other Related Issues [Regulation H and Y; Docket No. R-1162] Department of the Treasury, Office of the Comptroller of the Currency [Docket No. 04-19] (RIN: 1557-AC76); Federal Deposit Insurance Corporation (RIN: 3064-AC75); Department of the Treasury, Office of Thrift Supervision [No. 2004-36] (RIN: 1550- AB79) received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9481. A letter from the Under Secretary for Domestic Finance, Department of the Treasury, transmitting the annual report on the Resolution Funding Corporation for calendar year 2003, pursuant to Public Law 101–73, section 501(a) (103 Stat. 387); to the Committee on Financial Services.

9482. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7446] received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9483. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9484. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Eligibility of Mortgages on Hawaiian Home Lands Insured Under Section 247 [Docket No. FR-4779-1-01] (RIN: 2502-AH92) received June 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9485. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — FHA Single Family Mortgage Insurance; Lender Accountability for Appraisals [Docket No. FR-4722-F-02] (RIN: 2502-AH78) received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9486. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Requirements for Notification, Evaluation, and Reduction of Lead-Based Paint Hazards in Housing Receiving Federal Assistance and Federally Owned Residential Property Being Sold, Conforming Amendments and Corrections [Docket No. FR-3482-C-10] (RIN: 2501-AB57) received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9487. A letter from the Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting the Commission's final rule — Covered Securities Pursuant to Section 18 of the Securities Act of 1933 [Release No. 33-8442; File No. S7-17-04] (RIN: 3235-AJ03) received July 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9488. A letter from the Assistant Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting the Commisison's final rule — Disclosure Regarding Portfolio Managers of Registered Management Investment Companies [Release Nos. 33-8458; 34-50227; IC-26533; File No. S7-12-04] (RIN: 3235-AJ16) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9489. A letter from the Secretary, Department of Energy, transmitting the Department's Annual Report for the Strategic Petroleum Reserve, covering calendar year 2003, pursuant to 42 U.S.C. 6245(a); to the Committee on Energy and Commerce.

9490. A letter from the Secretary, Department of Commerce, transmitting the sixth and final annual report mandated by the International Anti-Bribery and Fair Competition Act of 1998 (IAFCA); to the Committee on Energy and Commerce.

9491. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting the Department of the Defense's proposed lease of defense articles to the Government of the United Kingdom (Transmittal No. 04-04), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

9492. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Sweden (Transmittal No. DDTC 054-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9493. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Fiscal Year 2003 annual report on U.S. Government Assistance to Eastern Europe under the Support for East European Democracy (SEED) Act, pursuant to 22 U.S.C. 5474(c); to the Committee on International Relations.

9494. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Export and Reexport Controls for Iraq [Docket No. 040302078-4078-01] (RIN: 0694-AC84) received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9495. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9496. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9497. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9498. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vancancies Reform Act of 1998; to the Committee on Government Reform.

9499. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9500. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and

Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9501. A letter from the Chairman, Federal Maritime Commission, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum 04-07, the Commission's report on competitive sourcing efforts for FY 2003; to the Committee on Government Reform.

9502. A letter from the Commissioner, Social Security Administration, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2003 through March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

9503. A letter from the Executive Director, Advisory Council on Historic Preservation, transmitting the Council's final rule — Protection of Historic Properties (RIN: 3010-AA06) received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9504. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Joint Counterpart Endangered Species Act Section 7 Consultation Regulations (RIN: 1018-AI95) received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9505. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for the California Tiger Salamander; and Special Rule Exemption for Existing Routine Ranching Activities (RIN: 1018-AI68) received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9506. A letter from the Assist. Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Arabis perstellata (Braun's Rock-cress) (RIN: 1018-AI74) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9507. A letter from the Acting Chair, Federal Subsistence Board, Department of the Interior, transmitting the Department's final rule — Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D — 2004-05 Subsistence Taking of Fish and Wildlife Regulations (RIN: 1018-AJ25) received June 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9508. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Three Threatened Mussels and Eight Endangered Mussels in the Mobile River Basin (RIN: 1018-AI73) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9509. A letter from the Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Removal of Federal Protection Status from Two Manatee Protection Areas in Florida (RIN: 1018-AJ23) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9510. A letter from the Director, Office of Sustainabale Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the West Yakutat District of the Gulf of Alaska [Docket No. 031125292-4061-02; I.D. 071604B] received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9511. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska [Docket No. 031125292-4061-02; I.D. 071604A] received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9512. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Recreational Measure for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Fishing Year 2004 [Docket No. 040326103-4198; I.D. 031504A] (RIN: 0648-AQ82) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9513. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Aleutian District of the Bering Sea and Aleutian Islands [Docket No. 031124287-4060-02; I.D. 071604C] received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9514. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pelagic Shelf Rockfish in the West Yakutat District of the Gulf of Alaska [Docket No. 031125292-4061-02; I.D. 072004C] receivedJuly 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9515. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species (HMS); Pelagic Longline Fishery [Docket No. 040202035-4197-02; I.D. 112403A] received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9516. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Access to Tissue Specimen Samples from the National Marine Mammal Tissue Bank [Docket No. 021017237-4194-02; I.D. 090302F] (RIN: 0648-AQ51) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9517. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures; Inseason Adjustments [Docket No. 031216314-3314-01; I.D. 040104B] received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9518. A letter from the Executive Director & CEO, American Chemical Society, transmitting the Society's annual report for the calendar year 2003 and the comprehensive report to the Board of Directors of the American Chemical Society on the examination of their books and records for the year ending December 31, 2003, pursuant to 36 U.S.C. 1101(2) and 1103; to the Committee on the Judiciary.

9519. A letter from the Attorney General, Department of Justice, transmitting the FY 2003 Performance and Accountability Report for the Department of Justice; to the Committee on the Judiciary.

9520. A letter from the Staff Director, United States Sentencing Commission, transmitting the Annual Report and Sourcebook of Federal Sentencing Statistics covering FY 2002, pursuant to 28 U.S.C. 997; to the Committee on the Judiciary.

9521. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Regulations; Government Contracting Programs; HUBzone Program (RIN: 3245-AE66) received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

9522. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Regulations; Governement Contracting Programs (RIN: 3245-AF16) received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

9523. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Regulations; Rules of Procedure Governing Cases Before the Office of Hearings and Appeals (RIN: 3245-AE92) received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

9524. A letter from the United States Trade Representative, Executive Office of the President, transmitting the Environmental Review of the United States-Morocco Free Trade Agreement; the United States Employment Impact Review of the United-States Morocco Free Trade Agreement; and the Morocco Labor Rights Report; to the Committee on Ways and Means.

9525. A letter from the United States Trade Representative, Executive Office of the Presient, transmitting the reports of the Advisory Committee for Trade Policy and Negotiations, and the policy, sectoral, and functional trade advisory committees chartered under those Acts, on the U.S.-Bahrain Free Trade Agreement, pursuant to 19 U.S.C. 2155(e)(1); to the Committee on Ways and Means.

¶85.4 REMEMBERING TERRORIST ATTACKS OF SEPTEMBER 11, 2001

Mr. HYDE, pursuant to the order of the House of Wednesday, September 8, 2004, called up the resolution (H. Res. 757):

Whereas on September 11, 2001, while Americans were attending to their daily routines, terrorists hijacked four civilian aircraft, crashing two of them into the towers of the World Trade Center in New York City, and a third into the Pentagon outside Washington, D.C., and a fourth was prevented from also being used as a weapon against America by brave passengers who placed their country above their own lives;

Whereas three years later the country continues to, and shall forever, mourn the tragic loss of life at the hands of terrorist attackers;

Whereas by targeting symbols of American strength and success, these attacks clearly were intended to assail the principles, values, and freedoms of the United States and the American people, intimidate the Nation, and weaken the national resolve;

Whereas three years after September 11, 2001, the United States is fighting a Global War on Terrorism to protect America and her friends and allies;

Whereas since the United States was attacked, it has led an international military

coalition in the destruction of two terrorist regimes in Afghanistan and Iraq while using diplomacy and sanctions in cooperation with Great Britain and the international community to lead a third terrorist regime in Libya away from its weapons of mass destruction;

Whereas the United States is reorganizing itself in order to more effectively wage the Global War on Terrorism by transforming the Department of Defense, sharpening the Federal Bureau of Investigation's counterterrorism focus, strengthening the authority of the Director of Central Intelligence to coordinate national intelligence activities, and creating a Department of Homeland Security;

Whereas of the senior al-Qaida leaders, operational managers, and key facilitators that the United States Government has been tracking, nearly two-thirds of such individuals have been taken into custody or killed;

Whereas just as significant, with the help of its allies, the United States has disrupted individuals and organizations that facilitate terrorism—movers of money, people, messages, and supplies—who have acted as the glue binding the global al-Qaida network together;

Whereas Pakistan has taken into custody more than 500 members of al-Qaida and the Taliban regime, including Khalid Sheik Mohammed and Ramzi bin al Shibh, conspirators in the September 11, 2001, attacks, and Kahallad Ba'Attash, an individual involved in the planning of the attack on the USS COLE in 2000;

Whereas Jordan continues its strong counterterrorism efforts, arresting two individuals with links to al-Qaida who admitted responsibility for the October 2002 murder in Amman, Jordan, of Lawrence Foley, a United States Agency for International Development Foreign Service Officer;

Whereas in June 2002, Morocco took into custody al-Qaida operatives plotting to attack United States Navy ships and ships of other member nations of the North Atlantic Treaty Organization in the Strait of Gibraltar;

Whereas the United States and its allies in Southeast Asia have made significant advances against the regional terrorist organization Jemaah Islamiyah, which was responsible for the attack in Bali, Indonesia, in October 2003 that killed more than 200 people;

Whereas Singapore, Indonesia, the Philippines, Thailand, and other countries in Southeast Asia have taken into custody leaders and operatives of local al-Qaida-affiliated terrorist organizations and members of al-Qaida traveling through such countries;

Whereas the United Kingdom, France, Germany, Italy, Spain, and other countries have disrupted cells of the al-Qaida terrorist organization and are vigorously pursuing other leads relating to terrorist activity;

Whereas following the attacks of September 11, 2001, the United States Government initiated innovative programs, such as the Customs-Trade Partnership Against Terrorism program and the Container Security Initiative, to extend our borders overseas and to secure and screen cargo before it is placed on ships destined for United States ports of entry;

Whereas the Department of Homeland Security implemented the US-VISIT border security screening system in December 2003 at all air and sea ports of entry, requiring that nonimmigrant visa holders entering the United States be fingerprinted and screened through various criminal and terrorist databases before entry into the United States, and this system will be expanded to land ports of entry in accordance with congressional deadlines;

Whereas since September 11, 2001, the Coast Guard has conducted more than 124,000 port security patrols, 13,000 air patrols, boarded more than 92,000 vessels, interdicted over 14,000 individuals attempting to enter the United States illegally, and created and maintained more than 90 Maritime Security Zones;

Whereas following the attacks of September 11, 2001, the Terrorist Threat Integration Center was established, which now fuses, for the first time in United States history, terrorist-related information, foreign and domestic, available to the United States Government for systematic analysis and dissemination to prevent or disrupt terrorist attacks on the United States;

Whereas following the attacks of September 11, 2001, the Terrorist Screening Center, a multi-agency partnership, was established to integrate the dozens of separate terrorist databases that existed before September 11th into a single terrorist watch list for use by Federal, State, and local law enforcement, intelligence, and border security personnel;

Whereas following the attacks of September 11, 2001, the United States Government has ensured the hardening of cockpit doors on airplanes and greatly expanded the use of armed Federal air marshals to prevent and deter future hijackings that could turn commercial planes into weapons of mass destruction;

Whereas having recognized the need to prevent terrorist organizations from using their resources, the Federal Bureau of Investigation has worked closely with the Department of the Treasury to target 62 terrorist organizations and freeze $125,000,000 in assets of such organizations worldwide used to fund terrorist activities;

Whereas to date United States Armed Forces and Coalition forces have killed or captured 43 of the 55 most wanted criminals of the Saddam Hussein regime in Iraq, including Saddam Hussein himself;

Whereas the al-Zarqawi terror network used Baghdad as a base of operations to coordinate the movement of people, money, and supplies; and

Whereas thousands of families have lost loved ones in the defense of freedom and liberty against the tyranny of terror: Now, therefore, be it

Resolved, That the House of Representatives—

(1) extends again its deepest sympathies to the thousands of innocent victims of the September 11, 2001, terrorist attacks, their families, friends, and loved ones;

(2) honors the heroic actions and the sacrifices of United States military and civilian personnel and their families who have sacrificed much, including their lives and health, in defense of their country in the Global War on Terrorism;

(3) honors the heroic actions of first responders, law enforcement personnel, State and local officials, volunteers, and others who aided the innocent victims and, in so doing, bravely risked their own lives and long-term health;

(4) expresses thanks and gratitude to the foreign leaders and citizens of all nations who have assisted and continue to stand in solidarity with the United States against terrorism in the aftermath of the September 11, 2001, terrorist attacks;

(5) discourages, in the strongest possible terms, any effort to confuse the Global War on Terrorism with a war on any people or any faith;

(6) reaffirms its commitment to the Global War on Terrorism and to providing the United States Armed Forces with the resources and support to wage it effectively and safely;

(7) vows that it will continue to take whatever actions necessary to identify, intercept, and disrupt terrorists and their activities; and

(8) reaffirms that the American people will never forget the sacrifices made on September 11, 2001, and will never bow to terrorist demands.

When said resolution was considered.

After debate

Pursuant to the order of the House of September 8, 2004, the previous question was ordered on the resolution and the preamble.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. FOSSELLA, announced that the yeas had it.

Mr. HYDE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 406 / Nays 16

¶85.5 [Roll No. 431]

YEAS—406

Abercrombie	Case	Forbes
Ackerman	Castle	Ford
Aderholt	Chabot	Fossella
Akin	Chandler	Franks (AZ)
Alexander	Chocola	Frelinghuysen
Allen	Clay	Frost
Andrews	Clyburn	Gallegly
Baca	Coble	Garrett (NJ)
Bachus	Cole	Gephardt
Baird	Collins	Gerlach
Baker	Cooper	Gibbons
Baldwin	Costello	Gilchrest
Barrett (SC)	Cox	Gillmor
Bartlett (MD)	Cramer	Gingrey
Barton (TX)	Crane	Gonzalez
Bass	Crenshaw	Goode
Beauprez	Crowley	Goodlatte
Becerra	Cubin	Gordon
Bell	Culberson	Granger
Berkley	Cummings	Graves
Berman	Cunningham	Green (TX)
Berry	Davis (AL)	Green (WI)
Biggert	Davis (CA)	Grijalva
Bilirakis	Davis (FL)	Gutierrez
Bishop (GA)	Davis (IL)	Gutknecht
Bishop (NY)	Davis (TN)	Hall
Bishop (UT)	Davis, Jo Ann	Harman
Blackburn	Davis, Tom	Harris
Blumenauer	Deal (GA)	Hart
Blunt	DeFazio	Hastert
Boehlert	DeGette	Hastings (WA)
Boehner	Delahunt	Hayes
Bonilla	DeLauro	Hayworth
Bonner	DeLay	Hefley
Bono	DeMint	Hensarling
Boozman	Deutsch	Herger
Boswell	Diaz-Balart, L.	Herseth
Boucher	Diaz-Balart, M.	Hill
Boyd	Dicks	Hinojosa
Bradley (NH)	Dingell	Hobson
Brady (PA)	Doggett	Hoeffel
Brady (TX)	Dooley (CA)	Hoekstra
Brown (OH)	Doolittle	Holden
Brown (SC)	Doyle	Holt
Brown, Corrine	Dreier	Hooley (OR)
Brown-Waite, Ginny	Duncan	Hostettler
Burgess	Dunn	Houghton
Burns	Edwards	Hoyer
Burr	Ehlers	Hulshof
Burton (IN)	Emanuel	Hunter
Butterfield	Emerson	Hyde
Buyer	Engel	Inslee
Calvert	English	Isakson
Camp	Eshoo	Israel
Cantor	Etheridge	Issa
Capito	Evans	Istook
Capps	Everett	Jackson-Lee (TX)
Capuano	Farr	Jefferson
Cardin	Fattah	Jenkins
Cardoza	Feeney	John
Carson (IN)	Ferguson	Johnson (CT)
Carson (OK)	Filner	Johnson (IL)
Carter	Flake	Johnson, E. B.
	Foley	

Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (FL)

NAYS—16

Conyers
Frank (MA)
Hastings (FL)
Hinchey
Honda
Jackson (IL)
Kucinich
Lee
Lofgren
Markey
McDermott
Paul
Schakowsky
Stark
Waters
Woolsey

NOT VOTING—12

Ballenger
Cannon
Goss
Greenwood
Mollohan
Nethercutt
Ryan (OH)
Schrock
Tauzin
Toomey
Wexler
Young (AK)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶85.6 MOTION TO INSTRUCT CONFEREES—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SHIMKUS, pursuant to clause 8, rule XX, announced the unfinished business to be the motion offered by Mr. HILL, to instruct the managers on the part of the House at the conference on the disagreeing vote of the two Houses on the House amendment to the amendment of the Senate to the bill (H.R. 1308) to amend the Internal Revenue Code of 1986 to end certain abusive tax practices, to provide tax relief and simplification, and for other purposes.

The question being put,

Will the House agree to said motion?

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 203 / Nays 216

¶85.7 [Roll No. 432]

YEAS—203

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wu
Wynn

NAYS—216

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

NOT VOTING—14

Ballenger
Cannon
Goss
Greenwood
Majette
Mollohan
Nethercutt
Ryan (OH)
Schrock
Slaughter
Tauzin
Toomey
Wexler
Young (AK)

So the motion was not agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶85.8 S. 2634—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SHIMKUS, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill of the Senate (S. 2634) an act to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, to provide

funds for campus mental and behavioral health service centers, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 352 / Nays 64

¶85.9 [Roll No. 433]

YEAS—352

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Butterfield
Buyer
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—64

Aderholt
Akin
Barrett (SC)
Bartlett (MD)
Bishop (UT)
Bonilla
Bonner
Burton (IN)
Cantor
Carter
Coble
Collins
Cox
Crane
Cubin
Culberson
Deal (GA)
Doolittle
Everett
Feeney
Flake
Franks (AZ)
Garrett (NJ)
Gingrey
Gutknecht
Hefley
Hensarling
Herger
Hostettler
Hyde
Istook
Johnson, Sam
Jones (NC)
King (IA)
Kingston
Kline
Lewis (KY)
Linder
Lucas (OK)
Manzullo
Miller (FL)
Musgrave
Myrick
Neugebauer
Norwood
Nunes
Ose
Otter
Paul
Pence
Peterson (PA)
Pombo
Radanovich
Rohrabacher
Royce
Ryan (WI)
Sensenbrenner
Shadegg
Sherwood
Smith (MI)
Sullivan
Tancredo
Thornberry
Weldon (FL)

NOT VOTING—17

Ballenger
Burr
Cannon
Cummings
Goss
Greenwood
Majette
Meek (FL)
Mollohan
Nethercutt
Payne
Ryan (OH)
Schrock
Tauzin
Toomey
Wexler
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, to authorize grants to institutions of higher education to reduce student mental and behavioral health problems, and for other purposes.''.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said amendments.

¶85.10 LABOR, HHS, AND EDUCATION APPROPRIATIONS FY 2005

The SPEAKER pro tempore, Mr. SHIMKUS, pursuant to House Resolution 754 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5006) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

Mr. TERRY, Acting Chairman, assumed the chair; and after some time spent therein,

The SPEAKER pro tempore, Mr. McKEON, assumed the Chair.

When Mr. THORNBERRY, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶85.11 ORDER OF BUSINESS—CONSIDERATION OF H.R. 5006

On motion of Mr. REGULA, by unanimous consent,

Ordered, That, during further consideration of H.R. 5006, in the Committee of the Whole House on the Staet of the Union pursuant to House Resolution 754, no further amendment to the bill may be offered except: pro forma amendments offered at any point by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate; amendments numbered 1 and 3; amendment numbered 6, which shall be debatable for 30 minutes; an amendment by Mr. Stark regarding Centers for Medicare and Medicaid Services, which shall be debatable for 20 minutes; an amendment by Mr. Neugebauer, regarding NIMH grants; an amendment by Mr. Hayworth regarding totalization agreements with Mexico, which shall be debatable for 30 minutes; an amendment by Mr. Garrett regarding participation by Federal employees in conferences; an amendment by Mr. Oberstar regarding fatal chronic illness; an amendment by Mr. Ramstad regarding SAMHSA; an amendment by Mr. Brown of Ohio regarding Centers for Medicare and Medicaid Services; an amendment by Mrs. Wilson of New Mexico regarding Head Start; an amendment by Mr. King of Iowa regarding section 505 of the Illegal Immigration Reform and Responsibility Act; an amendment by Mr. John regarding mosquito control; an amendment by Mr. Kildee regarding education funding, which shall be debatable for 20 minutes; an amendment by Ms. Bordallo regarding Medicaid funding.

Ordered further, That each such amendment may be offered only by the Member named in this request or a designee, or the Member who caused it to be printed in the RECORD or a designee, shall be considered as read, shall not be subject to amendment (except pro forma amendments offered by the chairman or ranking minority member

of the Committee on Appropriations or their designees for the purpose of debate), and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Ordered further, That except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

¶85.12 LABOR, HHS, AND EDUCATION APPROPRIATIONS FY 2005

The SPEAKER pro tempore, Mr. McKEON, pursuant to House Resolution 754 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5006) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

Mr. THORNBERRY, Acting Chairman, assumed the chair; and after some time spent therein,

¶85.13 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. OBEY:

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

SEC. ____. None of the funds provided in this Act may be used by the Department of Labor to implement or administer any change to regulations regarding overtime compensation (contained in part 541 of title 29, Code of Federal Regulations) in effect on July 14, 2004, except those changes in the Department of Labor's final regulation published in the Federal Register on April 23, 2004 at section 541.600 of such title 29.

It was decided in the affirmative { Yeas ..... 223 / Nays ..... 193 }

¶85.14 [Roll No. 434]

AYES—223

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kleczka
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—193

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

NOT VOTING—18

Ballenger
Cannon
Clyburn
Goss
Greenwood
Johnson, Sam
Kanjorski
Lucas (OK)
Majette
Nethercutt
Quinn
Ryan (OH)
Schrock
Shuster
Tauzin
Toomey
Waters
Young (AK)

So the amendment was agreed to.

¶85.15 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 6, submitted by Mr. HAYWORTH:

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

SEC. ____. None of the funds made available in this Act may be used by the National Labor Relations Board to exert jurisdiction over any organization or enterprise pursuant to the standard adopted by the National Labor Relations Board in San Manuel Indian Bingo and Casino and Hotel Employees & Restaurant Employees International Union, AFL-CIO, CLC and Communication Workers of America, AFL-CIO, CLC, Party in Interest, and State of Connecticut, Intervenor, 341 NLRB No. 138 (May 28, 2004).

It was decided in the negative { Yeas ..... 185 / Nays ..... 227 }

¶85.16 [Roll No. 435]

AYES—185

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cantor
Capito
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Emerson
English
Everett
Feeney
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Hobson
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Jenkins
John
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Manzullo
Matheson
McCotter
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar

Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Pickering
Pomeroy
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryun (KS)
Sessions
Shadegg
Shaw
Sherwood
Simpson
Smith (MI)
Smith (TX)
Souder
Stupak
Sullivan
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Thornberry
Tiahrt
Tiberi
Vitter
Walden (OR)
Wamp
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (FL)

NOES—227

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Burton (IN)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Fossella
Frank (MA)
Frost
Gibbons
Gonzalez
Gordon
Green (TX)
Green (WI)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hefley
Hill
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (PA)
Petri
Pitts
Platts
Pombo
Porter
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Shimkus
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Sweeney
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Wolf
Woolsey
Wu
Wynn

NOT VOTING—21

Ballenger
Cannon
Delahunt
Gephardt
Goss
Greenwood
Istook
Kanjorski
Kleczka
Lucas (OK)
Moran (KS)
Nethercutt
Quinn
Ros-Lehtinen
Ryan (OH)
Schrock
Shuster
Tauzin
Terry
Toomey
Young (AK)

So the amendment was not agreed to.

¶85.17 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. KILDEE:

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

SEC. _____. None of the funds appropriated under this Act may be used by the Secretary of Education to administer or pay any special allowance under section 438(b)(2)(B) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(b)(2)(B)) pursuant to the provisions of section 682.302(e)(2) of the regulations of the Department of Education (34 CFR 682.302(e)(2)).

It was decided in the affirmative ..... { Yeas ..... 413 / Nays 3

¶85.18 [Roll No. 436]

AYES—413

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOES—3

Blunt
Istook
Kingston

NOT VOTING—17

Ballenger
Cannon
Delahunt
Gephardt
Goss
Greenwood
Kanjorski
Lucas (OK)
Moran (KS)
Nethercutt
Quinn
Ryan (OH)
Schrock
Shuster
Tauzin
Toomey
Young (AK)

So the amendment was agreed to.

¶85.19 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. STARK:

Page 105, after line 16, insert the following new section:

SEC. 519. The amount otherwise provided by this Act for ''DEPARTMENT OF HEALTH AND HUMAN SERVICES—Office of

the Secretary—General Departmental Management'' is hereby reduced by $84,500.

It was decided in the negative { Yeas ..... 195 / Nays 216

¶85.20 [Roll No. 437]

AYES—195

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutknecht
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—216

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

NOT VOTING—22

Ballenger
Cannon
Delahunt
Ford
Gephardt
Goss
Greenwood
Gutierrez
John
Kanjorski
Lucas (OK)
Moore
Moran (KS)
Nethercutt
Quinn
Ryan (OH)
Schrock
Shuster
Tanner
Tauzin
Toomey
Young (AK)

So the amendment was not agreed to.

¶85.21 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 3, submitted by Mr. PAUL:

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

SEC. ____. None of the funds made available in this Act may be used to create or implement any new universal mental health screening program.

It was decided in the negative { Yeas ..... 95 / Nays 315

¶85.22 [Roll No. 438]

AYES—95

Aderholt
Akin
Barrett (SC)
Bartlett (MD)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Bonner
Boozman
Brady (TX)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Camp
Cantor
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Cubin
Culberson
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Doolittle
Duncan
Everett
Feeney
Flake
Forbes
Franks (AZ)
Garrett (NJ)
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hart
Hayes
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Hunter
Johnson (IL)
Jones (NC)
Kennedy (MN)
King (IA)
Kingston
Linder
Manzullo
McCotter
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Norwood
Ose
Otter
Paul
Pence
Petri
Pitts
Pombo
Ramstad
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Simpson
Smith (MI)
Souder
Stearns
Sullivan
Tancredo
Taylor (MS)
Terry
Thornberry
Tiahrt
Upton
Vitter
Whitfield

NOES—315

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burr
Butterfield
Buyer
Calvert
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Gordon
Granger
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Harris
Hastings (FL)
Hastings (WA)
Hayworth
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)

Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—23

Ballenger
Cannon
Delahunt
Gephardt
Goss
Greenwood
Istook
Kanjorski
Langevin
Lucas (OK)
McInnis
McNulty
Moran (KS)
Nethercutt
Quinn
Rush
Ryan (OH)
Schrock
Shuster
Tanner
Tauzin
Toomey
Young (AK)

So the amendment was not agreed to.

After some further time,

¶85.23 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. HAYWORTH:

At the end of the bill, before the short title, insert the following new section:

SEC. _____. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments under a totalization agreement with Mexico which would not otherwise be payable but for such agreement.

It was decided in the negative { Yeas ..... 178 / Nays ..... 225 }

¶85.24 [Roll No. 439]

AYES—178

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bilirakis
Bishop (UT)
Blackburn
Boehlert
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Capito
Carson (OK)
Carter
Chabot
Chandler
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
DeMint
Doolittle
Duncan
Edwards
Emerson
Everett
Feeney
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frost
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hoekstra
Hooley (OR)
Hostettler
Hulshof
Hunter
Isakson
Israel
Istook
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Kolbe
LaHood
Lampson
LaTourette
Lewis (KY)
LoBiondo
Manzullo
Marshall
Matheson
McCotter
McHugh
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Musgrave
Myrick
Neugebauer
Ney
Norwood
Otter
Paul
Pence
Peterson (MN)
Petri
Pitts
Platts
Pombo
Putnam
Ramstad
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanders
Sandlin
Saxton
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Simmons
Simpson
Skelton
Smith (MI)
Smith (TX)
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Upton
Vitter
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Whitfield
Wolf
Wu

NOES—225

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehner
Bonilla
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Cantor
Capps
Capuano
Cardin
Carson (IN)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Crane
Crenshaw
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Dunn
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gonzalez
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Harris
Hastings (FL)
Hastings (WA)
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Houghton
Hoyer
Hyde
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kleczka
Knollenberg
Kucinich
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McNulty
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pickering
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Rahall
Regula
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Sherman
Sherwood
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Strickland
Stupak
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Turner (OH)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Woolsey
Wynn
Young (FL)

NOT VOTING—30

Ballenger
Cannon
Cardoza
Delahunt
Gephardt
Goss
Greenwood
Kanjorski
Langevin
Lipinski
Lucas (OK)
McInnis
Meehan
Moran (KS)
Nethercutt
Peterson (PA)
Quinn
Radanovich
Rangel
Reyes
Ros-Lehtinen
Ryan (OH)
Schrock
Shuster
Tanner
Tauzin
Toomey
Towns
Turner (TX)
Young (AK)

So the amendment was not agreed to.

The SPEAKER pro tempore, Mr. HASTINGS of Washington, assumed the Chair.

When Mr. THORNBERRY, Chairman, pursuant to House Resolution 754, reported the bill back to the House with sundry amendments adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendments, reported from the Committee of the Whole House on the state of the Union, were agreed to:

SEC. ____. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 Federal employees ''from that agency'' at any single conference occurring outside the United States.

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

SEC. __. None of the funds made available in this Act for the National Institute of Mental Health may be used to fund grant number MH054142 & MH064527.

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

SEC. ____. None of the funds provided in this Act may be used by the Department of Labor to implement or administer any change to regulations regarding overtime compensation (contained in part 541 of title 29, Code of Federal Regulations) in effect on July 14, 2004, except those changes in the Department of Labor's final regulation published in the Federal Register on April 23, 2004 at section 541.600 of such title 29.

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

SEC. _____. None of the funds appropriated under this Act may be used by the Secretary of Education to administer or pay any special allowance under section 438(b)(2)(B) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(b)(2)(B)) pursuant to the provisions of section 682.302(e)(2) of the regulations of the Department of Education (34 CFR 682.302(e)(2)).

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

SEC. _____. None of the funds made available under this Act to the Department of Education may be expended in contravention of section 505 of the Illegal Immigration Reform and Responsibility Act of 1996 (8 U.S.C. 1623).

In title I, in the item relating to ''DEPARTMENTAL MANAGEMENT—VETERANS EMPLOYMENT AND TRAINING'', after the aggregate dollar amount, insert the following: ''(increased by $5,000,000)''.

In title II, in the item relating to ''OFFICE OF THE SECRETARY—GENERAL DEPARTMENTAL MANAGEMENT'', after the aggregate dollar amount, insert the following: ''(reduced by $5,000,000)''.

In title II, amend section 221 (page 65, line 19, through page 68, line 2) to read as follows:

SEC. 221. (a) Notwithstanding section 412.23(b)(2) of title 42 of the Code of Federal Regulations, none of the funds appropriated by this Act may be expended by the Secretary of Health and Human Services to treat a hospital or unit of a hospital that was certified by the Secretary as an inpatient rehabilitation facility on or before June 30, 2004, as a subsection (d) hospital (as defined in section 1886(d)(1)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B))) until, not later than 60 days after the date on which the report under subsection (b) is issued, the Secretary, taking into account the recommendations in such report—

(1) determines that the classification criteria of hospitals and units of hospitals as inpatient rehabilitation facilities under such section 412.23(b)(2) are not inconsistent with such recommendations; or

(2) promulgates a regulation providing for revised criteria under such section 412.23(b)(2), which regulation shall be effective and final immediately on an interim basis as of the date of publication of the regulation.

(b) The study referred to in subsection (a) is a study by the Comptroller General of the United States directed in the statement of managers accompanying the conference report on the bill H.R. 1 of the 108th Congress regarding clinically appropriate standards for defining inpatient rehabilitation services under such section 412.23(b)(2).

(c) The aggregate amount appropriated under title II for ''Centers for Medicare and Medicaid Services—Program Management'' is hereby reduced by $3,500,000.

In the item relating to ''SCHOOL IMPROVEMENT PROGRAMS'', insert before the period at the end the following:

: *Provided*, That, of the funds made available under this heading, $3,000,000 is for carrying out subpart 21 of part D of title V of the Elementary and Secondary Education Act of 1965 (commonly referred to as the Women's Educational Equity Act of 2001; 20 U.S.C. 7283 et seq.)

Page 42, line 11, after the dollar amount insert ''(increased by $22,000,000)''.

Page 42, line 12, after the dollar amount insert ''(increased by $11,000,000)''.

Page 42, line 25, after the dollar amount insert ''(increased by $11,000,000)''.

Page 50, line 12, after the dollar amount insert ''(reduced by $26,000,000)''.

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

SEC. __. For ''SCHOOL IMPROVEMENT PROGRAMS'' for innovative programs, as authorized by part A of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7201 et seq.), and the amount otherwise provided by this Act for ''EDUCATION FOR THE DISADVANTAGED'' is hereby reduced by, $20,000,000.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. HASTINGS of Washington, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative { Yeas ..... 388 / Nays ..... 13 }

¶85.25 [Roll No. 440]

YEAS—388

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—13

Bartlett (MD)
Flake
Franks (AZ)
Hefley
Hensarling
Hostettler
Jones (NC)
Miller (FL)
Paul
Rohrabacher
Royce
Tancredo
Wilson (NM)

NOT VOTING—32

Ballenger
Brown (OH)
Cannon
Cardoza
Cox
Delahunt
Diaz-Balart, L.
Everett
Gephardt
Greenwood
Kanjorski
Langevin
Lipinski
Lucas (OK)
McInnis
Meehan
Moran (KS)
Nethercutt
Peterson (PA)
Quinn
Radanovich
Reyes
Ros-Lehtinen
Ryan (OH)
Schrock
Shuster
Tanner
Tauzin
Toomey
Towns
Turner (TX)
Young (AK)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶85.26 VA-HUD APPROPRIATIONS FY 2005

Mr. WALSH submitted a privileged report (Rept. No. 108–674) on the bill (H.R. 5041) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2005, and for other purposes.

When said bill and report were referred to the Union Calendar and ordered printed.

Pursuant to clause 1 of rule XXI, all points of order were reserved.

¶85.27 COMMITTEE ELECTION—MAJORITY

Mr. DREIER, by unanimous consent, submitted the following resolution (H. Res. 762):

Resolved, That the following Member be and is hereby elected to the following standing committees of the House of Representatives:

Committee on Agriculture: Mr. Alexander.

Committee on Transportation and Infrastructure: Mr. Alexander.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶85.28 ADJOURNMENT OVER

On motion of Mr. DREIER, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Monday, September 13, 2004, at 12:30 p.m. for morning-hour debate.

¶85.29 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. DREIER, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, September 15, 2004, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶85.30 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. LUCAS of Oklahoma, for today after 4 p.m.;

To Mr. CANNON, for the week of September 7;

To Mr. LANGEVIN, for today after 4:30 p.m.; and

To Mr. KANJORSKI, for today after 2 p.m.

And then,

¶85.31 ADJOURNMENT

On motion of Mr. PEARCE, pursuant to the previous order of the House, at 8 o'clock and 20 minutes p.m., the House adjourned until 12:30 p.m. on Monday, September 13, 2004.

¶85.32 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 1151. A bill to provide that transit pass transportation fringe benefits be made available to all qualified Federal employees in the National Capital Region; to allow passenger carriers which are owned or leased by the Government to be used to transport Government employees between their place of employment and mass transit facilities, and for other purposes (Rept. 108–673). Referred to the Committee of the Whole House on the State of the Union.

Mr. WALSH: Committee on Appropriations. H.R. 5041. A bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108–674). Referred to the Committee of the Whole House on the State of the Union.

¶85.33 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KIRK (for himself, Mr. YOUNG of Florida, Mr. GRIJALVA, Mr. BEAUPREZ, Mr. DUNCAN, Mr. PETRI, Mr. EMANUEL, Mr. THOMPSON of Mississippi, Ms. HART, Mr. CULBERSON, Mr. GARRETT of New Jersey, Mr. PLATTS, Mr. KINGSTON, and Mr. RAMSTAD):

H.R. 5038. A bill to permit each State to provide a statue of an individual representing that State to be displayed in the Capitol Visitor Center, and for other purposes; to the Committee on House Administration.

By Mr. BUTTERFIELD (for himself, Mr. ETHERIDGE, Mr. JONES of North Carolina, Mr. PRICE of North Carolina, Mr. BURR, Mr. COBLE, Mr. MCINTYRE, Mr. HAYES, Mrs. MYRICK, Mr. BALLENGER, Mr. TAYLOR of North Carolina, Mr. WATT, and Mr. MILLER of North Carolina):

H.R. 5039. A bill to designate the facility of the United States Postal Service located at United States Route 1 in Ridgeway, North Carolina, as the ''Eva Holtzman Post Office''; to the Committee on Government Reform.

By Mr. SHAYS (for himself, Mrs. MALONEY, Mr. MOORE, Mr. SIMMONS, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Mr. FERGUSON, Mr. PASCRELL, Mr. WEINER, Mr. RAMSTAD, Mr. PRICE of North Carolina, Mr. CASE, Mr. PETERSON of Minnesota, Mr. PENCE, Mr. STENHOLM, Mr. HOEFFEL, Mr. RUPPERSBERGER, Mr. CASTLE, Mr. KIND, Ms. HARMAN, Mr. GILCHREST, Mr. SANDLIN, Mr. DOOLEY of California, Mrs. TAUSCHER, Mr. KENNEDY of Rhode Island, Mr. CHANDLER, Mr. WELDON of Pennsylvania, Mr. TURNER of Texas, Mr. DUNCAN, Ms. PELOSI, Mr. HOYER, Mr. WALSH, and Mr. FRELINGHUYSEN):

H.R. 5040. A bill to implement the recommendations of the National Commission on Terrorist Attacks Upon the United States, and for other purposes; to the Committee on Intelligence (Permanent Select), and in addition to the Committees on Armed Services, International Relations, Government Reform, the Judiciary, Rules, Transportation and Infrastructure, Energy and Commerce, Ways and Means, and Homeland Security (Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ACEVEDO-VILA:

H.R. 5042. A bill to amend the Department of Agriculture Organic Act of 1944 to ensure that the dependents of employees of the Forest Service stationed in Puerto Rico receive a high-quality elementary and secondary education; to the Committee on Agriculture.

By Mr. BELL (for himself and Mr. NEAL of Massachusetts):

H.R. 5043. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BURNS (for himself and Mr. NORWOOD):

H.R. 5044. A bill to provide for a study of the potential for increasing hydroelectric power production at existing Federal facilities, and for other purposes; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CULBERSON:

H.R. 5045. A bill to restore State sovereignty; to the Committee on Government Reform.

By Mr. TOM DAVIS of Virginia (for himself, Mr. MORAN of Virginia, Mr. WOLF, Mr. BOUCHER, Mr. CANTOR, Mr. SCOTT of Virginia, Mr. GOODE, Mr. GOODLATTE, Mr. SCHROCK, and Mrs. JO ANN DAVIS of Virginia):

H.R. 5046. A bill to require the Secretary of the Treasury to mint coins in commemoration of the tragic loss of lives at the Pentagon on September 11, 2001, and to support construction of the Pentagon 9/11 Memorial in Arlington, Virginia; to the Committee on Financial Services.

By Mr. EDWARDS (for himself and Mr. EMANUEL):

H.R. 5047. A bill to amend title 38, United States Code, to increase the maximum coverage under the Servicemembers' Group Life Insurance and Veterans' Group Life Insurance programs from $250,000 to $500,000; to the Committee on Veterans' Affairs.

By Mr. GREEN of Texas:

H.R. 5048. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of annual screening pap smear and screening pelvic exams; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. INSLEE (for himself, Mr. LARSEN of Washington, Ms. BERKLEY, and Mr. HONDA):

H.R. 5049. A bill to require the Federal Energy Regulatory Commission to revoke the authority granted to Enron to sell electricity at market rates and to prohibit Enron from enforcing certain contract provisions, and for other purposes; to the Committee on Energy and Commerce.

By Ms. JACKSON-LEE of Texas:

H.R. 5050. A bill to establish the Director of National Intelligence as a cabinet level position in the Executive Office of the President to oversee budget, operations, and personnel of the entire intelligence community of the Federal Government; to the Committee on Intelligence (Permanent Select).

By Mr. MCINNIS (for himself, Mr. HEFLEY, Mr. TANCREDO, Ms. DEGETTE, Mrs. MUSGRAVE, Mr. UDALL of Colorado, and Mr. BEAUPREZ):

H.R. 5051. A bill to designate the facility of the United States Postal Service located at 1001 Williams Street in Ignacio, Colorado, as the ''Leonard C. Burch Post Office Building''; to the Committee on Government Reform.

By Mr. MCINNIS (for himself, Mr. HEFLEY, Mr. TANCREDO, Ms. DEGETTE, Mrs. MUSGRAVE, Mr. UDALL of Colorado, and Mr. BEAUPREZ):

H.R. 5052. A bill to designate the facility of the United States Postal Service located at 222 West 8th Street in Durango, Colorado, as the ''Ben Nighthorse Campbell Post Office Building''; to the Committee on Government Reform.

By Mr. MCNULTY:

H.R. 5053. A bill to designate the facility of the United States Postal Service located at 1475 Western Avenue, Suite 45, in Albany, New York, as the ''Lieutenant John F. Finn Post Office''; to the Committee on Government Reform.

By Ms. MILLENDER-MCDONALD:

H.R. 5054. A bill to direct the Secretary of Homeland Security to carry out a pilot program to evaluate the use of hardened containers for cargo and luggage on passenger aircraft; to the Committee on Transportation and Infrastructure.

By Mr. MOORE (for himself, Mr. BACHUS, Mr. HILL, Mr. RAMSTAD, Mr. UDALL of Colorado, Mr. SIMMONS, Mr. BERRY, Ms. ROS-LEHTINEN, Mr. ISRAEL, Mr. OSBORNE, Mr. TOM DAVIS of Virginia, Mr. FORD, Mr. KANJORSKI, Mr. MURTHA, Mr. LAMPSON, Ms. SOLIS, Ms. CARSON of Indiana, Mr. PRICE of North Carolina, Mr. STUPAK, Ms. PELOSI, Mr. LINDER, Mrs. TAUSCHER, Mr. DINGELL, Mr.

DOOLEY of California, Mr. CROWLEY, Mr. SHAYS, Mr. PASCRELL, Mrs. BONO, Mr. FOLEY, Mr. BROWN of South Carolina, Mr. GORDON, Mr. LARSEN of Washington, Mr. RANGEL, Mr. SCHIFF, Mr. ETHERIDGE, Mr. UDALL of New Mexico, Mr. CLAY, Mrs. JONES of Ohio, Ms. WATERS, Mr. PAYNE, Mr. JONES of North Carolina, Ms. BERKLEY, Mr. COOPER, Mr. TANNER, Mrs. LOWEY, Mr. BISHOP of New York, Mr. ACKERMAN, Mrs. CAPPS, Mr. PASTOR, Mr. ANDREWS, Mr. HEFLEY, Mr. BROWN of Ohio, Mr. STRICKLAND, Ms. LOFGREN, Mr. KENNEDY of Rhode Island, Mr. DOGGETT, Mr. FROST, Mr. BOSWELL, and Mr. BONNER):

H.R. 5055. A bill to amend title 10, United States Code, to increase the amount of the military death gratuity from $12,000 to $50,000; to the Committee on Armed Services.

By Mr. REHBERG:

H.R. 5056. A bill to adjust the boundaries of the Helena, Lolo, and Beaverhead-Deerlodge National Forests in the State of Montana; to the Committee on Resources.

By Mr. RUPPERSBERGER (for himself, Mr. HOYER, and Mr. JONES of North Carolina):

H.R. 5057. A bill to amend title 10, United States Code, to direct the Secretary of Defense to carry out a program to provide a support system for members of the Armed Forces who incur severe disabilities; to the Committee on Armed Services.

By Mr. SHAW:

H.R. 5058. A bill to amend the Immigration and Nationality Act to permit alien children receiving medical treatment in the United States to be classified as immediate relatives to avoid extreme hardship to themselves or their immediate relative alien parents; to the Committee on the Judiciary.

By Mr. SHERMAN (for himself, Mr. CASE, and Mr. ETHERIDGE):

H.R. 5059. A bill to amend title 18, United States Code, with respect to stored electronic communications; to the Committee on the Judiciary.

By Ms. SLAUGHTER (for herself and Mr. DUNCAN):

H.R. 5060. A bill to amend the Consumer Credit Protection Act to prevent credit card issuers from taking unfair advantage of full-time, traditional-aged, college students, to protect parents of traditional college student credit card holders, and for other purposes; to the Committee on Financial Services.

By Mr. TANCREDO (for himself, Mr. PITTS, Mr. FRANKS of Arizona, Mr. LANTOS, and Mr. PAYNE):

H.R. 5061. A bill to provide assistance for the current crisis in the Darfur region of Sudan and to facilitate a comprehensive peace in Sudan; to the Committee on International Relations.

By Mr. FLAKE (for himself, Ms. BORDALLO, and Mr. FALEOMAVAEGA):

H.J. Res. 102. A joint resolution recognizing the 60th anniversary of the Battle of Peleliu and the end of Imperial Japanese control of Palau during World War II and urging the Secretary of the Interior to work to protect the historic sites of the Peleliu Battlefield National Historic Landmark and to establish commemorative programs honoring the Americans who fought there; to the Committee on Resources.

By Mr. EHLERS (for himself, Mr. YOUNG of Florida, Mr. BOEHLERT, Mr. GORDON, Mr. UDALL of Colorado, Mr. SHAW, Mr. FOLEY, Mr. LINCOLN DIAZ-BALART of Florida, Mr. KELLER, Mr. BOYD, Ms. HARRIS, Ms. ROS-LEHTINEN, Mr. BILIRAKIS, Mr. PUTNAM, Mr. FEENEY, Mr. WEXLER, Mr. HASTINGS of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. GOSS, Mr. WELDON of Florida, Mrs. BIGGERT, Mr. DEUTSCH, and Mr. DAVIS of Florida):

H. Con. Res. 488. Concurrent resolution commending the National Oceanic and Atmospheric Administration and its employees for its dedication and hard work during Hurricanes Charley and Frances; to the Committee on Science.

By Mr. COX (for himself and Ms. HARMAN):

H. Con. Res. 489. Concurrent resolution supporting the goals and ideals of National Preparedness Month; to the Committee on Government Reform.

By Mr. DOGGETT (for himself, Mr. TOM DAVIS of Virginia, Mr. BLUMENAUER, Mrs. MYRICK, Mr. OBERSTAR, Mr. FROST, Mr. CARTER, Mr. SMITH of Texas, Mr. RODRIGUEZ, Mr. BRADY of Texas, Mr. LAMPSON, Mrs. BONO, Mr. STENHOLM, Mr. MCDERMOTT, Mr. SANDLIN, Ms. MCCARTHY of Missouri, Mr. TURNER of Texas, Ms. BALDWIN, Mr. HINOJOSA, Mr. FARR, Mr. BASS, Mr. EDWARDS, Mr. HONDA, Mr. SAM JOHNSON of Texas, Ms. CARSON of Indiana, Ms. LEE, Mr. LANGEVIN, Mr. UDALL of New Mexico, Mr. COOPER, Mr. INSLEE, Mr. SHIMKUS, Mr. CAPUANO, Mr. REYES, and Ms. BERKLEY):

H. Res. 761. A resolution congratulating Lance Armstrong on his record-setting victory in the 2004 Tour de France; to the Committee on Government Reform.

By Mr. DREIER:

H. Res. 762. A resolution electing a Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Mr. HASTINGS of Florida:

H. Res. 763. A resolution condemning the terrorist attack at Middle School No. 1 in Beslan, Russia, that occurred in early September 2004; to the Committee on International Relations.

By Mr. TANCREDO:

H. Res. 764. A resolution condemning the terrorist attack in Beslan, Russia, that occurred beginning on September 1, 2004, expressing condolences to the families of the individuals murdered in the terrorist attack, and for other purposes; to the Committee on International Relations.

¶85.34 MEMORIALS

Under clause 3 of rule XII,

424. The SPEAKER presented a memorial of the General Assembly of the State of Rhode Island, relative to Joint Resolution 04R366 (04-S3015) memorializing the Congress of the United States to amend certain provisions of the Medicare Prescription Drug, Improvement and Modernization Act of 2003 (MMA); jointly to the Committees on Energy and Commerce and Ways and Means.

¶85.35 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. SHAW introduced A bill (H.R. 5062) for the relief of Helene Jensen; which was referred to the Committee on the Judiciary.

¶85.36 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 290: Mr. HASTINGS of Florida.
H.R. 296: Ms. BERKLEY.
H.R. 490: Mr. SHERMAN.
H.R. 548: Mr. BOEHLERT.
H.R. 713: Mr. CAMP.
H.R. 792: Mr. CRAMER, Mr. MURTHA, Mrs. CAPITO, and Mr. RAHALL.
H.R. 953: Mr. BROWN of South Carolina.
H.R. 1102: Mr. BUTTERFIELD.
H.R. 1117: Mr. BRADLEY of New Hampshire.
H.R. 1120: Mr. SANDLIN.
H.R. 1157: Mr. ANDREWS.
H.R. 1179: Mr. HASTINGS of Washington and Mr. ANDREWS.
H.R. 1241: Mr. FILNER.
H.R. 1247: Mr. SANDLIN.
H.R. 1336: Mr. TAYLOR of North Carolina.
H.R. 1615: Mrs. JOHNSON of Connecticut and Mr. MEEHAN.
H.R. 1746: Mr. PASCRELL.
H.R. 1755: Mr. NEUGEBAUER.
H.R. 1787: Mr. LATHAM and Mrs. CAPITO.
H.R. 1811: Mr. FERGUSON.
H.R. 2045: Mr. NEUGEBAUER.
H.R. 2239: Mr. FORD and Mr. HOLDEN.
H.R. 2490: Ms. SCHAKOWSKY, Mr. SIMMONS, and Mr. WAMP.
H.R. 2536: Mr. MCINTYRE, Mr. SERRANO, and Mr. ENGEL.
H.R. 2640: Mr. FILNER.
H.R. 2671: Mr. NEUGEBAUER.
H.R. 2724: Mr. CUMMINGS, Ms. CARSON of Indiana, Mr. LIPINSKI, Ms. JACKSON-LEE of Texas, and Mr. BELL.
H.R. 2727: Mr. PALLONE.
H.R. 2807: Mr. SANDLIN.
H.R. 2823: Mr. TURNER of Texas and Mr. SCOTT of Georgia.
H.R. 2824: Mr. ANDREWS.
H.R. 2871: Mr. BELL, Mr. KUCINICH, and Mr. ENGLISH.
H.R. 2933: Mr. FLAKE.
H.R. 2945: Mr. WEINER.
H.R. 2971: Ms. KAPTUR, Mr. HASTINGS of Washington, and Mr. MILLER of Florida.
H.R. 3069: Mr. NEUGEBAUER.
H.R. 3125: Mr. NEUGEBAUER.
H.R. 3142: Mr. BISHOP of New York, and Ms. ESHOO.
H.R. 3308: Mr. WALDEN of Oregon.
H.R. 3356: Mr. BURGESS.
H.R. 3441: Mr. MOORE.
H.R. 3476: Mr. PASCRELL, Mr. LAMPSON, Mr. MARSHALL, and Mr. PLATTS.
H.R. 3484: Mrs. CAPPS.
H.R. 3672: Mr. ISRAEL.
H.R. 3674: Mr. BRADLEY of New Hampshire.
H.R. 3745: Ms. WOOLSEY.
H.R. 3799: Mr. WILSON of South Carolina.
H.R. 3805: Mr. GEORGE MILLER of California.
H.R. 3831: Mr. SMITH of New Jersey.
H.R. 3834: Mr. RENZI.
H.R. 3859: Mr. KENNEDY of Rhode Island, Mr. RUPPERSBERGER, Ms. NORTON, Mr. RANGEL, Mr. CAPUANO, Mr. ISRAEL, Mr. ENGEL, Mr. MARKEY, and Ms. WATSON.
H.R. 3927: Mr. SHIMKUS.
H.R. 4035: Mr. FILNER, Mr. GUTIERREZ, Ms. MCCOLLUM, Mr. CROWLEY, Ms. WOOLSEY, and Mr. PALLONE.
H.R. 4067: Ms. BERKLEY and Mr. LEACH.
H.R. 4102: Mr. GORDON and Mr. NEAL of Massachusetts.
H.R. 4107: Mr. BISHOP of Georgia and Mr. OLVER.
H.R. 4124: Ms. HERSETH.
H.R. 4130: Mr. LARSEN of Washington.
H.R. 4149: Mr. CAPUANO and Mr. SMITH of Washington.
H.R. 4225: Mr. BEAUPREZ.
H.R. 4230: Mr. SESSIONS.
H.R. 4232: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 4249: Mr. VAN HOLLEN, Mr. INSLEE, Mr. HASTINGS of Florida, and Ms. BALDWIN.
H.R. 4254: Mr. LATHAM.
H.R. 4256: Mr. DOGGETT.
H.R. 4263: Mr. OBERSTAR and Mr. GRIJALVA.
H.R. 4264: Ms. JACKSON-LEE of Texas and Ms. BALDWIN.
H.R. 4284: Mr. GOODE, Mr. NORWOOD, Mr. GORDON, Mr. PLATTS, and Mr. WHITFIELD.
H.R. 4306: Mr. FORBES.
H.R. 4334: Mr. BRADLEY of New Hampshire.
H.R. 4351: Mr. MCGOVERN.
H.R. 4433: Mr. BURTON of Indiana, Mr. BAIRD, Ms. PRYCE of Ohio, and Ms. MCCARTHY of Missouri.

H.R. 4468: Mr. BERRY.
H.R. 4480: Ms. GRANGER and Mrs. MYRICK.
H.R. 4502: Mr. NETHERCUTT and Mr. FROST.
H.R. 4578: Ms. BALDWIN, Mr. VAN HOLLEN, Mr. JOHN, and Mrs. LOWEY.
H.R. 4585: Mr. KIND and Mr. FILNER.
H.R. 4620: Mr. PETERSON of Minnesota.
H.R. 4626: Mr. INSLEE and Mr. BUYER.
H.R. 4638: Mr. MCHUGH.
H.R. 4662: Mr. COLE.
H.R. 4674: Ms. WOOLSEY, Mr. HINCHEY, Mr. VAN HOLLEN, Mr. PASTOR, Mr. SANDERS, Mr. KUCINICH, and Mr. FILNER.
H.R. 4676: Mr. OSBORNE, Mr. MCGOVERN, Ms. MCCOLLUM, Mr. RAHALL, and Mr. EHLERS.
H.R. 4678: Mr. SANDERS, Mr. LEWIS of Georgia, and Mr. EVANS.
H.R. 4685: Mr. JOHN and Mr. HAYES.
H.R. 4694: Mr. COSTELLO and Mr. PRICE of North Carolina.
H.R. 4705: Mr. PETERSON of Minnesota.
H.R. 4786: Mr. GRIJALVA and Ms. BORDALLO.
H.R. 4799: Mr. PLATTS and Mr. WU.
H.R. 4809: Mr. PENCE.
H.R. 4812: Mr. BOUCHER.
H.R. 4853: Mr. HOEFFEL, Mr. BURR, Mr. DINGELL, Mr. FRANK of Massachusetts, Mr. WELDON of Pennsylvania, Mr. GREEN of Wisconsin, and Mr. COOPER.
H.R. 4863: Mr. REYES, Ms. VELAZQUEZ, Ms. LORETTA SANCHEZ of California, Mr. WELLER, Mr. PASTOR, Ms. MILLENDER-MCDONALD, Mr. GREEN of Texas, and Mr. MOORE.
H.R. 4887: Mr. CLYBURN.
H.R. 4896: Ms. NORTON, Mr. WEINER, Mr. HOEFFEL, Ms. LEE, Mr. MCDERMOTT, Mr. OLVER, and Mr. MCGOVERN.
H.R. 4897: Mr. KENNEDY of Rhode Island, Mr. WEINER, and Ms. DELAURO.
H.R. 4901: Mr. BURR.
H.R. 4906: Mr. COLE.
H.R. 4927: Mr. DOGGETT and Mr. GREEN of Texas.
H.R. 4965: Mr. FALEOMAVAEGA, Mr. CHABOT, and Mr. CROWLEY.
H.R. 4976: Mr. SABO.
H.R. 4984: Mr. STENHOLM.
H.R. 5011: Mr. BACHUS, Mr. CARTER, and Ms. GINNY BROWN-WAITE of Florida.
H.R. 5024: Mr. STENHOLM, Ms. LEE, Mr. DOGGETT, Mr. CLAY, Mr. CHANDLER, Mr. FILNER, Mr. DEUTSCH, and Ms. MAJETTE.
H.R. 5026: Mr. GEORGE MILLER of California.
H.R. 5027: Mr. MARIO DIAZ-BALART of Florida, Ms. HARRIS, Mr. MICA, Mr. SHAW, Mr. FEENEY, Mr. PUTNAM, Mr. MILLER of Florida, Mr. BILIRAKIS, Mr. KELLER, Mr. WEXLER, Mr. YOUNG of Florida, Mr. DAVIS of Florida, Mr. WELDON of Florida, and Mr. GOSS.
H. Con. Res. 330: Mrs. LOWEY.
H. Con. Res. 431: Mr. CALVERT.
H. Con. Res. 486: Mr. DICKS, Ms. ROS-LEHTINEN, Mr. KILDEE, Mr. SCHIFF, Mr. GILCHREST, and Mr. ACEVEDO-VILA.
H. Con. Res. 487: Mr. GREEN of Texas, Mr. TURNER of Texas, and Mr. THORNBERRY.
H. Res. 28: Mr. SWEENEY.
H. Res. 567: Mr. SMITH of New Jersey.
H. Res. 737: Mr. ABERCROMBIE, Mr. ACEVEDO-VILA, Mr. BELL, Mr. BERMAN, Mr. BURTON of Indiana, Mr. CASE, Mrs. CHRISTENSEN, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FILNER, Mr. FLAKE, Mr. GILCHREST, Mr. GRIJALVA, Mr. HONDA, Mr. HOSTETTLER, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Mr. JONES of North Carolina, Mr. MCDERMOTT, Mr. MCGOVERN, Ms. MILLENDER-MCDONALD, Mr. MOORE, Mr. MORAN of Virginia, Ms. NORTON, Mr. RAHALL, Ms. ROYBAL-ALLARD, Mr. SANDERS, Mr. SCHIFF, Mr. SCHROCK, Mr. SCOTT of Georgia, Mr. SERRANO, Mr. TOWNS, Mr. UDALL of Colorado, and Mr. WALSH.
H. Res. 747: Ms. CARSON of Indiana.
H. Res. 757: Mr. DELAY, Ms. MCCARTHY of Missouri, Mr. SMITH of New Jersey, Mr. CHABOT, Mr. FOSSELLA, Mr. FRELINGHUYSEN, Ms. JACKSON-LEE of Texas, Mr. GOODLATTE, Mr. THORNBERRY, Mr. ISAKSON, Mr. ROHRABACHER, Mr. LINDER, Mr. VITTER, Mr. BOEHLERT, Mr. HAYWORTH, and Mr. KING of New York.
H. Res. 760: Mr. TANCREDO, Mr. HEFLEY, Ms. HARRIS, Mr. LINDER, Mr. MCHUGH, Mr. DEUTSCH, Mr. HOEFFEL, and Mr. CARDIN.

¶85.37 PETITIONS, ETC.

Under clause 3 of rule XII,

104. The SPEAKER presented a petition of the Kentucky Interim Joint Committee on Agriculture and Natural Resources, relative to a resolution petitioning the President and Congress of the United States to support and enact legislation establishing a tobacco buyout program; which was referred to the Committee on Agriculture.

MONDAY, SEPTEMBER 13, 2004 (86)

¶86.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. COLE, who laid before the House the following communication:

WASHINGTON, DC,
September 13, 2004.

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

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

¶86.2 MESSAGE FROM THE SENATE

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

S. 1368. An Act to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

S. Con. Res. 127. A concurrent resolution representing the sense of Congress that the President should designate September 11 as a national day of voluntary service, charity, and compassion.

¶86.3 MORNING-HOUR DEBATE

The SPEAKER pro tempore, Mr. COLE, pursuant to the order of the House of Tuesday, January 20, 2004, recognized Members for morning-hour debate.

¶86.4 RECESS—12:46 P.M.

The SPEAKER pro tempore, Mr. COLE, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 46 minutes p.m., until 2 o'clock p.m.

¶86.5 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. ADERHOLT, called the House to order.

¶86.6 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. ADERHOLT, announced he had examined and approved the Journal of the proceedings of Thursday, September 9, 2004.

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

¶86.7 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

9526. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Exempt Commercial Markets — received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9527. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Importation of Unmanufactured Wood Articles From Mexico [Docket No. 98-054-3] (RIN: 0579-AB02) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9528. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Brucellosis in Cattle; State and Area Classifications; Missouri [Docket No. 01-015-2] received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9529. A letter from the Director, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Department of the Treasury, transmitting the Department's final rule — Community Reinvestment Act Regulations [Docket No. 04-17] (RIN: 1557-AC86); Federal Reserve System [Regulation BB; Docket No. R-1205]; Federal Deposit Insurance Corporation (RIN: 3064-AC82); Department of the Treasury, Office of Thrift Supervision [No. 2004-28] (RIN: 1550-AB91) received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9530. A letter from the Senior Paralegal, Regulations, Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule — Assessments and Fees [No. 2004-29] (RIN: 1550-AB47) received July 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9531. A letter from the Assist. General Counsel for Regulations, Office of the General Counsel, Department of Education, transmitting the Department's final rule — Safe Schools/Healthy Students (RIN: 1865-ZA02) received August 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9532. A letter from the Assist. General Counsel for Regulations, Office of the General Counsel, Department of Education, transmitting the Department's final rule — Office of Safe and Drug-Free Schools; Notice of Final Priority and Other Application Requirements [CFDA 84.184E] received August 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9533. A letter from the Assist. General Counsel for Regulations, Office of the General Counsel, Department of Education, transmitting the Department's final rule — Office of Safe and Drug-Free Schools — Mentoring Programs (RIN: 1865-ZA00) received August 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9534. A letter from the Assistant General Counsel for Regulatory Services, Office of the CFO, Department of Education, transmitting the Department's final rule — Direct Grant Programs (RIN: 1890-AA09) received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9535. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Direct Grant Programs

(RIN: 1890-AA09) received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9536. A letter from the Deputy Assistant Secretary for Policy, Department of Labor, transmitting the Department's final rule — Electronic Registration Requirements for Investment Advisers To Be Investment Managers Under Title I of ERISA (RIN: 1210-AA94) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9537. A letter from the Assistant Secretary for Administration and Management, Department of Labor, transmitting the Department's final rule — Revision for the Department of Labor Acquisition Regulations (RIN: 1291-AA34) received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9538. A letter from the Director, Corporate Policy and Research Dept., Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Emloyer Plans; Interest Assumptions for Valuing and Paying Benefits — received July 12, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9539. A letter from the FMCSA Regulatory Officer, Department of Transportation, transmitting the Department's final rule — Parts and Accessories Necessary for Safe Operation; Fuel Systems [DOT Docket No. FMCSA-02-13589] (RIN: 2126-AA80) received June 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9540. A letter from the Deputy Division Chief, Pricing Policy Division, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — Federal-State Joint Conference On Accounting Issues [WC Docket No. 02-269]; 2000 Biennial Regulatory Review—Comprehensive Review of the Accounting Requirements and ARMIS Reporting Requirements for Incumbent Local Exchange Carriers: Phase II [CC Docket No. 00-199]; Jurisdictional Separations Reform and Referral to the Federal-State Joint Board [CC Docket No. 80-286]; Local Competition and Broadband Reporting [CC Docket No. 99-301] received August 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9541. A letter from the Assistant Administrator for Procurement, National Aeronautical and Space Administration, transmitting the Administration's final rule — NASA Grant and Cooperative Agreement Handbook—Property Reporting (RIN: 2700-AC79) received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

9542. A communication from the President of the United States, transmitting notification to terminate the national emergency with respect to Iraq in Executive Order 12722 of August 2, 1990, modified in Executive Order 13290 of March 20, 2003, Executive Order 13303 of May 22, 2003, and Executive Order 13315 of August 28, 2003, pursuant to 50 U.S.C. 1622(a); (H. Doc. No. 108—213); to the Committee on International Relations and ordered to be printed.

9543. A letter from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule — Cuban Assets Control Regulations — received June 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9544. A letter from the Assistant Secretary for Export Administration, Bureau of Industy and Security, Department of Commerce, transmitting the Department's final rule — Clarification of Export Controls on Military Vehicles and Parts [Docket No. 040810235-4235-01] (RIN: 0694-AC91) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9545. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates; Proposed Rule (RIN: 1400-AB94) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9546. A letter from the Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting the Office's ''Major'' final rule — Voluntary Early Retirement Under the Homeland Security Act of 2002 (RIN: 3206-AJ82) received June 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9547. A letter from the Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting the Office's final rule — Organization of the Government For Personnel Management, Overseas Employment, Temporary and Term Employment, Recruitment and Selection For Temporary and Term Appointments Outside the Register, Examining System, and Training (RIN: 3206-AJ99) received June 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9548. A letter from the Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting the Office's ''Major'' final rule — Voluntary Early Retirement Under the Homeland Security Act of 2002 (RIN: 3206-AJ82) received June 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9549. A letter from the Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting the Office's final rule — Organization of the Government For Personnel Management, Overseas Employment, Temporary and Term Employment, Recruitment and Selection For Temporary and Term Appointments Outisde the Register, Examining System, and Training (RIN: 3206-AJ99) received June 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9550. A letter from the Under Secretary and Director, Patent and Trademark Office, Department of Commerce, transmitting the Department's final rule — Changes in the Requirements for Amendment and Correction of Trademark Registrations [Docket No. 2003-T-023] (RIN: 0651-AB67) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9551. A letter from the Director, Regulations and Forms Services, Bureau of Citizenship and Immigration Services, Department of Homeland Security, transmitting the Department's final rule — Employment Authorization Documents [BCIS No. 2152-01] (RIN: 1615-AA63) Recieved July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9552. A letter from the Acting Director, National Institute of Standards and Technology, Department of Commerce, transmitting the Department's final rule — Procedures for Implementation of the National Construction Safety Team Act [Docket No. 030421094-4155-02] (RIN: 0693-AB53) received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

9553. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Re-Issuance of NASA FAR Supplement Subchapter F (RIN: 2700-AC86) received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

9554. A letter from the Director, Regulations Management, Office of Regulation Policy and Management, Veterans Benefits Administration, Department of Veterans transmitting the Department's final rule — Additional Disability or Death Due to Hospital Care, Medical or Surgical Treatment, Examination, Training and Rehaiblitation Services, or Compensated Work Therapy Program (RIN: 2900-AK77) received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

9555. A letter from the Director, Regulations Management, Office of Regulation Policy and Management, Veterans Health Administration, Department of Veterans Affairs, transmitting the Department's final rule — Copayments for Extended Care Services (RIN: 2900-AL49) received June 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

9556. A letter from the Director, Regulations Management, Office of Regulation Policy and Management, National Cemetery Administration, Department of Veterans transmitting the Department's final rule — Eligibility for Burial in a National Cemetery for Surviving Spouses Who Remarry and New Philippine Scouts (RIN: 2900-AM00) received June 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

¶86.8 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. ADERHOLT, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 10, 2004.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 10, 2004 at 9:25 a.m.:

That the Senate passed without amendment H.R. 361.

That the Senate agreed to House amendments S. 2634.

Appointments:

Helping to Enhance the Livelihood of People (HELP).

Around the Globe Commission.

Ticket to Work and Work Incentives Advisory Panel.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶86.9 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. ADERHOLT, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 10, 2004.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 10, 2004 at 11:55 a.m.:

That the Senate passed without amendment H.R. 3908.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶86.10 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. ADERHOLT, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 10, 2004.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on September 10, 2004 at 1 p.m. and said to contain a message from the President whereby he transmits a copy of a notice extending the emergency as a result of the September 11, 2001, terrorist attacks.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶86.11 CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO TERROR THREATS

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. Consistent with this provision, I have sent to the Federal Register the enclosed notice, stating that the emergency declared with respect to the terrorist attacks on the United States of September 11, 2001, is to continue in effect for an additional year.

The terrorist threat that led to the declaration on September 14, 2001, of a national emergency continues. For this reason, I have determined that it is necessary to continue in effect after September 14, 2004, the national emergency with respect to the terrorist threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 10, 2004.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 108–212).

¶86.12 HONORING THE LATE COMMANDER LLOYD ''PETE'' BUCHER

Mr. AKIN moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 407):

Whereas on January 28, 2004, Commander Lloyd ''Pete'' Bucher, United States Navy (retired), died and was subsequently buried with honors at Fort Rosecrans National Cemetery in Point Loma, San Diego, California;

Whereas Lloyd Bucher was appointed as a commissioned officer in the Navy in June 1953 and in May 1967 was assigned command of the U.S.S. Pueblo (AGER–2), an auxiliary light cargo ship designated as an environmental research vessel;

Whereas the U.S.S. Pueblo, while under the command of Commander Bucher and in international waters conducting an intelligence mission off the coast of North Korea, was attacked by three North Korean torpedo boats and a North Korean sub chaser on January 23, 1968;

Whereas the U.S.S. Pueblo was armed only with two .50-caliber machine guns, and the attack resulted in the death of one Navy sailor and the capture of Commander Bucher, his crew, and the U.S.S. Pueblo;

Whereas Commander Bucher and his crew were starved and tortured for 11 months, and were repeatedly beaten, burned on steam radiators, and otherwise brutally treated by their North Korean captors;

Whereas Commander Bucher bore the brunt of the wrath of the North Koreans;

Whereas crewman James Kell said, ''We were all beaten, we all were tortured. But [Commander Bucher] had it double, triple, quadruple what we got.'';

Whereas crewman Stu Russell said, ''[Commander Bucher] was a giant. No matter who did what, he was always punished. I simply don't know where he got the strength and courage to go through what he did.'';

Whereas on December 23, 1968, the crew of the U.S.S. Pueblo was released, some of whom were crippled or nearly blind because of the brutality and malnourishment they endured;

Whereas Commander Bucher retired from the Navy in 1973; and

Whereas Commander Bucher is survived by his wife, Rose, their two sons, and several grandchildren: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) salutes the life and courage of the late Commander Lloyd ''Pete'' Bucher, United States Navy (retired), who commanded the U.S.S. Pueblo (AGER–2) at the time of its capture by North Korea on January 23, 1968, and who passed away on January 28, 2004;

(2) praises Commander Bucher for his exemplary bravery and sacrifice, which were an inspiration to his crew and the United States, while he and his crew were held in captivity for 11 months in North Korea;

(3) praises the bravery of the crew of the U.S.S. Pueblo; and

(4) expresses its heartfelt sympathy to the family and friends of Commander Bucher.

The SPEAKER pro tempore, Mr. ADERHOLT, recognized Mr. AKIN and Ms. BORDALLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. ADERHOLT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶86.13 HUMAN RIGHTS AND CIVIL LIBERTIES OF SYRIAN PEOPLE

Ms. ROS-LEHTINEN moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 363); as amended:

Whereas the Syrian Arab Republic is governed by an authoritarian regime which continues to commit serious human rights abuses, including the use of torture and arbitrary arrest and detention;

Whereas the Department of State's Country Reports on Human Rights Practices for 2003 states that Syria ''significantly restricts freedom of speech and of the press'', that ''freedom of assembly does not exist under the law'', and that ''the Government restricted freedom of association'';

Whereas Article 19 of the Universal Declaration of Human Rights states ''Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.'';

Whereas Article 20 of the Universal Declaration of Human Rights states ''Everyone has the right to freedom of peaceful assembly and association.'';

Whereas Syria's September 2001 press law permits the government to arbitrarily deny or revoke publishing licenses for vague reasons and compels media to submit all material to government censors;

Whereas Syrian authorities have arrested, or, in the case of foreigners, expelled two journalists for writing critically about Syria's policies;

Whereas Human Rights Watch and Amnesty International have reported that the security forces of Syria are targeting emerging Syrian human rights organizations, as well as their attorneys, in an apparent attempt to intimidate those organizations;

Whereas on March 8, 2004, Syrian security forces arrested more than 30 human rights dissidents and civilians at a sit-in in front of the parliament;

Whereas a United States diplomat who was watching the peaceful demonstrations was also arrested and held for an hour in what the United States Government called an unacceptable violation of diplomatic practice and which the United States protested ''in the strongest terms'';

Whereas Article 7 of the Universal Declaration of Human Rights states ''All are equal before the law and are entitled without any discrimination to equal protection of the law.'';

Whereas the criminal law of Syria provides for reduced sentences in cases of ''honor'' killings, and spousal rape is not illegal;

Whereas the infringement by Syria on human rights and civil liberties extends into the Lebanese Republic, which it continues to occupy in violation of United Nations Security Council resolutions;

Whereas Human Rights Watch, in its 2003 World Report, stated that ''political activists in Lebanon continued to demand the withdrawal of all Syrian forces from the country and organized demonstrations throughout the year, many of which the internal security forces dispersed forcibly'';

Whereas hundreds of Lebanese civilians are believed to have been killed or ''disappeared'' by Syrian occupation forces or its secret police;

Whereas hundreds of Kurdish civilians were injured or killed in clashes with the Syrian authorities that began on March 12, 2004, in Qamishli, a city in northeastern Syria and, according to Syrian Kurdish sources, security forces used live ammunition against unarmed civilians; and

Whereas human rights and democracy groups in Syria have sponsored a petition urging greater freedoms and the release of all political prisoners, which has garnered more than 6,000 signatures: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) condemns the consistent pattern of gross violations of internationally recognized human rights by the Government of the Syrian Arab Republic;

(2) calls on the international community to adopt a resolution at the upcoming session of the United Nations General Assembly which details the dismal human rights record of Syria;

(3) expresses its support for the people of Syria in their daily struggle for freedom, respect for human rights and civil liberties, democratic self-governance, and the establishment of the rule of law;

(4) encourages the President and the Secretary of State to reach out to dissidents, human rights activists, and the nonviolent democratic opposition in Syria, and to assist them in their efforts; and

(5) urges the adoption and pursuit of these and other policies to seek a democratic government in Syria that will—

(A) bring freedom and democracy to the people of Syria;

(B) cease the illegal occupation by Syria of the Lebanese Republic;

(C) abandon support for terrorism by Syria;

(D) not pursue research, development, acquisition, production, transfer, or deployment of biological, chemical, or nuclear weapons, will provide credible assurances that such behavior will not be undertaken in the future, and will agree to allow United Nations and other international observers to verify such assurances; and

(E) live in peace and security with the international community.

The SPEAKER pro tempore, Mr. ADERHOLT, recognized Ms. ROS-LEHTINEN and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. ADERHOLT, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. ADERHOLT, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶86.14 FREEDOM IN HONG KONG

Ms. ROS-LEHTINEN moved to suspend the rules and agree to the following resolution (H. Res. 667):

Whereas according to the April 1, 2004, report by the Department of State entitled U.S.-Hong Kong Policy Act Report, ''The United States has strong interests in the protection of human rights and the promotion of democratic institutions throughout the world. The Hong Kong people share many values and interests with Americans and have worked to make Hong Kong a model of what can be achieved in a society based on the rule of law and respect for civil liberties'';

Whereas according to section 103(3) of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5713(3)), ''The United States should continue to treat Hong Kong as a territory which is fully autonomous from the United Kingdom and, after June 30, 1997, should treat Hong Kong as a territory which is fully autonomous from the People's Republic of China with respect to economic and trade matters.'';

Whereas the People's Republic of China has frustrated the gradual and orderly process toward universal suffrage and the democratic election of the legislature and chief executive in Hong Kong as envisioned by the Basic Law of the Hong Kong SAR; and

Whereas on April 6, 2004, the Standing Committee of the National People's Congress of the People's Republic of China declared itself, as opposed to the people of Hong Kong, the final arbiter of democratic reform and, on April 26, 2004, declared that universal suffrage would not apply to the election of the third Chief Executive in 2007 or to the election of all members of the fourth Legislative Council in 2008: Now, therefore, be it

Resolved, That the House of Representatives—

(1) declares that the people of Hong Kong should be free to determine the pace and scope of constitutional developments; and

(2) calls upon the President of the United States to—

(A) call upon the People's Republic of China, the National People's Congress, and any groups appointed by the Government of the People's Republic of China to guarantee that all revisions of Hong Kong law reflect the wishes of the people of Hong Kong as expressed through a fully democratically elected legislature and chief executive;

(B) declare that the continued lack of a fully democratically elected legislature in Hong Kong is contrary to the vision of democracy set forth in the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong, done at Beijing on December 19, 1984 (the Sino-British Joint Declaration of 1984); and

(C) call upon the Government of the People's Republic of China to honor its treaty obligations under the Sino-British Joint Declaration of 1984.

The SPEAKER pro tempore, Mr. ADERHOLT, recognized Ms. ROS-LEHTINEN and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. ADERHOLT, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. ADERHOLT, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶86.15 CONDEMNING TERRORIST ATTACKS AGAINST RUSSIAN FEDERATION

Mr. ROYCE moved to suspend the rules and agree to the following resolution (H. Res. 760):

Whereas on August 24, 2004, 2 Russian passenger airliners, Sibir Airlines Flight 1047 and Volga-Avia Express Flight 1303, exploded nearly simultaneously from bombs believed to have been carried aboard by passengers, killing 90 people;

Whereas on August 31, 2004, a suicide bomber attacked the Rizhskaya subway station in Moscow, killing 10 people and injuring 51;

Whereas on September 1, 2004, a group of approximately 30 terrorists seized Middle School No. 1 in Beslan, Russia, on the first day of school;

Whereas more than 1,180 parents, teachers, and children were held hostage for 52 hours with no food or water;

Whereas this act of terrorism resulted in more than 335 dead, including 156 children, hundreds wounded and 190 still unaccounted for;

Whereas terrorist actions during the standoff were grotesque and cruel;

Whereas this attack parallels tactics used by terrorist groups around the world, including extensive preparations, the simultaneity of attacks requiring coordination, and the use of suicide bombers;

Whereas the terrorists possessed sophisticated weapons and training, including camouflage, gas masks, trained dogs, specialized sniper cartridges, and grenade launchers;

Whereas the attacks were reportedly planned by Shamil Basayev, a Chechen rebel commander, and financed by Abu Omar as-Seyf, a radical Islamic Wahabite, believed to be associated with al-Qaeda;

Whereas these 3 attacks represent an unparalleled level of barbarity against the Russian Federation;

Whereas the United States has provided medical supplies, medicine, and other equipment to help doctors cope with the injured in these attacks;

Whereas terrorism in the 21st century flows across national borders; and

Whereas the school children and people of Beslan, Russia have now joined the people of New York City, Moscow, Karachi, Jerusalem, Madrid, Bali, and many other places around the globe as victims of international terrorism: Now, therefore, be it—

Resolved, That the House of Representatives—

(1) deplores the series of terrorist attacks against the Russian Federation that occurred in late August and early September 2004;

(2) expresses its heartfelt condolences to the families of the individuals murdered in the terrorist attacks, expresses its sympathies to the individuals injured in the attacks, and conveys its hope for the rapid and complete recovery of all such injured individuals; and

(3) stands in solidarity with the Russian people in efforts to combat terrorism throughout the world.

The SPEAKER pro tempore, Mr. ADERHOLT, recognized Mr. ROYCE and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution.

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PETRI, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶86.16 NATIONAL ARCHIVES AND RECORDS ADMINISTRATION EFFICIENCY

Mr. PUTNAM moved to suspend the rules and pass the bill (H.R. 3478) to amend title 44, United States Code, to improve the efficiency of operations by the National Archives and Records Administration; as amended.

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. PUTNAM and Mrs. MALONEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to amend title 44, United States Code, to improve the efficiency of operations by the National Archives and Records Administration and to reauthorize the National Historical Publications and Records Commission.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶86.17 ARCHIE SPIGNER POST OFFICE BUILDING

Mr. TURNER of Ohio moved to suspend the rules and pass the bill (H.R. 4632) to designate the facility of the United States Postal Service located at 19504 Linden Boulevard in St. Albans, New York, as the ''Archie Spigner Post Office Building''.

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. TURNER of Ohio and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶86.18 HONORING FORMER PRESIDENT WILLIAM JEFFERSON CLINTON ON 58TH BIRTHDAY

Mr. TURNER of Ohio moved to suspend the rules and agree to the following resolution (H. Res. 717), as amended:

Whereas former President William Jefferson Clinton was born in Hope, Arkansas, on August 19, 1946;

Whereas William Jefferson Clinton attended Georgetown University as an undergraduate and received a Rhodes Scholarship in 1968;

Whereas William Jefferson Clinton received a law degree from Yale University in 1973;

Whereas William Jefferson Clinton established a record of public service as Attorney General of Arkansas, Governor of Arkansas, and Chairman of the National Governors Association;

Whereas William Jefferson Clinton campaigned for and won the Democratic nomination for President in 1992;

Whereas William Jefferson Clinton was elected the 42d President of the United States in 1992 and was reelected for a second term in 1996;

Whereas during William Jefferson Clinton's time in office the United States experienced 8 years of economic expansion, job growth and the transformation of a budget deficit into a budget surplus;

Whereas William Jefferson Clinton rallied the members of the North Atlantic Treaty Organization to put an end to ethnic cleansing in the Balkans and to depose the murderous regime of Slobodan Milosevic, actions which eventually led to the signing of the Dayton Peace Accords;

Whereas William Jefferson Clinton played a major role in the Good Friday Peace Accords which finally brought peace to war-torn Northern Ireland; and

Whereas, in the words of President George W. Bush, William Jefferson Clinton ''showed a deep and far-ranging knowledge of public policy, a great compassion for people in need, and the forward-looking spirit the Americans like in a President'': Now, therefore, be it

Resolved, That the House of Representatives honors former President William Jefferson Clinton on the occasion of his 58th birthday on August 19, 2004, and extends best wishes to him and his family.

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. TURNER of Ohio and Mrs. MALONEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶86.19 THOMAS E. CREEK DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER

Mr. SMITH of New Jersey moved to suspend the rules and pass the bill (H.R. 4836) to name the Department of Veterans Affairs medical center in Armarillo, Texas, as the ''Thomas E. Creek Department of Veterans Affairs Medical Center''.

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. SMITH of New Jersey and Ms. Corrine BROWN of Florida, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶86.20 THOMAS P. NOONAN, JR., DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

Mr. SMITH of New Jersey moved to suspend the rules and pass the bill (H.R. 1318) to name the Department of Veterans Affairs outpatient clinic in Sunnyside, Queens, New York, as the ''Thomas P. Noonan, Jr., Department of Veterans Affairs Outpatient Clinic.

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. SMITH of New Jersey and Ms. Corrine BROWN of Florida, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶86.21 CASTILLO DE SAN MARCOS NATIONAL MONUMENT PRESERVATION AND EDUCATION

Mr. RADANOVICH moved to suspend the rules and pass the bill (H.R. 2457) to authorize funds for an education center for the Castillo de San Marcos National Monument, and for other purposes; as amended.

The SPEAKER pro tempore, Mrs. BLACKBURN, recognized Mr. RADANOVICH and Ms. BORDALLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. BLACKBURN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶86.22 UNIVERSITY OF MIAMI LAND USE

Mr. RADANOVICH moved to suspend the rules and pass the bill (H.R. 4027) to authorize the Secretary of Commerce to make available to the University of Miami property under the administrative jurisdiction of the National Oceanic and Atmospheric Administration on Virginia Key, Florida, for use by the University for a Marine Life Science Center; as amended.

The SPEAKER pro tempore, Mrs. BLACKBURN, recognized Mr. RADANOVICH and Ms. BORDALLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. BLACKBURN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶86.23 WILSON'S CREEK NATIONAL BATTLEFIELD BOUNDARY ADJUSTMENT

Mr. RADANOVICH moved to suspend the rules and pass the bill (H.R. 4481) to amend Public Law 86-434 established Wilson's Creek National Battlefield in the State of Missouri to expand the boundaries of the park, and for other purposes; as amended.

The SPEAKER pro tempore, Mrs. BLACKBURN, recognized Mr. RADANOVICH and Ms. BORDALLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. BLACKBURN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶86.24 JOHN H. CHAFEE COAST BARRIER BOUNDARIES

Mr. RADANOVICH moved to suspend the rules and pass the bill (H.R. 3056) to clarify the boundaries of the John H. Chafee Coast Barrier Resources System Cedar Keys Unit P25 on Otherwise Protected Area P25P; as amended.

The SPEAKER pro tempore, Mrs. BLACKBURN, recognized Mr. RADANOVICH and Ms. BORDALLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. BLACKBURN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶86.25 HARPER'S FERRY NATIONAL HISTORICAL PARK BOUNDARY

Mr. RADANOVICH moved to suspend the rules and pass the bill of the Senate (S. 1576) to revise the boundary of Harper's Ferry National Historical Park, and for other purposes.

The SPEAKER pro tempore, Mrs. BLACKBURN, recognized Mr. RADANOVICH and Ms. BORDALLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. BLACKBURN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶86.26 LOCAL JUDICIAL STRUCTURE OF GUAM

Mr. RADANOVICH moved to suspend the rules and pass the bill (H.R. 2400) to amend the Organic Act of Guam for the purposes of clarifying the local judicial structure of Guam.

The SPEAKER pro tempore, Mrs. BLACKBURN, recognized Mr. RADANOVICH and Ms. BORDALLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. BLACKBURN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶86.27 SMALL BUSINESS INVESTMENT

Mrs. CAPITO moved to suspend the rules and pass the bill (H.R. 5008) to provide an additional temporary extension of programs under the Small Business Investment Act of 1958 though September 30, 2004, and for other purposes.

The SPEAKER pro tempore, Mr. FLAKE, recognized Mrs. CAPITO and Ms. VELAZQUEZ, each for 20 minutes.

After debate,

The question being put, viva voce,

The SPEAKER pro tempore, Mr. FLAKE, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶86.28 RECESS—5:27 P.M.

The SPEAKER pro tempore, Mr. FLAKE, pursuant to clause 12(a) of rule I, declared the House in recess at 5 o'clock and 27 minutes p.m., until approximately 6:30 p.m.

¶86.29 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mr. WALDEN of Oregon, called the House to order.

¶86.30 H. CON. RES. 363—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WALDEN of Oregon, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 363) expressing the grave concern of Congress regarding the continuing gross violations of human rights and civil liberties of the Syrian people by the Government of the Syrian Arab Republic; as amended.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 342; Nays ..... 0; Answered present 1 }

¶86.31 [Roll No. 441]

YEAS—342

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Becerra
Bell
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Eshoo
Etheridge
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herseth
Hill
Hinojosa
Hobson
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (OK)
Maloney
Manzullo
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Turner (OH)
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Watson
Watt
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Waters

NOT VOTING—90

Ackerman
Baker
Ballenger
Beauprez
Biggert
Bishop (UT)
Boehlert
Boozman
Brown (OH)
Burr
Cannon
Capuano
Carson (OK)
Carter
Clay
Conyers
Crowley
DeMint
Emerson
Engel
English
Evans
Everett
Frost
Gephardt
Gerlach
Goss
Grijalva
Gutierrez
Hastings (FL)
Herger
Hinchey
Hoeffel
Hoekstra
Houghton
Inslee
Isakson
Johnson, E. B.
Kaptur
Kennedy (RI)
Kleczka
Kucinich
Langevin
LaTourette
Lipinski
Lucas (KY)
Lynch
Majette
Markey
Matsui
McGovern
McInnis
McKeon
Murtha
Neal (MA)
Nethercutt
Owens
Pascrell
Paul
Peterson (PA)
Pryce (OH)
Quinn
Rangel
Regula
Rogers (KY)
Rogers (MI)
Sabo
Sanders
Sandlin
Saxton
Schakowsky
Schrock
Serrano
Simpson
Slaughter
Smith (MI)
Smith (WA)
Stark
Sweeney
Tauzin
Taylor (MS)
Taylor (NC)
Thompson (MS)
Toomey
Towns
Turner (TX)
Udall (NM)
Vitter
Waxman
Weiner

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A concurrent resolution expressing the grave concern of Congress regarding the continuing gross violations of human rights and civil liberties of the Syrian and Lebanese people by the Government of the Syrian Arab Republic.''.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶86.32 H. RES. 667—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WALDEN of Oregon, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 667) expressing support for freedom in Hong Kong.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 345; Nays ..... 0; Answered present 1 }

¶86.33 [Roll No. 442]

YEAS—345

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Becerra
Bell
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Eshoo
Etheridge
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herseth
Hill
Hinojosa
Hobson
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (OK)
Maloney
Manzullo
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering

Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Turner (OH)
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Watson
Watt
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Waters

NOT VOTING—87

Ackerman
Baker
Ballenger
Beauprez
Biggert
Bishop (UT)
Boehlert
Boozman
Brown (OH)
Burr
Cannon
Capuano
Carson (OK)
Carter
Clay
Conyers
Crowley
DeMint
Emerson
Engel
English
Evans
Everett
Frost
Gephardt
Gerlach
Goss
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Herger
Hinchey
Hoeffel
Hoekstra
Houghton
Inslee
Isakson
Johnson, E. B.
Kaptur
Kennedy (RI)
Kleczka
Kucinich
Langevin
LaTourette
Lipinski
Lucas (KY)
Lynch
Majette
Markey
Matsui
McGovern
McInnis
Murtha
Neal (MA)
Nethercutt
Owens
Pascrell
Paul
Peterson (PA)
Pryce (OH)
Quinn
Rogers (KY)
Rogers (MI)
Sabo
Sandlin
Saxton
Schakowsky
Schrock
Serrano
Slaughter
Smith (MI)
Smith (WA)
Stark
Sweeney
Tauzin
Taylor (MS)
Taylor (NC)
Thompson (MS)
Toomey
Towns
Turner (TX)
Udall (NM)
Vitter
Waxman
Weiner
Wilson (NM)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶86.34 H. RES. 760—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WALDEN of Oregon, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 760) condemning the series of terrorist attacks against the Russian Federation that occurred in late August and early September 2004.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 347 / Nays 0

¶86.35 [Roll No. 443]

YEAS—347

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Becerra
Bell
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Eshoo
Etheridge
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herseth
Hill
Hinojosa
Hobson
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (OK)
Maloney
Manzullo
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Turner (OH)
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—86

Ackerman
Baker
Ballenger
Beauprez
Biggert
Bishop (UT)
Boehlert
Boozman
Brown (OH)
Burr
Cannon
Capuano
Carson (OK)
Carter
Clay
Conyers
Crowley
DeMint
Emerson
Engel
English
Evans
Everett
Frost
Gephardt
Gerlach
Goss
Grijalva
Gutierrez
Hastings (FL)
Herger
Hinchey
Hoeffel
Hoekstra
Houghton
Inslee
Isakson
Johnson, E. B.
Kaptur
Kennedy (RI)
Kleczka
Kucinich
Langevin
Lipinski
Lucas (KY)
Lynch
Majette
Markey
Matsui
McGovern
McInnis
Miller, George
Murtha
Neal (MA)
Nethercutt
Owens
Pascrell
Paul
Peterson (PA)
Pryce (OH)
Quinn
Rogers (KY)
Rogers (MI)
Sabo
Sandlin
Saxton
Schakowsky
Schrock
Serrano
Slaughter
Smith (MI)
Smith (WA)
Stark
Sweeney
Tauzin
Taylor (MS)
Taylor (NC)
Thompson (MS)
Toomey
Towns
Turner (TX)
Udall (NM)
Vitter
Waxman
Weiner
Woolsey

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶86.36 GRATITUDE TO BOSTON AND NEW YORK CITY FOR 2004 NATIONAL POLITICAL CONVENTIONS

Mr. NEY moved to suspend the rules and agree to the following resolution (H. Res. 765):

Whereas the Democratic National Convention was held from July 26 through July 29, 2004, in Boston, Massachusetts;

Whereas the Republican National Convention was held from August 30 through September 2, 2004, in New York City, New York;

Whereas Mayor Thomas M. Menino, the Boston 2004 Host Committee, and the people of Boston, including a large number of dedicated volunteers, were extremely gracious in their hospitality;

Whereas Mayor Michael R. Bloomberg, the New York City Host Committee 2004, and the people of New York City, including a large number of dedicated volunteers, were extremely gracious in their hospitality;

Whereas Police Commissioner Kathleen M. O'Toole and the entire Boston Police Department went to extraordinary lengths to keep Boston safe throughout the duration of the Democratic Convention;

Whereas Police Commissioner Raymond W. Kelly and the entire New York City Police

Department went to extraordinary lengths to keep New York safe throughout the duration of the Republican Convention;

Whereas countless city, State, regional, and nationwide agencies cooperated to ensure the safety of each Convention, including the United States Capitol Police, which assisted the local jurisdictions, and the United States Secret Service, which coordinated Federal anti-terrorism and counter-terrorism assets for each of the Conventions as National Security Special Events;

Whereas Members of Congress, delegates from across the Nation, and other interested parties participated in the Conventions and benefited from the secure environments; and

Whereas millions of Americans watched, heard, or read about the Conventions and thereby participated in our national political process: Now, therefore, be it

Resolved, That the House of Representatives thanks, pays tribute to, and expresses gratitude to all of those who assisted in the significant hospitality, logistical, and security efforts to successfully execute the 2004 national political conventions in Boston, Massachusetts, and New York City, New York.

The SPEAKER pro tempore, Mr. WALDEN of Oregon, recognized Mr. NEY and Mr. LARSON of Connecticut, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. WALDEN of Oregon, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶86.37 PROVIDING FOR THE CONSIDERATION OF H.R. 4571

Mr. SESSIONS, by direction of the Committee on Rules, reported (Rept. No. 108–684) the resolution (H. Res. 766) providing for consideration of the bill (H.R. 4571) to amend rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶86.38 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1368. An Act to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement; to the Committee on Financial Services.

¶86.39 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BERMAN, for June 18 through 25;

To Mr. BOOZMAN, for today;

To Mr. FROST, for today;

To Mr. GERLACH, for today;

To Ms. PRYCE of Ohio, for today;

To Ms. SLAUGHTER, for today and balance of the week; and

To Mr. TAUZIN, for today and balance of the week.

And then,

¶86.40 ADJOURNMENT

On motion of Mr. TANCREDO, at 11 o'clock and 33 minutes p.m., the House adjourned.

¶86.41 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 784. A bill to amend the Federal Water Pollution Control Act to Authorize appropriations for sewer overflow control grants; with an amendment (Rept. 108–675). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 4470. A bill to amend the Federal Water Pollution Control Act to extend the authorization of appropriations for the Lake Pontchartrain Basin Restoration Program from fiscal year 2005 to 2010 (Rept. 108–676). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure, H.R 4688. A bill to amend the Federal Water Pollution Control Act to reauthorize the Chesapeake Bay Program (Rept. 108–677). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure, H.R 4731. A bill to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program (Rept. 108–678). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R 1084. A bill to provide liability protection to nonprofit volunteer pilot organizations flying for public benefit and to the pilots and staff of such organizations: with an amendment (Rept. 108–679). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 3369. A bill to provide immunity for nonprofit athletic organizations in lawsuits arising from claims of ordinary negligence relating to the passage or adoption of rules for athletic competitions and practices (Rept. 108–681). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 4571. A bill to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes; with an amendment (Rept. 108–682). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 4658. A bill to amend the Servicemembers Civil Relief Act to make certain improvements and technical corrections to that Act; with amendments (Rept. 108–683). Referred to the Committee of the Whole House on the State of the Union.

Mr. SESSIONS: Committee on Rules. House Resolution 766. Resolution providing for consideration of the bill (H.R. 4571) to amend rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes (Rept. 108–684). Referred to the House Calendar.

¶86.42 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. NORWOOD (for himself and Mr. ANDREWS):

H.R. 5063. A bill to amend the Federal Employees' Compensation Act to cover services provided to injured Federal workers by physician assistants and nurse practitioners, and for other purposes; to the Committee on Education and the Workforce.

By Mr. KENNEDY of Minnesota:

H.R. 5064. A bill to prohibit the giving or acceptance of payment for the placement of a child, or obtaining consent to adoption; to the Committee on the Judiciary.

By Mrs. CHRISTENSEN:

H.R. 5065. A bill to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands; to the Committee on Resources.

By Mr. SESSIONS:

H.R. 5066. A bill to strengthen and enhance the prevention and prosecution of crimes using weapons of mass destruction, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAYS:

H.R. 5067. A bill to amend title 4 of the United States Code to prohibit the double taxation of telecommuters and others who work at home; to the Committee on the Judiciary.

By Mr. THORNBERRY (for himself and Ms. LOFGREN):

H.R. 5068. A bill to amend the Homeland Security Act of 2002 to enhance cybersecurity, and for other purposes; to the Committee on Homeland Security (Select), and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THORNBERRY (for himself and Ms. LOFGREN):

H.R. 5069. A bill to enhance homeland security science and technology, and for other purposes; to the Committee on Science, and in addition to the Committee on Homeland Security (Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEXLER:

H. Con. Res. 490. Concurrent resolution wishing William Jefferson Clinton a speedy recovery and acknowledging the importance of further research, funding, programs, and public education regarding heart disease; to the Committee on Energy and Commerce.

By Mr. REYNOLDS (for himself, Mr. MATSUI, Mr. HASTERT, Mr. DELAY, Ms. PELOSI, Mr. BLUNT, Mr. HOYER, Ms. PRYCE of Ohio, Mr. MENENDEZ, Mr. MARKEY, Mr. FRANK of Massachusetts, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. MEEHAN, Mr. DELAHUNT, Mr. MCGOVERN, Mr. TIERNEY, Mr. CAPUANO, Mr. LYNCH, Mr. RANGEL, Mr. BOEHLERT, Mr. OWENS, Mr. TOWNS, Mr. ACKERMAN, Mr. HOUGHTON, Ms. SLAUGHTER, Mr.

ENGEL, Mrs. LOWEY, Mr. MCNULTY, Mr. WALSH, Mr. SERRANO, Mr. NADLER, Mr. HINCHEY, Mr. KING of New York, Mrs. MALONEY, Mr. MCHUGH, Mr. QUINN, Ms. VELAZQUEZ, Mrs. KELLY, Mrs. MCCARTHY of New York, Mr. FOSSELLA, Mr. MEEKS of New York, Mr. CROWLEY, Mr. SWEENEY, Mr. WEINER, Mr. ISRAEL, and Mr. BISHOP of New York):

H. Res. 765. A resolution expressing gratitude to the cities of Boston, Massachusetts, and New York City, New York, for their extraordinary hospitality and successful planning and hosting of the 2004 national political conventions; to the Committee on House Administration. considered and agreed to.

By Mr. BURTON of Indiana (for himself and Mr. WEXLER):

H. Res. 767. A resolution condemning the terrorist attack in Jakarta, Indonesia, that occurred on September 9, 2004; to the Committee on International Relations.

By Mr. GALLEGLY (for himself, Mr. LANTOS, Mr. PITTS, Mr. ROHRABACHER, Mr. CROWLEY, Mr. SOUDER, Mr. BROWN of Ohio, Mr. PENCE, Mr. SMITH of New Jersey, Mr. WOLF, Ms. ROS-LEHTINEN, Mr. WEXLER, Mr. SHERMAN, Mr. TANCREDO, Mr. FALEOMAVAEGA, and Mr. GREEN of Wisconsin):

H. Res. 768. A resolution calling on the United Nations Security Council to immediately consider and take appropriate action to respond to the growing threat that the ruling State Peace and Development Council in Burma poses to the Southeast Asia region and to the people of Burma; to the Committee on International Relations.

By Mr. MEEHAN:

H. Res. 769. A resolution providing for the consideration of the bill (H.R. 2038) to reauthorize the assault weapons ban, and for other purposes; to the Committee on Rules.

¶86.43 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. MCKEON introduced a bill (H.R. 5070) for the relief of Ana Maria Moncayo-Gigax; which was referred to the Committee on the Judiciary.

¶86.44 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 175: Mr. COX.
H.R. 645: Mr. SMITH of Washington.
H.R. 792: Mr. WELLER.
H.R. 918: Mr. CRAMER, Mr. FILNER, Mr. MCHUGH, Mr. ANDREWS, Mr. REYES, Mr. MICHAUD, Ms. BERKLEY, Ms. MCCARTHY of Missouri, Mr. TOWNS, Mr. CUMMINGS, Mrs. KELLY, Mr. BELL, Mr. PLATTS, Mr. ALLEN, and Mr. KENNEDY of Rhode Island.
H.R. 1084: Mr. COBLE.
H.R. 1089: Mr. FROST, Mr. OWENS, Ms. LEE, Mr. GRIJALVA, and Mr. SANDERS.
H.R. 1160: Mr. HULSHOF and Mr. BURGESS.
H.R. 1322: Ms. ESHOO.
H.R. 1534: Mr. MCINTYRE.
H.R. 1873: Mr. FEENEY.
H.R. 2028: Mr. NEUGEBAUER.
H.R. 2333: Mr. RADANOVICH.
H.R. 2627: Mr. TERRY.
H.R. 2628: Mr. MCINTYRE.
H.R. 2724: Ms. SCHAKOWSKY.
H.R. 2868: Mr. BURR.
H.R. 3063: Mr. DELAHUNT.
H.R. 3242: Mr. HOLDEN and Ms. ESHOO.
H.R. 3352: Mr. SMITH of Washington.
H.R. 3436: Mr. MOORE.
H.R. 3455: Mr. ANDREWS and Mr. REYES.
H.R. 3484: Mr. SCHIFF.
H.R. 3579: Mr. ROHRABACHER and Mr. BURTON of Indiana.
H.R. 3767: Mr. PAYNE and Mr. SPRATT.
H.R. 3802: Mr. LOBIONDO.
H.R. 3805: Mr. STARK.
H.R. 4035: Mr. HOEFFEL.
H.R. 4052: Mr. MEEHAN.
H.R. 4110: Mr. WAXMAN and Ms. ESHOO.
H.R. 4111: Mr. LARSEN of Washington and Mr. CUMMINGS.
H.R. 4214: Mr. WEINER.
H.R. 4232: Mr. THORNBERRY.
H.R. 4256: Mr. CARDIN.
H.R. 4306: Mr. BOUCHER.
H.R. 4325: Mr. RAHALL.
H.R. 4343: Mr. GILLMOR.
H.R. 4354: Mrs. CHRISTENSEN.
H.R. 4366: Ms. SCHAKOWSKY.
H.R. 4571: Mr. SHAYS and Mr. BROWN of South Carolina.
H.R. 4597: Mr. ALLEN.
H.R. 4610: Mr. ISRAEL and Mr. GILCHREST.
H.R. 4634: Mr. BONNER and Ms. HARRIS.
H.R. 4658: Mr. FILNER, Mr. GUTIERREZ, Ms. CORRINE BROWN of Florida, Mr. RYAN of Ohio, Ms. HERSETH, and Ms. BORDALLO.
H.R. 4701: Mr. ANDREWS.
H.R. 4772: Mr. LEVIN, Mr. BLUMENAUER, Mr. MENENDEZ, Mr. ETHERIDGE, and Mr. VAN HOLLEN.
H.R. 4849: Mr. PAUL and Mr. CANTOR.
H.R. 4875: Mr. SCOTT of Georgia and Mr. MCINTYRE.
H.R. 4881: Mr. LEWIS of Georgia and Ms. LEE.
H.R. 4902: Mr. MARSHALL, Mr. GOODE, and Mr. JOHN.
H.R. 4944: Mr. REHBERG.
H.R. 4956: Mr. GUTIERREZ, Mr. JEFFERSON, and Mr. BRADY of Pennsylvania.
H.R. 4961: Mr. MCHUGH.
H.R. 4978: Mr. MCGOVERN.
H.R. 5024: Mr. SCOTT of Georgia.
H.R. 5027: Mr. DEUTSCH.
H.R. 5040: Ms. JACKSON-LEE of Texas.
H.R. 5061: Mr. PENCE.
H.J. Res. 98: Ms. ESHOO.
H. Con. Res. 213: Mr. KENNEDY of Rhode Island.
H. Con. Res. 306: Ms. CARSON of Indiana.
H. Con. Res. 321: Mr. KING of New York.
H. Con. Res. 392: Mr. BLUMENAUER.
H. Con. Res. 402: Mr. SENSENBRENNER.
H. Con. Res. 473: Mr. GILCHREST and Mr. WOLF.
H. Res. 103: Ms. DELAURO.
H. Res. 174: Mr. KENNEDY of Rhode Island.
H. Res. 556: Mr. LEWIS of California.
H. Res. 690: Mr. FARR, Mr. DICKS and Ms. LINDA T. SANCHEZ of California.
H. Res. 717: Ms. CARSON of Indiana.
H. Res. 744: Mr. MCDERMOTT.
H. Res. 755: Mr. FROST.
H. Res. 760: Mr. WEXLER.

TUESDAY, SEPTEMBER 14, 2004 (87)

The House was called to order at 9 a.m. by the SPEAKER, when, pursuant to the order of the House of Tuesday, January 20, 2004, Members were recognized for morning-hour debate.

¶87.1 RECESS—9:21 A.M.

The SPEAKER pro tempore, Mr. CARTER, pursuant to clause 12(a) of rule I, declared the House in recess at 9 o'clock and 21 minutes a.m., until 10 a.m.

¶87.2 AFTER RECESS—10 A.M.

The SPEAKER pro tempore, Mr. OSE, called the House to order.

¶87.3 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. OSE, announced he had examined and approved the Journal of the proceedings of Monday, September 13, 2004.

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

¶87.4 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

9557. A communication from the President of the United States, transmitting requests for additional emergency FY 2004 supplemental appropriations for the Departments of Defense, Health and Human Services, Homeland Security, Housing and Urban Development, the Interior, and Veterans Affairs, the Corps of Engineers, the National Aeronautics and Space Administration, the Small Business Administration, and the Executive Office of the President; (H. Doc. No. 108–215); to the Committee on Appropriations and ordered to be printed.

9558. A letter from the Chairman, Commission on Review of Overseas Military Facility Structure of the United States, transmitting as prescribed by Congress, a copy of the Commission's charter, pursuant to 10 U.S.C. 111 note, Public Law 108–132, section 128(b)(3)(A), (117 Stat. 1383); to the Committee on Armed Services.

9559. A letter from the Acting Comptroller, Department of Defense, transmitting a notice that the Department of the Navy is pursing a multiyear procurement (MYP) for fiscal year 2004 through fiscal year 2008, pursuant to Public Law 108–87 and Public Law 108–136; to the Committee on Armed Services.

9560. A letter from the Legal Advisor to Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Rutland, Vermont) [MB Docket No. 02–66; RM–10252] received September 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9561. A letter from the Legal Advisor to Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Anchorage, Alaska) [MB Docket No. 04–189; RM–10962] received September 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9562. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Keeseville, New York, Hartford and White River Junction, Vermont) [MM Docket No. 02–23; RM–10359] received September 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9563. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Crawfordville, Georgia) [MB Docket No. 02–225; RM–10517] received September 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9564. A letter from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Implementation of Section 25 of the Cable Television Consumer Protection and Competition Act of 1992; Direct Broadcast Satellite Public Interest Obligations; Sua Sponte Reconsideration [MM Docket No.

93–25] received September 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9565. A letter from the Secretary, Department of Commerce, transmitting a six-month report prepared by the Department of Commerce's Bureau of Industry and Security on the national emergency declared by Executive Order 13222 of August 17, 2001, to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979, pursuant to 50 U.S.C. 1641(c) 50 U.S.C. 1703(c); to the Committee on International Relations.

9566. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States transmitted to the Congress within a sixty day period after the execution thereof as specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(b); to the Committee on International Relations.

9567. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of an unauthorized retransfer of U.S.-origin defense articles pursuant to Section 3(e) of the Arms Export Control Act (AECA); to the Committee on International Relations.

9568. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to Section 620C(c) of the Foreign Assistance Act of 1961, as amended, and in accordance with section 1(a)(6) of Executive Order 13313, a report prepared by the Department of State and the National Security Council on the progress toward a negotiated solution of the Cyprus question covering the period June 1, 2004 through July 31, 2004; to the Committee on International Relations.

9569. A letter from the Assistant Secretary for Fish, Wildlife, and Parks, Department of the Interior, transmitting a draft bill ''To adjust the boundary of Lowell National Historical Park, and for other purposes''; to the Committee on Resources.

¶87.5 PROVIDING FOR THE CONSIDERATION OF H.R. 4571

Mr. SESSIONS, by direction of the Committee on Rules, called up the following resolution (H. Res. 766):

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 4571) to amend rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes. The bill shall be considered as read for amendment. The amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; (2) the further amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Turner of Texas or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Mr. SESSIONS, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. OSE, announced that the yeas had it.

Mr. McGOVERN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. OSE, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶87.6 NONPROFIT ATHLETIC ORGANIZATION PROTECTION

Mr. SENSENBRENNER moved to suspend the rules and pass the bill (H.R. 3369) to provide immunity for nonprofit athletic organizations in lawsuits arising from claims of ordinary negligence relating to the passage or adoption of rules for athletic competitions and practices.

The SPEAKER pro tempore, Mr. OSE, recognized Mr. SENSENBRENNER and Mr. SCOTT of Virginia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. OSE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SENSENBRENNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. OSE, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶87.7 GOOD SAMARITAN VOLUNTEER FIREFIGHTER ASSISTANCE

Mr. SENSENBRENNER moved to suspend the rules and pass the bill (H.R. 1787) to remove civil liability barriers that discourage the donation of fire equipment to volunteer fire companies; as amended.

The SPEAKER pro tempore, Mr. OSE, recognized Mr. SENSENBRENNER and Mr. SCOTT of Virginia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. OSE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SENSENBRENNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. OSE, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶87.8 VOLUNTEER PILOT ORGANIZATION

Mr. SENSENBRENNER moved to suspend the rules and pass the bill (H.R. 1084) to provide liability protection to nonprofit volunteer pilot organizations flying for public benefit and to the pilots and staff of such organizations; as amended.

The SPEAKER pro tempore, Mr. OSE, recognized Mr. SENSENBRENER and Mr. SCOTT of Virginia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. OSE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SENSENBRENNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. OSE, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶87.9 H. RES. 766—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. OSE, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the resolution (H. Res. 766) providing for consideration of the bill (H.R. 4571) to amend rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes.

The question being put,

Will the House agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative	Yeas	228
	Nays	165

¶87.10 [Roll No. 444]

YEAS—228

Aderholt	Chocola	Franks (AZ)
Akin	Coble	Frelinghuysen
Alexander	Cole	Gallegly
Bachus	Collins	Garrett (NJ)
Baker	Cooper	Gerlach
Barrett (SC)	Cox	Gibbons
Bartlett (MD)	Cramer	Gilchrest
Barton (TX)	Crane	Gillmor
Bass	Crenshaw	Gingrey
Biggert	Cubin	Goode
Bilirakis	Culberson	Goodlatte
Bishop (UT)	Cunningham	Granger
Blunt	Davis (CA)	Graves
Boehner	Davis (TN)	Green (WI)
Bonilla	Davis, Jo Ann	Gutknecht
Bono	Davis, Tom	Hall
Boozman	Deal (GA)	Harris
Boyd	DeLay	Hart
Bradley (NH)	DeMint	Hastings (WA)
Brady (TX)	Diaz-Balart, L.	Hayes
Brown (SC)	Diaz-Balart, M.	Hayworth
Brown-Waite, Ginny	Doolittle	Hefley
	Dreier	Hensarling
Burgess	Duncan	Herger
Burns	Dunn	Hobson
Burr	Ehlers	Hoekstra
Burton (IN)	Emerson	Holden
Buyer	English	Hostettler
Calvert	Everett	Hulshof
Camp	Feeney	Hyde
Cantor	Ferguson	Isakson
Capito	Flake	Israel
Carter	Foley	Issa
Castle	Forbes	Jenkins
Chabot	Fossella	Johnson (CT)

Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McKeon
McNulty
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Osborne
Ose
Otter
Pascrell
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—165

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Costello
Cummings
Davis (AL)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinchey
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Jones (OH)
Kanjorski
Kilpatrick
Kind
Kucinich
Lampson
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Pallone
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Sherman
Skelton
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—40

Ackerman
Ballenger
Beauprez
Blackburn
Boehlert
Bonner
Cannon
Clay
Clyburn
Conyers
Crowley
Engel
Gephardt
Goss
Greenwood
Hastings (FL)
Hinojosa
Hoeffel
Houghton
Hunter
Istook
Johnson, E. B.
Kaptur
Kennedy (RI)
Kleczka
Langevin
McInnis
Owens
Oxley
Pryce (OH)
Quinn
Rogers (KY)
Rohrabacher
Schrock
Serrano
Slaughter
Tauzin
Towns
Velázquez
Whitfield

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶87.11 H.R. 3369—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. DUNCAN, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3369) to provide immunity for nonprofit athletic organizations in lawsuits arising from claims of ordinary negligence relating to the passage or adoption of rules for athletic competitions and practices.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 217 / Nays 176

¶87.12 [Roll No. 445]

YEAS—217

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

NAYS—176

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Clyburn
Cooper
Costello
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Dooley (CA)
Doyle
Emanuel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hill
Hinchey
Hinojosa
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
King (NY)
Kucinich
Lampson
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Otter
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sherman
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOT VOTING—40

Ackerman
Ballenger
Beauprez
Blackburn
Boehlert
Bonner
Cannon
Clay
Conyers
Crowley
Dicks
Dunn
Engel
Gephardt
Goss
Greenwood
Hastings (FL)
Hoeffel
Houghton
Hunter
Issa
Istook
Johnson, E. B.
Kennedy (RI)
Kleczka
Langevin
McInnis
Owens
Pryce (OH)
Rogers (KY)
Rohrabacher
Ruppersberger
Schrock

Serrano
Slaughter
Smith (MI)
Tauzin
Towns
Velázquez
Whitfield

So, less than two-thirds of the Members present having voted in favor thereof, the rules were not suspended and said bill was not passed.

¶87.13 H.R. 1787—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. DUNCAN, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1787) to remove civil liability barriers that discourage the donation of fire equipment to volunteer fire companies; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 397 / Nays 3

¶87.14 [Roll No. 446]

YEAS—397

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—3

Nadler
Paul
Scott (VA)

NOT VOTING—33

Ackerman
Ballenger
Beauprez
Blackburn
Boehlert
Bonner
Cannon
Clay
Conyers
Crowley
Engel
Gephardt
Goss
Greenwood
Harris
Hastings (FL)
Hoeffel
Houghton
Hunter
Johnson, E. B.
Kennedy (RI)
Kleczka
Langevin
McInnis
Owens
Rogers (KY)
Schrock
Serrano
Slaughter
Tauzin
Towns
Velázquez
Whitfield

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶87.15 H.R. 1085—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. DUNCAN, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1084) to provide liability protection to nonprofit volunteer pilot organizations flying for public benefit and to the pilots and staff of such organizations; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 385 / Nays 12

¶87.16 [Roll No. 447]

YEAS—385

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

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

NAYS—12

Hinchey
Lofgren
Manzullo
Markey
Nadler
Paul
Peterson (MN)
Ryan (OH)
Stark
Terry
Waters
Wexler

NOT VOTING—36

Ackerman
Bachus
Ballenger
Beauprez
Blackburn
Boehlert
Bonner
Cannon
Clay
Conyers
Crowley
Diaz-Balart, M.
Engel
Gephardt
Goss
Greenwood
Hastings (FL)
Hoeffel
Houghton
Hunter
Issa
Johnson, E. B.
Kennedy (RI)
Kleczka
Langevin
McInnis
Owens
Rogers (KY)
Ros-Lehtinen
Schrock
Serrano
Slaughter
Tauzin
Towns
Velázquez
Whitfield

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶87.17 LAWSUIT ABUSE REDUCTION

Mr. SENSENBRENNER, pursuant to House Resolution 766, called up the bill (H.R. 4571) to amend rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes.

Pending consideration of said bill.

Pursuant to House Resolution 766, the following amendment recommended by the Committee on the Judiciary now printed in the bill was considered as agreed to.

After debate,

Pursuant to House Resolution 766, the previous question was ordered on the bill, as amended, and on the further amendment in the nature of a substitute.

The question being put, viva voce,

Will the House agree to said further amendment in the nature of a substitute?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the nays had it.

Mr. TURNER of Texas demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 177 / Nays 226

¶87.18 [Roll No. 448]

YEAS—177

Abercrombie
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Cooper
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dooley (CA)
Doyle
Duncan
Edwards
Emanuel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Kucinich
Lampson
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lynch
Majette
Maloney
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sherman
Skelton
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—226

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

NOT VOTING—30

Ackerman
Ballenger
Blackburn
Boehlert
Bonner
Cannon
Conyers
Crowley
Engel
Gephardt
Goss
Greenwood
Hastings (FL)
Istook
Johnson, E. B.
Kennedy (RI)
Kleczka
Langevin
Marshall
McInnis
Miller (FL)
Owens
Radanovich
Schrock
Serrano
Slaughter
Tauzin
Towns
Velázquez
Whitfield

So the further amendment in the nature of a substitute was not agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Ms. DELAURO moved to recommit the bill to the Committee on the Judiciary with instructions to report the bill back to the House forthwith with the following amendment:

Section 4, insert at the end the following new subsection:

(e) NOT APPLICABLE TO BENEDICT ARNOLD CORPORATIONS.—

(1) IN GENERAL.—To the extent the defendant is a Benedict Arnold corporation, this section does not apply, notwithstanding subsection (d).

(2) DEFINITIONS.—For purposes of this subsection:

(A) The term ''Benedict Arnold corporation'' means a foreign corporation that acquires a domestic corporation in a corporate repatriation transaction.

(B) The term ''corporate repatriation transaction'' means any transaction in which—

(i) a foreign corporation acquires substantially all of the properties held by a domestic corporation;

(ii) shareholders of the domestic corporation, upon such acquisition, are the beneficial owners of securities in the foreign corporation that are entitled to 50 percent or more of the votes on any issue requiring shareholder approval; and

(iii) the foreign corporation does not have substantial business activities (when compared to the total business activities of the corporate affiliated group) in the foreign country in which the foreign corporation is organized.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the nays had it.

Ms. DELAURO demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 196 / Nays 211

¶87.19 [Roll No. 449]

AYES—196

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Cooper
Costello
Cramer
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Edwards
Emanuel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Goode
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Kucinich
Lampson
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Northup
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sherman
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—211

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

NOT VOTING—26

Ackerman
Ballenger
Blackburn
Boehlert
Bonner
Cannon
Conyers
Crowley
Engel
Gephardt
Hastings (FL)
Johnson, E. B.
Kennedy (RI)
Kleczka
Langevin
Marshall
McInnis
Miller (FL)
Owens
Schrock
Serrano
Slaughter
Tauzin
Towns
Velázquez
Whitfield

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Mr. SENSENBRENNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 229 / Nays 174

¶87.20 [Roll No. 450]

YEAS—229

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blunt
Boehner
Bonilla
Bono
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, M.
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCotter
McCrery
McHugh
McKeon
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley

Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—174

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carson (IN)
Chandler
Clay
Clyburn
Cooper
Costello
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Emanuel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
King (NY)
Kucinich
Lampson
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Schakowsky
Schiff
Scott (VA)
Sherman
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—30

Ackerman
Ballenger
Blackburn
Boehlert
Bonner
Cannon
Conyers
Crowley
Engel
Frelinghuysen
Gephardt
Gordon
Hastings (FL)
John
Johnson, E. B.
Kennedy (RI)
Kleczka
Langevin
Marshall
McInnis
Miller (FL)
Owens
Sanders
Schrock
Serrano
Slaughter
Tauzin
Towns
Velázquez
Whitfield

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶87.21 PROVIDING FOR THE CONSIDERATION OF H.R. 5025

Mr. REYNOLDS, by direction of the Committee on Rules, reported (Rept. No. 108–686) the resolution (H. Res. 770) providing for consideration of the bill (H.R. 5025) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶87.22 PROVIDING FOR THE CONSIDERATION OF H.R. 5025

Mr. REYNOLDS, by direction of the Committee on Rules, called up the following resolution (H. Res. 770):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5025) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The question being put, viva voce,

Will the House consider said resolution?

The SPEAKER pro tempore, Mr. SIMPSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the House considered said resolution

After debate,

Mr. REYNOLDS moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. MATHESON objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 235 / Nays ..... 170 }

¶87.23 [Roll No. 451]

YEAS—235

Abercrombie
Akin
Andrews
Baca
Bachus
Barton (TX)
Bass
Berman
Biggert
Bilirakis
Bishop (GA)
Blumenauer
Blunt
Boehner
Bonilla
Bono
Brady (PA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Buyer
Calvert
Camp
Cantor
Capuano
Cardin
Carter
Clay
Clyburn
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (FL)
Davis (IL)
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Ehlers
Emanuel
Eshoo
Everett
Farr
Fattah
Feeney
Ferguson
Foley
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gonzalez
Goodlatte
Goss
Granger
Green (TX)
Grijalva
Gutierrez
Gutknecht
Harman
Hastings (WA)
Hefley
Herger
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Honda
Houghton
Hoyer
Hunter
Hyde
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, Sam
Jones (OH)
Kanjorski
Kennedy (RI)
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Lowey
Lucas (OK)
Maloney
Manzullo
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McDermott
McHugh
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moran (VA)
Murtha
Myrick
Nadler
Neal (MA)
Ney
Nunes
Oberstar
Olver
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Pickering
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rangel
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Saxton
Schakowsky
Scott (GA)
Scott (VA)
Sessions
Shadegg
Shaw
Sherman
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Solis
Souder
Spratt
Stark
Sweeney
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Turner (OH)
Van Hollen
Velázquez
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—170

Aderholt
Alexander
Allen
Baird
Baldwin
Barrett (SC)
Bartlett (MD)
Beauprez
Becerra
Bell
Berkley
Berry
Bishop (NY)
Bishop (UT)
Boozman
Boswell
Boucher
Boyd

Bradley (NH)
Brady (TX)
Brown (OH)
Burgess
Burns
Burr
Capito
Capps
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Chandler
Chocola
Coble
Costello
Davis (CA)
Davis (TN)
Davis, Jo Ann
DeFazio
DeMint
Deutsch
Doggett
Duncan
Edwards
Emerson
English
Etheridge
Evans
Filner
Flake
Forbes
Ford
Fossella
Franks (AZ)
Gerlach
Gibbons
Gingrey
Goode
Gordon
Graves
Green (WI)
Hall
Harris
Hart
Hayes
Hayworth
Hensarling
Herseth
Hill
Holden
Holt
Hooley (OR)
Hostettler
Hulshof
Inslee
Isakson
Jenkins
John
Johnson (CT)
Johnson (IL)
Jones (NC)
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kind
Kucinich
LaHood
Lampson
Latham
Lewis (KY)
LoBiondo
Lofgren
Lucas (KY)
Lynch
Majette
Marshall
Matheson
McCollum
McGovern
McIntyre
Mica
Michaud
Miller (NC)
Moore
Moran (KS)
Murphy
Musgrave
Napolitano
Neugebauer
Northup
Norwood
Nussle
Obey
Ose
Paul
Pearce
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Renzi
Rogers (AL)
Rogers (MI)
Ross
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schiff
Sensenbrenner
Shays
Shimkus
Shuster
Simmons
Smith (WA)
Snyder
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Tiahrt
Tierney
Toomey
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Vitter
Walden (OR)
Wamp
Wu

NOT VOTING—28

Ackerman
Baker
Ballenger
Blackburn
Boehlert
Bonner
Burton (IN)
Cannon
Conyers
Crowley
Engel
Gephardt
Greenwood
Hastings (FL)
Johnson, E. B.
Kleczka
Langevin
McInnis
Miller (FL)
Nethercutt
Owens
Schrock
Serrano
Sherwood
Slaughter
Tauzin
Towns
Whitfield

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶87.24 TRANSPORTATION APPROPRIATIONS FY 2005

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to House Resolution 770 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5025) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005, and for other purposes.

The SPEAKER pro tempore, Mr. SIMPSON, by unanimous consent, designated Mr. GILLMOR as Chairman of the Committee of the Whole; and after some time spent therein,

¶87.25 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 3, submitted by Mr. OXLEY:

Strike section 216 (relating to identification accepted by financial institutions).

It was decided in the affirmative { Yeas ..... 222 / Nays 177

¶87.26 [Roll No. 452]

AYES—222

Abercrombie
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehner
Boswell
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Cantor
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Castle
Clyburn
Cooper
Costello
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Edwards
Ehlers
Emanuel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Ford
Frank (MA)
Frost
Gilchrest
Gillmor
Gonzalez
Gordon
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hart
Hastings (FL)
Hastings (WA)
Hensarling
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jones (OH)
Kanjorski
Kaptur
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kolbe
Kucinich
LaHood
Lampson
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pickering
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Rangel
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sherman
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Toomey
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Walsh
Waters
Watson
Watt
Waxman
Weller
Wexler
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Wynn

NOES—177

Aderholt
Akin
Alexander
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bilirakis
Bishop (UT)
Blackburn
Bonilla
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Capito
Carson (OK)
Carter
Case
Chabot
Chandler
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeFazio
DeLay
DeMint
Doolittle
Duncan
Emerson
Feeney
Ferguson
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Holden
Hostettler
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
King (IA)
Kingston
Kirk
Kline
Knollenberg
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Manzullo
Marshall
McCotter
McHugh
McIntyre
McKeon
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Otter
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Taylor (NC)
Thomas
Thornberry
Tiahrt
Turner (OH)
Upton
Visclosky
Vitter
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wolf
Young (FL)

NOT VOTING—34

Ackerman
Baker
Ballenger
Boehlert
Bonner
Cannon
Clay
Conyers
Crowley
Dunn
Engel
Everett
Gephardt
Goss
Houghton
John
Johnson, E. B.
Kleczka
Langevin
McInnis
Miller (FL)
Murtha
Nethercutt
Owens
Rogers (MI)
Schrock
Serrano
Sherwood
Slaughter
Tauzin
Taylor (MS)
Towns
Weiner
Young (AK)

So the amendment was agreed to.

¶87.27 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Ms. DELAURO:

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

SEC. 647. None of the funds made available in this Act may be used to enter into any contract with an incorporated entity where such entity's sealed bid or competitive proposal shows that such entity is incorporated or chartered in Bermuda, Barbados, the Cayman Islands, Antigua, or Panama.

It was decided in the negative ..... { Yeas ..... 189 / Nays 211

¶87.28 [Roll No. 453]

AYES—189

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Bass
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Chandler
Clyburn
Cooper
Costello
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Doyle
Duncan
Edwards
Emanuel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Goode
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hayes
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kucinich
Lampson
Lantos
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller, George
Mollohan
Moore
Nadler
Napolitano
Neal (MA)
Northup
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Shays
Sherman
Simmons
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Stark
Stearns
Stenholm
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Watson
Watt
Waxman
Wexler
Woolsey
Wu
Wynn

NOES—211

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

NOT VOTING—33

Ackerman
Baker
Ballenger
Boehlert
Bonner
Cannon
Clay
Conyers
Crowley
Dunn
Engel
Everett
Gephardt
Goss
Houghton
John
Johnson, E. B.
Kleczka
Langevin
McInnis
Miller (FL)
Murtha
Nethercutt
Owens
Schrock
Serrano
Sherwood
Slaughter
Tauzin
Taylor (MS)
Towns
Weiner
Young (AK)

So the amendment was not agreed to.

¶87.29 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mrs. KELLY:

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

SEC. . The amounts otherwise provided by this Act are revised by increasing the amount made available for ''Financial Crimes Enforcement Network—Salaries and Expenses''; and reducing the amount made available for ''General Services Administration—Real Property Activities—Federal Buildings Fund'' (consisting of a reduction of $12,750,000 in the amount made available for rental of space and a reduction of $12,750,000 in the amount made available for building operations); by $25,500,000.

It was decided in the affirmative ..... { Yeas ..... 360 / Nays 37

¶87.30 [Roll No. 454]

AYES—360

Abercrombie
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Cole
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Edwards
Ehlers
Emanuel
Emerson
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kline
Kolbe
Kucinich
LaHood
Lampson
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Murphy
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo

Tanner
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weldon (PA)
Weller
Wexler
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOES—37

Aderholt
Burton (IN)
Coble
Collins
Cunningham
Davis, Tom
Deal (GA)
Duncan
Goode
Hayes
Hostettler
Istook
Johnson, Sam
Jones (NC)
King (IA)
Kingston
Knollenberg
Lewis (CA)
Mollohan
Moran (VA)
Myrick
Norwood
Oberstar
Olver
Pastor
Paul
Petri
Pickering
Sabo
Smith (MI)
Terry
Visclosky
Waters
Weldon (FL)
Whitfield
Wicker
Wilson (SC)

NOT VOTING—36

Ackerman
Baker
Ballenger
Boehlert
Bonilla
Bonner
Cannon
Clay
Conyers
Crowley
Dunn
Engel
English
Everett
Gephardt
Goss
Houghton
John
Johnson, E. B.
Kleczka
Langevin
Matsui
McInnis
Miller (FL)
Murtha
Nethercutt
Owens
Schrock
Serrano
Sherwood
Slaughter
Tauzin
Taylor (MS)
Towns
Weiner
Young (AK)

So the amendment was agreed to.

The SPEAKER pro tempore, Mr. KLINE, assumed the Chair.

When Mr. HASTINGS of Washington, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶87.31 ORDER OF BUSINESS—FURTHER CONSIDERATION OF H.R. 5025

On motion of Mr. ISTOOK, by unanimous consent,

Ordered, That during further consideration of the H.R. 5025, in the Committee of the Whole pursuant to House Resolution 770, no amendment to the bill may be offered except: pro forma amendments offered at any point by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate; amendment numbered 1; amendment numbered 2, which shall be debatable for one hour; amendment numbered 5, which shall be debatable for 40 minutes; an amendment by Mr. Istook regarding GSA; an amendment by Mr. Olver regarding Federal Motor Vehicle Safety Standards, which shall be debatable for 30 minutes; an amendment by Mr. Olver regarding the IRS or regarding election reform, which shall be debatable for 20 minutes; an amendment by Mr. Brown of Ohio regarding the definition of manufacturing; an amendment by Mr. Van Hollen regarding OMB circular A-76, which shall be debatable for 20 minutes; an amendment by Ms. Capito regarding private collection, which shall be debatable for 20 minutes; an amendment by Mr. Flake regarding Cuba, which shall be debatable for one hour; an amendment by Mr. Delahunt regarding Cuba; an amendment by Mr. Rangel regarding Cuba; an amendment by Ms. Lee regarding Cuba; an amendment by Ms. Waters regarding Cuba; an amendment by Mr. Stenholm regarding the debt limit, which shall be debatable for 20 minutes; an amendment by Mr. Gutierrez regarding the Comptroller of the Currency, which shall be debatable for 30 minutes; an amendment by Mr. Moran of Virginia regarding chapter 89 of title 5 of the United States Code, which shall be debatable for 20 minutes; an amendment by Mr. Butterfield on disadvantaged business enterprises; an amendment by Ms. Norton regarding Federal employee health benefit plans.

Ordered further, That each amendment may be offered only by the Member named in the request or a designee, or the Member who caused it to be printed or a designee; shall be considered as read; shall not be subject to amendment except pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations for the purpose of debate; and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. Except as specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

¶87.32 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. EVERETT, for today after 6 p.m. and balance of the week; and

To Ms. Eddie Bernice JOHNSON of Texas, for today.

And then,

¶87.33 ADJOURNMENT

On motion of Mr. PEARCE, at 11 o'clock and 44 minutes p.m., the House adjourned.

¶87.34 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. REYNOLDS: Committee on Rules. House Resolution 770. Resolution providing for consideration of the bill (H.R. 5025) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108–686). Referred to the House Calendar.

¶87.35 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2971. Referral to the Committees on Financial Services, and Energy and Commerce, extended for a period ending not later than October 1, 2004.

¶87.36 REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. THOMAS: Committee on Ways and Means. H.R. 2971. A bill to amend the Social Security Act to enhance Social Security account number privacy protections, to prevent fraudulent misuse of the Social Security account number, and to otherwise enhance protection against identity theft, and for other purposes, with an amendment; referred to the Committee on the Judiciary for a period ending not later than October 1, 2004, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X (Rept. 108–685, Pt. 1). Ordered to be printed.

¶87.37 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. PALLONE (for himself, Mr. BILIRAKIS, and Mrs. MALONEY):

H.R. 5071. A bill to amend the International Claims Settlement Act of 1949 to allow for certain claims of nationals of the United States against Turkey, and for other purposes; to the Committee on International Relations, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Florida:

H.R. 5072. A bill making emergency supplemental appropriations for the fiscal year ending September 30, 2004, for additional disaster assistance relating to hurricane damage, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAXMAN (for himself, Mr. SANDERS, Mrs. MALONEY, Mr. CUMMINGS, Mr. KUCINICH, Mr. CLAY, Mr. VAN HOLLEN, Ms. NORTON, Ms. MCCOLLUM, and Mr. MCDERMOTT):

H.R. 5073. A bill to restore and strengthen the laws that provide for an open and transparent Federal Government; to the Committee on Government Reform, and in addition to the Committee on Homeland Security (Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHABOT:

H.R. 5074. A bill to amend the Internal Revenue Code of 1986 to provide a 100 percent deduction for the health insurance costs of individuals; to the Committee on Ways and Means.

By Mr. CONYERS (for himself, Mr. SCOTT of Virginia, and Mr. RANGEL):

H.R. 5075. A bill to encourage successful reentry of incarcerated persons into the community after release, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, Education and the Workforce, Financial Services, Energy and Commerce, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mr. SERRANO, Mr. TOWNS, and Mr. BISHOP of New York):

H.R. 5076. A bill to extend the time for filing certain claims under the September 11th Victim Compensation Fund of 2001, and for other purposes; to the Committee on the Judiciary.

By Mr. NETHERCUTT:

H.R. 5077. A bill to require the conveyance of a small parcel of Federal land in the Colville National Forest, Washington, and for other purposes; to the Committee on Resources.

By Mr. RUPPERSBERGER:

H.R. 5078. A bill to amend the Internal Revenue Code of 1986 to provide incentives for alternative fuels and alternative fuel vehicles; to the Committee on Ways and Means.

By Mr. GREEN of Texas (for himself, Mr. BAIRD, and Mr. DELAHUNT):

H.J. Res. 103. A joint resolution proposing an amendment to the Constitution of the United States to abolish the electoral college and to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. BLUMENAUER (for himself, Mr. TOM DAVIS of Virginia, Mr. MARKEY, Mr. PAYNE, Mr. RYUN of Kansas, and Mr. WALSH):

H. Con. Res. 491. Concurrent resolution recognizing the achievements of the National Captioning Institute in providing closed captioning services to Americans who are deaf or hard-of-hearing; to the Committee on Education and the Workforce.

By Mr. HINCHEY:

H. Con. Res. 492. Concurrent resolution supporting the goals and ideals of Melanoma/Skin Cancer Detection and Prevention Month and Melanoma Day, and for other purposes; to the Committee on Energy and Commerce.

By Mr. VITTER:

H. Con. Res. 493. Concurrent resolution supporting the goals and ideals of National Volunteer Blood Donor Month; to the Committee on Government Reform.

By Mr. SIMMONS (for himself, Mr. COLLINS, Mrs. MILLER of Michigan, Mr. EVANS, Mr. SNYDER, Mr. GIBBONS, and Mr. SKELTON):

H. Res. 771. A resolution expressing the thanks of the House of Representatives and the Nation for the contributions to freedom made by American POW/MIAs on National POW/MIA Recognition Day; to the Committee on Armed Services.

By Mr. WAXMAN (for himself, Mr. MCHUGH, Ms. SCHAKOWSKY, Mr. DINGELL, Mr. RANGEL, Mr. BROWN of Ohio, Mr. CLAY, Ms. ROYBAL-ALLARD, Mr. MCDERMOTT, Mr. OWENS, and Mr. SNYDER):

H. Res. 772. A resolution supporting the goals and ideals of National Long-Term Care Residents' Rights Week and recognizing the importance the Nation of residents of long-term care facilities, including senior citizens and individuals living with disabilities; to the Committee on Government Reform.

By Mr. EDWARDS:

H. Res. 773. A resolution providing for the consideration of the bill (H.R. 4628) to protect consumers in managed care plans and other health coverage; to the Committee on Rules.

By Mr. MEEHAN (for himself, Mr. BILIRAKIS, and Mrs. MALONEY):

H. Res. 774. A resolution commending the people and Government of Greece for the successful completion of the 2004 Summer Olympic Games; to the Committee on International Relations.

By Mr. SHERMAN:

H. Res. 775. A resolution expressing the sense of the House of Representatives with respect to the continuity of Government and the smooth transition of executive power; to the Committee on the Judiciary.

¶87.38 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 97: Mr. ROTHMAN and Mr. KENNEDY of Rhode Island.
H.R. 104: Mr. VAN HOLLEN.
H.R. 141: Mr. BUTTERFIELD.
H.R. 571: Ms. ROS-LEHTINEN.
H.R. 677: Mr. BELL, Ms. CARSON of Indiana, and Mr. ISRAEL.
H.R. 742: Ms. HOOLEY of Oregon and Mr. EVANS.
H.R. 806: Mr. LEWIS of Kentucky.
H.R. 857: Mr. PITTS.
H.R. 953: Ms. HARRIS.
H.R. 962: Mr. DAVIS of Florida and Ms. LORETTA SANCHEZ of California.
H.R. 1064: Mr. WEINER.
H.R. 1101: Mr. SIMMONS.
H.R. 1310: Mr. DEMINT.
H.R. 1406: Mr. COLE.
H.R. 1478: Mr. LARSEN of Washington.
H.R. 1622: Mr. FILNER.
H.R. 1639: Mr. BLUMENAUER.
H.R. 1653: Mr. EDWARDS and Mr. PICKERING.
H.R. 1824: Mr. GEPHARDT.
H.R. 1858: Mr. FATTAH.
H.R. 1930: Ms. SCHAKOWSKY.
H.R. 2034: Mr. UPTON, Mr. CAMP, and Mr. PENCE.
H.R. 2094: Mrs. CUBIN.
H.R. 2265: Mrs. JOHNSON of Connecticut.
H.R. 2353: Mr. BOEHLERT and Mr. MOORE.
H.R. 2387: Mr. MCDERMOTT and Mr. MILLER of North Carolina.
H.R. 2442: Mr. EVANS.
H.R. 2510: Mrs. BONO.
H.R. 2511: Mr. WILSON of South Carolina.
H.R. 2680: Mr. BUTTERFIELD, Mr. SHIMKUS, Mr. FALEOMAVAEGA, Mr. DICKS, Mr. MEEHAN, Mr. DOYLE, Mr. NADLER, Mr. CAPUANO, Mr. COOPER, Mr. FRANKS of Arizona, Mr. VAN HOLLEN, Mr. CHANDLER, Mr. ANDREWS, Mr. MCINTYRE, Mr. STUPAK, Mr. OBERSTAR, Mr. MATSUI, Mr. NEAL of Massachusetts, Mr. OBEY, Ms. SOLIS, Mr. ORTIZ, Mr. KLECZKA, Mr. WAMP, Mr. LYNCH, Mr. HOYER, Mr. EVANS, Ms. ESHOO, Mr. HOLT, Ms. HOOLEY of Oregon, Mr. INSLEE, Ms. DEGETTE, Mr. DEFAZIO, Mrs. TAUSCHER, Mr. UDALL of Colorado, Mrs. NAPOLITANO, Mr. MURTHA, Mr. PASCRELL, and Mr. WU.
H.R. 2699: Mr. ANDREWS.
H.R. 2735: Mr. CALVERT.
H.R. 2821: Mr. EHLERS and Mr. SIMMONS.
H.R. 2968: Mr. SNYDER.
H.R. 3103: Mr. DUNCAN, Mr. DOOLITTLE, Mrs. JO ANN DAVIS of Virginia, and Mr. ORTIZ.
H.R. 3111: Mrs. BONO, Mr. BARTLETT of Maryland, Mr. WYNN, and Mr. CHANDLER.
H.R. 3119: Mr. KLINE.
H.R. 3192: Mr. COSTELLO and Mr. PRICE of North Carolina.
H.R. 3359: Mr. ANDREWS and Mr. HASTINGS of Florida.
H.R. 3455: Mr. WEXLER.
H.R. 3558: Mr. KILDEE.
H.R. 3729: Mr. GUTIERREZ, Mr. JACKSON of Illinois, Mr. LATOURETTE, Ms. DELAURO, Mr. FORD, and Mr. JEFFERSON.
H.R. 3755: Mrs. KELLY.
H.R. 3870: Mr. DOOLITTLE.
H.R. 3929: Mr. ALEXANDER.
H.R. 3993: Ms. HERSETH.
H.R. 4026: Mr. COLE.
H.R. 4051: Mr. PLATTS.
H.R. 4067: Ms. WATSON.
H.R. 4100: Mr. OBERSTAR.
H.R. 4113: Ms. HARRIS.
H.R. 4169: Mr. BOSWELL and Mr. LAHOOD.
H.R. 4232: Mr. STENHOLM.
H.R. 4341: Mr. COSTELLO.
H.R. 4356: Mr. OBERSTAR.
H.R. 4367: Mr. RYAN of Ohio, Mr. WEXLER, and Mr. LARSEN of Washington.
H.R. 4374: Mr. WEXLER.
H.R. 4420: Mr. BEAUPREZ, Mr. BISHOP of Utah, Mr. MORAN of Kansas, Mr. MOLLOHAN, Mr. HOEKSTRA, Mr. SAM JOHNSON of Texas, and Mr. EHLERS.
H.R. 4433: Ms. LEE, Mr. CUMMINGS, Mr. BOYD, and Mr. KING of New York.
H.R. 4578: Mr. LIPINSKI, Mr. SHIMKUS, and Mr. AKIN.
H.R. 4616: Mr. BROWN of Ohio and Mr. CUMMINGS.
H.R. 4622: Mr. OSBORNE.
H.R. 4626: Mr. RAMSTAD and Mr. GINGREY.
H.R. 4628: Mr. ISRAEL and Mr. HOUGHTON.
H.R. 4634: Mr. BURR and Mr. WELDON of Pennsylvania.
H.R. 4689: Mr. PASTOR.
H.R. 4711: Mr. STUPAK.
H.R. 4724: Mr. ETHERIDGE and Mr. GORDON.
H.R. 4779: Mr. COOPER and Mr. HOLDEN.
H.R. 4826: Mr. INSLEE, Mr. UDALL of Colorado, Mr. MCHUGH, and Mr. PORTMAN.
H.R. 4866: Mrs. JOHNSON of Connecticut, Ms. MCCOLLUM, Mr. ENGLISH, and Mr. GILLMOR.
H.R. 4875: Mr. STRICKLAND.
H.R. 4887: Mr. CHANDLER.
H.R. 4889: Mr. RANGEL and Mr. DAVIS of Florida.
H.R. 4924: Mr. BOYD, Mr. MICA, Mr. KELLER, Mr. DAVIS of Florida, Mr. FOLEY, Mr. MEEK of Florida, Ms. ROS-LEHTINEN, Mr. WEXLER, Mr. DEUTSCH, and Mr. HASTINGS of Florida.
H.R. 4927: Ms. BERKLEY, Ms. BALDWIN, and Mr. NETHERCUTT.
H.R. 4928: Ms. BORDALLO and Mr. ACEVEDO-VILA.
H.R. 4936: Mr. WAXMAN, Mr. BROWN of Ohio, Mr. PALLONE, Mrs. CAPPS, Ms. MCCARTHY of Missouri, Mr. ENGEL, Ms. ESHOO, Mr. TOWNS, Mr. JOHN, Mr. GREEN of Texas, and Mr. HOUGHTON.
H.R. 4956: Mr. DUNCAN.
H.R. 5001: Mr. FARR.
H.R. 5040: Mr. SCOTT of Georgia.
H.R. 5053: Mrs. MCCARTHY of New York and Mr. KING of New York.
H.R. 5057: Mrs. MALONEY, Mr. WEXLER, Mr. COOPER, Mr. WALSH, Mr. ETHERIDGE, Mr. STENHOLM, and Mr. MCINTYRE.
H. Con. Res. 111: Ms. CARSON of Indiana.
H. Con. Res. 218: Mr. FEENEY.
H. Con. Res. 468: Ms. JACKSON-LEE of Texas, Mr. MARKEY, Mr. DEFAZIO, Mr. GORDON, Mr. HONDA, Ms. BERKLEY.
H. Con. Res. 475: Mr. MCHUGH and Mr. ACKERMAN.
H. Con. Res. 485: Mr. CASE.
H. Con. Res. 486: Mr. FROST, Mrs. MCCARTHY of New York, Mr. BUYER, Mr. BONNER, and Mr. BISHOP of Georgia.
H. Res. 125: Mr. GILLMOR.
H. Res. 556: Mrs. NAPOLITANO, Mrs. JO ANN DAVIS of Virginia, Mrs. CAPPS, Ms. MILLENDER-MCDONALD, and Mr. PAYNE.
H. Res. 690: Mr. ETHERIDGE.
H. Res. 752: Mr. AKIN, Mr. SMITH of New Jersey, and Mr. KING of Iowa.
H. Res. 761: Mr. BACA, Mr. MORAN of Virginia, Mr. CARSON of Oklahoma, Mr. CANNON, Mr. THOMPSON of California, Mr. WEINER, Mr. STRICKLAND, Mr. SHAYS, Mr. WU, Mr. WAMP, Mr. SHAW, Mr. MCGOVERN, Mr. RUPPERSBERGER, Mr. ROSS, Mr. SNYDER, Ms. LINDA T. SANCHEZ of California, Mrs. NAPOLITANO, Mr. RYAN of Ohio, Mr. WAXMAN, Mr. SCOTT of Georgia, and Mr. OLVER.

WEDNESDAY, SEPTEMBER 15, 2004 (88)

¶88.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. BRADLEY

of New Hampshire, who laid before the House the following communication:

WASHINGTON, DC,
September 15, 2004.

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

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

¶88.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. BRADLEY of New Hampshire, announced he had examined and approved the Journal of the proceedings of Tuesday, September 14, 2004.

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

¶88.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

9570. A letter from the Administrator, FAA, Department of Transportation, transmitting the Administration's third report, as required by the Pilot Records Improvement Act of 1996 (PRIA), pursuant to Public Law 104–264, section 502 49 U.S.C. 44703(h)(12); to the Committee on Transportation and Infrastructure.

9571. A letter from the United States Trade Representative, Executive Office of the President, transmitting consistent with section 2105(a)(1)(B) of the Trade Act of 2002, a description of the change to an existing law that would be required to bring the United States into compliance with the United States-Morocco Free Trade Agreement; to the Committee on Ways and Means.

9572. A letter from the Acting Chief, Publication and Regulations, Internal Revenue Service, transmitting the Service's final rule — Application of Section 904 to Income Subject to Separate Limitations [TD 9141] (RIN: 1545-AX88) received July 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9573. A letter from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Purpose and scope of exception of reorganization exchanges (Rev. Rul. 2004-83) received July 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9574. A letter from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Transfers to Provide for Satisfaction of Contested Liabilities [TD 9140] (RIN: 1545-BA90) received July 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9575. A letter from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability. (Rev. Rul. 2004-87) received July 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9576. A letter from the Acting Chief, Publication and Regulations, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Pul. 2004-84) received July 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9577. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting the Department's notification to Congress of determinations that institutions of higher education have a policy or practice of denying military recruiting personnel entry to campuses, access to students on campus, or access to student recruiting information, pursuant to 10 U.S.C. 983; jointly to the Committees on Armed Services and Education and the Workforce.

9578. A letter from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's Annual Report on the Federal Work Force for Fiscal Year 2003, pursuant to 42 U.S.C. 2000e–4(e); jointly to the Committees on Government Reform and Education and the Workforce.

¶88.4 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 5008. An Act to provide an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through September 30, 2004, and for other purposes.

The message also announced that the Secretary be directed to request the return to the Senate (S. 2261) entitled ''An Act to expand certain preferential trade treatment for Haiti,'' in compliance with a request of the Senate for the return thereof.

The message also announced that pursuant to Public Law 105–292, as amended by Public Law 106–55, and as further amended by Public Law 107–228, the Chair, on behalf of the President pro tempore, upon the recommendation of the Democratic Leader, appoints the following individual to the United States Commission on International Religious Freedom, for a term of two years: Preeta D. Bansal of Nebraska.

¶88.5 TRANSPORTATION APPROPRIATIONS FY 2005

The SPEAKER pro tempore, Mr. BRADLEY of New Hampshire, pursuant to House Resolution 770 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5025) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005, and for other purposes.

Mr. ISAKSON, Acting Chairman, assumed the chair; and after some time spent therein,

¶88.6 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, submitted by Mr. HEFLEY:

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

SEC. _____. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1 percent.

It was decided in the negative { Yeas ..... 69 / Nays ..... 333 }

¶88.7 [Roll No. 455]

AYES—69

Akin	Franks (AZ)	Pence
Barrett (SC)	Gibbons	Petri
Bartlett (MD)	Graves	Pitts
Barton (TX)	Gutknecht	Ramstad
Bass	Hayworth	Reynolds
Beauprez	Hefley	Rogers (MI)
Blackburn	Herger	Rohrabacher
Brady (TX)	Hoekstra	Royce
Burton (IN)	Hostettler	Ryan (WI)
Buyer	Isakson	Sensenbrenner
Chabot	Jenkins	Sessions
Chocola	Jones (NC)	Shadegg
Coble	Kaptur	Shimkus
Collins	Keller	Shuster
Cox	King (IA)	Smith (MI)
Davis (TN)	Lewis (KY)	Stearns
Davis, Jo Ann	Linder	Tancredo
Deal (GA)	Mica	Tanner
DeMint	Musgrave	Taylor (NC)
Diaz-Balart, M.	Myrick	Terry
Feeney	Norwood	Toomey
Flake	Otter	Wamp
Fossella	Paul	Wilson (SC)

NOES—333

Abercrombie	DeGette	Hunter
Aderholt	Delahunt	Hyde
Allen	DeLauro	Inslee
Andrews	DeLay	Israel
Baca	Deutsch	Issa
Baird	Diaz-Balart, L.	Istook
Baldwin	Dicks	Jackson (IL)
Becerra	Dingell	Jackson-Lee (TX)
Bell	Doggett	Jefferson
Berman	Dooley (CA)	Johnson (CT)
Berry	Doolittle	Johnson (IL)
Biggert	Doyle	Johnson, Sam
Bilirakis	Dreier	Jones (OH)
Bishop (GA)	Dunn	Kanjorski
Bishop (NY)	Edwards	Kelly
Bishop (UT)	Ehlers	Kennedy (MN)
Blumenauer	Emanuel	Kennedy (RI)
Blunt	Emerson	Kildee
Boehner	English	Kilpatrick
Bonilla	Eshoo	Kind
Bono	Etheridge	King (NY)
Boozman	Evans	Kingston
Boswell	Farr	Kirk
Boucher	Fattah	Kleczka
Boyd	Ferguson	Kline
Bradley (NH)	Filner	Knollenberg
Brady (PA)	Foley	Kolbe
Brown (OH)	Forbes	Kucinich
Brown (SC)	Ford	LaHood
Brown, Corrine	Frank (MA)	Lampson
Brown-Waite, Ginny	Frelinghuysen	Lantos
Burgess	Frost	Larsen (WA)
Burns	Gephardt	Larson (CT)
Burr	Gerlach	Latham
Butterfield	Gilchrest	LaTourette
Calvert	Gillmor	Leach
Camp	Gingrey	Lee
Cantor	Gonzalez	Levin
Capito	Goode	Lewis (CA)
Capps	Goodlatte	Lewis (GA)
Capuano	Gordon	Lipinski
Cardin	Goss	LoBiondo
Cardoza	Granger	Lofgren
Carson (IN)	Green (TX)	Lowey
Carson (OK)	Green (WI)	Lucas (KY)
Carter	Greenwood	Lucas (OK)
Case	Grijalva	Lynch
Castle	Gutierrez	Majette
Chandler	Hall	Maloney
Clay	Harman	Manzullo
Clyburn	Harris	Markey
Cole	Hart	Marshall
Cooper	Hastings (FL)	Matheson
Costello	Hastings (WA)	Matsui
Cramer	Hayes	McCarthy (MO)
Crane	Herseth	McCarthy (NY)
Crenshaw	Hill	McCollum
Cubin	Hinchey	McCotter
Culberson	Hinojosa	McCrery
Cummings	Hobson	McDermott
Cunningham	Hoeffel	McGovern
Davis (AL)	Holden	McHugh
Davis (CA)	Holt	McIntyre
Davis (FL)	Honda	McKeon
Davis (IL)	Hooley (OR)	McNulty
Davis, Tom	Houghton	Meehan
DeFazio	Hoyer	Meek (FL)
	Hulshof	

Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Shaw
Shays
Sherman
Sherwood
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—31

Ackerman
Alexander
Bachus
Baker
Ballenger
Berkley
Boehlert
Bonner
Cannon
Conyers
Crowley
Duncan
Engel
Everett
Gallegly
Garrett (NJ)
Hensarling
John
Johnson, E. B.
Langevin
McInnis
Miller (FL)
Nethercutt
Nunes
Obey
Schrock
Serrano
Slaughter
Tauzin
Taylor (MS)
Wilson (NM)

So the amendment was not agreed to.

¶88.8 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. MORAN of Virginia:

Page 166, after line 3, insert the following:

SEC. 647. None of the funds made available in this Act may be used to carry out, enter into, or renew any contract under chapter 89 of title 5, United States Code, which provides for a health savings account or a health reimbursement account.

It was decided in the negative ..... { Yeas ..... 181 / Nays 223

¶88.9 [Roll No. 456]

AYES—181

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berman
Berry
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Chandler
Clay
Clyburn
Costello
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Goode
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sherman
Simmons
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wolf
Woolsey
Wu
Wynn

NOES—223

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

NOT VOTING—29

Ackerman
Alexander
Baker
Ballenger
Berkley
Boehlert
Bonner
Cannon
Conyers
Crowley
Deal (GA)
Dunn
Engel
Everett
Gallegly
Hensarling
John
Johnson, E. B.
Kennedy (RI)
Langevin
McInnis
Miller (FL)
Nethercutt
Obey
Schrock
Serrano
Slaughter
Tauzin
Taylor (MS)

So the amendment was not agreed to.

The SPEAKER pro tempore, Mr. KLINE, assumed the Chair.

When Mr. LATOURETTE, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶88.10 ORDER OF BUSINESS—FURTHER CONSIDERATION OF H.R. 5025

On motion of Mr. ISTOOK, by unanimous consent,

Ordered, That the order of the House of September 14, 2004, regarding further consideration of H.R. 5025, in the Committee of the Whole House on the state of the Union, be amended to strike any provision for the amendment by Mr. FLAKE regarding Cuba.

¶88.11 ADJOURNMENT OVER

On motion of Mr. BLUNT, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 10 a.m. on Friday, September 17, 2004; and further, when the House adjourns on Friday, September 17, 2004, it adjourn to meet at 12:30 p.m. on Tuesday, September 21, 2004, for morning hour debate.

¶88.12 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. BLUNT, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, September 22, 2004, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

NM¶88.13 ORDER OF BUSINESS—JOINT MEETING

On motion of Mr. BLUNT, by unanimous consent,

Ordered, That it may be in order at any time on Thursday, September 23, 2004, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint

meeting His Excellency Ayad Allawi, Interim Prime Minister of the Republic of Iraq.

¶88.14 HOUR OF MEETING

On motion of Mr. BLUNT, by unanimous consent,

Ordered, That when the House adjourns on Wednesday, September 22, 2004, it adjourn to meet at 9 a.m. on Thursday, September 23, 2004.

¶88.15 NATIONAL POW/MIA RECOGNITION DAY

Mr. SIMMONS moved to suspend the rules and agree to the following resolution (H. Res. 771):

Whereas from World War II to the present, more than 88,000 members of the Untited States Armed Forces remain unaccounted for;

Whereas nearly 50,000 former American prisoners of war are currently living in the United States;

Whereas the United States owes a significant debt of gratitude for the sacrifice and hardships endured by former prisoners of war and missing personnel;

Whereas former prisoners of war continue to serve and inspire our nation;

Whereas National POW/MIA Recognition Day is one of the six days specified by law as days on which the POW/MIA flag is to be flown over specified Federal facilities and national cemeteries, post offices, and military installations; and

Whereas tens of thousands of American families have loved ones who are still listed as unaccounted for and daily endure tremendous hardship and emotional suffering: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes that National POW/MIA Recognition Day is one of the six days specified by law (pursuant to section 902 of title 36, United States Code) as a day on which the POW/MIA flag is to be flown over specified Federal facilities and national cemeteries, military installations, and post offices;

(2) extends the gratitude of the House of Representatives and the Nation to those who have served their nation in captivity to hostile forces as prisoners of war;

(3) recognizes and honors the more than 88,000 members of the United States Armed Forces who remain unaccounted for and their families;

(4) recognizes the untiring efforts of national POW/MIA organizations to ensuring that America never forgets the contribution of the Nation's prisoners of war and unaccounted for military personnel; and

(5) calls on all Americans to recognize National POW/MIA Recognition Day with appropriate remembrances, ceremonies, and activities.

The SPEAKER pro tempore, Mr. KLINE, recognized Mr. SIMMONS and Mr. SNYDER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. KLINE, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶88.16 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. KLINE, laid before the House the following communication from Dr. John F. Eisold, The Attending Physician:

THE ATTENDING PHYSICIAN,
CONGRESS OF THE UNITED STATES,
September 13, 2004.

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

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House, that a member of my staff has received a subpoena for documents issued by the Office of Compliance.

After consulting with the Office of General Counsel, I determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

JOHN F. EISOLD, M.D., F.A.C.P.

¶88.17 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. KLINE, laid before the House the following communication from Toni Mahoney, Military Liaison, office of the Honorable Dave Weldon of Florida:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 8, 2004.

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

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I was served with a civil trial subpoena, issued by the County Court for Brevard County, Florida, for testimony and documents.

After consulting with the Office of General Counsel, I determined that compliance with the subpoena was inconsistent with the privileges and rights of the House.

Sincerely,

TONI MAHONEY,
Military Liaison.

¶88.18 ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 361. An Act to designate certain conduct by sports agents relating to the signing of contracts with student athletes as unfair and deceptive acts or practices to be regulated by the Federal Trade Commission.

H.R. 3908. An Act to provide for the conveyance of the real property located at 1081 West Main Street in Ravenna, Ohio.

H.R. 5008. An Act to provide an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through September 30, 2004, and for other purposes.

¶88.19 SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1576. An Act to revise the boundary of Harpers Ferry National Historical Park, and for other purposes.

¶88.20 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Ms. Eddie Bernice JOHNSON of Texas, for today; and

To Mr. LANGEVIN, for September 13, 14, and 15.

And then,

¶88.21 ADJOURNMENT

On motion of Mr. CUMMINGS, pursuant to the previous order of the House, at 3 o'clock and 24 minutes p.m., the House adjourned until 10 a.m. on Friday, September 17, 2004.

¶88.22 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 3479. A bill to provide for the control and eradication of the brown tree snake on the island of Guam and the prevention of the introduction of the brown tree snake to other ares of the United States, and for other purposes; with an amendment (Rept. 108–687 Pt. 1).

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 4794. A bill to amend the Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000 to extend the authorization of appropriations, and for other purposes (Rept. 108–688 Pt. 1). Ordered to be printed.

¶88.23 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 3479. Referral to the Committee on Agriculture extended for a period ending not later than September 15, 2004.

H.R. 4794. Referral to the Committee on International Relations extended for a period ending not later than October 2, 1004.

¶88.24 DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Agriculture discharged from further consideration. H.R. 3479 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

¶88.25 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SAXTON (for himself, Mr. WOLF, Mr. MILLER of Florida, Mr. SHERWOOD, Mrs. CHRISTENSEN, Mr. LOBIONDO, Mr. WILSON of South Carolina, Ms. BORDALLO, Mr. TANCREDO, Mr. SANDLIN, Mr. GIBBONS, Mr. BASS, Mr. TOWNS, and Mr. TIAHRT):

H.R. 5079. A bill to amend the Internal Revenue Code of 1986 to allow employers a $1,000 credit against income tax for every 3 years that they employ a military reservist; to the Committee on Ways and Means.

By Mr. SAXTON (for himself, Mr. BURR, Mr. WILSON of South Carolina, Mr. CARDOZA, Mr. MEEHAN, Mr. WALSH, Mr. GARRETT of New Jersey, Mr. STENHOLM, Mr. SHERWOOD, Mr. LOBIONDO, Ms. ROS-LEHTINEN, Mr. SANDLIN, Mr. SENSENBRENNER, Mr. GIBBONS, and Mr. TOWNS):

H.R. 5080. A bill to amend the Internal Revenue Code of 1986 to allow employers a $1,000 credit against income tax for every 3 years that they employ a veteran; to the Committee on Ways and Means.

By Mr. BEAUPREZ (for himself and Mr. SWEENEY):

H.R. 5081. A bill to amend title 10, United States Code, to provide for a new program of educational assistance for certain reserve component members of the Armed Forces who perform active service; to the Committee on Armed Services.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. PETRI, Mr. LIPINSKI, Mr. SHUSTER, and Mr. MENENDEZ):

H.R. 5082. A bill to authorize the Secretary of Transportation to award grants to public transportation agencies and over-the-road bus operators to improve security, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. NETHERCUTT (for himself, Mrs. JOHNSON of Connecticut, and Ms. DUNN):

H.R. 5083. A bill to designate certain lower-elevation Federal lands in the Skykomish River valley of the State of Washington as wilderness, to designate a portion of such lands for management as a backcountry wilderness management area, and for other purposes; to the Committee on Resources.

By Ms. SOLIS:

H.R. 5084. A bill to authorize the Secretary of Education to make formula grants to States to ensure that all families have access to high-quality, voluntary preschool education, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BERRY:

H.R. 5085. A bill to suspend temporarily the duty on Cobaltate(1-), bis[3-[[1-(3-chlorophenyl)-4,5-dihydro-3-methyl-5-(oxo-kO)-1H-pyrazol-4-yl]azo-kN1]-4-(hydroxy-kO)benzenesulfonamidato(2-)]-,sodium; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 5086. A bill to suspend temporarily the duty on 2-[[3,3'-Dichloro-4'-[[1-[[(2,4-dimethylphenyl)amino@carbony] -2-oxopropyl]azo][1,1'-biphenyl]-4-yl]azo]-3-oxo-N-(o-tolyl) u tyramide; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 5087. A bill to suspend temporarily the duty on 3-Hydroxy-4-[(4-methyl-2-sulfophenyl)azo]-2-naphthalenecarbo xylic acid, calcium salt; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 5088. A bill to suspend temporarily the duty on Benzenesulfonic acid, [[chloracety1)amino]methy1] [4-[[4-(cyclohexylamino)-9,10-dihydro-9,10-dihydro-9,10-dio o-1 anthraceny 1]amino]phenoxy]meth y1-, monosodium salt; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 5089. A bill to suspend temporarily the duty on 2,2'-[(3,3'-Dichloro[1,1'-biphenyl]-4,4'-diyl)bis(azo)[bis[N -(2,4-dimethylphenyl)-3-oxobutyramide] Butanamide, 2,2'-[(3,3'-dichloro[1,1'-biphenyl]-4,4'-diyl)bis(azo)]bis[N -(2,4-dimethylphenyl)-3-oxo-; to the Committee on Ways and Means.

By Mr. COLE (for himself, Mr. LUCAS of Oklahoma, Mr. SULLIVAN, Mr. ISTOOK, and Mr. PETERSON of Pennsylvania):

H.R. 5090. A bill to amend the Internal Revenue Code of 1986 to provide that the credit for producing fuel from a nonconventional source shall apply to gas produced onshore from a formation more than 15,000 feet deep; to the Committee on Ways and Means.

By Mr. DAVIS of Illinois (for himself, Mr. ISSA, Mr. JACKSON of Illinois, and Mr. DINGELL):

H.R. 5091. A bill to provide a technical correction to the Federal preemption of State or local laws concerning the markings and identification of imitation or toy firearms entering into interstate commerce; to the Committee on Energy and Commerce.

By Mr. TOM DAVIS of Virginia (for himself, Mr. MORAN of Virginia, and Mr. WOLF):

H.R. 5092. A bill to amend part A of title I of the Elementary and Secondary Education Act of 1965 to include hold-harmless provisions for local educational agencies that no longer meet the minimum eligibility criteria for targeted grants and education finance incentive grants, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ENGLISH:

H.R. 5093. A bill to amend the Internal Revenue Code of 1986 to provide for small business tax incentives, to amend the Fair Labor Standards Act of 1938 to increase the minimum wage and to increase the exemption for annual gross volume of sales made or business done by an enterprise, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOLEY (for himself, Mr. SHAW, Mr. BOYD, Ms. ROS-LEHTINEN, Mr. MARIO DIAZ-BALART of Florida, Mr. HASTINGS of Florida, Mr. GOSS, Mr. BILIRAKIS, Mr. DAVIS of Florida, Ms. CORRINE BROWN of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. KELLER, Ms. GINNY BROWN-WAITE of Florida, Mr. MILLER of Florida, Ms. HARRIS, Mr. DEUTSCH, Mr. MICA, Mr. WEXLER, Mr. CAMP, Mr. ENGLISH, Mr. WELLER, Mr. HOUGHTON, Mr. WILSON of South Carolina, Mr. BURTON of Indiana, Mr. TAYLOR of North Carolina, and Mr. PICKERING):

H.R. 5094. A bill to amend the Internal Revenue Code of 1986 to allow withdrawals from individual retirement plans without penalty by individuals within areas determined by the President to be disaster areas by reason of certain natural disasters occurring in 2004; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts:

H.R. 5095. A bill to provide for an indefinite freeze on increases in the monthly premiums for Medicare, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILCHREST:

H.R. 5096. A bill to assist in the conservation of flagship species throughout the world; to the Committee on Resources.

By Mr. GUTIERREZ (for himself and Mrs. KELLY):

H.R. 5097. A bill to amend the Federal Deposit Insurance Act to prevent conflicts of interest by establishing post-employment limitations on bank examiners-in-charge, and for other purposes; to the Committee on Financial Services.

By Mr. GUTIERREZ:

H.R. 5098. A bill to provide more effective congressional oversight over the operations and administrative expenses of the Comptroller of the Currency, and for other purposes; to the Committee on Financial Services.

By Mr. HASTINGS of Florida:

H.R. 5099. A bill to reinstate the repealed criminal provisions relating to assault weapons and large capacity ammunition feeding devices; to the Committee on the Judiciary.

By Mrs. MCCARTHY of New York (for herself, Mr. HOEFFEL, Mr. FERGUSON, and Mr. CASTLE):

H.R. 5100. A bill to reinstate for 10 years the repealed criminal provisions relating to assault weapons and large capacity ammunition feeding devices; to the Committee on the Judiciary.

By Mr. MEEHAN:

H.R. 5101. A bill to amend the Rules of the House of Representatives to provide greater legislative input from the minority, to provide more time for Members to read legislation before its consideration, and to improve House oversight of the executive branch, to amend the Lobbying Disclosure Act of 1995 to improve lobbying disclosure, and for other purposes; to the Committee on Rules, and in addition to the Committees on the Judiciary, Standards of Official Conduct, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROHRABACHER:

H.R. 5102. A bill to encourage the promotion of democracy, free, fair, and transparent elections, and respect for human rights and the rule of law in Ukraine; to the Committee on International Relations, and in addition to the Committees on the Judiciary, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS:

H.R. 5103. A bill to repeal mandatory minimum sentencing for certain Federal crimes and restore justice and fairness to Federal sentencing practices; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROHRABACHER:

H.J. Res. 104. A joint resolution proposing an amendment to the Constitution of the United States to make eligible for the Office of President a person who is not a natural born citizen of the United States but has been a United States citizen for at least 20 years; to the Committee on the Judiciary.

By Mr. ENGLISH:

H.J. Res. 105. A joint resolution proposing an amendment to the Constitution of the United States to lower the age qualification for Senators from 30 years of age to 21 years of age and for Members of the House of Representatives from 25 years of age to 21 years of age; to the Committee on the Judiciary.

By Mr. RANGEL (for himself, Mr. DINGELL, Mr. STARK, and Mr. BROWN of Ohio):

H. Res. 776. A resolution of inquiry requesting the President and directing the Secretary of Health and Human Services provide certain documents to the House of Representatives relating to estimates and analyses of the cost of the Medicare prescription drug legislation; which was referred jointly to the Committees on Energy and Commerce, and Ways and Means, in each case for consideration of such provision as fall within the jurisdiction of the committees concerned.

¶88.26 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

425. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 272 memorializing the Congress of the United States to review the issue of the number of gasoline types refined across the country and to enact legislation that will

sharply reduce the number of gasoline types required to meet local environmental standards; to the Committee on Energy and Commerce.

¶88.27 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 583: Mrs. WILSON of New Mexico.
H.R. 648: Mrs. MILLER of Michigan, Mr. CANNON, and Mr. HALL.
H.R. 677: Mr. SPRATT.
H.R. 997: Mrs. BIGGERT.
H.R. 1097: Ms. LINDA T. SÁNCHEZ of California.
H.R. 1160: Mr. UPTON.
H.R. 1200: Mr. OLVER.
H.R. 1205: Mr. RYAN of Ohio.
H.R. 1251: Ms. SCHAKOWSKY.
H.R. 1329: Mr. LARSEN of Washington.
H.R. 1513: Mr. WELLER.
H.R. 1524: Mr. WAXMAN.
H.R. 1567: Mr. GARY G. MILLER of California.
H.R. 1631: Mr. MANZULLO.
H.R. 1688: Mrs. NAPOLITANO.
H.R. 2028: Ms. HART.
H.R. 2034: Mr. MCNULTY.
H.R. 2181: Mr. SENSENBRENNER.
H.R. 2237: Mr. SOUDER.
H.R. 2256: Mr. MOLLOHAN.
H.R. 2505: Mr. STARK.
H.R. 2680: Mr. LAHOOD, Mr. KIRK, Mr. ISSA, Mr. COSTELLO, Mr. POMEROY, Ms. BALDWIN, Mr. TAYLOR of Mississippi, Ms. VELÁZQUEZ, Mr. WEINER, Mr. PRICE of North Carolina, Mr. RODRIGUEZ, Mr. MICHAUD, Ms. HERSETH, Mr. DOGGETT, Mr. CARDIN, Mrs. CAPPS, Mr. FARR, Mr. DAVIS of Tennessee, Mr. EDWARDS, Mr. HINOJOSA, Ms. ROYBAL-ALLARD, Mr. TANNER, Mr. MOLLOHAN, Mr. KIND, Mr. HOEFFEL, Mr. JOHN, and Ms. MCCARTHY of Missouri.
H.R. 3015: Mr. CHANDLER and Mr. BROWN of South Carolina.
H.R. 3090: Mr. BRADLEY of New Hampshire.
H.R. 3193: Mr. POMEROY.
H.R. 3522: Mr. BRADLEY of New Hampshire.
H.R. 3634: Mr. WEINER.
H.R. 3651: Mr. DREIER.
H.R. 3831: Mr. LEACH, Ms. PELOSI, Mr. JEFFERSON, and Ms. BERKLEY.
H.R. 4091: Mr. LAMPSON.
H.R. 4108: Mr. CARSON of Oklahoma.
H.R. 4187: Mr. GILCHREST.
H.R. 4192: Mr. RODRIGUEZ and Mr. BERMAN.
H.R. 4355: Mr. CARDOZA and Mr. ETHERIDGE.
H.R. 4420: Mr. FERGUSON, Mr. WICKER, Mr. HULSHOF, and Mr. COSTELLO.
H.R. 4454: Mr. OTTER and Mr. LARSEN of Washington.
H.R. 4491: Mr. TIBERI, Mr. DAVIS of Tennessee, Mr. GOODLATTE, Mr. MEEKS of New York, Mr. PALLONE, Mr. PETERSON of Pennsylvania, Mrs. MALONEY, Mr. WELDON of Pennsylvania, Mr. MOLLOHAN, Mrs. LOWEY, and Mr. FATTAH.
H.R. 4575: Mr. BERMAN, Mr. WEINER, and Mr. OLVER.
H.R. 4595: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. SIMMONS.
H.R. 4620: Mr. LARSEN of Washington.
H.R. 4682: Mr. ROSS, Ms. NORTON, Mr. TIERNEY, and Ms. CARSON of Indiana.
H.R. 4689: Mrs. CAPPS.
H.R. 4758: Ms. SCHAKOWSKY.
H.R. 4793: Ms. SCHAKOWSKY.
H.R. 4830: Mrs. LOWEY and Mr. FROST.
H.R. 4832: Mr. SMITH of Michigan, Mr. MCDERMOTT, and Mr. TOWNS.
H.R. 4834: Mr. SHIMKUS, Ms. KAPTUR, Mr. BURTON of Indiana, and Mr. MCCOTTER.
H.R. 4900: Ms. WOOLSEY and Mr. KENNEDY of Rhode Island.
H.R. 4910: Mr. WYNN, Mr. WEXLER, Mr. PASTOR, Ms. ROYBAL-ALLARD, and Mr. HOEFFEL.
H.R. 4978: Mr. WEXLER and Mr. MCDERMOTT.
H.R. 4994: Mr. MILLER of North Carolina.
H.R. 5024: Ms. NORTON.
H.R. 5040: Mr. FRANK of Massachusetts.
H.R. 5046: Mr. FORBES.
H.R. 5055: Ms. HERSETH, Mr. WYNN, Mr. LARSON of Connecticut, Mr. EMANUEL, Mrs. DAVIS of California, Mr. MCINTYRE, Mrs. NAPOLITANO, Mr. SPRATT, Mrs. MCCARTHY of New York, Mr. LEACH, Mrs. JOHNSON of Connecticut, Mr. NADLER, Mr. ROHRABACHER, Mr. GUTKNECHT, Mr. EHLERS, Mr. HALL, Mr. BAIRD, Mr. SANDERS, Mr. SNYDER, Mr. OBERSTAR, Mrs. EMERSON, Mr. WEINER, Ms. WATSON, Mr. KILDEE, Mr. EDWARDS, Mr. WELDON of Pennsylvania, Mr. LUCAS of Kentucky, Mr. DAVIS of Alabama, Mr. HONDA, Ms. KILPATRICK, Mr. EVANS, Mr. MEEKS of New York, Mr. MCGOVERN, Mr. MEEHAN, Mr. MENENDEZ, Mr. NEAL of Massachusetts, Mr. SCOTT of Virginia, Mr. JACKSON of Illinois, Mr. BECERRA, Ms. KAPTUR, Mr. CARSON of Oklahoma, Mr. JOHN, Mr. CARDOZA, Mr. CASE, Mr. GEORGE MILLER of California, Mr. DAVIS of Tennessee, Mr. ROSS, Mrs. JO ANN DAVIS of Virginia, Mr. FORBES, Mr. INSLEE, Ms. ESHOO, Ms. SCHAKOWSKY, Mr. TAYLOR of Mississippi, Mr. BISHOP of Georgia, Ms. MILLENDER-MCDONALD, Mr. HINCHEY, Ms. BALDWIN, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. LATOURETTE, Mr. RYAN of Wisconsin, Mr. CAPUANO, Ms. HOOLEY of Oregon, Ms. DEGETTE, Mr. YOUNG of Florida, Mr. MARSHALL, Mr. KIND, Mr. GREEN of Texas, Mr. RUPPERSBERGER, Mr. HOEFFEL, Mr. HOLT, Mr. MATSUI, Mr. OTTER, Mr. SWEENEY, and Mr. CRAMER.
H.R. 5057: Mr. HOEFFEL, Mr. YOUNG of Florida, and Mr. FROST.
H.R. 5061: Mr. SHIMKUS, Mr. OLVER, Mr. HOEFFEL, Mrs. JONES of Ohio, Mr. CONYERS, and Mr. WOLF.
H.R. 5068: Mr. COX, Mr. CAMP, Mr. SESSIONS, Mr. SANDLIN, Mr. LANGEVIN, and Mr. ABECROMBIE.
H.R. 5069: Mr. COX, Mr. CAMP, and Mr. SESSIONS.
H.J. Res. 38; Mr. BURGESS.
H. Con. Res. 399: Ms. EDDIE BERNICE JOHNSON of Texas.
H. Con. Res. 430: Mr. KENNEDY of Rhode Island.
H. Con. Res. 441: Mr. PASTOR and Mr. PETERSON of Pennsylvania.
H. Res. 720: Mr. MANZULLO, Mr. MCCOTTER, and Mr. SESSIONS.
H. Res. 771: Mr. SAM JOHNSON of Texas.
H. Res. 774: Mr. DOYLE, Ms. WATSON, Ms. BERKLEY, Mr. MARKEY, Mr. SHAYS, Mr. SCOTT of Virginia, Ms. ROS-LEHTINEN, and Mr. PAYNE.

FRIDAY, SEPTEMBER 17, 2004 (89)

¶89.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. Tom DAVIS of Virginia, who laid before the House the following communication:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 17, 2004.

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

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

¶89.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. Tom DAVIS of Virginia, announced he had examined and approved the Journal of the proceedings of Wednesday, September 15, 2004.

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

¶89.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

9579. A letter from the Director, Pentagon Renovation & Construction Program Office, Department of Defense, transmitting the fourteenth annual report on the Pentagon Renovation Program, pursuant to 10 U.S.C. 2674; to the Committee on Armed Services.

9580. A letter from the Assistant Secretary for Houing--Federal Housing Commissioner, Department of Housing and Urban Development, transmitting a study on the barriers to the receipt of mortgage insurance by federally qualified health centers, as directed by the Hospital Mortgage Insurance Act of 2003; to the Committee on Financial Services.

9581. A letter from the Assistant General Counsel for Legislative and Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Conservation Program for Consumer Products; Central Air Conditioners and Heat Pumps Energy COnservation Standards [Docket No. EE-RM-98-440] (RIN: 1904-AB46) received September 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9582. A letter from the Regulations Coordinator, Centers for Medicare & Medicaid Services, Department of Health and Human Services, transmitting the Department's final rule — Amendment to the Interim Final Regulation for Mental Health Parity [CMS-2152-F2] (RIN: 0938-AL42) received July 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9583. A letter from the Regulations Coordinator, Centers for Medicare & Medicaid Services, Department of Health and Human Services, transmitting the Department's final rule — Requirements for the Group Health Insurance Market; Non-Federal Governmental Plans Exempt From HIPAA Title I Requirements [CMS-2033-F] (RIN: 0938-AK00) received July 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9584. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Participation in Department of Health and Human Services Programs by Religious Organizations; Providing for Equal Treatment of All Department of Health and Human Services Program Participants (RIN: 0991-AB34) received July 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9585. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Dental Devices; Dental Noble Metal Alloys and Dental Base Metal Alloys; Designation of Special Controls [Docket No. 2003N-0390] received September 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9586. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Presubmission Conferences [Docket No. 2000N-1399] received September 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9587. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — General and Plastic Surgery Devices; Classification of Silicone Sheeting [Docket No. 2002N-0500] received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9588. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Food Additives Permitted for Direct Addition to Food for Human Consumption; Olestra; Correction [Docket No. 1999F-0719] received September 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9589. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Labeling for Menstrual Tampons; Ranges of Absorbency, Change From ''Junior'' to ''Light'' [Docket No. 2000N-1520] receivedSeptember 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9590. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Listing of Color Additives Subject to Certification; D&C Black No. 2; Correction [Docket No. 1987C-0023] received September 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9591. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services under contract with Japan (Transmittal No. DDTC 065-04), pursuant to 22 U.S.C. 2776(c—d); to the Committee on International Relations.

9592. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the United States [Transmittal No. DDTC 052-04], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9593. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112(b); to the Committee on International Relations.

9594. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a final report on the national emergency with respect to Iraq that was declared in Executive Order 12722 of August 2, 1990, and terminated in Executive Order 13350 of July 29, 2004; to the Committee on International Relations.

9595. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of export of items to Iraq in the national interest of the United States pursuant to section 1504 of the Emergency Wartime Supplemental Appropriation Act, 2003 (Transmittal No. DTC 06IZ-04); to the Committee on International Relations.

9596. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting a copy of the the Board's Annual Report on Commercial Activities, pursuant to Public Law 105—270; to the Committee on Government Reform.

9597. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9598. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9599. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9600. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9601. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9602. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9603. A letter from the Secretary, Department of Energy, transmitting in accordance with Section 645 of the Consolidated Appropriations Act of 2004, a report on the amount of acquisitions made by the Department from entities that manufacture the articles, materials, or supplies outside of the United States for FY 2003; to the Committee on Government Reform.

9604. A letter from the Secretary, Department of Energy, transmitting a notice of intention to enter into a five-year contract using other than competitive procedures, pursuant to 41 U.S.C. 253(c)(7); to the Committee on Government Reform.

9605. A letter from the Chairman, Federal Maritime Commission, transmitting a report on the Annual Inventory of Commercial and Inherently Governmental Activities for 2004, in accordance with Section 2 of the Federal Activities Inventory Reform Act of 1998; to the Committee on Government Reform.

9606. A letter from the Chairman, Federal Trade Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period ending March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

9607. A letter from the Director, Institute of Museum and Library Services, transmitting the 2004 Annual Report to Congress, pursuant to Public Law 106—107; to the Committee on Government Reform.

9608. A letter from the Chairman, National Labor Relations Board, transmitting the Inherently Governmental and Commercial Activities Inventory as required by the Federal Activities Inventory Reform Act of 1998 (the FAIR ACT); to the Committee on Government Reform.

9609. A letter from the Assistant Chief, RPD, TTB, Department of the Treasury, transmitting the Department's final rule — Importation of Tobacco Products and Cigarette Papers and Tubes; Recodification of Regulations; Administrative Changes Due to the Homeland Security Act of 2002 (2000R-546P) [T.D. TTB-16] (RIN: 1513-AA20) received September 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9610. A letter from the Regulations Coordinator, Centers for Medicare & Medicaid Services, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts for 2005 [CMS-8021-N] (RIN: 0938-AN16) received September 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9611. A letter from the Regulations Coordinator, Centers for Medicare & Medicaid Services, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Part A for 2005 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement [CMS-8022-N] (RIN: 0938-AN15) received September 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9612. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Collected Excise Taxes; Duties of Collector [TD 9149] (RIN: 1545-BB76) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9613. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Transfers of Compensatory Options [TD 9148] (RIN: 1545-BC06) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9614. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rates Update [Notice 2004-60] received September 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9615. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Changes in accounting periods and in methods of accounting. (Rev. Proc. 2004-57) received September 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9616. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Income From Sources Within the United States (Rev. Rul. 2004-97) received September 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9617. A letter from the SSA Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Evidence Requirements for Assignment of Social Security Numbers (SSNs); Assignment of SSNs to Foreign Academic Students in F-1 Status [Regulations No. 22] (RIN: 0960-AF87) received September 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9618. A letter from the Regulations Coordinator, Centers for Medicare & Medicaid Services, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Medicare Part B Monthly Actuarial Rates, Premium Rate, and Annual Deductible Beginning January 1, 2005 [CMS-8020-N] (RIN: 0938-AN18) received September 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

¶89.4 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1284. An Act to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to increase the Federal share of the costs of the San Gabriel Basin demonstration project.

H.R. 1658. An Act to amend the Railroad Right-of-Way Conveyance Validation Act to validate additional conveyances of certain

lands in the State of California that form part of the right-of-way granted by the United States to facilitate the construction of the transcontinental railway, and for other purposes.

H.R. 2828. An Act to authorize the Secretary of the Interior to implement water supply technology and infrastructure programs aimed at increasing and diversifying domestic water resources.

H.R. 4567. An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4567) entitled ''An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints: Mr. COCHRAN, Mr. STEVENS, Mr. SPECTER, Mr. DOMENICI, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, Mr. CAMPBELL, Mr. CRAIG, Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. LEAHY, Mr. HARKIN, Ms. MIKULSKI, Mr. KOHL, and Mrs. MURRAY, to be the conferees on the part of the Senate.

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

S. 155. An Act to convey to the town of Frannie, Wyoming, certain land withdrawn by the Commissioner of Reclamation.

S. 180. An Act to establish the National Aviation Heritage Area, and for other purposes.

S. 203. An Act to provide for the sale of bentonite in Big Horn County, Wyoming.

S. 211. An Act to establish the Northern Rio Grande National Heritage Area in the State of New Mexico, and for other purposes.

S. 323. An Act to establish the Atchafalaya National Heritage Area, Louisiana.

S. 931. An Act to direct the Secretary of Agriculture to undertake a program to reduce the risks from and mitigate the effects of avalanches on recreational users of public land.

S. 1071. An Act to authorize the Secretary of the Interior, through the Bureau of Reclamation, to conduct a feasibility study on a water conservation project within the Arch Hurley Conservancy District in the State of New Mexico, and for other purposes.

S. 1234. An Act to reauthorize the Federal Trade Commission, and for other purposes.

S. 1241. An Act to establish the Kate Mullany National Historic Site in the State of New York, and for other purposes.

S. 1307. An Act to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to assist in the implementation of fish passage and screening facilities at non-Federal water projects, and for other purposes.

S. 1355. An Act to authorize the Bureau of Reclamation to participate in the rehabilitation of the Wallowa Lake Dam in Oregon, and for other purposes.

S. 1421. An Act to authorize the subdivision and dedication of restricted land owned by Alaska Natives.

S. 1467. An Act to establish the Rio Grande Natural Area in the State of Colorado, and for other purposes.

S. 1521. An Act to direct the Secretary of the Interior to convey certain land to the Edward H. McDaniel American Legion Post No. 22 in Pahrump, Nevada, for the construction of a post building and memorial park for use by the American Legion, other veterans' groups, and the local community.

S. 1582. An Act to amend the Valles Caldera Preservation Act to improve the preservation of the Valles Caldera, and for other purposes.

S. 1687. An Act to direct the Secretary of the Interior to conduct a study on the preservation and interpretation of the historic sites of the Manhattan Project for potential inclusion in the National Park System.

S. 1727. An Act to authorize additional appropriations for the Reclamation Safety of Dams Act of 1978.

S. 1778. An Act to authorize a land conveyance between the United States and the City of Craig, Alaska, and for other purposes.

S. 1791. An Act to amend the Lease Lot Conveyance Act of 2002 to provide that the amounts received by the United States under that Act shall be deposited in the reclamation fund, and for other purposes.

S. 1957. An Act to authorize the Secretary of the Interior to co-operate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, and for other purposes.

S. 2046. An Act to authorize the exchange of certain land in Everglades National Park.

S. 2052. An Act to amend the National Trails System Act to designate El Camino Real de los Tejas as a National Historic Trail.

S. 2167. An Act to establish the Lewis and Clark National Historical Park in the States of Washington and Oregon, and for other purposes.

S. 2173. An Act to further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000.

S. 2180. An Act to direct the Secretary of Agriculture to exchange certain lands in the Arapaho and Roosevelt National Forests in the State of Colorado.

S. 2243. An Act to extend the deadline for commencement of construction of a hydroelectric project in the State of Alaska.

S. 2285. An Act to direct the Secretary of the Interior to convey a parcel of real property to Beaver County, Utah.

S. 2287. An Act to adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historical Park and Preserve in the State of Louisiana, and for other purposes.

S. 2319. An Act to authorize and facilitate hydroelectric power licensing of the Tapoco Project.

S. 2460. An Act to provide assistance to the State of New Mexico for the development of comprehensive State water plans, and for other purposes.

S. 2508. An Act to redesignate the Ridges Basin Reservoir, Colorado, as Lake Nighthorse.

S. 2511. An Act to direct the Secretary of the Interior to conduct a feasibility study of a Chimayo water supply system, to provide for the planning, design, and construction of a water supply, reclamation, and filtration facility for Espanola, New Mexico, and for other purposes.

S. 2543. An Act to establish a program and criteria for National Heritage Areas in the United States, and for other purposes.

S. Con. Res. 137. A concurrent resolution calling for the suspension of Sudan's membership on the United Nations Commission on Human Rights.

¶89.5 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. Tom DAVIS of Virginia, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 16, 2004.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 16, 2004 at 12:16 p.m.:

That the Senate passed without amendment H.R. 265.

That the Senate passed without amendment H.R. 1521.

That the Senate passed without amendment H.R. 1616.

That the Senate passed without amendment H.R. 1648.

That the Senate passed without amendment H.R. 1732.

That the Senate passed without amendment H.R. 2696.

That the Senate passed without amendment H.R. 3209.

That the Senate passed without amendment H.R. 3249.

That the Senate passed without amendment H.R. 3768.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶89.6 SENATE BILLS AND CONCURRENT RESOLUTION REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 155. An Act to convey to the town of Frannie, Wyoming, certain land withdrawn by the Commissioner of Reclamation, to the Committee on Resources.

S. 203. An Act to provide for the sale of bentonite in Big Horn County, Wyoming; to the Committee on Resources.

S. 211. An Act to establish the Northern Rio Grande National Heritage Area in the State of New Mexico, and for other purposes; to the Committee on Resources.

S. 323. An Act to establish the Atchafalaya National Heritage Area, Louisiana; to the Committee on Resources.

S. 931. An Act to direct the Secretary of Agriculture to undertake a program to reduce the risks from and mitigate the effects of avalanches on recreational users of public land, to the Committee on Resources, in addition to the Committee on Agriculture and the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 1071. An Act to authorize the Secretary of the Interior, through the Bureau of Reclamation, to conduct a feasibility study on a water conservation project within the Arch Hurley Conservancy District in the State of New Mexico, and for other purposes; to the Committee on Resources.

S. 1241. An Act to establish the Kate Mullany National Historic Site in the State of New York, and for other purposes; to the Committee on Resources.

S. 1307. An Act to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to assist in the implementation of fish passage and screening facilities at non-Federal water projects, and for other purpose; to the Committee on Resources.

S. 1355. An Act to authorize the Bureau of Reclamation to participate in the rehabilitation of the Wallowa Lake Dam in Oregon, and for other purposes; to the Committee on Resources.

S. 1421. An Act to authorize the subdivision and dedication of restricted land owned by Alaska Natives; to the Committee on Resources.

S. 1467. An Act to establish the Rio Grande Natural Area in the State of Colorado, and for other purposes; to the Committee on Resources.

S. 1521. An Act to direct the Secretary of the Interior to convey certain land to the Edward H. McDaniel American Legion Post No. 22 in Pahrump, Nevada, for the construction of a post building and memorial park for use by the American Legion, other veterans' groups, and the local community; to the Committee on Resources.

S. 1582. An Act to amend the Valles Caldera Preservation Act to improve the preservation of the Valles Caldera, and for other purposes; to the Committee on Resources.

S. 1791. An Act to amend the Lease Lot Conveyance Act of 2002 to provide that the amounts received by the United States under that Act shall be deposited in the reclamation fund, and for other purposes; to the Committee on Resources.

S. 1957. An Act to authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, and for other purposes; to the Committee on Resources.

S. 2052. An Act to amend the National Trails System Act to designate El Camino Real de los Tejas as a National Historic Trail; to the Committee on Resources.

S. 2173. An Act to further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000; to the Committee on Resources.

S. 2243. An Act to extend the deadline for commencement of construction of a hydroelectric project in the State of Alaska; to the Committee on Energy and Commerce.

S. 2285. An Act to direct the Secretary of the Interior to convey a parcel of real property to Beaver County, Utah; to the Committee on Resources.

S. 2287. An Act to adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historical Park and Preserve in the State of Louisiana, and for other purposes; to the Committee on Resources.

S. 2460. An Act to provide assistance to the State of New Mexico for the development of comprehensive State water plans, and for other purposes; to the Committee on Resources.

S. 2508. An Act to redesignate the Ridges Basin Reservoir Colorado, as Lake Nighthorse; to the Committee on Resources.

S. 2511. An Act to direct the Secretary of the Interior to conduct a feasibility study of a Chinayo water supply system, to provide for the planning, design, and construction of a water supply, reclamation, and filtration facility for Espanola, New Mexico, and for other purposes; to the Committee on Resources.

S. 2543. An Act to establish a program and criteria for National Heritage Areas in the United States, and for other purposes; to the Committee on Resources.

S. Con. Res. 137. A concurrent resolution calling for the suspension of Sudan's membership on the United Nations Commission on Human Rights; to the Committee on International Relations.

¶89.7 SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2634. An Act to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, to authorize grants to institutions of higher education to reduce student mental and behavioral health problems, and for other purposes.

¶89.8 BILLS AND JOINT RESOLUTION APPROVED

The President notified the Clerk of the House that on the following dates, he had approved and signed bills and a joint resolution of the following titles:

January 23, 2004:

H.R. 2673. An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes.

February 13, 2004:

H.R. 2264. An Act to authorize appropriations for fiscal year 2004 to carry out the Congo Basin Forest Partnership program, and for other purposes.

February 29, 2004:

H.R. 3850. An Act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

March 2, 2004:

H.R. 743. An Act to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes.

March 15, 2004:

H.R. 3915. An Act to provide an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through April 2, 2004.

March 19, 2004:

H.R. 506. An Act to provide for the protection of archaeological sites in the Galisteo Basin in New Mexico, and for other purposes.

H.R. 2059. An Act to designate Fort Bayard Historic District in the State of New Mexico as a National Historic Landmark, and for other purposes.

April 1, 2004:

H.R. 1997. An Act to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes.

H.R. 3724. An Act to amend section 220 of the National Housing Act to make a technical correction to restore allowable increases in the maximum mortgage limits for FHA-insured mortgages for multifamily housing projects to cover increased costs of installing a solar energy system or residential energy conservation measures.

April 5, 2004:

H.R. 254. An Act to authorize the President of the United States to agree to certain amendments to the Agreement between the Government of the United States of America and the Government of the United Mexican States concerning the establishment of a Border Environment Cooperation Commission and a North American Development Bank, and for other purposes.

H.R. 3926. An Act to amend the Public Health Service Act to promote organ donation, and for other purposes.

H.R. 4062. An Act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through June 4, 2004, and for other purposes.

April 10, 2004:

H.R. 3108. An Act to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, and for other purposes.

April 13, 2004:

H.R. 2584. An Act to provide for the conveyance to the Utrok Atoll local government of a decommissioned National Oceanic and Atmospheric Administration ship, and for other purposes.

April 30, 2004:

H.R. 1274. An Act to direct the Administrator of General Services to convey to Fresno County, California, the existing Federal courthouse in that county.

H.R. 2489. An Act to provide for the distribution of judgment funds to the Cowlitz Indian Tribe.

H.R. 3118. An Act to designate the Orville Wright Federal Building and the Wilbur Wright Federal Building in Washington, District of Columbia.

H.R. 4219. An Act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

May 28, 2004:

H.R. 408. An Act to provide for expansion of Sleeping Bear Dunes National Lakeshore.

H.R. 708. An Act to require the conveyance of certain National Forest System lands in Mendocino National Forest, California, to provide for the use of the proceeds from such conveyance for National Forest purposes, and for other purposes.

H.R. 856. An Act to authorize the Secretary of the Interior to revise a repayment contract with the Tom Green County Water Control and Improvement District No. 1, San Angelo project, Texas, and for other purposes.

H.R. 923. An Act to amend the Small Business Investment Act of 1958 to allow certain premier certified lenders to elect to maintain an alternative loss reserve.

H.R. 1598. An Act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in projects within the San Diego Creek Watershed, California, and for other purposes.

H.R. 3104. An Act to provide for the establishment of separate campaign medals to be awarded to members of the uniformed services who participate in Operation Enduring Freedom and to members of the uniformed services who participate in Operation Iraqi Freedom.

June 22, 2004:

H.R. 1086. An Act to encourage the development and promulgation of voluntary consensus standards by providing relief under the antitrust laws to standards development organizations with respect to conduct engaged in for the purpose of developing voluntary consensus standards, and for other purposes.

June 25, 2004:

H.R. 1822. An Act to designate the facility of the United States Postal Service located at 3751 West 6th Street in Los Angeles, California, as the ''Dosan Ahn Chang Ho Post Office''.

H.R. 2130. An Act to redesignate the facility of the United States Postal Service located at 121 Kinderkamack Road in River Edge, New Jersey, as the ''New Bridge Landing Post Office''.

H.R. 2438. An Act to designate the facility of the United States Postal Service located at 115 West Pine Street in Hattiesburg, Mississippi, as the ''Major Henry A. Commiskey, Sr. Post Office Building''.

H.R. 3029. An Act to designate the facility of the United States Postal Service located

at 225 North Main Street in Jonesboro, Georgia, as the ''S. Truett Cathy Post Office Building''.

H.R. 3059. An Act to designate the facility of the United States Postal Service located at 304 West Michigan Street in Stuttgart, Arkansas, as the ''Lloyd L. Burke Post Office''.

H.R. 3068. An Act to designate the facility of the United States Postal Service located at 2055 Siesta Drive in Sarasota, Florida, as the ''Brigadier General (AUS-Ret.) John H. McLain Post Office''.

H.R. 3234. An Act to designate the facility of the United States Postal Service located at 14 Chestnut Street in Liberty, New York, as the ''Ben R. Gerow Post Office Building''.

H.R. 3300. An Act to designate the facility of the United States Postal Service located at 15500 Pearl Road in Strongsville, Ohio, as the ''Water F. Ehrnfelt, Jr. Post Office Building''.

H.R. 3353. An Act to designate the facility of the United States Postal Service located at 525 Main Street in Tarboro, North Carolina, as the ''George Henry White Post Office Building''.

H.R. 3536. An Act to designate the facility of the United States Postal Service located at 210 Main Street in Malden, Illinois, as the ''Army Staff Sgt. Lincoln Hollinsaid Malden Post Office''.

H.R. 3537. An Act to designate the facility of the United States Postal Service located at 185 State Street in Manhattan, Illinois, as the ''Army Pvt. Shawn Pahnke Manhattan Post Office''.

H.R. 3538. An Act to designate the facility of the United States Postal Service located at 201 South Chicago Avenue in Saint Anne, Illinois, as the ''Marine Capt. Ryan Beaupre Saint Anne Post Office''.

H.R. 3690. An Act to designate the facility of the United States Postal Service located at 2 West Main Street in Batavia, New York, as the ''Barber Conable Post Office Building''.

H.R. 3733. An Act to designate the facility of the United States Postal Service located at 410 Huston Street in Altamont, Kansas, as the ''Myron V. George Post Office''.

H.R. 3740. An Act to designate the facility of the United States Postal Service located at 223 South Main Street in Roxboro, North Carolina, as the ''Oscar Scott Woody Post Office Building''.

H.R. 3769. An Act to designate the facility of the United States Postal Service located at 137 East Young High Pike in Knoxville, Tennessee, as the ''Ben Atchley Post Office Building''.

H.R. 3855. An Act to designate the facility of the United States Postal Service located at 607 Pershing Drive in Laclede, Missouri, as the ''General John J. Pershing Post Office''.

H.R. 3917. An Act to designate the facility of the United States Postal Service located at 695 Marconi Boulevard in Copiague, New York, as the ''Maxine S. Postal United States Post Office''.

H.R. 3939. An Act to redesignate the facility of the United States Postal Service located at 14–24 Abbott Road in Fair Lawn, New Jersey, as the ''Mary Ann Collura Post Office Building''.

H.R. 3942. An Act to redesignate the facility of the United States Postal Service located at 7 Commercial Boulevard in Middletown, Rhode Island, as the ''Rhode Island Veterans Post Office Building''.

H.R. 4037. An Act to designate the facility of the United States Postal Service located at 475 Kell Farm Drive in Cape Girardeau, Missouri, as the ''Richard G. Wilson Processing and Distribution Facility''.

H.R. 4176. An Act to designate the facility of the United States Postal service located at 122 West Elwood Avenue in Raeford, North Carolina, as the ''Bobby Marshall Gentry Post Office Building''.

H.R. 4299. An Act to designate the facility of the United States Postal Service located at 410 South Jackson Road in Edinburg, Texas, as the ''Dr. Miguel A. Nevarez Post Office Building''.

June 30, 2004:

H.R. 4589. An Act to reauthorize the Temporary Assistance for Needy Families block grant program through September 30, 2004, and for other purposes.

H.R. 4635. An Act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

July 2, 2004:

H.R. 3378. An Act to assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries.

H.R. 3504. An Act to amend the Indian Self-Determination and Education Assistance Act to redesignate the American Indian Education Foundation as the National Fund for Excellence in American Indian Education.

H.R. 4322. An Act to provide for the transfer of the Nebraska Avenue Naval Complex in the District of Columbia to facilitate the establishment of the headquarters for the Department of Homeland Security, to provide for the acquisition by the Department of the Navy of suitable replacement facilities.

July 7, 2004:

H.J. Res. 97. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

H.R. 884. An Act to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326–A–1, 326–A–3, and 326–K, and for other purposes.

H.R. 2751. An Act to provide new human capital flexibilities with respect to the GAO, and for other purposes.

July 13, 2004:

H.R. 4103. An Act to extend and modify the trade benefits under the African Growth and Opportunity Act.

July 15, 2004:

H.R. 1731. An Act to amend title 18, United States Code, to establish penalties for aggravated identity theft, and for other purposes.

July 22, 2004:

H.R. 218. An Act to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

H.R. 3846. An Act to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into an agreement or contract with Indian tribes meeting certain criteria to carry out projects to protect Indian forest land.

July 30, 2004:

H.R. 4916. An Act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

August 2, 2004:

H.R. 1303. An Act to amend the E-Government Act of 2002 with respect to rulemaking authority of the Judicial Conference.

H.R. 4363. An Act to facilitate self-help housing homeownership opportunities.

August 3, 2004:

H.R. 4759. An Act to implement the United States-Australia Free Trade Agreement.

August 5, 2004:

H.R. 4613. An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

August 6, 2004:

H.R. 1572. An Act to designate the United States courthouse located at 100 North Palafox Street in Pensacola, Florida, as the ''Winston E. Arnow United States Courthouse''.

H.R. 1914. An Act to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

H.R. 2768. An Act to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall.

H.R. 3277. An Act to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center.

H.R. 4380. An Act to designate the facility of the United States Postal Service located at 4737 Mile Stretch Drive in Holiday, Florida, as the ''Sergeant First Class Paul Ray Smith Post Office Building''.

August 9, 2004:

H.R. 2443. An Act to authorize appropriations for fiscal years 2004 and 2005 for the United States Coast Guard, and for other purposes.

H.R. 3340. An Act to redesignate the facilities of the United States Postal Service located at 7715 and 7748 S. Cottage Grove Avenue in Chicago, Illinois, as the ''James E. Worsham Post Office'' and the ''James E. Worsham Carrier Annex Building'', respectively, and for other purposes.

H.R. 3463. An Act to amend titles III and IV of the Social Security Act to improve the administration of unemployment taxes and benefits.

H.R. 4222. An Act to designate the facility of the United States Postal Service located at 550 Nebraska Avenue in Kansas City, Kansas, as the ''Newell George Post Office Building''.

H.R. 4226. An Act to amend title 49, United States Code, to make certain conforming changes to provisions governing the registration of aircraft and the recordation of instruments in order to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment, known as the ''Cape Town Treaty''.

H.R. 4327. An Act to designate the facility of the United States Postal Service located at 7450 Natural Bridge Road in St. Louis, Missouri, as the ''Vitilas 'Veto' Reid Post Office Building''.

H.R. 4417. An Act to modify certain deadlines pertaining to machine-readable, tamper-resistant entry and exit documents.

H.R. 4427. An Act to designate the facility of the United States Postal Service located at 73 South Euclid Avenue in Montauk, New York, as the ''Perry B. Duryea, Jr. Post Office''.

August 17, 2004:

H.R. 4842. An Act to implement the United States-Morocco Free Trade Agreement.

September 8, 2004:

H.R. 5005. An Act making emergency supplemental appropriations for the fiscal year ending September 30, 2004, for additional disaster assistance.

¶89.9 SENATE BILLS AND JOINT RESOLUTION APPROVED

The President notified the Clerk of the House that on the following dates he has approved and signed bills and a joint resolution of the Senate of the following titles:

February 24, 2004:

S. 610. An Act to amend the provisions of title 5, United States Code, to provide for workforce flexibilities and certain Federal

personnel provisions relating to the National Aeronautics and Space Administration, and for other purposes.

March 15, 2004:

S. 714. An Act to provide for the conveyance of a small parcel of Bureau of Land Management land in Douglas County, Oregon, to the county to improve management of and recreational access to the Oregon Dunes National Recreation Area, and for other purposes.

March 16, 2004:

S. 2136. An Act to extend the final report date and termination date of the National Commission on Terrorist Attacks Upon the United States, to provide additional funding for the Commission, and for other purposes.

March 31, 2004:

S. 2231. An Act to reauthorize the Temporary Assistance for Needy Families block grant program through June 30, 2004, and for other purposes.

S. 2241. An Act to reauthorize certain school lunch and child nutrition programs through June 30, 2004.

April 1, 2004:

S. 1881. An Act to amend the Federal Food, Drug, and Cosmetic Act to make technical corrections relating to the amendments by the Medical Device User Fee and Modernization Act of 2002, and for other purposes.

April 22, 2004:

S. 2057. An Act to require the Secretary of Defense to reimburse members of the United States Armed Forces for certain transportation expenses incurred by the members in connection with leave under the General Command Rest and Recuperation Leave Program before the program was expanded to include domestic travel.

May 7, 2004:

S. 1904. An Act to designate the United States courthouse located at 400 North Miami Avenue in Miami, Florida, as the ''Wilkie D. Ferguson, Jr. United States Courthouse''.

S. 2022. An Act to designate the Federal building located at 250 West Cherry Street in Carbondale, Illinois the ''Senator Paul Simon Federal Building''.

S. 2043. An Act to designate a Federal building in Harrisburg, Pennsylvania, as the ''Ronald Reagan Federal Building''.

May 18, 2004:

S. 2315. An Act to amend the Communications Satellite Act of 1962 to extend the deadline for the INTELSAT initial public offering.

June 14, 2004:

S. 2092. An Act to address the participation of Taiwan in the World Health Organization.

June 15, 2004:

S. J. Res. 28. A joint resolution recognizing the 60th anniversary of the Allied landing at Normandy during World War II.

June 22, 2004:

S. 1233. An Act to authorize assistance for the National Great Blacks in Wax Museum and Justice Learning Center.

June 30, 2004:

S. 2238. An Act to amend the National Flood Insurance Act of 1968 to reduce losses to properties for which repetitive flood insurance claim payments have been made.

S. 2507. An Act to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to reauthorize child nutrition programs, and for other purposes.

July 2, 2004:

S. 1848. An Act to amend the Bend Pine Nursery Land Conveyance Act to direct the Secretary of Agriculture to sell the Bend Pine Nursery Administration Site in the State of Oregon.

July 7, 2004:

S. 2017. An Act to designate the United States courthouse and post office building located at 93 Atocha Street in Ponce, Puerto Rico, as the ''Luis A. Ferre United States Courthouse and Post Office Building''.

July 21, 2004:

S. 15. An Act to amend the Public Health Service Act to provide protections and countermeasures against chemical, radiological, or nuclear agents that may be used in a terrorist attack against the United States by giving the National Institutes of Health contracting flexibility, infrastructure improvements, and expediting the scientific peer review process, and streamlining the Food and Drug Administration approval process of countermeasures.

July 22, 2004:

S. 103. An Act for the relief of Lindita Idrizi Health.

S. 1167. An Act to resolve the boundary conflicts in Barry and Stone Counties in the State of Missouri.

August 2, 2004:

S. 741. An Act to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal drugs, and for other purposes.

S. 2264. An Act to require a report on the conflict in Uganda, and for other purposes.

August 9, 2004:

S. 2712. An Act to preserve the ability of the Federal Housing Administration to insure mortgages under sections 238 and 519 of the National Housing Act.

And then,

¶89.10 ADJOURNMENT

On motion of Ms. PELOSI, pursuant to the previous order of the House of Wednesday, September 15, 2004, at 10 o'clock and 34 minutes a.m., the House adjourned until 12:30 p.m. on Tuesday September 21, 2004.

¶89.11 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1775. A bill to amend title 36, United States Code, to designate the oak tree as the national tree of the United States (Rept. 108–689). Referred to the House Calendar.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 4319. A bill to complete the codification of title 46, United States Code, ''Shipping'', as positive law; with an amendment (Rept. 108–690). Referred to the House Calendar.

¶89.12 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GILCHREST:

H.R. 5104. A bill to amend the Marine Mammal Protection Act of 1972 to authorize appropriations for the John H. Prescott Marine Mammal Rescue Assistance Grant Program, and for other purposes; to the Committee on Resources.

By Mr. NEY:

H.R. 5105. A bill to authorize the Board of Regents of the Smithsonian Institution to carry out construction and related activities in support of the collaborative Very Energetic Radiation Imaging Telescope Array System (VERITAS) project on Kitt Peak near Tucson, Arizona; to the Committee on Transportation and Infrastructure.

By Mr. MEEHAN (for himself, Mr. SANDERS, Mr. MCGOVERN, Mr. ENGLISH, Mr. MCNULTY, Mr. ALLEN, Mr. DINGELL, and Mr. GRIJALVA):

H. Res. 777. A resolution expressing the sense of the House of Representatives that there should be established a National Weatherization Day to recognize the need for reducing home energy costs, particularly for low-income families, through the use of conservation technologies, and for other purposes; to the Committee on Government Reform.

By Mr. PALLONE (for himself, Ms. MCCARTHY of Missouri, and Mr. RANGEL):

H. Res. 778. A resolution commemorating the 100th anniversary of the birth of William ''Count'' Basie and acknowledging his important contributions to jazz and swing music; to the Committee on Education and the Workforce.

¶89.13 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 284: Mr. NUNES.
H.R. 1118: Mr. BARTLETT of Maryland.
H.R. 1160: Mr. CARSON of Oklahoma and Ms. LOFGREN.
H.R. 1400: Mr. CUMMINGS.
H.R. 2187: Mr. THOMPSON of California.
H.R. 2883: Mr. PRICE of North Carolina.
H.R. 3484: Mr. WU.
H.R. 4026: Ms. BERKLEY, Mr. LUCAS of Oklahoma, and Mr. GILCHREST.
H.R. 4169: Mr. LATHAM and Mr. RYAN of Ohio.
H.R. 4662: Mr. DUNCAN.
H.R. 4853: Mr. ANDREWS.
H.R. 4902: Mr. MCNULTY and Mr. HALL.
H.R. 4956: Mr. LEACH and Mrs. CHRISTENSEN.
H.R. 5061: Mr. MEEKS of New York and Ms. MILLENDER-MCDONALD.
H.R. 5079: Mr. VITTER.
H. Res. 556: Mr. BERMAN and Mr. CULBERSON.
H. Res. 579: Mr. SHAYS

TUESDAY, SEPTEMBER 21, 2004 (90)

¶90.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. HENSARLING, who laid before the House the following communication:

WASHINGTON, DC,
September 21, 2004.

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

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

¶90.2 MESSAGE FROM THE SENATE

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

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

The message also announced that the Secretary be directed to request the return of (H.R. 4567) ''An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for

other purposes,'' in compliance with a request of the Senate for the return thereof.

The message also announced that pursuant to Public law 106–170, the Chair, on behalf of the Democratic Leader, after consultation with the ranking member of the Senate Committee on Finance, announces the appointment of the following individual to serve as a member of the Ticket to Work and Work Incentives Advisory Panel: Andrew J. Imparato, of Maryland.

The message also announced that pursuant to section 128, of Public Law 108–132, the Chair, on behalf of the majority leader, appoints the following individual to the Commission on Review of Overseas Military Facility Structure of the United States: Admiral Anthony A. Less of Virginia.

¶90.3 MORNING-HOUR DEBATE

The SPEAKER pro tempore, Mr. HENSARLING, pursuant to the order of the House of Tuesday, January 20, 2004, recognized Members for morning-hour debate.

¶90.4 RECESS—12:53 P.M.

The SPEAKER pro tempore, Mr. HENSARLING, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 53 minutes p.m., until 2 p.m.

¶90.5 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. BOOZMAN, called the House to order.

¶90.6 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. BOOZMAN, announced he had examined and approved the Journal of the proceedings of Friday, September 17, 2004.

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

¶90.7 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

9619. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Bitertanol, Chlorpropham, Cloprop, Combustion Product Gas, Cyanazine, et al.; Tolerance Actions [OPP-2004-0088; FRL-7358-6] received July 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9620. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Robert B. Flowers, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

9621. A letter from the Deputy Chief of Naval Operations (Manpower and Personnel), Department of Defense, transmitting notification of a decision to implement performance by the Most Efficient Organization (MEO) for Design Engineering at the Puget Sound Naval Shipyard, Detachment Boston (initiative number NC20010767); to the Committee on Armed Services.

9622. A letter from the Deputy Chief of Naval Operations (Manpower and Personnel), Department of Defense, transmitting notification of a decision to implement performance by the Most Efficient Organization (MEO) for Retail Supply Southwest in San Diego, CA (initiative number NC20000611); to the Committee on Armed Services.

9623. A letter from the Deputy Chief of Naval Operations (Manpower and Personnel), Department of Defense, transmitting notification of a decision to implement performance by the Most Efficient Organization (MEO) for Research, Development, Test, & Evaluation Support Services in Philadelphia, PA (initiative number NC20020775); to the Committee on Armed Services.

9624. A letter from the Director of Defense Research and Engineering, Department of Defense, transmitting a report on the utilization of the Laboratory Revitalization Demonstration Program (LRDP), pursuant to Public Law 105–261, section 2871(d); to the Committee on Armed Services.

9625. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to India pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

9626. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

9627. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Ambient Air Quality Standards for Particular Matter [OAR-2003-0229; FRL-7794-1] (RIN: 2060-AM02) received July 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9628. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Operating Permits Program; State of Iowa [R07-OAR-2004-IA-0002; FRL-7793-8] received July 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9629. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Operating Permits Program; State of Nevada, Clark County Department of Air Quality Management [NV117a-OPP; FRL-7795-7] received July 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9630. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Operating Permits Program; State of Kansas [R07-OAR-2004-KS-0001; FRL-7793-6] received July 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9631. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans New Jersey Emission Statement Program [Region II Docket No.NJ 67-274 FRL-7788-6] received July 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9632. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Clean Air Act Approval of Revisions to the Title V Operating Permit Program in the State of New Mexico, Albuquerque/Bernalillo County, New Mexico, and the State of Arkansas [NM-47-1-7606a; FRL-7810-2] received September 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9633. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, Commonwealth of Virginia; Control of Emissions from Existing Hospital/Medical/Infectious Waste Incinerator Units [VA139-5073a; FRL-7810-7] received September 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9634. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Adequacy of Minnesota Municipal Solid Waste Landfill Program [FRL-7810-9] received September 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9635. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Transportation Conformity Rule Amendments for the New 8-hour Ozone and PM2.5 National Ambient Air Quality Standards and Miscellaneous Revisions for Existing Areas; Transportation Conformity Rule Amendments: Response to Court Decision and Additional Rule Changes; Correction to the Preamble [FRL-7789-6] (RIN: 2060-AL73) received July 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9636. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District [CA 298-0459a; FRL-7784-3] received July 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9637. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District [CA287-0458; FRL-7781-9] received July 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9638. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Monterey Bay Unified and Santa Barbara County Air Pollution Control Districts [CA 289-0451a; FRL-7783-9] received July 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9640. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Maryland: Final Authorization of State Hazardous Waste Management Program Revisions [FRL-7791-3] received July 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9641. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Maintenance Plan Revisions; Ohio [R05-OAR-2004-OH-0001; FRL-7784-2] received July 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9642. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Maryland; Virginia; Technical Amendment [DC-2025, MD-3064, VA-5052; DC052-7007, MD143-3102, VA129-5065; FRL-7790-5] received July 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9643. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule

— Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Hazelwood SO2 Nonattainment and the Monongahela River Valley Unclassified Areas to Attainment and Approval of the Maintenance Plan [PA209-4302; FRL-7781-3] received July 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9644. A letter from the Acting Chief, WCB/TAPD, Federal Communications Commission, transmitting the Commission's final rule — Schools and Libraries Universal Service Support Mechanism [CC Docket No. 02-6] received September 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9645. A communication from the President of the United States, transmitting notification to terminate the national emergency with respect to Libya declared in Executive Order 12543 of January 7, 1986, and revokes that Executive Order, Executive Order 12544 of January 8, 1986, Executive Order 12801 of April 15, 1992, and Executive Order 12538 of November 15, 1985, pursuant to 50 U.S.C. 1622(a); (H. Doc. No. 108–216); to the Committee on International Relations and ordered to be printed.

9646. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 09-04 which informs of intent to sign a Memorandum of Understanding (MOU) between the United States, Germany, and Italy for the Medium Extended Air Defense System (MEADS), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

9647. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the United States (Transmittal No. DDTC 052-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9648. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services to Germany (Transmittal No. DDTC 072-04), pursuant to 22 U.S.C. 2776(c–d); to the Committee on International Relations.

9649. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services to Japan (Transmittal No. DDTC 065-04), pursuant to 22 U.S.C. 2776(c–d); to the Committee on International Relations.

9650. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency blocking property of persons undermining democratic processes or institutions in Zimbabwe that was declared in Executive Order 13288 of March 6, 2003; to the Committee on International Relations.

9651. A letter from the Secretary, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, reports prepared by the Department of State for the April 16-June 17, 2004 period and the June 18-August 16, 2004 period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105-338); to the Committee on International Relations.

9652. A letter from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9653. A letter from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9654. A letter from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9655. A letter from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9656. A letter from the Director, Office of Personnel Management, transmitting the semiannual report on the activities of the Inspector General and the Management Response for the period of October 1, 2003 to March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

9657. A letter from the Secretary, Department of the Interior, transmitting the biennial report on the quality of water in the Colorado River Basin (Progress Report No. 21, January 2003), pursuant to 43 U.S.C. 1596; to the Committee on Resources.

9658. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the designation as "foreign terrorist organizations " pursuant to Section 219 of the Immigration and Nationality Act, pursuant to 8 U.S.C. 1189; to the Committee on the Judiciary.

9659. A letter from the Secretary, Department of the Treasury, transmitting Notification of determination that, by reason of the public debt limit, the Secretary is unable to comply with the requirements of section 8348(c) of title 5, United States Code, pursuant to 5 U.S.C. 8348(l)(2) and 5 U.S.C. 8438(h)(2); to the Committee on Ways and Means.

¶90.8 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. BOOZMAN, laid before the House a communication, which was read as follows:

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

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

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

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶90.9 NATIONAL EMERGENCY REGARDING LIBYA

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

Consistent with subsection 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b) (IEEPA), I hereby report that I have issued an Executive Order (the "order") that terminates the national emergency declared in Executive Order 12543 of January 7, 1986, and revokes that Executive Order, Executive Order 12544 of January 8, 1986, Executive Order 12801 of April 15, 1992, and Executive Order 12533 of November 15, 1985. I have determined that the situation that gave rise to this national emergency has been significantly altered by Libya's commitments and actions to eliminate its weapons of mass destruction programs and its Missile Technology Control Regime (MTCR)-class missiles, and by other developments.

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

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

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

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

GEORGE W. BUSH.

THE WHITE HOUSE, *September 20, 2004.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 108–216).

¶90.10 LIBRARY OF CONGRESS TRUST FUND BOARD

The SPEAKER pro tempore, Mr. BOOZMAN, announced that the Speaker, pursuant to section 1 of the Library of Congress Trust Fund Board Act (2 United States Code 154 note), the order of the House of December 8, 2003, and upon the recommendation of the Minority Leader, appointed to the Library of Congress Trust Fund Board on the part of the House for a five-year term to fill the existing vacancy thereon, the following: Mr. J. Richard Fredericks, San Francisco, California.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶90.11 LLAGAS RECLAMATION GROUNDWATER REMEDIATION INITIATIVE

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

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Mr. PEARCE and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶90.12 CASTLE NUGENT FARMS ST. CROIX, VIRGIN ISLANDS

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

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Mr. PEARCE and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶90.13 RIGHT-TO-RIDE LIVESTOCK ON FEDERAL LANDS

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

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Mr. PEARCE and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶90.14 RIVERSIDE-CORONA FEEDER CONSTRUCTION

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

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Mr. PEARCE and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶90.15 WESTERN RESERVE HERITAGE AREAS STUDY ACT

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

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Mr. PEARCE and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶90.16 RAILROAD RIGHT-OF-WAY CONVEYANCE VALIDATION

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

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

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Mr. PEARCE and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said amendment?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said amendment was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said amendment was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶90.17 ANTI-COUNTERFEITING COPYRIGHTS

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

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Mr. SENSENBRENNER and Mrs. CHRISTIANSEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶90.18 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

¶90.19 VIDEO VOYEURISM PREVENTION

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

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Mr. SENSENBRENNER and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said amendment.

¶90.20 MESSAGE FROM THE PRESIDENT—NATIONAL EMERGENCY WITH RESPECT TO TERRORISM

The SPEAKER pro tempore, Mr. OXLEY, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

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

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

GEORGE W. BUSH.

THE WHITE HOUSE, *September 21, 2004*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 108–217).

¶90.21 TRANSPORTATION APPROPRIATIONS FY 2005

The SPEAKER pro tempore, Mr. OXLEY, pursuant to House Resolution 770 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5025) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005, and for other purposes.

Mr. BOOZMAN, Acting Chairman, assumed the chair; and after some time spent therein,

The SPEAKER pro tempore, Mr. FLAKE, assumed the Chair.

When Mr. THORNBERRY, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶90.22 RECESS—6:18 P.M.

The SPEAKER pro tempore, Mr. FLAKE, pursuant to clause 12(a) of rule I, declared the House in recess at 6 o'clock and 18 minutes p.m., until approximately 6:30 p.m.

¶90.23 AFTER RECESS—6:32 P.M.

The SPEAKER pro tempore, Mr. PEARCE, called the House to order.

¶90.24 TRANSPORTATION APPROPRIATIONS FY 2005

The SPEAKER pro tempore, Mr. PEARCE, pursuant to House Resolution 770 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5025) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005, and for other purposes.

Mr. THORNBERRY, Acting Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

¶90.25 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 11, submitted by Mr. VAN HOLLEN:

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

SEC.____. None of the funds made available by this Act may be used to implement the revision to Office of Management and Budget Circular A–76 made on May 29, 2003.

It was decided in the affirmative { Yeas ..... 210 / Nays ..... 187 }

¶90.26 [Roll No. 457]

AYES—210

Abercrombie	Delahunt	Johnson (IL)
Ackerman	DeLauro	Johnson, E. B.
Alexander	Deutsch	Jones (NC)
Allen	Dicks	Jones (OH)
Andrews	Dingell	Kanjorski
Baca	Doggett	Kaptur
Baldwin	Dooley (CA)	Kelly
Becerra	Doyle	Kennedy (RI)
Bell	Edwards	Kildee
Berkley	Emanuel	Kilpatrick
Berman	Emerson	Kind
Berry	Engel	Kleczka
Bishop (NY)	English	Kucinich
Boehlert	Eshoo	LaHood
Boswell	Etheridge	Lampson
Boucher	Evans	Langevin
Boyd	Farr	Lantos
Brady (PA)	Fattah	Larsen (WA)
Brown (OH)	Filner	Larson (CT)
Burr	Ford	LaTourette
Butterfield	Frank (MA)	Lee
Capito	Gephardt	Levin
Capps	Gonzalez	Lewis (GA)
Capuano	Gordon	Lewis (KY)
Cardin	Green (TX)	Lipinski
Cardoza	Grijalva	LoBiondo
Carson (IN)	Gutknecht	Lofgren
Case	Harman	Lowey
Chandler	Hastings (FL)	Lucas (KY)
Clay	Herseth	Lynch
Clyburn	Hill	Maloney
Conyers	Hinojosa	Markey
Cooper	Hoeffel	Marshall
Costello	Holden	Matheson
Cramer	Holt	McCarthy (MO)
Crowley	Hooley (OR)	McCarthy (NY)
Cummings	Hostettler	McCollum
Davis (AL)	Hoyer	McDermott
Davis (CA)	Hyde	McGovern
Davis (FL)	Inslee	McHugh
Davis (IL)	Israel	McIntyre
Davis (TN)	Jackson (IL)	McNulty
Davis, Jo Ann	Jackson-Lee (TX)	Meehan
DeFazio	Jefferson	Meeks (NY)
DeGette		Menendez

Michaud
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Shimkus
Simmons
Skelton
Slaughter
Smith (NJ)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Walsh
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—187

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

NOT VOTING—36

Baird
Bishop (GA)
Blumenauer
Bonner
Brown, Corrine
Cannon
Carson (OK)
Culberson
DeMint
Dunn
Frost
Goss
Greenwood
Gutierrez
Hensarling
Hinchey
Hoekstra
Honda
Isakson
Jenkins
John
King (NY)
Majette
Matsui
McInnis
Meek (FL)
Millender-McDonald
Miller (FL)
Mollohan
Rohrabacher
Sandlin
Schrock
Tancredo
Tauzin
Visclosky
Wicker

So the amendment was agreed to.

¶90.27 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 5, submitted by Mr. SANDERS:

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

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

It was decided in the affirmative { Yeas ..... 237 / Nays ..... 162 }

¶90.28 [Roll No. 458]

AYES—237

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bilirakis
Bishop (NY)
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Chandler
Clay
Clyburn
Coble
Conyers
Costello
Cramer
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Fossella
Frank (MA)
Frelinghuysen
Gephardt
Gerlach
Gilchrest
Gonzalez
Goode
Gordon
Green (TX)
Grijalva
Gutknecht
Harman
Hastings (FL)
Hefley
Herseth
Hill
Hinojosa
Hoeffel
Holden
Holt
Hooley (OR)
Hoyer
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Platts
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Shimkus
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Wilson (NM)
Woolsey
Wu
Wynn
Young (FL)

NOES—162

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Burns
Burr
Buyer
Calvert
Cantor
Carter
Castle
Chabot
Chocola
Cole
Collins
Cooper
Cox
Crane
Crenshaw
Crowley
Cubin
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Ehlers
English
Everett
Feeney
Flake
Foley
Forbes
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Goodlatte
Granger
Graves
Green (WI)
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Herger
Hobson
Hostettler
Houghton
Hulshof
Hunter
Issa
Istook
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kennedy (MN)
King (IA)
Kingston
Kline
Knollenberg
Kolbe
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
McCrery
McKeon
Meeks (NY)
Mica
Miller, Gary
Moran (KS)
Murphy
Myrick
Nethercutt
Neugebauer
Norwood
Nunes
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Vitter
Walden (OR)
Wamp
Weldon (FL)
Weller
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—34

Baird
Bishop (GA)
Blumenauer
Bonner
Brown, Corrine
Cannon
Carson (OK)
Culberson
DeMint
Dunn
Frost
Goss
Greenwood
Gutierrez
Hensarling
Hinchey
Hoekstra
Honda
Isakson
Jenkins
John
King (NY)
Majette
Matsui
McInnis
Millender-McDonald
Miller (FL)
Mollohan
Sandlin
Schrock
Tancredo
Tauzin
Visclosky
Wicker

So the amendment was agreed to.

¶90.29 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Ms. NORTON:

Page 166, after line 3, insert the following:

SEC. 647. None of the funds made available in this Act may be used to enter into or renew any contract under chapter 89 of title 5, United States Code, for a high deductible health plan that does not require enrollees to remain enrolled in such plan for at least 3 consecutive years from the date of initial enrollment.

It was decided in the negative ..... { Yeas ..... 175 / Nays 224

¶90.30 [Roll No. 459]

AYES—175

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Becerra
Bell
Berman
Berry
Bishop (NY)
Boswell
Boucher
Brady (PA)
Brown (OH)
Burr
Butterfield
Capps
Capuano
Cardin
Carson (IN)
Chandler
Clay
Clyburn
Cole
Conyers
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gephardt
Goode
Gordon
Grijalva
Hastings (FL)
Herseth
Hinojosa
Hoeffel
Holden
Holt
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wolf
Woolsey
Wynn

NOES—224

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

NOT VOTING—34

Baird
Berkley
Bishop (GA)
Blumenauer
Bonner
Brown, Corrine
Cannon
Carson (OK)
DeMint
Dunn
Frost
Goss
Greenwood
Gutierrez
Hensarling
Hinchey
Hoekstra
Honda
Isakson
Jenkins
John
King (NY)
Majette
Matsui
McInnis
Millender-McDonald
Miller (FL)
Mollohan
Sandlin
Schrock
Tancredo
Tauzin
Visclosky
Wicker

So the amendment was not agreed to.

¶90.31 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2, submitted by Mr. DAVIS of Florida:

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

SEC. ____. (a) None of the funds made available in this Act may be used to implement, administer, or enforce the amendments made to section 515.560 or 515.561 of title 31, Code of Federal Regulations (relating to travel-related transactions incident to travel to Cuba and visiting relatives in Cuba), as published in the Federal Register on June 16, 2004.

(b) The limitation in subsection (a) shall not apply to the implementation, administration, or enforcement of section 515.560(c)(3) of title 31, Code of Federal Regulations.

It was decided in the affirmative ..... { Yeas ..... 225 / Nays 174

¶90.32 [Roll No. 460]

AYES—225

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Bartlett (MD)
Bass
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bishop (NY)
Boehlert
Bono
Boswell
Boucher
Brady (PA)
Brady (TX)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cubin
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Ford
Frank (MA)
Gallegly
Gephardt
Gilchrest
Gonzalez
Gordon
Graves
Green (TX)
Grijalva
Harman
Herger
Herseth
Hill
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Rehberg
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Shimkus
Slaughter
Smith (MI)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Toomey
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOES—174

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Barton (TX)
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Boozman
Boyd
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
Diaz-Balart, L.

Diaz-Balart, M.
Doolittle
Dreier
Duncan
English
Everett
Feeney
Ferguson
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Granger
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hobson
Hulshof
Hunter
Hyde
Issa
Istook
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McIntyre
McKeon
Mica
Miller (MI)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Ose
Oxley
Pearce
Pence
Petri
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—34

Baird
Bishop (GA)
Blumenauer
Bonner
Brown, Corrine
Cannon
Carson (OK)
Davis, Tom
DeMint
Dunn
Frost
Goss
Greenwood
Gutierrez
Hensarling
Hinchey
Hoekstra
Isakson
Jenkins
John
King (NY)
Majette
Matsui
McInnis
Millender-McDonald
Miller (FL)
Mollohan
Sandlin
Schrock
Strickland
Tancredo
Tauzin
Visclosky
Wicker

So the amendment was agreed to.

The SPEAKER pro tempore, Mr. BURGESS, assumed the Chair.

When Mr. THORNBERRY, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶90.33 NOTICE—MOTION TO INSTRUCT CONFEREES—H.R. 1308

Mr. MOORE, pursuant to clause 7(c)(1) of rule XXII, announced his intention to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the House amendment to the amendment of the Senate to the bill (H.R. 1308) to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, and for other purposes, to agree, to the maximum extent possible within the scope of conference, to the conference report that (1) extends the tax relief provisions which expire at the end of 2004, and (2) does not increase the Federal budget deficit.

¶90.34 COMMEMORATING THE OPENING OF THE NATIONAL MUSEUM OF THE AMERICAN INDIAN

Mr. EHLERS moved to suspend the rules and pass the joint resolution of the Senate (S.J. Res. 41) a joint resolution commemorating the opening of the National Museum of the American Indian.

The SPEAKER pro tempore, Mr. BURGESS, recognized Mr. EHLERS and Mr. LARSON of Connecticut, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said joint resolution, as amended?

The SPEAKER pro tempore, Mr. McCOTTER, announced that two-thirds of the Members present had voted in the affirmative.

A motion to reconsider the vote whereby the rules were suspended and said joint resolution was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶90.35 WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII

Mr. REYNOLDS, by direction of the Committee on Rules, reported (Rept. No. 108–692) the resolution (H. Res. 780) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules.

When said resolution and report were referred to the House Calendar and ordered printed.

¶90.36 PROVIDING FOR THE CONSIDERATION OF H.R. 2028

Mr. REYNOLDS, by direction of the Committee on Rules, reported (Rept. No. 108–693) the resolution (H. Res. 781) providing for consideration of the bill (H.R. 2028) to amend title 28, United States Code, with respect to the jurisdiction of Federal courts inferior to the Supreme Court over certain cases and controversies involving the Pledge of Allegiance.

When said resolution and report were referred to the House Calendar and ordered printed.

¶90.37 SENATE CONCURRENT RESOLUTION REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 138. A concurrent resolution commending John W. Kluge for his dedication and commitment to the United States on the occasion of his 90th birthday; referred to the Committee on Government Reform.

¶90.38 BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on September 16, 2004, he presented to the President of the United States, for his approval, the following bills.

H.R. 361. An Act to designate certain conduct by sports agents relating to the signing of contracts with student athletes as unfair and deceptive acts or practices to be regulated by the Federal Trade Commission.

H.R. 3908. An Act to provide for the conveyance of the real property located at 1081 West Main Street in Ravenna, Ohio.

H.R. 5008. An Act to provide an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through September 30, 2004, and for other purposes.

¶90.39 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. FROST, for today;

To Mr. BAIRD, for today and September 22;

To Mr. BISHOP of Georgia, for today and balance of the week;

To Ms. MILLENDER-McDONALD, for today;

To Mr. TAUZIN, for today and balance of the week; and

To Mr. WICKER, for today.

And then,

¶90.40 ADJOURNMENT

On motion of Mr. SMITH of Michigan, at 11 o'clock and 48 minutes p.m., the House adjourned.

¶90.41 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2028. A bill to amend title 28, United States Code, with respect to the jurisdiction of Federal courts inferior to the Supreme Court over certain cases and controversies involving the Pledge of Allegiance; with amendments (Rept. 108–691). Referred to the Committee of the Whole House on the State of the Union.

Mr. REYNOLDS: Committee on Rules. House Resolution 780. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 108–692). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 781. Resolution providing for consideration of the bill (H.R. 2028) to amend title 28, United States Code, with respect to the jurisdiction of Federal courts inferior to the Supreme Court over certain cases and controversies involving the Pledge of Allegiance (Rept. 108–693). Referred to the House Calendar.

¶90.42 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CASE:

H.R. 5106. A bill to amend the Federal Crop Insurance Act to expand the Agricultural Management Assistance Program to include the State of Hawaii; to the Committee on Agriculture.

By Mr. SENSENBRENNER (for himself, Mr. CONYERS, Mr. CHABOT, Mr. COBLE, Mr. DELAHUNT, Ms. PRYCE of Ohio, Mr. GREEN of Wisconsin, Mr. SCOTT of Virginia, Mr. JENKINS, Mr. SCHIFF, Mr. WEINER, Ms. HART, Mr. BACHUS, Ms. BALDWIN, Mr. KELLER, and Mr. NADLER):

H.R. 5107. A bill to protect crime victims' rights, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes; to the Committee on the Judiciary.

By Mr. MANZULLO:

H.R. 5108. A bill to reauthorize certain programs of the Small Business Administration, and for other purposes; to the Committee on Small Business.

By Mr. CROWLEY (for himself, Mr. SERRANO, Mr. SHERMAN, Mr. HOEFFEL, Mr. WEINER, Mrs. MCCARTHY of New York, Mr. SMITH of Washington, Mr. BERMAN, Mr. HOLT, Mrs. MALONEY, Mrs. LOWEY, Mr. STARK, Mr. ISRAEL, Mr. MORAN of Virginia, Mr. GREEN of Texas, Mr. DELAHUNT, and Mr. SCHIFF):

H.R. 5109. A bill to establish the Airport Noise Curfew Commission; to the Committee on Transportation and Infrastructure.

By Ms. HERSETH:

H.R. 5110. A bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, a credit for individuals who care for those with long-term care needs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DREIER (for himself, Mr. REYES, and Mr. ISSA):

H.R. 5111. A bill to enforce restrictions on employment in the United States of unauthorized aliens through the use of improved social security cards and an Employment Eligibility Database, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL:

H.R. 5112. A bill to provide for a certificate recognizing employees of defense companies for contributions to the national defense during the Cold War; to the Committee on Armed Services.

By Mr. KILDEE (for himself, Mr. VAN HOLLEN, and Mr. GEORGE MILLER of California):

H.R. 5113. A bill to prevent abuse of the special allowance subsidies under the Federal Family Education Loan Program; to the Committee on Education and the Workforce.

By Mr. KING of Iowa:

H.R. 5114. A bill to amend the Internal Revenue Code of 1986 to make improvements to assist young farmers and ranchers; to the Committee on Ways and Means.

By Mr. MICA (for himself and Mr. BILIRAKIS):

H.R. 5115. A bill to award posthumously a Congressional gold medal to Constantino Brumidi; to the Committee on Financial Services.

By Mr. PALLONE:

H.R. 5116. A bill to amend title II of the Social Security Act to waive the 24-month waiting period for Medicare coverage of individuals disabled with distant stage cancer; to the Committee on Ways and Means.

By Mr. SCHIFF (for himself, Mr. GOODLATTE, Mr. BECERRA, and Mr. FOLEY):

H.R. 5117. A bill to establish in the Office of the United States Trade Representative an Assistant United States Trade Representative for Intellectual Property Rights; to the Committee on Ways and Means.

By Mr. SESSIONS:

H.R. 5118. A bill to combat terrorism, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REYNOLDS:

H. Con. Res. 494. Concurrent resolution supporting the goals and purposes of National Farm Safety and Health Week and applauding the men and women who provide a stable supply of food and fiber for the United States and the world; to the Committee on Agriculture.

By Mr. HILL (for himself, Ms. CARSON of Indiana, and Mr. PENCE):

H. Res. 779. A resolution celebrating the life of Joseph Irwin Miller of Columbus, Indiana; to the Committee on Government Reform.

By Mr. BLUMENAUER (for himself, Mr. SHAYS, Mr. GEORGE MILLER of California, Mr. GREENWOOD, Mr. ALLEN, and Mr. UDALL of Colorado):

H. Res. 782. A resolution affirming the commitments made by the United States at the World Summit on Sustainable Development in Johannesburg, South Africa, to improve worldwide access to safe drinking water and basic sanitation services; to the Committee on International Relations.

By Mr. HOUGHTON:

H. Res. 783. A resolution recognizing Jerry J. Jasinowski on the occasion of his retirement from the presidency of the National Association of Manufacturers; to the Committee on Energy and Commerce.

¶90.43 ADDITIONSL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 571: Mrs. MCCARTHY of New York and Mr. PENCE.

H.R. 603: Mr. FRANK of Massachusetts.

H.R. 623: Ms. BORDALLO.

H.R. 713: Mr. CARSON of Oklahoma and Mr. MCCRERY.

H.R. 756: Mr. SULLIVAN.

H.R. 785: Ms. BORDALLO.

H.R. 792: Mr. MANZULLO and Mr. SABO.

H.R. 870: Mr. LATHAM.

H.R. 883: Ms. BORDALLO.

H.R. 970: Ms. HARRIS and Mr. SCHROCK.

H.R. 980: Mr. OLVER.

H.R. 997: Mr. RYUN of Kansas.

H.R. 1057: Ms. DELAURO.

H.R. 1212: Mr. KLECZKA.

H.R. 1294: Mr. PASTOR, Mr. FATTAH, and Mrs. MCCARTHY of New York.

H.R. 1323: Mr. GORDON.

H.R. 1345: Mr. BISHOP of Georgia and Mr. DAVIS of Alabama.

H.R. 1428: Mr. BISHOP of Georgia.

H.R. 1657: Mr. LANTOS.

H.R. 1734: Mr. OLVER, Mr. KUCINICH, and Mr. ORTIZ.

H.R. 1859: Mr. CARSON of Oklahoma and Mr. RANGEL.

H.R. 1873: Mr. PORTER and Ms. MILLENDER-MCDONALD.

H.R. 1919: Mr. MCCOTTER.

H.R. 1939: Mr. OLVER.

H.R. 1958: Mr. RUSH, Mr. GUTIERREZ, Mr. LAMPSON, Ms. JACKSON-LEE of Texas, Mr. MEEKS of New York, Mr. LEWIS of Georgia, and Mr. PALLONE.

H.R. 2094: Mrs. MCCARTHY of New York.

H.R. 2101: Mr. HOEFFEL.

H.R. 2387: Mrs. WILSON of New Mexico, Ms. DELAURO, and Mr. MARKEY.

H.R. 2505: Mr. BRADLEY of New Hampshire.

H.R. 2680: Mr. THOMPSON of California, Mr. RYAN of Ohio, Mr. STENHOLM, Mr. CROWLEY, Mr. TOM DAVIS of Virginia, Mr. UDALL of New Mexico, Mr. GORDON, Mrs. DAVIS of California, Ms. BERKLEY, Mr. ROTHMAN, Mr. TURNER of Texas, Mr. ENGEL, and Mr. ENGLISH.

H.R. 2735: Ms. SOLIS.

H.R. 2787: Ms. DELAURO.

H.R. 2959: Mr. WYNN, Mr. EMANUEL, and Mr. PAYNE.

H.R. 3085: Ms. MCCARTHY of Missouri, Mr. SCHIFF, and Mr. EMANUEL.

H.R. 3142: Ms. LEE.

H.R. 3242: Mr. KENNEDY of Rhode Island and Ms. DELAURO.

H.R. 3543: Mr. DEMINT, Mr. PITTS, and Mr. BROWN of South Carolina.

H.R. 3634: Mr. MEEKS of New York, Mr. SERRANO, Mr. TOWNS, Mrs. MALONEY, and Mr. FRANK of Massachusetts.

H.R. 3729: Mr. KILDEE, Ms. KILPATRICK, Mr. BRADY of Pennsylvania, Mr. WILSON of South Carolina, Mr. REYES, Mr. MARKEY, Mrs. CHRISTENSEN, Mr. CLAY, and Mr. BELL.

H.R. 3859: Mr. BELL, Mr. LANGEVIN, Mrs. MCCARTHY of New York, Mr. UDALL of New Mexico, Ms. MAJETTE, Mrs. MALONEY, Mrs. VELAZQUEZ, Mr. TOWNS, Mr. OLVER, Mr. GUTIERREZ, Mr. BERMAN, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3880: Mrs. CAPPS.

H.R. 3921: Mr. BLUMENAUER.

H.R. 3951: Mr. SPRATT.

H.R. 4026: Mr. GERLACH.

H.R. 4032: Mr. WAXMAN.

H.R. 4057: Mr. KENNEDY of Minnesota.

H.R. 4076: Mr. KUCINICH.

H.R. 4169: Ms. BALDWIN.

H.R. 4214: Mrs. NORTHUP.

H.R. 4256: Mr. STRICKLAND.

H.R. 4264: Mr. CONYERS.

H.R. 4283: Mr. HYDE.

H.R. 4284: Mr. SIMPSON.

H.R. 4306: Mr. GORDON.

H.R. 4341: Mr. PALLONE.

H.R. 4343: Mr. MCKEON.

H.R. 4367: Mr. ROSS.

H.R. 4395: Mr. BAIRD and Mr. SANDLIN.

H.R. 4399: Mr. SERRANO and Mr. PALLONE.

H.R. 4420: Mr. WELDON of Florida, Mr. GOODLATTE, Mr. PETERSON of Minnesota, Mr. JENKINS, Mr. CANNON, Mr. DAVIS of Tennessee, Mr. RAHALL, Mr. MCCOTTER, and Mr. DOOLITTLE.

H.R. 4502: Mr. LINCOLN DIAZ-BALART of Florida and Mr. HYDE.

H.R. 4575: Mr. FILNER and Mr. MICHAUD.

H.R. 4595: Mr. FRANK of Massachusetts.

H.R. 4605: Mr. BLUMENAUER.

H.R. 4610: Mr. GREENWOOD.

H.R. 4616: Mr. MCDERMOTT, Mr. RYAN of Ohio, Mr. GUTIERREZ, Mr. HOLDEN, Mr. FILNER, Mr. KUCINICH, and Mr. STARK.

H.R. 4656: Mr. GORDON.

H.R. 4674: Mr. GRIJALVA.

H.R. 4676: Mr. SCOTT of Virginia and Ms. MAJETTE.

H.R. 4682: Ms. VELAZQUEZ, Mr. CLAY, Mr. BOEHLERT, and Mr. OWENS.

H.R. 4706: Mr. HINCHEY, Mr. FALEOMAVAEGA, Mr. NADLER, and Mr. WAXMAN.

H.R. 4712: Mr. GARRETT of New Jersey and Mr. NEUGEBAUER.

H.R. 4715: Mr. WILSON of South Carolina.

H.R. 4717: Mr. NEUGEBAUER.

H.R. 4740: Mr. CARDIN.

H.R. 4782: Mr. SULLIVAN and Mr. LUCAS of Oklahoma.

H.R. 4783: Mr. ROSS.

H.R. 4793: Ms. CARSON of Indiana, Mr. CONYERS, Mr. JACKSON of Illinois, Mrs. CHRISTENSEN, Ms. DELAURO, Mr. SCOTT of Georgia, Mr. GEORGE MILLER of California, Mr. OLVER, and Mr. BLUMENAUER.

H.R. 4838: Mr. BEAUPREZ and Mr. UDALL of Colorado.
H.R. 4849: Mr. CAMP.
H.R. 4900: Mr. CASE and Ms. ROS-LEHTINEN.
H.R. 4927: Mr. PRICE of North Carolina.
H.R. 4928: Mr. FALEOMAVAEGA.
H.R. 4936: Ms. PELOSI and Ms. DELAURO.
H.R. 4976: Mr. ALLEN.
H.R. 4979: Ms. MILLENDER-MCDONALD.
H.R. 4982: Mr. ANDREWS.
H.R. 5040: Mr. ANDREWS, Mr. MARKEY, Mr. FROST, and Mr. MORAN of Virginia.
H.R. 5046: Ms. NORTON.
H.R. 5061: Mr. HONDA, Mr. BURTON of Indiana, Mr. CARDOZA, Mr. SMITH of New Jersey, Mr. ENGLISH, Ms. LEE, Mr. CAPUANO, Mr. MARKEY, Ms. CARSON of Indiana, Mr. RANGLE, Mr. PALLONE, and Mr. GORDON.
H.R. 5068: Mr. SMITH of Texas, Mr. TURNER of Texas, Ms. JACKSON-LEE of Texas, and Mr. KENNEDY of Rhode Island.
H.R. 5069: Mr. TURNER of Texas, Mr. SMITH of Texas, Mr. SANDLIN, Ms. JACKSON-LEE of Texas, and Mr. ETHERIDGE.
H.R. 5094: Mr. PUTNAM, Mr. FEENEY, Mr. BURR, and Mr. SERRANO.
H.J. Res. 22: Mr. BASS, Mrs. CUBIN, and Mr. SANDLIN.
H.J. Res. 102: Mr. BERMAN and Mr. BURTON of Indiana.
H. Con. Res. 369: Mr. FARR.
H. Con. Res. 375: Mr. CAMP and Mr. BISHOP of Georgia.
H. Con. Res. 416: Mr. BRADLEY of New Hampshire.
H. Con. Res. 425: Mrs. NORTHUP and Mr. WAXMAN.
H. Res. 556: Mr. SCHIFF and Mr. BLUMENAUER.
H. Res. 586: Mr. PAUL.
H. Res. 641: Mr. QUINN.
H. Res. 745: Ms. KILPATRICK and Mr. FILNER.
H. Res. 746: Mr. GREEN of Texas, Mr. MORAN of Virginia, Mr. WU, and Ms. LEE.
H. Res. 755: Mr. KENNEDY of Rhode Island and Mr. WEXLER.
H. Res. 761: Mr. UDALL of Colorado, Ms. PRYCE of Ohio, Mr. SPRATT, and Ms. LORETTA SANCHEZ of California.
H. Res. 774: Mr. MCGOVERN, Mr. CARDIN, Mr. HINCHEY, Mr. VISCLOSKY, Mr. MEEKS of New York, Mr. GORDON, Mr. GREENWOOD, Ms. MCCARTHY of Missouri, Mr. CONYERS, Mr. MCDERMOTT, Mr. LAMPSON, and Ms. DELAURO.

WEDNESDAY, SEPTEMBER 22, 2004 (91)

The House was called to order by the SPEAKER.

¶91.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Tuesday, September 21, 2004.

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

¶91.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

9660. A letter from the Assistant Attorney General, Department of Justice, transmitting the 2003 Annual Report regarding the Department's enforcement activities under the Equal Credit Opportunity Act, pursuant to 15 U.S.C. 1691f; to the Committee on Financial Services.

9661. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackeral Lottery in Areas 542 and 543 [Docket No. 031126295-3295-01; I.D. 081104A] received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9662. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9663. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9664. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9665. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9666. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9667. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9668. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Indiana Regulatory Program and Abandoned Mine Land Reclaimation Plan [Docket No. IN-155-FOR] received September 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9669. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Texas Regulatory Program [Docket No. TX-053-FOR] received September 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9670. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Maryland Regulatory Program [MD-054-FOR] received September 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9671. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Illinois Regulatory Program and Illinois Abandoned Mine Land Reclamation Plan [IL-102-FOR] received July 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9672. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfishery; Pacific Whiting; Routine Management Measure; Closure Authority [Docket No. 040726215-4215-01; I.D. 071604d] (RIN: 0648-AS48) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9673. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Fish Meal [Docket No. 040427134-4230-02; I.D.042004D] (RIN: 0648-AR64) received September 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9674. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery [Docket No. 040624193-4193-01; I.D. 060304A] (RIN: 0648-AS43) received July 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9675. A letter from the Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the 2004 Deep-Water Grouper Commercial Fishery [I.D. 070104K] received July 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9676. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; ''Other Flatfish'' in the Bering Sea and Aleutian Islands [Docket No. 031124287-4060-02; I.D. 081004F] received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9677. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Zone Off Alaska; Rock Sole in the Bering Sea and Aleutian Islands [Docket No. 031124287-4060-02; I.D. 081004E] received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9678. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Implementation of the Yellowtail Flounder Landing Limit for Western and Eastern U.S./Canada Areas [Docket No. 040112010-4114-02; I.D. 081204C] Recieved August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9679. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries off the West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; End of the Pacific Whiting Primary Season for the Shore-based Sector and the Resumption of Trip Limits [Docket No. 031216314-4118-03; I.D. 081104I] received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9680. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Eastern Aleutian District of the Bering Sea and Aleutian Islands [Docket No. 031124287-4060-02; I.D. 070804A] received July 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9681. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and

in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #7 — Adjustments of the Recreational Fishery from the Queets River, Washington to Cape Falcon, Oregon [Docket No. 040429134-4135-01; I.D. 081704C] received September 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9682. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #6 — Adjustments of the Commercial Fishery from the U.S.-Canada Border to Cape Falcon, Oregon [Docket No. 040429134-4135-01; I.D. 081604A] received September 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9683. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason #8 — Adjustments of the Commercial Salmon Fishery from Humbug Mountain, Oregon to the Oregon-California Border [Docket No. 040429134-4135-01; I.D. 081704D] received September 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9684. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the Spring Commerical Red Snapper Component [I.D. 082404C] received September 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9685. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska [Docket No. 031125292-4061-02; I.D. 082704A] received September 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9686. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Aera 630 of the Gulf of Alaska [Docket No. 031125292-4061-02; I.D. 082704B] received September 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9687. A letter from the Chairman, U.S. International Trade Commission, transmitting pursuant to Section 2104(f) of the Trade Act of 2002, a report on the Commission's investigation entitled ''U.S.-Central America-Dominican Republic Free Trade Agreement: Potential Economywide and Selected Sectoral Effects, Inv. No. TA-2104-13, USITC Publication 3717''; to the Committee on Ways and Means.

9688. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a two-part report to the Congress on various conditions in Bosnia and Herzegovina. Part I responds to the requirements of section 7 of Pub. L. 105-174 (1998 Supplemental Appropriations and Rescissions Act) and outlines the latest developments in our continuing efforts to achieve a sustainable peace in Bosnia and Herzegovina. Part II responds to the supplementary reporting requirements contained in section 1203(a) of Pub. L. 105-261 (Strom Thurmond National Defense Authorization Act for FY 1999), covering the period from January 1 to June 30, 2004; jointly to the Committees on International Relations, Armed Services, and Appropriations.

¶91.3 MESSAGE FROM THE SENATE

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

H.R. 4837. An Act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4837) ''An Act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints: Mrs. HUTCHISON, Mr. BURNS, Mr. CRAIG, Mr. DEWINE, Mr. BROWNBACK, Mr. STEVENS, Mrs. FEINSTEIN, Mr. INOUYE, Mr. JOHNSON, Ms. LANDRIEU, and Mr. BYRD, to be the conferees on the part of the Senate.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2279. An Act to amend title 46, United States Code, with respect to maritime transportation security, and for other purposes.

¶91.4 TRANSPORTATION APPROPRIATIONS FY 2005

The SPEAKER pro tempore, Mr. SHIMKUS, pursuant to House Resolution 770 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5025) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005, and for other purposes.

Mr. SIMMONS, Acting Chairman, assumed the chair; and after some time spent therein,

¶91.5 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. RANGEL:

Page 166, insert after line 3 the following new section:

SEC. 647. None of the funds made available in this Act may be used to implement, administer, or enforce the economic embargo of Cuba, as defined in section 4(7) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (Public Law 104–114), except that the foregoing limitation does not apply to the administration of a tax or tariff.

It was decided in the negative ..... { Yeas ..... 188 / Nays 225

¶91.6 [Roll No. 461]

AYES—188

Abercrombie
Allen
Baca
Baldwin
Becerra
Bell
Berman
Berry
Biggert
Bishop (NY)
Blumenauer
Bono
Boozman
Boswell
Boucher
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardoza
Carson (IN)
Carson (OK)
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Emerson
Eshoo
Evans
Farr
Fattah
Filner
Flake
Ford
Frank (MA)
Gonzalez
Gordon
Graves
Grijalva
Harman
Herger
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Michaud
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Nethercutt
Nussle
Oberstar
Obey
Olver
Osborne
Otter
Owens
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Shays
Shimkus
Slaughter
Smith (WA)
Snyder
Solis
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wynn

NOES—225

Ackerman
Aderholt
Akin
Alexander
Andrews
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berkley
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Cardin
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Engel
English
Etheridge
Everett
Feeney
Ferguson
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost

Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall
Harris
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hobson
Holden
Holt
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Marshall
Matsui
McCotter
McCrery
McHugh
McIntyre
McKeon
Meek (FL)
Menendez
Mica
Miller (MI)
Miller (NC)
Miller, Gary
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Ortiz
Ose
Oxley
Pallone
Pascrell
Pearce
Pence
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryun (KS)
Saxton
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spratt
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—20

Baird
Bishop (GA)
Bonner
Cannon
Gephardt
Goss
Greenwood
Hart
Hensarling
Hoekstra
Kirk
Manzullo
McInnis
Meeks (NY)
Millender-McDonald
Miller (FL)
Murphy
Tauzin
Wexler
Wicker

So the amendment was not agreed to.

¶91.7 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. OLVER:

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

SEC. _____. None of the funds made available under this Act may be used to issue or implement the Department of Transportation's proposed regulation entitled Parts and Accessories Necessary for Safe Operation; Certification of Compliance With Federal Motor Vehicle Safety Standards (FMVSSs), published in the Federal Register, volume 67, number 53, on March 19, 2002, relating to a phase-in period to bring vehicles into compliance with the requirements of the regulation.

It was decided in the affirmative ..... { Yeas ..... 339 / Nays 70

¶91.8 [Roll No. 462]

AYES—339

Abercrombie
Ackerman
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baldwin
Bass
Beauprez
Bell
Berkley
Berman
Berry
Bilirakis
Bishop (NY)
Blumenauer
Boehlert
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Chandler
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doolittle
Doyle
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hastings (FL)
Hayes
Hayworth
Hefley
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kleczka
Kline
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Putnam
Quinn
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—70

Aderholt
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Blackburn
Blunt
Boehner
Bonilla
Brady (TX)
Cantor
Carter
Chocola
Collins
Crane
Cubin
Culberson
Davis, Tom
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Dreier
Dunn
Flake
Franks (AZ)
Garrett (NJ)
Granger
Hastings (WA)
Herger
Istook
Johnson, Sam
Keller
Kennedy (MN)
Kingston
Knollenberg
Kolbe
Lewis (CA)
Linder
McCrery
Musgrave
Myrick
Nethercutt
Nunes
Osborne
Ose
Otter
Oxley
Pearce
Pence
Pitts
Pryce (OH)
Radanovich
Ramstad
Renzi
Schrock
Sessions
Shadegg
Smith (TX)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Vitter
Weldon (FL)

NOT VOTING—24

Baird
Becerra
Bishop (GA)
Bishop (UT)
Bonner
Cannon
Cox
Gephardt
Goss
Greenwood
Hart
Hensarling
Hoekstra
Jones (NC)
Kirk
Manzullo
McInnis
Meeks (NY)
Millender-McDonald
Miller (FL)
Murphy
Tauzin
Wexler
Wicker

So the amendment was agreed to.

After some further time,

The SPEAKER pro tempore, Mr. SHIMKUS, assumed the Chair.

When Mr. GILLMOR, Chairman, pursuant to House Resolution 770, reported the bill back to the House with sundry amendments adopted by the Committee.

The previous question having been ordered by said resolution.

Mr. HOYER demanded a separate vote on the amendment by Mr. STENHOLM .

The following remaining amendments, reported from the Committee of the Whole House on the state of the Union, were then agreed to:

On page 6 of the bill, after "$7,726,000,000," insert: "of which $4,972,000,000 shall be derived from the Airport and Airway Trust Fund,".

On page 48 of the bill, line 4, insert the following:

"GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

For an additional amount to be deposited in, and to be used for the purposes of, the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 592), $1,775,261,000."

Strike section 216 (relating to identification accepted by financial institutions).

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

SEC. 647. None of the funds made available in this Act shall be available for the development or dissemination by the Federal Highway Administration of any version of a programmatic agreement which regards the Dwight D. Eisenhower National System of Interstate and Defense Highways as eligible for inclusion on the National Register of Historic Places.

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

SEC. . The amounts otherwise provided by this Act are revised by increasing the amount made available for ''Financial Crimes Enforcement Network—Salaries and Expenses''; and reducing the amount made available for ''General Services Administration—Real Property Activities—Federal Buildings Fund'' (consisting of a reduction of $12,750,000 in the amount made available for rental of space and a reduction of $12,750,000 in the amount made available for building operations); by $25,500,000.

Page 166, after 3, insert the following new section:

SEC. 647. None of the funds appropriated by the Act may be used to plan, enter into, implement, or provide oversight of contracts between the Secretary of the Treasury, or his designee, and any private collection agency.

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

SEC. . The amount otherwise provided by this Act for deposit in the Federal Buildings Fund is hereby reduced by $152,979,000, and, notwithstanding any other provision of this Act, the amount available from revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for in the aggregate amount of $8,619,023,000.

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

SEC. _____. None of the funds made available in this Act may be used by the Council of Economic Advisers to produce an Economic Report of the President regarding the inclusion of employment at a retail fast food restaurant as part of the definition of manufacturing employment.

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

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

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

SEC.____. None of the funds made available by this Act may be used to implement the revision to Office of Management and Budget Circular A–76 made on May 29, 2003.

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

SEC. ____. None of the funds appropriated by this Act may be used by the Secretary of the Treasury to implement, pursuant to sections 8348(j)(1) and 8348(l)(2) of title 5, United States Code, any suspension of issuance of obligations of the United States for purchase by the Civil Service Retirement and Disability Fund, to implement, pursuant to sections 8438(g)(1) and 8438(h)(2) of such title, any suspension of issuance of obligations of the United States for purchase by the Thrift Savings Fund for the Government Securities Investment Fund, or to implement, pursuant to section 8348(k)(1) of such title, any sale or redemption of securities, obligations, or other invested assets of the Civil Service Retirement and Disability Fund before maturity.

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

SEC. ____. (a) None of the funds made available in this Act may be used to implement, administer, or enforce the amendments made to section 515.560 or 515.561 of title 31, Code of Federal Regulations (relating to travel-related transactions incident to travel to Cuba and visiting relatives in Cuba), as published in the Federal Register on June 16, 2004.

(b) The limitation in subsection (a) shall not apply to the implementation, administration, or enforcement of section 515.560(c)(3) of title 31, Code of Federal Regulations.

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

SEC. _____. None of the funds made available in this Act may be used to implement any sanction imposed by the United States on private commercial sales of agricultural commodities (as defined in section 402 of the Agricultural Trade Development and Assistance Act of 1954) or medicine or medical supplies (within the meaning of section 1705(c) of the Cuban Democracy Act of 1992) to Cuba (other than a sanction imposed pursuant to agreement with one or more other countries).

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

SEC. ____. None of the funds made available in this Act may be used to implement, administer, or enforce the amendments made to paragraphs (a) and (b) of section 515.565 of title 31, Code of Federal Regulations (relating to specific licenses for United States academic institutions and other specific licenses), as published in the Federal Register on June 16, 2004 (69 Fed. Reg. 33772). The limitation in the preceding sentence shall not apply to the implementation, administration, or enforcement of section 515.560(c)(3) of title 31, Code of Federal Regulations.

The question being put, viva voce,

Will the House agree to the following amendment by Mr. STENHOLM on which a separate vote had been demanded?

The SPEAKER pro tempore, Mr. SHIMKUS, announced that the yeas had it.

Mr. HOYER demanded a recorded vote on agreeing to said amendment, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 404 / Nays 8

¶91.9 [Roll No. 463]

AYES—404

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp

Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—8

Collins
Davis, Tom
Johnson, Sam
Ose
Portman
Schrock
Scott (VA)
Thomas

NOT VOTING—21

Baird
Bishop (GA)
Bonner
Cannon
DeMint
Gephardt
Goss
Greenwood
Hart
Hensarling
Hoekstra
Kirk
Lantos
Manzullo
McInnis
Millender-McDonald
Miller (FL)
Murphy
Tauzin
Wexler
Wicker

So the amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. OBEY moved to recommit the bill to the Committee on Appropriations with instructions to report the bill back to the House promptly with an amendment to restore funding for Payments to Air Carriers, Grants-in-Aid for Airports, the Federal Highway Administration, the Federal Motor Carrier Safety Administration, the National Traffic Highway Administration, the Federal Railroad Administration, the Federal Transit Administration, and the Surface Transportation Board and increase funding above the levels in H.R. 5025, as reported, for the Federal-Aid Highways Limitation on Obligations, Grants to the National Railroad Passenger Corporation, new fixed guideway systems, and Grants-in-Aid for Airports.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. SHIMKUS, announced that the nays had it.

Mr. OBEY objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas 201
Nays 210

¶91.10 [Roll No. 464]

YEAS—201

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wu
Wynn

NAYS—210

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

NOT VOTING—22

Baird
Bishop (GA)
Bonner
Cannon
Foley
Gephardt
Greenwood
Hart
Hensarling
Hoekstra
Kirk
Manzullo
Matsui
McInnis
Mica
Millender-McDonald
Miller (FL)
Murphy
Shaw
Tauzin
Wexler
Wicker

So the motion to recommit with instructions was not agreed to.

The question being put,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. SHIMKUS, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas 397
Nays 12

¶91.11 [Roll No. 465]

YEAS—397

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall

Harman
Harris
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—12

Castle
Flake
Franks (AZ)
Hefley
Jones (NC)
Kucinich
Obey
Otter
Paul
Royce
Sensenbrenner
Shimkus

NOT VOTING—24

Baird
Bishop (GA)
Bonner
Cannon
Cox
Dunn
Foley
Gephardt
Gillmor
Greenwood
Hart
Hensarling
Hoekstra
Kirk
Manzullo
McInnis
Meehan
Millender-McDonald
Miller (FL)
Murphy
Reynolds
Tauzin
Wexler
Wicker

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶91.12 CIVIL WAR SESQUICENTENNIAL COMMISSION

Mr. OSE moved to suspend the rules and pass the bill (H.R. 2449) to establish a commission to commemorate the sesquicentennial of the American Civil War; as amended.

The SPEAKER pro tempore, Mr. LINDER, recognized Mr. OSE and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. LINDER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶91.13 HUDSON-FULTON-CHAMPLAIN 400TH COMMEMORATION COMMISSION

Mr. OSE moved to suspend the rules and pass the bill (H.R. 2528) to establish the Hudson-Fulton-Champlain 400th Commemoration Commission, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. LINDER, recognized Mr. OSE and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. LINDER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶91.14 NATIONAL PREPAREDNESS MONTH

Mr. OSE moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 489):

Whereas devastating acts, such as the terrorist attacks on the World Trade Center and the Pentagon, have left many Americans concerned about the possibility of future terrorist incidents and their potential impact;

Whereas terrorists are attempting to acquire or develop weapons of mass destruction, such as biological, chemical, nuclear, and radiological weapons;

Whereas terrorist attacks and other emergencies have, and can again, disrupt hundreds of thousands of lives, resulting in significant numbers of casualties, causing serious damage to buildings and our Nation's infrastructure, and costing billions of dollars;

Whereas the Department of Homeland Security and other Federal, State, and local entities have been working diligently to prevent, prepare for, respond to, and recover from terrorist attacks and other emergencies;

Whereas all Americans can assist in promoting the Nation's overall emergency preparedness by preparing themselves and their families for terrorist attacks and other emergencies;

Whereas Americans can prepare for the unexpected by, among other things, assembling an emergency supply kit, developing a family emergency communications plan, and keeping informed about possible emergencies;

Whereas additional information about citizen preparedness can be obtained through the Department of Homeland Security's Ready campaign, by telephone at 1–800–BE-READY, and on the Internet at www.Ready.gov;

Whereas the Department of Homeland Security, the Department of Education, the America Prepared Campaign, the American Red Cross, and a coalition of more than 50 national organizations will launch National Preparedness Month on September 9, 2004;

Whereas all 56 State and territorial governors have pledged to mark National Preparedness Month with local events; and

Whereas the designation of National Preparedness Month will promote public awareness about the numerous ways that Americans can better prepare themselves and our Nation for terrorist attacks and other emergencies: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) supports the goals and ideals of National Preparedness Month;

(2) supports the designation of National Preparedness Month; and

(3) urges the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe National Preparedness Month with appropriate events and activities that promote citizen and community preparedness for terrorist attacks and other emergencies.

The SPEAKER pro tempore, Mr. LINDER, recognized Mr. OSE and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. LINDER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶91.15 NATIONAL LONG-TERM CARE RESIDENTS' RIGHTS WEEK

Mr. OSE moved to suspend the rules and agree to the following resolution (H. Res. 772):

Whereas there are nearly 1.7 million individuals living in 17,000 nursing homes and 1 million individuals living in 46,000 board and care and assisted living facilities in the United States;

Whereas residents of long-term care facilities, including senior citizens and individuals living with disabilities, are one of the Nation's most valued resources;

Whereas residents of long-term care facilities include the ''Greatest Generation'' of Americans who protected our freedoms in World War II and helped rebuild the world in the postwar years;

Whereas almost 160,000 people younger than 65 years of age live in the Nation's nursing homes;

Whereas the Nation should honor and celebrate long-term care residents, recognize their rich individuality, and reaffirm their rights as community members and citizens, including the right to vote;

Whereas the Federal Nursing Home Reform Act of 1987 guaranteed important rights, such as the right to privacy, the right to be treated with dignity, the right to exercise self-determination, the right to participate in the review of one's care plan, the right to be fully informed in advance of any changes in treatment, and the right to voice grievances without discrimination or reprisal;

Whereas long-term care ombudsmen, citizen advocates, facility staff, and family and resident councils work to educate and empower residents in the exercise of their rights;

Whereas the week beginning October 3, 2004, should be celebrated as National Long-Term Care Residents' Rights Week;

Whereas in recognition of National Long-Term Care Residents' Rights Week, individuals and groups around the country will be affirming the importance of quality of care and quality of life for long-term care residents; and

Whereas National Long-Term Care Residents' Rights Week originated in 1980, with resolutions introduced by Representative Claude Pepper and Senator David Pryor to designate a Nursing Home Residents Day: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Long-Term Care Residents' Rights Week; and

(2) encourages the President to issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities to demonstrate the importance of long-term care residents to our everyday lives.

The SPEAKER pro tempore, Mr. LINDER, recognized Mr. OSE and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. LINDER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶91.16 DESIGNATE SEPTEMBER 11 AS A DAY OF VOLUNTARY SERVICE

Mr. OSE moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 473); as amended:

Whereas, across the Nation and around the world, people of all ages and walks of life collectively witnessed an event of immense tragedy on September 11, 2001;

Whereas the events of that day instantly transformed many lives, some through personal loss, and many others through an unfamiliar sense of individual and national vulnerability;

Whereas an unprecedented, historic bonding of Americans arose from the collective shock, unifying the Nation in a sustained outpouring of national spirit, pride, selflessness, generosity, courage, and service;

Whereas, on that day and the immediate days that followed, many brave people heroically, tirelessly, and courageously participated in an extraordinarily difficult and dangerous rescue and recovery effort, in many cases voluntarily putting their own well being at risk;

Whereas September 11 will never and should never be just another day in the hearts and minds of all Americans;

Whereas the creation of memorials and monuments honoring the lives lost on September 11, as well as the efforts of those who participated in rescue, recovery, and voluntary service efforts, are necessary, proper, and fitting, but alone cannot fully capture the Nation's desire to pay tribute in a meaningful way;

Whereas it is fitting and essential to establish a lasting, meaningful, and positive legacy of service for future generations as a tribute to those heroes of September 11;

Whereas many citizens wish to memorialize September 11 by engaging in personal and individual acts of community service or other giving activities as part of a national day of recognition and tribute; and

Whereas to lose this opportunity to bring people together for such an important endeavor would be a tragedy unto itself: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) it is the sense of Congress that it is appropriate to annually observe Patriot Day, September 11, with voluntary acts of service and compassion in honor of the lives lost on that day and in the spirit of selflessness and unity demonstrated by those who participated in the rescue, recovery, and voluntary service activities that day; and

(2) Congress urges the President to issue a proclamation calling upon the people of the United States to annually observe Patriot Day, September 11, with appropriate and personal expressions of voluntary service, charity, and compassion toward others.

The SPEAKER pro tempore, Mr. LINDER, recognized Mr. OSE and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. LINDER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A concurrent resolution expressing the sense of Congress that it is appropriate to annually observe Patriot Day, September 11, with voluntary acts of service and compassion.''.

A motion to reconsider the votes whereby the rules were suspended and said concurrent resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶91.17 EVA HOLTZMAN POST OFFICE

Mr. OSE moved to suspend the rules and pass the bill (H.R. 5039) to designate the facility of the United States Postal Service located at United States Route 1 in Ridgeway, North Carolina, as the ''Eva Holtzman Post Office''.

The SPEAKER pro tempore, Mr. LINDER, recognized Mr. OSE and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. LINDER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶91.18 UNITED STATES POSTAL SERVICE HENRY JOHNSON ANNEX

Mr. OSE moved to suspend the rules and pass the bill (H.R. 480) to redesignate the facility of the United States Postal Service located at 747 Broadway in Albany, New York, as the ''United States Postal Service Henry Johnson Annex.''.

The SPEAKER pro tempore, Mr. LINDER, recognized Mr. OSE and Mr. DOGGETT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. LINDER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶91.19 CONGRATULATING LANCE ARMSTRONG

Mr. OSE moved to suspend the rules and agree to the following resolution (H. Res. 761):

Whereas Lance Armstrong has proven himself to be the premier cyclist in the world with his most recent Tour de France victory;

Whereas Lance Armstrong's victory on July 25, 2004 makes him the only cyclist in history to win the Tour de France 6 times;

Whereas Lance Armstrong displayed incredible perseverance, determination, and leadership on a course that included the mountainous terrain of the Pyrenees and the Alps, cobblestones, crashes among competitors, and inclement French weather on his way to winning his 6th Tour de France;

Whereas in 1997, Lance Armstrong defeated choriocarcinoma, an aggressive form of testicular cancer that had spread throughout his abdomen, lungs, and brain, and after treatment has remained cancer-free for the past 7 years;

Whereas Lance Armstrong is the first cancer survivor to win the Tour de France;

Whereas Lance Armstrong's courage and resolution to overcome cancer have made him a role model to cancer patients and their families around the world, and his efforts through the Lance Armstrong Foundation have helped to advance cancer research, diagnosis, and treatment, and after-treatment services;

Whereas Lance Armstrong is the world's most recognizable face of cycling, which is not only a sport, but a healthy fitness activity, a pollution-free transportation alternative, and a metaphor for life;

Whereas Lance Armstrong continues to represent his hometown of Austin, his home state of Texas, and the United States with unparalleled distinction;

Whereas Lance Armstrong serves as an inspiration to children and adults throughout the world, teaching people that they can overcome incredible odds and achieve their loftiest goals through hard work, determination, and belief in themselves; and

Whereas Lance Armstrong's accomplishments as an athlete, teammate, cancer survivor, and advocate have made him an inspiration to millions of people around the world: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates Lance Armstrong on his historic victory in the 2004 Tour de France;

(2) commends the unwavering commitment to cancer awareness and survivorship demonstrated by Lance Armstrong; and

(3) directs the Clerk of the House of Representatives to transmit an enrolled copy of this resolution to Lance Armstrong.

The SPEAKER pro tempore, Mr. LINDER, recognized Mr. OSE and Mr. DOGGETT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. LINDER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶91.20 HONORING INDIVIDUALS AND COMMUNITIES IN THE NORTH PLATTE CANTEEN

Mr. FRANKS of Arizona moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 161); as amended:

Whereas at the beginning of World War II residents of North Platte, Nebraska, received information that members of the Nebraska National Guard from the North Platte area would be traveling through the community of North Platte on a troop train en route to the west coast;

Whereas residents of the North Platte community met the troop train on December 17, 1941, with food and other gifts for the troops when they arrived at the Union Pacific train station;

Whereas although the troop train carried young men from Kansas instead of members of the Nebraska National Guard, the residents of North Platte presented the young men from Kansas with the food and other items that were donated;

Whereas Rae Wilson, of North Platte, proposed establishing the North Platte Canteen to the North Platte community so residents would greet every troop train that traveled through North Platte and provide the military troops with comforts from home on their way to serve their country during World War II;

Whereas on December 25, 1941, the North Platte Canteen began serving food and other items to the United States military troops traveling across the United States to either the east or west coast before being shipped overseas;

Whereas during World War II, the North Platte Canteen routinely greeted and served food to between 3,000 and 5,000, and up to a maximum of 8,000, uniformed personnel on a daily basis for an approximate total of 6,000,000 personnel from every corner of the Nation;

Whereas individuals from 125 communities in Nebraska, Colorado, and Kansas donated food and volunteered at the North Platte Canteen over its period of operation of approximately 5 years;

Whereas the North Platte Canteen operated strictly with volunteers from local communities, organizations, churches, schools, and other groups and received no Federal assistance for its operation;

Whereas the North Platte Canteen received $137,000 in cash contributions from benefit dances, scrap-metal drives, school victory clubs, donation cans in local businesses, and relatives of servicemembers who traveled through the Canteen to help maintain the Canteen's operations over its period of operation;

Whereas the North Platte Canteen during one month alone served over 40,000 homemade cookies, 30,000 hard-boiled eggs, nearly 7,000 cup, loaf, and birthday cakes, and over 2,800 pounds of sandwich meat to serve to uniformed personnel;

Whereas a typical daily shopping list might include 175 loaves of bread, 100 pounds of meat, 15 pounds of cheese, 2 quarts of peanut butter, 45 pounds of coffee, 40 quarts of cream, and 500 half-pint bottles of milk;

Whereas the greatest contribution of the North Platte Canteen to the war effort was as a morale booster and a reminder to servicemembers of the American values and ideals for which they were fighting; and

Whereas the North Platte Canteen was honored and recognized by the United States military with the War Department's Meritorious Wartime Service Award: Now, therefore, be it—

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the outstanding efforts of the individuals and communities involved with the North Platte Canteen that served the needs of 6,000,000 military personnel, who traveled through North Platte, Nebraska, on troop trains from December 25, 1941, to April 1, 1946, during World War II; and

(2) requests that the President issue a proclamation recognizing the gallant efforts of those who made enormous sacrifices to make the North Platte Canteen a success during World War II.

The SPEAKER pro tempore, Mr. LINDER, recognized Mr. FRANKS of Arizona and Mrs. DAVIS of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶91.21 RECOGNIZING AND HONORING MILITARY SUPPORT VOLUNTEERS

Mr. KLINE moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 486):

Whereas members of the Armed Forces and their families make significant sacrifices on behalf of the United States;

Whereas the military necessity of long deployments, frequent relocations, and infrequent family contact for members of the Armed Forces can be extremely challenging for members and their families;

Whereas, in response to these sacrifices and challenges, military unit family support volunteers from each branch of the Armed Forces have stepped forward to provide members of the Armed Forces and their families critical support while members are deployed;

Whereas military unit family support volunteers consist of the Army Family Readiness Volunteers, Navy Ombudsmen, Air Force Spouses Together and Ready volunteers (STARs), and Marine Key Volunteers (KVs);

Whereas military unit family support volunteers are generally spouses of members of the Armed Forces, and they provide assistance to military families while also enduring the challenges of military life;

Whereas military unit family support volunteers are motivated by the desire to improve the lives of other military families and to assist future generations;

Whereas military unit family support volunteers serve as liaisons between military commands and families, often serving as information conduits between the two groups;

Whereas military unit family support volunteers also connect the community with military families and local military installations, often leveraging donations and resources to the advantage of the military families; and

Whereas military unit family support volunteers provide their services on a voluntary basis, with little public recognition and no financial assistance, and often contribute their own resources to help other military families: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress recognizes and honors the military unit family support volunteers of each branch of the Armed

Forces who selflessly devote their time, talent, and energy in service to the United States and commends military unit family support volunteers for their dedicated contributions to the Armed Forces and the quality of life of members of the Armed Forces and their families.

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mr. KLINE and Mrs. DAVIS of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶91.22 COMMENDING THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Mr. EHLERS moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 488); as amended:

Whereas the National Oceanic and Atmospheric Administration's National Weather Service consistently provides critical forecasts and warnings about severe weather to the Nation's citizens;

Whereas 2 hurricanes, Charley and Frances, recently hit the State of Florida back-to-back, an event which has not occurred since 1964;

Whereas Hurricane Ivan was the third hurricane in a month to hit the United States mainland;

Whereas the employees of the National Oceanic and Atmospheric Administration Tropical Prediction Center/National Hurricane Center and the employees of key Southern Region Weather Forecast Offices worked tirelessly and under great pressure to provide the most up to date information to the public, the media, and emergency management officials during Hurricanes Charley, Frances, and Ivan;

Whereas the employees of the National Hurricane Center conducted 656 live television interviews as well as 1227 telephone briefings to the media and others during Hurricanes Frances and Ivan;

Whereas the forecasts and information from the National Hurricane Center provided notice for the safe evacuation of more than 6,000,000 residents in the line of Hurricanes Charley, Frances, and Ivan and warnings to the residents of Florida, Mississippi, Alabama, and Louisiana;

Whereas the Hurricane Liaison Team, a joint National Oceanic and Atmospheric Administration and Federal Emergency Management Agency partnership, provided support to the 25 different media outlets operating out of the National Hurricane Center;

Whereas the National Oceanic and Atmospheric Administration's Hydrometeorological Prediction Center provided rainfall forecasts and hurricane track guidance to the National Hurricane Center;

Whereas the National Weather Service's National Data Buoy Center, in partnership with the United States Coast Guard, worked expediently after Hurricane Charley to fix data buoys that proved critical for forecasts of Hurricane Frances and Ivan;

Whereas the National Oceanic and Atmospheric Administration's National Ocean Service provided storm surge predictions and hydrographic information support to Federal partners before, during, and after Hurricanes Charley, Frances, and Ivan;

Whereas the National Oceanic and Atmospheric Administration's National Environmental Satellite Data and Information Service provided images of Hurricane Frances every 5 minutes over a 4-day period, an unprecedented number of images for hurricane tracking;

Whereas the Southern and Eastern Region Weather Forecast Offices of San Juan, Miami, Tampa Bay, Key West, Melbourne, Jacksonville, Tallahassee, Atlanta, Birmingham, Huntsville, Mobile, Morristown, Charleston, Morehead City, Wilmington, Wakefield, Taunton, Lake Charles, New Orleans, Jackson, Nashville, and Houston provided up-to-the-minute local details for residents throughout Hurricanes Charley, Frances, and Ivan;

Whereas employees from other offices within the Southern Region provided additional support to key Weather Forecast Offices directly impacted by Hurricanes Charley, Frances, and Ivan;

Whereas more than 1,700 watches, warnings, advisories, and other statements were issued by key local Weather Forecast Offices during Hurricanes Charley, Frances, and Ivan;

Whereas the National Oceanic and Atmospheric Administration's Marine and Aviation Operation's Hurricane Hunters logged 344 hours of flight time through and above the storms to assist the National Hurricane Center in tracking Hurricanes Charley, Frances, and Ivan;

Whereas the 53rd Weather Reconnaissance Squadron of the 403rd Wing of the Air Force Reserve Command at Keesler Air Force Base, Biloxi, Mississippi, logged 537 hours of flight time through and above the storms to assist the National Hurricane Center in tracking Hurricanes Charley, Frances, and Ivan;

Whereas the Southeast River Forecast Center provided critical river flooding forecast information to Federal, State, and private partners during Hurricanes Charley, Frances, and Ivan and accurately predicted the amount of excessive rainfall over the Southeastern United States several days in advance; and

Whereas it is still the first half of hurricane season and all these employees remain engaged tracking tropical storms: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) commends the employees of the National Weather Service, especially the National Oceanic and Atmospheric Administration Tropical Prediction Center/National Hurricane Center, Hydrometeorological Prediction Center, and National Data Buoy Center; the 53rd Weather Reconnaissance Squadron of the 403rd Wing of the Air Force Reserve Command at Keesler Air Force Base, Biloxi, Mississippi; the National Oceanic and Atmospheric Administration Aircraft Operations Center at MacDill Air Force Base, Tampa, Florida; the Hurricane Liaison Team; the National Ocean Service; and the National Environmental Satellite Data and Information Service, for their extraordinary dedication and hard work during Hurricanes Charley, Frances, and Ivan;

(2) commends the Southern and Eastern Region Weather Forecast Offices of San Juan, Miami, Tampa Bay, Key West, Melbourne, Jacksonville, Tallahassee, Atlanta, Birmingham, Huntsville, Mobile, Morristown, Charleston, Morehead City, Wilmington, Wakefield, Taunton, Lake Charles, New Orleans, Jackson, Nashville, and Houston for their extraordinary dedication and hard work during Hurricanes Charley, Frances, and Ivan;

(3) thanks the commercial and media meteorologists for their contributions in disseminating the National Oceanic and Atmospheric Administration forecasts and warnings to the public; and

(4) expresses its support for the ongoing hard work and dedication of all who provide accurate and timely hurricane forecasts.

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mr. EHLERS and Mr. MILLER of North Carolina, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A concurrent resolution commending the National Oceanic and Atmospheric Administration and its employees for its dedication and hard work during Hurricanes Charley, Frances, and Ivan.''.

A motion to reconsider the votes whereby the rules were suspended and said concurrent resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶91.23 JUSTIN W. WILLIAMS UNITED STATES ATTORNEY'S BUILDING

Mr. BURNS moved to suspend the rules and pass the bill (H.R. 3428) to designate a portion of the United States courthouse located at 2100 Jamieson Avenue, in Alexandria, Virginia, as the ''Justin W. Williams United States Attorney's Building''.

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mr. BURNS and Ms. Eddie Bernice JOHNSON of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶91.24 JOE SKEEN FEDERAL BUILDING

Mr. BURNS moved to suspend the rules and pass the bill (H.R. 3734) to designate the Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, as the ''Joe Skeen Federal Building''.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. BURNS and Ms. Eddie Bernice JOHNSON of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶91.25 ADOPTION TAX RELIEF PROGRAM

Mr. CAMP moved to suspend the rules and pass the bill (H.R. 1057) to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. CAMP and Mr. CARDIN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CAMP demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Thursday, September 23, 2004.

¶91.26 SUDAN'S HUMAN RIGHTS

Mr. SMITH of New Jersey moved to suspend the rules and agree to the following concurrent resolution of the Senate (S. Con. Res. 137):

Whereas in Darfur, Sudan, more than 30,000 innocent civilians have been murdered, more than 400 villages have been destroyed, more than 130,000 men, women, and children have been forced from their villages into neighboring countries, and more than 1,000,000 people have been internally displaced;

Whereas the United States Government has been, and remains as of September 2004, the largest contributor of assistance to the people of Darfur, having provided over $200,000,000 in assistance, which constitutes more than 70 percent of the total assistance provided to that region;

Whereas the United States has pledged $299,000,000 in humanitarian aid to Darfur through fiscal year 2005, as well as $11,800,000 in support of the African Union mission in that region, and is likely to provide support in excess of those pledges;

Whereas United States citizens and private organizations, as well as the United States Government, have admirably worked, at great risk and through great effort, to ease suffering in Darfur, Sudan, and in eastern Chad;

Whereas based on credible reports, Congress determined in late July 2004 that acts of genocide were occurring in Darfur, Sudan, and that the Government of Sudan bears direct responsibility for many of those acts of genocide;

Whereas expressing its grave concern at the ongoing humanitarian crisis and widespread human rights violations in Darfur, including continued attacks on civilians that place thousands of lives at risk, the United Nations Security Council on July 30, 2004, unanimously adopted Security Council Resolution 1556, which called upon the Government of Sudan to fulfill immediately its obligations to facilitate humanitarian relief efforts, to take steps to disarm immediately the Janjaweed militias responsible for attacks on civilians and bring the perpetrators of such attacks to justice, and to cooperate with independent United Nations-sponsored investigations of human rights violations;

Whereas the Government of Sudan has failed to take credible steps to comply with the demands of the international community as expressed through the United Nations Security Council;

Whereas according to press reports, reports from nongovernmental organizations, first-hand accounts from refugees, and other sources, the Janjaweed attacks on the civilians of Darfur continue unabated as of September 2004;

Whereas there are credible reports from some of these same sources that the Government of Sudan is providing assistance to the Janjaweed militias and, in some cases, that Government of Sudan forces have participated directly in attacks on civilians;

Whereas the United States Government, after conducting more than 1,000 interviews with survivors and refugees, has determined that genocide has occurred in Darfur, that it may still be occurring, and that both the Janjaweed and the Government of Sudan bear responsibility for these acts;

Whereas the Secretary of State has determined that the attacks by the Government of Sudan and the Janjaweed on the non-Arab people of Darfur and their villages are based on race, not religion;

Whereas the United States has recently introduced a new resolution in the United Nations Security Council that calls for the Government of Sudan to cooperate fully with an expanded African Union force and for a cessation of Sudanese military flights over Darfur;

Whereas the introduced resolution also provides for international overflights of the Darfur region to monitor the situation on the ground and requires the United Nations Security Council to review the record of compliance of the Government of Sudan to determine whether the United Nations should impose sanctions on Sudan, including sanctions affecting the petroleum sector in that country;

Whereas the resolution also urges the Government of Sudan and the Sudanese People's Liberation Movement to conclude negotiations on a comprehensive peace accord and, most important, calls for a United Nations investigation into all violations of international humanitarian law and human rights law that have occurred in Darfur in order to ensure accountability;

Whereas the United Nations Security Council, in United Nations Security Council Resolution 1556, emphasized that the Government of Sudan bears primary responsibility for respecting human rights and protecting the people of Sudan;

Whereas United Nations Security Council Resolution 1556 calls upon the Government of Sudan to cooperate with the United Nations;

Whereas the United Nations Human Rights Commission, established in 1946 and given the responsibility of drafting the Universal Declaration of Human Rights, is responsible for promoting respect for and observance of, human rights and fundamental freedoms for all;

Whereas the Universal Declaration of Human Rights declares that all human beings are born free and equal in dignity and rights, that everyone is entitled to all the rights and freedoms set forth in the Declaration regardless of race, color, sex, language, religion, political or other opinion, or national or social origin, property, birth, or other status, that everyone has the right to life, liberty and security of person, that no one shall be held in slavery or servitude, and that no one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment;

Whereas the Convention on the Prevention and Punishment of Genocide, done at Paris on December 9, 1948 (hereafter in this resolution referred to as the ''Genocide Convention''), delineates the criteria that constitute genocide and requires parties to prevent and punish genocide;

Whereas Sudan is a state party to the Genocide Convention and remains a member of the United Nations Commission on Human Rights;

Whereas the Secretary of State determined that, according to United States law, the Government of Sudan is a state sponsor of terrorism and has been since 1993 and therefore remains ineligible for United States foreign assistance;

Whereas due to the human rights situation in Darfur, it would be consistent with United States obligations under the Genocide Convention for the Secretary of State and the United States Permanent Representative to the United Nations to seek the immediate suspension of Sudan from the United Nations Commission on Human Rights and, in the event a formal investigation results in a determination by the United Nations that genocide has occurred in Darfur, the ultimate removal of Sudan from such Commission; and

Whereas it is a mockery of human rights as a universal principle, a challenge to the United Nations as an institution, and an affront to all responsible countries that embrace and promote human rights that a government under investigation by the United Nations for committing genocide against, and violating the human rights of, its own citizens sits in judgment of others as a member in good standing of the United Nations Commission on Human Rights: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes and approves of the findings of the Secretary of State that genocide has occurred and may still be occurring in Darfur, Sudan, and that the Government of Sudan bears responsibility for such acts;

(2) supports the Secretary of State's call for a full and unfettered investigation by the United Nations into all violations of international humanitarian law and human rights law that have occurred in Darfur, with a view to ensuring accountability;

(3) supports the resolution introduced by the United States Government in the United Nations Security Council on September 9, 2004, with regard to the situation in Darfur;

(4) calls upon the Secretary of State and the United States Permanent Representative to the United Nations to take immediate steps to pursue the establishment of a formal United Nations investigation, under Article VIII of the Genocide Convention, to determine whether the actions of the Government of Sudan in Darfur constitute acts of genocide;

(5) calls upon the Secretary of State and the United States Permanent Representative to the United Nations to take immediate steps to pursue the immediate suspension of Sudan from the United Nations Commission on Human Rights;

(6) calls upon the Secretary of State and the United States Permanent Representative to the United Nations to take further steps to ensure that the suspension of Sudan from the United Nations Commission on Human Rights remains in effect unless and until the Government of Sudan meets all of its obligations, as determined by the United Nations Security Council, under United Nations Security Council Resolution 1556 of July 30, 2004, and any subsequent United Nations Security Council resolutions regarding this matter;

(7) calls upon the Secretary of State and the United States Permanent Representative to the United Nations to take steps to ensure that, in the event that the formal investigation of acts of genocide in Sudan results in a determination by the United Nations that genocide has occurred or is occurring in Darfur, the United States Government takes appropriate actions to ensure that Sudan is removed from the United Nations Human Rights Commission;

(8) calls upon the member states of the United Nations Commission on Human Rights to convene an immediate special session to consider the urgent and acute human rights situation in Sudan for the purpose of considering whether Sudan should be suspended from membership in such Commission; and

(9) expects the Secretary of State to report to Congress on progress made toward taking the actions and accomplishing the objectives outlined in this resolution not later than 60 days after the date on which Congress agrees to the resolution.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. SMITH of New Jersey and Mr. PAYNE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶91.27 CONDEMNING THE TERRORIST ATTACK IN JAKARTA, INDONESIA

Mr. McHUGH moved to suspend the rules and agree to the following resolution (H. Res. 767); as amended:

Whereas on September 9, 2004, terrorists attacked hundreds of innocent civilians, killing at least nine bystanders, in front of the Australian Embassy in Jakarta, Indonesia; and

Whereas terrorism must be condemned in the strongest terms whenever and wherever it occurs: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns in the strongest possible terms the terrorist attack in Jakarta, Indonesia, that occurred on September 9, 2004;

(2) expresses its deepest condolences to the families of the individuals murdered in the terrorist attack, expresses its sympathies to the individuals injured in the attack, and conveys its hope for the rapid and complete recovery of all surviving victims; and

(3) urges the United States, Indonesia, Australia, and all other countries to stand united against terrorism and to work together to bring to justice the perpetrators of the terrorist attack in Jakarta, Indonesia.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. McHUGH and Mr. PAYNE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶91.28 NEW YORK CITY AS THE SITE OF THE 2012 OLYMPICS

Mr. KING of New York moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 475):

Whereas the Olympic Games further the cause of world peace and understanding;

Whereas the country hosting the Olympic Games performs an act of international goodwill;

Whereas if New York City were chosen to host the 2012 Olympic Games there would be a substantial local, regional, and national economic impact, which would include 7 years of international sports events, meetings, and related nationwide tourism activity;

Whereas the Olympic movement celebrates competition, fair play, and the pursuit of dreams;

Whereas the United States and, in particular, New York City celebrate these same ideals; and

Whereas New York City has never hosted the Olympic Games: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) encourages the International Olympic Committee to choose New York City as the site of the 2012 Olympic Games; and

(2) hopes that the United States will be selected as the host country of the 2012 Olympic Games, and pledges its cooperation and support for their successful fulfillment in the highest Olympic tradition.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. KING of New York and Mr. MEEKS of New York, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶91.29 NATIONAL FARM SAFETY AND HELATH WEEK

Mr. GOODLATTE moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 494):

Whereas nearly half of the land in the United States is used for agricultural production;

Whereas many farmers and ranchers operate and maintain heavy-duty equipment and machinery and work with large and unpredictable livestock, which makes farming and ranching among the most dangerous occupations in the United States;

Whereas farmers and ranchers are at risk of serious work-related accidents, and many farmers and ranchers suffer disabling injuries each year;

Whereas the children of farmers and ranchers are at special risk from farm-related accidents;

Whereas the President has proclaimed, by Executive Order, September 19 through September 25, 2004, as National Farm Safety and Health Week ; and

Whereas National Farm Safety and Health Week provides an opportunity for increased awareness and educational programs targeted towards the protection and productivity of farmers and ranchers: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) supports the goals and purposes of National Farm Safety and Health Week; and

(2) applauds the men and women who provide a stable supply of food and fiber for the United States and the world.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. GOODLATTE and Mr. STENHOLM, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. LEWIS of Kentucky, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶91.30 PROVIDING FOR THE CONSIDERATION OF H.R. 2028

Mr. SESSIONS, by direction of the Committee on Rules, called up the following resolution (H. Res. 781):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2028) to amend title 28, United States Code, with respect to the jurisdiction of Federal courts inferior to the Supreme Court over certain cases and controversies involving the Pledge of Allegiance. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Mr. SESSIONS, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. TERRY, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶91.31 PINE SPRINGS LAND EXCHANGE

Mr. NEUGEBAUER moved to suspend the rules and pass the bill (H.R. 4806) to provide for a land exchange involving Federal lands in the Lincoln National Forest in the State of New Mexico, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. NEUGEBAUER and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶91.32 MOKELUMNE RIVER FEASIBILITY STUDY

Mr. NEUGEBAUER moved to suspend the rules and pass the bill (H.R. 4045) to authorize the Secrerary of the Interior to prepare a feasibility study with respect to the Mokelumne River, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. NEUGEBAUER and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶91.33 WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII

Mr. LINDER, by direction of the Committee on Rules, reported (Rept. No. 108–695) the resolution (H. Res. 785) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules.

When said resolution and report were referred to the House Calendar and ordered printed.

¶91.34 VIRGIN ISLANDS CHIEF FINANCIAL OFFICER

Mr. NEUGEBAUER moved to suspend the rules and pass the bill (H.R. 3589) to create the Office of Chief Financial Officer of the Government of the Virgin Islands; as amended.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. NEUGEBAUER and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶91.35 MOTION TO INSTRUCT CONFEREES—H.R. 1308

Mr. MOORE submitted the privileged motion to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the House amendment to the amendment of the Senate to the bill (H.R. 1308) to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, and for other purposes, to agree, to the maximum extent possible within the scope of conference, to the conference report that (1) extends the tax relief provisions which expire at the end of 2004, and (2) does not increase the Federal budget deficit.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. Mario DIAZ-BALART of Florida, announced that the nays had it.

Mr. MOORE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. Mario DIAZ-BALART of Florida, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Thursday, September 23, 2004.

¶91.36 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2279. An Act to amend title 46, United States Code, with respect to maritime transportation security and for other purposes; to the Committee on Transportation and Infrastructure.

¶91.37 ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of

the House of the following titles, which were thereupon signed by the Speaker:

H.R. 265. An Act to provide for an adjustment of the boundaries of Mount Rainier National Park, and for other purposes.

H.R. 1521. An Act to provide for additional lands to be included within the boundary of the Johnstown Flood National Memorial in the State of Pennsylvania, and for other purposes.

H.R. 1616. An Act to authorize the exchange of certain lands within the Martin Luther King, Junior, National Historic Site for lands owned by the City of Atlanta, Georgia, and for other purposes.

H.R. 1648. An Act to authorize the Secretary of the Interior to convey certain water distribution systems of the Cachuma Project, California, to the Carpinteria Valley Water District and the Montecito Water District.

H.R. 1658. An Act to amend the Railroad Right-of-Way Conveyance Validation Act to validate additional conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to facilitate the construction of the transcontinental railway, and for other purposes.

H.R. 1732. An Act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Williamson County, Texas, Water Recycling and Reuse Project, and for other purposes.

H.R. 2696. An Act to establish Institutes to demonstrate and promote the use of adaptive ecosystem management to reduce the risk of wildfires, and restore the health of fire-adapted forest and woodland ecosystems of the interior West.

H.R. 3209. An Act to amend the Reclamation Project Authorization Act of 1972 to clarify the acreage for which the North Loup division is authorized to provide irrigation water under the Missouri River Basin project.

H.R. 3249. An Act to extend the term of the Forest Counties Payments Committee.

H.R. 3768. An Act to expand the Timucuan Ecological and Historic Preserve, Florida.

¶91.38 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. DAVIS of Illinois, for today;

To Mr. KLECZKA, for today after 5 p.m. and balance of the week; and

To Mr. WICKER, for today.

And then,

¶91.39 ADJOURNMENT

On motion of Mr. WELDON of Pennsylvania, pursuant to the special order of the House agreed to on September 15, 2004, at midnight, the House adjourned until 9 a.m. on Thursday, September 23, 2004.

¶91.40 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BARTON: Committee on Energy and Commerce. H.R. 4555. A bill to amend the Public Health Service Act to revise and extend provisions relating to mammography quality standards: with an amendment (Rept. 108–694). Referred to the Committee of the Whole House on the State of the Union.

Mr. REYNOLDS: Committee on Rules. House Resolution 785. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 108–695). Referred to the House Calendar

¶91.41 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GREEN of Texas:

H.R. 5119. A bill to prohibit the use of remote control locomotives to carry hazardous materials, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. DOOLEY of California (for himself and Mr. FRELINGHUYSEN):

H.R. 5120. A bill to improve the operation and utilization of the United States National Arboretum in the District of Columbia, and for other purposes; to the Committee on Agriculture.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. MICA, and Mr. DEFAZIO):

H.R. 5121. A bill to further protect the United States aviation system from terrorist attacks; to the Committee on Transportation and Infrastructure, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEY (for himself and Mr. LARSON of Connecticut):

H.R. 5122. A bill to amend the Congressional Accountability Act of 1995 to permit members of the Board of Directors of the Office of Compliance to serve for 2 terms; to the Committee on House Administration.

By Mr. BARRETT of South Carolina (for himself and Mr. OSE):

H.R. 5123. A bill to require agencies to review all major rules within 10 years after issuance, including a cost-benefit analysis using a standard government-wide methodology, and for other purposes; to the Committee on Government Reform.

By Mrs. KELLY (for herself, Mr. ROYCE, and Mr. FEENEY):

H.R. 5124. A bill to require that certain measures be taken with respect to countries of concern regarding terrorist financing; to the Committee on Financial Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mr. SHAYS, Mr. WEINER, Mr. HOEFFEL, Mr. GEORGE MILLER of California, Ms. BALDWIN, Ms. DELAURO, and Mr. OBERSTAR):

H.R. 5125. A bill to extend the operation of the National Commission on Terrorist Attacks on the United States to serve as a resource for the President and Congress, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. NADLER (for himself, Mr. SHAYS, Mrs. LOWEY, Mr. RUPPERSBERGER, Mr. FILNER, Ms. BALDWIN, Mr. GRIJALVA, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mr. SERRANO, Mr. CROWLEY, Mrs. MALONEY, Mr. OLVER, Mr. ABERCROMBIE, Mr. WAXMAN, Mr. KUCINICH, Mrs. DAVIS of California, Mr. MCDERMOTT, and Mr. GORDON):

H.R. 5126. A bill to amend the Federal Rules of Evidence to create an explicit privilege to preserve medical privacy; to the Committee on the Judiciary.

By Mr. SHAYS (for himself and Mr. MEEHAN):

H.R. 5127. A bill to amend the Federal Election Campaign Act of 1971 to define political committee and clarify when organizations described in section 527 of the Internal Revenue Code of 1986 must register as political committees, and for other purposes; to the Committee on House Administration.

By Mr. YOUNG of Alaska:

H.R. 5128. A bill to require the Secretary of the Treasury to mint coins in commemoration of the founding of America's National Parks, and for other purposes; to the Committee on Financial Services.

By Mr. CUMMINGS (for himself, Mr. BISHOP of Georgia, Mr. BUTTERFIELD, Ms. CORRINE BROWN of Florida, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLYBURN, Mr. CONYERS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. FATTAH, Mr. FORD, Mr. HASTINGS of Florida, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Ms. KILPATRICK, Ms. LEE, Mr. LEWIS of Georgia, Ms. MAJETTE, Mr. MEEK of Florida, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, Ms. NORTON, Mr. OWENS, Mr. PAYNE, Mr. RANGEL, Mr. RUSH, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. THOMPSON of Mississippi, Mr. TOWNS, Ms. WATERS, Ms. WATSON, Mr. WATT, and Mr. WYNN):

H. Con. Res. 495. Concurrent resolution recommending expenditures for an appropriate visitor's center at Little Rock Central High School National Historic Site to commemorate the desegregation of Little Rock Central High School; to the Committee on Resources.

By Ms. LEE (for herself, Mr. LANTOS, Mr. RANGEL, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. BALLENGER, Mr. LEACH, Mr. DELAHUNT, Mr. PAYNE, Mrs. CHRISTENSEN, Mr. SERRANO, Ms. KILPATRICK, and Ms. WATERS):

H. Con. Res. 496. Concurrent resolution expressing the sense of Congress with regard to providing humanitarian assistance to countries of the Caribbean devastated by Hurricanes Charley, Frances, Ivan, and Jeanne; to the Committee on International Relations.

By Mr. FOLEY (for himself, Ms. GINNY BROWN-WAITE of Florida, Ms. ROS-LEHTINEN, Mr. FEENEY, Mr. MARIO DIAZ-BALART of Florida, Mr. PUTNAM, Mr. MILLER of Florida, Mr. STEARNS, Mr. WELDON of Florida, Mr. MEEK of Florida, Mr. BOYD, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CRENSHAW, Mr. BILIRAKIS, Mr. MICA, Mr. SHAW, Mr. KELLER, Mr. DAVIS of Florida, Mr. YOUNG of Florida, Ms. CORRINE BROWN of Florida, Mr. GOSS, Ms. HARRIS, Mr. HASTINGS of Florida, Mr. DEUTSCH, and Mr. WEXLER):

H. Res. 784. A resolution commending the resiliency of the people of the State of Florida and the work of those individuals who have assisted with the recovery efforts after the devastation caused by Hurricanes Charley, Frances, and Ivan; to the Committee on Government Reform.

By Mr. OBEY:

H. Res. 786. A resolution providing for consideration of the bill (H.R. 4421) making appropriations for the Environmental Protection Agency for the fiscal year ending September 30, 2005, and for other purposes; to the Committee on Rules.

By Mr. OBEY:

H. Res. 787. A resolution providing for consideration of the bill (H.R. 4422) making appropriations for the Departments of Agriculture, Education, Health and Human Services, and Transportation for the fiscal year ending September 30, 2005, and for other purposes; to the Committee on Rules.

By Mr. OBEY:

H. Res. 788. A resolution providing for consideration of the bill (H.R. 4423) making appropriations for the Department of Veterans Affairs for the fiscal year ending September 30, 2004, and for other purposes; to the Committee on Rules.

By Mr. OBEY:

H. Res. 789. A resolution providing for consideration of the bill (H.R. 4424) making appropriations for military construction and family housing for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; to the Committee on Rules.

By Mr. OBEY:

H. Res. 790. A resolution providing for consideration of the bill (H.R. 4473) making appropriations for the Department of Education for the fiscal year ending September 30, 2005, and for other purposes; to the Committee on Rules.

By Mr. HINOJOSA:

H. Res. 791. A resolution supporting the goals and ideas of Hispanic Engineering, Science, and Technology Week and recognizing the University of Texas-Pan American for its efforts to prepare Hispanic youth for careers in engineering, science, and technology; to the Committee on Education and the Workforce.

By Mr. GEORGE MILLER of California (for himself, Mrs. JONES of Ohio, Mr. MCDERMOTT, Mrs. MCCARTHY of New York, Ms. LEE, Mr. HONDA, Mrs. DAVIS of California, Mr. DAVIS of Florida, Mr. HASTINGS of Florida, Ms. CARSON of Indiana, Ms. WATSON, Mr. COOPER, Mr. JEFFERSON, Mr. DAVIS of Alabama, Mr. WICKER, Mr. MENENDEZ, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Mr. HOLT, Mr. MEEKS of New York, Mr. MORAN of Virginia, Mr. CLYBURN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BROWN of Ohio, Mr. SERRANO, Mr. FORD, Mr. WATT, Ms. KILPATRICK, Ms. WATERS, Mr. SCOTT of Georgia, Mr. WEXLER, Mr. RUSH, Mr. RYAN of Ohio, Mr. FATTAH, Mr. VAN HOLLEN, Ms. WOOLSEY, Mr. SPRATT, Mr. CONYERS, Mr. BUTTERFIELD, Ms. MILLENDER-MCDONALD, Mr. KILDEE, Mr. BURNS, Mr. SNYDER, Mr. HOYER, Ms. PELOSI, Mr. CAPUANO, Mr. MILLER of North Carolina, and Mr. WEINER):

H. Res. 792. A resolution honoring the United Negro College Fund on the occasion of the Fund's 60th anniversary and the Fund's unflagging dedication to enhancing top quality college opportunities to millions of students; to the Committee on Education and the Workforce.

By Ms. WATSON (for herself, Mrs. CHRISTENSEN, Mr. PASCRELL, Mr. FILNER, Ms. ESHOO, Mr. DEFAZIO, Mr. HOYER, Mr. CONYERS, Mr. RANGEL, Mr. OWENS, Ms. JACKSON-LEE of Texas, Mr. HASTINGS of Florida, Mr. MCDERMOTT, Ms. SOLIS, Mrs. NAPOLITANO, Mrs. TAUSCHER, Ms. LINDA T. SANCHEZ of California, Mr. HONDA, Mr. TOWNS, Mr. LEWIS of Georgia, Mr. PAYNE, Mr. JEFFERSON, Ms. NORTON, Ms. WATERS, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Mr. CLYBURN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RUSH, Mr. WATT, Mr. WYNN, Mr. DAVIS of Alabama, Ms. MAJETTE, Mr. MEEK of Florida, Mr. SCOTT of Georgia, Mr. BUTTERFIELD, Mr. THOMPSON of Mississippi, Mr. FATTAH, Mr. JACKSON of Illinois, Ms. MILLENDER-MCDONALD, Mr. CUMMINGS, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. DAVIS of Illinois, Mr. FORD, Ms. KILPATRICK, Mr. MEEKS of New York, Ms. LEE, Mrs. JONES of Ohio, and Mr. CLAY):

H. Res. 793. A resolution condemning all efforts to suppress and intimidate voters in the United States and reaffirming that the right to vote is a fundamental right of all eligible United States citizens; to the Committee on the Judiciary, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶91.42 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. NORWOOD introduced a bill (H.R. 5129) for the relief of Thomas W. Sikes and Wellington Trade, Inc., doing business as Containerhouse; which was referred to the Committee on the Judiciary.

¶91.43 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 104: Mr. LANTOS.
H.R. 290: Mr. GILLMOR.
H.R. 434: Mr. FOLEY and Mrs. EMERSON.
H.R. 480: Mr. BUTTERFIELD.
H.R. 677: Mr. GORDON and Mr. MCINTYRE.
H.R. 775: Mr. PAUL.
H.R. 792: Mr. MORAN of Kansas.
H.R. 832: Ms. WATERS.
H.R. 935: Mrs. LOWEY, Mr. TOWNS, and Mr. FARR.
H.R. 1155: Mrs. MCCARTHY of New York.
H.R. 1225: Mr. OLVER.
H.R. 1231: Ms. HERSETH.
H.R. 1477: Mr. LANTOS and Ms. LINDA T. SANCHEZ of California.
H.R. 1690: Mr. ANDREWS.
H.R. 1742: Ms. SOLIS.
H.R. 1746: Mr. VAN HOLLEN.
H.R. 2042: Mr. KENNEDY of Rhode Island and Mr. SMITH of New Jersey.
H.R. 2173: Ms. BORDALLO.
H.R. 2239: Mr. RODRIGUEZ, Mr. MOLLOHAN, Mr. BERRY, Ms. MCCARTHY of Missouri, and Ms. LORETTA SANCHEZ of California.
H.R. 2256: Mr. ANDREWS, Ms. CARSON of Indiana, Mr. VAN HOLLEN, and Mr. ACEVEDO-VILA.
H.R. 2509: Mr. CAMP.
H.R. 2680: Mr. EHLERS, Mr. KNOLLENBERG, and Mr. HOEKSTRA.
H.R. 2681: Mr. ENGEL and Mr. GREEN of Texas.
H.R. 2705: Mr. LARSEN of Washington.
H.R. 2711: Mr. FRANK of Massachusetts.
H.R. 2743: Mr. HAYWORTH.
H.R. 2823: Ms. HERSETH.
H.R. 2852: Mr. CUMMINGS.
H.R. 2954: Mr. MCNULTY.
H.R. 3178: Mr. HASTINGS of Florida.
H.R. 3194: Mrs. CAPPS, Mr. MORAN of Virginia, Mr. WAXMAN, and Mr. WYNN.
H.R. 3403: Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 3438: Mrs. TAUSCHER, Mr. CALVERT, Mr. GREENWOOD, and Mr. PALLONE.
H.R. 3444: Mr. FATTAH.
H.R. 3473: Mr. NETHERCUTT.
H.R. 3558: Ms. MCCOLLUM, Mr. BROWN of Ohio, Mr. DEFAZIO, and Mr. HOEFFEL.
H.R. 3622: Mr. GRIJALVA
H.R. 3810: Mr. VAN HOLLEN.
H.R. 3859: Mr. FARR, Mr. WU, Mr. CLAY, Mr. MATHESON, Mr. MORAN of Virginia, Mrs. CAPPS, Mr. WYNN, Mr. CONYERS, Mr. HONDA, Mrs. JONES of Ohio, and Mr. KOLBE.
H.R. 3864: Mr. MCNULTY.
H.R. 3933: Mr. SHAYS.
H.R. 4101: Mr. ABERCROMBIE.
H.R. 4182: Mr. INSLEE.
H.R. 4192: Ms. CARSON of Indiana.
H.R. 4232: Mr. CULBERSON, Mr. DELAY, and Mr. BARTON of Texas.
H.R. 4250: Mr. RANGEL.
H.R. 4261: Mr. OBERSTAR.
H.R. 4341: Mr. SIMMONS, Mr. FERGUSON, Mr. MCNULTY, Mr. VAN HOLLEN, Ms. HARMAN, Mr. OXLEY, and Mr. ALLEN.
H.R. 4379: Mr. VAN HOLLEN.
H.R. 4390: Mr. SPRATT.
H.R. 4440: Mr. TANCREDO.
H.R. 4578: Mr. GILLMOR, Ms. SOLIS, Mr. KUCINICH, Mr. SABO, Mr. ENGLISH, Mr. LATOURETTE, Mrs. JONES of Ohio, Mr. LARSON of Connecticut, and Mr. MATSUI.
H.R. 4610: Mrs. JONES of Ohio.
H.R. 4616: Mr. OWENS.
H.R. 4620: Mr. LUCAS of Oklahoma, Mr. POMBO, Mr. STENHOLM, Mr. DOOLEY of California, Mr. POMEROY, and Mr. HERGER.
H.R. 4634: Mr. BACHUS, Mr. BRADLEY of New Hampshire, Mr. GILCHREST, and Mr. SAXTON.
H.R. 4652: Mr. KING of Iowa.
H.R. 4661: Mrs. JO ANN DAVIS of Virginia.
H.R. 4662: Mr. MCCRERY.
H.R. 4679: Mr. LEVIN.
H.R. 4680: Mr. CAMP.
H.R. 4682: Mrs. KELLY and Mr. PASCRELL.
H.R. 4730: Mr. SPRATT, Mr. HILL, Mr. ROSS, Mr. BROWN of South Carolina, Mr. BOEHLERT, Mr. BAIRD, Mr. SANDLIN, Mr. BURTON of Indiana, Mrs. CAPITO, Mr. SHIMKUS, Mr. COLLINS, and Mr. MURTHA.
H.R. 4752: Mr. ANDREWS and Mr. FATTAH.
H.R. 4772: Mr. OLVER, Mr. JOHN, and Mrs. JONES of Ohio.
H.R. 4776: Mr. GEORGE MILLER of California.
H.R. 4792: Mr. EMANUEL.
H.R. 4849: Mr. RAMSTAD.
H.R. 4853: Mr. VAN HOLLEN.
H.R. 4856: Mr. MCCOTTER.
H.R. 4863: Mr. MATSUI.
H.R. 4895: Mr. LINDER.
H.R. 4896: Ms. JACKSON-LEE of Texas, Mr. ABERCROMBIE, Mr. ANDREWS, Mr. CARDOZA, Mr. EDWARDS, Mr. EMANUEL, Mrs. JONES of Ohio, Mr. LANTOS, Ms. MILLENDER-MCDONALD, Mr. SERRANO, Mr. MENENDEZ, and Mr. PALLONE.
H.R. 4978: Mr. EMANUEL and Ms. BORDALLO.
H.R. 4979: Mr. MCNULTY.
H.R. 4985: Mrs. MALONEY.
H.R. 4994: Ms. LINDA T. SANCHEZ of California, Mr. UDALL of Colorado, and Mrs. CHRISTENSEN.
H.R. 5022: Mr. GREEN of Texas.
H.R. 5038: Mr. ENGLISH, Mr. BERMAN, and Mr. BISHOP of Georgia.
H.R. 5053: Mr. WALSH, Mr. CROWLEY, Mr. BISHOP of New York, Mrs. MALONEY, Mr. ENGEL, Mr. ISRAEL, Mrs. LOWEY, Mr. ACKERMAN, Mrs. KELLY, Mr. MEEKS of New York, Mr. SWEENEY, Mr. NADLER, Mr. HINCHEY, Mr. WEINER, Mr. MCHUGH, Mr. TOWNS, Mr. BOEHLERT, Mr. OWENS, Mr. REYNOLDS, Ms. VELAZQUEZ, Mr. QUINN, Mr. FOSSELLA, Ms. SLAUGHTER, Mr. RANGEL, Mr. HOUGHTON, and Mr. SERRANO.
H.R. 5057: Mr. PORTMAN, Mr. TOM DAVIS of Virginia, Ms. BORDALLO, Mr. ACEVEDO-VILA, Mr. TOWNS, Mr. BOYD, Mr. BELL, Ms. ROS-LEHTINEN, Mr. MCDERMOTT, Mr. SANDERS, Mr. SANDLIN, Mr. PALLONE, Mr. KILDEE, Ms. MCCARTHY of Missouri, Mr. MCGOVERN, Ms. DELAURO, Mr. CHANDLER, Mr. SCHIFF, Mr. LANTOS, Mrs. MCCARTHY of New York, Mr. CARDOZA, and Mr. EDWARDS.
H.R. 5061: Mr. MCNULTY, Mr. KING of Iowa, Mr. TOWNS, Mr. CUMMINGS, Ms. MCCARTHY of Missouri, Mr. BACHUS, and Mr. WALSH.
H.R. 5073: Ms. PELOSI, Mr. DOGGETT, Mr. CONYERS, Mr. STARK, and Mr. BERMAN.
H.R. 5076: Mrs. MCCARTHY of New York.
H.R. 5079: Mr. GREEN of Wisconsin.

H.R. 5080: Mr. GREEN of Wisconsin.
H.R. 5081: Mr. RYUN of Kansas, Mr. MCINNIS, and Mr. GOODE.
H.R. 5082: Mr. NADLER.
H.R. 5111: Mr. TANCREDO.
H.J. Res. 102: Mr. SNYDER and Mr. WALSH.
H.J. Res. 103: Mrs. CHRISTENSEN, Mr. FILNER, Mr. SERRANO, and Mr. MCNULTY.
H. Con. Res. 111: Mr. HINCHEY and Mr. KLECZKA.
H. Con. Res. 252: Mr. RAHALL.
H. Con. Res. 435: Mr. OLVER.
H. Con. Res. 488: Mr. BONNER.
H. Res. 144: Mr. BLUMENAUER.
H. Res. 575: Mr. EHLERS.
H. Res. 758: Mr. OBERSTAR, Mr. CHANDLER, Mr. MCDERMOTT, Ms. LEE, Mr. SERRANO, Ms. KAPTUR, Mr. MARSHALL, Mr. DOGGETT, and Mr. STARK.
H. Res. 759: Mr. ROYCE, Mr. COX, Mr. GARY G. MILLER of California, and Ms. LORETTA SANCHEZ of California.
H. Res. 772: Mr. FROST, Mr. KENNEDY of Rhode Island, and Mr. WEXLER.
H. Res. 774: Mr. BERMAN, Mr. LEVIN, Mr. HASTINGS of Florida, and Mr. PALLONE.
H. Res. 776: Mr. FILNER.
H. Res. 782: Mr. SMITH of Washington.

¶91.44 PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

105. The SPEAKER presented a petition of the Junior Order United American Mechanics, relative to Resolution No. 2 expressing support to the men and women of the armed forces of the United States of America; to the Committee on Armed Services.

106. Also, a petition of the Junior Order United American Mechanics, relative to Resolution No. 10 expressing appreciation and honoring those killed and wounded in battle, and expressing sympathy to the families of those who have given their lives in service to the United States; to the Committee on Armed Services.

107. Also, a petition of the Junior Order United American Mechanics, relative to Resolution No. 7 expressing support of the Administration's war against terrorism; to the Committee on Armed Services.

108. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 364 of 2004 petitioning the United States Senate and House of Representatives to adopt S. 1359, the International Remittances Services Enhancement and Protection Act of 2003, and S. 1344, the Money Wire Act; to the Committee on Financial Services.

109. Also, a petition of the Junior Order United American Mechanics, relative to Resolution No. 4 petitioning the Congress of the United States to provide funding to the agencies responsible for the enforcement of immigration policies and laws to attempt to eliminate illegal entry into the United States and to deport illegal aliens already in the United States; to the Committee on the Judiciary.

110. Also, a petition of the Junior Order United American Mechanics, relative to Resolution No. 4 protesting the ruling of the unconstitutionality of the phrase ''One Nation, Under God,'' as well as any similar ruling; to the Committee on the Judiciary.

111. Also, a petition of the Junior Order United American Mechanics, relative to Resolution No. 3 petitioning the Congress of the United States to provide funding to those agencies responsible for the enforcement of immigration policies and laws to attempt to eliminate illegal entry to the United States and to deport illegal aliens already in the United States; to the Committee on the Judiciary.

112. Also, a petition of the Junior Order United American Mechanics, relative to Resolution No. 8 petitioning for the continued use of the phrase ''Under God'' in the Pledge of Allegiance; to the Committee on the Judiciary.

113. Also, a petition of the Junior Order United American Mechanics, relative to Resolution No. 6 expressing opposition to any procedure that would be implemented by any physician, nurse, lay person or any other individual or device that would take the life of an unborn child; to the Committee on the Judiciary.

114. Also, a petition of the Florida State Council Columbiettes, relative to Resolution No. 9 petitioning the Supreme Court of the United States to rule in favor of retaining the phrase ''Under God,'' in our nation's Pledge of Allegiance; to the Committee on the Judiciary.

THURSDAY, SEPTEMBER 23, 2004 (92)

¶92.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. KIRK, who laid before the House the following communication:

WASHINGTON, DC,
September 23, 2004.

I hereby appoint the Honorable MARK STEVEN KIRK to act as Speaker pro tempore on this day.

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

¶92.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. KIRK, announced he had examined and approved the Journal of the proceedings of Wednesday, September 22, 2004.

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

¶92.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

9689. A letter from the Architect of the Capitol, transmitting a report of expenditures of appropriations during the period October 1, 2003 through March 31, 2004, pursuant to 40 U.S.C. 162b; to the Committee on Appropriations.

9690. A letter from the Acting Under Secretary for Acquisition, Technology, and Logistics, Department of Defense, transmitting a report on the consolidation of the storage of the National Defense Stockpile (NDS) mercury in accordance with Section 113 of Division H of the Consolidated Appropriations Act, 2004, Pub. L. 108-199; to the Committee on Armed Services.

9691. A letter from the Secretary, Department of Agriculture, transmitting a draft bill ''To allow the guarantee fee to be included in the single family housing guaranteed loan''; to the Committee on Financial Services.

9692. A letter from the Director, Child Nutrition Division, Department of Agriculture, transmitting the Department's final rule — Child and Adult Care Food Program Improving Management and Program Integrity (RIN: 0584-AC24) received September 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9693. A letter from the Under Secretary for International Trade, Department of Commerce, transmitting the sixth and final annual report mandated by the International Anti- Bribery and Fair Competition Act of 1998 (IAFCA); to the Committee on Energy and Commerce.

9694. A letter from the Chairman, National Committee on Vital and Health Statistics, transmitting the Sixth Annual Report to Congress on the Implementation of the Administrative Simplification Provisions of the Health Insurance Portability and Accountability Act (HIPAA), pursuant to Public Law 104–191, section 263 (110 Stat. 2033); to the Committee on Energy and Commerce.

9695. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

9696. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

9697. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

9698. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

9699. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9700. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9701. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9702. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9703. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9704. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9705. A letter from the CFO & Plan Administrator, First South Retirement Committee, First South Farm Credit, transmitting the annual pension plan report for the plan for the year ending December 31, 2003, for the First South Farm Credit Retirement Plan, as well as a copy of the audited financial statements; to the Committee on Government Reform.

9706. A letter from the Managing Director, Strategic Issues, General Accounting Office, transmitting a copy of the report entitled ''No Fear Act: Methods the Justice Department Says It Could Use to Account for Its Costs Per Case under the Act,'' as required

by Section 206(b)(1) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR); to the Committee on Government Reform.

9707. A letter from the Chairman, Vice-Chair, and Commissioners, Election Assistance Commission, transmitting a copy of the report entitled ''Best Practices in Administration, Management and Security in Voting Systems and Provisional Voting: A Tool Kit for Election Administrators and Stakeholders''; to the Committee on House Administration.

9708. A letter from the Librarian, Library of Congress, transmitting the Annual Report of the Library of Congress for the fiscal year 2003, pursuant to 2 U.S.C. 139; to the Committee on House Administration.

9709. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2004-05 Early Season (RIN: 1018-AT53) received September 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9710. A letter from the Acting Assistant for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Early Seasons and Bag and Posession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands (RIN: 1018-AT53) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9711. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — 2004-2005 Refuge-Specific Hunting and Sport Fishing Regulations (RIN: 1018-AT40) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9712. A letter from the Assistant Attorney General for Legislative Affairs, Department of Justice, transmitting a report on the activities of the Community Relations Service for Fiscal Year 2003, pursuant to 42 U.S.C. 2000g–3; to the Committee on the Judiciary.

9713. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting a report of the Chief of Engineers dated July 26, 2000, describing the construction of a hurricane and storm damage reduction project for the area from Barnegat Inlet to Little Egg Inlet, on Long Beach Island, New Jersey, as authorized in Section 101(a)(1) of the Water Resources Development Act of 2000; to the Committee on Transportation and Infrastructure.

9714. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model EC155B and B1 Helicopters [Docket No. 2003-SW-40-AD; Amendment 39-13745; AD 2004-15-11] (RIN: 2120-AA64) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9715. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF34-3A1 and -3B1 Series Turbofan Engines [Docket No. FAA-2004-18648; Directorate Identifier 2004-NE-26-AD; Amendment 39-13737; AD 2004-15-03] (RIN: 2120-AA64) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9716. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Fuel Tank Safety Compliance Extension (Final Rule) and Aging Airplane Program Update (Request for Comments) [Docket No. FAA-2004-17681; Amendment No. 91-283, 121-305, 125-46, 129-39] (RIN: 2120-AI20) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9717. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330, A340-200, and A340-300 Series Airplanes [Docket No. FAA-2004-18669; Directorate Identifier 2004-NM-83-AD; Amendment 39-13757; AD 2004-16-01] (RIN: 2120-AA64) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9718. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airwothiness Directives; Sikorsky Aircraft Corporation Model S-61L, S-61N, S-61-NM, and S-61R Heliocopters [Docket No. 2003-SW-35-AD; Amendment 39-13756; AD 2004-15-22] (RIN: 2120-AA64) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9719. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Avro 146-RJ Series Airplanes [Docket No. 2003-NM-172-AD; Amendment 39-13739; AD 2004-15-05] (RIN: 2120-AA64) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9720. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-93), and DC-9-87 (MD-87) Airplanes; Model MD-88 Airplanes; and Model MD-90-30 Airplanes [Docket No. 2003-NM-122-AD; Amendment 39-13497; AD 2004-05-03] (RIN: 2120-AA64) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9721. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211 Series Turbofan Engines; Correction [Docket No. 2003-NE-12-AD; Amendment 39-13434; AD 2004-01-20] (RIN: 2120-AA64) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9722. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319-131, -132, and -133; A320-231, -232, and -232; and A321-131 and -231 Series Airplanes [Docket NO. FAA-2004-18681; Directorate Identifier 2004-NM-56-AD; Amendment 39-13748; AD 2004-15-14] (RIN: 2120-AA64) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9723. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Certification of Airports; Correction [Docket No. FAA-2000-7479; Amendment Nos. 121-304, 139-26] (RIN: 2120-AG96) received July 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9724. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Certification of Airports [Docket No. FAA-2000-7479; Amendment Nos. 121-304, 135-94] (RIN: 2120-AG96) received July 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9725. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Noise Certification Regulations for Helicopters [Docket No. FAA-2000-7958; Amendment No. 36-25] (RIN: 2120-AH10) received July 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9726. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Design Standards for Fuselage Doors on Transport Category Airplanes [Docket No. FAA-2003-14193; Amdt. No. 25-114] (RIN: 2120-AH34) received July 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9727. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Aircraft Assembly Placard Requirements [Docket No. FAA-2004-18477] (RIN: 2120-AI24) received July 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9728. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Prohibition Against Certain Flights By Syrian Air Carriers to the United States [Docket No. FAA-2004-17763; Special Federal Aviation Regulation (SFAR) No. 104] (RIN: 2120-AI34) received July 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9729. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Miscellaneous Flight Requirements; Powerplant Installation Requirements; Public Address System; Trim Systems and Protective Breathing Equipment; and, Powerplant Controls [Docket Nos. FAA-2002-13859, FAA-2002-11272, FAA-2002-11271, FAA-2002-13438, FAA-2002-12244; Amendment No. 25-115] (RIN: 2120-AI35) received July 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9730. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Prohibition Against Certain Flights Within the Territory and Airspace of Iraq; Approval Process for Requests for Authorization to Operate in Iraqi Airspace [Docket No. FAA-2003-14766; SFAR 77] received July 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9731. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendment [Docket No. 30422; Amdt. No. 450] received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9732. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30421; Amdt. No. 3103] received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9733. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification fo Class E Airspace; Fairbury, NE. [Docket No. FAA-2004-18014; Airspace Docket No. 04-ACE-43] received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9734. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Columbus, NE

[Docket No. FAA-2004-18013; Airspace Docket No. 04-ACE-42] received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9735. A letter from the Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, transmitting the FY 2003 annual report on the Federal Government's participation in the development and use of voluntary consensus standards, pursuant to Public Law 104–113, section 12(d)(3) (110 Stat. 783); to the Committee on Science.

9736. A letter from the Commissioner, U.S. Customs and Border Protection, Department of Homeland Security, transmitting a report entitled ''Import Trade Trends: FY 2004 Mid-Year Report (October-March)''; to the Committee on Ways and Means.

9737. A letter from the Chair, IRS Oversight Board, transmitting a copy of the Board's 2004 annual report that discusses the IRS's performance over the past year; to the Committee on Ways and Means.

9738. A letter from the Chairman, United States International Trade Commission, transmitting the Commission's report entitled, ''The Year in Trade 2003: Operation of the Trade Agreements Program,'' prepared in conformity with Section 163(c) of the Trade Act of 1974; to the Committee on Ways and Means.

¶92.4 RECESS FOR JOINT MEETING TO RECEIVE THE INTERIM PRIME MINISTER OF THE REPUBLIC OF IRAQ—9:05 A.M.

The SPEAKER pro tempore, Mr. KIRK, pursuant to order of the House of Wednesday, September 15, 2004, declared the House in recess at 9 o'clock and 5 minutes a.m., subject to the call of the Chair.

¶92.5 AFTER RECESS—11:15 A.M.

The SPEAKER pro tempore, Mr. SHAW, called the House to order.

¶92.6 PROCEEDINGS DURING RECESS

On motion of Mr. PENCE, by unanimous consent, the proceedings had during the recess to receive His Excellency Ayad Allawi, Interim Prime Minister of the Republic of Iraq, were ordered to be printed in the RECORD.

¶92.7 PLEDGE OF ALLEGIANCE PROTECTION

The SPEAKER pro tempore, Mr. PENCE, pursuant to House Resolution 781 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2028) to amend title 28, United States Code, with respect to the jurisdiction of Federal courts inferior to the Supreme Court over certain cases and controversies involving the Pledge of Allegiance

The SPEAKER pro tempore, Mr. PENCE, by unanimous consent, designated Mr. SHAW as Chairman of the Committee of the Whole; and after some time spent therein,

¶92.8 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. WATT:

In section 1632 of title 28, United States Code, as added by section 2(a) of the bill, strike '', and the Supreme Court shall have no appellate jurisdiction,''.

It was decided in the negative ..... { Yeas ..... 202 / Nays 217

¶92.9 [Roll No. 466]

AYES—202

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bass
Becerra
Bell
Berkley
Berman
Biggert
Bishop (NY)
Blumenauer
Boehlert
Bono
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Ford
Fossella
Frank (MA)
Frost
Gephardt
Gilchrest
Gonzalez
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Pryce (OH)
Rangel
Reyes
Rodriguez
Rohrabacher
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Simpson
Slaughter
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—217

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Berry
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carson (OK)
Carter
Chabot
Chandler
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Duncan
Dunn
Edwards
Ehlers
Emerson
Everett
Feeney
Ferguson
Flake
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Granger
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Bishop (GA)
Bonner
Cannon
Goss
Graves
Kleczka
Lucas (KY)
Miller (FL)
Nethercutt
Quinn
Smith (WA)
Tauzin
Thompson (MS)
Vitter

So the amendment was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. THORNBERRY, assumed the Chair.

When Mr. LATHAM, Acting Chairman, pursuant to House Resolution 781, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Pledge Protection Act of 2004''.

SEC. 2. LIMITATION ON JURISDICTION.

(a) IN GENERAL.—Chapter 99 of title 28, United States Code, is amended by adding at the end the following:

"§ 1632. Limitation on jurisdiction

''No court created by Act of Congress shall have any jurisdiction, and the Supreme Court shall have no appellate jurisdiction, to hear or decide any question pertaining to the interpretation of, or the validity under the

Constitution of, the Pledge of Allegiance, as defined in section 4 of title 4, or its recitation.''. The limitation in this section shall not apply to the Superior Court of the District of Columbia or the District of Columbia Court of Appeals.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 99 of title 28, United States Code, is amended by adding at the end the following new item:

''1632. Limitation on jurisdiction.''.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. THORNBERRY, announced that the yeas had it.

Mr. SENSENBRENNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 247 / Nays 173

¶92.10 [Roll No. 467]

YEAS—247

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

NAYS—173

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Biggert
Bishop (NY)
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Clay
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gephardt
Gilchrest
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kolbe
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rangel
Reyes
Rodriguez
Rohrabacher
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Slaughter
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOT VOTING—13

Bishop (GA)
Bonner
Cannon
Goss
Graves
Kleczka
Lucas (KY)
Miller (FL)
Quinn
Smith (WA)
Tauzin
Thompson (MS)
Vitter

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

By unanimous consent, the title was amended so as to read: ''An Act to amend title 28, United States Code, with respect to the jurisdiction of Federal courts over certain cases and controversies involving the Pledge of Allegiance.''.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶92.11 H.R. 1057—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LATHAM, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1057) to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 414 / Nays 0

¶92.12 [Roll No. 468]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)

Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—19

Bishop (GA)
Bonner
Cannon
Deal (GA)
English
Gephardt
Goss
Graves
Kleczka
Lucas (KY)
Miller (FL)
Quinn
Rogers (MI)
Smith (WA)
Tauzin
Thompson (MS)
Tiahrt
Vitter
Weldon (PA)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶92.13 SUBMISSION OF CONFERENCE REPORT—H.R. 1308

Mr. THOMAS submitted a conference report (Rept. No. 108–696) on the bill (H.R. 1308) to amend the Internal Revenue Code of 1986 to end certain abusive tax practices, to provide tax relief and simplification, and for other purposes; together with a statement thereon, for printing in the RECORD under the rule.

The SPEAKER pro tempore, Mr. LATHAM, announced that under clause 8 of rule XX, the filing of the conference report on H.R. 1308 has vitiated the motion to instruct offered by the gentleman from Kansas [MR. MOORE], which was debated on Wednesday, September 22, 2004, and on which further proceedings were postponed.

¶92.14 ADVERSE REPORT ON H. RES. 745

Mr. BARTON, by direction of the Committee on Energy and Commerce, adversely reported (Rept. No. 108–697) the resolution (H. Res. 745) of inquiry requesting the President of the United States to provide certain information to the House of Representatives respecting the National Energy Policy Development Group; referred to the House Calendar and ordered printed.

¶92.15 WAIVING REQUIREMENT OF CLAUSE 6(A) OF RULE XIII

Mr. REYNOLDS, by direction of the Committee on Rules, called up the following resolution (H. Res. 785):

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of September 23, 2004, providing for consideration or disposition of a conference report to accompany the bill (H.R. 1308) to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, and for other purposes.

When said resolution was considered.

After debate,

On motion of Mr. REYNOLDS, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Ms. SLAUGHTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶92.16 RECESS—3:12 P.M.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 12 minutes p.m., subject to the call of the Chair.

¶92.17 AFTER RECESS—3:54 P.M.

The SPEAKER pro tempore, Mr. SIMPSON, called the House to order.

¶92.18 WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT TO ACCOMPANY H.R. 1308

Mr. REYNOLDS, by direction of the Committee on Rules, reported (Rept. No. 108–699) the resolution (H. Res. 794) waiving points of order against the conference report to accompany the bill (H.R. 1308) to amend the Internal Revenue Code of 1086 to accelerate the increase in the refundability of the child tax credit, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶92.19 PREVIOUS QUESTION ON H. RES. 785—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced the unfinished business to be the question on the motion ordering the previous question on the resolution (H. Res. 785) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 211 / Nays 196

¶92.20 [Roll No. 469]

YEAS—211

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy

Musgrave
Nethercutt
Neugebauer
Ney
Northup
Nussle
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—196

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Towns
Turner (TX)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—26

Bishop (GA)
Bonner
Cannon
Deal (GA)
Fattah
Garrett (NJ)
Gephardt
Graves
Herseth
Istook
Kleczka
Lucas (KY)
Manzullo
Miller (FL)
Myrick
Norwood
Nunes
Osborne
Quinn
Smith (WA)
Stark
Tauzin
Thompson (MS)
Turner (OH)
Udall (CO)
Vitter

So the previous question was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶92.21 WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT TO ACCOMPANY H.R. 1308

Mr. REYNOLDS, by direction of the Committee on Rules, called up the following resolution (H. Res. 794):

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 1308) to amend the Internal Revenue Code of 1986 to accelerate the increase in refundability of the child tax credit, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

When said resolution was considered.

After debate,

On motion of Mr. REYNOLDS, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Ms. SLAUGHTER objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas 212
Nays 193

¶92.22 [Roll No. 470]

YEAS—212

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

NAYS—193

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky

Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Towns
Turner (TX)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—28

Bishop (GA)
Bonner
Cannon
Collins
Deal (GA)
Delahunt
Garrett (NJ)
Gephardt
Graves
Green (TX)
Herseth
Istook
Kleczka
Lipinski
Lucas (KY)
Majette
McCarthy (MO)
Miller (FL)
Myrick
Nunes
Osborne
Quinn
Smith (WA)
Tancredo
Tauzin
Thompson (MS)
Udall (CO)
Vitter

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. REYNOLDS demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 235 / Nays 167

¶92.23 [Roll No. 471]

AYES—235

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

NOES—167

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berman
Berry
Bishop (NY)
Blumenauer
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Clay
Clyburn
Conyers
Cooper
Costello
Cummings
Davis (AL)
Davis (FL)
Davis (IL)
DeGette
DeLauro
Deutsch
Dicks
Dingell
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lynch
Majette
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Towns
Turner (TX)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wynn

NOT VOTING—31

Bishop (GA)
Bonner
Cannon
Capps
Collins
Deal (GA)
DeFazio
Delahunt
Doggett
Garrett (NJ)
Gephardt
Gordon
Graves
Green (TX)
Herseth
Istook
Kleczka
Lipinski
Lucas (KY)
McCarthy (MO)
Miller (FL)
Myrick
Nunes
Osborne
Paul
Quinn
Smith (WA)
Tauzin
Thompson (MS)
Udall (CO)
Vitter

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶92.24 CHILD TAX CREDIT INCREASE

Mr. THOMAS, pursuant to House Resolution 794, called up the following conference report (Rept. No. 108–696):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill (H.R. 1308) to amend the Internal Revenue Code of 1986 to end certain abusive tax practices, to provide tax relief and simplification, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House to the amendments of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Working Families Tax Relief Act of 2004''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—EXTENSION OF FAMILY TAX PROVISIONS

Sec. 101. Repeal of scheduled reductions in child tax credit, marriage penalty relief, and 10-percent rate bracket.
Sec. 102. Acceleration of increase in refundability of the child tax credit.
Sec. 103. 1-year extension of minimum tax relief to individuals.
Sec. 104. Earned income includes combat pay.
Sec. 105. Application of EGTRRA sunset to this title.

TITLE II—UNIFORM DEFINITION OF CHILD

Sec. 201. Uniform definition of child, etc.
Sec. 202. Modifications of definition of head of household.
Sec. 203. Modifications of dependent care credit.
Sec. 204. Modifications of child tax credit.
Sec. 205. Modifications of earned income credit.
Sec. 206. Modifications of deduction for personal exemption for dependents.
Sec. 207. Technical and conforming amendments.
Sec. 208. Effective date.

TITLE III—EXTENSIONS OF CERTAIN EXPIRING PROVISIONS

Sec. 301. Research credit.
Sec. 302. Parity in the application of certain limits to mental health benefits.
Sec. 303. Work opportunity credit and welfare-to-work credit.
Sec. 304. Qualified zone academy bonds.
Sec. 305. Cover over of tax on distilled spirits.
Sec. 306. Deduction for corporate donations of scientific property and computer technology.
Sec. 307. Deduction for certain expenses of school teachers.

Sec. 308. Expensing of environmental remediation costs.
Sec. 309. Certain New York Liberty Zone benefits.
Sec. 310. Tax incentives for investment in the District of Columbia.
Sec. 311. Disclosure of tax information to facilitate combined employment tax reporting.
Sec. 312. Allowance of nonrefundable personal credits against regular and minimum tax liability.
Sec. 313. Credit for electricity produced from certain renewable resources.
Sec. 314. Taxable income limit on percentage depletion for oil and natural gas produced from marginal properties.
Sec. 315. Indian employment tax credit.
Sec. 316. Accelerated depreciation for business property on Indian reservation.
Sec. 317. Disclosure of return information relating to student loans.
Sec. 318. Elimination of phaseout of credit for qualified electric vehicles for 2004 and 2005.
Sec. 319. Elimination of phaseout for deduction for clean-fuel vehicle property for 2004 and 2005.
Sec. 320. Disclosures relating to terrorist activities.
Sec. 321. Joint review of strategic plans and budget for the Internal Revenue Service.
Sec. 322. Availability of medical savings accounts.

TITLE IV—TAX TECHNICAL CORRECTIONS

Sec. 401. Amendments related to Medicare Prescription Drug, Improvement, and Modernization Act of 2003.
Sec. 402. Amendments related to Jobs and Growth Tax Relief Reconciliation Act of 2003.
Sec. 403. Amendments related to Job Creation and Worker Assistance Act of 2002.
Sec. 404. Amendments related to Economic Growth and Tax Relief Reconciliation Act of 2001.
Sec. 405. Amendments related to Community Renewal Tax Relief Act of 2000.
Sec. 406. Amendments related to Taxpayer Relief Act of 1997.
Sec. 407. Amendments related to Small Business Job Protection Act of 1996.
Sec. 408. Clerical amendments.

TITLE I—EXTENSION OF FAMILY TAX PROVISIONS

SEC. 101. REPEAL OF SCHEDULED REDUCTIONS IN CHILD TAX CREDIT, MARRIAGE PENALTY RELIEF, AND 10-PERCENT RATE BRACKET.

(a) CHILD TAX CREDIT.—Subsection (a) of section 24 (relating to child tax credit) is amended to read as follows:

''(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year with respect to each qualifying child of the taxpayer an amount equal to $1,000.''.

(b) MARRIAGE PENALTY RELIEF IN STANDARD DEDUCTION.—

(1) IN GENERAL.—Paragraph (2) of section 63(c) (relating to basic standard deduction) is amended to read as follows:

''(2) BASIC STANDARD DEDUCTION.—For purposes of paragraph (1), the basic standard deduction is—

''(A) 200 percent of the dollar amount in effect under subparagraph (C) for the taxable year in the case of—

''(i) a joint return, or

''(ii) a surviving spouse (as defined in section 2(a)),

''(B) $4,400 in the case of a head of household (as defined in section 2(b)), or

''(C) $3,000 in any other case.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 63(c)(4) is amended by striking ''(2)(D)'' each place it occurs and inserting ''(2)(C)''.

(B) Section 63(c) is amended by striking paragraph (7).

(c) MARRIAGE PENALTY RELIEF IN 15-PERCENT INCOME TAX BRACKET.—Paragraph (8) of section 1(f) is amended to read as follows:

''(8) ELIMINATION OF MARRIAGE PENALTY IN 15-PERCENT BRACKET.—With respect to taxable years beginning after December 31, 2003, in prescribing the tables under paragraph (1)—

''(A) the maximum taxable income in the 15-percent rate bracket in the table contained in subsection (a) (and the minimum taxable income in the next higher taxable income bracket in such table) shall be 200 percent of the maximum taxable income in the 15-percent rate bracket in the table contained in subsection (c) (after any other adjustment under this subsection), and

''(B) the comparable taxable income amounts in the table contained in subsection (d) shall be ½ of the amounts determined under subparagraph (A).''.

(d) 10-PERCENT RATE BRACKET.—

(1) IN GENERAL.—Clause (i) of section 1(i)(1)(B) is amended by striking ''($12,000 in the case of taxable years beginning after December 31, 2004, and before January 1, 2008)''.

(2) INFLATION ADJUSTMENT.—Subparagraph (C) of section 1(i)(1) is amended to read as follows:

''(C) INFLATION ADJUSTMENT.—In prescribing the tables under subsection (f) which apply with respect to taxable years beginning in calendar years after 2003—

''(i) the cost-of-living adjustment shall be determined under subsection (f)(3) by substituting '2002' for '1992' in subparagraph (B) thereof, and

''(ii) the adjustments under clause (i) shall not apply to the amount referred to in subparagraph (B)(iii).

If any amount after adjustment under the preceding sentence is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 102. ACCELERATION OF INCREASE IN REFUNDABILITY OF THE CHILD TAX CREDIT.

(a) ACCELERATION OF REFUNDABILITY.—Section 24(d)(1)(B)(i) (relating to portion of credit refundable) is amended by striking ''(10 percent in the case of taxable years beginning before January 1, 2005)''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 103. EXTENSION OF MINIMUM TAX RELIEF TO INDIVIDUALS.

(a) IN GENERAL.—Subparagraphs (A) and (B) of section 55(d)(1) of the Internal Revenue Code of 1986 (relating to exemption amount for taxpayers other than corporations) are each amended by striking ''2003 and 2004'' and inserting ''2003, 2004, and 2005''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 104. EARNED INCOME INCLUDES COMBAT PAY.

(a) CHILD TAX CREDIT.—Section 24(d)(1) (relating to portion of credit refundable) is amended by adding at the end the following new sentence: ''For purposes of subparagraph (B), any amount excluded from gross income by reason of section 112 shall be treated as earned income which is taken into account in computing taxable income for the taxable year.''.

(b) EARNED INCOME CREDIT.—Subparagraph (B) of section 32(c)(2) (relating to earned income) is amended—

(1) by striking ''and'' at the end of clause (iv),

(2) by striking the period at the end of clause (v) and inserting '', and'', and

(3) by adding at the end the following:

''(vi) in the case of any taxable year ending—

''(I) after the date of the enactment of this clause, and

''(II) before January 1, 2006,

a taxpayer may elect to treat amounts excluded from gross income by reason of section 112 as earned income.''.

(c) EFFECTIVE DATE.—

(1) CHILD TAX CREDIT.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2003.

(2) EARNED INCOME CREDIT.—The amendments made by subsection (b) shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 105. APPLICATION OF EGTRRA SUNSET TO THIS TITLE.

Each amendment made by this title shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

TITLE II—UNIFORM DEFINITION OF CHILD

SEC. 201. UNIFORM DEFINITION OF CHILD, ETC.

Section 152 is amended to read as follows:

''SEC. 152. DEPENDENT DEFINED.

''(a) IN GENERAL.—For purposes of this subtitle, the term 'dependent' means—

''(1) a qualifying child, or

''(2) a qualifying relative.

''(b) EXCEPTIONS.—For purposes of this section—

''(1) DEPENDENTS INELIGIBLE.—If an individual is a dependent of a taxpayer for any taxable year of such taxpayer beginning in a calendar year, such individual shall be treated as having no dependents for any taxable year of such individual beginning in such calendar year.

''(2) MARRIED DEPENDENTS.—An individual shall not be treated as a dependent of a taxpayer under subsection (a) if such individual has made a joint return with the individual's spouse under section 6013 for the taxable year beginning in the calendar year in which the taxable year of the taxpayer begins.

''(3) CITIZENS OR NATIONALS OF OTHER COUNTRIES.—

''(A) IN GENERAL.—The term 'dependent' does not include an individual who is not a citizen or national of the United States unless such individual is a resident of the United States or a country contiguous to the United States.

''(B) EXCEPTION FOR ADOPTED CHILD.—Subparagraph (A) shall not exclude any child of a taxpayer (within the meaning of subsection (f)(1)(B)) from the definition of 'dependent' if—

''(i) for the taxable year of the taxpayer, the child has the same principal place of abode as the taxpayer and is a member of the taxpayer's household, and

''(ii) the taxpayer is a citizen or national of the United States.

''(c) QUALIFYING CHILD.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualifying child' means, with respect to any taxpayer for any taxable year, an individual—

''(A) who bears a relationship to the taxpayer described in paragraph (2),

''(B) who has the same principal place of abode as the taxpayer for more than one-half of such taxable year,

''(C) who meets the age requirements of paragraph (3), and

''(D) who has not provided over one-half of such individual's own support for the calendar year in which the taxable year of the taxpayer begins.

''(2) RELATIONSHIP.—For purposes of paragraph (1)(A), an individual bears a relationship to the taxpayer described in this paragraph if such individual is—

''(A) a child of the taxpayer or a descendant of such a child, or

''(B) a brother, sister, stepbrother, or stepsister of the taxpayer or a descendant of any such relative.

''(3) AGE REQUIREMENTS.—

''(A) IN GENERAL.—For purposes of paragraph (1)(C), an individual meets the requirements of this paragraph if such individual—

''(i) has not attained the age of 19 as of the close of the calendar year in which the taxable year of the taxpayer begins, or

''(ii) is a student who has not attained the age of 24 as of the close of such calendar year.

''(B) SPECIAL RULE FOR DISABLED.—In the case of an individual who is permanently and totally disabled (as defined in section 22(e)(3)) at any time during such calendar year, the requirements of subparagraph (A) shall be treated as met with respect to such individual.

''(4) SPECIAL RULE RELATING TO 2 OR MORE CLAIMING QUALIFYING CHILD.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), if (but for this paragraph) an individual may be and is claimed as a qualifying child by 2 or more taxpayers for a taxable year beginning in the same calendar year, such individual shall be treated as the qualifying child of the taxpayer who is—

''(i) a parent of the individual, or

''(ii) if clause (i) does not apply, the taxpayer with the highest adjusted gross income for such taxable year.

''(B) MORE THAN 1 PARENT CLAIMING QUALIFYING CHILD.—If the parents claiming any qualifying child do not file a joint return together, such child shall be treated as the qualifying child of—

''(i) the parent with whom the child resided for the longest period of time during the taxable year, or

''(ii) if the child resides with both parents for the same amount of time during such taxable year, the parent with the highest adjusted gross income.

''(d) QUALIFYING RELATIVE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualifying relative' means, with respect to any taxpayer for any taxable year, an individual—

''(A) who bears a relationship to the taxpayer described in paragraph (2),

''(B) whose gross income for the calendar year in which such taxable year begins is less than the exemption amount (as defined in section 151(d)),

''(C) with respect to whom the taxpayer provides over one-half of the individual's support for the calendar year in which such taxable year begins, and

''(D) who is not a qualifying child of such taxpayer or of any other taxpayer for any taxable year beginning in the calendar year in which such taxable year begins.

''(2) RELATIONSHIP.—For purposes of paragraph (1)(A), an individual bears a relationship to the taxpayer described in this paragraph if the individual is any of the following with respect to the taxpayer:

''(A) A child or a descendant of a child.

''(B) A brother, sister, stepbrother, or stepsister.

''(C) The father or mother, or an ancestor of either.

''(D) A stepfather or stepmother.

''(E) A son or daughter of a brother or sister of the taxpayer.

''(F) A brother or sister of the father or mother of the taxpayer.

''(G) A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law.

''(H) An individual (other than an individual who at any time during the taxable year was the spouse, determined without regard to section 7703, of the taxpayer) who, for the taxable year of the taxpayer, has the same principal place of abode as the taxpayer and is a member of the taxpayer's household.

''(3) SPECIAL RULE RELATING TO MULTIPLE SUPPORT AGREEMENTS.—For purposes of paragraph (1)(C), over one-half of the support of an individual for a calendar year shall be treated as received from the taxpayer if—

''(A) no one person contributed over one-half of such support,

''(B) over one-half of such support was received from 2 or more persons each of whom, but for the fact that any such person alone did not contribute over one-half of such support, would have been entitled to claim such individual as a dependent for a taxable year beginning in such calendar year,

''(C) the taxpayer contributed over 10 percent of such support, and

''(D) each person described in subparagraph (B) (other than the taxpayer) who contributed over 10 percent of such support files a written declaration (in such manner and form as the Secretary may by regulations prescribe) that such person will not claim such individual as a dependent for any taxable year beginning in such calendar year.

''(4) SPECIAL RULE RELATING TO INCOME OF HANDICAPPED DEPENDENTS.—

''(A) IN GENERAL.—For purposes of paragraph (1)(B), the gross income of an individual who is permanently and totally disabled (as defined in section 22(e)(3)) at any time during the taxable year shall not include income attributable to services performed by the individual at a sheltered workshop if—

''(i) the availability of medical care at such workshop is the principal reason for the individual's presence there, and

''(ii) the income arises solely from activities at such workshop which are incident to such medical care.

''(B) SHELTERED WORKSHOP DEFINED.—For purposes of subparagraph (A), the term 'sheltered workshop' means a school—

''(i) which provides special instruction or training designed to alleviate the disability of the individual, and

''(ii) which is operated by an organization described in section 501(c)(3) and exempt from tax under section 501(a), or by a State, a possession of the United States, any political subdivision of any of the foregoing, the United States, or the District of Columbia.

''(5) SPECIAL RULES FOR SUPPORT.—For purposes of this subsection—

''(A) payments to a spouse which are includible in the gross income of such spouse under section 71 or 682 shall not be treated as a payment by the payor spouse for the support of any dependent, and

''(B) in the case of the remarriage of a parent, support of a child received from the parent's spouse shall be treated as received from the parent.

''(e) SPECIAL RULE FOR DIVORCED PARENTS.—

''(1) IN GENERAL.—Notwithstanding subsection (c)(1)(B), (c)(4), or (d)(1)(C), if—

''(A) a child receives over one-half of the child's support during the calendar year from the child's parents—

''(i) who are divorced or legally separated under a decree of divorce or separate maintenance,

''(ii) who are separated under a written separation agreement, or

''(iii) who live apart at all times during the last 6 months of the calendar year, and

''(B) such child is in the custody of 1 or both of the child's parents for more than one-half of the calendar year,

such child shall be treated as being the qualifying child or qualifying relative of the noncustodial parent for a calendar year if the requirements described in paragraph (2) are met.

''(2) REQUIREMENTS.—For purposes of paragraph (1), the requirements described in this paragraph are met if—

''(A) a decree of divorce or separate maintenance or written separation agreement between the parents applicable to the taxable year beginning in such calendar year provides that—

''(i) the noncustodial parent shall be entitled to any deduction allowable under section 151 for such child, or

''(ii) the custodial parent will sign a written declaration (in such manner and form as the Secretary may prescribe) that such parent will not claim such child as a dependent for such taxable year, or

''(B) in the case of such an agreement executed before January 1, 1985, the noncustodial parent provides at least $600 for the support of such child during such calendar year.

For purposes of subparagraph (B), amounts expended for the support of a child or children shall be treated as received from the noncustodial parent to the extent that such parent provided amounts for such support.

''(3) CUSTODIAL PARENT AND NONCUSTODIAL PARENT.—For purposes of this subsection—

''(A) CUSTODIAL PARENT.—The term 'custodial parent' means the parent with whom a child shared the same principal place of abode for the greater portion of the calendar year.

''(B) NONCUSTODIAL PARENT.—The term 'noncustodial parent' means the parent who is not the custodial parent.

''(4) EXCEPTION FOR MULTIPLE-SUPPORT AGREEMENTS.—This subsection shall not apply in any case where over one-half of the support of the child is treated as having been received from a taxpayer under the provision of subsection (d)(3).

''(f) OTHER DEFINITIONS AND RULES.—For purposes of this section—

''(1) CHILD DEFINED.—

''(A) IN GENERAL.—The term 'child' means an individual who is—

''(i) a son, daughter, stepson, or stepdaughter of the taxpayer, or

''(ii) an eligible foster child of the taxpayer.

''(B) ADOPTED CHILD.—In determining whether any of the relationships specified in subparagraph (A)(i) or paragraph (4) exists, a legally adopted individual of the taxpayer, or an individual who is lawfully placed with the taxpayer for legal adoption by the taxpayer, shall be treated as a child of such individual by blood.

''(C) ELIGIBLE FOSTER CHILD.—For purposes of subparagraph (A)(ii), the term 'eligible foster child' means an individual who is placed with the taxpayer by an authorized placement agency or by judgment, decree, or other order of any court of competent jurisdiction.

''(2) STUDENT DEFINED.—The term 'student' means an individual who during each of 5 calendar months during the calendar year in which the taxable year of the taxpayer begins—

''(A) is a full-time student at an educational organization described in section 170(b)(1)(A)(ii), or

''(B) is pursuing a full-time course of institutional on-farm training under the supervision of an accredited agent of an educational organization described in section 170(b)(1)(A)(ii) or of a State or political subdivision of a State.

''(3) DETERMINATION OF HOUSEHOLD STATUS.—An individual shall not be treated as a member of the taxpayer's household if at any time during the taxable year of the taxpayer the relationship between such individual and the taxpayer is in violation of local law.

''(4) BROTHER AND SISTER.—The terms 'brother' and 'sister' include a brother or sister by the half blood.

''(5) SPECIAL SUPPORT TEST IN CASE OF STUDENTS.—For purposes of subsections (c)(1)(D) and (d)(1)(C), in the case of an individual who is—

''(A) a child of the taxpayer, and

''(B) a student,

amounts received as scholarships for study at an educational organization described in section 170(b)(1)(A)(ii) shall not be taken into account.

''(6) TREATMENT OF MISSING CHILDREN.—

''(A) IN GENERAL.—Solely for the purposes referred to in subparagraph (B), a child of the taxpayer—

''(i) who is presumed by law enforcement authorities to have been kidnapped by someone who is not a member of the family of such child or the taxpayer, and

''(ii) who had, for the taxable year in which the kidnapping occurred, the same principal

place of abode as the taxpayer for more than one-half of the portion of such year before the date of the kidnapping,

shall be treated as meeting the requirement of subsection (c)(1)(B) with respect to a taxpayer for all taxable years ending during the period that the child is kidnapped.

''(B) PURPOSES.—Subparagraph (A) shall apply solely for purposes of determining—

''(i) the deduction under section 151(c),

''(ii) the credit under section 24 (relating to child tax credit),

''(iii) whether an individual is a surviving spouse or a head of a household (as such terms are defined in section 2), and

''(iv) the earned income credit under section 32.

''(C) COMPARABLE TREATMENT OF CERTAIN QUALIFYING RELATIVES.—For purposes of this section, a child of the taxpayer—

''(i) who is presumed by law enforcement authorities to have been kidnapped by someone who is not a member of the family of such child or the taxpayer, and

''(ii) who was (without regard to this paragraph) a qualifying relative of the taxpayer for the portion of the taxable year before the date of the kidnapping,

shall be treated as a qualifying relative of the taxpayer for all taxable years ending during the period that the child is kidnapped.

''(D) TERMINATION OF TREATMENT.—Subparagraphs (A) and (C) shall cease to apply as of the first taxable year of the taxpayer beginning after the calendar year in which there is a determination that the child is dead (or, if earlier, in which the child would have attained age 18).

''(7) CROSS REFERENCES.—

"For provision treating child as dependent of both parents for purposes of certain provisions, see sections 105(b), 132(h)(2)(B), and 213(d)(5).".

SEC. 202. MODIFICATIONS OF DEFINITION OF HEAD OF HOUSEHOLD.

(a) HEAD OF HOUSEHOLD.—Clause (i) of section 2(b)(1)(A) is amended to read as follows:

''(i) a qualifying child of the individual (as defined in section 152(c), determined without regard to section 152(e)), but not if such child—

''(I) is married at the close of the taxpayer's taxable year, and

''(II) is not a dependent of such individual by reason of section 152(b)(2) or 152(b)(3), or both, or''.

(b) CONFORMING AMENDMENTS.—

(1) Section 2(b)(2) is amended by striking subparagraph (A) and by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively.

(2) Clauses (i) and (ii) of section 2(b)(3)(B) are amended to read as follows:

''(i) subparagraph (H) of section 152(d)(2), or

''(ii) paragraph (3) of section 152(d).''.

SEC. 203. MODIFICATIONS OF DEPENDENT CARE CREDIT.

(a) IN GENERAL.—Section 21(a)(1) is amended by striking ''In the case of an individual who maintains a household which includes as a member one or more qualifying individuals (as defined in subsection (b)(1))'' and inserting ''In the case of an individual for which there are 1 or more qualifying individuals (as defined in subsection (b)(1)) with respect to such individual''.

(b) QUALIFYING INDIVIDUAL.—Paragraph (1) of section 21(b) is amended to read as follows:

''(1) QUALIFYING INDIVIDUAL.—The term 'qualifying individual' means—

''(A) a dependent of the taxpayer (as defined in section 152(a)(1)) who has not attained age 13,

''(B) a dependent of the taxpayer who is physically or mentally incapable of caring for himself or herself and who has the same principal place of abode as the taxpayer for more than one-half of such taxable year, or

''(C) the spouse of the taxpayer, if the spouse is physically or mentally incapable of caring for himself or herself and who has the same principal place of abode as the taxpayer for more than one-half of such taxable year.''.

(c) CONFORMING AMENDMENT.—Paragraph (1) of section 21(e) is amended to read as follows:

''(1) PLACE OF ABODE.—An individual shall not be treated as having the same principal place of abode of the taxpayer if at any time during the taxable year of the taxpayer the relationship between the individual and the taxpayer is in violation of local law.''.

SEC. 204. MODIFICATIONS OF CHILD TAX CREDIT.

(a) IN GENERAL.—Paragraph (1) of section 24(c) is amended to read as follows:

''(1) IN GENERAL.—The term 'qualifying child' means a qualifying child of the taxpayer (as defined in section 152(c)) who has not attained age 17.''.

(b) CONFORMING AMENDMENT.—Section 24(c)(2) is amended by striking ''the first sentence of section 152(b)(3)'' and inserting ''subparagraph (A) of section 152(b)(3)''.

SEC. 205. MODIFICATIONS OF EARNED INCOME CREDIT.

(a) QUALIFYING CHILD.—Paragraph (3) of section 32(c) is amended to read as follows:

''(3) QUALIFYING CHILD.—

''(A) IN GENERAL.—The term 'qualifying child' means a qualifying child of the taxpayer (as defined in section 152(c), determined without regard to paragraph (1)(D) thereof and section 152(e)).

''(B) MARRIED INDIVIDUAL.—The term 'qualifying child' shall not include an individual who is married as of the close of the taxpayer's taxable year unless the taxpayer is entitled to a deduction under section 151 for such taxable year with respect to such individual (or would be so entitled but for section 152(e)).

''(C) PLACE OF ABODE.—For purposes of subparagraph (A), the requirements of section 152(c)(1)(B) shall be met only if the principal place of abode is in the United States.

''(D) IDENTIFICATION REQUIREMENTS.—

''(i) IN GENERAL.—A qualifying child shall not be taken into account under subsection (b) unless the taxpayer includes the name, age, and TIN of the qualifying child on the return of tax for the taxable year.

''(ii) OTHER METHODS.—The Secretary may prescribe other methods for providing the information described in clause (i).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 32(c)(1) is amended by striking subparagraph (C) and by redesignating subparagraphs (D), (E), (F), and (G) as subparagraphs (C), (D), (E), and (F), respectively.

(2) Section 32(c)(4) is amended by striking ''(3)(E)'' and inserting ''(3)(C)''.

(3) Section 32(m) is amended by striking ''subsections (c)(1)(F)'' and inserting ''subsections (c)(1)(E)''.

SEC. 206. MODIFICATIONS OF DEDUCTION FOR PERSONAL EXEMPTION FOR DEPENDENTS.

Subsection (c) of section 151 is amended to read as follows:

''(c) ADDITIONAL EXEMPTION FOR DEPENDENTS.—An exemption of the exemption amount for each individual who is a dependent (as defined in section 152) of the taxpayer for the taxable year.''.

SEC. 207. TECHNICAL AND CONFORMING AMENDMENTS.

(1) Section 2(a)(1)(B)(i) is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(2) Section 21(e)(5) is amended—

(A) by striking ''paragraph (2) or (4) of'' in subparagraph (A), and

(B) by striking ''within the meaning of section 152(e)(1)'' and inserting ''as defined in section 152(e)(3)(A)''.

(3) Section 21(e)(6)(B) is amended by striking ''section 151(c)(3)'' and inserting ''section 152(f)(1)''.

(4) Section 25B(c)(2)(B) is amended by striking ''151(c)(4)'' and inserting ''152(f)(2)''.

(5)(A) Subparagraphs (A) and (B) of section 51(i)(1) are each amended by striking ''paragraphs (1) through (8) of section 152(a)'' both places it appears and inserting ''subparagraphs (A) through (G) of section 152(d)(2)''.

(B) Section 51(i)(1)(C) is amended by striking ''152(a)(9)'' and inserting ''152(d)(2)(H)''.

(6) Section 72(t)(2)(D)(i)(III) is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(7) Section 72(t)(7)(A)(iii) is amended by striking ''151(c)(3)'' and inserting ''152(f)(1)''.

(8) Section 42(i)(3)(D)(ii)(I) is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(9) Subsections (b) and (c)(1) of section 105 are amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(10) Section 120(d)(4) is amended by inserting ''(determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof)'' after ''section 152''.

(11) Section 125(e)(1)(D) is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(12) Section 129(c)(2) is amended by striking ''151(c)(3)'' and inserting ''152(f)(1)''.

(13) The first sentence of section 132(h)(2)(B) is amended by striking ''151(c)(3)'' and inserting ''152(f)(1)''.

(14) Section 153 is amended by striking paragraph (1) and by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively.

(15) Section 170(g)(1) is amended by inserting ''(determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof)'' after ''section 152''.

(16) Section 170(g)(3) is amended by striking ''paragraphs (1) through (8) of section 152(a)'' and inserting ''subparagraphs (A) through (G) of section 152(d)(2)''.

(17) Section 213(a) is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(18) The second sentence of section 213(d)(11) is amended by striking ''paragraphs (1) through (8) of section 152(a)'' and inserting ''subparagraphs (A) through (G) of section 152(d)(2)''.

(19) Section 220(d)(2)(A) is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(20) Section 221(d)(4) is amended by inserting ''(determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof)'' after ''section 152''.

(21) Section 529(e)(2)(B) is amended by striking ''paragraphs (1) through (8) of section 152(a)'' and inserting ''subparagraphs (A) through (G) of section 152(d)(2)''.

(22) Section 2032A(c)(7)(D) is amended by striking ''section 151(c)(4)'' and inserting ''section 152(f)(2)''.

(23) Section 2057(d)(2)(B) is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(24) Section 7701(a)(17) is amended by striking ''152(b)(4), 682,'' and inserting ''682''.

(25) Section 7702B(f)(2)(C)(iii) is amended by striking ''paragraphs (1) through (8) of section 152(a)'' and inserting ''subparagraphs (A) through (G) of section 152(d)(2)''.

(26) Section 7703(b)(1) is amended—

(A) by striking ''151(c)(3)'' and inserting ''152(f)(1)'', and

(B) by striking ''paragraph (2) or (4) of''.

SEC. 208. EFFECTIVE DATE.

The amendments made by this title shall apply to taxable years beginning after December 31, 2004.

TITLE III—EXTENSIONS OF CERTAIN EXPIRING PROVISIONS

SEC. 301. RESEARCH CREDIT.

(a) EXTENSION.—

(1) IN GENERAL.—Section 41(h)(1)(B) (relating to termination) is amended by striking ''June 30, 2004'' and inserting ''December 31, 2005''.

(2) CONFORMING AMENDMENT.—Section 45C(b)(1)(D) is amended by striking ''June 30, 2004'' and inserting ''December 31, 2005''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after June 30, 2004.

SEC. 302. PARITY IN THE APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

(a) IN GENERAL.—Section 9812(f) is amended—

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

(2) by striking paragraph (2) and inserting the following new paragraphs:

''(2) on or after January 1, 2004, and before the date of the enactment of the Working Families Tax Relief Act of 2004, and

''(3) after December 31, 2005.''.

(b) ERISA.—Section 712(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a(f)) is amended by striking ''on or after December 31, 2004'' and inserting ''after December 31, 2005''.

(c) PHSA.—Section 2705(f) of the Public Health Service Act (42 U.S.C. 300gg-5(f)) is amended by striking ''on or after December 31, 2004'' and inserting ''after December 31, 2005''.

(d) EFFECTIVE DATES.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 303. WORK OPPORTUNITY CREDIT AND WELFARE-TO-WORK CREDIT.

(a) EXTENSION OF CREDIT.—

(1) IN GENERAL.—Section 51(c)(4) is amended by striking ''December 31, 2003'' and inserting ''December 31, 2005''.

(2) LONG-TERM FAMILY ASSISTANCE RECIPIENTS.—Section 51A(f) is amended by striking ''December 31, 2003'' and inserting ''December 31, 2005''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after December 31, 2003.

SEC. 304. QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Paragraph (1) of section 1397E(e) is amended by striking ''and 2003'' and inserting ''2003, 2004, and 2005''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to obligations issued after December 31, 2003.

SEC. 305. COVER OVER OF TAX ON DISTILLED SPIRITS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking ''January 1, 2004'' and inserting ''January 1, 2006''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to articles brought into the United States after December 31, 2003.

SEC. 306. DEDUCTION FOR CORPORATE DONATIONS OF SCIENTIFIC PROPERTY AND COMPUTER TECHNOLOGY.

(a) IN GENERAL.—Section 170(e)(6)(G) is amended by striking ''2003'' and inserting ''2005''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2003.

SEC. 307. DEDUCTION FOR CERTAIN EXPENSES OF SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) is amended by striking ''or 2003'' and inserting '', 2003, 2004, or 2005''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to expenses paid or incurred in taxable years beginning after December 31, 2003.

SEC. 308. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) EXTENSION OF TERMINATION DATE.—Subsection (h) of section 198 is amended by striking ''December 31, 2003'' and inserting ''December 31, 2005''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to expenditures paid or incurred after December 31, 2003.

SEC. 309. CERTAIN NEW YORK LIBERTY ZONE BENEFITS.

(a) EXTENSION OF TAX-EXEMPT BOND FINANCING.—Subparagraph (D) of section 1400L(d)(2) is amended by striking ''2005'' and inserting ''2010''.

(b) EXTENSION OF ADVANCE REFUNDINGS.—Section 1400L(e)(1) is amended by striking ''2005'' and inserting ''2006''.

(c) CLARIFICATION OF BONDS ELIGIBLE FOR ADVANCE REFUNDING.—Section 1400L(e)(2)(B) (relating to bonds described) is amended by striking '', or'' and inserting ''or the Municipal Assistance Corporation, or''.

(d) EFFECTIVE DATE.—The amendment made by subsection (c) shall take effect as if included in the amendments made by section 301 of the Job Creation and Worker Assistance Act of 2002.

SEC. 310. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.

(a) DESIGNATION OF ZONE.—Subsection (f) of section 1400 is amended by striking ''December 31, 2003'' both places it appears and inserting ''December 31, 2005''.

(b) TAX-EXEMPT ECONOMIC DEVELOPMENT BONDS.—Subsection (b) of section 1400A is amended by striking ''December 31, 2003'' and inserting ''December 31, 2005''.

(c) ZERO PERCENT CAPITAL GAINS RATE.—

(1) IN GENERAL.—Subsection (b) of section 1400B is amended by striking ''January 1, 2004'' each place it appears and inserting ''January 1, 2006''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1400B(e)(2) is amended—

(i) by striking ''December 31, 2008'' and inserting ''December 31, 2010'', and

(ii) by striking ''2008'' in the heading and inserting ''2010''.

(B) Section 1400B(g)(2) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2010''.

(C) Section 1400F(d) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2010''.

(d) FIRST-TIME HOMEBUYER CREDIT.—Subsection (i) of section 1400C is amended by striking ''January 1, 2004'' and inserting ''January 1, 2006''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on January 1, 2004.

(2) TAX-EXEMPT ECONOMIC DEVELOPMENT BONDS.—The amendment made by subsection (b) shall apply to obligations issued after the date of the enactment of this Act.

SEC. 311. DISCLOSURE OF TAX INFORMATION TO FACILITATE COMBINED EMPLOYMENT TAX REPORTING.

(a) IN GENERAL.—Paragraph (5) of section 6103(d) (relating to disclosure to State tax officials and State and local law enforcement agencies) is amended to read as follows:

''(5) DISCLOSURE FOR COMBINED EMPLOYMENT TAX REPORTING.—

''(A) IN GENERAL.—The Secretary may disclose taxpayer identity information and signatures to any agency, body, or commission of any State for the purpose of carrying out with such agency, body, or commission a combined Federal and State employment tax reporting program approved by the Secretary. Subsections (a)(2) and (p)(4) and sections 7213 and 7213A shall not apply with respect to disclosures or inspections made pursuant to this paragraph.

''(B) TERMINATION.—The Secretary may not make any disclosure under this paragraph after December 31, 2005.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 312. ALLOWANCE OF NONREFUNDABLE PERSONAL CREDITS AGAINST REGULAR AND MINIMUM TAX LIABILITY.

(a) IN GENERAL.—Paragraph (2) of section 26(a) is amended—

(1) by striking ''RULE FOR 2000, 2001, 2002, AND 2003.—'' and inserting ''RULE FOR TAXABLE YEARS 2000 THROUGH 2005.—'', and

(2) by striking ''or 2003'' and inserting ''2003, 2004, or 2005''.

(b) CONFORMING PROVISIONS.—

(1) Section 904(h) is amended by striking ''or 2003'' and inserting ''2003, 2004, or 2005''.

(2) The amendments made by sections 201(b), 202(f), and 618(b) of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to taxable years beginning during 2004 or 2005.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 313. CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.

(a) IN GENERAL.—Subparagraphs (A), (B), and (C) of section 45(c)(3) are each amended by striking ''January 1, 2004'' and inserting ''January 1, 2006''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to facilities placed in service after December 31, 2003.

SEC. 314. TAXABLE INCOME LIMIT ON PERCENTAGE DEPLETION FOR OIL AND NATURAL GAS PRODUCED FROM MARGINAL PROPERTIES.

(a) IN GENERAL.—Subparagraph (H) of section 613A(c)(6) is amended by striking ''January 1, 2004'' and inserting ''January 1, 2006''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2003.

SEC. 315. INDIAN EMPLOYMENT TAX CREDIT.

Section 45A(f) (relating to termination) is amended by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

SEC. 316. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON INDIAN RESERVATION.

Section 168(j)(8) (relating to termination) is amended by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

SEC. 317. DISCLOSURE OF RETURN INFORMATION RELATING TO STUDENT LOANS.

Section 6103(l)(13)(D) (relating to termination) is amended by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

SEC. 318. ELIMINATION OF PHASEOUT OF CREDIT FOR QUALIFIED ELECTRIC VEHICLES FOR 2004 AND 2005.

(a) IN GENERAL.—Paragraph (2) of section 30(b) is amended to read as follows:

''(2) PHASEOUT.—In the case of any qualified electric vehicle placed in service after December 31, 2005, the credit otherwise allowable under subsection (a) (determined after the application of paragraph (1)) shall be reduced by 75 percent.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2003.

SEC. 319. ELIMINATION OF PHASEOUT FOR DEDUCTION FOR CLEAN-FUEL VEHICLE PROPERTY FOR 2004 AND 2005.

(a) IN GENERAL.—Subparagraph (B) of section 179A(b)(1) is amended to read as follows:

''(B) PHASEOUT.—In the case of any qualified clean-fuel vehicle property placed in service after December 31, 2005, the limit otherwise allowable under subparagraph (A) shall be reduced by 75 percent.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to property placed in service after December 31, 2003.

SEC. 320. DISCLOSURES RELATING TO TERRORIST ACTIVITIES.

(a) IN GENERAL.—Clause (iv) of section 6103(i)(3)(C) and subparagraph (E) of section 6103(i)(7) are both amended by striking ''December 31, 2003'' and inserting ''December 31, 2005''.

(b) DISCLOSURE OF TAXPAYER IDENTITY TO LAW ENFORCEMENT AGENCIES INVESTIGATING TERRORISM.—Subparagraph (A) of section 6103(i)(7) is amended by adding at the end the following new clause:

''(v) TAXPAYER IDENTITY.—For purposes of this subparagraph, a taxpayer's identity shall not be treated as taxpayer return information.''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsection (a) shall apply to disclosures on or after the date of the enactment of this Act.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall take effect as if included in section 201 of the Victims of Terrorism Tax Relief Act of 2001.

SEC. 321. JOINT REVIEW OF STRATEGIC PLANS AND BUDGET FOR THE INTERNAL REVENUE SERVICE.

(a) IN GENERAL.—Paragraph (2) of section 8021(f) (relating to joint reviews) is amended by striking ''2004'' and inserting ''2005''.

(b) REPORT.—Subparagraph (C) of section 8022(3) (regarding reports) is amended—

(1) by striking ''2004'' and inserting ''2005'', and

(2) by striking ''with respect to—'' and all that follows and inserting ''with respect to the matters addressed in the joint review referred to in section 8021(f)(2).''.

(c) TIME FOR JOINT REVIEW.—The joint review required by section 8021(f)(2) of the Internal Revenue Code of 1986 to be made before June 1, 2004, shall be treated as timely if made before June 1, 2005.

SEC. 322. AVAILABILITY OF MEDICAL SAVINGS ACCOUNTS.

(a) IN GENERAL.—Paragraphs (2) and (3)(B) of section 220(i) (defining cut-off year) are each amended by striking ''2003'' each place it appears in the text and headings and inserting ''2005''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 220(j) is amended—

(A) in the text by striking ''or 2002'' each place it appears and inserting ''2002, or 2004'', and

(B) in the heading by striking ''OR 2002'' and inserting ''2002, OR 2004''.

(2) Subparagraph (A) of section 220(j)(4) is amended by striking ''and 2002'' and inserting ''2002, and 2004''.

(3) Subparagraph (C) of section 220(j)(2) is amended to read as follows:

''(C) NO LIMITATION FOR 2000 OR 2003.—The numerical limitation shall not apply for 2000 or 2003.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2004.

(d) TIME FOR FILING REPORTS, ETC.—

(1) The report required by section 220(j)(4) of the Internal Revenue Code of 1986 to be made on August 1, 2004, shall be treated as timely if made before the close of the 90-day period beginning on the date of the enactment of this Act.

(2) The determination and publication required by section 220(j)(5) of such Code with respect to calendar year 2004 shall be treated as timely if made before the close of the 120-day period beginning on the date of the enactment of this Act. If the determination under the preceding sentence is that 2004 is a cut-off year under section 220(i) of such Code, the cut-off date under such section 220(i) shall be the last day of such 120-day period.

TITLE IV—TAX TECHNICAL CORRECTIONS

SEC. 401. AMENDMENTS RELATED TO MEDICARE PRESCRIPTION DRUG, IMPROVEMENT, AND MODERNIZATION ACT OF 2003.

(a) AMENDMENTS RELATED TO SECTION 1201 OF THE ACT.—

(1) Paragraph (2) of section 26(b) is amended by striking ''and'' at the end of subparagraph (Q), by striking the period at the end of subparagraph (R) and inserting '', and'', and by adding at the end the following new subparagraph:

''(S) section 223(f)(4) (relating to additional tax on health savings account distributions not used for qualified medical expenses).

(2) Paragraph (3) of section 35(g) is amended to read as follows:

''(3) MEDICAL AND HEALTH SAVINGS ACCOUNTS.—Amounts distributed from an Archer MSA (as defined in section 220(d)) or from a health savings account (as defined in section 223(d)) shall not be taken into account under subsection (a).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in section 1201 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

SEC. 402. AMENDMENTS RELATED TO JOBS AND GROWTH TAX RELIEF RECONCILIATION ACT OF 2003.

(a) AMENDMENTS RELATED TO SECTION 302 OF THE ACT.—

(1) Clause (i) of section 1(h)(1)(D) is amended by inserting ''(determined without regard to paragraph (11))'' after ''net capital gain''.

(2) Subclause (I) of section 1(h)(11)(B)(iii) is amended—

(A) by striking ''section 246(c)(1)'' and inserting ''section 246(c)'',

(B) by striking ''120-day period'' and inserting ''121-day period'', and

(C) by striking ''90-day period'' and inserting ''91-day period''.

(3) Clause (ii) of section 1(h)(11)(D) is amended by striking ''an individual'' and inserting ''a taxpayer to whom this section applies''.

(4) Paragraph (4) of section 691(c) is amended by striking ''of any gain''.

(5)(A) Subparagraph (B) of section 854(b)(1) is amended—

(i) by striking clauses (iii) and (iv), and

(ii) by amending clause (i) to read as follows:

''(i) IN GENERAL.—In any case in which—

''(I) a dividend is received from a regulated investment company (other than a dividend to which subsection (a) applies),

''(II) such investment company meets the requirements of section 852(a) for the taxable year during which it paid such dividend, and

''(III) the qualified dividend income of such investment company for such taxable year is less than 95 percent of its gross income,

then, in computing qualified dividend income, there shall be taken into account only that portion of such dividend designated by the regulated investment company.''.

(B) Subparagraph (C) of section 854(b)(1) is amended to read as follows:

''(C) LIMITATIONS.—

''(i) SUBPARAGRAPH (A).—The aggregate amount which may be designated as dividends under subparagraph (A) shall not exceed the aggregate dividends received by the company for the taxable year.

''(ii) SUBPARAGRAPH (B).—The aggregate amount which may be designated as qualified dividend income under subparagraph (B) shall not exceed the sum of—

''(I) the qualified dividend income of the company for the taxable year, and

''(II) the amount of any earnings and profits which were distributed by the company for such taxable year and accumulated in a taxable year with respect to which this part did not apply.''.

(C) Paragraph (2) of section 854(b) is amended by striking ''as a dividend for purposes of the maximum rate under section 1(h)(11) and'' and inserting ''as qualified dividend income for purposes of section 1(h)(11) and as dividends for purposes of''.

(D) Paragraph (5) of section 854(b) is amended to read as follows:

''(5) QUALIFIED DIVIDEND INCOME.—For purposes of this subsection, the term 'qualified dividend income' has the meaning given such term by section 1(h)(11)(B).''.

(E) Paragraph (2) of section 857(c) is amended to read as follows:

''(2) SECTION (1)(h)(11).—

''(A) IN GENERAL.—In any case in which—

''(i) a dividend is received from a real estate investment trust (other than a capital gain dividend), and

''(ii) such trust meets the requirements of section 856(a) for the taxable year during which it paid such dividend,

then, in computing qualified dividend income, there shall be taken into account only that portion of such dividend designated by the real estate investment trust.

''(B) LIMITATION.—The aggregate amount which may be designated as qualified dividend income under subparagraph (A) shall not exceed the sum of—

''(i) the qualified dividend income of the trust for the taxable year,

''(ii) the excess of—

''(I) the sum of the real estate investment trust taxable income computed under section 857(b)(2) for the preceding taxable year and the income subject to tax by reason of the application of the regulations under section 337(d) for such preceding taxable year, over

''(II) the sum of the taxes imposed on the trust for such preceding taxable year under section 857(b)(1) and by reason of the application of such regulations, and

''(iii) the amount of any earnings and profits which were distributed by the trust for such taxable year and accumulated in a taxable year with respect to which this part did not apply.

''(C) NOTICE TO SHAREHOLDERS.—The amount of any distribution by a real estate investment trust which may be taken into account as qualified dividend income shall not exceed the amount so designated by the trust in a written notice to its shareholders mailed not later than 60 days after the close of its taxable year.

''(D) QUALIFIED DIVIDEND INCOME.—For purposes of this paragraph, the term 'qualified dividend income' has the meaning given such term by section 1(h)(11)(B).''.

(F) With respect to any taxable year of a regulated investment company or real estate investment trust ending on or before November 30, 2003, the period for providing notice of the qualified dividend amount to shareholders under sections 854(b)(2) and 857(c)(2)(C) of the Internal Revenue Code of 1986, as amended by this section, shall not expire before the date on which the statement under section 6042(c) of such Code is required to be furnished with respect to the last calendar year beginning in such taxable year.

(6) Paragraph (2) of section 302(f) of the Jobs and Growth Tax Relief Reconciliation Act of 2003 is amended to read as follows:

''(2) PASS-THRU ENTITIES.—In the case of a pass-thru entity described in subparagraph (A), (B), (C), (D), (E), or (F) of section 1(h)(10) of the Internal Revenue Code of 1986, as amended by this Act, the amendments made by this section shall apply to taxable years ending after December 31, 2002; except that dividends received by such an entity on or before such date shall not be treated as qualified dividend income (as defined in section 1(h)(11)(B) of such Code, as added by this Act).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in section 302 of the Jobs and Growth Tax Relief Reconciliation Act of 2003.

SEC. 403. AMENDMENTS RELATED TO JOB CREATION AND WORKER ASSISTANCE ACT OF 2002.

(a) AMENDMENTS RELATED TO SECTION 101 OF THE ACT.—

(1) Clause (i) of section 168(k)(2)(B) is amended to read as follows:

''(i) IN GENERAL.—The term 'qualified property' includes any property if such property—

''(I) meets the requirements of clauses (i), (ii), and (iii) of subparagraph (A),

''(II) has a recovery period of at least 10 years or is transportation property,

''(III) is subject to section 263A, and

''(IV) meets the requirements of clause (ii) or (iii) of section 263A(f)(1)(B) (determined as if such clauses also apply to property which has a long useful life (within the meaning of section 263A(f))).''.

(2)(A) Subparagraph (D) of section 168(k)(2) is amended by adding at the end the following new clauses:

''(iii) SYNDICATION.—For purposes of subparagraph (A)(ii), if—

''(I) property is originally placed in service after September 10, 2001, by the lessor of such property,

''(II) such property is sold by such lessor or any subsequent purchaser within 3 months after the date such property was originally placed in service, and

''(III) the user of such property after the last sale during such 3-month period remains the same as when such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date of such last sale.

''(iv) LIMITATIONS RELATED TO USERS AND RELATED PARTIES.—The term 'qualified property' shall not include any property if—

''(I) the user of such property (as of the date on which such property is originally placed in service) or a person which is related (within the meaning of section 267(b) or 707(b)) to such user or to the taxpayer had a written binding contract in effect for the acquisition of such property at any time on or before September 10, 2001, or

''(II) in the case of property manufactured, constructed, or produced for such user's or person's own use, the manufacture, construction, or production of such property began at any time on or before September 10, 2001.''.

(B) Clause (ii) of section 168(k)(2)(D) is amended by inserting ''clause (iii) and'' before ''subparagraph (A)(ii)''.

(b) AMENDMENTS RELATED TO SECTION 102 OF THE ACT.—

(1) Subparagraph (H) of section 172(b)(1) is amended by striking ''a taxpayer which has''.

(2) In the case of a net operating loss for a taxable year ending during 2001 or 2002—

(A) an application under section 6411(a) of the Internal Revenue Code of 1986 with respect to such loss shall not fail to be treated as timely filed if filed before November 1, 2002,

(B) any election made under section 172(b)(3) of such Code may (notwithstanding such section) be revoked before November 1, 2002, and

(C) any election made under section 172(j) of such Code shall (notwithstanding such section) be treated as timely made if made before November 1, 2002.

(3) Section 102(c)(2) of the Job Creation and Worker Assistance Act of 2002 (Public Law 107–147) is amended by striking ''before January 1, 2003'' and inserting ''after December 31, 1990''.

(4)(A) Subclause (I) of section 56(d)(1)(A)(i) is amended by striking ''attributable to carryovers''.

(B) Subclause (I) of section 56(d)(1)(A)(ii) is amended—

(i) by striking ''for taxable years'' and inserting ''from taxable years'', and

(ii) by striking ''carryforwards'' and inserting ''carryovers''.

(c) AMENDMENTS RELATED TO SECTION 301 OF THE ACT.—

(1) Subparagraph (D) of section 1400L(a)(2) is amended—

(A) by striking ''subchapter B'' and inserting ''subchapter A'', and

(B) in clause (ii), by striking ''subparagraph (B)'' and inserting ''this paragraph''.

(2) Subparagraph (D) of section 1400L(b)(2) is amended by inserting '', and clause (iv) thereof shall be applied by substituting 'qualified New York Liberty Zone property' for 'qualified property' '' before the period at the end.

(3) Subsection (c) of section 1400L is amended by adding at the end the following new paragraph:

''(5) ELECTION OUT.—For purposes of this subsection, rules similar to the rules of section 168(k)(2)(C)(iii) shall apply.''.

(4) Paragraph (2) of section 1400L(f) is amended by inserting before the period '', determined without regard to subparagraph (C)(i) thereof''.

(d) AMENDMENT RELATED TO SECTION 405 OF THE ACT.—The last sentence of section 4006(a)(3)(E)(iii)(IV) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)(E)(iii)(IV)) is amended—

(1) by inserting ''or this subparagraph'' after ''this clause'' both places it appears, and

(2) by inserting ''(other than sections 4005, 4010, 4011, and 4043)'' after ''subsections''.

(e) AMENDMENT RELATED TO SECTION 411 OF THE ACT.—Subparagraph (B) of section 411(c)(2) of the Job Creation and Worker Assistance Act of 2002 is amended by striking ''Paragraph (2)'' and inserting ''Paragraph (1)''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Job Creation and Worker Assistance Act of 2002 to which they relate.

SEC. 404. AMENDMENTS RELATED TO ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001.

(a) AMENDMENT RELATED TO SECTION 401 OF THE ACT.—Clause (i) of section 530(d)(2)(C) is amended by striking ''higher'' after ''qualified''.

(b) AMENDMENTS RELATED TO SECTION 611 OF THE ACT.—

(1) Paragraph (3) of section 45A(c) is amended by inserting '', except that the base period taken into account for purposes of such adjustment shall be the calendar quarter beginning October 1, 1993'' before the period at the end.

(2) Subparagraph (A) of section 415(d)(4) is amended by adding at the end the following new sentence: ''This subparagraph shall also apply for purposes of any provision of this title that provides for adjustments in accordance with the method contained in this subsection, except to the extent provided in such provision.''.

(c) AMENDMENT RELATED TO SECTION 614 OF THE ACT.—Clause (ii) of section 4972(c)(6)(A) is amended to read as follows:

''(ii) the amount of contributions described in section 401(m)(4)(A), or''.

(d) AMENDMENT RELATED TO SECTION 637 OF THE ACT.—Clause (i) of section 408(p)(6)(A) is amended by adding at the end the following new sentence: ''For purposes of the preceding sentence, amounts described in section 6051(a)(3) shall be determined without regard to section 3401(a)(3).''.

(e) AMENDMENT RELATED TO SECTION 641 OF THE ACT.—Subparagraph (B) of section 403(a)(4) is amended to read as follows:

''(B) CERTAIN RULES MADE APPLICABLE.—The rules of paragraphs (2) through (7) and (9) of section 402(c) and section 402(f) shall apply for purposes of subparagraph (A).''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 to which they relate.

SEC. 405. AMENDMENTS RELATED TO COMMUNITY RENEWAL TAX RELIEF ACT OF 2000.

(a) AMENDMENTS RELATED TO SECTION 401 OF THE ACT.—

(1) Subsection (c) of section 1234B is amended by adding at the end the following new sentence: ''The Secretary may prescribe regulations regarding the status of contracts the values of which are determined directly or indirectly by reference to any index which becomes (or ceases to be) a narrow-based security index (as defined for purposes of section 1256(g)(6)).''.

(2) Paragraph (6) of section 1256(g) is amended by adding at the end the following new sentence: ''The Secretary may prescribe regulations regarding the status of options the values of which are determined directly or indirectly by reference to any index which becomes (or ceases to be) a narrow-based security index (as so defined).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in section 401 of the Community Renewal Tax Relief Act of 2000.

SEC. 406. AMENDMENTS RELATED TO TAXPAYER RELIEF ACT OF 1997.

(a) AMENDMENT RELATED TO SECTION 211 OF THE ACT.—Subparagraph (B) of section 529(c)(5) is amended to read as follows:

''(B) TREATMENT OF DESIGNATION OF NEW BENEFICIARY.—The taxes imposed by chapters 12 and 13 shall apply to a transfer by reason of a change in the designated beneficiary under the program (or a rollover to the account of a new beneficiary) unless the new beneficiary is—

''(i) assigned to the same generation as (or a higher generation than) the old beneficiary (determined in accordance with section 2651), and

''(ii) a member of the family of the old beneficiary.''.

(b) AMENDMENT RELATED TO SECTION 213 OF THE ACT.—Clause (iii) of section 530(d)(4)(B) is amended by striking ''account holder'' and inserting ''designated beneficiary''.

(c) AMENDMENT RELATED TO SECTION 226 OF THE ACT.—Section 1397E is amended by adding at the end the following new subsection:

''(i) S CORPORATIONS.—In the case of a qualified zone academy bond held by an S corporation which is an eligible taxpayer—

''(1) each shareholder shall take into account such shareholder's pro rata share of the credit, and

''(2) no basis adjustments to the stock of the corporation shall be made under section 1367 on account of this section.''.

(d) AMENDMENT RELATED TO SECTION 311 OF THE ACT.—Subparagraph (B) of section 55(b)(3) is amended by striking ''the amount on which a tax is determined under'' and inserting ''an amount equal to the excess described in''.

(e) AMENDMENTS RELATED TO SECTION 1001 OF THE ACT.—

(1) Paragraph (2) of section 1259(c) is amended by striking ''The term 'constructive sale' shall not include any contract'' and inserting ''A taxpayer shall not be treated as having made a constructive sale solely because the taxpayer enters into a contract''.

(2) Subparagraphs (A) and (B)(i) of section 1259(c)(3) are each amended by striking ''be treated as a constructive sale'' and inserting ''cause a constructive sale''.

(3) Clause (i) of section 1259(c)(3)(A) is amended by striking ''before the end of'' and inserting ''on or before''.

(4) Clause (ii) of section 1259(c)(3)(B) is amended by striking ''substantially similar''.

(5) Subclause (I) of section 1259(c)(3)(B)(ii) is amended to read as follows:

''(I) which would (but for this subparagraph) cause the requirement of subparagraph (A)(iii) not to be met with respect to the transaction described in clause (i) of this subparagraph,''.

(6) Subclause (II) of such section is amended by inserting ''on or'' before ''before the 30th day''.

(7) The heading for subparagraph (B) of section 1259(c)(3) is amended by striking ''POSITIONS WHICH ARE REESTABLISHED'' and inserting ''CERTAIN CLOSED TRANSACTIONS WHERE RISK OF LOSS ON APPRECIATED FINANCIAL POSITION DIMINISHED''.

(f) AMENDMENTS RELATED TO SECTION 1015 OF THE ACT.—

(1) Section 246(c)(1)(A) is amended by striking ''90-day period'' and inserting ''91-day period''.

(2) Section 246(c)(2)(B) is amended—

(A) by striking ''180-day period'' and inserting ''181-day period'', and

(B) by striking ''90-day period'' and inserting ''91-day period''.

(g) AMENDMENTS RELATED TO SECTION 1053 OF THE ACT.—

(1) Section 901(k)(1)(A)(i) is amended by striking ''30-day period'' and inserting ''31-day period''.

(2) Section 901(k)(3)(B) is amended—

(A) by striking ''90-day period'' and inserting ''91-day period'', and

(B) by striking ''30-day period'' and inserting ''31-day period''.

(h) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Taxpayer Relief Act of 1997 to which they relate.

SEC. 407. AMENDMENTS RELATED TO SMALL BUSINESS JOB PROTECTION ACT OF 1996.

(a) AMENDMENT RELATED TO SECTION 1307 OF THE ACT.—Subsection (b) of section 1377 (relating to post-termination transition period) is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULES FOR AUDIT RELATED POST-TERMINATION TRANSITION PERIODS.—

''(A) NO APPLICATION TO CARRYOVERS.—Paragraph (1)(B) shall not apply for purposes of section 1366(d)(3).

''(B) LIMITATION ON APPLICATION TO DISTRIBUTIONS.—Paragraph (1)(B) shall apply to a distribution described in section 1371(e) only to the extent that the amount of such distribution does not exceed the aggregate increase (if any) in the accumulated adjustments account (within the meaning of section 1368(e)) by reason of the adjustments referred to in such paragraph.''.

(b) AMENDMENTS RELATED TO SECTION 1432 OF THE ACT.—Paragraph (26) of section 401(a) is amended by striking subparagraph (C) and by redesignating subparagraphs (D) through (I) as subparagraphs (C) through (H), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Small Business Job Protection Act of 1996 to which they relate.

SEC. 408. CLERICAL AMENDMENTS.

(a) INTERNAL REVENUE CODE OF 1986.—

(1) Subclause (II) of section 1(g)(7)(B)(ii) is amended by striking ''10 percent.'' and inserting ''10 percent''.

(2) Clause (ii) of section 1(h)(6)(A) is amended—

(A) in subclause (I), by striking ''(5)(B)'' and inserting ''(4)(B)'', and

(B) in subclause (II), by striking ''(5)(A)'' and inserting ''(4)(A)''.

(3) Subclause (I) of section 42(d)(2)(D)(iii) is amended by striking ''section 179(b)(7)'' and inserting ''section 179(d)(7)''.

(4) Subsection (f) of section 72 is amended by striking ''Economic Growth and Tax Relief Reconciliation Act of 2001'' and inserting ''Economic Growth and Tax Relief Reconciliation Act of 2001)''.

(5)(A) Section 138 and paragraph (2) of section 26(b) are each amended by striking ''Medicare+Choice MSA'' each place it appears in the text and inserting ''Medicare Advantage MSA''.

(B) The heading for section 138 is amended to read as follows:

''SEC. 138. MEDICARE ADVANTAGE MSA.''.

(C) The heading for subsection (b) of section 138 is amended by striking ''MEDICARE+CHOICE MSA'' and inserting ''MEDICARE ADVANTAGE MSA''.

(D) The heading for paragraph (2) of section 138(c) is amended by striking ''MEDICARE+CHOICE MSA'' and inserting ''MEDICARE ADVANTAGE MSA''.

(E) Clause (i) of section 138(c)(2)(C) is amended by striking ''Medicare+Choice MSAs'' and inserting ''Medicare Advantage MSAs''.

(F) Subsection (f) of section 138 is amended by striking ''Medicare+Choice MSA's'' and inserting ''Medicare Advantage MSAs''.

(G) The item relating to section 138 in the table of sections for part III of subchapter B of chapter 1 is amended to read as follows:

''Sec. 138. Medicare Advantage MSA.''.

(6) Clause (ii) of section 168(k)(2)(D) is amended—

(A) by inserting ''is'' after ''if property'', and

(B) by striking ''is'' in subclause (I).

(7) Each of the following provisions is amended by inserting ''Robert T. Stafford'' before ''Disaster Relief and Emergency Assistance Act'':

(A) Section 165(i)(1).

(B) Section 165(k).

(C) Section 1033(h)(3).

(D) Section 5064(b)(3).

(E) Section 5708(a).

(8) The heading for subparagraph (F) of section 168(k)(2) is amended by striking ''MINIUMUM'' and inserting ''MINIMUM''.

(9) Paragraph (1) of section 246A(b) is amended by striking ''section 243(c)(4)'' and inserting ''section 243(d)(4)''.

(10) Clause (ii) of section 263(g)(2)(B) is amended by striking ''1278'' and inserting ''1276''.

(11) Clause (ii) of section 403(b)(7)(A) is amended by striking ''section 3121(a)(1)(D)'' and inserting ''section 3121(a)(5)(D)''.

(12) Paragraph (1) of section 408(a) is amended by striking ''457(e)(16)'' and inserting ''457(e)(16),''.

(13) Paragraph (2) of section 408(n) is amended by striking ''section 101(6)'' and inserting ''paragraph (6) or (7) of section 101''.

(14) The table contained in section 411(a)(12)(B) is amended by striking the last line and inserting the following:

''6 or more 100.''.

(15) Paragraph (7) of section 414(q) is amended by striking ''section'' and inserting ''subsection''.

(16) Subparagraph (A) of section 416(i)(1) is amended in the matter following clause (iii) by striking ''in the case of plan years'' and inserting ''In the case of plan years''.

(17) Subparagraph (C) of section 415(c)(7) is amended by striking ''subparagraph (D)'' and inserting ''subparagraph (B)''.

(18) The item relating to section 1234B in the table of sections for part IV of subchapter P of chapter 1 is amended to read as follows:

''Sec. 1234B. Gains or losses from securities futures contracts.''.

(19) Subsection (h) of section 1296 is amended by striking ''paragraphs (2) and (3) of section 851(b)'' and inserting ''section 851(b)(2)''.

(20) The table of sections for part II of subchapter A of chapter 11 is amended by inserting after the item relating to section 2010 the following new item:

''Sec. 2011. Credit for State death taxes.''.

(21) The table of sections for subchapter A of chapter 13 is amended by inserting after the item relating to section 2603 the following new item:

''Sec. 2604. Credit for certain State taxes.''.

(22) Subsection (c) of section 4973 is amended by striking ''subsection (a)(2)'' and inserting ''subsection (a)(3)''.

(23) Paragraph (2) of section 4978(a) is amended by striking ''60 percent'' and inserting ''(60 percent''.

(24) Paragraph (4) of section 6103(p) is amended by striking ''subsection (l)(16) or (17)'' each place it appears and inserting ''subsection (l)(16) or (18)''.

(b) OTHER LAWS.—

(1) Subsection (c) of section 156 of the Community Renewal Tax Relief Act of 2000 (114 Stat. 2763A–623) is amended in the first sentence by inserting ''than'' after ''not later''.

(2) Paragraph (6) of section 1(a) of Public Law 107–22 shall be applied by substituting ''part VIII'' for ''part VII'' in such paragraph.

(3) Subparagraph (A) of section 1(b)(3) of Public Law 107–22 shall be applied by substituting ''EDUCATIONAL'' for ''EDUCATION'' in the matter preceding subparagraph (A) in such section.

(4) Paragraph (1) of section 204(e) of the Railroad Retirement and Survivors' Improvement Act of 2001 shall be applied by substituting ''Section 24(d)(2)(A)(iii)'' for ''Section 24(d)(3)(A)(iii)'' in such paragraph.

(5) Paragraph (2) of section 412(b) of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall be applied by substituting ''Section 221(f)(1)'' for ''Section 221(g)(1)'' in such paragraph.

(6) Subsection (b) of section 531 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall be applied by substituting ''section'' for ''subsection'' in such subsection.

(7) Paragraph (3) of section 619(c) of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall be applied by substituting ''after the item relating to section 45D'' for ''at the end'' in such paragraph.

(8) The table contained in section 203(a)(4)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(a)(4)(B)) is amended by striking the last line and inserting the following:

''6 or more 100.''.

(9) Paragraph (3) of section 652(b) of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall be applied by inserting ''each place it appears'' before ''in the next to last sentence'' in such paragraph.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment to the title of the bill insert the following: ''An Act to amend the Internal Revenue Code of 1986 to provide tax relief for working families, and for other purposes.''.

And the House agree to the same.

For consideration of the House amendment and the Senate amendment, and modifications committed to conference:

WILLIAM THOMAS,
TOM DELAY,
Managers on the Part of the House.

CHUCK GRASSLEY,
DON NICKLES,
TRENT LOTT,
MAX BAUCUS,
BLANCHE L. LINCOLN,
Managers on the Part of the Senate.

When said conference report was considered.

After debate,

By unanimous consent, the previous question was ordered on the conference report to its adoption or rejection.

The question being put,

Will the House agree to said conference report?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. STARK demanded a recorded vote on agreeing to said conference report, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 339 / Nays 65

¶92.25 [Roll No. 472]

AYES—339

Abercrombie	Beauprez	Boucher
Ackerman	Bell	Boyd
Aderholt	Berkley	Bradley (NH)
Akin	Berman	Brady (TX)
Alexander	Biggert	Brown (OH)
Allen	Bilirakis	Brown (SC)
Baca	Bishop (NY)	Brown-Waite, Ginny
Bachus	Bishop (UT)	Burgess
Baird	Blackburn	Burns
Baker	Blunt	Burr
Baldwin	Boehlert	Burton (IN)
Ballenger	Boehner	Butterfield
Barrett (SC)	Bonilla	Buyer
Bartlett (MD)	Bono	Calvert
Barton (TX)	Boozman	Camp
Bass	Boswell	

Cantor
Capito
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (OK)
Lynch
Majette
Manzullo
Marshall
Matheson
Matsui
McCarthy (NY)
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Nadler
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Otter
Oxley
Pascrell
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh
Wamp
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—65

Andrews
Becerra
Berry
Blumenauer
Brady (PA)
Brown, Corrine
Capps
Capuano
Clay
Conyers
Cooper
Davis (IL)
DeGette
DeLauro
Dicks
Doyle
Emanuel
Frank (MA)
Gutierrez
Harman
Hastings (FL)
Hill
Holt
Hoyer
Inslee
Jackson (IL)
Kanjorski
Kilpatrick
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Markey
McCollum
McDermott
Meehan
Menendez
Millender-McDonald
Miller, George
Mollohan
Murtha
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Rush
Sabo
Schakowsky
Scott (VA)
Stark
Tanner
Taylor (MS)
Thompson (CA)
Tierney
Towns
Visclosky
Waters
Watson
Waxman
Woolsey

NOT VOTING—30

Bishop (GA)
Bonner
Cannon
Collins
Deal (GA)
Delahunt
Doggett
Fattah
Garrett (NJ)
Goss
Graves
Green (TX)
Herseth
Istook
Kleczka
Lipinski
Lucas (KY)
Maloney
McCarthy (MO)
Miller (FL)
Myrick
Nunes
Osborne
Quinn
Rodriguez
Smith (WA)
Tauzin
Thompson (MS)
Udall (CO)
Vitter

So the conference report was agreed to.

A motion to reconsider the vote whereby said conference report was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶92.26 ADJOURNMENT OVER

On motion of Mr. DELAY, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Friday, September 24, 2004, at 2 p.m.; and further, that when the House adjourns on Friday, September 24, 2004, it adjourn to meet at 12:30 p.m. on Tuesday, September 28, 2004, for morning-hour debate.

¶92.27 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. DELAY, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, September 29, 2004, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶92.28 COMMITTEE ELECTION—MAJORITY

Mr. DELAY, by unanimous consent, submitted the following resolution (H. Res. 795):

Resolved, That the following Members be and are hereby elected to the following standing committees of the House of Representatives:

Committee on Financial Services: Mr. Gerlach.

Committee on Government Reform: Mr. Burgess.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶92.29 RESIGNATION AS MEMBER OF HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore, Mr. SIMPSON, laid before the House the following communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 23, 2004.

Hon. J. DENNIS HASTERT,
Speaker of the House,
House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have had the great privilege and honor of representing the people of the 14th Congressional District of Florida through eight elections. My service in the U.S. Congress has been a truly rewarding experience, and I thank my constituents for putting their trust and faith in me. The relationships I have developed over the years in the House will be ones I will treasure as I move to a new stage in my career.

Tomorrow I will be sworn in by the President of the United States as Director of Central Intelligence. It will definitely be a challenging job and I look forward to continue to working with you on the Intelligence issues facing our country.

Effective close of business today, September 23, 2004, I will resign my seat as the Representative of the 14th district of Florida in the U.S. House of Representatives. I have written to the Governor of Florida to advise him of my decision.

Kindest regards,

PORTER GOSS,
Member of Congress.

¶92.30 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1308) entitled ''An Act to amend the Internal Revenue Code of 1986 to provide tax relief for working families, and for other purposes''.

¶92.31 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. GREEN of Texas, for today after 5:30 p.m.;

To Ms. HERSETH, for today after 3 p.m. and balance of the week; and

To Mr. THOMPSON of Mississippi, for today after 2 p.m. and balance of the week.

And then,

¶92.32 ADJOURNMENT

On motion of Mr. KING of Iowa, pursuant to the previous order of the House, at 11 o'clock and 58 minutes p.m., the House adjourned until 2 p.m. on Friday, September 24, 2004.

¶92.33 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 4341. A bill to reform the postal laws of the United States; with an amendment (Rept. 108–672 Pt. 2). Referred to

the Committee of the Whole House on the State of the Union.

Mr. THOMAS: Committee of Conference. Conference report on H.R. 1308. A bill to amend the Internal Revenue Code of 1986 to end certain abusive tax practices, to provide tax relief and simplification, and for other purposes (Rept. 108–696). Ordered to be printed.

Mr. BARTON: Committee on Energy and Commerce. H. Res. 745. A resolution of inquiry requesting the President of the United States to provide certain information to the House of Representatives respecting the National Energy Policy Development Group; adversely (Rept. 108–697). Referred to the House Calendar.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 4661. A bill to amend title 18, United States Code, to discourage spyware, and for other purposes; with an amendment (Rept. 108–698). Referred to the Committee of the Whole House on the State of the Union.

Mr. REYNOLDS: Committee on Rules. House Resolution 794. Resolution waiving points of order against the conference report to accompany the bill (H.R. 1308) to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, and for other purposes (Rept. 108–699). Referred to the House Calendar.

¶92.34 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TURNER of Texas (for himself, Mr. REYES, Ms. SLAUGHTER, Mr. LAMPSON, Mr. SANDLIN, Mrs. DAVIS of California, Mr. RODRIGUEZ, Mr. ORTIZ, Mr. BELL, Mr. GONZALEZ, Mr. HINOJOSA, Mr. DICKS, Ms. MCCARTHY of Missouri, Ms. NORTON, Ms. JACKSON-LEE of Texas, Mr. PASCRELL, Mrs. CHRISTENSEN, Mr. LANGEVIN, Mr. FROST, and Mr. GREEN of Texas):

H.R. 5130. A bill to secure the borders of the United States, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Transportation and Infrastructure, Ways and Means, and Homeland Security (Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BLUNT (for himself, Mr. HOYER, Mr. CANTOR, Ms. DELAURO, Mr. LATHAM, Mr. KENNEDY of Rhode Island, Mrs. MCCARTHY of New York, Mr. GEORGE MILLER of California, Mr. REGULA, Mr. SERRANO, Mr. SMITH of New Jersey, Mr. WELDON of Florida, and Mr. EHLERS):

H.R. 5131. A bill to provide assistance to Special Olympics to support expansion of Special Olympics and development of education programs and a Healthy Athletes Program, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on International Relations, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MENENDEZ (for himself, Mr. PASCRELL, Mr. HOLT, Mr. PAYNE, Mr. ANDREWS, Mr. PALLONE, and Mr. ROTHMAN):

H.R. 5132. A bill to provide increased rail and public transportation security; to the Committee on Transportation and Infrastructure.

By Mr. MORAN of Virginia (for himself, Mr. TOM DAVIS of Virginia, Mr. CANTOR, Mrs. JO ANN DAVIS of Virginia, Mr. FORBES, Mr. GOODE, Mr. WOLF, Mr. BOUCHER, Mr. HOYER, Mr. SCOTT of Virginia, Mr. GOODLATTE, and Mr. SCHROCK):

H.R. 5133. A bill to designate the facility of the United States Postal Service located at 11110 Sunset Hills Road in Reston, Virginia, as the ''Martha Pennino Post Office Building''; to the Committee on Government Reform.

By Mr. POMBO:

H.R. 5134. A bill to require the prompt review by the Secretary of the Interior of the long-standing petitions for Federal recognition of certain Indian tribes, and for other purposes; to the Committee on Resources.

By Mr. POMBO (for himself, Mr. RAHALL, Mr. FLAKE, Mr. YOUNG of Alaska, Mr. BURTON of Indiana, Mr. WALDEN of Oregon, Mr. COLE, Ms. BORDALLO, Mr. REHBERG, and Mr. ABERCROMBIE):

H.R. 5135. A bill to provide for a nonvoting delegate to the House of Representatives to represent the Commonwealth of the Northern Mariana Islands, and for other purposes; to the Committee on Resources.

By Mr. BERMAN (for himself, Ms. LOFGREN, and Mr. SMITH of Texas):

H.R. 5136. A bill to amend section 108 of title 17, United States Code, relating to reproduction of works by libraries and archives; to the Committee on the Judiciary.

By Mr. ABERCROMBIE (for himself, Mr. EVANS, and Mr. FILNER):

H.R. 5137. A bill to amend title 38, United States Code, to revise the eligibility criteria for presumption of service-connection of certain diseases and disabilities for veterans exposed to ionizing radiation during military service; to the Committee on Veterans' Affairs.

By Mr. BELL:

H.R. 5138. A bill to amend the Truth in Lending Act to establish an equitable ceiling on credit card interest rates, and for other purposes; to the Committee on Financial Services.

By Ms. HERSETH:

H.R. 5139. A bill to enhance and provide to the Oglala Sioux Tribe and Angostura Irrigation Project certain benefits of the Pick-Sloan Missouri River basin program; to the Committee on Resources.

By Mr. HINCHEY:

H.R. 5140. A bill to prohibit the importation, manufacture, distribution, or storage of detonable nitrate fertilizers without a license, and for other purposes; to the Committee on the Judiciary.

By Ms. LOFGREN:

H.R. 5141. A bill to amend the Internal Revenue Code of 1986 to repeal the alternative minimum tax treatment of incentive stock options, thereby changing the taxable event from the exercise of the stock option to the sale of stock; to the Committee on Ways and Means.

By Mr. MCINNIS:

H.R. 5142. A bill to authorize and direct the exchange of certain lands in the State of Colorado, and for other purposes; to the Committee on Resources.

By Ms. MILLENDER-MCDONALD:

H.R. 5143. A bill to amend title 46, United States Code, to direct the Secretary of Homeland Security to carry out an empty shipping container sealing pilot program to encourage shipping container handlers to seal empty shipping containers after they have unpacked them, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. NORWOOD (for himself, Mrs. CAPPS, Mr. BURNS, Mr. BURTON of Indiana, Mr. FRANK of Massachusetts, Mr. FROST, Mr. HALL, Mr. HOEFFEL, Mr. OWENS, Mr. SANDLIN, Mr. TERRY, Mr. WALSH, and Mr. WELDON of Florida):

H.R. 5144. A bill to amend title XVIII of the Social Security Act to preserve access to cancer care under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE (for himself, Mr. GILCHREST, Mr. PICKERING, Mr. SHAW, Mr. GREENWOOD, Mr. TOWNS, Mr. EHLERS, Ms. BORDALLO, Mr. MCDERMOTT, Mr. BLUMENAUER, Ms. MILLENDER-MCDONALD, Mr. GRIJALVA, Mr. KUCINICH, Mr. ENGLISH, Mr. UDALL of Colorado, Mr. FARR, Mr. BELL, Ms. MCCARTHY of Missouri, Mr. SANDLIN, Mr. FORD, Mr. RODRIGUEZ, Mr. KIND, and Mrs. CHRISTENSEN):

H.R. 5145. A bill to provide fellowships for graduate and postgraduate level students engaged in advanced degree programs concerning freshwater and anadromous fish, wildlife, or conservation biology, or related natural resource management, to provide expertise and to gain policy experience in Federal executive agencies or the Congress; to the Committee on Resources.

By Mr. RUPPERSBERGER (for himself and Mr. GILCHREST):

H.R. 5146. A bill to amend the Internal Revenue Code of 1986 to provide incentives for alternative fuels and alternative fuel vehicles; to the Committee on Ways and Means.

By Mrs. MUSGRAVE:

H.J. Res. 106. A joint resolution proposing an amendment to the Constitution of the United States relating to marriage; to the Committee on the Judiciary.

By Mr. PRICE of North Carolina:

H. Con. Res. 497. Concurrent resolution supporting the designation, during spring 2005, of National Horticultural Therapy Week in order to improve the quality of life for all and increase opportunities for each individual to positively connect with the natural world; to the Committee on Government Reform.

By Mr. RYAN of Ohio:

H. Con. Res. 498. Concurrent resolution urging the President to take immediate steps to establish a plan to adopt the recommendations of the United States-China Economic and Security Review Commission in its 2004 Report to the Congress in order to correct the current imbalance in the bilateral trade and economic relationship between the United States and the People's Republic of China; to the Committee on Ways and Means.

By Mr. UDALL of Colorado (for himself, Ms. DEGETTE, Mr. GRIJALVA, Mr. SERRANO, Mr. HINOJOSA, and Mr. RODRIGUEZ):

H. Con. Res. 499. Concurrent resolution recognizing the 40th anniversary of the Latin American Research and Service Agency and commending the directors and staff of that organization for addressing the needs and concerns of Latino and Hispanic Americans; to the Committee on Government Reform.

By Mr. DELAY:

H. Res. 795. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. HALL (for himself, Mr. ROSS, Mr. CRENSHAW, Mr. GUTIERREZ, Mr. SHAYS, Ms. KILPATRICK, and Mr. COOPER):

H. Res. 796. A resolution recognizing and supporting all efforts to promote greater civic awareness among the people of the United States; to the Committee on House Administration.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Ms. LEE, Mr. CUMMINGS, Ms. CORRINE BROWN of Florida, Mr. OWENS, and Mr. LANTOS):

H. Res. 797. A resolution recognizing the importance of implementing any and all measures necessary to ensure a democratic, transparent, and fair election process for the 2004 Presidential election; to the Committee on House Administration.

By Mr. LEWIS of Georgia (for himself, Mr. BISHOP of Georgia, Mr. SCOTT of Georgia, Ms. MAJETTE, and Mr. MARSHALL):

H. Res. 798. A resolution honoring former President James Earl (Jimmy) Carter on the occasion of his 80th birthday; to the Committee on Government Reform.

By Mr. MEEHAN (for himself and Mr. WELDON of Pennsylvania):

H. Res. 799. A resolution urging the interim Government of Iraq to ensure that the charges brought against Saddam Hussein include charges for the crimes his government committed against the people of Iran during the Iran-Iraq war from 1980 to 1988; to the Committee on International Relations.

By Mr. MILLER of North Carolina:

H. Res. 800. A resolution providing for consideration of the bill (H.R. 2802) to reauthorize the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; to the Committee on Rules.

¶92.35 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 466: Mrs. CHRISTENSEN.
H.R. 918: Mr. BISHOP of Utah, Mr. SHAYS, Mr. VITTER, Mr. CARSON of Oklahoma, Mr. WYNN, and Ms. HERSETH.
H.R. 962: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. MILLER of North Carolina.
H.R. 1336: Mr. KING of Iowa and Mr. EHLERS.
H.R. 1477: Mr. WOLF.
H.R. 1523: Mr. ISTOOK, Mr. SANDLIN, Ms. MCCARTHY of Missouri, Mr. FORD, Mr. BOOZMAN, Mrs. EMERSON, Ms. LINDA T. SANCHEZ of California, Mr. DOOLITTLE, Mr. REGULA, Mr. BURNS, Mr. LUCAS of Oklahoma, and Mr. HASTINGS of Florida.
H.R. 1563: Mr. GUTIERREZ, Mrs. NAPOLITANO, Mr. LANGEVIN, and Mr. LARSEN of Washington.
H.R. 1631: Mr. ISSA.
H.R. 1684: Mr. BUTTERFIELD and Mr. LYNCH.
H.R. 1796: Mr. CLYBURN.
H.R. 1824: Mr. RYAN of Ohio.
H.R. 1873: Mr. STENHOLM.
H.R. 2034: Mr. LARSEN of Washington.
H.R. 2173: Mr. OLVER and Mr. GORDON.
H.R. 2174: Mr. REYES.
H.R. 2237: Mrs. MALONEY.
H.R. 2440: Mr. OLVER, Mr. ISSA, Mr. CASE, and Mr. REYES.
H.R. 2490: Mr. KENNEDY of Rhode Island.
H.R. 2510: Mr. RADANOVICH.
H.R. 2519: Mr. PAYNE.
H.R. 2527: Mr. SMITH of Washington.
H.R. 2540: Mr. GRAVES.
H.R. 2699: Mr. DUNCAN, Mr. GOODLATTE, Mrs. BIGGERT, Mr. PENCE, and Mr. DAVIS of Illinois.
H.R. 2727: Mr. SMITH of Washington.
H.R. 2787: Mr. CAPUANO.
H.R. 2823: Ms. BALDWIN.
H.R. 2839: Mr. SHAYS.
H.R. 2852: Mrs. CHRISTENSEN.
H.R. 2950: Mr. BONILLA and Mr. KENNEDY of Minnesota.
H.R. 2967: Mr. FROST.
H.R. 2980: Mr. OLVER.
H.R. 3069: Mr. KLINE.
H.R. 3111: Ms. CARSON of Indiana, Mrs. MYRICK, and Mr. ORTIZ.
H.R. 3142: Mr. CROWLEY.
H.R. 3194: Mr. PAUL.
H.R. 3242: Mr. PETERSON of Pennsylvania and Mr. DOOLITTLE.
H.R. 3360: Ms. SCHAKOWSKY.
H.R. 3361: Mr. LEVIN.
H.R. 3455: Mr. DELAHUNT, Ms. ROS-LEHTINEN, Mrs. JONES of Ohio, and Mr. OWENS.
H.R. 3634: Mr. WAXMAN and Mr. FROST.
H.R. 3763: Mr. GUTKNECHT.
H.R. 3799: Mr. MCINTYRE and Mr. HAYWORTH.
H.R. 3834: Mrs. NAPOLITANO.
H.R. 3859: Mr. LARSON of Connecticut, Mr. DINGELL, Mr. KIND, Ms. WOOLSEY, Mr. CARDIN, Ms. ROYBAL-ALLARD, Mr. PASTOR, Mr. CASE, and Mrs. TAUSCHER.
H.R. 3965: Mr. EMANUEL.
H.R. 4026: Mr. BOEHLERT.
H.R. 4033: Mr. BUTTERFIELD.
H.R. 4057: Mr. PETERSON of Minnesota.
H.R. 4067: Mr. TOWNS.
H.R. 4113: Mr. WELLER and Mr. RYAN of Wisconsin.
H.R. 4169: Mr. GRIJALVA, Ms. WOOLSEY, Mrs. CAPITO, and Ms. WATSON.
H.R. 4243: Mrs. JONES of Ohio.
H.R. 4249: Mr. FILNER, Ms. WATERS, Mr. CARDOZA, Mr. FARR, Mr. BECERRA, AND MR. RYAN of Ohio.
H.R. 4264: Mr. SCOTT of Virginia.
H.R. 4366: Mr. SIMMONS.
H.R. 4367: Mrs. WILSON of New Mexico, Mr. RAHALL, and Mr. OWENS.
H.R. 4383: Mr. WHITFIELD.
H.R. 4420: Mr. FLAKE, Mr. DEAL of Georgia, Mr. GREEN of Wisconsin, Mr. BROWN of South Carolina, Mr. SHUSTER, Mr. FEENEY, Mr. PETERSON of Pennsylvania, Mr. KLINE, Mr. LATHAM, Mr. OXLEY, Mr. PEARCE, Mr. PUTNAM, Mr. LINDER, and Mr. RYAN of Wisconsin.
H.R. 4433: Mr. MCINNIS, Mr. MCDERMOTT, Mrs. CAPPS, Mrs. CHRISTENSEN, Mr. FOLEY, Mr. WYNN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BEAUPREZ, Mr. SHERMAN, Ms. LORETTA SANCHEZ of California, Mr. SHAW, Mrs. JONES of Ohio, and Mr. QUINN.
H.R. 4463: Mr. HINCHEY.
H.R. 4468: Mr. GONZALEZ.
H.R. 4491: Mr. NEY, Mr. HOEFFEL, Mr. LARSON of Connecticut, Mr. SIMMONS, Mr. NEUGEBAUER, Mr. LANGEVIN, Mr. BOEHNER, Mr. ALLEN, Ms. DELAURO, Mrs. JO ANN DAVIS of Virginia, Mr. STENHOLM, and Mr. HALL.
H.R. 4616: Ms. MILLENDER-MCDONALD.
H.R. 4620: Mr. DOOLITTLE and Mr. CARDOZA.
H.R. 4628: Mr. MILLER of North Carolina and Mr. OLVER.
H.R. 4634: Mr. BILIRAKIS, Mrs. BIGGERT, Mr. FOSSELLA, and Mr. CANNON.
H.R. 4685: Mr. BASS, Mr. RYAN of Ohio, Mr. GORDON, Mr. ENGLISH, Mr. KENNEDY of Minnesota, Mr. HALL, Mr. WALSH, and Mr. GREEN of Wisconsin.
H.R. 4730: Mr. HAYES.
H.R. 4776: Mr. GRIJALVA.
H.R. 4796: Mrs. JO ANN DAVIS of Virginia and Mr. MANZULLO.
H.R. 4824: Mr. FRANK of Massachusetts and Ms. SCHAKOWSKY.
H.R. 4826: Mr. SPRATT.
H.R. 4866: Mr. KLINE, Mr. PETERSON of Minnesota, and Mr. WOLF.
H.R. 4875: Mr. JONES of North Carolina.
H.R. 4889: Mr. JEFFERSON.
H.R. 4910: Mr. ABERCROMBIE, Mr. PALLONE, Ms. DELAURO, and Mr. TIERNEY.
H.R. 4936: Mr. MARKEY, Mr. CUMMINGS, Ms. CARSON of Indiana, Mr. BOEHLERT, Mr. GOODE, and Mr. FATTAH.
H.R. 4945: Mr. BURR, Mr. JONES of North Carolina, and Mrs. MYRICK.
H.R. 5022: Mr. FROST.
H.R. 5040: Mr. OWENS, Mr. SCHIFF, Ms. MILLENDER-MCDONALD, and Mr. OLVER.
H.R. 5043: Mr. OWENS.
H.R. 5055: Mr. STENHOLM, Ms. MCCARTHY of Missouri, Mr. KUCINICH, Ms. DELAURO, Mr. BORDALLO, Mrs. MALONEY, Ms. MAJETTE, Mr. RODRIGUEZ, Mr. OXLEY, Mr. MICHAUD, Mr. MATHESON, Mr. PETERSON of Minnesota, Mr. WU, Mr. VAN HOLLEN, Mr. CHANDLER, Ms. VELAZQUEZ, Mr. TERRY, Mr. HYDE, Mr. CLYBURN, Mr. POMEROY, Ms. HARMAN, Mr. BOYD, Mr. TURNER of Texas, Mr. ROGERS of Alabama, Mr. RAHALL, Mr. GUTIERREZ, Mr. SHERMAN, Mr. BILIRAKIS, Mr. PALLONE, Mr. RUSH, Mr. OLVER, Mr. FRANKS of Arizona, Mr. SHIMKUS, and Mr. MCDERMOTT.
H.R. 5057: Mr. TAYLOR of Mississippi, Mr. OWENS, Mr. FRANK of Massachusetts, Mr. OSBORNE, Mr. VAN HOLLEN, Mrs. WILSON of New Mexico, Mr. SIMMONS, Ms. KILPATRICK, Mr. BISHOP of Utah, Mr. LYNCH, Mr. BAIRD, Ms. MILLENDER-MCDONALD, and Mrs. CHRISTENSEN.
H.R. 5061: Mr. OWENS, Mr. LEWIS of Georgia, Mr. FROST, Mr. JEFFERSON, Ms. NORTON, Ms. WATERS, Ms. CORRINE BROWN of Florida, Mr. CLYBURN, Mr. HASTINGS of Florida, Mr. RUSH, Mr. SCOTT of Virginia, Mr. WATT, Mr. WYNN, Mr. THOMPSON of Mississippi, Ms. JACKSON-LEE of Texas, Mrs. CHRISTENSEN, Ms. KILPATRICK, Mr. CLAY, Ms. WATSON, Ms. MAJETTE, Mr. SCOTT of Georgia, Mr. BUTTERFIELD, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 5068: Mr. FROST and Mr. ANDREWS.
H.R. 5069: Mr. FROST and Ms. BERKLEY.
H.R. 5079: Mr. OSBORNE.
H.R. 5090: Mr. CARSON of Oklahoma.
H.R. 5115: Mr. TOM DAVIS of Virginia.
H.J. Res. 102: Mr. HOUGHTON.
H. Con. Res. 111: Mr. CLAY.
H. Con. Res. 306: Mr. FALEOMAVAEGA.
H. Con. Res. 366: Mr. ORTIZ.
H. Con. Res. 492: Mr. TOM DAVIS of Virginia and Mr. MCNULTY.
H. Con. Res. 496: Ms. CARSON of Indiana, Mrs. JONES of Ohio, Mr. CONYERS, Mr. RUSH, Mr. TOWNS, Mr. OWENS, Mr. ENGEL, Mr. FRANK of Massachusetts, Mr. MCNULTY, and Ms. MILLENDER-MCDONALD.
H. Res. 632: Mr. VAN HOLLEN.
H. Res. 747: Mr. CLAY.
H. Res. 751: Mr. MCCOTTER, Mr. BLUMENAUER, and Mr. PENCE.
H. Res. 752: Mr. COX and Mr. DOGGETT.
H. Res. 758: Mr. ABERCROMBIE, Ms. SLAUGHTER, Mr. DEFAZIO, Ms. BALDWIN, Mr. ALLEN, Mr. GREEN of Texas, Mr. BERRY, Mr. NADLER, Mr. FROST, and Mrs. EMERSON.
H. Res. 774: Mr. FROST and Mr. CAPUANO.

¶92.36 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1501: Mr. HUNTER.

FRIDAY, SEPTEMBER 24, 2004 (93)

¶93.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. PETRI, who laid before the House the following communication:

WASHINGTON, DC,
September 24, 2004.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

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

¶93.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. PETRI, announced he had examined and approved the Journal of the proceedings of Thursday, September 23, 2004.

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

¶93.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

9739. A communication from the President of the United States, transmitting a request for a FY 2005 budget amendment for the the Department of Energy; (H. Doc. No. 108–219); to the Committee on Appropriations and ordered to be printed.

9740. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

9741. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of General Paul J. Kern, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

9742. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of General Ralph E. Eberhart, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

9743. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Board's semiannual Monetary Policy Report pursuant to Pub. L. 106-569; to the Committee on Financial Services.

9744. A letter from the Secretary, Department of the Treasury, transmitting an annual report to the President and to the Congress on the audit of the Telecommunications Development Fund, pursuant to 47 U.S.C. 614; to the Committee on Energy and Commerce.

9745. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to the Netherlands for defense articles and services (Transmittal No. 04-33), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9746. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Israel for defense articles and services (Transmittal No. 04-31), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9747. A letter from the Secretary, Department of the Treasury, transmitting the semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses, as required by Section 1705(e)(6) of the Cuban Democracy Act of 1992, 22 U.S.C. 6004(3)(6), as amended by Section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, and pursuant to Executive Order 13313 of July 31, 2003, pursuant to 22 U.S.C. 6032; to the Committee on International Relations.

9748. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Germany (Transmittal No. DDTC 061-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9749. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Australia (Transmittal No. DDTC 069-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9750. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting Pursuant to section 565(b) of the Foreign Relations Authorization Act for FY 1994 and 1995 (Pub. L. 103-236), certifications and waivers of the prohibtion against contracting with firms that comply with the Arab League Boycott of the State of Israel, pursuant to Public Law 103–236, section 565(b) (108 Stat. 845); to the Committee on International Relations.

9751. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of January 23, 1995; to the Committee on International Relations.

9752. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c),and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995; to the Committee on International Relations.

9753. A letter from the Deputy Chief, Administrative Law Division, Central Intelligence Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9754. A letter from the Deputy Chief, Administrative Law Division, Central Intelligence Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9755. A letter from the Deputy Chief, Administrative Law Division, Central Intelligence Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9756. A letter from the Chief Executive Officer, Corporation for National and Community Service, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9757. A letter from the Manager, Human Resources Support Branch, Personal and Family Readiness Division, By direction of Commandant of Marine Corps, Department of transmitting the annual report for 2004 of the Retirement Plan for Civilian Employees ofthe United States Marine Corps Personal and Family Readiness Divison, and Miscellaneous Nonappropriated Fund Instrumentalities are also furnished, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform.

9758. A letter from the Archivist of the United States, National Archives and Records Administration, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum 04-07, the Administration's report on competitive sourcing efforts for FY 2003 and their planned ef forts for FY 2004; to the Committee on Government Reform.

9759. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Canada PW206A and PW206E Turboshaft Engines [Docket No. 2003-NE-25-AD; Amendment 39-13775; AD 2004-17-03] (RIN: 2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9760. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company 65, 90, 99, 100, 200, 300, and 1900 Series Airplanes [Docket No. 2004-CE-04-AD; Amendment 39-13774; AD 2004-17-02] (RIN: 2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9761. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Grob Werke Gmbh & Co KG Models G102 CLUB ASTIR III, G102 CLUB ASTIR IIIb, and G102STANDARD ASTIR III Sailplanes [Docket No. 2004-CE-10-AD; Amendment 39-13776; AD 2004-17-04] (RIN: 2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9762. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-10 Series Airplanes, Model MD-10 Series Airplanes, and Model MD-11 Series Airplanes [Docket No. FAA-2004-18978; Directorate Identifier 2004-NM-127-AD; Amendment 39-13780; AD 2001-14-08 R1] (RIN: 2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9763. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company (GE); CT7-2D1 Turboshaft Engines [Docket No. FAA-2004-18758; Directorate Identifier 2004-NE-24-AD; Amendment 39-13763; AD 2004-16-07] (RIN: 2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9764. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF34-3A1 and -3B1 Series Turbofan Engines [Docket No. FAA-2004-18648; Directorate Identifier 2004-NE-26-AD; Amendment 39-13773; AD 2004-15-03R1] (RIN: 2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9765. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Models 208 and 208B Airplanes [Docket No. 2002-CE-23-AD; Amendment 39-13772; AD 2004-17-01] (RIN: 2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9766. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF34-3A1 and -3B1 Series Turbofan Engines [Docket No. FAA-2004-18648; Directorate Identifier 2004-NE-26-AD; Amendment 39-13773; AD 2004-15-03R1] (RIN: 2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9767. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200, -300, and -300F Series Airplanes [Docket No. 2002-NM-186-AD; Amendment 39-13768; AD 2004-16-12] (RIN: 2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9768. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS-365N2, AS EC 155B, EC155B1, SA-365N and N1, and SA-366G1 Helicopters [Docket No. FAA-2004-18850; Directorate Identifier 2004-SW-19-AD; 39-13771; AD 2004-16-15] (RIN: 2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9769. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Models 172R, 172S, 182S, 182T, T182T, 206H, and T206H Airplanes [Docket No. 2004-CE-03-AD; Amendment 39-13752; AD 2004-15-18] (RIN: 2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9770. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The New Piper Aircraft, Inc. Model PA-46-500TP Airplanes [Docket No. 2003-CE-52-AD; Amendment 39-13753; AD 2004-15-19] (RIN: 2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9771. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F27 Mark 100, 200, 300, 400, 500, 600, and 700 Series Airplanes [Docket No. 2002-NM-302AD; Amendment 39-13751; AD 2004-15-17] (RIN: 2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9772. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310 Series Airplanes [Docket No. 2002-NM-344-AD; Amendment 39-13750; AD 2004-15-16] (RIN: 2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9773. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations)Limited (Jetstream) Model 4101 Airplanes [DOcket No. 2001-NM-270-AD; Amendment 39-13740; AD 2004-15-06] (RIN: 2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9774. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Series Airplanes [Docket No. 2002-NM-280-AD; Amendment 39-13742; AD 2004-15-08] (RIN: 2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9775. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), DC-9-87 (MD-87), and Model MD-88 Airplanes [Docket No. 2002-NM-215-AD; Amendment 39-13747; AD 2004-15-13] (RIN: 2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9776. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-202, -203, -223, and -243 Airplanes, and A330-300 Series AIrplanes [Docket No. 2003-NM-272-AD; Amendment 39-13746; AD 2004-15-12] (RIN: 2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9777. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworhtiness Directives; Rolls-Royce plc RB211 Trent 800 Series Turbofan Engines [Docket No. 2003-NE-38-AD; Amendment 39-13736; AD 2004-15-02] (RIN: 2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9778. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-200, -200C, -300, -400, and -500 Series Airplanes [Docket No. 99-NM-78-AD; Amendment 39-13738; AD 2004-15-04] (RIN: 2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9779. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB SF340A Series Airplanes [Docket No. 2002-NM-319-AD; Amendment 39-13744; AD 2004-15-10] (RIN: 2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9780. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 and -145 Series Airplanes [Docket No. 2004-NM-47-AD; Amendment 39-13754; AD 2004-15-20] (RIN: 2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9781. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Air Tractor, Inc. Models AT-401, AT-401B, AT-402, AT402A, AT-402B, AT-501, AT-502, AT-502A, AT-502B, AT-503A, AT-602, AT-802, and AT-802A Airplanes [Docket No. 2004-CE-05-AD; Amendment 39-13749; AD 2004-15-15] (RIN: 2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9782. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-101, -102, -103, -106, -201, -202, -301, -311, and -315 Airplanes [Docket No. 2003-NM-285-AD; Amendment 39-13743; AD 2004-15-09] (RIN: 2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9783. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310 Series Airplanes [Docket No. 2003-NM-279-AD; Amendment 39-13741; AD 2004-15-07] (RIN: 2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9784. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notice of the completion of negotiations and signed subsidiary agreements to the amended Compacts of Free Association with the Republic of the Marshall Islands (RMI) and the Federated States of Micronesia (FSM) with regard to the future United States provision of disaster assistance, pursuant to Public Law 108—188, section 105(f)(1)(A)(iii); jointly to the Committees on International Relations and Resources.

9785. A letter from the Principal Deputy Under Secretary for Policy, Department of State, transmitting a report, prepared on behalf of the President, on progress in Kosovo toward achieving militarily significant benchmarks during the period July 1 to December 31, 2003, pursuant to Public Law 106—398, section 1212(c); jointly to the Committees on Armed Services, International Relations, and Appropriations.

¶93.4 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 3389. An Act to amend the Stevenson-Wydler Technology Innovation Act of 1980 to permit Malcolm Baldrige National Quality Awards to be made to nonprofit organizations.

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

S. 2781. An Act to express the sense of Congress regarding the conflict in Darfur, Sudan, to provide assistance for the crisis in Darfur and for comprehensive peace in Sudan, and for other purposes.

S. Con. Res. 119. A concurrent resolution recognizing that prevention of suicide is a compelling national priority.

¶93.5 WHOLE NUMBER OF THE HOUSE OF REPRESENTATIVES ADJUSTED

Under clause 5(c) of rule XX, the SPEAKER pro tempore, Mr. PETRI, announced to the House that, in light of the resignation of the gentleman from Florida, [MR. GOSS], the whole number of the House is adjusted to 433.

¶93.6 RECESS—2:03 P.M.

The SPEAKER pro tempore, Mr. PETRI, pursuant to clause 12(a) of rule I, declared the House in recess at 2 o'clock and 3 minutes p.m., subject to the call of the Chair.

¶93.7 AFTER RECESS—4:30 P.M.

The SPEAKER pro tempore, Mr. PETRI, called the House to order.

¶93.8 SENATE BILL AND CONCURRENT RESOLUTION REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2781. An Act to express the sense of Congress regarding the conflict in Darfur, Sudan, to provide assistance for the crisis in

Darfur and for comprehensive peace in Sudan, and for other purposes; to the Committee on International Relations.

S. Con. Res. 119. A concurrent resolution recognizing that prevention of suicide is a compelling national priority; to the Committee on Energy and Commerce.

And then,

¶93.9 ADJOURNMENT

The SPEAKER pro tempore, Mr. PETRI, by unanimous consent and pursuant to the special order of the House agreed to on September 23, 2004, at 4 o'clock and 31 minutes p.m., declared the House adjourned until 12:30 p.m. on Tuesday, September 28, 2004.

¶93.10 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 4077. A bill to enhance criminal enforcement of the copyright laws, to educate the public about the application of copyright law to the Internet, and for other purposes; with an amendment (Rept. 108–700). Referred to the Committee of the Whole House on the State of the Union.

¶93.11 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HASTERT (for himself, Mr. DELAY, Mr. BLUNT, Ms. PRYCE of Ohio, Mr. HOEKSTRA, Mr. HUNTER, Mr. YOUNG of Florida, Mr. SENSENBRENNER, Mr. HYDE, Mr. TOM DAVIS of Virginia, Mr. OXLEY, Mr. DREIER, Mr. COX, Mr. THOMAS, Mr. NUSSLE, Mr. BOEHNER, and Mr. SMITH of New Jersey):

H.R. 10. A bill to provide for reform of the intelligence community, terrorism prevention and prosecution, border security, and international cooperation and coordination, and for other purposes; to the Committee on Intelligence, and in addition to the Committee on Armed Services, the Committee on Education and the Workforce, the Committee on Energy and Commerce, the Committee on Financial Services, the Committee on Government Reform, the Committee on International Relations, the Committee on the Judiciary, the Committee on Rules, the Committee on Science, the Committee on Transportation, the Committee on Ways and Means, and the Committee on Homeland Security (Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAXMAN (for himself, Mr. LEWIS of California, Ms. LINDA T. SANCHEZ of California, Mr. LANTOS, and Ms. WATSON):

H.R. 5147. A bill to designate the facility of the United States Postal Service located at 23055 Sherman Way in West Hills, California, as the ''Evan Asa Ashcraft Post Office Building''; to the Committee on Government Reform.

By Mrs. MILLER of Michigan (for herself, Mr. TOM DAVIS of Virginia, Mr. SHAYS, and Mr. CARTER):

H.R. 5148. A bill to provide improved security for driver licenses and State identity documents; to the Committee on Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HERGER:

H.R. 5149. A bill to reauthorize the Temporary Assistance for Needy Families block grant program through March 31, 2005, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAYS (for himself and Mrs. MALONEY):

H.R. 5150. A bill to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes; to the Committee on Intelligence (Permanent Select).

¶93.12 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

426. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 770 memorializing the United States Department of Agriculture to reconsider its recent policy change relating to Pennsylvania'a Nutrition Education Program (PA NEP); to the Committee on Agriculture.

427. Also,a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 829 memorializing the Congress of the United States to award the Congressional Medal of Honor to Major Richard D. Winters; to the Committee on Armed Services.

428. Also,a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 20 memorializing the Congress of the United States to disapprove the rule submitted by the Office of the Comptroller of the Currency relating to bank activities and regulations published at 69 Federal Register 1895 (January 13, 2004), so the rule will have no force or effect, and if necessary, consider legislation that will prevent the unilateral expansion of jurisdiction over financial institutions by federal regulators without the specific endorsement of the elected representatives of the United States Congress; to the Committee on Financial Services.

429. Also,a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 822 memorializing the President and Congress of the United States to amend the Omnibus Crime Control and Safe Streets Act of 1968 to expand the definition of firefighter to include apprentices and trainees, regardless of age or duty limitations; to the Committee on the Judiciary.

¶93.13 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 935: Mr. CROWLEY.
H.R. 1214: Mr. OLVER.
H.R. 3558: Mr. GOODLATTE.
H.R. 3859: Mrs. LOWEY.
H.R. 4026: Mr. MORAN of Virginia.
H.R. 4399: Mrs. MALONEY and Mr. CROWLEY.
H.R. 4595: Mrs. NAPOLITANO.
H.R. 4610: Mr. GRAVES.
H.R. 4653: Mr. PAUL.
H.R. 4956: Mr. HOEFFEL and Mr. OWENS.
H.R. 5124: Mr. RENZI.
H.R. 5135: Mr. CASE and Mr. BLUNT.
H. Res. 768: Ms. MCCOLLUM, Mr. KIRK, Mr. BURTON of Indiana, Ms. MILLENDER-MCDONALD, Mr. WELLER, Mr. BALLENGER, Mr. KING of New York, Mr. MEEHAN, and Mr. MCGOVERN.

TUESDAY, SEPTEMBER 28, 2004 (94)

¶94.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mrs. BIGGERT, who laid before the House the following communication:

WASHINGTON, DC,
SEPTEMBER 24, 2004.

I hereby appoint the Honorable JUDY BIGGERT to act as Speaker pro tempore on this day.

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

¶94.2 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with amendment in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 4818. An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4818) ''An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints: Mr. MCCONNELL, Mr. SPECTER, Mr. GREGG, Mr. SHELBY, Mr. BENNETT, Mr. CAMPBELL, Mr. BOND, Mr. DEWINE, Mr. STEVENS, Mr. LEAHY, Mr. INOUYE, Mr. HARKIN, Ms. MIKULSKI, Mr. DURBIN, Mr. JOHNSON, Ms. LANDRIEU, and Mr. BYRD, to be the conferees on the part of the Senate.

H.R. 4850. An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2005, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4850) ''An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2005, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints: Mr. DEWINE, Mrs. HUTCHISON, Mr. BROWNBACK, Mr. STEVENS, Ms. LANDRIEU, Mr. DURBIN, and Mr. INOUYE, to be the conferees on the part of the Senate.

¶94.3 MORNING-HOUR DEBATE

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to the order of the

House of Tuesday, January 20, 2004, recognized Members for morning-hour debate.

¶94.4 RECESS—1:06 P.M.

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 12(a) of rule I, declared the House in recess at 1 o'clock and 6 minutes p.m., until 2 p.m.

¶94.5 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. ISSA, called the House to order.

¶94.6 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. ISSA, announced he had examined and approved the Journal of the proceedings of Friday, September 24, 2004.

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

¶94.7 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

9786. A letter from the Chairman, Advisory Council on Historic Preservation, transmitting a report of a violation of the Antideficiency Act, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

9787. A letter from the Deputy Chief, Programs and Legislative Division, Office of the Legislative Liaison, Department of the Air Force, Department of Defense, transmitting in accordance with the Office of Management and Budget (OMB) Circular No. A-76, ''Performance of Commercial Activities,'' a cost comparison to reduce the cost of the Base Operating Support function at March Air Reserve Base (ARB), California; to the Committee on Armed Services.

9788. A letter from the Deputy Chief of Naval Operations (Manpower and Personnel), Department of Defense, transmitting notification of a decision to implement performance by the Most Efficient Organization (MEO) for the Pacific Northwest Facilities Management in Silverdale, WA (initiative number NC20000653); to the Committee on Armed Services.

9789. A letter from the Acting Deputy Assistant Secretary of Defense for Reserve Affairs (Materiel and Facilities), Department of Defense, transmitting the annual National Guard and Reserve Equipment Report (NGRER) for fiscal year (FY) 2005, pursuant to 10 U.S.C. 10541; to the Committee on Armed Services.

9790. A letter from the Assistant Attorney General for Legislative Affairs, Department of Justice, transmitting a report entitled ''Office of Juvenile Justice and Delinquency Prevention (OJJDP) Annual Report 2002,'' pursuant to 42 U.S.C. 5617 and 42 U.S.C. 5601; to the Committee on Education and the Workforce.

9791. A letter from the Secretary, Department of Health and Human Services, transmitting the Annual Report on the Developmental Disabilities Programs for Fiscal Years 2001 and 2002, pursuant to 42 U.S.C. 15005 Public Law 106–402, section 105; to the Committee on Energy and Commerce.

9792. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 08-04 to inform of an intent to sign a Memorandum of Understanding (MOU) between the United States and Australia for Cooperative Development, Production, and Support of the Combat Control System (CCS) AN/BYG-1 Tactical Subsystem, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

9793. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 07-04 which informs of an intent to sign a Project Agreement between the United States, Canada, and the United Kingdom for Plague Vaccine Acquisition, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

9794. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Norway (Transmittal No. DDTC 071-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9795. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Israel (Transmittal No. DDTC 062-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9796. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Kazakhstan (Transmittal No. DDTC 064-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9797. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the United Kingdom (Transmittal No. DDTC 060-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9798. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan (Transmittal No. DDTC 066-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9799. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Mexico (Transmittal No. DDTC 067-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9800. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed sale of defense articles or defense services to Hungary (Transmittal No. DDTC 063-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9801. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract with Canada (Transmittal No. DDTC 056-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9802. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certifiation of a proposed technical assistance agreement for the export of defense articles or defense services sold to France and Brazil (Transmittal No. DDTC 068-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9803. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification regarding the proposed transfer of major defense equipment from the Government of Singapore (GOS) (Transmittal RSAT-04-04), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

9804. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting on behalf of the Secretary of State and the U.S. Representative to the IAEA, a report detailing assistance to Iran from the International Atomic Energy Agency in regards to the Bushehr nuclear power plant during calendar year 2003, pursuant to 22 U.S.C. 2021 note Public Law 107—228 section 1344(a); to the Committee on International Relations.

9805. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

9806. A letter from the Under Secretary for Industry and Security, Department of Commerce, transmitting a letter to inform that the Department of Commerce will assume the licensing responsibility for exports and reexports to Iraq, by virtue of the President's termination of Executive Order 12722 relating to the Iraqi invasion of Kuwait. In so doing, the Department is imposing foreign policy-based export controls on exports and reexports to Iraq and transfers within Iraq, of certain items subject to the Export Administration Regulations (EAR); to the Committee on International Relations.

9807. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of export of items to Iraq is in the national interest of the United States pursuant to Section 1504 of the Emergency Wartime Supplemental Appropriation Act, 2003, Pub. L. 108-11 (Transmittal No. DTC 05IZ-04); to the Committee on International Relations.

9808. A letter from the Director, Benefit Design and Compliance, AgriBank FCB, transmitting the annual reports disclosing the financial condition of the Retirement Planfor the Employees of the Seventh Farm Credit District, Eleventh Farm Credit District, and Northwest Farm Credit Services as required by Public Law 95-595, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform.

9809. A letter from the Secretary, Department of Transportation, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum 04-07, the Department's report on competitive sourcing efforts for FY 2003; to the Committee on Government Reform.

9810. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, ''Comparative Analysis of Actual Cash Collections to Revised Revenue Estimates Through the 2nd Quarter of Fiscal Year 2004''; to the Committee on Government Reform.

9811. A letter from the Director, Office of Management and Budget, transmitting the 2004 Federal Financial Management Report as required by the Chief Financial Officers (CFO) Act of 1990, marking the 12th report submitted by the Office of Management and Budget (OMB) on the government-wide status of financial management, pursuant to 31 U.S.C. 3512; to the Committee on Government Reform.

9812. A letter from the Secretary, Department of the Interior, transmitting a draft bill ''To clarify the authorities for the use of certain National Park Service properties within Golden Gate National Recreation Area and San Francisco Maritime National Historical Park, and for other purposes''; to the Committee on Resources.

9813. A letter from the Assistant Attorney General for Legislative Affairs, Department

of Justice, transmitting a copy of the Bureau of Justice Statistics report entitled ''Data Collections for the Prison Rape Elimination Act of 2003,'' pursuant to Public Law 108—79, section 4(c)(1) (117 Stat. 977); to the Committee on the Judiciary.

9814. A letter from the Chairman, Federal Trade Commission, transmitting the Commission's Twenty-Sixth Annual Report to Congress and the activities during Fiscal Year 2003 as pursuant to subsection (j) of section 7A of the Clayton Act, pursuant to 15 U.S.C. 18a(j); to the Committee on the Judiciary.

9815. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting a report on the assessment of the general conditions of confined disposal facilities in the Great Lakes, in accordance with Section 513 of the Water Resources Development Act of 1996; to the Committee on Transportation and Infrastructure.

9816. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Fairbury, NE. [Docket No. FAA-2004-18014; Airspace Docket No. 04-ACE-43] received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9817. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Jamestown, KY [Docket No. FAA-2004-16904; Airspace Docket No. 04-ASO-2] received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9818. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Des Moines, IA [Docket No. FAA-2004-17145; Airspace Docket No. 04-ACE-11] received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9819. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Festus, MO [Docket No. FAA-2004-17148; Airspace Docket No. 04-ACE-14] received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9820. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Fulton, MO [Docket No. FAA-2004-17149; Airspace Docket No. 04-ACE-15] received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9821. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class D and E Airspace; Amendment of Class E Airspace; New Smyrna Beach, FL [Docket No. FAA-2004-16919; Airspace Docket No. 04-ASO-3] received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9822. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Kimball, NE [Docket No. FAA-2004-17433; Airspace Docket No. 04-ACE-31] received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9823. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Tekamah, NE [Docket No. FAA-2004-17431; Airspace Docket No. 04-ACE-29] received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9824. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Kipnuk, AK [Docket No. FAA-2004-17497; Airspace Docket No. 04-AAL-05] received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9825. A letter from the Program Analsyt, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2 and A300 B4; Model A300 B4-600, B4-600R, C4-605R Variant F, and F4-600R (Collectively Called A300-600); and Model A310 Series Airplanes [Docket No. 2003-NM-274-AD; Amendment 39-13701; AD 2004-13-19] (RIN: 2120-AA64) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9826. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company Model 390 [Docket No. FAA-2004-18580; Directorate Identifier 2004-CE-12-AD; Amendment 39-13735; AD 2004-15-01] (RIN: 2120-AA64) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9827. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-120 Series Airplanes [Docket No. 2003-NM-81-AD; Amendment 3913733; AD 2004-14-24] (RIN: 2120-AA64) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9828. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-120 Series Airplanes [Docket No. 2004-NM-48-AD; Amendment 39-13734; AD 2004-14-25] (RIN: 2120-AA64) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9829. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319-111, -112, -113, and -114; A320-111, -211, -212, and -214; and A321-111, -112, and -211 Series Airplanes [Docket No. 2002-NM-201-AD; Amendment 39-13732; AD 2004-14-23] (RIN: 2120-AA64) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9830. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Air Cruisers Company Emergency Evacuation Slide/Raft System; Correction [Docket No. 99-NE-31-AD; Amendment 39-13445; AD 2004-03-01] (RIN: 2120-AA64) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9831. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-81 (MD-81), DC-9-82(MD-82), DC-9-83 (MD-83), and DC-9-87(MD-87) Airplanes; and Model MD-88 Airplanes; and Model MD-90-30 Airplanes [Docket No. 2003-NM-122-AD; Amendment 39-13497; AD 2004-05-03] (RIN: 2120-AA64) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9832. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Mystere-Falcon 900 Series Airplanes [Docket No. 2001-NM-390-AD; Amendment 39-13510; AD 2004-05-15] (RIN: 2120-AA64) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9833. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes Docket No. 2004-NM-03-AD; Amendment 39-13514; AD 2004-05-19] (RIN: 2120-AA64) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9834. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Deutschland (RRD)(Formerly Rolls-Royce, plc) TAY 611-8, TAY 620-15, TAY 650-15, and TAY 651-54 Series Turbofan Engines [Docket No. 2004-NE-11-AD; Amendment 39-13517; AD 2004-05-22] (RIN: 2120-AA64) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9835. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS 365 N3 Helicopters [Docket No. 2003-SW-11-AD; Amendment 39-13523; AD 2004-05-28] (RIN: 2120-AA64) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9836. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model EC 155B Helicopters [Docket No. 2003-SW-12-AD; Amendment 39-13524, AD 2004-05-29] (RIN: 2120-AA64) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9837. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-200 Series Airplanes Modified by Supplemental Type Certificate ST00516AT [Docket No. 2002-NM-238-AD; Amendment 39-13522; AD 2004-05-27] (RIN: 2120-AA64) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9838. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777 Series Airplanes [DOcket No. 2002-NM-14-AD; Amendment 39-13521; AD 2004-05-26] (RIN: 2120-AA64) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9839. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211 Trent 500 Series Turbofan Engines [Docket No. 2003-NE-56-AD; Amendment 39-13525; AD 2004-05-30] (RIN: 2120-AA64) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9840. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No. 2002-NM-101-AD; Amendment 39-13554; AD 2004-07-10] (RIN: 2120-AA64) received

August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9841. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes [Docket No. 2002-NM-174-AD; Amendment 39-13483; AD 2004-04-03] (RIN: 2120-AA64) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9842. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hartzell Propeller Inc. Models HC-B5MP-3C/M10876K Propellers [Docket No. 2003-NE-44-AD; Amendment 39-13569; AD 2004-07-25] (RIN: 2120-AA64) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9843. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness DIrectives; Rolls-Royce plc RB211 Trent 500 Series Turbofan Engines; Correction [Docket No. 2003-NE-56-AD; Amendment 39-13525, AD 2004-05-30] (RIN: 2120-AA64) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9844. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Manual Requirements in Part 135; Correction [Docket No. FAA-2004-17119] received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9845. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model Avro 146-RJ Series Airplanes; and BAE Systems (Operations) Limited Model BAe 146 Series Airplanes [Docket No. 2001-NM-317-AD; Amendment 39-13541; AD 2004-06-15] (RIN: 2120-AA64) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9846. A letter from the Acting Under Secretary for Acquisition, Technology, and Logistics, Department of Defense, transmitting a report to Congress on the delayed implementation of the revised Office of Management and Budget Circular A-76, ''Performance and Commercial Activities,'' pursuant to 108—136, section 335; jointly to the Committees on Armed Services and Government Reform.

¶94.8 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. ISSA, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 28, 2004.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 28, 2004 at 9:37 a.m.:

That the Senate passed without amendment H. Con. Res. 161.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶94.9 PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore, Mr. ISSA, announced that the Speaker, pursuant to clause 11 of rule X, clause 11 of rule I, and the order of the House of December 8, 2003, appointed the following Member of the House to the Permanent Select Committee on Intelligence to fill the existing vacancy thereon: Mr. THORNBERRY.

¶94.10 THE BOYS AND GIRLS CLUBS OF AMERICA

Mr. SENSENBRENNER moved to suspend the rules and pass the bill of the Senate (S. 2363) to revise and extend the Boys and Girls Clubs of America.

The SPEAKER pro tempore, Mr. ISSA, recognized Mr. SENSENBRENNER and Mr. SCHIFF, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. ISSA, announced that two-thirds of the Members present had voted in the affirmative.

Mr. FLAKE objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. ISSA, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶94.11 SHIPPING

Mr. SENSENBRENNER moved to suspend the rules and pass the bill (H.R. 4319) to complete the codification of title 46, United States Code, ''Shipping'', as positive law; as amended.

The SPEAKER pro tempore, Mr. ISSA, recognized Mr. SENSENBRENNER and Mr. SCHIFF, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. ISSA, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶94.12 PIRACY DETERRENCE AND EDUCATION

Mr. SENSENBRENNER moved to suspend the rules and pass the bill (H.R. 4077) to enhance criminal enforcement of the copyright laws, to educate the public about the application of copyright law to the Internet, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. ISSA, recognized Mr. SENSENBRENNER and Mr. SCHIFF, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. ISSA, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶94.13 VICTIMS OF COMMUNISM MEMORIAL

Mr. RADANOVICH moved to suspend the rules and agree to the following resolution (H. Res. 752):

Whereas section 905 of the FRIENDSHIP Act (40 U.S.C. 1003 note) authorizes the construction of a memorial to honor the victims of communism;

Whereas in 2004, a location for the Victims of Communism Memorial is to be selected and construction of the Memorial in the District of Columbia is scheduled to begin;

Whereas construction of the Memorial is supported by the Baltic-American community and other ethnic communities in the United States; and

Whereas it is necessary for the people of the United States to be reminded of the importance of the Memorial and continue to support its progression: Now, therefore, be it

Resolved, That the House of Representatives expresses continued support for the construction of the Victims of Communism Memorial.

The SPEAKER pro tempore, Mr. ISSA, recognized Mr. RADANOVICH and Ms. BORDALLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. ISSA, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended was, by unanimous consent, laid on the table.

¶94.14 RANCHO EL CAJON BOUNDARY

Mr. RADANOVICH moved to suspend the rules and pass the bill (H.R. 3954) to authorize the Secretary of the Interior to resolve boundary discrepancies in San Diego County, California, arising from an erroneous survey conducted by a Government contractor in 1881 that resulted in overlapping boundaries for certain lands, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. ISSA, recognized Mr. RADANOVICH and Ms. BORDALLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. ISSA, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶94.15 CHICKASAW NATIONAL RECREATION AREA LAND EXCHANGE

Mr. RADANOVICH moved to suspend the rules and pass the bill (H.R. 4066) to provide for the conveyance of certain land to the United States and to revise the boundary of Chickasaw National Recreation Area, Oklahoma, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. ISSA, recognized Mr. RADANOVICH and Ms. BORDALLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. ISSA, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶94.16 ANGEL ISLAND IMMIGRATION STATION RESTORATION

Mr. RADANOVICH moved to suspend the rules and pass the bill (H.R. 4469) to authorize appropriations to the Secretary of the Interior for the restoration of the Angel Island Immigration Station in the State of California.

The SPEAKER pro tempore, Mr. ISSA, recognized Mr. RADANOVICH and Ms. BORDALLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. ISSA, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶94.17 HARRY S. TRUMAN HISTORIC SITE

Mr. RADANOVICH moved to suspend the rules and pass the bill (H.R. 4579) to modify the boundary of the Harry S. Truman National Historic Site in the State of Missouri, and for other purposes.

The SPEAKER pro tempore, Mr. ISSA, recognized Mr. RADANOVICH and Ms. BORDALLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. ISSA, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶94.18 LAND CONVEYED TO EASTERN WASHINGTON UNIVERSITY

Mr. RADANOVICH moved to suspend the rules and pass the bill (H.R. 4596) to amend Public Law 97-435 to extend the authorization for the Secretary of the Interior to release certain conditions contained in a patent concerning certain land conveyed by the United States to Eastern Washington University until December 31, 2009; as amended.

The SPEAKER pro tempore, Mr. ISSA, recognized Mr. RADANOVICH and Ms. BORDALLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. ISSA, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶94.19 GULLAH/GEECHEE CULTURAL HERITAGE

Mr. RADANOVICH moved to suspend the rules and pass the bill (H.R. 4683) to enhance the preservation and interpretation of the Gullah/Geechee cultural heritage, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. ISSA, recognized Mr. RADANOVICH and Ms. BORDALLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. ISSA, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶94.20 LAND EXCHANGE IN THE VICINITY OF HOLLOMAN AIR FORCE BASE, NEW MEXICO

Mr. RADANOVICH moved to suspend the rules and pass the bill (H.R. 4808) to provide for a land exchange involving private land and Bureau of Land Management land in the vicinity of Holloman Air Force Base, New Mexico, for the purpose of removing private land from the required safety zone surrounding munitions storage bunkers at Holloman Air Force Base; as amended.

The SPEAKER pro tempore, Mr. ISSA, recognized Mr. RADANOVICH and Ms. BORDALLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. ISSA, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶94.21 HIBBEN CENTER FOR ARCHAEOLOGICAL RESEARCH

Mr. RADANOVICH moved to suspend the rules and pass the bill of the Senate (S. 643) to authorize the Secretary of the Interior, in cooperation with the University of New Mexico, to construct and occupy a portion of the Hibben Center for Archaeological Research at the University of New Mexico; as amended.

The SPEAKER pro tempore, Mr. ISSA, recognized Mr. RADANOVICH and Ms. BORDALLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. ISSA, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said amendment.

¶94.22 MANHATTAN PROJECT NATIONAL HISTORICAL PARK STUDY

Mr. RADANOVICH moved to suspend the rules and pass the bill of the Senate (S. 1687) to direct the Secretary of the Interior to conduct a study on the preservation and interpretation of the historic sites of the Manhattan Project for potential inclusion in the National Park System.

The SPEAKER pro tempore, Mr. ISSA, recognized Mr. RADANOVICH and Ms. BORDALLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. ISSA, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶94.23 EL CAMINO REAL DE LOS TEJAS NATIONAL HISTORIC TRAIL

Mr. RADANOVICH moved to suspend the rules and pass the bill of the Senate (S. 2052) to amend the National Trails System Act to designate El Camino Real de los Tejas as a National Historic Trail.

The SPEAKER pro tempore, Mr. ISSA, recognized Mr. RADANOVICH and Ms. BORDALLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. ISSA, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶94.24 TRAIL RESPONSIBILITY AND ACCOUNTABILITY FOR IMPROVEMENT OF LANDS

Mr. RADANOVICH moved to suspend the rules and pass the bill (H.R. 3247) to provide consistent enforcement authority to the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, and the Forest Service to respond to violations of regulations regarding the management, use, and protection of public lands under the jurisdiction of these agencies, to clarify the purposes for which collected fines may be used, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. ISSA, recognized Mr. RADANOVICH and Ms. BORDALLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. ISSA, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to provide consistent enforcement authority to the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, and the Forest Service to respond to violations of regulations regarding the management, use, and protection of public lands under the jurisdiction of these agencies, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶94.25 FACILITATE EXCHANGE OF SMALL TRACTS OF LAND

Mr. RADANOVICH moved to suspend the rules and pass the bill (H.R. 4617) to amend the Small Tracts Act to facilitate the exchange of small tracts of land, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. ISSA, recognized Mr. RADANOVICH and Ms. BORDALLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. ISSA, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to authorize the Secretary of Agriculture to carry out certain land exchanges involving small parcels of National Forest System land in the Tahoe National Forest in the State of California, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶94.26 MCINNIS CANYONS NATIONAL CONSERVATION AREA

Mr. RADANOVICH moved to suspend the rules and pass the bill (H.R. 4827) to amend the Colorado Canyons National Conservation Area and Black Ridge Canyons Wilderness Act of 2000 to rename the Colorado Canyons National Conservation Area as the McInnis Canyons National Conservation Area.

The SPEAKER pro tempore, Mr. ISSA, recognized Mr. RADANOVICH and Ms. BORDALLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. ISSA, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶94.27 HEALTHY FORESTS YOUTH CONSERVATION CORPS

Mr. RADANOVICH moved to suspend the rules and pass the bill (H.R. 4838) to establish a Healthy Forest Youth Conservation Corps to provide a means by which young adults can carry out rehabilitation and enhancement projects to prevent fire and suppress fires, rehabilitate public land affected or altered by fires, and provide disaster relief, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. ISSA, recognized Mr. RADANOVICH and Mr. GRIJALVA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. ISSA, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and

said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶94.28 CONVEY LAND TO THE NEW HOPE CEMETERY ASSOCIATION

Mr. RADANOVICH moved to suspend the rules and pass the bill of the Senate (S. 1537) to direct the Secretary of Agriculture to convey to the New Hope Cemetery Association certain land in the State of Arkansas for use as a cemetery.

The SPEAKER pro tempore, Mr. ISSA, recognized Mr. RADANOVICH and Mr. GRIJALVA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. ISSA, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶94.29 CRAIG, ALASKA RECREATION LAND PURCHASE

Mr. RADANOVICH moved to suspend the rules and pass the bill of the Senate (S. 1778) to authorize a land conveyance between the United States and the city of Craig, Alaska, and for other purposes.

The SPEAKER pro tempore, Mr. ISSA, recognized Mr. RADANOVICH and Mr. GRIJALVA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. ISSA, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶94.30 ARAPAHO AND ROOSEVELT NATIONAL FORESTS LAND EXCHANGE

Mr. RADANOVICH moved to suspend the rules and pass the bill of the Senate (S. 2180) to direct the Secretary of Agriculture to exchange certain lands in the Arapaho and Roosevelt National Forests in the State of Colorado.

The SPEAKER pro tempore, Mr. ISSA, recognized Mr. RADANOVICH and Mr. GRIJALVA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. ISSA, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶94.31 LITTLE BUTTE/BEAR CREEK SUBBASINS WATER RESOURCE

Mr. RADANOVICH moved to suspend the rules and pass the bill (H.R. 3210) to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a water resource feasibility study for the Little Butte/Bear Creek Subbasins in Oregon; as amended.

The SPEAKER pro tempore, Mr. ISSA, recognized Mr. RADANOVICH and Mr. GRIJALVA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. ISSA, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶94.32 ALDER CREEK WATER CONSERVATION PROJECT

Mr. RADANOVICH moved to suspend the rules and pass the bill (H.R. 3597) to authorize the Secretary of the Interior, through the Bureau of Reclamation, to conduct a feasibility study on the Alder Creek water storage and conservation project in El Dorado County, California, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. ISSA, recognized Mr. RADANOVICH and Mr. GRIJALVA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. ISSA, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶94.33 CALIFORNIA GROUNDWATER REMEDIATION

Mr. RADANOVICH moved to suspend the rules and pass the bill (H.R. 4606) to authorize the Secretary of the Interior, acting through the Bureau of Reclamation and in coordination with other Federal, State, and local government agencies, to participate in the funding and implementation of a balanced, long-term groundwater remediation program in California, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. ISSA, recognized Mr. RADANOVICH and Mr. GRIJALVA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. EMERSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶94.34 WATER SERVICE FOR MISSOURI BASIN PROGRAM, NEBRASKA

Mr. RADANOVICH moved to suspend the rules and pass the bill (H.R. 5009) to extend water contracts between the United States and specific irrigation districts and the City of Helena in Montana, and for other purposes.

The SPEAKER pro tempore, Mrs. EMERSON, recognized Mr. RADANOVICH and Mr. GRIJALVA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. EMERSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶94.35 EXTEND WATER SERVICE CONTRACT

Mr. RADANOVICH moved to suspend the rules and pass the bill (H.R. 5016) to extend the water service contract for the Ainsworth Unit, Sandhills Division, Pick-Sloan Missouri Basin Program, Nebraska.

The SPEAKER pro tempore, Mrs. EMERSON, recognized Mr. RADANOVICH and Mr. GRIJALVA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. EMERSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶94.36 LAKE NIGHTHORSE REDESIGNATION

Mr. RADANOVICH moved to suspend the rules and pass the bill of the Senate (S. 2508) to redesignate the Ridges Basin Reservoir, Colorado, as Lake Nighthorse.

The SPEAKER pro tempore, Mrs. EMERSON, recognized Mr. RADANOVICH and Mr. GRIJALVA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. EMERSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶94.37 PELELIU BATTLEFIELD NATIONAL HISTORIC LANDMARK

Mr. RADANOVICH moved to suspend the rules and pass the joint resolution (H.J. Res. 102) recognizing the 60th anniversary of the Battle of Peleliu and the end of Imperial Japanese control of Palau during World War II and urging the Secretary of the Interior to work to protect the historic sites of the Peleliu Battlefield National Historic Landmark and to establish commemorative programs honoring the Americans who fought there.

The SPEAKER pro tempore, Mrs. EMERSON, recognized Mr. RADANOVICH and Mr. GRIJALVA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said joint resolution?

The SPEAKER pro tempore, Mrs. EMERSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said joint resolution was passed.

Ordered, That the Clerk request the concurrence of the Senate in said joint resolution.

¶94.38 60TH ANNIVERSARY OF THE LIBERATION OF GUAM

Mr. RADANOVICH moved to suspend the rules and agree to the following resolution (H. Res. 737):

Whereas Guam was attacked by Imperial Japanese Forces on December 8, 1941, at the same time that Pearl Harbor, Hawaii, was attacked, the different dates owing to the International Date Line;

Whereas Guam was subsequently invaded by enemy forces on December 10, 1941, and occupied until liberation on July 21, 1944;

Whereas the people of Guam suffered a brutal occupation due to their steadfast loyalty to the United States;

Whereas, during the 32-month occupation, the people of Guam suffered atrocities, such as forced labor, forced march, internment, injury, and death, including public executions; and

Whereas the loyalty and courage of the people of Guam during this period in American history serves as an inspiration for all Americans: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the year 2004 as the 60th anniversary of the Liberation of Guam during World War II;

(2) recognizes the extraordinary heroism and steadfast loyalty exhibited by the people of Guam who endured the occupation;

(3) recognizes the bravery and courage of all members of the United States Armed Forces who participated in the battle to recapture and liberate Guam, and all veterans who fought in the Pacific Theater during World War II;

(4) encourages the American people to commemorate the Liberation of Guam and to observe the anniversary of the significant battles of the Pacific Theater during World War II; and

(5) requests the Secretary of the Interior to establish commemorative programs honoring the liberators and the people of Guam at the War in the Pacific National Historical Park in Guam.

The SPEAKER pro tempore, Mrs. EMERSON, recognized Mr. RADANOVICH and Mr. GRIJALVA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mrs. EMERSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶94.39 COLORADO RIVER INDIAN RESERVATION BOUNDARY

Mr. RADANOVICH moved to suspend the rules and pass the bill (H.R. 2941) to correct the south boundary of the Colorado River Indian Reservation in Arizona, and for other purposes; as amended.

The SPEAKER pro tempore, Mrs. EMERSON, recognized Mr. RADANOVICH and Mr. GRIJALVA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. EMERSON announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶94.40 BROWN TREE SNAKE CONTROL

Mr. RADANOVICH moved to suspend the rules and pass the bill (H.R. 3479) to provide for the control and eradication of the brown tree snake on the island of Guam and the prevention of the introduction of the brown tree snake to other areas of the United States, and for other purposes; as amended.

The SPEAKER pro tempore, Mrs. EMERSON, recognized Mr. RADANOVICH and Mr. GRIJALVA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. EMERSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶94.41 DEFENSE AUTHORIZATION FY 2005

On motion of Mr. SAXTON, by unanimous consent, the bill (H.R. 4200) to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; together with an amendment

of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. SAXTON,

Resolved, That the House disagree to the amendment of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses, thereon.

Ordered, That the Clerk notify the Senate thereof.

¶94.42 MOTION TO INSTRUCT CONFEREES—H.R.4200

Ms. PELOSI moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to H.R. 4200, be instructed to agree to the provisions contained in title XXXIV of the Senate amendment (relating to the enhancement of local law enforcement and the prohibition of hate crimes).

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. CULBERSON, announced that the nays had it.

Mr. CONYERS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶94.43 RONALD REAGAN COMMEMORATIVE DOCUMENT

On motion of Mr. DOOLITTLE, by unanimous consent, the Committee on House Administration was discharged from further consideration of the following concurrent resolution of the Senate (S. Con. Res. 135):

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. COMMEMORATIVE DOCUMENT AUTHORIZED.

A commemorative document in memory of the late President of the United States, Ronald Wilson Reagan, consisting of the eulogies and encomiums for Ronald Wilson Reagan, as expressed in the Senate and the House of Representatives, together with the texts of the state funeral ceremony at the United States Capitol Rotunda, the national funeral service held at the Washington National Cathedral, Washington, District of Columbia, and the interment ceremony at the Ronald Reagan Presidential Library, Simi Valley, California, shall be printed as a Senate document, with illustrations and suitable binding.

SEC. 2. PRINTING OF DOCUMENT.

In addition to the usual number of copies printed, there shall be printed the lesser of—

(1) 32,500 copies of the commemorative document, of which 22,150 copies shall be for the use of the House of Representatives and 10,350 copies shall be for the use of the Senate; or

(2) such number of copies of the commemorative document that does not exceed a production and printing cost of $1,000,000, with distribution of the copies to be allocated in the same proportion as described in paragraph (1).

When said concurrent resolution was considered.

Mr. Doolittle submitted the following amendment which was agreed to:

In section 1, strike ''Senate document, with illustrations and suitable binding'' and insert ''House document, with illustrations and suitable binding, under the direction of the Joint Committee on Printing''.

The concurrent resolution, as amended, was considered and agreed to.

A motion to reconsider the vote whereby said concurrent resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said amendment.

¶94.44 OFFICE OF COMPLIANCE BOARD TERM

On motion of Mr. DOOLITTLE, by unanimous consent, the Committee on House Administration was discharged from further consideration of the bill (H.R. 5122) to amend the Congressional Accountability Act of 1995 to permit members of the Board of Directors of the Office of Compliance to serve for 2 terms.

When said bill was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶94.45 RECESS—5:47 P.M.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 12(a) of rule I, declared the House in recess at 5 o'clock and 47 minutes p.m., until approximately 6:30 p.m.

¶94.46 AFTER RECESS—6:32 P.M.

The SPEAKER pro tempore, Mr. HAYES, called the House to order.

¶94.47 MOTION TO INSTRUCT CONFEREES TO H.R. 4200—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HAYES, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the motion, by Ms. PELOSI, to instruct conferees on the bill (H.R. 4200) to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The question being put,

Will the House agree to said motion to instruct conferees?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 213 / Nays 186

¶94.48 [Roll No. 473]

YEAS—213

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bass
Becerra
Bell
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Burns
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Ferguson
Filner
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gilchrest
Gonzalez
Gordon
Green (TX)
Greenwood
Grijalva
Harman
Herseth
Hill
Hinchey
Hinojosa
Holden
Holt
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Sherman
Shimkus
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Waters
Watson
Watt
Waxman
Weiner
Weller
Wexler
Woolsey
Wu
Wynn

NAYS—186

Aderholt
Akin
Alexander
Bachus
Baker
Bartlett (MD)
Barton (TX)
Beauprez
Berry
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carson (OK)
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Feeney
Flake
Forbes

Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hyde
Issa
Istook
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kline
Knollenberg
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Sherwood
Shuster
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walsh
Wamp
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—33

Ballenger
Barrett (SC)
Boehlert
Burr
Cannon
Cubin
DeMint
Dooley (CA)
Fattah
Gephardt
Gutierrez
Hastings (FL)
Hoeffel
Honda
Hunter
Isakson
John
Jones (OH)
Kingston
Majette
Meeks (NY)
Murtha
Nethercutt
Payne
Putnam
Rogers (KY)
Sánchez, Linda T.
Sanders
Shays
Tauzin
Tiahrt
Weldon (FL)
Weldon (PA)

So the motion to instruct conferees was agreed to.

A motion to reconsider the vote whereby said motion to instruct conferees was agreed to was, by unanimous consent, laid on the table.

¶94.49 PROVIDING FOR A CLOSED CONFERENCE—H.R. 4200

Mr. SAXTON moved, pursuant to clause 12(a)(2) of rule XXII, that the conference committee meetings between the House and the Senate on the bill (H.R. 4200) to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; be closed to the public at such times as classified national security information is under consideration; *Provided, however*, That any sitting Member of Congress shall have a right to attend any closed or open meeting.

The question being put,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. HAYES, announced that a roll call was required under clause 12(a)(2), rule XXII, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 396 / Nays ..... 0 }

¶94.50 [Roll No. 474]

YEAS—396

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—36

Ballenger
Barrett (SC)
Boehlert
Burr
Cannon
Castle
Cubin
DeMint
Diaz-Balart, L.
Dooley (CA)
Fattah
Gephardt
Gutierrez
Hastings (FL)
Hoeffel
Honda
Hunter
Isakson
John
Jones (OH)
Kingston
Majette
Meeks (NY)
Murtha
Nethercutt
Payne
Pelosi
Putnam
Rogers (KY)
Sánchez, Linda T.
Sanders
Shays
Stark
Tauzin
Weldon (FL)
Weldon (PA)

So the motion was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶94.51 S. 2363—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HAYES, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill of the Senate (S. 2363) to revise and extend the Boys and Girls Clubs of America.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 374 / Nays ..... 19 }

¶94.52 [Roll No. 475]

AYES—374

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman

Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—19

Akin
Culberson
Deal (GA)
Flake
Franks (AZ)
Garrett (NJ)
Hensarling
Istook
Johnson, Sam
Jones (NC)
King (IA)
Manzullo
Miller (FL)
Norwood
Otter
Paul
Pence
Shadegg
Toomey

NOT VOTING—39

Ballenger
Barrett (SC)
Boehlert
Burr
Cannon
Collins
Cubin
DeMint
Diaz-Balart, L.
Dooley (CA)
Fattah
Feeney
Gephardt
Gutierrez
Hastings (FL)
Hoeffel
Honda
Houghton
Hunter
Isakson
John
Jones (OH)
Kingston
Majette
Meeks (NY)
Murtha
Nethercutt
Ose
Payne
Pelosi
Putnam
Rogers (KY)
Sánchez, Linda T.
Sanders
Shays
Stark
Tauzin
Weldon (FL)
Weldon (PA)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶94.53 APPOINTMENT OF CONFEREES—H.R. 4200

The SPEAKER pro tempore, Mr. HAYES, announced the Speaker's appointment of the following Members as managers on the part of the House to the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4200) to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes:

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. HUNTER, WELDON of Pennsylvania, HEFLEY, SAXTON, MCHUGH, EVERETT, BARTLETT of Maryland, MCKEON, THORNBERRY, HOSTETTLER, JONES of North Carolina, RYUN of Kansas, GIBBONS, HAYES, Mrs. WILSON of New Mexico, Messrs. CALVERT, SIMMONS, SKELTON, SPRATT, ORTIZ, EVANS, TAYLOR of Mississippi, ABERCROMBIE, MEEHAN, REYES, SNYDER, TURNER of Texas, SMITH of Washington, Ms. LORETTA SANCHEZ of California, and Mr. HILL;

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X: Mr. HOEKSTRA, Mr. LAHOOD and Ms. HARMAN;

From the Committee on Agriculture, for consideration of section 1076 of the Senate amendment, and modifications committed to conference: Messrs. GOODLATTE, BURNS, and STENHOLM;

From the Committee on Education and the Workforce, for consideration of sections 590, 595, 596, 904, and 3135 of the House bill, and sections 351, 352, 532, 533, 707, 868, 1079, 3143, and 3151–3157 of the Senate amendment, and modifications committed to conference: Messrs. CASTLE, SAM JOHNSON of Texas, and BISHOP of New York;

From the Committee on Energy and Commerce, for consideration of sections 596, 601, 3111, 3131, 3133, and 3201 of the House bill, and sections 321–323, 716, 720, 1084–1089, 1091, 2833, 3116, 3119, 3141, 3142, 3145, 3201, and 3503 of the Senate amendment, and modifications committed to conference: Messrs. BARTON of Texas, UPTON, and DINGELL;

From the Committee on Government Reform, for consideration of sections 801, 806, 807, 825, 1061, 1101–1104, 2833, 2842, and 2843 of the House bill, and sections 801, 805, 832, 851, 852, 869, 870, 1034, 1059B, 1091, 1101 1103–1107, 1110, 2823, 2824, 2833, and 3121 of the Senate amendment, and modifications committed to conference: Messrs. TOM DAVIS of Virginia, SHAYS, and WAXMAN;

From the Committee on House Administration, for consideration of the sections 572 and 1065 of the Senate amendment, and modifications committed to conference: Messrs. NEY, EHLERS, and LARSON of Connecticut;

From the Committee on International Relations, for consideration of sections 811, 1013, 1031, 1212, 1215, title XIII, sections 1401–1405, 1411, 1412, 1421, and 1422 of the House bill, and sections 1014, 1051–1053, 1058, 1059A, 1059B, 1070, title XII, sections 3131 and 3132 of the Senate amendment, and modifications committed to conference: Messrs. HYDE, LEACH, and LANTOS;

From the Committee on the Judiciary, for consideration of sections 551, 573, 616, 652, 825, 1075, 1078, 1105, 2833, 2842, and 2843 of the House bill, and sections 620, 842, 1063, 1068, 1074, 1080–1082, 1101, 1106, 1107, 2821, 2823, 2824, 3143, 3146, 3151–3157, 3401–3410 of the Senate amendment, and modifications committed to conference: Messrs. SENSENBRENNER, SMITH of Texas, and CONYERS;

From the Committee on Resources, for consideration of sections 601 and 2834 of the House bill, and section 1076 of the Senate amendment, and modifications committed to conference: Messrs. POMBO, WALDEN of Oregon, and INSLEE;

From the Committee on Science, for consideration of section 596 of the House bill, and sections 1034, 1092, and title XXXV of the Senate amendment, and modifications committed to conference: Messrs. BOEHLERT, SMITH of Michigan, and GORDON;

From the Committee on Small Business, for consideration of sections 807

and 3601 of the House bill, and sections 805, 822, 823, 912, and 1083 of the Senate amendment, and modifications committed to conference: Mr. MANZULLO, Mrs. KELLY, and Ms. VELÁZQUEZ;

From the Committee on Transportation and Infrastructure, for consideration of sections 555, 558, 596, 601, 905, 1051, 1063, 1072, and 3502 of the House bill, and section 321, 323, 325, 717, 1066, 1076, 1091, 2828, 2833–2836, and title XXXV of the Senate amendment, and modifications committed to conference: Messrs. YOUNG of Alaska, DUNCAN, and CAPUANO;

From the Committee on Veterans' Affairs, for consideration of the sections 2810 and 2831 of the House bill, and sections 642, 2821, and 2823 of the Senate amendment, and modifications committed to conference: Messrs. SMITH of New Jersey, BROWN of South Carolina, and MICHAUD;

From the Committee on Ways and Means, for consideration of section 585 of the House bill, and section 653 of the Senate amendment, and modifications committed to conference: Messrs. SHAW, CAMP, and RANGEL.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶94.54 STATE OF FLORIDA RESILIENCY

Mr. MICA moved to suspend the rules and agree to the following resolution (H. Res. 784); as amended:

Whereas on August 13, 2004, Hurricane Charley reached landfall and blasted the southwest region of the State of Florida with 145 mile per hour winds and 10-foot storm surges;

Whereas on September 4, 2004, Hurricane Frances reached landfall and battered the east coast and central region of Florida with 105 mile per hour winds and up to 17 inches of rain;

Whereas on September 16, 2004, Hurricane Ivan reached landfall and devastated the panhandle region of Florida with 130 mile per hour winds and estimated 16-foot storm surges;

Whereas on September 26, 2004, Hurricane Jeanne reached landfall and struck the east coast of Florida with 120 mile per hour winds;

Whereas in Florida, 27 people lost their lives due to Hurricane Charley, 30 people lost their lives from the devastation caused by Hurricane Frances, 21 people lost their lives from the destruction of Hurricane Ivan, and 6 people lost their lives as a result of Hurricane Jeanne;

Whereas tens of thousands of homes and businesses were damaged or destroyed by the four hurricanes;

Whereas insured property losses from Hurricane Charley are estimated at almost $7,000,000,000, losses from Hurricane Frances are estimated at up to $4,000,000,000, and losses from Hurricane Ivan are estimated at up to $10,000,000,000;

Whereas more than 20,000 farms were in the path of Hurricane Frances, resulting in more than $2,000,000,000 in damage to the Florida agriculture community;

Whereas the travel and tourism industry in Florida faces billions of dollars in lost revenue;

Whereas power outages caused by the hurricanes have affected more than 6,000,000 people;

Whereas Florida Governor Jeb Bush took immediate action by declaring a major disaster for the entire State of Florida and deploying necessary resources to deal with this crisis;

Whereas the Florida Division of Emergency Management officials did an outstanding job coordinating efforts among Federal, State, and local entities;

Whereas Michael D. Brown, Under Secretary of Homeland Security for Emergency Preparedness and Response, responded quickly to each of the disasters;

Whereas the Federal Emergency Management Agency has more than 2,700 agency workers helping with recovery efforts;

Whereas State, local, and municipal elected officials in Florida diligently voiced the concerns and needs of their respective communities;

Whereas State and local police officers, firefighters, and first responders went above and beyond the call of duty in responding to the four hurricanes;

Whereas Florida Emergency Operations Center personnel worked tirelessly to direct relief efforts;

Whereas the National Guard was quick to mobilize more than 4,100 troops to help in the relief effort;

Whereas doctors, nurses, and medical personnel worked expeditiously to ensure that hospitals and medical centers continued providing necessary care to their communities;

Whereas the American Red Cross and other volunteer organizations and charities are supplying hurricane victims with food, water, and shelter;

Whereas utility companies have worked around-the-clock shifts to restore electric, phone, cable, and water service to damaged areas;

Whereas the Army Corps of Engineers has worked to reinforce thousands of homes with roof damage;

Whereas the National Oceanic and Atmospheric Administration did an extraordinary job providing accurate forecasts of these four devastating storms; and

Whereas thousands of volunteers from across the country have donated their time and resources to help with recovery efforts: Now, therefore, be it

Resolved, That the House of Representatives commends the resiliency of the people of the State of Florida and the work of those individuals who have assisted with the recovery efforts after the devastation caused by Hurricanes Charley, Frances, Ivan, and Jeanne.

The SPEAKER pro tempore, Mr. HAYES, recognized Mr. MICA and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. KLINE, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution commending the resiliency of the people of the State of Florida and the work of those individuals who have assisted with the recovery efforts after the devastation caused by Hurricanes Charley, Frances, Ivan, and Jeanne.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶94.55 PROVIDING FOR THE CONSIDERATION OF H.J. RES. 106

Mr. LINDER, by direction of the Committee on Rules, reported (Rept. No. 108–705) the resolution (H. Res. 801) providing for consideration of the joint resolution (H.J. Res. 106) proposing an amendment to the Constitution of the United States relating to marriage.

When said resolution and report were referred to the House Calendar and ordered printed.

¶94.56 PROVIDING FOR THE CONSIDERATION OF H.J. RES. 107

Mr. LINDER, by direction of the Committee on Rules, reported (Rept. No. 108–706) the resolution (H. Res. 802) providing for consideration of the joint resolution (H.J. Res. 107) making continuing appropriations for the fiscal year 2005, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶94.57 PROVIDING FOR THE CONSIDERATION OF H.R. 3193

Mr. LINDER, by direction of the Committee on Rules, reported (Rept. No. 108–707) the resolution (H. Res. 803) providing for consideration of the bill (H.R. 3193) to restore second amendment rights in the District of Columbia.

When said resolution and report were referred to the House Calendar and ordered printed.

¶94.58 DISTRICT OF COLUMBIA RETIREMENT PROTECTION

Mr. Tom DAVIS of Virginia moved to suspend the rules and pass the bill (H.R. 4657) to amend the Balanced Budget Act of 1997 to improve the administration of Federal pension benefit payments for District of Columbia teachers, police officers, and fire fighters, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. KLINE, recognized Mr. Tom DAVIS of Virginia and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill; as amended?

The SPEAKER pro tempore, Mr. KLINE, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶94.59 MARTHA PENNINO POST OFFICE BUILDING

Mr. Tom DAVIS of Virginia moved to suspend the rules and pass the bill

(H.R. 5133) to designate the facility of the United States Postal Service located at 11110 Sunset Hills Road in Reston, Virginia, as the ''Murtha Pennino Post Office Building''.

The SPEAKER pro tempore, Mr. KLINE, recognized Mr. Tom DAVIS of Virginia and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. KLINE, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶94.60 SPECIALIST ERIC RAMIREZ POST OFFICE

Mr. MICA moved to suspend the rules and pass the bill (H.R. 5027) to designate the facility of the United States Postal Service located at 411 Midway Avenue in Mascotte, Florida, as the ''Specialist Eric Ramirez Post Office''.

The SPEAKER pro tempore, Mr. KLINE, recognized Mr. MICA and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. KLINE, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶94.61 NATIONAL LIFE INSURANCE AWARENESS MONTH

Mr. MICA moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 461):

Whereas life insurance is an essential part of a sound financial plan;

Whereas life insurance provides financial security for families in the event of a premature death by helping surviving family members to meet immediate and longer-term financial obligations and objectives;

Whereas nearly 50,000,000 Americans say they lack the life insurance coverage needed to ensure a secure financial future for their loved ones;

Whereas recent studies have found that when a premature death occurs, insufficient life insurance coverage on the part of the insured results in three-fourths of surviving family members' having to take measures such as work additional jobs or longer hours, borrow money, withdraw money from savings and investment accounts, and, in too many cases, move to smaller, less expensive housing;

Whereas individuals, families and businesses can benefit greatly from professional insurance and financial planning advice, including the assessment of their life insurance needs; and

Whereas the Life and Health Insurance Foundation for Education (LIFE), the National Association of Insurance and Financial Advisors (NAIFA) and a coalition representing hundreds of leading life insurance companies and organizations have designated September 2004 as ''Life Insurance Awareness Month'' the goal of which goal is to make consumers more aware of their life insurance needs, seek professional advice, and take the actions necessary to achieve the financial security of their loved ones: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes and supports the goals and ideals of ''Life Insurance Awareness Month''; and

(2) requests the President to issue a proclamation calling on the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe ''Life Insurance Awareness Month'' with appropriate programs and activities.

The SPEAKER pro tempore, Mr. KLINE, recognized Mr. MICA and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. CHOCOLA, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶94.62 SERGEANT RIAYAN A. TEJADA POST OFFICE

Mr. MICA moved to suspend the rules and pass the bill (H.R. 4046) to designate the facility of the United States Postal Service located at 555 West 180th Street in New York, New York, as the ''Sergeant Riayan A. Tejada Post Office''; as amended.

The SPEAKER pro tempore, Mr. CHOCOLA, recognized Mr. MICA and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill; as amended?

The SPEAKER pro tempore, Mr. CHOCOLA, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to designate the facility of the United States Postal Service located at 555 West 180th Street in New York, New York, as the 'Sergeant Riayan A. Tejeda Post Office'.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶94.63 EVAN ASA ASHCRAFT POST OFFICE BUILDING

Mr. MICA moved to suspend the rules and pass the bill (H.R. 5147) to designate the facility of the United States Postal Service located at 23055 Sherman Way in West Hills, California, as the ''Evan Asa Ashcraft Post Office Building''.

The SPEAKER pro tempore, Mr. CHOCOLA, recognized Mr. MICA and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CHOCOLA, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶94.64 REQUEST FOR RETURN OF SENATE BILL—S. 2261

The SPEAKER pro tempore, Mr. CHOCOLA, laid before the House a message from the Senate, which was read as follows:

SEPTEMBER 14, 2004.

Ordered, That the Secretary be directed to request the return to the Senate (S. 2261) entitled ''An Act to expand certain preferential trade treatment for Haiti.'', in compliance with a request of the Senate for the return thereof.

Attest:

EMILY J. REYNOLDS,
Secretary.

Ordered, That the Clerk return said bill to the Senate.

¶94.65 BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House, reports that on September 24, 2004, he presented to the President of the United States, for his approval, the following bills.

H.R. 265. An Act to provide for an adjustment of the boundaries of Mount Rainier National Park, and for other purposes.

H.R. 1521. An Act to provide for additional lands to be included within the boundary of the Johnstown Flood National Memorial in the State of Pennsylvania, and for other purposes.

H.R. 1616. An Act to authorize the exchange of certain lands within the Martin Luther King, Junior, National Historic Site for lands owned by the City of Atlanta, Georgia, and for other purposes.

H.R. 1648. An Act to authorize the Secretary of the Interior to convey certain water distribution systems of the Cachuma Project, California, to the Carpinteria Valley Water District and the Montecito Water District.

H.R. 1658. An Act to amend the Railroad Right-of-Way Conveyance Validation Act to validate additional conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to facilitate the construction of the transcontinental railway, and for other purposes.

H.R. 1732. An Act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Williamson County, Texas, Water Recycling and Reuse Project, and for other purposes.

H.R. 2696. An Act to establish Institutes to demonstrate and promote the use of adaptive ecosystem management to reduce the risk of wildfires, and restore the health of fire-adapted forest and woodland ecosystems of the interior West.

H.R. 3209. An Act to amend the Reclamation Project Authorization Act of 1972 to clarify the acreage for which the North Loup division is authorized to provide irrigation water under the Missouri River Basin project.

H.R. 3249. An Act to extend the term of the Forest Counties Payments Committee.

H.R. 3768. An Act to expand the Timucuan Ecological and Historic Preserve, Florida.

¶94.66 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BARRETT of South Carolina, for today;

To Mr. BOEHLERT, for today and balance of the week; and

To Mr. HONDA, for today.

And then,

¶94.67 ADJOURNMENT

On motion of Mr. McCOTTER, at 11 o'clock and 21 minutes p.m., the House adjourned.

¶94.68 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 2941. A bill to correct the south boundary of the Colorado River Indian Reservation in Arizona, and for other purposes; with an amendment (Rept. 108–701). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO. Committee on Resources. H.R. 4066. A bill to provide for the conveyance of certain land to the United States and to revise the boundary of Chickasaw National Recreation Area, Oklahoma, and for other purposes; with an amendment (Rept. 108–702). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4579. A bill to modify the boundary of the Harry S Truman National Historic Site in the State of Missouri, and for other purposes (Rept. 108–703). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 5009. A bill to extend water contracts between the United States and specific irrigation districts and the City of Helena in Montana, and for other purposes (Rept. 108–704). Referred to the Committee of the Whole House on the State of the Union.

Mrs. MYRICK: Committee on Rules. House Resolution 801. Resolution providing for consideration of the joint resolution (H.J. Res. 106) proposing an amendment to the Constitution of the United States relating to marriage (Rept. 108–705). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 802. Resolution providing for consideration of the joint resolution (H.J. Res. 107) making continuing appropriations for the fiscal year 2005, and for other purposes (Rept. 108–706). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 803. Resolution providing for consideration of the bill (H.R. 3193) to restore second amendment rights in the District of Columbia (Rept. 108–707). Referred to the House Calendar.

¶94.69 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. PORTER (for himself, Mr. GIBBONS, and Ms. 6:48:40 PMBERKLEY):

H.R. 5151. A bill to transfer administrative jurisdiction over certain land in Clark County, Nevada, from the Secretary of the Interior to the Secretary of Veterans Affairs; to the Committee on Resources.

By Mr. NORWOOD:

H.R. 5152. A bill to require the Secretary of Defense to take such actions as are necessary to change the reimbursement rates and cost sharing requirements under the TRICARE program to be the same as, or as similar as possible to, the reimbursement rates and cost sharing requirements under the Blue Cross/Blue Shield Standard Plan provided under the Federal Employee Health Benefit program under chapter 89 of title 5, United States Code; to the Committee on Armed Services.

By Ms. HERSETH (for herself, Mr. EVANS, Mr. MICHAUD, and Mr. UDALL of New Mexico, Mr. FALEOMAVAEGA and Mr. ABERCROBIE):

H.R. 5153. A bill to amend title 38, United States Code, to extend the Native American veteran housing loan pilot program; to the Committee on Veterans' Affairs.

By Mr. TURNER of Ohio (for himself and Mr. KLINE):

H.R. 5154. A bill to amend the Internal Revenue Code of 1986 to clarify the proper treatment of differential wage payments made to employees called to active duty in the uniformed services, and for other purposes; to the Committee on Ways and Means.

By Mr. KUCINICH (for himself, Mr. OWENS, Mr. GRIJALVA, Mr. CONYERS, Ms. LEE, Mr. SERRANO, Mr. DAVIS of Illinois, and Mr. JACKSON of Illinois):

H.R. 5155. A bill to establish the National Institute for Biomedical Research and Development; to the Committee on Energy and Commerce.

By Mr. GREEN of Texas:

H.R. 5156. A bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes; to the Committee on Ways and Means.

By Mr. NETHERCUTT (for himself and Ms. DUNN):

H.R. 5157. A bill to amend the Public Health Service Act to expand the risk pools that qualify for high risk pool grants; to the Committee on Energy and Commerce.

By Ms. PELOSI (for herself and Mr. LANTOS):

H.R. 5158. A bill to clarify the authorities for the use of certain National Park Service properties within Golden Gate National Recreation Area and San Francisco Maritime National Historical Park, and for other purposes; to the Committee on Resources.

By Mr. RAHALL:

H.R. 5159. A bill to authorize the Secretary of Homeland Security to award research and equipment grants, to provide a tax credit for employers who hire temporary workers to replace employees receiving first responder training, to provide school-based mental health training, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, Science, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAXTON (for himself, Mr. SMITH of New Jersey, and Mr. ANDREWS):

H.R. 5160. A bill to amend title XIX of the Social Security Act to extend Medicare cost-sharing for the Medicare part B premium for qualifying individuals through September 2005; to the Committee on Energy and Commerce.

By Mrs. TAUSCHER (for herself, Mr. SPRATT, and Mr. MEEHAN):

H.R. 5161. A bill to provide for counterproliferation measures; to the Committee on International Relations.

By Mr. YOUNG of Florida:

H.J. Res. 107. A joint resolution making continuing appropriations for the fiscal year 2005, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COOPER (for himself, Mr. COLE, and Mr. DAVIS of Tennessee):

H.J. Res. 108. A joint resolution congratulating and commending the Veterans of Foreign Wars; to the Committee on Veterans' Affairs.

By Mr. BURGESS:

H. Con. Res. 500. Concurrent resolution honoring the goals and ideals of National Nurse Practitioners Week; to the Committee on Energy and Commerce.

By Ms. NORTON (for herself, Mr. CONYERS, and Mr. TOM DAVIS of Virginia):

H. Con. Res. 501. Concurrent resolution honoring the life and work of Duke Ellington, recognizing the 30th anniversary of the Duke Ellington School of the Arts, and supporting the annual Duke Ellington Jazz Festival; to the Committee on Education and the Workforce.

By Mr. MOORE (for himself, Mr. RYUN of Kansas, Mr. MORAN of Kansas, Mr. OWENS, Mr. BLUMENAUER, and Mr. BURNS):

H. Res. 804. A resolution congratulating Andrew Wojtanik for winning the 16th Annual National Geographic Bee, acknowledging the commitment of the National Geographic Society to geography education, and recognizing the need to improve geography education in the United States; to the Committee on Education and the Workforce.

By Mr. PORTER (for himself, Mr. BOEHNER, Mr. HOEKSTRA, Mrs.

BIGGERT, Mr. OSBORNE, Mr. GINGREY, Mr. HINOJOSA, Mrs. DAVIS of California, Mr. GRIJALVA, and Mr. ISRAEL):

H. Res. 805. A resolution supporting efforts to promote greater public awareness of effective runaway youth prevention programs and the need for safe and productive alternatives, resources, and supports for youth in high-risk situations; to the Committee on Education and the Workforce.

¶94.70 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 104: Mr. OWENS.
H.R. 475: Mr. WAXMAN.
H.R. 623: Mr. MCGOVERN.
H.R. 728: Mr. DEAL of Georgia.
H.R. 742: Ms. MAJETTE and Ms. HERSETH.
H.R. 792: Mr. GOODE and Mr. MCCOTTER.
H.R. 814: Mr. CLYBURN.
H.R. 832: Mr. OBERSTAR, Mr. HOYER, and Mrs. MCCARTHY of New York.
H.R. 1105: Mr. DINGELL.
H.R. 1231: Mr. CHOCOLA and Mr. ISSA.
H.R. 1329: Mr. NETHERCUTT.
H.R. 1430: Ms. ROYBAL-ALLARD.
H.R. 1563: Mr. PASTOR, Mr. CROWLEY, and Mr. RANGEL.
H.R. 1713: Ms. MAJETTE.
H.R. 1780: Mr. SESSIONS.
H.R. 1958: Mr. ENGLISH, Mr. BERMAN, Mr. RANGEL, Mr. WEINER, Ms. WATSON, and Mr. FARR.
H.R. 2141: Ms. DELAURO, Mrs. MALONEY, and Mr. VAN HOLLEN.
H.R. 2262: Mr. LAMPSON.
H.R. 2265: Mr. CARSON of Oklahoma and Mr. BRADY of Texas.
H.R. 2413: Mr. LAHOOD.
H.R. 2442: Mr. CLYBURN.
H.R. 2680: Mr. BAKER, Mr. BONNER, Mrs. BONO, Mr. DEAL of Georgia, Mr. EVERETT, Mr. GINGREY, Mr. HAYWORTH, Mr. HYDE, Mr. NEY, Mrs. NORTHUP, Mr. WALSH, Mr. WOLF, Ms. HARRIS, Mrs. JOHNSON of Connecticut, Mr. MCCRERY, Mr. RAMSTAD, Ms. DUNN, Mr. BRADY of Texas, Mr. RYAN of Wisconsin, Mr. ISAKSON, and Ms. ROS-LEHTINEN.
H.R. 2852: Mr. COX.
H.R. 2967: Mr. SIMMONS.
H.R. 3193: Mrs. BIGGERT and Ms. HERSETH.
H.R. 3420: Mr. LAMPSON.
H.R. 3438: Mr. LEWIS of California, Mr. CHANDLER, Mr. MARIO DIAZ-BALART of Florida, and Mr. MEEKS of New York.
H.R. 3634: Mrs. JONES OF OHIO.
H.R. 3729: Mr. STRICKLAND, Mr. DUNCAN, Mr. KUCINICH, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DOYLE, Mr. SULLIVAN, Mr. OLVER, Mr. CONYERS, Mr. POMBO, and Mr. FARR.
H.R. 3774: Mr. HOLT.
H.R. 3858: Mr. VISCLOSKY.
H.R. 3947: Mr. BRADLEY of New Hampshire.
H.R. 3952: Mr. THORNBERRY.
H.R. 3956: Mr. CROWLEY.
H.R. 3965: Ms. BERKLEY.
H.R. 4035: Mr. VAN HOLLEN.
H.R. 4067: Ms. CARSON of Indiana and Mrs. MALONEY.
H.R. 4094: Mrs. MCCARTHY of New York and Mr. FILNER.
H.R. 4113: Mr. NEY.
H.R. 4147: Mrs. LOWEY.
H.R. 4214: Mr. ANDREWS.
H.R. 4256: Mr. FILNER.
H.R. 4261: Ms. MAJETTE.
H.R. 4262: Mr. GEORGE MILLER of California and Ms. KILPATRICK.
H.R. 4264: Mr. KOLBE, Mr. RANGEL, and Mr. MORAN of Virginia.
H.R. 4343: Mr. SESSIONS.
H.R. 4413: Mr. OWENS.
H.R. 4420: Mr. ROGERS of Michigan, Mr. COLE, Mr. GARY G. MILLER of California, Mr. MARIO DIAZ-BALART of Florida, Mr. POMBO, Mr. WAMP, Mr. MCINTYRE, Mr. TERRY, Mr. GINGREY, and Mr. LAHOOD.
H.R. 4433: Mrs. NAPOLITANO, Mr. HOUGHTON, and Mr. BOEHLERT.
H.R. 4498: Mr. EMANUEL.
H.R. 4547: Mr. CHABOT, Mr. JENKINS, Mr. CANNON, Mr. BACHUS, Ms. HART, Mr. PENCE, Mr. HYDE, Mr. KELLER, Mrs. BLACKBURN, Mr. FORBES, Mr. GOODLATTE, Mr. HOSTETTLER, and Mr. KING of Iowa.
H.R. 4578: Mr. RUSH, Mr. MANZULLO, and Mr. MORAN of Virginia.
H.R. 4585: Ms. WATSON, Mr. HINOJOSA, Mr. ENGEL, and Mrs. LOWEY.
H.R. 4597: Mr. ANDREWS.
H.R. 4610: Mr. CUNNINGHAM, Mr. KUCINICH, and Mr. CARDIN.
H.R. 4616: Ms. NORTON, Mrs. LOWEY, and Mr. WEXLER.
H.R. 4634: Ms. HART, Mr. NEY, and Mr. MANZULLO.
H.R. 4682: Mrs. JONES of Ohio, Mr. ETHERIDGE, and Mr. VISCLOSKY.
H.R. 4706: Mr. CARDOZA and Mr. KILDEE.
H.R. 4730: Mr. HALL and Mr. LAHOOD.
H.R. 4740: Mr. OLVER.
H.R. 4772: Ms. VELAQUEZ.
H.R. 4776: Mr. MICHAUD and Ms. WOOSLEY.
H.R. 4793: Ms. MCCARTHY of Missouri.
H.R. 4875: Mr. LANGEVIN.
H.R. 4888: Mr. FILNER, Mr. VAN HOLLEN, Ms. WOOLSEY, Mr. PLATTS, Mr. GREEN of Texas, Mr. GEORGE MILLER of California, Mr. WAXMAN, and Mr. CASE.
H.R. 4898: Mr. MCDERMOTT, Ms. ROYBAL-ALLARD, Mr. GREEN of Texas, and Mr. DOGGETT.
H.R. 4924: Mr. YOUNG of Florida, Mr. PUTNAM, Mr. WELDON of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. MILLER of Florida, and Mr. SHAW.
H.R. 4936: Mr. GORDON, Ms. SCHAKOWSKY, Mr. EDWARDS, Mr. SNYDER, Mr. DAVIS of Alabama, Mr. LAMPSON, Mr. RYAN of Ohio, Mr. MEEHAN, Mr. SANDLIN, Mr. HOEFFEL, and Mr. LARSEN of Washington.
H.R. 4967: Mr. HOLT, Mr. MCDERMOTT, Mr. LANTOS, Ms. DELAURO, Mr. FROST, Mr. HOEFFEL, Mr. WEXLER, Mr. KUCINICH, Mr. OWENS, and Mr. KING of New York.
H.R. 4985: Mr. BASS.
H.R. 4994: Mrs. MALONEY, Mr. LARSON of Connecticut, and Mrs. CAPPS.
H.R. 5022: Mr. EHLERS.
H.R. 5071: Mr. VISCLOSKY, Mr. HINCHEY, Mr. ROGERS of Alabama, Mr. CROWLEY, Mr. ANDREWS, Mr. MCNULTY, Mr. CUNNINGHAM, Ms. BERKLEY, and Mr. MCGOVERN.
H.R. 5079: Mr. BACHUS.
H.R. 5080: Mr. BACHUS.
H.R. 5081: Mr. OSBORNE.
H.R. 5094: Mr. WELDON of Florida.
H.R. 5100: Ms. JACKSON-LEE of Texas, Mr. CAPUANO, Mr. OLVER, Mr. MORAN of Virginia, Mr. BLUMENAUER, Mrs. BONO, and Mr. CLAY.
H.R. 5130: Mr. ETHERIDGE.
H.R. 5132: Mr. SERRANO and Mr. WEINER.
H.R. 5135: Mr. GILCHREST, Mrs. CHRISTENSEN, Mr. CARDOZA, and Mr. SCOTT of Georgia.
H.R. 5144: Mr. STRICKLAND, Ms. MAJETTE, Mr. BACHUS, and Mr. PALLONE.
H.R. 5147: Mr. OSE, Mrs. CAPPS, Ms. ESHOO, Ms. MILLENDER-MCDONALD, Mr. FARR, Mr. SCHIFF, Mr. BERMAN, Mr. ROHRABACHER, Mr. POMBO, Mr. CALVERT, Mr. BACA, Mr. FILNER, Mr. DOOLITTLE, Mrs. NAPOLITANO, Ms. LOFGREN, Mrs. TAUSCHER, Mr. SHERMAN, Ms. ROYBAL-ALLARD, Mr. HUNTER, Ms. WATERS, Mrs. BONO, Mr. MCKEON, Ms. SOLIS, Mr. RADANOVICH, Ms. PELOSI, Mr. HONDA, Mr. BECERRA, Ms. LEE, Mr. GARY G. MILLER of California, Mr. MATSUI, Mrs. DAVIS of California, Mr. CUNNINGHAM, Mr. NUNES, Ms. WOOLSEY, Mr. STARK, Mr. ISSA, Ms. HARMAN, Mr. THOMPSON of California, Mr. COX, Mr. ROYCE, Mr. DREIER, Mr. GEORGE MILLER of California, Ms. LORETTA SANCHEZ of California, Mr. CARDOZA, Mr. DOOLEY of California, Mr. HERGER, Mr. GALLEGLY, and Mr. THOMAS.
H.R. 5150: Mr. SIMMONS, Mr. HOEFFEL, Mrs. MCCARTHY of New York, Mr. CASE, Mr. MOORE, Mr. CASTLE, Ms. JACKSON-LEE of Texas, Mr. OWENS, Mr. ANDREWS, and Mr. MARKEY.
H.J. Res. 102: Mr. ABERCROMBIE, Mr. CASE, and Mr. MCCOTTER.
H.J. Res. 106: Mr. ADERHOLT, Mr. ALEXANDER, Mr. BAKER, Mr. BARRETT of South Carolina, Mr. BILIRAKIS, Mr. BLUNT, Mr. BRADY of Texas, Mr. BURNS, Mr. BURTON of Indiana, Mr. CARTER, Mrs. CUBIN, Mr. DAVIS of Tennessee, Mr. DEMINT, Mr. EVERETT, Mr. FORBES, Mr. GARRETT of New Jersey, Mr. GOODE, Mr. GUTKNECHT, Mr. HAYWORTH, Mr. ISTOOK, Mr. KING of Iowa, Mr. MANZULLO, Mr. NEUGEBAUER, Mr. NUSSLE, Mr. OXLEY, Mr. PENCE, Mr. PETERSON of Pennsylvania, Mr. PITTS, Mr. SESSIONS, Mr. SHUSTER, Mr. SMITH of Texas, Mr. STEARNS, Mr. SULLIVAN, Mr. TAYLOR of Mississippi, Mr. TOOMEY, Mr. VITTER, Mr. WELDON of Florida, Mr. WICKER, Mr. AKIN, Mr. BALLENGER, Mr. BARTLETT of Maryland, Mr. BEAUPREZ, Mrs. BLACKBURN, Mr. BOOZMAN, Mr. BROWN of South Carolina, Mr. BURGESS, Mr. CALVERT, Mr. CHOCOLA, Mr. CRANE, Mr. FEENEY, Mr. FRANKS of Arizona, Mr. GINGREY, Mr. HAYES, Mr. HEFLEY, Mr. HOEKSTRA, Mr. HUNTER, Mr. JONES of North Carolina, Mr. KENNEDY of Minnesota, Mr. KINGSTON, Mr. MARSHALL, Mr. GARY G. MILLER of California, Mrs. MYRICK, Mr. OSBORNE, Mr. RADANOVICH, Mr. ROGERS of Alabama, Mr. RYUN of Kansas, Mr. SCHROCK, Mr. SHADEGG, Mr. SOUDER, Mr. TANCREDO, Mr. TIAHRT, Mr. WHITFIELD, Mr. WILSON of South Carolina, Mr. DELAY, Mr. BISHOP of Georgia, and Mr. MCKEON.
H. Con. Res. 137: Mr. ETHERIDGE.
H. Con. Res. 461: Mr. LEWIS of California, Mr. MCCOTTER, and Mr. SCOTT of Georgia.
H. Con. Res. 496: Mr. WEXLER, Mr. ETHERIDGE, Mr. CROWLEY, Ms. CORRINE BROWN of Florida, and Mr. RAHALL.
H. Res. 570: Mr. WEXLER and Ms. ROS-LEHTINEN.
H. Res. 737: Ms. LEE, Mr. MCCOTTER, Mr. SNYDER, and Mr. WEXLER.
H. Res. 758: Mr. DELAHUNT and Mr. OLVER.
H. Res. 759: Mr. CALVERT.
H. Res. 782: Mrs. NAPOLITANO, Ms. JACKSON-LEE of Texas, Mr. PAYNE, Mr. BERMAN, Mr. KIND, Mr. SNYDER, Mr. EMANUEL, Ms. LEE, Ms. MCCARTHY of Missouri, Mr. LANTOS, Mr. NADLER, Mr. THOMPSON of California, Mr. OLVER, Mr. ENGEL, Mr. RYAN of Ohio, Mr. INSLEE, Mr. GRIJALVA, Ms. MILLENDER-MCDONALD, and Mr. PALLONE.
H. Res. 784: Mr. MCCOTTER.
H. Res. 799: Mr. SHIMKUS and Mr. SNYDER.

WEDNESDAY, SEPTEMBER 29, 2004 (95)

The House was called to order by the SPEAKER.

¶95.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Tuesday, September 28, 2004.

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

¶95.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

9847. A letter from the Director, Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule — Guaranteed

Loans--Rescheduling Terms and Loan Subordinations (RIN: 0560-AG53) received August 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9848. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Folpet; Pesticide Tolerance [OPP-2004-0168; FRL-7369-1] received August 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9849. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Flumioxazin; Pesticide Tolerances [OPP-2004-0212; FRL-7369-9] received August 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9850. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — DCPA; Pesticide Tolerance [OPP-2004-0200; FRL-7673-6] received August 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9851. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pesticide Worker Protection Standard; Glove Liners, and Chemical-Resistant Glove Requirements of Agricultural Pilots [OPP-2003-0169; FRL-7352-3] (RIN: 2070-AC93) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9852. A communication from the President of the United States, transmitting requests for an emergency FY 2004 supplemental appropriations for the Departments of Agriculture, Commerce, Defense, Homeland Security, the Interior, Justice, Transportation, and Veterans Affairs; as well as the Corps of Engineers, International Assistance Programs, and the Small Business Administration; (H. Doc. No. 108–220); to the Committee on Appropriations and ordered to be printed.

9853. A letter from the Inspector General, Department of Defense, transmitting the results of an audit of undefinitized contractual actions that was conducted in response to Section 908(b) of the ''Continuing Appropriations for Fiscal Year 1987,'' pursuant to Public Law 99–591, section 908(b)(2) (100 Stat. 3341–140); to the Committee on Armed Services.

9854. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7837] received August 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9855. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Romania pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

9856. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Arizona State Implementation Plan, Arizona Department of Environmental Quality [AZ 126-0074a; FRL-7789-9] received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9857. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — OMB Approvals Under the Paperwork Reduction Act; Final Rule [FRL-7803-6] received August 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9858. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Primary Drinking Water Regulations: Analytical Method for Uranium [OW-2003-0067; FRL-7805-5] (RIN: 2040-AE62) received August 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9859. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plans for Designated Facilities and Pollutants; State of Iowa [R07-OAR-2004-IA-0003; FRL-7805-4] received August 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9860. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [R07-OAR-2004-MO-0002 FRL-7805-1] received August 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9861. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans Indiana; Revised Mobile Source Inventories and Motor Vehicle Emissions Budgets for 2005 and 2007 Using MOBILE6 [R05-OAR-2004-IN-0003; FRL-7806-5] received August 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9862. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revision of Flow Control Date in Nitrogen Oxides Budget Trading Program [VA159-5083a; FRL-7805-7] received August 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9863. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District and Mojave Desert Air Quality Management District [CA 207-0437; FRL-7804-1] received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9864. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production [OAR-2004-0006, FRL-7808-4] (RIN: 2060-AK32) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9865. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New Jersey; Revised Motor Vehicle Transportation Conformity Budgets [Region II Docket No. R02-OAR-2004-NJ-0002, FRL-7807-6] received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9866. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Washington [WA-04-002; FRL-7807-1] received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9867. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Federally Enforceable State Operating Permit Program for Allegheny County [PA 138-4230; FRL-7807-3] received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9868. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Changing the Ozone Monitoring Season in Idaho from April Through October to May Through September [Docket # ID-04-003a; FRL-7801-6] received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9869. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India (Transmittal No. DDTC 057-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9870. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Canada, Norway, Ireland, and the United Kingdom (Transmittal No. DDTC 073-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9871. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on employment of U.S. citizens by certain international organizationsduring 2003, pursuant to 22 U.S.C. 276c–4; to the Committee on International Relations.

9872. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the sixth and final annual report on enforcement and monitoring of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions of the Organization for Economic Cooperation and Development, pursuant to paragraph (c)(1) of the resolution of advice and consent, adopted by the United States Senate on July 31, 1998; to the Committee on International Relations.

9873. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates (RIN: 1400-AB94) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9874. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Memorandum of Justification under section 451 of the Foreign Assistance Act of 1961, as amended to provide emergency assistance for Darfur, Sudan; to the Committee on International Relations.

9875. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Memorandum of Justification under Section 610 of the Foreign Assistance Act of 1961 regarding determination to transfer FY 2004 funds appropriated for International Organizations and Programs (IO&P) to the Economic Support Fund; to the Committee on International Relations.

9876. A letter from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's (EEOC's) Year 2004 Inventories of Commercial and Inherently Governmental Activities in accordance with the Federal Activities Inventory Reform (FAIR) Act of 1998; to the Committee on Government Reform.

9877. A letter from the Archivist, National Archives and Records Administration, transmitting the FY 2004 Commercial Activities Inventory and Inherently Governmental Inventory, as required by the FAIR Act and OMB Circular A-76; to the Committee on Government Reform.

9878. A letter from the Inspector General, Nuclear Regulatory Commission, transmitting a copy of the FY 2004 Commercial and

Inherently Governmental Activities Inventories for the Commission as required by the Federal Activities Inventory Reform Act of 1998 and guidance issued by the OMB; to the Committee on Government Reform.

9879. A letter from the Secretary, Department of Agriculture, transmitting a draft bill ''To designate certain National Forest System land in the State of Oregon as a component of the National Wilderness Preservation System''; to the Committee on Resources.

9880. A letter from the Director, Administrative Office of the United States Courts, transmitting a report on compliance within the time limitations established for deciding habeas corpus death penalty petitions under Title I of the Antiterrorism and Effective Death Penalty Act of 1996, pursuant to 28 U.S.C. 2266(b) and (c); to the Committee on the Judiciary.

9881. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the designation as ''foreign terrorist organizations'' pursuant to Section 219 of the Immigration and Nationality Act, pursuant to 8 U.S.C. 1189; to the Committee on the Judiciary.

9882. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Certification of Aircraft and Airmen for the Operation of Light-Sport Aircraft; Correction [Docket No. FAA-2001-11133; Amendment No. 91-282] (RIN: 2120-AA19) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9883. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Restricted Areas 5802C, D, and E; Fort Indiantown Gap, PA [Docket No. FAA-2003-13850; Airspace Docket No. 02-AEA-19] (RIN: 2120-AA66) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9884. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Class E Airspace; La Junta, CO [Docket No. FAA-2003-16029; Airspace Docket No. 03-ANM-08] received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9885. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Wayne, NE [Docket No. FAA-2004-17912; Airspace Docket No. 04-ACE-38] received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9886. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; California City, CA [Docket No. FAA-2004-18609; Airspace Docket No. 03-AWP-15] received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9887. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Northwood, ND [Docket No. FAA-2004-17094; Airspace Docket No. 04-AGL-03] received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9888. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30419; Amdt. No. 3101] received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9889. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Fuel Tank Safety Compliance Extension (Final Rule) and (Request for Comments); Extension of Comment Period [Docket No. FAA-2004-17681; Amendment No. 91-283, 121-305, 125-46, 129-39] (RIN: 2120-AI20) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9890. A letter from the Attorney, Office of Aviation Enf. & Proceedings, Department of Transportation, transmitting the Department's final rule — Passenger Baggage Liability (RIN: 2105-AD42) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9891. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's report entitled ''The Superfund Innovative Technology Evaluation Program: Annual Report to Congress FY 2002''; to the Committee on Science.

9892. A letter from the Director, Regulations Management, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting the Department's final rule — Compensation for Certain Cases of Bilateral Deafness (RIN: 2900-AL59) received August 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

9893. A letter from the Chairman and Vice-Chairman, Advisory Committee for Trade Policy and Negotiations, transmitting the ACTPN's assessment of the World Trade Organization (WTO) Doha Round framework agreement reached in Geneva at the end of July, pursuant to 19 U.S.C. 2903; to the Committee on Ways and Means.

9894. A letter from the Secretary, Department of Health and Human Services, transmitting the final report on the Implementation of the Performance-Based Incentive System, submitted in compliance with Section 201 of the Child Support Performance and Incentive Act of 1998 (CSPIA); to the Committee on Ways and Means.

9895. A letter from the Chair of the Board of Directors, Office of Compliance, transmitting Notice of Proposed Rulemaking implementing certain substantive rights and protections of the Fair Labor Standards Act of 1938, as required by Section 203 of the Congressional Accountability Act of 1995 (CAA), 2 U.S.C. 1313, for publicationin the Congressional Record, pursuant to Public Law 104–1, section 303(b) (109 Stat. 28); jointly to the Committees on House Administration and Education and the Workforce.

¶95.3 COMMITTEE RESIGNATION—MAJORITY

The SPEAKER laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 28, 2004.

Hon. J. DENNIS HASTERT,
Speaker of the House, The Capitol, Washington, DC.

DEAR MR. SPEAKER: I hereby resign from the House Agriculture, Government Reform and Budget Committees due to my appointment to the House Committee on Rules.

Sincerely,

ADAM H. PUTNAM,
Member of Congress.

The resignation was accepted.

¶95.4 COMMITTEE ELECTION—MAJORITY

Mr. PENCE, by unanimous consent, submitted the following resolution (H. Res. 806):

Resolved, That the following Members be and are hereby elected to the following standing committees of the House of Representatives:

Committee on Government Reform: Mr. Cantor.

Committee on Rules: Mr. Putnam.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶95.5 PROVIDING FOR THE CONSIDERATION OF H.J. RES. 107

Mr. LINDER, by direction of the Committee on Rules, called up the following resolution (H. Res. 802):

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 107) making continuing appropriations for the fiscal year 2005, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate on the joint resolution equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

When said resolution was considered.

After debate,

On motion of Mr. LINDER, the previous question was ordered on the resolution to its adoption or rejection and, under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶95.6 PROVIDING FOR THE CONSIDERATION OF H.R. 3193

Mr. HASTINGS of Washington, by direction of the Committee on Rules, called up the following resolution (H. Res. 803):

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 3193) to restore second amendment rights in the District of Columbia. The bill shall be considered as read for amendment. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform; and (2) one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Mr. HASTINGS of Washington, the previous question was ordered on the resolution to its adoption or rejection and, under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶95.7 PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore, Mr. LATHAM, by unanimous consent, pursuant to clause 11 of rule I, announced the Speaker's removal of the gentleman from New York, Mr. [BOEHLERT], from the Permanent Select Committee on Intelligence, and pursuant to clause 11 of rule X, clause 11 of rule I, and the order of the House of December 8, 2003, appointed the gentleman from Missouri, Mr. [BLUNT], to fill the existing vacancy thereon.

¶95.8 AMERICAN JOBS CREATION

On motion of Mr. THOMAS, by unanimous consent, the bill (H.R. 4520) to amend the Internal Revenue Code of 1096 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. THOMAS, it was,

Resolved, That the House disagree to the amendment of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

¶95.9 MOTION TO INSTRUCT CONFEREES—H.R. 4520

Mr. NEAL of Massachusetts submitted the privileged motion to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4520) to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad, as follows:

1. The House conferees shall be instructed to include in the conference report an effective rate reduction for income from production activities in the United States, and such an effective rate reduction—

A) shall be provided in the form of a deduction as in the Senate amendment, and shall not be provided in the form of a corporate rate reduction, as in the House bill,

B) shall be available to all businesses (including farmers, farm co-operatives, subchapter S corporations, and other unincorporated businesses) engaged in U.S. production activity as in the Senate amendment,

C) shall include the provisions of the Senate amendment that adjust the size of the effective rate reduction based on the respective portions of the taxpayer's business in the United States and overseas in order to provide the largest effective rate reduction for businesses that have not moved operations offshore, and

D) shall include the provisions of the Senate amendment (not included in the House bill) that ensure that the rate reduction will not be available for income attributable to cost savings resulting from purchasing imported parts or outsourcing labor overseas.

2. To the maximum extent possible within the scope of conference, the House conferees shall be instructed to not include any increase in tax benefits for the overseas operations of multinationals.

3. The House conferees shall be instructed to develop a conference report that will not increase the federal deficit in either the short or long term. In doing so, the House conferees also shall be instructed:

A. To include in the conference report the provisions of the Senate amendment that eliminate tax benefits for companies that reincorporate overseas, and the provisions of the Senate amendment that restrict corporate tax avoidance transactions, including codification of the economic substance doctrine and the provisions directly targeted at transactions utilized by the Enron corporation, and

B. Shall drop the provision of the House bill that provides for private collection of Federal tax liabilities.

4. The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees, and the House conferees shall file a conference report consistent with the preceding provisions of this instruction at a time permitting passage before the adjournment before the election.

After debate,

¶95.10 POINT OF ORDER

Mr. McDERMOTT made a point of order against comments during debate, and said:

''Mr. Speaker, is it appropriate to quote the votes of Senators in the other body in the midst of a speech?''

The SPEAKER pro tempore, Mr. ADERHOLT, sustained the point of order, and said:

''Under clause 1 of rule XVII, it is appropriate to quote Senate proceedings on matters under debate in the House of Representatives for the purpose of establishing legislative history on such matters.''

After further debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. BASS, announced that the nays had it.

Mr. LEVIN objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶95.11 SECOND AMENDMENT RIGHTS IN THE DISTRICT OF COLUMBIA

Mr. SOUDER, pursuant to House Resolution 803, called up the bill (H.R. 3193) to restore second amendment rights in the District of Columbia.

Pending consideration of said bill,

Pursuant to House Resolution 803, the following amendment recommended by the Committee on Rules, printed in House Report (108-707), was considered as agreed to:

Amend section 10 to read:

SEC. 10. REMOVE CRIMINAL PENALTIES FOR CARRYING A FIREARM IN ONE'S DWELLING OR OTHER PREMISES.

(a) IN GENERAL.—Section 4(a) of the Act of July 8, 1932 (47 Stat. 651; sec. 22—4504(a), D.C. Official Code) is amended—

(1) in the matter before paragraph (1), by striking ''a pistol,'' and inserting the following: ''except in his dwelling house or place of business or on other land possessed by that person, whether loaded or unloaded, a firearm,''; and

(2) by striking ''except that:'' and all that follows through ''(2) If the violation'' and inserting ''except that if the violation''.

(b) TREATMENT OF CERTAIN EXCEPTIONS.—Section 5(a) of such Act (47 Stat. 651; sec. 22—4505(a), D.C. Official Code) is amended—

(1) by striking ''pistol'' each place it appears and inserting ''firearm''; and

(2) by striking the period at the end and inserting the following: '', or to any person while carrying or transporting a firearm used in connection with an organized military activity, a target shoot, formal or informal target practice, sport shooting event, hunting, a firearms or hunter safety class, trapping, or a dog obedience training class or show, or the moving by a bona fide gun collector of part or all of the collector's gun collection from place to place for public or private exhibition while the person is engaged in, on the way to, or returning from that activity if each firearm is unloaded and carried in an enclosed case or an enclosed holster, or to any person carrying or transporting a firearm in compliance with sections 926A, 926B or 926C of title 18, United States Code.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to violations occurring after the 60-day period which begins on the date of the enactment of this Act.

When said bill, as amended, was considered and read twice.

After debate,

Pursuant to House Resolution 803, the previous question was ordered on the bill, as amended.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. FOSSELLA, announced that the yeas had it.

Mr. SOUDER demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The SPEAKER pro tempore, Mr. FOSSELLA, pursuant to clause 8, rule XX, announced that further proceedings on the bill were postponed.

¶95.12 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill and a concurrent resolution of the House of the following title:

H.R. 4654. An Act to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2007, and for other purposes.

H. Con. Res. 475. A concurrent resolution encouraging the International Olympic Committee to select New York City as the site of the 2012 Olympic Games.

The message also announced that the Senate has passed with an amendment

in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4011. An Act to promote human rights and freedom in the Democratic People's Republic of Korea, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2742. An Act to extend certain authority of the Supreme Court Police, modify the venue of prosecutions relating to the Supreme Court building and grounds, and authorize the acceptance of gifts to the United States Supreme Court.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1663) ''An Act to replace certain Coastal Barrier Resources System maps.''.

The message also announced that the Secretary be directed to request the return of the papers to accompany (S. 2589) ''An Act to clarify the status of certain retirement plans and the organizations which maintain the plans.'', in compliance with a request of the Senate for the return thereof.

¶95.13 H.R. 4520—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. FOSSELLA, pursuant to clause 8, rule XX, announced the unfinished business to be the motion by Mr. NEAL of Massachusetts to instruct conferees on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4520) to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad.

The question being put,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. FOSSELLA, announced that the nays had it.

Ms. NORTON demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 205 / Nays 215

¶95.14 [Roll No. 476]

AYES—205

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—215

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

NOT VOTING—12

Blunt
Boehlert
Bonilla
Cannon
Gephardt
Hastings (FL)
Hoeffel
Meek (FL)
Nethercutt
Putnam
Tauzin
Weldon (FL)

So the motion was not agreed to.

A motion to reconsider the vote whereby the said motion was not agreed to was, by unanimous consent, laid on the table.

¶95.15 H.R. 3193—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. FOSSELLA, pursuant to clause 8 of rule XX, announced the further unfinished business to be the question on the passage of the bill (H.R. 3193) to restore second amendment rights in the District of Columbia.

The question being put,

Will the House pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 250 / Nays ..... 171 / Answered present 1

¶95.16 [Roll No. 477]

AYES—250

Aderholt
Akin
Alexander
Baca
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Cardoza
Carson (OK)
Carter
Chabot
Chandler
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Flake
Forbes
Ford
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson

Hoekstra
Holden
Hostettler
Hulshof
Hunter
Isakson
Issa
Istook
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Radanovich
Rahall
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sandlin
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Wamp
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)

NOES—171

Abercrombie
Ackerman
Allen
Andrews
Baldwin
Becerra
Bell
Berkley
Berman
Bishop (NY)
Blumenauer
Bono
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carson (IN)
Case
Castle
Clay
Clyburn
Conyers
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley (CA)
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Frank (MA)
Frelinghuysen
Frost
Gilchrest
Gonzalez
Greenwood
Grijalva
Gutierrez
Harman
Hinchey
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
King (NY)
Kirk
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Quinn
Ramstad
Rangel
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wolf
Woolsey
Wu
Wynn
Young (FL)

ANSWERED ''PRESENT''—1

Obey

NOT VOTING—10

Boehlert
Cannon
Gephardt
Hastings (FL)
Hoeffel
Meek (FL)
Nethercutt
Putnam
Tauzin
Weldon (FL)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶95.17 APPOINTMENT OF CONFEREES—H.R. 4520

The SPEAKER appointed the following Members as managers on the part of the House to the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R 4520) to amend the Internal Revenue Code of 1096 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad:

From the Committee on Ways and Means, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. THOMAS, CRANE, MCCRERY, RANGEL and LEVIN.

From the Committee on Agriculture, for consideration of title VII of the House bill, and subtitle B of title XI of the Senate amendment, and modifications committed to conference: Messrs. GOODLATTE, BOEHNER, and STENHOLM.

From the Committee on Education and the Workforce, for consideration of sections 489, 490, 616, 701, and 719 of the Senate amendment, and modifications committed to conference: Messrs. BOEHNER, SAM JOHNSON of Texas, and GEORGE MILLER of California.

From the Committee on Energy and Commerce, for consideration of section 662 and subtitle A of title XI of the Senate amendment, and modifications committed to conference: Messrs. BARTON of Texas, BURR and WAXMAN.

From the Committee on the Judiciary, for consideration of sections 422, 442, 1111, 1151 and 1161 of the Senate amendment, and modifications committed to conference: Messrs. SENSENBRENNER, SMITH of Texas and CONYERS.

For consideration of the House bill and Senate amendment, and modifications committed to conference: Mr. DELAY.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶95.18 CONTINUING APPROPRIATIONS FY 2005

Mr. YOUNG of Florida, pursuant to House Resolution 802, called up the joint resolution (H.J. Res. 107) making continuing appropriations for the fiscal year 2005, and for other purposes.

When said joint resolution was considered and read twice.

After debate,

The previous question having been ordered by said resolution.

The joint resolution was ordered to be engrossed and read a third time, was read a third time by title.

Mr. OBEY moved to recommit the bill to the Committee on Appropriations with instructions to report the bill back to the House promptly with the following amendments:

At the end of the bill, add the following new section:

''SEC. . Section 2883(g)(1) of title 10, United States Code, is amended by striking '$850,000,000' and inserting '$1,350,000,000'.''

At the appropriate place in the bill, add the following new section:

''SEC. . Notwithstanding section 101 of this joint resolution, amounts provided to the Department of Veterans Affairs under the heading ''Veterans Health Administration, Medical Services'' in Public Law 108–199, in the first proviso, delete '$17,867,220,000' and insert '20,798,600,000'.''

At the appropriate place in the bill, add the following new section:

''SEC. . Notwithstanding any other provision of law or of this joint resolution, the State Children's Health Insurance Program authorized under title XXI of the Social Security Act shall be implemented under the terms and conditions of H.R. 4936, the Children's Health Protection and Improvement Act of 2004.''

At the appropriate place in the bill, add the following new section:

''SEC. . Special Allowance for Loans From the Proceeds of Tax Exempt Issues—Section 438(b)(2)(B) of the Higher Education Act (20 U.S.C. 1087–1(b)(2)(B)) is amended—

''(1) in clause (iv), by inserting 'or refunded on or after October 1, 2004 and before October 1, 2005,' after 'October 1, 1993'.; and

''(2) by adding at the end the following new clause:

'''(v) Notwithstanding clause (i) and (ii), the quarterly rate of the special allowance shall be the rate determined under subparagraph (A), (E), (F), (G), (H), or (I) of this paragraph, or paragraph (4), as the case may be, for loans—

'''(I) originated, transferred, or purchased between October 1, 2004 and October 1, 2005;

'''(II) financed by an obligation that has matured, been retired, or defeased on or after October 1, 2004 and on or before September 30, 2005;

'''(III) which the special allowance was determined under such paragraphs on or after October 1, 2004 and on or before September 30, 2005;

'''(IV) for which the maturity date of the obligation from which funds were obtained for such loans was extended on or after October 1, 2004 and on or before September 30, 2005; or

'''(V) sold or transferred to any other holder on or after October 1, 2004 and on or before September 30, 2005.'.''

At the appropriate place in the bill, add the following new section:

''SEC. . Notwithstanding section 101 of this joint resolution, amounts provided to the Federal Bureau of Investigation for counterterrorism and counterintelligence activities shall be provided at a rate of operations which is the higher of the following:

'''H.R. 4754, as passed by the House on July 8, 2004; or

'''S. 2809 as passed by the Senate Committee on Appropriations on September 15, 2004.'.''

At the appropriate place in the bill, add the following new section:

''SEC. . Notwithstanding section 101 of this joint resolution, amounts provided for education, health and other programs, projects and activities shall be continued at a rate of operations which is the higher of the amounts which would be made available under the following:

'' 'H.R. 5006, as passed by the House of Representatives on September 9, 2004; or

'' 'S. 2810 as reported by the Senate Committee on Appropriations on September 15, 2004.'.''

At the appropriate place in the bill, add the following new section:

''SEC. . Public Law 108–217 shall be applied by substituting the date specified in section 107 of this joint resolution for 'September 30, 2004' each place it appears and by substituting the date specified in section 107 of this joint resolution for 'October 1, 2004' and the provisions of §6(a)(1) of Public Law 107–100 shall continue in effect through the date specified in section 107 of the joint resolution.''

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. FOLEY, announced that the nays had it.

Mr. OBEY objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 200 / Nays ..... 221 }

¶95.19 [Roll No. 478]

YEAS—200

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—221

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

NOT VOTING—11

Boehlert
Cannon
Gephardt
Hastings (FL)
Hoeffel
Lewis (GA)
Meek (FL)
Nethercutt
Putnam
Tauzin
Weldon (FL)

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said joint resolution?

The SPEAKER pro tempore, Mr. FOLEY, announced that the yeas had it.

Mr. OBEY demanded a recorded vote on passage of said joint resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 389 / Nays ..... 32 }

¶95.20 [Roll No. 479]

AYES—389

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barton (TX)
Bass
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe

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

NOES—32

Akin
Barrett (SC)
Bartlett (MD)
Beauprez
Chabot
Cooper
Cubin
Duncan
Feeney
Flake
Franks (AZ)
Garrett (NJ)
Green (WI)
Gutknecht
Hensarling
Hostettler
Jones (NC)
King (IA)
Manzullo
Miller (FL)
Myrick
Paul
Pence
Petri
Pitts
Royce
Ryan (WI)
Sensenbrenner
Shadegg
Smith (MI)
Stearns
Toomey

NOT VOTING—11

Boehlert
Brown-Waite, Ginny
Cannon
Gephardt
Hastings (FL)
Hoeffel
Meek (FL)
Nethercutt
Putnam
Tauzin
Weldon (FL)

So the joint resolution was passed.

A motion to reconsider the vote whereby said joint resolution was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said joint resolution.

¶95.21 TEMPORARY ASSISTANCE FOR NEEDY FAMILIES REAUTHORIZATION

Mr. HERGER moved to suspend the rules and pass the bill (H.R. 5149) to reauthorize the Temporary Assistance for Needy Families block grant program through March 31, 2005, and for other purposes.

The SPEAKER pro tempore, Mr. FOLEY, recognized Mr. HERGER and Mr. CARDIN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SHIMKUS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CARDIN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SHIMKUS, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Thursday, September 30, 2004.

¶95.22 WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII

Mr. LINDER, by direction of the Committee on Rules, reported (Rept. No. 108–709) the resolution (H. Res. 807) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules.

When said resolution and report were referred to the House Calendar and ordered printed.

¶95.23 VETERANS MEDICAL FACILITIES MANAGEMENT

Mr. SMITH of New Jersey, moved to suspend the rules and pass the bill (H.R. 4768) to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to enter into certain major medical facility leases, to authorize that Secretary to transfer real property subject to certain limitations, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. SHIMKUS, recognized Mr. SMITH of New Jersey and Mr. RODRIGUEZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SHIMKUS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to authorize the Secretary of Veterans Affairs to enter into certain major medical facility leases, to authorize that Secretary to transfer real property subject to certain limitations, otherwise to improve management of medical facilities of the Department of Veterans Affairs, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶95.24 DEPARTMENT OF VETERANS AFFAIRS NURSE RECRUITMENT AND RETENTION

Mr. SMITH of New Jersey moved to suspend the rules and pass the bill (H.R. 4231) to provide for a pilot program in the Department of Veterans Affairs to improve recruitment and retention of nurses, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. SHIMKUS, recognized Mr. SMITH of New Jersey and Mr. RODRIGUEZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SHIMKUS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SIMMONS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SHIMKUS, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Thursday, September 30, 2004.

¶95.25 FESTIVAL OF CHILDREN FOUNDATION

Mr. OSBORNE moved to suspend the rules and agree to the following resolution (H. Res. 759); as amended:

Whereas children represent the Nation's future and numerous individuals and organizations across the United States devote precious time, energy, and resources to enrich that future by helping children advance their hopes and dreams and to realize their aspirations;

Whereas it is in the public interest to increase awareness of children's special needs and the demonstrably effective efforts of those making a real difference in children's lives, which in turn and over time will serve to strengthen the social fabric of our country;

Whereas the Festival of Children Foundation has been established in southern California (1) to showcase those non-profit groups performing exemplary works, so that they may through increased exposure secure and sustain the volunteer, leadership, and financial support necessary to be successful, (2) to provide a free resource to such groups so that they might more easily leverage scarce resources through creative, collaborative efforts to serve their shared constituencies for the betterment of the community at large, and (3) to provide a free and effective platform to facilitate such groups sharing lessons learned in bringing a results orientation to community mobilization, strategic planning, and overall best practices;

Whereas during the last two years more than 100 non-profit groups in southern California have benefited enormously from exposure they could not otherwise have received but for the Festival of Children Foundation, principally through programs and activities at partner organizations such as retail, commercial, and cultural centers;

Whereas September is a time, as children return to school, that families and the Nation as a whole are especially mindful of children and their special needs and opportunities; and

Whereas in September 2004 the Festival of Children Foundation, working with its partners, has invited 50 agencies and organizations that serve children throughout southern California to have a month of high profile exhibits along with another 50 such groups to participate in other programs and activities as part the Foundation's ongoing mission: Now, therefore, be it—

Resolved, That the House of Representatives commends the Festival of Children Foundation of southern California—

(1) for its outstanding efforts on behalf of children; and

(2) for the difference that it is making in the communities in which it is active and in the lives of children.

The SPEAKER pro tempore, Mr. SHIMKUS, recognized Mr. OSBORNE and Ms. WOOLSEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. BONNER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution commending the Festival of Children Foundation for its outstanding efforts on behalf of children.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶95.26 WILLIAM ''COUNT'' BASIE 100TH ANNIVERSARY

Mr. BURNS moved to suspend the rules and agree to the following resolution (H. Res. 778):

Whereas on August 21, 1904, renowned pianist and bandleader William ''Count'' Basie was born in Red Bank, New Jersey;

Whereas in 1924, William ''Count'' Basie moved to New York City and, under the influence of James P. Johnson and Thomas ''Fats'' Waller, learned the style of piano known as stride piano, a contrasting constant beat from the left hand with a melodious right hand;

Whereas in 1927, William ''Count'' Basie's vibrant musical career took off when he moved to Kansas City, Missouri, and joined Walter Page's Blue Devils Band;

Whereas William ''Count'' Basie joined the Bennie Morton Band, and took over as bandleader in 1935, renaming the band ''Count Basie and his Cherry Blossom Orchestra'';

Whereas Count Basie and his Cherry Blossom Orchestra disbanded, but eventually reformed as the ''Count Basie Orchestra'';

Whereas the Count Basie Orchestra dominated the realms of jazz and swing for several decades;

Whereas the music of William ''Count'' Basie and the Count Basie Orchestra solidified the bond between the musical fashion of jazz and the mournful sounds of the blues;

Whereas William ''Count'' Basie and the Count Basie Orchestra established swing as a predominant force in the musical tastes of generations;

Whereas the music of William ''Count'' Basie maintained a lightness and precision that has set the tone for modern jazz accompanying styles;

Whereas William ''Count'' Basie perfected a style of piano known as comping, a syncopated and highly precise style of chords on the piano;

Whereas William ''Count'' Basie's most famous pieces included ''One O'clock Jump'', ''Swingin' the Blues'', ''Jumpin' at the Woodside'', ''April in Paris'', ''Shiny Stockings'', and ''Every Day I Have the Blues'';

Whereas in 1983, William ''Count'' Basie was awarded an American Jazz Masters Award by the National Endowment for the Arts;

Whereas in 1984, in honor of William ''Count'' Basie's accomplishments, an historic theater in his hometown of Red Bank, New Jersey, was renamed the ''Count Basie Theatre'';

Whereas in 1996, the United States Postal Service issued a commemorative postage stamp in honor of William ''Count'' Basie;

Whereas the National Academy of Recording Arts and Sciences awarded William ''Count'' Basie 9 Grammy Awards throughout his career, as well as the Grammy Trustees Award in 1981, and the Lifetime Achievement Award in 2002; and

Whereas William ''Count'' Basie passed away on April 26, 1984, leaving his music and the Count Basie Orchestra as vivid reminders of his brilliant talent and influential career: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commemorates the 100th anniversary of the birth of William ''Count'' Basie; and

(2) acknowledges the important contributions of William ''Count'' Basie to jazz and swing music.

The SPEAKER pro tempore, Mr. BONNER, recognized Mr. BURNS and Ms. WOOLSEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. BONNER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶95.27 LIFE AND WORK OF DUKE ELLINGTON

Mr. BURNS moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 501):

Whereas jazz music is America's classical music and is an art form that is indigenous to the United States;

Whereas the influence of jazz has spread across the world and jazz truly incorporates and transcends differences of nationality, religion, language, culture, socioeconomic status, and race;

Whereas Edward Kennedy ''Duke'' Ellington, who was born on April 29, 1899 in Washington, D.C., and died on May 24, 1974 in New York City, was one of the pioneers of jazz music;

Whereas Duke Ellington formed his first band in 1917;

Whereas over the course of his 50-year musical career, Duke Ellington took jazz to the farthest corners of the world, performing in Europe, the Soviet Union, Japan, and Australia during the 1960's on diplomatic tours sponsored by the Department of State;

Whereas among his numerous other public honors, Duke Ellington was appointed to the National Council on the Arts in 1968, received the President's Gold Medal in 1966 from President Lyndon Johnson, and was awarded the Presidential Medal of Freedom, the highest honor a civilian can receive in the United States, in 1969;

Whereas Duke Ellington has also received many awards and honors from private entities, including 13 GRAMMY Awards from the National Academy of Recording Arts and Sciences over 40 years, the Pied Piper Award from the American Society of Composers, Authors, and Publishers in 1968, and honorary doctoral degrees from 16 institutions;

Whereas after the death of Duke Ellington, Western High School in Washington, D.C., was renamed the Duke Ellington School of the Arts and is celebrating its 30th anniversary this year;

Whereas the House of Representatives has declared that jazz is a rare and valuable national treasure that deserves attention, support, and resources to ensure that it is preserved, understood, and promulgated;

Whereas Washington, D.C., does not currently host its own jazz festival;

Whereas Charles Fishman, who was Dizzy Gillespie's personal manager and producer until his death and is highly regarded in the jazz world, has established the Duke Ellington Jazz Festival, a non-profit organization which will produce an annual Duke Ellington Jazz Festival in Washington, D.C., beginning in 2005;

Whereas Duke Ellington Jazz Festival will consist of events across Washington, D.C., over a number of days, most of which will be free of charge, and will culminate in 2 days of concerts on the National Mall;

Whereas the rich musical legacy, international character, and diverse community of Washington, D.C. make it the ideal city to host a world-class international jazz festival; and

Whereas the Duke Ellington Jazz Festival will soon become known as one of the leading jazz festivals in the world, showcasing the best in jazz music in the shadow of the United States Capitol: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) honors the life and work of Duke Ellington and his immortal contributions to American and world music;

(2) recognizes the Duke Ellington School of the Arts in Washington, D.C., on the occasion of its 30th anniversary; and

(3) supports the annual Duke Ellington Jazz Festival to be held in Washington, D.C., beginning in 2005.

The SPEAKER pro tempore, Mr. BONNER, recognized Mr. BURNS and Ms. WOOLSEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. BONNER, announced that two-thirds of the Members present had voted in the affirmative.

Ms. WOOLSEY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BONNER, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Thursday, September 30, 2004.

¶95.28 UNITED NEGRO COLLEGE FUND

Mr. BURNS moved to suspend the rules and agree to the following resolution (H. Res. 792):

Whereas the United Negro College Fund was founded on April 26, 1944, with 27 member colleges under the leadership of Dr. Frederick D. Patterson;

Whereas the United Negro College Fund is the Nation's largest, oldest, most successful, and most comprehensive minority higher education assistance organization;

Whereas the United Negro College Fund's mission is to enhance the quality of education by providing financial assistance to deserving students, raising operating funds for member colleges and universities, and increasing access to technology for students and faculty at historically black colleges and universities;

Whereas over 60 years, the United Negro College Fund has raised more than $2.3 billion to assist a total of more than 300,000 students attend college;

Whereas the United Negro College Fund administers more than 450 scholarships and fellowships for students and faculty, who attend more than 950 colleges and universities throughout the nation;

Whereas the United Negro College Fund has distributed more funds to help minorities attend school than any entity outside of the federal government;

Whereas the United Negro College Fund provides key support to historically black colleges and universities as a means to keep tuition down to a rate half that of tuition at comparable schools, while its member institutions provide a quality education to students, many of whom are the first in their families to attend college and are from low-income families;

Whereas both the Non-Profit Times and the Chronicle of Philanthropy rank the United Negro College Fund among the top ten charitable education organizations in the country, and Barron's ranks it as the number one educational charity in terms of efficiency in distributing funds raised;

Whereas the United Negro College Fund provides operational funds, technology enhancement services, and advanced training for faculty and administrators for its member institutions;

Whereas the United Negro College Fund's member institutions enroll seven percent of African American college students nationwide;

Whereas the United Negro College Fund's colleges and universities are the top producers of successful medical school applicants; and

Whereas the United Negro College Fund has contributed immeasurably to the nation by producing countless graduates who have contributed to our communities as nurses, teachers, civil servants, business leaders, doctors, lawyers, elected officials, and community leaders: Now, therefore, be it

Resolved, That the House of Representatives recognizes the United Negro College Fund, on the occasion of its 60th anniversary, for the Fund's outstanding commitment towards providing a quality education for minority and low-income students and towards strengthening our communities.

The SPEAKER pro tempore, Mr. BONNER, recognized Mr. BURNS and Ms. WOOLSEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. BONNER, announced that two-thirds of the Members present had voted in the affirmative.

Ms. WOOLSEY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BONNER, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Thursday, September 30, 2004.

¶95.29 REAUTHORIZE NATIONAL ESTUARY PROGRAM

Mr. DUNCAN moved to suspend the rules and pass the bill (H.R. 4731) to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program.

The SPEAKER pro tempore, Mr. BONNER, recognized Mr. DUNCAN and Ms. NORTON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BONNER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶95.30 SUPPORT THE VERY ENERGETIC RADIATION IMAGING TELESCOPE ARRAY SYSTEM

Mr. LATOURETTE moved to suspend the rules and pass the bill (H.R. 5105) to authorize the Board of Regents of the Smithsonian Institution to carry out construction and related activities in support of the collaborative Very Energetic Radiation Imaging Telescope Array System (VERITAS) project on Kitt Peak near Tucson, Arizona.

The SPEAKER pro tempore, Mr. BONNER, recognized Mr. LATOURETTE and Ms. NORTON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BONNER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶95.31 F.H. NEWELL BUILDING

Mr. LATOURETTE moved to suspend the rules and pass the bill (H.R. 3124) to designate the facility of the United States Geological Survey and the United States Bureau of Reclamation located at 230 Collins Road, Boise, Idaho, as the ''F.H. Newell Building''.

The SPEAKER pro tempore, Mr. BONNER, recognized Mr. LATOURETTE and Ms. NORTON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BONNER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶95.32 GARZA-VELA UNITED STATES COURTHOUSE

Mr. LATOURETTE moved to suspend the rules and pass the bill (H.R. 1402) to designate a United States courthouse in Brownsville, Texas, as the ''Garza-Vela United States Courthouse''; as amended.

The SPEAKER pro tempore, Mr. BONNER, recognized Mr. LATOURETTE and Ms. NORTON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BONNER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to designate the United States courthouse located at the corner of Seventh Street and East Jackson Street in Brownsville, Texas, as the 'Reynaldo G. Garza and Filemon B. Vela United States Courthouse'.''

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶95.33 COMMUNICATION FROM THE MINORITY LEADER—APPOINTMENT—COMMISSION ON SYSTEMIC INTEROPERABILITY

The SPEAKER pro tempore, Mr. BONNER, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, September 28, 2004.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 1012(c)(1) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 42 U.S.C. 242b note, I hereby appoint Mr. Thomas M. Priselac of Los Angeles, California, to the Commission On Systemic Interoperability.

Best regards,

NANCY PELOSI.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶95.34 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2742. An Act to extend certain authority of the Supreme Court Police, modify the venue of prosecutions relating to the Supreme Court building and grounds, and authorize the acceptance of gifts to the United States Supreme Court; to the Committee on the Judiciary.

¶95.35 ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1308. An Act to amend the Internal Revenue Code of 1986 to provide tax relief for working families, and for other purposes.

H.R. 3389. An Act to amend the Stevenson-Wydler Technology Innovation Act of 1980 to permit Malcolm Baldrige National Quality Awards to be made to nonprofit organizations.

¶95.36 SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 41. A joint resolution commemorating the opening of the National Museum of the American Indian.

¶95.37 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. MEEK of Florida, for today and September 30.

And then,

¶95.38 ADJOURNMENT

On motion of Mr. DELAHUNT, at midnight, the House adjourned.

¶95.39 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. S. 878. An act to authorize an additional permanent judgeship in the District of Idaho, and for other purposes; with amendments (Rept. 108–708). Referred to the Committee of the Whole House on the State of the Union.

Mr. REYNOLDS: Committee on Rules. House Resolution 807. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 108–709). Referred to the House Calendar.

¶95.40 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SHAYS (for himself, Mr. LANTOS, and Ms. ESHOO):

H.R. 5162. A bill to provide for the safe and secure storage of explosive materials by State and local law enforcement agencies; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska (for himself and Mr. OBERSTAR):

H.R. 5163. A bill to amend title 49, United States Code, to provide the Department of Transportation a more focused research organization with an emphasis on innovative technology, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATOURETTE (for himself, Ms. NORTON, Mr. YOUNG of Alaska, and Mr. OBERSTAR):

H.R. 5164. A bill to provide a site for construction of a national health museum, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BLUNT (for himself, Mr. RYAN of Wisconsin, Mr. SANDLIN, Mr. GREEN of Wisconsin, Mrs. NORTHUP, Mr. ROGERS of Michigan, Mr. PETRI, Mr. SENSENBRENNER, Mr. KIRK, Mr. NEY, Mr. BRADY of Texas, Mr. ENGLISH, Mr. AKIN, Mr. WICKER, Mr. DUNCAN, Mr. BONILLA, Mr. STENHOLM, Mr. HERGER, and Mr. SHADEGG):

H.R. 5165. A bill to amend the Clean Air Act to reduce the proliferation of boutique fuels, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SHAYS (for himself and Mr. TOWNS):

H.R. 5166. A bill to prohibit the Department of Defense from requiring members of the Armed Forces to receive the anthrax and smallpox immunizations without their consent, to correct the records of servicemembers previously punished for refusing to take these vaccines, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BALDWIN (for herself, Mr. SMITH of Michigan, Mr. MICHAUD, Mr. SIMPSON, Mr. OTTER, Mr. GORDON, Mr. DELAHUNT, Mr. ETHERIDGE, Mr. LAHOOD, Mr. HOLDEN, Mr. KINGSTON, Mr. BISHOP of Georgia, and Ms. KAPTUR):

H.R. 5167. A bill to extend for 18 months the period for which chapter 12 of title 11 of the United States Code is reenacted; to the Committee on the Judiciary.

By Mr. RENZI:

H.R. 5168. A bill to repeal the Bennett Freeze thus ending a gross treaty violation with the Navajo Nation and allowing the Navajo Nation to live in habitable dwellings and raise their living conditions, and for other purposes; to the Committee on Resources.

By Mr. NUSSLE (for himself, Mr. KING of Iowa, Mr. LATHAM, and Mr. LEACH):

H.R. 5169. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for farmers and fishermen, and for other purposes; to the Committee on Ways and Means.

By Mr. KENNEDY of Minnesota (for himself, Mr. LATOURETTE, Mr. BOEHNER, Mr. RAMSTAD, Mr. GILLMOR, Mr. CHABOT, Ms. KAPTUR, Mr. REGULA, Mr. OXLEY, Mrs. JONES of Ohio, Ms. PRYCE of Ohio, Mr. GUTKNECHT, Mr. TIBERI, Mr. JOHNSON of Illinois, Mr. PORTMAN, Mr. TURNER of Ohio, Mr. MCINNIS, Mr. STRICKLAND, Mr. RYAN of Ohio, Mr. BROWN of Ohio, Mr. KLINE, Mr. NEY, Mr. SHIMKUS, and Mr. LAHOOD):

H.R. 5170. A bill to require the Secretary of Transportation, in computing the estimated tax payments attributed to highway users for purposes of title 23, United States Code, to take into account any law that replaces the reduced rates of tax on gasohol with an excise tax credit; to the Committee on Transportation and Infrastructure.

By Mr. PEARCE:

H.R. 5171. A bill to amend the Help America Vote Act of 2002 to ensure the same requirements that apply to voters who register by mail also apply to voters who do not register in person with an officer or employee of a State or local government entity, and to provide for increased penalties for fraudulent registration in cases involving 10 or more violations; to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS (for himself, Mr. PORTMAN, and Ms. SCHAKOWSKY):

H.R. 5172. A bill to direct the Consumer Product Safety Commission to declare Yo-Yo Waterball toys to be a banned hazardous products; to the Committee on Energy and Commerce.

By Mr. BEAUPREZ:

H.R. 5173. A bill to prohibit the sale of any alcohol without liquid machine without premarket approval, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CAPUANO (for himself, Mr. KILDEE, Mr. LANGEVIN, Mr. HYDE, Mr. TOWNS, Mr. SERRANO, Mr. FRANK of Massachusetts, and Mr. VAN HOLLEN):

H.R. 5174. A bill to amend title 5 of the United States Code to increase the amount of additional compensation payable to an employee who is disabled and requires the services of an attendant, and for other purposes; to the Committee on Education and the Workforce.

By Mr. CARSON of Oklahoma:

H.R. 5175. A bill to amend title XVIII of the Social Security Act to stabilize the amount of the Medicare part B premium; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DEGETTE:

H.R. 5176. A bill to amend the Rocky Mountain Arsenal National Wildlife Refuge Act of 1992 to rename the Rocky Mountain Arsenal National Wildlife Refuge as the Pat Schroeder National Wildlife Refuge; to the Committee on Resources.

By Mrs. LOWEY:

H.R. 5177. A bill to amend the Foreign Assistance Act of 1961 to provide assistance for

developing countries to promote quality basic education and to establish the achievement of universal basic education in all developing countries as an objective of United States foreign assistance policy, and for other purposes; to the Committee on International Relations.

By Mr. MORAN of Virginia:

H.R. 5178. A bill to direct the Secretary of Transportation to carry out a pilot program to improve the security of State drivers' licenses and identification cards, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. OBEY:

H.R. 5179. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to provide for modest adjustments necessary to restore the old-age, survivors, and disability insurance program to long-term actuarial balance; to the Committee on Ways and Means.

By Mr. PETERSON of Minnesota (for himself and Mr. BOSWELL):

H.R. 5180. A bill to extend the authority of the Livestock Mandatory Reporting Act of 1999 through October 22, 2005; to the Committee on Agriculture.

By Mr. PETRI (for himself and Mr. ANDREWS):

H.R. 5181. A bill to protect employees from invasion of privacy by employers by prohibiting certain video monitoring and audio monitoring of employees by their employers, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of Mississippi (for himself, Mr. TURNER of Texas, Mrs. CHRISTENSEN, Ms. MCCARTHY of Missouri, Ms. JACKSON-LEE of Texas, Ms. NORTON, and Mr. MEEK of Florida):

H.R. 5182. A bill to amend the Homeland Security Act of 2002 to clarify the mission and responsibilities of the Department of Homeland Security with respect to the protection of civil rights and civil liberties, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security (Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. PETRI, and Mr. LIPINSKI):

H.R. 5183. A bill to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century; to the Committee on Transportation and Infrastructure, and in addition to the Committees on the Budget, Ways and Means, Resources, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. PETRI, and Mr. LIPINSKI):

H.R. 5184. A bill to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century; to the Committee on Transportation and Infrastructure, and in addition to the Committees on the Budget, Ways and Means, Resources, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOEHLERT (for himself, Mr. GORDON, Mr. COX, Mr. TURNER of Texas, Ms. LOFGREN, Mr. WAXMAN, and Mr. CLAY):

H. Con. Res. 502. Concurrent resolution expressing the sense of Congress with respect to raising awareness and enhancing the state of computer security in the United States, and supporting the goals and ideals of National Computer Security Awareness Month; to the Committee on Science.

By Mr. PALLONE:

H. Con. Res. 503. Concurrent resolution recognizing the 20th anniversary of the Bhopal disaster and expressing the commitment of Congress to work with the Government of India and others to ensure that Union Carbide provides environmental and medical rehabilitation of the affected area and is held responsible for its actions; to the Committee on International Relations.

By Mr. VITTER:

H. Con. Res. 504. Concurrent resolution supporting the observance of Breast Cancer Awareness Month, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WILSON of South Carolina (for himself, Mr. SPRATT, Mr. CLYBURN, Mr. DEMINT, Mr. BROWN of South Carolina, and Mr. BARRETT of South Carolina):

H. Con. Res. 505. Concurrent resolution recognizing, commending, and supporting the efforts of the Celebrate Freedom Foundation; to the Committee on Armed Services.

By Mr. PENCE:

H. Res. 806. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. ISRAEL (for himself and Ms. DELAURO):

H. Res. 808. A resolution supporting the goals and ideals of National Ovarian Cancer Awareness Month; to the Committee on Government Reform.

By Mr. KILDEE:

H. Res. 809. A resolution supporting the goals and ideals of ''Lights On Afterschool, a national celebration of after-school programs; to the Committee on Education and the Workforce.

¶95.41 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 490: Mrs. JONES of Ohio.
H.R. 623: Mr. PLATTS.
H.R. 632: Mr. MICHAUD.
H.R. 677: Mr. LAHOOD.
H.R. 798: Mr. ANDREWS.
H.R. 918: Mr. WALDEN of Oregon, Mr. ROTHMAN, and Mr. DEAL of Georgia.
H.R. 1078: Mrs. JONES of Ohio.
H.R. 1205: Mr. HASTINGS of Florida.
H.R. 1294: Mr. PLATTS.
H.R. 1305: Mr. BISHOP of New York, Mr. BASS, Mr. HAYES, Mrs. CUBIN, and Mr. HEFLEY.
H.R. 1336: Mr. COSTELLO, Mr. DOYLE, Mrs. KELLY, Mr. BACHUS, and Mrs. CUBIN.
H.R. 1340: Mr. BACA.
H.R. 1359: Mr. PETERSON of Minnesota and Mrs. NAPOLITANO.
H.R. 1477: Ms. MILLENDER-MCDONALD and Mr. OWENS.
H.R. 1508: Mr. BERMAN.
H.R. 1523: Mr. CALVERT and Mr. CANNON.
H.R. 1631: Mr. MILLER of Florida.
H.R. 1633: Mr. MOORE.
H.R. 1639: Mr. ALLEN.
H.R. 1769: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1820: Mr. GILLMOR.
H.R. 1824: Mr. SHAYS.
H.R. 1859: Mr. ANDREWS.
H.R. 1873: Ms. ESHOO.
H.R. 2215: Mr. SMITH of Washington.
H.R. 2238: Mr. LAMPSON.
H.R. 2440: Mr. PASTOR.
H.R. 2680: Mr. BACHUS, Mr. FOLEY, Mr. LEWIS of California, Mr. LOBIONDO, Mr. MANZULLO, Mrs. MYRICK, Mr. PETRI, Mr. SMITH of New Jersey, Mrs. WILSON of New Mexico, Mr. YOUNG of Alaska, and Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 2797: Mr. DEMINT.
H.R. 2848: Mr. KOLBE.
H.R. 2900: Mrs. BIGGERT.
H.R. 2959: Mr. EVANS and Mr. DOYLE.
H.R. 2971: Mr. SULLIVAN.
H.R. 3103: Mr. HALL, Mr. BOEHLERT, Mr. RYAN of Ohio, and Mrs. CAPITO.
H.R. 3242: Mr. CLYBURN, Mr. WAXMAN, Ms. ROYBAL-ALLARD, Mrs. DAVIS of California, Ms. HARMAN, Ms. MILLENDER-MCDONALD, Mrs. NAPOLITANO, Ms. PELOSI, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. SHERMAN, Ms. SOLIS, Ms. WATSON, Ms. LINDA T. SANCHEZ of California, and Mr. LANTOS.
H.R. 3403: Ms. ROS-LEHTINEN.
H.R. 3438: Mr. SWEENEY, Mr. GEORGE MILLER of California, Mr. JEFFERSON, and Ms. HERSETH.
H.R. 3558: Mrs. MCCARTHY of New York.
H.R. 3634: Mr. PASTOR.
H.R. 3858: Mr. COX.
H.R. 4067: Mr. ISRAEL.
H.R. 4094: Mr. OWENS and Mr. GORDON.
H.R. 4108: Mr. FRANK of Massachusetts.
H.R. 4249: Mr. JEFFERSON, Mr. MOORE, Ms. BORDALLO, Mr. CROWLEY, Ms. HARMAN, Mr. LARSEN of Washington, Ms. DELAURO, Mr. GREEN of Texas, Mr. DOYLE, Mr. DOOLEY of California, Mr. TIERNEY, Mr. OLVER, Mr. MENENDEZ, Mr. RODRIGUEZ, Mr. ANDREWS, Ms. LORETTA SANCHEZ of California, and Mr. CHANDLER.
H.R. 4283: Mr. SWEENEY.
H.R. 4351: Mr. OWENS.
H.R. 4357: Mr. MEEHAN.
H.R. 4374: Mr. OWENS.
H.R. 4391: Mr. DOOLITTLE.
H.R. 4392: Mrs. JO ANN DAVIS of Virginia.
H.R. 4395: Mr. BERRY.
H.R. 4488: Mr. ENGLISH, Mr. HERGER, and Mr. HAYWORTH.
H.R. 4595: Mr. FARR.
H.R. 4610: Mr. RAHALL.
H.R. 4616: Mr. PETERSON of Minnesota.
H.R. 4662: Mr. GREEN of Wisconsin.
H.R. 4686: Ms. BALDWIN.
H.R. 4730: Mr. RAHALL.
H.R. 4776: Mr. PLATTS.
H.R. 4782: Mr. COLE.
H.R. 4839: Mr. FROST.
H.R. 4849: Mr. LEWIS of Kentucky.
H.R. 4927: Mr. MCDERMOTT.
H.R. 4931: Mr. SOUDER.
H.R. 4936: Mr. SCHIFF, Mrs. LOWEY, Mr. STRICKLAND, Mr. DAVIS of Florida, Mrs. CAPITO, Mr. WICKER, Mr. MARSHALL, Mr. STARK, Ms. BALDWIN, Mr. EMANUEL, Ms. HERSETH, and Mr. ALLEN.
H.R. 4978: Mr. OWENS.
H.R. 5023: Mr. HINCHEY.
H.R. 5057: Mr. FILNER, Ms. BERKLEY, Mr. CONYERS, Mr. ORTIZ, Mr. HOSTETTLER, Mr. WILSON of South Carolina, Mrs. JO ANN DAVIS of Virginia, Mr. BURR, Mrs. LOWEY, and Mr. RODRIGUEZ.
H.R. 5061: Ms. SCHAKOWSKY, Mr. KENNEDY of Rhode Island, Mr. ACKERMAN, Mr. AKIN, Mr. JACKSON of Illinois, Mr. PASTOR, Mr. MCDERMOTT, Ms. MCCOLLUM, and Mr. BLUMENAUER.
H.R. 5068: Ms. MCCARTHY of Missouri, Mr. LAMPSON, and Mr. GIBBONS.
H.R. 5069: Mr. LAMPSON and Mr. GIBBONS.
H.R. 5126: Mr. FRANK of Massachusetts and Mr. EMANUEL.
H.R. 5144: Mr. FORD and Mr. ISAKSON.
H.R. 5150: Mr. BLUMENAUER, Mr. COOPER, Ms. HARMAN, Mr. SANDLIN, Mr. DOOLEY of California, Ms. MCCOLLUM, and Mr. KIND.

H.J. Res. 28: Mr. WYNN and Mr. BUTTERFIELD.
H.J. Res. 56: Mr. MCKEON and Mr. BISHOP of Georgia.
H.J. Res. 106: Mr. BARTON of Texas, Mr. BACHUS, Mr. BOEHNER, Ms. GINNY BROWN-WAITE of Florida, Mr. BURR, Mr. COLE, Mr. CANNON, Mr. CANTOR, Mr. COLLINS, Mr. DEAL of Georgia, Mr. DOOLITTLE, Mrs. EMERSON, Mr. FLAKE, Mr. HALL, Ms. HART, Mr. HERGER, Mr. HULSHOF, Mr. ISAKSON, Mr. KELLER, Mr. MILLER of Florida, Mrs. NORTHRUP, Mr. NEY, Mr. PEARCE, Mr. PETERSON of Minnesota, Mr. PICKERING, Mr. ROGERS of Kentucky, Mr. STENHOLM, and Mr. WAMP.
H. Con. Res. 239: Mr. VAN HOLLEN.
H. Con. Res. 285: Ms. KILPATRICK.
H. Con. Res. 330: Mr. SABO and Mr. ANDREWS.
H. Con. Res. 431: Mr. TANCREDO.
H. Con. Res. 476: Mr. RANGEL, Mr. CONYERS, and Ms. LEE.
H. Res. 550: Mr. UDALL of New Mexico.
H. Res. 601: Ms. JACKSON-LEE of Texas.
H. Res. 682: Mr. BELL and Mr. TERRY.
H. Res. 751: Mr. BERMAN, Mr. SHERMAN, Mr. ENGEL, Mr. ROHRABACHER, Mr. TANCREDO, and Mr. ISSA.
H. Res. 768: Mr. KUCINICH, Mr. VAN HOLLEN, and Mrs. MALONEY.
H. Res. 782: Ms. WOOLSEY, Mr. MCDERMOTT, Ms. SOLIS, Mr. MICHAUD, and Mr. STARK.
H. Res. 793: Mr. FROST and Mr. SHERMAN.

¶95.42 PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

115. The SPEAKER presented a petition of the Tobacco Task Force and the Committee on Agriculture and Small Business of the General Assembly of the Commonwealth of Kentucky, relative to a resolution expressing full support for the implementation of a fair and equitable tobacco buyout program to compensate tobacco growers and quota owners for their loss; petitioning for the provision of an economic stimulus for the Commonwealth of Kentucky; and petitioning the President and Congress of the United States to support and enact legislation to establish such a buyout program for the tobacco industry; to the Committee on Agriculture.

116. Also, a petition of the City of Lauderdale Lakes Commission, Florida, relative to Resolution No. 04-107 petitioning the Congress of the United States to help cities protect children and animals by enacting legislation which requires the addition of the bittering agent known as denationium benzoate to engine coolant and antifreeze compounds which contain ethylene glycol; to the Committee on Energy and Commerce.

THURSDAY, SEPTEMBER 30, 2004 (96)

¶96.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. MILLER of Florida, who laid before the House the following communication:

WASHINGTON, DC,
September 30, 2004.

I hereby appoint the Honorable JEFF MILLER to act as Speaker pro tempore on this day.

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

¶96.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. MILLER of Florida, announced he had examined and approved the Journal of the proceedings of Wednesday, September 29, 2004.

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

¶96.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

9896. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determination — received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9897. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-P-7636] received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9898. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9899. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers (RIN: 1660-AA28) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9900. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9901. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7839] received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9902. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-D-7561] received September 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9903. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received September 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9904. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7448] received September 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9905. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received September 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9906. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received September 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9907. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received September 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9908. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received September 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9909. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received September 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9910. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period July 1, 2004 through September 30, 2004 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a Public Law 88–454; (H. Doc. No. 108–221); to the Committee on House Administration and ordered to be printed.

9911. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Charleston Harbor, Cooper River, S.C. [COTP Charleston-04-100] (RIN: 1625-AA87) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9912. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Suisun Bay, Concord, California [COTP San Francisco Bay 04-020] (RIN: 1625-AA87) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9913. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Potomac River, Washington, D.C. [CGD05-04-151] (RIN: 1625-AA87) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9914. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Potomac River, Washington, D.C. and Arlington and Fairfax Counties, VA [CGD05-04-148] (RIN: 1625-AA87) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9915. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Cleveland Harbor, Cleveland, Ohio [CGD09-04-095] (RIN: 1625-AA87) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9916. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Manasquan River, NJ [CGD05-04-146] (RIN: 1625-AA09) received August 16, 2004, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9917. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Terrebonne Bayou, Houma, LA [CGD08-04-028] (RIN: 1625-AA09) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9918. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Newton Creek, Dutch Kills, English Kills, and their tributaries, NY [CGD01-04-095] received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9919. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Manasquan River, Manasquan Inlet and Atlantic Ocean, Point Pleasant Beach to Bay Head, NJ [CGD05-04-139] (RIN: 1625-AA08) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9920. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Pamlico River, Washington, NC [CGD05-04-133] (RIN: 1625-AA08) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9921. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Display, Potomac River, Charles County, MD [CGD05-04-137] (RIN: 1625-AA00) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9922. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake Eustis, Eustis, FL [COTP Jacksonville 04-096] (RIN: 1625-AA00) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9923. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Carriage of Navigation Equipment for Ships on International Voyages [USCG-2002-13057] received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9924. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Enforcement of SOLAS Requirements [USCG-2004-17615] received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9925. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Wearing of Personal Flotation Devices (PFDs) by Certain Children Aboard Recreational Vessels [USCG-2000-8589] (RIN: 1625-AA62; Formerly 2115-AG04) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9926. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation: Anacostia River, Washington, DC [CGD05-04-028] (RIN: 1625-AA09) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9927. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Three Mile Island Generating Station, Susquehanna River, Dauphin County, PA [CGD05-03-116] (RIN: 1625-AA87; Formerly 1625-AA00) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶96.4 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bills and a joint resolution of the House of the following titles:

H.R. 982. An Act to clarify the tax treatment of bonds and other obligations issued by the Government of American Samoa.

H.R. 4115. An Act to amend the act of November 2, 1966 (80 Stat. 1112), to allow binding arbitration clauses to be included in all contracts affecting the land within the Salt River Pima-Maricopa Indian Reservation.

H.R. 4259. An Act to amend title 31, United States Code, to improve the financial accountability requirements applicable to the Department of Homeland Security, to establish requirements for the Future Years Homeland Security Program of the Department, and for other purposes.

H.J. Res. 107. A joint resolution making continuing appropriations for the fiscal year 2005, and for other purposes.

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

S. 1601. An Act to amend the Indian Child Protection and Family Violence Prevention Act to provide for the reporting and reduction of child abuse and family violence incidences on Indian reservations, and for other purposes.

S. 2639. An Act to reauthorize the Congressional Award Act.

S. Con. Res. 110. A concurrent resolution expressing the sense of Congress in support of the ongoing work of the Organization for Security and Cooperation in Europe (OSCE) in combating anti-Semitism, racism, xenophobia, discrimination, intolerance, and related violence.

¶96.5 REQUEST FOR RETURN OF HOUSE BILL—H.R. 4567

The SPEAKER pro tempore, Mr. MILLER of Florida, laid before the House a privileged message from the Senate, which was read as follows:

In the Senate of the United States, September 20, 2004.

Ordered, That the Secretary be directed to request the return of (H.R. 4567) entitled "An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.", in compliance with a request of the Senate for the return thereof.

Attest:

EMILY J. REYNOLDS,
Secretary.

Ordered, That the Clerk return said bill to the Senate.

¶96.6 PROVIDING FOR THE CONSIDERATION OF H.R. 5183

Mr. REYNOLDS, by direction of the Committee on Rules, reported (Rept. No. 108–710) the resolution (H. Res. 811) providing for consideration of the bill (H.R. 5183) to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

When said resolution and report were referred to the House Calendar and ordered printed.

¶96.7 WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII

Mr. REYNOLDS, by direction of the Committee on Rules, called up the following resolution (H. Res. 807):

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of September 30, 2004, providing for consideration of a bill to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

When said resolution was considered.

After debate,

On motion of Mr. REYNOLDS, the previous question was ordered on the resolution to its adoption or rejection and, under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶96.8 PROVIDING FOR THE CONSIDERATION OF H.R. 5183

Mr. REYNOLDS, by direction of the Committee on Rules, called up the following resolution (H. Res. 811):

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 5183) to provide an extension of highway, safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure; and (2) one motion to recommit.

When said resolution was considered.

After debate,

On motion of Mr. REYNOLDS, the previous question was ordered on the resolution to its adoption or rejection and, under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶96.9 SURFACE TRANSPORTATION EXTENSION

Mr. YOUNG of Alaska, pursuant to House Resolution 811, called up the bill (H.R. 5183) to provide an extension of highway, safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

When said bill was considered and read twice.

After debate,

The previous question having been ordered by said resolution.

The bill was ordered to be engrossed and read a third time, was read a third time by title.

Mr. DEFAZIO moved to recommit the bill to the Committee on Transportation and Infrastructure with instructions to report the bill back to the House promptly with the following amendment:

Increasing each number in the bill by 12.8485 percent.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. MILLER of Florida, announced that the nays had it.

Mr. DEFAZIO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 199 / Nays 218

¶96.10 [Roll No. 480]

YEAS—199

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—218

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

NOT VOTING—15

Boehlert
Brown, Corrine
Cannon
Davis (IL)
Diaz-Balart, L.
Diaz-Balart, M.
Harman
Harris
Hastings (FL)
Meek (FL)
Meeks (NY)
Nethercutt
Ros-Lehtinen
Tauzin
Weldon (PA)

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. MILLER of Florida, announced that the yeas had it.

Mr. DEFAZIO demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 409 / Nays 8

¶96.11 [Roll No. 481]

AYES—409

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson

Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—8

Flake
Franks (AZ)
Hensarling
Jones (NC)
Oxley
Paul
Stearns
Toomey

NOT VOTING—15

Boehlert
Brown, Corrine
Cannon
Davis (IL)
Diaz-Balart, L.
Diaz-Balart, M.
Harman
Harris
Hastings (FL)
Meek (FL)
Meeks (NY)
Nethercutt
Ros-Lehtinen
Saxton
Tauzin

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶96.12 H.R. 5149—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 5149) to reauthorize the Temporary Assistance for Needy Families block grant program through March 31, 2005, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 416 / Nays 0

¶96.13 [Roll No. 482]

YEAS—416

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—16

Boehlert
Brady (TX)
Brown, Corrine
Cannon
Davis (IL)
Diaz-Balart, L.
Diaz-Balart, M.
Gephardt
Harman
Harris
Hastings (FL)
Meek (FL)
Meeks (NY)
Nethercutt
Ros-Lehtinen
Tauzin

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶96.14 H.R. 4231—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4231) to provide for a pilot program in the Department of Veterans Affairs to improve recruitment and retention of

nurses, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 411 / Nays 1

¶96.15 [Roll No. 483]

YEAS—411

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Smith (MI)

NOT VOTING—20

Allen
Boehlert
Brown, Corrine
Cannon
Davis (IL)
Diaz-Balart, L.
Diaz-Balart, M.
Eshoo
Gephardt
Harman
Harris
Hastings (FL)
Meek (FL)
Meeks (NY)
Moore
Nethercutt
Pence
Ros-Lehtinen
Tauzin
Turner (TX)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶96.16 PROVIDING FOR THE CONSIDERATION OF H.J. RES. 106

Mrs. MYRICK, by direction of the Committee on Rules, called up the following resolution (H. Res. 801):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 106) proposing an amendment to the Constitution of the United States relating to marriage. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) two hours and 30 minutes of debate on the joint resolution equally divided and controlled by the Majority Leader and the Minority Leader or their designees; and (2) one motion to recommit.

SEC. 2. During consideration of H.J. Res. 106 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the joint resolution to a time designated by the Speaker.

When said resolution was considered.

After debate,

On motion of Mrs. MYRICK, the previous question was ordered on the resolution to its adoption or rejection and, under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶96.17 MARRIAGE AMENDMENT TO THE CONSTITUTION

Mr. DELAY, pursuant to House Resolution 801, called up the joint resolution (H.J. Res. 106) proposing an amendment to the Constitution of the United States relating to marriage.

When said joint resolution was considered and read twice.

After debate,

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to section 2 of House Resolution 801, consideration of the joint resolution was postponed.

¶96.18 CLERK TO CORRECT ENGROSSMENT—H.R. 5183

On motion of Mr. YOUNG of Alaska, by unanimous consent,

Ordered, That in the engrossment of the bill (H.R. 5183) to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century; the Clerk be authorized to make the following change:

In subsection (1)(1) that is proposed to be added at the end of section 1101 of the Transportation Act of the 21st Century by section 2(d) of the bill (H.R. 5183), strike ''$21,311,774,667'' and insert ''$22,685,936,000''.

¶96.19 MARRIAGE AMENDMENT TO THE CONSTITUTION

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to House Resolution 801, called up for further consideration the joint resolution (H.J. Res. 106) proposing an amendment to the Constitution of the United States relating to marriage.

After debate,

The previous question having been ordered by said resolution.

The joint resolution was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said joint resolution?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. FRANK of Massachusetts demanded that the vote be taken by the

yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 227 / Nays 186

¶96.20 [Roll No. 484]

YEAS—227

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Berry
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carson (OK)
Carter
Chabot
Chandler
Chocola
Coble
Cole
Collins
Cooper
Costello
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Doolittle
Duncan
Edwards
Ehlers
Emerson
English
Etheridge
Everett
Feeney
Ferguson
Flake
Forbes
Ford
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hoekstra
Holden
Hulshof
Hyde
Isakson
Issa
Istook
Jefferson
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
LaHood
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spratt
Stearns
Stenholm
Sullivan
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—186

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bass
Becerra
Bell
Berkley
Berman
Biggert
Bishop (NY)
Blumenauer
Bono
Boswell
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Castle
Clay
Clyburn
Conyers
Cox
Crowley
Cummings
Davis (CA)
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Foley
Frank (MA)
Frelinghuysen
Frost
Gephardt
Gerlach
Gibbons
Gilchrest
Gonzalez
Green (TX)
Greenwood
Grijalva
Gutierrez
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McInnis
McNulty
Meehan
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pomeroy
Price (NC)
Pryce (OH)
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Snyder
Solis
Stark
Strickland
Stupak
Sweeney
Tauscher
Thompson (CA)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—20

Boehlert
Brown, Corrine
Cannon
Davis (IL)
Diaz-Balart, L.
Diaz-Balart, M.
Dunn
Harman
Hastings (FL)
Hunter
Meek (FL)
Meeks (NY)
Menendez
Murtha
Nethercutt
Oberstar
Rangel
Reyes
Ros-Lehtinen
Tauzin

So the joint resolution was not passed.

¶96.21 H. CON. RES. 501—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 501) honoring the life and work of Duke Ellington, recognizing the 30th anniversary of the Duke Ellington School of the Arts, and supporting the annual Duke Ellington Jazz Festival.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 391 / Nays 0

¶96.22 [Roll No. 485]

YEAS—391

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger

Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—42

Ackerman
Bachus
Boehlert
Boswell
Brady (TX)
Brown, Corrine
Cannon
Davis (IL)
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Dunn
Emanuel
Greenwood
Gutknecht
Harman
Hastings (FL)
Hayes
Hunter
Istook
Johnson (CT)
Kilpatrick
King (NY)
Lipinski
Lucas (KY)
McCollum
Meek (FL)
Meeks (NY)
Menendez
Miller, Gary
Murtha
Myrick
Nethercutt
Oberstar
Olver
Rangel
Reyes
Ros-Lehtinen
Shimkus
Stark
Tauzin

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was passed.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶96.23 H. RES. 792—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 792) honoring the United Negro College Fund on the occasion of the Fund's 60th anniversary and the Fund's unflagging dedication to enhancing top quality college opportunities to millions of students.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 386 / Nays 0

¶96.24 [Roll No. 486]

YEAS—386

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Hall
Harris
Hart
Hastings (WA)
Hayworth
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—46

Ackerman
Ballenger
Boehlert
Boswell
Brady (TX)
Brown, Corrine
Cannon
Capps
Davis (IL)
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Dunn
Emanuel
Foley
Greenwood
Gutknecht
Harman
Hastings (FL)
Hayes
Hefley
Hunter
Johnson (CT)
Kilpatrick
King (NY)
Lipinski
Lucas (KY)
McCollum
Meek (FL)
Meeks (NY)
Menendez
Miller, Gary
Murtha
Nethercutt
Oberstar
Olver
Peterson (PA)
Rangel
Reyes
Rogers (MI)
Ros-Lehtinen
Shimkus
Stark
Sullivan
Tauzin

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶96.25 ADJOURNMENT OVER

On motion of Mr. DELAY, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Monday, October 4, 2004, at 12:30 p.m. for morning-hour debate.

¶96.26 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. DELAY, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, October 6, 2004, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶96.27 FURTHER MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 5149. An Act to reauthorize the Temporary Assistance for Needy Families block grant program through March 31, 2005, and for other purposes.

H.R. 5183. An Act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

The message also announced that the Senate has passed a bill of the following title in which concurrence of the House is requested:

S. 2436. An Act to reauthorize the Native American Programs Act of 1974.

¶96.28 SENATE BILLS AND CONCURRENT RESOLUTION REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S 1601. An Act to amend the Indian Child Protection and Family Violence Prevention Act to provide for the reporting and reduction of child abuse and family violence incidences on Indian reservations, and for other purposes; to the Committee on Resources; in addition to the Committee on the Judiciary for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 2436. An Act to reauthorize the Native American Programs Act of 1974; to the Committee on Education and the Workforce.

S. 2639. An Act to reauthorize the Congressional Award Act; to the Committee on Education and the Workforce.

S. Con. Res. 110. A concurrent resolution expressing the sense of Congress in support of the ongoing work of the Organization for Security and Cooperation in Europe (OSCE) in combating anti-Semitism, racism, xenophobia, discrimination, intolerance, and related violence; to the Committee on International Relations.

¶96.29 ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4654. An Act to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2007, and for other purposes.

H.R. 5149. An Act to reauthorize the Temporary Assistance for Needy Families block grant program through March 31, 2005, and for other purposes.

H.R. 5183. An Act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

H.J. Res. 107. A joint resolution making continuing appropriations for the fiscal year 2005, and for other purposes.

¶96.30 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. DAVIS of Illinois, for today;

To Mr. GUTKNECHT, for today after 4 p.m.;

To Mr. HASTINGS of Florida, for the week of September 28; and

To Mr. REYES, for today after 4 p.m.

And then,

¶96.31 ADJOURNMENT

On motion of Ms. JACKSON-LEE of Texas, pursuant to the previous order of the House, at 6 o'clock and 42 minutes p.m., the House adjourned until 12:30 p.m. on Monday, October 4, 2004.

¶96.32 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. REYNOLDS: Committee on Rules. House Resolution 811. Resolution providing for the consideration of the bill (H.R. 5183) to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century (Rept. 108–710). Referred to the House Calendar.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 5107. A bill to protect crime victims' rights, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes (Rept. 108–711). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. S. 551. An act to provide for the implementation of air quality programs developed in accordance with an Intergovernmental Agreement between the Southern Ute Indian Tribe and the State of Colorado concerning Air Quality Control on the Southern Ute Indian Reservation, and for other purposes (Rept. 108–712, Pt. 1). Ordered to be printed.

Mr. POMBO: Committee on Resources. H.R. 1630. A bill to revise the boundary of the Petrified Forest National Park in the State of Arizona, and for other purposes; with an amendment (Rept. 108–713). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4817. A bill to facilitate the resolution of a minor boundary encroachment on lands of the Union Pacific Railroad Company in Tipton, California, which were originally conveyed by the United States as part of the right-of-way granted for the construction of transcontinental railroads; with an amendment (Rept. 108–714). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 3982. A bill to direct the Secretary of the Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, Utah, and for other purposes (Rept. 108–715). Referred to the Committee of the Whole House on the State of the Union.

¶96.33 DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Agriculture discharged from further consideration. S. 144 referred to the Committee of the Whole House on the State of the Union.

¶96.34 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BOEHNER (for himself and Mr. MCKEON):

H.R. 5185. A bill to temporarily extend the programs under the Higher Education Act of 1965; to the Committee on Education and the Workforce.

By Mr. BOEHNER (for himself, Mr. MCKEON, and Mr. WILSON of South Carolina):

H.R. 5186. A bill to reduce certain special allowance payments and provide additional teacher loan forgiveness on Federal student loans; to the Committee on Education and the Workforce.

By Mrs. BLACKBURN (for herself, Mr. COOPER, Mr. DAVIS of Tennessee, Mr. DUNCAN, Mr. FORD, Mr. GORDON, Mr. JENKINS, Mr. TANNER, and Mr. WAMP):

H.R. 5187. A bill to amend the International Air Transportation Competition Act of 1979 to modify restrictions on the provisions of air transportation to and from Love Field, Texas; to the Committee on Transportation and Infrastructure.

By Mr. BLUNT:

H.R. 5188. A bill to respond to the illegal production, distribution, and use of methamphetamines in the United States, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL (for himself, Mr. ACKERMAN, Mr. BISHOP of New York, Mrs. MCCARTHY of New York, Mr. KING of New York, and Mrs. LOWEY):

H.R. 5189. A bill to amend title XIX of the Social Security Act to extend Medicare cost-sharing for the Medicare part B premium for qualifying individuals through September 2005; to the Committee on Energy and Commerce.

By Mrs. KELLY:

H.R. 5190. A bill to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams; to the Committee on Transportation and Infrastructure.

By Mr. PRICE of North Carolina:

H.R. 5191. A bill to amend title 3, United States Code, to extend the date provided for the meeting of electors of the President and Vice President in the States, and the date provided for the joint session of Congress held for the counting of electoral votes, in the event of an unresolved controversy or contest relating to the counting of votes in any State, and for other purposes; to the Committee on House Administration.

By Mr. RENZI:

H.R. 5192. A bill to modify the boundary of the Casa Grande Ruins National Monument, and for other purposes; to the Committee on Resources.

By Ms. ROS-LEHTINEN (for herself, Mr. LANTOS, Mr. BERMAN, and Mr. CHABOT):

H.R. 5193. A bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran; to the Committee on International Relations.

By Mr. SIMPSON (for himself, Mr. OTTER, Mr. PETERSON of Minnesota, and Mr. JENKINS):

H.R. 5194. A bill to clarify that service marks, collective marks, and certification marks are entitled to the same protections, rights, and privileges of trademarks; to the Committee on the Judiciary.

By Mr. SMITH of Michigan (for himself, Ms. BALDWIN, and Mr. BISHOP of Georgia):

H.R. 5195. A bill to permanently reenact chapter 12 of title 11 of the United States Code, relating to family farmers; to the Committee on the Judiciary.

By Mr. STENHOLM (for himself, Mr. RODRIGUEZ, Mr. FROST, Mr. LAMPSON, Mr. HALL, Mr. BELL, Mr. GREEN of Texas, Mr. TURNER of Texas, Mr. GONZALEZ, Ms. JACKSON-LEE of Texas, Mr. HINOJOSA, Mr. DOGGETT, Mr. HENSARLING, Mr. BRADY of Texas, Mr. THORNBERRY, Mr. ORTIZ, Mr.

NEUGEBAUER, Mr. EDWARDS, Mr. CARTER, Mr. BURGESS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. REYES, Mr. BARTON of Texas, Mr. SANDLIN, and Mr. SAM JOHNSON of Texas):

H.R. 5196. A bill to designate the facility of the United States Postal Service located at 115 South Swenson Street in Stamford, Texas, as the ''Gordon Wood Post Office Building''; to the Committee on Government Reform.

By Mr. TERRY (for himself and Mrs. CAPPS):

H.R. 5197. A bill to amend title XIX of the Social Security Act to provide funds to States to enable them to increase the wages paid to targeted direct support professionals in providing services to individuals with disabilities under the Medicaid program; to the Committee on Energy and Commerce.

By Mr. UDALL of New Mexico (for himself and Mr. PEARCE):

H.R. 5198. A bill to clarify issues of criminal jurisdiction within the exterior boundaries of Pueblo lands; to the Committee on Resources.

By Mr. UDALL of New Mexico:

H.R. 5199. A bill to amend the Family and Medical Leave Act of 1993 and title 5, United States Code, to provide entitlement to leave to eligible employees whose spouse, son, daughter, or parent is a member of the Armed Forces who is serving on active duty in support of a contingency operation or who is notified of an impending call or order to active duty in support of a contingency operation, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WU:

H.R. 5200. A bill to improve the accountability provisions of the part A of title I of the Elementary and Secondary Education Act of 1965, and for other purposes; to the Committee on Education and the Workforce.

By Mr. EMANUEL (for himself, Mr. TURNER of Texas, Mr. JONES of North Carolina, and Mr. BAIRD):

H. Con. Res. 506. Concurrent resolution directing the Architect of the Capitol to establish a temporary exhibit in the rotunda of the Capitol to honor the memory of members of the United States Armed Forces who have lost their lives in Operation Iraqi Freedom and Operation Enduring Freedom; to the Committee on House Administration.

By Mr. KINGSTON (for himself, Mr. WHITFIELD, Mr. BURNS, Mrs. MCCARTHY of New York, Mrs. BONO, Mr. NORWOOD, Mr. BISHOP of Georgia, Mr. GORDON, Mr. SWEENEY, Mr. CHANDLER, Mr. ISAKSON, Mr. FORD, Ms. KILPATRICK, Mr. JONES of North Carolina, Mr. GOODE, Mr. LEWIS of California, Mr. LEWIS of Kentucky, Mr. DEAL of Georgia, Mr. BURGESS, Mr. LUCAS of Kentucky, Mr. HALL, Mr. SPRATT, and Mr. HEFLEY):

H. Con. Res. 507. Concurrent resolution encouraging citizens to be mindful of the contribution of horses to the economy, history, and character of the United States and expressing the sense of Congress that a National Day of the Horse should be established; to the Committee on Government Reform.

By Mr. OWENS:

H. Res. 810. A resolution expressing the sense of the House of Representatives that the Secretary of Homeland Security should designate Haiti, Grenada, Jamaica, the Dominican Republic, and the Bahamas under section 244 of the Immigration and Nationality Act to make nationals of those countries eligible for temporary protected status under that section; to the Committee on the Judiciary.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. MEEKS of New York, Mrs. JONES of Ohio, Ms. JACKSON-LEE of Texas, Mr. LANTOS, Mr. CONYERS, Ms. MCCOLLUM, Ms. LEE, Mr. SCOTT of Georgia, Mr. HONDA, and Mr. BURTON of Indiana):

H. Res. 812. A resolution recognizing the commencement of Ramadan, the Islamic holy month of fasting and spiritual renewal, and commending Muslims in the United States and throughout the world for their faith; to the Committee on International Relations.

By Mr. GEORGE MILLER of California (for himself, Mr. PAYNE, Mr. RANGEL, Mr. BISHOP of New York, Mr. WATT, Mr. WYNN, Mr. LANTOS, Mr. FILNER, Ms. KILPATRICK, Mrs. MCCARTHY of New York, Mr. EVANS, Mrs. DAVIS of California, Mr. GRIJALVA, Mr. MEEKS of New York, Ms. LOFGREN, Mr. CLAY, Ms. NORTON, Mr. CLYBURN, Mr. FALEOMAVAEGA, and Ms. KAPTUR):

H. Res. 813. A resolution recognizing the 60th anniversary of the explosion at the Port Chicago (California) Naval Magazine on July 17, 1944, and those who served and lost their lives in that tragedy; to the Committee on Armed Services.

¶96.35 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 97: Mr. LAMPSON.
H.R. 129: Mrs. LOWEY.
H.R. 296: Mr. MICHAUD.
H.R. 676: Mr. ENGEL, MR. WEINER, and Mr. OLVER.
H.R. 775: Mr. ROGERS of Alabama.
H.R. 808: Mr. COLE.
H.R. 870: Mrs. EMERSON and Ms. HERSETH.
H.R. 876: Mr. REYNOLDS and Mr. HASTINGS of Washington.
H.R. 879: Ms. HERSETH.
H.R. 918: Mr. GONZALEZ.
H.R. 1002: Mr. CUMMINGS.
H.R. 1093: Mr. BOSWELL.
H.R. 1212: Mr. FOLEY.
H.R. 1502: Mrs. JONES of Ohio.
H.R. 1582: Mrs. CHRISTENSEN.
H.R. 1666: Mr. ANDREWS.
H.R. 1726: Ms. HERSETH.
H.R. 1859: Mr. PETERSON of Minnesota.
H.R. 1886: Mr. PLATTS.
H.R. 2107: Mr. MILLER of North Carolina and Mrs. JONES of Ohio.
H.R. 2256: Mr. PRICE of North Carolina and Mr. WELDON of Pennsylvania.
H.R. 2354: Mr. BRADLEY of New Hampshire.
H.R. 2426: Mr. LARSEN of Washington.
H.R. 2541: Mr. VAN HOLLEN.
H.R. 2560: Mr. BRADLEY of New Hampshire.
H.R. 2680: Mr. GEPHARDT, Mr. QUINN, Mr. ALLEN, Mr. BOYD, Mr. ACKERMAN, Mr. SANDERS, Mr. BACA, Mr. DOLLEY of California, Ms. GRANGER, Mr. WELDON of Florida, Mr. SESSIONS, Mr. NUSSLE, Mr. KING OF NEW YORK, Mr. LUCAS of Kentucky, Mr. BOUCHER, and Mr. LIPINSKI.
H.R. 2699: Mr. NETHERCUTT, Mr. CANNON, Mrs. NORTHUP, Mr. MANZULLO, Mr. BISHOP of Utah, Mr. DOOLEY of California, and Mrs. BLACKBURN.
H.R. 2899: Mr. WALSH.
H.R. 2950: Mr. LAHOOD.
H.R. 3009: Ms. MCCARTHY of Missouri and Mr. NADLER.
H.R. 3103: Mr. CHABOT and Mr. WEXLER.
H.R. 3111: Mrs. NAPOLITANO, Mr. DOYLE, Ms. WOOLSEY, and Mr. WEXLER.
H.R. 3242: Mr. BERMAN, Mr. BECERRA, and Mr. BUTTERFIELD.
H.R. 3299: Mr. NADLER.
H.R. 3438: Mrs. CAPITO, Ms. CARSON of Indiana, Mr. SCHROCK, Mr. HALL, and Mr. WELDON of Pennsylvania.
H.R. 3455: Mr. CUMMINGS.
H.R. 3579: Mr. CANNON and Mr. BISHOP of Utah.
H.R. 3716: Mr. GREEN of Wisconsin.
H.R. 3767: Mr. STENHOLM.
H.R. 3847: Mr. LEVIN.
H.R. 3858: Mr. PICKERING.
H.R. 3859: Mr. MENENDEZ, Ms. KAPTUR, Ms. DEGETTE, Mr. MEEHAN, Mr. SCOTT of Georgia, and Mr. MILLER of North Carolina.
H.R. 4016: Mr. ACEVEDO-VILA.
H.R. 4026: Mr. ABERCROMBIE.
H.R. 4064: Mr. GOODLATTE and Mr. HAYWORTH.
H.R. 4065: Ms. HERSETH.
H.R. 4100: Mr. SMITH of Washington.
H.R. 4169: Mr. LEACH, Mr. BISHOP of New York, and Ms. NORTON.
H.R. 4204: Mr. KIRK.
H.R. 4343: Mr. HAYWORTH.
H.R. 4348: Ms. SCHAKOWSKY.
H.R. 4420: Mr. LEWIS of Kentucky and Mrs. CUBIN.
H.R. 4453: Mr. TURNER of Texas, Mr. STENHOLM, Mr. FROST, Ms. JACKSON-LEE of Texas, and Mr. POMEROY.
H.R. 4491: Mr. ENGLISH, Mr. OTTER, Mr. OLVER, Mr. BERRY, Mr. GILLMOR, Ms. ESHOO, Mr. STRICKLAND, Mr. TOWNS, Mr. ETHERIDGE, Mr. JOHN, Mr. QUINN, Mr. FOSSELLA, Mr. OXLEY, Mr. REGULA, and Mr. ORTIZ.
H.R. 4502: Mr. SESSIONS and Mr. BEAUPREZ.
H.R. 4521: Mr. GORDON.
H.R. 4578: Mr. JOHNSON of Illinois, Ms. LOFGREN, Mr. UDALL of Colorado, and Mrs. BIGGERT.
H.R. 4597: Ms. DELAURO.
H.R. 4616: Mrs. MALONEY.
H.R. 4628: Mr. KUCINICH and Mr. PRICE of North Carolina.
H.R. 4662: Mr. SOUDER and Mr. KENNEDY of Minnesota.
H.R. 4669: Mr. SESSIONS and Mr. CULBERSON.
H.R. 4674: Mrs. DAVIS of California.
H.R. 4682: Mr. DINGELL, Ms. LOFGREN, Mr. DAVIS of Alabama, Mr. BUTTERFIELD, Mr. CARDIN, Mr. MENENDEZ, and Mr. UDALL of New Mexico.
H.R. 4687: Mr. PETERSON of Minnesota.
H.R. 4706: Mr. KIND.
H.R. 4718: Mr. BERRY.
H.R. 4724: Mr. TAYLOR of North Carolina.
H.R. 4736: Mr. LYNCH.
H.R. 4776: Mr. PRICE of North Carolina.
H.R. 4792: Mr. NADLER.
H.R. 4832: Ms. SLAUGHTER.
H.R. 4866: Mr. ISSA, Mr. RENZI, and Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 4875: Ms. MCCOLLUM.
H.R. 4899: Mr. DEFAZIO.
H.R. 4923: Mr. BOEHLERT.
H.R. 4927: Mr. SHUSTER, Mr. INSLEE, and Ms. LOFGREN.
H.R. 4928: Mr. ABERCROMBIE.
H.R. 4936: Mr. GONZALEZ, Ms. GINNY BROWN-WAITE of Florida, Mr. BLUMENAUER, Mr. MILLER of North Carolina, and Ms. SOLIS.
H.R. 4940: Mr. PLATTS and Mr. WOLF.
H.R. 4978: Mr. SANDERS.
H.R. 4983: Mr. MEEHAN, Ms. BORDALLO, and Mr. CAPUANO.
H.R. 4985: Mr. GREENWOOD.
H.R. 5011: Mr. RYUN of Kansas.
H.R. 5022: Mr. BALLENGER and Mr. MEEKS of New York.
H.R. 5023: Mr. MEEKS of New York.
H.R. 5055: Mr. HOUGHTON, Mr. KOLBE, Mr. SCOTT of Georgia, Mr. NETHERCUTT, Mr. ALLEN, Mr. SANDLIN, Mr. GONZALEZ, Mr. UPTON, Mr. BURTON of Indiana, Mr. BOOZMAN, Mr. RADANOVICH, Mr. JOHNSON of Illinois, Mrs. KELLY, Mr. GILLMOR, Mr. WEXLER, Mr. WHITFIELD, Mr. LANGEVIN, Mr. MANZULLO, Mr. JENKINS, and Mr. PICKERING.

H.R. 5061: Mrs. BLACKBURN.

H.R. 5068: Mr. ETHERIDGE.

H.R. 5090: Mr. TERRY.

H.R. 5107: Ms. LINDA T. SANCHEZ of California, Mr. GOODLATTE, and Mr. BERMAN.

H.R. 5111: Mr. CUNNINGHAM.

H.R. 5113: Mr. GRIJALVA, Mr. HOEFFEL, Mr. WEINER, Mr. TIERNEY, Mrs. DAVIS of California, Mr. MCDERMOTT, Mr. RYAN of Ohio, Mr. KUCINICH, Mr. DEFAZIO, Ms. MAJETTE, Mr. DAVIS of Illinois, Mr. HINOJOSA, Mrs. MCCARTHY of New York, Mr. ANDREWS, Ms. WOOLSEY, Mr. OWENS, Mr. BISHOP of New York, Mr. HOLT, Mr. CASE, Mr. PAYNE, and Mr. KIND.

H.R. 5114: Mr. LEACH, Mr. ENGLISH, and Mr. PETERSON of Minnesota.

H.R. 5120: Mr. SMITH of Michigan.

H.R. 5144: Mr. ROGERS of Alabama, Mr. MARSHALL, Mr. BONNER, and Mr. VAN HOLLEN.

H.R. 5167: Mr. MCHUGH.

H.R. 5176: Mr. UDALL of Colorado.

H.J. Res. 62: Mr. WELDON of Pennsylvania.

H.J. Res. 106: Mr. BONILLA, Mr. DUNCAN, Mr. GOODLATTE, Mr. SAM JOHNSON of Texas, Mr. LUCAS of Oklahoma, Mr. MCCOTTER, Mrs. MILLER of Michigan, Mr. NORWOOD, Mr. SANDLIN, Mr. TAUZIN, Mr. TAYLOR of North Carolina, Mr. CULBERSON, Mr. PUTNAM, Mr. TURNER of Ohio, Mr. LEWIS of Kentucky, Mr. MCINTYRE, and Mr. CUNNINGHAM.

H. Con. Res. 99: Mr. MORAN of Virginia.

H. Con. Res. 431: Mr. CROWLEY.

H. Con. Res. 490: Mr. WYNN, Ms. WATSON, Mr. MEEKS of New York, Mr. FARR, Mr. SERRANO, and Ms. JACKSON-LEE of Texas.

H. Con. Res. 496: Mr. CUMMINGS.

H. Res. 751: Mr. SHAYS, Mr. WEXLER, Mr. WELLER, Mr. ROTHMAN, and Mr. JACKSON of Illinois.

H. Res. 782: Mr. SERRANO and Mr. FILNER.